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PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, SECOND SESSION

SENATE—*Tuesday, February 27, 1996*

(Legislative day of Friday, February 23, 1996)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Alfred, Lord Tennyson said, "Come my friends. 'Tis not too late to seek a newer world."

Let us pray:

O God, Lord of new beginnings, the Savior who gives us a fresh start, You have promised, "Behold, I make all things new."

Father, re-create us within so that we will sense again the excitement of being partners with You in bringing Your very best for our Nation. Banish the boredom of doing the same old things the same old way. Give us that wonderful conviction that You have chosen us to be strategic in Your plans for our Nation. We want to attempt great things for You and expect great power from You. Grant us revived enthusiasm, renewed gusto, and regenerated hope. Make us resilient with newness as we seek a newer world closer to Your purpose and plan. Fill this Chamber with Your presence and each Senator with supernatural power to discern and do Your will, to listen to Your voice consistently, and to speak Your truth courageously. In the Lord's name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator LOTT, is recognized.

Mr. LOTT. I thank the Chair.

SCHEDULE

Mr. LOTT. For the information of all Senators, this morning there will be a period for morning business until the hour of 10:30 a.m. At 10:30, the Senate will resume consideration of the conference report to accompany H.R. 2546, which is the D.C. appropriations conference report. The time between 10:30 a.m. and 12:30 p.m. will be equally divided in the usual form on the conference report. At the hour of 12:30, the Senate will stand in recess until 2:15 p.m. for the weekly party conference luncheons.

ORDER FOR CLOTURE VOTE

I now ask unanimous consent that the vote to invoke cloture on the D.C. appropriations conference report occur at 2:15 p.m. today with the mandatory quorum waived.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LOTT. Mr. President, Senators should now be on notice that there will be a vote at 2:15 today. The Senate will also be asked to turn to any other legislative items that can be cleared for action.

DR. OGILVIE'S REPUTATION FOR EXCELLENCE

Mr. LOTT. Mr. President, in the 1 year he has served as our Chaplain, Dr. Lloyd John Ogilvie has earned the respect and admiration of every Member of this Chamber. He has truly had a spiritual impact on this institution. And before Dr. Ogilvie leaves the Chamber this morning, I wish to call my colleagues' attention to the fact that Dr. Ogilvie's reputation for excellence extends far beyond the Capitol. This week, Baylor University announces its list of the 10 most effective preachers of the English-speaking world. The list was drawn from a survey of 341 seminary professors and editors of religious periodicals. Included on the list, along with the likes of Dr. Billy Graham, is our Chaplain, Lloyd Ogilvie.

Mr. President, I know that every Member of the Senate joins me in congratulating Dr. Ogilvie on this honor and to say how proud we are to have him with us as our Chaplain.

Thank you, Dr. Ogilvie.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. THOMAS). Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business until 10:30 a.m., with Senators permitted to speak therein for 5 minutes each.

The Senator from Ohio is recognized.

NATIONAL EYE DONOR MONTH

Mr. DEWINE. Mr. President, next month, March 1996, is National Eye Donor Month. The purpose of National Eye Donor Month is to alert individual Americans to a terrific opportunity each one of us has to make a real difference in someone else's life.

Many Americans do not realize that they have it in their power to give someone else the ability to see, but it is true; each one of us does. If we declare now that after our passing, we want our eyes to be donated to an eye bank, then these eyes can become someone else's gift of sight. What a great opportunity. Indeed, what a great responsibility, one that all of us and our families should take very seriously.

According to the most recent statistics, over 6,000 Americans are waiting for corneal transplants—6,000 today awaiting an operation that can restore the gift of sight. These Americans could have this operation today if only there were enough donated eyes available.

The purpose of National Eye Donor Month is simply to remind all Americans that we can make those corneas available. Every year thousands of Americans donate their eyes to eye banks. In 1994, over 95,000 eyes were donated and over 43,000 transplants were actually performed.

Mr. President, these numbers need some explaining. Those figures seem to reflect a pretty substantial disparity, but there is a good reason for it—a very strict screening process that keeps out those who test positive for HIV, those who have hepatitis, and those with unhealthy cells on their corneas. Those are just a few of the reasons why many corneas are unsuitable for transplantation. But the corneas from these donors are, in fact, actually used for a good purpose. They are used in other very important ways. They are used for research in surgical training and other medical education. It is because of this screening process I have just described that eye transplant operations have such an incredible success rate—better than a 90-percent success.

This screening process and this rate of success, however, require a greater number of donations. If we could increase the number of eyes donated to eye banks, we could take care of the 6,668 patients who are still waiting for corneal transplants today as well as the 40,000-odd people who join their ranks every single year.

As I said, this kind of surgery really does work. In the 35 years since the founding of the Eye Bank Association of America, EBAA member eye banks have made possible over half a million corneal transplants.

There simply are not enough eye donors. The only solution is public education—making the American people aware of what we can do to help. That is what National Eye Donor Month is all about. In March 1996, let us recommit ourselves as a nation to giving the gift of sight to some of our fellow citizens who stand in need.

Let me conclude on a personal note. In August 1993, our 22-year-old daughter Becky was killed. My wife and I and our children had never discussed the issue of organ donation, and when Fran and I were at the hospital and were asked to donate Becky's eyes, we said "yes." We said "yes" because we knew that is what our daughter would have wanted us to do. Becky was a loving and caring person. She cared very deeply about other people.

I encourage all families to discuss with their family members this very important issue because by donating the eyes of a loved one or making arrangements that your own eyes can be donated, some good can come out of what to us was life's most horrible tragedy.

Again I call the Members' attention to National Eye Donor Month, which is March of this year, and ask that we all renew our dedication to increasing the number of donations, the number of eyes that are available so that more people could see. Thank you very much, Mr. President.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I commend my distinguished colleague from Ohio on his very moving, very touching appeal, certainly one that I think is extremely important for all of us. While our hearts and our sympathies go out to him and his lovely wife in their loss, we do commend them for using this opportunity to assist others.

(The remarks of Mr. BOND pertaining to the introduction of S. 1574 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

TRIBUTE TO GARY MUNSEN—A BASKETBALL COACHING MILESTONE

Mr. PRESSLER. Mr. President, during the cold and snowy winter months in South Dakota, many of my constituents enjoy the excitement of the basketball courts as a reprieve from the cold. This year, a very heated basketball season is melting the snow off the city of Mitchell, SD. Mitchell's basketball coach, Gary Munsen, has reached a milestone in South Dakota high school basketball—he has recorded 500 career wins.

Gary Munsen's achievement represents his long, dedicated service to the game of basketball in South Dakota, and more important, his players and his community. Gary is living proof that hard work and a strong commitment are the foundation of South Dakotans' success. Gary's success also comes from his understanding that coaching is more than teaching kids how to put an orange ball through an iron hoop. Coaching is about teaching young people the importance of teamwork, discipline, hard work, and individual effort. Gary Munsen has made many sacrifices during his career as a basketball coach. But Gary's incredible effort, determination and commitment have made him a brilliant coach. I extend my congratulations to him for his outstanding record.

Mr. President, I ask unanimous consent that the complete text of an article highlighting Gary Munsen's career be printed in the RECORD.

There being no objection, the text of the article was ordered to be printed in the RECORD, as follows:

[From the Argus Header, Sioux Falls (SD), Feb. 4, 1996]

MUNSEN HANGING TOUGH—MITCHELL COACH'S ROAD TO 500 WINS HASN'T ALWAYS BEEN SMOOTH

(By Stu Whitney)

Gary Munsen doesn't need numbers to prove his perseverance. His stubborn survival as South Dakota's master of March could never be that simple or pure.

But some numbers are too significant to ignore, and they are used to measure Mitchell's basketball mentor against other mortals.

Victory is a comfortable criteria for Munsen. He shines every time.

After Saturday's triumph over Washington, he needs one more win to become the second coach in state history to claim 500 boys basketball victories. Gayle Hoover compiled 577 in 34 seasons at Parker.

The milestone might be reached Tuesday in Brookings, but Munsen is more concerned about keeping this year's Kernels on course. They are 11-1 and ranked No. 1 in Class AA.

"I'm not one of those guys who set out to coach 30 years and get my plaque," says Munsen, whose 499–161 record includes six state championships. "I'm also not on some kind of mission to break Hoover's record."

To assert this, Munsen talks about walking away. He turns 53 on March 12, so early retirement from Mitchell's school system could come in 1998.

"I've spent all my life doing this, and maybe it hurt my family sometimes," says Munsen, who grew up 35 miles west of Mitchell in White Lake.

"I might get out of education altogether, if I can afford it. We've got a great athlete in (sophomore guard) Mike Miller, and I told him when he goes, I'll go with him."

Munsen has coached Mitchell's girls to a 141–21 record and three state titles since 1989, but he plans to drop that extra responsibility after next season. He almost did it at last season's state tournament in Rapid City.

"Before the finals against O'Gorman, I decided I was going to get out of girls basketball if we won," recalls Munsen. "It just seemed like a good time to get out."

When Mitchell was upset by the Knights, however, Munsen was stuck for another year. Such is the burden he has built for himself.

Critics can mention Munsen's alcohol abuse, his family struggles, but never can they deny that he wins the big games. Even on the high school level, it is that portion of one's reputation that often prevails.

"There are probably some people who don't like him, but I think a lot of people respect him," says son Scott, 30, who coaches track and cross country at the University of South Dakota.

"Coming through at the state tournament has always been his style and his strength. I think he figured, 'Well, I might not be the smartest guy in the world, but I can outwork them. I can be better prepared.'"

But how does Munsen prepare for the end? If retirement means losing the one thing that defined him as a winner, what part of his reputation will ultimately rise?

"I was talking to (former Dakota Wesleyan coach) Gordie Fosness about that," says Munsen. "And he said, 'When it's time to get out, you get out. You'll know when it's time.'

"I still have a love for the game. I'm not as young as I was, but the fire is still there. When the fire's gone, I'm gone.

STARTING OUT

When Munsen started his coaching career at Marion High School in 1966, it might have seemed laughable that history would match him with Hoover.

Just eight miles down the road, Hoover's hard-working Parker squads had established a sure-shooting reputation. They beat Munsen every time the schools met.

"He drilled me a few times," concedes Munsen, whose collegiate playing career started at Dakota Wesleyan and ended unceremoniously at Dakota State.

"But he also showed me how to coach the game. I admire him for the years he stayed all in one place."

But Hoover remembers thinking that Munsen would not stay in Marion. When the young coach ranted and raved, there was something extra in those eyes.

"He was truly enthusiastic about basketball," recalls Hoover, who remains Parker's athletic director. "And I figured he didn't want to stay at a small school. But I don't think Gary knew exactly what he wanted at that time."

After three seasons, the decision was made for him. A school board member, unhappy with his son's playing time, pushed through an unpleasant ultimatum.

"They basically said, 'Do it this way or you'll be the assistant coach,'" says Munsen. "A lot of people in the community wanted me to stay, but that really wasn't much of a choice."

MOVING TO MITCHELL

Whether classified as a resignation or a firing, Munsen's departure was basically a beginning.

In 1969, he was hired to teach business at Mitchell's middle school—which included ninth-grade coaching duties in basketball, football and track.

He also served as an assistant to varsity basketball coach Tim Fisk, whom he met during a brief stay at Wesleyan in 1961.

"The tough part was getting the people in Mitchell to hire him after what had happened in Marion," says fellow White Lake native Jerry Miller, who was Mitchell's wrestling coach at the time.

"But once he started coaching, Gary was destined to be a good one. He's got a real knack."

When Fish left coaching in 1972, Munsen inherited the program. That first season, the Kernels introduced their new coach to what would become familiar territory.

"I had never been to the state tournament—and we got there," says Munsen, whose 18–7 team took third and watched Huron beat Yankton in the finals.

"The kids we had that year really played above their level of capability. Our biggest kid was 6-foot-4 and we had a 5–5 guard, but somehow we found a way."

Still, Munsen did not enjoy sudden success at the state level. Yankton had some powerful teams, and getting past the semi-final round became a constant struggle.

"It wasn't all roses during the first seven or eight years," says Munsen, who saw championship-caliber teams stumble at the 1976 and '78 tournaments.

"We had some tough times where it seemed like we couldn't get over the hump. I don't know if my job was ever in jeopardy, but maybe people were saying we couldn't win the big one. I was given a good chance to succeed, though, and I hung in there."

TIME FOR SUCCESS

Munsen finally broke through in 1984, when all-state guard Kyle Adams led the Kernels past Washington 54–48 for the school's first title in 20 years.

"We were so thankful to finally get there that we made the most of the opportunity," says Scott Munsen, who was a backup point guard on that team. "I think (Munsen) felt like if he stuck it out long enough, something good was going to happen."

Once Munsen had conquered the state tournament, his appetite for victory became voracious.

The Kernels, sparked by Bart Friedrick and Chad Andersen, went 27–0 the next season to forge their reputation as a perennial postseason power.

When Mitchell rose again in 1986—the first year of the three-class system—it became the first South Dakota school to win three straight boys basketball titles since 1924.

"Maybe it's easier to get to the state tournament now, but it's not always easy to win it," says Munsen, who rose again with a dramatic double-overtime win over Lincoln in 1990 and added titles in '91 and '94.

"We always talk about getting back to the tournament and trying to finish higher than the year before. If we won it the previous year, we talk about doing it again."

Munsen calls tournament time "the most exciting part of the game," and he speaks from experience. His Mitchell teams—boys and girls—have reached the postseason party 25 times.

His boys teams have compiled a 37–17 record in 18 state tournaments and have finished lower than fifth only twice.

"There's something unique about what happens to Gary's teams at tournament time," says Miller, now the athletic director at Roosevelt.

"And it doesn't happen by accident. It's got to be a mental edge at that point, and what he does to get those kids ready is really something."

HANGING TOUGH

As magnificent as Munsen the coach has been, his mystique has been marred by the real-life struggles of Munsen the man.

His father, Charles, died of cancer in 1987. And his first wife, Cheri, was diagnosed with the same illness in 1989.

All the hard work in the world couldn't erase that reality, so Munsen looked to escape.

"That's when the drinking became heavy," he told the Argus Leader in December 1991. "I had some struggling moments, some tough times. I knew it was a problem, but I just wasn't able to cope."

In the fall of 1990, Munsen underwent a month-long alcohol rehabilitation in Aberdeen. He was separated from Cheri when she passed away in 1991.

"I didn't handle that very well," says Munsen, whose youngest son, Sam, is a Mitchell freshman. "But it's over and done with. I never, ever lost focus of the program during that time."

But problems with his second wife, Pam, also arose. Munsen was arrested for misdemeanor assault Oct. 3, 1994, after she accused him of striking her and knocking her to the floor.

Davison County State's Attorney Doug Papandick dropped the charge on the condition that Munsen seek counseling, and the couple has reconciled.

Though this side of Munsen's reputation has been wasted by weakness, a person without strength could never have survived. Even those with frailties can fight, and sometimes they even win.

In the very near future, Munsen will win for the 500th time and solidify his status as one of the finest coaches in the history of South Dakota basketball.

It is a status that has grown sturdy through the years, so sturdy that restless rumors and rival reputations cannot possibly steal it away. Munsen knows how sturdy the vision of victory can be. He couldn't even destroy it himself.

"He is a strong person," says Scott Munsen. "Whenever he has struggles, he becomes convinced that you have to believe in yourself and become more committed to what you're doing."

Until retirement comes, Munsen will commit to the cause that has defined his existence over the past 30 years. After a while, you become accustomed to carrying on.

"When someone has a bumpy road but still hangs in there, that's a pretty good quality," says Jerry Miller.

"Maybe only a guy from White Lake, South Dakota, could do that. When you've been in a small town and lived through some trials and tribulations, you learn how to bite the bullet. You learn to hang in there."

SOUTH DAKOTA: SPORTSMAN'S SANCTUARY

Mr. PRESSLER. Mr. President, When I was growing up on a farm in Humboldt, SD, I knew and participated in one of my home State's best kept secrets: hunting. Almost every year I have returned to my State to hunt pheasants in the fall. I did so again, with great success, just last fall. South Dakota is a sportsman's sanctuary, a heaven on Earth. It's becoming less and less a secret. Hunting-related tourism has boomed in my State. People from around the world travel hundreds—even thousands—of miles to experience a special piece of South Dakota. The tourism industry has become an integral part of South Dakota's continued prosperity and economic growth.

I have many fond memories of growing up in South Dakota. A recent article in the Wall Street Journal articulated many of the sentiments I feel about South Dakota hunting. Sunfilled, crisp blue skies; fields thick with pheasants—indeed, South Dakota is filled with many such days of splendor. I encourage my colleagues and all Americans to share in this unique South Dakota experience. I extend a warm invitation to visit my State.

Mr. President, I ask unanimous consent that the full text of the Wall Street Journal article, "Where Pheasants Swarm as Thick as Locusts," be printed in the RECORD.

There being no objection, the text of the article was ordered to be printed in the RECORD, as follows:

WHERE PHEASANTS SWARM AS THICK AS LOCUSTS

(By Michael Pearce)

GETTYSBURG, SD.—A half-dozen gunners and a pair of dogs, we quietly eased into a grassy field that was the picture of prairie tranquillity. During the first few minutes signs of life were rare, save the occasional flushing meadowlark and the lone redtail hawk that rode the same gentle wind that pushed rippling waives across the grass and rattled the skeletal remains of wild sunflowers.

But the serenity vanished one-third of the way through the field when a gaudy rooster pheasant flushed inches in front of a pouncing golden retriever. And within seconds pheasants were rising like popping corn; first one, then another, followed by a pair, another single and then a trio. Throughout the rest of the hike pheasants rose in numbers that rivaled swarms of locusts of biblical proportions.

The result was a pleasant pandemonium. Hunters fumbled to reload as rooster after rooster lifted skyward, towing tails as long as their brilliantly plumed bodies. There were countless shotgun fusillades, shouts of "good shot," "rooster coming your way" and "hen, don't shoot" amid the roar of beating wings.

Though no exact count was taken, estimates of pheasants flushed from the field ranged from 200 to 400. Days, weeks and months after the final flush of the one-hour hunt the gunners would use every superlative imaginable as they vainly tried to describe the experience to family and friends. But to a true wingshooting aficionado they only needed to say "a good day in South Dakota."

First introduced in the waning years of the last century, the varicolored Asian imports have thrived in this state, creating an autumn tradition as popular as gridiron rivalries and the World Series for many. Longtime locals still talk of Depression-era days when they flushed rising clouds of ringnecks from weed patches to feed their families through the long winter ahead. It was about the same time affluent sportsmen from around the world began coming to the prairies to experience the incredible sport.

But as with much of America's wildlife, South Dakota's pheasant population has risen and fallen at the whims of Mother Nature. Worse yet, it suffered at the hands of modern agriculture, which steadily replaced needed nesting and winter cover with sprawling inland seas of corn and wheat. But the tide has turned. South Dakota's pheasant hunting has been nothing short of phenomenal lately.

"Thanks to several things—mild winters, the cover of the Conservation Reserve Program, and private habitat programs—our pheasant population has been incredible the last few years," said Paul Nelson, president of Paul Nelson Farm, the Gettysburg outfitter who hosted the hunters mentioned above. "Most of our guests have simply never seen anything like it, or compare it to the glory days of the 1950s. It's not uncommon for our guests to flush 200 pheasants from just one field."

Not surprisingly, the mind-boggling bird numbers have again brought sportsmen from around the world to the place where pheasants outnumber people many, many times over. "Pheasant hunting is really, really big in South Dakota. People come from all over the world," said Mark Kayser, outdoor promotions manager, South Dakota Department of Tourism. "We estimate we had 100,000 hunters afield on opening day. A lot of them have been coming for years. It's like a homecoming for them."

According to Mr. Kayser, the visiting hunters come from all walks of life. Air strips are lined with private jets, and parking lots hold everything from new Suburbans to rusted old pickup campers that seem to spew low-income sportsmen like clowns from a tiny circus car.

But no matter how they arrive, the visiting sportsmen are spending much-needed money in pursuit of South Dakota's state bird. "Our Game, Fish and Parks Department estimated that pheasant hunting adds about $55 million to the South Dakota economy," said Mr. Kayser, a lifelong resident and avid sportsman. "Some think that's on the conservative side. But there's no question that it's very big for a lot of small-town economies that are otherwise just dependent on agriculture."

So it appeared during a recent trek through the central part of the state. Every convenience store held a full selection of ammo, orange hats, gloves and licenses. Signs advertising church-sponsored dinners and bird-cleaning services were as common as mile markers on some highways.

Accommodations ranged from tents, back bedrooms in the homes of landowners who allow hunters to roam their land and bunk for a nominal fee. In recent years a number of businesses have blossomed that cater to sportsmen who want the creme de la creme of wingshooting action and worldly accommodations, such as Mr. Nelson's legendary establishment.

Picked up in a nearby Pierre, guests are taken along a back-road maze that soon places them at the huge lodge that features a country opulence and is rated among the best in the nation. Served by a hand-picked staff from across the state, Mr. Nelson's guests feast on five-star cuisine as they talk business or simply relax.

But there is no time for total relaxation when taken afield by Mr. Nelson's guides and dogs. Proof that agriculture and wildlife can coexist, Paul Nelson Farm's thousands of acres spew birds like bees from a shaken hive. The wingshooting is indeed so good that Mr. Nelson had to seek special regulation that allows gunners to take more than the state-regulated three-bird-per-day limit.

Still, the action is hot enough that most guests are back at the lodge by late afternoon, where they can bang a round of sporting clays or simply sit quietly on a balcony, favored drink in hand as they watch scores of gaudy cockbirds sail into a small sanctuary just yards from the lodge. Mr. Nelson reports that few who depart fail to leave a deposit for another all-inclusive hunt, which will cost around $2,000 for three days.

After a morning at Mr. Nelson's, I joined Bob Tinker, of Tinker Kennels, near his home in Pierre. Walking upland prairie pastures toward endless horizons, we followed his stylish English setters as they found, pointed and retrieved prairie chickens and sharptail grouse.

The next morning I traded walking boots for waders and made a predawn trudge into a marsh that actually smelled of ducks with Mike Moody, a guide from Herrick. The first flock of mallards that passed over our decoys was easily 100 yards from first duck to last. Never were there not ducks in the air. Totally addicted, I was with Mr. Moody the following morning for another incredible day. At one point some 200 beautiful mallards landed amid our decoys, like leaves cascading from an autumn maple.

As we walked from the marsh at mid-morning, bags of decoys on our backs and limits of tasty ducks in our hands, I learned the best duck hunt of my life could be just the beginning. "A lot of times we'll take our ducks, then walk the C.R.P. [Conservation Reserve Program grasses] for pheasants in the afternoon," said Mr. Moody. "And if the geese are in and you fill out on pheasants in time, you could even . . . ."

HONORING THE JACKSON'S FOR CELEBRATING THEIR 50TH WEDDING ANNIVERSARY

Mr. ASHCROFT. Mr. President, these are trying times for the family in America. Unfortunately, too many broken homes have become part of our national culture. It is tragic that nearly half of all couples married today will see their union dissolve into divorce. The effects of divorce on families and particularly the children of broken families are devastating. In such an era, I believe it is both instructive and important to honor those who have taken the commitment of "til death us do part" seriously and have successfully demonstrated the timeless principles of love, honor, and fidelity, to build a strong family. These qualities make our country strong.

For these important reasons, I rise today to honor Woodrow and Billie Dove Jackson who on February 23 celebrated their 50th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. The Jackson's commitment to the principles and values of their marriage deserves to be saluted and recognized. I wish them and their family all the best as they celebrate this substantial marker on their journey together.

HONORING THE LETTMAN'S FOR CELEBRATING THEIR 60TH WEDDING ANNIVERSARY

Mr. ASHCROFT. Mr. President, these are trying times for the family in America. Unfortunately, too many broken homes have become part of our national culture. It is tragic that nearly half of all couples married today will see their union dissolve into divorce. The effects of divorce on families and particularly the children of broken families are devastating. In such an era, I believe it is both instructive and important to honor those who have taken the commitment of "til death us do part" seriously and have successfully demonstrated the timeless principles of love, honor, and fidelity, to build a strong family. These qualities make our country strong.

For these important reasons, I rise today to honor William and Stella Lettman who on February 14 celebrated their 60th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. The Lettman's commitment to the principles and values of their marriage deserves to be saluted and recognized. I wish them and their family all the best as they celebrate this substantial marker on their journey together.

IT FINALLY HAPPENED: FEDERAL DEBT BURDEN EXCEEDS $5 TRILLION

Mr. HELMS. Mr. President, on January 8, 1835, in the 58th year of our Republic, a distinguished native of North Carolina, Andrew Jackson, hosted a banquet to celebrate the Nation's deliverance from economic bondage. The national debt had been paid. There was cause for great celebration, because the payment of the national debt was considered to be a triumph of republican government.

President Jackson delivered the following toast: "The Payment of the Public Debt—Let us commemorate it as an event which gives us increased power as a nation, and reflects luster on our Federal Union, of whose justice, fidelity and wisdom it is a glorious illustration."

Fast-forward 161 years, Mr. President: Today it is my sad duty to report that on this past Friday, February 23, 1996, the Federal debt passed the $5 trillion mark—a new world record. Never before in history had a nation encumbered itself with a debt so enormous.

The sheer arithmetic of the Federal debt is so immense that it boggles the mind. Consider these figures: As of the close of business this past Friday, February 23, 1996, the Federal debt stood at $5,017,056,630,040.53.

Let me run that by once more a bit more slowly—5 trillion, 17 billion, 56 million, 630 thousand, 40 dollars and 53 cents. The enormity becomes more clearly in focus when one bears in mind that there are a million million dollars in a trillion—so the Federal debt of the United States has now passed five million million dollars.

Let's look back 23 years. The day I was first sworn in as a U.S. Senator, on January 3, 1973, the Federal debt stood at less than one-tenth of today's total Federal debt. On April 18, 1973, for example, the April 15 tax deadline had just passed; the taxpayers' money was flowing into the Internal Revenue Service; and the Federal debt stood at 455 billion, 570 million, 163 thousand, 323 dollars and 85 cents. I should add that the Federal budget deficit that year was about $15 billion—one-tenth of the present Federal deficit.

Mr. President, one of the first pieces of legislation I offered in early 1973 was a resolution to require the Senate to balance the Federal budget. I did that several times in the weeks and months to follow. I lost every time. Then I offered a resolution stipulating that the salaries of Senators and Congressmen be reduced by the same percentage that Congress failed to balance the budget. As I recall, I got seven votes for that proposition and a lot of angry expressions.

Since then, the Federal debt has exploded tenfold.

I recently reviewed a publication entitled "Historical Tables of the Fiscal Year 1995 Budget." Guess what this document revealed about one significant aspect of the Federal debt. It showed that the interest on the money borrowed and spent by the Congress of the United States, over and above income, during the fiscal years 1973 through 1993, cost the American taxpayers $3,006,417,000,000.00.

Three trillion dollars just to pay the interest on excessive spending authorized and appropriated by the Congress of the United States over a period of a couple of decades.

Just suppose Congress had agreed back in 1973 to discipline itself and hold fast to a balanced Federal budget. We would be on Easy Street today.

But, Mr. President, it is so easy to spend somebody else's money. As a result of all this Federal deficit spending, the share of every man, woman and child in America averages out to be roughly $19,043. Every child born today will be taxed $187,000 during his or her lifetime to pay just the interest on the Federal debt.

Think of what has been done to our children and grandchildren. The burden of a $5 trillion debt is a weight on the shoulders of future generations, as well as on our economy today. The Federal Government annually spends approximately 15 percent of its budget paying the interest on the Federal Government's debt.

Last year the Federal Government spent approximately $1.5 trillion, much of it entirely unnecessary, duplicative, or just plain wasteful. We must return fiscal sanity to the Federal Government and discard the foolish notion that all problems can be solved by more intrusive Government programs and yet more spending. It's time, Mr. President, to make some hard choices. We can make the tough decisions now, or leave them for someone else to make later, when they'll be even tougher. The honorable, sensible policy is to cut spending and cut it now. Only when we reign in the out-of-control spending of the taxpayers' money can we, like President Andrew Jackson, who was born in Union County, NC, get about the business of returning the luster to our Federal Union which has become so dim.

Mr. BOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1996—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Chair now lays before the Senate the conference report to accompany H.R. 2546, the D.C. appropriations bill.

The Senate resumed consideration of the conference report.

Mr. JEFFORDS. Mr. President, I believe that under the present order there are 2 hours allowed on the bill. I have 1 hour of that time, is that correct?

The PRESIDING OFFICER. The time is equally divided until 12:30. So, yes, you have 1 hour.

PRIVILEGE OF THE FLOOR

Mr. JEFFORDS. Mr. President, I ask unanimous consent that Steve Greene, a fellow serving on the Committee on Labor and Human Resources, be extended the privilege of the floor during the consideration of the conference report on H.R. 2546.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I rise to present this conference report to the Senate today, at long last. It has been some 90 days that we have been trying to reach agreement. I hope my colleagues will listen very closely to what I have to say, and I hope very strongly that we will be able to pass this conference report. I do so with the confidence that this is the best compromise we can achieve at this time. It is important that we enact this bill and provide the D.C. city government with a remainder of the Federal payment and bring to an end the uncertainty about fiscal year 1996 appropriations. We are already partially through the year, and we still have not met our commitment to the city.

This bill contains some very important and long overdue educational reforms. However, it contains a couple of provisions that were very contentious. I will explain those briefly. I think we have reached an accommodation on one. There is an abortion provision in there that says, "No funds, Federal or local, covered in this appropriations bill can be used for abortion, except to save the life of the mother or in cases of rape or incest."

Also, there is a provision which was not intended to be controversial—I want to clear that up—with respect to Davis-Bacon. There is no intention in this bill to waive the Davis-Bacon Act, except with respect to donated services to repair school facilities. I wanted to make it clear that they were not covered by the Davis-Bacon Act. It appears that in so doing, we perhaps created an interpretation that would say it also applied beyond what we intended. There is no intention to do that. So we will fix that at the appropriate time.

The controversial provision I am referring to is the portion that permits the use of taxpayer dollars to pay tuition vouchers at private and religious-affiliated schools. I urge you to pay close attention to what we have done here. The conference agreement allows for two different types of vouchers—one to be used for tuition, which is the controversial part. The other is to be used for after-school enrichment programs. Keep this latter one in mind. There is no controversy over this at all. There are some 20,000 D.C. students right now who are in need of remedial help. We have a 28-percent dropout rate in the city right now. We need to do something about that.

Also, as is true nationwide, about 50 percent of the kids who graduate from high school are functionally illiterate. I do not intend to allow that to continue. I do not think anybody in this body wants to do that. So we allow for the vouchers to be used—or scholarships, as some prefer to call them—to help the kids after school who are having remedial problems. However—and this is critical—in no case can any Federal funds be allocated for any voucher program until the D.C. Council approves of such expenditure. Schools participating in the voucher plan are required to comply with Federal civil rights laws. There is total local control here and no Federal mandate that they must be used.

This agreement reinforces the fundamental principle of local control and allows the D.C. Council to determine if vouchers are appropriate for the District of Columbia public schools and to determine the appropriate split between tuition vouchers and the noncontroversial after-school vouchers.

Mr. President, I do not want to let the voucher piece overshadow the other educational provisions that are contained in the bill. The conference agreement includes a number of education initiatives designed to improve the public education and help all the children in the public schools in the District of Columbia by making it possible for them to compete in the future work force. This is a critical problem in the District of Columbia and a critical problem in this Nation.

The District of Columbia public schools have a proud academic tradition. They have produced prominent Americans and local leaders. Our former colleague, Senator Edward Brooke, graduated from Dunbar High School, as did Dr. Charles Drew, the founder of the blood bank; and current D.C. Delegate ELEANOR HOLMES NORTON is also a graduate of the D.C. public schools. Space shuttle astronaut Col. Fred Gregory; former police chief Maurice Turner; former president of Howard University, Franklyn Jenifer; Gloria Steinem; and Austin Kiplinger, publisher of the Kiplinger's Personal Finance magazine, are all graduates of the D.C. public schools.

I do not intend for our heritage to be the destruction of the public schools in the Nation's Capital, but rather to provide the framework for its return to a tradition of excellence.

When this bill left the Senate, we had provided the most important components for that framework. We included a provision that would establish a Commission on Consensus Reform to review, comment, and advise District officials on the long-term education reform plan, public school budgets, and other activities of the board of education and the superintendent.

The Consensus Commission is made up of local citizens and D.C. school officials. Its mandate is to ensure that the reform plan that is agreed upon and developed by the public schools and officials is implemented. The decline of the quality of the District of Columbia's public schools has been punctuated by study after study, reform plans, and good intentions, but none of these studies has been notable in any followthrough or have resulted in any significant improvement of the schools.

The long-term reform plan provided for in this agreement will be implemented. The Consensus Commission will fulfill the necessary step of monitoring and oversight of school officials' actions. If city officials do not listen to its directives, the Commission will turn to the District control authority to implement the required action, and it will be implemented.

There is an important relationship between the Consensus Commission and the city's financial recovery which must be understood. When we first started discussing control board legislation a year ago, we asked the General Accounting Office and Congressional Research Service to talk to those in other cities and States that have gone through financial crises. As part of the results of those findings, GAO and CRS reported that in each city those involved volunteered that one of the great impediments to economic recovery and community development efforts which would lead to financial health was the poor state of public education in the city school system of those cities. That is true of this city, and it is true of our Nation generally.

The District must be no exception. If we do not improve the quality of education in this city, we cannot hope to attract people and businesses into the city. That means that the District will become a ward of the Federal Government. During the process of retrenchment at the Federal level, we cannot afford to allow the city to become more dependent upon us.

Mr. President, the bill provides for the improvement of the overall D.C. educational system by requiring the superintendent of schools to create a District-wide reform plan. But broad plans are of little value if we fail individual children. The bill encourages a system to ensure that each child has a chance to succeed and no child is overlooked. To do this, we need to both help out teachers and hold them accountable for the achievement or deficiency of each student, and we need to hold the parents and students accountable so we can move forward to provide an education that is good for every child. We cannot do this unless we find a way to assess each student in his or her development.

There are provisions in the bill to establish up-to-date performance-based District-wide assessments that will identify every student in the District of Columbia public schools who does not meet minimum standards in reading, writing, and mathematics and will provide the kind of remedial help necessary in order to bring that student back into the position they ought to be in.

Once we have that assessment, we can apply the resources in this bill to those in need to get help after school, on weekends, or during the summer. We can no longer be content with knowing that the average number of students are performing satisfactorily. We must know that each child is succeeding and that none is left to fall through the cracks.

Also important is the creation of the public charter schools in the District that provides an alternative for parents as competition for the public school system. The expected result is a choice in public education and an improvement in the public schools by creating an incentive to change.

In contrast to the tuition vouchers, these public charter schools will be available to every student in the District regardless of income, academic achievement, or behavior problems.

The operators of charter schools must be nonsectarian, nonprofit and will receive the same per-pupil funding from the D.C. government as each D.C. public school receives.

The conference agreement also includes a $2 million additional appropriation for Even Start programs in the District. Even Start is that program which allows us to work both with the parents and with the child, that are all illiterate, to bring them into literacy and into a better future.

Also included are funds to begin planning for a residential school for the District. Other school districts are experimenting with the concept of a residential school, and the superintendent believes if you can remove the influences of the mean streets it would make it easier to reach some of these kids. These funds will allow the superintendent to begin the planning process towards the establishment of a residential school.

The creation of a business partnership is designed to leverage private-sector funds to purchase state-of-the-art technology for the D.C. public schools. Face it, when our local grocery stores have more computer technology than our schools, we must make improvements. Our world is already dominated by technology, and that trend will only increase. If our children do not have access to technology, they will be hamstrung in functioning and competing successfully in the business and academic world after high school. Not only is technology essential to remain competitive now and in the next century, it also is the gateway to new experience and knowledge for school children.

In closing, Mr. President, I want to acknowledge the hard work and dedication of the chairmen of the other side, Representative JIM WALSH of the D.C. subcommittee and Representative BOB LIVINGSTON of the full committee, for helping to bring this bill to this point. We have had many conversations and it has been a tough fight, but I believe we have a good bill. I also want to express special appreciation to Representative

STEVE GUNDERSON, whose hard work and dedication was instrumental in forming the House education reform package.

On our side, our distinguished ranking member, the Senator from Wisconsin, has been supportive and helpful in each stage. At the full committee, I could ask for no more cooperation and support than I have received from the Appropriations Committee chairman. Senator HATFIELD has convened and attended meetings with me in an attempt to reach an agreement. His help was indispensable. His counterpart on the minority side, the Senator from West Virginia, Senator BYRD, offered an amendment contained in this conference agreement and improves the bill in the important area of discipline.

Mr. President, I am sure that some Senators can find things in this bill to oppose. However, we have spent 90 days in conference on this bill. I can assure my colleagues that unlike Vermont cheddar cheese, this agreement will not get better with age. It is time to move on, to give the District the remainder of the payment for the cash that they need in its strapped condition now and allow it to focus on implementing the meaningful education reform that the majority of the bill provides. I urge my colleagues to support this conference report.

I yield the floor. I reserve the balance of my time.

Mr. KOHL. Mr. President, let me begin by commending Senator JEFFORDS for his leadership on this important piece of legislation. I greatly admire his enthusiasm and his skill in putting together this difficult bill—especially as it regards education. Senator JEFFORDS is a long-time advocate of quality education for all our Nation's children, and in the Senate-passed D.C. appropriations bill, he brought some of his best ideas to the children of the Nation's Capital.

For example, the chairman has created a consensus commission that will remove obstacles to much needed reform of the District's public school system. The agreement also includes funds for the expansion of Even Start programs for District schools, authorizes establishment of charter schools, and encourages partnerships with business, to facilitate technology assessment and job training initiatives.

Unfortunately, the House conferees were adamant in their opposition to the inclusion of any education provisions in the conference agreement—and, for that matter, adamantly opposed to any conference agreement at all—unless a House-sponsored provision related to education vouchers was included in the bill. I did not support this action in conference, and I cannot now support an agreement that includes vouchers.

As former chairman of the D.C. Appropriations Subcommittee, I take this step with great regret. Senator JEFFORDS is an able, effective and dedicated chairman. Under difficult circumstances, he has labored long and hard to craft a measure that will put the District on the road to recovery. I believe that by removing the voucher provision—and by amending the provisions regarding reproductive health and Davis-Bacon—this report could be adopted by unanimous consent.

In my opinion the concept of public funding for private schools is fundamentally flawed. Private schools have selective admissions policies, in some cases enrolling only those students of a particular religion or gender. Public schools do not discriminate: they are charged with educating all children. Our first priority must be to help public schools meet their goal. Unfortunately, this bill does not reflect that priority, and therefore, I will vote against cloture and I encourage my colleagues to do the same. I have a longer statement detailing my objections to the voucher provision that I will include in the RECORD. Mr. President, I hope that we can act quickly to resolve this matter and produce a report which will be acceptable to all Members of the Senate. The District is in dire financial straits and the situation is deteriorating rapidly. It is my understanding that the District will run out of cash within the next several weeks, if this matter is not resolved. Unless Congress releases the balance of the Federal payment, the city will be unable to meet payrolls, pay bills or provide basic services. I therefore urge my colleagues on the other side to stop holding the Nation's Capital hostage in order to debate a subject that would be better resolved on an education bill.

Mr. President, it is my understanding that pursuant to the unanimous-consent agreement governing this matter, time for debate has been equally divided between the majority and the minority. For purposes of addressing the issue of vouchers, I have agreed to yield to Senator KENNEDY such time as he may consume. I yield the floor.

PRIVILEGE OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent that Danica Petroshius and Sam Wang, legislative fellows in my office, be granted privileges of the floor for the duration of the debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I yield such time as I might use.

Mr. President, just some obvious facts that should be evident to all the Members as we come back to the legislative process and consider the D.C. appropriations conference report. First of all, I want to commend my friend and colleague, Senator KOHL, for his statement. He has, since the time of the conference report, visited with a number of us on this issue. He has taken great interest and great diligence during the period of the conference. He has a real grasp and understanding about the public issues and policy issues raised by this conference report.

As a Member of the body and the Education Committee, I want to commend him for all of his good work and for raising these very, very important issues in a way which I think will gain broad support. I thank him for his attention and involvement in the issues.

Second, Mr. President, I want to acknowledge the very strong dedication and commitment to education and adequate funding of education from the Senator from Vermont, my friend, Senator JEFFORDS. His words carry great weight in this body, as they should, on any issue, but particularly on education issues and on the issues involving education in the District of Columbia. He has not only been tireless in his commitment to enhancing educational opportunities in the District through public policy, but also he has committed himself personally in the Everybody Wins Program, a special program to provide literacy training to the students in the District of Columbia. Through his intervention, the Members of this body are much more familiar with that program. Because of Senator JEFFORDS' leadership, Members in this institution and the House of Representatives, in the various Cabinet offices, and many of the others in the community reach out and work with young people, in training and enhancing their literacy capability. So he brings a very considerable credibility to the positions that he takes.

Even though he and I generally agree on most educational issues, on this conference report I reach a different conclusion, not only because of the position on vouchers, but for other reasons as well. I think the Senator from Wisconsin pointed out very clearly that if the amendments had not been included, those dealing with the issues of a woman's right to choose, those issues involving Davis-Bacon, as well as the issues on vouchers, this legislation would go through unanimously.

What we are faced with here, with this conference report, is what we have been faced with in other types of appropriations, is riders that are not directly relevant to the appropriations matters at hand. Davis-Bacon rider waives labor protections and denies workers on federally funded construction project the right to be paid locally prevailing wages. Consideration of these issues falls under the jurisdiction of the Labor and Human Resources Committee. We have had hearings on them. We have reviewed various proposals. To undermine the committee's ability to deal with this and to tag it onto the D.C. appropriations is quite unacceptable.

I do not know what the majority has against workers with an average income of $26,000 a year—that is what the average worker receives under the provisions of Davis-Bacon. I just left a hearing of the Judiciary Committee. Because of an oversight in drafting, $4.6 billion are going to go to a handful of pharmaceutical companies—$4.6 billion. In this bill, we face a rider that will undermine the ability of construction workers to be paid the prevailing wage in the District. This undermines their ability to receive a fair compensation. It just once again reminds us, or should remind us and remind the American people, about who is on whose side.

I must say, Senator CHAFEE is working with Senator PRYOR to try to alter that oversight. Hopefully they will be successful.

Nonetheless, we have the inappropriate rider on Davis-Bacon in this bill. We have the inappropriate rider on a woman's right to choose. Harris versus McRea asserts that the use of State funds to provide abortions for poor women is a State, not a Federal, decision. But not in this D.C. legislation. It decides how local funds will be used. We are not letting the people in the District of Columbia, as we permit in every other State, to make a judgment. The restrictive language in this bill will cause a very serious hardship, particularly among the poorest and most needy people in our society.

The majority imposed a measure affecting protections for income levels for workers. The majority decided to superimpose their judgment on a woman's right to choose. And the majority has imposed a private school voucher program that was rejected a number of years ago by an 8-to-1 majority in the District of Columbia.

The Congress refuses to say on this issue that the local people know best. How many times have we heard that rhetoric here on the floor of the U.S. Senate? Oh, no, not with regard to the District of Columbia, they do not know best. They do not know how they want to allocate their resources. But, we in the Congress, we know best what is in their local interests even though they have clearly rejected that proposal a number of years ago. Vouchers also have been rejected in a number of States on statewide ballots. 16 States have rejected it.

While I support various kinds of public school choice, that is not what is at stake today. Today, the most important question is whether we are going to take scarce education funds away from children who attend the public schools to provide those resources to private schools. That is the core issue.

So, I strongly subscribe to the position that was taken by the Senator from Wisconsin who said that without these riders that are not germane to the underlying core issue this would go through on a voice vote.

Mr. President, having expressed my strong view about the commitment of the Senator from Vermont on this issue, I question the seriousness of this Congress on its commitment to supporting public schools. We saw a year ago the cutting back of some $28 million from D.C. public schools. This year, it is about $11 million. We know under the Republican proposals in the House of Representatives there will be a 22-percent reduction in all support for elementary/secondary legislation on appropriations. Let us understand what we are looking at in a broader context. This Congress is pushing significant reductions in funding for public schools generally, and significant reductions in funding for D.C. public schools.

During this debate and discussion, we find individuals who say, "We have the answer. We do not have to provide the funding for public schools. We do not have to listen to what the Governors of this country, Republican and Democrat alike, recommended to the Nation when they met down in Charlottesville, VA." And that is that children, in order to be able to learn, have to go to school ready to learn. That means they need an adequate breakfast and to be able to come from a home atmosphere free from substance abuse, family violence. They must be free from being preyed upon by gangs in the schoolyard and a whole host of different kinds of challenges.

We hear that the answer to all the problems in the school districts is vouchers. Proponents of the voucher program say that D.C. has the choice of whether or not to implement a private school voucher program. That decision really lies with a newly created Scholarship Corporation. The D.C. Council only has veto power over proposals submitted by the Corporation.

Of course, if the council does not agree, do you think the local school district will be able to spend that $5 million for the benefit of all the children? Absolutely not. If they do not spend it on vouchers, they cannot spend it at all. You talk about intimidating or attempting to intimidate the local school. If they do not go along with this oversight body, they lose the $5 million. It is that kind of intimidation, it is that kind of wrongheaded policy, it is that kind of paternalistic attitude that ought to be rejected today. Again, we could pass D.C. appropriations in a matter of seconds if we freed ourselves from these riders.

It is important to understand the number of children we are talking about. Even if we were able to provide the full range of funding, $5 million, to children, we would fund only 2 percent of the D.C. school population. Vouchers take money away from what is available to children generally in the school system to try to provide some help and assistance, whether it is to enhance their math and science skills, whether it is to support reading and literacy, whether it is to make some minor repairs in school buildings that are 100 years old.

And what will the fate be of that 2 percent? Many people think that these low-income students will be able to go to the private school of their choice because of the voucher provision in this bill. But the private schools can decide whether to accept a child or not. The real choice is given to private schools, not parents or students.

Private schools choose a hand-picked group of students who are much more likely to have college educated parents and to come from high-income families than their public school counterparts. Public schools can't be selective. They must take the children of the homeless and children of limited English proficiency. The public schools take children with disabilities. They must take all students and try to teach all students no matter how disadvantaged their background. They don't have the luxury of closing their doors to students who pose a challenge.

Little Johnny wants to be able to go to private school. He is able to qualify for that voucher, but the school says no. That is the difference. This is not competition. This is not letting the parents or the children make the choice. This permits the school to make the choice. The school can turn him down. They have a limited number of positions and they take the children that will fit into those particular slots.

Now, are we going to insist that they take all students? Are the proponents of the voucher system going to say, "OK, if they do not take them, they should take them," so that we have an equal playing ground in public and private schools and have a real choice? Are they proposing that? Of course not. Nothing of the sort.

Those who support the voucher system are not creating a level playing field. What they are doing is taking the money, scarce resources out of the public school system and giving it to children that may or may not gain entrance into the private school system. We should not take the money out of the public schools and put it into the private.

There is no evidence that voucher programs work. In Milwaukee, which has had a voucher program for 5 years, test scores of voucher students did not rise. One third of parents and students who began participating in the voucher program there have opted out of it. In the last month, 2 of the 17 schools that participate in the choice program have closed and 2 more are being audited because of serious financial difficulties.

Mr. President, I see colleagues here on this issue, and I will yield at this time to permit them to speak and come back to this issue.

In summary, this is the wrong answer for a central challenge. We must invest in children at the earliest possible age.

That is why 2 years ago we changed the Head Start Program to include younger children and provide programs for parents to learn parenting skills for children to get them involved in school. The recent Carnegie Commission report suggests that we must be serious about investing in young children. We do not want to abandon public schools by taking scarce resources out of them and putting them into private schools. We are effectively turning thumbs down on the public school system. We are abandoning them. We are not giving them close enough attention.

This voucher proposal will fund the few at the expense of the many. It gives scarce Federal dollars to the schools that can exclude children. It also ignores the fact that in 16 States and the District of Columbia this concept was rejected. And it raises the important constitutional issues which were raised in a Milwaukee case that now stands before the Supreme Court. It is unwise policy. It is unjustified. And if we really care about children we ought to be looking at what is necessary and essential as a nation to adequately invest in those children, in those teachers, in their classrooms, and in the latest technologies for them to have a more complete education system.

Mr. President, I think Senator SIMON was here first, and I yield to him such time as he may want.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, first I ask unanimous consent that Janette Benson, who is an American Psychological Association Congressional Science Fellow in my office, be permitted floor privileges for the duration of the debate on the D.C. appropriations conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMON. Mr. President, we have a very fundamental policy decision here. Vouchers are being tried right now in Wisconsin, Minnesota, Ohio, and perhaps elsewhere. That is the advantage of the Federal system. I happen to think we have to be very careful as we approach this. Among other things, we have very limited resources the Federal Government is putting out, and we are talking now in this budget about cutting back. In fiscal year 1949, the Federal Government spent 9 percent of its budget on education. This year, as I have said in the Chamber, it is 2 percent, but my colleague from Vermont has corrected me and said we are down to 1.4 percent. And now we are talking about dissipating these resources. I do not think that is wise.

Second, while technically we do not mandate the D.C. schools to do this, what we say is here is some money and if you spend it for this, you can have it. And if you do not spend it for this, you cannot have the money, for a strapped D.C. school system.

Third, as Senator KENNEDY pointed out, the participating schools do not have to take all students. So there is a creaming process that hurts the public schools. There is just no question about it. That is the difference between this and the student aid program that we have.

Then what we do is we fail to address the real problems of the D.C. public schools. Real candidly, I have only visited one school, the school both Senator JEFFORDS and I get over to as frequently as we can to read to a student, and that school I visit is, it is my guess, above average for the schools in D.C.

Last year, I visited schools in Chicago, on the west side, and the south side. I visited 18 schools. I did not take any reporters with me. I just tried to see what was going on. I saw some encouraging things; I saw some awfully discouraging things. We ought to be addressing the real problems of urban schools in America.

This does not move in that direction. I hope we will restrain our desire to move in and, with the minutest detail, tell the D.C. schools what they ought to do. We ought to be helping urban schools. We ought to be helping schools in our country in general much more than we are. This is not the right way to do it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GLENN. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I rise today to oppose the District of Columbia appropriations bill. I oppose this bill for the same reasons that Senator SIMON and Senator KENNEDY have already discussed, because it includes a provision that permits publicly funded "scholarships," to low-income students to attend private and religious schools in the District. I believe this is just another attempt to fund private schools with already scarce Federal dollars, too scarce.

I have consistently opposed attempts by Congress to encourage the use of Federal funds to support private schools whether in the form of tuition tax credits or vouchers. Including this provision would be the first step toward establishing a permanent voucher program for education in this country. Mr. President, if the public schools are not producing the product we want, we need to fix the system, not start siphoning additional money from its purposes and from what it is being used for now.

The system of public education in this country is available to all children. Every young person has a right to expect to get a good education out of the school system in this country. If it is not producing the high level of achievement needed, we cannot abandon it, but rather we must find ways to make necessary improvements. Not only that, but this is a time when education programs are suffering from a disproportionate share of Federal budget cuts. Diverting Federal resources over to private schools rather than trying to strengthen the public school system of this country is just wrong.

Mr. President, I think most people are surprised when they find out what a small percentage of support comes from the Federal Government for elementary and secondary education. The Federal Government plays a very major role in higher education—Pell grants, loans, things like that. That help is really an aftermath of the success of the GI bill for education after World War II.

So the Federal Government has a very major role in higher education but plays a very minor role in elementary and secondary education; the highest we ever got up to was about 9 percent of the expenses for elementary and secondary. It gradually drifted down to 6 percent. If I heard Senator SIMON correctly a moment ago, I believe the current figure is only 1.6 percent, something like that. I do not know whether it is that low or not. I thought it was still around 5 or 6 percent, which is too low to begin with.

Elementary and secondary education is basically funded through State and local funding. It comes from an antiquated property tax we should have corrected many years ago. Go back to the early days of this country, and most of the wealth of this country was in property. We did not have NASDAQ and the big New York Stock Exchange and the international flow of funds and investments. We had property, and that was a fair measure of people's ability to support an educational system. So a property tax became the norm for supporting education in this country.

Now we are over two-thirds a service economy, and yet we stick with the property tax. As Lester Thurow pointed out in his book a couple years ago, we run our educational system not on a national basis like every other major industrialized country in the world; in this country we elect 15,000 independent school boards who are getting elected on the basis of, "We will not raise your taxes." That is how we take care of one of the most important functions of our whole society—how we educate our kids for the future, how we educate our young people to be competitive in an increasingly competitive world.

I personally think we should be doing more on this at the Federal level. International competition is going to eat us up if we are not careful and do not get our kids the first-rate education that they deserve. I do not want to see money siphoned off from our system, supporting efforts to leave the public school system. So I will support the finest public school system in the world, in this country and vote to supply the money for that.

There is another concern about this that was mentioned on the floor a few moments ago. That is, this proposal does not require private schools receiving vouchers to accept students with learning disabilities, behavioral problems, homeless students, or those with limited English proficiency. You can siphon off the kids you want and not take the kids in wheelchairs, the kids with learning disabilities, the kids with dyslexia that are treatable and should be treated and should be part of our system that helps young people get a start in this world. There is no requirement for private schools receiving vouchers to accept students with these problems.

Public schools have the responsibility to educate all students. I certainly worry, with this legislation, that vouchers will skim the best students and leave public education with little Federal help and yet expect them to solve all the educational problems. That is just wrong.

I believe that providing vouchers to religious schools also is unconstitutional. There is no Federal or State court, as I understand it, that has ever upheld using vouchers for private or religious schools. In fact, in August, the Wisconsin Supreme Court issued an injunction against the expansion of Milwaukee's School Choice Program to include religious schools—an injunction against them.

Vouchers undermine any serious attempts being made to reform our public education in this country. With this voucher provision included, I will vote against the District of Columbia appropriations bill.

Mr. President, very briefly—I know other Senators are waiting—but while I have the opportunity, I want to mention my opposition to another provision in this conference agreement which was recently brought to my attention. That is section 2551(b)(6), which would waive Federal procurement laws for the GSA Administrator when he provides technical assistance and advisory services for the repair and improvement of D.C. schools.

I am told the sole reason this provision exists is to speed up the process of getting D.C. schools in shape in conjunction with a 2-year flash program. While that may be an admirable goal to get these things taken care of speedily, both GSA and the D.C. government have been plagued with their share of problems over the last few decades. The District in particular is ripe with examples where contracting was not carried out properly, and to just waive all the rules and regulations and let them go because we need speed in this particular area, I think takes too big a chance.

We all know too well there is enormous potential for fraud and abuse in procurement. I am not willing to approve such broad authority without any assurances attached to it. There are reasons for these procurement laws, reasons throughout Government why GSA has a procedure. We just revised them. I was chairman of the Governmental Affairs Committee when we went through some of these procedures and changed the procurement laws for our whole Government to protect against fraud and abuse in these programs. To waive those things, particularly with the District of Columbia, that does not have a good track record in the area of contracting and fiduciary or financial responsibility, I think is just wrong.

This legislation does not even include a reporting requirement on contracts awarded under this provision. There is no evidence that they considered using one of the exceptions to full and open competition under the Competition in Contracting Act [CICA], such as unusual and compelling urgency or in the public interest. While these procurements would still be protestable, it would have been a much more palatable solution than broad waivers.

I have opposed blanket waivers of procurement laws in the past. Most recently I came to the floor to speak against the waiver of procurement laws with respect to the FAA. Although I continue to believe that the FAA waivers were a bad precedent to set, at least that legislation contained a very specific list of the laws to be waived. No such list exists in connection with this provision. A few laws, such as CICA and the Office of Federal Procurement Policy Act have been named, but the phrase, "* * * or any other law governing procurements or public contracts * * *," leaves the rest of the field wide open to include labor, civil rights, and financial management laws.

The list in this bill, at the very least, should be as explicit in the D.C. appropriations bill as it is in the DOT appropriations law. This is a very dangerous precedent to set even for a limited period of time and for a limited purpose.

If the conference report is defeated, I hope the committee will consider this view and redraft, if not delete, this provision from the bill.

My basic objection, going back to where I started, is, to siphon off money from the public school system for private purposes is just flat wrong. If we have problems with our public school system, let us fix it. Let us vote the money for it, not siphon off what little money we have in it now.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. I yield the Senator from Connecticut such time as he may want to use.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend and colleague from Vermont.

I rise to indicate my support for cloture on this D.C. appropriations bill. I do so because, as most Members in the Chamber, I would like to begin to see some money flow to the District generally for its operations, but I specifically want to speak to the reason why many of my colleagues will oppose the cloture motion, and that is their opposition to some of the education reform measures that have been attached to this appropriations bill. I strongly support those education reform provisions, including the scholarship program that has been referred to in this debate, which is a relatively small part of the overall District school reform proposals in this bill.

I must say that I approach this debate in a very different spirit. We have been through a lot of gridlock, again, in this Congress. Ideas that are new have been talked about. Not too many have made it forward. But I feel a sense of joy, frankly, to have this package of progressive and genuinely important reforms for the District of Columbia school system on this floor for consideration today. It would be a shame if passage of these provisions, which could do so much to help children and families in this Capital city of ours achieve their full potential and escape the cycle of poverty, is stopped because of opposition to this modest program of scholarships for poor children. That is what we are talking about. The education reform provisions in this bill were not imposed by our friends in the House from up on high. In fact, they had their origin with a locally based education reform commission that was established in the District.

While all of the attention and controversy in this debate and outside has been focused on these scholarship funds which will allow some children to leave the public school system and go to nonpublic schools, there are a wide variety of other provisions in this measure that deserve to be noted.

The so-called D.C. School Reform Act, which is now part of the bill before us, would, in fact, direct approximately $302 million out of the $324 million in new funds over 5 years provided for in this bill to benefit public school students, public schools in the District of Columbia.

Let me focus on two words. We are talking here about new money. We are not skimming money off that otherwise would go to the public schools. We are talking about new money and, in fact, all but $22 million of that will go to the public schools. It is just $22 million of the $324 million that are part of this innovative scholarship program.

What else does the reform act do? It permits charter schools, public charter schools, and encourages choice among public schools. It assists the D.C. public schools in establishing a strong core curriculum in basic academics, promotion standards based on a new curriculum and training for the over 5,000 teachers in the school system.

It protects public school teachers from losing their jobs due to any restriction in the number of full-time employees contained in this appropriations legislation.

It provides for a new per-pupil funding formula to be developed by the District that we think will establish the stability and predictability in the education budget as the District cuts its overall budget.

This measure provides so-called Even Start family literacy education programs in public schools for over 7,000 families, including 28,000 students and parents.

It provides state-of-the-art security measures for over 3,700 students and teachers at high-risk schools in the District.

It provides work force transition assistance to 27,000 seniors and juniors through the nationally proven Jobs for America's Graduates Program.

It establishes a high technology training and referral center in the District that will serve up to 4,000 18- to 25-year-olds.

And it establishes a national partnership with business to put in place computers and high-technology infrastructure in the schools, leveraging at least $40 million in public and private resources.

That is all that this measure does for public schools and students in public schools.

So what is all the fuss about? The fuss is literally the tail on the dog here. I gather that my colleagues are opposed to providing tuition scholarships to between 1,000 and 1,500 low-income District students in the first year to attend private schools of their choice, religious or nonreligious, and those schools, incidentally, have to be located in the District. Over 5 years, as many as 11,000 annual tuition scholarships could be provided.

Do my colleagues in the Senate really want to oppose legislation that will enable kids from families below the poverty line to receive full tuition scholarships of up to $3,000 a year to give them a better chance to develop their potential in safer schools? Do we really want to stop families that are between the poverty line and 185 percent of poverty who can qualify for half-tuition scholarships, up to $1,500 per year under this provision?

Do we really want to oppose parts of this bill that would provide 2,000 to 3,000 after-school scholarships in the first year, 22,000 over 5 years to low-income students after school programs, including academic tutoring, nonacademic enrichment programs, or vocational and technical training?

Mr. President, I cannot believe that is really what the Senate wants to do and why we would block consideration of the overall D.C. appropriations bill.

My colleagues in the Senate are probably not surprised that I am speaking in favor of cloture on this bill and support of the scholarship provisions, because I have fought for several years now, usually alongside, my friend and colleague from Indiana, Senator COATS, who I notice is on the floor, to create a similar national demonstration program to be available to kids in poverty areas around the country to, once and for all, test this idea.

There is a lot of controversy about private school choice. There is no controversy about the fact that our public schools are just not working for millions of children in this country. There is no controversy about the fact that if you are not educated today, you are not going to be able to make it in the work force of today.

We are all preoccupied with the Presidential campaign and brother Buchanan's statements about economic insecurity. What is the root of economic insecurity, and what is the road to economic security? A better education. The kids in our poorest school districts are simply not getting that education. Senator COATS and I have offered the Low Income School Choice Demonstration Act in an effort, once and for all, to make scholarships, such as those provided in this bill for District of Columbia students, or vouchers as we call them, available at between 20 and 30 demonstration sites around the country.

Can anyone honestly say that we are so confident about what our public school system is doing that we do not want to test another way to see what effect it will have on the kids who have this choice, who get these scholarships, to see what effect it will have on the public schools?

Senator COATS and I are open to the results. In our bill, we have the Department of Education doing an evaluation which will help us understand the effect of this program. Are we so intent on protecting the educational status quo, the existing system, which we know is failing millions of our kids, that we are not even willing to test, as Senator COATS and I would do in 20 to 30 systems around the country, as this bill would do in the District, another way to see whether it will work, to see whether it teaches us anything about how we can improve our public schools?

Mr. President, just take a look at the front page of the Washington Post today. Coincidental, I guess. It is a story of a principal, Learie Phillip, obviously a fine man, working hard to provide an education at Roosevelt High School here in this city. The description is given of just the time he spends trying to maintain basic order, getting kids to go to the classroom, keeping children from marauding the halls, terrorizing other kids and teachers. There are descriptions of one teacher who attempted to get some kids to leave the halls and go to their classes, getting beaten up brutally—a teacher beaten up. Children are trapped; good children, wanting to learn, are terrorized in this school system.

Let me read a quote from the Washington Post from another story last fall about an emergency education summit Mayor Barry held at Dunbar Senior High School on October 8, 1995.

> It was a group of student leaders who came to dominate the summit's main session—students describing life in the public schools in the District as a world in which they constantly go without—without books, without caring teachers and principals, without the training they need to succeed in life. "Today the mayor has asked us here because there is a crisis in our public schools," said Devon Williams, 15, a sophomore at Banneker Senior High School. He adds, "When school first started in September, it dawned on me that many public schools did not have teachers. I did not have a global history teacher for 2 weeks. If I don't have a book, if I don't have a teacher, what can I learn?"

Here is a quote from another Washington Post editorial back on June 28 of last year:

> According to the Washington Teacher Union's nonscientific sampling of D.C. teachers, 45.2 percent of the teachers who responded said they had been victims of acts of violence. Almost 30 percent said threats of violence had kept them or their coworkers home from work. "Serious disciplinary problems are causing teachers to lose 18.5 hours of teaching time per year for each class taught," according to the union president's written testimony. "Disruptive students steal time away from students who come to school to learn," Ms. Bullock of the Washington Teacher's Union testified.

Mr. President, if this level of fear and violence applies to teachers, we really have to wonder and ask what life is like for the students in the schools who are there to learn. In some schools it must take a great deal of courage just to show up to class every day, much less to stand out by excelling academically. It has been an American tradition that one of the great strengths of our country has been that, with an education, you can work your way up out of poverty. But now, more than ever, there seems to be a vicious cycle in operation that has resulted in a concentration of poor kids trapped in inadequate, unsafe inner-city schools, without hope and without opportunity.

Families who have money around our country, who are faced with sending their kids to schools, such as the one I have described, would do just one thing: They would walk. They would use that money to exercise a choice and remove those kids to better schools. The sad reality is that families without money cannot do any of those things. Families that have the money have the ability to exercise a choice. Poor families are at the mercy of failing schools. I, for one, cannot, in good conscience, accept the continuation of that reality. I cannot accept what it means in terms of deepening the cycle of poverty and hopelessness for the children of our poorest areas of America.

I know that some of the opponents of this kind of scholarship or voucher program are concerned that it will harm public education by allowing the best students—the so-called advantaged students—to escape from public schools. Mr. President, in the case of this proposal, that is just dead wrong. These scholarships will be distributed according to a system worked out along with the D.C. City Council. In a broader sense, it misses the whole point of what the program is intended to do. We are trying to recognize that schools in some parts of the country—in this case, the District of Columbia—are not working for our kids. They are not performing their basic mission of educating our children. And so we have to give some of the kids an opportunity to seek a better way, until we have the ability to reform and improve the public schools. And maybe from the lessons we learn at these nonpublic schools, our public schools will learn how to make themselves better.

Opponents say we should work to improve the public schools. Of course we should. Senator COATS and I and Congressman GUNDERSON agree with that. We should devote more time and energy and resources to improving public schools everywhere. And that has been where most of our money and effort has gone. That is where most of it goes in this bill. In the meantime, the fact is that poor children, who are average, above average, and below average—it does not matter—will all have a shot at these scholarships in the District. They all deserve an equal opportunity at the American dream. Right now, trapped in these unsafe schools with inadequate resources, with teachers afraid to teach, they are not getting that opportunity.

Others oppose the program because it would allow the use of tuition scholarships at religious schools. This is an old argument. I happen to believe—according to what I take to be the prevailing Supreme Court decision of Meuller versus Allen in 1983—that this program is absolutely constitutional.

But what is the great fear? Does somebody fear that by giving a poor child a scholarship to go to a religious school, we are establishing a religion in this country? That is ridiculous. We are giving that child an opportunity to go to a school that his or her family wants him to go to, and that one of the reasons they want them to go there is that, in addition to a safe surrounding and a good education, they are also going to get some values. Maybe that is something we have to learn, as well, from this experiment.

The Rand Corp. did an important and revealing study in 1990. It showed that the performance of African-American and Hispanic-American children at Catholic parochial schools was much better than that of a comparable group in public schools—not skimming, similar kids, similar backgrounds. It also showed that the gap in performance that exists between the minorities and other children dropped significantly in the parochial school system.

The study identified several factors in the success of the parochial schools they examined. Teachers in the schools are able to provide students with more personal attention. Those schools had a more rigorous academic curriculum. They do not teach down to the students. They tell them that they can reach up. They set higher standards for all the kids and, in fact, one of the results is that the kids get either to those standards, over them, or close to them. It was less of a stifling bureaucratic presence.

I must say that I have always felt that every time I visited a religious-based school, another key to the success of these schools is their sense of mission, sense of purpose and dedication to values that the teachers and the schools bring to the classroom and to their children. Maybe it is hard to measure that, but we see it.

Let me report briefly to my colleagues on a visit that Senator COATS and I were able to take to a school in the Anacostia area, Dupont Park School, affiliated with the Seventh-day Adventist Church. It is a very impressive place. The principal is a devoted woman. We asked her about the educational administrative bureaucracy there—she is it. There is no top-heavy bureaucracy. She directs the school and takes care of all of it.

The kids, the demeanor, the commitment, the attitude of the children was very impressive to Senator COATS and me. Their test scores are exceptionally high. Mr. President, 97 percent of the kids at that school—and they come from a wide range of groups within the neighborhood; some of them from poverty families—97 percent of the kids test above national average.

We went into the classrooms. The first graders were talking Korean to one another. The school choir sang a song from Africa in the African dialect. Computers—second, third, fourth grade kids working on computers, studying global history, working with advanced math.

The school's annual tuition, well below the $3,000 threshold of the program of the scholarship program in this bill. We were in one of the classrooms and we asked, "Do you like going to this school?" Everybody said yes. We said, "Why do you like going to this school?" A whole bunch raised their hands, and we called on one young man and he said, "I like going to this school because our teachers love us." This was a third or fourth grader. I thought maybe he would say it is an old building but it is very nicely kept. I thought maybe he would talk about the computers or the excitement of learning about world cultures. I am not saying there are not a lot of teachers in the public schools who love their students, but he has a sense of worth because he has received that message from the school. In another class we said, "Why do you think your parents sent you here?" One girl raised her hand and she said, "My parents sent me here because my mom told me that here none of the students would be carrying guns or knives." That is the truth.

As I indicated earlier, it seems to me there is something special to be learned from the schools. We ought not to cower from them in fear. We have nothing to fear from them. We have a lot to learn from them and their sense of purpose and dedication, and perhaps in the public schools we can build on some of that as well.

The bottom line is this: Poor kids deserve the same access, the safe, secure, loving, encouraging environment as kids who have more money. That is what this scholarship program will test and offer to a small group of children in the District of Columbia school system.

I thank the Senator from Vermont for his generous gift of time to me.

Mr. JEFFORDS. I yield myself such time as I may consume. I want to take a moment to straighten out the Davis-Bacon problem so that Members will not, I think, be concerned about something that was inadvertently done in the bill, and I am not sure is even there at all. The basic law upon which all contracts are considered with respect to the Davis-Bacon and the District of Columbia, and that is the Davis-Bacon law says every contract in excess of $2,000 to which the United States or the District of Columbia is a party for construction, alteration, and or repair, et cetera, is included under Davis-Bacon.

Now, some of you may remember that Congressman CASS BALLENGER on the House side has this dream, and I hope it comes true, that thousands if not millions of dollars will come in from private business and corporations to assist in altering and helping schools.

There is a provision with respect to the head of the GSA that says that in the event that he provides technical assistance to these private firms, that if that technical assistance exceeds $2,000 that should not trigger Davis-Bacon for those kinds of donated services.

That is the intention. Some say it can be generalized. I do not see how. Because of that concern, we will take care of that when it comes to the final bill. I just want to let everybody know that really there is no Davis-Bacon argument in here.

I yield 10 minutes to the Senator from Indiana.

Mr. COATS. Mr. President, I want to tag on, I do not know if I can add to what was so articulately presented by my colleague, Senator LIEBERMAN, from Connecticut, about the many reasons why we ought to go forward and support this demonstration effort to determine whether or not it is a valid idea to allow students and their parents to make a choice, or at least to have a choice, to attend a private school in lieu of the public school education they are receiving.

Senator LIEBERMAN and I obviously feel that it is. We have been trying to promote the idea of school choice for several years here in the U.S. Senate, albeit, unsuccessfully. The evidence is rolling in at a very rapid rate that at least in certain sectors of our country the public school system is badly failing our children. Now, many Americans can opt out of that. They can opt out of that because they have the financial wherewithal to select a different school for their child if they feel that child is not receiving a legitimate education or an education that will allow them, in many cases, to escape the poverty that they find themselves in. Probably most, if not all, of the Senators in this body had that choice.

I think that it is important to stress what we are attempting to do here. We want to allow a test of the concept of making assistance available to families and to students who do not have the financial means to make a choice as to where their children will be educated. Many low-income families find themselves trapped in a failed education system or in a school that is not providing education to them in a sufficient way to allow them to escape some of the desperate situations that they live in. We find parents that are pleading for the opportunity to have the choice that most of the rest of us in this Chamber enjoy.

This is an extraordinarily modest attempt, far less than what I would propose. Maybe it is the only thing that is achievable, but an extraordinarily modest attempt to give a few students and their families, in some of the poorest areas of this city, an opportunity to opt out of a failed system and into a school that they think can provide a better education and a better atmosphere for their children.

I ask my colleagues, if you have any doubts about the value of such an opportunity, go and visit the school that Senator LIEBERMAN and I visited a couple of weeks ago. This school is located in one of the poorest sections of this city, and the vast majority of its students, over 90 percent, are African-Americans, many of whom are from low-income families. Their parents have made extraordinary sacrifices to pay the tuition, which is modest for the education they are receiving, so the children can go there. It is one of the most remarkable examples of the differences that exist today between private schools and public schools in many areas.

I do not want to say all public schools are bad because they are not. I happen to send my children to public schools. That is a choice we have. If I were living in an area where the public schools were not, in my opinion, providing the learning experiences, providing the education, providing the atmosphere, the safety, that I felt was appropriate, I had the choice, the financial wherewithal to send them somewhere else. However, many low-income parents do not have that choice. They are condemned to the school in their neighborhood, the school to which they are assigned.

Mr. WELLSTONE. Will the Senator yield?

Mr. COATS. I will be happy to yield at the end. If I had unlimited time I would be happy to yield to the Senator because I know of his experience in this issue and I respect that.

There is a school in Indianapolis that exists in the near east side, one of the poorest neighborhoods of Indianapolis. It is a private parochial school. A wealthy individual in Indianapolis who was frustrated over the inability of low-income students to have the same choices as other students put $3 million of his own money into a fund that would pay for half of the scholarships at this school. The school, incidentally, charges a per pupil tuition which is one-third the per pupil expenditure in the public schools. This gentleman decided to pay half the tuition for low-income families living in the inner-city neighborhood of the school to ensure that those families would have a choice as to where their children would be educated. The demand for these scholarships was so overwhelming that the school could not begin to accommodate the numbers of students interested.

This parochial school had the kind of streamlined bureaucracy that Senator LIEBERMAN referred to earlier in discussing private schools. This school has one principal and I think one administrator who handled the book work and so forth. But the remarkable difference between this school and public schools concerned the experience of the students—the extent of their education, their achievements, their respect for the institution, and the involvement of many of the teachers, many of whom were making a great financial sacrifice to teach as part of a commitment and a mission that they felt—it was dramatic difference.

So, really what is at issue here today is whether or not the U.S. Senate is going to continue to insist that the educational choice available to middle and upper income families not be allowed for essentially minority, low-income students. And whether or not we have an obligation to at least test the concept to see whether or not the benefits that we propose are in fact benefits that do inure to these students.

If opponents of this proposal are correct, that this program will undermine the public schools and not be successful at better educating some low-income students, then we will know, will we not? If we allow the District to experiment with school choice, as other communities are beginning to do, we will be able to evaluate objective results. The measures that Senator LIEBERMAN and I have offered over the years have provided a very stringent accountability and testing of the demonstration program so that this Congress is given a set of data with which to make an objective determination of whether it works or does not work.

I am not sure that it takes some fancy studies to figure out that there are problems in our public school system today, particularly in many inner-city areas, and that there are parents who are desperate for educational options for their children because they believe that the current system condemns them to a lifetime of inadequate educational preparation. Many families are worried that they are condemned to a lifetime of living in the conditions they are living in because educationally they will not have the tools to allow them to achieve a better standard of living for themselves and for their children. So this bill represents an extraordinarily modest attempt to experiment with the concept of school choice. I hope that this is something that my colleagues would take the time to examine to determine whether or not we should pursue this type of education reform.

I come from an area of Indiana—Fort Wayne, IN—that has successfully, for generations, operated parallel school systems. We have a vigorous public school system which we are proud of, we have a vigorous private Protestant system—it is a Lutheran school system—and we have a vigorous parochial, Catholic school system, all operating side by side. I contend, and I think the statistics prove, that all three of those systems are healthy and are vibrant and are successful because the competition among the three has caused all of them to try to do a better job. I do not know of anything in America, that provides better quality at a better price as a result of a monopoly, but I have thousands of examples of better quality products at a lower price because of competition. So many of our success stories have come about by people trying to do a little bit better than the person next door, or trying to do a little better than their competitor.

This bill acknowledges this truth about success and says that it is possible, as a result of competition, to provide better quality education. If any Senators can stand and argue that the public school system does not need some shakeup, some change, I think they have not been examining what is going on in our public schools. All you need to do is ask the parents or ask the students or make a visit.

I know the hold of the organized public school lobby is extraordinarily strong, but I think their arguments are becoming much harder to defend, and I hope we can at least provide this demonstration program. For that reason, I will be supporting the vote on cloture.

I thank my colleague from Connecticut for his articulating the many, many reasons why we should go forward with this.

The PRESIDING OFFICER (Mr. ASHCROFT). The time of the Senator has expired.

The Senator from Washington.

Mrs. MURRAY. Mr. President, I yield 5 minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, the reason the Catholic and the private school in Indiana next to that public school is vibrant and successful is that we are leaving it alone. The duty of the Government toward public education is to support and finance it. The duty of the Government with respect to private education is to leave it alone. That is the fundamental.

When you say the question is, "Is the United States going to insist that the minority student not be given a choice?" That is not the question. The question is whether you and I, as Senators, are going to be able to choose public money for private endeavor. I never heard of such a thing. Is it a valid idea to allow children to attend private schools? That is a valid idea. They do it. I happen to come from public schools. I had a child in Woodrow Wilson public school and one at Cathedral private school. The validity is not a question. This crowd is wound up in pollster politics and new ideas. What nettles this particular Senator is why in the Lord's world we are not financing public education.

Public education is working, generally. There are many examples of where it needs repair, but I can give you many examples of the private schools that are more in need of repair. I wish we had time to debate it. But the point is, having dealt with that debate we had around here for 10 years about tuition tax credits, they are now trying to sneak in a voucher program of financing private education. That is the same crowd that wants to do away with the Department of Education. And when my distinguished colleague from Connecticut says we are not taking any money from the schools—that is true about the effect of this particular provision on District schools. But, overall, you are taking $3 billion from public education and are about to try to give $42 million to the private schools.

I hope we do kill this measure until we take this voucher cancer out. If it worked—I do not think it has any idea of working, but if it worked, you have started a multi-multibillion dollar program. If it worked in the District, come down to Charleston. I have a lot of good private schools down there, too. They will want financing and everything else. If vouchers work for the private schools, why not vouchers for the public schools? That is the one for new ideas—education reform. This is not education reform. Scholarship, progressive—saying it is so does not make it so.

I listen closely to the matter of the language and the persuasion used here. It was James Madison who said:

> But what is government itself the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary.
>
> In framing a government which is to be administered by men over men, the great difficulty lies in this: You must first enable the government to control the governed; and in the next place, oblige it to control itself.

And we are totally out of control.

We are talking about new ideas—anything—but throw money, start programs. We spent, for the last 15 years, $200 billion more than we have taken in. It is not a question of balancing the budget; it is a question of paying for what you get. Social Security is paid for. Medicare is paid for. Education is not paid for. Defense is not paid for.

You do not want to pay the bills around here. You want to, willy-nilly, start off on a multibillion dollar program on an idea that we are against new ideas—come on.

Mr. President, today we vote on whether or not to create a new Federal program to pay for private school tuitions. I hope my colleagues will keep in mind our duty in the area of education. Our duty to the public is to support public schools and our duty to private schools is to leave them alone.

So far, this Congress has abandoned public education. I refer to the Labor, Health and Human Services, and Education appropriations bill, in which the House cuts education by more than $3 billion. The cuts to federally assisted public schools in that bill average over $1,700 per classroom across this country.

For example—and this is not the most extreme case—I have heard recently from a principal in Greenville, SC, at Sans Souci Elementary School. He has been principal at three other public schools that did not receive Federal chapter I money, and now he has taken on Sans Souci.

"Sans Souci" means "without care" in French, but that is not the case with this school. Over 80 percent of his children qualify for free lunch and 60 percent of the parents did not graduate from high school.

Mr. President, one-fifth of the budget at Sans Souci comes from the Federal chapter I program. We hear all the time that the Federal role is small—and it is on the average—but at the needier schools, particularly at the elementary level, the role is often much greater.

Of course, the principal tells me that these funds are absolutely necessary and effective. Last semester he used these funds to hire reading specialists for children who began first grade with no literacy whatsoever. In 4 months, these children were reading 60 words and writing grammatical sentences in three-sentence groups. Furthermore, these funds have lowered average class size in his school and allowed him to boost the advanced training for his teachers. I would add that these are exactly the services this Congress would cut in Washington, D.C. We will lose basic reading and math services for an estimated 3,000 children.

But, while this Congress proposes cutting services for the majority of the children at public schools, the stance toward private education has been the opposite. The Speaker himself held up funding for our Nation's capitol for 4 months to get a new, fully funded Federal program for private schools in the Washington area. Not one Senate conferee of either party supported this House provision. Chairman HATFIELD, Chairman JEFFORDS, Senator CAMPBELL, Senator KOHL, and Senator INOUYE were in opposition. But, through the direct intervention of the Speaker, the House would not budge until the Senate took the whole $42 million 5-year authorization, plus full funding of $5 million for the first year on the D.C. appropriations bill. Thus, while we are supported to cut schools like Sans Souci, in Greenville, SC, we are supposed to initiate funding for St. Albans and Sidwell Friends.

I have admissions information for St. Albans, for those who are interested. The tuition is $13,322 for day students and $18,856 for boarding students, but the deadline has already passed to apply for next fall. The brochure notes that students are admitted "on the basis of entrance tests, academic promise, previous record, and recommendations."

So if your child cannot yet show academic promise—maybe he or she will prove it at public school—keep your $13,000. If your child does not compete well with other children on standardized tests, find another school. If your child has a previous record with spots—maybe due to emotional stress from a divorce or to a learning disability—pay your tuition taxes, but take your child somewhere else. But if your child is uniformly bright, spotless, and promising the school may send a letter of invitation in mid-March.

Mr. President, the duties and privileges of citizenship in this country do not require a letter of invitation. That is why, from Thomas Jefferson, to Horace Mann, to Martin Luther King and Lyndon Johnson, we have developed a system that admits all children. So Sans Souci must let in all children, and St. Albans can pick and choose.

Of course, not all private schools are as expensive as St. Albans. In fact, only 7 of the 51 private schools in Washington, DC have tuitions in the range of vouchers provided by this bill. And six of these seven schools are sectarian, religious schools. Mr. President, we can argue about what the current Supreme Court says about Federal entanglement with religion, but if six of the seven available schools are religious, there is going to be entanglement. Furthermore, there will be Government intervention in the independent schools.

This is not a theoretical prediction—there is a track record. In 1989, the Bush administration published a report on educational choice in Europe—it was a prochoice document, with an enthusiastic introduction by Secretary Lauro Cavasos. But when you get to page 210, in the conclusion, you will find the following:

> Finally, this survey brings confirming evidence to several conflicting positions in the controversies over public funding for nonpublic schools. For those who believe strongly in religious schooling and fear that Government influence will come with public funding, reason exists for their concern. Catholic or Protestant schools in each of the nations studied have increasingly been assimilated to the assumptions and guiding values of public schooling.

Mr. President, that is from the Bush administration. If you value the independence of the religious schools, if you do not want entanglement, the real-world experience with public funding says "watch out."

Similarly, with respect to social division:

> For those who fear that public support for parent choice will result in race and class segregation and unequal opportunities, the survey provides confirming evidence.

That is the studied review from a little more than 6 years ago.

Since that time, we also have a program in Milwaukee, WI. We have two private schools that have just shut down there in the last month—one with the director apparently involved in drugs. He reported that he was teaching voucher children and nonvoucher children, but it turned out that all the children were on taxpayer vouchers. Representative Polly Williams, who wrote the Milwaukee voucher program, is calling for regulation of the private schools. But the program is moving in the other direction. It is expanding, and with less and less oversight or restriction. After 5 years of yearly evaluations showed no educational progress, the legislature has eliminated funding for further evaluation, reportedly due to political pressure. The legislature has eliminated the requirement that schools rely partly on privately paying students instead of only on Government vouchers. And, the courts are holding up the expansion due to the threat of religious entanglement.

Mr. President, this is not the fate we want for public schools. We hear this cry for accountability, accountability, but in Milwaukee we have gone from worrying over student achievement to worrying over whether they will have a school.

And, while these school closings get the most attention, the real story is that attention and support is drawn away from improving the public schools that educate the vast majority of America's children. This Senate should reconsider its proposals to cut public education and to start taxpayer funding of private schools. I urge my colleagues to start getting back on the right track by voting against cloture on this D.C. voucher program.

Mr. President, I ask unanimous consent to have printed in the RECORD an article by Al Shanker, that recently appeared in the New York Times, "Risky Business."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RISKY BUSINESS

(By Albert Shanker, President, American Federation of Teachers)

How can we improve U.S. education? One answer that gets a lot of applause is to introduce some form of private enterprise. Some people call for vouchers—using public money to pay for children to attend private, and largely unregulated, schools. Others tout charter schools, which are set up under state law to be independent of state and local control though they are funded by public money. Either way, supporters say, we would bypass the regulation that is strangling education. And we'd create competition among schools, causing excellent schools to flourish, good, new schools to spring up, and bad schools to close—just the way it happens in the business world.

All this sounds good, but voucher programs are rare and charter school legislation is relatively new. So we haven't had a chance to test these confident assertions against real-life examples of how the market works. Now, though, we are beginning to get some striking evidence about the down side of market schools.

In Los Angeles, a charter school for troubled teenagers was closed last year by the district. According to stores in the *Los Angeles Times*, district funds were used to lease a $39,000 sports car for the principal and pay for his private bodyguard. Expensive furniture was purchased for the administrative floors, and a "secret retreat" was held to the tune of $7,000. The district started investigating the school's finances when an auditor found a discrepancy between the number of students the school was claiming—and receiving payment for—and the number that appeared on the rolls. By the time the school closed, four teachers were left to reach more than 200 students, and there was $1 million worth of unpaid bills. The school had a board of directors, but its members apparently did not pay much attention to how things were going with the students—or how the school district's money was being spent.

In Milwaukee, two schools in its voucher program for low-income students recently shut their doors, and, as I write, two more are in danger of closing. Competition? No, poor financial management, according to stories in the *Milwaukee Journal-Sentinel*. The principal at one of the failed schools was charged with passing $47,000 worth of bad checks. The other school ran out of funds and was reportedly unable to pay its teachers for several weeks. The financial problems in all four schools, three of which were new this year, arose when they enrolled fewer students than they had counted on. An official in the state education department said that administrators of the new voucher schools could have used training in financial procedures and school administration but that legislation governing these schools did not permit his department to offer it.

No one should be surprised. These charter and voucher schools are the educational equivalent of small businesses. Many of them are new, and everybody knows that the failure rate for small businesses over the first several years is very high. (According to the Small Business Administration, 53 percent of small businesses fail within 5 years of starting up, 79 percent by the end of 10 years.) Failure is usually related to what has troubled these schools—financial problems and, often, lack of experience in running a business.

The difference is that when a small business fails, it's the owners who pick up the tab. When a voucher or charter school goes out of business, it is the taxpayers' money that is thrown away. But the chief victims are the students; they are the ones who lose school time that cannot be replaced. John Witte, the evaluator for the Milwaukee voucher project, put it this way when a school closed during the first year of the experiment:

> There are those who would argue that the failure of that school is to be expected in a market system of education. Whether one believes that that expectation outweighs the fact that approximately 150 children essentially lost a year's education is a value issue that we cannot resolve. Whatever one's values are, the price was high for those families involved.

The costs and implications of charter and voucher school failure do not stop here. Where do students go when their school has shut its doors? Must taxpayers also spend money to keep public school spaces for youngsters in voucher and charter schools in case there are school closings? If not, would we put them in classes that might already be filled to overflowing? Or send them to a school with available space, no matter where the school was located? Or should we make them wait in line unit the following year—the way voucher and charter schools would do?

The people who want us to embrace vouchers and charter schools pretend that doing so is as easy as saying "free enterprise." The failures in Los Angeles and Milwaukee remind us that these ventures are risky—and that all the risk falls on people who have no influence over the outcome.

Mr. HOLLINGS. Mr. President, I thank the distinguished Senator from Washington for yielding me the time, and I reserve the remainder of our time.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from Washington.

Mrs. MURRAY. Mr. President, I yield to the Senator from Rhode Island 5 minutes.

Mr. PELL. I thank the Senator from Washington.

Mr. President, I oppose the conference report on the District of Columbia appropriations Bill. I do so, however, with profound respect for Senator JEFFORDS, the chairman of the D.C. Appropriations Subcommittee, and the hard work he has devoted to this legislation. Far more often than not, Senator JEFFORDS and I are on the same side of the issue when it comes to education. Therefore, it is with deep regret that I find myself on the opposite side in this case.

Philosophically, I am drawn to the concept of choice. It is one of the precepts upon which the Pell Grant Program is based. As I see it, however, the problem is not only when but also how we move toward greater choice in education. My difficulty with this provision is that it comes at the wrong time and does it in the wrong way.

With current Federal education funding so much at risk and with Federal education programs suffering such a disproportionate share of cutbacks, I do not believe it is prudent that we move in this direction at this particular time. Given our scarce Federal resources, I am of the mind that they should continue to be directed primarily to the public schools that educate almost 90 percent of our Nation's elementary and secondary school children.

Further, private schools today choose which students they want to educate. They are not required to accept students who are difficult to teach in terms of behavior or educational deficiencies. They operate in a manner that is wholly different from the rules under which the public schools are required to function. In the absence of Federal funding, this may be acceptable. However, if they are to become the beneficiaries of a federally supported scholarship or voucher program as proposed in this legislation, I believe we should expect more of our private schools.

It is unforunate, indeed, that there is no guarantee in this bill that students with disabilities, students with discipline problems students with language deficiencies, or homeless students will have access to private school education. Private schools could continue to choose not to accept them. Thus, these students could well be left in the public schools, and the public schools, in turn, left with even less resources to devote to their education. It is a choice program that leaves public education in the lurch, and I fear it would set a very unfortunate precedent.

At this particularly critical time, I believe it very important that we continue to devote our resources primarily to the public schools charged with the responsibility of eduating all children, regardless of their disadvantage, their deficiencies, or their disability. In that vein, I would urge my colleagues to join me in opposing this conference report.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. How much time remains on both sides?

The PRESIDING OFFICER. There are 15 minutes and 55 seconds on the Senator's side and the opposition has 10 minutes.

Mrs. MURRAY. Mr. President, I yield 5 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair.

Mr. President, I rise as a Senator who, as a teacher for 20 years, spends time about every 2½ or 3 weeks in a school in Minnesota. First my premise. I think education is the foundation of it all. I think it is the key to welfare reform. I think it is the key to reducing poverty. I think it is the key to a stable middle class. I think it is the key to helping us decrease violence in our communities. I think it is the key to successful economic performance of our country, and I think it is the key to a functioning democracy.

The second point I wish to make. I heard my good friend from Indiana—and he is a good friend—talk about the need for shakeup. I think education needs to be shaken up as well, although I wish to start out with one point, and I am not talking about any of my colleagues here. I do not mean this personally. But I am absolutely convinced, having spent a lot of time in our schools, that some of the harshest critics of public education could not last 1 hour in the very classrooms they condemn.

So now my point. You are right; education needs to be shaken up. We need to make sure that, first of all, children at birth have a chance, which means that every woman expecting a child has to have a diet rich in vitamins, minerals, and protein, and we cut nutrition programs, but somehow a voucher plan is going to help. Education needs to be shaken up. That is right. Children need to be ready to learn when they come to elementary school, but you know what. Some of the very folks who are talking about the voucher plan—not all—want to cut the Head Start Program. They do not want to fund adequate child care. We have children 2 and 3 years of age, as I see with my own grandchildren, that every 15 seconds are interested in something new; they are exploring all the unnamed magic of the world, but what we are doing, rather than igniting that spark of learning, we are pouring cold water on that spark of learning. We ought to make a commitment to these children when they are young, but we do not.

That would be shaking up public education. It is hard to teach 38 kids in elementary school. We need to have class sizes much less. But we have not dug into our pockets to make that commitment of resources. When kids go to school and the buildings are dilapidated, the toilets do not work, and the heating does not work, it is hard to believe that as a matter of fact the adults care very much about you, but we have not committed the resources to dealing with this dreary, dilapidated physical infrastructure.

Education needs to be shaken up. There is no question about it. But the problem is the context of this plan. We had a continuing resolution in the Chamber a couple of months ago—we are going to come back to it again—outrageous, a 20-percent cut in title I money for kids with special problems and vocational education and Head Start, and at the same time we are talking about starting on a voucher plan.

I said to my colleagues before, I say it again, if you can marshal the evidence that shows me that we have made a commitment to children in this country, we have made a commitment to doing something positive about the concerns and circumstances of their lives, we have made a commitment to public education, we have made the investment and then that does not work, I would be the first to come to the floor and say let us try something different.

We have not made that commitment at all, in which case this makes absolutely no sense. There is going to be a further reduction of funds, and that means what this gets to be is a zero-sum game. I say this with sadness to my colleague. It is less money for education for mathematics, for history, for English, for language. It is less money for public education for support services for students. It is less money for public education to recruit and train teachers. It is less money for public education to reduce the violence in our schools so that we can move forward to safer schools, in which case this plan is not a step forward. It is a great leap sideways. As a matter of fact, it is a great leap backward.

That is what this is all about. We say to D.C. we will put a rider on your appropriations bill, telling them this is the money and you have to spend it for private vouchers. That is unacceptable. It is unacceptable because—I do not care how many speeches are given in the Senate Chamber—we have not backed up the photo opportunities we all like to have with children. We have not backed up all of our discussion about how the children are the future with an investment in resources for public education so every child will have the same chance to reach his or her potential. We have not done that. So do not talk to me about how a voucher plan is the answer when we have not even made a commitment to the answer.

I yield the floor.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I yield 5 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, the Senator from Virginia wanted 1 minute, and I would be glad to yield to him.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. JEFFORDS. Mr. President, I yield the Senator from Virginia 2 minutes.

Mr. WARNER. Mr. President, I first thank my distinguished colleague from Rhode Island and the manager.

I wish to assure the manager that I am going to support him on the cloture motion, although I feel very strongly about an issue which I will address momentarily. I think it is imperative that the District of Columbia be given its budget. I support the various provisions of this measure.

But, Mr. President, regrettably, certain elements of the government in the city, namely, the D.C. Taxicab Commission, voted on February 6 of this year to terminate a longstanding taxicab reciprocity agreement between the District of Columbia and areas in northern Virginia and in Maryland.

Mr. President, this affects the way we do business here because we, the Congress of the United States, are very dependent on the best means, safest means, most cost-efficient means of transportation for the many people who visit not only Capitol Hill, but come here as tourists and the like. This is an effort by the District of Columbia to disrupt an agreement that essentially has been operating and operating for the benefit of all for 50 years.

Mr. President, I am going to fight unrelentlessly. I would seize this vehicle, if it were possible, this legislative vehicle to make sure we continue the practice that has served this greater metropolitan area for years.

As I said, on February 6, 1996, the D.C. Taxicab Commission voted unanimously to terminate the longstanding taxicab reciprocity agreement between the District of Columbia and Arlington County, Fairfax County, the city of Alexandria, and Montgomery County, MD.

The reciprocity agreement permits taxicabs properly registered in their home county to: Transport persons from their county of origin into the District and discharge passengers; to pick up passengers in the District and take them to their home county in response to a call to a dispatcher at the home county; to transport passengers in response to a prearranged trip, and immediately following the termination of a trip.

The D.C. Taxicab Commission's action will prohibit all taxicabs not licensed in the District from providing taxicab and ground transportation service of any type which physically originates in the District.

Mr. President, ending taxicab reciprocity is highly contradictory of the metropolitan area's long record of cooperation on transportation matters. The unilateral cancelation of reciprocity could well begin a chain of events that could lead to increased fares in every jurisdiction, and it could easily result in District taxicabs being unable to pick up fares throughout the rest of the metropolitan area.

Passengers could find themselves unable to rely upon consistent, dependable service from carriers with whom they have grown accustomed. Instead, they could be passed like batons from carrier to carrier because of artificial and unnecessary barriers. This could have a particularly harsh effect on disabled and elderly citizens who rely on local taxi service to commute to work in the District, as well as contractual agreements by D.C. firms on behalf of their Virginia resident employees.

I understand that the conference report on H.R. 2546 cannot be amended. Indeed, at this point, we do not know if cloture will succeed.

My thoughts are that this is meant to be a strong advisory to the District government and the Taxicab Commission to closely reconsider their decision on revoking reciprocity.

As I understand it, the commission decision must first be transmitted to the District corporation counsel for proposed rulemaking, and that action has not yet happened. There is still time to reconsider a decision which perhaps was made without fully considering what could be a strong negative impact on their own services.

I fear the D.C. Taxicab Commission may have fired a shot, as they say in the Navy, without fully considering potential retaliation. If indeed Virginia taxicabs are prohibited from dropping off and picking up fares within the District, what is to prevent Virginia from prohibiting D.C. taxi service at such major hubs as the Pentagon and National and Dulles Airports.

So, Mr. President, let this be a warning shot across the bow. While this conference report cannot be amended, we will have a continuing resolution in the near future which would be an appropriate vehicle for a funding prohibition on the enforcement of the reciprocity repeal.

I would prefer not to take such action. I do not like to interfere with D.C. home rule. However, we are dealing with an ill-conceived policy which would have a detrimental effect on my constituents and metropolitan transportation services as a whole.

I look forward to meeting with District officials in the near future as well as other Members of the local congressional delegation. Our goal should be the provision of the best transportation services available for each of our municipalities, but working together with a strong sense of cooperation for the common good.

Mr. President, I thank the managers.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, last fall the Senate approved a version of the D.C. appropriations bill with no trouble. We passed it here in the Senate with no difficulty. Later, the House passed its version, but in its version there was the creation of a new Federal spending program to provide private school vouchers to a select group of students. This conference report which we are dealing with today creates the first federally funded private school voucher program in the United States of America.

The Senate conferees, Republicans and the Democrats from the Senate, were united in their opposition to the House private school voucher provision. The House would not yield, and for months an agreement could not be reached. The Senate bill did not include, as I say, anything to do with vouchers. We never had an opportunity to address it. There had been no hearings on this measure in the Senate. But the House has said, take this new Federal spending program with all its flaws or the District of Columbia will not receive its Federal payments.

This appropriations bill, I submit, should not be used to force the Senate to endorse the creation of a new Federal spending program with dubious merit. It is no accident, it seems to me, Mr. President, that this new voucher program has been attached to the D.C. appropriations bill. None of us have a constituency. None of us are responsible to the District of Columbia voters. They cannot punish us or reward us in any fashion. We are unaccountable for our actions.

Under this proposal, the parents do not choose the school that their children will attend. The private schools select the children who are going to attend those schools. This is not a luxury that our public schools have. Our public schools cannot pick and choose among the students. Public schools are committed to providing an education to all our children. They have to accept the child who comes to the school in the middle of the school year, the child who comes with disabilities, the child whose primary language is not English. They have to accept the child with disciplinary problems or the child with the low IQ.

Private schools do not have to accept any of those children and can reject any child who falls into the above categories—does not speak good English, does not have the adequate IQ, and so forth. In short, private schools have the ability to select the smartest, the least difficult students with the fewest challenges to overcome, those students with the greatest family support.

Jonathan Kozol, the Harvard-educated Rhodes scholar who is best known as a teacher, a civil rights worker, and the best-selling author of "Savage Inequalities," and more recently the good "Amazing Grace: The Lives of Children and the Conscience of a Nation," has been an outspoken critic of American education, particularly in our inner cities. Yet when asked about private school choice, this is what he had to say:

> Choice doesn't do anything for poor children. It simply creates a system of triage that will enable the most fortunate to opt out and leave the larger numbers of the poorest and least sophisticated people in schools nobody willingly would choose.

There is a myth that poor schools somehow magically improve to meet the competition. Kozol says:

> Contrary to myths, the poor schools do not magically improve to meet the competition, nor do they self-destruct. They linger on as the depositories for children everybody has fled.

The role of our schools has changed dramatically in the past three decades. Schools have taken on extraordinary new burdens. Today we are seeing youngsters with learning disabilities, youngsters who do not get enough to eat, youngsters born with drug or fetal alcohol problems, youngsters from totally shattered families. As a society, we expect that our schools will take in these children and help make their lives better through education.

I believe it is wrong to provide Federal dollars to private schools to enable them to skim the best students from the public schools and leave the public schools with the greatest challenges to deal with.

It is curious, it seems to me, Mr. President, that under the House appropriations bill, the District of Columbia will lose its $13 million this year, $13 million in title I and so forth programs, yet at the same time this report authorizes $42 million over the next 5 years—$5 million this year alone. So this is $42 million over the next 5 years that, it seems to me, could far better be spent on improving our public schools in the District of Columbia, renovating the shabby buildings, upgrading the facilities, purchasing new books, installing computers and Internet connections, rewarding excellent teachers. All of these things that money could go for.

Mr. President, I would like to conclude by saying that in Milwaukee they have such an experiment. They have had it for 4 years.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CHAFEE. The results of that have not shown an improvement in those students who come from the low-income schools as opposed to those students who remained in the low-income schools.

This proposal permits taxpayer dollars to be used to pay for religious education. Even if this plan was approved by the House and Senate and signed by the President, it would be a long time before poor children in the District received these vouchers because this proposal would go straight to the courts.

On December 14, 1995, I received a letter opposing the voucher proposal from a group of local D.C. religious leaders who believe that providing taxpayer dollars to religious schools would damage their religious autonomy, and they agree that it would violate the first amendment. They argue:

> Public funding will inevitably lead to regulation of religious schools, harmfully entangling the government in religious matters. Currently religious schools are free from government intrusion and may enroll and hire those of their own religion. This independence is important given that the mission of a religious school is to promote its faith in its pupils. The "scholarships" will threaten the schools' ability to operate in a fully sectarian manner.

Mr. President, I ask unanimous consent that the full text of the letter be printed in the RECORD. I also ask unanimous consent that another letter in opposition to the voucher proposal from the Baptist Joint Committee be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CHAFEE. Finally, Mr. President, on the issue of federally funded vouchers for religiously affiliated schools, I would like to quote Mr. GUNDERSON, the author of this proposal. On August 12, 1992, during a speech in the House Chamber in opposition to a voucher amendment by Mr. ARMEY, Representative GUNDERSON said, "Choice which goes beyond public and private schools to include religious schools, I have to tell my colleagues, raises serious constitutional questions."

The underlying assumption of private school voucher plans is that public schools are doing a bad job and private schools are better. The advantage that private schools appear to have over public schools disappears when students of similar backgrounds are compared. Private school achievement measures at a much higher rate than public school achievement because private school students come from much more advantaged backgrounds with higher incomes and parents with higher levels of education.

In a report entitled "Fourth Year Milwaukee Parental Choice Program," researchers found that voucher students in private schools are not doing better in math and reading than low-income students who remained in the public schools. Another study by Bruce Fuller of the Harvard University graduate school of education called "Who Gains, Who Loses From School Choice: A Research Summary" reported that after the third year of the Milwaukee voucher experiment reading scores were essentially no different between choice students and similar low-income Milwaukee public school students.

In 1993, many of those who support forcing this voucher program on the District of Columbia opposed Goals 2000: the Educate America Act because, they argued, it lessened local control over education. Well, Mr. President, if anything lessens local control over education in the District of Columbia, it is this conference report. It has not been asked for by the D.C. school board, but Congress set up a special board and a new program for the District of Columbia.

Supporters of the voucher plan say the District of Columbia should provide choices to parents. They say the District of Columbia should have charter schools. They call for partnerships between city schools and the Smithsonian Institution. The truth is that the District of Columbia has all of these things. The District has public school choice. There is a charter school program at a school not six blocks from the Capitol. Down the street there is a middle school which has entered into a partnership with the Smithsonian. D.C. public schools are the only public schools in the area that provide an all-day kindergarten program, and every high school in the District is a magnet school.

Is there room for improvement? Of course there is, and I suggest that if those who put forth this plan were truly interested in improving the education of D.C. students, they would provide sorely needed additional resources to the public schools here. They would encourage the District of Columbia to look at schools and programs that are succeeding here and try to emulate that success.

I find it extraordinary that the 104th Congress, which is dedicated to local control and cutting spending, is seeking to enter into a brandnew spending program to micromanage a local school system.

I will vote against cloture, and I urge my colleagues to do so.

EXHIBIT 1

GUNDERSON'S "SCHOLARSHIPS" HURT RELIGION

As clergy of the District of Columbia and those committed to the principle of separation of church and state, we strongly oppose the "scholarships" provision, advanced by Congressman Steve Gunderson, in the D.C. Education Reform Proposal. These "scholarships" will funnel public dollars to parochial and other religious schools, thereby damaging their religious autonomy and violating the First Amendment of the U.S. Constitution.

Public funding will inevitably lead to regulation of religious schools, harmfully entangling the government in religious matters. Currently, religious schools are free from government intrusion and may enroll and hire only those of their own religion. This independence is important given that the mission of a religious school is to promote its faith in its pupils. The "scholarships" will threaten the schools' ability to operate in a fully sectarian manner.

Furthermore, under the U.S. Constitution's church-state separation provisions, government may not subsidize sectarian education. If tax dollars are funneled to religious denominations in the form of "scholarships," all citizens will be paying taxes to support religion. This intrinsically breaches our nation's heritage of religious freedom. Therefore, in the debate over the "scholarships," do not omit the principle of religious liberty from consideration.

Sincerely,

REV. CHARLES WORTHY,
Pennsylvania Avenue Baptist Church.
RABBI FRED REINER,
Temple Sinai.
REV. KENNETH BURKE,
E. Washington Heights Baptist.
REV. ELIEZER VALENTIN-CASTANON,
General Board of Church and Society, United Methodist Church.

BAPTIST JOINT COMMITTEE,
Washington, DC, December 13, 1995.

DEAR REPRESENTATIVE/SENATOR: The Baptist Joint Committee serves the below-listed Baptist groups on matters related to religious liberty and the separation of church and state. The Committee has consistently opposed efforts on the part of government to funnel tax dollars to teach religion, whether couched in terms of direct grants, voucher tax credits or "scholarships." Accordingly, we urge you to vote against any attempt to fund parochial schools in the District of Columbia Appropriations Bill.

Such funding mechanisms are unconstitutional. The Supreme Court has struck down virtually every form or direct financial aid to parochial schools at the elementary and secondary levels. Government should not be permitted to do indirectly what it is prohibited from doing directly.

It is also bad public policy. This kind of scheme is unfair, engenders unhealthful governmental regulation of religion, endangers public education, and may exacerbate class divisions—creating welfare for the wealthy, while the needy continue to go wanting.

Finally, it violates core Baptist convictions that authentic religion must be wholly voluntary. Religion should be dependent for its support on the persuasive power of truth that it proclaims and not on the coercive power of the state. Utilizing the things of Caesar to finance the things of God is contrary to true religion. These principles apply full force to religious education.

Thank you for considering our views on this very important legislative initiative.

Yours very truly,

J. BRENT WALKER.

Mr. CHAFEE. Mr. President, I want to thank the manager of the bill.

Mrs. MURRAY. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. The Senator from Washington has 5 minutes. The Senator from Vermont has 8 minutes 21 seconds.

Mrs. MURRAY. I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask my colleagues to join us in assuring that we can go back to the table and pass an appropriate D.C. appropriations bill. There is inappropriate language in this bill on Davis-Bacon, there is inappropriate language in here that puts conditions on a woman's right to choose, and we have heard much over the last hour and a half about the inappropriate language on vouchers that is included in this bill.

There have been many eloquent statements by my colleagues in opposition to the vouchers, but let us stop for a minute and ask, who wins under a voucher system? Do the parents? Do they really get a choice? Not really, Mr. President. The private school administrators will have more of a choice in students that they will be able to select for their private schools, but parents, unless they have the money that they will need, will truly not have a choice. And they will not have a choice if school administrators say "no" to their child.

Will the students win under a voucher system? There is no evidence that students will win. In fact, in Milwaukee, which has had a voucher program for 5 years, test scores of voucher students did not rise. There is no evidence that students do better.

Will the public schools win? Hardly. We have heard many arguments about the money that is currently out there that will be taken from our public school system that will not be used for every child in America to assure that we continue to make sure that every child has the opportunity to get a good education in this country. Public schools will clearly not be a winner.

Will private schools be a winner under a voucher system? Hardly. Private schools will have taxpayer dollars coming into their schools. They will then have to respond to taxpayers as to how they spend their money. They will have oversight and they will have to respond to all of us who pay our taxes for vouchers if they decide to buy equipment or supplies. They will have to be responsive to taxpayers because it will be taxpayers' money that they are using. I hardly think that the private schools will win under this voucher system.

Will the taxpayers win? No, they will not. It is merely moving money around.

If we were to pass a voucher system today, we would have to write a check for every student who is currently in a private school, in terms of a voucher. That will amount to billions of dollars. If we do it in a small district like the District of Columbia, just take a look at the number of students who are currently in private schools. If a voucher system passes, do the students who are currently enrolled in private school get a check or do new students coming in get those checks?

The PRESIDING OFFICER. The Senator's 3 minutes has expired.

Mrs. MURRAY. Mr. President, I yield myself 30 additional seconds.

Under the voucher system, no one wins. I think that we need to step back and pass an appropriate D.C. bill and remove these riders.

I retain the remainder of my time.

Mr. JEFFORDS. I yield myself 6 minutes and 21 seconds.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Thank you, Mr. President. What has happened today is what I had hoped would not happen. It has taken us some 90 days to get here to bring forward a proposition to this body which would keep us out of the national debate over the use of the voucher system. This is not the time or place for that. We have a city which needs help, and we have to give it help.

So what, in my mind, might have started out as a torpedo aimed at the midsection of public education in the District of Columbia or the country, now has turned into a small shot across the bow, and there is even an opportunity to divert all the powder resulting from firing that shot.

That is where we are right now. So let us not make this into a big national issue. Let us wait for that some other day, but let us take care of the District of Columbia school system.

Let me clarify some statements here that are confusing. First of all, there are no D.C. public school funds being used at all. This is a separately appropriated fund.

Also, the District of Columbia sits in an unusual situation, so it is hard for us to do anything as a demonstration project in the District of Columbia without giving it some Federal implications. We have to keep that in mind.

What I wanted to see done, and what we have done in this bill, is to make sure that this is a locally controlled option.

There is a nonprofit corporation set up to receive the funds. There will be two different types of vouchers that will be allowed, or scholarships, if you want to call them that. One is for remedial help and one is for tuition scholarships. So we do not know how much is going to be spent on each. There is only $5 million, and there could be private funds to help even more.

Also, the private board that is set up will be awarding each scholarship, and under the mandate of this bill, they must ensure, to the best they can, that there is a diversity of academic achievement levels represented among the students that receive the scholarships. So the scholarship board will have control over that.

The other issue that was brought up is about the ability to discriminate. The schools cannot discriminate and, again, the board is required to make sure that does not happen. The bill specifically requires that the civil rights laws be carried out and that they will make sure, with respect to the handicapped, that section 504 of the Rehabilitation Act is not violated.

Finally, I believe, and believe strongly, that when the final analysis is made, there will be vouchers, but the pressures will not be for the tuition vouchers—hopefully, there will be private funds to satisfy that demand—but there will be so much need for vouchers for remedial help for these kids. We have some 20,000 young people in this city who are in need of remedial help.

My belief is there will be such a strong demand on the District Council to see that after-school vouchers are distributed to those in need, and, hopefully, there will be private funds for tuition scholarships so that almost all of the Federal funds will be used for remedial help.

Let us not make this into something it is not. It is not an attempt to try and establish a mandated Federal program. This is a local option for the city. I have no problem with sending a message to the public school system that they better get going or else they may see a larger program.

It has been 90 days. We have gone through option after option. We have had two agreements that fell apart, and we finally reached this one, which no one who is familiar with it is happy with, which is probably a pretty good solution. The scholarship program is not as far as some would like to go toward trying to establish a voucher system, and it is too far, obviously, some say, because it is a nose under the tent.

So I urge my colleagues to take a look at this. Do not get swallowed up in trying to make this into an argument about a national mandate. Let us take care of the kids in Washington, DC. Let us worry about the school system here and the wonderful things that this bill will help us do to make sure we can change this city's educational system from one which is an embarrassment to one which we can be proud of again, proud as we were in the past. That is my goal, and I am sure the goal of all here.

Let us not scuttle this bill, because if we do not pass it, then we have to start all over again in the process of trying to see what we can come up with as a compromise.

I urge my colleagues to vote for cloture, and let us go on and take care of the city, which is in desperate need of funds right now. They are about ready to go bankrupt. I cannot see us taking another 30, 60, or 90 days trying to find an answer. Let us accept this one for what it is, not for what you fear it may be or for what you may want it to be.

Mrs. MURRAY. How much time remains?

The PRESIDING OFFICER. The Chair informs the Senator from Washington that 1 minute, 43 seconds remains on her side, and the Senator from Vermont controls 3 minutes.

Mr. DODD. Mr. President, I rise today in strong opposition to the private school voucher plan included in the conference report on the D.C. appropriations bill.

At a time when our public education system is suffering under the weight of draconian cuts in Federal education programs, diverting precious resources to private and parochial schools is the wrong message to send to our Nation's children.

This year alone, the Congress has already cut $3.1 billion from education programs—the largest cut in education funding in American history. This is money that would help children learn new skills, raise test scores, provide money for college education, and prevent violence and drug use in our schools.

We should not be taking scarce Federal funds away from public school students. Instead we should take this opportunity to reaffirm our commitment to reforming our public education system, which educates 88 percent of American students. But, this bill would tell our public schools and the vast majority of our Nation's children: "We can't improve our public schools, so let's not even try." Well, I reject that argument.

Our universal public education system is one of the very cornerstones of our Nation, our democracy, and our culture. And this voucher proposal would fundamentally undermine this ideal by spending Federal taxpayer dollars for students to attend private and religious schools that are unaccountable to the public.

Instituting a voucher system in Washington, DC, would also seriously harm most of Washington's low- to moderate-income families, who depend on public schools for their children's education.

Supporters claim that these vouchers will allow D.C. schoolchildren to attend better schools. But the fact of the matter is, the vast majority of children in Washington, particularly those who are the poorest and who need the most help, will remain in public schools.

For thousands of students and their parents, Federal resources that are desperately needed to repair D.C.'s ailing schools, provide counselors to deal with the many social problems that face Washington's young people, and equip teachers with the tools they need to educate their students will be diverted to the few who are lucky to attend private and parochial schools.

Supporters claim that this voucher proposal will give parents a choice on where their children go to school. But, in fact, these vouchers will not fully open the doors to private education, because private and parochial schools will be under no obligation to accept all applicants.

Private schools will pick and choose the best students; and the ones with the lowest test scores, the ones with learning disabilities and discipline problems, and the ones for whom a $1,500 to $3,000 voucher will not begin to pay the, on average, $10,000 tuition for private schools in the District will be the ones left behind.

In addition, these proposals raise serious constitutional questions about using Federal money to pay tuition at religious schools. No Federal or State court has ever upheld the use of vouchers for parochial schools, and I seriously doubt that this bill will be any different.

Supporters claim that if this proposal passes, Washington DC, would serve as an important testing ground for the voucher program. But why test a program that doesn't work and that the American people don't want? Considering the fact that Federal resources are already strained, we shouldn't be using the District of Columbia appropriations bill to waste taxpayer money on bad ideas.

Washington, DC, residents, like those in California, Colorado, and Oregon have voted down vouchers in various ballot initiatives. Electoral rejection of these programs may be due in large part to the fact that private school vouchers don't live up to their advanced billing. In Milwaukee, where the voucher program has been in place for 5 years, test scores of students, who utilized vouchers, failed to improve.

I understand the importance and relevance of private and parochial education. I am a product of St. Thomas the Apostle, a Jesuit boys school. And, I am very proud that my parents made the decision to send me there. But, I am also aware that when making that decision they weren't expecting to be subsidized by the Federal Government. They understood the importance of our public education system and that the Federal Government should do all it can to support our public schools.

I have long believed that education should be made our No. 1 priority in Congress. A strong education is critical to forming productive, thoughtful, and tolerant citizens.

I have fought to reform our public schools in the past, and I will continue to do so in the future. However, I strongly believe that sending taxpayer dollars to private and parochial institutions will drain already meager Federal resources and undermine serious educational reform efforts.

I hope my colleagues will join me in opposing private school vouchers and work to support a bill that provides real school improvement for the District of Columbia's schools.

Mrs. MURRAY. Mr. President, I yield 1 minute to the Senator from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I thank the Senator from Washington for yielding to me.

Mr. President, I rise to register my opposition to the school voucher provision included in the pending measure. The conference report to the fiscal year 1996 D.C. appropriations bill contains language that would establish a scholarship program for low-income students to attend private and religious schools or attend after-school programs in religious, private, or public institutions.

As a former teacher and public school principal, my chief concern is that this measure would, for the first time, permit Federal tax dollars to be used to subsidize private or religious education. This provision represents the proverbial camel's nose under the tent of public funding, which could lead to the diversion of additional Federal moneys toward private instruction. Worse, it would encourage States and localities to follow the Federal example, with disastrous consequences for public education.

There are no quick fixes for what ails our system of learning. It takes time, energy, and resources to construct and maintain school buildings, to develop appropriate curricula, to hire and train effective teachers, to encourage parental involvement, to make our schools safe from crime. And it takes time, energy, and resources to ensure that our schools provide our children with the skills and knowledge necessary to respond to the economic, scientific, and technological challenges that will confront them upon graduation. Nevertheless, speaking from my background as an educator, I know that given adequate attention and resources, public schools can and do work.

I have no quarrel with private or religious schools. In many cases, they provide a quality education for thousands of young people; in fact, we have many fine private institutions of our own in Hawaii. But private schools are by nature highly selective. They may choose their students on virtually any basis one could care to name, including income, race, ethnicity, gender, religion, aptitude, behavior, even physical or emotional disability. This exclusiveness guarantees that only a small fraction of school-age children will be able to matriculate in private schools; as a consequence, the vast majority of children will continue to be served by public schools.

Knowing this, is it our place to take away precious funds from the many who attend public schools in order to assist the few who attend private schools? Is this an appropriate, fair, or wise use of tax dollars? How many public schoolteachers could we hire for $42 million, the amount that this program will cost over the next 5 years? How many textbooks could we give to inner-city children? How many school lunches could we offer undernourished kids? How many personal computers could we purchase for classrooms? Most importantly, what would be the long-term cost of this provision to public instruction, if this provision opens the door to additional raids on the Federal Treasury in the name of school choice?

Mr. President, vouchers are the snake oil in the pharmacology of American education, a quick fix for an imagined ailment. They expose a lack of will and imagination in addressing the real education challenges facing our Nation, challenges which millions of teachers, students, and parents could overcome in public schools around the country, if only they had the support we and other policymakers could give them. I urge my colleagues to reject this approach, and instead work hard to improve what we already have, a democratic system of public education that is funded by all citizens for the benefit of all Americans.

I urge my colleagues to vote against the motion to invoke cloture on this measure.

Mr. KOHL. Mr. President, I would like to ask the Senator from Vermont about a provision in the conference report that concerns me. That is section 2353(c), which requires that $1.5 million of funds available to the board of education be used to develop new management and data systems. I am informed that the amount required to be used for such purpose exceeds the amount of the board's budget, which, as I understand it, would effectively shut down the District's board of education. Although minority conferees were not permitted to participate in the drafting of much of the conference agreement, I can only speculate that this was not the intent of the majority conferees. I would therefore ask the manager to explain this apparent discrepancy?

Mr. JEFFORDS. Mr. President, the Senator from Wisconsin has raised a problem that came to my attention only after the conference had concluded, and in fact after the House of Representatives had acted on the conference report.

When this provision was agreed to, and it was included in the draft of the education title of the bill that was shared with conferees and others on December 14, 1995, the budget for the board of education was more than $1.8 million. However, I am now informed that at the end of December 1995 the board proposed reductions in its own budget and that the council reduced the budget and staffing of the board of education that will be recommended to the control board and then to the Congress. I did not know of these actions until February 1, 1996, the day after the House adopted.

It is not this Senator's intention to shut down the board of education. It is my intention, and I believe of the other conferees, that the board ensure that the management and financial information systems of the public school system be modernized and upgraded so that the implementation of the reforms we propose can be monitored, both by the board and by others.

If we do not have accurate and timely information we will not be able to achieve the results the kids need.

Mr. President, I would suggest to the Senator that since this will become a part of the statute, that I will seek a legislative remedy at our earliest opportunity. Alternatively, I would suggest to city officials that, since it is not our intent that the board cease operation, a reprogramming from other sources could be effected so that the operations of the board can continue. Such reprogramming should be at levels approved by the council and control authority.

I hope that this explanation clarifies that our conferees are intent on this matter.

Mr. KOHL. I thank the Senator and yield the floor.

Mr. DOMENICI. Mr. President, I rise in support of the conference agreement accompanying H.R. 2546, the fiscal year 1996 District of Columbia appropriations bill.

The conference agreement provides Federal payments to the District of Columbia totaling $727 million. The bill provides $660 million for the Federal payment, $52.1 million as the Federal contribution to certain retirement funds, and just under $15 million for a Federal contribution to a new education initiative.

The bill is at the subcommittee's revised 602(b) allocation for both budget authority and outlays.

I commend the distinguished subcommittee chairman and ranking member for their diligent work on this bill over these many months.

I urge my colleagues to support the conference agreement.

Mr. President, I ask unanimous consent that a table displaying the budget committee scoring of the final bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

D.C. SUBCOMMITTEE, SPENDING TOTALS—CONFERENCE REPORT

[Fiscal year 1996, dollars in millions]

Category	Budget authority	Outlays
Nondefense discretionary:		
Outlays from prior-year BA and other actions completed		
H.R. 2546, conference report	$727	$727
Scorekeeping adjustment		
Adjusted bill total	727	727
Senate Subcommittee 602(b) allocation:		
Nondefense discretionary	727	727
Adjusted bill total compared to Senate Subcommittee 602(b) allocation:		
Nondefense discretionary		

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

Ms. MOSELEY-BRAUN. Mr. President, given the District of Columbia's financial problems, it is unconscionable that 5 months into the fiscal year, Congress has yet to approve a D.C. appropriations bill. It is equally unconscionable that months after an agreement was reached on the amount of money Congress would appropriate for the District, when the Senate is at long last scheduled to vote on the D.C. appropriations bill, that the bill contains controversial and seriously flawed public policy riders.

The bill contains provisions that tie the hands of the D.C. government with regard to abortion services, and that trample the rights of workers. This bill also creates a federally funded, private-school voucher program. This bill takes $5 million away from the D.C. public schools this year and gives it to private schools.

Mr. President, this bill is an abrogation of our responsibility as public officials to support public education. It is public education that has, throughout history, made it possible for generations of Americans to blur class and wealth divisions. It is public education that has given women and minorities voices in our democracy, and it is public education that has created a strong middle class. It is on the foundation of quality public education that rests the hopes and opportunities embodied in the American Dream.

The Washington Post has recently published articles describing textbook shortages, unsanitary bathrooms, and other problems with the D.C. public schools.

The legislation before us today should address these problems. Congress should work to improve the quality of public education in this country and in the District. Instead, this bill calls on the Federal Government to walk away from public education.

The House-passed Labor-HHS-Education appropriations bill cuts Federal support for public education by more than $3 billion—the biggest cut in history. Under that bill, the District loses $8.5 million. Under the bill before us today, the D.C. public school system loses another $5 million this year, and $42 million over 5 years.

There are 80,000 students enrolled in the D.C. public schools. Fifty-seven percent of them are classified as "low-income." This bill buys tuition vouchers for 1,666 of these low-income students. This bill buys vouchers for 3.6 percent of low-income D.C. students—or 2 percent of the total number of students attending D.C. public schools.

What about the other 98 percent?

Mr. President, public schools receive Federal funds based on attendance. Under this bill, every child that accepts a tuition voucher, leaves the public school system, and attends a private school, drains funds out of the public school system. This bill essentially pays private schools to take money away from public schools.

In addition, for every 100 students, D.C. schools get a resource teacher—like a reading or science specialist. Every child that leaves the public school system depletes the base of students that makes these specialists available.

Under this bill, schools will have less resources for the 98 percent of children who will remain in the public schools; there will be fewer teachers; and the public school children will have less of a chance of receiving a quality education.

Mr. President, I hope that the day will come when every one of our public schools is among the best in the world, and when we are therefore in a position to debate the merits of whether or not we should give Federal dollars to private schools.

But we are not in that position. And Congress cannot take a position of siphoning funds out of public schools.

If the authors of this bill would like to bring the issue of school vouchers before Congress, then I challenge them to do so. It is wrong to tack these unacceptable measures onto this spending bill.

It is our responsibility to help the D.C. public schools educate our children, just as it is our responsibility to help the D.C. government deliver basic services to its residents. Regretfully, this bill backs away from the children, and as such, I am left with no choice but to vote against it.

Mr. CAMPBELL. Mr. President, I rise today to talk about the District of Columbia appropriations conference report for fiscal year 1996. I would like to recognize my colleague, Senator JEFFORDS, for all of his efforts to move this bill along. Under his chairmanship, Senator JEFFORDS has been given the task of managing the delicate balancing act between fiscal restraint and social responsibility, and as a result, he has been subject to pressure from all sides. As a member of the Appropriations Subcommittee on the District of Columbia, it has been difficult for me personally to keep the process moving and support what I believe is right in this legislation, in spite of what I think is fundamentally wrong with this legislation. That is why I supported the conference report when it was reported out of the appropriations subcommittee. In an effort to keep the process moving forward I will support the motion to invoke cloture, however my concern with several provisions that remain in this conference report will cause me to vote against final adoption of the conference report, even though it contains much needed funds for the District of Columbia.

Mr. President, the conferees on the D.C. subcommittee worked diligently to craft a conference report that provided adequate funding for the District of Columbia. Notably, the funding issues were never a point of contention, rather there were several legislative provisions that have been the focal point of all of our discussions.

First, the bill places clear restrictions on a women's right to choose. The final language in this bill specifically makes an exception for the life of the mother, and in cases of rape or incest, but I feel that even this language is too restrictive and dictates who can receive an abortion and when. This is a role I do not believe the Government should be playing.

Second, and most importantly, I have had difficulty with the school voucher provision of this bill. While this conference report includes a compromise on the initial voucher proposal, it still provides $5 million for the implementation of a voucher program. I have always been concerned that there may not be adequate accountability from private and parochial schools that they are, in fact, providing the best education for low income students.

Vouchers are often looked at as a cure-all for the ills of public education. While I think it is unreasonable to claim that public education is failing our children, I do believe that our schools need reform. We need to infuse our public educational system with creative and innovative new ways to approach the rapidly changing demands of our society. Our public schools need to be empowered, not ignored, and I believe that vouchers would do just that: ignore the problems by providing an out—a choice to abandon the public schools.

Our Nation must have a strong public education system, that provides opportunities for both excellence and equality. To that end, I urge my colleagues to join me in an effort to think of new ways the Federal Government can better serve the States and the school districts to combat the modern challenges of public education. It is only by directly addressing the problems, through which solutions can be found.

In closing Mr. President, it was clear that the two Chambers came to the table with very divergent views on how to develop this conference report. The conference report before us represents many compromises that were made in order to move this bill forward. However, these compromises represent a conference report that I cannot support.

Mr. BYRD. Mr. President, I commend the distinguished majority, Mr. JEFFORDS, and minority, Mr. KOHL, managers of the conference agreement on the Fiscal Year 1996 District of Columbia Appropriations Bill. I know, from 7 years of personal experience as Chairman of the District of Columbia Appropriations Subcommittee, how much effort is required and how much frustration is involved in dealing with the problems encountered in formulating this legislation. It is a thankless job.

This conference agreement includes a limitation of $4.994 billion, which is $154,347,000 below the District's August 8, 1995, budget request. The reductions contemplated are to be allocated by city officials with the approval of the District of Columbia Financial Responsibility and Management Assistance Authority, also referred to as the Control Board, which was established last year.

The Senate conferees have worked hard to bring a conference agreement to the floor which should significantly improve the education programs of the District, including a provision, which I authored, designed to improve discipline in the schools. I understand that the House conferees were adamant, in insisting on the inclusion of a controversial education voucher provision, in order to break an impasse. Despite this, the conference agreement includes a number of other education initiatives, which is a tribute to the hard work of the Chairman of the Subcommittee, Mr. JEFFORDS, who has spent so much time over the past year in an effort to draft legislation which would reinvigorate the D.C. public school system. I commend him and encourage him in those efforts, and especially those relating to increased discipline in the schools.

I want to commend the staff of the Subcommittee. Tim Leeth on the majority and Terry Sauvain on the minority are two experienced Committee staffers. Mr. Leeth has worked for both the majority and minority and represents a proud tradition of non-partisanship on the Senate Appropriations Committee staff. Mr. Sauvain's first assignment on the Senate Appropriations Committee staff was to this bill in the early 1970's. He has held a number of important assignments since then, and for the last 7 years has served as my Deputy Staff Director of the Appropriations Committee, a position which he currently fills in addition to his work for the Subcommittee.

Finally, I want to commend someone who has assisted the House and Senate District of Columbia Appropriations Subcommittees for the past 35 years. Mrs. Mary Porter, an employee of the District of Columbia government, has been assigned on detail to the Appropriations Committees for at least a part of each of the past 35 years. Mrs. Porter is one of those quiet and competent civil servants who works behind the scenes. Her faithful and dedicated service is to be commended.

Again, I thank the managers for their hard work in bringing this conference agreement to the floor.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, in the last few seconds remaining on this side, let me just say the Senator from Vermont has done an admirable job of trying to get the D.C. appropriations bill through, and I commend him. But I do think, despite the fact that this bill needs to pass, that with the unnecessary riders and messages and political motivations, now is not the correct way to do it.

If we defeat cloture today, we can go back and do what the Senate did before and pass a D.C. appropriations bill that is acceptable to all Members of the Senate.

I yield the remainder of my time.

Mr. JEFFORDS. I yield the remainder of my time to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, again, I thank my friend from Vermont. I associate myself with everything the Senator from Vermont has said, including particularly the sense of despair, even outrage, that we may defeat continued funding for the District of Columbia which desperately needs it because of opposition to a very small part of this proposal that calls for scholarships for kids in the D.C. school system.

I want to suggest in closing that those who oppose the scholarship program are opposing a false choice. This is not an either/or. It is not if you are for the scholarship program, you are against the public schools. Obviously, we are all for the public schools. I am a proud graduate of the public school system. I have supported just about every funding proposal for public schools that has come here and opposed those that have proposed cuts for the public schools.

The fact is that billions and billions of dollars of taxpayers' money are spent every year in our public school systems. There is almost nothing to give the kind of choice we are talking about testing in the District system.

So what is the big deal? The choice to me is this: Is our responsibility to protect a system, which is to say the public schools, right or wrong—and we know they are failing millions of our kids today, doing a great job with millions of others—or is it to better educate our children?

This is not just a question of money. If it were, the District school system would be in better shape than it is, than I described in the sentences I uttered earlier on. The District of Columbia public school system spends more per student than any other State, than any of the 40 largest school systems in America, and still it has the problems it has.

My friend from Washington asked, "Who wins in the scholarship program?" I will tell you who. It is 11,000 students in the District of Columbia—mostly poor kids, by definition—who, by this measure, will have the opportunity to have a choice to do what families with money do when their kids are in schools where they cannot have an opportunity to learn.

Think about it from the point of view not of the school system or of the teachers, but of the parents of these kids. Maybe a single mother working hard to bring up a child can give that child values, hope, and a future, and this scholarship system is that hope.

Are we going to frustrate those 11,000 kids and stop funding for the District of Columbia? Good God, I hope not. I am going to support cloture.

RECESS

The PRESIDING OFFICER. The hour of 12:30 having arrived, the Senate will stand in recess until 2:15 p.m.

Thereupon, the Senate, at 12:32 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COATS).

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1996—CONFERENCE REPORT

The Senate continued with consideration of the bill.

CLOTURE MOTION

The PRESIDING OFFICER. The clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the conference report to accompany H.R. 2546, the D.C. appropriations bill.

Bob Dole, James M. Jeffords, Richard G. Lugar, Conrad Burns, Strom Thurmond, Slade Gorton, Chuck Grassley, R.F. Bennett, Kit Bond, Nancy Kassebaum, Mark Hatfield, Arlen Specter, Mitch McConnell, Ted Stevens, Connie Mack, and Pete V. Domenici.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate be brought to a close? The yeas and nays are ordered under rule XXII.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Indiana [Mr. LUGAR] is necessarily absent.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] is necessarily absent.

The yeas and nays resulted—yeas 54, nays 44, as follows:

[Rollcall Vote No. 20 Leg.]

YEAS—54

Abraham
Ashcroft
Bennett
Bond
Breaux
Brown
Burns
Byrd
Campbell
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Inhofe
Jeffords
Johnston
Kassebaum
Kempthorne
Kyl
Lieberman
Lott
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—44

Akaka
Baucus
Biden
Bingaman
Boxer
Bryan
Bumpers
Chafee
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Specter
Wellstone
Wyden

NOT VOTING—2

Bradley
Lugar

The PRESIDING OFFICER. On this vote, the yeas are 54, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion to invoke cloture is not agreed to.

The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JEFFORDS. Mr. President, may we have order, please.

The PRESIDING OFFICER. The Senate will be in order.

Mr. JEFFORDS. Mr. President, I understand the will of the Senate. The Senate has spoken. They did not desire to pass the bill in its present form. I want to make all of my colleagues aware of the serious situation that we are facing with respect to our Capital City, a city for which we have taken responsibility.

As I mentioned earlier to my colleagues, we have been for some 90 days or more trying to reach a resolution of this problem. We have two areas of different concerns. One is the fiscal health of the city. That is in a precarious position right now. I want to make sure all of my colleagues are aware of that. If we do not pass an appropriations bill for the city of Washington in the next few days, they will be essentially bankrupt. That bankruptcy will be on our heads because we have not passed the appropriations bill, which was scheduled to be passed by October 1 of last year. I want to assure my colleagues that I am going to take every legislative opportunity to make sure that the city receives the remaining $254 million in Federal funds that were contained in the conference agreement as soon as it is possible.

At the same time, I also believe that it is imperative that we maintain as much of the school reform that is contained in this conference report as we can. I will be immediately reaching out to the House Members to see what we can agree to and also be talking, probably more importantly, to the other side of the aisle here who have seen that it was important to them to prevent the passage of this bill at this time in the form that it is in. I want to make sure that we do what we can to help the kids here in Washington.

By encouraging individual assessments in the other matters in this bill, which I will go through again briefly, we provide a way of helping both students and teachers make sure that no child falls through the cracks. We have a responsibility to see that that happens. We have thousands of young people in this city, because of the problems we have with the school system, that are in danger of either dropping out or graduating—if they do graduate—in a situation where they will not be ready to enter the work force. We must do all we can to make sure that we take care of these kids.

We should also insist upon the independent charter schools as a way of providing competition, which certainly a majority of this body believes is necessary, for the public schools and to give them an incentive to change. This approach provides the chance to improve the education of all D.C. students.

The requirement of a long-term plan and the Consensus Commission to ensure its implementation would, for the first time, bring rational criteria to the District's educational policy and goals. The criteria will give the community a measure for the success of these and other initiatives.

Greater coordination and cooperation between business and educators is essential as provided for in our conference agreement. We will bring forth more technology with resources to the public school classrooms. This is imperative if we are to prepare our students for competition in the workplace for the next century.

Mr. President, I will discuss with the distinguished chairman of the Appropriations Committee our next move, but I want to, again, ensure you I will do everything I can to make sure we pass it in a timely manner and we do provide what is necessary to make sure that the young people of this city have every opportunity—and we have accepted that responsibility—to be able to enter life with an education that they deserve and they need. Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. I say to the distinguished Senator from Vermont that we might file cloture again today and have another cloture vote on Thursday to indicate we are serious and we would like to get the bill passed. So we will discuss that.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I just wanted to respond very briefly to the comments of the Senator from Vermont. I think all of us who followed the conference closely understood that it was the sense really of not only Democrats but also Republicans in that conference that it would be extremely unwise to add these three conditions onto the appropriations conference report. It was ultimately, after a number of weeks of discussion and meetings, the insistence of the House that they move ahead and add those various provisions which have been effectively rejected here this afternoon.

I think it has been very clearly stated that if this legislation was free from those three additional kinds of riders that really are not directly germane to the appropriations bill, that the legislation and the funding would go ahead on a voice vote.

So I am hopeful that we will be able to address a clean bill. After what I think is a very decisive vote in the Senate, it ought to be a very clear message about what the impediments are toward reaching a final, positive conclusion. If it is the desire of the leadership in the House and the Senate to really respond to the very critical needs of the District, which have been outlined in great detail by the Senator from Vermont, we would take the opportunity to remove those various provisions and see this appropriations bill move ahead.

Clearly, if that is not the case, we will have a responsibility—and I will join with the Senator from Vermont; I know I speak with Senator KOHL, Senator MURRAY, and others who spoke and voted against the cloture motion—to make sure that we move this appropriation along with the other unfinished business and the other appropriations as well.

That is our commitment, and it has always been our commitment, in expressing our reservations about the policy decisions. It remains our commitment.

We look forward to working with the chairman of the committee, the Senator from Vermont, in ways that can be helpful to him and, most important, be helpful to the citizens of the District of Columbia.

CUBA POLICY

Mr. DOLE. Mr. President, the entire world is now aware of Fidel Castro's attack on unarmed American civilian aircraft in international airspace. The U.S. Coast Guard has now called off its search for survivors. Four American citizens have been murdered by Fidel Castro's fighter jets. Brothers to the Rescue is a Florida-based humanitarian group which flies the straits of Florida searching for the desperate product of Fidel Castro's Communist system: refugees in makeshift boats seeking to escape repression. For these efforts, four Americans gave their lives. It is time to honor their memory with real action against Fidel Castro's tyranny.

The apologists for Fidel Castro have already come up with excuses—Brothers to the Rescue had penetrated Cuban airspace in the past, Cuban flight control personnel gave warnings, and on and on. It now appears that Castro even has a planted double agent who will perform a theater of absurd for the world.

But these diversions cannot obscure the basic reality. The reality is there can be no excuse for this act of aggression. The reality is that Castro's crimes now include an illegal international air assault against American citizens. The reality is that the time is long overdue for serious action against Castro's Cuba. It should not take the murder of four American citizens for the Clinton administration to understand that warming up to Fidel Castro is wrong.

The Clinton administration has been strong in its rhetoric. Yesterday, President Clinton said, the shoot down was a "flagrant violation of international laws * * * and the United States will not tolerate it." But the strong words were not, unfortunately, followed with strong action.

Yes, President Clinton is taking a case to the United Nations to seek international sanctions. I hope the Clinton administration has the same success that the Reagan administration had in 1983 in building an international coalition against the brutal Soviet attack on Korean Airlines flight 007—under the able leadership of U.N. Ambassador Jeane Kirkpatrick. The Clinton administration has had no success to date in internationalizing the embargo on Cuba. The Clinton administration has spent little time and effort in such efforts, focusing instead on isolating and invading Haiti—the poorest country in the hemisphere.

Yes, President Clinton suspended charter flights to Cuba. But for months, the Clinton administration has looked the other way as the travel ban to Cuba has been regularly violated.

Yes, President Clinton has said there will be further restrictions on Cuban officials in the United States. But these officials are already supposed to be under strict control. And the Clinton administration allowed Fidel Castro to enter the United States last year—to the great satisfaction of the liberal elite who wined and dined the hemisphere's last dictator in New York.

Yes, President Clinton said he wanted to work with Congress to "promptly reach agreement" on legislation to enhance the embargo on Cuba. But the Clinton administration led the charge against such legislation for more than a year—for more than a year—orchestrating a Senate filibuster and issuing veto threats.

I hope the President might now join us. There will be a conference tomorrow morning on the Dole-Helms-Burton bill. We certainly appreciate the President's support.

The Congress is waiting for the Clinton administration to follow through on President Clinton's promise.

Yes, President Clinton said he would support more funding for Radio Marti to break Castro's information stranglehold on the Cuban people. But he was silent about TV Marti, and the Clinton administration has dragged its feet in making the technical improvements to TV Marti which would allow it to be seen by more Cubans.

President Clinton did not even restore the status quo to include sanctions which he eased last year. On October 6, 1995, President Clinton announced a series of steps easing the embargo on Castro's Cuba. At the time, I said the Clinton administration gave Castro a propaganda victory and may have prolonged the Castro dictatorship.

There are many unilateral steps President Clinton could have and should have taken yesterday: Announcing serious enforcement of the travel ban, opening a Treasury Department office in Miami, denying visas for Cuban Government and party officials, and increased Federal Bureau of Investigation actions against Cuban agents in the United States.

But the most important step was not taken—an unequivocal endorsement of the Helms-Dole-Burton Cuban Liberty and Democratic Solidarity Act. This legislation was passed by the Senate on October 19, 1995, by a vote of 74 to 24 and passed by the House 294 to 130 on September 21, 1995. The conference committee will meet tomorrow morning to reconcile differences between the two versions, and I expect Senate action before the end of the week.

The Libertad bill strengthens the embargo on Cuba, offers real incentives for democratic change and takes real action to deter foreign investment in Cuba. The conference legislation will enable American citizens to use American courts to pursue claims against those who use confiscated property in Cuba. The conference legislation will also deny visas to officials who confiscate American property. Finally, the conference report will codify the existing embargo on Cuba, conditioning the end of the embargo on democratic change in Cuba. I also expect the conference report to include a strong condemnation of Castro's terror in the skies.

I know the conferees are receptive to one proposal by President Clinton—authorizing the use of frozen Cuban assets to compensate the families of the latest victims of Castro's regime. That is a good idea. In fact, the conference may look at other uses for the frozen assets—financing Radio and TV Marti, for example, or supporting the democratic opposition in Cuba.

As I indicated earlier, we stand ready to hear from the Clinton administration on the Libertad legislation. I hope President Clinton will finally endorse the tough sanctions that Castro really fears. Then the administration's actions will match their rhetoric.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANTORUM). Without objection, it is so ordered.

SOLICITING STAFF FOR RESEARCH DISCUSSION

Mr. McCAIN. Mr. President, I want to take a minute of the Senate's time to comment on a recent solicitation made to one of my staff members.

I was very concerned to find out that a market research company is calling congressional staffers and offering them $150 to participate in a research discussion on the subject of spectrum allocation. My staff was told that for spending 2 hours discussing this subject, the individual would either be paid $150 or could direct the money to be given to the charity of his or her choosing. The meeting, which my staff has declined to attend, is currently scheduled for tomorrow.

Mr. President, I have asked the Ethics Committee to comment on this discussion group offer. They informed my staff that being paid to attend such an event is not allowed.

Based on the Ethics Committee decision, I hope no Senate staff from any office will attend this meeting. What is so disconcerting about this offer is the idea that staff would be paid by an outside source to discuss an issue that will soon be before this body.

As most Members of the Senate know, the broadcast industry has been running full-page ads on the subject and is expected to soon launch a multimillion-dollar media campaign to defeat any effort to mandate spectrum auctions. I support broadcast spectrum auctions and will continue to do that. Others oppose my efforts, and that is their right. In the public forum of the Senate, we will decide what is the right thing to do. As we debate this, we should be careful to live up to the letter and spirit of the gift ban.

I do not know who hired the research company and what games are being orchestrated, but this technique is an insult to the Senate. I hope we will not see this type of lobbying or information gathering again.

I ask unanimous consent that a fax from Shugoll Research Corp. be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SHUGOLL RESEARCH,
Bethesda, MD, February 26, 1996.

To: Grant Seiffert
Office: Senator McCain
From: Mrs. Day

We are inviting Capitol Hill staffers to attend a research discussion on behalf of KRC Research & Consulting, a national opinion research organization.

This study focuses on the spectrum allocation debate.

The purpose of this group discussion is purely information-gathering. All comments will be anonymous.

The group will consist of about eight other Hill staffers and a professional moderator who will lead the informal discussion.

The group is being held on Wednesday, February 28th.

Please call us ASAP so we can reserve a space for you.

Our number is (301) 215-7248.

Mr. McCAIN. In summary, I repeat that I am surprised that a company would offer staffers what would amount to $75 an hour for discussion of an issue that is going to be before this body. I hope we do not see a repetition of this kind of activity.

I intend to try to find out who hired the Shugoll Research organization to do this, and I intend to publicize that organization because I think it is an unethical act and one that is far beneath certainly the members of the staff of this body.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PEOPLE'S MESSAGE

Mrs. BOXER. Mr. President, being back in my home State of California is always a marvelous reality check for me. What an honor it is to represent the largest State in the Union, the most diversified State in the Union. We have in that State a tremendous farm community. We have in that State the Silicon Valley. We have more students, we have more seniors, we have more families, we have more working women. We have more of everything—the pluses and the minuses of America: the wealthy, the middle, the poor; the beautiful ocean, the need to preserve that resource, tourism.

Mr. President, what a reality check I got. I went home, I went to schools, from the little kindergarten to graduate schools, to the hospitals, to the chambers of commerce, downtown to the cities, to the suburbs, to meeting with community groups of all kinds, every race, color, and creed, to our beautiful Pacific Ocean, to our facilities in need of earthquake repair, to our farmlands, to our courts, to our young, to our old, to those in between. That is why it is so good to go home and stay in touch.

I hear one message from everyone. This cuts across party lines, it cuts across all lines. That is, "Congress, get on with your work. Take care of this country. Do not play any more games with Government shutdown. Stop being radical. Be reasonable. Meet each other halfway, move forward, do not play games with defaulting. Get on with your work."

It was an amen chorus for me. I agree with that. I told my California citizens, regardless of whether they are Democrats, Republicans, or independents, fighting the battles of the past is not what we ought to be doing. That is what we are doing around here; either fighting the battles of the past—and I will explain what I mean—or we are battling over Whitewater, when people want us to take care of business.

What do I mean when I say we tend to battle over past arguments? It was during the 1950's that a Republican President named Dwight David Eisenhower said there was an important role for the Federal Government to play in education. He wrote the National Defense Education Act. What it said is that we better make sure that our students are prepared in science, in research. At that time, the Soviet Union was getting ahead, pulling ahead in these arenas. This Republican President said to the Congress that there is a role for the Federal Government to play. It is important for our defense that we have an educated work force, that our young people are skilled.

So we decided in the 1950's that there is, in fact, a place for the Federal Government in education. Does that mean controlling what goes on in the classroom? Of course not. What it means is coming in as a partner where there is a critical need. An example of this today certainly would be continuing Head Start, the title I program, and putting more computers in the schools. These are some areas.

In the 1950's, this role was determined. What is happening now, we have radical elements in the Congress who want to do away with the Department of Education. We would be the only leading power not to have a Department of Education, a place in a national government where this is the focus.

We have people in this body who believe in cutting aid to education, and, in fact, in the last continuing resolution that we passed, if you annualized those cuts, they would be $3 billion plus. I have to say, as I went around to the schools, they are very upset about this, from the young ones to those in universities. There we are, fighting the battles of the 1950's on education.

Then what happened in the 1960's? In the 1960's, we decided as a nation to start Medicare. It was very controversial at first. The doctors opposed it and said it would be socialized medicine. What is Medicare? It is insurance for our elderly. It took our elderly and gave them health insurance. Now our system is the envy of the world as it relates to seniors—99 percent of our seniors have health insurance. Why are we opening up that battle now in the 1990's? You cannot take $270 billion out of Medicare and expect it to survive. You cannot get a way out for people to say, "I don't need it. I will set up a medical savings account, drop out of Medicare," and the wealthiest and healthiest will be gone and the system will go under. But we are battling the fight over Medicare.

In the 1970's, under a Republican President, Richard Nixon, we set up the Environmental Protection Agency because the country believed it was important to stand up and protect our heritage. The Environmental Protection Agency—this crowd running this Congress wants to cut enforcement by over a third; some even two-thirds. So we are now battling the fight over whether or not there should be a national role in environmental protection.

Now, in the 1980's, we had a big debate over nursing home standards. There were stories that came into the Congress—and I was on the House side—horror stories of abuse of senior citizens; frail elderly tragically being abused in nursing homes, whether it was scalded in hot tubs or sexually abused and mistreated. We decided to set up national nursing home standards, and finally those are being implemented. This crowd in this Congress does not think there ought to be Federal nursing home standards.

In the 1990's, we all came together behind the concept of community policing, that crime was a problem, and we thought it was a good idea—and criminologists joined us, and police joined us—to put the police in the neighborhoods, in the communities, let them be a role model for the kids and reflect the communities. Crime will go down. We are beginning to see it work. There is a move to repeal the crime bill that has the money for community policing, that banned assault weapons.

What I have done, just looking back to my lifetime that I can remember, is go through the 1950's, 1960's, 1970's, 1980's, 1990's, show you education, Medicare, the environment, community policing, the EPA, and show you how this Republican Congress is bogged down in the battles of the past. We do not have to refight these battles, my friends. What we need to do is meet each other halfway when we disagree on budget issues and move forward.

Now, here is another area that is being brought up for a new battle. It is a painful issue. It is a difficult issue. And it is yet another that is dragging us back to the future and stopping us from getting ready for the next century—that my people in California want us to get ready for.

In 1973 the Supreme Court decided Roe versus Wade. It basically said a woman has a right to choose, it falls into the privacy provisions of the Constitution, and in the beginning of her pregnancy it is her right and her choice. Roe versus Wade goes on to say that later on in the pregnancy the State has an interest and can legislate. Why are we reopening that issue? Day in and day out, it is holding up bills on this floor. Why not let Roe versus Wade be the law of the land and move on? We are never going to agree on every detail. But get the Government out of this and let the American people, in the privacy of their own homes and their own communities and their own churches and their own families, decide this difficult issue. But, no, we bring it up here, day after day, and it stops us from moving forward what we really need to do here, which is to agree on how to balance this budget, how to do it in a fair way, and get ready for the next century.

Now we have a major Presidential candidate vowing to make abortion illegal—illegal—in cases of rape. In the 1980's, I wrote an amendment on the House side that passed. It was a close vote. It was the Boxer amendment, and it said that States in fact would pay for abortions of women in poverty who were the victims of rape or incest. I mean, if we cannot agree on anything else, can we not agree as human beings, men and women together, reasonable people with a conscience, that we should not force a woman to bear the child of a rapist? How radical are we going to get?

I remember the Willie Horton ads that were used against a Democratic candidate for President. Are these candidates saying force a woman to have that rapist's child? Is that where we are heading? And why are we bringing this up, day after day? It is even an issue on the D.C. bill that we just refused to end debate on. That is one of the reasons. We have work to do. Why are we reopening these tough battles of the past when we should, in fact, move on and do our work? We can have the most successful America ever because we are the greatest country in the world. We have the most productive workers in the world. If we can stop these battles of the past.

I also think, if we could hold off on tax cuts to the wealthiest among us, the fight over balancing the budget would be easy. We would have much less to disagree about. Why can we not agree that people who earn over $200,000, who do fine, thank you very much, can wait until the budget is actually in balance and then we will look at tax cuts for the very wealthiest? You hear so much today about the average worker falling behind, and this crowd wants to give huge tax breaks to the richest. They cannot even wait until the budget is balanced. Set that aside. Then let us take our spending issues, meet each other halfway, and move on.

Let us address the issues of worker insecurity. President Clinton and Secretary Robert Reich have been speaking about worker insecurity for years. I remember the President telling workers in California, several years ago, that many of them will have as many as seven or eight jobs in a lifetime, and why it is so crucial for them to have the very best education, so they would get the very best jobs and have a chance at the very best worker retraining and be able to get health insurance that is portable, meaning they can take it with them from job to job, and make sure the companies cannot raid their pensions, that they can have portable pensions as well.

Senator KENNEDY has talked about solid financial incentives to those who keep good jobs in this Nation. In other words, companies that keep the jobs here, give them incentives. We should move on that now. President Clinton has said let us give a break to families to help them educate their children. We have the ability. Senator DOLE has recently, on the campaign trail, talked about the average worker falling behind. We have the elements of being able to put together a package here that can make life better for our people if we stop battling the battles of the past, wasting our time on a political witch hunt in Whitewater, and get on with our work. We have trade agreements that need to be enforced. Exports are crucial. And, as President Clinton once told me, America needs new customers. That is what we need. But we have to be very strong. We have to stand up to whatever nation would put barriers in the way of our exports.

We are the most creative in the workplace, from farm exports to semiconductors to entertainment to pharmaceuticals—even cars. We are beginning to see our car exports go up. All of our exports are growing. To put a barrier around our country would be the wrong thing to do. It is acting like a frightened person. We have nothing to be afraid of with our country sporting the best and most productive work force in the world and all the business that we need to really move out.

I agree with our President that in between unfettered free trade and isolationism there is fair trade, which our country must aggressively pursue. I am the ranking member on a committee that Senator BOND chairs on international finance. We know how important it is, how crucial it is that we stand behind our trade agreements. We have problems going on in China, where they are pirating our CD's and our laser discs. This is a problem. The way to resolve it is to enforce that agreement. Enforce that agreement, not decide we are going to give up on exporting to China where, by the way, the Chinese buy 5 billion movie tickets a year compared to 1.2 billion a year in America.

So we have much to do. I get very excited about coming back to work when I have come back from my State because the people are telling me what they need from us and I know we can do it. I am so disappointed we are now moving into this Whitewater matter instead of some things we ought to have on our plate. We ought to agree, close down that Whitewater investigation. Give it a reasonable amount of time, take it out of the realm of politics, and let the special counsel do his work. There is no limit on him. He can go on as long as he wants. He has 100 agents on the case and 30 lawyers. The fact of the matter is we are just duplicating the work of the special counsel because somebody over there thinks they are going to bring the President down with something embarrassing or hurt the First Lady.

The country is disgusted with it. I am not saying everybody, but I think the vast majority of people when asked say it has turned into a political witch hunt. We should be better than that. We have so much to do. We have to get computers into the classrooms and into the homes of America. I am working on a bill, a bipartisan effort to get that done.

We should increase the minimum wage that is at a 40-year low, if we want to do something to help working people stop falling behind. And people who think it is just teenagers who hold those jobs, I want to correct the record. People support their families on the minimum wage. That is the fact. And they cannot live at this minimum wage.

Yesterday, it may have been the day before, in California, construction workers rallied in the streets of Los Angeles by the thousands. Our Governor in California has decided to refigure the way construction workers are paid. They are supposed to be paid prevailing wages on State contracts. That means the average of the wages in the area. He wishes to mess with that formula, if you will. He has directed a committee to change that formula so that construction workers get 20 percent less pay.

Is that what we ought to be doing at a time when we are all growing to the realization that workers are stagnating? We should be supporting prevailing wage laws. One of the reasons many of us voted against this D.C. bill is not only because it attacks a woman's right to choose, but it would in fact walk away from prevailing wages, and it would say to the city of the District of Columbia forget it; just pay whatever the going will bear. And that will thrust people into poverty.

Let us reach across party lines and work for the American people. They deserve it, and they expect it from us. So I think instead of us coming together on the next thing on our agenda, fighting over Whitewater, we should be sitting here debating how we can make sure that as we go into the next century we have the most educated kids, the strongest families, the lowest amount of crime that we can bring to our communities, the best environmental protection, and cleaning up Superfund sites.

I visited a site, Mr. President, San Bernardino, CA, that got caught in this continuing resolution because the funds were frozen. If we do not move soon on that Superfund site, the drinking water of 600,000 San Bernardino residents is going to be poisoned. It is called the Newmark Superfund site.

We should stop playing games here. Now, I heard that there is some progress, that in fact the appropriations committee leaders on both sides of the aisle got together and they are working to resolve these matters. But my message today is let us reach across those party lines and get our work done. The people who drink out of the water in San Bernardino, they are of every political party. This is not about politics. This is about doing our job.

So we need to pass a balanced budget, to meet each other halfway and get it done. Put off the tax cut to the wealthiest, and we can get it done.

We need a clean debt ceiling so we make sure that the greatest country in the world does not default on its debt.

We need a trade strategy, an economic strategy to lift our people up. We are hearing now across party lines that this is something we should be doing. Let us not let this moment pass. We can do it. You and I have worked on some things in the farm bill where we crossed over our divisions on a number of issues, joining together. What we did is going to make life better for family farmers. I think we can do that.

Transportation and infrastructure is required to move goods through our Nation. I went down to the San Diego border. There is tremendous trade as a result of NAFTA. Now, I was not a NAFTA fan, and I have a lot of problems with NAFTA. But I vowed, even though I did not support it because of the wage disparity and environmental problems and labor standards I did not like, that I was going to make it work. We know there are ways to make it work. We need an infrastructure bill so that we can stand behind trade and make it work, because to get the goods into our country or shipping them out, they have to be able to move.

A lot of our local governments want loan guarantees from us. They will raise the money. Loan guarantees can make it work without putting taxpayers unduly at risk.

So, in any event, Mr. President, I wanted to use this opportunity to kind of give to the Senate and for the RECORD my state of mind at this point as I come back from a very in-depth visit to my home State, to give a reality check for all of us.

To sum it up very succinctly, the people want us to meet each other halfway on our differences and move forward, because a lot of people in today's economy are not moving forward. They are standing still.

If we have the will, we can turn it around. I think there is enough sentiment in this body across party lines that I have heard from the majority leader, the Democratic leader, and others in this body, from Senator KENNEDY to Senator JEFFORDS to others, that we can reach out to make life better for our people. Instead of taking up these issues that divide us, that are political, that everyone knows have political motivation, let us start working for the people we represent.

I thank the Chair very much. I yield the floor.

The PRESIDING OFFICER. The gallery will refrain from making comment on Members' speeches.

Mr. FRIST addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. I ask unanimous consent to speak for what time is necessary as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. FRIST and Mr. HARKIN pertaining to the introduction of S. 1578 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. FRIST. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMPSON). Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST—WHITEWATER EXTENSION

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now turn to a resolution extending the Special Committee To Investigate Whitewater Development Corporation, which I now send to the desk, and it be considered under the following time agreement: One amendment in order to be offered by Senator D'AMATO, limited to 2 hours, to be equally divided in the usual form, and that no amendment be in order to the D'Amato amendment; further, I ask that following debate on the D'Amato amendment, the amendment be laid aside and the Democratic leader or his designee be recognized to offer an amendment, under the same restraints as the D'Amato amendment, and following the debate the Senate proceed to vote first on the D'Amato amendment, to be followed immediately by a vote on the Daschle or his designee amendment, and that following those votes, the resolution be advanced to third reading and passage occur immediately without further action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. SARBANES. Mr. President, reserving the right to object, and I shall object in just a moment, I just want to point out that the Democratic leader has made a proposal with respect to continuing the Whitewater inquiry for a limited period of time. We think at a minimum, as a courtesy, that proposal needs to be responded to and addressed.

Second, we have no idea what the D'Amato amendment is that is contained in this proposal.

Third, this provides for moving to immediate passage without an opportunity for sufficient debate, in our view, to explore all of the implications.

Therefore, for all of these reasons, but particularly because of the proposal put forward by the Democratic leader earlier this afternoon, I object.

The PRESIDING OFFICER. The objection is heard.

Mr. LOTT. Mr. President, I note that under the consent that was sought, the distinguished Democratic leader or his designee would be recognized to offer an amendment, and I am sure under this arrangement he would have done so and we would have had a way to have both points of view considered.

However, I understand the objection, and I know there will continue to be discussion between the leaders on how this matter can be addressed. That would be considered further.

In light of that objection just heard, I make the same request for the legislation to be the pending business on Wednesday, February 29, at 10:30 a.m. under the same restraints as the previous concept agreement.

The PRESIDING OFFICER. Is there objection?

Mr. SARBANES. Mr. President, for the same reasons already advanced to the previous request, I object.

The PRESIDING OFFICER. The objection is heard.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1996—CONFERENCE REPORT

The Senate continued with consideration of the bill.

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the conference report to accompany H.R. 2546, the D.C. appropriations bill.

Bob Dole, Jim Jeffords, Trent Lott, Rick Santorum, Alfonse D'Amato, Dan Coats, Mark Hatfield, Bill Frist, John McCain, Larry Pressler, Kay Bailey Hutchison, Olympia Snowe, Alan Simpson, Conrad Burns, Spencer Abraham, Orrin G. Hatch.

Mr. LOTT. Mr. President, this cloture vote will occur on Thursday, February 29, at a time to be determined by the two leaders. This is obviously very important legislation. It is important that we come to an agreement on the District of Columbia appropriations conference report. I do not understand why it is being held up at this point because I felt like the distinguished chairman of the subcommittee, the Senator from Vermont, Senator Jeffords, had worked out a very reasonable compromise of how to deal with the vouchers and scholarships, using a lot of latitude with the District of Columbia, the school board, and I think he came up with a very logical solution. I know the city is anxious to get its appropriations completed.

We will have this vote on Thursday, February 29, at a time we will announce later.

MEASURES REFERRED

The following bill, previously received from the House of Representatives for the concurrence of the Senate, was read the first and second times by unanimous consent and referred as indicated:

H.R. 1787. An act to amend the Federal Food, Drug, and Cosmetic Act to repeal the saccharin notice requirement; to the Committee on Labor and Human Resources.

The following concurrent resolution, previously received from the House of Representatives for the concurrence of the Senate, was read and referred as indicated:

H. Con. Res. 141. Concurrent resolution providing for the adjournment of the two Houses; to the Committee on Appropriations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1875. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the OMB Sequestration Update Report for fiscal 1996; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, Committee on the Budget, Committee on Agriculture, Nutrition and Forestry, Committee on Armed Services, Committee on Banking, Housing and Urban Affairs, Committee on Commerce, Science and Transportation, Committee on Energy and Natural Resources, Committee on Environment and Public Works, Committee on Finance, Committee on Foreign Relations, Committee on Governmental Affairs, Committee on the Judiciary, Committee on Labor and Human Resources, Committee on Rules and Administration, Committee on Small Business, Committee on Veterans' Affairs, Committee on Indian Affairs, and the Committee on Intelligence.

EC–1876. A communication from the General Sales Manager of the Department of Agriculture, transmitting, pursuant to law, a report relative to the availability of agricultural commodities and quantities for fiscal year 1996; to the Committee on Agriculture, Nutrition and Forestry.

EC–1877. A communication from the Director of the Office of Management and Budget, the Executive Office of the President, transmitting, pursuant to law, the report on appropriations legislation within five days of enactment; to the Committee on the Budget.

EC–1878. A communication from the Director of Defense Research and Engineering, transmitting, pursuant to law, the report on the Office of Technology Transition for fiscal year 1996; to the Committee on Armed Services.

EC–1879. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, the annual report for fiscal year 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC–1880. A communication from the President and Chief Executive Officer of the Corporation for Public Broadcasting, transmitting, pursuant to law, the report entitled, "A Community of Common Interests: Public Broadcasting and the Needs of Minority and Diverse Audiences and Public Broadcasting's Service to Minorities and Other Groups"; to the Committee on Commerce, Science, and Transportation.

EC–1881. A communication from the Deputy Associate Director for Compliance, Royalty Management Program, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC–1882. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the report on the nondisclosure safeguards information for the quarter beginning October 1 through December 31, 1995; to the Committee on Environment and Public Works.

EC–1883. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC–1884. A communication from the Assistant Attorney General (Legislative Affairs), transmitting, a draft of proposed legislation to amend the Federal Debt Collection Procedures Act of 1990; to the Committee on the Judiciary.

EC–1885. A communication from the Assistant Attorney General (Legislative Affairs), transmitting, a draft of proposed legislation entitled, "Enhanced Prosecution of Dangerous Juvenile Offenders Act of 1995"; to the Committee on the Judiciary.

EC–1886. A communication from the Attorney General of the United States, transmitting, pursuant to law, the report entitled, "National Strategy to Coordinate Gang Investigations"; to the Committee on the Judiciary.

EC–1887. A communication from the Chairman of the Federal Mine Safety and Health Review Commission, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–1888. A communication from the Chief Administrative Officer of the Postal Rate Commission, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–1889. A communication from the Secretary of Housing and Urban Development's Designee to the Federal Housing Finance Board, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–1890. A communication from the Executive Director of the Non Commissioned Officers Association, transmitting, pursuant to law, the report on internal controls and financial management systems in effect during fiscal years 1994 and 1993; to the Committee on the Judiciary.

EC–1891. A communication from the Executive Director of the Retired Enlisted Association, transmitting, pursuant to law, the report on internal controls and financial management systems in effect during fiscal year 1994; to the Committee on the Judiciary.

EC–1892. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the preliminary report entitled, "Medicare Alzheimer's Disease Demonstration Evaluation"; to the Committee on Labor and Human Resources.

EC–1893. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report relative to runaway and homeless youth; to the Committee on Labor and Human Resources.

EC–1894. A communication from the Chairman of the Barry M. Goldwater Scholarship and Excellence In Education Foundation, transmitting, pursuant to law, the annual report for fiscal year 1995; to the Committee on Labor and Human Resources.

EC–1895. A communication from the Chairman and Chief Executive Officer of the National Skills Standards Board, transmitting, pursuant to law, the annual report for fiscal year 1994; to the Committee on Labor and Human Resources.

EC–1896. A communication from the Chairman of the Railroad Retirement Board, transmitting, pursuant to law, the 1995 annual report of the Board; to the Committee on Labor and Human Resources.

EC–1897. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the first annual report on the Tribal Program Service and Expenditures for the Child Care and Development Block Grant (OBRA); to the Select Committee on Indian Affairs.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on Armed Services:

AIR FORCE

The following officers for appointment in the Reserve of the Air Force, to the grade indicated, under the provisions of title 10, United States Code, sections 8373, 12004, and 12203:

To be major general

Brig. Gen. Boyd L. Ashcraft, [redacted], Air Force Reserve.

Brig. Gen. Jim L. Folsom, [redacted] Air Force Reserve.

Brig. Gen. James E. Haight, Jr. [redacted] Air Force Reserve.

Brig. Gen. Joseph A. McNeil, [redacted], Air Force Reserve.

Brig. Gen. Robert E. Pfister, [redacted], Air Force Reserve.

Brig. Gen. Donald B. Stokes, [redacted], Air Force Reserve.

To be brigadier general

Col. John L. Baldwin, [redacted] Air Force Reserve.

Col. James D. Bankers, [redacted] Air Force Reserve.

Col. Ralph S. Clem, [redacted] Air Force Reserve.

Col. Larry L. Enyart, [redacted] Air Force Reserve.

Col. Jon S. Gingerich, [redacted] Air Force Reserve.

Col. Charles H. King [redacted] Air Force Reserve.

Col. Ralph J. Luciani, [redacted] Air Force Reserve.

Col. Richard M. McGill, [redacted] Air Force Reserve.

Col. David R. Myers [redacted] Air Force Reserve.

Col. James Sanders [redacted] Air Force Reserve.

Col. Sanford Schlitt [redacted] Air Force Reserve.

Col. David E. Tanzi [redacted] Air Force Reserve.

Col. John L. Wilkinson, [redacted] Air Force Reserve.

ARMY

The following-named officer for appointment to the grade of general in the U.S. Army while assigned to a position of importance and responsibility under title 10, United States Code, section 601(a):

To be general

Lt. Gen. Johnnie E. Wilson, [redacted] U.S. Army.

NAVY

The following-named officer for appointment to the grade of admiral in the U.S. Navy while assigned to a position of importance and responsibility under title 10, United States Code, sections 601 and 5035:

To be admiral

Vice Adm. Jay L. Johnson, [redacted]

The following-named officer for appointment to the grade of vice admiral in the U.S. Navy while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Vernon E. Clark, [redacted]

The following-named officer for appointment to the grade of vice admiral in the U.S. Navy while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. (Selectee) Richard W. Mies, 350–34–4623.

The following-named officer for appointment to the grade of vice admiral in the U.S. Navy while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Dennis A. Jones [redacted]

MARINE CORPS

The following-named colonel of the U.S. Marine Corps Reserve for promotion to the grade of brigadier general, under the provisions of section 5912 of title 10, United States Code:

To be brigadier general

Col. Leo V. Williams III, [redacted] USMCR.

(The above nominations were reported with the recommendation that they be confirmed.)

Mr. THURMOND. Mr. President, for the Committee on Armed Services, I report favorably 18 nomination lists in the Air Force, Army, and Navy which were printed in full in the CONGRESSIONAL RECORDS of December 18, 1995, January 22, February 1, and February 9, 1996, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of December 18, 1995, January 22, February 1, and 9, 1996, at the end of the Senate proceedings.)

In the Air Force there are 649 promotions to the grade of colonel (list begins with James M. Abel, Jr.). (Reference No. 790.)

In the Air Force Reserve there are 2 appointments to the grade of lieutenant colonel (list begins with Jonathan S. Flaughter). (Reference No. 826.)

In the Air Force Reserve there are 32 appointments to the grade of colonel and below (list begins with Donald R. Smith). (Reference No. 827.)

In the Air Force there are 45 appointments to the grade of captain (list begins with Bradley S. Abels). (Reference No. 828.)

In the Air Force Reserve there are 30 promotions to the grade of lieutenant colonel (list begins with Joseph P. Annello). (Reference No. 829.)

In the Army there are 2 appointments as permanent professors at the U.S. Military Academy (Colonel William G. Held and Lieutenant Colonel Patricia B. Genung.) (Reference No. 830.)

In the Navy there are 32 appointments to the grade of ensign (list begins with Charles Armstrong). (Reference No. 831.)

In the Navy and Naval Reserve there are 22 appointments to the grade of captain and below (list begins with Caleb Powell, Jr.). (Reference No. 832.)

In the Air Force Reserve there are 171 promotions to the grade of colonel (list begins with Edward A. Askins). (Reference No. 833.)

In the Air Force there are 220 promotions to the grade of lieutenant colonel and below (list begins with Andrea M. Anderson). (Reference No. 834.)

In the Air Force there are 669 promotions to the grade of colonel and below (list begins with Stephen W. Andrews). (Reference No. 835.)

In the Air Force Reserve there are 3 appointments to the grade of lieutenant colonel (list begins with Jeffrey K. Smith.) (Reference No. 893.)

In the Air Force there are 50 appointments to the grade of second lieutenant (list begins with Matthew D. Atkins). (Reference No. 894.)

In the Army Reserve there is one appointment to the grade of lieutenant colonel (Rickey J. Rogers). (Reference No. 895.)

In the Army Reserve there are 49 promotions to the grade of colonel and below (list begins with James C. Ferguson). (Reference No. 897.)

In the Army there are 58 appointments to the grade of captain and below (list begins with Romney C. Anderson). (Reference No. 898.)

In the Navy there are 10 appointments to the grade of ensign (list begins with Maurice J. Curran). (Reference No. 899.)

In the Army Reserve there are 45 promotions to the grade of lieutenant colonel (list begins with Danny W. Agee). (Reference No. 905.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BOND:

S. 1574. A bill to provide Federal contracting opportunities for small business concerns located in historically underutilized business zones, and for other purposes; to the Committee on Small Business.

By Mr. LAUTENBERG:

S. 1575. A bill to improve rail transportation safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. MIKULSKI (for herself and Mr. SARBANES):

S. 1576. A bill to provide that Federal employees who are furloughed or are not paid for performing essential services during a period of a lapse in appropriations, may receive a loan, paid at their standard rate of compensation, from the Thrift Savings Fund, and for other purposes; to the Committee on Governmental Affairs.

By Mr. HATFIELD (for himself and Mr. SARBANES):

S. 1577. A bill to authorize appropriations for the National Historical Publications and Records Commission for fiscal years 1998, 1999, 2000, and 2001; to the Committee on Rules and Administration.

By Mr. FRIST (for himself and Mr. HARKIN):

S. 1578. A bill to amend the Individuals with Disabilities Education Act to authorize appropriations for fiscal years 1997 through 2002, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. GLENN (for himself, Mr. STEVENS, Mr. LEVIN, Mr. COCHRAN, Mr. PRYOR, Mr. COHEN, Mr. LIEBERMAN, and Mr. BROWN):

S. 1579. A bill to streamline and improve the effectiveness of chapter 75 of title 31, United States Code (commonly referred to as the "Single Audit Act"); to the Committee on Governmental Affairs.

By Mr. KYL (for himself, Mr. COVERDELL, Mr. CRAIG, Mr. FAIRCLOTH, Mr. GRAMS, Mr. INHOFE, Mr. KEMPTHORNE, Mr. LOTT, Mr. MCCAIN, Mr. PRESSLER, Mr. SANTORUM, Mr. SHELBY, Mr. SMITH, Mr. THOMAS, and Mr. THOMPSON):

S.J. Res. 49. A joint resolution proposing an amendment to the Constitution of the United States to require two-thirds majorities for bills increasing taxes; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BOND:

S. 1574. A bill to provide Federal contracting opportunities for small business concerns located in historically underutilized business zones, and for other purposes; to the Committee on Small Business.

THE HUBZONE ACT OF 1996

Mr. BOND. Mr. President, I rise today to introduce a measure called the HUBZone Act of 1996. The purpose underlying this bill is to create new opportunities for growth through small business opportunities in distressed urban and rural communities which have suffered economic decline. This legislation will provide for an immediate infusion of cash and the creation of new jobs in our Nation's economically distressed areas.

During the 8 years I served as Governor of Missouri, I met frequently with community leaders who were seeking help in attracting businesses and jobs to their cities and towns. We tried various programs. The enterprise zone concept met with some limited success in Missouri but the concept was good. Our incentives were limited to State tax relief, which was not a very significant element, but I believe that the idea of providing incentives for locating businesses in areas of high unemployment makes sense.

Now, in my position representing my State and serving as chairman of the Committee on Small Business, I continue to receive pleas for help. We have not yet found the perfect formula to bring economic hope and independence to these communities. But I believe we are working on it. I think we are on the right track.

The message for help has changed somewhat. Although help has been forthcoming from the Federal Government, high unemployment and poverty remain. One community leader, for example, has stressed to me that his city has all the job training funds it is capable of using. He said, "Don't send us any more training funds. Send us some jobs." What the city, the inner city, and people there need is more jobs.

Too many of our Nation's cities and rural areas have suffered economic decline while others have prospered often with Federal assistance. In October of last year, I chaired a hearing before the Senate Committee on Small Business on "Revitalizing America's Rural and Urban Communities." We heard insightful testimony about the importance of changing the U.S. Tax Code, for example, and providing other incentives to attract businesses to the communities in need of economic opportunity. Their recommendations have merit, and I urge my colleagues in the committees with jurisdiction over appropriate legislation to take swift action to bring these legislative changes to the Senate floor.

What distinguishes the HUBZone Act of 1996 from other excellent proposals is that there is an immediate impact this bill can have on economically distressed communities. The HUBZone proposal would benefit entire communities by creating meaningful incentives for small businesses to operate and provide employment within America's most disadvantaged inner-city neighborhoods and rural areas.

Specifically, the HUBZone Act of 1996 creates a new class of small businesses eligible for Federal Government contract set-asides and preferences. To be eligible, a small business must be located in a historically underutilized business zone—that is the basis for the acronym "HUBZone"—and not less than 35 percent of its work force would have to reside in a HUBZone.

I will contrast the HUBZone proposal in this legislation today with a draft Executive order that is being circulated by the Clinton administration to establish an empowerment contracting program. I commend the President and the administration for focusing on the value of targeting Federal Government assistance to low-income communities. However, I think that program falls short of meeting the goal of helping low-income communities and its residents.

For example, under the President's proposal, any business, large or small, located in a low-income community would qualify for a valuable contracting preference, even if it does not employ one resident of the community. This is clearly a major deficiency or loophole when trying to assist the unemployed and underemployed who live in those target areas. A further weakness in the President's proposal is the failure to define clearly and objectively the criteria which makes a community eligible for his program. We need to avoid creating a new Federal program that ends up helping well-off individuals and companies while failing to have a significant impact on the poor.

The HUBZone Act of 1996 makes the contracting preference available only if the small business is located in the economically distressed area and employs 35 percent of its work force from a HUBZone. That is a significant difference. It is one that is clearly designed to attack deep-seated poverty in geographic locations within the United States.

To qualify for the program, the small business would have to certify to the Administrator of the U.S. Small Business Administration that it is located in a HUBZone and that it will comply with certain rules governing subcontracting. In addition, a qualified small business must agree to perform at least 50 percent of the contract in a HUBZone unless the terms of the contract require that the efforts be conducted elsewhere; in other words, a service contract requiring the small business' presence in Government-owned or leased buildings, for example. In the latter case, no less than 50 percent of the contract would have to be performed by employees of the eligible small business.

Mr. President, the HUBZone Act of 1996 is designed to cut through Government redtape while stressing a streamlined effort to place Government contracts and new jobs in economically distressed communities.

Many of my colleagues are familiar with the SBA's 8(a) minority small business program and some of the rules which are cumbersome for small businesses seeking to qualify for the program. Typically, an 8(a) program applicant has to hire a lawyer to help prepare the application and shepherd it through the SBA procedure, which can often take months. In fact, Congress was forced to legislate the maximum time the agency could review an application as a last-ditch effort to speed up the process. Today, it still takes the SBA at least 90 days, the statutory maximum, to review an application.

The HUBZone Act of 1996 is specifically designed to avoid bureaucratic roadblocks that have delayed and discouraged small business from taking advantage of Government programs. Simply put, if you are a small business located in the HUBZone, employing people from a HUBZone, you are eligible. Once eligible, the small business notifies the SBA of its participation in the HUBZone program, and it is qualified to receive Federal Government contract preferences.

Our goal in introducing this measure is to have new Government contracts being awarded to small businesses in economically distressed communities. Therefore, we have included some ambitious goals for each Government agency. In 1997, 1 percent of the total value of all prime Government contracts would be awarded to small businesses located in HUBZones. The goal would increase to 2 percent in 1998, 3 percent in 1999, and 4 percent in 2000 and each succeeding year.

HUBZone contracting is a bold undertaking. Passage of the HUBZone Act would create hope for inner cities and distressed rural areas that have long been ignored. Most importantly, passage of the HUBZone bill will create hope for the hundreds of thousands of unemployed or underemployed people who long ago thought our country had given up on them. This hope is tangible; it is jobs and income.

We are going to be holding hearings before the Committee on Small Business on the HUBZone Act of 1996 and the role our Nation's small business community can play in revitalizing our distressed cities and rural communities. I really think the HUBZone proposal has great merit. I ask my colleagues to look at it, offer comments, if you agree with what we are trying to do, the goal of this program and its objective. I welcome cosponsors. I welcome constructive discussion and input from those who have an interest in seeing economic opportunity brought back to inner-city areas and distressed rural communities.

Mr. President, I ask unanimous consent that the text of the bill and a section-by-section analysis of its provisions be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1574

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "HUBZone Act of 1996".

SEC. 2. HISTORICALLY UNDERUTILIZED BUSINESS ZONES.

(a) DEFINITIONS.—Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following new subsection:

"(o) DEFINITIONS RELATING TO HISTORICALLY UNDERUTILIZED BUSINESS ZONES.—For purposes of this section, the following definitions shall apply:

"(1) HISTORICALLY UNDERUTILIZED BUSINESS ZONE.—The term 'historically underutilized business zone' means any area located within one or more qualified census tracts or qualified nonmetropolitan counties.

"(2) SMALL BUSINESS CONCERN LOCATED IN A HISTORICALLY UNDERUTILIZED BUSINESS ZONE.—The term 'small business concern located in a historically underutilized business zone' means a small business concern—

"(A) that is owned and controlled by one or more persons, each of whom is a United States citizen;

"(B) the principal office of which is located in a historically underutilized business zone; and

"(C) not less than 35 percent of the employees of which reside in a historically underutilized business zone.

"(3) QUALIFIED AREAS.—

"(A) QUALIFIED CENSUS TRACT.—The term 'qualified census tract' has the same meaning as in section 42(d)(5)(C)(i)(I) of the Internal Revenue Code of 1986.

"(B) QUALIFIED NONMETROPOLITAN COUNTY.—The term 'qualified nonmetropolitan county' means, based on the most recent data available from the Bureau of the Census of the Department of Commerce, any county—

"(i) that is not located in a metropolitan statistical area (as that term is defined in section 143(k)(2)(B) of the Internal Revenue Code of 1986); and

"(ii) in which the median household income is less than 80 percent of the nonmetropolitan State median household income.

"(4) QUALIFIED SMALL BUSINESS CONCERN LOCATED IN A HISTORICALLY UNDERUTILIZED BUSINESS ZONE.—

"(A) IN GENERAL.—A small business concern located in a historically underutilized business zone is 'qualified', if—

"(i) the small business concern has certified in writing to the Administrator that—

"(I) it is a small business concern located in a historically underutilized business zone;

"(II) it will comply with the subcontracting limitations specified in Federal Acquisition Regulation 52.219-14;

"(III) in the case of a contract for services (except construction), not less than 50 percent of the cost of contract performance incurred for personnel will be expended for employees of that small business concern or for employees of other small business concerns located in historically underutilized business zones; and

"(IV) in the case of a contract for procurement of supplies (other than procurement from a regular dealer in such supplies), the small business concern (or a subcontractor of the small business concern that is also a small business concern located in a historically underutilized business zone) will perform work for not less than 50 percent of the cost of manufacturing the supplies (not including the cost of materials) in a historically underutilized business zone; and

"(ii) no certification made by the small business concern under clause (i) has been, in accordance with the procedures established under section 30(c)(2)—

"(I) successfully challenged by an interested party; or

"(II) otherwise determined by the Administrator to be materially false.

"(B) CHANGE IN PERCENTAGES.—The Administrator may utilize a percentage other than the percentage specified in under subclause (III) or (IV) of subparagraph (A)(i), if the Administrator determines that such action is necessary to reflect conventional industry practices among small business concerns that are below the numerical size standard for businesses in that industry category.

"(C) CONSTRUCTION AND OTHER CONTRACTS.—The Administrator shall promulgate final regulations imposing requirements that are similar to those specified in subclauses (III) and (IV) of subparagraph (A)(i) on contracts for general and specialty construction, and on contracts for any other industry category that would not otherwise be subject to those requirements. The percentage applicable to any such requirement shall be determined in accordance with subparagraph (B).

"(D) LIST OF QUALIFIED SMALL BUSINESS CONCERNS.—The Administrator shall establish and maintain a list of qualified small business concerns located in historically underutilized business zones, which list shall—

"(i) include the name, address, and type of business with respect to each such small business concern;

"(ii) be updated by the Administrator not less than annually; and

"(iii) be provided upon request to any Federal agency or other entity.".

(b) FEDERAL CONTRACTING PREFERENCES.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 30 as section 31; and

(2) by inserting after section 29 the following new section:

"SEC. 30. HISTORICALLY UNDERUTILIZED BUSINESS ZONES PROGRAM.

"(a) IN GENERAL.—There is established within the Administration a program to be carried out by the Administrator to provide for Federal contracting assistance to qualified small business concerns located in historically underutilized business zones in accordance with this section.

"(b) CONTRACTING PREFERENCES.—

"(1) CONTRACT SET-ASIDE.—

"(A) REQUIREMENT.—The head of an executive agency shall afford the opportunity to participate in a competition for award of a contract of the executive agency, exclusively to qualified small business concerns located in historically underutilized business zones, if the Administrator determines that—

"(i) it is reasonable to expect that not less than 2 qualified small business concerns located in historically underutilized business zones will submit offers for the contract; and

"(ii) the award can be made on the restricted basis at a fair market price.

"(B) COVERED CONTRACTS.—Subparagraph (A) applies to a contract that is estimated to exceed the simplified acquisition threshold.

"(2) SOLE-SOURCE CONTRACTS.—

"(A) REQUIREMENT.—The head of an executive agency, in the exercise of authority provided in any other law to award a contract of the executive agency on a sole-source basis, shall award the contract on that basis to a qualified small business concern located in a historically underutilized business zone, if any, that—

"(i) submits a reasonable and responsive offer for the contract; and

"(ii) is determined by the Administrator to be a responsible contractor.

"(B) COVERED CONTRACTS.—Subparagraph (A) applies to a contract that is estimated to exceed the simplified acquisition threshold and not to exceed $5,000,000.

"(3) PRICE EVALUATION PREFERENCE IN FULL AND OPEN COMPETITIONS.—In any case in which a contract is to be awarded by the head of an executive agency on the basis of full and open competition, the price offered by a qualified small business concern located in a historically underutilized business zone shall be deemed as being lower than the price offered by another offeror (other than another qualified small business concern located in a historically underutilized business zone) if the price offered by the qualified small business concern located in a historically underutilized business zone is not more than 10 percent higher than the price offered by the other offeror.

"(4) RELATIONSHIP TO OTHER CONTRACTING PREFERENCES.—

"(A) SUBORDINATE RELATIONSHIP.—A procurement may not be made from a source on the basis of a preference provided in paragraph (1), (2), or (3) if the procurement would otherwise be made from a different source under section 4124 or 4125 of title 18, United States Code, or the Javits-Wagner-O'Day Act.

"(B) SUPERIOR RELATIONSHIP.—A procurement may not be made from a source on the basis of a preference provided in section 8(a), if the procurement would otherwise be made from a different source under paragraph (1), (2), or (3) of this subsection.

"(5) DEFINITIONS.—For purposes of this subsection, the terms 'executive agency', 'full and open competition', and 'simplified acquisition threshold' have the meanings given such terms in section 4 of the Office of Federal Procurement Policy Act.

"(c) ENFORCEMENT; PENALTIES.—

"(1) IN GENERAL.—The Administrator shall enforce the requirements of this section.

"(2) VERIFICATION OF ELIGIBILITY.—In carrying out this subsection, the Administrator shall establish procedures relating to—

"(A) the filing, investigation, and disposition by the Administration of any challenge to the eligibility of a small business concern to receive assistance under this section (including a challenge, filed by an interested party, relating to the veracity of a certification made by a small business concern under section 3(o)(4)(A)); and

"(B) verification by the Administrator of the accuracy of any certification made by a small business concern under section 3(o)(4)(A).

"(3) RANDOM INSPECTIONS.—The procedures established under paragraph (2) may provide for random inspections by the Administrator of any small business concern making a certification under section 3(o)(4).

"(4) PROVISION OF DATA.—Upon the request of the Administrator, the Secretary of Labor and the Secretary of Housing and Urban Development shall promptly provide to the Administrator such information as the Administrator determines to be necessary to carry out this subsection.

"(5) PENALTIES.—In addition to the penalties described in section 16(d), any small business concern that is determined by the Administrator to have misrepresented the status of that concern as a 'small business concern located in a historically underutilized business zone' for purposes of this section, shall be subject to the provisions of—

"(A) section 1001 of title 18, United States Code; and

"(B) sections 3729 through 3733 of title 31, United States Code.".

SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS TO THE SMALL BUSINESS ACT.

(a) PERFORMANCE OF CONTRACTS.—Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended—

(1) in paragraph (1)—

(A) in the first sentence, by striking ", small business concerns owned and controlled by socially and economically disadvantaged individuals" and inserting ", qualified small business concerns located in historically underutilized business zones, small business concerns owned and controlled by socially and economically disadvantaged individuals"; and

(B) in the second sentence, by inserting "qualified small business concerns located in historically underutilized business zones," after "small business concerns,";

(2) in paragraph (3)—

(A) by inserting "qualified small business concerns located in historically underutilized business zones," after "small business concerns," each place that term appears; and

(B) by adding at the end the following new subparagraph:

"(F) For purposes of this contract, the term 'qualified small business concern located in a historically underutilized business zone' has the same meaning as in section 3(o) of the Small Business Act.";

(3) in paragraph (4)—

(A) in subparagraph (D), by inserting "qualified small business concerns located in historically underutilized business zones," after "small business concerns,"; and

(B) in subparagraph (E), by striking "small business concerns and" and inserting "small business concerns, qualified small business concerns located in historically underutilized business zones, and";

(4) in paragraph (6), by inserting "qualified small business concerns located in historically underutilized business zones," after "small business concerns," each place that term appears; and

(5) in paragraph (10), by inserting "qualified small business concerns located in historically underutilized business zones," after "small business concerns,".

(b) AWARDS OF CONTRACTS.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended—

(1) in subsection (g)(1)—

(A) by inserting "qualified small business concerns located in historically underutilized business zones," after "small business concerns," each place that term appears; and

(B) by inserting after the second sentence the following: "The Governmentwide goal for participation by qualified small business concerns located in historically underutilized business zones shall be established at not less than 1 percent of the total value of all prime contract awards for fiscal year 1997, not less than 2 percent of the total value of all prime contract awards for fiscal year 1998, not less than 3 percent of the total value of all prime contract awards for fiscal year 1999, and not less than 4 percent of the total value of all prime contract awards for fiscal year 2000 and each fiscal year thereafter.";

(2) in subsection (g)(2)—

(A) in the first sentence, by striking ", by small business concerns owned and, controlled by socially and economically disadvantaged individuals" and inserting ", by qualified small business concerns located in historically underutilized business zones, by small business concerns owned and controlled by socially and economically disadvantaged individuals";

(B) in the second sentence, by inserting "qualified small business concerns located in historically underutilized business zones," after "small business concerns,"; and

(C) in the fourth sentence, by striking "by small business concerns owned and controlled by socially and economically disadvantaged individuals and participation by small business concerns owned and controlled by women" and inserting "by qualified small business concerns located in historically underutilized business zones, by small business concerns owned and controlled by socially and economically disadvantaged individuals, and by small business concerns owned and controlled by women"; and

(3) in subsection (h), by inserting "qualified small business concerns located in historically underutilized business zones," after "small business concerns," each place that term appears.

(c) OFFENSES AND PENALTIES.—Section 16 of the Small Business Act (15 U.S.C. 645) is amended—

(1) in subsection (d)(1)—

(A) by inserting ", a 'qualified small business concern located in a historically underutilized business zone'," after "'small business concern',"; and

(B) in subparagraph (A), by striking "section 9 or 15" and inserting "section 9, 15, or 30"; and

(2) in subsection (e), by inserting ", a 'small business concern located in a historically underutilized business zone'," after "'small business concern',".

SEC. 4. OTHER TECHNICAL AND CONFORMING AMENDMENTS.

(a) TITLE 10, UNITED STATES CODE.—Section 2323 of title 10, United States Code, is amended—

(1) in subsection (a)(1)(A), by inserting before the semicolon the following: ", and qualified small business concerns located in historically underutilized business zones (as that term is defined in section 3(o) of the Small Business Act)"; and

(2) in subsection (f), by inserting "or as a qualified small business concern located in a historically underutilized business zone (as that term is defined in section 3(o) of the Small Business Act)" after "subsection (a))".

(b) FEDERAL HOME LOAN BANK ACT.—Section 21A(b)(13) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(13)) is amended—

(1) by striking "concerns and small" and inserting "concerns, small"; and

(2) by inserting ", and qualified small business concerns located in historically underutilized business zones (as that term is defined in section 3(o) of the Small Business Act)" after "disadvantaged individuals".

(c) SMALL BUSINESS ECONOMIC POLICY ACT OF 1980.—Section 303(e) of the Small Business Economic Policy Act of 1980 (15 U.S.C. 631b(e)) is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(3) qualified small business concerns located in historically underutilized business zones (as that term is defined in section 3(o) of the Small Business Act).".

(d) SMALL BUSINESS INVESTMENT ACT OF 1958.—Section 411(c)(3)(B) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(c)(3)(B)) is amended by inserting before the semicolon the following: ", or to a qualified small business concern located in a historically underutilized business zone, as that term is defined in section 3(o) of the Small Business Act".

(e) TITLE 31, UNITED STATES CODE.—

(1) CONTRACTS FOR COLLECTION SERVICES.—Section 3718(b) of title 31, United States Code, is amended—

(A) in paragraph (1)(B), by inserting "and law firms that are qualified small business concerns located in historically underutilized business zones (as that term is defined in section 3(o) of the Small Business Act)" after "disadvantaged individuals"; and

(B) in paragraph (3)—

(i) in the first sentence, by inserting before the period "and law firms that are qualified small business concerns located in historically underutilized business zones";

(ii) in subparagraph (A), by striking "and" at the end;

(iii) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following new subparagraph:

"(C) the term 'qualified small business concern located in a historically underutilized business zone' has the same meaning as in section 3(o) of the Small Business Act.".

(2) PAYMENTS TO LOCAL GOVERNMENTS.—Section 6701(f) of title 31, United States Code, is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "and" at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following new subparagraph:

"(C) qualified small business concerns located in historically underutilized business zones."; and

(B) in paragraph (3)—

(i) in subparagraph (A), by striking "and" at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following new subparagraph:

"(C) the term 'qualified small business concern located in a historically underutilized business zone' has the same meaning as in section 3(o) of the Small Business Act.".

(3) REGULATIONS.—Section 7505(c) of title 31, United States Code, is amended by striking "small business concerns and" and inserting "small business concerns, qualified small business concerns located in historically underutilized business zones, and".

(f) OFFICE OF FEDERAL PROCUREMENT POLICY ACT.—

(1) ENUMERATION OF INCLUDED FUNCTIONS.—Section 6(d) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(d)) is amended—

(A) in paragraph (5)(C), by inserting "and of qualified small business concerns located in historically underutilized business zones" after "other minorities";

(B) in paragraph (10), by inserting "qualified small business concerns located in historically underutilized business zones (as that term is defined in section 3(o) of the Small Business Act)," after "small businesses,"; and

(C) in paragraph (11), by inserting "qualified small business concerns located in historically underutilized business zones (as that term is defined in section 3(o) of the Small Business Act)," after "small businesses,".

(2) PROCUREMENT DATA.—Section 19A of the Office of Federal Procurement Policy Act (41 U.S.C. 417a) is amended—

(A) in subsection (a)—

(i) by inserting "the number of qualified small business concerns located in historically underutilized business zones," after "Procurement Policy"; and

(ii) by inserting a comma after "women"; and

(B) in subsection (b), by adding at the end the following: "For purposes of this section, the term 'qualified small business concern located in a historically underutilized business zone' has the same meaning as in section 3(o) of the Small Business Act.".

(g) ENERGY POLICY ACT OF 1992.—Section 3021 of the Energy Policy Act of 1992 (42 U.S.C. 13556) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "or";

(B) in paragraph (3), by striking the period and inserting "; or"; and

(C) by adding at the end the following new paragraph:

"(4) qualified small business concerns located in historically underutilized business zones."; and

(2) in subsection (b), by adding at the end the following new paragraph:

"(3) The term 'qualified small business concern located in a historically underutilized business zone' has the same meaning as in section 3(o) of the Small Business Act.".

(h) TITLE 49, UNITED STATES CODE.—

(1) PROJECT GRANT APPLICATION APPROVAL CONDITIONED ON ASSURANCES ABOUT AIRPORT OPERATION.—Section 47107(e) of title 49, United States Code, is amended—

(A) in paragraph (1), by inserting before the period "or qualified small business concerns located in historically underutilized business zones (as that term is defined in section 3(o) of the Small Business Act)";

(B) in paragraph (4)(B), by inserting before the period "or as a qualified small business concern located in a historically underutilized business zone (as that term is defined in section 3(o) of the Small Business Act)"; and

(C) in paragraph (6), by inserting "or a qualified small business concern located in a historically underutilized business zone (as that term is defined in section 3(o) of the Small Business Act)" after "disadvantaged individual".

(2) MINORITY AND DISADVANTAGED BUSINESS PARTICIPATION.—Section 47113 of title 49, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking the period at the end and inserting a semicolon;

(ii) in paragraph (2), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following new paragraph:

"(3) the term 'qualified small business concern located in a historically underutilized business zone' has the same meaning as in section 3(o) of the Small Business Act."; and

(B) in subsection (b), by inserting before the period "or qualified small business concerns located in historically underutilized business zones".

HISTORICALLY UNDERUTILIZED BUSINESS ZONE ACT OF 1995—SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE

Historically Undercutilized Business Zone Act of 1995, hereinafter referred to as the "HUBZone Act of 1995."

SECTION 2. HISTORICALLY UNDERUTILIZED BUSINESS ZONES

Definitions—

Historically Underutilized Business Zone (HUBZone) is any area located within a qualified metropolitan statistical area or qualified non-metropolitan area.

Small business concern located in a Historically Underutilized Business Zone is a small business whose principal office is located in a HUBZone and whose workforce includes at least 35% of its employees from one or more HUBZones.

Qualified Metropolitan Statistical Area is an area where not less than 50% of the households have an income of less than 60% of the metropolitan statistical area median gross income as determined by the Department of Housing and Urban Development.

Qualified Non-metropolitan Area is an area where the household income is less than 80% of the non-metropolitan area median gross income as determined by the Bureau of the Census of the Department of Commerce.

Qualified Small Business Concern must certify in writing to the Small Business Administration (SBA) that it (a) is located in a HUBZone, (b) will comply with subcontracting rules in the Federal Acquisition Regulations (FAR), (c) will insure that not less than 50% of the contract cost will be performed by the Qualified Small Business.

Contracting preferences—

Contract Set-Aside to a qualified small business located in a HUBZone can be made by a procuring agency if it determines that 2 or more qualified small businesses will submit offers for the contract and the award can be made at a fair market price.

Sole-source Contracts can be awarded to a qualified small business if it submits a reasonable and responsive offer and is determined by SBA to be a responsible contractor. Sole-source contracts cannot exceed $5 million.

10% Price Evaluation Preference in full and open competition can be made on behalf of the Qualified Small Business if its offer is not more than 10% higher than the other offeror, so long as it is not a small business concern.

Enforcement; penalties

The SBA Administrator or his designee shall establish a system to verify certifications made by HUBZone small businesses to include random inspections and procedures relating to disposition of any challenges to the accuracy of any certification. If SBA determines that a small business concern may have misrepresented its status as a HUBZone small business, it shall be subject to prosection under title 18, section 1001, U.S.C., False Certifications, and title 31, sections 3729–3733, U.S.C., False Claims Act.

SECTION 3. TECHNICAL AND CONFORMING AMENDMENTS TO THE SMALL BUSINESS ACT

HUBZone preference

The Small Business Act is amended to give qualified small business concerns located in HUBZones a higher preference than small business concerns owned and controlled by socially and economically disadvantaged individuals (8(a) contractors).

HUBZone goals

This section sets forth government-wide goals for awarding government contracts to qualified small business. In Fiscal Year 1997, the goal will be not less than 1% of the total value of all prime contracts awarded to qualified small businesses located in HUBZones. In FY 1998, this goal will increase to 2%; in FY 1999, it will be 3%; and it will reach 4% in FY 2000 and each year thereafter.

Offenses and penalties

This section provides that anyone who misrepresents any entity as being a qualified small business in order to obtain a government contract or subcontract can be fined up to $500,000 and imprisoned for not more than 10 years and be subject to the administrative remedies prescribed by the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801–3812).

SECTION 4. OTHER TECHNICAL AND CONFORMING AMENDMENTS

This section makes technical amendments to other federal government agency programs that have traditionally provided contract set asides and preferences to disadvantaged small business by expanding each program to include small business located in an Historically Underutilized Business Zone.

By Mr. LAUTENBERG:

S. 1575. A bill to improve rail transportation safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE RAIL SAFETY ACT OF 1996

• Mr. LAUTENBERG. Mr. President, today I introduce legislation, the Rail Safety Act of 1996, to improve railroad safety.

Mr. President, over the last 2 weeks, there has been a rash of railroad accidents, including two involving large numbers of passengers. The first of these accidents occurred in my home State of New Jersey on Friday, February 9. In the middle of the morning rush hour, two New Jersey Transit commuter trains collided outside of Secaucus, NJ. The crash killed two engineers and one passenger, and injured more than 235 others. The trains were carrying more than 700 passengers combined, and the death and injury toll easily could have been much higher.

One week later, right here in the Capital area, 11 people lost their lives when a Maryland commuter train collided with an Amtrak train.

These accidents have revealed significant gaps in rail safety and the failure to use existing technology to improve safety. I personally visited the site of the New Jersey crash and was chilled by the devastation. There is no way that one could see what happened in New Jersey and Maryland without feeling a great sense of responsibility about the need to improve the safety of our rail system.

Each day, over half a million Americans use commuter railroads to get to work. Each year, Amtrak carries an additional 22 million passengers on its national routes. In addition to those who take the train are the millions of Americans who live near congested freight train routes which pose their own dangers during accidents, such as spills of hazardous materials and fires.

I recognize that passenger rail service is among the safest forms of travel. And I think it important that we not scare the public into believing otherwise. At the same time, in my view, there is much we should be doing to make rail service more safe.

Just consider our Nation's commitment to rail safety compared to our commitment to safety on commercial aircraft, which have the better safety record. On planes, there are elaborate safety procedures for each flight. Flight attendants explain emergency measures at the beginning of each trip. Automatic emergency mechanisms are required in each plane, highly sophisticated technology tells pilots when problems arise and emergency exits are well identified and easy to operate.

By contrast, many of today's railroad safety signals and procedures date back almost to the last century. For some reason, the technological revolution seems to have left rail safety back at the station. Compounding matters, much of our railroad regulatory system has been unchanged for decades.

Congress should act promptly to address this problem. We need to review a wide variety of laws and regulations, with one overriding philosophy: The safety of our Nation's rail passengers must come first.

Just because railroad passengers only ride 32 inches off the ground does not mean they deserve less attention or protection than those who ride 32,000 feet above the ground. That does not mean we should rush to impose unrealistic mandates that would drive up costs beyond the capacity to support changes. But, it still requires that we search for ways to take on the issues that have been allowed to drag on for too many years, while rail passengers continue to be exposed to danger unnecessarily.

The Rail Safety Act of 1996 proposes important steps that I think we should take immediately.

One of the most critical matters that we should address is the current law that establishes the hours of service that rail engineers may work. This law was developed in 1907 and has changed very little over the past 90 years. Under the law, it is perfectly legal for a locomotive engineer to work 24 hours in a 32-hour period.

Mr. President, those kinds of hours, combined with the demands and stresses of an engineer's job, is a recipe for disaster. We would never allow pilots or truck drivers to work these kinds of hours; restrictions on these operators are severe. Yet engineers, who are responsible for hundreds and hundreds of people at a time, continue to work under these archaic rules.

The Federal Railroad Administration is in the process of studying the issue of fatigue, as is the industry. But those studies could be years from completion. The adverse effect of fatigue on the ability of an individual to perform their job is well documented. We should act now. I believe the FRA should have the ability to regulate hours of service for railroad engineers. The FAA has authority to regulate hours of service for pilots and the Office of Motor Carriers has the authority to regulate hours of service for commercial drivers. Why should the railroad industry be treated differently?

My legislation would direct the Federal Railroad Administration, not later than 180 days after enactment of the bill, to promulgate regulations concerning limitations on duty hours of train employees. The bill does not prejudge the FRA's process. It encourages FRA to develop regulations in a negotiated rulemaking process so that the interests of all parties are fully represented. My bill protects railroad employees by prohibiting any FRA rules from being less stringent than the current hours of service law. This provision will ensure that a future Administration could not abuse its discretion by actually increasing the burdens on engineers, contrary to congressional intent.

Beyond changing the hours of service requirements, we need to explore ways to use technology to prevent rail accidents. For more than 75 years, automatic train control systems have been available that can warn engineers about a missed signal and automatically stop the train. These systems are right in the train cab. Both visually and audibly these automatic train control systems remind the engineer about their latest signal. In fact, such systems were installed on virtually our entire rail network years ago. Unfortunately, that technology has been removed from most tracks, and no related technology was in place to prevent the accidents in New Jersey and Maryland. This situation cannot be allowed to continue.

Mr. President, I recognize that we should be careful before mandating the automatic train control system if more advanced, satellite-based technology will be available in the immediate future. But, we cannot continue to drift. Therefore, my bill directs the FRA, not later than 1 year after the date of enactment, to determine the feasibility of satellite-based train control systems to provide positive train control for railroad systems in the United States. Positive train control systems use a constant flow of information to anticipate potentially dangerous situations and order the appropriate measures long before an accident might occur.

Under this legislation, all rail systems would be required to install automated train control technology. However, this requirement would be waived for those systems that establish, to the satisfaction of the Department of Transportation, that they will install an effective satellite-based train control system not later than the year 2001. This seems a reasonable period to me, though I would invite comments from interested parties on whether a different period would be more appropriate.

Mr. President, we need to make a judgment about the prospects for the new satellite-based train control technology, one way or the other. Otherwise, we will find ourselves back here again in another few years, asking the same questions while families grieve and others lie in pain in hospital beds.

Another set of issues raised by the two passenger accidents is emergency escape, crash worthiness of passenger cars, fuel tank integrity, and signal placement. All have contributed to the loss of life and injury.

My bill would direct the FRA to examine the possibility of developing automatic escape systems. Not later than 1 year after the date of enactment of my bill, the Department of Transportation would be required to complete a study of the technical, structural, and economic feasibility of automatic train escape devices. If the report is positive, the Secretary is authorized to promulgate regulations in this area.

Mr. President, there is reliable, off-the-shelf technology that is used to inflate air bags during violent automobile accidents. That same technology could be used to automatically open escape routes in violent train accidents. Such technology might have saved the lives of passengers in the Maryland accident, who apparently survived the crash, but who were unable to escape the fire and smoke.

Another step I am proposing is to have FRA establish minimum safety standards for locomotive fuel tanks. Not later than 180 days after the date of enactment of my bill, the Department of Transportation would be required to establish minimum safety standards for fuel tanks of locomotives that take into consideration environmental protection and public safety. The Secretary would be given the authority to limit the applicability of the standards to new locomotives.

The Maryland accident demonstrated the terrifying nature of fuel-fed fires. Many in the industry already are investing in less vulnerable fuel tank configurations. But we need to ensure in the future that no locomotives have the kind of exposed, vulnerable fuel tank that contributed to the Maryland disaster.

It is also important to ensure that passenger rail cars are produced and configured in a safe manner. Not later than 1 year after the date of enactment of my bill, the Department of Transportation would be required to determine whether to promulgate regulations to require crash posts at the corners of rail passengers cars, safety locomotives on rail passenger trains, and minimum crashworthiness standards for passenger cab cars.

The death toll in both the New Jersey and Maryland accidents might have been less if the passenger compartments were stronger or if some had not been exposed by the lack of a locomotive at the front of the train. Amtrak is investigating the possibility of using decommissioned locomotives at the front of their push trains in order to provide engineers with a safe platform from which to work and to provide additional protection to the first passenger car in case of a collision. The National Transportation Safety Board has suggested that passenger cars be equipped with crash posts at the corner of each car.

The FRA is developing new safety standards for rail cars. My bill would direct the FRA to consider crash posts and safety locomotives, and to make a specific finding about these alternatives.

Also, after touring the scene of New Jersey Transit's sideswipe accident, I am convinced that unprotected passenger cab cars should be held to a higher standard than other passenger cars. The bill therefore requires FRA to evaluate the possibility of establishing minimum crashworthiness standards for these passenger cab cars, and to issue a report about their conclusions.

In addition, the bill directs the FRA to look into signal placement. Not later than 1 year after the date of enactment of my bill, the Department of Transportation would be required to determine whether regulations should be promulgated to require that a signal be placed along a railway at each exit of a rail train station; and if practicable, a signal be placed so that it is visible only to the train that the signal is designed to influence. If the study determines such regulations should be promulgated, the Department of Transportation is given the authority to promulgate those regulations. Signals should be positioned in the best places possible to minimize human error.

Mr. President, I recognize that some in the rail community may object to the costs of additional safety measures. And these costs cannot be ignored. Last year, Federal operating and capital assistance to transit agencies was cut by some 20 percent from the previous year's funding level. This reduction represented the single largest cut of any transportation mode in the Transportation appropriations bill.

Our Nation derives economic, social, and environmental benefits from public transit agencies. We expect these agencies to provide safe services. Yet, we cut their funding and then wonder why safety is affected. We must continue to support mass transit or else we will force commuters off relatively safe buses, subways, and trains and onto our Nation's roads, which annually cause the premature death of some 40,000 Americans.

Mr. President, it remains critically important to improve rail safety. I challenge skeptics to visit with the families of loved ones who died in New Jersey and Maryland. See first hand what it means when we compromise on safety. You will not come away unmoved.

Mr. President, we in the Congress have an obligation to protect the public. After the Chase, MD, accident of 1987 Congress mobilized and quickly enacted sweeping rail safety legislation. As a result, untold Americans have been saved through the mandated use of automatic train controls on the Northeast corridor, the creation of minimum federal standards for licensing of railroad engineers, certification requirements for predeparture inspections and whistle blower protections for rail employees. I am proud of the part that I played in developing that legislation and believe that it has been very effective. However, more should be done. The lives and health of literally millions of Americans are at stake.

Mr. President, both the Washington and the New York editorials of February 21, 1996, make the case for increasing rail safety. I ask unanimous consent that they be inserted in the RECORD as part of my statement.

I hope my colleagues will support this legislation. I believe it is a responsible approach to rail safety that builds on the lessons we have learned from our Nation's recent rail safety accidents.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1575

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rail Safety Act of 1996".

SEC. 2. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Federal Railroad Administration.

(2) PASSENGER CAB CAR.—The term "passenger cab car" means the leading cab car on a passenger train that does not have a locomotive or safety locomotive at the front of the train.

(3) SAFETY LOCOMOTIVE.—The term "safety locomotive" means a cab-car locomotive (whether operational or not) that is used at the front of a rail passenger train to promote passenger safety.

(4) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

(5) TRAIN EMPLOYEE.—The term "train employee" has the same meaning as in section 21101(5) of title 49, United States Code.

SEC. 3. HOURS OF SERVICE.

(a) IN GENERAL.—

(1) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Administrator, shall promulgate regulations concerning limitations on duty hours of train employees that contain—

(A) requirements concerning hours of work for train employees and interim periods available for rest that are no less stringent than the applicable requirements under section 21103 of title 49, United States Code, as in effect on the day before the effective date of subsection (b); and

(B) any other related requirements that the Secretary determines to be necessary to protect public safety.

(2) NEGOTIATED RULEMAKING.—

(A) IN GENERAL.—In promulgating regulations under this subsection, the Secretary shall use negotiated rulemaking, unless the Secretary determines that the use of that process is not appropriate.

(B) PROCEDURES FOR NEGOTIATED RULEMAKING.—If the Secretary determines under subparagraph (A) that negotiated rulemaking is appropriate, the Secretary, in consultation with the Administrator, shall carry out the negotiated rulemaking in accordance with the procedures under subchapter III of chapter 5 of title 5, United States Code.

(b) REPEAL.—

(1) IN GENERAL.—Section 21103 of title 49, United States Code, is repealed.

(2) EFFECTIVE DATE.—This subsection shall take effect on the date on which the Secretary promulgates final regulations under subsection (a).

SEC. 4. SATELLITE-BASED TRAIN CONTROL SYSTEMS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the

Secretary, acting through the Administrator, shall conduct a study to determine the feasibility of requiring satellite-based train control systems to provide positive train control for railroad systems in the United States by January 1, 2001.

(b) Time Frame for Operation; Automated Train Control Systems.—

(1) Regulations to cover impracticability of satellite-based train control systems.—Subject to paragraph (3), if, upon completion of the study conducted under subsection (a), the Secretary, acting through the Administrator, determines that the installation of an effective satellite-based train control system referred to in subsection (a) could not be accomplished practicably by January 1, 2001, the Secretary shall promulgate regulations to require, as soon as practicable after the date of promulgation of the regulations, the use of automated train control technology that is available on that date.

(2) Regulations to cover practicability of satellite-based train control systems.—

(A) In general.—Subject to paragraph (3), if upon completion of the study conducted under subsection (a), the Secretary, acting through the Administrator, determines that the installation of an effective satellite-based train control system referred to in subsection (a) could be accomplished practicably by January 1, 2001, the Secretary, in consultation with the Administrator, shall promulgate regulations to require, as soon as practicable after the date of promulgation of the regulations, the use of automated train control technology that is available on that date.

(B) Waivers.—If the appropriate official of a railroad system establishes, to the satisfaction of the Secretary, and in a manner specified by the Secretary, that the railroad system will have in operation a satellite-based train control system by January 1, 2001, the Secretary shall issue a waiver for that railroad system to waive the application of the regulations promulgated under subparagraph (A) for that railroad system, subject to terms and conditions established by the Secretary.

(3) Conditions.—In promulgating regulations under this subsection, the Secretary, in consultation with the Administrator, shall provide for any exceptions or conditions that the Secretary, in consultation with the Administrator, determines to be necessary.

(4) Monitoring.—

(A) In general.—If the Secretary issues a waiver for a railroad system under paragraph (2)(B), the railroad system shall, during the period that the waiver is in effect, provide such information to the Secretary as the Secretary, acting through the Administrator, determines to be necessary to monitor the compliance of the railroad system with the conditions of the waiver, including information concerning the progress of the railroad system in achieving an operational satellite-based train control system.

(B) Revocation of waivers.—If, at any time during the period that a waiver issued under paragraph (2)(B) is in effect, the Secretary determines that the railroad system issued the waiver is not meeting the terms or conditions of the waiver, or is not likely to have in operation a satellite-based train control system by January 1, 2001, the Secretary shall revoke the waiver.

SEC. 5. AUTOMATIC TRAIN ESCAPE DEVICE STUDY.

(a) Study.—Not later than 1 year after the date of enactment of this Act, the Secretary, acting through the Administrator, shall conduct a study of the technical, structural, and economic feasibility of automatic train escape devices.

(b) Report.—Upon completion of the study conducted under this section, the Secretary, acting through the Administrator, shall—

(1) prepare a report that contains the findings of the study; and

(2) submit a copy of the report to the appropriate committees of the Congress.

(c) Regulations.—If, by the date specified in subsection (a), the Secretary makes a determination (on the basis of the findings of the study) that automatic train escape devices should be required on rail passenger trains, the Secretary, in consultation with the Administrator, shall, not later than 180 days after such date, promulgate regulations to require automatic train escape devices on rail passenger trains as soon as practicable after the date of promulgation of the regulations.

SEC. 6. LOCOMOTIVE FUEL TANKS.

(a) In General.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Administrator, shall establish, by regulation, minimum safety standards for fuel tanks of locomotives of rail passenger trains that take into consideration environmental protection and public safety.

(b) Applicability.—The Secretary, in consultation with the Administrator, may limit the applicability of the regulations promulgated under subsection (a) to new locomotives (as defined by the Secretary, in consultation with the Administrator) if the Secretary determines that the limitation is appropriate.

SEC. 7. PASSENGER CAR CRASH-WORTHINESS.

(a) In General.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Administrator, shall determine whether to promulgate regulations, for the purpose of protecting public safety, to—

(1) require crash posts at the corners of rail passenger cars;

(2) require safety locomotives on rail passenger trains;

(3) establish minimum crash-worthiness standards for passenger cab cars; or

(4) carry out any combination of paragraphs (1) through (3).

(b) Regulations.—If, the Secretary, acting through the Administrator, determines that promulgating any of the regulations referred to in subsection (a) are necessary to protect public safety, the Secretary, in consultation with the Administrator, shall, not later than 180 days after such date, promulgate such regulations in final form, to take effect as soon as practicable after the date of promulgation of the regulations.

(c) Report.—If the Secretary determines under subsection (a) that taking any action referred to in paragraphs (1) through (3) of such subsection is not necessary to protect public safety, not later than the date of the determination, the Secretary shall submit a report to the appropriate committees of the Congress that provides the reasons for the determination.

SEC. 8. SIGNAL PLACEMENT.

(a) Study.—Not later than 1 year after the date of enactment of this Act, the Secretary, acting through the Administrator, shall conduct a study of the placement of rail signals along railways. In conducting the study, the Secretary, acting through the Administrator, shall determine whether regulations should be promulgated to require—

(1) that a signal be placed along a railway at each exit of a rail station; and

(2) if practicable, that a signal be placed so that it is visible only to the train employee of a train that the signal is designed to influence.

(b) Regulations.—If, upon completion of the study conducted under subsection (a), the Secretary determines that the regulations referred to in that subsection are necessary for the protection of public safety, the Secretary shall, not later than 180 days after the completion of the study, promulgate those regulations.

(c) Report.—If, upon completion of the study conducted under subsection (a), the Secretary determines that promulgating any of the regulations referred to in subsection (a) is not necessary for the protection of public safety, not later than the date of completion of the study, the Secretary shall submit a report to the appropriate committees of the Congress that provides the reasons for that determination.

[From the Washington Post, Feb. 21, 1996]

LESSONS FROM THE TRAIN DISASTER

The horrifying details of death by fire and smoke—of people frantically seeking escape from a mangled commuter-train-turned-furnace Friday night—continue to prompt questions about rail safety policies in general and about what happened in Silver Spring specifically. Some answers must await the findings of investigators from the National Transportation Safety Board. But there are safety procedures, policies and equipment that have been the subjects of debate in the industry for years, and that haunt every autopsy of a train wreck:

Signals. What, if any, signals did engineer Richard Orr, aboard Maryland commuter train 286, notice or remember in the final miles before this train slammed into Amtrak's Capitol Limited? Before arriving in Kensington, he passed a signal that should have warned him to be prepared to stop. The signal system is considered highly reliable. But there is a more effective system that goes back to the 1920s: With it, even if the engineer fails to spot or continue to remember the warning signal, he sees a small light in his cab, and each time his train goes through a restrictive signal he hears a whistle. Should he fail to push a lever to acknowledge the signal and then slow down or stop, the train would do so automatically. Why isn't every train equipped with this?

They used to be—on any line that was to travel faster than 80 mph—under a 1947 Interstate Commerce Commission order. But over time, railroads were permitted on a case-by-case basis to remove the system, in part because the age of fast passenger trains was seen as ending. Besides, railroads argued that the systems were expensive and that the braking systems caused other safety problems for freight trains. Today's signal system for MARC, like those for most lines, does not provide automatic train control.

Although railroads today have a better safety record than at any time in history, this history includes earlier crashes—in Seabrook, Prince George's County, in 1978 and in Chase, Md., in 1987—that prompted the NTSB to recommend that all trains in the Northeast Corridor be equipped with automatic stopping devices. They now are.

Passenger Escape. Yesterday, federal regulators issued emergency regulations that, in addition to setting 30 mph limits on non-automatic control lines for trains between a station stop and the first signal, included a call for more visible exit signs on train cars. Visible, uncomplicated instructions for opening windows, doors and escape routes ought to be posted everywhere. How about instructions on the back of every seat?

Train Design. Though America's trains are among the sturdiest pieces of equipment moving on land or in the skies, there is the question of the Amtrak train's exposed diesel fuel tanks, which splashed the fuel that ignited the terrible fire. Newer models don't have this feature; the sooner the old models are gone the better.

"*Push-Pull.*" The MARC train was being pushed by its locomotive, a common practice for quick back-and-forth runs. Passengers may feel safer with a locomotive in front of them, but there is no hard evidence that safety is compromised when it is pushing instead of pulling.

Another issue affects public confidence in railroad travel: Maryland transit officials issued conflicting, inaccurate and constantly changing reports on the accident for hours Friday. At first they were telling television stations that no MARC passengers were involved; they gave out a telephone number that assured callers that no passengers on the train had been injured. This was occurring as televised scenes and witness accounts were indicating otherwise. Whatever MARC may have had as an emergency preparedness plan, it failed. Amtrak, on the other hand, seemed to be issuing as much information as it could.

More questions are sure to arise as the fact-finding continues. A safe transportation system of any kind requires more than the mere recitation of probability statistics. Public confidence must be taken into account not only by government regulators but also by the industry officials.

[From the New York Times, Feb. 21, 1996]

IN THE TRAIN WRECKS' AFTERMATH

Two train collisions seven days apart have brought calamity to the ordinarily quiet and safe commuter systems of New York and Washington D.C. Federal and local officials are responding with intense investigations and emergency measures. They have already found some surprising soft spots in the rail network's safety rules and practices.

New Jersey Transit, responding to the metropolitan region's worst commuter train crash in 38 years, quickly eliminated the nighttime split shift that enabled an engineer to work extra-long hours just before his train collided with another on Feb. 9. There was no need to await final analyses of what caused the accident to discontinue a work arrangement that was inherently hazardous.

The authorities are still investigating the accident, but it appears that a train bound for Hoboken ran through yellow and red lights that should have warned the engineer to stop before entering tracks where an outbound train had the right of way. The inbound train's engineer, John DeCurtis, was operating during the morning rush hour at the end of a split shift that had started 14½ hours earlier. He had a chance to rest five hours during the middle of the night, but with no cot or quiet space provided. Officials also need to weigh whether Mr. DeCurtis's safety record, which included two previous suspensions for running red lights, was a warning that should have been heeded, and whether the installation of automatic braking systems should be accelerated to prevent such tragic accidents.

Similarly in last Friday evening's collision between a Washington-bound commuter train and an Amtrak train headed north from Washington, the absence of automatic train controls has already emerged as a safety gap in the local system. Even more critically, the cars may have lacked fully operational and clearly marked evacuation routes with the kind of safety instructions that might have prevented the death of eight young Job Corps trainees, who were killed along with three crew members.

The signal system on the Maryland track was inadequate. There was a caution light just before a suburban station where the train was stopping anyway, but no similar light immediately after to remind the engineer not to accelerate to a high speed. The train rounded a bend and slammed into the Amtrak train that had been temporarily routed on the same tracks.

The Transportation Department responded yesterday with belated but sensible stopgap rules. When a train leaves a station, engineers must proceed no faster than 30 miles an hour. They must call out to other crew members any warning signal they see. All the nation's railroads are instructed to test emergency exits and submit safety plans for Federal review. Clearly, many safety hazards need examination and correction as the result of these two tragedies.•

By Ms. MIKULSKI (for herself and Mr. SARBANES):

S. 1576. A bill to provide that Federal employees who are furloughed or are not paid for performing essential services during a period of a lapse in appropriations, may receive a loan, paid at their standard rate of compensation, from the Thrift Savings Fund, and for other purposes; to the Committee on Governmental Affairs.

THE FURLOUGH RELIEF ACT OF 1996

• Ms. MIKULSKI. Mr. President, today, I am introducing legislation with Senator SARBANES called the Furlough Relief Act of 1996. Our bill would help Federal employees weather the storm during Government shutdowns by allowing them access to interest free loans from their Thrift Savings Plans.

About the only thing that Federal employees can rely on today is uncertainty. During the last year we have seen one attack after another aimed at Federal workers. Between assaults on earned retirement benefits, downsizing, and furloughs, these dedicated people have to be wondering what's coming next.

Today we are operating much of the Government under an emergency continuing resolution. I fervently hope there will not be another shutdown, and I will be doing all I can to prevent one from happening. But there is no guarantee that Federal employees will be able to go to work and earn their paychecks after this continuing resolution expires on March 15. They could face yet another shutdown. That would mean more lost pay, more lost productivity, and more uncertainty.

I am a Federal employee Senator. I believe in honest pay for hard work, and I know of no group of Americans that works harder than our Federal employees. That is why I am introducing legislation today that will help Federal employees who want to help themselves.

As my colleagues know, Federal employees currently are allowed to borrow from their tax deferred Thrift Savings Plans for reasons such as furthering their education, buying a home, or undergoing a medical procedure. However, the approval process for a TSP loan can take weeks. There is also no guarantee that the loan will be approved, and if it is approved, the borrower must pay interest when paying back the loan.

The Furlough Relief Act of 1996 would allow furloughed Federal employees to be automatically eligible for a TSP loan from their account during any Government shutdown. This loan would continue to be paid as long as the employee remains on furlough. It would help Federal employees make up for lost wages. When a furlough ends, the employee would be able to pay back the loan without interest.

The Furlough Relief Act will cut through the redtape of the TSP loan process. It will provide a dependable source of income for Federal employees who have been denied their pay, and it will finally give a break to dedicated people who have not had many breaks in the past year.

I think it's time to stop these assaults on Federal employees. We cannot continue to devalue Government workers and at the same time expect Government to work better. In my State of Maryland, there are thousands of Federal employees making Government work better and making a difference in the lives of all Americans. I salute them, and I dedicate myself to making a difference in their lives.•

By Mr. HATFIELD (for himself and Mr. SARBANES):

S. 1577. A bill to authorize appropriations for the National Historical Publications and Records Commission for fiscal years 1998, 1999, 2000, and 2001; to the Committee on Rules and Administration.

THE NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION REAUTHORIZATION ACT OF 1996

• Mr. HATFIELD. Mr. President, it is a great pleasure for me to today introduce a bill to reauthorize the functions of the National Historical Publications and Records Commission on which I serve. I am pleased to be joined by my good friend and colleague, Senator SARBANES. Senator SARBANES and I have a long association with the Commission.

This important organization, closely associated with the National Archives and Records Administration, has been diligently performing some of the most vital archival preservation work in the country. Realizing the importance of preserving historical works and collections, Congress established the National Historical Publications and Records Commission in 1934. Its purpose was to collect, edit, and publish the papers of the Founding Fathers, the writings of other distinguished Americans, and the documentary histories of the First Congress, the Supreme Court, and the process of the ratification of the Constitution. In 1974, Congress expanded the Commission's responsibilities to include providing advice and assistance to public and private institutions in the development and administration of archival systems. In the same year, the NHPRC established a Historical Records Advisory Board in each State to help coordinate overall preservation strategies and to ensure that the Commission would have a strong Federal-State partnership for its records programs.

Today, the National Historical Publications and Records Commission has not strayed from its original mission. The NHPRC continues to screen and determine the historical works it considers appropriate for preserving or publishing. The Commission administers grants to projects dedicated to preserving annals essential for historical research, publishing historical papers, and archiving nationally significant records. Without the preservation of these invaluable records, historians have little hope of accurately analyzing our Nation's history. Another important aspect of the Commission's objective is to encourage and instruct local agencies, schools, museums, and individuals to forge ahead in their actions to preserve and publish historical works; the tasks facing archival institutions, manuscript depositories, and scholars require more than the valiant efforts of a single Federal Commission. The valuable work of the Commission is a very good example of a healthy partnership between public and private institutions, Federal and State agencies. The NHPRC pays no more than one-third of the funds of the projects that it supports. Thus, the program is one of aiding and working closely with individuals and local institutions dedicated to preserving important facets of our history.

The number of records that the Commission has preserved and published is an impressive tribute to its efficient organization. To date, the NHPRC has supported 1,056 archival projects in all 50 States, three territories, and the District of Columbia. These projects have published 717 documentary volumes. Recent project grants have gone to an agency in Illinois to preserve Abraham Lincoln's legal papers and to a center in Atlanta to publish the papers of Martin Luther King, Jr. In addition, the Commission has produced 8,280 reels of microfilm as well as 1,822 microfiche. Finally, the NHPRC has supported a total of 274 documentary editing projects. As the numbers suggest, the Commission has been quite successful in its mission to preserve and publish the Nation's historical works.

The bill I am introducing today seeks to extend authorization of appropriations for an additional 4 years in amounts up to $10 million annually. This appropriation would cover fiscal years 1998, 1999, 2000, and 2001. One hundred percent of the appropriations go entirely toward project grants; the National Archives bears the administrative costs. The American public may be assured that their investment is well spent by the NHPRC.

Passage of this important legislation will reassure America's community of scholars, librarians, and archivists working closely with the NHPRC that Congress is committed to the important mission of the Commission. In the past, Congress has clearly supported the work of the NHPRC and has recognized the importance of the Commission's efforts to ensure that the words, thoughts, and ideas of our Nation's historic individuals are collected from fragile or deteriorating source material and placed in books or on microfilm. Passage of this bill will ensure that present and future generations of inquisitive minds will have access to our history.

Mr. President, this bill will allow the NHPRC to continue its valuable work for the next 4 years—work that will be of the utmost benefit to scholars, researchers, libraries, and the public. Our Nation's history needs to be preserved, and the future generations of Americans deserve the right to have accurate records of their past. The preservation of our historical documents will protect and enrich our Nation's wonderful history. I am proud to be a sponsor of this legislation and confident in urging my colleagues to give their support to this important legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1577

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF APPROPRIATIONS FOR THE NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION.

Section 2504(f)(1) of title 44, United States Code, is amended—

(1) in subparagraph (F) by striking out "and" after the semicolon;

(2) in subparagraph (G) by striking out the period and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following new subparagraphs:

"(H) $10,000,000 for fiscal year 1998;

"(I) $10,000,000 for fiscal year 1999;

"(J) $10,000,000 for fiscal year 2000; and

"(K) $10,000,000 for fiscal year 2001."

• Mr. SARBANES. Mr. President, I am pleased to join today with Senator HATFIELD in introducing legislation to reauthorize the National Historical Publications and Records Commission for 4 years.

It has been my privilege to alternate with Senator HATFIELD in serving as the representative of the U.S. Senate on the National Historical Publications and Records Commission, Senator HATFIELD represented the Senate from 1983 to 1988, and I succeeded him until my term expired last year. The Commission has had strong bipartisan support throughout its history, and I trust will continue to do so.

The NHPRC's statutory mandate is to promote the preservation and use of America's historical legacy. The work of the NHPRC assures all Americans that the history of our Nation will be documented, that vital historical records will be kept safe, and that historians and others will have ready access to those records.

Grants awarded through the National Historical Publications and Records Commission are producing valuable results. In my own State of Maryland, the Commission is helping scholars edit, and presses publish, editions of papers that document the emancipation of slaves and the careers of important historical figures.

Other important discoveries have resulted from grants awarded to scholars by the Commission. For example, NHPRC grants resulted recently in the discovery of the longest document yet known that Abraham Lincoln wrote in his own hand, a group of letters written to James Madison by a famous jurist in the era of our revolution, an the original drawing made by Architect William Thornton for the ground plan of the U.S. Capitol.

Although the Commission has been doing this work since it was established by Congress in 1934, its efforts remain relevant to today's concerns. We have seen States and local governments across the country, with advice and assistance from the Commission, establish archival programs. We have seen the Commission launch several projects to deal with the growing problem facing archivists in controlling and accessing valuable electronic records, and helping historians make their documentary editions accessible electronically on the Internet.

Mr. President, it is important that the Commission continue its respected work in preserving the heritage of our Nation. The reauthorization legislation I am joining Senator HATFIELD in introducing is a practical and important step in ensuring continuity of the National Historical Publications and Records Commission. I urge my colleagues to join us in ensuring its swift passage.•

By Mr. FRIST (for himself and Mr. HARKIN):

S. 1578. A bill to amend the Individuals With Disabilities Education Act to authorize appropriations for fiscal years 1997 through 2002, and for other purposes; to the Committee on Labor and Human Resources.

THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT AMENDMENTS OF 1996

Mr. FRIST. Mr. President, today I am pleased and proud to introduce the Individuals With Disabilities Education Act Amendments of 1996. These amendments will guide our actions into the next century as we plan and secure educational opportunities for over 5 million American children with disabilities. Many recent polls have ranked education as one of the top concerns of Americans. These polls are a wakeup call. We must help America's children succeed and be able to demonstrate that they have succeeded. We must find ways to affect the culture of education, not through intrusive mandates, but through incentives for partnership and innovation. We must not give up on any child. We must view planning a child's education as a collaborative process. These important goals are the basis of the reauthorization of the Individuals With Disabilities Education Act, commonly referred to as IDEA.

As everyone knows I am new to this business of drafting Federal legislation. I am not new to the effects of Federal legislation on individual lives. In my surgical practice, I have sometimes been able to save lives because of Federal legislation and sometimes in spite of the barriers such legislation imposed on my efforts.

Thus, I take my responsibility as chairman of the Disability Policy Subcommittee very seriously. I am grateful for the partnership of my colleague from Iowa, Senator Tom HARKIN, who was a partner in the entire process, and whose past leadership of this subcommittee was and is an inspiration.

I have been both cautious and careful as I have weighed recommendations for amendments bought to me to change IDEA.

THE RIGHT OF A CHILD WITH A DISABILITY TO AN EDUCATION IS PRESERVED

IDEA is a civil rights statute. It guarantees access to a free appropriate public education for children with disabilities. This understanding was established clearly in the predecessor to IDEA, Public Law 94-142, which was enacted in 1975. IDEA is founded in the 14th amendment of the Constitution, which is the equal protection clause. This connection is reinforced through 20 years of case law and bipartisan legislative history. The IDEA amendments introduced today will not undermine the civil right of any child with a disability to a free appropriate public education.

Public Law 94-142 was based on five principles.

First, educational planning for a child with a disability should be done on an individual basis. Public Law 94-142 required that an individualized education program [IEP] be developed for each child with a disability.

Second, parents of a child with a disability should participate in the development of their child's IEP. Public Law 94-142 required such participation.

Third, decisions about a child's eligibility and education should be based on objective and accurate information. Public Law 94-142 required evaluation of a child to establish his or her need for special education and related services and to determine the child's progress.

Fourth, if appropriate for a child with a disability, he or she should be educated in general education with necessary services and supports. Public Law 94-142 required educational placements based on such determinations.

Fifth, parents and educators should have a means of resolving differences about a child's eligibility, IEP, educational placement, or other aspects of the provision of a free appropriate public education to the child. Public Law 94-142 required that if the parents of a child requested one, they were entitled to an impartial due process hearing. And, if differences between parents and educators could not be resolved through administrative proceedings such as a local due process hearing or a State-level review of the facts in the situation, either side could use court to settle the matter. In 1986, the law was amended to clarify that the Federal courts have the power to require the awarding of attorneys' fees to parents who prevail in administrative proceedings or court actions.

The amendments offered today will not undermine any of these five principles or their manifestation in IDEA.

In fact, this reauthorization of IDEA reinforces its basic principles and adds to the law a viable set of tools with which to help adults help children with disabilities prepare for a successful future.

FOCUSED ACCOUNTABILITY EXPECTED

The amendments address accountability. People involved in educational planning for a child with a disability will be expected to show results—where a child is and where a child is going in terms of the general education curriculum. How does he or she do in the classroom? How does he or she do on local or statewide assessments of student progress? Is a child getting appropriate services and supports to demonstrate what he or she knows and can do? The amendments reshape expectations for children with disabilities and create a common frame of reference—the general education curriculum. Most children with disabilities can learn and benefit from the general education curriculum. Some may need to learn it at a slower pace or in a modified form. Some may need to demonstrate what they have learned in a different way than their peers. Nonetheless, they can learn and therefore, should have the opportunity to learn, what their brothers, sisters, and friends are learning.

Unless we secure the general education curriculum as the educational anchor for most children with disabilities, their ability to succeed on district-wide and statewide assessments of student progress will be jeopardized. If they fail or perform poorly on such assessments, because they were taught from a watered-down general education curriculum or a different curriculum, we are reinforcing the beliefs of people who say that children with disabilities cannot learn as much or as well as other children. We also are reinforcing the beliefs of people who prefer separate educational opportunities for children with disabilities. Moreover, if children are taught from a watered-down general education curriculum or a different curriculum, we may inadvertently create a justification for ignoring children with disabilities when undertaking school reform initiatives.

If the general education curriculum is the focus for planning for a child with a disability, it will improve communication throughout the system—a child with a disability and peers, educators and the child's parents, special education teachers and general teachers, related services professionals and teachers, and parents of children with and without disabilities. Such a focus also will affect expenditures and uses of personnel. The emphasis will shift to what services and supports are necessary in order for a child with a disability to succeed in the general education curriculum. This shift may save a school district money, while continuing an appropriate education for a child with a disability. Lines of responsibility will blend—the question will become—"How do we make the general education curriculum work for a particular child with a disability?" If this blending of responsibility takes off, and I believe it will work, not only will children with disabilities benefit, but children at risk will benefit, because personnel will acquire new skills and supports that equip them to serve all children.

CULTURE IN THE EDUCATIONAL ENVIRONMENT CHANGED

The amendments will affect the culture of schools—to create new bases for teamwork, to reinforce existing partnerships, and to provide incentives to view the delivery of educational services to children with disabilities not as a distinct, separate mandate, but as an integral part of the overall business of education. I come to this conclusion from personal experience.

Giving an individual a new heart, a chance at a longer life with quality, is the ultimate high. When that moment comes, I am filled with powerful emotions—pride, love, prayers of thanks, satisfaction, and a profound appreciation of the power of teamwork. Reaching that moment and the critical ones that follow it is not possible without teamwork, involving the transplant recipient, the donor's bereaved family, the organ donor coordinator, medical, surgical, technical and nursing staff, counselors, and the recipient's family. This process is long, complex, emotional and risky, but it is not a contest. Everyone has a common goal. Information is compiled and analyzed. Options are considered. Differences are aired. Decisions are made.

As I became engaged in the reauthorization of IDEA I realized that planning the education of any child with a disability should not be viewed as a contest, but as an opportunity for teamwork. The bill includes many provisions which encourage and reinforce teamwork. Parents will be a source of information when compiling evaluation data on a child suspected of having or known to have a disability. Parents will have the opportunity to participate in all meetings in which decisions which affects their child's education are made. Parents of children with disabilities will have the opportunity to help develop school-based improvement plans designed to expand and improve educational experiences for their children. Teachers—those who do or could work with disabled children—will be involved in providing and interpreting information on the educational and social strengths, progress, and needs of children with disabilities, which would be used in IEP meetings.

School districts will see a substantial reduction in paperwork under IDEA and will have increased flexibility on the use of personnel and the fiscal tracking of the use of personnel. Because of these amendments we will see more reasons for educators and parents to have common goals; fewer reasons for administrators to call IDEA burdensome; more general and special education teachers and related services personnel working together; more children with disabilities succeeding in the general education curriculum; more children with disabilities participating in school reform initiatives; and most important, more children at risk of failure will succeed.

We will not see these changes overnight. They will take time. The amendments to IDEA restructure the 14 discretionary or support programs—totaling $254 million in authorizations—to facilitate and realize these changes, as well as others. Thirty million dollars are authorized for a new Systems Change State Grant Program. States will compete for access to these dollars. The purpose of this grant program is to provide funds to help States to address problems that have statewide implications. For example, States could use grant awards to design effective ways for general education and special education teachers to work in the same classrooms; to develop effective within-school options for addressing behaviors subject to school disciplinary measures; or to arrange effective transitions for children with disabilities from early intervention to preschool programs, from high school to the adult world, or at other important times in a child's life.

The amendments clearly link funding for personnel training and research to the needs of children with disabilities, their families, school personnel, and school districts. Any institution that seeks a training grant will be obligated to identify a personnel shortage that they intend to address. Any institution that seeks to train teachers to work with blind children must teach trainees how to teach Braille.

With regard to research grants, I appreciate the fact that research takes extended effort. Research results are never immediate and are often modest building blocks toward some broader area of knowledge. Research infrastructure requires a sustained, predictable commitment to funding. However, the amendments offered today expect researchers to keep their eye on the child in the classroom, the teacher in the classroom, the principal in the school, the child's parents, the school district, or the State education agency. Researchers will be expected to provide information that benefits children with disabilities, their teachers, or other targeted audiences. Practical research will be valued. Through this reauthorization, the allocation of research dollars will emphasize lines of inquiry that will result in information that teachers or others can use to help children with disabilities succeed in the general education curriculum.

The amendments also sustain and strengthen the Federal support for information that helps children with disabilities, their parents, teachers, related service personnel, early intervention professionals, administrators, researchers, teacher trainers, and others learn about, access, and use state-of-the-art tools and strategies to be effective as partners in the business of education. The amendments require grantees who are involved in the business of information gathering and dissemination and the grantees who are responsible for technical assistance to make a difference—to know their audiences, to provide them with information and assistance that they need and can use, and to verify that their efforts counted, not just in terms of numbers of people reached or pieces of paper disseminated, but in terms of lives changed.

I certainly know the difference between an established and an experimental surgical procedure, and I know what it takes to teach new techniques to professionals across the country, and to do it well. It is my hope that the standards of information and dissemination and technical assistance achieved in medicine will come to be expected within the professional community serving infants, toddlers, children, and youth with disabilities. I think it is reasonable to expect that when anyone asks for information or assistance from a federally funded source, that source is prepared to say, "This will work; or, this will work if certain conditions are present; or, this works 50 percent of the time; or this might work." This reauthorization moves us toward increased confidence in the information requested, received, or offered under information dissemination and technical assistance activities funded through IDEA. With increased confidence will come the opportunity to be a better equipped participant and partner in the identification, evaluation, selection or design of educational opportunities for children with disabilities.

HELPING EACH CHILD IS AN INVESTMENT IN THE FUTURE

The amendments also address another priority of many Americans—intervening in the lives of children before they fail, before they are labeled, or before they are lost. Effective intervention and targeted prevention are themes that cut across many of the provisions in the reauthorization of IDEA.

Early intervention. The bill reauthorizes part H, the Early Intervention Program, in IDEA. Part H was originally enacted in 1986. This program, in which all States participate, has been extremely effective in reaching infants and toddlers with disabilities early in their young lives, often at birth. This early intervention program helps these small ones, and their parents, unlock their abilities and become prepared to realize maximum benefits from their later preschool and school experiences.

The amendments direct the Federal Government to develop a model definition and service delivery standards for infants and toddlers at risk of being developmentally delayed. Early intervention professionals are very successful at diagnosing and serving infants and toddlers with disabilities, that is, disabilities which are discernable before, during, or shortly after birth. These professionals are experienced in developing appropriate intervention strategies for such children. They are less successful in identifying infants and toddlers who show more subtle signs indicative of later disability. I anticipate that the model definition and service standards, which will draw from the experiences of States which currently are serving at-risk populations, eventually will provide early intervention professionals with the tools to identify and reach greater numbers of at-risk infants and toddlers.

The amendments also give States increased administrative flexibility with regard to the transition of a child from an early intervention program funded by part H into a preschool program funded by section 619 of part B of IDEA. This flexibility will provide an incentive to focus on what is best for a particular child—allowing the child to remain in an early intervention program after his or her third birthday during a school year and to transition to a preschool program in the next school year. This flexibility permits the child's individualized family services plan [IFSP] to be the child's IEP until planning is done for the next school year.

As a surgeon I understand the importance and effect of early intervention in a medical situation. As a Senator I have been reminded of the benefits of Headstart and have witnessed the benefits of early intervention and preschool programs at the Kennedy Institute at Vanderbilt University. I have no doubt that as we continue to invest Federal funds in the very young lives of infants and toddlers with disabilities, we will deliver to our schools children who can learn more easily, participate more fully, and be less distinguishable from their peers in terms of expectations, progress, and friendships.

Labeling deemphasized. These amendments lessen the need for and meaning of labels. School districts will be required to report the number of children with IEP's, and the number of students in each of two placement categories. They will not be required to continue reporting the numbers of children in twelve disability categories, by age group, or by multiple types of placements. This will significantly reduce the longstanding reporting burden imposed on school districts and States. I anticipate that this administrative relief will translate into less interest in and use of disability labels in schools and classrooms.

The amendments encourage States to adopt placement-neutral funding formulas. Thus, over time there will be fewer incentives for segregated, label-driven educational placements for children with disabilities.

Under certain conditions, school districts also will have the opportunity to commingle IDEA dollars with other funds when serving children with disabilities—when children with disabilities are in general education classrooms being taught by general and special education teachers; when children eligible for services under IDEA are being served with children identified as disabled under the Americans With Disabilities Act or section 504 of the Rehabilitation Act; or when a school has a school improvement plan in effect. This flexibility in the use of IDEA dollars will cause school officials to rethink how services may be delivered more efficiently and more effectively; cause labeling to be viewed as less relevant or necessary; and cause teachers to view their roles in reaching children as complementary and their responsibilities for helping all children succeed as a joint effort.

The amendments recognize that many children from minority backgrounds are inappropriately identified as being eligible for special education and related services under IDEA. It is anticipated that with the opportunity to use IDEA funds in more flexible ways, parents, teachers, and administrators will not need to use the referral and evaluation procedures connected to special education as frequently as in the past to secure more or different services for children from minority backgrounds.

No child to be lost or forgotten. The amendments take a broad view of the concept of "dropout." In the amendments numerous, interrelated provisions have been crafted to reduce the likelihood that child with a disability will either figuratively or literally drop out of school and become disconnected from peers and professionals who can contribute to the child's growth and success in school. These provisions will require affirmative efforts on the part of educators, other professionals, and the parents of the child to keep the child connected in meaningful ways to the business of learning. Three sets of provisions particularly should result in fewer children with disabilities being lost or forgotten.

Integrated transition services for secondary school students with disabilities. Developing a secondary student's IEP for a particular year should not be an activity divorced from transition planning for the child that may encompass multiple years. Therefore, the amendments make transition planning for a child 14 or older a part of the IEP process. This clarification should result in simplification of administrative procedures. Secondary school personnel and personnel responsible for transition services, to the extent that they are different, will have a common process—the development or modification of a student's IEP—in which to make contributions and through which to influence what others may propose. Parents and students with disabilities will continue to have direct roles in the planning process as well. Students at the designated age of majority, in States where this is permitted, will be able to be the principal representative of their own interests and preferences.

Clarification of fiscal responsibilities for related services. In order to succeed in school and connect to the social culture of school, children with disabilities may need more than specially designed instruction. They may need one of many related services, such as speech therapy, occupational therapy, physical therapy, or counseling. Such services may be critical at any time in the school years of a child with a disability, because they help a child acquire the tools to blend in and be accepted by peers and teachers—to communicate, to walk, to sit, to function more independently, to hold a pen, use a keyboard, or to use socially appropriate behavior. Accessing related services personnel can be costly and is not always easy, even when cost is not a factor. The amendments clearly establish that fiscal responsibility for such services extends beyond school districts; spell out the broader obligation of local and State agencies that could and should absorb such costs; and indicate that school districts have the opportunity to seek reimbursement from such agencies, when a child's eligibility for such services, funded by other than a local school district, is known.

School discipline and civil rights. A few children with disabilities sometimes pose a danger to themselves or others, or are so disruptive that neither they or their classmates can learn. Such children should not, must not, be abandoned.

How to best address such situations was the most contentious issue during the development of this reauthorization of IDEA. Educators reported that current provisions in IDEA prevent them from removing disabled students who are dangerous from school. One exception in current law is when a student with a disability brings a weapon to school. Such a student can be removed from his or her current educational placement for up to 45 days. Parents of children with disabilities argued strenuously that if IDEA were to make it easier for educators to remove disabled students who are dangerous or seriously disruptive from their educational placements, the law would give educators a reason to serve children with disabilities in more segregated settings or not at all. Moreover, parents argued that increasing educators' ability and discretion to remove children with disabilities from their current educational placements, without parental consent, would provide educators with the opportunity to divert responsibility for having inappropriately served children with disabilities in the first place and reward educators for the actions or inactions that led to the dangerous or disruptive behavior.

The amendments to address this issue are not in the bill. I plan to continue working on this issue with my colleagues, with professional organizations and associations who have already contributed to this process, and especially with parents. I have come to consider both the contentions of educators and those of parents to be valid. I anticipate creation of an amendment that will strike a balance between the educators' responsibility to maintain safe schools and the right of children with disabilities, even when they engage in dangerous or seriously disruptive behavior, to continue their education.

I anticipate negotiating a discipline amendment that will: Define dangerous behavior; sustain a commitment from schools to involve parents in their children's education before crises develop; reach an agreement on a mechanism that allows the removal of a student with a disability in an expedited manner when the student is truly a danger to himself or herself or to others; and that will allocate resources to train principals and to train teachers and students in conflict resolution strategies and related behavior management techniques.

We have a long history of bipartisan commitment to IDEA. We must continue to be courageous, on both sides of the aisle, in our commitment to improve the lives of our citizens with disabilities, most especially children. We must continue to be courageous in our commitment to making American schools the best they can be for all of our children.

In our hearings on IDEA in May 1995, a mother from Kentucky came in, even though her son Ryan had died, and told us her son's story. I remember that she said she was guided in her advocacy by a quote from Daniel Burnham, who said:

> Make no little plans. They have no magic to stir men's blood and probably themselves will not be realized. Make big plans, aim high and hope they work, remembering that a noble, logical diagram, once recorded, will never die, but long after we are gone will be a living thing asserting itself with ever-growing insistency.

This is the kind of courage children with disabilities must bring to their everyday lives. This is the kind of courage that parents of children with disabilities show every day as they dream their dreams and work, step-by-step, toward a better, more independent, more productive life for their child. This is the kind of courage that America's dedicated and professional teachers bring to their work with American students every school day, aiming high and hoping their big plans work.

We can do no less. We will do no less. These amendments will keep us on track.

Mr. President, I ask unanimous consent that a short list of improvements to IDEA, and a section-by-section summary of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INDIVIDUALS WITH DISABILITIES EDUCATION ACT AMENDMENTS OF 1996

SUMMARY OF CHANGES MADE TO CURRENT LAW BY FRIST BILL

PART A—GENERAL PROVISIONS (SECS. 601-610)

Sec. 601—Short Title/Findings/Purpose

Updates "Findings"—to reflect changes made in the education of children with disabilities over the past 20 years (since enactment of P.L. 94-142), and to restate that the "right to equal educational opportunities" is inherent in the equal protection clause of the 14th Amendment.

Updates "Purposes" of IDEA—to incorporate all relevant IDEA programs in the purpose statements (i.e., the basic State grant program under Part B, the early intervention program for infants and toddlers with disabilities under Part H, and the various support programs under Parts C through E, including systems change activities, coordinated research and personnel preparation, and coordinated technical assistance, dissemination, and technology development and media services).

Sec. 602—Definitions

Adds definitions of "behavior management plan", "educational service agency" (to replace "intermediate educational unit"), "general education curriculum", "inappropriately identified", "individualized family service plan (IFSP)", "infant or toddler with a disability", "outlying areas", "parent" (to include guardians), "public or private nonprofit agency or organization", "supplementary aids and services", "systems change activities"; "systems change outcomes", and "unserved and underserved".

Deletes definitions of "research and related purposes", "public and private agency", and "youth with a disability"; and moves the definition of "transition services" to sec. 614(i).

Revises definitions of—

(1) "IEP"—by removing all substantive provisions, and referring to sections 614(d)-614(j), where all provisions (both process and content) are contained.

(2) "Institution of Higher Education (IHE)"—by making a simple cross reference to the Higher Education Act of 1965, etc.

(3) "Related Services"—by adding "orientation and mobility services" (to be consistent with current policy of the Education Department).

Makes technical and conforming changes to several other definitions e.g., by adding a definition for the term "child with a disability (current law defines the plural "children with disabilities"), and alphabetizes and adds heading to terms.

Sec. 603—Office of Special Education Programs (OSEP). (Provisions regarding the administrative staffing of OSEP)

Amends sec. 603—to allow OSEP to "accept voluntary and uncompensated services in furtherance of the purposes of this Act."

Sec. 604—Abrogation of State Sovereign Immunity. (Current law provides that the Federal Government has the right to bring a suit against a State for violation of IDEA)

No changes.

Sec. 605—Acquisition of Equipment and Construction of Necessary Facilities

Repealed.

Sec. 606—Employment of Individuals with Disabilities

No changes.

Sec. 607—Grants for the Removal of Architectural Barriers

Repealed.

Sec. 608—Requirements for Prescribing Regulations. (Current law requires a 90-day public comment period for regulations proposed under Part B of the IDEA)

Makes technical and conforming changes.

Sec. 609—Eligibility for Financial Assistance. (Current law provides that no grants may be made for projects that focus exclusively on children aged 3-5, unless the State is eligible for a preschool grant under sec. 619)

Makes technical and conforming changes.

Sec. 610—Administrative Provisions Applicable to Parts D and E

(Parts D&E include support programs under IDEA concerning research, personnel training, etc. The Senate bill (1) reduces the number of support programs from 14 to 7, and (2) reorganizes the remaining provisions contained in Parts C through G of current law into three Parts: Part C—State Systems Change Grants, Part D—Coordinated Research and Personnel Preparation, and Part E—Technical Assistance, Support, and Dissemination.) The Senate bill reorganizes and substantially revises sec. 610, as described below:

1. Requires Secretary to develop and implement a comprehensive plan for activities under D and E, to enhance services to children with disabilities under parts B and H.

2. Identifies eligible applicants for awards (SEAs, LEAs, IHEs, private nonprofit organizations, Indian tribes, and, in some cases, "for profit" organizations); and specifies that the Secretary may limit individual competitions to one or more categories of applicants, etc.

3. Extends current provisions regarding outreach to minorities (i.e., requires at least one percent of the total funds appropriated under parts D and E to be used for outreach purposes for "HBCUs" and IHEs with minority enrollments of at least 25 percent. This is a continuation of current law.

4. Provides that the Secretary may, without rulemaking, limit competitions to projects that give priority to one or more targeted areas set out in the bill—so long as each project addresses the needs of children with disabilities and their families.

5. Sets out specific applicant responsibilities.

6. Includes provisions for application management—including (1) requiring a peer review process, with detailed criteria for selection of panel members, and (2) providing that the Secretary may use a portion of funds under Parts D and E (a) to pay nonfederal entities for administrative support, (b) for Federal employees to monitor projects, and for evaluation of activities carried out under these programs.

PART B—ASSISTANCE FOR EDUCATION OF ALL CHILDREN WITH DISABILITIES (SECS. 611-620)

Sec. 611—Entitlements and Allocations

1. Retains the "child count" formula.

2. Expands the list of activities that a State may carry out if it retains Part B funds at the State level (e.g., to meet performance goals, and to develop and implement the mediation process required by sec. 615, systems change activities authorized under part C, and a statewide coordinated services system, etc.).

3. Revises the $7,500 minimum subgrant provision (which prohibits subgrants to very small LEAs that would receive less than $7,500 under sec. 611). The bill (1) eases this restriction by giving States the option to decide whether to make subgrants of less than that amount, and (2) adds preschool funds under sec. 619 to the amount that could be counted in determining if an LEA meets the $7,500 minimum. (Bill retains the provision requiring that, if a State doesn't make a subgrant to an LEA, it must use those funds to provide FAPE to children residing in the LEA).

4. Defines "outlying areas" as including the Federated States of Micronesia, Republic of the Marshall Islands, and the Republic of Palau and requires the outlying areas to use their Part B funds in accordance with the purposes of IDEA, and not for other purposes, as permitted under P.L. 95-134.

5. Makes technical changes regarding grants to the Secretary of the Interior, and makes other technical and conforming changes.

Sec. 612—State Eligibility

1. Simplifies provisions related to State participation under Part B—by combining most of the elements of current sections 612 (State eligibility) and 613 (State plans), so that all conditions of State eligibility (including policies on FAPE, procedural safeguards, LRE, etc.) appear in one comprehensive section.

2. Amends "child find" requirements (Sec. 612(a)(3))—to codify current Department policy, which provides that, so long as a child meets the "two-pronged" test as a "child with a disability" under sec. 602(4) (i.e., has a disability and needs special education), the child does not have to be classified by a specific impairment or condition in order to be eligible for service under Part B.

3. Amends LRE provisions (Sec. 612(a)(5))—to ensure that the State's funding formula does not result in placements that violate the policy that children are placed in the least restrictive environment, and (2) that the state educational agency examines data to determine if significant racial disproportionality is occurring in the evaluation and placement of children under this Act; and if either situation is identified, to take appropriate corrective action.

4. Amends provisions on Transition from Part H to Preschool Programs (Sec. 612(a)(9))—to conform Part B with the transition planning requirements under Part H (Sec. 678(a)(8)) (i.e., to ensure the LEA staff participate in transition planning conferences convened by the Part H lead agency, in order to ensure an effective transition for infants and toddlers with disabilities who move into preschool programs under Part B.

5. Addresses unilateral placements by parents (Sec. 612(a)(10))—to clarify that if the parents of a child with a disability unilaterally place the child in a private school and a hearing officer agrees with the parent's placement, the LEA may be required to reimburse the parents. However, the amount of reimbursement may be reduced or denied—(1) if prior to removal of the child from the public school, the parents do not provide a statement to the LEA rejecting its proposed placement, or (2) upon a judicial finding of unreasonableness in respect to actions taken by the parents.

6. Strengthens requirements on ensuring provision of services by non-educational agencies (Sec. 612(a)(12)) (i.e., while retaining the single line of responsibility of the SEA (Sec. 612(a)(11)), the bill provides (1) that if a non-educational agency is responsible for providing or paying for services that are also necessary for ensuring FAPE to children with disabilities, that agency must pay for, or provide such services directly or by contract or other arrangements, (2) that the State must ensure that interagency agreements or other mechanisms are in effect between educational agencies and non-educational agencies for defining respective financial responsibilities, resolving interagency disputes, and for interagency coordination, and (3) that the State must establish a mechanism by which local educational agencies may seek reimbursement from agencies for the costs of providing related services and disseminate those procedures to local educational agencies.

7. Amends "comprehensive system of personnel development" (CSPD) requirements (Sec. 612(a)(14))—to simplify and reduce the burden of such requirements, especially the data provisions, and make the requirements more meaningful.

8. Amends "Personnel Standards" to include use of paraprofessionals (Sec. 612(a)(15))—to allow districts to utilize appropriately trained and supervised paraprofessionals to provide services.

9. Conforms the IDEA to general education initiatives (sec. 612 (a)(16) and (17))—by requiring States to (1) establish performance goals and indicators for children with disabilities, and (2) ensure that these children participate in general State and districtwide assessments, with appropriate accommodations, where necessary, and that guidelines are developed for participation in alternative assessments for those children who cannot participate in state and district-wide assessments.

10. Consolidates funding requirements under current law in one place (Sec. 612(a)(18)), and deletes non-germane provisions.

11. Consolidates the public participation requirements of current law in one place (Sec. 612(a)(19)), and provides language to reduce burden—by clarifying that, if the State's policies and procedures have been subjected to public comment through a State rulemaking process, no further public review or public comment period is required.

12. Amends provisions on State Advisory Panels—by (1) specifying other categories of participants of such panels, (2) adding new duties of the Panel (e.g., advise the SEA developing corrective action plans to address findings identified through Federal monitoring reports, and to developing and implementing policies related to coordination of services), and (3) providing that a State panel established under the ESEA or Goals 200: Educate America Act may also serve as the State Advisory Panel if it meets the requirements of this part.

13. Significantly reduces paperwork and staff burden, by no longer requiring States to submit three-year State plans. Once a State demonstrates to the satisfaction of the Secretary that it has in effect policies and procedures that meet the eligibility requirements of the new sec. 612, the State does not have to resubmit such materials, unless those policies and procedures are change.

14. Simplifies provisions related to participation of LEAs—by (1) replacing the LEA application requirements in sec. 614 of current law with new "LEA eligibility" provisions in sec. 613, and (2) conforming those provisions, as appropriate, to the new State eligibility requirements under sec. 612.

Sec. 613—LEA Eligibility

1. Simplifies provisions related to participation of LEAs—by (1) replacing the LEA application requirements in sec. 614 of current law with new "LEA eligibility" provisions in sec. 613, and (2) conforming those provisions, as appropriate, to the new State eligibility requirements under sec. 612.

2. Includes "Maintenance of Effort" provision—to ensure that the level of expenditures for the education of children with disabilities within each LEA from State and local funds will not drop below the level of such expenditures for the preceding fiscal year; but provides four specific exceptions (i.e., (1) decreases in enrollment of children with disabilities, (2) end of LEA's responsibility to provide an exceptionally costly program to a child with a disability [because child leaves the LEA, etc.], (3) retirement or other voluntary departure of special education staff who are at or near the top of the salary schedule, and (4) end of unusually large expenditures for equipment or construction). (Bill retains "excess costs" and "supplement—not supplant" provisions of current law.)

3. Provides greater flexibility to LEAs in the use of Part B funds, while still ensuring that children with disabilities receive needed special education and related services. The bill identifies specific activities that an LEA may carry out (notwithstanding the excess cost and noncomingling requirements in secs. 613(3)(B) and 612(a)(18)(A)(ii)), including using Part B funds for—

Incidental benefits (i.e., LEAs could provide special education services to a child with a disability in the regular classroom without having to track the costs of any incidental benefits to non-disabled students from those services).

Simultaneous services on a space-available basis (i.e., special education and related services that are provided to "IDEA-eligible" children could simultaneously be provided, on a space available basis, to children with disabilities who are protected by "ADA–504").

A coordinated services system (i.e., an LEA could use up to 5 percent of its Part B funds to develop and implement a coordinated services system that links education, health, and social welfare services, and various systems and entities in a manner designed to improve educational and transitional results for all children and their families, including children with disabilities and their families).

A school-based improvement plan (i.e., an LEA could (if authorized by the SEA) permit one or more local schools within the LEA to design, implement, and evaluate a school-based improvement plan for improving educational and transitional results for children with disabilities and, as appropriate, for other children, consistent with the provisions on incidental benefits and simultaneous services in sec. 613(a)(4) (A) and (B)).

4. Provides that an LEA may join with other LEAs to jointly establish eligibility under Part B.

5. Significantly reduces paperwork and staff burden for SEAs and LEAs—by providing that once an LEA demonstrates to the satisfaction of the SEA that it has in effect policies and procedures that meet the eligibility requirements of the new sec. 613, the SEA may consider that those requirements have been met; and the LEA would not have to resubmit such materials, unless those policies and procedures are changed.

6. Simplifies local involvement with a State's Comprehensive System of Personnel Development—and requires that a local educational agency only, to the extent appropriate, contribute to and benefit from the State Comprehensive System of Personnel Development.

Sec. 614—Evaluations, Reevaluations, IEPs, and Educational Placements

1. Simplifies State and local administration of provisions on evaluation, IEPs, and placements—by placing all such provisions in one newly established sec. 614.

2. Addresses Evaluations and Reevaluations:

Reduces cost and administrative burden—by requiring that existing evaluation data on a child be reviewed to determine if any other data are needed to make decisions about a child's eligibility and services. (If it is determined by appropriate individuals that additional data are not needed, the parents must be so informed of that fact and of their right to still request an evaluation; but no further evaluations are required at that time unless requested by the parents.)

Includes protections in evaluation procedures—by requiring LEAs to ensure that tests and other evaluation materials are relevant, validated for the specific purpose for which they are being used, etc.; and retains the nondiscriminatory testing procedures required in current law.

3. Addresses IEP provisions:

Consolidates all substantive provisions on IEPs (both content and process) in one place (secs. 614(d)–614(j)), and re-orders the provisions, so that there is a logical sequence—from (1) procedures for developing IEPs, (2) IEP content, (3) measuring and reporting on each child's progress, and (4) reviewing and revising the IEP.

Requires IEP team to consider specific factors in developing each child's IEP, including (1) basic information about the child (e.g., most recent evaluation results, child's strengths, and parent concerns for enhancing the child's education), and (2) other special factors and possible remedies, as appropriate (e.g., in the case of a child with a visual or hearing impairment, limited English).

Revises content of IEPS—by (1) replacing "annual goals and short term instructional objectives" with "measurable annual objectives", (2) placing greater emphasis on ensuring that each child, as appropriate, has the opportunity to progress in the general curriculum, and to participate with nondisabled children in various environments.

Amends provisions on transition services (i.e., the bill requires that transition services needs (1) be considered for all students with disabilities beginning at age 14 (or younger . . .), and, as appropriate, addressed under the applicable components of the IEP (e.g., levels of performance, objectives, and services), and (2) be considered in light of the student's participation in the general curriculum (e.g., a vocational education or school to work program).)

The bill (1) retains current law requiring a statement of transition services beginning at age 16 (or younger), and (2) moves the definition of "transition services" from Part A to sec. 614(I).

4. Adds a provision regarding transfer of rights at the age of majority (i.e., requiring that, at least one year before a student reaches the age of majority under State law, the IEP must include "a statement about the rights under this Act, if any, that will transfer to the student on reaching the age of majority under sec. 615(j)."

Sec. 615—Procedural Safeguards

1. Revises the written notice provision—(a) to set out the specific content of notices to parents, and (b) to reduce burden under current law and regulations—by permitting notices to include only a brief summary of the procedural safeguards under Part B relating to due process hearings (and appeals, if applicable), civil actions, and attorney fees—together with a statement that a full explanation of such safeguards will be provided if the parents request it or request a due process hearing, etc.

2. Reduces potential conflict between LEAs and parents of children with disabilities—by requiring States to make mediation available to such parents, on a voluntary basis. (The use of mediation can resolve disputes quickly and effectively, and at less cost.)

3. Provides clearer notice of the existence of a conflict between an LEA and the parents of a child with disabilities. The bill requires the parents to provide the LEA a written notice of their intent to file a complaint (request a due process hearing) under Part B, on any matter regarding the identification, evaluation, or educational placement of the child or the provision of FAPE to the child, 10 calendar days prior to filing the complaint, if the parents (1) have new information about any matter described above, and (2) are initiating a complaint about such a matter, and have signed the most recent IEP of the child.

The bill further states that (1) if, prior to filing the complaint, the parents have new information on any matter described above, they must provide the information to the LEA along with the notice of intent to file a complaint; and (2) if the parents were duly informed by the LEA of their obligation to file such a notice, and fail to do so, "the time line for a final decision on the complaint shall be extended by 10 calendar days."

4. Amends provisions on attorney fees—by clarifying that "the determination of whether a party is a prevailing party under this section shall be made in accordance with the law established by the Supreme Court in *Hensley* v. *Eckerhart*, 461 U.S. 424 (1983);" and (2) that, "for the purpose of this section, an IEP meeting, in and of itself, shall not be deemed a proceeding triggering the awarding of attorneys fees".

5. Permits the transfer of parental rights to a student with disabilities upon reaching the age of majority under State law; and provides that if (under State law) such a student is determined to not have the ability to provide informed consent under Part B, the State must have procedures for appointing the parent or another person to represent the student's interests throughout the student's eligibility under this part.

6. Makes other technical and conforming changes.

Sec. 616—Withholding and Judicial Review

Makes technical and conforming changes.

Sec. 617—Administration

1. Adds a provision prohibiting the Secretary from rulemaking via policy letters or other statements. (The bill provides that, in order to establish a new rule that is required for compliance and eligibility under Part B, the Secretary must follow standard rulemaking requirements.)

2. Adds a provision requiring the Department of Education to widely disseminate, on a quarterly basis, a list of correspondence from the Department during the previous quarter that describes the Department's interpretations of this part and the implementing regulations. (Each item on the list must identify the topic being addressed, include "such other summary information as the Secretary finds appropriate."

Sec. 618—Evaluation and Program Information

1. Significantly reduces the data burden to States and LEAs—by eliminating the requirement for individual State data reports by disability category, but requires the Secretary, directly or by grant, contract, or cooperative agreement, to conduct studies and evaluations necessary to assess the effectiveness of efforts to provide FAPE and early intervention services, including assessing "the placement of children with disabilities by disability category."

2. Requires the Secretary to conduct a longitudinal study that measures the educational and transitional services provided to and results achieved by children with disabilities under this Act, etc.

3. Provides for earmarking up to one-half of one percent of the amounts appropriated under Parts B and H to carry out the purposes of sec. 618.

Sec. 619—Preschool Grants

Includes changes that are virtually identical to the changes made in sec. 611, with respect to State administration and State use of funds, subgrants to LEAs and other State agencies, and the provision on the use of funds by the outlying areas.

Sec. 620—Payments

Makes technical and conforming changes.

Support Programs (Parts C through E, and H)

PART C—PROMOTING SYSTEMS CHANGE TO IMPROVE EDUCATIONAL AND TRANSITIONAL SERVICES AND RESULTS FOR CHILDREN WITH DISABILITIES (SECS. 621–625)

A new Part C has been developed. [It replaces current Part C which authorized a wide range of special interest demonstration and technical assistance initiatives, most with their own authorization earmarks.] The new Part C authorizes a new "Systems Change" State grant program. State Education Agencies, in partnership with local education agencies, and other interested individuals, agencies, and organizations, would be able to compete for planning or implementation grants to improve educational and transitional services and results for children with disabilities on a system wide basis.

Sec. 621—Findings and Purposes

Sec. 622—Grants

Authorizes grants to State Education Agencies in partnership with local education agencies, and other individuals, agencies, and organizations to address comprehensive systems change.

Authorizes grants to multiple States, in collaboration with universities and interested persons to address system change barriers of a regional or national scope.

Grants for planning for one year duration and implementation grants may be 5 years duration.

Sec. 623—Application

Grants to be based upon the performance of children with disabilities on State assessments and other performance indicators.

Grants to describe the organizational structures, policies, procedures and practices that will be changed to improve educational and transitional services and results for children with disabilities.

Sec. 624—Incentives

Provides incentives for significant and substantial levels of collaboration among participating partners.

Provides incentives for addressing the needs of unserved, underserved, and inappropriately identified populations of children with disabilities.

Sec. 625—Authorization of Appropriations

PART D—RESEARCH AND PERSONNEL PREPARATION (SEC. 631–634)

A new Part D authorizes research/innovation and personnel preparation activities which are to be coordinated with system changes initiatives funded under Part C and improve results for children with disabilities. [Consolidates current Part D, which funds personnel preparation, and Part E, which funds research.]

Sec. 631—Findings and Purpose

Sec. 632—Definitions

Sec. 633—Research and Innovation

New knowledge production—supports research and innovation projects in areas of new knowledge, such as, learning styles, instructional approaches, behavior management, assessment tools, assistive technology, program accountability and personnel preparation models.

Integration of research and practice—supports projects which validate new knowledge findings through demonstration and dissemination of successful practice.

Improvement in the use of professional knowledge—supports projects to organize and disseminate professional knowledge in ways that empower teachers, parents, and others to use such knowledge in their classrooms and other learning settings.

Sec. 634—Personnel Preparation

High incidence disabilities—supports the preparation of a variety of personnel providing educational and transitional services and supports to students in high incidence disability areas, such as, learning disabilities, mental retardation, behavior disordered, and other groups.

Leadership preparation—supports the preparation of leadership personnel at the advanced graduate, doctoral, and post-doctoral levels of training.

Low-incidence disabilities—supports the preparation of a variety of personnel providing educational and transitional services and supports to children in low incidence disability areas, such as, sensory impairment, multiple disabilities, and severe disabling conditions.

Projects of national significance—supports the development and demonstration of new and innovative program models and approaches in the preparation of personnel to work with children with disabilities.

PART E—TECHNICAL ASSISTANCE, SUPPORT, AND DISSEMINATION OF INFORMATION (SECS. 641–644)

A new Part E provides authorizations for parent training and information centers, technical assistance, support, dissemination, and technology and media activities which are to be coordinated with system change initiatives funded under Part C and other activities that are designed to improve educational and transitional services and results for children with disabilities. [Consolidates activities authorized in various Parts of current law, especially Parts G and F; removes numerous authorization earmarks.]

Sec. 641—Findings and Purposes

Sec. 642—Definitions

Sec. 643—Parent Training and Information

Provides support for Statewide Parent Training and Information Center activities, as authorized in current law, with the following additions:

Supports collaboration between Centers and other parent groups in a State and between parent groups and systems change activities in States.

Requires Centers to work together through national and regional networks, and to address the needs of unserved and underserved parents in their State.

Provides support for Community-based Parent and Information Programs:

Supports the building of capacity, demonstration, and replication of models to ensure that parents of children with disabilities from unserved and underserved populations participate in parent training and information activities.

Supports the provision of services to parents of children with disabilities from unserved and underserved populations.

Supports the provision of training and information concerning children inappropriately identified as disabled.

Supports technical assistance activities to develop, coordinate, and disseminate information.

Sec. 644—Coordinated Technical Assistance and Dissemination

Supports systemic technical assistance to States, local education agencies, and other entities to plan and conduct comprehensive systems change activities.

Supports inter-organizational technical assistance activities to address interagency barriers to systems change and to improved transitional and educational results for children with disabilities.

Supports national dissemination activities in areas related to: Infants, toddlers, children, and youth with disabilities and their families; provision of services and supports for deaf-blind children; services to blind and print disabled children; postsecondary services to individuals with disabilities; personnel to provide services to children with disabilities.

Supports national technical assistance and dissemination coordination activities.

Sec. 645—Technology Development, Demonstration, and Utilization and Media Services

Supports research, development, and demonstration of innovative and emerging technology benefiting children with disabilities.

Supports dissemination and transfer of technology for use by children with disabilities.

Supports video descriptions, and open and closed captioning of television programs.

Supports recorded free educational materials and textbooks for visually impaired and print-disabled students in elementary, secondary, postsecondary, and graduate school.

Supports activities of the National Theater of the Deaf.

Requires the collection and reporting of appropriate evaluation data concerning technology and media activities.

PART H—INFANTS AND TODDLERS WITH DISABILITIES (SECS. 671–687)

The early intervention program for infants and toddlers with disabilities under Part H of this Act is an evolving program that has proven successful and enjoyed strong support since its enactment in 1986. Therefore, no major amendments are proposed. However, the bill:

1. Provides greater flexibility in addressing the needs of "at risk infants and toddlers" in those States not currently serving such children—by permitting Part H funds to be used for referring those children to other (non-Part H) services, and conducting periodic follow-ups on each referral to determine if the child's eligibility under Part H has changed.

2. Provides for a review of the definition of "developmental delay"—by requiring the Federal Interagency Coordinating Council (FICC) to convene a panel to develop recommendations regarding a model definition of "developmental delay"—to assist States, as appropriate, with their own respective definitions.

3. Facilitates the provision requiring a smooth transition for toddlers with disabilities from the Part H program to preschool services under Part B—by permitting the planning to begin up to 6 months before the child's 3rd birthday, if the parents and agencies agree.

4. Provides technical changes related to (1) membership on the FICC (2) responsibilities of the State and Federal Interagency Coordinating Councils, and (3) definitions of terms; and makes other technical and conforming changes.

THE FIRST BILL—COMMONSENSE IMPROVEMENTS TO IDEA

1. Eliminates the major bureaucratic burden of three-year plan submissions.—State and local educational agencies will make only one plan or application, instead of the currently mandated submission of once every three years. Under the First bill, state and local agencies will update their plans only if they report substantial changes.

2. Reduces burden on school funding sources to pay for supports and related services.—The First bill helps local districts pay for supports and related services by requiring that other agencies pay their fair share of the cost of services to children who are eligible for those agencies' services.

3. Cuts mandatory data collection by 50%.—The First bill cuts data collection and reporting burdens on state and local educational agencies. Currently, agencies are required to report numbers of children receiving special education by age, by four placement categories and by the disability of the student. Under the Frist bill, agencies will report only the total number of children receiving special education and the number of children in each of only two placement categories.

4. Reduces litigation by adding mediation.—If there is a dispute over an IEP, school districts and families will be able to use mediation to try to resolve issues instead of automatically having to go to a due process hearing.

5. Eliminates regulation through Department of Education policy letters.—The Frist bill will reduce the burden of new regulations on state and local educational agencies. Policy letters issued by the Department of Education will no longer be used for purposes of eligibility and compliance monitoring. Letters may be issued only for non-regulatory guidance and purposes of explanation and clarification of existing policy.

6. Relieves burden by allowing flexible local control of funds:

A. Allows flexibility in the use of funds for school improvement and coordination with general education reform.—States will be allowed to use up to 1% of the funds received under Part B, and local districts may use up to 5% of Part B funds to develop better services for all children, including children with disabilities. In addition, school districts will be allowed all of their Part B funds to establish school-based improvement plans designed to improve educational results for children with disabilities.

B. Relieves financial burden of the current maintenance of effort requirement.—The Frist bill allows local education agencies to reduce the overall level of spending for educating children with disabilities by the following; when the reduction results from lower per-teacher staff costs or per-pupil student costs, when a reduction is due to a one-time expenditure in the preceeding fiscal year, or when there are decreases in district enrollment of students with disabilities.

C. Eliminates wasteful fiscal tracking mandates.—Building and district administrators will no longer be required to keep track of the educational benefits to non-disabled children when a child with a disability is provided special education and related services in the regular education classroom.

7. Reduces the administrative burden of student evaluations.—The Frist bill will simplify and streamline the process of student evaluation. Initial evaluations and reevaluations will focus on collecting only the information that is necessary for educational planning. Reevaluations will take place when additional information is needed, or at natural transitions such as when a student moves from elementary school to junior high.

8. Cuts data collection requirements of personnel development programs.—The Frist bill simplifies and reduces data collection requirements for a state to maintain its Comprehensive System of Personnel Development (CSPD). In addition, local control will increase because school districts will decide their level of participation in the state's CSPD.

9. Cuts paperwork and providers administrative relief in IEP process.—The Frist bill eliminates mandated short-term objectives in an IEP. Paperwork will be reduced by the elimination of short-term objective tracking and repetitive reporting of test results and other information in the IEP. A flexible, sensible, workable schedule of educational reports to parents of children with disabilities will be determined by the IEP team.

10. Empowers school officials in disciplining children.—For the first time since its enactment, IDEA will contain comprehensive language that will untie school officials' hands when disciplining students with disabilities. [Currently under discussion, will be worked out by date of mark-up and then inserted]

• Mr. HARKIN. Mr. President, as ranking member of the Subcommittee on Disability Policy, I am pleased to join Senator FRIST, the chair of that subcommittee, in introducing the Individuals With Disabilities Education Act [IDEA] Amendments of 1996. It has been a privilege and a pleasure for me to work with Senator FRIST and our respective staffs in developing this reauthorization proposal. I also would like to compliment Pat Morrissey, Senator FRIST's staff director for the Subcommittee on Disability Policy for her efforts to enhance the partnership between parents of children with disabilities and the educational community.

The amendments we are proposing today provide fine-tuning to powerful education legislation with a long and successful history. Just 3 months ago, on November 29, we celebrated the 20th anniversary of the signing of Public Law 94-142, the Education for All Handicapped Children Act of 1975, now known as part B of IDEA. The purpose of this law is simple—to assist States and local communities to meet their obligations to provide equal educational opportunity to children with disabilities in accordance with the equal protection clause of the 14th amendment of the U.S. Constitution.

As we look back on that day two decades ago, we know that this law has literally changed the world for millions of children with disabilities. Prior to the enactment of Public Law 94-142, 1 million children with disabilities in the United States were excluded entirely from the public school system, and more than half of all children with disabilities did not receive appropriate educational services.

On that day in 1975, we lit a beacon of hope for millions of children with disabilities and their families. We sent a simple, yet powerful message heard around the world that the days of exclusion, segregation, and denial of education for children with disabilities are over in this country. And we sent a powerful message that families count and they must be treated as equal partners

Because of IDEA, tremendous progress has been made in addressing the problems that existed in 1975. Today, every State in the Nation has laws in effect assuring the provision of a free appropriate public education for all children with disabilities. And over 5,000,000 children with disabilities are now receiving special education and related services.

For many parents who have disabled children, IDEA is a lifeline of hope. As one parent recently told me:

> Thank God for IDEA. IDEA gives us the strength to face the challenges of bringing up a child with a disability. It has kept our family together. Because of IDEA our child is achieving academic success. He is also treated by his nondisabled peers as "one of the guys." I am now confident that he will graduate high school prepared to hold down a job and lead an independent life.

In May, Danette Crawford, a senior at Urbandale High School in Des Moines, testified before the Disability Policy Subcommittee. Danette, who has cerebral palsy, testified that:

> My grade point average stands at 3.8 and I am enrolled in advanced placement courses. The education I am receiving is preparing me for a real future. Without IDEA, I am convinced I would not be receiving the quality education that Urbandale High School provides me.

We are now graduating the first generation of students who have had the benefits of the provisions of IDEA. Already, for example, since 1978 the percentage of incoming college freshman with disabilities has more than tripled from 2.4 percent to over 9 percent. We once heard despondency and anger from parents. We now hear enthusiasm and hope, as I have, from a parent from Iowa writing about her 7-year-old daughter with autism. She said, "I have no doubt that my daughter will live nearly independently as an adult, will work, and will be a very positive contributor to society. That is very much her dream, and it is my dream for her. The IDEA has made this dream capable of becoming a reality."

Mr. President, these are not isolated statements from a few parents in Iowa. They are reflective of the general feeling about the law across the country. The National Council on Disability [NCD] recently conducted 10 regional meetings throughout the Nation regarding progress made in implementing the IDEA over the past 20 years. In its report, NCD stated that "in all of the 10 regional hearings * * * there were ringing affirmations in support of IDEA and the positive difference it has made in the lives of children and youth with disabilities and their families." The report adds that "all across the country witnesses told of the tremendous power of IDEA to help children with disabilities fulfill their dreams to learn, to grow, and to mature."

These comments, as well as testimony presented at the four hearings held by the Subcommittee on Disability Policy, make it clear to me that major changes in IDEA are not needed nor wanted. IDEA is as critical today as it was 20 years ago, particularly the due process protections. These provisions level the playing field so that parents can sit down as equal partners in designing an education for their children.

The witnesses at these hearings did make it clear, however, that we need to fine-tune the law—in order to make sure that children with disabilities are not left out of educational reform efforts that are now underway, and to take what we have learned over the past 20 years and use it to update and improve this critical law.

Based on 20 years of experience and research in the education of children with disabilities, we have reinforced our thinking and knowledge about what is needed to make this law work, and we have learned many new things that are important if we are to ensure an equal educational opportunity for all children with disabilities.

For example, our experience and knowledge over the past 20 years have reaffirmed that the provision of quality education and services to children with disabilities must be based on an individualized assessment of each child's unique needs and abilities; and that, to the maximum extent appropriate, children with disabilities must be educated with children who are not disabled and children should be removed from the regular educational environment only when the nature and severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

We have also learned that students with disabilities achieve at significantly higher levels when schools have high expectations—and establish high goals—for these students, ensure their access to the general curriculum, whenever appropriate, and provide them with the necessary services and supports. And there is general agreement that including children with disabilities in general State and districtwide assessments is an effective accountability mechanism and a critical strategy for improving educational results for these children.

Our experience over the past 20 years has underscored the fact that parent participation is a crucial component in the education of children with disabilities, and parents should have meaningful opportunities, through appropriate training and other supports, to participate as partners with teachers and other school staff in assisting their children to achieve to high standards.

There is general agreement today at all levels of government that State and local educational agencies must be responsive to the increasing racial, ethnic, and linguistic diversity that prevails in the nation's public schools today. Steps must be taken to ensure that the procedures used for referring and evaluating children with disabilities include appropriate safeguards to prevent the over or under-identification of minority students requiring special education. Services, supports, and other assistance must be provided in a culturally competent manner. And greater efforts must be made to improve post-school results among minority students with disabilities.

The progress that has been made over the past 20 years in the education of children with disabilities has been impressive. However, it is clear that significant challenges remain. We must ensure that this crucial law not only remains intact as the centerpiece for ensuring equal educational opportunity for all children with disabilities, but also that it is strengthened and updated to keep current with the changing times.

The basic purposes of Public Law 94-142 must be retained under the proposed reauthorization of IDEA: To assist States and local communities in meeting their obligation to ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services that are designed to meet the unique needs of these children and enable them to lead productive independent adult lives; to ensure that the rights of children with disabilities and their parents are protected; and to assess and ensure the effectiveness of efforts to educate children with disabilities.

We also need to expand those purposes to promote the improvement of educational services and results for children with disabilities and early intervention services for infants and toddlers with disabilities—by assisting the systems change initiatives of State educational agencies in partnerships with other interested parties, and by assisting and supporting coordinated research and personnel preparation, and coordinated technical assistance, dissemination, and evaluation, as well as technology development and media services.

Mr. President, this bipartisan bill we are presenting here today provides the fine-tuning that is needed to up-date current law along the lines I have described. These amendments will help ensure that children with disabilities have equal educational opportunities along with their nondisabled peers to leave school with the skills necessary for them to be included and integrated in the economic and social fabric of society and to live full, independent productive lives as adults.

In closing, Mr. President, I would like to quote Ms. Melanie Seivert of Sibley, IA, who is the parent of Susan, a child with Downs syndrome. She states:

> Our ultimate goal for Susan is to be educated academically, vocationally, [and] in life-skills and community living so as an adult she can get a job and live her life with a minimum of management from outside help. Through the things IDEA provides . . . we will be able to reach our goals.
>
> Does it not make sense to give all children the best education possible? Our children need IDEA for a future.

Mr. President, IDEA is the shining light of educational opportunity. And we, in the Congress, must make sure that the light continues to burn bright. We still have promises to keep. I urge my colleagues to support the Individuals With Disabilities Education Act Amendments of 1996.●

By Mr. GLENN (for himself, Mr. STEVENS, Mr. LEVIN, Mr. COCHRAN, Mr. PRYOR, Mr. COHEN, Mr. LIEBERMAN, and Mr. BROWN):

S. 1579. A bill to streamline and improve the effectiveness of chapter 75 of title 31, United States Code (commonly referred to as the "Single Audit Act"); to the Committee on Governmental Affairs.

THE SINGLE AUDIT ACT AMENDMENTS OF 1996

Mr. GLENN. Mr. President, today, I am introducing legislation to amend the Single Audit Act of 1984. This legislation will both improve financial management of Federal funds and reduce paperwork burdens on State and local governments, universities and other nonprofit organizations that receive Federal assistance. I am happy that the chairman of the Governmental Affairs Committee, Senator STEVENS, joins with me in cosponsoring the bill, as do Senators LEVIN, COCHRAN, PRYOR, COHEN, LIEBERMAN, and BROWN, all fellow members of the Governmental Affairs Committee.

Over the last several years we have made great strides in reforming the sloppy and wasteful state of Federal financial management. The Chief Financial Officers Act of 1990, which I strongly support, was a major accomplishment in this regard. Much more remains to be done, however, to achieve greater accountability for the hundreds of billions of dollars of Federal assistance that go to or through State and local governments and nonprofit organizations. Much more also remains to be done to reduce the auditing and reporting burdens of the Federal assistance management process. The Single Audit Act Amendments of 1996, which I introduce today, goes a long way toward achieving these goals.

The Single Audit Act was enacted in 1984 to overcome serious gaps and duplications that existed in audit coverage over Federal funds provided to State and local governments, which now amount to about $200 billion a year. Some governments rarely saw an auditor interested in examining Federal funds, others were swamped by auditors, each looking at a separate grant award. The Single Audit Act remedied that problem by changing the audit focus from compliance with individual Federal grant requirements to a periodic single overall audit of the entity receiving Federal assistance. The act also set specific dollar thresholds to exempt small grant recipients from regular audit requirements. This structured approach of entity-wide audits simplified overlapping audit requirements and improved grantee-organization administrative controls.

The Single Audit Act also served an important purpose of prompting State and local governments to improve their general financial management practices. The act encouraged the governments to review and revise their financial management practices, including instituting annual financial statement audits, installing new accounting systems, and implementing monitoring systems. The improvements represented long-needed and long-lasting financial management reforms. Studies by the General Accounting Office [GAO] confirmed these accomplishments. The success of the act also prompted the Office of Management and Budget [OMB] to apply single audit principles to educational institutions and other nonprofits that receive or passthrough Federal funds (OMB Circular No. A-133, "Audits of Institutions of Higher Education and Other Nonprofit Organizations," March 1990).

During my tenure as chairman of the Governmental Affairs Committee, I requested that GAO study the implementation of the Single Audit Act and suggest any needed changes. The resulting report, Single Audit: Refinements Can Improve Usefulness (GAO/AIMD-94-133, June 1994), reviewed the successes of the act, but also pointed out specific modifications that could improve the act's usefulness. The legislation I introduce today is based on GAO's findings, and in fact, was developed in cooperation with GAO and OMB. Moreover, OMB is presently revising its Circular A-133 consistent with the purposes of this legislation. Finally, the bill also reflects comments received from State, local and private sector accounting, and audit professionals, as well as program managers. Altogether, the legislation will strengthen the act, while simultaneously reducing its burdens.

First, the legislation extends the act to cover nonprofit entities that receive Federal assistance. Again, these organizations are currently subject to the single audit process under OMB Circular A-133. Broadening the act's coverage in this way ensures that all non-Federal grantee organizations will be covered uniformly by a single audit process.

Second, the bill reduces audit and related paperwork burdens by raising the single audit threshold from $100,000 to $300,000. This would exempt thousands of smaller State and local governments and nonprofits from Federal single audit requirements. It would still ensure, however, that the vast majority of Federal funds would be subject to audit testing. Needless to say, it would also not interfere with the ability of Federal agencies to audit or investigate grantees when needed to safeguard Federal funds.

Third, the bill would improve audit effectiveness by establishing a risk-based approach for selecting programs to be tested during single audits for adequacy of internal controls and compliance with Federal program requirements, such as eligibility rules. The Single Audit Act has required audit testing solely on the basis of dollar criteria. Using the risk-based approach will ensure coverage of large programs, as well as others that are actually more at risk.

Fourth, the legislation improves the contents and timeliness of single audit reporting to make the reports more useful. Currently, auditors often include a number of different documents in a single audit report. These documents are designed to comply with auditing standards but leave many confused. A summary document, written in plain language, would greatly increase the usefulness of single audit reports.

Shortening the reporting timeframes will also make the single audit reports more useful. The current practice of filing reports 13 months after the end of the year that was audited significantly reduces their utility. An ideal period would be the Government Finance Officers Association's standard of 6 months for timely reporting by State and local governments. However, given the multiple audits that some State auditors have to perform, the legislation establishes a 9-month standard. Moreover, the legislation gives flexibility for extensions as needed. The overall goal, still, is to shorten the reporting timeframe to make the single audit reports more useful to assess the stewardship of organizations entrusted with Federal funds and to prompt any needed corrective actions.

Fifth, the legislation increases administrative flexibility. OMB is authorized to issue rules to implement the act and may revise certain audit requirements as needed, without seeking amendments to the act. For example, OMB would be authorized to raise even higher the $300,000 threshold. Auditors also will have greater flexibility to target programs at risk.

In these and other ways, the Single Audit Act Amendments of 1996 will streamline the underlying Single Audit Act, update its requirements, reduce burdens, and provide for more flexibility. This legislation builds on the significant accomplishments of the 1984 act and I am confident that the Senate will move the legislation expeditiously.

In December 1995, the Senate Committee on Governmental Affairs held a hearing on the status of Federal financial management, including the Single Audit Act. Charles Bowsher, the Comptroller General of the United States and, Kurt Sjoberg, the California State auditor, representing the National State Auditors Association, strongly supported the legislation and recommended that it be enacted. Edward DeSeve, Office of Management and Budget Controller, also applauded the legislative effort.

The support of the Comptroller General and the State auditors is especially important. The Comptroller General was instrumental in advising the Congress when the original Single Audit Act was enacted. He followed the subsequent implementation of the act and has made the recommendations for improving the act that was the basis for the current legislation. I give great weight to his recommendations for amending the Single Audit Act. State auditors, for their part, are key players in the single audit process. They conduct or arrange for thousands of single audits each year. So, their views are also critically important. Following the December hearing, the National State Auditors Association met to discuss the legislation and decided unanimously to support its enactment. I submit their letter of support for the RECORD.

Finally, I commend to my colleagues the fact that this legislation is bipartisan. Again, Senator STEVENS, chairman of the Governmental Affairs Committee, joins with me in cosponsoring the bill, as do Senators LEVIN, COCHRAN, PRYOR, COHEN, LIEBERMAN, and BROWN. This bipartisanship also extends to the House of Representatives. With this bipartisan support, I am sure that this good Government legislation can soon become law.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

S. 1579

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; PURPOSES.

(a) SHORT TITLE.—This Act may be cited as the "Single Audit Act Amendments of 1996".

(b) PURPOSES.—The purposes of this Act are to—

(1) promote sound financial management, including effective internal controls, with respect to Federal awards administered by non-Federal entities;

(2) establish uniform requirements for audits of Federal awards administered by non-Federal entities;

(3) promote the efficient and effective use of audit resources;

(4) reduce burdens on State and local governments, Indian tribes, and nonprofit organizations; and

(5) ensure that Federal departments and agencies, to the maximum extent practicable, rely upon and use audit work done pursuant to chapter 75 of title 31, United States Code (as amended by this Act).

SEC. 2. AMENDMENT TO TITLE 31, UNITED STATES CODE.

Chapter 75 of title 31, United States Code, is amended to read as follows:

"CHAPTER 75—REQUIREMENTS FOR SINGLE AUDITS

"Sec.
"7501. Definitions.
"7502. Audit requirements; exemptions.
"7503. Relation to other audit requirements.
"7504. Federal agency responsibilities and relations with non-Federal entities.
"7505. Regulations.
"7506. Monitoring responsibilities of the Comptroller General.
"7507. Effective date.

"§ 7501. Definitions

"(a) As used in this chapter, the term—

"(1) 'Comptroller General' means the Comptroller General of the United States;

"(2) 'Director' means the Director of the Office of Management and Budget;

"(3) 'Federal agency' has the same meaning as the term 'agency' in section 551(1) of title 5;

"(4) 'Federal awards' means Federal financial assistance and Federal cost-reimbursement contracts that non-Federal entities receive directly from Federal awarding agencies or indirectly from pass-through entities;

"(5) 'Federal financial assistance' means assistance that non-Federal entities receive or administer in the form of grants, loans, loan guarantees, property, cooperative agreements, interest subsidies, insurance, donated surplus property, food commodities, direct appropriations, or other assistance, but does not include amounts received as reimbursement for services rendered to individuals in accordance with guidance issued by the Director;

"(6) 'Federal program' means all Federal awards to a non-Federal entity assigned a single number in the Catalog of Federal Domestic Assistance or encompassed in a group of numbers or other category as defined by the Director;

"(7) 'generally accepted government auditing standards' means the government auditing standards issued by the Comptroller General;

"(8) 'independent auditor' means—

"(A) an external State or local government auditor who meets the independence standards included in generally accepted government auditing standards; or

"(B) a public accountant who meets such independence standards;

"(9) 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native village or regional or village corporation (as defined in, or established under, the Alaskan Native Claims Settlement Act) that is recognized by the United States as eligible for the special programs and services provided by the United States to Indians because of their status as Indians;

"(10) 'internal controls' means a process, effected by an entity's management and other personnel, designed to provide reasonable assurance regarding the achievement of objectives in the following categories:

"(A) Effectiveness and efficiency of operations.

"(B) Reliability of financial reporting.

"(C) Compliance with applicable laws and regulations;

"(11) 'local government' means any unit of local government within a State, including a county, borough, municipality, city, town, township, parish, local public authority, special district, school district, intrastate district, council of governments, any other instrumentality of local government and, in accordance with guidelines issued by the Director, a group of local governments;

"(12) 'major program' means a Federal program identified in accordance with risk-based criteria prescribed by the Director under this chapter, subject to the limitations described under subsection (b);

"(13) 'non-Federal entity' means a State, local government, or nonprofit organization;

"(14) 'nonprofit organization' means any corporation, trust, association, cooperative, or other organization that—

"(A) is operated primarily for scientific, educational, service, charitable, or similar purposes in the public interest;

"(B) is not organized primarily for profit; and

"(C) uses net proceeds to maintain, improve, or expand the operations of the organization;

"(15) 'pass-through entity' means a non-Federal entity that provides Federal awards to a subrecipient to carry out a Federal program;

"(16) 'program-specific audit' means an audit of one Federal program;

"(17) 'recipient' means a non-Federal entity that receives awards directly from a Federal agency to carry out a Federal program;

"(18) 'single audit' means an audit, as described under section 7502(d), of a non-Federal entity that includes the entity's financial statements and Federal awards;

"(19) 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands, any instrumentality thereof, any multi-State, regional, or interstate entity which has governmental functions, and any Indian tribe; and

"(20) 'subrecipient' means a non-Federal entity that receives Federal awards through another non-Federal entity to carry out a Federal program, but does not include an individual who receives financial assistance through such awards.

"(b) In prescribing risk-based program selection criteria for major programs, the Director shall not require more programs to be identified as major for a particular non-Federal entity, except as prescribed under subsection (c) or as provided under subsection (d), than would be identified if the major programs were defined as any program for which total expenditures of Federal awards by the non-Federal entity during the applicable year exceed—

"(1) the larger of $30,000,000 or 0.15 percent of the non-Federal entity's total Federal expenditures, in the case of a non-Federal entity for which such total expenditures for all programs exceed $10,000,000,000;

"(2) the larger of $3,000,000, or 0.30 percent of the non-Federal entity's total Federal expenditures, in the case of a non-Federal entity for which such total expenditures for all programs exceed $100,000,000 but are less than or equal to $10,000,000,000; or

"(3) the larger of $300,000, or 3 percent of such total Federal expenditures for all programs, in the case of a non-Federal entity for which such total expenditures for all programs equal or exceed $300,000 but are less than or equal to $100,000,000.

"(c) When the total expenditures of a non-Federal entity's major programs are less than 50 percent of the non-Federal entity's total expenditures of all Federal awards (or such lower percentage as specified by the Director), the auditor shall select and test additional programs as major programs as necessary to achieve audit coverage of at least 50 percent of Federal expenditures by the non-Federal entity (or such lower percentage as specified by the Director), in accordance with guidance issued by the Director.

"(d) Loan or loan guarantee programs, as specified by the Director, shall not be subject to the application of subsection (b).

"§ 7502. Audit requirements; exemptions

"(a)(1)(A) Each non-Federal entity that expends a total amount of Federal awards equal to or in excess of $300,000 or such other amount specified by the Director under subsection (a)(3) in any fiscal year of such non-Federal entity shall have either a single audit or a program-specific audit made for such fiscal year in accordance with the requirements of this chapter.

"(B) Each such non-Federal entity that expends Federal awards under more than one Federal program shall undergo a single audit in accordance with the requirements of subsections (b) through (i) of this section and guidance issued by the Director under section 7505.

"(C) Each such non-Federal entity that expends awards under only one Federal program and is not subject to laws, regulations, or Federal award agreements that require a financial statement audit of the non-Federal entity, may elect to have a program-specific audit conducted in accordance with applicable provisions of this section and guidance issued by the Director under section 7505.

"(2)(A) Each non-Federal entity that expends a total amount of Federal awards of less than $300,000 or such other amount specified by the Director under subsection (a)(3) in any fiscal year of such entity, shall be exempt for such fiscal year from compliance with—

"(i) the audit requirements of this chapter; and

"(ii) any applicable requirements concerning financial audits contained in Federal statutes and regulations governing programs under which such Federal awards are provided to that non-Federal entity.

"(B) The provisions of subparagraph (A)(ii) of this paragraph shall not exempt a non-Federal entity from compliance with any provision of a Federal statute or regulation that requires such non-Federal entity to maintain records concerning Federal awards provided to such non-Federal entity or that permits a Federal agency, pass-through entity, or the Comptroller General access to such records.

"(3) Every 2 years, the Director shall review the amount for requiring audits prescribed under paragraph (1)(A) and may adjust such dollar amount consistent with the purposes of this chapter, provided the Director does not make such adjustments below $300,000.

"(b)(1) Except as provided in paragraphs (2) and (3), audits conducted pursuant to this chapter shall be conducted annually.

"(2) A State or local government that is required by constitution or statute, in effect on January 1, 1987, to undergo its audits less frequently than annually, is permitted to undergo its audits pursuant to this chapter biennially. Audits conducted biennially under the provisions of this paragraph shall cover both years within the biennial period.

"(3) Any nonprofit organization that had biennial audits for all biennial periods ending between July 1, 1992, and January 1, 1995, is permitted to undergo its audits pursuant to this chapter biennially. Audits conducted biennially under the provisions of this paragraph shall cover both years within the biennial period.

"(c) Each audit conducted pursuant to subsection (a) shall be conducted by an independent auditor in accordance with generally accepted government auditing standards, except that, for the purposes of this chapter, performance audits shall not be required except as authorized by the Director.

"(d) Each single audit conducted pursuant to subsection (a) for any fiscal year shall—

"(1) cover the operations of the entire non-Federal entity; or

"(2) at the option of such non-Federal entity such audit shall include a series of audits that cover departments, agencies, and other organizational units which expended or otherwise administered Federal awards during such fiscal year provided that each such audit shall encompass the financial statements and schedule of expenditures of Federal awards for each such department, agency, and organizational unit, which shall be considered to be a non-Federal entity.

"(e) The auditor shall—

"(1) determine whether the financial statements are presented fairly in all material respects in conformity with generally accepted accounting principles;

"(2) determine whether the schedule of expenditures of Federal awards is presented fairly in all material respects in relation to the financial statements taken as a whole;

"(3) with respect to internal controls pertaining to the compliance requirements for each major program—

"(A) obtain an understanding of such internal controls;

"(B) assess control risk; and

"(C) perform tests of controls unless the controls are deemed to be ineffective; and

"(4) determine whether the non-Federal entity has complied with the provisions of laws, regulations, and contracts or grants pertaining to Federal awards that have a direct and material effect on each major program.

"(f)(1) Each Federal agency which provides Federal awards to a recipient shall—

"(A) provide such recipient the program names (and any identifying numbers) from which such awards are derived, and the Federal requirements which govern the use of such awards and the requirements of this chapter; and

"(B) review the audit of a recipient as necessary to determine whether prompt and appropriate corrective action has been taken with respect to audit findings, as defined by the Director, pertaining to Federal awards provided to the recipient by the Federal agency.

"(2) Each pass-through entity shall—

"(A) provide such subrecipient the program names (and any identifying numbers) from which such assistance is derived, and the Federal requirements which govern the use of such awards and the requirements of this chapter;

"(B) monitor the subrecipient's use of Federal awards through site visits, limited scope audits, or other means;

"(C) review the audit of a subrecipient as necessary to determine whether prompt and appropriate corrective action has been taken with respect to audit findings, as defined by the Director, pertaining to Federal awards provided to the subrecipient by the pass-through entity; and

"(D) require each of its subrecipients of Federal awards to permit, as a condition of receiving Federal awards, the independent auditor of the pass-through entity to have such access to the subrecipient's records and financial statements as may be necessary for the pass-through entity to comply with this chapter.

"(g)(1) The auditor shall report on the results of any audit conducted pursuant to this section, in accordance with guidance issued by the Director.

"(2) When reporting on any single audit, the auditor shall include a summary of the auditor's results regarding the non-Federal entity's financial statements, internal controls, and compliance with laws and regulations.

"(h) The non-Federal entity shall transmit the reporting package, which shall include the non-Federal entity's financial statements, schedule of expenditures of Federal awards, corrective action plan defined under subsection (i), and auditor's reports developed pursuant to this section, to a Federal clearinghouse designated by the Director, and make it available for public inspection within the earlier of—

"(1) 30 days after receipt of the auditor's report; or

"(2)(A) for a transition period of at least 2 years after the effective date of the Single Audit Act Amendments of 1996, as established by the Director, 13 months after the end of the period audited; or

"(B) for fiscal years beginning after the period specified in subparagraph (A), 9 months after the end of the period audited, or within a longer timeframe authorized by the Federal agency, determined under criteria issued under section 7505, when the 9-month timeframe would place an undue burden on the non-Federal entity.

"(i) If an audit conducted pursuant to this section discloses any audit findings, as defined by the Director, including material noncompliance with individual compliance requirements for a major program by, or reportable conditions in the internal controls of, the non-Federal entity with respect to the matters described in subsection (e), the non-Federal entity shall submit to Federal officials designated by the Director, a plan for corrective action to eliminate such audit findings or reportable conditions or a statement describing the reasons that corrective action is not necessary. Such plan shall be consistent with the audit resolution standard promulgated by the Comptroller General (as part of the standards for internal controls in the Federal Government) pursuant to section 3512(c).

"(j) The Director may authorize pilot projects to test alternative methods of achieving the purposes of this chapter. Such pilot projects may begin only after consultation with the Chair and Ranking Minority Member of the Committee on Governmental Affairs of the Senate and the Chair and Ranking Minority Member of the Committee on Government Reform and Oversight of the House of Representatives.

"§ 7503. Relation to other audit requirements

"(a) An audit conducted in accordance with this chapter shall be in lieu of any financial audit of Federal awards which a non-Federal entity is required to undergo under any other Federal law or regulation. To the extent that such audit provides a Federal agency with the information it requires to carry out its responsibilities under Federal law or regulation, a Federal agency shall rely upon and use that information.

"(b) Notwithstanding subsection (a), a Federal agency may conduct or arrange for additional audits which are necessary to carry out its responsibilities under Federal law or regulation. The provisions of this chapter do not authorize any non-Federal entity (or subrecipient thereof) to constrain, in any manner, such agency from carrying out or arranging for such additional audits, except that the Federal agency shall plan such audits to not be duplicative of other audits of Federal awards.

"(c) The provisions of this chapter do not limit the authority of Federal agencies to conduct, or arrange for the conduct of, audits and evaluations of Federal awards, nor limit the authority of any Federal agency Inspector General or other Federal official.

"(d) Subsection (a) shall apply to a non-Federal entity which undergoes an audit in accordance with this chapter even though it is not required by section 7502(a) to have such an audit.

"(e) A Federal agency that provides Federal awards and conducts or arranges for audits of non-Federal entities receiving such awards that are in addition to the audits of non-Federal entities conducted pursuant to this chapter shall, consistent with other applicable law, arrange for funding the full cost of such additional audits. Any such additional audits shall be coordinated with the Federal agency determined under criteria issued under section 7504 to preclude duplication of the audits conducted pursuant to this chapter or other additional audits.

"(f) Upon request by a Federal agency or the Comptroller General, any independent auditor conducting an audit pursuant to this chapter shall make the auditor's working papers available to the Federal agency or the Comptroller General as part of a quality review, to resolve audit findings, or to carry out oversight responsibilities consistent with the purposes of this chapter. Such access to auditor's working papers shall include the right to obtain copies.

"§ 7504. Federal agency responsibilities and relations with non-Federal entities

"(a) Each Federal agency shall, in accordance with guidance issued by the Director under section 7505, with regard to Federal awards provided by the agency—

"(1) monitor non-Federal entity use of Federal awards, and

"(2) assess the quality of audits conducted under this chapter for audits of entities for which the agency is the single Federal agency determined under subsection (b).

"(b) Each non-Federal entity shall have a single Federal agency, determined in accordance with criteria established by the Director, to provide the non-Federal entity with technical assistance and assist with implementation of this chapter.

"(c) The Director shall designate a Federal clearinghouse to—

"(1) receive copies of all reporting packages developed in accordance with this chapter;

"(2) identify recipients that expend $300,000 or more in Federal awards or such other amount specified by the Director under section 7502(a)(3) during the recipient's fiscal year but did not undergo an audit in accordance with this chapter; and

"(3) perform analyses to assist the Director in carrying out responsibilities under this chapter.

"§ 7505. Regulations

"(a) The Director, after consultation with the Comptroller General, and appropriate officials from Federal, State, and local governments and nonprofit organizations shall prescribe guidance to implement this chapter. Each Federal agency shall promulgate such amendments to its regulations as may be necessary to conform such regulations to the requirements of this chapter and of such guidance.

"(b)(1) The guidance prescribed pursuant to subsection (a) shall include criteria for determining the appropriate charges to Federal awards for the cost of audits. Such criteria shall prohibit a non-Federal entity from charging to any Federal awards—

"(A) the cost of any audit which is—

"(i) not conducted in accordance with this chapter; or

"(ii) conducted in accordance with this chapter when expenditures of Federal awards are less than amounts cited in section 7502(a)(1)(A) or specified by the Director under section 7502(a)(3), except that the Director may allow the cost of limited scope audits to monitor subrecipients in accordance with section 7502(f)(2)(B); and

"(B) more than a reasonably proportionate share of the cost of any such audit that is conducted in accordance with this chapter.

"(2) The criteria prescribed pursuant to paragraph (1) shall not, in the absence of documentation demonstrating a higher actual cost, permit the percentage of the cost of audits performed pursuant to this chapter charged to Federal awards, to exceed the ratio of total Federal awards expended by such non-Federal entity during the applicable fiscal year or years, to such non-Federal entity's total expenditures during such fiscal year or years.

"(c) Such guidance shall include such provisions as may be necessary to ensure that small business concerns owned and controlled by socially and economically disadvantaged individuals will have the opportunity to participate in the performance of contracts awarded to fulfill the audit requirements of this chapter.

"§ 7506. Monitoring responsibilities of the Comptroller General

"(a) The Comptroller General shall review provisions requiring financial audits of non-Federal entities that receive Federal awards that are contained in bills and resolutions reported by the committees of the Senate and the House of Representatives.

"(b) If the Comptroller General determines that a bill or resolution contains provisions that are inconsistent with the requirements of this chapter, the Comptroller General shall, at the earliest practicable date, notify in writing—

"(1) the committee that reported such bill or resolution; and

"(2)(A) the Committee on Governmental Affairs of the Senate (in the case of a bill or resolution reported by a committee of the Senate); or

"(B) the Committee on Government Reform and Oversight of the House of Representatives (in the case of a bill or resolution reported by a committee of the House of Representatives).

"§ 7507. Effective date

"This chapter shall apply to any non-Federal entity with respect to any of its fiscal years which begin after June 30, 1996.".

SEC. 3. TRANSITIONAL APPLICATION.

Subject to section 7507 of title 31, United States Code (as amended by section 2 of this Act) the provisions of chapter 75 of such title (before amendment by section 2 of this Act) shall continue to apply to any State or local government with respect to any of its fiscal years beginning before July 1, 1996.

SINGLE AUDIT ACT AMENDMENTS OF 1996

This bill amends the Single Audit Act of 1984 (P.L. 98-502). The 1984 Act replaced multiple grant-by-grant audits with an annual entity-wide audit process for State and local governments that receive Federal assistance. The new bill would broaden the scope of the Act to cover universities and other nonprofit organizations, as well. It would also streamline the process. Thus, the bill would improve accountability for hundreds of billions of dollars of Federal assistance, while also reducing auditing and paperwork burdens on grant recipients.

The bill was developed on the basis of GAO review of implementation of the Single Audit Act "*Single Audit: Refinements Can Improve Usefulness,*" GAO/AIMD–94–133, June 21, 1994). Major stakeholders in the single audit process were consulted during the drafting process. Support for the bill was confirmed at a December 14, 1995, hearing of the Senate Committee on Governmental Affairs.

The 10 years' experience under the 1984 Act demonstrated that the single audit concept promotes accountability over Federal Assistance and prompts related financial management improvements by covered entities. Experience also showed, however, that process can be strengthened. This bill would (1) improve audit coverage of federal assistance, (2) reduce Federal burden on non-Federal entities, (3) improve audit effectiveness, (4) improve single audit reporting, and (5) increase administrative flexibility.

IMPROVE AUDIT COVERAGE

The bill would improve audit coverage of Federal assistance by including in the single audit process all State and local governments and nonprofit organizations that receive Federal assistance. Currently, the Act only applies to State and local governments. Nonprofit organizations are subject administratively to single audits under OMB Circular A–133, "Audits of Institutions of Higher Education and Other Nonprofit Organizations." –Including nonprofit organizations under the Act would result in a common set of single audit requirements for Federal assistance.

REDUCE FEDERAL BURDEN

The bill would simultaneously reduce Federal burdens on thousands of State and local governments and nonprofits, and ensure audit coverage over the vast majority of Federal assistance provided to those organizations. It would do so by raising the dollar threshold for requiring a single audit from $100,000 to $300,000. While this would relieve many grantees of Federal single audit mandates, GAO estimated that a $300,000 threshold would cover, for example, 95% of direct Federal assistance to local governments. This is commensurate with the coverage provided at the $100,000 threshold when the Act was passed in 1984. Thus, exempting thousands of entities from single audits would reduce audit and paperwork burdens, but not significantly diminish the percentage of Federal assistance covered by single audits.

IMPROVE AUDIT EFFECTIVENESS

The bill would improve audit effectiveness by directing audit resources to the areas of greatest risk. Currently, auditors must perform audit testing on the largest—but not necessarily the riskiest—programs that an entity operates. The bill would require auditors to assess the risk of the programs an entity operates and select the riskiest programs for testing. As the President of the National State Auditors Association said, "It makes good economic sense to concentrate audits where increased corrective action and recoveries are likely to result."

IMPROVE SINGLE AUDIT REPORTING

The bill would greatly improve the usefulness of single audit reports by requiring auditors to provide a summary of audit results. The reports would also be due sooner—9 months after the year-end rather than the current 13 months. Interpretations of current rules lead auditors to include 7 or more separate reports in each single audit report. Such a large number of reports tends to confuse rather than inform users. A summary of the audit results would highlight important information and thus enable users to quickly discern the overall results of an audit. Federal managers surveyed by GAO overwhelmingly support the summary reporting and faster submission of reports.

INCREASE ADMINISTRATIVE FLEXIBILITY

The bill would enable the single audit process to evolve with changing circumstances. For example, rather than lock specific dollar amount audit thresholds into law, OMB would have the authority to periodically revise the audit threshold above the new $300,000 threshold. OMB also could revise criteria for selecting programs for audit testing. By giving OMB such authority, specific requirements within the single audit process could be revised administratively to reflect changing circumstances that affect accountability for Federal financial assistance.

CONCLUSION: GOOD GOVERNMENT REFORM

Developed by GAO and endorsed by the National State Auditors Association, the Single Audit Act Amendments of 1996 represents consensus good government legislation that will improve accountability over Federal funds and reduce burdens on State and local governments and nonprofit organizations.

NATIONAL STATE
AUDITORS ASSOCIATION,
Baltimore, MD, January 29, 1996.

Hon. JOHN GLENN,
Ranking Minority Member, Committee on Governmental Affairs, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR GLENN: The National State Auditors Association has voted unanimously to support the proposed bill to amend the Single Audit Act of 1984. My state audit colleagues and I believe that the proposed legislation is an excellent measure that deserves to be passed into law as soon as possible.

The Single Audit Act amendments provide a unique opportunity to address the needs of federal, state and local government auditors and program managers. The original act is over 10 years old and the amendments address many of the changes that have occurred over the years in the auditing profession and in government financial management. The bill is the result of open and constructive dialog along the stakeholders. Over the last several months, we have worked closely with congressional staff as well as representatives of the General Accounting Office and the Office of Management and Budget. As currently drafted, the bill provides needed improvements to financial accountability over federal grant funds.

While there are several excellent provisions in the amended act, two are particularly noteworthy. First, the minimum threshold of receipts requiring any entity to have a single audit performed is raised in the bill to $300,000. Similarly, the thresholds for larger recipients are also adjusted. These modifications will relieve many state and local governments of unnecessary federal mandates and generate savings of audit costs. Second, the amendments allow federal and state governments to focus audit resources on "high-risk" grants where the potential for savings is the greatest. It makes good economic sense to concentrate audits where increased corrective action and recoveries are likely to result.

In summary, the National State Auditors Association is pleased to fully support the amendments to the Single Audit Act of 1984 and assist you in any way possible to facilitate its passage this year.

Sincerely,

ANTHONY VERDECCHIA,
President.

By Mr. KYL (for himself, Mr. COVERDELL, Mr. CRAIG, Mr. FAIRCLOTH, Mr. GRAMS, Mr. INHOFE, Mr. KEMPTHORNE, Mr. LOTT, Mr. MCCAIN, Mr. PRESSLER, Mr. SANTORUM, Mr. SHELBY, Mr. SMITH, Mr. THOMAS, and Mr. THOMPSON):

S.J. Res. 49. A joint resolution proposing an amendment to the Constitution of the United States to require two-thirds majorities for bills increasing taxes; to the Committee on the Judiciary.

TAX LIMITATION CONSTITUTIONAL AMENDMENT

• Mr. KYL. Mr. President, during the next 8 weeks, millions of Americans will file their income tax returns. According to estimates by the Internal Revenue Service, individuals will have spent about 1.7 billion hours on tax-related paperwork by the time their returns are completed. Businesses will spend another 3.4 billion hours. The Tax Foundation estimates that the cost of compliance will approach $200 billion.

Mr. President, if that is not evidence that our Tax Code is one of the most inefficient and wasteful ever created, I do not know what is. Money and effort that could have been put to productive use solving problems in our communities, putting Americans to work, putting food on the table, or investing in the Nation's future are instead devoted to convoluted paperwork.

It is no wonder that the American people are frustrated and angry, and that they are demanding radical change in the way their Government taxes and spends. It is no wonder that tax reform has become one of the major issues of this year's Presidential campaign.

Mr. President, today I am introducing a resolution with more than a dozen of my colleagues that represents the first concrete step toward comprehensive tax reform. The resolution, which we call the tax limitation amendment, would establish a constitutional requirement for a two-thirds majority vote in each House of Congress for the approval of tax-rate increases.

A companion resolution, House Joint Resolution 159, was introduced in the House of Representatives on February 1 by Congressman JOE BARTON of Texas and 155 other House Members.

The two-thirds supermajority that we have proposed was among the recommendations of the National Commission on Economic Growth and Tax Reform, appointed by Majority Leader BOB DOLE and Speaker GINGRICH. The Commission, chaired by former HUD Secretary Jack Kemp, advocated a supermajority requirement in its recent report on how to achieve a simpler, single-rate tax to replace the existing maze of tax rates, deductions, exemptions, and credits that makes up the Federal income tax as we know it today.

Here are the words of the Commission:

> The roller-coaster ride of tax policy in the past few decades has fed citizens' cynicism about the possibility of real, long-term reform, while fueling frustration with Washington. The initial optimism inspired by the low rates of the 1986 Tax Reform Act soured into disillusionment and anger when taxes subsequently were hiked two times in less than seven years. The commission believes that a two-thirds super-majority vote of Congress will earn Americans' confidence in the longevity, predictability, and stability of any new tax system.

Mr. President, in the 10 years since the last attempt at comprehensive tax reform, Congress and the President have made some 4,000 amendments to the Tax Code. Four thousand amendments. That means that taxpayers have never been able to plan for the future with any certainty about the tax consequences of the decisions they make. They are left wondering whether saving money for a child's education today will result in an additional tax burden tomorrow. They can never be sure that if they make an investment, the capital gains tax will not be increased when they are ready to sell. Rules are changed in the middle of the game, and in some cases, the rules have been changed even after the game is over. President Clinton's tax increase in 1993 retroactively raised taxes on many Americans, including some who had died.

The volatility of the Tax Code is not new. You will recall that the income tax was established in 1913 with a top rate of 7 percent; fewer than 2 percent of American families were even required to file a tax return. Just 3 years later, on the eve of the First World War, the top rate soared to 67 percent. By the Second World War, the top rate had risen again—to 94 percent—and it remained in that range through the 1950's. Of course, by that time, the tax had been expanded to cover almost every working American.

Ten years ago, President Reagan succeeded in reducing the number of tax rates to just two—15 percent and 28 percent. But it was not long before additional rates were established, and taxes were raised again under the Clinton administration.

The tax limitation amendment would put an end to the roller coaster ride of tax policy that has so bedeviled hard-working Americans. And it guarantees more than stability and predictability. It will also ensure that taxes cannot be raised—whether we ultimately adopt a single-rate tax as the Kemp commission has proposed, a national sales tax as Senator LUGAR has proposed, or some alternative—unless there is sufficient consensus and strong bipartisan support in Congress and around the country.

Mr. President, the last tax increase to have cleared the Congress was proposed by President Clinton in 1993, and you will remember that it was the largest tax increase in history.

I was serving in the House of Representatives at the time. It seemed to me that most Americans strongly opposed the plan. The calls, letters, and faxes from my constituents in Arizona ran about 10 to 1 in opposition to the President's tax plan. There was a lot of opposition in Congress, too. The opposition was bipartisan—Republicans and Democrats. Unfortunately, the President was able to hold onto enough members of his own party in the House to pass it there, but only with partisan Democrat support.

The story was different in the Senate. Not more than 50 Senators were willing to support the largest tax increase in history. A measure would normally fail on a tie vote—in this case, 50 to 50. The reason the tax increase passed was that the Vice President, as in the case of any tie in the Senate, had the right to cast the deciding vote. That is his right under the Constitution. The tax bill was not passed improperly, but it is notable that the largest tax increase in history managed to become law without the support of a majority of the people's elected Senators. To me, that is a travesty.

The tax increase of 1990—the next largest in history after the 1993 law—passed with a majority of 54 percent in the Senate and 53 percent in the House. That was only slightly better. Yet given the size of the increase and the burden it placed on the American economy, it seems to me that there should have been greater consensus to pass it, too. Taxing away people's hard-earned income is an extraordinary event—or at least it should be. However, in Washington, it has become routine.

A two-thirds majority vote is, as George Will put it, "one way of building into democratic decisionmaking a measurement of intensity of feeling as well as mere numbers." He noted that supermajority requirements are a device for assigning special importance to certain matters, and maybe taxation should be one of them.

The last two tax increases were passed without much intensity of feeling at all—without any real consensus that a majority of Americans supported them.

Some people might say, fine, there should be consensus, but ours is a government of majority rule. I would respond by noting that supermajority requirements are not new to the Constitution. Two-thirds votes are required for the approval of treaties, for conviction in an impeachment proceeding, for expulsion of a member from either body, for proposed constitutional amendments, and for certain other actions.

If it is appropriate to require a two-thirds vote to ratify a compact with a foreign country, it seems to me that it is certainly appropriate to require a two-thirds vote to approve a compact with our own citizens that requires them to turn over a greater share of what is theirs to the Government.

I want to quote briefly from one of our Founding Fathers, James Madison. He was, of course, a strong supporter of majority rule. Yet he argued eloquently that the greatest threat to liberty in a republic would come from unrestrained majority rule. This is what he said in "Federalist No. 51":

> It is of great importance in a republic not only to guard the society against the oppression of its rulers, but to guard one part of the society against the injustice of the other part.

If Madison were here today, I believe he would conclude, first of all, that the Tax Code is oppressive to our people. Americans never paid an income tax until early in this century. By 1948, the average American family paid only about 3 percent of its income to the Federal Government. The average family now sends about 25 percent of its income to Washington. Add State and local taxes to the mix, and the burden approaches 40 percent. That is oppression.

Note that Madison also warned, in the quotation I just read, about pitting one part of America against the rest of the country. That is happening here as well. Certain segments of our society—some call them special interests—have learned in recent years how to feed at the public trough while spreading the cost among all taxpayers. This cost-shifting has left the country with a debt that is $4.9 trillion and growing. Our Founding Fathers could never have imagined such profligacy, or I believe they would have imposed constitutional limits on taxing and spending at the very start of the Republic.

If you are interested in lobbying reform, I will tell you this: a two-thirds requirement for tax changes would probably do more to curtail lobbying for special breaks than just about anything else we could do. Since every tax break must be offset with a tax increase on someone else to ensure revenue neutrality—and the second part of the equation, remember, would be out of reach without massive political support—the two-thirds requirement would make it virtually impossible for special interests to gain special advantage in the Tax Code.

Confidence. Stability. Predictability. These are things that a two-thirds supermajority would bring to the Tax Code. Combine this with comprehensive tax reform that is aimed at simplifying the law and minimizing people's tax burden, and we could see an explosion of economic growth and opportunity unmatched in this country for many years.

Mr. President, I invite my colleagues to join me in supporting the tax limitation amendment.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 49

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission by the Congress:

"ARTICLE—

"SECTION 1. Any bill to levy a new tax or increase the rate or base of any tax may pass only by a two-thirds majority of the whole number of each House of Congress.

"SECTION 2. The Congress may waive section 1 when a declaration of war is in effect. The Congress may also waive section 1 when the United States is engaged in military conflict which causes an imminent and serious threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law. Any provision of law which would, standing alone, be subject to section 1 but for this section and which becomes law pursuant to such a waiver shall be effective for not longer than 2 years.

"SECTION 3. All votes taken by the House of Representatives or the Senate under this article shall be determined by yeas and nays and the names of persons voting for and against shall be entered on the Journal of each House respectively.".•

ADDITIONAL COSPONSORS

S. 50

At the request of Mr. KYL, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 50, a bill to repeal the increase in tax on social security benefits.

S. 356

At the request of Mr. SHELBY, the name of the Senator from Wyoming [Mr. THOMAS] was added as a cosponsor of S. 356, a bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States.

S. 673

At the request of Mrs. KASSEBAUM, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 673, a bill to establish a youth development grant program, and for other purposes.

S. 794

At the request of Mr. LUGAR, the names of the Senator from Nebraska [Mr. EXON] and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of S. 794, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to facilitate the minor use of a pesticide, and for other purposes.

S. 948

At the request of Mr. DORGAN, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Mississippi [Mr. COCHRAN], the Senator from Ohio [Mr. DEWINE], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 948, a bill to encourage organ donation through the inclusion of an organ donation card with individual income refund payments, and for other purposes.

S. 984

At the request of Mr. GRASSLEY, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 984, a bill to protect the fundamental right of a parent to direct the upbringing of a child, and for other purposes.

S. 1028

At the request of Mrs. KASSEBAUM, the names of the Senator from California [Mrs. FEINSTEIN], the Senator from Wisconsin [Mr. FEINGOLD], and the Senator from Hawaii [Mr. AKAKA] were added as cosponsors of S. 1028, a bill to provide increased access to health care benefits, to provide increased portability of health care benefits, to provide increased security of health care benefits, to increase the purchasing power of individuals and small employers, and for other purposes.

S. 1271

At the request of Mr. CRAIG, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 1271, a bill to amend the Nuclear Waste Policy Act of 1982.

S. 1317

At the request of Mr. D'AMATO, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 1317, a bill to repeal the Public Utility Holding Company Act of 1935, to enact the Public Utility Holding Company Act of 1995, and for other purposes.

S. 1370

At the request of Mr. CRAIG, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 1370, a bill to amend title 10, United States Code, to prohibit the imposition of any requirement for a member of the Armed Forces of the United States to wear indicia or insignia of the United Nations as part of the military uniform of the member.

S. 1379

At the request of Mr. SIMPSON, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 1379, a bill to make technical amendments to the Fair Debt Collection Practices Act, and for other purposes.

S. 1397

At the request of Mr. KYL, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 1397, a bill to provide for State control over fair housing matters, and for other purposes.

S. 1423

At the request of Mr. GREGG, the names of the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Indiana [Mr. COATS], and the Senator from Missouri [Mr. BOND] were added as cosponsors of S. 1423, a bill to amend the Occupational Safety and Health Act of 1970 to make modifications to certain provisions, and for other purposes.

S. 1481

At the request of Mr. HATCH, the names of the Senator from New York [Mr. D'AMATO] and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 1481, a bill to amend the Internal Revenue Code of 1986 to provide for the nonrecognition of gain for sale of stock to certain farmers' cooperatives, and for other purposes.

S. 1483

At the request of Mr. KYL, the names of the Senator from Wyoming [Mr. SIMPSON], the Senator from Iowa [Mr. GRASSLEY], the Senator from Mississippi [Mr. LOTT], the Senator from New York [Mr. D'AMATO], the Senator from Arizona [Mr. MCCAIN], the Senator from Pennsylvania [Mr. SANTORUM], the Senator from Maine [Ms. SNOWE], the Senator from Oklahoma [Mr. NICKLES], the Senator from Georgia [Mr. COVERDELL], the Senator from Idaho [Mr. CRAIG], the Senator from Colorado [Mr. CAMPBELL], the Senator from Alabama [Mr. SHELBY], and the Senator from North Carolina [Mr. FAIRCLOTH] were added as cosponsors of S. 1483, a bill to control crime, and for other purposes.

S. 1491

At the request of Mr. HEFLIN, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 1491, a bill to reform antimicrobial pesticide registration, and for other purposes.

At the request of Mr. GRAMS, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 1491, supra.

S. 1505

At the request of Mr. LOTT, the names of the Senator from Montana [Mr. BURNS], the Senator from Alabama [Mr. SHELBY], the Senator from Hawaii [Mr. INOUYE], and the Senator from Kentucky [Mr. FORD] were added as cosponsors of S. 1505, a bill to reduce risk to public safety and the environment associated with pipeline transportation of natural gas and hazardous liquids, and for other purposes.

S. 1547

At the request of Mr. D'AMATO, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 1547, a bill to limit the provision of assistance to the Government of Mexico using the exchange stabilization fund established pursuant to section 5302 of title 31, United States Code, and for other purposes.

S. 1553

At the request of Mr. McCAIN, the names of the Senator from Florida [Mr. MACK] and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 1553, a bill to provide that members of the Armed Forces performing services for the peacekeeping effort in the Republic of Bosnia and Herzegovina shall be entitled to certain tax benefits in the same manner as if such services were performed in a combat zone.

S. 1560

At the request of Mr. GRASSLEY, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 1560, a bill to require Colombia to meet antinarcotics performance standards for continued assistance and to require a report on the counternarcotics efforts of Colombia.

S. 1567

At the request of Mr. LEAHY, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1567, a bill to amend the Communications Act of 1934 to repeal the amendments relating to obscene and harassing use of telecommunications facilities made by the Communications Decency Act of 1995.

SENATE JOINT RESOLUTION 18

At the request of Mr. HOLLINGS, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of Senate Joint Resolution 18, a joint resolution proposing an amendment to the Constitution relative to contributions and expenditures intended to affect elections for Federal, State, and local office.

SENATE RESOLUTION 85

At the request of Mr. CHAFEE, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of Senate Resolution 85, a resolution to express the sense of the Senate that obstetrician-gynecologists should be included in Federal laws relating to the provision of health care.

SENATE RESOLUTION 133

At the request of Mr. HELMS, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of Senate Resolution 133, a resolution expressing the sense of the Senate ,that the primary safeguard for the well-being and protection of children is the family, and that, because the United Nations Convention on the Rights of the Child could undermine the rights of the family, the President should not sign and transmit it to the Senate.

SENATE RESOLUTION 215

At the request of Mr. LAUTENBERG, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of Senate Resolution 215, a resolution to designate June 19, 1996, as "National Baseball Day."

SENATE RESOLUTION 218

At the request of Mr. D'AMATO, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of Senate Resolution 218, a resolution expressing the sense of the Senate regarding the failure of Mexico to cooperate with the United States in controlling the transport of illegal drugs and controlled substances and the denial of certain assistance to Mexico as a result of that failure.

NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR-301, Russell Senate Office Building, on Thursday, February 29, 1996, at 9:30 a.m. and 2 p.m. to review the operations of the Secretary of the Senate, the Sergeant at Arms, the Architect of the Capitol, and to receive testimony on the establishment of criteria for the Architect of the Capitol.

For further information concerning the hearing, please contact Ed Edens of the committee staff on 224-3448.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources to consider the nominations of Thomas Paul Grumbly to be Under Secretary of Energy, and Alvin L. Alm to be Assistant Secretary of Energy for Environmental Management, and Charles William Burton to be a member of the Board of Directors of the U.S. Enrichment Corporation.

The hearing will take place Tuesday, March 5, 1996 at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

For further information, please call Camille Heninger at (202) 224-5070.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place Wednesday, March 6, 1996, at 9 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on the issue of competitive change in the electric power industry. It will focus on what State public utility commissions are doing to make electric utilities more competitive. Although an oversight hearing, witnesses are asked to provide comment on S. 1526 as it relates to this issue.

Those who wish to testify or to submit written testimony should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. Presentation of oral testimony is by committee invitation. For further information, please contact Judy Brown or Howard Useem at (202) 224-6567.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce that the oversight hearing regarding competitive change in the electric power industry scheduled for Wednesday, March 6, 1996, before the Committee on Energy and Natural Resources will now begin at 9:30 a.m. instead of 9 a.m. as previously scheduled.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 10 a.m. on Tuesday, February 27, 1996, in executive session, to consider certain pending military nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

ON THE RETIREMENT OF DEREK VANDER SCHAAF AS DEPUTY INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE

• Mr. LEVIN. Mr. President, the taxpayers will lose one of their best friends in the Department of Defense next month, when Derek J. Vander Schaaf retires as deputy inspector general.

Mr. Vander Schaaf has served as one of the Pentagon's top watchdogs for almost 15 years, since December 1981. During that tenure, Mr. Vander Schaaf has managed an aggressive program of audit, inspection, and investigation which has ferreted out waste, fraud, and abuse in DOD activities, resulting in more than $20 billion of documented savings to the taxpayer.

Mr. Vander Schaaf has also provided invaluable assistance to the Congress with his honest and forthright comments on DOD's policies and programs. Over the years, Mr. Vander Schaaf has testified before the Senate Governmental Affairs Committee and the Senate Armed Services Committee, on which I serve, on numerous occasions. He has met personally with me and my staff on many more occasions to brief us on DOD programs and proposals. Mr. Vander Schaaf's testimony has always been informative, and it has often been crucial to the success of our oversight and investigative efforts.

Mr. Vander Schaaf is a forceful advocate of increased competition in DOD procurement, independent testing and evaluation of new weapons systems, improvements in DOD financial systems, and increased use of commercially available products and services. We have relied upon his support in our efforts to eliminate wasteful and unlawful practices such as excessive inventory spending, abusive off-loading of contracts from DOD to other agencies, and the improper disclosure of confidential procurement information. The savings from these efforts have been substantial.

Mr. Vander Schaaf has not always been the most popular figure at the Pentagon. Nobody who takes on as many issues and makes as many tough calls as he has could be. But this is a price willingly paid by one who, like Mr. Vander Schaaf, believes that service to the public and to the taxpayer is the highest obligation.

And so we thank Mr. Vander Schaaf for his service. We will miss him, and the taxpayers will miss him.•

BUDGET SCOREKEEPING REPORT

• Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through February 13, 1996. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the 1996 concurrent resolution on the budget (H. Con. Res. 67), show that current level spending is above the budget resolution by $15.7 billion in budget authority and by $16.9 billion in outlays. Current level is $43 million below the revenue floor in 1996 and $5.6 billion above the revenue floor over the 5 years 1996–2000. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $262.6 billion, $17 billion above the maximum deficit amount for 1996 of $245.6 billion.

Since my last report, dated January 23, 1996, Congress cleared and the President signed the Gloucester, Massachusetts Marine Fisheries Laboratory Act (the targeted CR, P.L. 104–91), two continuing resolutions (P.L. 104–92 and P.L. 104–99), the Saddleback Mountain-Arizona Settlement Act of 1995 (P.L. 104–102), the Telecommunications Act of 1996 (P.L. 104–104), the Farm Credit System Regulatory Relief Act (P.L. 104–105), the National Defense Authorization Act for 1996 (P.L. 104–106), the Foreign Operations Appropriations Act (P.L. 104–107), an act to extend certain expiring authorities of the Department of Veterans Affairs (P.L. 104–110), and an act to award a Congressional Gold Medal to Ruth and Billy Graham (P.L. 104–111). These actions changed the current level of budget authority, outlays, and revenues.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 14, 1996.
Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report for fiscal year 1996 shows the effects of Congressional action on the 1996 budget and is current through February 13, 1996. The estimates of budget authority, outlays and revenues are consistent with the technical and economic assumptions of the 1996 Concurrent Resolution on the Budget (H. Con. Res. 67). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended.

Since my last report dated January 22, 1996, Congress cleared, and the President signed, the Gloucester, Massachusetts Marine Fisheries Laboratory Act (P.L. 104–91), two continuing resolutions (P.L. 104–92 and P.L. 104–99), the Saddleback Mountain—Arizona Settlement Act of 1995 (P.L. 104–102), the Telecommunications Act of 1996 (P.L. 104–104), the Farm Credit System Regulatory Relief Act (P.L. 104–105), the National Defense Authorization Act for 1996 (P.L. 104–106), the Foreign Operations Appropriations Act (P.L. 104–107), an act to extend certain expiring authorities of the Department of Veterans Affairs (P.L. 104–110), and an act to award a Congressional Gold Medal to Ruth and Billy Graham (P.L. 104–111). These actions changed the current level of budget authority, outlays and revenues.

Sincerely,
JUNE E. O'NEILL,
Director.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE FISCAL YEAR 1996, 104TH CONGRESS, 2ND SESSION, AS OF CLOSE OF BUSINESS FEB. 13, 1996

[In billions of dollars]

	Budget resolution (H. Con. Res. 67)	Current level [1]	Current level over/under resolution
On-budget			
Budget authority	1,285.5	1,301.2	15.7
Outlays	1,288.1	1,305.0	16.9
Revenues:			
1996	1,042.5	1,042.5	[2] –0.
1996–2000	5,691.5	5,697.1	5.6
Deficit	245.6	262.6	17.0
Debt subject to limit	5,210.7	4,900.0	–310.7
Off-budget			
Social Security outlays:			
1996	299.4	299.4	0.0
1996–2000	1,626.5	1,626.5	0.0
Social Security revenues:			
1996	374.7	374.7	0.0
1996–2000	2,061.0	2,061.0	0.0

[1] Current level represents the estimated revenues and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] Less than $50 million.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 104TH CONGRESS, 2ND SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1996 AS OF CLOSE OF BUSINESS FEB. 13, 1996

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in Previous Sessions			
Revenues			1,042,557
Permanents and other spending legislation	830,272	798,924	
Appropriation legislation		242,052	
Offsetting receipts	–200,017	–200,017	
Total previously enacted	630,254	840,958	1,042,557
Enacted in First Session			
Appropriation bills:			
1995 Rescissions and Department of Defense Emergency Supplements Act (P.L. 104–6)	–100	– –885	
1995 Rescissions and Emergency Supplements for Disaster Assistance Act (P.L. 104–19)	22	–3,149	
Agriculture (P.L. 104–37)	62,602	45,620	
Defense (P.L. 104–61)	243,301	163,223	
Energy and Water (P.L. 104–46)	19,336	11,502	
Legislative Branch (P.L. 105–53)	2,125	1,977	
Military Construction (P.L. 104–32)	11,177	3,110	
Transportation (P.L. 104–50)	12,682	11,899	
Treasury, Postal Service (P.L. 104–52)	23,026	20,530	
Offsetting receipts	–7,946	–7,946	
Authorization bills:			
Self-Employment Health Insurance Act (P.L. 104–7)	–18	–18	–101
Alaska Native Claims Settlement Act (P.L. 104–42)	1	1	
Fisherman's Protective Act Amendments of 1995 (P.L. 104–43)		(6)	
Perishable Agricultural Commodities Act Amendments of 1995 (P.L. 104–48)	1	(6)	1
Alaska Power Administration Sale Act (P.L. 104–58)	–20	–20	
ICC Termination Act (P.L. 104–88)			(6)
Total enacted first session	366,191	245,845	–100
Enacted in Second Session			
Appropriation bills:			
Seventh Continuing Resolution (P.L. 104–92) [1]	13,165	11,037	
Ninth Continuing Resolution (P.L. 104–92) [1]	792	–825	
Foreign Operations (P.L. 104–107)	12,104	5,936	
Offsetting receipts	–44	–44	
Authorization bills:			
Gloucester Marine Fisheries Act (P.L. 104–91) [2]	30,502	19,151	
Smithsonian Institution Commemorative Coin Act (P.L. 104–96)	3	3	
Saddleback Mountain-Arizona Settlement Act of 1995 (P.L. 104–102)		–7	
Telecommunications Act of 1996 (P.L. 104–104) [3]			
Farm Credit System Regulatory Relief Act (P.L. 104–105)	–1	–1	
National Defense Authorization Act of 1996 (P.L. 104–106)	369	367	
Extension of Certain Expiring Authorities of the Department of Veterans Affairs (P.L. 104–110)	–5	–5	
To award Congressional Gold Medal to Ruth and Billy Graham (P.L. 104–111)	(6)	(6)	
Total enacted second session	56,884	35,613	

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 104TH CONGRESS, 2ND SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1996 AS OF CLOSE OF BUSINESS FEB. 13, 1996—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Continuing Resolution Authority			
Ninth Continuing Resolution (P.L. 104–99)[4]	116,863	54,882	....
Entitlements and Mandatories			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	131,056	127,749	....
Total Current Level[5]	1,301,247	1,305,048	1,042,457
Total Budget Resolution	1,285,500	1,288,100	1,042,500
Amount remaining:			
Under Budget Resolution	....	....	43
Over Budget Resolution	15,747	16,948	....

[1] P.L. 104– and P.L. 104–99 provides funding for specific appropriated accounts until September 30, 1996.

[2] This bill, also referred to as the sixth continuing resolution for 1996, provides until September 30, 1996 for specific appropriated accounts.

[3] The effects of this Act on budget authority, outlays and revenues begin in fiscal year 1997.

[4] This is an annualized estimate of discretionary funding that expires March 15, 1996, for the following appropriation bills: Commerce-Justice, Interior, Labor-HHS-Education and Veterans-HUD.

[5] In accordance with the Budget Enforcement Act, the total does not include $3,417 million in budget authority and $1,599 million in outlays for funding of emergencies that have been designated as such by the President and the Congress.

[6] Less than $500,000

Notes.—Detail may not add due to rounding.•

THE STING OF SHAME

• Mr. SIMON. Mr. President, George Will recently had a column about our method of punishment in the United States.

We have chosen prison as a way to solve our problems of crime, and unquestionably, there are many people who commit crimes of violence who must be put into prison.

But it is also true that many are in prison who are not there for crimes of violence.

Obviously, we should do more to deal with the causes of crime. Show me an area of high unemployment—whether it is African-American, Hispanic-American, or white—and I will show you an area of high crime. To effectively prevent crime, we have to do more in the area of job creation for people of limited skills.

The suggestion of shame as a punishment strikes me as being much less expensive and perhaps just as effective. We ought to at least experiment with it.

The old stockades that the Puritans used had shame as the main punishment.

The George Will column, which I ask to be printed at the end of my remarks, ought to be considered carefully by people in the penal field.

The column follows:

[From the Washington Post, Feb. 1, 1996]

THE STING OF SHAME

(By George F. Will)

A New Hampshire state legislator says of teenage vandals, "These little turkeys have got total contempt for us, and it's time to do something." His legislation would authorize public, bare-bottom spanking, a combination of corporal punishment and shaming-degradation to lower the offender's social status.

In 1972 Delaware became the last state to abolish corporal punishment of criminals. Most states abandoned such punishments almost 150 years ago, for reasons explained by Prof. Dan M. Kahan of the University of Chicago Law School in an essay to be published in the spring issue of that school's Law Review. But he also explains why Americans are, and ought to be, increasingly interested in punishment by shaming. Such punishment uses the infliction of reputational harm to deter crime and to perform an expressive function.

Around America various jurisdictions are punishing with stigmatizing publicity (publishing in newspapers or on billboards or broadcasting the names of drug users, drunk drivers, or men who solicit prostitutes or are delinquent in child support); with actual stigmatization (requiring persons convicted of drunk driving to display license plates or bumper stickers announcing the conviction and requiring a woman to wear a sign reading "I am a convicted child molester"), with self-debasement (sentencing a slumlord to house arrest in one of his rat-infested tenements and permitting victims of burglars to enter the burglars' homes and remove items of their choosing); with contrition ceremonies (requiring juvenile offenders to apologize while on their hands and knees).

In "What Do Alternative Sanctions Mean?" Kahan argues that such penalties can be efficacious enrichments of the criminal law's expressive vocabulary. He believes America relies too heavily on imprisonment, which is extraordinarily expensive and may not be more effective than shaming punishments at deterring criminal actions or preventing recidivism.

There are many ways to make criminals uncomfortable besides deprivation of liberty. And punishment should do more than make offenders suffer; the criminal law's expressive function is to articulate society's moral condemnation. Actions do not always speak louder than words, but they always speak—always have meaning. And the act of punishing by shaming is a powerful means of shaping social preferences by instilling in citizens an aversion to certain kinds of prohibited behavior.

For most violent offenses, incarceration may be the only proper punishment. But most of America's inmates were not convicted of violent crimes. Corporal punishment is an inadequate substitute for imprisonment because, Kahan says, of "expressive connotations" deriving from its association with slavery and other hierarchical relationships, as between kings and subjects.

However, corporal punishment became extinct not just because democratization made American sensibilities acutely uncomfortable with those connotations. Shame, even more than the physical pain of the lash and the stocks, was the salient ingredient in corporal punishment. But as communities grew and became more impersonal, the loosening of community bonds lessened the sting of shame.

Not only revulsion toward corporal punishment but faith in the "science," as it was called, of rehabilitation produced America's reliance on imprisonment. And shame—for example, allowing the public to view prisoners at work—occasionally was an additive of incarceration. It is so today with the revival of chain gangs.

Recent alternatives to imprisonment have included fines and sentencing to community service. However, both are inadequately expressive of condemnation. Fines condemn ambivalently because they seem to put a price on behavior rather than proscribe it. The dissonance in community-service sentences derives from the fact that they fail to say something true, that the offenders deserve severe condemnation, and that they say something false, that community service, an admirable activity that many people perform for pleasure and honor, is a suitable way to signify a criminal's disgrace.

Sentences that shame not only do reputational harm and lower self-esteem, their consequences can include serious financial hardship. And Kahan argues: "The breakdown of pervasive community ties at the onset of the Industrial Revolution may have vitiated the stake that many individuals had in social status; but the proliferation of new civic and professional communities—combined with the advent of new technologies for disseminating information—have at least partially restored it for many others."

Today America has 519 people imprisoned for every 100,000 citizens. The figures for Mexico and Japan are 97 and 36 respectively. America needs all the prison cells it has and will need more. But policies of indiscriminate incarceration will break states' budgets: The annual cost of incarceration is upward of $20,000 per prisoner and $69,000 for prisoners over age 60. It would be a shame to neglect cheaper and effective alternatives.•

NATIONAL ENGINEERS WEEK—FEBRUARY 18–24

• Mrs. HUTCHISON. Mr. President, the week of February 18–24 has been designated "National Engineers Week." It is with great pleasure that I rise today to speak in appreciation of the contributions of the engineering profession's 1.8 million members.

It is fitting that we celebrate National Engineers Week around the time of George Washington's birthday. Our first President was, in many respects, the country's first engineer. Trained as a surveyor and engineer, President Washington encouraged private initiatives for invention, technical advancements, and education. He also promoted the construction of roads, canals, and docks and ports—often with private capital. He also sought appropriate designs for the new Nation's public buildings.

The engineering disciplines have had a tremendously positive and pervasive influence on our society. Their achievements are represented in bridges, roads, harbors, canals, and ship channels, and also in our architecture, manufacturing, scientific technology, industrial design, transport, and the delivery of various forms of energy to the Nation's factories, farms, schools, businesses, and homes.

Creative engineering is manifest also in the spirit of invention and exploration. From the development of new oil drilling equipment to the space program, engineering is a key source of our prosperity. Indeed, engineering's achievements are so widespread we tend to take them for granted, but we must not. By acknowledging the accomplishments of the Nation's engineers we also generate support for engineering education and interest in pursuing careers in the profession.

Mr. President, the finals of the National Engineers Week Future City Competition are held during this commemorative week. The competition features seven teams of seventh and eighth grade students who present their designs for cities in the 21st century using computer simulations and scale models. I want to congratulate all the engineers, teachers, and students from each of the regions competing in this demanding process, and wish each of them well in this contest and in their future endeavors.

I would also like to particularly salute the more than two dozen prominent engineers among the 1996 all stars of the profession who are leading others in a variety of activities, from school visits to media forum events.

Among the 1996 all stars are: Ron Haddock, president and CEO, Fina Oil and Chemical Co.—Dallas; Tommy Knight, president and CEO, Brown and Root—Houston; John Murphy, CEO, Dresser Corp.—Dallas; Stephen D. Bechtel, chairman Emeritus, The Bechtel Group, Inc.; Dr. Mary Cleave of NASA's Goddard Space Flight Center; John H. Gibbons, assistant to the President for Science and Technology; PBS' Bill Nye, the science guy; Dr. Arati Prabhaker, director of the National Institute of Standards and Technology; and John F. Welch, chairman and CEO, General Electric Co.•

THE RETIREMENT OF BRUNO M. PONTERIO

• Mr. MOYNIHAN. Mr. President, I rise today to wish great congratulations to Bruno M. Ponterio, who retired on December 22, 1995, after 32 years of dedicated service to the Ridge Street School in Rye Brook, NY.

Mr. Ponterio was honored on December 12, 1995 by generations of students, teachers, families, and friends of the Ridge Street School at a ceremony celebrating his magnificent career. Mr. Ponterio was the school's assistant principal for 7 years and its beloved principal for 25 years. He announced his retirement in June 1995 but as a testimony to their love and appreciation for his work, school officials, parents, and children appealed to him to stay on until the end of the year.

Marked by a constant dedication to the future of both the Ridge Street School and the children who roam its corridors, Mr. Ponterio has set an example for educators nationwide. For 32 years he has served as a role model, a father figure, a leader, and a friend and it is fitting that the Blind Brook Board of Education has decided to rename the school the Bruno M. Ponterio Ridge Street School. I congratulate him on a wonderful career and on behalf of so many in New York thank him for his years of service and guidance.

Mr. President, I hope my colleagues will join me in wishing him the best of luck in his much deserved retirement.•

THE TRAVELERS AID SOCIETY OF DETROIT

• Mr. LEVIN. Mr. President, I rise today to honor the Travelers Aid Society of Detroit, MI. The Travelers Aid Society provides many needed and worthwhile services to tens of thousands of residents of Metro Detroit.

Travelers Aid Society of Detroit assists people in crises related to mobility—the homeless, victims of domestic violence, children traveling alone, the physically challenged, and 50,000 travelers each year at Detroit Metropolitan Airport.

Through their programs of comprehensive case management, including the Homeward Bound Program, TAS has pioneered the "Continuum of Care" concept of helping families and individuals climb out of homelessness. Homeward Bound, begun in 1992, was developed with the collaboration of 38 public and private human service agencies and organizations. To date, more than 500 families have recovered from the effects of homelessness because of the project.

TAS has been a pioneering agency in adopting comprehensive case management for the human services field. Travelers Aid is also the State of Michigan's representative to the Interstate Compact on Runaways, helping to return home some 250 runaway youths each year.

I know my Senate colleagues join me in honoring Travelers Aid Society for the fine work it has done for people of the Detroit area.•

IN OPPOSITION TO ACTIONS TAKEN BY THE CUBAN GOVERNMENT

• Mr. CRAIG. Mr. President, on Saturday afternoon we were all troubled by the announcements that two civilian aircraft belonging to the Brothers to the Rescue, organization had been shot down by a Cuban Mig-29. This event, described by the President and other world leaders as "abominable" and "abhorrent" is yet another signal that business as usual continues in Castro's tyrannical regime.

President Clinton has referred to the attack in the press as, "an appalling reminder of the nature of the Cuban regime: repressive, violent, scornful of international law." I couldn't agree with him more. However, this action requires more than just a rhetorical response. Almost a year ago Senator JESSE HELMS, chairman of the Senate Foreign Relations Committee, had begun work on legislation designed to tighten the embargo and isolate the brutal regime of Fidel Castro. It is time for the Congress to complete action on this bill.

The President announced a series of actions he proposed in response to this unwarranted attack. These included: ensuring that the families of the pilots are compensated; imposing restrictions on Cuban nationals traveling in the United States; suspending United States charter flights into Cuba; and passing the Helms-Burton Act. The Helms-Burton legislation, referred to as the Cuban Libertad Act, includes a number of provisions which would: strengthen international sanctions against the Castro government in Cuba; develop a plan to support a transition government leading to a democratically elected government in Cuba; and enact provisions addressing the unauthorized use of United States-citizen-owned property confiscated by the Castro government.

Mr. President, I am pleased to see that President Clinton has committed to take action on this situation and has decided to support the Cuban Libertad Act. This is a welcome shift in his policy of engagement with Fidel Castro, to include steps taken last year to ease the Cuban sanctions.

Mr. President, the policy of engagement has failed. Therefore, it is time to complete action on the Helms-Burton bill, the Cuba Libertad Act. This is the next step in a long road leading toward releasing Castro's dictatorial ties that have bound the people of Cuba.•

RECOGNIZING THE CONTRIBUTIONS OF AFRICAN-AMERICAN SERVICE MEMBERS

• Mr. SIMPSON. Mr. President, I would like to take a moment to recognize a courageous group of 1.25 million veterans whose contributions in our victory in the Second World War have gone for too long largely unnoticed. The military policy at that time, of segregation and exclusion from combat roles, would make one believe that there were no African-American combatants in the war against Nazi Germany.

In late 1944, German forces mounted what would be their final offensive in the Belgian Ardennes. This maneuver, later to gain infamy as the "Battle of the Bulge," pressed into service 2,500 black troops as separate platoons in white companies. Black units, like the 333d Field Artillery Battalion, would also participate as combatants.

These brave young men performed superbly. They were part of the valiant effort to hold off the Germans until help, in the form of General Patton's 3d Army, could defeat the last gasp of the Third Reich.

As chairman of the Senate Committee on Veterans' Affairs, I feel it is so appropriate that we recognize those soldiers who served their Nation so proudly overseas—despite the second-class treatment they then received here. Specifically I would like to single out a group of 11 soldiers from the 333d Field Artillery Battalion who made the ultimate sacrifice in the defense of our Nation.

It is common knowledge that the battle in Bastogne saw the massacre of American POW's by German troops. The tragedy of Malmedy immediately comes to many minds. The event was well documented and the town's inhabitants erected a monument in honor of the troops who were trying to deliver their town to freedom.

A similar horrible event occurred only 14km away in Wereth. Here the 11 black soldiers who were executed and tortured there, go almost wholly unmentioned in most texts about the fight for Bastogne. Their unit had become bogged down in the mire and mud and had suffered casualties from both artillery and Luftwaffe attacks. Much of the unit was captured. These 11 men escaped on foot, armed with only 2 rifles. In the town of Wereth they found refuge with a Belgian family, but were later captured by German troops. Because they refused to tell the Germans the identities of Allied sympathizers, they suffered a similar fate as their comrades in Malmedy. The Panzer troops first humiliated, then beat, and finally executed the 11 black soldiers.

War crimes investigators had no witnesses to the massacre and the inquiry was ended. The incident was nearly forgotten after the war.

After many years the town of Wereth dedicated a permanent monument to the men who lost their lives to free Belgium and defend liberty.

It is long past time that America too learn of and appreciate the sacrifice of these soldiers. During this Black History Month let us commemorate the supreme effort and sacrifice of the men of the 333d Field Artillery Battalion and all patriotic black veterans who have answered the call to defend this great Nation of ours. Many faced cruel prejudice at home and in the military, yet they went on to truly distinguish themselves when their country needed them most. May they rest in peace. Thank God for them.●

WILLIAM D. SHAW

● Mr. LEVIN. Mr. President, I rise today to honor William D. Shaw of Swartz Creek, MI. On Saturday, March 2, 1996, William will celebrate his retirement from the Swartz Creek School District, marking the end of a career in education that has spanned four decades.

Mr. Shaw received a bachelor of science in economics degree in 1959. He later went on to receive a masters of art in teaching in 1967, and a Ph.D. in curriculum, instruction, and supervision in 1974.

Mr. Shaw's career in education began in 1962 as an elementary school teacher in Concord, MI. Since then, he has had experience in every level of education. He has been a high school and middle school principal. He has served as a professor and adjunct lecturer at Michigan State and Central Michigan Universities. Mr. Shaw began working for Swartz Creek School District as the assistant superintendent for instruction in 1978. He held this position until 1993, when he became the assistant superintendent for instruction and business operations.

Through his membership in professional and civic organizations, and his work for the Swartz Creek School District, William Shaw has been an invaluable asset for Michigan's educational system and his community. I know that my colleagues in the Senate will join me in congratulating William D. Shaw on the great contribution he has made to Michigan's school system.●

DEATH OF DR. HARRY HAMILTON

● Mr. FEINGOLD. Mr. President, I rise today with deep sadness to pay tribute to the life of an outstanding educator and civil rights leader, Dr. Harry Hamilton, who died on Monday, February 5, after a battle with Alzheimer's disease.

Dr. Hamilton was most recently Director of the Minority and Disadvantaged Student Program at the University of Wisconsin-Madison College of Agricultural and Life Sciences where he had a positive impact on countless people. In this position, Dr. Hamilton helped to recruit minority students to the agricultural program at the University of Wisconsin. As a distinguished chemist, Dr. Hamilton was also editor of the Madison based Agronomy Journal. Dr. Hamilton's reputation was one of the reasons the University of Wisconsin is consistently recognized as one of the top public institutions of higher learning in the world.

Not only was Harry Hamilton an exceptional educator, he was a leader in race relations in my State of Wisconsin. Dr. Hamilton was one of the founders of the Madison, WI, chapter of the National Association for the Advancement of Colored People in the 1940's, and was also the chapter's president in the 1940's. As a prominent civil rights leader, Dr. Hamilton was also a member of the Mayor's Commission on Human Rights in the 1960's and was chairman, in 1963, of the local chapter of the United Negro College Fund. He was an active member in his church, the First Congregational United Church of Christ and was sent as an official delegate to the funeral of Martin Luther King in 1968.

Dr. Hamilton was born in Talladega, AL, in 1907 where he went to college and later taught as a chemistry professor at Talladega College. Dr. Hamilton also attended the University of Wisconsin-Madison where he earned a master's degree in chemistry in 1935 and a Ph.D. in 1948. Yet, with all of these personal accomplishments, Dr. Hamilton's sense of civic responsibility increased. He was a tremendous role model for anyone who wants to make their community a better place to live.

Dr. Hamilton is survived by his wife of 61 years, Velma, and three children, Harry Jr., Muriel, and Patricia, who, like Dr. Hamilton, have been recognized for their contributions to the community. Both Harry and Velma Hamilton were awarded the Alexander Company's Civic Leadership Award and have been recognized by the Madison Rotary Club with a Humanitarian Service Award for their efforts. The Van Hise Middle School in Madison, WI was renamed Hamilton Middle School in honor of Velma and the school's science lab was named for Harry Hamilton. The Hamilton family has earned each and every recognition they have received and should serve as a powerful example of true public service.

The death of Dr. Harry Hamilton is a loss to all of us. Without his presence it is more important today that we focus our efforts on the things that Dr. Hamilton valued. His commitment to family, the students he taught and mentored, volunteerism, and the cause of civil rights must continue if we are to honor his memory. In this way, his legacy will live on for generations to come.●

SEABEES BATTALION 27

● Mr. KERRY. Mr. President, I would like to commend the great service that was performed by the men of Naval Mobile Construction Battalion Twenty Seven in September of 1995 after the tornado that ransacked Great Barrington, MA in May. Their ability to clear massive amounts of debris without damage to nearby civilian residences is worthy of praise. The dedication and hard work exhibited by each of the SeaBees was combined in a solid team effort that succeeded in removing debris and constructing firebreaks in a quick and efficient manner. As a result, the residents of the Great Barrington area were spared further destruction and loss.

The men of the Naval Mobile Construction Battalion 27, LCDR A.M. Edgar, EOC Timothy R. Burns, EAC Carl A. Passarelli, EO1 Willard H. Card III, EO1 Harold T. Reinhard, UT1 Mark C. Shea, SW2 James Hughes, BU2 Morris A. Wells, BU1 R.L. Clawson, EO1 John A. Neville, and BU3 Robert Tanner, have displayed skills and capabilities in this aid effort of which they and the Navy can and should be proud.

The commendable efforts of the SeaBees in this endeavor are greatly appreciated by the citizens of South

Berkshire County, MA. I wish to publicly express my gratitude before the Senate and pay tribute to their efforts.•

ONE CHILD AT A TIME

• Mr. SIMON. Mr. President, usually we insert articles in the CONGRESSIONAL RECORD because we have some specific legislative remedy that the item we insert in the RECORD supports. In December, I read an article in Newsweek by Margaret Crane and cut it out and put it aside. I have just re-read that article. It is the story of one child but really is the story of many children.

I do not know what we should do in terms of policy, other than I know we should be more sensitive to children all over this country who have enormously serious problems.

I am asking that the Crane article be printed in the RECORD, not with the idea that I have any immediate legislative remedy, but because we should be reflecting on this type of need.

The article follows:

[From Newsweek, Dec. 11, 1995]

ONE CHILD AT A TIME

(By Margaret Crane)

The 10-year-old came toward me. She looked like a typical preteen: small-boned with a face like a flower, dark eyes and a tiny turned-up nose covered by freckles resembling sprinkles of nutmeg. Her shoulder-length blond hair was pulled back with a black velvet headband. She started talking animatedly about her friends, her favorite subjects in school and how much she loved to ride a 10-speed bike. This was my first meeting with Mary (not her real name) a year ago.

The more she talked, the less she resembled the child I'd read about who had lived through torment that most of us never experience in our worst nightmares. She entered the juvenile system five years ago. She had been sexually abused by an uncle, her father and her father's friend. Her divorced mother, an attractive woman who is borderline retarded, is now seeing a man whose children may be be taken from him by the state. The boyfriend has a history of child abuse documented in a report that is longer than a Russian novel. The child's paternal grandfather molested another of his daughters and served time in prison.

Since Mary was removed from her home, she has been caught in that purgatory known as protective care and passed around like a stack of papers—three foster homes, two residential treatment centers and eight schools. Her appearance is deceptive. When I first met her, she was very troubled. She wet her pants and was on medication to control the problem. She behaved sexually toward boys and could get verbally and physically aggressive. She threatened suicide a couple of times and mutilated herself, pulling out her hair or banging her head against a wall during tantrums. With intensive therapy she has learned to better manage her anger.

I am Mary's Court Appointed Special Advocate—a voice speaking up for her in court. I'm neither a social worker nor a lawyer, but a trained volunteer assigned by a family-court judge to look out for Mary's "best interests" so she doesn't languish in protective custody.

I became a CASA after a friend asked me to get involved. She felt that I could empathize with these kids because of the complexities of my own childhood. I agreed to do it and went through 30 hours of training, because as a mother of three healthy kids, I felt I could not ignore other children who are in greater need. My only hesitation was the time commitment. I'm a freelance writer, and I was concerned about juggling two jobs.

There are some 37,000 advocates like me across the country. We telephone and visit families, gathering facts to track kids and their parents who get lost in the labyrinth of foster care. CASAs report their findings to judges who often have just minutes to decide where a child will live and for how long.

The importance of our work is underscored by the highly publicized death of Elisa Izquierdo, 6, in New York last month. Elisa, living with her father, was returned to her mother after his death last year. Her mother allegedly smashed the child's head against a wall. How do these youngsters fall through the cracks? In my district, social workers may be assigned more than 50 cases, supervisors twice as many. CASA volunteers are assigned only one. We serve, at no cost to taxpayers, as an additional safety net, working alongside a multitude of professionals to try and ensure that children like Elisa do not return to unsafe homes.

Elisa's tragedy has spurred me to fight harder to help Mary. Since I took on her case, I've had unique access to a family file filled with incidents of abuse that would sicken the hardest heart.

In a summer hearing, the court brushed aside the mother's poor choice of companion and her lack of parenting skills, and moved toward reunifying mother and daughter. The mother's psychological evaluation suggested that she should have her child back as long as they both continue therapy and Mom attended parenting and life-skills classes. Mary was then staying with her mother every other weekend. The judge decided to increase visits by one day a week and assess the case in two months.

In September the judge ruled that Mary should return home full time under the legal, watchful eye of the Division of Family Services. Early next year the case will be reviewed for the mother to regain permanent custody. I worry that this decision will be based not only on what's best for the child but on the need to clear an overcrowded docket of a case that has gone on too long and is costing too much.

I'm not convinced living with her mother is the safest place for Mary. Mom is a good person who loves her daughter, Mary loves her mother and wants to remain home. But Mom has displayed poor parental judgment in the past. Once she failed to get medical attention for Mary when she injured herself seriously on a visit.

From the beginning, I knew reunification was the goal. But I really hoped it might not happen. Those handling the case, including the social worker, therapists, lawyers and I, charted Mary's future: where she'd be safest, have friends and someone to help with her homework. In my opinion, she should be with a paternal aunt who clearly loves her niece and wants to help.

In my area, there are some 800 kids who've been removed from their homes and placed in care. Before I became an advocate, I had no idea what happened to these youngsters and never considered how I could help. As more of us fight for these abused and neglected children, perhaps the level of public awareness will be raised and we'll be able to protect more before they're lost forever.

I'm still aghast at the judge's recent decision to send the child home full time with Mom pending the final court ruling next year. The county's family services will continue to insist Mary and her mom attend therapy and have intervention services until that time, and I'll continue to monitor the whole family.

For the next few months I have a fighting chance to keep my one CASA child safe, if they let me. At least I can comfort myself with the knowledge that as long as I'm on this case, I will do the best that I can with the worst that I have to deal with.•

UNITED STATES CONGRESS-GERMAN PARLIAMENT STAFF EXCHANGE

• Mr. LIEBERMAN. Mr. President, since 1983, the United States Congress and the German Parliament, the Bundestag, have conducted an annual exchange program for staff members from both countries. The program gives professional staff the opportunity to observe and learn about each other's political institutions and convey Members' views on issues of mutual concern.

A staff delegation from the United States Congress will be chosen to visit Germany May 19 to June 1 of this year. During the 2 week exchange, the delegation will attend meetings with Bundestag Members, Bundestag party staff members, and representatives of political, business, academia, and the media. Cultural activities and a weekend visit in a Bundestag Member's district will complete the schedule.

A comparable delegation of German staff members will visit the United States for 3 weeks this summer. They will attend similar meetings here in Washington and visit the districts of congressional Members over the Fourth of July recess.

The Congress-Bundestag Exchange is highly regarded in Germany, and is one of several exchange programs sponsored by public and private institutions in the United States and Germany to foster better understanding of the politics and policies of both countries.

The U.S. delegation should consist of experienced and accomplished Hill staff members who can contribute to the success of the exchange on both sides of the Atlantic. The Bundestag sends senior staff professionals to the United States. The United States endeavors to reciprocate.

Applicants should have a demonstrable interest in events in Europe. Applicants need not be working in the field of foreign affairs, although such a background can be helpful. The composite United States delegation should exhibit a range of expertise in issues of mutual concern in Germany and the United States such as, but not limited to, trade, security, the environment, immigration, economic development, health care, and other social policy issues.

In addition, U.S. participants are expected to help plan and implement the program for the Bundestag staff members when they visit the United States. Participants are expected to assist in planning topical meetings in Washington, and are encouraged to host one or two staff people in their Member's district over the July Fourth break, or to arrange for such a visit to another Member's district.

Participants will be selected by a committee composed of U.S. Information Agency personnel and past participants of the exchange.

Senators and Representatives who would like a member of their staff to apply for participation in this year's program should direct them to submit a resume and cover letter in which they state why they believe they are qualified, and some assurances of their ability to participate during the time stated. Applications may be sent to Kathie Scarrah, in my office at 316 Hart Senate Building, by Friday, March 15.•

TRADE DISPUTE WITH RUSSIA

• Mr. BIDEN. Mr. President, I rise today to address a recent trade dispute which threatens tens of thousands of American jobs and hundreds of millions in American exports.

On February 19, the Russian Government notified us that it will soon stop importing poultry products if its complaints about American food safety standards are not met. On top of this, what little will enter Russia these next few weeks will be subject to a sharp increase in their taxes on imported poultry.

American poultry exports to Russia—our largest poultry export customer—total more than $700 million a year and represent over 20 percent of all American exports to Russia.

Mr. President, the Delmarva Peninsula is home to 21,000 poultry workers, produces more than 600 million birds per year, and is a major supplier to the Russian poultry market. Last summer, for example, Allen's Family Food, of Seaford, DE, exported 1,300 tons of frozen poultry to Russia.

At one time or another, I have probably met with every poultry grower and processor in my State of Delaware. I've seen every step in the process, from the poultry house to the packaging plant to the freezers at the Port of Wilmington. I'll put the Delaware poultry industry up against any foreign or domestic challenger in terms of sanitary standards, particularly any Russian plant.

But teams of Russian inspectors have come into our country, into our poultry processing facilities—including plants such as Manor Farms and Allen's Foods in my own State of Delaware—and have failed each and every operation. Literally a 100 percent failure rate.

I find this simply unbelievable. This tells me that their real agenda is not health and safety. We demand the same standards for the poultry we ship to Russia as we do for poultry which shows up in American supermarkets and on our kitchen tables every day.

That's why in recent years, Russia's consumers, particularly in the great urban centers such as Moscow and St. Petersburg, have bought more and more poultry products from America. They recognize a good value when they see it. We can produce better tasting, more nutritious, less expensive poultry in America, and ship it to Russia, for a lower price than the current Russian poultry industry can. They are still struggling to get out from under the inefficiencies of the old economic system.

If this ban goes into effect, Mr. President, the Russian people will lose a major high-quality supplier for a popular staple of their diet, and their food bills will go up.

The last thing that the Russian economy needs now is an increase in the price of an important food commodity. It is largely because of inflation that the ruble, and with it the Russian economy, is in so much trouble already.

And if this ban goes into effect, Mr. President, American poultry growers and processors, in Delaware and in the rest of the country, will be denied access to an important market. They have earned their place on the shelves of Russian stores through their hard work, know-how, and efficiency. They should not be shut out by some bureaucrats' arbitrary ruling.

Now, Mr. President, I understand that there are a lot of things going on behind the decision to ban American poultry exports. There is the still powerful pull of the old bureaucratic ways—old habits are hard to break, especially when it comes to protecting domestic industries from the new experience of foreign competition.

Here is a good example of how our domestic industry, which has grown up in a highly competitive environment, can do well in international markets. It's no wonder the Russian domestic poultry industry wants some protection, even if it means higher costs and lower quality for Russian consumers.

Mr. President, here in the United States, arguably the freest market in the world, we are in the midst of a heated national debate on international trade and competition. Just imagine what they are going through in the states of the former Soviet Union, where competition on the basis of quality and price is a new concept.

And this is a Presidential election year over there, too. I know that I don't have to explain how the elimination of a major foreign competitor could fit into an election year agricultural policy.

But that is no excuse for the Russian Government's action against American poultry producers. We cannot allow this decision to stand.

I have spoken to Agriculture Secretary Dan Glickman directly, and I applaud the effort he and his negotiating team have made to resolve this dispute.

The Russian Government must be made to understand that these steps against the United States poultry industry are steps away from the international economic community they tell us they are eager to join.

The IMF has just announced another loan to Russia, worth $10.2 billion. This money is intended to smooth the transition from the old Communist command economy to a more efficient, open, market economy. The terms of the loan include requirements that the Russians continue to reform their economy.

And as the Russians are well aware, the terms of the loan provide for monthly installments over those 3 years. Evidence of backsliding, of reneging on commitments to open the Russian economy, could be grounds for terminating the loan at any point.

Russia tells us that they want to join the World Trade Organization and America has supported their application to join the WTO. As a matter of fact, right now the United States has a representative on the WTO working group that must approve Russia's trade practices.

Our representative must make crystal clear to the Russians that actions like the bogus ban on American poultry imports violates the spirit and the letter of international agreements, such as the WTO.

I can't imagine they would want this stain on their record when they come to argue that they are ready to undertake the responsibilities of full participation in the international trading system.

But, because this review process could take up to a year, I am asking President Clinton to appoint an interagency working group to investigate immediate retaliatory trade actions against the Russians.

I sincerely hope that before any such retaliation becomes necessary, we can convince the Russian Government to turn back from the course that they have announced.•

TELL THE TRUTH ON THE BUDGET

• Mr. HOLLINGS. Mr. President, I would like to draw everyone's attention to a column written about 2 weeks ago by Washington Post writer William Raspberry. In "The Awful Truth About a Tax Cut," he outlines chapter and verse on how America simply cannot afford a tax cut at a time that a fiscal cancer is eating away the country. While pollster politicians are talking about a tax cut, the debt grows and interest payments on that debt are spiraling out of control.

We have to wake up and take responsible action to kill this fiscal cancer. Otherwise, the America we know will cease to exist.

Mr. President, I ask that Mr. Raspberry's February 12 column be printed in the RECORD.

The column follows:

[From the Washington Post, Feb. 12, 1996]

THE AWFUL TRUTH ABOUT A TAX CUT

(By William Raspberry)

If telling unpalatable truth is political suicide, Sen. Ernest F. Hollings must have a death wish. He's not just figuratively shouting from the rooftop the politically unspeakable—that there can be no balanced federal budget without a tax increase; he's threatened to throw himself from the rooftop if anybody proves him wrong.

"If anybody comes up with a seven-year balanced budget without a tax increase," he said again the other day, "I'll jump off the Capitol dome."

But surely that's an empty threat. Aren't the White House and congressional Republicans both claiming to have achieved what Hollings says is impossible? isn't the only substantial difference between them the size of the tax cut? So why isn't Hollings jumping?

"None of the plans they're talking about balances the budget—or comes near it," the South Carolina Democrat told me. "Just the service on the debt is growing so fast it's just not going to be possible without a tax increase."

What masks this painful truth, he says, is a ruse practiced by Democrats and Republicans alike: counting the Social Security trust fund as an asset that reduces the apparent size of the budget shortfall.

With the huge "baby boom" cohort now paying more in Social Security taxes than current retirees take out, the system is running a theoretical surplus. But this surplus is being spent along with the general revenues for current government expenses. The trust fund gets an IOU that must eventually be redeemed by—guess who?—taxpayers.

The point Hollings wants to make, though, is not just that this amounts to dishonest bookkeeping. It is, he insists, also illegal.

He ought to know. It was legislation he wrote (along with the late John Heinz "who did the work on this") that made it illegal. Nearly six years ago, Congress passed—and President Bush signed into law—Section 13301 of the Budget Enforcement Act that includes this language:

"The concurrent resolution shall not include the outlays and revenue totals of the old-age, survivors and disability insurance programs established under title II of the Social Security Act or the related provisions of the Internal Revenue Code of 1986 in the surplus or deficit totals required by this subsection..."

"That says in plain language they can't use the trust fund to cut the deficit," Hollings observes. "And yet they keep doing it. The president and the Congress like to spend the Social Security money because it makes the budget look like it's moving toward balance. Wall Street likes it because if we don't come scurrying in to borrow from Wall Street, interest rates don't go up.

"But it's illegal, and they know it. I complain, they shrug their shoulders; they call it a 'unified budget,' as though that changes something. If they don't like the law, why don't they change it? The truth is they're afraid to repeal it, and they're afraid to obey it."

Hollings insists it's not wounded pride of authorship that has him shouting into the wind. The important issue is not the technical violation but the disaster it hides. Says Hollings:

"Everybody is wringing their hands about what will happen on Social Security seven years from now, or in the year 2025, or whatever. The problem is here and now. We are broke right now. Not Social Security. Social Security is paid for. Medicare is paid for. It's the general government—defense and the rest of it—that's not paid for. And because it's not, interest on the debt is running about a billion dollars a day. And here's the point: There's just no amount of spending cuts and loophole closings and freezes that is going to produce a savings of a billion dollars a day.

"Unless we raise taxes, we are just 'fiddling while Rome burns.'"

He says it, knowing that a call for a tax increase (while his colleagues debate the size of the tax cut) is, if not suicidal, at least politically dangerous.

"Look, we all have to run for reelection, and we all take polls," he said. "To do what I'm doing is sheer stupidity—unless you can get a movement going to face up to what has to be done."

Unfortunately, no such movement seems in the offing. The people are in a mood to punish any politician who tells them the truth as they know the truth to be about our fiscal disorder. It's time to pay the piper. And that's the truth.•

PEACEMAKERS ARE UP AGAINST AN UNDETERRED CHINA

• Mr. SIMON. Mr. President, our policy toward China is, in the words of our colleague from California, Senator FEINSTEIN, one of zigzagging.

I want to have a good relationship with China, but I do not want it at expense of a free Taiwan that has a free press and a multiparty system.

Recently, I read an excellent column by Georgie Anne Geyer, who has had a great deal of experience in the field of international relations.

Her comments on the China situation should be of interest to all of my colleagues, as well as their staffs, and I ask that they be printed in the RECORD at the end of my remarks.

The column follows:

PEACEMAKERS ARE UP AGAINST AN UNDETERRED CHINA

WASHINGTON.—Now, let's see if I understand this:

Last summer, the more-or-less communist government in Beijing (population China: 1.2 billion) set its People's Liberation Army loose to make Taiwan (population: 21 million) sit up and take notice. First, Beijing stirred things up a bit by conducting ballistic missile tests off the Taiwanese coast—not exactly a neighborly act.

Then, the Chinese leaders provided Ambassador Charles Freeman, a specialist on China who was visiting Beijing this winter, with the astonishing news that they were seriously considering launching missile strikes on Taiwan this spring every day for a month. Freeman, who was for many years in our Beijing Embassy, took their warnings most seriously, and in a recent speech at The Heritage Foundation, went so far as to say:

"These exercises are not an empty show of force. They are a campaign of military intimidation that could, and may well as the coming year unfolds, extend into the actual outbreak of combat in the Taiwan Strait and even strikes against Taiwan targets."

So what do our doughty leaders here do? Well, these warlike growls from Beijing did not seem very nice at all (wasn't China supposed to become capitalist now, anyway?). At first, our responses were just the kind the frontal-assault Chinese like to evoke in barbarians: ambiguous. The new American ambassador to Beijing, former Sen. James Sasser of Tennessee, went so far as to suggest, when asked at a press conference in Beijing what the United States would do if the Chinese did attack Taiwan, that, aster all, we had long recognized that Taiwan was a part of China . . .

And how the Chinese smiled behind their missiles.

Then, for once in the past three years of China-bungling, the administration actually did the right thing. On Dec. 19, it quietly sent the USS Nimitz to the Taiwan Straits, the politically treacherous waterway between Taiwan and China. This was important: It marked the first time American ships had patrolled the straits since the Nixon/Kissinger "peace" with China in 1976.

It is hard to ignore the Nimitz, if only because the nuclear-powered U.S. carrier comes with five escort ships equipped with Tomahawk cruise missiles. But the master chess-playing Chinese also understood perfectly: This was exactly the way they had always played the "Great Game" in Asia.

Ah, but then the White House got cold feet over having done such an awful thing. "No, no, not us," they said—in effect. "We didn't send that big bad Nimitz. (Would we do such a thing? Nobody here but us peacemakers.)" No, the decision to sail in waters that, for political reasons, we had not entered for 17 years had been made by the ship's commander alone—and that was because of bad weather in alternate waters.

Now, unfortunately or fortunately, Hong Kong has an active weather bureau, and those officious fellows there immediately took on what was clearly none of their business and said the weather had been just fine in those days. And so the Chinese, who don't know much about us either, wrote the whole thing off as just "more American lying."

In the end, the threat was dispensed with, the Chinese remained undeterred, and American policy toward China was and is as imprecise and lacking in consensus as ever (Secretary of State Warren Christopher did not even mention the word "China" in a recent major foreign-policy address at Harvard).

Let us try to make some sense of all this: China and, indeed, all of Asia are at a turning point whose outcome will assuredly shape the form of Asia, and our interests in it, for the next 20 years. In China, as Deng Xiao Ping comes to the end of his life. President Jiang Zemin is becoming more and more hard-line (he has even been wearing the once-hated Mao suits). Increasingly he has been placating the hard-line People's Liberation Army.

Gerrit Gong, director of Asian Studies for the Center for Strategic and International Studies here, recently met with the military command in Beijing, and told me that he sees the military pressures on the government as becoming intense. "The older military feel that the revolution is not over," he said, "and that their comrades' blood must still be vindicated. They want to send a message to Taiwan and Japan that they're still strong."

The Taiwan elections in March, plus Beijing's fear of American recognition of a potentially "independent" Taiwan, are what drives the Chinese. With their studied obstreperousness, blended with the constantly reinforced belief that they can bluff this administration, they are playing two games: (1) to threaten and contain the United States, and (2) to diminish the international standing or independent dreams of little, but rich Taiwan.

Emboldened by no real American policy—and now assured by the White House that the Nimitz was just "off course"—Beijing this last week took the first steps toward setting an actual timetable for the "reunification" of Taiwan with the mainland—after Hong Kong in 1997 and Macao in 1999. This is serious business.

Our former ambassador to Beijing, James Lilley, who understands these games, shakes his head at the seeming "mystery" that so many here see in how to deal with them. "The Nimitz was exactly the right signal to China," he told me. "The sea is our battleground. Actually we are in the catbird's seat—but we are letting ourselves be jerked around."•

THE 100TH ANNIVERSARY OF SPARROW HOSPITAL

• Mr. LEVIN. Mr. President, I rise today to congratulate Sparrow Hospital in Lansing, MI, on its 100th anniversary. Sparrow Hospital has a long and activist history of serving the people of mid-Michigan.

In 1896, a group of dedicated young women met at Lansing's Downey Hotel to discuss the growing need for a community hospital. Armed with sheer determination, the 114 charter members of the Women's Hospital Association opened an 11-bed hospital. The women's dream of hospital ownership was realized with the purchase of the James Mead House on North Cedar Street in 1899.

Realizing that a larger health care facility was needed to meet the demands of the growing Lansing area, Edward W. Sparrow, one of Lansing's pioneer developers, whose wife was a member of the Women's Hospital Association, donated the $100,000 and land at 1215 E. Michigan Avenue to build a new hospital. Two years later, on November 6, 1912, the 44-bed Edward W. Sparrow Hospital opened its doors. At the dedication ceremonies, it was avowed that the purpose of the new hospital was "receiving, caring for and healing the sick and injured, without regard to race, creed or color."

Sparrow Hospital has continued to live up to its avowed purpose. Sparrow is a not-for-profit organization, guided by volunteer boards, comprised of people who represent a wide spectrum of the community. Since 1896, Sparrow has provided care to mid-Michigan residents regardless of their ability to pay.

Through the efforts of its founders and many others, Lansing's first health service has grown to become today's Sparrow Hospital. Sparrow Hospital currently has over 600 physicians, nearly 3,000 associates and 1,400 volunteers in a comprehensive health system for an eight-county population of nearly 1 million people. Each year, Sparrow Hospital treats over 120,000 people.

The spirit of volunteerism has made Sparrow Health System a very special organization, an organization where service to the community comes first. I know that my Senate colleagues join me in honoring Sparrow Hospital on its 100th anniversary.•

ORDERS FOR WEDNESDAY, FEBRUARY 28, 1996

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 11:30 a.m. on Wednesday, February 28, and following the prayer, the Journal of proceedings be deemed approved to date, and the Senate then begin a period for the transaction of routine morning business not to extend beyond the hour of 1 p.m., with Senators permitted to speak for up to 10 minutes each with the following exceptions: 20 minutes for Senator DOMENICI, 15 minutes for Senator MURKOWSKI.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. For the information of all Senators, there will be an attempt to turn to the legislation to extend the authority for the Special Committee To Investigate Whitewater and other items that are cleared for action. Therefore, rollcall votes could occur tomorrow, Wednesday, February 28; also a second cloture petition was filed on the D.C. appropriations conference report. That cloture vote will occur, as I just announced, on Thursday at a time to be determined.

RECESS UNTIL 11:30 A.M. TOMORROW

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 4:17 p.m., recessed until Wednesday, February 28, 1996, at 11:30 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, February 27, 1996*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore [Mrs. MORELLA].

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of May 12, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM] for 5 minutes.

MEANINGLESS PRESIDENTIAL RESPONSE TO SHOT DOWN AMERICAN PLANES

Mr. MCCOLLUM. Madam Speaker, today I rise in memory of the four American civilians murdered by Fidel Castro over the weekend, and to condemn the foreign policies of an administration that has placed U.S. national interests in jeopardy around the globe. I remember a day when killing American citizens had consequences. The murder of an American serviceman by Manuel Noriega's regime pulled the trigger on Operation Just Cause, which ousted him from power. The death of an off-duty soldier from a terrorist's bomb in West Germany in 1986 prompted President Reagan to attack Libya and effectively remove Mu'ammar Qadhafi as a threat to U.S. interests. Once, violent attacks deserved and provoked strong responses from the United States.

But things are different now. Misguided foreign policy decisions by President Bill Clinton over the past 3 years have jeopardized America's image as a nation that protects its own. When 18 of America's best soldiers were killed in Somalia after they had been denied the hardware to protect themselves, President Clinton cut and ran. Now, four more Americans have been killed on the President's watch, and his response? Little more than the withdrawal of a few poorly chosen carrots he dangled endlessly and uselessly in front of Fidel Castro 6 months ago. And that is not all of it. When I look at all of the other foreign policy areas the President has been involved with in the past 3 years, I see problems. In Haiti, we sent our soldiers in there for a purpose that clearly was one that was very difficult to accomplish, if it could even be accomplished in the end. Yes, there is a democratically elected government there now, but in a few days we are going to remove those troops. My experience as chairman of the Subcommittee on Crime and talking to the FBI about their experience there for 7 months last year when they tried to help solve some political murders was that human rights violations are still rampant, and when they got to the highest level of the Haitian Government to interview the witnesses, they were not allowed to, and had to pull our FBI out and they still go unsolved. The problems in Haiti have not gone away.

And yet we look next door in Cuba and we see we have not done anything really about the Castro regime that has been in power for over 35 years where it really could make a difference. Looking around the world, we look at China today. China is on the verge of being able in the next few years to produce an atomic bomb and a delivery system capable of delivering that bomb to the West Coast of the United States. We look at Russia. In Russia today we have a situation where it is very unstable. This summer, we do not know what is going to happen to the Yeltsin regime, yet we do know that we have not one single nuclear missile that has been dismantled yet in Russia or in the former Soviet Union. Who knows what their capabilities are and who is going to be controlling the button on nuclear weapons in the future there. And the spread of these nuclear weapons by China and North Korea to Iran, Pakistan, and elsewhere make it highly probable in the next few years we are going to see, if not a delivery of one of those weapons to the United States, certainly the delivery of one of those weapons to a nation or to an interest area of great importance to the United States, and President Clinton does not have an answer to that. He refuses to support a ballistic missile defense system that is workable. He should have supported one a long time ago. It is a very serious consequence when we see all of these developments occurring and no plans to provide the Nation the kind of defense it needs.

Then we look at Bosnia. I think that is the worst situation of all, not just because we have sent troops into Bosnia, where we have no real probability of ultimate success. When they are removed a year or so from now, the chances of civil war resuming are great. But we are doing the stupidest thing. We are in the process now of training, equipping the forces of the government of Izetbegovic, the Moslem leader of Bosnia. And who does he happen to have as his best friend? Why, my goodness, it is Rafsanjani and the crew in Iran. The Iranians are clearly the ones who want to produce the most terror in the world today. They are determined to spread their radical form of Moslem concern, not the traditional form but the radical form, all over southern Europe, over northern Africa, over the Middle East, the Near East, and anywhere else they can lay their imprint where there is a Moslem country.

Izetbegovic is a close ally of Iran; he has been ever since the days of the Ayatolla Khomeini. We are now in the process of training, equipping his forces, so when we pull out of there in a few months they are going to be the strongest military presence in the former State of Yugoslavia.

I think that is absolutely senseless. It is stupid. It is bad foreign policy, and this President has led us into that path. And then when we have four American civilians shot down in Cuba, as we did over the weekend, our response is simply the tepid business that we have seen the President announce in the last 24 hours. He has not yet taken a single step that would show the kind of deterrent message that we need to have if we are going to protect our interest abroad. What message does this pattern of behavior send to other nations considering a confrontation with the United States? When strained credibility finally collapses, deterrents for the protection of our interest has not a prayer. Right now China calculates military action against Taiwan. Rafsanjani and Iran are considering terrorist attacks, and look what we have got with Fidel Castro. I submit we have a failed foreign policy, and this weekend the President's response to it is an example of why that foreign policy has failed.

THE FARM BILL

The SPEAKER pro tempore (Mr. SHAYS). Under the Speaker's announced policy of May 12, 1995, the gentleman from Missouri [Mr. VOLKMER] is recognized during morning business for 5 minutes.

Mr. VOLKMER. Mr. Speaker, I did not come here to talk about this. I listened to the gentleman from Florida, and we have a couple more from Florida maybe going to speak on the same

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

issue, and I hear the criticism of the President on the Cuban situation, yet I do not hear them say one thing of what they would do different than what the President has done, not one. The gentleman from Florida did not mention one thing. I am just waiting to hear what the rest of them have to say. I wonder how many of them want to send troops into Cuba. Should they, should they not? They are from Florida, let them say.

What I really came here to talk about is the autocratic running of this House of Representatives. This is not a democracy in this House any longer. When I say "democracy," I mean a small "D." At times back in my 20 years or 19 years before this, we had farm bills come to this House and every one of them, in 1977, 1981, 1985, in 1990, every one of them had an open rule. All amendments that were germane and had been printed in the RECORD before we took up the bill were eligible to be debated and voted upon. Now, what is the Committee on Rules of this autocratic leadership under his excellency, the Speaker GINGRICH, going to do this afternoon with the rule on this year's farm bill? Should be 1995; it is 1996. They are already late. They are going to restrict the amendments.

There have been 74 amendments noticed to the Committee on Rules. I dare say not more than five or six or seven of those will be made in order by this Committee on Rules. What happened to the openness? What happened to Representatives, like myself and others, who have been elected from rural areas, having a right to get on this floor of this House and offer germane amendments to a farm bill that is going to affect our farmers for the next 7 years? What happened to it? Well, all is gone down the drain under this new leadership. They are told, they are telling us, you take what we are going to offer you or leave it; that is all there is to it.

I, as a representative of my people, do not have a voice any longer in this House when we deliberate legislation that affects them. I think that is terrible. I think the American public should wake up to what is going on in this hallowed Hall of democracy, the one that stands firm above all others in this world for democracy. You do not have democracy in this House. It is gone.

We have an autocratic society led by Speaker GINGRICH. He only believes that he knows the answers and his people know the answers. The rest of us, we are just pawns. I do not know why many of his people even got elected to come here because they just follow his line right down the row, right down the rule. When he tells them to vote that way, that is what they do. They cannot think for themselves, they cannot do for themselves. Well, I, for one, believe that my people sent me here to represent them and to espouse ideas on this floor of the House when legislation comes about that affects them.

I do not believe that I should be gagged by the Speaker of the House, which is going to happen this year on this year's farm bill. And what is really amazing about this whole thing is they are going to tell you, the American public, and the rest of this House that we have to hurry up and get this bill done. Well, folks, we have not been here all month. We have not been here all month. We could have done a farm bill last week. We could have spent a whole week on it, let every Member who has amendments the opportunity to offer it, to debate it and have a vote on it.

Oh, no, we cannot do that. We have to go about campaigning. We have to go about trips to Europe. We have to go about trips to far off lands. We have to do all those things. We cannot work on a farm bill. Well, the real reason is that they do not want some Members to be able to offer their amendments. That is the real reason. They do not want us to be able to offer amendments on the floor. They say their answer to the farm problems, agriculture throughout this Nation, is embodied in their bill. None of the rest of us should have a right to have any say-so in how that legislation affects our farmers.

Now, if that is not an autocratic society, I would like to know what is. Well, maybe it is more like a dictatorship. Maybe that would be more appropriate than an autocratic society, under a dictatorship where Members do not have an opportunity to express their opinion.

DEADLY MISADVENTURE

The SPEAKER pro tempore (Mr. SHAYS). Under the Speaker's announced policy of May 12, 1995, the gentleman from Florida [Mr. GOSS] is recognized during morning business for 5 minutes.

Mr. GOSS. Mr. Speaker, Fidel Castro has done it again. He's caused tragedy and pain and suffering in pursuit of brutal repression. Castro's actions this weekend coupled with Clinton administration foreign policy ineptness present the world with another misadventure in the Caribbean, resulting in the apparent death of four innocent human beings and the human rights violations and arrest of dozens of others. Why? Because Fidel Castro is a brutal tyrant and because the Clinton administration has spent its efforts in Cuba on developing ways to appease Fidel Castro and to ease restrictions on the flow of money and people into the country he holds captive. All the while, the President's foreign policy "B" team has studiously ignored Fidel Castro's track record as a liar and a bullying tyrant and an egregious violator of human rights of people he is supposed to serve, not torment.

Those who closely follow Cuba and have unbiased knowledge of Cuban affairs were deeply saddened, but I guess not really surprised, to hear about the tragic murder of Brothers to the Rescue this past weekend. Murder is something Castro does. It is a tool of this dictator's trade. My thoughts went back to the *13th of March* tugboat and a long series of similar incidents where innocents were deliberately killed. Added to this is that fact that even as Fidel's jets were scrambling, the crackdown on Cuban dissidents and pro-democracy groups on the ground in Cuba was being stepped up. I hope that this weekend's events will be the wake-up call the Clinton White House has clearly needed on this issue. The announcement that the White House will support legislation to strengthen the embargo is good news, as long as it follows through on that pledge. Rather than cozying up to this long-time self-avowed enemy of the United States, the administration should step up the pressure on his regime. After all, only last year the Clinton White House leveled a devastating and effective blockade embargo against the poorest people in our hemisphere—against the friendly neighboring country of Haiti. After that, I would think stepping up the embargo on Castro's Cuba would be easily justified. Part of doing that will mean demanding quid pro quo from our allies—and aid recipients—in this hemisphere.

Take Mexico, as an example. If we are going to bail them out, then we expect them to join us in squeezing Fidel Castro out of Havana. The same applies for our European allies, who have benefited greatly from American support against the tide of aggression in Europe. Even now, these allies are keeping Fidel Castro's corrupt regime—a mere 90 miles from our shores—afloat with trade and tourism. In this context, it is scandalous to think that the United States went out of its way to support a new Spanish pro-Castro leader for NATO.

Mr. Speaker, I hope the administration will finally take off the rose-colored glasses and take a close look at the man they have chosen to extend a helping hand to. Ultimately, I think any meaningful examination will produce an understanding that Fidel Castro isn't a man to trust or to bargain with. That reality should be the basis of any United States policy in Cuba.

Mr. Speaker, the gentleman from Missouri asked me what I would recommend as a Member from Florida. I would recommend getting serious with the embargo. I would recommend that we remember that Fidel Castro is the problem, and, if you do not know that, you should not be dealing in Cuban foreign policy matters.

SOUL WILL LEAD US INTO THE 21ST CENTURY

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized during morning business for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, I have always felt very strongly that if someone showed me their leader they had shown me a part of their soul. I think that is true of nations. When they show you their leader, they have shown you their soul, if that leader has been democratically designated, with a small D, obviously.

But knowing that, I have been very troubled watching what has been going on in this Presidential primary. If what I am saying is true, then what kind of a soul have we got in the United States and in this great Nation, this great Nation built on the premise that we may have all come here in different boats but now we are in the same boat and we bloody well better figure out how we work together. Is that over? Is that day gone? Are we going to try and emulate Bosnia?

On the one hand, I get very serious and very concerned about this. On the other hand, I must say as a Democrat, with a large D, I enjoy it. I kind of decided, now show me your shirt and I know who you are backing. If you wear a flannel shirt, we know who you are backing. You are obviously backing Mr. Alexander. If you wear a silk or custom-made shirt, you are obviously backing the gentleman from New York, Mr. Forbes. If you come in with a stuffed shirt, you are probably backing the majority leader. And if you come in with a brown shirt, I think we know who you are backing, too.

So it has become kind of the shirt war. We can watch these shirts, and we can kind of tell whose side they are on. As I say, if it were not our Government, it could be really funny. There are some days when I think our President is the luckiest guy in the world. How could he do better than have this all surface in the primary? There are other days when I absolutely panic and say, but wait a minute, wait a minute. This could come to fruition.

Over this break I had the great, great honor of addressing a pluralism conference in Belfast. I always wear my grandmother's wedding ring. My grandmother was married in Derry, Ireland. And as you know, Ireland has been cursed by a resurgence of the troubles, as they say euphemistically. And there we were with the University of Ulster and the Dublin City University cohosting this era of pluralism, trying to bring back the peace, thousands of people in the streets trying to bring back the peace, trying to recapture the momentum, to put this to an end.

Of course my colleagues can imagine, I was absolutely barraged by questions. What in the world is going on in your country? You want to stand there on solid ground and say, you know, we have gone through lots of pain, we have got all sorts of scars from trying to be a pluralistic nation, but, my goodness, we have got all sorts of benefits, too. And basically the bottom line is we know we cannot go around pitting one group against another group.

Yet, they are watching that happen in their newspaper, and they are all scratching their heads saying, wake up, America, what is the matter? First thing you know, you are going to transfer the troubles right back over to your country.

So I think it is a time that all of us have to realize we have been treating politics like consumers, that what really happened in 1994 is that many people did not vote at all. They felt, well, if I do not like them, if they are not 100 percent correct, then I am not going to encourage them. That may work for being a consumer, but it does not work in civics. If you do not vote for somebody because they are not perfect and, heaven forbid, none of us are, then you are still going to have to live under whoever does win.

So you may vote for your imperfect friend and end up with someone who takes the country right off the cliff or in the absolute wrong direction.

So I am hoping all of us start making these distinctions between consumerism and civics, we start getting a little more serious and stop looking just at their shirts and look at their souls. It is their soul that will be governing this country for the next 4 years, if any of them find themselves in that White House. It is their soul that is going to reflect upon us and on our future and lead this great country into the 21st century.

As we end this century, which was known as the American century, I get goose bumps thinking about it. What will the 21st century be known as? Will we no longer be a player? Will we all be pitted in fighting against each other? I certainly hope not. But I think those are the very, very serious thoughts all Americans must engage in as we watch this Presidential primary continue to unfold.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would inform our guests in the gallery that public displays of approval or disapproval are not permitted.

CREDIT CARD USE BY FEDERAL EMPLOYEES

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Pennsylvania [Mr. GEKAS] is recognized during morning business for 5 minutes.

Mr. GEKAS. Mr. Speaker, as everyone in the world knows, the Congress of the United States has been living on a credit card for many, many years now, decades. As a result, we have a huge national debt, and annual deficits that impinge upon the standard of living of every American. Well, now there comes to light that part of the credit card problem is in the Government itself.

Starting sometime in 1993 or 1994, apparently Federal agencies have been allowed to issue credit cards to employees who have to do travel and other work for that particular agency. We have learned through a report by the inspector general in the U.S. Department of Commerce that these credit cards have been used not just for travel for governmental purposes but also for jewelry, for liquor, for online computer services, for a variety of things never contemplated for Federal employees to use, to be used in obtaining.

What does this mean? It means that we have a credit card system in play that is being abused and is costing taxpayers money. We did not make this up. This came from an investigation of the inspector general. We have learned that some 500 of these accounts, credit card accounts, had been used for these extraneous purposes, to get extra cash at an ATM facility, to purchase jewelry and liquor. Was that contemplated by the taxpayers of the United States, to give carte blanche, a credit card to Federal employees to spend as they wish?

Some would defend the system and say, well, we have a credit card system, that means faster service and less costly ticket buying, et cetera. But is it worth it when we have all these other abuses that we are discussing?

Here is what the executive summary says from this audit report:

> Numerous employees have misused the government travel charge card. Such abuses included excessive unpaid charges, use of the card for personal purchases"—which I have just mentioned—"and questionable automatic teller machine advances. A primary reason for the abuse is a lack of management and oversight by agencies.

That is the key phrase that has prompted action on the part of some of us to try to end this drain on taxpayers' resources at a time when we are crying for tightening up the budget and making sure that we do not overspend or abuse the taxpayers' moneys in so many questionable ways.

The other portion of the report that is astounding to me is that when some of this was brought to the attention of the agencies, like in the Office of the Secretary of Commerce, the coordinator, I quote: "The coordinator in the Office of the Secretary gave us oral explanations for some of the questionable accounts but told us that because of other pressing duties, she did not have sufficient time to provide written explanations."—meaning that nothing was effectively accomplished to curb these abuses, buying jewelry on credit cards?

How does that help the Secretary of Commerce's jurisdiction exercise its duties? How does that help the taxpayers back in the homelands who are working hard every day to do their job and try to pay their taxes so that the Government can keep on buying jewelry with credit cards? This kind of explanation, if they do not have time to provide written explanations, has got to come forth in a series of hearings which we plan to hold on this very same subject.

One other thing that is pertinent here that should be known, also coming directly from the inspector general's report, is that the blame for all of this goes on how these credit cards were issued, to whom they were issued, what instructions were given, what controls were put in, what arrangements were made with the credit card company to make sure that jewelry and online computer services and liquor could not be purchased on the retail level, those facets of control were never put into place.

So what will these hearings have? I plan to hold one hearing or more if necessary in my Subcommittee on Commercial and Administrative Law to determine how they were issued, what controls were put on. I have introduced a bill, to start off with, to abolish the use of credit cards by Federal employees. We are going to start from there if we are successful and work back to see if any credit cards can be properly used.

THE DEBT CEILING AND WELFARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Michigan [Mr. LEVIN] is recognized during morning business for 5 minutes.

Mr. LEVIN. Mr. Speaker, I want this afternoon to talk about two issues that are related. The first one is whether the Republicans are going to try to use the debt ceiling as leverage instead of passing a clean debt ceiling bill. I read this morning there were two different sets of advices coming from within the majority ranks. One was use it as leverage for what is called a change in entitlement programs. The second that came from our colleague from New Jersey, who said, "It is playing with fire. When it comes to this Nation's financial reputation, the stakes are simply too high. We must abandon any strategy of confrontation and resolve this critical issue in the spirit of cooperation."

I hope the majority will heed the advice of the second person. The Republican Party was badly burned by their misguided efforts to shut down the Government with the CR but more importantly the Nation was hurt when I was in the district the last several weeks, I met among others with representatives of veterans organizations who told us the appeals process was already way behind and with the shutdown it became even more delinquent, to the terrible detriment of the veterans of this country.

Second, I want to talk about one of the issues that might be tied to the debt ceiling and that relate to welfare reform. This country badly needs it. It is clear, I think, from the experience of last year, it can be achieved only on a bipartisan basis. In the last session, the Republicans tried it on a strictly partisan route. They produced a bill that did not effectively link welfare to work, and it would have hurt kids. It missed the mark by carrying out the true national interest in welfare reform, breaking cycles of dependency and helping children in the welfare system, not by punishing them but by moving their parents from welfare to work.

There was no attempt, none whatsoever, to work out differences on a bipartisan basis with Democrats in the House—we do want welfare reform—or with an administration that has been active for years on this.

A hearing was held last week in the Human Resources Subcommittee, on which I sit. Two Governors, among others, presented the NGA proposal. We discussed with the Governors a number of concerns about their proposals.

First of all, their contingency fund, it is not going to protect against a recession. In the recession of the early 1990's, AFDC funding increased over $6 billion in 3 years. The provisions of the Governors' proposal would have much less than that, in fact a third of that over 5 years.

The maintenance of effort provisions in the Governors' proposal need to be looked at further. The way they have crafted that, the result could be a far larger proportion of Federal as compared with State dollars, a substitution of Federal dollars for State moneys including in child care and overall far fewer dollars available to implement welfare reform.

Welfare reform must be driven by moving people off of welfare into work. A rebalanced partnership to achieve this does mean more State flexibility, but it must be combined with State accountability and effectiveness.

A third provision that needs much more work relates to fair and equitable treatment of families receiving assistance. There is a broad reference in the NGA proposal, but much more work is clearly needed to ensure that provisions are enforceable and that there are procedural safeguards for individual families seeking assistance.

Likely on Medicaid the Governors' proposal would sever the assurance that when families, when people move from welfare to work, there is health care coverage for their kids.

Fifth, on food stamps, the proposal of the NGA would undermine the Food Stamp Program as a safety net for the children who are covered today.

There is also a clear need to review provisions in the NGA document on child care, child welfare, SSI and, clearly, benefits for legal immigrants. These concerns and others will be spelled out in more detail tomorrow in the testimony on behalf of the administration by HHS Secretary Donna Shalala.

The Governors stated in their testimony last week, and I quote, that it is imperative that the congressional process be bipartisan. The House Republicans have a clear choice. They can make a good-faith effort to discuss concerns on a bipartisan basis and attempt to work out differences, or they can proceed as they did last year and as they are beginning to do this year acting on a strictly partisan basis.

I finish with this. If the majority searchers for a political issue, then the outlook for welfare reform is, indeed, dismal. But if the search is for a new structure that reflects where the mainstream of America is, the outlook is more promising.

CASTRO'S ACT OF MURDER

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Florida [Ms. ROS-LEHTINEN] is recognized during morning business for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, as the international community now knows, this past Saturday Cuban tyrant Fidel Castro once again demonstrated his brutal nature after his thugs shot down two United States civilian planes belonging to the humanitarian group, Brothers to the Rescue, killing four innocent young men including American citizens.

Knowing of the long track record of repression and cruelty that the Castro regime has exhibited against the Cuban people for over three decades, this deplorable act should not surprise anyone. The Clinton administration took some positive steps, but unfortunately they are not strong enough to respond to Castro's cold-blooded act of murder. Instead of seeking an international embargo against Castro similar to the one implemented against Haiti over a year ago, the administration settled for lukewarm sanctions which will not do enough to push Castro out of power. How many more people have to be harassed, persecuted, and killed before the administration and the international community realize that Castro's tyranny deserves the same if not tougher international sanctions as the ones that were taken against undemocratic regimes in Haiti, in South Africa, in Iraq?

That is why we have asked the President to impose a naval blockade similar to the blockade that was placed against the illegitimate military regime of General Raoul Cedras in Haiti.

That is why we have asked the President to go to the U.N. Security Council to get an international embargo against Castro's dictatorship.

For over three decades, a veil of sorrow and despair has covered the island of Cuba. The waters of the Caribbean and the Atlantic Ocean have been transformed by the blood of the thousands of Cubans who throughout the years have fallen prey to the brutal regime of Castro, a dictator whose appetite for power has victimized not only the people of Cuba but has held the principles of freedom and democracy hostage throughout the Western Hemisphere.

That beast, Fidel Castro, angered by displays of strong will and free thinking, by manifestations that the Cuban people are determined to defend their right to liberty, planned and executed the murder of four innocent civilians, members of that humanitarian organization, Brothers to the Rescue. There are no mitigating factors, there are absolutely no excuses that the Cuban regime can manufacture which could justify such a blatant act of aggression against innocent Americans whose only sin was to care about the welfare of those risking their lives to flee the Castro tyranny.

However, this most recent action sends a message to the Clinton administration that the United States should not negotiate with terrorists. It reinforces the notion to the Clinton administration and to foreign governments who support this policy of appeasement with Castro that democratic nations built on safeguarding the most basic fundamental rights of its citizens cannot and should not deal with pariah states.

It further emphasizes the need for further strengthening the United States embargo on Cuba through passage of the Helms-Burton legislation. The Castro regime must be further isolated. As the Castro regime's circle of friends continues to diminish, the pressure exerted by the Helms-Burton bill will be the devastating blow which could force the Castro regime to succumb to the realities of a free world.

Clearly the time to act is now. We hold one of the keys to unlocking the chains that bind the Cuban people, and that key could very well be the Helms-Burton legislation. We must not enter into a new millennium with the people of Cuba in bondage. Let us support the Cuban people in their days of struggle.

PREVENT FUTURE TRAGEDIES OF SHOT DOWN AIRCRAFT FROM HAPPENING AGAIN

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from New York [Mr. SERRANO] is recognized during morning business for 5 minutes.

Mr. SERRANO. Mr. Speaker, I first want to join all Americans in expressing my condolences and pain to the families of the pilots who were shot by the Cuban Air Force. This is a tragedy and we should all deeply regret the death of these pilots.

I also believe that the Cuban Government should have dealt with this situation in a different way. The planes, if need be, could have been grounded and not destroyed.

My purpose in speaking on this floor today, Mr. Speaker, is to try to reach a point of understanding where we can prevent these tragic issues from taking place in the future and to prevent what I believe is a confrontation that may be coming between the Cuban Government and our Government, perhaps a violent confrontation. The question that needs to be asked is what did our Government know about prior flights by Brothers to the Rescue into Cuban airspace and what did our Government do with this knowledge?

I have the statement, which is public by now, by the Cuban Government that shows in order the documentation of violations of Cuban airspace by planes registered in the United States from May 1994 to the present. In 1994 there was a violation almost every month and similar in 1995. There have been documented press reports about the dropping of anti-Castro leaflets over Cuba by planes registered in the United States.

On the 15th of this year, the French press agency reported that the Cuban Government complained that its airspace had been violated by United States-based planes which dropped anti-Castro leaflets over Cuba. In this same article it mentions that the Miami-based group Brothers to the Rescue issued a statement saying that it had dropped half a million leaflets printed over Cuba with messages against the Castro government. Both of these actions, of dropping leaflets and in some instances buzzing buildings in Havana, were known to our Government. In fact, the White House acknowledged the incident and expressed regret about it, but it is unclear what additional actions were taken. Did our Government take action?

This morning I had a conversation with the counsel's office at the Federal Aviation Administration. They confirmed that they had recommended the pilot license suspension of the leader and founder of the group Brothers to the Rescue. I am not clear whether this gentleman flew on this last mission with a license or without a license, but it was based on our understanding at the FAA that this group had in fact violated Cuban airspace at least on that last occasion, July 13, when they went over Havana.

The death of these pilots is an unfortunate tragic incident that could have been, in my opinion, prevented. We need to find out exactly what happened and how much of the responsibility our own Government bears for this incident. We need answers to prevent a similar tragedy from happening in the future.

Not long ago, we negotiated with the Castro government over the people that were coming over on rafts and came up with an immigration policy. Why not call the Castro government to the table now and hear their gripes about their airspace, present to them our feelings about the issue and try to at the minimum reach an agreement on this particular issue?

All of my colleagues know my position on our whole relationship with Cuba. I am in favor of lifting the embargo and normalizing relations. But I realize that this is not the time for that because once again, either through provocation or by accident, the Castro issue has been placed on the front burner, and Castro once again becomes the enemy we most love to hate. But we can negotiate and prevent this in the future.

When the President yesterday said no more flights to Cuba from the United States, I ask sincerely, not sarcastically, was he also talking about illegal flights that leave Miami and go to Cuba and run around their airspace or just the legal flights that we now have?

We will now support and take great joy in the fact that the United Nations condemned Cuba. But please understand that that does nothing to better the relationship between the two countries or to head off a confrontation. For years the United Nations has been condemning us for our embargo on Cuba, and it has not changed our policy toward the island.

I will do something today that is not part of being a good Democrat, I guess, and that is to ask the Republican leadership to conduct a congressional investigation into how much our Government knew about these incidents and the violation of Cuban airspace so that in the future we can prevent this confrontation and this loss of human life.

THE SUGAR PROGRAM SHOULD BE PHASED OUT

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Florida [Mr. MILLER] is recognized during morning business for 5 minutes.

Mr. MILLER of Florida. Mr. Speaker, today I rise to advocate the phaseout of the Government-run sugar program in this country. The Government-run sugar program is a cartel that the Government regulates that is very much antifree enterprise, it is anticonsumer, it is antienvironment, and it is antijobs in this country.

We will have a chance later on this week during the farm bill reauthorization to vote on a 5-year phaseout of this program in the Federal Government. The day of big government is over, and this is a big government program that should be phased out.

The sugar program in the country today is a big government program that keeps the price of sugar at twice the world price. As part of this reauthorization program on the farm bill, there are lots of good changes in the farm program in the country. Chairman ROBERTS and the committee have done a good job to reduce the role of the Federal Government in farm policy in this country.

There are lots of changes in wheat, corn and such, but not in the sugar program. The sugar program is not being reformed in this reauthorization bill. The sugar program is a cartel where the Federal Government controls the total supply of sugar in the United States and as such keeps the price of sugar at twice the world price.

The Federal Government tells every individual sugar farmer in the United States how many pounds of sugar he can sell today. It tells different countries of the world how many pounds of sugar they can sell in the United States. In fact, it is so bad when it tells Australia, for example, that has a free market in sugar, it tells Australia how many pounds of sugar to sell. Australia does not sell it to us at the world price. They sell it to everybody else at the world price of about 12 cents a pound. But, no, no, the United States, we pay 24 cents a pound because we want to pay the U.S. price. It is a crazy big government program. Let me explain why it is a bad program.

For the American consumer, it costs $1.4 billion a year. This is a General Accounting Office report, an independent study, that says it costs the American consumer $1.4 billion a year in additional cost on the price of sugar in the store, on the price of the soft drinks, on the price of candy, on the price of cereal, everything that uses sugar. Why should the American consumer get gouged like that? That is absolutely wrong.

It is a corporate welfare program. It is corporate welfare because 42 percent of the benefits of this program goes to 1 percent of the plantations in this country. There are 33 plantations in this country that get over a million dollar a year benefit from the program. There is no justification for this kind of corporate welfare program.

As I have said before, it is the sugar daddy of all corporate welfare. We want to target corporate welfare, this is one program we should target. In my home State of Florida, 75 percent of the sugar is controlled by two plantations, 75 percent by two companies. That is corporate welfare. It is not the small farmer we are talking about as some people want to make you think.

Environmentally this has been a bad program for Florida. In 1960, when I finished high school, we had 50,000 acres farmed for sugar in the State of Florida. Today we have 450,000 acres of sugar in the State of Florida. As we have increased the production of sugar every year in Florida, the quality of the Everglades and Florida Bay have been declining.

There is a direct correlation to increased sugar production and the damage that is being done to the Florida Everglades. We need to stop that damage that is hurting our environment. It is hurting our economy in Florida. Just the jobs depending on the people in the Florida Keys are impacted by this, for example. So we need to do something about the damage that sugar is causing to the Florida Everglades.

On jobs in general, the sugar program is causing a loss of jobs because refiners are closing. In the past 10 years we have had to reduce sugar refining capacity by 40 percent because under this bill there is a limited amount of sugar being allowed into this county. And the jobs of the manufacturers, Bob's Candy, the largest candy cane company in the United States, is losing jobs. They are the largest manufacturer of candy canes. Candy canes are now coming on cheaper from outside the United States because sugar is so expensive in the United States.

In Canada the price of sugar is almost half the price it is in the United States. That is wrong. The proposal that is in the freedom to farm bill that Chairman ROBERTS will be bringing to the floor does not reform sugar. It keeps the cartel, it remains anticonsumer, antienvironment, antifree enterprise, and the price of sugar is not changed. So we are not seeing any change.

Fortunately, and I hope the Committee on Rules will allow, I have a bipartisan proposal, an amendment that I will be offering with the gentleman from New York [Mr. SCHUMER]. We have over 100 cosponsors. This is a 5-year phaseout. I hope my fellow colleagues on both sides of the aisle will join me in advocating a 5-year phaseout.

FURTHER SANCTIONS AGAINST CASTRO ARE WARRANTED

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from New Jersey [Mr. MENENDEZ] is recognized during morning business for 5 minutes.

Mr. MENENDEZ. Mr. Speaker, I rise as the Representative of the second largest concentration of Americans, Americans of Cuban descent in the Nation, to condemn a brutal and cold-blooded, premeditated killing of American citizens, two of them born in the United States, one of them a Vietnam veteran.

I am tired of hearing the word "exile." They are U.S. citizens.

Our response to the killing of American citizens in international airspace has not been sufficient. I am amazed at Members of this House who come here and in essence by their comments brush aside those facts. And they turn against our own government and look to our government as the alleged cause of the death of American lives. There is only one person who has caused the death of these four U.S. citizens, and that is the Castro dictatorship and Fidel Castro himself. No one who studies Cuba will dispute that only such an order could be given at the highest levels of that dictatorship because of the international consequences that would flow from it.

This is a brutal regime. It is a brutal regime. Castro can come to New York and he can wear an Armani suit. And he can sip Chablis with Madame Mitterrand, but that does not make him a respectable citizen of the international community. His actions would but his actions belie the appearance he tries to give when he comes to visit this country. This ruthless murder came at the end of a week of unprecedented repression in Cuba.

I hear many of my colleagues who disagree with our policy say we want to see peaceful democratic change come to Cuba. So do we. There is a group within Cuba struggling to create peaceful democratic change. Their name is Concilio Cubano, Cuban Council. It is a group of 120 different organizations who simply in the past week wanted to meet, committed to peaceful democratic change within the island, who wanted to meet and have the right to recognize under the Universal Declaration of Human Rights and the right that we as Americans enjoy every day to assemble and to have a redress of grievances.

What was the Castro regime's actions? It was to create mass arrests. Over 50 of their national leadership were placed in jail. Dozens of others were placed under house arrest. Women were strip-searched so they would not participate with the organization. One of their leaders who I spoke to on the phone directly from the United States to Cuba, after I spoke with him, that evening he was arrested. He has been sentenced to a year and a half in jail. For what? For speaking out. Nothing less than speaking out, nothing more than that.

Mr. Speaker, I flew with Brothers to the Rescue over a year ago. I was on one of those planes. Their mission has been a search and rescue mission of human lives. They have saved thousands of lives in the Florida Strait. On the day that I flew with them, we saved a dozen people who were on a tiny island who had been there for several days. No one knew that they were there. We threw food and water to them and then radioed their location to the U.S. Coast Guard who subsequently rescued them.

Is there any more prolife efforts that one could have than those of Brothers to the Rescue? Mr. Speaker, the downing of unarmed defenseless civilian pilots calls for a strong response. The President has taken some actions. He has had our ambassador move in the United States, suspending all charter flights, agreeing to move on the Helms-Burton legislation, increasing Radio Marti's penetration into Cuba. But that is not enough.

I expect the President to announce other measures in the days ahead. Among those measures I would like to see, Mr. Speaker, is to begin to limit all licenses for visits to Cuba, revoking the visas of the Cuban interest section here in Washington and making sure that we have a further economic embargo on the island against the regime, which is the only thing that they have understood to create change within Cuba.

THE DEBT CEILING

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Michigan [Mr. SMITH] is recognized during morning business for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, this morning the headlines on the Congress Daily, the little newspaper that goes out on the Hill every day, says Senator DOMENICI recommends that the increase in the debt ceiling be used as leverage to make sure we get on a glidepath to a balanced budget. There were 160 of us, Mr. Speaker, as you know very well, that sent a letter to the President of the United States saying that we are not going to vote for an increase in the debt ceiling unless we do get on that glidepath to a balanced budget.

I brought this chart this morning to explain why it is so important that we insist to the full extent of our ability that we make changes in some of those entitlement programs, make some changes in those welfare programs that are leading us to pass higher and higher debt ceiling and more and more borrowing.

As my colleagues see on this pie chart, the bottom blue part of that pie chart that now represents 50 percent of the $1.6 trillion annual spending is the welfare programs and the entitlement programs, the so-called mandatory spending, now using up half of the Federal budget. As a point of reference, I would just suggest that, if we look back to the year, for example, 1955, mandatory spending only represented 3 percent of the total Federal budget spending.

The Constitution of the United States says that Congress is responsible for controlling the purse strings. It is responsible for spending. But what has happened in the last 40 years is Congress has given away that authority to legislation that says, if you meet these certain qualifications, of age or poverty or whatever, you are automatically entitled to these payments. It is no longer annual appropriation bills that are controlled by Congress. A majority in Congress can no longer control or reduce that spending that is using up 50 percent of this Nation's budget without the consent of the President.

So the question has been, how do you get a reluctant President that does not want to cut spending to make some of the changes in these welfare and entitlement programs? We have suggested that we are going to be as vigorous as we can in suggesting that, look, what causes most of the increased debt is the entitlement programs. Therefore, it is not only reasonable but they are inextricably tied to each other, the debt ceiling increase and changes in some of these welfare entitlement spending programs.

If my colleagues were to take a look at the other provisions of this pie chart, the green represents defense spending. Everybody agrees now that there has got to be a defense spending. In fact, the administration is suggesting that even now we might need a supplemental to cover the expenses of Bosnia. But the hawks and the doves, the Republicans and Democrats, conservatives and liberals, all of us agree on defense, there is little difference, a plus or minus 10-percent deviation on what the expenditures should be on defense.

So like the entitlement programs, most of defense is now on, if you will, automatic pilot. It is automatically a spending obligation of this country. What is also on automatic pilot is interest rates. So the interest on the national debt last year at $270 billion represented the total budget of the United States just back in 1977.

This country, this Government, and the expenditures of this Government and this huge bureaucracy continue to grow out of control because politicians in Washington have found sort of an undercover way to expand the size of government without the safeguards and protections of individual citizens that do not want their taxes raised too high. That is by more and more borrowing.

Somehow we do not feel that that borrowing affects our lives. I stand here today to suggest to my colleagues very aggressively that not only is it immoral to pass on what we consider important expenditures today and make our kids and our grandkids pay for it, out of money they have not even earned yet, but it is also tremendously a negative factor in economic expansion. Government borrows almost 42 percent of all of the money lent out in this country. We are driving interest rates as high as 2 percent more than they otherwise would be.

Chairman Greenspan, the Chairman of the Federal Reserve, suggested that if we can balance the budget, interest rates would drop 2 percent. If interest rates dropped 2 percent, he and other economists are saying this economy would take off like it has never taken off before in the history of this country and we would have more and better jobs and a stronger economy.

MAINTAIN THE EDUCATION OF OUR YOUNG

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from New Jersey [Mr. PALLONE] is recognized during morning business for 3 minutes.

Mr. PALLONE. Mr. Speaker, over the last 3 weeks, we had what is known as our district work period when we were back in our home States and our home congressional districts and had the opportunity to have forums and town meetings and meet with our constituents in a way that we really have not had the opportunity since August.

One of the things that the Democratic Members of the New Jersey congressional delegation did was to have an education express, where we went on a bus throughout the State of New Jersey from south Jersey to north and basically got opinions from both high school students and college students about the cuts in Federal education programs that have been proposed by Speaker GINGRICH and the Republican leadership. I was amazed to see how many of these students were concerned and how many were going to be directly impacted by the cuts that not only are proposed in the Gingrich budget but also have started to take place because of the cutbacks in the appropriation levels that have passed this House.

As my colleagues know, since October for education programs, we have not had a regular spending or appropriation bill. Instead we are operating under continuing resolutions, one of which expires on March 15 and has to be renewed if these programs are going to continue this year. We estimate that the funding levels under the current continuing resolution, if continued at the same rate through the rest of this fiscal year, would result in an unprecedented $3.1 billion cut in education funds, about a 20-percent cut.

I am hopeful that through the grassroots efforts of things like the education express and many of my colleagues coming back from this 3-week district work period, that we will be able to convince the Republican leadership that this level of cuts in education programs cannot and should not continue for the rest of this fiscal year because of the impact on students, on our young people and their education throughout this country.

Just to highlight a few differences between what the Republican Congress has proposed and what President Clinton and the Democrats have proposed on education, as many know, the national service program, or AmeriCorps, was started by President Clinton and has been in effect now for a couple of years. About 25,000 AmeriCorps volunteers are earning college money by serving their local communities. The Republican budget proposals, however, would eliminate funding for President Clinton's national service program.

On Pell grants, the President has called for increasing the number and maximum award which would help 375,000 more students benefit from Pell grants by the year 2000. The Republican budget that the President vetoed denies 380,000 deserving students a Pell grant college scholarship.

Head Start is another educational program that on a bipartisan basis President Reagan, President Bush and others on the Republican side have advocated Head Start and encouraged it. Yet the GOP budget would deny Head Start benefits to 180,000 children over the next 7 years.

These are just some of the examples of the education programs that would be cut and should not be cut if we are going to the invest in our students and our young people in this country.

WASTE AND WHITEWATER

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized during morning business for 2 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, it was important to be home in the district work break to be able to interact and listen.

I would simply like to ask a reasonable question of reasonable men and women. I recall in 1974 when a bipartisan Congress did something that was extremely charging and emotional, and that was to review the Presidency of the United States. It seemed to be in a period of only 1 month they came together in a bipartisan manner to uphold the Constitution. Do my colleagues realize that the hearings in the other body, Whitewater hearings, have cost this country $900,000, $900,000?

In addition, it is duplicative of the special prosecutor that continues. And now we have them asking to extend it to July, just a month before the conventions. Might I wonder what this is all about? Politics in the worst sort of way?

When we met with educational officials and students throughout my district, I remember a principal in my district, Anita Ellis of Ryan Middle School pleading for Goals 2000 money and full funding of educational dollars to help children learn. The one thing my colleagues, the gentleman from Texas, Mr. GENE GREEN, and the gentleman from Texas, Mr. BENTSEN, learned is that public education is alive and well in Texas and in Houston, but $900,000 for Whitewater?

Have they learned anything? Are they accomplishing anything? Are they not duplicating the special prosecutor? And yet we do not have a budget. Now there is a question of whether the debt ceiling will be lifted. You know what the crisis in America is all about? People want jobs, and with a debt ceiling that is not lifted, we will not have any jobs.

So I would simply ask the simple question, let us get on with our business and let us stop the folly of Whitewater. Get on with the business of funding education. Get on with the business of the proposed legislation that I have, the Fairness and Equal Opportunity Act of 1996, which will restore the faith of minorities and women that this Government will be open to them for jobs, education, and contracts.

This is the work at hand, not the folly of spending more of our children's education dollars on more work that is already being done by the special prosecutor.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 1 o'clock and 36 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DUNCAN) at 2 p.m.

PRAYER

The Reverend Dr. Ronald F. Christian, Office of the Bishop, Evangelical Lutheran Church of America, Washington, DC, offered the following prayer:

Almighty God, the Psalmist prays,

The eyes of all look to you oh Lord, you give them meat in due season and, You open your hand and satisfy the desire of every living thing.

And so this day we look to You, oh God, and also pray. For all that we already possess, we offer our gratitude, for our daily bread and all things we need for life and health, we humbly plead, and, for the peace of mind and soul that surpasses that of human design and construction, we make our petition this day.

Oh God, open Your hand of mercy and grace to us all. Where the great tragedy of hatred causes grief and pain, give comfort and hope. Where the great despair of hopelessness brings about a sense of futility and lack of purpose, bring a reason for being and Your love.

Hear us oh God, for this is our prayer. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. BALLENGER] will lead the membership in the Pledge of Allegiance.

Mr. BALLENGER led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, February 23, 1996.

Hon. NEWT GINGRICH,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Friday, February 23 at 1:30 p.m. and said to contain a message from the President whereby he reports four deferral and four rescission proposals of budget authority under the Congressional Budget and Impoundment Control Act of 1974.

With warm regards,

ROBIN H. CARLE,
Clerk, U.S. House of Representatives.

DEFERRALS AND RESCISSION PROPOSALS OF BUDGETARY RESOURCES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The Speaker pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report three new deferrals and one revised deferral, totaling $3.6 billion, and four rescission proposals of budgetary resources, totaling $140 million.

These deferrals affect the International Security Assistance programs as well as programs of the Agency for International Development. The rescission proposals affect the Department of Defense.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 23, 1996.*

CASTRO: A COLD-BLOODED KILLER

(Mr. FUNDERBURK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FUNDERBURK. Mr. Speaker, last year, on the floor of the House, I referred to Fidel Castro as a cold-blooded killer. The Cuban military shootdown of two unarmed American planes is not only a contemptible act of depravity but also reaffirms Castro's title of cold-blooded killer. The four Americans citizens in small Cessnas had no chance against the supersonic war planes sent to intercept and destroy them. For what crimes against humanity were they destroyed? Their crimes were in providing private humanitarian assistance to the Cuban refugees drifting in the open ocean. This indecent act reaffirms those old lessons of the cold war period that Communist dictators are totally brutal in their dealing with anyone weaker. They will violate any international law whenever it suits them. Shame on those congressional Democrats who have gone to Cuba in an attempt to normalize relations with this brutal dictator. Shame on President Clinton for waiting for this tragedy before deciding to support the Helms-Burton Cuban liberty bill, of which I was an original cosponsor. Mr. Speaker, it is time for the President of the United States to stop hiding behind the United Nations and send a clear and forceful message to Castro.

MAKE AMERICA STRONGER THROUGH EDUCATION

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, during the recess I attended an education forum in conjunction with the Assistant Secretary for Elementary and Secondary Education Gerald Tirozzi and Democratic leader DICK GEPHARDT at Travis Elementary School in my district in Houston, TX. With the uncertainty over funding levels for elementary and secondary education programs and the likelihood of deep budget cuts, schools all across our country are having a difficult time planning for next year and may even be forced to lay off teachers. The immediate result could be fewer teachers, larger classes, and a decline in the quality of education. We heard from teachers, parents, school administrators, police officers, as well as church officials, who are scared to death that their children will not be getting the proper preparation they need to compete and win in the new global marketplace.

We all believe in a balanced budget, deficit reduction, and cutting bureaucracy, but we all agreed that cutting education programs is the wrong way to achieve these goals. How can we make America stronger if we are not willing to invest in the future of America, with our young people's education?

Mr. Speaker, drastic cuts in title I, Goals 2000, the Safe and Drug Free Schools, and all other educational programs will cause irreparable harm not just to students in Travis Elementary in my district but students all across the country and Texas. It is wrong, and we should not do it.

THE LOOMING ECONOMIC CRUNCH

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, President Clinton has now been in the White House 3 years, 1 month, and 1 week. Under his watch, the national debt has gone up, taxes have gone up, and wages have remained stagnant. What is up should be down and what is down should be up.

Some economists now predict that the economy is on the verge of a recession. I hope that they are wrong, but let's not fool ourselves. The Clinton administration has pursued economic and tax policies that slow growth and stifle commercial activity. High taxes discourage risk-takers from expanding businesses, hiring new employees, or from starting new businesses.

Since Clinton took over as President, economic growth has been anemic and clearly has not matched the expansion we saw under President Reagan.

Americans are rightly concerned about a looming economic crunch caused by the antigrowth and pro-tax policies of the Clinton administration.

LET US RETURN TO THE PEOPLE'S BUSINESS

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, today the House returns from a month-long recess. Our return to work must begin a turn toward the people's business and away from the extremist special interest agenda that has dominated the first 14 months of this Congress.

The Republican majority has been in power for over a year now. And what do the American people have to show for it? Has this Congress given working men and women what they want and need?

American families want to know they can count on the secure dignified retirement they have worked so hard for. But Republicans in Congress want to cut Medicare and Medicaid.

Hard-working American families need a raise—so they can pay their bills. But congressional Republicans are cutting education and training at a time when workers need better skills to get a raise.

Mr. Speaker, in pursuit of their extremist agenda, the Republicans have launched an assault on working Americans struggling to get ahead. The American people deserve better. Let us put Congress where it belongs: back on the side of hard-working American families, not dancing to the tune of special interests.

UNCLE SAM RIPPED OFF AGAIN

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute.)

Mr. TRAFICANT. Mr. Speaker, McDonnell-Douglas, the giant defense contractor, once again has ripped off Uncle Sam big time.

Check this out: For a 4- by 7-inch door hook, $9,000; a 2- by 4-inch hinge, $1,090; a small 4-inch handle, aluminum handle, $1,200. Reports say they charge in excess of 56 times the normal legal rate.

And after all this, McDonnell-Douglas says, "This is a mistake. We are very sorry." Mr. Speaker, beam me up. This is no mistake. This is a crime, and the criminals so responsible, that is right, criminals should go right to jail.

Mr. Speaker, "sorry" don't cut it. At least it should not.

Yield back the balance of all this ripoff.

DO NOT DEFAULT ON OUR DEBT PAYMENTS

(Mr. KENNEDY of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KENNEDY of Massachusetts. Mr. Speaker, I want to welcome back my colleagues here in the House, particularly the freshman Republicans. I particularly want to give a message of hope to my colleagues over the issue of the threatened default on our national debt payments and the concerns that many senior citizens across this country have that there is an agenda being pursued by this House that will end up forcing the default not only of our debt payments but a default on our commitment to Social Security as well.

I would just issue a warning that if we begin to bounce the checks of our Social Security payments to our commitments to our senior citizens, the senior citizens of this country might very well come back and bounce the freshman class. The truth of the matter is, if we are concerned about balancing the budget of this country, we can get no less than five separate versions of a balanced budget passed on the floor of this House today. It might not be the particular version that the freshman Republicans want, but it will be a version that will look out after the best interests of this country.

Mr. Speaker, let us balance the budget. Let us not default on our debt payments.

LET US ADDRESS PROBLEMS FAMILIES CARE ABOUT

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, I guess I am surprised my Republican colleagues are not here today taking note of the fact it was only a year ago that this House of Representatives was tied up in a massive debate over the first 100 days of the new Gingrich Republican leadership and the so-called Contract With America. They were so proud of this contract, we literally spent over 3 months on the floor dealing with 31 separate bills in the Contract With America, and 3 of them became law, 3 out of 31, a colossal waste of time.

As a result, we fell behind in passing spending bills, saw the Government shut down for the longest periods in our Nation's history, and now the Republicans suggest America may just default on its national debt for the very first time in our history. The problem is that the Republicans in the House have become irrelevant to working families across America. They are concerned about the security of their pensions, their health insurance, making certain that they have a job, that their kids can get a good college education.

It is time for Congress to get down to work, put aside the bad year that we just finished, and on a bipartisan basis address the problems that working families really care about.

IT IS TIME TO GET DOWN TO BUSINESS

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, we are back now from a 3-week district work period, and I think it is really important that we get down to business.

My constituents that I visited at town meetings and forums over the last 3 weeks all indicated to me they were tired of the Government shutdowns, they were tired of the possibility of the Government going into default. They felt it was really incumbent upon the Republican leadership and Speaker GINGRICH to get down to business, forget about the extremist agenda, and the effort to try to inculcate this extremist ideology, and instead we should be working in the House of Representatives to try to deal with the economic problems the average American has.

There is still a lot of job instability out there. There is downsizing taking place in the corporate world in New Jersey and throughout this country. These are issues that we must be dealing with.

We cannot continue to hold the Government hostage with possible Government shutdowns or with the possibility of getting into default. We simply have to get down to business. That is the message that must get across to the Republican leadership here in the House of Representatives. The time is now to get the job done.

MISLEADING ADVERTISEMENTS—GET YOUR GREEN CARDS HERE, QUICK AND EASY

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I want to share with my colleagues an advertisement in the January issue of the Orlando "TV and Visitors Guide." This is in all the motel rooms in Orlando.

It claims that green cards are being issued on a first come, first served basis by making just one phone call. Anyone can get one. The truth is that it is not that easy, and private companies are charging money for a free service. Workers are exploited by these misleading and often illegitimate companies.

This is just another example of the problems of the immigration system and how badly the broken system needs to be fixed.

All too often, immigrants bring in their so-called extended family who become dependent upon the welfare state. I am continually asked by my constituents, why is it so easy for noncitizens to receive SSI, food stamps and Medicaid, while they are having problems obtaining their benefits?

The system, Mr. Speaker, is being abused, with the burden placed on our hard-working citizens. Immigration laws must be reformed to ensure noncitizens are self-reliant, instead of dependent upon the American taxpayers.

□ 1415

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DUNCAN). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 4 of rule XV. Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 5 p.m. today.

NATIONAL TECHNOLOGY TRANSFER AND ADVANCEMENT ACT OF 1995

Mrs. MORELLA. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 2196) to amend the Stevenson-Wydler Technology Innovation Act of 1980 with respect to inventions made under cooperative research and development agreements, and for other purposes.

The Clerk read as follows:

Senate amendments:

Page 3, line 24, before "field" insert "pre-negotiated".

Page 5, line 4, strike out all after "only" down to and including "finds" in line 5 and insert "in exceptional circumstances and only if the Government determines".

Page 5, after line 15 insert: "This determination is subject to administrative appeal and judicial review under section 203(2) of title 35, United States Code.".

Page 13, strike out lines 10 through 17 and insert:

"Section 11(i) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(i)) is amended by inserting 'loan, lease, or' before 'give'.".

Page 21, strike out all after line 22 over to and including line 3 on page 22 and insert:

"(13) to coordinate Federal, State, and local technical standards activities and conformity assessment activities, with private sector technical standards activities and conformity assessment activities, with the goal of eliminating unnecessary duplication and complexity in the development and promulgation of conformity assessment requirements and measures.".

Page 22, lines 5 and 6, strike out "by January 1, 1996," and insert "within 90 days after the date of enactment of this Act,".

Page 22, strike out all after line 7, over to and including line 5 on page 23 and insert:

"(d) UTILIZATION OF CONSENSUS TECHNICAL STANDARDS BY FEDERAL AGENCIES; REPORTS.—

"(1) IN GENERAL.—Except as provided in paragraph (3) of this subsection, all Federal agencies and departments shall use technical standards that are developed or adopted by voluntary consensus standards bodies, using such technical standards as a means to carry out policy objectives or activities determined by the agencies and departments.

"(2) CONSULTATION; PARTICIPATION.—In carrying out paragraph (1) of this subsection, Federal agencies and departments shall consult with voluntary, private sector, consensus standards bodies and shall, when such participation is in the public interest and is compatible with agency and departmental missions, authorities, priorities, and budget resources, participate with such bodies in the development of technical standards.

"(3) EXCEPTION.—If compliance with paragraph (1) of this subsection is inconsistent with applicable law or otherwise impractical, a Federal agency or department may elect to use technical standards that are not developed or adopted by voluntary consensus standards bodies if the head of each such agency or department transmits to the Office of Management and Budget an explanation of the reasons for using such standards. Each year, beginning with fiscal year 1997, the Office of Management and Budget shall transmit to Congress and its committees a report summarizing all explanations received in the preceding year under this paragraph.

"(4) DEFINITION OF TECHNICAL STANDARDS.—As used in this subsection, the term 'technical standards' means performance-based or design-specific technical specifications and related management systems practices.".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland [Mrs. MORELLA] and the gentleman from Tennessee [Mr. TANNER] will each be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the House passed H.R. 2196 on December 12, 1995, by voice vote. Subsequently, on February 7, 1996, the Senate passed H.R. 2196 with an amendment. Today, we are prepared to enact H.R. 2196, as amended, into law.

The Senate-passed amendment was negotiated in conjunction with this body and has the support of the sponsors of the bill. The Senate amendment is technical in nature, serves to clarify the existing bill language, and meets with the original intent of H.R. 2196, as originally passed by the House.

Mr. Speaker, H.R. 2196 will implement long-needed improvements to the body of laws which encourage and stimulate the transfer of technology developed, with Federal research and development dollars, to the private sector. It does this in three principal ways:

First, by providing necessary guidance in defining the intellectual property rights of private sector Cooperative Research and Development Agreement [CRADA] partners for technologies created from joint research and development activities conducted in partnership with Federal laboratories. Industry partners will be assured of having, at minimum, an exclusive license in a prenegotiated field of use for the new technology. This should promote prompt commercialization of these discoveries, as well as make a CRADA more attractive at a time when both Federal laboratories and industry need to work closer together for their mutual benefit and our national competitiveness;

Second, by enhancing incentives for Federal inventors to develop new inventions in their fields of research; and

Third, by allowing Federal labs greater flexibility to use the royalty stream resulting from the commercialization of Federal inventions to develop new inventions in their fields of research; and

Third, by allowing Federal labs greater flexibility to use the royalty stream resulting from the commercialization of Federal inventions to support the work of their laboratories, and reward participants in CRADA activities for their work on successful projects.

At this time, I will not detail at length, the many specific ways in which H.R. 2196 accomplishes these goals, and would refer my colleagues to my December 12, 1995, statement in the RECORD, for more specific information in that regard.

I would note, however, that equally notable to the significant technology transfer provisions contained in H.R. 2196, is language in section 12 that will improve the climate for the Government adoption of private sector-developed, voluntary consensus standards, by directing Federal agencies to focus upon increasing their use of such standards wherever possible.

The effect of this section 12 provision would be a reduction in Federal procurement and operating costs. For example, instead of mandating products built only to special Government-created standards, the Federal Government can cut costs by purchasing off-the-shelf products meeting a voluntary consensus standard that, in the judgment of an agency, meet its procurement requirements. Commercial industry also would benefit from such action through greater opportunities for competitive Government bidding and increased sales to the Government.

Additionally, section 12 gives the National Institute of Standards and Technology important new authority in its organic statute to act as the Federal coordinator for Government entities responsible for the development of technical standards and conformity assessment activities. As a result, the Federal Government can move with greater speed to implement the routine use of voluntary consensus standards and eliminate unnecessary duplication of conformity assessment activities.

Section 12, as amended, has been endorsed by our Nation's businesses, as well as the standards community, and has been approved by the administration. They are anxious to implement the much-needed clarifications and new Government responsibilities defined in the bill to streamline and improve our Federal standards responsibilities.

Mr. Speaker, I urge support for the amendment, approved by the other body, to H.R. 2196. Since my distinguished colleagues will be discussing the amendment in greater detail, I will only provide a summary at this time. The Senate amended H.R. 2196 in the following manner:

Made clear that exclusive field-of-use licenses extended to private sector CRADA partners of technologies, developed within joint research projects, shall be defined by a good-faith negotiation between the respective parties;

Ensured that any exercise of march-in rights by a Government entity shall be done only in exceptional circumstances, and would be subject to administrative appeal and judicial review;

Ensured that transfers of excess laboratory equipment to educational and charitable institutions shall be done subject to Federal property disposal accountability requirements; and

Tightened the focus of our language, codifying OMB Circular A–119, regarding the adoption of voluntary, consensus standards and conformity assessment activities to ensure that agencies are clear that such efforts are to be conducted with due regard for the requirement of law and within the parameters of agency missions, responsibilities, and budgets as defined by Congress.

Mr. Speaker, this legislation is strongly supported by the administration, our friends in the Federal laboratory system, and the agencies that have responsibility for administering those laboratories. I urge my colleagues to support H.R. 2196, as amended, today so we can send it to the President and give the important new provisions in the bill the full force of law.

Mr. Speaker, before I reserve the balance of my time, I include for the RECORD the following summary and outline of H.R. 2196 and the Senate amendment, which were drafted by the committee staff.

H.R. 2196, THE NATIONAL TECHNOLOGY TRANSFER AND ADVANCEMENT ACT OF 1995

OBJECTIVES:

Encourages utilization of our federal laboratories to enhance our nation's industrial competitiveness in the global marketplace by promoting partnership ventures with federal laboratories and private-sector industry.

Advances prompt commercialization of inventions created in such a collaborative agreement, by guaranteeing the industry partner sufficient intellectual property rights to the invention.

Provides important incentives and rewards to federal laboratory personnel who create new inventions.

Provides several clarifying and strengthening amendments to current technology transfer laws.

Also makes changes affecting the Fastner Quality Act, the federal use of standards, and the management and administration of scientific research and standards measurement at the NIST.

LEGISLATIVE HISTORY:

Passed the Technology Subcommittee on October 18, 1995

Passed the Science Committee on October 25, 1995

Committee Report filed on December 7, 1995 (H. Rpt. 104–390)

Passed the House of Representatives on December 12, 1995

Passed the Senate with an amendment on February 7, 1996

Considered for enactment into law by the House on February 27, 1996

SUMMARY OUTLINE OF MAJOR PROVISIONS OF H.R. 2196 (H. REPT. 104–390)

Statutory authority:

Amends the Stevenson-Wydler Technology Innovation Act of 1980 (P.L. 96–480) and the Federal Technology Transfer Act of 1986 (P.L. 99–502), among other provisions, by creating incentives and eliminating impediments to encourage technology commercialization, and for other purposes

Impacts upon technology transfer policies in both a government-owned, government-operated (GOGO) laboratory and a government-owned, contractor-operated (GOGO) laboratory

Effect upon technology transfer in a CRADA:

Provides assurances to United States companies that it will be granted sufficient intellectual property rights to justify prompt commercialization of inventions arising from a cooperative research and development agreement (CRADA) with a federal laboratory

Provides important incentives and rewards to federal laboratory personnel who create new inventions

Effect upon CRADA private sector partner under the act

Guarantees right to option, at minimum, of exclusive license in a pre-negotiated field of use for inventions resulting from a CRADA

Assures that privileged and confidential information will be protected when CRADA invention is used by the government

Assures private sector partner the right to possess its own inventions developed in a CRADA

Effect upon Federal Government under the Act

Provides right to use invention for legitimate government needs

Clarifies contributions laboratories can make in a CRADA and continues current prohibition of direct federal funds to a private sector partner in a CRADA

Clarifies that agencies may use royalty revenue to hire temporary personnel to assist in the CRADA or in related projects

Permits agencies to use royalty revenue for related research in the laboratory, and for related administrative and legal costs

Allows federal government to require licensing to others only in exceptional circumstances for compelling public health, safety, or regulatory needs while providing administrative appeal and judicial review in such rare circumstances

Returns all unused royalty revenue to the Treasury after the completion of the second fiscal year

Clarifies authority of laboratories, agencies, or departments to donate excess scientific equipment by gift, loan, or lease to public and private schools and nonprofit institutions

Effect upon Federal scientist/inventory under the act

Provides the inventor with the first $2,000, and thereafter, at least 15% of the royalties, in each year, accrued for inventions made by the inventor

Increases individual maximum royalty award to $150,000 per year

Allows rewards for other lab personnel who substantially assist in the invention

Restates current law permitting a federal employee to work on the commercialization of his or her invention

Clarifies that a federal inventor can obtain or retain title to his or her invention in the event the government chooses not to pursue it

Administrative and management provisions affecting the National Institute of Standards and Technology (NIST)

Provides authority for a shuttle bus service between the NIST Gaithersburg, Maryland campus and the Shady Grove Metro subway station for employees to use in their commute to work

Expands the NIST Visiting Committee to 15 members, with the requirement that 10 members shall be from United States industry

Increases the cap on postdoctoral fellowships to 60 positions from 40 positions

Makes permanent the NIST Personnel Demonstration Project

Fastener quality act amendments

Amends the Fastener Quality Act (P.L. 101–592), as recommended by the Fastener Advisory Committee, focusing on heat mill certification, mixing of like-certified fasteners, and sale of fasteners with minor nonconformances

Federal use of standards

Restates and clarifies existing authority for the National Institute of Standards and Technology (NIST) to coordinate standards and conformity assessment activities in all levels of government

Codifies Office of Management and Budget (OMB) Circular A-119, requiring federal agencies to adopt and use standards developed by voluntary consensus standards bodies and to work closely with those organizations to ensure that the developed standards are consistent with agency needs

SECTION-BY-SECTION ANALYSIS OF H.R. 2196

Section 1. Short title

The Act may be cited as the "National Technology Transfer and Advancement Act of 1995."

Section 2. Findings

Bringing technology and industrial innovation to the marketplace is central to the economic, environmental, and social well-being of the country. The federal government can help United States businesses speed the development of new products and processes by entering into a Cooperative Research and Development Agreement (CRADA) with private sector businesses. A CRADA arrangement makes available the assistance of federal laboratories to the private sector. However, the successful commercialization of technology and industrial innovation is predominantly dependent on actions taken by the private sector. This commercialization will be enhanced if companies, in return for reasonable compensation to the federal government, can more easily obtain exclusive licenses to inventions which develop as a result of this cooperative research with federal laboratory scientists.

Section 3. Use of Federal technology

Amends the Stevenson-Wydler Technology innovation Act of 1980 (P.L. 96–480) to continue participation in the Federal Laboratory Consortium for Technology Transfer by all federal agencies with major federal laboratories.

Section 4. Title to intellectual property arising from cooperative research and development agreements

Guarantees an industrial partner to a joint Cooperative Research and Development Agreement (CRADA) the option to choose, at minimum, an exclusive license for a pre-negotiated field of use to the resulting invention. Reiterates government's right to use the invention for its legitimate needs, but requires the obligation to protect from public disclosure any information classified as privileged or confidential under Exemption 4 of the Freedom of Information Act (FOIA).

In exceptional circumstances, provides that when the laboratory assigns ownership or an exclusive license to the industry partner, licensing to others may be required if needed to satisfy compelling public health, safety or regulatory concerns. In such rare circumstances, the industry partner would have administrative appeal and judicial review, similar to the Bayh-Dole Act. (P.L. 96–517) Also, clarifies current law defining the contributions laboratories can make in the CRADA. Permits agencies to use royalties in hiring temporary personnel to assist in the CRADA or related projects. Enumerates how a government-owned, government-operated (GOGO) laboratory and a government-owned, contractor-operated (GOCO) laboratory may use resulting royalties.

Section 5. Distribution of income from intellectual property received by Federal laboratories

Requires that agencies must pay federal inventors each year the first $2,000 and thereafter at least 15% of the royalties received by the agency for the inventions made by the employee. Increases an inventor's maximum royalty award to $150,000 per year. Allows for rewarding other laboratory personnel involved in the project, permits agencies to pay for related administrative and legal costs, and provides a significant new incentive by allowing the laboratory to use royalties for related research in the laboratory. Provides for federal laboratories to return all unobligated and unexpended royalty revenue to the Treasury after the end of the second fiscal year after the year which the royalties were earned.

Section 6. Employee activities

Clarifies the original congressional intent that rights to inventions should be offered to employees when the agency is not pursuing them. Permits a federal scientists, or a former laboratory employee, in the event that the federal government chooses not to pursue the right of ownership to his or her invention or otherwise promote its commercialization, to obtain or retain title to the invention for the purposes of commercialization.

Section 7. Amendment to Bayh-Dole Act

Reflects technical changes made by this Act as it affects the Bayh-Dole Act. (P.L. 96–517)

Section 8. National Institute of Standards and Technology Act amendments

Provides authority for the National Institute of Standards and Technology (NIST) to have a shuttle bus service between its Gaithersburg, Maryland campus and the Shady Grove Metro subway station for employees to use in their commute to work. Expands the NIST Visiting Committee from 9 members to 15, with the requirement that 10 members, increased from 5, shall be from United States industry. Increases the cap of postdoctoral fellowship from a maximum of 40 to 60 positions per fiscal year.

Section 9. Research equipment

Clarifies that a laboratory, agency, or department can donate, loan, or lease excess scientific equipment to public and private schools and nonprofit institutions.

Section 10. Personnel

Makes permanent the National Institute of Standards and Technology (NIST) Personnel Demonstration Project. The project has helped NIST recruit and retain the "best and brightest" scientists to meet its scientific research and measurement standards mission.

Section 11. Fastner Quality Act amendments

Amends the Fastner Quality Act (P.L. 101–592), as recommended by the Fastner Advisory Committee, focusing on heat mill certification, mixing of like-certified fastners, and sale of fastners with minor non-conformance. The Fastner Advisory Committee reported that, without these recommended changes, the cumulative burden of compliance costs would be close to $1 billion on the fastner industry.

Section 12. Standards conformity

Restates existing authorities for National Institute of Standards and Technology (NIST) activities in standards and conformity assessment. Requires NIST to coordinate among federal agencies, survey existing state and federal practices, and report back to Congress on recommendations for improvements in these activities. Codifies OMB Circular A–119 requiring federal agencies to adopt and use standards developed by voluntary consensus standards bodies and to work closely with those organizations to ensure that the developed standards are consistent with agency needs.

Section 13. Sense of Congress

Provides that it is the sense of Congress that the Malcolm Baldrige National Quality Awards program offers substantial benefits to United States industry, and that all funds appropriated for the program should be spent in support of its goals.

THE NATIONAL TECHNOLOGY TRANSFER AND ADVANCEMENT ACT OF 1995

SUMMARY OF SENATE AMENDMENT TO H.R. 2196

On February 7, 1996, the Senate, by unanimous consent, agreed to an amendment to H.R. 2196 offered by Senator Dole of Kansas, on behalf of Senator Rockefeller of West Virginia and Senator Burns of Montana. The House had passed H.R. 2196 on December 12, 1995.

The Senate-passed amendment was negotiated in conjunction with the House sponsors of H.R. 2196 and had been agreed to by all parties before its Senate consideration. The amendment clarifies the existing bill language and meets with the original intent of H.R. 2196, as passed by the House.

The Senate amendment to H.R. 2196 contains the following seven provisions:

1. Section 4. Clarifies that the field of use for which a collaborating party may receive an exclusive license is a pre-negotiated field of use. While the House report language was clear that the field of use should be pre-negotiated, this clarification was inserted into the bill language.

2. Section 4. Clarifies that the Government "march-in" rights which may require the holder of an exclusive technology to share that technology with others will only be exercised "in exceptional circumstances." Once again, this clarification met with the intent of the House report language.

3. Section 4. Regarding the above-mentioned "exceptional circumstances" when Government requires the holder of an exclusive technology to share that technology with others, inserts identical language regarding administrative appeal and judicial review language from the Bayh-Dole Act [35 Sec. 203(2)]—another federal patent law. This language would ensure that in the very remote eventuality of such a Government action, the private-sector collaborating party to a Cooperative Research and Development Agreement (CRADA) will be ensured the right of due process and appeal. This provision of H.R. 2196 would mirror the Bayh-Dole Act (P.L. 96–517).

4. Section 9. partially deletes provisions expressly waiving all federal disposal laws regarding the donation, loan, or lease of excess laboratory equipment.

5. Section 12. Clarifies the role of the National Institute of Standards and Technology (NIST) in coordinating government standards activities and corrects a small, minor drafting error. Restates the original intent that NIST is to coordinate with private sector standards activities to require government to sue industry-led standards, not federally-created standards.

6. Section 12. Changes the date on which a NIST report is required from January 1, 1996 to "within 90 days of the date of enactment" of H.R. 2196.

7. Section 12. Restates original language in the bill clarifying OMB Circular A–119, which directs federal agencies to use, to the extent practicable, technical standards that are developed or adopted by voluntary, private-sector, industry-led standards organizations. The language was reworked to meet the Senators' concern and yet remain faithful to both the original intent of the bill and OMB Circular A–119 to move the federal government to purchase commercial products in order to reduce costs.

Mr. Speaker, I reserve the balance of my time.

Mr. TANNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2196, the National Technology Transfer and Advancement Act of 1995.

I want to thank Mrs. MORELLA for bringing this bill to the floor and say that it has been a pleasure working with her on this legislation.

H.R. 2196 is the first significant update of Federal technology transfer laws in almost 7 years. H.R. 2196 builds on the experience of the Federal labs in developing partnerships with industry and is an important step in strengthening private-public partnerships for technology development.

At a time when the pressures of the market and Wall Street are causing American companies to focus on short-term profits, government-industry partnerships allow them the chance to develop the high-risk, long-term technologies that are vital for our future economic well-being.

We have reviewed the seven amendments the Senate made to the original text and they are perfectly acceptable. Some of the amendments were added for Senate jurisdictional reasons and others were requested by the executive branch.

A number of Members from both parties spoke in favor of H.R. 2196 when it passed the House in early December—no one spoke in opposition to this legislation. Therefore, I will not review in detail the merits and provisions of this bill again today.

Since the amendments to this bill are minor, and the bill as amended makes important strides forward for technology transfer at the Federal laboratories, in standards policy and for the National Institute of Standards and Technology, I urge adoption of this bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I simply wanted to commend the ranking member of our subcommittee, the gentleman from Tennessee [Mr. TANNER], for the work he has done and the support he has given to this bill, and all of the others who are the sponsors of the bill and strongly support it. It is an important measure. It has been long in coming.

Mr. Speaker, I want to particularly thank the staff on both sides of the aisle. I want to particularly thank Ben Wu of my staff, who has worked very diligently through the years on this bill, and Mike Quear on the minority side, who has worked on it. In addition, I would thank Jim Turner and Dough Comer.

GENERAL LEAVE

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2196.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Mr. TANNER. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me thank very much my distinguished colleague, the gentleman from Tennessee [Mr. TANNER], a member of the Committee on Science, and to acknowledge the work of the gentlewoman from Maryland [Mrs. MORELLA]. She has always had a longstanding interest in this area, along with the gentleman from Pennsylvania [Mr. WALKER], our chairman, and the gentleman from California [Mr. BROWN], our ranking member.

I rise to support H.R. 2196. It has some very vital points. I have always said as we debated the funding for NASA, the space station, and as we debated funding of many of the science projects, particularly the Department of Commerce's advanced technology program, that technology and science is in fact the work creator of the 21st century. I think with H.R. 2196, the gentlewoman from Maryland [Mrs. MORELLA] has parted the waters of confusion around technology. What we have created is an even hand between Government and commercial entities with respect to the rights to intellectual property.

One of the features I find very attractive is the awarding to Federal inventors $2,000 in royalties, and of course if there is more, 15 percent above that. What an incentive to applaud and encourage the scientists that we have, the talented scientists that we have in our labs around this Nation. Might I add as well one of the major points of creating more opportunities is to educate those who are interested in the higher sciences, if you will. I applaud the bill proponent for increasing the number of doctoral fellowships within the National Institutes of Standards and Technology to help educate the scientists, engineers and inventors of tommorow. Mr. Speaker, I also realize many times in our hearings the gentlewoman from Maryland [Mrs. MORELLA] has expressed her interest and concern about girls and women in the sciences. I think that this is a very excellent opportunity to open the doors even more to those populations as we proceed towards the 21st century.

Might I yield to the gentlewoman from Maryland to have her respond, that in fact as we make this more palatable for our scientists, that we also open the doors of opportunity for women and minorities as well in the sciences.

Mrs. MORELLA. Mr. Speaker, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentlewoman from Maryland.

Mrs. MORELLA. Mr. Speaker, there is no doubt we do. We know as we approach the new millennium two-thirds of the new work force will be women and minorities. These are resources we must utilize, and in fact this technology transfer bill will help to move us in that direction.

□ 1430

I believe in a paraphrase of the 23rd Psalm. My rod and my staff, they comfort me; prepare the papers before me in the presence of my constituents. And I wanted to make sure that I also gave credit to staff who helped, Doug Comer on this side as well as Jim Turner on the other side of the aisle.

I thank the gentlewoman for opportunity of allowing me to make that commendation.

Ms. JACKSON-LEE of Texas. I will conclude by remarks, Mr. Speaker, by saying I rise to support this legislation which will create the work of the 21st century and be a bipartisan effort to enhance technology and science in this Nation.

In this era of strident partisan politics, I am pleased to see efforts such as H.R. 2169, the National Technology Transfer and Advancement Act before the House today. I congratulate Representative MORELLA for crafting legislation which recognizes the importance of cooperation between the Federal and private sectors in developing new commercial technologies, products, and processes. Our national laboratories are world leaders and it is only common sense to harness their great abilities in pursuit of assisting and advancing the U.S. industry in the fiercely competitive global economy.

Under this bill, everyone wins: the private sector gets the rights to cutting-edge technology, the Federal Government receives royalty payments which may be used to fuel the fires of innovation and finally, the inventors and project scientists receive royalty compensation for their hard work.

In addition to these things, this bill provides for increasing the number of postdoctoral fellowships within the National Institute of Standards and Technology to help educate the scientists, engineers, and inventors of tomorrow. Adding these fellowships will cost the Government money, but I believe that money is the wisest investment we can make to help ensure the ability of our Nation to compete and prosper in the years to come.

I have voted in favor of this bill in committee and on this floor and as a supporter of everything this bill represents, I intend to do it yet again.

Mr. BROWN of California. Mr. Speaker, I rise in support of the Senate version of H.R. 2196 and urge its acceptance by the House of Representatives.

The Senate made seven amendments to the House-passed text of H.R. 2196. Some are minor and were added for Senate jurisdictional reasons. Others were requested by the executive branch to make implementation of this statute easier for the agencies involved. While there may be grounds of minor quibbles with what the Senate has done, we should accept its offer since it is not often that they offer us 99 percent of the loaf.

Three of the Senate amendments are to section 4 of H.R. 2196 which updates intellectual property rights under cooperative research and development agreements. Section 4 provides collaborating parties with the option to an exclusive license for a field of use for any such invention made pursuant to a CRADA and retains in the government a very limited right to compel licensing of these inventions for health and safety and other emergency reasons. The first Senate amendment makes it clear that a laboratory and its collaborating parties are to agree upon the scope of the field of use for inventions at the time they enter the CRADA agreement. Since the House legislative history was already clear on this matter, this amendment is simply clarifying in nature. The second and third amendments make it clear that the Government may compel a license to an invention made under a CRADA only in exceptional circumstances and that such a decision will be subject to the Bayh-Dole Act's administrative and judicial review provisions. These changes are also largely clarifying in nature and modify a statutory authority which has never been used.

The fourth amendment changes the provision in section 9 of H.R. 2196 which was designed to clarify the current Stevenson-Wydler Act section which permits Federal laboratories to transfer surplus equipment to educational institutions. There have been varying interpretations among the Federal agencies as to whether that section permits the loan of equipment by laboratories to schools and as to how the Stevenson-Wydler Act relates to the Federal property disposal law. I can say with certainty that this committee wrote the original provision as an alternative rather than as a supplement to Federal law for disposal of surplus laboratory equipment. We wrote the original provision after hearing from laboratories with equipment of no further use to them, who knew of schools that badly wanted the equipment. Yet because of the cumbersome nature of the Federal property disposal procedures, the equipment was gathering dust in the labs. The Stevenson-Wydler Act language was written as a simple, straightforward way to get this equipment back into the hands of those who could use it for the public good. Our amendment reinforced the original Stevenson-Wydler language by stating unambiguously that surplus Federal laboratory equipment can be lent, leased, or given to schools without going through Federal requirements on the disposal of property. The Senate Governmental Affairs Committee, which has Senate legislative jurisdiction over the General Services Administration, did not want a reference to Federal requirements on the disposal of property in a bill coming out of the Senate Commerce Committee. As a courtesy, the Senate Commerce Committee complied with their request to drop the reference. However, we wish to make clear that the dropping of this reference does not change the effect of this section. The Stevenson-Wydler Act scientific equipment transfer procedure remains a free-standing alternative to the Federal Property Act for this limited class of property. Under rules of statutory interpretation, the Stevenson-Wydler surplus property provision will continue to take precedence over the general Federal property disposal statute with reference to laboratory equipment both because it is the later enactment and because it is the more specific provision.

The fifth and sixth amendments are both technical and conforming amendments to section 12 dealing with standards conformity. In the fifth amendment, the Senate rewrites our language on coordination of standards to match exactly the House intent of bringing efficiency to conformity assessment by having government and industry coordinate their efforts. The sixth amendment is made necessary by delays in the enactment of this legislation. The House version of this section required submission of a report to the Congress by January 1, 1996, a date which has now passed. We, therefore, accept the Senate's decision to delay the reporting date until 90 days after the date of enactment of this act.

The final Senate amendment rewrites the paragraphs of this bill that sought to codify OMB Circular A–119, which requires Federal agencies to utilize voluntary consensus standards. While both the House and the Senate language share the same intent, the Senate language is more straightforward and unambiguous and therefore should be adopted. Currently, OMB Circular A–119 asks Federal agencies to utilize national consensus standards for procurement and regulatory purposes. This is because these standards are developed with great care and expertise in an open, democratic manner which makes U.S. voluntary standards the envy of the world. It is much cheaper and more efficient for the Government to rely on the hard work and expertise of these committees rather than reinventing the world. These groups are better equipped than the Government to understand all points of view and to keep up with the state of the art in technical standards. This section in both the House and Senate versions does not transfer public sector decisionmaking or regulatory authority to the private sector. It merely tells the Government that in its regulatory, procurement, and other activities that rest on technical standards pertaining to products and processes, that the Government is expected, wherever it makes sense, not to duplicate private sector technical standards activities. Instead, Federal agencies are to participate in and use the good work of the voluntary, consensus standards community. In those limited instances when an agency has a good reason not to use a voluntary consensus technical standard, it has the right to do so, provided that its agency head transmits its reasoning to the Office of Management and Budget and that a summary of such explanations are submitted annually to the Congress. As I said when this bill originally passed the House, we expect OMB to make this process as painless as possible for the agencies and to set up procedures to implement this section in such a way that procurements and regulations are not delayed. While agencies are expected to keep good records of this reasons for not using the standards, such a decision is not to be subject to administrative or judicial review.

Therefore, since the changes we are being asked to make are small and in general positive, and since the bill as amended still makes important stride forward for NIST, for the Federal laboratories, and in standards policy, I urge my colleagues to lend their support to this important legislation.

Mr. RICHARDSON. Mr. Speaker, this bill will create more jobs, provide incentives for important scientific inventions, and make it easier to give or loan Federal equipment to our schools.

This measure makes economic and political sense. That is precisely the reasons why I support this legislation today, just as I did when it came to the House floor in December.

H.R. 2196—the National Technology Transfer and Advancement Act of 1995—is an effective mechanism for stimulating greater commercialization of the research being done at the National Laboratories, such as the Los Alamos National Laboratory [LANL] located in my district.

H.R. 2196 extends the Federal charter and set-aside for the Federal Laboratory Consortium for Technology Transfer. This charter was created through the hard work of Dr. Eugene Stark of LANL. The set-aside has provided stable annual funding to the consortium which has permitted technology transfer officers of the various Laboratories to work together.

The Federal Laboratory Consortium members are linked together electronically which enables them to help businesses find out which other Federal Laboratories have expertise in specific areas.

For example, if an agriculturally oriented business in New Mexico went to the technology transfer officers at LANL with a problem, Los Alamos would be able to find out if any of the laboratories in the Departments of Agriculture or Interior, for instance, have expertise that is useful to that company.

The bill also gives far better incentives to Federal inventors who are an imperative necessity to our national security. Currently, inventors receive only 15 percent of the royalty stream from their inventions, meaning that most inventions have produced less than $2,000 a year. By changing the calculations so that agencies pay inventors the first $2,000 of the royalties received by the agency for the inventions made by the employee as well as 15 percent of the royalties above that amount, the bill provides these employees with greater incentives and equitable compensation.

Finally, H.R. 2196 clarifies that a Federal laboratory, agency, or department may give, loan, or lease excess scientific equipment to public and private schools and non-profit organizations without regard to Federal property disposal laws, for example, General Services Administration [GSA].

Therefore, if LANL wanted to donate unused equipment to a New Mexico school, it would not have to go through the bureaucratic red tape that is now required. Some Labs would rather store their unwanted equipment rather than going through the hassle of GSA disposal.

Mr. Speaker, H.R. 2196 is a bill of importance to the Federal Laboratories. It advocates technology transfer, creates an incentive for Federal inventors, and makes it easier to donate equipment to needy schools. The Technology Transfer and Advancement Act of 1995 is good legislation.

Mr. WALKER. Mr. Speaker, I commend the gentlelady from Maryland for her leadership in bringing H.R. 2196, the National Technology Transfer and Advancement Act to the floor.

As Chair of the Science Committee, I am proud of the committee's rich tradition of promoting technology transfer from our Federal laboratories.

I especially wish to applaud the chairwoman for her bipartisan leadership on this bill and in her efforts to promote effective technology transfer from our Federal laboratories. H.R. 2196 represents the type of legislation which this new Congress must undertake.

I am also very pleased that H.R. 2196 includes amendments to the Fastener Quality Act. These amendments are very important to the fastener industry and the need to include these changes to the current act is clear. The Fastener Advisory Committee was formed to determine if the act would have a detrimental impact on business. The Fastener Advisory Committee reported that without their recommended changes the burden of cost would be close to $1 billion on the fastener industry.

The act addresses the concerns of the Fastener Advisory Committee regarding mill heat certification, mixing of like certified fasteners, and sale of minor nonconformances.

Working with this Congress and NIST, the Fastener Public Law Task Force, comprised of members from manufacturing, importing, and distributing, has worked to improve the law while maintaining safety and quality. The Public Law Task Force represents 85 percent of all companies involved in the manufacture, distribution, and importation of fasteners and their suppliers in the United States.

Combined, the task force represents over 100,000 employees in all 50 States. We have worked with both sides of the aisle, the administration, manufacturers, distributors, and importers to reach this solution and I support the changes to the Fastener Quality Act.

I urge my colleagues to support H.R. 2196.

Mr. DINGELL. Mr. Speaker, I understand that most provisions of H.R. 2196 have been discussed and negotiated in a bipartisan fashion by Members of both bodies. Far too little effort during this Congress has been expended toward meaningful bipartisan legislative action and, for that significant accomplishment, I applaud the sponsors of this measure.

However, I am compelled to state for the record, as I have in the past, my concerns about portions of this bill that amend the Fastener Quality Act. As noted most recently in my December 12, 1995 statement, some of the fastener amendments included in this legislation appear to be designed to appease foreign manufacturers of fasteners (and some distributors who sell such foreign fasteners) rather than to protect the safety of American industry and consumers.

No hearings have been held on the need for some of the fastener provisions in this bill nor has any credible justification been advanced for their inclusion in this legislation. For example, the only reason cited for amending the Fastener Quality Act's traceability provisions (which Chairman WALKER favorably cited in his statement supporting the original legislation) is the supposedly excessive cost that would be imposed on businesses. A few distributors and foreign manufacturers—that is, those who profit from making and selling counterfeit and substandard fasteners—have produced wildly exaggerated figures to back up their claim that the original act's limited commingling prohibition will be the death knell for the fastener industry.

While foreign manufacturers and some fastener distributors have spent millions of dollars lobbying for these and other legislative changes to the Fastener Quality Act, other American companies simply rolled up their sleeves and went to work to ensure that adequate traceability procedures exist, including compliance with the original act's commingling provisions. These companies have told us something completely different than what the foreign manufacturers and their distributor chums have said. They tell us that the limited commingling requirements are necessary to provide better traceability of fasteners. And they also tell us the costs of putting these requirements into practice are minimal. Obviously, someone is wrong.

There is much huffing and puffing these days about the need to promote quality in all aspects of American business and government. Yet, some of the fastener amendments in this bill do just the opposite. It is a fact that the best American manufacturing and distribution companies have for many years maintained sophisticated lot control and traceability procedures for a wide array of products, including pharmaceuticals, hardware, food, and soft drinks. Yet, due to heavy lobbying by foreign fastener manufacturers and their sellers, amendments in this bill weaken quality standards and make it easier for counterfeit and substandard fasteners to make their way into American commerce and into American products.

During the multiyear investigation by the Subcommittee on Oversight and Investigations on fasteners, it was demonstrated that the most serious problems with counterfeit and substandard fasteners originated beyond our borders. The motive for making and selling such fasteners is obvious—to cut production costs and increase profits. In weakening the law today, we help makers and sellers of bad fasteners and, in the process, hurt those companies that produce quality products.

At least, enactment of these amendments should lead to promulgation of the long overdue implementing regulations by the National Institute on Standards and Technology. Despite its failure to do so during this Congress and in prior years, I would hope that NIST keep us fully apprised of its efforts to implement and enforce the Fastener Quality Act and that it act aggressively to finalize all implementing regulations as quickly as possible.

Mr. TANNER. Mr. Speaker, I have no further requests for time. I would like to thank our staff folks who have helped put this together and thank the gentlewoman from Maryland again.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DUNCAN). The question is on the motion offered by the gentlewoman from Maryland [Mrs. MORELLA] that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 2196.

The question was taken.

Mrs. MORELLA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

HOUSING OPPORTUNITY PROGRAM EXTENSION ACT OF 1996

Mr. LAZIO of New York. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1494) to provide an extension for fiscal year 1996 for certain program administered by the Secretary of Housing and Urban Development and the Secretary of Agriculture, and for other purposes, as amended.

The Clerk read as follows:

S. 1494

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Housing Opportunity Program Extension Act of 1996".

SEC. 2. MULTIFAMILY HOUSING ASSISTANCE.

(a) SECTION 8 CONTRACT RENEWAL.—Notwithstanding section 405(b) of the Balanced Budget Downpayment Act, I (Public Law 104–99; 110 Stat. 44), at the request of the owner of any project assisted under section 8(e)(2) of the United States Housing Act of 1937 (as such section existed immediately before October 1, 1991), the Secretary of Housing and Urban Development may renew, for a period of 1 year, the contract for assistance under such section for such project that expires or terminates during fiscal year 1996 at current rent levels.

(b) LOW-INCOME HOUSING PRESERVATION.—

(1) USE OF AMOUNTS.—Notwithstanding any provision of the Balanced Budget Downpayment Act, I (Public Law 104–99; 110 Stat. 26) or any other law, the Secretary shall use the amounts described in paragraph (2) of this subsection under the authority and conditions provided in the 2d undesignated paragraph of the item relating to "HOUSING PROGRAMS—ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING" in title II of the bill, H.R. 2099 (104th Congress), as passed the House of Representatives on December 7, 1995; except that for purposes of this subsection, any reference in such undesignated paragraph to March 1, 1996, shall be construed to refer to April 15, 1996, any reference in such paragraph to July 1, 1996, shall be construed to refer to August 15, 1996, and any reference in such paragraph to August 1, 1996, shall be construed to refer to September 15, 1996.

(2) DESCRIPTION OF AMOUNTS.—Except as otherwise provided in any future appropriation Act, the amounts described under this paragraph are any amounts that—

(A) are—

(i) unreserved, unobligated amounts provided in an appropriation Act enacted before the date of the enactment of this Act;

(ii) provided under the Balanced Budget Downpayment Act, I; or

(iii) provided in any appropriation Act enacted after the date of the enactment of this Act; and

(B) are provided for use in conjunction with properties that are eligible for assistance under the Low-Income Housing Preservation and Resident Homeownership Act of 1990 or the Emergency Low Income Housing Preservation Act of 1987.

SEC. 3. COMMUNITY DEVELOPMENT BLOCK GRANTS.

(a) DIRECT HOMEOWNERSHIP ACTIVITIES.—Notwithstanding the amendments made by section 907(b)(2) of the Cranston-Gonzalez National Affordable Housing Act, section 105(a)(25) of the Housing and Community Development Act of 1974, as in existence on September 30, 1995, shall apply to the use of assistance made available under title I of the Housing and Community Development Act of 1974 during fiscal year 1996.

(b) INCREASE IN CUMULATIVE LIMIT.—Section 108(k)(1)) of the Housing and Community Development Act of 1974 (42 U.S.C. 5308(k)(1) is amended by striking "$3,500,000,000" and inserting "$4,500,000,000".

SEC. 4. EXTENSION OF RURAL HOUSING PROGRAMS.

(a) UNDERSERVED AREAS SET-ASIDE.—Section 509(f)(4)(A) of the Housing Act of 1949 (42 U.S.C. 1479(f)(4)(A)) is amended—

(1) in the first sentence, by striking "fiscal years 1993 and 1994" and inserting "fiscal year 1996"; and

(2) in the second sentence, by striking "each".

(b) RURAL MULTIFAMILY RENTAL HOUSING.—Section 515(b)(4) of the Housing Act of 1949 (42 U.S.C. 1485(b)(4)) is amended by striking "September 30, 1994" and inserting "September 30, 1996".

(c) RURAL RENTAL HOUSING FUNDS FOR NON-PROFIT ENTITIES.—The first sentence of section 515(w)(1) of the Housing Act of 1949 (42 U.S.C. 1485(w)(1)) is amended by striking "fiscal years 1993 and 1994" and inserting "fiscal year 1996".

SEC. 5. LOAN GUARANTEES FOR MULTIFAMILY RENTAL HOUSING IN RURAL AREAS.

(a) IN GENERAL.—The provisions of section 5 of the bill, H.R. 1691 (104th Congress), as passed the House of Representatives on October 30, 1995, are hereby enacted into law.

(b) TECHNICAL AMENDMENT.—Section 538 of the Housing Act of 1949 (as added by the amendment made pursuant to subsection (a) of this section) is amended by striking "Homesteading and Neighborhood Restoration Act of 1995" each place it appears and inserting "Housing Opportunity Program Extension Act of 1996".

SEC. 6. EXTENSION OF FHA MORTGAGE INSURANCE PROGRAM FOR HOME EQUITY CONVERSION MORTGAGES.

(a) EXTENSION OF PROGRAM.—The first sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z–20(g)) is amended by striking "September 30, 1996" and inserting "September 30, 2000".

(b) LIMITATION ON NUMBER OF MORTGAGES.—The second sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z–20(g)) is amended by striking "30,000" and inserting "50,000".

(c) ELIGIBLE MORTGAGES.—Section 255(d)(3) of the National Housing Act (12 U.S.C. 1715z–20(d)(3)) is amended to read as follows:

"(3) be secured by a dwelling that is designed principally for a 1- to 4-family residence in which the mortgagor occupies 1 of the units;".

SEC. 7. LIMITATION ON GNMA GUARANTEES OF MORTGAGE-BACKED SECURITIES.

Section 306(g)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1721(g)(2)) is amended to read as follows:

"(2) Notwithstanding any other provision of law and subject only to the absence of qualified requests for guarantees, to the authority provided in this subsection, and to the extent of or in such amounts as any funding limitation approved in appropriation Acts, the Association shall enter into commitments to issue guarantees under this subsection in an aggregate amount of $110,000,000,000 during fiscal year 1996. There are authorized to be appropriated to cover the costs (as such term is defined in section 502 of the Congressional Budget Act of 1974) of guarantees issued under this Act by the Association such sums as may be necessary for fiscal year 1996.".

SEC. 8. EXTENSION OF MULTIFAMILY HOUSING FINANCE PROGRAMS.

(a) RISK-SHARING PILOT PROGRAM.—The first sentence of section 542(b)(5) of the Housing and Community Development Act of 1992 (12 U.S.C. 1707 note) is amended by striking "on not more than 15,000 units over fiscal years 1993 and 1994" and inserting "on not more than 7,500 units during fiscal year 1996".

(b) HOUSING FINANCE AGENCY PILOT PROGRAM.—The first sentence of section 542(c)(4) of the Housing and Community Development Act of 1992 (12 U.S.C. 1707 note) is amended by striking "on not to exceed 30,000 units over fiscal years 1993, 1994, and 1995" and inserting "on not more than 12,000 units during fiscal year 1996".

SEC. 9. SAFETY AND SECURITY IN PUBLIC AND ASSISTED HOUSING.

(a) CONTRACT PROVISIONS AND REQUIREMENTS.—Section 6 of the United States Housing Act of 1937 (42 U.S.C. 1437d) is amended—

(1) in subsection (k), in the matter following paragraph (6)—

(A) by striking "on or near such premises" and inserting "on or off such premises"; and

(B) by striking "criminal" the first place it appears; and

(2) in subsection (l)(5), by striking "on or near such premises" and inserting "on or off such premises".

(b) AVAILABILITY OF CRIMINAL RECORDS FOR SCREENING AND EVICTION.—Section 6 of the United States Housing Act of 1937 (42 U.S.C. 1437d) is amended by adding at the end the following new subsection:

"(q) AVAILABILITY OF RECORDS.—

"(1) IN GENERAL.—

"(A) PROVISION OF INFORMATION.—Notwithstanding any other provision of law, except as provided in subparagraph (B), the National Crime Information Center, police departments, and other law enforcement agencies shall, upon request, provide information to public housing agencies regarding the criminal conviction records of adult applicants for, or tenants of, public housing for purposes of applicant screening, lease enforcement, and eviction.

"(B) Exception.—A law enforcement agency described in subparagraph (A) shall provide information under this paragraph relating to any criminal conviction of a juvenile only to the extent that the release of such information is authorized under the law of the applicable State, tribe, or locality.

"(2) Opportunity to dispute.—Before an adverse action is taken with regard to assistance under this title on the basis of a criminal record, the public housing agency shall provide the tenant or applicant with a copy of the criminal record and an opportunity to dispute the accuracy and relevance of that record.

"(3) Fee.—A public housing agency may be charged a reasonable fee for information provided under paragraph (1).

"(4) Records management.—Each public housing agency shall establish and implement a system of records management that ensures that any criminal record received by the public housing agency is—

"(A) maintained confidentially;

"(B) not misused or improperly disseminated; and

"(C) destroyed, once the purpose for which the record was requested has been accomplished.

"(5) Definition.—For purposes of this subsection, the term 'adult' means a person who is 18 years of age or older, or who has been convicted of a crime as an adult under any Federal, State, or tribal law."

(c) Ineligibility Because of Eviction for Drug-Related Activity.—Section 6 of the United States Housing Act of 1937 is amended by adding after subsection (q) (as added by subsection (b) of this section) the following new subsection:

"(r) Ineligibility Because of Eviction for Drug-Related Activity.—Any tenant evicted from housing assisted under this title by reason of drug-related criminal activity (as that term is defined in section 8(f)) shall not be eligible for housing assistance under this title during the 3-year period beginning on the date of such eviction, unless the evicted tenant successfully completes a rehabilitation program approved by the public housing agency (which shall include a waiver of this subsection if the circumstances leading to eviction no longer exist).".

(d) Ineligibility of Illegal Drug Users and Alcohol Abusers for Assisted Housing.—Section 16 of the United States Housing Act of 1937 (42 U.S.C. 1437n) is amended—

(1) in the section heading by striking "income"; and

(2) by adding at the end the following new subsection:

"(e) Ineligibility of Illegal Drug Users and Alcohol Abusers.—

"(1) In general.—Notwithstanding any other provision of law, a public housing agency shall establish standards for occupancy in public housing dwelling units and assistance under section 8—

"(A) that prohibit occupancy in any public housing dwelling unit by, and assistance under section 8 for, any person—

"(i) who the public housing agency determines is illegally using a controlled substance; or

"(ii) if the public housing agency determines that it has reasonable cause to believe that such person's illegal use (or pattern of illegal use) of a controlled substance, or abuse (or pattern of abuse) of alcohol, may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents of the project; and

"(B) that allow the public housing agency to terminate the tenancy in any public housing unit of, and the assistance under section 8 for, any person—

"(i) who the public housing agency determines is illegally using a controlled substance; or

"(ii) whose illegal use of a controlled substance, or whose abuse of alcohol, is determined by the public housing agency to interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents of the project.

"(2) Consideration of rehabilitation.—In determining whether, pursuant to paragraph (1), to deny occupancy or assistance to any person based on a pattern of a controlled substance or a pattern of abuse of alcohol, a public housing agency may consider whether such person—

"(A) has successfully completed a supervised drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable);

"(B) has otherwise been rehabilitated successfully and is no longer in the illegal use of a controlled substance or abuse of alcohol (as applicable); or

"(C) is participating in a supervised drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable).

"(3) Inapplicability to Indian housing.—This subsection does not apply to any dwelling unit assisted by an Indian housing authority.".

SEC. 10. PUBLIC HOUSING DESIGNATED FOR ELDERLY AND DISABLED FAMILIES.

(a) Authority for Designation.—Section 7 of the United States Housing Act of 1937 (42 U.S.C. 1437e) is amended to read as follows:

"DESIGNATED HOUSING FOR ELDERLY AND DISABLED FAMILIES

"Sec. 7. (a) Authority To Provide Designated Housing.—

"(1) In general.—Subject only to provisions of this section and notwithstanding any other provision of law, a public housing agency for which a plan under subsection (d) is in effect may provide public housing projects (or portions of projects) designated for occupancy by (A) only elderly families, (B) only disabled families, or (C) elderly and disabled families.

"(2) Priority for occupancy.—In determining priority for admission to public housing projects (or portions of projects) that are designated for occupancy as provided in paragraph (1), the public housing agency may make units in such projects (or portions) available only to the types of families for whom the project is designated.

"(3) Eligibility of near-elderly families.—If a public housing agency determines that there are insufficient numbers of elderly families to fill all the units in a project (or portion of a project) designated under paragraph (1) for occupancy by only elderly families, the agency may provide that near-elderly families may occupy dwelling units in the project (or portion).

"(b) Standards Regarding Evictions.—Except as provided in section 16(e)(1)(B), any tenant who is lawfully residing in a dwelling unit in a public housing project may not be evicted or otherwise required to vacate such unit because of the designation of the project (or portion of a project) pursuant to this section or because of any action taken by the Secretary or any public housing agency pursuant to this section.

"(c) Relocation Assistance.—A public housing agency that designates any existing project or building, or portion thereof, for occupancy as provided under subsection (a)(1) shall provide, to each person and family who agrees to be relocated in connection with such designation—

"(1) notice of the designation and an explanation of available relocation benefits, as soon as is practicable for the agency and the person or family;

"(2) access to comparable housing (including appropriate services and design features), which may include tenant-based rental assistance under section 8, at a rental rate paid by the tenant that is comparable to that applicable to the unit from which the person or family has vacated; and

"(3) payment of actual, reasonable moving expenses.

"(d) Required Plan.—A plan under this subsection for designating a project (or portion of a project) for occupancy under subsection (a)(1) is a plan, prepared by the public housing agency for the project and submitted to the Secretary, that—

"(1) establishes that the designation of the project is necessary—

"(A) to achieve the housing goals for the jurisdiction under the comprehensive housing affordability strategy under section 105 of the Cranston-Gonzalez National Affordable Housing Act; and

"(B) to meet the housing needs of the low-income population of the jurisdiction; and

"(2) includes a description of—

"(A) the project (or portion of a project) to be designated;

"(B) the types of tenants for which the project is to be designated;

"(C) any supportive services to be provided to tenants of the designated project (or portion);

"(D) how the design and related facilities (as such term is defined in section 202(d)(8) of the Housing Act of 1959) of the project accommodate the special environmental needs of the intended occupants; and

"(E) any plans to secure additional resources or housing assistance to provide assistance to families that may have been housed if occupancy in the project were not restricted pursuant to this section.

For purposes of this subsection, the term 'supportive services' means services designed to meet the special needs of residents.

"(e) Review of Plans.—

"(1) Review and notification.—The Secretary shall conduct a limited review of each plan under subsection (d) that is submitted to the Secretary to ensure that the plan is complete and complies with the requirements of subsection (d). The Secretary shall notify each public housing agency submitting a plan whether the plan complies with such requirements not later than 60 days after receiving the plan. If the Secretary does not notify the public housing agency, as required under this paragraph or paragraph (2), the plan shall be considered, for purposes of this section, to comply with the requirements under subsection (d) and the Secretary shall be considered to have notified the agency of such compliance upon the expiration of such 60-day period.

"(2) Notice of reasons for determination of noncompliance.—If the Secretary determines that a plan, as submitted, does not comply with the requirements under subsection (d), the Secretary shall specify in the notice under paragraph (1) the reasons for the noncompliance and any modifications necessary for the plan to meet such requirements.

"(3) STANDARDS FOR DETERMINATION OF NONCOMPLIANCE.—The Secretary may determine that a plan does not comply with the requirements under subsection (d) only if—

"(A) the plan is incomplete in significant matters required under such subsection; or

"(B) there is evidence available to the Secretary that challenges, in a substantial manner, any information provided in the plan.

"(4) TREATMENT OF EXISTING PLANS.—Notwithstanding any other provision of this section, a public housing agency shall be considered to have submitted a plan under this subsection if the agency has submitted to the Secretary an application and allocation plan under this section (as in effect before the date of the enactment of the Housing Opportunity Program Extension Act of 1996) that have not been approved or disapproved before such date of enactment.

"(f) EFFECTIVENESS.—

"(1) 5-YEAR EFFECTIVENESS OF ORIGINAL PLAN.—A plan under subsection (d) shall be in effect for purposes of this section during the 5-year period that begins upon notification under subsection (e)(1) of the public housing agency that the plan complies with the requirements under subsection (d).

"(2) RENEWAL OF PLAN.—Upon the expiration of the 5-year period under paragraph (1) or any 2-year period under this paragraph, an agency may extend the effectiveness of the designation and plan for an additional 2-year period (that begins upon such expiration) by submitting to the Secretary any information needed to update the plan. The Secretary may not limit the number of times a public housing agency extends the effectiveness of a designation and plan under this paragraph.

"(3) TRANSITION PROVISION.—Any application and allocation plan approved under this section (as in effect before the date of the enactment of the Housing Opportunity Program Extension Act of 1996) before such date of enactment shall be considered to be a plan under subsection (d) that is in effect for purposes of this section for the 5-year period beginning upon such approval.

"(g) INAPPLICABILITY OF UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITIONS POLICY ACT OF 1970.—No tenant of a public housing project shall be considered to be displaced for purposes of the Uniform Relocation Assistance and Real Property Acquisitions Policy Act of 1970 because of the designation of any existing project or building, or portion thereof, for occupancy as provided under subsection (a) of this section.

"(h) INAPPLICABILITY TO INDIAN HOUSING.—The provisions of this section shall not apply with respect to low-income housing developed or operated pursuant to a contract between the Secretary and an Indian housing authority.".

"(b) AUTHORIZATION OF APPROPRIATIONS FOR IMPLEMENTATION OF ALLOCATION PLANS.—There are authorized to be appropriated for fiscal year 1996 such sums as may be necessary for rental subsidy contracts under the existing housing certificate and housing voucher programs under section 8 of the United States Housing Act of 1937 for public housing agencies to implement allocations plans for designated housing under section 7 of such Act that are approved by the Secretary of Housing and Urban Development.

SEC. 11. ASSISTANCE FOR HABITAT FOR HUMANITY AND OTHER SELF-HELP HOUSING PROVIDERS.

"(a) GRANT AUTHORITY.—The Secretary of Housing and Urban Development may, to the extent amounts are available to carry out this section and the requirements of this section are met, make grants for use in accordance with this section to—

(1) Habitat for Humanity International, whose organizational headquarters are located in Americus, Georgia; and

(2) other national or regional organizations or consortia that have experience in providing or facilitating self-help housing homeownership opportunities.

(b) GOALS AND ACCOUNTABILITY.—In making grants under this section, the Secretary shall take such actions as may be necessary to ensure that—

(1) assistance provided under this section is used to facilitate and encourage innovative homeownership opportunities through the provision of self-help housing, under which the homeowner contributes a significant amount of sweat equity toward the construction of the new dwelling;

(2) assistance provided under this section for land acquisition and infrastructure development results in the development of not less than 4,000 new dwellings;

(3) the dwellings constructed in connection with assistance provided under this section are quality dwellings that comply with local building and safety codes and standards and are available at prices below the prevailing market prices;

(4) the provision of assistance under this section establishes and fosters a partnership between the Federal Government and Habitat for Humanity International, its affiliates, and other organizations and consortia, resulting in efficient development of affordable housing with minimal governmental intervention, limited governmental regulation, and significant involvement by private entities;

(5) activities to develop housing assisted pursuant to this section involve community participation similar to the homeownership program carried out by Habitat for Humanity International, in which volunteers assist in the construction of dwellings; and

(6) dwellings are developed in connection with assistance under this section on a geographically diverse basis, which includes areas having high housing costs, rural areas, and areas underserved by other homeownership opportunities that are populated by low-income families unable to otherwise afford housing.

If, at any time, the Secretary determines that the goals under this subsection cannot be met by providing assistance in accordance with the terms of this section, the Secretary shall immediately notify the applicable Committees in writing of such determination and any proposed changes for such goals or this section.

(c) ALLOCATION.—Of any amounts available for grants under this section—

(1) 62.5 percent shall be used for a grant to the organization specified in subsection (a)(1); and

(2) 37.5 percent shall be used for grants to organizations and consortia under subsection (a)(2).

(d) USE.—

(1) PURPOSE.—Amounts from grants made under this section, including any recaptured amounts, shall be used only for eligible expenses in connection with developing new decent, safe, and sanitary nonluxury dwellings in the United States for families and persons who otherwise would be unable to afford to purchase a dwelling.

(2) ELIGIBLE EXPENSES.—For purposes of paragraph (1), the term "eligible expenses" means costs only for the following activities:

(A) LAND ACQUISITION.—Acquiring land (including financing and closing costs).

(B) INFRASTRUCTURE IMPROVEMENT.—Installing, extending, constructing, rehabilitating, or otherwise improving utilities and other infrastructure.

Such term does not include any costs for the rehabilitation, improvement, or construction of dwellings.

(e) ESTABLISHMENT OF GRANT FUND.—

(1) IN GENERAL.—Any amounts from any grant made under this section shall be deposited by the grantee organization or consortium in a fund that is established by such organization or consortium for such amounts, administered by such organization or consortium, and available for use only for the purposes under subsection (d). Any interest, fees, or other earnings of the fund shall be deposited in the fund and shall be considered grant amounts for purposes of this section.

(2) ASSISTANCE TO HABITAT FOR HUMANITY AFFILIATES.—Habitat for Humanity International may use amounts in the fund established for such organization pursuant to paragraph (1) for the purposes under subsection (d) by providing assistance from the fund to local affiliates of such organization.

(f) REQUIREMENTS FOR ASSISTANCE TO OTHER ORGANIZATIONS.—The Secretary may make a grant to an organization or consortium under subsection (a)(2) only pursuant to—

(1) an expression of interest by such organization or consortia to the Secretary for a grant for such purposes;

(2) a determination by the Secretary that the organization or consortia has the capability and has obtained financial commitments (or has the capacity to obtain financial commitments) necessary to—

(A) develop not less than 30 dwellings in connection with the grant amounts; and

(B) otherwise comply with a grant agreement under subsection (i); and

(3) a grant agreement entered into under subsection (i).

(g) TREATMENT OF UNUSED AMOUNTS.—Upon the expiration of the 6-month period beginning upon the Secretary first providing notice of the availability of amounts for grants under subsection (a)(2), the Secretary shall determine whether the amount remaining from the aggregate amount reserved under subsection (c)(2) exceeds the amount needed to provide funding in connection with any expressions of interest under subsection (f)(1) made by such date that are likely to result in grant agreements under subsection (i). If the Secretary determines that such excess amounts remain, the Secretary shall provide the excess amounts to habitat for Humanity International by making a grant to such organization in accordance with this section.

(h) GEOGRAPHICAL DIVERSITY.—In using grant amounts provided under subsection (a)(1), Habitat for Humanity International shall ensure that the amounts are used in a manner that results in national geographic diversity among housing developed using such amounts. In making grants under subsection (a)(2), the Secretary shall ensure that grants are provided and grant amounts are used in a manner that results in national geographic diversity among housing developed using grant amounts under this section.

(i) GRANT AGREEMENT.—A grant under this section shall be made only pursuant to a grant agreement entered into by the Secretary and the organization or consortia receiving the grant, which shall—

(1) require such organization or consortia to use grant amounts only as provided in this section;

(2) provide for the organization or consortia to develop a specific and reasonable number of dwellings using the grant amounts, which number shall be established taking into consideration costs and economic conditions in the areas in which the dwellings will be developed, but in no case shall be less than 30;

(3) require the organization or consortia to use the grant amounts in a manner that leverages other sources of funding (other than grants under this section), including private or public funds, in developing the dwellings;

(4) require the organization or consortia to comply with the other provisions of this section;

(5) provide that if the organization or consortia has not used any grant amounts within 24 months after such amounts are first disbursed to the organization or consortia, the Secretary shall recapture such unused amounts; and

(6) contain such other terms as the Secretary may require to provide for compliance with subsection (b) and the requirements of this section.

(j) FULFILLMENT OF GRANT AGREEMENT.—If the Secretary determines that an organization or consortia awarded a grant under this section has not, within 24 months after grant amounts are first made available to the organization or consortia, substantially fulfilled the obligations under the grant agreement, including development of the appropriate number of dwellings under the agreement, the Secretary shall use any such undisbursed amounts remaining from such grant for other grants in accordance with this section.

(k) RECORDS AND AUDITS.—During the period beginning upon the making of a grant under this section and ending upon close-out of the grant under subsection (l)—

(1) the organization awarded the grant under subsection (a)(1) or (a)(2) shall keep such records and adopt such administrative practices as the Secretary may require to ensure compliance with the provisions of this section and the grant agreement; and

(2) the Secretary and the Comptroller General of the United States, and any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the grantee organization or consortia and its affiliates that are pertinent to the grant made under this section.

(l) CLOSE-OUT.—The Secretary shall close out a grant made under this section upon determining that the aggregate amount of any assistance provided from the fund established under subsection (e)(1) by the grantee organization or consortium exceeds the amount of the grant. For purposes of this paragraph, any interest, fees, and other earnings of the fund shall be excluded from the amount of the grant.

(m) ENVIRONMENTAL REVIEW.—A grant under this section shall be considered to be funds for a special project for purposes of section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994.

(n) REPORT TO CONGRESS.—Not later than 90 days after close-out of all grants under this section is completed, the Secretary shall submit a report to the applicable Committees describing the grants made under this section, the grantees, the housing developed in connection with the grant amounts, and the purposes for which the grant amounts were used.

(o) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) APPLICABLE COMMITTEES.—The term "applicable Committees" means the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(2) SECRETARY.—The term "Secretary" means the Secretary of Housing and Urban Development.

(3) UNITED STATES.—The term "United States" includes the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, and any other territory or possession of the United States.

(p) REGULATIONS.—The Secretary shall issue any final regulations necessary to carry out this section not later than 30 days after the date of the enactment of this Act. The regulations shall take effect upon issuance and may not exceed, in length, 5 full pages in the Federal Register.

SEC. 12. FUNDING FOR SELF-HELP HOUSING ASSISTANCE, NATIONAL CITIES IN SCHOOLS COMMUNITY DEVELOPMENT PROGRAM, AND CAPACITY BUILDING THROUGH NATIONAL COMMUNITY DEVELOPMENT INITIATIVE.

(a) AUTHORITY TO USE ASSISTED HOUSING AMOUNTS.—To the extent and for the purposes specified in subsection (b), the Secretary of Housing and Urban Development may use amounts in the account of the Department of Housing and Urban Development known as the Annual Contributions for Assisted Housing account, but only such amounts which—

(1) have been appropriated for a fiscal year that occurs before the fiscal year for which the Secretary uses the amounts; and

(2) have been obligated before becoming available for use under this section.

(b) FISCAL YEAR 1996.—Of the amounts described in subsection (a), $60,000,000 shall be available to the Secretary of Housing and Urban Development for fiscal year 1996 in the following amounts for the following purposes:

(1) SELF-HELP HOUSING ASSISTANCE.—$40,000,000 for carrying out section 11 of this Act.

(2) NATIONAL CITIES IN SCHOOLS COMMUNITY DEVELOPMENT PROGRAM.—$10,000,000 for carrying out section 930 of the Housing and Community Development Act of 1992 (Public Law 102–550; 106 Stat. 3887).

(3) CAPACITY BUILDING THROUGH NATIONAL COMMUNITY DEVELOPMENT INITIATIVE.—$10,000,000 for carrying out section 4 of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note).

SEC. 13. APPLICABILITY AND IMPLEMENTATION.

(a) APPLICABILITY.—This Act and the amendments made by this Act shall be construed to have become effective on October 1, 1995.

(b) IMPLEMENTATION.—The amendments made by sections 9 and 10 shall apply as provided in subsection (a) of this section, notwithstanding the effective date of any regulations issued by the Secretary of Housing and Urban Development to implement such amendments or any failure by the Secretary to issue any such regulations.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. LAZIO] and the gentleman from Massachusetts [Mr. KENNEDY] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. LAZIO].

Mr. LAZIO of New York. Mr. Speaker, I yield myself such time as I may consume.

Let me begin by thanking my friend and colleague, the ranking member of the Subcommittee on Housing and Community Opportunity, the gentleman from Massachusetts [Mr. KENNEDY], for his cooperation and work in trying to bring these extenders to the floor.

Mr. Speaker, S. 1494, the Housing Opportunity Program Extension Act of 1996, is an important bill and, with the amendment being offered by the Banking Committee, will avoid inappropriate and unnecessary hardship.

The Senate passed this legislation on January 24, 1996, to provide guidance to the administration and extend programs left in question following President Clinton's veto of H.R. 2099, the VA–HUD and Independent Agencies Appropriations Act. Although the Senate initiatives are well intentioned, it is important that the legislation address initiatives that the House has already passed earlier in this Congress. S. 1494 includes provisions similar to those included in H.R. 117, which passed on October 24, 1995, with a recorded vote of 415 to 0. Other provisions of S. 1494 incorporate initiatives from H.R. 1691 passed by voice vote under suspension just 6 days later.

Our amendment to S. 1494 recognizes the efforts of several Members of this House, such as Congressman BLUTE and Congressman NEY, whose hard work on H.R. 117 helped bring about stronger protection for older Americans in our Nation's public housing system.

In his State of the Union Address, the President said he would like to see a one-strike-and-you're-out policy against violent criminals in public housing. While we appreciate his leadership, this bill makes clear that we shouldn't have to wait until there has been an attack on a senior citizen or defenseless family. We should take steps to protect seniors before criminals are allowed into public housing. Criminals shouldn't even get up to bat, let alone be able to take a swing and strike out. Simply calling a criminal out after one strike means that there has been one more innocent victim to crime and violence in public housing. Like H.R. 117, this amendment enables housing authorities to designate facilities as "elderly only" and prohibit occupancy by individuals who are disabled solely because of alcohol or drug abuse.

The amendment also includes another important initiative from H.R. 117 reauthorizing the very successful Home Equity Conversion Mortgage Program, which allows seniors to hold on to their homes and stay in their neighborhoods. Our amendment increases the number of HECM loans available to older Americans from 30,000 to 50,000 through the year 2000.

As amended, this bill reauthorizes the section 515 rural multifamily housing program, a crucial tool for rural communities to house needy families. Though this program received funds through the Agriculture Appropriations Act of fiscal year 1996, its authorization has expired. This bill allows the money, which has already been appropriated, to be spent for low-income rural families.

Under our amendment we also add a new, innovative rural rental loan guarantee program authored by the vice chairman of the Housing Subcommittee, Mr. BEREUTER, and included H.R. 1691. This program has also received an appropriation but cannot operate without authorization. It is an example of the direction we as a government should be going—providing housing loans in partnership with the private sector, rather than direct loans.

I am well aware of concerns that my distinguished friend from Illinois, Congressman DURBIN, has raised with regard to reforming the section 515 program. We all share his concern that the use of Federal dollars should be carefully scrutinized. I applaud the Department of Agriculture's efforts with regard to reforms in section 515 even absent legislation. I assure the Members that any unresolved issues will be dealt with once the Senate has held hearings and debated the matter. I am comfortable authorizing this program for the balance of fiscal year 1996 because of USDA's efforts and because this program is crucial to thousands of low-income families in rural areas who need housing now.

This amendment also changes the Senate bill to support Habitat for Humanity's tremendously successful self-help volunteer housing program. As originally included in H.R. 1691, Habitat will receive a reprogramming of previously appropriated HUD funds for land acquisition and infrastructure needs to support low-income homeownership. This amendment supports Habitat and other self-help housing entities to do their work more effectively and still maintain the essential character of their initiatives.

The House amendment extends Housing Finance Agency Risk-Sharing Pilot Program to 2,000 more units than the Senate's 10,000 and also extends risk-sharing programs with Government sponsored enterprises.

The amendment gives the Secretary of HUD the discretion to renew section 8 moderate rehabilitation contracts as they expire and provides better guidance to the Secretary to operate low-income housing preservation programs as included in H.R. 2099. Although the most recent continuing resolution, H.R. 2088, the Balanced Budget Downpayment Act, provides generally the Government National Mortgage Association pay commitment authority through March 15, 1996, the committee believes that it is more fiscally responsible to our Nation's homeowners to allow GNMA to operate throughout the fiscal year of 1996. The GNMA secondary market function is an integral part of the FHA program.

Without this consistency, it is possible that GNMA may be unable to assist the single family housing markets, particularly for first-time home buyers throughout our Nation. S. 1494 reauthorizes the community development home ownership assistance program, encouraging local governments to develop their own communities.

Mr. Speaker, this legislation and the House amendment was crafted in a bipartisan fashion. I urge my colleagues to support both the amendment and the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, I want to thank my good friend, the gentleman from New York [Mr. LAZIO], for the efforts that he has made in trying to achieve a reasonable sense of balance in terms of extending the authorizations on a number of programs that do a great deal of public good in terms of public housing policy. I appreciate the efforts that he made in taking care of some of the concerns that we had on the Democratic side. I think that his efforts, in particular, with regard to the preservation program, which is an enormously important program affecting literally hundreds of thousands of low-income tenants that without, I believe, Mr. LAZIO's efforts in particular, could have suffered a very, very difficult fate in terms of being thrown out of their apartments as a result of some shortsighted legislation that was passed decades ago that gave landlords the capability of removing lower-income tenants from those buildings once a 20- or 30-year period had passed. Without Mr. LAZIO's individual leadership, I do not think we would have secured the funding that we needed. I very much appreciate the efforts that he made.

I also want to commend the portions of this legislation that Members on both sides of the aisle, the gentleman from Virginia, Mr. MORAN, the gentlemen from Massachusetts, Mr. BLUTE and Mr. FRANK, and others have made in terms of making certain that we have public housing that protects people from drug dealers and others that have disrupted particularly senior public housing from the protections that they need.

We also have provisions in this legislation that continues innovative and creative programs such as the community development block grant home ownership program and the expanded economic development loan authority which is a very creative loan program using CDBG funds over the long term to provide much-needed affordable housing.

As we have seen the affordable housing budget in this country be dramatically reduced, it becomes more and more important that we allow community development corporations, a range of nonprofit builders and others to use the innovative and creative mechanisms that the financiers have come up with to fill the void that has been created.

I think that Mr. LAZIO is making an effort to try to achieve that. There are a number of circumstances where I think we have not gone far enough. I would like to mention a couple of those programs.

First, we need to make certain rent reforms, certain rent reforms so that moderate-income tenants can stay in preservation projects. Existing law has the unintended effect of charging these tenants rents that are higher than what they could get in apartments across the street. HUD is aware of the problem and agrees it has got to be solved. I hope we could get a commitment from the gentleman from New York [Mr. LAZIO] to be able to work on that in some other piece of legislation that might come up shortly.

Mr. LAZIO of New York. Mr. Speaker, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Speaker, I know the gentleman has been in communication with the staff on this and with myself, and I appreciate his advocacy efforts on behalf of low-income, moderate-income people. We will be working with the gentleman to try and meet the concerns that he has.

Mr. KENNEDY of Massachusetts. Mr. Speaker, the second issue would be also seeking a small change in the preservation law to allow landlords of State-financed projects who have prepaid their Federal mortgages to try to get back into the program if they choose. I am afraid that a number of such owners have already prepaid those mortgages when it was unclear that any funds would become available. In other words, prior to the time that Mr. LAZIO made the efforts to actually get this program funded, a number of landlords prepaid. Those tenants are very much at risk and there are a number of tenants that exist in my own district and around other States that are facing imminent displacement and being thrown out of their homes.

If we could take care of that, I know that the gentleman tried very hard and we ran into problems on the Senate side. If the gentleman could briefly indicate that this would be something that he would support as well.

Mr. LAZIO of New York. Mr. Speaker, if the gentleman will continue to yield, I would say that again I appreciate the gentleman's concerns on this.

We have been working with the department, HUD, and with the Senate to try and come up with some solution that would be agreeable to all parties. We will continue to work with the gentleman on this issue.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I thank the gentleman very much.

I want to say to my good friend, the gentleman from Illinois, Mr. DURBIN, that I am very sorry that Mr. LAZIO was unable, although he tried to accommodate the concerns that Mr. DURBIN has raised very effectively in his role on the Committee on Appropriations with regard to the 515 rural housing program. It is a program that has been rife with problems, rip-offs, and troubles that Mr. DURBIN has done a tremendous amount of work in trying to reform. Those reforms have been included in legislation that this House has accepted in times past. Yet for some reason that I cannot understand, they were excluded from this bill.

It makes no sense. I understand that the gentleman from Illinois [Mr. DURBIN] is going to have more to say about his opposition to this bill as a result of the fact that those reforms were not included.

Again, I think that the overall importance of many of the programs that are being reauthorized is overwhelmingly in favor of this bill. I appreciate again the efforts that the gentleman has made. I want to thank the gentleman and the members of his staff and the members of our staff as well for the efforts that they have made.

Mr. Speaker, I reserve the balance of my time.

Mr. LAZIO of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to again thank the gentleman from Massachusetts [Mr. KENNEDY] for his kind remarks and for his cooperation on this.

I include for the RECORD, Mr. Speaker, a section-by-section analysis regarding S. 1494, as amended:

S. 1494 HOUSING OPPORTUNITY PROGRAM EXTENSION ACT OF 1995

SECTION-BY-SECTION ANALYSIS OF HOUSE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO S. 1494

Sec. 1. Title: Housing Opportunity Program Extension Act of 1995

Sec. 2. Multifamily housing assistance

(a) Provides discretionary authority to the HUD Secretary to renew, for one year, expiring Sec. 8 moderate rehabilitation project-based rental assistance contracts.

(b) Provides discretionary authority to the HUD Secretary to operate the preservation program as passed the House in title II of H.R. 2099 (VA/HUD Appropriations Conference Bill) on December 7, 1995.

Sec. 3. Community development block grant eligible activities

(a) Amends Sec. 907(b)(2) of the Cranston-Gonzalez National Affordable Housing Act by extending as an eligible activity, homeownership programs under CDBG.

(b) Replace Section 108 Loan Guarantee Aggregate Limit. In addition to the annual loan limitations for the section 108 loan guarantee program set forth in appropriations Acts, current law places an aggregate limit on the cumulative amount of outstanding loans extended under the section 108 program. This limit is $3.5 billion. The Department will soon hit this limitation. Hence, this provision would increase the aggregate loan limit to $4.5 billion. This provision does not alter the annual loan limitations set forth in Appropriations Acts.

Sec. 4. Extension of rural housing programs

Authorizes a rural rental multifamily housing direct loan program (Sec. 515 of the Housing Act of 1949) and extends set-asides within the Sec. 515 program for nonprofit sponsors and underserved areas; this program's previously appropriated funds, provided through the enacted Agriculture Appropriations Act of FY 96, are contingent on authorization.

Sec. 5. Loan guarantees for multifamily rental housing in rural areas

Authorizes a rural rental multifamily housing loan guarantee program, as contained in H.R. 1691, which the House passed on October 30, 1995; this program's previously appropriated funds, provided through the enacted Agriculture Appropriations Act of FY 96, are contingent on authorization.

Sec. 6. Extension of FHA mortgage insurance program for home equity conversion mortgages

Authorizes and extends the HECM program through September 30, 2000, as passed by the House through H.R. 117 on October 24, 1995; increases the mortgage insurance authority to a maximum of 50,000 units; and, extends eligibility to 1–4 family owner-occupied units.

Sec. 7. GNMA guarantees of mortgage-backed securities

Amends Sec. 306(g)(2) of the National Housing Act by providing an authorization of commitment authority to the Government National Mortgage Association (GNMA) at $110 billion for FY 96.

Sec. 8. Extension of multifamily housing finance programs

Amends Sec. 542(b)(5) of the Housing and Community Development Act of 1992 by extending the FHA multifamily mortgage insurance risk-sharing demonstration through FY 96 and provides authority to insure, under the demonstration, up to 7,500 units. Additionally, Sec. 542(c)(4) of HCDA of 1992 is amended by providing authority to the Housing Finance Agencies to enter FHA risk-sharing agreements up to 12,000 units.

Sec. 9. Safety and security in public and assisted housing

Amends Sec. 6 of the U.S. Housing Act of 1937 to require housing authorities to provide occupancy standards and an expedited grievance procedure for the eviction of tenants, in public housing and other assisted projects, who have a pattern of drug or alcohol abuse.

Sec. 10. Public housing designated for elderly and disabled families

Amends Sec. 7 of the U.S. Housing Act of 1937 to streamline procedures for public housing authorities to designate public housing facilities as "elderly only", "disabled only," or "elderly and disabled families only." Additionally, this provision provides authority to evict residents in these designated facilities whose pattern of drug and alcohol abuse would jeopardize the safety and security of the elderly and disabled residents. Authorizes such sums as may be appropriated for FY 96 for public housing agencies to implement plans approved by the Secretary for designated housing.

Sec. 11. Assistance for habitat for humanity and other self-help housing providers

Incorporates H.R. 1691, Sec. 2, which passed the House on October 30, 1995 by providing for a self-help housing program for HUD to provide grants to capable non-profit organizations, including Habitat-for-Humanity. Grant funds must be used for the payment of land and infrastructure costs of single family structures built entirely with donations and contributions of products, volunteer labor and the prospective borrower's sweat equity.

Sec. 12. Funding for self-help housing assistance, national cities in schools community development program, and capacity building through national community development initiative

Provides authority to use $60 million in appropriation amounts from previous fiscal years to fund (1) self-help housing (Sec. 9) at $40 million (Habitat-for-Humanity at $25 million and other Self-Help Housing Groups at $15 million), (2) National Cities in Schools Communities at $10 million, and (3) Capacity Building through the National Community Development Initiative (Sec. 4 of the HUD Demonstration Act of 1993) at $10 million.

Sec. 13. Applicability

Construes effectiveness as of October 1, 1995 and makes sections 9 and 10 of this Act self-executing.

Mr. Speaker, I yield 1 minute to my distinguished colleague, the gentleman from California [Mr. DREIER], a member of the Committee on Rules and one of our great legislative thinkers.

Mr. DREIER. Mr. Speaker, I thank the distinguished chairman of the subcommittee for yielding, and I would simply rise and congratulate him and the gentleman from Iowa [Mr. LEACH], and others who have played a key role in this legislation.

Mr. Speaker, this is a very important day because it marks another success for a concept that Speaker GINGRICH put forward early on in this Congress, that being the establishment of Corrections Day. We know that there are a great many laws and regulations which are absolutely preposterous, and Speaker GINGRICH offered the proposal to establish a Corrections Day, and so far we have, out of this House, passed 11 items under the Corrections Day Calendar. Four have passed both the House and Senate and become public law. If the Senate agrees with this measure that is before us, it will be the fifth, and I believe that we have been able to work with our Corrections Day Advisory Group in a bipartisan way, and that is very, very great testimony to the effort that has come from both Democrats and Republicans in dealing with this question.

Obviously the issue that has been addressed here is one that has been very near and dear to me. Six years ago I introduced legislation dealing with the issue of drug dealers and public housing, and this specifically goes at the question of the elderly and those who have been tragically victimized, and I believe that the entire package that has been brought forward here will go a long way toward addressing that and other major concerns, and I would simply like to congratulate the subcommittee and the gentleman from New York, Chairman LAZIO and the gentleman from Massachusetts, Mr. KENNEDY, the ranking member, and others who have been involved in this and look forward to another great Corrections Day success here.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I yield 6 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, public housing and the public financed housing is an important part of the life of many American families. In Chicago and in the State of Illinois I have become more closely acquainted with the challenges facing us, not only in the housing, but also in our responsibility as landlords in public housing.

Mr. Speaker, this is a good bill. Most of the bill I think is very positive, and I salute the gentleman from New York for bringing it to the floor. But I would, at the same time, suggest to all of my colleagues, having said that, that they should vote against this bill, and the reason they should vote against it is very simple.

There is one section of this bill, one section of this bill, which is shameful. In 1994, the appropriations subcommittee which I chaired sent congressional investigators across the country to examine reported abuses in a housing program known as section 515. This is a program where the Federal Government literally creates inducements for developers to build multifamily housing in rural areas and, let me add, rural areas could be the suburbs of major cities under the definitions of this bill. They are literally across the United States, and at this time under section 515 there are 16,700 projects and over 440,000 units. This is a big program, and when the investigators took a look at it, they found the administration of this program under existing law is nothing short of scandalous, scandalous in the following respects;

We are building these units where they are not needed. Developers come in with political and financial clout and roll the Department of Agriculture into forcing the construction of units where they want to build them. Many times we know as soon as the first shovel hits the ground that building is going to fail and the taxpayers are going to end up holding the bag, but we are stuck with it because of the current law.

And then you know what happens? We find out that when the project fails a lot of the owners like to transfer the project to some other owner. You know what happens in the process? Uncle Sam does not get paid. The taxpayers lose. There is a default.

In our investigation we found in 47 different properties and several States taxpayers lost over $10.5 million because the money was transferred, the loan was transferred, and the remaining corporation was judgment proof, taxpayers left holding the bag, another element in the scandal.

And that is not all. Let me tell you this is a very lucrative deal for developers. You know what percentage interest we pay on our home mortgage; what is it 9 percent, 10, 12? You know what they pay to build these buildings at taxpayer expense? One percent mortgages. What a deal. And then we give them a wonderful tax credit to boot.

So these developers have a cash cow to build buildings where they are not needed and, when they default on them, to leave Uncle Sam and the taxpayers holding the bag.

We verified this State after State, all across the Nation, presented it to the Committee on Banking and Financial Services and to the Subcommittee on Housing and Financial Services and said clean up this mess. At a time when we are cutting spending for education, when we are cutting spending on Medicare, how can we justify wasting millions of dollars on this boondoggle?

Do you know what the Subcommittee on Housing and Financial Services said to the Committee on Appropriations? You are right. You are right. We need to change the law. And they did. And they brought it in. And we passed it with an overwhelming vote. And we were moving in the right direction to clean up the program, provide the housing.

But guess what happens today? Along comes the bill and reauthorizes the old program. This bums out again. They are going to be out there with the developers running taxpayers around the track with wasteful projects wasting our tax dollars because of this bill.

I say to the gentleman from New York, he was right the first time. The reforms were needed. Why did he surrender? Why did he give up? How can he justify in this day and age with this deficit walking away from reforms? How can he justify asking the taxpayers to hold the bag so that developers would come in and scam us again and again and again? His bill has a notable deficiency here, and I yield to my friend from New York.

Mr. LAZIO of New York. Mr. Speaker, will the gentleman yield?

Mr. DURBIN. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Speaker, I appreciate the courtesy of the gentleman.

Let me respond if I can, first, by expressing great sympathy for the gentleman's frustration. Obviously I share the same perspective that he has because I have helped shepherd this legislation to the floor and move it through the House. If we were dealing with only a House-passed version and did not have to deal with the other body, we would have no problem, the reforms would be in place.

Mr. DURBIN. Can I say to my friend from New York thank you, but I do not want your sympathy. I would like to see the reform. I really think at a time when taxpayers are being told that we are going to mind their dollars carefully, that we are doing to tighten the belt here, we are not going to let people rip off things. There is no excuse by saying the Senate does not like our reforms. That is not good enough.

I mean the bottom line is we are going to lose millions of dollars, folks. This is a mini-mini version of a savings and loan scandal where taxpayers end up holding the bag when these properties fail, and this bill allows it to continue.

But I say to my colleagues in the House, for all of the things in the bill, defeat it today because a section 515 scandal will continue. We will see it on "60 Minutes." We will see it on "20/20." We will see it on "Prime Time." And after this speech it is not good enough to say, oh, I did not know it was in there. It is in there, the section 515 scandal is in there, and unless the gentleman from New York [Mr. LAZIO] puts the reforms in place to clean it up taxpayers are going to be left holding the bag.

Vote "no" on this bill.

Mr. LAZIO of New York. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. BLUTE] who was a wonderful advocate of section 117 and of all seniors throughout the Nation.

Mr. BLUTE. Mr. Speaker, I want to commend the gentleman from Iowa, Chairman LEACH, and the gentleman from New York, Chairman LAZIO, for bringing this important bill before the House, and recognize the work of my distinguished colleagues from Massachusetts, Representatives KENNEDY and FRANK, and say that this is a very good bill that this House should pass today.

I would also like to commend to the House the amendment to this bill that will include provisions of a bill that passed the House, the Senior Citizens Housing Safety and Economic Relief Act, last October under the Corrections Day Calendar by a vote of 415 to nothing.

This legislation seeks to right a serious wrong. Today, senior citizens in America are living in fear, not just because of crime on the streets but because of crime in their own homes. As a result of an act of this House back in the late 1980's, drug and alcohol abusers are permitted to live in housing developments designated for the elderly.

I want to remind the House of some of the testimony that we heard in the committee and some of the things that were said on the floor of this House that are occurring all over our great country.

An elderly woman living in a public housing facility, for example, was shaken down for a $1,000 loan by a 38-year-old former drug abuser who lived in her complex.

The Committee on Banking and Financial Services heard testimony last year from a senior citizen in my district in Worcester, MA, and she told horrific stories of harassment, theft, and filth and of elderly women petrified to leave their apartments. The unfortunate irony is that this particular building was known among seniors as one of the best in Worcester prior to passage of the housing amendment in 1988 that allowed for the mixing of young drug and alcohol abusers with senior citizens.

Today, the House can speak on this issue again by voting for the House amendment to S. 1494. This amendment will ensure that public housing authorities are given streamlined procedures to designate public housing facilities as "elderly only." In addition, this amendment will provide sufficient authority to evict residents in these facilities who have a pattern of drug and alcohol abuse.

Let us face it. There is absolutely no sane reason that former drug addicts should be placed in senior housing, turning the lives of the elderly into living nightmares. In the words of Anneliese Belculfino of Worcester, MA: "I would like for the younger people to have their own building and let the seniors live in peace and without fear for the time they have left."

Let us end the practice which forces seniors to live in fear of young drug abusing neighbors that Uncle Sam forces them to live with. Support this amendment and urge our colleagues in the Senate to do the same so that this will be over once and for all. Let us pass this bill.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I yield 3 minutes to my friend, the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the chairman and ranking member, and I plan to vote for this bill.

Mr. Speaker, I am a little puzzled why it is a tribute to the importance of Corrections Day that we are now repassing a bill that passed on Corrections Day. It would seem to me if Corrections Day worked, we would not be repassing the bill we passed on Correction Day. Maybe Corrections Day is the spring training of legislative practice.

I am, however, in favor of much of what is in this bill, not everything, but I am going to vote for it. I particularly want to celebrate the continuation of tradition. One of the provisions in this bill is to give at least $25 million to Habitat for Humanity, and it is unusual that by name we single out a particular private organization and give them $25 million. Now they do very good work, and not entirely coincidentally, they do that very good work from headquarters in the State of Georgia.

Now for many years my district was adjacent to that of Speaker Tip O'Neill, and I am very familiar with this practice. You have got an organization that is near the Speaker, they do some good work, and the Speaker decides they should be rewarded with public money, and Tip O'Neill used to do that, and I am glad to see that some traditions continue because Habitat for Humanity under the speakership of our current Speaker from Georgia is being singled out unusually for this money for their land acquisition costs.

I am for it. I voted for it in committee. They were a good organization, and I think it is admirable that the Speaker says you are in my State, you do good work, here is $25 million. I would hope that some who do not recognize that the public sector has a role to play would understand that they should generalize this. Yes, it is important for public funds to be made available for good purposes, and it should not just be for organizations that happen to be in the State of the Speaker, and so I am glad about that.

Finally, I also wanted to note what my neighbor and previous speaker said, this bill does go further with the separation of housing, elderly and nonelderly, although we did in 1992 pass legislation that began that process, and the city of Fort River in fact yesterday under the 1992 legislation was given approval by the Federal Department of Housing so that 6 elderly units with 6 elderly buildings with 600 units as of now in Fort River under the 1992 act will be allowed that separation.

This bill will make it easier for some other communities to comply with that, and I think it is a useful thing, but there was one particular part of it that is also in this bill that I think is important, and I want to express my sincere appreciation to the chairman for agreeing to it, and I would ask if he would acknowledge this.

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One of the problems we have is this. There are some younger people who live with the elderly who are disruptive. I think we would all agree that the great majority of the younger people who are disabled, physically and in other ways disabled, who are put up with the elderly are in fact very decent people who cause no one any problem.

What we have tried to do is to protect the right of the elderly to live by themselves when they wish to do that, without disadvantaging the great majority of people with disabilities who are in fact well-behaved. I think we are all unanimous on this.

One of the things that is in this bill is a provision that authorizes funds to be appropriated, such sums as might be necessary, so if a housing authority which has decided to separate the elderly from the disabled finds that in consequence it has well behaved disabled people who are hurting for housing, it will be able to set section 8 funds to accommodate them.

I appreciate the gentleman putting this in. This will become law now, but we will need some help with the Committee on Appropriations. I hope the chairman, along with the work he has already done—I know he intends to work to see that the appropriations are made available if they are needed.

Mr. LAZIO of New York. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I appreciate very much the gentleman's advocacy and his work on this issue. He correctly reflects the position, in a bipartisan way, of the committee. It is not our intention to leave younger people who need assistance, who have disabilities, without recourse. We want to provide resources for them.

It is through his work that the committee authorizes such sums as may be needed, and we will work with the appropriators. I understand this will essentially be resolved, but we will continue to be advocates.

Mr. Speaker, I yield 1½ minutes to the gentleman from Illinois [Mr. WELLER].

Mr. WELLER. Mr. Speaker, I thank the gentleman for yielding time to me.

First, I want to lead off by commending the chairman of the committee, the gentleman from New York [Mr. LAZIO] for his leading in housing issues this year, and particularly my friend, the gentleman from Massachusetts [Mr. BLUTE] for his work on this issue that is very important to seniors in my home State of Illinois.

Mr. Speaker, let us keep this issue real simple. This bill, as it is amended, rights a wrong, that jeopardizes the safety of my constituents, seniors living in senior housing. Today HUD bureaucrats say my seniors must live alongside recovering drug addicts and alcoholics, a situation that has forced many seniors to live in fear. In fact, according to testimony from seniors living in my district in the Chicago housing authority and other public housing authorities in Joliet, Will, Grundy, Kankakee, and LaSalle Counties, many seniors have been victims of rape, physical assault, and other violent crimes. Many fear daily for their safety.

According to many of the news articles that many of have been sharing in this debate, and for the RECORD, I will be including one from the Boston Herald which points out that many seniors are even afraid to leave their apartments just to go to the store; for everyday activities, such as going shopping.

S. 1494, as amended, incorporates language from H.R. 117, a bill I am proud to cosponsor with the gentleman from Massachusetts, [Mr. BLUTE], and was previously passed by the House last fall. S. 1494, as amended, rights this wrong and lets local housing authorities keep senior housing for seniors. This is an authority they have asked for. I urge an aye vote. Let us keep senior housing for seniors and keep seniors safe in public housing by passing this legislation. I ask for an aye vote.

I include for the RECORD this news article to which I referred.

The article is as follows:

RAPE VICTIM SUES BHA—SAYS ATTACKER SHOULD HAVE BEEN EVICTED

(By Joseph Mallia)

A 92-year-old woman who was raped in her elderly-housing apartment two years ago is suing the Boston Housing Authority for failing to protect her from her assailant, another resident with a history of violence.

The housing authority is responsible because officials knew the assailant, Eric Lee Davis, Jr., was dangerous but failed to evict him, the women maintains in her Suffolk Superior Court civil suit.

The woman's name was not made public because she was the victim of a sexual crime.

"The elderly have been asking for help for years. But the only time the BHA or other agencies take notice is when a lawsuit is filed," said the victim's lawyer, Jeffrey A. Newman. "This was a man who would assault them, threaten them, walk around without clothes—they were absolutely responsible to evict him."

The attack "severely psychologically damaged" the victim the lawyer said. "She has essentially lost her independence. She's untrusting and fearful."

BHA officials could not be reached for comment last night.

Davis, who is 6-foot 3-inches and weighs 190 pounds, was found unfit to stand trial and was committed to Bridgewater State Hospital, Newman said. After he was charged, Davis gave police a tape-recorded confession, authorities said.

Davis, who was 38 at the time of the attack, had faced a previous attempted rape charge in a 1986 assault on a 66-year-old woman, law enforcement sources said. That charge was dropped and Davis instead was civilly committed to Bridgwater State Hospital for treatment, and later released.

Federal law allows disabled and handicapped persons to live in the Dorchester complex at 784 Washington St. which was designed for the elderly. And elderly tenants of public housing across the country face similar dangers, Newman said.

For a year before the rape, Davis "had harassed various tenants; had threatened them; had demanded money and food from them; had made a practice of roaming the hallways causing various tenants to be afraid to walk the hallways unaccompanied," according to court documentation.

Davis also "roamed the halls semi-naked; loudly expressed threats and desires to kill various people and to rape various people, including tenants and his own mother; he grabbed various tenants including the rape victims," the lawsuit claims.

He also forcibly kisses the victim, and forced his way into elderly tenant apartments, the lawyer says.

The lawsuit accuses the BHA and its officials with "deliberate indifference to a known danger . . . the dangerous activities and proclivities of Eric L. Davis."

Mr. KENNEDY of Massachusetts. Mr. Speaker, JOSEPH PATRICK KENNEDY now yields 2 minutes to the gentleman from Rhode Island, PATRICK JOSEPH KENNEDY.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I thank my cousin for yielding me this time.

Mr. Speaker, I rise in support of this bill on two grounds; first, because it provides our senior citizens with the relief from their fears of being put into senior housing alongside drug dealers, as has been talked about by my colleagues already. In addition, I support not only those provisions, but those that would expedite the eviction proceedings for those who are a threat to senior citizens in their senior housing. That is something for which I applaud those who have supported this legislation today, for putting that into this legislation.

I would also like to support the home equity conversion mortgage program, which is also contained within this bill. This makes senior citizens free from the fear of economic insecurity, not only their physical insecurity. In Rhode Island this program has been of special interest to us, because we rank among the top five participants in the Nation in terms of our utilization of this home mortgage conversion program.

In Rhode Island, this is particularly well suited, because 62 percent of older Rhode Islanders own their own homes, and the typical conversion participant in Rhode Island is a 72-year-old person with an annual income of $13,000. Obviously, we all understand that this is not enough for them to make ends meet, and what they will be able to do under the home conversion mortgage program is convert their assets in their home to provide them with those additional resources that they need to pay for the food on their table, for the high cost of their prescription drugs which they are trying to pay for, and a host of other expenses that our senior citizens are living with, not to mention the additional expenses they are going to have to pay if the Republicans get away with cutting Medicare $270 billion and adding to the copay of our senior citizens through turning over our Medicare Program to a managed care program, which the new leadership wants to do. But that aside, let me say, Mr. Speaker, that on this bill, I support the leadership's attempts to address both the economic and physical concerns of our elderly.

Mr. LAZIO of New York. Mr. Speaker, I yield 1 minute to the gentleman from Delaware [Mr. CASTLE], former Governor of Delaware and distinguished member of the Committee on Banking and Financial Services.

Mr. CASTLE. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I would like to thank Chairman LAZIO for the opportunity to speak on this legislation, and for his efforts to reform Federal housing programs. I rise in support of S. 1494, the Housing Program Extension Act, with the House amendments this bill will extend a number of necessary housing programs for this fiscal year.

In particular, I support the inclusion of H.R. 117, the Senior Housing Safety Act in this bill, to protect the elderly in public housing from young people with a drug or alcohol problem.

As we all know, HUD is sorely in need of restructuring. The bill before us today is a temporary step to keep programs operating for this year. It is critical that we take the next step and completely reform public housing programs. Last November, the House Banking Committee passed H.R. 2406, the U.S. Housing Act. This bill will fundamentally reform, restructure, and streamline Federal housing programs to provide greater flexibility to local housing officials and start the process of giving tenants the opportunity to move out of public housing as soon as they are able.

Mr. Speaker, I support this short-term authorization bill, but I urge the House to take up fundamental housing reform, H.R. 2406, as soon as possible. We owe it to the residents of public housing and the taxpayers of this country.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I yield 2 minutes to my friend, the gentlewoman from Texas, SHEILA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the ranking member for his leadership, and I thank the chairman, as well, for really targeting an issue in which many of us are involved. I have just come back from the district work break in Houston, and participated in an initiative by our city to put 25,000 affordable housing units in our core city area. Part of those units will certainly improve and help elderly citizens. It will help families, single parents with children.

But this authorization process and this S. 1494, along with H.R. 117, combined, answers many questions. One, it helps local governments with their community block grants, because these were expired, and now we are going to add to that. Additionally, I have in my community some 9,000 people on the public housing waiting lists, and with project-based section 8 units now being reinstituted, we now have the opportunity to get more housing along those lines.

I think it is important that with the reverse mortgage program, we actually acknowledge that seniors have had a hard time making ends meet. They are responsible individuals. Why not give them the opportunity to in fact utilize their home equity and to provide for them, to make sure they can make ends meet, and not have this burden, if you will, come to fruition until the loan or the house is sold.

One of the points that I wanted to make with H.R. 117 is to not throw the baby out with the bath water. That, of course, is the concern about physically challenged individuals who need housing, and the fact that it was not the idea of finding housing for physically challenged, it was the misconstruction of putting those who are suffering from drug and alcohol abuse, adults, mixed in with our senior citizens.

I hope we will have a plan, of course, that we will continue to give local housing authorities the authority and discretion to have elderly families-only housing, to have disabled families-only housing, and as well, mixed family and disabled housing, so that the children are not forgotten. I think, however, this is a good bill. It protects our senior citizens. I just want to ensure that our disabled children and others who are physically challenged, who are not suffering from drug and alcohol addiction as adults and are creating illegal activities, will have a place to live, particularly those who are mentally challenged. That has been raised in my community.

I thank the gentleman.

Mr. LAZIO of New York. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Ohio [Mr. NEY], a member of the Committee on Banking and Financial Services and a member of the Housing Subcommittee who has truly made his mark.

Mr. NEY. Mr. Speaker, I rise in strong support of the House version of S. 1494, because it reauthorizes five major programs and encourages homeownership and affordable housing development in this country. But also, like the previous speakers on both sides of the aisle, I also want to mention that by bipartisan support in the Committee on Banking and Financial Services, we had a good measure come forth, and that has been talked about by the previous speakers. That is inclusion of the language in the revised version of the bill that would allow public housing agencies and landlords who receive Federal assistance to more easily designate certain dwellings as elderly only, disabled only, or elderly and disabled. I thank the gentleman from New York [Mr. LAZIO] for his perseverance on this issue, and the gentleman from Massachusetts [Mr. BLUTE], of course, for bringing this issue forth.

While there are almost 3,400 public housing developments nationwide, only 10 have been approved by HUD and designated as elderly only. When I served in the State senate, Marty Gould, who is the head of Martins Ferry housing authority in Belmont County, OH, among other directors, had continuously called, because there was always one view coming out of Washington, some rules and regulations, and the directors really did not know what to do. This clarifies it once and for all, adds good protection for our senior citizens, and is the right thing to do.

Mr. LAZIO of New York. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. HEINEMAN], a distinguished member of the Subcommittee on Housing as well, who has been very helpful to me.

Mr. HEINEMAN. Mr. Speaker, today I rise in strong support of the House amendment to S. 1494, the Housing Opportunity Program Extension Act of 1995. Let me take this opportunity to commend my good friends, Chairman RICK LAZIO and Representative PETER BLUTE for their work crafting this House amendment.

It is critically important that the House pass S. 1494 as amended. This bill incorporates the language of H.R. 117, the Senior Citizens Housing Safety and Economic Relief Act. Here, we have another opportunity to address this issue, and I urge my colleagues to take this opportunity and vote in favor of a bill to help protect senior citizens.

I was proud to be an original cosponsor of H.R. 117. You will recall that H.R. 117 provides protection for our vulnerable senior citizens who live in public housing. There is a crisis across this country, brought about because of misguided housing policies that have allowed drug and alcohol abusers to live side by side with vulnerable senior citizens. The law was intended to provide housing for seniors and the disabled, but drug abusers have figured out how to tell public housing officials that their drug addictions make them disabled, so that they too can claim public housing rights—next door to our most vulnerable elderly Americans.

Mr. Speaker, by now we have all heard the horror stories of senior citizens victimized in their own neighborhoods by drug and alcohol abusers. I urge my colleagues to pass this bipartisan House amendment, so that the senior citizens who live in public housing can be protected from these terrible crimes. Let's get this bill to the President's desk so that he can sign it without delay.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again, I want to say that I believe that this bill deserves the support of both sides of the aisle. I think it is important legislation that continues programs that are vitally necessary to preserve the kind of housing dreams that many working families, low-income, and senior citizens of this country are in great need of these days.

There are problems with this bill. There is no reason why the 515 program that the gentleman from Illinois [Mr. DURBIN] spoke so eloquently about should not be reformed. There are deals that get done around here that should be done in the light of day. That one was not, but I believe that overall, this bill is a positive development, and again, I want to compliment my friend, the gentleman from New York [Mr. LAZIO], for the fine work that he has done on this bill.

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Mr. LAZIO of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me begin by stating this legislation has moved forward in a way that I think this body can be very proud of, in a bipartisan fashion, with the input of both Republican and Democratic members of the subcommittee and the full committee, with changes that have been made based on good reasoning, with an intent to help those people that need our help the most: The first-time home buyers, the senior who is house-rich but cash-poor and desperately needs that money to remodel their house, the resources to provide opportunity for first-time homebuyers who otherwise would not be able to fulfill their American dream.

This bill begins a process of reform in a very limited way. Certainly we will be doing more, proposing more as the year goes on. It certainly begins some reforms that are important, the reform of self-help housing, where we are using as little as $6,000 of Federal dollars, not just to build an apartment unit but to build a whole house through Habitat for Humanity and other self-help housing groups that will not be focusing just on the State of Georgia but in every State in the Nation with an assurance in this legislation there will be geographic diversity based primarily on need. That would be very, very important.

This bill will boost homeownership levels in areas where, particularly in underserved areas, where we need it desperately. It provides shelter to millions of Americans that will need it that would otherwise be vulnerable through expiring contracts, and we will be renewing those contracts and the subsidies through this legislation.

I would also want to comment here, Mr. Speaker, that this bill would not have been possible without the cooperation of the staffs on both sides of the aisle. I want to point out one person in particular, Valerie Baldwin, who has been a very noted member and hard-working member of the subcommittee staff. This will be the last time that she will be on the floor as a member of the staff of this authorizing subcommittee. Our loss is the appropriators' gain, and we hope that that will build a better relationship with the appropriators, frankly, as she moves over there. She has been of indispensable help in drafting this legislation, in advising this chairman and this committee on issues on housing and community opportunity. That should not take away from the other work done by the Democratic and Republican members of the staff and also the Members themselves who serve on the committee.

This has been a truly collaborative effort. It is an effort that I think will bear fruit. As the gentleman from Massachusetts [Mr. KENNEDY] remarked, we wish we would have gotten the last reforms in there. We will continue to work on those reforms, because they are needed. But we did get significant concessions from the other body. Frankly, we wish we would not have to fight as hard as we do to get these reforms. We will keep at it, I say to the gentleman from Massachusetts, with your help and with the members of the other committee, until we get these reforms.

Mr. Speaker, I yield 1 minute to my friend, the gentleman from Nebraska [Mr. BEREUTER], the chairman of the Subcommittee on International Relations.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman from New York, the subcommittee chairman, for yielding me this time. I will be brief in my comments.

I rise in support of the House amendments to S. 1494. Overall, the bill is a very good piece of legislation, and this Member commends the leadership of the gentleman from New York and others on this subcommittee.

I want to endorse specifically section 5 of the House amendments. This section authorizes a program which this Member sought for years, the Rural Rental Multifamily Housing Loan Guarantee Program. As a matter of fact, we already have conditional appropriations for this legislation. We have been waiting since the previous Congress when the Senate failed to act upon our legislation in order to have the authorizing legislation, but unless we pass this amendment to create what is, in effect, a new section 515 loan guarantee program, that appropriation will lapse.

It is modeled after the 502 program for single-family housing. It is a very efficient use of our resources. Rather than relying on direct loans, we are relying on loan guarantees.

The default rate of the previous program has been 2.33, an amazing success, having built 24,000 units. I urge support for the House amendments.

Mr. Speaker, despite a conflict which requires this Member to chair a Housing and Community Opportunity Subcommittee hearing on Indian housing, this Member rises today to offer his strong support for the House amendment to S. 1494—the Housing Opportunity Program Extension Act of 1995. Overall, the bill is very good legislation and this Member commends the committee for their hard work. Today, this Member rises to speak specifically to section 5 of the House amendment. This section authorizes a program which this Member has sought for years: the Rural Rental Multifamily Housing Loan Guarantee Program.

Section 5 of this measure is identical to legislation passed by the House in the 103d Congress as part of H.R. 3838, the Housing and Community Development Act of 1994, passed July 22, 1994. This legislation would create a new Federal loan guarantee program for the construction of multifamily rental housing units. Because H.R. 3838 died when the Senate failed to act on it in the last hours of the 103d Congress, this Member reintroduced legislation to authorize the loan guarantee program.

Currently, the only Federal program allowing development of this type of housing is the Rural Housing and Community Development Service's Section 515 Program, a direct loan program which has, unfortunately, been plagued with problems. Because of these problems and because Federal funds become more scarce every year, the direct loan program is almost certain to shrink. Therefore, there is a need for a new approach that would cost taxpayers less but still provide equal or greater housing opportunity in rural areas. The new program would be known as the Section 515 Loan Guarantee Program.

At this point this Member is not advocating replacing the existing program, but only augment it, at a lower cost, in order to provide at least some more rental housing opportunities needed by a sizable segment of America's population living in smaller communities. The new program will provide a Federal guarantee on loans made to eligible persons by private lenders. Developers will bring 10 percent of the cost of the project to the table, and private lenders will make loans for the balance. The lenders will be given a 100-percent Federal guarantee on the loans they make. Unlike the current 515 program, where the full costs are borne by the Federal Government, the only costs to the Federal Government under the 538 guarantee program will be for administrative costs and potential defaults. It should be noted that this program is based on the recent experience with the very successful FmHA 502 Middle Income Loan Guarantee Program for home ownership. That program, which this Member first proposed, has a default rate of only 2.33 percent with over 24,000 units financed since 1991.

Also, Mr. Speaker, you should note that, with bipartisan support on the Appropriations Committee, this Member was successful in advocating the inclusion of $1 million funding for this program in the Department of Agriculture appropriation for fiscal 1996, making it possible to finance approximately $25 million in guarantees. Therefore, the program can move forward as soon as it is authorized, but the appropriation will be recaptured if the program is not authorized in fiscal 1996.

In closing, history has proven that loan guarantees are a more cost-effective and expeditious use of scarce Federal dollars. As budgets are slashed, this type of program promises to continue to make Federal assistance available for housing development in America's nonmetropolitan cities.

Mr. Speaker, this Member urges his colleagues to vote "yea" on this measure.

GENERAL LEAVE

Mr. LAZIO of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill now under consideration.

The SPEAKER pro tempore (Mr. DUNCAN). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LAZIO of New York. Mr. Speaker, I yield myself such time as I may consume.

I would conclude and again thank Members on both sides of the aisle for their remarkable efforts to move this bill forward.

Mr. GUTIERREZ. Mr. Speaker, I rise today in support of S. 1494 that seeks to authorize a variety of housing programs for fiscal year 1996. Two programs contained in this bill are critical to the well-being and safety of residents and will assure the continuation of decent, affordable housing.

The problems in housing inhabited by both seniors and persons with disabilities are much too serious and dangerous to ignore. I am very glad to see the attention this issue has received. Seniors in my district are frightened and they are angry. HUD and many housing authorities, including the Chicago Housing Authority, have been slow to take this problem seriously.

I believe the bill before the House today will aid housing authorities in evicting those people who pose a serious threat to other residents. As I have indicated since January of last year, the need to address this issue is critical. On January 15, 1995, I wrote to Chairman LAZIO asking that the Housing Subcommittee hold hearings on this issue. Unfortunately, another year passed while many seniors have continued to live in fear.

I believe S. 1494 is a good bill. I believe this legislation will assist housing authorities in the critical area of keeping problem residents out of elderly housing from the start. I commend the will of this House to address this most troubling problem and trust that the final solution will provide seniors and persons with disabilities who reside in public housing with some measure of relief.

In addition, I am pleased to see that S. 1494 includes provisions authorizing the housing preservation program. This program has provided thousands of Chicago's low-income elderly citizens and families with safe, affordable, and quality housing. Although additional reforms may be needed, S. 1494 does include those reforms contained in H.R. 2099, the VA–HUD appropriations bill for 1996.

One important reform measure gives funding priority to tenant and nonprofit purchasers. For many buildings I believe this is a preferable option and will help ensure that the property is retained as affordable housing for the remainder of its useful life. One building in my district, Northwest Tower, will benefit greatly from this provision. HUD is currently reviewing the application of the Northwest Tower Residents Association to purchase the building. This would not only save the building as a valuable affordable housing source, but, after the initial renovation, will significantly decrease the subsidy currently being provided by HUD.

I believe the authorization of these two programs will prove beneficial to those concerned with the provision of safe and affordable housing for low-income tenants. Congress must protect the elderly from those residents who are disruptive and often violent. We also must continue to support the preservation program and the tenants currently residing in these buildings. S. 1494 accomplishes those two objectives. Therefore, I urge my colleagues to support this legislation.

Mr. LAZIO of New York. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. LAZIO] that the House suspend the rules and pass the Senate bill, S. 1494, as amended.

The question was taken.

Mr. LAZIO of New York. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

REPORT FROM THE CONGRESSIONAL BUDGET OFFICE ON UNFUNDED FEDERAL MANDATES

CONGRESSIONAL BUDGET OFFICE STATEMENT SUBMITTED PURSUANT TO SECTION 423(f)(2) OF THE CONGRESSIONAL BUDGET ACT

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 8, 1996.

Hon. DON YOUNG,
Chairman, Committee on Resources,
U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Unfunded Mandates Reform Act of 1995 (Public Law 104-4) took effect on January 1, 1996. The new law requires the Congressional Budget Office (CBO) and Congressional committees to carry out a number of new activities. I am writing to you today to let you know how CBO plans to fulfill its responsibilities under the new law and to provide you with mandate cost statements for those bills under your jurisdiction that were on the House calendar as of January 23, 1996.

New Responsibilities Under the Act. The new law requires CBO to provide a statement to authorizing committees as to whether reported bills contain federal mandates. For legislation that contains identifiable federal mandates, CBO is required to estimate their aggregate direct costs. If those costs are above a specified threshold in the fiscal year that the mandate is first effective or in any of the four following years, CBO must provide an estimate of the costs, if feasible, and the basis of the estimate. The threshold is $50 million for intergovernmental mandates and $100 million for private-sector mandates.

Any member may raise a point of order against any reported bill unless the committee has published a CBO statement about mandate costs. A member may also raise a point of order against any bill, amendment, motion, or conference report that would increase the direct costs of federal intergovernmental mandates by more than $50 million unless the bill provides for funding (either by creating direct spending authority or by authorizing future appropriations), and provides a mechanism for terminating or scaling back mandates if agencies determine that there are not sufficient funds to cover those costs. We have enclosed with this letter a more detailed description of the new law and a brief summary of the new responsibilities assigned to CBO and Congressional committees.

Whenever possible in future cost estimates, CBO will be explicit about whether a bill contains mandates. If we are uncertain, we will say so in the mandate statement and provide as much detail as possible so that the Congress can decide whether points of order apply to the bill.

In order to have sufficient time to prepare mandate cost statements, we will need to know about potential legislation as early as possible, particularly those bills that might contain mandates. Because it takes time to prepare mandate analyses, we would greatly appreciate receiving early notification about your legislative agenda for the year. It might also be helpful—for both your committee and ourselves—if your staff would contact us early in the process of dealing with legislation that might contain mandates. The CBO staff contacts for your committee are: For intergovernmental mandates: Theresa Gullo (225-3220); and, for private sector mandates: Elliot Schwartz (226-2940).

Bills on the House Calendar. Enclosed with this letter are two lists of the legislation on the calendar as of January 23, 1996, that is under your committee's jurisdiction: one for intergovernmental mandates and one for private-sector mandates. The lists group the legislation into three categories: those that do not contain mandates as defined in Public Law 104-4; those that contain mandates but the direct costs are below the relevant thresholds; and legislation that we need to review further.

We look forward to working with your committee in these new endeavors. Your assistance will be extremely important to us as we strive to provide high quality and timely statements of mandate costs to the Congress. If you have any questions about CBO's new activities or about the enclosed lists, please feel free to contact me or the staff contacts listed above.

Sincerely,

JUNE E. O'NEILL,
Director.

THE UNFUNDED MANDATES REFORM ACT

CBO's New Responsibilities. The Unfunded Mandates Reform Act (Public Law 104-4) requires the Congressional Budget Office (CBO) to provide a statement to authorizing committees about whether reported bills contain federal mandates. If the total direct costs of all mandates in the bill are above a specified threshold in the fiscal year that the mandate is first effective or in any of the four following years, CBO must provide an estimate of those costs, if feasible, and the basis of the estimate. The threshold is $50 million for intergovernmental mandates and $100 million for private-sector mandates.

A mandate is defined as any provision in legislation, statute, or regulation that would impose an enforceable duty on state, local, or tribal governments, or the private sector or that would reduce or eliminate the amount of authorization of appropriation for federal financial assistance to cover the costs of existing mandates. Direct costs are defined as amounts that state, local, or tribal governments and the private sector are required to spend to comply with the enforceable duty.

Beyond that, the terms "mandates" and "direct costs" are defined narrowly. For example, the act would not apply to legislation enforcing constitutional rights or enforcing prohibitions against discrimination (for example, the Americans With Disabilities Act). The act would also not apply to conditions of federal assistance or duties arising from participation in a voluntary federal program (unless the program meets specific criteria in the bill).

Direct costs would exclude amounts spent under current laws or programs and would be limited to spending directly resulting from the legislation rather than broad effects on the economy. The amounts that states, localities, and tribes "would be prohibited from raising in revenues" are also included in the definition of "direct costs." In this way, the act allows for consideration of the impact of federal legislation on the revenue-raising capabilities of these governments.

The CBO statement must also include an assessment of whether the bill authorizes or otherwise provides funding to cover the costs of the mandates. For intergovernmental mandates, the cost statement must estimate the appropriations needed to fund such authorizations for up to 10 years after the mandate is effective.

CBO must "to the greatest extent practicable" prepare statements for conference agreements if they contain mandates not previously considered by either House or if they impose greater direct costs than the previously considered versions of the bill. If an individual Senator requests it, CBO must prepare estimates of the costs of intergovernmental mandates contained in an amendment the Senator may wish to offer.

The Congress may also call on CBO to do analyses at other stages of the legislative process. If asked by the chair or ranking minority member of a committee, and to the extent practicable, CBO will: conduct special studies on legislative proposals; compare an agency's estimate of the costs of proposed regulations implementing a federal mandate with CBO's estimate prepared when the law was enacted; and conduct continuing studies to enhance comparisons of budget outlays, credit authority, and tax expenditures. CBO's ability to carry out those additional activities will depend on available resources.

Although the act does not specifically require CBO to analyze the cost of mandates in appropriation bills, a point of order would lie against legislative provisions in such bills—or amendments to such bills—that increase the direct costs of intergovernmental mandates but do not have the appropriate CBO statement. CBO will also be required, when requested, to assist committees by preparing studies of legislative proposals containing federal mandates. For intergovernmental mandates, CBO is directed to solicit information or comments from elected officials and to consider establishing advisory panels.

Enforcement and Implementation Mechanisms Related to CBO's Work. A point of order will now lie against any reported bill unless the committee has published a CBO statement about mandate costs. A point of order will also lie against any bill, amendment, motion, or conference report that would increase the direct costs of federal intergovernmental mandates by more than $50 million, unless it provides spending authority or authorizes appropriations sufficient to cover those costs. Such authorizations would have to be specified for each year up to 10 years after the effective date, and—in the Senate—would have to be consistent with the estimated costs of the bill, amendment, motion, or conference report as determined by the Budget Committee. Finally, a point of order will lie against any bill, amendment, motion, or conference report that would increase the direct costs of federal intergovernmental mandates by more than $50 million, unless it provides a procedure for terminating or scaling back mandates if agencies determine that funds are not sufficient to cover those costs.

How CBO Is Responding. Although CBO has been preparing estimates of the impacts of federal legislation on state and local governments since 1982, the passage of the Unfunded Mandates Reform Act has signaled Congressional interest in having more and better information on the costs of mandates. This heightened interest on the part of the Congress makes it clear that CBO must devote more time and resources to providing the Congress with high quality and timely estimates.

CBO has done several things to enhance our state and local government cost-estimating efforts. Most important, we have established a new unit in the Budget Analysis Division—the State and Local Government Cost Estimates Unit. In addition to preparing cost estimates, the unit will do special studies related to mandates and their budgetary impacts and will provide ongoing support to Congressional committees as they address the issues of intergovernmental mandates. The new unit is currently staffed with a unit chief and four analysts who have begun developing those capabilities.

For private-sector analyses, CBO has hired additional staff in our program divisions to prepare cost estimates and to conduct special studies when requested. The policy divisions also will provide ongoing support to congressional committees as they address the issues of private-sector mandates.

New Responsibilities of Congressional Committees. The Unfunded Mandates Reform Act also contains a number of new requirements for committees. In general, when an authorizing committee reports a bill or joint resolution that includes a federal mandate, the report must identify and describe those mandates and include a statement from the Director of the Congressional Budget Office on their estimated costs. If that statement cannot be published with the report, the committee is responsible for ensuring that it is published in the Congressional Record in advance of floor consideration. The committee is responsible for promptly providing CBO with a copy of the bill and for identifying mandates contained in the bill.

In addition, the report must contain a qualitative and, if practical, a quantitative assessment of costs and benefits anticipated from the mandates (including the effects on health and safety and the protection of the natural environment). Finally, the committee must state the degree to which a federal mandate affects both the public and private sectors, and the effect on the competitive balance between those sectors if federal payments are made to compensate for costs imposed on the public sector.

If the bill imposes intergovernmental mandates, the committee report shall contain a statement of how those mandates are to be funded by the federal government; whether the committee intends for the mandate to be partially or fully funded; how the funding mechanism relates to the expected direct costs to the respective levels of state, local, and tribal governments; and any existing source of funds in addition to those already identified that would assist governments in meeting the direct costs of the mandate.

Bills must also provide for agencies to determine whether funds are sufficient to cover the costs of new intergovernmental mandates. If funding is insufficient, the agency must notify the authorizing committee within 30 days of the beginning of the fiscal year. The agency can submit a reestimate of the costs or recommend a less costly approach. If the Congress takes no action within 60 days, the mandate becomes ineffective.

For amended bills, joint resolutions and conference reports, the committee of conference shall ensure, to the greatest extent possible, that the Director of CBO prepare a statement if the amended form contains a federal mandate not previously considered by either House, or contains an increase in the direct costs of a previously considered mandate.

Finally, the committees are required to identify in their annual views and estimates reports to the Budget Committees, issues that they will consider that will have costs for state, local, or tribal governments or for the private sector.

Congressional Budget Office—Intergovernmental Mandate Statement for Bills on the House Calendar

(AS OF JANUARY 23, 1996)

Committee: Resources.

Bills that do not contain mandates: H.R. 260—National Park System Reform Act of 1995; H.R. 1077—BLM Reauthorization Act of 1995; H.R. 1122—Alaska Power Administration Sale Act; H.R. 1175—Marine Resources Revitalization Act of 1995; H.R. 1675—National Wildlife Refuge Improvement Act of 1995; H.R. 1745—Utah Public Lands Management Act of 1995; H.R. 1815—National Oceanic and Atmospheric Administration Authorization Act of 1995; H.R. 2402—Snowbasin Land Exchange Act of 1995; H.R. 2726—A bill to make certain technical corrections in laws relating to Native Americans; and S. 1341—Saddleback Mountain-Arizona Settlement Act of 1995.

Bills that contain mandates, but aggregate net costs are below $50 million: None.

Bills that require further review: None.

Congressional Budget Office—Private Sector Mandate Statement for Bills on the House Calendar

(AS OF JANUARY 23, 1996)

Committee: Resources.

Bills that do not contain mandates: H.R. 1077—BLM Reauthorization Act of 1995; H.R. 1122—Alaska Power Administration Sale Act; H.R. 1175—Marine Resources Revitalization Act of 1995; H.R. 1815—National Oceanic and Atmospheric Administration Authorization Act of 1995; H.R. 2402—Snowbasin Land Exchange Act of 1995; H.R. 2726—A bill to make certain technical corrections in laws relating to Native Americans.

Bills that require further review: H.R. 260—National Park System Reform Act of 1995; H.R. 1675—National Wildlife Refuge Improvement Act of 1995; H.R. 1745—Utah Public Lands Management Act of 1995; and S. 1341—Saddleback Mountain-Arizona Settlement Act of 1995.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRADE DEFICITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, the Presidential campaigns, particularly the Republican primary campaign, is in the full swing right now, and there has been a lot of derogatory comments made by one candidate or another about their opponents.

I think we have a good field of Republican candidates, and I wish they would quit the terrible rhetoric about one another and really stick to the facts. I think if they do that, the American people will find them to be the kind of people they want to elect President and will elect the nominee we can all live with and be happy with and can elect in November to the Presidency of the United States.

One of the problems that I have is that there has been a lot of misinformation about one of the candidates, and I am not taking sides in this Presidential campaign at this point, but I would like to point out some of the inaccurate remarks that have been made in what I believe to be untrue statements.

First of all, they say Pat Buchanan, one of the leading candidates for President, has been one who wants to put a wall around the United States and be a protectionist, and they say the manifestation of this is because he opposed NAFTA and a lot of the jobs going to Mexico and other parts of the world, and they have said that this is the wrong approach and that we should not be worrying about that.

The fact of the matter is NAFTA has been a disaster, and Mr. Buchanan is not wrong.

Let me give you some figures: In 1995, the U.S. trade deficit with the world was about $120 billion. That included a deficit of about $671 billion with Japan, $40 billion with China, and the deficit with Mexico is now $16 billion. Two years ago, when we signed NAFTA, we had a $6 billion trade surplus with Mexico. Now we have a $16 billion trade deficit. That means we have lost $22 billion in trade with Mexico in the last 2 years, and each one of those billions of dollars costs the people of this country 19,000 jobs.

And so since NAFTA was passed, we have had a net loss of over 300,000 jobs going to Mexico. A net loss of 300,000 jobs. I think that it is not inaccurate to say it is not in the best interests of the people of this country to have businesses and industries relocate in Mexico to the detriment of American workers because of an unfair trade agreement.

Now, people say why do we have an unfair trade agreement? "Why do you say that, DAN?" The reason I say that is there are several problems with the NAFTA bill. Mr. Buchanan has talked about those. One of the problems is the tariffs on the Mexican side of the border come down over 15 years. On the

American side of it's border, in many cases, those tariffs come down in 5 years. That gives the Mexican entrepreneur or business person a 10-year advantage, because they are still going to have tariffs on their side of the border for American products while we do not have them here.

Now, the wage rates down there in some parts of Mexico are very, very low. You can employ people in the Yucatan, including fringe benefits, for a dollar an hour, and their counterpart in the United States is being paid anywhere from $10 to $20 an hour. That labor disparity is one reason to go down there.

In addition to that, the tariffs not coming down as quickly on the Mexican side also is an inducement for American industry to leave here and go down there. Why would a small labor-intensive industry, let us say, that manufactures microwave ovens want to stay here when their competition is in Mexico at much lower wage rates, selling into the United States with no tariffs while they are paying much higher wage rates here in the United States and they cannot sell into Mexico without an import tariff? And so there is a real disadvantage for American industries staying here instead of going south of the border. Mr. Buchanan talks about that, and it is something that has cost us, as I said, over 300,000 jobs.

Let me give you some figures: Imports from Mexico have increased 51 percent; that is, products coming from there to here. United States exports going to Mexico have increased by only 8 percent. So they have got a 33 percent advantage there. The $5.7 billion trade surplus I talked about in 1992 is now a $16 billion trade deficit, costing 300,000 jobs. The companies along the border are relocating in Mexico because of these advantages. More workers, in 90 percent of the cases, let me just read this to you, at this rate, taking Japan and China, for example, excuse me, while large corporations made sweeping predictions that NAFTA would enable them to hire more workers, in 90 percent of the cases these companies who said they would be able to hire more workers because of NAFTA have made no significant steps toward fulfilling these promises. In fact, according to the Department of Labor estimates, many of these leading NAFTA promoters have laid off workers, including GE, Procter & Gamble, Mattelle, and Xerox. For example, Wrangler has closed three manufacturing plants, lost 700 jobs to Mexico. United Technologies automotive plant in St. Mathews, SC, laid off 400 workers to plants in Mexico. Cleveland Mills, owned by Fruit of the Loom, folded in December, eliminating 400 jobs. This is part of the Fruit of the Loom plans to cut 3,200 jobs, close six plants and move those operations to other parts of the world, including Mexico. Eleven El Paso apparel factories closed down in the first year alone because of NAFTA, and recently the Hershey Co., an all-American company, everybody loves those Hershey Kisses, they moved one of their major Hershey Kisses plants to Mexico, and this is just another reason why facts need to be laid out very clearly in this campaign, and we should not be denigrating any one candidate to the advantage of another, because of misinformation.

Mr. Buchanan is right on the money on this issue. We are losing jobs. There needs to be free trade, but there needs to be fair trade as well, and so I hope my colleagues that are running for President will keep this in mind.

ATROCITY COMMITTED 90 MILES FROM U.S. SHORE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. DEUTSCH] is recognized for 5 minutes.

Mr. DEUTSCH. Mr. Speaker, I rise today to urge my colleagues in the fastest possible time and the quickest possible moment to pass the Helms-Burton bill to bring the end of the Castro dictatorship in Cuba.

Just this weekend, we witnessed less than 90 miles from our shore, actually about 85 miles from our shore, 85 miles from my district, an incident that will be remembered throughout American history as one of the most brazen, really cruel, vicious, evil acts in the 20th century.

Two aircraft, civilian aircraft, unarmed civilian aircraft, irrefutably over international waters, and again the evidence is irrefutable at this time of where they were, and regardless of where they were, over international waters, shot down by military fighter jets, and all passengers perished. A rogue state, not a country, but the leadership of that country, that just recently in the so-called 13th of March incident of last year killed 40 innocent Cubans, men, women, and children trying to escape persecution. A country and a leader, not a people, but a leader, Castro, who just really immediately before this incident, February 15 of this year, began a nationwide roundup of members of an opposition group called Concilio Cubano, over 100 members of Concilio Cubano were arrested and over 20 members are still missing and presumed in jail.

The Clinton administration has offered on the table some things that will be helpful. But what this country needs to do, what we need to do as Americans, is bring the last and only dictator, the last and only Communist ruler in our hemisphere, to an end. We have the power to do that within this building, within this Hall, within this Chamber, with the help of the Chamber on the other side and the support of the President.

I point to several of my colleagues who really are still thinking of or fixated in Castro the liberator, Castro the reformist, to think of what he is doing to his own people.

I am glad that the gentleman from Indiana [Mr. BURTON], the chairman of the committee dealing with this issue and the author of this bill is here. I yield to the gentleman.

Mr. BURTON of Indiana. Let me say to my colleague from Florida that we really appreciate his leadership on this bill. He has been very, very helpful in getting the Burton-Helms bill through the U.S. House of Representatives with a veto-proof majority.

This horrible act that took place this weekend to which the gentleman referred should eliminate any doubt in anybody's mind about the necessity for passing this bill and cutting off Castro's ability to get hard currency by selling confiscated United States property that was owned by Americans in Cuba. I cannot stress strongly enough the support that the gentleman has given and how much I appreciate that.

The President has now come on board, a little late, but we are very happy he is on board, and he said he is going to support some modification of this bill. I hope the President will sign the bill in the original form as it passed the House. That is the toughest bill we are going to have. If he cannot, I hope he will at least give us a very tough alternative so we can send Castro a unified message, and I know my colleague wants to do that, that this country stands together in opposing the human rights violations and the travesty that happened down there last weekend.

I want to thank my colleague once again for his leadership.

Mr. DEUTSCH. I see my colleague from Florida, the first Cuban-American to be a Member of the U.S. Congress, the gentlewoman from Florida [Ms. ROS-LEHTINEN], is on the floor. Another colleague of ours, the gentleman from California [Mr. LANTOS], who is actually a survivor of the Nazi Holocaust, who in an official capacity, not spending any money but going through the U.S. intervention, as opposed to other people who visited that country, visited that country and met with dissidents, people tortured. This is a man who lived through the pre-Holocaust and actual Holocaust time, and described in Cuban, what is going on there, as bad as what was going on in Germany before the Holocaust.

So that is the reality of the situation on the ground 90 miles from our shore, 90 miles from my district, and we have the ability in this Chamber to change that. Hopefully by the end of this week we will take an important significant step and pass the Helms-Burton bill.

PROVIDING FREE AIR TIME TO PRESIDENTIAL CANDIDATES

(Ms. SLAUGHTER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, I rise today to call attention to an article in this morning's Washington Post. Although I cannot say that I have always agreed with Fox Broadcasting Co. Chairman Rupert Murdoch, I am delighted that he has endorsed the idea—my idea—of providing free TV time to political candidates.

Mr. Murdoch has announced that he will give Presidential candidates free air time this fall. Last year, I introduced legislation to provide candidates this kind of access to our airways, and, to give voters a truer picture of the candidates.

Due to obfuscating and expensive political commercials, voters rarely witness what candidates truly stand for. The time has come to even the playing field and provide a mechanism to rid our airways of manipulative advertising campaigns, and return elections to the voters.

Mr. Murdoch has challenged his competitors to provide free TV time. I am challenging my colleagues to cosponsor my bill to ensure that broadcasters provide free TV time.

IMPORTANCE OF TRAVEL AND TOURISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. ROTH] is recognized for 5 minutes.

Mr. ROTH. Mr. Speaker, everyone is talking about how on the campaign trail people are all talking about jobs, so I would like to address this issue of jobs today in a rational and forthright way.

According to futurist John Naisbitt, three industries will drive the global economy of the 21st century. They are telecommunications, information technology, and travel, tourism.

Rarely does a nation get the chance that we have now to reassess and to restructure our public policy approach to an industry that is slated to be a force of the future. Following the recommendations of the White House Conference on Travel and Tourism which took place here in Washington last October, we now have that chance to reshape our approach and our economic future with this monumental industry.

You have heard the statistics before on travel and tourism. Did you know that travel and tourism employs 204 million people worldwide? That is almost as many people as we have living in the United States, minus California. That equals 10 percent of the global work force. One out of every 10 people around the world works in travel and tourism.

In the United States alone, travel and tourism accounts for 1 out of every 9 jobs here in America. Tourism produces $655 billion in tax revenue. More than 10 percent of all capital investment worldwide goes into travel and tourism. Maybe that is why travel and tourism is growing 23 percent faster than the world economy.

America needs a bold agenda for change, change not only in the way we do business, but in the new way that we look at the world.

Consider for a moment that the single largest global revenue producer for individuals and governments, travel and tourism, has recently been cut from the U.S. Department of Commerce. Just totally cut it out, yet it is the No. 1 industry in America for jobs.

Mr. Speaker, America needs a contingency plan. The Travel and Tourism Partnership Act is that plan. This plan allows the United States to compete globally for tourism dollars against other countries like Canada, Germany, Spain, and Australia, who are very sophisticated in this area and are taking these foreign tourists and therefore these foreign dollars from us.

Even small countries like Malaysia and Tunisia have been spending more on travel and tourism year after year than we have. Now with the closing of the USTTA, U.S. tourism promotion efforts have dropped to zero. Let me repeat that, zero dollars. Anyone who tells you that this is not going to cost American jobs is wrong, dead wrong. It is going to cost us a lot of jobs. In the next 5 years, there will be an increase, an increase, of 50 million travelers worldwide. This represents thousands upon thousands of jobs in America and billions and billions of dollars.

So when people talk to you about what is taking place on the Presidential campaign trail today, people talking about jobs, talk to them about travel and tourism, because this is where the jobs will be in the 1990's and the 21st century. This can mean tens of thousands of new jobs for American workers, but it is not going to happen if we in Congress do not have the foresight and take advantage of this remarkable opportunity.

That is why, as chairman of the 304-member Travel and Tourist Caucus, the largest in Congress, I introduced the Travel and Tourism Partnership Act. This act sets forth a complete new approach to marketing the United States as a foreign destination. Rather than just another government-run program, my bill designs a partnership between the tourism industry and the public sector, a device to carry out a more effective marketing plan so we can have jobs and dollars in this country.

This plan is vital to the United States. This is a job creating bill. Virtually all over the world, and particularly in the United States, travel and tourism is the predominant industry for jobs that our people need. With all this potential, the United States is losing its market share to travel and tourism in a growing world market. We must stop this trend.

That is why I am on the floor today, to ask you for your help, so that you can say you have done something constructive to promote jobs, private enterprise jobs, right here in America.

This act reflects the recommendation of some 1,700 sophisticated travel and tourist leaders, as well as local, State, and regional tourism officials who participated in the White House conference. By developing this partnership plan, we can create jobs here in America, keep our main streets alive, and pump new tourism dollars into our local economies. With one out of every nine American workers employed by travel and tourism, we cannot afford not to take action. Travel and tourism is the hidden giant in the U.S. economy.

Mr. Speaker, it is time for bold ideas in America, and it is time to chart a course for the future. I urge all of my colleagues to join 172 members who have already cosponsored the Travel and Tourism Partnership Act. We must act, and we must act today. Join us and get involved in this blockbuster industry of the 1990's and the 21st century.

RESPONDING TO A DISASTER IN POOLVILLE, TX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas, Mr. PETE GEREN, is recognized for 5 minutes.

Mr. PETE GEREN of Texas. Mr. Speaker, I have the honor of representing the tiny community of Poolville in Parker County, TX, northwest of Fort Worth, TX. Poolville headlined the national news last week with grass fires that left hundreds homeless and charred over 20,000 acres.

I want to thank the Federal, State, and county officials for their dedicated work. They responded innovatively, quickly, and helped divert what could have been an even worse disaster. But, above all, Mr. Speaker, I want to commend the hundreds of volunteer firefighters who fought the blaze until it was finally brought under control, fought it well past the point of their personal exhaustion, and kept going until the job was finished.

Mr. Speaker, the selfless response of the neighbors to the plight of those who were the fire victims, neighbors from hundreds of miles away gave of their time, they gave of their money, they gave of their resources, and they opened their homes to attend to the needs of the fire victims. The response was truly an inspiration.

Mr. Speaker, the Poolville fire was a disaster. The human response to the fire to this disaster, was a triumph of the human spirit.

AN IMPORTANT DAY IN THE LIVES OF ENSLAVED CUBANS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida [Ms. ROS-LEHTINEN] is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, certainly today has been a very important day in the lives of the enslaved Cuban people, people who daily cry out for freedom, for democracy, and for justice, because today we are going to have the privilege of inviting family members of the four pilots who were mercilessly cut down, shot down from the sky by Fidel Castro with his Migs.

Together with the chairman of the Committee on International Relations, the gentleman from New York BEN GILMAN and the Western Hemisphere Subcommittee chairman, the gentleman from Indiana, DAN BURTON, I have invited the family members of the four deceased pilots murdered by Cuban tyrant Fidel Castro aboard the Brothers to the Rescue aircraft to testify before a congressional hearing of the Committee on International Relations which will take place this Thursday, February 29, at 10 a.m.

I think it is important to put a human face on this barbaric act so that the international community and Members of Congress understand that Castro's brutal act will forever leave a mark on the loving memories of these pilots who gave their lives to help bring freedom and democracy to Cuba.

Today, as I have throughout the weekend, I spoke to the father of Mario de la Pena, the mother of Carlos Costa, to the sister of Armando Alejandre, Jr. and with the girlfriend of Pablo Morales. And all these individuals have been called time and time again in the international media as Cuban exiles. I think it is important to note that some of these individuals were born right here in the United States. They are U.S. citizens and yet even though they were born here, they feel very fervently in their hearts that dream for freedom and justice to the enslaved people of Cuba.

Many individuals do not know what Brothers to the Rescue is. There is a humanitarian group that came about because they felt great pain when they would see their brothers and sisters in the high seas being taken over by either the seas or the storms or the sharks in the straits between Cuba and Florida. And so these volunteer pilots, none of them on any payroll, on their own started flying humanitarian missions helping our U.S. Coast Guard in identifying where these rafters were in the high seas.

They would drop supplies to them, such as a bottle of water, perhaps a life preserver so that they could continue hanging onto dear life while the valiant members of the U.S. Coast Guard would fly out there to retrieve them and to be reunited with their loved ones.

We congratulate the U.S. Coast Guard for their valiant service, so many years of service to our community and this humanitarian effort, and they would not be able to do as good a job as they had done without Brothers to the Rescue.

This was another routine flight for the brothers, yet Castro has incorrectly classified them as interfering in his territory, and he sent out his Migs and they shot down these two small planes, Cessna planes from the sky, causing the deaths of what we think is the deaths, they have not, their bodies have not been recovered in spite of many search and rescue missions of the Coast Guard, resulting in the deaths of these four brave men, some of them, as I point out, U.S. citizens.

Were the Brothers to the Rescue planes breaking the law? I think some Castro apologists want to keep bringing that up. I think President Clinton's statement, Secretary of State Warren Christopher's statements, U.S. Ambassador Madeleine Albright's statements have been very clear and to the point. They have said that they were shot down in international territory and this is an illegal act. These were civilian, small unarmed planes where they clearly identified themselves as such. They identified who was in the plane. And they have testified, the pilots who were there, the eyewitnesses as well as U.S. officials, that this was an illegal act and totally contrary to what is normally practiced by free nations.

Obviously, Castro likes to prove time and time again that he is indeed a proud member of that list of the pariah states. Along with Congressman LINCOLN DIAZ-BALART, who will be speaking in just a few moments, we have known what Brothers to the Rescue was all about. We have known about those missions and the community has greatly supported them. Jose Basulto, the leader of Brothers to the Rescue, will also be with us, Congressman DEUTSCH, PETER DEUTSCH spoke today, Congressman MCCOLLUM, PORTER GOSS. This is a terrible crime that has united our community in saying the truth that we have known about Fidel Castro, that he is a merciless tyrant.

So although we congratulate President Clinton for his sanctions, we want him to go further with establishing a naval blockade, establishing international sanctions against the tyrant. We hope to move on legislation to help bring those changes about.

IN SUPPORT OF STRONG ACTION AGAINST FIDEL CASTRO

The SPEAKER pro tempore (Mr. DUNCAN). Under a previous order of the House, the gentlewoman from Florida (Mrs. MEEK) is recognized for 5 minutes.

Mrs. MEEK of Florida. Mr. Speaker, I am one of the gentlewoman from Florida, along with my colleagues, ILEANA ROS-LEHTINEN and LINCOLN DIAZ-BALART. I am privileged to rise in strong support of the Helm-Burton bill, which I am a cosponsor on, and also I signed the Cuban Democracy Act. But I did not just sign those bills just for the sake of it, Mr. Speaker, I signed on it because I believe very strongly in the Cuban people and what is happening to them in Castro's Cuba.

From time to time, Mr. Speaker, we are called upon to take strong action against what we see as something that is anti-democratic and in my opinion, it is evil. In the past this body took strong action, an economic embargo, against the evil of apartheid. I strongly supported that. Apartheid in South Africa needed to be released. This country and this Congress came to their aid. Our efforts were successful, Mr. Speaker, and apartheid was ended.

Only a few months ago I had the privilege of greeting the elected president of a free democracy and that is South Africa, President Nelson Mandela. If it were not for this Congress, we would not have been able to do this. I strongly supported the economic embargo against the military thugs who terrorized the nation of Haiti. Today Haiti is making strides and moving toward democracy. And I have had the privilege to greet the democratically elected President of Haiti.

Mr. Speaker, the time has come that we take strong and decisive action against Fidel Castro's Cuba. I repeat, it is time that we take strong action. I am not an expert in foreign affairs. I cannot tell this Government what to do. But I am making a plea for strong action against Castro's Cuba.

It is always difficult, Mr. Speaker, I think, for Americans to truly understand in a personal way the suffering of people in other countries. But I am from Miami, Mr. Speaker, which is only 90 miles from Castro's Cuba. The brutality of the situation in Cuba is something we live with every day. We see what happens with the Cuban people when atrocities are perpetrated against their families who are in Cuba. I do not think anyone that hears my voice would want this to happen to any of their families.

So many of our constituents have fled from Castro's prisons. So many of our constituents still have relatives, mothers and fathers, brothers and sisters. I am asking this Congress to take that into consideration, to think this might be members of their families undergoing hardship and oppression.

So many of my constituents have left everything they worked for. Whatever they had in Cuba, they do not have anymore. So it is important that we understand that, Mr. Speaker. Just as we helped the people of South Africa and the people of Haiti, we must now help the people of Cuba in the time of their greatest need and in the hour of their greatest hope.

There are those who say that we should invest in Cuba and keep closer ties. This is certainly an option but I do not believe it would be effective. I do not think it will work. Foreign investments in Cuba are used to prop up Castro, not improve the lives of the Cuban people. Castro is desperate, as I perceive it, and I get all my information from people in my district. He is very desperate for foreign currency and he will say and do almost anything to get it. He needs that money. But we do not forget that there is no meaningful economic freedom in Cuba.

Workers are prevented from organizing labor unions, a basic economic right we have taken for granted. In fact, under Cuban labor laws employees are actually assigned by the government, not hired by employers. And foreign trade is a monopoly reserved for the privileged friends of the regime.

I could go on and on, Mr. Speaker, telling you the way I feel and the way my constituents feel back in Miami. How can we talk about investing in a regime where workers cannot organize, where employees and workers are exploited and people are still imprisoned for speaking their minds.

We believe very strongly in the freedom of speech here in this country because we have a democracy. If it is a Communist regime, we cannot control it. Therefore, we must work hard to make Cuba into a democracy.

We have been successful with that, Mr. Speaker, all over the world. So we must not break our record with Cuba. He is clinging to power. I think Castro's government is in its death throes, but it is going to need the help of the United States. The Cuban Liberty and Democracy Solidarity Act of 1995 would tighten this embargo against Castro as we did against the corrupt governments of South Africa and Haiti. I believe it will greatly hasten the fall of Castro's dictatorship.

Mr. Speaker, I look forward to the time in the near future when I can greet here in this Capitol the democratically elected President of a free Cuba as I have greeted others, as I have the democratically elected President of a free South Africa and a free Haiti. They all are in the same situation, governed by a dictator. I strongly urge my colleagues to throw their strength behind the Helms-Burton bill. I do not care who developed this bill, Mr. Speaker. I do not care about the argument either in parties or wherever, whether this is a bipartisan issue or not. But I am saying, everyone who has any sense of humanitarian work should appeal and do whatever they can to help Cuba. So I urge Members to support Cuba. It will someday be free, democratically.

CASTRO'S TYRANNY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. DIAZ-BALART] is recognized for 5 minutes.

Mr. DIAZ-BALART. Mr. Speaker, I want to thank from the bottom of my heart Congresswoman MEEK and, of course, Congresswoman ROS-LEHTINEN. I heard also earlier today Congressman MENENDEZ and Congressman GOSS and perhaps I missed others, but I want to thank them all for their concern on this, about this horrible tragedy that occurred on Saturday. There is so much to say. I really think it is important to put it in perspective.

This is connected, this horrible crime by Castro, is connected to a crackdown that he began on the 15th of February against the internal opposition in Cuba. Over 130 of the dissident groups in Cuba had announced that they were going to meet on February 24th, this last Saturday, peacefully, and seek ways to achieve a democratic transition. They even asked Castro for permission. The answer came in by way of a massive crackdown.

The elected leaders of the opposition and most of the delegates who were already on their way for the February 24 meeting were arrested. The chairman, the national chairman of this group called the Cuban Council, was arrested and summarily sentenced to a prison term, as was the vice chairman. Another vice chairman, a lady, was arrested and taken to a hospital for surgery that the regime called necessary surgery. No one has heard yet from her since. And as I mentioned, the chairman, Leonel Molejon Almagro was sentenced to a prison term. His mother was able to see him once. He was arrested on the 15th of February. She says she fears that he is receiving electroshock torture. And Castro wanted to send a very strong message, spine chilling message to the Cuban people, and he did so on Saturday by murdering Americans who are in unarmed airplanes in international waters on the high seas.

Why did he do that? The message is clear that Castro is sending to the Cuban people. He is saying, if I can kill Americans in international waters with impunity, imagine what I can do to you, the Cuban people. That is the message that he is sending. Every once in awhile Castro needs a dose of blood to scare, terrorize the Cuban people and maintain his totalitarian grip.

☐ 1600

But what we have to ask ourselves is to what extent are we going to permit and until when are we going to permit Castro to act with impunity. Mark my words, Mr. Speaker, if President Clinton does not make it clear to Castro that any further attempts at blackmailing the United States will be met inevitably with a total blockade of Cuba, including oil shipments, mark my word we will see in the next hours another attempt by Castro to blackmail President Clinton.

Mr. Speaker, Castro's crimes against humanity began at the very beginning of his regime in 1959 with show trials that seemed, that recalled, the spectacles of the Roman Coliseum, and the crimes continue to this day. In addition to the drug trafficking and the money laundering and counterfeiting and all the crimes that Castro is engaged in, there are additional crimes Mr. Speaker, that clearly qualified as crimes against humanity.

Today I received a message from one opponent within Cuba who is not under arrest at this time, and his suggestion is that we, the United States Government, support the indictment of Castro as a war criminal; in other words, for crimes against humanity in the International Court of Justice in the Hague. That would be, Mr. Speaker, the clearest way not only to label Castro as what he is, a criminal who engages in crimes against humanity, but there are few things that could give more hope to the Cuban people and hasten the return of democracy than to label the Cuban tyrant as the war criminal that he is. It is necessary, Mr. Speaker, that Castro be told in no uncertain terms that further blackmail against the United States will not be permitted and that a blockade will ensue forthwith once he begins his campaign of blackmail.

These four young men who were murdered on Saturday, my personal friends and constituents, will never be forgotten, and their deaths cannot be in vain. We cannot permit the Cuban tyrant to now appropriate the Florida Straits for himself and not only continue with a campaign of terror against the Cuban people, but act as though he is also the ruler and the owner of international waters as well.

President Clinton yesterday announced some steps, which we obviously thank him for, but they were woefully, tragically insufficient. He must sanction truly, truly sanction the Cuban dictatorship, by supporting our Helms-Burton bill, which we are going to pass, we are going to pass in Congress in the next days, and by stating clearly that any attempts by Castro to blackmail the United States will inevitably be met with a total unilateral American blockade that will hasten the collapse of the dictatorship and the return of democracy to Cuba.

THESE MURDERS WILL NOT STAND

The SPEAKER pro tempore. Under the Speaker's announced policy of May

12, 1995, the gentleman from Florida [Mr. SCARBOROUGH] is recognized for 60 minutes as the designee of the majority leader.

Mr. SCARBOROUGH. Mr. Speaker, I want to thank those members from the Florida delegation, the gentlewoman from Florida [Mrs. MEEK] and of course the gentleman from Florida [Mr. DIAZ-BALART] and the gentlewoman from Florida [Ms. ROS-LEHTINEN] and all the others that have come to this floor today and decided to speak out for freedom and speak out for those very values that our Founding Fathers fought for over 200 years ago, and now though the war for freedom is being waged right off our shores, less than 90 miles away from the United States of America. All I can say is this:

As Mrs. LINCOLN stated before, we have had Castro send a strong message. It is time for America to send a strong message to Fidel Castro and let him know that this will not be permitted to stand, let him know that we will not allow this senseless slaughter to stand, that we will not allow these murders of Americans to stand, flying in a Cessna airplane, being gunned down by a Soviet MiG.

Now many of Castro's apologists in this country and across the world are claiming that these Cessnas may have strayed into Cuban airspace. Well, first of all the facts show that clearly to be false. Fishermen saw the smoke rise and saw the wreckage fall, and that wreckage fell clearly outside of Cuban airspace. But even if those apologists wanted to apologize for Castro and claim that the wreckage fell within Cuban air space, which it did not, still it goes so far beyond the normal accepted standards of international diplomacy and behavior to have Soviet MiG jets gun down unarmed Cessna airplanes that it clearly shows that Castro is a war criminal and should be treated as such.

I am going to be flying down to the area this weekend, and I certainly invite any other members of the Florida delegation to join in, if they wish. As a member of the Committee on National Security and as a member from Florida of the Committee on National Security, I think it is important that we go there, see exactly what happened and ask the difficult questions, and I am going to be calling for hearings. Hopefully we can get a field hearing in Miami at the site of where these planes took off and have a hearing to see what happened, how it happened, and what we can do not only to make Castro pay for what he has committed, but more importantly, to finally bring down after decades of his tyrannical rule a government that is illegitimate and is the last remaining Communist dictatorship in the Western Hemisphere. The fight is for freedom and the fight is for American lives, and again it is extremely important that we do not let these senseless slaughters stand.

I, like many others, would like to thank the President for stepping forward and taking the first step yesterday by talking about some sanctions, which are not sweeping, which do not go far enough, but I am hopeful that this is merely the President's first step. I think we need to step forward with a blockade and let Castro know that it will not stand. I think we need to sit back and even have our military leaders consider selective military strikes against military targets, to let them know that we will not stand back idly and let Americans be killed by a hand of a Communist tyrant. I mean, what is the Federal Government's responsibility in the end?

We have seen an explosion of proliferation of power coming into Washington, DC, but what do our Founding Fathers in the Constitution say this Federal Government was supposed to do first and foremost? It was to protect our shores and to protect American lives.

We have lost American lives now, and the question is are we going to sit back and do nothing, or are we going to respond in an affirmative manner that will make Castro think twice before he decides to kill, murder, and maim Americans again? I think we have no choice.

The history of Castro, really indeed the history of civilization and mankind, shows that the only way to stop a tyrant from being a tyrant, the only way to stop a bully from being a bully, the only way to stop a murderer from being a murderer is to step forward with strong enough responses to scare them from ever doing it again.

We could go back to the ages of the Roman Empire when Julius Caesar put down a rebellion and he struck back and explained to his generals and said why do we not be lenient and let them back in. Julius Caesar said we cannot do it because the order of our society depends on rewarding those who live by the accepted norms in our society and by punishing those that live outside the accepted norms in our society. Fidel Castro has shown this past weekend with the murder of these four Americans that he does not care to live within accepted means of behavior and to be a member of international civilization, and he needs to be punished.

But we do not have to go back to the times of the Roman Empire, the times of Julius Caesar, to see how this plays out. All we have to do is go back to 1984. Do you remember leading up to 1984 when Muammar Qaddafi went around and took credit for every single act of terrorism across the Mideast and across the world, in fact? And he took credit for it and claimed that he was striking back against Americans. Finally, in 1984 some American Marines were blown up and killed in West Germany, and at that point President Ronald Reagan had enough, and he said that it was our responsibility to protect the lives of Americans wherever they were, either at home or abroad, and he went ahead and issued orders for a selective military strike against one of Qaddafi's military bases. The strike was successful. The military base was destroyed. And an interesting thing happened, did it not? The next time there was a terrorist attack in the Middle East, guess who the first leader was to step out and say he had nothing to do with it? It was Qaddafi, because we taught him a very simple lesson, and that lesson was that we were not going to stand for the slaughter of innocent Americans' lives.

That is the same message that I am pleading with President Clinton that he will send to Fidel Castro.

Of course, earlier this morning the United Nations made a pitiful gesture, hardly even condemning these senseless slaughters. Not having the courage to step forward and call a war criminal a war criminal, they merely provided some words. But let me tell you something, friends. Words are not enough. We can talk tough to thugs on the street, to bullies in the school yard, but unless we step forward with positive action and have swift and decisive retribution against those who feel free to kill Americans in broad daylight, we are merely inviting another attack.

As the gentleman from Florida [Mr. DIAZ-BALART] mentioned, Castro felt he needed to make an example, extract some blood, end some lives, to help extend his own dictatorship in a country that he has run into the ground.

Communism does not work, it did not work for the Soviet Union, it did not work for Eastern Europe, and it has not worked for Fidel Castro. But unlike the Soviet Union, Castro on his tiny island has been able to continue to beat back the will of free-thinking Cubans. This past weekend he took it upon himself to murder four Americans, and in doing so told America and its leaders just how little he feared us. It is time we put the fear of God in Fidel Castro and let him know that this will not stand, and when we hold field hearings, hopefully in Miami in the coming months on this act, and hopefully when we hold hearings up in Washington, DC, we will come up with a clear set of objectives and a clear plan, a clear prescription to rid the Western Hemisphere of this disease we call Fidel Castro and let him know that even if this administration is not going to take the steps required to bring Castro to his knees to pay for these murders, that we in Congress have come up with a plan that the next administration who comes to Washington can pick up and carry through.

These murders will not stand, and they will not stand because the first responsibility of this Federal Government under the Constitution given to us over 200 years ago was to protect and defend the shores of the United States of America, and we will be promoting freedom and we will be doing what our Founding Fathers wanted us to do with the most noble tradition of Thomas Jefferson, George Washington, and all our other Founding Fathers.

□ 1615

When I was back this weekend I held town hall meetings. Not only were they talking about the need to expand freedoms in Cuba and across the globe, many were talking about the need to expand freedom in our own country, in our own backyard. The fight is over for the United States to conquer the world. We are the lone superpower. Now it is time, though, for us to take care of our own backyard, to take care of Castro, and to turn our attention inward and look at some of the problems we are facing in America.

In fact, at my town hall meetings across northwest Florida, I had so many people come up and tell me to stay the course, to fight for the things you fought for in the 1994 election, to fight for freedom, to fight for personal responsibility, to fight for less government, to fight for less taxes, to fight for less regulation, and to fight for more freedom. That is what we promised to do in 1994 and that is what we have done for the past year.

We lived by a very simple creed. That creed was do what our Founding Fathers told us we were empowered to do in the Constitution. During my campaign and during the campaign of many other conservative Republicans that were elected to this institution in 1994, we talked about Madison and Jefferson and the Constitution. We quoted James Madison, one of the three Framers of the Constitution, and talked about the need to decentralize the Federal Government and to empower communities and empower families and individuals.

James Madison, who was one of the three Framers of the Constitution, said that we have staked the entire future of the American civilization not upon the power of government, but upon the capacity of each of us to govern ourselves, to control ourselves, and to defend ourselves according to the Ten Commandments of God. That was about freedom. That is what they were fighting about at Lexington, the freedom to get away from a highly centralized, tyrannical dictatorship in England under King George III, the same type of centralized government that we now see by Castro in Cuba and across other parts of the world, in China.

We also talked about Jeffersonian ideals. It was Jefferson who said, "The government that governs least governs best." People respond to that. That is what the electoral revolution of 1994 was about. It was about freedom, freedom to go to work and to make wages and work hard to live the American dream and bring those wages home; and possibly, after working for many years in a business, possibly going out and taking the chance of starting your own business without interference from Washington, DC, and without interference from your State capitol. It is about freedom.

Jefferson, he was not saying the government who governs least governs best because he was antigovernment. That is an important distinction to point out after the tragedies that occurred in Oklahoma City. Jefferson believed in the power of government, but he believed in the power of government and he believed that the most noble thing, the most noble pursuit any government could pursue was the protection of God-given freedoms. That is what the Constitution says, that is what the Declaration of Independence says, and that is what they put into practice in the Bill of Rights.

Many of you, I am sure, have heard presidential candidates talking about the 10th amendment. Let me tell you something; of all the amendments we have, the 10th amendment tells us what we should do as a Federal Government more than any other amendment. Again, this is what we campaigned on. The 10th amendment says, "All powers not specifically given to the Federal Government are reserved to the States and reserved to the citizens." Is it not great that in our Constitution, unlike the Soviet Constitution that the Soviets lived by for many, many years, that we believed that the powers came from God to the individual. The Soviets believed powers came from the State to the individual, so when the Founders made the two Constitutions, these God-given rights, according to our Founding Fathers, and I am not being a religious extremist here, I am not being a fanatic—I can mention the word God in this Chamber because I am merely quoting what the Founding Fathers said—these God-given rights came from God above to the individual. The Soviets, because it came from the State to the individual, felt like they could take out those rights at any time.

Our Founding Fathers gave us a government to keep the Federal Government out of our way and gave it the sole responsibility to protect those freedoms and to protect Americans across the globe.

Because of that, when we came to Congress we, as freshmen, felt firmly committed to those things we campaigned on, to get the power out of Washington, DC, to get the money out of Washington, DC, to get the bureaucracy out of Washington, DC, and send the money and the power and the authority back to the States, because the Federal Government grew way beyond what our Founding Fathers ever envisioned it would grow.

What is the first thing we talked about? We talked about the need for tax reform. We talked about the need to get the Federal Government out of our pockets. It was very interesting. If you stay in Washington, DC, inside the Beltway long enough, a funny thing starts happening. Your brain gets clouded. You get a brain cloud. It is hard to recognize what reality is.

I will tell you what; back home at my town hall meetings, I found out what reality was. I found out when a young, single father earning less than $30,000 said,

> Congressman SCARBOROUGH, please continue to fight the administration and the liberal Democrats in Washington that do not want us to get any tax relief. Do not listen to them. Please remember who you are doing it for.

I said, "You know, it is difficult, because they are painting this as tax cuts for the rich and they are saying that we are trying to help out wealthy people." He said,

> You have got to stay the course. I am working over 50 hours a week. I have two children. I cannot afford health insurance. I cannot afford to put any money aside for my children's education fund. I cannot afford to pay my bills. And it is because before I get the first dime from my paycheck, I am sending 25 percent of it to Washington, DC. You have got to do something to help.

So I started doing a little bit of research. I found out something that was actually shocking, and went completely against the grain of what the most liberal Members of Congress and the most liberal members of the administration have been telling the American people for the past year. I found out that these so-called tax cuts for the rich and for the wealthy did not actually go to the rich and the wealthy. CBO scored it this way, that 89 percent of the tax relief that we have put on the table goes to working-class families making less than $75,000. Let me say that again. It is easy to blur the distinctions when you hear somebody get up and yell, They are giving tax cuts for the rich. Our tax relief plan, which will help start a process where we will free working-class blue-collar families from Federal Government enslavement, our plan allows working class families earning under $75,000 to get tax relief. Eighty-nine percent of the tax relief in our plan goes to working class families. We have to keep fighting for that. We cannot back down. We cannot be cowed by demagoguery. We have to stay the course.

Mr. Speaker, let us talk about the impact on American families. It is important to recognize that even under our plan that people said cut taxes too much, that even under our plan revenue to the Federal Government in the next several years is going to be increasing by 37 percent. Yet we have the administration and Members in this body say we are cutting taxes too much.

We are not cutting taxes too much. The working-class families making less than $75,000 that are getting 90 percent of the benefit from this tax cut plan are going to be paying 37 percent more taxes to the Federal Government over the next 7 years. That ain't a tax cut, folks. That is not radical. That is providing real relief to working class families.

Again, we talked about it when we talked about what Castro was doing in Cuba, squashing freedoms; to a much lesser degree, that is what this Federal Government has been doing. It has been moving towards a centralized Federal Government that is trying to take freedom away. Our tax relief plan helps free working class families from the crushing tax burden.

It is also important to recognize that the average middle-class American is going to work 50 percent of their time to pay off taxes, fees, and regulations imposed on them by the Federal, State and local governments. That means that you work from January 1 to June 30 for the Federal Government. You do not get a cent. When you go to work on Monday, you are working for the Federal Government. Go to work on Tuesday, you are working to pay taxes to the Federal Government. When you go to work on Wednesday, you work until lunch, half of your week, paying taxes, fees, and regulations to the government. Let me tell you something, that is not the vision that our Founding Fathers had when they set up this constitutional Republic over 200 years ago.

I want to go on and talk about regulations and the burden that that puts, and sort of talk about the debt. But before I do, I yield to my friend, the gentleman from Florida [Mr. DIAZ-BALART], to talk a little more on the situation with Cuba. While you were away, I was talking about what Ronald Reagan did in 1984 in Libya where we actually had the courage to strike at the heart of the tryant that killed Americans back then.

Let me ask you this, these were your friends: Do you not feel that the four Americans who were murdered this past weekend are every bit as important as those three Marines that were murdered in West German that caused Ronald Reagan to scramble the jets and go over to Libya and strike at the heart of the tyrant?

Mr. DIAZ-BALART. Yes, Mr. Speaker. I thank the gentleman so much for yielding, and I did have the opportunity to listen to his very eloquent remarks, as always, but I thank him for his words of genuine concern about the death of the constituents from my district and the district of the gentlewoman from Florida, [Ms. ROS-LEHTINEN].

Mr. Speaker, I appreciate the opporunity to put into a little bit of a perspective or context the murders of Saturday. As I stated briefly before, it was back in December when 130, over 130 pro-democracy groups in Cuba came together and formed a sort of parliament. The whole gamut of the ideological range is represented by what is known as the Cuban Council. From Christian Democrats and supporters of limited government to Democratic socilists, the whole gamut of pro-democracy people in Cuba came together, and they announced to the world that they had come together. They have differences, but they came together on the concept of elections, democracy, respect for human rights, release of all political prisoners. They were going to meet publicly for the first time.

They sent a letter to Castro asking for authorization to meet, and they did that in December. They asked the Catholic Church's cardinal in Cuba to be present as an observer. They asked the Martin Luther King Center for Nonviolent Change to also send observers. Castro's answer came—that was in December—beginning on the 15th of February.

They had said they were going to meet on February 24, this last Saturday February 24 is the date in Cuban history that is remembered as the beginning of the war of independence against Spain in 1895. So these over 130 pro-democracy groups said, "We want to meet on February 24. We want authorization."

On February 15, Castro began his crackdown and arrested the leadership, and most of the delegates, some of them were already on their way because the crackdown began on the 15th, but between the 15th and last Saturday the crackdown continued. Over 100 of these pro-democracy activists were thrown in jail.

□ 1630

And as I mentioned before, the leadership, in summary trials, were sentenced to prison terms. Of the two vice presidents, one was already, the vice chairmen, the one was already sentenced to prison, the other one, a lady I mentioned before, she was taken to a hospital for surgery. I mean, that is really Orwellian.

If ever there is an example of something that is from 1984, "The Brave New World," the horrible novels about the total, all-encompassing totalitarian state, imagine this vice chairman of this pro-democracy umbrella group taken to a hospital and given some sort of surgery that we do not even know what it is, and no one has been able to meet with her. The chairman that I mentioned before, he was sentenced already to prison, and his mom, who had an opportunity to see him briefly once, she is convinced that he is receiving electroshock torture.

Now, this has been happening since February 15. Note that the Brothers To The Rescue, it is a humanitarian group of volunteers who fly out of Miami looking for refugees to save lives.They have flown over 1,800 missions. They have saved thousands of refugees. If they see refugees on a raft, they call the Coast Guard and they save the lives of those refugees.

Every Saturday, the Brothers To The Rescue, they fly missions. It is a standard practice for that wonderful humanitarian group. Interestingly enough, on Friday, February 23, a gentleman who had defected from the Cuban Air Force less than 2 years ago, and he had gone into the base at Guantanamo, he said he was a defector, he had volunteered during these months that he was in Miami at the Brothers To The Rescue mission there, and on Friday all of a sudden he disappeared. He had gotten married, by the way, in Miami and had some family there. He disappeared. His family did not know where he was. And he appears all of a sudden in Cuba.

So Castro then says, I have got one of these pilots from Brothers To The Rescue and they are a terrorist group. So this spy have been planted here in the United States to infiltrate Brothers To The Rescue, and notice what premeditation existed with regard to this murder. Castro knew that on Saturdays they fly, that this day, the 24th of February, which was a day he is so scared about because it was the beginning of the pro-democracy conference, that there would be a Brothers To The Rescue flight, and he, with premeditation, decided to knock down planes, shoot down planes and kill the American citizens on those planes on February 24.

As I stated before, the message is clear to the Cuban people. Castro is saying, I can act with impunity, not only against you, but against Americans. If I can act with impunity against Americans, imagine how you, the Cuban people, have got to be scared. So Castro does that very, very purposefully.

Mr. SCARBOROUGH. Reclaiming my time just for a moment, I think it is important because you talk about these flights and, again, I have heard apologists for Castro, the same people who so warmly embraced him back in October, basically claiming he was a hero when in fact he is the Western Hemisphere's own version of a little Stalin, these same people are now apologizing for Castro, suggesting that the murders occurred in Cuban airspace.

I want to just bring up briefly and have you discuss this excellent Miami Herald article where we actually had a fisherman say that the murders occurred well within international air space. Can you talk about that for a second? Because this is what I hear on talk radio. When I call in, people are saying, well, but did they strays into the Cuban Air space? Would you mind addressing that?

Mr. DIAZ-BALART. That is such an important issue because, No. 1, obviously even if they had, international law is clear. You do not shoot down unarmed civilian aircraft if they happen to stray over the territory of a country. We do not even shoot down drug dealers. I mean, international law does not permit you to shoot down a drug dealer unless that drug dealer is shooting at you or threatening by flying over the land that the drug dealer is flying over.

You follow the drug dealer, you tell the authorities where they are flying to. So they are reported, but you do not shoot down even criminals, much less unarmed American citizens on a humanitarian mission, over 1,800 flights flown, missions flown, never have they carried even a handgun.

Mr. SCARBOROUGH. And Castro knows that.

Mr. DIAZ-BALART. Completely, and he even had a spy. He even had a spy within the organization that the day before the murders he took back to Cuba, and he had him there for the day of the murder saying that he had been a pilot for Brothers To The Rescue and that they are a terrorist group. It was all planned. It was all premeditated.

You bring up a fascinating article that came out today in the Miami Herald. It so happens there was a fishing boat right under the airplane, one of the airplanes that was shot down, and very near the other one that was shot down. It is very interesting about the issue of territorial waters which, by the way, is irrelevant because they could not have shot them down even if they had strayed into the territorial waters of Castro's Cuba.

But this fisherman, he said he had last checked his coordinates 2 hours before the attacks. Back then, he was about 12 miles north of Cuba's coast. Twelve miles is the international line. But it was a clear day, he could see Havana. Since then, his boat had cruised north for about 2 hours at about 8 miles an hour. So that is about, you are already talking at least 20 miles now.

Mr. SCARBOROUGH. Right.

Mr. DIAZ-BALART. At least 20 miles away. At least 8 or 10 miles out of the international line. The boat was at least, the fisherman says that the boat was at least 20 miles off Cuba when he saw the planes being shot down. He says in your mind, this fisherman, Mr. Reilly, says after he got back to the United States, because he did not realize what he had seen, he thought it was shooting practice, because he says, in your mind, you do not think somebody is going to shoot something down with people in it. And then he says the boat was at least 25 miles off Cuba. "I know exactly where we were. It was definitely no doubt in international waters. They were heading north again about two miles away from the wreckage, the first wreckage. Then they saw a small, another small white plane circle past the north. It was headed northeast. All of a sudden, here comes a jet right behind them and I watched this missile ignite off his left wing. I started counting, one thousand one, one thousand two, one thousand three, one thousand four. It blew up the second plane. It was about 200 feet above the water. It tumbled twice and it fireballed before it hit the water. You could see flames and smoke when it hit. I would say the possibility of survivors on the second plane as well is absolutely zero."

So we have actually eyewitnesses, as also people on a cruise ship saw it from a little more distance: Definitely in international waters.

Mr. SCARBOROUGH. If you could yield just for 1 second, you know, I, by hearing this account, and it is a harrowing account, thinking about a Cessna plane flying and a jet firing these missiles at him, at a Cessna. I am reminded of a common strain that runs through the characteristics of most tyrants, people like Hitler and Stalin and Castro. They are complete and utter cowards, putting a jet up against a Cessna unarmed.

Mr. DIAZ-BALART. Unarmed.

Mr. SCARBOROUGH. An unarmed Cessna, knowing it is unarmed, knowing the people inside are freedom fighters, knowing that they have committed no acts of violence against Cuba, knowing that they can do nothing to strike back and, unfortunately, calculating that America's response is going to be weak and tepid. And I think that is where hopefully we can come in as a Congress and urge the President of the United States to do what his duty is and send a strong, strong message to Castro, letting him know that it will not stand.

Mr. HASTINGS of Florida. Mr. Speaker, will the gentleman yield?

Mr. SCARBOROUGH. Yes, I yield to the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Speaker, I appreciate so very much the gentleman yielding and I appreciate my colleague from Florida and his leadership, as well as the leadership of the gentlewoman from Florida [Ms. ROS-LEHTINEN], and the gentlewoman from Florida [Mrs. MEEK], in this regard. I have just arrived and have not had an opportunity to come to the floor, but I want to make it very clear that I support the action as offered by LINCOLN DIAZ-BALART and ILEANA ROS-LEHTINEN and denounce totally the shooting down of unarmed airplanes in either Cuban waters or international waters.

I have heard this argument made about the planes, where they were shot down. I would hate like the dickens to feel that an unarmed airplane coming into the United States with no obvious military mission would be shot down. We have forced planes down from Cuba into Florida air space without having to shoot them down and certainly had the ability to shoot them down. On that score, there is no question but that the act itself was extremely ruthless, and appropriate action and response should be undertaken.

I would immediately say that the actions taken by the State Department and by the President of the United States were appropriate for that time, but they certainly need to stay in consultation with those of us and especially LINCOLN DIAZ-BALART and ILEANA ROS-LEHTINEN, who have a clear understanding of the dynamics that are involved in trying to eradicate this dictator.

Mr. SCARBOROUGH. Reclaiming my time just for 1 minute, I would ask you as a judge, I want to ask you a question. If you had somebody that owned a convenience store and a 6-year-old came in and picked up a pack of gum and started walking out that door, and that convenience store owner had the ability to go over and take the gum out of that child's hand but instead shot him dead with an assault rifle, as a judge, would you say, well, this is a thief? Even, again, I am saying even if they were in Cuban air space, and this shows clearly that they were not, what would you do as a judge?

Mr. HASTINGS of Florida. I would certainly not condone the overreaction of the store owner in your analog. But putting this in its proper context, there are international laws that countries that are decent observe. This was an indecent act, and that is putting it mildly.

I really appreciate an opportunity to intervene in this special order, but I just wanted to have it clearly understood I will have more to say in the appropriate stages, but I did want it understood, certainly by my colleagues, where I am coming from.

Mr. SCARBOROUGH. I thank the gentleman and yield back to the gentleman from Florida.

Mr. DIAZ-BALART. I was very disappointed that President Clinton yesterday, when he announced his sanctions, and it is a separate issue, the fact that I think they were woefully insufficient. But I think that I was very disappointed that he never mentioned, not once, that the downed airplanes were American airplanes and that the murdered men within them, the passengers, were Americans.

Not once did he say that. Now, the question that I would have for the President is because these murdered Americans were of Cuban descent, does that not make them American? Are they not, do they not merit to be called American citizens? One of them, my good friend Armando Alejandre, he was a war hero. He went to Vietnam, two tours of duty in Vietnam. Is he not an American? The other two Americans born in the United States, are they not Americans for the President? Why did he not even mention once the fact that these airplanes were American airplanes in international waters with Americans murdered within them? That was really insulting that not once did the President even choose to call them Americans.

Now, Castro acted with premeditation. The fact that he had, he withdrew the spy that he had planted in Brothers to the Rescue, and to showcase him with lies in Cuba the same day of the downing of the airplanes and the murder of the American citizens, that shows the premeditation, the level of premeditation by Castro.

One former military officer who has visited Cuba recently was asked by a high-ranking general in the Cuban Government, what would the Clinton administration do if we shot down one of those Brothers to the Rescue airplanes? And he reported back to Warren Christopher.

Mr. SCARBOROUGH. Can you repeat that again? When did that happen?

Mr. DIAZ-BALART. Yes, about 4 weeks ago.

Mr. SCARBOROUGH. That is shocking.

Mr. DIAZ-BALART. About 4 weeks ago.

Mr. SCARBOROUGH. They asked what would happen?

Mr. DIAZ-BALART. A delegation of former military people who advocate getting along with Castro, you know, it is a very small group of left-wing former military people that are always advocating for better relations with North Korea, with China, and of course they are advocating for better relations with Castro, they went to Cuba to see the nuclear power plant that Castro is building down there and to meet with the Cuban officials and General del Todo, one of the high-ranking thugs around Castro, asked former Admiral Carroll what would the United States do if we shot down a Brothers to the Rescue plane?

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And Carroll came back, and he told Warren Christopher that, so notice how Castro has been planning this for weeks, if not months.

Obviously, what he said the other day, the message to the Cuban people, as I stated before, is if I can kill Americans with impunity, imagine what I can do to you, and the message to the Clinton administration is obviously clear, no respect, and you know he is laughing at the lack of response of the Clinton administration.

But, as you said, if the administration will not protect American lives, we, in Congress, will. We will pass our sanctions bill. We will not permit the murder of these U.S. citizens go unpunished, and I truly believe that the President's measures were woefully insufficient.

I recommended to him before he announced his insufficient measures yesterday that he announce that any further blackmail by Castro, like the immigration blackmail by Castro, like the immigration crisis of 1994, will be met inevitably and immediately by an American embargo of Castro, including oil shipments, and mark my words, that blackmail is coming unless President Clinton can change right now his course of action and convey clearly to Castro that he will face a blockade if he threatens the United States once again.

He believes, Castro believes, that he can once again terrorize President Clinton with blackmail. We, we here in Congress, must pass our sanction bill, as we will. We certainly hope that we can get the support of the President. He is moving in our direction but still has not supported the House version, which is the firm version of the Helms-Burton bill, and as I stated before, and this idea came from Cuba, from a prodemocracy group today, that the United States must seek the indictment of Castro for crimes against humanity in the international court of justice in The Hague.

There are clearly crimes committed in the recent past by Castro, even though his crimes began with the show trials and the firing squads in 1959, but clearly the use of electroshock torture on political dissidents like Nujenio Lesosa, who has been here in Congress with my dear friend, the gentlewoman from Florida [Ms. ROS-LEHTINEN], and right now today, Colonel Enrique Labrada, who has held a prodemocracy demonstration in October or November of last year, they are receiving electroshock torture. Mr. Labrada is still in this day receiving electroshock torture.

The murder of unarmed men, women, and children, like in the tugboat that was sunk on July 13, 1994, over 20, over 40 men, women and children, mostly children, upon the direct order of Castro, that is a crime against humanity.

The gentlewoman from Florida [Ms. ROS-LEHTINEN] and I here have received, we have in our offices a 10-year-old boy who came with his parents in a small boat and told us how helicopters, it was at night; they were saved by the fact that it was nighttime, were dropping these large sandbags on the raft to sink the raft. A 10-year-old boy told us how he managed to survive that. Of course, the February 24, 1996, murder of American citizens in international waters, those are crimes against humanity that must be punished.

I know Mr. Clinton may wish he did not have to confront the Cuba problem. He obviously could like not to have to. But he has to protect, he is constitutionally required to protect, the lives of American citizens. It is his constitutional duty.

We have got this court of justice in The Hague as part of the U.N. structure. We pay a lot of U.S. taxpayer dollars to maintain it. I think it is the appropriate forum to discuss these crimes against humanity, even if we do not go in and arrest them, and I think we should. But even if we do not go in and arrest them, there can be few things that would give more hope and hasten more the liberation of Cuba than to label through the indictment in the international court of justice, Castro as the war criminal that he is.

Mr. SCARBOROUGH. Reclaiming my time, I want to recognize another Member from the Miami area in a moment. But let me just say, adding to what you said, you talked about this meeting with Christopher that the information that got to Warren Christopher, and they were asked what would happen if we went ahead and blew up some of these planes, obviously the response was tepid, and let us go back through our history not only with Castro but, again, American history. Look what happened in 1994 when North Korea asked what would happen if we invaded South Korea. Harry Truman at the time gave a tepid response, and as a result of it, we had the war that cost tens of thousands of American lives.

We are making the same mistake in China right now. We continue to bow down to Communist oppression in China, and we have done the same thing in Cuba over the past 35 years. So it is no wonder that Castro feels emboldened. I mean, the guy has learned over the years that you can kick America and they are not going to kick back. It goes all the way back to the Bay of Pigs, when America did not fulfill the duty that it was supposed to fulfill, to go in and liberate Cuba then and to bring freedom to the islands, and it has fast-forwarded to a few months ago when they asked what happens if we blow up Cessna airplanes.

I do not want to point fingers, but let us get back to what you said. What would somebody say in the Clinton administration if somebody from, let us say, Bulgaria said, listen, if some people from Kansas are flying across the Atlantic Ocean and we decided to take them out, what is your response going to be? Do you think that they would have a tepid response to that? No. They are buying into the Castro propaganda that this is somehow an arm of some militant revolutionary guard. It is Americans who have fought for the American cause in wars, like you said, in Vietnam. They are Americans in American planes fighting for a very American cause of freedom.

Bill Clinton's administration, I am not pointing directly at Bill Clinton on this one, but the administration has given a tepid response, and because of it four Americans are dead today that we, as a country, should have protected, and now it is our duty to step forward as a Congress and do that.

I yield to the gentlewoman from Florida [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. I congratulate our colleague from Florida [Mr. SCARBOROUGH] for taking the opportunity to discuss what we believe is an international incident of epic proportions that could very well change the nature of relations between our countries, and we hope that they change in the way that will help bring about democracy, freedom, and justice to the enslaved people of Cuba, who have been under the yoke of communism and godless communism for over 35 years.

We have been talking, and the gentleman from Florida [Mr. DIAZ-BALART], with his many years of experience in this, was talking about the crackdown on incidents, the human rights violations. We know that if you are a person who wants to practice your faith, no matter what faith that is, if you are in Castro's Cuba, you are unable to practice your faith, you are unable to worship your God because the only God that is allowed to be worshiped in Cuba is Fidel Castro, and I think that that positive change is going to come about.

The gentleman from Florida [Mr. DIAZ-BALART] has been talking about the change that could be possible in Cuba without Castro, but certainly with Castro there, those changes are going to be very difficult to bring about. And that is why we saw this as a very sad opportunity, but an opportunity nonetheless, to bring further sanctions, and on this we have a very strong bipartisan support, especially in our Florida delegation, whether it is the gentleman from Florida [Mr. HASTINGS], who has always been in favor of freedom and democracy for the enslaved people of Cuba, whether it is our colleague, the gentlewoman from Florida [Mrs. MEEK], who is always there with us, the gentleman from Florida [Mr. DEUTSCH], who has been in a leadership position for us, the gentlewoman from Florida [Ms. BROWN], in fact, if I say all of the names, we will be here for a long time because we have many wonderful colleagues on both sides of the aisle who know and understand the suffering of the Cuban people.

But I wanted to have the gentleman from Florida [Mr. DIAZ-BALART] take this opportunity, if I could, to explain to the American public what has been going on with the nuclear powerplant in Cuba and also to talk a little bit about the lords intelligence facility, which has not been discussed at length, which is also a very important element of our United States-Cuba relations and the Soviet Union, the new Soviet Republics are very much tied in.

The gentleman from Florida [Mr. DIAZ-BALART], what would you say, what is your opinion on those who say that we should have a North Korea type of solution to the unsafe, dangerous unsafe nuclear powerplant in Cienfuegos, Cuba, those who say we should go in there and help Castro build the best darn nuclear powerplant that we can get?

Mr. DIAZ-BALART. God save us, God saves us, Congresswoman ROS-LEHTINEN, from a North Korea solution for Castro. The reality of the matter is the administration decided when they heard North Korea was building some nuclear powerplants, maybe they could use some of that nuclear power for transformation into nuclear weapons. They went in and offered $5 billion to the North Koreans to build for the North Koreans the nuclear powerplants with the promise that in 5 years we can go and inspect. Now, God save us from that solution for Castro, because if Castro has been able to, as he has, blackmail the United States with refugees, because that is what he does, he has already begun, we will see in the next hours, Mr. Speaker, we will see in the next hours, I am very confident in the next hours we will see again some more blackmail using refugees because it works for Castro.

The last time he did it, he got Clinton to sit down with him, and he no longer has the Soviet Union that protects him, because the Soviet Union had worked out the deal at the end of the missile crisis in 1962 where the United States committed not only to not permit an invasion, to permit anybody to do anything against Castro from anywhere in the hemisphere. It has been comfortable for Castro to rant and rave against the United States since 1962 with the United States as bodyguard. There is no Soviet Union now. The Soviet Union collapsed in 1991, and Bill Clinton got elected in 1992. Castro no longer has the shield of the agreement with the Soviet Union, because there is no Soviet Union, but he managed to get Bill Clinton to sit down at the table and work out a so-called immigration agreement with him, which is a sword, in effect, over the head of President Clinton because it can be withdrawn at any time, the agreement, and now with sanctions that have to come because the President has a constitutional obligation to protect American citizens, with Castro I have no doubt he will start trying to wield that sword up again, shake that sword again, I will send you refugees. Tyrants cannot be appeased.

Ms. ROS-LEHTINEN. Another thing, if I could, a naval blockade which would enable no supplies to get to Castro, if you could explain how that would work.

Mr. DIAZ-BALART. With regard to your earlier point, which is so important, though, imagine Castro with refugees has been able to blackmail the United States, it is laughable, but it happened with refugees, he has been able to blackmail the United States, and imagine with a nuclear powerplant. That is an accident in the making, or an incident in the making, because Castro can say, you know, just like he says, what are Castro's codewords for every time he threatens Clinton with an immigration crisis, "I cannot control my borders." Well, imagine, "I cannot control my safety of my nuclear powerplant," imagine that. And that is now, that is something that could affect the lives of people in half of this hemisphere if he creates an incident with a nuclear powerplant. So we cannot, because of national security concerns, permit a nuclear powerplant to be built in Cuba during the dictatorship of this madman.

I think what we need to do sooner or later, I am convinced it is going to come anyway, I mean even Neville Chamberlain had to confront the tyrant Hitler. If there is anybody in the history of the 20th century that did not want to have to confront the tyrant Hitler, it was Mr. Neville Chamberlain. I have here "Peace for a Generation," remember that, Neville Chamberlain, when he came back from Munich, Mr. Duvalier, the Prime Minister of France, if there had ever been a pair of tough hawks in this century who did not want to have to challenge Hitler, it was Duvalier and Chamberlain. Even they had to challenge the tyrant Hitler, and the reality of the matter is that President Clinton, whether he likes it or not, since Castro does not respect him, and the other day he already called Warren Christopher a cynical liar. I do not think anybody called Warren Christopher that, he is such a diplomat. Castro called him a cynical liar. He is going to continue calling Warren Christopher and Clinton and everyone else names. We have a report of what he called President Clinton. He said his knees shake, that is what he called President Clinton, his knees shake and he has no backbone. That is his description in public of President Clinton. Sooner or later, since he does not respect President Clinton, he is going to continue to blackmail and continue to blackmail and continue to blackmail, and sooner or later the American Government is going to have to help the Cuban people free themselves of that tyrant, then the Cuban Republic will be among the best friends, as traditionally they were, of the American people and American Government, the Cuban Republic, however, independent, free, sovereign, and democratic.

Ms. ROS-LEHTINEN. I am optimistic that day is around the corner, and with the help of all the countries joining together, we will make that dream of freedom a reality for the enslaved people of Cuba.

Mr. SCARBOROUGH. I thank both of you.

Again, we are going to be going down there this Friday, and I am looking forward to input from all the Florida delegation and also those who have suffered under Castro as we try to move the Committee on National Security, of which I am a member, to hold hearings, hopefully, field hearings down in Miami, down where the incident occurred, to see what happened and to come up with a strategy to make sure that such a disaster never happens again. We have no other choice. We must stand up to Castro. We must protect American lives, and we will do that.

Freedom will come to Cuba, and we will win that fight because we have no other choice. We are Americans.

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ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DUNCAN). Pursuant to clause 5 of rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which the motion was entertained.

Votes will be taken in the following order: H.R. 2196, de novo; and S. 1494, de novo.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

NATIONAL TECHNOLOGY TRANSFER AND ADVANCEMENT ACT OF 1995

The SPEAKER pro tempore. The pending business is on the question de novo of suspending the rules and concurring in the Senate amendments to the bill, H.R. 2196.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland [Mrs. MORELLA] that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 2196.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

HOUSING OPPORTUNITY PROGRAM EXTENSION ACT OF 1996

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the Senate bill, S. 1494, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. LAZIO] that the House suspend the rules and pass the Senate bill, S. 1494, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members are recognized for 5 minutes each.

ENVIRONMENTAL PROTECTION STILL VERY MUCH ON THE MINDS OF THE AMERICAN PEOPLE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from New Jersey [Mr. PALLONE], is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I am not sure that I will use the entire time, but I did want to seek recognition today to talk about environmental concerns, and particularly to point out some of the results of a hearing that our Democratic Environmental Task Force held yesterday on February 26. We had a full, I guess, 2 or 3 hours of hearings. We heard from not only the Secretary of the Interior, Mr. Babbitt; the EPA Administrator, Ms. Browner; and also Assistant Attorney General Schiffer, but also from a distinguished panel of citizens from around the country who are concerned about environmental protection.

The reason for the task force existence and the reason for the hearing yesterday was because of our concern, Democrats' concern, that the Republican leadership in the House of Representatives has essentially used 1995, our previous year, in order to try to turn back the clock on 25 years of environmental protection in the United States.

For more than a quarter of a century, there has been a consensus, a bipartisan consensus in Congress, as well as with the President, largely with Democratic Congresses and mostly with Republican Presidents, or sometimes Democratic Presidents, but in any case on a bipartisan basis for 25 years this Congress has tried to protect the environment, improve the laws, improve enforcement, improve inspections, so that polluters, whether they be polluters of the air, the water, or our natural resources, would have to stop their efforts to continue the degradation of the environment, and if they did not, they would be penalized severely, hopefully, for their activities that were detrimental to the environment.

In fact, in many ways we can hark back to the days in the 1970's, in the early 1970's, when the Environmental Protection Agency was created under then President Richard Nixon. It was a Democratic Congress, but a Republican President in 1970 who created the Environmental Protection Agency. In fact, when the first Earth Day was organized back in 1970, President Nixon and the Republicans in Congress were very supportive of the efforts to move forward on environmental protection.

But this 25-year consensus, this 25 years, if you will, prior to 1995, when every year stronger environmental protection laws were passed and money was made available for enforcement and inspections for our environmental laws, all of a sudden in 1995 this consensus was broken and we saw the effort on the part of Speaker GINGRICH and the House Republican leadership to roll back environmental protection. And whether it was through authorizing bills or cutbacks in the budgets for these various environmental agencies, all of a sudden there was an effort by the Republican leadership to change this 25-year consensus.

The reason for that I believe very strongly is because of special interests. In other words, corporate interests, the polluters, if you will, were very much behind the Republican leadership in saying look, the time has come to turn back the clock and we expect you to come down to Washington and help us to make it easier, if you will, or less stringent, with regard to pollution, and less stringent regulations and less stringent statutes and less money available for these agencies to do their work was essentially the order of the day.

I feel that it is an obligation, not only of the Democrats but also of moderate Republicans who support the environmental protection agenda, to point out what is happening and how extremist this Republican leadership agenda is that seeks to essentially turn back the clock on environmental protection, because we know that the American people consistently support strong environmental laws and strong enforcement of those environmental laws. In fact, a survey was recently done, which I would like to point to, by American Viewpoint. It pointed out that by greater than a 2.1 margin, voters have more confidence in the Democrats than Republicans as the party they trust most to protect the environment. In fact, it even pointed out that 55 percent of all Republicans surveyed do not trust their party when it comes to protecting the environment, while 72 percent of the Democrats do trust their party to protect the environment.

So the bottom line is that environmental protection is very much still in the forefront of the minds of the American people. They did not elect a Congress in 1994, whether it be under the Republican majority or Democrats in the minority, they did not elect a Congress with the idea that the leadership of the Congress was going to come down here and try to turn back the clock on environmental protection.

What I think has been happening though is that in 1995, while this effort was going on on the part of Speaker GINGRICH and the Republican leadership, more and more they began to become aware of the fact that, particularly toward the end of the year, that this was not a popular agenda, that destroying environmental laws and turning back the clock was not something the public was responding to in a favorable way. What we see now is an effort in some ways by the Republican leadership to suggest to their Members that perhaps they should go slow on this agenda, or maybe they should vote for the antienvironmental agenda, but not give the impression back at home that is what they are doing.

A memo was put out in fact to the Republican membership by one of my colleagues, the gentleman from Texas, TOM DELAY, who is in the Republican leadership, on September 29, 1995, and what he says essentially is that Members, when they go back to their districts, and we just finished a district work period, about 3 weeks when we were not in session and we were back in our districts and States and congressional districts, what this memo says that Republicans when they go home should try to at least give the impression to the public and the media that they are trying to protect the environment, even while they come back here and vote very differently.

The gentleman from Texas [Mr. DELAY], suggests certain action items like tree planting. He suggests that Republicans should sponsor tree planting programs in their districts or participate in ongoing tree planting programs that would provide Members with earned media opportunities.

He also suggests that perhaps they get involved in local schools and meet with students to talk about recycling, or that perhaps they give out conservation awards. He talks about the Teddy Roosevelt Conservation Award, because as you know, President Teddy Roosevelt was known very much as an environmentalist and was a Republican. It says in the memo, using his name, consider establishing a yearly Teddy Roosevelt Conservation Award for someone in your district whose achievements exemplify President Roosevelt's conservation commitment. You can even recognize several award winners by establishing a youth award, a senior award, or a local business conservation award.

He goes on to suggest that perhaps the Republican Members could go door-to-door and hand out tree saplings or get involved in park cleanups or become active in their local zoo.

I am not saying any of these things are bad. I think it is great. I think it is great to participate in Arbor Day and clean up the local park and certainly good to recognize students or seniors in the community that are involved in conservation efforts and give out the Teddy Roosevelt Award. I greatly admire President Roosevelt.

Again it points out that historically conservationism, environmentalism, has been bipartisan. But I would venture to suggest that the suggestions of the gentleman from Texas [Mr. DELAY], here are really primarily cosmetic in an effort to try to give the impression that Republican Members when they are in their districts are environmentalists or conservationists, but then they come back here and vote very much the other way. They vote for measures that break down environmental protection, that turn the clock back on the environmental protection that we have had for 25 years on a bipartisan basis.

All of us want more efficient Government. I would venture to say that every Member of this House of Representatives would like to see the deficit reduced and like to see a balanced budget, or almost every Member, certainly both Democrats and Republicans. Certainly I share that point of view. But I do not believe that in an effort to tighten the budget belt, if you will, or an effort to reduce the deficit and eliminate the deficit and balance the budget, that you have to sacrifice environmental protection. I would venture to say that environmental protection more than any other issue, and EPA and the agencies and programs involved in environmental protection, more than any other agencies have suffered severely by the Republican budget cuts or Republican budget suggestions. And if you look at the continuing resolution, the stopgap spending bill that we are now operating under, at least until March 15, you will notice that environmental protection, those agencies, those programs involved in environmental protection, are cut much more severely than almost any other agency or any other Federal program, again part of the effort to turn back the clock on environmental protection, if not through outright repeal of our laws, then certainly by cutting back on the amount of personnel or the money that is available to the agencies to do investigations, to do enforcement, to bring the polluters to justice, so-to-speak, and penalize them.

As you all know, if you have laws on the books that are very stringent in terms of protecting the environment, it does not do much good if you do not have personnel to go out and check on the polluters, bring them to justice, if you do not have the enforcement and investigation. There is almost no point in having the laws on the books at all.

☐ 1715

What I wanted to do in some of the time that I have allotted to me, I wanted to at least initially give some idea in my home State of New Jersey of the impact of the Republican budget cuts. Then, if I could, I will go through some of the data that was provided by some of the speakers at our task force hearing on Monday that indicates exactly how these Republican budget cuts are impacting various environmental agencies.

As far as my home State of New Jersey is concerned, one of the major concerns is the Superfund program. The Superfund program is the national hazardous waste cleanup program. My home State of New Jersey has 107 active Superfund sites, which is more than any other State. Twelve sites have been slated for significant new construction, in other words, remedial and major removal actions will be shut down by the budget cuts that have been proposed.

I am not going to get into all the list of the sites. I would like to submit them for the RECORD. But the bottom line is that we have at least 12 sites that would see no remedial action, no restoration at all, even though they are on the national priority list.

There are 30 other sites in New Jersey with ongoing work that will experience shutdowns or slowdowns as a result of the budget cuts, with various impacts. So for these other 30, all the work will not stop completely but it will be significantly slowed down. For example, at the Montclair, Glen Ridge, West Orange radium site, the EPA will have to stop cleaning up radium contaminated soil in a residential neighborhood. In disposal sites, buried waste containers would continue to leach contaminants into groundwater. In addition, 34 sites where responsible parties are performing cleanups could be stopped if the region is not provided with funds to oversee those cleanups.

What I am talking about here is the fact that under the Superfund program, it is only if you cannot find a responsible party, in other words, a polluter that we know caused the pollution to take place, that the Superfund or the Federal dollars have to be used. In most cases, the sites are being cleaned up by the polluter, the responsible parties. And in 34 cases in New Jersey alone, where responsible parties are performing the cleanups, there will not be any kind of Federal oversight of the cleanups, which means that essentially they could be stopped. If the Federal Government cannot go in and see what they are doing, they may not, the polluters may not actually be able to perform the cleanup.

Separate from the Superfund program, there is an impact of these cuts on leaking underground storage tanks. This is another Federal program with Federal dollars involved. There is a reduction from fiscal year 1995 of about $500,000, a half a million dollars, in that program which means 278 cleanups will not be initiated and 303 cleanups will not be completed. So here again an important program, underground storage tanks, leakage from that, again toxic waste, hazardous waste sites that are not going to be cleaned up.

Very important to the State of New Jersey also is the safe drinking water program, not just to New Jersey, this is important nationally. The EPA estimates that more than 6 million residents of New Jersey are served by drinking water systems that violated public health standards last year. Budget cuts, again the Republican budget cuts, will reduce the funding available to these communities to improve their drinking water systems by about $5 million.

Now, an area that I am personally very committed to, and it is very important to my district, is clean water. New Jersey historically has taken a major interest in efforts to improve our water quality. Historically many of its waterways were severely polluted. According to the EPA, about 85 percent of New Jersey's rivers and streams are too polluted for basic uses like swimming. The goal of the Clean Water Act is fishable, swimmable waters. If you cannot achieve those goals, then you are not doing your job here in Congress.

So we have to try to at least move forward in achieving those goals. But under the fiscal year 1996 conference report, again, the Republican proposal, New Jersey stands to lose $52.05 million in clean water funding that would help stop pollution from getting into the State's waters, lakes, and streams as well as in the Atlantic Ocean. This represents a 53 percent cut from the fiscal year 1995 enacted funding level.

Also, huge cuts in New York's waste water treatment loans and other clean water funding threatens New jersey beaches through washups of untreated sewage and wastewater. Again, I was elected to Congress for the first time in 1988, after a summer when most of our beaches in New Jersey were closed because of pollution problems, basically debris, medical waste, water quality problems that generated primarily from north Jersey as well as New York City.

If grants and loans are not available to both New Jersey and New York, particularly in the northern part of the State or the New York metropolitan area, then those same pollution problems will continue to exist or get worse. The consequence of that is that maybe not this summer certainly but in a few years if the funding is not available to upgrade wastewater treatment to prevent problems related to combined sewage overflow, where it rains and your storm water and debris from your streets get in to basically bypass the sewage treatment plant and end up into the Hudson and then eventually come down to the coast of New Jersey, if those problems now begin to be aggravated again because there is not enough Federal dollars going back to the States for wastewater treatment, then we could easily see in a few years down the road a repeat of some of the beach closings and similar type problems that we had in the late 1980's in the State of New Jersey.

These clean water efforts are not just water quality issues. They are obviously economic issues because so many jobs in the State of New Jersey are dependent upon clean water for tourism during the summer season. In New Jersey now, tourism is one of the most significant industries in the State. So it has a major economic impact, meaning dollars will be lost. The tax dollars will not be coming from the Federal Government if we do not continue our effort to constantly upgrade our sewage treatment systems and effectuate clean water.

The last thing I wanted to talk about is enforcement. In New Jersey, essentially with these Republican budget cuts, the environmental cop will be off the beat as inspections and enforcement efforts will be severely curtailed on the Republican budget proposal which represents a cut of 25 percent below the President's budget request. So with regard to enforcement alone, we are talking about a 25 percent cut.

Decreased inspections due to cuts create public health threats that would have to be addressed by a staff much smaller by the budget cuts. And in region 2—region 2 for the EPA includes New Jersey as well as New York—there are reports that as a result of the ongoing budget problems there is a growing backlog of permits which they have been unable to process.

In other words, again, we will not even get to the issue of proper enforcement or inspection because they would not even be able to review the whole question of permits, discharge permits for clean water or permits for any other kind of environmental activity.

I see that one of my colleagues from Minnesota is here, Mr. VENTO. I am glad that he is joining us here today. I would yield to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I thank the gentleman for yielding and commend him for his order talking about the environment and the effects of the curtailment of funding that has persisted this fiscal year, the fiscal year that began October 1. And for 4 weeks of that period of time the programs that affect the environment, the EPA, the Department of Interior, and numerous other programs that through the Department of Commerce, such as NOAA and so forth were in shutdown. There is no funding for them. That was a contest because there was a difference in priorities, sometimes between the House and the Senate, sometimes within the Senate and the Senate and the House and the House, and sometimes even with the President that did not agree with the actions of this Republican-led Congress. So for 4 weeks, 20 percent of the time, we end up spending $1.4 billion in terms of employees' wages that could not work. But more importantly than that is that the cost of that goes well beyond, well beyond the dollars spent on the employees and the work not accomplished, because as we learned on Monday, yesterday, the fact was that the EPA director, the Secretary of the Interior, the Justice Department is unable to do its job. It is unable to collect the information and the data that they need to, for instance, enforce laws that deal with clean air, that deal with clean water, that deal with toxic substances that might be and do occur regularly in the environment.

The fact is that if you have a shortfall without funding in the collection of the database of information on what is happening, that is the first thing that will raise reasonable doubt in a court of law. I am not an attorney, but I do not think it takes an attorney to understand the fact that when you have holes in your body of knowledge and information, that it is impossible to bring an action, legally, a legal action to in fact enforce these very, very important laws.

Now, I think that it seems like it is almost a prerequisite of all the Members of Congress to attest that they are, as a condition of their employment, as a condition of their service in this body, that they are all avowed environmentalists. But there are environmentalists and there are environmentalists. There are those that I am not so interested in what the nomenclature is that they claim or the identity that they claim for themselves as I am in what the actions have been in this Congress and what the consequences are. So I think we ought to understand that when we defund various types of investigatory work, various types of legal work that affects the environment, that we are actually, we are actually in a way repealing the very effect of those laws that are so important to the protection of our health, to our safety, and to the environment.

This morning I had the opportunity to listen to some of the technical experts from the Department of the Interior, from the Fish and Wildlife Service. And last year what happened, in 1995, is the Congress, through a rescission bill, repealed or forbid, put a moratorium on the listing of threatened or endangered species.

I do not know if the gentleman from New Jersey had mentioned that because I was on my way to the floor, but today we have 243 endangered species of plants and animals that are unable to be listed. We have done all the work on them. We have cooperated with the States. We have gone through the scientific evidence. We have explored all the ramifications of it, that is to say, that the Fish and Wildlife Service has, who are legally charged with this, but they cannot list these particular species as to their protection.

The general policy, the law signed by Richard Nixon in the early 1970s, the Endangered Species Act, said that we were, as a community, as a Nation, as a policy were going to try and protect these threatened and endangered species. In addition to that, there are 180 some other, 182 other candidates species that would be listed. So here we have a collection of some 425 species that are probable for listing under the Endangered Species Act. And by action of this Congress, we have unilaterally, without a vote on this floor necessarily or any other action, just cut off the funding so no one can do any listing, put a moratorium on it, no funding, no listing, put a moratorium on it.

And the fact is the problems with this grew out of the same sort of attitude in the past administration. The then Bush administration had a lawsuit that was filed on the part of various groups that he was not in fact, they were not, under then Secretary of Interior Manuel Lujan, actually proceeding properly with the listing of endangered species. They agreed, prior to the new administration taking power, incidentally, that they would accelerate the rate of listing of endangered species.

So when President Clinton and Secretary Babbitt took on the responsibility of the administration in 1993, they already had problems in the sense that there was a significant number of species that had not been listed, plants and animals, that actually, of course, caused some degree of acrimony, because it was the sort of fits and starts type of effort with people taking their own, that is to say, an administration taking its political view, its own personal view and superimposing it over what the normal law should be in terms of listing this.

I think the American people have spoken loud and clear with regards to their views and the polls, as we read them, concerning the environmental policies and laws that have been enacted over the past 25 years. I think it is patently ridiculous for this Congress to try to hide behind the spending bills, to fold into them all sorts of changes, dramatic changes. They have overreached in terms of the environment. A lot of people want to get up and proclaim, as I said, that they are environmentalists. But when they vote for spending measures and policy changes inherent in those spending measures, or shortfalls, I mean we keep saying that most of the damage has not been done to the environment. That is not correct. If you do not fund these, you stop the proper flow of lawsuits. In fact, you destroy the data base which is necessary for the prosecution of lawsuits for a long time into the future.

□ 1730

So tremendous damage is being done by this lack of funding. Of course there are some direct policy implications, as I said, with the Endangered Species Act. I think on another occasion we might want to talk about the so-called timber salvage in the clear cutting of old-growth forests in the Pacific Northwest and the types of policies that are flowing from that particular law and the lack of consideration of forest health. I mean, we may want to talk about that, but there is enormous damage that is being done and has been done by this Congress because the President cannot spend money that he is not provided. He cannot move forward on legislation when there is not funding. The Congress is absolutely responsible. Congress has a tremendous amount of power in terms of the purse strings, and my problem with this Congress is that it is conducting itself in an irresponsible way by not funding properly the laws that are in place. If you want to change the policy, let us have a vote on this floor and vote it up or down. But to undercut it by not funding these particular policies and hiding behind that particular artifice I think is wrong, I think it is irresponsible, and I think it is inconsistent with the sound policy making that should characterize this body. We ought to be looking at what the impact is on the economy, we ought to be looking at what the scientific evidence is, we ought to be looking at what is morally right or wrong with regards to these issues, and we ought to be looking at what the people we represent think, what their views are. All of that ought to be considered.

But that is not what is being considered in this instance. What is being considered and what is dominating this Congress on the environment is an overreach, an extremism and anti-environmentalism, an attitude of policy making by anecdote, by not considering properly the issues and how they will affect us, and we are having and this Congress itself is having an adverse effect, a very negative effect, on what the future or what our role is as stewards and what the legacy is that is going to be left for future generations by destroying our clean water.

The progress we have made I might say has been very grudging, it has been expensive, it has been inconvenient. We have caused great anxiety because we have taken on and tackled these problems in past decades, and it was not me. I have not been here as long as many that came before us, and it has been bipartisan, but that is not the case in this particular Congress. This Congress is ideologically hell bent to undercut the environmental progress and to serve the needs of special interests.

That is how it adds up, that is the bottom line. Look where the money goes, look who benefits from these particular changes. They are not measures to fight the deficit, they are creating an environmental deficit in this country that our grandchildren and children will be paying for for a long, long time. I think these arguments of balancing the budget and claiming that they are doing that on less Government—you want less Government, you want dirty air, do you want dirty water, do you want to destroy the pristine resources that we have in this Nation? I think the American public would answer that very loudly with a no, in the negative, and I think that, I hope, this Congress can wake up and stop some of the damage that they are causing by these shortfalls in terms of funding that have persisted and persist right now.

If we do not stop it, we are going to see a defunded and a much reduced ability of the EPA and the Justice Department and the others that we charge with the responsibility, a much reduced ability to carry out that particular responsibility, and I thank the gentleman from New Jersey for asking for this special order and for the work he is doing on the Task Force on the Environment.

Mr. PALLONE. I want to thank my colleague from Minnesota for the statement and the comments that he made. One of the things that the gentleman pointed to was the fact that in many cases the ideology, if you will, that the Republican leadership is articulating really is not true in terms of what the actual effect is. I mean one of the things that they keep stressing is how they have to cut the budget for environmental protection in order to save money, that somehow that is going to, you know, lead to serious deficit reduction. and in fact when we look at some of the cuts and some of the changes that they are proposing, it has just the opposite effect. I thought some of the strongest testimony at our hearing yesterday was by the assistant attorney general and also by Carol Browner, the EPA Administrator, where they were pointing out that because of the Government shutdowns, because of the cutbacks in funding for personnel, that they have not been able to basically prosecute polluters and collect penalties that come back as a result of successful prosecution, and they have not been able to find those who violate their permits, and so are actually losing a tremendous amount of money that comes back from the penalties and the loss of income that results from not getting the penalties and the fees from that during this process.

So I think again one of the purposes of our task force is to sort of be a truth squad and say, here, look, you are articulating this ideology that you are going to save money, but you are really not because actually we are getting fewer dollars in here, we are not prosecuting, we are not enforcing the law.

Mr. VENTO. If the gentleman would yield, we are losing the data base in order to successfully prosecute in these particular instances, so the $1.4 billion lost for 4 weeks, the underfunding; for instance, they cannot even send people in the field because they do not know if they will be able to come back.

We heard from a third grade student yesterday that had asthma that was effected by the smog and the other types of problems that are occurring in the air, and obviously I think that many could benefit from listening to that child, that kid, that was in fact very much affected by the fact that our clean air laws are not being permitted to function, and it is actually causing an adverse effect on his health and his ability to in fact participate in sports and do a variety of other things.

So it is not just the technical aspect, it is a very human aspect of this, and yet there is a sort of a head in the sand attitude with regards to this Republican leadership of extremism and serving the needs of special interests at the same time they are undercutting the very fundamental basic trust to the people we represent.

Mr. PALLONE. Thank you. I would like to yield to the gentlewoman from California.

Ms. PELOSI. I thank the gentleman from New Jersey for yielding and thank him also for his strong leadership on this issue. I am pleased to join our colleague, the gentleman from Minnesota, [Mr. VENTO], and the gentleman from New Jersey, [Mr. PALLONE] in this special order.

It is very interesting. I recently just had an environment town meeting in San Francisco, and it was environment and health, and we addressed very directly the proposals that are being made in this House of Representatives that effect the environment and just the subject you were talking about and how it effects individual health.

The public is on to this. They are very, very interested in what is happening here in this House of Representatives, and they are very concerned about the riders that were placed on the VA-HUD bill, obviously making that complete veto bait for the President.

But it is not enough for us just to defeat those riders, however important that was, and it took a bipartisan effort for us to have a majority vote to defeat them. However, many of the same Members of this House who voted against the riders then went on to support the bill, which had huge cuts in the EPA budget, thereby tying the hands of the EPA to do its job. Now certainly if there is any alteration that we want to make in regulations, et cetera, governing EPA, everything is up for discussion, but not serious defunding, which says to the EPA, well, we would not have the riders but you would not have money either to enforce it. Right now we are planning another meeting about breast cancer and the environment and the relationship of not having clean air, clean water, whatever else.

I think it is a very explosive issue. As I say, the public is very concerned about it. It is an environmental issue that is distinct from saving certain endangered species that some think is not necessarily important in their lives, although we see the connection in nature among all of us.

But these issues of environment and health, the EPA budget restrictions on enforcement, are issues that are important to our children, and in a Congress that talks about values and in a Congress that talks about our children's future two things are for sure: If we want our children to lead healthy lives we must make sure they live in a healthy environment, and second is we are never going to reduce the deficit as long as we would allow our environment to be polluted, causing illnesses, causing cost, and of course reducing quality of life.

One of the reasons many of us are in politics is to extend the protection that we give our own children as parents beyond the home, but there is only so much we can do, and protecting the environment is one thing the American people look to government to do. It never happened under the honor system, and it requires the government role, government regulation, and it calls for a Federal Government role so that our entire country is safeguarded.

With that, I once again want to thank the gentleman for his leadership on this as well as for holding the hearings yesterday and his ongoing leadership on the issue of protecting the environment, and if the gentleman is not using all of his time, I would like to be yielded to again toward the end of his remarks.

Mr. PALLONE. Absolutely, and I want to thank the gentlewoman from California [Ms. PELOSI] for those remarks, and you know it is interesting, because when we had the hearing yesterday Carol Browner, who is the Administrator of the EPA, pointed out what difficult choices we are going to face over the next few months or the next year if the level of spending or the budget levels that we are operating under now, if this continuing resolution were to continue through the end of the fiscal year, and she specifically said we are talking about the public health.

Again, the gentleman from Minnesota [Mr. VENTO] talked about endangered species, and there are obviously a lot of natural resource issues that we are concerned about, but we are specifically talking about public health and how it is going to be impacted, and if I can just briefly mention, because it really did not get a full hearing yesterday, but Browner specifically pointed out that under the budget proposed by the Republican leaders the American people will be faced with terrible choices with regard to public health issues. She mentioned will the EPA set effective standards to control Cryptosporidium and disinfection byproducts in our drinking water, or will we set standards that will remove 1 billion tons of toxics and other pollutants each year from rivers and lakes, standards to control water pollution from the pulp and paper industry? Will we strengthen our standards for protecting the public from smog and smoke particles of air pollution or will we issue new standards for industrial toxic air pollutants?

These are standards that they were about to embark on in this fiscal year. In other words, if they had this level of funding that was requested by the administration the EPA would be able to move ahead and regulate these industries in that fashion and meet those standards for public health reasons, and she pointed out, for example, that with the drinking water standards for the Cryptosporidium and disinfection by-products you have associated health risk like severe gastrointestinal illnesses and increased incidences of cancer with the industrial water pollution standards for metal products, industrial laundries, landfills and incinerators, pollution reduction goals where so many millions of pounds per year would not be taken out of the environment if we do not have the level of funding that was requested.

She talked about with air pollution the need to strengthen small particle standards. She talked about burning diesel fuel, burning garbage, standards that were going to be in place for those this year, and you have associated health risks of eyes, nose and throat irritation, respiratory illnesses, increases in mortality.

Obviously, I could go on and on with this and I would not, but my point is, and I think you made the point very well, is that we are talking about health risks, and that is what this is all about. You know the last 25 years, when on a bipartisan basis the Congress and President sought to improve and strengthen our environmental protection laws and to increase enforcement, were based primarily on the need to protect public health and is certainly one of the reasons why life expectancy is longer, and now there was an article that was in today's paper that said even though people are living longer they are also leading healthier lives, even when they are senior citizens, that they, you know, lead much healthier lives and are able to function in much better ways.

I am very concerned about the fact that what the Republican leadership is proposing here in turning back the clock on environmental protection is really going to have ultimately, if we let it happen, a terrible impact on the

Nation's health, but hopefully you and I and the rest of us will make the point over the next few months so that we can prevent this turning back of the clock and maybe even get to some progressive environmental legislation that will improve the public health.

I would like to yield to the gentlewoman from California [Ms. PELOSI] now for the additional time that she may consume. I know she has something about former Governor Brown that she would like to say.

Ms. PELOSI. Mr. Speaker, I thank the gentleman, and once again want to commend him for his leadership on this.

We have talked about the environment for many years in the Congress. The expression "environment and health" now go hand in hand, as they have for a long time, but, as I say, in the public's mind, and I think that if the public is mobilized and understands what is at risk here, then maybe the environment will once again become an issue which has bipartisan support, protecting the environment has bipartisan support, and is no longer an issue of controversy on the floor of the House, and if that is so, it will be in due measure, large measure, to your hard work on this, Mr. PALLONE, and I once again commend you.

□ 1745

TRIBUTE TO EDMUND G. "PAT" BROWN

Ms. PELOSI. Mr. Speaker, I am very grateful to the gentleman from New Jersey [Mr. PALLONE] for yielding time to me this evening, as I was not on the floor when my 5 minutes came up.

Mr. Speaker, I rise today to talk about the former Governor of California, "Pat" Brown. The life of Governor "Pat" Brown spanned nearly the entire 20th century, and made an indelible mark on the history of California.

Born in San Francisco before the great quake, Edmund G. "Pat" Brown was one of our city's finest citizens, and a leading advocate for progress for California. His death last week at the age of 90 was eulogized at a San Francisco funeral Mass at St. Cecilia with the archbishop present, attended by Government officials, civic leaders and citizens who never ceased to admire his awesome tenacity. As a public figure in San Francisco, Governor Brown's legendary optimism and energy characterized the spirit of his hometown, San Francisco.

Mourners, thousands of mourners, joined four generations of the Brown family, the Governor's wife of 65 years, Bernice Brown, their four children, 10 grandchildren, and many of their 13 great grandchildren in remembering the personal qualities that distinguished Pat Brown throughout his political career and in his later years as a private man. All of these people had many stories to tell. In the interest of time, I will not go into those stories right now, but they will be stories that will be heard over and over about this legendary man and his great heart.

Governor Brown's generosity and warmth emanated from his devotion to family. He thrived on the closeness of his growing family, champion their ambitions, proudly cheered their successes. From the 1970's to the 1990's, he campaigned for the two children who followed in his political footsteps to hold statewide office: his son, as you know, Jerry Brown, who served as Secretary of State and as California Governor, and daughter Kathleen Brown, who served as California Treasurer, and who won the Democratic nomination for the Governor in 1994.

At the funeral services, though, even though "Pat" Brown was a very public man, Governor Brown's grandchildren ruled the day. They affectionately recalled that he loved to do whatever the children wanted to do. "He loved us, he loved politics, he loved California, and he loved the law," granddaughter Kathleen Kelly said. She told the crowd that her grandfather cried with joy with learning that she had passed her bar exam to join the profession he so respected.

Though 30 years have passed since he led our State in the Governor's office, Californians are still reaping the benefits of his bold achievements. His accomplishments were many during his years as San Francisco's district attorney, California's attorney general, and the State's Governor for 8 years of tremendous growth. Californians are particularly grateful for the lasting foundation he built to ensure the excellence of California's public system of higher education. Former Governor Jerry Brown described his father's contribution to education as a powerful legacy. His death has generated an outpouring of condolences and expressions of gratitude from people who credit Governor '"Pat" Brown for the chance to earn a diploma.

Governor "Pat" Brown set a standard for educational opportunity that we, his benefactors, must strive to maintain. The State's universities and colleges were a model for the Nation and a cornerstone of the economic prosperity that California enjoyed for decades. Governor Brown created this enduring legacy of access to higher learning by enjoining all Californians to share his enthusiasm for investing in the future. The people of our State made that commitment under the Governor's leadership. Now we can pay tribute to his public service by renewing a commitment to today's generation of aspiring students.

No tribute to Governor "Pat" Brown could overlook his dedication to the Democratic Party and its principles, that is democratic with a capital D. An outspoken partisan, he build party loyalty, articulated Democratic values, and fully participated in the political battles to determine Democratic leadership. He was a politician in the most admirable sense of the term, believing that the true leaders must activate the citizenry in order to achieve their goals.

Democrats will miss Governor Brown's presence at State and national party gatherings and his abundance of options on the pressing issues of the day, but the education and economic infrastructure for he built for all Californians will live long beyond his time among us, and the intangible monuments to his greatness will always be present in his wisdom and vision, inspired by his genuine love of family.

As his daughter Kathleen described her father, he was a man who, for all his accomplishments, was a man of a singular inexhaustible spirit of love. We all will love and long remember and respect and admire with great affection the legacy and the person that was California Governor "Pat" Brown.

THE NATIONAL CAMPAIGN TO REDUCE TEEN PREGNANCY

Ms. PELOSI. Mr. Speaker, since I have a few minutes remaining on my time, I believe I have a few minutes remaining on my time, I wanted to associate myself with the time being taken by our colleague, the gentlewoman from North Carolina, [Mrs. CLAYTON], to talk about the promise and potential of our young girls growing up in our Nation today. These young women should have enormous promise and opportunity to succeed and make great and positive change in our world. That opportunity should not be denied or deterred because of the alarming problem of teen pregnancy. There are many ways to combat the rising rate of teen pregnancy. One is to educate State and community decisionmakers about adolescent pregnancy and its causes. Another is to educate youth about their options and possibilities. It is possible that many teens would think twice about engaging in unsafe sexual activity if they were able to gain clear awareness of the personal cost and responsibilities associated with becoming pregnant and raising a child.

In that spirit, I applaud the efforts of the National Campaign to Reduce Teen Pregnancy. We should all join with the campaign in its goal to take a clear stand against teen pregnancy and to reduce the teen pregnancy rate by one-third by the year 2005. I was proud to be one of a large group of Members who signed the letter of the gentlewoman from North Carolina [Mrs. CLAYTON] to President Clinton in support of this campaign.

In the interest of time, Mr. Speaker, I will submit the rest of my statement for the RECORD, because I took this time because it was the time that was available, but the gentlewoman from North Carolina [Mrs. CLAYTON], is our leader on this issue. If there is any time remaining, I would like to yield some of it to the gentlewoman from North Carolina, in addition to the time that she will have on this subject, commend her for her leadership, and thank her for calling us to the floor on this subject today.

Mr. Speaker, I rise today to talk about promise and potential. Young girls growing up in our Nation today should have enormous promise and opportunity to succeed and make great and positive change in our world. That opportunity should not be denied or deterred because of the alarming problem of teen pregnancy.

There are many ways to combat the rising rates of teen pregnancy. One is to educate State and community decisionmakers about adolescent pregnancy and its causes.

Another is to educate youth about their options and possibilities. It is possible that many teens would think twice about engaging in unsafe sexual activity if they were able to gain clear awareness of the personal costs and responsibilities associated with becoming pregnant and raising a child.

I applaud the efforts of the national campaign to reduce teen pregnancy. We all should join with the campaign in its goal to take a clear stand against teen pregnancy and to reduce the teen pregnancy rate by one-third by the year 2005. I was proud to be one of the large group of Members who signed Representative CLAYTON'S letter to President Clinton in support of this campaign.

I believe that for this campaign to be successful we need to do much more than take a firm stand against teen pregnancy. to succeed in reducing teen pregnancy, we must succeed in fostering the self-esteem of young girls and boys. We are responsible to let each of them know that there are people who love and support them. that love and support does not have to come from a child of their own. That love is something they can give to themselves—a feeling of self-worth that will allow teens to say no in the face of difficult decisions or pressures to be sexually active. That sense of self-worth comes from family, from school and from the community.

Funding for the title X Family Planning Program is also a key component in our fight against rising rates of teen pregnancy. Preventing unintended pregnancies among sexually active teens through counseling and education is the highest priority of Federal family planning programs.

Community based teen pregnancy prevention programs place a strong emphasis on avoidance of unprotected sex, or avoidance of sex completely during the teen years. The community level is where we all need to get involved to assist young people through the difficult prospect of growing up in this uncertain world we have made for them.

We can offer teens activities like summer youth employment, like school-to-work programs, like after school programs and activities. We can encourage them to become involved in their communities—to volunteer their services to help the lives of others, rather than creating a life in a difficult environment.

And we can definitely help by refusing to make out-of-wedlock childbirth and pregnancy the scapegoat in the welfare reform debate. Denial of AFDC benefits to unwed adolescent mothers is cruel. This is not the way to deter teen pregnancy. This is the way to increase the number of poor women and children in this Nation.

We can achieve a significant reduction in teen pregnancy the same way we can achieve real welfare reform—by offering positive, long-term solutions.

Ms. PELOSI. Mr. Speaker, I yield to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Speaker, I just want to thank the gentlewoman for joining me. I will have the opportunity to address the House for 5 minutes, but I think your approach is correct, that to indeed approach the community and raise their awareness as to their opportunity to encouraging young people to be positive, and at the same time, we provide the young people with the option of development skills and life skills that they would elect to go forward with their lives and develop, and would not, perhaps, engage in destructive behavior.

I would say part of this is economic, and the other is social. All of us have the responsibility. Finally, to the extent I do have a moment, I would say this is not something that Congress itself can do, this is something that all society has to be part of. I would encourage my colleagues on both sides of the aisle that this is an opportunity where we work can work together. It does not make any difference of party affiliation or politics or philosophy. I think all of us would rather see young people develop their skills and be mature when they became parents. It would give an opportunity for our society to be better. Thank you for allowing me to participate as well.

Ms. PELOSI. It is under your leadership that we are here today.

In closing, Mr. Speaker, I would like to say that in addition to what the gentlewoman is saying, we must do all we can in succeeding to foster the self-esteem of our young women and actually our young men today. We are responsible to let each of them know there are people who love and support them, that love and support does not have to come from a child of their own, and that love is something they can give to themselves, a feeling of self-worth that will allow teens to say no in the face of great decisions or pressures. That sense of self-worth comes from the family, from school, and from the community.

Once again, Mr. Speaker, unless the gentlewoman from North Carolina would like this time, I would like to yield back the balance of my time. I have spoken on three issues: Supporting the gentleman from New Jersey [Mr. PALLONE] on the subject of the environment and the gentleman from Minnesota [Mr. VENTO] on the importance of the environment to the health of the American people; and on the subject of teen pregnancy.

In my close, I would like to say, once again, thank you to Edmond G. Brown, Junior, for the—Edmond G. Brown, "Pat," Senior, for his contribution. I know I speak for every member of the California delegation when I say to the Brown family that we are grateful for their unselfishness with "Pat" Brown in making him part of our State's history, and his great legacy is one that will live for a long time to come, and extend on behalf of our delegation condolences and deepest sympathy to Mrs. "Pat" Brown.

PARLIAMENTARY INQUIRY

Mr. WELDON of Pennsylvania. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). The gentleman will state it.

Mr. WELDON of Pennsylvania. Mr. Speaker, is it not correct under special orders, the individual managing the time is supposed to be here in the Chamber when the special order is underway?

The SPEAKER pro tempore. The gentleman is correct, ordinarily, but during the first hour the minority leader and the majority leader may reallocate the time as they see fit.

Mr. WELDON. I thank the Speaker. I just asked that question in case it arises again. We did not object, and I would not object, but I just wanted that clarified for the RECORD.

DEMOCRATS CONTINUE TO IGNORE IMPENDING MEDICARE BANKRUPTCY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. RIGGS] is recognized for 5 minutes.

Mr. RIGGS. Mr. Speaker, Medicare is in critical condition. For nearly a year now, the President and the liberal House Democrats have refused to address Medicare's impending bankruptcy. In fact, they have ignored the warnings of the Medicare trustees and instead demagogued this issue, waging a campaign of fear and misinformation.

When the Republican-led Congress sent a bill that passed the House and the Senate to the President which would have saved Medicare from bankruptcy and preserved it for future generations, the President vetoed the bill. Yet, 3 weeks ago yesterday, new evidence revealed that Medicare is indeed going bankrupt faster than the Clinton administration admitted. Three weeks ago yesterday, there was an article in the New York Times, not exactly a conservative publication, that said the Medicare insurance trust fund lost money in 1995.

This little article reads: "Medicare's Hospital Insurance Trust Fund lost money for the first time since 1972, 2 years earlier than officials in the Clinton administration had predicted." That is what the New York Times reported, again, 3 weeks ago yesterday.

"We had projected that 1997 would be the first fiscal year with a deficit," said Richard S. Foster, chief actuary of the Federal Health Care Financing Administration, which runs Medicare. "Once the trust fund starts losing money, the losses are expected to grow," the New York Times reported.

Then the next day the Washington Post reported the following: "The White House confirmed a report yesterday that suggested the Medicare hospital trust fund may be hemorrhaging even faster than previously expected—ending fiscal 1995 with a balance that was $4.7 billion lower than predicted."

In April 1995 the Medicare Board of Trustees, including three Clinton Cabinet officials and the commissioner, or the Director, of the Social Security Administration, warned Congress and the President that Medicare would be bankrupt by the year 2002 unless it took steps to preserve Medicare from bankruptcy and to reverse the soaring spending rate, the exponential spending rate path Medicare was on to bankruptcy.

The Clinton administration, of course, tried to sweep these findings under the rug. When the President spoke to the White House Conference on Aging just a month later, in May of 1995, he never mentioned the Medicare trustees' report. Instead, the President and the liberal House Democrats spent most of last year, and again, the early part of this year, blasting Republican plans to save Medicare. But as I mentioned earlier, according to the New York times, the Clinton administration had data as far back as last October that indicated that the situation was far worse than predicted.

While the administration had estimated a projected surplus in the Medicare trust fund of $4.7 billion for 1995, in fact the balance in the trust fund fell by $35.7 million; as I mentioned, the first time since 1972 that the trust fund has lost money. So clearly we now know Medicare is headed for bankruptcy even earlier than 2002, and the President and the liberal House Democrats have no plan to save it.

In fact, they have done virtually nothing to address the problem. For 10 months the President and the liberal House Democrats have ignored the warnings of the Medicare trustees regarding the system's impending bankruptcy, and instead they have played politics with Medicare, exploiting and twisting the issue to deceive and scare senior citizens, which is particularly, I think, despicable, given the fact that so many of our senior citizens are frail and elderly and vulnerable, and the President has submitted a string of budget plans that all fail to, again, deal with Medicare's financial crisis.

Unlike the President and the liberal House Democrats, Republicans listened to the Medicare trustees' warnings, and we passed a plan that would have saved Medicare for another generation.

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Our plan increases Medicare spending per beneficiary, per Medicare recipient, each year from $4,800 last year to more than $7,100 by the year 2002. That is a total Medicare spending increase of 62 percent. So we increased Medicare spending, increased Medicare health care choices by introducing the concept of managed care, physician service organizations and of medical savings accounts, while saving the program from bankruptcy.

Unfortunately, as I mentioned, this is the legislation that the President vetoed last November.

In addition to saving Medicare from bankruptcy, we Republicans are taking steps to aid senior citizens despite the President and the liberal House Democrats. As part of our Contract With America, we repeal the tax increase by the Clinton Democrats on social security benefits, a tax increase that takes affect on social security beneficiaries earning as little as $3,400 per year. We offer tax relief for long-term health care insurance premiums and a $1,000-tax deduction for elder care as part of the GOP Balanced Budget Act. Again, these are proposals the President vetoed.

We have passed legislation to increase the social security earnings test so that older Americans can continue to work without punitive taxation, and we passed a law that the President did sign protecting the rights of seniors to live in senior-only housing.

Clearly, colleagues and Mr. Speaker, saving Medicare is not one of the President's priorities; getting reelected is. Rather than preventing or joining with us to prevent Medicare's bankruptcy, the President and the liberal House Democrats prefer to play politics. They seized on this issue to try to win back control of the House of Representatives. They are only interested in using this issue, exploiting it for naked political gain. This is a transparent grab at political power, regaining political power.

As much as the President would like it, Medicare's problems will not wait a minute until after the November election to be solved. We Republicans have a plan that will save the system for future generations of senior citizens, and the only person standing in the way of their health care security, the only persons standing in the way of health care security for elder Americans, is, in fact, President Clinton and the liberal House Democrats.

TEENAGE PREGNANCY

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, teenage pregnancy is a condition that can be controlled and prevented in many instances.

Yet, 30 percent of all out-of-wedlock births are to teenagers, below the age of 20.

That astonishing reality should be alarming to all in Congress.

No other industrialized nation, with a population comparable to the United States, has a problem of this magnitude.

On the issue of teenage pregnancy, we have the dubious distinction of leading the world.

Why, you may ask, is this problem out of control?

Simply put, it is out of control because we have not taken steps to control it.

That is changing.

In January, President Clinton announced a bipartisan "National Campaign To Reduce Teenage Pregnancy."

The mission of the campaign is, "To reduce teenage pregnancy by supporting values and stimulating actions that are consistent with a pregnancy-free adolescence."

The goal of the campaign is, "To reduce the teenage pregnancy rate by one-third by the year 2005."

Neither party, nor politics, nor philosophy should stand against this vital mission and this critical goal.

This is an issue that we should be able to work together regardless of our party affiliation. The mission is difficult, but it can be done. The goal is demanding, but it is within our reach.

As we consider how and where to reduce spending, we must not forget that teenage pregnancies cause a heavy burden on the Federal budget.

Medicaid funds, food stamps, and AFDC funds are especially hard-hit by the teenage pregnancy problem.

If we want to balance the budget, let us begin by working to bring some balance to the lives of thousands and thousands of our teenagers, involved in premature childbearing.

Teenage pregnancies cause a heavy burden on society and it robs teenagers of their youth and robs their children of the benefit of mature parents.

A recent report to Congress on out-of-wedlock childbearing indicates that 35 percent of all out-of-wedlock births are to women over age 25; 35 percent are to women 20 to 24 years of age and 30 percent are to teenagers.

Thirty percent of all out-of-wedlock births are to teenagers.

One objective of welfare reform, shared by both political parties, is to reduce teenage childbearing.

Pending legislation on welfare reform, however, embraces an unreasoned approach to reduce the number of out-of-wedlock births, by denying cash benefits to unwed teenage mothers.

This unreasoned approach is based on the perception that the current system has failed and contends that any proposed change, such as denying children food and medical care, must be a good change. Thus, those who propose eliminating welfare benefits to young unwed mothers argue that their approach can't make matters any worse than they already are.

Change for the sake of change is empty.

We need change, but we need change for the better. Such proposals appear premised on the belief that if Government ignores teen parents, they will go away or get married.

There is little or no research to support such contentions.

Reason, on the other hand, suggests that even if the belief held true for some, there would be many young children and mothers left destitute.

Reducing teenage childbearing is likely to require more than eliminating or manipulating welfare programs.

The underlying causes are economic and social poverty, lack of education, family and community support, adult guidance, and violence are all linked together.

These are not problems isolated to the very poor, but rather problems that cut a wide path across the entire spectrum—very wide and very deep.

There is considerable evidence that life skills training in combination with other social prevention programs have been very effective with young people who use alcohol, drugs, and tobacco and engage in other destructive behavior.

As a society we must consider an array of programs that foster positive and responsible development of our youth.

URGING SUPPORT FOR THE COMMUNITY RENEWAL PROJECT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, this morning I attended a press conference held by JIM TALENT and J.C. WATTS to announce a community renewal project that will empower low-income communities. This bill was formulated and designed by the communities that it will effect. Congress went to the community leaders and asked them what will help them in their renewal projects. This initiative is what came out of those conversations.

I want to first of all commend JIM TALENT and J.C. WATTS for meeting with these community leaders and for listening to them as they formulated the legislation that will help these communities to become strong.

A major component of this empowerment initiative is title II, which allows these communities to implement school choice. Not surprisingly, most of these community leaders made school choice a top priority in their list of essential components for the renewal of their communities.

According to the Center for Neighborhood Enterprise, 70 percent of low-income parents, who were aware of school choice opportunities, were supportive of school scholarships for their children. Their No. 1 comment was that in order to improve their communities, they must be able to have quality educational choices for their children.

I'd like to direct Members' attention today's Washington Times, page A3. The Associated Press is calling today the super Tuesday of school choice. There are a number of school choice events happening today. Today in the other body, they voted on cloture of debate on the D.C. appropriations bill which includes choice scholarships for the low-income students of the District of Columbia. Unfortunately that vote failed by six votes.

In Milwaukee, Parents for School Choice is defending the Milwaukee plan before the Wisconsin Supreme Court and in St. Paul, MN, Governor Carlson's choice initiative will be debated.

In some parts of this great country, the state of education continues to decay. Despite solutions of more money, more bureaucracy, more regulation, and greater Federal intrusion into our schools, we would all agree things have gotten worse, not better.

Our children need the opportunity to pursue a good education. If this educational opportunity is outside their school district, they should have chance to take advantage of it and find their American dream through quality education.

A good education is a key ingredient in ending the cycle of poverty that entraps so many of our Nation's children. This empowerment initiative will liberate the parents of low-income children to choose a school that meets the educational needs of their children.

Mr. Speaker, the 104th Congress has been accused of not looking out for the poor and less advantaged, and simply being a voice for the rich. Well, Mr. Speaker, this bill will dispel that myth. In fact, it challenges these critics to match their rhetoric with their support for this proposal. This bill is targeted to the low-income families and communities—to the people who most need the opportunities of choice in education.

In an article in the Washington Times, Carol Innerst reported that public school teachers in troubled urban districts are much more likely to send their children to private schools than other Americans. A surprising 12.1 percent of all public school teachers and administrators send their children to private schools. In those public school systems considered the worst, an average 32 percent of the public school teachers and administrators send their children to a school outside of the district they work in, frequently to a private school.

I want to encourage my colleagues to seriously consider supporting the Community Renewal Project when it is introduced on the House floor. It is a wonderful project that spans both ideological and political platforms. it is a bill that well help Americans pursue the American dream.

ILLEGAL CUBAN SHOOTDOWN WARRANTS PUNISHMENT OF CASTRO, BUT NOT DESPITE LONG-TERM UNITED STATES INTERESTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado [Mr. SKAGGS] is recognized for 5 minutes.

Mr. SKAGGS. Mr. Speaker, the Castro regime has acted in callous violation of international law in shooting down two defenseless and clearly marked civilian aircraft. Whether or not the Brothers to the Rescue planes strayed into Cuban airspace hardly matters. No law permits a military fighter plane to shoot down an unarmed civilian aircraft. Civilized people everywhere are rightly outraged by these murders and by the disregard that the Castro regime has shown for human life and human rights.

The families of the pilots and crew who were killed have our sympathy in their tragic loss. These men were dedicated to a noble goal—freedom for the people of Cuba.

We are told that the Cuban MiG pilots made no effort to contact the Brothers to the Rescue pilots, to make the usual warning signals to them, or to escort their small airplanes from the area before firing on them. All this demonstrates a willful failure to follow the internationally agreed-upon rules for dealing with such a nonthreatening approach to national airspace.

Fidel Castro's desperate response reflects the nature of his regime. He's again shown us his contempt for international law and his need to isolate the Cuban people from the world community.

The steps the President has taken constitute, for the most part, a reasonable and measured response. The President has properly sought and won international condemnation for an act that flouts international law and norms. The President also has proposed legislation to enable him to use frozen Cuban assets to provide compensation to the victims' families. I expect to support that proposal. I also think it is reasonable to add some restrictions on travel at this time.

The President's call for expanding Radio Marti, however, makes sense if and only if Radio Marti is first cleaned-up. The problems that have plagued the operation of Radio Marti are legion and do not reflect well on the management of USIA's surrogate broadcasting programs. Now, more than ever, it is essential that Radio Marti be brought up to U.S. Information Agency standards for quality and accuracy of news broadcasts. Otherwise, expanding its operations will not serve U.S. interests.

I also do not agree with the President that it is in our national interest to cozy up to the Helms-Burton legislation, even in response to such an offensive provocation by the Cuban Government. If we tighten the embargo we will only be playing into Castro's hands by helping him to keep his people in a state of isolation and deprivation. As in the case of our other former and hold-over adversaries from the cold-war era, the best policy for the United States to follow, for its own self-interested reason and for purposes of reforming the political and economic system in Cuba, is a policy of tough-minded engagement.

The murderous attacks on the Brothers to the Rescue airplanes was an illegal and outrageous act. It is one for which Castro has to be punished. At the same time, we should not become captive to a limited ideology. Instead we should seek constructive ways to stand with the Cuban people in their struggle for freedom, and to serve the enlightened self-interest America has in a peaceful transition to political and economic freedom in Cuba.

MISSILE DEFENSE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 60 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise this evening to speak, perhaps not for an hour but certainly for some time, on the issue of missile defense and partially in response to the administration's announcement of a little over a week ago in regard to their missile defense program for this fiscal year and the request to Congress which we anticipate receiving in the next several weeks.

TRIBUTE TO MC LEAN STEVENSON

Mr. Speaker, before I get into that, let me make a few comments about the unfortunate passing during the February work period of McLean Stevenson. Most of our colleagues in this Congress and most of the people around the country know McLean Stevenson as a Hollywood star who made his fame primarily through the program "M.A.S.H."

However, I want to speak briefly about McLean Stevenson and his commitment to fire and life safety issues. McLean Stevenson, at a young age, was rescued from a house fire by a group of firefighters in his hometown, and because of that incident had a lifelong interest in promoting the welfare of firefighters in general and promoting the issue of fire and life safety. It was not until he retired from the M.A.S.H. series that he devoted his full time to working on these issues.

In that context, many of us who are involved in the fire and emergency services caucus here on the Hill came to know McLean Stevenson. For the past 3 years he has been a regular attendee at our national fire and emergency services dinner. We have held seven of them here in the Nation's capital, and in the last three of those dinners McLean Stevenson was not just an attendee but one of our speakers, and for the most part one of our most popular and funny speakers. He intertwined with his humor the basic lessons of life safety and concern, the importance of installing smoke detectors in individual residences and multifamily dwellings and talked about his effort nationwide to promote these issues to people both young and old.

McLean Stevenson was to have been, again, a guest at our dinner at the end of April this year, as he was last year when we had President Clinton as our keynote speaker, and honored the Oklahoma City Fire Department for their heroic efforts in response to the Oklahoma City disaster.

□ 1815

Unfortunately, McLean Stevenson died on the operating table. He was a friend, he was someone who was beloved by the entire fire service of this country, and whose true mark in terms of his life will be remembered in terms of the lives that he helped save by his efforts in promoting fire and life safety issues.

So it is with a deep sense of sadness that I rise to wish his family well and to say that certainly McLean Stevenson has left his mark on all of us. At our dinner in April we will pay appropriate tribute to our friend McLean Stevenson.

Mr. Speaker, I rise tonight, in addition, to respond to the administration's press conference of a little over a week ago, which in itself was a travesty. Many of us had been in contact with the administration in terms of the fiscal year 1997 budget request for missile defense and where the priorities would be in terms of programs.

I in fact wrote to both Secretary Perry and Deputy Secretary Kaminski, as well as to General O'Neill expressing my interest in meeting with them before any final decisions were made from a program standpoint relative to missile defense funding for this next fiscal year. In fact, that issue was repeated both verbally and in written form.

What really bothered me, Mr. Speaker, was that the administration saw fit, Secretary Perry and Dr. Kaminski, to hold a press conference at 3 o'clock on a Friday afternoon right before a 3-day holiday break, giving no advance word to Members of Congress except for an attempted phone call to myself the day before and other senior members of the defense committee and a call that I received on the day of the conference by General O'Neill. So there was no attempt in a bipartisan way to reach out to this Congress to work together on the issue of missile defense.

That is especially troubling, Mr. Speaker, because the single biggest change to the Clinton defense budget made by this body and the other body last year was in the area of missile defense. We plussed up the missile defense accounts by approximately $800 million because of the threat, both the near-term threat and long-term threat. We plussed up the national missile defense accounts, the theater missile defense accounts, as well as ballistic missile defense and Brilliant Eyes, space-based sensing program.

Those changes were made with strong bipartisan support in this House. In fact, when the bill left committee, it had the strongest vote in the 10 years I have been here, 478 to 3. When the bill was brought up on the House floor, for the first time in my 10 years we had 300 Members of the body vote in favor of the defense authorization bill, and that is with the significant changes from the Clinton administration relative to missile defense. So we thought it would be important to establish this new year in a bipartisan tone, working with the administration to try to find common areas.

Unfortunately, that did not occur. The press announcement that was held basically announced this administration's continuing policy to decimate defense spending as it relates to missile proliferation and the threat of missile attack, either accidently or deliberately. The mismatch relates between rhetoric and reality, and it is large and growing.

In fact, and I hate to make the statement on the House floor, but after looking at this issue as I have as a member of the National Security Committee and the chair of the Military Research and Development Subcommittee, I am firmly convinced this administration has no commitment to defend America whatsoever and under President Clinton never has. Even the sacred programs now that the Clinton administration said it supported, namely the theater missile defense programs, have been plundered to pay for other modernization needs.

The outrage here, Mr. Speaker, is that we have boxed our Joint Chiefs into a corner. As we have decimated defense spending, we have driven the leaders of each of our services to look to cut other areas beyond those programs that are important, parochially important to their own services. That has in fact caused the Joint Chiefs to come in and make recommendations, to have draconian cuts in the vital programs important to our national security from the standpoint of missile proliferation.

In addition, the press conference and the announcements of the program by

Secretary Perry in fact are in major violation with the law that this Congress passed, most specifically section 234, which provides for specific dates relative to theater missile defense systems. In fact, we right now on the committee are considering whether or not to take legal action in suing the administration over these disconnects with the law.

Mr. Speaker, the concern that I have is that this administration has just not been serious in dealing with the American people and this body on the growing threat that is posted to this Nation and other free nations from the threat of missile proliferation. That is in spite of requests by the leaders of this administration.

Mr. Speaker, also during the February break there was an article in the Washington Times, which I will include as a part of my statement. The article that was in the Times, Mr. Speaker, cites a letter that was sent, a communications by General Luck. General Luck, Gary Luck, is our commanding officer in Korea. He sent a letter to the Chairman of the Joint Chiefs of Staff, General Shalikashvili, pleading for an enhanced funding profile for the THAAD missile defense system.

Why did he make this plea? Because there are serious concerns on his part as our commanding officer in South Korea relative to the threat posed by North Korea as they develop their state of the art missile systems, the No Dong and the Taepo Dong–II systems. These systems are sophisticated and pose a real and genuine threat, not just to South Korea and our troops in South Korea, but in fact as Secretary Deutch, the head of the CIA, mentioned in Senate testimony last week, even to the State of Alaska by the year 2000 and beyond.

General Luck made the case to General Shalikashvili that we needed to be able to deploy at least two batteries of THAAD systems at the soonest possible time. General Shalikashvili wrote back to General Luck, and this article which I have asked to put in the RECORD has the exact quotations from General Shalikashvili, that he is not able to fully fund the THAAD Program at what they thought was going to be the deployment program established last year by the Congress, and also a priority of this administration, because of the budgetary pressures and the need to fund other priorities in the military.

So here we have the Chairman of the Joint Chiefs of Staff, Mr. Speaker, acknowledging in a letter to General Luck in South Korea that we cannot give hem the resources he needs, not because they are not warranted, and General Shalikashvili even mentions he fully supports the THAAD development, but because we have boxed the leadership of the military into a corner where they cannot fund the most basic priorities, and therefore have to cut wherever possible.

Mr. Speaker, this is outrageous. In fact, this communications and this request by General Luck and the negative response by General Shalikashvili reminds me of a situation that occurred several years ago. That situation was when our commanding general in Somalia sent a communique back to the Pentagon, which ultimately went to then Secretary of Defense Les Aspin. That communique, Mr. Speaker, said that the commanding officer in Somalia said that he needed additional backup support to protect the welfare of our troops.

That request for additional support was denied. It was only after 18 of our young troops were killed in a massacre in Mogadishu that Secretary Aspin came up on the Hill along with Secretary of State Warren Christopher and addressed a bipartisan group of over 300 Members of the House and Senate assembled in one of the Capital meeting rooms, and under questioning Secretary Aspin said that he denied the additional support for the troops requested by the command officer in Somalia because of the political climate in Washington. This is the first time, Mr. Speaker, since Vietnam, that we have had an administration say that it has denied the support to protect American troops for a political reason.

That is exactly what we are seeking here in Korea. Our commanding officer in South Korea is concerned about the safety of our troops. He has communicated that to the Chairman of the Joint Chiefs of staff, and the response by the administration is we agree with you, we would like to help you, but there is just not enough money, so we will have to risk the lives of those troops in terms of protection from a missile attack by the North Koreans. Mr. Speaker, that is outrageous.

Mr. Speaker, during the debate of the defense authorization bill last year, we went to great lengths to work with the administration on missile defense. Mr. Speaker, as the chairman of the Subcommittee on Research and Development, I made sure that at every possible opportunity we were not forcing something down the administration's throat that they could not live with.

Some in my party, Mr. Speaker, as you know, wanted to have language in the defense bill that would have immediately caused a problem with the ABM treaty. They wanted multiple site language for deployment of a national missile defense system in the bill. I argued against that, Mr. Speaker.

The ultimate compromise bill that we presented to the President did not contain any language that would have violated the ABM treaty. In fact, everything we did in our bill, Mr. Speaker, Gen. Malcolm O'Neill, the administration's point person on missile defense, acknowledged publicly would be in compliance with the ABM treaty. But what did President Clinton do when he vetoed the bill? He said that he had concerns about the possible impact of our bill on the ABM Treaty.

Mr. Speaker, that statement was absolutely outrageous. What we did in the bill is said that we should look to those threats that are there now. The most immediate threats, Mr. Speaker, are those posed by countries that either have the capability now, like North Korea and China with the SCSS–2 and SCSS–4, that have the potential in a few short years to have their missiles reach the shores of Alaska or Hawaii; or to have the threat posed by the Russians aggressively selling off the SS–25 architecture, which is currently their mainstay in their missile system.

An SS–25 has a range of 10,000 kilometers and it is mobilly launched. The Russians are now actively marketing that system to any nation that will buy it as a space launch vehicle. Once a rogue nation gets an SS–25, Mr. Speaker, without the nuclear tip on it, bit perhaps with a chemical, biological or conventional weapon, that poses an immediate threat to the mainland United States for which we have no system today that can shoot down one of those missiles. The American people, when you tell them that, they are amazed. They cannot believe that with our focus on defending this country, we today have no capability to shoot down an incoming ICBM. But the fact is, Mr. Speaker, we do not.

□ 1830

A further outrage is the Russians do. Under the ABM Treaty, each of the two signatory countries is allowed to have an operational ABM system that can be operated from a single site. The Russians have had an operational ABM system around Moscow that protects 80 percent of their population for the last 15 years. In fact, Mr. Speaker, the Russians have upgraded that system several times.

When I was in Moscow last month, I asked to visit one of the ABM sites. They told me if I came back a week later, I could visit it, but they would not let me visit it the week I was there. But we all know and they know and acknowledge publicly they have an operational ABM system. We do not, Mr. Speaker. We do not have an operational ABM system. We have no capability if, in fact, a rogue nation deliberately or accidentally launches one missile aimed at America.

Now, it doesn't matter whether it is aimed at New York and hits Miami, the fact is that we have no protection against a rogue launch against this Nation. Now, the administration said they didn't want to support the bill because it would violate the ABM Treaty. So we were very careful and we came up with provisions in the bill that said, OK, two branches of our services today have acknowledged publicly that they can build a system compliant with the ABM that, in fact, would protect all 50 States. Nothing in the way of violating the ABM Treaty. And that is exactly what we called for in the bill.

It wasn't until after President Clinton vetoed the Defense authorization bill the first time that Mal O'Neill, the head of BMDO for the Clinton administration, came out publicly and verified what I had been saying all along. And that is, yes, the Army has a variant of an existing single-site system. And the Air Force has a variant of the current Minuteman system at Grand Forks, ND, that with a modest upgrade over 4 years can provide a limited protection for all 50 States. Totally treaty compliant.

Cost? The administration and President Clinton has railed on about numbers in the $20 and $30 billion range. Mr. Speaker, I have had briefings. The Army says it can deploy a modified system in 4 years for a cost of less than $5 billion. The Air Force says they can modify the Minuteman, again a single-site system, again deployable in 4 years for a cost of less than $3 billion.

Mr. Speaker, there you have it. Working with the administration's own leadership and the military, we put together a scenario where we can protect the American people and we can do it at a cost of less than $4 to $5 billion and deploy it within 4 years. Each of those systems would provide a thin layer of protection against incoming missiles up to 10 with a 90-percent effective rate. Today we have no such system. And under the administration's revised program, we won't have a system. They are talking about a 3-year option and then making a decision and maybe 3 years down the road. Mr. Speaker, we can't wait 6 years. We can't wait 6 years, Mr. Speaker.

When the administration finally realized that we had, in fact, dealt with the ABM compliance issue and that we had, in fact, offered in our bill language to take existing technology, which the Air Force and the Army says they can do for the cost that I have mentioned, they realized they no longer had an ABM issue, even though President Clinton got up and said that. Everyone who knows the issues technically knew that he didn't know what he was talking about, and the ABM Treaty was not, in fact, jeopardized by our actions in the bill. Even his own people said so. So they raised a new issue, Mr. Speaker.

They then said through people like Bob Bell for the National Security Council at the White House, they said, well, there is no threat, we don't see a threat emerging. In fact, for the first time since I have been here, they politicized an intelligence study that was released early to minority Members in the other body that said that the Defense authorization bill had overstated the threat. Now, that was in early December, Mr. Speaker. On December 15—actually before December 15, I requested the briefing, the closed briefing, security briefing of the NIA, the updated assessment from our intelligence community.

I was so embarrassed by the briefing and so outraged by the lack of depth in the briefing, and I had staffers from both the National Security Committee and the intelligence committee with me, that I got up and said to the briefer, Dave Lazius from the CIA, that it was not worth my time to sit through.

They did not answer the most fundamental questions upon which the results of the briefing were based. In fact, Secretary Deutch later agreed with me the briefing was not what it should have been and has asked me to sit through a rebrief which I have agreed to do.

Mr. Speaker, the brief, parts of which have been leaked to the media, not by the Congress but by the administration itself, made the case that there is really no threat, we don't have to worry.

Less than a week after the administration deliberately in a political manner leaked out parts of that what is supposed to be a secret brief on intelligence relative to the threat from rogue nations. Less than a week later, the Washington Post, on December 15, ran a story.

Now, Mr. Speaker, this story is important. It is important because it gets to the heart of what we are talking about here. The Washington Post story documented that the Jordanian intelligence agency, working with the Israeli intelligence agency, had intercepted a shipment of sophisticated advanced accelerometers and gyroscopes. Now what is so important about a shipment of advanced accelerometers and gyroscopes? And I can't divulge the exact number. It is a classified number. But we know how many were confiscated in this country.

Mr. Speaker, those advanced accelerometers and gyroscopes were going from Russia to Iraq. In fact, that is where they were intercepted. Mr. Speaker, the items in question can only be used for a long-range ICBM. Now Mr. Speaker, we have been told that there is no threat from a long-range intercontinental ballistic missile coming from Iraq. Then why would there be advanced accelerometers and gyroscopes going to Iraq from Russia? And should we not question the Russians about why this technology transfer was taking place? Because if, in fact, they were taking place, that is a violation of the missile control technology regime.

So Mr. Speaker, when I was in Russia for a week back in January, on my seventh trip there, meeting in the Kremlin with Yeltsin's key defense advisers, Mr. Kortunov and others and meeting with Ambassador Pickering and our staff at the Embassy in Moscow, I asked the question, what is the Russian response to the technology transfer of equipment that can be used for a long-range ICBM from Moscow to Baghdad? Ambassador Pickering said we haven't asked them yet. And the Russians said, we don't know what you are talking about, even though it was a story in the Washington Post, even though we had the devices now in our hands since they had been confiscated by the intelligence community in both Jordan and Israel, that no one knows about this.

I can't believe it, Mr. Speaker. Here we have a technology transfer that is a direct violation of the missile technology control regime that only has one fundamental end purpose, and that is to give the Iraqis the capability for the long-range missile that we know Saddam has been after for a decade and we haven't even asked the Russians how it happened.

Now here is the problem, Mr. Speaker. If those items were stolen from Russia, that is a problem because that means the Russians don't have adequate controls over the advanced technology that would help Iraq or another nation build a long-range ICBM. But, Mr. Speaker, if the Russians did know they were being transferred and being sold to Iraq, that is a problem because that is not allowable under the MTCR.

And perhaps, Mr. Speaker, that is why the administration hasn't asked the question. Because this administration, back in August and September of last year, without a lot of fanfare, very quickly, without much attention from this Congress, although I asked questions of the administration at that time, rushed Russia into the MTCR. Because they wanted Russia to become a player of those countries who would abide by the controls put into place by the missile technology control regime.

The problem this administration knows, Mr. Speaker, is if they ask the question about the technology being transferred, they then have no recourse but to apply economic sanctions against Russia. And if they apply economic sanctions against Russia, that means we undermine Boris Yeltsin's leadership and perhaps cause turmoil inside of Russia and instability in this, an election year.

Mr. Speaker, that is absolutely the worst reason not to question the Russians about the transfer of technology that could ultimately pose a threat to our country. And it further undermines our confidence in the intelligence community assessing for us in a logical way without sanitization which is really occurring in terms of missile proliferation and technology proliferation around the world. I wrote a three-page letter to President Clinton asking him, and I would ask unanimous consent at this time, Mr. Speaker, to include my letter in the RECORD.

The SPEAKER pro tempore. Without objection.

Mr. WELDON of Florida. Asking the President some very specific questions about the technology transfer and I am still waiting for a response 1 month later. I also, Mr. Speaker, had a three-page letter drafted to the intelligence community asking for specific responses to questions about the upgraded intelligence assessment that was used by the minority party in the Senate to say we don't really have a threat to worry about.

Now, Mr. Speaker, some listening to this might think well, here is a Member of Congress who only wants to stick it in the eye of the Russians, he doesn't really care about relations with the former Soviet Union, he just wants us to build a bigger and bigger defense industrial base. First of all, Mr. Speaker, let me make this point. I have no parochial interest in missile defense. There were no contractors in my district, I don't have a military base in my district. I do chair the R&D committee.

Let me make one additional point, Mr. Speaker. I will match my record on Russian-American relations with any Member of this body. For the past 3 years I have cochaired the Russian-American energy caucus where I have worked with Members of the Russian Duma on joint energy deals, two of which are now in place, Sakhalin I and Sakhalin II with Mobil, Marathon, and McDermott Corporations. Western companies will invest between $50 and $70 billion in Russia to help them develop their energy resources. We are now working on Sakhalin III. In fact, the Russian Duma last December passed a new production sharing agreement which will encourage other projects of this type to help Russia stabilize the economy. Just 2 weeks ago, I was the only Member of the Congress in attendance at a luncheon with Mr. Chernomyrdin and the Energy Minister from Russia Mr. Shafranik where we talked about joint cooperation in terms of energy investment. Secondarily, Mr. Speaker, I work with Russia on environmental issues, Nikolai Vorontsov, a member of the Duma, has chaired the globe task force in Russia on environmental issues. I have worked with him as a member of globe U.S.A., in fact, was in St. Petersburg leading the effort on the part of our Navy to put funding in to help the Russians clean up their nuclear waste in the Arctic Ocean and in the Sea of Japan. As a member of the National Security Commission have fought for the past several years to get additional funding to help the Russians deal with their terrible environmental problems, working with Bob Colangelo and Vartov to establish joint Russian-American energy initiatives. In fact, just in December of last year had the leading Russian environmental activist in our country testifying before my subcommittee on ways that we can work with the Russians on environmental initiatives. Mr. Speaker, we are doing a ton of work with the Russians on the environment. Mr. Speaker, we have also proposed establishing a new Russian-American Duma to Congress forum. In January of this year when I was in Russia, I carried a letter from you, Mr. Speaker, which I delivered to the new speaker of the Russian Duma, Mr. Seleznyov. This letter suggested that both speakers should support the establishment of a formal process where Members of Congress and the Duma company meet at least twice a year focusing on specific issue areas; namely, the environment, energy, defense, foreign policy, and relations, as well as other issues that are going to come up in the forefront, like the economy, health care, adoption laws, and so forth. That letter from you, Mr. Speaker, was delivered to Mr. Seleznyov by me. In addition, I met with members of the four major political parties in Moscow to convince them that it was in their interest to have more formal relationships with Members of the Republican and Democrat Parties in the Congress. I met with the Yabakov Party, Zhirinovsky's party, the Communist Party and Yavlinsky's party, and Mr. Speaker, the response was overwhelmingly positive from all of them.

But you know, Mr. Speaker, and we expect, by the way the Ambassador, the Washington Ambassador from Russia will be in my office tomorrow where I will meet with him, Ambassador Aleksey Arbatov where we will discuss the Russian administration, Mr. Seleznyov's response to your letter, Mr. Speaker, to establish this new forum, as well as your letter also outlining a proposal to establish a direct internet linkage where Members of Congress and members of the Russian Duma can communicate through simultaneous translation in a written form back and forth on an instantaneous basis. These are concrete proposals that we have made. These are concrete actions, Mr. Speaker, that we are taking on an ongoing basis. Last year I have hosted over 100 members of the Duma in my office. My goal is the same goal as President Clinton and that is to build a solid relationship between Russia that encourages economic growth, that encourages democratization and encourages the reforms you have been seeing in Russia. But the difference, Mr. Speaker—and this is a key difference, this administration wants to sanitize and ignore the realities of the Russian military threat.

□ 1845

The key thing that we have to understand, Mr. Speaker, is that the leaders of the Russian military are the same leaders who led the Soviet military; they have not changed. They are not a part of the reform movement and many of the actions being proposed by the leadership of the Russian military potentially pose a threat to this country's security.

Mr. Speaker, I think the Russian people want us to call their military leadership when things occur which they even cannot ask in their own country about, yet this administration tends to want to put its head in the sand and not acknowledge issues that occur like the transfer of technology of the Acceleramas, like the effects of the morale problems in the Russian military, like threats posed by the transfer of the SS–25 technology and the threat that poses to the United States in terms of a rogue nation getting that capability.

It reminds me, Mr. Speaker, the Clinton's administration policy reminds me of my first amendment that I offered on the floor of the House in 1987. At that time there was a debate in this Congress that was going on about the ABM Treaty much like there is now, and on that debate, Mr. Speaker, the liberals were saying that we should adhere to the strictest interpretation of the ABM Treaty. My amendment was very simple. It said the Russians in fact were in violation of the ABM Treaty because they had installed a large fader-phased radar system in a town called Krasnoyarsk. My amendment passed the House 418 to zero; no Member voted against it. But many of the liberals who voted for it stood up on this floor, Mr. Speaker, and they said it is not an important issue. The Russians just built that radar for space tracking purposes. They do not plan to use it in violation of the ABM Treaty; that has never been their intent. It is an accidental location. Yes, it is a technical violation of the ABM, but it does not really matter because it is not going to be used for battle management and certainly would not be used against the United States.

That was in 1987, Mr. Speaker. In 1995, General Voitinsev in the Russians' Military Historical Journal was interviewed. Now General Voitinsev for 18 years was the commander of Russian air and space defenses for the entire Soviet Union. In the interview he was asked about Krasnoyarsk radar, Mr. Speaker, and in response to the question he said he was ordered to place the Krasnoyarsk radar where it was by at-that-time General Ogarkov. General Ogarkov was ordered to place it there by the Politburo, the ruling body in the Communist Party and in the Soviet Union. So here we have the 18-year commander of air and space defense command for the Soviet Union now admitting in a public record in Russia that he was ordered to place the radar where it was in direct violation of the ABM that would eventually allow the Soviet Union to break out of the ABM

Treaty and have battle management capability that would directly threaten the United States.

So, Mr. Speaker, we have to understand the context in which the Russian military operates. There are some in our Congress and there are some in the White House who want to do whatever they can to bolster up Boris Yeltsin, and what I am saying is, Mr. Speaker, we have got to be candid and frank with the Russians. When they violate a treaty, we have got to call them on it. When they violate by sending equipment or technology to Iraq, we have got to call them on it. When they want to send SS-25 technology out around the world as a space launch capability, we have got to call them on that.

Mr. Speaker, that is in our interest and it is in the interest of the Russian people that we understand what is going on and that we want them to be as compliant as we expect ourselves to be. But Mr. Speaker, that is not happening in this administration. This administration wants to lift up the rug, bury everything under the rug and say do not worry, everything is OK. Mr. Speaker, it is not OK, and I am not about advocating massive increases in funding in these areas. Every dollar that we plused up, Mr. Speaker, last year was done so with the request of Gen. Malcolm O'Neill. General O'Neill is President Clinton's point person on missile defense.

In fact, Mr. Speaker, General O'Neill is retiring this May. Right before our break in January I got wind that he was retiring. I talked to him, tried to convince him to stay on because I have confidence in him. I think he is a great American and a great leader. I put together a letter, Mr. Speaker, asking Secretary Perry to reconsider and ask General O'Neill to reconsider and stay on as head of BMDO. Within 1 hour I was able to get 22 Members of this body who were the leaders on defense issues to sign that letter asking that General O'Neill stay on, 12 Democrats and 10 Republicans. Everyone from JACK MURTHA to FLOYD SPENCE to the key leaders on both sides of the aisle on defense issues signed that letter asking to keep General O'Neill on board. Why? Because we in a bipartisan way have confidence in him. he did not do that. He decided and announced this past week that he is going to retire and I got the word, Mr. Speaker, through the grapevine of the Pentagon that the administration, to further downplay the whole potential threat for missile defense, that they were going to replace General O'Neill, who is a three-star general, with a two-star, and the notion was that if Bill Clinton won the election by lowering it to a two-star position there would not be as much visibility. But if a Republican won the Presidential election, then the Pentagon would elevate it back up to three-star to give it the visibility it warrants.

Mr. Speaker, that is outrageous.

I will say that when I raised this issue with Dr. Kaminski he said he would not support that and felt that the appropriate level of support that has been displayed by General O'Neill as a three-star should be continued by whoever replaces him.

But, Mr. Speaker, the turmoil continues. The program outlined by this administration is not logical, it is not based on threat, it is not based on reality and we are going to counter that with every ounce of energy in our bodies this year, Mr. Speaker. In fact, tomorrow we will have our first missile defense hearing. Thursday I was supposed to have General O'Neill come in along with the Air Force and the Army. I am still scheduled to have that hearing on Thursday, where they can talk about their national missile defense capabilities. But, Mr. Speaker, unfortunately I heard in a phone call from General O'Neill yesterday that he is being told by superiors not to come before my committee. Perhaps there is something that he cannot say or perhaps the administration does not want it on the record again that, in fact, the people who are responsible for these programs are going to say directly opposite of what the Commander in Chief said, that in fact we can deploy a system that is not in violation of the ABM Treaty.

Well, I can tell you this, Mr. Speaker. I am having a hearing on Thursday, and I am having a hearing with General O'Neill and with General Garner from the Army and with the general from the Air Force to talk about it and if they are not there, we will have empty seats, and we will let the people of America decide.

Now, the Pentagon said we are sure we want them to come in because Dr. Kaminski has not briefed the Congress on program needs for this year. Mr. Speaker, that hearing has nothing to do with program needs. All we are talking about is what capability do we have now, what capability do we have now, and can we in fact deploy systems in the Air Force and in the Army using existing capabilities at a low cost that can give us some protection.

So, Mr. Speaker, if there is anyone in the Pentagon listening tonight, we are going to have the hearing on Thursday and I hope you show up because if you do not show up, we are going to have the hearing anyway.

Mr. Speaker, beyond that hearing we are going to have 10 hearings this year on the threat from missile proliferation, on the Russian command and control problems. We are going to have a hearing on joint, dual American-Russian cooperation in missile defense programs. We are going to have a hearing on the standpoint of political implications of the ABM from Russia's standpoint, just as I have asked the Speaker, their Duma, on the political implications of the ABM from our standpoint. We are going to have the most aggressive debate in this country's history on the threat to our people from a proliferation of missiles, and I would hope in the end, Mr. Speaker, that when we have to make a final decision on a defense bill that it will be based on fact and not rhetoric.

It troubles me though, the direction I see the administration going. The week before we left for the February work break, Mr. Speaker, we were called in as members of the Committee on National Security and we were told the administration was going to ask for a $3 billion reprogramming request from this year's defense bill. Now this administration, who is telling the American people we do not have enough money for defense, we do not have enough money for the priorities of missile defense, General Shalikashvili's letter to General Luck saying we would like to help you, but we do not have enough money for that and to protect our troops in Korea, this administration asked for a reprogramming, Mr. Speaker. One of the items was to reprogram $80 million of DOD money to train the police force in Haiti. Now, Mr. Speaker, to me that is outrageous.

I live near Philadelphia. Philadelphia could use $80 million for its police force. So could New York. I think Washington, DC, could use $80 million to train its police force. But this administration wants to reprogram $80 million of this year's DOD money to pay to train the Haitian police force, and they are telling us they do not have enough money for their priorities. This administration wants us to reprogram $200 million to pay the Jordanians for the peace agreement that President Clinton signed, $200 million out of this year's defense bill to assist Jordan in coming to the peace table; not coming out of State Department funds, not being appropriated publicly, but in a reprogramming request coming from this administration out of this year's DOD dollars.

Third, the administration wants to reprogram money for nation building in Bosnia. Now we are not asking the Germans to put money up, or the French or any other NATO country. We are going to reprogram money from out DOD budget to nation build in Bosnia.

Mr. Speaker, those are some of the outrages that I feel, but one that really got my attention during the break more than anything else dealt with the B-2 bomber. Mr. Speaker, I chair the Research and Development Subcommittee for the Committee on National Security, and I have consistently opposed the B-2 bomber this past year despite intense pressure from my party leadership, and the reason is not that I think the technology is bad, it is not. It is because we cannot afford it. In the current budget environment we cannot afford to buy more B–2's. But that battle was fought on the floor and those that supported the B–2, some of the most liberal Members who hate defense spending voted for it and we funded it. I think it was a mistake. But the ultimate goal of this President to go out to southern California, Mr. Speaker, just this past month and have a press conference and say to the workers working on the B–2, I think we ought to take another look at whether or not to build more B–2 bombers: Mr. Speaker, that is absolutely outrageous. Talk about hypocrisy, Mr. Speaker, that a President who says that we put too much money into the defense bill, that we plused up programs we should not have plused up is now talking about a study to determine whether or not we should build more B–2's. For those poor workers out in California who may be watching, Mr. Speaker, I would ask them to ask the President when that study is expected back. I would tell them it is probably the week after the November election and that is when the report will come back, no more B–2's.

Mr. Speaker, what I am saying in summary is it is time to stop playing politics with the defense of our country. Missile defense and the programs and priorities we have are not a Republican issue. Every gain that we made last year was done with support from my colleagues on the other side of the aisle. They were in the forefront of this debate. They were in the forefront on the committee, on the House floor, in the Senate, as well as the House of Representatives. This is a bipartisan issue that should be based on fact. If NEIL ABERCROMBIE's Hawaii is threatened by a missile from North Korea, every one of us needs to pay attention, and that is exactly the situation, Mr. Speaker, just as if DON YOUNG's Alaska is threatened from a missile that can potentially hit parts of Alaska from North Korea.

This year, Mr. Speaker, we are going to lay the facts on the table through the extensive series of hearings that we are going to have, 10 in the subcommittee, 2 in the full committee, starting tomorrow, through briefings we are going to have. We are going to make the case that it is in our interest to work aggressively toward missile defense; it is in our interest to work with the Russians to convince them that they have more of a threat from missile proliferation than even we do. In the end we have got to work together to only defend the people of America, the people of Russia and freedom loving people everywhere, just as we are doing with Israel.

Mr. Speaker, we have helped Israel build the prototype for what will be their national missile defense system; it is called the Aero Program. The taxpayers of this country have put a half a billion dollars into that program and it is justified, it is a good program, and it is good to give Israel the security they deserve. Why do not the American people deserve the same security? Why should we build a system that can protect the people of Israel from a missile attack and leave the people of America vulnerable?

That is the question we have to answer, Mr. Speaker, and we can do it without massive increases in funding, we can do it with a very careful and deliberate approach that builds upon the technology we have today that will deal with the threat we have today and build and allow us the options down the road to build a more elaborate defense capability, a more robust defense capability.

□ 1900

Does this mean that eventually the ABM treaty may have to be renegotiated? Absolutely. Mr. Speaker while I am not willing to take the treaty on this year, I am one who is firmly convinced the treaty has outlived its usefulness. But we need to understand the political considerations in Russia if we attack that treaty head on. My proposal is to grab the hand of the Russians and work with them to show them that we are no longer in a bipolar world with just two countries, with offensive military missile capability. We now have North Korea, we have Communist China, we have Iraq trying to get long-range missile capabilities, and it is in our interest to work together.

That should be the approach we use this year. Mr. Speaker, that will be the approach that I use as we begin our hearing process, and as we move forward to provide security for the people of this country with our fiscal year 1997 budget request.

Mr. Speaker, I include for the RECORD the Washington Times article of February 15, 1996, and the letter to President Clinton of January 30, 1996.

The material referred to follows:

[From the Washington Times, Feb. 15, 1996]

PLEA FOR MISSILE DEFENSE IN KOREA FAILS

(By Bill Gertz)

The chairman of the Joint Chiefs of Staff has declined to back the commander of U.S. forces in Korea in seeking to reverse a Pentagon decision to delay a new missile-defense system urgently needed in Korea to protect U.S. troops from North Korean missile attack.

Gen. John Shalikashvili, chairman of the Joint Chiefs of Staff, in a cable told Gen. Gary Luck, the commander in Korea, that the Pentagon plans to scale back funds for the Theater High-Altitude Area Defense (THAAD) to pay for other weapons modernization programs.

The Shalikashvili cable calls into question Clinton administration support for building effective regional anti-missile systems.

"Five years after 28 Americans were killed in the Gulf war by an Iraqi Scud, we still have no effective theater missile defense, which the administration has said is its top defense priority," said Heritage Foundation defense expert Tom Moore, commenting on the cable.

"It is absolutely reprehensible that the administration is leaving American forces abroad exposed to these growing threats," he said.

A spokesman for Gen. Luck had no comment. A spokesman for Gen. Shalikashvili said no final decision on the missile-defense funding has been made since the cable to Korea was sent.

Mr. Shalikashvili was responding to an earlier cable from Gen. Luck, who warned the threat of North Korean missiles is growing and that two THAAD batteries—18 launchers—are needed as soon as possible.

Delays in fielding THAAD, the first modern anti-missile system in decades, could have serious consequences for defending the peninsula against attack from the north, Gen. Luck stated in a Dec. 11 cable to Gen. Shalikashvili,

Gen. Luck wrote to seek the chairman's support for reversing the Pentagon's decision in October to hold up a new phase of THAAD development.

In his reply cable, Gen. Shalikashvili said that "I understand your concern," but he did not say he supported efforts by Gen. Luck to reverse the decision placing a hold on THAAD's engineering and manufacturing development program, a new stage that would move the system closer to deployment.

Instead, the four-star general indicated THAAD may not be deployed at all. In 2002 or 2003, the Pentagon will put it in a "shoot-off" competition with a Navy wide-area missile defense system, he said.

Until the shoot-off, the Joint Requirements Oversight Council, which sets priorities for defense spending and weapons programs, "is recommending THAAD funding at a minimum level," Gen. Shalikashvili stated.

"A final decision has not been made," he said. "Will keep you advised."

North Korea has deployed scores of modified Soviet-design Scuds, like those fired against U.S. troops during the Persian Gulf war, and reportedly is in the early stage of deploying a longer-range missile known as the No Dong.

The Shalikashvili cable also indicates that Pentagon missile defense policy is not in line with new provisions of the 1996 defense authorization bill, signed into law Saturday by President Clinton.

The authorization law orders the defense secretary to restructure regional missile defense programs to make Patriot PAC–3, THAAD and two Navy systems, known as lower and upper tier, top-priority programs. The law sets specific dates—all by 1999—for deploying the first models of the systems. Full-scale deployment must begin by 2000 for THAAD, and by 2001 for upper tier.

Gen. Shalikashvili stated in the cable that the primary objective of the internal review of missile defense needs to to "free up dollars for critically underfunded areas of recapitalization."

The proposed competition in 2002 or 2003 between THAAD and Navy upper tier could delay production of the wide-area defense system by three to five years, Gen. Shalikashvili said.

More than a dozen Senate Republicans, including top party leaders, wrote to Defense Secretary William Perry last fall urging him not to delay THAAD.

Any slowdown in THAAD development would be considered "a declaration by the administration of a lack of commitment to theater missile defense," the senators stated in a Nov. 7 letter to Mr. Perry.

MISSILE DEFENSE

[Excerpts of a cable sent to Gen. Gary Luck, commander of U.S. forces in Korea, from Gen. John Shalikashvili, chairman of the Joint Chiefs of Staff, on Jan. 19.]

In response to Ref. A [a cable from Gen. Luck of Dec. 11], Ballistic Missile Defense programs are under internal DoD review to evaluate the cost-effectiveness strategies for meeting validated theater missile defense requirements. The primary objective is to free up dollars for critically underfunded areas of recapitalization. For this reason the Joint Requirements Oversight Council (JROC) is recommending THAAD funding at a minimum level necessary to continue development toward a shoot-off with the Navy theater-wide ballistic missile defense system in 2002–2003.

"My execptation is that this JROC plan, if adopted, will possibly delay an upper tier production decision three to five years. Full impacts of the JROC course of action under consideration are to be assessed by the services and Office of the Secretary of Defense Ballistic Missile Defense Organization. I understand your concern. A final decision has not been made. Will keep you advised.

CONGRESS OF THE UNITED STATES,
Washington, DC, January 30, 1996.

President WILLIAM CLINTON,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I am writing to express my concern about the recent attempted shipment of Russian missile components to Iraq. While this shipment, which included gyroscopes and accelerometers designed for use in long-range missiles, was intercepted in Jordan, it raises serious questions about the Russian government's willingness or ability to halt proliferation.

Reports of this shipment, in contravention of the Missile Technology Control Regime (MTCR), surfaced publicly in December, several months after Russia was admitted as a full member of the MTCR regime. Whether the Russian government sanctioned the shipment or not, the events which transpired underscore the fact that Russia is at best unable or at worst unwilling to fulfill its MTCR obligations.

Recently, I travelled to Russia and met with members of the Duma, defense advisors to President Yeltsin and officials of Rosvooruzheniye, the main Russian state arms export company. Russian government officials with whom I raised the issue denied all knowledge of this highly reported incident. Rosvooruzheniye officials were aware of the attempted transfer, but denied any involvement. I also met with Ambassador Pickering, who indicated that the United States neither sought nor received any information or explanation from the Russian government about the attempted transfer.

This recent incident is not the first time that Russia has transferred missile technology to non-MTCR states. In 1993, Russia sold an associated production technology for cryogenic rocket engines to India. Recently, Russia transferred missile components to Brazil. To this very day, Russia continues to aggressively market a variant of its SS–25 missiles under the guise of a "space launch vehicle."

If nonproliferation agreements are to have any meaning, they must be aggressively enforced through careful monitoring and the application of sanctions for violations. I believe that the Russian shipment of missile components deserves a forceful response from the United States, and I am deeply troubled by the U.S. government's apparent inaction in this regard. I would appreciate answers to the following questions in that regard:

1. Has the United States demanded from the Russian government a detailed explanation of the attempted shipment of gyroscopes and accelerometers to Iraq? If so, when did this occur and through what channels? If not, why not?

2. Has the Russian government responded, and what was the substance of the response? Does the Administration find it credible?

3. Do you believe that this shipment occurred with or without the knowledge of the Russian government, and what does your answer imply about Russia's willingness or ability to advance the U.S. nonproliferation agenda?

4. Why have sanctions not been imposed on Russia as a result of this attempted transfer of MTCR-prohibited missile components? What does the failure to impose sanctions, as required by U.S. law, say about the Administration's commitment to ensure the viability of the MTCR regime? Why wouldn't this set a dangerous precedent for others that might seek to circumvent or violate MTCR guidelines?

5. Russia's ascension to the MTCR regime as a full member imposes certain obligations on it that this incident demonstrates Russia is unwilling or unable to fulfill. What does that Administration intend to do to ensure full Russian compliance with its MTCR obligations in the future? Without acting firmly now in response to the attempted component transfer to Iraq, why should Russia believe that similar transfers will carry severe consequences in the future?

6. Please provide the dates and topic considered by the Missile Trade Analysis Group since the Russian shipment was reported.

7. Please list and describe all instances which raised U.S. concerns regarding compliance with the MTCR, all instances since 1987 in which the U.S. government considered imposing sanctions on a "foreign government or entity," whether sanctions were in fact imposed and against whom; how long those sanctions remained in effect, and the reason why they were lifted.

Thank you for responding to these serious issues.

Sincerely,

CURT WELDON,
Member of Congress.

WHAT WILL HAPPEN TO HEALTH CARE REFORM?

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). Under a previous order of the House, the gentleman from Washington [Mr. MCDERMOTT] is recognized for 60 minutes.

Mr. MCDERMOTT. Mr. Speaker, 3 years ago President Clinton announced that he wanted to provide Americans with health insurance that can never be taken away. The congressional leadership has publicly bragged, in both bodies, that they killed health care reform. My concern tonight is, what is their alternative? Now, we have in the Senate presently, the other body, a bill languishing, the Kennedy-Kassebaum bill, that gives minimal protection, and yet not even that bill can get out of the other body, so the question is, what is going to happen? It seems to me that the history of this issue needs to be reviewed.

As you may know, it was a mere 150 years ago that the first surgery was done under anesthesia at the Harvard School of Medicine. Perhaps that is a good place to begin this examination of where we have been in health care and where we are going.

Many in my generation retain a deeply etched image of a painting depicting a physician sitting beside the bed of a small child while the parents huddled pitifully in the background. The title of the painting is something like "Waiting for the Crisis".

Physicians 100 years ago could do very little beyond setting fractures, amputating, and administering a variety of empirically tested concoctions.

Physicians were among the most broadly educated in the society and, as such, they were highly respected and expected to participate fully in the civic life of the society.

Even earlier, one of the most prominent physicians in the American Colonies was Benjamin Rush; as a Member of the Continental Congress, Dr. Rush signed the Declaration of Independence.

Eventually, he was defeated for reelection, but he spent the remainder of his professional career improving the lot of prisoners and the mentally ill in Pennsylvania. That was the last time a psychiatrist served in the Congress before I arrived in 1989.

Maybe some of you see a moral therein.

Advances in the diagnosis and treatment of disease between 1846 and 1946 were painfully slow. Services were rendered to patients by individual physicians who were paid on a fee-for-service basis.

Health insurance was a rare commodity, and thousands of people simply did without the treatment that was available because they could not pay for it. Others paid what they could when they could.

There was no expectation of a societal response to the need for universal health coverage.

I am speaking only of the United States here because you must remember that, in 1883, Otto von Bismark instituted government-sponsored health care for German miners as a preemptive strike to halt the spread of socialism.

The 1930's were, of course, a time of great turmoil in this country and, during that period, President Franklin Roosevelt proposed a system of universal health coverage for all Americans.

He did so at the same time that he was proposing Social Security, and the political weight of the two programs proved too great.

So he decided to separate the two proposals and to wait until the next Congress to complete his health care proposal. Unfortunately, the Second World War interfered with his plan.

Meanwhile, in typical American fashion, the American people were beginning to develop their own responses to the lack of affordable care.

For example, the Kaiser construction company was building dams in rural Washington State. Mr. Kaiser recognized the need to make doctors and hospitals available to his employees who were working at dangerous jobs in isolated areas.

Thus were planted the seeds of prepaid health insurance.

And during the war, more and more employers, eager to maintain a healthy and reliable work force, began to offer health coverage.

At the end of the war, a wage and price freeze was imposed on the American economy.

But smart and thoughtful labor leaders found a way around this constriction on wages by inventing a concept called a benefit package, which was primarily a health insurance program to pay for doctor visits and hospitalizations.

Nonunion companies suddenly realized that if they did not also provide a benefit package for their employees, they soon would have union organizers working the floors of their plants and offices. So, they, too, provided a benefit package.

Emerging around the same time as employment-based health insurance, the prepaid coverage seeds sown by Kaiser were sprouting among groups of citizens who believed that only collectively could the costs of health care be met and contained.

In Seattle, a group of teachers and a few doctors began Group Health Cooperative of Puget Sound.

Group health was considered worse-than-radical; it was socialism, and the healthcare establishment repudiated it totally.

Because the doctors of group health rejected the concept of fee-for-service payment, they were denied membership in the Washington State Medical Association.

A lawsuit that eventually ended up before the State supreme court was necessary to force the association to admit group health practitioners.

At the same time, a similar group care program evolved in New York.

As it entered the post-war era, then, the United States was pursuing two major approaches to health care delivery and financing.

One system, financed by employers, offered no guarantee of continued coverage either during employment or certainly after leaving employment. Only union contracts in certain cases guaranteed coverage during employment.

Nonunion employees had no protection whatsoever.

The other system of delivery and financing was an adaptation of the cooperative movement that emphasized control by the recipients of the system's services.

Keep in mind that the insurance industry did not leap willingly into the mix and only reluctantly accepted the risk of insuring the health of individuals. They were hesitant, I expect, because they had no experience on which to base their rates.

It is against this historical backdrop of health care delivery and financing that we must view the medical developments of the postwar period. It was an era in which medical science and technology literally exploded. What is possible today was hardly conceivable to even the most imaginative scientist after the war.

Antibiotics revolutionized both infectious disease treatment and postoperative infections. Kidney dialysis laid the groundwork for transplant therapy. Noninvasive imagery such as CAT scans and MRI's made diagnosis more precise, and complicated surgeries more likely of success.

Bone marrow transplants and other cancer treatments made certain and speedy death from cancer less likely. Antipsychotic medications recast the treatment of the severest mental disorders.

When I walked into the ICU recently to visit my 90-year-old father, it struck me that nothing in that area of the hospital existed when I graduated from the University of Illinois Medical School in 1963. Only the human body remained essentially the same, except, of course, the hip and knee replacements and the cardiac bypass surgeries and the heart valves.

If you consider even briefly all of this rapid and turbulent change, you will appreciate the trepidation with which employers and the health insurance industry viewed the modern landscape of health care delivery and, especially, financing.

Health care delivery in this country has been conducted primarily by individual providers paid through a fee-for-service system.

As more treatment and procedures have been developed, the costs of care have risen exponentially.

Employers and insurers began to seek ways to provide coverage to employees while simultaneously controlling expenditures. Unfortunately, they sought cost controls in a system with no incentive whatsoever to limit expenditures. After all, the system suggested, if a treatment for a given condition is known, shouldn't everyone with the condition receive it?

To further complicate the mosaic which we call our health system—I would call it a nonsystem—in 1965, the Federal Government entered the scene to provide coverage to two groups not covered by the private sector because they are not employed.

The programs created to cover these two groups are Medicare and Medicaid.

They were designed to address the health needs of the elderly, the disabled, and poor women and children.

Neither the governmental nor the employer-based system had any agreed-upon definition of what constituted adequate care, or who should pay what portion of the bill for whom.

Thus, we have, in this country, a hopeless maze of health care delivery and payment schemes. The extent and quality of the health care you receive depends upon your age, where you live, for whom you work, the race or ethnic group to which you belong, and finally, your economic status.

The inconsistencies within our present system are truly mind-numbing, and the call for reform of both delivery and financing comes from all quarters.

As the cacophony of voices for reform began to rise, thoughtful minds examined other models of health care delivery and financing.

Because the cooperatives had been relatively successful in delivering good care at reasonable cost, they attracted the attention of those who, on the one hand, wanted to continue to provide health coverage to their employees but, on the other hand, worried increasingly about the costs of doing so.

Stories began to appear in the press, noting, for example, that the Chrysler Corp. was spending more on its payments to Blue Cross of Michigan than it was for the steel in its automobiles.

The cooperative model of health care delivery was very democratic; it gave a large role to its consumers both in defining the scope of benefits and in the selection of providers. The doctors were salaried and the organizations were run by executives responsible to a consumer board.

It was a functional structure, but one that did not correspond to the political views of most employers in this country.

Yet, another significant factor contributing to the present crisis in health care financing is the gradual globalizing of the economy.

The United States emerged from the war in 1945 as practically the only functioning, productive nation in the world.

But the World Bank, the International Monetary Fund, the Marshall plan, and countless other economic initiatives restored economic stability and prosperity to many countries.

As these nations regained strength, they became America's vigorous competitors. By 1980, the United States had lost its dominance of many spheres within the economic universe.

A widely held view insisted that production of competitively priced goods and services required curtailment of health care costs.

Plans fully paid by employers began to disappear. Deductibles, co-pays, and restrictions on the scope of services became commonplace as employers tried to control the costs of the health care benefits they offered.

Where labor and management once had squabbled only rarely over the costs of employee health benefits, they now saw these costs gradually becoming a source of ongoing friction and escalating conflict.

Today, reduction of existing health benefits is the single most common cause of strikes by American workers.

As the quest for cost control became more urgent employers began to scrutinize the activities of insurance companies.

In a booming economy, insurance companies took employers' premium payments, paid employees' claims, and paid dividends to stockholders.

They gave relatively little attention to cost control, in part because employers were not pressing for it, and in part because the insurers could simply overcome losses with the next year's inevitable rate hike.

But when the economy tightened, this traditional casual dismissal of cost controls no longer worked.

Multistate companies became exasperated with varying State legislative mandates and the inquiring eyes of State insurance commissioners; many began to opt for the self-insurance alternatives offered by ERISA legislation.

Small and medium-sized employers became increasingly agitated as their health care costs spiralled and their profit margins shrank.

They began to do one of two things: As they were not required by law to provide health insurance to their employees, some simply dropped coverage; and others began to complain to their insurers.

Employer-based health insurance peaked in 1980; it has been declining steadily since.

All of these factors led to the shrinking coverage that now leaves 40 million Americans without any health insurance whatsoever. A majority of these people belong to families in which at least one person works full-time.

As employers continued to drop the health insurance policies that covered their workers, insurers understandably sought ways to satisfy the cost and coverage concerns of their departing policy holders.

Eventually they seized upon a system of cost-controlled health care delivery known as the health maintenance organization, or HMO.

Let me take a moment here to define what I mean by HMO: A health maintenance organization is a healthcare delivery system in which every subscriber pays a fixed monthly fee that is used by a fixed group of salaried healthcare providers, mostly physicians, to provide a guaranteed package of benefits to the subscribers.

Although HMO's had existed in this country since the 1940's, they tended to be small cooperatives, not-for-profit entities controlled by the consumers they served. HMO's offered managed care, that is, a predetermined range of medical services for a predetermined charge. Of course, they were considered suspect by the traditional medical establishment.

Now back to our narrative: Insurance companies gradually recognized the lucrative potential of HMO's adapted to the for-profit free market.

So they devised a new type of HMO to deliver health care to policyholders and profits to stockholders. To do so, they scuttled the old cooperative approach of consumer control and doctors' participation in the program's structure.

In its place, they constructed a system of managed care designed primarily to yield generous profits.

Accountants took the place of physicians and consumers, and managed care has come to mean a tightly controlled arrangement in which profitability determines the availability of care.

This decision of the insurance industry to fashion a scheme of coverage and payment that excluded involvement of both consumers and providers set us on our present course.

Insurers have created a system designed to maximize industry profits by incorporating financial incentives that discourage providers from giving appropriate-but-expensive patient care.

For-profit managed care has proved so lucrative that it now is offered by companies created to do nothing else.

Ironically, we have yet to see any demonstrable evidence that managed care actually produces the cost savings it promises.

What is clear, however, is that managed care as practiced by the insurance industry is simply an arrangement to redistribute health care dollars from the delivery of care to administrative functions. In California and Florida, for example, the papers are full of stories about managed care companies denying care to their enrollees or using as much as 30 percent of their premiums for overhead or profit. Clearly, these plans are designed to enroll only the healthy—and inexpensive, while leaving the sick to taxpayer-funded programs.

Now the Congress is trying desperately to revise both Medicare and Medicaid to enable private insurers to cover the healthy enrollees of these programs but to relegate the seriously sick and needy to the residual State and Federal programs.

This deliberate attempt to deplete the insurance pool of people who are unlikely to need expensive, protracted care simply is exacerbating cost escalation and reinforcing the image of Medicare and Medicaid as incompetent, wasteful, and ripe for overhaul.

By now, you may ask, quite rightly, "What is the answer to this mess?"

The only sensible answer is a single-payor system to finance—not deliver—health care in the United States.

As I say this, I see the spines stiffen and the jaws tighten.

Let me assure you that I am proposing an American single payor system, not the 112-year-old German system, or the 50-year-old British or Canadian systems.

Throughout the world, each nation's single-payor health care system reflects historical factors present at the time of that system's creation.

So an American single-payor system must be developed in the current context.

If I asked each Member of Congress to define a single-payor system, I probably would receive 400 different responses.

So that we might have a reasonable meeting of the minds on this subject, let me propose that we use the following definition, which I have borrowed from Professor Tsaio at Harvard:

> Any single payor system has these two characteristics:
>
> (1) a defined set of benefits guaranteed to all citizens; and
>
> (2) a global budget to pay for the health services provided.

Let me clarify here that the term "global budget" refers to the fixed total amount of money that will be spent for 1 year on a given set of benefits offered to the entire population.

Nothing in Dr. Tsaio's single-payor definition prevents the private practice of medicine or restricts application of a variety of treatments, provided that all Americans receive the same access to the treatments, and that it is paid for out of the global budget.

Mr. Speaker, how can we justify not having a system of universal health care available to all citizens in the wealthiest, most creative democracy on earth?

This brings us to the first decision we must make—and which we so far have avoided: Is affordable, high quality health care a right of all Americans, or is it a privilege subject to all the vagaries of the age, race, income, and residency differences in our society?

I categorically assert that, like fire and police protection, like common school education, and like myriad other services available to all Americans, such as highways and air traffic control, Americans should have universal access to health care insurance.

Every industrial society around the globe has found the ways and means to do this.

And, I might note parenthetically here that successful single payor systems have been developed by virtually all of our most vigorous trading partners. And I can assure you that none of these savvy competitors is contemplating replacement of its popular and cost-effective single-payor system with America's chaotic, wasteful approach to health care.

In no other civil society can a citizen be bankrupted by illness, accident, or injury.

If you are unemployed and, coincidentally, your house catches fire, we do not deny you the services of the fire department even though you cannot afford fire insurance.

Why, then, do we allow your economic future to be destroyed if you develop leukemia and do not have health insurance?

Is an automobile accident that leaves you with long-term disabilities and huge medical bills somehow less worthy of a societal response than a house fire?

My answer is an emphatic "no." In all of these situations, random events strike individuals citizens with overwhelming force that can be counteracted only by the collective action of the society.

If we, as a society, cannot agree that health care must be addressed on an all-inclusive basis, we are accepting the present lottery-like nonsystem which truly personifies Darwin's description of "survival of the fittest."

If we can agree that health care financing can be addressed only on a national basis rather than the present stupefying panoply of programs, we then are prepared to begin the design of the American single-payor system.

I suggest we call it Unicare.

We have only two questions to resolve and our job will be finished: First, what benefits shall all Americans be eligible to receive from Unicare?; and second, how shall we pay for it?

Experience has taught me that defining the benefits is perhaps difficult, but it is infinitely easier than deciding how to pay for the program.

I contend that the benefit package must be very broad and very generous because anything else will build the inequities of our present system back into the new plan from the start.

Let me explain: If we establish a narrow range of benefits for all Americans, we immediately create a market for secondary insurance to cover all those treatments that some may need but that are not covered by Unicare.

Individual economic circumstances instantly come to the forefront as the varying capacity of people to purchase supplemental benefits insurance gradually divides us into those who have and those who do not.

This is the situation we have today.

Creating a limited guaranteed benefit package simply will perpetuate the present system in a different form.

So I propose that we begin right now the national debate on a comprehensive package including pharmaceuticals, long-term care, and mental health services.

I do not want to take any more time here arguing the content of the benefit package beyond the issue of comprehensiveness, but there are two corollary issues about actual delivery of the benefit package that merit attention.

Although our coinage proclaims "e pluribus unum," we are, in fact, many different communities in this country.

So, I believe, in the maxim of the great progressive Senator of the 1930's, Robert LaFollette of Wisconsin, that State legislatures are "the laboratories of democracy."

I see great practicality in letting individual States decide how best to deliver the guaranteed benefit package.

HMO's may be the preferred delivery mechanism in some States, while, in others, a negotiated fee schedule for private practitioners might be the method of choice.

We can all agree, I am sure, that all wisdom in these matters does not reside in Washington, DC.

I also am convinced that to make a system work, its providers—primarily doctors—should be at some risk financially; at the same time, however, they must be allowed—encouraged—to participate in the design of that system.

Actuaries, accountants, and lawyers cannot be expected to recognize the elements of medical cost escalation and control that are evident to physicians eager to protect both their patients and themselves.

Failure to recognize this fundamental fact is the single most telling blunder of recent health reform efforts.

Exclusion of physicians' participation in the design of a health care system is a sure prescription for disaster. Evidence of this already is appearing in the press.

Time magazine's cover story in its December 23d issue details the ethical dilemma physicians confront when they try to practice responsible medicine in a system they had no part in designing.

Lest you think this is purely a theoretical challenge, consider that I recently attended grand rounds at Children's Hospital in Seattle.

For 2 hours, I discussed with a dedicated group of seasoned physicians and new practitioners the ethical questions inherent in trying to deliver appropriate care to children within the restrictions imposed by profit-driven managed care.

As more and more physicians attempt to practice good medicine within managed care schemes that do not allow them to do so, the very significant shortcomings of our present unworkable system will become only more glaring. Good medical care will become scarce, indeed.

Let me turn now to the second major decision that must be made about our Unicare Program for all Americans: how to finance it.

It is estimated that, in 1995, we in the United States consumed 950 billion dollars' worth of health care.

That is almost 50 percent per capita more than either Germany or Canada spent, and the health statistics of those countries are better than ours.

In case you share my difficulty in truly comprehending the purchasing capacity of such huge numbers, consider this: In 1994, the Congressional Budget Office estimated that, with a single-payor system in place by 1997, it would be possible to offer a very generous benefit package, including prescription medications, nursing home care, and home health care, and still be able to apply $100 billion to deficit reduction within 5 years.

But these are estimates of the costs involved in running a single-payor system in this country.

How shall we get the revenue to finance the system?

Right now, employers pay all or part of their employees' health care premiums, and employees pay some part of the premium, plus a Medicare tax to provide health care to senior citizens, plus general taxes to finance Medicaid for disabled persons and poor women and children.

Employers also pay taxes to cover injured workers' medical expenses, and all citizens contribute general tax moneys to finance medical care for veterans and for members of the military and their families. In addition, we all pay indirectly for medical coverage related to auto accidents.

Health care finance has become a specialty unto itself, and it is no wonder that people struggling to understand this mess are hopelessly confused.

Let me offer a simple, straightforward alternative: The ideal funding mechanism for the new Unicare plan would be a single, dedicated source of revenue that is stable and predictable. So I propose an employer payroll tax of 8.4 percent and an individual payroll deduction of 2.1 percent.

At these rates, about three-fourths of those Americans whose health coverage is connected to their employment actually would spend less on medical care than they do today, parceling out money to pay for all the different programs I mentioned a moment ago.

And, as most businesses presently spend more than 10 percent of payroll to meet their health care costs, they, too, would enjoy an actual reduction in spending.

Now, assuming that the Congressional Budget Office's estimates are correct—they usually are—you very reasonably might ask, "Why has the single-payor idea not been adopted?"

How could the Congress reject a proposal that provides an affordable, generous health care benefit package and reserves control of health care treatment decisions to health care providers and their patients?

The apparent answer lies in the economic power of the medical-industrial complex to resist proposals that threaten to encroach on the $950 billion pie.

But, to be honest, the real obstacle to universal health care financed by a governmental mechanism is the American public's deep distrust of its Government's ability to operate a large—nondefense—program successfully.

This simmering sense of doubt and suspicion has been fanned to an explosive level by a decade-and-a-half of Presidential proclamations that "Government is the problem," and that all challenges within our society can be overcome by "getting the Government off the backs of American citizens."

Only in such a climate could the insurance industry's $100 million advertising campaign so completely undermine President Clinton's valiant attempt to reform health care financing.

So—the options before you and the American people basically are two.

First, either invite the health insurance industry to maintain its control of healthcare finance at the expense of quality in care. Allow the industry to continue to ignore the valid criticisms leveled by providers and their patients at a system designed to benefit insurers and their stockholders.

Second, or change the system to one in which doctors accept some financial risk but regain significant satisfaction in the practice of medicine because they reclaim responsibility to make the treatment decisions they believe to be best for their patients.

Ewe Reinhardt, the James Madison professor of political economy at Princeton University, recently observed that "The way things are going, all doctors may become serfs of insurance companies by the year 2000."

That is a bleak prospect and one with which I do not disagree. But I also remain optimistic. Why?

Because I concur with the sentiments of Winston Churchill, who, when asked what to expect from the Americans, replied, "You can always count on the Americans to do the right thing—but only after they have tried everything else."

It is time to do the right thing. We have tried everything else, and we are in far worse condition today than we were when President Clinton began his historic reform effort just a few years ago.

Health care is a societal necessity that does not conform to free market pressures.

It is foolish and useless to expect our economic system to mirror the fundamental social precepts of the country.

Our present shambles of a health care system is intrinsically unfair. It is cruel, it is discriminatory, and it is appallingly wasteful.

These qualities have no place in a democracy. We simply must restructure our health care system to the single-payor framework. And we cannot wait any longer.

We already know that market reforms will not work in the health care financing arena.

They do not work because they can not. Market reforms are not driven by the considerations of fairness, compassion, and adequacy that must define our health care system if we wish to declare ourselves a decent and sensible society.

□ 1930

Mr. Speaker, I call upon you to bring the Kennedy-Kassebaum bill to the floor, so that we can at least start this debate. We can no longer wait and let this issue go on. It is one of the fundamental reasons why people are concerned about their economic security.

All across this country, we have people who are losing their health care coverage. One million people working a year lose their health care coverage, and that is simply not acceptable in a democracy with the wealth and the creativity we have. We must begin on this problem today.

SHORTCOMINGS OF CONVENTIONAL WASHINGTON WISDOM

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). Under the Speaker's announced policy of May 12, 1995, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes as the designee of the minority leader.

Mr. OWENS. Mr. Speaker, we are returning to session after several weeks of being able to remain in our districts and intermingle with the people who voted to put us here, and that is a very good phenomenon. It is one that I am certain that every Member has benefited from greatly. I have certainly benefited from it.

I think it is very important to have the opportunity to allow the common sense of our constituents to irrigate the deliberative legislative process that takes place back here in Washington. Common sense is a shorthand expression for, I guess, wisdom of the people. It is the wisdom of the people that we absorb when we go back home, and the wisdom of the people is very much needed to counteract the Washington conventional wisdom, which is very much stuck in a rut.

The Washington conventional wisdom, and I speak of a bipartisan wisdom, there is a lot of agreement here on some things that represent conventional wisdom that certainly needs to be challenged by ordinary common sense. I think that we recently have experienced a phenomenon with respect to the Republican primaries that has certainly placed common sense on the radar screen. The rise of media star Pat Buchanan, a candidate for the Presidency, has certainly lifted certain basic issues into an area of high visibility.

On the radar screen you have a discussion of certain issues that Washington conventional wisdom has refused to recognize. Problems that just were not accepted as being problems are now being discussed. So the conventional wisdom has been shaken up, and that is good.

God and American politics work in very mysterious ways. If some issues which deserve to be projected on to the center of the stage are projected by a conservative, rightwing Republican candidate running for President, then so be it; some good can come out of any set of circumstances.

□ 1945

The leadership here in Washington is stuck in a rut and that is very dangerous because when leaders, in their conventional wisdom, refuse to move off dead center because of the fact they are leaders and have great power, it is very dangerous. It is all right if my grandmother gets an ornery notion and refuses to budge, or my neighbor down the street who has certain odd ways wants to go off on his tangent, you know. That is an individual kind of thing that really won't hurt anybody. But when we get stuck in a rut and refuse to recognize certain problems here in Washington, it can do great harm, it can cause great suffering.

The same is true, of course, across the world. When you have leadership in command of nations, leadership in command of armed forces, leadership in command of MiG fighter planes, you can have a great deal of harm done when that leadership is stuck in a rut in terms of their own thinking.

Fidel Castro represents that kind of leadership, stuck in a rut and very dangerous. You had a situation that occurred which is something out of a bygone era. You do not expect MiG planes to be sent out to shoot down unarmed planes that are part of a peaceful protest. Yes, it was a protest. Yes, it was civil disobedience. Because they were probably violating the airspace of Cuba, the planes were shot down by Castro's MiGs. Yes, they knew what they were doing.

It was a civil disobedience act in the air. Any civil rights veteran, any person who has gone through the 1960's, as I have, knows that you take a chance. You take a risk when you set out on a civil disobedience venture, but you do not assume that the very worst is going to happen. Yes, Bull Connor ordered the civil rights marchers in Birmingham to get off the streets, and maybe he was the law and the order there. He was a commissioner and they were disobeying him. So they were disobeying the law and he set dogs upon them and he set fire hoses upon them. But Bull Connor had machine guns, and Bull Connor had rifles, and he could have shot them down. He did not go that far.

Yes, Gandhi against the British in India certainly angered a large number of military-minded British commanders and commissioners and so forth. They did put him in jail and they did all kinds of things to his followers, but they did not bring in the machine guns and shoot them in cold blood.

Civil disobedience is a risk. You take a gamble, but you assume that in a civilized society, you will be punished but the punishment will not be death. What Castro and his MiGs have done is committed cold-blooded murder against people who were engaging in civil disobedience. You do not have to agree with the civil disobedience or not. It is not for us to pass judgment in order—on the action and the politics of it. It was murder no matter how you put it, unnecessary cold-blooded murder that belongs to another era.

You talk about a new world order, you hope that we really have a new world order. The new world order involves some new kind of thinking where nobody would murder in cold blood a group of people who were conducting a civil disobedience action and that has happened.

So Castro and his leaders in Cuba, Castro and the pilots of the MiGs are stuck in a time bind. They are very dangerous. They are in another era. That is the storm trooper mentality. Very dangerous. There is no way you can justify. Yes, you commit civil disobedience, some punishment is going to happen. But here it was murder.

So my point is that it may not be that the stakes are as high, and the immediate murder is not the problem when we commit errors here in Washington, but we are causing a great deal of harm and a great deal of suffering because we just refuse to accept certain obvious premises. We refuse to accept the fact that there is a tremendous income gap in America and it is getting wider and wider. We refuse to accept the fact that wages are stagnated even among those lucky enough to have jobs. Even among middle class people with college degrees, wages are stagnating. We refuse to accept the fact that there is a great deal of anxiety among people who have college degrees and are in middle-management jobs, technical jobs, because they are finding that the layoffs and the streamlining and the downsizing affects them, too.

It is a time of great anxiety for good reason. At the same time, we see the anxiety being created by the insecurity. We see the stagnation at the other end of the pole, at the Wall Street level. We see the executives making salaries that are larger and larger, you know, now 200 times the average worker's salary is what the CEO's are making. We see tremendous profits being made overnight by new information industries that are capitalizing on technology that has been created by the entire society, the technology that is used by Netscape and a few of these other information giants who overnight went public on Wall Street and they become billionaires just because it is known among the people who know about information technology and technological communication, telecommunications, they know that these efforts are going to pay off in the near future. They are going to pay off and they are going to pay off big. Tremendous amounts of money being made at the same time others are suffering and this insecurity is being increased. We refuse to recognize that as a fact here, we refuse to address that. We have gone out and negotiated agreements on the world trade stage. GATT was negotiated. Then closer to home, we had NAFTA negotiated. Yes, it may be true, I voted against NAFTA, I voted against GATT. If I had to make the vote again, I would do the same thing again, but it was not because I am against free world trade. It is not because I do not recognize that we have a global economy taking place and that we cannot afford to build walls around ourselves and expect to survive or to be leaders in that global economy. I recognize all that. You cannot stand in the road and stop progress. I recognize that we had to move. But the problem is when we tried to get some kind of reasonable attachments, some reasonable built-in processes that would take care of the fact that there was going to be a great dislocation in the work force, there is continuing, continuing problems that must be addressed in terms of loss of jobs, retraining, loss of security, all kinds of things which could have been addressed in the preparation of the NAFTA and the GATT agreements. We could have had side legislation which dealt with problems that we knew were going to result. We were asking for some kind of humane approach to the debris that would be created by this great revolution. It is a revolution that is underway now, a revolution which is an economic revolution. And in revolutions, somebody is going to suffer.

I was at a conference, a seminar in Canada last summer, and there were large numbers, a significant number of people there who were there to discuss trade, world trade, the impact upon the United States' economy and workers, and some of them were from the current administration, some of them had participated in the negotiation of the GATT and NAFTA agreements. And repeatedly you kept hearing the phrase there are going to be some losers. You cannot avoid having losers. And I recognize that. It is a fact of life.

You are going to have some losers in a great upheaval, an economic revolution. But they would say there are going to be some losers, and they would shrug their shoulders as if so, you have to have some losers. There was no sympathy for the losers. There was no understanding that government has a duty to try to minimize the losses.

Government has a duty to care enough about people to want to take a program which provides the necessary resources to get people through this transition with a minimum amount of dislocation and a minimum amount of suffering. We have that conventional wisdom which locks into yes, there are going to be losers and, you know, we can not do much about it. Yes, we have to move forward and there is going to be some suffering, some people have to be thrown overboard, and our answer is no. You can have GATT, you can have NAFTA and you can make it a humane step forward instead of a step backwards where the winners take everything and there are so many losers.

I will return to that in a minute, but I think I would like to cite another example of being—of where the leadership in Washington is stuck in a rut. There is a general acceptance here that the era of big government is over, that government automatically is a monster and, therefore, if you downsize government, you have created some kind of new public good. I do not accept that premise. The era of big bureaucracy ought to be over. The era of bureaucracies fumbling and stumbling, and bureaucracies that have lost their purpose, their sense of purpose, should be over, but we should not back away from the era of governmental commitment.

A government must be a guardian of the people who are in harm's way. The people who need government should have government there, the workers who are caught in the middle of the road as the steamroller of technological change comes down. As the steamroller of the global economy comes down, those workers desire to have government as a guardian.

Government, the era of big government ought to be certainly treated across the board in some kind of uniform way. If we really were serious about ending the era of big government and we really downsized on a sincere and reasonable level and a sincere and reasonable way, then you will be talking about downsizing the Pentagon and downsizing the CIA, and if you were downsizing all those humongous, monstrous agencies that have lost their reason for being, then you would generate funds in that process of downsizing those agencies which would be available. The funds would be available then for the job training, for the education, for the transition, the necessary transition items, necessary transition programs and projects that would allow people to adjust to the new age of information and the age of technology, age of telecommunications.

But the wisdom here is that big government is over, the era of big government is over, but it is a phony statement.

The era of big government is not over. The Pentagon is as big as it ever was. The majority, Republican majority in the Congress, insisted on adding $6 billion to the Pentagon budget. I understand they are building new buildings and new facilities. The CIA is as big as it ever was. Recently, the CIA discovered that it has a slush fund, a petty cash fund of $2 billion that they did not know they had. So you know, big government is over in the area that helps people.

Big Government may be over in AFDC, Aid to Families with Dependent Children. They want to cut down on that. Big Government may be over, they would like to see it end in the area of Medicaid and cut back on the health care that is available for poor people. But on the other hand, the Big Government goes on and on and on in areas that are considered highly profitable by the Members of the Republican majority. If they were just sincere, we could downsize across the board and accumulate funds that could deal with the real problems that Mr. Buchanan's campaign has inadvertently kicked to the top of the agenda.

There is another Washington, piece of Washington conventional wisdom that is ridiculous and needs to be challenged, and that is that States can do it better. Block grants and State control is suddenly some kind of virtue in league with the 10 Commandments. I never heard States praised so much as the fountains of good government. This runs contrary to all the history that we can dig up for practically every State. The history of State government is littered with scandals and inconsistencies and incompetence. State government gave us the problem of young men going to the draft in World War I and World War II who were physically not fit to fight, you know, because of the fact that they had not been given free lunches, those poor people who needed them, had been malnourished, maltreated, no health services.

State government gave us that. State government gives us waste year after year of monumental proportions. In New York State, for example, State government is at an all-time low. State government is being led by the administration, happens to be a Republican administration, a Republican administration that has tried to turn the State of New York into a giant clubhouse. The executive branch of government is acting as if it is running a giant clubhouse. They are going to move State facilities around and State functions around in ways which accommodate their loyal constituency. The way you hand out patronage to the clubhouse, they are going to seek to hand out State services and State agencies as if they were a giant clubhouse.

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And they had the right to reward their workers by handing them that agency or handing them a hospital or handing them some set of functions in their particular area and taking it away from another area. The government of New York State has proposed to move certain facilities out of the State capital. Why do you have a State capital if it is not efficient and effective to have all of the pertinent services, administrative agencies grouped together. But he is going to take part of the State capital functions and move them to his home area of Poughkeepsie, NY and put them in facilities there because that is where his constituency is. Those are the people who voted for him and he wants to build up the economy of the area where he came from. And he is going to do this in a 4-year period, sort of throw the whole State government out of kilter by seeking to reward his loyal supporters while he punishes the people in the Albany area, the area of the capital, because they did not vote for him in as large numbers as people in Poughkeepsie voted for him.

It is an obvious move. Everybody is talking about it. What baffles me most is how and why nobody has brought a court suit or threatened to arrest the Governor. I do not know how you can so blatantly and so openly misuse public resources and be allowed to remain in office or not be challenged. That is going on now at the level of New York State government.

This Governor has gotten ahead of the Contract With America in many ways. He is already trying to change the standards in nursing homes, and he has already proposed a giant cut in Aid to Families with Dependent Children. He is already going after the poor with a vengeance. So he is ahead of the Contract With America and proving just how horrible the fate of the people who need government most will be under State governments.

So block grants to the States and State control of certain programs will only mean horror stories and great suffering for large numbers of people. Yet, the wisdom here seems to be give it to the States, give it to the States. The Governors have spoken. The Governors are unified. The Democratic Governors are with the Republican Governors on Aid to Families with Dependent Children. The Democratic Governors are in agreement with the Republican Governors on Medicaid.

Well, this Nation was not constructed, the Government was not constructed the way it is for no good reason. If they wanted Governors to legislate nationally, it would have been simple to have the Governors of all the States compose the legislature of the United States, but that is not the case. The Governors are now very greedy. They do not want to wait until the power is handed down to them. They have taken the initiative, become very aggressive, and now they want to take over the function of Congress. So the Governor of Montana, the Governor of Maine, the Governor of Nevada, States with very little in terms of population, they have very few people, so they have very little representation in Congress. We have New York, Texas, Florida, California with large numbers of Representatives in Congress, according to population. That is the way the Constitution constructed it. The Constitution may need some correction and adjustment with respect to the Senate, because we do not have one man vote in the other body. It is every State has two votes regardless of its population. That itself is something that ought to be on the agenda for the next decade to deal with. But, certainly, there is a good sense, common sense counterbalance in terms that the House of Representatives is proportioned according to population.

So how can 50 States, one Governor from each State, usurp the Congress' right and begin to make legislation with each one of those Governors having an equal vote? They broadcast this all over. We agree, all of us agree, all of us agree. The Governor of Montana agrees with the Governor of Maine who agrees with the Governor of New York.

We are here, and we are here representing constituencies and congressional districts. And we reserve the right to make the decisions ourselves and not have the Governors usurp the powers of the Congress. Let them wait until this process runs its course. Let us see how much power we are going to hand down to the States. Let us see how the people respond. Let us not assume that the Governors are already in charge.

We have leadership stuck in a rut here in Washington. We have leadership stuck in a rut in Albany, in New York, and lots of other State capitals. We have leadership stuck in a rut in New York City. The mayor of New York City insists on continuing to cut education programs. Over and over again he goes after education, creating more and more problems in a city that cannot survive unless it has a more educated population. The city is losing jobs. The only hope is in the area of high, technology jobs, telecommunications. Only educated people are going to keep the city of New York alive. They mayor of New York City continues to make cuts. He is stuck in a rut in terms of how to approach a budget and how to set priorities.

The police, they will not be cut. The police represent a great deal of inefficiency because you have a lot of police who are doing the work that civilians should be doing. We were moving in the direction of civilianization of the police department, but because of political considerations, the mayor cuts education while he bloats the salaries of the police department who ought to be out fighting crime. And you could replace them with lower paid civilian workers. So we have this phenomenon of people in responsible positions, when they are stuck in a rut and their conventional wisdom is all that you have to work with. They cause great suffering and great destruction.

The Washington obsolete, out-of-step reasoning sets a pace for all the others. Washington is so off base in the last year, since this Congress began, until they knock everything else out of kilter. Other jurisdictions, States and municipalities pick up. Washington serves as a negative role model, and we have a great deal of incompetence, blundering, dishonesty, bullying oppression, waste, right down the line as a result of the example set here in Washington. We waste money on a monumental scale.

Whitewater hearings, for example. I understand there is an effort to keep the Whitewater hearings going on indefinitely. Whitewater is as great an example as you will want to find of a complete turnover of an official government function to a partisan party consideration. If the Whitewater hearings are continued, they certainly should be paid for out of the Republican Party's campaign funds, because it is a political campaign that is being waged through an official congressional hearing. If Whitewater really was sincere, if Whitewater had any credibility and Whitewater meant anything other than a way to harass the President by the other party, if Whitewater was really focused on savings and loans scandals, then I would be the first to applaud Whitewater. Because if ever there was a piece of American history that has been smothered and kept out of the view of the public, it is the savings and loan scandal.

Whitewater is cited by the people who are conducting the Whitewater hearings as being very important because I think $60,000, $60 million, I have forgotten, 60 million, 60,000, in a minute you will understand why neither one impresses, 60 million is considerably more than 60,000. That is a lot of money. Whitewater lost that, the bank lost it. There is nothing that says the President or the First Lady had anything to do with those losses, but it is a good idea to have savings and loans, banks investigated and to have the spotlight thrown on the savings and loan scandal.

As I have said many times here on this floor, the savings and loan scandal was the biggest swindle in the history of civilization. In the history of mankind, never have so many gotten away with so much and walked off scot-free as in the savings and loan scandal.

If you were serious about investigating the savings and loan scandal, if you were serious about exposing to the American people the great cost of the savings and loan scandal, then you would have a hierarchy of hearings. You would start with hearings related to the banks that lost the most money. If you were serious, you would start with Mr. Keating's bank. Mr. Keating has so much exposure and he did so many rotten things beyond what other savings and loans crooks did. After he ran out of FDIC funds, funds that were guaranteed by the Federal Deposit Insurance Corporation, Mr. Keating had his people go out and swindle senior citizens of their money, and it had no FDIC backing. So the State of California went after him in such an obvious way that the U.S. Government had to fall in line and go after him. So Keating and his whole savings and loan empire, they got exposed; and Keating, for a liability of a minimum of $2 billion—you will see why $60 million was so-so, did not register well in my mind—when you start talking about $2 billion, you can see why Whitewater's $60 million pales in comparison.

Two billion dollars, what Keating's empire cost at a minimum. The FDIC had to cough up that much money in order to bail out the banking empire that Keating had thoroughly looted. So Keating got 12 years in jail. With good behavior he will soon be out. But at least he got some jail time. At least it was exposed. So Keating's S&L scandal ought to be investigated a little bit more, and we ought to have hearings about that just to let the American people know what the dimensions of it were, that if you steal $2 billion, you will get 12 years in jail. If you are the victim of a great deal of publicity, if six Senators are accused of helping you, then you can't, you will end up getting 12 years in jail.

At least the American people ought to clearly have the Whitewater hearings people throw Whitewater aside and focus on that, No 1. And then banks that lost a billion and a half would come next. Let us have hearings on all the savings and loans banks or all the other banks, because in the process of correcting the savings and loan scandal, there were many regular banks that were not savings and loans that also were involved in the same kind of chicanery, same kind of crooked deals, same kind of racketeering enterprises.

So take all the banks that cost the taxpayers a million and, a billion and a half and have hearings on them next, and then after that, all the banks that cost the American taxpayer a billion, and then after that go down to the $900 million and then the $900 million. I think if you did it that way and were sincerely interested in exposing to the American people exactly what we lost in these savings and loans swindles, exactly how it worked and how we should guard against it for the future, and how private enterprise is not the great, efficient, honest capable productive sector that we make it out to be, a whole lot of lessons could be learned if you took those kinds of hearings and substituted that for the focus on Whitewater. You would get to Whitewater eventually.

Probably in 10 years we will get down to the $60 million level. After you go through all the ones that lost more than a billion and a half, those that lost a billion, those that lost $900 million, then you come down systematically, maybe you will get to Whitewater in 10 years. Then we can say that we have an investigation and a set of hearings that are truly serving the public interest, and they are not partisan fishing expeditions designed to harass the President. Then we could say that, and it would be a great thing for America and a great thing for civilization, because the kind of swindle that was pulled with the savings and loans swindle is something that we should know as much as possible about in order to guarantee that never again will it happen.

It is estimated that no less than $300 billion, $300 billion, the American people have lost no less than $300 billion. It may be as high as $500 billion. They do not account for it. What we need hearings for on the savings and loans is to make them sit down and tell us at one hearing what the summary figures are at this point in February 1996, how many banks have you sold off, how much money have you recovered, how much restitution has been given by individuals, what happened with Silverado bank in Denver, CO? Silverado bank comes second probably to Keating's bank. I think they lost close to $2 billion.

The son of the President at that time, Neil Bush, sat on that board, and I read accounts of how he was indignant when they investigated and said to him, this board has been so irresponsible and maybe so crooked that you can't ever sit again on another banking board.

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He got indignant. Then later I heard that he calmed down, and they fined him. What did they fine him? I think they fined him $40,000. Silverado Bank had lost $2 billion. I think one of the board members named Neil Bush was fined $40,000.

That is the bank where there was an incident where a building was bought by a realtor for $26 million, and the building was appraised for $13 million. The bank told the purchaser we will loan you $26 million, and you deposit half of it in the bank because the orders are coming soon and we need that money to show. So they loaned them $26 million, $13 million more than the building was worth, in order to have the books show that they had a little more money in the bank. If that is not racketeering, you know, I do not know what it is.

But we cannot just talk about this in a special order; we need hearings, we need ongoing hearings, and we need to start at the very top with the banks that have lost the most money, and maybe we will get to Whitewater in my lifetime if you use that hierarchy. I doubt it.

The Washington conventional wisdom says let us go after Whitewater, which is just a pebble in the stream, and that is what is happening. Washington wisdom says we should balance the budget on the backs of the powerless, and that is passed down to the States and down to the city. Great harassment is taking place in New York. Anyone who applies for welfare has to wait several weeks, has to fill out very complicated forms, has to go through all kinds of bureaucratic harassment. They are harassing the poorest people because they have the least amount of power. That starts here in Washington. We go after AFDC, we go after Medicaid, we go after the areas where the people are the poorest at the same time we increase the budget of the Defense Department by $6 billion, $6 billion. At the same time we refuse to deal with it, the fact that the agribusinesses are on welfare and the agribusinesses are spending billions of dollars, are receiving billions of dollars in cash payments for not growing grain, for not planting anything, for not doing any work, and they do not have to pass a means test to prove that they are poor. We turn our backs on obvious waste while the conventional wisdom tells us to beat up on the poor, beat up on children who are receiving aid to families with dependent children.

Washington conventional wisdom promulgated by the majority, Republicans, say that the workers of America are a threat to the economy, that the workers of America are a drag on our forward progress, that not only do you have to keep the workers wages low, and they refuse to discuss an increase in the minimum wage, the majority, Republicans, would not even discuss it. I serve on the committee, the Committee on Education and labor, a name which I choose to continue to give to the committee, although the official name now under the Republican majority is Committee on Economic and Educational Opportunities. The word labor is such a horrendous word that they do not want it in there anywhere. The certainly do not want worker, term worker, around anywhere. For some reason, although I did not read it anywhere in the Contract With America, for some reason the majority of Republicans have chose to wage a relentless assault upon workers. Workers and their families are being attacked on every front. They refuse to raise the minimum wage, would not even discuss it. They go after the Fair Labor Standards Act, which deals with wages and overtime, et cetera. They want to radically change that. They go after OSHA, which provides for safety in the workplace. They are going after the Labor Relations Board. There is nothing, no component of American Government which is designed to help workers that has not been placed on the greater tack by the Republican majority. The assault on workers and their families as enemies of the American economy and the American people continues.

No wonder Pat Buchanan gets a response from workers out there when he dares to mention some of their problems. He only dares to mention some of them. Pat Buchanan talks about the fact that there is a gap, but he does not talk about how to close the gap. He would not support an increase in the minimum wage. When he is asked the question, he avoids the question. But he recognizes there is a gap, and every worker applauds. At least somebody would have visibility, somebody that the media covers recognizes that there is a great gap between most Americans, the great majority of Americans and the people at the very top; it ought to be closed. Somebody recognizes that this gap is caused partially by the global economy movement, which has been greatly enhanced by the passage of NAFTA and the passage of GATT. Somebody recognizes that when you have Mexican workers making a dollar an hour on a job where American workers may make $10 to $15 an hour, naturally the factory is going to move to Mexico. Any fool could tell you that, and you do not have to be an economist from Harvard to know that when you pass NAFTA and create those conditions, you are going to make life difficult for American workers who had those jobs before. At least Pat Buchanan has raised it up on the radar screen, and the workers now have somebody who indicates that they exist.

There is a lesson in this for all the Democrats at every level to pay attention to the fact of the assault on the workers has created a siege mentality among workers and a siege mentality among the middle class who do not like to be called workers. But the technicians and the professionals and the middle management people, they too are caught up in the siege mentality because they have concrete anxieties, definite causes for concern.

Washington obsolete, out-of-step conventional wisdom says that education and job training programs should be cut. Nobody was more shocked than I was when I heard that an agreement had been made in the continuing resolution process. The White House had agreed that the continuing resolution should contain cuts for education that we had been fighting all along and the President had indicated he would never accept. You know the $1.1 billion cut of title I is there, it is still there. The cut on Head Start is there, it is still there.

The agreement that every program should operate at 75 percent of its last year's budget means that there is a cut, at least $1.1 billion for Title I. The cut is there. If you accept that 75 percent of last year's budget will determine the continuing budget level for title I education funds, title I is the only program that funnels money from the Federal Government to elementary and secondary education. It is very important. It is important because the mayor of New York City is cutting education drastically, it is important because the Governor of New York State is cutting education drastically, and even though education funds that come from the Federal level are only 7 percent of the total, if they are taking heavy cuts at the city level and the State level, then the Federal dollars assume a new importance, and the increase—there was a slight increase in title I funds for most of the school districts across the country. That increase plus what they had before was very important in helping to maintain some kind of stability, and now with the leadership of the Federal Government the cuts at the local level, the State level, are larger than they would have been otherwise.

Their philosophy comes from the Federal Government, the Congress of the United States. The majority, Republicans, in the Congress have indicated that education should not even be a Federal function, that we should get rid of the Department of Education. They have made a frontal assault on education, and it is one of the smallest agencies, smallest activities, in Government. Yes, they sometimes have a large budget because they have student loans and student grants, but when you look at the agency as a whole, it has the least number of employees, and it is a smallest, one of the smallest, bureaucracies. So why have an assault on education in an era when job training and education are needed more than ever?

The assault on education following the assault on workers, it all leads to a situation where large numbers of people in our Nation, voters, think that they are under assault, they are under siege, and they are right. The commonsense observance is more on target than the Washington wisdom. The conventional wisdom here in Washington says it is not enough of a problem to discuss. But the commonsense reason of the people says we have got a real problem and we will even go with all the liabilities represented by a Pat Buchanan candidacy to get some attention.

Education and job training cuts are outrageous at a time like this. I understand that the continuing resolution with respect to education and labor cannot clarify really whether we are going to have a summer youth employment program this summer. Summer youth employment program has already been cut over the years down to a minimum program, whereas New York City used to receive money enough to give 90,000 jobs to young people during the summer. In the last few years it has been cut all the way down to about 30,000 jobs, and now we are in danger of losing the 30,000 jobs. And New York City has 8 million people, a lot of young people. Now we are about to lose the meager 30,000 jobs because it is not clear in the continuing resolution what the funding level is for the summer youth employment. There is some talk about being funded at 75 percent of last year's level, but the summer youth employment was singled out last year to be phased out, and I think that last year's level is defined as the amount of money that was appropriated for phasing it out.

So it is not the same amount as it was the last operational year. We are still trying to clarify that, but the fact that it is even in jeopardy and there is a question shows how far afield the Washington wisdom is. The fact that the White House has not rushed to clarify that or rushed to make clear that in its agreement of a continuing resolution, it certainly did not mean to jeopardize the Summer Youth Employment Program.

But I have a solution. We have these cuts in education and the cuts in job training, summer youth employment. The solution is at hand. It has been supplied by the CIA. We have said that these cuts are being made because we must downsize government, streamline government, we want to end the era of big government, and I say that that is an acceptable goal. But if you do not do it across the board, then you are going to generate dislocations and suffering in the wrong places, and we have done that. By cutting education, by cutting job training, we are cutting in the wrong places, we are greatly crippling our efforts to move forward in the global economy and make America competitive. Education is key, job training is key.

So why do not we cut the CIA? I proposed this for 2 years in a row. I have had legislation on the floor saying we should cut the CIA by 10 percent per year over a 5-year period, and the legislation has gotten very few votes, 57 votes I think we got last time, which means that both parties, Democrats and Republicans, are stuck in a rut with their conventional wisdom. They will not vote to cut CIA. CIA existed primarily to spy on the Soviet Union. At least half of its resources were devoted to that enemy. The Soviet Union now; you know, we have them over here in our missile sites and the space program we are running jointly with them and all kinds of interactions taking place. Why do we need to have the same amount of money dedicated to the CIA as we had when the Soviet Union was the Evil Empire and we needed to keep tabs on them? You know, why do we need it?

So we have not been able to win the battle of cutting the CIA. The budget is not known, it is still a secret, and the Russian secret service, its equivalent of the CIA, they have exposed a lot of things, they have opened up a lot of their files, but we are strictly secret even to the point of not telling the American people what the budget is. A Member of Congress cannot get to know what the budget is unless he goes to a little room and looks at the budget and when he comes out he is sworn to secrecy and he cannot discuss it. So I refuse to go into the room.

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I refuse to go into the room. I accept the estimates of the New York Times, the estimates that the conventional, across-the-board most reliable sources say the budget of the CIA and the intelligence agencies under the CIA all come out to about $28 billion. So a $28 billion cut, a 10-percent cut of a $28 billion agency would be a $2.8 billion cut over a 5-year period. You could have a sizeable amount to put back in.

What I am here to propose is that we lost the fight. The CIA is not being downsized, not being streamlined. The era of big government, as far as the CIA is concerned, still is intact, but the CIA recently found $2 billion outside of the budget. They had $2 billion that they had not used over several years that they lost track of. It was in a petty cash fund.

The American people, try to comprehend a petty cash fund of $2 billion. Try to comprehend how an agency of the Government can lose $2 billion; how the Director of the agency can have $2 billion in his budget and not know about it. Try to comprehend that. I find it very difficult to comprehend, but let us not dwell on comprehending it. Listen to my proposal. My proposal is that you have $2 billion that you did not know you had. You have $2 billion outside of the attempt to balance the budget, outside of downsizing.

You have $2 billion, and education needs about $2 billion; $1.1 billion can go to maintenance of the budget at the same level for the title I program, $1.1 billion; $300 million can be restored to Head Start. We still have not used the whole $2 billion. The rest of it can go for the Summer Youth Employment Program, and we are even. No sweat, no pain. You do not have to hurt anybody. This is lost money that has been found, and now we can celebrate and take care of the young people of America in the school and in the Summer Youth Employment Program. That is a solution.

Let us throw aside the Washington conventional wisdom, because I heard that there are plans to let the CIA reprogram the money. They are going to be rewarded by being allowed to reprogram the lost petty cash. The slush fund will be given to the people who created the slush fund. There is an article in the New York Times which shows that maybe that will not happen. Maybe it will not happen. Suddenly, somebody has become indignant. Suddenly, there is talk about firing the people who lost $2 billion in their petty cash fund.

Mr. Speaker, I will include in the RECORD an article from today's New York Times entitled "Spy Satellite Agency Heads Are Ousted for Lost Money."

The article referred to follows:

[From the New York Times, Feb. 27, 1996]

SPY SATELLITE AGENCY HEADS ARE OUSTED FOR LOST MONEY

(By Tim Weiner)

WASHINGTON.—The top two managers of the National Reconnaissance Office, the secret agency that builds spy satellites, were dismissed today after losing track of more than $2 billion in classified money.

The Director of Central Intelligence, John Deutch, and Defense Secretary William J. Perry announced that they had asked the director of the reconnaissance office, Jeffrey K. Harris, and the deputy director, Jimmie D. Hall, to step down.

"This action is dictated by our belief that N.R.O.'s management practices must be improved and the credibility of this excellent organization must be restored," Mr. Deutch and Mr. Perry wrote in a statement. A Government official close to Mr. Deutch said the intelligence chief had lost confidence in the officials' ability to manage the reconnaissance office's secret funds.

Keith Hall, a senior intelligence official who has managed satellite programs for the Pentagon, was named today as deputy director and acting director of the reconnaissance office.

The office is a secret Government contracting agency that spends $5 billion to $6 billion a year—the exact budget is a secret—running the nation's spy satellite program. The satellites take highly detailed pictures from deep space and eavesdrop on telecommunications; everything about them, including their cost, is classified. The secret agency is hidden within the Air Force and is overseen jointly by Mr. Deutch and Mr. Perry.

But overseeing intelligence agencies, especially an agency as secretive as the reconnaissance office, whose very existence was an official secret until 1992, is no easy matter. Well-run intelligence services deceive outsiders; poorly run ones fool themselves. This apparently was the case with the reconnaissance office.

Its managers lost track of more than $2 billion that had accrued in several separate classified accounts over the last few years, according to the Senate Select Committee on Intelligence. The committee had thought the sum was a mere $1.2 billion until auditors called in by Mr. Deutch found at least $800 million more in the reconnaissance office's secret books this winter.

The auditors told Mr. Deutch that the way the reconnaissance office handled its accounts was so arcane, so obscured by secrecy and complexity and so poorly managed that a $2 billion surplus in its ledgers had gone unreported.

> "Deutch did not know, Perry did not know and Congress did not know" about the surplus, an intelligence official said. "There was a lack of clarity as to how much money was there and how much was needed." The audit is continuing and is expected to be completed by April.
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> The reconnaissance office also spent more than $300 million on a new headquarters outside Washington in the early 1990's. The Senate intelligence committee, which appropriates classified money for intelligence agencies, said it was unaware of the cost. In the only public hearing ever held on the subject of the National Reconnaissance Office, Mr. Hall testified in 1994 that the construction of the building was a covert operation and the money for it had been broken into separate classified accounts to conceal its existence.
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> The reconnaissance office is one of 13 intelligence agencies under Mr. Deutch. All will be covered in a report to be issued on Friday by a Presidential commission on the future of intelligence. The report will address the question of whether Government spending for intelligence—an estimated $26 billion to $28 billion a year—should continue to be officially secret.

Mr. OWENS. Mr. Speaker, let me just read a few items from this article. I will not read it all.

> The top two managers of the National Reconnaissance Office, the secret agency that builds spy satellites, were dismissed today after losing track of more than $2 billion in classified money.
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> The Director of Central Intelligence, John Deutsch, and Defense Secretary William J. Perry announced that they had asked the director of the reconnaissance office, Jeffrey K. Harris, and the deputy director, Jimmie D. Hall, to step down.
>
> This action is dictated by our belief that N.R.O.'s management practices must be improved and the credibility of this excellent organization must be restored.

I do not know how it can be an excellent organization; if they cannot keep track of their money any better than that, I do not have any faith in anything else they are doing. I doubt there is great competence anywhere else if you cannot keep track of your books. If you lose $2 billion, then how many other blunders and errors have been made, is the question. Any American citizen can ask that question and be on sound ground. Common sense should ask that question. But here we are praising these people. They run an excellent agency, except they lost $2 billion in their petty cash fund.

A Government official close to Mr. Deutsch, who is the head of the CIA, said "The intelligence chief had lost confidence in the officials' ability to manage the reconnaissance office's secret funds." That is the understatement of the year, that they lost confidence. The office is a secret Government contracting agency that spends $5 billion to $6 billion a year. It is a secret, so you do not know exactly how much. They run the Nation's spy satellite program. The auditors told Mr. Deutsch that the way the reconnaissance office handled its accounts was so arcane, so obscured by secrecy and complexity, and so poorly managed that a $2 billion surplus in its ledgers have gone unreported.

I will not read anymore. I commend you to the New York Times of February 27, 1996. This is happening in your Government. This is one of the pieces of Government that conventional Washington wisdom has said should not be downsized, should not be streamlined. The era of big Government lives on in the CIA.

I want the $2 billion that has been discovered to go to education, to job training, to the summer youth employment program. Washington obsolete out-of-step reasoning says the income gap is not important. The minimum wage is not important. The minimum wage proposal is on the table. We have a piece of legislation which is sponsored by the minority leader, the gentleman from Missouri [Mr. GEPHARDT] and I am cosponsor, but at last count we did not have all of the Democrats on it, so I cannot really criticize the majority of Republicans for not supporting the minimum wage bill until we get all of the Democrats on it. A large number of Democrats are not supporting an increase in the minimum wage.

The bill says that we shall raise the minimum wage by 45 cents per hour over a 2-year period, twice; a total of 90 cents an hour over a 2-year period, so we will move from $4.25 to 90 cents more. It is a minimum, a meager effort to move forward in an era when the income gap is growing. In an era when wages are stagnant, we cannot even agree to move the minimum wage.

NAFTA, GATT, all these things were quickly moved through the process, the legislative process. There was a minimum of public discussion of what it means to have Mexican workers making $1 an hour in a job in which other people make $10 an hour; what it means to have Mexican plants not have to comply with environmental standards, while American plants have to comply. All of that was rushed through.

Suddenly Pat Buchanan raises the question, and it is now on the radar screen, and common sense says we ought to discuss it. Regardless of how you feel about Mr. Buchanan, you ought to discuss it. Pat Buchanan's bombshell has shattered the smugness and serenity of Washington conventional wisdom. There is an economic revolution, and it is fueled by rapidly escalating technology changes. A global economy is being created. The problem is that losers have not volunteered to be sacrificed.

Everybody says there must be some losers. Now we have a revolt of the losers. Losers want to vote for somebody else, somebody who is willing to talk about their dilemma, their problem. Why should losers accept their fate quietly? Why do losers have to be losers when we could have a transition process where we have education programs and job training programs which help people through the period where downsizing, streamlining, has taken place and all these technology changes are taking place?

The Buchanan media domination over the last few days has certainly captured attention of all sectors. People in my district who have no use for Mr. Buchanan and his racist, anti-Semitic opinions want to listen to him when he talks about the effects of NAFTA and the effects of GATT. The commonsense questions are being raised by the people in my district and many others. They wanted to say, "Why aren't you doing something about the fact that so many workers are losing their jobs, and there is no job training for them? Why aren't you doing something about providing some kind of help for these people?"

Those are the questions that are being asked, and I have answers. We are. We are attempting to. We do not have the high visibility of media star Pat Buchanan or Presidential candidate Pat Buchanan, but the Progressive Caucus, the Congressional Black Caucus, we have legislation there. The legislation is there to call for a stimulus program that would have job training and get us through this transition period.

Nobody is a genius, and nobody proposes to know all the answers as to where we are going to come out after this technology global economy revolution takes place. We cannot predict that. We can come up with programs that help human beings get through the process, and we have legislation that is proposed.

In the Congressional Black Caucus budget, the alternative budget that was put on the floor of this House, the two areas that were increased were education and job training. The proposals are there. They have been offered. They are still there, but no consideration by the leadership. The majority Republican Party controlling this House does not want to make these considerations.

Maybe the high visibility we have gained through Mr. Buchanan's candidacy, maybe that high visibility will at least stimulate some discussions of an increase in the minimum wage. Maybe it will at least stimulate some discussion of a minimum job training program that might move us forward a little bit.

But we are grateful. God and the American political process work in mysterious ways. We are grateful for this high visibility that the problems have been given. Out of the mouths of racists and anti-Semites some common sense can be heard. This is a great secret that is not so secret among demagogs and demagoguery. Demagogs know that you have to make some sense to people. You have to show common sense. Mr. Buchanan shows common sense.

Demagogs know that you have to address some practical, real, concrete problem. You have to do that. Demagogs know that you have to pretend to care about people's suffering. You have to pretend, at least. Demagogs know this. So this demagog is raising the high visibility, and for that reason we are grateful. We are not grateful enough to follow a person who has a whole history of anti-Semitic statements, a whole history of racist statements. We will not be carried away, but the issues have been raised. The Washington conventional wisdom has been shaken. We will go forward to try to be positive about filling the vacuum that we have refused to recognize up to date.

We should support workers. We should make certain that there are no losers that suffer unnecessarily. We should have a transition program that we solidly back in order to carry forward our economy and all the people in our economy.

CONDEMNATION OF THE COLD-BLOODED MURDER OF UNITED STATES CITIZENS BY THE CUBAN DICTATORSHIP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. MENENDEZ] is recognized for 60 minutes.

Mr. MENENDEZ. Mr. Speaker, I come to the floor tonight to condemn a brutal, cold-blooded, premeditated murder of U.S. citizens by the Castro regime this past weekend. I would like to go through the facts, Mr. Speaker, of what happened.

Brothers to the Rescue is a Miami-based humanitarian organization engaged in search and rescue missions over the Florida Straits. It was on just such a mission this past weekend. The members of Brothers to the Rescue were flying unarmed, civilian, defenseless planes in a mission that is identical to hundreds of missions that they have flown since 1991. They posed no threat whatsoever to the Cuban Government, the Cuban military, or the Cuban people. And the Cuban dictatorship knows this. They know what they have done. They know of lives they have saved. They have saved nearly 6,000 lives, Mr. Speaker.

I know what their mission has always been, because approximately 1 year ago I flew with Brothers to the Rescue. I was in a plane like those that were gunned down, brutally, by the Castro regime. On that flight, what we did is transverse the Florida Straits in international air space in search of people whose only crime was to flee a totalitarian regime, fleeing from repression and seeking freedom.

□ 2045

And in that process, that day that we were flying over the Florida Straits and in international airspace, we in fact found 12 individuals who were on a small island who had been there for several days who had no food and no water. And it is because of that mission, Mr. Speaker, that they in fact were saved. We threw water to them. We threw food to them. We telegraphed their location to the Coast Guard, and the U.S. Coast Guard ended up rescuing them.

That is only one of the many, many flights that Brothers to the Rescue has had in saving thousands of lives.

When the Cuban Government makes statements to the contrary about what Brothers to the Rescue is all about, there is no basis in fact. Brothers to the Rescue's aircraft on this past Saturday notified Cuban air traffic controllers as to their flight plans, which would take them along the 24th parallel, close to the Cuban airspace but still in international airspace, and under international law. That law provides a nation with a 12-mile limit on airspace as extended from the coastline of the nation.

Now, the response of the Castro regime, which was ordered at the highest levels of the regime by Castro himself, because it is impossible, if you understand the command structure of the regime in Cuba, you understand that such an order to gun down civilian, innocent individuals would never be done but at the highest levels in their chain of command. And we know that partially to be true, Mr. Speaker, because just recently, recently some retired United States generals, retired Gen. Eugene Carroll, who was in Cuba a few weeks ago, was asked what the United States reaction to such an act would be. Now, why would you ask that question if you were not preparing for that possibility?

It is now interesting to note that yesterday the Cuban Government openly bragged about a pilot who they sent to infiltrate Brothers to the Rescue and returned to Cuba the day before the incident. It is now apparent that that individual, Juan Pablo Roque, transmitted information to the Castro regime about the Brothers to the Rescue's flight plans for Saturday, and so we have here the facts developing of why I say that this act was premeditated murder and it is in fact an act of state terrorism.

You have an infiltrator pilot who tells the regime, Brothers to the Rescue are flying, they are flying one of their search-and-rescue missions, they will be in international airspace but near Cuban airspace, and therefore sets them up as clay pigeons. And you have a situation in which Castro's regime itself was thinking about the possibility of shooting down innocent civilians, asking a former retired general who was in Cuba about the United States reaction to such an event. Hence, the premeditation.

Even if these civilian aircraft were not in international airspace, which they were, our own Government tells us that they were, under every sense of international law, which was recognized by the European Union in their condemnation of the Castro regime, where they say that they strongly condemn the shooting down of two civilian aircraft on Saturday by the Cuban Air Force and where they go on to say irrespective of the circumstances of the incident, there can be no excuse for not respecting international law and human rights norms, under any sense of international law, it would not be appropriate to gun down civilians who were simply flying search-and-rescue missions.

The response of Castro's regime to these flights was to scramble two fighter jets from a Havana airfield. At approximately 3:24 p.m., on Saturday, the pilot of one of the Cuban MiG's received permission, asked for permission specifically, and proceeded to shoot down the first Brothers to the Rescue airplane, and then 7 minutes later the pilot of the Cuban fighter jet received permission and proceeded to shoot down the second Brothers to the Rescue airplane.

Now, this is a barbaric act. It is an act of state terrorism sponsored by, in fact, a government, a regime, I cannot find myself to call it a government because it rules by brute force; this is the barbaric act that we face.

And who died here Mr. Speaker? People who died here were U.S. citizens. Two of them were born in the United States. One of them is a former Vietman veteran. I do not know why the press continues to refer to them as exiles. I do not understand what that categorization is supposed to be. I am not quite sure that there are different standards of American citizenship. But certainly, certainly when someone is born in this country, when someone serves this country, is there any higher standard of being an American citizen?

Yet for Armando Alejandro, Jr. and Pablo Morales and Carlos Costa and Mario de la Pena, who left Miami's Opa-Locka Airport on Saturday, the 24th, on a routine humanitarian mission to search for rafters in the straits of Florida, and for their families, whom we grieve with today, I wonder when they are questioning about when they hear constantly the references simply to exiles and they are forgotten as U.S. citizens. One of them, in fact, was a former constituent of mine, Mario de la Pena, who was born in Weehawken, NJ. He was raised in West New York, NJ, both communities that I am privileged to represent in the U.S. Congress.

He volunteered his time and services to serve his community, to rescue lives, and on Saturday he became a martyr in the eyes of the Cuban people and also in the eyes of Americans of Cuban descent as well as the others. But they were U.S. citizens flying in a defenseless posture, a civilian plane in a humanitarian mission.

Now, what has been our response? Our response certainly, we commend the President for having us lead a condemnation resolution in the United Nations, for taking some actions in the context of stopping charter flights to Cuba, of going ahead and insuring that Radio Marti, which is the only way that the Cuban people have information that can be presented to them from outside because Cuba is a closed society; only with the government's, the regime's own press, only told what they, the government, the regime, wants to tell them; Radio Marti does give information to the people of Cuba, and now it will increase its ability to penetrate.

And the President also said that he wants to move along in Helms-Burton, but while we respect those actions, it is simply not enough. It is simply not enough. If we are to send a strong message that in fact we will not tolerate our citizens being gunned down in international airspace, then we need to do more. Our response simply is not enough, and I expect the President to make other responses in the days ahead, and I believe that among the responses the President should take is the expulsion of the Cuban diplomatic mission from the interest section here in Washington; I believe that there should be a suspension or a reduction of money transfers from the United States to Cuba; I think there should be a serious curtailment of certain travel to Cuba and the licenses that the office of foreign nationals controls provide for certain types of travel; there should be a cessation of all migration talks with Cuba; the expansion of access to Television Marti should also be part of our information services beyond Radio Marti, and we have the technology to do so. We should use it.

We should be pursuing the possibility of economic sanctions at the United Nations, and we understand that the international community is not always there with us. But clearly now in the United Nations, if, in fact, you have a country that cannot observe the rule of international law, it should not receive moneys from an organization which promotes the rule of international law.

The United Nations should move immediately to freeze any moneys going to Cuba because they have shown themselves incapable of living under international law. We should be the leaders in that movement.

We should be talking to our European allies, who have condemned this atrocity, but now must go a step further. You cannot on one hand condemn the brutal murder of four innocent Americans and then give the Castro regime a prize by giving them an economic package.

And there have been discussions going on between the EU and Cuba in terms of an economic package, and the message that I believe our allies who say that they wish to promote democracy and human rights in Cuba must be that if you cannot live under international standards, if you cannot respect the universal declaration of human rights for which you are a signatory, then we cannot give you assistance. The only way in which you can get assistance is if you enter the family of civilized nations who obey international law.

And lastly, I hope the President is ready and prepared to respond to Castro if he once again uses the people of Cuba as he has in the past, as human bullets, in large refugee waves to the United States, this time having suffered this twice, this time and the people of Cuba having suffered this, this time the President should proactively and, hopefully, in a preemptive fashion say very clearly that if the Castro regime seeks to use Cubans as human bullets, that it is the United States' intention to quarantine the waters around Cuba so that the people who are used as human pawns and sent onto the high seas in which thousands have died can be rescued but also brought back to Cuba, and that during this period of quarantine any other vessels that may seek to enter the quarantine area would, in fact, not be permitted to pass, and, hopefully, by making this preemptive statement, we will send a strong message that we have to be ready to follow up so that in fact we do not go through another Mariel, we do not go through another 1994 incident as we have had.

Tomorrow, the House and the Senate go into a conference committee on the Helms-Burton legislation on the Libertad legislation. I would hope, and I expect, that the administration will work with the Congress in supporting a bill that sends a clear message to the world and to the regime that, in fact, unless you follow the road to democracy which has swept this continent in every country except for Cuba, and unless you move to respect the human rights of your own people as you have signed on to not by our standards but as you have signed on to by the universal declaration of human rights of the United Nations, then we will move to create democracy in Cuba by standing up for United States interests.

□ 2100

What are those interests that we purport in this legislation? Simply to give American citizens and American companies whose properties were illegally confiscated in Cuba the right of a cause of action in the civil courts of the United States, so they can pursue those companies who would traffic in the illegally confiscated properties that are rightfully American properties, and, in doing so, not only stand up for American businesses and stand up for American citizens, but, at the same time, deny Castro the profits from the illegally seized properties.

It is right for the United States to protect its citizens and to protect its companies from the illegal confiscation of its properties being used by others who have business contacts here in the United States, who profit here in the United States, and who would in fact profit from illegally confiscated properties. It is also important as we prepare in the Helms-Burton legislation to prepare for a post-Castro Cuba, to be ready for a traditional government pledged to democracy, to be ready for a democratic government, and telling those governments and the people of Cuba now, sending them a beacon of light that we in fact are in solidarity with those who seek democracy in Cuba, that we want to work with you, that we are not in fact your enemies, that in fact we want to help bring democracy and respect for human rights to the 10 million people who live on the island.

We do that in the Libertad legislation, in the Helms-Burton bill, through title II, which I have written and authored, by preparing a transitional plan and ultimately a democratically elected plan for a post-Castro Cuba. We also provide other provisions of the Helms-Burton law that send a very strong and unequivocal statement that in fact we are serious about protecting U.S. interests, we are serious about democracy, we are serious about promoting human rights.

To accept a weak version, a stripped-out version of Helms-Burton, especially after a week of repression in Cuba, which I would like to speak about shortly, of unprecedented repression in Cuba, after the senseless slaughter of American citizens, in fact to accept anything less than that is to send a wrong message about what the United States reaction will be to defend its interests, to promote its interests, and to defend its citizens.

Let me talk about the wave of repression that precipitated the event that we are talking about today, that came before that event, and that in fact finds us equally appalled.

Many of our allies, and some Members of Congress, say "Well, we want to see peaceful democratic change come to Cuba." I agree with them. None of us want to see change come to Cuba by violence. But we have also said time and time again that the only person who can make change in Cuba be violent is Castro himself. He has the Army, he has the security forces, he has the weapons, and he has shown us his willingness to use it, against his own people, as he did nearly 2 years ago this July when he took a tugboat of over 70 people, who were simply fleeing from his regime, seeking liberty, followed them with Cuban destroyers, and rammed the boat after having fired water cannons at innocent women and children. And, after ramming that boat and having it broken into half and it started to sink with the 70 people who were on board, using the naval vessels that he had in creating a whirlpool effect so that they would be sucked down and drowned, and in fact 40 persons died. Twenty children died, 20 adults died. So he has shown us his repressive nature.

You can come here to the United States, you can wear a nice Armani suit, you can sip Chablis with Madame Mitterrand, who heads a human rights group in France. You can court American businesses and tell them how, oh, you are losing a great opportunity to make money. You can toy with the American press. But that does not make you a civilized member of society. Actions speak much louder than words.

We saw it when he killed those 40 men, women and children. We saw it this past week with Concilio Cubano. For many of our allies who say we want peaceful change, which we agree with, we say where are you, raising your voices on behalf of a group within Cuba who has advocated peaceful but democratic change? A 120 member organization, an umbrella group, all forming different parts of Cuban society, independent journalists, independent economists, human rights activists, dissidents, who have joined together, and all they asked for was to simply have one of the basic fundamental rights we enjoy in this country and which people enjoy throughout the world, which is the right of assemblage. All they wanted to do was to meet in Havana, in their country, and talk about how they could move their country peacefully to democratic change and with a respect for human rights.

What was the response of the regime? It was brutal. Now over 100 people have been arrested. An incredible amount of the Concilio's national leadership has been arrested. One of them, whom I spoke to by phone in Cuba who was advising me of the arrests that had been going on and the harassment by state security forces, who, after I spoke to him, got arrested, his phone was obviously tapped, and after his arrest he has quickly been sentenced to a year and a half in jail. For what crime? For what crime? Simply because he sought to peacefully meet in his own country and try to create democratic change.

So for those of our allies and for those Members of the House who constantly talk about let us have peaceful democratic change, where are you? Where are you in raising your voices? For the whole week that the international press carried the arrests, I did not hear the voices of those Members of the House who traveled to Cuba. We have Members of the House who travel to Cuba. They go and they visit Castro, and he gives them a cigar and they talk, and when it is all over, when they leave, people get arrested.

Where are those voices? Where are the voices of the international community, our allies in this hemisphere and beyond, who say in fact that they want to see groups like Concilio Cubano move for democratic change. Well, where are their voices? Why are they not seeking greater sanctions? What is truly their position on human rights?

So we need to be responding as a leader in the world, and certainly in our own hemisphere, and certainly in this House, which is a beacon of hope and of democracy throughout the world. We need to be responding forcefully.

Concilio Cubano, which is just an organization that seeks peaceful democratic change, needs to be recognized, and it needs to be in fact supported by the international community. We may not agree with everything that they say, but that is part of a democracy. If there had been no Sakharov, if there had been so Lech Walesa in what is now in Poland with Solidarity, if we did not have Vaclav Havel in what is now the Czech Republic, would we have seen the movements to Democrats and a respect for human rights in those countries? No.

Now, we supported and gave hope and gave assistance and tried to work with the international community in Solidarity in Poland. We worked with Vaclav Havel. We raised our voice on behalf of Sakharov. We need to hear the same voices now. We need to hear them for the dissidents in Cuba.

Mr. Speaker, I have a list, and hopefully by making this list public, we in fact create the circumstances under which there is some sense of international protection for these individuals. I would like to at this point include the list of all of the leadership of Concilio Cubano into the RECORD.

1-Acosta Moya, Agustin Jesus: Comision Humanitaria de Ayuda a Prisioneros Politicos, 2-Aldana Ruiz, Miguel Angel: Liga Civica Martiana, 3-Alfaro Garcia, Reinaldo: Asociacion de Lucha Frente a la Injusticia Nacional, 4-Alfonso Aguiar, Jorge H.: Comite de Ayuda Humanitaria a Presos Politicos de Santiago de Cuba, 5-Almira Ramfrez, Irene: Movimiento Agenda Nacionalista, 6-Alvarez, Pedro Pablo: Consejo Unitario de Trabajadores Cubanos, 7-Arcos Bergnes, Gustavo: Comite Cubano Pro Derechos Humanos, 8-Ayala Corzo, Joge Adrian: Partido Renovacion Democratica, 9-Azoy, Tony: Movimiento Pacifista por la Liberacion, 10-Bacallao Perez, Jorge: Instituto de la Opinion Publica, 11-Bonne Carcases, Feliz A.: Corriente Civica Cubana, 12-Brito Hernandez, Pedro: Alianza Liberal Democratica Cubana.

13-Cabrera La Rosa, Alfonso: Asociacion Martiana Libertad, Igualdad y Fraternidad, 14-Campaneria Pena, Francis: Coordinadora Camagueyana, 15-Carcases Battle, Deysi: Foro Feminista, 16-Carrillo Fernandez, Ibrahim: Union de Sindicatos de Trabajadores Cubanos, 17-Cosano Alen, Reinaldo E.: Coalicion Democratica Cubana, 18-Costa Valdes, Secundino: Movimiento Opositor Pacifico Panchito Gomez Toro, 19-Collazo Valdes, Odilia: Partido Pro Derechos Humanos de Cuba, 20-Cruz Gonzalez, Ricardo: Partido Cubano Pro Derechos Humanos, Forida, 21-Chan Aguile, Cancio: Movimiento Nacionalista Democratico Maximo Gomez, 22-Chente Herrera, Jose Angel: Frente pro Derechos Humanos Miximo Gomez, 23-Escobedo Yaser, Maria A.: Frente Democratico Oriental, 24-Fabio Hurtado, Rogelio: Movimiento Armonia, 25-Fernandez, Juan Rafael: Movimiento Democratico Cientifico.

26-Fieitas Posada, Felix: Associacion Pro Democracla Constitucional, 27-Fornaris Ramos, Jose Antonio: Frente de Unidad Nacional, 28-Garcia Gonzalez, Dianelis: Asociacion de Trabajadores Independientes de La Solud, 29-Garcia Reyes, Jose: Movimiento Ignacio Agramonte, Camaguey, 30-Garcia Quesada, Orfilio: Asociacion Cubana de Ingenieros, 31-Gomez Manzano, Rene: Corriente Agramontista, 32-Gonzalez Noy, Gladys: Asociacion Pro Arte Libre y Concertacion Democratica Cubana, 33-Gonzalez Valdes, Lazaro: Partido Pro Derechos Humanos Independiente, 34-Gutierrez Perez, Nancy: Movimiento Pacifista por la Democracla, 35-Hecheverria Alarcon, Pedro: Frente Democratico Calixto Garcia, 36-Hechevarria, A. Yonasky: Movimiento Democratico Jose Marti, 37-Hernandez Blanco, Amador: Comision de Derechos Humanos Jose Marit.

38-Hernandez-Morales, Roberto: Atencion a Presos Politicos, 39-Herrera Castillo, Isidro: Movimiento Maceista por la Dignidad, 40-Hidalgo Hernandez, Belkis R.: El Derecho Cubano, 41-Ibar Alonso, Ernesto: Asociacion de Jovenes Democratas, 42-Jalil Jabib Jabib: Movimiento de Derechos Humanos de Carmaguey, 43-Jimenez Rodrguez, Aida Rosa: Asociacion Civica Democratica, 44-Ledesma Cordero, Celso: Organizacion Opositora 20 de Mayo, 45-Linares Blanco, Gladys: Frente Femenino Humanitario, 46-Linares Garcia, Librado: Movimiento Reflexion, 47-Lopez Diaz, Juan Jose: Corriente Liberal Cubana, 48-Lorens Nodal, Luis Felipe: Organizacion Juvenil Martiana, 49-Lorenzo Pimienta, Jorge Omar: Consejo Nacional de Derechos Civiles, 50-Lugo Gutierrez, Osmel: Partido Democratico 30 de Noviembre Frank Pais, 51-Maceda Gutierrez, Hector Fernando: Movimiento Liberal Democratico.

52-Marante Pozo, Jesus Ramon: Consejo Medico Cubano Independiente, 53-Martinez Guillen, Juan: Confederacion de Trabajadores Democraticos de Cuba, 54-Molina Morejon Hilda: Colegio Medico Independiente, 55-Monzon Oviedo, Juan Francisco: Partido Democrata Martiano, 56-Morejon Almagro, Leonel: Movimiento Ecologista y Pacifista Naturpaz, 57-Morejon Brito, Orlando: Movimeiento Pacifista 5 de Agosto, 58-Morel Castillo, Raul: Frente Sindicalista Oriental Independiente, 59-Ortiz Gonzaez, Clara: Comite Martiano Por los Derechos del Hombre, 60-Paez Nunez, Lorenzo: Centro No Gubernamental Jose de la Luz y Caballero Para los Derechos Humanos y la Cultura de Paz, 61-Palacio Ruiz, Hector: Partido Solidaridad Democratica, 62-Palenque Loveiro, Miguel A.: Movimiento Pacifista Solidaridad y Paz, 63-Palma Rosell, Ramon: Movimiento Patra, Independencia y Libertad.

64-Paradas Antunez, Mercedes: Alianza Democratica Popular (ADEPO), 65-Paya

Sardin Osvaldo: Movimiento Cristiano Liberacion, 66-Perera Gonzalez, Felix: Movimiento Amor Cristiano, 67-Perera Martinez, Alberto: Comite Paz, Progreso y Livertad, 68-Perez Pineda, Orlando: Fundacion Civica Cubana, 69-Perez Rodriguez, Evaristo: Union Patriotica Cristiana Independiente, 70-Perez-Fuente, Merida: Frente Civico de Mujeres Martianas, Villaclara, 71-Pimentel, Raul: Grupo Ecologico Alerta Verde, 72-Pino Sotolongo, Isabel del: Association Humanitaria Seguidores de Cristo Rey, 73-Pozo Marrero, Omar del: Union Civica Nacional (por estar en prison firma Perez Castillo, Esteban), 74-Prades, Carlos, Union Nacional Cubana, 75-Ramirez Munoz, Reiler, Union de Ex Presos Politicos Ignacio Agramonte, 76-Ramos Guerra, Jose Antonio: Sociedad Ecologista Cuba Verde.

77-Ramon Dominguez, Ernesto Pablo: Union Democratica Martiana, 78-Restano Diaz, Yndamiro: Buro de Prensa Independiente de Cuba, 79-Rios, Carlos M.: Sociedad Politica de La Habana, 80-Rivero Milian, Reinaldo: Comite Julio Sanguily Frente Unido Democratico Camaguey-Ciego de Avila, 81-Rivero, Raul: Agencia de Prensa Cuba Press, 82-Roca Antunez, Vladimiro: Corriente Socialista Democratica, 83-Rodriguez Chaple, Eugenio: Bloque Democratico Jose Marti, 84-Rodriguez Gonzalez, Jorge L.: Movimiento Democracia y Paz, Oriente, 85-Rodriguez Lovaina, Nestor: Movimiento Cubano de Jovenes por la Democracia, 86-Rosario Rosabal, Nicolas M.: Centro de Derechos Humanos de Santiago de Cuba, 87-Roque, Marta Beatriz: Instituto Cubano de Economistas Independientes, 88-Ruis Labrit, Vicky: Comite Cubano de Opositores Pacificos Independientes.

89-Salazar Aguero, Ismael: Asociacion de Trabajadores Por Cuenta Propia, 90-Sanchez Santacruz, Elizardo: Comision Cubana de Derechos Humanos y Reconciliacion Nacional, 91-Sanchez Salazar, Aurelio: Partido Social Cristiano, Camaguey, 92-Sanchez Valiente, Miguel Eumelio: Movimiento Libertad y Democracia (por estar en prision firma Lopez Rodriguez, Lazaro), 93-Santana Rodriguez, Felix: Grupo No. 5 Camaguey, 94-Socorro Salgado, Roberto: Movimiento Vicente Garcia, Las Tunas, 95-Soto Caballero, Marcelino: Union de Ex Presos Politicos, Camaguey, 96-Troncoso Aguiar, Javier: Union Sidical Cabaileros del Trabajo, 97-Valdes Fundora, Juan Antonio: Proyecto Cristiano por los Derechos Humanos y Sindicales, Santa Clara, 98-Valdes Rosado, Maria: Partido Democrata Cristiano, 99-Valdes Santana, Aida: Oficina de Informacion de Derechos Humanos, 100-Valido Gutierrez, Manuel E.: Grupo Independiente Minas, Sierra de Cubitas.

Mr. Speaker, to America's corporate community, it is time for them to understand that your approaches to Castro are undermining dissidency movements within Cuba. It is undermining people who risk their lives to promote human rights. It is undermining people who want to see democracy flourish in Cuba. There are no greater economic opportunities in a country except a country that is democratic, one that respects the rule of law, one in which you can get your contracts enforced, one in which you will not worry about your properties being confiscated when it is no longer in the interests of the dictatorship, when you have produced enough money for him to stay afloat, when you have provided the resources and the wherewithal to be able for him to have his stranglehold on the people.

So to the American corporate community, do you want to do business with someone who in fact has the type of blood on his hands that Fidel Castro has? Is there no conscience? Is the bottom line the ultimate factor in your decisionmaking?

Cubans on the island cannot even be paid directly by a foreign company. These hotels that are opened up by foreign companies in other parts of the world, who open them up in Cuba, they cannot pay their workers. They pay the regime. The regime takes most of the money and gives the worker a subsistence wage. So what do we have? We have slave labor.

What guarantees? Castro has said time and time again in many interviews that these economic reforms, which we have created, by the way, the limited economic reforms that exist in Cuba today, the acceptance of the American dollar, for which it was illegal to own until a few years ago, and the reducing of the third largest Army in all the Western Hemisphere, which when I mentioned this on the House floor many times there is a snicker. No, they are not going to come and invade the United States. That is not my point.

But does a small island like the people of Cuba who live on, 10 or 11 million people, why do they need the third largest army in all of the Western Hemisphere per capita? Why does not the regime reduce the size of that army and put more food on the plates of Cuban families who go hungry? Why spend all of that money on security forces, on a repressive army? Well, in fact, I just gave you two examples why, because Castro does not understand how to deal with pacifism. He does not understand how to deal with people who by peaceful means seek to either leave his regime or to promote democracy within the country. Because what did he do to Concilio Cubano? He went ahead and arrested many of its national leadership. Over 100 people are now in jail. He has others under house arrest. Women were strip-searched so they would be intimidated in participating with the organization. Some of its members are in hiding, seeking assistance from countries that have embassies there. They are looking for a place to go to. And yet we find doors that are closed and unwilling to accept them as a legitimate political refugee.

□ 2115

What did we see in the tugboat incident? Using that very armed forces to kill his own people, men, women, and children, and using his armed forces which he has gone way too far to shoot down U.S. citizens. Yet that army, as large as it is, has been reduced also because of the necessity that we have created against the regime. The acceptance of the dollar is because we have created that necessity. The international investment today that exists in Cuba is because we have created that necessity and that necessity has been the agent of change within Cuba.

Now, when the international community says that they want to promote democracy and human rights in Cuba, fine, let us see you do it. Why are you not giving refuge to those people who are peaceful dissidents and human rights activists? Why aren't you raising your voices? Isn't the bottom line the ultimate question for you, as well?

So to our international community and to our corporate community, there must be some sense of conscience in which one does not want to support a dictator who ruthlessly uses his armed forces against innocent civilians, and I would hope that the business community doesn't want to be supporting someone who has in cold blood premeditatedly had American citizens on his command killed.

I would like to meet the CEO's of those companies that in fact believe that it makes sense to invest in Cuba, in this regime, in this island in which there is no freedom but among the worst tryanny that the world has known. I would like to meet those CEO's. I hope that they will call me, and I want them to justify for me how you make such an investment in Cuba at a time such as this, and I would like them to be with me when they explain that to the families of the four United States citizens who died because of their willingness to go ahead and seek to rescue other people fleeing from the regime. I would like to hear you tell them, because I would really like to hear your explanation. It is in the United States' interests, forgetting about the people of Cuba for the moment, it is in the United States interest to pass a strong Helms-Burton bill, not only on the questions of democracy and human rights that we have spoken about.

It is in our national interest because Castro seeks to finish building in Cuba a Chernobyl-type nuclear power plant 90 miles from our very shores, a nuclear power plant that in fact, through a GAO report, states has serious risk to it because of its design and construction with defective wells. A report that goes and tells us that an accident at that plant which could be very likely if it were to be finished would create a situation in which radioactive material would fly as far north as the Nation's Capital and as far west as Texas. Do we really need a regime to have a nuclear power plant, a Chernobyl-type nuclear power plant, 90 miles from the United States? I think not. Not when we have seen the ruthlessness of this regime.

It is in our national interest to stand up for U.S. citizens and companies when their properties are illegally confiscated. It is in our national interest to have democracy come to the people of Cuba so that we do not face within the context of the Caribbean and Latin America a source of instability. It is in our national interest because in fact the resources that are spent. Let us look at the resources that are spent within Cuba.

The fact of the matter is that many of our companies seeking to circumvent our embargo spend an enormous amount of money in Cuba. They do it through attempts through third-party agreements. They are willing to, in essence, violate the laws of the United States, and it will be interesting some hearings that we are going to have about that how that goes about. But it is in our interest to have a country that observes the rule of law for which there can be legitimate investment, mutually beneficial, for which we do not have to worry about a regime that will confiscate that property. For which we do not have to worry about a regime that if it was economically viable, which it is not right now, but which seeks to be economically viable by the assistance, both of private sectors and the international community, would again create the unrest that they created in the Caribbean and in Latin America at the height of their assistance from the Soviet Union.

And yes, the cold war is over, but no one has told Fidel Castro that. He still wants to hang on at any cost. So the fact of the matter is that what we have is proven facts. Setting up U.S. citizens, having somebody infiltrate them, giving him the word, here is their flight plan, having already sensed, well, what is going to be the U.S. reaction? Ultimately, what will they do? Well, maybe a little condemnation. Maybe they will stop a little money, but that is about it. But what message does he send?

He sends a message I can take United States citizens and kill them in cold blood, and at the same time he sends a message to the people inside Cuba, if this is what I can do with the United States citizens, imagine what I can do to you, so you better stay in line.

What is our response? Steps in the right direction, but it is clearly not sufficient. What is the international community's response? A little condemnation, but we will continue to deal with Castro. We will continue to give him money. We will continue to give him aid. We will continue to do business with him. What is the message? It is the wrong message. It says you do not have to observe international law. You do not have to live by the rule of law. You do not have to live under the process of a democracy. And you can get away with it. And you can get away with it. There will be a little screaming and yelling, but when it is all over, at the end, it will return to business as usual.

Now, we can change this course of events. We can say it is important to promote democracy and human rights. It is important to live by the rule of law. It is important because countries that are democracies are less likely to commit acts against other democracies. It is in our national interest, and we can send those messages by passing a strong Helms-Burton bill.

We can do that as we go to conference tomorrow. We can be leaders and we were leaders once before in this regard. The international community said, oh, we do not like the Torricelli bill, the Cuban Democracy Act. Well, in the end, this Congress acted with leadership. Congressman TORRICELLI promoted that bill as its sponsor. It was signed by President Bush with then-candidate Clinton then strongly supporting it. And we have the basis of our present-day policy toward Cuba.

And the international community also said they did not like that. But that did not stop us. It did not deter us. And the agent of change in which much of the international communities today benefiting from is because of our very leadership, is because we have been promoting an economic embargo that in fact creates necessity for the regime and, therefore, creates the pressure for them to change and therefore permits international investment and the acceptance of the American dollar, and the reducing of an army that the Cuban people do not need, nor do we in the hemisphere need in terms of the size and potency of that army.

So we have shown through our leadership, despite what some others have said, that in fact we can be a beacon of light throughout the hemisphere and the world, that we can promote democracy, that we can promote human rights. And yes, sometimes we will take criticism, but that doesn't mean that we should be deterred.

Tomorrow, as the House goes into conference, we have that opportunity again. And I would hope that the President, based upon his comments, will in fact join the bipartisan efforts, both in the House and in the Senate, to send a strong message to the Castro regime, to send the message in fact that we will not tolerate the brutal gunning down of American citizens. That we will stand up for U.S. interests. That we will help the Cuban people realize their dream of democracy and of respect for human rights. And that yes, that is one of the pillars of our foreign diplomacy. And when we do that, then as a nation we lead, not only within the hemisphere, but in the world.

I know that right now the eyes of the world are upon us in how we react in this case. I certainly hope that my colleagues who have in the past said that they are for promoting democratic change within Cuba speak up and raise their voices on behalf of the peaceful dissidents within Cuba who have been arrested, lost their liberties. I hope that they will raise their voices against the barbaric acts taken by the Castro regime. And I hope that they will understand that the only way to send a strong message to this dictatorship, which has shown itself by every possible standard to be a brutal regime, that the only message to send now is by having a strong bipartisan vote on the upcoming Helms-Burton conference on the legislation that will be presented to us and then a signature by the President of the United States, the greatest country in the world, who would ultimately say to the people of Cuba, we are in solidarity with you.

We want to promote democracy, but we are unwilling to deal with a regime that brutalizes its people, that has no respect for international law. We say to that regime, it is time, your time is over. Get out of the way and let the people of Cuba realize their democracy. Let Cuba come into the family of nations that has promoted democracy. Let this hemisphere be the first hemisphere in the history of mankind to in fact have every nation be a democracy.

And, last, we send to the world community a message that we will not tolerate the safety of our citizens, the lives of our citizens being expendable by any dictator anywhere in the world.

USE OF PUBLIC LANDS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Colorado [Mr. MCINNIS] is recognized for 60 minutes as the designee of the majority leader.

Mr. MCINNIS. Mr. Speaker, as you know, my home State is the State of Colorado. My actual home is located high in the Colorado Rockies. I wanted to take a few minutes today to address my colleagues on an issue that is absolutely critical for the Western United States, and that is the issue of public lands. I think to understand the issue of public lands, you have to have some kind of historical perspective of how the West is unique, not only in its water, and I will talk about the water here in a few moments, but also in the public lands that are entrusted by the people of this country to the Federal Government.

In the early days when the settlement of the West was the crucial goal of this country, the bureaucrats in Washington, DC and the Government encouraged settlers to go West and go beyond the mountains. As they got to the mountains, because of the fierce winters we have, because of the mountainous terrain, because of the high altitudes, because of the difficulty in farming and ranching at those high altitudes, not too many people were encouraged to settle, say, for example, in the Rocky Mountains of Colorado.

□ 2130

Instead they went around the Rocky Mountains and went on to the State of California and so on. And in many of these States in the Midwest, such as the State of Kansas, you are able to, on a very few number of acres, produce a great number of crops or run many, many more cattle than you can per acre in the high Rocky Mountains.

So what happened was as time went on they discovered that there were people interested in going into the Rocky Mountains, but they felt that they still needed to provide a governmental incentive to move into the mountains. They knew that they could not do the land grants that they had done in some of the other States because to give that, to give a large enough amount of land for a settler out in the Rocky Mountains to really make it would be many, many hundreds of acres. And they felt, the Government at that time felt that that would be too much acreage in order for that to work. It was not going to be politically sellable. So what they did instead was had what they called public lands or use of public lands, entrust the public lands to the people of that area for the concept of multiple use.

That is a very crucial issue in today's evaluation of public lands. When I grew up in the Colorado mountains, every national forest sign said, and the Federal lands signs said, as you entered into Federal property, a land of many uses, multiple uses, a land of many uses. Unfortunately, today we have some more radical groups in this country, some of the more very, very liberal groups that want to replace that sign "a land of many uses" with the sign called "no trespassing."

Are these groups well-intended? I think the answer to that question is perhaps yes in some cases. But are they well educated on the issue of multiple use and how critical it is for the everyday lifestyle of people of the West? And the answer to that is no, they are not well educated on that issue, although they profess to be well educated, when they try and lobby back here to take away the concept of multiple use as we know it in the West.

Now, if you asked the question to most people, give me some examples of multiple use, they are going to say to you, well, grazing, the cattlemen, that is what they use Federal lands for, for grazing, or maybe the ski areas, they have ski areas on Federal lands for recreation. But ask them to give you some more examples of what we in the West use that land for, that Federal land under the multiple use concept. The answer really is pretty common sense.

Every drop of water, for example, in the Third Congressional District of Colorado either comes across Federal lands, is stored on Federal lands or originates on Federal lands. There are a lot of other uses of Federal lands and the use of public lands that we have out in Colorado. All of our highways go across public lands. All of our electricity, the power lines come across public lands. The cable TV, the telephone, our food, there are a lot of cattle that are run out there. But the primary uses of public lands are the uses which I have just said: water, transportation, communication.

And when some people back here in the East take on the position that we should not ever set foot again on public lands or that the use of public lands should be severely limited, I am not sure they understand how critical it is for the average working Joe and the average working Jane out there in the West to have multiple use on public lands.

Now, do we need to have a balance on public use and on multiple use of these public lands? The answer is clearly yes. Sometimes it really, really can irritate you when you are from the West and you hear someone that comes up and pretends that because you live in the West, that you somehow mistreat the lands, the lands that we have to entrust for the next generation and the many, many generations beyond that. Those of us in the West take particular pride in the way we treat those lands.

Of course, we do not want those lands savaged; of course, we do not want those lands destroyed. But we do think we have a right, for example, to take water off the Federal lands, to have drinking water, to have water for our crops, to have water for our small towns out there in the West. That water comes or originates or is stored upon public lands.

The State of Colorado, let me address water here for a moment, the State of Colorado is somewhat unique in this Nation. Colorado is the only State in the United States where all of our water runs out of the State. We have no natural water that runs into Colorado. Water is crucial for us. Back here in the East, as I understand it, a lot of States' problem with water is trying to get rid of it. The big issues back here is what you do in flood stages, what you do for drainage. In our State, it is how you store water for future use.

In Colorado, we do not have heavy rainfall. It is really quite an arid State. Instead what we depend upon is a 60- to 90-day period of time called the spring runoff. The snows that accumulate, in fact they are accumulating as I now address you in the State of Colorado, these snows accumulate in many places over 100 feet. And during that period of time called the spring runoff, which last 60 to 90 days, that water melts down, comes off the mountains and heads out of Colorado. In fact, the State of Colorado, I think, supplies water for 23 other States and for the country of Mexico. Because we do not have heavy rainfall, we have to depend, we have to get our water during that 60- to 90-day period of time, which obviously means you have got to capture some of that water, you have to have the ability to store that water, and be able to have that water for the remaining balance of the year where you do not have the spring runoff. And that is many of our storage projects in Colorado, if not all of our storage projects in Colorado deal with Federal public lands.

If we followed the theory or the concept or the order of some of these radical groups who want no trespassing signs put up on the public lands, we would not be able to store our water, and these people know that. A lot of these people know that. That is their goal.

In fact, a lot of times it is to the advantage of the downstream States to put whatever kind of restrictions there are on the upstream States so that they get more water flowing their way. The water in Colorado that we do not utilize, because we do not have the capacity to store it, goes on to other States that would like that water, that may be short of that water.

Water is our largest, besides our people, water is probably one of our largest assets in Colorado. And it all ties in with this multiple use of public lands. If you look at the history of Colorado, public lands has played a very strong part of the foundation of that State. Whether it be the minerals and the gold mining of the 1860's, clear on up to the oil shell exploration of the 1970's, that is one aspect of multiple use that has to do with the building of the State of Colorado.

But let us talk about another point, not the mineral extraction that has happened over the history of Colorado. Let us talk about the recreation of Colorado or the beauty of Colorado. A lot of people in Colorado make their living there because of the people and the tourism that come to visit these great, wonderful public lands. We do not want to destroy that. Tourism is our No. 2 industry, maybe even our No. 1 industry in the State of Colorado. We want to preserve that. And how do you preserve that? You have to preserve the beauty of the State.

Sure, some of our tourists come to Colorado to visit their relatives or come to the Rockies to visit their relatives, but primarily our visitors come out there to see the beauty of those mountains, to ski our fresh powder, to hunt there during hunting season, to enjoy river rafting down our rivers right after the spring runoff. So we would be following ourselves if we really were out there to try and destroy what the good Lord had given to us, and that is the beauty of the Rocky Mountains and the beauty of the West.

But by gosh, we have every right to stand in front of you here today and say, do not be so blind when we talk about multiple use that you take the concept of multiple use and dump it into the trash. It is too valuable. It is too valuable for the lifestyle of the frontiersmen in the West. That is how it came about, a land of many uses.

Take a look at the native Americans. The true native Americans out there in the Rocky Mountains or in the plains of Kansas that went into those mountains during the time that the early settlers had not even approached it. Take a look at the uses they made of those lands. They hunted on those lands. They had their religious services on those lands. They were born on those lands. They died on those lands. The heritage that exists all comes about or all ties in to that all-important concept of multiple use.

So my message to my colleagues here today is that the people of Colorado, the people of the Rocky Mountains and the people of the West in general support very strongly the protection and the guardianship of those public lands. We know they are not our lands. We know those lands belong to the people of the United States. Although we would like to say they are our lands, and many times we actually do, when we are out there and we infer that the lands within the State of Colorado belong to the people of the State of Colorado, we know those public lands do not belong, for example, to the people just in that State. They belong to all 50 States.

We know that we have a fiduciary responsibility to the people of America and to the future generations of America to protect that land. But that concept comes down to protection of that land to one key word; that key word is balance. We have got to maintain a balance in the utilization and in the protection of the public lands of the West. It is very easy, very easy for people who have not visited the West, who do not understand the history of the West, who do not understand the people of the West, who have not studied their history in regard to the settlers and in regard to the politics of the time that encouraged the railroads to go out there, that encouraged the settlers go West, young man, go West.

Not everybody has taken a look at that. But the people who want to voice an opinion on the utilization of those public lands in my humble opinion have an obligation to educate themselves on those issues, have an obligation to come out and visit the State.

The Third Congressional District of Colorado, that is one of the largest congressional districts in the United States. It is the district I represent. It includes almost all of the mountains of Colorado. It includes all of the ski areas in Colorado. So if you have ever skied in Colorado, you have skied in the Third Congressional District of Colorado.

You can fly literally in a small plane, you can fly for hours and hours across that district and not come to the other end of it. You can fly for an awful long time and not even see another human being out on the ground, or every once in a while you will see a cabin up there in those mountains. We have protected those mountains. Now, clearly once in a while you find people that abuse, and those kinds of people we should have a zero tolerance level for.

For example, we had a disaster called Summitville in Colorado. That was a disaster, that was mismanagement, not only by the agency that oversaw the actual mining project but by the people that conducted that project. We should have zero tolerance of that. We do not want it. You do not want it. We do not want people that misuse the public lands that are entrusted to future generations. We do not want those people any more than you do. But when you make the decisions back here about multiple use or about public lands, take into consideration the long-term impact of what your decision is going to create. How will it alter the lifestyle of the people of the West? Every decision we make back here that deals in any slight way with public lands will impact, will impact on a long-term basis the lifestyle of the people of the West.

I am confident that the people of the West can manage these lands as they have for centuries, as they have with modern techniques of management and as they can in the future with abilities to take care of that land. We can do it with balance. There is nothing wrong with a well-managed ski area high in the Colorado Rocky Mountains, a ski area that mitigates the environmental impacts that it may create.

If you take a look at the actual footprint or the area impacted by a ski area, I think you will find that under the right kind of guidance, under the right kind of environmental regulations, which all of us support, you can have a protected environment. You can have a thriving ski community. And you can have people who have the opportunity to live in that ski area because they have jobs as a result of that skiing opportunity, and finally many people across the country can enjoy skiing in the Rocky Mountains as a result of that ski area.

You can do it in balance. It is the same thing with water storage projects. We have some groups back here in the East that will never find a water storage project that they can support. Not because the project does not make sense. You can have water projects out there that make sense. But these groups will try and convince many other people who live outside the West that these water storage projects for some reason devalue our public lands and the public lands for the future of this country.

It is about time that some of those groups be brought to their senses, that some of those groups finally put into their vocabulary a word that very few of them have ever really thought about, and that is called balance.

□ 2145

At the same time we must serve notice to all people who enter the mountains and all people who come into the West, if you have come out there to take an unfair advantage of the land, just the same as coming out there to take unfair advantage of the people of the West, it is not acceptable. We are trying our hardest out there to adapt policies that will indicate a zero tolerance level for the kind of ignorance that propels people to come out and destruct that, destroy that land, or to ignore the environmental regulations that are so important to preserve our public lands. But we can do it in balance. I think that we should treat with a discount these groups clear over here on the left that demand that the land of many uses sign be replaced with a no trespassing sign, and I think we can discount the people over here who decide that that land should be developed at whatever the cost and the development should be the No. 1 priority of the public lands. Both of those groups are on the fringe. Both of those groups represent, in my opinion, a very minority of minority views on what the utilization of public lands should be for the best interests of the United States of America. Instead what we should do is strive to have our oversight and our regulation and our utilization of public lands carved out of the middle, the middle that is represented by the word called balance, the middle that believes in multiple use of Federal lands, the middle that thinks that you have to have reasonable environmental regulations to guide the utilization of these Federal lands, the middle that believes that development or extraction of minerals or utilization of the land for grazing has to be done in consideration of the preservation of that land, but also the middle that understands that there are things called jobs that people; for example, the ranching families that have been out there, some of them for well over 100 years on the same ranch, that these people have a right to utilize that land, that these people are good guardians of that land, that in order for people to keep their jobs out there in the West they have got to have highways, they have got to have transportation, they are entitled to communication, that carefully regulated it is OK to put a power line into a community up there in the mountains so they can have cable TV or they can have electricity or they can have telephones. It is OK to have a highway, an interstate for example, through Glenwood Canyon, which has as its top priorities safety through the preservation of the environment. We can do it.

The Glenwood Canyon, by the way, I think, is one of the outstanding examples in this country of how you can go into some very pristine country, some very important environmentally beautiful country, and preserve that while still keeping in mind the consideration of the safety of the people that visit the West, that travel through the West or that live in the West.

I know that my remarks have focused on that word called multiple use, and I know that my remarks have focused on that word called balance. It is because we think those people in the West, those of us who represent the people of the West, we are very proud of our heritage, we are proud of the heritage of the United States of America. But we think that the entire country needs to understand that our heritage is built in part not just on strong people, not just on our good friends and the first Americans out there, the Native Americans, but also built on the ability to utilize public lands in a reasonable and well-thought-out manner. I cannot tell you how disappointing and discouraging it has been to see that sign that says "Welcome to the White River National Forest" and then underneath it the sign that says "A land of many uses." How discouraging it is to go by and see the sign that now just says "Welcome to the White River National Forest." Where is the sign that said "A land of many uses?" That is the historical use of that land, that is the protected use of that land, that is the use that everyone in this country and every group in this country that really cares about the West and the preservation of the West, that is the term that they will take the time to educate themselves on. It is absolutely crucial. If you want to address the issues in the Rocky Mountains, if you want to address the issues of public lands, and I would say not just the Rocky Mountains. This obviously expands up to Alaska and expands to the other areas of the country in which large tracts of public lands exist. If you want to voice your opinions on that, look and study the history of the West, and what built it and, again, what the politics were, and finally what the people today do for that. You know we are really very fortunate, we think, to live in the Rocky Mountains, and many of you know what it is like. You have been out there, you skied, you have come out there to see the beauty we have got. Maybe you have gone out to see some of the wildlife, the mountain goats or the Rocky Mountain elk, or the mountain lions, or gone out there, and now a big fad is fishing, or you have been on our rivers to raft.

You too can continue to enjoy the beauty of what you like about those public lands in the future, but do not shut us out of it, do not let some of these groups convince you that that land out there is being wasted. Do not let some of these groups convince you that the only way to enjoy water in Colorado is to make sure that it runs out of the State, that the only way to protect water coming off those mountains is not to store it, not to allow it to be taken out of the rivers so that the communities and the towns and the people can thrive and the crops can thrive on the use of that water.

Instead, what you should do is encourage these groups to come in and work with us as partners. We are a partnership. This great Nation of ours depends upon team players, and that is what the middle of America is about, it is a team player. Our team in the middle is much stronger than either team on the fringes. But those teams on the fringes; for example, those groups that want development at any cost or those groups that do not want any development regardless of the merits of the development, sometimes those groups have more ability than the groups in the middle to pass on their message, to make the American people believe that they really are the experts or to make the American people believe that they represent the majority of the American people or to make the American people believe that they represent the best interests of the American people. Instead, next time you hear from some of these groups, put them aside, just discount what they have said until you have the opportunity to talk with somebody in the middle.

Now, I know that many of you may not have had the opportunity to visit the great Rocky Mountains or the great State of Alaska. If you have that opportunity, come out. We have a lot to offer. We do have a good lifestyle out there. We do have clean air, and you can bet your bottom dollar we want to protect that clean air. We do have crystal clear water in our streams, and you can bet your bottom dollar we want to protect that. We have some of the best fishing in the world. We have some of the best hiking trails in the world. Just in my district alone we probably have 54 mountain peaks over 14,000 feet. We have got mountain climbing. We want to preserve that.

But we also have jobs. That is how those of us who still manage to stay out there, that is why we are able to stay there, because we know how to make a living out there. And our ability to make a living really determines whether or not we can let our next generation, my kids and my kids' kids, and whether my wife's family can continue to operate in the ranching business. If we manage those lands well, we can guarantee that the next few generations will have the same kind of opportunities we did. We are good guardians, and we can be better guardians, we want to be better guardians, but do not shut us out, do not go to the people of the West and say, all right, let us start with grazing fees, for example.

You know a lot of the people or some of the groups, let me put it that way, or some of the people, I will put it that way, that are proposing a hike in the grazing fees in this country. They are not out to make sure the Government gets a better deal. That is just a mask, that is just the surface of what they are trying to portray. What they really want to do is eliminate grazing from Federal lands. What they really want to do is go after multiple use. It is a disguised attack on multiple use.

I think as a U.S. Congressman that the Government should get a fair deal on grazing fees, for example. If the grazing fees, if the cattle market, is good, then the grazing fees should be higher. If the cattle market goes to pot, as it has done this year, any of you in that business know how terrible it has been, then the fees ought to drop so that we can sustain the lifestyle of those kind of ranching, and so on, on those public lands. But do not be taken by the people that say, well, there is great, great abuse going on out there and these ranchers and farmers are just wealthy farmers who take advantage of the Federal Government.

A lot of those groups do not have, as I mentioned earlier, do not have in mind the idea that we have to improve the deal that the Government is getting. Instead, what those groups have as their sole intent is to shut the door on the people of the West, to move the people of the West out of the West and to hang up no trespassing signs.

That is why the people of the West, that is why when President Clinton first became the President and they had talked about the grazing fees and the Secretary of the Interior, Mr. Babbitt, came out, that is why people in the West were so defensive. It is one thing to come in here with reasonable negotiations for a reasonable grazing fee. It is quite another thing to come into the West under the guise of saying you want reasonable grazing fees and trying to drive people off the land.

To show you how intense the battle has become in the West I am not sure that during my lifetime you will ever see another ski area, a new ski area built in the Rocky Mountains. Now maybe the demand is not out there for it. But if the demand were there, should you automatically eliminate the possibility of a new ski area somewhere in the Rocky Mountains or should you rather approach the question by saying does it make sense, does it make sense environmentally, does it make sense for the community, does it make economic sense because the last thing you want is a company that gets into development of an area like that and halfway through the project has to give it up or file into bankruptcy because they have run out of capital.

Those are the kind of questions that should be asked. We know in Colorado for example that it is crucial, it is absolutely crucial, as I said in my earlier remarks, that we have the capability of storing water, storing water for future use. I am not sure once the Animas LaPlata project is built, and I hope that it is built, I am not sure that during the rest of my lifetime that we are going to see another water storage project in Colorado.

Now we ought to ask the same questions. First, is there a need for additional storage; second, are we using the current storage to our maximum benefit? Maybe we need to clean out some of the current water storage projects we have so they can hold more water. Third, does it make economic sense? Fourth, if we were to build a new project, can we protect the environment like we need to? Can we mitigate the environment in such a way that could actually enhance the environment? You know, it used to be a statistic; now it is 3 or 4 years old. But it used to be that all the good stream fishing in Colorado was below a water storage project. We have brought water, we have brought green, to a lot of the area in Colorado because of our utilization of water.

Well, let me conclude my remarks by saying this. I know that with a budget, a big issue back here, and I know in the past few days the tragedy in Cuba has taken a lot of time on this floor so we can depend and kind of direct where this country should go, but I felt that it was appropriate tonight, especially having just come back from Colorado, I felt it was appropriate to take a few minutes to talk to you about the importance of multiple use for our fine State.

I am doggone proud of being from Colorado. I feel good about the West. I feel good about the way we have taken care of the West. I feel good about some of the improvements that are being made in the way we take care of the West. And I also feel very strong and very committed to oppose those people who want to shut the door on the West, to oppose those people who want to take that sign, "A land of many uses," and replace it with a sign of "No trespassing."

□ 2200

That is why I am here tonight. I appreciate all of you listening. I appreciate your consideration. But every time you pick up a bill, or every time you pick up a letter from, say, the Sierra Club or someone else, that talks about public lands, take a look at what we have talked about this evening: The historical use of those lands, the environmental mitigation on those lands, the need of the people of those lands, and the life culture and the lifestyles of the West.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2854, THE AGRICULTURAL MARKET TRANSITION PROGRAM

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 104–463) on the resolution (H. Res. 366) providing for consideration of the bill (H.R. 2854) to modify the operation of certain agricultural programs, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. STOKES (at the request of Mr. GEPHARDT), for today through Friday, on account of illness.

Ms. MCKINNEY (at the request of Mr. GEPHARDT), for today and the balance of the week, on account of medical reasons.

Ms. FURSE (at the request of Mr. GEPHARDT), for today and the balance of the week, on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KENNEDY of Massachusetts) to revise and extend their remarks and include extraneous material:)

Ms. PELOSI, for 5 minutes, today.

Mr. DEUTSCH, for 5 minutes, today.

(The following Members (at the request of Mr. BEREUTER) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes each day, on today and February 28 and 29 and March 1.

Ms. ROS-LEHTINEN, for 5 minutes each day, on today and February 28 and 29.

Mr. ROTH, for 5 minutes, today.

Mr. STEARNS, for 5 minutes, today.

Mr. GOSS, for 5 minutes, today.

Mr. RIGGS, for 5 minutes each day, on today and February 28.

Mr. SMITH of Michigan, for 5 minutes each day, on today and February 28.

Mr. DIAZ-BALART, for 5 minutes, today.

Mr. CHRISTENSEN, for 5 minutes, on February 28.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. PETE GEREN of Texas, for 5 minutes, today.

(The following Member (at her own request) and to include extraneous matter:)

Mrs. MEEK of Florida, for 5 minutes, today.

(The following Member (at the request of Mr. HASTINGS of Florida) to revise and extend their remarks and include extraneous material:)

Ms. PELOSI, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. KENNEDY of Massachusetts) and to include extraneous material:)

Mr. FARR.
Mr. STOKES.
Mr. TORRES.
Mr. LANTOS.
Mr. PICKETT.
Mr. BORSKI.
Mr. FOGLIETTA.
Mr. MONTGOMERY in two instances.
Mr. REED.
Mr. UNDERWOOD.
Mr. ORTIZ in two instances.
Mr. BARRETT of Wisconsin.
Mr. KENNEDY of Massachusetts.
Mr. MORAN.

(The following Members (at the request of Mr. BEREUTER of Nebraska) and to include extraneous material:)

Mrs. MORELLA.
Ms. ROS-LEHTINEN.
Mr. BOEHNER.
Mrs. KELLY.
Mr. SMITH of Michigan.
Mr. COX of California.
Mr. RADANOVICH.
Mr. BAKER of California.
Mr. EHLERS.

(The following Members (at the request of Mr. HASTINGS of Florida) and to include extraneous matter:)

Mr. ROBERTS.
Ms. DELAURO in two instances.
Mr. FRANK of Massachusetts.
Mr. HASTINGS of Florida.
Ms. ESHOO in two instances.
Mr. NADLER.

(The following Members (at the request of Mr. MCINNIS) and to include extraneous matter:)

Mr. FROST.
Ms. FURSE.
Mr. LIPINSKI in 14 instances.
Mr. BROWN.
Mr. GANSKE.
Mr. MARKEY.
Mr. LANTOS in two instances.
Mr. WYNN.
Mr. DAVIS.
Ms. LOFGREN.

ADJOURNMENT

Mr. GOSS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 1 minute p.m.), the House adjourned until tomorrow, Wednesday, February 28, 1996, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

[Omitted from the Record of February 23, 1996]

2109. A communication from the President of the United States, transmitting a report of three proposed rescissions of budget authority, totaling $820 million, pursuant to 2 U.S.C. 683(a)(1); to the Committee on Appropriations.

2110. A communication from the President of the United States, transmitting his request to make available appropriations totaling $140 million in budgetary authority for support of the Middle East peace process, pursuant to 31 U.S.C. 1107 (H. Doc. No. 104–178); to the Committee on Appropriations and ordered to be printed.

2111. A communication from the President of the United States, transmitting his request to make available appropriations totaling $620 million in budgetary authority for DOD operations associated with the NATO-led Bosnia Peace Implementation Force [IFOR] and Operation Deny Flight, and $200 million for civilian implementation of the Dayton Peace Accord and to designate the amounts made available as an emergency requirement pursuant to section 251(b)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, pursuant to 31 U.S.C. 1107; to the Committee on Appropriations and ordered to be printed.

[Submitted February 27, 1996]

2112. A letter from the Under Secretary of Defense (Personnel and Readiness), transmitting notification that the Department's defense manpower requirements report for fiscal year 1997, will be submitted by April 30, 1996; to the Committee on National Security.

2113. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's reports entitled "1996 Salary Rates" for its employees in grade 1–15 and "Executive Level Salary Ranges" for its executive level employees, pursuant to section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 [FIRREA]; to the Committee on Banking and Financial Services.

2114. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2000 resulting from passage of H.R. 2353 and H.R. 2657, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on the Budget.

2115. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2000 resulting from passage of S. 652, H.R. 2029, and S. 1124, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on the Budget.

2116. A letter from the Secretary of Health and Human Services, transmitting the Department's third annual report to Congress on the implementation of the authority and use of fees collected under the Prescription Drug User Fee Act of 1992 [PDUFA] during the fiscal year 1995, pursuant to 21 U.S.C. 379g note; to the Committee on Commerce.

2117. A letter from the Inspector general, Department of Health and Human Services, transmitting a report on Superfund financial activities at the National Institute of Environmental Health Services and the Agency for Toxic Substances and Disease Registry for fiscal year 1994, pursuant to 31 U.S.C. 7501 note; to the Committee on Commerce.

2118. A letter from the Secretary of Energy, transmitting the 32d quarterly report to Congress on the status of Exxon and stripper well oil overcharge funds as of September 30, 1995; to the Committee on Commerce.

2119. Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

2120. Secretary of Transportation, transmitting the semiannual report of the inspector general for the period April 1, 1995, through September 30, 1995, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

2121. Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–213, "Closing of a Public Alley in Square N–699, S.O. 93–84, Act of 1996," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

2122. Auditor, District of Columbia, transmitting a copy of a report entitled "Audit of the Boxing and Wrestling Commission for Fiscal Year 1994," pursuant to D.C. Code, section 47–117(d); to the Committee on Government Reform and Oversight.

2123. Auditor, District of Columbia, transmitting a copy of a report entitled "Review of the Boxing Event of October 15, 1995 Regulated by the District of Columbia Boxing and Wrestling Commission," pursuant to D.C. Code, section 47–117(d); to the Committee on Government Reform and Oversight.

2124. A letter from the Administrator, Agency for International Development, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1995, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

2125. A letter from the Principal Deputy Assistant for Public Affairs, Department of Defense, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to U.S.C. 552(d); to the Committee on Government Reform and Oversight.

2126. A letter from the Director, Office of Administration, Executive Office of the President, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

2127. A letter from the Secretary, Federal Trade Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

2128. A letter from the General Counsel and Corporate Secretary, Legal Services Corporation, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1995, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

2129. A letter from the vice president for Government and Public Affairs, National Railroad Passenger Corporation, transmitting the Corporation's 1995 annual report, and 1996 legislative report and grant request, pursuant to 49 U.S.C. 24315; to the Committee on Transportation and infrastructure.

2130. A letter from the Secretary of Transportation, transmitting the Department's report entitled "Tanker Navigation Safety Standards, 20 Year Tanker Size/Capacity Trend Analysis," pursuant to Public Law 101–380, section 4111(b)(11) (104 Stat. 516); to the Committee on Transportation and Infrastructure.

2131. A letter from the Assistant Secretary for Technology Policy, Department of Commerce, transmitting the biennial report on Federal agency use of the technology transfer authorities, in compliance with the section 3710(g)(2) of title 15, United States Code; to the Committee on Science.

2132. A letter from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to exempt full-time registered nurses, physician assistants, and expanded-function dental auxiliaries from restrictions on remunerated outside professional activities; to the Committee on Veterans' Affairs.

2133. A letter from the Director, Administration and Management, Department of Defense, transmitting certification that the total cost for the planning, design, construction, and installation of equipment for the renovation of the Pentagon Reservation will not exceed $1,218,000,000, pursuant to section 8095 of Public Law 104–61; jointly, to the Committees on Appropriations and National Security.

2134. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notice of obligation of funds for Nonproliferation and Disarmament Fund [NDF] activities in Bosnia, pursuant to Public Law 104–99, section 301 (110 Stat. 38); jointly, to the Committees on Appropriations and International Relations.

2135. A letter from the Comptroller of the Currency, transmitting the annual report of consumer complaints filed against national banks for 1995; jointly, to the Committees on Banking and Financial Services and Commerce.

2136. A letter from the Secretary of Transportation, transmitting the Department's report to Congress on the benefits of safety belts and motorcycle helmets, pursuant to Public Law 102–240, section 1031(b)(2) (105 Stat. 1073); jointly, to the Committees on Commerce and Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SOLOMON: Committee on Rules. House Resolution 366. Resolution providing for consideration of the bill (H.R. 2854) to modify the operation of certain agricultural programs (Rept. 104–463). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BLILEY (for himself, Mr. ARCHER, Mr. ROGERS, Mr. FIELDS of Texas, Mr. DINGELL, Mr. MARKEY, Mr. OXLEY, and Mr. TAUZIN):

H.R. 2972. A bill to authorize appropriations for the Securities and Exchange Commission, to reduce the fees collected under the Federal securities laws, and for other purposes; to the Committee on Commerce.

By Mr. ROBERTS (for himself, Mr. EMERSON, Mr. GUNDERSON, Mr. ALLARD, Mr. BARRETT of Nebraska, Mr. EWING, and Mr. SMITH of Michigan):

H.R. 2973. A bill to reform and extend Department of Agriculture programs related to agricultural credit, rural development, conservation, trade, research, and promotion of agricultural commodities; to the Committee on Agriculture, and in addition to the Committees on Ways and Means, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CHRYSLER:

H.R. 2974. A bill to amend the Violent Crime Control and Law Enforcement Act of 1994 to provide enhanced penalties for crimes against elderly and child victims; to the Committee on the Judiciary.

By Mr. FRANK of Massachusetts (for himself, Mr. YATES, and Ms. PELOSI):

H.R. 2975. A bill to amend the Immigration and Nationality Act to establish a Board of Visa Appeals within the Department of State to review decisions of consular officers concerning visa applications, revocations, and cancellations; to the Committee on the Judiciary.

By Mr. GANSKE (for himself, Mr. MARKEY, Mr. BARR, Mr. BOUCHER, Mr. COBURN, Mr. DURBIN, Mr. GENE GREEN of Texas, Mr. JOHNSTON of Florida, Mr. KENNEDY of Massachusetts, Mr. KLECZKA, Ms. LOFGREN, Mr. MCDERMOTT, Mrs. MEEK of Florida, Mr. MORAN, Mr. NADLER, Mr. SANDERS, Mr. SERRANO, Mrs. SMITH of Washington, Mr. STARK, Mr. STUDDS, Mr. TRAFICANT, Mr. WAXMAN, Mr. WHITFIELD, and Mr. WISE):

H.R. 2976. A bill to prohibit health plans from interfering with health care provider communications with their patients; to the Committee on Commerce, and in addition to the Committees on Ways and Means, Economic and Educational Opportunities, and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEKAS (for himself and Mr. REED):

H.R. 2977. A bill to reauthorize alternative means of dispute resolution in the Federal administrative process, and for other purposes; to the Committee on the Judiciary.

By Mr. MORAN:

H.R. 2978. A bill to amend chapters 83 and 84 of title 5, United States Code, to provide for measures to preserve the value of deferred annuities over the period of the time between separation from Government service and when payments commence, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. LANTOS (for himself and Mr. KING):

H. Res. 365. Resolution condemning the visit of Louis Farrakhan to Libya, Iran, and Iraq as well as certain statements he made during those visits, and urging the President to take appropriate action to determine if such visits, statements, and actions resulting from agreements or understandings reached during these visits violate Federal law; to the Committee on International Relations.

MEMORIALS

Under clause 4 of rule XXII,

202. The SPEAKER presented a memorial of the Senate of the State of Washington, relative to the Honorable Barbara Charline Jordan; to the Committee on Government Reform and Oversight.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 26: Mr. CAMP.

H.R. 263: Mr. NADLER.

H.R. 345: Mr. JACOBS.

H.R. 449: Mr. FROST and Mr. FRAZER.

H.R. 488: Mr. FRAZER.

H.R. 497: Mr. BARRETT of Nebraska and Mr. QUINN.

H.R. 528: Mr. STUMP, Mrs. MORELLA, Mr. SMITH of New Jersey, and Mr. KLUG.

H.R. 550: Mr. CUNNINGHAM.

H.R. 573: Mr. DELLUMS, Mr. FILNER, and Ms. LOFGREN.

H.R. 580: Mr. LIVINGSTON, Mr. HUNTER, Mr. RAMSTAD, Ms. NORTON, Mr. SAWYER, and Mr. COSTELLO.

H.R. 619: Mr. MARTINEZ and Mr. MCDERMOTT.

H.R. 620: Mr. MARTINEZ, Mr. MCDERMOTT, Mr. LAFALCE, Mr. MOAKLEY, Mr. OLVER, Ms. LOFGREN, Ms. NORTON, and Mr. WAXMAN.

H.R. 771: Mr. DELLUMS.

H.R. 784: Mr. COBURN, Mr. EHRLICH, and Mr. FUNDERBURK.

H.R. 852: Mr. MOAKLEY.

H.R. 858: Mr. BAKER of Louisiana, Mr. HALL of Ohio, Mr. HERGER, Mr. MOAKLEY, and Mr. TEJEDA.

H.R. 911: Mr. SHAW, Mr. JOHNSON of South Dakota, Mr. GOODLING, Mr. BATEMAN, Mr. LUTHER, Mr. PETERSON of Florida, and Mr. SKAGGS.

H.R. 972: Mr. BONILLA and Mr. JEFFERSON.

H.R. 1000: Mr. HASTINGS of Florida, Mr. PALLONE, and Mr. FLAKE.

H.R. 1023: Mr. SISISKY, Mr. LAZIO of New York, and Mr. HOEKSTRA.

H.R. 1073: Mr. DAVIS and Mr. SKEEN.

H.R. 1074: Mr. DAVIS and Mr. SKEEN.

H.R. 1386: Mr. HASTINGS of Washington and Mrs. SMITH of Washington.

H.R. 1527: Mrs. WALDHOLTZ.

H.R. 1560: Mr. WILSON and Ms. NORTON.

H.R. 1591: Mr. BERMAN.

H.R. 1610: Mr. WICKER, Mr. REED, Mr. DELLUMS, and Mr. DOYLE.

H.R. 1656: Mr. MANTON, Mr. DURBIN, Ms. WATERS, and Mr. TOWNS.

H.R. 1684: Mr. SMITH of New Jersey, Mr. SPENCE, Mr. KLUG, Ms. MOLINARI, Mr. BEREUTER, Mr. CRAMER, Mr. BASS, Mr. REED, Mr. DUNCAN, Mr. SERRANO, Mr. KLECZKA, Mr. DICKEY, Mr. ROHRABACHER, Mr. ARCHER, Mr. LAHOOD, Mr. SAXTON, and Mr. MCDADE.

H.R. 1688: Mr. COYNE and Mr. JOHNSON of South Dakota.

H.R. 1733: Mr. HEINEMAN, Mr. LAHOOD, Mr. SHADEGG, and Mr. SOLOMON.

H.R. 1767: Mr. BACHUS.

H.R. 1776, Mr. EMERSON, Mr. BREWSTER, Mr. CALVERT, Mr. CRAMER, Mr. SMITH of New Jersey, Mrs. LOWEY, Mr. FORD, Mr. KILDEE, Mr. DURBIN, and Mr. HALL of Ohio.

H.R. 1801, Mr. MEEHAN, Mr. FRANKS of New Jersey, and Mr. HOEKSTRA.

H.R. 1802, Mr. LAFALCE.

H.R. 1889, Mr. HINCHEY.

H.R. 1989, Mr. MINGE.

H.R. 2008, Mr. KENNEDY of Massachusetts and Mr. NEUMANN.

H.R. 2011, Mr. GONZALEZ, Mr. FRAZER, Mr. TORRES, Mr. MILLER of California, Mr. THOMPSON, Mr. MARKEY, and Mr. ENGLISH of Pennsylvania.

H.R. 2016, Mrs. KELLY.

H.R. 2193, Mr. HAYWORTH.

H.R. 2240, Mr. HINCHEY, Mr. MCDERMOTT, Mr. BILBRAY, Mr. ABERCROMBIE, Mr. GORDON, Ms. NORTON, and Mr. COSTELLO.

H.R. 2276, Mr. ACKERMAN and Mr. CALVERT.

H.R. 2285, Mr. MEEHAN, Mr. CALVERT, Mr. THOMPSON, Mr. CUNNINGHAM, and Mr. ACKERMAN.

H.R. 2306, Mr. SKELTON and Ms. LOFGREN.

H.R. 2350, Mr. MORAN.

H.R. 2416, Mr. MARTINI, Mr. MATSUI, Mr. MEEHAN, and Mr. WAXMAN.

H.R. 2441, Mr. LUTHER and Mr. JACOBS.

H.R. 2531, Mr. THORNBERRY.

H.R. 2566, Mr. YATES, Mr. METCALF, Mr. CAMPBELL, Mr. HINCHEY, and Mr. BROWDER.

H.R. 2585: Mr. HANSEN, Mr. STARK, Mr. LEWIS of Georgia, Mr. FOGLIETTA, Mr. MCDERMOTT, Mr. STUDDS, Mr. OBERSTAR, Ms. PELOSI, Mr. YATES, Mr. ORTON, and Ms. LOFGREN.

H.R. 2618: Mr. GUNDERSON and Mr. KENNEDY of Massachusetts.

H.R. 2646: Mr. ENGLISH of Pennsylvania.

H.R. 2654: Mr. NADLER, Mr. GORDON, Mr. STARK, Mr. BENTSEN, and Mrs. MALONEY.

H.R. 2664: Mr. MARTINI, Mr. COSTELLO, Mr. KILDEE, Mr. HOEKSTRA, and Mr. GANSKE.

H.R. 2682: Mrs. MALONEY, Mrs. LOWEY, and Ms. SLAUGHTER.

H.R. 2724: Mr. RUSH, Mr. FRAZER, Mr. DEFAZIO, Ms. MCKINNEY, Mr. WATT of North Carolina, Ms. KAPTUR, Mr. KENNEDY of Massachusetts, Mr. GENE GREEN of Texas, Ms. LOFGREN, Mr. FROST, Mr. FATTAH, Mr. TORRES, Ms. NORTON, and Mr. WAXMAN.

H.R. 2725: Mr. RUSH, Mr. FRAZER, Mr. DEFAZIO, Ms. MCKINNEY, Mr. WATT of North Carolina, Ms. KAPTUR, Mr. KENNEDY of Massachusetts, Mr. GENE GREEN of Texas, Ms. LOFGREN, Mr. FROST, Mr. FATTAH, Mr. TORRES, Ms. NORTON, and Mr. WAXMAN.

H.R. 2745: Ms. HARMAN, Mr. KENNEDY of Rhode Island, Mr. QUINN, Mr. COYNE, Mr. CAMPBELL, Mr. VISCLOSKY, Mr. FROST, and Mr. KILDEE.

H.R. 2757: Mr. BARTLETT of Maryland, Mr. SENSENBRENNER, Mr. DAVIS, Mr. BENTSEN, Mr. SOLOMON, Mr. BALDACCI, Mr. FUNDERBURK, and Mr. CALLAHAN.

H.R. 2777: Ms. SLAUGHTER, Mr. WAXMAN, Mr. LEWIS of Georgia, Mr. PAYNE of New Jersey, Mr. FOGLIETTA, Ms. PELOSI, Mr. MARTINEZ, Mr. NADLER, and Mrs. THURMAN.

H.R. 2779: Mr. BACHUS, Mr. BARTON of Texas, Mr. BURTON of Indiana, Mr. CREMEANS, Mr. JACOBS, Mr. SCHAEFER, and Mr. BUNNING of Kentucky.

H.R. 2782: Mr. MOAKLEY.

H.R. 2785: Mr. MATSUI and Ms. WOOLSEY.

H.R. 2796: Mr. MORAN, Mr. YATES, Mr. JACOBS, and Mr. HUTCHINSON.

H.R. 2856: Mr. SABO, Ms. SLAUGHTER, Mr. ACKERMAN, Mr. MARTINEZ, Mr. FRELINGHUYSEN, Mr. GORDON, and Mr. OBERSTAR.

H.R. 2912: Mr. MANTON.

H.R. 2914: Mr. LAFALCE.

H.R. 2916: Mr. STUDDS, Mr. MILLER of California, and Mr. GEJDENSON.

H.R. 2925: Mr. DAVIS, Mr. NORWOOD, Mr. ENSIGN, Mrs. WALDHOLTZ, Mr. HOEKSTRA, Mr. MORAN, Mr. PETRI, Mr. TALENT, Mr. LINDER, Mr. HUTCHINSON, Mr. MOORHEAD, Mrs. SMITH of Washington, Mr. EHLERS, and Mr. COOLEY.

H.R. 2935: Mr. HASTINGS of Washington.

H.R. 2959: Mr. HOYER, Mr. KLECZKA, Mr. STOKES, Mr. HALL of Ohio, Mr. SCHUMER, Ms. WOOLSEY, Ms. ESHOO, Mr. PASTOR, Mr. FLAKE, Ms. MCKINNEY, and Mr. VENTO.

H. Con. Res. 47: Mr. DAVIS and Mr. KLECZKA.

H. Con. Res. 51: Mr. MOAKLEY, Mr. BROWN of Ohio, Mr. KLECZKA, Mr. UPTON, Mr. FAWELL, and Mr. OLVER.

H. Con. Res. 79: Mrs. LOWEY.

H. Con. Res. 125: Mr. ANDREWS.

H. Con. Res. 144: Mr. BRYANT of Texas, Mr. CONYERS, Mr. DELLUMS, Mr. DOYLE, Mr. GORDON, Mr. HALL of Ohio, Mr. HAMILTON, Ms. KAPTUR, Mr. KLECZKA, Mr. LAFALCE, Mr. LEACH, Mrs. LOWEY, Mr. MCHALE, Mr. PALLONE, Mr. QUINN, and Mr. YATES.

H. Res. 358: Mr. CRAMER, Mrs. CLAYTON, Mr. YATES, Ms. KAPTUR, Mr. POSHARD, and Mr. DOYLE.

H. Res. 360: Mr. JACOBS, Mr. FILNER, Mr. YATES, Ms. MCKINNEY, Mr. MILLER of California, Mr. THOMPSON, Mr. JACKSON, Ms. NORTON, Mr. FROST, Mr. NADLER, and Mr. WAXMAN.

H. Res. 361: Mr. DUNCAN.

PETITIONS, ETC.

Under clause 1 of rule XXII,

62. The SPEAKER presented a petition of the Council of the District of Columbia, relative to Council Resolution 11-207, "Transfer of Jurisdiction over a Portion of Independence Avenue, S.W., S.O. 85-96 Resolution of 1996"; which was referred to the Committee on Government Reform and Oversight.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2854

OFFERED BY: MR. DE LA GARZA

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 2: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Agricultural Reform and Improvement Act of 1996".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—AGRICULTURAL MARKET TRANSITION PROGRAM

Sec. 101. Short title.
Sec. 102. Definitions.
Sec. 103. Production flexibility contracts.
Sec. 104. Nonrecourse marketing assistance loans and loan deficiency payments.
Sec. 105. Payment limitations.
Sec. 106. Peanut program.
Sec. 107. Sugar program.
Sec. 108. Administration.
Sec. 109. Suspension and repeal of permanent authorities.
Sec. 110. Effect of amendments.

TITLE II—AGRICULTURAL TRADE

Subtitle A—Amendments to Agricultural Trade Development and Assistance Act of 1954 and Related Statutes

Sec. 201. Food aid to developing countries.
Sec. 202. Trade and development assistance.
Sec. 203. Agreements regarding eligible countries and private entities.
Sec. 204. Terms and conditions of sales.
Sec. 205. Use of local currency payment.
Sec. 206. Value-added foods.
Sec. 207. Eligible organizations.
Sec. 208. Generation and use of foreign currencies.
Sec. 209. General levels of assistance under Public Law 480.
Sec. 210. Food aid consultative group.
Sec. 211. Support of nongovernmental organizations.
Sec. 212. Commodity determinations.
Sec. 213. General provisions.
Sec. 214. Agreements.
Sec. 215. Use of commodity credit corporation.
Sec. 216. Administrative provisions.
Sec. 217. Expiration date.
Sec. 218. Regulations.
Sec. 219. Independent evaluation of programs.
Sec. 220. Authorization of appropriations.
Sec. 221. Coordination of foreign assistance programs.
Sec. 222. Micronutrient fortification pilot program.
Sec. 223. Use of certain local currency.
Sec. 224. Levels of assistance under farmer-to-farmer program.
Sec. 225. Food security commodity reserve.
Sec. 226. Protein byproducts derived from alcohol fuel production.
Sec. 227. Food for progress program.
Sec. 228. Use of foreign currency proceeds from export sales financing.
Sec. 229. Stimulation of foreign production.

Subtitle B—Amendments to Agricultural Trade Act of 1978

Sec. 241. Agricultural export promotion strategy.
Sec. 242. Export credits.
Sec. 243. Market promotion program.
Sec. 244. Export enhancement program.
Sec. 245. Arrival certification.
Sec. 246. Compliance.
Sec. 247. Regulations.
Sec. 248. Trade compensation and assistance programs.
Sec. 249. Foreign agricultural service.
Sec. 250. Reports.

Subtitle C—Miscellaneous

Sec. 251. Reporting requirements relating to tobacco.
Sec. 252. Triggered export enhancement.
Sec. 253. Disposition of commodities to prevent waste.
Sec. 254. Direct sales of dairy products.
Sec. 255. Export sales of dairy products.
Sec. 256. Debt-for-health-and-protection swap.
Sec. 257. Policy on expansion of international markets.
Sec. 258. Policy on maintenance and development of export markets.
Sec. 259. Policy on trade liberalization.
Sec. 260. Agricultural trade negotiations.
Sec. 261. Policy on unfair trade practices.
Sec. 262. Agricultural aid and trade missions.
Sec. 263. Annual reports by agricultural attaches.
Sec. 264. World livestock market price information.
Sec. 265. Orderly liquidation of stocks.
Sec. 266. Sales of extra long staple cotton.
Sec. 267. Regulations.
Sec. 268. Emerging markets.
Sec. 269. Import assistance for CBI beneficiary countries and the Philippines.
Sec. 270. Studies, reports, and other provisions.
Sec. 271. Implementation of commitments under Uruguay Round Agreements.
Sec. 272. Sense of Congress concerning multilateral disciplines on credit guarantees.
Sec. 273. Foreign market development cooperator program.

TITLE III—CONSERVATION

Subtitle A—Definitions

Sec. 301. Definitions.

Subtitle B—Environmental Conservation Acreage Reserve Program

Sec. 311. Environmental conservation acreage reserve program.
Sec. 312. Conservation reserve program.
Sec. 313. Wetlands reserve program.
Sec. 314. Environmental quality incentives program.

Subtitle C—Conservation Funding

Sec. 321. Conservation funding.

Subtitle D—National Natural Resources Conservation Foundation

Sec. 331. Short title.
Sec. 332. Definitions.
Sec. 333. National Natural Resources Conservation Foundation.
Sec. 334. Composition and operation.
Sec. 335. Officers and employees.
Sec. 336. Corporate powers and obligations of the Foundation.
Sec. 337. Administrative services and support.
Sec. 338. Audits and petition of Attorney General for equitable relief.
Sec. 339. Release from liability.
Sec. 340. Authorization of appropriations.

Subtitle E—Miscellaneous

Sec. 351. Flood risk reduction.
Sec. 352. Forestry.
Sec. 353. State technical committees.
Sec. 354. Conservation of private grazing land.
Sec. 355. Conforming amendments.
Sec. 356. Water bank program.
Sec. 357. Flood water retention pilot projects.
Sec. 358. Wetland conservation exemption.
Sec. 359. Floodplain easements.
Sec. 360. Resource conservation and development program reauthorization.
Sec. 361. Conservation reserve new acreage.
Sec. 362. Repeal of report requirement.
Sec. 363. Watershed protection and flood prevention act amendments.
Sec. 364. Abandonment of converted wetlands.

TITLE IV—NUTRITION ASSISTANCE

Sec. 401. Food stamp program.
Sec. 402. Commodity distribution program; commodity supplemental food program.
Sec. 403. Emergency food assistance program.
Sec. 404. Soup kitchens program.
Sec. 405. National commodity processing.

TITLE V—MISCELLANEOUS

Subtitle A—General Miscellaneous Provisions

Sec. 501. Fund for dairy producers to pay for nutrient management.
Sec. 502. Crop insurance.
Sec. 503. Revenue insurance.
Sec. 504. Collection and use of agricultural quarantine and inspection fees.
Sec. 505. Commodity Credit Corporation interest rate.
Sec. 506. Everglades Agricultural Area.
Sec. 507. Fund for Rural America.

Subtitle B—Options Pilot Programs and Risk Management Education

Sec. 511. Short title.
Sec. 512. Purpose.
Sec. 513. Pilot programs.
Sec. 514. Terms and conditions.
Sec. 515. Notice.
Sec. 516. Commodity Credit Corporation.
Sec. 517. Risk management education.

Subtitle C—Commercial Transportation of Equine for Slaughter

Sec. 521. Findings.
Sec. 522. Definitions.
Sec. 523. Standards for humane commercial transportation of equine for slaughter.
Sec. 524. Records.

Sec. 525. Agents.
Sec. 526. Cooperative agreements.
Sec. 527. Investigations and inspections.
Sec. 528. Interference with enforcement.
Sec. 529. Jurisdiction of courts.
Sec. 530. Civil and criminal penalties.
Sec. 531. Payments for temporary or medical assistance for equine due to violations.
Sec. 532. Relationship to State law.
Sec. 533. Authorization of appropriations.

Subtitle D—Miscellaneous

Sec. 541. Livestock dealer trust.
Sec. 542. Planting of energy crops.
Sec. 543. Reimbursable agreements.
Sec. 544. Swine health protection.
Sec. 545. Cooperative work for protection, management, and improvement of National Forest System.
Sec. 546. Amendment of the Virus-Serum Toxin Act of 1913.
Sec. 547. Overseas tort claims.
Sec. 548. Graduate School of the United States Department of Agriculture.
Sec. 549. Student intern subsistence program.
Sec. 550. Conveyance of land to White Oak Cemetery.
Sec. 551. Advisory board on agricultural air quality.
Sec. 552. Water systems for rural and Native villages in Alaska.
Sec. 553. Eligibility for grants to broadcasting systems.
Sec. 554. Wildlife Habitat Incentives Program.
Sec. 555. Indian reservations.
Sec. 556. ICD reimbursement for overhead expenses.
Sec. 557. Clarification of effect of resource planning on allocation or use of water.

TITLE VI—CREDIT

Subtitle A—Agricultural Credit

CHAPTER 1—FARM OWNERSHIP LOANS

Sec. 601. Limitation on direct farm ownership loans.
Sec. 602. Purposes of loans.
Sec. 603. Soil and water conservation and protection.
Sec. 604. Interest rate requirements.
Sec. 605. Insurance of loans.
Sec. 606. Loans guaranteed.

CHAPTER 2—OPERATING LOANS

Sec. 611. Limitation on direct operating loans.
Sec. 612. Purposes of operating loans.
Sec. 613. Participation in loans.
Sec. 614. Line-of-credit loans.
Sec. 615. Insurance of operating loans.
Sec. 616. Special assistance for beginning farmers and ranchers.
Sec. 617. Limitation on period for which borrowers are eligible for guaranteed assistance.

CHAPTER 3—EMERGENCY LOANS

Sec. 621. Hazard insurance requirement.
Sec. 622. Maximum emergency loan indebtedness.
Sec. 623. Insurance of emergency loans.

CHAPTER 4—ADMINISTRATIVE PROVISIONS

Sec. 631. Use of collection agencies.
Sec. 632. Notice of loan service programs.
Sec. 633. Sale of property.
Sec. 634. Definitions.
Sec. 635. Authorization for loans.
Sec. 636. List of certified lenders and inventory property demonstration project.
Sec. 637. Homestead property.
Sec. 638. Restructuring.
Sec. 639. Transfer of inventory lands.
Sec. 640. Implementation of target participation rates.
Sec. 641. Delinquent borrowers and credit study.

CHAPTER 5—GENERAL PROVISIONS

Sec. 651. Conforming amendments.

Subtitle B—Farm Credit System

CHAPTER 1—AGRICULTURAL MORTGAGE SECONDARY MARKET

Sec. 661. Definition of real estate.
Sec. 662. Definition of certified facility.
Sec. 663. Duties of Federal Agricultural Mortgage Corporation.
Sec. 664. Powers of the Corporation.
Sec. 665. Federal reserve banks as depositaries and fiscal agents.
Sec. 666. Certification of agricultural mortgage marketing facilities.
Sec. 667. Guarantee of qualified loans.
Sec. 668. Mandatory reserves and subordinated participation interests eliminated.
Sec. 669. Standards requiring diversified pools.
Sec. 670. Small farms.
Sec. 671. Definition of an affiliate.
Sec. 672. State usury laws superseded.
Sec. 673. Extension of capital transition period.
Sec. 674. Minimum capital level.
Sec. 675. Critical capital level.
Sec. 676. Enforcement levels.
Sec. 677. Recapitalization of the Corporation.
Sec. 678. Liquidation of the Federal Agricultural Mortgage Corporation.

CHAPTER 2—REGULATORY RELIEF

Sec. 681. Compensation of association personnel.
Sec. 682. Use of private mortgage insurance.
Sec. 683. Removal of certain borrower reporting requirement.
Sec. 684. Reform of regulatory limitations on dividend, member business, and voting practices of eligible farmer-owned cooperatives.
Sec. 685. Removal of Federal Government certification requirement for certain private sector financings.
Sec. 686. Borrower stock.
Sec. 687. Disclosure relating to adjustable rate loans.
Sec. 688. Borrowers' rights.
Sec. 689. Formation of administrative service entities.
Sec. 690. Joint management agreements.
Sec. 691. Dissemination of quarterly reports.
Sec. 692. Regulatory review.
Sec. 693. Examination of Farm Credit System Institutions.
Sec. 694. Conservatorships and receiverships.
Sec. 695. Farm Credit Insurance Fund operations.
Sec. 696. Examinations by the Farm Credit System Insurance Corporation.
Sec. 697. Powers with respect to troubled insured system banks.
Sec. 698. Oversight and regulatory actions by the Farm Credit System Insurance Corporation.
Sec. 699. Farm Credit System Insurance Corporation Board of Directors.
Sec. 699A. Liability for making criminal referrals.

TITLE VII—RURAL DEVELOPMENT

Subtitle A—Amendments to the Food, Agriculture, Conservation, and Trade Act of 1990

CHAPTER 1—GENERAL PROVISIONS

Sec. 701. Rural investment partnerships.
Sec. 702. Water and waste facility financing.
Sec. 703. Rural wastewater circuit rider program.
Sec. 704. Telemedicine and distance learning services in rural areas.
Sec. 705. Limitation on authorization of appropriations for rural technology grants.
Sec. 706. Monitoring the economic progress of rural America.
Sec. 707. Analysis by Office of Technology Assessment.
Sec. 708. Rural health infrastructure improvement.
Sec. 709. Census of agriculture.

CHAPTER 2—ALTERNATIVE AGRICULTURAL RESEARCH AND COMMERCIALIZATION

Sec. 721. Definitions.
Sec. 722. Alternative Agricultural Research and Commercialization Corporation.
Sec. 723. Board of directors, employees, and facilities.
Sec. 724. Research and development grants, contracts, and agreements.
Sec. 725. Commercialization assistance.
Sec. 726. General rules regarding the provision of assistance.
Sec. 727. Regional centers.
Sec. 728. Alternative Agricultural Research and Commercialization Revolving Fund.
Sec. 729. Procurement preferences for products receiving corporation assistance.
Sec. 730. Business plan and feasibility study and report.

Subtitle B—Amendments to the Consolidated Farm and Rural Development Act

CHAPTER 1—GENERAL PROVISIONS

Sec. 741. Water and waste facility loans and grants.
Sec. 742. Emergency community water assistance grant program for small communities.
Sec. 743. Emergency community water assistance grant program for smallest communities.
Sec. 744. Agricultural Credit Insurance Fund.
Sec. 745. Rural Development Insurance Fund.
Sec. 746. Insured watershed and resource conservation and development loans.
Sec. 747. Rural industrialization assistance.
Sec. 748. Administration.
Sec. 749. Authorization of appropriations.
Sec. 750. Testimony before congressional committees.
Sec. 751. Prohibition on use of loans for certain purposes.
Sec. 752. Rural development certified lenders program.
Sec. 753. System for delivery of certain rural development programs.
Sec. 754. State rural economic development review panel.
Sec. 755. Limited transfer authority of loan amounts.
Sec. 756. Allocation and transfer of loan guarantee authority.
Sec. 757. National sheep industry improvement center.

CHAPTER 2—RURAL COMMUNITY ADVANCEMENT PROGRAM

Sec. 761. Rural community advancement program.
Sec. 762. Community facilities grant program.

Subtitle C—Amendments to the Rural Electrification Act of 1936

Sec. 771. Purposes; investigations and reports.

Sec. 772. Authorization of appropriations.
Sec. 773. Loans for electrical plants and transmission lines.
Sec. 774. Loans for electrical and plumbing equipment.
Sec. 775. Testimony on budget requests.
Sec. 776. Transfer of functions of administration created by executive order.
Sec. 777. Annual report.
Sec. 778. Prohibition on restricting water and waste facility services to electric customers.
Sec. 779. Telephone loan terms and conditions.
Sec. 780. Privatization program.
Sec. 781. Rural business incubator fund.

Subtitle D—Miscellaneous Rural Development Provisions

Sec. 791. Interest rate formula.
Sec. 792. Grants for financially stressed farmers, dislocated farmers, and rural families.
Sec. 793. Cooperative agreements.

TITLE VIII—RESEARCH EXTENSION AND EDUCATION

Subtitle A—Amendments to National Agricultural Research, Extension, and Teaching Policy Act of 1977 and Related Statutes

Sec. 801. Purposes of agricultural research, extension, and education.
Sec. 802. Subcommittee on Food, Agricultural, and Forestry Research.
Sec. 803. Joint Council on Food and Agricultural Sciences.
Sec. 804. National Agricultural Research, Extension, Education, and Economics Advisory Board.
Sec. 805. Agricultural Science and Technology Review Board.
Sec. 806. Federal Advisory Committee Act exemption for Federal-State cooperative programs.
Sec. 807. Coordination and planning of agricultural research, extension, and education.
Sec. 808. Grants and fellowships for food and agricultural sciences education.
Sec. 809. Grants for research on the production and marketing of alcohols and industrial hydrocarbons from agricultural commodities and forest products.
Sec. 810. Policy research centers.
Sec. 811. Human nutrition intervention and health promotion research program.
Sec. 812. Food and nutrition education program.
Sec. 813. Purposes and findings relating to animal health and disease research.
Sec. 814. Animal Health Science Research Advisory Board.
Sec. 815. Animal health and disease continuing research.
Sec. 816. Animal health and disease national or regional research.
Sec. 817. Resident instruction program at 1890 land-grant colleges.
Sec. 818. Grant program to upgrade agricultural and food sciences facilities at 1890 land-grant colleges.
Sec. 819. National research and training centennial centers authorization.
Sec. 820. Grants to States for international trade development centers.
Sec. 821. Agricultural research programs.
Sec. 822. Extension education.
Sec. 823. Supplemental and alternative crops research.
Sec. 824. Aquaculture assistance programs.
Sec. 825. Rangeland research.
Sec. 826. Technical amendments.

Subtitle B—Amendments to Food, Agriculture, Conservation, and Trade Act of 1990

Sec. 831. Water quality research, education, and coordination.
Sec. 832. Education program regarding handling of agricultural chemicals and agricultural chemical containers.
Sec. 833. Program administration.
Sec. 834. National genetics resources program.
Sec. 835. National agricultural weather information system.
Sec. 836. Research regarding production, preparation, processing, handling, and storage of agricultural products.
Sec. 837. Plant and animal pest and disease control program.
Sec. 838. Livestock product safety and inspection program.
Sec. 839. Plant genome mapping program.
Sec. 840. Specialized research programs.
Sec. 841. Agricultural telecommunications program.
Sec. 842. National centers for agricultural product quality research.
Sec. 843. Turkey research center authorization.
Sec. 844. Special grant to study constraints on agricultural trade.
Sec. 845. Pilot project to coordinate food and nutrition education programs.
Sec. 846. Assistive technology program for farmers with disabilities.
Sec. 847. Demonstration projects.
Sec. 848. National rural information center clearinghouse.
Sec. 849. Global climate change.
Sec. 850. Technical amendments.

Subtitle C—Miscellaneous Research Provisions

Sec. 861. Critical agricultural materials research.
Sec. 862. 1994 Institutions.
Sec. 863. Smith-Lever Act funding for 1890 land-grant colleges, including Tuskegee University and the District of Columbia.
Sec. 864. Committee of nine.
Sec. 865. Agricultural research facilities.
Sec. 866. National competitive research initiative.
Sec. 867. Cotton crop reports.
Sec. 868. Rural development research and education.
Sec. 869. Human nutrition research.
Sec. 870. Dairy goat research program.
Sec. 871. Grants to upgrade 1890 land-grant college extension facilities.
Sec. 872. Stuttgart National Aquaculture Research Center.
Sec. 873. National aquaculture policy, planning, and development.
Sec. 874. Expansion of authorities related to the national arboretum.
Sec. 875. Study of agricultural research service.
Sec. 876. Labeling of domestic and imported lamb and mutton.
Sec. 877. Sense of Senate.

TITLE IX—AGRICULTURAL PROMOTION

Subtitle A—Popcorn

Sec. 901. Short title.
Sec. 902. Findings and declaration of policy.
Sec. 903. Definitions.
Sec. 904. Issuance of orders.
Sec. 905. Required terms in orders.
Sec. 906. Referenda.
Sec. 907. Petition and review.
Sec. 908. Enforcement.
Sec. 909. Investigations and power to subpoena.
Sec. 910. Relation to other programs.
Sec. 911. Regulations.
Sec. 912. Authorization of appropriations.

Subtitle B—Canola and Rapeseed

Sec. 921. Short title.
Sec. 922. Findings and declaration of policy.
Sec. 923. Definitions.
Sec. 924. Issuance and amendment of orders.
Sec. 925. Required terms in orders.
Sec. 926. Assessments.
Sec. 927. Referenda.
Sec. 928. Petition and review.
Sec. 929. Enforcement.
Sec. 930. Investigations and power to subpoena.
Sec. 931. Suspension or termination of an order.
Sec. 932. Regulations.
Sec. 933. Authorization of appropriations.

Subtitle C—Kiwifruit

Sec. 941. Short title.
Sec. 942. Findings and purposes.
Sec. 943. Definitions.
Sec. 944. Issuance of orders.
Sec. 945. National Kiwifruit Board.
Sec. 946. Required terms in order.
Sec. 947. Permissive terms in order.
Sec. 948. Petition and review.
Sec. 949. Enforcement.
Sec. 950. Investigations and power to subpoena.
Sec. 951. Referenda.
Sec. 952. Suspension and termination of order by Secretary.
Sec. 953. Regulations.
Sec. 954. Authorization of appropriations.

Subtitle D—Commodity Promotion and Evaluation

Sec. 961. Commodity promotion and evaluation.

TITLE I—AGRICULTURAL MARKET TRANSITION PROGRAM

SEC. 101. SHORT TITLE.

This title may be cited as the "Agricultural Market Transition Act".

SEC. 102. DEFINITIONS.

In this title:

(1) CONSIDERED PLANTED.—The term "considered planted" means acreage that is considered planted under title V of the Agricultural Act of 1949 (7 U.S.C. 1461 et seq.) (as in effect prior to the suspension under section 110(b)(1)(J)).

(2) CONTRACT.—The term "contract" means a production flexibility contract entered into under section 103.

(3) CONTRACT ACREAGE.—The term "contract acreage" means 1 or more crop acreage bases established for contract commodities under title V of the Agricultural Act of 1949 (as in effect prior to the suspension under section 110(b)(1)(J)) that would have been in effect for the 1996 crop (but for the suspension under section 110(b)(1)(J)).

(4) CONTRACT COMMODITY.—The term "contract commodity" means wheat, corn, grain sorghum, barley, oats, upland cotton, and rice.

(5) CONTRACT PAYMENT.—The term "contract payment" means a payment made under section 103 pursuant to a contract.

(6) CORN.—The term "corn" means field corn.

(7) DEPARTMENT.—The term "Department" means the United States Department of Agriculture.

(8) FARM PROGRAM PAYMENT YIELD.—The term "farm program payment yield" means the farm program payment yield established for the 1995 crop of a contract commodity under title V of the Agricultural Act of 1949 (as in effect prior to the suspension under section 110(b)(1)(J)).

(9) LOAN COMMODITY.—The term "loan commodity" means each contract commodity, extra long staple cotton, and oilseeds.

(10) OILSEED.—The term "oilseed" means a crop of soybeans, sunflower seed, rapeseed, canola, safflower, flaxseed, mustard seed, or, if designated by the Secretary, other oilseeds.

(11) PERSON.—The term "person" means an individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or State agency.

(12) PRODUCER.—

(A) IN GENERAL.—The term "producer" means a person who, as owner, landlord, tenant, or sharecropper, shares in the risk of producing a crop, and is entitled to share in the crop available for marketing from the farm, or would have shared had the crop been produced.

(B) HYBRID SEED.—The term "producer" includes a person growing hybrid seed under contract. In determining the interest of a grower of hybrid seed in a crop, the Secretary shall not take into consideration the existence of a hybrid seed contract.

(13) PROGRAM.—The term "program" means the agricultural market transition program established under this title.

(14) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(15) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

(16) UNITED STATES.—The term "United States", when used in a geographical sense, means all of the States.

SEC. 103. PRODUCTION FLEXIBILITY CONTRACTS.

(a) CONTRACTS AUTHORIZED.—

(1) OFFER AND TERMS.—Beginning as soon as practicable after the date of the enactment of this title, the Secretary shall offer to enter into a contract with an eligible owner or operator described in paragraph (2) on a farm containing eligible farmland. Under the terms of a contract, the owner or operator shall agree, in exchange for annual contract payments, to comply with—

(A) the conservation plan for the farm prepared in accordance with section 1212 of the Food Security Act of 1985 (16 U.S.C. 3812);

(B) wetland protection requirements applicable to the farm under subtitle C of title XII of the Act (16 U.S.C. 3821 et seq.); and

(C) the planting flexibility requirements of subsection (j).

(2) ELIGIBLE OWNERS AND OPERATORS DESCRIBED.—The following persons shall be considered to be an owner or operator eligible to enter into a contract:

(A) An owner of eligible farmland who assumes all of the risk of producing a crop.

(B) An owner of eligible farmland who shares in the risk of producing a crop.

(C) An operator of eligible farmland with a share-rent lease of the eligible farmland, regardless of the length of the lease, if the owner enters into the same contract.

(D) An operator of eligible farmland who cash rents the eligible farmland under a lease expiring on or after September 30, 2002, in which case the consent of the owner is not required.

(E) An operator of eligible farmland who cash rents the eligible farmland under a lease expiring before September 30, 2002, if the owner consents to the contract.

(F) An owner of eligible farmland who cash rents the eligible farmland and the lease term expires before September 30, 2002, but only if the actual operator of the farm declines to enter into a contract. In the case of an owner covered by this subparagraph, contract payments shall not begin under a contract until the fiscal year following the fiscal year in which the lease held by the nonparticipating operator expires.

(G) An owner or operator described in a preceding subparagraph regardless of whether the owner or operator purchased catastrophic risk protection for a fall-planted 1996 crop under section 508(b) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)).

(3) TENANTS AND SHARECROPPERS.—In carrying out this section, the Secretary shall provide adequate safeguards to protect the interests of operators who are tenants and sharecroppers.

(b) ELEMENTS.—

(1) TIME FOR CONTRACTING.—

(A) DEADLINE.—Except as provided in subparagraph (B), the Secretary may not enter into a contract after April 15, 1996.

(B) CONSERVATION RESERVE LANDS.—

(i) IN GENERAL.—At the beginning of each fiscal year, the Secretary shall allow an eligible owner or operator on a farm covered by a conservation reserve contract entered into under section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) that terminates after the date specified in subparagraph (A) to enter into or expand a production flexibility contract to cover the contract acreage of the farm that was subject to the former conservation reserve contract.

(ii) AMOUNT.—Contract payments made for contract acreage under this subparagraph shall be made at the rate and amount applicable to the annual contract payment level for the applicable crop.

(2) DURATION OF CONTRACT.—

(A) BEGINNING DATE.—A contract shall begin with—

(i) the 1996 crop of a contract commodity; or

(ii) in the case of acreage that was subject to a conservation reserve contract described in paragraph (1)(B), the date the production flexibility contract was entered into or expanded to cover the acreage.

(B) ENDING DATE.—A contract shall extend through the 2002 crop.

(3) ESTIMATION OF CONTRACT PAYMENTS.—At the time the Secretary enters into a contract, the Secretary shall provide an estimate of the minimum contract payments anticipated to be made during at least the first fiscal year for which contract payments will be made.

(c) ELIGIBLE FARMLAND DESCRIBED.—Land shall be considered to be farmland eligible for coverage under a contract only if the land has contract acreage attributable to the land and—

(1) for at least 1 of the 1991 through 1995 crops, at least a portion of the land was enrolled in the acreage reduction program authorized for a crop of a contract commodity under section 101B, 103B, 105B, or 107B of the Agricultural Act of 1949 (as in effect prior to the amendment made by section 110(b)(2)) or was considered planted, including land on a farm that is owned or leased by a beginning farmer (as determined by the Secretary) that the Secretary determines is necessary to establish a fair and equitable crop acreage base;

(2) was subject to a conservation reserve contract under section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) whose term expired, or was voluntarily terminated, on or after January 1, 1995; or

(3) is released from coverage under a conservation reserve contract by the Secretary during the period beginning on January 1, 1995, and ending on the date specified in subsection (b)(1)(A).

(d) TIME FOR PAYMENT.—

(1) IN GENERAL.—An annual contract payment shall be made not later than September 30 of each of fiscal years 1996 through 2002.

(2) ADVANCE PAYMENTS.—

(A) FISCAL YEAR 1996.—At the option of the owner or operator, 50 percent of the contract payment for fiscal year 1996 shall be made not later than June 15, 1996.

(B) SUBSEQUENT FISCAL YEARS.—At the option of the owner or operator for fiscal year 1997 and each subsequent fiscal year, 50 percent of the annual contract payment shall be made on December 15.

(e) AMOUNTS AVAILABLE FOR CONTRACT PAYMENTS FOR EACH FISCAL YEAR.—

(1) IN GENERAL.—The Secretary shall, to the maximum extent practicable, expend on a fiscal year basis the following amounts to satisfy the obligations of the Secretary under all contracts:

(A) For fiscal year 1996, $5,570,000,000.

(B) For fiscal year 1997, $5,385,000,000.

(C) For fiscal year 1998, $5,800,000,000.

(D) For fiscal year 1999, $5,603,000,000.

(E) For fiscal year 2000, $5,130,000,000.

(F) For fiscal year 2001, $4,130,000,000.

(G) For fiscal year 2002, $4,008,000,000.

(2) ALLOCATION.—The amount made available for a fiscal year under paragraph (1) shall be allocated as follows:

(A) For wheat, 26.26 percent.

(B) For corn, 46.22 percent.

(C) For grain sorghum, 5.11 percent.

(D) For barley, 2.16 percent.

(E) For oats, 0.15 percent.

(F) For upland cotton, 11.63 percent.

(G) For rice, 8.47 percent.

(3) ADJUSTMENT.—The Secretary shall adjust the amounts allocated for each contract commodity under paragraph (2) for a particular fiscal year by—

(A) subtracting an amount equal to the amount, if any, necessary to satisfy payment requirements under sections 103B, 105B, and 107B of the Agricultural Act of 1949 (as in effect prior to the amendment made by section 110(b)(2)) for the 1994 and 1995 crops of the commodity;

(B) adding an amount equal to the sum of all repayments of deficiency payments received under section 114(a)(2) of the Agricultural Act of 1949 for the commodity;

(C) to the maximum extent practicable, adding an amount equal to the sum of all contract payments withheld by the Secretary, at the request of an owner or operator subject to a contract, as an offset against repayments of deficiency payments otherwise required under section 114(a)(2) of the Act (as so in effect) for the commodity; and

(D) adding an amount equal to the sum of all refunds of contract payments received during the preceding fiscal year under subsection (h) for the commodity.

(4) ADDITIONAL RICE ALLOCATION.—In addition to the allocations provided under paragraphs (1), (2), and (3), the amounts made available for rice contract payments shall be increased by $17,000,000 for each of fiscal years 1997 through 2002.

(f) DETERMINATION OF CONTRACT PAYMENTS.—

(1) INDIVIDUAL PAYMENT QUANTITY OF CONTRACT COMMODITIES.—For each contract, the payment quantity of a contract commodity for each fiscal year shall be equal to the product of—

(A) 85 percent of the contract acreage; and

(B) the farm program payment yield.

(2) ANNUAL PAYMENT QUANTITY OF CONTRACT COMMODITIES.—The payment quantity of each contract commodity covered by all contracts

for each fiscal year shall equal the sum of the amounts calculated under paragraph (1) for each individual contract.

(3) ANNUAL PAYMENT RATE.—The payment rate for a contract commodity for each fiscal year shall be equal to—

(A) the amount made available under subsection (e) for the contract commodity for the fiscal year; divided by

(B) the amount determined under paragraph (2) for the fiscal year.

(4) ANNUAL PAYMENT AMOUNT.—The amount to be paid under a contract in effect for each fiscal year with respect to a contract commodity shall be equal to the product of—

(A) the payment quantity determined under paragraph (1) with respect to the contract; and

(B) the payment rate in effect under paragraph (3).

(5) ASSIGNMENT OF CONTRACT PAYMENTS.—The provisions of section 8(g) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(g)) (relating to assignment of payments) shall apply to contract payments under this subsection. The owner or operator making the assignment, or the assignee, shall provide the Secretary with notice, in such manner as the Secretary may require in the contract, of any assignment made under this paragraph.

(6) SHARING OF CONTRACT PAYMENTS.—The Secretary shall provide for the sharing of contract payments among the owners and operators subject to the contract on a fair and equitable basis.

(g) PAYMENT LIMITATION.—The total amount of contract payments made to a person under a contract during any fiscal year may not exceed the payment limitations established under sections 1001 through 1001C of the Food Security Act of 1985 (7 U.S.C. 1308 through 1308–3).

(h) EFFECT OF VIOLATION.—

(1) TERMINATION OF CONTRACT.—Except as provided in paragraph (2), if an owner or operator subject to a contract violates the conservation plan for the farm containing eligible farmland under the contract, wetland protection requirements applicable to the farm, or the planting flexibility requirements of subsection (j), the Secretary shall terminate the contract with respect to the owner or operator on each farm in which the owner or operator has an interest. On the termination, the owner or operator shall forfeit all rights to receive future contract payments on each farm in which the owner or operator has an interest and shall refund to the Secretary all contract payments received by the owner or operator during the period of the violation, together with interest on the contract payments as determined by the Secretary.

(2) REFUND OR ADJUSTMENT.—If the Secretary determines that a violation does not warrant termination of the contract under paragraph (1), the Secretary may require the owner or operator subject to the contract—

(A) to refund to the Secretary that part of the contract payments received by the owner or operator during the period of the violation, together with interest on the contract payments as determined by the Secretary; or

(B) to accept a reduction in the amount of future contract payments that is proportionate to the severity of the violation, as determined by the Secretary.

(3) FORECLOSURE.—An owner or operator subject to a contract may not be required to make repayments to the Secretary of amounts received under the contract if the contract acreage has been foreclosed on and the Secretary determines that forgiving the repayments is appropriate in order to provide fair and equitable treatment. This paragraph shall not void the responsibilities of such an owner or operator under the contract if the owner or operator continues or resumes operation, or control, of the contract acreage. On the resumption of operation or control over the contract acreage by the owner or operator, the provisions of the contract in effect on the date of the foreclosure shall apply.

(4) REVIEW.—A determination of the Secretary under this subsection shall be considered to be an adverse decision for purposes of the availability of administrative review of the determination.

(i) TRANSFER OF INTEREST IN LANDS SUBJECT TO CONTRACT.—

(1) EFFECT OF TRANSFER.—Except as provided in paragraph (2), the transfer by an owner or operator subject to a contract of the right and interest of the owner or operator in the contract acreage shall result in the termination of the contract with respect to the acreage, effective on the date of the transfer, unless the transferee of the acreage agrees with the Secretary to assume all obligations of the contract. At the request of the transferee, the Secretary may modify the contract if the modifications are consistent with the objectives of this section as determined by the Secretary.

(2) EXCEPTION.—If an owner or operator who is entitled to a contract payment dies, becomes incompetent, or is otherwise unable to receive the contract payment, the Secretary shall make the payment, in accordance with regulations prescribed by the Secretary.

(j) PLANTING FLEXIBILITY.—

(1) PERMITTED CROPS.—Subject to paragraph (2), any commodity or crop may be planted on contract acreage on a farm.

(2) LIMITATIONS.—

(A) HAYING AND GRAZING.—

(i) TIME LIMITATIONS.—Haying and grazing on land exceeding 15 percent of the contract acreage on a farm as provided in clause (iii) shall be permitted, except during any consecutive 5-month period between April 1 and October 31 that is determined by the State committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) for a State. In the case of a natural disaster, the Secretary may permit unlimited haying and grazing on the contract acreage of a farm.

(ii) CONTRACT COMMODITIES.—Contract acreage planted to a contract commodity during the crop year may be hayed or grazed without limitation.

(iii) HAYING AND GRAZING LIMITATION ON PORTION OF CONTRACT ACREAGE.—Unlimited haying and grazing shall be permitted on not more than 15 percent of the contract acreage on a farm.

(B) ALFALFA.—Alfalfa may be planted for harvest without limitation on the contract acreage on a farm, except that each contract acre that is planted for harvest to alfalfa in excess of 15 percent of the total contract acreage on a farm shall be ineligible for contract payments.

(C) FRUITS AND VEGETABLES.—

(i) IN GENERAL.—The planting for harvest of fruits and vegetables shall be prohibited on contract acreage, unless there is a history of double cropping of a contract commodity and fruits and vegetables.

(ii) UNRESTRICTED VEGETABLES.—Lentils, mung beans, and dry peas may be planted without limitation on contract acreage.

(k) CONSERVATION FARM OPTION.—

(1) IN GENERAL.—The Secretary shall offer eligible owners and operators with contract acreage under this title on a farm who also have entered into a conservation reserve program contract under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (7 U.S.C. 3831 et seq.), the option of entering into a conservation farm option contract for a period of 10 years, as an alternative to the market transition payment contract.

(2) TERMS.—Under the conservation farm option contract—

(A) the Secretary shall provide eligible owners and operators with payments that reflect the Secretary's estimate of the payments and benefits the eligible owner or operator is expected to receive during the 10-year period under—

(i) conservation cost-share programs administered by the Secretary;

(ii) conservation reserve program rental and cost-share payments;

(iii) market transition payments; and

(iv) loan programs for contract commodities, oilseeds, and extra long staple cotton; and

(B) the eligible owner and operator shall—

(i) forego eligibility to participate in the conservation reserve program, conservation cost-share program payments, and market transition contracts; and

(ii) comply with a conservation plan for the farm approved by the Secretary that is consistent with the State conservation farm option plan established under paragraph (3).

(3) STATE CONSERVATION FARM OPTION PLAN.—In consultation with the State Technical Committee established under section 1261 of the Food Security Act of 1985 (16 U.S.C. 3801), the Secretary shall establish a plan for each State that is designed to—

(A) protect wildlife habitat;

(B) improve water quality; and

(C) reduce soil erosion.

SEC. 104. NONRECOURSE MARKETING ASSISTANCE LOANS AND LOAN DEFICIENCY PAYMENTS.

(a) AVAILABILITY OF NONRECOURSE LOANS.—

(1) AVAILABILITY.—For each of the 1996 through 2002 crops of each loan commodity, the Secretary shall make available to producers on a farm nonrecourse marketing assistance loans for loan commodities produced on the farm. The loans shall be made under terms and conditions that are prescribed by the Secretary and at the loan rate established under subsection (b) for the loan commodity.

(2) ELIGIBLE PRODUCTION.—The following production shall be eligible for a marketing assistance loan under this section:

(A) In the case of a marketing assistance loan for a contract commodity, any production by a producer who has entered into a production flexibility contract.

(B) In the case of a marketing assistance loan for extra long staple cotton and oilseeds, any production.

(b) LOAN RATES.—

(1) WHEAT.—

(A) LOAN RATE.—Subject to subparagraph (B), the loan rate for a marketing assistance loan for wheat shall be—

(i) not less than 85 percent of the simple average price received by producers of wheat, as determined by the Secretary, during the marketing years for the immediately preceding 5 crops of wheat, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period; but

(ii) not more than $2.58 per bushel.

(B) STOCKS TO USE RATIO ADJUSTMENT.—If the Secretary estimates for any marketing year that the ratio of ending stocks of wheat to total use for the marketing year will be—

(i) equal to or greater than 30 percent, the Secretary may reduce the loan rate for wheat for the corresponding crop by an amount not to exceed 10 percent in any year;

(ii) less than 30 percent but not less than 15 percent, the Secretary may reduce the loan rate for wheat for the corresponding crop by an amount not to exceed 5 percent in any year; or

(iii) less than 15 percent, the Secretary may not reduce the loan rate for wheat for the corresponding crop.

(C) NO EFFECT ON FUTURE YEARS.—Any reduction in the loan rate for wheat under subparagraph (B) shall not be considered in determining the loan rate for wheat for subsequent years.

(2) FEED GRAINS.—

(A) LOAN RATE FOR CORN.—Subject to subparagraph (B), the loan rate for a marketing assistance loan for corn shall be—

(i) not less than 85 percent of the simple average price received by producers of corn, as determined by the Secretary, during the marketing years for the immediately preceding 5 crops of corn, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period; but

(ii) not more than $1.89 per bushel.

(B) STOCKS TO USE RATIO ADJUSTMENT.—If the Secretary estimates for any marketing year that the ratio of ending stocks of corn to total use for the marketing year will be—

(i) equal to or greater than 25 percent, the Secretary may reduce the loan rate for corn for the corresponding crop by an amount not to exceed 10 percent in any year;

(ii) less than 25 percent but not less than 12.5 percent, the Secretary may reduce the loan rate for corn for the corresponding crop by an amount not to exceed 5 percent in any year; or

(iii) less than 12.5 percent the Secretary may not reduce the loan rate for corn for the corresponding crop.

(C) NO EFFECT ON FUTURE YEARS.—Any reduction in the loan rate for corn under subparagraph (B) shall not be considered in determining the loan rate for corn for subsequent years.

(D) OTHER FEED GRAINS.—The loan rate for a marketing assistance loan for grain sorghum, barley, and oats, respectively, shall be established at such level as the Secretary determines is fair and reasonable in relation to the rate that loans are made available for corn, taking into consideration the feeding value of the commodity in relation to corn.

(3) UPLAND COTTON.—

(A) LOAN RATE.—Subject to subparagraph (B), the loan rate for a marketing assistance loan for upland cotton shall be established by the Secretary at such loan rate, per pound, as will reflect for the base quality of upland cotton, as determined by the Secretary, at average locations in the United States a rate that is not less than the smaller of—

(i) 85 percent of the average price (weighted by market and month) of the base quality of cotton as quoted in the designated United States spot markets during 3 years of the 5-year period ending July 31 in the year in which the loan rate is announced, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period; or

(ii) 90 percent of the average, for the 15-week period beginning July 1 of the year in which the loan rate is announced, of the 5 lowest-priced growths of the growths quoted for Middling 1$\frac{3}{32}$-inch cotton C.I.F. Northern Europe (adjusted downward by the average difference during the period April 15 through October 15 of the year in which the loan is announced between the average Northern European price quotation of such quality of cotton and the market quotations in the designated United States spot markets for the base quality of upland cotton), as determined by the Secretary.

(B) LIMITATIONS.—The loan rate for a marketing assistance loan for upland cotton shall not be less than $0.50 per pound or more than $0.5192 per pound.

(4) EXTRA LONG STAPLE COTTON.—The loan rate for a marketing assistance loan for extra long staple cotton shall be—

(A) not less than 85 percent of the simple average price received by producers of extra long staple cotton, as determined by the Secretary, during 3 years of the 5 previous marketing years, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period; but

(B) not more than $0.7965 per pound.

(5) RICE.—The loan rate for a marketing assistance loan for rice shall be $6.50 per hundredweight.

(6) OILSEEDS.—

(A) SOYBEANS.—The loan rate for a marketing assistance loan for soybeans shall be—

(i) not less than 85 percent of the simple average price received by producers of soybeans, as determined by the Secretary, during the marketing years for the immediately preceding 5 crops of soybeans, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period; but

(ii) not less than $4.92 or more than $5.26 per bushel.

(B) SUNFLOWER SEED, CANOLA, RAPESEED, SAFFLOWER, MUSTARD SEED, AND FLAXSEED.—The loan rate for a marketing assistance loan for sunflower seed, canola, rapeseed, safflower, mustard seed, and flaxseed, individually, shall be—

(i) not less than 85 percent of the simple average price received by producers of sunflower seed, individually, as determined by the Secretary, during the marketing years for the immediately preceding 5 crops of sunflower seed, individually, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period; but

(ii) not less than $0.087 or more than $0.093 per pound.

(C) OTHER OILSEEDS.—The loan rates for a marketing assistance loan for other oilseeds shall be established at such level as the Secretary determines is fair and reasonable in relation to the loan rate available for soybeans, except in no event shall the rate for the oilseeds (other than cottonseed) be less than the rate established for soybeans on a per-pound basis for the same crop.

(c) TERM OF LOAN.—In the case of each loan commodity (other than upland cotton or extra long staple cotton), a marketing assistance loan under subsection (a) shall have a term of 9 months beginning on the first day of the first month after the month in which the loan is made. A marketing assistance loan for upland cotton or extra long staple cotton shall have a term of 10 months beginning on the first day of the first month after the month in which the loan is made. The Secretary may not extend the term of a marketing assistance loan for any loan commodity.

(d) REPAYMENT.—

(1) REPAYMENT RATES FOR WHEAT AND FEED GRAINS.—The Secretary shall permit a producer to repay a marketing assistance loan under subsection (a) for wheat, corn, grain sorghum, barley, and oats at a level that the Secretary determines will—

(A) minimize potential loan forfeitures;

(B) minimize the accumulation of stocks of the commodities by the Federal Government;

(C) minimize the cost incurred by the Federal Government in storing the commodities; and

(D) allow the commodities produced in the United States to be marketed freely and competitively, both domestically and internationally.

(2) REPAYMENT RATES FOR UPLAND COTTON, OILSEEDS, AND RICE.—The Secretary shall permit producers to repay a marketing assistance loan under subsection (a) for upland cotton, oilseeds, and rice at a level that is the lesser of—

(A) the loan rate established for upland cotton, oilseeds, and rice, respectively, under subsection (b); or

(B) the prevailing world market price for upland cotton, oilseeds, and rice, respectively (adjusted to United States quality and location), as determined by the Secretary.

(3) REPAYMENT RATES FOR EXTRA LONG STAPLE COTTON.—Repayment of a marketing assistance loan for extra long staple cotton shall be at the loan rate established for the commodity under subsection (b), plus interest (as determined by the Secretary).

(4) PREVAILING WORLD MARKET PRICE.—For purposes of paragraph (2)(B) and subsection (f), the Secretary shall prescribe by regulation—

(A) a formula to determine the prevailing world market price for each loan commodity, adjusted to United States quality and location; and

(B) a mechanism by which the Secretary shall announce periodically the prevailing world market price for each loan commodity.

(5) ADJUSTMENT OF PREVAILING WORLD MARKET PRICE FOR UPLAND COTTON.—

(A) IN GENERAL.—During the period ending July 31, 2003, the prevailing world market price for upland cotton (adjusted to United States quality and location) established under paragraph (4) shall be further adjusted if—

(i) the adjusted prevailing world market price is less than 115 percent of the loan rate for upland cotton established under subsection (b), as determined by the Secretary; and

(ii) the Friday through Thursday average price quotation for the lowest-priced United States growth as quoted for Middling (M) 1$\frac{3}{32}$-inch cotton delivered C.I.F. Northern Europe is greater than the Friday through Thursday average price of the 5 lowest-priced growths of upland cotton, as quoted for Middling (M) 1$\frac{3}{32}$-inch cotton, delivered C.I.F. Northern Europe (referred to in this subsection as the "Northern Europe price").

(B) FURTHER ADJUSTMENT.—Except as provided in subparagraph (C), the adjusted prevailing world market price for upland cotton shall be further adjusted on the basis of some or all of the following data, as available:

(i) The United States share of world exports.

(ii) The current level of cotton export sales and cotton export shipments.

(iii) Other data determined by the Secretary to be relevant in establishing an accurate prevailing world market price for upland cotton (adjusted to United States quality and location).

(C) LIMITATION ON FURTHER ADJUSTMENT.—The adjustment under subparagraph (B) may not exceed the difference between—

(i) the Friday through Thursday average price for the lowest-priced United States growth as quoted for Middling 1$\frac{3}{32}$-inch cotton delivered C.I.F. Northern Europe; and

(ii) the Northern Europe price.

(e) LOAN DEFICIENCY PAYMENTS.—

(1) AVAILABILITY.—Except as provided in paragraph (4), the Secretary may make loan deficiency payments available to producers who, although eligible to obtain a marketing assistance loan under subsection (a) with respect to a loan commodity, agree to forgo obtaining the loan for the commodity in return for payments under this subsection.

(2) COMPUTATION.—A loan deficiency payment under this subsection shall be computed by multiplying—

(A) the loan payment rate determined under paragraph (3) for the loan commodity; by

(B) the quantity of the loan commodity that the producers on a farm are eligible to place under loan but for which the producers forgo obtaining the loan in return for payments under this subsection.

(3) LOAN PAYMENT RATE.—For purposes of this subsection, the loan payment rate shall be the amount by which—

(A) the loan rate established under subsection (b) for the loan commodity; exceeds

(B) the rate at which a loan for the commodity may be repaid under subsection (d).

(4) EXCEPTION FOR EXTRA LONG STAPLE COTTON.—This subsection shall not apply with respect to extra long staple cotton.

(f) SPECIAL MARKETING LOAN PROVISIONS FOR UPLAND COTTON.—

(1) COTTON USER MARKETING CERTIFICATES.—

(A) ISSUANCE.—Subject to subparagraph (D), during the period ending July 31, 2003, the Secretary shall issue marketing certificates or cash payments to domestic users and exporters for documented purchases by domestic users and sales for export by exporters made in the week following a consecutive 4-week period in which—

(i) the Friday through Thursday average price quotation for the lowest-priced United States growth, as quoted for Middling (M) 1$\frac{3}{32}$-inch cotton, delivered C.I.F. Northern Europe exceeds the Northern Europe price by more than 1.25 cents per pound; and

(ii) the prevailing world market price for upland cotton (adjusted to United States quality and location) does not exceed 130 percent of the loan rate for upland cotton established under subsection (b).

(B) VALUE OF CERTIFICATES OR PAYMENTS.—The value of the marketing certificates or cash payments shall be based on the amount of the difference (reduced by 1.25 cents per pound) in the prices during the 4th week of the consecutive 4-week period multiplied by the quantity of upland cotton included in the documented sales.

(C) ADMINISTRATION OF MARKETING CERTIFICATES.—

(i) REDEMPTION, MARKETING, OR EXCHANGE.—The Secretary shall establish procedures for redeeming marketing certificates for cash or marketing or exchange of the certificates for agricultural commodities owned by the Commodity Credit Corporation in such manner, and at such price levels, as the Secretary determines will best effectuate the purposes of cotton user marketing certificates. Any price restrictions that would otherwise apply to the disposition of agricultural commodities by the Commodity Credit Corporation shall not apply to the redemption of certificates under this paragraph.

(ii) DESIGNATION OF COMMODITIES AND PRODUCTS.—To the extent practicable, the Secretary shall permit owners of certificates to designate the commodities and products, including storage sites, the owners would prefer to receive in exchange for certificates. If any certificate is not presented for redemption, marketing, or exchange within a reasonable number of days after the issuance of the certificate (as determined by the Secretary), reasonable costs of storage and other carrying charges, as determined by the Secretary, shall be deducted from the value of the certificate for the period beginning after the reasonable number of days and ending with the date of the presentation of the certificate to the Commodity Credit Corporation.

(iii) TRANSFERS.—Marketing certificates issued to domestic users and exporters of upland cotton may be transferred to other persons in accordance with regulations issued by the Secretary.

(D) EXCEPTION.—The Secretary shall not issue marketing certificates or cash payments under subparagraph (A) if, for the immediately preceding consecutive 10-week period, the Friday through Thursday average price quotation for the lowest priced United States growth, as quoted for Middling (M) 1$\frac{3}{32}$-inch cotton, delivered C.I.F. Northern Europe, adjusted for the value of any certificate issued under this paragraph, exceeds the Northern Europe price by more than 1.25 cents per pound.

(E) LIMITATION ON EXPENDITURES.—Total expenditures under this paragraph shall not exceed $701,000,000 during fiscal years 1996 through 2002.

(2) SPECIAL IMPORT QUOTA.—

(A) ESTABLISHMENT.—The President shall carry out an import quota program that provides that, during the period ending July 31, 2003, whenever the Secretary determines and announces that for any consecutive 10-week period, the Friday through Thursday average price quotation for the lowest-priced United States growth, as quoted for Middling (M) 1$\frac{3}{32}$-inch cotton, delivered C.I.F. Northern Europe, adjusted for the value of any certificates issued under paragraph (1), exceeds the Northern Europe price by more than 1.25 cents per pound, there shall immediately be in effect a special import quota.

(B) QUANTITY.—The quota shall be equal to 1 week's consumption of upland cotton by domestic mills at the seasonally adjusted average rate of the most recent 3 months for which data are available.

(C) APPLICATION.—The quota shall apply to upland cotton purchased not later than 90 days after the date of the Secretary's announcement under subparagraph (A) and entered into the United States not later than 180 days after the date.

(D) OVERLAP.—A special quota period may be established that overlaps any existing quota period if required by subparagraph (A), except that a special quota period may not be established under this paragraph if a quota period has been established under subsection (g).

(E) PREFERENTIAL TARIFF TREATMENT.—The quantity under a special import quota shall be considered to be an in-quota quantity for purposes of—

(i) section 213(d) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(d));

(ii) section 204 of the Andean Trade Preference Act (19 U.S.C. 3203);

(iii) section 503(d) of the Trade Act of 1974 (19 U.S.C. 2463(d)); and

(iv) General Note 3(a)(iv) to the Harmonized Tariff Schedule.

(F) DEFINITION.—In this paragraph, the term "special import quota" means a quantity of imports that is not subject to the over-quota tariff rate of a tariff-rate quota.

(g) LIMITED GLOBAL IMPORT QUOTA FOR UPLAND COTTON.—

(1) IN GENERAL.—The President shall carry out an import quota program that provides that whenever the Secretary determines and announces that the average price of the base quality of upland cotton, as determined by the Secretary, in the designated spot markets for a month exceeded 130 percent of the average price of such quality of cotton in the markets for the preceding 36 months, notwithstanding any other provision of law, there shall immediately be in effect a limited global import quota subject to the following conditions:

(A) QUANTITY.—The quantity of the quota shall be equal to 21 days of domestic mill consumption of upland cotton at the seasonally adjusted average rate of the most recent 3 months for which data are available.

(B) QUANTITY IF PRIOR QUOTA.—If a quota has been established under this subsection during the preceding 12 months, the quantity of the quota next established under this subsection shall be the smaller of 21 days of domestic mill consumption calculated under subparagraph (A) or the quantity required to increase the supply to 130 percent of the demand.

(C) PREFERENTIAL TARIFF TREATMENT.—The quantity under a limited global import quota shall be considered to be an in-quota quantity for purposes of—

(i) section 213(d) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(d));

(ii) section 204 of the Andean Trade Preference Act (19 U.S.C. 3203);

(iii) section 503(d) of the Trade Act of 1974 (19 U.S.C. 2463(d)); and

(iv) General Note 3(a)(iv) to the Harmonized Tariff Schedule.

(D) DEFINITIONS.—In this subsection:

(i) SUPPLY.—The term "supply" means, using the latest official data of the Bureau of the Census, the Department of Agriculture, and the Department of the Treasury—

(I) the carry-over of upland cotton at the beginning of the marketing year (adjusted to 480-pound bales) in which the quota is established;

(II) production of the current crop; and

(III) imports to the latest date available during the marketing year.

(ii) DEMAND.—The term "demand" means—

(I) the average seasonally adjusted annual rate of domestic mill consumption in the most recent 3 months for which data are available; and

(II) the larger of—

(aa) average exports of upland cotton during the preceding 6 marketing years; or

(bb) cumulative exports of upland cotton plus outstanding export sales for the marketing year in which the quota is established.

(iii) LIMITED GLOBAL IMPORT QUOTA.—The term "limited global import quota" means a quantity of imports that is not subject to the over-quota tariff rate of a tariff-rate quota.

(E) QUOTA ENTRY PERIOD.—When a quota is established under this subsection, cotton may be entered under the quota during the 90-day period beginning on the date the quota is established by the Secretary.

(2) NO OVERLAP.—Notwithstanding paragraph (1), a quota period may not be established that overlaps an existing quota period or a special quota period established under subsection (f)(2).

(h) SOURCE OF LOANS.—

(1) IN GENERAL.—The Secretary shall provide the loans authorized by this section through the Commodity Credit Corporation and other means available to the Secretary.

(2) PROCESSORS.—Whenever any loan or surplus removal operation for any agricultural commodity is carried out through purchases from or loans or payments to processors, the Secretary shall, to the extent practicable, obtain from the processors such assurances as the Secretary considers adequate that the producers of the commodity have received or will receive maximum benefits from the loan or surplus removal operation.

(i) ADJUSTMENTS OF LOANS.—

(1) IN GENERAL.—The Secretary may make appropriate adjustments in the loan levels for any commodity for differences in grade, type, quality, location, and other factors.

(2) LOAN LEVEL.—The adjustments shall, to the maximum extent practicable, be made in such manner that the average loan level for the commodity will, on the basis of the anticipated incidence of the factors, be equal to the level of support determined as provided in this section.

(j) PERSONAL LIABILITY OF PRODUCERS FOR DEFICIENCIES.—

(1) IN GENERAL.—Except as provided in paragraph (2), no producer shall be personally liable for any deficiency arising from the sale of the collateral securing any nonrecourse loan made under this section unless the loan was obtained through a fraudulent representation by the producer.

(2) LIMITATIONS.—Paragraph (1) shall not prevent the Commodity Credit Corporation or the Secretary from requiring a producer to assume liability for—

(A) a deficiency in the grade, quality, or quantity of a commodity stored on a farm or delivered by the producer;

(B) a failure to properly care for and preserve a commodity; or

(C) a failure or refusal to deliver a commodity in accordance with a program established under this section.

(3) ACQUISITION OF COLLATERAL.—The Secretary may include in a contract for a nonrecourse loan made under this section a provision that permits the Commodity Credit Corporation, on and after the maturity of the loan or any extension of the loan, to acquire title to the unredeemed collateral without obligation to pay for any market value that the collateral may have in excess of the loan indebtedness.

(4) SUGARCANE AND SUGAR BEETS.—A security interest obtained by the Commodity Credit Corporation as a result of the execution of a security agreement by the processor of sugarcane or sugar beets shall be superior to all statutory and common law liens on raw cane sugar and refined beet sugar in favor of the producers of sugarcane and sugar beets and all prior recorded and unrecorded liens on the crops of sugarcane and sugar beets from which the sugar was derived.

(k) COMMODITY CREDIT CORPORATION SALES PRICE RESTRICTIONS.—

(1) IN GENERAL.—The Commodity Credit Corporation may sell any commodity owned or controlled by the Corporation at any price that the Secretary determines will maximize returns to the Corporation.

(2) NONAPPLICATION OF SALES PRICE RESTRICTIONS.—Paragraph (1) shall not apply to—

(A) a sale for a new or byproduct use;

(B) a sale of peanuts or oilseeds for the extraction of oil;

(C) a sale for seed or feed if the sale will not substantially impair any loan program;

(D) a sale of a commodity that has substantially deteriorated in quality or as to which there is a danger of loss or waste through deterioration or spoilage;

(E) a sale for the purpose of establishing a claim arising out of a contract or against a person who has committed fraud, misrepresentation, or other wrongful act with respect to the commodity;

(F) a sale for export, as determined by the Corporation; and

(G) a sale for other than a primary use.

(3) PRESIDENTIAL DISASTER AREAS.—

(A) IN GENERAL.—Notwithstanding paragraph (1), on such terms and conditions as the Secretary may consider in the public interest, the Corporation may make available any commodity or product owned or controlled by the Corporation for use in relieving distress—

(i) in any area in the United States (including the Virgin Islands) declared by the President to be an acute distress area because of unemployment or other economic cause, if the President finds that the use will not displace or interfere with normal marketing of agricultural commodities; and

(ii) in connection with any major disaster determined by the President to warrant assistance by the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(B) COSTS.—Except on a reimbursable basis, the Corporation shall not bear any costs in connection with making a commodity available under subparagraph (A) beyond the cost of the commodity to the Corporation incurred in—

(i) the storage of the commodity; and

(ii) the handling and transportation costs in making delivery of the commodity to designated agencies at 1 or more central locations in each State or other area.

(4) EFFICIENT OPERATIONS.—Paragraph (1) shall not apply to the sale of a commodity the disposition of which is desirable in the interest of the effective and efficient conduct of the operations of the Corporation because of the small quantity of the commodity involved, or because of the age, location, or questionable continued storability of the commodity.

SEC. 105. PAYMENT LIMITATIONS.

(a) IN GENERAL.—Section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) is amended by striking paragraphs (1) through (4) and inserting the following:

"(1) LIMITATION ON PAYMENTS UNDER PRODUCTION FLEXIBILITY CONTRACTS.—The total amount of contract payments made under section 103 of the Agricultural Market Transition Act to a person under 1 or more production flexibility contracts during any fiscal year may not exceed $40,000.

"(2) LIMITATION ON MARKETING LOAN GAINS AND LOAN DEFICIENCY PAYMENTS.—

"(A) LIMITATION.—The total amount of payments specified in subparagraph (B) that a person shall be entitled to receive under section 104 of the Agricultural Market Transition Act for contract commodities and oilseeds during any crop year may not exceed $75,000.

"(B) DESCRIPTION OF PAYMENTS.—The payments referred to in subparagraph (A) are the following:

"(i) Any gain realized by a producer from repaying a marketing assistance loan for a crop of any loan commodity at a lower level than the original loan rate established for the commodity under section 104(b) of the Act.

"(ii) Any loan deficiency payment received for a loan commodity under section 104(e) of the Act.".

(b) CONFORMING AMENDMENTS.—

(1) Section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) (as amended by subsection (a)) is amended—

(A) by redesignating paragraphs (5), (6), and (7) as paragraphs (3), (4), and (5), respectively; and

(B) in the second sentence of paragraph (3)(A) (as so redesignated), by striking "paragraphs (6) and (7)" and inserting "paragraphs (4) and (5)".

(2) Section 1305(d) of the Agricultural Reconciliation Act of 1987 (Public Law 100–203; 7 U.S.C. 1308 note) is amended by striking "paragraphs (5) through (7) of section 1001, as amended by this subtitle," and inserting "paragraphs (3) through (5) of section 1001,".

(3) Section 1001A of the Food Security Act of 1985 (7 U.S.C. 1308–1(a)(1)) is amended—

(A) in the first sentence of subsection (a)(1)—

(i) by striking "section 1001(5)(B)(i)" and inserting "section 1001(3)(B)(i)";

(ii) by striking "under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.)"; and

(iii) by striking "section 1001(5)(B)(i)(II)" and inserting "section 1001(3)(B)(i)(II)"; and

(B) in subsection (b)—

(i) in paragraph (1)—

(I) by striking "under the Agricultural Act of 1949"; and

(II) by striking "section 1001(5)(B)(i)" and inserting "section 1001(3)(B)(i)"; and

(ii) in paragraph (2)(B), by striking "section 1001(5)(B)(i)(II)" and inserting "section 1001(3)(B)(i)(II)".

(4) Section 1001C(a) of the Food Security Act of 1985 (7 U.S.C. 1308–3(a)) is amended—

(A) by striking "For each of the 1991 through 1997 crops, any" and inserting "Any";

(B) by striking "price support program loans, payments, or benefits made available under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.)," and inserting "loans or payments made available under the Agricultural Market Transition Act"; and

(C) by striking "during the 1989 through 1997 crop years".

SEC. 106. PEANUT PROGRAM.

(a) QUOTA PEANUTS.—

(1) AVAILABILITY OF LOANS.—The Secretary shall make nonrecourse loans available to producers of quota peanuts.

(2) LOAN RATE.—The national average quota loan rate for quota peanuts shall be $610 per ton.

(3) INSPECTION, HANDLING, OR STORAGE.—The loan amount may not be reduced by the Secretary by any deductions for inspection, handling, or storage.

(4) LOCATION AND OTHER FACTORS.—The Secretary may make adjustments in the loan rate for quota peanuts for location of peanuts and such other factors as are authorized by section 104(i)(1).

(b) ADDITIONAL PEANUTS.—

(1) IN GENERAL.—The Secretary shall make nonrecourse loans available to producers of additional peanuts at such rates as the Secretary finds appropriate, taking into consideration the demand for peanut oil and peanut meal, expected prices of other vegetable oils and protein meals, and the demand for peanuts in foreign markets.

(2) ANNOUNCEMENT.—The Secretary shall announce the loan rate for additional peanuts of each crop not later than February 15 preceding the marketing year for the crop for which the loan rate is being determined.

(c) AREA MARKETING ASSOCIATIONS.—

(1) WAREHOUSE STORAGE LOANS.—

(A) IN GENERAL.—In carrying out subsections (a) and (b), the Secretary shall make warehouse storage loans available in each of the producing areas (described in section 1446.95 of title 7 of the Code of Federal Regulations (January 1, 1989)) to a designated area marketing association of peanut producers that is selected and approved by the Secretary and that is operated primarily for the purpose of conducting the loan activities. The Secretary may not make warehouse storage loans available to any cooperative that is engaged in operations or activities concerning peanuts other than those operations and activities specified in this section and section 358e of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359a).

(B) ADMINISTRATIVE AND SUPERVISORY ACTIVITIES.—An area marketing association shall be used in administrative and supervisory activities relating to loans and marketing activities under this section and section 358e of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359a).

(C) ASSOCIATION COSTS.—Loans made to the association under this paragraph shall include such costs as the area marketing association reasonably may incur in carrying out the responsibilities, operations, and activities of the association under this section and section 358e of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359a).

(2) POOLS FOR QUOTA AND ADDITIONAL PEANUTS.—

(A) IN GENERAL.—The Secretary shall require that each area marketing association establish pools and maintain complete and accurate records by area and segregation for quota peanuts handled under loan and for additional peanuts placed under loan, except that separate pools shall be established for Valencia peanuts produced in New Mexico.

(B) ELIGIBILITY TO PARTICIPATE.—

(i) IN GENERAL.—Except as provided in clause (ii), in the case of the 1996 and subsequent crops, Valencia peanuts not physically produced in the State of New Mexico shall not be eligible to participate in the pools of the State.

(ii) EXCEPTION.—A resident of the State of New Mexico may enter Valencia peanuts that are produced outside of the State into the pools of the State in a quantity that is not greater than the 1995 crop of the resident that was produced outside the State.

(C) TYPES OF PEANTUS.—Bright hull and dark hull Valencia peanuts shall be considered as separate types for the purpose of establishing the pools.

(D) NET GAINS.—Net gains on peanuts in each pool, unless otherwise approved by the Secretary, shall be distributed only to producers who placed peanuts in the pool and shall be distributed in proportion to the value of the peanuts placed in the pool by each producer. Net gains for peanuts in each pool shall consist of the following:

(i) QUOTA PEANUTS.—For quota peanuts, the net gains over and above the loan indebtedness and other costs or losses incurred on peanuts placed in the pool.

(ii) ADDITIONAL PEANUTS.—For additional peanuts, the net gains over and above the loan indebtedness and other costs or losses incurred on peanuts placed in the pool for additional peanuts.

(d) LOSSES.—Losses in quota area pools shall be covered using the following sources in the following order of priority:

(1) TRANSFERS FROM ADDITIONAL LOAN POOLS.—The proceeds due any producer from any pool shall be reduced by the amount of any loss that is incurred with respect to peanuts transferred from an additional loan pool to a quota loan pool by the producer under section 358–1(b)(8) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1358–1(b)(8)).

(2) OTHER PRODUCERS IN SAME POOL.—Further losses in an area quota pool shall be offset by reducing the gain of any producer in the pool by the amount of pool gains attributed to the same producer from the sale of additional peanuts for domestic and export edible use.

(3) OFFSET WITHIN AREA.—Further losses in an area quota pool shall be offset by any gains or profits from additional peanuts (other than separate type pools established under subsection (c)(2)(A) for Valencia peanuts produced in New Mexico) owned or controlled by the Commodity Credit Corporation in that area and sold for domestic edible use, in accordance with regulations issued by the Secretary.

(4) USE OF MARKETING ASSESSMENTS.—The Secretary shall use funds collected under subsection (g) (except funds attributable to handlers) to offset further losses in area quota pools. The Secretary shall transfer to the Treasury those funds collected under subsection (g) and available for use under this subsection that the Secretary determines are not required to cover losses in area quota pools.

(5) CROSS COMPLIANCE.—Further losses in area quota pools, other than losses incurred as a result of transfers from additional loan pools to quota loan pools under section 358–1(b)(8) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1358–1(b)(8)), shall be offset by any gains or profits from quota pools in other production areas (other than separate type pools established under subsection (c)(2)(A) for Valencia peanuts produced in New Mexico) in such manner as the Secretary shall by regulation prescribe.

(6) OFFSET GENERALLY.—If losses in an area quota pool have not been entirely offset under paragraph (3), further losses shall be offset by any gains or profits from additional peanuts (other than separate type pools established under subsection (c)(2)(A) for Valencia peanuts produced in New Mexico) owned or controlled by the Commodity Credit Corporation and sold for domestic edible use, in accordance with regulations issued by the Secretary.

(7) INCREASED ASSESSMENTS.—If use of the authorities provided in the preceding paragraphs is not sufficient to cover losses in an area quota pool, the Secretary shall increase the marketing assessment established under subsection (g) by such an amount as the Secretary considers necessary to cover the losses. The increased assessment shall apply only to quota peanuts in the production area covered by the pool. Amounts collected under subsection (g) as a result of the increased assessment shall be retained by the Secretary to cover losses in that pool.

(e) DISAPPROVAL OF QUOTAS.—Notwithstanding any other provision of law, no loan for quota peanuts may be made available by the Secretary for any crop of peanuts with respect to which poundage quotas have been disapproved by producers, as provided for in section 358–1(d) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1358–1(d)).

(f) QUALITY IMPROVEMENT.—

(1) IN GENERAL.—With respect to peanuts under loan, the Secretary shall—

(A) promote the crushing of peanuts at a greater risk of deterioration before peanuts of a lesser risk of deterioration;

(B) ensure that all Commodity Credit Corporation inventories of peanuts sold for domestic edible use must be shown to have been officially inspected by licensed Department inspectors both as farmer stock and shelled or cleaned in-shell peanuts;

(C) continue to endeavor to operate the peanut program so as to improve the quality of domestic peanuts and ensure the coordination of activities under the Peanut Administrative Committee established under Marketing Agreement No. 146, regulating the quality of domestically produced peanuts (under the Agricultural Adjustment Act (7 U.S.C. 601 et seq.), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937); and

(D) ensure that any changes made in the peanut program as a result of this subsection requiring additional production or handling at the farm level shall be reflected as an upward adjustment in the Department loan schedule.

(2) EXPORTS AND OTHER PEANUTS.—The Secretary shall require that all peanuts in the domestic and export markets fully comply with all quality standards under Marketing Agreement No. 146.

(g) MARKETING ASSESSMENT.—

(1) IN GENERAL.—The Secretary shall provide for a nonrefundable marketing assessment. The assessment shall be made on a per pound basis in an amount equal to 1.1 percent for each of the 1994 and 1995 crops, 1.15 percent for the 1996 crop, and 1.2 percent for each of the 1997 through 2002 crops, of the national average quota or additional peanut loan rate for the applicable crop.

(2) FIRST PURCHASERS.—

(A) IN GENERAL.—Except as provided under paragraphs (3) and (4), the first purchaser of peanuts shall—

(i) collect from the producer a marketing assessment equal to the quantity of peanuts acquired multiplied by—

(I) in the case of each of the 1994 and 1995 crops, .55 percent of the applicable national average loan rate;

(II) in the case of the 1996 crop, .6 percent of the applicable national average loan rate; and

(III) in the case of each of the 1997 through 2002 crops, .65 percent of the applicable national average loan rate;

(ii) pay, in addition to the amount collected under clause (i), a marketing assessment in an amount equal to the quantity of peanuts acquired multiplied by .55 percent of the applicable national average loan rate; and

(iii) remit the amounts required under clauses (i) and (ii) to the Commodity Credit Corporation in a manner specified by the Secretary.

(B) DEFINITION OF FIRST PURCHASER.—In this subsection, the term "first purchaser" means a person acquiring peanuts from a producer except that in the case of peanuts forfeited by a producer to the Commodity Credit Corporation, the term means the person acquiring the peanuts from the Commodity Credit Corporation.

(3) OTHER PRIVATE MARKETINGS.—In the case of a private marketing by a producer directly to a consumer through a retail or wholesale outlet or in the case of a marketing by the producer outside of the continental United States, the producer shall be responsible for the full amount of the assessment and shall remit the assessment by such time as is specified by the Secretary.

(4) LOAN PEANUTS.—In the case of peanuts that are pledged as collateral for a loan made under this section, ½ of the assessment shall be deducted from the proceeds of the loan. The remainder of the assessment shall be paid by the first purchaser of the peanuts.

For purposes of computing net gains on peanuts under this section, the reduction in loan proceeds shall be treated as having been paid to the producer.

(5) PENALTIES.—If any person fails to collect or remit the reduction required by this subsection or fails to comply with the requirements for recordkeeping or otherwise as are required by the Secretary to carry out this subsection, the person shall be liable to the Secretary for a civil penalty up to an amount determined by multiplying—

(A) the quantity of peanuts involved in the violation; by

(B) the national average quota peanut rate for the applicable crop year.

(6) ENFORCEMENT.—The Secretary may enforce this subsection in the courts of the United States.

(h) CROPS.—Subsections (a) through (f) shall be effective only for the 1996 through 2002 crops of peanuts.

(i) MARKETING QUOTAS.—

(1) IN GENERAL.—Part VI of subtitle B of title III of the Agricultural Adjustment Act of 1938 is amended—

(A) in section 358–1 (7 U.S.C. 1358–1)—

(i) in the section heading, by striking "**1991 through 1997 crops of**";

(ii) in subsections (a)(1), (b)(1)(B), (b)(2)(A), (b)(2)(C), and (b)(3)(A), by striking "of the 1991 through 1997 marketing years" each place it appears and inserting "marketing year";

(iii) in subsection (a)(3), by striking "1990" and inserting "1990, for the 1991 through 1995 marketing years, and 1995, for the 1996 through 2002 marketing years";

(iv) in subsection (b)(1)(A)—

(I) by striking "each of the 1991 through 1997 marketing years" and inserting "each marketing year"; and

(II) in clause (i), by inserting before the semicolon the following: ", in the case of the 1991 through 1995 marketing years, and the 1995 marketing year, in the case of the 1996 through 2002 marketing years";

(v) in subsection (b)(1), by adding at the end the following:

"(D) CERTAIN FARMS INELIGIBLE FOR QUOTA.—Effective beginning with the 1997 marketing year, the Secretary shall not establish a farm poundage quota under subparagraph (A) for a farm owned or controlled by—

"(i) a municipality, airport authority, school, college, refuge, or other public entity (other than a university used for research purposes); or

"(ii) a person who is not a producer and resides in another State.";

(vi) in subsection (b)(2), by adding at the end the following:

"(E) TRANSFER OF QUOTA FROM INELIGIBLE FARMS.—Any farm poundage quota held at the end of the 1996 marketing year by a farm described in paragraph (1)(D) shall be allocated to other farms in the same State on such basis as the Secretary may by regulation prescribe."; and

(vii) in subsection (f), by striking "1997" and inserting "2002";

(B) in section 358b (7 U.S.C. 1358b)—

(i) in the section heading, by striking "**1991 through 1995 crops of**"; and

(ii) in subsection (c), by striking "1995" and inserting "2002";

(C) in section 358c(d) (7 U.S.C. 1358c(d)), by striking "1995" and inserting "2002"; and

(D) in section 358e (7 U.S.C. 1359a)—

(i) in the section heading, by striking "**for 1991 through 1997 crops of peanuts**"; and

(ii) in subsection (i), by striking "1997" and inserting "2002".

(2) ELIMINATION OF QUOTA FLOOR.—Section 358–1(a)(1) of the Act (7 U.S.C. 1358–1(a)(1)) is amended by striking the second sentence.

(3) TEMPORARY QUOTA ALLOCATION.—Section 358–1 of the Act (7 U.S.C. 1358–1) is amended—

(A) in subsection (a)(1), by striking "domestic edible, seed," and inserting "domestic edible use";

(B) in subsection (b)(2)—

(i) in subparagraph (A), by striking "subparagraph (B) and subject to"; and

(ii) by striking subparagraph (B) and inserting the following:

"(B) TEMPORARY QUOTA ALLOCATION.—

"(i) ALLOCATION RELATED TO SEED PEANUTS.—Temporary allocation of quota pounds for the marketing year only in which the crop is planted shall be made to producers for each of the 1996 through 2002 marketing years as provided in this subparagraph.

"(ii) QUANTITY.—The temporary quota allocation shall be equal to the pounds of seed peanuts planted on the farm, as may be adjusted under regulations prescribed by the Secretary.

"(iii) ADDITIONAL QUOTA.—The temporary allocation of quota pounds under this paragraph shall be in addition to the farm poundage quota otherwise established under this subsection and shall be credited, for the applicable marketing year only, in total to the producer of the peanuts on the farm in a manner prescribed by the Secretary.

"(iv) EFFECT OF OTHER REQUIREMENTS.—Nothing in this section alters or changes the requirements regarding the use of quota and additional peanuts established by section 358e(b)."; and

(C) in subsection (e)(3), strike "and seed and use on a farm".

(4) UNDERMARKETINGS.—Part VI of subtitle B of title III of the Act is amended—

(A) in section 358–1(b) (7 U.S.C. 1358–1(b))—

(i) in paragraph (1)(B), by striking "including—" and clauses (i) and (ii) and inserting "including any increases resulting from the allocation of quotas voluntarily released for 1 year under paragraph (7).";

(ii) in paragraph (3)(B), by striking "include—" and clauses (i) and (ii) and inserting "include any increase resulting from the allocation of quotas voluntarily released for 1 year under paragraph (7)."; and

(iii) by striking paragraphs (8) and (9); and

(B) in section 358b(a) (7 U.S.C. 1358b(a))—

(i) in paragraph (1), by striking "(including any applicable under marketings)" both places it appears;

(ii) in paragraph (1)(A), by striking "of undermarketings and";

(iii) in paragraph (2), by striking "(including any applicable under marketings)"; and

(iv) in paragraph (3), by striking "(including any applicable undermarketings)".

(5) DISASTER TRANSFERS.—Section 358–1(b) of the Act (7 U.S.C. 1358–1(b)), as amended by paragraph (4)(A)(iii), is further amended by adding at the end the following:

"(8) DISASTER TRANSFERS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), additional peanuts produced on a farm from which the quota poundage was not harvested and marketed because of drought, flood, or any other natural disaster, or any other condition beyond the control of the producer, may be transferred to the quota loan pool for pricing purposes on such basis as the Secretary shall by regulation provide.

"(B) LIMITATION.—The poundage of peanuts transferred under subparagraph (A) shall not exceed the difference between—

"(i) the total quantity of peanuts meeting quality requirements for domestic edible use, as determined by the Secretary, marketed from the farm; and

"(ii) the total farm poundage quota, excluding quota pounds transferred to the farm in the fall.

"(C) SUPPORT RATE.—Peanuts transferred under this paragraph shall be supported at not more than 70 percent of the quota support rate for the marketing years in which the transfers occur. The transfers for a farm shall not exceed 25 percent of the total farm quota pounds, excluding pounds transferred in the fall.".

SEC. 107. SUGAR PROGRAM.

(a) SUGARCANE.—The Secretary shall make loans available to processors of domestically grown sugarcane at a rate equal to 18 cents per pound for raw cane sugar.

(b) SUGAR BEETS.—The Secretary shall make loans available to processors of domestically grown sugar beets at a rate equal to 22.9 cents per pound for refined beet sugar.

(c) TERM OF LOANS.—

(1) IN GENERAL.—Loans under this section during any fiscal year shall be made available not earlier than the beginning of the fiscal year and shall mature at the earlier of—

(A) the end of 9 months; or

(B) the end of the fiscal year.

(2) SUPPLEMENTAL LOANS.—In the case of loans made under this section in the last 3 months of a fiscal year, the processor may repledge the sugar as collateral for a second loan in the subsequent fiscal year, except that the second loan shall—

(A) be made at the loan rate in effect at the time the second loan is made; and

(B) mature in 9 months less the quantity of time that the first loan was in effect.

(d) LOAN TYPE; PROCESSOR ASSURANCES.—

(1) RECOURSE LOANS.—Subject to paragraph (2), the Secretary shall carry out this section through the use of recourse loans.

(2) NONRECOURSE LOANS.—During any fiscal year in which the tariff rate quota for imports of sugar into the United States is established at, or is increased to, a level in excess of 1,500,000 short tons raw value, the Secretary shall carry out this section by making available nonrecourse loans. Any recourse loan previously made available by the Secretary under this section during the fiscal year shall be changed by the Secretary into a nonrecourse loan.

(3) PROCESSOR ASSURANCES.—If the Secretary is required under paragraph (2) to make nonrecourse loans available during a fiscal year or to change recourse loans into nonrecourse loans, the Secretary shall obtain from each processor that receives a loan under this section such assurances as the Secretary considers adequate to ensure that the processor will provide payments to producers that are proportional to the value of the loan received by the processor for sugar beets and sugarcane delivered by producers served by the processor. The Secretary may establish appropriate minimum payments for purposes of this paragraph.

(e) MARKETING ASSESSMENT.—

(1) SUGARCANE.—Effective for marketings of raw cane sugar during the 1996 through 2003 fiscal years, the first processor of sugarcane shall remit to the Commodity Credit Corporation a nonrefundable marketing assessment in an amount equal to—

(A) in the case of marketings during fiscal year 1996, 1.1 percent of the loan rate established under subsection (a) per pound of raw cane sugar, processed by the processor from domestically produced sugarcane or sugarcane molasses, that has been marketed (including the transfer or delivery of the sugar to a refinery for further processing or marketing); and

(B) in the case of marketings during each of fiscal years 1997 through 2003, 1.375 percent of the loan rate established under subsection (a) per pound of raw cane sugar, processed by the processor from domestically produced sugarcane or sugarcane molasses, that has been marketed (including the transfer or delivery of the sugar to a refinery for further processing or marketing).

(2) SUGAR BEETS.—Effective for marketings of beet sugar during the 1996 through 2003 fiscal years, the first processor of sugar beets shall remit to the Commodity Credit Corporation a nonrefundable marketing assessment in an amount equal to—

(A) in the case of marketings during fiscal year 1996, 1.1794 percent of the loan rate established under subsection (a) per pound of beet sugar, processed by the processor from domestically produced sugar beets or sugar beet molasses, that has been marketed; and

(B) in the case of marketings during each of fiscal years 1997 through 2003, 1.47425 percent of the loan rate established under subsection (a) per pound of beet sugar, processed by the processor from domestically produced sugar beets or sugar beet molasses, that has been marketed.

(3) COLLECTION.—

(A) TIMING.—A marketing assessment required under this subsection shall be collected on a monthly basis and shall be remitted to the Commodity Credit Corporation not later than 30 days after the end of each month. Any cane sugar or beet sugar processed during a fiscal year that has not been marketed by September 30 of the year shall be subject to assessment on that date. The sugar shall not be subject to a second assessment at the time that it is marketed.

(B) MANNER.—Subject to subparagraph (A), marketing assessments shall be collected under this subsection in the manner prescribed by the Secretary and shall be nonrefundable.

(4) PENALTIES.—If any person fails to remit the assessment required by this subsection or fails to comply with such requirements for recordkeeping or otherwise as are required by the Secretary to carry out this subsection, the person shall be liable to the Secretary for a civil penalty up to an amount determined by multiplying—

(A) the quantity of cane sugar or beet sugar involved in the violation; by

(B) the loan rate for the applicable crop of sugarcane or sugar beets.

(5) ENFORCEMENT.—The Secretary may enforce this subsection in a court of the United States.

(f) FORFEITURE PENALTY.—

(1) IN GENERAL.—A penalty shall be assessed on the forfeiture of any sugar pledged as collateral for a nonrecourse loan under this section.

(2) CANE SUGAR.—The penalty for cane sugar shall be 1 cent per pound.

(3) BEET SUGAR.—The penalty for beet sugar shall bear the same relation to the penalty for cane sugar as the marketing assessment for sugar beets bears to the marketing assessment for sugarcane.

(4) EFFECT OF FORFEITURE.—Any payments owed producers by a processor that forfeits of any sugar pledged as collateral for a nonrecourse loan shall be reduced in proportion to the loan forfeiture penalty incurred by the processor.

(g) INFORMATION REPORTING.—

(1) DUTY OF PROCESSORS AND REFINERS TO REPORT.—A sugarcane processor, cane sugar refiner, and sugar beet processor shall furnish the Secretary, on a monthly basis, such information as the Secretary may require to administer sugar programs, including the quantity of purchases of sugarcane, sugar beets, and sugar, and production, importation, distribution, and stock levels of sugar.

(2) PENALTY.—Any person willfully failing or refusing to furnish the information, or furnishing willfully any false information, shall be subject to a civil penalty of not more than $10,000 for each such violation.

(3) MONTHLY REPORTS.—Taking into consideration the information received under paragraph (1), the Secretary shall publish on a monthly basis composite data on production, imports, distribution, and stock levels of sugar.

(h) CROPS.—This section shall be effective only for the 1996 through 2002 crops of sugar beets and sugarcane.

SEC. 108. ADMINISTRATION.

(a) COMMODITY CREDIT CORPORATION.—

(1) USE OF CORPORATION.—The Secretary shall carry out this title through the Commodity Credit Corporation.

(2) SALARIES AND EXPENSES.—No funds of the Corporation shall be used for any salary or expense of any officer or employee of the Department of Agriculture.

(b) DETERMINATIONS BY SECRETARY.—A determination made by the Secretary under this title or the Agricultural Adjustment Act of 1938 (7 U.S.C. 1281 et seq.) shall be final and conclusive.

(c) REGULATIONS.—The Secretary may issue such regulations as the Secretary determines necessary to carry out this title.

SEC. 109. SUSPENSION AND REPEAL OF PERMANENT AUTHORITIES.

(a) AGRICULTURAL ADJUSTMENT ACT OF 1938.—

(1) IN GENERAL.—The following provisions of the Agricultural Adjustment Act of 1938 shall not be applicable to the 1996 through 2002 crops:

(A) Parts II through V of subtitle B of title III (7 U.S.C. 1326–1351).

(B) Subsections (a) through (j) of section 358 (7 U.S.C. 1358).

(C) Subsections (a) through (h) of section 358a (7 U.S.C. 1358a).

(D) Subsections (a), (b), (d), and (e) of section 358d (7 U.S.C. 1359).

(E) Part VII of subtitle B of title III (7 U.S.C. 1359aa–1359jj).

(F) In the case of peanuts, part I of subtitle C of title III (7 U.S.C. 1361–1368).

(G) In the case of upland cotton, section 377 (7 U.S.C. 1377).

(H) Subtitle D of title III (7 U.S.C. 1379a–1379j).

(I) Title IV (7 U.S.C. 1401–1407).

(2) REPORTS AND RECORDS.—Effective only for the 1996 through 2002 crops of peanuts, the first sentence of section 373(a) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1373(a)) is amended by inserting before "all brokers and dealers in peanuts" the following: "all producers engaged in the production of peanuts,".

(b) AGRICULTURAL ACT OF 1949.—

(1) SUSPENSIONS.—The following provisions of the Agricultural Act of 1949 shall not be applicable to the 1996 through 2002 crops:

(A) Section 101 (7 U.S.C. 1441).

(B) Section 103(a) (7 U.S.C. 1444(a)).

(C) Section 105 (7 U.S.C. 1444b).

(D) Section 107 (7 U.S.C. 1445a).

(E) Section 110 (7 U.S.C. 1445e).

(F) Section 112 (7 U.S.C. 1445g).

(G) Section 115 (7 U.S.C. 1445k).

(H) Title III (7 U.S.C. 1447–1449).

(I) Title IV (7 U.S.C. 1421–1433d), other than sections 404, 406, 412, 416, and 427 (7 U.S.C. 1424, 1426, 1429, 1431, and 1433f).

(J) Title V (7 U.S.C. 1461–1469).

(K) Title VI (7 U.S.C. 1471–1471j).

(2) REPEALS.—The following provisions of the Agricultural Act of 1949 are repealed:

(A) Section 103B (7 U.S.C. 1444–2).

(B) Section 108B (7 U.S.C. 1445c–3).

(C) Section 113 (7 U.S.C. 1445h).

(D) Section 114(b) (7 U.S.C. 1445j(b)).

(E) Sections 205, 206, and 207 (7 U.S.C. 1446f, 1446g, and 1446h).

(F) Section 406 (7 U.S.C. 1426).

(c) SUSPENSION OF CERTAIN QUOTA PROVISIONS.—The joint resolution entitled "A joint resolution relating to corn and wheat marketing quotas under the Agricultural Adjustment Act of 1938, as amended", approved May 26, 1941 (7 U.S.C. 1330 and 1340), shall not be applicable to the crops of wheat planted for harvest in the calendar years 1996 through 2002.

SEC. 110. EFFECT OF AMENDMENTS.

(a) EFFECT ON PRIOR CROPS.—Except as otherwise specifically provided and notwithstanding any other provision of law, this title and the amendments made by this title shall not affect the authority of the Secretary to carry out a price support or production adjustment program for any of the 1991 through 1995 crops of an agricultural commodity established under a provision of law in effect immediately before the date of the enactment of this Act.

(b) LIABILITY.—A provision of this title or an amendment made by this title shall not affect the liability of any person under any provision of law as in effect before the date of the enactment of this Act.

TITLE II—AGRICULTURAL TRADE

Subtitle A—Amendments to Agricultural Trade Development and Assistance Act of 1954 and Related Statutes

SEC. 201. FOOD AID TO DEVELOPING COUNTRIES.

(a) IN GENERAL.—Section 3 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691a) is amended to read as follows:

"SEC. 3. FOOD AID TO DEVELOPING COUNTRIES.

"(a) POLICY.—In light of the Uruguay Round Agreement on Agriculture and the Ministerial Decision on Measures Concerning the Possible Negative Effects of the Reform Program on Least-Developed and Net-Food Importing Developing Countries, the United States reaffirms the commitment of the United States to providing food aid to developing countries.

"(b) SENSE OF CONGRESS.—It is the sense of Congress that—

"(1) the President should initiate consultations with other donor nations to consider appropriate levels of food aid commitments to meet the legitimate needs of developing countries; and

"(2) the United States should increase its contribution of bona fide food assistance to developing countries consistent with the Agreement on Agriculture.".

(b) CONFORMING AMENDMENT.—Section 411 of the Uruguay Round Agreements Act (19 U.S.C. 3611) is amended by striking subsection (e).

SEC. 202. TRADE AND DEVELOPMENT ASSISTANCE.

Section 101 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1701) is amended—

(1) by striking "developing countries" each place it appears and inserting "developing countries and private entities"; and

(2) in subsection (b), by inserting "and entities" before the period at the end.

SEC. 203. AGREEMENTS REGARDING ELIGIBLE COUNTRIES AND PRIVATE ENTITIES.

Section 102 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1702) is amended to read as follows:

"SEC. 102. AGREEMENTS REGARDING ELIGIBLE COUNTRIES AND PRIVATE ENTITIES.

"(a) PRIORITY.—In selecting agreements to be entered into under this title, the Secretary shall give priority to agreements providing for the export of agricultural commodities to developing countries that—

"(1) have the demonstrated potential to become commercial markets for competitively priced United States agricultural commodities;

"(2) are undertaking measures for economic development purposes to improve food security and agricultural development, alleviate poverty, and promote broad-based equitable and sustainable development; and

"(3) demonstrate the greatest need for food.

"(b) PRIVATE ENTITIES.—An agreement entered into under this title with a private entity shall require such security, or such other provisions as the Secretary determines necessary, to provide reasonable and adequate assurance of repayment of the financing extended to the private entity.

"(c) AGRICULTURAL MARKET DEVELOPMENT PLAN.—

"(1) DEFINITION OF AGRICULTURAL TRADE ORGANIZATION.—In this subsection, the term 'agricultural trade organization' means a United States agricultural trade organization that promotes the export and sale of a United States agricultural commodity and that does not stand to profit directly from the specific sale of the commodity.

"(2) PLAN.—The Secretary shall consider a developing country for which an agricultural market development plan has been approved under this subsection to have the demonstrated potential to become a commercial market for competitively priced United States agricultural commodities for the purpose of granting a priority under subsection (a).

"(3) REQUIREMENTS.—

"(A) IN GENERAL.—To be approved by the Secretary, an agricultural market development plan shall—

"(i) be submitted by a developing country or private entity, in conjunction with an agricultural trade organization;

"(ii) describe a project or program for the development and expansion of a United States agricultural commodity market in a developing country, and the economic development of the country, using funds derived from the sale of agricultural commodities received under an agreement described in section 101;

"(iii) provide for any matching funds that are required by the Secretary for the project or program;

"(iv) provide for a results-oriented means of measuring the success of the project or program; and

"(v) provide for graduation to the use of non-Federal funds to carry out the project or program, consistent with requirements established by the Secretary.

"(B) AGRICULTURAL TRADE ORGANIZATION.—The project or program shall be designed and carried out by the agricultural trade organization.

"(C) ADDITIONAL REQUIREMENTS.—An agricultural market development plan shall contain such additional requirements as are determined necessary by the Secretary.

"(4) ADMINISTRATIVE COSTS.—

"(A) IN GENERAL.—The Secretary shall make funds made available to carry out this title available for the reimbursement of administrative expenses incurred by agricultural trade organizations in developing, implementing, and administering agricultural market development plans, subject to such requirements and in such amounts as the Secretary considers appropriate.

"(B) DURATION.—The funds shall be made available to agricultural trade organizations for the duration of the applicable agricultural market development plan.

"(C) TERMINATION.—The Secretary may terminate assistance made available under this subsection if the agricultural trade organization is not carrying out the approved agricultural market development plan.".

SEC. 204. TERMS AND CONDITIONS OF SALES.

Section 103 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1703) is amended—

(1) in subsection (a)(2)(A)—

(A) by striking "a recipient country to make"; and

(B) by striking "such country" and inserting "the appropriate country";

(2) in subsection (c), by striking "less than 10 nor"; and

(3) in subsection (d)—

(A) by striking "recipient country" and inserting "developing country or private entity"; and

(B) by striking "7" and inserting "5".

SEC. 205. USE OF LOCAL CURRENCY PAYMENT.

Section 104 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1704) is amended—

(1) in subsection (a), by striking "recipient country" and inserting "developing country or private entity"; and

(2) in subsection (c)—

(A) by striking "recipient country" each place it appears and inserting "appropriate developing country"; and

(B) in paragraph (3), by striking "recipient countries" and inserting "appropriate developing countries".

SEC. 206. VALUE-ADDED FOODS.

Section 105 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1705) is repealed.

SEC. 207. ELIGIBLE ORGANIZATIONS.

(a) IN GENERAL.—Section 202 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1722) is amended—

(1) by striking subsection (b) and inserting the following:

"(b) NONEMERGENCY ASSISTANCE.—

"(1) IN GENERAL.—The Administrator may provide agricultural commodities for nonemergency assistance under this title through eligible organizations (as described in subsection (d)) that have entered into an agreement with the Administrator to use the commodities in accordance with this title.

"(2) LIMITATION.—The Administrator may not deny a request for funds submitted under this subsection because the program for which the funds are requested—

"(A) would be carried out by the eligible organization in a foreign country in which the Agency for International Development does not have a mission, office, or other presence; or

"(B) is not part of a development plan for the country prepared by the Agency."; and

(2) in subsection (e)—

(A) in the subsection heading, by striking "PRIVATE VOLUNTARY ORGANIZATIONS AND COOPERATIVES" and inserting "ELIGIBLE ORGANIZATIONS";

(B) in paragraph (1)—

(i) by striking "$13,500,000" and inserting "$28,000,000"; and

(ii) by striking "private voluntary organizations and cooperatives to assist such organizations and cooperatives" and inserting "eligible organizations described in subsection (d), to assist the organizations";

(C) by striking paragraph (2) and inserting the following:

"(2) REQUEST FOR FUNDS.—To receive funds made available under paragraph (1), a private voluntary organization or cooperative shall submit a request for the funds that is subject to approval by the Administrator."; and

(D) in paragraph (3), by striking "a private voluntary organization or cooperative, the Administrator may provide assistance to that organization or cooperative" and inserting "an eligible organization, the Administrator may provide assistance to the eligible organization".

(b) CONFORMING AMENDMENTS.—Section 207 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1726a) is amended—

(1) in subsection (a), by striking "a private voluntary organization or cooperative" and inserting "an eligible organization"; and

(2) in subsection (b)—

(A) in paragraph (1), by striking "private voluntary organizations and cooperatives" and inserting "eligible organizations"; and

(B) in paragraph (2), by striking "organizations, cooperatives," and inserting "eligible organizations".

SEC. 208. GENERATION AND USE OF FOREIGN CURRENCIES.

Section 203 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1723) is amended—

(1) in subsection (a), by inserting ", or in a country in the same region," after "in the recipient country";

(2) in subsection (b)—

(A) by inserting "or in countries in the same region," after "in recipient countries,"; and

(B) by striking "10 percent" and inserting "15 percent";

(3) in subsection (c), by inserting "or in a country in the same region," after "in the recipient country,"; and

(4) in subsection (d)(2), by inserting "or within a country in the same region" after "within the recipient country".

SEC. 209. GENERAL LEVELS OF ASSISTANCE UNDER PUBLIC LAW 480.

Section 204(a) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1724(a)) is amended—

(1) in paragraph (1), by striking "amount that" and all that follows through the period at the end and inserting "amount that for each of fiscal years 1996 through 2002 is not less than 2,025,000 metric tons.";

(2) in paragraph (2), by striking "amount that" and all that follows through the period at the end and inserting "amount that for each of fiscal years 1996 through 2002 is not less than 1,550,000 metric tons."; and

(3) in paragraph (3), by adding at the end the following: "No waiver shall be made before the beginning of the applicable fiscal year.".

SEC. 210. FOOD AID CONSULTATIVE GROUP.

Section 205 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1725) is amended—

(1) in subsection (a), by striking "private voluntary organizations, cooperatives and indigenous non-governmental organizations" and inserting "eligible organizations described in section 202(d)(1)";

(2) in subsection (b)—

(A) in paragraph (2), by striking "for International Affairs and Commodity Programs" and inserting "of Agriculture for Farm and Foreign Agricultural Services";

(B) in paragraph (4), by striking "and" at the end;

(C) in paragraph (5), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(6) representatives from agricultural producer groups in the United States.";

(3) in the second sentence of subsection (d), by inserting "(but at least twice per year)" after "when appropriate"; and

(4) in subsection (f), by striking "1995" and inserting "2002".

SEC. 211. SUPPORT OF NONGOVERNMENTAL ORGANIZATIONS.

(a) IN GENERAL.—Section 306(b) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1727e(b)) is amended—

(1) in the subsection heading, by striking "INDIGENOUS NON-GOVERNMENTAL" and inserting "NONGOVERNMENTAL"; and

(2) by striking "utilization of indigenous" and inserting "utilization of".

(b) CONFORMING AMENDMENT.—Section 402 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1732) is amended by striking paragraph (6) and inserting the following:

"(6) NONGOVERNMENTAL ORGANIZATION.—The term 'nongovernmental organization' means an organization that works at the local level to solve development problems in a foreign country in which the organization is located, except that the term does not include an organization that is primarily an agency or instrumentality of the government of the foreign country.".

SEC. 212. COMMODITY DETERMINATIONS.

Section 401 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1731) is amended—

(1) by striking subsections (a) through (d) and inserting the following:

"(a) AVAILABILITY OF COMMODITIES.—No agricultural commodity shall be available for disposition under this Act if the Secretary determines that the disposition would reduce the domestic supply of the commodity below the supply needed to meet domestic requirements and provide adequate carryover (as determined by the Secretary), unless the Secretary determines that some part of the supply should be used to carry out urgent humanitarian purposes under this Act.";

(2) by redesignating subsections (e) and (f) as subsections (b) and (c), respectively; and

(3) in subsection (c) (as so redesignated), by striking "(e)(1)" and inserting "(b)(1)".

SEC. 213. GENERAL PROVISIONS.

Section 403 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1733) is amended—

(1) in subsection (b)—

(A) in the subsection heading, by striking "CONSULTATIONS" and inserting "IMPACT ON LOCAL FARMERS AND ECONOMY"; and

(B) by striking "consult with" and all that follows through "other donor organizations to";

(2) in subsection (c)—

(A) by striking "from countries"; and

(B) by striking "for use" and inserting "or use";

(3) in subsection (f)—

(A) by inserting "or private entities, as appropriate," after "from countries"; and

(B) by inserting "or private entities" after "such countries"; and

(4) in subsection (i)(2), by striking subparagraph (C).

SEC. 214. AGREEMENTS.

Section 404 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1734) is amended—

(1) in subsection (a), by inserting "with foreign countries" after "Before entering into agreements";

(2) in subsection (b)(2)—

(A) by inserting "with foreign countries" after "with respect to agreements entered into"; and

(B) by inserting before the semicolon at the end the following: "and broad-based economic growth"; and

(3) in subsection (c), by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—Agreements to provide assistance on a multi-year basis to recipient countries or to eligible organizations—

"(A) may be made available under titles I and III; and

"(B) shall be made available under title II.".

SEC. 215. USE OF COMMODITY CREDIT CORPORATION.

Section 406 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736) is amended—

(1) in subsection (a), by striking "shall" and inserting "may"; and

(2) in subsection (b)—

(A) by inserting "titles II and III of" after "commodities made available under"; and

(B) by striking paragraph (4) and inserting the following:

"(4) the vessel freight charges from United States ports or designated Canadian transshipment ports, as determined by the Secretary, to designated ports of entry abroad;".

SEC. 216. ADMINISTRATIVE PROVISIONS.

Section 407 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736a) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting "or private entity that enters into an agreement under title I" after "importing country"; and

(B) in paragraph (2), by adding at the end the following: "Resulting contracts may contain such terms and conditions as the Secretary determines are necessary and appropriate.";

(2) in subsection (c)—

(A) in paragraph (1)(A), by inserting "importer or" before "importing country"; and

(B) in paragraph (2)(A), by inserting "importer or" before "importing country";

(3) in subsection (d)—

(A) by striking paragraph (2) and inserting the following:

"(2) FREIGHT PROCUREMENT.—Notwithstanding the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) or other similar provisions of law relating to the making or performance of Federal Government contracts, ocean transportation under titles II and III may be procured on the basis of such full and open competitive procedures. Resulting contracts may contain such terms and conditions, as the Administrator determines are necessary and appropriate."; and

(B) by striking paragraph (4);

(4) in subsection (g)(2)—

(A) in subparagraph (B), by striking "and" at the end;

(B) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(D) an assessment of the progress towards achieving food security in each country receiving food assistance from the United States Government, with special emphasis on the nutritional status of the poorest populations in each country."; and

(5) by striking subsection (h).

SEC. 217. EXPIRATION DATE.

Section 408 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736b) is amended by striking "1995" and inserting "2002".

SEC. 218. REGULATIONS.

Section 409 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736c) is repealed.

SEC. 219. INDEPENDENT EVALUATION OF PROGRAMS.

Section 410 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736d) is repealed.

SEC. 220. AUTHORIZATION OF APPROPRIATIONS.

Section 412 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736f) is amended—

(1) by striking subsections (b) and (c) and inserting the following:

"(b) TRANSFER OF FUNDS.—Notwithstanding any other provision of law, the President may direct that—

"(1) up to 15 percent of the funds available for any fiscal year for carrying out any title of this Act be used to carry out any other title of this Act; and

"(2) any funds available for title III be used to carry out title II."; and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 221. COORDINATION OF FOREIGN ASSISTANCE PROGRAMS.

Section 413 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736g) is amended by inserting "title III of" before "this Act" each place it appears.

SEC. 222. MICRONUTRIENT FORTIFICATION PILOT PROGRAM.

Title IV of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1731 et seq.) is amended by adding at the end the following:

"SEC. 415. MICRONUTRIENT FORTIFICATION PILOT PROGRAM.

"(a) IN GENERAL.—Not later than September 30, 1997, the Secretary, in consultation with the Administrator, shall establish a micronutrient fortification pilot program under this Act. The purposes of the program shall be to—

"(1) assist developing countries in correcting micronutrient dietary deficiencies among segments of the populations of the countries; and

"(2) encourage the development of technologies for the fortification of whole grains and other commodities that are readily transferable to developing countries.

"(b) SELECTION OF PARTICIPATING COUNTRIES.—From among the countries eligible for assistance under this Act, the Secretary may select not more than 5 developing countries to participate in the pilot program.

"(c) FORTIFICATION.—Under the pilot program, whole grains and other commodities made available to a developing country selected to participate in the pilot program may be fortified with 1 or more micronutrients (including vitamin A, iron, and iodine) with respect to which a substantial portion of the population in the country are deficient. The commodity may be fortified in the United States or in the developing country.

"(d) TERMINATION OF AUTHORITY.—The authority to carry out the pilot program established under this section shall terminate on September 30, 2002.".

SEC. 223. USE OF CERTAIN LOCAL CURRENCY.

Title IV of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1731 et seq.) (as amended by section 222) is further amended by adding at the end the following:

"SEC. 416. USE OF CERTAIN LOCAL CURRENCY.

"Local currency payments received by the United States pursuant to agreements entered into under title I (as in effect on November 27, 1990) may be utilized by the Secretary in accordance with section 108 (as in effect on November 27, 1990).".

SEC. 224. LEVELS OF ASSISTANCE UNDER FARMER-TO-FARMER PROGRAM.

Section 501 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1737) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively; and

(B) by inserting after paragraph (3) the following:

“(4) assist the travel of farmers and other agricultural professionals from developing countries, middle income countries, and emerging democracies to the United States for educational purposes consistent with the objectives of this section;”; and

(2) in subsection (c), by striking “1991 through 1995” and inserting “1996 through 2002”.

SEC. 225. FOOD SECURITY COMMODITY RESERVE.

(a) IN GENERAL.—Title III of the Agricultural Act of 1980 (7 U.S.C. 1736f-1 et seq.) is amended to read as follows:

“TITLE III—FOOD SECURITY COMMODITY RESERVE

“SEC. 301. SHORT TITLE.

“This title may be cited as the ‘Food Security Commodity Reserve Act of 1996’.

“SEC. 302. ESTABLISHMENT OF COMMODITY RESERVE.

“(a) IN GENERAL.—To provide for a reserve solely to meet emergency humanitarian food needs in developing countries, the Secretary of Agriculture (referred to in this title as the ‘Secretary’) shall establish a reserve stock of wheat, rice, corn, or sorghum, or any combination of the commodities, totalling not more than 4,000,000 metric tons for use as described in subsection (c).

“(b) COMMODITIES IN RESERVE.—

“(1) IN GENERAL.—The reserve established under this section shall consist of—

“(A) wheat in the reserve established under the Food Security Wheat Reserve Act of 1980 as of the effective date of the Agricultural Reform and Improvement Act of 1996;

“(B) wheat, rice, corn, and sorghum (referred to in this section as ‘eligible commodities’) acquired in accordance with paragraph (2) to replenish eligible commodities released from the reserve, including wheat to replenish wheat released from the reserve established under the Food Security Wheat Reserve Act of 1980 but not replenished as of the effective date of the Agricultural Reform and Improvement Act of 1996; and

“(C) such rice, corn, and sorghum as the Secretary may, at such time and in such manner as the Secretary determines appropriate, acquire as a result of exchanging an equivalent value of wheat in the reserve established under this section.

“(2) REPLENISHMENT OF RESERVE.—

“(A) IN GENERAL.—Subject to subsection (i), commodities of equivalent value to eligible commodities in the reserve established under this section may be acquired—

“(i) through purchases—

“(I) from producers; or

“(II) in the market, if the Secretary determines that the purchases will not unduly disrupt the market; or

“(ii) by designation by the Secretary of stocks of eligible commodities of the Commodity Credit Corporation.

“(B) FUNDS.—Any use of funds to acquire eligible commodities through purchases from producers or in the market to replenish the reserve must be authorized in an appropriation Act.

“(c) RELEASE OF ELIGIBLE COMMODITIES.—

“(1) EMERGENCY FOOD ASSISTANCE.—Notwithstanding any other law, eligible commodities designated or acquired for the reserve established under this section may be released by the Secretary to provide, on a donation or sale basis, emergency food assistance to developing countries at such time as the domestic supply of the eligible commodities is so limited that quantities of the eligible commodities cannot be made available for disposition under the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.) (other than disposition for urgent humanitarian purposes under section 401 of the Act (7 U.S.C. 1731)).

“(2) PROVISION OF URGENT HUMANITARIAN RELIEF.—

“(A) IN GENERAL.—Notwithstanding paragraph (1), eligible commodities may be released from the reserve established under this section for any fiscal year, without regard to the availability of domestic supply, for use under title II of the Agricultural Trade Development Assistance Act of 1954 (7 U.S.C. 1721 et seq.) in providing urgent humanitarian relief in any developing country suffering a major disaster (as determined by the Secretary) in accordance with this paragraph.

“(B) EXCEPTIONAL NEED.—If the eligible commodities needed for relief cannot be made available for relief in a timely manner under the normal means of obtaining eligible commodities for food assistance because of circumstances of unanticipated and exceptional need, up to 500,000 metric tons of eligible commodities may be released under subparagraph (A).

“(C) FUNDS.—If the Secretary certifies that the funds made available for a fiscal year to carry out title II of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1721 et seq.) are not less than the funds made available for the previous fiscal year, up to 1,000,000 metric tons of eligible commodities may be released under subparagraph (A).

“(D) WAIVER OF MINIMUM TONNAGE REQUIREMENTS.—Nothing in this paragraph shall require the exercise of the waiver under section 204(a)(3) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 5624(a)(3)) as a prerequisite for the release of eligible commodities under this paragraph.

“(E) LIMITATION.—The quantity of eligible commodities released under this paragraph may not exceed 1,000,000 metric tons in any fiscal year.

“(3) PROCESSING OF ELIGIBLE COMMODITIES.—Eligible commodities that are released from the reserve established under this section may be processed in the United States and shipped to a developing country when conditions in the recipient country require processing.

“(4) EXCHANGE.—The Secretary may exchange an eligible commodity for another United States commodity of equal value, including powdered milk, pulses, and vegetable oil.

“(d) USE OF ELIGIBLE COMMODITIES.—Eligible commodities that are released from the reserve established under this section for the purpose of subsection (c) shall be made available under the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.) to meet famine or other urgent or extraordinary relief needs, except that section 401 of the Act (7 U.S.C. 1731), with respect to determinations of availability, shall not be applicable to the release.

“(e) MANAGEMENT OF ELIGIBLE COMMODITIES.—The Secretary shall provide—

“(1) for the management of eligible commodities in the reserve established under this section as to location and quality of eligible commodities needed to meet emergency situations; and

“(2) for the periodic rotation or replacement of stocks of eligible commodities in the reserve to avoid spoilage and deterioration of the commodities.

“(f) TREATMENT OF RESERVE UNDER OTHER LAW.—Eligible commodities in the reserve established under this section shall not be—

“(1) considered a part of the total domestic supply (including carryover) for the purpose of subsection (c) or for the purpose of administering the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.); and

“(2) subject to any quantitative limitation on exports that may be imposed under section 7 of the Export Administration Act of 1979 (50 U.S.C. App. 2406).

“(g) USE OF COMMODITY CREDIT CORPORATION.—

“(1) IN GENERAL.—Subject to the limitations provided in this section, the funds, facilities, and authorities of the Commodity Credit Corporation shall be used by the Secretary in carrying out this section, except that any restriction applicable to the acquisition, storage, or disposition of eligible commodities owned or controlled by the Commodity Credit Corporation shall not apply.

“(2) REIMBURSEMENT.—

“(A) IN GENERAL.—The Commodity Credit Corporation shall be reimbursed for the release of eligible commodities from funds made available to carry out the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.).

“(B) BASIS FOR REIMBURSEMENT.—The reimbursement shall be made on the basis of the lesser of—

“(i) the actual costs incurred by the Commodity Credit Corporation with respect to the eligible commodity; or

“(ii) the export market price of the eligible commodity (as determined by the Secretary) as of the time the eligible commodity is released from the reserve for the purpose.

“(C) SOURCE OF FUNDS.—The reimbursement may be made from funds appropriated for the purpose of reimbursement in subsequent fiscal years.

“(h) FINALITY OF DETERMINATION.—Any determination by the Secretary under this section shall be final.

“(i) TERMINATION OF AUTHORITY.—

“(1) IN GENERAL.—The authority to replenish stocks of eligible commodities to maintain the reserve established under this section shall terminate on September 30, 2002.

“(2) DISPOSAL OF ELIGIBLE COMMODITIES.—Eligible commodities remaining in the reserve after September 30, 2002, shall be disposed of by release for use in providing for emergency humanitarian food needs in developing countries as provided in this section.”.

(b) CONFORMING AMENDMENT.—Section 208(d) of the Agriculture Trade Suspension Adjustment Act of 1980 (7 U.S.C. 4001(d)) is amended by striking paragraph (2) and inserting the following:

“(2) APPLICABILITY OF CERTAIN PROVISIONS.—Subsections (c), (d), (e), (f), and (g)(2) of section 302 of the Food Security Commodity Reserve Act of 1996 shall apply to commodities in any reserve established under paragraph (1), except that the references to ‘eligible commodities’ in the subsections shall be deemed to be references to ‘agricultural commodities’.”.

SEC. 226. PROTEIN BYPRODUCTS DERIVED FROM ALCOHOL FUEL PRODUCTION.

Section 1208 of the Agriculture and Food Act of 1981 (7 U.S.C. 1736n) is repealed.

SEC. 227. FOOD FOR PROGRESS PROGRAM.

The Food for Progress Act of 1985 (7 U.S.C. 1736o) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by striking "(b)(1)" and inserting "(b)"; and

(ii) in the first sentence, by inserting "intergovernmental organizations" after "cooperatives"; and

(B) by striking paragraph (2);

(2) in subsection (e)(4), by striking "203" and inserting "406";

(3) in subsection (f)—

(A) in paragraph (1), by striking "in the case of the independent states of the former Soviet Union,";

(B) by striking paragraph (2);

(C) in paragraph (4), by inserting "in each of fiscal years 1996 through 2002" after "may be used"; and

(D) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively;

(4) in subsection (g), by striking "1995" and inserting "2002";

(5) in subsection (j), by striking "shall" and inserting "may";

(6) in subsection (k), by striking "1995" and inserting "2002";

(7) in subsection (l)(1)—

(A) by striking "1991 through 1995" and inserting "1996 through 2002"; and

(B) by inserting ", and to provide technical assistance for monetization programs," after "monitoring of food assistance programs"; and

(8) in subsection (m)—

(A) by striking "with respect to the independent states of the former Soviet Union";

(B) by striking "private voluntary organizations and cooperatives" each place it appears and inserting "agricultural trade organizations, intergovernmental organizations, private voluntary organizations, and cooperatives"; and

(C) in paragraph (2), by striking "in the independent states".

SEC. 228. USE OF FOREIGN CURRENCY PROCEEDS FROM EXPORT SALES FINANCING.

Section 402 of the Mutual Security Act of 1954 (22 U.S.C. 1922) is repealed.

SEC. 229. STIMULATION OF FOREIGN PRODUCTION.

Section 7 of the Act of December 30, 1947 (61 Stat. 947, chapter 526; 50 U.S.C. App. 1917) is repealed.

Subtitle B—Amendments to Agricultural Trade Act of 1978

SEC. 241. AGRICULTURAL EXPORT PROMOTION STRATEGY.

(a) IN GENERAL.—Section 103 of the Agricultural Trade Act of 1978 (7 U.S.C. 5603) is amended to read as follows:

"SEC. 103. AGRICULTURAL EXPORT PROMOTION STRATEGY.

"(a) IN GENERAL.—The Secretary shall develop a strategy for implementing Federal agricultural export promotion programs that takes into account the new market opportunities for agricultural products, including opportunities that result from—

"(1) the North American Free Trade Agreement and the Uruguay Round Agreements;

"(2) any accession to membership in the World Trade Organization;

"(3) the continued economic growth in the Pacific Rim; and

"(4) other developments.

"(b) PURPOSE OF STRATEGY.—The strategy developed under subsection (a) shall encourage the maintenance, development, and expansion of export markets for United States agricultural commodities and related products, including high-value and value-added products.

"(c) GOALS OF STRATEGY.—The strategy developed under subsection (a) shall have the following goals:

"(1) By September 30, 2002, increasing the value of annual United States agricultural exports to $60,000,000,000.

"(2) By September 30, 2002, increasing the United States share of world export trade in agricultural products significantly above the average United States share from 1993 through 1995.

"(3) By September 30, 2002, increasing the United States share of world trade in high-value agricultural products to 20 percent.

"(4) Ensuring that the value of United States exports of agricultural products increases at a faster rate than the rate of increase in the value of overall world export trade in agricultural products.

"(5) Ensuring that the value of United States exports of high-value agricultural products increases at a faster rate than the rate of increase in overall world export trade in high-value agricultural products.

"(6) Ensuring to the extent practicable that—

"(A) substantially all obligations undertaken in the Uruguay Round Agreement on Agriculture that provide significantly increased access for United States agricultural commodities are implemented to the extent required by the Uruguay Round Agreements; or

"(B) applicable United States trade laws are used to secure United States rights under the Uruguay Round Agreement on Agriculture.

"(d) PRIORITY MARKETS.—

"(1) IDENTIFICATION OF MARKETS.—In developing the strategy required under subsection (a), the Secretary shall identify as priority markets—

"(A) those markets in which imports of agricultural products show the greatest potential for increase by September 30, 2002; and

"(B) those markets in which, with the assistance of Federal export promotion programs, exports of United States agricultural products show the greatest potential for increase by September 30, 2002.

"(2) IDENTIFICATION OF SUPPORTING OFFICES.—The President shall identify annually in the budget of the United States Government submitted under section 1105 of title 31, United States Code, each overseas office of the Foreign Agricultural Service that provides assistance to United States exporters in each of the priority markets identified under paragraph (1).

"(e) REPORT.—Not later than December 31, 2001, the Secretary shall prepare and submit a report to Congress assessing progress in meeting the goals established by subsection (c).

"(f) FAILURE TO MEET GOALS.—Notwithstanding any other law, if the Secretary determines that more than 2 of the goals established by subsection (c) are not met by September 30, 2002, the Secretary may not carry out agricultural trade programs under the Agricultural Trade Act of 1978 (7 U.S.C. 5601 et seq.) as of that date.

"(g) NO PRIVATE RIGHT OF ACTION.—This section shall not create any private right of action.".

(b) CONTINUATION OF FUNDING.—

(1) IN GENERAL.—If the Secretary of Agriculture makes a determination under section 103(f) of the Agricultural Trade Act of 1978 (as amended by subsection (a)), the Secretary shall utilize funds of the Commodity Credit Corporation to promote United States agricultural exports in a manner consistent with the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.) and obligations pursuant to the Uruguay Round Agreements.

(2) FUNDING.—The amount of Commodity Credit Corporation funds used to carry out paragraph (1) during a fiscal year shall not exceed the total outlays for agricultural trade programs under the Agricultural Trade Act of 1978 (7 U.S.C. 5601 et seq.) during fiscal year 2002.

(c) ELIMINATION OF REPORT.—

(1) IN GENERAL.—Section 601 of the Agricultural Trade Act of 1978 (7 U.S.C. 5711) is repealed.

(2) CONFORMING AMENDMENT.—The last sentence of section 603 of the Agricultural Trade Act of 1978 (7 U.S.C. 5713) is amended by striking ", in a consolidated report," and all that follows through "section 601" and inserting "or in a consolidated report".

SEC. 242. EXPORT CREDITS.

(a) EXPORT CREDIT GUARANTEE PROGRAM.—Section 202 of the Agricultural Trade Act of 1978 (7 U.S.C. 5622) is amended—

(1) in subsection (a)—

(A) by striking "GUARANTEES.—The" and inserting the following: "GUARANTEES.—

"(1) IN GENERAL.—The"; and

(B) by adding at the end the following:

"(2) SUPPLIER CREDITS.—In carrying out this section, the Commodity Credit Corporation may issue guarantees for the repayment of credit made available for a period of not more than 180 days by a United States exporter to a buyer in a foreign country.";

(2) in subsection (f)—

(A) by striking "(f) RESTRICTIONS.—The" and inserting the following:

"(f) RESTRICTIONS.—

"(1) IN GENERAL.—The"; and

(B) by adding at the end the following:

"(2) CRITERIA FOR DETERMINATION.—In making the determination required under paragraph (1) with respect to credit guarantees under subsection (b) for a country, the Secretary may consider, in addition to financial, macroeconomic, and monetary indicators—

"(A) whether an International Monetary Fund standby agreement, Paris Club rescheduling plan, or other economic restructuring plan is in place with respect to the country;

"(B) the convertibility of the currency of the country;

"(C) whether the country provides adequate legal protection for foreign investments;

"(D) whether the country has viable financial markets;

"(E) whether the country provides adequate legal protection for the private property rights of citizens of the country; and

"(F) any other factors that are relevant to the ability of the country to service the debt of the country.";

(3) by striking subsection (h) and inserting the following:

"(h) UNITED STATES AGRICULTURAL COMPONENTS.—The Commodity Credit Corporation shall finance or guarantee under this section only United States agricultural commodities.";

(4) in subsection (i)—

(A) by striking "INSTITUTIONS.—A financial" and inserting the following: "INSTITUTIONS.—

"(1) IN GENERAL.—A financial";

(B) by striking paragraph (1);

(C) by striking "(2) is" and inserting the following:

"(A) is";

(D) by striking "(3) is" and inserting the following:

"(B) is"; and

(E) by adding at the end the following:

"(2) THIRD COUNTRY BANKS.—The Commodity Credit Corporation may guarantee under subsections (a) and (b) the repayment of credit made available to finance an export sale irrespective of whether the obligor is located in the country to which the export sale is destined."; and

(5) by striking subsection (k) and inserting the following:

"(k) PROCESSED AND HIGH-VALUE PRODUCTS.—

"(1) IN GENERAL.—In issuing export credit guarantees under this section, the Commodity Credit Corporation shall, subject to paragraph (2), ensure that not less than 25 percent for each of fiscal years 1996 and 1997, 30 percent for each of fiscal years 1998 and 1999, and 35 percent for each of fiscal years 2000, 2001, and 2002, of the total amount of credit guarantees issued for a fiscal year is issued to promote the export of processed or high-value agricultural products and that the balance is issued to promote the export of bulk or raw agricultural commodities.

"(2) LIMITATION.—The percentage requirement of paragraph (1) shall apply for a fiscal year to the extent that a reduction in the total amount of credit guarantees issued for the fiscal year is not required to meet the percentage requirement.".

(b) FUNDING LEVELS.—Section 211(b) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641(b)) is amended—

(1) by striking paragraph (2);

(2) by redesignating subparagraph (B) of paragraph (1) as paragraph (2) and indenting the margin of paragraph (2) (as so redesignated) so as to align with the margin of paragraph (1); and

(3) by striking paragraph (1) and inserting the following:

"(1) EXPORT CREDIT GUARANTEES.—The Commodity Credit Corporation shall make available for each of fiscal years 1996 through 2002 not less than $5,500,000,000 in credit guarantees under subsections (a) and (b) of section 202.".

(c) DEFINITIONS.—Section 102(7) of the Agricultural Trade Act of 1978 (7 U.S.C. 5602(7)) is amended by striking subparagraphs (A) and (B) and inserting the following:

"(A) an agricultural commodity or product entirely produced in the United States; or

"(B) a product of an agricultural commodity—

"(i) 90 percent or more of which by weight, excluding packaging and water, is entirely produced in the United States; and

"(ii) that the Secretary determines to be a high value agricultural product.".

(d) REGULATIONS.—Not later than 180 days after the effective date of this title, the Secretary of Agriculture shall issue regulations to carry out the amendments made by this section.

SEC. 243. MARKET PROMOTION PROGRAM.

Effective October 1, 1995, section 211(c)(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641(c)(1)) is amended—

(1) by striking "and" after "1991 through 1993,"; and

(2) by striking "through 1997," and inserting "through 1995, and not more than $70,000,000 for each of fiscal years 1996 through 2002,":

Provided, That funds made available under this Act to carry out the non-generic activities of the market promotion program established under section 203 of the Agricultural Trade Act of 1978 (7 U.S.C. 5623) may be used to provide cost-share assistance only to organizations that are non-foreign entities and are recognized as small business concerns under section 3(a) of the Small Business Act (15 U.S.C. 632(a)) or to the associations described in the first section of the Act entitled "An Act to authorize association of producers of agricultural products", approved February 22, 1922 (7 U.S.C. 291): *Provided further*, that such funds may not be used to provide cost-share assistance to a foreign eligible trade organization: *Provided further*, That none of the funds made available under this Act may be used to carry out the market promotion program established under section 203 of the Agricultural Trade Act of 1978 (7 U.S.C. 5623) if the aggregate amount of funds and value of commodities under the program exceeds $70,000,000.

SEC. 244. EXPORT ENHANCEMENT PROGRAM.

Effective October 1, 1995, section 301(e)(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5651(e)(1)) is amended to read as follows:

"(1) IN GENERAL.—The Commodity Credit Corporation shall make available to carry out the program established under this section not more than—

"(A) $350,000,000 for fiscal year 1996;

"(B) $350,000,000 for fiscal year 1997;

"(C) $500,000,000 for fiscal year 1998;

"(D) $550,000,000 for fiscal year 1999;

"(E) $579,000,000 for fiscal year 2000;

"(F) $478,000,000 for fiscal year 2001; and

"(G) $478,000,000 for fiscal year 2002.".

SEC. 245. ARRIVAL CERTIFICATION.

Section 401 of the Agricultural Trade Act of 1978 (7 U.S.C. 5662(a)) is amended by striking subsection (a) and inserting the following:

"(a) ARRIVAL CERTIFICATION.—With respect to a commodity provided, or for which financing or a credit guarantee or other assistance is made available, under a program authorized in section 201, 202, or 301, the Commodity Credit Corporation shall require the exporter of the commodity to maintain records of an official or customary commercial nature or other documents as the Secretary may require, and shall allow representatives of the Commodity Credit Corporation access to the records or documents as needed, to verify the arrival of the commodity in the country that was the intended destination of the commodity.".

SEC. 246. COMPLIANCE.

Section 402(a) of the Agricultural Trade Act of 1978 (7 U.S.C. 5662(a)) is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2).

SEC. 247. REGULATIONS.

Section 404 of the Agricultural Trade Act of 1978 (7 U.S.C. 5664) is repealed.

SEC. 248. TRADE COMPENSATION AND ASSISTANCE PROGRAMS.

Title IV of the Agricultural Trade Act of 1978 (7 U.S.C. 5661 et seq.) is amended by adding at the end the following:

"SEC. 417. TRADE COMPENSATION AND ASSISTANCE PROGRAMS.

"(a) IN GENERAL.—Notwithstanding any other law, if, after the effective date of this section, the President or any other member of the Executive branch causes exports from the United States to any country to be unilaterally suspended for reasons of national security or foreign policy, and if within 180 days after the date on which the suspension is imposed on United States exports no other country agrees to participate in the suspension, the Secretary shall carry out a trade compensation and assistance program in accordance with this section (referred to in this section as a 'program').

"(b) PROVISION OF FUNDS.—Under a program, the Secretary shall make available for each fiscal year funds of the Commodity Credit Corporation, in an amount calculated under subsection (c), to promote agricultural exports or provide agricultural commodities to developing countries, under any authorities available to the Secretary.

"(c) DETERMINATION OF AMOUNT OF FUNDS.—For each fiscal year of a program, the amount of funds made available under subsection (b) shall be equal to 90 percent of the average annual value of United States agricultural exports to the country with respect to which exports are suspended during the most recent 3 years prior to the suspension for which data are available.

"(d) DURATION OF PROGRAM.—

"(1) IN GENERAL.—For each suspension of exports for which a program is implemented under this section, funds shall be made available under subsection (b) for each fiscal year or part of a fiscal year for which the suspension is in effect, but not to exceed 2 fiscal years.

"(2) PARTIAL-YEAR EMBARGOES.—Regardless of whether an embargo is in effect for only part of a fiscal year, the full amount of funds as calculated under subsection (c) shall be made available under a program for the fiscal year. If the Secretary determines that making the required amount of funds available in a partial fiscal year is impracticable, the Secretary may make all or part of the funds required to be made available in the partial fiscal year available in the following fiscal year (in addition to any funds otherwise required under a program to be made available in the following fiscal year).".

SEC. 249. FOREIGN AGRICULTURAL SERVICE.

Section 503 of the Agricultural Trade Act of 1978 (7 U.S.C. 5693) is amended to read as follows:

"SEC. 503. ESTABLISHMENT OF THE FOREIGN AGRICULTURAL SERVICE.

"The Service shall assist the Secretary in carrying out the agricultural trade policy and international cooperation policy of the United States by—

"(1) acquiring information pertaining to agricultural trade;

"(2) carrying out market promotion and development activities;

"(3) providing agricultural technical assistance and training; and

"(4) carrying out the programs authorized under this Act, the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.), and other Acts.".

SEC. 250. REPORTS.

The first sentence of section 603 of the Agricultural Trade Act of 1978 (7 U.S.C. 5713) is amended by striking "The" and inserting "Subject to section 217 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6917), the".

Subtitle C—Miscellaneous

SEC. 251. REPORTING REQUIREMENTS RELATING TO TOBACCO.

Section 214 of the Tobacco Adjustment Act of 1983 (7 U.S.C. 509) is repealed.

SEC. 252. TRIGGERED EXPORT ENHANCEMENT.

(a) READJUSTMENT OF SUPPORT LEVELS.—Section 1302 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101–508; 7 U.S.C. 1421 note) is repealed.

(b) TRIGGERED MARKETING LOANS AND EXPORT ENHANCEMENT.—Section 4301 of the Omnibus Trade and Competitiveness Act of 1988

(Public Law 100–418; 7 U.S.C. 1446 note) is repealed.

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective beginning with the 1996 crops of wheat, feed grains, upland cotton, and rice.

SEC. 253. DISPOSITION OF COMMODITIES TO PREVENT WASTE.

Section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by inserting after the first sentence the following: "The Secretary may use funds of the Commodity Credit Corporation to cover administrative expenses of the programs.";

(B) in paragraph (7)(D)(iv), by striking "one year of acquisition" and all that follows and inserting the following: "a reasonable length of time, as determined by the Secretary, except that the Secretary may permit the use of proceeds in a country other than the country of origin—

"(I) as necessary to expedite the transportation of commodities and products furnished under this subsection; or

"(II) if the proceeds are generated in a currency generally accepted in the other country.";

(C) in paragraph (8), by striking subparagraph (C); and

(D) by striking paragraphs (10), (11), and (12); and

(2) by striking subsection (c).

SEC. 254. DIRECT SALES OF DAIRY PRODUCTS.

Section 106 of the Agriculture and Food Act of 1981 (7 U.S.C. 1446c-1) is repealed.

SEC. 255. EXPORT SALES OF DAIRY PRODUCTS.

Section 1163 of the Food Security Act of 1985 (Public Law 99–198; 7 U.S.C. 1731 note) is repealed.

SEC. 256. DEBT-FOR-HEALTH-AND-PROTECTION SWAP.

(a) IN GENERAL.—Section 1517 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1706) is repealed.

(b) CONFORMING AMENDMENT.—Subsection (e)(3) of the Food for Progress Act of 1985 (7 U.S.C. 1736o(e)(3)) is amended by striking "section 106" and inserting "section 103".

SEC. 257. POLICY ON EXPANSION OF INTERNATIONAL MARKETS.

Section 1207 of the Agriculture and Food Act of 1981 (7 U.S.C. 1736m) is repealed.

SEC. 258. POLICY ON MAINTENANCE AND DEVELOPMENT OF EXPORT MARKETS.

Section 1121 of the Food Security Act of 1985 (7 U.S.C. 1736p) is amended—

(1) by striking subsection (a); and

(2) in subsection (b)—

(A) by striking "(b)"; and

(B) by striking paragraphs (1) through (4) and inserting the following:

"(1) be the premier supplier of agricultural and food products to world markets and expand exports of high value products;

"(2) support the principle of free trade and the promotion of fair trade in agricultural commodities and products;

"(3) cooperate fully in all efforts to negotiate with foreign countries further reductions in tariff and nontariff barriers to trade, including sanitary and phytosanitary measures and trade-distorting subsidies;

"(4) aggressively counter unfair foreign trade practices as a means of encouraging fairer trade;".

SEC. 259. POLICY ON TRADE LIBERALIZATION.

Section 1122 of the Food Security Act of 1985 (7 U.S.C. 1736q) is repealed.

SEC. 260. AGRICULTURAL TRADE NEGOTIATIONS.

Section 1123 of the Food Security Act of 1985 (7 U.S.C. 1736r) is amended to read as follows:

"SEC. 1123. TRADE NEGOTIATIONS POLICY.

"(a) FINDINGS.—Congress finds that—

"(1) on a level playing field, United States producers are the most competitive suppliers of agricultural products in the world;

"(2) exports of United States agricultural products will account for $53,000,000,000 in 1995, contributing a net $24,000,000,000 to the merchandise trade balance of the United States and supporting approximately 1,000,000 jobs;

"(3) increased agricultural exports are critical to the future of the farm, rural, and overall United States economy, but the opportunities for increased agricultural exports are limited by the unfair subsidies of the competitors of the United States, and a variety of tariff and nontariff barriers to highly competitive United States agricultural products;

"(4) international negotiations can play a key role in breaking down barriers to United States agricultural exports;

"(5) the Uruguay Round Agreement on Agriculture made significant progress in the attainment of increased market access opportunities for United States exports of agricultural products, for the first time—

"(A) restraining foreign trade-distorting domestic support and export subsidy programs; and

"(B) developing common rules for the application of sanitary and phytosanitary restrictions;

that should result in increased exports of United States agricultural products, jobs, and income growth in the United States;

"(6) the Uruguay Round Agreement on Agriculture did not succeed in completely eliminating trade distorting domestic support and export subsidies by—

"(A) allowing the European Union to continue unreasonable levels of spending on export subsidies; and

"(B) failing to discipline monopolistic state trading entities, such as the Canadian Wheat Board, that use nontransparent and discriminatory pricing as a hidden de facto export subsidy;

"(7) during the period 1996 through 2002, there will be several opportunities for the United States to negotiate fairer trade in agricultural products, including further negotiations under the World Trade Organization, and steps toward possible free trade agreements of the Americas and Asian-Pacific Economic Cooperation (APEC); and

"(8) the United States should aggressively use these opportunities to achieve more open and fair opportunities for trade in agricultural products.

"(b) GOALS OF THE UNITED STATES IN AGRICULTURAL TRADE NEGOTIATIONS.—The objectives of the United States with respect to future negotiations on agricultural trade include—

"(1) increasing opportunities for United States exports of agricultural products by eliminating or substantially reducing tariff and nontariff barriers to trade;

"(2) leveling the playing field for United States producers of agricultural products by limiting per unit domestic production supports to levels that are no greater than those available in the United States;

"(3) ending the practice of export dumping by eliminating all trade distorting export subsidies and disciplining state trading entities so that they do not (except in cases of bona fide food aid) sell in foreign markets at below domestic market prices nor their full costs of acquiring and delivering agricultural products to the foreign markets; and

"(4) encouraging government policies that avoid price-depressing surpluses.".

SEC. 261. POLICY ON UNFAIR TRADE PRACTICES.

Section 1164 of the Food Security Act of 1985 (Public Law 99–198; 99 Stat. 1499) is repealed.

SEC. 262. AGRICULTURAL AID AND TRADE MISSIONS.

(a) IN GENERAL.—The Agricultural Aid and Trade Missions Act (7 U.S.C. 1736bb et seq.) is repealed.

(b) CONFORMING AMENDMENT.—Section 7 of Public Law 100–277 (7 U.S.C. 1736bb note) is repealed.

SEC. 263. ANNUAL REPORTS BY AGRICULTURAL ATTACHES.

Section 108(b)(1)(B) of the Agricultural Act of 1954 (7 U.S.C. 1748(b)(1)(B)) is amended by striking "including fruits, vegetables, legumes, popcorn, and ducks".

SEC. 264. WORLD LIVESTOCK MARKET PRICE INFORMATION.

Section 1545 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 7 U.S.C. 1761 note) is repealed.

SEC. 265. ORDERLY LIQUIDATION OF STOCKS.

Sections 201 and 207 of the Agricultural Act of 1956 (7 U.S.C. 1851 and 1857) are repealed.

SEC. 266. SALES OF EXTRA LONG STAPLE COTTON.

Section 202 of the Agricultural Act of 1956 (7 U.S.C. 1852) is repealed.

SEC. 267. REGULATIONS.

Section 707 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (Public Law 102–511; 7 U.S.C. 5621 note) is amended by striking subsection (d).

SEC. 268. EMERGING MARKETS.

(a) PROMOTION OF AGRICULTURAL EXPORTS TO EMERGING MARKETS.—

(1) EMERGING MARKETS.—Section 1542 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 7 U.S.C. 5622 note) is amended—

(A) in the section heading, by striking "**EMERGING DEMOCRACIES**" and inserting "**EMERGING MARKETS**";

(B) by striking "emerging democracies" each place it appears in subsections (b), (d), and (e) and inserting "emerging markets";

(C) by striking "emerging democracy" each place it appears in subsection (c) and inserting "emerging market"; and

(D) by striking subsection (f) and inserting the following:

"(f) EMERGING MARKET.—In this section and section 1543, the term 'emerging market' means any country that the Secretary determines—

"(1) is taking steps toward a market-oriented economy through the food, agriculture, or rural business sectors of the economy of the country; and

"(2) has the potential to provide a viable and significant market for United States agricultural commodities or products of United States agricultural commodities.".

(2) FUNDING.—Section 1542 of the Food, Agriculture, Conservation, and Trade Act of 1990 is amended by striking subsection (a) and inserting the following:

"(a) FUNDING.—The Commodity Credit Corporation shall make available for fiscal years 1996 through 2002 not less than $1,000,000,000 of direct credits or export credit guarantees for exports to emerging markets under section 201 or 202 of the Agricultural Trade Act of 1978 (7 U.S.C. 5621 and 5622), in addition to the amounts acquired or authorized under section 211 of the Act (7 U.S.C. 5641) for the program.".

(3) AGRICULTURAL FELLOWSHIP PROGRAM.—Section 1542 of the Food, Agriculture, Conservation, and Trade Act of 1990 is amended—

(A) in subsection (b), by striking the last sentence and inserting the following: "The Commodity Credit Corporation shall give priority under this subsection to—

"(A) projects that encourage the privatization of the agricultural sector or that benefit private farms or cooperatives in emerging markets; and

"(B) projects for which nongovernmental persons agree to assume a relatively larger share of the costs."; and

(B) in subsection (d)—

(i) in the matter preceding paragraph (1), by striking "the Soviet Union" and inserting "emerging markets";

(ii) in paragraph (1)—

(I) in subparagraph (A)(i)—

(aa) by striking "1995" and inserting "2002"; and

(bb) by striking "those systems, and identify" and inserting "the systems, including potential reductions in trade barriers, and identify and carry out";

(II) in subparagraph (B), by striking "shall" and inserting "may";

(III) in subparagraph (D), by inserting "(including the establishment of extension services)" after "technical assistance";

(IV) by striking subparagraph (F);

(V) by redesignating subparagraphs (G), (H), and (I) as subparagraphs (F), (G), and (H), respectively; and

(VI) in subparagraph (H) (as redesignated by subclause (V)), by striking "$10,000,000" and inserting "$20,000,000";

(iii) in paragraph (2)—

(I) by striking "the Soviet Union" each place it appears and inserting "emerging markets";

(II) in subparagraph (A), by striking "a free market food production and distribution system" and inserting "free market food production and distribution systems";

(III) in subparagraph (B)—

(aa) in clause (i), by striking "Government" and inserting "governments";

(bb) in clause (iii)(II), by striking "and" at the end;

(cc) in clause (iii)(III), by striking the period at the end and inserting "; and"; and

(dd) by adding at the end of clause (iii) the following:

"(IV) to provide for the exchange of administrators and faculty members from agricultural and other institutions to strengthen and revise educational programs in agricultural economics, agribusiness, and agrarian law, to support change towards a free market economy in emerging markets.";

(IV) by striking subparagraph (D); and

(V) by redesignating subparagraph (E) as subparagraph (D); and

(iv) by striking paragraph (3).

(4) UNITED STATES AGRICULTURAL COMMODITY.—Subsections (b) and (c) of section 1542 of the Food, Agriculture, Conservation, and Trade Act of 1990 are amended by striking "section 101(6)" each place it appears and inserting "section 102(7)".

(5) REPORT.—The first sentence of section 1542(e)(2) of the Food, Agriculture, Conservation, and Trade Act of 1990 is amended by striking "Not" and inserting "Subject to section 217 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6917), not".

(b) AGRICULTURAL FELLOWSHIP PROGRAM FOR MIDDLE INCOME COUNTRIES, EMERGING DEMOCRACIES, AND EMERGING MARKETS.—Section 1543 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 3293) is amended—

(1) in the section heading, by striking "**MIDDLE INCOME COUNTRIES AND EMERGING DEMOCRACIES**" and inserting "**MIDDLE INCOME COUNTRIES, EMERGING DEMOCRACIES, AND EMERGING MARKETS**";

(2) in subsection (b), by adding at the end the following:

"(5) EMERGING MARKET.—Any emerging market, as defined in section 1542(f)."; and

(3) in subsection (c)(1), by striking "food needs" and inserting "food and fiber needs".

(c) CONFORMING AMENDMENTS.—

(1) Section 501 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1737) is amended—

(A) in subsection (a), by striking "emerging democracies" and inserting "emerging markets"; and

(B) in subsection (b), by striking paragraph (1) and inserting the following:

"(1) EMERGING MARKET.—The term 'emerging market' means any country that the Secretary determines—

"(A) is taking steps toward a market-oriented economy through the food, agriculture, or rural business sectors of the economy of the country; and

"(B) has the potential to provide a viable and significant market for United States agricultural commodities or products of United States agricultural commodities.".

(2) Section 201(d)(1)(C)(ii) of the Agricultural Trade Act of 1978 (7 U.S.C. 5621(d)(1)(C)(ii)) is amended by striking "emerging democracies" and inserting "emerging markets".

(3) Section 202(d)(3)(B) of the Agricultural Trade Act of 1978 (7 U.S.C. 5622(d)(3)(B)) is amended by striking "emerging democracies" and inserting "emerging markets".

SEC. 269. IMPORT ASSISTANCE FOR CBI BENEFICIARY COUNTRIES AND THE PHILIPPINES.

Section 583 of Public Law 100–202 (101 Stat. 1329–182) is repealed.

SEC. 270. STUDIES, REPORTS, AND OTHER PROVISIONS.

(a) IN GENERAL.—Sections 1551 through 1555, section 1559, and section 1560 of subtitle E of title XV of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 104 Stat. 3696) are repealed.

(b) LANGUAGE PROFICIENCY.—Section 1556 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 7 U.S.C. 5694 note) is amended by striking subsection (c).

SEC. 271. IMPLEMENTATION OF COMMITMENTS UNDER URUGUAY ROUND AGREEMENTS.

Part III of subtitle A of title IV of the Uruguay Round Agreements Act (Public Law 103–465; 108 Stat. 4964) is amended by adding at the end the following:

"SEC. 427. IMPLEMENTATION OF COMMITMENTS UNDER URUGUAY ROUND AGREEMENTS.

"Not later than September 30 of each fiscal year, the Secretary of Agriculture shall determine whether the obligations undertaken by foreign countries under the Uruguay Round Agreement on Agriculture are being fully implemented. If the Secretary of Agriculture determines that any foreign country, by not implementing the obligations of the country, is significantly constraining an opportunity for United States agricultural exports, the Secretary shall—

"(1) submit to the United States Trade Representative a recommendation as to whether the President should take action under any provision of law; and

"(2) transmit a copy of the recommendation to the Committee on Agriculture, and the Committee on Ways and Means, of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Finance, of the Senate.".

SEC. 272. SENSE OF CONGRESS CONCERNING MULTILATERAL DISCIPLINES ON CREDIT GUARANTEES.

It is the sense of Congress that—

(1) in negotiations to establish multilateral disciplines on agricultural export credits and credit guarantees, the United States should not agree to any arrangement that is incompatible with the provisions of United States law that authorize agricultural export credits and credit guarantees;

(2) in the negotiations (which are held under the auspices of the Organization for Economic Cooperation and Development), the United States should not reach any agreement that fails to impose disciplines on the practices of foreign government trading entities such as the Australian Wheat Board and Canadian Wheat Board; and

(3) the disciplines should include greater openness in the operations of the entities as long as the entities are subsidized by the foreign government or have monopolies for exports of a commodity that are sanctioned by the foreign government.

SEC. 273. FOREIGN MARKET DEVELOPMENT COOPERATOR PROGRAM.

The Agricultural Trade Act of 1978 (7 U.S.C. 5601 et seq.) is amended by adding at the end the following:

"TITLE VII—FOREIGN MARKET DEVELOPMENT COOPERATOR PROGRAM

"SEC. 701. DEFINITION OF ELIGIBLE TRADE ORGANIZATION.

"In this title, the term 'eligible trade organization' means a United States trade organization that—

"(1) promotes the export of 1 or more United States agricultural commodities or products; and

"(2) does not have a business interest in or receive remuneration from specific sales of agricultural commodities or products.

"SEC. 702. FOREIGN MARKET DEVELOPMENT COOPERATOR PROGRAM.

"(a) IN GENERAL.—The Secretary shall establish and, in cooperation with eligible trade organizations, carry out a foreign market development cooperator program to maintain and develop foreign markets for United States agricultural commodities and products.

"(b) ADMINISTRATION.—Funds made available to carry out this title shall be used only to provide—

"(1) cost-share assistance to an eligible trade organization under a contract or agreement with the organization; and

"(2) assistance for other costs that are necessary or appropriate to carry out the foreign market development cooperator program, including contingent liabilities that are not otherwise funded.

"SEC. 703. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title such sums as may be necessary for each of fiscal years 1996 through 2002.".

SEC. 274. PRICE SUPPORT FOR RICE.

Section 101 of the Agricultural Act of 1949 is amended by adding a subsection (e) that reads as follows:

"(e) RICE.—The Secretary shall make available to producers of each crop of rice on a farm price support at a level that is not less than 50%, or more than 90% of the parity price for rice as the Secretary determines will not result in increasing stocks of rice to the Commodity Credit Corporation.".

TITLE III—CONSERVATION

Subtitle A—Definitions

SEC. 301. DEFINITIONS.

Section 1201(a) of the Food Security Act of 1985 (16 U.S.C. 3801(a)) is amended—

(1) by redesignating paragraphs (3) through (16) as paragraphs (4) through (17), respectively; and

(2) by inserting after paragraph (2) the following:

"(3) CONSERVATION SYSTEM.—The term 'conservation system' means the conservation measures and practices that are approved for application by a producer to a highly erodible field and that provide for cost effective and practical erosion reduction on the field based on local resource conditions and standards contained in the Natural Resources Conservation Service field office technical guide.".

Subtitle B—Environmental Conservation Acreage Reserve Program

SEC. 311. ENVIRONMENTAL CONSERVATION ACREAGE RESERVE PROGRAM.

Section 1230 of the Food Security Act of 1985 (16 U.S.C. 3830) is amended to read as follows:

"SEC. 1230. ENVIRONMENTAL CONSERVATION ACREAGE RESERVE PROGRAM.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—During the 1996 through 2002 calendar years, the Secretary shall establish an environmental conservation acreage reserve program (referred to in this section as 'ECARP') to be implemented through contracts and the acquisition of easements to assist owners and operators of farms and ranches to conserve and enhance soil, water, and related natural resources, including grazing land, wetland, and wildlife habitat.

"(2) MEANS.—The Secretary shall carry out the ECARP by—

"(A) providing for the long-term protection of environmentally sensitive land; and

"(B) providing technical and financial assistance to farmers and ranchers to—

"(i) improve the management and operation of the farms and ranches; and

"(ii) reconcile productivity and profitability with protection and enhancement of the environment.

"(3) PROGRAMS.—The ECARP shall consist of—

"(A) the conservation reserve program established under subchapter B;

"(B) the wetlands reserve program established under subchapter C;

"(C) the environmental quality incentives program established under chapter 4; and

"(D) a farmland protection program under which the Secretary shall use funds of the Commodity Credit Corporation for the purchase of conservation easements or other interests in not less than 170,000, nor more than 340,000, acres of land with prime, unique, or other productive soil that is subject to a pending offer from a State or local government for the purpose of protecting topsoil by limiting nonagricultural uses of the land, except that any highly erodible cropland shall be subject to the requirements of a conservation plan, including, if required by the Secretary, the conversion of the land to less intensive uses. In no case shall total expenditures of funding from the Commodity Credit Corporation exceed a total of $35,000,000 over the first 3 and subsequent fiscal years.

"(b) ADMINISTRATION.—

"(1) IN GENERAL.—In carrying out the ECARP, the Secretary shall enter into contracts with owners and operators and acquire interests in land through easements from owners, as provided in this chapter and chapter 4.

"(2) PRIOR ENROLLMENTS.—Acreage enrolled in the conservation reserve or wetlands reserve program prior to the effective date of this paragraph shall be considered to be placed into the ECARP.

"(c) CONSERVATION PRIORITY AREAS.—

"(1) DESIGNATION.—

"(A) IN GENERAL.—The Secretary shall designate watersheds or regions of special environmental sensitivity, including the Chesapeake Bay Region (consisting of Pennsylvania, Maryland, and Virginia), the Great Lakes Region, the Rainwater Basin Region, the Lake Champlain Basin, the Prairie Pothole Region, and the Long Island Sound Region, as conservation priority areas that are eligible for enhanced assistance through the programs established under this chapter and chapter 4.

"(B) APPLICATION.—A designation shall be made under this paragraph if agricultural practices on land within the watershed or region pose a significant threat to soil, water, and related natural resources, as determined by the Secretary, and an application is made by—

"(i) a State agency in consultation with the State technical committee established under section 1261; or

"(ii) State agencies from several States that agree to form an interstate conservation priority area.

"(C) ASSISTANCE.—The Secretary shall designate a watershed or region of special environmental sensitivity as a conservation priority area to assist, to the maximum extent practicable, agricultural producers within the watershed or region to comply with nonpoint source pollution requirements under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) and other Federal and State environmental laws.

"(2) APPLICABILITY.—The Secretary shall designate a watershed or region of special environmental sensitivity as a conservation priority area in a manner that conforms, to the maximum extent practicable, to the functions and purposes of the conservation reserve, wetlands reserve, and environmental quality incentives programs, as applicable, if participation in the program or programs is likely to result in the resolution or amelioration of significant soil, water, and related natural resource problems related to agricultural production activities within the watershed or region.

"(3) TERMINATION.—A conservation priority area designation shall terminate on the date that is 5 years after the date of the designation, except that the Secretary may—

"(A) redesignate the area as a conservation priority area; or

"(B) withdraw the designation of a watershed or region if the Secretary determines the area is no longer affected by significant soil,water, and related natural resource impacts related to agricultural production activities.".

SEC. 312. CONSERVATION RESERVE PROGRAM.

(a) IN GENERAL.—Section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) is amended—

(1) by striking "1995" each place it appears and inserting "2002"; and

(2) in subsection (d), by striking "38,000,000" and inserting "36,520,000".

(b) DUTIES OF OWNERS AND OPERATORS.—Section 1232(c) of the Food Security Act of 1985 (16 U.S.C. 3832(c)) is amended by striking "1995" and inserting "2002".

(c) RELATIONSHIP TO OTHER LAW.—The authority granted to the Secretary of Agriculture as a result of the amendments made by this section shall supersede any restriction on the operation of the conservation reserve program established under any other provision of law.

SEC. 313. WETLANDS RESERVE PROGRAM.

(a) PURPOSES.—Section 1237(a) of the Food Security Act of 1985 (16 U.S.C. 3837(a)) is amended by striking "to assist owners of eligible lands in restoring and protecting wetlands" and inserting "to protect wetlands for purposes of enhancing water quality and providing wildlife benefits while recognizing landowner rights".

(b) ENROLLMENT.—Section 1237 of the Food Security Act of 1985 (16 U.S.C. 3837) is amended by striking subsection (b) and inserting the following:

"(b) MINIMUM ENROLLMENT.—The Secretary shall enroll into the wetlands reserve program—

"(1) during the 1996 through 2002 calendar years, a total of not more than 975,000 acres; and

"(2) beginning with offers accepted by the Secretary during calendar year 1997, to the maximum extent practicable, ⅓ of the acres in permanent easements, ⅓ of the acres in 30-year easements, and ⅓ of the acres in restoration cost-share agreements.".

(c) ELIGIBILITY.—Section 1237(c) of the Food Security Act of 1985 (16 U.S.C. 3837(c)) is amended—

(1) by striking "2000" and inserting "2002"; and

(2) by inserting "the land maximizes wildlife benefits and wetland values and functions and" after "determines that".

(d) OTHER ELIGIBLE LANDS.—Section 1237(d) (16 U.S.C. 3837(d)) is amended by inserting after "subsection (c)" the following ", land that maximizes wildlife benefits and that is".

(e) EASEMENTS.—Section 1237A of the Food Security Act of 1985 (16 U.S.C. 3837a) is amended—

(1) in the section heading, by inserting before the period at the end the following: "**AND AGREEMENTS**";

(2) by striking subsection (c) and inserting the following:

"(c) RESTORATION PLANS.—The development of a restoration plan, including any compatible use, under this section shall be made through the local Natural Resources Conservation Service representative, in consultation with the State technical committee.";

(3) in subsection (f), by striking the third sentence and inserting the following: "Compensation may be provided in not less than 5, nor more than 30, annual payments of equal or unequal size, as agreed to by the owner and the Secretary."; and

(4) by adding at the end the following:

"(h) COST SHARE AGREEMENTS.—The Secretary may enroll land into the wetland reserve through agreements that require the landowner to restore wetlands on the land, if the agreement does not provide the Secretary with an easement.".

(f) COST SHARE AND TECHNICAL ASSISTANCE.—Section 1237C of the Food Security Act of 1985 (16 U.S.C. 3837c) is amended by striking subsection (b) and inserting the following:

"(b) COST SHARE AND TECHNICAL ASSISTANCE.—In the case of an easement entered into during the 1996 through 2002 calendar years, in making cost share payments under subsection (a)(1), the Secretary shall—

"(1) in the case of a permanent easement, pay the owner an amount that is not less than 75 percent, but not more than 100 percent, of the eligible costs;

"(2) in the case of a 30-year easement or a cost-share agreement, pay the owner an amount that is not less than 50 percent, but not more than 75 percent, of the eligible costs; and

"(3) provide owners technical assistance to assist landowners in complying with the terms of easements and agreements.".

SEC. 314. ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.

Subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3830 et seq.) is amended by adding at the end the following:

"CHAPTER 4—ENVIRONMENTAL QUALITY INCENTIVES PROGRAM

"SEC. 1238. FINDINGS AND PURPOSES.

"(a) Findings.—Congress finds that—

"(1) farmers and ranchers cumulatively manage more than ½ of the private lands in the continental United States;

"(2) because of the predominance of agriculture, the soil, water, and related natural resources of the United States cannot be protected without cooperative relationships between the Federal Government and farmers and ranchers;

"(3) farmers and ranchers have made tremendous progress in protecting the environment and the agricultural resource base of the United States over the past decade because of not only Federal Government programs but also their spirit of stewardship and the adoption of effective technologies;

"(4) it is in the interest of the entire United States that farmers and ranchers continue to strive to preserve soil resources and make more efforts to protect water quality and wildlife habitat, and address other broad environmental concerns;

"(5) environmental strategies that stress the prudent management of resources, as opposed to idling land, will permit the maximum economic opportunities for farmers and ranchers in the future;

"(6) unnecessary bureaucratic and paperwork barriers associated with existing agricultural conservation assistance programs decrease the potential effectiveness of the programs; and

"(7) the recent trend of Federal spending on agricultural conservation programs suggests that assistance to farmers and ranchers in future years will, absent changes in policy, dwindle to perilously low levels.

"(b) Purposes.—The purposes of the environmental quality incentives program established by this chapter are to—

"(1) combine into a single program the functions of—

"(A) the agricultural conservation program authorized by sections 7 and 8 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590g and 590h) (as in effect before the amendments made by section 355(a)(1) of the Agricultural Reform and Improvement Act of 1996);

"(B) the Great Plains conservation program established under section 16(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590p(b)) (as in effect before the amendment made by section 355(b)(1) of the Agricultural Reform and Improvement Act of 1996); and

"(C) the water quality incentives program established under chapter 2 (as in effect before the amendment made by section 355(k) of the Agricultural Reform and Improvement Act of 1996); and

"(D) the Colorado River Basin salinity control program established under section 202(c) of the Colorado River Basin Salinity Control Act (43 U.S.C. 1592(c)) (as in effect before the amendment made by section 355(c)(1) of the Agricultural Reform and Improvement Act of 1996); and

"(2) carry out the single program in a manner that maximizes environmental benefits per dollar expended, and that provides—

"(A) flexible technical and financial assistance to farmers and ranchers that face the most serious threats to soil, water, and related natural resources, including grazing lands, wetlands, and wildlife habitat;

"(B) assistance to farmers and ranchers in complying with this title and Federal and State environmental laws, and to encourage environmental enhancement;

"(C) assistance to farmers and ranchers in making beneficial, cost-effective changes to cropping systems, grazing management, manure, nutrient, pest, or irrigation management, land uses, or other measures needed to conserve and improve soil, water, and related natural resources; and

"(D) for the consolidation and simplification of the conservation planning process to reduce administrative burdens on the owners and operators of farms and ranches.

"SEC. 1238A. DEFINITIONS.

"In this chapter:

"(1) Land management practice.—The term 'land management practice' means nutrient or manure management, integrated pest management, irrigation management, tillage or residue management, grazing management, or another land management practice the Secretary determines is needed to protect soil, water, or related resources in the most cost effective manner.

"(2) Large confined livestock operation.—The term 'large confined livestock operation' means a farm or ranch that—

"(A) is a confined animal feeding operation; and

"(B) has more than—

"(i) 700 mature dairy cattle;

"(ii) 1,000 beef cattle;

"(iii) 100,000 laying hens or broilers;

"(iv) 55,000 turkeys;

"(v) 2,500 swine; or

"(vi) 10,000 sheep or lambs.

"(3) Livestock.—The term 'livestock' means mature dairy cows, beef cattle, laying hens, broilers, turkeys, swine, sheep, or lambs.

"(4) Operator.—The term 'operator' means a person who is engaged in crop or livestock production (as defined by the Secretary).

"(5) Structural practice.—The term 'structural practice' means the establishment of an animal waste management facility, terrace, grassed waterway, contour grass strip, filterstrip, permanent wildlife habitat, or another structural practice that the Secretary determines is needed to protect soil, water, or related resources in the most cost effective manner.

"SEC. 1238B. ESTABLISHMENT AND ADMINISTRATION OF ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.

"(a) Establishment.—

"(1) In general.—During the 1996 through 2002 fiscal years, the Secretary shall provide technical assistance, cost-sharing payments, and incentive payments, education to operators, who enter into contracts with the Secretary, through an environmental quality incentives program in accordance with this chapter.

"(2) Eligible practices.—

"(A) Structural practices.—An operator who implements a structural practice shall be eligible for technical assistance or cost-sharing payments, education or both.

"(B) Land management practices.—An operator who performs a land management practice shall be eligible for technical assistance or incentive payments, education or both.

"(b) Application and term.—A contract between an operator and the Secretary under this chapter may—

"(1) apply to 1 or more structural practices or 1 or more land management practices, or both; and

"(2) have a term of not less than 5, nor more than 10, years, as determined appropriate by the Secretary, depending on the practice or practices that are the basis of the contract.

"(c) Structural practices.—

"(1) Competitive offer.—The Secretary shall administer a competitive offer system for operators proposing to receive cost-sharing payments in exchange for the implementation of 1 or more structural practices by the operator. The competitive offer system shall consist of—

"(A) the submission of a competitive offer by the operator in such manner as the Secretary may prescribe; and

"(B) evaluation of the offer in light of the priorities established in section 1238C and the projected cost of the proposal, as determined by the Secretary.

"(2) Concurrence of owner.—If the operator making an offer to implement a structural practice is a tenant of the land involved in agricultural production, for the offer to be acceptable, the operator shall obtain the concurrence of the owner of the land with respect to the offer.

"(d) Land management practices.—The Secretary shall establish an application and evaluation process for awarding technical assistance or incentive payments, or both, to an operator in exchange for the performance of 1 or more land management practices by the operator.

"(e) Cost-sharing and incentive payments.—

"(1) Cost-sharing payments.—

"(A) In general.—The Federal share of cost-sharing payments to an operator proposing to implement 1 or more structural practices shall not be more than 75 percent of the projected cost of the practice, as determined by the Secretary, taking into consideration any payment received by the operator from a State or local government.

"(B) Limitation.—An operator of a large confined livestock operation shall not be eligible for cost-sharing payments to construct an animal waste management facility.

"(C) Other payments.—An operator shall not be eligible for cost-sharing payments for structural practices on eligible land under this chapter if the operator receives cost-sharing payments or other benefits for the same land under chapter 1 or 3.

"(2) Incentive payments.—The Secretary shall make incentive payments in an amount and at a rate determined by the Secretary to be necessary to encourage an operator to perform 1 or more land management practices.

"(f) Technical assistance.—

"(1) Funding.—The Secretary shall allocate funding under this chapter for the provision of technical assistance according to the purpose and projected cost for which the technical assistance is provided in a fiscal year. The allocated amount may vary according to the type of expertise required, quantity of time involved, and other factors as determined appropriate by the Secretary. Funding shall not exceed the projected cost to the Secretary of the technical assistance provided in a fiscal year.

"(2) Other authorities.—The receipt of technical assistance under this chapter shall not affect the eligibility of the operator to receive technical assistance under other authorities of law available to the Secretary.

"(g) MODIFICATION OR TERMINATION OF CONTRACTS.—

"(1) VOLUNTARY MODIFICATION OR TERMINATION.—The Secretary may modify or terminate a contract entered into with an operator under this chapter if—

"(A) the operator agrees to the modification or termination; and

"(B) the Secretary determines that the modification or termination is in the public interest.

"(2) INVOLUNTARY TERMINATION.—The Secretary may terminate a contract under this chapter if the Secretary determines that the operator violated the contract.

"(h) NON-FEDERAL ASSISTANCE.—

"(1) IN GENERAL.—The Secretary may request the services of a State water quality agency, State fish and wildlife agency, State forestry agency, or any other governmental or private resource considered appropriate to assist in providing the technical assistance necessary for the development and implementation of a structural practice or land management practice.

"(2) LIMITATION ON LIABILITY.—No person shall be permitted to bring or pursue any claim or action against any official or entity based on or resulting from any technical assistance provided to an operator under this chapter to assist in complying with a Federal or State environmental law.

"SEC. 1238C. EVALUATION OF OFFERS AND PAYMENTS.

"(a) REGIONAL PRIORITIES.—The Secretary shall provide technical assistance, cost-sharing payments, and incentive payments to operators in a region, watershed, or conservation priority area under this chapter based on the significance of the soil, water, and related natural resource problems in the region, watershed, or area, and the structural practices or land management practices that best address the problems, as determined by the Secretary.

"(b) MAXIMIZATION OF ENVIRONMENTAL BENEFITS.—

"(1) IN GENERAL.—In providing technical assistance, cost-sharing payments, and incentive payments to operators in regions, watersheds, or conservation priority areas under this chapter, the Secretary shall accord a higher priority to assistance and payments that maximize environmental benefits per dollar expended.

"(2) NATIONAL AND REGIONAL PRIORITY.—The prioritization shall be done nationally as well as within the conservation priority area, region, or watershed in which an agricultural operation is located.

"(3) CRITERIA.—To carry out this subsection, the Secretary shall establish criteria for implementing structural practices and land management practices that best achieve conservation goals for a region, watershed, or conservation priority area, as determined by the Secretary.

"(c) STATE OR LOCAL CONTRIBUTIONS.—The Secretary shall accord a higher priority to operators whose agricultural operations are located within watersheds, regions, or conservation priority areas in which State or local governments have provided, or will provide, financial or technical assistance to the operators for the same conservation or environmental purposes.

"(d) PRIORITY LANDS.—The Secretary shall accord a higher priority to structural practices or land management practices on lands on which agricultural production has been determined to contribute to, or create, the potential for failure to meet applicable water quality standards or other environmental objectives of a Federal or State law.

"SEC. 1238D. DUTIES OF OPERATORS.

"To receive technical assistance, cost-sharing payments, or incentives payments under this chapter, an operator shall agree—

"(1) to implement an environmental quality incentives program plan that describes conservation and environmental goals to be achieved through a structural practice or land management practice, or both, that is approved by the Secretary;

"(2) not to conduct any practices on the farm or ranch that would tend to defeat the purposes of this chapter;

"(3) on the violation of a term or condition of the contract at any time the operator has control of the land, to refund any cost-sharing or incentive payment received with interest, and forfeit any future payments under this chapter, as determined by the Secretary;

"(4) on the transfer of the right and interest of the operator in land subject to the contract, unless the transferee of the right and interest agrees with the Secretary to assume all obligations of the contract, to refund all cost-sharing payments and incentive payments received under this chapter, as determined by the Secretary;

"(5) to supply information as required by the Secretary to determine compliance with the environmental quality incentives program plan and requirements of the program; and

"(6) to comply with such additional provisions as the Secretary determines are necessary to carry out the environmental quality incentives program plan.

"SEC. 1238E. ENVIRONMENTAL QUALITY INCENTIVES PROGRAM PLAN.

"An environmental quality incentives program plan shall include (as determined by the Secretary)—

"(1) a description of the prevailing farm or ranch enterprises, cropping patterns, grazing management, cultural practices, or other information that may be relevant to conserving and enhancing soil, water, and related natural resources;

"(2) a description of relevant farm or ranch resources, including soil characteristics, rangeland types and condition, proximity to water bodies, wildlife habitat, or other relevant characteristics of the farm or ranch related to the conservation and environmental objectives set forth in the plan;

"(3) a description of specific conservation and environmental objectives to be achieved;

"(4) to the extent practicable, specific, quantitative goals for achieving the conservation and environmental objectives;

"(5) a description of 1 or more structural practices or 1 or more land management practices, or both, to be implemented to achieve the conservation and environmental objectives;

"(6) a description of the timing and sequence for implementing the structural practices or land management practices, or both, that will assist the operator in complying with Federal and State environmental laws; and

"(7) information that will enable evaluation of the effectiveness of the plan in achieving the conservation and environmental objectives, and that will enable evaluation of the degree to which the plan has been implemented.

"(8) Not withstanding any provision of law, the Secretary shall ensure that the process of writing, developing, and assisting in the implementation of plans required in the programs established under this title be open to individuals in agribusiness including but not limited to agricultural producers, representatives from agricultural cooperatives, agricultural input retail dealers, and certified crop advisers. This process shall be included in but not limited to programs and plans established under this title and any other Department program using incentive, technical assistance, cost-share or pilot project programs that require plans.

"SEC. 1238F. DUTIES OF THE SECRETARY.

"To the extent appropriate, the Secretary shall assist an operator in achieving the conservation and environmental goals of an environmental quality incentives program plan by—

"(1) providing an eligibility assessment of the farming or ranching operation of the operator as a basis for developing the plan;

"(2) providing technical assistance in developing and implementing the plan;

"(3) providing technical assistance, cost-sharing payments, or incentive payments for developing and implementing 1 or more structural practices or 1 or more land management practices, as appropriate;

"(4) providing the operator with information, education, and training to aid in implementation of the plan; and

"(5) encouraging the operator to obtain technical assistance, cost-sharing payments, or grants from other Federal, State, local, or private sources.

"SEC. 1238G. ELIGIBLE LANDS.

"Agricultural land on which a structural practice or land management practice, or both, shall be eligible for technical assistance, cost-sharing payments, or incentive payments under this chapter include—

"(1) agricultural land (including cropland, rangeland, pasture, and other land on which crops or livestock are produced) that the Secretary determines poses a serious threat to soil, water, or related resources by reason of the soil types, terrain, climatic, soil, topographic, flood, or saline characteristics, or other factors or natural hazards;

"(2) an area that is considered to be critical agricultural land on which either crop or livestock production is carried out, as identified in a plan submitted by the State under section 319 of the Federal Water Pollution Control Act (33 U.S.C. 1329) as having priority problems that result from an agricultural nonpoint source of pollution;

"(3) an area recommended by a State lead agency for protection of soil, water, and related resources, as designated by a Governor of a State; and

"(4) land that is not located within a designated or approved area, but that if permitted to continue to be operated under existing management practices, would defeat the purpose of the environmental quality incentives program, as determined by the Secretary.

"SEC. 1238H. LIMITATIONS ON PAYMENTS.

"(a) PAYMENTS.—The total amount of cost-sharing and incentive payments paid to a person under this chapter may not exceed—

"(1) $10,000 for any fiscal year; or

"(2) $50,000 for any multiyear contract.

"(b) REGULATIONS.—The Secretary shall issue regulations that are consistent with section 1001 for the purpose of—

"(1) defining the term 'person' as used in subsection (a); and

"(2) prescribing such rules as the Secretary determines necessary to ensure a fair and reasonable application of the limitations contained in subsection (a).".

Subtitle C—Conservation Funding

SEC. 321. CONSERVATION FUNDING.

(a) IN GENERAL.—Subtitle E of title XII of the Food Security Act of 1985 (16 U.S.C. 3841 et seq.) is amended to read as follows:

"Subtitle E—Funding

"SEC. 1241. FUNDING.

"(a) MANDATORY EXPENSES.—For each of fiscal years 1996 through 2002, the Secretary shall use the funds of the Commodity Credit Corporation to carry out the programs authorized by—

"(1) subchapter B of chapter 1 of subtitle D (including contracts extended by the Secretary pursuant to section 1437 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 16 U.S.C. 3831 note));

"(2) subchapter C of chapter 1 of subtitle D; and

"(3) chapter 4 of subtitle D.

"(b) ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.—

"(1) IN GENERAL.—For each of fiscal years 1996 through 2002, $200,000,000 of the funds of the Commodity Credit Corporation shall be available for providing technical assistance, cost-sharing payments, and incentive payments under the environmental quality incentives program under chapter 4 of subtitle D.

"(2) LIVESTOCK PRODUCTION.—For each of fiscal years 1996 through 2002, 50 percent of the funding available for technical assistance, cost-sharing payments, and incentive payments under the environmental quality incentives program shall be targeted at practices relating to livestock production.

"(c) ADVANCE APPROPRIATIONS TO CCC.—The Secretary may use the funds of the Commodity Credit Corporation to carry out chapter 3 of subtitle D, except that the Secretary may not use the funds of the Corporation unless the Corporation has received funds to cover the expenditures from appropriations made available to carry out chapter 3 of subtitle D.

"SEC. 1242. ADMINISTRATION.

"(a) PLANS.—The Secretary shall, to the extent practicable, avoid duplication in—

"(1) the conservation plans required for—

"(A) highly erodible land conservation under subtitle B;

"(B) the conservation reserve program established under subchapter B of chapter 1 of subtitle D; and

"(C) the wetlands reserve program established under subchapter C of chapter 1 of subtitle D; and

"(2) the environmental quality incentives program established under chapter 4 of subtitle D.

"(b) ACREAGE LIMITATION.—

"(1) IN GENERAL.—The Secretary shall not enroll more than 25 percent of the cropland in any county in the programs administered under the conservation reserve and wetlands reserve programs established under subchapters B and C, respectively, of chapter 1 of subtitle D. Not more than 10 percent of the cropland in a county may be subject to an easement acquired under the subchapters.

"(2) EXCEPTION.—The Secretary may exceed the limitations in paragraph (1) if the Secretary determines that—

"(A) the action would not adversely affect the local economy of a county; and

"(B) operators in the county are having difficulties complying with conservation plans implemented under section 1212.

"(3) SHELTERBELTS AND WINDBREAKS.—The limitations established under this subsection shall not apply to cropland that is subject to an easement under chapter 1 or 3 of subtitle D that is used for the establishment of shelterbelts and windbreaks.

"(c) TENANT PROTECTION.—Except for a person who is a tenant on land that is subject to a conservation reserve contract that has been extended by the Secretary, the Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers, including provision for sharing, on a fair and equitable basis, in payments under the programs established under subtitles B through D.

"(d) REGULATIONS.—Not later than 90 days after the effective date of this subsection, the Secretary shall issue regulations to implement the conservation reserve and wetlands reserve programs established under chapter 1 of subtitle D.".

Subtitle D—National Natural Resources Conservation Foundation

SEC. 331. SHORT TITLE.

This subtitle may be cited as the "National Natural Resources Conservation Foundation Act".

SEC. 332. DEFINITIONS.

In this subtitle (unless the context otherwise requires):

(1) BOARD.—The term "Board" means the Board of Trustees established under section 334.

(2) DEPARTMENT.—The term "Department" means the United States Department of Agriculture.

(3) FOUNDATION.—The term "Foundation" means the National Natural Resources Conservation Foundation established by section 333(a).

(4) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

SEC. 333. NATIONAL NATURAL RESOURCES CONSERVATION FOUNDATION.

(a) ESTABLISHMENT.—A National Natural Resources Conservation Foundation is established as a charitable and nonprofit corporation for charitable, scientific, and educational purposes specified in subsection (b). The Foundation is not an agency or instrumentality of the United States.

(b) PURPOSES.—The purposes of the Foundation are to—

(1) promote innovative solutions to the problems associated with the conservation of natural resources on private lands, particularly with respect to agriculture and soil and water conservation;

(2) promote voluntary partnerships between government and private interests in the conservation of natural resources;

(3) conduct research and undertake educational activities, conduct and support demonstration projects, and make grants to State and local agencies and nonprofit organizations;

(4) provide such other leadership and support as may be necessary to address conservation challenges, such as the prevention of excessive soil erosion, enhancement of soil and water quality, and the protection of wetlands, wildlife habitat, and strategically important farmland subject to urban conversion and fragmentation;

(5) encourage, accept, and administer private gifts of money and real and personal property for the benefit of, or in connection with, the conservation and related activities and services of the Department, particularly the Natural Resources Conservation Service;

(6) undertake, conduct, and encourage educational, technical, and other assistance, and other activities, that support the conservation and related programs administered by the Department (other than activities carried out on National Forest System lands), particularly the Natural Resources Conservation Service, except that the Foundation may not enforce or administer a regulation of the Department; and

(7) raise private funds to promote the purposes of the Foundation.

(c) LIMITATIONS AND CONFLICTS OF INTERESTS.—

(1) POLITICAL ACTIVITIES.—The Foundation shall not participate or intervene in a political campaign on behalf of any candidate for public office.

(2) CONFLICTS OF INTEREST.—No director, officer, or employee of the Foundation shall participate, directly or indirectly, in the consideration or determination of any question before the Foundation affecting—

(A) the financial interests of the director, officer, or employee; or

(B) the interests of any corporation, partnership, entity, organization, or other person in which the director, officer, or employee—

(i) is an officer, director, or trustee; or

(ii) has any direct or indirect financial interest.

(3) LEGISLATION OR GOVERNMENT ACTION OR POLICY.—No funds of the Foundation may be used in any manner for the purpose of influencing legislation or government action or policy.

(4) LITIGATION.—No funds of the Foundation may be used to bring or join an action against the United States or any State.

SEC. 334. COMPOSITION AND OPERATION.

(a) COMPOSITION.—The Foundation shall be administered by a Board of Trustees that shall consist of 9 voting members, each of whom shall be a United States citizen and not a Federal officer. The Board shall be composed of—

(1) individuals with expertise in agricultural conservation policy matters;

(2) a representative of private sector organizations with a demonstrable interest in natural resources conservation;

(3) a representative of statewide conservation organizations;

(4) a representative of soil and water conservation districts;

(5) a representative of organizations outside the Federal Government that are dedicated to natural resources conservation education; and

(6) a farmer or rancher.

(b) NONGOVERNMENTAL EMPLOYEES.—Service as a member of the Board shall not constitute employment by, or the holding of, an office of the United States for the purposes of any Federal law.

(c) MEMBERSHIP.—

(1) INITIAL MEMBERS.—The Secretary shall appoint 9 persons who meet the criteria established under subsection (a) as the initial members of the Board and designate 1 of the members as the initial chairperson for a 2-year term.

(2) TERMS OF OFFICE.—

(A) IN GENERAL.—A member of the Board shall serve for a term of 3 years, except that the members appointed to the initial Board shall serve, proportionately, for terms of 1, 2, and 3 years, as determined by the Secretary.

(B) LIMITATION ON TERMS.—No individual may serve more than 2 consecutive 3-year terms as a member.

(3) SUBSEQUENT MEMBERS.—The initial members of the Board shall adopt procedures in the constitution of the Foundation for the nomination and selection of subsequent members of the Board. The procedures shall require that each member, at a minimum, meets the criteria established under subsection (a) and shall provide for the selection of an individual, who is not a Federal officer or a member of the Board.

(d) CHAIRPERSON.—After the appointment of an initial chairperson under subsection (c)(1), each succeeding chairperson of the Board shall be elected by the members of the Board for a 2-year term.

(e) VACANCIES.—A vacancy on the Board shall be filled by the Board not later than 60 days after the occurrence of the vacancy.

(f) COMPENSATION.—A member of the Board shall receive no compensation from the Foundation for the service of the member on the Board.

(g) TRAVEL EXPENSES.—While away from the home or regular place of business of a member of the Board in the performance of services for the Board, the member shall be allowed travel expenses paid by the Foundation, including per diem in lieu of subsistence, at the same rate as a person employed intermittently in the Government service would be allowed under section 5703 of title 5, United States Code.

SEC. 335. OFFICERS AND EMPLOYEES.

(a) IN GENERAL.—The Board may—

(1) appoint, hire, and discharge the officers and employees of the Foundation, other than the appointment of the initial Executive Director of the Foundation;

(2) adopt a constitution and bylaws for the Foundation that are consistent with the purposes of the Foundation and this subtitle; and

(3) undertake any other activities that may be necessary to carry out this subtitle.

(b) OFFICERS AND EMPLOYEES.—

(1) APPOINTMENT AND HIRING.—An officer or employee of the Foundation—

(A) shall not, by virtue of the appointment or employment of the officer or employee, be considered a Federal employee for any purpose, including the provisions of title 5, United States Code, governing appointments in the competitive service, except that such an individual may participate in the Federal employee retirement system as if the individual were a Federal employee; and

(B) may not be paid by the Foundation a salary in excess of $125,000 per year.

(2) EXECUTIVE DIRECTOR.—

(A) INITIAL DIRECTOR.—The Secretary shall appoint an individual to serve as the initial Executive Director of the Foundation who shall serve, at the direction of the Board, as the chief operating officer of the Foundation.

(B) SUBSEQUENT DIRECTORS.—The Board shall appoint each subsequent Executive Director of the Foundation who shall serve, at the direction of the Board, as the chief operating officer of the Foundation.

(C) QUALIFICATIONS.—The Executive Director shall be knowledgeable and experienced in matters relating to natural resources conservation.

SEC. 336. CORPORATE POWERS AND OBLIGATIONS OF THE FOUNDATION.

(a) IN GENERAL.—The Foundation—

(1) may conduct business throughout the United States and the territories and possessions of the United States; and

(2) shall at all times maintain a designated agent who is authorized to accept service of process for the Foundation, so that the serving of notice to, or service of process on, the agent, or mailed to the business address of the agent, shall be considered as service on or notice to the Foundation.

(b) SEAL.—The Foundation shall have an official seal selected by the Board that shall be judicially noticed.

(c) POWERS.—To carry out the purposes of the Foundation under section 333(b), the Foundation shall have, in addition to the powers otherwise provided under this subtitle, the usual powers of a corporation, including the power—

(1) to accept, receive, solicit, hold, administer, and use any gift, devise, or bequest, either absolutely or in trust, of real or personal property or any income from, or other interest in, the gift, devise, or bequest;

(2) to acquire by purchase or exchange any real or personal property or interest in property, except that funds provided under section 310 may not be used to purchase an interest in real property;

(3) unless otherwise required by instrument of transfer, to sell, donate, lease, invest, reinvest, retain, or otherwise dispose of any property or income from property;

(4) to borrow money from private sources and issue bonds, debentures, or other debt instruments, subject to section 339, except that the aggregate amount of the borrowing and debt instruments outstanding at any time may not exceed $1,000,000;

(5) to sue and be sued, and complain and defend itself, in any court of competent jurisdiction, except that a member of the Board shall not be personally liable for an action in the performance of services for the Board, except for gross negligence;

(6) to enter into a contract or other agreement with an agency of State or local government, educational institution, or other private organization or person and to make such payments as may be necessary to carry out the functions of the Foundation; and

(7) to do any and all acts that are necessary to carry out the purposes of the Foundation.

(d) INTEREST IN PROPERTY.—

(1) IN GENERAL.—The Foundation may acquire, hold, and dispose of lands, waters, or other interests in real property by donation, gift, devise, purchase, or exchange.

(2) INTERESTS IN REAL PROPERTY.—For purposes of this subtitle, an interest in real property shall be treated, among other things, as including an easement or other right for the preservation, conservation, protection, or enhancement of agricultural, natural, scenic, historic, scientific, educational, inspirational, or recreational resources.

(3) GIFTS.—A gift, devise, or bequest may be accepted by the Foundation even though the gift, devise, or bequest is encumbered, restricted, or subject to a beneficial interest of a private person if any current or future interest in the gift, devise, or bequest is for the benefit of the Foundation.

SEC. 337. ADMINISTRATIVE SERVICES AND SUPPORT.

For each of fiscal years 1996 through 1998, the Secretary may provide, without reimbursement, personnel, facilities, and other administrative services of the Department to the Foundation.

SEC. 338. AUDITS AND PETITION OF ATTORNEY GENERAL FOR EQUITABLE RELIEF.

(a) AUDITS.—

(1) IN GENERAL.—The accounts of the Foundation shall be audited in accordance with Public Law 88–504 (36 U.S.C. 1101 et seq.), including an audit of lobbying and litigation activities carried out by the Foundation.

(2) CONFORMING AMENDMENT.—The first section of Public Law 88–504 (36 U.S.C. 1101) is amended by adding at the end the following:

"(77) The National Natural Resources Conservation Foundation.".

(b) RELIEF WITH RESPECT TO CERTAIN FOUNDATION ACTS OR FAILURE TO ACT.—The Attorney General may petition in the United States District Court for the District of Columbia for such equitable relief as may be necessary or appropriate, if the Foundation—

(1) engages in, or threatens to engage in, any act, practice, or policy that is inconsistent with this subtitle; or

(2) refuses, fails, neglects, or threatens to refuse, fail, or neglect, to discharge the obligations of the Foundation under this subtitle.

SEC. 339. RELEASE FROM LIABILITY.

(a) IN GENERAL.—The United States shall not be liable for any debt, default, act, or omission of the Foundation. The full faith and credit of the United States shall not extend to the Foundation.

(b) STATEMENT.—An obligation issued by the Foundation, and a document offering an obligation, shall include a prominent statement that the obligation is not directly or indirectly guaranteed, in whole or in part, by the United States (or an agency or instrumentality of the United States).

SEC. 340. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department to be made available to the Foundation $1,000,000 for each of fiscal years 1997 through 1999 to initially establish and carry out activities of the Foundation.

Subtitle E—Miscellaneous

SEC. 351. FLOOD RISK REDUCTION.

(a) IN GENERAL.—During fiscal years 1996 through 2002, the Secretary of Agriculture (referred to in this section as the "Secretary") may enter into a contract with contract acreage under title I on a farm with land that is frequently flooded.

(b) DUTIES OF PRODUCERS.—Under the terms of the contract, with respect to acres that are subject to the contract, the producer must agree to—

(1) the termination of any contract acreage;

(2) forgo loans for contract commodities, oilseeds, and extra long staple cotton;

(3) not apply for crop insurance issued or reinsured by the Secretary;

(4) comply with applicable wetlands and high erodible land conservation compliance requirements established under title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.);

(5) not apply for any conservation program payments from the Secretary;

(6) not apply for disaster program benefits provided by the Secretary; and

(7) refund the payments, with interest, issued under the flood risk reduction contract to the Secretary, if the producer violates the terms of the contract or if the producer transfers the property to another person who violates the contract.

(c) DUTIES OF SECRETARY.—In return for a flood risk reduction contract entered into by a producer under this section, the Secretary shall agree to pay the producer for the 1996 through 2002 crops not more than 95 percent of the projected contract payments under title I, and not more than 95 percent of the projected payments and subsidies from the Federal Crop Insurance Corporation.

(d) COMMODITY CREDIT CORPORATION.—The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.

SEC. 352. FORESTRY.

(a) FORESTRY INCENTIVES PROGRAM.—Section 4 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103) is amended by striking subsection (k).

(b) OFFICE OF INTERNATIONAL FORESTRY.—Section 2405 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6704) is amended by adding at the end the following:

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized each fiscal year such sums as are necessary to carry out this section.".

SEC. 353. STATE TECHNICAL COMMITTEES.

Section 1261(c) of the Food Security Act of 1985 (16 U.S.C. 3861(c)) is amended—

(1) in paragraph (7), by striking "and" at the end;

(2) in paragraph (8), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(9) agricultural producers;

"(10) other nonprofit organizations with demonstrable expertise;

"(11) persons knowledgeable about the economic and environmental impact of conservation techniques and programs; and

"(12) agribusiness.".

SEC. 354. CONSERVATION OF PRIVATE GRAZING LAND.

(a) FINDINGS.—Congress finds that—

(1) privately owned grazing land constitutes nearly ½ of the non-Federal land of the United States and is basic to the environmental, social, and economic stability of rural communities;

(2) privately owned grazing land contains a complex set of interactions among soil, water, air, plants, and animals;

(3) grazing land constitutes the single largest watershed cover type in the United States and contributes significantly to the quality and quantity of water available for all of the many uses of the land;

(4) private grazing land constitutes the most extensive wildlife habitat in the United States;

(5) private grazing land can provide opportunities for improved nutrient management from land application of animal manures and other by-product nutrient resources;

(6) owners and managers of private grazing land need to continue to recognize conservation problems when the problems arise and receive sound technical assistance to improve or conserve grazing land resources to meet ecological and economic demands;

(7) new science and technology must continually be made available in a practical manner so owners and managers of private grazing land may make informed decisions concerning vital grazing land resources;

(8) agencies of the Department of Agriculture with private grazing land responsibilities are the agencies that have the expertise and experience to provide technical assistance, education, and research to owners and managers of private grazing land for the long-term productivity and ecological health of grazing land;

(9) although competing demands on private grazing land resources are greater than ever before, assistance to private owners and managers of private grazing land is currently limited and does not meet the demand and basic need for adequately sustaining or enhancing the private grazing lands resources; and

(10) privately owned grazing land can be enhanced to provide many benefits to all Americans through voluntary cooperation among owners and managers of the land, local conservation districts, and the agencies of the Department of Agriculture responsible for providing assistance to owners and managers of land and to conservation districts.

(b) PURPOSE.—It is the purpose of this section to authorize the Secretary of Agriculture to provide a coordinated technical, educational, and related assistance program to conserve and enhance private grazing land resources and provide related benefits to all citizens of the United States by—

(1) establishing a coordinated and cooperative Federal, State, and local grazing conservation program for management of private grazing land;

(2) strengthening technical, educational, and related assistance programs that provide assistance to owners and managers of private grazing land;

(3) conserving and improving wildlife habitat on private grazing land;

(4) conserving and improving fish habitat and aquatic systems through grazing land conservation treatment;

(5) protecting and improving water quality;

(6) improving the dependability and consistency of water supplies;

(7) identifying and managing weed, noxious weed, and brush encroachment problems on private grazing land; and

(8) integrating conservation planning and management decisions by owners and managers of private grazing land, on a voluntary basis.

(c) DEFINITIONS.—In this section:

(1) PRIVATE GRAZING LAND.—The term "private grazing land" means privately owned, State-owned, tribally-owned, and any other non-federally owned rangeland, pastureland, grazed forest land, and hay land.

(2) SECRETARY.—The term "Secretary" means the Secretary of Agriculture, acting through the Natural Resources Conservation Service.

(d) PRIVATE GRAZING LAND CONSERVATION ASSISTANCE.—

(1) ASSISTANCE TO GRAZING LANDOWNERS AND OTHERS.—Subject to the availability of appropriations, the Secretary shall establish a voluntary program to provide technical, educational, and related assistance to owners and managers of private grazing land and public agencies, through local conservation districts, to enable the landowners, managers, and public agencies to voluntarily carry out activities that are consistent with this section, including—

(A) maintaining and improving private grazing land and the multiple values and uses that depend on private grazing land;

(B) implementing grazing land management technologies;

(C) managing resources on private grazing land, including—

(i) planning, managing, and treating private grazing land resources;

(ii) ensuring the long-term sustainability of private grazing land resources;

(iii) harvesting, processing, and marketing private grazing land resources; and

(iv) identifying and managing weed, noxious weed, and brush encroachment problems;

(D) protecting and improving the quality and quantity of water yields from private grazing land;

(E) maintaining and improving wildlife and fish habitat on private grazing land;

(F) enhancing recreational opportunities on private grazing land;

(G) maintaining and improving the aesthetic character of private grazing lands; and

(H) identifying the opportunities and encouraging the diversification of private grazing land enterprises.

(2) PROGRAM ELEMENTS.—

(A) FUNDING.—The program under paragraph (1) shall be funded through a specific line-item in the annual appropriations for the Natural Resources Conservation Service.

(B) TECHNICAL ASSISTANCE AND EDUCATION.—Personnel of the Department of Agriculture trained in pasture and range management shall be made available under the program to deliver and coordinate technical assistance and education to owners and managers of private grazing land, at the request of the owners and managers.

(e) GRAZING TECHNICAL ASSISTANCE SELF-HELP.—

(1) FINDINGS.—Congress finds that—

(A) there is a severe lack of technical assistance for grazing producers;

(B) the Federal budget precludes any significant expansion, and may force a reduction of, current levels of technical support; and

(C) farmers and ranchers have a history of cooperatively working together to address common needs in the promotion of their products and in the drainage of wet areas through drainage districts.

(2) ESTABLISHMENT OF GRAZING DEMONSTRATION.—The Secretary may establish 2 grazing management demonstration districts at the recommendation of the Grazing Lands Conservation Initiative Steering Committee.

(3) PROCEDURE.—

(A) PROPOSAL.—Within a reasonable time after the submission of a request of an organization of farmers or ranchers engaged in grazing, the Secretary shall propose that a grazing management district be established.

(B) FUNDING.—The terms and conditions of the funding and operation of the grazing management district shall be proposed by the producers.

(C) APPROVAL.—The Secretary shall approve the proposal if the Secretary determines that the proposal—

(i) is reasonable;

(ii) will promote sound grazing practices; and

(iii) contains provisions similar to the provisions contained in the promotion orders in effect on the effective date of this section.

(D) AREA INCLUDED.—The area proposed to be included in a grazing management district shall be determined by the Secretary on the basis of a petition by farmers or ranchers.

(E) AUTHORIZATION.—The Secretary may use authority under the Agricultural Adjustment Act (7 U.S.C. 601 et seq.), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, to operate, on a demonstration basis, a grazing management district.

(F) ACTIVITIES.—The activities of a grazing management district shall be scientifically sound activities, as determined by the Secretary in consultation with a technical advisory committee composed of ranchers, farmers, and technical experts.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $20,000,000 for fiscal year 1996;

(2) $40,000,000 for fiscal year 1997; and

(3) $60,000,000 for fiscal year 1998 and each subsequent fiscal year.

SEC. 355. CONFORMING AMENDMENTS.

(a) AGRICULTURAL CONSERVATION PROGRAM.—

(1) ELIMINATION.—

(A) Section 8 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h) is amended—

(i) in subsection (b)—

(I) by striking paragraphs (1) through (4) and inserting the following:

"(1) ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.—The Secretary shall provide technical assistance, cost share payments, and incentive payments to operators through the environmental quality incentives program in accordance with chapter 2 of subtitle D of the Food Security Act of 1985 (16 U.S.C. 3838 et seq.)."; and

(II) by striking paragraphs (6) through (8); and

(ii) by striking subsections (d), (e), and (f).

(B) The first sentence of section 11 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590k) is amended by striking "performance: *Provided further*," and all that follows through "or other law" and inserting "performance".

(C) Section 14 of the Act (16 U.S.C. 590n) is amended—

(i) in the first sentence, by striking "or 8"; and

(ii) by striking the second sentence.

(D) Section 15 of the Act (16 U.S.C. 590o) is amended—

(i) in the first undesignated paragraph—

(I) in the first sentence, by striking "sections 7 and 8" and inserting "section 7"; and

(II) by striking the third sentence; and

(ii) by striking the second undesignated paragraph.

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of the last proviso of the matter under the heading "CONSERVATION RESERVE PROGRAM" under the heading "SOIL BANK PROGRAMS" of title I of the Department of Agriculture and Farm Credit Administration Appropriation Act, 1959 (72 Stat. 195; 7 U.S.C. 1831a) is amended by striking "Agricultural Conservation Program" and inserting "environmental quality incentives program established under chapter 2 of subtitle D of the Food Security Act of 1985 (16 U.S.C. 3838 et seq.)".

(B) Section 4 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103) is amended by striking "as added by the Agriculture and Consumer Protection Act of 1973" each place it appears in subsections (d) and (i) and inserting "as in effect before the amendment made by section 355(a)(1) of the Agricultural Reform and Improvement Act of 1996".

(C) Section 226(b)(4) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6932(b)(4)) is amended by striking "and the agricultural conservation program under the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590g et seq.)".

(D) Section 246(b)(8) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6962(b)(8)) is amended by striking "and the agricultural conservation program under the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590g et seq.)".

(E) Section 1271(c)(3)(C) of the Food, Agriculture, Conservation, and Trade Act of 1990 (16 U.S.C. 2106a(c)(3)(C)) is amended by striking "Agricultural Conservation Program established under section 16(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h, 590l, or 590p)" and inserting "environmental quality incentives program established under chapter 2 of subtitle D of the Food Security Act of 1985 (16 U.S.C. 3838 et seq.)".

(F) Section 126(a)(5) of the Internal Revenue Code of 1986 is amended to read as follows:

"(5) The environmental quality incentives program established under chapter 2 of subtitle D of the Food Security Act of 1985 (16 U.S.C. 3838 et seq.).".

(G) Section 304(a) of the Lake Champlain Special Designation Act of 1990 (Public Law 101–596; 33 U.S.C. 1270 note) is amended—

(i) in the subsection heading, by striking "SPECIAL PROJECT AREA UNDER THE AGRICULTURAL CONSERVATION PROGRAM" and inserting "A PRIORITY AREA UNDER THE ENVIRONMENTAL QUALITY INCENTIVES PROGRAM"; and

(ii) in paragraph (1), by striking "special project area under the Agricultural Conservation Program established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b))" and inserting "priority area under the environmental quality incentives program established under chapter 2 of subtitle D of the Food Security Act of 1985 (16 U.S.C. 3838 et seq.)".

(H) Section 6 of the Department of Agriculture Organic Act of 1956 (70 Stat. 1033) is amended by striking subsection (b).

(b) GREAT PLAINS CONSERVATION PROGRAM.—

(1) ELIMINATION.—Section 16 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590p) is repealed.

(2) CONFORMING AMENDMENTS.—

(A) The Agricultural Adjustment Act of 1938 is amended by striking "Great Plains program" each place it appears in sections 344(f)(8) and 377 (7 U.S.C. 1344(f)(8) and 1377) and inserting "environmental quality incentives program established under chapter 2 of subtitle D of the Food Security Act of 1985 (16 U.S.C. 3838 et seq.)".

(B) Section 246(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6962(b)) is amended by striking paragraph (2).

(C) Section 126(a) of the Internal Revenue Code of 1986 is amended—

(i) by striking paragraph (6); and

(ii) by redesignating paragraphs (7) through (10) as paragraphs (6) through (9), respectively.

(c) COLORADO RIVER BASIN SALINITY CONTROL PROGRAM.—

(1) ELIMINATION.—Section 202 of the Colorado River Basin Salinity Control Act (43 U.S.C. 1592) is amended by striking subsection (c).

(2) CONFORMING AMENDMENT.—Section 246(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6962(b)) is amended by striking paragraph (6).

(d) RURAL ENVIRONMENTAL CONSERVATION PROGRAM.—

(1) ELIMINATION.—Title X of the Agricultural Act of 1970 (16 U.S.C. 1501 et seq.) is repealed.

(2) CONFORMING AMENDMENTS.—Section 246(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6962(b)) is amended—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (8) as paragraphs (1) through (7), respectively.

(e) OTHER CONSERVATION PROVISIONS.—Subtitle F of title XII of the Food Security Act of 1985 (16 U.S.C. 2005a and 2101 note) is repealed.

(f) COMMODITY CREDIT CORPORATION CHARTER ACT.—Section 5(g) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c(g)) is amended to read as follows:

"(g) Carry out conservation functions and programs.".

(g) RESOURCE CONSERVATION.—

(1) ELIMINATION.—Subtitles A, B, D, E, F, G, and J of title XV of the Agriculture and Food Act of 1981 (95 Stat. 1328; 16 U.S.C. 3401 et seq.) are repealed.

(2) CONFORMING AMENDMENT.—Section 739 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1982 (7 U.S.C. 2272a), is repealed.

(h) ENVIRONMENTAL EASEMENT PROGRAM.—Section 1239(a) of the Food Security Act of 1985 (16 U.S.C. 3839(a)) is amended by striking "1991 through 1995" and inserting "1996 through 2002".

(i) RESOURCE CONSERVATION AND DEVELOPMENT PROGRAM.—Section 1538 of the Agriculture and Food Act of 1981 (16 U.S.C. 3461) is amended by striking "1991 through 1995" and inserting "1996 through 2002".

(j) TECHNICAL AMENDMENT.—The first sentence of the matter under the heading "Commodity Credit Corporation" of Public Law 99–263 (100 Stat. 59; 16 U.S.C. 3841 note) is amended by striking ": Provided further," and all that follows through "Acts".

(k) AGRICULTURAL WATER QUALITY INCENTIVES PROGRAM.—Chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838 et seq.) is repealed.

SEC. 356. WATER BANK PROGRAM.

Section 1230 of the Food Security Act of 1985 (16 U.S.C. 3830) is amended by adding at the end the following:

"(d) WATER BANK PROGRAM.—For purposes of this Act, acreage enrolled, prior to the date of enactment of this subsection, in the water bank program authorized by the Water Bank Act (16 U.S.C. 1301 et seq.) shall be considered to have been enrolled in the conservation reserve program on the date the acreage was enrolled in the water bank program. Payments shall continue at the existing water bank rates.".

SEC. 357. FLOOD WATER RETENTION PILOT PROJECTS.

Section 16 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590p) is amended by adding at the end the following:

"(l) FLOOD WATER RETENTION PILOT PROJECTS.—

"(1) IN GENERAL.—In cooperation with States, the Secretary shall carry out at least 1 but not more than 2 pilot projects to create and restore natural water retention areas to control storm water and snow melt runoff within closed drainage systems.

"(2) PRACTICES.—To carry out paragraph (1), the Secretary shall provide cost-sharing and technical assistance for the establishment of nonstructural landscape management practices, including agricultural tillage practices and restoration, enhancement, and creation of wetland characteristics.

"(3) FUNDING.—

"(A) LIMITATION.—The funding used by the Secretary to carry out this subsection shall not exceed $10,000,000 per project.

"(B) USE OF COMMODITY CREDIT CORPORATION.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this subsection.

"(4) ADDITIONAL PILOT PROJECTS.—

"(A) EVALUATION.—Not later than 2 years after a pilot project is implemented, the Secretary shall evaluate the extent to which the project has reduced or may reduce Federal outlays for emergency spending and unplanned infrastructure maintenance by an amount that exceeds the Federal cost of the project.

"(B) ADDITIONAL PROJECTS.—If the Secretary determines that pilot projects carried out under this subsection have reduced or may reduce Federal outlays as described in subparagraph (A), the Secretary may carry out, in accordance with this subsection, pilot projects in addition to the projects authorized under paragraph (1).".

SEC. 358. WETLAND CONSERVATION EXEMPTION.

Section 1222(b)(1) of the Food Security Act of 1985 (16 U.S.C. 3822(b)(1)) is amended—

(1) in subparagraph (C), by striking "or" at the end; and

(2) by adding at the end the following:

"(E) converted wetland, if—

"(i) the extent of the conversion is limited to the reversion to conditions that will be at least equivalent to the wetland functions and values that existed prior to implementation of a voluntary wetland restoration, enhancement, or creation action;

"(ii) technical determinations of the prior site conditions and the restoration, enhancement, or creation action have been adequately documented in a plan approved by the Natural Resources Conservation Service prior to implementation; and

"(iii) the conversion action proposed by the private landowner is approved by the Natural Resources Conservation Service prior to implementation; or".

SEC. 359. FLOODPLAIN EASEMENTS.

Section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203) is amended by inserting ", including the purchase of floodplain easements," after "emergency measures".

SEC. 360. RESOURCE CONSERVATION AND DEVELOPMENT PROGRAM REAUTHORIZATION.

Section 1538 of the Agriculture and Food Act of 1981 (16 U.S.C. 3461) is amended by striking "1991 through 1995" and inserting "1996 through 2001".

SEC. 361. CONSERVATION RESERVE NEW ACREAGE.

Section 1231(a) of the Food Security Act of 1985 (16 U.S.C. 3831(a)) is amended by adding at the end the following: "The Secretary may enter into 1 or more new contracts to enroll acreage in a quantity equal to the quantity of acreage covered by any contract that terminates after the date of enactment of the Agricultural Market Transition Act.".

SEC. 362. REPEAL OF REPORT REQUIREMENT.

Section 1342 of title 44, United States Code, is repealed.

SEC. 363. WATERSHED PROTECTION AND FLOOD PREVENTION ACT AMENDMENTS.

(a) DECLARATION OF POLICY.—The first section of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001) is amended to read as follows:

"SECTION 1. DECLARATION OF POLICY.

"Erosion, flooding, sedimentation, and loss of natural habitats in the watersheds and waterways of the United States cause loss of life, damage to property, and a reduction in the quality of environment and life of citizens. It is therefore the sense of Congress that the Federal Government should join with States and their political subdivisions, public agencies, conservation districts, flood prevention or control districts, local citizens organizations, and Indian tribes for the purpose of conserving, protecting, restoring, and improving the land and water resources of the United States and the quality of the environment and life for watershed residents across the United States.".

(b) DEFINITIONS.—

(1) WORKS OF IMPROVEMENT.—Section 2 of the Act (16 U.S.C. 1002) is amended, with respect to the term "works of improvement"—

(A) in paragraph (1), by inserting ", nonstructural," after "structural";

(B) in paragraph (2), by striking "or" at the end;

(C) by redesignating paragraph (3) as paragraph (11);

(D) by inserting after paragraph (2) the following new paragraphs:

"(3) a land treatment or other nonstructural practice, including the acquisition of easements or real property rights, to meet multiple watershed needs,

"(4) the restoration and monitoring of the chemical, biological, and physical structure, diversity, and functions of waterways and their associated ecological systems,

"(5) the restoration or establishment of wetland and riparian environments as part of a multi-objective management system that provides floodwater or storm water storage, detention, and attenuation, nutrient filtering, fish and wildlife habitat, and enhanced biological diversity,

"(6) the restoration of steam channel forms, functions, and diversity using the principles of biotechnical slope stabilization to reestablish a meandering, bankfull flow channels, riparian vegetation, and floodplains,

"(7) the establishment and acquisition of multi-objective riparian and adjacent flood prone lands, including greenways, for sediment storage and floodwater storage,

"(8) the protection, restoration, enhancement and monitoring of surface and groundwater quality, including measures to improve the quality of water emanating from agricultural lands and facilities,

"(9) the provision of water supply and municipal and industrial water supply for rural communities having a population of less than 55,000, according to the most recent decennial census of the United States,

"(10) outreach to and organization of local citizen organizations to participate in project design and implementation, and the training of project volunteers and participants in restoration and monitoring techniques, or"; and

(E) in paragraph (11) (as so redesignated)—

(i) by inserting in the first sentence after "proper utilization of land" the following: ", water, and related resources"; and

(ii) by striking the sentence that mandates that 20 percent of total project benefits be directly related to agriculture.

(2) LOCAL ORGANIZATION.—Such section is further amended, with respect to the term "local organization", by adding at the end the following new sentence: "The term includes any nonprofit organization (defined as having tax exempt status under section 501(c)(3) of the Internal Revenue Code of 1986) that has authority to carry out and maintain works of improvement or is developing and implementing a work of improvement in partnership with another local organization that has such authority.".

(3) WATERWAY.—Such section is further amended by adding at the end the following new definition:

"WATERWAY.—The term 'waterway' means, on public or private land, any natural, degraded, seasonal, or created wetland on public or private land, including rivers, streams, riparian areas, marshes, ponds, bogs, mudflats, lakes, and estuaries. The term includes any natural or manmade watercourse which is culverted, channelized, or vegetatively cleared, including canals, irrigation ditches, drainage wages, and navigation, industrial, flood control and water supply channels.".

(c) ASSISTANCE TO LOCAL ORGANIZATIONS.—Section 3 of the Act (16 U.S.C. 1003) is amended—

(1) in paragraph (1), by inserting after "(1)" the following "to provide technical assistance to help local organizations";

(2) in paragraph (2)—

(A) by inserting after "(2)" the following: "to provide technical assistance to help local organizations"; and

(B) by striking "engineering" and inserting "technical and scientific"; and

(3) by striking paragraph (3) and inserting the following new paragraph:

"(3) to make allocations of costs to the project or project components to determine whether the total of all environmental, social, and monetary benefits exceed costs;".

(d) COST SHARE ASSISTANCE.—

(1) AMOUNT OF ASSISTANCE.—Section 3A of the Act (16 U.S.C. 1003a) is amended by striking subsection (b) and inserting the following:

"(b) NONSTRUCTURAL PRACTICES.—Notwithstanding any other provision of this Act, Federal cost share assistance to local organizations for the planning and implementation of nonstructural works of improvement may be provided using funds appropriated for the purposes of this Act for an amount not exceeding 75 percent of the total installation costs.

"(c) STRUCTURAL PRACTICES.—Notwithstanding any other provision of this Act, Federal cost share assistance to local organizations for the planning and implementation of structural works of improvement may be provided using funds appropriated for the purposes of this Act for 50 percent of the total cost, including the cost of mitigating damage to fish and wildlife habitat and the value of any land or interests in land acquired for the work of improvement.

"(d) SPECIAL RULE FOR LIMITED RESOURCE COMMUNITIES.—Notwithstanding any other provision of this Act, the Secretary may provide cost share assistance to a limited resource community for any works of improvement, using funds appropriated for the purposes of this Act, for an amount not to exceed 90 percent of the total cost.

"(e) TREATMENT OF OTHER FEDERAL FUNDS.—Not more than 50 percent of the non-Federal cost share may be satisfied using funds from other Federal agencies.".

(2) CONDITIONS ON ASSISTANCE.—Section 4(1) of the Act (16 U.S.C. 1004(1)) is amended by striking ", without cost to the Federal Government from funds appropriated for the purposes of this Act,".

(e) BENEFIT COST ANALYSIS.—Section 5(1) of the Act (16 U.S.C. 1005(1)) is amended by striking "the benefits" and inserting "the total benefits, including environmental, social, and monetary benefits,".

(f) PROJECT PRIORITIZATION.—The Watershed Protection and Flood Prevention Act is amended by inserting after section 5 (16 U.S.C. 1005) the following new section:

"SEC. 5A. FUNDING PRIORITIES.

"In making funding decisions under this Act, the Secretary shall give priority to projects with one or more of the following attributes:

"(1) Projects providing significant improvements in ecological values and functions in the project area.

"(2) Projects that enhance the long-term health of local economies or generate job or job training opportunities for local residents, including Youth Conservation and Service Corps participants and displaced resource harvesters.

"(3) Projects that provide protection to human health, safety, and property.

"(4) Projects that directly benefit economically disadvantaged communities and enhance participation by local residents of such communities.

"(5) Projects that restore or enhance fish and wildlife species of commercial, recreational, subsistence or scientific concern.

"(6) Projects or components of projects that can be planned, designed, and implemented within two years.".

(g) TRANSFER OF FUNDS.—The Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1010) is amended by adding at the end the following new section:

"SEC. 14. TRANSFERS OF FUNDS.

"The Secretary may accept transfers of funds from other Federal departments and agencies in order to carry out projects under this Act.".

SEC. 364. ABANDONMENT OF CONVERTED WETLANDS.

Section 1222 of the Food Security Act of 1985 (16 U.S.C. 3822) is amended by adding at the end the following:

"(k) ABANDONMENT OF CONVERTED WETLANDS.—The Secretary shall not determine that a prior converted or cropped wetland is abandoned, and therefore that the wetland is subject to this subtitle, on the basis that a producer has not planted an agricultural crop on the prior converted or cropped wetland after the date of enactment of this subsection, so long as any use of the wetland thereafter is limited to agricultural purposes.".

TITLE IV—NUTRITION ASSISTANCE

SEC. 401. FOOD STAMP PROGRAM.

(a) DISQUALIFICATION OF A STORE OR CONCERN.—Section 12 of the Food Stamp Act of 1977 (7 U.S.C. 2021) is amended—

(1) by striking the section heading;

(2) by striking "SEC. 12. (a) Any" and inserting the following:

"SEC. 12. CIVIL MONEY PENALTIES AND DISQUALIFICATION OF RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS.

"(a) DISQUALIFICATION.—

"(1) IN GENERAL.—An";

(3) by adding at the end of subsection (a) the following:

"(2) EMPLOYING CERTAIN PERSONS.—A retail food store or wholesale food concern shall be disqualified from participation in the food stamp program if the store or concern knowingly employs a person who has been found by the Secretary, or a Federal, State, or local court, to have, within the preceding 3-year period—

"(A) engaged in the trading of a firearm, ammunition, an explosive, or a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) for a coupon; or

"(B) committed any act that constitutes a violation of this Act or a State law relating to using, presenting, transferring, acquiring, receiving, or possessing a coupon, authorization card, or access device."; and

(4) in subsection (b)(3)(B), by striking "neither the ownership nor management of the store or food concern was aware" and inserting "the ownership of the store or food concern was not aware".

(b) EMPLOYMENT AND TRAINING.—Section 16(h)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2025(h)(1)) is amended by striking "1995" each place it appears and inserting "2002".

(c) AUTHORIZATION OF PILOT PROJECTS.—The last sentence of section 17(b)(1)(A) of the Food Stamp Act of 1977 (7 U.S.C. 2026(b)(1)(A)) is amended by striking "1995" and inserting "2002".

(d) OUTREACH DEMONSTRATION PROJECTS.—The first sentence of section 17(j)(1)(A) of the Food Stamp Act of 1977 (7 U.S.C. 2026(j)(1)(A)) is amended by striking "1995" and inserting "2002".

(e) AUTHORIZATION FOR APPROPRIATIONS.—The first sentence of section 18(a)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2027(a)(1)) is amended by striking "1995" and inserting "2002".

(f) REAUTHORIZATION OF PUERTO RICO NUTRITION ASSISTANCE PROGRAM.—The first sentence of section 19(a)(1)(A) of the Food Stamp Act of 1977 (7 U.S.C. 2028(a)(1)(A)) is amended by striking "$974,000,000" and all that follows through "fiscal year 1995" and inserting "$1,143,000,000 for fiscal year 1996, $1,174,000,000 for fiscal year 1997, $1,204,000,000 for fiscal year 1998, $1,236,000,000 for fiscal year 1999, $1,268,000,000 for fiscal year 2000, $1,301,000,000 for fiscal year 2001, and $1,335,000,000 for fiscal year 2002".

(g) AMERICAN SAMOA.—The Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) is amended by adding at the end the following:

"SEC. 24. TERRITORY OF AMERICAN SAMOA.

"From amounts made available to carry out this Act, the Secretary may pay to the Territory of American Samoa not more than $5,300,000 for each of fiscal years 1996 through 2002 to finance 100 percent of the expenditures for the fiscal year for a nutrition assistance program extended under section 601(c) of Public Law 96–597 (48 U.S.C. 1469d(c)).".

SEC. 402. COMMODITY DISTRIBUTION PROGRAM; COMMODITY SUPPLEMENTAL FOOD PROGRAM.

(a) REAUTHORIZATION.—The first sentence of section 4(a) of the Agriculture and Consumer Protection Act of 1973 (Public Law 93–86; 7 U.S.C. 612c note) is amended by striking "1995" and inserting "2002".

(b) FUNDING.—Section 5 of the Agriculture and Consumer Protection Act of 1973 (Public Law 93–86; 7 U.S.C. 612c note) is amended—

(1) in subsection (a)(2), by striking "1995" and inserting "2002"; and

(2) in subsection (d)(2), by striking "1995" and inserting "2002".

(c) CARRIED-OVER FUNDS.—20 percent of any commodity supplemental food program funds carried over under section 5 of the Agriculture and Consumer Protection Act of 1973 (Public Law 93–86; 7 U.S.C. 612c note) shall be available for administrative expenses of the program.

SEC. 403. EMERGENCY FOOD ASSISTANCE PROGRAM.

(a) REAUTHORIZATION.—The first sentence of section 204(a)(1) of the Emergency Food Assistance Act of 1983 (Public Law 98–8; 7 U.S.C. 612c note) is amended by striking "1995" and inserting "2002".

(b) PROGRAM TERMINATION.—Section 212 of the Emergency Food Assistance Act of 1983 (Public Law 98–8; 7 U.S.C. 612c note) is amended by striking "1995" and inserting "2002".

(c) REQUIRED PURCHASES OF COMMODITIES.—Section 214 of the Emergency Food Assistance Act of 1983 (Public Law 98–8; 7 U.S.C. 612c note) is amended—

(1) in the first sentence of subsection (a), by striking "1995" and inserting "2002"; and

(2) in subsection (e), by striking "1995" each place it appears and inserting "2002".

SEC. 404. SOUP KITCHENS PROGRAM.

Section 110 of the Hunger Prevention Act of 1988 (Public Law 100–435; 7 U.S.C. 612c note) is amended—

(1) in the first sentence of subsection (a), by striking "1995" and inserting "2002"; and

(2) in subsection (c)(2)—

(A) in the paragraph heading, by striking "1995" and inserting "2002"; and

(B) by striking "1995" each place it appears and inserting "2002".

SEC. 405. NATIONAL COMMODITY PROCESSING.

The first sentence of section 1114(a)(2)(A) of the Agriculture and Food Act of 1981 (7 U.S.C. 1431e(2)(A)) is amended by striking "1995" and inserting "2002".

TITLE V—MISCELLANEOUS

Subtitle A—General Miscellaneous Provisions

SEC. 501. FUND FOR DAIRY PRODUCERS TO PAY FOR NUTRIENT MANAGEMENT.

Section 8c(5) of the Agricultural Adjustment Act (7 U.S.C. 608c(5)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended—

(1) in paragraph (A), by adding at the end the following: "The minimum price for milk of the highest classification in any order (other than an order amended under paragraph (M)) may not be higher than the minimum price required under this paragraph."; and

(2) by adding at the end the following:

"(M) SAFE HARBOR.—

"(i) IN GENERAL.—Providing that each order may be amended such that not more than $.10 per hundredweight of milk of the highest use classification may be added to the minimum applicable price to be set aside in a fund called the 'Safe Harbor Fund Account' (referred to in this paragraph as the 'Account').

"(ii) ADMINISTRATION.—

"(I) MARKET ADMINISTRATOR.—The Account shall be administered by the Market Administrator.

"(II) USE OF FUNDS.—A determination regarding the use of the funds in the Account shall be made by the Safe Harbor Committee established under clause (iii).

"(iii) SAFE HARBOR COMMITTEE.—The Secretary shall establish a Safe Harbor Committee consisting of 7 milk producers appointed by the Secretary who supply milk to handlers regulated under a Federal milk marketing order.

"(iv) USE OF FUNDS.—

"(I) APPLICATIONS.—To be eligible to use amounts in the fund, a milk producer who supplies milk to handlers regulated under a Federal milk marketing order shall submit an application to the Safe Harbor Committee.

"(II) APPROVAL.—The Safe Harbor Committee may approve only applications that fund conservation practices approved by the Secretary that control the off-migration of nutrients from the farm.

"(III) STATE WATER QUALITY PRIORITIES.—In approving applications, the Safe Harbor Committee shall take into account, to the extent practicable, the applicable State water quality priorities.".

SEC. 502. CROP INSURANCE.

(a) CATASTROPHIC RISK PROTECTION.—Section 508(b) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)) is amended—

(1) in paragraph (4), by adding at the end the following:

"(C) DELIVERY OF COVERAGE.—

"(i) IN GENERAL.—In full consultation with approved insurance providers, the Secretary may continue to offer catastrophic risk protection in a State (or a portion of a State) through local offices of the Department if the Secretary determines that there is an insufficient number of approved insurance providers operating in the State or portion to adequately provide catastrophic risk protection coverage to producers.

"(ii) COVERAGE BY APPROVED INSURANCE PROVIDERS.—To the extent that catastrophic risk protection coverage by approved insurance providers is sufficiently available in a State as determined by the Secretary, only approved insurance providers may provide the coverage in the State.

"(iii) CURRENT POLICIES.—Subject to clause (ii), all catastrophic risk protection policies written by local offices of the Department shall be transferred (including all fees collected for the crop year in which the approved insurance provider will assume the policies) to the approved insurance provider for performance of all sales, service, and loss adjustment functions."; and

(2) in paragraph (7), by striking subparagraph (A) and inserting the following:

"(A) IN GENERAL.—Effective for the spring-planted 1996 and subsequent crops, to be eligible for any payment or loan under the Agricultural Market Transition Act or the Agricultural Adjustment Act of 1938 (7 U.S.C. 1301 et seq.), the conservation reserve program, or any benefit described in section 371 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008f), a person shall—

"(i) obtain at least the catastrophic level of insurance for each crop of economic significance in which the person has an interest; or

"(ii) provide a written waiver to the Secretary that waives any eligibility for emergency crop loss assistance in connection with the crop.".

(b) COVERAGE OF SEED CROPS.—Section 519(a)(2)(B) of the Act (7 U.S.C. 1519(a)(2)(B)) is amended by inserting "seed crops," after "turfgrass sod,".

(c) CROP INSURANCE PILOT PROJECT.—

(1) COVERAGE.—The Secretary of Agriculture shall develop and administer a pilot project for crop insurance coverage that indemnifies crop losses due to a natural disaster such as insect infestation or disease.

(2) ACTUARIAL SOUNDNESS.—A pilot project under this paragraph shall be actuarially sound, as determined by the Secretary and administered at no net cost to the United States Treasury.

(3) DURATION.—A pilot project under this paragraph shall be of two years' duration.

(d) CROP INSURANCE FOR SPECIALTY CROPS.—Section 508(a)(6) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)(6)) is amended by adding at the end the following:

"(D) ADDITION OF SPECIALTY CROPS.—Not later than 2 years after the date of enactment of this subparagraph—

"(i) the Corporation shall issue regulations to expand crop insurance coverage under this title to include aquaculture; and

"(ii) The Corporation shall conduct a study and limited pilot program on the feasibility of insuring nursery crops.".

(e) MARKETING WINDOWS.—Section 508(j) of the Federal Crop Insurance Act (7 U.S.C. 1508(j)) is amended by adding at the end the following:

"(4) MARKETING WINDOWS.—The Corporation shall consider marketing windows in determining whether it is feasible to require planting during a crop year.".

SEC. 503. REVENUE INSURANCE.

Section 508(h) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)) is amended by adding at the end the following:

"(9) REVENUE INSURANCE PILOT PROGRAM.—

"(A) IN GENERAL.—Not later than December 31, 1996, the Secretary shall carry out a pilot program in a limited number of counties, as determined by the Secretary, for crop years 1997, 1998, 1999, and 2000, under which a producer of corn, wheat, or soybeans may elect to receive insurance against loss of revenue, as determined by the Secretary.

"(B) ADMINISTRATION.—Revenue insurance under this paragraph shall—

"(i) be offered through reinsurance arrangements with private insurance companies;

"(ii) offer at least a minimum level of coverage that is an alternative to catastrophic crop insurance;

"(iii) be actuarily sound; and

"(iv) require the payment of premiums and administrative fees by an insured producer.".

SEC. 504. COLLECTION AND USE OF AGRICULTURAL QUARANTINE AND INSPECTION FEES.

Subsection (a) of section 2509 of the Food, Agriculture, Conservation, and Trade Act of 1990 (21 U.S.C. 136a) is amended to read as follows:

"(a) QUARANTINE AND INSPECTION FEES.—

"(1) FEES AUTHORIZED.—The Secretary of Agriculture may prescribe and collect fees sufficient—

"(A) to cover the cost of providing agricultural quarantine and inspection services in connection with the arrival at a port in the customs territory of the United States, or the preclearance or preinspection at a site outside the customs territory of the United States, of an international passenger, commercial vessel, commercial aircraft, commercial truck, or railroad car;

"(B) to cover the cost of administering this subsection; and

"(C) through fiscal year 2002, to maintain a reasonable balance in the Agricultural Quarantine Inspection User Fee Account established under paragraph (5).

"(2) LIMITATION.—In setting the fees under paragraph (1), the Secretary shall ensure that the amount of the fees are commensurate with the costs of agricultural quarantine and inspection services with respect to the class of persons or entities paying the fees. The costs of the services with respect to passengers as a class includes the costs of related inspections of the aircraft or other vehicle.

"(3) STATUS OF FEES.—Fees collected under this subsection by any person on behalf of the Secretary are held in trust for the United States and shall be remitted to the Secretary in such manner and at such times as the Secretary may prescribe.

"(4) LATE PAYMENT PENALTIES.—If a person subject to a fee under this subsection fails to pay the fee when due, the Secretary shall assess a late payment penalty, and the overdue fees shall accrue interest, as required by section 3717 of title 31, United States Code.

"(5) AGRICULTURAL QUARANTINE INSPECTION USER FEE ACCOUNT.—

"(A) ESTABLISHMENT.—There is established in the Treasury of the United States a no-year fund, to be known as the 'Agricultural Quarantine Inspection User Fee Account', which shall contain all of the fees collected under this subsection and late payment penalties and interest charges collected under paragraph (4) through fiscal year 2002.

"(B) USE OF ACCOUNT.—For each of the fiscal years 1996 through 2002, funds in the Agricultural Quarantine Inspection User Fee Account shall be available, in such amounts as are provided in advance in appropriations Acts, to cover the costs associated with the provision of agricultural quarantine and inspection services and the administration of this subsection. Amounts made available under this subparagraph shall be available until expended.

"(C) EXCESS FEES.—Fees and other amounts collected under this subsection in any of the fiscal years 1996 through 2002 in excess of $100,000,000 shall be available for the purposes specified in subparagraph (B) until expended, without further appropriation.

"(6) USE OF AMOUNTS COLLECTED AFTER FISCAL YEAR 2002.—After September 30, 2002, the unobligated balance in the Agricultural Quarantine Inspection User Fee Account and fees and other amounts collected under this subsection shall be credited to the Department of Agriculture accounts that incur the costs associated with the provision of agricultural quarantine and inspection services and the administration of this subsection. The fees and other amounts shall remain available to the Secretary until expended without fiscal year limitation.

"(7) STAFF YEARS.—The number of full-time equivalent positions in the Department of Agriculture attributable to the provision of agricultural quarantine and inspection services and the administration of this subsection shall not be counted toward the limitation on the total number of full-time equivalent positions in all agencies specified in section 5(b) of the Federal Workforce Restructuring Act of 1994 (Public Law 103–226; 5 U.S.C. 3101 note) or other limitation on the total number of full-time equivalent positions.".

SEC. 505. COMMODITY CREDIT CORPORATION INTEREST RATE.

Notwithstanding any other provision of law, the monthly Commodity Credit Corporation interest rate applicable to loans provided for agricultural commodities by the Corporation shall be 100 basis points greater than the rate determined under the applicable interest rate formula in effect on October 1, 1995.

SEC. 506. EVERGLADES AGRICULTURAL AREA.

(a) IN GENERAL.—On July 1, 1996, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide $200,000,000 to the Secretary of the Interior to carry out this section.

(b) ENTITLEMENT.—The Secretary of the Interior—

(1) shall accept the funds made available under subsection (a);

(2) shall be entitled to receive the funds; and

(3) shall use the funds to conduct restoration activities in the Everglades ecosystem, which may include acquiring private acreage in the Everglades Agricultural Area including approximately 52,000 acres that is commonly known as the "Talisman tract".

(c) TRANSFERRING FUNDS.—The Secretary of the Interior may transfer funds to the Army Corps of Engineers, the State of Florida, or the South Florida Water Management District to carry out subsection (b)(3).

(d) DEADLINE.—Not later than December 31, 1999, the Secretary of the Interior shall utilize the funds for restoration activities referred to in subsection (b)(3).

SEC. 507. FUND FOR RURAL AMERICA.

(a) IN GENERAL.—The Secretary shall create an account called the Fund for Rural America for the purposes of providing funds for activities described in subsection (c).

(b) COMMODITY CREDIT CORPORATION.—In each of the 1996 through 1998 fiscal years, the Secretary shall transfer into the Fund for Rural America (hereafter referred to as the "Account")—

(1) $50,000,000 for the 1996 fiscal year;

(2) $100,000,000 for the 1997 fiscal year; and

(3) $150,000,000 for the 1998 fiscal year.

(c) PURPOSES.—Except as provided in subsection (d), the Secretary shall provide not more than one-third of the funds from the Account for activities described in paragraph (2).

(1) RURAL DEVELOPMENT ACTIVITIES.—The Secretary may use the funds in the Account for the following rural development activities authorized in:

(A) The Housing Act of 1949 for—

(i) direct loans to low income borrowers pursuant to section 502;

(ii) loans for financial assistance for housing for domestic farm laborers pursuant to section 514;

(iii) financial assistance for housing of domestic farm labor pursuant to section 516;

(iv) grants and contracts for mutual and self help housing pursuant to section 523(b)(1)(A); and

(v) grants for Rural Housing Preservation pursuant to section 533;

(B) The Food Security Act of 1985 for loans to intermediary borrowers under the Rural Development Loan Fund;

(C) Consolidated Farm and Rural Development Act for—

(i) grants for Rural Business Enterprises pursuant to section 310B (c) and (j);

(ii) direct loans, loan guarantees and grants for water and waste water projects pursuant to section 306; and

(iii) down payments assistance to farmers, section 310E;

(D) grants for outreach to socially disadvantaged farmers and ranchers pursuant to section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279); and

(E) grants pursuant to section 204(6) of the Agricultural Marketing Act of 1946.

(2) RESEARCH.—

(A) IN GENERAL.—The Secretary may use the funds in the Account for research grants to increase the competitiveness and farm profitability, protect and enhance natural resources, increase economic opportunities in farming and rural communities and expand locally owned value added processing and marketing operations.

(B) ELIGIBLE GRANTEE.—The Secretary may make a grant under this paragraph to—

(i) a college or university;

(ii) a State agricultural experiment station;

(iii) a State Cooperative Extension Service;

(iv) a research institution or organization;

(v) a private organization or person; or

(vi) a Federal agency.

(C) USE OF GRANT.—

(i) IN GENERAL.—A grant made under this paragraph may be used by a grantee for 1 or more of the following uses—

(I) research, ranging from discovery to principles of application;

(II) extension and related private-sector activities; and

(III) education.

(ii) LIMITATION.—No grant shall be made for any project, determined by the Secretary, to be eligible for funding under research and commodity promotion programs administered by the Department.

(D) ADMINISTRATION.—

(i) PRIORITY.—In administering this paragraph, the Secretary shall—

(I) establish priorities for allocating grants, based on needs and oppportunities of the food and agriculture system in the United States related to the goals of the paragraph;

(II) seek and accept proposals for grants;

(III) determine the relevance and merit of proposals through a system of peer and stakeholder review; and

(IV) award grants on the basis of merit, quality, and relevance to advancing the national research and extension purposes.

(ii) COMPETITIVE AWARDING.—A grant under this paragraph shall be awarded on a competitive basis.

(iii) TERMS.—A grant under this paragraph shall have a term that does not exceed 5 years.

(iv) MATCHING FUNDS.—As a condition of receipts under this paragraph, the Secretary shall require the funding of the grant with equal matching funds from a non-Federal source if the grant is—

(I) for applied research that is commodity-specific; and

(II) not of national scope.

(v) ADMINISTRATIVE COSTS.—

(I) IN GENERAL.—The Secretary may use not more than 4 percent of the funds made available under this paragraph for administrative costs incurred by the Secretary in carrying out this paragraph.

(II) LIMITATION.—Funds made available under this paragraph shall not be used—

(aa) for the construction of a new building or the acquisition, expansion, remodeling, or alteration of an existing building (including site grading and improvement and architect fees); or

(bb) in excess of ten percent of the annual allocation for commodity-specific projects not of the national scope.

(d) LIMITATIONS.—No funds from the Fund for Rural America may be used for an activity specified in subsection (c) if the current level of appropriations for the activity is less than 90 percent of the 1996 fiscal year appropriations for the activity adjusted for inflation.

Subtitle B—Options Pilot Programs and Risk Management Education

SEC. 511. SHORT TITLE.

This subtitle may be cited as the "Options Pilot Programs Act of 1996".

SEC. 512. PURPOSE.

The purpose of this subtitle is to authorize the Secretary of Agriculture (referred to in this subtitle as the "Secretary") to—

(1) conduct research through pilot programs for 1 or more program commodities to ascertain whether futures and options contracts can provide producers with reasonable protection from the financial risks of fluctuations in price, yield, and income inherent in the production and marketing of agricultural commodities; and

(2) provide education in the management of the financial risks inherent in the production and marketing of agricultural commodities.

SEC. 513. PILOT PROGRAMS.

(a) IN GENERAL.—The Secretary is authorized to conduct pilot programs for 1 or more supported commodities through December 31, 2002.

(b) DISTRIBUTION OF PILOT PROGRAMS.—The Secretary may operate a pilot program described in subsection (a) (referred to in this subtitle as a "pilot program") in up to 100 counties for each program commodity with not more than 6 of those counties in any 1 State. A pilot program shall not be implemented in any county for more than 3 of the 1996 through 2002 calendar years.

(c) ELIGIBLE PARTICIPANTS.—

(1) IN GENERAL.—In carrying out a pilot program, the Secretary may contract with a producer who—

(A) is eligible to participate in a price support program for a supported commodity;

(B) desires to participate in a pilot program; and

(C) is located in an area selected for a pilot program.

(2) CONTRACTS.—Each contract under paragraph (1) shall set forth the terms and conditions for participation in a pilot program.

(d) ELIGIBLE MARKETS.—Trades for futures and options contracts under a pilot program shall be carried out on commodity futures and options markets designated as contract markets under the Commodity Exchange Act (7 U.S.C. 1 et seq.)

SEC. 514. TERMS AND CONDITIONS.

(a) IN GENERAL.—To be eligible to participate in any pilot program for any commodity conducted under this subtitle, a producer shall meet the eligibility requirements established under this subtitle (including regulations issued under this subtitle).

(b) RECORDKEEPING.—Producers shall compile, maintain, and submit (or authorize the compilation, maintenance, and submission) of such documentation as the regulations governing any pilot program require.

SEC. 515. NOTICE.

(a) ALTERNATIVE PROGRAMS.—Pilot programs shall be alternatives to other related programs of the Department of Agriculture.

(b) NOTICE TO PRODUCERS.—The Secretary shall provide notice to each producer participating in a pilot program that—

(1) the participation of the producer in a pilot program is voluntary; and

(2) neither the United States, the Commodity Credit Corporation, the Federal Crop Insurance Corporation, the Department of Agriculture, nor any other Federal agency is authorized to guarantee that participants in the pilot program will be better or worse off financially as a result of participation in a pilot program than the producer would have been if the producer had not participated in a pilot program.

SEC. 516. COMMODITY CREDIT CORPORATION.

(a) IN GENERAL.—Pilot programs established under this subtitle shall be funded by and carried out through the Commodity Credit Corporation.

(b) LIMITATION.—In conducting the programs, the Secretary shall, to the maximum extent practicable, operate the pilot programs in a budget neutral manner.

SEC. 517. RISK MANAGEMENT EDUCATION.

The Secretary shall provide such education in management of the financial risks inherent in the production and marketing of agricultural commodities as the Secretary considers appropriate.

Subtitle C—Commercial Transportation of Equine for Slaughter

SEC. 521. FINDINGS.

Congress finds that, to ensure that equine sold for slaughter are provided humane treatment and care, it is essential to regulate the transportation, care, handling, and treatment of equine by any person engaged in the commercial transportation of equine for slaughter.

SEC. 522. DEFINITIONS.

In this subtitle:

(1) COMMERCE.—The term "commerce" means trade, traffic, transportation, or other commerce by a person—

(A) between any State, territory, or possession of the United States, or the District of Columbia, and any place outside thereof;

(B) between points within the same State, territory, or possession of the United States, or the District of Columbia, but through any place outside thereof; or

(C) within any territory or possession of the United States or the District of Columbia.

(2) DEPARTMENT.—The term "Department" means the United States Department of Agriculture.

(3) EQUINE.—The term "equine" means any member of the Equidae family.

(4) EQUINE FOR SLAUGHTER.—The term "equine for slaughter" means any equine that is transported, or intended to be transported, by vehicle to a slaughter facility or intermediate handler from a sale, auction, or intermediate handler by a person engaged in the business of transporting equine for slaughter.

(5) FOAL.—The term "foal" means an equine that is not more than 6 months of age.

(6) INTERMEDIATE HANDLER.—The term "intermediate handler" means any person regularly engaged in the business of receiving custody of equine for slaughter in connection with the transport of the equine to a slaughter facility, including a stockyard, feedlot, or assembly point.

(7) PERSON.—The term "person" means any individual, partnership, firm, company, corporation, or association that regularly transports equine for slaughter in commerce, except that the term shall not include an individual or other entity that does not transport equine for slaughter on a regular basis as part of a commercial enterprise.

(8) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(9) VEHICLE.—The term "vehicle" means any machine, truck, tractor, trailer, or semitrailer, or any combination thereof, propelled or drawn by mechanical power and used on a highway in the commercial transportation of equine for slaughter.

(10) STALLION.—The term "stallion" means any uncastrated male equine that is 1 year of age or older.

SEC. 523. STANDARDS FOR HUMANE COMMERCIAL TRANSPORTATION OF EQUINE FOR SLAUGHTER.

(a) IN GENERAL.—Subject to the availability of appropriations, not later than 1 year after the date of enactment of this subtitle, the Secretary shall issue, by regulation, standards for the humane commercial transportation by vehicle of equine for slaughter.

(b) PROHIBITION.—No person engaged in the regular business of transporting equine by vehicle for slaughter as part of a commercial enterprise shall transport in commerce, to a slaughter facility or intermediate handler, an equine for slaughter except in accordance with the standards and this subtitle.

(c) MINIMUM REQUIREMENTS.—The standards shall include minimum requirements for the humane handling, care, treatment, and equipment necessary to ensure the safe and humane transportation of equine for slaughter. The standards shall require, at a minimum, that—

(1) no equine for slaughter shall be transported for more than 24 hours without being unloaded from the vehicle and allowed to rest for at least 8 consecutive hours and given access to adequate quantities of wholesome food and potable water;

(2) a vehicle shall provide adequate headroom for an equine for slaughter with a minimum of at least 6 feet, 6 inches of headroom from the roof and beams or other structural members overhead to floor underfoot, except that a vehicle transporting 6 equine or less shall provide a minimum of at least 6 feet of headroom from the roof and beams or other structural members overhead to floor underfoot if none of the equine are over 16 hands;

(3) the interior of a vehicle shall—

(A) be free of protrusions, sharp edges, and harmful objects;

(B) have ramps and floors that are adequately covered with a nonskid nonmetallic surface; and

(C) be maintained in a sanitary condition;

(4) a vehicle shall—

(A) provide adequate ventilation and shelter from extremes of weather and temperature for all equine;

(B) be of appropriate size, height, and interior design for the number of equine being carried to prevent overcrowding; and

(C) be equipped with doors and ramps of sufficient size and location to provide for safe loading and unloading, including unloading during emergencies;

(5)(A) equine shall be positioned in the vehicle by size; and

(B) stallions shall be segregated from other equine;

(6)(A) all equine for slaughter must be fit to travel as determined by an accredited veterinarian, who shall prepare a certificate of inspection, prior to loading for transport, that—

(i) states that the equine were inspected and satisfied the requirements of subparagraph (B);

(ii) includes a clear description of each equine; and

(iii) is valid for 7 days;

(B) no equine shall be transported to slaughter if the equine is found to be—

(i) suffering from a broken or dislocated limb;

(ii) unable to bear weight on all 4 limbs;

(iii) blind in both eyes; or

(iv) obviously suffering from severe illness, injury, lameness, or physical debilitation that would make the equine unable to withstand the stress of transportation;

(C) no foal may be transported for slaughter;

(D) no mare in foal that exhibits signs of impending parturition may be transported for slaughter; and

(E) no equine for slaughter shall be accepted by a slaughter facility unless the equine is—

(i) inspected on arrival by an employee of the slaughter facility or an employee of the Department; and

(ii) accompanied by a certificate of inspection issued by an accredited veterinarian, not more than 7 days before the delivery, stating that the veterinarian inspected the equine on a specified date.

SEC. 524. RECORDS.

(a) IN GENERAL.—A person engaged in the business of transporting equine for slaughter shall establish and maintain such records, make such reports, and provide such information as the Secretary may, by regulation, require for the purposes of carrying out, or determining compliance with, this subtitle.

(b) MINIMUM REQUIREMENTS.—The records shall include, at a minimum—

(1) the veterinary certificate of inspection;

(2) the names and addresses of current owners and consignors, if applicable, of the equine at the time of sale or consignment to slaughter; and

(3) the bill of sale or other documentation of sale for each equine.

(c) AVAILABILITY.—The records shall—

(1) accompany the equine during transport to slaughter;

(2) be retained by any person engaged in the business of transporting equine for slaughter for a reasonable period of time, as determined by the Secretary, except that the veterinary certificate of inspection shall be surrendered at the slaughter facility to an employee or designee of the Department and kept by the Department for a reasonable period of time, as determined by the Secretary; and

(3) on request of an officer or employee of the Department, be made available at all reasonable times for inspection and copying by the officer or employee.

SEC. 525. AGENTS.

(a) IN GENERAL.—For purposes of this subtitle, the act, omission, or failure of an individual acting for or employed by a person engaged in the business of transporting equine for slaughter, within the scope of the employment or office of the individual, shall be considered the act, omission, or failure of the person engaging in the commercial transportation of equine for slaughter as well as of the individual.

(b) ASSISTANCE.—If an equine suffers a substantial injury or illness while being transported for slaughter on a vehicle, the driver of the vehicle shall seek prompt assistance from a licensed veterinarian.

SEC. 526. COOPERATIVE AGREEMENTS.

The Secretary is authorized to cooperate with States, political subdivisions of States, State agencies (including State departments of agriculture and State law enforcement agencies), and foreign governments to carry out and enforce this subtitle (including regulations issued under this subtitle).

SEC. 527. INVESTIGATIONS AND INSPECTIONS.

(a) IN GENERAL.—The Secretary is authorized to conduct such investigations or inspections as the Secretary considers necessary to enforce this subtitle (including any regulation issued under this subtitle).

(b) ACCESS.—For the purposes of conducting an investigation or inspection under subsection (a), the Secretary shall, at all reasonable times, have access to—

(1) the place of business of any person engaged in the business of transporting equine for slaughter;

(2) the facilities and vehicles used to transport the equine; and

(3) records required to be maintained under section 834.

(c) ASSISTANCE TO OR DESTRUCTION OF EQUINE.—The Secretary shall issue such regulations as the Secretary considers necessary to permit employees or agents of the Department to—

(1) provide assistance to any equine that is covered by this subtitle (including any regulation issued under this subtitle); or

(2) destroy, in a humane manner, any such equine found to be suffering.

SEC. 528. INTERFERENCE WITH ENFORCEMENT.

(a) IN GENERAL.—Subject to subsection (b), a person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of an official duty of the person under this subtitle shall be fined not more than $5,000 or imprisoned not more than 3 years, or both.

(b) WEAPONS.—If the person uses a deadly or dangerous weapon in connection with an action described in subsection (a), the person shall be fined not more than $10,000 or imprisoned not more than 10 years, or both.

SEC. 529. JURISDICTION OF COURTS.

Except as provided in section 840(a)(5), a district court of the United States in any appropriate judicial district under section 1391 of title 28, United States Code, shall have jurisdiction to specifically enforce this subtitle, to prevent and restrain a violation of this subtitle, and to otherwise enforce this subtitle.

SEC. 530. CIVIL AND CRIMINAL PENALTIES.

(a) CIVIL PENALTIES.—

(1) IN GENERAL.—A person who violates this subtitle (including a regulation or standard issued under this subtitle) shall be assessed a civil penalty by the Secretary of not more than $2,000 for each violation.

(2) SEPARATE OFFENSES.—Each equine transported in violation of this subtitle shall constitute a separate offense. Each violation and each day during which a violation continues shall constitute a separate offense.

(3) HEARINGS.—No penalty shall be assessed under this subsection unless the person who is alleged to have violated this subtitle is given notice and opportunity for a hearing with respect to an alleged violation.

(4) FINAL ORDER.—An order of the Secretary assessing a penalty under this subsection shall be final and conclusive unless the aggrieved person files an appeal from the order pursuant to paragraph (5).

(5) APPEALS.—Not later than 30 days after entry of a final order of the Secretary issued pursuant to this subsection, a person aggrieved by the order may seek review of the

order in the appropriate United States Court of Appeals. The Court shall have exclusive jurisdiction to enjoin, set aside, suspend (in whole or in part), or to determine the validity of the order.

(6) NONPAYMENT OF PENALTY.—On a failure to pay the penalty assessed by a final order under this section, the Secretary shall request the Attorney General to institute a civil action in a district court of the United States or other United States court for any district in which the person is found, resides, or transacts business, to collect the penalty. The court shall have jurisdiction to hear and decide the action.

(b) CRIMINAL PENALTIES.—

(1) FIRST OFFENSE.—Subject to paragraph (2), a person who knowingly violates this subtitle (or a regulation or standard issued under this subtitle) shall, on conviction of the violation, be subject to imprisonment for not more than 1 year or a fine of not more than $2,000, or both.

(2) SUBSEQUENT OFFENSES.—On conviction of a second or subsequent offense described in paragraph (1), a person shall be subject to imprisonment for not more than 3 years or to a fine of not more than $5,000, or both.

SEC. 531. PAYMENTS FOR TEMPORARY OR MEDICAL ASSISTANCE FOR EQUINE DUE TO VIOLATIONS.

From sums received as penalties, fines, or forfeitures of property for any violation of this subtitle (including a regulation issued under this subtitle), the Secretary shall pay the reasonable and necessary costs incurred by any person in providing temporary care or medical assistance for any equine that needs the care or assistance due to a violation of this subtitle.

SEC. 532. RELATIONSHIP TO STATE LAW.

Nothing in this subtitle prevents a State from enacting or enforcing any law (including a regulation) that is not inconsistent with this subtitle or that is more restrictive than this subtitle.

SEC. 533. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated for each fiscal year such sums as are necessary to carry out this subtitle.

(b) LIMITATION.—No provision of this subtitle shall be effective, or be enforced against any person, during a fiscal year unless funds to carry out this subtitle have been appropriated for the fiscal year.

Subtitle D—Miscellaneous

SEC. 541. LIVESTOCK DEALER TRUST.

Title III of the Packers and Stockyards Act, 1921 (7 U.S.C. 201 et seq.), is amended by adding at the end the following:

"SEC. 318. LIVESTOCK DEALER TRUST.

"(a) FINDINGS.—Congress finds that—

"(1) a burden on and obstruction to commerce in livestock is caused by financing arrangements under which dealers and market agencies purchasing livestock on commission encumber, give lenders security interests in, or have liens placed on livestock purchased by the dealers and market agencies in cash sales, or on receivables from or proceeds of such sales, when payment is not made for the livestock; and

"(2) the carrying out of such arrangements is contrary to the public interest.

"(b) PURPOSE.—The purpose of this section is to remedy the burden on and obstruction to commerce in livestock described in paragraph (1) and protect the public interest.

"(c) DEFINITIONS.—In this section:

"(1) CASH SALE.—The term 'cash sale' means a sale in which the seller does not expressly extend credit to the buyer.

"(2) TRUST.—The term 'trust' means 1 or more assets of a buyer that (subsequent to a cash sale of livestock) constitutes the corpus of a trust held for the benefit of a seller and consists of—

"(A) account receivables and proceeds earned from the cash sale of livestock by a dealer;

"(B) account receivables and proceeds of a marketing agency earned on commission from the cash sale of livestock;

"(C) the inventory of the dealer or marketing agency; or

"(D) livestock involved in the cash sale, if the seller has not received payment in full for the livestock and a bona fide third-party purchaser has not purchased the livestock from the dealer or marketing agency.

"(d) HOLDING IN TRUST.—

"(1) IN GENERAL.—The account receivables and proceeds generated in a cash sale made by a dealer or a market agency on commission and the inventory of the dealer or market agency shall be held by the dealer or market agency in trust for the benefit of the seller of the livestock until the seller receives payment in full for the livestock.

"(2) EXEMPTION.—Paragraph (1) does not apply in the case of a cash sale made by a dealer or market agency if the total amount of cash sales made by the dealer or market agency during the preceding 12 months does not exceed $250,000.

"(3) DISHONOR OF INSTRUMENT OF PAYMENT.—A payment in a sale described in paragraph (1) shall not be considered to be made if the instrument by which payment is made is dishonored.

"(4) LOSS OF BENEFIT OF TRUST.—If an instrument by which payment is made in a sale described in paragraph (1) is dishonored, the seller shall lose the benefit of the trust under paragraph (1) on the earlier of—

"(A) the date that is 15 business days after date on which the seller receives notice of the dishonor; or

"(B) the date that is 30 days after the final date for making payment under section 409,

unless the seller gives written notice to the dealer or market agency of the seller's intention to preserve the trust and submits a copy of the notice to the Secretary.

"(5) RIGHTS OF THIRD-PARTY PURCHASER.—The trust established under paragraph (1) shall have no effect on the rights of a bona fide third-party purchaser of the livestock, without regard to whether the livestock are delivered to the bona fide purchaser.

"(e) JURISDICTION.—The district courts of the United States shall have jurisdiction in a civil action—

"(1) by the beneficiary of a trust described in subsection (c)(1), to enforce payment of the amount held in trust; and

"(2) by the Secretary, to prevent and restrain dissipation of a trust described in subsection (c)(1).".

SEC. 542. PLANTING OF ENERGY CROPS.

(a) FEED GRAINS.—The first sentence of section 105B(c)(1)(F)(i) of the Agricultural Act of 1949 (7 U.S.C. 1444f(c)(1)(F)(i)) is amended by inserting "herbaceous perennial grass, short rotation woody coppice species of trees, other energy crops designated by the Secretary with high energy content," after "mung beans,".

(b) WHEAT.—The first sentence of section 107B(c)(1)(F)(i) of the Agricultural Act of 1949 (7 U.S.C. 1445b–3a(c)(1)(F)(i)) is amended by inserting "herbaceous perennial grass, short rotation woody coppice species of trees, other energy crops designated by the Secretary with high energy content," after "mung beans,".

SEC. 543. REIMBURSABLE AGREEMENTS.

Section 737 of Public Law 102–142 (7 U.S.C. 2277) is amended—

(1) by striking "SEC. 737. Funds" and inserting the following:

"SEC. 737. SERVICES FOR APHIS PERFORMED OUTSIDE THE UNITED STATES.

"(a) IN GENERAL.—Funds"; and

(2) by adding at the end the following:

"(b) REIMBURSABLE AGREEMENTS.—

"(1) IN GENERAL.—The Secretary of Agriculture may enter into reimbursable fee agreements with persons for preclearance at locations outside the United States of plants, plant products, animals, and articles for movement to the United States.

"(2) OVERTIME, NIGHT, AND HOLIDAY WORK.—Notwithstanding any other law, the Secretary of Agriculture may pay an employee of the Department of Agriculture preforming services relating to imports into and exports from the United States for overtime, night, and holiday work performed by the employee at a rate of pay established by the Secretary.

"(3) REIMBURSEMENT.—

"(A) IN GENERAL.—The Secretary of Agriculture may require persons for whom preclearance services are performed to reimburse the Secretary for any amounts paid by the Secretary for performance of the services.

"(B) CREDITING OF FUNDS.—All funds collected under subparagraph (A) shall be credited to the account that incurs the costs and shall remain available until expended without fiscal year limitation.

"(C) LATE PAYMENT PENALTY.—

"(i) IN GENERAL.—On failure of a person to reimburse the Secretary of Agriculture for the costs of performance of preclearance services—

"(I) the Secretary may assess a late payment penalty; and

"(II) the overdue funds shall accrue interest in accordance with section 3717 of title 31, United States Code.

"(ii) CREDITING OF FUNDS.—Any late payment penalty and any accrued interest collected under this subparagraph shall be credited to the account that incurs the costs and shall remain available until expended without fiscal year limitation.".

SEC. 544. SWINE HEALTH PROTECTION.

(a) TERMINATION OF STATE PRIMARY ENFORCEMENT RESPONSIBILITY.—Section 10 of the Swine Health Protection Act (7 U.S.C. 3809) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

"(c) REQUEST OF STATE OFFICIAL.—

"(1) IN GENERAL.—On request of the Governor or other appropriate official of a State, the Secretary may terminate, effective as soon as the Secretary determines is practicable, the primary enforcement responsibility of a State under subsection (a). In terminating the primary enforcement responsibility under this subsection, the Secretary shall work with the appropriate State official to determine the level of support to be provided to the Secretary by the State under this Act.

"(2) REASSUMPTION.—Nothing in this subsection shall prevent a State from reassuming primary enforcement responsibility if the Secretary determines that the State meets the requirements of subsection (a).".

(b) ADVISORY COMMITTEE.—The Swine Health Protection Act is amended—

(1) by striking section 11 (7 U.S.C. 3810); and

(2) by redesignating sections 12, 13, and 14 (7 U.S.C. 3811, 3812, and 3813) as sections 11, 12, and 13, respectively.

SEC. 545. COOPERATIVE WORK FOR PROTECTION, MANAGEMENT, AND IMPROVEMENT OF NATIONAL FOREST SYSTEM.

The penultimate paragraph of the matter under the heading "FOREST SERVICE." of the first section of the Act of June 30, 1914 (38 Stat. 430, chapter 131; 16 U.S.C. 498), is amended—

(1) by inserting ", management," after "the protection";

(2) by striking "national forests," and inserting "National Forest System,";

(3) by inserting "management," after "protection," both places it appears; and

(4) by adding at the end the following new sentences: "Payment for work undertaken pursuant to this paragraph may be made from any appropriation of the Forest Service that is available for similar work if a written agreement so provides and reimbursement will be provided by a cooperator in the same fiscal year as the expenditure by the Forest Service. A reimbursement received from a cooperator that covers the proportionate share of the cooperator of the cost of the work shall be deposited to the credit of the appropriation of the Forest Service from which the payment was initially made or, if the appropriation is no longer available to the credit of an appropriation of the Forest Service that is available for similar work. The Secretary of Agriculture shall establish written rules that establish criteria to be used to determine whether the acceptance of contributions of money under this paragraph would adversely affect the ability of an officer or employee of the United States Department of Agriculture to carry out a duty or program of the officer or employee in a fair and objective manner or would compromise, or appear to compromise, the integrity of the program, officer, or employee. The Secretary of Agriculture shall establish written rules that protect the interests of the Forest Service in cooperative work agreements.".

SEC. 546. AMENDMENT OF THE VIRUS-SERUM TOXIN ACT OF 1913.

The Act of March 4, 1913 (37 Stat. 828, chapter 145), is amended in the eighth paragraph under the heading "BUREAU OF ANIMAL INDUSTRY", commonly known as the "Virus-Serum Toxin Act of 1913", by striking the 10th sentence (21 U.S.C. 158) and inserting "A person, firm, or corporation that knowingly violates any of the provisions of this paragraph or regulations issued under this paragraph, or knowingly forges, counterfeits, or, without authorization by the Secretary of Agriculture, uses, alters, defaces, or destroys any certificate, permit, license, or other document provided for in this paragraph, may, for each violation, after written notice and opportunity for a hearing on the record, be assessed a civil penalty by the Secretary of Agriculture of not more than $5,000, or shall, on conviction, be assessed a criminal penalty of not more than $10,000, imprisoned not more than 1 year, or both. In the course of an investigation of a suspected violation of this paragraph, the Secretary of Agriculture may issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence that relates to the matter under investigation. In determining the amount of a civil penalty, the Secretary of Agriculture shall take into account the nature, circumstances, extent, and gravity of the violation, the ability of the violator to pay the penalty, the effect that the assessment would have on the ability of the violator to continue to do business, any history of such violations by the violator, the degree of culpability of the violator, and such other matters as justice may require. An order assessing a civil penalty shall be treated as a final order reviewable under chapter 158 of title 28, United State's Code. The Secretary of Agriculture may compromise, modify, or remit a civil penalty with or without conditions. The amount of a civil penalty that is paid (including any amount agreed on in compromise) may be deducted from any sums owing by the United States to the violator. The total amount of civil penalties assessed against a violator shall not exceed $300,000 for all such violations adjudicated in a single proceeding. The validity of an order assessing a civil penalty shall not be subject to review in an action to collect the civil penalty. The unpaid amount of a civil penalty not paid in full when due shall accrue interest at the rate of interest applicable to civil judgments of the courts of the United States.".

SEC. 547. OVERSEAS TORT CLAIMS.

Title VII of Public Law 102–142 (105 Stat. 911) is amended by inserting after section 737 (7 U.S.C. 2277) the following:

"SEC. 737A. OVERSEAS TORT CLAIMS.

"The Secretary of Agriculture may pay a tort claim in the manner authorized in section 2672 of title 28, United States Code, if the claim arises outside the United States in connection with activities of individuals who are performing services for the Secretary. A claim may not be allowed under this section unless the claim is presented in writing to the Secretary within 2 years after the date on which the claim accrues.".

SEC. 548. GRADUATE SCHOOL OF THE UNITED STATES DEPARTMENT OF AGRICULTURE.

(a) PURPOSE.—The purpose of this section is to authorize the continued operation of the Graduate School as a nonappropriated fund instrumentality of the Department of Agriculture.

(b) DEFINITIONS.—In this section:

(1) BOARD.—The term "Board" means the General Administration Board of the Graduate School.

(2) DEPARTMENT.—The term "Department" means the Department of Agriculture.

(3) DIRECTOR.—The term "Director" means the Director of the Graduate School.

(4) GRADUATE SCHOOL.—The term "Graduate School" means the Graduate School of the United States Department of Agriculture.

(5) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(c) FUNCTIONS AND AUTHORITY.—

(1) IN GENERAL.—The Graduate School shall continue as a nonappropriated fund instrumentality of the Department under the general supervision of the Secretary.

(2) ACTIVITIES.—The Graduate School shall develop and administer education, training, and professional development activities, including the provision of educational activities for Federal agencies, Federal employees, nonprofit organizations, other entities, and members of the general public.

(3) FEES.—

(A) IN GENERAL.—The Graduate School may charge and retain fair and reasonable fees for the activities that it provides based on the cost of the activities to the Graduate School.

(B) NOT FEDERAL FUNDS.—Fees under subparagraph (A) shall not be considered to be Federal funds and shall not required to be deposited in the Treasury of the United States.

(4) NAME.—The Graduate School shall operate under the name "United States Department of Agriculture Graduate School" or such other name as the Graduate School may adopt.

(d) GENERAL ADMINISTRATION BOARD.—

(1) APPOINTMENT.—The Secretary shall appoint a General Administration Board to serve as a governing board subject to regulation by the Secretary.

(2) SUPERVISION.—The Graduate School shall be subject to the supervision and direction of the Board.

(3) DUTIES.—The Board shall—

(A) formulate broad policies in accordance with which the Graduate School shall be administered;

(B) take all steps necessary to see that the highest possible educational standards are maintained;

(C) exercise general supervision over the administration of the Graduate School; and

(D) establish such bylaws, rules, and procedures as may be necessary for the fulfillment of the duties described in subparagraph (A), (B), and (C).

(4) DIRECTOR AND OTHER OFFICERS.—The Board shall select the Director and such other officers as the Board may consider necessary, who shall serve on such terms and perform such duties as the Board may prescribe.

(5) BORROWING.—The Board may authorize the Director to borrow money on the credit of the Graduate School.

(e) DIRECTOR OF THE GRADUATE SCHOOL.—

(1) DUTIES.—The Director shall be responsible, subject to the supervision and direction of the Board, for carrying out the functions of the Graduate School.

(2) INVESTMENT OF FUNDS.—The Board may authorize the Director to invest funds held in excess of the current operating requirements of the Graduate School for purposes of maintaining a reasonable reserve.

(f) LIABILITY.—The Director and the members of the Board shall not be held personally liable for any loss or damage that may accrue to the funds of the Graduate School as the result of any act or exercise of discretion performed in carrying out the duties described in this section.

(g) EMPLOYEES.—Employees of the Graduate School are employees of a nonappropriated fund instrumentality and shall not be considered to be Federal employees.

(h) NOT A FEDERAL AGENCY.—The Graduate School shall not be considered to be a Federal Agency for purposes of—

(1) chapter 171 of title 28, United States Code;

(2) section 552 or 552a of title 28, United States Code; or

(3) the Federal Advisory Committee Act (5 U.S.C. App.).

(i) ACCEPTANCE OF DONATIONS.—The Graduate School shall not accept a donation from a person that is actively engaged in a procurement activity with the Graduate School or has an interest that may be substantially affected by the performance or nonperformance of an official duty of a member of the Board or an employee of the Graduate School.

(j) ADMINISTRATIVE PROVISIONS.—In order to carry out the functions of the Graduate School, the Graduate School may—

(1) accept, use, hold, dispose, and administer gifts, bequests, or devises of money, securities, and other real or personal property made for the benefit of, or in connection with, the Graduate School;

(2) notwithstanding any other law—

(A) acquire real property in the District of Columbia and in other places by lease, purchase, or otherwise;

(B) maintain, enlarge, or remodel any such property; and

(C) have sole control of any such property;

(3) enter into contracts without regard to the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471) or any other law that prescribes procedures for the procurement of property or services by an executive agency;

(4) dispose of real and personal property without regard to the requirements of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471); and

(5) use the facilities and resources of the Department, on the condition that any costs incurred by the Department that are attributable solely to Graduate School operations and all costs incurred by the Graduate School arising out of such operations shall be borne by the fees paid by or on behalf of students or by other means and not with Federal funds.

SEC. 549. STUDENT INTERN SUBSISTENCE PROGRAM.

(a) DEFINITION.—In this section, the term "student intern" means a person who—

(1) is employed by the Department of Agriculture to assist scientific, professional, administrative, or technical employees of the Department; and

(2) is a student in good standing at an accredited college or university pursuing a course of study related to the field in which the person is employed by the Department.

(b) PAYMENT OF CERTAIN EXPENSES BY THE SECRETARY.—The Secretary of Agriculture may, out of user fee funds or funds appropriated to any agency, pay for lodging expenses, subsistence expenses, and transportation expenses of a student intern (including expenses of transportation to and from the student intern's residence at or near the college or university attended by the student intern and the official duty station at which the student intern is employed).

SEC. 550. CONVEYANCE OF LAND TO WHITE OAK CEMETERY.

(a) IN GENERAL.—

(1) RELEASE OF INTEREST.—After execution of the agreement described in subsection (b), the Secretary of Agriculture shall release the condition stated in the deed on the land described in subsection (c) that the land be used for public purposes, and that if the land is not so used, that the land revert the United States, on the condition that the land be used exclusively for cemetery purposes, and that if the land is not so used, that the land revert the United States.

(2) BANKHEAD-JONES ACT.—Section 32(c) of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1011(c)) shall not apply to the release under paragraph (1).

(b) AGREEMENT.—The Secretary of Agriculture shall make the release under subsection (a) on execution by the Board of Trustees of the University of Arkansas, in consideration of the release, of an agreement, satisfactory to the Secretary of Agriculture, that—

(1) the Board of Trustees will not sell, lease, exchange, or otherwise dispose of the land described in subsection (c) except to the White Oak Cemetery Association of Washington County, Arkansas, or a successor organization, for exclusive use for an expansion of the cemetery maintained by the Association; and

(2) the proceeds of such a disposition of the land will be deposited and held in an account open to inspection by the Secretary of Agriculture, and used, if withdrawn from the account, for public purposes.

(c) LAND DESCRIPTION.—The land described in this subsection is the land conveyed to the Board of Trustees of the University of Arkansas, with certain other land, by deed dated November 18, 1953, comprising approximately 2.2 acres located within property of the University of Arkansas in Washington, County, Arkansas, commonly known as the "Savor property" and described as follows:

The part of Section 20, Township 17 north, range 31 west, beginning at the north corner of the White Oak Cemetery and the University of Arkansas Agricultural Experiment Station farm at Washington County road #874, running west approximately 330 feet, thence south approximately 135 feet, thence southeast approximately 384 feet, thence north approximately 330 feet to the point of beginning.

SEC. 551. ADVISORY BOARD ON AGRICULTURAL AIR QUALITY.

(a) FINDINGS.—Congress finds that—

(1) various studies have identified agriculture as a major atmospheric polluter;

(2) Federal research activities are underway to determine the extent of the pollution problem and the extent of the role of agriculture in the problem; and

(3) any Federal policy decisions that may result, and any Federal regulations that may be imposed on the agricultural sector, should be based on sound scientific findings;

(b) PURPOSE.—The purpose of this section is to establish an advisory board to assist and provide the Secretary of Agriculture with information, analyses, and policy recommendations for determining matters of fact and technical merit and addressing scientific questions dealing with particulate matter less than 10 microns that become lodged in human lungs (known as "PM10") and other airborne particulate matter or gases that affect agricultural production yields and the economy.

(c) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of Agriculture may establish a board to be known as the "Advisory Board on Agricultural Air Quality" (referred to in this section as the "Board") to advise the Secretary, through the Chief of the Natural Resources Conservation Service, with respect to carrying out this act and obligations agriculture incurred under the Clean Air Act (42 U.S.C. 7401 et seq.) and the Act entitled 'An Act to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes', approved November 15, 1990 (commonly known as the 'Clean Air Act Amendments of 1990') (42 U.S.C. 7401 et seq.).

(2) OVERSIGHT COORDINATION.—The Secretary of Agriculture shall provide oversight and coordination with respect to other Federal departments and agencies to ensure intergovernmental cooperation in research activities and to avoid duplication of Federal efforts.

(d) COMPOSITION.—

(1) IN GENERAL.—The Board shall be composed of at least 17 members appointed by the Secretary in consultation with the Administrator of the Environmental Protection Agency.

(2) REGIONAL REPRESENTATION.—The membership of the Board shall be 2 persons from each of the 6 regions of the Natural Resources Conservation Service, of whom 1 from each region shall be an agricultural producer.

(3) ATMOSPHERIC SCIENTIST.—At least 1 member of the Board shall be an atmospheric scientist.

(e) CHAIRPERSON.—The Chief of the Natural Resources Conservation Service shall—

(1) serve as chairman of the Board; and

(2) provide technical support to the Board.

(f) TERM.—Each member of the Board shall be appointed for a 3-year term, except that the Secretary of Agriculture shall appoint 4 of the initial members for a term of 1 year and 4 for a term of 2 years.

(g) MEETINGS.—The Board shall meet not less than twice annually.

(h) COMPENSATION.—Members of the Board shall serve without compensation, but while away from their homes or regular place of business in performance of services for the Board, members of the Board shall be allowed travel expenses, including a per diem allowance in lieu of subsistence, in the same manner as persons employed in Government service are allowed travel expenses under section 5703 of title 5, United States Code.

(i) FUNDING.—The Board shall be funded using appropriations for conservation operations.

SEC. 552. WATER SYSTEMS FOR RURAL AND NATIVE VILLAGES IN ALASKA.

The Consolidated Farm and Rural Development Act is amended by inserting after section 306C (7 U.S.C. 1926c) the following:

"SEC. 306D. WATER SYSTEMS FOR RURAL AND NATIVE VILLAGES IN ALASKA.

"(a) IN GENERAL.—The Secretary may make grants to the State of Alaska for the benefit of rural or Native villages in Alaska to provide for the development and construction of water and wastewater systems to improve the health and sanitation conditions in those villages.

"(b) MATCHING FUNDS.—To be eligible to receive a grant under subsection (a), the State of Alaska shall provide equal matching funds from non-Federal sources.

"(c) CONSULTATION WITH THE STATE OF ALASKA.—The Secretary shall consult with the State of Alaska on a method of prioritizing the allocation of grants under subsection (a) according to the needs of, and relative health and sanitation conditions in, each village.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 1996 through 2002.".

SEC. 553. ELIGIBILITY FOR GRANTS TO BROADCASTING SYSTEMS.

Section 310B(j) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(j)) is amended by striking "SYSTEMS.—The" and inserting the following: "SYSTEMS.—

"(1) DEFINITION OF STATEWIDE.—In this subsection, the term 'statewide' means having a coverage area of not less than 90 percent of the population of a State and 80 percent of the rural land area of the State (as determined by the Secretary).

"(2) GRANTS.—The".

SEC. 554. WILDLIFE HABITAT INCENTIVES PROGRAM.

(a) IN GENERAL.—The Secretary of Agriculture, in consultation with the State Technical Committee, shall establish a program in the Natural Resources Conservation Service to be known as the Wildlife Habitat Incentive Program.

(b) COST-SHARE PAYMENTS.—The Program shall make cost-share payments to landowners to develop upland wildlife, wetland wildlife, threatened and endangered species, fisheries, and other types of wildlife habitat approved by the Secretary.

(c) FUNDING.—To carry out this section, $10,000,000 shall be made available for each of fiscal years 1996 through 2002 from funds made available to carry out subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.).

SEC. 555. INDIAN RESERVATIONS.

(a) INDIAN RESERVATION EXTENSION AGENT PROGRAM.—

(1) REAUTHORIZATION.—The program established under section 1677 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5930) is reauthorized through fiscal year 2002.

(2) REDUCED REGULATORY BURDEN.—On a determination by the Secretary of Agriculture that a program carried out under section 1677 of the Act (7 U.S.C. 5930) has been satisfactorily administered for not less than 2 years, the Secretary shall implement a reduced re-application process for the continued operation of the program in order to reduce regulatory burdens on participating university and tribal entities.

(b) MEMORANDUM OF AGREEMENT.—

(1) IN GENERAL.—Not later than January 6, 1997, the Secretary shall develop and implement a formal Memorandum of Agreement with the 29 tribally controlled colleges eligible under Federal law to receive funds from the Secretary of Agriculture as partial land grant institutions.

(2) EQUITABLE PARTICIPATION.—The Memorandum shall establish programs to ensure that tribally-controlled colleges and Native American communities equitably participate in Department of Agriculture employment programs, services, and resources.

SEC. 556. ICD REIMBURSEMENT FOR OVERHEAD EXPENSES.

Section 1542(d)(1)(D) of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624;7 U.S.C. 5622 note) is amended by adding at the end the following: "Notwithstanding any other provision of law, the assistance shall include assistance for administrative and overhead expenses, to the extent that the expenses were incurred pursuant to reimbursable agreements entered into prior to September 30, 1993, the expenses do not exceed $2,000,000 per year, and the expenses were not incurred for information technology systems.".

SEC. 557. CLARIFICATION OF EFFECT OF RESOURCE PLANNING ON ALLOCATION OR USE OF WATER.

(a) NATIONAL FOREST SYSTEM RESOURCE PLANNING.—Section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604) is amended by adding at the end the following new subsection:

"(n) LIMITATION ON AUTHORITY.—Nothing in this section shall be construed to supersede, abrogate or otherwise impair any right or authority of a State to allocate quantities of water (including boundary waters). Nothing in this section shall be implemented, enforced, or construed to allow any officer or agency of the United States to utilize directly or indirectly the authorities established under this section to impose any requirement not imposed by the State which would supersede, abrogate, or otherwise impair rights to the use of water resources allocated under State law, interstate water compact, or Supreme Court decree, or held by the United States for use by a State, its political subdivisions, or its citizens. No water rights arise in the United States or any other person under the provisions of this Act.".

(b) AUTHORIZATION TO GRANT RIGHTS-OF-WAY.—Section 501 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761) is amended as it applies to the Secretary of Agriculture—

(1) in subsection (c)(1)—

(A) by striking subparagraph (B);

(B) in subparagraph (D), by striking "originally constructed";

(C) in subparagraph (G), by striking "1996" and inserting "1998"; and

(D) by redesignating subparagraphs (C) through (G) as subparagraphs (B) through (F), respectively;

(2) in subsection (c)(3)(A), by striking the second and third sentences; and

(3) by adding at the end the following new subsection:

"(e) EFFECT ON VALID EXISTING RIGHTS.—Notwithstanding any provision of this section, the Secretary of Agriculture may not require, as a condition of, or in connection with, the renewal of a right-of-way under this section, a restriction or limitation on the operation, use, repair, or replacement of an existing water supply facility which is located on or above National Forest lands or the exercise and use of existing water rights, if such condition would reduce the quantity of water which would otherwise be made available for use by the owner of such facility or water rights, or cause an increase in the cost of the water supply provided from such facility.".

TITLE VI—CREDIT

Subtitle A—Agricultural Credit

CHAPTER 1—FARM OWNERSHIP LOANS

SEC. 601. LIMITATION ON DIRECT FARM OWNERSHIP LOANS.

Section 302 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1922) is amended by striking subsection (b) and inserting the following:

"(b) DIRECT LOANS.—

"(1) IN GENERAL.—Subject to paragraph (3), the Secretary may only make a direct loan under this subtitle to a farmer or rancher who has operated a farm or ranch for not less than 3 years and—

"(A) is a qualified beginning farmer or rancher;

"(B) has not received a previous direct farm ownership loan made under this subtitle; or

"(C) has not received a direct farm ownership loan under this subtitle more than 10 years before the date the new loan would be made.

"(2) YOUTH LOANS.—The operation of an enterprise by a youth under section 311(b) shall not be considered the operation of a farm or ranch for purposes of paragraph (1).

"(3) TRANSITION RULE.—

"(A) IN GENERAL.—Subject to subparagraphs (B) and (C), paragraph (1) shall not apply to a farmer or rancher who has a direct loan outstanding under this subtitle on the date of enactment of this paragraph.

"(B) LESS THAN 5 YEARS.—If, as of the date of enactment of this paragraph, a farmer or rancher has had a direct loan outstanding under this subtitle for less than 5 years, the Secretary shall not make another loan to the farmer or rancher under this subtitle after the date that is 10 years after the date of enactment of this paragraph.

"(C) 5 YEARS OR MORE.—If, as of the date of enactment of this paragraph, a farmer or rancher has had a direct loan outstanding under this subtitle for 5 years or more, the Secretary shall not make another loan to the farmer or rancher under this subtitle after the date that is 5 years after the date of enactment of this paragraph.".

SEC. 602. PURPOSES OF LOANS.

Section 303 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1923) is amended to read as follows:

"SEC. 303. PURPOSES OF LOANS.

"(a) ALLOWED PURPOSES.—

"(1) DIRECT LOANS.—A farmer or rancher may use a direct loan made under this subtitle only for—

"(A) acquiring or enlarging a farm or ranch;

"(B) making capital improvements to a farm or ranch;

"(C) paying loan closing costs related to acquiring, enlarging, or improving a farm or ranch; or

"(D) paying for activities to promote soil and water conservation and protection under section 304 on the farm or ranch.

"(2) GUARANTEED LOANS.—A farmer or rancher may use a loan guaranteed under this subtitle only for—

"(A) acquiring or enlarging a farm or ranch;

"(B) making capital improvements to a farm or ranch;

"(C) paying loan closing costs related to acquiring, enlarging, or improving a farm or ranch;

"(D) paying for activities to promote soil and water conservation and protection under section 304 on the farm or ranch; or

"(E) refinancing indebtedness.

"(b) PREFERENCES.—In making or guaranteeing a loan for farm or ranch purchase, the Secretary shall give a preference to a person who—

"(1) has a dependent family;

"(2) to the extent practicable, is able to make an initial down payment; or

"(3) is an owner of livestock or farm or ranch equipment that is necessary to successfully carry out farming or ranching operations.

"(c) HAZARD INSURANCE REQUIREMENT.—

"(1) IN GENERAL.—The Secretary may not make a loan to a farmer or rancher under this subtitle unless the farmer or rancher has, or agrees to obtain, hazard insurance on any real property to be acquired or improved with the loan.

"(2) DETERMINATION.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall determine the appropriate level of insurance to be required under paragraph (1).

"(3) TRANSITIONAL PROVISION.—Paragraph (1) shall not apply until the Secretary makes the determination required under paragraph (2).".

SEC. 603. SOIL AND WATER CONSERVATION AND PROTECTION.

Section 304 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1924) is amended—

(1) by striking subsections (b) and (c);

(2) by striking "SEC. 304. (a)(1) Loans" and inserting the following:

"SEC. 304. SOIL AND WATER CONSERVATION AND PROTECTION.

"(a) IN GENERAL.—Loans";

(3) by striking "(2) In making or insuring" and inserting the following:

"(b) PRIORITY.—In making or guaranteeing";

(4) by striking "(3) The Secretary" and inserting the following:

"(c) LOAN MAXIMUM.—The Secretary";

(5) by redesignating subparagraphs (A) through (F) of subsection (a) (as amended by paragraph (2)) as paragraphs (1) through (6), respectively; and

(6) by redesignating subparagraphs (A) and (B) of subsection (c) (as amended by paragraph (4)) as paragraphs (1) and (2), respectively.

SEC. 604. INTEREST RATE REQUIREMENTS.

Section 307(a)(3) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1927(a)(3)) is amended—

(1) in subparagraph (B), by inserting "subparagraph (D) and in" after "Except as provided in"; and

(2) by adding at the end the following:

"(D) JOINT FINANCING ARRANGEMENT.—If a direct farm ownership loan is made under this subtitle as part of a joint financing arrangement and the amount of the direct farm ownership loan does not exceed 50 percent of the total principal amount financed under the arrangement, the interest rate on the direct farm ownership loan shall be 4 percent annually.".

SEC. 605. INSURANCE OF LOANS.

Section 308 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1928) is amended to read as follows:

"SEC. 308. FULL FAITH AND CREDIT.

"(a) IN GENERAL.—A contract of insurance or guarantee executed by the Secretary under this title shall be an obligation supported by the full faith and credit of the United States.

"(b) CONTESTABILITY.—A contract of insurance or guarantee executed by the Secretary under this title shall be incontestable except for fraud or misrepresentation that the lender or any holder—

"(1) has actual knowledge of at the time the contract or guarantee is executed; or

"(2) participates in or condones.".

SEC. 606. LOANS GUARANTEED.

Section 309(h) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1929(h)) is amended by adding at the end the following:

"(4) MAXIMUM GUARANTEE OF 90 PERCENT.—Except as provided in paragraph (5), a loan guarantee under this title shall be for not more than 90 percent of the principal and interest due on the loan.

"(5) REFINANCED LOANS GUARANTEED AT 95 PERCENT.—The Secretary shall guarantee 95 percent of—

"(A) in the case of a loan that solely refinances a direct loan made under this title, the principal and interest due on the loan on the date of the refinancing; or

"(B) in the case of a loan that is used for multiple purposes, the portion of the loan that refinances the principal and interest due on a direct loan made under this title that is outstanding on the date the loan is guaranteed.

"(6) BEGINNING FARMER LOANS GUARANTEED UP TO 95 PERCENT.—The Secretary may guarantee up to 95 percent of—

"(A) a farm ownership loan for acquiring a farm or ranch to a borrower who is participating in the down payment loan program under section 310E; or

"(B) an operating loan to a borrower who is participating in the down payment loan program under section 310E that is made during the period that the borrower has a direct loan for acquiring a farm or ranch.".

CHAPTER 2—OPERATING LOANS

SEC. 611. LIMITATION ON DIRECT OPERATING LOANS.

(a) IN GENERAL.—Section 311 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941) is amended by striking subsection (c) and inserting the following:

"(c) DIRECT LOANS.—

"(1) IN GENERAL.—Subject to paragraph (3), the Secretary may only make a direct loan under this subtitle to a farmer or rancher who—

"(A) is a qualified beginning farmer or rancher who has not operated a farm or ranch, or who has operated a farm or ranch for not more than 5 years;

"(B) has not had a previous direct operating loan under this subtitle; or

"(C) has not had a previous direct operating loan under this subtitle for more than 7 years.

"(2) YOUTH LOANS.—In this subsection, the term 'direct operating loan' shall not include a loan made to a youth under subsection (b).

"(3) TRANSITION RULE.—If, as of the date of enactment of this paragraph, a farmer or rancher has received a direct operating loan under this subtitle during each of 4 or more previous years, the borrower shall be eligible to receive a direct operating loan under this subtitle during 3 additional years after the date of enactment of this paragraph.".

(b) YOUTH ENTERPRISES NOT FARMING OR RANCHING.—Section 311(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941(b)) is amended by adding at the end the following:

"(4) YOUTH ENTERPRISES NOT FARMING OR RANCHING.—The operation of an enterprise by a youth under this subsection shall not be considered the operation of a farm or ranch under this title.".

SEC. 612. PURPOSES OF OPERATING LOANS.

Section 312 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1942) is amended to read as follows:

"SEC. 312. PURPOSES OF LOANS.

"(a) IN GENERAL.—A direct loan may be made under this subtitle only for—

"(1) paying the costs incident to reorganizing a farming or ranching system for more profitable operation;

"(2) purchasing livestock, poultry, or farm or ranch equipment;

"(3) purchasing feed, seed, fertilizer, insecticide, or farm or ranch supplies, or to meet other essential farm or ranch operating expenses, including cash rent;

"(4) financing land or water development, use, or conservation;

"(5) paying loan closing costs;

"(6) assisting a farmer or rancher in effecting an addition to, or alteration of, the equipment, facilities, or methods of operation of a farm or ranch to comply with a standard promulgated under section 6 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655) or a standard adopted by a State under a plan approved under section 18 of the Act (29 U.S.C. 667), if the Secretary determines that without assistance under this paragraph the farmer or rancher is likely to suffer substantial economic injury due to compliance with the standard;

"(7) training a limited-resource borrower receiving a loan under section 310D in maintaining records of farming and ranching operations;

"(8) training a borrower under section 359;

"(9) refinancing the indebtedness of a borrower if the borrower—

"(A) has refinanced a loan under this subtitle not more than 4 times previously; and

"(B)(i) is a direct loan borrower under this title at the time of the refinancing and has suffered a qualifying loss because of a natural disaster declared by the Secretary under this title or a major disaster or emergency designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); or

"(ii) is refinancing a debt obtained from a creditor other than the Secretary; or

"(10) providing other farm, ranch, or home needs, including family subsistence.

"(b) GUARANTEED LOANS.—A loan may be guaranteed under this subtitle only for—

"(1) paying the costs incident to reorganizing a farming or ranching system for more profitable operation;

"(2) purchasing livestock, poultry, or farm or ranch equipment;

"(3) purchasing feed, seed, fertilizer, insecticide, or farm or ranch supplies, or to meet other essential farm or ranch operating expenses, including cash rent;

"(4) financing land or water development, use, or conservation;

"(5) refinancing indebtedness;

"(6) paying loan closing costs;

"(7) assisting a farmer or rancher in effecting an addition to, or alteration of, the equipment, facilities, or methods of operation of a farm or ranch to comply with a standard promulgated under section 6 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655) or a standard adopted by a State under a plan approved under section 18 of the Act (29 U.S.C. 667), if the Secretary determines that without assistance under this paragraph the farmer or rancher is likely to suffer substantial economic injury due to compliance with the standard;

"(8) training a borrower under section 359; or

"(9) providing other farm, ranch, or home needs, including family subsistence.

"(c) HAZARD INSURANCE REQUIREMENT.—

"(1) IN GENERAL.—The Secretary may not make a loan to a farmer or rancher under this subtitle unless the farmer or rancher has, or agrees to obtain, hazard insurance on any property to be acquired with the loan.

"(2) DETERMINATION.—Not later than 180 days after the date of enactment of this paragraph, the Secretary shall determine the appropriate level of insurance to be required under paragraph (1).

"(3) TRANSITIONAL PROVISION.—Paragraph (1) shall not apply until the Secretary makes the determination required under paragraph (2).

"(d) PRIVATE RESERVE.—

"(1) IN GENERAL.—Notwithstanding any other provision of this title, the Secretary may reserve the lesser of 10 percent or $5,000 of the amount of a direct loan made under this subtitle, to be placed in a nonsupervised bank account that may be used at the discretion of the borrower for any necessary family living need or purpose that is consistent with any farming or ranching plan agreed to by the Secretary and the borrower prior to the date of the loan.

"(2) ADJUSTMENT OF RESERVE.—If a borrower exhausts the amount of funds reserved under paragraph (1), the Secretary may—

"(A) review and adjust the farm or ranch plan referred to in paragraph (1) with the borrower and reschedule the loan;

"(B) extend additional credit;

"(C) use income proceeds to pay necessary farm, ranch, home, or other expenses; or

"(D) provide additional available loan servicing.".

SEC. 613. PARTICIPATION IN LOANS.

Section 315 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1945) is repealed.

SEC. 614. LINE-OF-CREDIT LOANS.

Section 316 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1946) is amended by adding at the end the following:

"(c) LINE-OF-CREDIT LOANS.—

"(1) IN GENERAL.—A loan made or guaranteed by the Secretary under this subtitle may be in the form of a line-of-credit loan.

"(2) TERM.—A line-of-credit loan under paragraph (1) shall terminate not later than 5 years after the date that the loan is made or guaranteed.

"(3) ELIGIBILITY.—For purposes of determining eligibility for a farm operating loan, each year in which a farmer or rancher takes an advance or draws on a line-of-credit loan the farmer or rancher shall be considered to have received an operating loan for 1 year.".

SEC. 615. INSURANCE OF OPERATING LOANS.

Section 317 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1947) is repealed.

SEC. 616. SPECIAL ASSISTANCE FOR BEGINNING FARMERS AND RANCHERS.

(a) IN GENERAL.—Section 318 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1948) is repealed.

(b) CONFORMING AMENDMENT.—Section 310F of the Consolidated Farm and Rural Development Act (7 U.S.C. 1936) is repealed.

SEC. 617. LIMITATION ON PERIOD FOR WHICH BORROWERS ARE ELIGIBLE FOR GUARANTEED ASSISTANCE.

Section 319 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1949) is amended by striking subsection (b) and inserting the following:

"(b) LIMITATION ON PERIOD BORROWERS ARE ELIGIBLE FOR GUARANTEED ASSISTANCE.—

"(1) GENERAL RULE.—Subject to paragraph (2), the Secretary shall not guarantee a loan under this subtitle for a borrower for any year after the 15th year that a loan is made to, or a guarantee is provided with respect to, the borrower under this subtitle.

"(2) TRANSITION RULE.—If, as of October 28, 1992, a farmer or rancher has received a direct or guaranteed operating loan under this subtitle during each of 10 or more previous years, the borrower shall be eligible to receive a guaranteed operating loan under this subtitle during 5 additional years after October 28, 1992.".

CHAPTER 3—EMERGENCY LOANS

SEC. 621. HAZARD INSURANCE REQUIREMENT.

Section 321 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961) is amended by striking subsection (b) and inserting the following:

"(b) HAZARD INSURANCE REQUIREMENT.—

"(1) IN GENERAL.—The Secretary may not make a loan to a farmer or rancher under this subtitle to cover a property loss unless the farmer or rancher had hazard insurance that insured the property at the time of the loss.

"(2) DETERMINATION.—Not later than 180 days after the date of enactment of this paragraph, the Secretary shall determine the appropriate level of insurance to be required under paragraph (1).

"(3) TRANSITIONAL PROVISION.—Paragraph (1) shall not apply until the Secretary makes the determination required under paragraph (2).".

SEC. 622. MAXIMUM EMERGENCY LOAN INDEBTEDNESS.

Section 324 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1964) is amended by striking "SEC. 324. (a) No loan" and all that follows through the end of subsection (a) and inserting the following:

"SEC. 324. TERMS OF LOANS.

"(a) MAXIMUM AMOUNT OF LOAN.—The Secretary may not make a loan under this subtitle that—

"(1) exceeds the actual loss caused by a disaster; or

"(2) would cause the total indebtedness of the borrower under this subtitle to exceed $500,000.".

SEC. 623. INSURANCE OF EMERGENCY LOANS.

Section 328 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1968) is repealed.

CHAPTER 4—ADMINISTRATIVE PROVISIONS

SEC. 631. USE OF COLLECTION AGENCIES.

Section 331 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981) is amended by adding at the end the following:

"(d) PRIVATE COLLECTION AGENCY.—The Secretary may use a private collection agency to collect a claim or obligation described in subsection (b)(5).".

SEC. 632. NOTICE OF LOAN SERVICE PROGRAMS.

Section 331D(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981d(a)) is amended by striking "180 days delinquent in" and inserting "90 days past due on".

SEC. 633. SALE OF PROPERTY.

Section 335 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1985) is amended—

(1) in subsection (b), by striking "subsection (e)" and inserting "subsections (c) and (e)";

(2) by striking subsection (c) and inserting the following:

"(c) SALE OF PROPERTY.—

"(1) IN GENERAL.—Subject to this subsection and subsection (e)(1)(A), the Secretary shall offer to sell real property that is acquired by the Secretary under this title in the following order and method of sale:

"(A) ADVERTISEMENT.—Not later than 15 days after acquiring real property, the Secretary shall publicly advertise the property for sale.

"(B) BEGINNING FARMER OR RANCHER.—

"(i) IN GENERAL.—Not later than 75 days after acquiring real property, the Secretary shall attempt to sell the property to a qualified beginning farmer or rancher at current market value based on a current appraisal.

"(ii) RANDOM SELECTION.—If more than 1 qualified beginning farmer or rancher offers to purchase the property, the Secretary shall select between the qualified applicants on a random basis.

"(iii) APPEAL OF RANDOM SELECTION.—A random selection or denial by the Secretary of a beginning farmer or rancher for farm inventory property under this subparagraph shall be final and not administratively appealable.

"(C) PUBLIC SALE.—If no acceptable offer is received from a qualified beginning farmer or rancher under subparagraph (B) within 75 days of acquiring the real property, the Secretary shall, within 30 days, sell the property after public notice at a public sale, and, if no acceptable bid is received, by negotiated sale, at the best price obtainable.

"(2) TRANSITIONAL RULES.—

"(A) PREVIOUS LEASE.—In the case of real property acquired prior to the date of enactment of this subparagraph that the Secretary leased prior to the date of enactment of this subparagraph, the Secretary shall offer to sell the property according to paragraph (1) not later than 60 days after the lease expires.

"(B) PREVIOUSLY IN INVENTORY.—In the case of real property acquired prior to the date of enactment of this subparagraph that the Secretary has not leased, the Secretary shall offer to sell the property according to paragraph (1) not later than 60 days after the date of enactment of this subparagraph.

"(3) INTEREST.—

"(A) IN GENERAL.—Subject to subparagraph (B), any conveyance under this subsection shall include all of the interest of the United States, including mineral rights.

"(B) CONSERVATION.—The Secretary may for conservation purposes grant or sell an easement, restriction, development right, or similar legal right to a State, a political subdivision of a State, or a private nonprofit organization separately from the underlying fee or other rights owned by the Secretary.

"(4) OTHER LAW.—This title shall not be subject to the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

"(5) LEASE OF PROPERTY.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may not lease any real property acquired under this title.

"(B) EXCEPTION.—

"(i) BEGINNING FARMER OR RANCHER.—Notwithstanding paragraph (1), the Secretary may lease or contract to sell a farm or ranch acquired by the Secretary under this title to a beginning farmer or rancher if the beginning farmer or rancher qualifies for a credit sale or direct farm ownership loan but credit sale authority for loans or direct farm ownership funds, respectively, are not available.

"(ii) TERM.—A lease or contract to sell to a beginning farmer or rancher under clause (i) shall be until the earlier of—

"(I) the date that is 18 months after the date of the lease or sale; or

"(II) the date that direct farm ownership loan funds or credit sale authority for loans become available to the beginning farmer or rancher.

"(iii) INCOME-PRODUCING CAPABILITY.—In determining the rental rate on real property leased under this subparagraph, the Secretary shall consider the income-producing capability of the property during the term that the property is leased.

"(6) DETERMINATION BY SECRETARY.—

"(A) EXPEDITED REVIEW.—On the request of an applicant, the Secretary shall provide within 30 days of denial of the applicant's application for an expedited review by the appropriate State Director of whether the applicant is a beginning farmer or rancher for the purpose of acquiring farm inventory property.

"(B) APPEAL.—The results of a review conducted by a State Director under subparagraph (A) shall be final and not administratively appealable.

"(C) EFFECTS OF REVIEW.—

"(i) IN GENERAL.—The Secretary shall maintain statistical data on the number and results of reviews conducted under subparagraph (A) and whether the reviews adversely impact on—

"(I) selling farm inventory property to beginning farmers and ranchers; and

"(II) disposing of real property in inventory.

"(ii) NOTIFICATION.—The Secretary shall notify the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate if the Secretary determines that reviews under subparagraph (A) are adversely impacting the selling of farm inventory property to beginning farmers or ranchers or on disposing of real property in inventory."; and

(3) in subsection (e)—

(A) in paragraph (1)—

(i) by striking subparagraphs (A) through (C);

(ii) by redesignating subparagraphs (D) through (G) as subparagraphs (A) through (D), respectively;

(iii) in subparagraph (A) (as redesignated by clause (ii))—

(I) in clause (i)—

(aa) in the matter preceding subclause (I), by striking "(G)" and inserting "(D)";

(bb) by striking subclause (I) and inserting the following:

"(I) the Secretary acquires property under this title that is located within an Indian reservation; and";

(cc) in subclause (II), by striking ", and" at the end and inserting a semicolon; and

(dd) by striking subclause (III); and

(II) in clause (iii), by striking “The Secretary shall” and all that follows through “of subparagraph (A),” and inserting “Not later than 90 days after acquiring the property, the Secretary shall”; and

(iv) in subparagraph (D) (as redesignated by clause (ii))—

(I) in clause (i), by striking “(D)” in the matter following subclause (IV) and inserting “(A)”;

(II) in clause (iii)(I), by striking “subparagraphs (C)(i), (C)(ii), and (D)” and inserting “subparagraph (A)”; and

(III) by striking clause (v) and inserting the following:

“(v) FORECLOSURE PROCEDURES.—

“(I) NOTICE TO BORROWER.—If a borrower-owner does not voluntarily convey to the Secretary real property described in clause (i), not less than 30 days before a foreclosure sale of the property the Secretary shall provide the Indian borrower-owner with the option of—

“(aa) requiring the Secretary to assign the loan and security instruments to the Secretary of the Interior, provided the Secretary of the Interior agrees to the assignment, releasing the Secretary of Agriculture from all further responsibility for collection of any amounts with regard to the loan secured by the real property; or

“(bb) requiring the Secretary to assign the loan and security instruments to the tribe having jurisdiction over the reservation in which the real property is located, provided the tribe agrees to the assignment.

“(II) NOTICE TO TRIBE.—If a borrower-owner does not voluntarily convey to the Secretary real property described in clause (i), not less than 30 days before a foreclosure sale of the property the Secretary shall provide written notice to the Indian tribe that has jurisdiction over the reservation in which the real property is located of—

“(aa) the sale;

“(bb) the fair market value of the property; and

“(cc) the requirements of this subparagraph.

“(III) ASSUMED LOANS.—If an Indian tribe assumes a loan under subclause (I)—

“(aa) the Secretary shall not foreclose the loan because of any default that occurred prior to the date of the assumption;

“(bb) the loan shall be for the lesser of the outstanding principal and interest of the loan or the fair market value of the property; and

“(cc) the loan shall be treated as though the loan was made under Public Law 91–229 (25 U.S.C. 488 et seq.).”;

(B) by striking paragraph (3);

(C) in paragraph (4)—

(i) by striking subparagraph (B);

(ii) in subparagraph (A)—

(I) in clause (i), by striking “(i)”; and

(II) by redesignating clause (ii) as subparagraph (B); and

(iii) in subparagraph (B) (as redesignated by clause (ii)(II)), by striking “clause (i)” and inserting “subparagraph (A)”;

(D) by striking paragraph (5);

(E) by striking paragraph (6);

(F) by redesignating paragraph (4) as paragraph (3); and

(G) by redesignating paragraphs (7) through (10) as paragraphs (4) through (7), respectively.

SEC. 634. DEFINITIONS.

Section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)) is amended—

(1) in paragraph (11)—

(A) in the text preceding subparagraph (A), by striking “applicant—” and inserting “applicant, regardless of whether participating in a program under section 310E—”; and

(B) in subparagraph (F)—

(i) by striking “15 percent” and inserting “35 percent”; and

(ii) by inserting before the semicolon at the end the following: “, except that this subparagraph shall not apply to loans under subtitle B”; and

(2) by adding at the end the following:

“(12) DEBT FORGIVENESS.—

“(A) IN GENERAL.—The term ‘debt forgiveness’ means reducing or terminating a farm loan made or guaranteed under this title, in a manner that results in a loss to the Secretary, through—

“(i) writing-down or writing-off a loan under section 353;

“(ii) compromising, adjusting, reducing, or charging-off a debt or claim under section 331;

“(iii) paying a loss on a guaranteed loan under section 357; or

“(iv) discharging a debt as a result of bankruptcy.

“(B) LOAN RESTRUCTURING.—The term ‘debt forgiveness’ does not include consolidation, rescheduling, reamortization, or deferral.”.

SEC. 635. AUTHORIZATION FOR LOANS.

Section 346 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1994) is amended—

(1) in the second sentence of subsection (a), by striking “with or without” and all that follows through “administration” and inserting the following: “without authority for the Secretary to transfer amounts between the categories”; and

(2) by striking subsection (b) and inserting the following:

“(b) AUTHORIZATION FOR LOANS.—

“(1) IN GENERAL.—The Secretary may make or guarantee loans under subtitles A and B from the Agricultural Credit Insurance Fund established under section 309 in not more than the following amounts:

“(A) FISCAL YEAR 1996.—For fiscal year 1996, $3,085,000,000, of which—

“(i) $585,000,000 shall be for direct loans, of which—

“(I) $85,000,000 shall be for farm ownership loans under subtitle A; and

“(II) $500,000,000 shall be for operating loans under subtitle B; and

“(ii) $2,500,000,000 shall be for guaranteed loans, of which—

“(I) $600,000,000 shall be for farm ownership loans under subtitle A; and

“(II) $1,900,000,000 shall be for operating loans under subtitle B.

“(B) FISCAL YEAR 1997.—For fiscal year 1997, $3,165,000,000, of which—

“(i) $585,000,000 shall be for direct loans, of which—

“(I) $85,000,000 shall be for farm ownership loans under subtitle A; and

“(II) $500,000,000 shall be for operating loans under subtitle B; and

“(ii) $2,580,000,000 shall be for guaranteed loans, of which—

“(I) $630,000,000 shall be for farm ownership loans under subtitle A; and

“(II) $1,950,000,000 shall be for operating loans under subtitle B.

“(C) FISCAL YEAR 1998.—For fiscal year 1998, $3,245,000,000, of which—

“(i) $585,000,000 shall be for direct loans, of which—

“(I) $85,000,000 shall be for farm ownership loans under subtitle A; and

“(II) $500,000,000 shall be for operating loans under subtitle B; and

“(ii) $2,660,000,000 shall be for guaranteed loans, of which—

“(I) $660,000,000 shall be for farm ownership loans under subtitle A; and

“(II) $2,000,000,000 shall be for operating loans under subtitle B.

“(D) FISCAL YEAR 1999.—For fiscal year 1999, $3,325,000,000, of which—

“(i) $585,000,000 shall be for direct loans, of which—

“(I) $85,000,000 shall be for farm ownership loans under subtitle A; and

“(II) $500,000,000 shall be for operating loans under subtitle B; and

“(ii) $2,740,000,000 shall be for guaranteed loans, of which—

“(I) $690,000,000 shall be for farm ownership loans under subtitle A; and

“(II) $2,050,000,000 shall be for operating loans under subtitle B.

“(E) FISCAL YEAR 2000.—For fiscal year 2000, $3,435,000,000, of which—

“(i) $585,000,000 shall be for direct loans, of which—

“(I) $85,000,000 shall be for farm ownership loans under subtitle A; and

“(II) $500,000,000 shall be for operating loans under subtitle B; and

“(ii) $2,850,000,000 shall be for guaranteed loans, of which—

“(I) $750,000,000 shall be for farm ownership loans under subtitle A; and

“(II) $2,100,000,000 shall be for operating loans under subtitle B.

“(F) FISCAL YEAR 2001.—For fiscal year 2001, $3,435,000,000, of which—

“(i) $585,000,000 shall be for direct loans, of which—

“(I) $85,000,000 shall be for farm ownership loans under subtitle A; and

“(II) $500,000,000 shall be for operating loans under subtitle B; and

“(ii) $2,850,000,000 shall be for guaranteed loans, of which—

“(I) $750,000,000 shall be for farm ownership loans under subtitle A; and

“(II) $2,100,000,000 shall be for operating loans under subtitle B.

“(G) FISCAL YEAR 2002.—For fiscal year 2002, $3,435,000,000, of which—

“(i) $585,000,000 shall be for direct loans, of which—

“(I) $85,000,000 shall be for farm ownership loans under subtitle A; and

“(II) $500,000,000 shall be for operating loans under subtitle B; and

“(ii) $2,850,000,000 shall be for guaranteed loans, of which—

“(I) $750,000,000 shall be for farm ownership loans under subtitle A; and

“(II) $2,100,000,000 shall be for operating loans under subtitle B.

“(2) BEGINNING FARMERS AND RANCHERS.—

“(A) DIRECT LOANS.—

“(i) FARM OWNERSHIP LOANS.—Of the amounts made available under paragraph (1) for direct farm ownership loans, the Secretary shall reserve 70 percent of available funds for qualified beginning farmers and ranchers.

“(ii) OPERATING LOANS.—Of the amounts made available under paragraph (1) for direct operating loans, the Secretary shall reserve for qualified beginning farmers and ranchers—

“(I) for fiscal year 1996, 25 percent;

“(II) for fiscal year 1997, 25 percent;

“(III) for fiscal year 1998, 25 percent;

“(IV) for fiscal year 1999, 30 percent; and

“(V) for each of fiscal years 2000 through 2002, 35 percent.

“(iii) FUNDS RESERVED UNTIL SEPTEMBER 1.—Funds reserved for beginning farmers or ranchers under this subparagraph shall be reserved only until September 1 of each fiscal year.

"(B) GUARANTEED LOANS.—

"(i) FARM OWNERSHIP LOANS.—Of the amounts made available under paragraph (1) for guaranteed farm ownership loans, the Secretary shall reserve 25 percent for qualified beginning farmers and ranchers.

"(ii) OPERATING LOANS.—Of the amounts made available under paragraph (1) for guaranteed operating loans, the Secretary shall reserve 40 percent for qualified beginning farmers and ranchers.

"(iii) FUNDS RESERVED UNTIL APRIL 1.—Funds reserved for beginning farmers or ranchers under this subparagraph shall be reserved only until April 1 of each fiscal year.

"(C) RESERVED FUNDS FOR ALL QUALIFIED BEGINNING FARMERS AND RANCHERS.—If a qualified beginning farmer or rancher meets the eligibility criteria for receiving a direct or guaranteed loan under section 302, 310E, or 311, the Secretary shall make or guarantee the loan if sufficient funds reserved under this paragraph are available to make or guarantee the loan.

"(3) TRANSFER FOR DOWN PAYMENT LOANS.—

"(A) IN GENERAL.—Notwithstanding subsection (a), subject to subparagraph (B)—

"(i) beginning on August 1 of each fiscal year, the Secretary shall use available unsubsidized guaranteed farm operating loan funds to fund approved direct farm ownership loans to beginning farmers and ranchers under the down payment loan program established under section 310E; and

"(ii) beginning on September 1 of each fiscal year, the Secretary shall use available unsubsidized guaranteed farm operating loan funds to fund approved direct farm ownership loans to beginning farmers and ranchers.

"(B) LIMITATION.—The Secretary shall limit the transfer of funds under subparagraph (A) so that all guaranteed farm operating loans that have been approved, or will be approved, during the fiscal year shall be funded to extent of appropriated amounts.

"(4) TRANSFER FOR CREDIT SALES OF FARM INVENTORY PROPERTY.—

"(A) IN GENERAL.—Notwithstanding subsection (a), subject to subparagraphs (B) and (C), beginning on September 1 of each fiscal year, the Secretary may use available emergency disaster loan funds appropriated for the fiscal year to fund the credit sale of farm real estate in the inventory of the Secretary.

"(B) SUPPLEMENTAL APPROPRIATIONS.—The transfer authority provided under subparagraph (A) does not include any emergency disaster loan funds made available to the Secretary for any fiscal year as a result of a supplemental appropriation made by Congress.

"(C) LIMITATION.—The Secretary shall limit the transfer of funds under subparagraph (A) so that all emergency disaster loans that have been approved, or will be approved, during the fiscal year shall be funded to extent of appropriated amounts.".

SEC. 636. LIST OF CERTIFIED LENDERS AND INVENTORY PROPERTY DEMONSTRATION PROJECT.

(a) IN GENERAL.—Section 351 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1999) is amended—

(1) in subsection (f)—

(A) by striking "Each Farmers Home Administration county supervisor" and inserting "The Secretary";

(B) by striking "approved lenders" and inserting "lenders"; and

(C) by striking "the Farmers Home Administration"; and

(2) by striking subsection (h).

(b) TECHNICAL AMENDMENTS.—

(1) Section 1320 of the Food Security Act of 1985 (Public Law 99-198; 7 U.S.C. 1999 note) is amended by striking "Effective only" and all that follows through "1995, the" and inserting "The".

(2) Section 351(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1999) is amended—

(A) by striking "SEC. 351. (a) The" and inserting the following:

"SEC. 351. INTEREST RATE REDUCTION PROGRAM.

"(a) ESTABLISHMENT OF PROGRAM.—

"(1) IN GENERAL.—The"; and

(B) by adding at the end the following:

"(2) TERMINATION OF AUTHORITY.—The authority provided by this subsection shall terminate on September 30, 2002.".

SEC. 637. HOMESTEAD PROPERTY.

Section 352(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2000(c)) is amended—

(1) in paragraph (1)(A), by striking "90" each place it appears and inserting "30"; and

(2) in paragraph (6), by striking "Within 30" and all that follows through "title," and insert "Not later than the date of acquisition of the property securing a loan made under this title (or, in the case of real property in inventory on the effective date of the Agricultural Reform and Improvement Act of 1996, not later than 5 days after the date of enactment of the Act)," and by striking the second sentence.

SEC. 638. RESTRUCTURING.

Section 353 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2001) is amended—

(1) in subsection (c)—

(A) in paragraph (3) by striking subparagraph (C) and inserting the following:

"(C) CASH FLOW MARGIN.—

"(i) ASSUMPTION.—For the purpose of assessing under subparagraph (A) the ability of a borrower to meet debt obligations and continue farming operations, the Secretary shall assume that the borrower needs up to 110 percent of the amount indicated for payment of farm operating expenses, debt service obligations, and family living expenses.

"(ii) AVAILABLE INCOME.—If an amount up to 110 percent of the amount determined under subparagraph (A) is available, the Secretary shall consider the income of the borrower to be adequate to meet all expenses, including the debt obligations of the borrower."; and

(B) by striking paragraph (6) and inserting the following:

"(6) TERMINATION OF LOAN OBLIGATIONS.—The obligations of a borrower to the Secretary under a loan shall terminate if—

"(A) the borrower satisfies the requirements of paragraphs (1) and (2) of subsection (b);

"(B) the value of the restructured loan is less than the recovery value; and

"(C) not later than 90 days after receipt of the notification described in paragraph (4)(B), the borrower pays (or obtains third-party financing to pay) the Secretary an amount equal to the current market value.";

(2) by striking subsection (k); and

(3) by redesignating subsections (l) through (p) as subsections (k) through (o), respectively.

SEC. 639. TRANSFER OF INVENTORY LANDS.

Section 354 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2002) is amended—

(1) in the matter preceding paragraph (1), by striking "The Secretary, without reimbursement," and inserting the following:

"(a) IN GENERAL.—Subject to subsection (b), the Secretary";

(2) by striking paragraph (2) and inserting the following:

"(2) that is eligible to be disposed of in accordance with section 335; and"; and

(3) by adding at the end the following:

"(b) CONDITIONS.—The Secretary may not transfer any property or interest under subsection (a) unless—

"(1) at least 2 public notices are given of the transfer;

"(2) if requested, at least 1 public meeting is held prior to the transfer; and

"(3) the Governor and at least 1 elected county official are consulted prior to the transfer.".

SEC. 640. IMPLEMENTATION OF TARGET PARTICIPATION RATES.

Section 355 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003) is amended by adding at the end the following:

"(f) IMPLEMENTATION CONSISTENT WITH SUPREME COURT HOLDING.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall ensure that the implementation of this section is consistent with the holding of the Supreme Court in Adarand Constructors, Inc. v. Federico Pena, Secretary of Transportation, 63 U.S.L.W. 4523 (U.S. June 12, 1995).".

SEC. 641. DELINQUENT BORROWERS AND CREDIT STUDY.

The Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) is amended by adding at the end the following:

"SEC. 372. PAYMENT OF INTEREST AS A CONDITION OF LOAN SERVICING FOR BORROWERS.

"The Secretary may not reschedule or reamortize a loan for a borrower under this title who has not requested consideration under section 331D(e) unless the borrower pays a portion, as determined by the Secretary, of the interest due on the loan.

"SEC. 373. LOAN AND LOAN SERVICING LIMITATIONS

"(a) DELINQUENT BORROWERS PROHIBITED FROM OBTAINING DIRECT OPERATING LOANS.—The Secretary may not make a direct operating loan under subtitle B to a borrower who is delinquent on any loan made or guaranteed under this title.

"(b) LOANS PROHIBITED FOR BORROWERS THAT HAVE RECEIVED DEBT FORGIVENESS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may not make or guarantee a loan under this title to a borrower who received debt forgiveness under this title.

"(2) EXCEPTION.—The Secretary may make a direct or guaranteed farm operating loan for paying annual farm or ranch operating expenses to a borrower who was restructured with debt write-down under section 353.

"(c) NO MORE THAT 1 DEBT FORGIVENESS FOR A BORROWER ON A DIRECT LOAN.—The Secretary may not provide debt forgiveness to a borrower on a direct loan made under this title if the borrower has received debt forgiveness on another direct loan under this title.

"SEC. 374. CREDIT STUDY.

"(a) IN GENERAL.—The Secretary of Agriculture shall perform a study and report to the Committee on Agriculture in the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry in the Senate on the demand for and availability of credit in rural areas for agriculture, rural housing, and rural development.

"(b) PURPOSE.—The purpose of the study is to ensure that Congress has current and comprehensive information to consider as Congress deliberates on the credit needs of rural America and the availability of credit to satisfy the needs of rural America.

"(c) ITEMS IN STUDY.—The study should be based on the most current available data and should include—

"(1) rural demand for credit from the Farm Credit System, the ability of the Farm Credit System to meet the demand, and the extent to which the Farm Credit System provided loans to satisfy the demand;

"(2) rural demand for credit from the nation's banking system, the ability of banks to meet the demand, and the extent to which banks provided loans to satisfy the demand;

"(3) rural demand for credit from the Secretary, the ability of the Secretary to meet the demand, and the extent to which the Secretary provided loans to satisfy the demand;

"(4) rural demand for credit from other Federal agencies, the ability of the agencies to meet the demand, and the extent to which the agencies provided loans to satisfy the demand;

"(5) what measure or measures exist to gauge the overall demand for rural credit and the extent to which rural demand for credit is satisfied, and what the measures have shown;

"(6) a comparison of the interest rates and terms charged by the Farm Credit System Farm Credit Banks, production credit associations, and banks for cooperatives with the rates and terms charged by the nation's banks for credit of comparable risk and maturity;

"(7) the advantages and disadvantages of the modernization and expansion proposals of the Farm Credit System on the Farm Credit System, the nation's banking system, rural users of credit, local rural communities, and the Federal Government, including—

"(A) any added risk to the safety and soundness of the Farm Credit System that may result from approval of a proposal; and

"(B) any positive or adverse impacts on competition between the Farm Credit System and the nation's banks in providing credit to rural users;

"(8) the nature and extent of the unsatisfied rural credit need that the Farm Credit System proposal are supposed to address and what aspects of the present Farm Credit System prevent the Farm Credit System from meeting the need;

"(9) the advantages and disadvantages of the proposal by commercial bankers to allow banks access to the Farm Credit System as a funding source on the Farm Credit System, the nation's banking system, rural users of credit, local rural communities, and the Federal Government, including—

"(A) any added risk to the safety and soundness of the Farm Credit System that may result from approval of the proposal; and

"(B) any positive or adverse impacts on competition between the Farm Credit System and the nation's banks in providing credit to rural users; and

"(10) problems that commercial banks have in obtaining capital for lending in rural areas, how access to Farm Credit System funds would improve the availability of capital in rural areas in ways that cannot be achieved in the present system, and the possible effects on the viability of the Farm Credit System of granting banks access to Farm Credit System funds.

"(d) INTERAGENCY TASK FORCE.—In completing the study, the Secretary shall use, among other things, data and information obtained by the interagency task force on rural credit.".

CHAPTER 5—GENERAL PROVISIONS

SEC. 651. CONFORMING AMENDMENTS.

(a) Section 307(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1927(a)) is amended—

(1) in paragraph (4), by striking "304(b), 306(a)(1), and 310B" and inserting "306(a)(1) and 310B"; and

(2) in paragraph (6)(B)—

(A) by striking clauses (i), (ii), and (vii);

(B) in clause (v), by adding "and" at the end;

(C) in clause (vi), by striking ", and" at the end and inserting a period; and

(D) by redesignating clauses (iii) through (vi) as clauses (i) through (iv), respectively.

(b) The second sentence of section 309(g)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1929(g)(1)) is amended by striking "section 308,".

(c) Section 309A of the Consolidated Farm and Rural Development Act (7 U.S.C. 1929a) is amended—

(1) in the second sentence of subsection (a), by striking "304(b), 306(a)(1), 306(a)(14), 310B, and 312(b)" and inserting "306(a)(1), 306(a)(14), and 310B"; and

(2) in subsection (b), by striking "and section 308".

(d) Section 310B(d) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(d)) is amended—

(1) by striking "sections 304(b), 310B, and 312(b)" each place it appears in paragraphs (2), (3), and (4) and inserting "this section"; and

(2) in paragraph (6), by striking "this section, section 304, or section 312" and inserting "this section".

(e) The first sentence of section 310D(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1934(a)) is amended by striking "paragraphs (1) through (5) of section 303(a), or subparagraphs (A) through (E) of section 304(a)(1)" and inserting "section 303(a), or paragraphs (1) through (5) of section 304(b)".

(f) Section 311(b)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941(b)(1)) is amended by striking "and for the purposes specified in section 312".

(g) Section 316(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1946(a)) is amended by striking paragraph (3).

(h) Section 343 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991) is amended—

(1) in subsection (a)(10), by striking "recreation loan (RL) under section 304,"; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "351(h),"; and

(B) by striking paragraph (4) and inserting the following:

"(4) PRESERVATION LOAN SERVICE PROGRAM.—The term "preservation loan service program" means homestead retention as authorized under section 352.".

(i) The first sentence of section 344 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1992) is amended by striking "304(b), 306(a)(1), 310B, 312(b), or 312(c)" and inserting "306(a)(1), 310B, or 312(c)".

(j) Section 353(l) of the Consolidated Farm and Rural Development Act (as redesignated by section 638(3)) is further amended by striking "and subparagraphs (A)(i) and (C)(i) of section 335(e)(1),".

Subtitle B—Farm Credit System

CHAPTER 1—AGRICULTURAL MORTGAGE SECONDARY MARKET

SEC. 661. DEFINITION OF REAL ESTATE.

Section 8.0(1)(B)(ii) of the Farm Credit Act of 1971 (12 U.S.C. 2279aa(1)(B)(ii)) is amended by striking "with a purchase price" and inserting ", excluding the land to which the dwelling is affixed, with a value".

SEC. 662. DEFINITION OF CERTIFIED FACILITY.

Section 8.0(3) of the Farm Credit Act of 1971 (12 U.S.C. 2279aa(3)) is amended—

(1) in subparagraph (A), by striking "a secondary marketing agricultural loan" and inserting "an agricultural mortgage marketing"; and

(2) in subparagraph (B), by striking ", but only" and all that follows through "(9)(B)".

SEC. 663. DUTIES OF FEDERAL AGRICULTURAL MORTGAGE CORPORATION.

Section 8.1(b) of the Farm Credit Act of 1971 (12 U.S.C. 2279aa-1(b)) is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(4) purchase qualified loans and issue securities representing interests in, or obligations backed by, the qualified loans, guaranteed for the timely repayment of principal and interest.".

SEC. 664. POWERS OF THE CORPORATION.

Section 8.3(c) of the Farm Credit Act of 1971 (12 U.S.C. 2279aa-3(c)) is amended—

(1) by redesignating paragraphs (13) and (14) as paragraphs (14) and (15), respectively; and

(2) by inserting after paragraph (12) the following:

"(13) To purchase, hold, sell, or assign a qualified loan, to issue a guaranteed security, representing an interest in, or an obligation backed by, the qualified loan, and to perform all the functions and responsibilities of an agricultural mortgage marketing facility operating as a certified facility under this title.".

SEC. 665. FEDERAL RESERVE BANKS AS DEPOSITARIES AND FISCAL AGENTS.

Section 8.3 of the Farm Credit Act of 1971 (12 U.S.C. 2279aa-3) is amended—

(1) in subsection (d), by striking "may act as depositories for, or" and inserting "shall act as depositories for, and"; and

(2) in subsection (e), by striking "Secretary of the Treasury may authorize the Corporation to use" and inserting "Corporation shall have access to".

SEC. 666. CERTIFICATION OF AGRICULTURAL MORTGAGE MARKETING FACILITIES.

Section 8.5 of the Farm Credit Act of 1971 (12 U.S.C. 2279aa-5) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting "(other than the Corporation)" after "agricultural mortgage marketing facilities"; and

(B) in paragraph (2), by inserting "(other than the Corporation)" after "agricultural mortgage marketing facility"; and

(2) in subsection (e)(1), by striking "(other than the Corporation)".

SEC. 667. GUARANTEE OF QUALIFIED LOANS.

Section 8.6 of the Farm Credit Act of 1971 (12 U.S.C. 2279aa-6) is amended—

(1) in subsection (a)(1)—

(A) by striking "Corporation shall guarantee" and inserting the following: "Corporation—

"(A) shall guarantee";

(B) by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(B) may issue a security, guaranteed as to the timely payment of principal and interest, that represents an interest solely in, or an obligation fully backed by, a pool consisting of qualified loans that—

"(i) meet the standards established under section 8.8; and "(ii) have been purchased and held by the Corporation.";

(2) in subsection (d)—

(A) by striking paragraph (4); and

(B) by redesignating paragraphs (5), (6), and (7) as paragraphs (4), (5), and (6), respectively; and

(3) in subsection (g)(2), by striking "section 8.0(9)(B))" and inserting "section 8.0(9))".

SEC. 668. MANDATORY RESERVES AND SUBORDINATED PARTICIPATION INTERESTS ELIMINATED.

(a) Guarantee of Qualified Loans.—Section 8.6 of the Farm Credit Act of 1971 (12 U.S.C. 2279aa–6) is amended by striking subsection (b).

(b) Reserves and Subordinated Participation Interests.—Section 8.7 of the Farm Credit Act of 1971 (12 U.S.C. 2279aa–7) is repealed.

(c) Conforming Amendments.—

(1) Section 8.0(9)(B)(i) of the Farm Credit Act of 1971 (12 U.S.C. 2279aa(9)(B)(i)) is amended by striking "8.7, 8.8," and inserting "8.8".

(2) Section 8.6(a)(2) of the Farm Credit Act of 1971 (12 U.S.C. 2279aa–6(a)(2)) is amended by striking "subject to the provisions of subsection (b)".

SEC. 669. STANDARDS REQUIRING DIVERSIFIED POOLS.

(a) In General.—Section 8.6 of the Farm Credit Act of 1971 (12 U.S.C. 2279aa–6) (as amended by section 668) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d) through (g) as subsections (b) through (e), respectively.

(b) Conforming Amendments.—

(1) Section 8.0(9)(B)(i) of the Farm Credit Act of 1971 (12 U.S.C. 2279aa(9)(B)(i)) is amended by striking "(f)" and inserting "(d)".

(2) Section 8.13(a) of the Farm Credit Act of 1971 (12 U.S.C. 2279aa–13(a)) is amended by striking "sections 8.6(b) and" in each place it appears and inserting "section".

(3) Section 8.32(b)(1)(C) of the Farm Credit Act of 1971 (12 U.S.C. 2279bb–1(b)(1)(C)) is amended—

(A) by striking "shall" and inserting "may"; and

(B) by inserting "(as in effect before the date of the enactment of the Agricultural Reform and Improvement Act of 1996)" before the semicolon.

(4) Section 8.6(b) of the Farm Credit Act of 1971 (12 U.S.C. 2279aa–6(b)) (as redesignated by subsection (a)(2)) is amended—

(A) by striking paragraph (4) (as redesignated by section 667(2)(B)); and

(B) by redesignating paragraphs (5) and (6) (as redesignated by section 667(2)(B)) as paragraphs (4) and (5), respectively.

SEC. 670. SMALL FARMS.

Section 8.8(e) of the Farm Credit Act of 1971 (12 U.S.C. 2279aa–8(e)) is amended by adding at the end the following: "The Board shall promote and encourage the inclusion of qualified loans for small farms and family farmers in the agricultural mortgage secondary market.".

SEC. 671. DEFINITION OF AN AFFILIATE.

Section 8.11(e) of the Farm Credit Act of 1971 (21 U.S.C. 2279aa–11(e)) is amended—

(1) by striking "a certified facility or"; and

(2) by striking "paragraphs (3) and (7), respectively, of section 8.0" and inserting "section 8.0(7)".

SEC. 672. STATE USURY LAWS SUPERSEDED.

Section 8.12 of the Farm Credit Act of 1971 (12 U.S.C. 2279aa–12) is amended by striking subsection (d) and inserting the following:

"(d) State Usury Laws Superseded.—A provision of the Constitution or law of any State shall not apply to an agricultural loan made by an originator or a certified facility in accordance with this title for sale to the Corporation or to a certified facility for inclusion in a pool for which the Corporation has provided, or has committed to provide, a guarantee, if the loan, not later than 180 days after the date the loan was made, is sold to the Corporation or included in a pool for which the Corporation has provided a guarantee, if the provision—

"(1) limits the rate or amount of interest, discount points, finance charges, or other charges that may be charged, taken, received, or reserved by an agricultural lender or a certified facility; or

"(2) limits or prohibits a prepayment penalty (either fixed or declining), yield maintenance, or make-whole payment that may be charged, taken, or received by an agricultural lender or a certified facility in connection with the full or partial payment of the principal amount due on a loan by a borrower in advance of the scheduled date for the payment under the terms of the loan, otherwise known as a prepayment of the loan principal.".

SEC. 673. EXTENSION OF CAPITAL TRANSITION PERIOD.

Section 8.32 of the Farm Credit Act of 1971 (12 U.S.C. 2279bb–1) is amended—

(1) in the first sentence of subsection (a), by striking "Not later than the expiration of the 2-year period beginning on December 13, 1991," and inserting "Not sooner than the expiration of the 3-year period beginning on the date of enactment of the Agricultural Reform and Improvement Act of 1996,";

(2) in the first sentence of subsection (b)(2), by striking "5-year" and inserting "8-year"; and

(3) in subsection (d)—

(A) in the first sentence—

(i) by striking "The regulations establishing" and inserting the following:

"(1) In general.—The regulations establishing"; and

(ii) by striking "shall contain" and inserting the following: "shall—

"(A) be issued by the Director for public comment in the form of a notice of proposed rulemaking, to be first published after the expiration of the period referred to in subsection (a); and

"(B) contain"; and

(B) in the second sentence, by striking "The regulations shall" and inserting the following:

"(2) Specificity.—The regulations referred to in paragraph (1) shall".

SEC. 674. MINIMUM CAPITAL LEVEL.

Section 8.33 of the Farm Credit Act of 1971 (12 U.S.C. 2279bb–2) is amended to read as follows:

"SEC. 8.33. MINIMUM CAPITAL LEVEL.

"(a) In General.—Except as provided in subsection (b), for purposes of this subtitle, the minimum capital level for the Corporation shall be an amount of core capital equal to the sum of—

"(1) 2.75 percent of the aggregate on-balance sheet assets of the Corporation, as determined in accordance with generally accepted accounting principles; and

"(2) 0.75 percent of the aggregate off-balance sheet obligations of the Corporation, which, for the purposes of this subtitle, shall include—

"(A) the unpaid principal balance of outstanding securities that are guaranteed by the Corporation and backed by pools of qualified loans;

"(B) instruments that are issued or guaranteed by the Corporation and are substantially equivalent to instruments described in subparagraph (A); and

"(C) other off-balance sheet obligations of the Corporation.

"(b) Transition Period.—

"(1) In general.—For purposes of this subtitle, the minimum capital level for the Corporation—

"(A) prior to January 1, 1997, shall be the amount of core capital equal to the sum of—

"(i) 0.45 percent of aggregate off-balance sheet obligations of the Corporation;

"(ii) 0.45 percent of designated on-balance sheet assets of the Corporation, as determined under paragraph (2); and

"(iii) 2.50 percent of on-balance sheet assets of the Corporation other than assets designated under paragraph (2);

"(B) during the 1-year period ending December 31, 1997, shall be the amount of core capital equal to the sum of—

"(i) 0.55 percent of aggregate off-balance sheet obligations of the Corporation;

"(ii) 1.20 percent of designated on-balance sheet assets of the Corporation, as determined under paragraph (2); and

"(iii) 2.55 percent of on-balance sheet assets of the Corporation other than assets designated under paragraph (2);

"(C) during the 1-year period ending December 31, 1998, shall be the amount of core capital equal to—

"(i) if the Corporation's core capital is not less than $25,000,000 on January 1, 1998, the sum of—

"(I) 0.65 percent of aggregate off-balance sheet obligations of the Corporation;

"(II) 1.95 percent of designated on-balance sheet assets of the Corporation, as determined under paragraph (2); and

"(III) 2.65 percent of on-balance sheet assets of the Corporation other than assets designated under paragraph (2); or

"(ii) if the Corporation's core capital is less than $25,000,000 on January 1, 1998, the amount determined under subsection (a); and

"(D) on and after January 1, 1999, shall be the amount determined under subsection (a).

"(2) Designated on-balance sheet assets.—For purposes of this subsection, the designated on-balance sheet assets of the Corporation shall be—

"(A) the aggregate on-balance sheet assets of the Corporation acquired under section 8.6(e); and

"(B) the aggregate amount of qualified loans purchased and held by the Corporation under section 8.3(c)(13).".

SEC. 675. CRITICAL CAPITAL LEVEL.

Section 8.34 of the Farm Credit Act of 1971 (12 U.S.C. 2279bb–3) is amended to read as follows:

"SEC. 8.34. CRITICAL CAPITAL LEVEL.

"For purposes of this subtitle, the critical capital level for the Corporation shall be an amount of core capital equal to 50 percent of the total minimum capital amount determined under section 8.33.".

SEC. 676. ENFORCEMENT LEVELS.

Section 8.35(e) of the Farm Credit Act of 1971 (12 U.S.C. 2279bb–4(e)) is amended by striking "during the 30-month period beginning on the date of the enactment of this section," and inserting "during the period beginning on December 13, 1991, and ending on the effective date of the risk based capital regulation issued by the Director under section 8.32,".

SEC. 677. RECAPITALIZATION OF THE CORPORATION.

Title VIII of the Farm Credit Act of 1971 (12 U.S.C. 2279aa et seq.) is amended by adding at the end the following:

"SEC. 8.38. RECAPITALIZATION OF THE CORPORATION.

"(a) MANDATORY RECAPITALIZATION.—The Corporation shall increase the core capital of the Corporation to an amount equal to or greater than $25,000,000, not later than the earlier of—

"(1) the date that is 2 years after the date of enactment of this section; or

"(2) the date that is 180 days after the end of the first calendar quarter that the aggregate on-balance sheet assets of the Corporation, plus the outstanding principal of the off-balance sheet obligations of the Corporation, equal or exceed $2,000,000,000.

"(b) RAISING CORE CAPITAL.—In carrying out this section, the Corporation may issue stock under section 8.4 and otherwise employ any recognized and legitimate means of raising core capital in the power of the Corporation under section 8.3.

"(c) LIMITATION ON GROWTH OF TOTAL ASSETS.—During the 2-year period beginning on the date of enactment of this section, the aggregate on-balance sheet assets of the Corporation plus the outstanding principal of the off-balance sheet obligations of the Corporation may not exceed $3,000,000,000 if the core capital of the Corporation is less than $25,000,000.

"(d) ENFORCEMENT.—If the Corporation fails to carry out subsection (a) by the date required under paragraph (1) or (2) of subsection (a), the Corporation may not purchase a new qualified loan or issue or guarantee a new loan-backed security until the core capital of the Corporation is increased to an amount equal to or greater than $25,000,000.".

SEC. 678. LIQUIDATION OF THE FEDERAL AGRICULTURAL MORTGAGE CORPORATION.

Title VIII of the Farm Credit Act of 1971 (12 U.S.C. 2279aa et seq.) (as amended by section 677) is amended by adding at the end the following:

"Subtitle C—Receivership, Conservatorship, and Liquidation of the Federal Agricultural Mortgage Corporation

"SEC. 8.41. CONSERVATORSHIP; LIQUIDATION; RECEIVERSHIP.

"(a) VOLUNTARY LIQUIDATION.—The Corporation may voluntarily liquidate only with the consent of, and in accordance with a plan of liquidation approved by, the Farm Credit Administration Board.

"(b) INVOLUNTARY LIQUIDATION.—

"(1) IN GENERAL.—The Farm Credit Administration Board may appoint a conservator or receiver for the Corporation under the circumstances specified in section 4.12(b).

"(2) APPLICATION.—In applying section 4.12(b) to the Corporation under paragraph (1)—

"(A) the Corporation shall also be considered insolvent if the Corporation is unable to pay its debts as they fall due in the ordinary course of business;

"(B) a conservator may also be appointed for the Corporation if the authority of the Corporation to purchase qualified loans or issue or guarantee loan-backed securities is suspended; and

"(C) a receiver may also be appointed for the Corporation if—

"(i)(I) the authority of the Corporation to purchase qualified loans or issue or guarantee loan-backed securities is suspended; or

"(II) the Corporation is classified under section 8.35 as within level III or IV and the alternative actions available under subtitle B are not satisfactory; and

"(ii) the Farm Credit Administration determines that the appointment of a conservator would not be appropriate.

"(3) NO EFFECT ON SUPERVISORY ACTIONS.—The grounds for appointment of a conservator for the Corporation under this subsection shall be in addition to those in section 8.37.

"(c) APPOINTMENT OF CONSERVATOR OR RECEIVER.—

"(1) QUALIFICATIONS.—Notwithstanding section 4.12(b), if a conservator or receiver is appointed for the Corporation, the conservator or receiver shall be—

"(A) the Farm Credit Administration or any other governmental entity or employee, including the Farm Credit System Insurance Corporation; or

"(B) any person that—

"(i) has no claim against, or financial interest in, the Corporation or other basis for a conflict of interest as the conservator or receiver; and

"(ii) has the financial and management expertise necessary to direct the operations and affairs of the Corporation and, if necessary, to liquidate the Corporation.

"(2) COMPENSATION.—

"(A) IN GENERAL.—A conservator or receiver for the Corporation and professional personnel (other than a Federal employee) employed to represent or assist the conservator or receiver may be compensated for activities conducted as, or for, a conservator or receiver.

"(B) LIMIT ON COMPENSATION.—Compensation may not be provided in amounts greater than the compensation paid to employees of the Federal Government for similar services, except that the Farm Credit Administration may provide for compensation at higher rates that are not in excess of rates prevailing in the private sector if the Farm Credit Administration determines that compensation at higher rates is necessary in order to recruit and retain competent personnel.

"(C) CONTRACTUAL ARRANGEMENTS.—The conservator or receiver may contract with any governmental entity, including the Farm Credit System Insurance Corporation, to make personnel, services, and facilities of the entity available to the conservator or receiver on such terms and compensation arrangements as shall be mutually agreed, and each entity may provide the same to the conservator or receiver.

"(3) EXPENSES.—A valid claim for expenses of the conservatorship or receivership (including compensation under paragraph (2)) and a valid claim with respect to a loan made under subsection (f) shall—

"(A) be paid by the conservator or receiver from funds of the Corporation before any other valid claim against the Corporation; and

"(B) may be secured by a lien, on such property of the Corporation as the conservator or receiver may determine, that shall have priority over any other lien.

"(4) LIABILITY.—If the conservator or receiver for the Corporation is not a Federal entity, or an officer or employee of the Federal Government, the conservator or receiver shall not be personally liable for damages in tort or otherwise for an act or omission performed pursuant to and in the course of the conservatorship or receivership, unless the act or omission constitutes gross negligence or any form of intentional tortious conduct or criminal conduct.

"(5) INDEMNIFICATION.—The Farm Credit Administration may allow indemnification of the conservator or receiver from the assets of the conservatorship or receivership on such terms as the Farm Credit Administration considers appropriate.

"(d) JUDICIAL REVIEW OF APPOINTMENT.—

"(1) IN GENERAL.—Notwithstanding subsection (i)(1), not later than 30 days after a conservator or receiver is appointed under subsection (b), the Corporation may bring an action in the United States District Court for the District of Columbia for an order requiring the Farm Credit Administration Board to remove the conservator or receiver. The court shall, on the merits, dismiss the action or direct the Farm Credit Administration Board to remove the conservator or receiver.

"(2) STAY OF OTHER ACTIONS.—On the commencement of an action under paragraph (1), any court having jurisdiction of any other action or enforcement proceeding authorized under this Act to which the Corporation is a party shall stay the action or proceeding during the pendency of the action for removal of the conservator or receiver.

"(e) GENERAL POWERS OF CONSERVATOR OR RECEIVER.—The conservator or receiver for the Corporation shall have such powers to conduct the conservatorship or receivership as shall be provided pursuant to regulations adopted by the Farm Credit Administration Board. Such powers shall be comparable to the powers available to a conservator or receiver appointed pursuant to section 4.12(b).

"(f) BORROWINGS FOR WORKING CAPITAL.—

"(1) IN GENERAL.—If the conservator or receiver of the Corporation determines that it is likely that there will be insufficient funds to pay the ongoing administrative expenses of the conservatorship or receivership or that there will be insufficient liquidity to fund maturing obligations of the conservatorship or receivership, the conservator or receiver may borrow funds in such amounts, from such sources, and at such rates of interest as the conservator or receiver considers necessary or appropriate to meet the administrative expenses or liquidity needs of the conservatorship or receivership.

"(2) WORKING CAPITAL FROM FARM CREDIT BANKS.—A Farm Credit bank may loan funds to the conservator or receiver for a loan authorized under paragraph (1) or, in the event of receivership, a Farm Credit bank may purchase assets of the Corporation.

"(g) AGREEMENTS AGAINST INTERESTS OF CONSERVATOR OR RECEIVER.—No agreement that tends to diminish or defeat the right, title, or interest of the conservator or receiver for the Corporation in any asset acquired by the conservator or receiver as conservator or receiver for the Corporation shall be valid against the conservator or receiver unless the agreement—

"(1) is in writing;

"(2) is executed by the Corporation and any person claiming an adverse interest under the agreement, including the obligor, contemporaneously with the acquisition of the asset by the Corporation;

"(3) is approved by the Board or an appropriate committee of the Board, which approval shall be reflected in the minutes of the Board or committee; and

"(4) has been, continuously, from the time of the agreement's execution, an official record of the Corporation.

"(h) REPORT TO THE CONGRESS.—On a determination by the receiver for the Corporation that there are insufficient assets of the receivership to pay all valid claims against the receivership, the receiver shall submit to the Secretary of the Treasury, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the financial condition of the receivership.

"(i) TERMINATION OF AUTHORITIES.—

"(1) CORPORATION.—The charter of the Corporation shall be canceled, and the authority provided to the Corporation by this title shall terminate, on such date as the Farm Credit Administration Board determines is appropriate following the placement of the Corporation in receivership, but not later than the conclusion of the receivership and discharge of the receiver.

"(2) OVERSIGHT.—The Office of Secondary Market Oversight established under section 8.11 shall be abolished, and section 8.11(a) and subtitle B shall have no force or effect, on such date as the Farm Credit Administration Board determines is appropriate following the placement of the Corporation in receivership, but not later than the conclusion of the receivership and discharge of the receiver.".

CHAPTER 2—REGULATORY RELIEF

SEC. 681. COMPENSATION OF ASSOCIATION PERSONNEL.

Section 1.5(13) of the Farm Credit Act of 1971 (12 U.S.C. 2013(13)) is amended by striking ", and the appointment and compensation of the chief executive officer thereof,".

SEC. 682. USE OF PRIVATE MORTGAGE INSURANCE.

(a) IN GENERAL.—Section 1.10(a)(1) of the Farm Credit Act of 1971 (12 U.S.C. 2018(a)(1)) is amended by adding at the end the following:

"(D) PRIVATE MORTGAGE INSURANCE.—A loan on which private mortgage insurance is obtained may exceed 85 percent of the appraised value of the real estate security to the extent that the loan amount in excess of such 85 percent is covered by the insurance.".

(b) CONFORMING AMENDMENT.—Section 1.10(a)(1)(A) of the Farm Credit Act of 1971 (12 U.S.C. 2018(a)(1)(A)) is amended by striking "paragraphs (2) and (3)" and inserting "subparagraphs (C) and (D)".

SEC. 683. REMOVAL OF CERTAIN BORROWER REPORTING REQUIREMENT.

Section 1.10(a) of the Farm Credit Act of 1971 (12 U.S.C. 2018(a)) is amended by striking paragraph (5).

SEC. 684. REFORM OF REGULATORY LIMITATIONS ON DIVIDEND, MEMBER BUSINESS, AND VOTING PRACTICES OF ELIGIBLE FARMER-OWNED COOPERATIVES.

(a) IN GENERAL.—Section 3.8(a) of the Farm Credit Act of 1971 (12 U.S.C. 2129(a)) is amended by adding at the end the following: "Any such association that has received a loan from a bank for cooperatives shall, without regard to the requirements of paragraphs (1) through (4), continue to be eligible for so long as more than 50 percent (or such higher percentage as is established by the bank board) of the voting control of the association is held by farmers, producers or harvesters of aquatic products, or eligible cooperative associations.".

(b) CONFORMING AMENDMENT.—Section 3.8(b)(1)(D) of the Farm Credit Act of 1971 (12 U.S.C. 2129(b)(1)(D)) is amended by striking "and (4) of subsection (a)" and inserting "and (4), or under the last sentence, of subsection (a)".

SEC. 685. REMOVAL OF FEDERAL GOVERNMENT CERTIFICATION REQUIREMENT FOR CERTAIN PRIVATE SECTOR FINANCINGS.

Section 3.8(b)(1)(A) of the Farm Credit Act of 1971 (12 U.S.C. 2129(b)(1)(A)) is amended—

(1) by striking "have been certified by the Administrator of the Rural Electrification Administration to be eligible for such" and inserting "are eligible under the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.) for"; and

(2) by striking "loan guarantee, and" and inserting "loan guarantee from the Administration or the Bank (or a successor of the Administration or the Bank), and".

SEC. 686. BORROWER STOCK.

Section 4.3A of the Farm Credit Act of 1971 (12 U.S.C. 2154a) is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following:

"(f) LOANS DESIGNATED FOR SALE OR SOLD INTO THE SECONDARY MARKET.—

"(1) IN GENERAL.—Subject to paragraph (2) and notwithstanding any other provision of this section, the bylaws adopted by a bank or association under subsection (b) may provide—

"(A) in the case of a loan made on or after the date of enactment of this paragraph that is designated, at the time the loan is made, for sale into a secondary market, that no voting stock or participation certificate purchase requirement shall apply to the borrower for the loan; and

"(B) in the case of a loan made before the date of enactment of this paragraph that is sold into a secondary market, that all outstanding voting stock or participation certificates held by the borrower with respect to the loan shall, subject to subsection (d)(1), be retired.

"(2) APPLICABILITY.—Notwithstanding any other provision of this section, in the case of a loan sold to a secondary market under title VIII, paragraph (1) shall apply regardless of whether the bank or association retains a subordinated participation interest in a loan or pool of loans or contributes to a cash reserve.

"(3) EXCEPTION.—

"(A) IN GENERAL.—Subject to subparagraph (B) and notwithstanding any other provision of this section, if a loan designated for sale under paragraph (1)(A) is not sold into a secondary market during the 180-day period that begins on the date of the designation, the voting stock or participation certificate purchase requirement that would otherwise apply to the loan in the absence of a bylaw provision described in paragraph (1)(A) shall be effective.

"(B) RETIREMENT.—The bylaws adopted by a bank or association under subsection (b) may provide that if a loan described in subparagraph (A) is sold into a secondary market after the end of the 180-day period described in the subparagraph, all outstanding voting stock or participation certificates held by the borrower with respect to the loan shall, subject to subsection (d)(1), be retired.".

SEC. 687. DISCLOSURE RELATING TO ADJUSTABLE RATE LOANS.

Section 4.13(a)(4) of the Farm Credit Act of 1971 (12 U.S.C. 2199(a)(4)) is amended by inserting before the semicolon at the end the following: ", and notice to the borrower of a change in the interest rate applicable to the loan of the borrower may be made within a reasonable time after the effective date of an increase or decrease in the interest rate".

SEC. 688. BORROWERS' RIGHTS.

(a) DEFINITION OF LOAN.—Section 4.14A(a)(5) of the Farm Credit Act of 1971 (12 U.S.C. 2202a(a)(5)) is amended—

(1) by striking "(5) LOAN.—The" and inserting the following:

"(5) LOAN.—

"(A) IN GENERAL.—Subject to subparagraph (B), the"; and

(2) by adding at the end the following:

"(B) EXCLUSION FOR LOANS DESIGNATED FOR SALE INTO SECONDARY MARKET.—

"(i) IN GENERAL.—Except as provided in clause (ii), the term 'loan' does not include a loan made on or after the date of enactment of this subparagraph that is designated, at the time the loan is made, for sale into a secondary market.

"(ii) UNSOLD LOANS.—

"(I) IN GENERAL.—Except as provided in subclause (II), if a loan designated for sale under clause (i) is not sold into a secondary market during the 180-day period that begins on the date of the designation, the provisions of this section and sections 4.14, 4.14B, 4.14C, 4.14D, and 4.36 that would otherwise apply to the loan in the absence of the exclusion described in clause (i) shall become effective with respect to the loan.

"(II) LATER SALE.—If a loan described in subclause (I) is sold into a secondary market after the end of the 180-day period described in subclause (I), subclause (I) shall not apply with respect to the loan beginning on the date of the sale.".

(b) BORROWERS' RIGHTS FOR POOLED LOANS.—The first sentence of section 8.9(b) of the Farm Credit Act of 1971 (12 U.S.C. 2279aa–9(b)) is amended by inserting "(as defined in section 4.14A(a)(5))" after "application for a loan".

SEC. 689. FORMATION OF ADMINISTRATIVE SERVICE ENTITIES.

Part E of title IV of the Farm Credit Act of 1971 is amended by inserting after section 4.28 (12 U.S.C. 2214) the following:

"SEC. 4.28A. DEFINITION OF BANK.

"In this part, the term 'bank' includes each association operating under title II.".

SEC. 690. JOINT MANAGEMENT AGREEMENTS.

The first sentence of section 5.17(a)(2)(A) of the Farm Credit Act of 1971 (12 U.S.C. 2252(a)(2)(A)) is amended by striking "or management agreements".

SEC. 691. DISSEMINATION OF QUARTERLY REPORTS.

Section 5.17(a)(8) of the Farm Credit Act of 1971 (12 U.S.C. 2252(a)(8)) is amended by inserting after "except that" the following: "the requirements of the Farm Credit Administration governing the dissemination to stockholders of quarterly reports of System institutions may not be more burdensome or costly than the requirements applicable to national banks, and".

SEC. 692. REGULATORY REVIEW.

(a) FINDINGS.—Congress finds that—

(1) the Farm Credit Administration, in the role of the Administration as an arms-length safety and soundness regulator, has made considerable progress in reducing the regulatory burden on Farm Credit System institutions;

(2) the efforts of the Farm Credit Administration described in paragraph (1) have resulted in cost savings for Farm Credit System institutions; and

(3) the cost savings described in paragraph (2) ultimately benefit the farmers, ranchers, agricultural cooperatives, and rural residents of the United States.

(b) CONTINUATION OF REGULATORY REVIEW.—The Farm Credit Administration shall continue the comprehensive review of regulations governing the Farm Credit System to identify and eliminate, consistent with law, safety, and soundness, all regulations that are unnecessary, unduly burdensome or costly, or not based on law.

SEC. 693. EXAMINATION OF FARM CREDIT SYSTEM INSTITUTIONS.

The first sentence of section 5.19(a) of the Farm Credit Act of 1971 (12 U.S.C. 2254(a)) is amended by striking "each year" and inserting "during each 18-month period".

SEC. 694. CONSERVATORSHIPS AND RECEIVERSHIPS.

(a) DEFINITIONS.—Section 5.51 of the Farm Credit Act of 1971 (12 U.S.C. 2277a) is amended—

(1) by striking paragraph (5); and

(2) by redesignating paragraph (6) as paragraph (5).

(b) GENERAL CORPORATE POWERS.—Section 5.58 of the Farm Credit Act of 1971 (12 U.S.C. 2277a-7) is amended by striking paragraph (9) and inserting the following:

"(9) CONSERVATOR OR RECEIVER.—The Corporation may act as a conservator or receiver.".

SEC. 695. FARM CREDIT INSURANCE FUND OPERATIONS.

(a) ADJUSTMENT OF PREMIUMS.—

(1) IN GENERAL.—Section 5.55(a) of the Farm Credit Act of 1971 (12 U.S.C. 2277a-4(a)) is amended—

(A) in paragraph (1), by striking "Until the aggregate of amounts in the Farm Credit Insurance Fund exceeds the secure base amount, the annual premium due from any insured System bank for any calendar year" and inserting the following: "If at the end of any calendar year the aggregate of amounts in the Farm Credit Insurance Fund does not exceed the secure base amount, subject to paragraph (2), the annual premium due from any insured System bank for the calendar year";

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following:

"(2) REDUCED PREMIUMS.—The Corporation, in the sole discretion of the Corporation, may reduce by a percentage uniformly applied to all insured System banks the annual premium due from each insured System bank during any calendar year, as determined under paragraph (1).".

(2) CONFORMING AMENDMENTS.—

(A) Section 5.55(b) of the Farm Credit Act of 1971 (12 U.S.C. 2277a-4(b)) is amended—

(i) by striking "Insurance Fund" each place it appears and inserting "Farm Credit Insurance Fund";

(ii) by striking "for the following calendar year"; and

(iii) by striking "subsection (a)" and inserting "subsection (a)(1)".

(B) Section 5.56(a) of the Farm Credit Act of 1971 (12 U.S.C. 2277a-5(a)) is amended by striking "section 5.55(a)(2)" each place it appears in paragraphs (2) and (3) and inserting "section 5.55(a)(3)".

(C) Section 1.12(b) (12 U.S.C. 2020(b)) is amended—

(i) in paragraph (1), by inserting "(as defined in section 5.55(a)(3))" after "government-guaranteed loans"; and

(ii) in paragraph (3), by inserting "(as so defined)" after "government-guaranteed loans" each place such term appears.

(b) ALLOCATION TO INSURED SYSTEM BANKS AND OTHER SYSTEM INSTITUTIONS OF EXCESS AMOUNTS IN THE FARM CREDIT INSURANCE FUND.—Section 5.55 of the Farm Credit Act of 1971 (12 U.S.C. 2277a-4) is amended by adding at the end the following:

"(e) ALLOCATION TO SYSTEM INSTITUTIONS OF EXCESS RESERVES.—

"(1) ESTABLISHMENT OF ALLOCATED INSURANCE RESERVES ACCOUNTS.—There is hereby established in the Farm Credit Insurance Fund an Allocated Insurance Reserves Account—

"(A) for each insured System bank; and

"(B) subject to paragraph (6)(C), for all holders, in the aggregate, of Financial Assistance Corporation stock.

"(2) TREATMENT.—Amounts in any Allocated Insurance Reserves Account shall be considered to be part of the Farm Credit Insurance Fund.

"(3) ANNUAL ALLOCATIONS.—If, at the end of any calendar year, the aggregate of the amounts in the Farm Credit Insurance Fund exceeds the average secure base amount for the calendar year (as calculated on an average daily balance basis), the Corporation shall allocate to the Allocated Insurance Reserves Accounts the excess amount less the amount that the Corporation, in its sole discretion, determines to be the sum of the estimated operating expenses and estimated insurance obligations of the Corporation for the immediately succeeding calendar year.

"(4) ALLOCATION FORMULA.—From the total amount required to be allocated at the end of a calendar year under paragraph (3)—

"(A) 10 percent of the total amount shall be credited to the Allocated Insurance Reserves Account established under paragraph (1)(B), subject to paragraph (6)(C); and

"(B) there shall be credited to the Allocated Insurance Reserves Account of each insured System bank an amount that bears the same ratio to the total amount (less any amount credited under subparagraph (A)) as the average principal outstanding for the 3-year period ending on the end of the calendar year on loans made by the bank that are in accrual status bears to the average principal outstanding for the 3-year period ending on the end of the calendar year on loans made by all insured System banks that are in accrual status (excluding, in each case, the guaranteed portions of government-guaranteed loans described in subsection (a)(1)(C)).

"(5) USE OF FUNDS IN ALLOCATED INSURANCE RESERVES ACCOUNTS.—To the extent that the sum of the operating expenses of the Corporation and the insurance obligations of the Corporation for a calendar year exceeds the sum of operating expenses and insurance obligations determined under paragraph (3) for the calendar year, the Corporation shall cover the expenses and obligations by—

"(A) reducing each Allocated Insurance Reserves Account by the same proportion; and

"(B) expending the amounts obtained under subparagraph (A) before expending other amounts in the Fund.

"(6) OTHER DISPOSITION OF ACCOUNT FUNDS.—

"(A) IN GENERAL.—As soon as practicable during each calendar year beginning more than 8 years after the date on which the aggregate of the amounts in the Farm Credit Insurance Fund exceeds the secure base amount, but not earlier than January 1, 2005, the Corporation may—

"(i) subject to subparagraphs (D) and (F), pay to each insured System bank, in a manner determined by the Corporation, an amount equal to the lesser of—

"(I) 20 percent of the balance in the insured System bank's Allocated Insurance Reserves Account as of the preceding December 31; or

"(II) 20 percent of the balance in the bank's Allocated Insurance Reserves Account on the date of the payment; and

"(ii) subject to subparagraphs (C), (E), and (F), pay to each System bank and association holding Financial Assistance Corporation stock a proportionate share, determined by dividing the number of shares of Financial Assistance Corporation stock held by the institution by the total number of shares of Financial Assistance Corporation stock outstanding, of the lesser of—

"(I) 20 percent of the balance in the Allocated Insurance Reserves Account established under paragraph (1)(B) as of the preceding December 31; or

"(II) 20 percent of the balance in the Allocated Insurance Reserves Account established under paragraph (1)(B) on the date of the payment.

"(B) AUTHORITY TO ELIMINATE OR REDUCE PAYMENTS.—The Corporation may eliminate or reduce payments during a calendar year under subparagraph (A) if the Corporation determines, in its sole discretion, that the payments, or other circumstances that might require use of the Farm Credit Insurance Fund, could cause the amount in the Farm Credit Insurance Fund during the calendar year to be less than the secure base amount.

"(C) REIMBURSEMENT FOR FINANCIAL ASSISTANCE CORPORATION STOCK.—

"(i) SUFFICIENT FUNDING.—Notwithstanding paragraph (4)(A), on provision by the Corporation for the accumulation in the Account established under paragraph (1)(B) of funds in an amount equal to $56,000,000 (in addition to the amounts described in subparagraph (F)(ii)), the Corporation shall not allocate any further funds to the Account except to replenish the Account if funds are diminished below $56,000,000 by the Corporation under paragraph (5).

"(ii) WIND DOWN AND TERMINATION.—

"(I) FINAL DISBURSEMENTS.—On disbursement of $53,000,000 (in addition to the amounts described in subparagraph (F)(ii)) from the Allocated Insurance Reserves Account, the Corporation shall disburse the remaining amounts in the Account, as determined under subparagraph (A)(ii), without regard to the percentage limitations in subclauses (I) and (II) of subparagraph (A)(ii).

"(II) TERMINATION OF ACCOUNT.—On disbursement of $56,000,000 (in addition to the amounts described in subparagraph (F)(ii)) from the Allocated Insurance Reserves Account, the Corporation shall close the Account established under paragraph (1)(B) and transfer any remaining funds in the Account to the remaining Allocated Insurance Reserves Accounts in accordance with paragraph (4)(B) for the calendar year in which the transfer occurs.

"(D) DISTRIBUTION OF PAYMENTS RECEIVED.—Not later than 60 days after receipt of a payment made under subparagraph (A)(i), each insured System bank, in consultation with affiliated associations of the insured System bank, and taking into account the direct or indirect payment of insurance premiums by the associations, shall develop and implement an equitable plan to distribute payments received under subparagraph (A)(i) among the bank and associations of the bank.

"(E) EXCEPTION FOR PREVIOUSLY REIMBURSED ASSOCIATIONS.—For purposes of subparagraph (A)(ii), in any Farm Credit district in which the funding bank has reimbursed 1 or more affiliated associations of the bank for the previously unreimbursed portion of the Financial Assistance Corporation stock held by the associations, the funding bank shall be deemed to be the holder of the shares of Financial Assistance Corporation stock for which the funding bank has provided the reimbursement.

"(F) INITIAL PAYMENT.—Notwithstanding subparagraph (A), the initial payment made to each payee under subparagraph (A) shall be in such amount determined by the Corporation to be equal to the sum of—

"(i) the total of the amounts that would have been paid if payments under subparagraph (A) had been authorized to begin, under the same terms and conditions, in the first calendar year beginning more than 5 years after the date on which the aggregate of the amounts in the Farm Credit Insurance Fund exceeds the secure base amount, and to continue through the 2 immediately subsequent years;

"(ii) interest earned on any amounts that would have been paid as described in clause (i) from the date on which the payments would have been paid as described in clause (i); and

"(iii) the payment to be made in the initial year described in subparagraph (A), based on the amount in each Account after subtracting the amounts to be paid under clauses (i) and (ii)."

(c) TECHNICAL AMENDMENTS.—Section 5.55(d) of the Farm Credit Act of 1971 (12 U.S.C. 2277a–4(d)) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking "subsections (a) and (c)" and inserting "subsections (a), (c), and (e)"; and

(B) by striking "a Farm Credit Bank" and inserting "an insured System bank"; and

(2) in paragraphs (1), (2), and (3), by striking "Farm Credit Bank" each place it appears and inserting "insured System bank".

SEC. 696. EXAMINATIONS BY THE FARM CREDIT SYSTEM INSURANCE CORPORATION.

Section 5.59(b)(1)(A) of the Farm Credit Act of 1971 (12 U.S.C. 2277a–8(b)(1)(A)) is amended by adding at the end the following: "Notwithstanding any other provision of this Act, on cancellation of the charter of a System institution, the Corporation shall have authority to examine the system institution in receivership. An examination shall be performed at such intervals as the Corporation shall determine.".

SEC. 697. POWERS WITH RESPECT TO TROUBLED INSURED SYSTEM BANKS.

(a) LEAST-COST RESOLUTION.—Section 5.61(a)(3) of the Farm Credit Act of 1971 (12 U.S.C. 2277a–10(a)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (F); and

(2) by striking subparagraph (A) and inserting the following:

"(A) LEAST-COST RESOLUTION.—Assistance may not be provided to an insured System bank under this subsection unless the means of providing the assistance is the least costly means of providing the assistance by the Farm Credit Insurance Fund of all possible alternatives available to the Corporation, including liquidation of the bank (including paying the insured obligations issued on behalf of the bank). Before making a least-cost determination under this subparagraph, the Corporation shall accord such other insured System banks as the Corporation determines to be appropriate the opportunity to submit information relating to the determination.

"(B) DETERMINING LEAST COSTLY APPROACH.—In determining the least costly alternative under subparagraph (A), the Corporation shall—

"(i) evaluate alternatives on a present-value basis, using a reasonable discount rate;

"(ii) document the evaluation and the assumptions on which the evaluation is based; and

"(iii) retain the documentation for not less than 5 years.

"(C) TIME OF DETERMINATION.—

"(i) GENERAL RULE.—For purposes of this subsection, the determination of the costs of providing any assistance under any provision of this section with respect to any insured System bank shall be made as of the date on which the Corporation makes the determination to provide the assistance to the institution under this section.

"(ii) RULE FOR LIQUIDATIONS.—For purposes of this subsection, the determination of the costs of liquidation of any insured System bank shall be made as of the earliest of—

"(I) the date on which a conservator is appointed for the insured System bank;

"(II) the date on which a receiver is appointed for the insured System bank; or

"(III) the date on which the Corporation makes any determination to provide any assistance under this section with respect to the insured System bank.

"(D) RULE FOR STAND-ALONE ASSISTANCE.—Before providing any assistance under paragraph (1), the Corporation shall evaluate the adequacy of managerial resources of the insured System bank. The continued service of any director or senior ranking officer who serves in a policymaking role for the assisted insured System bank, as determined by the Corporation, shall be subject to approval by the Corporation as a condition of assistance.

"(E) DISCRETIONARY DETERMINATIONS.—Any determination that the Corporation makes under this paragraph shall be in the sole discretion of the Corporation.".

(b) CONFORMING AMENDMENTS.—Section 5.61(a) of the Farm Credit Act of 1971 (12 U.S.C. 2277a–10(a)) is amended—

(1) in paragraph (1) by striking "IN GENERAL.—" and inserting "STAND-ALONE ASSISTANCE.—"; and

(2) in paragraph (2)—

(A) by striking "ENUMERATED POWERS.—" and inserting "FACILITATION OF MERGERS OR CONSOLIDATION.—"; and

(B) in subparagraph (A) by striking "FACILITATION OF MERGERS OR CONSOLIDATION.—" and inserting "IN GENERAL.—".

SEC. 698. OVERSIGHT AND REGULATORY ACTIONS BY THE FARM CREDIT SYSTEM INSURANCE CORPORATION.

The Farm Credit Act of 1971 is amended by inserting after section 5.61 (12 U.S.C. 2279a–10) the following:

"SEC. 5.61A. OVERSIGHT ACTIONS BY THE CORPORATION.

"(a) DEFINITIONS.—In this section, the term 'institution' means—

"(1) an insured System bank; and

"(2) a production credit association or other association making loans under section 7.6 with a direct loan payable to the funding bank of the association that comprises 20 percent or more of the funding bank's total loan volume net of nonaccrual loans.

"(b) CONSULTATION REGARDING PARTICIPATION OF UNDERCAPITALIZED BANKS IN ISSUANCE OF INSURED OBLIGATIONS.—The Farm Credit Administration shall consult with the Corporation prior to approving an insured obligation that is to be issued by or on behalf of, or participated in by, any insured System bank that fails to meet the minimum level for any capital requirement established by the Farm Credit Administration for the bank.

"(c) CONSULTATION REGARDING APPLICATIONS FOR MERGERS AND RESTRUCTURINGS.—

"(1) CORPORATION TO RECEIVE COPY OF TRANSACTION APPLICATIONS.—On receiving an application for a merger or restructuring of an institution, the Farm Credit Administration shall forward a copy of the application to the Corporation.

"(2) CONSULTATION REQUIRED.—If the proposed merger or restructuring involves an institution that fails to meet the minimum level for any capital requirement established by the Farm Credit Administration applicable to the institution, the Farm Credit Administration shall allow 30 days within which the Corporation may submit the views and recommendations of the Corporation, including any conditions for approval. In determining whether to approve or disapprove any proposed merger or restructuring, the Farm Credit Administration shall give due consideration to the views and recommendations of the Corporation.

"SEC. 5.61B. AUTHORITY TO REGULATE GOLDEN PARACHUTE AND INDEMNIFICATION PAYMENTS.

"(a) DEFINITIONS.—In this section:

"(1) GOLDEN PARACHUTE PAYMENT.—The term 'golden parachute payment'—

"(A) means a payment (or any agreement to make a payment) in the nature of compensation for the benefit of any institution-related party under an obligation of any Farm Credit System institution that—

"(i) is contingent on the termination of the party's relationship with the institution; and

"(ii) is received on or after the date on which—

"(I) the institution is insolvent;

"(II) a conservator or receiver is appointed for the institution;

"(III) the institution has been assigned by the Farm Credit Administration a composite CAMEL rating of 4 or 5 under the Farm Credit Administration Rating System, or an equivalent rating; or

"(IV) the Corporation otherwise determines that the institution is in a troubled condition (as defined in regulations issued by the Corporation); and

"(B) includes a payment that would be a golden parachute payment but for the fact that the payment was made before the date referred to in subparagraph (A)(ii) if the payment was made in contemplation of the occurrence of an event described in any subclause of subparagraph (A); but

"(C) does not include—

"(i) a payment made under a retirement plan that is qualified (or is intended to be qualified) under section 401 of the Internal Revenue Code of 1986 or other nondiscriminatory benefit plan;

"(ii) a payment made under a bona fide supplemental executive retirement plan, deferred compensation plan, or other arrangement that the Corporation determines, by regulation or order, to be permissible; or

"(iii) a payment made by reason of the death or disability of an institution-related party.

"(2) INDEMNIFICATION PAYMENT.—The term 'indemnification payment' means a payment (or any agreement to make a payment) by any Farm Credit System institution for the benefit of any person who is or was an institution-related party, to pay or reimburse the person for any liability or legal expense with regard to any administrative proceeding or civil action instituted by the Farm Credit Administration that results in a final order under which the person—

"(A) is assessed a civil money penalty; or

"(B) is removed or prohibited from participating in the conduct of the affairs of the institution.

"(3) INSTITUTION-RELATED PARTY.—The term 'institution-related party' means—

"(A) a director, officer, employee, or agent for a Farm Credit System institution or any conservator or receiver of such an institution;

"(B) a stockholder (other than another Farm Credit System institution), consultant, joint venture partner, or any other person determined by the Farm Credit Administration to be a participant in the conduct of the affairs of a Farm Credit System institution; and

"(C) an independent contractor (including any attorney, appraiser, or accountant) that knowingly or recklessly participates in any violation of any law or regulation, any breach of fiduciary duty, or any unsafe or unsound practice that caused or is likely to cause more than a minimal financial loss to, or a significant adverse effect on, the Farm Credit System institution.

"(4) LIABILITY OR LEGAL EXPENSE.—The term 'liability or legal expense' means—

"(A) a legal or other professional expense incurred in connection with any claim, proceeding, or action;

"(B) the amount of, and any cost incurred in connection with, any settlement of any claim, proceeding, or action; and

"(C) the amount of, and any cost incurred in connection with, any judgment or penalty imposed with respect to any claim, proceeding, or action.

"(5) PAYMENT.—The term 'payment' means—

"(A) a direct or indirect transfer of any funds or any asset; and

"(B) any segregation of any funds or assets for the purpose of making, or under an agreement to make, any payment after the date on which the funds or assets are segregated, without regard to whether the obligation to make the payment is contingent on—

"(i) the determination, after that date, of the liability for the payment of the amount; or

"(ii) the liquidation, after that date, of the amount of the payment.

"(b) PROHIBITION.—The Corporation may prohibit or limit, by regulation or order, any golden parachute payment or indemnification payment by a Farm Credit System institution (including any conservator or receiver of the Federal Agricultural Mortgage Corporation) in troubled condition (as defined in regulations issued by the Corporation).

"(c) FACTORS TO BE TAKEN INTO ACCOUNT.—The Corporation shall prescribe, by regulation, the factors to be considered by the Corporation in taking any action under subsection (b). The factors may include—

"(1) whether there is a reasonable basis to believe that an institution-related party has committed any fraudulent act or omission, breach of trust or fiduciary duty, or insider abuse with regard to the Farm Credit System institution involved that has had a material effect on the financial condition of the institution;

"(2) whether there is a reasonable basis to believe that the institution-related party is substantially responsible for the insolvency of the Farm Credit System institution, the appointment of a conservator or receiver for the institution, or the institution's troubled condition (as defined in regulations prescribed by the Corporation);

"(3) whether there is a reasonable basis to believe that the institution-related party has materially violated any applicable law or regulation that has had a material effect on the financial condition of the institution;

"(4) whether there is a reasonable basis to believe that the institution-related party has violated or conspired to violate—

"(A) section 215, 657, 1006, 1014, or 1344 of title 18, United States Code; or

"(B) section 1341 or 1343 of title 18, United States Code, affecting a Farm Credit System institution;

"(5) whether the institution-related party was in a position of managerial or fiduciary responsibility; and

"(6) the length of time that the party was related to the Farm Credit System institution and the degree to which—

"(A) the payment reasonably reflects compensation earned over the period of employment; and

"(B) the compensation represents a reasonable payment for services rendered.

"(d) CERTAIN PAYMENTS PROHIBITED.—No Farm Credit System institution may prepay the salary or any liability or legal expense of any institution-related party if the payment is made—

"(1) in contemplation of the insolvency of the institution or after the commission of an act of insolvency; and

"(2) with a view to, or with the result of—

"(A) preventing the proper application of the assets of the institution to creditors; or

"(B) preferring 1 creditor over another creditor.

"(e) RULE OF CONSTRUCTION.—Nothing in this section—

"(1) prohibits any Farm Credit System institution from purchasing any commercial insurance policy or fidelity bond, so long as the insurance policy or bond does not cover any legal or liability expense of an institution described in subsection (a)(2); or

"(2) limits the powers, functions, or responsibilities of the Farm Credit Administration.".

SEC. 699. FARM CREDIT SYSTEM INSURANCE CORPORATION BOARD OF DIRECTORS.

(a) IN GENERAL.—Section 5.53 of the Farm Credit Act of 1971 (12 U.S.C. 2277a–2) is amended to read as follows:

"SEC. 5.53. BOARD OF DIRECTORS.

"(a) ESTABLISHMENT.—The Corporation shall be managed by a Board of Directors that shall consist of the members of the Farm Credit Administration Board.

"(b) CHAIRMAN.—The Board of Directors shall be chaired by any Board member other than the Chairman of the Farm Credit Administration Board.".

(b) CONFORMING AMENDMENTS.—

(1) Section 5314 of title 5, United States Code, is amended by striking "Chairperson, Board of Directors of the Farm Credit System Insurance Corporation.".

(2) Section 5315 of title 5, United States Code, is amended by striking "Members, Board of Directors of the Farm Credit System Insurance Corporation.".

SEC. 699A. LIABILITY FOR MAKING CRIMINAL REFERRALS.

(a) IN GENERAL.—Any institution of the Farm Credit System, or any director, officer, employee, or agent of a Farm Credit System institution, that discloses to a Government authority information proffered in good faith that may be relevant to a possible violation of any law or regulation shall not be liable to any person under any law of the United States or any State—

(1) for the disclosure; or

(2) for any failure to notify the person involved in the possible violation.

(b) NO PROHIBITION ON DISCLOSURE.—Any institution of the Farm Credit System, or any director, officer, employee, or agent of a Farm Credit System institution, may disclose information to a Government authority that may be relevant to a possible violation of any law or regulation.

TITLE VII—RURAL DEVELOPMENT

Subtitle A—Amendments to the Food, Agriculture, Conservation, and Trade Act of 1990

CHAPTER 1—GENERAL PROVISIONS

SEC. 701. RURAL INVESTMENT PARTNERSHIPS.

(a) IN GENERAL.—Section 2310(c)(1) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2007(c)(1)) is amended by striking "1996" and inserting "2002".

(b) AUTHORIZATION OF APPROPRIATIONS.—The first sentence of section 2313(d) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2007c) is amended by striking "$10,000,000" and all that follows through "1996" and inserting "$4,700,000 for each of fiscal years 1996 through 2002".

SEC. 702. WATER AND WASTE FACILITY FINANCING.

Section 2322 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1926–1) is repealed.

SEC. 703. RURAL WASTEWATER CIRCUIT RIDER PROGRAM.

Section 2324 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 7 U.S.C. 1926 note) is repealed.

SEC. 704. TELEMEDICINE AND DISTANCE LEARNING SERVICES IN RURAL AREAS.

Chapter 1 of subtitle D of title XXIII of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 950aaa et seq.) is amended to read as follows:

"CHAPTER 1—TELEMEDICINE AND DISTANCE LEARNING SERVICES IN RURAL AREAS

"SEC. 2331. PURPOSE.

"The purpose of the financing programs established under this chapter is to encourage and improve telemedicine services and distance learning services in rural areas through the use of telecommunications, computer networks, and related advanced technologies by students, teachers, medical professionals, and rural residents.

"SEC. 2332. DEFINITIONS.

"In this chapter:

"(1) CONSTRUCT.—The term 'construct' means to construct, acquire, install, improve, or extend a facility or system.

"(2) COST OF MONEY LOAN.—The term 'cost of money loan' means a loan made under this chapter bearing interest at a rate equal to the then current cost to the Federal Government of loans of similar maturity.

"(3) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

"SEC. 2333. TELEMEDICINE AND DISTANCE LEARNING SERVICES IN RURAL AREAS.

"(a) SERVICES TO RURAL AREAS.—The Secretary is authorized to provide financial assistance for the purpose of financing the construction of facilities and systems to provide telemedicine services and distance learning services to persons and entities in rural areas.

"(b) FINANCIAL ASSISTANCE.—

"(1) IN GENERAL.—Financial assistance shall consist of grants or cost of money loans, or both.

"(2) FORM.—The Secretary shall determine the portion of the financial assistance provided to a recipient that consists of grants and that consists of cost of money loans so as to result in the maximum feasible repayment to the Federal Government of the financial assistance, based on the ability to repay of the recipient and full utilization of funds made available to carry out this chapter.

"(c) RECIPIENTS.—

"(1) IN GENERAL.—The Secretary may provide financial assistance under this chapter to—

"(A) entities using telemedicine services or distance learning services, or both; and

"(B) entities providing or proposing to provide telemedicine service or distance learning service, or both, to other persons at rates reflecting the benefit of the financial assistance.

"(2) ELECTRIC OR TELECOMMUNICATIONS BORROWERS.—

"(A) LOANS TO BORROWERS.—Subject to subparagraph (B), the Secretary may provide a cost of money loan under this chapter to a borrower of an electric or telecommunications loan under the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.). A borrower receiving a cost of money loan under this paragraph shall—

"(i) make the funds provided available to entities that qualify under paragraph (1) for projects satisfying the requirements of this chapter;

"(ii) use the funds provided to acquire, install, improve, or extend a system for the purposes of this chapter; or

"(iii) use the funds provided to install, improve, or extend a facility for the purposes of this chapter.

"(B) LIMITATIONS.—A borrower of an electric or telecommunications loan under the Rural Electrification Act of 1936 shall—

"(i) make a system or facility funded under subparagraph (A) available to entities that qualify under paragraph (1); and

"(ii) neither retain from the proceeds of a loan provided under subparagraph (A), nor assess a qualifying entity under paragraph (1), any amount except as may be required to pay the actual costs incurred in administering the loan funds or making the system or facility available.

"(3) ASSISTANCE TO PROVIDE OR IMPROVE SERVICES.—Financial assistance may be provided under this chapter for a facility regardless of the location of the facility if the Secretary determines that the assistance is necessary to provide or improve telemedicine services or distance learning services in a rural area.

"(d) PRIORITY.—The Secretary shall establish procedures to prioritize financial assistance provided under this chapter considering—

"(1) the need for the assistance in the affected rural area;

"(2) the financial need of the applicant;

"(3) the population sparsity of the affected rural area;

"(4) the local involvement in the project serving the affected rural area;

"(5) geographic diversity among the recipients of financial assistance;

"(6) the utilization of the telecommunications facilities of the existing telecommunications provider;

"(7) the portion of total project financing provided by the applicant from the funds of the applicant;

"(8) the portion of project financing provided by the applicant with funds obtained from non-Federal sources;

"(9) the joint utilization of facilities financed by other financial assistance;

"(10) the coordination of the proposed project with regional projects or networks;

"(11) service to the widest practical number of persons within the general geographic area covered by the financial assistance;

"(12) conformity with the State strategic plan as prepared under section 381D of the Consolidated Farm and Rural Development Act; and

"(13) other factors determined appropriate by the Secretary.

"(e) MAXIMUM AMOUNT OF ASSISTANCE TO INDIVIDUAL RECIPIENTS.—The Secretary may establish the maximum amount of financial assistance to be made available to an individual recipient for each fiscal year under this chapter by publishing notice in the Federal Register. The notice shall be published not more than 45 days after funds are made available to carry out this chapter during a fiscal year.

"(f) USE OF FUNDS.—Financial assistance provided under this chapter shall be used for—

"(1) the development and acquisition of instructional programming;

"(2) the development and acquisition, through lease or purchase, of computer hardware and software, audio and visual equipment, computer network components, telecommunications terminal equipment, telecommunications transmission facilities, data terminal equipment, or interactive video equipment, and other facilities that would further telemedicine services or distance learning services, or both;

"(3) providing technical assistance and instruction for the development or use of the programming, equipment, or facilities referred to in paragraphs (1) and (2); or

"(4) other uses that are consistent with this chapter, as determined by the Secretary.

"(g) SALARIES AND EXPENSES.—Notwithstanding subsection (f), financial assistance provided under this chapter shall not be used for paying salaries of employees or administrative expenses.

"(h) EXPEDITING COORDINATED TELEPHONE LOANS.—

"(1) IN GENERAL.—The Secretary may establish and carry out procedures to ensure that expedited consideration and determination is given to applications for loans and advances of funds submitted by local exchange carriers under this chapter and the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.) to enable the exchange carriers to provide advanced telecommunications services in rural areas in conjunction with any other projects carried out under this chapter.

"(2) DEADLINE IMPOSED ON SECRETARY.—Not later than 45 days after the receipt of a completed application for an expedited telephone loan under paragraph (1), the Secretary shall respond to the application. The Secretary shall notify the applicant in writing of the decision of the Secretary regarding each expedited loan application.

"(i) NOTIFICATION OF LOCAL EXCHANGE CARRIER.—

"(1) APPLICANTS.—Each applicant for a grant for a telemedicine or distance learning project established under this chapter shall notify the appropriate local telephone exchange carrier regarding the application filed with the Secretary for the grant.

"(2) SECRETARY.—The Secretary shall—

"(A) publish notice of applications received for grants under this chapter for telemedicine or distance learning projects; and

"(B) make the applications available for inspection.

"SEC. 2334. ADMINISTRATION.

"(a) NONDUPLICATION.—The Secretary shall ensure that facilities constructed using financial assistance provided under this chapter do not duplicate adequate established telemedicine services or distance learning services.

"(b) LOAN MATURITY.—The maturities of cost of money loans shall be determined by the Secretary, based on the useful life of the facility being financed, except that the loan shall not be for a period of more than 10 years.

"(c) LOAN SECURITY AND FEASIBILITY.—The Secretary shall make a cost of money loan only after determining that the security for the loan is reasonably adequate and that the loan will be repaid within the period of the loan.

"(d) ENCOURAGING CONSORTIA.—The Secretary shall encourage the development of consortia to provide telemedicine services or distance learning services, or both, through telecommunications in rural areas served by a telecommunications provider.

"(e) COOPERATION WITH OTHER AGENCIES.—The Secretary shall cooperate, to the extent practicable, with other Federal and State agencies with similar grant or loan programs to pool resources for funding meritorious proposals in rural areas.

"(f) INFORMATIONAL EFFORTS.—The Secretary shall establish and implement procedures to carry out informational efforts to advise potential end users located in rural areas of each State about the program authorized by this chapter.

"SEC. 2335. REGULATIONS.

"Not later than 180 days after the effective date of the Agricultural Reform and Improvement Act of 1996, the Secretary shall issue regulations to carry out this chapter.

"SEC. 2335A. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this chapter $100,000,000 for each of fiscal years 1996 through 2002.".

SEC. 705. LIMITATION ON AUTHORIZATION OF APPROPRIATIONS FOR RURAL TECHNOLOGY GRANTS.

Section 2347 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 104 Stat. 4034) is amended—

(1) by striking "(a) IN GENERAL.—"; and

(2) by striking subsection (b).

SEC. 706. MONITORING THE ECONOMIC PROGRESS OF RURAL AMERICA.

Section 2382 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 13 U.S.C. 141 note) is repealed.

SEC. 707. ANALYSIS BY OFFICE OF TECHNOLOGY ASSESSMENT.

Section 2385 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 7 U.S.C. 950aaa–4 note) is repealed.

SEC. 708. RURAL HEALTH INFRASTRUCTURE IMPROVEMENT.

Section 2391 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 7 U.S.C. 2662 note) is repealed.

SEC. 709. CENSUS OF AGRICULTURE.

Section 2392 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 104 Stat. 4057) is repealed.

CHAPTER 2—ALTERNATIVE AGRICULTURAL RESEARCH AND COMMERCIALIZATION

SEC. 721. DEFINITIONS.

Section 1657(c) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5901(c)) is amended—

(1) by striking paragraphs (3) and (4);

(2) by redesignating paragraph (5) as paragraph (3);

(3) by redesignating paragraphs (6) through (12) as paragraphs (7) through (13), respectively; and

(4) by inserting after paragraph (3) (as redesignated by paragraph (2)) the following:

"(4) CORPORATE BOARD.—The term 'Corporate Board' means the Board of Directors of the Corporation described in section 1659.

"(5) CORPORATION.—The term 'Corporation' means the Alternative Agricultural Research and Commercialization Corporation established under section 1658.

"(6) EXECUTIVE DIRECTOR.—The term 'Executive Director' means the Executive Director of the Corporation appointed under section 1659(d)(2).".

SEC. 722. ALTERNATIVE AGRICULTURAL RESEARCH AND COMMERCIALIZATION CORPORATION.

(a) IN GENERAL.—Section 1658 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5902) is amended to read as follows:

"SEC. 1658. ALTERNATIVE AGRICULTURAL RESEARCH AND COMMERCIALIZATION CORPORATION.

"(a) ESTABLISHMENT.—To carry out this subtitle, there is created a body corporate to be known as the Alternative Agricultural Research and Commercialization Corporation, which shall be an agency of the United States, within the Department of Agriculture, subject to the general supervision and direction of the Secretary, except as specifically provided for in this subtitle.

"(b) PURPOSE.—The purpose of the Corporation is to—

"(1) expedite the development and market penetration of industrial, nonfood, nonfeed products from agricultural and forestry materials; and

"(2) assist the private sector in bridging the gap between research results and the commercialization of the research.

"(c) PLACE OF INCORPORATION.—The Corporation shall be located in the District of Columbia.

"(d) CENTRAL OFFICE.—The Secretary shall provide facilities for the principal office of the Corporation within the Washington, D.C. metropolitan area.

"(e) WHOLLY-OWNED GOVERNMENT CORPORATION.—The Corporation shall be considered a wholly-owned government corporation for purposes of chapter 91 of title 31, United States Code.

"(f) GENERAL POWERS.—In addition to any other powers granted to the Corporation under this subtitle, the Corporation—

"(1) shall have succession in its corporate name;

"(2) may adopt, alter, and rescind any bylaw and adopt and alter a corporate seal, which shall be judicially noticed;

"(3) may enter into any agreement or contract with a person or private or governmental agency, except that the Corporation shall not provide any financial assistance unless specifically authorized under this subtitle;

"(4) may lease, purchase, accept a gift or donation of, or otherwise acquire, use, own, hold, improve, or otherwise deal in or with, and sell, convey, mortgage, pledge, lease, exchange, or otherwise dispose of, any property, real, personal, or mixed, or any interest in property, as the Corporation considers necessary in the transaction of the business of the Corporation, except that this paragraph shall not provide authority for carrying out a program of real estate investment;

"(5) may sue and be sued in the corporate name of the Corporation, except that—

"(A) no attachment, injunction, garnishment, or similar process shall be issued against the Corporation or property of the Corporation; and

"(B) exclusive original jurisdiction shall reside in the district courts of the United States, but the Corporation may intervene in any court in any suit, action, or proceeding in which the Corporation has an interest;

"(6) may independently retain legal representation;

"(7) may provide for and designate such committees, and the functions of the committees, as the Corporate Board considers necessary or desirable,

"(8) may indemnify the Executive Director and other officers of the Corporation, as the Corporate Board considers necessary and desirable, except that the Executive Director and officers shall not be indemnified for an act outside the scope of employment;

"(9) may, with the consent of any board, commission, independent establishment, or executive department of the Federal Government, including any field service, use information, services, facilities, officials, and employees in carrying out this subtitle, and pay for the use, which payments shall be credited to the applicable appropriation that incurred the expense;

"(10) may obtain the services and fix the compensation of any consultant and otherwise procure temporary and intermittent services under section 3109(b) of title 5, United States Code;

"(11) may use the United States mails on the same terms and conditions as the Executive agencies of the Federal Government;

"(12) shall have the rights, privileges, and immunities of the United States with respect to the right to priority of payment with respect to debts due from bankrupt, insolvent, or deceased creditors;

"(13) may collect or compromise any obligations assigned to or held by the Corporation, including any legal or equitable rights accruing to the Corporation;

"(14) shall determine the character of, and necessity for, obligations and expenditures of the Corporation and the manner in which the obligations and expenditures shall be incurred, allowed, and paid, subject to provisions of law specifically applicable to Government corporations;

"(15) may make final and conclusive settlement and adjustment of any claim by or against the Corporation or a fiscal officer of the Corporation;

"(16) may sell assets, loans, and equity interests acquired in connection with the financing of projects funded by the Corporation; and

"(17) may exercise all other lawful powers necessarily or reasonably related to the establishment of the Corporation to carry out this subtitle and the powers, purposes, functions, duties, and authorized activities of the Corporation.

"(g) SPECIFIC POWERS.—To carry out this subtitle, the Corporation shall have the authority to—

"(1) make grants to, and enter into cooperative agreements and contracts with, eligible applicants for research, development, and demonstration projects in accordance with section 1660;

"(2) make loans and interest subsidy payments and invest venture capital in accordance with section 1661;

"(3) collect and disseminate information concerning State, regional, and local commercialization projects;

"(4) search for new nonfood, nonfeed products that may be produced from agricultural commodities and for processes to produce the products;

"(5) administer, maintain, and dispense funds from the Alternative Agricultural Research and Commercialization Revolving Fund to facilitate the conduct of activities under this subtitle; and

"(6) engage in other activities incident to carrying out the functions of the Corporation.".

(b) WHOLLY OWNED GOVERNMENT CORPORATION.—Section 9101(3) of title 31, United States Code, is amended—

(1) by redesignating subparagraph (N) (relating to the Uranium Enrichment Corporation) as subparagraph (O); and

(2) by adding at the end the following:

"(P) the Alternative Agricultural Research and Commercialization Corporation.".

(c) CONFORMING AMENDMENT.—Section 211(b)(5) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6911(b)(5)) is amended by striking "Alternative Agricultural Research and Commercialization Board" and inserting "Corporate Board of the Alternative Agricultural Research and Commercialization Corporation".

SEC. 723. BOARD OF DIRECTORS, EMPLOYEES, AND FACILITIES.

(a) IN GENERAL.—Section 1659 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5903) is amended to read as follows:

"SEC. 1659. BOARD OF DIRECTORS, EMPLOYEES, AND FACILITIES.

"(a) IN GENERAL.—The powers of the Corporation shall be vested in a Corporate Board.

"(b) MEMBERS OF THE CORPORATE BOARD.—The Corporate Board shall consist of 10 members as follows:

"(1) The Under Secretary of Agriculture for Rural Economic and Community Development.

"(2) The Under Secretary of Agriculture for Research, Education, and Economics.

"(3) 4 members appointed by the Secretary, of whom—

"(A) at least 1 member shall be a representative of the leading scientific disciplines relevant to the activities of the Corporation;

"(B) at least 1 member shall be a producer or processor of agricultural commodities; and

"(C) at least 1 member shall be a person who is privately engaged in the commercialization of new nonfood, nonfeed products from agricultural commodities.

"(4) 2 members appointed by the Secretary who—

"(A) have expertise in areas of applied research relating to the development or commercialization of new nonfood, nonfeed products; and

"(B) shall be appointed from a group of at least 4 individuals nominated by the Director of the National Science Foundation if the nominations are made within 60 days after the date a vacancy occurs.

"(5) 2 members appointed by the Secretary who—

"(A) have expertise in financial and managerial matters; and

"(B) shall be appointed from a group of at least 4 individuals nominated by the Secretary of Commerce if the nominations are made within 60 days after the date a vacancy occurs.

"(c) RESPONSIBILITIES OF THE CORPORATE BOARD.—

"(1) IN GENERAL.—The Corporate Board shall—

"(A) be responsible for the general supervision of the Corporation and Regional Centers established under section 1663;

"(B) determine (in consultation with Regional Centers) high priority commercialization areas to receive assistance under section 1663;

"(C) review any grant, contract, or cooperative agreement to be made or entered into by the Corporation under section 1660 and any financial assistance to be provided under section 1661;

"(D) make the final decision, by majority vote, on whether and how to provide assistance to an applicant; and

"(E) using the results of the hearings and other information and data collected under paragraph (2), develop and establish a budget plan and a long-term operating plan to carry out this subtitle.

"(2) AUTHORITY OF THE SECRETARY.—

"(A) IN GENERAL.—The Secretary shall vacate and remand to the Board for reconsideration any decision made pursuant to paragraph (1)(D) if the Secretary determines that there has been a violation of subsection (j), or any conflict of interest provisions of the bylaws of the Board, with respect to the decision.

"(B) Reasons.—In the case of any violation and referral of a funding decision to the Board, the Secretary shall inform the Board of the reasons for any remand pursuant to subparagraph (A).

"(d) Chairperson.—The members of the Corporate Board shall select a Chairperson from among the members of the Corporate Board. The term of office of the Chairperson shall be 2 years. The members referred to in paragraphs (1) and (2) of subsection (b) may not serve as Chairperson.

"(e) Executive Director.—

"(1) In general.—The Executive Director of the Corporation shall be the chief executive officer of the Corporation, with such power and authority as may be conferred by the Corporate Board. The Executive Director shall be appointed by the Corporate Board. The appointment shall be subject to the approval of the Secretary.

"(2) Compensation.—The Executive Director shall receive basic pay at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(f) Officers.—The Corporate Board shall establish the offices and appoint the officers of the Corporation, including a Secretary, and define the duties of the officers in a manner consistent with this subtitle.

"(g) Meetings.—The Corporate Board shall meet at least 3 times each fiscal year at the call of the Chairperson or at the request of the Executive Director. The location of the meetings shall be subject to approval of the Executive Director. A quorum of the Corporate Board shall consist of a majority of the members. The decisions of the Corporate Board shall be made by majority vote.

"(h) Term; Vacancies.—

"(1) In general.—The term of office of a member of the Corporate Board shall be 4 years, except that the members initially appointed shall be appointed to serve staggered terms. A member appointed to fill a vacancy for an unexpired term may be appointed only for the remainder of the term. A vacancy on the Corporate Board shall be filled in the same manner as the original appointment. The Secretary shall not remove a member of the Corporate Board except for cause.

"(2) Transition measure.—An individual who is serving on the Alternative Agricultural Research and Commercialization Board on the day before the effective date of the Agricultural Reform and Improvement Act of 1996 may be appointed to the Corporate Board by the Secretary for a term that does not exceed the term of the individual on the Alternative Agricultural Research and Commercialization Board if the Act had not been enacted.

"(i) Compensation.—A member of the Corporate Board who is an officer or employee of the United States shall not receive any additional compensation by reason of service on the Corporate Board. Any other member shall receive, for each day (including travel time) the member is engaged in the performance of the functions of the Corporate Board, compensation at a rate not to exceed the daily equivalent of the annual rate in effect for Level IV of the Executive Schedule. A member of the Corporate Board shall be reimbursed for travel, subsistence, and other necessary expenses incurred by the member in the performance of the duties of the member.

"(j) Conflict of Interest; Financial Disclosure.—

"(1) Conflict of interest.—Except as provided in paragraph (3), no member of the Corporate Board shall vote on any matter respecting any application, contract, claim, or other particular matter pending before the Corporation, in which, to the knowledge of the member, the member, spouse, or child of the member, partner, or organization in which the member is serving as officer, director, trustee, partner, or employee, or any person or organization with whom the member is negotiating or has any arrangement concerning prospective employment, has a financial interest.

"(2) Violations.—Action by a member of the Corporate Board that is contrary to the prohibition contained in paragraph (1) shall be cause for removal of the member, but shall not impair or otherwise affect the validity of any otherwise lawful action by the Corporation in which the member participated.

"(3) Exceptions.—The prohibitions contained in paragraph (1) shall not apply if a member of the Corporate Board advises the Corporate Board of the nature of the particular matter in which the member proposes to participate, and if the member makes a full disclosure of the financial interest, prior to any participation, and the Corporate Board determines, by majority vote, that the financial interest is too remote or too inconsequential to affect the integrity of the member's services to the Corporation in that matter. The member involved shall not vote on the determination.

"(4) Financial disclosure.—A Board member shall be subject to the financial disclosure requirements applicable to a special Government employee (as defined in section 202(a) of title 18, United States Code).

"(k) Delegation of Authority.—

"(1) In general.—The Corporate Board may, by resolution, delegate to the Chairperson, the Executive Director, or any other officer or employee any function, power, or duty assigned to the Corporation under this subtitle, other than a function, power, or duty expressly vested in the Corporate Board by subsections (c) through (n).

"(2) Prohibition on delegation.—Notwithstanding any other law, the Secretary and any other officer or employee of the United States shall not make any delegation to the Corporate Board, the Chairperson, the Executive Director, or the Corporation of any power, function, or authority not expressly authorized by this subtitle, unless the delegation is made pursuant to an authority in law that expressly makes reference to this section.

"(3) Reorganization act.—Notwithstanding any other law, the President (through authorities provided under chapter 9, title 5, United States Code) may not authorize the transfer to the Corporation of any power, function, or authority in addition to powers, functions, and authorities provided by law.

"(l) Bylaws.—Notwithstanding section 1658(f)(2), the Corporate Board shall adopt, and may from time to time amend, any bylaw that is necessary for the proper management and functioning of the Corporation. The Corporate Board shall not adopt any bylaw that has not been reviewed and approved by the Secretary.

"(m) Organization.—The Corporate Board shall provide a system of organization to fix responsibility and promote efficiency.

"(n) Personnel and Facilities of Corporation.—

"(1) Appointment and compensation of personnel.—The Corporation may select and appoint officers, attorneys, employees, and agents, who shall be vested with such powers and duties as the Corporation may determine.

"(2) Use of facilities and services of the Department of Agriculture.—Notwithstanding any other provision of law, to perform the responsibilities of the Corporation under this subtitle, the Corporation may partially or jointly utilize the facilities of and the services of employees of the Department of Agriculture, without cost to the Corporation.

"(3) Government employment laws.—An officer or employee of the Corporation shall be subject to all laws of the United States relating to governmental employment.".

(b) Conforming Amendment.—Section 5315 of title V, United States Code, is amended by adding at the end the following:

"Executive Director of the Alternative Agricultural Research and Commercialization Corporation.".

SEC. 724. RESEARCH AND DEVELOPMENT GRANTS, CONTRACTS, AND AGREEMENTS.

Section 1660 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5904) is amended—

(1) by striking "Center" each place it appears and inserting "Corporation";

(2) in subsection (c), by striking "Board" and inserting "Corporate Board"; and

(3) in subsection (f), by striking "non-Center" and inserting "non-Corporation".

SEC. 725. COMMERCIALIZATION ASSISTANCE.

Section 1661 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5905) is amended—

(1) by striking "Center" each place it appears and inserting "Corporation";

(2) by striking "Board" each place it appears and inserting "Corporate Board";

(3) by striking subsection (c);

(4) by redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively; and

(5) in subsection (c) (as so redesignated)—

(A) in the subsection heading of paragraph (1), by striking "DIRECTOR" and inserting "EXECUTIVE DIRECTOR"; and

(B) by striking "Director" each place it appears and inserting "Executive Director".

SEC. 726. GENERAL RULES REGARDING THE PROVISION OF ASSISTANCE.

Section 1662 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5906) is amended—

(1) by striking "Center" each place it appears (except in subsection (b)) and inserting "Corporation";

(2) by striking "Board" each place it appears and inserting "Corporate Board"; and

(3) in subsection (b)—

(A) in the second sentence, by striking "Board, a Regional Center, or the Advisory Council" and inserting "Board or a Regional Center"; and

(B) by striking the third sentence.

SEC. 727. REGIONAL CENTERS.

Section 1663 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5907) is amended—

(1) by striking "Board" each place it appears and inserting "Corporate Board";

(2) in subsection (e)(8), by striking "Center" and inserting "Corporation"; and

(3) in subsection (f)—

(A) in paragraph (2), by striking "in consultation with the Advisory Council appointed under section 1661(c)"; and

(B) by striking paragraphs (3) and (4) and inserting the following:

"(3) RECOMMENDATION.—The Regional Director, based on the comments of the reviewers, shall make and submit a recommendation to the Board. A recommendation submitted by a Regional Director shall not be binding on the Board.".

SEC. 728. ALTERNATIVE AGRICULTURAL RESEARCH AND COMMERCIALIZATION REVOLVING FUND.

Section 1664 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5908) is amended to read as follows:

"SEC. 1664. ALTERNATIVE AGRICULTURAL RESEARCH AND COMMERCIALIZATION REVOLVING FUND.

"(a) ESTABLISHMENT.—There is established in the Treasury of the United States a revolving fund to be known as the Alternative Agricultural Research and Commercialization Revolving Fund. The Fund shall be available to the Corporation, without fiscal year limitation, to carry out the authorized programs and activities of the Corporation under this subtitle.

"(b) CONTENTS OF FUND.—There shall be deposited in the Fund—

"(1) such amounts as may be appropriated or transferred to support programs and activities of the Corporation;

"(2) payments received from any source for products, services, or property furnished in connection with the activities of the Corporation;

"(3) fees and royalties collected by the Corporation from licensing or other arrangements relating to commercialization of products developed through projects funded in whole or part by grants, contracts, or cooperative agreements executed by the Corporation;

"(4) proceeds from the sale of assets, loans, and equity interests made in furtherance of the purposes of the Corporation;

"(5) donations or contributions accepted by the Corporation to support authorized programs and activities; and

"(6) any other funds acquired by the Corporation.

"(c) FUNDING ALLOCATIONS.—Funding of projects and activities under this subtitle shall be subject to the following restrictions:

"(1) Of the total amount of funds made available for a fiscal year under this subtitle—

"(A) not more than the lesser of 15 percent or $3,000,000 may be set aside to be used for authorized administrative expenses of the Corporation in carrying out the functions of the Corporation;

"(B) not more than 1 percent may be set aside to be used for generic studies and specific reviews of individual proposals for financial assistance; and

"(C) except as provided in subsection (e), not less than 84 percent shall be set aside to be awarded to qualified applicants who file project applications with, or respond to requests for proposals from, the Corporation under sections 1660 and 1661.

"(2) Any funds remaining uncommitted at the end of a fiscal year shall be credited to the Fund and added to the total program funds available to the Corporation for the next fiscal year.

"(d) AUTHORIZED ADMINISTRATIVE EXPENSES.—For the purposes of this section, authorized administrative expenses shall include all ordinary and necessary expenses, including all compensation for personnel and consultants, expenses for computer usage, or space needs of the Corporation and similar expenses. Funds authorized for administrative expenses shall not be available for the acquisition of real property.

"(e) PROJECT MONITORING.—The Board may establish, in the bylaws of the Board, a percent of funds provided under subsection (c), not to exceed 1 percent per project award, for any commercialization project to be expended from project awards that shall be used to ensure that project funds are being utilized in accordance with the project agreement.

"(f) TERMINATION OF THE FUND.—On expiration of the authority provided by this subtitle, all assets (after payment of all outstanding obligations) of the Fund shall revert to the general fund of the Treasury.

"(g) AUTHORIZATION OF APPROPRIATIONS; CAPITALIZATION.—

"(1) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated to the Fund $75,000,000 for each of fiscal years 1996 through 2002.

"(2) CAPITALIZATION.—The Executive Director may pay as capital of the Corporation, from amounts made available through annual appropriations, $75,000,000 for each of fiscal years 1996 through 2002. On the payment of capital by the Executive Director, the Corporation shall issue an equivalent amount of capital stock to the Secretary of the Treasury.

"(3) TRANSFER.—All obligations, assets, and related rights and responsibilities of the Alternative Agricultural Research and Commercialization Center established under section 1658 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5902) (as in effect on the day before the effective date of the Agricultural Reform and Improvement Act of 1996) are transferred to the Corporation.".

SEC. 729. PROCUREMENT PREFERENCES FOR PRODUCTS RECEIVING CORPORATION ASSISTANCE.

Subtitle G of title XVI of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5901 et seq.) is amended by adding at the end the following:

"SEC. 1665. PROCUREMENT OF ALTERNATIVE AGRICULTURAL RESEARCH AND COMMERCIALIZATION PRODUCTS.

"(a) DEFINITION OF EXECUTIVE AGENCY.—In this section, the term 'executive agency' has the meaning provided the term in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)).

"(b) PROCUREMENT.—To further the achievement of the purposes specified in section 1657(b), an executive agency may, for any procurement involving the acquisition of property, establish set-asides and preferences for property that has been commercialized with assistance provided under this subtitle.

"(c) SET-ASIDES.—Procurements solely for property may be set-aside exclusively for products developed with commercialization assistance provided under section 1661.

"(d) PREFERENCES.—Preferences for property developed with assistance provided under this subtitle in procurements involving the acquisition of property may be—

"(1) a price preference, if the procurement is solely for property, of not greater than a percentage to be determined within the sole discretion of the head of the procuring agency; or

"(2) a technical evaluation preference included as an award factor or subfactor as determined within the sole discretion of the head of the procuring agency.

"(e) NOTICE.—Each competitive solicitation or invitation for bids selected by an executive agency for a set-aside or preference under this section shall contain a provision notifying offerors where a list of products eligible for the set aside or preference may be obtained.

"(f) ELIGIBILITY.—Offerors shall receive the set aside or preference required under this section if, in the case of products developed with financial assistance under—

"(1) section 1660, less than 10 years have elapsed since the expiration of the grant, cooperative agreement, or contract;

"(2) paragraph (1) or (2) of section 1661(a), less than 5 years have elapsed since the date the loan was made or insured;

"(3) section 1661(a)(3), less than 5 years have elapsed since the date of sale of any remaining government equity interest in the company; or

"(4) section 1661(a)(4), less than 5 years have elapsed since the date of the final payment on the repayable grant.".

SEC. 730. BUSINESS PLAN AND FEASIBILITY STUDY AND REPORT.

(a) BUSINESS PLAN.—Not later than 180 days after the date of enactment of this Act, the Alternative Agricultural Research and Commercialization Corporation established under section 1658 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5902) shall—

(1) develop a 5-year business plan pursuant to section 1659(c)(1)(E) of the Food, Agriculture, Conservation, and Trade Act of 1990 (as amended by section 723); and

(2) submit the plan to the Secretary of Agriculture, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(b) FEASIBILITY STUDY AND REPORT.—

(1) STUDY.—The Secretary of Agriculture shall conduct a study of and prepare a report on the continued feasibility of the Alternative Agricultural Research and Commercialization Corporation. In conducting the study, the Secretary shall examine options for privatizing the Corporation and converting the Corporation to a Government sponsored enterprise.

(2) REPORT.—Not later than December 31, 2001, the Secretary shall transmit the report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

Subtitle B—Amendments to the Consolidated Farm and Rural Development Act

CHAPTER 1—GENERAL PROVISIONS

SEC. 741. WATER AND WASTE FACILITY LOANS AND GRANTS.

(a) IN GENERAL.—Section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) is amended—

(1) in the first sentence of paragraph (2), by striking "$500,000,000" and inserting "$590,000,000";

(2) by striking paragraph (7) and inserting the following:

"(7) DEFINITION OF RURAL AND RURAL AREAS.—For the purpose of water and waste disposal grants and direct and guaranteed loans provided under paragraphs (1) and (2), the terms 'rural' and 'rural area' shall mean a city, town, or unincorporated area that has a population of no more than 10,000 inhabitants.";

(3) by striking paragraphs (9), (10), and (11) and inserting the following:

"(9) CONFORMITY WITH STATE DRINKING WATER STANDARDS.—No Federal funds shall be made available under this section unless the Secretary determines that the water system seeking funding will make significant progress toward meeting the standards established under title XIV of the Public Health Service Act (commonly known as the

'Safe Drinking Water Act') (42 U.S.C. 300f et seq.).

"(10) CONFORMITY WITH FEDERAL AND STATE WATER POLLUTION CONTROL STANDARDS.—In the case of a water treatment discharge or waste disposal system seeking funding, no Federal funds shall be made available under this section unless the Secretary determines that the effluent from the system conforms with applicable Federal and State water pollution control standards.

"(11) RURAL BUSINESS OPPORTUNITY GRANTS.—

"(A) IN GENERAL.—The Secretary may make grants, not to exceed $1,500,000 annually, to public bodies, private nonprofit community development corporations or entities, or such other agencies as the Secretary may select to enable the recipients—

"(i) to identify and analyze business opportunities, including opportunities in export markets, that will use local rural economic and human resources;

"(ii) to identify, train, and provide technical assistance to existing or prospective rural entrepreneurs and managers;

"(iii) to establish business support centers and otherwise assist in the creation of new rural businesses, the development of methods of financing local businesses, and the enhancement of the capacity of local individuals and entities to engage in sound economic activities;

"(iv) to conduct regional, community, and local economic development planning and coordination, and leadership development; and

"(v) to establish centers for training, technology, and trade that will provide training to rural businesses in the utilization of interactive communications technologies to develop international trade opportunities and markets.

"(B) CRITERIA.—In awarding the grants, the Secretary shall consider, among other criteria to be established by the Secretary—

"(i) the extent to which the applicant provides development services in the rural service area of the applicant; and

"(ii) the capability of the applicant to carry out the purposes of this section.

"(C) COORDINATION.—The Secretary shall ensure, to the maximum extent practicable, that assistance provided under this paragraph is coordinated with and delivered in cooperation with similar services or assistance provided to rural residents by the Cooperative State Research, Education, and Extension Service or other Federal agencies.

"(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph $7,500,000 for each of fiscal years 1996 through 2002.";

(4) by striking paragraphs (14) and (15); and

(5) in paragraph (16)—

(A) by striking "(16)(A) The" and inserting the following:

"(16) RURAL WATER AND WASTEWATER TECHNICAL ASSISTANCE AND TRAINING PROGRAMS.—

"(A) IN GENERAL.—The";

(B) in subparagraph (A)—

(i) by striking "(i) identify" and inserting the following:

"(i) identify";

(ii) by striking "(ii) prepare" and inserting the following:

"(ii) prepare"; and

(iii) by striking "(iii) improve" and inserting the following:

"(iii) improve";

(C) in subparagraph (B), by striking "(B) In" and inserting the following:

"(B) SELECTION PRIORITY.—In"; and

(D) in subparagraph (C)—

(i) by striking "(C) Not" and inserting the following:

"(C) FUNDING.—Not"; and

(ii) by striking "2 per centum of any funds provided in Appropriations Acts" and inserting "3 percent of any funds appropriated".

(b) CONFORMING AMENDMENTS.—

(1) Section 307(a)(6)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1927(a)(6)(B)) (as amended by section 651(a)(2)) is further amended—

(A) by striking clause (ii); and

(B) by redesignating clauses (iii) and (iv) as clauses (ii) and (iii), respectively.

(2) The second sentence of section 309A(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1929a(a)) is amended by striking ", 306(a)(14),".

SEC. 742. EMERGENCY COMMUNITY WATER ASSISTANCE GRANT PROGRAM FOR SMALL COMMUNITIES.

Section 306A of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926a) is amended—

(1) in subsection (e)—

(A) by striking paragraph (1) and inserting the following:

"(1) MAXIMUM INCOME.—No grant provided under this section may be used to assist any rural area or community that has a median household income in excess of the State nonmetropolitan median household income according to the most recent decennial census of the United States."; and

(B) in paragraph (2), by striking "5,000" and inserting "3,000"; and

(2) by striking subsection (i) and inserting the following:

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $35,000,000 for each of fiscal years 1996 through 2002.".

SEC. 743. EMERGENCY COMMUNITY WATER ASSISTANCE GRANT PROGRAM FOR SMALLEST COMMUNITIES.

Section 306B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926b) is repealed.

SEC. 744. AGRICULTURAL CREDIT INSURANCE FUND.

Section 309(f) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1929(f)) is amended—

(1) by striking paragraph (1); and

(2) by redesignating paragraphs (2) through (6) as paragraphs (1) through (5), respectively.

SEC. 745. RURAL DEVELOPMENT INSURANCE FUND.

Section 309A(g) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1929a(g)) is amended—

(1) by striking paragraph (1); and

(2) by redesignating paragraphs (2) through (8) as paragraphs (1) through (7), respectively.

SEC. 746. INSURED WATERSHED AND RESOURCE CONSERVATION AND DEVELOPMENT LOANS.

Section 310A of the Consolidated Farm and Rural Development Act (7 U.S.C. 1931) is repealed.

SEC. 747. RURAL INDUSTRIALIZATION ASSISTANCE.

(a) IN GENERAL.—Section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932) is amended—

(1) in subsection (b), by striking "(b)(1)" and all that follows through "(2) The" and inserting the following:

"(b) SOLID WASTE MANAGEMENT GRANTS.—The";

(2) in subsection (c)—

(A) by striking "(c)(1) The" and inserting the following:

"(c) RURAL BUSINESS ENTERPRISE GRANTS.—

"(1) IN GENERAL.—The";

(B) in paragraph (1), by inserting "(including nonprofit entities)" after "private business enterprises"; and

(C) in paragraph (2)—

(i) by striking "(2) The" and inserting the following:

"(2) PASSENGER TRANSPORTATION SERVICES OR FACILITIES.—The"; and

(ii) by striking "make grants" and inserting "award grants on a competitive basis"; and

(3) by striking subsections (e), (g), (h), and (i);

(4) by redesignating subsections (f) and (j) as subsections (e) and (f), respectively;

(5) by striking subsection (e) (as so redesignated) and inserting the following:

"(e) RURAL COOPERATIVE DEVELOPMENT GRANTS.—

"(1) DEFINITIONS.—In this subsection:

"(A) NONPROFIT INSTITUTION.—The term 'nonprofit institution' means any organization or institution, including an accredited institution of higher education, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

"(B) UNITED STATES.—The term 'United States' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the other territories and possessions of the United States.

"(2) GRANTS.—The Secretary shall make grants under this subsection to nonprofit institutions for the purpose of enabling the institutions to establish and operate centers for rural cooperative development.

"(3) GOALS.—The goals of a center funded under this subsection shall be to facilitate the creation of jobs in rural areas through the development of new rural cooperatives, value added processing, and rural businesses.

"(4) APPLICATION.—Any nonprofit institution seeking a grant under paragraph (2) shall submit to the Secretary an application containing a plan for the establishment and operation by the institution of a center or centers for cooperative development. The Secretary may approve the application if the plan contains the following:

"(A) A provision that substantiates that the center will effectively serve rural areas in the United States.

"(B) A provision that the primary objective of the center will be to improve the economic condition of rural areas through cooperative development.

"(C) A description of the activities that the center will carry out to accomplish the objective. The activities may include the following:

"(i) Programs for applied research and feasibility studies that may be useful to individuals, cooperatives, small businesses, and other similar entities in rural areas served by the center.

"(ii) Programs for the collection, interpretation, and dissemination of information that may be useful to individuals, cooperatives, small businesses, and other similar entities in rural areas served by the center.

"(iii) Programs providing training and instruction for individuals, cooperatives, small businesses, and other similar entities in rural areas served by the center.

"(iv) Programs providing loans and grants to individuals, cooperatives, small businesses, and other similar entities in rural areas served by the center.

"(v) Programs providing technical assistance, research services, and advisory services to individuals, cooperatives, small businesses, and other similar entities in rural areas served by the center.

"(vi) Programs providing for the coordination of services and sharing of information among the center.

"(D) A description of the contributions that the activities are likely to make to the improvement of the economic conditions of the rural areas for which the center will provide services.

"(E) Provisions that the center, in carrying out the activities, will seek, where appropriate, the advice, participation, expertise, and assistance of representatives of business, industry, educational institutions, the Federal Government, and State and local governments.

"(F) Provisions that the center will take all practicable steps to develop continuing sources of financial support for the center, particularly from sources in the private sector.

"(G) Provisions for—

"(i) monitoring and evaluating the activities by the nonprofit institution operating the center; and

"(ii) accounting for money received by the institution under this section.

"(5) AWARDING GRANTS.—Grants made under paragraph (2) shall be made on a competitive basis. In making grants under paragraph (2), the Secretary shall give preference to grant applications providing for the establishment of centers for rural cooperative development that—

"(A) demonstrate a proven track record in administering a nationally coordinated, regionally or State-wide operated project;

"(B) demonstrate previous expertise in providing technical assistance in rural areas;

"(C) demonstrate the ability to assist in the retention of existing businesses, facilitate the establishment of new cooperatives and new cooperative approaches, and generate new employment opportunities that will improve the economic conditions of rural areas;

"(D) demonstrate the ability to create horizontal linkages among businesses within and among various sectors in rural America and vertical linkages to domestic and international markets;

"(E) commit to providing technical assistance and other services to underserved and economically distressed areas in rural America; and

"(F) commit to providing greater than a 25 percent matching contribution with private funds and in-kind contributions.

"(6) TWO-YEAR GRANTS.—The Secretary shall evaluate programs receiving assistance under this subsection and, if the Secretary determines it to be in the best interest of the Federal Government, the Secretary may approve grants under this subsection for up to 2 years.

"(7) TECHNICAL ASSISTANCE TO PREVENT EXCESSIVE UNEMPLOYMENT OR UNDEREMPLOYMENT.—In carrying out this subsection, the Secretary may provide technical assistance to alleviate or prevent conditions of excessive unemployment, underemployment, outmigration, or low employment growth in economically distressed rural areas that the Secretary determines have a substantial need for the assistance. The assistance may include planning and feasibility studies, management and operational assistance, and studies evaluating the need for development potential of projects that increase employment and improve economic growth in the areas.

"(8) GRANTS TO DEFRAY ADMINISTRATIVE COSTS.—The Secretary may make grants to defray not to exceed 75 percent of the costs incurred by organizations and public bodies to carry out projects for which grants or loans are made under this subsection. For purposes of determining the non-Federal share of the costs, the Secretary shall consider contributions in cash and in kind, fairly evaluated, including premises, equipment, and services.

"(9) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $50,000,000 for each of fiscal years 1996 through 2002."; and

(6) by adding at the end the following:

"(g) LOAN GUARANTEES FOR THE PURCHASE OF COOPERATIVE STOCK.—

"(1) DEFINITION OF FARMER.—In this subsection, the term 'farmer' means any farmer that meets the family farmer definition, as determined by the Secretary.

"(2) LOAN GUARANTEES.—The Secretary may guarantee loans under this section to individual farmers for the purpose of purchasing capital stock of a farmer cooperative established for the purpose of processing an agricultural commodity.

"(3) ELIGIBILITY.—To be eligible for a loan guarantee under this subsection, a farmer must produce the agricultural commodity that will be processed by the cooperative.

"(4) COLLATERAL.—To be eligible for a loan guarantee under this subsection for the establishment of a cooperative, the borrower of the loan must pledge collateral to secure at least 25 percent of the amount of the loan.".

(b) CONFORMING AMENDMENTS.—

(1) Clause (iii) of section 307(a)(6)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1927(a)(6)(B)) (as redesignated by section 741(b)(1)(B)) is amended by striking "subsections (d) and (e) of section 310B" and inserting "section 310B(d)".

(2) Section 232(c)(2) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6942(c)(2)) is amended—

(A) by striking "310B(b)(2)" and inserting "310B(b)"; and

(B) by striking "1932(b)(2)" and inserting "1932(b)".

(3) Section 233(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6943(b)) is amended—

(A) by striking paragraph (2); and

(B) by redesignating paragraph (3) as paragraph (2).

SEC. 748. ADMINISTRATION.

Section 331(b)(4) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981(b)(4)) is amended—

(1) by inserting after "claims" the following: "(including debts and claims arising from loan guarantees)";

(2) by striking "Farmers Home Administration or" and inserting "Consolidated Farm Service Agency, Rural Utilities Service, Rural Housing and Community Development Service, Rural Business and Cooperative Development Service, or a successor agency, or"; and

(3) by inserting after "activities under the Housing Act of 1949." the following: "In the case of a security instrument entered into under the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.), the Secretary shall notify the Attorney General of the intent of the Secretary to exercise the authority of the Secretary under this paragraph.".

SEC. 749. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 338 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1988) is amended—

(1) by striking subsections (b), (c), (d), and (e); and

(2) by redesignating subsection (f) as subsection (b).

(b) CONFORMING AMENDMENTS.—

(1) The first sentence of section 309(g)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1929(g)(1)) is amended by inserting after "section 338(c)" the following: "(before the amendment made by section 447(a)(1) of the Agricultural Reform and Improvement Act of 1996)".

(2) Section 343(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(b)) is amended by striking "338(f)," and inserting "338(b),".

SEC. 750. TESTIMONY BEFORE CONGRESSIONAL COMMITTEES.

Section 345 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1993) is repealed.

SEC. 751. PROHIBITION ON USE OF LOANS FOR CERTAIN PURPOSES.

Section 363 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2006e) is amended by adding at the end the following: "This section shall not apply to a loan made or guaranteed under this title for a utility line.".

SEC. 752. RURAL DEVELOPMENT CERTIFIED LENDERS PROGRAM.

The Consolidated Farm and Rural Development Act is amended by inserting after section 363 (7 U.S.C. 2006e) the following:

"SEC. 364. RURAL DEVELOPMENT CERTIFIED LENDERS PROGRAM.

"(a) CERTIFIED LENDERS PROGRAM.—

"(1) IN GENERAL.—The Secretary may establish a program under which the Secretary may guarantee a loan for any rural development program that is made by a lender certified by the Secretary.

"(2) CERTIFICATION REQUIREMENTS.—The Secretary may certify a lender if the lender meets such criteria as the Secretary may prescribe in regulations, including the ability of the lender to properly make, service, and liquidate the guaranteed loans of the lender.

"(3) CONDITION OF CERTIFICATION.—As a condition of certification, the Secretary may require the lender to undertake to service the guaranteed loan using standards that are not less stringent than generally accepted banking standards concerning loan servicing that are used by prudent commercial or cooperative lenders.

"(4) GUARANTEE.—Notwithstanding any other provision of law, the Secretary may guarantee not more than 80 percent of a loan made by a certified lender described in paragraph (1), if the borrower of the loan meets the eligibility requirements and such other criteria for the loan guarantee that are established by the Secretary.

"(5) CERTIFICATIONS.—With respect to loans to be guaranteed, the Secretary may permit a certified lender to make appropriate certifications (as provided in regulations issued by the Secretary)—

"(A) relating to issues such as creditworthiness, repayment ability, adequacy of collateral, and feasibility of the operation; and

"(B) that the borrower is in compliance with all requirements of law, including regulations issued by the Secretary.

"(6) RELATIONSHIP TO OTHER REQUIREMENTS.—This subsection shall not affect the responsibility of the Secretary to determine eligibility, review financial information, and otherwise assess an application.

"(b) PREFERRED CERTIFIED LENDERS PROGRAM.—

"(1) IN GENERAL.—The Secretary may establish a preferred certified lenders program for lenders who establish their—

"(A) knowledge of, and experience under, the program established under subsection (a);

"(B) knowledge of the regulations concerning the particular guaranteed loan program; and

"(C) proficiency related to the certified lender program requirements.

"(2) ADDITIONAL LENDING INSTITUTIONS.—The Secretary may certify any lending institution as a preferred certified lender if the institution meets such additional criteria as the Secretary may prescribe by regulation.

"(3) REVOCATION OF DESIGNATION.—The designation of a lender as a preferred certified lender shall be revoked if the Secretary determines that the lender is not adhering to the rules and regulations applicable to the program or if the loss experiences of a preferred certified lender are greater than other preferred certified lenders, except that the suspension or revocation shall not affect any outstanding guarantee.

"(4) CONDITION OF CERTIFICATION.—As a condition of the preferred certification, the Secretary shall require the lender to undertake to service the loan guaranteed by the Secretary under this subsection using generally accepted banking standards concerning loan servicing employed by prudent commercial or cooperative lenders. The Secretary shall, at least annually, monitor the performance of each preferred certified lender to ensure that the conditions of the certification are being met.

"(5) EFFECT OF PREFERRED LENDER CERTIFICATION.—Notwithstanding any other provision of law, the Secretary may—

"(A) guarantee not more than 80 percent of any approved loan made by a preferred certified lender as described in this subsection, if the borrower meets the eligibility requirements and such other criteria as may be applicable to loans guaranteed by the Secretary; and

"(B) permit preferred certified lenders to make all decisions, with respect to loans to be guaranteed by the Secretary under this subsection relating to creditworthiness, the closing, monitoring, collection, and liquidation of loans, and to accept appropriate certifications, as provided in regulations issued by the Secretary, that the borrower is in compliance with all requirements of law and regulations issued by the Secretary.".

SEC. 753. SYSTEM FOR DELIVERY OF CERTAIN RURAL DEVELOPMENT PROGRAMS.

(a) IN GENERAL.—Section 365 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 2310 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2007) is amended—

(A) in subsection (a), by striking "or the program established in sections 365 and 366 of the Consolidated Farm and Rural Development Act (as added by chapter 3 of this subtitle)";

(B) in subsection (b)—

(i) by striking "STATES.—" and all that follows through "PARTNERSHIPS.—The" in paragraph (1) and inserting "STATES.—The"; and

(ii) by striking paragraph (2);

(C) in subsection (c)—

(i) by striking "PROJECTS.—" and all that follows through "PARTNERSHIPS.—Chapter" in paragraph (1) and inserting "PROJECTS.—Chapter";

(ii) by striking "subsection (b)(1)" and inserting "subsection (b)"; and

(iii) by striking paragraph (2); and

(D) in subsection (d), by striking "and sections 365, 366, 367, and 368(b) of the Consolidated Farm and Rural Development Act (as added by chapter 3 of this subtitle)".

(2) Section 2375 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6613) is amended—

(A) in subsection (e), by striking ", as defined in section 365(b)(2) of the Consolidated Farm and Rural Development Act,"; and

(B) by adding at the end the following:

"(g) DEFINITION OF DESIGNATED RURAL DEVELOPMENT PROGRAM.—In this section, the term 'designated rural development program' means a program carried out under section 304(b), 306(a), or 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1924(b), 1926(a), and 1932(e)), or under section 1323 of the Food Security Act of 1985 (Public Law 99-198; 7 U.S.C. 1932 note), for which funds are available at any time during the fiscal year under the section.".

(3) Paragraph (2) of section 233(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6943(b)) (as redesignated by section 747(b)(3)(B)) is amended by striking "sections 365 through 369 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008-2008d)" and inserting "section 369 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008d)".

SEC. 754. STATE RURAL ECONOMIC DEVELOPMENT REVIEW PANEL.

Section 366 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008a) is repealed.

SEC. 755. LIMITED TRANSFER AUTHORITY OF LOAN AMOUNTS.

Section 367 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008b) is repealed.

SEC. 756. ALLOCATION AND TRANSFER OF LOAN GUARANTEE AUTHORITY.

Section 368 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008c) is repealed.

SEC. 757. NATIONAL SHEEP INDUSTRY IMPROVEMENT CENTER.

The Consolidated Farm and Rural Development Act (as amended by section 641) is amended by adding at the end the following:

"SEC. 375. NATIONAL SHEEP INDUSTRY IMPROVEMENT CENTER.

"(a) DEFINITIONS.—In this section:

"(1) BOARD.—The term 'Board' means the Board of Directors established under subsection (f).

"(2) CENTER.—The term 'Center' means the National Sheep Industry Improvement Center established under subsection (b).

"(3) ELIGIBLE ENTITY.—The term 'eligible entity' means an entity that promotes the betterment of the United States lamb or wool industry and that is—

"(A) a public, private, or cooperative organization;

"(B) an association, including a corporation not operated for profit;

"(C) a federally recognized Indian Tribe; or

"(D) a public or quasi-public agency.

"(4) FUND.—The term 'Fund' means the Natural Sheep Improvement Center Revolving Fund established under subsection (e).

"(b) ESTABLISHMENT OF CENTER.—The Secretary shall establish a National Sheep Industry Improvement Center.

"(c) PURPOSES.—The purposes of the Center shall be to—

"(1) promote strategic development activities and collaborative efforts by private and State entities to maximize the impact of Federal assistance to strengthen and enhance the production and marketing of lamb and wool in the United States;

"(2) optimize the use of available human capital and resources within the sheep industry;

"(3) provide assistance to meet the needs of the sheep industry for infrastructure development, business development, production, resource development, and market and environmental research;

"(4) advance activities that empower and build the capacity of the United States sheep industry to design unique responses to the special needs of the lamb and wool industries on both a regional and national basis; and

"(5) adopt flexible and innovative approaches to solving the long-term needs of the United States sheep industry.

"(d) STRATEGIC PLAN.—

"(1) IN GENERAL.—The Center shall submit to the Secretary an annual strategic plan for the delivery of financial assistance provided by the Center.

"(2) REQUIREMENTS.—A strategic plan shall identify—

"(A) goals, methods, and a benchmark for measuring the success of carrying out the plan and how the plan relates to the national and regional goals of the Center;

"(B) the amount and sources of Federal and non-Federal funds that are available for carrying out the plan;

"(C) funding priorities;

"(D) selection criteria for funding; and

"(E) a method of distributing funding.

"(e) REVOLVING FUND.—

"(1) ESTABLISHMENT.—There is established in the Treasury the Natural Sheep Improvement Center Revolving Fund. The Fund shall be available to the Center, without fiscal year limitation, to carry out the authorized programs and activities of the Center under this section.

"(2) CONTENTS OF FUND.—There shall be deposited in the Fund—

"(A) such amounts as may be appropriated, transferred, or otherwise made available to support programs and activities of the Center;

"(B) payments received from any source for products, services, or property furnished in connection with the activities of the Center;

"(C) fees and royalties collected by the Center from licensing or other arrangements relating to commercialization of products developed through projects funded, in whole or part, by grants, contracts, or cooperative agreements executed by the Center;

"(D) proceeds from the sale of assets, loans, and equity interests made in furtherance of the purposes of the Center;

"(E) donations or contributions accepted by the Center to support authorized programs and activities; and

"(F) any other funds acquired by the Center.

"(3) USE OF FUND.—

"(A) IN GENERAL.—The Center may use amounts in the Fund to make grants and loans to eligible entities in accordance with a strategic plan submitted under subsection (d).

"(B) CONTINUED EXISTENCE.—The Center shall manage the Fund in a manner that ensures that sufficient amounts are available in the Fund to carry out subsection (c).

"(C) DIVERSE AREA.—The Center shall, to the maximum extent practicable, use the Fund to serve broad geographic areas and regions of diverse production.

"(D) VARIETY OF LOANS AND GRANTS.—The Center shall, to the maximum extent practicable, use the Fund to provide a variety of intermediate- and long-term grants and loans.

"(E) ADMINISTRATION.—The Center may not use more than 3 percent of the amounts in the Fund for a fiscal year for the administration of the Center.

"(F) INFLUENCING LEGISLATION.—None of the amounts in the Fund may be used to influence legislation.

"(G) ACCOUNTING.—To be eligible to receive amounts from the Fund, an entity must agree to account for the amounts using generally accepted accounting principles.

"(H) USES OF FUND.—The Center may use amounts in the Fund to—

"(i) participate with Federal and State agencies in financing activities that are in accordance with a strategic plan submitted under subsection (d), including participation with several States in a regional effort;

"(ii) participate with other public and private funding sources in financing activities that are in accordance with the strategic plan, including participation in a regional effort;

"(iii) provide security for, or make principle or interest payments on, revenue or general obligation bonds issued by a State, if the proceeds from the sale of the bonds are deposited in the Fund;

"(iv) accrue interest;

"(v) guarantee or purchase insurance for local obligations to improve credit market access or reduce interest rates for a project that is in accordance with the strategic plan; or

"(vi) sell assets, loans, and equity interests acquired in connection with the financing of projects funded by the Center.

"(4) LOANS.—

"(A) RATE.—A loan from the Fund may be made at an interest rate that is below the market rate or may be interest free.

"(B) TERM.—The term of a loan may not exceed the shorter of—

"(i) the useful life of the activity financed; or

"(ii) 40 years.

"(C) SOURCE OF REPAYMENT.—The Center may not make a loan from the Fund unless the recipient establishes an assured source of repayment.

"(D) PROCEEDS.—All payments of principal and interest on a loan made from the Fund shall be deposited into the Fund.

"(5) MAINTENANCE OF EFFORT.—The Center shall use the Fund only to supplement and not to supplant Federal, State, and private funds expended for rural development.

"(6) FUNDING.—

"(A) DEPOSIT OF FUNDS.—All Federal and non-Federal amounts received by the Center to carry out this section shall be deposited in the Fund.

"(B) MANDATORY FUNDS.—Out of any moneys in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide to the Center not to exceed $20,000,000 to carry out this section.

"(C) ADDITIONAL FUNDS.—In addition to any funds provided under subparagraph (B), there is authorized to be appropriated to carry out this section $30,000,000 to carry out this section.

"(D) PRIVATIZATION.—Federal funds shall not be used to carry out this section beginning on the earlier of—

"(i) the date that is 10 years after the effective date of this section; or

"(ii) the day after a total of $50,000,000 is made available under subparagraphs (B) and (C) to carry out this section.

"(f) BOARD OF DIRECTORS.—

"(1) IN GENERAL.—The management of the Center shall be vested in a Board of Directors.

"(2) POWERS.—The Board shall—

"(A) be responsible for the general supervision of the Center;

"(B) review any grant, loan, contract, or cooperative agreement to be made or entered into by the Center and any financial assistance provided to the Center;

"(C) make the final decision, by majority vote, on whether and how to provide assistance to an applicant; and

"(D) develop and establish a budget plan and a long-term operating plan to carry out the goals of the Center.

"(3) COMPOSITION.—The Board shall be composed of—

"(A) 7 voting members, of whom—

"(i) 4 members shall be active producers of sheep in the United States;

"(ii) 2 members shall have expertise in finance and management; and

"(iii) 1 member shall have expertise in lamb and wool marketing; and

"(B) 2 nonvoting members, of whom—

"(i) 1 member shall be the Under Secretary of Agriculture for Rural Economic and Community Development; and

"(ii) 1 member shall be the Under Secretary of Agriculture for Research, Education, and Economics.

"(4) ELECTION.—A voting member of the Board shall be chosen in an election of the members of a national organization selected by the Secretary that—

"(A) consists only of sheep producers in the United States; and

"(B) has as the primary interest of the organization the production of lamb and wool in the United States.

"(5) TERM OF OFFICE.—

"(A) IN GENERAL.—Subject to subparagraph (B), the term of office of a voting member of the Board shall be 3 years.

"(B) STAGGERED INITIAL TERMS.—The initial voting members of the Board (other than the chairperson of the initially established Board) shall serve for staggered terms of 1, 2, and 3 years, as determined by the Secretary.

"(C) REELECTION.—A voting member may be reelected for not more than 1 additional term.

"(6) VACANCY.—

"(A) IN GENERAL.—A vacancy on the Board shall be filled in the same manner as the original Board.

"(B) REELECTION.—A member elected to fill a vacancy for an unexpired term may be reelected for 1 full term.

"(7) CHAIRPERSON.—

"(A) IN GENERAL.—The Board shall select a chairperson from among the voting members of the Board.

"(B) TERM.—The term of office of the chairperson shall be 2 years.

"(8) ANNUAL MEETING.—

"(A) IN GENERAL.—The Board shall meet not less than once each fiscal year at the call of the chairperson or at the request of the executive director appointed under subsection (g)(1).

"(B) LOCATION.—The location of a meeting of the Board shall be established by the Board.

"(9) VOTING.—

"(A) QUORUM.—A quorum of the Board shall consist of a majority of the voting members.

"(B) MAJORITY VOTE.—A decision of the Board shall be made by a majority of the voting members of the Board.

"(10) CONFLICTS OF INTEREST.—

"(A) IN GENERAL.—A member of the Board shall not vote on any matter respecting any application, contract, claim, or other particular matter pending before the Board in which, to the knowledge of the member, an interest is held by—

"(i) the member;

"(ii) any spouse of the member;

"(iii) any child of the member;

"(iv) any partner of the member;

"(v) any organization in which the member is serving as an officer, director, trustee, partner, or employee; or

"(vi) any person with whom the member is negotiating or has any arrangement concerning prospective employment or with whom the member has a financial interest.

"(B) REMOVAL.—Any action by a member of the Board that violates subparagraph (A) shall be cause for removal from the Board.

"(C) VALIDITY OF ACTION.—An action by a member of the Board that violates subparagraph (A) shall not impair or otherwise affect the validity of any otherwise lawful action by the Board.

"(D) DISCLOSURE.—

"(i) IN GENERAL.—If a member of the Board makes a full disclosure of an interest and, prior to any participation by the member, the Board determines, by majority vote, that the interest is too remote or too inconsequential to affect the integrity of any participation by the member, the member may participate in the matter relating to the interest.

"(ii) VOTE.—A member that discloses an interest under clause (i) shall not vote on a determination of whether the member may participate in the matter relating to the interest.

"(E) REMANDS.—

"(i) IN GENERAL.—The Secretary may vacate and remand to the Board for reconsideration any decision made pursuant to subsection (e)(3)(H) if the Secretary determines that there has been a violation of this paragraph or any conflict of interest provision of the bylaws of the Board with respect to the decision.

"(ii) REASONS.—In the case of any violation and remand of a funding decision to the Board under clause (i), the Secretary shall inform the Board of the reasons for the remand.

"(11) COMPENSATION.—

"(A) IN GENERAL.—A member of the Board shall not receive any compensation by reason of service on the Board.

"(B) EXPENSES.—A member of the Board shall be reimbursed for travel, subsistence, and other necessary expenses incurred by the member in the performance of a duty of the member.

"(12) BYLAWS.—The Board shall adopt, and may from time to time amend, any bylaw that is necessary for the proper management and functioning of the Center.

"(13) PUBLIC HEARINGS.—Not later than 1 year after the effective date of this section, the Board shall hold public hearings on policy objectives of the program established under this section.

"(14) ORGANIZATIONAL SYSTEM.—The Board shall provide a system of organization to fix responsibility and promote efficiency in carrying out the functions of the Board.

"(15) USE OF DEPARTMENT OF AGRICULTURE.—The Board may, with the consent of the Secretary, utilize the facilities of and the services of employees of the Department of Agriculture, without cost to the Center.

"(g) OFFICERS AND EMPLOYEES.—

"(1) EXECUTIVE DIRECTOR.—

"(A) IN GENERAL.—The Board shall appoint an executive director to be the chief executive officer of the Center.

"(B) TENURE.—The executive director shall serve at the pleasure of the Board.

"(C) COMPENSATION.—Compensation for the executive director shall be established by the Board.

"(2) OTHER OFFICERS AND EMPLOYEES.—The Board may select and appoint officers, attorneys, employees, and agents who shall be vested with such powers and duties as the Board may determine.

"(3) DELEGATION.—The Board may, by resolution, delegate to the chairperson, the executive director, or any other officer or employee any function, power, or duty of the Board other than voting on a grant, loan, contract, agreement, budget, or annual strategic plan.

"(h) CONSULTATION.—To carry out this section, the Board may consult with—

"(1) State departments of agriculture;

"(2) Federal departments and agencies;

"(3) nonprofit development corporations;

"(4) colleges and universities;

"(5) banking and other credit-related agencies;

"(6) agriculture and agribusiness organizations; and

"(7) regional planning and development organizations.

"(i) OVERSIGHT.—

"(1) IN GENERAL.—The Secretary shall review and monitor compliance by the Board and the Center with this section.

"(2) SANCTIONS.—If, following notice and opportunity for a hearing, the Secretary finds that the Board or the Center is not in compliance with this section, the Secretary may—

"(A) cease making deposits to the Fund;

"(B) suspend the authority of the Center to withdraw funds from the Fund; or

"(C) impose other appropriate sanctions, including recoupment of money improperly expended for purposes prohibited or not authorized by this Act and disqualification from receipt of financial assistance under this section.

"(3) REMOVING SANCTIONS.—The Secretary shall remove sanctions imposed under paragraph (2) on a finding that there is no longer any failure by the Board or the Center to comply with this section or that the noncompliance shall be promptly corrected.".

CHAPTER 2—RURAL COMMUNITY ADVANCEMENT PROGRAM

SEC. 761. RURAL COMMUNITY ADVANCEMENT PROGRAM.

The Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) is amended by adding at the end the following:

"Subtitle E—Rural Community Advancement Program

"SEC. 381A. DEFINITIONS.

"In this subtitle:

"(1) RURAL AND RURAL AREA.—The terms 'rural' and 'rural area' mean, subject to section 306(a)(7), a city, town, or unincorporated area that has a population of 50,000 inhabitants or less, other than an urbanized area immediately adjacent to a city, town, or unincorporated area that has a population in excess of 50,000 inhabitants.

"(2) STATE.—The term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands of the United States, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and the Federated States of Micronesia.

"SEC. 381B. ESTABLISHMENT.

"The Secretary shall establish a rural community advancement program to provide grants, loans, loan guarantees, and other assistance to meet the rural development needs of local communities in States and federally recognized Indian tribes.

"SEC. 381C. NATIONAL OBJECTIVES.

"The national objectives of the program established under this subtitle shall be to—

"(1) promote strategic development activities and collaborative efforts by State and local communities, and federally recognized Indian tribes, to maximize the impact of Federal assistance;

"(2) optimize the use of resources;

"(3) provide assistance in a manner that reflects the complexity of rural needs, including the needs for business development, health care, education, infrastructure, cultural resources, the environment, and housing;

"(4) advance activities that empower, and build the capacity of, State and local communities to design unique responses to the special needs of the State and local communities, and federally recognized Indian tribes, for rural development assistance; and

"(5) adopt flexible and innovative approaches to solving rural development problems.

"SEC. 381D. STRATEGIC PLANS.

"(a) IN GENERAL.—The Secretary shall direct each of the Directors of Rural Economic and Community Development State Offices to prepare a strategic plan for each State for the delivery of assistance under this subtitle within the State.

"(b) ASSISTANCE.—

"(1) IN GENERAL.—Financial assistance for rural development allocated for a State under this subtitle shall be used only for orderly community development that is consistent with the strategic plan of the State.

"(2) RURAL AREA.—Assistance under this subtitle may only be provided in a rural area.

"(3) SMALL COMMUNITIES.—In carrying out this subtitle within a State, the Secretary shall give priority to communities with the smallest populations and lowest per capita income.

"(c) REVIEW.—The Secretary shall review the strategic plan of a State at least once every 5 years.

"(d) CONTENTS.—A strategic plan of a State under this section shall be a plan that—

"(1) coordinates economic, human, and community development plans and related activities proposed for an affected area;

"(2) provides that the State and an affected community (including local institutions and organizations that have contributed to the planning process) shall act as full partners in the process of developing and implementing the plan;

"(3) identifies goals, methods, and benchmarks for measuring the success of carrying out the plan and how the plan relates to local or regional ecosystems;

"(4) provides for the involvement, in the preparation of the plan, of State, local, private, and public persons, State rural development councils, federally-recognized Indian tribes, and community-based organizations;

"(5) identifies the amount and source of Federal and non-Federal resources that are available for carrying out the plan; and

"(6) includes such other information as may be required by the Secretary.

"SEC. 381E. ACCOUNTS.

"(a) IN GENERAL.—Notwithstanding any other provision of law, for each fiscal year, the Secretary shall consolidate into 3 accounts, corresponding to the 3 function categories established under subsection (c), the amounts made available for programs included in each function category.

"(b) ALLOCATION WITHIN ACCOUNT.—The Secretary shall allocate the amounts in each account for such program purposes authorized for the corresponding function category among the States, as the Secretary may determine in accordance with this subtitle.

"(c) FUNCTION CATEGORIES.—For purposes of subsection (a):

"(1) RURAL HOUSING AND COMMUNITY DEVELOPMENT.—The rural housing and community development category shall include funds made available for—

"(A) community facility direct and guaranteed loans provided under section 306(a)(1);

"(B) community facility grants provided under section 306(a)(21); and

"(C) rental housing loans for new housing provided under section 515 of the Housing Act of 1949 (42 U.S.C. 1485).

"(2) RURAL UTILITIES.—The rural utilities category shall include funds made available for—

"(A) water and waste disposal grants and direct and guaranteed loans provided under paragraphs (1) and (2) of section 306(a);

"(B) rural water and wastewater technical assistance and training grants provided under section 306(a)(16);

"(C) emergency community water assistance grants provided under section 306A; and

"(D) solid waste management grants provided under section 310B(b).

"(3) RURAL BUSINESS AND COOPERATIVE DEVELOPMENT.—The rural business and cooperative development category shall include funds made available for—

"(A) rural business opportunity grants provided under section 306(a)(11)(A);

"(B) business and industry guaranteed loans provided under section 310B(a)(1); and

"(C) rural business enterprise grants and rural educational network grants provided under section 310B(c).

"(d) OTHER PROGRAMS.—Subject to subsection (e), in addition to any other appropriated amounts, the Secretary may transfer amounts allocated for a State for any of the 3 function categories for a fiscal year under subsection (c) to—

"(1) mutual and self-help housing grants provided under section 523 of the Housing Act of 1949 (42 U.S.C. 1490c);

"(2) rural rental housing loans for existing housing provided under section 515 of the Housing Act of 1949 (42 U.S.C. 1485);

"(3) rural cooperative development grants provided under section 310B(e); and

"(4) grants to broadcasting systems provided under section 310B(f).

"(e) TRANSFER.—

"(1) IN GENERAL.—Subject to paragraph (2), the Secretary may transfer within each State up to 25 percent of the total amount allocated for a State under each function category referred to in subsection (c) for each fiscal year under this section to any other function category, or to a program referred to in subsection (d), but excluding State grants under section 381G.

"(2) LIMITATION.—Not more than 10 percent of the total amount (excluding grants to States under section 381G) made available for any fiscal year for the programs covered by each of the 3 function categories referred to in subsection (c), and the programs referred to in subsection (d), shall be available for the transfer.

"(f) AVAILABILITY OF FUNDS.—The Secretary may make available funds appropriated for the programs referred to in subsection (c) to defray the cost of any subsidy associated with a guarantee provided under section 381H, except that not more than 5 percent of the funds provided under subsection (c) may be made available within a State.

"SEC. 381F. ALLOCATION.

"(a) NATIONAL RESERVE.—The Secretary may use not more than 10 percent of the total amount of funds made available for a fiscal year under section 381E to establish a national reserve for rural development that may be used by the Secretary in rural areas during the fiscal year to—

"(1) meet situations of exceptional need;

"(2) provide incentives to promote or reward superior performance; or

"(3) carry out performance-oriented demonstration projects.

"(b) INDIAN TRIBES.—

"(1) RESERVATION.—The Secretary shall reserve not less than 3 percent of the total amounts made available for a fiscal year under section 381E to carry out rural development programs specified in subsections (c) and (d) of section 381D for federally recognized Indian tribes.

"(2) ALLOCATION.—The Secretary shall establish a formula for allocating the reserve and shall administer the reserve through the appropriate Director of the Rural Economic and Cooperative Development State office.

"(c) STATE ALLOCATION.—

"(1) IN GENERAL.—The Secretary shall allocate among all the States the amounts made available under section 381E in a fair, reasonable, and appropriate manner that takes into consideration rural population, levels of income, unemployment, and other relevant factors, as determined by the Secretary.

"(2) MINIMUM ALLOCATION.—In making the allocations for each of fiscal years 1996 through 2002, the Secretary shall ensure that the percentage allocation for each State is equal to the percentage of the average of the total funds made available to carry out the programs referred to in section 381E(c) that were obligated in the State for each of fiscal years 1993 and 1994.

"SEC. 381G. GRANTS TO STATES.

"(a) IN GENERAL.—Subject to subsection (c), the Secretary shall grant to any eligible State from which a request is received for a fiscal year 5 percent of the amount allocated for the State for the fiscal year under section 381F(c).

"(b) ELIGIBILITY.—To be eligible to receive a grant under this section, the Secretary shall require that the State maintain the grant funds received and any non-Federal matching funds to carry out this subtitle in a separate account, to remain available until expended.

"(c) MATCHING FUNDS.—For any fiscal year, if non-Federal matching funds are provided for a State in an amount that is equal to 200 percent or more of an amount equal to 5 percent of the amount allocated for the State for the fiscal year under section 381F(c), the Secretary shall pay to the State the grant provided under this subsection in an amount equal to 5 percent of the amount allocated for the State for the fiscal year under section 381F(c).

"(d) USE OF FUNDS.—The Secretary shall require that funds provided to a State under this section be used in rural areas to achieve the purposes of the programs referred to in section 381E(c) in accordance with the strategic plan referred to in section 381D.

"(e) MAINTENANCE OF EFFORT.—The State shall provide assurances that funds received under this section will be used only to supplement, not to supplant, the amount of Federal, State, and local funds otherwise expended for rural development assistance in the State.

"(f) APPEALS.—The Secretary shall provide to a State an opportunity for an appeal of any action taken under this section.

"(g) ADMINISTRATIVE COSTS.—Federal funds shall not be used for any administrative costs incurred by a State in carrying out this subtitle.

"(h) SPENDING OF FUNDS BY STATE.—

"(1) IN GENERAL.—Payments to a State from a grant under this section for a fiscal year shall be obligated by the State in the fiscal year or in the succeeding fiscal year. A State shall obligate funds under this section to provide assistance to rural areas pursuant, to the maximum extent practicable, to applications received from the rural areas.

"(2) FAILURE TO OBLIGATE.—If a State fails to obligate payments in accordance with paragraph (1), the Secretary shall make a corresponding reduction in the amount of payments provided to the State under this section for the subsequent fiscal year.

"(3) NONCOMPLIANCE.—

"(A) REVIEW.—The Secretary shall review and monitor State compliance with this section.

"(B) PENALTY.—If the Secretary finds that there has been misuse of grant funds provided under this section, or noncompliance with any of the terms and conditions of a grant, after reasonable notice and opportunity for a hearing—

"(i) the Secretary shall notify the State of the finding; and

"(ii) no further payments to the State shall be made with respect to the programs funded under this section until the Secretary is satisfied that there is no longer any failure to comply or that the noncompliance will be promptly corrected.

"(C) OTHER SANCTIONS.—In the case of a finding of noncompliance made pursuant to subparagraph (B), the Secretary may, in addition to, or in lieu of, imposing the sanctions described in subparagraph (B), impose other appropriate sanctions, including recoupment of money improperly expended for purposes prohibited or not authorized by this section and disqualification from the receipt of financial assistance under this section.

"(i) NO ENTITLEMENT TO CONTRACT, GRANT, OR ASSISTANCE.—Nothing in this subtitle—

"(1) entitles any person to assistance or a contract or grant; or

"(2) limits the right of a State to impose additional limitations or conditions on assistance or a contract or grant under this section.

"SEC. 381H. GUARANTEE AND COMMITMENT TO GUARANTEE LOANS.

"(a) DEFINITION OF ELIGIBLE PUBLIC ENTITY.—In this section, the term 'eligible public entity' means any unit of general local government.

"(b) GUARANTEE AND COMMITMENT.—The Secretary is authorized, on such terms and conditions as the Secretary may prescribe, to guarantee and make commitments to guarantee the notes or other obligations issued by eligible public entities, or by public agencies designated by the eligible public entities, for the purposes of financing rural development assistance activities authorized and funded under section 381G.

"(c) PREREQUISITES.—No guarantee or commitment to guarantee shall be made with respect to any note or other obligation if the issuer's total outstanding notes or obligations guaranteed under this section (excluding any amount repaid under the contract entered into under subsection (e)(1)(A)) would exceed an amount equal to 5 times the amount of the grant approval for the issuer pursuant to section 381G.

"(d) PAYMENT OF PRINCIPAL, INTEREST, AND COSTS.—Notwithstanding any other provision of this subtitle, grants allocated to an issuer pursuant to this subtitle (including program income derived from the grants) shall be authorized for use in the payment of principal and interest due (including such servicing, underwriting, or other costs as may be specified in regulations of the Secretary) on the notes or other obligations guaranteed pursuant to this section.

"(e) REPAYMENT CONTRACT; SECURITY.—

"(1) IN GENERAL.—To ensure the repayment of notes or other obligations and charges incurred under this section and as a condition for receiving the guarantees, the Secretary shall require the issuer to—

"(A) enter into a contract, in a form acceptable to the Secretary, for repayment of notes or other obligations guaranteed under this section;

"(B) pledge any grant for which the issuer may become eligible under this subtitle; and

"(C) furnish, at the discretion of the Secretary, such other security as may be considered appropriate by the Secretary in making the guarantees.

"(2) SECURITY.—To assist in ensuring the repayment of notes or other obligations and charges incurred under this section, a State shall pledge any grant for which the State may become eligible under this subtitle as security for notes or other obligations and charges issued under this section by any unit of general local government in the State.

"(f) PLEDGED GRANTS FOR REPAYMENTS.—Notwithstanding any other provision of this subtitle, the Secretary is authorized to apply grants pledged pursuant to paragraphs (1)(B) and (2) of subsection (e) to any repayments due the United States as a result of the guarantees.

"(g) OUTSTANDING OBLIGATIONS.—The total amount of outstanding obligations guaranteed on a cumulative basis by the Secretary pursuant to subsection (b) shall not at any time exceed such amount as may be authorized to be appropriated for any fiscal year.

"(h) PURCHASE OF GUARANTEED OBLIGATIONS BY FEDERAL FINANCING BANK.—Notes or other obligations guaranteed under this section may not be purchased by the Federal Financing Bank.

"(i) FULL FAITH AND CREDIT.—The full faith and credit of the United States is pledged to the payment of all guarantees made under this section. Any such guarantee made by the Secretary shall be conclusive evidence of the eligibility of the obligations for the guarantee with respect to principal and interest. The validity of the guarantee shall be incontestable in the hands of a holder of the guaranteed obligations.

"SEC. 381I. LOCAL INVOLVEMENT.

"The Secretary shall require that an applicant for assistance under this subtitle demonstrate evidence of significant community support.

"SEC. 381J. STATE-TO-STATE COLLABORATION.

"The Secretary shall permit the establishment of voluntary pooling arrangements among States, and regional fund-sharing agreements, to carry out this subtitle.

"SEC. 381K. RURAL VENTURE CAPITAL DEMONSTRATION PROGRAM.

"(a) IN GENERAL.—The Secretary shall designate up to 10 community development venture capital organizations to demonstrate the utility of guarantees to attract increased private investment in rural private business enterprises.

"(b) RURAL BUSINESS INVESTMENT POOL.—

"(1) ESTABLISHMENT.—To be eligible to participate in the demonstration program, an organization referred to in subsection (a) shall establish a rural business private investment pool (referred to in this subsection as a 'pool') for the purpose of making equity investments in rural private business enterprises.

"(2) GUARANTEE.—From funds allocated for the national reserve under section 381F(a), the Secretary shall guarantee the funds in a pool against loss, except that the guarantee shall not exceed an amount equal to 30 percent of the total funds in the pool.

"(3) AMOUNT.—The Secretary shall issue guarantees covering not more than $15,000,000 of obligations for each of fiscal years 1996 through 2002.

"(4) TERM.—The term of a guarantee provided under this subsection shall not exceed 10 years.

"(5) SUBMISSION OF PLAN.—To be eligible to participate in the demonstration program, an organization referred to in subsection (a) shall submit a plan that describes—

"(A) potential sources and uses of the pool to be established by the organization;

"(B) the utility of the guarantee authority in attracting capital for the pool; and

"(C) on selection, mechanisms for notifying State, local, and private nonprofit business development organizations and businesses of the existence of the pool.

"(6) COMPETITION.—

"(A) IN GENERAL.—The Secretary shall conduct a competition for the designation and establishment of pools.

"(B) PRIORITY.—In conducting the competition, the Secretary shall give priority to organizations that—

"(i) have a demonstrated record of performance or have a board and executive director with experience in venture capital, small business equity investments, or community development finance;

"(ii) propose to serve low-income communities;

"(iii) propose to maintain an average investment of not more than $500,000 from the pool of the organization;

"(iv) invest funds statewide or in a multicounty region; and

"(v) propose to target job opportunities resulting from the investments primarily to economically disadvantaged individuals.

"(C) GEOGRAPHIC DIVERSITY.—To the extent practicable, the Secretary shall select organizations in diverse geographic areas.

"SEC. 381L. ANNUAL REPORT.

"(a) IN GENERAL.—The Secretary, in collaboration with public, State, local, and private entities, State rural development councils, and community-based organizations, shall prepare an annual report that contains evaluations, assessments, and performance outcomes concerning the rural community advancement programs carried out under this subtitle.

"(b) SUBMISSION.—Not later than March 1 of each year, the Secretary shall—

"(1) submit the report required under subsection (a) to Congress and the chief executives of States participating in the program established under this subtitle; and

"(2) make the report available to State and local participants.

"SEC. 381M. RURAL DEVELOPMENT INTERAGENCY WORKING GROUP.

"(a) IN GENERAL.—The Secretary shall provide leadership within the Executive branch for, and assume responsibility for, establishing an interagency working group chaired by the Secretary.

"(b) DUTIES.—The working group shall establish policy, provide coordination, make recommendations, and evaluate the performance of or for all Federal rural development efforts.

"SEC. 381N. DUTIES OF RURAL ECONOMIC AND COMMUNITY DEVELOPMENT STATE OFFICES.

"In carrying out this subtitle, the Director of a Rural Economic and Community Development State Office shall—

"(1) to the maximum extent practicable, ensure that the State strategic plan is implemented;

"(2) coordinate community development objectives within the State;

"(3) establish links between local, State, and field office program administrators of the Department of Agriculture;

"(4) ensure that recipient communities comply with applicable Federal and State laws and requirements; and

"(5) integrate State development programs with assistance under this subtitle.

"SEC. 381O. ELECTRONIC TRANSFER.

"The Secretary shall transfer funds in accordance with this subtitle through electronic transfer as soon as practicable after the effective date of this subtitle.".

SEC. 762. COMMUNITY FACILITIES GRANT PROGRAM.

Section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) is amended by adding at the end the following:

"(21) COMMUNITY FACILITIES GRANT PROGRAM.—

"(A) IN GENERAL.—The Secretary may make grants, in a total amount not to exceed $10,000,000 for any fiscal year, to associations, units of general local government, nonprofit corporations, and federally recognized Indian tribes to provide the Federal share of the cost of developing specific essential community facilities in rural areas.

"(B) FEDERAL SHARE.—

"(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), the Secretary shall, by regulation, establish the amount of the Federal share of the cost of the facility under this paragraph.

"(ii) MAXIMUM AMOUNT.—The amount of a grant provided under this paragraph shall not exceed 75 percent of the cost of developing a facility.

"(iii) GRADUATED SCALE.—The Secretary shall provide for a graduated scale for the amount of the Federal share provided under this paragraph, with higher Federal shares for facilities in communities that have lower community population and income levels, as determined by the Secretary.".

Subtitle C—Amendments to the Rural Electrification Act of 1936

SEC. 771. PURPOSES; INVESTIGATIONS AND REPORTS.

Section 2 of the Rural Electrification Act of 1936 (7 U.S.C. 902) is amended—

(1) by striking "SEC. 2. (a) The Secretary of Agriculture is" and inserting the following:

"SEC. 2. GENERAL AUTHORITY OF THE SECRETARY OF AGRICULTURE.

"(a) LOANS.—The Secretary of Agriculture (referred to in this Act as the 'Secretary') is";

(2) in subsection (a)—

(A) by striking "and the furnishing" the first place it appears and all that follows through "central station service"; and

(B) by striking "systems; to make" and all that follows through the period at the end of the subsection and inserting "systems"; and

(3) by striking subsection (b) and inserting the following:

"(b) INVESTIGATIONS AND REPORTS.—The Secretary may make, or cause to be made, studies, investigations, and reports regarding matters, including financial, technological, and regulatory matters, affecting the condition and progress of electric, telecommunications, and economic development in rural areas and publish and disseminate information with respect to the matters.".

SEC. 772. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 3 of the Rural Electrification Act of 1936 (7 U.S.C. 903) is amended to read as follows:

"SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as are necessary to carry out this Act.".

(b) CONFORMING AMENDMENTS.—

(1) Section 301(a) of the Rural Electrification Act of 1936 (7 U.S.C. 931(a)) is amended—

(A) by striking "(a)"; and

(B) in paragraph (3), by striking "notwithstanding section 3(a) of title I,".

(2) Section 302(b)(2) of the Rural Electrification Act of 1936 (7 U.S.C. 932(b)(2)) is amended by striking "pursuant to section 3(a) of this Act".

(3) The last sentence of section 406(a) of the Rural Electrification Act of 1936 (7 U.S.C. 946(a)) is amended by striking "pursuant to section 3(a) of this Act".

SEC. 773. LOANS FOR ELECTRICAL PLANTS AND TRANSMISSION LINES.

Section 4 of the Rural Electrification Act of 1936 (7 U.S.C. 904) is amended—

(1) in the first sentence—

(A) by striking "for the furnishing of" and all that follows through "central station service and"; and

(B) by striking "the provisions of sections 3(d) and 3(e) but without regard to the 25 per centum limitation therein contained," and inserting "section 3,";

(2) in the second sentence, by striking ": *Provided further*, That all" and all that follows through "loan: *And provided further*, That" and inserting ", except that"; and

(3) in the third sentence, by striking "and section 5".

SEC. 774. LOANS FOR ELECTRICAL AND PLUMBING EQUIPMENT.

(a) IN GENERAL.—Section 5 of the Rural Electrification Act of 1936 (7 U.S.C. 905) is repealed.

(b) CONFORMING AMENDMENTS.—Section 12(a) of the Rural Electrification Act of 1936 (7 U.S.C. 912(a)) is amended—

(1) by striking ": *Provided, however*, That" and inserting ", except that,"; and

(2) by striking ", and with respect to any loan made under section 5," and all that follows through "section 3".

SEC. 775. TESTIMONY ON BUDGET REQUESTS.

Section 6 of the Rural Electrification Act of 1936 (7 U.S.C. 906) is amended by striking the second sentence.

SEC. 776. TRANSFER OF FUNCTIONS OF ADMINISTRATION CREATED BY EXECUTIVE ORDER.

Section 8 of the Rural Electrification Act of 1936 (7 U.S.C. 908) is repealed.

SEC. 777. ANNUAL REPORT.

Section 10 of the Rural Electrification Act of 1936 (7 U.S.C. 910) is repealed.

SEC. 778. PROHIBITION ON RESTRICTING WATER AND WASTE FACILITY SERVICES TO ELECTRIC CUSTOMERS.

The Rural Electrification Act of 1936 is amended by inserting after section 16 (7 U.S.C. 916) the following:

"SEC. 17. PROHIBITION ON RESTRICTING WATER AND WASTE FACILITY SERVICES TO ELECTRIC CUSTOMERS.

"The Secretary shall establish rules and procedures that prohibit borrowers under title III or under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) from conditioning or limiting access to, or the use of, water and waste facility services financed under the Consolidated Farm and Rural Development Act if the conditioning or limiting is based on whether individuals or entities in the area served or proposed to be served by the facility receive, or will accept, electric service from the borrower.".

SEC. 779. TELEPHONE LOAN TERMS AND CONDITIONS.

Section 309 of the Rural Electrification Act of 1936 (7 U.S.C. 939) is amended—

(1) in subsection (a), by striking "(a) IN GENERAL.—"; and

(2) by striking subsection (b).

SEC. 780. PRIVATIZATION PROGRAM.

Section 311 of the Rural Electrification Act of 1936 (7 U.S.C. 940a) is repealed.

SEC. 781. RURAL BUSINESS INCUBATOR FUND.

(a) IN GENERAL.—Section 502 of the Rural Electrification Act of 1936 (7 U.S.C. 950aa–1) is repealed.

(b) CONFORMING AMENDMENTS.—Section 501 of the Rural Electrification Act of 1936 (7 U.S.C. 950aa) is amended—

(1) in paragraph (5), by inserting "and" at the end;

(2) in paragraph (6), by striking "; and" at the end and inserting a period; and

(3) by striking paragraph (7).

Subtitle D—Miscellaneous Rural Development Provisions

SEC. 791. INTEREST RATE FORMULA.

(a) BANKHEAD-JONES FARM TENANT ACT.—Section 32(e) of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1011) is amended by striking the fifth sentence and inserting the following: "A loan under this subsection shall be made under a contract that provides, under such terms and conditions as the Secretary considers appropriate, for the repayment of the loan in not more than 30 years, with interest at a rate not to exceed the current market yield for outstanding municipal obligations with remaining periods to maturity comparable to the average maturity for the loan, adjusted to the nearest ⅛ of 1 percent.".

(b) WATERSHED PROTECTION AND FLOOD PREVENTION ACT.—Section 8 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1006a) is amended by striking the second sentence and inserting the following: "A loan or advance under this section shall be made under a contract or agreement that provides, under such terms and conditions as the Secretary considers appropriate, for the repayment of the loan or advance in not more than 50 years from the date when the principal benefits of the works of improvement first become available, with interest at a rate not to exceed the current market yield for outstanding municipal obligations with remaining periods to maturity comparable to the average maturity for the loan, adjusted to the nearest ⅛ of 1 percent.".

SEC. 792. GRANTS FOR FINANCIALLY STRESSED FARMERS, DISLOCATED FARMERS, AND RURAL FAMILIES.

(a) IN GENERAL.—Section 502 of the Rural Development Act of 1972 (7 U.S.C. 2662) is amended by striking subsection (f).

(b) CONFORMING AMENDMENTS.—

(1) Section 2389 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 7 U.S.C. 2662 note) is amended by striking subsection (d).

(2) Section 503(c) of the Rural Development Act of 1972 (7 U.S.C. 2663(c)) is amended—

(A) in paragraph (1)—

(i) by striking "(1)";

(ii) by striking "section 502(e)" and all that follows through "shall be distributed" and inserting "subsections (e), (h), and (i) of section 502 shall be distributed"; and

(iii) by striking "objectives of" and all that follows through "title" and inserting "objectives of subsections (e), (h), and (i) of section 502"; and

(B) by striking paragraph (2).

SEC. 793. COOPERATIVE AGREEMENTS.

(a) Section 607(b) of the Rural Development Act of 1972 (7 U.S.C. 2204b(b)) is amended by striking paragraph (4) and inserting the following:

"(4) COOPERATIVE AGREEMENTS.—

"(A) IN GENERAL.—Notwithstanding chapter 63 of title 31, United States Code, the Secretary may enter into cooperative agreements with other Federal agencies, State and local governments, and any other organization or individual to improve the coordination and effectiveness of Federal programs, services, and actions affecting rural areas, including the establishment and financing of interagency groups, if the Secretary determines that the objectives of the agreement will serve the mutual interest of the parties in rural development activities.

"(B) COOPERATORS.—Each cooperator, including each Federal agency, to the extent that funds are otherwise available, may participate in any cooperative agreement or working group established pursuant to this paragraph by contributing funds or other resources to the Secretary to carry out the agreement or functions of the group.".

(b) Notwithstanding any other provision of law, section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)) is amended in subparagraph (F)—

(i) by striking "exceed 15 percent" and all that follows through "Code" and inserting the following: "exceed—

"(i) 25 percent of the median acreage of the farms or ranches, as the case may be, in the county in which the farm or ranch operations of the applicant are located, as reported in the most recent census of agriculture taken under section 142 of title 13, United States Code.".

TITLE VIII—RESEARCH EXTENSION AND EDUCATION

Subtitle A—Amendments to National Agricultural Research, Extension, and Teaching Policy Act of 1977 and Related Statutes

SEC. 801. PURPOSES OF AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION.

Section 1402 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101) is amended to read as follows:

"SEC. 1402. PURPOSES OF AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION.

"The purposes of federally supported agricultural research, extension, and education are to—

"(1) enhance the competitiveness of the United States agriculture and food industry in an increasingly competitive world environment;

"(2) increase the long-term productivity of the United States agriculture and food industry while protecting the natural resource base on which rural America and the United States agricultural economy depend;

"(3) develop new uses and new products for agricultural commodities, such as alternative fuels, and develop new crops;

"(4) support agricultural research and extension to promote economic opportunity in rural communities and to meet the increasing demand for information and technology transfer throughout the United States agriculture industry;

"(5) improve risk management in the United States agriculture industry;

"(6) improve the safe production and processing of, and adding of value to, United States food and fiber resources using methods that are environmentally sound;

"(7) support higher education in agriculture to give the next generation of Americans the knowledge, technology, and applications necessary to enhance the competitiveness of United States agriculture; and

"(8) maintain an adequate, nutritious, and safe supply of food to meet human nutritional needs and requirements.".

SEC. 802. SUBCOMMITTEE ON FOOD, AGRICULTURAL, AND FORESTRY RESEARCH.

Section 401(h) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6651(h)) is amended by striking the second through fifth sentences.

SEC. 803. JOINT COUNCIL ON FOOD AND AGRICULTURAL SCIENCES.

(a) IN GENERAL.—Section 1407 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3122) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103) is amended—

(A) by striking paragraph (9); and

(B) by redesignating paragraphs (10) through (18) as paragraphs (9) through (17), respectively.

(2) Section 1405 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3121) is amended—

(A) in paragraph (5), by striking "Joint Council, Advisory Board," and inserting "Advisory Board"; and

(B) in paragraph (11), by striking "the Joint Council,".

(3) Section 1410(2) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3125(2)) is amended by striking "the recommendations of the Joint Council developed under section 1407(f),".

(4) Section 1412 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3127) is amended—

(A) in the section heading, by striking "**JOINT COUNCIL, ADVISORY BOARD,**" and inserting "**ADVISORY BOARD**";

(B) in subsection (a)—

(i) by striking "Joint Council, the Advisory Board," and inserting "Advisory Board";

(ii) by striking "the cochairpersons of the Joint Council and" each place it appears; and

(iii) in paragraph (2), by striking "one shall serve as the executive secretary to the Joint Council, one shall serve as the executive secretary to the Advisory Board," and inserting "1 shall serve as the executive secretary to the Advisory Board"; and

(C) in subsections (b) and (c), by striking "Joint Council, Advisory Board," each place it appears and inserting "Advisory Board".

(5) Section 1413 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3128) is amended—

(A) in subsection (a), by striking "Joint Council, the Advisory Board," and inserting "Advisory Board";

(B) in subsection (b), by striking "Joint Council, Advisory Board," and inserting "Advisory Board"; and

(C) by striking subsection (d).

(6) Section 1434(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3196(c)) is amended—

(A) in the second sentence, by striking "Joint Council, the Advisory Board," and inserting "Advisory Board"; and

(B) in the fourth sentence, by striking "the Joint Council,".

SEC. 804. NATIONAL AGRICULTURAL RESEARCH, EXTENSION, EDUCATION, AND ECONOMICS ADVISORY BOARD.

(a) IN GENERAL.—Section 1408 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123) is amended to read as follows:

"SEC. 1408. NATIONAL AGRICULTURAL RESEARCH, EXTENSION, EDUCATION, AND ECONOMICS ADVISORY BOARD.

"(a) ESTABLISHMENT.—The Secretary shall establish within the Department of Agriculture a board to be known as the 'National Agricultural Research, Extension, Education, and Economics Advisory Board'.

"(b) MEMBERSHIP.—

"(1) IN GENERAL.—The Advisory Board shall consist of 25 members, appointed by the Secretary.

"(2) SELECTION OF MEMBERS.—The Secretary shall appoint members to the Advisory Board from individuals who are selected from national farm, commodity, agribusiness, environmental, consumer, and other organizations directly concerned with agricultural research, education, and extension programs.

"(3) REPRESENTATION.—A member of the Advisory Board may represent 1 or more of the organizations referred to in paragraph (2), except that 1 member shall be a representative of the scientific community that is not closely associated with agriculture. The Secretary shall ensure that the membership of the Advisory Board includes full-time farmers and ranchers and represents the interests of the full variety of stakeholders in the agricultural sector.

"(c) DUTIES.—The Advisory Board shall—

"(1) review and provide consultation to the Secretary and land-grant colleges and universities on long-term and short-term national policies and priorities, as set forth in section 1402, relating to agricultural research, extension, education, and economics;

"(2) evaluate the results and effectiveness of agricultural research, extension, education, and economics with respect to the policies and priorities;

"(3) review and make recommendations to the Under Secretary of Agriculture for Research, Education, and Economics on the research, extension, education, and economics portion of the draft strategic plan required under section 306 of title 5, United States Code; and

"(4) review the mechanisms of the Department of Agriculture for technology assessment (which should be conducted by qualified professionals) for the purposes of—

"(A) performance measurement and evaluation of the implementation by the Secretary of the strategic plan required under section 306 of title 5, United States Code;

"(B) implementation of the national research policies and priorities set forth in section 1402; and

"(C) the development of mechanisms for the assessment of emerging public and private agricultural research and technology transfer initiatives.

"(d) CONSULTATION.—In carrying out this section, the Advisory Board shall solicit opinions and recommendations from persons who will benefit from and use federally funded agricultural research, extension, education, and economics.

"(e) APPOINTMENT.—A member of the Advisory Board shall be appointed by the Secretary for a term of up to 3 years. The members of the Advisory Board shall be appointed to serve staggered terms.

"(f) FEDERAL ADVISORY COMMITTEE ACT.—The Advisory Board shall be deemed to have filed a charter for the purpose of section 9(c) of the Federal Advisory Committee Act (5 U.S.C. App.).

"(g) TERMINATION.—The Advisory Board shall remain in existence until September 30, 2002.".

(b) CONFORMING AMENDMENTS.—

(1) Section 1404(1) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(1)) is amended by striking "National Agricultural Research and Extension Users Advisory Board" and inserting "National Agricultural Research, Extension, Education, and Economics Advisory Board".

(2) Section 1410(2) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3125(2)) is amended by striking "the recommendations of the Advisory Board developed under section 1408(g)," and inserting "any recommendations of the Advisory Board".

(3) The last sentence of section 4(a) of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1673(a)) is amended by striking "National Agricultural Research and Extension Users Advisory Board" and inserting "National Agricultural Research, Extension, Education, and Economics Advisory Board".

SEC. 805. AGRICULTURAL SCIENCE AND TECHNOLOGY REVIEW BOARD.

(a) IN GENERAL.—Section 1408A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123a) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103) (as amended by section 803(b)(1)(B)) is further amended—

(A) in paragraph (15), by adding "and" at the end;

(B) in paragraph (16), by striking "; and" and inserting a period; and

(C) by striking paragraph (17).

(2) Section 1405(12) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3121(12)) is amended by striking ", after coordination with the Technology Board,".

(3) Section 1410(2) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3125(2)) (as amended by section 804(b)(2)) is further amended by striking "and the recommendations of the Technology Board developed under section 1408A(d)".

(4) Section 1412 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3127) (as amended by section 803(b)(4)) is further amended—

(A) in the section heading, by striking "**AND TECHNOLOGY BOARD**";

(B) in subsection (a)—

(i) by striking "and the Technology Board" each place it appears; and

(ii) in paragraph (2), by striking "and one shall serve as the executive secretary to the Technology Board"; and

(C) in subsections (b) and (c), by striking "and Technology Board" each place it appears.

(5) Section 1413 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3128) (as amended by section 803(b)(5)) is further amended—

(A) in subsection (a), by striking "or the Technology Board"; and

(B) in subsection (b), by striking "and the Technology Board".

SEC. 806. FEDERAL ADVISORY COMMITTEE ACT EXEMPTION FOR FEDERAL-STATE COOPERATIVE PROGRAMS.

Section 1409A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3124a) is amended by adding at the end the following:

"(e) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—

"(1) PUBLIC MEETINGS.—All meetings of any entity described in paragraph (2) shall be publicly announced in advance and shall be open to the public. Detailed minutes of meetings and other appropriate records of the activities of such an entity shall be kept and made available to the public on request.

"(2) EXEMPTION.—The Federal Advisory Committee Act (5 U.S.C. App.) and title XVIII of the Food and Agriculture Act of 1977 (7 U.S.C. 2281 et seq.) shall not apply to any committee, board, commission, panel, or task force, or similar entity that—

"(A) is created for the purpose of cooperative efforts in agricultural research, extension, or teaching; and

"(B) consists entirely of full-time Federal employees and individuals who are employed by, or who are officials of, a State cooperative institution or a State cooperative agent.".

SEC. 807. COORDINATION AND PLANNING OF AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION.

Subtitle B of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3121 et seq.) is amended by adding at the end the following:

"SEC. 1413A. ACCOUNTABILITY.

"(a) IN GENERAL.—The Secretary shall develop and carry out a system to monitor and evaluate agricultural research and extension activities conducted or supported by the Federal Government that will enable the Secretary to measure the impact of research, extension, and education programs according to priorities, goals, and mandates established by law.

"(b) CONSISTENCY WITH OTHER REQUIREMENTS.—The system shall be developed and carried out in a manner that is consistent with the Government Performance and Results Act of 1993 (Public Law 103-62; 107 Stat. 285) and amendments made by the Act.

"SEC. 1413B. IMMINENT OR EMERGING THREATS TO FOOD SAFETY AND ANIMAL AND PLANT HEALTH.

"In the case of any activities of an agency of the Department of Agriculture that relate to food safety, animal or plant health, research, education, or technology transfer, the Secretary may transfer up to 5 percent of any amounts made available to the agency for a fiscal year to an agency of the Department of Agriculture reporting to the Under Secretary of Agriculture for Research, Education, and Economics for the purpose of addressing imminent or emerging threats to food safety and animal and plant health.

"SEC. 1413C. FEDERAL ADVISORY COMMITTEE ACT EXEMPTION FOR COMPETITIVE RESEARCH, EXTENSION, AND EDUCATION PROGRAMS.

"The Federal Advisory Committee Act (5 U.S.C. App.) and title XVIII of the Food and Agriculture Act of 1977 (7 U.S.C. 2281 et seq.) shall not apply to any committee, board, commission, panel, or task force, or similar entity, created solely for the purpose of reviewing applications or proposals requesting funding under any competitive research, extension, or education program carried out by the Secretary.".

SEC. 808. GRANTS AND FELLOWSHIPS FOR FOOD AND AGRICULTURAL SCIENCES EDUCATION.

(a) IN GENERAL.—Section 1417 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152) is amended—

(1) in subsection (b)—

(A) by inserting before "for a period" the following: "or to research foundations maintained by the colleges and universities,"; and

(B) by striking paragraph (4) and inserting the following:

"(4) to design and implement food and agricultural programs to build teaching and research capacity at primarily minority institutions;";

(2) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively;

(3) by inserting after subsection (g) the following:

"(h) SECONDARY EDUCATION AND 2-YEAR POSTSECONDARY EDUCATION TEACHING PROGRAMS.—

"(1) AGRISCIENCE AND AGRIBUSINESS EDUCATION.—The Secretary shall—

"(A) promote and strengthen secondary education and 2-year postsecondary education in agriscience and agribusiness in order to help ensure the existence in the United States of a qualified workforce to serve the food and agricultural sciences system; and

"(B) promote complementary and synergistic linkages among secondary, 2-year postsecondary, and higher education programs in the food and agricultural sciences in order to promote excellence in education and encourage more young Americans to pursue and complete a baccalaureate or higher degree in the food and agricultural sciences.

"(2) GRANTS.—The Secretary may make competitive or noncompetitive grants, for grant periods not to exceed 5 years, to public secondary education institutions, 2-year community colleges, and junior colleges that have made a commitment to teaching agriscience and agribusiness—

"(A) to enhance curricula in agricultural education;

"(B) to increase faculty teaching competencies;

"(C) to interest young people in pursuing a higher education in order to prepare for scientific and professional careers in the food and agricultural sciences;

"(D) to promote the incorporation of agriscience and agribusiness subject matter into other instructional programs, particularly classes in science, business, and consumer education;

"(E) to facilitate joint initiatives among other secondary or 2-year postsecondary institutions and with 4-year colleges and universities to maximize the development and use of resources such as faculty, facilities, and equipment to improve agriscience and agribusiness education; and

"(F) to support other initiatives designed to meet local, State, regional, or national needs related to promoting excellence in agriscience and agribusiness education."; and

(4) in subsection (j) (as so redesignated), by striking "1995" and inserting "2002".

(b) TRANSFER OF FUNCTIONS AND DUTIES PERTAINING TO THE FUTURE FARMERS OF AMERICA.—

(1) IN GENERAL.—There are transferred to the Secretary of Agriculture all the functions and duties of the Secretary of Education under the Act entitled "An Act to incorporate the Future Farmers of America, and for other purposes", approved August 30, 1950 (36 U.S.C. 271 et seq.).

(2) PERSONNEL AND UNEXPENDED BALANCES.—There are transferred to the Department of Agriculture all personnel and balances of unexpended appropriations available for carrying out the duties and functions transferred under paragraph (1).

(3) AMENDMENTS.—The Act entitled "An Act to incorporate the Future Farmers of America, and for other purposes", approved August 30, 1950, is amended—

(A) in section 7(c) (36 U.S.C. 277(c)) by striking "Secretary of Education, the executive secretary shall be a member of the Department of Education" and inserting "Secretary of Agriculture, the executive secretary shall be an officer or employee of the Department of Agriculture";

(B) in section 8(a) (36 U.S.C. 278(a))—

(i) by striking "Secretary of Education" and inserting "Secretary of Agriculture"; and

(ii) by striking "Department of Education" and inserting "Department of Agriculture"; and

(C) in section 18 (36 U.S.C. 288)—

(i) by striking "Secretary of Education" each place it appears and inserting "Secretary of Agriculture"; and

(ii) by striking "Department of Education" each place it appears and inserting "Department of Agriculture".

SEC. 809. GRANTS FOR RESEARCH ON THE PRODUCTION AND MARKETING OF ALCOHOLS AND INDUSTRIAL HYDROCARBONS FROM AGRICULTURAL COMMODITIES AND FOREST PRODUCTS.

Section 1419(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3154(d)) is amended by striking "1995" and inserting "2002".

SEC. 810. POLICY RESEARCH CENTERS.

The National Agricultural Research, Extension, and Teaching Policy Act of 1977 (as amended by section 809) is further amended by inserting after section 1418 (7 U.S.C. 3153) the following:

"SEC. 1419. POLICY RESEARCH CENTERS.

"(a) IN GENERAL.—Consistent with this section, the Secretary may make grants, competitive grants, and special research grants to, and enter into cooperative agreements and other contracting instruments with, policy research centers to conduct research and education programs that are objective, operationally independent, and external to the Federal Government and that concern the effect of public policies on—

"(1) the farm and agricultural sectors;

"(2) the environment;

"(3) rural families, households and economies; and

"(4) consumers, food, and nutrition.

"(b) ELIGIBLE RECIPIENTS.—Except to the extent otherwise prohibited by law, State agricultural experiment stations, colleges and universities, other research institutions and organizations, private organizations, corporations, and individuals shall be eligible to apply for and receive funding under subsection (a).

"(c) ACTIVITIES.—Under this section, funding may be provided for disciplinary and interdisciplinary research and education concerning activities consistent with this section, including activities that—

"(1) quantify the implications of public policies and regulations;

"(2) develop theoretical and research methods;

"(3) collect and analyze data for policymakers, analysts, and individuals; and

"(4) develop programs to train analysts.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for fiscal years 1996 through 2002.".

SEC. 811. HUMAN NUTRITION INTERVENTION AND HEALTH PROMOTION RESEARCH PROGRAM.

Section 1424 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3174) is amended to read as follows:

"SEC. 1424. HUMAN NUTRITION INTERVENTION AND HEALTH PROMOTION RESEARCH PROGRAM.

"(a) AUTHORITY OF SECRETARY.—

"(1) IN GENERAL.—The Secretary may establish, and award grants for projects for, a multi-year research initiative on human nutrition intervention and health promotion.

"(2) EMPHASIS OF INITIATIVE.—In administering human nutrition research projects under this section, the Secretary shall give specific emphasis to—

"(A) coordinated longitudinal research assessments of nutritional status; and

"(B) the implementation of unified, innovative intervention strategies;

to identify and solve problems of nutritional inadequacy and contribute to the maintenance of health, well-being, performance, and productivity of individuals, thereby reducing the need of the individuals to use the health care system and social programs of the United States.

"(b) ADMINISTRATION OF FUNDS.—The Administrator of the Agricultural Research Service shall administer funds made available to carry out this section to ensure a coordinated approach to health and nutrition research efforts.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for fiscal years 1996 through 2002.".

SEC. 812. FOOD AND NUTRITION EDUCATION PROGRAM.

Section 1425(c)(3) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3175(c)(3)) is amended by striking "fiscal year 1995" and inserting "each of fiscal years 1996 through 2002".

SEC. 813. PURPOSES AND FINDINGS RELATING TO ANIMAL HEALTH AND DISEASE RESEARCH.

Section 1429 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3191) is amended to read as follows:

"SEC. 1429. PURPOSES AND FINDINGS RELATING TO ANIMAL HEALTH AND DISEASE RESEARCH.

"(a) PURPOSES.—The purposes of this subtitle are to—

"(1) promote the general welfare through the improved health and productivity of domestic livestock, poultry, aquatic animals, and other income-producing animals that are essential to the food supply of the United States and the welfare of producers and consumers of animal products;

"(2) improve the health of horses;

"(3) facilitate the effective treatment of, and, to the extent possible, prevent animal and poultry diseases in both domesticated and wild animals that, if not controlled, would be disastrous to the United States livestock and poultry industries and endanger the food supply of the United States;

"(4) improve methods for the control of organisms and residues in food products of animal origin that could endanger the human food supply;

"(5) improve the housing and management of animals to improve the well-being of livestock production species;

"(6) minimize livestock and poultry losses due to transportation and handling;

"(7) protect human health through control of animal diseases transmissible to humans;

"(8) improve methods of controlling the births of predators and other animals; and

"(9) otherwise promote the general welfare through expanded programs of research and extension to improve animal health.

"(b) FINDINGS.—Congress finds that—

"(1) the total animal health and disease research and extension efforts of State colleges and universities and of the Federal Government would be more effective if there were close coordination between the efforts; and

"(2) colleges and universities having accredited schools or colleges of veterinary medicine and State agricultural experiment stations that conduct animal health and disease research are especially vital in training research workers in animal health and related disciplines.".

SEC. 814. ANIMAL HEALTH SCIENCE RESEARCH ADVISORY BOARD.

Section 1432 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3194) is repealed.

SEC. 815. ANIMAL HEALTH AND DISEASE CONTINUING RESEARCH.

Section 1433 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3195) is amended—

(1) in the first sentence of subsection (a), by striking "1995" and inserting "2002";

(2) in subsection (b)(2)—

(A) by striking "domestic livestock and poultry" each place it appears and inserting "domestic livestock, poultry, and commercial aquaculture species"; and

(B) in the second sentence, by striking "horses, and poultry" and inserting "horses, poultry, and commercial aquaculture species";

(3) in subsection (d), by striking "domestic livestock and poultry" and inserting "domestic livestock, poultry, and commercial aquaculture species"; and

(4) in subsection (f), by striking "domestic livestock and poultry" and inserting "domestic livestock, poultry, and commercial aquaculture species".

SEC. 816. ANIMAL HEALTH AND DISEASE NATIONAL OR REGIONAL RESEARCH.

Section 1434 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3196) is amended—

(1) in subsection (a)—

(A) by inserting "or national or regional problems relating to pre-harvest, on-farm food safety, or animal well-being," after "problems,"; and

(B) by striking "1995" and inserting "2002";

(2) in subsection (b), by striking "eligible institutions" and inserting "State agricultural experiment stations, colleges and universities, other research institutions and organizations, Federal agencies, private organizations or corporations, and individuals";

(3) in subsection (c)—

(A) in the first sentence, by inserting ", food safety, and animal well-being" after "animal health and disease"; and

(B) in the fourth sentence—

(i) by redesignating paragraphs (2) and (3) as paragraphs (4) and (5), respectively; and

(ii) by inserting after paragraph (1) the following:

"(2) any food safety problem that has a significant pre-harvest (on-farm) component and is recognized as posing a significant health hazard to the consuming public;

"(3) issues of animal well-being related to production methods that will improve the housing and management of animals to improve the well-being of livestock production species;";

(4) in the first sentence of subsection (d), by striking "to eligible institutions"; and

(5) by adding at the end the following:

"(f) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) and title XVIII of the Food and Agriculture Act of 1977 (7 U.S.C. 2281 et seq.) shall not apply to a panel or board created solely for the purpose of reviewing applications or proposals submitted under this subtitle.".

SEC. 817. RESIDENT INSTRUCTION PROGRAM AT 1890 LAND-GRANT COLLEGES.

Section 1446 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222a) is repealed.

SEC. 818. GRANT PROGRAM TO UPGRADE AGRICULTURAL AND FOOD SCIENCES FACILITIES AT 1890 LAND-GRANT COLLEGES.

Section 1447(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222b(b)) is amended by striking "$8,000,000 for each of the fiscal years 1991 through 1995" and inserting "$15,000,000 for each of fiscal years 1996 through 2002".

SEC. 819. NATIONAL RESEARCH AND TRAINING CENTENNIAL CENTERS AUTHORIZATION.

Section 1448 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222c) is amended—

(1) in subsection (a)(1), by inserting ", or fiscal years 1996 through 2002," after "1995"; and

(2) in subsection (f), by striking "1995" and inserting "2002".

SEC. 820. GRANTS TO STATES FOR INTERNATIONAL TRADE DEVELOPMENT CENTERS.

Section 1458A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3292) is repealed.

SEC. 821. AGRICULTURAL RESEARCH PROGRAMS.

Section 1463 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3311) is amended by striking "1995" each place it appears and inserting "2002".

SEC. 822. EXTENSION EDUCATION.

Section 1464 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3312) is amended by striking "fiscal year 1995" and inserting "each of fiscal years 1995 through 2002".

SEC. 823. SUPPLEMENTAL AND ALTERNATIVE CROPS RESEARCH.

Section 1473D of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319d) is amended—

(1) in subsection (a)—

(A) by striking "1995" and inserting "2002"; and

(B) by striking "and pilot";

(2) in subsection (c)—

(A) in paragraph (2)—

(i) in subparagraph (B), by striking "at pilot sites" through "the area"; and

(ii) in subparagraph (D)—

(I) by striking "near such pilot sites"; and

(II) by striking "successful pilot program" and inserting "successful program";

(B) in paragraph (3)—

(i) by striking "pilot";

(ii) in subparagraph (C), by striking "and" at the end;

(iii) in subparagraph (D), by striking the period at the end and inserting a semicolon; and

(iv) by adding at the end the following:

"(E) to conduct fundamental and applied research related to the development of new commercial products derived from natural plant material for industrial, medical, and agricultural applications; and

"(F) to participate with colleges and universities, other Federal agencies, and private sector entities in conducting research described in subparagraph (E)."

SEC. 824. AQUACULTURE ASSISTANCE PROGRAMS.

(a) REPORTS.—Section 1475 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3322) is amended—

(1) by striking subsection (e); and

(2) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(b) AQUACULTURE RESEARCH FACILITIES.—Section 1476(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3323(b)) is amended by striking "1995" and inserting "2002".

(c) RESEARCH AND EXTENSION.—Section 1477 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3324) is amended by striking "1995" and inserting "2002".

SEC. 825. RANGELAND RESEARCH.

(a) REPORTS.—Section 1481 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3334) is repealed.

(b) ADVISORY BOARD.—Section 1482 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3335) is repealed.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1483(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3336(a)) is amended by striking "1995" and inserting "2002".

SEC. 826. TECHNICAL AMENDMENTS.

The table of contents of the Food and Agriculture Act of 1977 (Public Law 95–113; 91 Stat. 913) is amended—

(1) by striking the item relating to section 1402 and inserting the following:

"Sec. 1402. Purposes of agricultural research, extension, and education.";

(2) by striking the items relating to sections 1406, 1407, 1408A, 1432, 1446, 1458A, 1481, and 1482;

(3) by striking the item relating to section 1408 and inserting the following:

"Sec. 1408. National Agricultural Research, Extension, Education, and Economics Advisory Board.";

(4) by striking the item relating to section 1412 and inserting the following:

"Sec. 1412. Support for the Advisory Board.";

(5) by adding at the end of the items relating to subtitle B of title XIV the following:

"Sec. 1413A. Accountability.
"Sec. 1413B. Imminent or emerging threats to food safety and animal and plant health.
"Sec. 1413C. Federal Advisory Committee Act exemption for competitive research, extension, and education programs.";

(6) by striking the item relating to section 1419 and inserting the following:

"Sec. 1419. Policy research centers.";

(7) by striking the item relating to section 1424 and inserting the following:

"Sec. 1424. Human nutrition intervention and health promotion research program.";

and

(8) by striking the item relating to section 1429 and inserting the following:

"Sec. 1429. Purposes and findings relating to animal health and disease research.".

Subtitle B—Amendments to Food, Agriculture, Conservation, and Trade Act of 1990

SEC. 831. WATER QUALITY RESEARCH, EDUCATION, AND COORDINATION.

(a) IN GENERAL.—Subtitle G of title XIV of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5501 et seq.) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 1627(a)(3) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5821(a)(3)) is amended by striking ", subtitle G of title XIV,".

(2) Section 1628 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5831) is amended by striking ", subtitle G of title XIV," each place it appears in subsections (a) and (d).

(3) Section 1629 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5832) is amended by striking ", subtitle G of title XIV," each place it appears in subsections (f) and (g)(11).

SEC. 832. EDUCATION PROGRAM REGARDING HANDLING OF AGRICULTURAL CHEMICALS AND AGRICULTURAL CHEMICAL CONTAINERS.

(a) IN GENERAL.—Section 1499A of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 3125c) is repealed.

(b) CONFORMING AMENDMENT.—Section 1499(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5506(b)) is amended by striking "and section 1499A".

SEC. 833. PROGRAM ADMINISTRATION.

(a) IN GENERAL.—Section 1622 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5812) is amended—

(1) by striking subsections (b), (c), and (d); and

(2) by redesignating subsection (e) as subsection (b).

(b) CONFORMING AMENDMENTS.—

(1) Section 1619(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5801(b)) is amended—

(A) by striking paragraph (7); and

(B) by redesignating paragraphs (8), (9), and (10) as paragraphs (7), (8), and (9), respectively.

(2) Section 1621(c) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5811(c)) is amended—

(A) in paragraph (1)—

(i) by striking subparagraph (A); and

(ii) by redesignating subparagraphs (B) through (E) as subparagraphs (A) through (D), respectively; and

(B) in paragraph (2)—

(i) by striking subparagraph (A); and

(ii) by redesignating subparagraphs (B) through (F) as subparagraphs (A) through (E), respectively.

(3) Section 1622 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5812) (as amended by subsection (a)) is further amended—

(A) in subsection (a)—

(i) by striking paragraph (2);

(ii) in paragraph (3), by striking "subsection (e)" and inserting "subsection (b)"; and

(iii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(B) in subsection (b)(2)—

(i) by striking subparagraph (A); and

(ii) by redesignating subparagraphs (B) through (F) as subparagraphs (A) through (E), respectively.

(4) Section 1628(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5831(b)) is amended by striking "Advisory Council, the Soil Conservation Service," and inserting "Natural Resources Conservation Service".

SEC. 834. NATIONAL GENETICS RESOURCES PROGRAM.

(a) FUNCTIONS.—Section 1632(d) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5841(d)) is amended by striking paragraph (4) and inserting the following:

"(4) unless otherwise prohibited by law, have the right to make available on request, without charge and without regard to the country from which the request originates, the genetic material that the program assembles;".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1635(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5844(b)) is amended by striking "1995" and inserting "2002".

SEC. 835. NATIONAL AGRICULTURAL WEATHER INFORMATION SYSTEM.

Section 1641(c) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5855(c)) is amended by striking "1995" and inserting "2002".

SEC. 836. RESEARCH REGARDING PRODUCTION, PREPARATION, PROCESSING, HANDLING, AND STORAGE OF AGRICULTURAL PRODUCTS.

Subtitle E of title XVI of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5871 et seq.) is repealed.

SEC. 837. PLANT AND ANIMAL PEST AND DISEASE CONTROL PROGRAM.

(a) IN GENERAL.—Subtitle F of title XVI of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5881) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 28(b)(2)(A) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w-3(b)(2)(A)) is amended by striking "and the information required by section 1651 of the Food, Agriculture, Conservation, and Trade Act of 1990".

(2) Section 1627(a)(3) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5821(a)(3)) is amended by striking "and section 1650".

(3) Section 1628 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5831) is amended by striking "section 1650," each place it appears in subsections (a) and (d).

(4) Section 1629 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5832) is amended by striking "section 1650," each place it appears in subsections (f) and (g)(11).

SEC. 838. LIVESTOCK PRODUCT SAFETY AND INSPECTION PROGRAM.

Section 1670(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5923(e)) is amended by striking "1995" and inserting "2002".

SEC. 839. PLANT GENOME MAPPING PROGRAM.

Section 1671 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5924) is repealed.

SEC. 840. SPECIALIZED RESEARCH PROGRAMS.

Section 1672 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925) is repealed.

SEC. 841. AGRICULTURAL TELECOMMUNICATIONS PROGRAM.

Section 1673(h) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5926(h)) is amended by striking "1995" and inserting "2002".

SEC. 842. NATIONAL CENTERS FOR AGRICULTURAL PRODUCT QUALITY RESEARCH.

Section 1675(g)(1) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5928(g)(1)) is amended by striking "1995" and inserting "2002".

SEC. 843. TURKEY RESEARCH CENTER AUTHORIZATION.

Section 1676 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5929) is repealed.

SEC. 844. SPECIAL GRANT TO STUDY CONSTRAINTS ON AGRICULTURAL TRADE.

Section 1678 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5931) is repealed.

SEC. 845. PILOT PROJECT TO COORDINATE FOOD AND NUTRITION EDUCATION PROGRAMS.

Section 1679 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5932) is repealed.

SEC. 846. ASSISTIVE TECHNOLOGY PROGRAM FOR FARMERS WITH DISABILITIES.

Section 1680 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5933) is amended—

(1) in subsection (a)(6)(B), by striking "1996" and inserting "2002"; and

(2) in subsection (b)(2), by striking "1996" and inserting "2002".

SEC. 847. DEMONSTRATION PROJECTS.

Section 2348 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2662a) is repealed.

SEC. 848. NATIONAL RURAL INFORMATION CENTER CLEARINGHOUSE.

Section 2381(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 3125b(e)) is amended by striking "1995" and inserting "2002".

SEC. 849. GLOBAL CLIMATE CHANGE.

(a) TECHNICAL ADVISORY COMMITTEE.—Section 2404 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6703) is repealed.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 2412 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6710) is amended by striking "1996" and inserting "2002".

SEC. 850. TECHNICAL AMENDMENTS.

The table of contents of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624; 104 Stat. 3359) is amended by striking the items relating to subtitle G of title XIV, section 1499A, subtitles E and F of title XVI, and sections 1671, 1672, 1676, 1678, 1679, 2348, and 2404.

Subtitle C—Miscellaneous Research Provisions

SEC. 861. CRITICAL AGRICULTURAL MATERIALS RESEARCH.

(a) IN GENERAL.—Section 4 of the Critical Agricultural Materials Act (7 U.S.C. 178b) is amended—

(1) by striking subsection (g); and

(2) by redesignating subsection (h) as subsection (g).

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 16(a) of the Critical Agricultural Materials Act (7 U.S.C. 178n(a)) is amended by striking "1995" and inserting "2002".

SEC. 862. 1994 INSTITUTIONS.

(a) LAND-GRANT STATUS.—The first sentence of section 533(b) of the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103-382; 7 U.S.C. 301 note) is amended by striking "2000" and inserting "2002".

(b) INSTITUTIONAL CAPACITY BUILDING GRANTS.—Section 535 of the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103-382; 7 U.S.C. 301 note) is amended by striking "2000" each place it appears in subsections (b)(1) and (c) and inserting "2002".

SEC. 863. SMITH-LEVER ACT FUNDING FOR 1890 LAND-GRANT COLLEGES, INCLUDING TUSKEGEE UNIVERSITY AND THE DISTRICT OF COLUMBIA.

(a) ELIGIBILITY FOR FUNDS.—Section 3(d) of the Act of May 8, 1914 (commonly known as the "Smith-Lever Act") (38 Stat. 373, chapter 79; 7 U.S.C. 343(d)), is amended by adding at the end the following: "A college or university eligible to receive funds under the Act of August 30, 1890 (26 Stat. 417, chapter 841; 7 U.S.C. 321 et seq.), including Tuskegee University, or section 208 of the District of Columbia Public Postsecondary Education Reorganization Act (Public Law 93-471; 88 Stat. 1428) may apply for and receive directly from the Secretary of Agriculture—

"(1) amounts made available under this subsection after September 30, 1995, to carry out programs or initiatives for which no funds were made available under this subsection for fiscal year 1995, or any previous fiscal year, as determined by the Secretary; and

"(2) amounts made available after September 30, 1995, to carry out programs or initiatives funded under this subsection prior to that date that are in excess of the highest amount made available for the programs or initiatives under this subsection for fiscal year 1995, or any previous fiscal year, as determined by the Secretary.".

(b) CONFORMING AMENDMENTS.—

(1) The third sentence of section 1444(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221(a)) is amended by inserting before the period at the end the following: ", except that for the purpose of this calculation, the total appropriations shall not include amounts made available after September 30, 1995, under section 3(d) of the Act of May 8, 1914 (commonly known as the 'Smith-Lever Act') (38 Stat. 373, chapter 79; 7 U.S.C. 343(d)), to carry out programs or initiatives for which no funds were made available under section 3(d) of the Act for fiscal year 1995, or any previous fiscal year, as determined by the Secretary, and shall not include amounts made available after September 30, 1995, to carry out programs or initiatives funded under section 3(d) of the Act prior to that date that are in excess of the highest amount made available for the programs or initiatives for fiscal year 1995, or any previous fiscal year, as determined by the Secretary.".

(2) Section 208(c) of the District of Columbia Public Postsecondary Education Reorganization Act (Public Law 93-471; 88 Stat. 1428) is amended by adding at the end the following: "Funds appropriated under this subsection shall be in addition to any amounts provided to the District of Columbia from—

"(1) amounts made available after September 30, 1995, under section 3(d) of the Act to carry out programs or initiatives for which no funds were made available under section 3(d) of the Act for fiscal year 1995, or any previous fiscal year, as determined by the Secretary of Agriculture; and

"(2) amounts made available after September 30, 1995, to carry out programs or initiatives funded under section 3(d) of the Act prior to the date that are in excess of the highest amount made available for the programs or initiatives for fiscal year 1995, or any previous fiscal year, as determined by the Secretary of Agriculture.".

SEC. 864. COMMITTEE OF NINE.

Section 3(c)(3) of the Act of March 2, 1887 (Chapter 314; 7 U.S.C. 361c(c)(3)) is amended by striking from ", and shall be used" through the end of the paragraph and inserting a period.

SEC. 865. AGRICULTURAL RESEARCH FACILITIES.

(a) IN GENERAL.—

(1) RESEARCH FACILITIES.—The Research Facilities Act (7 U.S.C. 390 et seq.) is amended to read as follows:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Research Facilities Act'.

"SEC. 2. DEFINITIONS.

"In this Act:

"(1) AGRICULTURAL RESEARCH FACILITY.—The term 'agricultural research facility' means a proposed facility for research in food and agricultural sciences for which Federal funds are requested by a college, university, or nonprofit institution to assist in the construction, alteration, acquisition, modernization, renovation, or remodeling of the facility.

"(2) FOOD AND AGRICULTURAL SCIENCES.—The term 'food and agricultural sciences' means—

"(A) agriculture, including soil and water conservation and use, the use of organic materials to improve soil tilth and fertility, plant and animal production and protection, and plant and animal health;

"(B) the processing, distributing, marketing, and utilization of food and agricultural products;

"(C) forestry, including range management, production of forest and range products. multiple use of forest and rangelands, and urban forestry;

"(D) aquaculture (as defined in section 1404(3) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(3));

"(E) human nutrition;

"(F) production inputs, such as energy, to improve productivity; and

"(G) germ plasm collection and preservation.

"(3) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

"SEC. 3. REVIEW PROCESS.

"(a) SUBMISSION TO SECRETARY.—Each proposal for an agricultural research facility shall be submitted to the Secretary for review. The Secretary shall review the proposals in the order in which the proposals are received.

"(b) APPLICATION PROCESS.—In consultation with the Committee on Appropriations of the Senate and Committee on Appropriations of the House of Representatives, the Secretary shall establish an application process for the submission of proposals for agricultural research facilities.

"(c) CRITERIA FOR APPROVAL.—

"(1) DETERMINATION BY SECRETARY.—With respect to each proposal for an agricultural research facility submitted under subsection (a), the Secretary shall determine whether the proposal meets the criteria set forth in paragraph (2).

"(2) CRITERIA.—A proposal for an agricultural research facility shall meet the following criteria:

"(A) NON-FEDERAL SHARE.—The proposal shall certify the availability of at least a 50 percent non-Federal share of the cost of the facility. The non-Federal share shall be paid in cash and may include funding from private sources or from units of State or local government.

"(B) NONDUPLICATION OF FACILITIES.—The proposal shall demonstrate how the agricultural research facility would be complementary to, and not duplicative of, facilities of colleges, universities, and nonprofit institutions, and facilities of the Agricultural Research Service, within the State and region.

"(C) NATIONAL RESEARCH PRIORITIES.—The proposal shall demonstrate how the agricultural research facility would serve—

"(i) 1 or more of the national research policies and priorities set forth in section 1402 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101); and

"(ii) regional needs.

"(D) LONG-TERM SUPPORT.—The proposal shall demonstrate that the recipient college, university, or nonprofit institution has the ability and commitment to support the long-term, ongoing operating costs of—

"(i) the agricultural research facility after the facility is completed; and

"(ii) each program to be based at the facility.

"(E) STRATEGIC PLAN.—After the development of the strategic plan required by section 4, the proposal shall demonstrate how the agricultural research facility reflects the strategic plan for Federal research facilities.

"(d) EVALUATION OF PROPOSALS.—Not later than 90 days after receiving a proposal under subsection (a), the Secretary shall—

"(1) evaluate and assess the merits of the proposal, including the extent to which the proposal meets the criteria set forth in subsection (c); and

"(2) report to the Committee on Appropriations of the Senate and Committee on Appropriations of the House of Representatives on the results of the evaluation and assessment.

"SEC. 4. STRATEGIC PLAN FOR FEDERAL RESEARCH FACILITIES.

"(a) IN GENERAL.—Not later than September 30, 1997, the Secretary shall develop a comprehensive plan for the development, construction, modernization, consolidation, and closure of federally supported agricultural research facilities.

"(b) FACTORS.—In developing the plan, the Secretary shall consider—

"(1) the need to increase agricultural productivity and to enhance the competitiveness of the United States agriculture and food industry as set forth in section 1402 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101); and

"(2) the findings of the National Academy of Sciences with respect to programmatic and scientific priorities relating to agriculture.

"(c) IMPLEMENTATION.—The plan shall be developed for implementation over the 10-fiscal year period beginning with fiscal year 1998.

"SEC. 5. APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

"The Federal Advisory Committee Act (5 U.S.C. App) and title XVIII of the Food and Agriculture Act of 1977 (7 U.S.C. 2281 et. seq) shall not apply to a panel or board created solely for the purpose of reviewing applications or proposals submitted under this Act.

"SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—Subject to subsection (b), there are authorized to be appropriated such sums as are necessary for fiscal years 1996 through 2002 for the study, plan, design, structure, and related costs of agricultural research facilities under this Act.

"(b) ALLOWABLE ADMINISTRATIVE COSTS.—Not more than 3 percent of the funds made available for any project for an agricultural research facility shall be available for administration of the project.".

(2) APPLICATION.—

(A) CURRENT PROJECTS.—The amendment made by paragraph (1), other than section 4 of the Research Facilities Act (as amended by paragraph (1)), shall not apply to any project for an agricultural research facility for which funds have been made available for a feasibility study or for any phase of the project prior to October 1, 1995.

(B) STRATEGIC PLAN.—The strategic plan required by section 4 of the Act shall apply to all federally supported agricultural research facilities, including projects funded prior to the effective date of this title.

(b) AUTHORIZATION OF APPROPRIATIONS FOR FEDERAL FACILITIES.—Section 1431 of the National Agricultural Research, Extension, and Teaching Policy Act Amendments of 1985 (Public Law 99–198; 99 Stat. 1556) is amended—

(1) in subsection (a)—

(A) by striking "(a)"; and

(B) by striking "1995" and inserting "2002"; and

(2) by striking subsection (b).

(c) CONFORMING AMENDMENT.—Section 1463(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3311(a)) is amended by striking "1416,".

SEC. 866. NATIONAL COMPETITIVE RESEARCH INITIATIVE.

Subsection (b)(10) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)(10)) is amended—

(1) by striking "OF APPROPRIATIONS.—There" and inserting the following: "AND AVAILABILITY OF APPROPRIATIONS.—

"(A) IN GENERAL.—There";

(2) by striking "fiscal year 1995" and inserting "each of fiscal years 1995 through 2002";

(3) by striking "(A) not" and inserting the following:

"(i) not";

(4) by striking "(B) not" and inserting the following:

"(ii) not";

(5) in clause (ii) (as so designated), by striking "20 percent" and inserting "40 percent";

(6) by striking "(C) not" and inserting the following:

"(iii) not";

(7) by striking "(D) not" and inserting the following:

"(iv) not";

(8) by striking "(E) not" and inserting the following:

"(v) not"; and

(9) by adding at the end the following:

"(B) AVAILABILITY.—Funds made available under subparagraph (A) shall be available for obligation for a period of 2 years from the beginning of the fiscal year for which the funds are made available.".

SEC. 867. COTTON CROP REPORTS.

The Act of May 3, 1924 (43 Stat. 115, chapter 149; 7 U.S.C. 475), is repealed.

SEC. 868. RURAL DEVELOPMENT RESEARCH AND EDUCATION.

Section 502 of the Rural Development Act of 1972 (7 U.S.C. 2662) is amended—

(1) in subsection (a), by inserting after the first sentence the following: "The rural development extension programs shall also promote coordinated and integrated rural community initiatives that advance and empower capacity building through leadership development, entrepreneurship, business development and management training and strategic planning to increase jobs, income, and quality of life in rural communities.";

(2) by striking subsections (g) and (j); and

(3) by redesignating subsections (h) and (i) as subsections (g) and (h) respectively.

SEC. 869. HUMAN NUTRITION RESEARCH.

Section 1452 of the National Agricultural Research, Extension, and Teaching Policy Act Amendments of 1985 (Public Law 99–198; 7 U.S.C. 3173 note) is repealed.

SEC. 870. DAIRY GOAT RESEARCH PROGRAM.

Section 1432 of the National Agricultural Research, Extension, and Teaching Policy Act Amendments of 1981 (Public Law 97–98; 7 U.S.C. 3222 note) is amended—

(1) in subsection (a), by striking "(a)"; and

(2) by striking subsection (b).

SEC. 871. GRANTS TO UPGRADE 1890 LAND-GRANT COLLEGE EXTENSION FACILITIES.

(a) IN GENERAL.—Section 1416 of the Food Security Act of 1985 (7 U.S.C. 3224) is repealed.

(b) TECHNICAL AMENDMENT.—The table of contents of the Food Security Act of 1985 (Public Law 99–198; 99 Stat. 1354) is amended by striking the item relating to section 1416.

SEC. 872. STUTTGART NATIONAL AQUACULTURE RESEARCH CENTER.

(a) TRANSFER OF FUNCTIONS TO THE SECRETARY OF AGRICULTURE.—

(1) TITLE OF PUBLIC LAW 85–342.—The title of Public Law 85–342 (16 U.S.C. 778 et seq.) is amended by striking "Secretary of the Interior" and inserting "Secretary of Agriculture".

(2) AUTHORIZATION.—The first section of Public Law 85–342 (16 U.S.C. 778) is amended—

(A) by striking "Secretary of the Interior" and all that follows through "directed to" and inserting "Secretary of Agriculture shall";

(B) by striking "station and stations" and inserting "1 or more centers"; and

(C) in paragraph (5), by striking "Department of Agriculture" and inserting "Secretary of the Interior".

(3) AUTHORITY.—Section 2 of Public Law 85–342 (16 U.S.C. 778a) is amended by striking ", the Secretary" and all that follows through "authorized" and inserting ", the Secretary of Agriculture is authorized".

(4) ASSISTANCE.—Section 3 of Public Law 85–342 (16 U.S.C. 778b) is amended—

(A) by striking "Secretary of the Interior" and inserting "Secretary of Agriculture"; and

(B) by striking "Department of Agriculture" and inserting "Secretary of the Interior".

(b) TRANSFER OF FISH FARMING EXPERIMENTAL LABORATORY TO DEPARTMENT OF AGRICULTURE.—

(1) DESIGNATION OF STUTTGART NATIONAL AQUACULTURE RESEARCH CENTER.—

(A) IN GENERAL.—The Fish Farming Experimental Laboratory in Stuttgart, Arkansas (including the facilities in Kelso, Arkansas), shall be known and designated as the "Stuttgart National Aquaculture Research Center".

(B) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the laboratory referred to in subparagraph (A) shall be deemed to be a reference to the "Stuttgart National Aquaculture Research Center".

(2) TRANSFER OF LABORATORY TO THE DEPARTMENT OF AGRICULTURE.—Subject to section 1531 of title 31, United States Code, not later than 90 days after the effective date of this title, there are transferred to the Department of Agriculture—

(A) the personnel employed in connection with the laboratory referred to in paragraph (1);

(B) the assets, liabilities, contracts, and real and personal property of the laboratory;

(C) the records of the laboratory; and

(D) the unexpended balance of appropriations, authorizations, allocations and other funds employed, held, arising from, available to, or to be made available in connection with the laboratory.

(3) NONDUPLICATION.—The research center referred to in paragraph (1)(A) shall be complementary to, and not duplicative of, facilities of colleges, universities, and nonprofit institutions, and facilities of the Agricultural Research Service, within the State and region, as determined by the Administrator of the Service.

SEC. 873. NATIONAL AQUACULTURE POLICY, PLANNING, AND DEVELOPMENT.

(a) DEFINITIONS.—Section 3 of the National Aquaculture Act of 1980 (16 U.S.C. 2802) is amended—

(1) in paragraph (1), by striking "the propagation" and all that follows through the period at the end and inserting the following: "the commercially controlled cultivation of aquatic plants, animals, and microorganisms, but does not include private for-profit ocean ranching of Pacific salmon in a State in which the ranching is prohibited by law.";

(2) in paragraph (3), by striking "or aquatic plant" and inserting "aquatic plant, or microorganism";

(3) by redesignating paragraphs (7) through (9) as paragraphs (8) through (10), respectively; and

(4) by inserting after paragraph (6) the following:

"(7) The term 'private aquaculture' means the commercially controlled cultivation of aquatic plants, animals, and microorganisms other than cultivation carried out by the Federal Government, any State or local government, or an Indian tribe recognized by the Bureau of Indian Affairs.".

(b) NATIONAL AQUACULTURE DEVELOPMENT PLAN.—Section 4 of the National Aquaculture Act of 1980 (16 U.S.C. 2803) is amended—

(1) in subsection (c)—

(A) in subparagraph (A), by adding "and" at the end;

(B) in subparagraph (B), by striking "; and" and inserting a period; and

(C) by striking subparagraph (C);

(2) in the second sentence of subsection (d), by striking "Secretaries determine that" and inserting "Secretary, in consultation with the Secretary of Commerce, the Secretary of the Interior, and the heads of such other agencies as the Secretary determines are appropriate, determines that"; and

(3) in subsection (e), by striking "Secretaries" and inserting "Secretary, in consultation with the Secretary of Commerce, the Secretary of the Interior, and the heads of such other agencies as the Secretary determines are appropriate,".

(c) FUNCTIONS AND POWERS OF SECRETARIES.—Section 5(b)(3) of the National Aquaculture Act of 1980 (16 U.S.C. 2804(b)(3)) is amended by striking "Secretaries deem" and inserting "Secretary, in consultation with the Secretary of Commerce, the Secretary of the Interior, and the heads of such other agencies as the Secretary determines are appropriate, consider".

(d) COORDINATION OF NATIONAL ACTIVITIES REGARDING AQUACULTURE.—The first sentence of section 6(a) of the National Aquaculture Act of 1980 (16 U.S.C. 2805(a)) is amended by striking "(f)" and inserting "(e)".

(e) NATIONAL POLICY FOR PRIVATE AQUACULTURE.—The National Aquaculture Act of 1980 (16 U.S.C. 2801 et seq.) is amended—

(1) by redesignating sections 7, 8, 9, 10, and 11 as sections 8, 9, 10, 11, and 12, respectively; and

(2) by inserting after section 6 (16 U.S.C. 2805) the following:

"SEC. 7. NATIONAL POLICY FOR PRIVATE AQUACULTURE.

"(a) IN GENERAL.—In consultation with the Secretary of Commerce and the Secretary of the Interior, the Secretary shall coordinate and implement a national policy for private aquaculture in accordance with this section. In developing the policy, the Secretary may consult with other agencies and organizations.

"(b) DEPARTMENT OF AGRICULTURE AQUACULTURE PLAN.—

"(1) IN GENERAL.—The Secretary shall develop and implement a Department of Agriculture Aquaculture Plan (referred to in this section as the 'Department plan') for a unified aquaculture program of the Department of Agriculture (referred to in this section as the 'Department') to support the development of private aquaculture.

"(2) ELEMENTS OF DEPARTMENT PLAN.—The Department plan shall address—

"(A) programs of individual agencies of the Department related to aquaculture that are consistent with Department programs related to other areas of agriculture, including livestock, crops, products, and commodities under the jurisdiction of agencies of the Department;

"(B) the treatment of cultivated aquatic animals as livestock and cultivated aquatic plants as agricultural crops; and

"(C) means for effective coordination and implementation of aquaculture activities and programs within the Department, including individual agency commitments of personnel and resources.

"(c) NATIONAL AQUACULTURE INFORMATION CENTER.—In carrying out section 5, the Secretary may maintain and support a National Aquaculture Information Center at the National Agricultural Library as a repository for information on national and international aquaculture.

"(d) TREATMENT OF AQUACULTURE.—The Secretary shall treat—

"(1) private aquaculture as agriculture; and

"(2) commercially cultivated aquatic animals, plants, and microorganisms, and products of the animals, plants, and microorganisms, produced by private persons and transported or moved in standard commodity channels as agricultural livestock, crops, and commodities.

"(e) PRIVATE AQUACULTURE POLICY COORDINATION, DEVELOPMENT, AND IMPLEMENTATION.—

"(1) RESPONSIBILITY.—The Secretary shall have responsibility for coordinating, developing, and carrying out policies and programs for private aquaculture.

"(2) DUTIES.—The Secretary shall—

"(A) coordinate all intradepartmental functions and activities relating to private aquaculture; and

"(B) establish procedures for the coordination of functions, and consultation with, the coordinating group.

"(f) LIAISON WITH DEPARTMENTS OF COMMERCE AND THE INTERIOR.—The Secretary of Commerce and the Secretary of the Interior shall each designate an officer or employee of the Department of the Secretary to be the liaison of the Department to the Secretary of Agriculture.".

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 11 of the National Aquaculture Act of 1980 (as redesignated by subsection (e)(1)) is amended by striking "the fiscal years 1991, 1992, and 1993" each place it appears and inserting "fiscal years 1991 through 2002".

SEC. 874. EXPANSION OF AUTHORITIES RELATED TO THE NATIONAL ARBORETUM.

(a) SOLICITATION OF GIFTS, BENEFITS, AND DEVISES.—The first sentence of section 5 of the Act of March 4, 1927 (89 Stat. 683; 20 U.S.C. 195), is amended by inserting "solicit," after "authorized to".

(b) CONCESSIONS, FEES, AND VOLUNTARY SERVICES.—The Act of March 4, 1927 (44 Stat. 1422, chapter 505; 20 U.S.C. 191 et seq.), is amended by adding at the end the following:

"SEC. 6. CONCESSIONS, FEES, AND VOLUNTARY SERVICES.

"(a) IN GENERAL.—Notwithstanding the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) and section 321 of the Act of June 30, 1932 (47 Stat. 412, chapter 314; 40 U.S.C. 303b), the Secretary of Agriculture, in furtherance of the mission of the National Arboretum, may—

"(1) negotiate agreements granting concessions at the National Arboretum to nonprofit scientific or educational organizations the interests of which are complementary to the mission of the National Arboretum, except that the net proceeds of the organizations from the concessions shall be used exclusively for research and educational work for the benefit of the National Arboretum;

"(2) provide by concession, on such terms as the Secretary of Agriculture considers appropriate and necessary, for commercial services for food, drink, and nursery sales, if an agreement for a permanent concession under this paragraph is negotiated with a qualified person submitting a proposal after due consideration of all proposals received after the Secretary of Agriculture provides reasonable public notice of the intent of the Secretary to enter into such an agreement;

"(3) dispose of excess property, including excess plants and fish, in a manner designed to maximize revenue from any sale of the property, including by way of public auction, except that this paragraph shall not apply to the free dissemination of new varieties of seeds and germ plasm in accordance with section 520 of the Revised Statutes (commonly known as the 'Department of Agriculture Organic Act of 1862') (7 U.S.C. 2201);

"(4) charge such fees as the Secretary of Agriculture considers reasonable for temporary use by individuals or groups of National Arboretum facilities and grounds for any purpose consistent with the mission of the National Arboretum;

"(5) charge such fees as the Secretary of Agriculture considers reasonable for the use of the National Arboretum for commercial photography or cinematography;

"(6) publish, in print and electronically and without regard to laws relating to printing by the Federal Government, informational brochures, books, and other publications concerning the National Arboretum or the collections of the Arboretum; and

"(7) license use of the National Arboretum name and logo for public service or commercial uses.

"(b) USE OF FUNDS.—Any funds received or collected by the Secretary of Agriculture as a result of activities described in subsection (a) shall be retained in a special fund in the Treasury for the use and benefit of the National Arboretum as the Secretary of Agriculture considers appropriate.

"(c) ACCEPTANCE OF VOLUNTARY SERVICES.—The Secretary of Agriculture may accept the voluntary services of organizations described in subsection (a)(1), and the voluntary services of individuals (including employees of the National Arboretum), for the benefit of the National Arboretum.".

SEC. 875. STUDY OF AGRICULTURAL RESEARCH SERVICE.

(a) STUDY.—The Secretary of Agriculture shall request the National Academy of Sciences to conduct a study of the role and mission of the Agricultural Research Service. The study shall—

(1) evaluate the strength of science of the Service and the relevance of the science to national priorities;

(2) examine how the work of the Service relates to the capacity of the United States agricultural research, education, and extension system overall; and

(3) include recommendations, as appropriate.

(b) REPORT.—Not later than 18 months after the effective date of this title, the Secretary shall prepare a report that describes the results of the study conducted under subsection (a) and submit the report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(c) FUNDING.—The Secretary shall use to carry out this section not more than $500,000 of funds made available to the Agricultural Research Service for research.

SEC. 876. LABELING OF DOMESTIC AND IMPORTED LAMB AND MUTTON.

Section 7 of the Federal Meat Inspection Act (21 U.S.C. 607) is amended by adding at the end the following:

"(f) LAMB AND MUTTON.—

"(1) STANDARDS.—The Secretary, consistent with United States international obligations, shall establish standards for the labeling of sheep carcasses, parts of carcasses, meat, and meat food products as 'lamb' or 'mutton'.

"(2) METHOD.—The standards under paragraph (1) shall be based on the use of the break or spool joint method to differentiate lamb from mutton by the degree of calcification of bone to reflect maturity.".

SEC. 877. SENSE OF SENATE.

It is the sense of the Senate that the Department of Agriculture should continue to make methyl bromide alternative research and extension activities a high priority of the Department: *Provided*, That it is the sense of the Senate that the Department of Agriculture, the Environmental Protection Agency, producer and processor organizations, environmental organizations, and State agencies continue their dialogue on the risks and benefits of extending the 2001 phaseout deadline.

TITLE IX—AGRICULTURAL PROMOTION

Subtitle A—Popcorn

SEC. 901. SHORT TITLE.

This subtitle may be cited as the "Popcorn Promotion, Research, and Consumer Information Act".

SEC. 902. FINDINGS AND DECLARATION OF POLICY.

(a) FINDINGS.—Congress finds that—

(1) popcorn is an important food that is a valuable part of the human diet;

(2) the production and processing of popcorn plays a significant role in the economy of the United States in that popcorn is processed by several popcorn processors, distributed through wholesale and retail outlets, and consumed by millions of people throughout the United States and foreign countries;

(3) popcorn must be of high quality, readily available, handled properly, and marketed efficiently to ensure that the benefits of popcorn are available to the people of the United States;

(4) the maintenance and expansion of existing markets and uses and the development of

new markets and uses for popcorn are vital to the welfare of processors and persons concerned with marketing, using, and producing popcorn for the market, as well as to the agricultural economy of the United States;

(5) the cooperative development, financing, and implementation of a coordinated program of popcorn promotion, research, consumer information, and industry information is necessary to maintain and expand markets for popcorn; and

(6) popcorn moves in interstate and foreign commerce, and popcorn that does not move in those channels of commerce directly burdens or affects interstate commerce in popcorn.

(b) POLICY.—It is the policy of Congress that it is in the public interest to authorize the establishment, through the exercise of the powers provided in this subtitle, of an orderly procedure for developing, financing (through adequate assessments on unpopped popcorn processed domestically), and carrying out an effective, continuous, and coordinated program of promotion, research, consumer information, and industry information designed to—

(1) strengthen the position of the popcorn industry in the marketplace; and

(2) maintain and expand domestic and foreign markets and uses for popcorn.

(c) PURPOSES.—The purposes of this subtitle are to—

(1) maintain and expand the markets for all popcorn products in a manner that—

(A) is not designed to maintain or expand any individual share of a producer or processor of the market;

(B) does not compete with or replace individual advertising or promotion efforts designed to promote individual brand name or trade name popcorn products; and

(C) authorizes and funds programs that result in government speech promoting government objectives; and

(2) establish a nationally coordinated program for popcorn promotion, research, consumer information, and industry information.

(d) STATUTORY CONSTRUCTION.—This subtitle treats processors equitably. Nothing in this subtitle—

(1) provides for the imposition of a trade barrier to the entry into the United States of imported popcorn for the domestic market; or

(2) provides for the control of production or otherwise limits the right of any individual processor to produce popcorn.

SEC. 903. DEFINITIONS.

In this subtitle (except as otherwise specifically provided):

(1) BOARD.—The term "Board" means the Popcorn Board established under section 905(b).

(2) COMMERCE.—The term "commerce" means interstate, foreign, or intrastate commerce.

(3) CONSUMER INFORMATION.—The term "consumer information" means information and programs that will assist consumers and other persons in making evaluations and decisions regarding the purchase, preparation, and use of popcorn.

(4) DEPARTMENT.—The term "Department" means the Department of Agriculture.

(5) INDUSTRY INFORMATION.—The term "industry information" means information and programs that will lead to the development of—

(A) new markets, new marketing strategies, or increased efficiency for the popcorn industry; or

(B) activities to enhance the image of the popcorn industry.

(6) MARKETING.—The term "marketing" means the sale or other disposition of unpopped popcorn for human consumption in a channel of commerce, but does not include a sale or disposition to or between processors.

(7) ORDER.—The term "order" means an order issued under section 904.

(8) PERSON.—The term "person" means an individual, group of individuals, partnership, corporation, association, or cooperative, or any other legal entity.

(9) POPCORN.—The term "popcorn" means unpopped popcorn (Zea Mays L) that is—

(A) commercially grown;

(B) processed in the United States by shelling, cleaning, or drying; and

(C) introduced into a channel of commerce.

(10) PROCESS.—The term "process" means to shell, clean, dry, and prepare popcorn for the market, but does not include packaging popcorn for the market without also engaging in another activity described in this paragraph.

(11) PROCESSOR.—The term "processor" means a person engaged in the preparation of unpopped popcorn for the market who owns or shares the ownership and risk of loss of the popcorn and who processes and distributes over 4,000,000 pounds of popcorn in the market per year.

(12) PROMOTION.—The term "promotion" means an action, including paid advertising, to enhance the image or desirability of popcorn.

(13) RESEARCH.—The term "research" means any type of study to advance the image, desirability, marketability, production, product development, quality, or nutritional value of popcorn.

(14) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(15) STATE.—The term "State" means each of the 50 States and the District of Columbia.

(16) UNITED STATES.—The term "United States" means all of the States.

SEC. 904. ISSUANCE OF ORDERS.

(a) IN GENERAL.—To effectuate the policy described in section 902(b), the Secretary, subject to subsection (b), shall issue 1 or more orders applicable to processors. An order shall be applicable to all popcorn production and marketing areas in the United States. Not more than 1 order shall be in effect under this subtitle at any 1 time.

(b) PROCEDURE.—

(1) PROPOSAL OR REQUEST FOR ISSUANCE.—The Secretary may propose the issuance of an order, or an association of processors or any other person that would be affected by an order may request the issuance of, and submit a proposal for, an order.

(2) NOTICE AND COMMENT CONCERNING PROPOSED ORDER.—Not later than 60 days after the receipt of a request and proposal for an order under paragraph (1), or at such time as the Secretary determines to propose an order, the Secretary shall publish a proposed order and give due notice and opportunity for public comment on the proposed order.

(3) ISSUANCE OF ORDER.—After notice and opportunity for public comment under paragraph (2), the Secretary shall issue an order, taking into consideration the comments received and including in the order such provisions as are necessary to ensure that the order conforms to this subtitle. The order shall be issued and become effective not later than 150 days after the date of publication of the proposed order.

(c) AMENDMENTS.—The Secretary, as appropriate, may amend an order. The provisions of this subtitle applicable to an order shall be applicable to any amendment to an order, except that an amendment to an order may not require a referendum to become effective.

SEC. 905. REQUIRED TERMS IN ORDERS.

(a) IN GENERAL.—An order shall contain the terms and conditions specified in this section.

(b) ESTABLISHMENT AND MEMBERSHIP OF POPCORN BOARD.—

(1) IN GENERAL.—The order shall provide for the establishment of, and appointment of members to, a Popcorn Board that shall consist of not fewer than 4 members and not more than 9 members.

(2) NOMINATIONS.—The members of the Board shall be processors appointed by the Secretary from nominations submitted by processors in a manner authorized by the Secretary, subject to paragraph (3). Not more than 1 member may be appointed to the Board from nominations submitted by any 1 processor.

(3) GEOGRAPHICAL DIVERSITY.—In making appointments, the Secretary shall take into account, to the extent practicable, the geographical distribution of popcorn production throughout the United States.

(4) TERMS.—The term of appointment of each member of the Board shall be 3 years, except that the members appointed to the initial Board shall serve, proportionately, for terms of 2, 3, and 4 years, as determined by the Secretary.

(5) COMPENSATION AND EXPENSES.—A member of the Board shall serve without compensation, but shall be reimbursed for the expenses of the member incurred in the performance of duties for the Board.

(c) POWERS AND DUTIES OF BOARD.—The order shall define the powers and duties of the Board, which shall include the power and duty—

(1) to administer the order in accordance with the terms and provisions of the order;

(2) to make regulations to effectuate the terms and provisions of the order;

(3) to appoint members of the Board to serve on an executive committee;

(4) to propose, receive, evaluate, and approve budgets, plans, and projects of promotion, research, consumer information, and industry information, and to contract with appropriate persons to implement the plans or projects;

(5) to accept and receive voluntary contributions, gifts, and market promotion or similar funds;

(6) to invest, pending disbursement under a plan or project, funds collected through assessments authorized under subsection (f), only in—

(A) obligations of the United States or an agency of the United States;

(B) general obligations of a State or a political subdivision of a State;

(C) an interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System; or

(D) obligations fully guaranteed as to principal and interest by the United States;

(7) to receive, investigate, and report to the Secretary complaints of violations of the order; and

(8) to recommend to the Secretary amendments to the order.

(d) PLANS AND BUDGETS.—

(1) IN GENERAL.—The order shall provide that the Board shall submit to the Secretary for approval any plan or project of promotion, research, consumer information, or industry information.

(2) BUDGETS.—The order shall require the Board to submit to the Secretary for approval budgets on a fiscal year basis of the

anticipated expenses and disbursements of the Board in the implementation of the order, including projected costs of plans and projects of promotion, research, consumer information, and industry information.

(e) Contracts and Agreements.—

(1) In general.—The order shall provide that the Board may enter into contracts or agreements for the implementation and carrying out of plans or projects of promotion, research, consumer information, or industry information, including contracts with a processor organization, and for the payment of the cost of the plans or projects with funds collected by the Board under the order.

(2) Requirements.—A contract or agreement under paragraph (1) shall provide that—

(A) the contracting party shall develop and submit to the Board a plan or project, together with a budget that shows the estimated costs to be incurred for the plan or project;

(B) the plan or project shall become effective on the approval of the Secretary; and

(C) the contracting party shall keep accurate records of each transaction of the party, account for funds received and expended, make periodic reports to the Board of activities conducted, and make such other reports as the Board or the Secretary may require.

(3) Processor organizations.—The order shall provide that the Board may contract with processor organizations for any other services. The contract shall include provisions comparable to the provisions required by paragraph (2).

(f) Assessments.—

(1) Processors.—The order shall provide that each processor marketing popcorn in the United States or for export shall, in the manner prescribed in the order, pay assessments and remit the assessments to the Board.

(2) Direct marketers.—A processor that markets popcorn produced by the processor directly to consumers shall pay and remit the assessments on the popcorn directly to the Board in the manner prescribed in the order.

(3) Rate.—

(A) In general.—The rate of assessment prescribed in the order shall be a rate established by the Board but not more than $.08 per hundredweight of popcorn.

(B) Adjustment of rate.—The order shall provide that the Board, with the approval of the Secretary, may raise or lower the rate of assessment annually up to a maximum of $.08 per hundredweight of popcorn.

(4) Use of assessments.—

(A) In general.—Subject to subparagraphs (B) and (C) and subsection (c)(5), the order shall provide that the assessments collected shall be used by the Board—

(i) to pay expenses incurred in implementing and administering the order, with provision for a reasonable reserve; and

(ii) to cover such administrative costs as are incurred by the Secretary, except that the administrative costs incurred by the Secretary (other than any legal expenses incurred to defend and enforce the order) that may be reimbursed by the Board may not exceed 15 percent of the projected annual revenues of the Board.

(B) Expenditures based on source of assessments.—In implementing plans and projects of promotion, research, consumer information, and industry information, the Board shall expend funds on—

(i) plans and projects for popcorn marketed in the United States or Canada in proportion to the amount of assessments collected on domestically marketed popcorn; and

(ii) plans and projects for exported popcorn in proportion to the amount of assessments collected on exported popcorn.

(C) Notification.—If the administrative costs incurred by the Secretary that are reimbursed by the Board exceed 10 percent of the projected annual revenues of the Board, the Secretary shall notify as soon as practicable the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(g) Prohibition on Use of Funds.—The order shall prohibit any funds collected by the Board under the order from being used to influence government action or policy, other than the use of funds by the Board for the development and recommendation to the Secretary of amendments to the order.

(h) Books and Records of the Board.—The order shall require the Board to—

(1) maintain such books and records (which shall be available to the Secretary for inspection and audit) as the Secretary may prescribe;

(2) prepare and submit to the Secretary, from time to time, such reports as the Secretary may prescribe; and

(3) account for the receipt and disbursement of all funds entrusted to the Board.

(i) Books and Records of Processors.—

(1) Maintenance and reporting of information.—The order shall require that each processor of popcorn for the market shall—

(A) maintain, and make available for inspection, such books and records as are required by the order; and

(B) file reports at such time, in such manner, and having such content as is prescribed in the order.

(2) Use of information.—The Secretary shall authorize the use of information regarding processors that may be accumulated under a law or regulation other than this subtitle or a regulation issued under this subtitle. The information shall be made available to the Secretary as appropriate for the administration or enforcement of this subtitle, the order, or any regulation issued under this subtitle.

(3) Confidentiality.—

(A) In general.—Subject to subparagraphs (B), (C), and (D), all information obtained by the Secretary under paragraphs (1) and (2) shall be kept confidential by all officers, employees, and agents of the Board and the Department.

(B) Disclosure by secretary.—Information referred to in subparagraph (A) may be disclosed if—

(i) the Secretary considers the information relevant;

(ii) the information is revealed in a suit or administrative hearing brought at the request of the Secretary, or to which the Secretary or any officer of the United States is a party; and

(iii) the information relates to the order.

(C) Disclosure to other agency of federal government.—

(i) In general.—No information obtained under the authority of this subtitle may be made available to another agency or officer of the Federal Government for any purpose other than the implementation of this subtitle and any investigatory or enforcement activity necessary for the implementation of this subtitle.

(ii) Penalty.—A person who knowingly violates this subparagraph shall, on conviction, be subject to a fine of not more than $1,000 or to imprisonment for not more than 1 year, or both, and if an officer, employee, or agent of the Board or the Department, shall be removed from office or terminated from employment, as applicable.

(D) General statements.—Nothing in this paragraph prohibits—

(i) the issuance of general statements, based on the reports, of the number of persons subject to the order or statistical data collected from the reports, if the statements do not identify the information provided by any person; or

(ii) the publication, by direction of the Secretary, of the name of a person violating the order, together with a statement of the particular provisions of the order violated by the person.

(j) Other Terms and Conditions.—The order shall contain such terms and conditions, consistent with this subtitle, as are necessary to effectuate this subtitle, including regulations relating to the assessment of late payment charges.

SEC. 906. REFERENDA.

(a) Initial Referendum.—

(1) In general.—Within the 60-day period immediately preceding the effective date of an order, as provided in section 904(b)(3), the Secretary shall conduct a referendum among processors who, during a representative period as determined by the Secretary, have been engaged in processing, for the purpose of ascertaining whether the order shall go into effect.

(2) Approval of order.—The order shall become effective, as provided in section 904(b), only if the Secretary determines that the order has been approved by not less than a majority of the processors voting in the referendum and if the majority processed more than 50 percent of the popcorn certified as having been processed, during the representative period, by the processors voting.

(b) Additional Referenda.—

(1) In general.—Not earlier than 3 years after the effective date of an order approved under subsection (a), on the request of the Board or a representative group of processors, as described in paragraph (2), the Secretary may conduct additional referenda to determine whether processors favor the termination or suspension of the order.

(2) Representative group of processors.—An additional referendum on an order shall be conducted if the referendum is requested by 30 percent or more of the number of processors who, during a representative period as determined by the Secretary, have been engaged in processing.

(3) Disapproval of order.—If the Secretary determines, in a referendum conducted under paragraph (1), that suspension or termination of the order is favored by at least ⅔ of the processors voting in the referendum, the Secretary shall—

(A) suspend or terminate, as appropriate, collection of assessments under the order not later than 180 days after the date of determination; and

(B) suspend or terminate the order, as appropriate, in an orderly manner as soon as practicable after the date of determination.

(c) Costs of Referendum.—The Secretary shall be reimbursed from assessments collected by the Board for any expenses incurred by the Secretary in connection with the conduct of any referendum under this section.

(d) Method of Conducting Referendum.—Subject to this section, a referendum conducted under this section shall be conducted in such manner as is determined by the Secretary.

(e) Confidentiality of Ballots and Other Information.—

(1) In general.—The ballots and other information or reports that reveal or tend to

reveal the vote of any processor, or any business operation of a processor, shall be considered to be strictly confidential and shall not be disclosed.

(2) PENALTY FOR VIOLATIONS.—An officer or employee of the Department who knowingly violates paragraph (1) shall be subject to the penalties described in section 905(i)(3)(C)(ii).

SEC. 907. PETITION AND REVIEW.

(a) PETITION.—

(1) IN GENERAL.—A person subject to an order may file with the Secretary a petition—

(A) stating that the order, a provision of the order, or an obligation imposed in connection with the order is not established in accordance with law; and

(B) requesting a modification of the order or obligation or an exemption from the order or obligation.

(2) STATUTE OF LIMITATIONS.—A petition under paragraph (1) concerning an obligation may be filed not later than 2 years after the date of imposition of the obligation.

(3) HEARINGS.—The petitioner shall be given the opportunity for a hearing on a petition filed under paragraph (1), in accordance with regulations issued by the Secretary.

(4) RULING.—After a hearing under paragraph (3), the Secretary shall issue a ruling on the petition that is the subject of the hearing, which shall be final if the ruling is in accordance with applicable law.

(b) REVIEW.—

(1) COMMENCEMENT OF ACTION.—The district court of the United States for any district in which a person who is a petitioner under subsection (a) resides or carries on business shall have jurisdiction to review a ruling on the petition, if the person files a complaint not later than 20 days after the date of issuance of the ruling under subsection (a)(4).

(2) PROCESS.—Service of process in a proceeding under paragraph (1) may be made on the Secretary by delivering a copy of the complaint to the Secretary.

(3) REMANDS.—If the court determines, under paragraph (1), that a ruling issued under subsection (a)(4) is not in accordance with applicable law, the court shall remand the matter to the Secretary with directions—

(A) to make such ruling as the court shall determine to be in accordance with law; or

(B) to take such further proceedings as, in the opinion of the court, the law requires.

(c) ENFORCEMENT.—The pendency of proceedings instituted under subsection (a) may not impede, hinder, or delay the Secretary or the Attorney General from taking action under section 908.

SEC. 908. ENFORCEMENT.

(a) IN GENERAL.—The Secretary may issue an enforcement order to restrain or prevent any person from violating an order or regulation issued under this subtitle and may assess a civil penalty of not more than $1,000 for each violation of the enforcement order, after an opportunity for an administrative hearing, if the Secretary determines that the administration and enforcement of the order and this subtitle would be adequately served by such a procedure.

(b) JURISDICTION.—The district courts of the United States are vested with jurisdiction specifically to enforce, and to prevent and restrain any person from violating, an order or regulation issued under this subtitle.

(c) REFERRAL TO ATTORNEY GENERAL.—A civil action authorized to be brought under this section shall be referred to the Attorney General for appropriate action.

SEC. 909. INVESTIGATIONS AND POWER TO SUBPOENA.

(a) INVESTIGATIONS.—The Secretary may make such investigations as the Secretary considers necessary—

(1) for the effective administration of this subtitle; and

(2) to determine whether any person subject to this subtitle has engaged, or is about to engage, in an act that constitutes or will constitute a violation of this subtitle or of an order or regulation issued under this subtitle.

(b) OATHS, AFFIRMATIONS, AND SUBPOENAS.—For the purpose of an investigation under subsection (a), the Secretary may administer oaths and affirmations, subpoena witnesses, compel the attendance of witnesses, take evidence, and require the production of any records that are relevant to the inquiry. The attendance of witnesses and the production of records may be required from any place in the United States.

(c) AID OF COURTS.—

(1) REQUEST.—In the case of contumacy by, or refusal to obey a subpoena issued to, any person, the Secretary may request the aid of any court of the United States within the jurisdiction of which the investigation or proceeding is carried on, or where the person resides or carries on business, in requiring the attendance and testimony of the person and the production of records.

(2) ENFORCEMENT ORDER OF THE COURT.—The court may issue an enforcement order requiring the person to appear before the Secretary to produce records or to give testimony concerning the matter under investigation.

(3) CONTEMPT.—A failure to obey an enforcement order of the court under paragraph (2) may be punished by the court as a contempt of the court.

(4) PROCESS.—Process in a case under this subsection may be served in the judicial district in which the person resides or conducts business or wherever the person may be found.

SEC. 910. RELATION TO OTHER PROGRAMS.

Nothing in this subtitle preempts or supersedes any other program relating to popcorn promotion organized and operated under the laws of the United States or any State.

SEC. 911. REGULATIONS.

The Secretary may issue such regulations as are necessary to carry out this subtitle.

SEC. 912. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle. Amounts made available under this section or otherwise made available to the Department, and amounts made available under any other marketing or promotion order, may not be used to pay any administrative expense of the Board.

Subtitle B—Canola and Rapeseed

SEC. 921. SHORT TITLE.

This subtitle may be cited as the "Canola and Rapeseed Research, Promotion, and Consumer Information Act".

SEC. 922. FINDINGS AND DECLARATION OF POLICY.

(a) FINDINGS.—Congress finds that—

(1) canola and rapeseed products are an important and nutritious part of the human diet;

(2) the production of canola and rapeseed products plays a significant role in the economy of the United States in that canola and rapeseed products are produced by thousands of canola and rapeseed producers, processed by numerous processing entities, and canola and rapeseed products produced in the United States are consumed by people throughout the United States and foreign countries;

(3) canola, rapeseed, and canola and rapeseed products should be readily available and marketed efficiently to ensure that consumers have an adequate supply of canola and rapeseed products at a reasonable price;

(4) the maintenance and expansion of existing markets and development of new markets for canola, rapeseed, and canola and rapeseed products are vital to the welfare of canola and rapeseed producers and processors and those persons concerned with marketing canola, rapeseed, and canola and rapeseed products, as well as to the general economy of the United States, and are necessary to ensure the ready availability and efficient marketing of canola, rapeseed, and canola and rapeseed products;

(5) there exist established State and national organizations conducting canola and rapeseed research, promotion, and consumer education programs that are valuable to the efforts of promoting the consumption of canola, rapeseed, and canola and rapeseed products;

(6) the cooperative development, financing, and implementation of a coordinated national program of canola and rapeseed research, promotion, consumer information, and industry information is necessary to maintain and expand existing markets and develop new markets for canola, rapeseed, and canola and rapeseed products; and

(7) canola, rapeseed, and canola and rapeseed products move in interstate and foreign commerce, and canola, rapeseed, and canola and rapeseed products that do not move in interstate or foreign commerce directly burden or affect interstate commerce in canola, rapeseed, and canola and rapeseed products.

(b) POLICY.—It is the policy of this subtitle to establish an orderly procedure for developing, financing through assessments on domestically-produced canola and rapeseed, and implementing a program of research, promotion, consumer information, and industry information designed to strengthen the position in the marketplace of the canola and rapeseed industry, to maintain and expand existing domestic and foreign markets and uses for canola, rapeseed, and canola and rapeseed products, and to develop new markets and uses for canola, rapeseed, and canola and rapeseed products.

(c) CONSTRUCTION.—Nothing in this subtitle provides for the control of production or otherwise limits the right of individual producers to produce canola, rapeseed, or canola or rapeseed products.

SEC. 923. DEFINITIONS.

In this subtitle (unless the context otherwise requires):

(1) BOARD.—The term "Board" means the National Canola and Rapeseed Board established under section 925(b).

(2) CANOLA; RAPESEED.—The terms "canola" and "rapeseed" means any brassica plant grown in the United States for the production of an oilseed, the oil of which is used for a food or nonfood use.

(3) CANOLA OR RAPESEED PRODUCTS.—The term "canola or rapeseed products" means products produced, in whole or in part, from canola or rapeseed.

(4) COMMERCE.—The term "commerce" includes interstate, foreign, and intrastate commerce.

(5) CONFLICT OF INTEREST.—The term "conflict of interest" means a situation in which a member of the Board has a direct or indirect financial interest in a corporation, partnership, sole proprietorship, joint venture, or

other business entity dealing directly or indirectly with the Board.

(6) CONSUMER INFORMATION.—The term "consumer information" means information that will assist consumers and other persons in making evaluations and decisions regarding the purchase, preparation, and use of canola, rapeseed, or canola or rapeseed products.

(7) DEPARTMENT.—The term "Department" means the Department of Agriculture.

(8) FIRST PURCHASER.—The term "first purchaser" means—

(A) except as provided in subparagraph (B), a person buying or otherwise acquiring canola, rapeseed, or canola or rapeseed products produced by a producer; or

(B) the Commodity Credit Corporation, in a case in which canola or rapeseed is forfeited to the Commodity Credit Corporation as collateral for a loan issued under a price support loan program administered by the Commodity Credit Corporation.

(9) INDUSTRY INFORMATION.—The term "industry information" means information or programs that will lead to the development of new markets, new marketing strategies, or increased efficiency for the canola and rapeseed industry, or an activity to enhance the image of the canola or rapeseed industry.

(10) INDUSTRY MEMBER.—The term "industry member" means a member of the canola and rapeseed industry who represents—

(A) manufacturers of canola or rapeseed products; or

(B) persons who commercially buy or sell canola or rapeseed.

(11) MARKETING.—The term "marketing" means the sale or other disposition of canola, rapeseed, or canola or rapeseed products in a channel of commerce.

(12) ORDER.—The term "order" means an order issued under section 924.

(13) PERSON.—The term "person" means an individual, partnership, corporation, association, cooperative, or any other legal entity.

(14) PRODUCER.—The term "producer" means a person engaged in the growing of canola or rapeseed in the United States who owns, or who shares the ownership and risk of loss of, the canola or rapeseed.

(15) PROMOTION.—The term "promotion" means an action, including paid advertising, technical assistance, or trade servicing activity, to enhance the image or desirability of canola, rapeseed, or canola or rapeseed products in domestic and foreign markets, or an activity designed to communicate to consumers, processors, wholesalers, retailers, government officials, or others information relating to the positive attributes of canola, rapeseed, or canola or rapeseed products or the benefits of use or distribution of canola, rapeseed, or canola or rapeseed products.

(16) QUALIFIED STATE CANOLA AND RAPESEED BOARD.—The term "qualified State canola and rapeseed board" means a State canola and rapeseed promotion entity that is authorized and functioning under State law.

(17) RESEARCH.—The term "research" means any type of test, study, or analysis to advance the image, desirability, marketability, production, product development, quality, or functional or nutritional value of canola, rapeseed, or canola or rapeseed products, including research activity designed to identify and analyze barriers to export sales of canola or rapeseed produced in the United States.

(18) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(19) STATE.—The term "State" means any of the 50 States, the District of Columbia and the Commonwealth of Puerto Rico.

(20) UNITED STATES.—The term "United States" means collectively the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

SEC. 924. ISSUANCE AND AMENDMENT OF ORDERS.

(a) IN GENERAL.—Subject to subsection (b), the Secretary shall issue 1 or more orders under this subtitle applicable to producers and first purchasers of canola, rapeseed, or canola or rapeseed products. The order shall be national in scope. Not more than 1 order shall be in effect under this subtitle at any 1 time.

(b) PROCEDURE.—

(1) PROPOSAL OR REQUEST FOR ISSUANCE.—The Secretary may propose the issuance of an order under this subtitle, or an association of canola and rapeseed producers or any other person that would be affected by an order issued pursuant to this subtitle may request the issuance of, and submit a proposal for, an order.

(2) NOTICE AND COMMENT CONCERNING PROPOSED ORDER.—Not later than 60 days after the receipt of a request and proposal for an order pursuant to paragraph (1), or whenever the Secretary determines to propose an order, the Secretary shall publish a proposed order and give due notice and opportunity for public comment on the proposed order.

(3) ISSUANCE OF ORDER.—After notice and opportunity for public comment are given as provided in paragraph (2), the Secretary shall issue an order, taking into consideration the comments received and including in the order provisions necessary to ensure that the order is in conformity with the requirements of this subtitle. The order shall be issued and become effective not later than 180 days following publication of the proposed order.

(c) AMENDMENTS.—The Secretary, from time to time, may amend an order issued under this section.

SEC. 925. REQUIRED TERMS IN ORDERS.

(a) IN GENERAL.—An order issued under this subtitle shall contain the terms and conditions specified in this section.

(b) ESTABLISHMENT AND MEMBERSHIP OF THE NATIONAL CANOLA AND RAPESEED BOARD.—

(1) IN GENERAL.—The order shall provide for the establishment of, and appointment of members to, a National Canola and Rapeseed Board to administer the order.

(2) SERVICE TO ENTIRE INDUSTRY.—The Board shall carry out programs and projects that will provide maximum benefit to the canola and rapeseed industry in all parts of the United States and only promote canola, rapeseed, or canola or rapeseed products.

(3) BOARD MEMBERSHIP.—The Board shall consist of 15 members, including—

(A) 11 members who are producers, including—

(i) 1 member from each of 6 geographic regions comprised of States where canola or rapeseed is produced, as determined by the Secretary; and

(ii) 5 members from the geographic regions referred to in clause (i), allocated according to the production in each region; and

(B) 4 members who are industry members, including at least—

(i) 1 member who represents manufacturers of canola or rapeseed end products; and

(ii) 1 member who represents persons who commercially buy or sell canola or rapeseed.

(4) LIMITATION ON STATE RESIDENCE.—There shall be no more than 4 producer members of the Board from any State.

(5) MODIFYING BOARD MEMBERSHIP.—In accordance with regulations approved by the Secretary, at least once each 3 years and not more than once each 2 years, the Board shall review the geographic distribution of canola and rapeseed production throughout the United States and, if warranted, recommend to the Secretary that the Secretary—

(A) reapportion regions in order to reflect the geographic distribution of canola and rapeseed production; and

(B) reapportion the seats on the Board to reflect the production in each region.

(6) CERTIFICATION OF ORGANIZATIONS.—

(A) IN GENERAL.—The eligibility of any State organization to represent producers shall be certified by the Secretary.

(B) CRITERIA.—The Secretary shall certify any State organization that the Secretary determines has a history of stability and permanency and meets at least 1 of the following criteria:

(i) MAJORITY REPRESENTATION.—The total paid membership of the organization—

(I) is comprised of at least a majority of canola or rapeseed producers; or

(II) represents at least a majority of the canola or rapeseed producers in the State.

(ii) SUBSTANTIAL NUMBER OF PRODUCERS REPRESENTED.—The organization represents a substantial number of producers that produce a substantial quantity of canola or rapeseed in the State.

(iii) PURPOSE.—The organization is a general farm or agricultural organization that has as a stated objective the promotion and development of the United States canola or rapeseed industry and the economic welfare of United States canola or rapeseed producers.

(C) REPORT.—The Secretary shall make a certification under this paragraph on the basis of a factual report submitted by the State organization.

(7) TERMS OF OFFICE.—

(A) IN GENERAL.—The members of the Board shall serve for a term of 3 years, except that the members appointed to the initial Board shall serve, proportionately, for terms of 1, 2, and 3 years, as determined by the Secretary.

(B) TERMINATION OF TERMS.—Notwithstanding subparagraph (C), each member shall continue to serve until a successor is appointed by the Secretary.

(C) LIMITATION ON TERMS.—No individual may serve more than 2 consecutive 3-year terms as a member.

(8) COMPENSATION.—A member of the Board shall serve without compensation, but shall be reimbursed for necessary and reasonable expenses incurred in the performance of duties for and approved by the Board.

(c) POWERS AND DUTIES OF THE BOARD.—The order shall define the powers and duties of the Board, which shall include the power and duty—

(1) to administer the order in accordance with the terms and conditions of the order;

(2) to make regulations to effectuate the terms and conditions of the order;

(3) to meet, organize, and select from among members of the Board a chairperson, other officers, and committees and subcommittees, as the Board determines appropriate;

(4) to establish working committees of persons other than Board members;

(5) to employ such persons, other than Board members, as the Board considers necessary, and to determine the compensation and define the duties of the persons;

(6) to prepare and submit for the approval of the Secretary, when appropriate or necessary, a recommended rate of assessment under section 926, and a fiscal period budget

of the anticipated expenses in the administration of the order, including the probable costs of all programs and projects;

(7) to develop programs and projects, subject to subsection (d);

(8) to enter into contracts or agreements, subject to subsection (e), to develop and carry out programs or projects of research, promotion, industry information, and consumer information;

(9) to carry out research, promotion, industry information, and consumer information projects, and to pay the costs of the projects with assessments collected under section 926;

(10) to keep minutes, books, and records that reflect the actions and transactions of the Board, and promptly report minutes of each Board meeting to the Secretary;

(11) to appoint and convene, from time to time, working committees comprised of producers, industry members, and the public to assist in the development of research, promotion, industry information, and consumer information programs for canola, rapeseed, and canola and rapeseed products;

(12) to invest, pending disbursement under a program or project, funds collected through assessments authorized under section 926, or funds earned from investments, only in—

(A) obligations of the United States or an agency of the United States;

(B) general obligations of a State or a political subdivision of a State;

(C) an interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System; or

(D) obligations fully guaranteed as to principal and interest by the United States;

(13) to receive, investigate, and report to the Secretary complaints of violations of the order;

(14) to furnish the Secretary with such information as the Secretary may request;

(15) to recommend to the Secretary amendments to the order;

(16) to develop and recommend to the Secretary for approval such regulations as may be necessary for the development and execution of programs or projects, or as may otherwise be necessary, to carry out the order; and

(17) to provide the Secretary with advance notice of meetings.

(d) PROGRAMS AND BUDGETS.—

(1) SUBMISSION TO SECRETARY.—The order shall provide that the Board shall submit to the Secretary for approval any program or project of research, promotion, consumer information, or industry information. No program or project shall be implemented prior to approval by the Secretary.

(2) BUDGETS.—The order shall require the Board, prior to the beginning of each fiscal year, or as may be necessary after the beginning of a fiscal year, to submit to the Secretary for approval budgets of anticipated expenses and disbursements in the implementation of the order, including projected costs of research, promotion, consumer information, and industry information programs and projects.

(3) INCURRING EXPENSES.—The Board may incur such expenses for programs or projects of research, promotion, consumer information, or industry information, and other expenses for the administration, maintenance, and functioning of the Board as may be authorized by the Secretary, including any implementation, administrative, and referendum costs incurred by the Department.

(4) PAYING EXPENSES.—The funds to cover the expenses referred to in paragraph (3) shall be paid by the Board from assessments collected under section 926 or funds borrowed pursuant to paragraph (5).

(5) AUTHORITY TO BORROW.—To meet the expenses referred to in paragraph (3), the Board shall have the authority to borrow funds, as approved by the Secretary, for capital outlays and startup costs.

(e) CONTRACTS AND AGREEMENTS.—

(1) IN GENERAL.—To ensure efficient use of funds, the order shall provide that the Board may enter into a contract or agreement for the implementation and carrying out of a program or project of canola, rapeseed, or canola or rapeseed products research, promotion, consumer information, or industry information, including a contract with a producer organization, and for the payment of the costs with funds received by the Board under the order.

(2) REQUIREMENTS.—A contract or agreement under paragraph (1) shall provide that—

(A) the contracting party shall develop and submit to the Board a program or project together with a budget that shall show the estimated costs to be incurred for the program or project;

(B) the program or project shall become effective on the approval of the Secretary; and

(C) the contracting party shall keep accurate records of all transactions, account for funds received and expended, make periodic reports to the Board of activities conducted, and make such other reports as the Board or the Secretary may require.

(3) PRODUCER ORGANIZATIONS.—The order shall provide that the Board may contract with producer organizations for any other services. The contract shall include provisions comparable to those required by paragraph (2).

(f) BOOKS AND RECORDS OF THE BOARD.—

(1) IN GENERAL.—The order shall require the Board to—

(A) maintain such books and records (which shall be available to the Secretary for inspection and audit) as the Secretary may prescribe;

(B) prepare and submit to the Secretary, from time to time, such reports as the Secretary may prescribe; and

(C) account for the receipt and disbursement of all funds entrusted to the Board.

(2) AUDITS.—The Board shall cause the books and records of the Board to be audited by an independent auditor at the end of each fiscal year, and a report of the audit to be submitted to the Secretary.

(g) PROHIBITION.—

(1) IN GENERAL.—Subject to paragraph (2), the Board shall not engage in any action to, nor shall any funds received by the Board under this subtitle be used to—

(A) influence legislation or governmental action;

(B) engage in an action that would be a conflict of interest;

(C) engage in advertising that is false or misleading; or

(D) engage in promotion that would disparage other commodities.

(2) ACTION PERMITTED.—Paragraph (1) does not preclude—

(A) the development and recommendation of amendments to the order;

(B) the communication to appropriate government officials of information relating to the conduct, implementation, or results of promotion, research, consumer information, or industry information activities under the order; or

(C) any action designed to market canola or rapeseed products directly to a foreign government or political subdivision of a foreign government.

(h) BOOKS AND RECORDS.—

(1) IN GENERAL.—The order shall require that each producer, first purchaser, or industry member shall—

(A) maintain and submit to the Board any reports considered necessary by the Secretary to ensure compliance with this subtitle; and

(B) make available during normal business hours, for inspection by employees of the Board or Secretary, such books and records as are necessary to carry out this subtitle, including such records as are necessary to verify any required reports.

(2) CONFIDENTIALITY.—

(A) IN GENERAL.—Except as otherwise provided in this subtitle, all information obtained from books, records, or reports required to be maintained under paragraph (1) shall be kept confidential, and shall not be disclosed to the public by any person.

(B) DISCLOSURE.—Information referred to in subparagraph (A) may be disclosed to the public if—

(i) the Secretary considers the information relevant;

(ii) the information is revealed in a suit or administrative hearing brought at the direction or on the request of the Secretary or to which the Secretary or any officer of the Department is a party; and

(iii) the information relates to this subtitle.

(C) MISCONDUCT.—A knowing disclosure of confidential information in violation of subparagraph (A) by an officer or employee of the Board or Department, except as required by other law or allowed under subparagraph (B) or (D), shall be considered a violation of this subtitle.

(D) GENERAL STATEMENTS.—Nothing in this paragraph prohibits—

(i) the issuance of general statements, based on the reports, of the number of persons subject to the order or statistical data collected from the reports, if the statements do not identify the information furnished by any person; or

(ii) the publication, by direction of the Secretary, of the name of a person violating the order, together with a statement of the particular provisions of the order violated by the person.

(3) AVAILABILITY OF INFORMATION.—

(A) EXCEPTION.—Except as provided in this subtitle, information obtained under this subtitle may be made available to another agency of the Federal Government for a civil or criminal law enforcement activity if the activity is authorized by law and if the head of the agency has made a written request to the Secretary specifying the particular information desired and the law enforcement activity for which the information is sought.

(B) PENALTY.—Any person knowingly violating this subsection, on conviction, shall be subject to a fine of not more than $1,000 or to imprisonment for not more than 1 year, or both, and if an officer or employee of the Board or the Department, shall be removed from office or terminated from employment, as applicable.

(5) WITHHOLDING INFORMATION.—Nothing in this subtitle authorizes withholding information from Congress.

(i) USE OF ASSESSMENTS.—The order shall provide that the assessments collected under section 926 shall be used for payment of the expenses in implementing and administering this subtitle, with provision for a reasonable reserve, and to cover those administrative costs incurred by the Secretary in implementing and administering this subtitle.

(j) OTHER TERMS AND CONDITIONS.—The order also shall contain such terms and conditions, not inconsistent with this subtitle, as determined necessary by the Secretary to effectuate this subtitle.

SEC. 926. ASSESSMENTS.

(a) IN GENERAL.—

(1) FIRST PURCHASERS.—During the effective period of an order issued pursuant to this subtitle, assessments shall be—

(A) levied on all canola or rapeseed produced in the United States and marketed; and

(B) deducted from the payment made to a producer for all canola or rapeseed sold to a first purchaser.

(2) DIRECT PROCESSING.—The order shall provide that any person processing canola or rapeseed of that person's own production and marketing the canola or rapeseed, or canola or rapeseed products, shall remit to the Board or a qualified State canola and rapeseed board, in the manner prescribed by the order, an assessment established at a rate equivalent to the rate provided for under subsection (d).

(b) LIMITATION ON ASSESSMENTS.—No more than 1 assessment may be assessed under subsection (a) on any canola or rapeseed produced (as remitted by a first purchaser).

(c) REMITTING ASSESSMENTS.—

(1) IN GENERAL.—Assessments required under subsection (a) shall be remitted to the Board by a first purchaser. The Board shall use qualified State canola and rapeseed boards to collect the assessments. If an appropriate qualified State canola and rapeseed board does not exist to collect an assessment, the assessment shall be collected by the Board. There shall be only 1 qualified State canola or rapeseed Board in each State.

(2) TIMES TO REMIT ASSESSMENT.—Each first purchaser shall remit the assessment to the Board as provided for in the order.

(d) ASSESSMENT RATE.—

(1) INITIAL RATE.—The initial assessment rate shall be 4 cents per hundredweight of canola or rapeseed produced and marketed.

(2) INCREASE.—The assessment rate may be increased on recommendation by the Board to a rate not exceeding 10 cents per hundredweight of canola or rapeseed produced and marketed in a State, unless—

(A) after the initial referendum is held under section 927(a), the Board recommends an increase above 10 cents per hundredweight; and

(B) the increase is approved in a referendum under section 927(b).

(3) CREDIT.—A producer who demonstrates to the Board that the producer is participating in a program of an established qualified State canola and rapeseed board shall receive credit, in determining the assessment due from the producer, for contributions to the program of up to 2 cents per hundredweight of canola or rapeseed marketed.

(e) LATE PAYMENT CHARGE.—

(1) IN GENERAL.—There shall be a late payment charge imposed on any person who fails to remit, on or before the date provided for in the order, to the Board the total amount for which the person is liable.

(2) AMOUNT OF CHARGE.—The amount of the late payment charge imposed under paragraph (1) shall be prescribed by the Board with the approval of the Secretary.

(f) REFUND OF ASSESSMENTS FROM ESCROW ACCOUNT.—

(1) ESTABLISHMENT OF ESCROW ACCOUNT.—During the period beginning on the date on which an order is first issued under section 924(b)(3) and ending on the date on which a referendum is conducted under section 927(a), the Board shall—

(A) establish an escrow account to be used for assessment refunds; and

(B) place funds in such account in accordance with paragraph (2).

(2) PLACEMENT OF FUNDS IN ACCOUNT.—The Board shall place in such account, from assessments collected during the period referred to in paragraph (1), an amount equal to the product obtained by multiplying the total amount of assessments collected during the period by 10 percent.

(3) RIGHT TO RECEIVE REFUND.—The Board shall refund to a producer the assessments paid by or on behalf of the producer if—

(A) the producer is required to pay the assessment;

(B) the producer does not support the program established under this subtitle; and

(C) the producer demands the refund prior to the conduct of the referendum under section 927(a).

(4) FORM OF DEMAND.—The demand shall be made in accordance with such regulations, in such form, and within such time period as prescribed by the Board.

(5) MAKING OF REFUND.—The refund shall be made on submission of proof satisfactory to the Board that the producer paid the assessment for which the refund is demanded.

(6) PRORATION.—If—

(A) the amount in the escrow account required by paragraph (1) is not sufficient to refund the total amount of assessments demanded by eligible producers; and

(B) the order is not approved pursuant to the referendum conducted under section 927(a);

the Board shall prorate the amount of the refunds among all eligible producers who demand a refund.

(7) PROGRAM APPROVED.—If the plan is approved pursuant to the referendum conducted under section 927(a), all funds in the escrow account shall be returned to the Board for use by the Board in accordance with this subtitle.

SEC. 927. REFERENDA.

(a) INITIAL REFERENDUM.—

(1) REQUIREMENT.—During the period ending 30 months after the date of the first issuance of an order under section 924, the Secretary shall conduct a referendum among producers who, during a representative period as determined by the Secretary, have been engaged in the production of canola or rapeseed for the purpose of ascertaining whether the order then in effect shall be continued.

(2) ADVANCE NOTICE.—The Secretary shall, to the extent practicable, provide broad public notice in advance of any referendum. The notice shall be provided, without advertising expenses, by means of newspapers, county newsletters, the electronic media, and press releases, through the use of notices posted in State and county Cooperative State Research, Education, and Extension Service offices and county Consolidated Farm Service Agency offices, and by other appropriate means specified in the order. The notice shall include information on when the referendum will be held, registration and voting requirements, rules regarding absentee voting, and other pertinent information.

(3) APPROVAL OF ORDER.—The order shall be continued only if the Secretary determines that the order has been approved by not less than a majority of the producers voting in the referendum.

(4) DISAPPROVAL OF ORDER.—If continuation of the order is not approved by a majority of those voting in the referendum, the Secretary shall terminate collection of assessments under the order within 6 months after the referendum and shall terminate the order in an orderly manner as soon as practicable.

(b) ADDITIONAL REFERENDA.—

(1) IN GENERAL.—

(A) REQUIREMENT.—After the initial referendum on an order, the Secretary shall conduct additional referenda, as described in subparagraph (C), if requested by a representative group of producers, as described in subparagraph (B).

(B) REPRESENTATIVE GROUP OF PRODUCERS.—An additional referendum on an order shall be conducted if requested by 10 percent or more of the producers who during a representative period have been engaged in the production of canola or rapeseed.

(C) ELIGIBLE PRODUCERS.—Each additional referendum shall be conducted among all producers who, during a representative period, as determined by the Secretary, have been engaged in the production of canola or rapeseed to determine whether the producers favor the termination or suspension of the order.

(2) DISAPPROVAL OF ORDER.—If the Secretary determines, in a referendum conducted under paragraph (1), that suspension or termination of the order is favored by a majority of the producers voting in the referendum, the Secretary shall suspend or terminate, as appropriate, collection of assessments under the order within 6 months after the determination, and shall suspend or terminate the order, as appropriate, in an orderly manner as soon as practicable after the determination.

(3) OPPORTUNITY TO REQUEST ADDITIONAL REFERENDA.—

(A) IN GENERAL.—Beginning on the date that is 5 years after the conduct of a referendum under this subtitle, and every 5 years thereafter, the Secretary shall provide canola and rapeseed producers an opportunity to request an additional referendum.

(B) METHOD OF MAKING REQUEST.—

(i) IN-PERSON REQUESTS.—To carry out subparagraph (A), the Secretary shall establish a procedure under which a producer may request a reconfirmation referendum in-person at a county Cooperative State Research, Education, and Extension Service office or a county Consolidated Farm Service Agency office during a period established by the Secretary, or as provided in clause (ii).

(ii) MAIL-IN REQUESTS.—In lieu of making a request in person, a producer may make a request by mail. To facilitate the submission of requests by mail, the Secretary may make mail-in request forms available to producers.

(C) NOTIFICATIONS.—The Secretary shall publish a notice in the Federal Register, and the Board shall provide written notification to producers, not later than 60 days prior to the end of the period established under subparagraph (B)(i) for an in-person request, of the opportunity of producers to request an additional referendum. The notification shall explain the right of producers to an additional referendum, the procedure for a referendum, the purpose of a referendum, and the date and method by which producers may act to request an additional referendum under this paragraph. The Secretary shall take such other action as the Secretary determines is necessary to ensure that producers are made aware of the opportunity to request an additional referendum.

(D) ACTION BY SECRETARY.—As soon as practicable following the submission of a request for an additional referendum, the Secretary shall determine whether a sufficient number of producers have requested the referendum, and take such steps as are necessary to conduct the referendum, as required under paragraph (1).

(E) TIME LIMIT.—An additional referendum requested under the procedures provided in this paragraph shall be conducted not later than 1 year after the Secretary determines that a representative group of producers, as described in paragraph (1)(B), have requested the conduct of the referendum.

(c) PROCEDURES.—

(1) REIMBURSEMENT OF SECRETARY.—The Secretary shall be reimbursed from assessments collected by the Board for any expenses incurred by the Secretary in connection with the conduct of an activity required under this section.

(2) DATE.—Each referendum shall be conducted for a reasonable period of time not to exceed 3 days, established by the Secretary, under a procedure under which producers intending to vote in the referendum shall certify that the producers were engaged in the production of canola, rapeseed, or canola or rapeseed products during the representative period and, at the same time, shall be provided an opportunity to vote in the referendum.

(3) PLACE.—Referenda under this section shall be conducted at locations determined by the Secretary. On request, absentee mail ballots shall be furnished by the Secretary in a manner prescribed by the Secretary.

SEC. 928. PETITION AND REVIEW.

(a) PETITION.—

(1) IN GENERAL.—A person subject to an order issued under this subtitle may file with the Secretary a petition—

(A) stating that the order, a provision of the order, or an obligation imposed in connection with the order is not established in accordance with law; and

(B) requesting a modification of the order or an exemption from the order.

(2) HEARINGS.—The petitioner shall be given the opportunity for a hearing on a petition filed under paragraph (1), in accordance with regulations issued by the Secretary.

(3) RULING.—After a hearing under paragraph (2), the Secretary shall make a ruling on the petition that is the subject of the hearing, which shall be final if the ruling is in accordance with applicable law.

(4) LIMITATION ON PETITION.—Any petition filed under this subtitle challenging an order, or any obligation imposed in connected with an order, shall be filed not later than 2 years after the effective date of the order or obligation.

(b) REVIEW.—

(1) COMMENCEMENT OF ACTION.—The district court of the United States in any district in which the person who is a petitioner under subsection (a) resides or carries on business shall have jurisdiction to review a ruling on the petition, if a complaint is filed by the person not later than 20 days after the date of the entry of a ruling by the Secretary under subsection (a)(3).

(2) PROCESS.—Service of process in a proceeding under paragraph (1) shall be conducted in accordance with the Federal Rules of Civil Procedure.

(3) REMANDS.—If the court determines, under paragraph (1), that a ruling issued under subsection (a)(3) is not in accordance with applicable law, the court shall remand the matter to the Secretary with directions either—

(A) to make such ruling as the court shall determine to be in accordance with law; or

(B) to take such further proceedings as, in the opinion of the court, the law requires.

(4) ENFORCEMENT.—The pendency of proceedings instituted under subsection (a) shall not impede, hinder, or delay the Attorney General or the Secretary from taking any action under section 929.

SEC. 929. ENFORCEMENT.

(a) JURISDICTION.—The district courts of the United States are vested with jurisdiction specifically to enforce, and to prevent and restrain any person from violating, an order or regulation made or issued under this subtitle.

(b) REFERRAL TO ATTORNEY GENERAL.—A civil action authorized to be commenced under this section shall be referred to the Attorney General for appropriate action, except that the Secretary shall not be required to refer to the Attorney General a violation of this subtitle if the Secretary believes that the administration and enforcement of this subtitle would be adequately served by providing a suitable written notice or warning to the person who committed the violation or by administrative action under section 928.

(c) CIVIL PENALTIES AND ORDERS.—

(1) CIVIL PENALTIES.—

(A) IN GENERAL.—Any person who willfully violates any provision of an order or regulation issued by the Secretary under this subtitle, or who fails or refuses to pay, collect, or remit an assessment or fee required of the person under an order or regulation, may be assessed—

(i) a civil penalty by the Secretary of not more than $1,000 for each violation; and

(ii) in the case of a willful failure to pay, collect, or remit an assessment as required by an order or regulation, an additional penalty equal to the amount of the assessment.

(B) SEPARATE OFFENSE.—Each violation under subparagraph (A) shall be a separate offense.

(2) CEASE-AND-DESIST ORDERS.—In addition to, or in lieu of, a civil penalty under paragraph (1), the Secretary may issue an order requiring a person to cease and desist from continuing a violation.

(3) NOTICE AND HEARING.—No penalty shall be assessed, or cease-and-desist order issued, by the Secretary under this subsection unless the person against whom the penalty is assessed or the order is issued is given notice and opportunity for a hearing before the Secretary with respect to the violation.

(4) FINALITY.—The order of the Secretary assessing a penalty or imposing a cease-and-desist order under this subsection shall be final and conclusive unless the affected person files an appeal of the order with the appropriate district court of the United States in accordance with subsection (d).

(d) REVIEW BY DISTRICT COURT.—

(1) COMMENCEMENT OF ACTION.—Any person who has been determined to be in violation of this subtitle, or against whom a civil penalty has been assessed or a cease-and-desist order issued under subsection (c), may obtain review of the penalty or order by—

(A) filing, within the 30-day period beginning on the date the penalty is assessed or order issued, a notice of appeal in—

(i) the district court of the United States for the district in which the person resides or conducts business; or

(ii) the United States District Court for the District of Columbia; and

(B) simultaneously sending a copy of the notice by certified mail to the Secretary.

(2) RECORD.—The Secretary shall file promptly, in the appropriate court referred to in paragraph (1), a certified copy of the record on which the Secretary has determined that the person has committed a violation.

(3) STANDARD OF REVIEW.—A finding of the Secretary under this section shall be set aside only if the finding is found to be unsupported by substantial evidence.

(e) FAILURE TO OBEY ORDERS.—Any person who fails to obey a cease-and-desist order issued under this section after the order has become final and unappealable, or after the appropriate United States district court has entered a final judgment in favor of the Secretary, shall be subject to a civil penalty assessed by the Secretary, after opportunity for a hearing and for judicial review under the procedures specified in subsections (c) and (d), of not more than $5,000 for each offense. Each day during which the failure continues shall be considered as a separate violation of the order.

(f) FAILURE TO PAY PENALTIES.—If a person fails to pay an assessment of a civil penalty under this section after the assessment has become a final and unappealable order, or after the appropriate United States district court has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General for recovery of the amount assessed in the district court in which the person resides or conducts business. In an action for recovery, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

(g) ADDITIONAL REMEDIES.—The remedies provided in this subtitle shall be in addition to, and not exclusive of, other remedies that may be available.

SEC. 930. INVESTIGATIONS AND POWER TO SUBPOENA.

(a) INVESTIGATIONS.—The Secretary may make such investigations as the Secretary considers necessary—

(1) for the effective administration of this subtitle; and

(2) to determine whether any person has engaged or is engaging in an act that constitutes a violation of this subtitle, or an order, rule, or regulation issued under this subtitle.

(b) SUBPOENAS, OATHS, AND AFFIRMATIONS.—

(1) IN GENERAL.—For the purpose of an investigation under subsection (a), the Secretary may administer oaths and affirmations, subpoena witnesses, take evidence, and issue subpoenas to require the production of any records that are relevant to the inquiry. The attendance of witnesses and the production of records may be required from any place in the United States.

(2) ADMINISTRATIVE HEARINGS.—For the purpose of an administrative hearing held under section 928 or 929, the presiding officer is authorized to administer oaths and affirmations, subpoena and compel the attendance of witnesses, take evidence, and require the production of any records that are relevant to the inquiry. The attendance of witnesses and the production of records may be required from any place in the United States.

(c) AID OF COURTS.—In the case of contumacy by, or refusal to obey a subpoena issued to, any person, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which the investigation or proceeding is carried on, or where the person resides or carries on business, in order to enforce a subpoena issued by the Secretary under subsection (b). The court may issue an order requiring the person to comply with the subpoena.

(d) CONTEMPT.—A failure to obey an order of the court under this section may be punished by the court as contempt of the court.

(e) PROCESS.—Process may be served on a person in the judicial district in which the person resides or conducts business or wherever the person may be found.

(f) HEARING SITE.—The site of a hearing held under section 928 or 729 shall be in the judicial district where the person affected by the hearing resides or has a principal place of business.

SEC. 931. SUSPENSION OR TERMINATION OF AN ORDER.

The Secretary shall, whenever the Secretary finds that an order or a provision of an order obstructs or does not tend to effectuate the declared policy of this subtitle, terminate or suspend the operation of the order or provision. The termination or suspension of an order shall not be considered an order within the meaning of this subtitle.

SEC. 932. REGULATIONS.

The Secretary may issue such regulations as are necessary to carry out this subtitle.

SEC. 933. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated for each fiscal year such sums as are necessary to carry out this subtitle.

(b) ADMINISTRATIVE EXPENSES.—Funds appropriated under subsection (a) shall not be available for payment of the expenses or expenditures of the Board in administering a provision of an order issued under this subtitle.

Subtitle C—Kiwifruit

SEC. 941. SHORT TITLE.

This subtitle may be cited as the "National Kiwifruit Research, Promotion, and Consumer Information Act".

SEC. 942. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) domestically produced kiwifruit are grown by many individual producers;

(2) virtually all domestically produced kiwifruit are grown in the State of California, although there is potential for production in many other areas of the United States;

(3) kiwifruit move in interstate and foreign commerce, and kiwifruit that do not move in channels of commerce directly burden or affect interstate commerce;

(4) in recent years, large quantities of kiwifruit have been imported into the United States;

(5) the maintenance and expansion of existing domestic and foreign markets for kiwifruit, and the development of additional and improved markets for kiwifruit, are vital to the welfare of kiwifruit producers and other persons concerned with producing, marketing, and processing kiwifruit;

(6) a coordinated program of research, promotion, and consumer information regarding kiwifruit is necessary for the maintenance and development of the markets; and

(7) kiwifruit producers, handlers, and importers are unable to implement and finance such a program without cooperative action.

(b) PURPOSES.—The purposes of this subtitle are—

(1) to authorize the establishment of an orderly procedure for the development and financing (through an assessment) of an effective and coordinated program of research, promotion, and consumer information regarding kiwifruit;

(2) to use the program to strengthen the position of the kiwifruit industry in domestic and foreign markets and maintain, develop, and expand markets for kiwifruit; and

(3) to treat domestically produced kiwifruit and imported kiwifruit equitably.

SEC. 943. DEFINITIONS.

In this subtitle (unless the context otherwise requires):

(1) BOARD.—The term "Board" means the National Kiwifruit Board established under section 945.

(2) CONSUMER INFORMATION.—The term "consumer information" means any action taken to provide information to, and broaden the understanding of, the general public regarding the consumption, use, nutritional attributes, and care of kiwifruit.

(3) EXPORTER.—The term "exporter" means any person from outside the United States who exports kiwifruit into the United States.

(4) HANDLER.—The term "handler" means any person, excluding a common carrier, engaged in the business of buying and selling, packing, marketing, or distributing kiwifruit as specified in the order.

(5) IMPORTER.—The term "importer" means any person who imports kiwifruit into the United States.

(6) KIWIFRUIT.—The term "kiwifruit" means all varieties of fresh kiwifruit grown or imported in the United States.

(7) MARKETING.—The term "marketing" means the sale or other disposition of kiwifruit into interstate, foreign, or intrastate commerce by buying, marketing, distribution, or otherwise placing kiwifruit into commerce.

(8) ORDER.—The term "order" means a kiwifruit research, promotion, and consumer information order issued by the Secretary under section 944.

(9) PERSON.—The term "person" means any individual, group of individuals, partnership, corporation, association, cooperative, or other legal entity.

(10) PROCESSING.—The term "processing" means canning, fermenting, distilling, extracting, preserving, grinding, crushing, or in any manner changing the form of kiwifruit for the purposes of preparing the kiwifruit for market or marketing the kiwifruit.

(11) PRODUCER.—The term "producer" means any person who grows kiwifruit in the United States for sale in commerce.

(12) PROMOTION.—The term "promotion" means any action taken under this subtitle (including paid advertising) to present a favorable image for kiwifruit to the general public for the purpose of improving the competitive position of kiwifruit and stimulating the sale of kiwifruit.

(13) RESEARCH.—The term "research" means any type of research relating to the use, nutritional value, and marketing of kiwifruit conducted for the purpose of advancing the image, desirability, marketability, or quality of kiwifruit.

(14) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(15) UNITED STATES.—The term "United States" means the 50 States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

SEC. 944. ISSUANCE OF ORDERS.

(a) ISSUANCE.—To effectuate the declared purposes of this subtitle, the Secretary shall issue an order applicable to producers, handlers, and importers of kiwifruit. Any such order shall be national in scope. Not more than 1 order shall be in effect under this subtitle at any 1 time.

(b) PROCEDURE.—

(1) PROPOSAL FOR ISSUANCE OF ORDER.—Any person that will be affected by this subtitle may request the issuance of, and submit a proposal for, an order under this subtitle.

(2) PROPOSED ORDER.—Not later than 90 days after the receipt of a request and proposal for an order, the Secretary shall publish a proposed order and give due notice and opportunity for public comment on the proposed order.

(3) ISSUANCE OF ORDER.—After notice and opportunity for public comment are provided under paragraph (2), the Secretary shall issue an order, taking into consideration the comments received and including in the order provisions necessary to ensure that the order is in conformity with this subtitle.

(c) AMENDMENTS.—The Secretary may amend any order issued under this section. The provisions of this subtitle applicable to an order shall be applicable to an amendment to an order.

SEC. 945. NATIONAL KIWIFRUIT BOARD.

(a) MEMBERSHIP.—An order issued by the Secretary under section 944 shall provide for the establishment of a National Kiwifruit Board that consists of the following 11 members:

(1) 6 members who are producers (or representatives of producers) and who are not exempt from an assessment under section 946(b).

(2) 4 members who are importers (or representatives of importers) and who are not exempt from an assessment under section 946(b) or are exporters (or representatives of exporters).

(3) 1 member appointed from the general public.

(b) ADJUSTMENT OF MEMBERSHIP.—Subject to the 11-member limit, the Secretary may adjust membership on the Board to accommodate changes in production and import levels of kiwifruit.

(c) APPOINTMENT AND NOMINATION.—

(1) APPOINTMENT.—The Secretary shall appoint the members of the Board from nominations submitted in accordance with this subsection.

(2) PRODUCERS.—The members referred to in subsection (a)(1) shall be appointed from individuals nominated by producers.

(3) IMPORTERS AND EXPORTERS.—The members referred to in subsection (a)(2) shall be appointed from individuals nominated by importers or exporters.

(4) PUBLIC REPRESENTATIVE.—The public representative shall be appointed from nominations submitted by other members of the Board.

(5) FAILURE TO NOMINATE.—If producers, importers, and exporters fail to nominate individuals for appointment, the Secretary may appoint members on a basis provided for in the order. If the Board fails to nominate a public representative, the member may be appointed by the Secretary without a nomination.

(d) ALTERNATES.—The Secretary shall appoint an alternate for each member of the Board. An alternate shall—

(1) be appointed in the same manner as the member for whom the individual is an alternate; and

(2) serve on the Board if the member is absent from a meeting or is disqualified under subsection (f).

(e) TERMS.—A member of the Board shall be appointed for a term of 3 years. No member may serve more than 2 consecutive 3-year terms, except that of the members first appointed—

(1) 5 members shall be appointed for a term of 2 years; and

(2) 6 members shall be appointed for a term of 3 years.

(f) DISQUALIFICATION.—If a member or alternate of the Board who was appointed as a producer, importer, exporter, or public representative member ceases to belong to the group for which the member was appointed, the member or alternate shall be disqualified from serving on the Board.

(g) COMPENSATION.—A members or alternate of the Board shall serve without pay.

(h) GENERAL POWERS AND DUTIES.—The Board shall—

(1) administer an order issued by the Secretary under section 944, and an amendment to the order, in accordance with the order and amendment and this subtitle;

(2) prescribe rules and regulations to carry out the order;

(3) meet, organize, and select from among members of the Board a chairperson, other officers, and committees and subcommittees, as the Board determines appropriate;

(4) receive, investigate, and report to the Secretary accounts of violations of the order;

(5) make recommendations to the Secretary with respect to an amendment that should be made to the order; and

(6) employ or contract with a manager and staff to assist in administering the order, except that, to reduce administrative costs and increase efficiency, the Board shall seek, to the extent practicable, to employ or contract with personnel who are already associated with State chartered organizations involved in promoting kiwifruit.

SEC. 946. REQUIRED TERMS IN ORDER.

(a) BUDGETS AND PLANS.—

(1) IN GENERAL.—An order issued under section 944 shall provide for periodic budgets and plans in accordance with this subsection.

(2) BUDGETS.—The Board shall prepare and submit to the Secretary a budget prior to the beginning of the fiscal year of the anticipated expenses and disbursements of the Board in the administration of the order, including probable costs of research, promotion, and consumer information. A budget shall become effective on a ⅔-vote of a quorum of the Board and approval by the Secretary.

(3) PLANS.—Each budget shall include a plan for research, promotion, and consumer information regarding kiwifruit. A plan under this paragraph shall become effective on approval by the Secretary. The Board may enter into contracts and agreements, on approval by the Secretary, for—

(A) the development of and carrying out the plan; and

(B) the payment of the cost of the plan, with funds collected pursuant to this subtitle.

(b) ASSESSMENTS.—

(1) IN GENERAL.—The order shall provide for the imposition and collection of assessments with regard to the production and importation of kiwifruit in accordance with this subsection.

(2) RATE.—The assessment rate shall be the reate that is recommended by a ⅔-vote of a quorum of the Board and approved by the Secretary, except that the rate shall not exceed $0.10 per 7-pound tray of kiwifruit or equivalent.

(3) COLLECTION BY FIRST HANDLERS.—Except as provided in paragraph (5), the first handler of kiwifruit shall—

(A) be responsible for the collection from the producer, and payment to the Board, of assessments required under this subsection; and

(B) maintain a separate record of the kiwifruit of each producer whose kiwifruit are so handled, including the kiwifruit owned by the handler.

(4) IMPORTERS.—The assessment on imported kiwifruit shall be paid by the importer to the United States Customs Service at the time of entry into the United States and shall be remitted to the Board.

(5) EXEMPTION FROM ASSESSMENT.—The following persons or activities are exempt from an assessment under this subsection:

(A) A producer who produces less than 500 pounds of kiwifruit per year.

(B) An importer who imports less than 10,000 pounds of kiwifruit per year.

(C) A sale of kiwifruit made directly from the producer to a consumer for a purpose other than resale.

(D) The production or importation of kiwifruit for processing.

(6) CLAIM OF EXEMPTION.—To claim an exemption under paragraph (5) for a particular year, a person shall—

(A) submit an application to the Board stating the basis for the exemption and certifying that the quantity of kiwifruit produced, imported, or sold by the person will not exceed any poundage limitation required for the exemption in the year; or

(B) be on a list of approved processors developed by the Board.

(c) USE OF ASSESSMENTS.

(1) AUTHORIZED USES.—The order shall provide that funds paid to the Board as assessments under subsection (b) may be used by the Board—

(A) to pay for research, promotion, and consumer information described in the budget of the Board under subsection (a) and for other expenses incurred by the Board in the administration of an order;

(B) to pay such other expenses for the administration, maintenance, and functioning of the Board, including any enforcement efforts for the collection of assessments as may be authorized by the Secretary, including interest and penalties for late payments; and

(C) to fund a reserve established under section 947(d).

(2) REQUIRED USES.—The order shall provide that funds paid to the Board as assessments under subsection (b) shall be used by the Board—

(A) to pay the expenses incurred by the Secretary, including salaries and expenses of Federal Government employees, in implementing and administering the order; and

(B) to reimburse the Secretary for any expenses incurred by the Secretary in conducting referenda under this subtitle.

(3) LIMITATION ON USE OF ASSESSMENTS.—Except for the first year of operation of the Board, expenses for the administration, maintenance, and functioning of the Board may not exceed 30 percent of the budget for a year.

(d) FALSE CLAIMS.—The order shall provide that any promotion funded with assessments collected under subsection (b) may not make—

(1) any false claims on behalf of kiwifruit; and

(2) any false statements with respect to the attributes or use of any product that competes with kiwifruit for sale in commerce.

(e) PROHIBITION ON USE OF FUNDS.—The order shall provide that funds collected by the Board under this subtitle through assessments may not, in any manner, be used for the purpose of influencing legislation or governmental policy or action, except for making recommendations to the Secretary as provided for under this subtitle.

(f) BOOKS, RECORDS, AND REPORTS.—

(1) BOARD.—The order shall require the Board—

(A) to maintain books and records with respect to the receipt and disbursement of funds received by the Board;

(B) to submit to the Secretary from time to time such reports as the Secretary may require for appropriate accounting; and

(C) to submit to the Secretary at the end of each fiscal year a complete audit report by an independent auditor regarding the activities of the Board during the fiscal year.

(2) OTHERS.—To make information and data available to the Board and the Secretary that is appropriate or necessary for the effectuation, administration, or enforcement of this subtitle (or any order or regulation issued under this subtitle), the order shall require handlers and importers who are responsible for the collection, payment, or remittance of assessments under subsection (b)—

(A) to maintain and make available for inspection by the employees and agents of the Board and the Secretary such books and records as may be required by the order; and

(B) to file, at the times and in the manner and content prescribed by the order, reports regarding the collection, payment, or remittance of the assessments.

(g) CONFIDENTIALITY.—

(1) IN GENERAL.—The order shall require that all information obtained pursuant to subsection (f)(2) be kept confidential by all officers and employees and agents of the Department and of the Board. Only such information as the Secretary considers relevant shall be disclosed to the public and only in a suit or administrative hearing, brought at the request of the Secretary or to which the Secretary or any officer of the United States is a party, involving the order with respect to which the information was furnished or acquired.

(2) LIMITATIONS.—Nothing in this subsection prohibits—

(A) issuance of general statements based on the reports of a number of handlers and importers subject to an order, if the statements do not identify the information furnished by any person; or

(B) the publication, by direction of the Secretary, of the name of any person violating an order issued under section 944(a), together with a statement of the particular provisions of the order violated by the person.

(3) PENALTY.—Any person who willfully violates this subsection, on conviction, shall be subject to a fine of not more than $1,000 or to imprisonment for not more than 1 year, or both, and, if the person is a member, officer, or agent of the board or an employee of the Department, shall be removed from office.

(h) WITHHOLDING INFORMATION.—Nothing in this subtitle authorizes the withholding of information from Congress.

SEC. 947. PERMISSIVE TERMS IN ORDER.

(a) PERMISSIVE TERMS.—On the recommendation of the Board and with the approval of the Secretary, an order issued under section 944 may include the terms and conditions specified in this section and such additional terms and conditions as the Secretary considers necessary to effectuate the other provisions of the order and are incidental to, and not inconsistent with, this subtitle.

(b) ALTERNATIVE PAYMENT AND REPORTING SCHEDULES.—The order may authorize the Board to designate different handler payment and reporting schedules to recognize differences in marketing practices and procedures.

(c) WORKING GROUPS.—The order may authorize the Board to convene working groups drawn from producers, handlers, importers, exporters, or the general public and utilize the expertise of the groups to assist in the development of research and marketing programs for kiwifruit.

(d) RESERVE FUNDS.—The order may authorize the Board to accumulate reserve funds from assessments collected pursuant to section 946(b) to permit an effective and continuous coordinated program of research, promotion, and consumer information in years in which production and assessment income may be reduced, except that any reserve fund may not exceed the amount budgeted for operation of this subtitle for 1 year.

(e) PROMOTION ACTIVITIES OUTSIDE UNITED STATES.—The order may authorize the Board to use, with the approval of the Secretary, funds collected under section 946(b) and funds from other sources for the development and expansion of sales in foreign markets of kiwifruit produced in the United States.

SEC. 948. PETITION AND REVIEW.

(a) PETITION.—

(1) IN GENERAL.—A person subject to an order may file with the Secretary a petition—

(A) stating that the order, a provision of the order, or an obligation imposed in connection with the order is not in accordance with law; and

(B) requesting a modification of the order or an exemption from the order.

(2) HEARINGS.—A person submitting a petition under paragraph (1) shall be given an opportunity for a hearing on the petition, in accordance with regulations issued by the Secretary.

(3) RULING.—After the hearing, the Secretary shall make a ruling on the petition which shall be final if the petition is in accordance with law.

(4) LIMITATION ON PETITION.—Any petition filed under this subtitle challenging an order, or any obligation imposed in connected with an order, shall be filed not later than 2 years after the effective date of the order or obligation.

(b) REVIEW.—

(1) COMMENCEMENT OF ACTION.—The district court of the United States in any district in which the person who is a petitioner under subsection (a) resides or carries on business is vested with jurisdiction to review the ruling on the petition of the person, if a complaint for that purpose is filed not later than 20 days after the date of the entry of a ruling by the Secretary under subsection (a).

(2) PROCESS.—Service of process in the proceedings shall be conducted in accordance with the Federal Rules of Civil Procedure.

(3) REMANDS.—If the court determines that the ruling is not in accordance with law, the court shall remand the matter to the Secretary with directions—

(A) to make such ruling as the court shall determine to be in accordance with law; or

(B) to take such further action as, in the opinion of the court, the law requires.

(4) ENFORCEMENT.—The pendency of a proceeding instituted pursuant to subsection (a) shall not impede, hinder, or delay the Attorney General or the Secretary from obtaining relief pursuant to section 949.

SEC. 949. ENFORCEMENT.

(a) JURISDICTION.—A district court of the United States shall have jurisdiction specifically to enforce, and to prevent and restrain any person from violating, any order or regulation made or issued by the Secretary under this subtitle.

(b) REFERRAL TO ATTORNEY GENERAL.—A civil action authorized to be brought under this section shall be referred to the Attorney General for appropriate action, except that the Secretary is not required to refer to the Attorney General a violation of this subtitle, or any order or regulation issued under this subtitle, if the Secretary believes that the administration and enforcement of this subtitle would be adequately served by administrative action under subsection (c) or suitable written notice or warning to any person committing the violation.

(c) CIVIL PENALTIES AND ORDERS.—

(1) CIVIL PENALTIES.—Any person who willfully violates any provision of any order or regulation issued by the Secretary under this subtitle, or who fails or refuses to pay, collect, or remit any assessment or fee duly required of the person under the order or regulation, may be assessed a civil penalty by the Secretary of not less than $500 nor more than $5,000 for each such violation. Each violation shall be a separate offense.

(2) CEASE-AND-DESIST ORDERS.—In addition to or in lieu of the civil penalty, the Secretary may issue an order requiring the person to cease and desist from continuing the violation.

(3) NOTICE AND HEARING.—No order assessing a civil penalty or cease-and-desist order may be issued by the Secretary under this subsection unless the Secretary gives the person against whom the order is issued notice and opportunity for a hearing on the record before the Secretary with respect to the violation.

(4) FINALITY.—The order of the Secretary assessing a penalty or imposing a cease-and-desist order shall be final and conclusive unless the person against whom the order is issued files an appeal from the order with the appropriate district court of the United States, in accordance with subsection (d).

(d) REVIEW BY UNITED STATES DISTRICT COURT.—

(1) COMMENCEMENT OF ACTION.—Any person against whom a violation is found and a civil penalty assessed or cease-and-desist order issued under subsection (c) may obtain review of the penalty or order in the district court of the United States for the district in which the person resides or does business, or the United States district court for the District of Columbia, by—

(A) filing a notice of appeal in the court not later than 30 days after the date of the order; and

(B) simultaneously sending a copy of the notice by certified mail to the Secretary.

(2) RECORD.—The Secretary shall promptly file in the court a certified copy of the record on which the Secretary found that the person had committed a violation.

(3) STANDARD OF REVIEW.—A finding of the Secretary shall be set aside only if the finding is found to be unsupported by substantial evidence.

(e) FAILURE TO OBEY ORDERS.—Any person who fails to obey a cease-and-desist order issued by the Secretary after the order has become final and unappealable, or after the appropriate United States district court has entered a final judgment in favor of the Secretary, shall be subject to a civil penalty assessed by the Secretary, after opportunity for a hearing and for judicial review under the procedures specified in subsections (c) and (d), of not more than $500 for each offense. Each day during which the failure continues shall be considered a separate violation of the order.

(f) FAILURE TO PAY PENALTIES.—If a person fails to pay an assessment of a civil penalty after the assessment has become a final and unappealable order issued by the Secretary, or after the appropriate United States district court has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General for recovery of the amount assessed in the district court of the United States in any district in which the person resides or conducts business. In the action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

SEC. 950. INVESTIGATIONS AND POWER TO SUBPOENA.

(a) IN GENERAL.—The Secretary may make such investigations as the Secretary considers necessary—

(1) for the effective carrying out of the responsibilities of the Secretary under this subtitle; or

(2) to determine whether a person subject to this subtitle has engaged or is engaging in any act that constitutes a violation of this subtitle, or any order, rule, or regulation issued under this subtitle.

(b) POWER TO SUBPOENA.—

(1) INVESTIGATIONS.—For the purpose of an investigation made under subsection (a), the Secretary may administer oaths and affirmations and may issue subpoenas to require the production of any records that are relevant to the inquiry. The production of any such records may be required from any place in the United States.

(2) ADMINISTRATIVE HEARINGS.—For the purpose of an administrative hearing held under section 948 or 949, the presiding officer is authorized to administer oaths and affirmations, subpoena witnesses, compel the attendance of witnesses, take evidence, and require the production of any records that are relevant to the inquiry. The attendance of witnesses and the production of any such records may be required from any place in the United States.

(c) AID OF COURTS.—In the case of contumacy by, or refusal to obey a subpoena to, any person, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which the investigation or proceeding is carried on, or where the person resides or carries on business, to enforce a subpoena issued by the Secretary under subsection (b). The court may issue an order requiring the person to comply with the subpoena.

(d) CONTEMPT.—Any failure to obey the order of the court may be punished by the court as a contempt of the order.

(e) PROCESS.—Process in any such case may be served in the judicial district of which the person resides or conducts business or wherever the person may be found.

(f) HEARING SITE.—The site of any hearing held under section 948 or 949 shall be within the judicial district where the person is an inhabitant or has a principal place of business.

SEC. 951. REFERENDA.

(a) INITIAL REFERENDUM.—

(1) REFERENDUM REQUIRED.—During the 60-day period immediately preceding the proposed effective date of an order issued under section 944, the Secretary shall conduct a referendum among kiwifruit producers and importers who will be subject to assessments under the order, to ascertain whether producers and importers approve the implementation of the order.

(2) APPROVAL OF ORDER.—The order shall become effective, as provided in section 944, if the Secretary determines that—

(A) the order has been approved by a majority of the producers and importers voting in the referendum; and

(B) the producers and importers produce and import more than 50 percent of the total volume of kiwifruit produced and imported by persons voting in the referendum.

(b) SUBSEQUENT REFERENDA.—The Secretary may periodically conduct a referendum to determine if kiwifruit producers and importers favor the continuation, termination, or suspension of any order issued under section 944 that is in effect at the time of the referendum.

(c) REQUIRED REFERENDA.—The Secretary shall hold a referendum under subsection (b)—

(1) at the end of the 6-year period beginning on the effective date of the order and at the end of each subsequent 6-year period;

(2) at the request of the Board; or

(3) if not less than 30 percent of the kiwifruit producers and importers subject to assessments under the order submit a petition requesting the referendum.

(d) VOTE.—On completion of a referendum under subsection (b), the Secretary shall suspend or terminate the order that was subject to the referendum at the end of the marketing year if—

(1) the suspension or termination of the order is favored by not less than a majority of the producers and importers voting in the referendum; and

(2) the producers and importers produce and import more than 50 percent of the total volume of kiwifruit produced and imported by persons voting in the referendum.

(e) CONFIDENTIALITY.—The ballots and other information or reports that reveal, or tend to reveal, the vote of any person under this subtitle and the voting list shall be held strictly confidential and shall not be disclosed.

SEC. 952. SUSPENSION AND TERMINATION OF ORDER BY SECRETARY.

(a) IN GENERAL.—If the Secretary finds that an order issued under section 944, or a provision of the order, obstructs or does not tend to effectuate the purposes of this subtitle, the Secretary shall terminate or suspend the operation of the order or provision.

(b) LIMITATION.—The termination or suspension of any order, or any provision of an order, shall not be considered an order under this subtitle.

SEC. 953. REGULATIONS.

The Secretary may issue such regulations as are necessary to carry out this subtitle.

SEC. 954. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such funds as are necessary to carry out this subtitle for each fiscal year.

Subtitle D—Commodity Promotion and Evaluation

SEC. 961. COMMODITY PROMOTION AND EVALUATION.

(a) FINDINGS.—Congress finds that—

(1) it is in the national public interest and vital to the welfare of the agricultural economy of the United States to expand and develop markets for agricultural commodities through generic, industry-funded promotion programs;

(2) the programs play a unique role in advancing the demand for agricultural commodities, since the programs increase the total market for a product to the benefit of consumers and all producers;

(3) the programs complement branded advertising initiatives, which are aimed at increasing the market share of individual competitors;

(4) the programs are of particular benefit to small producers, who may lack the resources or market power to advertise on their own;

(5) the programs do not impede the branded advertising efforts of individual firms but instead increase market demand by methods that each individual entity would not have the incentive to employ;

(6) the programs, paid for by the producers who directly reap the benefits of the programs, provide a unique opportunity for agricultural producers to inform consumers about their products;

(7) it is important to ensure that the programs be carried out in an effective and coordinated manner that is designed to strengthen the position of the commodities in the marketplace and to maintain and expand the markets and uses of the commodities; and

(8) independent evaluation of the effectiveness of the programs will assist Congress and the Secretary of Agriculture in ensuring that the objectives of the programs are met.

(b) INDEPENDENT EVALUATIONS.—Except as otherwise provided by law, and at such intervals as the Secretary of Agriculture may determine, but not more frequently than every 3 years or 3 years after the establishment of a program, the Secretary shall require that each industry-funded generic promotion program authorized by Federal law for an agricultural commodity shall provide for an independent evaluation of the program and the effectiveness of the program. The evaluation may include an analysis of benefits, costs, and the efficacy of promotional and research efforts under the program. The evaluation shall be funded from industry assessments and made available to the public.

(c) ADMINISTRATIVE COSTS.—The Secretary shall provide to Congress annually information on administrative expenses on programs referred to in subsection (b).

H.R. 2854

OFFERED BY: MR. DE LA GARZA

AMENDMENT NO. 3: Page 30, strike lines 1 through 9 and insert the following new subparagraphs:

(A) SOYBEANS.—The loan rate for a marketing assistance loan for soybeans shall be not less than 85 percent of the simple average price received by producers of soybeans, as determined by the Secretary, during 3 years of the 5 previous marketing years, excluding the years in which the average price was the highest and the year in which the average price was the lowest in the period.

(B) SUNFLOWER SEED, CANOLA, RAPESEED, SAFFLOWER, MUSTARD SEED, AND FLAXSEED.—The loan rates for a marketing assistance loan for sunflower seed, canola, rapeseed, safflower, mustard seed, or flaxseed shall be not less than 85 percent of the simple average price received by producers of such oilseed, as determined by the Secretary, during 3 years of the 5 previous marketing years, excluding the years in which the average price was the highest and the year in which the average price was the lowest in the period.

H.R. 2854

OFFERED BY: MR. DE LA GARZA

AMENDMENT NO. 4: Strike section 109 (page 78, line 8, through page 80, line 15), relating to elimination of permanent price support authority, and insert the following new section:

SEC. 109. SUSPENSION AND REPEAL OF PERMANENT AUTHORITIES.

(a) AGRICULTURAL ADJUSTMENT ACT OF 1938.—

(1) IN GENERAL.—The following provisions of the Agricultural Adjustment Act of 1938 shall not be applicable to the 1996 through 2002 crops of any commodity:

(A) Parts II through V of subtitle B of title III (7 U.S.C. 1326-1351).

(B) Subsections (a) through (j) of section 358 (7 U.S.C. 1358).

(C) Subsections (a) through (h) of section 358a (7 U.S.C. 1358a).

(D) Subsections (a), (b), (d), and (e) of section 358d (7 U.S.C. 1359).

(E) Part VII of subtitle B of title III (7 U.S.C. 1359aa-1359jj).

(F) In the case of peanuts, part I of subtitle C of title III (7 U.S.C. 1361-1368).

(G) In the case of upland cotton, section 377 (7 U.S.C. 1377).

(H) Subtitle D of title III (7 U.S.C. 1379a-1379j).

(I) Title IV (7 U.S.C. 1401—1407).

(2) REPORTS AND RECORDS.—Effective only for the 1996 through 2002 crops of peanuts, the first sentence of section 373(a) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1373(a)) is amended by inserting before "all brokers and dealers in peanuts" the following: "all producers engaged in the production of peanuts,".

(b) AGRICULTURAL ACT OF 1949.—

(1) SUSPENSIONS.—The following provisions of the Agricultural Act of 1949 shall not be applicable to the 1996 through 2002 crops of any commodity:

(A) Section 101 (7 U.S.C. 1441).

(B) Section 103(a) (7 U.S.C. 1444(a)).

(C) Section 105 (7 U.S.C. 1444b).

(D) Section 107 (7 U.S.C. 1445a).

(E) Section 110 (7 U.S.C. 1445e).

(F) Section 112 (7 U.S.C. 1445g).

(G) Section 115 (7 U.S.C. 1445k).

(H) Title III (7 U.S.C. 1447-1449).

(I) Title IV (7 U.S.C. 1421-1433d), other than sections 404, 406, 412, 416, and 427 (7 U.S.C. 1424, 1426, 1429, 1431, and 1433f).

(J) Title V (7 U.S.C. 1461-1469).

(K) Title VI (7 U.S.C. 1471-1471j).

(2) REPEALS.—The following provisions of the Agricultural Act of 1949 are repealed:

(A) Section 103B (7 U.S.C. 1444-2).

(B) Section 108B (7 U.S.C. 1445c-3).

(C) Section 113 (7 U.S.C. 1445h).

(D) Section 114(b) (7 U.S.C. 1445j(b)).

(E) Sections 202, 204, 205, 206, and 207 (7 U.S.C. 1446a, 1446e, 1446f, 1446g, and 1446h).

(F) Section 406 (7 U.S.C. 1426).

(C) SUSPENSION OF CERTAIN QUOTA PROVISIONS.—The joint resolution entitled "A joint resolution relating to corn and wheat marketing quotas under the Agricultural Adjustment Act of 1938, as amended", approved May 26, 1941 (7 U.S.C. 1330 and 1340), shall not be applicable to the crops of wheat planted for harvest in the calender years 1996 through 2002.

(d) SUSPENSION OF PARITY PRICE PROGRAM FOR MILK.—Section 201(c) of the Agricultural Act of 1949 (7 U.S.C. 1446(c)) is amended by striking "section 204" and inserting "section 201 of the Agricultural Market Transition Act".

H.R. 2854

OFFERED BY: MR. DE LA GARZA

AMENDMENT NO. 5: At the end of title V (page 139, after line 17), add the following new section:

SEC. 507 INVESTMENT FOR AGRICULTURE AND RURAL AMERICA.

Section 5 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c) is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

(g) Make available $3,500,000,000 for the following purposes:

"(1) Conducting rural development activities pursuant to existing rural development authorities.

"(2) Conducting conservation activities pursuant to existing conservation authorities.

"(3) Conducting research, education, and extension activities pursuant to existing research, education, and extension authorities.".

EXTENSIONS OF REMARKS

THANKS TO FOUR DEDICATED PUBLIC SERVANTS

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1996

Mrs. MORELLA. Mr. Speaker, it is a great privilege for me to rise today to give a special thanks for a job well done to four loyal public servants who recently retired from Federal service with a combined total time in the Government of over 100 years: Ms. Joan Barnard, Ms. Charlotte Walch, Mr. Bill Lohr, and Mr. John Shwab. These four hard-working individuals dedicated the final years of their Federal service to the Maternal and Child Health Bureau in the Department of Health and Human Services, ensuring that the unmet needs of mothers and children were identified and addressed.

These four individuals represent the best things in our Nation: hard work, optimism, love of family, and dedication to their country. As I deliver these words of praise, I realize that the people who will miss their work the most are the members of the public who benefited from their hard work, as well as their friends and fellow coworkers.

We wish them all happy retirement and congratulations on a job well done.

A TRIBUTE TO THE MORTON HIGH SCHOOL GIRLS BASKETBALL TEAM

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1996

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to the girls' basketball team of Morton High School in my district.

The squad recently won its first ever regional title in the Illinois State basketball tournament. In fact, this was the first Morton team—boys or girls—to advance past the regional round of the playoffs since 1972.

Unfortunately, Morton's dream season ended with a defeat to perennial power Mother McCauley in the sectional semifinals last week.

Nonetheless, I congratulate the team and its first-year coach, John Monitor, for bringing home the regional championship and basketball pride to Morton High School.

HONORING BETTIE HELTERBRAN ON HER RETIREMENT

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1996

Mr. MONTGOMERY. Mr. Speaker, Mrs. Bettie M. Helterbran will retire from Federal civil service with the National Guard Bureau on March 30, 1996. Her most recent assignment has been as the Deputy Chief, Office of Policy and Liaison, The Pentagon, Washington, DC. Mrs. Helterbran's distinguished career had encompassed over 40 years. She has served long and well and will be missed by the National Guard Bureau and the legislative community.

Mrs. Helterbran started her civil service career on 16 June 1952 at Fort Belvoir, VA. Her first position was as a GS–3, typist, in the Department of Non-Resident Instruction of the Engineer School, in a typing pool using a manual typewriter and individual sheets of carbon paper. Her starting salary was a whopping $2,950.00 per year. By 1958, she had been promoted to GS–5, statistical clerk. In 1958, she left Fort Belvoir for Fort Greely, AK, and began again as a GS–3 clerk typist, in the S-1 Office at post headquarters. While there she was promoted to GS–4. In 1960 she departed Fort Greely for Fort Knox, KY At Fort Knox, she was a GS–3, clerk typist/secretary in the commissary office and later a GS–4, secretary in the engineer field maintenance shop. In mid-1961 she departed Fort Knox for Babenhausen, Germany, where she was without employment for 3 years. In January 1965 she returned to Fort Belvior, VA, and became a GS–4, clerk-typist in the Office of the Adjutant General. Shortly thereafter, she was promoted to GS–5, secretary. From there she was promoted to GS–6, awards and decorations clerk, and then on to a GS–7 congressional liaison assistant position and the start of her career in the congressional arena. Over time she was promoted to GS–9, GS–11 and given the title of Congressional Liaison Representative. During this time her position was transferred from the Office of the Adjutant General to the Directorate of Personnel and Community Activities.

In 1982, after an uninterrupted 17 years at Fort Belvoir, she accepted a GS–12 position in the Office of Policy and Liaison at the National Guard Bureau. In 1987 she was promoted to GS–13, Congressional Liaison Officer and to GM–14, Deputy Chief, Office of Policy and Liaison in July 1991.

In all areas Mrs. Helterbran has demonstrated a strong sense of loyalty, honor, and distinction as a leader. Her energy and tireless devotion above and beyond the call of duty single her out as one of America's best and reflect great credit upon herself, the National Guard Bureau, and the National Guard of the United States.

TRIBUTE TO FRIENDS OF KAREN

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1996

Mrs. KELLY. Mr. Speaker, I would like to acknowledge the great dedication and good work of a Purdys, NY-based organization called Friends of Karen.

When Sheila Peterson heard that the 16-year-old daughter of her neighbor and friend was dying of Lafora's disease in 1978, she knew she had to help. Sheila petitioned the community to help her raise thousands of dollars in order to allow Karen to spend her remaining months at home. After young Karen passed away, it was apparent that the services performed for her and her family were desperately needed by many others, hence the formation of Friends of Karen.

For the past 17 years, this organization has provided financial, emotional, and advocacy support for more than 1,000 catastrophically and terminally ill children and their families. Spending more than $500,000 a year on as many as 200 families, Friends of Karen spends 80 cents out of every dollar directly on services to those in need. Administrative costs are kept down, by having 11 part-time employees and only one full-timer. In order to accomplish as much as they do, Friends of Karen relies on more than 100 dedicated volunteers.

Social workers at Friends of Karen help families maximize their assistance from insurance plans, government programs, and related community agencies. They provide financial assistance for real life problems related to children's illness. This can include everything from transportation to and from medical treatment, to in-hospital expenses such as telephone, TV, parking, and meals for parents, to child care for siblings, and even to family bereavement support.

Having served on the board of directors of Friends of Karen, I know firsthand what a great organization this is. These are people who care deeply about the welfare of sick children and their families.

Mr. Speaker, I am grateful to have an organization like Friends of Karen in my community. From the bottom of my heart, I thank Friends of Karen for their commitment to the welfare of our children, and for the tremendous contribution they make to the quality of life in our community.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

TRIBUTE TO STEPHANIE ANN GRIEST

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1996

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to the outstanding scholastic achievement of a young woman from my hometown, Corpus Christi, TX. Stephanie Ann Griest, a student at the University of Texas at Austin, was 1 of 20 students chosen nationwide to be a member of the USA Today's All-USA College Academic First team.

As someone who has spent most of their public career promoting educational excellence, I am delighted by Stephanie's success and achievement. The importance, and the value of education are things we cannot emphasize enough to the youth of today. It is with great pleasure that I recognize such an outstanding young woman, student, and community leader. Chosen for her exemplary academic successes and community involvement, Ms. Griest's determination, commitment, and hard work is exactly what we should attempt to encourage in all our students and in all our schools.

I would also like to acknowledge Stephanie's parents, Lloyd and Irene Griest. As a farther, I recognize the commitment parents make in raising their children, and I commend them for the job they have done in raising Stephanie.

I spend a great deal of time in my congressional district encouraging educational opportunities at every occasion possible. My message to young people is: education is the way out—and up. I tell them that education is their right, their responsibility, and their gateway to a better life. As 1 of only 20 students chosen nationwide, Stephanie is capitalizing on that right, focusing on her responsibility, and passing through the gateway to a better life.

I would also like to commend USA Today, for selecting and rewarding these 20 students, and offering them as examples of what our youth are capable of achieving. I encourage other elements of the private sector to take the time, and make the investment in our children, by promoting education and rewarding our youth.

Mr. Speaker, I ask my colleagues to join me in commending this young lady. Stephanie, you have made us all very proud. Keep up the good work.

AFRICAN-AMERICAN WOMEN: YESTERDAY, TODAY, AND TOMORROW

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1996

Mr. LANTOS. Mr. Speaker, 20 years ago in 1976, the month of February was officially set aside by Congress to pay tribute to, honor, and respect African-Americans who have made key contributions to the diversity and greatness of the United States. The purpose of Black History Month this year is to reflect upon some of the African-American women who have made extraordinary achievements in civil rights, politics, science, entertainment, literature, and athletics.

African-American women have proven themselves invaluable as leaders in the evolution of our great Nation. Their vigorous and passionate participation in the age-old struggle for freedom has resulted in a rich history of heroines. As the list of these women and their accomplishments is long, I regretfully must choose only a few examples.

In July 1849, the ex-slave abolitionist, Harriet Tubman, assisted in the underground railroad to free over 300 slaves. Her courage and selflessness demonstrated her character of integrity and honor while in the pursuit of freedom and right. She is known as the Moses of her people. Nearly a century later, this same courage and fight for equality was demonstrated by Rosa Parks in Montgomery, AL, when she refused to give up her bus seat to a white person when she was ordered to move by the bus driver. As a result of her unyielding character and strong belief in what is right, a bus boycott occurred, after which segregation on buses was declared as a violation of guaranteed American rights.

Patricia Robert Harris, a lawyer and diplomat, became the first African-American woman Ambassador to be appointed to an overseas post. Three years later, in 1968, Shirley Chisholm was elected to the U.S. House of Representatives. Recently in 1992, CAROL E. MOSELEY BROWN was elected to the U.S. Senate. I applaud my past and current colleagues for their fine and distinguished leadership.

In 1873, Susan McKinney Steward overcame great obstacles to become the first African-American woman to be formally certified as a doctor. Her innovative and stalwart personality enabled her to create the Women's Loyal Union of New York and Brooklyn and to cofound a women's hospital in Brooklyn. The medical field, thanks to her pioneering example, has opened its doors to women. Today, women are entering the medical profession in increasing numbers, often representing a majority of the student body at our leading medical schools.

Additional accomplishments by African-American women in America are found in the space program. Mac C. Jemison was the first African-American woman in space in 1992. Another grand achievement is the work of Katherine Johnson, an aerospace technologist with NASA. She is a pioneer in new navigation procedures to track space missions.

African-American women have excelled in the entertainment world, covering the spectrum of music and dance to books and TV journalism. Due to her outstanding performance in "Gone With the Wind," actress Hattie McDaniel was the first African-American woman to win an Academy Award. Maya Angelou, the actress, dancer, writer, and poet, who is well known for her book "I Know Why the Caged Bird Sings," stands apart as a distinguished and invaluable asset to a greater understanding in this country. A few years back Toni Morrison was awarded the Nobel Peace Prize in literature. News reporter Carole Simpson has made significant advancements in the media profession, moving from a Chicago TV reporter in 1970 to the anchor of ABC's "World News Saturday."

Athletically, African-American women have demonstrated outstanding strength, skill, and discipline in many sports. In 1951, Althea Gibson was the first African-American woman to play at Wimbledon, and later went on to win the singles and doubles title—with her partner, Darlene Hard—in 1957. In the Olympics, Jackie Joyner-Kersee is acclaimed internationally as the world record holder in the heptathlon.

Each of these extraordinary African-American women has set her sights high and tackled difficult challenges to reach her goals. In African-American communities and in all of America, these women provide valuable examples of success. Still, there are countless African-American women who have dedicated their lives to something they wholeheartedly believe in, but many never receive public recognition. I am delighted to invite my colleagues to join me in recognizing the outstanding African-American women of yesterday, today, and tomorrow.

TRIBUTE TO THE LYONS, IL, FIRE DEPARTMENT ON ITS 100TH ANNIVERSARY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1996

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to an organization that has been protecting lives and property in a community for a century—the Lyons, IL, Fire Department.

The department was founded in December, 1895 by village ordinance. But as anyone who has ever had dreams of racing to the scene of a fire in a red engine will tell you, it did not really start until January 21, 1896, when the department's first vehicle, a nonmotorized, man-powered horse car, was purchased.

From those humble beginnings, the department has grown into one of the finest in suburban Chicago.

The village and its fire department will commemorate 100 years of service with numerous ceremonies this year, including a dinner-dance this month, a muster with interdepartmental competition in May, and a picnic for past and present firefighters in June.

Mr. Speaker, I congratulate the department and its personnel on its century of success and wish them many more years of effectively protecting lives and property in their community.

ALEX WEDDINGTON HONORED BY MERIDIAN'S JUNIOR AUXILIARY AS 1996 HUMANITARIAN OF THE YEAR

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1996

Mr. MONTGOMERY. Mr. Speaker, I want to take this opportunity to commend my friend, Alex Weddington, for being selected Humanitarian of the Year by the Junior Auxiliary in our hometown of Meridian, MS.

The Junior Auxiliary presents the award each year to a person, organization or business in recognition of their contribution to the betterment of the community. I can think of no one more deserving of this honor than Alex. He is making a positive difference in our community.

I want to share with my colleagues this article about Alex and his work with the Masonic Home for Boys and Girls. It was written by Ida Brown of the Meridian Star.

SPENDING TIME WITH THE KIDS—ALEX WEDDINGTON SHARES TIME WITH CHILDREN FROM MASONIC HOME FOR BOYS AND GIRLS

(By Ida Brown)

Although he looks forward to every day, Meridian businessman Alex Weddington probably enjoys Fridays even more. After a busy week at the office, he and his wife, Ann, usually spend the evening with the kids—all 23 of them.

For 15 years, Weddington's Friday evenings—and many other days of the week—have been shared with the residents of the Masonic Home for Boy and Girls.

"The kids are wonderful and you get so much more out of doing for them than you put in," Weddington said.

"Alex has accepted the responsibility of trying to improve the living conditions of the community," U.S. Rep. G.V. "Sonny" Montgomery said.

"He's always trying to help someone else . . . He's more concerned helping others than himself," added Noel Evans, executive director of the Choctaw Area Council of the Boy Scouts of America. "Meridian is fortunate to have great community leaders such as Alex; they make Meridian a great place to live."

Today, Weddington will be presented the "Humanitarian of the Year Award" by the Meridian Junior Auxiliary. According to Kay Wedgeworth, chairman, the honoree was reluctant when informed that he'd been selected for the recognition.

". . . He said, 'I'll make you a deal. Give it to the guy who come in second and I won't say a word,'" said Wedgeworth. The award is presented annually to a person, organization or business in recognition of the time, talent and effort which they have contributed to the betterment of the community, particularly youth.

A native of Meridian, Weddington first became associated with the Masonic home out of curiosity.

"I've always had a curious nature. I'd driven by the home hundreds of times and wondered what was up there. One day in 1981, I stopped by and asked Pete Griffis, who, at the time was grand secretary, what it (the home) was about. When he told me they needed help, I told him he had it."

He started out by taking the kids out on Fridays to the movies, skating, camping or to local events and activities. Over the years, this has extended to also include two vacations each year—an early summer one to various locales and one in late summer at his family's home on the Mississippi Gulf Coast. Sometimes, he just invites the kids to his home, rents movies and orders pizza.

"Each one of these children come from unique circumstances. They're wonderful children and given a chance in life, which is what the masonic home does, they will make something of their lives," said Weddington. ". . . God has really blessed me for being able to help out with there children. A lot of people look at it that the children are blessed; I'm the one who is blessed."

He considers his deeds as "what I'm supposed to do. I think it's what God wants me to do," he said.

"Alex is always doing things for other folks and never wants any recognition," said Fred Bean, who currently serves as grand secretary of the Grand Lodge of Mississippi and secretary of the board of managers at the masonic home. "He's taken the kids at the home water rafting, camping, on trips to Disney World, Six Flags, Liberty Land . . . He provides them opportunities they may not have otherwise."

His dedication to the kids is solid. He seldom cancels his Friday nights with them.

In fact, on his first date with his wife, the kids went along.

"I called her up and told her I wanted to know what kind of sport she was. I explained that I took the kids from the home out every Friday night and that our first date was going to be with 23 children. I didn't want to disappoint them. I picked her up with 23 kids, a dog and myself . . . She was a good sport."

Commenting on that first outing, Mrs. Weddington said, "It definitely was different from any other date I'd been on. But I knew then that he was special. Here he was a bachelor who had a lot going for him. And on a Friday night when most bachelors were out on a date, Alex was with all of these kids.

"He's a good role model in a time when strong models are needed. He's a good listener, intuitive . . . and can read those kids like a book. He tries to encourage them to study and that just because they were born under bad circumstances, it doesn't mean they don't have the power to change the course of their lives."

Scouting is one way Weddington has motivated the youth to taking responsibility for their lives. He especially encourages the boys to aim for the Eagle Scout Award.

"Scouting builds character. For the boys, achieving the Eagle Scout Award is one of the greatest accomplishments. This year, Anthony Watkins and Glen Burge both will receive the award; I'm really proud of them."

Scholastic achievement is another source of inspiration. Each year, Weddington takes the three children with the best grades at the end of the semester on a skiing trip in Colorado.

"I try to make sure they really study hard; I've found this trip to be a great motivating factor. Most of these kids have never been in an airplane; it's really exciting for them," he said. "These kids have gone from making 'Cs' and 'Ds' to 'As' and 'Bs.'"

Other ways he has helped the home is by securing funds "for the little extras." In 1985, he enlisted Montgomery's support in sponsoring a golf tournament. Now in its 11th year, the "Sonny" Montgomery-Masonic Home Benefit Golf Tournament has netted more than $100,000.

Funds are used for outings, trips and other necessities.

But more than anything, it gives them another opportunity to spend time with one of their favorite people. Without a doubt, the kids love Weddington, but not just because he "takes them places."

"He's a great man," said Joseph Walker, 12. ". . . He's very nice but if you mess up, he'll make sure you don't do it again; and you won't."

Sisters Felicia Kern, 12, and Christine, 13, enjoy being around Weddington because "he's fun and has a nice personality."

Glen Burge, 17, describes Weddington as a great person with a big heart.

"He puts in a lot of time with us and cares about us a lot. I really appreciate all that he has done for us and the only way I can pay him back is to say, 'Thank-you.' He's truly a blessing to my heart."

As the Meridian Junior Auxiliary's Humanitarian of the Year, Weddington will receive a plaque and $500 will be donated in his name to the charity of his choice.

TRIBUTE TO FOOD-PATCH

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1996

Mrs. KELLY. Mr. Speaker, I rise at this time to acknowledge the extraordinary work being done by Food-PATCH, an organization in my congressional district.

Food-PATCH, which stands for People Allied to Combat Hunger, is dedicated to alleviating hunger while minimizing food waste in Westchester County, NY.

This 7-year-old organization was formed as a nonprofit emergency food distribution center. With financial support of Kraft Foods and Diversified Investment Advisors, Food-PATCH began its work in a 13,000-square-foot warehouse in Millwood, NY. With the help of 10 full-time, 6 part-time employees, and more than 8,000 volunteer hours, Food-PATCH distributed more than 3 million pounds of food to more than 140 emergency food providers last year. This translates to more than 8 tons of food a day to soup kitchens, food pantries, Head Start programs, shelters, senior programs, AIDS programs, and many others that provide meals for 220,000 individuals.

In short, Food-PATCH has been dedicated to ensuring that no one in Westchester County goes to bed hungry. Food-PATCH's T-shirts bear this motto and I and hundreds of others from Westchester County proudly wear ours in tribute to this wonderful organization.

Mr. Speaker, at a time when we must be especially mindful of the needs of others, I ask you to join with me in honoring the men and women at Food-PATCH who keep the true spirit of this season all year long.

TRIBUTE TO MANUEL MIJARES

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1996

Mr. ORTIZ. Mr. Speaker, I rise today to commend and pay tribute to Mr. Manuel Mijares, the newly selected Mr. Amigo.

Every year members of the Mr. Amigo Association, who represent the city of Brownsville TX, travel to Mexico City to select a new Mr. Amigo to serve as the honored guest of the Mr. Amigo festivities in Brownsville. The Mr. Amigo festivity is a 4-day international event which invites the United States and Mexico to join together in celebration of the distinct cultures of these neighboring countries. During the Mr. Amigo celebration, which originated as a pre-Lenten festival, Brownsville citizens participate in a series of parades, dances, and parties to demonstrate the goodwill of both countries. It is a major function which is eagerly anticipated by many South Texans as well as our winter visitors.

We are honored to recognize Mr. Manuel Mijares as the 32d Mexican citizen chosen by the Mr. Amigo Association. He began his career as a backup singer for the well-known Mexican pop star Emanuel. But this was just the beginning. In 1986 he released his first album entitled "Mijares" which quickly earned silver and gold status. His international acclaim is evident in the many awards he has received throughout Latin America, the United States, and Japan. Some of his awards include: the Golden Award Medallion in Japan, the Latin Music Award in the Dominican Republic; Revelation in Mexico; Ovacion for outstanding artist in Chicago; Antoracha de Plata award from Chile; Premio AC; History of Spectacles in New York; Aplauso 92 in Miami, and Galardon a los Grandes in Mexico.

In addition to his musical talent, Mijares has also been praised internationally for his presence in the theater. He is a regular guest on "Siempre en Domingo," "En Vivo," and "Eco"; popular international television shows. Disney has also recognized and selected this talented and versatile artist to sing the Spanish themes for "Oliver and Company" and "Beauty and the Beast." It is not only this type of talent which transcends cultural lines that we recognize today, but it is also his compassion for the well-being of his audience. Despite the numerous awards for his artistic talents, Mijares has also demonstrated a concern for development of teens in the United States. One example of his community involvement is his participation in a fundraiser the Los Angeles Police Department held to raise money for a project to aid youth, which works to improve the attitudes and behaviors of preteens in Los Angeles, CA. The event was attended by 40,000 people.

Mr. Manuel Mijares is a perfect recipient of the Mr. Amigo award. For he has, over the long period of his career, taken his unique song, screen, and stage performances to numerous countries, including sold-out performances in the United States. A true ambassador of his country and of his culture, he has been praised by numerous organizations for his unconditional commitment to improve mutual understanding and cooperation between Mexico and the United States. Mr. Manuel Mijares should be recognized for both his artistic ability and his contribution to the commitment to bicultural relations between nations.

Mr. Amigo, Mr. Manuel Mijares, will receive the red-carpet treatment when he visits Brownsville as the city's honored guest during the upcoming Mr. Amigo celebration. During his stay on the border, he will make personal appearances in the parades and at other festival events. Official welcome receptions will be staged by organizations in Cameron County, TX, and the cities of Brownsville, TX, and Matamoros, Tamaulipas Mexico.

I ask my colleagues to join me in extending congratulations to Mr. Manuel Mijares for being honored with this special award.

TRIBUTE TO RETIRING CALIFORNIA ASSEMBLYMAN BYRON SHER

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1996

Mr. LANTOS. Mr. Speaker, I rise today to pay tribute to the distinguished assemblyman of the 21st assembly district of California, Mr. Byron Sher. He represents a number of communities in San Mateo County and my Congressional District does overlap some of the areas in his State assembly district. We have worked together on many issues for the people of San Mateo County.

This coming weekend, the San Mateo County Democratic Party will salute Byron Sher at a special appreciation dinner held to recognize the service he has rendered to the people of California. After a successful career in the California Assembly, Byron Sher will retire at the end of this legislative session. He will have completed his eighth term in the assembly and is not permitted to run again because of term limitations.

Byron has based his long and productive political career upon the strong foundations of a distinguished academic career. After an ambitious undergraduate career, he earned his Juris Doctor degree from Harvard Law School in 1952. Byron went on to teaching positions at some of the leading law schools around the country, including Southern Methodist, University of Southern California and Harvard Law School. Currently, he is an emeritus professor of law at Stanford University in Palo Alto, CA.

Byron has been active in local and regional government since he came to Palo Alto in 1957. In this time, he has repeatedly shown his commitment to the community. He was a member of the Palo Alto City Council for 9 years and served two terms as mayor. For many years, Byron has given time to local, State, and national environmental boards.

As a member of the California State Legislature, Byron has many notable achievements. He is the author of landmark laws to protect California's environment, including the California Clean Air Act, the Integrated Waste Management Act, the Safe Drinking Water Act and the nation's first law to prevent toxic contamination from leaking underground storage tanks. He is consistently rated among the top legislators by the most respected environmental, consumer, law enforcement, education and housing groups. I applaud his conscientious hard work on the part of our community and California.

Mr. Speaker, I invite my colleagues to join me in paying tribute to Byron Sher as he completes a record of distinguished service in the California State Assembly. The people of San Mateo County and the people of California have been well served by his leadership and advocacy in the State assembly.

TRIBUTE TO OUR LADY OF THE RIDGE'S FIFTH GRADE GIRLS' BASKETBALL TEAM

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1996

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to an outstanding group of young ladies from my district, the fifth grade girls' basketball team of Our Lady of the Ridge School.

This squad of eight determined players won the South Suburban Catholic Basketball League title this season, the school's first-ever championship. The girls combined strong rebounding, spirited defense, and relentless hustle into a 14-win season.

Mr. Speaker, I congratulate coaches Mike Grove and Brad Liston, as well as their players: Katie Pratl; Megan Liston; Kellie Pratl; Katie Roe; Jackie Grove; Kelly Liston; Colleen Madej; and Laura Dirschl. I wish them continued success on and off the court.

TRIBUTE TO ASSEMBLYMAN BYRON D. SHER

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1996

Ms. ESHOO. Mr. Speaker, I rise today to honor Byron D. Sher, assemblyman of the 21st District of California, a scholar, a dedicated public servant, and an ardent protector of the environment.

After receiving his juris doctor degree from Harvard Law School in 1952, Byron Sher has held various academic teaching positions in law at Southern Methodist University, the University of Southern California, and Harvard Law School. He became a Stanford University professor of law specializing in consumer credit, consumer protection, contract and commercial law. Colleagues and students have held Byron Sher in their highest regard for his intellect, compassion, and dedication to education.

A resident of Palo Alto since 1957, Byron Sher felt a call to public service and has been an active participant in local and regional government. He served on the Palo Alto City Council for 9 years, two terms as mayor. He was also a commissioner of the San Francisco Bay Conservation and Development Commission, a member of the Committee on Environmental Quality for the National League of Cities and the League of California Cities, and a member of the policy advisory board of the League of California Cities' Solar Energy Program.

In November 1980, Byron Sher was elected to the California State Assembly and has served eight terms. His outstanding leadership has been greatly valued in the State legislature where he has served as chairman of the assembly natural resources committee of 10 years. He currently serves on the committees of budget, natural resources, and public safety. He is also a member of the energy committee of the National Conference of State Legislatures [NCSL], and serves on the California

Commission on Uniform State Laws. Colleagues from both sides of the aisle applaud his effective and compassionate service to the people of California.

Dearest to his interests has been the environment, which he has continuously protected as a legislator. Byron Sher has authored landmark legislation, including the California Clean Air Act, the Integrated Waste Management Act, the Safe Drinking Water Act, and the Nation's first law to prevent toxic contamination from leaking underground storage tanks. He has authored laws to strengthen the State's timber regulations and the Surface Mining and Reclamation Act, and has added new rivers to California's Wild and Scenic River System. He is consistently rated among the top legislators in Sacramento by environmental groups.

Mr. Speaker, Byron Sher is a most distinguished individual and one of the most respected elected officials in the State of California. I ask my colleagues to join me in honoring him.

HMONG REFUGEES IN THAILAND

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1996

Mr. REED. Mr. Speaker, I rise today to submit for the RECORD a letter from Wendy Sherman, Assistant Secretary for Legislative Affairs at the State Department, in response to my concerns regarding Hmong refugees in Thailand. I am pleased that the State Department has made progress with the Royal Thai Government in gaining access to Hmong refugees. On behalf of the Hmong community in Rhode Island, I will continue to monitor this important issue.

U.S. DEPARTMENT OF STATE, BUREAU OF POPULATION, REFUGEES, AND MIGRATION,
Washington, DC, January 22, 1996.

Hon. JACK REED,
House of Representatives

DEAR MR. REED: Thank you for your letter of November 28, 1995 regarding your concerns for Hmong refugees in Thailand.

First, let me assure you that we share your concern for this special population. Since 1975, we have resettled approximately 249,000 Lao refugees (mostly Hmong) out of Thailand. We have provided a large share of the support that the Office of the United Nations High Commissioner for Refugees (UNHCR) has received to maintain refugee camps and we and non-governmental organizations assist programs in Laos for refugees who have elected to return home. With only some 6,000 Lao refugees remaining in camps in Thailand we are committed to these same two solutions: voluntary repatriation and third country resettlement.

As you state in your letter, we have for some time requested permission of the Royal Thai Government to be allowed to interview those remaining Hmong and other Lao refugees in camps in Thailand who may wish to resettle in the United States. In November, a team of officers led by Department of State Deputy Assistant Secretary Charles Sykes went to Bangkok specifically to discuss this issue. I am pleased to report that we reached an agreement in principle with the Royal Thai Government for U.S. access to Hmong and other Lao in the first asylum camps in Thailand. We are now working to finalize the agreement and hope to begin processing this population in early January. Within the FY 1996 refugee admissions ceiling there are sufficient numbers available for approved Laotian cases to be admitted to the U.S. this fiscal year.

We would also like to assure you that, contrary to reports, to date, no asylum seekers or refugees have been forced to return to Laos. Approxiamtely 23,000 Lao (mostly Hmong) have returned voluntarily to Laos since 1980. From all reprots, including non-governmental organizations working in Laos and from U.N. officials, there is no persecution of returnees. The United States and other governments contribute to reintegration programs which assist returnees to resettle in Laos. UNHCR has Hmong- and Lao-speaking monitors who travel throughout the country to assist returnees and to monitor their situation. These monitors have reported no persecution of returnees.

We hope that the above information addresses your concerns. Please do not hesitate to contact this office again if we can be of further assistance.

Sincerely,

WENDY SHERMAN,
Assistant Secretary, Legislative Affairs.

SALUTING THE 150TH ANNIVERSARY OF FELIX LODGE NO. 3

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1996

Mr. STOKES. Mr. Speaker, I rise today to pay tribute to an esteemed historical institution in the District of Columbia, Felix Lodge No. 3. The Felix Lodge, the second oldest Prince Hall Masonic Lodge in the District, will celebrate its 150th anniversary in 1996.

The Felix Lodge has traveled a long and distinguished road from its inception, when meetings were held in the loft of a stable just outside Washington. Chartered on April 4, 1846, by the Hiram Grand Lodge of Pennsylvania, the Felix Lodge was named in honor of Brother Felix Dorsey, who was a deputy grand master of the Hiram Grand Lodge. Brother Dorsey was pivotal in the advent of Masonry for African-Americans in the District of Columbia.

Through the bravery of men seeking freedom and fraternity, the birth of the Felix Lodge was quite an accomplishment, especially before the Civil War. Several other sites in Washington, including a carpenter's shop and personal residences, became the lodge's surreptitious meeting sites throughout the 19th century and into the 20th. In 1922, the lodge moved to the Masonic Temple on U Street, in Northwest Washington.

Many prestigious members of the Felix Lodge have served in greater roles of the Masonic hierarchy. George W. Brooks, the first African-American doctor licensed in Washington, became most worshipful grand master in 1878. The Felix Lodge also produced 10 Grand Masters. In addition, the lodge has a proud tradition of trailblazing activities, such as conducting Washington's first black Masonic funeral in 1849, and involvement in civic ceremonies like the opening of Union Station.

Mr. Speaker, the long and eminent history of Felix Lodge No. 3 deserves our attention and respect. I ask my colleagues to join me in honoring their 150th anniversary and saluting the gentlemen, past and present, of Felix Lodge.

TRIBUTE TO DONALD BROOKS

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1996

Mr. LIPINSKI. Mr. Speaker, I rise today to express my condolences to the many friends and family of Donald Brooks, a leading businessman from my congressional district, who recently passed away.

Donald Brooks, a resident of Western Springs, IL, and owner of Marcia's Hallmark Card Shop, was a longtime pillar of the La Grange, IL, business community. He was a leader in the La Grange Business Association, serving as its treasurer, and he spearheaded efforts to make the downtown retail shopping area among the finest in suburban Chicago.

Mr. Brooks, a pharmacist who owned a drug store for 24 years, was an early organizer of the Endless Summer Festival that brings tens of thousands of residents into the community each summer. In addition, he was an important nuts and bolts organizer who coordinated the LGBA's cable television advertisements and served as the group's pointman on downtown parking issues with village government.

In addition, Mr. Brooks, a graduate of Lyons Township High School in La Grange, served his country as a member of the Air Force Reserves during the Vietnam war.

Mr. Speaker, I extend my sympathy to Mr. Brooks' wife, Marcia Jane, and all his friends and family on the untimely passing of this true community leader.

CONDOLENCES TO THE FERRE FAMILY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1996

Ms. ILEANA ROS-LEHTINEN. Mr. Speaker, I would like to take this opportunity to express my deepest condolences to the Ferre family, a distinguished and dedicated family within the Miami community and to Metro Dade commissioner and Miami's ex-mayor, Maurice Ferre, who suffered the tragic loss of his son, Francisco Ferre Malaussena, his daughter-in-law, Mariana Gomez de Ferre, and the couple's newly born son, Felipe Antonio Ferre Gomez, on the fatal American Airlines Boeing 757 en route to Cali, Colombia on December 20.

It is at moments such as these when one asks God for strength and guidance in order to overcome this tragedy that took the life of this young aspiring attorney, his beautiful and well-educated wife, and their adorable, newly born son who were all on their way to the infant's christening in Cali, Colombia.

Francisco, who was a graduate of Boston University Law School and practiced at a prestigious law firm in Madrid, Spain before coming to Miami, was also a young man of noble sentiments who did his best to keep very close ties with his family and befriend all of those he met. Mariana, a native of Cali, was a graduate of Wellesley College where she had pursued a degree in political science and French. Upon graduation from this prestigious institution, Mariana obtained her MBA from the University of Miami.

The newlywed couple, who this January would have celebrated their third wedding anniversary, will be sorely missed by both of their respective families and by all of those who had the honor and pleasure of knowing them and the newest addition to their family.

Surviving Francisco in addition to his father and mother, the Honorable Maurice A. Ferre and Mrs. Mercedes Malaussena de Ferre, are his five siblings: Jose Luis, Maurice, Carlos, Mimi, and Florence. Immediate family members who survive Mariana are her parents, Mr. Gustavo Gomez Franco and Mrs. Maria Cristina Vallecilla de Gomez, and her six brothers and sisters: Enrique, Luciano, Maria Cristina, Roxana, Gustavo Felipe, and Julian.

Once again, I extend my deepest condolences to the Ferre family in these very trying times.

TRIBUTE TO RETIRING CALIFORNIA ASSEMBLYWOMAN JACKIE SPEIER

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1996

Mr. LANTOS. Mr. Speaker, I rise today to pay tribute to the distinguished assemblywoman of the 19th assembly district of California, Ms. Jackie Speier. Many of the same communities in San Mateo County that are included in her State assembly district are also within the boundaries of the 12th Congressional District, which I have the privilege and honor to represent.

This coming weekend, the San Mateo County Democratic Party will salute Jackie Speier at a special appreciation dinner held to recognize the service she has rendered to the people of California. After a successful career in the California assembly, Jackie Speier will retire at the end of this legislative session. She will have completed her fifth term in the assembly and is not permitted to run again because of term limitations.

Jackie Speier was born in San Francisco—the daughter of a German immigrant and an American mother. She attended local schools in south San Francisco and graduated from Mercy High School in Burlington. She received a B.A. from the University of California at Davis and received a law degree from the University of California's Hastings College of the Law in 1976.

Following the completion of her education, Jackie served on the staff of our late colleague and my predecessor, Congressman Leo J. Ryan. In November 1978, Jackie accompanied Congressman Ryan to Jonestown, Guyana, to investigate the cult community led by the Rev. Jim Jones. As my colleagues know, Congressman Ryan was killed during that visit to Jonestown, and Jackie Speier was seriously injured at the same time. That was followed by the tragic suicide-murder of over 900 cult members.

After returning to California, Ms. Speier was elected to the San Mateo County board of supervisors in November 1980, where she effectively served the people of San Mateo County for 5 years. During that time she served 1 year as chair of the board. In November 1986, she was elected a member of the California State Assembly. During the decade that she represented the 19th assembly district, Jackie led the assembly's Committee on Consumer Protection, Governmental Efficiency and Economic Development. She was a constructive and articulate spokesperson and advocate for consumer interests and government efficiency for the people of San Mateo County.

Jackie is the mother of two delightful children—Jackson Kent Sierra and Stephanie Katelin Elizabeth Sierra. Her husband, Dr. Steven Sierra, was killed in a tragic automobile accident in early 1994, a few months before the birth of their last child.

Mr. Speaker, I invite my colleagues to join me in paying tribute to Jackie Speier as she completes 10 years of distinguished service in the California State Assembly. The people of San Mateo County and the people of California have been well served by her leadership and advocacy in the State assembly.

TRIBUTE TO ASSEMBLYWOMAN JACQUELINE SPEIER

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1996

Ms. ESHOO. Mr. Speaker, I rise today to honor Jackie Speier, Assemblywoman of the 19th District of California, an extraordinary, history-making public servant who has protected the rights of many, with special attention to women, children, and consumers.

Jackie Speier has brought a new meaning to the word "courage" as she has overcome tragedy in her own life and dedicated herself to public service. In November 1978, as legal counsel for the late Congressman, Leo J. Ryan, she accompanied the Congressman to Jonestown, Guyana to investigate charges that people were being held hostage by cult leader Rev. Jim Jones. On November 18, cult followers shot and killed Congressman Ryan while Jackie Speier was struck by five bullets. Later that day 911 cult members died.

Two years later, Jackie Speier became the youngest elected member of the San Mateo County Board of Supervisors. She served a second term and was chair of the board in 1985.

In 1986, she became the first women elected to the 19th Assembly District of California, continuing to break new ground legislatively. As the chair of the Assembly Committee on Consumer Protection, Governmental Efficiency, and Economic Development, she led the fight to uncover numerous acts of inefficiency, waste, and abuse of public resources by State bureaucrats who subsequently resigned from office. She also led investigations into unfair and illegal practices of auto manufacturers and dealers, and championed many proconsumer laws.

Jackie Speier's record of having bills signed into law is unprecedented. Among her accomplishments, she has ensured the advancement of women's rights and the protection of children. Some of her legislative achievements include the requirement of insurers to allow women to use their obstetrician-gynecologists as their primary care physicians, creating a voluntary California income tax check-off fund to support breast cancer research, creating the Women's Business Ownership Act and Council, and legislation which would deny professional and drivers licenses to those who fail to pay child support.

Along with her extraordinary work in the legislature, she is the devoted and proud mother of two children. Jackie Speier made legislative history in 1988 when she became the first member of the California Legislature to give birth while in office.

For her accomplishments, she has received a plethora of awards including Legislator of the Year by the California State Bar Association, Women Construction Owners and Executives, Leadership California, National Mobilization Against AIDS, California Women Lawyers, the National Organization for Women, and the Family Service Council.

Mr. Speaker, I have the privilege of Jackie Speier's friendship and have had the honor of working with her as a colleague on the San Mateo County Board of Supervisors. Few legislators are as effective, as respected, and as historymaking as Jackie Speier. She is truly one of California's most distinguished women and I ask my colleagues to join me in honoring her today.

TRIBUTE TO LYONS POLICE OFFICERS JAMES RITZ, CHARLES WRIGHT, AND ROBERT SCHOOK

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1996

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to three police officers from my district who recently went above and beyond the call of duty to save a man from his burning home.

In the early morning hours of January 29, 1996, Sgt. James Ritz, Officer Charles Wright, and Officer Robert Schook of the Lyons Police Department responded to a 911 call from the home of Charles Schmidt, 77. Upon arriving, they discovered smoke pouring out of the house and learned that Mr. Schmidt, who has vision problems and is a partial amputee, was trapped inside. Without a second thought to their own safety, the three entered the building and groped through its smoke-filled rooms until they found Mr. Schmidt and carried him out of the house.

As Lyons Deputy Fire Chief Gordon Nord said of these three heroes, "To go in with no protection was above and beyond the call of duty. If it wasn't for the three police officers, we would have had one fatality."

Mr. Speaker, I commend Sergeant Ritz, Officer Wright, and Officer Schook for their incredible bravery. All Americans owe these three officers, and all those who risk their lives to protect ours, a debt of gratitude.

LEGISLATION TO ADJUST FEDERAL DEFERRED ANNUITIES FOR INFLATION

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1996

Mr. MORAN. Mr. Speaker, today, I am introducing legislation that indexes Federal annuities for inflation at the time the employees separates. Currently, if an employee leaves the Federal service before retirement he has the option of taking his pension contributions back in a lump sum or keeping them in the retirement trust fund. If he leaves the contributions in, he will receive an annuity when he turns 62. If he takes them out, he can reinvest them in an IRA.

It would be more beneficial for the employee and the Government if the employee left his contributions in the retirement system and earned an annuity at 62. The current system, however, does not encourage the employee to leave the contributions in since the annuity is not indexed for inflation. Thus if an employee with 20 years of service leaves the Government to take another job at age 45, he has the option of taking his money out of the trust fund, the 7 percent of his salary that he contributed over the past 20 years, or leaving the money in the trust fund and receiving his earned annuity when he turns 62, 36 percent of the average of highest 3 years of salary. Since the annuity is not indexed, there is no reason to leave the money in. If the high three averages $50,000, in the above case, the annuity would be $17,000 at separation. But after 17 years of average inflation, this $17,000 would have the spending power of only about $9,000. Under the legislation I am introducing today, an annuity of $17,000 would maintain the spending power of $17,000.

The proposal would break the "golden handcuffs" that keep older Federal employees in the civil service. Since the old Civil Service Retirement pension is not transferable, older employees with significant years of service cannot afford to leave the civil service. If they did, they would have to enter a new pension service and begin saving for retirement anew. They would not have the years of investment in Social Security or a 401(k) to rely on. So they stay in the civil service. FERS was created specifically to address this portability problem but it is not enough. Currently, approximately 50 percent of the Federal work force is in FERS. Those who are not are the older employees we want to leave.

Under this legislation, older CSRS employees can leave the Federal Government and take a job elsewhere because they will not lose their pension. While they will not continue to accrue CSRS benefits, they will have earned a decent retirement income on which they could rely. The proposal will help Federal downsizing and reorganization efforts by allowing older employees to leave.

The proposal would also save money for the Federal Government. If the employee leaves his annuity in the trust fund, there is no outlay from the Federal Government when the employee separates. The immediate savings are significant. The CBO estimates that this proposal would save more than $3 billion over 7 years.

This is the only provision that will effectively reduce the Federal work force without RIF's. Buyouts are only an option if the employee is close to retirement or already retirement eligible. They do not pare the work force as much as push out those who can already leave. For those Federal employees 40 and over, they are not an option. These employees, however, can find good opportunities outside the Federal work force because they are the most hirable. They do not leave, however, because they will lose the 15 or more years they have invested in the Civil Service Retirement System.

TRIBUTE TO DENNIS BIDDLE, THE PRIDE OF NEGRO LEAGUE BASEBALL IN WISCONSIN

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1996

Mr. BARRETT of Wisconsin. Mr. Speaker, it is with pride today that I pay tribute to a great man from the city of Milwaukee, Mr. Dennis Biddle. As one of the finest players of the Negro Baseball League who now resides in the State of Wisconsin, I would like to take a moment to reflect on the life and accomplishments of this truly remarkable man.

Born on June 24, 1935 in Arkansas, Mr. Biddle was blessed with natural-born athletic ability that allowed him to enter the world of professional baseball at the age of 17, making him the youngest player to emerge in the Negro league. As a player for the legendary Chicago American Giants, Mr. Biddle wasted no time breaking through the ranks and rising to the top of the Negro league. In his very first game in June 1953 against the Memphis Red Sox, he struck out 13 players and posted a 3 to 1 victory.

Wisconsin was the site of perhaps Mr. Biddle's finest game, when he pitched against the Philadelphia Stars in Racine. He was facing Gerald "Lefty" McKinnis who was famous for defeating Satchel Paige, perhaps the greatest pitcher in the history of American baseball. Despite his young age, Mr. Biddle led his team to a 3 to 1 victory, and earned the nickname "The Man Who Beat The Man Who Beat the Man", and a place in the heart of baseball fans everywhere.

Because Jackie Robinson already had broken the color barrier, Mr. Biddle knew it was just a matter of time before he would join the ranks of major league baseball. Indeed, his 30–7 record over 2 years in the Negro leagues caught the attention of the Chicago Cubs who pursued Biddle for their squad. Regretfully, Mr. Biddle broke his leg during spring training in 1955, ending his brief but brilliant pitching career.

Despite the end of his career in baseball, Mr. Biddle remains a powerful force in Milwaukee, lending his rich institutional memory for the betterment of our community. On most weekends, Mr. Biddle can be found speaking with young people, giving them advice and direction through a discussion of his rich life experiences. He is a devoted community advocate, working with Milwaukee youth on a regular basis at Career Youth Development [CYD], one of Milwaukee's premier social service agencies.

Mr. Biddle's experiences and lessons are more valuable today than ever before. Through his lecturing, teaching, and outreach, Mr. Biddle is able to bring us back to a time and a place when baseball was played for honor and glory. Last year, the Negro league celebrated its 75th anniversary, and Mr. Biddle joined with the league's 214 remaining league veterans at their museum in Kansas City. At this reunion, Mr. Biddle reaffirmed his commitment to educating the public about the wealth of history contained in the archives of the Negro league. Players like Satchel Paige, Cool Papa Bell, Josh Gibson, and Buck Leonard, and teams like the Milwaukee Bears, the Kansas City Monarchs, and the Homestead Grays, whose story must be preserved for future generations.

Mr. Speaker, I ask my colleagues to join me in paying tribute to Mr. Dennis Biddle. I join with the city of Milwaukee in praising this outstanding individual, and wish him continued success in our community.

NATIONAL ENGINEERS WEEK

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1996

Mr. BROWN of California. Mr. Speaker, I wish to take this opportunity to recognize the annual observance of National Engineers Week, which has just concluded. Samuel C. Florman, engineer and author, defines his profession as "the art or science of making practical application of the knowledge of pure sciences" in his book. "The Existential Pleasures of Engineering." National Engineers Week gives us the chance to remember the role of engineers in making real the American dream and their legacy in the drama of our Nation's history.

That National Engineers Week coincides with the celebration of the birth of the Father of our Country is no accident, as the profession is proud to recognize George Washington as a member. The First President, in 1749, worked as the assistant to the surveyor laying out the plan for the city of Alexandria. Commissioned a surveyor in his own right, Washington undertook the measurement and mapping of the western frontier of Virginia. Washington played a central role in the formation of the Patowmack Co., which sought to make the Potomac the major route for transportation into the burgeoning Northwest Territory. Finally, of course, Washington placed the cornerstone for the Capitol in which we work and devoted a great deal of his time to managing the development of the city that bears his name.

Engineers appear time and again in American history. The Polish military engineer Tadeusz Kosciuszko built the fortifications which protected American forces during the Battle of Saratoga; the American victory led France to join the war and secured our independence. Civil War commanders such as P.G.T. Beauregard, George Meade, Joe Johnston, and Robert E. Lee saw service as engineers during the Mexican War. Theodore Judah and Grenville Dodge constructed the first transcontinental railroad. John A. Roebling and his son Washington raised the Brooklyn Bridge. The Wizard of Menlo Park, Thomas Edison, fired the imagination with his continuing output of new technologies that changed the lives of ordinary people. Engineers were central to America's ability to meet one of humanity's ultimate challenges, to travel away from the Earth and walk upon the surface of the Moon.

Engineers are the prime movers behind the economic success Americans now enjoy. It is the engineer who recognizes how the science of the laboratory can be used or adapted to fill the needs of fellow citizens safely and efficiently. Absent the contributions of engineers in aerospace, civil, chemical, mechanical, electrical, and other disciplines, we would still be awaiting the fruits of the Industrial and Information Revolutions. The Federal Government's support for scientific research and development has long rested on the view that the results from that investment will be repaid by economic growth and a better quality of life for our citizens. Without engineers, that promise could not be realized.

Mr. Speaker, I also wish to recognize in these remarks those engineers who directly serve the public interest in the agencies of the Federal Government. The Committee on Science has jurisdiction over the agencies whose ranks include many of the engineers employed by the Federal Government. They toil in obscurity trying to protect the public health, to advance the state of knowledge in technical fields, and to protect the Nation's safety and security. We in Congress have, many times, given them contradictory guidance in law or asked them to develop regulations that seek to balance incompatible goals. That these efforts fail should not be ascribed to their performance but to our design. I have no doubt that when Congress can implement the reasonable changes to regulatory policies supported by the majority of our Members that the engineers in our service will once again justify our trust in their commitment to the public good they have sworn to uphold.

Recognition is due to the sponsors of National Engineers Week: the Society of Manufacturing Engineers, Chair of the 1996 Steering Committee; the American Association of Engineering Societies; the American Consulting Engineers Council; the American Institute of Chemical Engineers, the American Society of Civil Engineers; the American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc.; the American Society of Mechanical Engineers; the Construction Specifications Institute; the Secretariat of the National Society of Professional Engineers; the Society of Automotive Engineers, Inc.; the Society of Women Engineers; and the Institute of Electrical and Electronics Engineers, Inc. Corporations offering their support include 3M; Bechtel Group, Inc.; Chevron Corp.; Eastman Kodak Co.; Fluor Corp.; General Electric Co.; IBM International Foundation; Motorola; Rockwell; and Westinghouse Electric Corp. Agencies like the National Institute of Standards and Technology, the Office of the Civil Engineer of the U.S. Air Force and the National Academy of Engineering are also supporting this year's celebration.

Mr. Speaker, the President in his message on National Engineering Week "thank[ed] our engineers for their remarkable achievements." I join him in those sentiments and am pleased to honor with him the 1.8 million Americans who proudly call themselves engineers.

SALUTE TO THE 27 ALL-STATE MUSICIANS FROM LYONS TOWNSHIP HIGH SCHOOL

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1996

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to 27 outstanding students at Lyons Township High School in my district who were recently named All-State Musicians.

These talented young people were selected by Illinois music educators during auditions to perform with either the jazz band, jazz choir, band, or chorus, during the all-State conference, held February 1–3, 1996. While many schools will send three or four musicians to this conference, Lyons Township High School will be represented by many times that number.

The musicians include: Lettie Bowers, T.J. Ow, Karen Riccio, Christina Castelli, Jennifer Hsieh, Stephanie Majewski, Christopher May, John Alletto, Molly Comiskey, Kathleen Eich, Ann Fitzgerald, Jim King, Matt Kiverts, Betsy Klaric, Leah Kwilosz, Matt Lauterbach, Dan McKeever, Eric Meyer, Eric Nylen, Tommy Parker, Mike Penney, Amy Ruzic, Justin Sisul, Andrew Stott, Brian Webb, Shane Weber, and Beth Wilkinson.

Mr. Speaker, I congratulate these fine young musicians and their teachers on this fine honor.

IN HONOR OF WILLIE GARY, FLORIDA PHILANTHROPIST

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1996

Mr. HASTINGS of Florida. Mr. Speaker, I would like to join the American Jewish Committee in honoring Willie Gary of Stuart, FL.

Willie Gary is an outstanding American whose story must be told. His parents were sharecroppers and migrant farm workers who raised 11 children. When Willie was 13 his father Turner settled his family in Indiantown, FL, where he started a produce business from the back of a truck he had bought with the help of his son, Willie, who had earned the money mowing lawns.

Willie, a high school football star who was determined to go to college, secured an athletic scholarship to Shaw University in Raleigh, NC. While at Shaw he married Gloria Royal. By the time he graduated in 1971 Willie had one son and an successful lawn care business.

But Willie wanted more. In 1974 he graduated from North Carolina Central University with a law degree and a second son. After his graduation from law school the Gary family returned to Florida. Willie was admitted to the Florida bar and their third and fourth sons were born.

In 1975 Willie opened the first black law firm in Martin County. In 1976 he opened a second office in Ft. Pierce. Today, the law firm of Gary, Williams, Parenti, Finney, Lewis & McManus is a large, sophisticated law firm with a national reputation.

Willie Gary and his wife Gloria have given new meaning to the word philanthropy. God blessed Willie Gary with a magnificent legal talent which Willie has used to amass a measure of wealth. But what is really important about Willie Gary is that he has been abundantly generous with both his time and his money to his family, church, community, educational institutions, his alma mater, civic organizations, professional groups, friends, and individuals too numerous to mention.

Willie Gary deserves the American Jewish Committee's Learned Hand Award because he is a mensch. He is a brilliant man who has dedicated his life to his family and ensuring that all members of his community have outstanding legal representation.

Judge Edward Rodgers and I were given the privilege of being honorary cochairs of the event honoring Willie. We are both so very pleased to be associated with the American Jewish Committee in honoring this great American.

IN RECOGNITION OF PORTLAND STATE UNIVERSITY'S 50TH ANNIVERSARY

HON. ELIZABETH FURSE

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1996

Ms. FURSE. Mr. Speaker, I rise today to pay tribute to Portland State University in recognition of its 50th anniversary. This remarkable urban institution, located in my district, has made important contributions, not only in the Portland metropolitan region, but also on State and national levels.

Portland State University is Oregon's only urban university and its mission is unique among all the other higher education institutions in the State. As an urban university, Portland State seeks to enhance the intellectual, social, cultural, and economic qualities of urban life. It also works to promote the development of community-based networks and collaborations to address community priorities through academic and research programs. PSU is a national model for service learning as its faculty are integrally involved in community issues and concerns and work to include such issues in both research and teaching.

Portland State is important to my constituents. Many residents of Washington and Multnomah Counties choose to attend PSU because of its strong academic reputation. These students select Portland State because they can live at home, they can work, raise a family, and go to school at the same time. For many reasons, Portland State is making a difference in the lives of its students.

Since its inception in 1946, PSU has worked to develop a positive national reputation. Today, the university is playing a significant role in shaping national policy on urban issues. The university is gaining national recognition for its innovative approach to the undergraduate general education experience. PSU's faculty include nationally recognized scholars and its students win regional and national competitions. And, its men's and women's athletic teams often finish at the top of their divisions.

Mr. Speaker, I have been involved with Portland State University for many years. I have attended classes at the university. Students from the institution have been interns and employees in my office. I have also worked with the faculty and administration on many partnership programs that are important to my constituents and the residents of Oregon.

One that I am especially proud of is the work Portland State University is doing with Clatsop Community College and the Oregon Graduate Institute in Astoria, OR. Led by the community college, these three institutions are working with the community to develop the Marine Environmental Reseach and Training Station, [MERTS]. MERTS will be unique in the Nation. It will combine the assets of two major research institutions with a community college to deliver a continuum of job training and education programs focused on environmental technology. This is just one example of the ways in which Portland State University fulfills its mission.

I am also very pleased that Portland State University has embraced the principles of administrative reform and efficiency. One of this administration's priorities is to "reinvent government" and change the way we do business. Well, Mr. Speaker, Portland State University is a national success story. Under the leadership of President Judith Ramaley, the University has undertaken a major reorganization of its management operation. As a result, Portland State University has continued to maintain high quality academic programs at a time of diminishing state resources. The University was recognized for its efforts by KPMG Peat Marwick as a "national model" for efficient management.

On the august occasion of its golden anniversary, I would like to recognize the contributions Portland State University's faculty staff, and students have made in improving Oregon and the Nation. As the University works towards its 100th anniversary we can expect the same commitment to community and innovative excellence that has characterized its work since 1946.

COMMENDING MONTGOMERY COUNTY CHURCHES FOR FAITH IN ACTION

HON. ALBERT RUSSELL WYNN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1996

Mr. WYNN. Mr. Speaker, I would like to commend a wonderful project going on in my district that is helping children with disabilities. The Easter Seal Society and a group of Montgomery County churches have created a Faith in Action project that will help youngsters living with disabilities, along with their families.

What is Faith in Action? It is a program funded by the Robert Wood Johnson Foundation that helps religious congregations and social service agencies create community volunteer service projects aimed at families, elderly persons, and children. The Easter Seal Society for Disabled Children and Adults will work with seven churches, a school, the Montgomery County Department of Disability Services, and Catholic Charities on this effort.

The Robert Wood Johnson Foundation has awarded hundreds of Faith in Action grants to organizations all over the country. Volunteers target families and offer to help in any way they can. In Montgomery County, this can be offering to take a child to the park, drive a youngster in a wheelchair to the doctor, or care for youngsters while parents take a much needed break. In the Washington, DC, region, over 30,000 children under 5 years of age are at risk for developing a disability. That's over a 1,000 classrooms of kindergartners. Also, because of advanced technology, infants born prematurely and with birth defects have a much better chance of survival today than in years past. Often, however, they will need long-term care.

Volunteers from Takoma Park Presbyterian Church and St. Matthew's United Presbyterian Church are good listeners, they have comfortable laps, and are wonderful huggers. They love to read and tell stories and to sing. They can help feed a child or practice speech therapy exercises, take siblings to the playground, accompany fearful parents to their child's medical appointments, and help advocate for the child. One of the most valuable things a volunteer gives a family is the gift of time and respite for harried parents.

When children are diagnosed with a disability, parents often struggle by themselves. Parents need the right support to insure that their child is receiving the proper medical care, therapy and education. Too many families don't know where to turn. Now, Easter Seals and a group of churches in my district want to help. I congratulate them and wish them good luck.

TRIBUTE TO THE WATER RECLAMATION DISTRICT OF GREATER CHICAGO'S STICKNEY FACILITY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1996

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to an organization that is indispensable to the health and quality of life to the people of not only my district and most of the Chicago area, but anybody who uses Illinois waterways as well, the Water Reclamation District of Greater Chicago.

One of the district's main plants, the Stickney sewage treatment facility, was recently recognized with a gold medal for excellence from the Association of Municipal Sewage Agencies for its complete and consistent compliance with National Pollutant Discharge Elimination System permits. The facility takes in more than three-quarters of a billion gallons of waste water, every day, and successfully removes pollutants and other solids before discharging the water back into the State waterway system.

Mr. Speaker, I want to congratulate the district's Board of Commissioners, led by President Thomas Fuller, as well as Stickney plant manager Allan Crowther, Deputy Chief Engineer Don Wunderlich, and all the district workers who made this achievement possible.

THE 100TH ANNIVERSARY OF CORRUGATED STEEL PIPE

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1996

Mr. BOEHNER. Mr. Speaker, I congratulate the National Corrugated Steel Pipe Association [NCSPA], on the occasion of the 100th anniversary of the patent for corrugated steel pipe.

Under a submission prepared by James H. Watson, corrugated steel pipe was granted patent No. 559,642 on May 5, 1896. Today, corrugated steel pipe is extensively used in private and public drainage structures throughout the country and the world. Though its effectiveness was widely doubted in 1896, corrugated steel pipe has proven itself able to withstand the stress of dead loads, heavy traffic, unstable foundations, cantilever extensions, hillside installations, and sewer freezing and thawing conditions. This sturdy, durable product has earned its place as a mainstay within the construction industry, properly gained by its effectiveness, durability, and cost efficiency.

I congratulate NCSPA and the corrugated steel pipe industry on this milestone and I thank my colleagues for joining me in recognizing this important occasion.

EAST TIMOR ABUSES CANNOT BE IGNORED

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1996

Mr. UNDERWOOD. Mr. Speaker, over a decade ago, Indonesia invaded and annexed East Timor. While this issue is usually only discussed in this body during the anniversary of the annexation or invasion, I would like to take this opportunity to point out recent reports which uncover the nature of Indonesian rule over East Timor in recent years.

Since the invasion, it is estimated that over 200,000 people have died out of a population of 700,000. To maintain order in the territory, Indonesia stations 5,000 troops in East Timor. These troops have been used to intimidate the local population into an illegal occupation, one which the United Nations has refused to recognize.

The Indonesian Government has consistently been cited by human rights groups such as Asia Watch and Amnesty International for their abuses in East Timor. In their annual report last year, Amnesty International pointed to the fact that at least 350 political prisoners, many of them prisoners of conscience, were held, including some 40 sentenced during the year. Hundreds of people were arrested and held without charge or trial. Torture of political detainees and criminal suspects was common, in some cases resulting in death. Several people were extrajudicially executed, and scores of criminal suspects were shot and killed by police in suspicious circumstances. The fate of possible hundreds of Achnese and East Timorese who "disappeared" in previous years remained unknown.

The political dynamics in East Timor seem to be shifting with a younger generation emerging, many of whom were born after the invasion and annexation, and social and economic strains taking their toll. Media reports indicate that the nature of their dispute with Indonesia has become more emotional and protests have become more spontaneous. In a recent news report from the Sydney Morning Herald, rioting last fall has taken East Timor into a new phase. Local people and diplomats said previous unrest in East Timor had been largely politically organized, but recent disorder has been more widespread and spontaneous, reflecting the anger of Timorese buckling under economic and social strains.

Mr. Speaker, while this issue has faded from the headlines and is not a hot topic in Congress, I believe we should be mindful of the abuses in East Timor and the changing political environment.

TRIBUTE TO DEWITT BUSSEY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1996

Mr. MILLER of California. Mr. Speaker, this past Saturday I had the privilege of participating in the memorial services for Mr. DeWitt Bussey II at Solomon Temple Baptist Church in Pittsburg, CA.

DeWitt Bussey was a remarkable man. He gave his entire life to his country and to his community, first in the Armed Forces of this Nation and then later as a community activist and volunteer. Mr. Bussey gave his time to his family and to the children of our community where he counseled and inspired them to achieve high levels of performance as individuals in their daily lives.

Mr. Speaker, DeWitt Bussey was a warrior against the evils of racism and bigotry. He fought them wherever these evils raised their ugly heads in our community or in our State. DeWitt Bussey was there to fight back as a founder of the NAACP Racial Intolerance Task Force.

DeWitt Bussey II was born on January 22, 1934, in Columbus, GA, the youngest of three children born to DeWitt T. Bussey, Sr., and Narcissus Burke Threatt. In 1948, at the age of 15, he enlisted in the U.S. Army shortly before the military became integrated. For the next 22 years, Mr. Bussey served in the Army with distinction, graduating from the military intelligence branch of Officer's Candidate School and attending the Defense Language Institute in Monterey, CA, where he became fluent in Russian. He also fought in the Korean war and the Vietnam conflict. In 1970, Mr. Bussey retired from the military at the rank of captain. Shortly thereafter, he moved to Pittsburg, CA, with his wife and children in 1971.

Mr. Bussey graduated from Laney College in Oakland, CA, and earned a bachelor's degree in public administration from Golden Gate University in San Francisco, CA. He also completed several courses at Los Medanos College in Pittsburg. Mr. Bussey worked in a number of occupations following his military retirement, including salesman, circulation manager at the Pittsburg Post Dispatch, director of the First Baptist Church Head Start Program and part-time instructor at Los Medanos College. In addition, he worked for the Federal Government in the General Services Administration and the Youth Authority Conservation Corps. For the past 10 years, Mr. Bussey was self-employed as a consultant.

Active in State and local politics, Mr. Bussey was a member of the Rainbow Coalition and the East County Democratic Club and twice ran for a seat on the Pittsburg City Council. A passionate advocate for civil rights and a unwavering voice against injustice and racial intolerance, Mr. Bussey was a life member of the NAACP, a member of the Racial Intolerance Task Force, the African-American Resource Center, the Los Medanos Community Hospital Affirmative Action Committee and the Pittsburg Unified School District Affirmative Action Committee. From his arrival in Pittsburg until recently, Mr. Bussey actively participated in a number of community and educational organizations, including the Pittsburg Unified School District Student Attendance Review Board, the Pittsburg Model City Program, the Economic Opportunity Council, the First Neighborhood Council, the Pittsburg Area Council, and the Youth Connection. He also helped to establish the El Pueblo Track Club. At the time of his death, Mr. Bussey was serving as the district advisory chairperson for the Pittsburg Unified School District.

In 1990, Mr. Bussey joined Stewart Memorial C.M.E. Church in Pittsburg under the leadership of the late Reverend Willie Mays. He served on the board of trustees, taught Sunday School and served as an instructor for Project Spirit, an after-school program established by the church.

Mr. Bussey is survived by his beloved wife of 40 years, Edna, of Pittsburg; sons, DeWitt III and Jaimie of Pittsburg; daughters Carol and Deja of Pittsburg and Donna of Atlanta, GA; granddaughter Danielle; sisters, Lenora Bussey Tubbs and Verna Kay Bussey Miles of Pittsburg; brother, Robert Threatt of Pittsburg and numerous relatives and friends.

Mr. Speaker, our community lost a champion with the passing of DeWitt Bussey, but we are fortunate that he left us such a wonderful family with his values to carry on his work with our children to teach them excellence.

My family and our entire community extend our prayers to the Bussey family.

TRIBUTE TO DETECTIVE NICHOLAS SALERNO, BERWYN, IL POLICE DEPARTMENT

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1996

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to a law enforcement officer who had been recognized for his community invovlement—Detective Nicholas Salerno of the Berwyn, Illinois Police Department.

Detective Salerno, an 18-year veteran of the force, was honored with the Cook County Sheriff's Award for Merit in recognition of his involvement with his community. A member of the Department's Juvenile Unit, Detective Salerno has been active with the Drug Abuse Resistance Education [DARE] program in the city.

Mr. Speaker, I commend Detective Salerno and all the other law enforcement officers who go above and beyond the call of duty to help the young people of their communities.

HONORING DR. LINDA MILLER

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1996

Mr. DAVIS. Mr. Speaker, I rise today to pay tribute to one of Fairfax County's finest teachers. Dr. Linda Miller is being honored by the Organization of American Historians as cowinner of the 1996 Mary K. Bonsteel Tachau Pre-Collegiate Teaching Award. This award recognizes the contributions made by pre-collegiate teachers to improve history education and is given for activities which enhance the intellectual development of other history teachers and/or students. The award named for the late Mary K. Bonsteel Tachau of the University of Louisville, memorializes her career, especially her pathbreaking efforts to build bridges between university and pre-collegiate history teachers.

Dr. Miller has been teaching in the Fairfax County Public School System since 1972. She started as a substitute teacher at various schools throughout the County. In 1973 she was a reading aide at Lake Braddock Secondary School. From 1974 to 1978 she taught social studies—civics—at Mark Twain Intermediate and Herndon Intermediate School served on summer curriculum committees developing map skills.

From 1978 to the present Dr. Miller has been teaching at Fairfax High School where her classes include American Government, Political Science, gifted and talented world cultures, gifted and talented American Government, Advanced Placement European history, and world cultures.

Dr. Miller's love of teaching is reflected not only by her receiving this award, but by instilling in her students an enthusiasm for government. At a time when public opinion of government and politics is low, Dr. Miller's dedication and success in educating her students and making American Government come alive, is a welcome addition.

Dr. Miller's education is extensive she holds a Bachelor of Science in Education and Social Studies from the University of Kansas. She received a Master of Arts in Education in 1978. She received a Doctorate in Education from the University of Virginia in 1991.

Mr. Speaker, I know my colleagues join me in congratulating Dr. Miller for her honor and thanking her for her many years of dedicated service teaching in Fairfax County. We wish her much success in the future.

TRIBUTE TO REV. JOSE DA SILVA FERREIRA

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1996

Mr. KENNEDY of Massachusetts. Mr. Speaker, today I rise to pay tribute to an outstanding individual, Rev. Jose da Silva Ferreira on the occasion of the 40th anniversary of his ordination to the priesthood.

Father Ferreira was ordained on February 25, 1956, in the Vila Real Cathedral and began his religious life as an assistant pastor. His leadership qualities became apparent when he was appointed pastor Vilela do Támega, Chaves 1 year later. After 16 years as pastor, he emigrated to the United States. During his tenure as administrator of St. Anthony's Church in Cambridge, MA, Father Ferreira played a critical role in the planning and construction of a new rectory and parish center. After serving as pastor in both Lawrence and Lowell, MA, he was appointed pastor of St. Anthony's Church on August 10, 1995.

Throughout his lifetime of service to his church and community, Father Ferreira has displayed outstanding compassion and dedication to others. As pastor, Father Ferreira has gained the admiration of his parishioners by providing spiritual leadership for his neighbors and community. He is a man of humility, dedication, and hard work. I am pleased to have this opportunity to honor the outstanding life and career of such an inspirational individual.

PRESERVE ONE NATION, INDIVISIBLE

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1996

Ms. LOFGREN. Mr. Speaker, on occasions too numerous to count during my first year in Congress I have heard Members of Congress suggest that many of the activities of the Federal Government should be eliminated or pushed back to the States. As a Californian, I have listened with some incredulity to the opinion that our 50 Governors now seem to be viewed by some as the repository of governmental wisdom. This astonishing view seems to be that State bureaucracies are somehow preferable to Federal ones.

Aside from this viewpoint, however, there are fundamental questions posed by the helter-skelter rush to defederalize. I would like to share the view of Dr. John Collins, as printed in the Bakersfield Californian. Dr. Collins, a combat veteran of World War II and the retired chancellor of the Kern County Community College points out that while it is popular to bash government, we are the premier country in the world and that is not an accident, but the product of doing something right.

Dr. Collins is not only a respected member of his community, he is my father-in-law. I know him as someone not only who is a loved family member, but the kind of American who those of us in Congress should listen to. Like the rest of his generation, he suffered the poverty of America in the Depression; he helped save our country and the world from totalitarianism during World War II; he achieved professional success through education and then dedicated his life not only to raising a good family, but to helping his community have educational opportunities. His wisdom is gained through experience and we should listed carefully to his admonition that we are the United States, not these United States.

The remarks of Dr. John Collins follow, as they appeared in the Community Voices section of the January 22, 1996 edition of the Bakersfield Californian:

PRESERVE "ONE NATION, INDIVISIBLE"

The history of the United States has its roots in the British colonies, which though of themselves as semi-autonomous little nations. When these colonies became states with the adoption of the Constitution in 1789, they continued to view themselves as part of a loose union of separate entities. This view was held in spite of the disastrous experience with the Articles of Confederation, which provided for no strong central government.

For 200 years we have been torn between those who want the states to be ascendant and those who see the need for a dominant central government. Before the Civil War, the term "these United States" was in common usage. When in 1861 Robert E. Lee, a colonel in the United States Army, was offered the position of general-in-chief of the Union armies, he said he could not turn his back on his country. By that he meant Virginia, not the United States.

Prior to the Civil War, there had been a serious governmental crisis over nullification wherein one state, South Carolina, took the position that a state could nullify a federal law (tariff in this instance). Andrew Jackson stood firm and the central government prevailed.

Also, in the early days of our history as a nation there were a number of Supreme Court rulings which gave precedence to the central government. However, the issue of "states' rights" seemed never to get settled.

When Lincoln was elected as the first Republican president, his election precipitated the secession of 11 Southern states from the Union. This formation of the Confederate States of America was the extreme position with regard to "state rights."

The South argued that states had the right to authority of what they viewed as a hostile central government.

A great civil war ensued that lasted four years, with more than 1 million causalities. Lincoln steadfastly and successfully conducted the Civil War to save the Union—to preserve the country as one nation, indivisible. His enormous and enduring contribution was and is that we have one country, not two, or four, or even 50.

However, in time the old dispute over "state rights" surfaced again, and again, and again, right up to 1996. We see now the spectacle of people who represent their states or districts serving in the United States Congress preaching "states' rights."

They want to turn over to the states responsibilities that have resided with the central government for many years. This isn't a new argument, but it is startling coming at this late date, when we can see the terrible effects of parochialism and tribalism around the world.

Lincoln saved us from Balkanization. He made sure that it is "the United States," not "these United States." Our debt to Lincoln is huge, and we should not be persuaded easily that it is better to have 50 different policies on the environment, civil rights, Social Security, health services and many other central government functions.

It is popular now to bash the government. But over the long haul of history the government has served us well. It isn't an accident that we are the premier country in the world, the only superpower. We achieved that status because we have a good system of government. Democracy isn't an easy system. There are all kinds of tugging and pulling as we continue to give everyone a voice.

Let's not kill the goose that laid the golden egg. Let's not turn the future of this country over to 50 state legislatures. Let's keep one nation, indivisible.

TRIBUTE TO RALPH MRAZ, FORMER BERWYN, IL, ALDERMAN

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1996

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to a dedicated former public servant from my district who recently passed away—Mr. Ralph Mraz.

Mr. Mraz served as an alderman in Berwyn, IL, as well as a market auditor for the U.S. Department of Agriculture for 35 years before his retirement. He also was co-founder of the Life and Savings and Loan Association of America.

However, he was best known for obtaining Mraz Park in Berwyn, which was named in honor of his father, Fred.

Mr. Speaker, I extend my condolences to Mr. Mraz's widow, Lucille, his children, grandchildren, and all his friends.

HONORING DANIEL J. O'CONNOR

HON. BILL BAKER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1996

Mr. BAKER of California. Mr. Speaker, when I was growing up in Oakland, CA, crime was something I only read about in the papers. Yet in our day, the grim realities of lawbreaking are all too commonplace in each of our communities.

That is why I am especially pleased to recognize the contributions of one of California's finest to making the bay area's streets and neighborhoods safer. Sergeant Daniel J. O'Connor began his law enforcement career in 1962 when he joined the Concord, CA police department. He was appointed to the Bay Area Rapid Transit [BART] Police Department in 1973, and achieved the rank of sergeant in 1976. His 34 years of service have been a testimony to his devotion to duty and his commitment to the people of California.

As he prepares to retire in March, it is my hope that he will be encouraged by many good memories of his years of faithful service. His friends on the force will miss him, and his example of fidelity and dedication will continue to remind those who have worked with him of the vital importance of service in the public interest.

I wish Sergeant O'Connor the very best for many years of productive and enjoyable retirement, and am pleased to recognize this fine public servant in the CONGRESSIONAL RECORD.

COMMENDING THE VETERANS OF UNDERAGE MILITARY SERVICE INC.

HON. OWEN B. PICKETT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1996

Mr. PICKETT. Mr. Speaker, I rise today to pay tribute to an often unacknowledged group of veterans that deserves recognition. Each of the members of this group joined the military and fought to defend this country before they were of legal age to do so. These brave and courageous young men have been represented in every war in which the United States has been involved. Most of the current members fought in World War II.

These veterans have established an organization of their own, entitled "Veterans of Underage Military Service, Inc." which is recognized as a nonprofit organization by the IRS and U.S. Postal Service. They have recently honored Adm. J.M. "Mike" Boorda, USN, the highest ranking underage enlistee on active duty, who joined the Navy when he was 16 years old.

The Second District of Virginia which I represent, is fortunate to be the home of one of the officers of the Virginia chapter of the Veterans of Underage Military Service, Inc., Mr. Thomas C. Hise. Tom Hise's work on behalf of this organization has contributed to the recognition it has received by obtaining laudatory proclamations from Virginia municipal and State governments.

Mr. Speaker, I request permission to insert into the CONGRESSIONAL RECORD the House joint resolution adopted by the Virginia General Assembly commending members of the Veterans of Underage Military Service, Inc.

All Americans applaud the determination and patriotism shown by these underage enlistees and express gratitude and appreciation for their honorable service to our country.

COMMONWEALTH OF VIRGINIA GENERAL ASSEMBLY; HOUSE JOINT RESOLUTION NO. 327

Whereas, throughout history, nations have called upon their youth to fight their wars, and it is inevitable that some young men and women under the age of 17, usually driven by strong patriotism, have enlisted in the armed forces; and

Whereas, in some instances, these youths were discovered and separated from the service, sometimes after they had already seen action and performed heroically; and

Whereas, the Veterans of Underage Military Service, Inc., was formed in 1990 to help such individuals who were frequently discharged from the service and stripped of their awards and their military benefits; and

Whereas, the primary goals of the organization are to contact all veterans who served in any branch of the United States armed forces when they were under 17 years of age and to advise and assist them in obtaining a proper discharge and their veteran's benefits; and

Whereas, a secondary goal is to establish a historical record of underage veterans by publishing their names, their deeds, and their stories; and

Whereas, the organization currently consists of over 600 veterans who served in the armed forces before they were 17; and

Whereas, three Medal of Honor winners who enlisted before they were 17 have been identified; and

Whereas, the officers of the Virginia chapter of the Veterans of Underage Military Service, Inc., Bobby Lee Pettit and Thomas C. Hise, both served in the armed forces before they were old enough to enlist, legally; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the General Assembly commend the Veterans of Underage Military Service, Inc., for their attempts to locate and assist all underage veterans of America's armed forces; and, be it

Resolved further, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Bobby Lee Pettit, Commander of the Virginia chapter of the Veterans of Underage Military Service, Inc., as an expression of the support of the General Assembly for the worthy goals of this organization.

BRODER REBUTS EXCESSIVE CYNICISM

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1996

Mr. FRANK of Massachusetts. Mr. Speaker, I have long felt that the most damaging form of naivete is excessive cynicism. No where is that better illustrated than in the current grossly distorted discussion of the influence of campaign contributions on public policy. The view that campaign contributions dominate most policy outcomes is a dangerously mistaken one. It is a complete lack of sophistication about the political process masquerading as the ultimate tough mindedness. And it is not only gravely wrong to argue that campaign contributions are the major factor in most policy outcomes, it is self-defeating. To the extent that citizens do believe that elected officials care little about votes and public opinion, not to mention the merits of the issues, and instead are driven largely by campaign contributions in making decisions, those citizens will be discouraged from voicing the opinions which are in fact the single greatest influence in our public policy deliberations.

In his column in the Washington Post for Wednesday, January 31, David Broder very effectively makes this point with a trenchant and cogent analysis of the recent PBS "Frontline" program on campaign financing.

That program, entitled "So You Want To Buy A President" seems to have perpetuated the mythic view that campaign finance is all important in deciding public policy debates. David Broder who knows better, demonstrates the fallacy of this reasoning in his column. Because it is important that citizens not be encouraged to fall into the trap of believing that their efforts will have no influence in the face of campaign contributions, I ask that David Broder's very important article be printed here.

[From the Washington Post, Jan. 31, 1996]

"FRONTLINE'S" EXERCISE IN EXAGGERATION

(By David S. Broder)

As if the cynicism about politics were not deep enough already, PBS's "Frontline" last night presented a documentary called "So You Want To Buy A President?"whose thesis seems to be that campaigns are a charade, policy debates are a deceit and only money talks.

The narrow point, made by Sen. Arlen Specter (R–Pa.), an early dropout from the 1996 presidential race, about millionaire publisher Malcolm S. (Steve) Forbes Jr., is that "somebody is trying to buy the White House, and apparently it is for sale."

The broader indictment, made by correspondent/narrator Robert Krulwich, is that Washington is gripped by a "barter culture" in which politicians are for sale and public policy is purchased by campaign contributions.

The program rested heavily on a newly published paperback, "The Buying of the President." Author Charles Lewis, the head of the modestly titled Center for Public Integrity, was a principal witness, and Kevin Phillips, the conservative populist author who wrote the book's introduction, was also a major figure in the documentary.

It dramatized the view asserted by Lewis in the conclusion of his book: "Simply stated, the wealthiest interests bankroll and, in effect, help to preselect the specific major candidates months and months before a single vote is cast anywhere. . . .

We the people have become a mere afterthought of those we put in office, a prop in our own play."

Viewers saw a number of corporate executives—no labor leaders, no religious leaders, no activists of any kind, for some reason—who have raised and contributed money for presidents and presidential candidates and thereafter been given access at dinners, private meetings or overseas trade missions.

It is implied—but never shown—that policies changed because of these connections. As Krulwich said in the transcript of a media interview distributed, along with an advance tape, with the publicity kit for the broadcast, "We don't really know whether these are bad guys or good guys. . . . I'm not really sure we've been able to prove, in too many cases, that a dollar spent bought a particular favor. All we've been able to show is that over and over again, people who do give a lot of money to politicians get a chance to talk to those politicians face to face, at parties, on planes, on missions, in private lunches, and you and I don't."

If that is the substance of the charge, the innuendo is much heavier. At one point, Krulwich asked Lewis, in his most disingenuous manner, "Do you come out convinced that elections are in huge part favors for sale, or in tiny part?"

And Lewis replied that while "there are a lot of wealthy people that do want to express broad philosophical issues," the "vested interests that have very narrow agendas that they want pursued see these candidates as their handmaidens or their puppets. The presidential campaign is not a horse race or a beauty contest. It's a giant auction."

That is an oversimplified distortion that can do nothing but further alienate a cynical electorate. Of course, money is an important ingredient in our elections and its use deserves scrutiny. But ideas are important too, and grass-roots activism even more so. The Democratic Leadership Council's Al From and the Heritage Foundation's Robert Rector have had more influence in the last decade than any fund-raisers or contributors, because candidates have turned to them for policy advice.

John Rother of the American Association of Retired Persons and Ralph Reed of the Christian Coalition work for organizations that are nominally nonpartisan and make no campaign contributions at all. But their membership votes—so they have power.

The American political system is much more complex—and more open to influence by any who choose to engage in it—than the proponents of the "auction" theory of democracy understand, or choose to admit.

By exaggerating the influence of money, they send a clear message to citizens that the game is rigged, so there's no point in playing. That is deceitful, and it's dangerously wrong to feel that cynicism.

Especially when they have nothing to suggest when it comes to changing the rules for the money game.

At one point, Phillips said that the post-Watergate reforms succeeded only in having "forced them [the contributors and politicians] to be more devious." That is untrue. Those reforms, which mandated the disclosure of all the financial connections on which the program was based, also created publicity which, even Krulwich and Co. admitted, foiled the "plots" of some contributors.

And Krulwich, for his part, suggested very helpfully that "every high-profile politician agrees that some things have got to change. Change the limits. Change the rules. Change the primaries. Change the ads. Change enforcement. You gotta change something."

How about changing the kind of journalism that tells people that politicians are bought-and-paid-for puppets and you're a sucker if you think there's a damn thing you can do to make your voice heard?

A TRIBUTE TO MR. AND MRS. JAMES ADAMS ON THEIR 50TH ANNIVERSARY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1996

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to two constituents who are an inspiration to all those who say "I do"—James and Helen Adams.

Mr. and Mrs. Adams of Riverside, IL recently celebrated their 50th anniversary with a large party with dozens of their friends and family members.

However, the real celebration should be for a young sailor and his 20 year old fiance from Brookfield, IL who would not let even a world war from keeping them apart. With conflict still raging in the Pacific in June 1945, Jim Adams had planned to take advantage of a short leave to marry his sweetheart, Helen Jean Bennett. But, as is often the case in wartime, his leave was canceled and he was not able to get back home until December of that year, a few days before Christmas. Not only were there no churches available during the holidays for a wedding ceremony, there were no priests or preachers either. Finally, on New Year's Eve, a clergyman was found and the wedding took place in the bride's house.

Mr. Speaker, I congratulate Mr. and Mrs. Adams on not only their 50th anniversary, but also their perseverance and devotion 50 years ago that prevented even a world war from keeping them apart.

TRIBUTE TO ARTHUR R. NASH, JR.

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1996

Mr. EHLERS. Mr. Speaker, it is with great delight that I take this opportunity to honor Art Nash for his many contributions to the State of Michigan through his work with the Department of State Police and the Department of Natural Resources. Art is retiring after 26 years of dedicated and loyal service to the Great Lakes State. His professionalism and exceptional work ethic will be sorely missed by those who have had the pleasure of working with him.

Art grew up in Dearborn, MI, and graduated from Fordson High School. He went on to Western Michigan University in Kalamazoo, MI, where he obtained a bachelor of science degree in psychology and sociology in 1970. In addition to his academic pursuits, Art also participated on the varsity swim team and served as an officer of the Pi Kappa Alpha fraternity. He would later return to his alma mater to earn a master's degree in public administration in 1980.

Art's professional career began in 1970 when he took the oath as a trooper with the Michigan State Police. He served until 1977 in the department's uniform and criminal investigation division enforcing traffic laws, investigating criminal and civil complaints, and serving as an undercover officer for drug traffic investigations.

In 1977, Art's career path took him to another division within the Michigan State Police. For the next 17 years, Art was an integral member of the department's fire marshal division, playing an important role in the division's growth. As a member of the fire marshal division, Art rose through the ranks from detective sergeant in the First District Office to first lieutenant commander of the hazardous materials section. As first lieutenant commander, Art was responsible for administering the division's Hazardous Materials Enforcement Program. This also included the task of developing and implementing division policies and procedures.

In May 1994, Art said goodbye to the Michigan State Police and took his talents to the Department of Natural Resources where he served as chief of the Department's underground storage tank division. Though his work with the DNR was less than 2 years, his accomplishments were monumental. I am extremely appreciative of his efforts in the development of the underground storage tank regulatory program and his role in the creation of the risk-based corrective action plan for leaking underground storage tank sites. Michigan residents are fortunate to have had the expertise and knowledge that Art has to offer.

Art's commitments also extend beyond the workplace. He is a member of the St. Luke Lutheran Church in Haslett where he once served as president of the church council. In addition to support from his church Art has also been blessed with the love and support of his wife, Jennifer, and son, Kirk.

Mr. Speaker, there are some people you meet in life that you feel very privileged to know. Art Nash is one of those people. I am extremely thankful that I had the opportunity to work with this man of great character while I served in the Michigan Legislature. It is with great delight that I offer this tribute to salute Art Nash, an outstanding and dedicated employee and citizen of the State of Michigan.

DR. RICHARD HOVANISSIAN, ARMENIAN NATIONAL COMMITTEEMAN OF THE YEAR

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1996

Mr. RADANOVICH. Mr. Speaker, on March 10, 1996, the central California chapter of the Armenian National Committee of America will be honoring Dr. Richard Hovanissian as Man of the Year.

Dr. Hovanissian is a professor of Armenian and Near Eastern History, and Associate Director of the G.E. von Gruenebaum Center for Near Eastern Studies at the University of California at Los Angeles [UCLA]. As a member of the UCLA faculty since 1962, Dr. Hovanissian has played a major role in international forums relating to the study of genocide and Armenian history. As a Guggenheim Fellow, he has published more than 40 scholarly articles. Dr. Hovanissian has given more than 1,500 speeches and lectures to university, community, television, and radio audiences on a variety of topics. He has been a guest lecturer in more than 25 countries. In 1990, Dr. Hovanissian was elected to the Armenian Academy of Social Sciences, becoming the first social scientist living abroad to be so honored.

Recently, at the invitation of the U.S. Holocaust Memorial Museum, he took part in a lecture series on "Genocide and Mass Murder in the Twentieth Century." His presentation, "The Armenian Genocide: An Eighty-year Perspective," reflected on the meaning of the Armenian experience today and its similarities and differences with other mass killings of this century.

I wish to add my personal congratulations to Dr. Hovanissian on being selected as the Armenian National Committee's, Man of the Year. Dr. Hovanissian's accomplishments and work for the Armenian community deserve special commendation. I wish him my best for continued success.

IN HONOR OF CARROLL BROWN

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1996

Ms. DELAURO. Mr. Speaker, I would like to congratulate Carroll Brown on the 10th anniversary of her founding of the West Haven Black Coalition.

For the past decade, the West Haven Black Coalition has improved the lives of African-Americans and strengthened the West Haven community. By joining forces, African-Americans in West Haven have made their voices heard and have assumed leading roles in all walks of life. The West Haven Black Coalition has spurred efforts to register voters, improve parks, and educate our future leaders through its scholarship program.

The West Haven Black Coalition's mission to encourage African-Americans to get involved in their community is a reflection of the organization's founder and president, Carroll Brown. Carroll's selfless devotion to helping others has improved Connecticut at both the State and local levels. She helped working people across Connecticut when she served as a labor committee staff member at the Statehouse in Hartford.

It is in her own community, however, that Carroll has truly set herself apart and shown others not only the way, but their responsibility to better their neighborhoods and surroundings. Her dedication can be seen in many ways, including her pioneering service as the first African-American woman on the West Haven Board of Education. She has fostered this community spirit in her husband and three sons.

Carroll realized the potential for greater community participation by African-Americans in West Haven and had the vision to create the West Haven Black Coalition. In the 10 years since, the coalition has unified West Haven's black community and given rise to true grass roots community involvement. Her oft-repeated words capture her commitment to a cohesive community: "In unity there is strength. Together we stand, divided we fall."

I have had the pleasure of working with Carroll Brown for many years and am pleased to take this opportunity to thank her and congratulate her on the 10th anniversary of the West Haven Black Coalition she has founded and nurtured over the years.

TRIBUTE TO RUTHANN VIHON

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1996

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to an outstanding community servant in my Congressional District, Ms. Ruthann Vihon, of Western Springs, IL, on the occasion of her being honored with the Hinsdale/Gateway Rotary Club's Paul Harris Fellow Award on March 2, 1996.

The award recognizes her commitment to community service and volunteerism and will provide a $1,000 donation in her name to the Rotary Foundation. This truly tireless activist sits on the elected Lyons Township High School Board of Education. In addition, Ms. Vihon is a volunteer with the Community Support Service, Respite House, and the Hindsdale/Gateway Rotary Club Special Needs Scholarship Advisory Board, which assists special education students pursue higher education.

Mr. Speaker, I congratulate Ms. Vihon on this honor, and extend to her my best wishes on continued success in her service to her community.

HONORING THE LIFE AND WORK OF MORTON GOULD

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1996

Mr. NADLER. Mr. Speaker, on February 21st, this country lost a truly outstanding individual when composer and conductor Morton Gould died at the age of 82.

Born in Richmond Hill, NY, Morton Gould's creativity was recognized just last year, when he won the Pulitzer Prize for Stringmusic. He composed for Broadway and for the ballet; his music was commissioned by symphony orchestras throughout the United States. His style integrated jazz, blues, gospel, country-and-western, and folk elements into compositions that were instantly recognizable as American, and which led to his receiving three commissions for the U.S. Bicentennial.

As a conductor, Morton Gould led many of the major American orchestras as well as those of Canada, Mexico, Europe, Japan, and Australia.

But as accomplished as he was as composer and conductor, Morton Gould's true genius was that he became what he called a "musical citizen": composer, conductor, arranger, educator, mentor. He loved and appreciated all kinds of music and did much to advance the protection of songwriters, including serving as president of the American Society of Composers, Authors, and Publishers [ASCAP].

Morton Gould received a 1994 Kennedy Center Honor in recognition of his lifetime contribution to American Culture.

Mr. Speaker, it is fitting that this man, who contributed so much of lasting value to America, should be remembered and honored.

TRIBUTE TO SENATOR HENRY J. MELLO

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1996

Mr. FARR of California. Mr. Speaker, I rise today in tribute to one of California's great leaders and legislators, State Senator Henry J. Mello. The Senator retires this year after more than three decades of continuous service to the people of California's Central Coast, located in my district. As he closes this chapter of his public life, I want to take this time to salute a man who epitomizes the best in public service.

A native of Watsonville, CA, Senator Mello has spent most of his adult life working tirelessly on behalf of his constituents. Rising through the ranks of local government, the Senator served first as a Santa Cruz County supervisor for 8 years, then was elected to serve as assemblyman for both Santa Cruz and Monterey Counties in 1976. In 1980, Senator Mello was elected to the State senate and, in a tribute to his talent, he was quickly named that body's majority whip. Senator Mello was subsequently elected majority leader in 1992 and successfully chaired the Subcommittee on Aging, the Subcommittee on Economic Problems Facing Agriculture, the Senate Select Committee on Bilingual Education, the Joint Committees on the Arts, the 1992 Quincentenial, and served as vice chair of the Senate Select Committee on California's Wine Industry and Water Resources.

I have had the honor of working with Senator Mello on many occasions and I have always been touched by both his skill and his concern for the community. You just won't find a better citizen's advocate for education, the environment, or especially, the elderly. Senator Mello authored legislation to enact the first programs focusing on Alzheimers-Respite Care, Adult Day Health care and the Multipurpose Senior Services Programs. He founded the Senior Legislature and passed legislation to combat elder abuse. In the 20 years that Senator Mello has served in the legislature, he has authored more than 120 bills on aging and long-term care that have become law of the land in California.

Senator Mello's commitment to our senior citizens, and indeed to all citizens, was particularly impressive when their need was greatest, after the Loma Prieta earthquake of 1989. Senator Mello's work was key in maintaining vital lines of communication and in ensuring that our area received millions of dollars to aid in the region's rebuilding. I am certain that had it not been for Senator Mello's initiative and hard work our area's recovery would have been far less easy. Helping the area recuperate from the earthquake was just one of many highlights in his distinguished legislative career.

For many years to come, tangible evidence of Senator Mello's labors will be obvious to all California residents, especially his interest in education and the arts. During his tenure as chairman of the Fort Ord Task Force, Senator Mello helped establish the California State University at Monterey Bay, the University of California, Santa Cruz research center at Fort Ord and authored the legislation creating the Fort Ord Reuse Authority. Senator Mello also acquired essential funding for Santa Cruz County libraries preventing their closure and, in perhaps the greatest tribute to his work, was honored in 1994 with the naming of the Henry J. Mello Center for Performing Arts in Watsonville. One could literally fill books with Senator Mello's many other wonderful accomplishments.

As he retires this year because of State term-limits, one thing is positively certain: Senator Mello will be sorely missed. For my part, I will miss working with a member of the Democratic team who has so successfully governed the Central Coast for more than a generation. As for the people of his district, they will no doubt miss something much more profound. In the Senator, they will miss a man who has lived his life to serve, who has led with levels of compassion and commitment not normally found in our public servants these days. But then again, Senator Mello has been no ordinary public servant.

TRIBUTE TO AMATO L. BERARDI

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1996

Mr. BORSKI. Mr. Speaker, I rise today in recognition of my close personal friend Amato L. Berardi, who will have the title "Cavaliere dell'Ordine al merito della Republica Italiana" bestowed upon him on March 17, 1996.

Amato L. Berardi was born on October 14, 1958 in Longano, a province of Isbernia, Italy. His parents, Carmine Berardi and Carmela Ditri, were married in Italy where they had four sons. In 1970 they emigrated to the United States.

Upon arriving in Philadelphia, Amato attended Mater Dolorosa grade school, followed by North East Catholic High School. In 1975, while still in high school, he and his brothers owned and operated a restaurant in Philadelphia. Amato graduated from high school in 1978, and then went on to attend Philadelphia College of Textiles and Business for 2 years. During Amato's 2-year tenure, he majored in business management.

On January 4, 1983, Amato joined New York Life where he became the No. 1 agent in his class in 1983. He became the Executive Council agent in 1986, achieved Presidents Council status in 1987, and Chairman's Council in 1993. Mr. Berardi gained membership in the Million Dollar Round Table, and has received the National Quality and National Sales Achievement awards.

Amato has also been recognized for his service to his community. He has received the Italian-American Knights Legion's Knight of Goodness Award, and has been honored with a Humanitarian Citation from the City Council of Philadelphia and the State Senate of Pennsylvania. Amato is also president of the National Italian American Political Action Committee and the Federation of Italian American Businesses. He is also actively involved in numerous social organizations, including the Overbrook Italo-American Democratic Club, the Sons of Italy, the Columbus Association of America, and the American Heart Association.

Today, Amato resides in Huntington Valley with his wife of 13 years, Maddalena Caranci, and their two children Carmelina and Carmine.

Mr. Speaker, I join Amato Berardi's family and friends in congratulating him for a lifetime of hard work and devotion to the Italian-American community and congregation.

TRIBUTE TO MELVIN EGGERT

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1996

Mr. LIPINSKI. Mr. Speaker, I rise today to express my sympathy to the family and many friends of Melvin Eggert, the former mayor of Countryside, IL, a community in my district.

Mr. Eggert was a true pioneer in the community, which was incorporated in 1959. From 1960 to 1963, he served on the city council and then was Countryside's mayor from 1963 to 1967. He helped guide the city through its infancy, providing the foundation for its growth into one of the most prosperous suburbs in the Chicago area. He was also a successful restaurant owner in the area.

Mr. Speaker, I extend my condolences to Mr. Eggert's wife, Martha, and his entire family and his many friends on his passing.

THE PATIENT RIGHT TO KNOW ACT OF 1996

HON. GREG GANSKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1996

Mr. GANSKE. Mr. Speaker, I am pleased to join with my colleague from Massachusetts, [Mr. MARKEY] and numerous original cosponsors in introducing legislation to ensure that doctors remain free to provide critical health care information to patients.

There is nothing more central to the doctor-patient relationship than trust. Patients and their families rely on doctors to fully inform them about the course of a disease and the various ways it can be treated. They deserve to know the risks and benefits, the costs, and the chances of success of the treatments that will be inflicted on their own bodies or their loved ones. And they don't want information withheld because of an insurance company restriction.

Unfortunately, that essential doctor-patient trust is being undermined by some health plans that attempt to limit the content of discussions between patients and providers. Physicians are increasingly being offered contracts by insurance companies that contain restrictive clauses preventing the physician from using sound medical judgment and undermine the essential notion of informed consent.

Sometimes, these contracts explicitly seek to limit the information a doctor can provide to a patient, preventing doctors from discussing proposed treatments until the plan has agreed to pay for it. How can we expect patients to make informed decisions about their own health if doctors can only inform them of options that the plan is willing to pay for?

Other plans achieve the same result more subtly. Some place a general disparagement clause in their contracts, forbidding providers from saying anything that might undermine patient confidence in the plan. The danger of this clause is very real. Patients rely on their physician to tell them which doctors or hospitals are better than others. But in plans with general disparagement clauses, a doctor could not tell a patient that 7 of the last 11 patients he referred to the plan's heart surgeon have died. That is precisely the sort of information doctors should give to patients and is precisely the kind of communication that general disparagement clauses prevent.

Sometimes, contracts contain no explicit restrictions on communications between doctors and patients, but physicians can still find the content of their medical advice restricted. A former neurologist from a large HMO indicated that "I was told it was a mistake to tell the patient about a procedure before checking to see whether it was covered." Whether explicit in a contract or communicated to doctors orally, such restrictions on communication deny patients access to critical information and make a farce out of the notion of informed consent.

Today, because of market concentration, for a physician to buck a "gag clause" and be terminated from one of two dominant HMO's in a community, may mean whether that physician stays in practice. There is genuine fear among providers that if they act too often or too vigorously as a patient advocate, their contract won't be renewed. Under these circumstances, it takes a hero to be a patient advocate. And as we know far too well, heroes are rare.

This legislation is a balanced approach to a growing problem. While I understand the importance of the free market, Congress must protect patients who are unaware that some doctors are no longer able to communicate their best judgment. These restrictions are unethical. They violate the Hippocratic Oath. They undermine the quality of care. And, as far as I'm concerned, they have no place in the health care market.

I hope that my colleagues on both sides of the aisle will see the importance of this issue and help us enact the Patient Right to Know Act.

INTRODUCTION OF THE PATIENT RIGHT TO KNOW ACT OF 1996

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1996

Mr. MARKEY. Mr. Speaker, I am pleased to join Dr. GANSKE today in introducing the Patient Right to Know Act of 1996.

When I was a boy, my mother told me, "if you don't have anything nice to say, don't say anything at all." Now when my mother said that, she was not talking about protecting the feelings of health plans. She was talking about people, who sometimes, unfortunately, become patients. So she would be quite surprised to see this dangerous twist on her advice in some of the contracts between doctors and health plans we see today. Today, to protect the feelings of health plans, doctors are being asked to restrict what they say to their patients. This is wrong, just plain wrong. No doctor can practice good medicine in a muzzle.

The fact is, when you're a patient, what you don't know can hurt you. That's why Congressman GANSKE and I are introducing the Patient Right to Know Act. The Patient Right to Know Act will prohibit health plans from restricting communications between doctors and their patients about treatment options, their benefits and risks, and other issues related to quality of care. It will ensure that doctors are allowed to tell their patients why a plan decides to pay for, or deny, a treatment. Finally, it will bar plans from restricting doctors from talking to their patients about financial arrangements they have with the plans which might affect those patients' access to care.

The impetus for our bill was the increasingly frequent reports of health plans trying to keep doctors from talking freely to their patients about their health care needs, or forcing doctors to sign contracts that include clauses restricting doctor-patient communications. I was deeply disturbed by these reports, because I am a great believer in the principle of informed consent and restrictions on communications between doctors and their patients make informed consent impossible. Attacks on informed consent—which is the most basic patient protection—simply cannot be tolerated in our society.

I have worked on consumer protection issues for a lot of years now, and I look at it this way: Patients are really just consumers of health care. Like any other kind of consumer, patients need complete and accurate information about the products or services available if they're going to make good decisions about the health care they consume. The only difference is, we are not talking about toasters or washing machines here, we are talking about people's health and lives.

Now Dr. GANSKE here has an advantage, because while I was at law school, learning about the rule against perpetuities, he was in med school, learning how to make sick people well. So when Dr. GANSKE is feeling a little under the weather, and he goes to see his family doctor, he's on a pretty level playing field. He knows what questions to ask. He's probably already read about the latest treatment for whatever is it that ails him.

But the ordinary Joe is at a disadvantage. He does not get the New England Journal of Medicine at home. He places enormous trust in his doctor, and depends on his doctor to tell it to him straight. When a health plan tries to control or censor communications between its doctors and their patients, that critical bond of trust is broken.

Silence isn't always golden. Although he who has the gold sometimes tries to demand silence—the fact is, in today's world, knowledge and information are the coins of the realm. Nowhere is this truer than in the realm of health care.

Hippocrates said "Health is the greatest of human blessings." Surely, it is the most precious although many of us do not realize this until we ourselves or someone we love becomes seriously ill. Then, we would give away anything we have—all of our worldly treasures—to make them well again. At that moment, our greatest ally is our doctor, and our most valuable asset is the information he can give us. That is why passing the Patient Right to Know Act is so important.

IN HONOR OF AFRICAN-AMERICAN WOMEN

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1996

Mr. FROST. Mr. Speaker, in honor of this year's theme of African-American women, I wish to recognize the passing of former Congresswomen Barbara Jordan, one of Texas' greatest political figures. She died at the age of 59 from pneumonia, one of the many illnesses which she suffered from in the last years of her life. But the life that she led was extraordinary, and she left a mark that few will ever match, and that none will ever forget.

Mr. Speaker, Congresswoman Jordan distinguished herself from an early age. With her family's encouragement she worked hard to rise above the poverty of her childhood in Houston. She graduated magna cum laude from Texas Southern University. It was there that she first displayed her powerful oratorical skills as a member of the debate team. In 1959 she received her law degree from Boston University.

Mr. Speaker, Barbara Jordan made history by setting a number of firsts. She was the first black State Senator in Texas history, elected in 1966. In 1972 she was accorded the high honor of being elected president pro tempore of the Texas Senate, another first for an African-American. Eight years later she recorded another first, becoming the first black from Texas to be elected to Congress. Although she only served for 6 years in the House of Representatives, her impact was monumental.

It was as a freshman Congresswoman, Mr. Speaker, that the Nation first came to know Barbara Jordan. As a member of the House Judiciary Committee she made one of the defining speeches of the Richard Nixon impeachment hearings. Rising above the political rhetoric, she told the world, "My faith in the Constitution is whole, it is complete, it is total, and I am not going to sit here and be an idle spectator to the diminution, the subversion, the destruction of the Constitution." Indeed, her statements reminded America of what was truly great about this country.

On a more personal note, Mr. Speaker, Barbara Jordan served as one of my earliest political role models. I had a chance to see Congresswoman Jordan speak at the 1976 Democratic National Convention. Like everyone else that heard her speech I was moved not only by her eloquence, but by her definition of public service. "More is required of public officials than slogans and handshakes and press releases," she said. "We must hold ourselves strictly accountable. We must provide the people with a vision of the future." These words continue to guide and inspire me 20 years later.

I wish in the coming days that all Texans would join me in reflecting upon the legacy of Barbara Jordan. She stood for honesty, integrity, and an unswerving commitment to the principles on which this country was founded. Her legacy will endure as we continue to honor these ideals.

PHILADELPHIA GAY NEWS CELEBRATES 20 YEARS OF SERVICE TO COMMUNITY

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1996

Mr. FOGLIETTA. Mr. Speaker, I rise today to recognize the 20 year anniversary of publishing for the Philadelphia Gay News, one of the oldest newspapers serving the gay and lesbian community in America.

I met a young activist named Mark Segal when I was a Republican member of the Philadelphia City Council many years ago. When Mark started the newspaper in 1975, he was a pioneer. In 1975, very few communities had any means for gays and lesbians to know about what was going on in terms of politics, government, health or social events. They had to depend on leaflets and word of mouth. Through the energy of people like Mark Segal throughout the country, that has changed. Lesbian and gay journalism helped that community become more cohesive, politically aware and active. Indeed, trailblazers like Mark Segal helped put the community in the gay and lesbian community. Now, Mark is respected as an elder statesman in gay and lesbian independent journalism in America, though he is anything but an elder. Nationally, Mark was deeply involved in the establishment of gay and lesbian journalists' and publishers' organizations, as well as putting some of their newspapers onto the internet.

Through credible and independent journalism, the Philadelphia Gay News promoted pride in gay and lesbian self identity and educated the community about violence and HIV, AIDS, and other health concerns. The paper helped promote empowerment by giving an advertising avenue for burgeoning gay and lesbian business interests. It gave force to gays and lesbians in Philadelphia government and politics.

I congratulate Mark Segal, his partner Tony Lombardo, who acts as the paper's business manager, and the paper's editor Al Patrick for their commitment to adding to the vitality and diversity of the Greater Philadelphia community.

TRIBUTE TO LAKELAND ELEMENTARY SCHOOL

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1996

Mr. TORRES. Mr. Speaker, I rise today to pay tribute to Lakeland Elementary School in Norwalk, CA. Lakeland has been selected for the 1996 Program of Excellence Award by the California Council for the Social Studies. Only one school or district is selected each year throughout California to receive this prestigious award.

With the leadership and support of principal Tom Noesen, the creative and imaginative staff at Lakeland have used social studies as the core of an exciting resource-based instructional program, which has attracted the attention of an increasing number of educators. Lakeland School has also developed a remarkable relationship with its students, families, and with its primarily minority community. The staff at Lakeland Elementary are to be commended for achieving such positive educational results and for boosting its role within the community.

In this era of dwindling resources and support for public education, it is encouraging to see enthusiastic and caring teachers that are committed to providing our children the high quality education to which they are entitled. Lakeland School is a prime example of a team effort. Because of the cooperation that exists on the part of the administration to the students, Lakeland School has proved itself to be a pioneer in the effort to prepare our young people for success in the challenging world of tomorrow.

Mr. Speaker, it is with tremendous pride and appreciation that I ask my colleagues to join me in acknowledging the positive contribution that Lakeland School is making toward the future of America.

TRIBUTE TO WEST SUBURBAN CHAMBER OF COMMERCE 1996 AWARDS HONOREES

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1996

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to five outstanding individuals and three organizations in my district who were recently honored for public service and volunteerism by the West Suburban Chamber of Commerce (WSCC).

Mr. Lawrence Kinports of LaGrange, IL, was named as the WSCC's Citizen of the Year. Mr. Kinports, a retired business executive and current LaGrange trustee, is renowned in the community for his volunteer work. He serves as an active member of the boards of numerous organizations, including the Southwest Suburban Center of Aging and the Community Extension Project, which serves the youth of his community. In addition, Mr. Kinports has been previously recognized by this Member with my Senior Citizen of the Year Award.

WSCC Man of the Year Ronald Henrickson of LaGrange is another individual who can't say no when it comes to giving of his time and talents. He is a member of LaGrange's Economic Development/Redevelopment Commission, sits on the board of directors of the Richport YMCA, and volunteers with Mainstreet LaGrange, a redevelopment group in the community.

Ms. Linda Johnson of Western Springs, IL, the Chamber's Woman of the Year, is a successful small-business owner who also finds time for her community. She has been especially active in expanding opportunities for girls and young women, serving as board member of the Whispering Oaks Girl Scout Council and is a past president of the LaGrange Business and Professional Women's Organization. Ms. Johnson also sits on the Western Springs Economic Development Commission and the WSCC Board of Directors, and is the immediate past president of the Western Springs Business Association.

Mayor Carl LeGant of Countryside, IL, the WSCC's Public Servant of the Year, represents all that is good about government service. Mayor LeGant is a true pioneer in his community. He was active in Countryside's incorporation in 1959 and has served in city government since 1963. His honesty and devotion to his community are unquestioned, and after scandal rocked Countryside's government nearly 20 years ago, Carl LeGant was elected Mayor and helped restore the people's faith in their municipal leaders.

Mr. James Durkan of Indian Head Park, IL was recognized with the Outstanding Community Service by an Individual Award. Mr. Durkan serves as president of the Community Memorial Fund, which distributes funds for health and wellness projects throughout the community. He is also active in the LaGrange Kiwanis Club and received the LaGrange Community Nurse Service Association's Outstanding Service Award in 1993 and currently serves on the Chamber's board of directors.

Other WSCC award winners include the Rich Port YMCA as the Outstanding Community Service Organization. The Y, a true landmark in LaGrange, recently celebrated its 50th anniversary of serving 15 area communities. More than 200,000 people utilize the Rich Port YMCA each year.

Winners of the Chamber's Beautification Award include Burcor Properties of LaGrange and Courtright's Restaurant of Willow Springs, IL. Burcor and its owner, Jerry Burjan, a former WSCC Man of the Year, have done much to improve downtown LaGrange, including renovating a number of commercial buildings. William and Rebecca Courtright, owners of Courtright's, painstakingly preserved the surrounding natural beauty of a sweeping, wooded hill when they constructed their restaurant in Willow Springs.

Mr. Speaker, I congratulate the West Suburban Chamber of Commerce honorees on their contributions to the community and wish them and the WSCC much success in the future.

AGRICULTURE REGULATORY RELIEF AND TRADE ACT

HON. PAT ROBERTS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1996

Mr. ROBERTS. Mr. Speaker, today we are introducing what some have called Farm Bill II. More accurately we are calling it the Agriculture Regulatory Relief and Trade Act of 1996. This is a small step toward providing American farmers with the regulatory relief that will enable them to compete in a very competitive global environment.

Many of my colleagues have seen the Agriculture Policy Ledger. The Agriculture Committee has told farmers that there will be less money in the future but in return we have also promised less Government involvement in their lives. The Contract With America contained many of those promises. The Clean Water Act adopted by this House and awaiting action in the Senate would go a long way in addressing a wetlands regulatory nightmare.

I am firmly committed that we should consider many of the policy issues impacting farmers in a calm and careful manner. This bill will lay the cornerstone for the Agriculture Committee's effort to provide some regulatory relief to producers in the agricultural policy area. This bill reflects our commitment to a two-track approach. The first track, the Agricultural Market Transition Act, contains the major spending items in the agriculture budget. The second track, the one that we are embarking on today, deals with many of the policy issues under the House Agriculture Committee's jurisdiction.

I firmly believe rolling all of the budget and policy issues into one huge farm bill is a mistake. The Senate chose to pursue this approach and in that process ended up spending at least $800 million above the December CBO baseline. In fact, when you compare the Agriculture Market Transition Act to the Senate bill, we save over $5.4 billion more than they do.

REGULATORY RELIEF AND REAUTHORIZING THE CRP

The conservation title of the Agriculture Regulatory Relief and Trade Act fulfills a promise we made to our producers during the 1994 elections and the budget debate—in return for reduced Government support, we reduce the Government's involvement in their lives. The 1985 farm bill established a partnership between the Federal Government and the farmers. That agreement in essence said we will provide income support payments in return for compliance with government regulations.

However, since that time we have reduced payments by nearly two-thirds. At the same time Government regulations have increased exponentially. This is the first step towards stopping increased Government regulation on producers and making the regulations that remain meet the common sense tests that all regulations should have to meet—technical and economic feasibility and a focus on results, not on process.

The bill that I am introducing today with my subcommittee chairmen meets these tests. It protects the environment and allows producers to use their own innovation to meet environmental goals instead of forcing them to use the innovations of Government bureaucrats. This legislation will also halt several instances of regulatory overkill that have plagued producers since these laws were passed. This legislation goes a long way toward ending this overkill and putting producers back in charge of their land.

Specifically, this legislation will expedite procedures that producers must go through when requesting variances from conservation compliance due to circumstances beyond their control. Conservation systems and plans are clearly defined so that they are technically and economically achievable, are based on local resource conditions and can be met in a cost effective manner. Penalties will remain in place for producers who violate compliance, but will be tempered when producers unknowingly violate compliance. This legislation also encourages producers to request technical assistance from NRCS without fear of being found out of compliance and then penalized.

We also move forward in reducing the paperwork burden on producers by consolidating cost-share programs that producers use to meet environmental goals. Through consolidation we allow producers to fill out one set of paperwork to access cost share programs, instead of the current system that requires producers to identify their needs then identify which government program they can access and then filling out duplicative government forms. This is common sense and should expedite the process. Finally, this legislation authorizes a new program for livestock produces to improve water quality. This is a mandatory program that is fully paid for and should help livestock operations improve the quality of rural areas.

In addition, this bill provides for the reauthorization of the Conservation Reserve Program up to 36.4 million acres. This program has been a very valuable program that has been enormously popular with farmers, environmentalists, sportsmen and conservationists. Our provision is a simple reauthorization of the program, without modifications to the criteria for enrollment in the CRP.

Mr. Speaker, this is common sense reform that both sides of the aisle should be able to support.

GOVERNMENT CREDIT REFORM

Farmers and ranchers learned the hard way in the late 1970's and 1980's that they could not borrow their way to prosperity. All of us here in Washington concerned with Federal farm policy know that American taxpayers are increasingly unwilling to pay for a continuation of status quo farm policy. USDA farm credit programs that have resulted in billions and billions of dollars going uncollected are high on that list of benefits we can no longer afford.

The bill introduced today seeks to realign Federal lending policies that have been patched together during the last two decades in response to the farm problems in the 1970's and 1980's. Statutory prescriptions that read like regulations are eliminated or streamlined by this bill. USDA farm loans should be used for income generating purposes to enhance our farmers survivability, not support environmental policies that are contained in regulatory activities under other laws. In that regard, the local Farm Service Agency credit office should not be a procurement agency for the U.S. Fish and Wildlife Service. The bill strikes this law.

We all have heard the stories about the farm and home borrower who got his debt written down one day and bought a new pickup the next. Or, farmers, who are always the last to plant in the spring and leave their crops in the fields all winter, are first in line at the county office when it comes time to get their debt forgiven. Of course, a lot of this is coffee shop talk but, on the other hand, the General Accounting Office [GAO] has spent a number of years examining USDA lending practices and has found USDA to be lax or deliberately permissive in response to congressional wishes. There have been nearly a dozen of these GAO reports over the years.

As a 1992 report says, "Lenient loan-making policies, some congressionally directed, have further increased the government's exposure to direct loan losses." The GAO says the old FmHA provided $38 million in new loans to some 700 borrowers who had already defaulted on loans resulting in losses of $108 million. Half of these borrowers became deliquent on their second round of loans. This is nothing but throwing good money after bad, and I might add it has done nothing for the farmers but delay the inevitable. This kind of policy cannot continue.

GAO looks at one borrower who "* * * received a $132,000 direct farm operating loan from the Farmers Home Administration (FmHA) even though, just 2 months earlier, he had received about $428,000 in debt relief. By March 1991, he was $28,000 past due on payments." This may be a single instance but is not likely to be unrepresentative when you consider the aggregate losses of billions.

Unfortunately, the disposition of inventory property, including provisions that make otherwise viable farming units into easements for environmental purposes—all at taxpayers' expense—has been just as irresponsible. This legislation is designed to change those policies as well.

TRADE

Farmers know that there will be less money to spend on production agriculture in the future. The money we do spend must be spent wisely. Farmers must be prepared to respond to agriculture trade in a post NAFTA and GATT world. GATT and NAFTA opened up the world markets. We still must be competitive and fight for market share. That is the goal of this trade title, to give farmers and ranchers the tools necessary to respond to the exploding world demand we see in the Pacific Rim countries, China, and Latin America.

In the 70's exports were largely bulk grains. Today we are seeing more grain than ever move overseas, but it is in the form of processed products, beef, pork, and poultry. Red meat exports are three times the 1986 level. Poultry exports are six times the 1986 level.

The bill we are introducing today continues and fully funds the Market Promotion Program. While the MPP program has come under attack, I remind my colleagues that farmers and ranchers produce a commodity. By the very definition a commodity is just that—nondifferentiated. One bushel of wheat pretty much looks like another bushel of wheat.

Any economist will tell you that the way to move more of a commodity is turn it into a value added product. Differentiate the product and you will add value. Convince the overseas consumer that U.S. poultry or beef is better and you have sewn up market share. That is the goal of the MPP program and we need to retain the MPP program. Exports are moving toward value added products and MPP will facilitate that movement.

Specifically, the trade title allows credit guarantees for high value and value-added products with at least 90 percent U.S. content by weight.

Next, it provides protection to producers of any agriculture commodity who suffers a loss due to an embargo imposed for reasons of national security, foreign policy, or limited domestic supply.

The Secretary is given the flexibility to use the funds of the various export programs in ways that better accomplish the programs' objectives and to ultimately increase U.S. agriculture exports.

The Secretary is given the responsibility to monitor compliance with the agriculture provisions and sanitary and phytosanitary measures of the Uruguay Round Agreement. The Secretary will report any country failing to meet its commitments under the Uruguay Round Agreement to the U.S. Trade Representative for appropriate action.

RURAL DEVELOPMENT

The committee considered three important objectives when developing the rural development title: flexibility, local planning and decisionmaking, and sustainability. The rural development reforms included in this package meet all three.

In regards to flexibility, GAO issued a number of reports concerning the cumbersome and counterproductive regulations associated with present rural development programs. The programs are small and narrowly focused and each is equipped with its own rules and regulations. Many communities do not bother applying for funding due to the time and money involved in completing an application. And, since every rural development dollar is designated for a particular use, applicants often apply for available, instead of needed, funding. The Senate bill makes some improvements in terms of how rural development money can be spent. However, all the regulations, limitations, and restrictions would still apply. Our bill provides maximum flexibility by consolidating all rural development funding and including precious few regulations. The regulations are essentially two-fold. First, the money must be used for rural development activities currently eligible for funding. And, second, the money must be used to the benefit of small towns, particularly those with 10,000 people or less. That's it. This kind of flexibility cuts costs and confusion, saves time and energy, and allows rural America to get down to the business of rural development rather than bogged down in the business of bureaucracy.

A theme that dominated one GAO report is the need for local leadership and long-range planning in rural development. According to the report, "each area has unique qualities that require customized, rather than off-the-shelf, solutions to its economic problems."

The report continues, "While the effectiveness of Federal programs may be uncertain, their inefficiency in delivering benefits is self-evident." Finally, the report concludes by recommending "* * * exploring alternatives to the current set of Federal rural development programs, not merely better ways to coordinate them." While the Senate bill does throw a bone or two at State and local government, it jealously holds control of rural development programs in Washington—settling for off-the-shelf solutions to local problems. Our reform bill promotes local solutions to local problems by distributing consolidated rural development funds to the States. In turn, each State may administer its own rural development programs in close consultation with local government and the private sector. It is worth noting that State and regional governments already administer 4 out of the 5 major sources of Federal funding for water and waste projects. The States will gain one more if Senators CHAFEE and KEMPTHORNE's safe drinking water amendments become law. It just makes sense to turn these rural development programs—which include water and waste—over the States to maximize coordination and get the job done.

Finally, in regard to sustainability, we all know that Federal funding for rural development is shrinking. In a single year—from fiscal year 1995 to fiscal year 1996—funding for rural development will be cut anywhere from 25 to 43 percent, depending on how USDA arranges its portfolio—ratio of grants to loans and loan guarantees. With the possibility of even deeper cuts coming in order to balance the budget and to provide increased funding for some programs that usually see annual increases, rural development programs may be sacrificed. What will rural towns, hospitals, and water districts do when the money runs out?

The Senate bill would wait and see. Our reform bill preempts the problem. It transfers administration of rural development to the States and requires each State to establish a revolving fund to be used for rural development. By capitalizing State revolving loan funds, which grown in size and operate in perpetuity, States can continue to provide rural development financing long after Federal funding comes to an end. In addition to sustainability, there's also efficiency in the State revolving fund. Even EPA Administrator Browner agrees that States—through State revolving funds—can actually provide more money at lower interest rates than traditional Federal programs—and do it all faster.

One final point in regard to rural development. I asked the administration and many Democrats on the committee who had concerns about this title to work with me to achieve flexibility, State, and local planning and decisionmaking, and sustainability. But, all I ever heard was the status quo. In light of GAO's criticism of current programs, I think we owe rural America better than that.

RESEARCH

The bill provides for a simple 2-year reauthorization of the research, education, and extension functions of USDA. Research should be the cornerstone of our farmers ability to compete in world market places. A simple extension of authorities will allow the committee to finish the work we have begun on an extensive review of the Federal research programs.

The Agriculture Committee has embarked on an extensive review of the Federal research effort. Last summer, I along with Representatives ALLARD, DE LA GARZA, and JOHNSON sent out a comprehensive questionnaire. We asked researchers and research users what can be done better and how can we spend the $1.7 billion annual commitment to agricultural research and extension to make sure producers and consumers will have a competitive and safe food supply in the 21st century.

In addition to the survey which I just discussed, the House Agriculture Committee has had the General Accounting Office conduct the first accounting of our Federal agricultural research investment since 1981. This report will be delivered to the committee by the end of next month.

Finally, we have scheduled a series of hearings this March and plan on producing a comprehensive rewrite of our Federal Research Program. Unfortunately, the other body has chosen to simply clean around the edges leaving in place research policies that fail to meet the needs of the agricultural sector as we transition into the free market. That is unacceptable and I urge my colleagues to support the Agriculture Committee in our effort to modernize USDA's research program.

This is a board overview of the Agriculture Regulatory Relief and Trade Act. Taken together, it's a strong package that will relieve the regulatory burden in rural America, reduce redtape and provide a consistent and dependable export policy.

RUSSIA AND THE NEW INDEPENDENT STATES [NIS]: PROMOTING U.S. INTERESTS

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1996

Mr. COX of California. Mr. Speaker, at a recent executive session of the House Republican Policy Committee, which I chair, the Salvatori Fellow in Russian and Eurasian Studies at the Heritage Foundation, Dr. Ariel Cohen, made a presentation on the state of affairs in Russia and implications for American foreign policy. He offered an analysis of the December 1995 legislative elections and the presidential elections scheduled for next June, focusing on the growing influence of Communists and ultranationalists. His observations about Russia's stalled economic liberalization, military onslaught against the citizens of Chechnya, and sale of nuclear reactors to Iran force one to reconsider American economic assistance programs for Russia. His briefing report follows.

RUSSIA AND THE NEW INDEPENDENT STATES [NIS]: PROMOTING U.S. INTERESTS

Briefing to the House Republican Policy Committee, Hon. Christopher Cox, (R–CA), Chairman

THE ISSUES

The Future of U.S.-Russian Relations Remains Uncertain. The future of U.S.-Russian relations is uncertain. Much depends upon the outcome of the presidential elections in Russia, currently scheduled for the summer of 1996. In December 1995, elections communists, nationalists and their allies captured over 50 per cent of the popular vote to the Duma (the lower house of the Russian parliament). Currently, President Yeltsin is trailing the pack of presidential candidates, with his popular support in single digits. The most popular candidate is Vladimir Zhirinovsky, an anti-American ultra-nationalist. Another dangerous contender is Gennady Zyuganov, leader of the unreformed communist party. He, too, could win the presidency of the second largest nuclear power on earth. Victory for either Zhirinovsky or Zyuganov would gravely endanger Russia's young democracy and market reforms. A communist or a nationalist at Russia's helm could eventually place that country, with its considerable military power, on a collision course with the United States in Central Europe or the Middle East.

Yeltsin's Presidency Faltering. President Yeltsin's own prospects look grim. He has all but announced that he is about to run for the presidency, but his health is failing, and Russia's internal economic and political crisis continues unabated. The war in the breakaway republic of Chechnya, and economic difficulties are eroding the popularity of Yeltsin's administration.

No one knows who will rule in Moscow by the end of 1996, but the period of romantic partnership with the U.S. and the West is over. Russia is striking out on its own, taking a path that has already led toward confrontation with the West. In fact, Russia is in the midst of a political turbulence fraught with dangers for the West. The chances are good that the next American president will have to deal with a new set of players in Moscow, different from the current team. The U.S. cannot afford to appear partisan. Washington should be firm in expressing American support for democracy, elections, free markets and the support of individual rights in Russia. But the continuous and unquestionable support that the Clinton administration is providing Boris Yeltsin makes less and less sense. Questions about how closely and for how much longer Yeltsin should be embraced need to be addressed.

From Sphere of Influence to Empire? Anti-Western, anti-American, and xenophobic sentiments are growing in Russia. Moscow is attempting to re-establish its influence in neighboring regions that were once a part of the Soviet Union. The Kremlin is employing combination of economic, diplomatic and military means to achieve a sphere of economic and military influence in what Moscow calls its "near abroad." Yeltsin's newly appointed foreign minister, Yevguenii Primakov, and other influential policy makers insist that the West scale down relations with former Soviet states, including Ukraine, and conduct these ties via Moscow. But in fact, preventing the emergence of a Russian empire in the lands of the former Soviet Union should be a top Western priority. Nothing less than Russian democracy and a future threat to vital Western interests are at stake. Moreover, an anti-Western policy may lead Russia to forge alliances with anti-Western forces in Iran, Iraq, China and Lybia.

The War in Chechnya. One of the main goals of the Russian attack on the quasi-independent republic of Chechnya in December of 1994 was to ensure control of a vital oil pipeline and stem illegal activities, such as drug-trafficking and smuggling, that were being conducted or condoned by the former administration in the Chechen capital of Grozny led by President Jokhar Dudayev. Russia launched massive but covert military actions to support Dudayev's opponents. In 1994, Dudayev turned to radical Islamic elements in the Middle East and Central Asia for support. This exacerbated the religious aspect of the conflict between the Muslim Chechens and Christian Orthodox Russians. Overt Russian military action began on December 12, 1994, when the army marched on Grozny. The city was destroyed by a brutal aerial, tank and artillery assault. Since the start of the campaign, over 30,000 people have been killed, and more than 300,000 became refugees. Hostilities continue, with hostage taking crises having erupted in July of 1995 and January of 1996. The southern border region of the Russian Federation increasingly resembles Lebanon or Yugoslavia, replete with hostages, refugees and vendettas.

The sale of nuclear reactors to Iran. The Islamic regime in Teheran has launched a bid to acquire nuclear weapons. It is buying two Russian-made nuclear reactors that will produce radioactive plutonium which can be enriched to become weapons-grade raw material for the manufacture of atomic bombs. The Russian Ministry of Foreign Affairs itself does not support this sale, which could endanger both Russian and Western security. Iran, with its formidable oil and gas resources, does not need nuclear power. If Teheran wants an additional source of electricity, Russia could sell electrical power from its own ample resources. In addition, to compensate Russia for the lost reactor sales, the U.S. could increase its Russian uranium quota, or cooperate in building safer nuclear reactors on Russian soil.

Aid to Russia. The Bush and the Clinton administrations have provided over $4 billion dollars in aid to Russia since 1992. Over $20 billion has been provided by the International Monetary Fund, the World Bank, Western governments and multilateral organizations, such as the European Bank for Reconstruction and Development. Combined aid monies and loans to the USSR and Russia for the period 1985–1995 amounted to over $100 billion. The results of these aid programs have been mixed. The primary agency which implements aid is the U.S. Agency for International Development (US AID), which often disregards Russia's real needs and pushes its own "development" agenda, utilizing personnel with expertise gained in Third World countries. The AID approach is hardly appropriate for Russia.

Technical assistance in the transition to free markets and democracy is vital. It should be administered by an independent board of U.S. policy makers, Russian area experts, and U.S. business representatives, and with guidance from the U.S. Department of State. The Russians need training in Western-style finance, accounting, management, law, and many other issues. They also need support in the development of the democratic institutions of an emerging civil society, as well as student and scientist exchanges.

ARMS CONTROL TREATIES WITH RUSSIA

Four treaties were signed by the USSR and the Russian Federation that require improvement, revision, rethinking. These are:

Strategic Arms Reduction Treaty (START II). This treaty, limiting the number of strategic nuclear weapons on both sides, was signed between President George Bush and the last leader of the USSR, Mikhail Gorbachev, in 1990, and has not yet been ratified by the U.S. Senate or the Russian Duma. In the U.S., START II is facing a challenge in the Senate. The senators understand that START II makes sense in Washington only if the treaty is compatible with a sound and rational policy that includes missile defense. But the main obstacles to START II ratification are not in Washington. They are in Moscow, where a majority of deputies in the newly elected Duma will probably refuse to ratify. While raising objections based on American intentions to build a missile defense, the real reason for the Russian intransigence lies elsewhere. The Russian military establishment wants to keep large, land-based multiple warhead missiles, such as the SS–18, SS–19 and especially the mobile SS–24. The reason for that is twofold. First and foremost, the Russian elite mistakenly thinks that these are the attributes of a superpower, and that with these tools of destruction Russia will retain the place of its predecessor, the USSR. Secondly, the Ministry of Defense wants to retain the level of investments that were made during the Soviet era. Such old thinking indicates that the lessons of the past have not been learned. Russia cannot become a superpower through such a muscle-bound strategy. Only a democratic Russia with freedom, prosperity and opportunity for all can build wealth and strength commensurate with superpower status.

Ballistic Missile Defense/Anti-Ballistic Missile (ABM) Treaty. In an era of nuclear proliferation, the American mainland needs to be defended from accidental or terrorist missile launches. This is especially pertinent with Russia selling nuclear reactors and China selling ballistic missiles and technology to the extremist regime in Teheran. The efforts of Saddam Houssein to develop a nuclear ballistic missile capability are also well documented.

Ballistic Missile Defense is a limited and achievable goal for the U.S. It should not be thwarted by the obsolete 1972 ABM Treaty signed with the USSR, a country that no longer exists. Russia today claims to be heir to the now-defunct Soviet Union, and is demanding that the U.S. abide by the 1972 treaty.

Senators James Inhofe (R-OK) and Robert Smith (R-NH) have informed Majority Leader Robert Dole that they will "object to any unanimous consent agreement that would call up START II for final Senate action" if either the treaty or the Clinton administration prevent the U.S. from deploying a ballistic missile defense system.

Despite what critics in Moscow and Washington say, a BMD will not cause a new upward spiraling arms race. The deployment of a defense system will lessen reliance on offensive missiles and will allow the U.S. to achieve lower levels of strategic arms as delineated in START I and II. The limited National Missile Defense will not be aimed against Russia. It is a purely defensive system, and, as President Reagan envisaged, America can cooperate with Russia and its Western allies on developing and deploying such a system.

Chemical Weapons Convention (CWC). Russia joined the CWC and expects the U.S. to do the same. America should support the creation of an arms control regime in the area of chemical weapons. However, such a regime needs to be enforceable and verifiable. Unfortunately, this is not the case with the current CWC, and therefore, the Congress should oppose it and refuse to ratify. The CWC is not verifiable because of the nature of chemical weapons. The ease of secret production, low tech equipment—all make verification extremely difficult. Secondly, the convention is unenforceable, as it places this authority in the hands of the U.N. Security Council, which would be hampered from doing an effective job as all of its permanent members have veto power. It is easy to foresee this body becoming deadlocked precisely when incidents of serious violation arise. Instead, the U.S. should propose a different regime, similar to the NPT, which will divide countries (including the permanent members of the Security Council) into weapon states and non-weapon states. Such a regime would circumvent the issue to veto power in the Security Council.

Conventional Forces in Europe (CFE). This treaty places limits on the numbers of conventional weapons, such as tanks and cannon, permitted in the European theaters of operation. It was signed with the now-defunct USSR in 1990, after more than two decades of negotiations. In the fall of 1995, the U.S. agreed to Russia's unilateral revision upwards of the limits imposed by the CFE on the northern and southern flanks of Russia. However, the threat to Russia used to justify these revisions is far from obvious. Beefing up the numbers of tanks and cannon on the borders of Russia's neighbors, be it the Baltics or in the Caucasus, raises questions about Moscow's intentions. This is especially relevant with all the rhetoric currently circulating in Moscow about reconstituting the Soviet Union and denunciations of the accords which led to the dissolution of the USSR. Moreover, Russia is far behind on meeting the weapons system destruction targets stipulated by the CFE.

OTHER ISSUES ON THE U.S.-RUSSIAN AGENDA

Peacekeeping in Bosnia. Many conservatives have misgivings about sending American troops to enforce peace in Bosnia. But if the U.S. has to do it, it is better to keep Russia in than out. The Russian military will gain experience interacting with NATO in Bosnia. This is a positive development. Peace in the region is in the interests of both the U.S. and Russia. However, this peacekeeping mission has to have clearly defined goals and objectives. It must neither exacerbate differences on the ground between NATO and Russian commanders nor magnify them into a political confrontation. It is important to guarantee that the command and control system in Bosnia ensure a close interaction between NATO and Russia. Such a structure should be able to withstand the stresses and strains of a "worst case scenario," and keep tactical disagreements in check.

The Partnership for Peace (PFP). This is a gateway for NATO-Russian cooperation. Through the PFP, Russia and NATO can learn to work together, and learn about each other. It goes without saying that after the end of the Cold War the security architecture in Europe is going to be redesigned, and that a democratic and peaceful Russia should have a place of honor at the European table. NATO will feel more comfortable with a Russia that is not entangled in a bloody war in Chechnya, with a more democratic military without the hazing of recruits, and with a strong professional component.

U.S.-Russian security cooperation and NATO Enlargement. The issue of NATO enlargement to include Poland, Hungary, and the Czech Republic has become a bone of contention in U.S.-Russian relations. NATO expansion does not threaten Russia and is not a move toward encirclement. It is not a new cordon sanitaire. Simply stated, Central and Eastern Europe is that area of the European continent where bitter confrontations between the Slavs and the Germans have taken place over the last several hundred years. Two world wars have started there. If NATO is not expanded, Russia and Germany will find themselves locked in a new race aimed at dominating this key area. In this century the West abandoned the Poles, the Czechs and the Hungarians, first, to Hitler's aggression, and next, to Stalin's tyranny. This should not and must not happen again. These sovereign countries have the right to apply for membership in NATO, and NATO members should decide when and how new members will be accepted. Moscow cannot have veto power over this decision. The Republican Party has decided to include NATO expansion in its Contract with America, which was enthusiastically endorsed by the American people in the elections of 1994. There will be support in the U.S. Congress for NATO enlargement. And in the future, when the time is right, Russia, too, can explore the possibility of full membership in NATO.

The alleged promise that the Clinton administration gave to Russia not to expand NATO in order to secure Russian military cooperation in Bosnia is a mistake. If a hardliner comes to power in Russia or the Bosnian operation concludes, the U.S. should work to accept the three Central European states into NATO and keep the doors open for others if and when they are ready.

Crime and Corruption. Russia and other New Independent States (NIS) have become leading "exporters of crime," together with Columbia, Southeast Asia, Afghanistan, Iran, and others. Law and order in Russia has collapsed; organized crime is merging with "legal" government structures, and it is difficult to say where the mafiosi end the government begins.

The main export items are weapons, drugs, and illegally obtained raw materials, such as oil, gasoline, timber and lumber, and precious metals. Today, organized crime syndicates are taking over whole manufacturing companies with tens of millions of dollars in sales. The total criminal exports from the NIS is in the billions of dollars.

Many Russian and Eurasian criminal organizations operate internationally, including in the United States and Western Europe. Russian organized criminals and corrupt officials have access to weapons and technology of mass destruction, including uranium, chemical and biological weapons and the raw materials and components for their manufacture, as well as scientists with specific weapons-related expertise.

FACTS

On August 17, 1991, hardline elements of the Communist Party of the Soviet Union, the Russian army, and the KGB attempted a coup against Soviet President Mikhail Gorbachev. The coup was repelled by the Russian people under the leadership of Boris Yeltsin, President of the Russian Federation, who had been elected only two months earlier. The coup leaders were put on trial and jailed—but were released in 1993. Yeltsin emerged as the strongest political leader in the USSR.

The Soviet Union dissolved on December 25, 1991. Russia, Ukraine, Kazakhstan and other Newly Independent States (NIS) appeared on the map instead of the USSR.

On September 21, 1993, Boris Yeltsin disbanded the Supreme Soviet of the Russian Federation (the Soviet-era parliament). The recalcitrant Supreme Soviet became the site of intense opposition to Yeltsin and his market reforms. After a week-long standoff, Yeltsin ordered the Russian army to shoot at the parliament building (the "White House"). At least 130 people were killed. The new parliament (the Duma) was elected on December 12, 1993.

Today, Boris Yeltsin's health is failing. He has had two heart attacks in four months. His behavior is sometimes erratic; and intelligence services report that he has a heavy drinking problem.

Presidential elections are scheduled for June, 1996, but it is not certain whether they will take place. Hard-line nationalist and communist forces are on the rise, and the democratic reformers are retreating. The main contenders include President Boris Yeltsin; ultra-nationalist leader Vladimir Zhirinovsky; economist Grigory Yavlinsky (a moderate reformer); retired General Alexander Lebed (an authoritarian and charismatic nationalist); and Gennady Ziuganov (leader of the communist party).

During the Bush and Clinton administrations, Russia received over $4 billion in direct US aid, over $20 billion total in Western aid, and over $50 billion in loans from the G-7 countries and multilateral financial organizations, such as the IMF, the World Bank and EBRD. Together with the Soviet debt, Russia owes just under $130 billion.

In 1994, Russia started a war in the breakaway republic of Chechnya, that has to date killed over 30,000 people, made over 300,000 others refugees, and cost over $6 billion.

In the spring of 1995, Russia joined the Partnership for Peace (PFP), a "halfway house for some to join NATO." However, today there is little likelihood that Russia will join in any time soon. Russia's reaction to NATO expansion East has been shrill and hostile. Most Russian politicians are erroneously claiming that NATO has aggressive designs against Russia and are using the NATO expansion issue to build up nationalism and anti-Western sentiments at home.

Russia agreed to cooperate with NATO in a peacekeeping mission in Bosnia, allegedly in exchange for a Clinton administration promise not to expand NATO, acquiescence to an increase in the number of conventional weapons in place on Russia's northern and southern flanks in violation of the CFE treaty, and freedom of action in the former Soviet area. Russia has over 2,000 peacekeepers in Bosnia.

Russia's unilateral violation of the CFE treaty, signed in 1990, threatens other former Soviet states, such as Ukraine, the Baltic countries, Azerbaijan, Armenia and Georgia. The build-up also jeopardizes the oil resources of the Caspian Sea.

Russia has signed agreements to supply at least two nuclear power reactors to the militant Islamic regime in Iran, which is implementing a nuclear weapons program.

Trafficking in radioactive materials and chemical weapons by corrupt Russian officials is well documented. Germany alone has made over 100 arrests related to nuclear material components exported from the NIS. General Anatoly Kuntsevich, head of the Russian Presidency's Chemical Weapons Department, illegally sold over 1600 pounds of chemical weapons components to a Middle Eastern country. Kuntsevich was subsequently fired and is currently under investigation.

One of the top Russian mafiosi, nicknamed "Yaponets," is in U.S. custody on racketeering charges.

Russian organized crime in the U.S. netted over $1,000,000 in medical insurance fraud and hundreds of millions in gasoline tax fraud from 1992–1995. A large portion of these illegal proceeds is invested in Western and offshore banks and real estate in California, Florida, and other locations.

The Russian mob is successfully building ties to the Chinese "triad" gangs, Japan's Yakuza, the Sicilian La Cosa Nostra and Central Asian mafias. The strategic airlift capabilities of the former Soviet army are often used for illicit transactions, such as drug smuggling and stolen car transportation.

THE RECORD

President Clinton has made relations with Boris Yeltsin too personal. As Yeltsin's popularity plummeted, Clinton fed the flames of Russian resentment toward the U.S. with his unequivocal support of the Russian president, especially after the dramatic shooting at the Parliament building in October of 1993 and the beginning of the Chechen war. As a result, the U.S. is now perceived by many in the Russian political elite as partisan and uncritically supportive of Yeltsin's faltering policies, such as the Chechen war. The Clinton policy has endangered the ability of the U.S. to maintain relationship with segments of the Russian society that oppose President Yeltsin.

The Clinton administration has also been too slow to recognize the importance of countries other than Russia. For example, without Ukraine, the Russian empire cannot be recreated and will have only limited access to the heart of Europe. Azerbaijan controls vital oil and gas reserves, while Georgia is situated in a strategically crucial location in the Caucasus. Nevertheless, the Clinton administration has often neglected these countries, promoting a "Russia-first" policy.

The Clinton administration failed to prevent the sale of nuclear reactors to Iran, despite America's share in the massive financial aid provided to Moscow by the International Monetary Fund, The World Bank, and other multilateral financial institutions. The reactors are a vital component in the Iranian bid to acquire "Islamic" nuclear weapons.

U.S. assistance to the reform efforts in Russia and other former Soviet states has been poorly executed. Much of the $4.1 billion dollars in U.S. assistance allocated to date has been wasted. The Bush and Clinton administrations made an error in choosing the U.S. Agency for International Development as the main implementing agency for assistance. AID has its expertise in the developing world, not in post-communist transitional economies.

The organized crime from the former Soviet Union is becoming a global threat. In FY 1995, Congress funded and the FBI established a law enforcement academy in Budapest, Hungary where law enforcement officials from the region will train. There is now a small FBI liaison office in Moscow. The FBI is allocating more resources towards countering the Russian *mafia* than previously.

WHAT TO DO IN 1997

To promote democracy and the interests of the United States in Russia, The U.S. should:

Develop a Russian policy based on the support ideas and interests, not on the fate of individual politicians. The U.S. should support democracy and free markets, as well as political forces advocating these ideas, not controversial individual politicians such as Boris Yeltsin. Yeltsin is the elected president of Russia and was a key figure in bringing about the collapse of the Soviet communism. However, today some of his policies and his personal style are controversial, and his popularity is plummeting. Moreover, there are other reform-oriented politicians in Russia with whom a dialogue should be maintained.

Advocate broad-based cooperation with Russia and other NIS members to ensure their integration into global markets and the democratic community of nations. The U.S. should continue selective and targeted technical assistance programs and provide support to prodemocracy forces and nascent market institutions in the NIS. The U.S. must design and implement trade, investment and assistance programs for Russia and the NIS that reduce inflation, lower market barriers and stimulate growth. Congress should support these programs. Thriving Russian and Eurasian markets would create jobs and export opportunities for American businesses. U.S. assistance programs should be taken away from AID and given to an independent board of policy makers, area specialists and business representatives. Such a board can be jointly appointed by the president and Congress.

Condemn Russia's interference in the affairs of its neighbors. The survival, sovereignty and territorial integrity of all NIS countries are important to future peace and prosperity in Eurasia. The U.S. should support the independence of Ukraine, Azerbaijan, Georgia, and the Central Asian states, many of which are being drawn into the Russian orbit against their will. Washington should intensify its ties with Ukraine, the Baltic states, and countries in the Caucasus and Central Asia. The West should provide them with support in developing foreign and domestic policy decision making bodies and mechanisms, training their bureaucracies, and increasing security cooperation. Technical assistance in privatization of industry and agriculture should also be provided.

Make clear to Moscow that the use of brutal force against states or areas of the former Soviet Union, based on the model of Chechnya, is unacceptable and will trigger Western retaliation against Russian economic and political interests. While the U.S. should support the territorial integrity of the Russian Federation, the West should oppose the brutal methods of the Russian military in handling internal dissent, such as in Chechnya. The Clinton administration should cease issuing declarations of support for Russia's actions in Chechnya and boost OSCE efforts to resolve the Chechen crisis peacefully. A high profile OSCE mission to Chechnya and Russia, followed by a mediation effort, is in order.

Maintain Dialog with Moscow over NATO Expansion. The U.S. should maintain a constant dialog with Russia on this topic, pointing out possibilities for Russian-NATO cooperation and stressing that NATO is not a threat to Russian security. While NATO enlargement will occur, Russian participation in the Partnership for Peace and the dialogue with Brussels should be expanded simultaneously. A secure Western border is in the interests of Russia, Belorus and other Eastern European countries.

Oppose Russian moves, such as sale of nuclear reactors to Iran, that threaten international security and the interests of U.S. allies in Eurasia. The U.S. should take all the steps at its disposal to prevent Iran, Iraq and other rogue states from gaining nuclear and chemical weapons capabilities. For example, voluntary export controls, similar to the COCOM regime during the Cold War, on technology sales to these countries should be put in place. Pressure should be applied against the governments arming rogue states, up to and including the imposition of selective economic sanctions. At the same time, other options, such as an increase in Russian uranium sales and civilian space launches, should be explored with Moscow, that may bring about a voluntary cancellation of the reactor deal. The U.S. should also cooperate with pro-Western circles in Turkey and Azerbaijan to promote democracy and oppose radical Islam in Eurasia.

Assist Russia and other NIS countries in fighting against organized crime and corruption. This can include help with writing comprehensive criminal and criminal procedure codes. Some of the old Soviet legislation lacks important legal concepts, such as conspiracy to commit a crime. In addition, U.S. law enforcement agencies should cooperate, to the degree possible, with trustworthy and reliable law enforcement personnel in the East. In particular, they can assist in developing a witness relocation program. They should strive to track and penetrate Russian and NIS criminal rings dealing in weapons of mass destruction and narcotics. American law enforcement agencies should monitor East-West financial transactions more closely. Deposits that originate in the NIS should be carefully screened and the legitimacy of earnings established.

QUESTIONS AND ANSWERS:

Why should we provide aid to Russia?

The window of opportunity for the West in Russia may be closing. While there is still time, we should provide aid that strengthens free markets and free minds. Communism destroyed both of these for seventy years. Many Russians still want to learn about democracy and capitalism, and we should provide them with a fighting chance before it is too late.

What if hard-liners take Yeltsin's place?

We should act now to strengthen relations with all countries in the region, which will be under even more threat than the West if hardliners come to power in Moscow. We should expand NATO to include Poland, the Czech republic and Hungary, and prevent any U.S. or international assistance to an aggressive, anti-American or anti-Western government in Moscow, should one emerge. We should still maintain a dialogue with Moscow, explaining what we will see as unacceptable policies and clarifying what price Russia may pay if "red lines" are crossed. Eventually, if the need arises, we may need to plan for military contingencies.

Doesn't NATO expansion endanger Russia?

No, it does not. NATO enlargement is aimed at creating a zone of stability and security in Eastern and Central Europe, and to hasten the integration of the Czech Republic, Poland and Hungary into the West. NATO expansion is also aimed at preventing competition between Germany and Russia in the area which triggered the two world wars. NATO is a defensive alliance, and its posture in Central Europe should remain defensive.

Why shouldn't we be more cooperative with Russia? After all, the cold war is over; Russia is a democracy and a great power, too. Why shouldn't we allow Moscow a greater role in policing unstable regions, such as the Caucasus or Central Asia?

We can cooperate with those in Russia who are interested in building a market economy and democratic polity. Democracy is still struggling for survival in Russia. More time needs to pass before we are sure that it is there to stay. As for Russia's role in the region, it will always be considerable due to Russia's sheer size and economic, political and cultural weight. However, there are forces in Russia that dream of re-establishing the Soviet Union or the Russian Empire. These circles are anti-Western and anti-American. They cannot be ignored. We should oppose Russia's heavy-handed interference into the affairs of its neighbors and attempts to violate their sovereignty and territorial integrity.

In view of Chechnya, what should the U.S. do to prevent Russia from invading its neighbors?

We should boost our relations with Ukraine, the Baltic States, and countries in the Caucasus and Central Asia. There are as many people there as there are in Russia. We should draw "lines in the sand" and stick to them. For example, we should tell Moscow that we will block all IMF and World Bank assistance if an NIS country is invaded. We should clarify to Russia that the U.S. will lead the international diplomatic campaign to restore the independence of a violated country. If Russia crosses these lines, we should consider imposing restrictions on exchanges and economic and trade sanctions against Russia. We should also demand from Moscow that the war in Chechnya stop.

What about organized crime in Russia?

There is wide-spread crime and corruption in Russia. Crime undermines reforms. People mistakenly think that the cause of crime is free market capitalism, but this is, of course, not true. Crime is rampant because there is no rule of law in Russia. Moreover, real democracy barely exists there, and the country still has a long way to go before a free market system is fully established.

Is Russian organized crime a threat to U.S. and Western security?

Yes, it is, because Russian criminals are very sophisticated, well-educated, and well-connected world-wide. They often boast advanced college degrees, KGB and special forces training. There is great potential danger in the merger of former communist, KGB and criminal elements in that part of the world. In particular, access of organized criminals to weapons of mass destruction and technology to produce those makes this threat particularly acute.

How can we stop the Russian "mafia?"

The Russian government will have to deal with its own criminal organizations one day, but many in the current Russian government, including law enforcement officials, are themselves corrupt. Until such time as NIS governments are able to effectively combat criminal organizations, the West has to apprehend and prosecute criminals from Russia and the NIS affecting its interests.

Are all people from the former Soviet Union criminals?

No, because many of them travel for legitimate business, education and tourism purposes.

SENATE—*Wednesday, February 28, 1996*

(Legislative day of Friday, February 23, 1996)

The Senate met at 11:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear God, we respond to Your invitation to enjoy these moments of conversation with You. We praise You for who You are: our creator, sustainer, loving heavenly Father. It is awesome to us that You have chosen, called, and commissioned us to be Your blessed people. Forgive us when we resist the greatness You desire for us and forget to ask for Your guidance. We thank You for the times we did trust You and did receive Your blessings of wisdom, strength, and determination. You have called us to be intercessors by placing in Your capable hands the problems of people around us. Now hear our longing to know and do Your will in the crucial matters before us. There is so much on which we do agree; show us how to come to creative compromise in issues on which we do not agree. Give us clear heads and trusting hearts. May we earn a new confidence from the American people by the way we press on expeditiously and with excellence. Now we commit ourselves anew to You. We reorder our priorities. Deliberately we put behind us self-serving manipulation and put before us our patriotic motivation. With confidence we thank You in advance for Your guidance today. In Your all-powerful name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator LOTT, is recognized.

SCHEDULE

Mr. LOTT. Mr. President, today there will be a period for morning business until the hour of 1 p.m., with Senators permitted to speak for up to 10 minutes each except for the following: Senator DOMENICI for up to 20 minutes and Senator MURKOWSKI for up to 15 minutes.

Following morning business, it is hoped that it would be possible to proceed to the legislation which will extend the authority for the special committee to investigate Whitewater. Rollcall votes, therefore, are possible during today's session, and the Senate may be asked to consider any other legislative items that can be cleared for action.

Senators also should be reminded that a second cloture motion was filed yesterday on the D.C. appropriations conference report. Therefore, that cloture vote will occur during Thursday's session of the Senate, after the leaders have consulted and agreed upon a time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. THOMAS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business until 1 p.m., with Senators permitted to speak therein for 10 minutes each, with the following exceptions: The Senator from New Mexico [Mr. DOMENICI] for 20 minutes; the Senator from Alaska [Mr. MURKOWSKI] for 15 minutes.

The Senator from New Mexico.

Mr. DOMENICI. I thank the Chair.

(The remarks of Mr. DOMENICI and Mr. DORGAN pertaining to the submission of Senate Resolution 226 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. DORGAN. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ASHCROFT). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ENTERTAINMENT INDUSTRY SHOULD PROVIDE QUALITY PROGRAMMING

Mr. DOLE. Mr. President, it has been nearly 9 months since I made a speech in Hollywood suggesting that our entertainment industry has a responsibility to look beyond the bottom line and to not pollute our culture and our children.

That speech ignited a national discussion—a discussion which has continued to this day.

This discussion will take what I hope will be an important step tomorrow, when a delegation of entertainment industry leaders will meet with the congressional Republican leadership here at the Capitol, and then with President Clinton at the White House.

It is reported that the industry leaders will use these meetings to inform us of their decision to voluntarily create a rating system for television programs.

I certainly hope these reports are true, and that the meetings are not just publicity stunts for all involved.

While previous commitments will prevent me from attending tomorrow's meeting, I did want to take a moment to add a few thoughts to the discussion.

First, I wish to congratulate the entertainment industry leaders for their decision. Every parent knows that some television programming goes over the line—way over the line—of decency.

And I believe a voluntary rating system, if honestly implemented, will help parents in making informed decisions about what programs their children should and should not watch.

Second, let me urge the entertainment industry not to spend too much time patting themselves on the back.

It is one thing to produce programs that children should not watch, and to inform parents of the content of those programs.

But it is another thing entirely to produce programs that parents are proud to let their children watch.

That is an important distinction I hope Hollywood understands, and one they can respond to only by producing quality, family friendly programming.

Third, let me emphasize that if a rating system is to work, then it must be designed and implemented without any Government meddling or interference.

While I have taken Hollywood to task, I have also made clear that the answer is good corporate citizenship, and not Government censorship.

If the era of big Government is truly over, then the President, the Congress, and the Federal Communications Commission cannot be in the business of reviewing and rating television programs.

Finally, I believe it is very worthwhile to note that the industry's decision to voluntarily rate television programs is proof that the voice of concerned Americans is being heard.

We learned that when outraged citizens forced the Calvin Klein Co. to withdraw ads that were nothing more than child pornography, and we learn it each time a movie that assaults our values sinks at the box office.

The bottom line is that shame does work, and it will continue to work, as long as concerned Americans speak out.

And I am just one of countless concerned Americans who intend to continue to speak out for decency, for civility, and for the future of our children.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—D.C. APPROPRIATIONS CONFERENCE REPORT

Mr. DOLE. Mr. President, I ask unanimous consent that the vote on invoking cloture on the D.C. appropriations conference report occur at 12:30 on Thursday, February 29, with the mandatory quorum being waived; further, that the time from 12 to 12:30 be equally divided in the usual form for debate on the motion to invoke cloture on the conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair, and I thank the majority leader.

The PRESIDING OFFICER. The Senator has 15 minutes.

FULLEST ACCOUNTING—VIETNAM, WHY NOT NORTH KOREA, TOO

Mr. MURKOWSKI. Mr. President, I would like to call to the attention of the Members what I honestly feel is an overlooked issue relative to one of the highest responsibilities that our Government has, and that is the full accountability of those armed services personnel who have been lost in action.

We have always demanded the fullest possible accounting in Vietnam for those listed as missing-in-action, and the question that I pose today is, why not North Korea as well?

The fate of more than 8,100 American servicemen from the Korean war remains unresolved. At least 5,433 of these were lost north of the 38th parallel. In Vietnam, by contrast, the number of unresolved cases is 2,168, and Vietnam has cooperated in 39 joint field activities.

I have a small chart here, Mr. President, that shows the unaccounted for in our foreign wars. Beginning in World War I, we have 1,648 unaccounted for; World War II, 78,794; Korea, 8,177, and Vietnam, 2,168. As I have said, out of the 8,177, 5,433 were lost north of the 38th parallel.

One can see that public opinion has prevailed in demanding a full accounting in Vietnam, and while we must maintain our commitment for accountability of all Americans who are lost, clearly, we have made significant progress in Vietnam as a consequence of a commitment and dedication to do so. So it seems strange that we would still have in North Korea a significant number of servicemen whose fates are unknown.

The United States Government recently announced plans to contribute $2 million, through U.N. agencies, to relieve starvation in North Korea, certainly a worthy cause. The donation was consistent with other instances where the United States seeks to relieve human suffering despite disagreements with various governments in the receiving country.

But what is inconsistent with United States policy is our failure to ensure that the Democratic People's Republic of Korea addresses the humanitarian issue which is of great concern to the American people: the resolution of the fate of servicemen missing in action since the end of the Korean war, those lying north of the 38th parallel.

Relations between the United States and Vietnam—I give you this background as a reference—our relations with Vietnam did not begin to thaw until the Government of Vietnam agreed to joint field operations with United States military personnel to search for missing servicemen in Vietnam. We knew the general areas where conflicts had occurred or where aircraft had gone down. The pace and scope of normalization was commensurate with Vietnam's cooperation on the MIA issue and other humanitarian concerns.

In virtually every discussion that our Government had with their Vietnamese counterparts, the MIA issue was paramount. I know that on the numerous occasions that I visited Vietnam, that was the one message we sent loudly and clearly: You have to cooperate with us on the MIA issue; you have to allow us to bring in our personnel in the joint task force teams; and you have to cooperate with us for a full accountability, otherwise our relationship will not go any further.

So the Vietnamese received clear signals that progress and normalization of relations with the United States would come only after significant progress was made on the MIA issue.

In contrast to our Vietnam policy, United States policy toward North Korea seems to lack this same focus with no explanation. The recent announcement regarding food aid for North Korea did not mention our interests in the MIA issue. There was no explanation as to why.

The agreed framework between the United States and the Democratic People's Republic of Korea does not talk about cooperation on MIA's, even though the framework commits the United States to give the North Koreans free oil and to supply two highly advanced light water reactors, a total package that exceeds $5 billion, $4 billion alone for the reactors and some $500 million for the oil, not counting potential future aid for a grid system to distribute the power that the reactors will produce. North Korea simply does not have the transmission capability to handle the new reactors, so we can expect to be asked for approximately another billion dollars so that the power can go out and be distributed throughout the countryside.

The agreed framework also envisions that the United States would lift its trade restrictions and normalize relations, regardless of, evidently, any movement on the MIA issue. The most obvious difference between Vietnam and North Korea is North Korea's nuclear program; the United States has an overriding national security interest in stopping the North Korean nuclear program. Nevertheless, I do not believe that we should have ignored the MIA issue. That is why I have introduced Senate bill 1293, legislation that would prevent establishing full diplomatic relations or lifting the trade embargo until the North Koreans have agreed to joint field operations.

I recently had an opportunity to sit down with our dedicated armed services personnel in Hawaii, who are responsible for negotiating with the North Koreans on the issue. These are the people that actually negotiate relative to Americans missing in action. These are the people that identify the remains. They are very dedicated and knowledgeable people, doing a tremendous service for our country. It was clear from that briefing that joint field operations would have a high probability of success because, unlike in Vietnam, the United States has concrete evidence of the sites of mass U.N. burial grounds and prisoners of war camps located in North Korea. But United States personnel have had no access to those North Korean sites. The only thing preventing our personnel from going in and making these identifications is the Government of North Korea.

The North Koreans have been unilaterally turning over some limited remains. Unfortunately, the North Koreans, without training in the proper handling of remains, have turned over excavated remains that have not been properly handled, that have been mixed, making identification vastly more difficult, if in some cases not impossible. Of the 208 sets of remains that have been turned over since 1990, unfortunately, only 5 sets have been identified.

Despite the United States aid flowing to North Korea, the Koreans have repeatedly attempted to link progress on the remains issue to separate compensation. In other words, Mr. President, they expect repayment above and beyond their out-of-pocket costs. These amounts of money seem far in excess of the reimbursement costs for recovery, storage, and transportation of remains.

The U.S. Government must stand by its policy not to buy remains. This would degrade the honor of those who died in combat on behalf of our country. Instead, the United States has offered to reimburse the North Koreans for reasonable expenses, as we have done in Southeast Asia over the last couple of decades. Talks to move the MIA remains and the reparation issue seem stalled at this moment. We have reason to believe that the progress is not what it should be relative to our ability to go into North Korea, to the sites where we know we are likely to find remains.

Now, the United States has been careful not to link the nuclear issue with other policy concerns in North Korea. But it is not unreasonable for the United States to consider North Korea's behavior on other issues, such as the MIA issue, when considering whether to provide humanitarian assistance to this isolated, closed nation.

I was over in Pyongyang last year and can say that, clearly, this is a country that is probably as isolated as any country on Earth. As a consequence, our inability to develop a dialog, other than that which was necessitated after the conversations concerning their efforts to develop a nuclear capability, has brought this whole picture into focus. But the bottom line is that in our negotiations we should demand that we have access so that we can address our responsibility and ask for the fullest possible accounting for those missing, those 5,433 that we believe are still unidentified in North Korea, for the families of those airmen still missing more than 40 years after the end of the conflict. There is no more humane action that North Korea could take than to let Americans have sufficient access to try to resolve as many cases as possible.

Mr. President, we have demanded the fullest accountability from the Government of Vietnam on the MIA issue, and we should demand the same of the Government of North Korea.

I urge my colleagues to reflect on the merits of the legislation I have offered, Senate bill 1293, that would prevent establishing full diplomatic relations or lifting the current trade embargo until the DPRK, the Government of North Korea, has agreed to joint field operations that would allow us to have access to those sites where we believe we can identify and find remains.

Mr. President, I yield the floor.

THE BAD DEBT BOXSCORE

• Mr. HELMS. Mr. President, a lot of folks don't have the slightest idea about the enormity of the Federal debt. Ever so often, I ask groups of friends, how many millions of dollars are there in a trillion? They think about it, voice some estimates, most of them wrong.

One thing they do know is that it was the U.S. Congress that ran up the enormous Federal debt that is now over $5 trillion. To be exact, as of the close of business Tuesday, February 27, the total Federal debt—down to the penny—stood at $5,016,697,045,327.39. Another sad statistic is that on a per capita basis, every man, woman, and child in America now owes $19,041.81.

DEREK J. VANDER SCHAAF: A MODEL PUBLIC SERVANT

Mr. GRASSLEY. Mr. President, I come to the floor today to honor a Federal bureaucrat.

Now I know that Republicans, myself included, have been bashing bureaucrats lately—mostly with good reason.

Most bureaucrats could care less about the taxpayers. They have forgotten who they serve and who owns the money.

Well, I would like to talk about a different kind of bureaucrat. This one is the exception. He is unique. He is a model civil servant. He cares about the taxpayers.

His name is Mr. Derek J. Vander Schaaf.

We know him affectionately as Derek.

Derek was born and raised in a small farm town in northwest Iowa—the town of Hull.

Hull is where his Dutch parents taught him to be so thrifty, to skimp, to penny-pinch, to be honest and work hard.

Mr. President, that's what Derek is all about: being honest and fair, working hard, and saving a penny here and a penny there. But zero tolerance for waste. His Motto is: There shall be no waste, period.

This is Derek to a "T." This is what made him dedicate his life to controlling waste at the Pentagon.

This is what led him into the Office of the Inspector General.

Today, Derek is the Deputy Inspector General at the Department of Defense (DOD). He has occupied that position since it was created in December 1981.

After 33 years of dedicated service, Derek is leaving the government.

He is retiring in March.

Derek first earned a reputation as a junior junk yard dog back in the 1970's as a staff member over on the House Defense Appropriations Subcommittee.

He was known for doing his homework.

But he was best known for plowing through mountains of DOD audit reports.

Now, Mr. President, nobody else in the whole world paid much attention to those reports—even though they were produced at great expense and contained some beautiful little nuggets.

DOD audit reports are hard to read. You have to read and re-read them 10 times or more before you can begin to understand what they say.

Well, Derek made a living reading and acting on those reports over in the House.

He would turn the nuggets into savings.

He would find a way to save a penny here and a penny there.

Pretty soon Derek was helping to save big bucks—billions of dollars, I am sure.

Derek's junk yard operation over in the House used to drive the Pentagon brass absolutely nuts.

The generals and admirals used to parade in and out of his office, trying to "correct his thinking."

Even an occasional blow with a ball-peen hammer didn't help much.

Derek was never affected by all the high-level attention. He just went about his business like a real professional.

Derek's beefs with the Pentagon always rested on firm ground.

He would skewer the brass with their own reports.

It was very hard for the brass to avoid getting nicked once Derek zeroed in on a problem.

The only thing that saved them was a full-court press lobbying effort with the Committee's members.

The end-run lobbying maneuver didn't faze Derek one bit.

He just read more audit reports and made more cuts. He stayed way ahead of the DOD posse and all the tinhorn deputies.

He just kept right on trucking—saving a penny here and a penny there.

When the DOD IG opened shop in 1981, Mr. Joe Sherick was put in charge. Joe Sherick was the original junk yard dog. He picked Derek to be his deputy dog.

Derek was the perfect choice. He had been a foot soldier in the war against Pentagon waste for 10 years. He had proven his mettle in combat, so to speak.

Derek was ready to begin leading the war on military waste. He was ready to go out on the "point."

As one of the "defense reformers" in Congress, I often turned to Derek for help when we uncovered problems at the Pentagon.

We usually turned to Derek in the heat of battle.

We usually turned to him after getting stonewalled by the big wheels over at the Defense Department.

So right off the bat, we put Derek in the hot seat.

We asked him to investigate. We asked him to document and verify.

We asked him to tell us what really happened. We asked him for the truth.

Mr. President, I wish I knew how many times Mr. Vander Schaaf's name has been used right here on the Senate floor to prove a very important point.

I have done it myself many times.

But my opponents have done it too. They have also used his work—in many instances to hammer me—and to hammer me with great success.

That is one of the reasons I admire Derek so much.

He does not always do what we want him to do.

At times, we have felt anger, frustration, and even disappointment over his work.

We have even accused him of whitewashing. But that is fine. That is the way it should be.

He runs an independent operation.

Derek is his own man. He lets the chips fall where they may.

When he looks at the evidence, he first searches for the truth.

But he also thinks about protecting the interests of the taxpayers.

He thinks about the needs of the men and women serving in the Armed Forces.

He thinks about what is right.

And, he thinks about how to succeed without getting knocked off by the brass. And that is no small feat.

Derek is a tight-rope artist.

He does a balancing act on the high wire.

He has made the trip across the high wire many times without hestitation. He never wavered and never took a fall.

Mr. President, Derek is a model civil servant. He is honest. He is tough but always fair. He knows his stuff. He dedicated his life to protecting the taxpayer's money.

Mr. President, if his parents were alive today, they would be proud of Derek's service to the people. But they would not make a big fuss about it.

They would know that he was no more and no less than what they expected him to be.

Mr. President, Derek has always set a good example—an example of excellence.

Derek is a leader. He is a man of courage. He is a man of integrity, and the people will miss him.

Mr. President, I wish him good luck and Godspeed.

And I pray that there is someone just as good ready to take over.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

THE NEED FOR ADEQUATE DEFENSE AGAINST BALLISTIC MISSILE ATTACK

Mr. INHOFE. Mr. President, I am speaking today, once again, about the urgent priority we have to develop and deploy adequate defenses against a ballistic missile attack.

As a member of the Armed Services Committee and Intelligence Committee, I feel it is my duty to call relevant aspects of this issue to the attention of my colleagues and the American people.

This month, we are marking the 5-year anniversary of the gulf war. While the war was, in many respects, a great triumph, there are certainly many lessons that we should learn from that war. One of these lessons is that future conflicts will, very likely, include attacks on American forces by ballistic missiles. It is our obligation to our troops—not to mention the American people, generally—to do all we can to prepare for this reality.

Five years ago this past Sunday, a primitive Iraqi Scud missile carrying a conventional explosive warhead slammed into a barracks housing American troops in Saudi Arabia, and 28 Americans were killed, 98 Americans were injured. It was the single largest loss of lives during that war.

In recalling this event the other day, the Washington Post Style section recounted the horror of how these brave young Americans, well behind the front lines, were coldbloodedly attacked and murdered without warning. As the Post described it:

> It was simply a freak of war. No ground was gained, none was defended, no tactical purpose was served, people were assassinated in their beds as they dozed or lounged or clowned with buddies. They were in a converted warehouse in the suburbs of Saudi Arabia, 200 miles behind the front line, in a neighborhood that included a supermarket, a hotel, and other buildings. The war was winding down. Two days after the attack, it would be over.

I was particularly struck by the Post's description of the victims of this incident as the "forgotten fatalities of the Persian Gulf war."

Now, it is understandable that a lot of the American people did not see this happening because, understandably, the television crews were up there in the front lines, and they were filming the last 2 days of this war. Nonetheless, it happened. I think there are a lot of people who think that perhaps it would go unnoticed. But I am here to remind my colleagues that, as policymakers and overseers of our national defense preparedness, we cannot and will not ever forget what happened in this incident. This was an unprovoked, cowardly, and feeble ballistic missile attack that gives us a glimpse of the future.

My concern is that, with a lot of people not having known and remembered that this happened, these 28 Americans will have died in vain. On the other hand, if this can be very visibly laid out in front of the American people—and I do applaud the Washington Post for bringing this to public attention this week—then perhaps this can be used to get a very meaningful, sophisticated, theater missile defense in place as everyone in Congress has asked the President to do.

Ballistic missiles are fast becoming the weapons of first choice of those who seek to harm to American interests abroad. We know, and our intelligence confirms now, that 25 nations have ballistic missiles of different degrees of technology, but the capability is there. Keep in mind, the one that murdered 28 Americans was a very primitive Scud missile. These 25 nations all have missiles that are more sophisticated than that.

Now, to illustrate this directly, I call the attention of my colleagues to recent news reports concerning communications between the United States commander in Korea, General Luck, and the Chairman of the Joint Chiefs of Staff, General Shalikashvili. In this astonishing exchange, General Luck's urgent request for advanced missile defenses to protect his troops was rejected. General Luck and his forces are on the front lines facing an increasingly hostile and menacing adversary in North Korea. According to the Washington Times, General Luck warned in December that the threat to United States forces from North Korean missiles is growing and advance theater missile defenses were needed as soon as possible.

Specifically, General Luck requested that the development of our most capable ground-based theater missile defense system, the THAAD system, the theater high altitude area defense, be accelerated to facilitate rapid deployment to Korea of at least 2 THAAD batteries including up to 18 launchers. Such a system would have the potential to provide some adequate protection for our forces in the entire Korean theater. In other words, this is the very minimum that General Luck says we have to have to protect the lives of our Americans in South Korea. We have 37,000 Americans in South Korea. The report states that General Luck's urgent request for THAAD batteries was rejected. Instead, General Shalikashvili reportedly informed him that THAAD development would actually be further delayed by a period of 3 to 5 years so that limited funds could be diverted to smaller and less capable missile defense systems such as the Patriot PAC 3 system and to what was called critically underfunded areas of recapitalization.

Mr. President, I find this story to be absolutely incredible. The Congress has been wringing its hands all year to accelerate the vital missile defense programs, especially advanced theater missile defense programs, to help commanders like General Luck. We have just passed, and the President has signed, a Defense authorization bill which expressly calls for more funding and more priority to such theater missile defense systems such as THAAD and the Navy Upper Tier.

We are not talking about a national defense system. That is very controversial. I have stood on this floor over the past year and talked, collectively, many, many hours about a national missile defense system. We are not talking about that, Mr. President. We are talking about a theater missile defense system to protect our troops who are currently over in places like South Korea from missile attack. At the very least, the threat we face is from missiles that are using what we consider right now to be very primitive technology, such as the Scud missile.

While I have been trying to carry on the debate on the national missile defense system—I am very much concerned about it—we have been losing the battle with the administration. They are convinced that we will have to adhere to the ABM Treaty. The ABM Treaty was put together in 1972, not by a Democratic administration but by a Republican administration. That was President Nixon.

Henry Kissinger felt at that time it was in the best interests of the United States of America to have a program of what was referred to as "mutual assured destruction." That is a program that would say there are two superpowers in the world. We have U.S.S.R. and we have America. If we agree not to defend ourselves, then, in theory, if one would fire a missile at the other superpower, that superpower would fire one back at us, everyone would die and everything would be fine. That was our strategy at that time. I did not agree with President Nixon and Mr. Kissinger at that time. At least it made sense because at that time we had two superpowers.

We are not talking about that now. We are not talking about a national missile defense system. What we are talking about is a theater missile defense system, and I think that America needs to know that General Luck in South Korea made the request to continue the technology advancements so that we would have somewhat of a sophisticated system just to protect those people.

These field commanders know what they are talking about, Mr. President. They are not like we are here, talking in theory and debating on these things in the abstract. They are on the ground facing the threat that exists. I remind my colleagues that the last time the Clinton administration turned down a field commander's similar request for needed equipment was in Somalia in 1993, and it cost 18 American lives. All they asked for was armored vehicles. For some reason, we felt that was not what they needed. But, in retrospect, we now we know the field commander was right, and Americans died.

I urge General Shalikashvili, the Pentagon, and the policymakers in the Clinton administration to reconsider what is going on here. Our troops in the field are facing a threat. That threat is real. That threat is now. It has been 5 years since the devastating Scud missile attack in Saudi Arabia. We should have no illusions about what we are up against. We know what we have to do. We should do it and do it now. We have the technical know how.

The only other thing we have that would stand in the way, deterring us from responding to the urgent needs of General Luck and other field commanders, is the money. I have to say, Mr. President, I have said this many times before, I am very much disturbed over what is happening right now. We have an administration that is sending troops all throughout the world—Somalia, Rwanda, Haiti, Bosnia—on humanitarian missions. Then they come back to us for emergency supplementals that we give to them. That is all we need here, to come for an emergency supplemental and give General Luck that which he needs to protect 37,000 American soldiers.

My fear is that people will think that we will forget those 28 Americans who lost their lives. The President may think we will forget, but he is wrong again. Now is the time to reverse that policy of delay in the Pentagon and continue the development of a sophisticated theater missile defense system, and do what is right.

I notice my colleague from North Dakota is on the floor. I yield the floor.

Mr. DORGAN. Mr. President, I was thinking perhaps the Senator from Oklahoma was talking about the proposals for a national missile defense system. Since there is no Senate business pending, I thought it would be a good time to discuss the building of a $48 billion boondoggle called star wars, but you were not talking about that, and this is not the time for that discussion.

Mr. INHOFE. I think this might be an appropriate time to have that discussion because the Senator understands that I am talking here about theater missile defense, which we all agreed we needed when we voted in favor of the second go around on the DOD authorization bill. In addition, as I said, I believe we need to proceed with a national missile defense.

Let me correct the Senator from North Dakota. It is not a $48 billion proposition. We already have a $40 billion investment in the essential elements a limited, but effective, national missile defense system. It would take about 10 percent of that to make the upgrades necessary to make such a system work. For example, we have 22 Aegis ships with launching capability floating today. That technology is here. It is paid for. All we need to do is upgrade it, giving it the capability to penetrate the upper tier so that if a missile does go forth from North Korea, Iran, Syria, Russia, China, or any place throughout the world, we could protect American lives. I think any time is an appropriate time to discuss that.

Mr. DORGAN. I understand the Senator is talking about theater missile defense. We have had robust research and development funds for theater missile defense. I have supported some of that. We have had robust research and development funds for national missile defense. I have supported some of that. What I do not support is this notion that we ought to, on an urgent basis, deploy in 1999 a national missile defense that has a star wars component, a space-based component, multiple sites around the country. If you wanted to waste the taxpayers' money, that is an awfully good way to waste it.

To those who advocate creating now this new star wars or national missile defense system, I would say that if this country were threatened by a rogue nation, Qadhafi from Libya, Saddam Hussein from Iraq, or any other rogue nation, we are far more likely to be threatened by a nuclear device stuck in the trunk of a rusty Yugo parked at the docks of New York City than one delivered by a sophisticated missile. Or it is far more likely we will be threatened from another country by a small glass vial, no bigger than my hand, full of deadly biological agents.

I just think this notion of building an Astrodome over America—and it will cost $48 billion incidentally, for something we do not need—I think we ought to think long and hard before we do that.

Mr. INHOFE. Is the Senator aware that the Taepo Dong missile in North Korea, it is believed, will be able to reach the United States by the year 2002, and actually can reach Alaska and Hawaii by the year 2000? I think that is something which the Senator would agree that our intelligence has indicated would be a threat to the United States in those time limits.

We can talk about all these other things, these social areas in which to invest our money. But if we do not stay on line and finish what we have started, what we have paid for, to develop a national missile defense system, I believe we will regret it. I agree with Jim Woolsey—and certainly Jim Woolsey is not a Republican; he was the CIA Director appointed by President Clinton—when he said our intelligence confirms there are between 20 and 25 nations that currently have, or are in various stages of developing, weapons of mass destruction, either chemical, biological, or nuclear, and are working on the missile means to deliver them.

The Senator from North Dakota is fully aware that such technology is out there, and that many of those countries who want to sell that technology may do so and we might not have any way of knowing what is going on.

Mr. DORGAN. I would say to the Senator, a much greater threat than an ICBM from North Korea is the likelihood that some rogue country will get a hold of an air-launched cruise missile from an air platform not too far offshore, or a sea-launched cruise missile, or a ground-launched cruise missile. That would be a far more likely delivery vehicle to get. The national missile defense system is not going to shoot down cruise missiles.

In any event, we should debate this question of what is an adequate defense for this country, what are the threats, and what do we do to prepare to meet those threats. I do not disagree at all with the contention of the Senator that we should have such a debate.

The difficulty I have is there seems to be a tendency for some to embrace the biggest, most expensive, and broadest possible defense program to respond to a threat. There are many threats to this country, and I think the Senator from Oklahoma and others do a service when they raise on the floor of the Senate a whole series of defense issues and do it in a thoughtful and persuasive way. It is also helpful for others of us who switch roles sometimes and say, "Wait a second, who are the big spenders now? Where are you going to get all this money?"

We have had some experience with national missile defense. In North Dakota, they built the only antiballistic missile program in the free world's history. It was decommissioned 30 days after it was declared operational. I do not know how many billions of dollars went into that, but it was wasted because the system was closed down. It was closed down within a month after it was declared operational.

I am not suggesting that we should not invest in a lot of these issues. I supported investing $370 million in research and development on the national missile defense system. But when the defense bill came to the floor, and the Senator from Oklahoma and others insisted on increasing that funding by over 100-percent in this year's appropriation, I said, "Wait a second, where are we going to get the money? Where on Earth are we going to get the money to increase the so-called star wars, as I call it, the national missile defense, as you call it, by over 100 percent in this year and demand it be deployed, early deployment, in 1999?"

The Senator quoted some defense and intelligence folks he knows. The Senator will recall that I held up on the floor of the Senate a chart showing letters from the Secretary of Defense, who thought that funding increase was very unwise. He did not support a 100-percent increase for a star wars program, demanding early deployment in 1999, and suggesting that we use multiple sites on the ground and possibly systems in space. The Secretary of Defense did not support that. He said that was not in this country's interests.

Mr. INHOFE. Will the Senator yield?

Mr. DORGAN. I will be happy to yield.

Mr. INHOFE. First of all, we have talked about this on the floor many, many times. A number of us who are on both the Intelligence Committee and on the Senate Armed Services Committee believe that this threat is imminent and real. If our intelligence confirms that we could be reached by a missile from North Korea within 6 years of right now, this is something to be called to the attention of the American people.

You might say, the big spenders, what are they spending this on? Yes, we were asking for more money to stay on course so we would have a defense system in place by the year 2000 or 2003.

Mr. DORGAN. No, no, it was 1999. If I might reclaim my time, the Senator is mistaken. The legislation that came to the floor of the Senate demanded early deployment by 1999 of a national missile defense system. The way to waste the taxpayers' money is to——

Mr. INHOFE. But that bill, of course, was vetoed by the President. And the President, in his veto message, said we do not need a national missile defense system on the timeline we are talking about. He is talking about 15 years out in the future.

I would ask the Senator, does he remember what Saddam Hussein said during the Persian Gulf war, when he stated that if he could have waited another 5 years, he would have had the missile technology to reach the United States, and that he would not have hesitated to use it? I think there should be no hesitation to conclude that some of the madmen around the world like Saddam Hussein would act the same way.

Then, only 3 weeks ago, in an article in the New York Times, references were made to statements from top Chinese officials concerning direct missile threats on Taiwan. They indicated that they could make such threats with little concern about how the Americans would react because, they said, the Americans are more concerned about protecting Los Angeles than they are about protecting Taipei.

When you get top officials talking like that, you get a sense of what we will be facing in the future. Let us just assume for a minute that maybe you are wrong. Maybe the Senator, who is very knowledgeable, the Senator from North Dakota, might be wrong. What are the consequences? I come from Oklahoma. In Oklahoma, just last April, we had the most devastating terrorist attack in the history of terrorism in this country, in the Murrah Federal Office Building in Oklahoma City. The bomb that went off was a 1-ton bomb, the equivalent to 1 ton of TNT. The smallest nuclear warhead known right now is 1,000 times the devastation of that bomb.

Mr. DORGAN. Let me reclaim my time on that point, because I think the Senator makes the point I am trying to make. Tragically, the terrorist attack in Oklahoma City was a fertilizer bomb. The tragic terrorist attack in Oklahoma City was with a fertilizer bomb in the back of a Ryder truck. Not even a very large one, but large enough to destroy that building and kill so many wonderful Oklahoma people and others. It just breaks your heart to see that happen.

But my point is this. My point is, terrorism does not come, necessarily, as a warhead on an ICBM.

Mr. INHOFE. I agree.

Mr. DORGAN. Terrorism finds its form in dozens of different areas. The Japanese confronted a terrorist attack that could have been of such a nightmare quality that it would have been unheard of previously, with this deadly chemical agent which killed, tragically, a good many Japanese. The human toll of that attack in Tokyo could have actually been much worse than it was. Fortunately, certain circumstances intervened.

But my point is this. There are a lot of rogue nations out there. There are people with the capability to build a nuclear device. There are some with the ability to deliver the nuclear device. You can deliver a small nuclear device in a suitcase these days. You can deliver it with an ICBM. You can put it on a cruise missile. You can drive it in a car. You can plant it in a truck. Or you can create a nonnuclear device, a deadly biological agent, in a very small bottle. There are dozens and dozens of ways to terrorize this country.

One thing that anybody out there ought to understand in this world is this. If a Saddam Hussein or if a rogue country decides to launch a nuclear attack on our country, they would be vaporized instantly. We have intercontinental ballistic missiles with Mark 12 warheads. The fact is, with our combined triad of nuclear power in the sea, nuclear power in the air, nuclear power on the land, anyone who harbors the thought of engineering that kind of attack on our country will understand that they will be gone from this Earth.

That has been what for many years has prevented a nuclear attack on our country. The Senator makes the point that there are other ways to ensure our safety. We can essentially create a catcher's mitt to catch ICBM's that may be aimed at us. The catcher's mitt over America will not catch cruise missiles. But it will not deal with the other elements of terror, including fertilizer bombs or deadly biological agents.

The question is whether we should build this astrodome over America for roughly $48 billion. And it is not a case of spending 10 percent more because we already spent 90 percent. I should mention that the Director of the Congressional Budget Office estimated in July 1995 that the cost of a six-site ground-based national missile defense system would be $48 billion. You go down this road and I guarantee you that you will spend tens of billions of dollars. And at the end you will have not devised a system that gives you any more cause to sleep better at night than you did yesterday.

Mr. INHOFE. Up until that statement, I suggest to the Senator from North Dakota that we are almost in agreement on a couple of things. We need to do what we can to defend against terrorist attacks, whether it is fertilizers bombs in suitcases and any other way. But just because that is also a threat does not mean we should abandon our national missile system because that threat is there. The Senator talks about what our capabilities are today. The Senator talks about a dome. I am not talking about a dome. I think it is demeaning to the American people to keep using over and over again the statement "star wars." I know the President does that quite often.

Mr. DORGAN. I reclaim my time. This is my time. The reason I use "star wars" is because the proposal that the Senator and others pushed is a proposal that——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DORGAN. Mr. President, I really came to the floor to speak for about 5 minutes about an economic task force. I ask unanimous consent that I be allowed to speak for 7 additional minutes, and for the next 2 minutes let us deal with this and let me give the statement I intend to on the economic task force.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. The bill the Senator supported last year included both multiple sites on the ground and the possibility of space-based laser systems.

Mr. INHOFE. We are talking right now about going into that position. We have something in space we are concerned about, and that is our satellite technology that warns us in advance 30 minutes before it reaches the United States. If one should come from North Korea, that gives us adequate time. That technology is here now. Brilliant Eyes would tie into our ground-based radar and give us warning so we would be able to project and hit it. But we are not talking about that at this point. We are talking about a bad missile that would reach the stratosphere. We have 22 Aegis ships that we have a tremendous investment in, and I am sure the Senator maybe disagreed with the amount of money that we invested in that to begin with. But it is here. We were in this body at the time that decision was made. They have now those out there floating. We want to get in the position that we can use that investment by having maybe three ships on the east coast and three ships on the west coast to reach into the atmosphere and hit missiles coming toward the United States. That is hardly an umbrella over the United States. But it is common sense—I still contend—that your figures are not accurate. And for approximately 10 percent more in investment than we have already made we could have a system that would defend Americans against missile attack.

Mr. DORGAN. I respect the Senator's views. And he comes with great energy, as do many of his colleagues when we have this discussion on the floor. I will be here when it comes again this year on the Defense authorization bill. I am not suggesting that we ought not be involved in these kinds of questions or issues. I could have supported a level of $370 million of R&D for a national missile defense. I think that is a little high. But the fact is that was in the administration's budget. We agreed with that. We disagreed with adding over 100 percent to that, or increasing by 100 percent.

Interestingly enough, this comes at a time when the workhorse of our strategic defense are still effective. The B-52 bomber, for example, is a wonderful airplane. It has lots of life left. The Air Force does not have enough money. So they are putting B-52's in storage. We are going to draw down that bomber force? Why? Because we do not have enough money to retain the bomber force. You can run 25 B-52's for I think 5 years for the cost of one new B-2 bomber, as I recall.

The tradeoffs here are what I am talking about. I am not suggesting that we should not make good investment to defend this country. I am saying let us make sure that what we are doing represents the right kind of tradeoffs in the things that are necessary for this country's defense in the future.

Mr. INHOFE. I agree. I cannot think of anything more valuable when you are talking about tradeoffs than defending the lives of Americans.

The reason I brought up the thing in Oklahoma City was I was there for the 168 people who were killed, and many were dear friends of mine. The point there is that the smallest warhead known could kill 1,000 times that many. That is a real threat to Americans.

Mr. DORGAN. I understood the point the Senator was making. I think all of us in this Chamber understand the heartbreak and the sadness which was visited on Oklahoma and Oklahoma City and this entire country by that tragedy, by that senseless violence that happened. It maybe in a lot of ways reminds us all again of how fragile things are and how easy it is for someone deranged, or some group deranged, to want to visit great damage on a country, or a region, or a city, or a people. We need to be vigilant about that. But there are a whole range of threats. We need to consider the entire range.

As always, I enjoyed the visit with the Senator from Oklahoma.

Mr. President, thank you for indulging us and sitting and listening to this exchange. But you will hear much of this exchange again when we have the Defense authorization bill on the floor of the Senate.

Mr. President, let me ask unanimous consent that I be allowed to speak for the next 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TASK FORCE ON JOBS

Mr. DORGAN. Mr. President, we had this morning a task force that involved its work on the issue of jobs over in the Dirksen Building.

I and Senator DASCHLE and Senator BINGAMAN from New Mexico, who is chairman of this task force, were a part of it. I wanted to point out some of what we are trying to do.

This issue of Pat Buchanan moving around this country talking about jobs is not an accident. He understands what many of us understand—that the center pole of the tent for the economic debate in this country ought to be jobs. I happen to think Pat Buchanan has a few dark sides to his debate. I do not like some of the influences which I see and some of the references. But the fact is on the issue of jobs, it seems to me, the voters of New Hampshire and others responded to the issue of jobs and economic opportunity. And it is something that we have been working on in our caucus under the leadership of JEFF BINGAMAN now for about a year. Today, we are unveiling a series of recommendations on the issue of creating jobs in our country.

We have an interesting economy in America. America is still a strong country, and a wonderful place. Nobody wants to leave. People want to come here. We have some folks running for the Presidency who I think want to build a fence down there to keep people out of our country. What does that say about our country? It has a lot of problems but it is also a wonderful place and a magnet where a lot of people want to come to. We have an economy, however, where economists measure economic progress by taking a look at car wrecks, heart attacks, and earthquakes. There are economists down at the Federal Reserve who are measuring economic strength by examining car accidents, heart attacks, and earthquakes. Hurricane Hugo added one-half of 1 percent of GDP to this country because this country measures its economic health by what it consumes and not what it produces.

In the long run the question of whether this country has a strong, vibrant, healthy economy will depend on how we produce, what we produce, and whether we have a strong manufacturing base. We have an economic system that has been redefined in our country in recent years by large international economic organizations. And they have redefined it by saying we choose to want to produce. Whether it is to produce and sell in established markets, we choose to access 20-cent an hour labor, or $1 an hour labor, and sell the shoes, or the products from that labor, the shirts, the belts, the cars in Pittsburgh, or Tokyo, or Fargo, or Denver. The problem is that disconnects. That is a global economic circumstance that we probably cannot change very much in the broader sense but that we address with respect to additional rules because it disconnects the income from the source of production from the consumers who are going to be consuming the benefits, or the fruits of production.

The engine of progress in this country, in my judgment, is how do we create new, good-paying jobs? When people sit at the dinner table at night and talk about their lives as a family, the only question that matters is, "Are we increasing our standard of living?" And, regrettably for 60 percent of the American families, the answer is, "No. We are working harder." And over the last 20 years we are making less money, if you adjust it for inflation. There is no Government program, none that is as effective as a good job, or a substitute for a good job, that pays well.

Now, the question is, Why are we losing manufacturing jobs? Why are jobs moving out of our country? Why are jobs going overseas? And what can we do about it?

First, fair trade and fair competition. Our country ought not be ashamed ever to stand up and say we demand fair trade. We expect to compete, but we demand the competition be fair as well. When I was a kid walking to school, I knew every day that our country could win just by waking up; we were the biggest, the strongest, the best, and we could win the economic contest with one hand tied behind our back. But times are different, and we cannot do that today. And we ought to insist that fair competition and fair trade be hallmarks of our economic circumstances in this country.

Second, it seems to me we ought to change our Tax Code. I introduced some legislation, and I am introducing more that says let us stop subsidizing movement of jobs overseas, this insidious, perverse provision in our Tax Code that says, if you close your plant here and move your jabs to a tax haven overseas, we will give you a little bonus. We will give you a tax break. We have already voted on that on the floor of the Senate, and I was unable to pass closing the tax break that says we will reward you if you move your jobs overseas. But guess what. You are going to get a chance on a dozen more occasions this year to vote on the same thing. We ought to shut down the tax breaks in our Tax Code that say to people: Move the jobs overseas and we will reward you.

Third, we ought to provide some basic incentive to create jobs here, and I propose a 20 percent payroll tax credit for those who create new net jobs in this country. Let us shut off the incentive to move jobs overseas and create incentives to create new jobs in this country.

I am not much interested in how many jobs exist in Japan or how many jobs exist in Germany or how many jobs exist in Mexico. I am interested in how many jobs exist in our country. This is an economic competition in which we are involved. It is a competition with winners and losers. It is not a circumstance where everybody wins. It is a circumstance where, if the rules are unfair and the competition is not fair, there are winners and losers. We are losing our manufacturing base in this country, and we can do something about it, the quicker the better. The task force that was headed by JEFF BINGAMAN from New Mexico is a task force that makes serious and specific recommendations that will try to create the incentives to create new jobs in this country—not elsewhere; in this country—in the future. The currency of ideas that are represented by the recommendations of that task force will be a set of ideas we will discuss over and over again in this Congress in 1996.

It will not surprise anyone to understand the anxiety that exists in our country today. People are worried. They know that they are less secure in their jobs. You can work 20 years and be laid off without a blink by some enterprises. Their jobs pay less adjusted for inflation than they did 20 years ago in many cases. So they are worried about fewer jobs, jobs that pay less, and jobs with less security, and they want something done about it that increases the standard of living in this country.

Government cannot wave a wand to make that happen, but the rules and the debate about how you create good jobs and how you stop the hemorrhaging of jobs from our country moving overseas is a debate that we ought to have right here in the center of the Senate.

We are going to have an Olympics in Atlanta in August, and everybody is going to be rooting. We will root for all the wonderful athletes all around the world, but especially we will decide as Americans that those men and women wearing the red, white and blue are our team and we want them to do well. There is another competition that is not on the field of athletics. It is in the field of economics, worldwide economic competition to decide who wins and advances with new jobs and better opportunity and who suffers the turn-of-the-century British disease of long economic decline, who wins and who loses.

Frankly, I want us to have a plan. I want our team to win. I want our team to decide that we will compete and we will win, and we will make sure the rules are fair as we compete. That is the purpose of trying to put together a series of steps that say our intent is to try to encourage new jobs created in this country and try to discourage, through the insidious provisions in our Tax Code, the export or the shipment of good jobs in America overseas. We ought not pay for that. We ought not provide incentives to move jobs elsewhere. I tell you what. Anybody who thinks that makes sense is not thinking. And I hope we will get the Senate to think a lot about that in 1996.

Mr. President, we will be discussing at some greater length the legislation that I have introduced, and we will discuss at greater length the recommendations of the high wage task force of Senator BINGAMAN in the future as well. I look forward to those discussions.

Mr. President, I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Pennsylvania is recognized.

ADJOURNMENT

Mr. SPECTER. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Senate stand in adjournment for 1 minute and that, immediately following the reconvening of the Senate, time for the two leaders be reserved, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and that I be recognized as if in morning business.

There being no objection, at 1:06 p.m., the Senate adjourned until 1:07 p.m. the same day.

The Senate met at 1:07 p.m., and was called to order by the Honorable MIKE DEWINE, a Senator from the State of Ohio.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, parliamentary inquiry. For the benefit of those in the gallery and whoever may be watching on C-SPAN 2 and for me, too, we now have a new legislative day.

Would the Chair, without reference to the Parliamentarian, explain the procedural purpose?

The PRESIDING OFFICER. To qualify resolutions to go to committees.

Mr. SPECTER. I thank the Chair and the Parliamentarian, Mr. Dove.

LEGAL AND ILLEGAL IMMIGRATION APPROPRIATIONS

Mr. SPECTER. Mr. President, I have sought recognition to comment about the immigration bill which is scheduled to come before the Judiciary Committee tomorrow and, first of all, an amendment which will be offered by a number of Senators, including the distinguished Presiding Officer, Senator DEWINE of Ohio, under the leadership of Senator SPENCER ABRAHAM of Michigan, to divide the appropriations bill into two parts, that relating to legal immigration and that relating to illegal immigration.

I think it is important to do so, that the bills have independent status and that there not be an effort made to tie either bill to the other. The bill on legal immigration has no more to do with the bill on illegal immigration than, say, the telecommunications bill has to do with the crime bill. Illegal immigration is a major problem in America.

I picked the telecommunications bill not at random but because the distinguished chairman of the Commerce Committee walked in for a moment.

The bill on illegal immigration is a very important bill. We ought to protect our borders. We ought to take it up, in my view, separately. On the bill on legal immigration, I have already stated my intention to introduce an amendment, but I think it worthwhile to make this statement in the Chamber of the Senate so it will appear in the CONGRESSIONAL RECORD and my colleagues and others will have notice as to what I intend to do.

But the amendment would make the following changes. First it would increase the worldwide level of employment-based visas from 90,000 to 135,000 a year. Second, it would eliminate the fee that employers must pay for each immigrant employee they sponsor, which is now $10,000 or 10 percent of the employee's compensation annually, whichever is greater. Third, my amendment would eliminate the fee that certain employers must pay for each temporary foreign worker that they employ.

Next, it restores the maximum length of the H visa to 6 years and the maximum length of the L visa to 7 years. Next, it restores the "Outstanding Researchers and Professors," which is a category that is exempt from the labor market screening requirement. It also eliminates the requirement that employers must pay foreign workers 105 percent of prevailing wages.

Mr. President, there has been an effort made to limit legal immigration under the general guise of protecting American workers. But I believe this bill is exactly wrong and exactly counterproductive because the kinds of people who are going to be excluded from this bill are Ph.D.'s, scientists, M.D.'s, and those who have great proficiency and capability for adding much to employment potential in this country.

In 1989–90, I sponsored the lead amendment to add people to come in people who were in demand in industry. I did that because the chamber of commerce and the National Association of Manufacturers were interested in that as a job-producing approach. Again, this year, after having meetings with extensive numbers of my constituents in Pennsylvania, both in Pittsburgh and Philadelphia, I have found that there is a tremendous demand for these highly skilled people, and that the people are not available in the United States to take the jobs. Rather than decreasing employment opportunities for American workers, the bringing in of these additional people will increase the employment opportunities.

I also say, Mr. President, that Americans should never lose sight of the fact that this is a nation of immigrants. It is something that I feel particularly strongly about since both of my parents were immigrants.

My father came to the United States at the age of 18, literally walked across Europe from the Ukraine with barely a ruble in his pocket, rode steerage, the bottom of the boat, to come to America for a better life for himself and his family.

My father was a great contributor to the United States. He did not know when he came over steerage he had a round-trip ticket back to Europe, back to France, not to Paris and the Follies Bergere, but to the Argonne Forest, where he served with great pride in the United States Army. He rose to the rank of buck private. I say that somewhat facetiously because my dad was at the bottom of the totem pole in rank but at the top of the totem pole in dedication, loyalty, bravery.

In the Argonne Forest, he sustained shrapnel in his legs, wounds he carried with him until the day he died. But he was a great American, a great contributor to this country. He was an immigrant. If he had been barred from the United States, I would not be in the U.S. Senate today. In fact, I would not be.

My mother, too, came as an immigrant, as a child of 5 with her parents from a small town on the Russian-Polish border. She, too, was a great American, raising a family. My brother, two sisters and I have had the advantage of an education in America and have been able to share in the American dream, as have so many Americans. More than sharing in the American dream, the immigrants have created the American dream. This is a factor that I think has to be borne in mind.

I talked to my distinguished colleague, Senator SIMPSON, about this bill. Senator SIMPSON made the unusual effort of coming to see me twice. When Senator SIMPSON walked in, he said, "I've been here for lunch frequently with the Wednesday Group, but I never looked at the pictures." I showed Senator SIMPSON a picture of Mordecai Shem, my mother's father, who came in 1905, another great American. I showed him a picture of my father in military uniform marrying my mother in St. Joe in 1919.

I said to Senator SIMPSON, "I'm going to agree with you on just about nothing on this immigration bill." I think the future of our country is wrapped up in inviting these highly skilled, highly trained immigrants to create more jobs and more prosperity in America.

AN OMNIBUS APPROPRIATIONS BILL

Mr. SPECTER. Mr. President, I am optimistic today that the Congress will move forward with an omnibus appropriations bill to cover the departments now not covered in existing legislation. I have been particularly concerned about what has happened to the subcommittee of Appropriations which I have the honor to chair, the Subcommittee on Labor, Health and Human Services and Education. The absence of an appropriations bill in these departments has been very, very, very problemsome.

It has been impossible for the Secretary of Labor to plan on worker safety and impossible for the Secretary of Education to advise various States as to the allocation of their funding. It has been impossible for the Secretary of Health and Human Services to make allocations on very important items, although we have taken some items out like the National Institutes of Health, where we have maintained, again, an increased appropriation on that very important line.

I had scheduled last week a hearing of the three Secretaries to outline the needs of their Departments and to the approaches which they might be able to take. I deferred that hearing because, in the absence of knowing how much the additional funding would be, it was impossible to have that hearing in a meaningful way.

I had been in touch with the Chief of Staff, Leon Panetta, on a number of occasions spreading over several weeks trying to push ahead to see to it that we had an opportunity to construct this legislation well in advance of the March 15 date when the current continuing resolution would expire.

As a matter of fact, I even made an effort to talk to Chief of Staff Panetta when he was traveling with the President recently, when he traveled Friday to Wilkes-Barre, where the President was due to stop to look at flood damage in Pennsylvania, which was very extensive. There is flood damage all over the State, not only with the Susquehanna in Wilkes-Barre, the Lackawanna River in Scranton, and the Susquehanna through central Pennsylvania, very great damage off Dauphin and Cumberland counties, other places, Pittsburgh as well, and western Pennsylvania.

When the President came to Wilkes-Barre, he was scheduled to have Mr. Panetta with him. I thought I would be able to get the facts there. But Chief of Staff Panetta had left the party, so I had a chance to talk with the President about the additional funding. The President was in agreement we needed to do just that.

Yesterday I was advised that there would be an additional $4.5 billion in budget authority, slightly in excess of $1.7 billion in budget outlays, so we can go ahead.

I am looking forward to rescheduling the hearing with Secretary of Labor Reich, Secretary of Health and Human Services Shalala, Secretary of Education Riley, to make a determination as to where those funds ought to be added.

Mr. President, I ask unanimous consent that a copy of my letter to Chief of Staff Leon Panetta dated February 20, 1996, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, February 20, 1996.

Hon. LEON PANETTA,
Chief of Staff, the White House, Washington, DC.

DEAR LEON: I called again this morning to try to find out from you the possible offsets to add approximately $3.3 billion for appropriations for my Subcommittee on Labor, Health and Human Services and Education. As you know, when we talked the week before last, you expected to be able to identify those offsets by last Tuesday. When I caught up with you on Friday, you thought the offsets could at least be identified by today.

As I had mentioned to you, a Subcommittee hearing has been scheduled for February 21 to hear from Secretary Reich, Secretary Shalala and Secretary Riley to try to structure an appropriations bill which the President would sign with the additional funding.

I believe it is advisable to defer that hearing until we can identify the amount of the additional funding and the offsets so that we can pass a bill in advance of the March 15 expiration of the continuing resolution.

As I have said on many occasions, I think it is very important that we move ahead on these preliminary steps forthwith because I anticipate many controversial issues in the Senate floor debate and then a House-Senate conference which could take considerable time.

As I mentioned to you when we talked Friday afternoon, I had hoped to see you in Wilkes-Barre with the Presidential party, but I understood you had to leave in advance of that stop.

At Wilkes-Barre, I discussed with President Clinton the urgency of identifying these offsets. The President said he had already discussed the offsets with you and agreed on the importance of moving ahead promptly to identify additional funding for these three important departments.

As soon as you can advise me on the additional funding and the offsets, we shall move ahead to reschedule the hearing.

Sincerely,

ARLEN SPECTER.

Mr. SPECTER. In the absence of any other Senator on the floor, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, FEBRUARY 29, 1996

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 11 a.m. on Thursday, February 29, and that immediately following the prayer, the Journal of the proceedings be deemed approved to date, the time for the two leaders be reserved, and that there be a period for morning business until the hour of 12 noon, with Senators permitted to speak therein for up to 5 minutes each, with the following exceptions: Senator MURKOWSKI for 15 minutes, Senator DORGAN for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR COMMITTEE TO REPORT LEGISLATION REGARDING SPECIAL COMMITTEE ON WHITEWATER

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Rules have until the hour of 5 p.m. today in order to report legislation regarding the Special Committee on Whitewater.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE HOUSE

At 1:01 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the amendments of the Senate to the bill (H.R. 2196) to amend the Stevenson-Wydler technology cooperative research and development agreements, and for other purposes.

The message also announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 1494. An act to provide an extension for fiscal year 1996 for certain programs administered by the Secretary of Housing and Urban Development and the Secretary of Agriculture, and for other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

H.R. 2196. An act to amend the Stevenson-Wydler Technology Innovation Act of 1980 with respect to inventions made under cooperative research and development agreements, and for other purposes.

ADDITIONAL COSPONSORS

S. 520

At the request of Mr. SHELBY, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 520, a bill to amend the Internal Revenue Code of 1986 to allow a refundable tax credit for adoption expenses.

S. 607

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 607, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify the liability of certain recycling transactions, and for other purposes.

S. 722

At the request of Mr. ASHCROFT, his name was withdrawn as a cosponsor of S. 722, a bill to amend the Internal Revenue Code of 1986 to restructure and replace the income tax system of the United States to meet national priorities, and for other purposes.

S. 774

At the request of Mr. MACK, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of S. 774, a bill to place restrictions on the promotion by the Department of Labor and other Federal agencies and instrumentalities of economically targeted investments in connection with employee benefit plans.

S. 837

At the request of Mr. WARNER, the names of the Senator from Minnesota [Mr. WELLSTONE], the Senator from Georgia [Mr. NUNN], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of S. 837, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 250th anniversary of the birth of James Madison.

SENATE RESOLUTION 215

At the request of Mr. LAUTENBERG, the name of the Senator from Michigan [Mr. ABRAHAM] was added as a cosponsor of Senate Resolution 215, a resolution to designate June 19, 1996, as "National Baseball Day."

SENATE RESOLUTION 224

At the request of Mr. D'AMATO, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of

Senate Resolution 224, a resolution to designate September 23, 1996, as "National Baseball Heritage Day."

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOMENICI (for himself, Mr. NUNN, Mr. DODD, Mr. COCHRAN, Ms. MIKULSKI, Mr. BENNETT, Mr. LIEBERMAN, Mr. KEMPTHORNE, Mr. DORGAN, and Mr. FRIST):

S. Res. 226. A resolution to proclaim the week of October 13 through October 19, 1996, as "National Character Counts Week"; to the Committee on the Judiciary.

By Mr. D'AMATO:

S. Res. 227. An original resolution to authorize the use of additional funds for salaries and expenses of the Special Committee to Investigate Whitewater Development Corporation and Related Matters, and for other purposes; from the Committee on Banking, Housing, and Urban Affairs; to the Committee on Rules and Administration.

SENATE RESOLUTION 226—RELATIVE TO NATIONAL CHARACTER COUNTS WEEK

Mr. DOMENICI (for himself, Mr. NUNN, Mr. DODD, Mr. COCHRAN, Ms. MIKULSKI, Mr. BENNETT, Mr. LIEBERMAN, Mr. KEMPTHORNE, Mr. DORGAN, and Mr. FRIST) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 226

Whereas young people will be the stewards of our communities, nation, and world in critical times, and the present and future well-being of our society requires an involved, caring citizenry with good character;

Whereas concerns about the character training of children have taken on a new sense of urgency as violence by and against youth threatens the physical and psychological well-being of the nation;

Whereas, more than ever, children need strong and constructive guidance from their families and their communities, including schools, youth organizations, religious institutions and civic groups;

Whereas the character of a nation is only as strong as the character of its individual citizens;

Whereas the public good is advanced when young people are taught the importance of good character, and that character counts in personal relationships, in school, and in the workplace;

Whereas scholars and educators agree that people do not automatically develop good character and, therefore, conscientious efforts must be made by youth-influencing institutions and individuals to help young people develop the essential traits and characteristics that comprise good character;

Whereas character development is, first and foremost, an obligation of families, efforts by faith communities, schools, and youth, civic and human service organizations also play a very important role in supporting family efforts by fostering and promoting good character;

Whereas the Senate encourages students, teachers, parents, youth and community leaders to recognize the valuable role our youth play in the present and future of our nation, and to recognize that character is an important part of that future;

Whereas, in July 1992, the Aspen Declaration was written by an eminent group of educators, youth leaders and ethics scholars for the purpose of articulating a coherent framework for character education appropriate to a diverse and pluralistic society;

Whereas the Aspen Declaration states that "Effective character education is based on core ethical values which form the foundation of democratic society";

Whereas the core ethical values identified by the Aspen Declaration constitute the 6 core elements of character;

Whereas the 6 core elements of character are trustworthiness, respect, responsibility, justice and fairness, caring, civic virtue and citizenship;

Whereas the 6 core elements of character transcend cultural, religious, and socioeconomic differences;

Whereas the Aspen Declaration states that "The character and conduct of our youth reflect the character and conduct of society; therefore, every adult has the responsibility to teach and model the core ethical values and every social institution has the responsibility to promote the development of good character.";

Whereas the Senate encourages individuals and organizations, especially those who have an interest in the education and training of our youth, to adopt the 6 core elements of character as intrinsic to the well-being of individuals, communities, and society as a whole; and

Whereas the Senate encourages communities, especially schools and youth organizations, to integrate the 6 core elements of character into programs serving students and children: Now, therefore, be it

Resolved, That the Senate proclaims the week of October 13 through October 19, 1996, as National Character Counts Week, and requests the President to issue a proclamation calling upon the people of the United States and interested groups to embrace the 6 core elements of character and to observe the week with appropriate ceremonies and activities.

Mr. DOMENICI. Mr. President, let me open this by sending a resolution to the desk and asking that it be appropriately referred. It is now sponsored by 10 Senators. It will have the requisite 50 or 60 signatures within a month and thus can get reported out of the Judiciary Committee.

The original cosponsors of this resolution have been consistent supporters of this resolution.

I am very pleased that Senators NUNN, DODD, COCHRAN, MIKULSKI, BENNETT, LIEBERMAN, KEMPTHORNE, DORGAN, and FRIST, as members of the Senate Character Counts Working Group, are again joining me as original cosponsors of this resolution.

This resolution requests that the President of the United States proclaim the week of October 13 through 19 as "National Character Counts Week." I want to discuss with the Senate and those interested in what we say here what Character Counts is all about in our country and what the movement for Character Counts is all about.

I send the resolution to the desk as previously requested, and I ask for its referral to the appropriate committee.

The PRESIDING OFFICER. The resolution will be received and appropriately referred.

Mr. DOMENICI. Many exciting and unique character education programs have taken place over this past year. As important, thousands of young people, local and national organizations, schools, parents and citizens have participated in efforts to make their communities aware of the positive benefits of character education.

One example is 12-year-old Carrie Beeman from the Roswell, NM Mountain View Middle School. Carrie will be coming to Washington, DC as 1 of 104 young Americans to be recognized for their service to their communities in the national Prudential Spirit of Community youth volunteer awards program. She received a $1,000 for her work in the Chain of Character contest by helping organize and selling 14,000 chain links to raise funds for the local character education efforts in Roswell. By calling businesses and other interested citizens, she helped raise $400 for her school's student council and $2,000 for her town's local Character Counts program.

Carrie's effort personifies the great national grassroots movement to support character programs: No matter the age, everyone can participate at the local level to help promote good character in their schools and in their communities. All of us in New Mexico who are working at the local and State level to promote character education programs are very proud of Carrie and are deeply appreciative that the selection committee for the Prudential awards recognized her fine efforts.

There are many reasons why the character education movement is gaining such momentum, and let me mention just a few that bear attention.

First let me talk about violence on television and a recent study of that. Let me take a couple of moments of time to talk about this to the Senate.

A recent comprehensive study commissioned by the National Cable Television Association—National Television Violence Study—articulates some disturbing statistics. Among the study's finding were that: Perpetrators of violent acts on TV go unpunished 73 percent of the time; 47 percent of all violent interactions show no harm to victim, and 58 percent depict no pain. Longer term consequences—such as financial or emotional harm—were shown only 16 percent of the time; few programs containing violence, just 4 percent, emphasize nonviolent alternatives in solving problems.

As depicted on television, violence inflicts little pain and minimal consequences for actions that hurt, maim, and kill. Such actions glamorize abhorrent behavior that shouts "it's OK" to be irresponsible, dishonest, and violent. Responsibility, respect, or caring apparently do not have enough public appeal to ensure high viewer ratings.

Another example of why so many are concerned about the values of America is the findings of a 3-year study just completed by the Josephson Institute of Ethics for their 1996 Report Card on American Integrity. Anonymous, written surveys were administered nationally in schools and during various programs conducted by the institute that included responses from 5,740 high school students, 2,289 college students, and 3,190 adults not in school. Basically, the survey revealed that very high percentages of young people, as well as adults over 25, have fallen into such habits as lying, cheating and stealing. For example: 42 percent of high school male respondents and 31 percent of high school females said they had stolen something from a store within the previous 12 months; nearly half the high school males and one-third of the high school females—41 percent of high-schoolers overall—said they would lie if they thought it necessary to get or keep a job; 1 in 4 adult respondents, 2 of 5 collegiate respondents, and over half the high schoolers said they would or probably would lie about their debts to get a badly needed loan; and more than half the males and one-third the females said it is sometimes justified to respond to an insult or verbal abuse with physical force, with nearly half of all high school respondents saying they had struck another person or used physical force within the previous year.

And, adding another dimension to these findings, it is likely that the real percentage of those actually engaging in dishonest conduct is higher than that reflected in the Josephson Institute's study. Why? Because 41 percent of high school respondents, 37 percent of collegiate respondents, and 25 percent of those respondents not in school admitted to giving a dishonest answer to at least one or two survey questions.

Just these two studies alone suggest that good character habits are not being emphasized or practiced by significant numbers of young and adult Americans. At the same time, the Josephson Institute's survey showed that 96 percent of not-in-school adults said that being ethical in all aspects of their lives is very important, but only 64 percent of the high schoolers said they place such a high value on ethics. I would suggest that while the high schoolers numbers are not nearly as high as they should be, at least there is acknowledgment that being ethical is desirable and important.

I do not believe that America is made up of liars, cheats and thieves. In fact, I believe that most Americans want to do well by their fellow citizen. At the same time, exemplary behavior is not a genetic trait—it needs to be taught. Being responsible, caring, honest, or trustworthy needs to be reinforced by parents, schools, community organizations, and adults. This is what we mean by character education. And, it takes everyone's participation to make it work.

Mr. President, about 3½ or 4 years ago, as I stated here on the floor before, a group of Americans from all walks of life—from various religions, from commerce, from labor organizations, housewives—met in Aspen, CO. They issued a declaration, which is now known in some parts as the Aspen Declaration. The Aspen Declaration is the result of 3½ days of intensive evaluation by this broad spectrum of Americans.

The conclusion that they reached is that there was a serious shortage and diminution of basic character among the American people which was frightening, and in particular they were frightened about what was happening to young people, who did not seem to have any values nor any idea of what character was all about.

The conclusion of the declaration was that we should promote across America what is now known as "the six pillars of character." There are many organizations and many institutions who are looking at character building.

We chose here in the Senate to pass a resolution 2 years ago—and it has been done 2 years in a row—asking Americans to recognize for 1 week in October a week promoting Character Counts. While for many of us we have gone further, there are no laws to be passed. This is not a legislative function. But many of us have chosen to exercise our leadership in conjunction with others to establish in our communities, or our States, the idea that a community and the schools should be part of promoting Character Counts.

There are six pillars of character, the six words that are being used across this land, in our schools, in businesses, in institutions like the YMCA, and myriad organizations: "Trustworthiness," that is a root word that carries with it such things as honesty, integrity, living up to your commitments; and the words respect, responsibility, fairness, caring, and citizenship.

While the ultimate goal of these six principles is being celebrated in parts of America, it is catching on and taking hold more than anywhere else in the schools of America. I will just tell you, Mr. President, in New Mexico, on a volunteer basis, without a mandate, we now have 11 communities and 2 counties that have adopted Character Counts as community goals with an emphasis on the six pillars.

I say to my friend who will speak soon, who is an advocate of Character Counts, there are now scores of public schools in New Mexico. You can tell whether they are a Character Counts school because if you drive by and if they have anything out front that indicates messages about the school, you will find on that message board the character of the month, and you will see up there "responsibility." You can then find out and be assured that if you attended that public school for that month in all the classes, be it math, English, geography, or whatever it is in the grade schools, you will find teachers have been empowered to insert into the classroom that word "responsibility."

It is a marvel to observe, to go to a school and talk with the teachers who have been empowered on a volunteer basis to promote as part of their education mission character and the six pillars of character. There are innovative ways of involvement that are occurring, but let me suggest that we have not yet received in my State and a few States I have visited, any objections from the adult community to promoting these six pillars of character.

Now, is there going to be an objection raised to trying to define "trustworthiness" and get it across to our young people? Is there going to be an adult objection to "respect," to "responsibility," to "fairness," to "caring," to "citizenship"? We have found nothing.

So what we have done by using the Aspen Declaration and the current idea of six pillars of character is to open the window and let into our public schools, if they want to, on a volunteer basis, principal by principal, empower our teachers to bring into the classroom some very fundamental things that most Americans are excited to think about. There is much being said about anxiety in the current political campaign, and I submit there may very well be the anxiety spoken of about jobs and whether or not jobs are in jeopardy because of a changing American economy, but there is another anxiety that is very big and very powerful, and it is the anxiety of adults over what is going to happen to our children if somehow or another values or pillars of character are not brought into their lives to compete with the bombardment of ideas coming from whatever source young people are currently subject to, from television to what they see and what they read. And ultimately in a State like mine, we have concluded that you need to bring adults and kids together and you need to have adults concerned about the same six pillars of character which I have repeated now several times in this Chamber.

In our State, it is contagious. Teachers have gone to classes to get the basic principles of how you promote these in the classroom. They have been given that education free by various groups that have raised money. They have all committed to teach another teacher. And the work, how they put this together, is beginning to evolve with little direction from the national organization which is more like an umbrella. This is all going to be done locally by schoolteachers and principals and boards of education and business leaders who want to change the character of the community. It is exciting. It is not the answer to everything, but it is a start. I am certain the Senate and the House will once again declare the week as Character Counts Week, but it is more interesting to note that from that seed a few years ago, a number of Senators and Congressmen have decided to work with mayors and Governors to begin to promote not 1 week but all year long, not 1 day but every day in the classrooms of our schools one of these pillars of character to be brought into the common language of the children and their daily experience. The innovativeness of teachers who are empowered to do this is absolutely magnificent. They are out there with new and better ideas on how to instill such a thing as responsibility in young people, or such a character trait as fairness, or such a quality as trustworthiness. It is truly exciting.

Actually, in our State, in the city of Albuquerque and its public school system, the largest in the State by far, it has been approved by the board of education and they say any principal and school that wants to do it, do it. We have gone down to two other areas next in size, the county where the principal city is Las Cruces and they are starting it, in the county of Dona Ana. The adults get together from all walks of life under our format and start a council. The schools are then involved, the churches are involved, and other organizations.

I do not want to overstate the case because this is a complicated world that our young people are being raised in. It is a fearsome and frightening world for young people. Some around here know I raised a very large number of children. I have eight, the youngest of which, twins, are 28. I am quick to say to groups that they would have a very difficult time today, much more difficult today than even 15 years ago. The pressures are enormous.

This Character Counts idea, this idea of promoting the six pillars and getting them out there as a buttress to the disorder that is around our children, is exciting. There are many comparable things occurring, and by these comments I do not mean to belittle any others. But it works. Character Counts education works.

As experience has shown in my home state, New Mexico, character education can be embraced by the young and old and the public and private sectors in a way that transcends political, cultural, religious, and socioeconomic differences. Because like our Federal deficit, what I would call a national "character deficit," transcends all differences. And, as I know we can and must bring our Federal books into balance, we can and should work to end our national character deficit, especially among our younger citizens.

In New Mexico, I am proud to say that Character Counts is growing by leaps and bounds. The State of New Mexico received one of the four grants from the Department of Education to States to develop character education pilot programs. This pilot program came about as a result of an amendment we offered last year to the Elementary and Secondary Education Act, and I thank my good friend and colleague Senator DODD for his assistance in helping pass this amendment. The communities of New Mexico want character education and they have brought it into their schools, local social and civic organizations, city governments, churches, and parent-teacher organizations to develop Character Counts community programs.

There are 11 cities and 2 entire counties who have adopted the program, with 3 more on-line to start-up in a few months. These efforts consist of leadership councils that develop programs that encompass every aspect of community life to reinforce the Character Counts message. The schools develop their curriculums to accommodate character training in each class; there are billboards on the streets that proclaim the support and importance of the program; there are public events to raise money to support the programs; and there are media events to publicize the programs. Let me cite just a few examples of activities in New Mexico. I just received a letter from the University of New Mexico's Department of Intercollegiate Athletics. I ask unanimous consent that a copy of their letter be printed at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DOMENICI. The Department has many plans to emphasize the Character Counts Program by promoting the messages on the university arena message boards for the men's and women's basketball games, putting the message on marquee boards on our major highways, and through public address announcements at the basketball, baseball, and softball games.

A letter from Janice Argabright, the teaching principal of the San Antonio Elementary School, who said:

> We stress a family atmosphere at our school where we all help each other. Many of our students are farm/ranch kids, who have many chores to do after school. We would like to continue to instill these values. We recently began the Character Counts Program in our school. The parents and students applauded this action. Our Social Studies teacher has been going over the six fundamental core elements of good character. In fact, the students do character analysis on certain prominent people and TV role models. They found out that Bart Simpson isn't so cool after all.

Moreover, the San Antonio Elementary School incorporated this Character Counts in the DARE program and as the principal said, the students saw the words every day and practiced them and they came to "understand the meanings and the traits that show a person of character." As an attachment to the letter, the students signed an invitation to come visit their Character Counts Program, even though they knew I was very busy in Washington, DC. I ask unanimous consent that a copy of this letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. DOMENICI. The ethics officer for the Sandia Laboratory in New Mexico, John Dickey, sent out a message to the employees seeking volunteers who are interested in introducing Character Counts to kids ages 2 to 12 in their churches, social clubs, and community activities. Within 48 hours, Mr. Dickey received 36 responses from employees who offered their help.

The Association for Supervision and Curriculum Development held its State conference for educators in Las Cruces. The theme of the meeting was "Character Education for Entire Communities." And, the New Mexico State Education Department is conducting character education and Character Counts in a series of four 1-day workshops throughout the State.

The Albuquerque public school system is instituting middle school athletic programs. Character Counts is being used as the underlying basis for this citywide athletic program as coaches and referees are hired and players recruited. The Character Counts logo will be displayed on the sports uniforms.

Terry Linton of the State Referees Association instituted a "Character Counts Code of Conduct" for players, parents, coaches, and referees. This code will be instituted into the local soccer and little leagues.

Last year, Character Counts in Chavez County, NM, was featured on a nationally televised program with Peter Jennings entitled "Children First—Real Solutions for Real Problems." As a result of the outstanding success of the Roswell and Chavez County efforts, over 1,000 telephone calls flooded into my local office from all over the country and Canada about how to set up a communitywide Character Counts Program.

Mr. President, Character Counts in New Mexico is a statewide and communitywide effort. This is a program that has unbelievable energy because everyone that hears about it believes in it and wants to make it work. This is a program for our children with thousands of committed adults working to make it a reality. This is the best example of grassroots dedication and participation I have seen in many years.

As in the past years, I urge my colleagues to join us in cosponsoring and passing National Character Counts Week. It supports America's children, families, and the entire community. It is one of the best things we can do to encourage and promote something that is good and right.

EXHIBIT 1

LOBOS,
THE UNIVERSITY OF NEW MEXICO,
Albuquerque, NM, February 21, 1996.

MARTY WILSON,
APS Coordinator for Character Education, Albuquerque Public Schools, Albuquerque, NM.

DEAR MARTY: I am pleased to inform you that the University of New Mexico Department of Athletics is extremely excited and willing to help promote the Character Counts program. In response to your request for our participation, the Department of Athletics, as of February 13, 1996, is supporting this program by running messages on the following advertising/promotional vehicles:

(1) University Arena Message Boards (UNM Men's & Women's basketball games).

(2) Marquee Board on University & Stadium Boulevards.

We are also mentioning this program through public address announcements at:

(1) UNM Men's basketball games.
(2) UNM Women's basketball games.
(3) UNM Men's baseball games.
(4) UNM Women's softball games.

This is a tremendous program that we are pleased to support and we hope our efforts will help to communicate the message of the Character Counts program within our community. Please contact me if there is any way we can help to further promote this program.

Sincerely,

SEAN JOHNSON,
Assistant Marketing Director,
UNM Athletic Department.

EXHIBIT 2

SAN ANTONIO ELEMENTARY SCHOOL,
San Antonio, NM.

Senator PETE DOMENICI,
Sunbelt Plaza Complex,
Las Cruces, NM.

DEAR SENATOR DOMENICI: San Antonio Elementary is a small rural school located in San Antonio, New Mexico, about 75 miles South of Albuquerque, New Mexico. The population of our school averages about 80 students, Kindergarten thru Fifth Grade. We stress a family atmosphere at our school, where we all help each other. (You visited our school about 8 or 9 years ago). Many of our students are farm/ranch kids, who have many chores to do after school. The community of San Antonio still believes in the "family". We would like to continue to instill these values. We recently began the Character Counts Programs in our school. The parents and students applauded this action. Our Social Studies teacher has been going over the six fundamental core elements of good character. In fact, the students do character analysis on certain prominent people and T.V. role models. (They found out that Bart Simpson isn't so cool after all).

Our school emphasizes the good in all. We try to build self-esteem in each student. We do this through different programs, like the D.A.R.E. (Drug Abuse Resistance Education) program. The students have even painted pillars with the 6 core elements—Trustworthiness, Respect, Responsibility, Fairness, Caring and Citizenship in our hallway. The students thought that if they saw the words everyday, they would practice them. They have come to understand the meanings and the traits that show a person of character.

We would very much like to have you visit our school in the near future to foster Character Development in our students. It would mean so much to them to have someone in your position visit. It would also be nice to have a representative from the Character Counts Coalition visit. I read a while back that Tom Selleck visited an Albuquerque Elementary school with you. San Antonio Elementary School is just as important!

Sincerely,

JANICE ARGABRIGHT.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I commend the Senator from New Mexico for the substantial amount of leadership he has provided on Character Counts for some long while now.

I had a friend ask me, "What province is it of the Senate to be teaching about pillars of character? That is not the job of the Senate." I said, "No, that is not the job of the Senate. It is the job of everyone in this country. Every single American, especially every single American parent, ought to be preaching the pillars of good character."

I have a couple of young children, so I know firsthand how difficult it is for children to navigate through the influences of today's popular culture, trying to understand what is right and what is wrong. And there is nothing that is more important to children than example, the example set by their parents, the example of their neighbors, their community, their churches, and so on. Sadly, the evidence is all around us that our children apparently do not have the good examples they need. There is coarser language. There is more violence. There is more truancy. There seems to be less respect.

I am not going to describe all of the villains that cause that. Much of it is, I assume, caused by a lack of attention at home and a lack of good example. George Will wrote a column this past Sunday, titled "With 'Friends' Like These . . .", in which he described the dialog on the popular Thursday evening show "Friends," which is shown at a time when children are watching. I ask you, look at the language in this television show and then ask yourself, what is a 12-year-old or 14-year-old to make of popular culture that sends them these messages?

I wrote a letter in October to the president of a television network in America. I was prompted to write because, the night before, our television had been tuned in to the most popular sitcom. During that television program, which showed at 9 o'clock here in Washington, but at 8 o'clock in my home State of North Dakota, when presumably a lot of children would be watching, they used the full word that is abbreviated by SOB 12 times during the half-hour program.

I was so angry about this that I wrote to the president of the network and received a letter back from him; I wrote back and received another letter, and I have since talked to the president twice at various meetings. I asked him, by what standard do you decide to send this into living rooms across the country at a time when children are watching television? What has happened that says to us that it is all right to entertain adults even if it hurts our kids?

I have been more interested in television violence and in fact, I have introduced legislation along with the Senator from Texas, Senator KAY BAILEY HUTCHISON, to address this problem. But I am also concerned about language and other things, especially on television, that say to our children that it is all right to be a smart aleck and all right not to be respectful and all right to use this kind of language.

I worry a lot about that. So I simply say what all of us are saying with this resolution, that character does count. Those organizations that are involved in the Character Counts effort have taken the Aspen Declaration and said, here are the pillars of character that should be valued in our country. We want everyone in our country—parents, teachers, churches, business leaders—to be working to try to teach these pillars of good character.

Those who say that this is not the Government's job are right, this is everybody's job. This effort is not about legislation. It is not about creating rules. It is not about saying to anyone, "Here is what the Government thinks." It is about encouraging the teaching by everyone of the pillars of good character.

The Senator from New Mexico described what those pillars of good character are. But let me just mention them again because I do not think we can mention them often enough—trustworthiness, respect, responsibility, fairness, caring, and citizenship.

Over the last 30, 40, 50 years things have changed a lot. Kids in America used to watch "Leave It To Beaver" on television. Now it is "Beavis and Butthead." Compare the contents of these two programs and ask yourself, what are our children listening to? What kinds of things are they seeing? What are they learning about the way adults act and think and behave? And then ask yourself, is there not a reason for all of us to want to support and welcome the efforts of the Senator from New Mexico and the many groups that are promoting the teaching of the pillars of good character?

This effort asks parents and teachers and everyone in this country to care a little more about what our kids are hearing and seeing and to suggest to school leaders and others that teaching the pillars of good character will build a better country.

Mr. President, I know there are others who want to cosponsor this resolution. And I will end as I began by thanking the Senator from New Mexico for providing leadership on this issue here in Congress. But the issue did not start here. The issue started with some thinkers and some concerned people around this country who got together and evaluated the problem, and developed a solution in which we to try to create and nurture an environment for teaching the pillars of good character. Let me congratulate all of these leaders and pledge my support and continued work to further their efforts.

Mr. DODD. Mr. President, I am pleased to join with the distinguished Senator from New Mexico and a bipartisan group of my colleagues in cosponsoring this Senate resolution designating October 13–19 as National Character Counts Week.

This morning, like every morning before it and every morning to come, young Americans are headed off to learn their three R's—reading, writing, and arithmetic—in our Nation's schools. But as we know, the school day involves more than just the transmission of facts or the relaying of concepts. It's also about character. In the best classrooms in America our children are given the opportunity to learn and practice basic character traits such as sharing, cooperation, and respect.

The Character Counts initiative calls on all Americans to embrace the development of six attributes—trustworthiness, respect, responsibility, fairness, caring, citizenship—as a fundamental aspect of our children's education and as a critically important means of strengthening our Nation. The lessons our young people learn as children are the ones that will stay with them the rest of their lives. As Eleanor Roosevelt once said: "Character building begins in our infancy, and continues until death."

We live in a time when teenage pregnancy and juvenile crime are spiraling out of control. A recent poll suggests that two-thirds of Americans believe most people can't be trusted, half say most people would cheat others if they could and in the end are only looking out for themselves. These statistics and the seeming erosion in the basic norms of civility, even among our Nation's children, are ample evidence of the need for programs that promote character development.

No one would argue that Character Counts is a panacea for these complex problems. First and foremost, we need better education, stronger families, and healthy doses of individual responsibility.

Clearly the primary obligation for the building of our children's values and belief systems lies with our Nation's families. There is only so much government can do. But, with parents being forced to spend more and more time out of the house, our Nation's schools can and should play a positive role in helping to build character among America's children.

There is nothing inappropriate or heavy-handed about teaching character in our schools. These programs don't impose morality or any one group's world view. These programs teach honesty, courage, respect, responsibility, caring, citizenship, and loyalty, attributes that I believe all Americans agree upon.

These principles transcend religion, race, philosophy, and even political affiliation. For those Americans who share the goal of energizing our democracy and strengthening our Nation's character these initiatives are simply common sense.

What's more, these programs garner tangible benefits. In Connecticut, the Southwest Elementary School in Torrington implemented a character education program in September and has already seen positive results from its students. Attendance is up, students are more respectful toward their teachers and school administrators are convinced that Character Counts is responsible. The school engages parents in the effort, who along with educators and the students themselves, love the program.

While character education may not be a magical solution to all America's problems, it represents a positive effort to make a real difference in our children's lives. Character development programs for our children strengthen our lives, our communities, and our Nation as a whole.

I commend my friend and colleague from New Mexico for all of his work in this area. And I invite all my colleagues from both sides of the aisle to join us in supporting character education as a vital means of molding better individuals, strengthening families, and creating a responsible American citizenry.

Mr. FRIST. Mr. President, I rise today to join my colleagues, both Republican and Democrat—and especially Senator DOMENICI—in submitting this year's resolution to designate the week of October 13 through 19 as Character Counts Week.

The Character Counts Coalition is gaining momentum across the country, and I am proud to be a part of that effort.

With core members such as the American Red Cross and the Boys and Girls Clubs of America, Character Counts now includes over 80 member organizations whose efforts are reaching more than 40 million children, educators, and youth development professionals.

Mr. President, the Character Counts movement—which emphasizes trustworthiness, respect, responsibility, fairness, caring, and citizenship—seeks to teach the core elements of good character to our Nation's young people.

In today's world of widespread abortion, rape, divorce, illegitimate births, and violent crime, such a movement has never been more timely.

In my home State of Tennessee, many citizens have joined the call for character renewal.

In the Franklin and Bradley County school systems, my friend, Mr. Skeet Rymer, has responded the Lessons of Life essay program, based on a model developed by Mr. John Templeton of the Templeton Foundation.

In that program, students write essays examining their own lessons of life, and develop values that will lead them to fulfilled and productive lives.

Reactions from teachers and school board members, such as Lois Taylor, show just how important this program is. She tells us that through the essay contest, students learn to identify their own values and to lay the foundation for good choices throughout their lives.

Another teacher, Janis Collins says, "I just can't sing the program's praises enough." The Templeton Lessons of Life Essay Scholarship contest is just one example of the conscientious effort Tennesseeans are making to educate young people on the importance of moral decisionmaking and conduct.

Mr. President, I also want to commend the city of Greeneville, TN, which has put together a character education program featuring 10 community virtues: self-respect, respect for others, perseverance, courtesy, fairness and justice, responsibility, honesty, kindness, self-discipline, and courage.

Greeneville's character education team—concerned teachers, principals, parents, ministers, school psychologists, and education board members—asked themselves what kind of qualities they would like their students to have, and they have volunteered their time to make sure these characteristics are nourished.

I think that the good people of Greeneville have shown the kind of character—the kind of selfless giving—of which America needs so much more.

Mr. President, Tennesseeans have joined the national effort to save our children from the moral decay we see all around us because they recognize that the only way to preserve this great democracy—this system that requires so much from each of us—and our American way of life, is to instill virtue and moral fortitude in the next generation of Americans.

This will not happen without our effort, and without the incredible leadership of movements like Character

Counts. Again, I commend Senator DOMENICI, and all those who are working so hard, to make character count once again in the United States of America.

SENATE RESOLUTION 227—ORIGINAL RESOLUTION REPORTED FROM THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. D'AMATO, from the Committee on Banking, Housing, and Urban Affairs, reported the following original resolution; which was referred to the Committee on Rules and Administration.

S. RES. 227

Resolved,

SECTION 1. FUNDS FOR SALARIES AND EXPENSES OF SPECIAL COMMITTEE.

There shall be made available from the contingent fund of the Senate out of the Account for Expenses for Inquiries and Investigations, for use before, on, or after February 29, 1996, by the Special Committee to Investigate Whitewater Development Corporation and Related Matters (hereafter in this Resolution referred to as the "Special Committee"), established by Senate Resolution 120, 104th Congress, agreed to May 17, 1995 (as amended by Senate Resolution 153, 104th Congress, agreed to July 17, 1995) to carry out the investigation, study, and hearings authorized by that Senate Resolution—

(1) a sum equal to not more than $600,000—

(A) for payment of salaries and other expenses of the Special Committee; and

(B) not more than $475,000 of which may be used by the Special Committee for the procurement of the services of individual consultants or organizations thereof; and

(2) such additional sums as may be necessary for agency contributions related to the compensation of employees of the Special Committee.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 9:30 a.m. on Wednesday, February 28, 1996, in open session, to review the role of the Department of Defense Joint Requirements Oversight Council [JROC].

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. SPECTER. Mr. President, the Finance Committee requests unanimous consent to hold a hearing on the administration's views on the bipartisan proposal of the Governors' on welfare and Medicaid on Wednesday, February 28, 1996, beginning at 10 a.m. in room SD–215.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, February 28, 1996, at 2:15 p.m. in SD–226 to hold a nominations hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Wednesday, February 28, 1996.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet in executive session during the session of the Senate on Wednesday, February 28, 1996, at 9 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate for a hearing on Wednesday, February 28, 1996, at 9:30 a.m., in room 428A of the Russell Senate Office Building, to conduct a hearing focusing on S. 917 and S. 942—White House Conference on Small Business: Paperwork Reduction and Regulatory Reform Recommendations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. SPECTER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, February 28, 1996, at 9:30 a.m. to hold an open hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. SPECTER. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on Wednesday, February 28 at 9:30 a.m. to hold a hearing to discuss mental illness and the elderly.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TERRORISM, TECHNOLOGY AND GOVERNMENT INFORMATION

Mr. SPECTER. Mr. President, I ask unanimous consent that the Subcommittee on Terrorism, Technology and Government Information of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Wednesday, February 28, 1996, at 9:30 a.m., in the Senate Dirksen Building room 106 to hold a hearing on legislation to combat economic espionage.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON YOUTH VIOLENCE

Mr. SPECTER. Mr. President, I ask unanimous consent that the Subcommittee on Youth Violence of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Wednesday, February 28, 1996, at 10 a.m., in the Senate Dirksen Building room 226 to hold a hearing on "the changing nature of youth violence."

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

NATIONAL AUTISM AWARENESS MONTH

• Mr. DOMENICI. Mr. President, I have long been active in issues of importance for individuals suffering from a mental illness or disability. Through my efforts in this area, I have become familiar with the vast spectrum of these disorders, and I have found that we as a society have much to learn about both the causes and cures for these illnesses. Knowledge of the medical conditions underpinning these disorders has only recently begun to make progress by leaps and bounds, and I fear that public awareness and knowledge has not grown in step. Because society is still unfamiliar with these advances, an aura of fear and suspicion persists with regard to any one of the illnesses or disorders which afflict so many Americans. It is because of this widespread lack of knowledge and understanding that I rise today in recognition of the Autism Society of America's designation of January as "National Autism Awareness Month."

Autism is a neurological disorder that interrupts the brain's ability to process and understand information. Nearly 400,000 Americans suffer from this disorder, making it more prevalent than Down's syndrome or muscular dystrophy.

Autism is a complex, spectrum disorder that manifests itself in many ways. Symptoms and characteristics present themselves in a variety of combinations, and no two children or adults are affected in the same way.

Autism is not curable, but it is treatable. Many types of treatments have proven effective in combating this disorder, and improvements are being discovered every day.

A generation ago, nearly 90 percent of those suffering from autism were placed in an institution. Today, group homes, assisted living arrangements, and home care are much more common. Thanks to the Individuals With Disabilities Education Act, many children with autism receive appropriate education and go on to become contributing members of the work force.

In April 1995, in response to direction from Congress, the National Institutes of Health [NIH] held a State-of-the-Sciences Conference on Autism. Conference participants included scientists, clinicians, and parents. The conference highlighted how far we have come in diagnosing and treating autism, but also illuminated how far we have yet to go. National Autism Awareness Month is designed to bring attention to these issues, and seeks to further the Nation's understanding of this complicated and debilitating disorder. I fully support the Autism Society of America's designation of January as National Autism Awareness Month, I share their goal of teaching America more about this disorder, and I welcome my colleagues' support as well.●

AID'S INTERNATIONAL FAMILY PLANNING PROGRAM

● Mr. LEAHY. Mr. President, about a month ago when we passed the last continuing resolution, I spoke about the damage a provision included in the CR by the House of Representatives would cause to our international family planning programs. Senator HATFIELD, the chairman of the Appropriations Committee, also spoke at that time. We both expressed real concerns about what the House had done, and the effect it would have on the lives of millions of couples around the world especially women.

We also pointed out that the House had essentially handed us a fait accompli, since it recessed immediately thereafter and our only alternative to passing what they sent us in the form they sent it was to close down the Federal Government again. We passed the CR under protest, and I have been very encouraged by the strong stand the chairman of the Appropriations Committee has taken on this issue. He has always been a strong opponent of abortion, but he has also supported family planning and has made the point as eloquently as anyone that the way to reduce the number of abortions is to give couples the means to avoid unwanted pregnancies.

I am not going to repeat all that I said back then. Suffice it to say that as a result of the House action, millions of couples will be denied family planning services, including contraceptives, who want them, need them, and have no other access to them. It does not take a genius to realize that the result will be many more unwanted pregnancies, and many more abortions. In the countries where these family planning programs are carried out, abortion is often unsafe and the incidence of maternal death is alarmingly high.

I cannot believe that was the intent of the authors of the House provision, but how they could have failed to anticipate that result is beyond me. I can only conclude that they do not want the U.S. Government to provide assistance to couples who want to limit their number of children, even though these people want the assistance and many of them live in countries where millions of people go hungry each day.

A February 16, 1996, article in the Baltimore Sun made this same point. Not only does it discuss the steps AID Administrator Atwood has taken to improve efficiency at his agency, it notes that Congress rewarded him by cutting several hundreds of millions of dollars in AID's budget, cuts that I opposed. It cites the example of AID's family planning program, and points out that what the House has done will not only hurt mothers and infants, it will increase the very redtape Congress has been urging AID to cut.

As the article indicates, once again ideology won out over common sense. That seems to be a recurring theme around here.

Mr. President, I ask that the article be printed in the RECORD.

The article follows:

[From the Baltimore Sun, Feb. 16, 1996]

AID LEARNS THAT GOOD DEEDS DO NOT GO UNPUNISHED

(By Sara Engram)

When the Clinton Administration preached "reinvention" of government the State Department's Agency for International Development (AID) heeded the call.

Along with the Federal Emergency Management Agency, AID became one of two federal "reinvention laboratories" where all the talk about more efficient more effective and less costly management turned into reality.

AID has shed some 70 senior level positions, each paying about $100,000 a year. It has slimmed total staffing levels by 16 percent—from 10,800 people to 9,050. It has cut regulations by 55 percent, cut the time it takes to award competitive contracts from a year to 150 days, cut project-design time by 75 percent and overhauled its program operations, procurement, accounting and budget procedures.

VIRTUE IS ITS OWN REWARD

And what thanks does it get for doing more with less?

A whopping budget cut, along with potentially devastating restrictions on some programs.

The saga of the 1996 AID budget is one of the grimmer tales of the budget stand-off. The agency never expected an easy ride, given the Republican-controlled Congress' zeal for slashing the budget and the difficulty of defending aid to other countries when we have plenty of poor, homeless and hungry people right here at home.

But the fact is that foreign aid is crucial to advancing U.S. interests around the globe and to making the world a safer place. From nurturing economic activity that raises living standards and slows the rate of illegal immigration, to helping emerging democracies set up a system of law, to providing medical care and family-planning assistance to countries with burgeoning birth rates and high rates of infant and maternal mortality—the agency's programs plant seeds that, eventually, can help forestall political unrest or hostilities that spill over into wider wars.

TINY SHARE

Foreign aid is a tiny share of the budget—less than 3 percent (1.2%), and AID gets only a sixth of that. But a recent poll showed an alarming number of Americans assumed that the government spent more on foreign aid than on Medicare.

Under the compromise finally reached by the Congress and the White House, the agency's budget will be cut 11 percent. Since some aid programs, such as assistance to Egypt and Israel, must hold relatively steady, other programs took an especially hard hit.

None, however, got the shabby treatment reserved for family planning assistance. Those programs, a favorite target of a small House group of zealous opponents of abortion and family-planning, were cut 35 percent, a loss of more than $200 million from 1995 funding levels. Even worse, these opponents succeeded in requiring that no funds for 1996 be spent before July 1—and then that the allocation be dribbled out in 15 monthly increments, most of which would come, absurdly, after the end of the year for which the money is appropriated.

Since the budget impasse had blocked expenditures after October 1, that requirement creates a nine-month gap—an ironic length—in U.S. aid for family-planning services for some of the poorest families in the world. Clearly, the restrictions are aimed at interrupting these programs, many of which are administered by private, non-profit organizations in countries receiving the aid.

DEFEAT FOR FAMILIES

The victory for ideology is a clear defeat for tens of thousands of families who, as a consequence, will experience higher rates of unplanned pregnancies and more deaths among mothers and infants. Pregnancy is a high-risk undertaking in countries where nutrition is poor and health care is unaccessible or primitive.

It's also a defeat for efficient government—and an illustration of how Congress can talk one game and play another. Despite its calls for effective government, Congress can't resist an ideological power play. What else explains a requirement that must have been dreamed up in red-tape heaven?

Instead of one, clean transaction, we'll now have 15 checks and 15 contracts for a program that is underfunded to begin with. Reinventing government? The bureaucrats are hearing the message. It's the ideologues who, it seems, couldn't care less.●

SECRETARY PERRY'S WEHRKUNDE ADDRESS

● Mr. COHEN. Mr. President, earlier this month, I again had the honor of leading the U.S. delegation to the annual Wehrkunde conference on security policy in Munich. This conference serves as a valuable opportunity for policymakers, security analysts, and defense industry leaders from both sides of the Atlantic to exchange views on pressing European security issues and to build the relationships that are the sinews of an alliance.

This year's conference was notable both because it was held as NATO forces were breaking new ground with the IFOR mission in Bosnia and for the participation of senior officials from Central Europe and Russia, including the Russian Deputy Defense Minister, which provided for productive, if sometimes heated, dialog on NATO enlargement.

The conference thus offered an appropriate setting for a speech by Secretary of Defense Perry in which he outlined a vision for the future of the Atlantic alliance and its relationship with Russia, based on the accomplishments of the past and the current cooperation in Bosnia. Secretary Perry is to be commended for laying out a thoughtful and challenging agenda for addressing the issues currently facing the Alliance. I also want to commend him for not only weaving the words of T.S. Eliot into his remarks, but for ferreting out the little known fact that Eliot was on the stage half a century ago when George Marshall gave the speech that became the Marshall plan.

Mr. President, I think all Senators would benefit from reading Secretary Perry's Wehrkunde address and ask that it be printed in the RECORD.

The address follows:

REMARKS BY SECRETARY OF DEFENSE WILLIAM J. PERRY

Behind my desk at the Pentagon hangs a portrait of the great statesman, George C. Marshall. Marshall, who was the third Secretary of Defense in the United States, is a role model of mine. He had a great vision for Europe—a Europe which from the Atlantic to the Urals was united in peace, freedom and democracy; and a strong trans-Atlantic partnership sustained by bipartisan political support in the United States.

Marshall not only had this vision, he also had a plan to make this vision a reality in post-war Europe. And in a famous speech at Harvard University in 1947, he outlined what came to be called the Marshall Plan.

A little known fact is that joining Marshall on the dais that day was the famous poet, T.S. Eliot, who 10 years earlier had written:

Footfalls echo in the memory
Down the passage we did not take
Towards the door we never opened.

These words by T.S. Eliot foreshadowed the fate of Marshall's plan in Eastern and Central Europe. Because on that day, 50 years ago, as the footfalls of World War II still echoed across a shattered continent, the Marshall Plan offered Europe a new passage toward reconstruction and renewal. Half of Europe took this passage, and opened the door to prosperity and freedom. Half of Europe was denied this passage when Joseph Stalin slammed the door on Marshall's offer. And for 50 years, the footfalls of what might have been echoed in our memories.

Today, as the Cold War becomes an echo in our memory, we have a second chance to make Marshall's vision a reality: To go down the passage we did not take 50 years ago, towards the door we never opened. Behind that door lies George Marshall's Europe. To open this door, we do not need a second Marshall Plan, but we do need to draw on Marshall's vision.

Marshall recognized that peace, democracy and prosperity were ultimately inseparable. And Marshall understood that if you identify what people desire most, and provide them with a path to reach it, then they will do the hard work necessary to achieve their goals.

In the late 1940s what Western European countries desired most was to rebuild their societies and economies. And the Marshall Plan provided a path for achieving this goal. By taking this passage, the nations of Western Europe built an economic powerhouse. And along the way, they built strong democracies and a strong security institution called NATO.

Today, countries in the other half of Europe are struggling to rebuild their societies and economies, and the one thing they all desire is greater security. NATO's challenge is to provide these Europeans a path for achieving their security goal. And along the way, we want them very much to develop strong democracies and strong economies.

This other half of Europe includes the nations of Central and Eastern Europe and the Newly Independent States. It includes Russia. And it includes the nations of the former Yugoslavia. Today, NATO is reaching out to all three areas and providing a path to Marshall's Europe.

The primary path NATO has provided is the Partnership for Peace. Just as the Marshall Plan worked because it was rooted firmly in the self-interest of both the United States and Europe, so too does the Partnership for Peace work because it is rooted firmly in the self-interest of both NATO and the Partner nations.

PFP is bringing the newly free nations of Europe and the former Soviet Union into the security architecture of Europe as a whole. Our nations are working and training together in military joint exercises. But make no mistake, the Partnership for Peace is more than just joint exercises. Just as the Marshall Plan had an impact well beyond the economies of Western Europe, PFP is echoing beyond the security realm in Central and Eastern Europe, and into the political and economic realms as well.

Just as the Marshall Plan used economic revival as the catalyst for political stabilization—and ultimately the development of the modern Europe—the PFP uses security cooperation as a catalyst for political and economic reform.

PFP members are working to uphold democracy, tolerate diversity, respect the rights of minorities and respect freedom of expression. They are working to build market economies. They are working hard to develop democratic control of their military forces, to be good neighbors and respect the sovereign rights outside their borders. And they are working hard to make their military forces compatible with NATO.

For those Partner countries that are embracing PFP as a passage to NATO membership, these actions are a key to opening that door. For many of these nations, aspiration to NATO membership has become the rock on which all major political parties base their platforms. It is providing the same overlapping consensus that NATO membership engenders in NATO countries, making compromise and reconciliation possible.

In Hungary, all six major political parties in the Parliament united to pass a resolution in support of IFOR, the Bosnia peace implementation force, by a vote of 300 to 1. In Poland, the new President—a former member of the former communist party—re-affirmed Poland's NATO aspirations. In Slovakia, Hungary and Rumania, governments are quietly resolving border disputes, and putting into place protection for ethnic minorities. For these countries, the Partnership for Peace is becoming a passage to democracy and market reform, as well as a passage to security cooperation with the West.

But even those countries that do not aspire to NATO membership are realizing many of the same political and social gains from active participation in the PFP. Moreover, PFP is providing them the tools and the opportunities to develop closer ties to NATO, and learn from NATO—even as they choose to remain outside the Alliance. And PFP is building bonds among the Partner nations—even outside the framework of cooperation with NATO.

That is why defense ministers from many Partner nations have said to me that even if, or when, they eventually join NATO, they want to sustain their active participation in PFP. In short, by creating the Partnership For Peace, NATO is doing more than just building the basis for enlargement. It, is in fact, creating a new zone of security and stability throughout Europe.

That is why I believe that the creation of the Partnership for Peace has been one of the most significant events of the post-Cold War era. By forging networks of people and institutions working together to preserve freedom, promote democracy and build free markets, the PFP today is a catalyst for transforming Central and Eastern Europe, much as Marshall Plan transformed Western Europe in the '40s and '50s. It is the passage this half of Europe did not take in 1947; it is the door that we never opened.

To lock in the gains of reform, NATO must ensure that the ties we are creating in PFP continue to deepen and that we actually proceed with the gradual and deliberate, but steady, process of outreach and enlargement to the East. NATO enlargement is inevitable. And if NATO enlargement is a carrot encouraging reforms, then we cannot keep that carrot continually out of reach. So it is critical that we implement the second phase of NATO enlargement agreed upon at the NAC Ministerial Meeting in December.

And even as some countries join NATO, it will be important to keep the door open for others down the road. We must make sure that PFP continues to provide a place in the security architecture of Europe so that we keep the door open to Marshall's Europe even for those nations that do not aspire to become NATO members.

For Marshall's vision to be truly fulfilled, one of the nations that must walk through this door is Russia. Russia has been a key player in Europe's security for over 300 years. It will remain a key player in the coming decades, for better or for worse. Our job is to make it for the better.

Unlike with the Marshall Plan 50 years ago, Russia today has chosen to participate in the Partnership for Peace. And in the spirit of Marshall, we welcome Russia's participation, and hope that over time it will take on a leading role in PFP commensurate with its importance as a great power.

But for Russia to join us as a full and active partner in completing Marshall's vision, NATO and Russia need to build on our common ground, even when we don't agree with each other's conclusions. It is fair to say that most members of Russia's political establishment do not welcome or even accept NATO's plans for enlargement. Anybody that doubted that yesterday, if you heard Mr. Kokoshin's speech, realized the extent of the opposition to NATO enlargement in Russia.

When I was in Russia last June, I had a number of conversations with Russian government leaders and Duma members about the future of European security. I offered them a series of postulates about that future. I told them if I were in Russia's shoes, I would want the future security picture in Europe to have the following characteristics:

First, I said, if I were a Russian leader, I would want the United States to be involved in the security of Europe. They agreed with that postulate.

Then, I said, if I were a Russian leader, I would want to see Germany an integrated part of the European security structure. And they agreed with that postulate.

And third, I said, if I were a Russian leader, I would want Russia to be in the security architecture of Europe, not isolated outside of it. They agreed with this postulate also.

Finally, I asked them how could a Russian leader best achieve these goals?

I concluded they could only be achieved through a healthy and vibrant NATO. That is NATO, far from being a threat to Russia, actually contributes to the security of Russia, as well as to the security of its own members.

When I reached that conclusion most of the Russians I talked to fell off the cliff. They agreed with each of my premises—but they did not agree with my conclusion. But in the absence of NATO and its partnership arrangements, I do not see any way of achieving those goals—our shared goals—of a safe and peaceful Europe.

I have to tell you that I did not persuade my Russian colleagues with my argument. But, I do believe that as Russia deepens its involvement with NATO, it will come to believe in the truth of my conclusion, as well as my premises. And I believe that Russia will want to have a cooperative relation with NATO and a leading role in the Partnership for Peace. And that Russia will come to understand that enlargement means enlarging a zone of security and stability that is very much in Russia's interest, not a threat to Russia.

But the way for this new understanding to occur is for NATO to continue to reach out to Russia not only from the top down but from the bottom up. Last year at Wehrkunde, I proposed that NATO and Russia begin a separate plan of activities, outside the Partnership for Peace. Since then, we have all discussed and even agreed upon this proposal in principle, but we have not yet put it on paper. We must do so. We cannot let disagreements over the "theology" of building NATO-Russia relations get in the way of "here and now" opportunities to work together where our interests clearly overlap. Instead of letting theology dictate our practice, we should let our practice shape our theology.

One example of where the United States is already doing this is with our program of bilateral training exercises with Russia. We have held four such exercises in the last year, each a great success, and each conducted in a spirit of trust and goodwill. This summer, the United States and Russia will move beyond the bilateral and jointly participate in a major regional Partnership For Peace exercise with forces from Ukraine, Russia, United States and other regional powers.

Our bilateral contact program with Russia is not confined to joint exercises or even to just the security field. Through the Gore-Chernomyrdin Commission, it extends to the fields of science and technology, space, defense conversion, business development, the environment, health care and agriculture.

Just this past week the Commission met in Washington, and Mr. Kokoshin and I both participated in the defense conversion program of this Commission. I urge all NATO nations to build on this model. These contacts provide important exchanges of information. They help break down years of distrust and suspicion. They weave the Russians into the kind of personal and professional networks that have long characterized relations among all of the Allies. These are the kind of activities that will build trust between Russia and NATO. And these are the kind of activities that will keep Russia on the passage toward integration with Europe, to pass through that open door.

Mr. Grachev and I attended the joint U.S. exercise in Kansas last October. And we met after the exercise with the American and the Russian soldiers conducting that exercise, and talked to them. He told the Russian soldiers what they were doing was very important, that they should extend their friendship and cooperation with the American soldiers, and that this was the basis for creating a peaceful world for their children. The American soldiers were as much interested in what he was saying as the Russians were, I can assure you.

Ironically, the place where a distinct NATO-Russia relationship is occurring in practice is in Bosnia. Today, as we speak, a Russian brigade is serving in the American Multinational Division of IFOR. It took an enormous amount of work to make this happen. Minister Grachev and I met four times over a two month period to iron out the details. Generals Joulwan and Nash work closely every day with their counterparts, General Shevtsov and Colonel Lentsov. NATO and Russia *do* have a special relationship today in Bosnia, and Russia is demonstrating its commitment to participating in the future security architecture of Europe.

The reason we are all working so hard to make this relationship successful is not just because of the additional troops Russia brings to Bosnia, but because Russia's participation in Bosnia casts a very long shadow that will have an impact on the security of Europe for years to come. When we deal with the most important security problem which Europe has faced since the Cold War was over, we want to have Russia inside the circle, working with us, not outside the circle, throwing rocks at us.

Indeed, the more you think about what NATO and Russia are doing together in Bosnia, the more amazing it becomes. I can only imagine what General Eisenhower, the first SACEUR, would think if he saw a General from Russia sitting with General Joulwan, today's SACEUR, at the SHAPE compound reviewing a secret NATO OPLAN. We need to build on this model, to institutionalize it, and expand it to cover the entire range of NATO and Russia's overlapping security interests. By so doing, NATO and Russia can move forward as full partners in completing Marshall's version.

Just as the NATO-Russia relationship is being forged in Bosnia, so too is the future of NATO itself. I was in Bosnia several weeks ago. I was struck by the dedication and professionalism of every unit from every country that is participating. I was also struck by the stark contrast between the devastation and suffering I saw in Sarajevo, and the rebirth and renewal I have seen in the other capitals of Central and Eastern Europe.

Bosnia is what happens when newly independent nations focus on old hatreds instead of new challenges. Four years ago, some people in the former Yugoslavia chose not to join Marshall's Europe. And the death and bloodshed that resulted will long echo in our memory. But today the door to Marshall's Europe is open again for them—and holding that door open are NATO, Russia and the newly free peoples of Central and Eastern Europe.

The success or failure of IFOR is crucial to whether or not we will complete Marshall's vision. It is in Bosnia where we are sending the message that NATO is the bedrock on which the future security and stability of Europe will be built. It is in Bosnia where NATO is first reaping the benefits of joint peacekeeping training with our new Peace Partners. It is in Bosnia where future NATO members are showing themselves ready and able to shoulder the burdens of membership. And it is in Bosnia where we are showing that we can work as partners with Russian forces. Bosnia is not a peacekeeping exercise. It is the real thing.

Bosnia is also teaching us important lessons about the kind of NATO that Marshall's Europe will require. Ever since the end of the Cold War, NATO has struggled to develop a mechanism for executing the new missions using NATO assets with the voluntary participation of NATO members.

In the conference room, we have so far failed to come up with an agreement on a Combined Joint Task Force, CJTF. But in the field, we have cut through these theological arguments and put together IFOR, which is CJTF. As with the NATO-Russia relationship, we need to take the practical lessons learned in putting IFOR together and extrapolate back until we have a CJTF that works.

Bosnia also casts in sharp relief something we have suspected for some time: that it is time for NATO to adapt itself internally to deal with the new challenges of this new era. NATO was not well structured for the Bosnia mission. At a time when our political and geostrategic thinking has been completely reoriented, symbolized by our partnership in peacekeeping with former adversaries, and at a time when our individual military forces have streamlined and modernized for the battlefield of the future, NATO's command and decision-making structure is still geared for the challenges and the battlefields of the past. The time has come to streamline and modernize NATO, recognizing that our challenge is no longer simply to execute a known plan with already designated forces, as it was during the Cold War.

We must make NATO's command structure more responsive and more flexible, and streamline the planning and force preparation process, and simplify and speed-up the entire decision-making process. And we must complete the task of giving NATO's European members a stronger identity within the alliance. These kinds of internal changes will ready NATO for enlargement, and will allow us to better respond to the future challenges to European security and stability.

It is in this context that we welcome the French decision to participate more fully in NATO's military bodies. And we look forward to working with France as we transform the Alliance and realize Marshall's vision of a Europe united in peace, freedom and democracy.

In 1947, Marshall told America that it must "face up to the responsibility which history has placed upon our country." Today, it is not only America, but also Russia; is not only NATO nations, but all of Europe—all of us must face up to the responsibility which history has placed upon us. This means reaching out to each other not only in the spirit of friendship, but also in the spirit of self-interest. This means working towards our goals not only from the top-down, but also the ground-up. And it means recognizing that when the outside world changes, we must look inside our institutions and see what changes are needed there.

If we do these things, then next year, when we commemorate the 50th Anniversary of the Marshall Plan, we will be able to say that we made Marshall's vision our own.

That Partnership for Peace is a strong, permanent pillar of Europe's security architecture. That NATO and Russia have a relationship where trust, understanding and cooperation are givens, not goals. That all the nations of the former Yugoslavia are adding, not detracting, from Europe's security. And that we have taken the passage to a new Europe and opened the door to a new era of peace, freedom and democracy.

Thank you very much.●

PROGRAM

Mr. LOTT. Mr. President, for the information of all Senators, immediately following morning business tomorrow, the Senate will begin 30 minutes of debate on the motion to invoke cloture on the D.C. appropriations conference report.

Senators should be aware that the cloture vote on the conference report will occur at 12:30 p.m. on Thursday.

RECESS UNTIL 11 A.M. TOMORROW

The PRESIDING OFFICER. Mr. President, if there be no further business to come before the Senate, I ask that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 1:35 p.m., recessed until Thursday, February 29, 1996, at 11 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, February 28, 1996*

The House met at 11 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray, gracious God, for the abundance of Your spirit in our lives and in the lives of every person. Our petition is that Your gifts of mercy and justice, of understanding and peace, of tolerance and patience, of freedom and responsibility, will rest in our hearts and souls and minds this day and every day, and cause us to be the people You would have us be. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from California [Mr. LANTOS] come forward and lead the House in the Pledge of Allegiance.

Mr. LANTOS led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with amendments a bill of the House of the following title:

> H.R. 2036. An act to amend the Solid Waste Disposal Act to make certain adjustments in the land disposal program to provide needed flexibility, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain fifteen 1-minutes on each side.

TIAHRT AMENDMENT TO AID FLAT ECONOMY

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, our economy is flat. Many experts say that we are bordering on recession. I think the Clinton administration should shoulder the blame. The union workers remember that President Clinton signed both NAFTA and GATT into law and both agreements have not worked. Now the President will not even use the tools available within the agreements to save American jobs. That is why I am proposing an amendment to the farm bill. It is supported by the AFL–CIO to prioritize the export enhancement program to save jobs. Union jobs, support farmers, and export value-added products like flour will force the President to do the right thing. It is no wonder our economy is flat. We need someone to fight for our jobs, and that is what Congress intends to do.

RESOLUTIONS CONDEMNING ASSAULT ON FREE MEDIA IN SERBIA AND DENOUNCING LOUIS FARRAKHAN'S SUPPORT OF TERRORIST REGIMES IN LIBYA, IRAN, AND IRAQ

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, this morning I am introducing two resolutions, and I know these resolutions will receive broad bipartisan support. The Communist dictator of Serbia, Slobodan Milosevic, has closed down the only independent television station in Belgrade. I think it is an outrage that, as Milosevic is trying to work his way back into acceptance by the civilized world community—and he should do so—he also simultaneously closed down the Soros Foundation, a humanitarian and charitable organization that has done an enormous amount of good for the people of Serbia and indeed for the people of countless other countries. I am calling on President Clinton in the most emphatic terms to insist that the independent television station in Belgrade be reopened and the Soros Foundation be allowed to continue its work.

My second resolution, Mr. Speaker, denounces Louis Farrakhan's visit to Libya, Iran, and Iraq. It is critical that the President of the United States direct executive agencies to establish whether U.S. laws were broken. Farrakhan can say whatever he wants, but he must obey the law.

THE CLINTON CRUNCH

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, the Clinton crunch is upon us.

No, this is not a new kind of cereal. It does not go snap, crackle, and pop if you pour whitewater—or should I say milk—over it.

No, Mr. Speaker, the Clinton crunch is a disease that infects middle-class America.

Its symptoms? Higher taxes and stagnant wages.

Its cause? The policies of the Clinton administration.

The cure? Lower taxes and a balanced budget.

Mr. Speaker, it is true, the Clinton crunch is upon us. Luckily, there is still hope for middle-class America. But we must act soon. We must cut taxes and we must balance the budget. Unfortunately, the current occupant of the White House does not seem that interested in cutting taxes or balancing the budget. In fact, he would rather feed the Clinton crunch with higher taxes and more Washington spending.

Mr. Speaker, the differences could not be clearer. Bill Clinton wants higher taxes and higher spending. House Republicans want lower taxes and less spending. Which do you think is the cure for the Clinton crunch?

GOP EXTREMIST AGENDA WRONG APPROACH

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, our constituents are worried about jobs. They see downsizing in their communities. They are concerned about wages because the economy continues to be a problem for many Americans. But the answer is not the GOP extremist agenda that basically protects the rich and the powerful but threatens the health, safety, and security of America's working families.

The Republican leadership over the last year has been putting forth this extremist agenda at the expense of the middle class, at the expense of the average working American. They have tried to put into place tax breaks for large corporations and for wealthy Americans. They have tried to cut taxes, or they have tried to eliminate tax credits, the earned income tax credits for working Americans at the lower end of the income spectrum.

At the same time, you see the President suggesting that we do things to help the average working American.

The President has talked about tax cuts for families. He has talked about doing things for education, such as your ability to deduct tuition that you pay for your student, your children that are in college. It really is terrible that we continue to see this GOP extremist agenda that hurts the average working American, and I hope that now that we are back in session and we are away from this 3-week break that we are starting to see some action in this Congress to help the average working American.

FIX THE WELFARE SYSTEM

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, the existing welfare system is a mess. It hurts the very people that it is supposed to help. In 1992, President Clinton campaigned on a pledge to end welfare as we know it. Remember that? Now, after 3 years of the Clinton Presidency, he has not lifted a finger to do anything about the failed welfare state. It is true that he has talked about the values of work and family, but if we examine the record, the President has not signed into law any reform of welfare. In fact, he vetoed the only genuine welfare reform bill to pass this Congress in a generation.

The President is now in the midst of backing away from the compromise welfare agreement passed unanimously by the National Governors' Association, both Democratic and Republican Governors. He had originally praised the plan as a huge step in the right direction. It is time for the President to cut the cord with the special interest groups, the liberal groups, and to help us fix the failed welfare system in this country.

CEO'S HIT JACKPOT

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, while American workers keep losing their jobs, the top chief executive officers just keep hitting the lotto. Check this out. Chemical Bank go rid of 12,000 workers; the boss made $2.5 million. GTE got rid of 17,000 workers; the boss made a cool $2 million. IBM shafted 60,000 workers; the boss made $2.6 million.

And AT&T, they take it all. They got rid of 40,000 workers and Robert Allen, chief executive officer, made 3.3 million big ones. They call it downsizing. I call it larceny. AT&T does not stand for American Telephone and Telegraph anymore. It stands for Allen and two temporaries. That is Robert Allen, folks; $3.3 million, think about it.

I yield back the balance of all this unemployment.

CUBAN ATTACK AN OUTRAGE

(Mr. ZIMMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZIMMER. Cuba's downing of two planes whose only arms were pamphlets is an outrage, and it shows how desperate Fidel Castro is in his fight to deny the Cuban people liberty and freedom. Castro is an international outlaw, no more and no less.

I am very disappointed in the President's response to this outrage. It is entirely inadequate. If President Clinton were serious about responding to this terrible offense against U.S. citizens, he would demand that the international community join with us in an international embargo to tighten the noose around Castro and to allow democracy to take root there. He would also reverse his Executive order of last October which liberalized cultural ties with that country, only rewarding a repressive regime for the enslavement of its own people.

We must get serious, Mr. Speaker, and the way that we should start doing so is to enact the Burton-Helms legislation in its original form, not some watered down version that the President has endorsed.

LIFT THE DEBT CEILING

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, we are getting dangerously close to default, and simply put, there is the wrong way to run the finances of our great Nation. Congress' failure to raise the debt ceiling will have immediate and devastating effects. The U.S. credit rating will be ruined; Social Security checks on which 43 million senior citizens rely will bounce. Benefits for over 37 million of our Nation's veterans will not be allocated. Pensions for 4 million civilian and military retirees are at risk.

Mr. Speaker, this is craziness. This is deja vu back to the days of holding the Government hostage to force acceptance of a balanced budget plan that the American people have rejected. Now the Republicans are trying it all over again, except this time the hostage is our Nation's full faith and credit, 43 million senior citizens, 3 million veterans, and 4 million civilian and military retirees.

When will they learn? Waiting until the last minute and insisting on including provisions that have nothing to do with the debt limit is the height of irresponsibility, and my friends on the other side of the aisle should be ashamed. It is time we pass a clean debt ceiling bill and get on about the Nation's business. Shame on coming this close to defaulting on our Nation's obligations.

NEWEST WASHINGTON BUZZWORD

(Mr. BASS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BASS. Mr. Speaker, I guess the new buzzword we are going to hear now from the other side of the aisle is going to be the use of the word "extremist." Everything we do is going to be called extremist. I would only ask that we return to the issues that we have been talking about here in Congress for the last 14 months, balancing our Nation's budget for our children and our grandchildren. Extremist is passing a welfare reform bill that encourages work and holds families together. Extremist is preserving, protecting and improving the Medicare system for our senior citizens. Extremist is giving the States more control over Medicaid. Extremist is sending power and money and influence back to State and local authorities and citizens of this country, extremist.

Mr. Speaker, let us spend the next few months talking about our Nation's hopes and not its fears. Let us make America proud of its elected officials once again.

GOP AGENDA HOSTILE TO MIDDLE AMERICA

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, it is no wonder that the Republican program for the last 14 months is so far away from the needs and the hopes and the aspirations of America's working families. When you consider at the end of last year when the Republicans came together to discuss how they were doing and what they were going to do this year, one of their honored speakers was Al Dunlop, a man who went to Scott Paper Co. and 2 years later fired thousands of workers with little or no notice and walked away with $100 million in his pocket. He advised the Republican caucus to forget the working-class issues, they did not matter.

Well, they matter to millions of Americans, to millions of Americans who are worried about losing their job, and with that losing their health care; about losing their job, and with that the ability to pay for their children's education. And what do we see cuts in education for their children. We see cuts in student loans for their children. We see them trying to keep the health care bill that would make health care portable from one employer to another from coming to the floor. What we see is an agenda that is outright hostile to middle America and to the working families of this country.

□ 1115

SALUTE TO ENGINEERS

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, I rise today to ask my fellow Members of Congress to join me in saluting the contributions of engineers to America.

Last week was National Engineers Week celebrated annually since 1951. The timing recognizes the role played by our first President, George Washington. Washington's education and experience as a land surveyor and promoter of invention, education, and the construction of roads, canals, docks, and ports earned him the recognition as our Nation's first engineer.

February is also Black History Month and African-American engineers invented some of our most important and best-known inventions including: blood banks, the four-way traffic signal, and potato chips.

Engineering is our Nation's second largest profession with more than 1.8 million working engineers according to the U.S. Bureau of Labor Statistics.

Every day, engineers are creating new ways to use technology to improve our quality of life. The contributions of engineers surround us and are so pervasive that we sometimes take them for granted.

National Engineers Week offers us the opportunity to stop, take notice, give thanks for the work of engineers, and encourage our young people to study science and math and consider engineering as a career.

Engineers build a better future every day.

DISCOVER WORKING AMERICA

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, I have always been a little skeptical about death bed conversions, and as the bells toll for the demise of the Gingrich Republican revolution, we are witnessing an epidemic of conversions among my Republican colleagues.

Suddenly the Republican Party has discovered working America. They are desperately trying to convince the hard-working families of this country who are struggling to get ahead that the Republican Party is their friend. But, in fact, since taking control of this Congress, they advanced an extreme agenda that would hurt working men and women of this country. Their budget would let companies raid pension funds. They would deny the children of working families college loans. Their budget would cut Medicare and long-term care, denying families a dignified retirement. And they would deny a raise in wages so that, in fact, people could pay their bills every week.

But they, in fact, would provide to the wealthiest in this Nation a tax break, and tax breaks that would allow them to continue to reap the benefits.

Mr. Speaker, what the Republican Party really does not understand is that the American people are too smart to fall for this. They did not buy NEWT GINGRICH's extreme agenda, and they will not buy this election-year gimmick either.

TRIBUTE TO SERGEANT BOLIN

(Mr. BARR of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARR of Georgia. Mr. Speaker, too many Americans take freedom for granted, expecting it as constant a force of nature as the daily rising of the Sun.

Fortunately for all of us, there are men like Special Forces S.Sgt. Neal Bolin, who stand watch at freedom's door; protecting us from the demons of totalitarianism; ready to sacrifice their own personal comfort and safety for ours. For them, liberty is not a given, but the goal of a very real and dangerous struggle.

This past February 12, Staff Sergeant Bolin lost his life, while seeking to preserve the life and safety of others, on a rescue mission for a plane missing in the jungles of Panama.

I was honored to attend services for Sergeant Bolin, and to pay respects to his life and family. The people of Georgia and the Nation are grateful to Neal Bolin for the sacrifice he made. We are also grateful to his parents, and to his widow, for this American hero. While Sergeant Bolin's young daughter has lost a father, our country benefits from the new chapter in the annals of military service and dedication written by her father.

DO NOT DESTROY AMERICAN WORKING FAMILIES

(Mrs. MINK of Hawaii asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous material.)

Mrs. MINK of Hawaii. Mr. Speaker, the House is about to debate the farm bill, and it will be a contest of the wills of both sides of this Chamber in its dedication to the concept of jobs.

One of the most interesting developments in the Republican Presidential race is that they have discovered that jobs are uppermost in people's minds. In debating the farm bill, I hope that this House will keep in mind the fact that we are talking about jobs, not about commodities.

There is this wholesale effort to try to destroy the farm community. I come from a farming district. Sugar is an important commodity. If they do away with the sugar program, it will mean 6,000 jobs in my district alone.

And so when we come to this floor to talk about the farm bill, it is not commodities. It is not some abstract notion about something that we put on the table to consume. It is thousands of jobs in the sugar industry alone. It is 420,000 jobs that are about to be eliminated.

So, focus on what the American people are concerned about. It is jobs in America. Let us not destroy our American working families.

AMERICA NEEDS A SOUND ENERGY POLICY

(Mr. WATTS of Oklahoma asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATTS of Oklahoma. Mr. Speaker, today marks the fifth anniversary of the end of the Persian Gulf war. We can all remember the great pride we felt on that day 5 years ago.

During the gulf war, our strong defense came through—just the way it is supposed to—and now it is time for Congress to come through—just the way it is supposed to—with a sound energy policy.

Since the gulf war, oil imports have reached an all-time high and domestic oil production has reached an all-time low.

Twenty years ago we imported 35 percent of our oil. Today we import over 50 percent. Clearly we are overly dependent on foreign sources of oil to drive our cars, to heat our homes, and to fuel our economy.

We are putting ourselves in a worse state of dependency than we were in, just before the oil crises of the seventies.

Today I am calling on my colleagues to send the Nation a wake up call about the lack of a sound energy policy in the United States. For the month of March, one of our colleagues will speak on the floor every day about this critical issue.

I am hopeful that these remarks will help us to develop a plan to secure control over America's energy future.

WHERE IS THE DEBT CEILING BILL?

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute.)

Mrs. KENNELLY. Mr. Speaker, today is February 28. Where is the debt ceiling? Speaker GINGRICH, Majority Leaders ARMEY and DOLE promised the President in writing to act on debt ceiling legislation by February 29 in a manner acceptable to both you and the Congress, in order to guarantee the Government does not default on its obligations.

Unfortunately, that does not look like it is going to happen. But the Republican leadership needs to understand they can't stall indefinitely without dire consequences.

On March 15, the debt ceiling snaps back to a lower level pursuant to the legislation we passed earlier to guarantee March Social Security checks. This means that the debt will have exceeded the debt limit and as a consequence, no securities may be issued under any circumstance for any reason without increasing the debt ceiling. This snap back has potentially disastrous consequences for the Medicare and Social Security trust funds. Because the Treasury cannot issue any kind of securities, it cannot issue the $2 billion of new investments in the Social Security and Medicare trust funds that need to be issued on March 15 and each day thereafter.

This is a very serious problem which, if the Republican leadership allows to happen, will require legislation to make the Social Security and Medicare trust funds whole. I call on the Republican leadership to bring a clean debt ceiling bill to the floor immediately and not jeopardize the Social Security and Medicare trust funds.

DOUBLE WHAMMY OF HIGHER TAXES AND DECLINING WAGES

(Mrs. SEASTRAND asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SEASTRAND. Mr. Speaker, "It's the economy, stupid." That is what President Bill Clinton told us in 1992. Today, 4 years later, America is feeling the Clinton Crunch—that double whammy of higher taxes and declining wages.

To combat the Clinton crunch Republicans believe we should balance the budget and cut taxes. President Clinton thinks we should maintain the status quo.

Just look at the record. Republicans, for the first time in a generation, passed an honest balanced budget. The President not only vetoed that plan but he has refused to negotiate in good faith toward a compromise. Now our plan also cut taxes. We cut capital gains taxes to create jobs and boost the economy, and we provided a $500 per-child tax credit to help families suffering from the Clinton crunch.

Mr. Speaker, the choice has never been clearer. On the one hand we have Republicans, men and women who mean what they say and keep their word. And on the other hand we have President Bill Clinton, a say-anything, do-nothing liberal President.

PUTTING THE SQUEEZE ON WORKING FAMILIES

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Mr. Speaker, the last speaker in the well said let us take a look at the Republican plan, and let us take a look at what they have done. Republicans say they stand up for working people, when they fought for policies that have squeezed working families and denied them and their children needed opportunities. They have refused to raise the minimum wage. They have passed higher taxes for working families. They have passed a Medicare premium that will increase on 37 million beneficiaries. They have passed the corporate raid on workers' pensions. Your pensions are no longer safe with this new Republican majority. They have passed the repeal of the Medicaid guarantee on nursing home coverage.

Mr. Speaker, I hope America will take a look at the Republican record and their plan and see that it is nothing but putting a squeeze on working families and unwilling to cooperate with the majority of people in this country.

MEXICO NOT COOPERATING TO HALT DRUG TRAFFICKING

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, the Foreign Assistance Act of 1986 mandates that on March 1 the President must announce which nation will be officially listed or certified as cooperating in the effort to halt drug production and trafficking. Mexico better not be on that list.

It is imperative that we take action against Mexico, that we finally denote the country for what it is. Simply put, Mexico has become a narco-state. Each year, nearly three-quarters of all the Colombian cocaine consumed by Americans flows across the 2,000-mile United States-Mexican border.

Mr. Speaker, the President has the opportunity to seize his accountability. He has the opportunity to right some of our wrongs. He has the opportunity to effect change.

I urge him to act. America should not certify Mexico.

EDUCATION IS THE KEY TO REBUILDING THE MIDDLE CLASS

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. BROWN of Ohio. Mr. Speaker, it is clear that the Gingrich revolution is over. As Members of Congress returned finally for work this week, all of us have been hearing from voters in our district, Republicans and Democrats alike, that the voters are rejecting the extremism of the Gingrich revolution, rejecting Medicare cuts in order to pay for tax breaks for the rich, rejecting reducing safeguards on Medicaid, in nursing homes, nursing home standards, again for tax breaks for the rich, cutting student loans in order to pay for tax breaks for people in this country that do not need it.

Republican policies, Gingrich policies, over the last 12 months would cut 2½ million students off direct student loans, would deny Pell grants to 380,000 students, would deny 50,000 young people the opportunity to serve their community while earning money for college, would deny 180,000 children access to Head Start, again all in order to pay for a tax break for the wealthiest people in the country.

All evidence says that good education is the key to rebuilding the middle class, putting people to work, giving people good wages, so they can raise their families the way Americans always have.

GINGRICH REVOLUTION JUST BEGINNING

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, I heard the previous speaker from the other side of the aisle, he was a Democrat, say that the Gingrich revolution was over?

Let us set the record straight right now, ladies and gentlemen. The Gingrich revolution is the Reagan revolution. That revolution was temporarily interrupted. It is about to begin again, and the Gingrich revolution started with the Contract With America.

Let me assure you one thing: We have not been able to get all the Contract With America through this Congress. Come November, we are going to elect a Republican President, and then we are going to pass the Balanced Budget Act, we are going to pass the line-item veto, we are going to pass all of these issues that the American people have wanted so far.

Is the Gingrich revolution over? Do not kid yourself. It is just beginning.

□ 1130

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule:

Committee on Banking and Financial Services, Committee on Commerce, Committee on Government Reform and Oversight, Committee on International

Relations, Committee on the Judiciary, Committee on National Security, Committee on Resources, Committee on Science, Committee on Small Business, Committee on Transportation and Infrastructure, and Committee on Veterans' Affairs.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore (Mr. KINGSTON). Is there objection to the request of the gentleman from New York?

There was no objection.

LAYING ON TABLE HOUSE RESOLUTION 352, AUTHORIZING SPEAKER TO DECLARE RECESSES SUBJECT TO THE CALL OF THE CHAIR

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that House Resolution 352, authorizing the Speaker to declare recesses subject to the call of the Chair from February 2, 1996, through February 26, 1996, be laid on the table, because it is no longer relevant.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

LAYING ON TABLE HOUSE RESOLUTION 323, PROVIDING FOR CONSIDERATION OF H.R. 2677, THE NATIONAL PARKS AND NATIONAL WILDLIFE REFUGE SYSTEMS FREEDOM ACT OF 1995

Mr. SOLOMON. I ask unanimous consent that House Resolution 323, providing for consideration of H.R. 2677, the National Parks and National Wildlife Refuge Systems Freedom Act of 1995, be laid on the table.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 2859, AGRICULTURAL MARKET TRANSITION ACT

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 366 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 366

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 2854) to modify the operation of certain agricultural programs. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed two hours equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Agriculture now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. Notwithstanding clause 5(c) of rule XXIII, no amendment to the committee amendment in the nature of a substitute shall be in order except the amendments specified in the report of the Committee on Rules accompanying this resolution and amendments en bloc described in section 2 of this resolution. Each amendment specified in the report may be considered only in the order specified in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments made in order to the committee amendment in the nature of a substitute are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendment as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. It shall be in order at any time for the chairman of the Committee on Agriculture or his designee to offer amendments en bloc consisting of amendments specified in the report of the Committee on Rules accompanying this resolution not earlier disposed of or germane modifications of any such amendments. Amendments en bloc offered pursuant to this section shall be considered as read (except that modifications shall be reported), shall be debatable for twenty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. For the purpose of inclusion in such amendments en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

The SPEAKER pro tempore. The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. HALL], my good friend, pending which I yield myself such time as I might consume. During consideration of this resolution, all time yielded, of course, is for the purpose of debate only.

Mr. Speaker, I insert for the RECORD the following extraneous material:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of February 27, 1996]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open [2]	46	44	58	64
Modified Closed [3]	49	47	21	23
Closed [4]	9	9	12	13
Total	104	100	91	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of February 27, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17 H.J. Res. 1	Social Security Balanced Budget Amdt	A: 255–172 (1/25/95).
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of February 27, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps	A: 242–190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps	PQ: 236–194 A: 234–192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95).
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255–156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323–104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414–0 (9/13/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388–2 (9/19/95).
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241–173 A: 375–39–1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304–118 (9/20/95).
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	A: 344–66–1 (9/27/95).
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	A: voice vote (9/28/95).
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	A: voice vote (9/27/95).
H. Res. 230 (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	A: voice vote (9/28/95).
H. Res. 234 (9/29/95)	O	H.R. 2405	Omnibus Science Auth	A: voice vote (10/11/95).
H. Res. 237 (10/17/95)	MC	H.R. 2259	Disapprove Sentencing Guidelines	A: voice vote (10/18/95).
H. Res. 238 (10/18/95)	MC	H.R. 2425	Medicare Preservation Act	PQ: 231–194 A: 227–192 (10/19/95).
H. Res. 239 (10/19/95)	C	H.R. 2492	Leg. Branch Approps	PQ: 235–184 A: voice vote (10/31/95).
H. Res. 245 (10/25/95)	MC	H. Con. Res. 109	Social Security Earnings Reform	PQ: 228–191 A: 235–185 (10/26/95).
		H.R. 2491	Seven-Year Balanced Budget	
H. Res. 251 (10/31/95)	C	H.R. 1833	Partial Birth Abortion Ban	A: 237–190 (11/1/95).
H. Res. 252 (10/31/95)	MO	H.R. 2546	D.C. Approps.	A: 241–181 (11/1/95).
H. Res. 257 (11/7/95)	C	H.J. Res. 115	Cont. Res. FY 1996	A: 216–210 (11/8/95).
H. Res. 258 (11/8/95)	MC	H.R. 2586	Debt Limit	A: 220–200 (11/10/95).
H. Res. 259 (11/9/95)	O	H.R. 2539	ICC Termination Act	A: voice vote (11/14/95).
H. Res. 261 (11/9/95)	C	H.J. Res. 115	Cont. Resolution	A: 223–182 (11/10/95).
H. Res. 262 (11/9/95)	C	H.R. 2586	Increase Debt Limit	A: 220–185 (11/10/95).
H. Res. 269 (11/15/95)	O	H.R. 2564	Lobbying Reform	A: voice vote (11/16/95).
H. Res. 270 (11/15/95)	C	H.J. Res. 122	Further Cont. Resolution	A: 229–176 (11/15/95).
H. Res. 273 (11/16/95)	MC	H.R. 2606	Prohibition on Funds for Bosnia	A: 239–181 (11/17/95).
H. Res. 284 (11/29/95)	O	H.R. 1788	Amtrak Reform	A: voice vote (11/30/95).
H. Res. 287 (11/30/95)	O	H.R. 1350	Maritime Security Act	A: voice vote (12/6/95)
H. Res. 293 (12/7/95)	C	H.R. 2621	Protect Federal Trust Funds	PQ: 223–183 A: 228–184 (12/14/95)
H. Res. 303 (12/13/95)	O	H.R. 1745	Utah Public Lands.	
H. Res. 309 (12/18/95)	C	H.Con. Res. 122	Budget Res. W/President	PQ: 230–188 A: 229–189 (12/19/95)
H. Res. 313 (12/19/95)	O	H.R. 558	Texas Low-Level Radioactive	A: voice vote (12/20/95)
H. Res. 323 (12/21/95)	C	H.R. 2677	Natl. Parks & Wildlife Refuge.	
H. Res. 366 (2/27/96)	MC	H.R. 2854	Farm Bill.	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

Mr. SOLOMON. Mr. Speaker, the bill made in order by this rule, the Agriculture Market Transition Act; in other words, the farm bill, was taken largely from the agricultural title of the Balanced Budget Act. If the President had signed that bill, the farmers of America would have had a farm policy in place with plenty of time to plan for their 1996 crops. Unfortunately, President Clinton vetoed the Balanced Budget Act, so now that the time for planting is coming close in many parts of the country, the need to move this bill promptly is very, very important.

Therefore, it is necessary to have a rule which places some limits on the number of amendments which may be offered on the House floor today. The Committee on Rules tried to be as fair as possible to all who would like to offer amendments on all of the controversial issues. Amendments have been made in order on every single one of those.

On February 16, about 12 days ago, I sent a "Dear Colleague" letter to every Member of the House, all committee offices, and all leadership offices on both sides of the aisle, notifying them that any Member desiring to offer an amendment to this bill should file it with the Committee on Rules by 3 p.m. on Monday, February 26. That was the day before yesterday. An announcement of this process was then made on the floor of the House at the next available opportunity by the gentleman from Florida [Mr. GOSS]. A total of 75 amendments were filed in response to that announcement, so evidently Members have had more than enough time to file their amendments. I am very pleased about that.

Mr. Speaker, the Committee on Rules has been as fair as possible in producing this rule on the floor today. The rule provides 2 hours of general debate, equally divided, followed by the consideration of a total of 16 amendments which are specified in the report accompanying this rule. Amendments are made in order dealing with the major areas of controversy; namely, the dairy program, the sugar program, the peanut program, the cotton program, and a conservation program, and each of these major issue amendments have bipartisan sponsorship from both sides of the aisle. It is important to make that notation.

Of the remaining amendments, five are offered by Democrats and two of those have bipartisan sponsorship as well. There are amendments dealing with the environmental concerns, such as the Conservation Reserve Program and environmental restoration in the Everglades. While not every possible amendment is in order, the areas of greatest concern will have an opportunity to be debated fully, and if the House can work its will on this legislation, we will immediately appoint conferees, go to conference with the Senate, and get a farm bill that the farmers of this country can depend on and we can do it right away.

The rule waives all points of order to allow consideration of the bill and the amendments specified in the report accompanying this rule. The amendments will be considered in the order printed in the report and will not be subject to further amendment. The debate time for each amendment is set forth in that report based on the time that was requested from both sides of the aisle. We have allocated as much time as was requested. So here again we have been as fair as we could.

In order to expedite consideration of the amendments where agreements can be worked out, the rule also provides that the chairman of the Committee on Agriculture may offer amendments en bloc. That means he may join them together, consisting of amendments printed in the Committee on Rules report or germane modifications of those amendments. If the proponent of the original amendments does not agree with what is being offered by the chairman, he or she may still offer the original amendment. So nobody is being gagged. If you do not want your amendment considered en bloc, it will not be, and you will have a separate vote on it.

Mr. Speaker, the rule provides a very fair way to consider a complex piece of legislation, and it merits the support of this House. Mr. Speaker, the bill made in order by this rule is designed to move the Government out of the farming business and let farmers start producing to meet market needs, rather than producing to meet the requirements of Government programs. That is what this is all about. That is what this debate is all about today.

In the long run, this will result in lower costs to the taxpayers and more efficient production of food for consumers by the farmers of this Nation.

Mr. Speaker, I ask for a "yes" vote on the previous question, a "yes" vote on the rule, and a "yes" vote on final passage of this bill. We need to get it to the President for his signature.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 366 is a modified closed rule to consider H.R. 2854, the Agriculture Market Transition Program. As my colleague, Mr. SOLOMON, has described, this rule provides 2 hours of general debate, equally divided between the chairman and ranking minority member of the Committee on Agriculture.

Under this rule, only those amendments included in the Rules Committee report may be offered. It also permits a motion to recommit, with or without instructions.

Mr. Speaker, I am generally opposed to rules such as this which restrict the rights of Members to freely amend pending legislation. There is a long tradition of the House considering farm legislation under an open rule and I am reluctant to break with that tradition.

This week, the Rules Committee received requests to make in order more than 70 separate amendments. This modified closed rule makes in order only 16. Many worthwhile amendments important to Members of both sides of the aisle were denied.

H.R. 2854, in its present form, does not adequately address a number of basic requirements that should be in farm legislation. It is my understanding that, without modification, the President would veto it. Some of the amendments that would be made in order by this rule, if passed, would improve the bill.

One of these amendments is a bipartisan effort sponsored by Mr. ROTH, Mr. HAMILTON, Mr. BEREUTER, and me. This amendment reauthorizes key export and food assistance programs and improves flexibility in the delivery and development of food aid programs.

Because the authority for food aid programs has expired, the United States has lost much of its ability to respond to new demands and food crises overseas. If these programs are not reauthorized, many people in places like Rwanda, Bosnia, and Angola, will go hungry. In these countries of crises, American food assistance is the difference between life and death. In countries recovering from a recent emergency, such as Ethiopia, Mozambique, and Haiti, the lack of food aid could cause severe food shortages.

The Roth-Hamilton-Bereuter-Hall amendment reauthorizes these food aid programs for 7 years and renews America's pledge that we will not abandon the hungry and the needy of the world.

An estimated 800 million people around the world suffer from early death, disease, and stunted growth because they don't have enough to eat. I feel strongly that as we move forward with farm legislation, we must not abandon America's longstanding commitment to fighting starvation and helping needy people around the world.

Another amendment which would also improve the bill and which was made in order is sponsored by Mr. SOLOMON and Mr. DOOLEY and is a substitute to the dairy title of H.R. 2854. The existing dairy title would increase the cost of dairy products to consumers. It would also increase the cost to taxpayers for certain hunger assistance programs, such as the program helping women, infants, and children.

Therefore, it is my hope that the amending process on the House floor and the subsequent conference with the Senate will result in a bill that the President can sign and that will help farmers, consumers, and needy people here and abroad.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from Sanibel, FL [Mr. GOSS], a very valuable member of the Committee on Rules, like a right arm to me.

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Mr. GOSS. Mr. Speaker, I thank the gentleman from Glens Falls, the distinguished chairman of the Rules Committee, for yielding me this time. Mr. Speaker, I'm pleased to rise in support of this very fair and comprehensive rule for the consideration of H.R. 2854, the Agricultural Market Transition Program. There are two critical factors that went into the creation of this rule.

Time is of the essence—the President's veto of the Balanced Budget Act has left farmers in the lurch, forcing us to expedite the process here on the House floor at this late February date.

The second principle that went into forging the rule is that a debate about the fundamental principles behind our farm programs is desirable and healthy at this point. We are on the verge of approving a 7-year authorization for most major commodity programs, tobacco being a notable exception. We need to be sure we know where American farmers and consumers are headed. As any guide traversing the Everglades will tell you, it is far better to consult the map and plot a course before setting out across the territory, rather than after you have gotten lost.

Personally, I believe that the time for deep Government involvement in agricultural markets ended long ago. I would like to see this country move away from this last bastion of central economic planning and into a true free-market system that will reward farmers and consumers alike. The rule before us allows the House to consider important amendments in all the major commodity areas, including rice, cotton, wheat, peanuts, dairy, and more. I look forward to supporting my colleague from Florida, DAN MILLER, on his amendment to gradually phase out the sugar price support program—this is an issue of some consequence to southwest Floridians. From the jobs point of view and consumers point of view and quality of life. The rule also allows for amendments dealing with the issue of conservation. In Florida, we have learned a lesson about conservation that should be noted nationwide—without proper environmental stewardship and protection, national treasures like the Everglades could literally disappear. An amendment to be offered later will provide some much-needed funding for Everglades restoration—this is a necessary and responsible step that Congress can take on a major environmental issue and I would urge my colleagues to support the Foley amendment. While the Rules Committee could not possibly make in order all the amendments filed—there were 74 of them—I am confident that this fair and balanced rule allows for a full debate of American farm policy.

If my colleagues doubt that, I ask them to stay tuned for the next 2 days because they are going to hear it and see it. It certainly says that this rule is worthy of Members' support, and I urge Members' support for the rule.

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], the very distinguished former chairman of the Committee on Rules.

Mr. MOAKLEY. Mr. Speaker, I thank my colleague from Ohio for yielding time to me. I appreciate his participation on this bill.

Mr. Speaker, this bill is late. This bill is bad. This bill will cost American families a lot of money.

It's also being brought up under a modified closed rule. So there's going to be just about nothing we can do to fix it.

Mr. Speaker, restrictive rules are starting to be pretty regular events these days.

In fact, during the 2d session of the 104th Congress, my Republican colleagues have brought up 100-percent restrictive rules. In other words, they haven't allowed the House of Representatives to fix a single one of their bills this year—and many of them badly needed fixing.

Mr. Speaker, today we have a bill that gives handouts to large corporations while it takes away the safety net for family farmers. It's welfare for the rich and fertilizer for the rest.

Mr. Speaker, I want to point out to my colleagues a very serious problem with this rule that will hurt American consumers, especially families with children. This rule contains a nonfat milk solid unfunded mandate on American consumers to the tune of $400 million a year.

Under this bill, milk prices will go up, possibly as high as 40 cents a gallon. This huge increase in milk prices will raise costs for families with children, it will mean that food stamps are worth less, it will mean that WIC does less for expectant mothers, and that school lunch programs have to pay more to get less.

I don't believe we were sent to Washington to do that.

Many of my colleagues may remember the 8 days last January my Republican colleagues promised an end to unfunded mandates which tell businesses what to do but don't give them the money to pay for it.

Now, given what my Republican colleagues promised last January, we should be able to do something about this. We should be able to strike this milk solid mandate and save American families the 40 cents a gallon they'll soon be paying at the cash register.

But this rule says no. This rule says—remember that issue that was so important last year? Well, it's not so important anymore. This rule takes the much-ballyhooed rules change giving Members the right to strike unfunded mandates and throws it out the window.

Specifically it prevents Members from offering motions to strike Federal unfunded mandates which CBO says will cost American consumers $3.6 billion over the next 7 years.

So if my colleagues like the idea of the American people anteing up at the grocery store to pay for this ridiculous milk solid idea; if my colleagues have changed their opposition to unfunded mandates; they should support this rule. If not, I urge them to oppose this rule. Let's break the 100-percent restrictive rules record and help American consumers while we're at it.

Mr. SOLOMON. Mr. Speaker, the previous speaker is one of my best friends, but one could sure tell he does not know much about cows. Maybe there are not any in downtown Boston. They have some other good things over in Boston, though.

The next speaker I am going to recognize came to this Congress with me 18 years ago, and I just cannot understand why he has not changed a bit. It must be something to do with the milk he drinks up at Fond du Lac, WI, but he is a great Member of this body. He and I agree on 99.44 percent of everything except maybe milk.

Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. PETRI].

Mr. PETRI. Mr. Speaker, the only thing is that both of our heads of hair are getting to look a little bit more like a nice white glass of milk.

Mr. Speaker, in all the years the Democrats controlled the House, every farm bill came up under an open rule. A year ago my party took over with grand promises of greater openness. And now we are presented with the first-ever closed rule on a farm bill.

Seventy-odd amendments were submitted to Rules and only 16 are allowed.

I sought, together with several of my colleagues, to offer an amendment to phase out the Federal dairy program, of which my own district is probably the third largest beneficiary in the country.

The dairy program is the most byzantine Soviet style price fixing scheme in the entire Federal Government. Even many of my dairy farmer constituents are prepared to kill this monstrosity because they know it is completely unnecessary and even harmful to their industry.

If we cannot kill this program with leadership from the heart of dairy country, what can we kill?

I have been working on this effort for the past year, and my amendment is supported by a wide array of pro-free-market, pro-taxpayer, pro-consumer, and industry groups running clear across the political spectrum. And now this rule tells me I cannot offer it.

Don't we Republicans believe in openness? Don't we believe in free markets? Don't we believe in deregulation? Don't we believe in smaller government? Don't we believe in balancing the budget?

Whatever happened to all these principles? I will tell you what happened. They are all being trampled under the heel of this rule.

I urge all my colleagues to vote against this profoundly embarrassing closed rule.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from

Wisconsin [Mr. OBEY], the once and future chairman of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I would urge Members to vote against this rule and against this bill. This is probably the worst farm bill to have hit the floor of the House in the last 25 years.

I especially want to address myself to dairy. I do not know if Members are aware of it, but under the rules which have applied in this country since roughly 1934, if you are a dairy farmer and live in Florida, you are paid, courtesy of the Government milk marketing order system, about $3 more for 100 pounds of milk than you are paid if you live in Wisconsin. I do not think that makes any sense. Yet this bill today is going to see to it that that system continues far longer than it ought to.

My friend, the gentleman from Wisconsin [Mr. GUNDERSON] tried to provide a compromise approach to the dairy milk marketing order situation, which tried to end that ridiculous milk marketing order system within 2 years. Unfortunately, it did not accomplish its goal. So, in my view, the Gunderson amendment is well-intentioned but ineffective. But now, to make matters worse, the Committee on Rules has allowed the amendment to be offered by the gentleman from New York, [Mr. SOLOMON], the chairman of the Committee on Rules, which will retain that existing, ridiculously stupid milk marketing order system for 4 years. And there is virtually no mechanism in the bill by which we can end that outrage.

There is absolutely no reasonable public policy reason why a farmer from one part of the country should get $3 more for 100 pounds of milk than they get in another part of the country. And in my view, the amendment that Mr. SOLOMON offers is going to make the situation worse.

It seems to me that this bill, with the limited number of amendments that are being allowed, this bill amounts to nothing more than a rip-off of taxpayers and a kiss-off for most upper Midwest dairy farmers. I am not going to have any choice but to vote against the rule, to vote against the Solomon amendment, to vote against the entire bill, because, frankly, this farm bill is a turkey. And what ought to happen to it is what happens to most turkeys on Thanksgiving. It ought to be devoured. It should not be passed by a respectable legislative body.

I would urge Members to vote against the bill. If the Committee on Agriculture cannot do better than this, it ought to be disbanded.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Let me just say to the previous speaker that if we do not end up with a farm bill, we are not going to have any corn to feed the turkeys and there will not be any Thanksgiving. So on behalf of Thanksgiving, come over here and vote for this bill and let us get it passed into law.

Let me also take exception to my two good friends that just spoke, one is a Republican from Wisconsin and another is a Democrat from Wisconsin. Let me just tell them that I would assume that the chairman of the Subcommittee on Livestock, Dairy, and Poultry, who is also from Wisconsin, wrote the dairy title that is in this bill. I would assume it has been written to their satisfaction. But now I hear a lot of opposition to it, and the opposition to my attempt to change it.

Let me tell my colleagues how I attempt to change it. All of the organizations that I know, whether they be conservative people that want government off the backs and out of the pockets of the American people or whether they are consumer groups that want to make sure that prices do not skyrocket from legislation passed by this Congress, they all support the Solomon amendment. Members will see that later on this evening when the Solomon amendment comes up.

Why is that? It is because the Solomon amendment takes a commodity called dairy and phases government subsidies out of it completely. If the Solomon amendment is adopted, it is the only commodity that will be totally phased out of government subsidies no longer supported by the taxpayer. That is what the Solomon amendment does.

Second, the Solomon amendment changes the language in the current dairy title which Secretary Glickman, on the other side of the aisle, Secretary of Agriculture, told me in a letter yesterday, and which all of the consumer groups are telling me today, that if the dairy title stays as it is, it will increase the cost of school lunches and food stamps by $1 billion. That means the taxpayers have got to come up with an additional $1 billion to pay for school lunches and food stamps. That is if the dairy title stays the same.

□ 1200

If the Solomon amendment is adopted, it does not raise it one nickel.

WIC. If the dairy title stays in effect the way it is, it will deprive 80,000 people of the services of WIC, 80,000. The Solomon amendment will not deprive one.

I am not going to get into it further; we will discuss it when we take up the amendment itself. But those are the differences between the Solomon amendment and between the existing dairy title.

Now, why was the Solomon amendment made in order? You might say, well, because he was the chairman of the Committee on Rules and has a little weight up there, and that might have something to do with it. But the truth of the matter is that whether you are talking about sugar or peanuts or cotton or dairy or conservation, what we have done is make in order one amendment on each of those that would be an opposite views of what is in the bill. Those that want to abolish all sugar subsidies have their right on the floor. So we have been as fair as we possibly can. Certainly, we are not going to make in order two Wisconsin amendments to an already Wisconsin dairy bill; we just could not do that, because that would not be fair then to the rest of the country.

So let us be fair about it. We have been fair about it. I urge you to support the rule and the bill itself.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I rise in a moment of some solemnity because it is always tragic when something dies young, and the one piece of legislation from the Contract With America, the unfunded mandates bill, it had a very short life because one of the things we heard last year that was very important was to prevent Congress from imposing unfunded mandates on the private sector. This legislation, according to the Congressional Budget Office, and let me read what the Congressional Budget office says:

> CBO has determined that enacting this bill would impose private sector mandates, as defined in Public Law 104-4, an attachment to proviso analysis. According to CBO, over the life of this bill, $3.6 billion in unfunded mandates are imposed on the private sector.

The CBO says some of this increase will be passed on to users of sugar and sugar-containing products in the United States, most of us believe.

Another point: "The bulk of such costs will be passed on to consumers in higher prices for fluid milk." So we have a bill that is going to raise sugar products, raise milk prices. It is an unfunded mandate, and the Contract With America that was alluded to, the gentleman from New York said this was just a continuation of the Reagan revolution, which was interpreted, apparently, by George Bush, as I got the chronology. We had the Reagan revolution. George Bush came around, and it got kind of sidetracked, but Mr. GINGRICH came out and put it back in. But what did he say? He said that there would be, under the rule, if the Congress passed an unfunded mandate bill on the private sector, as this bill is, according to CBO, then under this scheme any Member could get up on the floor and demand a separate vote on those unfunded mandates.

Now CBO says this bill has many unfunded mandates. The unfunded mandate bill we passed last year says if such a bill comes forward, any Member can get up and demand a separate vote. But the Committee on Rules waived it.

So the first time the unfunded mandates bill was relevant to legislation, the Committee on Rules made it go away. So the poor Contract With America barely is 2 months old, and out it goes. Apparently, the most important part of the Contract With America was the escape clause because the Republicans have just escaped the rules.

It reminds me, actually, the Contract of America, apparently this unfunded mandate business, of Groucho and Chico Marx in "Coconuts," I think it was, where they were going over the contract, where they were going over this clause and that clause, and Chico says to Groucho, "What's this clause?"

Groucho says that is the sanity clause, and Chico throws it out and says, "You cannot fool me, there ain't no sanity clause."

Apparently, there "ain't" no unfunded mandates provision either. But there is a sanity clause.

As my friend, the once and future chairman of the Committee on Rules, pointed out, this bill has got a lot of sanity clause provisions for farmers. One of the things that continues to impress me is the fact that my conservative colleagues, the believers in the free market, stand on their own two feet, get the government off of people's backs, get the government's hands out of our pockets, let the market govern; somewhere they have found a footnote in all those conservative texts that say, "But not for agriculture, not for peanuts, not for sugar, not for milk, not for tobacco." But that we will get into with the bill.

The key point that has to be stressed is this: The one substantive piece of legislation affecting the general public that went through under the Contract of America was the unfunded mandates bill. Under the unfunded mandates bill, which I voted for, we should be having automatically separate votes on the billions of dollars of unfunded mandates this agricultural bill imposes on the private sector of America. And we will not have any such votes because the Committee on Rules waived the provision.

So people should understand that the Contract With America, the first time anything was relevant to the Contract With America came before us, the Republican Party decided to break the contract. Maybe the American people ought to respond next November.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Speaker and my colleagues, I rise in opposition to the rule. Regardless of the amendments and regardless of the pros and the cons, I am concerned with the process, and I have, throughout these meetings, have disagreed with the process that no bill came out of the Committee on Agriculture in the beginning. It was taken, picked from the air and put into the reconciliation bill, the one that was vetoed by the President.

Let me mention here a lot of colleagues on the other side are saying the President vetoed a farm bill. He did not. He vetoed that whole mess that was a reconciliation bill. But let me say that I am not satisfied that we have followed a fair process—all of my tenure here in this Congress, 32 years, we have had bipartisanship, we have come out of the committee, disagreement here, disagreement there, but we have come out of the committee with a product from the committee. This is not a product from the committee. It has come from other sources for other reasons that is not a product of the committee.

The rule does not provide for openness. We have always had open rules or the farm bill so that everyone, regardless of how we feel or how they feel, has had an opportunity to address the issues in which they would be involved or which mattered to them. This has not been done, and as a former chairman of the committee, I know there will be amendments that I would be opposed to, but I cannot in good conscience agree to a rule that limits this Member or that Member.

This is not a committee bill, this is not a consensus bill, and I must oppose the rule.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. GUNDERSON], one of the long-time Members of this body, who is the chairman of the Subcommittee on Livestock, Dairy, and Poultry of the Committee on Agriculture. He and I sometimes disagree on the dairy issue, but I would yield him 2 minutes of time.

Mr. GUNDERSON. Mr. Speaker, I was going to withhold my discussions on the dairy title until we got into general debate on the amendments later today or tomorrow, but as I listened to the rule debate, I think there are some things that need to be fully understood.

The committee proposal on dairy is not the Wisconsin proposal, it is not the Midwest proposal, it is certainly not the Steve Gunderson proposal. Many of you are well aware that we did try to move toward a free market as a part of balanced budget one. Our leadership came to us and they said can you find the maximum amount of reform that is politically acceptable? And so we did that. We have spent the last 2 months working with literally every region of the country to bring about as close to a national consensus as you will ever get the dairy industry to have in terms of reform. That is what is in the committee bill.

And I think it is also important to understand when we talk about all these charges about what this bill is going to do to consumers, let us ask USDA. USDA does not talk about a billion-dollar impact on feeding programs; USDA says someplace between $4 to $500 million if we keep the California standards and mandate them for the entire country.

Now, everybody knows there has to be modification in the California standards in conference. The Senate has nothing. We know we have got to modify that area. Frankly, we have pledged, we have pledged to certain people we will make some modifications in that area. They know that, but they do not want to tell the truth, and that is not the gentleman from New York I am referring to. I am referring to the large manufacturing side of this industry, which has one goal: They want to keep the price support program in effect, they want to keep butter and powder on support for at least 5 years so we cannot use GATT and get into the world dairy market and become a market-oriented dairy economy so that prices depress, farmers produce more milk trying to survive, and then all of a sudden they can buy cheap milk.

This is not something being done out of the benevolent hearts of the large corporations for the poor farmers or poor consumers. Let us understand their motive in this one, my colleagues. Look at the committee bill. It is a delicate compromise which responds to every region of the country.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Speaker, I too rise in strong opposition to this rule.

I know the gentleman from New York [Mr. SOLOMON], the chairman of the committee, gave me one of my eight amendments, but it is not the one that I asked for; well, it is not the one I asked for, but that is all right. But the point is, and I think you go back to historical significance, this is a first time since I have been in this Congress, and I am now in my 20th year, that we have ever had a modified rule or semiclosed rule or closed rule on any farm bill. I was here in 1977, 1981, 1985, and 1990. Every year was an open rule. That is under Democrats, not under Republicans. The Republicans say, no, you cannot have all those amendments.

There were 74, if I remember right, 74 or 75, that were noticed to the Committee on Rules. I have looked at most of those amendments, and, to be honest with you, many of them are very important. Those are ideas that a Member of this Congress came here about agriculture, and he wanted to be able to bring it up, or he or she, on this floor when we had the farm bill.

But the great wisdom of the Committee on Rules, the chairman of the Committee on Rules says, no, that idea just is not any good, we are not going to accept it. You do not have the right to come to this floor and offer your amendment.

That is what the Committee on Rules is telling Members of this Congress: They no longer have a right to offer legitimate amendments, and I think that is terrible.

What is that doing to the House of Representatives? It is no longer a democracy in this House of Representatives. The U.S. House of Representatives is now under autocratic rule, more like a dictatorship. We are not going to have the full debate on legislation on this floor. We are only going to debate the things we want to be debated. We are going to let them do a few things, but they cannot have full time to debate.

Now in the past it has taken over a week to do a farm bill. They are going to do it in less than 2 days because they are not going to let Members fully debate their amendments.

I strongly oppose the rule, and I strongly oppose the bill.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. BOEHNER], the chairman of the Republican conference and member of the Committee on Agriculture, one of the most respected Members of this body.

Mr. BOEHNER. Mr. Speaker, I thank the chairman of the Rules Committee for yielding this time to me, and suggest to the Members that we have coming before us today the most sweeping change in ag policy that we have seen in 60 years. We make real reforms in ag policy to try to move agriculture in this country from a government-run supply control supply management program to more market orientation than we have seen again in 60 years.

Now, we tried to bring this bill up about 3 weeks ago, and the gentleman who just spoke and preceded me, the gentleman from Missouri [Mr. VOLKMER], did everything he could to prevent the bill from coming to the floor. Now the gentleman from Missouri and all of us understand in ag country the farmers and bankers need to understand what the program is going to be because the Government ag program died last September 30, and so it is of utmost urgency that we move this bill through this House.

Now, the Committee on Rules, and working with Members from both sides of the aisle, have allowed some 15 or 16 amendments to be brought to the floor for debate. I believe there is ample time over the next 2 days to debate this fully and to represent all of the interests and concerns of all of the Members, and so I think that we have before us a good rule, and I would urge my colleagues to support it.

□ 1215

Mr. HALL of Ohio. Mr. Speaker, I yield 2½ minutes to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Speaker, I want to begin my remarks by responding directly to the comments of the preceding speaker. He talks about the sweeping reforms contained in this farm bill. He is right, there are sweeping reforms. All the more important that we fully debate, that we consider alternatives.

This new majority has taken another tack. They say "No, we have to do it our way, or you have to do it no way." That is no way to develop policy regarding a very fundamentally important policy for agriculture in this country.

Second, he suggests that here we are at the end of February 1996, without a farm bill, and that is because the minority somehow prevented this body from developing a new farm bill. What bull that is. Come on. They failed to meet the demand of getting a new farm bill in place in 1995, they failed to bring it up in a timely manner in January 1996; they took February off, for gosh sakes, against the opposition of virtually every Member on this side of the aisle. And to have the temerity to suggest that somehow this debacle is the fault of the minority is a bit much.

Mr. Speaker, there is a real problem with this rule. It does not allow alternatives to be considered, and the fatal flaw of the freedom to farm legislation is that it eliminates the safety net for farmers. Farmers have two risks they cannot control, Mr. Speaker. They cannot control falling prices and they cannot control production losses. The Freedom-To-Farm Act addresses neither of those risks. In fact, it phases out the protections that have kept family farmers in the business of farming for decades.

I had an amendment which would have allowed the freedom-to-farm payments in the first 2 years, but moved in a strong marketing loan program providing some protection against falling prices for farmers over the second 5 years of the program. I am bitterly disappointed that that was not made in order. I think it was an extraordinarily important alternative to be considered.

Mr. Speaker, I want to quote the chairman of the Committee on Rules on preceding comments he has made about closed rules. He says: "Mr. Speaker, sometimes it is hard to convey to the average citizen what the fuss about restricted rules is all about, but when you are telling them they are being robbed of their full right to representation in the House of Representatives because a committee says their Congressman cannot offer amendments, they begin to see things in a different light;" the gentleman from New York, JERRY SOLOMON, April 28, 1993. Then in closing he says, in a debate in March 1993, JERRY SOLOMON, chairman of the Committee on Rules, he says: "To paraphrase the real One Book, by your gag rules, you shall be known and reviled." That applies to the new majority in this instance with crystal clarity.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just am compelled to respond a little bit. As I look at this bill before us, this is the farm bill that was in the Balanced Budget Act. Who vetoed the Balanced Budget Act? President Clinton. If he had signed it, this bill would become law today.

Mr. Speaker, I think it is important to set the record straight about the glorious past the Democrats are attempting to paint here, based on the gentleman's previous comments. We have been told that the last farm rule in 1990 was an open rule. In fact, it was what I would call modified open in that it required preprinting of amendments. However, the rule closed title 20 of the farm bill to any amendments.

Moreover, after the amendment process had gone on for 2 weeks, the Rules Committee produced a second, modified closed rule, to limit debate on the remaining amendments that had been printed in the RECORD.

So, we do learn from the past, even if some would attempt to paint a rosier picture of it than existed.

Finally, for those who yearn for those glorious days of open rules under the Democrats, let me point out that so far in this Congress 64 percent of our rules have been open or modified open compared to just 44 percent under the Democrats in the last Congress.

So you have it much better in the Congress today than you have ever had it before. That is because I am going to see to it, we are going to try to make these as fair and open as we can. Watch what happens in the next several weeks as far as open rules are concerned.

Mr. Speaker, I include for the RECORD a summary of the amendment process on the 1990 farm bill (H.R. 3950).

The material referred to is as follows:

SUMMARY OF THE AMENDMENT PROCESS ON THE 1990 FARM BILL (H.R. 3950)

On July 20, 1990, the Rules Committee reported a modified open rule (H. Res. 439) for consideration of the "Food and Agricultural Resources Act of 1990," H.R. 3950, requiring only that amendments must be pre-printed in the Congressional Record on or before July 20th.

The rule provided for three and one-half hours of general debate—two hours to the Ag Committee, and 30 minutes each to the Ways and Means, Foreign Affairs and Education and Labor committees. The rule made in order the Ag Committee substitute as base text for amendment purposes, as modified by amendments printed in the Rules Committee's report. The rule also permitted the Ag Committee chairman to offer en bloc amendments consisting of pre-printed amendments or germane modifications thereof. The rule permitted Rep. Gejdenson to offer an amendment to title XII (not printed in the report) and waived all points of order against it. The rule made in order an amendment printed in section 3 of the report on the rule that was not subject to amendment except by Rep. Panetta. Finally, the rule prohibited any amendments to title XIX of the bill.

On July 23rd, the rule was adopted, 293 to 80, and the House completed general debate.

The rule was then considered for amendment over an additional six day period: July 24, 25, 27, 30, 31, and August 1. On August 1st the House passed the bill by a vote of 327–91.

All told, some 49 amendments were offered and voted—14 on rollcall votes and 35 on voice votes. Of the 49 amendments offered, 37 were offered by Democrats and just 12 were offered by Republicans. In addition, one Democrat and two Republican amendments were withdrawn, and points of order were sustained against two other Republican amendments. A total of 38 of the 49 amendments offered were adopted—most by voice vote. Of the 11 amendments not adopted, 7 were defeated on recorded votes. (The Madigan motion to recommit with instructions to limit certain benefits were rejected on a division vote of 38 to 92.)

Note.—It should be noted that on July 31st the Rules Committee reported a second rule (H. Res. 444) on the bill that limited debate time on four specified amendments (Conte, 20 minutes; Conte 60 minutes; Stenholm, 20 minutes and a De Fazio amendment to Stenholm, 20 minutes; and Frenzel, 40 minutes. Moreover, the rule limited debate time on any further en bloc amendments by the chairman and any other amendments preprinted in the Record to not more than 10 minutes each.

Mr. POMEROY. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from North Dakota.

Mr. POMEROY. I thank the chairman for yielding. He is a man I respect, and I think he has made excellent points while he was a minority Member about opening up this place.

Mr. SOLOMON. I am going to.

Mr. POMEROY. Mr. Speaker, I have in my hand the CONGRESSIONAL RECORD of the consideration of the rules from the preceding farm bills back to 1965. By my reading, none has been considered under a rule as restrictive as the one considered today.

Second, your statistics about whatever number of rules are open versus closed is of no consequences to North Dakota, when the farm bill is up under a closed rule. Agriculture in North Dakota is better than half of our economy. This is the big kahuna. This is the most important legislation that this body will consider relative to my State, and you have not allowed me to offer an important alternative to the freedom to farm bill. We deserve better, Mr. Speaker. I hope my colleagues vote down this rule.

Mr. HALL of Ohio. Mr. Speaker, I include certain extraneous material at this point in the RECORD. This has to do with the various rules that have come to the floor in this past session relative to closed rules. As a matter of fact, it affects all rules.

The material referred to is as follows:

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1*	Compliance	H. Res. 6	Closed	None.
H. Res. 6	Opening Day Rules Package	H. Res. 5	Closed; contained a closed rule on H.R. 1 within the closed rule	None.
H.R. 5*	Unfunded Mandates	H. Res. 38	Restrictive; Motion adopted over Democratic objection in the Committee of the Whole to limit debate on section 4; Pre-printing gets preference.	N/A.
H.J. Res. 2*	Balanced Budget	H. Res. 44	Restrictive; only certain substitutes	2R; 4D.
H. Res. 43	Committee Hearings Scheduling	H. Res. 43 (OJ)	Restrictive; considered in House no amendments	N/A.
H.R. 2*	Line Item Veto	H. Res. 55	Open; Pre-printing gets preference	N/A.
H.R. 665*	Victim Restitution Act of 1995	H. Res. 61	Open; Pre-printing gets preference	N/A.
H.R. 666*	Exclusionary Rule Reform Act of 1995	H. Res. 60	Open; Pre-printing gets preference	N/A.
H.R. 667*	Violent Criminal Incarceration Act of 1995	H. Res. 63	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 668*	The Criminal Alien Deportation Improvement Act	H. Res. 69	Open; Pre-printing gets preference; Contains self-executing provision	N/A.
H.R. 728*	Local Government Law Enforcement Block Grants	H. Res. 79	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 7*	National Security Revitalization Act	H. Res. 83	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 729*	Death Penalty/Habeas	N/A	Restrictive; brought up under UC with a 6 hr. time cap on amendments	N/A.
S. 2	Senate Compliance	N/A	Closed; Put on Suspension Calendar over Democratic objection	None.
H.R. 831	To Permanently Extend the Health Insurance Deduction for the Self-Employed.	H. Res. 88	Restrictive; makes in order only the Gibbons amendment; Waives all points of order; Contains self-executing provision.	1D.
H.R. 830*	The Paperwork Reduction Act	H. Res. 91	Open	N/A.
H.R. 889	Emergency Supplemental/Rescinding Certain Budget Authority	H. Res. 92	Restrictive; makes in order only the Obey substitute	1D.
H.R. 450*	Regulatory Moratorium	H. Res. 93	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 1022*	Risk Assessment	H. Res. 96	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 926*	Regulatory Flexibility	H. Res. 100	Open	N/A.
H.R. 925*	Private Property Protection Act	H. Res. 101	Restrictive; 12 hr. time cap on amendments; Requires Members to pre-print their amendments in the Record prior to the bill's consideration for amendment, waives germaneness and budget act points of order as well as points of order concerning appropriating on a legislative bill against the committee substitute used as base text.	1D.
H.R. 1058*	Securities Litigation Reform Act	H. Res. 105	Restrictive; 8 hr. time cap on amendments; Pre-printing gets preference; Makes in order the Wyden amendment and waives germaneness against it.	1D.
H.R. 988*	The Attorney Accountability Act of 1995	H. Res. 104	Restrictive; 7 hr. time cap on amendments; Pre-printing gets preference	N/A.
H.R. 956*	Product Liability and Legal Reform Act	H. Res. 109	Restrictive; makes in order only 15 germane amendments and denies 64 germane amendments from being considered.	8D; 7R.
H.R. 1158	Making Emergency Supplemental Appropriations and Rescissions	H. Res. 115	Restrictive; Combines emergency H.R. 1158 & nonemergency 1159 and strikes the abortion provision; makes in order only pre-printed amendments that include offsets within the same chapter (deeper cuts in programs already cut); waives points of order against three amendments; waives cl 2 of rule XXI against the bill, cl 2, XXI and cl 7 of rule XVI against the substitute; waives cl 2(e) od rule XXI against the amendments in the Record; 10 hr time cap on amendments. 30 minutes debate on each amendment.	N/A.
H.J. Res. 73*	Term Limits	H. Res. 116	Restrictive; Makes in order only 4 amendments considered under a "Queen of the Hill" procedure and denies 21 germane amendments from being considered.	1D; 3R
H.R. 4*	Welfare Reform	H. Res. 119	Restrictive; Makes in order only 31 perfecting amendments and two substitutes; Denies 130 germane amendments from being considered; The substitutes are to be considered under a "Queen of the Hill" procedure; All points of order are waived against the amendments.	5D; 26R.
H.R. 1271*	Family Privacy Act	H. Res. 125	Open	N/A.
H.R. 660*	Housing for Older Persons Act	H. Res. 126	Open	N/A.
H.R. 1215*	The Contract With America Tax Relief Act of 1995	H. Res. 129	Restrictive; Self Executes language that makes tax cuts contingent on the adoption of a balanced budget plan and strikes section 3006. Makes in order only one substitute. Waives all points of order against the bill, substitute made in order as original text and Gephardt substitute.	1D.
H.R. 483	Medicare Select Extension	H. Res. 130	Restrictive; waives cl 2(1)(6) of rule XI against the bill; makes H.R. 1391 in order as original text; makes in order only the Dingell substitute; allows Commerce Committee to file a report on the bill at any time.	1D.
H.R. 655	Hydrogen Future Act	H. Res. 136	Open	N/A.
H.R. 1361	Coast Guard Authorization	H. Res. 139	Open; waives sections 302(f) and 308(a) of the Congressional Budget Act against the bill's consideration and the committee substitute; waives cl 5(a) of rule XXI against the committee substitute.	N/A.
H.R. 961	Clean Water Act	H. Res. 140	Open; pre-printing gets preference; waives sections 302(f) and 602(b) of the Budget Act against the bill's consideration; waives cl 7 of rule XVI, cl 5(a) of rule XXI and section 302(f) of the Budget Act against the committee substitute. Makes in order Shuster substitute as first order of business.	N/A.
H.R. 535	Corning National Fish Hatchery Conveyance Act	H. Res. 144	Open	N/A.
H.R. 584	Conveyance of the Fairport National Fish Hatchery to the State of Iowa.	H. Res. 145	Open	N/A.
H.R. 614	Conveyance of the New London National Fish Hatchery Production Facility.	H. Res. 146	Open	N/A.
H. Con. Res. 67	Budget Resolution	H. Res. 149	Restrictive; Makes in order 4 substitutes under regular order; Gephardt, Neumann/Solomon, Payne/Owens, President's Budget if printed in Record on 5/17/95; waives all points of order against substitutes and concurrent resolution; suspends application of Rule XLIX with respect to the resolution; self-executes Agriculture language.	3D; 1R.

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1561	American Overseas Interests Act of 1995	H. Res. 155	Restrictive; Requires amendments to be printed in the Record prior to their consideration; 10 hr. time cap; waives cl 2(1)(6) of rule XI against the bill's consideration; Also waives sections 302(f), 303(a), 308(a) and 402(a) against the bill's consideration and the committee amendment in order as original text; waives cl 5(a) of rule XXI against the amendment; amendment consideration is closed at 2:30 p.m. on May 25, 1995. Self-executes provision which removes section 2210 from the bill. This was done at the request of the Budget Committee.	N/A.
H.R. 1530	National Defense Authorization Act FY 1996	H. Res. 164	Restrictive; Makes in order only the amendments printed in the report; waives all points of order against the bill, substitute and amendments printed in the report. Gives the Chairman en bloc authority. Self-executes a provision which strikes section 807 of the bill; provides for an additional 30 min. of debate on Nunn-Lugar section; Allows Mr. Clinger to offer a modification of his amendment with the concurrence of Ms. Collins.	36R; 18D; 2 Bipartisan.
H.R. 1817	Military Construction Appropriations; FY 1996	H. Res. 167	Open; waives cl. 2 and cl. 6 of rule XXI against the bill; 1 hr. general debate; Uses House passed budget numbers as threshold for spending amounts pending passage of Budget.	N/A.
H.R. 1854	Legislative Branch Appropriations	H. Res. 169	Restrictive; Makes in order only 11 amendments; waives sections 302(f) and 308(a) of the Budget Act against the bill and cl. 2 and cl. 6 of rule XXI against the bill. All points of order are waived against the amendments.	5R; 4D; 2 Bipartisan.
H.R. 1868	Foreign Operations Appropriations	H. Res. 170	Open; waives cl. 2, cl. 5(b), and cl. 6 of rule XXI against the bill; makes in order the Gilman amendments as first order of business; waives all points of order against the amendments; if adopted they will be considered as original text; waives cl. 2 of rule XXI against the amendments printed in the report. Pre-printing gets priority (Hall) (Menendez) (Goss) (Smith, NJ).	N/A.
H.R. 1905	Energy & Water Appropriations	H. Res. 171	Open; waives cl. 2 and cl. 6 of rule XXI against the bill; makes in order the Shuster amendment as the first order of business; waives all points of order against the amendment; if adopted it will be considered as original text. Pre-printing gets priority.	N/A.
H.J. Res. 79	Constitutional Amendment to Permit Congress and States to Prohibit the Physical Desecration of the American Flag.	H. Res. 173	Closed; provides one hour of general debate and one motion to recommit with or without instructions; if there are instructions, the MO is debatable for 1 hr.	N/A.
H.R. 1944	Recissions Bill	H. Res. 175	Restrictive; Provides for consideration of the bill in the House; Permits the Chairman of the Appropriations Committee to offer one amendment which is unamendable; waives all points of order against the amendment.	N/A.
H.R. 1868 (2nd rule)	Foreign Operations Appropriations	H. Res. 177	Restrictive; Provides for further consideration of the bill; makes in order only the four amendments printed in the rules report (20 min. each). Waives all points of order against the amendments; Prohibits intervening motions in the Committee of the Whole; Provides for an automatic rise and report following the disposition of the amendments.	N/A.
H.R. 1977 *Rule Defeated*	Interior Appropriations	H. Res. 185	Open; waives sections 302(f) and 308(a) of the Budget Act and cl 2 and cl 6 of rule XXI; provides that the bill be read by title; waives all points of order against the Tauzin amendment; self-executes Budget Committee amendment; waives cl 2(e) of rule XXI against amendments to the bill; Pre-printing gets priority.	N/A.
H.R. 1977	Interior Appropriations	H. Res. 187	Open; waives sections 302(f), 306 and 308(a) of the Budget Act; waives clauses 2 and 6 of rule XXI against provisions in the bill; waives all points of order against the Tauzin amendment; provides that the bill be read by title; self-executes Budget Committee amendment and makes NEA funding subject to House passed authorization; waives cl 2(e) of rule XXI against the amendments to the bill; Pre-printing gets priority.	N/A.
H.R. 1976	Agriculture Appropriations	H. Res. 188	Open; waives clauses 2 and 6 of rule XXI against provisions in the bill; provides that the bill be read by title; Makes Skeen amendment first order of business, if adopted the amendment will be considered as base text (10 min.); Pre-printing gets priority.	N/A.
H.R. 1977 (3rd rule)	Interior Appropriations	H. Res. 189	Restrictive; provides for the further consideration of the bill; allows only amendments preprinted before July 14th to be considered; limits motions to rise.	N/A.
H.R. 2020	Treasury Postal Appropriations	H. Res. 190	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; provides the bill be read by title; Pre-printing gets priority.	N/A.
H.J. Res. 96	Disapproving MFN for China	H. Res. 193	Restrictive; provides for consideration in the House of H.R. 2058 (90 min.) And H.J. Res. 96 (1 hr). Waives certain provisions of the Trade Act.	N/A.
H.R. 2002	Transportation Appropriations	H. Res. 194	Open; waives cl. 3 of rule XIII and section 401 (a) of the CBA against consideration of the bill; waives cl. 6 and cl. 2 of rule XXI against provisions in the bill; Makes in order the Clinger/Solomon amendment waives all points of order against the amendment (Line Item Veto); provides the bill be read by title; Pre-printing gets priority. ***RULE AMENDED***.	N/A.
H.R. 70	Exports of Alaskan North Slope Oil	H. Res. 197	Open; Makes in order the Resources Committee amendment in the nature of a substitute as original text; Pre-printing gets priority; Provides a Senate hook-up with S. 395.	N/A.
H.R. 2076	Commerce, Justice Appropriations	H. Res. 198	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; Pre-printing gets priority; provides the bill be read by title..	N/A.
H.R. 2099	VA/HUD Appropriations	H. Res. 201	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; Provides that the amendment in part 1 of the report is the first business, if adopted it will be considered as base text (30 min.); waives all points of order against the Klug and Davis amendments; Pre-printing gets priority; Provides that the bill be read by title.	N/A.
S. 21	Termination of U.S. Arms Embargo on Bosnia	H. Res. 204	Restrictive; 3 hours of general debate; Makes in order an amendment to be offered by the Minority Leader or a designee (1 hr); If motion to recommit has instructions it can only be offered by the Minority Leader or a designee.	1D.
H.R. 2126	Defense Appropriations	H. Res. 205	Open; waives cl. 2(l)(6) of rule XI and section 306 of the Congressional Budget Act against consideration of the bill; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; self-executes a strike of sections 8021 and 8024 of the bill as requested by the Budget Committee; Pre-printing gets priority; Provides the bill be read by title.	N/A.
H.R. 1555	Communications Act of 1995	H. Res. 207	Restrictive; waives sec. 302(f) of the Budget Act against consideration of the bill; Makes in order the Commerce Committee amendment as original text and waives sec. 302(f) of the Budget Act and cl. 5(a) of rule XXI against the amendment; Makes in order the Bliely amendment (30 min.) as the first order of business, if adopted it will be original text; makes in order only the amendments printed in the report and waives all points of order against the amendments; provides a Senate hook-up with S. 652.	2R/3D/3 Bipartisan.
H.R. 2127	Labor/HHS Appropriations Act	H. Res. 208	Open; Provides that the first order of business will be the managers amendments (10 min.), if adopted they will be considered as base text; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; waives all points of order against certain amendments printed in the report; Pre-printing gets priority; Provides the bill be read by title.	N/A.
H.R. 1594	Economically Targeted Investments	H. Res. 215	Open; 2 hr of gen. debate. makes in order the committee substitute as original text	N/A.
H.R. 1655	Intelligence Authorization	H. Res. 216	Restrictive; waives sections 302(f), 308(a) and 401(b) of the Budget Act. Makes in order the committee substitute as modified by Govt. Reform amend (striking sec. 505) and an amendment striking title VII. Cl 7 of rule XVI and cl 5(a) of rule XXI are waived against the substitute. Sections 302(f) and 401(b) of the CBA are also waived against the substitute. Amendments must also be pre-printed in the Congressional record.	N/A.
H.R. 1162	Deficit Reduction Lock Box	H. Res. 218	Open; waives cl 7 of rule XVI against the committee substitute made in order as original text; Pre-printing gets priority.	N/A.
H.R. 1670	Federal Acquisition Reform Act of 1995	H. Res. 219	Open; waives sections 302(f) and 308(a) of the Budget Act against consideration of the bill; bill will be read by title; waives cl 5(a) of rule XXI and section 302(f) of the Budget Act against the committee substitute. Pre-printing gets priority.	N/A.
H.R. 1617	To Consolidate and Reform Workforce Development and Literacy Programs Act (CAREERS).	H. Res. 222	Open; waives section 302(f) and 401(b) of the Budget Act against the substitute made in order as original text (H.R. 2332), cl. 5(a) of rule XXI is also waived against the substitute. provides for consideration of the managers amendment (10 min.) If adopted, it is considered as base text.	N/A.
H.R. 2274	National Highway System Designation Act of 1995	H. Res. 224	Open; waives section 302(f) of the Budget Act against consideration of the bill; Makes H.R. 2349 in order as original text; waives section 302(f) of the Budget Act against the substitute; provides for the consideration of a managers amendment (10 min.) If adopted, it is considered as base text; Pre-printing gets priority.	N/A.
H.R. 927	Cuban Liberty and Democratic Solidarity Act of 1995	H. Res. 225	Restrictive; waives cl 2(l)(2)(B) of rule XI against consideration of the bill; makes in order H.R. 2347 as base text; waives cl 7 of rule XVI against the substitute; Makes Hamilton amendment the first amendment to be considered (1 hr). Makes in order only amendments printed in the report.	2R/2D
H.R. 743	The Teamwork for Employees and managers Act of 1995	H. Res. 226	Open; waives cl 2(l)(2)(b) of rule XI against consideration of the bill; makes in order the committee amendment as original text; Pre-printing get priority.	N/A.

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1170	3-Judge Court for Certain Injunctions	H. Res. 227	Open; makes in order a committee amendment as original text; Pre-printing gets priority	N/A.
H.R. 1601	International Space Station Authorization Act of 1995	H. Res. 228	Open; makes in order a committee amendment as original text; pre-printing gets priority	N/A.
H.J. Res. 108	Making Continuing Appropriations for FY 1996	H. Res. 230	Closed; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee.	
H.R. 2405	Omnibus Civilian Science Authorization Act of 1995	H. Res. 234	Open; self-executes a provision striking section 304(b)(3) of the bill (Commerce Committee request); Pre-printing gets priority.	N/A.
H.R. 2259	To Disapprove Certain Sentencing Guideline Amendments	H. Res. 237	Restrictive; waives cl 2(l)(2)(B) of rule XI against the bill's consideration; makes in order the text of the Senate bill S. 1254 as original text; Makes in order only a Conyers substitute; provides a senate hook-up after adoption.	1D
H.R. 2425	Medicare Preservation Act	H. Res. 238	Restrictive; waives all points of order against the bill's consideration; makes in order the text of H.R. 2485 as original text; waives all points of order against H.R. 2485; makes in order only an amendment offered by the Minority Leader or a designee; waives all points of order against the amendment; waives cl 5© of rule XXI (⅗ requirement on votes raising taxes).	1D
H.R. 2492	Legislative Branch Appropriations Bill	H. Res. 239	Restrictive; provides for consideration of the bill in the House	N/A.
H.R. 2491 H. Con. Res. 109	7 Year Balanced Budget Reconciliation Social Security Earnings Test Reform.	H. Res. 245	Restrictive; makes in order H.R. 2517 as original text; waives all pints of order against the bill; Makes in order only H.R. 2530 as an amendment only if offered by the Minority Leader or a designee; waives all points of order against the amendment; waives cl 5© of rule XXI (⅗ requirement on votes raising taxes).	1D
H.R. 1833	Partial Birth Abortion Ban Act of 1995	H. Res. 251	Closed	N/A.
H.R. 2546	D.C. Appropriations FY 1996	H. Res. 252	Restrictive; waives all points of order against the bill's consideration; Makes in order the Walsh amendment as the first order of business (10 min.); if adopted it is considered as base text; waives cl 2 and 6 of rule XXI against the bill; makes in order the Bonilla, Gunderson and Hostettler amendments (30 min.); waives all points of order against the amendments; debate on any further amendments is limited to 30 min. each.	N/A
H.J. Res. 115	Further Continuing Appropriations for FY 1996	H. Res. 257	Closed; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee.	N/A
H.R. 2586	Temporary Increase in the Statutory Debt Limit	H. Res. 258	Restrictive; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee; self-executes 4 amendments in the rule; Solomon, Medicare Coverage of Certain Anti-Cancer Drug Treatments, Habeas Corpus Reform, Chrysler (MI); makes in order the Walker amend (40 min.) on regulatory reform.	5R
H.R. 2539	ICC Termination	H. Res. 259	Open; waives section 302(f) and section 308(a)	
H.J. Res. 115	Further Continuing Appropriations for FY 1996	H. Res. 261	Closed; provides for the immediate consideration of a motion by the Majority Leader or his designees to dispose of the Senate amendments (1hr).	N/A.
H.R. 2586	Temporary Increase in the Statutory Limit on the Public Debt	H. Res. 262	Closed; provides for the immediate consideration of a motion by the Majority Leader or his designees to dispose of the Senate amendments (1hr).	N/A.
H. Res. 250	House Gift Rule Reform	H. Res. 268	Closed; provides for consideration of the bill in the House; 30 min. of debate; makes in order the Burton amendment and the Gingrich en bloc amendment (30 min. each); waives all points of order against the amendments; Gingrich is only in order if Burton fails or is not offered.	2R
H.R. 2564	Lobbying Disclosure Act of 1995	H. Res. 269	Open; waives cl. 2(l)(6) of rule XI against the bill's consideration; waives all points of order against the Istook and McIntosh amendments.	N/A.
H.R. 2606	Prohibition on Funds for Bosnia Deployment	H. Res. 273	Restrictive; waives all points of order against the bill's consideration; provides one motion to amend if offered by the Minority Leader or designee (1 hr non-amendable); motion to recommit which may have instructions only if offered by Minority Leader or his designee; if Minority Leader motion is not offered debate time will be extended by 1 hr.	N/A.
H.R. 1788	Amtrak Reform and Privatization Act of 1995	H. Res. 289	Open; waives all points of order against the bill's consideration; makes in order the Transportation substitute modified by the amend in the report; Bill read by title; waives all points of order against the substitute; makes in order a managers amend as the first order of business, if adopted it is considered base text (10 min.); waives all points of order against the amendment; Pre-printing gets priority.	N/A.
H.R. 1350	Maritime Security Act of 1995	H. Res. 287	Open; makes in order the committee substitute as original text; makes in order a managers amendment which if adopted is considered as original text (20 min.) unamendable; pre-printing gets priority.	N/A.
H.R. 2621	To Protect Federal Trust Funds	H. Res. 293	Closed; provides for the adoption of the Ways & Means amendment printed in the report. 1 hr. of general debate.	N/A.
H.R. 1745	Utah Public Lands Management Act of 1995	H. Res. 303	Open; waives cl 2(l)(6) of rule XI and sections 302(f) and 311(a) of the Budget Act against the bill's consideration. Makes in order the Resources substitute as base text and waives cl 7 of rule XVI and sections 302(f) and 308(a) of the Budget Act; makes in order a managers' amend as the first order of business, if adopted it is considered base text (10 min).	N/A.
H. Res. 304	Providing for Debate and Consideration of Three Measures Relating to U.S. Troop Deployments in Bosnia.	N/A	Closed; makes in order three resolutions; H.R. 2770 (Dorman), H. Res. 302 (Buyer), and H. Res. 306 (Gephardt); 1 hour of debate on each.	1D; 2R
H. Res. 309	Revised Budget Resolution	H. Res. 309	Closed; provides 2 hours of general debate in the House	N/A.
H.R. 558	Texas Low-Level Radioactive Waste Disposal Compact Consent Act	H. Res. 313	Open; pre-printing gets priority	N/A.
H.R. 2677	The National Parks and National Wildlife Refuge Systems Freedom Act of 1995.	H. Res. 323	Closed; consideration in the House; self-executes Young amendment	N/A.
PROCEDURE IN THE 104TH CONGRESS 2D SESSION				
H.R. 1643	To authorize the extension of nondiscriminatory treatment (MFN) to the products of Bulgaria.	H. Res. 334	Closed; provides to take the bill from the Speaker's table with the Senate amendment, and consider in the House the motion printed in the Rules Committee report; 1 hr. of general debate; previous question is considered as ordered..	N/A.
H.J. Res. 134 H. Con. Res. 131	Making continuing appropriations/establishing procedures making the transmission of the continuing resolution H.J. Res. 134.	H. Res. 336	Closed; provides to take from the Speaker's table H.J. Res. 134 with the Senate amendment and concur with the Senate amendment with an amendment (H. Con. Res. 131) which is self-executed in the rule. The rule provides further that the bill shall not be sent back to the Senate until the Senate agrees to the provisions of H. Con. Res. 131.	N/A.
H.R. 1358	Conveyance of National Marine Fisheries Service Laboratory at Gloucester, Massachusetts.	H. Res. 338	Closed; provides to take the bill from the Speakers table with the Senate amendment, and consider in the house the motion printed in the Rules Committee report; 1 hr. of general debate; previous quesetion is considered as ordered.	N/A.
H.R. 2924	Social Security Guarantee Act	H. Res. 355	Closed	N/A.
H.R. 2854	The Agricultural Market Transition Program	H. Res. 366	Restrictive; waives all points of order against the bill; 2 hrs. of general debate; makes in order a committee substitute as original text and waives all points of order against the substitute; makes in order only the 16 amends printed in the report and waives all points of order against the amendments; circumvents unfunded mandates law; Chairman has en bloc authority for amends in report (20 min.) on each en bloc.	5D; 9R; 2 Bipartisan.

*Contract Bills, 67% restrictive; 33% open. **All legislation 1st Session, 56% restrictive; 44% open. ***Legislation 2d Session. 100% restrictive; 0% open. ****All legislation 104th Congress 60% restrictive; 40% open. *****Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules as well as completely closed rules and rules providing for consideration in the House as opposed to the Committee of the Whole. This definition of restrictive rule is taken from the Republican chart of resolutions reported from the Rules Committee in the 103d Congress. ******Not included in this chart are three bills which should have been placed on the Suspension Calendar. H.R. 101, H.R. 400, H.R. 440.

Mr. HALL of Ohio. Mr. Speaker, I yield 2½ minutes to the gentleman from California [Mr. FARR].

Mr. FARR of California. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise with great concern about the debate we are about to have. Most people do not understand what this debate is all about. It is about the rules that allow the amendments to come to the floor. It is as simple as that. The issue here is whether you will have an open rule which allows any amendments to be brought up, or will you have a closed rule or a modified closed rule, which allows very few or no amendments.

What alarms me, and I wish the alarms would go off in this building for the people who are sitting here in the gallery, those who are watching, those who are wandering around, it is that this building represents democracy in the United States. It says this is the great hall where people can debate all issues.

But I will tell you, on this farm bill, which is one of the most important bills we have to debate in Congress, because agriculture touches every State, and it touches each differently; some States grow sugar cane, some States grow peanuts, some States grow coffee, some States grow artichokes, some States grow wheat, some States grow corn, some States grow cows, some States grow pigs and sheep, but no State does it all.

So this is the bill that touches America and the greatness of America, and yet the process we are using denies public access. It denies the debate that we ought to have, that says look, there were 74 amendments presented to the Committee on Rules, and only 15 of them were allowed to come to the floor; 15 allowed to come to the floor on a bill that has never had public input. This process is denying people access to their government, and that may be denied on the Senate side, but the Constitution protects this hall and this House. That Constitution says that this is the people's House.

You have to reject rules like this, because what is going to happen is the end product is not going to be trusted by the people. It is not just the laws we make and we put into the books, it is the confidence that we have to build with the American public that what we are doing here is right and just.

This is a controversial bill. People do not understand commodity programs. This is not a freedom to farm act, this is how we regulate commodities. Indeed, if we are going to have any trust in that, we will have to build that trust by open rules, not closed rules.

It is said about sausages, if we are talking about the farm bill and what goes into sausages, that if you like laws and sausages, you should never watch either of them being made. Mr. Speaker, reject this rule. It is anti-everything this House stands for under our Constitution.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from West Palm Beach, FL [Mr. FOLEY], a new Member of this body, and an outstanding Member.

Mr. FOLEY. Mr. Speaker, let me thank the gentleman for yielding time to me, and commend the Committee on Rules and its chairman for fair consideration of over 70 amendments on this bill. Why is it fair? It makes in order five Democratic amendments. It makes in order five Republican amendments. It makes in order four bipartisan amendments. I think it has been extremely fair for all sides, both sides of the aisle, and any Member who has interests in agriculture.

We talk about delay. Count up the number of quorum calls, motions to adjourn, motions to rise, and recorded Journal votes required by the minority in the first 100 days of Congress. Talk about why we are waiting until February to consider some important legislation. That will give you a significant answer.

One of the amendments is extremely important to restoring one of this Nation's true environmental treasures, the Florida Everglades. The rule makes in order my amendment, which will provide $210 million for the purpose of environmental restoration in the Everglades, a provision similar to that which has already passed in the Senate bill.

Let us make one thing perfectly clear. We would not be in a position today where this type of structured rule would be necessary had the President not vetoed the balanced budget bill placed on his desk last year. In addition to putting the future of this country at risk by jeopardizing the financial security for future generations with his veto, the President's actions made planting decisions for farmers in rural America extremely difficult due to the expiration of most of this country's agricultural policies.

This rule that is being debated today will ensure the timely passage of this bill so that farmers and ranchers can make decisions they need to make and provide America with the safest, cheapest, most abundant food supply in the world. I ask my colleagues to support this very fair rule.

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time on this rule. I would urge certainly a "no" vote on the previous question. If the "no" vote prevails, I would offer an amendment immediately to pass an open rule on the agriculture bill that is before us.

With that, Mr. Speaker, I yield back the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume. I will close for the majority.

Mr. Speaker, let me respond to my good friend, the gentleman from Massachusetts [Mr. FRANK]. The unfunded mandate law that he is talking about does not prohibit unfunded mandates. It simply requires that such mandates be identified in the committee report, which the committee has done, so that the House can determine whether to support or whether to oppose them. That is the way the law was written.

The committee has complied with the mandate law by identifying the private sector mandates in its report. That is in the report. The law does not provide for a separate vote on such private sector mandates. That is not in the law. That is only public sector. Only the public sector mandates require a separate vote. Certainly if there were any in here, and it has been flagged by CBO, then we would be having those separate votes. Since there are no public sector mandates in the bill, we are not denying any separate votes at all.

The Committee on Agriculture has complied with the unfunded mandate law, and so has the Committee on Rules. If anyone has any question beyond that, they can always ask for votes as they see fit.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. First, Mr. Speaker, my understanding is that the legislation did say that there should be a separate vote on a private sector unfunded mandate unless the Committee on Rules waived it. I understand the Committee on Rules can waive it. But what the gentleman has now said is people should understand what this great big unfunded mandate bill comes down to.

It does not mean there will not be any unfunded mandates on the private sector, apparently. It does not mean we will even have to automatically vote on each unfunded mandate. The great contract reform on unfunded mandates for the private citizens come down to this: We will not do an unfunded mandate on you for several billion dollars unless we put it in the committee report. I am sure the American people will feel very reassured and protected that they know that there will not be any more unfunded mandates unless they are mentioned in a committee report. Congratulations on a great legislative accomplishment.

Mr. SOLOMON. Mr. Speaker, let me just say that the Committee on Agriculture has complied with the unfunded mandate law. So has the Committee on Rules.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. KINGSTON). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HALL of Ohio. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 228, nays 182, not voting 21, as follows:

[Roll No. 31]

YEAS—228

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler

Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hamilton
Hancock
Hansen
Hastert
Hayes
Hayworth
Hefley
Heineman
Herger

Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Packard
Parker
Paxon

Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Shadegg
Shaw
Shays
Shuster
Sisisky
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—182

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Condit
Conyers

Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Gejdenson
Gephardt

Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos

Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McNulty
Meehan
Meek
Menendez
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Oberstar
Obey
Olver

Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Roybal-Allard
Sabo
Sanders
Sawyer
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Skaggs

Skeen
Skelton
Slaughter
Spratt
Stark
Stenholm
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Towns
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wynn
Yates

NOT VOTING—21

Bryant (TN)
Bryant (TX)
Chapman
Collins (IL)
Dicks
Engel
Furse
Harman

Hastings (WA)
Jackson-Lee (TX)
McDade
McKinney
Myers
Neal
Oxley

Riggs
Rose
Rush
Seastrand
Stokes
Weldon (PA)

□ 1249

The Clerk announced the following pair:

On this vote:

Mr. Riggs for, with Mrs. Collins of Illinois against.

Messrs. OWENS, SCHIFF, and KENNEDY of Massachusetts, and Ms. KAPTUR changed their vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. SEASTRAND. Mr. Speaker, on rollcall No. 31, due to pressing business, I was not able to vote. Had I been present, I would have voted "yea."

The SPEAKER pro tempore (Mr. KINGSTON). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HALL of Ohio. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 244, noes 168, not voting 19, as follows:

[Roll No. 32]

AYES—244

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr

Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley

Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn

Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)

Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kennedy (MA)
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lowey
Lucas
Maloney
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Murtha
Myrick
Nethercutt
Neumann

Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Peterson (MN)
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Ramstad
Regula
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Shadegg
Shaw
Shays
Shuster
Sisisky
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torricelli
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wolf
Young (AK)
Young (FL)
Zeliff

NOES—168

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (OH)
Cardin
Clay

Clayton
Clement
Clyburn
Coleman
Collins (MI)
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Dooley
Doyle

Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Gejdenson
Gibbons
Gonzalez
Gordon
Green
Gutierrez

Hall (OH)
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jacobs
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Luther
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McNulty
Meehan
Meek
Menendez
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran
Nadler
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Petri
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Roybal-Allard
Sabo
Sanders
Sawyer
Schroeder
Scott
Sensenbrenner
Serrano
Skaggs
Skeen
Skelton
Slaughter
Spratt
Stark
Stenholm
Stockman
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Towns
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Wise
Woolsey
Wynn
Yates
Zimmer

NOT VOTING—19

Brown (FL)
Bryant (TX)
Chapman
Collins (IL)
Dicks
Furse
Gephardt
Harman
Jackson-Lee (TX)
McKinney
Myers
Neal
Radanovich
Riggs
Rose
Roth
Rush
Stokes
Wilson

□ 1306

The Clerk announced the following pair:

On this vote:

Mr. Riggs for, with Mrs. Collins of Illinois against.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RESIGNATION AS MEMBER OF COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

The SPEAKER pro tempore (Mr. KINGSTON) laid before the House the following resignation as a member of the Committee on Government Reform and Oversight:

CONGRESS OF THE UNITED STATES,
Washington, DC, February 28, 1996.

Hon. NEWT GINGRICH,
Speaker of the House,
The Capitol, Washington DC.

DEAR MR. SPEAKER: I hereby resign from the House Committee on Government Reform and Oversight.

Sincerely,

GENE TAYLOR,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON AGRICULTURE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Agriculture:

CONGRESS OF THE UNITED STATES,
Washington, DC, February 28, 1996.

Hon. NEWT GINGRICH,
Speaker of the House of Representatives, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I would like to inform you that I am resigning from my committee assignment on the House Agriculture Committee.

Thank you very much.

Sincerely,

CYNTHIA MCKINNEY,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ELECTION OF MEMBERS TO SUNDRY STANDING COMMITTEES OF THE HOUSE

Mr. FAZIO of California. Mr. Speaker, I offer a privileged resolution (H. Res. 367) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 367

Resolved, That the following named Members be, and they are hereby, elected to the following standing committees of the House of Representatives:

To the Committee on Transportation and Infrastructure, Tom Sawyer of Ohio, Gene Taylor of Mississippi;

To the Committee on Science, Harold Volkmer of Missouri, to rank directly below Mr. Brown of California; Bart Gordon of Tennessee, to rank directly below Mr. Hall of Texas;

To the Committee on International Relations, Charlie Rose of North Carolina, Pat Danner of Missouri;

To the Committee on Banking and Financial Services, Cynthia McKinney of Georgia.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF INTENT TO OFFER ON TOMORROW A MOTION TO INSTRUCT CONFEREES ON H.R. 956, COMMONSENSE PRODUCT LIABILITY AND LEGAL REFORM ACT OF 1995

Mr. CONYERS. Mr. Speaker, pursuant to rule XXVIII, I hereby announce my intention to offer a motion to instruct conferees on H.R. 956 tomorrow.

The form of the motion is as follows:

Mr. CONYERS moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 956 be instructed to insist upon the provisions contained in section 107 of the House bill.

ORDER OF AMENDMENTS ON H.R. 2854, AGRICULTURAL MARKET TRANSITION ACT

Mr. VOLKMER. Mr. President, I ask unanimous consent that my amendment, which is in order to be the fourth amendment to the farm bill, H.R. 2854, be in order instead after the Solomon-Dooley amendment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

Mr. ROBERTS. Mr. Speaker, reserving the right to object, the gentleman from Missouri [Mr. VOLKMER] and I have discussed this at length. I think the gentleman has made a very reasonable request.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

AGRICULTURAL MARKET TRANSITION ACT

The SPEAKER pro tempore. Pursuant to House Resolution 366 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2854.

□ 1310

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2854) to modify the operation of certain agricultural programs, with Mr. YOUNG of Florida in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Kansas [Mr. ROBERTS] and the gentleman from Texas [Mr. DE LA GARZA] each will be recognized for 1 hour.

The Chair recognizes the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, at long last the House of Representatives will now consider a farm bill, and in this regard I would like to make some commentary as to the reasons why we on the Republican side adopted the policy approach that we have.

In that regard I think, unfortunately, during most of the debate in this regard to this year's farm bill, much of the rhetoric has ignored several basic facts. There are dramatic changes taking place that involve U.S. agriculture. Farmers are competing for increased demand in a growing global marketplace.

The Congress is serious, finally, about a balanced budget. The political climate will not permit any rubber-stamped acceptance of status quo policies in agriculture or anywhere else. Farmers and ranchers know, boy do they know, the current farm program is outdated and in need of reform.

So the question is, what kind of policy takes these givens into account and makes sense? After conducting 19 hearings, traveling over 60,000 miles, and listening to over 10,000 farmers and ranchers, agribusiness men and women, and many others involved in agriculture, this is what farm country told us: One, they are sick and tired of regulatory overkill and demand regulatory reform; two, they strongly support a balanced budget. They know a balanced budget will save agriculture and farmers and ranchers $15 billion in lower production costs. They also requested a consistent and aggressive export program, and they want more flexibility and ability to respond to market signals and to make their own financial decisions.

So taking all of these points into account, we have proposed an innovative approach to farm program policy. It has received the most debate of any farm program proposal in modern history. It was originally called freedom to farm, and is now before us as the Agricultural Market Transition Act.

Let me explain the policy rationale. The original New Deal farm programs over 60 years ago were based on principles of supply management. If you control supply, you raise prices. Over the last 20 years, the principal justification for the programs has been that farmers received Federal assistance in return for setting aside a portion of their wherewithal, that is, their acreage.

□ 1315

That assistance was largely in the form of something we called deficiency payments to compensate farmers for prices below a Government-set target price for their production. Today, unfortunately, that system has collapsed as an effective way to deliver assistance to farmers.

Worldwide agricultural competition takes our markets when we reduce production. The more we set aside, the more our competitors overseas simply increase their production by more than we set aside. They steal our market share. In short, the supply management rationale not only fails under close scrutiny by the many critics of ag policy, it has enabled our competitors to increase their production and we lose the market share.

As I have indicated, the Freedom to Farm Act, Agriculture Market Transition Act, was born of an effort to create a new farm policy from an entirely new perspective. Acknowledging that budget cuts were inevitable, that we must meet our budget responsibilities, freedom to farm set up new goals and new criteria for farm policy.

No. 1, get the Government out of farmers' fields. No longer do you put the seed in the ground to protect your acreage base to receive a Government subsidy. Return to farmers the ability to produce for the markets, not the Government programs. And to provide a predictable and guaranteed phasing down of Federal financial assistance.

By removing Government controls on land use, freedom to farm effectively eliminates the No. 1 complaint of farmers about the programs: bureaucratic redtape, paperwork, all of the regulations and the Government interference. Endless waits at the county ASCS office or the SCS office will end. Hassles over field sizes, whether the right crop was planted, or the correct amount of acres would be a thing of the past. Environmentalists should be pleased that the Government no longer forces the planting of surplus crops and what we call monoculture agriculture. And a producer who wants to introduce a rotation on their farm for various environmental or agronomic reasons would be free of the current restrictions.

This bill builds on the conservation compliance requirements, the environmental requirements, if you will, of 1985 and 1990, of the 1985 and 1990 farm bills, and positively impacts 300 million acres.

This bill is the most environmentally responsible farm program in 60 years. We will have more to say about that in the future debate. Under freedom to farm, farmers can plant or idle all their acres at their discretion. They are in control. The restrictions on what they can plant are greatly reduced. Response to the market would assume a larger role in our farmer planning. And divorcing payments from production and, by the way, we already started that when yields were frozen in 1985 and we went to flex acres and we froze target prices and we cut target prices, that has already happened, that would end any pressure from the Government in choosing crops with which to pursue. So all production incentives would come from the marketplace and the individual farmer.

In return for this, we proposed a guaranteed payment, the guarantee of a fixed, albeit it declining, payment for 7 years would provide the predictability and consistency that farmers have wanted and provide certainty to creditors as a basis for lending.

Listen up, Mr. and Mrs. American farmer and your banker and your farm credit troop, any other lending institution, sit down with your banker, your lender, 7 years, you know what you are going to get. You can plan on it. It is a risk management account. You do not have to wait on the Congress.

The current situation in wheat, corn, and cotton country, under which our prices are very high but we do not have any crops but large numbers of producers have lost their crops due to weather or pests, that would be corrected by this kind of a payment system. These producers this year cannot access the high prices. They do not have a crop. And instead of getting help when they need it the most, the old system really cuts off their deficiency payments and even demands they pay back the advance deficiency payments. What a time. We are blowing away in the Great Plains. We are bone dry. We have prairie fires. We do not have any crops.

The current farm program says pay back advanced deficiency payments, and we get no payment, no disaster payments or no help. The freedom to farm ensures that whatever financial assistance is available will be delivered regardless of the circumstances, because the producer signs a contract with the Federal Government for the next 7 years. High prices, high payments, oh, we have heard a lot of criticism about that. First, the payments will not be high. You cannot cut annual spending in half compared to the last farm program bill over the last 5 years and have high payments. That does not work.

No farmer, let me repeat this to all of the critics and you will hear it in this debate, no farmer is going to take his market transition payment and retire. Farmers will continue to farm.

Second, under freedom to farm, the payments made to producers must be looked at from a new perspective. It is a transition to full farmer responsibility for his economic life, a risk management account.

Just as farmers will need to look to the market for production and marketing signals, freedom to farm will require that farmers manage their finances to meet all the price swings. It is true that when prices are high, farmers will receive a full market transition payment. It is equally true that if prices decline, farmers will receive no more than the fixed market transition payment. That means the farmer must manage his income, both market and Government, to account for weather and price fluctuations.

But under this plan, he makes the decision, not Washington, not Congress, not the ASCS office, not the SCS office. He makes that decision.

In short, under freedom to farm, we authorize the market transition payments to farmers as opposed to the current program's deficiency payments, to serve as a form of compensation as we move U.S. Agriculture from an economy heavily influenced by the Federal Government to one in which our Government role is substantially reduced and the primary influence is the marketplace.

The old program did provide market insulation for each bushel of production. But that system is collapsing under the weight of budget cuts. You have heard the former chairman of the House Committee on Agriculture, the gentleman from Texas, the Hon. KIKA DE LA GARZA, chairman emeritus of the committee. You have heard the gentleman from Texas [Mr. STENHOLM], a leader in the farm community, a spokesman for agriculture. You have heard me, you have heard others talk about how farmers have already given at the office in regards to their budget responsibilities and that $65 billion in budget authority has already been cut from farm programs over the last 10 years. True. Nobody knows that in Washington, or very few know it in Washington. Not many people in the press understand that, that we have already cut ag spending 9 percent a year for about the last 9 or 10 years.

Well, what is to prevent the continued slow asphyxiation in regards to budget cuts and the amount of money that we should have in regard to a responsible farm program? Under freedom to farm, we enhance the farmers' total economic situation. In fact, under freedom to farm it results in the highest net farm income over the next 7 years of any of the proposals before Congress. You represent farmers. Under this plan you have more investment in production agriculture, more farm income than any other plan. We lock it up, and we still meet our budget responsibilities.

Now, if you believe there will be no more budget cuts and no more budget reconciliations and no more budget battles, freedom to farm is not for you. If you believe that if farmers just hang on a little longer, their prospects for more Government support will improve in this climate, freedom to farm is not for you. If you believe that farm programs will not continue under the budget gun, that we will not have our fingers, our arms, our legs on the budget chopping block, freedom to farm is not for you.

If, however, you believe that there will be more reconciliations, that the heat on farm programs—and you will hear amendments about that in the debate on down the road during the amendment process—if you think that this heat on farm programs will only increase and that Congress needs more than deep budget cuts to present to farmers and not so slow asphyxiation, then freedom to farm makes sense.

Now, the severest, the severest critics of farm programs in the press, on television, major newspapers, have hailed the freedom to farm as the most significant reform in ag policy since the 1930's. We have received national acclaim from our critics of farm program policy that this is long-needed, long-awaited reform. Our congressional critics have also decided that our freedom to farm program represents the kind of reform that they can support, and they believe that it is the kind of reform that is needed.

Nearly every agriculture economist who has commented on freedom to farm has supported its structure and its probable effect on farmers in the ag sector. We are at a crossroads now, folks. We can either sink deeper into Government controls and rapidly sagging Government support and a lack of investment in regards to our ability to feed this Nation and the troubled and hungry world, or we can strike out in a new direction that at least holds out the prospect of assisted transition to a private marketplace, a market-oriented agriculture.

The Freedom to Farm Act is that new direction. We need to seize it. Now is the time.

Mr. Chairman, I reserve the balance of my time.

Mr. DE LA GARZA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to H.R. 2854 as currently presented to the House, and in support of three en bloc amendments which I will be offering. Let me preface this by saying that my opposition is in no way indicative of the actions of the chairman of the committee but, rather, Mr. Chairman, in past years we have had the opportunity to prepare comprehensive farm policy in a deliberate, all-inclusive manner. When we have been required to comply with budget reconciliation instructions, the House Committee on Agriculture has complied to the tune of $50 billion in savings from 1981 through 1993. However, in this particular farm bill, if you call it a farm bill, national farm policy for the next 7 years was developed by the Republican leadership.

Mr. Chairman, Americans are the best fed people in the world. They have a stable and abundant supply of nutritious food and pay a lower percentage of their disposable income for food than any other of the industrialized nations in the world.

I would like to think that the House Committee on Agriculture, on a bipartisan basis and in spite of what editorial writers say, has played a constructive role in this success story. But that is no more, unfortunately. For example, last year Speaker GINGRICH, the Republican leader, and the Republican whip wrote a letter to the gentleman from Kansas, Chairman ROBERTS. That letter dictated to the Committee on Agriculture, in no uncertain terms, the specific policy option that the committee was to choose in order to meet its reconciliation savings.

No room was left for the committee to deliberate, for the committee to obtain views of farmers, of consumer groups, of the administration. That leadership-dictated policy was the foundation of what is now included in H.R. 2854.

Mr. Chairman, the policy included by decree of the gentleman from Georgia, Speaker GINGRICH, in the bill now before the House was first introduced as a bill in August. In a blatant rejection of our sacred principles of open government, our committee did not hold one single hearing on this proposal and still has not to this day. There were other hearings held to gather information, much before this time, but none on the proposal itself.

Mr. Chairman, farmers in every region of this country have very grave concerns about the agriculture provisions before this House. They represent a sudden and dramatic abandonment by the Government of its role in sharing the farmer's risk. Farmers are particularly concerned that a sudden withdrawal of the Federal Government may make the difference in their fight to stay on the farm. Yes, they may know that each year they will get a cash payment, but if prices collapse next year, will that payment be enough? If wheat prices fall to $2.50, how many wheat farmers will be out of business in Kansas, in the Dakotas, in Washington States? If cotton prices fall back down to 45 cents, how many cotton growers spread out all over the South and areas of the Southwest will survive? If corn prices are under $2, where will the corn belt be? What if milk prices fall to $9. How many of New England's dairy farmers make it?

Mr. Chairman, farmers will hope for the best. But if the best does not materialize and a substantial base of our food and fiber production capacity is lost, will we feel that it was worth the risk?

All these questions, Mr. Chairman, and we have no answers; not even opinions. All we had in the Committee on Agriculture this year were a few votes. No discussion. No consideration of the views of farmers, the consumers, the businesses that thrive on the products of agriculture, those hearings on which we have always heavily relied. The policy before the House was not aired out in the Committee on Agriculture, it was dictated by the Republican leadership. When a bipartisan majority of our committee defeated this bill last fall, the Republican leadership nevertheless packaged it with tax cuts and health care program changes and forced it on the floor.

□ 1330

Mr. Chairman, it was inevitable that the President would veto that bill and he did, and I agree that it should have been vetoed. Rather than acting quickly to move farm policy forward, our committee sat until the end of January and did nothing. Only in the hours before a 3-week congressional break did our committee finally act, and again I respectively state this is through no fault of the chairman of the committee. The actions were held in other areas by other people.

Mr. Chairman, a further frustration to us is that farm policy continues to be driven by outdated decisions. The Republican leadership continues to insist on cutting over $13 billion from agriculture programs. We know that these cuts were not conceived in the context of any consideration to good farm policy. We were cutting acting with numbers in a vacuum only. We have to attach faces and places to legislation. This has not been done to this day. Rather, the decision to cut the very heart out of farm programs was integral to the radical Republican policy of cutting $270 billion out of the rate of increase in Medicare and providing for a $245 billion tax cut. This has fluctuated, it has changed up and down, and the administration has become involved in these overall considerations, all of it outside of the realm of the members of the Committee on Agriculture.

Mr. Chairman, all parties have now conceded that any tax cut will be for less, as will reductions in health care program spending as we move forward to a balanced budget. No committee in this House has provided more for a balanced budget than the Committee on Agriculture. Had every committee done what we have done, we would not be worrying about a balanced budget at this point in time. If the enormous tax and Medicare cuts have been abandoned, is it not also time to recognize that the size of the cuts ordered for agriculture should be reexamined? Those policies were after all the driving force behind the Republican decision to cut $13 billion from agriculture.

Mr. Chairman, we are in a difficult position. Time is not available to fully address the errors that have been committed in this flawed process. There will be some who would say, well, there will be a conference. Conference has limitations, limitations that restrict activity by members of the conference. Farmers who should have already made crucial farming decisions are kept waiting. The very fact that we have not acted yet has jeopardized agriculture. Action in farm policy for 1996 must be taken and taken quickly.

In that light, our No. 1 priority is to make what changes we can in this flawed bill to strengthen our farm economy and its rural base.

Mr. Chairman, the bill is titled the "Agriculture Market Transaction Program," and we believe that few have escaped the meaning of the term "transition": That the Federal Government will withdraw completely from its partnership with the producer in providing for the food security of our Nation. And I have just come back from my district and other parts of Texas, and they now say that "this bill is not what we were talking about." We want to reduce regulation; we want to reduce needless spending. We did not want to say "take the Government completely out as we act in unison, together, for the betterment of America."

So they did not say that we should withdraw completely from the partnership with the producer in providing for the food security of our Nation. However, if such a transition is to occur, we believe that now is an appropriate time for investments to be made with the posttransition period in mind.

Regretfully, the rule does not provide for that. It is limited in scope, it is limited as to how many amendments, what type of amendments. Many of you heard the chairman of the Committee on Rules: We did this because we did not want this many more amendments from Wisconsin, and so on. Toward the end, Mr. Chairman, we proposed to increase the Department of Agriculture's authority to invest in the rural infrastructure, water deliveries, sewage disposal. We propose to increase this authority to make investments that conserve and protect our natural resources, and we propose to make crucial investments in agriculture research, education and extension.

Yesterday I was in my district, for a meeting of rural housing representatives and all you need to do is go down there and you will see the immense need in rural housing, and as I told them and I repeat to you today, the creature of God has a certain level of dignity mandated by laws beyond, beyond our country and beyond this Chamber. The human dignity that needs to be addressed includes decent housing so that those of higher intellect have a decent place to live. Only within government can we form a partnership. Earning a minimum wage is not going to allow someone to buy housing for them and for their family, and we have hundreds of thousands of those people, but yet we are not addressing those areas.

We propose to ensure that our highly productive oilseed industry, which will receive no benefit from the bill's contract payments, is able to continue to compete effectively in world markets. We would delete the set level for the oilseed market loan in the bill, which is set at an arbitrary fixed amount, dealing in a vacuum, and replace it with a formula based on actual market prices.

Finally, we believe that our agriculture sector is so important to our Nation that we deserve a farm policy debate in 2002. To ensure that debate, we propose to retain permanent farm support authority.

Therefore, on behalf of Democratic members of the Committee on Agriculture, I will offer three amendments en bloc, the first, authored by the gentlewoman from North Carolina [Mrs. CLAYTON]. The amendment would provide the Commodity Credit Corporation with the authority to dispense $3.5 billion of its funds for rural development conservation and research, education and extension.

The second was written by the gentleman from South Dakota [Mr. JOHNSON], who has been a tremendous inspiration in this endeavor. It would set the loan rate for oilseed marketing assistance loans at 85 percent of the 5-year average price for oilseeds, excluding the high and the low years.

The third would strike the provision of the committee substitute which repeals the permanent farm law.

Mr. Chairman, I am dismayed over this process. Our people deserve better from this Congress. We have been the partnership. The experts and the major periodicals in New York and San Francisco and Orange County; I keep reading editorials from Orange County about the farm, farm products, farm process, farm policy. We have in my family seven grandchildren who know more about farm policy that the editorial writers from Orange County, CA, Mr. Chairman.

Also, I ask the committee and the Members to stay with us on the amendments that we will be opposing. Many of those amendments that were granted are aimed at satisfying the needs of major media. They have not spoken to agriculture. They have not spoken to rural America. They have not spoken to the people. They are looking at that headline in the major periodical. Would you trust a newspaper in New York City to set the policy for the farmers and ranchers of America? And, needless to say, Mr. Chairman, of all of the matters involving the budget, we have met our commitment.

Furthermore, Mr. Chairman, let me say that everything that we do as far as production in this country, manufacturing, industrial production, everything is in deficit as far as international trade is concerned. Everything is deficit. That is the free market. It is in deficit. Dollars are flowing out, dollars we do not have. The only thing that is bringing money back, green back, green dollars back, is agriculture. The only thing that is positive is agriculture. And yet they say subsidy, subsidy, subsidy. Look at this chart. You cannot see the line at the bottom. That is how much of an impact we make on the budget, seven-tenths of 1 percent is agriculture's share of the trillions of dollars we spent on the budget.

And then here is a major one. The green is agriculture. The red is everything else. The red is in deficit, has been. Except for selling a few high tech items and airplanes, agriculture is the only one bringing money back from abroad.

So saying we need a new direction, we need another this, another that, what we need is, with the help of the good Lord, a little more rain here and less rain there, and a policy that manages, I do not care how you slice it. Every company, every industry manages, manages, and we cannot go and face the world because all other countries, most of them camouflage support of their agriculture and we would be the only one that does not support agriculture under the guise of satisfying our New York newspaper who says the free market.

The free market has never existed. There has always been some manipulation. There will be more manipulation, and we are shooting ourselves in the foot when we yield to those pleas for liberators so that we can be eaten by those that camouflage their intentions and their agriculture.

We need strong agriculture, we need to have a program where the government participates, and this program unfortunately phases out. Yes, you will get a little money. If somebody goes to Las Vegas and they win the first thing on the machine and second thing on the machine, they say we got it. Stay there long enough and you have lost it all. This is what this is going to do, show a little money, show a little candy up front. Eventually, 7 years, we are off and away and we will be as loose as that satellite that broke from the tether up in the skies the other day. It is loose out there and heaven knows where it is going to be. We do not want American agriculture to be in that condition.

So I urge Members to support those amendments that might make this a little better, oppose those that try and destroy programs that have worked. We are the best fed people in the world, we spend less money than everyone else in the world, and, oh, the sugar, sugar, sugar. We are talking about jobs, jobs for Americans, and if you open up and the world unloads all the sugar, we are not going to have a sugar program and the people are not going to have lower prices in sugar. Even now when we did not have a sugar program the prices skyrocketed, skyrocketed to the consumer. When we have held it down to a level, when we have reduced, the product at the retail store did not come down, the product that they talk about the consumer as being gouged, that did not come down at all, the soft drinks, all of the cookies, all of the candies. They did not come down at all. We kept paying the same. But yet they blame it all on the program.

So, Mr. Chairman, I hope that the Members that have listened will agree with us also that we need stability. Stability can only be done in a partnership. That partnership has worked and is working, and I hope that we continue it.

Mr. ROBERTS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to make the observation to my dear friend and colleague from Texas that the New York Times editorial board did not sit in our offices when we constructed the Freedom To Farm Act, and we would not want them to sit there, but at least in terms of their opinion, it would be helpful if they would not perjure agriculture as he has indicated.

Let me also say that the gentleman from Texas is affectionately called the chairman emeritus of the House Agriculture Committee for good reason. He has been a champion of agriculture, he has furnished us outstanding leadership, he is regarded all over the world as a Secretary of State of Agriculture.

□ 1345

Mr. Chairman, I checked with his seven grandchildren, who have mentioned they are going to have an appreciation night for KIKA, pardon me, the gentleman from Texas [Mr. DE LA GARZA], as of tomorrow in his home State of Texas. Of the seven grandchildren, four have endorsed the freedom-to-farm concept.

Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky [Mr. LEWIS].

Mr. LEWIS of Kentucky. Mr. Chairman, I rise today in support of the farm bill, and am proud to say I was one of the nine original sponsors of the first freedom-to-farm bill.

Last year, Mr. Clinton killed freedom to farm when he vetoed the Balanced Budget Act of 1995.

But make no mistake about it. Today's bill still lives up to that nickname.

It still lets the folks who actually grow crops decide what to plant—and how much. They know their own soil better than all the Washington Bureaucrats combined. It cuts Government intrusive paperwork and provides the needed safety net for farmers.

In less than 2 years of representing Kentucky's Second District, I've spoken with hundreds of farmers. From the Second District alone, more than 45 members of the Kentucky Farm Bureau are here today, waiting for us to pass this bill.

If there's one thing nearly all of them agree on, it's that they'd rather spend time planting and harvesting crops than filling out Government paperwork. Or drawing lines on maps.

I think they may be even more excited about our crop insurance reform. After the President signs this bill, farmers won't be forced to buy crop insurance just to participate in Government programs.

I think many of them will continue to but it, but these businessmen and women didn't appreciate being told to do so.

They're pretty independent folks, and they're looking forward to getting some of the burden of big government off their backs.

They're also pretty conservative folks. They care about the future of their children, and grandchildren. And they've told me they're happy to help balance the budget if they can spend more time in the fields and less at the ASCS office.

They're still looking for further regulatory reform, and tax cuts that will help them stay in business, or pass on the family farm. We need to continue to pursue these farmer- and family-friendly measures.

Mr. Chairman, today we begin to overhaul our Nation's 60-year-old agricultural policy. I congratulate Chairman ROBERTS' courage and vision on this matter.

This is truly the most sweeping change in farm policy since the New Deal.

It's good for farmers, it helps us move toward a balanced budget and it doesn't pull the rug out from under the people who feed our Nation.

Mr. Chairman, let's continue to lead, let's pass the farm bill.

Mr. DE LA GARZA. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Chairman, I rise in strong opposition to what has been called by the author of this bill as freedom to farm. I call it freedom not to farm, because if anybody reads this bill, they will find that farmers are able to get payments, and they are not little payments, able to get payments and they do not even have to farm.

That is right. I will repeat it. Farmers get payments and they do not even have to farm. It is not just 1 year, it is for 7 years. It is not for a few dollars, like a recipient of AFDC or food stamps gets. We are talking about $80,000 to some farmers. We are talking about some farmers over a period of 7 years getting well over a quarter of a million dollars, and they do not have to farm.

Many of those farmers are not the little farmers. These are medium-size farmers, but they have a lot of farmland. The amount of farmland they have gives them the number of acreage that they have been farming, at least 1 out of the last 5 years, the amount of payment. They can get $80,000, and then if they have cotton and a marketing loan program, they can get another $150,000. That is $230,000 in 1 year. They can also make a half a million on the farm operation and still get the $230,000.

There is something wrong here, folks. This is not getting government off your backs. This is high-priced welfare. This is not cheap welfare. This is real high-priced welfare. This is not a little $300 a month AFDC or an $80 a month Food Stamp Program, these are thousands of dollars, and over a period of years, over $1 million to some farmers, over $1 million to a farmer.

What is going on? I thought we had a budget crisis. I though we had problems with money. We are going to give $36 billion away in the next 7 years, and farmers do not have to do a thing if they do not want to. If they want to, that is fine, but they do not have to.

Instead of calling it freedom to farm, I would call it freedom not to farm. I do not know why they object. I had an amendment that I asked to be put in order, but the Committee on Rules did not permit it. It said at least you have to plant some crops in order to get a payment. I think that is reasonable. I think most people would think that is reasonable. But the Committee on Rules no, you cannot have that amendment; we are not going to permit that because we do not want farmers to have to plant crops in order to get these payments.

I think it is terrible that this House would even consider making these kinds of payments to a very few number, about 28,000 people throughout the United States, out of 250 million in order to pass freedom not to farm.

Mr. ROBERTS. Mr. Chairman, it is with personal pleasure that I yield 3 minutes to the distinguished gentleman from Oklahoma [Mr. LUCAS], a very viable member of the committee. The gentleman not only brings expertise to the Committee on Agriculture, but he is a real, live farmer and cattleman.

Mr. LUCAS. Mr. Chairman, I rise in strong support of H.R. 2854, the Agriculture Market Transition Act of 1996. It is the agriculture policy that will shape rural America as we head into the 21st century.

This new farm policy is based on four basic themes: The current program is flawed and must be reformed; the Government must get out of the farmer's fields; farmers must have the ability to produce for the markets, not Government programs; and finally, we must provide a predictable and guaranteed phasing down, but not out, of Federal financial assistance in farm country.

Taking these basic themes into account, we on the Agriculture Committee formulated the Agriculture Market Transition Act.

To those who will say that this bill does not contain true reform, I would encourage you to wake up and smell the coffee. This bill is the biggest change in farm policy that we have seen since 1949. This includes peanuts, sugar, and dairy.

Many during this debate will cite high commodity prices as a reason for sinking this reform. This argument has no merit. High prices are a result of a short harvest last year and another dismal crop projection this year. Sure my producers would enjoy $5 wheat if they had a crop to sell. But the reality is that the High Plains from west Texas to the Canadian border are in financial turmoil.

At the time of my producers greatest need, Uncle Sam's current assistance program is no help. For in a time of short crops and high prices, the current program asks for money back. It is truly senseless.

Colleagues, in short, the current program doesn't work. Our job on the committee and in this Congress is to construct a program that will stop this bleeding. I believe the Agriculture Market Transition Act is the best way to do this.

My friends, agriculture is truly at a crossroads. It is time we break the bonds of the old and ring in a market oriented program that will guide us into the next century. I urge my colleagues to support H.R. 2854 without significant amendment. The future of rural America depends on its passage. We must have a farm bill.

Mr. DE LA GARZA. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. DOOLEY].

Mr. DOOLEY. Mr. Chairman, I rise in strong opposition to the freedom to farm proposal. I think all of us would agree that there is an appropriate role for Government in farm policy. That is to provide a safety net for farmers in those years of a price collapse. It is to provide for assistance in breaking down unfair trade barriers that prevent our U.S. farmers from being competitive in the international marketplace, and also to provide assistance in the research that can ensure that our farmers will have the technology to be the low-cost competitors in the world. But it is not an appropriate role of the Federal Government to ensure that taxpayers of this country are going to be making $36.5 billion in payments to farmers over the next 7 years, regardless of what commodity prices may be.

Today if Members would go into any of the commodity markets on the major farm programs, they could forward contract in December 1996 on cotton, corn, wheat, barley, and oats, at a price that is higher than the target price today, on which our subsidies are based.

On corn and cotton, you can forward contract into December 1997, covering 2 crop years, at a higher price than the target price. Under the current farm programs, the taxpayers of this country will be making minimal outlays to farmers. But under freedom to farm, what happens? We are asking the taxpayers of this country to lay out $5.6 billion in this next year, and $5.4 billion in the following year. This is just not good policy, and it lacks all common sense.

In fact, we can be thankful that the same people that put together this agriculture reform were not the ones that devised our welfare reform, for if they were, we would be ensuring that anybody who received a welfare payment in 1 out of the last 5 years, that we would give them a welfare payment, guaranteed, for the next 7 years regardless of what happened to their income. They could win the lottery and the taxpayers of this country would still be obligated to write them a check for 7 years.

This is bad policy. It does not ensure that farmers in the future will have that safety net; not a safety net that guarantees them a profit, but a safety net that ensures that when we have a price collapse, when income is low, that the Federal Government will be there to ensure that we do not have widespread bankruptcies throughout this land.

Oftentimes people have contended that this freedom to farm is a transition to an era without subsidies. The gentleman, the Republican from Oklahoma, just recently responded that he hopes we look at this as a transition, not to transition out of programs, but to move into a new era. He is still hoping we have some financial obligations or money going into the agriculture sector post-freedom to farm.

What we ought to be doing is devising a farm policy in this country that ensures that our farmers are going to have the tools to be competitive in the international marketplace. Freedom to farm does not provide that.

Mr. ROBERTS. Mr. Chairman, I am very happy to yield 1½ minutes to the gentleman from Iowa [Mr. LIGHTFOOT], a good friend and a good champion for the farmer.

Mr. LIGHTFOOT. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise today to offer my strong support for H.R. 2845, the Agriculture Market Transition Act introduced by the gentleman from Kansas, [Mr. ROBERTS]. This legislation gives farmers what they want and what they need. It is a simple, consistent, and flexible farm bill to ensure successful family farming operations.

I do not come to this floor totally out of touch with this issue. I was raised on a farm. My folks still farm. I spent 16 years as a farm editor before getting involved in politics some 12 years ago. I think this bill represents true reform for agricultural programs.

Let us look at the reality of the situation. This body has become more urban as the years have gone by. We cannot get the votes out of this body to put together the kind of programs that have been put together in the past. It is just not there. Farmers are becoming almost like the eagle on my tie, an endangered species. There are not many of them left. Yet, if you ask the average person on the street what happens if we lose the farmers, their response is, "It does not make any difference. I have Safeway." They just do not understand what is involved in the food chain. So this is the one piece of legislation that can rescue farmers.

I guess it boils down to where do you put your faith? Do you trust farmers, or do you trust bureaucrats and political appointees? I am going to go with the farmers. The farmers want the liability to produce for the market instead of a Government program. They want the ability to manage their land in a resourceful type fashion, without burdensome controls and regulations. This legislation must be passed now.

Mr. DE LA GARZA. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from Hawaii [Mrs. MINK].

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Mrs. MINK of Hawaii. Mr. Chairman, I thank by colleague, the ranking member of the Committee on Agriculture, for yielding me the time.

Mr. Chairman, this debate today will include an amendment that is to be offered regarding the sugar program. I rise to take my precious 3 minutes to address this amendment. Of all the Members who have sugar growers, as far as I can see in the statistics, it is grown to a much larger extent in my district than in any other Member's district. There are about 65 Members who have producers of sugar, both cane and beet, and we have a very, very large stake depending upon the outcome of this amendment.

The Miller-Schumer amendment basically will eliminate U.S. domestic sugar production. All the market economists and specialists that I have spoken to indicate that if this amendment should pass today and should become law, it will virtually eliminate the U.S. sugar production. For myself and my district, it will mean about 6,000 jobs. So I ask the Members of this Chamber today in debating the farm bill to not talk about this abstract notion of commodities. We are talking about jobs.

Listen to the Republican Presidential debates and you will see that the American people are concerned about jobs. When we talk about reforms, certainly, there must be reforms. We talk about cuts in the budget; of course, there must be cuts in the budget.

But when you look at the sugar program, there is not one penny of tax subsidy going into this program, so why are we targeting this particular industry that is so essential? Are not farmers working Americans like any other workers anywhere else in our industries? What is the difference? These are hard-working people working under the standards that have been established by Congress, whether it is environmental, labor or health or whatever, and we want to shut them down in place of foreign sugar where there are no environmental concerns, no workers' standards, no environmental standards, no safety standards, and give a preference to foreign sugar so that a few of our mega corporations can make millions and millions of dollars at the expense of 420,000 jobs in America that are related to the sugar industry? It is mind-boggling.

We are committed to the preservation of jobs in this country. We are not for shutting down businesses. Certainly, we are for balancing the budget, but no one can show me that there is one penny of taxpayers' money going into the sugar program. On the contrary, we are paying into the Treasury, and this bill that is coming up is going to add more money.

I ask the Members of the House to think carefully about this amendment. Are we eliminating jobs and killing an entire industry?

Mr. ROBERTS. Mr. Chairman, I thank the gentlewoman for her comments.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Georgia [Mr. CHAMBLISS], a valued member of the committee.

Mr. CHAMBLISS. Mr. Chairman, I wish to say to the chairman of the Committee on Agriculture how much I appreciate his leadership through what has been a very difficult year with ag policy. We have stepped into a situation where we have had to meet budget constraints and agriculture has always been called on, even in years when we were not trying to balance the budget, to make cuts in our programs. The chairman of the committee has been a very valued asset to me personally, and I thank him for that leadership.

Also to my subcommittee chairmen, the gentleman from Illinois [Mr. EWING] and the gentleman from Nebraska [Mr. BARRETT], who have just done a super job in bringing us forward. And I thank the gentleman from Missouri [Mr. EMERSON] and the gentleman from Texas [Mr. COMBEST] for their valued friendship and leadership. I cannot leave out the gentleman from Wisconsin [Mr. GUNDERSON]. He has just worked so diligently, the particularly in the area of dairy. To my friend, the gentleman from Texas [Mr. DE LA GARZA], we on the other side of the aisle have had our disagreements certainly, but it has always been in a very professional and a very courteous manner, and I commend him for his leadership over there.

Agriculture has always been the backbone of the economy of this country. I come from the largest agriculture county in the State of Georgia. Agriculture drives our State, and certainly agriculture drives my home county and the people there. Less than 2 percent of the people of this country feed 100 percent of the people of this country. We provide the safest, finest quality of food products on the shelves of our grocery stores of anybody in the world. We spend less than 10 cents out of every dollar on food products, whereas other industrialized countries like Japan spend over 20 cents out of every single dollar for food products. We are able to do that because of strong agriculture programs that we have in this country that provided those safe, high-quality products and we have been able to stabilize the retail cost of agricultural products over the years. But times are changing. We are moving into the 21st century. The Agricultural Marketing Transition Act moves us in the direction. I commend the chairman, and I urge the support of that bill.

Mr. DE LA GARZA. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California [Mr. FARR].

Mr. FARR of California. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I just heard some students out in the hallway saying, oh, they are just talking about agriculture and that is boring. The difficulty with this debate is, it is everything but boring because it is really the engine that drives the American economy and it is wonderful history and it is great culture and to understand what agriculture is, is really to listen to this debate.

I happen to represent just one State that is very diverse in agriculture in California, and California farmers in my district, I think, are the most productive farmers in the world when they grow specialty crops. These are big crops in our area, but in agriculture language here in Washington, they are known as minor crops. Specialty crops produce 2.5 billion dollars' worth of fresh fruits, vegetables, and horticulture crops without any Federal price supports, without any other direct Federal support, including water. We grow lettuce and artichokes and strawberries and flowers and over 100 different crops. That is just in two, three counties in California.

They have succeeded by embracing the full benefits of potential risks and of great market. They are models for American agriculture, and I believe that American agriculture must move in that direction to remain viable into the next century. But even market-driven agriculture needs a national farm policy. It needs conservation, it needs research, it needs rural development, it needs market promotion. These are all really crucial to our future success and sustainability. I think the issue about agriculture in America is to sustain it so that our grandchildren and great-grandchildren can still move into the same lands, hopefully not covered by shopping centers, and allow those great-grandchildren to be able to farm in this great country.

The Federal Government has a deep responsibility to make sure that these programs help all of rural America. H.R. 2854 has some problems because it ignores some of the crucial goals of the American farm policy. While I do not like the transition program that is in the bill, I think it is too expensive and makes payments regardless of the farmer's production or market prices, it still moves agriculture toward the market, and I can support that. But I cannot support the bill if it also does not address the conservation issues, the research, and the rural development and I am particularly concerned that it does not address the loss of farmland to urban sprawl.

I have coauthorized legislation with my good friend, the gentleman from Maryland [Mr. GILCHREST], to help States address the troubling loss of farmland to urbanization, over a million acres last year at current rates. The States have taken the lead in helping farmers keep this land in agriculture and out of the grasp of urban sprawl, and the Federal Government should help these States with their efforts, and so far they are not. A version of our bill was added to the Senate farm bill by Senator SANTORUM. Unfortunately, neither this bill nor the conservation amendment allowed by the rule includes any farmland protection measures.

Mr. Chairman, I cannot support the bill without adequate funding for conservation, research, and rural development.

Mr. ROBERTS. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. EWING] and commend him for the outstanding job that he has done as an excellent subcommittee chairman in addressing reform in many of our farm programs, particularly in regard to sugar and peanuts, the programs that probably come under the most criticism.

Mr. EWING. Mr. Chairman, this is crunch time for this Congress. It is time for us to act on the farm bill. This will be the first important rewrite of the depression-era farm programs that have been on the books for decades.

There is some very good news in the rewrite that is being proposed here today. The good news includes that American farmers should be better off and better able to decide what they are going to plant under this proposal that is before us today. It also is good news that it brings an end to Government control of farm markets and artificially inflated prices and limited food supplies. The environment is also helped by the legislation we will consider here today by removing current farm policy, which in some cases has been a disincentive to natural crop rotation, maybe to overuse of fertilizer.

Taxpayers I think should also rejoice because there is savings in the billions in this bill for agriculture. Some critics carp that the reforms do not go far enough, and yet others say the reforms go too far. The Democratic leadership in the House says that the reforms go too far, while the administration says this bill is going to cost too much and it does not go far enough. But I think that means that this is a pretty good middle-ground reform measure.

The legislation holds potential for far-reaching reforms in agricultural policies and will reverse several decades of farm policy. Congress should not miss the opportunity today to pass this bill because it includes less Government, less cost to the taxpayers, more production safety net for American agriculture, and market orientation. American farmers, American farm organizations know this is a good bill and there is opportunity in here for American farmers to prosper, certainly something this Congress should be for.

Mr. Chairman, let me say in closing that the bill includes portions for peanuts, for sugar, for cotton, for dairy, for feed grains. The bill is a package. We cannot just pass part of this package. We must pass the package for American agriculture. Vote "yes" on this bill and vote "no" on those amendments that would gut this package.

Mr. DE LA GARZA. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. TEJEDA].

Mr. TEJEDA. Mr. Chairman, I rise now to highlight a gaping hole in this farm bill. Missing is the Emergency Livestock Feed Assistance Program.

For more than 50 years, this crucial program provided a vital safety net for livestock ranchers in times of severe drought. This farm bill eliminates that protection.

When a severe drought hits, ranchers need assistance to maintain their livestock. The alternative for many ranchers is financial disaster.

Ranchers must feed their livestock whether it rains or not—whether feed is plentiful or scarce. The Emergency Feed Assistance Program provides short-term help during such a crisis.

Some of my colleagues who returned home to huge snow drifts may find this hard to believe. But right now, today, ranchers in south Texas face a sustained drought.

Formerly productive pastures are turned into dust, with no end in sight. Rainfall since October is 9 inches below normal. With cattle prices low, the current drought may force many ranchers in my district to lose everything.

The Federal Government should provide a reliable program when ranchers need help preserving their livestock. Hard-working ranchers depend on us, American consumers depend on us, this program provides stability in difficult times.

More than 1,000 ranchers in my district used this Emergency Feed Assistance Program last year alone. Without it, ranchers will have nowhere to turn in times of severe need.

Ranchers look for all possible options during a drought, and turn to this program as a last resort. Under this farm bill, their last option will be gone.

□ 1415

Mr. ROBERTS. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. THORNBERRY], a distinguished champion of agriculture.

Mr. THORNBERRY. Mr. Chairman, I want to commend the chairman of the committee and all the members for the good job they have done in very difficult circumstances.

Mr. Chairman, there are three things the agricultural economy in my district desperately needs. First is a good gain. No matter how important we think we are, I do not think we can do much about that. We need better cattle prices. I am not sure we can do anything about that today. Third, we need a farm bill. We are the only ones that can do something about that.

It is too late now. We have got farmers, we have got bankers, fertilizer dealers, all sorts of people in the rural economies who are trying to make decisions, and we need a farm bill now so they can know what the rules of the game are going to be.

I may not be thrilled with every nook and cranny of this bill, but it is something rural America can live with. It is something that will continue to provide an abundant, cheap source of food and fiber for this country that I think all too often we take for granted, and it is something that should not be broken up piece by piece, because I am concerned the whole thing would unravel at that point.

Mr. Chairman, I think this is a good bill. It ought to be passed. It should not be broken up, and farmers need to be able to get on about their business.

Mr. DE LA GARZA. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I wish that we could put the debate in context in that one would not go from one end and one would not go to the other.

My distinguished colleague and friend from Texas just mentioned, "Got to act now." We had all of last year to act. But you were doing some contract business of some kind and forgot the contract with American farmers and agriculture. And also that we are forcing. No one has to join the program. Any farmer anywhere in the United States is free to do what he or she wants. They do not have to join the program. They can do the free market.

I know agriculture, fruit and vegetables, they do the free market and do not rely to any extent on Government. But their costs keep escalating. The costs of seed goes up. The cost of fertilizer goes up, and you do not know what the market is going to be, up or down.

So, Mr. Chairman, we must remember this as one Member comes on the floor, says his thing, the one that is not here comes and say another thing; I wish we could keep it all in context.

Mr. ROBERTS. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa [Mr. LATHAM], another real-life farmer and a very valued member of the Committee on Agriculture.

Mr. LATHAM. Mr. Chairman, I want to thank the chairman, the gentleman from Kansas [Mr. ROBERTS], for the opportunity to speak here today and thank him also for the tremendous amount of work and effort that he has put into this excellent bill, and the subcommittee chairs, the gentleman from Nebraska [Mr. BARRETT], the gentleman from Illinois [Mr. EWING], the gentleman from Wisconsin [Mr. GUNDERSON], the gentleman from Missouri [Mr. EMERSON], who have shown such great leadership all through this debate.

This debate has gone on, I believe, too long. There has been a lot of obstruction set up. We could have had this bill done several weeks ago except for some Members in the minority stopped it through a procedural move, but it has been very, very difficult. We have had, I think, 19 hearings. We have had thousands of people give us input. Farmers, real live farmers, themselves tell us that finally we need to break the central control that Washington has on agriculture, to finally let the farmers themselves make some of their own decisions and to really respond to the market that we have today.

This debate has gone on and on, and through the committee process, and I am very pleased that we did come up with a bill that had bipartisan support from the committee to really free up agriculture once and finally after 60 years, to allow individuals to actually produce on their farms what they want rather than what some bureaucrat here in Washington tells them.

If you look at what happened last year in Iowa, we had two disasters, especially in southern Iowa. One was a flood that went through, and the second was the farm program did not work, and the catastrophic insurance did not work for those farmers.

What we are asking those people from last year to do right now, if we would continue the current central Washington control program, is to pay back deficiency payments because markets are high even though they did not have a crop, and it is going to break those people. We have got to reform this program. We have got to pass the bill today and pass it intact, and I appreciate the chance to speak.

Mr. DE LA GARZA. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Michigan [Mr. BARCIA].

Mr. BARCIA. Mr. Chairman, I rise in limited support of H.R. 2854—the Agricultural Market Transition Act. I say limited support because the inclusion of the sugar and dairy provisions of this bill are essential to key components of production agriculture in my district and in my State. Without them, I find little to support in this bill.

Farm programs have already been cut by 50 percent in the last 10 years. I continue to tell my colleagues that if other programs had only done half as much as agriculture, we probably would be spending time trying to deal with the budget surplus. But to continue to demand that farmers endure greater and greater cuts is a tremendous disservice to the most productive people in our economic arsenal. It is an insult to individuals who year after year generate the most positive returns on our balance of payments.

Representations have been made that this sugar program is the same as it has been for the past several years. That is false. There are already significant changes proposed in the sugar program by this bill that I know many growers would prefer to avoid. The fact is that some changes have to be made to continue the program and some changes are being made.

However, Mr. Chairman, there are some who dislike the sugar program because it makes sugar cost more. American consumers have been the beneficiaries of some of the most stable prices on sugar of any consumer in the world. Every other country in the world has a sugar price support program, so the constant reference to the alleged "world price" of sugar is a farce. That price represents the residual supply that is left over for trade when all of the other sugar supplied under profit-guaranteeing contracts has been sold, and when domestic needs have been met.

A smart businessman knows that if he makes a huge profit on 75 to 90 percent of his production, he will still make a large overall profit if he sells the remainder even at a loss. That is exactly what is happening with sugar. How else can one explain that sugar is being sold for between 10 and 12 cents per pound—excluding delivery costs so don't even buy in to the price you hear quoted—when average production costs are over 15 cents per pound as demonstrated in study after study?

In my 3 years in Congress, I have yet to receive a single letter from a constituent saying that the price of sugar is too high. So who are these supposed consumers who would save if the sugar program were gutted as some propose? Bakers, candy manufacturers, food processors, and soft drink manufacturers, that is who they are. The amount of sugar contained in a consumer package of their products is usually minor. When was the last time any of us saw a manufacturer drop the price of a candy bar, a box of cereal, a soft drink, a bottle of ketchup, or any other product by a penny or less? Certainly if those pennies are multiplied by the millions of units of production it turns into significant dollars.

But the point is the consumer never has and never will see a price reduction due to minor changes in the price of an ingredient of a food product.

Our support program guarantees imports of foreign sugar, and those imports are expanding. Our producers are forced to remain competitive and they have done so. The sugar program must stay in this bill to have my support.

Our dairy farmers have also been singled out for mistreatment by some who believe that large corporate operations should be allowed to drive smaller producers. Dairy marketing orders have allowed reasonable competition without destruction of productive capacity. They should continue.

Dairy farmers have been forced to pay assessments long enough. It is time to stop treating them differently than any other producer. This bill ends assessments.

And the bill properly moves strongly toward greater exports of dairy products because we know that we need to have greater presence in export markets to take full advantage of the productive capacity of our dairy farmers. This bill does this as well.

Mr. Chairman, I know some truly believe in the idea of transitional payments to end farm price supports, with the belief that now at a period of higher farm prices is the best time to do it. It is true that it is the best time from the standpoint of not putting producers in a precarious position this year.

But I remain concerned about the future. If it is anything that a farmer knows it is that farm prices do not stay high. I am concerned about people who will change what they plant, because they do not have the production history to qualify for as large a payment as do other growers. I am concerned about young farmers who have not established any history, because the full brunt of this program falls on them. They will be producing for market price alone, and these are the farmers that we cannot afford to lose. If the young farmer disappears, so does our ability to have a stable food supply for the future.

Mr. Chairman, I know all programs should be reviewed and many need modifications. Farm programs are not exempt. New paths are being forged here today that I hope will be in the farmer—and the consumer's—best interest for years to come. For that reason, I will support final passage assuming the bill in the end still contains the sugar and dairy provisions I have described.

Our farmers are vital. They support their communities. They believe in and support their country. Most of the military academy appointees in my district come from rural areas. Our farmers deserve our support, and this is one Member that is going to give his to them.

Mr. ROBERTS. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Illinois [Mr. LAHOOD], a very valuable member of the committee.

Mr. LAHOOD. Mr. Chairman, it is a thrill for me to come down on this floor and speak on this bill because I think it is a very good bill. A lot of hard work has gone into it.

Before I say anything further, I want to pay special compliments to the chairman of the committee. This will be his last farm bill in this House. I know that he will be working on many more farm bills in the other body when he goes over there, but you have done great work, Chairman ROBERTS, in cobbling together all of the different interests.

I also want to pay my respects to the ranking member, who has added so much to farm policy in America over a long period of time, who is also retiring, not to the other body but back to Texas. And you have contributed mightily to farm policy in America, and I think I speak for Members on both sides who say we are in your debt to both of you for what you have done.

We have a good bill. This bill was not put together on the spur of the moment. There were 19 hearings held around the country, one in central Illinois, where we had 500 people show up and talked to us about what they thought was important about farm policy; 60,000 miles were traveled. This committee has worked hard to put together a farm bill.

The Agricultural Market Transition Act, formerly known as Freedom to Farm, is a very, very good bill. It will save the taxpayers of America, in round numbers, $13 billion over 7 years. It will cost somewhere in the neighborhood of $40-plus billion, but it will save an enormous amount, and it will make the reform that is necessary and is needed in farm country and also with relationship to food policy.

This bill has the support of every major farm organization in America, and that is something that I think is also very, very important, because when you look at the diverse group of farm organizations in this country, they represent many different points of view. This bill has bipartisan support. Three Democrats on our committee voted for this bill, as well as all of the Republicans.

In the Senate, a similar bill was passed with 20 Democrats. It is not identical, but it is similar to. It makes the reform that is needed.

When we talk about reforming everything else in Government, we are also talking about reforming agriculture, decoupling agriculture from Government, getting the rules and regulations off the backs of farmers, giving them the flexibility to do what they know how to do best, which is plant and grow crops and provide the food and fiber for our country and for the world.

It makes an awful lot of sense for every Member of this Chamber to support this bill, and for those who had heartburn about certain provisions, they have been allowed to offer their amendments and will offer amendments later on.

□ 1430

I think that the Committee on Rules has been very fair in allowing many different points of view to be offered in their amendments.

So in the final analysis, I think it is incumbent upon all Members of this Chamber, both Republicans and Democrats, to support this bill. It is a good bill. It makes sense. For those who think we have taken all too long, at one time you were saying we have not taken enough time. Some say we have taken too much time. The time is now for foreign policy to be set so our farmers and ranchers across the country will know what the policy will be.

Mr. Chairman, this is a good bill. The gentleman from Kansas, Chairman ROBERTS, deserves a lot of credit for the work he has done. I congratulate the gentleman, and encourage all Members in this body to support this bill.

Mr. Chairman, I rise today in support of H.R. 2854, the Agricultural Market Transition Act. But, first, Mr. Chairman, I want to personally commend the distinguished chairman of the House Agriculture Committee, PAT ROBERTS. PAT, you have done a remarkable job. Your efforts are monumental and revolutionary. I wish you well in the future. Kansas will certainly benefit from your wisdom and tireless efforts for many years to come.

Mr. Chairman, the Agriculture Market Transition Act is a culmination of voices from around the country. Chairman ROBERTS took the committee on the road to gather input from real farmers. The committee traveled over 10,000 miles and heard from 300 witnesses on what farmers and ranchers wanted in Federal farm policy. The central Illinois men and women, who testified, all first, second, and third generation family farmers, were unanimous in their call for less regulation from Washington and a more market-oriented program, which allows producers to grow according to market signals, and not edicts from Washington. The message was clear, Mr. Chairman: give the family farmer a break. "Let us decide what to plant, rather than bureaucrats in Washington".

The Agriculture Market Transition Act, with its 7-year guaranteed payments, does just that. It removes burdensome regulation and allows producers to get more of their income from the marketplace. It frees production agriculture to meet the food demands of emerging economies around the world, as more and more countries embrace democratic ideas and principles. This bill, Mr. Chairman, takes American agriculture into the 21st century to meet those demands.

Mr. Chairman, the American public will not stand for the status quo. They want reform. This bill is reform. I urge my colleagues to support the bill.

Mr. DE LA GARZA. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Chairman, I thank the ranking member for yielding me the time.

Mr. Chairman, I want to take issue with a couple of things the preceding speaker, a gentleman for whom I have great respect, just said. First of all, he indicated this bill is essentially like the Senate bill. In fact, I have major problems with the Senate bill, but it is a huge improvement over the bill before us. Such an improvement, in fact, that some of us sought to have it offered as an amendment today so we could vote for the Senate version instead of the House version.

I am surprised that the rule just passed does not allow us to even vote on the Senate version, but I think it underscores the fact that this is not the Senate version of the farm bill before us.

The gentleman observed the process has been terrific, wonderful, fair. I do not know what Committee on Agriculture he has been on, but it has not been the House Committee on Agriculture I have been serving on. In fact, there has not been one hearing, not one hearing, of the freedom to farm bill that is before us today. Can you imagine, the most significant overhaul of agriculture policy in decades, and on the actual bill the chairman does not schedule a hearing? That is what we have had to endure.

Amendments, the gentleman said if they had problems with the bill they could just offer an amendment. Well, I should tell the gentleman, he is absolutely incorrect. I had a problem with this bill, a huge problem. I will explain it to you in a moment. but I tried to offer an amendment, and the Committee on Rules did not make it in order.

Unlike prior farm bills that offered much less a radical overhaul of farm programs and were considered under open rules allowing free flowing debate and give and take, this is under a closed rule. The amendments offered make the bill worse. But if you have an amendment that made it better, they did not allow it.

Here is where the bill falls apart. Its fatal flaw is that it fails to recognize the fundamental economics of family farming. Family farmers invest and expose hundreds of thousands of dollars every crop year.

I do not care how good you are, there are two risks you cannot do much about: Production loss or market price collapse. Those are exposures that you just have to deal with. It has been the role of past farm programs to help family farmers deal with those risks. This bill does not help family farmers deal with those risks. This bill eliminates the protections formerly offered, protections which I and others call a safety net for family farmers.

They have eliminated the safety net, but offered instead some up front payments, payments that look pretty good in 1996 and 1997, but ultimately eliminate the protections family farmers need to stay in business. That is where this bill is absolutely wrong and absolutely against the interests of every farmer, every community dependent upon farming, right across the country.

I urge the Members of this body to reject this bill. It has been deeply flawed in process, but it is even more fatally flawed in substance.

Mr. ROBERTS. Mr. Chairman, it is a pleasure to yield 2 minutes to the gentlewoman from Wyoming [Mrs. CUBIN], a valuable member of the Republican Task Force on Agriculture.

Mrs. CUBIN. Mr. Chairman, I do have to take exception with the previous speaker. As it was pointed out earlier, there were 19 hearings held in order to put this bill together, so there was plenty of input, there was plenty of negotiation. This is a result of hours and hours of tough negotiations.

As far as taking the safety net out from under American farmers, there are no better producers in the world than American farmers. What the role of the United States should be is to create a level playing field so that our producers can compete. Then they should see that the regulations for that level playing field are enforced. American farmers can compete every time.

While this bill may not be perfect, it is a complete package. To attack or separate out one program is to threaten the cohesive hold of the negotiated package. This is a negotiated package. If the bill is ripped apart, there will be fewer benefits than if the complete package is adopted.

I do not know of any person involved in agriculture that wants to remain under the thumb of the Federal Government. Again, what the Federal Government's role should be is to see that our agriculture producers are allowed to compete on a level playing field.

Let me give an example. The sugar program is part of this bill. It has been greatly reformed, and yet it still remains under attack. The loss of the reformed sugar program will devastate the domestic industry. The domestic industry has taken part in these negotiations. They have given everything they can give and still try to keep this industry alive. There is nothing more that they can give.

I commend the chairman and the committee for their work on this, and I urge that everyone vote in favor of the entire package and against the amendments.

Mr. DE LA GARZA. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I wish to clarify what the gentlewoman just mentioned who just spoke and the colleague from North Dakota, Mr. POMEROY, felt that his word had been challenged. I agree with the gentleman. One, the only thing that I agree with the gentlewoman is this is not a perfect bill, period.

A negotiated package: I do not know who they negotiated with, because I was not a party. Any member of the minority was not a party. So I do not know who they negotiated with. I will state here and now that there was no hearing on the introduced bill which we are discussing now, no hearings.

Now, they rambled all over the United States prior to the session, but basically all of that was lost because of this contract business that we wasted all of last year on.

So the gentleman from North Dakota [Mr. POMEROY] was correct, and I back him. There was no hearing at all on the introduced bill. It was a negotiated package? I do not know who they negotiated with, unless it was the majority with their leadership.

Mr. ROBERTS. Mr. Chairman, it is a personal privilege and pleasure to yield 4 minutes to the gentleman from Missouri [Mr. EMERSON], a close friend and colleague and esteemed subcommittee chairman, the gentleman who knows more about nutrition and food stamps than perhaps anybody else in the Congress, a valued member of the committee.

Mr. EMERSON. Mr. Chairman, I thank the distinguished chairman for yielding me time. Mr. Chairman, I want to commend the distinguished chairman of the committee for the outstanding leadership that he has displayed in putting together a farm bill in very, very difficult circumstances as they relate particularly to the budget.

Mr. Chairman, I rise in support of H.R. 2854, the Agricultural Market Transition Act. A definitive farm program plan is anxiously awaited by producers throughout the country as they begin planting the 1996 crop and prepare for a new crop marketing year. This bill provides the definitive farm program that farmers need while delivering the U.S. taxpayer a program that represents budgetary savings over the next 7 years.

For many years now, the American consumer has enjoyed the most abundant and affordable supply of food and fiber in the world. Our Nation's Federal agricultural policy is responsible, in part, for this success and it is on that foundation that we must work toward the future.

The world around us has evolved over the past 5 years and now our agricultural livelihood must evolve in response to those changes. As we prepare for the next millennium of American agriculture, we will look to the future and see a global market that is more critical to the American producer than ever before. Moreover, in some reaches of the globe, the outlook has never looked so promising.

The bill before us today is a step forward in the evolution of farm policy. H.R. 2854, the Agricultural Market Transition Act, mirrors the conference report of title I of the Balanced Budget Act of 1995. It represents sweeping change in farm policy by presenting farm producers with greater flexibility to pursue profits from the marketplace, but retains elements of the policy that has served us so well over the years such as the nonrecourse marketing loans.

This measure represents compromises made to help ensure that producers in all regions of the country will make a smooth transition to a more market oriented program. It also offers the regulatory reform and flexibility that farmers have been seeking to help them plant for the world market rather than the U.S. Government. Moreover, H.R. 2854 moves future farming generations toward a more secure financial future by helping attain our responsible balanced Federal budget goals.

I regret that, through the administration's veto of the Balanced Budget Act of 1995, the White House chose to disregard the principles and fundamental goals of a balanced Federal budget. At the same time this lapse in farm policy has stymied the cropping and financing efforts of farmers across the Nation. However, today we have the opportunity to get fiscal policy and farm legislation back on the right track through the passage of this bill and I urge its adoption, without significant amendments.

Mr. DE LA GARZA. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I do so to commend the gentleman from Missouri, who just spoke. Unfortunately we do not have the nutrition part in this bill, but the gentleman has been a leader and has worked diligently in that area. Hopefully, we might soon get on to farm bill II so that we might cover those areas that our distinguished colleague from Missouri has worked so hard on. We thank the gentleman for his interests and for what the gentleman has done.

Mr. EMERSON. Mr. Chairman, will the gentleman yield?

Mr. DE LA GARZA. I yield to the gentleman from Missouri.

Mr. EMERSON. Mr. Chairman, I would like to thank the distinguished chairman emeritus for his very kind remarks.

Mr. DE LA GARZA. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. PETERSON].

Mr. PETERSON of Minnesota. Mr. Chairman, I thank the gentleman from Texas for yielding this time to me.

Mr. Chairman, this bill is not perfect, and the process probably could have been a lot better and a lot different than it was, but I think we lose sight that there are some good things in this bill. We are reforming the sugar program and extending it, something that a lot of people did not think we were going to get done, but we got accomplished in this bill.

There have been, in certain areas, a lot of work done within the committee. I just want to talk about the dairy provisions. I wanted to commend the gentleman from Wisconsin, Chairman STEVE GUNDERSON, and his committee for all the work that they have done in this area. The gentleman and I and others traveled to every part of this country to put together these dairy changes.

People need to understand that this is the most significant reform in the dairy program that has been offered up in 50 years. Most of it is reform. We do some things to help the farmer. We get rid of the budget assessments. We do a lot of things that a couple of years ago would have been very controversial with farmers and people did not want to do. We discontinue the price supports on butter and powder immediately. We reduce price supports over time on cheese and make a number of reforms that frankly a lot of people thought we were never going to be able to accomplish.

There are going to be alternatives put forward here that claim to be reform, but if one looks into them, one will find out that they are phasing this out over a long period of time. Historically, when we tried to get the order system changed and when the department even had testimony in their hearings that they ought to change the order system, it has not happened. In this bill we have order system reform mandated. There is a hammer. If it does not happen, the class 1 price differentials that are written into the statutes are going to be repealed.

There is significant reform in the dairy area in this legislation. The committee, at least in that part of the process, did its work. We traveled all over the country. We worked on a bipartisan basis. We have come up with a bill here that I think we can all be proud of and support. I just hope that the people will not lose sight of the fact that there has been a lot of good work put into this bill just because there are a couple of areas that are controversial and we are divided on.

So I voted for this bill in committee, and I encourage the support of my colleagues if we keep the dairy part of this bill in the bill.

□ 1445

Mr. ROBERTS. Mr. Chairman, I yield 2 minutes to the gentleman from Idaho [Mr. CRAPO], another valued member of the House Committee on Agriculture.

Mr. CRAPO. Mr. Chairman, it is a pleasure for me to stand in support of this legislation today. There has been a lot of talk about whether we really are reforming and whether the right reforms have been made. The bottom line is that the big debate here is another playout of some of the big debates we have had over the last year. It is whether we want Government control of the agriculture industry or whether we want to start freeing up our agricultural producers so they can farm to market principles rather than for the Government.

I think it is very critical to point out that we have heard a lot of talk in America for the last 4 or 5 weeks about the critical crisis we face in agriculture because Congress has not got a farm bill out. Our farm producers do not know what crops to plant.

They do. Their lenders do not know whether they can lend to them and on what basis they can lend to them. It is a signal point that we have gotten to the point in this country when American agriculture producers have to wait for Congress to tell them what they can plant before they can make their planting decisions. That is what this reform battle is all about.

There are a lot of people who will try to say, well, we should not have this kind of a freedom to farm approach because it does not connect with crop prices or we should not have this type of reform. But the real battle here, the battle we are fighting in this Congress on this issue as so many others is whether we should have the ability in the agricultural community, the agricultural industry in this country to make decisions about what to plant, when to plant, how much to plant, and all of the other decisions that have to be made based on market principles and market decisions rather than on a Government, a Federal statute.

I held farm meetings in my district, 26 counties, and talked to those who produce the food supply for the people of our Nation. They told me that if we do anything in terms of reform, they want us to get the Federal Government out of the business of running agriculture. That is what this bill does. That is why we ought to support it.

Mr. DE LA GARZA. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, no farmer is forced to use the program. Letting farmers plant what they want, when they want it, how they want it, they can do that now. We were ratcheting down. We were reforming. We were changing. We are taking regulation down. We were doing that in a systematic manner, at the same time saving $50 billion. The previous gentleman, he would not listen when we mentioned and said the farmer wants Government out of his hair. Government can be out of his hair today and continues to be.

Mr. Chairman, I yield 4 minutes to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Chairman, I thank the gentleman from Texas for yielding time to me and also to rise and say, yes, farmers do indeed want a farm bill. They are complaining that they have no guidance from us. But I am not sure they are asking for this farm bill, and if we were sincere in wanting to respond to the urgency and to the emergency of the lack of a farm bill, we would have easily put on this floor the Senate farm bill as flawed as that is.

So this is not really about responding to the urgency of it. This is indeed about changing how we respond to farmers in our communities. Traditionally, we have provided what we called a safety net, not necessarily any guaranteed payment. This proposal says over the next 7 years we will guarantee payment that will be coupled from production and that will not ever guarantee people, even if they do not indeed plant their individual crops.

We should have a safety net. A safety net recognizes that reasonable food, safe food is in the interest of America. We will not let our small farmers go down without having that safety net to retrieve when they need that. That is what this is about.

Let us speak about what is not in this proposal. There are no funds in this proposal about rural development. What happened to all of our citizens, their opportunity for clean water, for sewerage, for housing, for the things that make it livable in our communities? We do not find that in this farm bill. And if we are talking about going to a market system, why are we not putting more moneys in development to enhance our farmers' new technology and new research so they can compete? There are no moneys in this particular farm bill for that.

Again, we do not want to have food stamps, where we are feeding the poor. We want to take that out. Again, we want to decouple any relationship to the larger community to the farm bill. So this farm bill is not only deficient in what it has, but it also is deficient in what it does not have.

This is a bad farm bill, either way you look at it. Perhaps more devastating, however, than what it contains and what it does not contain is how we derived this farm bill. This farm bill, we had no hearings on this floor or in our committee as an organization to really consider this. We went to some field hearings, yes, and I participated in some. But we would not take that collective information, bring it together so we could deliberate. That perhaps is the most detrimental part of this process. It is flawed in how we derived it. It is flawed as to what we are going to do to the poor farmers who are not going to have opportunities. Why would we be paying cotton farmers now high prices and cotton now is at a high price? It makes no sense, makes no sense.

If we related the farm bill to the welfare reform, we really would be paying welfare mothers for the next 7 years at the rate they are getting for the last 5 years.

If we made that comparison, we would see that what we are doing is guaranteeing paying our farmers in a welfare farm. Farmers do not want to be treated that way. They want to be treated with respect. They only want the Government money when they need it. Here we are guaranteeing it at a fixed rate, although we are sliding it down over the next 7 years, and then we drop them altogether.

I think that is unreasonable. It is unfair and this bill should be rejected on the face of it.

The CHAIRMAN. The Chair advises the gentleman from Kansas [Mr. ROBERTS] that he has 22 minutes remaining, and the gentleman from Texas [Mr. DE LA GARZA] has 12 minutes remaining.

Mr. ROBERTS. Mr. Chairman, it is a privilege to yield 3 minutes to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Chairman, I thank the chairman for the time and for his excellent work on behalf of reforming this agricultural program for America.

Most programs in this bill that are being debated are subsidized American farm commodities. Sugar is not. Sugar is not subsidized currently under the farm programs. Sugar is the one commodity that is an import problem, not an export problem. Sugar is an import problem because across the oceans the sugar cartel exists that in many cases subsidizes the production of sugar in many countries and then has the capacity to dump undercost surplus sugar into our market unless we do something about it.

The farm program has traditionally done something about it. It sets a limit on how much of this cheap subsidized foreign sugar can be dumped into the U.S. market. I can tell my colleagues what would happen if the proponents of the amendment to eliminate the sugar program succeed. They may or may not believe me. But I can tell my colleagues what really happened in the 1970's when the sugar program was not around for a 5-year period. What happened was for the first year, the dumped cheap sugar came in, American consumers were so happy. The price of sugar dropped about 8 cents a pound. Thirty-some-odd mills shut down in Louisiana. Sugar family farmers dropped out of business in Louisiana. I have got 20,000 families in the business in my district. They went out of business in the end.

The bottom line is that after this awful destruction in the sugar farm economy, the price of sugar to the American consumer went up to 70 cents a pound, a tenfold increase. That is what we are in for if we yield to those folks who want to end the sugar program and allow cheap, subsidized, foreign, dumped sugar to come in at unlimited rates.

I urge my colleagues to defeat that amendment. The current program guarantees stability of prices for Americans at about half the price most other people are paying in most nations in the world. It guarantees the farmer a chance to make a living, a chance to survive, a chance to produce sugar for Americans made in America. Without the sugar program, that chance ends; 20,000 sugar families in my district are likely out of business, 420,000 Americans out of business, a $26 billion loss of business for America. That does not make sense.

We need to defeat this amendment aimed at killing the sugar program, because that is what it does.

Mr. DE LA GARZA. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. STENHOLM], our distinguished colleague and a great leader in this effort.

Mr. STENHOLM. Mr. Chairman, I would say in the beginning that I agree with those that have characterized the bill before us as not a perfect bill. I would also agree with those that have characterized the process which brings us today as being deficient in many, many areas. But we are here.

Now I would say, I think it is time to put in a good word for agriculture. There were some 74 amendments that were to be offered today, but under the moderately closed rule we only have 14. Many of those 14 are very harmful, extremely harmful to an already deficient bill. I would hope that my colleagues could rally and to keep some of these additional bills from passing or the amendments to the bill.

Much has been said about market orientation. Let me point out to the House that since 1981, the 1981, 1985, and 1990 farm bills have moved us into the international marketplace. We have been quite successful because this year the expected exports of agriculture commodities are running at $60 billion. The trade surplus is running at $22 to $24 billion. We are told that for every $1 billion there are 20,000 jobs that are created, so this bill today is a giant job creator.

We will hear a lot about subsidies and expenditures and budgets today. Let us make sure we start the debate with a solid base, not the baseline but a solid base. The 1990 farm bill spent $56.9 billion. The bill before us proposes to spend $42.96 billion over 7 years. The previous was 5 years. The bill before us cuts not rate of increase but cuts expenditure on agriculture by 46 percent. Some of us feel that is too extreme for an industry as important as agriculture is. We fought that fight, but we have lost because we are a minority voice.

There will be a lot said, as my previous speaker, my colleague from Louisiana did an excellent job of talking about the sugar industry. We can say the same about almost any industry. The only justification that any of us can stand on this floor and suggest that subsidies for agriculture or any other business are justified, is to provide a level playing field for our producers in the international marketplace. That is the only justification that we can have today.

Let me point out that the European Union will spend $40 billion this year and $40 billion next year and $40 billion the year after, and yet we expect our producers to compete with that kind of subsidy. We are being outspent six to one. Yet it seems that the majority wants to see us phase those out and have our producers go cold turkey in this international marketplace. That is why some of us believe that is not the best policy.

We had this a few years ago, three to be exact, those that suggested that the elimination of farm programs should be the direction we have already succeeded in wool and mohair. And everybody rejoiced. The editorial boards, the TV commentators, everyone rejoiced that we killed the wool and mohair program. What has been the result for the United States? U.S. sheep breeding herds have dropped 21.6 percent. Sixteen thousand American families have quit the sheep industry. Lamb imports have increased by 50 percent, wool imports by 11 percent. Four of the Nation's lamb packing plants have closed, including the only plants in Texas, the only plant in Minnesota, and the only producer-owned plant in California. The Nation's largest wool textile company has filed for bankruptcy.

I chose to use my 5 minutes to talk about the state of agriculture as it is and the importance of taking a bill that many of us believe is extremely deficient in many, many areas. But for heaven's sake, let us not make it worse by pursuing the idea that somehow, some way our producers can compete in the international marketplace with our Government not standing shoulder to shoulder with them, and that is foolish.

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That is the debate that we have heard, and I want to concur with the ranking member who said when we talk about hearings on freedom to farm, there have been no hearings on freedom to farm, and my colleagues know it. We have had hearings on the farm program and the direction it ought to go; that is true. But at no time did we ever have any discussions of the specifics of what this particular legislation will do for us, to us, or any other way.

So as we go into this debate now, in many areas I hope that we can concentrate on the fact that agriculture is a rather important industry and needs to be supported to the best of our ability.

Mr. ROBERTS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Florida [Mr. FOLEY], another valued member of the House Committee on Agriculture.

Mr. FOLEY. Mr. Chairman, I rise today in strong support of H.R. 2854.

As a freshman Member of Congress, I came here to reform this process, and in the ag bill we have done just that. It amazes me to look at the amendments that have been filed, people that have the best intentions but do not understand rural America. They do not understand supply management. They do not understand cost to the consumer; sugar, for one.

Yes, I am here to talk about reforms because they are in the bill. Retail prices of sugar, lower than most anywhere else in the world, here in the United States; 40-plus thousand jobs here in the United States.

As my colleagues know, this Congress has passed NAFTA, it has passed GATT, promised great things for the American consumer. Do we get a price break from any of those benefits? Absolutely not. And what we are talking about today is not a phaseout program as described by the gentleman from California [Mr. MILLER] and the gentleman from New York [Mr. SCHUMER].

It is death and elimination of a program; it is death and elimination of jobs. It will be an increase in price to the consumer.

Sugar is blamed for a lot of things on this House floor. Coca Cola, Diet Coke, Regular Coke, priced the same. Cereal; 5 cents worth of sugar in a box of cereal costs 4 bucks. Is sugar the culprit? Absolutely not.

My colleagues, we are ushering in a new era of ag policy in this Nation, but let us remember those that have jobs that are supporting their families. In my community I have families, white, black, Hispanics, feeding their children through their hard labor working for the sugar industry. They are not on welfare; they have proud jobs. Do not succumb to the temptation of those that indicate that their amendments are reform. Their amendments are destruction for the U.S. ag policy, for the abundant supply of food that we now have, and it is, in fact, for the elimination of thousands of jobs.

I stand here today proudly backing the chairman's efforts to reform our farm programs.

Mr. ROBERTS. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. SMITH], who is yet another valued member of the House Committee on Agriculture.

Mr. SMITH of Michigan. Mr. Chairman, as my colleagues well know, we are all valued members in that committee now.

I think the gentleman from Texas [Mr. STENHOLM] made a point that should be recognized, and that is that major cuts in programs of this budget, there are two major cuts when we look at what has happened in the last 7 years and the next 7 years. One is an actual dollar cut in defense spending; one is an actual dollar cut in agricultural spending.

As I talked to my colleagues, there is an impression that farmers are rich and therefore do not need any help. I think it would be good if I just covered how some of the farmers in my district live. Most of the farmers average 320 acres, a lot of dairy farmers. That means they get up at 5 o'clock in the morning since cows have to be milked roughly 12 hours apart. They get up at 5 o'clock in the morning. Sometimes the water is frozen. It is tough to get out of that bed. They get home at night after doing chores in the evening at about 7:30.

These farmers live on very meager incomes, often having to take their kids out of music lessons because their income from farming is not that good. We look at some farmers that have maybe thousands of acres of land and maybe end up being millionaires, but that is not the norm.

What is keeping this industry the strongest in the world are the individual owners that are putting in those 14-hour days and producing the food and fiber that has allowed this country to grow. We now produce food and fiber for only 11 percent of our take home dollar. That compares to about 20 percent in Europe, and if we get into the Asian countries, 50 and 60 and 70 percent. We have the highest quality food and fiber at the lower price of any place in the world, and it is because farmers spend a tremendous amount of time working.

As we make this transition to the marketplace, it is important that we do it gradually. I would hope that most of these amendments could be defeated.

Mr. ROBERTS. Mr. Chairman, I yield 2 minutes to the gentleman from Washington [Mr. NETHERCUTT]. When the Republican Party wished to set up a Republican task force on agriculture, made up of a preponderance of our new freshmen Members, the choice for the chairman of the task force was obvious, and so I am delighted to yield him 2 minutes to speak in regards to this general debate.

Mr. NETHERCUTT. Mr. Chairman, it is my honor to be chairing the Republican task force on agriculture, thanks to his input, and the gentleman is due an awful lot of congratulations on this bill, Mr. Chairman. The gentleman has made me and those of us who are not members of the Committee on Agriculture, but who care about agriculture, feel very much a part of the Committee on Agriculture, and at times, frankly, Mr. Chairman, it has been nice not to be a member of the committee, be a member of the Committee on Appropriations ag subcommittee, given the hard challenges my colleagues have had this year.

But he is to be congratulated, and I am happy to rise in support this really revolutionary bill. It is the Agriculture Market Transition Act. It is a new look for American agriculture, one that is not overnight change for farmers in this country, but one that is a program that is phased in, that will be deliberately and sensibly imposed upon the farmers of America, giving them the ultimate opportunity to adjust to a market economy and farm for the market, not farm for the Government programs that exist. It is easing them into the very challenging efforts to compete in a world market, and it is something that is appropriate that we do for American agriculture.

I want to remind my colleagues that this is not the only time we will look at changes in agriculture policy by this Federal Government. We will take a look back in the next year and two and three and four to make sure that this approach to agriculture reform is working. We will also be looking at a farm bill, too, a chance for this Congress to have an opportunity to revise and make regulatory reform and tax reform to assist the American farmer. That is what Government should and should seriously be doing as we move into the next century of agriculture.

This is revolutionary change for agriculture. It is difficult for everybody to accept all at once. That is why we are phasing it in. It is good for the American farmer, and I urge my colleagues to support it.

Mr. DE LA GARZA. Mr. Chairman, I yield myself the remainder of my time.

Mr. Chairman, I appreciate all of those that have participated in the debate. I may not have agreed with all that has been said. I have taken and would take exception to some of the areas that have been addressed, I think incorrectly, but nonetheless I would not challenge any Member's prerogative to say what she or he might want to.

But I do want to again say that when there was mention that it was negotiated, it was not negotiated with the minority, certainly not with the ranking member of the minority. I now suspect that it was negotiated with this task force led by the gentleman from Washington and not with the minority, so it was a negotiation within the majority and their leadership, and that is a flawed process.

This is a people's House; this is where people are supposed to, through their elected Representatives, have input into the legislative process. We had none. Those of us that happen to be in the minority had no opportunity to represent our people, to represent our constituencies. We were not given that opportunity, and this is the flawed process that I am objecting to.

At the Committee on Rules, the same thing. We have been told, well, that is how the Democrats did it. It is here and now, and I am not here to argue how or when or what. All I know is that we are effectively told this is how it is going to be done, we are in charge and we are sorry if you do not like it, that is too bad.

Mr. Chairman, I yield such time as he may consume to my colleague, the gentleman from Georgia [Mr. BISHOP].

Mr. BISHOP. Mr. Chairman, I appreciate the gentleman's courtesy in allowing me to be heard on this. This farm bill is something that is tremendously important to the people of the district that I represent.

As many of my colleagues already know, I represent the largest peanut growing district anywhere in the United States. Peanuts are a very, very important industry in south Georgia. I represent those very proudly, and I am here to talk about this farm bill because my farmers are anxious.

The people in middle and south Georgia are concerned that we are here almost at the end of February with no farm bill. They do not know how much to plant, when they can plant. They do not know how much rent to pay, they do not know how much rent to charge. They do not know whether or not they will be able to get loans in order to finance their crop for the 1996 year.

Time is of the essence. We cannot stop the calendar. We cannot stop nature. This farm bill must go forward.

There is a lot that I do not like about this farm bill. The direction that we are taking our farm policy is not necessarily a good direction. Yet we have worked very hard to reform the peanut provisions in this bill. I believe that the peanut program has been very thoroughly and soundly reformed and that it will represent market orientation and a low net cost to taxpayers. There are some things we do not particularly care for, but at this point we must get a farm bill and we must get it passed now.

I urge this House and my colleague to think seriously about what this farm bill will mean to all the farmers who are now waiting anxiously to get their crops in the ground, to make their financial arrangements, and to get a crop for 1996.

Mr. DE LA GARZA. Mr. Chairman, I yield myself the remainder of my time.

Mr. Chairman, let me at this point thank the Democratic leadership in the House, for they have in no way, in any way negative, interfered with the process. They have allowed us to make the decisions; they have allowed us to work toward setting the policy. The unfortunate part is that we have not been allowed by the majority, but we have had a free hand from our leadership to do what we as a committee, members of the Committee on Agriculture, saw best for American agriculture. And it is not only American agriculture. It is out there, the infrastructure, roads, water, housing, electricity, all of those areas that encompass living in rural America. We have the same right as urban and as other areas to expect assistance in areas where there is need.

The farm family has the same right to have a light out there in the countryside, to have telephones out there in the countryside, to have roads out there in the countryside, to have assistance for their children at the schools. We have not discussed this; this has not been a part. This has come down, down, down, and we find ourselves here frustrated to the end. After 32 years here, this is a first time that I have had to direct input through the committee process on the final version that we are discussing.

□ 1515

Mr. Chairman, I would say to the chairman of the committee, he may share some of his frustration because he might have been on that side of it, but not because of the leadership of the Committee on Agriculture. Always, every ranking member that I had when I was chairman was consulted. Everything was done together. Our leadership did not interfere. If I made a deal with, God rest his soul, Mr. Madigan as ranking member, our leadership agreed and supported us in those agreements. Unfortunately, the willingness of this committee chairman personally has not in any way helped us in that respect because he has not had that freedom and that ability.

I do not know if this will make problems for him or not, but this is a fact, that he has been most willing to cooperate at all times, but the guidance and the substance has come from other directions. The timing has come from another direction. We have not been part.

The only experience I have had this session with a conference committee was when we were told by the senior Senator, chairman of the conference: "We are not going to give you any time to speak. I am going to have my say. I am walking out of here. You can stay if you want to. We do not care. We are going to treat you like you treated us." We never treated them in the Committee on Agriculture in that respect.

I say again, I thank the chairman for his interest in communicating with us, but I am in despair about the process that has been forced on us and has been forced on him. Unless there is an ability to change to make this bill better, I do not see how I can support it. However, I am here to try, and even though the process is limited, the time is limited, the amendments that we can discuss are limited, how some of the amendments got here, because we were still trying to get more funds for rural America. We were not able to. They have been allotted to someone else through another process, not with our participation.

For now, I am hoping we can make this a better bill. If not, I will be reluctantly forced to vote against it.

Mr. ROBERTS. Mr. Chairman, I am pleased to yield 4 minutes to the distinguished gentleman from Nebraska [Mr. BARRETT]. Through his leadership we have crafted an outstanding piece of legislation that deals with the conservation reserve program. He has been working very diligently in regard to trade and other matters, in regard to his subcommittee chairmanship.

Mr. BARRETT of Nebraska. Mr. Chairman, I thank the distinguished gentleman for yielding me this time.

Mr. Chairman, I thought that I might discuss for 3 or 4 minutes the merits of the market transition act. My mind goes back to a year ago, more than a year ago, when the chairman of the Committee on Agriculture, the gentleman from Kansas [Mr. ROBERTS], and I began discussing the concept of freedom to farm. From those conversations and from those hearings, of course, developed that concept which we are discussing essentially today as the Agriculture Marketing Transition Act.

I wanted to discuss the merits of the transition act, because there are many. But instead, as I listened to the conversation on the floor this afternoon about welfare and about the eventual outcome of the program and whether or not it would be eliminated, I thought about a letter which I received just this afternoon about 2 hours ago from the largest farm organization in my State, Nebraska; as a matter of fact, the largest farm organization in America: the Farm Bureau. I thought the gentleman who authored the letter made some very thoughtful, informative remarks about some questions and some concerns that many Members of this body have had.

Let me share a couple of them, and I will not begin to quote the entire letter, but some of the concerns regarding the welfare payment issue I quote at this point:

> For quite some time, farm policy critics have labeled farm programs as welfare, and will probably continue their attack into the future.
>
> Those who claim that freedom to farm amounts to welfare should also explain why price support programs based on artificially set prices are not welfare. The Agriculture Marketing Transition Act provides income stability and a safety net for producers to assure a secure food system while they move to a more market-oriented agriculture. It is a fallacy to compare farm program recipients to welfare recipients. The public policy involved with welfare payments is to support individuals who are in need. The public policy involved with farm program payments is to support the agricultural economy—in the macro sense—to assure that this country has a safe and abundant supply of food.
>
> In addition, opponents who state that it is wrong to give farmers payments in years when the crop prices are good, such as this year, may not have a realistic picture as it relates to a producer's financial situation. Just because the prices are good does not mean the farmers are making a profit. Typically, the reason crop prices are good is that there is only a small number of bushels for the farm to sell. A producer's bottom line is often worse under those conditions than in a year with lower prices and higher yields.
>
> In light of these points, it is obvious that debate could continue for a long time on the public's perception of the farm program as welfare. In particular, the question becomes, how much would the freedom to farm approach affect that perception? The bottom line is that the worries about public reaction are far outweighed by the benefits received by the historic leap that the freedom to farm approach takes in moving a farm policy in the direction that will allow farmers to plant for the marketplace—not for the government.

With regard to a comment made earlier about the future of farm policy after 7 years, one additional point the gentleman makes, and here I quote: "It is important to keep in mind that there are no provisions in the bill that require farm programs to be eliminated after 7 years." I think that is most appropriate.

Mr. Chairman, at the appropriate time, I will include this letter in the RECORD. I thank the chairman again for his leadership in bringing this to the floor, and I would urge the body to support H.R. 2854.

The letter referred to is as follows:

NEBRASKA FARM BUREAU FEDERATION,
Lincoln, NE, February 28, 1996.
Hon. BILL BARRETT,
U.S. House of Representatives, Washington, DC.

DEAR BILL: As the farm bill is debated this week in the House, the Nebraska Farm Bureau Federation urges your support for immediate passage of a farm bill that is similar to the "freedom to farm" approach.

First of all, I would like to extend our appreciation to you for all your work and support for pushing a true market-oriented farm bill as contained in the Agriculture Marketing Transition Act. For your review and consideration, I would like to share with you some of the factors we considered as our policy position evolved in support of the "freedom to farm" concept.

The first and probably the most important factor for NFBF's support was the urgency of passing a farm bill in time for spring planting. Along with the urgency of the situation, political realities forced us to examine the alternatives if Congress does not adopt something similar to "freedom to farm."

If the USDA is forced to implement the permanent agriculture law, the Act of 1949, costs to the federal government would greatly increase and plantings of wheat, corn, and feed grains could be reduced at a time of low reserves and increased world demand. In addition, this would send the message to our foreign competitors that U.S. agriculture policy is in disarray. Secondly, a simple extension to the 1990 Act or failure to finalize a farm bill as quickly as possible could also significantly reduce the funding available for commodity programs as the agricultural baseline is projected to be revised downward by the Congressional Budget Office.

In my view, concerns about the "freedom to farm" approach have centered on two points. First, opponents are concerned that the contract payments will be viewed as welfare payments to farmers. Secondly, some are concerned that there will not be any farm program after the seventh year of the bill. These issues were also to some members of Farm Bureau but the following points were used as a part of our policy determination.

In regard to the welfare payment issue, Farm Bureau has always been concerned about the public's perception of farm programs. Those concerns will not be any different under a "freedom to farm" proposal. For quite some time, farm policy critics have labeled farm programs as welfare and will probably continue their attack into the future.

Those who claim that "freedom to farm" amounts to welfare should also explain why price support programs based on artificially set prices are not welfare. The Agriculture Marketing Transition Act provides income stability and a safety net for producers to assure a secure food system while they move to a more market-oriented agriculture. It is a fallacy to compare farm program recipients to welfare recipients. The public policy involved with welfare payments is to support individuals who are in need. The public policy involved with farm program payments is to support the agriculture economy—in the macro sense—to assure that this country has a safe and abundant supply of food.

In addition, opponents who state that it is wrong to give farmers payments in years when the crop prices are good (such as this year), may not have a realistic picture as it relates to a producer's financial situation. Just because the prices are good does not mean the farmers are making a profit. Typically, the reason crop prices are good is that there is only a small number of bushels for the farmer to sell. a producer's bottomline is often worse under those conditions than in a year with lower prices and higher yields.

In light of these points, it is obvious that debate could continue for a long time on the public's perception of farm programs as welfare. In particular, the question becomes "how much would the "freedom to farm" approach affect that perception?" The bottomline is that the worries about public reaction are far outweighed by the benefits received by the historic leap the "freedom to farm" approach takes in moving farm policy in the direction that will allow farmers to plant for the marketplace—not for the government.

In regard to future farm policy after seven years, it is important to keep in mind that there are no provisions in the bill that require farm programs to be eliminated after seven years. In fact, it is our view that public policymakers should actively debate what future farm policy should be after the year 2002 while considering such issues as supply and demand factors, international trade barriers, financial condition of agriculture, monetary policy and trade policy and other issues important to our farmers and ranchers.

Future farm policy and the degree in which government is involved should depend on the uncontrollable impact worldwide policies and events may have on U.S. agriculture and it's ability to develop markets and sell his/her products. Producers and policymakers alike should continue to assess the need and structure of future farm programs throughout the entire duration of the seven year bill.

Thank you for your consideration of Farm Bureau's viewpoint on the farm bill and again thank you for all your support and representation for Nebraska farmers.

Sincerely,

ROB J. ROBERTSON,
Vice President/Governmental Relations.

Mr. ROBERTS. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. GOODLATTE], a member of the committee, and a most valued member.

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of the Agriculture Marketing Transition Act. I also rise to congratulate my chairman for the fight he has waged against the advocates of big government, and the Washington knows best mindset.

One of the most unfortunate results of the veto of the Balanced Budget Act was its negative impact on farmers. That legislation included the most sweeping reform of farm programs in 60 years.

After coming so far on agriculture reform last year, it would be a shame to retreat from much needed change that will save taxpayers billions of dollars and expand opportunities for our hardworking farmers.

If this bill is not passed and signed into law, then the Department of Agriculture will be forced to implement outmoded depression era farm laws that do more harm than good.

I was proud the Agriculture Market Transition Program, enjoyed quick, bipartisan support from the House Committee on Agriculture.

Passing this bill means true reform. Farmers will finally be able to produce for the market instead of for the Government.

This legislation is preferable to extending current law because folks are fed up with complicated farm programs. These programs require farmers to count, measure, certify, and document every acre and crop on the farm. The Agriculture Market Transition Program eliminates nearly all of this needless paperwork burden.

More importantly, this program also strengthens our export potential and ability to compete with foreign farmers. It ends the annual acreage idling program that hurts competitiveness and has forever stigmatized federal farm programs by paying farmers not to plant.

Farmers get the Government off their fields and out of their business. That's why the Farm Bureau and many other agricultural organizations support our approach.

Without Government interference, farmers will be able to make more money by increasing production to meet world demand that is rapidly growing. Increased grain production could mean lower feed prices for the hard pressed livestock, poultry and dairy farmers in my district.

Now is not the time to retreat on market reforms. We must support and strengthen America's position as the most reliable and important supplier of food in the world.

By signing this farm reform bill, the President can prove that he meant it when he said that the "era of big government" is over.

With spring on the way, farmers and their families cannot afford to wait. We have a solid bipartisan solution that brings real reform to our farm programs. It makes sure that our farmers have the opportunity to do what they do best—provide the safest and most abundant food supply at affordable prices.

Mr. Chairman, I urge support for this taxpayer-saving, farmer-friendly bill.

Mr. ROBERTS. Mr. Chairman, it is my pleasure to yield 3 minutes to the distinguished gentleman from Wisconsin [Mr. GUNDERSON]. The gentleman from Wisconsin has worked harder and longer, with more criticism, and yet should have received more credit than any other member of the Committee on Agriculture. His service to the House as the designated expert, having more expertise in dairy, has been simply outstanding.

Mr. GUNDERSON. Mr. Chairman, I thank the gentleman very much for yielding time to me, and I thank him and commend him for his leadership under what I think have been the most difficult circumstances ever to try to deal with farm legislation.

Mr. Chairman, this is a very different time. This is a very different circumstances. This is the first farm bill we have ever put together in the post-balanced budget era. This is the first farm bill we have ever put together in the post-GATT era. This is not going to be business as usual. This is totally changing the way agriculture has operated in this country. As a result of that, we bring you today, on behalf of the Committee on Agriculture, the most comprehensive reform in agricultural policy in the history of most of these programs.

As the chairman of the Subcommittee on Livestock, Dairy, and Poultry, I can tell the Members, we bring the most comprehensive reform in the 45-year history of the dairy program; and it is time we do, because we are not only balancing the budget, we are not only preparing for that post-GATT world era economy, we are doing so in a decade in which we have seen 125,000 dairy farmers go out of business. So let us understand what we are trying to do here today.

We are trying to reform this program. We are eliminating butter and powder price supports. We are telling USDA to come up with comprehensive reform of the pricing system. We are telling them to consolidate the orders. We are telling them to bring everybody under the same rules and regulations. We are telling them to prepare this industry to succeed and compete successfully in a world dairy economy. We are doing all of that and, Mr. Chairman, we are still saving the taxpayers over $700 million in the cost of the dairy program.

Mr. Chairman, this has not been easy, the chairman of the committee is right. This has been compromise. Every region of the country, from California to the Northwest, from the Southeast to the Northeast to the Midwest, every region has given. We have reached a consensus, probably a bigger consensus among producers than we have ever had in the history of dairy debates in this country.

If Members look at the attacks that are coming, there are some high-funded lobby campaigns by the large manufacturers in this country, spending millions of dollars in disinformation and frankly, blatant propaganda, trying to suggest to you that somehow we are going to rape the American consumer.

I invite you to listen to the debate as we move on, because we will show you, according to USDA standards, according to CBO standards, according to CRS standards, this is nothing but a blatant misinformation campaign by those who are trying to keep the dairy industry from competing in the market-oriented economy at home and abroad. They do not want us to trade. The reason they do not want us to trade dairy products is because if we trade dairy products, there might be some competition for the cheap milk they want to buy today. So they are doing everything in their power, despite their rhetoric about committing us to free markets, to make sure it does not happen.

Support the bill, oppose the amendments, and pass it in the end.

Mr. ROBERTS. Mr. Chairman, I yield myself the balance of the time.

The CHAIRMAN. The gentleman from Kansas [Mr. ROBERTS] is recognized for 4 minutes.

Mr. ROBERTS. Mr. Chairman, I have been keeping notes of some of the comments made by my colleagues and friends across the aisle who have been making wild-eyed speeches. While I am sure this is not the best bill possible, I may vote for it, and some of those concerns I think certainly ring true in terms of just this gentleman's concern and frustration; but I would like the opportunity to, if not set the record straight, to at least play the record that I want to hear and let people make up their minds.

No hearings, no hearings, no hearings, never had any hearings other than the 60,000 miles, the 19 hearings, and the 10,000 farmers and ranchers we visited with.

Now it is true that the subject of those hearings was not a specific bill labeled "Freedom to Farm," but those hearings certainly served as a backdrop and a blueprint for that. No hearings? Well, we had a budget task force. We have tried to work together to try to reach our budget responsibilities in the past, and it became obvious that that was going to be very, very difficult for several reasons, No. 1, the budget number was really tough on the Republican side, but we were going to reach a balanced budget.

□ 1530

That is the thing that really drove this debate, that is, to get to a balanced budget, save the farmer and rancher $15 billion. During the budget task force hearings, we asked the minority which way do you want to go? Do you want to keep the current system, current structure? I said no, I think we are going to die. I think we are going to have policy rubble. I think we are going to lose $8 billion in the baseline, fancy word for how much money is available in agriculture. Then another $6 billion, then budget cuts, then another appropriations process, then future budget cuts, and you add it all up, it is $20, $25 billion; you end up with rubble.

I think we need a different approach. We settled on freedom to farm, which locks up more farm income, more money for production and agriculture than any other. Then we had two markups in committee that went on for hours. Started at 9, 10, 11, 12, 1, 2, 3, 4, 5, clear into the morning, one or two, same people on the floor doing the criticizing said they have not had any say in this with regards to this. Who were those people in the committee hearing, the markup that offered the amendments? Pros and cons debated?

This chairman tried to be very fair in regards to offering ample time to each and every member. It was not a hearing, no, but it was a markup, and everybody certainly knew the pros and cons of the legislation, and every farm organization in America has had this and they have had it back to the county organizations, and guess what. Most of them are for it and they penciled it out. I mean the farmer. I mean the producer finally figured out that he was going to get a payment this year, next year, did not have to pay back the advanced deficiency payments.

Yes, we have had hearings all throughout farm country. Every economist that has taken a look at this has said there is more farm income in this than any other program. Yes, all the Nation's press have weighed in. No, I really do not check with the New York Times and the San Francisco paper. I might check the Dodge City Globe. They are for it. But yes, they say yes, this is the best reform and the best program we can put together, and public opinion does count.

Now, this has been the most discussed and, quite frankly, I understand the concern of my dear friends across the aisle, cussed farm program reform we have ever had. Let us not talk anymore in regards to the hearings.

Not enough money? I usually do a glasses show. I take glasses and I pour out all the water in regards to losing the baseline in the next budget appropriations, factor when we get cut and cut and cut again, and then we say guess what, the glass that has the most water is freedom to farm. Too much money? First there is not enough money, then there is too much money.

Can we please quit referring to farm programs as welfare programs? The payment that we are now providing is significantly less than the last 5 years when the then-majority did not do any complaining about farm programs. Too much money? They are complaining about when the farmer receives it. The real issue is that the farmer, in receiving this payment, will have a risk management account. He makes that decision, not when prices are high and the farmer has no crop.

So consequently in regards to what we are trying to accomplish here, and we will continue the tap dance in regards to setting the record during the amendment process.

Mr. CRAMER. Mr. Chairman, I rise in support of the Agricultural Market Transition Act. I thank Mr. ROBERTS for his efforts to ensure the preservation of America's farmers.

Mr. Chairman, briefly, I would like to pay tribute to Mr. DE LA GARZA for his many years of exemplary, bipartisan leadership as chairman of the Agriculture Committee. KIKA, you will be missed. I wish you the best.

It is often said on this floor, in reference to a particular bill, "that bill is not a perfect bill".

This can certainly be said for this bill as well. I seriously question the process used, or lack thereof, to formulate vital farm policy for our Nation.

Nevertheless, farmers in my north Alabama district and farmers all over this great country can not be made to suffer any longer as hostages of the budget debate. It is past due for farmers to make financial arrangements for spring and summer crops. The uncertainty surrounding the program is making it difficult for them to obtain production loans. We owe them this much-needed security by voting to pass this bill.

I rise in strong opposition to the Shays-Lowey peanut amendment. The amendment would result in the loss of thousands of American jobs and put most peanut farmers completely out of business.

The 16,194 peanut farms in this country are small, family-owned farms averaging only 98 acres of peanut production, according to the U.S. Census of Agriculture. Seventy-seven percent of the counties in the heart of America's peanut-producing region already have a 20 percent poverty rate or higher.

In addition, eliminating the bill's peanut program could increase Government spending by eliminating the $83 million in budgetary reduction assessments. A $190 million forfeiture and crushing of all peanut inventories in area marketing pools could also result.

Mr. Chairman, the United States has enjoyed a safe, stable supply of the best quality peanuts in the world for many decades. It is imperative we preserve our farmers' ability to compete while providing top quality peanuts.

As it now stands, the Agricultural Marketing Transition Act does this while making significant reforms in the program: cutting the support price dramatically, shifting more production to family farmers, and ensuring the peanut program operates as a no-cost program to the Federal Government.

I urge my colleagues to oppose the Shays-Lowey amendment which is both unnecessary and highly damaging to all Americans.

Mr. Chairman, I also rise in strong opposition to the Kennedy amendment to eliminate cotton's marketing loan program.

Elimination of the marketing loan program as proposed by Representatives CHABOT and KENNEDY would seriously threaten the stability of our cotton farmers and our textile industry. This amendment would give subsidized foreign countries a competitive advantage impossible to overcome, result in minimal budget savings and deny U.S. trade negotiators leverage to convince other countries to discontinue subsidies.

U.S. cotton competes in a world market replete with subsidies. Prior to implementation of the marketing loan, our cotton industry experienced dramatic declines in exports as well as loan forfeitures to the Government.

In addition, the strength of the U.S. textile industry is extremely important to my district in north Alabama. This industry must have access to market priced raw-materials if it is to remain a force in an incredibly competitive international textile trading environment.

Mr. Chairman, the U.S. cotton marketing loan program is a market-oriented, competitive agricultural program. It has achieved tremendous policy success. The program assures an adequate supply of cotton at a globally competitive price, advances domestic mill use and increases both raw cotton and cotton textile exports.

Other commodities are provided marketing loans. To discriminate against cotton is both unsound and unjustifiable policy.

I urge my colleagues to support America's competitiveness by opposing the Chabot-Kennedy amendment.

Mr. WILLIAMS. Mr. Chairman, the farm bill before the House today represents an abandonment of the economic security that has assisted farmers in Montana and the Nation in times of low prices for farm commodities.

The bill undermines long-standing, traditional income-protection measures such as target prices and deficiency payments. It also torpedoes recent farm-policy reforms made in the 103d Congress, taking the easy way out and avoiding the difficult and necessary work such as the long-overdue revamping of the Federal Crop Insurance program now in its infancy.

And it dismisses the need for improvements in the Federal Conservation Reserve Program, limiting CRP to existing contracts at a time when many Montanans realize that CRP needs to be more precisely targeted to the most highly erodible lands, with an eye toward enhancing wildlife habitat, water quality, and other environmental benefits.

Frankly, in an effort to sell CRP in the first year or so of bidding, many highly productive, less erodible lands were accepted in an effort to get the program on its feet. Other lands that would benefit more, and are more suitable to permanent vegetation than to annual crops, have been excluded.

If H.R. 2854 becomes the law of the land, farmers who have participated in farm programs in the past would be fools not to sign up in the new program, which guarantees them a Government check whether they farm or not. Landowners may even elect to evict tenants so that they need not share those Government checks with those actually farming the land.

Freedom to farm in the 1996 Entitlement Program.

At least in other entitlement programs, benefits are based upon need. When a recipient's income rises, benefits are reduced or canceled altogether.

This farm bill does just the opposite, and it destroys individual initiative, incentive, and innovation.

If a farmer chose to think independently, be an entrepreneur and operate outside the farm program, the Government has no check for that farmer if things go bad.

A farmer or agribusiness with a habit of burrowing the snout deeply into the Government trough by growing program crops, maximizing crop bases, and otherwise farming the Government program is the very operator we now will reward. This is cynical repudiation of every argument we've used to gather support for farm programs in my 17 years in the House.

It is disturbing that many freedom to farm advocates who advocate this windfall for the largest, most government-entangled mega-farms of this Nation are arguing for decreases in aid for America's most vulnerable—whose need for Federal assistance is based on their current economic condition, not their past successes in obtaining Government aid.

Mr. POMEROY. Mr. Chairman, I am very disappointed at the rule under consideration for the farm bill debate. The rule has allowed 16 amendments but none of them address the central flaw in this bill: the elimination of the safety-net for family farms.

The choice we are left with is either accept freedom to farm and the phaseout of farm program as is, or eliminate individual components of the farm program. Amendments to phase out the program entirely and eliminate the sugar and peanut and dairy support programs individually were allowed, but we cannot offer amendments to the basic freedom-to-farm concept. How can we adequately debate the merits of this bill when we are not allowed to amend the central policy problem?

Farmers in North Dakota need a farm bill. Now that market prices are high enough to make a decent living, they want to know what the new rules will be so they can take maximum advantage of the favorable market conditions in making their planting decisions. This Congress has delayed action on the farm bill longer than any in history. The continual delays are irresponsible and incomprehensible to farmers across the country.

North Dakota producers have also suffered through several years of disastrous crops and low prices. The generous checks that freedom to farm promises over the next few years will help farmers in the short term, but in the long run, the safety net for producers is eliminated. Marketing loans are capped at 1995 levels and permanent authority for farm programs is repealed. If prices were to collapse in the future as they have in the past, family farmers would be left with no support and will likely go out of business. The loss of those farmers would send a devastating ripple effect through the small towns and communities across North Dakota and the Nation.

In the Rules Committee, I spoke on behalf of an amendment that would have guaranteed payments to farmers for 2 years to help them with the difficulties of the last few years. After those initial 2 years the contract payments are reduced to half and a 90-percent marketing loan is in place to protect family farms from price collapse. This amendment would have addressed the fundamental flaw of this bill while providing producers financial relief.

Unfortunately this reasonable alternative to freedom to farm will not be allowed for consideration before the full House. It is an amendment that would have preserved the best aspects of the chairman's bill and still protected producers into the future. The people of this Nation, both urban and rural, deserve to have the best agricultural policy possible, and we cannot give it to them without a free and open debate.

Mr. FAWELL. Mr. Chairman, I rise in support of the amendment offered by my colleague from Connecticut, CHRIS SHAYS, which would phase out the peanut program over 7 years.

I have long been an opponent of unnecessary agriculture subsidies such as the peanut, sugar, and honey programs. Pure and simple, these subsidy programs are agriculture welfare. The current system, which favors the children of farmers who farmed in the 1940's, keeps domestic peanut prices artificially high.

Who really pays the unnecessarily high costs of the peanut subsidy program? It is the taxpayers, Mr. Chairman. According to the General Accounting Office [GAO], consumers pay as much as $513 million annually as a result of the peanut program. The peanut program cost taxpayers at least $119 million in fiscal year 1995 and is projected to cost another $91 million in fiscal year 1996. It is estimated that a jar of peanut butter costs at least an additional 40 cents due to the program.

Some defenders of the peanut subsidy have asserted that the program costs taxpayers nothing. I would like to point out that surely it takes money to make the program run. Someone pays for Government bureaucrats and agents to administer the program. In addition, the Government pays higher prices when purchasing peanut butter for the military and bears higher food stamp costs—all due to peanuts subsidies.

Mr. Chairman, I urge all of my colleagues to support passage of the Shays amendment which will phase out this antiquated and antimarket Government subsidy program.

Mr. JOHNSON of South Dakota. Mr. Chairman, I rise in strong opposition to H.R. 2854, the Agricultural Market Transition Act, formerly referred to as the freedom-to-farm legislation. My objections are both procedural and substantive.

First, Mr. Chairman, it is outrageous that 5 months after it was due, we are still on this floor debating a farm bill. There simply is no good excuse for this delay. The Republican leadership in this House insisted on discharging the House Agriculture Committee from its duty to formulate a 1995 farm bill and rolled the freedom-to-farm provisions into the massive budget reconciliation bill. To few observers' surprise, the key farm legislation for this last half decade of the 20th century languished while heated controversy over the future of Medicare, Medicaid, welfare, and other issues bogged down the reconciliation effort. When the majority leadership finally agreed to extricate the farm bill from the rest of its political agenda, it recessed for a 3-week vacation rather than complete the long-overdue debate.

Mr. Chairman, if this process had not been distorted enough, we now find that contrary to long tradition in this House, only a limited number of amendments approved by the Speaker will be permitted. This substantially closed rule is an afront to the democratic process and is especially wrong headed given the minimal committee hearings on the workings or the consequences of this legislation.

Second, Mr. Chairman, I am very concerned about the substance of this bill. An economist at South Dakota State University has already written that this bill is a recipe for lower grain prices in my State, and may lead to significant reductions in land values and local tax revenues. Only if you think that the solution to low farm income is low grain prices, should a legislator support this bill.

It is not necessary to travel down the freedom-to-farm road in order to lighten the Federal regulatory load or to allow farmers far greater flexibility and simplicity in their planting decisions. It is not necessary to enact this type of radical legislation in order to promote a far more market oriented agriculture. This bill ends the farmer owned reserve [FOR] and it leaves a marketing loan mechanism in place that is wholly inadequate to serve as a useful marketing tool. This legislation pays farmers a payment unrelated to anything they plant or price they receive, but after 7 years, terminates all sense of a safety net in family agriculture. In the meantime, 2 percent of American farmers will receive 22 percent of the transition payments.

This transition legislation is a transition to ruin for many family owned farming operations. While doing nothing to provide farmers with the long-term marketing tools they need, it expects our farmers to compete in a global economy that features heavily subsidized agriculture in many foreign lands. Our farmers are competitive and becoming more efficient every year—but it is unfair to ask any sector of our Nation's economy to compete against the national treasuries of foreign competitors.

Mr. Chairman, the United States is currently the best fed and most cheaply fed Nation on Earth. We spend less than 2 percent of the Federal budget on supporting farm incomes. While we can no doubt find still more savings in the USDA budget, and while we can certainly impose more simplicity and common sense on our agricultural programs, it is absolutely a disastrous mistake to pass this farm bill. Our farmers and our consumers deserve better than legislation which hands out checks unrelated to labor or risk for a few years, and then turns the Federal Government's back on family agriculture forever after.

Mr. FUNDERBURK. Mr. Speaker, once again North Carolina's version of the Washington Post, the Raleigh News & Observer has it wrong. In a recent editorial they called for the end of an important program for hard-working farmers of eastern North Carolina. They endorsed the elimination of the peanut program and they give as the reason the supposed increased benefit to the consumer. This could not be further from the truth. Peanuts and peanut products sell for more in Canada and Europe than in the United States. This is true even though those manufacturers purchase peanuts on the world market. Peanut farmers will suffer substantially if the proposal to eliminate the peanut program passes. The lost revenue in the first year will exceed $275 million. It has been argued that the farmers' losses will be transferred into savings for the consumer, but this will not happen. Lower input cost for the manufacturer will be retained and not passed on to the consumer. The importance of the peanut program in North Carolina cannot be overstated. Agriculture is our most basic industry. The House has recognized that changes in past policies were needed. But it also recognized that changes must be gradual in order to minimize hardships and at the same time insure the health of this most important industry.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for purposes of amendment and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2854

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Agricultural Market Transition Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—AGRICULTURAL MARKET TRANSITION PROGRAM

Sec. 101. Purpose.
Sec. 102. Definitions.
Sec. 103. Production flexibility contracts.
Sec. 104. Nonrecourse marketing assistance loans and loan deficiency payments.
Sec. 105. Payment limitations.
Sec. 106. Peanut program.
Sec. 107. Sugar program.
Sec. 108. Administration.
Sec. 109. Elimination of permanent price support authority.
Sec. 110. Effect of amendments.

TITLE II—DAIRY

Subtitle A—Milk Price Support and Other Activities

Sec. 201. Milk price support program.
Sec. 202. Recourse loans for commercial processors of dairy products.
Sec. 203. Dairy export incentive program.
Sec. 204. Dairy promotion program.
Sec. 205. Fluid milk standards under milk marketing orders.
Sec. 206. Manufacturing allowance.
Sec. 207. Establishment of temporary Class I price and temporary Class I equalization pools.
Sec. 208. Establishment of temporary Class IV price and temporary Class IV equalization pool.
Sec. 209. Authority for establishment of standby pools.

Subtitle B—Reform of Federal Milk Marketing Orders

Sec. 221. Issuance or amendment of Federal milk marketing orders to implement certain reforms.
Sec. 222. Reform process.
Sec. 223. Effect of failure to comply with reform process requirements.

TITLE III—CONSERVATION

Sec. 301. Conservation.

TITLE IV—AGRICULTURAL PROMOTION AND EXPORT PROGRAMS

Sec. 401. Market promotion program.
Sec. 402. Export enhancement program.

TITLE V—MISCELLANEOUS

Sec. 501. Crop insurance.
Sec. 502. Collection and use of agricultural quarantine and inspection fees.
Sec. 503. Commodity Credit Corporation interest rate.
Sec. 504. Establishment of Office of Risk Management.
Sec. 505. Business Interruption Insurance Program.
Sec. 506. Continuation of options pilot program.

TITLE VI—COMMISSION ON 21ST CENTURY PRODUCTION AGRICULTURE

Sec. 601. Establishment.
Sec. 602. Composition.
Sec. 603. Comprehensive review of past and future of production agriculture.
Sec. 604. Reports.
Sec. 605. Powers.
Sec. 606. Commission procedures.
Sec. 607. Personnel matters.
Sec. 608. Termination of Commission.

TITLE VII—EXTENSION OF CERTAIN AUTHORITIES

Sec. 701. Extension of authority under Public Law 480.

Sec. 702. Extension of food for progress program.

TITLE I—AGRICULTURAL MARKET TRANSITION PROGRAM

SEC. 101. PURPOSE.

It is the purpose of this title—

(1) to authorize the use of binding production flexibility contracts between the United States and agricultural producers to support farming certainty and flexibility while ensuring continued compliance with farm conservation compliance plans and wetland protection requirements;

(2) to make nonrecourse marketing assistance loans and loan deficiency available for certain crops;

(3) to improve the operation of farm programs for peanuts and sugar; and

(4) to terminate price support authority under the Agricultural Act of 1949.

SEC. 102. DEFINITIONS.

In this title:

(1) CONSIDERED PLANTED.—The term "considered planted" means acreage that is considered planted under title V of the Agricultural Act of 1949 (7 U.S.C. 1461 et seq.) (as in effect prior to the amendment made by section 109(b)(2)).

(2) CONTRACT.—The term "contract" means a production flexibility contract entered into under section 103.

(3) CONTRACT ACREAGE.—The term "contract acreage" means 1 or more crop acreage bases established for contract commodities under title V of the Agricultural Act of 1949 (as in effect prior to the amendment made by section 109(b)(2)) that would have been in effect for the 1996 crop (but for the amendment made by section 109(b)(2)).

(4) CONTRACT COMMODITY.—The term "contract commodity" means wheat, corn, grain sorghum, barley, oats, upland cotton, and rice.

(5) CONTRACT PAYMENT.—The term "contract payment" means a payment made under section 103 pursuant to a contract.

(6) CORN.—The term "corn" means field corn.

(7) DEPARTMENT.—The term "Department" means the United States Department of Agriculture.

(8) FARM PROGRAM PAYMENT YIELD.—The term "farm program payment yield" means the farm program payment yield established for the 1995 crop of a contract commodity under title V of the Agricultural Act of 1949 (as in effect prior to the amendment made by section 109(b)(2)).

(9) LOAN COMMODITY.—The term "loan commodity" means each contract commodity, extra long staple cotton, and oilseeds.

(10) OILSEED.—The term "oilseed" means a crop of soybeans, sunflower seed, rapeseed, canola, safflower, flaxseed, mustard seed, or, if designated by the Secretary, other oilseeds.

(11) PERSON.—The term "person" means an individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or State agency.

(12) PRODUCER.—

(A) IN GENERAL.—The term "producer" means a person who, as owner, landlord, tenant, or sharecropper, shares in the risk of producing a crop, and is entitled to share in the crop available for marketing from the farm, or would have shared had the crop been produced.

(B) HYBRID SEED.—The term "producer" includes a person growing hybrid seed under contract. In determining the interest of a grower of hybrid seed in a crop, the Secretary shall not take into consideration the existence of a hybrid seed contract.

(13) PROGRAM.—The term "program" means the agricultural market transition program established under this title.

(14) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(15) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

(16) UNITED STATES.—The term "United States", when used in a geographical sense, means all of the States.

SEC. 103. PRODUCTION FLEXIBILITY CONTRACTS.

(a) CONTRACTS AUTHORIZED.—

(1) OFFER AND TERMS.—Beginning as soon as practicable after the date of the enactment of this title, the Secretary shall offer to enter into a contract with an eligible owner or operator described in paragraph (2) on a farm containing eligible farmland. Under the terms of a contract, the owner or operator shall agree, in exchange for annual contract payments, to comply with—

(A) the conservation plan for the farm prepared in accordance with section 1212 of the Food Security Act of 1985 (16 U.S.C. 3812);

(B) wetland protection requirements applicable to the farm under subtitle C of title XII of the Act (16 U.S.C. 3821 et seq.); and

(C) the planting flexibility requirements of subsection (j).

(2) ELIGIBLE OWNERS AND OPERATORS DESCRIBED.—The following persons shall be considered to be an owner or operator eligible to enter into a contract:

(A) An owner of eligible farmland who assumes all of the risk of producing a crop.

(B) An owner of eligible farmland who shares in the risk of producing a crop.

(C) An operator of eligible farmland with a share-rent lease of the eligible farmland, regardless of the length of the lease, if the owner enters into the same contract.

(D) An operator of eligible farmland who cash rents the eligible farmland under a lease expiring on or after September 30, 2002, in which case the consent of the owner is not required.

(E) An operator of eligible farmland who cash rents the eligible farmland under a lease expiring before September 30, 2002, if the owner consents to the contract.

(F) An owner of eligible farmland who cash rents the eligible farmland and the lease term expires before September 30, 2002, but only if the actual operator of the farm declines to enter into a contract. In the case of an owner covered by this subparagraph, contract payments shall not begin under a contract until the fiscal year following the fiscal year in which the lease held by the nonparticipating operator expires.

(G) An owner or operator described in any preceding subparagraph of this paragraph regardless of whether the owner or operator purchased catastrophic risk protection for a fall-planted 1996 crop under section 508(b) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)).

(3) TENANTS AND SHARECROPPERS.—In carrying out this section, the Secretary shall provide adequate safeguards to protect the interests of operators who are tenants and sharecroppers.

(b) ELEMENTS.—

(1) TIME FOR CONTRACTING.—

(A) DEADLINE.—Except as provided in subparagraph (B), the Secretary may not enter into a contract after April 15, 1996.

(B) CONSERVATION RESERVE LANDS.—

(i) IN GENERAL.—At the beginning of each fiscal year, the Secretary shall allow an eligible owner or operator on a farm covered by a conservation reserve contract entered into under section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) that terminates after the date specified in subparagraph (A) to enter into or expand a production flexibility contract to cover the contract acreage of the farm that was subject to the former conservation reserve contract.

(ii) AMOUNT.—Contract payments made for contract acreage under this subparagraph shall be made at the rate and amount applicable to the annual contract payment level for the applicable crop.

(2) DURATION OF CONTRACT.—

(A) BEGINNING DATE.—A contract shall begin with—

(i) the 1996 crop of a contract commodity; or

(ii) in the case of acreage that was subject to a conservation reserve contract described in paragraph (1)(B), the date the production flexibility contract was entered into or expanded to cover the acreage.

(B) ENDING DATE.—A contract shall extend through the 2002 crop.

(3) ESTIMATION OF CONTRACT PAYMENTS.—At the time the Secretary enters into a contract, the Secretary shall provide an estimate of the minimum contract payments anticipated to be made during at least the first fiscal year for which contract payments will be made.

(c) ELIGIBLE FARMLAND DESCRIBED.—Land shall be considered to be farmland eligible for coverage under a contract only if the land has contract acreage attributable to the land and—

(1) for at least 1 of the 1991 through 1995 crops, at least a portion of the land was enrolled in the acreage reduction program authorized for a crop of a contract commodity under section 101B, 103B, 105B, or 107B of the Agricultural Act of 1949 (as in effect prior to the amendment made by section 109(b)(2)) or was considered planted;

(2) was subject to a conservation reserve contract under section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) whose term expired, or was voluntarily terminated, on or after January 1, 1995; or

(3) is released from coverage under a conservation reserve contract by the Secretary during the period beginning on January 1, 1995, and ending on the date specified in subsection (b)(1)(A).

(d) TIME FOR PAYMENT.—

(1) IN GENERAL.—An annual contract payment shall be made not later than September 30 of each of fiscal years 1996 through 2002.

(2) ADVANCE PAYMENTS.—

(A) FISCAL YEAR 1996.—At the option of the owner or operator, 50 percent of the contract payment for fiscal year 1996 shall be made not later than June 15, 1996.

(B) SUBSEQUENT FISCAL YEARS.—At the option of the owner or operator for fiscal year 1997 and each subsequent fiscal year, 50 percent of the annual contract payment shall be made on December 15.

(e) AMOUNTS AVAILABLE FOR CONTRACT PAYMENTS FOR EACH FISCAL YEAR.—

(1) IN GENERAL.—The Secretary shall, to the maximum extent practicable, expend on a fiscal year basis the following amounts to satisfy the obligations of the Secretary under all contracts:

(A) For fiscal year 1996, $5,570,000,000.

(B) For fiscal year 1997, $5,385,000,000.

(C) For fiscal year 1998, $5,800,000,000.

(D) For fiscal year 1999, $5,603,000,000.

(E) For fiscal year 2000, $5,130,000,000.

(F) For fiscal year 2001, $4,130,000,000.

(G) For fiscal year 2002, $4,008,000,000.

(2) ALLOCATION.—The amount made available for a fiscal year under paragraph (1) shall be allocated as follows:

(A) For wheat, 26.26 percent.

(B) For corn, 46.22 percent.

(C) For grain sorghum, 5.11 percent.

(D) For barley, 2.16 percent.

(E) For oats, 0.15 percent.

(F) For upland cotton, 11.63 percent.

(G) For rice, 8.47 percent.

(3) ADJUSTMENT.—The Secretary shall adjust the amounts allocated for each contract commodity under paragraph (2) for a particular fiscal year by—

(A) adding an amount equal to the sum of all repayments of deficiency payments received

under section 114(a)(2) of the Agricultural Act of 1949 (as in effect prior to the amendment made by section 109(b)(2)) for the commodity;

(B) to the maximum extent practicable, adding an amount equal to the sum of all contract payments withheld by the Secretary, at the request of an owner or operator subject to a contract, as an offset against repayments of deficiency payments otherwise required under section 114(a)(2) of the Act (as so in effect) for the commodity;

(C) adding an amount equal to the sum of all refunds of contract payments received during the preceding fiscal year under subsection (h) of this section for the commodity; and

(D) subtracting an amount equal to the amount, if any, necessary during that fiscal year to satisfy payment requirements for the commodity under sections 103B, 105B, or 107B of the Agricultural Act of 1949 (as in effect prior to the amendment made by section 109(b)(2)) for the 1994 and 1995 crop years.

(4) SPECIAL ADJUSTMENT TO COVER EXISTING RICE PAYMENT REQUIREMENTS.—As soon as possible after the date of the enactment of this Act, the Secretary shall determine the amount, if any, necessary to satisfy remaining payment requirements under section 101B of the Agricultural Act of 1949 (as in effect prior to the amendment made by section 109(b)(2)) for the 1994 and 1995 crops of rice. The total amount determined under this paragraph shall be deducted, in equal amounts each fiscal year, from the amount allocated for rice under paragraph (2)(G) for fiscal years after the fiscal year in which the final remaining payments are made for rice.

(f) DETERMINATION OF CONTRACT PAYMENTS.—

(1) INDIVIDUAL PAYMENT QUANTITY OF CONTRACT COMMODITIES.—For each contract, the payment quantity of a contract commodity for each fiscal year shall be equal to the product of—

(A) 85 percent of the contract acreage; and

(B) the farm program payment yield.

(2) ANNUAL PAYMENT QUANTITY OF CONTRACT COMMODITIES.—The payment quantity of each contract commodity covered by all contracts for each fiscal year shall equal the sum of the amounts calculated under paragraph (1) for each individual contract.

(3) ANNUAL PAYMENT RATE.—The payment rate for a contract commodity for each fiscal year shall be equal to—

(A) the amount made available under subsection (e) for the contract commodity for the fiscal year; divided by

(B) the amount determined under paragraph (2) for the fiscal year.

(4) ANNUAL PAYMENT AMOUNT.—The amount to be paid under a contract in effect for each fiscal year with respect to a contract commodity shall be equal to the product of—

(A) the payment quantity determined under paragraph (1) with respect to the contract; and

(B) the payment rate in effect under paragraph (3).

(5) ASSIGNMENT OF CONTRACT PAYMENTS.—The provisions of section 8(g) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(g)) (relating to assignment of payments) shall apply to contract payments under this subsection. The owner or operator making the assignment, or the assignee, shall provide the Secretary with notice, in such manner as the Secretary may require in the contract, of any assignment made under this paragraph.

(6) SHARING OF CONTRACT PAYMENTS.—The Secretary shall provide for the sharing of contract payments among the owners and operators subject to the contract on a fair and equitable basis.

(g) PAYMENT LIMITATION.—The total amount of contract payments made to a person under a contract during any fiscal year may not exceed the payment limitations established under sections 1001 through 1001C of the Food Security Act of 1985 (7 U.S.C. 1308 through 1308–3).

(h) EFFECT OF VIOLATION.—

(1) TERMINATION OF CONTRACT.—Except as provided in paragraph (2), if an owner or operator subject to a contract violates the conservation plan for the farm containing eligible farmland under the contract, wetland protection requirements applicable to the farm, or the planting flexibility requirements of subsection (j), the Secretary shall terminate the contract with respect to the owner or operator on each farm in which the owner or operator has an interest. On the termination, the owner or operator shall forfeit all rights to receive future contract payments on each farm in which the owner or operator has an interest and shall refund to the Secretary all contract payments received by the owner or operator during the period of the violation, together with interest on the contract payments as determined by the Secretary.

(2) REFUND OR ADJUSTMENT.—If the Secretary determines that a violation does not warrant termination of the contract under paragraph (1), the Secretary may require the owner or operator subject to the contract—

(A) to refund to the Secretary that part of the contract payments received by the owner or operator during the period of the violation, together with interest on the contract payments as determined by the Secretary; or

(B) to accept a reduction in the amount of future contract payments that is proportionate to the severity of the violation, as determined by the Secretary.

(3) FORECLOSURE.—An owner or operator subject to a contract may not be required to make repayments to the Secretary of amounts received under the contract if the contract acreage has been foreclosed on and the Secretary determines that forgiving the repayments is appropriate in order to provide fair and equitable treatment. This paragraph shall not void the responsibilities of such an owner or operator under the contract if the owner or operator continues or resumes operation, or control, of the contract acreage. On the resumption of operation or control over the contract acreage by the owner or operator, the provisions of the contract in effect on the date of the foreclosure shall apply.

(4) REVIEW.—A determination of the Secretary under this subsection shall be considered to be an adverse decision for purposes of the availability of administrative review of the determination.

(i) TRANSFER OF INTEREST IN LANDS SUBJECT TO CONTRACT.—

(1) EFFECT OF TRANSFER.—Except as provided in paragraph (2), the transfer by an owner or operator subject to a contract of the right and interest of the owner or operator in the contract acreage shall result in the termination of the contract with respect to the acreage, effective on the date of the transfer, unless the transferee of the acreage agrees with the Secretary to assume all obligations of the contract. At the request of the transferee, the Secretary may modify the contract if the modifications are consistent with the objectives of this section as determined by the Secretary.

(2) EXCEPTION.—If an owner or operator who is entitled to a contract payment dies, becomes incompetent, or is otherwise unable to receive the contract payment, the Secretary shall make the payment, in accordance with regulations prescribed by the Secretary.

(j) PLANTING FLEXIBILITY.—

(1) PERMITTED CROPS.—Subject to paragraph (2), any commodity or crop may be planted on contract acreage on a farm.

(2) LIMITATIONS.—

(A) HAYING AND GRAZING.—

(i) TIME LIMITATIONS.—Haying and grazing on land exceeding 15 percent of the contract acreage on a farm as provided in clause (iii) shall be permitted, except during any consecutive 5-month period between April 1 and October 31 that is determined by the State committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (6 U.S.C. 590h(b)) for a State. In the case of a natural disaster, the Secretary may permit unlimited haying and grazing on the contract acreage of a farm.

(ii) CONTRACT COMMODITIES.—Contract acreage planted to a contract commodity for harvest may be hayed or grazed at any time without limitation.

(iii) HAYING AND GRAZING LIMITATION ON PORTION OR CONTRACT ACREAGE.—Unlimited haying and grazing shall be permitted on not more than 15 percent of the contract acreage on a farm.

(B) ALFALFA.—Alfalfa may be grown on contract acreage in excess of the acreage limitation in subparagraph (A)(iii) and without regard to the time limitation in subparagraph (A)(i), except that each contract acre on a farm that is planted for harvest to alfalfa in excess of 15 percent of the total contract acreage on the farm shall be ineligible for contract payments.

(C) FRUITS AND VEGETABLES.—

(i) IN GENERAL.—The planting for harvest of fruits and vegetables shall be prohibited on contract acreage, except in any region in which there is a history of double-cropping, as determined by the Secretary.

(ii) UNRESTRICTED VEGETABLES.—Notwithstanding clause (i), lentils, mung beans, and dry peas may be planted for harvest without limitation on contract acreage.

SEC. 104. NONRECOURSE MARKETING ASSISTANCE LOANS AND LOAN DEFICIENCY PAYMENTS.

(a) AVAILABILITY OF MARKETING ASSISTANCE LOANS.—

(1) NONRECOURSE LOANS AVAILABLE.—For each of the 1996 through 2002 crops of each loan commodity, the Secretary shall make available to producers on a farm nonrecourse marketing assistance loans for loan commodities produced on the farm. The loans shall be made under terms and conditions that are prescribed by the Secretary and at the loan rate established under subsection (b) for the loan commodity.

(2) ELIGIBLE PRODUCTION.—The following production shall be eligible for a marketing assistance loan under paragraph (1):

(A) In the case of a marketing assistance loan for a contract commodity, any production by a producer who has entered into a production flexibility contract.

(B) In the case of a marketing assistance loan for extra long staple cotton and oilseeds, any production.

(3) RECOURSE LOANS FOR HIGH MOISTURE FEED GRAINS.—

(A) RECOURSE LOANS AVAILABLE.—For each of the 1996 through 2002 crops of corn and grain sorghum, the Secretary shall make available recourse loans, as determined by the Secretary, to producers on a farm who—

(i) normally harvest all or a portion of their crop of corn or grain sorghum in a high moisture state;

(ii) present—

(I) certified scale tickets from an inspected, certified commercial scale, including licensed warehouses, feedlots, feed mills, distilleries, or other similar entities approved by the Secretary, pursuant to regulations issued by the Secretary; or

(II) present field or other physical measurements of the standing or stored crop in regions of the country, as determined by the Secretary, that do not have certified commercial scales from which certified scale tickets may be obtained within reasonable proximity of harvest operation;

(iii) certify that they were the owners of the feed grain at the time of delivery to, and that the quantity to be placed under loan under this paragraph was in fact harvested on the farm and delivered to, a feedlot, feed mill, or commercial or on-farm high-moisture storage facility, or to such facilities maintained by the users of corn and grain sorghum in a high moisture state; and

(iv) comply with deadlines established by the Secretary for harvesting the corn or grain sorghum and submit applications for loans under this paragraph within deadlines established by the Secretary.

(B) ELIGIBILITY OF ACQUIRED FEED GRAINS.—Loans under this paragraph shall be made on a quantity of corn or grain sorghum of the same crop acquired by the producer equivalent to a quantity determined by multiplying—

(i) the acreage of the corn or grain sorghum in a high moisture state harvested on the producer's farm; by

(ii) the lower of the farm program payment yield or the actual yield on a field, as determined by the Secretary, that is similar to the field from which the corn or grain sorghum was obtained.

(C) HIGH MOISTURE STATE DEFINED.—In this paragraph, the term "high moisture state" means corn or grain sorghum having a moisture content in excess of Commodity Credit Corporation standards for marketing assistance loans made by the Secretary under paragraph (1).

(b) LOAN RATES.—

(1) WHEAT.—

(A) LOAN RATE.—Subject to subparagraph (B), the loan rate for a marketing assistance loan under subsection (a)(1) for wheat shall be—

(i) not less than 85 percent of the simple average price received by producers of wheat, as determined by the Secretary, during the marketing years for the immediately preceding 5 crops of wheat, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period; but

(ii) not more than $2.58 per bushel.

(B) STOCKS TO USE RATIO ADJUSTMENT.—If the Secretary estimates for any marketing year that the ratio of ending stocks of wheat to total use for the marketing year will be—

(i) equal to or greater than 30 percent, the Secretary may reduce the loan rate for wheat for the corresponding crop by an amount not to exceed 10 percent in any year;

(ii) less than 30 percent but not less than 15 percent, the Secretary may reduce the loan rate for wheat for the corresponding crop by an amount not to exceed 5 percent in any year; or

(iii) less than 15 percent, the Secretary may not reduce the loan rate for wheat for the corresponding crop.

(C) NO EFFECT ON FUTURE YEARS.—Any reduction in the loan rate for wheat under subparagraph (B) shall not be considered in determining the loan rate for wheat for subsequent years.

(2) FEED GRAINS.—

(A) LOAN RATE FOR CORN.—Subject to subparagraph (B), the loan rate for a marketing assistance loan under subsection (a)(1) for corn shall be—

(i) not less than 85 percent of the simple average price received by producers of corn, as determined by the Secretary, during the marketing years for the immediately preceding 5 crops of corn, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period; but

(ii) not more than $1.89 per bushel.

(B) STOCKS TO USE RATIO ADJUSTMENT.—If the Secretary estimates for any marketing year that the ratio of ending stocks of corn to total use for the marketing year will be—

(i) equal to or greater than 25 percent, the Secretary may reduce the loan rate for corn for the corresponding crop by an amount not to exceed 10 percent in any year;

(ii) less than 25 percent but not less than 12.5 percent, the Secretary may reduce the loan rate for corn for the corresponding crop by an amount not to exceed 5 percent in any year; or

(iii) less than 12.5 percent the Secretary may not reduce the loan rate for corn for the corresponding crop.

(C) NO EFFECT ON FUTURE YEARS.—Any reduction in the loan rate for corn under subparagraph (B) shall not be considered in determining the loan rate for corn for subsequent years.

(D) OTHER FEED GRAINS.—The loan rate for a marketing assistance loan under subsection (a)(1) for grain sorghum, barley, and oats, respectively, shall be established at such level as the Secretary determines is fair and reasonable in relation to the rate that loans are made available for corn, taking into consideration the feeding value of the commodity in relation to corn.

(3) UPLAND COTTON.—

(A) LOAN RATE.—Subject to subparagraph (B), the loan rate for a marketing assistance loan under subsection (a)(1) for upland cotton shall be established by the Secretary at such loan rate, per pound, as will reflect for the base quality of upland cotton, as determined by the Secretary, at average locations in the United States a rate that is not less than the smaller of—

(i) 85 percent of the average price (weighted by market and month) of the base quality of cotton as quoted in the designated United States spot markets during 3 years of the 5-year period ending July 31 in the year in which the loan rate is announced, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period; or

(ii) 90 percent of the average, for the 15-week period beginning July 1 of the year in which the loan rate is announced, of the 5 lowest-priced growths of the growths quoted for Middling $1\frac{3}{32}$-inch cotton C.I.F. Northern Europe (adjusted downward by the average difference during the period April 15 through October 15 of the year in which the loan is announced between the average Northern European price quotation of such quality of cotton and the market quotations in the designated United States spot markets for the base quality of upland cotton), as determined by the Secretary.

(B) LIMITATIONS.—The loan rate for a marketing assistance loan for upland cotton shall not be less than $0.50 per pound or more than $0.5192 per pound.

(4) EXTRA LONG STAPLE COTTON.—The loan rate for a marketing assistance loan under subsection (a)(1) for extra long staple cotton shall be—

(A) not less than 85 percent of the simple average price received by producers of extra long staple cotton, as determined by the Secretary, during 3 years of the 5 previous marketing years, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period; but

(B) not more than $0.7965 per pound.

(5) RICE.—The loan rate for a marketing assistance loan under subsection (a)(1) for rice shall be $6.50 per hundredweight.

(6) OILSEEDS.—

(A) SOYBEANS.—The loan rate for a marketing assistance loan under subsection (a)(1) for soybeans shall be $4.92 per bushel.

(B) SUNFLOWER SEED, CANOLA, RAPESEED, SAFFLOWER, MUSTARD SEED, AND FLAXSEED.—The loan rates for a marketing assistance loan under subsection (a)(1) for sunflower seed, canola, rapeseed, safflower, mustard seed, and flaxseed, individually, shall be $0.087 per pound.

(C) OTHER OILSEEDS.—The loan rates for a marketing assistance loan under subsection (a)(1) for other oilseeds shall be established at such level as the Secretary determines is fair and reasonable in relation to the loan rate available for soybeans, except in no event shall the rate for the oilseeds (other than cottonseed) be less than the rate established for soybeans on a per-pound basis for the same crop.

(c) TERM OF LOAN.—In the case of each loan commodity (other than upland cotton or extra long staple cotton), a marketing assistance loan under subsection (a)(1) shall have a term of 9 months beginning on the first day of the first month after the month in which the loan is made. A marketing assistance loan for upland cotton or extra long staple cotton shall have a term of 10 months beginning on the first day of the first month after the month in which the loan is made. The Secretary may not extend the term of a marketing assistance loan for any loan commodity.

(d) REPAYMENT.—

(1) REPAYMENT RATES GENERALLY.—The Secretary shall permit producers to repay a marketing assistance loan under subsection (a)(1) for a loan commodity (other than extra long staple cotton) at a level that is the lesser of—

(A) the loan rate established for the commodity under subsection (b); or

(B) the prevailing world market price for the commodity (adjusted to United States quality and location), as determined by the Secretary.

(2) ADDITIONAL REPAYMENT RATES FOR WHEAT, FEED GRAINS, AND OILSEEDS.—In the case of a marketing assistance loan under subsection (a)(1) for wheat, corn, grain sorghum, barley, oats, or oilseeds, the Secretary shall also permit a producer to repay the loan at such level as the Secretary determines will—

(A) minimize potential loan forfeitures;

(B) minimize the accumulation of stocks of the commodity by the Federal Government;

(C) minimize the cost incurred by the Federal Government in storing the commodity; and

(D) allow the commodity produced in the United States to be marketed freely and competitively, both domestically and internationally.

(3) REPAYMENT RATES FOR EXTRA LONG STAPLE COTTON.—Repayment of a marketing assistance loan for extra long staple cotton shall be at the loan rate established for the commodity under subsection (b), plus interest (as determined by the Secretary).

(4) PREVAILING WORLD MARKET PRICE.—For purposes of paragraph (1) and subsection (f), the Secretary shall prescribe by regulation—

(A) a formula to determine the prevailing world market price for each loan commodity, adjusted to United States quality and location; and

(B) a mechanism by which the Secretary shall announce periodically the prevailing world market price for each loan commodity.

(5) ADJUSTMENT OF PREVAILING WORLD MARKET PRICE FOR UPLAND COTTON.—

(A) IN GENERAL.—During the period ending July 31, 2003, the prevailing world market price for upland cotton (adjusted to United States quality and location) established under paragraph (4) shall be further adjusted if—

(i) the adjusted prevailing world market price is less than 115 percent of the loan rate for upland cotton established under subsection (b), as determined by the Secretary; and

(ii) the Friday through Thursday average price quotation for the lowest-priced United States growth as quoted for Middling (M) $1\frac{3}{32}$-inch cotton delivered C.I.F. Northern Europe is greater than the Friday through Thursday average price of the 5 lowest-priced growths of upland cotton, as quoted for Middling (M) $1\frac{3}{32}$-inch cotton, delivered C.I.F. Northern Europe (referred to in this subsection as the "Northern Europe price").

(B) FURTHER ADJUSTMENT.—Except as provided in subparagraph (C), the adjusted prevailing world market price for upland cotton shall

be further adjusted on the basis of some or all of the following data, as available:

(i) The United States share of world exports.

(ii) The current level of cotton export sales and cotton export shipments.

(iii) Other data determined by the Secretary to be relevant in establishing an accurate prevailing world market price for upland cotton (adjusted to United States quality and location).

(C) LIMITATION ON FURTHER ADJUSTMENT.—The adjustment under subparagraph (B) may not exceed the difference between—

(i) the Friday through Thursday average price for the lowest-priced United States growth as quoted for Middling 1$\frac{3}{32}$-inch cotton delivered C.I.F. Northern Europe; and

(ii) the Northern Europe price.

(e) LOAN DEFICIENCY PAYMENTS.—

(1) AVAILABILITY.—Except as provided in paragraph (4), the Secretary may make loan deficiency payments available to producers who, although eligible to obtain a marketing assistance loan under subsection (a)(1) with respect to a loan commodity, agree to forgo obtaining the loan for the commodity in return for payments under this subsection.

(2) COMPUTATION.—A loan deficiency payment under this subsection shall be computed by multiplying—

(A) the loan payment rate determined under paragraph (3) for the loan commodity; by

(B) the quantity of the loan commodity that the producers on a farm are eligible to place under loan but for which the producers forgo obtaining the loan in return for payments under this subsection.

(3) LOAN PAYMENT RATE.—For purposes of this subsection, the loan payment rate shall be the amount by which—

(A) the loan rate established under subsection (b) for the loan commodity; exceeds

(B) the rate at which a loan for the commodity may be repaid under subsection (d).

(4) EXCEPTION FOR EXTRA LONG STAPLE COTTON.—This subsection shall not apply with respect to extra long staple cotton.

(f) SPECIAL MARKETING LOAN PROVISIONS FOR UPLAND COTTON.—

(1) COTTON USER MARKETING CERTIFICATES.—

(A) ISSUANCE.—Subject to subparagraph (D), during the period ending July 31, 2003, the Secretary shall issue marketing certificates or cash payments to domestic users and exporters for documented purchases by domestic users and sales for export by exporters made in the week following a consecutive 4-week period in which—

(i) the Friday through Thursday average price quotation for the lowest-priced United States growth, as quoted for Middling (M) 1$\frac{3}{32}$-inch cotton, delivered C.I.F. Northern Europe exceeds the Northern Europe price by more than 1.25 cents per pound; and

(ii) the prevailing world market price for upland cotton (adjusted to United States quality and location) does not exceed 130 percent of the loan rate for upland cotton established under subsection (b).

(B) VALUE OF CERTIFICATES OR PAYMENTS.—The value of the marketing certificates or cash payments shall be based on the amount of the difference (reduced by 1.25 cents per pound) in the prices during the 4th week of the consecutive 4-week period multiplied by the quantity of upland cotton included in the documented sales.

(C) REDEMPTION, MARKETING, OR EXCHANGE.—The Secretary shall establish procedures to assist persons receiving marketing certificates under this paragraph in the redemption of certificates for cash, or in the marketing or exchange of certificates for agricultural commodities owned by the Commodity Credit Corporation, in such manner and at such price levels as the Secretary determines will best effectuate the purposes of the marketing certificates. Any price restrictions that may otherwise apply to the disposition of agricultural commodities by the Commodity Credit Corporation shall not apply to the redemption of certificates under this paragraph.

(D) EXCEPTION.—The Secretary shall not issue marketing certificates or cash payments under subparagraph (A) if, for the immediately preceding consecutive 10-week period, the Friday through Thursday average price quotation for the lowest priced United States growth, as quoted for Middling (M) 1$\frac{3}{32}$-inch cotton, delivered C.I.F. Northern Europe, adjusted for the value of any certificate issued under this paragraph, exceeds the Northern Europe price by more than 1.25 cents per pound.

(E) LIMITATION ON EXPENDITURES.—Total expenditures under this paragraph shall not exceed $701,000,000 during fiscal years 1996 through 2002.

(2) SPECIAL IMPORT QUOTA.—

(A) ESTABLISHMENT.—The President shall carry out an import quota program that provides that, during the period ending July 31, 2003, whenever the Secretary determines and announces that for any consecutive 10-week period, the Friday through Thursday average price quotation for the lowest-priced United States growth, as quoted for Middling (M) 1$\frac{3}{32}$-inch cotton, delivered C.I.F. Northern Europe, adjusted for the value of any certificates issued under paragraph (1), exceeds the Northern Europe price by more than 1.25 cents per pound, there shall immediately be in effect a special import quota.

(B) QUANTITY.—The quota shall be equal to 1 week's consumption of upland cotton by domestic mills at the seasonally adjusted average rate of the most recent 3 months for which data are available.

(C) APPLICATION.—The quota shall apply to upland cotton purchased not later than 90 days after the date of the Secretary's announcement under subparagraph (A) and entered into the United States not later than 180 days after the date.

(D) OVERLAP.—A special quota period may be established that overlaps any existing quota period if required by subparagraph (A), except that a special quota period may not be established under this paragraph if a quota period has been established under subsection (g).

(E) PREFERENTIAL TARIFF TREATMENT.—The quantity under a special import quota shall be considered to be an in-quota quantity for purposes of—

(i) section 213(d) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(d));

(ii) section 204 of the Andean Trade Preference Act (19 U.S.C. 3203);

(iii) section 503(d) of the Trade Act of 1974 (19 U.S.C. 2463(d)); and

(iv) General Note 3(a)(iv) to the Harmonized Tariff Schedule.

(F) DEFINITION.—In this paragraph, the term "special import quota" means a quantity of imports that is not subject to the over-quota tariff rate of a tariff-rate quota.

(g) LIMITED GLOBAL IMPORT QUOTA FOR UPLAND COTTON.—

(1) IN GENERAL.—The President shall carry out an import quota program that provides that whenever the Secretary determines and announces that the average price of the base quality of upland cotton, as determined by the Secretary, in the designated spot markets for a month exceeded 130 percent of the average price of such quality of cotton in the markets for the preceding 36 months, notwithstanding any other provision of law, there shall immediately be in effect a limited global import quota subject to the following conditions:

(A) QUANTITY.—The quantity of the quota shall be equal to 21 days of domestic mill consumption of upland cotton at the seasonally adjusted average rate of the most recent 3 months for which data are available.

(B) QUANTITY IF PRIOR QUOTA.—If a quota has been established under this subsection during the preceding 12 months, the quantity of the quota next established under this subsection shall be the smaller of 21 days of domestic mill consumption calculated under subparagraph (A) or the quantity required to increase the supply to 130 percent of the demand.

(C) PREFERENTIAL TARIFF TREATMENT.—The quantity under a limited global import quota shall be considered to be an in-quota quantity for purposes of—

(i) section 213(d) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(d));

(ii) section 204 of the Andean Trade Preference Act (19 U.S.C. 3203);

(iii) section 503(d) of the Trade Act of 1974 (19 U.S.C. 2463(d)); and

(iv) General Note 3(a)(iv) to the Harmonized Tariff Schedule.

(D) DEFINITIONS.—In this subsection:

(i) SUPPLY.—The term "supply" means, using the latest official data of the Bureau of the Census, the Department of Agriculture, and the Department of the Treasury—

(I) the carry-over of upland cotton at the beginning of the marketing year (adjusted to 480-pound bales) in which the quota is established;

(II) production of the current crop; and

(III) imports to the latest date available during the marketing year.

(ii) DEMAND.—The term "demand" means—

(I) the average seasonally adjusted annual rate of domestic mill consumption in the most recent 3 months for which data are available; and

(II) the larger of—

(aa) average exports of upland cotton during the preceding 6 marketing years; or

(bb) cumulative exports of upland cotton plus outstanding export sales for the marketing year in which the quota is established.

(iii) LIMITED GLOBAL IMPORT QUOTA.—The term "limited global import quota" means a quantity of imports that is not subject to the over-quota tariff rate of a tariff-rate quota.

(E) QUOTA ENTRY PERIOD.—When a quota is established under this subsection, cotton may be entered under the quota during the 90-day period beginning on the date the quota is established by the Secretary.

(2) NO OVERLAP.—Notwithstanding paragraph (1), a quota period may not be established that overlaps an existing quota period or a special quota period established under subsection (f)(2).

(h) SOURCE OF LOANS.—

(1) IN GENERAL.—The Secretary shall provide the loans authorized by this section and the Agricultural Adjustment Act of 1938 (7 U.S.C. 1281 et seq.) through the Commodity Credit Corporation and other means available to the Secretary.

(2) PROCESSORS.—Whenever any loan or surplus removal operation for any agricultural commodity is carried out through purchases from or loans or payments to processors, the Secretary shall, to the extent practicable, obtain from the processors such assurances as the Secretary considers adequate that the producers of the commodity have received or will receive maximum benefits from the loan or surplus removal operation.

(i) ADJUSTMENTS OF LOANS.—

(1) IN GENERAL.—The Secretary may make appropriate adjustments in the loan levels for any commodity for differences in grade, type, quality, location, and other factors.

(2) LOAN LEVEL.—The adjustments shall, to the maximum extent practicable, be made in such manner that the average loan level for the commodity will, on the basis of the anticipated incidence of the factors, be equal to the level of support determined as provided in this section

or the Agricultural Adjustment Act of 1938 (7 U.S.C. 1281 et seq.).

(j) PERSONAL LIABILITY OF PRODUCERS FOR DEFICIENCIES.—

(1) IN GENERAL.—Except as provided in paragraph (2), no producer shall be personally liable for any deficiency arising from the sale of the collateral securing any nonrecourse loan made under this section or the Agricultural Adjustment Act of 1938 (7 U.S.C. 1281 et seq.) unless the loan was obtained through a fraudulent representation by the producer.

(2) LIMITATIONS.—Paragraph (1) shall not prevent the Commodity Credit Corporation or the Secretary from requiring a producer to assume liability for—

(A) a deficiency in the grade, quality, or quantity of a commodity stored on a farm or delivered by the producer;

(B) a failure to properly care for and preserve a commodity; or

(C) a failure or refusal to deliver a commodity in accordance with a program established under this section or the Agricultural Adjustment Act of 1938.

(3) ACQUISITION OF COLLATERAL.—The Secretary may include in a contract for a nonrecourse loan made under this section or the Agricultural Adjustment Act of 1938 a provision that permits the Commodity Credit Corporation, on and after the maturity of the loan, to acquire title to the unredeemed collateral without obligation to pay for any market value that the collateral may have in excess of the loan indebtedness.

(4) SUGARCANE AND SUGAR BEETS.—A security interest obtained by the Commodity Credit Corporation as a result of the execution of a security agreement by the processor of sugarcane or sugar beets shall be superior to all statutory and common law liens on raw cane sugar and refined beet sugar in favor of the producers of sugarcane and sugar beets and all prior recorded and unrecorded liens on the crops of sugarcane and sugar beets from which the sugar was derived.

(k) COMMODITY CREDIT CORPORATION SALES PRICE RESTRICTIONS.—

(1) IN GENERAL.—The Commodity Credit Corporation may sell any commodity owned or controlled by the Corporation at any price that the Secretary determines will maximize returns to the Corporation.

(2) NONAPPLICATION OF SALES PRICE RESTRICTIONS.—Paragraph (1) shall not apply to—

(A) a sale for a new or byproduct use;

(B) a sale of peanuts or oilseeds for the extraction of oil;

(C) a sale for seed or feed if the sale will not substantially impair any loan program;

(D) a sale of a commodity that has substantially deteriorated in quality or as to which there is a danger of loss or waste through deterioration or spoilage;

(E) a sale for the purpose of establishing a claim arising out of a contract or against a person who has committed fraud, misrepresentation, or other wrongful act with respect to the commodity;

(F) a sale for export, as determined by the Corporation; and

(G) a sale for other than a primary use.

(3) PRESIDENTIAL DISASTER AREAS.—

(A) IN GENERAL.—Notwithstanding paragraph (1), on such terms and conditions as the Secretary may consider in the public interest, the Corporation may make available any commodity or product owned or controlled by the Corporation for use in relieving distress—

(i) in any area in the United States (including the Virgin Islands) declared by the President to be an acute distress area because of unemployment or other economic cause, if the President finds that the use will not displace or interfere with normal marketing of agricultural commodities; and

(ii) in connection with any major disaster determined by the President to warrant assistance by the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(B) COSTS.—Except on a reimbursable basis, the Corporation shall not bear any costs in connection with making a commodity available under subparagraph (A) beyond the cost of the commodity to the Corporation incurred in—

(i) the storage of the commodity; and

(ii) the handling and transportation costs in making delivery of the commodity to designated agencies at 1 or more central locations in each State or other area.

(4) EFFICIENT OPERATIONS.—Paragraph (1) shall not apply to the sale of a commodity the disposition of which is desirable in the interest of the effective and efficient conduct of the operations of the Corporation because of the small quantity of the commodity involved, or because of the age, location, or questionable continued storability of the commodity.

SEC. 105. PAYMENT LIMITATIONS.

(a) IN GENERAL.—Section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) is amended by striking paragraphs (1) through (4) and inserting the following:

"(1) LIMITATION ON PAYMENTS UNDER PRODUCTION FLEXIBILITY CONTRACTS.—The total amount of contract payments made under section 103 of the Agricultural Market Transition Act to a person under 1 or more production flexibility contracts entered into under the section during any fiscal year may not exceed $40,000.

"(2) LIMITATION ON MARKETING LOAN GAINS AND LOAN DEFICIENCY PAYMENTS.—For each of the 1996 through 2002 crops of loan commodities, the total amount of payments specified in paragraph (3) that a person shall be entitled to receive under section 104 of the Agricultural Market Transition Act for one or more loan commodities may not exceed $75,000.

"(3) DESCRIPTION OF PAYMENTS SUBJECT TO LIMITATION.—The payments referred to in paragraph (2) are the following:

"(A) Any gain realized by a producer from repaying a marketing assistance loan for a crop of any loan commodity at a lower level than the original loan rate established for the loan commodity under section 104(b) of the Agricultural Market Transition Act.

"(B) Any loan deficiency payment received for a loan commodity under section 104(e) of the Act.

"(4) DEFINITIONS.—In this title, the terms 'contract payment' and 'loan commodity' have the meaning given those terms in section 102 of the Agricultural Market Transition Act.".

(b) CONFORMING AMENDMENTS.—

(1) Section 1001A of the Food Security Act of 1985 (7 U.S.C. 1308–1) is amended—

(A) in subsection (a)(1), by striking "under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.)"; and

(B) in subsection (b)(1), by striking "under the Agricultural Act of 1949".

(2) Section 1001C(a) of the Act (7 U.S.C. 1308–3(a)) is amended—

(A) by striking "For each of the 1991 through 1997 crops, any" and inserting "Any";

(B) by striking "production adjustment payments, price support program loans, payments, or benefits made available under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.)," and inserting "loans or payments made available under title I of the Agricultural Market Transition Act,"; and

(C) by striking "during the 1989 through 1997 crop years".

SEC. 106. PEANUT PROGRAM.

(a) QUOTA PEANUTS.—

(1) AVAILABILITY OF LOANS.—The Secretary shall make nonrecourse loans available to producers of quota peanuts.

(2) LOAN RATE.—The national average quota loan rate for quota peanuts shall be $610 per ton.

(3) INSPECTION, HANDLING, OR STORAGE.—The loan amount may not be reduced by the Secretary by any deductions for inspection, handling, or storage.

(4) LOCATION AND OTHER FACTORS.—The Secretary may make adjustments in the loan rate for quota peanuts for location of peanuts and such other factors as are authorized by section 411 of the Agricultural Adjustment Act of 1938.

(5) OFFERS FROM HANDLERS.—In the case of any producer who had an offer available from a handler to purchase quota peanuts, for delivery within the same county or a contiguous county, at a price equal to or greater than the applicable quota support rate, the Secretary shall reduce the support rate by 5 percent for the peanuts that were subject to the offer.

(b) ADDITIONAL PEANUTS.—

(1) IN GENERAL.—The Secretary shall make nonrecourse loans available to producers of additional peanuts at such rates as the Secretary finds appropriate, taking into consideration the demand for peanut oil and peanut meal, expected prices of other vegetable oils and protein meals, and the demand for peanuts in foreign markets.

(2) ANNOUNCEMENT.—The Secretary shall announce the loan rate for additional peanuts of each crop not later than February 15 preceding the marketing year for the crop for which the loan rate is being determined.

(c) AREA MARKETING ASSOCIATIONS.—

(1) WAREHOUSE STORAGE LOANS.—

(A) IN GENERAL.—In carrying out subsections (a) and (b), the Secretary shall make warehouse storage loans available in each of the producing areas (described in section 1446.95 of title 7 of the Code of Federal Regulations (January 1, 1989)) to a designated area marketing association of peanut producers that is selected and approved by the Secretary and that is operated primarily for the purpose of conducting the loan activities. The Secretary may not make warehouse storage loans available to any cooperative that is engaged in operations or activities concerning peanuts other than those operations and activities specified in this section and section 358e of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359a).

(B) ADMINISTRATIVE AND SUPERVISORY ACTIVITIES.—An area marketing association shall be used in administrative and supervisory activities relating to loans and marketing activities under this section and section 358e of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359a).

(C) ASSOCIATION COSTS.—Loans made to the association under this paragraph shall include such costs as the area marketing association reasonably may incur in carrying out the responsibilities, operations, and activities of the association under this section and section 358e of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359a).

(2) POOLS FOR QUOTA AND ADDITIONAL PEANUTS.—

(A) IN GENERAL.—The Secretary shall require that each area marketing association establish pools and maintain complete and accurate records by area and segregation for quota peanuts handled under loan and for additional peanuts placed under loan, except that separate pools shall be established for Valencia peanuts produced in New Mexico. Bright hull and dark hull Valencia peanuts shall be considered as separate types for the purpose of establishing the pools.

(B) NET GAINS.—Net gains on peanuts in each pool, unless otherwise approved by the Secretary, shall be distributed only to producers

who placed peanuts in the pool and shall be distributed in proportion to the value of the peanuts placed in the pool by each producer. Net gains for peanuts in each pool shall consist of the following:

(i) QUOTA PEANUTS.—For quota peanuts, the net gains over and above the loan indebtedness and other costs or losses incurred on peanuts placed in the pool.

(ii) ADDITIONAL PEANUTS.—For additional peanuts, the net gains over and above the loan indebtedness and other costs or losses incurred on peanuts placed in the pool for additional peanuts.

(d) LOSSES.—Losses in quota area pools shall be covered using the following sources in the following order of priority:

(1) TRANSFERS FROM ADDITIONAL LOAN POOLS.—The proceeds due any producer from any pool shall be reduced by the amount of any loss that is incurred with respect to peanuts transferred from an additional loan pool to a quota loan pool by the producer under section 358–1(b)(8) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1358–1(b)(8)).

(2) OTHER PRODUCERS IN SAME POOL.—Further losses in an area quota pool shall be offset by reducing the gain of any producer in the pool by the amount of pool gains attributed to the same producer from the sale of additional peanuts for domestic and export edible use.

(3) BUY-BACK GAINS WITHIN AREA.—Further losses in an area quota pool shall be offset by gains or profits attributable to sales of additional peanuts in that area pursuant to the provisions of section 358e(g)(1)(A) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359a(g)(1)(A)).

(4) USE OF MARKETING ASSESSMENTS.—The Secretary shall use funds collected under subsection (g) (except funds attributable to handlers) to offset further losses in area quota pools. The Secretary shall transfer to the Treasury those funds collected under subsection (g) and available for use under this subsection that the Secretary determines are not required to cover losses in area quota pools.

(5) CROSS COMPLIANCE.—Further losses in area quota pools, other than losses incurred as a result of transfers from additional loan pools to quota loan pools under section 358–1(b)(8) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1358–1(b)(8)), shall be offset by any gains or profits from quota pools in other production areas (other than separate type pools established under subsection (c)(2)(A) for Valencia peanuts produced in New Mexico) in such manner as the Secretary shall by regulation prescribe. If losses in area quota pools have not been entirely offset through use of the preceding sentence, then further losses shall be offset by gains or profits attributable to sales of additional peanuts in other areas pursuant to section 358e(g)(1)(A) of such Act (7 U.S.C. 1359a(g)(1)(A)).

(6) INCREASED ASSESSMENTS.—If use of the authorities provided in the preceding paragraphs is not sufficient to cover losses in an area quota pool, the Secretary shall increase the marketing assessment established under subsection (g) by such an amount as the Secretary considers necessary to cover the losses. The increased assessment shall apply only to quota peanuts covered by that pool. Amounts collected under subsection (g) as a result of the increased assessment shall be retained by the Secretary to cover losses in that pool.

(e) DISAPPROVAL OF QUOTAS.—Notwithstanding any other provision of law, no loan for quota peanuts may be made available by the Secretary for any crop of peanuts with respect to which poundage quotas have been disapproved by producers, as provided for in section 358–1(d) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1358–1(d)).

(f) QUALITY IMPROVEMENT.—

(1) IN GENERAL.—With respect to peanuts under loan, the Secretary shall—

(A) promote the crushing of peanuts at a greater risk of deterioration before peanuts of a lesser risk of deterioration;

(B) ensure that all Commodity Credit Corporation inventories of peanuts sold for domestic edible use must be shown to have been officially inspected by licensed Department inspectors both as farmer stock and shelled or cleaned in-shell peanuts;

(C) continue to endeavor to operate the peanut program so as to improve the quality of domestic peanuts and ensure the coordination of activities under the Peanut Administrative Committee established under Marketing Agreement No. 146, regulating the quality of domestically produced peanuts (under the Agricultural Adjustment Act (7 U.S.C. 601 et seq.), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937); and

(D) ensure that any changes made in the peanut program as a result of this subsection requiring additional production or handling at the farm level shall be reflected as an upward adjustment in the Department loan schedule.

(2) EXPORTS AND OTHER PEANUTS.—The Secretary shall require that all peanuts in the domestic and export markets fully comply with all quality standards under Marketing Agreement No. 146.

(g) MARKETING ASSESSMENT.—

(1) IN GENERAL.—The Secretary shall provide for a nonrefundable marketing assessment. The assessment shall be made on a per pound basis in an amount equal to 1.1 percent for each of the 1994 and 1995 crops, 1.15 percent for the 1996 crop, and 1.2 percent for each of the 1997 through 2002 crops, of the national average quota or additional peanut loan rate for the applicable crop.

(2) FIRST PURCHASERS.—

(A) IN GENERAL.—Except as provided under paragraphs (3) and (4), the first purchaser of peanuts shall—

(i) collect from the producer a marketing assessment equal to the quantity of peanuts acquired multiplied by—

(I) in the case of each of the 1994 and 1995 crops, .55 percent of the applicable national average loan rate;

(II) in the case of the 1996 crop, .6 percent of the applicable national average loan rate; and

(III) in the case of each of the 1997 through 2002 crops, .65 percent of the applicable national average loan rate;

(ii) pay, in addition to the amount collected under clause (i), a marketing assessment in an amount equal to the quantity of peanuts acquired multiplied by .55 percent of the applicable national average loan rate; and

(iii) remit the amounts required under clauses (i) and (ii) to the Commodity Credit Corporation in a manner specified by the Secretary.

(B) DEFINITION OF FIRST PURCHASER.—In this subsection, the term "first purchaser" means a person acquiring peanuts from a producer except that in the case of peanuts forfeited by a producer to the Commodity Credit Corporation, the term means the person acquiring the peanuts from the Commodity Credit Corporation.

(3) OTHER PRIVATE MARKETINGS.—In the case of a private marketing by a producer directly to a consumer through a retail or wholesale outlet or in the case of a marketing by the producer outside of the continental United States, the producer shall be responsible for the full amount of the assessment and shall remit the assessment by such time as is specified by the Secretary.

(4) LOAN PEANUTS.—In the case of peanuts that are pledged as collateral for a loan made under this section, ½ of the assessment shall be deducted from the proceeds of the loan. The remainder of the assessment shall be paid by the first purchaser of the peanuts. For purposes of computing net gains on peanuts under this section, the reduction in loan proceeds shall be treated as having been paid to the producer.

(5) PENALTIES.—If any person fails to collect or remit the reduction required by this subsection or fails to comply with the requirements for recordkeeping or otherwise as are required by the Secretary to carry out this subsection, the person shall be liable to the Secretary for a civil penalty up to an amount determined by multiplying—

(A) the quantity of peanuts involved in the violation; by

(B) the national average quota peanut rate for the applicable crop year.

(6) ENFORCEMENT.—The Secretary may enforce this subsection in the courts of the United States.

(h) CROPS.—Subsections (a) through (f) shall be effective only for the 1996 through 2002 crops of peanuts.

(i) MARKETING QUOTAS.—

(1) IN GENERAL.—Part VI of subtitle B of title III of the Agricultural Adjustment Act of 1938 is amended—

(A) in section 358–1 (7 U.S.C. 1358–1)—

(i) in the section heading, by striking "**1991 THROUGH 1997 CROPS OF**";

(ii) in subsections (a)(1), (b)(1)(B), (b)(2)(A), (b)(2)(C), and (b)(3)(A), by striking "of the 1991 through 1997 marketing years" each place it appears and inserting "marketing year";

(iii) in subsection (a)(3), by striking "1990" and inserting "1990, for the 1991 through 1995 marketing years, and 1995, for the 1996 through 2002 marketing years";

(iv) in subsection (b)(1)(A)—

(I) by striking "each of the 1991 through 1997 marketing years" and inserting "each marketing year"; and

(II) in clause (i), by inserting before the semicolon the following: ", in the case of the 1991 through 1995 marketing years, and the 1995 marketing year, in the case of the 1996 through 2002 marketing years"; and

(v) in subsection (f), by striking "1997" and inserting "2002";

(B) in section 358b (7 U.S.C. 1358b)—

(i) in the section heading, by striking "**1991 THROUGH 1995 CROPS OF**"; and

(ii) in subsection (c), by striking "1995" and inserting "2002";

(C) in section 358c(d) (7 U.S.C. 1358c(d)), by striking "1995" and inserting "2002"; and

(D) in section 358e (7 U.S.C. 1359a)—

(i) in the section heading, by striking "**FOR 1991 THROUGH 1997 CROPS OF PEANUTS**"; and

(ii) in subsection (i), by striking "1997" and inserting "2002".

(2) ELIGIBILITY FOR FARM POUNDAGE QUOTA.—

(A) CERTAIN FARMS INELIGIBLE.—Section 358–1(b)(1) of the Act (7 U.S.C. 1358–1(b)(1)) is amended by adding at the end the following:

"(D) CERTAIN FARMS INELIGIBLE TO HOLD QUOTA.—Effective beginning with the 1997 marketing year, the Secretary shall no longer establish farm poundage quotas under subparagraph (A) for farms—

"(i) owned or controlled by municipalities, airport authorities, schools, colleges, refuges, and other public entities (not including universities for research purposes); or

"(ii) owned or controlled by a person who is not a producer and resides in another State.".

(B) ALLOCATION OF QUOTA TO OTHER FARMS.—Section 358–1(b)(2) of the Act (7 U.S.C. 1358–1(b)(2)) is amended by adding at the end the following:

"(E) TRANSFER OF QUOTA FROM INELIGIBLE FARMS.—Any farm poundage quota held at the end of the 1996 marketing year by a farm described in paragraph (1)(D) shall be allocated to *other farms in the same State on such basis as the Secretary may by regulation prescribe.".*

(3) ELIMINATION OF QUOTA FLOOR.—Section 358–1(a)(1) of the Act (7 U.S.C. 1358–1(a)(1)) is amended by striking the second sentence.

(4) TEMPORARY QUOTA ALLOCATION.—Section 358–1 of the Act (7 U.S.C. 1358–1) is amended—

(A) in subsection (a)(1), by striking "domestic edible, seed," and inserting "domestic edible use";

(B) in subsection (b)(2)—

(i) in subparagraph (A), by striking "subparagraph (B) and subject to"; and

(ii) by striking subparagraph (B) and inserting the following:

"(B) TEMPORARY QUOTA ALLOCATION.—

"(i) ALLOCATION RELATED TO SEED PEANUTS.—Temporary allocation of quota pounds for the marketing year only in which the crop is planted shall be made to producers for each of the 1996 through 2002 marketing years as provided in this subparagraph.

"(ii) QUANTITY.—The temporary quota allocation shall be equal to the pounds of seed peanuts planted on the farm, as may be adjusted under regulations prescribed by the Secretary.

"(iii) ADDITIONAL QUOTA.—The temporary allocation of quota pounds under this paragraph shall be in addition to the farm poundage quota otherwise established under this subsection and shall be credited, for the applicable marketing year only, in total to the producer of the peanuts on the farm in a manner prescribed by the Secretary.

"(iv) EFFECT OF OTHER REQUIREMENTS.—Nothing in this section alters or changes the requirements regarding the use of quota and additional peanuts established by section 358e(b).''; and

(C) in subsection (e)(3), strike "and seed and use on a farm".

(5) SPRING AND FALL TRANSFERS WITHIN A STATE.—Section 358b(a)(1) of the Act (7 U.S.C. 1358b(a)(1)) is amended—

(A) by striking ", conditions, or limitations" in the matter preceding the subparagraphs and inserting "and conditions";

(B) by striking "any such lease" in the matter preceding the subparagraphs and inserting "any such sale or lease"; and

(C) by striking "in the fall or after the normal planting season—" and subparagraphs (A) and (B) and inserting the following: "in the spring (or before the normal planting season) or in the fall (or after the normal planting season) with the owner or operator of a farm located within any county in the same State. In the case of a fall transfer or a transfer after the normal planting season, the transfer may be made only if not less than 90 percent of the basic quota (the farm quota exclusive of temporary quota transfers), plus any poundage quota transferred to the farm under this subsection, has been planted or considered planted on the farm from which the quota is to be leased.".

(6) UNDERMARKETINGS.—Part VI of subtitle B of title III of the Act is amended—

(A) in section 358–1(b) (7 U.S.C. 1358–1(b))—

(i) in paragraph (1)(B), by striking "including—" and clauses (i) and (ii) and inserting "including any increases resulting from the allocation of quotas voluntarily released for 1 year under paragraph (7).";

(ii) in paragraph (3)(B), by striking "include—" and clauses (i) and (ii) and inserting "include any increase resulting from the allocation of quotas voluntarily released for 1 year under paragraph (7)."; and

(iii) by striking paragraphs (8) and (9); and

(B) in section 358b(a) (7 U.S.C. 1358b(a))—

(i) in paragraph (1), by striking "(including any applicable under marketings)" both places it appears;

(ii) in paragraph (2), by striking "(including any applicable under marketings)"; and

(iii) in paragraph (3), by striking "(including any applicable undermarketings)".

(7) DISASTER TRANSFERS.—Section 358–1(b) of the Act (7 U.S.C. 1358–1(b)), as amended by paragraph (6)(A)(iii), is further amended by adding at the end the following:

"(8) DISASTER TRANSFERS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), additional peanuts produced on a farm from which the quota poundage was not harvested and marketed because of drought, flood, or any other natural disaster, or any other condition beyond the control of the producer, may be transferred to the quota loan pool for pricing purposes on such basis as the Secretary shall by regulation provide.

"(B) LIMITATION.—The poundage of peanuts transferred under subparagraph (A) shall not exceed the difference between—

"(i) the total quantity of peanuts meeting quality requirements for domestic edible use, as determined by the Secretary, marketed from the farm; and

"(ii) the total farm poundage quota, excluding quota pounds transferred to the farm in the fall.

"(C) SUPPORT RATE.—Peanuts transferred under this paragraph shall be supported at 70 percent of the quota support rate for the marketing years in which the transfers occur. The transfers for a farm shall not exceed 25 percent of the total farm quota pounds, excluding pounds transferred in the fall.".

SEC. 107. SUGAR PROGRAM.

(a) SUGARCANE.—The Secretary shall make loans available to processors of domestically grown sugarcane at a rate equal to 18 cents per pound for raw cane sugar.

(b) SUGAR BEETS.—The Secretary shall make loans available to processors of domestically grown sugar beets at a rate equal to 22.9 cents per pound for refined beet sugar.

(c) REDUCTION IN LOAN RATES.—

(1) REDUCTION REQUIRED.—The Secretary shall reduce the loan rate specified in subsection (a) for domestically grown sugarcane and subsection (b) for domestically grown sugar beets if the Secretary determines that negotiated reductions in export subsidies and domestic subsidies provided for sugar of the European Union and other major sugar growing, producing, and exporting countries in the aggregate exceed the commitments made as part of the Agreement on Agriculture.

(2) EXTENT OF REDUCTION.—The Secretary shall not reduce the loan rate under subsection (a) or (b) below a rate that provides an equal measure of support to that provided by the European Union and other major sugar growing, producing, and exporting countries, based on an examination of both domestic and export subsidies subject to reduction in the Agreement on Agriculture.

(3) ANNOUNCEMENT OF REDUCTION.—The Secretary shall announce any loan rate reduction to be made under this subsection as far in advance as is practicable.

(4) MAJOR SUGAR COUNTRIES DEFINED.—For purposes of this subsection, the term "major sugar growing, producing, and exporting countries" means—

(A) the countries of the European Union; and

(B) the ten foreign countries not covered by subparagraph (A) that the Secretary determines produce the greatest amount of sugar.

(5) AGREEMENT ON AGRICULTURE DEFINED.—For purposes of this subsection, the term "Agreement on Agriculture" means the Agreement on Agriculture referred to in section 101(d)(2) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(2)).

(d) TERM OF LOANS.—

(1) IN GENERAL.—Loans under this section during any fiscal year shall be made available not earlier than the beginning of the fiscal year and shall mature at the earlier of—

(A) the end of 9 months; or

(B) the end of the fiscal year.

(2) SUPPLEMENTAL LOANS.—In the case of loans made under this section in the last 3 months of a fiscal year, the processor may repledge the sugar as collateral for a second loan in the subsequent fiscal year, except that the second loan shall—

(A) be made at the loan rate in effect at the time the second loan is made; and

(B) mature in 9 months less the quantity of time that the first loan was in effect.

(e) LOAN TYPE; PROCESSOR ASSURANCES.—

(1) RECOURSE LOANS.—Subject to paragraph (2), the Secretary shall carry out this section through the use of recourse loans.

(2) NONRECOURSE LOANS.—During any fiscal year in which the tariff rate quota for imports of sugar into the United States is established at, or is increased to, a level in excess of 1,500,000 short tons raw value, the Secretary shall carry out this section by making available nonrecourse loans. Any recourse loan previously made available by the Secretary under this section during the fiscal year shall be changed by the Secretary into a nonrecourse loan.

(3) PROCESSOR ASSURANCES.—If the Secretary is required under paragraph (2) to make nonrecourse loans available during a fiscal year or to change recourse loans into nonrecourse loans, the Secretary shall obtain from each processor that receives a loan under this section such assurances as the Secretary considers adequate to ensure that the processor will provide payments to producers that are proportional to the value of the loan received by the processor for sugar beets and sugarcane delivered by producers served by the processor. The Secretary may establish appropriate minimum payments for purposes of this paragraph.

(f) MARKETING ASSESSMENT.—

(1) SUGARCANE.—Effective for marketings of raw cane sugar during the 1996 through 2003 fiscal years, the first processor of sugarcane shall remit to the Commodity Credit Corporation a nonrefundable marketing assessment in an amount equal to—

(A) in the case of marketings during fiscal year 1996, 1.1 percent of the loan rate established under subsection (a) per pound of raw cane sugar, processed by the processor from domestically produced sugarcane or sugarcane molasses, that has been marketed (including the transfer or delivery of the sugar to a refinery for further processing or marketing); and

(B) in the case of marketings during each of fiscal years 1997 through 2003, 1.375 percent of the loan rate established under subsection (a) per pound of raw cane sugar, processed by the processor from domestically produced sugarcane or sugarcane molasses, that has been marketed (including the transfer or delivery of the sugar to a refinery for further processing or marketing).

(2) SUGAR BEETS.—Effective for marketings of beet sugar during the 1996 through 2003 fiscal years, the first processor of sugar beets shall remit to the Commodity Credit Corporation a nonrefundable marketing assessment in an amount equal to—

(A) in the case of marketings during fiscal year 1996, 1.1794 percent of the loan rate established under subsection (a) per pound of beet sugar, processed by the processor from domestically produced sugar beets or sugar beet molasses, that has been marketed; and

(B) in the case of marketings during each of fiscal years 1997 through 2003, 1.47425 percent of the loan rate established under subsection (a) per pound of beet sugar, processed by the processor from domestically produced sugar beets or sugar beet molasses, that has been marketed.

(3) COLLECTION.—

(A) TIMING.—A marketing assessment required under this subsection shall be collected on a

monthly basis and shall be remitted to the Commodity Credit Corporation not later than 30 days after the end of each month. Any cane sugar or beet sugar processed during a fiscal year that has not been marketed by September 30 of the year shall be subject to assessment on that date. The sugar shall not be subject to a second assessment at the time that it is marketed.

(B) MANNER.—Subject to subparagraph (A), marketing assessments shall be collected under this subsection in the manner prescribed by the Secretary and shall be nonrefundable.

(4) PENALTIES.—If any person fails to remit the assessment required by this subsection or fails to comply with such requirements for recordkeeping or otherwise as are required by the Secretary to carry out this subsection, the person shall be liable to the Secretary for a civil penalty up to an amount determined by multiplying—

(A) the quantity of cane sugar or beet sugar involved in the violation; by

(B) the loan rate for the applicable crop of sugarcane or sugar beets.

(5) ENFORCEMENT.—The Secretary may enforce this subsection in a court of the United States.

(g) FORFEITURE PENALTY.—

(1) IN GENERAL.—A penalty shall be assessed on the forfeiture of any sugar pledged as collateral for a nonrecourse loan under this section.

(2) CANE SUGAR.—The penalty for cane sugar shall be 1 cent per pound.

(3) BEET SUGAR.—The penalty for beet sugar shall bear the same relation to the penalty for cane sugar as the marketing assessment for sugar beets bears to the marketing assessment for sugarcane.

(4) EFFECT OF FORFEITURE.—Any payments owed producers by a processor that forfeits of any sugar pledged as collateral for a nonrecourse loan shall be reduced in proportion to the loan forfeiture penalty incurred by the processor.

(h) INFORMATION REPORTING.—

(1) DUTY OF PROCESSORS AND REFINERS TO REPORT.—A sugarcane processor, cane sugar refiner, and sugar beet processor shall furnish the Secretary, on a monthly basis, such information as the Secretary may require to administer sugar programs, including the quantity of purchases of sugarcane, sugar beets, and sugar, and production, importation, distribution, and stock levels of sugar.

(2) PENALTY.—Any person willfully failing or refusing to furnish the information, or furnishing willfully any false information, shall be subject to a civil penalty of not more than $10,000 for each such violation.

(3) MONTHLY REPORTS.—Taking into consideration the information received under paragraph (1), the Secretary shall publish on a monthly basis composite data on production, imports, distribution, and stock levels of sugar.

(i) MARKETING ALLOTMENTS.—Part VII of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359aa et seq.) is repealed.

(j) CROPS.—This section (other than subsection (i)) shall be effective only for the 1996 through 2002 crops of sugar beets and sugarcane.

SEC. 108. ADMINISTRATION.

(a) COMMODITY CREDIT CORPORATION.—

(1) USE OF CORPORATION.—The Secretary shall carry out this title through the Commodity Credit Corporation.

(2) PROHIBITION ON SALARIES AND EXPENSES.—Notwithstanding any other provision of law, no funds of the Corporation shall be used for any salary or expense of any officer or employee of the Department of Agriculture.

(b) DETERMINATIONS BY SECRETARY.—A determination made by the Secretary under this title or the Agricultural Adjustment Act of 1938 (7 U.S.C. 1281 et seq.) shall be final and conclusive.

(c) REGULATIONS.—The Secretary may issue such regulations as the Secretary determines necessary to carry out this title.

SEC. 109. ELIMINATION OF PERMANENT PRICE SUPPORT AUTHORITY.

(a) AGRICULTURAL ADJUSTMENT ACT OF 1938.—The Agricultural Adjustment Act of 1938 is amended—

(1) in title III—

(A) in subtitle B—

(i) by striking parts II through V (7 U.S.C. 1326–1351); and

(ii) in part VI—

(I) by moving subsection (c) of section 358d (7 U.S.C. 1358d(c)) to appear after section 301(b)(17) (7 U.S.C. 1301(b)(17)), redesignating the subsection as paragraph (18), and moving the margin of the paragraph 2 ems to the right; and

(II) by striking sections 358, 358a, and 358d (7 U.S.C. 1358, 1358a, and 1359); and

(B) by striking subtitle D (7 U.S.C. 1379a–1379j); and

(2) by striking title IV (7 U.S.C. 1401–1407).

(b) AGRICULTURAL ACT OF 1949.—

(1) TRANSFER OF CERTAIN SECTIONS.—The Agricultural Act of 1949 is amended—

(A) by transferring sections 106, 106A, and 106B (7 U.S.C. 1445, 1445–1, 1445–2) to appear after section 314A of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314–1) and redesignating the transferred sections as sections 315, 315A, and 315B, respectively;

(B) by transferring section 111 (7 U.S.C. 1445f) to appear after section 304 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1304) and redesignating the transferred section as section 305; and

(C) by transferring sections 404 and 416 (7 U.S.C. 1424 and 1431) to appear after section 390 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1390) and redesignating the transferred sections as sections 390A and 390B, respectively.

(2) REPEAL.—The Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) (as amended by paragraph (1)) is repealed.

(c) CONFORMING AMENDMENTS.—

(1) Section 361 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1361) is amended by striking ", corn, wheat, cotton, peanuts, and rice, established".

(2) Section 371 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1371) is amended—

(A) in the first sentence of subsection (a), by striking "cotton, rice, peanuts, or"; and

(B) in the first sentence of subsection (b), by striking "cotton, rice, peanuts or".

SEC. 110. EFFECT OF AMENDMENTS.

(a) EFFECT ON PRIOR CROPS.—Except as otherwise specifically provided and notwithstanding any other provision of law, this title and the amendments made by this title shall not affect the authority of the Secretary to carry out a price support or production adjustment program for any of the 1991 through 1995 crops of an agricultural commodity established under a provision of law in effect immediately before the date of the enactment of this Act.

(b) LIABILITY.—A provision of this title or an amendment made by this title shall not affect the liability of any person under any provision of law as in effect before the date of the enactment of this Act.

TITLE II—DAIRY

Subtitle A—Milk Price Support and Other Activities

SEC. 201. MILK PRICE SUPPORT PROGRAM.

(a) SUPPORT ACTIVITIES.—To replace the milk price support program established under section 204 of the Agricultural Act of 1949 (7 U.S.C. 1446e), which is repealed by section 109(b)(2)), the Secretary of Agriculture shall use the authority provided in this section to support the price of milk produced in the 48 contiguous States through the purchase of cheddar cheese produced from such milk. Until the first day of the first month beginning not less than 30 days after the date of the enactment of this Act, the Secretary also may support the price of milk under this section through the purchase of butter and nonfat dry milk produced from milk produced in the 48 contiguous States.

(b) RATE.—The price of milk shall be supported at the following rates per hundredweight for milk containing 3.67 percent butterfat:

(1) During calendar year 1996, not less than $10.35.

(2) During calendar year 1997, not less than $10.25.

(3) During calendar year 1998, not less than $10.15.

(4) During calendar year 1999, not less than $10.05.

(5) During calendar year 2000, not less than $9.95.

(6) During calendar years 2001 and 2002, not less than $9.85.

(c) BID PRICES.—The Commodity Credit Corporation support purchase prices under this section for cheddar cheese (and for butter and nonfat dry milk subject to subsection (a)) announced by the Corporation shall be the same for all of that milk product sold by persons offering to sell the product to the Corporation. The purchase prices shall be sufficient to enable plants of average efficiency to pay producers, on average, a price not less than the rate of price support for milk in effect during a 12-month period under this section.

(d) USE OF COMMODITY CREDIT CORPORATION.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this section.

(e) RESIDUAL AUTHORITY FOR REFUND OF BUDGET DEFICIT ASSESSMENTS.—

(1) APPLICATION OF SUBSECTION.—This subsection shall apply with respect to the reductions made under subsection (h)(2) of section 204 of the Agricultural Act of 1949, as in effect on the day before the date of the enactment of this Act, in the price of milk received by producers during calendar years 1995 and 1996.

(2) REFUND REQUIRED.—The Secretary shall provide a refund of the entire reduction made under such subsection (h)(2) in the price of milk received by a producer during a calendar year referred to in paragraph (1) if the producer provides evidence that the producer did not increase marketings in that calendar year when compared to the preceding calendar year.

(3) TREATMENT OF REFUNDS.—A refund under this subsection shall not be considered as any type of price support or payment for purposes of sections 1211 and 1221 of the Food Security Act of 1985 (16 U.S.C. 3811, 3821).

(g) TRANSFER OF MILK PRODUCTS TO MILITARY AND VETERANS HOSPITALS.—

(1) TRANSFER AUTHORIZED.—As a means of increasing the utilization of milk and milk products, upon the certification by the Secretary of Veterans Affairs or by the Secretary of the Army, acting for the military departments under the Single Service Purchase Assignment for Subsistence of the Department of Defense, that the usual quantities of milk products have been purchased in the normal channels of trade, the Commodity Credit Corporation shall make available—

(A) to the Secretary of Veterans Affairs at warehouses where milk products are stored, such milk products acquired under this section as the Secretary of Veterans Affairs certifies are required in order to provide milk products as a part of the ration in hospitals under the jurisdiction of the Secretary of Veterans Affairs; and

(B) to the Secretary of the Army, at warehouses where milk products are stored, such milk products acquired under this section as the Secretary of the Army certifies can be utilized in order to provide additional milk products as a part of the ration—

(i) of the Army, Navy, Air Force, or Coast Guard;

(ii) in hospitals under the jurisdiction of the Department of Defense; and

(iii) of cadets and midshipmen at, and other personnel assigned to, the United States Merchant Marine Academy.

(2) REPORTS.—The Secretary of Veterans Affairs and the Secretary of the Army shall report every six months to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives and the Secretary of Agriculture the amount of milk products used under this subsection.

(3) PROCESS.—The Secretary of Veterans Affairs and the Secretary of the Army shall reimburse the Commodity Credit Corporation for all costs associated in making milk products available under this subsection.

(4) LIMITATION.—The obligation of the Commodity Credit Corporation to make milk products available pursuant to this subsection shall be limited to milk products acquired by the Corporation under this section and not disposed of under provisions (1) and (2) of section 390B(a) of the Agricultural Adjustment Act of 1938.

(h) PERIOD OF EFFECTIVENESS.—Notwithstanding any other provision of law, this section shall be effective only during the period—

(1) beginning on the date of the enactment of this Act; and

(2) ending on December 31, 2002.

SEC. 202. RECOURSE LOANS FOR COMMERCIAL PROCESSORS OF DAIRY PRODUCTS.

(a) RECOURSE LOANS AVAILABLE.—The Secretary of Agriculture shall make recourse loans available to commercial processors of eligible dairy products to assist such processors to manage inventories of eligible dairy products to assure a greater degree of price stability for the dairy industry during the year. Recourse loans may be made available under such reasonable terms and conditions as the Secretary may prescribe. The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this section.

(b) AMOUNT OF LOAN.—The Secretary shall establish the amount of a loan for eligible dairy products, which shall reflect 90 percent of the reference price for that product. The rate of interest charged participants in this program shall not be less than the rate of interest charged the Commodity Credit Corporation by the United States Treasury.

(c) PERIOD OF LOANS.—A recourse loan made under this section may not extend beyond the end of the fiscal year during which the loan is made, except that the Secretary may extend the loan for an additional period not to exceed the end of the next fiscal year.

(d) DEFINITIONS.—In this section:

(1) The term "eligible dairy products" means cheddar cheese, butter, and nonfat dry milk.

(2) The term "reference price" means—

(A) for cheddar cheese, the average National (Green Bay) Cheese Exchange price for 40 pound blocks of cheddar cheese for the previous three months;

(B) for butter, the average Chicago Mercantile Exchange price for Grade AA butter for the previous three months; and

(C) for nonfat dry milk, the average Western States Extra Grade and Grade A price for nonfat dry milk for the previous three months.

SEC. 203. DAIRY EXPORT INCENTIVE PROGRAM.

(a) DURATION.—Subsection (a) of section 153 of the Food Security Act of 1985 (15 U.S.C. 713a-14) is amended by striking "2001" and inserting "2002".

(b) ELEMENTS OF PROGRAM.—Subsection (c) of such section is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "; and"; and

(3) by adding at the end the following new paragraphs:

"(3) the maximum volume of dairy product exports allowable consistent with the obligations of the United States as a member of the World Trade Organization are exported under the program each year (minus the volume sold under section 1163 of this Act (7 U.S.C. 1731 note) during that year), except to the extent that the export of such a volume under the program would, in the judgment of the Secretary, exceed the limitations on the value set forth in subsection (f); and

"(4) payments may be made under the program for exports to any destination in the world for the purpose of market development, except a destination in a country with respect to which shipments from the United States are otherwise restricted by law.".

(c) SOLE DISCRETION.—Subsection (b) of such section is amended by inserting "sole" before "discretion".

(d) MARKET DEVELOPMENT.—Subsection (e)(1) of such section is amended—

(1) by striking "and" and inserting "the"; and

(2) by inserting before the period the following: ", and any additional amount that may be required to assist in the development of world markets for United States dairy products".

(e) MAXIMUM ALLOWABLE AMOUNTS.—Such section is further amended by adding at the end the following:

"(f) REQUIRED FUNDING.—The Commodity Credit Corporation shall in each year use money and commodities for the program under this section in the maximum amount consistent with the obligations of the United States as a member of the World Trade Organization, minus the amount expended under section 1163 of this Act (7 U.S.C. 1731 note) during that year. However, the Commodity Credit Corporation may not exceed the limitations specified in subsection (c)(3) on the volume of allowable dairy product exports.".

SEC. 204. DAIRY PROMOTION PROGRAM.

(a) EXPANSION TO COVER DAIRY PRODUCTS IMPORTED INTO THE UNITED STATES.—Section 110(b) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4501(b)) is amended by inserting after "commercial use" the following: "and dairy products imported into the United States".

(b) DEFINITIONS.—

(1) MILK.—Subsection (d) of section 111 of such Act (7 U.S.C. 4502) is amended by inserting before the semicolon the following: "or cow's milk imported into the United States in the form of dairy products intended for consumption in the United States".

(2) DAIRY PRODUCTS.—Subsection (e) of such section is amended by inserting before the semicolon the following: "and casein (except casein imported under sections 3501.90.20 (casein glue) and 3501.90.50 (other) of the Harmonized Tariff Schedule)".

(3) RESEARCH.—Subsection (j) of such section is amended by inserting before the semicolon the following: "or to reduce the costs associated with processing or marketing those products".

(4) UNITED STATES.—Subsection (l) of such section is amended to read as follows:

"(l) the term 'United States' means the several States and the District of Columbia;".

(5) IMPORTERS AND EXPORTERS.—Such section is further amended—

(A) in subsection (k), by striking "and" at the end of such subsection; and

(B) by adding at the end the following new subsections:

"(m) the term 'importer' means the first person to take title to dairy products imported into the United States for domestic consumption; and

"(n) the term 'exporter' means any person who exports dairy products from the United States.".

(c) MEMBERSHIP OF BOARD.—Section 113(b) of such Act (7 U.S.C. 4504(b)) is amended—

(1) in the first sentence, by striking "thirty-six members" and inserting "38 members, including one representative of importers and one representative of exporters to be appointed by the Secretary";

(2) in the second sentence, by striking "Members" and inserting "The remaining members"; and

(3) in the third sentence, by striking "United States" and inserting "United States, including Alaska and Hawaii".

(d) ASSESSMENT.—Section 113(g) of such Act (7 U.S.C. 4504(g)) is amended—

(1) by inserting "(1)" after "(g)"; and

(2) by adding at the end the following new paragraph:

"(2) The order shall provide that each importer of dairy products intended for consumption in the United States shall remit to the Board, in the manner prescribed by the order, an assessment equal to 1.2 cents per pound of total milk solids contained in the imported dairy products, or 15 cents per hundredweight of milk contained in the imported dairy products, whichever is less. If an importer can establish that it is participating in active, ongoing qualified State or regional dairy product promotion or nutrition programs intended to increase the consumption of milk and dairy products, the importer shall receive credit in determining the assessment due from that importer for contributions to such programs of up to .8 cents per pound of total milk solids contained in the imported dairy products, or 10 cents per hundredweight of milk contained in the imported dairy products, whichever is less. The assessment collected under this paragraph shall be used for the purpose specified in paragraph (1).".

(e) RECORDS.—Section 113(k) of such Act (7 U.S.C. 4504(k)) is amended in the first sentence by inserting after "commercial use," the following: "each importer of dairy products,".

(f) TERMINATION OR SUSPENSION OF ORDER.—Section 116(b) of such Act (7 U.S.C. 4507(b)) is amended—

(1) by inserting "and importers" after "producers" each place it appears;

(2) by striking "who, during a representative period (as determined by the Secretary), have been engaged in the production of milk for commercial use"; and

(3) by adding at the end the following new sentences: "A producer shall be eligible to vote in the referendum if the producer, during a representative period (as determined by the Secretary), has been engaged in the production of milk for commercial use. An importer shall be eligible to vote in the referendum if the importer, during a representative period (as determined by the Secretary), has been engaged in the importation of dairy products into the United States intended for consumption in the United States.".

(g) PROMOTION IN INTERNATIONAL MARKETS.—Section 113(e) of such Act (7 U.S.C. 4504(e)) is amended by adding at the end the following new sentence: "For each of the fiscal years 1996 through 2000, the Board's budget shall provide for the expenditure of not less than 10 percent of the anticipated revenues available to the Board to develop international markets for, and to promote within such markets, the consumption of dairy products produced in the United States from milk produced in the United States.".

(h) IMPLEMENTATION OF AMENDMENTS.—

(1) IMPLEMENTATION PROCESS.—To implement the amendments made by this section, the Secretary of Agriculture shall issue an amended dairy products promotion and research order under section 112 of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4503) reflecting such amendments, and no other changes, in the order in existence on the date of the enactment of this Act.

(2) PROPOSAL OF AMENDED ORDER.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall publish a proposed dairy products promotion and research order reflecting the amendments made by this section. The Secretary shall provide notice and an opportunity for public comment on the proposed order.

(3) ISSUANCE OF AMENDED ORDER.—After notice and opportunity for public comment are provided in accordance with paragraph (2), the Secretary shall issue a final dairy products promotion and research order, taking into consideration the comments received and including in the order such provisions as are necessary to ensure that the order is in conformity with the amendments made by this section.

(4) EFFECTIVE DATE.—The final dairy products promotion and research order shall be issued and become effective not later than 120 days after publication of the proposed order.

(i) REFERENDUM ON AMENDMENTS.—Not later than 36 months after the issuance of the dairy products promotion and research order reflecting the amendments made by this section, the Secretary of Agriculture shall conduct a referendum under section 115 of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4506) for the sole purpose of determining whether the requirements of such amendments shall be continued. The Secretary shall conduct the referendum among persons who have been producers or importers (as defined in section 111 of such Act (7 U.S.C. 4502)) during a representative period as determined by the Secretary. The requirements of such amendments shall be continued only if the Secretary determines that such requirements have been approved by not less than a majority of the persons voting in the referendum. If continuation of the amendments is not approved, the Secretary shall issue a new order, within six months after the announcement of the results of the referendum, that is identical to the order in effect on the date of the enactment of this Act. The new order shall become effective upon issuance and shall not be subject to referendum for approval.

SEC. 205. FLUID MILK STANDARDS UNDER MILK MARKETING ORDERS.

(a) NATURE OF STANDARDS.—Each marketing order issued with respect to milk and its products under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, shall contain terms and conditions to provide that all dispositions of fluid milk products containing milk of the highest use classification covered by such orders shall comply with the following requirements:

(1) In the case of milk marketed as whole milk, not less than 12.05 percent total milk solids consisting of not less than 8.8 percent milk solids not fat and not less than 3.25 percent milk fat.

(2) In the case of milk marketed as 2 percent (or lowfat) milk, not less than 12 percent total milk solids consisting of not less than 10 percent milk solids not fat and not less than 2 percent milk fat.

(3) In the case of milk marketed as 1 percent (or light) milk, not less than 12 percent total milk solids consisting of not less than 11 percent milk solids not fat and not less than 1 percent milk fat.

(4) In the case of milk marketed as skim (or nonfat) milk, not less than 9 percent total milk solids consisting of not less than 9 percent milk solids not fat and not more than .25 percent milk fat.

(b) VIOLATIONS.—A violation of the requirements specified in subsection (a) shall be subject to the penalties provided in section 8c(14) of the Agricultural Adjustment Act (7 U.S.C. 608c(14)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937.

(c) EFFECTIVE DATE.—The requirements imposed by this section shall apply to fluid milk marketed on and after the first day of the first month beginning not less than 30 days after the date of the enactment of this Act.

SEC. 206. MANUFACTURING ALLOWANCE.

(a) MAXIMUM ALLOWANCES ESTABLISHED.—No State shall provide for a manufacturing allowance for the processing of milk in excess of—

(1) in the case of milk manufactured into butter, butter oil, nonfat dry milk, or whole dry milk—

(A) $1.65 per hundredweight of milk, for milk marketed during the 2-year period beginning on the effective date of this section; and

(B) such allowance per hundredweight of milk as the Secretary of Agriculture may establish under section 221(b)(3), for milk marketed after the end of such period; and

(2) in the case of milk manufactured into cheese and whey—

(A) $1.80 per hundredweight of milk, for milk marketed during the 2-year period beginning on the effective date of this section; and

(B) such allowance per hundredweight of milk as the Secretary may establish under section 221(b)(3), for milk marketed after the end of such period.

(b) YIELDS.—In converting the weight of milk to dairy products during the two-year period beginning on the effective date of this section, the Secretary shall use the following yields with respect to a hundred pounds of milk:

(1) Butter: 4.2 pounds.

(2) Nonfat dry milk: 8.613 pounds.

(3) 40 pound block cheddar cheese: 10.169 pounds.

(4) Whey cream butter: .27 pounds.

(c) SOURCES OF PRODUCT PRICE VALUES.—In determining the manufacturing allowance applicable in a State during the 2-year period beginning on the effective date of this section, the Secretary shall use the following sources for product price values:

(1) For butter, Chicago Mercantile Exchange Grade AA butter.

(2) For nonfat dry milk, California Manufacturing Plants Extra Grade and Grade A nonfat dry milk.

(3) For cheese, National (Green Bay) Cheese Exchange 40 pound block cheddar cheese.

(4) For whey cream butter, Chicago Mercantile Exchange Grade B butter.

(d) MANUFACTURING ALLOWANCE DEFINED.—In this section, the term "manufacturing allowance" means—

(1) the amount by which the product price value of butter and nonfat dry milk manufactured from a hundred pounds of milk containing 3.5 pounds of milk fat and 8.7 pounds of milk solids not fat exceeds the class price for the milk used to produce those products; or

(2) an amount by which the product price value of cheese and whey manufactured from a hundred pounds of milk containing 3.6 pounds of milk fat and 8.7 pounds of milk solids not fat exceeds the class price for the milk used to produce those products.

(e) EFFECT OF VIOLATION.—If the Secretary determines that a State has in effect a manufacturing allowance that exceeds the manufacturing allowance authorized in subsection (a), the Secretary shall suspend, until such time as the State complies with such subsection—

(1) purchases under section 201 of cheddar cheese produced in that State; and

(2) disbursements from the Class IV equalization pool under section 208 to milk marketing orders operating in that State with respect to milk produced in that State.

(f) CONFORMING SUSPENSION AND REPEAL.—

(1) SUSPENSION AND REPEAL.—During the 2-year period beginning on the effective date of this section, the requirements of section 102 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1446e–1) shall not apply. Effective on the first day after the end of such period, such section is repealed.

(2) EXCEPTION.—Notwithstanding paragraph (1), in the event that an injunction or other order of a court prohibits or impairs the implementation of this section or the activities of the Secretary under this section, the Secretary shall use the authorities provided by section 102 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1446e–1) until such time as the injunction or other court order is lifted.

(g) EFFECTIVE DATE; IMPLEMENTATION.—This section shall take effect on the first day of the first month beginning not less than 30 days after the date of the enactment of this Act. After such effective date, the Secretary may exercise the authority provided to the Secretary under this section without regard to the issuance of regulations intended to carry out this section.

SEC. 207. ESTABLISHMENT OF TEMPORARY CLASS I PRICE AND TEMPORARY CLASS I EQUALIZATION POOLS.

(a) TEMPORARY PRICING FOR MILK OF THE HIGHEST USE CLASSIFICATION (CLASS I MILK).—

(1) ESTABLISHMENT OF MINIMUM PRICE.—During the 2-year period beginning on the effective date of this section, the minimum price for milk of the highest use classification marketed under a marketing order issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, shall not be less than the sum of—

(A) $12.87 per hundredweight; and

(B) the aggregate adjustment in effect under clauses (1) and (2) of the second sentence of paragraph (5)(A) of such section on December 31, 1995, for milk of the highest use classification in that order.

(2) ADDITION TO MINIMUM PRICE.—If the basic formula price for milk exceeds $12.87 per hundredweight in any month during the 2-year period beginning on the effective date of this section, the positive difference between the basic formula price and $12.87 shall be added to the price for milk of the highest use classification marketed under a marketing order issued under such section 8c in the second month following the month in which the difference occurred.

(3) EFFECT ON OTHER USE CLASSIFICATIONS.—This subsection shall not affect the calculation of the basic formula price used to determine the price for milk of use classifications other than the highest use classification.

(b) CLASS I EQUALIZATION POOLS.—

(1) COLLECTIONS.—During the 2-year period beginning on the effective date of this section, the Secretary of Agriculture shall collect, on a monthly basis, from each marketing order issued with respect to milk and its products under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, and from the comparable milk marketing order issued by the State of California, an amount equal to the product of—

(A) $0.80 per hundredweight; and

(B) the total hundredweights of all milk of the highest use classification marketed under the order for the month.

(2) DISBURSEMENTS.—The Secretary shall pay, on a monthly basis, to each marketing order referred to in paragraph (1) an amount equal to the product of—

(A) the total collection under paragraph (1) for the month; and

(B) the ratio of the total hundredweights of all milk marketed for the month under that order to all milk marketed for the month under all such orders.

(3) EFFECT ON BLEND PRICES.—Producer blend prices under a milk marketing order shall be adjusted to account for collections made under paragraph (1) and disbursements made under paragraph (2).

(c) ENFORCEMENT.—

(1) IN GENERAL.—Amounts for which a milk marketing order are responsible under subsection (b) shall be determined on a monthly basis and shall be collected and remitted to the Secretary in the manner prescribed by the Secretary.

(2) PENALTIES.—If any person fails to remit the amount required in subsection (b) or fails to comply with such requirements for recordkeeping or otherwise as are required by the Secretary to carry out this section, the person shall be liable to the Secretary for a civil penalty up to an amount determined by multiplying—

(A) the quantity of milk involved in the violation; by

(B) the support rate for milk in effect at the time of the violation under section 201.

(3) ENFORCEMENT.—The Secretary may enforce this section in the courts of the United States.

(d) CONFORMING REPEAL.—Section 8c(5)(A) of the Agricultural Adjustment Act (7 U.S.C. 608c(5)(A)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by striking out the sentence beginning "Throughout the 2-year period" and all that follows through the end of the subparagraph.

(e) EFFECTIVE DATE.—Except as provided in subsection (f), this section shall take effect on the first day of the first month beginning not less than 30 days after the date of the enactment of this Act.

(f) IMPLEMENTATION.—Not later than the effective date of this section, the Secretary shall amend Federal milk marketing orders issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, to effectuate the requirements of this section. The amendments shall not be—

(1) subject to a referendum under subsection (17) or (19) of such section among milk producers to determine whether issuance of such order is approved or favored by milk producers;

(2) preconditioned on the existence of a marketing agreement among handlers under subsection (8) of such section and section 8b of such Act (7 U.S.C. 608b);

(3) subject to rulemaking under title 5, United States Code; or

(4) subject to review or approval by other executive agencies.

SEC. 208. ESTABLISHMENT OF TEMPORARY CLASS IV PRICE AND TEMPORARY CLASS IV EQUALIZATION POOL.

(a) TEMPORARY CLASSIFICATION OF CLASS IV MILK.—

(1) CLASSIFICATION.—For purposes of classifying milk in accordance with the form in which or the purpose for which it is used, the Secretary of Agriculture shall designate all milk marketed in the 48 contiguous States of the United States and used to produce butter, butter oil, nonfat dry milk, or dry whole milk as Class IV milk. The Secretary may include other products of milk, except cheese, within the Class IV classification if the Secretary determines that inclusion of the product would be fair and equitable.

(2) USE OF CLASSIFICATION.—Each marketing order issued with respect to milk and its products under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, and each comparable State milk marketing order, shall use the classification required by paragraph (1) in lieu of any other classification, such as Class III-A milk, to properly classify milk used to produce butter, butter oil, nonfat dry milk, or dry whole milk.

(b) ESTABLISHMENT OF CLASS IV POOL.—The Secretary shall establish a Class IV pool for the purpose of making collections and disbursements related to milk classified as Class IV milk under subsection (a). The Class IV pool shall apply to milk covered by a milk marketing order referred to in subsection (a) and unregulated milk.

(c) ESTABLISHMENT OF MONTHLY CLASS IV PRICE.—For the purpose of determining whether the Secretary will make collections and disbursements under the Class IV equalization pool, the Secretary shall establish, on a monthly basis, a price for dairy products manufactured from Class IV milk on a 3.5 percent butterfat basis. In determining that price, the Secretary shall calculate the amount equal to—

(1) the sum of—

(A) the product of the Western States Extra Grade and Grade A price per pound for nonfat dry milk and 8.613; and

(B) the product of the Chicago Mercantile Exchange Grade AA price per pound for butter and 4.2; less

(2) a manufacturing allowance equal to $1.65 per hundredweight of milk.

(d) OPERATION OF CLASS IV EQUALIZATION POOL.—

(1) APPLICATION OF SUBSECTION.—This subsection shall apply in any month in which the support price for milk under section 201, adjusted to 3.5 percent butterfat, exceeds the Class IV price established under subsection (c).

(2) COLLECTION.—In any month in which the Class IV equalization pool is in operation under paragraph (1), each milk marketing order referred to in subsection (a) and each handler of unregulated milk shall pay into the Class IV equalization pool an amount equal to the product of—

(A) the total hundredweights of Class IV milk used to manufacture dairy products during that month under all such orders and by all such handlers;

(B) 50 percent of the amount by which the support price for milk under section 201, adjusted to 3.5 percent butterfat, exceeded the Class IV price determined under subsection (c) for that month; and

(C) the ratio of the total hundredweights of all milk marketed during that month under that order or by that handler to the total hundredweights of all milk marketed for that month under all such orders and by all such handlers.

(3) DISBURSEMENTS.—In any month in which the Class IV equalization pool is in operation under paragraph (1), each milk marketing order referred to in subsection (a) in which products were manufactured from Class IV milk during that month and each handler of unregulated milk that manufactured products from Class IV milk during that month shall receive from the Class IV equalization pool an amount equal to the product of—

(A) the total collection under paragraph (2) for the month; and

(B) the ratio of the total hundredweights of Class IV milk manufactured into dairy products during that month under that order or by that handler to the total hundredweights of Class IV milk manufactured into dairy products during that month under all such orders and by all such handlers.

(4) EFFECT ON BLEND PRICES.—Producer blend prices under a milk marketing order referred to in subsection (a) shall be adjusted to account for collections under paragraph (2) and disbursements under paragraph (3).

(e) ENFORCEMENT.—

(1) IN GENERAL.—Amounts for which a milk marketing order or handler are responsible under subsection (b) shall be determined on a monthly basis and shall be collected and remitted to the Secretary in the manner prescribed by the Secretary.

(2) PENALTIES.—If any person fails to remit the amount required in subsection (c) or fails to comply with such requirements for recordkeeping or otherwise as are required by the Secretary to carry out this section, the person shall be liable to the Secretary for a civil penalty up to an amount determined by multiplying—

(A) the quantity of milk involved in the violation; by

(B) the support rate for milk in effect at the time of the violation under section 201.

(3) ENFORCEMENT.—The Secretary may enforce this section in the courts of the United States.

(f) EFFECTIVE DATE.—Except as provided in subsection (g), this section shall—

(1) take effect on the first day of the first month beginning not less than 30 days after the date of the enactment of this Act; and

(2) apply during the 2-year period beginning on such effective date.

(g) IMPLEMENTATION.—Not later than the start of the effective date of this section, the Secretary shall amend Federal milk marketing orders issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, to effectuate the requirements of this section. The amendments shall not be—

(1) subject to referendum under subsection (17) or (19) of such section among milk producers to determine whether issuance of such order is approved or favored by milk producers;

(2) preconditioned on the existence of a marketing agreement among handlers under subsection (8) of such section and section 8b of such Act (7 U.S.C. 608b);

(3) subject to rulemaking under title 5, United States Code; or

(4) subject to review or approval by other executive agencies.

SEC. 209. AUTHORITY FOR ESTABLISHMENT OF STANDBY POOLS.

(a) AUTHORITY TO ESTABLISH.—As soon as possible after the effective date of this section, the Secretary of Agriculture shall publish in the Federal Register an invitation for interested persons to submit proposals for the establishment within Federal milk marketing orders issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, of standby pools to facilitate the movement of milk over long distances during periods of shortage through the sharing of proceeds from sales of milk of the highest use classification due to producers under the order with producers shipping to plants regulated by another order to provide a reserve supply of milk in the other market.

(b) APPROVAL OR TERMINATION OF PARTICIPATION IN STANDBY POOL.—Order provisions under this section shall not become effective in any marketing order unless such provisions are approved by producers in the manner provided for the approval of marketing orders under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, but separately from other order provisions. Standby pool provisions approved under this section in an order may be disapproved separately by producers or terminated separately by the Secretary

under section 8c(16)(B) of such Act. Such disapproval or termination shall not be considered to be a disapproval or termination of the other terms of that order.

(c) Effective Date.—This section shall take effect on the first day of the first month beginning not less than 30 days after the date of the enactment of this Act.

Subtitle B—Reform of Federal Milk Marketing Orders

SEC. 221. ISSUANCE OR AMENDMENT OF FEDERAL MILK MARKETING ORDERS TO IMPLEMENT CERTAIN REFORMS.

(a) Issuance of Amended Orders.—Subject to the time limits specified in section 222, the Secretary of Agriculture shall issue new or amended marketing orders with respect to milk and its products under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, to effectuate the requirements of subsection (b). The orders shall take effect on the date the orders are issued and shall supersede all other marketing orders and any other statutes, rules, and regulations that are applicable to the pricing and marketing of milk and its products in effect immediately before that date, whether under the authority of section 8c of such Act or a State or local law.

(b) Reform Requirements.—The Secretary shall reform the Federal milk marketing order system under subsection (a) to accomplish the following purposes:

(1) Consolidation of Federal milk marketing orders into not less than 8 nor more than 13 orders, which shall also include those areas of the 48 contiguous States not covered by a Federal milk marketing order on the date of the enactment of this Act. One of the new Federal milk marketing orders shall only cover the State of California. A new or amended order shall have the right to blend order receipts to address unique issues to that order such as a preexisting State quota system.

(2) Implementation of uniform multiple component pricing for milk used in manufactured dairy products.

(3) Establishment of class prices for milk used to produce cheese, nonfat dry milk, and butter based on national product prices, less a manufacturing allowance. The resulting prices shall not vary regionally, except to reflect variances in transportation and reasonable operating costs, if any, of efficient processing plants in different geographical areas.

(c) Status of Producer Handlers.—In amending Federal milk marketing orders under this section, the Secretary shall ensure that the legal status of producer handlers of milk under the Agricultural Adjustment Act (7 U.S.C. 601 et seq.), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, shall be the same after the amendments made by this section take effect as it was before the effective date of the amendments.

SEC. 222. REFORM PROCESS.

(a) Process.—In preparation for the issuance of the new or amended Federal milk marketing orders required under section 221, the Secretary of Agriculture shall comply with the following expedited procedural requirements:

(1) Not later than 165 days after the date of the enactment of this Act, the Secretary shall issue proposed amendments or new milk marketing orders to effectuate the reform requirements specified in such section.

(2) The Secretary shall provide for a 75-day comment period on the proposed amendments or orders issued under paragraph (1).

(3) Not later than 120 days after the end of the comment period provided under paragraph (2), the Secretary shall publish in the Federal Register a final administrative decision regarding the issuance or amendment of Federal milk marketing orders to effectuate the reform requirements specified in such section.

(b) Referendum and Marketing Agreement.—After the issuance of the new or amended Federal milk marketing orders under section 221, the Secretary may conduct a referendum in the manner provided in section 8c(16)(B) of the Agricultural Adjustment Act (7 U.S.C. 608c(16)(B)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, with respect to each order to determine whether milk producers subject to the order favor the termination of the order.

(c) Application of Administrative Procedures Act.—The issuance of the new or amended Federal milk marketing orders required under section 221 shall not be subject to rulemaking under title 5, United States Code.

(d) Review and Approval.—The action of the Secretary under section 221 shall not be subject to review or approval by any other executive agency.

SEC. 223. EFFECT OF FAILURE TO COMPLY WITH REFORM PROCESS REQUIREMENTS.

(a) Failure To Timely Issue or Amend Orders.—If, before the end of the 1-year period beginning on the date of the enactment of this Act, the Secretary of Agriculture does not issue new or amended Federal milk marketing orders under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, to effectuate the requirements of section 221(b), then the Secretary may not assess or collect assessments from milk producers or handlers under such section 8c for marketing order administration and services provided under such section after the end of that period. The Secretary may not reduce the level of services provided under such section on account of the prohibition against assessments, but shall rather cover the cost of marketing order administration and services through funds available for the Agricultural Marketing Service of the Department of Agriculture.

(b) Failure To Timely Implement Orders.—Unless the Secretary certifies to Congress before the end of the 2-year period beginning on the date of the enactment of this Act that all of the Federal marketing order reforms required by section 221(b) have been fully implemented, then, effective at the end of that period—

(1) the Secretary shall immediately cease all price support activities under section 201;

(2) the Secretary shall immediately terminate all Federal milk marketing orders under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, and may not issue any further order under such Act with respect to milk;

(3) the Commodity Credit Corporation shall immediately cease to operate the dairy export incentive program under section 153 of the Food Security Act of 1985 (15 U.S.C. 713a–14);

(4) the Secretary and the National Processor Advertising and Promotion Board shall immediately cease all activities under the Fluid Milk Promotion Act of 1990 (7 U.S.C. 6401 et seq.); and

(5) the Secretary and the National Dairy Promotion and Research Board shall immediately cease all activities under the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4501 et seq.).

(c) Effect of Court Order.—The actions authorized by this section are intended to ensure the timely publication and implementation of new and amended Federal milk marketing orders under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937. In the event that the Secretary is enjoined or otherwise restrained by a court order from publishing or implementing the reform requirements specified by section 221, the length of time for which that injunction or other restraining order is effective shall be added to the time limitations specified in subsections (a) and (b) thereby extending those time limitations by a period of time equal to the period of time for which the injunction or other restraining order is effective.

TITLE III—CONSERVATION

SEC. 301. CONSERVATION.

(a) Funding.—Subtitle E of title XII of the Food Security Act of 1985 (16 U.S.C. 3841 et seq.) is amended to read as follows:

"Subtitle E—Funding

"SEC. 1241. FUNDING.

"(a) Mandatory Expenses.—For each of fiscal years 1996 through 2002, the Secretary shall use the funds of the Commodity Credit Corporation to carry out the programs authorized by—

"(1) subchapter B of chapter 1 of subtitle D (including contracts extended by the Secretary pursuant to section 1437 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 16 U.S.C. 3831 note));

"(2) subchapter C of chapter 1 of subtitle D; and

"(3) chapter 4 of subtitle D.

"(b) Livestock Environmental Assistance Program.—For each of fiscal years 1996 through 2002, $100,000,000 of the funds of the Commodity Credit Corporation shall be available for providing technical assistance, cost-sharing payments, and incentive payments for practices relating to livestock production under the livestock environmental assistance program under chapter 4 of subtitle D.".

(b) Livestock Environmental Assistance Program.—Subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3830 et seq.) is amended by adding at the end the following:

"CHAPTER 4—LIVESTOCK ENVIRONMENTAL ASSISTANCE PROGRAM

"SEC. 1240. DEFINITIONS.

"In this chapter:

"(1) Land Management Practice.—The term 'land management practice' means a site-specific nutrient or manure management, irrigation management, tillage or residue management, grazing management, or other land management practice that the Secretary determines is needed to protect, in the most cost effective manner, water, soil, or related resources from degradation due to livestock production.

"(2) Large Confined Livestock Operation.—The term 'large confined livestock operation' means an operation that—

"(A) is a confined animal feeding operation; and

"(B) has more than—

"(i) 55 mature dairy cattle;

"(ii) 10,000 beef cattle;

"(iii) 30,000 laying hens or broilers (if the facility has continuous overflow watering);

"(iv) 100,000 laying hens or broilers (if the facility has a liquid manure system);

"(v) 55,000 turkeys;

"(vi) 15,000 swine; or

"(vii) 10,000 sheep or lambs.

"(3) Livestock.—The term 'livestock' means dairy cows, beef cattle, laying hens, broilers, turkeys, swine, sheep, lambs, and such other animals as determined by the Secretary.

"(4) Operator.—The term 'operator' means a person who is engaged in livestock production (as defined by the Secretary).

"(5) Structural Practice.—The term 'structural practice' means the establishment of an animal waste management facility, terrace, grassed waterway, contour grass strip, filterstrip, or other structural practice that the Secretary determines is needed to protect, in the most cost effective manner, water, soil, or related resources from degradation due to livestock production.

"SEC. 1240A. ESTABLISHMENT AND ADMINISTRATION OF LIVESTOCK ENVIRONMENTAL ASSISTANCE PROGRAM.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—During the 1996 through 2002 fiscal years, the Secretary shall provide technical assistance, cost-sharing payments, and incentive payments to operators who enter into contracts with the Secretary, through a livestock environmental assistance program.

"(2) ELIGIBLE PRACTICES.—

"(A) STRUCTURAL PRACTICES.—An operator who implements a structural practice shall be eligible for technical assistance or cost-sharing payments, or both.

"(B) LAND MANAGEMENT PRACTICES.—An operator who performs a land management practice shall be eligible for technical assistance or incentive payments, or both.

"(3) ELIGIBLE LAND.—Assistance under this chapter may be provided with respect to land that is used for livestock production and on which a serious threat to water, soil, or related resources exists, as determined by the Secretary, by reason of the soil types, terrain, climatic, soil, topographic, flood, or saline characteristics, or other factors or natural hazards.

"(4) SELECTION CRITERIA.—In providing technical assistance, cost-sharing payments, and incentive payments to operators in a region, watershed, or conservation priority area in which an agricultural operation is located, the Secretary shall consider—

"(A) the significance of the water, soil, and related natural resource problems; and

"(B) the maximization of environmental benefits per dollar expended.

"(b) APPLICATION AND TERM.—

"(1) IN GENERAL.—A contract between an operator and the Secretary under this chapter may—

"(A) apply to 1 or more structural practices or 1 or more land management practices, or both; and

"(B) have a term of not less than 5, nor more than 10, years, as determined appropriate by the Secretary, depending on the practice or practices that are the basis of the contract.

"(2) DUTIES OF OPERATORS AND SECRETARY.—To receive cost-sharing or incentive payments, or technical assistance, participating operators shall comply with all terms and conditions of the contract and a plan, as established by the Secretary.

"(c) STRUCTURAL PRACTICES.—

"(1) COMPETITIVE OFFER.—The Secretary shall administer a competitive offer system for operators proposing to receive cost-sharing payments in exchange for the implementation of 1 or more structural practices by the operator. The competitive offer system shall consist of—

"(A) the submission of a competitive offer by the operator in such manner as the Secretary may prescribe; and

"(B) evaluation of the offer in light of the selection criteria established under subsection (a)(4) and the projected cost of the proposal, as determined by the Secretary.

"(2) CONCURRENCE OF OWNER.—If the operator making an offer to implement a structural practice is a tenant of the land involved in agricultural production, for the offer to be acceptable, the operator shall obtain the concurrence of the owner of the land with respect to the offer.

"(d) LAND MANAGEMENT PRACTICES.—The Secretary shall establish an application and evaluation process for awarding technical assistance or incentive payments, or both, to an operator in exchange for the performance of 1 or more land management practices by the operator.

"(e) COST-SHARING, INCENTIVE PAYMENTS, AND TECHNICAL ASSISTANCE.—

"(1) COST-SHARING PAYMENTS.—

"(A) IN GENERAL.—The Federal share of cost-sharing payments to an operator proposing to implement 1 or more structural practices shall not be greater than 75 percent of the projected cost of each practice, as determined by the Secretary, taking into consideration any payment received by the operator from a State or local government.

"(B) LIMITATION.—An operator of a large confined livestock operation shall not be eligible for cost-sharing payments to construct an animal waste management facility.

"(C) OTHER PAYMENTS.—An operator shall not be eligible for cost-sharing payments for structural practices on eligible land under this chapter if the operator receives cost-sharing payments or other benefits for the same land under chapter 1, 2, or 3.

"(2) INCENTIVE PAYMENTS.—The Secretary shall make incentive payments in an amount and at a rate determined by the Secretary to be necessary to encourage an operator to perform 1 or more land management practices.

"(3) TECHNICAL ASSISTANCE.—

"(A) FUNDING.—The Secretary shall allocate funding under this chapter for the provision of technical assistance according to the purpose and projected cost for which the technical assistance is provided for a fiscal year. The allocated amount may vary according to the type of expertise required, quantity of time involved, and other factors as determined appropriate by the Secretary. Funding shall not exceed the projected cost to the Secretary of the technical assistance provided for a fiscal year.

"(B) OTHER AUTHORITIES.—The receipt of technical assistance under this chapter shall not affect the eligibility of the operator to receive technical assistance under other authorities of law available to the Secretary.

"(f) LIMITATION ON PAYMENTS.—

"(1) IN GENERAL.—The total amount of cost-sharing and incentive payments paid to a person under this chapter may not exceed—

"(A) $10,000 for any fiscal year; or

"(B) $50,000 for any multiyear contract.

"(2) REGULATIONS.—The Secretary shall issue regulations that are consistent with section 1001 for the purpose of—

"(A) defining the term 'person' as used in paragraph (1); and

"(B) prescribing such rules as the Secretary determines necessary to ensure a fair and reasonable application of the limitations established under this subsection.

"(g) REGULATIONS.—Not later than 180 days after the effective date of this subsection, the Secretary shall issue regulations to implement the livestock environmental assistance program established under this chapter.".

(c) CONFORMING PROGRAM CHANGES.—

(1) WETLANDS RESERVE PROGRAM.—

(A) IN GENERAL.—Section 1237 of the Food Security Act of 1985 (16 U.S.C. 3837) is amended—

(i) in subsection (b)(2)—

(I) by striking "not less" and inserting "not more"; and

(II) by striking "2000" and inserting "2002"; and

(ii) in subsection (c), by striking "2000" and inserting "2002".

(B) LENGTH OF EASEMENT.—Section 1237A(e) of the Food Security Act of 1985 (16 U.S.C. 3837a(e)) is amended by striking paragraph (2) and inserting the following:

"(2) shall be for 15 years, but in no case shall be a permanent easement.".

(2) CONSERVATION RESERVE PROGRAM.—Section 1231(d) of the Food Security Act of 1985 (16 U.S.C. 3831(d)) is amended by striking "total of" and all that follows through the period at the end of the subsection and inserting "total of 36,400,000 acres.". Section 725 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1996 (Public Law 104–37; 109 Stat. 332), is amended by striking the proviso relating to enrollment of new acres in 1997.

TITLE IV—AGRICULTURAL PROMOTION AND EXPORT PROGRAMS

SEC. 401. MARKET PROMOTION PROGRAM.

Effective as of October 1, 1995, section 211(c)(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641(c)(1)) is amended—

(1) by striking "and" after "1991 through 1993,"; and

(2) by striking "through 1997," and inserting "through 1995, and not more than $100,000,000 for each of fiscal years 1996 through 2002,".

SEC. 402. EXPORT ENHANCEMENT PROGRAM.

Effective as of October 1, 1995, section 301(e)(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5651(e)(1)) is amended to read as follows:

"(1) IN GENERAL.—The Commodity Credit Corporation shall make available to carry out the program established under this section not more than—

"(A) $350,000,000 for fiscal year 1996;

"(B) $350,000,000 for fiscal year 1997;

"(C) $500,000,000 for fiscal year 1998;

"(D) $550,000,000 for fiscal year 1999;

"(E) $579,000,000 for fiscal year 2000;

"(F) $478,000,000 for fiscal year 2001; and

"(G) $478,000,000 for fiscal year 2002.".

TITLE V—MISCELLANEOUS

SEC. 501. CROP INSURANCE.

(a) CATASTROPHIC RISK PROTECTION.—Section 508(b) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)) is amended—

(1) in paragraph (4), by adding at the end the following:

"(C) DELIVERY OF COVERAGE.—

"(i) IN GENERAL.—In full consultation with approved insurance providers, the Secretary may continue to offer catastrophic risk protection in a State (or a portion of a State) through local offices of the Department if the Secretary determines that there is an insufficient number of approved insurance providers operating in the State or portion to adequately provide catastrophic risk protection coverage to producers.

"(ii) COVERAGE BY APPROVED INSURANCE PROVIDERS.—To the extent that catastrophic risk protection coverage by approved insurance providers is sufficiently available in a State as determined by the Secretary, only approved insurance providers may provide the coverage in the State.

"(iii) CURRENT POLICIES.—Subject to clause (ii), all catastrophic risk protection policies written by local offices of the Department shall be transferred (including all fees collected for the crop year in which the approved insurance provider will assume the policies) to the approved insurance provider for performance of all sales, service, and loss adjustment functions."; and

(2) in paragraph (7), by striking subparagraph (A) and inserting the following:

"(A) IN GENERAL.—Effective for the spring-planted 1996 and subsequent crops, to be eligible for any payment or loan under title I of the Agricultural Market Transition Act or the Agricultural Adjustment Act of 1938 (7 U.S.C. 1281 et seq.), for the conservation reserve program, or for any benefit described in section 371 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008f), a person shall—

"(i) obtain at least the catastrophic level of insurance for each crop of economic significance in which the person has an interest; or

"(ii) provide a written waiver to the Secretary that waives any eligibility for emergency crop loss assistance in connection with the crop.".

(b) COVERAGE OF SEED CROPS.—Section 519(a)(2)(B) of the Act (7 U.S.C. 1519(a)(2)(B)) is amended by inserting "seed crops," after "turfgrass sod,".

SEC. 502. COLLECTION AND USE OF AGRICULTURAL QUARANTINE AND INSPECTION FEES.

Subsection (a) of section 2509 of the Food, Agriculture, Conservation, and Trade Act of 1990 (21 U.S.C. 136a) is amended to read as follows:

"(a) QUARANTINE AND INSPECTION FEES.—

"(1) FEES AUTHORIZED.—The Secretary of Agriculture may prescribe and collect fees sufficient—

"(A) to cover the cost of providing agricultural quarantine and inspection services in connection with the arrival at a port in the customs territory of the United States, or the preclearance or preinspection at a site outside the customs territory of the United States, of an international passenger, commercial vessel, commercial aircraft, commercial truck, or railroad car;

"(B) to cover the cost of administering this subsection; and

"(C) through fiscal year 2002, to maintain a reasonable balance in the Agricultural Quarantine Inspection User Fee Account established under paragraph (5).

"(2) LIMITATION.—In setting the fees under paragraph (1), the Secretary shall ensure that the amount of the fees are commensurate with the costs of agricultural quarantine and inspection services with respect to the class of persons or entities paying the fees. The costs of the services with respect to passengers as a class includes the costs of related inspections of the aircraft or other vehicle.

"(3) STATUS OF FEES.—Fees collected under this subsection by any person on behalf of the Secretary are held in trust for the United States and shall be remitted to the Secretary in such manner and at such times as the Secretary may prescribe.

"(4) LATE PAYMENT PENALTIES.—If a person subject to a fee under this subsection fails to pay the fee when due, the Secretary shall assess a late payment penalty, and the overdue fees shall accrue interest, as required by section 3717 of title 31, United States Code.

"(5) AGRICULTURAL QUARANTINE INSPECTION USER FEE ACCOUNT.—

"(A) ESTABLISHMENT.—There is established in the Treasury of the United States a no-year fund, to be known as the 'Agricultural Quarantine Inspection User Fee Account', which shall contain all of the fees collected under this subsection and late payment penalties and interest charges collected under paragraph (4) through fiscal year 2002.

"(B) USE OF ACCOUNT.—For each of the fiscal years 1996 through 2002, funds in the Agricultural Quarantine Inspection User Fee Account shall be available, in such amounts as are provided in advance in appropriations Acts, to cover the costs associated with the provision of agricultural quarantine and inspection services and the administration of this subsection. Amounts made available under this subparagraph shall be available until expended.

"(C) EXCESS FEES.—Fees and other amounts collected under this subsection in any of the fiscal years 1996 through 2002 in excess of $100,000,000 shall be available for the purposes specified in subparagraph (B) until expended, without further appropriation.

"(6) USE OF AMOUNTS COLLECTED AFTER FISCAL YEAR 2002.—After September 30, 2002, the unobligated balance in the Agricultural Quarantine Inspection User Fee Account and fees and other amounts collected under this subsection shall be credited to the Department of Agriculture accounts that incur the costs associated with the provision of agricultural quarantine and inspection services and the administration of this subsection. The fees and other amounts shall remain available to the Secretary until expended without fiscal year limitation.

"(7) STAFF YEARS.—The number of full-time equivalent positions in the Department of Agriculture attributable to the provision of agricultural quarantine and inspection services and the administration of this subsection shall not be counted toward the limitation on the total number of full-time equivalent positions in all agencies specified in section 5(b) of the Federal Workforce Restructuring Act of 1994 (Public Law 103–226; 5 U.S.C. 3101 note) or other limitation on the total number of full-time equivalent positions.".

SEC. 503. COMMODITY CREDIT CORPORATION INTEREST RATE.

Notwithstanding any other provision of law, the monthly Commodity Credit Corporation interest rate applicable to loans provided for agricultural commodities by the Corporation shall be 100 basis points greater than the rate determined under the applicable interest rate formula in effect on October 1, 1995.

SEC. 504. ESTABLISHMENT OF OFFICE OF RISK MANAGEMENT.

(a) ESTABLISHMENT.—The Department of Agriculture Reorganization Act of 1994 is amended by inserting after section 226 (7 U.S.C. 6932) the following new section:

"SEC. 226A. OFFICE OF RISK MANAGEMENT.

"(a) ESTABLISHMENT.—Subject to subsection (e), the Secretary shall establish and maintain in the Department an independent Office of Risk Management.

"(b) FUNCTIONS OF THE OFFICE OF RISK MANAGEMENT.—The Office of Risk Management shall have jurisdiction over the following functions:

"(1) Supervision of the Federal Crop Insurance Corporation.

"(2) Administration and oversight of all aspects, including delivery through local offices of the Department, of all programs authorized under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

"(3) Any pilot or other programs involving revenue insurance, risk management savings accounts, or the use of the futures market to manage risk and support farm income that may be established under the Federal Crop Insurance Act or other law.

"(4) Such other functions as the Secretary considers appropriate.

"(c) ADMINISTRATOR.—

"(1) The Office of Risk Management shall be headed by an Administrator who shall be appointed by the Secretary.

"(2) The Administrator of the Office of Risk Management shall also serve as Manager of the Federal Crop Insurance Corporation.

"(d) RESOURCES.—

"(1) FUNCTIONAL COORDINATION.—Certain functions of the Office of Risk Management, such as human resources, public affairs, and legislative affairs, may be provided by a consolidation of such functions under the Under Secretary of Agriculture for Farm and Foreign Agricultural Services.

"(2) MINIMUM PROVISIONS.—Notwithstanding paragraph (1) or any other provision of law or order of the Secretary, the Secretary shall provide the Office of Risk Management with human and capital resources sufficient for the Office to carry out its functions in a timely and efficient manner.".

(b) FISCAL YEAR 1996 FUNDING.—Not less than $88,500,000 of the appropriation provided for the salaries and expenses of the Consolidated Farm Services Agency in the Agricultural, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1996 shall be available for the salaries and expenses of the Office of Risk Management established under subsection (a).

(c) CONFORMING AMENDMENT.—Section 226(b) of the Act (7 U.S.C. 6932(b)) is amended by striking paragraph (2).

SEC. 505. BUSINESS INTERRUPTION INSURANCE PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Not later than December 31, 1996, the Secretary of Agriculture shall implement a program (to be known as the "Business Interruption Insurance Program"), under which the producer of a contract commodity could elect to obtain revenue insurance coverage to ensure that the producer receives an indemnity payment if the producer suffers a loss of revenue. The nature and extent of the program and the manner of determining the amount of an indemnity payment shall be established by the Secretary.

(b) REPORT ON PROGRESS AND PROPOSED EXPANSION.—Not later than January 1, 1998, the Secretary shall submit to the Commission on 21st Century Production Agriculture the data and results of the program through October 1, 1997. In addition, the Secretary shall submit information and recommendations to the Commission with respect to the program that will serve as the basis for the Secretary to offer revenue insurance to agricultural producers, at one or more levels of coverage, that—

(1) is in addition to, or in lieu of, catastrophic and higher levels of crop insurance;

(2) is offered through reinsurance arrangements with private insurance companies;

(3) is actuarially sound; and

(4) requires the payment of premiums and administrative fees by participating producers.

(c) CONTRACT COMMODITY DEFINED.—In this section, the term "contract commodity" means a crop of wheat, corn, grain sorghum, oats, barley, upland cotton, or rice.

SEC. 506. CONTINUATION OF OPTIONS PILOT PROGRAM.

During the 1996 through 2002 crop years, the Secretary of Agriculture may continue to conduct the options pilot program authorized by the Options Pilot Program Act of 1990 (subtitle E of title XI of Public Law 101–624; 104 Stat. 3518; 7 U.S.C. 1421 note). To the extent that the Secretary decides to continue the options pilot program, the Secretary shall modify the terms and conditions of the pilot program to reflect the changes to law made by this Act.

TITLE VI—COMMISSION ON 21ST CENTURY PRODUCTION AGRICULTURE

SEC. 601. ESTABLISHMENT.

There is hereby established a commission to be known as the "Commission on 21st Century Production Agriculture" (in this title referred to as the "Commission").

SEC. 602. COMPOSITION.

(a) MEMBERSHIP AND APPOINTMENT.—The Commission shall be composed of 11 members, appointed as follows:

(1) Three members shall be appointed by the President.

(2) Four members shall be appointed by the Chairman of the Committee on Agriculture of the House of Representatives in consultation with the ranking minority member of the Committee.

(3) Four members shall be appointed by the Chairman of the Committee on Agriculture, Nutrition, and Forestry of the Senate in consultation with the ranking minority member of the Committee.

(b) QUALIFICATIONS.—At least one of the members appointed under each of the paragraphs (1), (2), and (3) of subsection (a) shall be an individual who is primarily involved in production agriculture. All other members of the Commission shall be appointed from among individuals having knowledge and experience in agricultural production, marketing, finance, or trade.

(c) TERM OF MEMBERS; VACANCIES.—Members of the Commission shall be appointed for the life of the Commission. A vacancy on the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

(d) TIME FOR APPOINTMENT; FIRST MEETING.—The members of the Commission shall be appointed not later than October 1, 1997. The Commission shall convene its first meeting to carry out its duties under this Act 30 days after six members of the Commission have been appointed.

(e) CHAIRMAN.—The chairman of the Commission shall be designated jointly by the Chairman of the Committee on Agriculture of the House of Representatives and the Chairman of the Committee on Agriculture, Nutrition, and Forestry of the Senate from among the members of the Commission.

SEC. 603. COMPREHENSIVE REVIEW OF PAST AND FUTURE OF PRODUCTION AGRICULTURE.

(a) INITIAL REVIEW.—The Commission shall conduct a comprehensive review of changes in the condition of production agriculture in the United States since the date of the enactment of this Act and the extent to which such changes are the result of the amendments made by this Act. The review shall include the following:

(1) An assessment of the initial success of production flexibility contracts under section 103 in supporting the economic viability of farming in the United States.

(2) An assessment of the food security situation in the United States in the areas of trade, consumer prices, international competitiveness of United States production agriculture, food supplies, and humanitarian relief.

(3) An assessment of the changes in farmland values and agricultural producer incomes since the date of the enactment of this Act.

(4) An assessment of the extent to which regulatory relief for agricultural producers has been enacted and implemented, including the application of cost/benefit principles in the issuance of agricultural regulations.

(5) An assessment of the extent to which tax relief for agricultural producers has been enacted in the form of capital gains tax reductions, estate tax exemptions, and mechanisms to average tax loads over high and low income years.

(6) An assessment of the effect of any Government interference in agricultural export markets, such as the imposition of trade embargoes, and the degree of implementation and success of international trade agreements.

(7) An assessment of the likely affect of the sale, lease, or transfer of farm poundage quota for peanuts across State lines.

(b) SUBSEQUENT REVIEW.—The Commission shall conduct a comprehensive review of the future of production agriculture in the United States and the appropriate role of the Federal Government in support of production agriculture. The review shall include the following:

(1) An assessment of changes in the condition of production agriculture in the United States since the initial review conducted under subsection (a).

(2) Identification of the appropriate future relationship of the Federal Government with production agriculture after 2002.

(3) An assessment of the personnel and infrastructure requirements of the Department of Agriculture necessary to support the future relationship of the Federal Government with production agriculture.

(c) RECOMMENDATIONS.—In carrying out the subsequent review under subsection (b), the Commission shall develop specific recommendations for legislation to achieve the appropriate future relationship of the Federal Government with production agriculture identified under subsection (a)(2).

SEC. 604. REPORTS.

(a) REPORT ON INITIAL REVIEW.—Not later than June 1, 1998, the Commission shall submit to the President, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report containing the results of the initial review conducted under section 603(a).

(b) REPORT ON SUBSEQUENT REVIEW.—Not later than January 1, 2001, the Commission shall submit to the President and the congressional committees specified in subsection (a) a report containing the results of the subsequent review conducted under section 603(b).

SEC. 605. POWERS.

(a) HEARINGS.—The Commission may, for the purpose of carrying out this Act, conduct such hearings, sit and act at such times, take such testimony, and receive such evidence, as the Commission considers appropriate.

(b) ASSISTANCE FROM OTHER AGENCIES.—The Commission may secure directly from any department or agency of the Federal Government such information as may be necessary for the Commission to carry out its duties under this Act. Upon request of the chairman of the Commission, the head of the department or agency shall, to the extent permitted by law, furnish such information to the Commission.

(c) MAIL.—The Commission may use the United States mails in the same manner and under the same conditions as the departments and agencies of the Federal Government.

(d) ASSISTANCE FROM SECRETARY.—The Secretary of Agriculture shall provide to the Commission appropriate office space and such reasonable administrative and support services as the Commission may request.

SEC. 606. COMMISSION PROCEDURES.

(a) MEETINGS.—The Commission shall meet on a regular basis (as determined by the chairman) and at the call of the chairman or a majority of its members.

(b) QUORUM.—A majority of the members of the Commission shall constitute a quorum for the transaction of business.

SEC. 607. PERSONNEL MATTERS.

(a) COMPENSATION.—Each member of the Commission shall serve without compensation, but shall be allowed travel expenses including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, when engaged in the performance of Commission duties.

(b) STAFF.—The Commission shall appoint a staff director, who shall be paid at a rate not to exceed the maximum rate of basic pay under section 5376 of title 5, United States Code, and such professional and clerical personnel as may be reasonable and necessary to enable the Commission to carry out its duties under this Act without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, or any other provision of law, relating to the number, classification, and General Schedule rates. No employee appointed under this subsection (other than the staff director) may be compensated at a rate to exceed the maximum rate applicable to level GS-15 of the General Schedule.

(c) DETAILED PERSONNEL.—Upon request of the chairman of the Commission, the head of any department or agency of the Federal Government is authorized to detail, without reimbursement, any personnel of such department or agency to the Commission to assist the Commission in carrying out its duties under this section. The detail of any such personnel may not result in the interruption or loss of civil service status or privilege of such personnel.

SEC. 608. TERMINATION OF COMMISSION.

The Commission shall terminate upon submission of the final report required by section 604.

TITLE VII—EXTENSION OF CERTAIN AUTHORITIES

SEC. 701. EXTENSION OF AUTHORITY UNDER PUBLIC LAW 480.

Section 408 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736b) is amended by striking "1995" and inserting "1996".

SEC. 702. EXTENSION OF FOOD FOR PROGRESS PROGRAM.

Section 1110 of the Food Security Act of 1985 (7 U.S.C. 1736o), also known as the Food for Progress Act of 1985, is amended—

(1) in subsection (k), by striking "1995" and inserting "1996"; and

(2) in subsection (l), by striking "1995" and inserting "1996".

The CHAIRMAN. No amendment to the committee amendment in the nature of a substitute shall be in order except the amendments printed in House Report 104-463 and amendments en bloc described in section 2 of House Resolution 366. Each amendment may be offered only in the order printed in the report, may be offered only by a member designated in the report, shall be considered as read, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

Pursuant to the order of the House of today, the gentleman from Missouri [Mr. VOLKMER] may offer amendment No. 4 immediately after amendment No. 7 by the gentleman from New York [Mr. SOLOMON].

Debate time on each amendment will be equally divided and controlled by the proponent and an opponent of the amendment.

It shall be in order at any time for the chairman of the Committee on Agriculture or a designee to offer amendments en bloc consisting of amendments specified in the report not earlier disposed of or germane modifications of any such amendment. Amendments en bloc shall be considered read, except that modifications shall be reported, shall be debatable for 20 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, shall not be subject to amendment, and shall not be subject to a demand for a division of the question.

The original proponent of an amendment included in amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before disposition of the amendments en bloc.

AMENDMENTS EN BLOC, AS MODIFIED, OFFERED BY MR. ROBERTS

Mr. ROBERTS. Mr. Chairman, I offer amendments en bloc that incorporate amendment No. 9 made in order by House Resolution 366 with a germane modification deleting the language on pages 8 and 9 of the Roberts en bloc amendment No. 1 made in order by House Resolution 366 and printed in the report accompanying House Resolution 366. This amended en bloc amendment is offered pursuant to section 2 of the rule and contains a Roberts germane amendment deleting the last amendment in my original en bloc amendment No. 1.

The CHAIRMAN. The Clerk will designate the amendments en bloc and report any modifications.

The text of the amendments en bloc, as modified, is as follows:

Amendments en bloc, as modified, offered by Mr. ROBERTS: Page 4, line 15, insert before the period the following: "and such other acreage as the Secretary considers fair and equitable".

Page 5, strike line 7.

Page 5, line 13, strike "title V" and insert "section 505".

Page 5, line 15, add at the end the following: "The Secretary shall adjust the farm program payment yield for the 1995 crop of a contract commodity to account for any additional yield payments made with respect to that crop under subsection (b)(2) of the section."

Page 5, strike line 23 and all that follows through line 16 on page 6, and insert the following:

(12) PRODUCER.—The term "producer" means an owner, landlord, tenant, or sharecropper who shares in the risk of producing a crop and who is entitled to share in the crop available for marketing from the farm, or would have shared had the crop been produced. In determining whether a grower of hybrid seed is a producer, the Secretary shall not take into consideration the existence of a hybrid seed contract.

Page 7, strike lines 9 through 18, and insert the following:

shall agree, in exchange for annual contract payments, to—

(A) comply with the conservation plan for the farm prepared in accordance with section 1212 of the Food Security Act of 1985 (16 U.S.C. 3812);

(B) comply with wetland protection requirements applicable to the farm under subtitle C of title XII of the Act (16 U.S.C. 3821 et seq.); and

(C) comply with the planting flexibility requirements of subsection (j); and

(D) to use the land subject to the contract for agricultural or related activities, but not for nonagricultural commercial or industrial uses.

Page 7, beginning line 20, strike "following persons shall be considered to be an owner or operator" and insert "producers and owners described in this paragraph shall be".

Page 9, beginning line 5, strike "operators who are".

Page 6, strike lines 12 through 16 and insert the following:

(g) PAYMENT LIMITATION.—Sections 1001 through 1001C of the Food Security Act of 1985 (7 U.S.C. 1308 through 1308–3), as amended by section 105, establish payment limitations on the total amount of contract payments that may be made under contracts during any fiscal year.

Page 16, beginning line 20, strike "the conservation plan" and all that follows through "subsection (j)" and insert the following: "a requirement of the contract specified in subparagraph (A), (B), (C), or (D) of subsection (a)(1)".

Page 19, line 5, insert at the end the following: "The Secretary shall carry out this paragraph in such a manner as to ensure that the reconstitution of a farm as part of the transfer of contract acreage results in no additional outlays under this section.".

Page 20, beginning line 19, strike "on a farm that is planted for harvest to alfalfa" and insert "of alfalfa on a farm that is harvested".

Page 51, beginning line 12, strike "section 411 of Agricultural Adjustment Act of 1938" and insert "section 104(i)(1)".

Page 60, line 22, strike "½" and insert "the grower portion".

Page 61, line 18, strike "MARKETING" and insert "POUNDAGE".

Page 64, line 10, strike "at the end of the 1996 marketing year" and insert "on or after January 1, 1997,".

Page 64, line 21, insert "(except seed)" after "use".

Page 67, line 1, strike "basic".

Page 76, line 11, strike "of".

Page 77, line 23, strike "or employee" and insert ", employee, or agency".

Page 98, line 18, insert "minus five cents" after "butter".

Page 102, line 11, insert "is authorized to and" after "Agriculture".

Page 102, line 17, insert "which amount the marketing order issued by California is hereby directed to make," after "California,".

Page 113, line 5, insert "the first day of the first month beginning after" after "take effect on".

Page 113, strike lines 14 through 23, and insert the following new paragraph:

(1) Consolidation of Federal milk marketing orders into not less than 8 nor more than 13 orders, which shall also include those areas of the 48 contiguous States not covered by a Federal milk marketing order on the date of the enactment of this Act. The consolidation shall comply with the following:

(A) One of the new Federal milk marketing orders shall cover only the State of California.

(B) A new or amended order shall have the right to blend order receipts to address unique issues in that order, such as a State quota system in effect on the date of the enactment of this Act.

(C) When milk of the highest use classification subject to a State quota system in operation on the date of the enactment of this Act is marketed under a new or amended Federal milk marketing order that also includes milk not subject to that State quota system, the Secretary shall provide a segregated account within the pool operated by the Federal milk marketing order for the collection and disbursement of receipts from the marketing of any milk subject to that State quota system.

(D) In accomplishing the consolidation of areas not covered by a Federal milk marketing order on the date of the enactment of this Act, the Secretary may utilize a milk pooling system or other regulatory system in operation in any State on such date in lieu of Federal authorities to blend pool proceeds or manage any quota plan in operation in a State on such date.

Page 114, after line 18, insert the following new subsection:

(d) CONTINUATION OF STATE ORDERS.—Nothing in this section shall preclude a State from maintaining a separate State marketing order for milk and the products of milk so long as the provisions of that State order are consistent with and complement any Federal order or orders applicable to milk marketed in that State.

Page 120, beginning line 13, strike paragraph (2) relating to the definition of large confined livestock operation.

Page 125, strike lines 7 through 10.

Page 130, strike lines 14 through 22 and insert the following new clause:

"(iii) CURRENT POLICIES.—Subject to clause (ii), all catastrophic risk protection policies written by local offices of the Department shall be transferred to the approved insurance provider for performance of all sales, service, and loss adjustment functions. Any fees in connection with such policies that are not yet collected at the time of the transfer shall be payable to the approved insurance providers assuming the policies."; and

Page 137, strike lines 17 through 23 and insert the following new subsection:

(b) FISCAL YEAR 1996 FUNDING.—From funds appropriated for the salaries and expenses of the Consolidated Farm Service Agency in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1996 (Public Law 104–37), the Secretary of Agriculture may use such sums as necessary for the salaries and expenses of the Office of Risk Management established under subsection (a).

Amend section 402—

(1) by inserting "(a) GENERALLY.—" before "Effective"; and

(2) by adding at the end the following:

(b) PRIORITY FUNDING FOR WHEAT FLOUR.—Section 301 of the Agricultural Trade Act of 1978 (7 U.S.C. 5651) is amended by adding at the end the following:

"(h) PRIORITY FUNDING FOR WHEAT FLOUR.—Consistent, as determined by the Secretary, with the obligations and reduction commitments undertaken by the United States set forth in the Uruguay Round Agreements, the Secretary shall announce awards under this section on an annual basis for the sale of wheat flour in sufficient amount to maintain the percentage of market share of world commercial flour markets achieved by the United States wheat flour industry during the Uruguay Round base period years of 1986 through 1990."

The Clerk read as follows:

Amendments en bloc consisting of amendment No. 1 (modified by striking the final instruction) and amendment No. 9 (unmodified).

The CHAIRMAN. Pursuant to the rule, the gentleman from Kansas [Mr. ROBERTS] will be recognized for 10 minutes, and the gentleman from Texas [Mr. DE LA GARZA] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would inform Members that in putting together the current bill, the Agriculture Market Transition Act, provisions of H.R. 2854, in doing this, our committee has worked with the Consolidated Farm Service Agency at the Department of Agriculture to work out many operational and administrative details that will allow the CFSA to implement this very important legislation as quickly as possible, which is very important to farm country, more especially where spring planting will soon be starting. The changes made in the en bloc will aid the Department of Agriculture and more especially the CFSA in being able to move quickly with the implementation of the Agriculture Market Transition Act.

Mr. Chairman, I reserve the balance of my time.

Mr. DE LA GARZA. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Chairman, I thank the ranking minority member for yielding me this time.

I would like to inquire of the gentleman from Kansas so that I make clear to the House what we have in this technical amendment. I have been informed, and I see here for the original amendment that was reported had language in it to grant rights-of-way basically for people who are obtaining water and water rights on national forest lands. Is that correct?

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from Kansas.

Mr. ROBERTS. Mr. Chairman, the gentleman has described——

Mr. VOLKMER. The old Brown amendment from the Senate?

Mr. ROBERTS. I think the commonsense Brown amendment from the Senate would be the more appropriate title. That has been taken out, sir.

Mr. VOLKMER. Now, that is no longer in this new amendment, is that correct?

Mr. ROBERTS. If the gentleman would continue to yield, that is the case.

Mr. VOLKMER. And the new amendment basically has to do with farm program payment limitations or yields and based on yields, or what all do we have in this amendment?

Mr. ROBERTS. The amendment deals with two Livingston amendments. I would say to the gentleman it incorporates two of the amendments by the gentleman from Louisiana [Mr. LIVINGSTON], with regard to the transfer of catastrophic insurance fees collected by the Department of Agriculture to private insurance companies and a change in the funding for the establishment of the Office of Risk Management.

Finally, the en bloc incorporates the amendment No. 9 offered by my colleague, the gentleman from Kansas [Mr. TIAHRT], to the Ag Trade Act of 1978 that directs the Secretary in a manner consistent with our obligations under GATT to maintain our historic share of exports with regards to the sale of wheat flour.

I know of no opposition to this amendment, and in regards to the Livingston amendments and the described intent of the amendments that I have described to the House previously to the gentleman's question, it was to certainly enable the Department of Agriculture to implement what we pass here in a quick and timely manner.

Mr. VOLKMER. Mr. Chairman, reclaiming my time, the second provision, matter that I would like to ask the gentleman about, we have consolidation language in here about Federal milk marketing orders.

Mr. ROBERTS. Mr. Chairman, if the gentleman will continue to yield, I am informed by staff that some of that was intended to clarify what was in the original bill and the second provision of the Agriculture Market Transition Act.

Mr. VOLKMER. All right. Now, junder the language that we have in this amendment, as the bill will be amended, is the gentleman telling me then that Federal crop insurance, catastrophic, will still be able to be sold or not be able to be sold in our FSA offices?

Mr. ROBERTS. Yes, that is correct, sir.

Mr. VOLKMER. I asked whether or not it will be able to be sold.

Mr. ROBERTS. It will be.

Mr. VOLKMER. It will be. Fine.

Mr. ROBERTS. I beg your pardon, it will not do that.

Mr. VOLKMER. It will not be able to be sold.

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from Kansas.

Mr. ROBERTS. Mr. Chairman, the Chair, this chairman, this gentleman was in error that the bill does that. This amendment does not do that.

Mr. VOLKMER. But does the amendment do anything to the provision in the bill? That is all I am asking.

Mr. ROBERTS. No, sir.

Mr. VOLKMER. No change on that.

Mr. ROBERTS. No, sir.

Mr. VOLKMER. All right. That is what I am asking about. I thank the gentleman very much.

Mr. ROBERTS. Mr. Chairman, I yield 3 minutes to my distinguished friend and colleague, the gentleman from Kansas [Mr. TIAHRT].

Mr. TIAHRT. Mr. Chairman, I thank the chairman for his leadership in the ag industry and for America.

I want to say I rise, Mr. Chairman, today to help farmers, union workers, and American jobs and the U.S. economy. We must attempt to level the playing field with the European Union by using the export enhancement program funds to move value-added products into the export markets.

The European Union has been twisting their agricultural and trade policies in GATT to unfairly crush the value-added exports like wheat flour. The European Union is lowering domestic input prices to give themselves a tremendous cost advantage over U.S. exports. Incredibly, the United States has had at its disposal millions of dollars to support U.S. agricultural export industries. These funds have been authorized and funded by the people through their elected Representatives under the export enhancement program to the tune of $350 million for this fiscal year alone. However, less than 2 percent has been spent by the administration, leaving our farmers and union workers and American jobs hanging out there vulnerable to the world markets.

In talks between the administration, the wheat flour industry, the USDA has admitted the European actions are unfair and it is measurable. Since the beginning of the 1995 crop year, more than 2 million metric tons of European flour export licenses have been awarded, compared to less than 15,000 metric tons of EEP awards.

Mr. Chairman, this country has been taking it on the chin under GATT and NAFTA. We have lost the last three decisions on these arguments. Now it is time for us to use GATT to our advantage. Now is the time for us to use this onerous agreement to help American farmers, to help American workers and help the American economy.

Mr. Chairman, this amendment moves toward fixing these problems. It simply tells the President and the Department of Agriculture to announce awards under the export enhancement program on an annual basis, to maintain the percentage of market share the world commercial flour market has achieved by U.S. wheat flour industries during the base year 1986 through 1990.

Mr. Chairman, this amendment will have no budget impact. It is within the scope of GATT, and it will keep hundreds if not thousands of jobs.

Mr. Chairman, the U.S. has had its nose bloodied time and time again by NAFTA, by GATT, and by the World Trade Organization, and it is time we use the tools inside these agreements to protect our jobs, to protect our farmers, to get those value-added products out on the open market.

In conclusion, Mr. Chairman, we believe that it is time for the administration to start protecting American farmers and union workers and American jobs by regaining our market share through the export enhancement program for the benefit of all Americans.

Mr. ROBERTS. Mr. Chairman, for the purpose of a colloquy, I am most delighted to yield 4 minutes to the distinguished gentleman from Texas [Mr. LAUGHLIN].

Mr. LAUGHLIN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, you and I have discussed the issue of the tenant farmer who leases farmland for receiving a fair and equitable payment under this bill many times in the last several months, and I thank the gentleman for his interest in assuring me that there is no problem for the tenant farmer.

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In my own district in Texas, the majority of the farmers do not own the land they farm. This differs from many parts of our Nation, and in the past 4 weeks, while I was traveling in my district, the primary concern was whether this legislation provides a strong enough safeguard for the tenant farmer in receiving his or her share of the payment. Repeatedly I was asked what prevents the nonfarming landowner from not leasing the land for farming purposes and having the landowner receive the payments under this bill even though no farming takes place on the land. And, second, what assures the farmer that he will obtain his share of the payment?

Mr. Chairman, in representing a district that is one of the highest agriculture producing districts in the State of Texas and one that produces over 70 percent of the rice in the State, I must ensure that the statutory intent of the chairman will not jeopardize tenant-landlord relationships, an operator with a share-rent lease, an operator who cash rents, an operator and tenant who is a sharecropper, from being kicked off the land and from receiving a fair and equitable payment.

Could the gentleman clarify his legislative intent in these four areas?

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. LAUGHLIN. I yield to the gentleman from Kansas.

Mr. ROBERTS. I am more than happy to respond to the gentleman. We have discussed this at length. I thank the gentleman from Texas for his question.

One of our technical amendments, I think, certainly clarifies this situation. Under our bill, anyone who has been eligible for payments under current law will be eligible for transition contract payments. The traditional protection afforded both the landlord and the tenant based on the amount of risk taken between the landowner and the tenant in distributing the payments will remain in the same manner in H.R. 2854, or freedom to farm, as current law.

I can assure the gentleman we have heard his constituents. We have heard you, and we addressed it. I thank the gentleman for his concerns.

Mr. LAUGHLIN. I thank the chairman for his assurance.

Mr. DE LA GARZA. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Chairman, the gentleman from Texas brought up an interesting point, and I listened to the gentleman from Kansas for an answer. I did not exactly hear that exact answer; that is, if an owner of farmland who in the past has leased it out or sharecropped it or cash rented, can he terminate those contracts and receive the money? I believe that was one of the questions.

Now, as I read it, if there is no existing contract on that land, if it has not been renewed, now, most of them in my area have already been renewed, those that are going to be, they are done, so they are stuck with it. If it has not and the owner wants to go in and go for the payments themselves, then I understand he has a right to do that and to get the payment, and he does not have to cash rent it or rent it out.

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from Kansas.

Mr. ROBERTS. I would inform the gentleman from Missouri that the situation is just the way it is in the law today. Nothing has changed.

Mr. VOLKMER. That is true. He does not have to rent it if it is not rented.

Mr. ROBERTS. That is true.

Mr. VOLKMER. That is true. He can get the payment. He does not have to crop the land at all even if he has rented it in the past. He does not have to rent it this year if he has not already done so.

Mr. ROBERTS. I would inform the gentleman, he could barely pay the taxes in regard to the payments coming down the pike. We also have conservation compliance. I know where the gentleman is headed in regards to his repeated criticism of the bill. I think we have been through that. What is in H.R. 2854 is the same situation as it is today in the current farm program.

Mr. VOLKMER. Except in the current farm program, you have to crop the land in order to participate in the program.

Mr. ROBERTS. There is zero 1992, there is zero 1985. We do not have any set-aside for wheat. We have not had set-asides for major crops. The same situation continues, but I think we have had that debate, Mr. Chairman.

Mr. DE LA GARZA. Mr. Chairman, if the distinguished chairman has only to close, I yield back the balance of my time.

Mr. ROBERTS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendments en bloc, as modified, offered by the gentleman from Kansas [Mr. ROBERTS].

The amendments en bloc, as modified, were agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 104–463.

AMENDMENT OFFERED BY MR. FRANK OF MASSACHUSETTS

Mr. FRANK of Massachusetts. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. FRANK of Massachusetts: Strike sections 101 through 105 and insert the following:

SEC. 101. CONTINUATION OF PRICE SUPPORT PROGRAMS UNDER AGRICULTURAL ACT OF 1949 FOR WHEAT, FEED GRAINS, COTTON, RICE, AND OILSEEDS.

Subject to the program modifications required by this title, for the 1996 through 2000 crops of each loan commodity, the Secretary of Agriculture shall offer producers the option to participate in price support, production adjustment, and payment programs based on the terms and conditions provided in sections 101B, 103(h), 103B, 105B, 107B, 114, and 205 of the Agricultural Act of 1949 (as in effect on the day before the date of the enactment of this Act), and such other provisions of such Act (as so in effect) as determined by the Secretary to be necessary.

SEC. 102. REDUCTION IN TARGET PRICES AND TERMINATION OF DEFICIENCY PAYMENTS AND MARKETING LOANS FOR WHEAT, FEED GRAINS, RICE, AND COTTON.

(a) WHEAT.—

(1) REDUCTION IN TARGET PRICES.—In the case of any price support program for wheat administered by the Secretary of Agriculture, the established price for wheat for a crop year shall not exceed—

(A) for the 1996 crop of wheat, $3.84 per bushel; and

(B) for the 1997 through 2002 crops of wheat, an amount that is four percent less than the established price for wheat for the preceding crop year.

(2) TERMINATION OF DEFICIENCY PAYMENT AND MARKETING LOANS.—Notwithstanding any other provision of law, for the 2003 and subsequent crops of wheat, the Secretary of Agriculture shall not make deficiency payments available to producers of wheat or permit producers to repay a price support loan at a rate below the original loan rate.

(b) CORN.—

(1) REDUCTION IN TARGET PRICES.—In the case of any price support program for corn administered by the Secretary of Agriculture, the established price for corn for a crop year shall not exceed—

(A) for the 1996 crop of corn, $2.64 per bushel; and

(B) for the 1997 through 2002 crops of corn, an amount that is four percent less than the established price for corn for the preceding crop year.

(2) TERMINATION OF DEFICIENCY PAYMENT AND MARKETING LOANS.—Notwithstanding any other provision of law, for the 2003 and subsequent crops of corn, the Secretary of Agriculture shall not make deficiency payments available to producers of corn or permit producers to repay a price support loan at a rate below the original loan rate.

(c) OATS.—

(1) REDUCTION IN TARGET PRICES.—In the case of any price support program for oats administered by the Secretary of Agriculture, the established price for oats for a crop year shall not exceed—

(A) for the 1996 crop of oats, $1.39 per bushel; and

(B) for the 1997 through 2002 crops of oats, an amount that is four percent less than the established price for oats for the preceding crop year.

(2) TERMINATION OF DEFICIENCY PAYMENT AND MARKETING LOANS.—Notwithstanding any other provision of law, for the 2003 and subsequent crops of oats, the Secretary of Agriculture shall not make deficiency payments available to producers of oats or permit producers to repay a price support loan at a rate below the original loan rate.

(d) GRAIN SORGHUMS.—

(1) REDUCTION IN TARGET PRICES.—In the case of any price support program for grain sorghums administered by the Secretary of Agriculture, the established price for grain sorghums for a crop year shall not exceed—

(A) for the 1996 crop of grain sorghums, $2.51 per bushel; and

(B) for the 1997 through 2002 crops of grain sorghums, an amount that is four percent less than the established price for grain sorghums for the preceding crop year.

(2) TERMINATION OF DEFICIENCY PAYMENT AND MARKETING LOANS.—Notwithstanding any other provision of law, for the 2003 and

subsequent crops of grain sorghums, the Secretary of Agriculture shall not make deficiency payments available to producers of grain sorghums or permit producers to repay a price support loan at a rate below the original loan rate.

(e) BARLEY.—

(1) REDUCTION IN TARGET PRICES.—In the case of any price support program for barley administered by the Secretary of Agriculture, the established price for barley for a crop year shall not exceed—

(A) for the 1996 crop of barley, $2.27 per bushel; and

(B) for the 1997 through 2002 crops of barley, an amount that is four percent less than the established price for barley for the preceding crop year.

(2) TERMINATION OF DEFICIENCY PAYMENT AND MARKETING LOANS.—Notwithstanding any other provision of law, for the 2003 and subsequent crops of barley, the Secretary of Agriculture shall not make deficiency payments available to producers of barley or permit producers to repay a price support loan at a rate below the original loan rate.

(f) RICE.—

(1) REDUCTION IN TARGET PRICES.—In the case of any price support program for rice administered by the Secretary of Agriculture, the established price for rice for a crop year shall not exceed—

(A) for the 1996 crop of rice, $10.28 per hundredweight; and

(B) for the 1997 through 2002 crops of rice, an amount that is four percent less than the established price for rice for the preceding crop year.

(2) TERMINATION OF DEFICIENCY PAYMENT AND MARKETING LOANS.—Notwithstanding any other provision of law, for the 2003 and subsequent crops of rice, the Secretary of Agriculture shall not make deficiency payments available to producers of rice or permit producers to repay a price support loan at a rate below the original loan rate.

(g) UPLAND COTTON.—

(1) REDUCTION IN TARGET PRICES.—In the case of any price support program for upland cotton administered by the Secretary of Agriculture, the established price for upland cotton for a crop year shall not exceed—

(A) for the 1996 crop of upland cotton, $0.70 per hundredweight; and

(B) for the 1997 through 2002 crops of upland cotton, an amount that is four percent less than the established price for upland cotton for the preceding crop year.

(2) TERMINATION OF DEFICIENCY PAYMENT AND MARKETING LOANS.—Notwithstanding any other provision of law, for the 2003 and subsequent crops of upland cotton, the Secretary of Agriculture shall not make deficiency payments available to producers of upland cotton or permit producers to repay a price support loan at a rate below the original loan rate.

(h) EXTRA LONG STAPLE COTTON.—

(1) REDUCTION IN TARGET PRICES.—In the case of any price support program for extra long staple cotton administered by the Secretary of Agriculture, the established price for extra long staple cotton for a crop year shall not exceed—

(A) for the 1996 crop of extra long staple cotton, $0.918 per hundredweight; and

(B) for the 1997 through 2002 crops of extra long staple cotton, an amount that is four percent less than the established price for extra long staple cotton for the preceding crop year.

(2) TERMINATION OF DEFICIENCY PAYMENT AND MARKETING LOANS.—Notwithstanding any other provision of law, for the 2003 and subsequent crops of extra long staple cotton, the Secretary of Agriculture shall not make deficiency payments available to producers of extra long staple cotton or permit producers to repay a price support loan at a rate below the original rate.

(i) FUTURE REPEAL OF CURRENT PROVISIONS REGARDING PRICE SUPPORT.—Effective October 1, 2000, the following provisions of the Agricultural Act of 1949, if still in effect on such date, are repealed:

(1) Section 101 (7 U.S.C. 1441) regarding price support levels generally.

(2) Section 101B (7 U.S.C. 1441-2) regarding loans deficiency payments, and acreage reduction programs for rice.

(3) Section 103(h) (7 U.S.C. 1444(h)) regarding loans, deficiency payments, and acreage reduction programs for extra long staple cotton.

(4) Section 103B (7 U.S.C. 1444-2) regarding loans, deficiency payments, and acreage reduction programs for upland cotton.

(5) Section 105B (7 U.S.C. 144f) regarding loans, deficiency payments, and acreage reduction programs for feed grains.

(6) Section 107B (7 U.S.C. 1445-3a) regarding loans, deficiency payments, and acreage reduction programs for wheat.

(7) Any similar provisions of law, enacted after the date of the enactment of this Act, relating to loans, deficiency payments, and acreage reduction programs for the crops referred to in the preceding paragraphs.

SEC. 104. BUDGETARY LIMITATIONS ON OUTLAYS FOR DEFICIENCY PAYMENTS FOR WHEAT, FEED, GRAINS, RICE AND COTTON.

(a) LIMITATION.—The total Commodity Credit Corporation outlays for deficiency payments for wheat, feed, grains, rice and cotton for the crop year 1996 through 2002 may not exceed—

(1) for fiscal year 1996, 88 percent of the projected Congressional Budget Office baseline of $6,556,000,000.

(2) for fiscal year 1997, 70 percent of the projected Congressional Budget Office baseline of $6,525,000;

(3) for fiscal year 1998, 53 percent of the projected Congressional Budget Office baseline of $6,556,000,000;

(4) for fiscal year 1999, 40 percent of the projected Congressional Budget Office baseline of $6,921,000,000;

(5) for fiscal year 2000, 23 percent of the projected Congressional Budget Office baseline of $6,671,000,000;

(b) PROBATION OF PAYMENTS.—In any crop year, if the total Commodity Credit Corporation obligations for deficiency payments are projected to exceed the applicable spending limit specified in subsection (a), the Secretary of Agriculture shall prorate deficiency payments to recipients to meet such spending limit.

The CHAIRMAN. Pursuant to the rule, the gentleman from Massachusetts [Mr. FRANK] and a Member opposed each will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. FRANK].

Mr. ROBERTS. Mr. Chairman, I ask unanimous consent that I be permitted to share the time allocated to me with respect to managing the debate on the amendment with the ranking minority member, the chairman emeritus of the Committee on Agriculture, the gentleman from Texas [Mr. DE LA GARZA], and that each of us be responsible for controlling our respective time limitations.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

MODIFICATION OF AMENDMENT OFFERED BY MR. FRANK OF MASSACHUSETTS

Mr. FRANK of Massachusetts. Mr. Chairman, I ask unanimous consent, because of a typographical error, that the page 9 that I have submitted and shown to the chairman be submitted in lieu of the page 9 of the amendment.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification of amendment offered by Mr. FRANK of Massachusetts: Strike proposed section 104 and insert new section 104, as follows:

SEC. 104. BUDGETARY LIMITATIONS ON OUTLAYS FOR DEFICIENCY PAYMENTS FOR WHEAT, FEED, GRAINS, RICE AND COTTON.

(a) LIMITATION.—The total Commodity Credit Corporation outlays for deficiency payments for wheat, feed, grains, rice and cotton for the crop year 1996 through 2000 may not exceed—

(1) for fiscal year 1996, 88 percent of the projected Congressional Budget Office baseline of $6,556,000,000;

(2) for fiscal year 1997, 70 percent of the projected Congressional Budget Office baseline of $6,525,000,000;

(3) for fiscal year 1998, 53 percent of the projected Congressional Budget Office baseline of $6,936,000,000;

(4) for fiscal year 1999, 40 percent of the projected Congressional Budget Office baseline of $6,921,000,000;

(5) for fiscal year 2000, 23 percent of the projected Congressional Budget Office baseline of $6,671,000,000;

(b) PROBATION OF PAYMENTS.—In any crop year, if the total Commodity Credit Corporation obligations for deficiency payments are projected to exceed the applicable spending limit specified in subsection (a), the Secretary of Agriculture shall prorate deficiency payments to recipients to meet such spending limit.

Mr. FRANK of Massachusetts (during the reading). Mr. Chairman, I ask unanimous consent that the modification be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. FRANK of Massachusetts. Mr. Chairman, this simply adds three zeros to the figure for fiscal 1997, putting billions where millions now exist.

The CHAIRMAN. Is there objection to the modification offered by the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN. The amendment is modified.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would not want to embarrass the House by talking about millions in an agricultural bill. Obviously, billions are the appropriate figure.

What my amendment would do is to replace what seems to me to be one of the most misnamed provisions I have seen here since I have come here, the freedom to farm provision. As I understand it, it ought to be called freedom from farming. What it does is to say that if you are now a farmer and receiving money under various Federal subsidy programs, you will get a declining but still quite significant amount of money over the next 7 years no matter what you do. You do not have to be, as the gentleman from Missouri has pointed out, a farmer anymore. So this is a freedom to farm, which includes within it the freedom not to farm and receive significant funds from the Federal Government.

It seems to me to bring home one of the most fundamental inconsistencies in American public policy. It has been an inconsistency, and it is getting worse. We have in this Congress cracked down on AFDC recipients. We have cut back on the Medicare Program. Not all of these things have become law, but these are the legislative vehicles that have passed the House. We have decided that lower-income people are getting too much money. We have decided that free enterprise and standing on your own two feet should be the order of the day, but not for the agricultural segment.

It is striking to me how Members can come here, espouse free-enterprise doctrines, many of which I agree with, but then where agriculture is concerned suddenly in their own mind call up the invisible footnote, the footnote written in invisible ink in all of these conservation texts, and exempt agriculture from those rules.

Now, there will be specific amendments that will deal with some of the exemptions, apparently the free market works very well for automobiles, and it works very well for the construction industry, and it works very well for the production of sophisticated medical devices or computers. But the free-market system is not quite up to peanuts. Peanuts somehow is too complicated for the free market and sugar and dairy.

We can make the most sophisticated biotechnological devices. We can make software. We can make almost anything in America under the principles of the free market, but you cannot grow peanuts that way. You cannot grow tobacco that way. You cannot grow dairy that way. It is the most fundamental intellectual inconsistency in the United States today when people who are the most dedicated advocates of the free-enterprise system and talk about its virtues everywhere else, suddenly decide you cannot do that when talking about peanuts.

We compound this because what we have also talked about is the problem of entitlements, and we have heard about the problem of entitlements that are not means tested. That is, people have said, you know, it is one thing when you have an entitlement for the poor. What about entitlements that go to people regardless of income?

Agriculture carries that one step further. In agriculture, we have, and had had, anti-means-tested entitlements. In agriculture, that is an entitlement. Whatever you do, you automatically get the money. There is no appropriation that has discretion involved. But the bigger your enterprise, the more money you are making on your own, the more you get. Now they have decided, well, we cannot keep this up so they are going to get rid of it.

How are they getting rid of it? By a 7-year transition. Having gotten a lot of Federal money in the past means we have to make sure you do not get cut off too quickly. So, over 7 years, recipients of these billions of dollars of Federal funds will continue to get, according to the numbers I have, a total over the 7 years of $35 billion, over $5 billion a year, and it will go to people whose ability to get this money will be based on the fact that they once got Federal money. This is a very nice program. It says if you once got money, we owe you. Apparently the theory is, we have obligated ourselves to people by paying them and, therefore, as the years go forward, we will give them money and they will get money solely because they used to get money. There will be no obligations on this money. This is not the freedom to farm, but instead the freedom from farming.

Those recipients of this money over the next 7 years will get the money, as I understand it, no matter what they do. They do not have to farm. They do not have to live in their area. They do not have to live in this country. All they have to do is to live, and I guess if they do not live, they can pass it on. I did not check the testamentary part. I assume this is something you could pass on; you could inherit, I assume, under this bill the right to get these. You could be somebody who lived in Chicago, and the only grass you saw you had to hide when the cops came. But under this bill, if you were the heir of someone who farmed, I assume you could inherit that.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Missouri.

Mr. VOLKMER Mr. Chairman, the gentleman is more right than wrong. The payments go with the land, and as a result, when the son or daughter inherits the land, they will continue to receive the payments no matter where they live.

But the other thing that is necessary to point out under this bill, you know, a lot of this land is investor-owned. They do not live anywhere near the land. They live thousands of miles away from it, and as a result, those people are going to get these big payments, and whether or not that farm is farmed.

Mr. FRANK of Massachusetts. As I understand it, if you happened to be the heir of someone who owns a farm and has been getting Federal funds and that person dies, you then inherit the land. You do not have to go to that land. You do not have to grow anything. You do not have to touch a farm implement. You simply get the money.

This is the greatest deal going, and this from the believers in free enterprise, stand on you own two feet, get your nose to the grindstone, your shoulder to the wheel, get the government's hand out of your pockets. Well, the government's hands will not be in your pockets, because there will be too much money in those hands to fit in your pockets.

We are talking about $35 billion a year over 7 years that go to citizens of this country, or the owners, wherever they are. I do not know why I said citizens. That go to owners of this land no matter what. I am sure many of these people, most of them, may continue to farm, but that is not here.

By the way, it is 7 years. My amendment would say that you continue the current agricultural program, phase them down. I want to get rid of them. I do not like the current programs either, but I would rather get something for the money we are giving these people, and I also decided we should phase it out in 5 years rather then 7, for this reason.

□ 1600

I think if we are going to say that 5 years is the outer limit for you to receive Aid to Families with Dependent Children, that that probably ought to serve for the farmers as well. At least in the case of people who get Aid for Families with Dependent Children, as I understand it, there will be a work requirement. There is no work requirement for the farmers.

Understand this provision: No work requirement whatsoever. Here is $35 billion the Federal Government will set aside as an entitlement to people, whose requirement will simply be that they have been the owners of the land at a certain period and in the program.

I think this makes a mockery of all of what we have heard about sacrifice, of all of what we have heard about free enterprise, of all we have heard about who is going to do what. Many of the recipients of this, and, as I said, this, anti-means tested, many, many very wealthy people will be getting part of this $35 billion.

I understand we have gotten ourselves into a hole and we cannot easily get out of it. At the very least, it is right to face this down. But also we should make this clear: We are now passing a law which will guarantee people the $35 billion for the next 7 years.

If in fact 3 or 4 years from now we change our minds, they will have gotten the money and we can go back into it. There is no guarantee. One legislature cannot bind future one.

So we have got here the welfare program of all welfare programs. It says to some people, many of whom are wealthy, for the next 7 years, your government has a demand to make of you: You must let us give you collectively $35 billion, and in return we will impose upon you the burden of cashing the checks, and that is all. By the way, those of you who are in the wealthiest sector will get more than those who are not.

This is the new revolution; and if this is the new revolution, then I would hate to see what reaction would look like.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, the gentleman just made another statement that I think bears drawing out a little bit. He said the very wealthy are going to get this. It may interest the gentleman to know a study has been made of the gentleman from Kansas' bill, and that the upper 2 percent of big farmowners, OK, 2 percent will get 22 percent of the money. It sounds a lot like their tax bill, where 2 percent got 50 percent of the money. This one, 2 percent get 22 percent of the money.

Mr. FRANK of Massachusetts. Mr. Chairman, reclaiming my time, this is the anti-means tested entitlement. It is an entitlement, and the more money you make, the more you get. I thank the gentleman from Missouri for pointing out I understated things. The gentleman from Missouri may be one of the few Members of the House who finds me guilty of understatement.

Mr. Chairman, I reserve the balance of my time.

Mr. ROBERTS. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. LUCAS].

Mr. LUCAS. Mr. Chairman, simply put, the amendment offered by my colleague from Massachusetts represents the worst possible option for our Nation's agricultural policy that we will discuss today. It had been my understanding that this bill's goal was to reform the Nation's agricultural programs.

The author of this amendment must have a different idea. This amendment contains no reform. It only breathes life into the failed policies that have shackled the Nation's producers to the heavy hand of Uncle Sam. Continuing these policies will be the death knell to many producers throughout the Nation.

Most Members of Congress, most producers, most national agricultural groups, and yes, most agricultural economists agree that farm policy must be changed. The amendment of the gentleman from Massachusetts [Mr. FRANK], ignores this fact. It does nothing to ensure a viable agricultural sector in our Nation. It does nothing to aid producers in a post-NAFTA and GATT world trade environment. It does nothing to move toward a more market driven agricultural sector.

My friends, agriculture is truly at a crossroads. It is time we break the bonds of the old and ring in a market-oriented program that will guide us into the next century.

I cannot say it any clearer: The current program does not work. With its draconian reductions in target price and lack of any true reform, the Frank amendment only makes a bleak outlook in farm country worse.

I urge my colleagues, join me as I vote to defeat this amendment.

Mr. DE LA GARZA. Mr. Chairman, I yield 1 minute to the gentleman from Missouri [Mr. VOLKMER] in order to give us some history on this amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 1 minute to the gentleman from Missouri [Mr. VOLKMER].

The CHAIRMAN. The gentleman from Missouri is recognized for 2 minutes.

Mr. VOLKMER. Mr. Chairman, as one who has been here for 19 years and been through different farm bills, I can remember when we had another President by the name of Reagan and a Secretary of Agriculture by the name of John Block. I wanted to let the gentleman from Oklahoma know, he may have been in grade school or high school at the time, but the gentleman from Kansas would remember, because he was here.

What you have is a Reagan proposal for agriculture from back in the eighties. You take the target price and, over 5 years, you phase it down with existing programs, to where at the end of the 5 years you only had the loan rate. That is what you have.

I just heard the gentleman from Oklahoma tell me how crazy it was. I am glad to hear that. I said so at the time and we did not do it. Now I am caught between. I cannot agree with the gentleman from Oklahoma, but I sure as heck cannot agree with the gentleman from Kansas with what he has. His is strictly welfare.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I acknowledge this is what Ronald Reagan did. I would point out by the standards of the current group, Ronald Reagan was a model of lucidity, reasonableness and logic. That is why I prefer the Reagan program. I look nostalgically back on Ronald Reagan as I contemplate the current policies.

Mr. VOLKMER. So much for the history lesson.

Mr. ROBERTS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, well, there he goes again. I think every farmer and rancher in America would prefer and agree with the goal of the gentleman from Massachusetts. It is just that the road he is taking will certainly put the farmer and rancher in the ditch, as well as a majority in the House and Senate. It is time to change our farm program policy. I know that. Everyone knows that.

We have to move away from what we call the command and control policies. We have to meet our budget responsibilities. It is time to give farmers the ability to respond to market signals. That is what we are trying to do to environmental signals—let me get back to the environment in just a minute—and the diversification to get us out of mono-agriculture to free up the farmer to get him into diversified agriculture without having first to get permission from Washington.

But the gentleman's amendment retains the current target price deficiency payment. It is a restricted system. Anybody that has closely inspected the current farm program knows in wheat country, for instance, we have not had a setaside requirement for 5 years. So the supply management rationale that has served us well in the past certainly does not apply here.

The gentleman reduces target prices 4 percent per year through the year 2002. I do not know about President Reagan. I remember when President Reagan was President and Mrs. Stockman's very brilliant son, David, was the OMB Director. I remember a joint effort on the part of both Democrats and Republicans to try to not only meet our budget responsibilities but to do so in a bipartisan and salutary manner. I do not think it can all be applied in regard to President Reagan.

The gentleman's amendment terminates the target price and the marketing loan mechanism for all commodities in 2003. It does not provide any incentive in terms of flexibility, which is the other side of the coin. If you reduce the farm program payments or the market transition payments, you give the farmer the freedom to plant.

I want to quarrel with the gentleman's description that there is no work requirement. In the first place, these payments are roughly half what has been provided in the past 5 years. In the second place, there is a conservation compliance requirement. When the farmer and his banker, his lender, sit down and say in the next 7 years I know precisely what I am going to get in regard to assistance from the Federal Government to enable us to make this market transition, there is a requirement there. There is a responsibility. You have to have the responsibility of really putting forth or participating in your conservation compliance plan. That is costly. It costs money. It costs a lot of money. But we are the stewards of the soil. We know that in terms of our responsibilities in reference to the farm program.

No farmer is going to comply with conservation compliance and go through all those costs in the strongest environmental bill we have had in the history of farm programs and then walk away from it. No farmer going through the terrible difficulty we are going through in the high plains with wind blowing and prairie fires and high prices and no crops is going to put the seed in the ground simply because of this payment. He is going to farm. Farmers farm.

Talk to the gentleman from Texas [Mr. STENHOLM] in regard to the weather stress and the infestation and what we are going through in terms of farm country. And in terms of when the payment is made, for goodness sake, 15 bushel of wheat at $5, and we are in a world of trouble in Kansas, 45 bushel of wheat at $3; and then we pay them a deficiency payment? We are better off under the old system.

We want to talk about saying oh, people do not live there on their farms? It is true that some of our more senior farmers somewhere moved to the county seat, and it is true they have rented out their ground. It is true that perhaps their son and daughter are farming. Big woop. I mean, that landlord has to share part of the risk of farming. If you take that away in terms of these payments, look at what will happen with the capitalized land values, look at what will happen in terms of investment in farm ground. We would be in a recession immediately.

So I guess in summing up, I would simply say to the gentleman from Massachusetts, who I have admired for many years for his eloquency, his sense of humor and pertinence, and maybe impertinence on some issues, and his friendship, that what he has basically done is just taken the current farm program and reduced it with no flexibility, and we have not reformed anything.

I do quarrel with his description in terms of the work requirement and in terms of the landlord-tenant relationship which would be completely discombobulated under his plan. I recognize his intention, and I share his view in regard to the entitlement programs in reference to AFDC, welfare reform, food stamps, et cetera, et cetera. We need to do better and we should.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 4 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman from Massachusetts for yielding me time.

Mr. Chairman, I must say I will confess that I know very little about farming, that I was born and raised in the city, and as I listen to this debate I am reminded of P.J. O'Rourke's book about the farm program. I almost wanted to bring P.J. O'Rourke's book down here and read it, because he was saying this is probably one of the most difficult things for Americans to track as you listen to all these different programs being thrown around.

But I must say, as a consumer, I used to knock the farm programs. But I must say I have really appreciated them because as we went through those terrible floods in the Midwest a couple of years ago and we have eaten up an awful lot of our surpluses and all sorts of things, I never felt terrific price increases in the grocery store. In almost every other country, if you had the kind of floods we had in the Midwest, that literally knocked out everything, or you had some of the disasters we had—remember, or you had some of the disasters we had—remember, there were about 2 years where you thought there was a fast breeder disaster reactor. And yet our farm programs kept prices level for people like me who go to buy milk and bread and everything.

As I listened to this debate going on on the floor, the thing that troubles me so much is what I understand from this freedom to farm thing is you also have the choice of the freedom not to farm; to farm or not to farm, that is the question. It does not make any difference, you get paid either way.

That, as a consumer, really troubles me. As a taxpayer, if I am going to be asked to sustain this program, OK, now I understand why it applies to me. It kept food prices even in great disasters, and I think that has been the genius of many of my colleagues who sit on the Committee on Agriculture, even though I do not understand it. They have figured out a way to do all of this, to keep things fairly level when we go through all of the things we cannot control, such as the weather and everything else.

So I get that. But why would we have a program come up that would say to people you can all be like Sam Donaldson and his sheep. You know, Sam Donaldson, you cannot see him as the little shepherd out there, but he gets paid. Now, why are we taking the Sam Donaldson sheep program and applying it to all of these other programs so you, too, will get paid whether or not you put your crop in? That really bothers me about this. I think we are going to have a lot of trouble, if we were to pass, this explaining that to the American consumer.

Yes, an insurance policy. But this begins to look more and more like welfare, except it is welfare that is not even means tested. I mean, my other understanding, if the gentleman from Massachusetts is correct, I believe I heard the gentleman from Missouri saying that there was no means test on this. Is that correct?

□ 1615

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, if the gentlewoman will allow me, not only is there no means test, there is an antimeans test. The more money you are making under the program generally, the more you will get. So it is the reverse. The wealthier you are, the more prosperous, the bigger your crop certainly, the more money you get. It is an antimeans test.

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman for that.

What I am really trying to say is, while the farm programs may need some adjustment and they may need to be changed, everything always kind of needs to be changed and tinkered with to fit the modern day.

I think if we go this entirely opposite way so we suddenly start paying people not to farm and not having the means test instead of doing the absolute reverse of it, when consumers figure this our, they are going to think we are absolutely nuts. So certainly if we are going to have a farm program, let us have one that encourages farming, that rewards hard work, that fits with the American concept of what we are supposed to be doing, rather than one that looks more like a welfare program for the biggest landowners such as the Sam Donaldsons, who can decide what they want to do.

It makes no difference. They get paid anyway. That makes no sense to me and I do not think it is going to make sense to anybody else who is out doing their grocery shopping and paying their taxes.

The CHAIRMAN. The gentleman from Massachusetts [Mr. FRANK] has 5 minutes remaining; the gentleman from Texas [Mr. DE LA GARZA] has 9 minutes remaining; and the gentleman from Kansas [Mr. ROBERTS] has 3 minutes remaining.

Mr. DE LA GARZA. Mr. Chairman, I yield 2 minutes to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Chairman, I thank the ranking member for yielding time to me.

I rise in opposition to the amendment before us. The amendment squarely attacks a safety net for family farming agriculture.

Why is there a compelling need to have a safety net for family farming agriculture? It gets down to the fundamental economics of agriculture production. At the beginning of a crop year, a family farmer will have literally hundreds of thousands of dollars exposed, seed, feed, fertilizer, equipment, land costs. There are two risks threatening this massive investment, which for many family farmers is literally everything they own: the risk of lost production or the risk of market price collapse.

The only farmers that can sustain the risk of market price collapse over the long haul are farmers with huge capital reserves. Those are not family farmers like family farmers where I come from. Those are huge corporate farms dramatically changing the face of agriculture production in this country and ultimately eliminating family farming as we have known it.

May we say family farming, it is an idea whose time has come and gone. We have got to move forward. Wait a minute. Food production in this country has given our consumers the highest quality, the greatest abundance and the lowest price of any country in the western world. Our approach at farm policy works and it has worked very, very well.

I oppose the approach of the amendment, which would eliminate the safety net and eliminate family farms. I have the very same reservations about the bill, which ultimately eliminates the safety net and will eliminate family farms, but just because I have serious reservations about the bill does not mean the amendment is any better. In fact, the amendment is even worse. I urge its opposition today.

Mr. ROBERTS. Mr. Chairman, I yield myself such time as I may consume. I do not intend to take long so we can move to a vote on the gentleman's amendment.

I would just point out, in response to the gentlewoman from Colorado, who might want to visit with the assistant secretary of trade for agriculture, Secretary Schroeder, that we are spending 50 percent less under this bill than the previous bills, that we do provide conservation compliance for 7 years. The farmer is not going to leave the farm when he has to maintain the conservation compliance. I think we will have more crop land in production. As a result, our consumers will probably spend less than a dime of their disposable income dollar for the very valuable market basket of food. And we have reduced the payment that is being made available to farmers from 50,000 down to 40,000. That is a 20-percent drop. We currently have something called zero 85 and zero 92 in current farm program law. I know that is very difficult to understand from the nonagriculture sector, but it allows the farmer to let the ground lay fallow for environmental purposes. Out in my country, we do not get much rain so there are some years that the farmer would like to have the ground lay fallow. It is called summer fallow.

That is why we have the program that if you say, OK, if you let the ground lay fallow and you improve your conservation practice, you get 85 percent or 92 percent in regards to your payment. Some program, it is an environmental program. Farmers are not simply going to walk off the farm and not farm in regards to these payments.

Mr. Chairman, I yield back the balance of my time.

Mr. DE LA GARZA. Mr. Chairman, for the reasons already delineated, I oppose the amendment, and I yield back the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Chairman, I would just like to take a couple of minutes to point out something, I think, for Members who have not served on the Committee on Agriculture and do not know that much about farm legislation. The old adage has been said here that this bill is basically a freedom to farm. Under the present law, under the law that we have had ever since I have been here for 19 years, every farmer has had a right to farm or not to farm. Every farmer has a right to not follow the provisions that we have put in this bill. He just does not get the payments.

I have a lot of farmers that do not participate in the program. They do not have to participate. No farmer has ever had to participate. There is no requirement that any farmer participate in the current program. If he does participate, the Government just says you have to do certain things. And if you do those things, then you may be entitled to a payment, depending on what the prices are in the marketplace. That is all it has been. That is all it ever was. So every farmer has had that right to freedom to farm.

The only thing, the difference between that program and this program basically is what the gentleman from Kansas wants to do is basically you do not have to farm and you still get your payment. That is what bothers me. It is not a little payment. We are not talking about $500 a month. We are not talking about $3,000. We are talking about up to $80,000. If you have a marketing loan for cotton, you are talking about $230,000 in 1 year. You are talking about farmers out here in certain parts of this country that are going to get up to $1 million over 7 years, and they do not even have to farm. That does not make sense to me, folks. It really does not, especially when we are cutting back on school lunch programs. We are cutting back on AFDC. We are cutting back on food stamps for needy kids to eat, and we are going to tell wealthy farmers, wealthy investors, some of which are in New York, that you do not have to farm and we will give you $80,000, $90,000, $100,000 a year for the next 7 years. I just do not think that is the way you do agriculture policy.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself the balance of my time.

My friend from Kansas said this is not freedom from work. Of course, farmers are among the hardest working people in this society. And the majority of people in this program will continue to work hard. But it is uncontestable that this bill will not require them to.

If there are people who have decided they have had enough, if there are people who have decided they want to do something differently, they can, and they do not have to do any farming. The owner of the land will get these payments no matter what happens on the land. That is uncontestable.

As a matter of fact, let me give you the analogy. Members have said, you have to have a transition. We need to change the existing status quo. It would mean instead of doing term limits, you would do a program called freedom to legislate. And under freedom to legislate, any sitting Member of Congress right now would be entitled to the congressional salary on a slightly declining base for the next 7 years whether you ran or not. You could run for Congress and get your salary, or you could not run for Congress and get your salary. Most Members of Congress would probably want to run, as most farmers would like to farm. But those Members of Congress who would like to use their freedom to legislate to not legislate, sit home and collect the money would be able to do so. The freedom to legislate bill would make exactly as much sense as the freedom to farm bill. It would be a way to transition down, move some Members out and pay them to do absolutely nothing.

For those who might be so unkind as to suggest that we are now paying some existing Members to do absolutely nothing, I have nothing to say. But in fact for most Members who work very hard, the prospect of freedom to legislate might be very comfortable. So, yes, many farmers under this bill would be, if they got the money, able to continue, would continue farming.

On the other hand, the rationale for the agriculture programs, and this is the heart of this, is pay the farmers to do whatever they would otherwise do. This bill takes $35 billion in Federal money and says to farmers, some of whom are quite wealthy, some of whom are not, Here, do whatever you were going to do anyway. Grow whatever you want to grow; quit, if you want to quit. Whatever it is you with to do, you can do and you get the Federal money in addition. That makes it a welfare program.

The original notion in the farm programs, and they became, I think, distorted and should have been done away with, but they were, the Federal Government will pay you in return, in part for your doing certain things. It would supply management. I do not think it worked very well, but at least it was an effort to make it a quid pro quo.

What this says it, yes, we made a mistake, the Federal Government. We should not have been telling you what to do. Therefore, we will pay you anyway. This is a mistake. I hope the amendment is passed and, if not, the bill is defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. FRANK], as modified.

The amendment, as modified was rejected.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 104–463.

AMENDMENT OFFERED BY MR. CHABOT

Mr. CHABOT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CHABOT: PAGE 48, AFTER LINE 17, INSERT THE FOLLOWING NEW SUBSECTION:

(l) EARLY TERMINATION FOR COTTON.—Notwithstanding subsection (a)(1), marketing assistance loans and loan deficiency payments under this section for upland cotton and extra long staple cotton shall be available only for the 1996, 1997, and 1998 crops of upland cotton and extra long staple cotton.

(m) EFFECT ON CONTRACT PAYMENTS OF MARKETING LOAN GAINS AND LOAN DEFICIENCY PAYMENTS FOR UPLAND COTTON.—If a producer obtains a loan deficiency payment under subsection (e) with respect to upland cotton or receives a marketing loan gain under subsection (d) by reason of repaying a marketing assistance loan for upland cotton at a rate that is less than the loan rate established for upland cotton under subsection (b) and the producer is entitled to payments under a production flexibility contract, then the Secretary shall deduct the total amount of the loan deficiency payment or marketing loan gain from subsequent contract payments to be made to the producer. The Secretary shall make the deduction in equal installments over the remaining term of the contract.

The CHAIRMAN. Pursuant to the rule, the gentleman from Ohio [Mr. CHABOT] and a Member opposed each will be recognized for 15 minutes.

The Chair recognizes the gentleman from Ohio [Mr. CHABOT].

Mr. ROBERTS. Mr. Chairman, I ask unanimous consent that I be permitted to share the time allocated to me with respect to managing the debate on the amendment with the ranking minority member, the gentleman from Texas [Mr. DE LA GARZA], and that the gentleman from Texas [Mr. COMBEST] be designated as the majority Member responsible for controlling our respective time.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. CHABOT].

Mr. CHABOT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment, which I am pleased to offer along with my friend from Massachusetts, Mr. KENNEDY, will significantly reform taxpayer subsidies to cotton growers. As you know, the Cotton Program is the epitome of corporate welfare. Everyone involved with the Cotton Program gets a subsidy—except the taxpayers who foot the bill. The Cotton Program is an affront to hard-working American citizens who are forced to finance these corporate hand outs.

Since 1986, taxpayers have forked over an average of $1.5 billion each year to inflate the profits of producers. For every dollar that the cotton conglomerates made by selling their cotton, the taxpayers were forced to spend another 33 cents to support the Cotton Program.

Now, many believe that farm programs such as the Cotton Program benefit small farmers. That's simply not true: The Cotton Program benefits a few powerful special interests. The top 20 percent of cotton producers reap some 80 percent of the Cotton Program's benefits. And in 1993 alone, four of the largest cotton growers received more than $1 million in Government payments, while one cotton magnate received a staggering $4.4 million.

In fact, as the Environmental Working Groups points out, and I quote, "the top 2 percent of cotton program recipients—just 2,776 very large farming operations—will each be eligible to earn nearly $419,999 over the next 7 years under the House bill. That amounts to an average of more than $59,800 per recipient per year for 7 years." So much for the argument that the Cotton Program helps "small farmers."

Moreover, many of those lucky few who get this Government hand out don't even live on a farm: Between 1985 and 1994, cotton producers who happened to live in Los Angeles reaped some $1.9 million in cotton payments, while cotton producers who lived in that small rural community on the Potomac—Washington, DC—took in some $138,169.

Now, if the Cotton Program isn't a glaring example of corporate welfare, then I don't know what is.

Here's how the Cotton Program works: Huge cotton agribusinesses are able to take taxpayer-financed loans which are set at a Government-established rate. If cotton prices are lower than this rate, then cotton growers pay back the loan at the lower market value, and not at the Government-established rate. In other words, cotton producers pocket the difference between the market value and the Government-established rate. In agribusiness circles, this is know as a marketing loan gain.

While this so-called gain is a boon to cotton producers, it is a significant loss to the taxpayer: Since 1992, these gains have cost taxpayers over $1.1 billion alone.

The Chabot-Kennedy amendment would eliminate this loss to the taxpayer, just as Chairman ROBERTS' original Freedom to Farm Act would have done.

Our amendment would do two things: First, we would stop allowing huge agribusinesses from taking these loans after 1998. Second, if these agribusinesses were to realize a gain in the remaining 3 years that they are eligible for these loans, the amount of the gain would be deducted from the cotton producers transition contract.

Efforts to reform the Cotton Program are supported by a broad coalition of groups including the National Taxpayers Union, Citizens Against Government Waste, Taxpayers for Common Sense, The Heritage Foundation, Friends of the Earth, Public Voice for Food and Health Policy, the Environmental Working Group, and the Competitive Enterprise Institute.

Mr. Chairman, I urge my colleagues' support for the Chabot-Kennedy amendment.

□ 1630

Mr. Chairman, I reserve the balance of my time.

Mr. COMBEST. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would point out that the subject is always usually discussed in terms of the boondoggle to huge corporate farms. The Marketing Loan Program has been one of the truly successful programs of the Cotton Program. It is ironic that it is available to every cotton producer. It is ironic that at a time that the previous amendment was defeated, which would have killed all farm programs, this amendment attempts to single out and effectively kill the farm program. It is also ironic that this amendment is being proposed to eliminate the market loan for cotton while the legislation that is before us authorizes the same Marketing Loan Program for all other commodities, leaving, if this amendment were successful, only the Cotton Program that did not have it.

It was where the program began, and it has worked extremely well. Marketing loan moves cotton in the marketplace. It has been primarily responsible for the fact that today cotton for the last 2 years has set all-time highs, therefore having no Government payments at all, and the option to that would be having the Government buy and store that cotton. This is not a phaseout, it is an immediate kill, but it would leave all of the other programs still subject to marketing loan, and marketing loans, I might add, are still subject to payment limitations as they have been.

It has been a very successful program, Mr. Chairman. It is unfortunate that a number of people who have absolutely no concept of how the program works want to be the ones that want to try to kill it.

Mr. Chairman, I reserve the balance of my time.

Mr. CHABOT. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. Chairman, I would like to compliment the gentleman for his great work in this area. I know that he wants to get rid of some of these corporate boondoggles.

Mr. KENNEDY of Massachusetts. Mr. Chairman, first of all, let me thank my friend, the gentleman from Ohio [Mr. CHABOT], who is I think doing a tremendous job at trying to identify ways that we can cut back on some of the excess Government spending. As we both support a balanced budget, it is important that we go through all of the programs that we are spending billions of dollars on and try to find where there is potential waste and abuse, and I appreciate the efforts that he has made in making certain that this particular issue of the additional largess which we are providing to cotton farmers, that goes well beyond any of the other farming communities in this country, is brought to light and given a vote, and I appreciate the gentleman's efforts.

Cotton may be the fabric of our lives in all those TV commercials, but this program is turning the lining of the pockets of pleated pants-wearing plantation magnates into gold. Whereas we once had over a million cotton producing farmers, we now have roughly 147,000. That small family farmer that grows cotton by and large does not even participate in the Federal Government farm program that we are targeting. Instead, the Cotton Program has become a Government guaranteed entitlement program for large and wealthy cotton farmers.

I know that reforms in the Marketing Loan Program were attempted originally by the chairman of the Committee on Agriculture, the gentleman from Kansas [Mr. ROBERTS] and he is quite sincere in his interests to reduce Government involvement in the Agriculture Department and to move to a freer market. But regardless of one's position on the bill, we almost recognize the hard and sincere efforts that the gentleman from Kansas, Chairman ROBERTS, is making in trying to make our farms come through to the 21st century.

Nonetheless, this bill has a special goodie planted in the small lines in the wording of the legislation, which has grown into a rather large "we." The Cotton Program with this goodie represents the fleecing of the American taxpayer. The Marketing Loan Program for cotton extends taxpayer-financed marketing loans to cotton farmers and creates a situation where the U.S. taxpayer may be left exposed to unlimited liability and likely to total into the billions of dollars.

Why should we create a program where right now the Cotton Program does not even cost the taxpayer money this year, but what we are going to do is provide $700 million next year, another $700 million the year after that? But that is not good enough. That is what all the programs are going to get under the buyout that Chairman ROBERTS has provided. One thing we are going to do is we are going to reach back in and provide a special Marketing Loan Program like no other in the country.

Now, it could be argued, and I am sure it will, that the Marketing Loan Program is an important aspect assisting cotton farmers in this country. And maybe what we ought to do is do what the gentleman from California [Mr. DOOLITTLE] says, which is go strictly to a Marketing Loan Program. But to try to get both the Marketing Loan Program and the 650 or 700 million dollars at the same time is tantamount to just reaching into the back pocket of the taxpayers of this country without having any regard for the reasonableness with which $700 million is currently being appropriated.

I think that it is time that we stand up and say that we are interested in helping small farmers. But if we look at where the money goes in this program, it does not go to small farmers. The vast majority of the funds in this program go to the wealthiest farmers in this country, and we ought to wean ourselves off of dependence of the wealthiest farmers.

Corporate America can take care of itself, but let us not go after poor welfare mothers and then not go after corporate welfare, and that is what this bill does not if we do not reform the cotton program.

I appreciate the gentleman's efforts, and I look forward to continuing to work him on this and other issues.

Mr. CHABOT. Mr. Chairman, I reserve the balance of my time.

Mr. DE LA GARZA. Mr. Chairman, I yield 4 minutes to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, sometimes it is difficult to sit here on the floor and to truly understand what it is that who is amending and for what purpose.

This is not a newly created program. In 1985, we had seen the cotton industry in the United States deteriorate to an alarmingly low level, and it was recognized that unless we found a way to be competitive in the international marketplace, that it was going to continue to deteriorate, and therefore the market loan was put into place. And it has been very, very successful, so successful that the gentleman from Massachusetts was correct a moment ago when he said it was going to cost zero this year.

That has been one of the things that has puzzled me about why we are changing such a successful cotton program to the degree that we are.

But the bottom line here is if we have something in place that is working, why would we want to change it?

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, is it not true that right now the program, as was said, is not costing the taxpayer any money? Is it not true that under the compromise that the gentleman from Kansas, [Mr. ROBERTS] worked out that there will be a payment of about $650 to $700 million made to cotton farmers this year?

Mr. STENHOLM. No, sir; if I can reclaim my time, only if the market drops and it is required to maintain a competitive position in the international marketplace, which no one foresees for this year and, in fact, into next year.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman further yield?

Mr. STENHOLM. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Did that, in fact, occur in years 1992, 1993, and 1994?

Mr. STENHOLM. I am happy to respond to the gentleman. The gentleman from Ohio made some of the most outlandish statements regarding the costs and the aspects of this that I could possibly hear. If we are concerned about fiscal responsibility of the cotton program, let us look at the record from the 1990 farm bill. From 1991 to 1995, we have expended a total of $5.9 billion, an average of $1.2 billion per year. Under the proposal that we are now looking at for the next 7 years, it is proposed to cap that spending. It was not capped in 1992 to 1995, but we will cap that spending at $4.1 billion, or an average of $600 million per year.

Now, that is a 50-percent cut.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. I appreciate the gentleman yielding, and I do not pretend to be an expert on farming, but it does seem to me that we are now talking about a program that used to work on some kind of market-related issue that was mandated by Federal law that is now being converted to a guaranteed payment of $650 to $700 million a year.

Mr. STENHOLM. If I could reclaim my time, the gentleman admitted a moment ago he did not know much about agriculture and farming, and I respect that because I do not pretend to know a lot about other areas of programs that come before this body. But I do know something about the cotton industry, and the purpose of this program was to see that our cotton industry can compete in the international marketplace. If I were to stand here today and say I have a bill before the House that will enable a $122 billion industry in the United States to set records for production, consumption, export, price, investment, and job creation over the next 5 years, we both would be supporting it. I do not understand why you are opposing it.

We have the most successful program for cotton in the history of the cotton program because it allowed us to do the one thing that we need to do, and that is, compete with subsidies from other countries.

Mr. KENNEDY of Massachusetts. Will the gentleman yield to me?

Mr. STENHOLM. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. The gentleman is getting it both ways. The fact of the matter is, we are going to get the guaranteed payment like no other crop except rice in this bill, going to get the guaranteed payment of $650 and $700 million out of the Government, then we are going to come back through the back door and we are going to get another marketing loan program grant. What is the problem?

Mr. STENHOLM. If I can reclaim my time, the only way there will be an expenditure for any other amount of money is if the world market price collapses and we need again to maintain the industry in a competitive position in the world marketplace.

Mr. COMBEST. Mr. Chairman, I yield 1 additional minute to the gentleman from Texas [Mr. STENHOLM], and I ask him to yield to me as well.

Mr. STENHOLM. I am happy to yield to the gentleman from Texas.

Mr. COMBEST. Mr. Chairman, I would like to have the gentleman concur in this comment. One of the concerns we have heard throughout a lot of the discussion is the fact that there are payments being made for doing nothing. There are no marketing loan payments being made for doing nothing. A farmer has to produce. The cotton has to be produced, the cotton has got to move into the marketplace, and as the gentleman from Massachusetts said in his statement, there has been no cost for the program. The program is working.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. As I understand it, we are going to take 12 percent of the freedom to farm funding as, you just mentioned, $5 billion. That roughly equates to about $650 million. That $650 million goes to these farmers whether they grow or not, first.

Second, the truth of the matter is that that is not good enough. That is what everybody else gets. Where the gentleman is going to go is, he is going to reach in and get the marketing loan program as well, going to double it.

□ 1645

Mr. COMBEST. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. THOMAS].

Mr. THOMAS. Mr. Chairman, I thank the gentleman for yielding time to me.

I would tell Members that most of the amendments we are going to be looking at over the next hour or so are really ill-advised. It is ironic that at a time we have a bill on the floor in which we are finally phasing out Agriculture subsidies, that people want to jump in, and for whatever reason they are offering these amendments, to score points somewhere for somebody.

The only factual statement I have heard since I have been on the floor was the gentleman from Massachusetts [Mr. KENNEDY] admitting that he did not understand farming. That I will agree with. Everything else I have heard is absolutely ridiculous. This is a program tied to the world price of cotton. It is a 5-year loan structure. Drop the high year, drop the low year, and average the rest. It was revolutionary when it was presented. What it does is guarantee that we can compete in the world marketplace.

We had no bale carryover last year because we were successful against the other subsidized countries in a product that is fought over in the world. This program is going to be phased out. Just sit back and watch it, something that the Members on the other side of the aisle never ever delivered when they were in the majority.

Mr. Chairman, what this is, is an attempt to go after one particular commodity when all the other commodities have loans as well in a phase-down period, and what we ought to do is let the gentleman from Kansas [Mr. ROBERTS] the chairman of the Committee on Agriculture's program work.

This is an ill-advised amendment. It is an opportunity to utilize a lot of loaded words to characterize a program which, frankly, has been very beneficial to the United States in the world market.

Mr. CHABOT. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, the cotton program, as well as many of the other commodity programs, were originally devised during the Depression. These things were supposed to be temporary, as many of the things which came into law during the Depression years were supposed to be temporary.

We have a program which is supposed to benefit relatively small cotton farmers. The fact of the matter is, as I stated before, 80 percent of the benefits go to the top 20 high-income agribusinesses, cotton farmers in this country. The money is corporate welfare. That is where it is going. I want to be very up front here. What I would have preferred to do and what I also offered with the gentleman from New York [Mr. OWENS] is to eliminate all farm subsidies, all price supports, altogether, 1 year after that bill passed.

We are not going to get there right away. This is one step. This is an improvement in this particular farm bill, and I hope this amendment passes.

Mr. COMBEST. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, unfortunately, we are not going to have enough time to correct all of the misstatements. This cotton program was not started in the Depression. It began in 1985 and has been one of the most successful programs we have.

Mr. Chairman, I yield 15 seconds to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Chairman, I thank the distinguished gentleman for yielding time to me.

Mr. Chairman, I rise today in the strongest possible opposition to the Kennedy-Chabot amendment, which eliminates one of the greatest success stories in American agriculture. As a matter of fact, it is hard to understand why two so well-motivated legislators as the gentleman from Massachusetts [Mr. KENNEDY] and the gentleman from Ohio [Mr. CHABOT] would offer such a thing.

Mr. Chairman, I rise today in strong opposition to the Kennedy-Chabot amendment which eliminates one of the greatest success stories in American agriculture. The cotton marketing loan is the single most market-orientated, competitive agricultural program to ever be written in any measure.

I need only share a few examples to highlight the frivolous nature of this amendment. Since implementation of this program, domestic mill consumption has increased, world market share has increased, world exports have increased, and related U.S. economic activity has increased.

This all adds up to Jobs. The Cotton Marketing Loan Program has proven successful even in the face of the unprecedented disruption in the global cotton market caused by the break-up of the former Soviet Union. How can one argue with this success and the jobs this program has created?

Domestic cotton production does not drive the world cotton market, but the cotton marketing loan has allowed our Nation's family cotton farmers to compete toe-to-toe against heavily subsidized competition in the global marketing arena. The jobs created by this program are a great example of the link between domestic farm production and our domestic manufacturing production base.

In these tepid economic times, this body must be doing everything reasonable to create jobs—not leave farmers, textile mill workers, and various agribusinesses to name only a select few—out in the cold.

Matter of fact, this program has done so well in creating jobs and making a domestic industry competitive against foreign competition that other farm industries are seeking to copy it. How can one argue with this success?

I urge my colleagues to stand behind American jobs, stand with American workers, and farmers and reject this amendment.

Mr. CHABOT. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, the cotton program was started back in the Depression. This particular marketing loan program was started back in 1985. This is just one among many programs that started back in the Depression that we are still living under, we are still getting ripped off.

Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, I appreciate the gentleman yielding time to me.

Mr. Chairman, the gentleman from California [Mr. THOMAS] just made a statement on the floor of the House suggesting that this program was like every other program. I admit that I am not an expert on farm programs, but I wonder why we cannot enter into a legitimate debate about the fact that no other commodity has this particular benefit of the marketing loan program, except rice. Every other commodity has to flow to the free market price, and if the market goes down, the farmer makes up the difference and gets some help from the government.

But in the marketing loan program, unlike all the other programs, there is an additional benefit. That benefit has not cost the taxpayer money this year because the price of cotton has skyrocketed, but the truth of the matter is over the course of the last several years, the price of cotton has been so far below what it is today that it has cost the American taxpayer over $1.5 billion.

What we are trying to do here is prevent that kind of fleecing of America, that kind of situation where people get an additional benefit that is in the fine print. OK, maybe everybody in America is not such an expert on this, but maybe it requires somebody who is not such an expert to go through this bill and to make certain that somebody is not getting something for nothing, which is what the marketing loan program is about.

Mr. THOMAS. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from California.

Mr. THOMAS. Mr. Chairman, I thank the gentleman for yielding.

I go back to the discussion of this loan versus the other loans. When it was created in the 1980's, not in the 1930's, it was tied to the actual price of the product. All of the other loan programs were tied to artificial cost-of-production models, which do not have any relation to the real world. It is ironic that the gentleman chose the loan program that is tied to the real-world price of the commodity, and all the other loan programs are tied to fictitious numbers.

Mr. KENNEDY of Massachusetts. Reclaiming my time, Mr. Chairman, I talked to a cotton farmer in this institution, the gentleman from California [CAL DOOLEY] and he said maybe we should go to the marketing loan program, but then you get rid of your other $650 million. What you want is both. You want the $650 million and you want the marketing loan program, and that is a ripoff, I would say to the gentleman from California [Mr. THOMAS]. That is a ripoff.

Why do we not do it? If you want to go back to marketing loans and do it truly based on the real price of the world market, I am happy to do it, but do not come in here pretending like you are an expert and suggesting that because you are an expert, you get to fleece the American taxpayer, which what is going on here.

Mr. CHABOT. Mr. Chairman, I reserve the balance of my time.

Mr. DE LA GARZA. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DOOLEY].

Mr. DOOLEY. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong opposition to this amendment, because I think in fact we should be moving toward the marketing loan. The marketing loan is a market-based mechanism that provides a safety net to farmers. It has worked in the past when commodity prices have dropped. It has provided a level of income protection to farmers that have ensured that we have not have widespread bankruptcies in the cotton sector.

What I think the gentlemen who are offering this amendment should be opposed to, which really is a fleecing of America, is the $700 million in freedom to farm payments that are going to be made to cotton farmers next year, when we have the opportunity today to lock in a cotton price in the December futures that is ahead of the target price. That is what is the fleecing of America, a program that is being offered under the freedom to farm that is going to ensure taxpayers are going to be on the hood for $700 million in direct payments.

The marketing loan is where we should be, because the marketing loan does provide that level of safety net, the level of protection that is market-based. That is the direction we ought to be going in.

Just last year, for an example, the cotton program only cost the taxpayers of this country $29 billion. Next year when we are going to have almost identical cotton prices in this country under the freedom to farm, we are going to be making payments from taxpayers of $700 million to cotton farmers. That is wrong. But the marketing assistance loan is an important tool that ought to be maintained.

The fact, in the freedom to farm proposal, there is a marketing loan that is provided for all commodities. Under this amendment, what you would be doing is that you would be eliminating cotton as being the only commodity that did not have a marketing loan. That would be a bad policy.

Mr. CHABOT. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, I would very much like to suggest that the program which the gentleman from California [CAL DOOLEY] just suggested is in fact probably the direction that we ought to be going with in regard to cotton policy in this Congress. That policy is not going to come to be.

What is going to come to be is a $700 million giveaway to cotton farmers next year for producing the exact same amount of cotton they produced this year without a subsidy, and they are going to get a marketing loan program to boot. What we ought to be doing is we ought to be looking at transitioning to a free-market economy. That is what the suggestion of the gentleman from California [Mr. DOOLEY] would do.

Because we cannot get that accomplished, the gentleman from Ohio [Mr. CHABOT] and I have an amendment that would knock out some of the guaranteed payments that are going to be paid to the cotton farmers, 80 percent of which are going to the richest cotton farmers in the century, send a message to the cotton farmers, send a message to the so-called experts who are fleecing this country that it has to come to an end; that $700 million this year for cotton that was produced last year without a penny worth of subsidy is enough. We do not need a marketing loan program on top of the $700 million.

Mr. COMBEST. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. LUCAS].

Mr. LUCAS. Mr. Chairman, this amendment to rip the heart out of the current cotton program represents probably the greatest step backward in American industrial policy that any Member of Congress has proposed in many years. This amendment would pull out the cornerstone of the most successful Federal agricultural program any Congress has ever designed. In a sea of failed agriculture policy, the current cotton program is a program that truly works. Both the American taxpayer and the cotton industry can point to its success.

Following the lean years in the 1980's cotton's marketing loan has revitalized our country's most important industries. We have gone from an "also ran" in the world cotton market to a market leader. As world demand increases, the cotton industry's positive influence on the U.S. economy will only grow. We should not take any congressional action that will inhibit this growth. This amendment most assuredly would. I would urge its defeat.

Mr. COMBEST. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. CHAMBLISS].

Mr. CHAMBLISS. Mr. Chairman, today I rise in support of cotton farmers throughout the country and urge my colleagues to oppose the Chabot-Kennedy amendment. I agree with the gentleman from Massachusetts [Mr. KENNEDY] that we ought to be moving towards market-oriented farm programs, and that is what we absolutely have with the current marketing loan program in the cotton industry.

Quite simply, farmers took the risk during the 1980's to set up the marketing loan program, despite comments from critics that it would not work. But it has worked, and every other commodity is now seeking to emulate the marketing loan program of the cotton industry, because when prices are high, there is no marketing loan program. There is no need for it. But in times when cotton industry prices are low, there is a need for this loan program, and that is when it is activated.

I really do not understand why we are picking on cotton today. Cotton has created some 350,000 clean, good jobs in the United States. The retail value of the end products exceed $122 billion annually. It is the cornerstone of one of the great industries in this country, the textile industry. We contribute generously to the export of this country. I urge the defeat of this amendment.

The CHAIRMAN. The Chair advises that the gentleman from Texas [Mr. DE LA GARZA] has 1½ minutes remaining, the gentleman from Ohio [Mr. CHABOT] has one-half minute remaining; and the gentleman from Texas [Mr. COMBEST] has 1 minute remaining, and has the right to close.

Mr. CHABOT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this program continues at really great expense to the consumers and the taxpayers. Our amendment is pro-taxpayer, it is pro-free market, and I want to emphasize again, the groups that support this are Friends of the Earth, the Public voice for Food and Health Policy, the Environmental Working Group, the National Taxpayers Union, the Heritage Foundation, the Competitive Enterprise Institute, the Council for Citizens Against Government Waste, and the Taxpayers for Common Sense.

Mr. Chairman, I think this is a very good amendment. It would be a good addition to the farm bill. I would urge its passage.

Mr. DE LA GARZA. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, again, the gentleman from California [Mr. DOOLEY] made the most relevant argument. This amendment goes at exactly the wrong target. The market loan has worked very, very well. It is not a guaranteed payment. To hear that this is a guaranteed payment, there are no projected costs for the market loan program this year, because the price of world cotton is way above the loan. Therefore, there are no projected costs.

□ 1700

But it is the purpose of having the program in place, like a few years ago with the collapse of the former Soviet Union; when that collapsed, there was a tremendous increased volume of cotton on the market. At that point in time, had it not been for the market loan, we would have seen depression prices in the cotton market in the United States. But because the market loan was there, yes, it cost some money. It cost some money, but it worked for the purposes of an industry that is providing tens, if not hundreds of thousands, of jobs in the United States.

This amendment is targeted, the rhetoric at least that I have heard today, is targeted at the wrong area. If you are concerned about the National Taxpayer Union and spending, this bill that we are talking about today cuts 50 percent from what was spent over the last 5 years. That is a pretty good record for any program I know.

Mr. DE LA GARZA. Mr. Chairman, I yield myself the remainder of my time.

Mr. Chairman, when I came here, we had a 16 million bale carryover. The world was in complete disarray. Mexico was afraid we were going to dump. We had tremendous problems. Then we came up with this type of program.

I was in Korea about that time when they told me with very much pride, "Look, this is Texas cotton, Texas cotton." We started losing that market, then this program came along. It was doing what it was intended to do.

Unfortunately, many of our colleagues only aim at areas outside their area for market cuts. But this has been a good program. It has helped, and I can attest to that fact.

Mr. COMBEST. Mr. Chairman, I yield the balance of my time to the gentleman from Texas [Mr. THORNBERRY], who represents the largest per-acre cotton produced in this country in any congressional district.

Mr. THORNBERRY. Mr. Chairman, when we look at all the different approaches that have been tried in agriculture since the 1930's, I think the marketing loan has got to be one of the most successful and it seems to me silly to throw out one of the things that has worked the best. If we looked at the estimates, better than 90 percent of the cotton that trades on the world market has some sort of price support or subsidy of one kind or another.

When we look at the amount of agriculture that we produce in this country, about one-third is generally exports, but about half the cotton is exported.

Our key competitors in cotton are the centrally planned economies, like the Soviet Union, former Soviet Union, and China. In that environment, our cotton exports have gone up from about 2 million bales to about 7 million bales under the marketing loan program when we are competing against countries like that.

The marketing loan has allowed us to compete with these other countries without big government costs, without costing the taxpayers a lot of money. If we have a program like that that moves the commodity, does not incur storage costs and yet allows us to compete in the world market, why would we not want to do more of it? As a matter of fact, that is exactly what this underlying bill does. It expands it to other commodities.

The amendment should be rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. CHABOT].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. CHABOT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 167, noes 253, not voting 11, as follows:

[Roll No. 33]

AYES—167

Ackerman
Allard
Andrews
Archer
Armey
Baker (CA)
Barr
Barrett (WI)
Bass
Becerra
Bereuter
Berman
Bilbray
Bilirakis
Blute
Borski
Brown (OH)
Brownback
Bunn
Buyer
Campbell
Cardin
Chabot
Christensen
Clay
Collins (MI)
Conyers
Cox
Coyne
Crane
Cremeans
Cunningham
Davis
DeFazio
DeLauro
DeLay
Deutsch
Doyle
Duncan
Ehrlich
Engel
English
Ensign
Eshoo
Fawell
Flanagan
Foglietta
Forbes
Ford
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Gejdenson
Goodling
Goss
Greenwood
Gutierrez
Hall (OH)
Hancock
Harman
Hinchey
Hobson
Hoekstra
Hoke
Hostettler
Jackson (IL)
Jacobs
Johnson, Sam
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
King
Klink
Klug
LaFalce
Lantos
Largent
Lazio
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Manzullo
Martini
Mascara
McHale
McInnis
McIntosh
McNulty
Meehan
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Minge
Moakley
Molinari
Moran
Morella
Nadler
Neumann
Ney
Obey
Olver
Owens
Packard
Pallone
Paxon
Payne (NJ)
Petri
Porter
Portman
Pryce
Quinn
Ramstad
Reed
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Rush
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schumer
Seastrand
Sensenbrenner
Serrano
Shaw
Shays
Smith (NJ)
Smith (WA)

Souder
Stark
Stearns
Stockman
Studds
Stupak
Talent
Tate
Tiahrt
Torkildsen
Torres
Upton
Velazquez
Vento
Visclosky
Waldholtz
Wamp
Waters
Waxman
Weldon (PA)
White
Wolf
Yates
Young (FL)
Zeliff
Zimmer
Williams
Wilson
Wise
Woolsey
Wynn
Young (AK)

NOES—253

Abercrombie
Bachus
Baesler
Baker (LA)
Baldacci
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bateman
Beilenson
Bentsen
Bevill
Bishop
Bliley
Boehlert
Boehner
Bonilla
Bonior
Bono
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Bryant (TN)
Bunning
Burr
Callahan
Calvert
Camp
Canady
Castle
Chambliss
Chapman
Chenoweth
Chrysler
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cramer
Crapo
Cubin
Danner
de la Garza
Deal
Dellums
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Dreier
Dunn
Durbin
Edwards
Ehlers
Emerson
Evans
Everett
Ewing
Farr
Fattah
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Foley
Fowler
Frost
Funderburk
Gallegly
Ganske
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Gordon
Graham
Green
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Holden
Horn
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Jones
Kanjorski
Kaptur
Kennelly
Kildee
Kim
Kingston
Kleczka
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Laughlin
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Lucas
Manton
Martinez
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHugh
McKeon
Meek
Miller (CA)
Mink
Mollohan
Montgomery
Moorhead
Murtha
Myrick
Nethercutt
Norwood
Nussle
Oberstar
Ortiz
Orton
Oxley
Parker
Pastor
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pombo
Pomeroy
Poshard
Quillen
Radanovich
Rahall
Rangel
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rose
Roth
Roybal-Allard
Sabo
Sanders
Sawyer
Schiff
Schroeder
Scott
Shadegg
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Solomon
Spence
Spratt
Stenholm
Stump
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Torricelli
Towns
Traficant
Volkmer
Vucanovich
Walker
Walsh
Ward
Watt (NC)
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker

NOT VOTING—11

Bryant (TX)
Burton
Collins (IL)
Furse
Jackson-Lee (TX)
Livingston
Markey
McKinney
Myers
Neal
Stokes

☐ 1724

The Clerk announced the following pairs:

On this vote:

Mrs. Collins of Illinois for, with Mr. Myers of Indiana against.

Ms. Furse for, with Ms. McKinney against.

Mr. LATHAM and Ms. RIVERS changed their vote from "aye" to "no."

Messrs. CONYERS, ALLARD, WHITE, HOBSON, MINGE, YOUNG of Florida, PAXON, SCARBOROUGH, CREMEANS, LUTHER, and QUINN, and Mrs. WALDHOLTZ, Mrs. SMITH of Washington, and Mrs. SEASTRAND changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Chairman, during rollcall vote Nos. 31, 32, and 33 on H.R. 2854, I was unavoidably detained at a funeral in the District. Had I been present, I would have voted on rollcall vote No. 31, "no"; rollcall vote No. 32, "no"; and rollcall vote No. 33, "no."

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 104–463.

AMENDMENT OFFERED BY MR. SHAYS

Mr. SHAYS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SHAYS: Page 51, strike lines 4 and 5, relating to the loan rate for quota peanuts, and insert the following:

(2) LOAN RATE.—The national average quota loan rate for quota peanuts shall be as follows:

(A) $610 per ton for the 1996 crop.
(B) $550 per ton for the 1997 crop.
(C) $490 per ton for the 1998 crop.
(D) $430 per ton for the 1999 crop.
(E) $370 per ton for the 2000 crop.
(F) $310 per ton for the 2001 crop.

Page 59, line 2, add at the end the following new sentence: "Notwithstanding the loan rate actually in effect under subsection (a)(2) or (b)(1), for purposes of this subsection, the Secretary shall use a national average quota loan rate of $610 per ton and the loan rate for additional peanuts that corresponds to such national average quota loan rate.".

Page 61, strike lines 16 and 17, relating to the effective period of the peanut program, and insert the following:

(h) CROPS.—Subsections (a) through (f) shall be effective only for the 1996 through 2001 crops of peanuts. For the 2002 and subsequent crops of peanuts, the Secretary may not make price support available, whether in the form of loans, purchases, or other operations, to peanut producers by using funds of the Commodity Credit Corporation or under the authority of any law.

Page 61, beginning line 18 through line 10 on page 63, strike "2002" all six places it appears and insert "2001".

The CHAIRMAN. Pursuant to the rule, the gentleman from Connecticut [Mr. SHAYS] and a Member opposed will each be recognized for 20 minutes.

Mr. ROBERTS. Mr. Chairman, I ask unanimous consent that I be permitted to share the time allocated to me with respect to managing the debate on this amendment with the ranking minority Member, the gentleman from Texas [Mr. DE LA GARZA], and that the gentleman from Illinois [Mr. EWING], the chairman of the Subcommittee on Risk Management and Specialty Crops, be responsible for controlling our respective time limitations.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. SHAYS. Mr. Chairman, I ask unanimous consent that I be allowed to yield 10 minutes to the gentlewoman from New York [Mrs. LOWEY], and that she be allowed to manage that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

☐ 1730

Mr. SHAYS. Mr. Chairman, I yield myself such time as I may consume.

I would first like to thank the chairman of the Committee on Agriculture for honoring his word and allowing these amendments to this very important agricultural bill, particularly allowing this amendment.

I do not know what its fate will be. I may have an idea. I do not know, but the gentleman has kept his word. He has been a gentleman throughout the process, as have all the members of the Committee on Agriculture. I thank them for that. I also thank the Committee on Rules for making this amendment in order.

Quite simply, Mr. Chairman, this amendment eliminates a Depression era program started in the 1930's, the quota program for peanuts, a program that basically establishes a price in the United States that is double the world price, a program that basically says that if you own a quota, you are allowed to farm peanuts and only if you own the quota.

Approximately two-thirds of those who own quotas do not farm peanuts anymore. It is farmed by people who pay rent to have these quotas. We are looking to eliminate this program. I cannot think of a program that needs to be eliminated more than this. I cannot think of a program more compatible with elimination to a Republican frame of mind than that which eliminates a quota program for farmers.

Mr. Chairman, I reserve the balance of my time.

Mrs. LOWEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we are offering the Shay-Lowey-Castle-Jacobs-Neumann-

Torres amendment to phase out a program that epitomizes wasteful inefficient government spending. The peanut program supports peanut quota holders at the expense of 250 million American consumers and taxpayers. This outdated program is based on a system reminiscent of feudal society.

Quotas to sell peanuts are handed down from generation to generation, and two-thirds of the quota owners do not even grow peanuts themselves. In fact, it is amazing to me that in the United States of America, because of this antiquated system, farmers are actually told and it is made clear to them that they cannot grow and sell their peanuts domestically. They can grow the peanuts if they do not have a quota, but then they have to sell them abroad.

The GAO has estimated that this program passes on $500 million per year in higher peanut prices to consumers, and the program costs the Federal Government $120 million every year in administrative costs. What does that mean to the average American family?

As a mother who made peanut butter and jelly sandwiches for her three children for many, many years, I find it unacceptable that it forces American families to pay an average of 33 cents more for this jar of peanut butter. In other words, when you go into a store and you are making a lot of peanut butter and jelly sandwiches, you are paying 33 cents more. And that is not peanuts.

Eliminating this program will lower the price of peanuts and put dollars and cents back in the pockets of American families. A Public Voice study which tracked the price of peanuts set by the Government and the retail price of peanuts showed that, as the Government price goes up, so does the retail price. And as the Government price goes down, the retail price follows suit. Lowering the price of peanuts is also good for American jobs. I want to made it clear to my colleagues that lowering the price of peanuts is good for American jobs because the price of peanuts in the United States is so high, peanut butter and candy bar manufacturers are leaving the United States to open up plants in Canada and Mexico. The peanuts can be purchased there at the world market price, half the U.S. price, and the finished product could then be brought into the United States and sold here.

We must, in my judgment, lower the artificially high price of domestic peanuts to save these manufacturing jobs. If you have ever had a Snicker, look at the back of that Snicker. It says made in Canada.

That is why the list of groups supporting elimination of the program is long and diverse: from the Heritage Foundation to Public Voice, from the National Taxpayers Union, Citizens for a Sound Economy to the Consumer Federation of America.

My colleagues who support the status quo in the peanut program will say that the bill we are debating today already contains real reform of the peanut program. In my judgment, that is just simply not true. The cosmetic reforms that were included in this bill do not address our concerns with this program and could very well result in even higher consumer prices by forcing the Secretary of Agriculture to further restrict domestic production of peanuts.

Our amendment addresses the real problems with the peanut program. Clearly, when the Congress is cutting mass transit subsidies, the Corporation for Public Broadcasting, school lunches, Medicare, we cannot ignore programs that really do not work.

I urge my colleagues to stand up for American consumers, support this amendment. It is good policy and it is true reform.

Mr. Chairman, I reserve the balance of my time.

Mr. ROSE. Mr. Chairman, I yield such time as she may consume to the gentlewoman from North Carolina, [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Chairman, I think we just need to say no to the Shays-Lowey amendment, not because we do not need reform or not that we do not need change to make our program far more competitive in the global economy, but this amendment does not do that.

Let me tell my colleagues, small farmers and minority farmers in my State are going out of business. Why? Because of the high cost of production, for the technology that is required, the large amendment of land that is required. In the peanut factory, production of peanuts, growing, you can have small amounts of land. You do not need a large investment.

If we wanted to ratchet down and make sure that we have just a few peanut producers, then support the Shays-Lowey amendment. If we want to protect small farmers, protect minority farmers, then we want to give an opportunity of a safety net. Only when they need it will we provide that opportunity.

I urge my colleagues to vote against the Shays-Lowey amendment.

Mr. EWING. Mr. Chairman, I yield myself such time as I may consume.

Let me say first that the subcommittee dealing with specialty crops, we went out into the country and we held hearings on our efforts to reform peanuts and sugar and other specialty crops. We visited with producers, people like all of us visualize on the farms of America, good people, hard-working people, honest people who depend on the peanut production of this Nation to make a living. What we do here today with the peanut program does not affect big business, corporate America. It affects real people in America who farm and grow peanuts for all of us to consume.

What did we come up with? Well, what we came up with is a program that eliminates a lot of Government. The old program had gotten out of whack. There was an escalator that went up that never came down. That is gone. We eliminated restrictions on quota, sale, and lease and transfer. And we eliminated undermarketings. We went ahead and we said, we have to address costs. We eliminated the quota minimums. We increased marketing assessment so that this program will be no cost to the taxpayer.

So when we talk about other social programs, I do not know how that affects peanuts, because we are not going to cost this Government anything. What we are going to try and do is keep the small farmer, the farmers of America across the South in the peanut business, whether it is from Texas to Georgia, wherever it is. We are trying to make our peanut program more market oriented and yet preserve, as the gentlewoman said, a safety net, protect the American peanut program from programs that are subsidized around the world and would like to have access to our markets to destroy our peanut program.

We are going to live with the GATT, and we are going to let more peanuts into America's market. It will be good for the Americans.

Mr. Chairman, I reserve the balance of my time.

Mr. SHAYS. Mr. Chairman, I yield myself 20 seconds.

First off, the minorities only hold 13 percent of all the quotas but only 3 percent of the production. And two-thirds of the people who own the quotas do not even farm the land. They live in New York, London. They just get a payment called a quota.

Mr. Chairman, I yield 1½ minutes to the gentlemen from New Hampshire [Mr. BASS].

Mr. BASS. Mr. Chairman, I regret the fact that the gentleman from Connecticut [Mr. SHAYS] and I and other folks that are from the North are supporting this amendment. Global warming is really going to have to take off before we see too much peanuts in Delaware or Connecticut or New Hampshire or New York. But I also find it difficult, as a newcomer here, to believe that in this day and age we have quotas in effect in this country that are so strict that we set the price at more than double in the United States than it is anywhere else in the world.

I would say that, although this 1930's system was intended to help American farmers, the peanut program in fact is having the opposite effect on small peanut farmers. As my colleagues may know, the current quota system forces, as the gentleman from Connecticut, Mr. SHAYS said, 68 percent of these farmers to expend a tremendous amount of their operating capital to rent these quotas. In addition, the cost of the seeds which are also set, bought artificially, that inflates the quota price as well.

These farmers tend to be small operators who are unable to purchase the land as a result of the economic constraints on the system. Essentially, the Federal Government has mandated a sharecropping system that insulates the quota owners from any market fluctuations. This is not what the 104th Congress is all about. This is a bill that—or an amendment that everybody should support if they believe in anything anywhere close to the free-market system.

In closing, I hope that Members will support this amendment which will end the quota system benefiting the small farmer. His costs will be reduced and, most of all, American consumers will benefit from reduced cost of product.

☐ 1745

Mr. ROSE. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida [Mrs. THURMAN], a most eloquent speaker for rural programs in agriculture.

Mrs. THURMAN. Mr. Chairman, the Shays amendment does not save consumers any money. Who then benefits from this amendment? Not consumers. Do not expect the cost of that jar of peanut butter or that candy bar to decrease any time soon. Retail peanut butter prices have increased three times faster than the farm price of peanuts over the past 15 years. Yet U.S. retail prices of peanut products are lower or competitive with other developed countries. One can see that from this chart.

Let us take a simple question, and I ask this question: If the price paid to farmers is reduced, would the savings be passed on to the consumers? I never got an answer to that question. They certainly did not tell me that they would be.

Take a look at these charts. Does anybody really expect that the price of a candy bar will go down if we end this program? Peanuts comprise a small portion of the cost of this candy bar. Eliminating the program will not affect the price paid by consumers; only the manufacturers will benefit.

Mrs. LOWEY. Mr. Chairman, before I yield to my colleague, I yield myself such time as I may consume.

I would like to respond to my colleague from Florida. In addition to candy bars, we are talking about peanut butter, we are talking about salted peanuts, we are talking about the kind of peanuts that are distributed on airplanes. And, in fact, there was a study. The Public Voice for Food and Health Policy study of peanut processors between 1989 and 1993 showed clearly that as the Government set the price, peanuts went up, the retail price went up. As the Government set it, the price went down, the retail price went down.

So I think it is important to note that if the peanut industry is very competitive and, in fact, if their costs go down, it does affect, according to these studies, the price of the actual jar of peanut butter and the Snicker bar.

Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. JACOBS].

Mr. JACOBS. Mr. Chairman, we heard a moment ago one of our colleagues say that the purpose of the bill is to keep small farmers in the peanut business. Let us be more accurate. It is to keep some small farmers in the peanut business.

If Fidel Castro issued an edict that certain Cubans could not grow peanuts for human consumption, then that would be that much more grist on the mill of my good friend and colleague from Indiana [Mr. BURTON] for his legislation. He would call that a dictatorship. But that is exactly what the U.S. Government does. I can grow the best peanuts on earth, I can invent an entirely new approach to peanuts. That would not make any difference. I could not sell them on the market unless I had permission from my large sibling in Washington.

That is what this really comes down to. When it comes to peanuts in this country, it is a government of the peanut cartel, by the peanut cartel and against the people, and it ought not be tolerated in a free society.

I urge support of this amendment.

Mr. EWING. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama [Mr. EVERETT].

Mr. EVERETT. Mr. Chairman, much has been said about this program by its opponents and the national media. Very little, almost nothing, I might add, has been based on facts. Program opponents motivated primarily by big candy manufacturers and peanut butter manufacturers would lead us to believe that a candy bar or a jar of peanut butter would cost less if the peanut program was eliminated.

What they do not tell us is that American consumers pay less for peanut products than they do in Canada, 14-percent less for peanuts, 10-percent less for peanut butter and 16-percent less for peanut candy.

In fact, not one of these liberal consumer groups, but the GAO, the Government Accounting Office, testified before Congress that consumers were unlikely to benefit from any reduction made to the peanut program. And, in fact, the gentlewoman's claim that the program adds 33 cents of cost to the consumer is factually inaccurate; it is untrue. Reforms, the reforms and modifications made in the peanut program, should satisfy even the peanut manufacturers except for their need to add to their bottom line. This is corporate greed, pure and simple.

The program has been reformed. Some of those reforms: Loan rates have been reduced by 10 percent from 678 to 610 a ton. We have program reforms such as operating at no cost to the Government. The price escalator has been eliminated. The quota floor has been eliminated. Undermarketings has been eliminated. And if any colleague, the gentleman from Connecticut [Mr. SHAYS] and these others had read the bill, quota eligibility standards have been tightened to include only true producers, not the folks living in other countries and so forth. Only true producers would be eligible for quotas. It also has $434 million in deficit reduction over 7 years.

I urge a no vote on this mean-spirited amendment.

Mr. ROSE. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. BISHOP], another friend of the peanut program.

Mr. BISHOP. Mr. Chairman, I rise to oppose this phaseout amendment and support the reformed peanut program contained in the bill, which is known as cost- and market-oriented, for the rest of the world grows an inedible, poor-quality peanut that is primarily crushed for oil.

The American farmer, who only grows 10 percent of the world's supply of peanuts, is the leading exporter of edible peanuts in the world. The United States grows a premium edible peanut known for its flavor, safety, and its quality. To reduce the peanut loan rate to a world market price is to ask United States farmers to match heavily subsidized Chinese peanut prices that have no relationship to the actual cost of production of peanuts in China.

Consumers should also be warned that 50 percent of all imported Argentine peanuts examined by FDA fail United States health standards and 100 percent of recent Chinese peanuts examined by FDA have failed United States health standards.

It is clear this amendment is not going to help anyone. It is going to hurt the peanut farmer in America, and it is going to hurt the American consumer.

I urge my colleagues to reject this amendment.

Mr. SHAYS. Mr. Chairman, I yield 2 minutes to the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Chairman, I appreciate all the hard work of Chairman PAT ROBERTS and my colleagues in this area. We all agree on the need to reform Federal farming programs, and this bill does make significant improvements in many farm programs. Unfortunately, while some changes are made in the peanut program, it will continue to cost the consumer by pricing that commodity at artificially high levels.

I strongly support this amendment because the peanut program is a 1930's program that benefits a small group of growers while penalizing the American consumer of the 1990's.

At a time when we are moving toward market solutions, as this farm bill rightly attempts to do, why on earth are we continuing the antiquated status quo for growing peanuts?

Mr. Chairman, you'd have to believe in Peter Pan to believe that this program works well and helps consumers and small farmers.

As a result of this peanut subsidy, the hard-working American consumer pays up to $500 million more per year in higher food prices for peanuts and peanut butter.

And the peanut program is not just unfair to the American consumer. It is unfair to many farmers. Believe it or not, two-thirds of those who own peanut growing licenses are not even farmers. If any farmer wants to grow peanuts for domestic sale—he can not because there are a limited number of quotas that are owned in many cases by wealthy nonfarmers. We need to ask ourselves why we are allowing a Government program to protect this special group from fair competition? The peanut subsidy is a bonanza to a select few, who certainly are not America's hardworking family farmer.

Mr. Chairman, the facts are clear: This subsidy is completely outdated and has outlived its purpose. If you want to help working families, American consumers, and small farmers, vote for the Shays-Lowey-Castle-Jacobs-Neumann-Torres amendment.

Mr. ROSE. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, again this is a no-net-cost program. The arguments that are being made on behalf of the consumer cannot be justified by any arithmetic that anybody can put forward. This one pound of peanut butter, the farmers' price is 48 cents, the manufacturer price is $1.87. I do not see how anyone can get 33 additional cents in this little bottle of peanut butter at the farmers' expense.

The bottom line is this, and the survey done in my district—and I happen to represent both quota and nonquota growers; I have got both sides. All of them agree that the program as reformed under the committee bill is definitely a step in the right direction that we need to go. They object to the 610 price support cut, cutting 10 percent of the gross income. Ask anyone watching or listening or in this audience right now if his pay was cut 10 percent, how would he feel?

That is the argument before us today, an additional 10 percent on top of another 10 percent will be very disruptive to a very important industry to this country.

Mr. EWING. Mr. Chairman, I yield 1½ minutes to the gentleman from North Carolina [Mr. JONES].

Mr. JONES. Mr. Chairman, I rise today to urge my fellow Members to support the House Committee on Agriculture peanut program.

The reforms within this bill are extensive. The peanut program will become a no net cost to the taxpayer, a $434 million saving. Specifically, the support price has been cut 10 percent, reducing the farmers' income by 20 percent, or $200 million annually. Even after these and other reforms, urban lawmakers want to further reduce the price or completely do away with the program.

My fellow Members, further reductions to the price support level or elimination of the program altogether will cause the economic ruin of America's 15,000 peanut farm families and the thousands of rural communities they support. Furthermore, American consumers will not benefit from lower prices if the program is eliminated. In fact, American consumers already enjoy the lowest peanut prices in the world.

Vote for reform. Vote "no" on the Shays-Lowey amendment.

Mr. ROSE. Mr. Chairman, I yield such time as he may consume to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, I urge a no vote on the reform programs in the bill.

The peanut program contained in this bill reforms the program as we now know it so that it keeps generating thousands of jobs in America and providing a quality, steady supply of peanuts at no cost to the American taxpayer.

I am all for rooting programs out of Government that are ineffective and costly.

However, the peanut program proposed in this bill will not cost the American taxpayer $1 and will continue to put 15,000 Americans to work. That does not sound like an inefficient or expensive program to me.

Let me tell you about the peanut farmers I represent in New Mexico. They work hard everyday to produce a high-quality, nutritious crop. Their hard work produces one-third of the total revenue in their county.

Last year, these peanut farmers were asked to make some changes in the program because we are all concerned about deficit reduction. The peanut growers made those changes because they are concerned about the future of this country too.

As an advocate of free trade let me tell you what this amendment means. This amendment means we are putting our own farmers at a disadvantage.

By voting for this amendment you are saying that peanut farmers in Argentina and China are more important to you than our American farmers.

Mr. Chairman, this amendment would kill a program that is cost-neutral to our country's economy. Vote "no" on this amendment.

AMENDMENT TO PEANUT PROGRAM WILL COST THOUSANDS OF JOBS

An amendment proposing even deeper cuts in the peanut program than already contained in the Freedom to Farm bill (H.R. 2854) could cost tens of thousands of Americans their jobs and put most peanut farmers out of business.

PRICE CUT AND PRODUCTION REFORMS ALREADY WILL COST 5,656 JOBS

The 10-percent price cut and elimination of a legislated minimum production floor in the Freedom to Farm bill already may cause 5,656 working Americans to lose their jobs, according to an Auburn University study. Most of these will be non-farm jobs. Total economic impact of just these two provisions alone will be $492 million.

AMENDMENT PROPOSES FURTHER PRICE CUTS

An amendment will cut the American farmer's domestic price even more—by 54 percent! This proposed price reduction will not reduce Government spending since the peanut program already is guaranteed to be a no-cost program under the Freedom to Farm bill.

FURTHER CUTS WOULD PUT MOST PEANUT FARMERS OUT OF BUSINESS

Farm credit studies show that 66 percent of American peanut farmers will be denied financing if the support price is even cut 20 percent.

PEANUT FARMERS ARE SMALL, FAMILY FARMERS

The 16,194 American farms which grow peanuts are small, family farms averaging only 98 acres of peanut production, according to the U.S. Census of Agriculture.

MOST PEANUT PRODUCING AREAS ALREADY HAVE A 20-PERCENT POVERTY LEVEL

Seventy-seven percent of the counties in the heart of the peanut-producing region of America already have a 20-percent poverty rate or higher.

ELIMINATING PEANUT PROGRAM COULD INCREASE GOVERNMENT SPENDING

Eliminating the peanut program could actually increase Government spending by eliminating the $83 million in budgetary reduction assessments contained in the Freedom to Farm bill. Eliminating the program also could cause a $190 million forfeiture and crushing of all peanut inventories in area marketing pools.

Mr. ROSE. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. TEJEDA].

Mr. TEJEDA. Mr. Chairman, Mr. Speaker, this amendment would gut the peanut program in 7 years, sacrificing along with it the livelihoods of the hardworking farmers in my district and the businesses that serve them. Whole communities and an American way of life are at stake.

Across this country, more than 15,000 farmers participate in this program. Who are they? These farms are family-run, covering an average 98 acres.

Some attack this program for having absentee landlords, but more peanut farms are owner-operated than wheat, soybeans, or cotton.

Critics also attack the peanut program for being closed. As this chart shows, however, the number of new farms in the program is increasing.

In any event, the bill itself takes steps to expand program participation, so this is no reason to destroy a successful farm program.

I urge my colleagues to vote against this amendment for the sake of the family farmer and for sustained quality production.

□ 1800

Mrs. LOWEY. Mr. Chairman I yield 1½ minutes to my colleague, the gentleman from Wisconsin [Mr. NEUMANN].

Mr. NEUMANN. Mr. Chairman, America is a country of extremely good people whose compassion leads them to do good and effective things. They know something is wrong in America right now. The Government is doing what no American family can do, spending more money than it has in its checkbook every month. Today we are considering the farm bill, and I congratulate the gentleman from Kansas [Mr. ROBERTS] and the committee, on getting the farm bill to the floor today.

This amendment to end peanut subsidies gives us the opportunity to put one more piece in making America great again into place. The peanut subsidies are little more than corporate welfare. They cost taxpayers $120 million a year, and then they cost the consumer $500 million a year in higher prices at the store. In this amendment, we have the opportunity today to end one more form of corporate welfare. I urge support of this amendment. Together, we will make America great again.

Mr. ROSE. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama [Mr. BROWDER].

Mr. BROWDER. Mr. Chairman, a century ago Sherman marched through and destroyed the South. I express my opposition to the Shays-Sherman amendment, and urge defeat of this.

Mr. ROSE. Mr. Chairman, I yield 1 minute to the gentleman from Virginia, whom we call "Peanut" SISISKY.

Mr. SISISKY. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong opposition to the Shays amendment. I represent a rural district in southern Virginia that depends very heavily on the peanut business. This amendment is a big loser for districts like mine, so it is no surprise that I am against it. But how about the rest of you? It is hard to see what good this amendment would actually do for anybody. It simply does not live up to its billing. After all, what is the point of this? Is it to reduce the deficit? No. The committee reforms already make it a no-cost program.

Is it to lower consumer prices? No. The money saved from paying farmers less for their peanuts will not be passed on to the consumers, according to economists at many universities. I could give you that criteria.

Critics of the peanut program have proposed some changes over the years, and many of them are included in the committee bill. The bill already cuts the support price by 10 percent, with no increases allowed to keep up with costs.

The quota system is reformed and the entire program is simplified.

This is not exactly the peanut farmers' wish list. But eliminating the program altogether would be so much worse. Farmers would lose their credit. Most small peanut farmers would be put out of business. Thousands more Americans would lose their jobs.

There's no reason why any of this has to happen. I really don't see what this amendment would accomplish, other than running a lot of small family farmers out of business. I think the small farmers in my district—and across this country—deserve better than that.

I urge Members to reject the Shays amendment.

Mr. Chairman, let us do what is right. I do not know about these corporate fellows, but I have small farmers that come to see me. Those are the ones we need to protect.

Mr. SHAYS. Mr. Chairman, I yield 1 minute to my distinguished colleague, the gentleman from Pennsylvania, Mr. JON FOX.

Mr. FOX of Pennsylvania. Mr. Chairman, I rise in support of the Shays-Lowey amendment. Under this amendment consumers would pay $500 per year in higher food prices because of the peanut program, according to GAO. We can change all that with the Shays amendment. Peanut growers are now being hurt because higher prices for peanuts are a leading cause in the recent turndown in demand for peanut products.

The environment, as well, is being hurt because the land on which peanuts are being grown is overworked.

There is broad support for repealing the quota and price support for peanuts. Small farmers, consumer groups, free trade organizations, labor unions, and businesses all support ending this kind of program, which has been termed corporate welfare. I support the Citizens Against Government Waste, who have come out against this program.

I believe the Shays-Lowey amendment is a step in the right direction for the country, for consumers, and for business.

Mr. EWING. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Oklahoma, Mr. FRANK LUCAS.

Mr. LUCAS. Mr. Chairman, the amendment that is the pending business before the House should be entitled, "the how many rural economies can we wreck amendment of 1996." Simply put, the Shays, Lowey amendment will devastate rural economies throughout the South.

The opponents of the peanut program wanted a no-cost program. The peanut provisions of H.R. 2854 create a no-cost program that represents a $434 million savings to the Government.

The opponents of the program wanted a significant cut in the support price. This bill has a significant cut in the support price and will reduce farmer income by more than 20 percent or roughly $200 million.

The opponents wanted reform of the quota system. This bill reforms the quota system.

Further reductions in the price support level or elimination of the program altogether will cause the economic ruin of thousands of farm families, rural banking systems, and the country towns they support.

We have truly reformed the program. But for some people, I guess that's not good enough. It seems the sponsors of this amendment want to exact as much pain out of rural America as possible. I would urge my colleagues to join me in voting against the amendment.

Mr. ROSE. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia [Mr. SCOTT] a supporter of the peanut program.

Mr. SCOTT. Mr. Chairman, I rise in opposition to the amendment, because the program in the bill is revenue neutral, and the amendment will hurt farmers and not benefit consumers.

Mr. ROSE. Mr. Chairman, I yield 1 minute to the gentleman from Florida, Mr. PETE PETERSON.

Mr. PETERSON of Florida. Mr. Chairman, I strongly oppose this amendment. This morning I brought this little bag of peanuts in the carryout here in the Congress. It cost 50 cents. My farmers will receive 4 cents, four pennies, out of that 50 cents. That farmer took all the risk. That farmer took every bit of the risk: from pesticides, whether or not he had the rainfall, whether or not the land was up and running; the whole risk. The manufacturer got all of the money.

That is what we are doing here. We are not taking care of the farmers, Mr. Chairman. The small farmers of America are suffering because of the actions we are taking on this farm bill. The peanut program is not hurting American consumers. In fact, if Members will look through here, they will see quality peanuts. If we pass this, we will see Chinese and Argentine peanuts, which are not going to be nearly the quality of what we are talking about.

Mr. Chairman, I urge Members to vote "no" on this very, very bad amendment.

Mr. SHAYS. Mr. Chairman, I yield 1½ minutes to my distinguished colleague, the gentleman from New Jersey [Mr. ZIMMER].

Mr. ZIMMER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I have heard a number of times on the floor this afternoon that the peanut program is conducted at no net cost to the taxpayer. That is true only if you use the term "tax" in its narrowest sense. This is not a tax that we pay on April 15 with our form 1040, but it is a tax, nonetheless. It is a tax of hundreds of millions of dollars a year on American consumers, and they pay it every time they buy a jar of peanut butter. It is a tax of 40 cents on each jar of peanut butter. It is a regressive tax, because the people who are poor, who are scraping by to make ends meet, need a nutritious food like peanut butter, and they pay a disproportionate share of their income.

Mr. Chairman, who benefits from this tax? A very small number of farmers. Less than 22 percent of the peanut farmers get more than 80 percent of the benefits of this tax. It is costing us jobs in this country, because it is forcing the producers of peanut products out of this country. It is a bad deal for America and it is a bad tax for America. I urge the adoption of the amendment.

Mr. EWING. Mr. Chairman, I yield ¼ minute to the distinguished gentleman from Missouri, Mr. BILL EMERSON.

Mr. EMERSON. Mr. Chairman, I thank the distinguished subcommittee chairman by yielding time to me.

Mr. Chairman, I rise today in opposition to the Shays-Lowey amendment and in support of the peanut program as reported from the Agriculture Committee. The plan passed by Agriculture Committee represents reform while maintaining the marketing structure that has been one of the most effective and cost-efficient components of American agriculture.

Contrary to what some would like us to believe about this program, peanuts are not closed to new production and do not hinder free trade. In many peanut producing areas, this program is what separates farmers now putting groceries on the table from financial ruin. I urge my colleagues not to abandon the rural towns and communities whose livelihood is dependent upon peanut production and vote against this amendment.

Mr. ROSE. Mr. Chairman, I yield myself my remaining time.

The CHAIRMAN. The gentleman from North Carolina [Mr. ROSE] is recognized for 4 minutes.

Mr. ROSE. Mr. Chairman, I have been in this body for 24 years. I have heard a lot of stories, but the story today that if you do away with the peanut program you are going to save the American consumer some money is just about as big a pile of bunk as I have ever heard. I want to ask my friend, the gentleman from Connecticut [Mr. SHAYS], if he will engage me in a colloquy. I would appreciate it.

We held the GAO hearings on the GAO report that the gentleman from New York [Mr. SCHUMER] asked for, sugar and peanuts. The General Accounting Office corrected some of the things they said in that document that the gentleman is thumbing through right now. They said that the consumer that they spoke of in that report was the first purchaser of the peanut, not the people who eat them. I said, did you ask the big peanut manufacturers, "Are you going to pass these savings on to the housewife if you get a cut in support price?" They said yes, we asked them; and they said no, we would not do that.

I have made offer after offer to the peanut manufacturers: "If you will pass on to the housewife the savings, we will cut the price support." They have never agreed to it. What are you all smoking, telling your colleagues in this House that these savings are going to be passed on to the housewife? It is not going to happen.

Mr. SHAYS. If the gentleman will yield, Mr. Chairman, in response to his question, I am not smoking anything. But to respond to your question, the GAO report makes it very clear that the farmers are being paid double the world price. They are being paid over $600 per ton, whereas the world price is closer to $350.

Mr. ROSE. I thank the gentleman for his answer. Reclaiming my time, Mr. Chairman, the gentleman, who is chairman of the subcommittee, is correct. We have reformed this program. Great strides have been made. Why would the gentleman continue an assessment on the peanut grower at $610 a ton, while you phase the price support down to $310 a ton, except for a punitive streak in your legislation? Why would you do that?

Mr. SHAYS. If the gentleman will yield, we do it for a number of reasons. First off, the peanut farmers make a killing in this program at the expense of the consumer. If they do not want to be part of the program and make that payment, there is nothing that requires them to do it.

Mr. ROSE. Mr. Chairman, I thank the gentleman for his answer. This is candy day, boys and girls. This is about nothing but Hershey's. The reports from the stock market say that if these amendments pass, get out there and buy yourself some Hershey's stock. Sugar and peanuts spell candy. This amendment is for the candy manufacturers of America. It guts the little peanut farmer.

The program is not broke, it does not need fixing, it does not cost anything. Stick with the subcommittee. Vote "no" on this amendment.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would remind the gallery that they are here as guests of the House, and any manifestation of approval or disapproval of the proceedings is in violation of the rules of the House.

Mr. SHAYS. Mr. Chairman, I yield 1½ minutes to our distinguished colleague, the gentlewoman from Maryland, Mrs. CONNIE MORELLA.

Mrs. MORELLA. Mr. Chairman, I rise in support of the Shays-Lowey amendment to phase out the Peanut Program in 7 years.

Peanuts cannot be sold for fresh use in this country unless they are grown on land that has a quota for peanut production. The system prevents new farmers from growing peanuts. Only so many U.S. producers are permitted to produce peanuts for the U.S. market. Their production is limited to estimated domestic demand, or just below, to guarantee them a congressionally set support price.

Like most Americans, I knew little about the Peanut Program before I came to Congress. In 1990, two of my constituents came to me asking for changes in the Peanut Program. Ed and Ann Zinke operate a small business in my district called Ann's House of Nuts. When Ed decided that he wanted to grow peanuts, he was told that he could not. When Ed looked into the Peanut Program, he could not believe that the United States operated such an antiquated system and that he could be arrested for attempting to grow peanuts in Maryland.

The vast majority of production occurs in the southeastern United States. When weather conditions are adverse in this region, a shortfall occurs in peanut production—1991 was a bad crop year for peanuts. There was a drought in the Southeast, and prices for shelled peanuts more than doubled on the wholesale level. Peanut butter, a staple of the American school lunch menu, all but disappeared when peanut prices rose.

Mr. Chairman, the existing quota and price support program for peanuts is anticonsumer, anticompetitive, and inefficient. It needs to be changed. I urge my colleagues to support the Shays-Lowey amendment.

□ 1815

Mr. EWING. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. CHAMBLISS].

Mr. CHAMBLISS. Mr. Chairman, I rise today in opposition to the Shays-Lowey amendment. For over a year now, we have been working very hard and very closely with the different segments of the peanut industry. We have crafted reforms that transfer the peanut industry into the 21st century and prepare our farmers to compete in a global market, save American jobs, and do not destroy an industry.

That is the simple message that I bring to the well today. Do we want to reform the peanut industry in America or do we want to destroy it? That is where we are with this amendment. The reforms we made over the last year, the byproduct of tough negotiations and real compromise, in good faith we have tried to satisfy the critics.

I want to take a minute to satisfy some of those critics today. They have gotten up here and have complained about out-of-state quota holders owning peanuts. We have done away with that in our reform bill. You have complained about the cost of the peanut program to the taxpayer. We have done away with that in our program.

My colleagues have talked about artificial costs to the housewife. As the gentleman from North Carolina [Mr. Rose] has just said, we had testimony under oath by Ben Smith, who is a vice president, a man that I respect, of Tom's Peanut Industry in Columbus, GA. In Albany, GA, on April 25, Mr. Smith under direct examination said, if you lower the cost of the peanuts to the farmer, it will not lower the cost of the product to the housewife.

That Snickers bar that the gentlewoman from New York [Mrs. Lowey] held up a while ago has less than 2 cents [Mrs. Lowey] held up a while ago has less than 2 cents' worth of peanuts in it, albeit Chinese peanuts, I might add. If you gave them the peanuts, would they lower the cost of that Snickers bar? Absolutely not. That jar of peanut butter that we have has less than 48 cents' worth of peanuts in it to the farmer. If we gave them the peanuts, would they lower the cost of that? I tell my colleagues, Mr. Smith says no, they would not.

Now, that is not GAO. That is not GEE. That is the guy that sells the peanut butter, the guy that sells the crackers in the store. If my colleagues want a reform program, this is it. If they want to destroy an industry, vote "yes." I urge a "no" vote on this amendment.

The CHAIRMAN. The gentlewoman from New York [Mrs. Lowey] has 3¼ minutes remaining, the gentleman from Connecticut [Mr. Shays] has 1¾ minutes remaining, the gentleman from Illinois [Mr. Ewing] has ¾ minute remaining, and the right to close.

Mr. EWING. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. de la Garza].

Mr. de la GARZA. Mr. Chairman, I thank the gentleman for yielding me the time, and I rise against the amendment.

I rise in strong opposition to the Shays amendment. This amendment wreaks havoc on rural communities across America that already will suffer substantial income and jobs losses because of the painful reforms in H.R. 2854, the Agricultural Market Transition Act.

The reforms already required by the Republican farm bill will result in 5,600 jobs being lost in peanut production regions and total economic losses of almost $500 million. With the reforms already required in the Republican farm bill almost half of all U.S. peanut farmers will face credit eligibility problems in their communities. Mr. Chairman, the reforms are already too painful to peanut farming communities.

The Shays amendment will double the pain and suffering that will already be reeling from the cuts in H.R. 2854. This is an unconscionable amendment when one considers that more than 75 percent of peanut farming communities have poverty rates that exceed 20 percent.

The meanness of the Shays amendment is further exacerbated by the fact that this farm bill fails to provide rural development funds to help rural communities, like these peanut farming communities, meet the painful transition being forced by the Agricultural Market Transition Act.

Mrs. LOWEY. Mr. Chairman, I yield myself such time as I may consume.

I just want to reiterate a few points on why I support this amendment. Not just because it is a feudal system that has been in place for years, not to help the small farmers but to help the wealthy farmers. It is documented today that two-thirds of the quota holders do not even farm. If we are really interested in protecting the small farmer, this is not it. Two-thirds of the quota holders do not even live on a farm.

This is a competitive industry. Mr. Chairman, this is a competitive industry, and in my judgment, if we are talking about saving jobs and keeping people on the farm, let us remember these Snickers bars that are produced in Canada. The world price is $350 a ton, and we have artificially kept this up to above $600 a ton. The industry is moving, moving to Canada and moving to Mexico.

So it seems to me, and I have confidence in our farmers, confidence in our country. If we really want to keep the farmers here, then we should allow them to be competitors. The non-quota holders should be given the opportunity to be competitive as well.

Mr. Chairman, I urge my colleagues to support this amendment, which gradually reduces the subsidy so we can continue to be competitive in the world economy.

Mr. SHAYS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I say to my colleagues that this is not a complicated issue. It is pretty basic stuff. We have a quota system that is really a relic of the Depression era. It is a system in which if you want to grow peanuts and you do not have a quota, you cannot do it and sell it in the Connecticut market. It is a system that, if you actually had your own store and you wanted to grow peanuts and sell it in your own store, just like some illegal drug, you would not be allowed to do that. You would be arrested, you would be breaking the law.

This is a system that I believe most Republicans would find repugnant if it did not have the name farmer attached to it. This is a system where two-thirds of the people who have the quota do not even farm. This is a system that is costing the consumers of this country up to $500 million a year. This is a system that we should no longer have.

Japan would love to emulate a system like this. I think they kind of do it for rice and we think it is an outrage. We have a system where if you have a quota you can sell, if you do not have a quota, in this country, an American farmer cannot produce and sell. This system needs to be repealed, and we do it over 7 years.

The CHAIRMAN. The gentlewoman from New York [Mrs. Lowey] has three-quarters of a minute remaining, and the gentleman from Illinois [Mr. Ewing] has 1¼ minutes remaining and the right to close.

Mrs. LOWEY. Mr. Chairman, I yield back the balance of my time.

Mr. EWING. Mr. Chairman, I yield myself the balance of the time.

We have heard a lot of rhetoric today. We have heard some things that are confusing and some things that are not true, like the gentlewoman from Maryland who said they could not grow peanuts. But we change that in this bill. They can now get quota, they can now have the right to grow peanuts.

Mr. Chairman, this is real reform of the peanut program. But we did not decimate it, we did not rip it apart. We saved it for the peanut farmers of America, not for the big candy manufacturers who are not going to pass that on.

This program works, and the reforms in this program are real: Less government, no cost to the taxpayer, yet a safety net for the producers of America and, yes, much more market-oriented.

Mr. Chairman, we have tried to devise a program that will preserve an industry, will preserve jobs for American farmers and manufacturers, yes, but without destroying something that is good in our society. Vote no on this bad amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut [Mr. Shays].

The question was taken; and the Chairman announced that the noes appared to have it.

RECORDED VOTE

Mr. SHAYS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 209, noes 212, not voting 10, as follows:

[Roll No. 34]

AYES—209

Allard
Andrews
Archer
Armey
Baker (CA)
Baldacci
Barr
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Beilenson
Bereuter
Berman
Bilbray
Blute
Boehlert
Bono
Borski
Brown (OH)
Brownback
Bunn
Campbell
Cardin
Castle
Chabot
Christensen
Chrysler
Clay
Clement
Conyers
Cox
Coyne
Crane
Cremeans
Cunningham
Danner
Davis
DeFazio
DeLauro
Dellums
Deutsch
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Ehrlich
English
Ensign
Eshoo
Fattah
Fawell
Flanagan
Foglietta
Forbes
Ford
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Gallegly
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodling
Goss
Gutierrez
Hall (OH)
Hamilton
Hancock
Hansen
Harman
Hayworth
Hefley
Hinchey
Hobson

Hoekstra
Hoke
Holden
Horn
Hostettler
Hutchinson
Hyde
Inglis
Jacobs
Johnson (CT)
Johnson, Sam
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kim
King
Klink
Klug
Knollenberg
Kolbe
LaFalce
Lantos
LaTourette
Lazio
Levin
Lewis (CA)
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Manzullo
Markey
Martini
Mascara
McCarthy
McDade
McHale
McHugh
McInnis
McIntosh
McNulty
Meehan
Meyers
Miller (CA)
Miller (FL)
Minge
Moakley
Molinari
Moorhead
Morella
Murtha
Nadler
Neumann
Ney
Obey
Olver
Orton
Packard
Pallone
Payne (NJ)
Pelosi
Petri
Porter
Portman
Pryce
Quinn
Ramstad
Reed
Regula
Riggs
Rivers
Roemer
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Roybal-Allard
Royce
Rush
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Skaggs
Slaughter
Smith (NJ)
Smith (WA)
Souder
Stark
Stockman
Studds
Talent
Tate
Thornton
Tiahrt
Torkildsen
Torres
Upton
Velazquez
Vento
Visclosky
Waldholtz
Wamp
Waters
Waxman
Weldon (PA)
White
Wolf
Yates
Zeliff
Zimmer

NOES—212

Abercrombie
Ackerman
Bachus
Baesler
Baker (LA)
Ballenger
Barcia
Barrett (NE)
Bateman
Bentsen
Bevill
Bilirakis
Bishop
Bliley
Boehner
Bonilla
Bonior
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chambliss
Chapman
Chenoweth
Clayton
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (MI)
Combest
Condit
Cooley
Costello
Cramer
Crapo
Cubin
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doolittle
Dornan
Durbin
Edwards
Ehlers
Emerson
Engel
Evans
Everett
Ewing
Farr
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Foley
Fowler
Frost
Funderburk
Ganske
Gephardt
Geren
Gonzalez
Goodlatte
Gordon
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hefner
Heineman
Herger
Hilleary
Hilliard
Houghton
Hoyer
Hunter
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Jones
Kaptur
Kildee
Kingston
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LaHood
Largent
Latham
Laughlin
Leach
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
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Martinez
Matsui
McCollum
McCrery
McDermott
McKeon
Meek
Metcalf
Mica
Mink
Mollohan
Montgomery
Moran
Myers
Myrick
Nethercutt
Norwood
Nussle
Oberstar
Ortiz
Owens
Oxley
Parker
Pastor
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Pickett
Pombo
Pomeroy
Poshard
Quillen
Radanovich
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Rangel
Richardson
Roberts
Rogers
Rose
Sabo
Sanders
Schiff
Schroeder
Scott
Serrano
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Spence
Spratt
Stearns
Stenholm
Stump
Stupak
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thurman
Torricelli
Towns
Traficant
Volkmer
Vucanovich
Walker
Walsh
Ward
Watt (NC)
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Williams
Wise
Woolsey
Wynn
Young (FL)

NOT VOTING—10

Bryant (TX)
Collins (IL)
Furse
McKinney
Menendez
Neal
Solomon
Stokes
Wilson
Young (AK)

☐ 1843

The Clerk announced the following pair:

On this vote:

Ms. Furse for, with Ms. McKinney against.

Mr. ORTON, Mr. HYDE, Ms. RIVERS, Mr. BARTON of Texas, Mr. DAVIS, and Mr. MINGE changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. MENENDEZ. Mr. Chairman, during rollcall vote No. 34 on H.R. 2854 I was unavoidably detained. Had I been present, I would have voted "yes."

☐ 1845

The CHAIRMAN. It is now in order to consider Amendment No. 6 printed in House Report 104–463.

AMENDMENT OFFERED BY MR. MILLER OF FLORIDA

Mr. MILLER of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. MILLER of Florida:

Strike section 107 (page 69, line 18, through page 77, line 14), and insert the following new section:

SEC. 107. RECOURSE LOANS FOR PROCESSORS OF SUGARCANE AND SUGAR BEETS.

(a) SUGARCANE PROCESSOR LOANS.—

(1) IN GENERAL.—The Secretary shall make recourse loans available to processors of sugarcane on raw cane sugar processed from the 1996 through 1999 crops of domestically grown sugarcane.

(2) LOAN RATES.—Recourse loans under this subsection shall be made at the following rates:

(A) In the case of raw cane sugar processed from 1996 crop, $0.165.

(B) In the case of raw cane sugar processed from the 1997 crop, $0.15.

(C) In the case of raw cane sugar processed from the 1998 crop, $0.135.

(D) In the case of raw cane sugar processed from the 1999 crop, $0.12.

(b) SUGAR BEET PROCESSOR LOANS.—

(1) IN GENERAL.—The Secretary shall make recourse loans available to processors of sugar beets on refined sugar processed from the 1996 through 1999 crops of domestically grown sugar beets.

(2) LOAN RATES.—Recourse loans under this subsection for sugar refined from a crop of sugar beets shall be made at a rate, per pound of refined sugar, that reflects—

(A) an amount that bears the same relation to the loan rate in effect under subsection (a)(2) as the weighted average of producer returns for sugar beets bears to the weighted average of producer returns for sugarcane, expressed on a cents per pound basis for refined beet sugar and raw cane sugar, for the most recent five-year period for which data are available; plus

(B) an amount that covers sugar beet processor fixed marketing expenses.

(c) CONVERSION TO PRIVATE SECTOR FINANCING.—No processor of sugarcane or sugar beets of the 2000 and subsequent crops shall be eligible for recourse loans under this section, and the Secretary of Agriculture may not make price support available, whether in the form of loans, payments, purchases, or other operations, for the 2000 and subsequent crops of sugar beets and sugarcane by using the funds of the Commodity Credit Corporation or under the authority of any law.

(d) ADMINISTRATIVE RULES.—

(1) NATIONAL LOAN RATES.—Recourse loans under this section shall be made available at all locations nationally at the rates specified in this section, without adjustment to provide regional differentials.

(2) LENGTH OF LOANS.—Each recourse loan made under this section shall be for a term of three months, and may be extended for additional 3-month terms, except that—

(A) no loan may have a cumulative term in excess of nine months or a term that extends beyond September 30 of the fiscal year in which the loan is made; and

(B) a processor may terminate a loan and redeem the collateral for the loan at any time by payment in full of principal, interest, and fees then owing.

(e) USE OF COMMODITY CREDIT CORPORATION.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this section.

(f) MARKETING ASSESSMENT.—

(1) SUGARCANE.—Effective for marketings of raw cane sugar during the 1996 through 2003 fiscal years, the first processor of sugarcane shall remit to the Commodity Credit Corporation a nonrefundable marketing assessment in an amount equal to—

(A) in the case of marketings during fiscal year 1996, 1.1 percent of the loan rate established under subsection (a) per pound of raw cane sugar, processed by the processor from domestically produced sugarcane or sugarcane molasses, that has been marketed (including the transfer or delivery of the sugar to a refinery for further processing or marketing); and

(B) in the case of marketings during each of fiscal years 1997 through 2003, 1.375 percent of the loan rate established under subsection (a) per pound of raw cane sugar, processed by the processor from domestically produced sugarcane or sugarcane molasses, that has been marketed (including the transfer or delivery of the sugar to a refinery for further processing or marketing).

(2) SUGAR BEETS.—Effective for marketings of beet sugar during the 1996 through 2003 fiscal years, the first processor of sugar beets shall remit to the Commodity Credit Corporation a nonrefundable marketing assessment in an amount equal to—

(A) in the case of marketings during fiscal year 1996, 1.1794 percent of the loan rate established under subsection (a) per pound of beet sugar, processed by the processor from domestically produced sugar beets or sugar beet molasses, that has been marketed; and

(B) in the case of marketings during each of fiscal years 1997 through 2003, 1.47425 percent of the loan rate established under subsection (a) per pound of beet sugar, processed by the processor from domestically produced sugar beets or sugar beet molasses, that has been marketed.

(3) COLLECTION.—

(A) TIMING.—A marketing assessment required under this subsection shall be collected on a monthly basis and shall be remitted to the Commodity Credit Corporation not later than 30 days after the end of each month. Any cane sugar or beet sugar processed during a fiscal year that has not been marketed by September 30 of the year shall be subject to assessment on that date. The sugar shall not be subject to a second assessment at the time that it is marketed.

(B) MANNER.—Subject to subparagraph (A), marketing assessments shall be collected under this subsection in the manner prescribed by the Secretary and shall be nonrefundable.

(4) PENALITIES.—If any person fails to remit the assessment required by this subsection or fails to comply with such requirements for recordkeeping or otherwise as are required by the Secretary to carry out this subsection, the person shall be liable to the Secretary for a civil penalty up to an amount determined by multiplying—

(A) the quantity of cane sugar or beet sugar involved in the violation; by

(B) the loan rate for the applicable crop of sugarcane or sugar beets.

(5) ENFORCEMENT.—The Secretary may enforce this subsection in a court of the United States.

(6) SENSE OF CONGRESS.—It is the sense of Congress that, given the prohibition on the provision of price support for sugarcane and sugar beets for the 2000 and subsequent crops, the need for the application of assessments under this subsection with regard to such crops should be reexamined at that time.

(g) EFFECT ON EXISTING LOANS FOR SUGAR.—Section 206 of the Agricultural Act of 1949 (7 U.S.C. 1446g), as in effect on the day before the date of the enactment of this Act, shall continue to apply with respect to nonrecourse loans made under such section before such date.

(h) CONFORMING AMENDMENTS.—

(1) POWER OF COMMODITY CREDIT CORPORATION.—Section 5(a) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c(a)) is amended by inserting "(except for sugarcane and sugar beets of the 2000 and subsequent crops)" after "agricultural commodities".

(2) SECTION 32 ACTIVITIES.—The second sentence of the first paragraph of section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), is amended by inserting "(other than sugarcane and sugar beets)" after "commodity" the last place it appears.

(i) CCC SALES PRICE RESTRICTIONS.—The Commodity Credit Corporation may sell for unrestricted use sugar surrendered to the Corporation under loan programs provided for in section 206 of the Agricultural Act of 1949 or this section at such price as the Corporation determines appropriate to maintain and expand export and domestic markets for sugar and to avoid undue disruption of commercial sales of sugar.

(j) ASSURANCE OF ADEQUATE SUPPLIES OF SUGAR.—Subsection (a) of section 902 of the Food Security Act of 1985 (Public Law 99-198; 7 U.S.C. 1446g note) is amended to read as follows:

"(a) Beginning with the quota year for sugar imports which begins after the 1995/1996 quota year, the President and the Secretary of Agriculture shall use all authorities available to the President and the Secretary, as the case may be, to ensure that adequate supplies of raw cane sugar are made available to the United States market at prices no greater than the higher of—

"(1) the word sugar price (adjusted to a delivered basis); or

"(2) the raw cane sugar loan rate in effect under section 107(a) of the Agricultural Market Transition Act (plus interest).".

(k) TERMINATION OF MARKETING QUOTAS AND ALLOTMENTS.—

(1) TERMINATION.—Effective October 1, 1996, part VII of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359aa-1359jj) is repealed.

(2) CONFORMING AMENDMENT.—Section 344(f)(2) of such Act (7 U.S.C. 1344(f)(2)) is amended by striking "sugar cane for sugar; sugar beets for sugar;".

(3) APPLICATION OF AMENDMENT.—The amendment made by paragraph (1) shall apply with respect to sugar marketed on or after such date.

The CHAIRMAN. Pursuant to the rule, the gentleman from Florida [Mr. MILLER] and a Member opposed will each be recognized for 30 minutes.

Mr. ROBERTS. Mr. Chairman, I ask unanimous consent that I be permitted to share the time allocated to me with respect to managing the debate on the amendment with the ranking minority member, the gentleman from Texas [Mr. DE LA GARZA], and that the gentleman from Illinois [Mr. EWING], the chairman of the Subcommittee on Risk Management and Specialty Crops, be responsible for controlling our respective time limitations.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. MILLER of Florida. Mr. Chairman, I ask unanimous consent that I be allowed to yield 10 minutes to the gentleman from New York [Mr. SCHUMER], and 10 minutes to the gentleman from Georgia [Mr. KINGSTON], and that they have the right to allocate that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MILLER of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Miller-Schumer-Kingston amendment is a 5-year phaseout of the sugar program. This is a consensus amendment. It is a compromise from the original Miller-Schumer amendment. We have a broad coalition of support for this amendment.

We propose this amendment because what is provided in the farm bill is not real reform of the sugar program, and we are proposing to phase out the program in 5 years. This was widespread support, with Republicans and Democrats, liberals and conservatives. Some of the most liberal Members and some of the most conservative Members, are supporting this amendment. The environmental community is very solidly supporting this amendment, and there are going to be some rated environmental votes on this amendment.

For the free enterprise people, the Heritage Foundation, the CATO people, they support the concept of phasing out the sugar program, and there are going to be some rated votes along this line from the Citizens for a Sound Economy, the Citizens Against Government Waste, and others. So this is very important. If you are a believer in the free enterprise system and want a smaller Federal Government, this is a program you should vote for.

This is very solidly supported by the consumer, because the consumer is paying $1.4 billion a year more for sugar in this country because of this program. That is a General Accounting Office report. It is a jobs issue, because refineries are closing. The sugar refineries around this country are closing because there is not enough sugar, and the manufacturers using sugar are having to move their jobs overseas. So this is a job issue too.

There is a wide range of support from Members in this House and interest groups outside that support this bill.

As a conservative Member of this institution, I campaigned to reduce the size and scope of the Federal Government. This is a type of program that we need to reduce the size and scope. This is a big-government program, and it no longer needs to exist. So I hope my colleagues on both sides of the aisle will join with me to reduce the size and scope of the Federal Government and get rid of this big-government program.

Mr. Chairman, I reserve the balance of my time.

Mr. EWING. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I have to rise to answer the proponent of this amendment, because truly we have indeed reformed the sugar program. We had a very highly structured sugar program. Under our proposal, which preserves the sugar industry of America from unfair competition by subsidized sugar producers around the world, we have freed up production. We have eliminated internal controls. What we have left is a 20-percent increase over what GATT required us to bring into this country, and we have freed up this industry to grow and develop.

This is real reform, that preserves the jobs for thousands of Americans.

Mr. Chairman, I reserve the balance of my time.

Mr. DE LA GARZA. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. BONIOR], our distinguished whip.

Mr. BONIOR. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, today I rise in strong, strong opposition to this amendment.

It would literally devastate the economic security for sugar beet growers in my State of Michigan. In Michigan alone, the sugar beet industry provides the economic lifeline to about 3,000 farmers and their families.

The sugar section in the bill before us today represents a vary fragile compromise that was put together between processors and growers, and it reaches the lives of these farmers and their families in the balance.

Any amendment which takes away the economic safety net of our sugar beet growers will disrupt this very delicate compromise that we have in this bill this evening. I think there is general agreement around here that we need to cut wasteful government spending, and I applaud those efforts. But the sugar program is not, and I repeat, it is not a handout. In fact, the committee bill will generate about $50 million over 7 years, which would go toward budget deficit reduction; $50 million.

Since 1985, the sugar program has been mandated by law to operate at no cost to the Government, and the sugar producers have already paid $137 million in special marketing assessments to help reduce the Federal deficit.

This is a program that is self-sufficient, contributes to deficit reduction, provides economic security to our sugar farmers. It seems to me that this amendment is an answer in search of a problem. The program works, the committee bill represents a compromise, a delicate compromise that we can live with. Above all, it gives our sugar growers some economic security so they can plan for their futures and their families' futures as well.

I urge my colleagues to vote no on this amendment.

Mr. KINGSTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the previous speaker spoke of a delicate compromise? There is no such thing. There has not been a compromise on this bill. The only changes in the program, and it would be misleading for me to use the word reform, because it is not reform; it is changes. And the only changes that have occurred on this bill have been devised by the sugar beet lobbyists. All they have done is basically pushed the peas around on the plate to make mama think they are eating their vegetables.

They call fool Members of the Congress, perhaps. They can fool members of their own industry. But they are not fooling the American consumers who will continue to pay $1.4 billion more in the price of sugar than they should have to pay.

Sugar is run like a cartel. The producers, the cane and beet producers in this case, have a cozy deal with Congress to keep on overcharging the American consumers. The changes in this bill will not do anything to stop that.

Mr. Chairman, let me say this: I have been on the Committee on Agriculture. I serve on the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies of the Committee on Appropriations. I am proud to be an aggie.

I have worked with many Representatives who have commodity programs in their areas, and I have seen many delicate compromises come out that are attached to this farm bill. But, Mr. Chairman, this is not one of them. This was a unilateral power play by the beet and cane producers. It is not reform. Let us not call it reform. At a later time I will go into those changes and why they are not reform.

Mr. Chairman, I reserve the balance of my time.

Mr. SCHUMER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California [Mr. MILLER] in favor of the Miller-Schumer-Kingston amendment.

Mr. MILLER of California. Mr. Chairman, it is critically important that the House vote in favor of the Dan Miller-Charles Schumer amendment to phase out the sugar program.

The sugar program as it is administered today rewards the growers of sugar at the expense of the environment, at the expense of those who process the sugar, and at the expense of the consumer.

Most importantly, the real price being paid for the sugar program is by the workers at American refineries that are facing serious layoffs.

This amendment is reasonable, giving sugar growers a chance to adapt to the new reality that is dawning in Washington and the Nation about the proper role of the Federal Government.

The sugar program keeps the price of sugar artificially high and this artificially high price has had a severe impact on my constituents and American consumers.

As a direct result of the sugar program, the C & H Sugar Co. in Crockett, CA—the only west coast sugar refinery and one of the largest refiners in the country—has reduced its hourly employees by 42 percent and salaried employees by 38 percent.

Total employment at the refinery has been reduced by 44 percent between 1989 and 1996—from over 1,000 employees to less than 600 today. On the first of this year, in fact, C & H laid off 200 employees—25 percent of its work force.

The jobs at C & H are good jobs, paying between $13.50 and $24 per hour plus benefits. These are mostly union jobs. These are scarce jobs.

The local labor unions at C & H, the ILWU Local 6 and the Sugar Workers Union, support the Miller/Schumer amendment. The management, including C & H's president who is here with us today, supports this amendment.

This amendment is about the future of the jobs of these workers and their families and we should not abandon the opportunity to help them.

I have heard from the beet growers and the cane sugar growers, all hard-working people to be sure. They complain that without the sugar program they will go out of business. We hear that a lot around here when legislation is going to the floor. But the fact is, refineries have already gone out of business—11 refineries have closed their gates over the past decade. I don't want to see C & H Sugar and its employees added to the list.

The vote on the Miller-Schumer amendment will also be one of the key environmental votes of the year. The artificially high price of sugar has enabled sugar companies to keep lands in production that otherwise would not be profitable. In Florida, this has meant that sugar is competing for scarce water that is needed to save and rehabilitate the Everglades—a national park and a national treasure.

On behalf of the environment and on behalf of my constituents who hope to retain their jobs, I urge the House to support this bipartisan and extremely important amendment.

☐ 1900

Mr. MILLER of Florida. Mr. Chairman, I yield 1¾ minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I want to thank Congressman MILLER for his efforts on this issue. I must say—this is deja vu all over again. I remember leading this fight 10 years ago, and I hope that today we may finally win.

Mr. Chairman, the era of big Government is alive and well and will be reinforced today if we fail to pass this important, pro-jobs, pro-consumer amendment.

Today we can finally begin to dismantle the monstrous machine that costs the American consumer more than $1.4 billion per year. While Big Sugar continues to preach its "no-net-cost" mantra, consumers go to the supermarket and pay more for soft drinks, for cereal and everything else that uses sugar.

Supporters of the sugar program would have us believe that this farm bill radically reforms U.S. sugar policy. Nothing could be further from the truth. The bill keeps in place the Government-sponsored loan rates, and continues to create an artificial shortage through rigid import quotas.

Mr. Chairman, let's get something straight right now. This is corporate welfare of the most direct kind and it is high time that this Republican Congress voted to stop it.

We Republicans have always prided ourselves on fiscal conservatism and free market enterprise. We waited 40 years for the opportunity to change the way things are done in this town. If we do not pass this amendment, we will be supporting a program that runs counter to the ideas that form the bedrock of our party.

Supporters of this corporate welfare would have us believe that termination will kill the small sugar farmer. Do not be deceived. This is about agribusinesses and their corporate welfare.

And the numbers tell this story. A recent GAO study found that 33 farms each received more than $1 million per year. In fact, 42 percent of the price subsidy went to only 1 percent of all sugar plantations.

This bill is titled the "Agriculture Market Transition Act." Are we operating in the free market when we artificially support the price of sugar? How about when we tell farmers how much they can grow and subsequently, how much they can earn?

If we preserve the sugar program in this country, which, despite the rhetoric, the underlying bill does, thousands of men and women who work in sugar refineries will lose their jobs. Refiners are leaving in droves to countries where the price of sugar is half of what they pay here in their own country.

We are making progress in other areas of this bill. We are making the transition to the free market in many areas. However, those traditional peanut and sugar programs are preserved. Why? If it is such a good idea for wheat and corn, why not sugar?

It is time for us to move in a new direction, and adopt a truly free market for agriculture.

Adopt the Miller-Schumer-Kingston amendment and eliminate this example of corporate welfare in this country.

Mr. DE LA GARZA. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK of Hawaii. Mr. Chairman, may I point out that the figure that has been touted around today and weeks before today that this sugar program is costing the consumers this outrageous sum of $1.4 billion is absolutely untrue. The U.S. Department of Agriculture has refuted this and said it was not based upon any sound analysis whatsoever.

Second, there has been a suggestion that the sugar program is environmentally harmful. Let me say that in my area, which is almost the total production of sugar in my State, we follow every single environmental rule that has been established by this Congress. Yet you want to eliminate the sugar program, turn it over to the foreign countries who heavily subsidize this industry, just because our big megacorporations want to buy cheap sugar.

This vote today to eliminate the sugar program is going to eliminate 420,000 jobs, 6,000 of which are in my district. I thought we all stood for jobs, American jobs; this is what this amendment is all about.

Vote against it.

Mr. Chairman, Friends of the Earth and 18 other organizations released the Green Scissors Report on February 15 recommending cuts in "wasteful and environmentally harmful spending and subsidies." I rise today to condemn this report's suggestion that the Sugar Program be eliminated.

The report targets the Sugar Program for elimination because of so-called "economic and environmental grounds." However, the report was unable to list any savings, admitting that it found "no reliable savings estimate." They couldn't find any because there is none. It does not cost the American taxpayer one dime.

The Green Scissors report adds, "the sugar program is a subsidy from consumers, not taxpayers." This allegation that the Sugar Program is a consumer subsidy is totally irrelevant. The Sugar Program allows American consumers to pay 28 percent less for their sugar in the grocery store than consumers in all other developed countries—28 percent less!

Regarding environmental concerns, accusations that the American sugar industry contributes significantly to global pollution are highly irresponsible. Our sugar industry is proud to serve as a global example, maintaining the highest environmental standards compared to our world competitors. Anyone in favor of protecting our environment cannot be in favor of substituting foreign-produced sugar that does not hold to any environmental and health standards required to American business, and also relies heavily on child labor.

I maintain that the makers of the Green Scissors Report have been blinded, along with other Sugar Program opposition, by the big-name, large-corporation candy, cookie, cake, soft drink, and cereal producers such as Coca-Cola and Hershey. These mega-conglomerates stand to profit billions of dollars with the demise of the Sugar Program—savings that they most assuredly will not pass on to consumers through lower-priced candy bars or soda or cookies.

The Green Scissors Report calls for the elimination of the Sugar Program without any regard for the truth.

We need an American sugar industry. Don't vote to eliminate 420,000 jobs.

Mr. EWING. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. CAMP].

Mr. CAMP. Mr. Chairman, I rise to oppose the amendment. My State ranks fourth in the Nation in sugar beet acreage so you might think that I rise to support my State's 2,900 sugar farmers that run small family farms averaging 115 acres or in support of the 23,000 jobs in Michigan that rely on sugar. I do, but I also rise to support consumers in Michigan and America.

Every day millions of Americans take advantage of sugar so cheap, restaurants give it away for free. In Tokyo, consumers pay over $1 a pound for sugar. By contrast, we pay only 39 cents a pound. American consumers pay the second lowest price in the world for sugar as a percentage of disposable income.

The sugar reforms in this bill provide stable prices for consumers and freer markets. We lower the price support safety net and allow greater sugar imports than allowed by GATT. This means lower prices. We continue to operate the program at no cost to the taxpayer, and it contributes $288 million to deficit reduction.

Vote no on the amendment.

Mr. DE LA GARZA. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Mr. Chairman, there is no one in this Chamber who likes to have to maintain Government programs that restrict supply or prices. That is not how we would like the world to be. But it is time to recognize that the United States is not writing all the rules. We can do away with this program and we can also do away with the thousands of jobs that are maintained because of it. And we can open up the floodgates and instead of those jobs by Americans producing this sugar, it will come from around the world.

We have the most efficient sugar industry in the world, but we cannot legislate in this Chamber French subsidies or Dominican subsidies or Philippine subsidies. We simply have the right for unilateral surrender of our own industry.

Finally, my colleagues, while I represent no sugar industry, I do come to this House with the voice of American foreign policy and I tell my colleagues this: End this program and start the United States being the world's largest importer of sugar. We will drive up the world price, and it will get to a lot of other countries. We will lose the jobs and the money and Fidel Castro's Cuba will reap the benefits by rising in price.

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Florida [Mr. GIBBONS], ranking member of the Committee on Ways and Means, in favor of the Miller-Schumer-Kingston amendment.

Mr. GIBBONS. Mr. Chairman, it is way past time we got rid of the sugar program. I am not going to make villains out of them. They are fine people. They are wonderful farmers, and they are very efficient farmers. But their complaints that they will be overridden by subsidized sugar flies in the face of the fact that we have very good laws against subsidies that they can invoke and can put countervailing duties on any subsidized sugar that comes into this market.

This distorted program has caused the distortion of the real estate market. It has displaced other farmers who perhaps could grow their crops on the same land. It has done all kinds of things to the farming industry. We ought to get rid of it. There is no excuses for it anymore. It is high time.

I support the amendment to get rid of it.

Mr. EWING. Mr. Chairman, I yield one-half minute to the gentleman from California [Mr. POMBO].

Mr. POMBO. Mr. Chairman, I thank the gentleman for yielding one-half minute to me.

I would just like to say to a few of the previous speakers that I have lost sugar producers in my district. I have lost processing plants in my district. The threat from foreign imports is very real in my district. But we have not talked enough about the reforms that the committee has made.

We talk about less government. It is less government. We have completely reformed the sugar program. It is a no-cost program to the American taxpayer. But it does maintain somewhat of a producer safety net and is more market oriented.

Please oppose this terrible amendment.

The CHAIRMAN. The Chair advises that the gentleman from Florida [Mr. MILLER] has 6½ minutes remaining, the gentleman from New York [Mr. SCHUMER] has 7 minutes remaining, the gentleman from Georgia [Mr. KINGSTON] has 8 minutes remaining, the gentleman from Texas [Mr. DE LA GARZA] has 11 minutes remaining, and the gentleman from Illinois [Mr. EWING] has 12½ minutes remaining and the right to close.

Mr. KINGSTON. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Florida [Mr. SHAW].

Mr. SHAW. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise today to voice my support for the Miller-Schumer-Kingston amendment, which is a fair compromise between those who want to end the sugar program within 1 year and those who advocate a more gradual phaseout of this program. However, one thing is clear; the sugar program has outlived its usefulness, and now is the time to bring it to an end. I ask why is the Government in the business of micromanaging the sugar industry?

With the sugar program, the majority of the benefits go to the larger farmers. It penalizes consumers with an increased cost of $1.4 billion each and every year for sweetened products; and it damages the environment because when the Government fixes a price, this works as an incentive for farmers to cultivate more and more environmentally sensitive lands in Florida.

In fact, during the 14 years that the sugar program has been in place, Florida's cane production has increased by 80 percent. This increased cane production is literally killing the Everglades.

I urge my colleagues to vote for this amendment, which is pro-consumer, pro-environment, and pro-free market.

Mr. DE LA GARZA. Mr. Chairman, I yield 1 minute to the distinguished gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Chairman, the fate of hundreds of sugar beet farmers that I represent and hundreds of millions of workers that I represent turn on this debate. But it is not their interests I want to talk to Members about. I want to talk to Members about our balance of trade problem as the United States of America.

We import more than we export to the tune of $32 billion in 1992, $73 billion in 1993, $110 billion in 1994, and $114 billion last year. Sugar is one ag commodity where domestic consumption is greater than our production. Why in the world would we want to blow up a domestic program, which this amendment would do, which would destroy domestic production and make us import more sugar than is presently the case?

The only thing favorable in our balance of trade is essentially agriculture and airplanes. Foreign countries must look at us like we are crazy. We look at something that contributes so positively to our balance of trade and we want to threaten it in the way this amendment does tonight.

I urge Members to vote no.

Mr. EWING. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Ohio [Mr. GILLMOR].

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Mr. GILLMOR. Mr. Chairman, I rise in strong opposition to the Miller-Schumer amendment.

The sugar compromise contained in the Agriculture Committee bill was meticulously crafted and gives our sugar farmers the opportunity to continue to compete. This is no mean feat in an international marketplace saturated with highly subsidized products from other countries. Let's face it, if this were about protecting autoworkers or other factory jobs, I am sure we would have a whole contingent of Members that would rush to support that measure. Or, it people realized that this program was constructed in such a way that the taxpayer incurred no cost and actually had their budget deficit reduced by the money raised under this program, another whole segment of Members would be supporting this program.

However, I oppose this amendment which says to sugar beet farmers in Ohio and elsewhere, that its result will be to subject you to unfair, subsidized foreign competition. Its result will be to drive American producers out of business by flooding the country with subsidized foreign sugar at below the cost of production.

Let me draw an analogy with another industry—automobiles. If we had a situation where Germany and Japan subsidized, with tax dollars, the manufacture of cars to the tune of thousands of dollars per car; and then sold those cars in America at a cheaper price than they permitted them to be sold in their own country; and if they could sell cars in America below the cost of production to drive Ford, General Motors [GM], and Chrysler out of business—we would say that that is grossly unfair and ought to be stopped.

Yet, that is the same thing that this amendment would potentially do to the average American sugar beet farmer. This amendment favors Government subsidized foreign sugar at the expense of American jobs. I urge all my colleagues to oppose this ill-fated, anti-competitive amendment and support the committee bill.

Mr. Chairman, the unfortunate fact of the matter is that the sugar program's future is being sacrificed on the altar of those folks who want to play scorecard bingo. Should this program go down to defeat, we can thank corporate giants who, unlike our sugar cane and beet growers, don't till the land, take out loans from nominal resources, and pray that some unforeseen disaster does not destroy the livelihood your farm had given you.

I have seen the ads that the sugar opponents have been running. I believe they are as you would say, Mr. Chairman, "factually challenged." Those advertisements amount to a solicitation for membership in the long dead Know Nothing Party. This amendment is not about opening new markets, it is about getting a handout and I regret that the battleground for this bill has become hardworking men and women, many in my own district, who pay real taxes and provide for real families.

If we are to, with sincerity, make good public policy, then it is mandatory that emotional pleas and uninformed charges not become the cornerstone of legislative language. No matter how you dress it up, the truth is the truth. First, the sugar program operates at no cost to the taxpayer. Second, if you oppose the sugar program, then you are supposing a price of 14 cents per pound on the world sugar market, as opposed to the 1994 price of 39 cents per pound. However, most sugar is consumed as part of other products, and there is no guarantee the savings will be passed along to the end user. History shows us that in 1974, when sugar prices skyrocketed without a sugar program, some processors raised their prices fourfold on the consumer. Yet, when sugar prices came down, these same processors did not institute a corresponding prices reduction. Fourteen cents is the price left for sugar that has not been purchased by contract, does not fit a particular need, and must be dumped. Third, the fact of the matter is that other countries heavily subsidize their sugar production. By eliminating this meager domestic support, we are asking our producers to fight a well-armed opponent with one hand tied behind their back. Our agricultural producers can compete and succeed, but they should not be forced to face financial suicide in a lopsided market. Fourth, we are killing U.S. jobs. A 1994 study has estimated that the sweetener industry creates 420,000 jobs, in 42 States, spawning $26.2 billion to the U.S. economy each year. This is not the drop in the bucket that some would have you believe, or ignore.

Mr. Chairman, I urge my colleagues to read this bill, get the facts, and understand on what you are voting. This should not be a novel concept, but in doing so, I believe you will see, as I do, that eliminating the sugar program, in light of the reforms this bill already makes to it, is born of thoughtlessness, nurtured by greed, and dressed in hypocrisy. I urge all my colleagues to oppose this amendment.

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Maryland [Mr. CARDIN] in favor of the Miller-Schumer-Kingston amendment.

Mr. CARDIN. Mr. Chairman, the 104th Congress has made getting the Government off people's back and out of business' way a high priority. Given that goal, support for the Miller-Schumer amendment is the only possible decision for the House this evening.

I represent one of the largest remaining cane sugar refineries in the United States. The Domino refinery, a landmark in Baltimore's Inner Harbor, directly employs 650 workers at an average wage of $40,000. These are exactly the kinds of jobs we all want to preserve in this Nation.

Yet, since the current Government sugar program was put in place in 1981, 11 of 22 cane sugar refineries in this Nation have closed. And problems for the remaining refineries continue.

Domino's Baltimore plant has had to shut down nine times over the past year because of a shortage of raw sugar supply. Each of the other remaining U.S. refineries has suffered similar, costly shortages. These problems have been caused directly by the ongoing Federal interference in the sugar industry.

Over the past 15 years the sugar program has greatly aided the few wealthy corporations that raise sugar on huge farms and with foreign labor in this Nation. It has hurt the many Americans who work, or used to work, in domestic refineries, and it has indirectly hurt all American consumers.

There are many reasons to end the sugar price support program tonight; saving the remaining U.S. refineries is only one. I urge my colleagues to support Miller-Schumer.

Mr. EWING. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana [Mr. BAKER].

Mr. BAKER of Louisiana. Mr. Chairman, I thank the gentleman from Illinois for yielding this time to me.

Mr. Chairman, this debate is really unbelievable. We are standing here tonight saying let us cut them loose, let us cut the money off, let us save taxpayers some good hard-earned tax dollars. We are going to save them 2 cents on that candy bar. Yes, we believe that. When the price of sugar drops, we know the price of those candy bars and cold drinks are going to come plummeting.

In the meantime we cannot figure out why Americans cannot compete. OSHA, IRS, EPA, name it, we have got them crawling across the farm. They tell you where you can plant, they tell you when you can plant, they tell you what you can plant. They tell you after you plant it and you grow it and you are successful in the hurricane or an insect does not eat it because you cannot get your insecticides approved by some EPA regulator, they tell you what you can sell it for, and then if that is not enough we tell you who you can sell it to.

OK, fellow, if you want to cut us loose, set us free. Let us farm. Let us grow our crop. Let us be like any other business in America, sell where we want to for what we can get. We will not have a problem. Get the Government off the farm and we will make a profit. Otherwise leave us alone.

Mr. KINGSTON. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Ohio [Mr. PORTMAN].

Mr. PORTMAN. Mr. Chairman, I do rise in support of the amendment tonight. I also want though to take a moment to correct some of the misstatements that were made earlier during this debate about the unfunded mandates bill and its application to the farm bill.

The unfunded mandates bill is working. In this farm bill there are no public sector mandates. If there were, there could be a point of order on the floor, we can have a vote on it, and I would be the first to raise that point of order.

There are private sector mandates in this bill. Private sector mandates under the unfunded mandate bill have to be costed out by CBO; the committees have to put it in the report. The Committee on Agriculture did that. The Committee on Agriculture therefore complied with the legislation. The unfunded mandates bill worked in the Telco bill to take out a mandate, and it is working here in the ag bill.

I do rise today to support this amendment. I think it is time for Congress to phase out the sugar program, past time. I think this is a fair 5-year phaseout. The current program just has not worked. It has reduced competition, it restricted imports, and it has inflated the U.S. sugar prices to more than double the world price. It is time to make a change.

To put it bluntly, I think the sugar program as it stands has cost jobs. Since 1981, when the Federal price support program for sugar was first enacted, half of our Nation's sugar cane refineries have been closed and others are shut down temporarily due to a lack of raw sugar supply.

Finally, deficit hawks beware. The Federal Government is paying a lot more for sugar, about $90 million more a year for various Government-assisted programs. Government interference in the sugar program in my view has done more harm than good. It is time to move the sugar industry toward the open market in an orderly manner. That is what this amendment does. I support it this evening.

Mr. DE LA GARZA. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Chairman, I rise in strong opposition to this radical amendment because it will represent the death knell to 12,000 family farmers, including 350 in the State of Ohio, if passed, and what is really interesting is why would we want to be doing this when our sugar prices are lower than all of the other developed nations in the world that we do business with?

What this is really about is, it is a fight between the farmers of this country who produce good quality sugar and the multinational corporations who want to set the price. That is what it is really about; it is about pitting our beef farmers in Ohio against the low-wage, undemocratic labor down in Cuba, in China, in Brazil, every place else that wants to ship into this country.

This industry is going to go the way of TV's, apparel, VCR's. It is all written out there. I saw the offeror of the amendment eating a Snickers bar, or one of those candy bars. I thought that was a bit ironic here as we go into this debate, because that is really what it is about, multinational corporations setting the price of sugar because they are the largest users.

If we look at the last time that the Government got out of the business of regulating this industry, prices shot up, and I say to every homemaker in America, remember when sugar cost $3 for a 5-pound bag? That was the last time this kind of amendment was approved.

Mr. KINGSTON. Mr. Chairman, I yield myself such time as I may consume to rebut what my friend from Ohio has just said.

Mr. Chairman, it is ridiculous. The GAO report has said that 42 percent of the benefits of this program go to 1 percent of the producers. One guy in Florida made $65 million from this program. Then one of the offers that we tried to offer as a compromise was globalization, which would have let American refiners buy sugar on the open market in the world market from whoever they want to, and the beef farmers did not want to have anything to do with it.

This is not a competition on an international basis. I just find all that actually the most slightly misinformed argument I have heard against the program.

Mr. EWING. Mr. Chairman, if the gentleman will yield, I would just point out that if the gentleman gets $65 million, it is not Government money.

Mr. KINGSTON. Mr. Chairman, I reserve the balance of my time, and I only want to say to my friend from Illinois, if he is speaking, it is on his time.

Mr. EWING. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Chairman, I wish to rise in strong opposition to the Miller-Schumer amendment. If adopted, this amendment would damage the sugar industry more than if the sugar program were eliminated altogether. It would eliminate all sugar price supports, mandate a drop in domestic producer prices, and increase taxes on cane and beet sugar, which would force American sugarcane and sugarbeet producers out of business and leave countless numbers of American sugar workers jobless.

I urge my colleagues today to not be sweet talked into dismantling a program that has helped sugar producers compete in an international market for several years now. The present support level has also provided the opportunity for American corn growers to compete for a share in the sweetener industry, further benefiting the American consumer looking for an ample supply of sugar at a reasonable price.

Moreover, those who say the American consumer will benefit from a price support reduction are giving us the sweetest talk of all. Will sweetener users really cut the price of their retail goods if the support price for sugar were to drop? I think we all know that answer. I urge my colleagues to maintain the current reforms as amended in this bill and not cripple our Nation's corn and sugar growers ability to compete.

I take great pride in my voting record on small business issues. My rating is usually in the high-nineties, if not 100 percent. I am sad to see some elements of small business styling this issue a consumer issue. The record will show that the only time the price of sugar went through the roof in recent memory—that would be to the memory of anyone now sitting here—was twice in 1974 and 1980—when the sugar program lapsed. In 16 years in office I can recall no complaints about the price of sugar. If you want to see the price of sugar become a consumer issue, then destroy the sugar program, let all of those jobs go overseas, and see what the price of sugar will be when we are held hostage to overseas governments, say Cuba, and no longer have a domestic industry to keep the price of sugar in balance.

Mr. EWING. Mr. Chairman, I yield 1 minute to the gentlewoman from Wyoming [Mrs. CUBIN].

Mrs. CUBIN. Mr. Chairman, I have to go back to the remarks of the gentlewoman from Ohio when she said this is an argument between multinational corporations and small farmers, and she is exactly correct. This is like David versus Goliath. The only people that are worried about doing away with this program are those people who make the biggest profit off of sugar. The producers make the least profit of anyone along the line when it comes to sugar.

There is something that also has to be made very clear. We as Members of Congress have asked everyone in this country to do their part in balancing the Federal deficit, and these sugar beet farmers have given and given and given until it hurts. They are willing to do their part, but we cannot put them out of business by doing away with this program.

The sugar program operates at no net cost to the Federal Government. It is not a subsidy. It provides money to the Government Treasury actually, and under the reform program it provides even more money to the Federal program.

I urge you to vote against the amendment and for the bill.

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Missouri [Ms. MCCARTHY], who has worked very hard on this amendment.

Ms. MCCARTHY. Mr. Chairman, I rise today in support of the Miller-Schumer-Kingston amendment to phase-out the Federal sugar program in 5 years.

The sugar price support program is a wasteful giveaway that benefits only select sugar producers and results in higher prices for consumers. The artificially high prices drive up costs for domestic food manufacturers and make U.S. food producers less competitive.

The sugar program has a direct cost to all Americans. Every time we go to the supermarket and buy sugar, and every time we buy products that are made with sugar, we pay for the sugar program. The General Accounting Office has estimated that the sugar program costs U.S. consumers at least $1.4 billion a year in increased food products.

This amendment brings a reasonable end to the sugar price support program. It phases-out supports over a 5-year period, and gives producers who currently benefit from the program time to adjust to a more competitive marketplace.

At a time when we are rethinking farm policy, it would be a mistake to maintain the status quo for sugar. I urge all my colleagues to support the Miller-Schumer-Kingston amendment.

Mr. EWING. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska [Mr. BARRETT], a member of the committee.

Mr. BARRETT of Nebraska. Mr. Chairman, I thank the gentleman for yielding this time to me.

We have heard that the sugar program is corporate welfare. In fact, it costs taxpayers nothing. We have heard it, it is the law, it is the law, it does not cost the taxpayers anything. There are no subsidies for sugar, none.

The program merely allows producers to be eligible for loans, and those loans must be repaid with interest. In fact, the sugar program brings in approximately $30 million a year.

Corporate welfare, all producers can qualify. They can participate. In my district over 550 farmers are involved in sugar beet production. In fact, it is probably the largest value-added crop in the State.

We have heard that the program costs U.S. consumers $1.4 billion in higher food prices each year. Food prices are not taxes. If the program is repealed, U.S. producers would be exposed to a highly subsidized world sugar market, costing the United States in the end. Our sugar program allows U.S. producers to compete against unfair trade practices and subsidies from other countries. It costs about 39 cents a pound. In subsidized countries it is 54 cents a pound. It truly costs consumers $1.4 billion, and that is about $5, $6 a year per person.

Mr. Chairman, I urge a "no" vote on this amendment.

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Mr. MILLER of Florida. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. ZIMMER].

Mr. ZIMMER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, these days it is advisable for any candidate for Federal office to know the price of eggs and bread and other staples at the supermarket. I would advise those Members who stop by their local supermarket to check up on those prices also to take a look at the ingredients in most of the products that they buy, or that any working family would buy. Look at catsup, cereal, bread, most processed foods. They all contain sugar. You are paying more for all those products because of this misbegotten sugar program. That is why we should phase it out.

We have heard over and over again that this program is at no net cost to American taxpayers. American consumers, who are in fact American taxpayers, are paying $1.4 billion a year more at the supermarket because of this program, and the Federal Government is paying at least $90 million more per year for the sugar that it must buy. This is not a good bargain for us as American taxpayers or as American consumers because the bulk of these benefits go to a small minority of well-placed, well-connected farmers.

I urge adoption of the amendment.

Mr. DE LA GARZA. Mr. Chairman, I yield 1 minute to our distinguished colleague, the gentleman from Michigan [Mr. BARCIA].

Mr. BARCIA. Mr. Chairman, I rise in opposition to the Miller-Schumer amendment. While this amendment is an effort to end the sugar price support program and claims to take 5 years to do it, the negative impact on my growers in our domestic industry will be immediate. We are reducing the other farm price support programs because of cost. Yet, as many have spoken on this floor tonight, there is no cost to the sugar program. Let me repeat that. There is no cost to the U.S. taxpayers of this sugar program. In fact, year after year, it has generated money for our Treasury.

By now we should all know the basics about the reasons for our domestic sugar program: It provides us with a stable supply at a reasonable price. No matter what you may hear about the so-called world market, our consumers pay less than most consumers throughout the world for sugar. Every other producing country has a sugar program. If they were all to be eliminated, study after study has shown that the price to the United States would be exactly where it is now. This amendment will force many of our constituents and many Americans across the country out of business. I strongly urge defeat of the Miller-Schumer amendment.

Mr. EWING. Mr. Chairman, I yield 30 seconds to the gentleman from Oregon, Mr. WES COOLEY, a member of the committee.

Mr. COOLEY. Mr. Chairman, I rise in opposition to the Miller-Schumer amendment, a bitter pill for American sugar producers to swallow. The European Union has announced it will continue price supports, without reduction, for their sugar producers.

If the United States were to unilaterally disarm, abandon its sugar program, over 400,000 people would be out of work. The individuals who make up the sugar work force will be put at serious risk.

Currently the European price supports are 40 percent higher than the United States support levels. They say they will not review this policy until the year 2001. Why should they? I ask my colleagues to stand up for free and fair trade by defeating the Miller-Schumer amendment.

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If the United States were to unilaterally disarm by abandoning its sugar program, over 400,000 individuals which make up the U.S. sugar work force would be put at serious risk.

Currently, the European price supports are 40 percent higher than the United States support level—and they say they will not review this policy until the year 2001. Why should they?

They have already settled upon their sugar policy for the next 6 years—a policy that creates an over-production of sugar which is then dumped onto the world market at prices well below the cost of production.

Opponents of the sugar program will tell you that the price of sugar in the United States is far above the world price. However, the so-called world price is an illusion.

It is a figure which is distorted by the bloated payments foreign governments put in the pockets of their producers. It does not represent a free market.

I believe in free trade—but it does not exist in the world sugar market.

The sugar reform in the farm bill answers the critics by raising assessments on producers, and lowering the effective loan rate on sugar.

However, the Miller-Schumer amendment will slash the loan rate to nearly one-third the European support price, and leave American producers drowning in cheap foreign sugar.

I ask my colleagues to stand up for free and fair trade by defeating the Miller-Schumer amendment.

Mr. DE LA GARZA. Mr. Chairman, I yield 30 seconds to our colleague, the gentleman from North Carolina [Mr. ROSE].

Mr. ROSE. Mr. Chairman, Fidel Castro's dictatorship has just shot down American planes and killed American pilots. Sugar that is not grown under this program is going to be grown in Georgia and is going to find its way into the world market and into this country. How dare this House bring pleasure to Fidel Castro and sell Cuban sugar in the world market, if Americans tonight in this body kill our sugar program? Do not please Castro. Vote against this amendment.

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. MEEHAN] for this amendment which allows no Cuban sugar into America. That is sophistry and not true.

Mr. MEEHAN. Mr. Chairman, I rise in support of the Schumer amendment. I think it is clear that sugar subsidies are bad for most Americans. Think about it. When the Government indirectly raises sugar prices to help sugar farmers make a living, all other Americans must pay more for sugar products. Most families in my district have had to deal with a decline in real income over the last 10 to 15 years. At the same time, the Government is still in the business of artificially raising prices on basic foods.

The bottom line is that sugar subsidies help sugar growers, and they hurt everyone else that have to pay inflated prices for food. To top it all off, the sugar program costs money. This is a Congress that is going to do all kinds of things to balance the budget, and we have been cutting all kinds of things in this Congress. It is time to put an end to these subsidies. A vote for the Schumer amendment can put an end to one more special interest: agricultural subsidy.

Mr. EWING. Mr. Chairman, I yield 1½ minutes to the gentleman from Idaho [Mr. CRAPO], a member of the committee.

Mr. CRAPO. Mr. Chairman, I rise in strong opposition to this amendment. Let me state one more time, because speaker after speaker continues to say that this is a subsidy program for sugar, the sugar program operates at no cost to the American taxpayer. In fact, it generates somewhere in the neighborhood of $30 million a year in revenue to the Treasury.

The fact is that this program did have marketing allotments, but the bill we are debating tonight removes those marketing allotments. What the bill did is it retained the import quotas that the sugar program has in effect, and that is the issue we are debating tonight. The issue is not subsidies, the issue is trade. The issue is whether we are going to let subsidized foreign sugar into the United States and stop protecting our producers against anticompetitive conduct by foreign nations. That is the issue.

There are those who would like to bring subsidized sugar into our country because, in the short-term, it would benefit them and their particular operation. But the fact is that we all know how that works. If those foreign countries are allowed to subsidize their markets against our producers, push our producers out of business, then who can say that they are going to continue to keep the prices low?

The last time we removed the sugar program, and these kinds of trade protections, we saw what happened. Prices shot up. Study after study has shown that if we let the market operate, which this bill will do, the price of sugar will be low. One speaker said to look in all the products in the stores, and there is sugar in every product. Of course, sugar is a very inexpensive product. In restaurants it is given away for free. The fact is the price of sugar is not out of line, and we ought to maintain our protection for American producers.

Mr. KINGSTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would say to the previous speaker that the import quota now is 2 million metric tons. This bill lowers it to 1.5 million. He just proved the point why we need Miller-Schumer-Kingston.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from South Carolina [Mr. SANFORD].

Mr. SANFORD. Mr. Chairman, this vote is a gut check. Like few votes that I have seen recently, it asks us who are we and what do we really believe in. As Republicans, we talk about free enterprise, we talk about open markets. Yet, the sugar program has a guaranteed floor price of 23 cents. When I go to the produce store, I do not see a guaranteed floor price for tomatoes. When I go to the car shop, I do not see a guaranteed floor price for repairing the car. When I go to the hardware store, I do not see a guaranteed price for hammers. Yet, we are going to make an exception here?

I would say to my friends on the other side of the aisle, many folks say we are for the working folks, we are for the little folks. If that is so, how could we possibly ask folks to pay double the price for sugar? A lot of folks say, "Forget it, Mark. We are talking about sweet tea and we are talking pecan pies." That is not a lot of money. That is just a little bit of money.

Yet, if you were to talk about sweet tea, especially down South, we are talking about a lot of sweet tea. In fact, what we are really talking about is principle. How can we allow big benefits to accrue to just a few small folks; in other words, special interests? In fact, you add up those sweet teas and pecan pies, you are looking at $1.4 billion of benefit. I think probably nothing better illustrates this problem than the way that this subsidy in essence flows down to one family in Palm Beach, $65 million a year of benefit. They are, I am sure, fine folks, and they are certainly good capitalists, but that is not fair. It does not pass the commonsense test, nor does this sugar program. I ask that we pass this amendment.

Mr. DE LA GARZA. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS of Florida. Mr. Chairman, I rise today to express my opposition to the Miller-Schumer amendment. Let me immediately say that I take a back seat to absolutely no one in this House in the protection of the environment in this Nation, and especially in Florida. Neither does the sweetener industry in my district. They have already agreed to spend nearly one-half billion dollars to clean up the environment in the locale in which they do business.

One other thing I want to say to my colleague, the gentleman from South Carolina, MARK SANFORD. If there is some law against making $65 million, then many a corporate executive ought to be put in jail, because a whole lot of them make a whole lot of money, and therefore, I do not see any prohibition.

Large farmers mean large numbers of jobs, where I live. Forty thousand jobs in Florida are connected to this industry. If those jobs were to be lost in this era of downsizing, right-sizing, reengineering, temporarying, and outsourcing, somebody come tell me where they are going to work, because I do not know where they are going to work. That is a genuine concern that we all ought to have in this Nation.

Mr. Chairman, I ask defeat of this measure, and support of jobs in the State of Florida.

Mr. Chairman, I rise today to express my opposition to the Miller-Schumer-Kingston amendment.

The current sugar program has worked since its inception to ensure a steady supply of sugar at a stable price.

The program does not cost the taxpayers anything. In fact, the USDA has estimated that with the interest on support loans and fees and duties on imported sugar, the program has actually increased Federal revenues.

But aside from my belief that the current sugar program helps the American consumer, I oppose this amendment because there are 40,000 people in and around my district who depend on the sugar industry for their jobs. I will not watch these 40,000 jobs disappear from Florida without a fight. The current program has worked well—it provides a stable, inexpensive supply of sugar while utilizing our agricultural labor force. I do not want to see these jobs go overseas. Oppose the Miller-Schumer amendment.

Mr. EWING. Mr. Chairman, I yield 2 minutes to the gentlewoman from Idaho, HELEN CHENOWETH.

Mrs. CHENOWETH. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, we have heard a lot of fine speeches today about the free market system, but I felt it was very interesting, the gentleman from New Jersey [Mr. TORRICELLI] mentioned that we cannot stand on this floor and dictate what kind of subsidies shall be charged out of the European countries. But let me tell the Members exactly how the European Community subsidizes this industry. America subsidizes it to the tune of zero dollars, Mr. Chairman. The European Community subsidizes it to the tune of $1.5 billion. I do not call that free enterprise. I call that a very uneven and tilted playing field.

We have also heard about the fact, how sugar runs up the cost of retail goods. Let us just talk about where the rubber meets the road. The fact is, over the last 4 years, the price of sugar has dropped 6.8 percent. Have Members heard housewives complaining about the price of sugar? No. I can tell you who is complaining about the price of sugar. It is those very same people that can afford to hire Michael Jackson as their poster boy.

Second, Mr. Chairman, while retail sugar dropped 6.84 percent, the price of ice cream went up 7.3 percent. While sugar dropped 6.8 percent, the price of cakes and cookies and candy went up 17 percent. While the price of retail sugar dropped 6.8 percent, the price of cereal went up 22.3 percent.

It is not because of the sugar, Mr. Chairman, that those retail prices have been going up. It is because of other costs. Many of them have been very good, but they have been built-in mechanisms. That is what has caused our people to be thrown out of work.

If you lived in Japan today, do you know what you would pay for a pound of sugar? You would pay $1.04 per pound. If you lived in Europe, you would pay 54 cents. If you lived in China, it would be 39 cents. It is 39 cents in America. It is not a bad deal, Mr. Chairman. Please oppose this amendment.

Mr. DE LA GARZA. Mr. Chairman, I yield 1 minute to our colleague, the gentleman from Minnesota [Mr. PETERSON].

Mr. PETERSON of Minnesota. Mr. Chairman, I thank the gentleman for yielding time to me.

We hear a lot of talk tonight about this program being a subsidy program. Let us just talk about what this is about. This is about trade. We in this body, in the dead of the night, in a lame duck session, passed a GATT Agreement that we should not have passed. I opposed it all the way. But why in the world did we go over and negotiate that agreement, and I had an opportunity to represent this Congress over there, along with the ranking member, where we gave up a lot to come to an agreement on how much sugar we are going to let in this country, and then we come with a bill that will completely undo what we have done in that agreement?

These European competitors are subsidizing their producers at twice the level that we are doing in this country. It is not a subsidy, it is just a floor we are putting underneath the products. That is what this is all about. What this amendment is going to do, if we continue this—and this was done, by the way, last night—it is not thought out. It is not workable. This was just drawn up at the last minute. What this is going to do is force the Secretary of Agriculture to reduce the loan rate, which is going to force us to take these 1.23 metric tons and force sugar into this country, and it is going to destroy this industry. I urge you to oppose this amendment.

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Mr. MILLER of Florida. Mr. Chairman, could we get a report on how much time each of us has?

The CHAIRMAN. The gentleman from Florida [Mr. MILLER] has 5½ minutes remaining, the gentleman from New York [Mr. SCHUMER] has 4 minutes remaining, the gentleman from Georgia [Mr. KINGSTON] has 2½ minutes remaining, the gentleman from Texas [Mr. DE LA GARZA] has 4½ minutes remaining, and the gentleman from Illinois [Mr. EWING] has 4½ minutes remaining.

Mr. MILLER of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. CHABOT].

Mr. CHABOT. Mr. Chairman, I rise in strong support of the amendment. Every time an American consumer purchases a bottle of Pepsi or a Coke or a candy bar, the big sugar producers in Florida crack a smile. And why should they not? The Federal sugar program inflates sugar prices to nearly twice the world average and cost American families $1.4 billion every year. This money lines the already deep pockets of huge sugar conglomerates at the expense of hard-working Americans.

Many of us, when we ran for Congress, promised to work to change the way Washington works. I cannot think of a better example of one of those Federal programs that needs to be reformed and reformed immediately than the sugar program. The sugar subsidy encourages the type of overproduction that is bringing great harm to our environment. This amendment represents real reform by phasing out the program over five years, and not a moment too soon. Sugar subsidies may be a sweet deal for sugar growers, but they are a raw deal for consumers and for taxpayers.

Mr. DE LA GARZA. Mr. Chairman, I yield myself 30 seconds only to say to the gentleman that just preceded me that the soft-drink industry uses corn syrup and not only uses sugar; also to our colleague from South Carolina who stood here and said, your side of the aisle, your side of the aisle, this is not the 1-minute Democrat bashing time. This is very serious business for jobs in the United States of America.

Mr. SANFORD. Mr. Chairman, will the gentleman yield?

Mr. DE LA GARZA. If I have time, I yield to the gentleman from South Carolina.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. MILLER of Florida. Mr. Chairman, I yield myself 15 seconds.

We keep hearing the issue of no net cost. The American consumer is the American taxpayer. The General Accounting Office, the independent agency of Government, says it is $1.4 billion. The American consumer pays that.

Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding me this time.

First of all, I drink my coffee black, so I am a perfect neutral party for this particular discussion. We have heard a great deal of debate on the House floor about whether this helps or hurts the American consumer, helps or hurts the American farmer, and also where trade fits in here, and if my colleagues will just pay attention to the issue of trade for one item, the Miller amendment ensures through existing laws that foreign subsidized sugar will not hurt American producers. We have existing laws to protect those tariffs.

No. 2, the government-subsidized loans, which is what we are talking about here, have been bad for consumers, bad for those jobs in the refining industry, and bad for family farmers.

Mr. Chairman, the Miller-Schumer-Kingston amendment offers the only real reform in this good bill called the Freedom to Farm Act so that we can let market forces in this country decide what is best for the consumers. I urge a vote for the Miller-Schumer-Kingston bill.

Mr. DE LA GARZA. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. FARR].

Mr. FARR of California. Mr. Chairman, I rise in opposition to this amendment. I think to a lot of people it is a very confusing time. It sounds like the Government subsidizes sugar. There is no taxpayer subsidy here. This is essentially a battle of economic interests. It is a battle that Americans ought to know about because it is either going to say we are going to err on the side of making candy and soft drinks cheap, and I wonder what is the national congressional policy on why we ought to have cheap candy in this country. The other side is you are going to err on the side of what we have done historically, and that is to support farmers.

Now, there are different kinds of farmers in this country. It is not all sugar cane. We have beet growers all over this country who support our local economy. These people need this program. So if you are going to take a vote tonight, you are going to either err on the side of farmers and support America and support what we have been doing over the years, or you are going to err on the side of business that wants to make candy cheap. I think that you ought to err always on the side of the farmers. Oppose this amendment.

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Chairman, I rise in support of the Miller-Schumer-Kingston amendment. This amendment will protect thousands of jobs by eliminating the U.S. sugar program. Continuation of the program which artificially doubles the price of sugar and restricts its import could also close the Domino Sugar refinery in my district, and I have a letter from the company right here stating just that. It is an important business. It employs 450 people in Williamsburg-Green Point, Brooklyn, and 150 in Manhattan, and these jobs are at risk right now.

Domino Sugar has already had to close three plants, and a refinery closed four times in 1995 alone. Continuation of the sugar program could shut Domino Sugar Co. down permanently, putting more than 1,000 Domino employees out of work and destroying many small neighborhood businesses.

Mr. Chairman, the American people deserve better. They deserve cheaper sugar. They deserve to keep their jobs. I have here three editorials, national newspapers, that came out in support of this amendment.

Mr. DE LA GARZA. Mr. Chairman, I yield 1 minute to our colleague, the gentleman from Minnesota [Mr. MINGE].

Mr. MINGE. Mr. Chairman, there has been a great deal of discussion about competition this evening. I think one factor that needs to be emphasized over and over is the fact that this new farm program bill opens up competition in sugar production. The allotment process has ended. Anyone in the United States that thinks that he or she can produce sugar more cheaply than his neighbor or the company in the next State can do so. We are not talking about a program that says this farmer can do certain types of sugar production, this farmer cannot. Anyone can get into the business. The market is open. It is free. It is for all.

Mr. MILLER of Florida. Mr. Chairman, I just want a report of the time and see how many speakers.

The CHAIRMAN. The gentleman from Florida [Mr. MILLER] has 3 minutes and 15 seconds remaining, the gentleman from New York [Mr. SCHUMER] has 3 minutes remaining, the gentleman from Georgia [Mr. KINGSTON] has 2½ minutes remaining, the gentleman from Texas [Mr. DE LA GARZA] has 2 minutes remaining, and the gentleman from Illinois [Mr. EWING] has 4½ minutes remaining, and the gentleman from Illinois has the right to close.

Mr. DE LA GARZA. Mr. Chairman, I yield 90 seconds to our distinguished colleague, the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Chairman, we have heard a discussion tonight about jobs, and I would say from my observation of the Republican primaries that I expect that Mr. Buchanan and others that are concerned about jobs in this country are going to be watching the result of this debate, because when you talk about cheap sugar you are talking about slave labor. You are talking about exporting jobs of Americans overseas. Make no mistake about it, a yes vote on this is going to be interpreted as being against the American worker, because when you go overseas to get that cheap sugar you are where there are no labor standards. There are no health standards. There are no environmental standards. There are no safety standards.

We fought a war in this country to end slavery, and yet we are telling ourselves that in order to have cheaper sugar we are going to import slave labor sugar from people around the world who are being devoured by oligarchs, sugar oligarchs who have made it their business to destroy their people. They will destroy this country.

Do the Members think that refineries are going to exist in this country when cheap sugar that is harvested by slave labor can go into a refinery in that country? That is what is going to happen. This is about jobs in this country.

Urban Members of both sides of the aisle say that they are going to find cheaper sugar products in this country. Not only is that not true, but it is undercutting the people who are the best producers of sugar in the world. This is a jobs program. Vote for American workers. Vote down this amendment.

Mr. Chairman, let me say first and foremost, if I had my way we would leave the no-cost sugar program alone. However, people asked for reform. The end product we have in the H.R. 2854, the Agricultural Market Transition Act, is reform. Domestic marketing allotments are eliminated. The loan rate will effectively be reduced. The marketing assessment paid by growers for deficit reduction purposes is increased 25 percent. The foreign sugar import level is raised by 20 percent. Yet, the no-cost provision which has been in effect since 1985 is still maintained. So if reform is what you want, reform is what you got.

Mr. Chairman, for over 150 years, sugar has been grown in the State of Hawaii. Sugar has played a major role in the historical, cultural, and economic development of Hawaii. However, the survival of sugar is now in question. Over the past decade, sugar production in Hawaii has dropped drastically. In 1986, over 1 million tons of sugar was produced. In 1995, the amount will be approximately 492,000 tons.

If Hawaii sugar producers were inefficient or unproductive I could not support the sugar program. Yet, the data proves that the Hawaii yields of sugar are among the highest in the world, about 10.5 tons an acre in 1993. In addition, Hawaii's sugar field workers have the highest standard of living of any agricultural workers in the world. The only way the world sugar market competes with our domestic sugar industry is to artificially subsidize their sugar industry and to utilize slave labor. Foreign competitors do not have to comply with Federal and State standards for worker safety, wage and healthcare benefits, and for environmental protection. The concept of free trade is splendid, but for sugar it is a fantasy. One on one on a level playing field Hawaii sugar producers can beat anyone.

In fact, according to a 1994 Landell Mills Commodities Studies the evidence reveals the United States to be the second lowest cost among the world's 31 major beet-producing countries, and 29th among 62 cane producing countries. Among the world's 13 producers of corn sweetener, the United States ranks as the absolute lowest cost.

This Nation's highly efficient sugar farmers are ready, willing, and able to compete against foreign farmers. Until a level playing field exists, however, it would be a mistake to dismantle a successful sugar policy while other nations continue their market-distorting habits at America's expense.

Mr. Chairman, during the debate someone may bring up the Sweetener Users' Association, which represents the big, multinational food, candy and soda corporations, poster child—Bob's Candy of Albany, GA. As they go on to say, if sugar weren't so costly in the United States, they could stay competitive and not be forced to move jobs overseas. It is the sugar, says Bob's Candy. It costs too much here in America. Bob's Candy is forced to move operations to Jamaica because sugar is cheaper there.

Well, my colleagues, let me tell you the rest of the story.

Could it be there are other factors that brought Bob's Candy to Jamaica? Like, maybe the fact that Bob doesn't have to pay his Jamaican employees anything near what he's paying his Georgia employees? Or perhaps, because there's no NLRB, no OSHA, no EPA, no Medicare payroll taxes to contend with in Jamaica? Could any of these factors have played a role in Bob's decision to locate in Jamaica—or was it just the price of sugar, as big sweetener users say.

Incidentally, according to Dunn & Bradstreet, Bob's Candy is in the top 25 percent in terms of profitability of all American candy makers.

Bob's Candy is simply a case of a profitable candy maker trying to use the sugar program as a convenient scapegoat for its decision to move good-paying American jobs overseas. And, in turn, the big corporate sugar users are trying to hide behind little ol' Bob's Candy as a vivid example why Congress should scrap the sugar program.

Well, I don't buy it—and neither should the American public.

Mr. Chairman and my House colleagues, support good policy, support American jobs, support the American economy. Vote against the Miller-Schumer amendment: immediate disaster, disguised as transition.

Mr. KINGSTON. Mr. Chairman, I yield myself 30 seconds.

You know what is interesting about all these folks who are supporting all the big lobbyists interests is that they keep saying there is over 400,000 jobs related to sugar, yet the USDA says it is only 46,000. So all this talk about jobs is losing me, Mr. Chairman.

But what is wrong with working without a refinery? Mr. Chairman, 10 years ago we had 22 refiners in America. Today we have 11. What is it about these people that one job is better than the other? There is room for compromise on this, Mr. Chairman. We need the Miller-Schumer-Kingston amendment.

Mr. EWING. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. FOLEY], a member of the committee.

Mr. FOLEY. Mr. Chairman, I will show the gentleman from Georgia [Mr. KINGSTON] this brochure. These are people that live in my district, white, black, Hispanic families that work and live in my district in the sugar industry, not poster children, not models, not phony baloney, real people.

Let me tell the gentleman I oppose his amendment. After a year of mass mailings, after a year of editorial writing, we are here on a day of reform. If this Miller-Schumer-Kingston is reform, then Dr. Kevorkian is the attending physician. This will kill the domestic sugar industry.

We talk about world price, folks. World price is based on 105,000 pounds of sugar. My mother does not go to Winn Dixie and buy 105,000 pounds of sugar. If it was true that you could buy it at that price, then we would all be buying our gas in the barrel, $17 a barrel for oil, would be much cheaper to fill our cars with oil by the barrel, but we do not do that.

Domestic sugar is now on the world market 13 cents, 3 cents up over the last month and a half. Prices to refiners are up.

Ladies and gentlemen, where was the testimony on this bill? We were first talking and guaranteeing the other side a vote on elimination February 26, dated on the Miller bill. Were there hearings? Did we go around the communities, as we did on the Committee on Agriculture? Did any Members come to Belle Glade, Clewiston, Pahokee, where I live? Did any Members come along with the gentleman from Florida [Mr. HASTINGS] and I to talk to the people that are going to be affected by this bill?

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Does this Congress care about jobs in America? Do they care about the families in our communities, or would they rather have every other foreign government giving us all our good advantages and when they are tired of giving us their wonderful sugar at a reasonable price, this wonderfully low-priced sugar being debated today, when they are tired of doing that, they are going to say, hey, we have got a captive audience like we do on oil. Remember when there were lines for oil? Remember when there were fights in gas stations over oil?

When the sugar cartels from the other nations you want to invite into this country say to you sugar is going to be a dollar a pound, $2 a pound, you are going to be stuck paying for it.

You, ladies and gentlemen, then face the consumer. You, ladies and gentlemen, face the housewives that have to bake with these goods.

Mr. DE LA GARZA. Mr. Chairman, I yield myself the remaining one-half minute.

Mr. Chairman, I am not looking for headlines. I am not looking for a picture on the front page of the New York Times. I am speaking about people, real people in my district who will be out of work, people I know, people I have felt the flesh, and it is no secret that, yes, I have sugar cane in my district.

But we are talking about jobs, jobs, jobs, U.S.A., American jobs. Otherwise, without this legislation, we partition it out throughout the world at lower prices, mind you, lower prices, but the world will benefit and American jobs will suffer. U.S.A., American jobs.

Mr. Chairman, the U.S. sugar program operates at no cost to the Federal Government. In fact, through the fee assessments on the domestic industry, sugar has contributed more than $130 million to the Federal Treasury since the last farm bill—and has contributed almost $500 million over the last 10 years through import duties, the fees, and interest on loans.

The U.S. sweetener industry has a positive impact on the economy—more than $26 billion—generating 420,000 American jobs.

My own district in the Rio Grande Valley of south Texas is a good example of the contributions of the sugar industry.

The value of the sugar cane harvest from the farms of the Lower Rio Grande Valley annually averages $40 million.

In addition, the sugar cane industry generates $16 million annually for the valley economy in the form of payroll, local taxes paid, and purchases from local merchants and services. A sugar mill and a nearby refinery process cane and raw sugar from hundreds of farmers and generate hundreds of job locally.

The average sugar cane farm in the Rio Grande Valley is just 311 acres. These are not large corporate farms. These are small farmers who in 1973 formed a cooperative and built a sugar mill in Harlingen to process their sugar cane.

U.S. consumers get a good deal on sugar at the supermarket. Our consumers currently buy refined sugar for about 39 cents a pound. By comparison, consumers in Tokyo pay almost 90 cents a pound while those in Europe pay from 50 to 70 cents. The average retail sugar price in developed countries last year was 54 cents—38 percent more than the U.S. price.

On these purchases alone, U.S. consumers save $1.4 billion compared with consumers in other developed countries. Clearly, U.S. consumers pay a fair price for sugar.

Sugar is an essential link in our food chain, and we need to maintain a viable domestic sugar producing industry, providing our consumers with access to a stable supply at a reasonable price.

The sugar provisions continue the no cost program, and actually increase by 25 percent the level of the fees, which will generate about $288 million for the Treasury through 2002.

In addition, the bill removes limits on production, removes a guaranteed minimum price, effectively reduces the loan rate by 1 cent, and ensures an increase in foreign imports.

Mr. KINGSTON. Mr. Chairman, I yield myself such time as I may consume.

The gentleman from Florida [Mr. FOLEY], in a very impassioned way, said did we come to his district? No; we did not come to his district. We were not invited.

This bill has not been given the courtesies of the beet lobbyists' bill, and, furthermore, Mr. Chairman, I would ask rhetorically, did he come to Savannah, GA, to talk to the refiner, the people who work in the refinery that I represent or to the district of the gentlewoman from New York [Mrs. MALONEY] to talk to the folks in New York, the 450 jobs there that will be eliminated with this status quo, special-interest bill?

Let us look at these amendments, Mr. Chairman. One by one, we have a loan rate. The USDA will have a no-net-cost program. They are going to choke domestic supply so that there are no loan defaults. It is going to keep the price of sugar up. That is the situation that we are in under the current bill.

This bill does not change the current law at all. We keep hearing about 400,000 jobs. The USDA only sends us 46,000 jobs in this beet industry. We keep hearing that this will eliminate jobs.

Well, refiners have gone from 22 plants to 11 plants in the last 10 years. It is not hypothetical about refiners losing jobs. They have already lost jobs.

We keep hearing about this is not subsidized. Maybe you could say it is not subsidized. You certainly cannot say it is not a cartel.

Mr. Chairman, this is a situation where these poor beet farmers, the wealthiest lobbyists on Capitol Hill, are in the beet, cane sugar industry. Every time I turn around, we see them walking the halls. We can hardly get by in the hall, they are walking in here with pockets full of money.

Mr. Chairman, the poor beet farmers that are back home are not going to be put out of business by this bill. Let me tell you why and be very clear to the Members here about this: This bill only gets us to the conference committee so that we can work out a compromise. This is the only train leaving town.

If we want to reform sugar, if we want to have a compromise, we must vote on Miller-Schumer-Kingston in order to get it before the conference committee for a compromise.

Mr. SCHUMER. Mr. Chairman, I yield myself the remainder of my time.

Mr. Chairman, first I would like to say I think this has been an informed and thoughtful debate laying out two sides of the issue. My view is, under any reasonable and rational measure, the sugar program must be repealed. We all know it. The only question is whether we have the will to do it, the will to change. If this Congress is about change, then certainly this program is up for change, because it is truly government controls run amok.

If the issue is jobs, we must repeal. If the issue is the environment, then we must repeal. If the issue is consumer, then we must repeal. The Miller-Schumer-Kingston amendment phases out the sugar program over 5 years. Our amendment does not, does not expose American sugar growers to unfettered competition. It does not allow any more imports in under GATT than are allowed today. It does not remove the protective import quota but only gives the Secretary flexibility in increasing the quota to get adequate supplies, and it does not allow a single bag full of sugar in from Cuba.

Well, in 1981, if the issue was jobs, just look at this chart. Every refinery with a red line through it is gone. Thousands of jobs and good-paying jobs, $25,000, $30,000, $35,000, $40,000 a year employing people in our cities and our suburbs. They will all be gone if we do not change this bill.

How about the environment? I heard talk from the other side that their proposal is proenvironmental. Then why is our bill supported by the Everglades Trust, the National Audubon Society, the Wilderness Society, and the World Wildlife Fund? Why does the Audubon Society want to make this one of the key environmental votes of this session?

And finally, about the consumer, about the consumer, the sugar program is the poster child of corporate welfare. It is not like peanuts, where there are small family farmers. Most of the sugar grown is grown on huge plantations; 1 percent of the cane growers get 42 percent of the subsidies. That is trickle-down if I have ever heard it. One Florida family, $65 million a year, paid for by the nickels and dimes out of the pockets of your people and mine. That is wrong.

Ask yourself the question: Why should a family earning $30,000 a year subsidize a handful of sugar barons to the tune of $1.4 billion a year? That is wrong. We know it. We know the program should be repealed.

Let us finally do it. Support Miller-Schumer-Kingston.

Mr. MILLER of Florida. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let us make clear what exactly the sugar program is. It is a Government-run cartel that sets the price of sugar at approximately twice the world price. It does it by controlling the amount of supply imported into this country and how much is allowed to be grown in this country.

The price of sugar is almost half the price of what it is here in the United States. Australia, the largest exporter of sugar in the world, does not subsidize sugar, and they sell it at a world price of about 12 to 13 cents a pound. But we here in the United States, we pay 23 cents a pound.

Now we talk about this as a no-net-cost program. Once again, the General Accounting Office, an independent agency of the Government, came up with a report that it cost $1.4 billion for the American consumer, and the American consumer is the American taxpayer. So it is a phony argument to say it is not a net cost to us.

The issue of trade, now, I hear, first of all, I hear all this argument about Fidel Castro. I do not know what he has to do with this issue. People must be really concerned if they have to talk about Dr. Kevorkian or talking about slave labor. I mean, this is kind of a sad type of debate when you have to bring up those type of issues.

Let us talk about trade. Trade is a Ways and Means issue. Trade is a Ways and Means issue. The trade laws are not impacted by this amendment. The Secretary of Agriculture has the same controls if this bill goes into effect as he does today.

Now, we talk about all of this imported sugar. First of all, subsidized sugar is not allowed in the country, to start with. Those laws are there under the countervailing duty law. They are going to be kept out like it is today. That is a phony argument because that law is not being impacted by this.

We have a crazy thing, Australia sells sugar to anybody in the world at 13 cents a pound. No, to the United States, we are going to pay 23 cents. That is a subsidy to foreign sugar companies. Why are we doing that? GAO says it is $200 million a year of a subsidy to foreign countries. Why are we subsidizing their sugar?

They are selling to everyone else in the world at half-price. That is how crazy this program is. Subsidized sugar is not going to be pouring into this country, and the Secretary of Agriculture has sent a letter to that effect.

This amendment is a consensus amendment. It is a consensus of a wide range of groups, and a compromise. It includes the refiners, the environmentalists, the free market people, the anti-big government people, and we have conservatives and liberals on this bill. It makes sense. We all agree on this. It is a compromise bill. It is a 5-year phase-out.

This is good for jobs. We keep hearing about jobs being lost in farming. That is not going to happen. We are losing jobs right now at sugar refineries, whether they are in New York City or Baltimore or Savannah, GA. Those are real jobs being lost. We are having jobs shipped out of this country.

Bob's Candy, in Albany, GA, for example, the largest manufacturer of candy canes, has been in existence for over 70 years. When he buys sugar in Albany, he pays the price in the United States, 23 cents. He has had to ship some of his business to Jamaica, and he gets sugar there for 13 cents from the same place in Savannah. That is a crazy program. Why are we allowing that? He is having to ship his jobs in order to compete for the candy cane business. That is not the way the American system should operate.

I urge every Member to support this amendment.

Mr. EWING. Mr. Chairman, I yield myself the balance of my time.

I wish I had about a half an hour to try and dispel so much misinformation that has been brought forth on this floor here today.

Let me tell you that when we tried in the speciality crop subcommittee to devise a reform method for the sugar program, we looked at it very closely, and, yes, we had a program that was rootbound like a plant, and we did make changes in that program.

What we devised was a protection from foreign subsidized sugar at our borders. But we went beyond what GATT required us to do, and we said we are going to make them bring in 20 percent more than the GATT minimum, and we are not going to say to the beet people you can only grow so much, or to the sugarcane people, you can only grow so much. We opened the production of the American sugar industry, and I will bet you a dollar to a donut you are going to see the price of sugar come down because the American sugar industry will produce more.

When you talk about corporate welfare, I mean, if there is any corporate welfare in the sugar industry, it is a piker to the rest of the economy, and certainly we hear opponents get up one after another talking about refiners. I guess that is not corporate welfare.

We talk about supply and import restrictions. We went 20 percent over the GATT minimum.

We hear about prices, and we have put the information out there. How many times? Even Australia, when one speaker says it is down to 12 cents, they have a 36-cent price in Australia.

There are a lot of different prices for sugar around the world. But American sugar is stable in price. The supply is stable.

□ 2015

The quality is excellent. What we have done is reformed the internal part of our sugar program and protected ourselves within the GATT treaty, within the new World Treaty Organization, from unfair competition.

Vote no on this amendment. Save jobs for thousands of beet and sugar farmers around this country.

Mr. POMEROY. Mr. Chairman, I want to take this opportunity to speak against the Miller-Schumer amendment to eliminate the sugar program. This amendment will ensure the death of the sugar industry in the United States for no apparent gain. Consumers will not benefit, hard-working people will lose their jobs, and family farmers will go out of business.

In North Dakota and virtually all of the sugar industry is made up of hard-working family farmers. In my State these farmers have banded together to grow, process, refine, and market a product that can compete with any in the world. They cannot, however, compete with the governments of the European Union which spend over $2 billion annually subsidizing their sugar industry.

The sugar program has provided stability to domestic consumers. In fact, American consumers have seen sugar prices drop 7 percent in the last 5 years. American consumers currently pay 28 percent less on average than consumers in other developed countries. By comparison the United States retail price for sugar is 39 cents a pound compared to 68 cents in France.

The American sugar industry is also a huge employer. Over 420,000 people per year work in the sugar industry, resulting in $26.2 billion in economic activity. The fact of the matter is that the sugar program is good for consumers and good for jobs.

The sugar program contained in the House bill is the simplest, most market-oriented program in history. The new reforms contained in the bill open the United States market to 20 percent more foreign sugar than currently allowed. Marketing allotments are abolished, releasing the U.S. sugar market from Government control. Finally, the marketing assessments in this bill will actually generate revenues of at least $40 million per year for deficit reduction. This is responsible reform that still protects both the American consumer and the American farmer.

The sponsors of this amendment want to ignore the reforms that have already been made and instead seek to cripple the domestic sugar industry, throw hard-working, innovative farmers out of business and flood the U.S. market with foreign sugar, increasing our trade deficit. They suggest that consumers will benefit from this action. The fact is that the consumer will not benefit unless the price of candy, pop, and cereal decreases as a result of the elimination of this program. This is pure pie in the sky given the small cost of the sugar contained in those products. More likely, sugar users will continue to exploit instability in the sugar markets to raise prices on sweetened goods even higher.

If you care about American jobs. If you care about American sugar producers, processors, users, and consumers vote no on this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. MILLER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. MILLER of Florida. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 208, noes 217, answered "present" 1, not voting 5, as follows:

[Roll No. 35]

AYES—208

Andrews
Archer
Armey
Baker (CA)
Barr
Barrett (WI)
Bartlett
Bass
Beilenson
Berman
Bilbray
Bilirakis
Blute
Boehlert
Borski
Boucher
Brown (OH)
Brownback
Bunn
Buyer
Callahan
Campbell
Cardin
Castle
Chabot
Chrysler
Clay
Clement
Coburn
Collins (GA)
Cox
Coyne
Crane
Cremeans
Danner
Davis
Deal
DeLauro
DeLay
Dickey
Doggett
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NOES—217

Abercrombie
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Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
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Lewis (CA)
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Norwood
Nussle
Oberstar
Obey
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Payne (VA)
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Smith (MI)
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Watt (NC)
Watts (OK)
Weldon (FL)
Weller
Whitfield
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Williams
Wise
Woolsey
Wynn
Young (AK)

ANSWERED "PRESENT"—1

Sisisky

NOT VOTING—5

Collins (IL)
Furse
McKinney
Mollohan
Stokes

□ 2033

The Clerk announced the following pair:

On this vote:

Mrs. Collins of Illinois for, with Ms. Furse against.

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 104-463.

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Solomon:

Strike title II (page 81, line 5, through page 118, line 17) and insert the following:

TITLE II—DAIRY

SEC. 201. MILK PRICE SUPPORT PROGRAM.

(a) Support Activities.—During the period beginning on the date of the enactment of this Act and ending December 31, 2000, the Secretary of Agriculture shall support the price of milk produced in the 48 contiguous States through the purchase of cheese, butter, and nonfat dry milk produced from the milk.

(b) Rate.—The price of milk shall be supported at the following rates per hundredweight for milk containing 3.67 percent butterfat:

(1) During calendar year 1996, $10.15.

(2) During calendar year 1997, $10.05.

(3) During calendar year 1998, $9.95.

(4) During calendar year 1999, $9.85.

(5) During calendar year 2000, $9.75.

(c) Bid Prices.—The support purchase prices under this section for each of the products of milk (butter, cheese, and nonfat dry milk) announced by the Secretary shall be the same for all of that product sold by persons offering to sell the product to the Secretary. The purchase prices shall be sufficient to enable plants of average efficiency to pay producers, on average, a price that is not less than the rate of price support for milk in effect under subsection (b).

(d) Special Rule for Butter and Nonfat Dry Milk.—

(1) Allocation of Purchase Prices.—The Secretary may allocate the rate of price support between the purchase prices for nonfat dry milk and butter in a manner that will result in the lowest level of expenditures by the Commodity Credit Corporation or achieve such other objectives as the Secretary considers appropriate. The Secretary shall notify the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate of the allocation.

(2) Timing of Purchase Price Adjustments.—The Secretary may make any such adjustments in the purchase prices for nonfat dry milk and butter the Secretary considers to be necessary not more than twice in each calendar year.

(e) Refunds of 1995 and 1996 Assessments.—

(1) Refund Required.—The Secretary shall provide for a refund of the entire reduction required under section 204(h)(2) of the Agricultural Act of 1949 (7 U.S.C. 1446e(h)(2)), as in effect on the day before the date of the enactment of this Act, in the price of milk received by a producer during calendar year 1995 or 1996, if the producer provides evidence that the producer did not increase marketings in calendar year 1995 or 1996 when compared to calendar year 1994 or 1995, respectively.

(2) Exception.—This subsection shall not apply with respect to a producer for a particular calendar year if the producer has already received a refund under section 204(h) of the Agricultural Act of 1949 for the same fiscal year before the date of the enactment of this Act.

(3) Treatment of Refund.—A refund under this subsection shall not be considered as any type of price support or payment for purposes of sections 1211 and 1221 of the Food Security Act of 1985 (16 U.S.C. 3811 and 3821).

(f) Commodity Credit Corporation.—The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.

(g) Period of Effectiveness.—This section shall be effective only during the period beginning on the date of the enactment of this Act and ending on December 31, 2000. The program authorized by this section shall terminate on December 31, 2000, and shall be considered to have expired notwithstanding section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907).

SEC. 202. CONSOLIDATION AND REFORM OF FEDERAL MILK MARKETING ORDERS.

(a) Amendment of Orders.—As soon as practicable after the date of the enactment of this Act, the Secretary shall amend Federal milk marketing orders issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, to—

(1) limit the number of Federal milk marketing orders to between 10 and 14 orders; and

(2) provide for multiple basing points for the pricing of milk.

(b) Expedited Process.—Using the rule making procedures provided in section 553 of title 5, United States Code, the Secretary shall—

(1) announce the amendments required under subsection (a) not later than December 31, 1998; and

(2) implement the amendments not later than December 31, 2000.

(c) Funding.—Effective beginning January 1, 2001, the Secretary shall not use any funds to administer more than 14 Federal milk marketing orders.

(d) STUDY REGARDING FURTHER REFORMS.—Not later than January 1, 1998, the Secretary of Agriculture shall submit to Congress a report—

(1) reviewing the Federal milk marketing order system established pursuant to section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, in light of the reforms required by subsection (a); and

(2) containing such recommendations as the Secretary considers appropriate for further improvements and reforms to the Federal milk marketing order system.

SEC. 203. DAIRY EXPORT INCENTIVE PROGRAM.

(a) DURATION.—Section 153(a) of the Food Security Act of 1985 (15 U.S.C. 713a–14) is amended by striking "2001" and inserting "2002".

(b) SOLE DISCRETION.—Section 153(b) of the Food Security Act of 1985 is amended by inserting "sole" before "discretion".

(c) ELEMENTS OF PROGRAM.—Section 153(c) of the Food Security Act of 1985 is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "; and"; and

(3) by adding at the end the following:

"(3) the maximum volume of dairy product exports allowable consistent with the obligations of the United States as a member of the World Trade Organization is exported under the program each year (minus the volume sold under section 1163 of the Food Security Act of 1985 (Public Law 99–198; 7 U.S.C. 1731 note) during that year), except to the extent that the export of such a volume under the program would, in the judgment of the Secretary, exceed the limitations on the value set forth in subsection (f); and

"(4) payments may be made under the program for exports to any destination in the world for the purpose of market development, except a destination in a country with respect to which shipments from the United States are otherwise restricted by law.".

(d) MARKET DEVELOPMENT.—Section 153(e)(1) of the Food Security Act of 1985 is amended—

(1) by striking "and" and inserting "the"; and

(2) by inserting before the period the following: ", and any additional amount that may be required to assist in the development of world markets for United States dairy products".

(e) MAXIMUM ALLOWABLE AMOUNTS.—Section 153 of the Food Security Act of 1985 is amended by adding at the end the following:

"(f) REQUIRED FUNDING.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Commodity Credit Corporation shall in each year use money and commodities for the program under this section in the maximum amount consistent with the obligations of the United States as a member of the World Trade Organization, minus the amount expended under section 1163 of the Food Security Act of 1985 (Public Law 99–198; 7 U.S.C. 1731 note) during that year.

"(2) VOLUME LIMITATIONS.—The Commodity Credit Corporation may not exceed the limitations specified in subsection (c)(3) on the volume of allowable dairy product exports.".

SEC. 204. EFFECT ON FLUID MILK STANDARDS IN THE STATE OF CALIFORNIA.

Nothing in this Act or any other provision of law shall be construed to preempt, prohibit or otherwise limit the authority of the State of California, directly or indirectly, to establish or continue in effect any law, regulation or requirement regarding—

(1) the percentage of milk solids or solids not fat in fluid milk products sold at retail or marketed in the State of California; or

(2) the labeling of such fluid milk products with regard to milk solids or solids not fat.

SEC. 205. REPEAL OF MILK MANUFACTURING MARKETING ADJUSTMENT.

Section 102 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1446e–1) is repealed.

SEC. 206. PROMOTION.

(a) CONGRESSIONAL PURPOSE.—Section 1999B(a) of the Fluid Milk Promotion Act of 1990 (7 U.S.C. 6401(a)) is amended—

(1) by redesignating paragraphs (6), (7) and (8) as paragraphs (7), (8) and (9), respectively; and

(2) by inserting after paragraph (5) the following new paragraph:

"(6) the congressional purpose underlying this subtitle is to maintain and expand markets for fluid milk products, not to maintain or expand any processor's share of those markets and that the subtitle does not prohibit or restrict individual advertising or promotion of fluid milk products since the programs created and funded by this subtitle are not intended to replace individual advertising and promotion efforts;".

(b) CONGRESSIONAL POLICY.—Section 1999B(b) of the Fluid Milk Promotion Act of 1990 (7 U.S.C. 6401(b)) is amended to read as follows:

"(b) POLICY.—It is declared to be the policy of Congress that it is in the public interest to authorize the establishment, through the exercise of powers provided in this subtitle, of an orderly procedure for developing, financing, through adequate assessments on fluid milk products produced in the United States and carrying out an effective, continuous, and coordinated program of promotion, research, and consumer information designed to strengthen the position of the dairy industry in the marketplace and maintain and expand domestic and foreign markets and uses for fluid milk products, the purpose of which is not to compete with or replace individual advertising or promotion efforts designed to promote individual brand name or trade name fluid milk products, but rather to maintain and expand the markets for all fluid milk products, with the goal and purpose of this subtitle being a national governmental goal that authorizes and funds programs that result in government speech promoting government objectives.".

(c) RESEARCH.—Section 1999C(6) of the Fluid Milk Promotion Act of 1990 (7 U.S.C. 6402(6)) is amended to read as follows:

"(6) RESEARCH.—The term 'research' means market research to support advertising and promotion efforts, including educational activities, research directed to product characteristics, product development, including new products or improved technology in production, manufacturing or processing of milk and the products of milk.".

(d) VOTING.—(1) Section 1999N(b)(2) of the Fluid Milk Promotion Act of 1990 (7 U.S.C. 6413(b)(2)) is amended by striking "all processors" and inserting "fluid milk processors voting in the referendum".

(2) Section 1999O(c) of such Act (7 U.S.C. 6414(c)) is amended by striking "all processors" each place it appears and inserting "fluid milk processors voting in the referendum".

(e) DURATION.—Section 1999O(a) of the Fluid Milk Promotion Act of 1990 (7 U.S.C. 6414(a)) is amended by striking "1996" and inserting "2002".

The CHAIRMAN. Pursuant to the rule, the gentleman from New York [Mr. SOLOMON] and a Member opposed, each will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. SOLOMON].

Mr. ROBERTS. Mr. Chairman, I ask unanimous consent to yield the time for managing the debate in opposition to the Solomon amendment and the responsibility for allocation of that time to the distinguished gentleman from Wisconsin [Mr. GUNDERSON], chairman of the Subcommittee on Livestock, Dairy, and Poultry.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today we are called upon to consider real reform of the Federal dairy program. We all need to know we have a farm bill, especially one that can pass and get to the President to get his signature. Solomon-Dooley represents the Lugar-Leahy compromise which is acceptable to the Senate and acceptable to the President of the United States.

Let us clear up one misconception right up front, the Gunderson plan in the dairy bill as it stands now is not deregulation, it is more regulation.

The Solomon-Dooley-Lugar-Leahy amendment will get the Federal Government out of the dairy price support business in 5 years. No more government subsidies of the dairy industry. Solomon-Dooley accomplishes this reform while preserving the Federal milk marketing order system which is so badly needed to give price stability to dairy farmers and consumers at no cost to the taxpayer.

Mr. Chairman, in our bill, in our substitute, we require the consolidation of milk marketing orders to no more than 14 orders over the next 5 years. But that gives the farmers of this Nation time to do what is so vitally necessary today.

Solomon-Dooley also does not add extra solids into milk. Think about that. You do not want extra solids in your milk. You do not want that mandated down your throat, unlike the Gunderson bill. We do allow California to keep its existing standards if they see fit to do so.

In my hand I have a letter from Senator LUGAR, the chief Senate conferee on agriculture, who says he and his Senate colleagues will not accept the flooring of milk prices or the higher milk solid standards in this bill. We need a bill the President will sign. If Senator LUGAR pulls the price floor or the California milk standards out of this bill as he intends to do, not only do our small dairy farmers not gain as much but they will also suffer terrible losses inflicted by other income redistribution schemes in this bill.

The only other alternative in conference would be to do nothing, which means there would be no bill language on dairy. And we all would have to revisit this dairy issue sometime later on. We do not want that. We need a bill now.

The Solomon-Dooley plan saves more taxpayer and consumer dollars than the Gunderson plan does. Even though the Congressional Budget Office scores the Gunderson language as saving $770 million versus the Solomon plan, CBO and the Department of Agriculture have analyzed, and you all should listen to this, especially on the other side of the aisle, the secondary effects of the Gunderson plan compared to Solomon-Dooley.

They compare the real spending impacts of both plans on Federal spending programs. According to the Department of Agriculture, the Gunderson plan would add $1 billion to the cost of nutrition programs, $1 billion. CBO estimates that the added cost to the food stamp program alone would add half a billion dollars in Federal spending paid for by the taxpayers. We have not got that money. The impact would also adversely affect the school lunch program and WIC, knocking off, listen to this, according to Secretary of Agriculture Glickman, knocking off as many as 200,000 families out of the WIC Program.

□ 2045

In other words, when we look at the whole picture, and that is the honest way to this tonight, the Solomon-Dooley substitute ends up still saving $350 million, and that is not including the increased costs passed on to the consumers through higher milk prices, estimated to be as high as 20 to 40 cents a gallon in the grocery store. We better think about that when we vote on this amendment.

Solomon-Dooley has the support of a broad coalition of dairy farmers, consumers, all the taxpayer groups. Most of them are using this as a key vote.

Support dairy farmers, consumers, and taxpayers. Vote for the Solomon-Dooley amendment, and do it for the American small dairy farmer in this Nation and the consumer.

Mr. Chairman, I reserve the balance of my time.

Mr. GUNDERSON. Mr. Chairman, I ask unanimous consent to yield 10 minutes of my time for purposes of control to the gentleman from Missouri [Mr. VOLKMER], the ranking member of the subcommittee.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. GUNDERSON. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, Members, tonight we bring forth a comprehensive, the most comprehensive, reform of the dairy program in 45 years. We bring it forth on a bipartisan basis, and we bring it forth as a national compromise.

I find it rather fascinating. The gentleman from New York was complaining about some of the elements of the compromise that were the exact elements of the compromise that he asked for earlier in these negotiations, but I guess accuracy does not have a lot to do with what we are dealing with tonight here anyway.

Let us look at facts, if we can, for just a second. We want to talk about who saves the taxpayers more. CBO says we save the taxpayers more, we save $770 million versus only $350 million to CCC under their program. That is over $400 million more that we save than they do.

Second, which one does more for dairy farmer income? Let us take a look. Again CBO, USDA numbers. What are they? We increased dairy farmers' income over 7 years by $3.4 billion. The Solomon amendment cuts those same New York dairy farmers he is trying to save, it cuts their income by $4 billion over that same 7-year period; not our numbers, USDA numbers.

We really want to know why we are here tonight. The gentleman from New York, [Mr. SOLOMON] has the interests of the dairy farmer at heart. There is no debate about that. The reason we are here tonight, my colleagues, is this chart. Take a look at what the retail price of milk is, and then take a look at what percentage of that the farmer gets.

Do we want to know why there is a multimillion-dollar campaign being run by the large corporate dairy lobbyists in this country trying to change exactly what we are dealing with here tonight? It is because they want the profits, and they want the profits for themselves.

Many of us have seen this little old graph, you have seen this advertisement in every newspaper across the country wherever they could find enough money to print it. Well, I want my colleagues to take a good look at this chart, take a real good look, because I want to tell how accurate it is. It is a bunch of lies, they know it is a bunch of lies that has been corrected by CBO, it has been corrected by USDA, it has been corrected by CRS. Does anyone want to know why?

Mr. Chairman, I want my colleagues to know about this rotten bunch of junk that is being circulated against us tonight. The fact is that instead of a 20 percent increase in milk, we are only looking at a 3.7 percent increase. Instead of a 12 percent increase in ice cream, we are looking at a 1 percent. They say that butter is going to go up 21 percent. USDA says it is going to go nowhere, it is going to stay where it is, and cheese is actually going to go down.

So if we want real comprehensive pricing reform, if we want to prepare the dairy industry for the international export market, if we really want to make a consolidation of orders, if you want to protect the taxpayer and protect the consumer and protect the farmer at the same time, we will do what the American farm bureau asks us to do; that is, vote against the Solomon amendment and stick with the committee bill.

Mr. SOLOMON. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DOOLEY], the other half of this bipartisan cosponsorship of our amendment.

Mr. DOOLEY. Mr. Chairman, I think that all of the Members of this delegation, of this body, realize that the idea behind freedom to farm is to move to a more market-oriented system.

The proposal that Mr. SOLOMON and I are introducing today is a proposal that does, in fact, move the dairy industry to a more market-oriented system. If we look at it in contrast to the Gunderson proposal, we are setting up even more regulation under the Gunderson proposal. We set up a class 1 pool, we set up a class 4 pool, we set up a minimum price on fluid milk, we have set up national standards on solids. That is nothing that has anything to do with market orientation.

What Mr. SOLOMON and I are proposing is a transition away from the current government programs that has a methodical transition in reducing the support price on butter, powder, and cheese over the next 5 years. Under the Gunderson proposal, they take an approach which is going to cause distortions in the marketplace, because what do they do? They immediately eliminate the support price on butter and powder, but they maintain it on cheese. The private sector is going to respond, dairy producers are going to respond, processors are going to respond because they are going to move the product that is currently going into butter and powder into cheese. This creates a distortion in the marketplace that is going to be predicated on unsound principles that are part of the Gunderson proposal.

What the gentleman from New York [Mr. SOLOMON] and I are offering is a measure that will do more also for consumers. I do not think anyone here can argue that some of the figures that the gentleman from Wisconsin [Mr. GUNDERSON] was just bringing up that is going to increase dairy farm income is coming out of the pockets of consumers and taxpayers. If we are moving to a more market-oriented system, producers should be deriving their income not from the government, but from what the marketplace will offer them, and that is precisely what we are trying to provide.

This amendment also is one which has been identified by the U.S. Department of Agriculture to increase because it lowers a part, would increase the ability of U.S. dairy products to compete in world markets.

Mr. VOLKMER. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. PETERSON].

Mr. PETERSON of Minnesota. Mr. Chairman, as the gentleman from Wisconsin, Chairman GUNDERSON, said, we do have a bipartisan bill here that we have worked out on a long-time basis. STEVE GUNDERSON and I and others in the committee traveled this country for the last 2 years trying to put this thing together. We have huge regional fights within this industry, and we have an opportunity finally with this compromise to end those fights and put this industry on a more level playing field, to move us to a more market-oriented policy, and if there was any other easy solution, we would have come up with that solution during that 2-year period of time. We have been on every side of this issue, we have had the whole industry against us as we tried to do this, and this is a true compromise that will get us in the direction we need to go.

And the reason that we need this is that we have a lot of dairy producers in this country that are in big trouble. In our State we are losing three dairy farmers a day, and that is not because they are getting too much money for their milk. The fact of the matter is they are getting too little money for their milk, and this bill does increase their income, and it should increase their income, but it does it in a reasonable way that will be able to be dealt with in the marketplace.

We need to be clear about some of the people that are up arguing in favor of a more market-oriented plan. One of the gentlemen here from the State of California, they have a quota system. They have a system that is way away from the market, and then they stand up and have the gall to argue that we should move to a more market-oriented plan.

In our plan we tried to take the special concerns of California into account. I think we did that. I think we came up with a system where we can bring them in and put all of us on a level playing field. And now they come in around the back door.

Mr. Chairman, this compromise gets rid of a lot of these regional inequities that we have been dealing with over the last number of years. We are seeing the industry shift out of the Midwest into places like California because we had a system that is not fair, that has been the government skewing this and moving the industry because of an unlevel playing field, because of a system that was set up in 1985 as some people in this Congress and a backroom deal that got us into this mess, and this is the way out of it.

So please reject the Solomon amendment and support the committee compromise.

Mr. SOLOMON. Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the Committee on Appropriations and one of the most outstanding Members of this body.

Mr. LIVINGSTON. Mr. Chairman, on behalf of the approximately 450 farms in my district, with the approximate rate of 70 cows per farm, who are not worried about getting rich, they are just interested in staying alive, I rise in strong support of the Solomon-Dooley dairy substitute.

The initial savings that the gentleman from Wisconsin pointed to may have been the story as of maybe some time ago, but the rest of the story is that there are hidden costs.

By letter of February 27, 1996, just yesterday, CBO says that the dairy provisions of the committee bill increased food stamp outlays by $430 million. USDA, another letter of the same date, yesterday, says the dairy provisions of the committee bill increased the cost of food assistance programs like WIC by an estimated $1 billion for fiscal years 1997 through the year 2002. These costs were not subtracted when CBO initially scored the committee dairy proposal as achieving the $770 million in savings, and it means that once the hidden costs are appropriated that we will actually either have to cut appropriations for those programs or others, or else cut services, or possibly even appropriate $100 million more just to maintain current services for WIC in fiscal year 1997.

Now, to my southerners, I have to say the small dairy farmers are supporting the Solomon-Dooley amendment. They know the committee's proposal for a floor price for milk is just a narcotic. The small farmers know the floor price on milk is totally unacceptable to the Senate. Consumer groups, food dealer and manufacture organization, to taxpayers, and to conservative organizations like Heritage. State farm bureaus, the Small Dairy Farmers for the Southeast knew this when it was first proposed last December, they know it today. I have a long list of groups that support the Solomon-Dooley proposal, and I would incorporate that for the record and ask my friend from New York to circulate it around because there are lots and lots of organizations that know that unless this amendment passes the small dairy farmer is gone.

Mr. Chairman, I insert the following "Dear Colleague" correspondence:

DEAR COLLEAGUE:

Dairy producers, free market groups, consumer groups all agree, Solomon/Dooley is the only choice.

Solomon/Dooley: Does not raise consumer prices; phases out the price support in five years; eliminates the assessment dairy farmers pay; maintains the viability of our nation's dairy farmers; and promotes dairy farmer exports.

Dairy producer/farm groups support Solomon/Dooley: Alabama Farmers Association; New York State Department of Agriculture and Markets; Louisiana Farm Bureau; New York State Farm Bureau; Tampa Independent Dairy Farmers Association; Carolina/Virginia Milk Producers Association; Florida Dairy Farmers Association; Georgia Milk Producers; California Milk Producers; The Alliance of Western Milk Producers; Dairyman's Cooperative Creamery; Danish Creamery; San Joaquin Dairymen; Niagara Milk Cooperative; and Upstate Milk Cooperative.

Free Market Groups Support Solomon/Dooley: Americans for Tax Reform; Small Business Survival Committee; John Frydenlund, Heritage Foundation; and Association of Concerned Taxpayers.

Consumer Groups Support Solomon/Dooley: Public Voice; Community Nutrition Institute; Consumers Union; Center for Science in the Public Interest; and Consumer Alert.

Gunderson equals more Government, higher consumer prices; Solomon equals pro-market reform that's pro-dairy farmer.

There is only one choice: Support the Solomon/Dooley amendment.

Mr. GUNDERSON. Mr. Chairman, I yield a minute and a half to the gentleman from California [Mr. POMBO].

Mr. POMBO. Mr. Chairman, I rise today in support of H.R. 2854 and especially the dairy title. I am the first person to say that this dairy provision is not perfect; however, the Committee on Agriculture language is better than any other proposal we have seen in recent years and is certainly better than anything we will be voting on here tonight.

It is unfortunate that there has been such a high level of confusion and misinformation over this subject. The bottom line, however, is easy. The Committee on Agriculture language saves the taxpayer $770 million, which is about $420 million more than does the Solomon-Dooley amendment. At the same time the committee language, according to USDA, puts an additional $90 million in the pockets of California's dairy producers during the transition period, while the Solomon-Dooley amendment would cost the dairymen of my State $42.5 million. The Solomon-Dooley amendment would be a disaster for the American dairy farmer raising the average price for dairy farmers by 30 cents a hundredweight. While the dairy title would see a rise of 23 cents a hundredweight, the dairy title establishes a 2-year transition period during which the Department of Agriculture will develop and implement a reform dairy program. Should the dairymen of any order, including California, decide that they choose not to become a part of the Federal program as designed by USDA, then they have the right to vote themselves out. California could, if it chose, opt out of the Federal system and simply maintain the current system as they have now.

□ 2100

Mr. SOLOMON. Mr. Chairman, I yield such time as he may consume to the gentleman from New Mexico [Mr. SKEEN], another valuable member of the Committee on Appropriations.

Mr. SKEEN. Mr. Chairman, I rise in strong support of the Solomon amendment.

Mr. SOLOMON. Mr. Chairman, I yield 2 minutes to my good friend, the gentleman from western New York, Mr. BILL PAXON, another hardworking member of this committee.

Mr. PAXON. Mr. Chairman, I rise in strong support of the Solomon-Dooley amendment. Over the past year I have worked closely with Chairman SOLOMON on the dairy issue, and I want to thank him for his efforts on behalf of both consumers and dairy farmers, and for his leadership in crafting what is today a true compromise. The Solomon approach is a balanced plan that does not hurt dairy farmers and does not hurt consumers. That is why dairy farmers, free-market groups, and consumer groups have all come together in support of the Solomon-Dooley approach, this amendment.

This amendment has the support of the following farm and dairy farm organizations: the Alabama Farmers Association, the Louisiana Farm Bureau, the New York State Farm Bureau, the Florida Dairy Farmers Association, the Carolina-Virginia Milk Producers, the Alliance of Western Milk Producers, and the California Milk Producers. These farm groups and others realize that the Gunderson proposal is in fact a house of cards that will ultimately hurt both dairy farmers and consumers despite its lofty promises.

Second, Mr. Chairman, the Gunderson proposal in the farm bill is not the deregulation proposal he made last November. This bill proposes to mandate the addition of solids in fluid milk nationwide and increase the class I support level. What does that mean? Consumer prices go up. This is more regulation and Government intervention, not less. Manufacturing groups, small business groups, free-market groups, consumer groups, all oppose these dairy provisions.

Again, this Gunderson proposal is not the deregulation proposal offered in November. It is the Solomon-Dooley amendment that has the support of free-market and consumer groups from all across the political spectrum. It has, for example, the support of Americans for Tax Reform, the Association of Concerned Taxpayers, Public Voice, Consumers Union, and Consumer Alert. Solomon-Dooley is a bipartisan, profarmer, promarket, proconsumer amendment. I urge Members to support the Solomon-Dooley amendment.

Mr. VOLKMER. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, this farm bill is the worst agriculture bill in the last 30 years, and the Solomon amendment makes it worse, for two reasons. First of all, if you vote for the Solomon amendment, you are going to add $7 billion in financial burdens to farmers, and you are going to add a $400 million cost to the taxpayers. The amendment is a wondrous gift to the biggest processors in this country at the expense of dirt farmers.

Second, since 1934, under the ridiculous milk-marketing order system this country now has, if you are a farmer living in Florida, you get $3 more for every 100 pounds of milk you produce than if you live in the upper Midwest. That whole milk-marketing order system ought to be scrapped. The committee bill tries to do that in 2 years. It does not get there, but it at least tries.

The Solomon amendment continues this ridiculous system for an additional 2 years. That alone is reason enough to vote against it. If you believe in the dignity of work, I dare you to look a Midwestern farmer in the eye and tell him that the dignity of his work is worth 30 percent less than the dignity of the work of another farmer simply because of where he lives. There is no reason in terms of fairness to vote for the Solomon amendment. Vote against the amendment, and then vote against the bill itself. They are both turkeys.

Mr. SOLOMON. Mr. Chairman, I yield 1 minute to my good friend, the gentleman from New York [Mr. TOWNS]. We just heard from a Democrat from Wisconsin. Let us hear from a Democrat from New York.

Mr. TOWNS. Mr. Chairman, I rise in support of the Solomon-Dooley substitute. This substitute will not, and I repeat, will not increase consumer costs or add unnecessary regulations on the dairy industry. During a time when entitlements such as food stamps and other child nutrition programs are being cut back and streamlined, it appears only logical that the Solomon-Dooley substitute would be adopted.

Unlike the committee's dairy provisions, the substitute will not increase dairy product costs. In fact, it will save $350 million, and will not require milk solids to be added to fresh milk. Parents and children who depend on WIC and school lunches should not have to be concerned about the freshness of milk or its increased cost. I urge my colleagues to support this sensible amendment. Do not listen to the numbers that they are just grabbing out of the air. This is a cost-saving amendment and is the right thing to do.

Mr. GUNDERSON. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. CAMP].

Mr. CAMP. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise to oppose the amendment. One thing we cannot forget in the debate over dairy is that American dairy farmers are ready and willing to fight for a bigger share of international markets. This bill gives them the immediate tools to do that. This compromise immediately removes butter and nonfat dry milk from price supports. Removing these supports will free dairy farmers to take advantage of growing overseas markets. Currently, butter and nonfat dry milk markets are strong and growing, and our dairy farmers are ready to compete. I have heard from farmers in Michigan and they are ready to go. However, retaining domestic price supports, as the Solomon amendment does, would allow foreign competitors to undercut American dairy farmers in international markets. The 5-year phaseout of these price supports in the Solomon amendment would only hold them back. I urge opposition to the Solomon amendment.

Mr. SOLOMON. Mr. Chairman, I would say, to the contrary, the Solomon amendment fully funds the incentive program for export in this bill, according to the Secretary of Agriculture.

Mr. Chairman, I yield 1 minute to my good friend, the gentleman from Georgia, Mr. CHARLIE NORWOOD.

Mr. NORWOOD. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, we continue to hear how Wisconsin dairy farmers got a raw deal back in the 1985 farm bill, and how dairy farmers in other parts of the country are doing better at their expense.

Well, we need to take a look at the facts. The Department of Agriculture statistics on dairy farmers take-home pay show that Wisconsin farmers are doing better than the majority of farmers in the rest of the country.

Now we are being asked to take the income of those other dairy farmers across America and transfer it to dairy farmers in Wisconsin through pooling profits in fluid milk.

That's not only wrong, but it would be disaster for many small family farms. The amount of income-transfer called for in the House dairy title is larger than the total profit margins of many of those small farmers, and would flat put them out of business.

Mr. Chairman, this issue points out far too well what happens when the Federal Government starts tampering with the economy. We end up with Americans pitted against each other in the fight over who benefits most from the largesse and special advantages granted by Washington. We cannot change these systems overnite, but it is high time we got started.

We need to stop playing Big Brother by taking money out of one farmer's pocket and putting it in another's. Karl Marx would have been mighty proud of that concept.

There is a reasonable alternative to this problem of fluid milk profits, that has the support of Members on both sides of the aisle.

The Solomon-Dooley dairy substitute amendment addresses the fluid milk issues in the dairy title in a way that is fair to the whole country.

I urge you to support fair play for dairy farmers in all 50 States by voting for the Solomon-Dooley amendment.

Mr. VOLKMER. Mr. Chairman, I would like to take just a minute to announce that this will be the last amendment we will be voting on this evening. I will not be offering the amendment that I did not ask for from the Committee on Rules.

Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Chairman, over the last 20 minutes, Minnesota's dairy farms have seen half of their numbers cease operations. In my district half of the dairy farms closed their doors. That is 1,500 dairy farms. They were dairy farms. They used to be families.

If the Solomon amendment becomes law, more Midwest dairy families will be driven off the land because the Solomon amendment will increase the price of Northeast milk, widen the disparity in regional milk prices, disadvantage Midwest dairy farmers, without real marketing reform.

In our upper Midwest milk shed area, the average price dairy farmers were paid in 1994 was less than they were paid in 1980. The principle driving force behind that gaping price disparity and the loss of dairy farms in east-central Minnesota, in my district and elsewhere in my region, is the unfair, unbalanced, protectionist milk marketing order system. If you believe in a free market, get rid of the milk marketing orders. All you do is benefit some parts of the country and disadvantage others.

The Gunderson plan in this bill is far from my ideal of real reform, but it is realistic, it is a workable step. We are moving in the right direction toward milk market order reform and consolidation. It moves the dairy sector toward a uniform national pricing system. The Solomon amendment is not reform, it is regional protectionism. We ought to vote it down.

Mr. GUNDERSON. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. LEWIS].

Mr. LEWIS of Kentucky. Mr. Chairman, the committee achieves the reforms needed in dairy policy, just as H.R. 2854 does for all other commodities it affects. Again, dairy farmers are meeting their responsibility in helping to balance the Federal budget, but they need the committee reforms to the dairy program to meet that responsibility and to make a profit milking cows.

The committee bill saves $76 million in over 7 years. That is $400 million more than the Solomon-Dooley amendment. The dairy industry wants to become more market-oriented, and the committee bill allows them to accomplish that during a 2-year transition period, the shortest transition period included in the farm bill. The committee bill consolidates orders, reforms pricing, phases down support price over 5 years, and provides a safety net for the thousands of dairy farm families across this Nation.

Mr. Chairman, I met with two groups of dairy farmers from my district last week concerning the committee bill. These hardworking family farmers, who only want an opportunity to make a living for their family and be successful in dairy farming, they believe the committee bill is the way to go. I ask that my colleagues defeat this amendment.

Mr. SOLOMON. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. BAKER], another very valuable Member of this body.

Mr. BAKER of California. Mr. Chairman, here it is. Here is the phaseout of the farm programs. Follow it along, folks. This is what the kinder and gentler new Congress is going to do to get your hand out of the taxpayers. They have succeeded partly. They got their hand out of the taxpayers, and they put them into the consumer bigtime. The Gunderson provision makes a bad policy worse.

The Heritage Foundation says fluid milk prices to consumers are likely to increase by roughly 50 cents per gallon. The USDA estimates the increase to consumers at between 17 cents and 24 cents per gallon. Americans for Tax Reform supports the Solomon amendment, designates it a key vote for this year. Unlike Gunderson, the Solomon amendment will not increase dairy prices. It immediately reduces the current support price by 20 cents, and then 10 cents a year, a kinder and gentler freedom to farm.

Unlike Gunderson, the Solomon amendment will not create new bureaucratic pooling mechanisms. Unlike Gunderson, the Solomon amendment will not mandate expensive milk fortification. The CBO estimates private sector mandates at $800 million to $1.1 billion.

The following California groups support the Solomon amendment: The Alliance of Western Milk Producers, Dairy Institute of California Berkeley Farms, Brown Car Farm, Antioch, California, San Joaquin Valley Dairymen, Jersey Maid Milk Products, Chase Brothers Dairy, and 30 more.

The following groups oppose the Gunderson amendment: Americans for Tax Reform, Citizens Against Government Waste, Consumers Union, National Taxpayers Union, Consumer Alert, and representatives from Cato Institute and the Heritage Foundation.

□ 2115

Please, I urge my colleagues, join me in voting for the Solomon amendment, the only dairy reform provision available.

Mr. GUNDERSON. Mr. Chairman, I yield myself 10 seconds.

I just want to point out that we turn over the pricing system to the USDA over the next 2 years. I do not know how he has got a chart, because it has not been done yet.

With that, Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan [Mr. SMITH], our distinguished colleague on the committee.

Mr. SMITH of Michigan. Mr. Chairman, I will try to explain what is happening.

I am for a free market. If you are for a free market for dairy farmers and dairy products, then you vote against the Solomon amendment. The producers organizations across the country from coast to coast have now endorsed the committee version of this bill. They do it because they go to a free market.

Why some are nervous about the increase in price is because immediately under the committee bill we take away government purchases of powder and butter. That means that under the GATT negotiations, farmers can take advantage of export markets.

There is some fear that if farmers take advantage of export prices, the price of milk might go up.

If we are after a free market, what we do is vote down the Solomon amendment and get government out of the hair of the dairy farmers of this country. They are having a very difficult time surviving. If we do not get this bill passed, I say that many of the dairy farmers in my district are going to give up the ghost and go out of business.

Let us just review the organizations that support this: Nationally, the NFO, NFU, National Farm Bureau, again essentially every producer organization; a few in California do not support the bill. The California program is unique.

I urge you to look at a free enterprise system that is going to maintain a dairy industry in the United States that is going to satisfy our needs and not evolve into a situation where we have to depend on imports for milk.

Mr. SOLOMON. Mr. Chairman, I yield 1 minute to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, these are two provisions, two amendments that, in my judgment, support the dairy industry. This Solomon amendment is better. It appeals to a broad spectrum of the industry, consumer groups, free market groups, because this provision saves real money. It gets the Federal Government out of price support on a date certain. And most importantly, it does not pit one region against the other.

What we are doing here is a compromise, and like all good compromises, all sides will be able to live with it. This is a good provision. It is fairer than the other one. It is one that the industry can support, and, more importantly, it does not put the West against the Midwest, and it is a provision that deserves this House's support.

I support the Solomon-Dooley amendment because it will give United States dairymen the opportunity to compete in international markets.

Just like we should do what is best by maintaining the peanut program we should maintain the reforms in our current dairy system by supporting the Solomon-Dooley amendment.

Our American dairymen can produce milk more efficiently than any other country in the world. In recent years we have made other countries open their markets through trade agreements like NAFTA and GATT. Now we must give our dairymen the tools to compete for that international business.

I think the Solomon-Dooley amendment also protects our domestic milk market to make sure other countries do not take over our dairy market.

This is a critical time for US dairies. They will either choose to limit the milk we consume in the United States or produce more milk products to be sold to other countries which produces jobs in the United States.

The policies that have transitioned the dairy industry toward a greater market-orientation over the past ten years should continue. The Solomon-Dooley amendment continues creating opportunities for the American dairy industry.

Vote "yes" on Solomon-Dooley.

Mr. VOLKMER. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I would say I have to smile every time I hear the consumer argument made, because in this country, everyone knows that we are blessed with the most abundant food supply, the best quality of food, the safest food supply at the lowest cost to our consumer of any other country in the world. No one comes close to us.

Today, our dairymen need a raise. In 1984, dairy farmers received $13.61 a hundred, and a half gallon of milk cost $1.13. In 1994, the farmers received $13.02 a hundred, and a half gallon of milk cost $1.44.

The Solomon amendment will reduce dairy farm income over the next 7 years by $4 billion. The committee bill that the gentleman from Wisconsin [Mr. GUNDERSON] and the gentleman from Minnesota [Mr. PETERSON] and others have worked hard in numerous hearings will add $3.4 billion. It is not an unreasonable raise.

I hear a lot about how much it is going to cost. The true figure is 6 cents per week. We hear a lot about the additives that are going to be added to our milk. Solids, not fat, are primarily protein and calcium. Read the health concerns of so many men and women today. Current Federal standards for class 1 milk requires less protein and calcium than the average cow produces.

California has had it right for all of these years. What we are suggesting now is let the cow do her work. Let the people consume the milk that the cow produces, or at least a little closer than what we have been used to.

We hear all of this about the Federal regulations. That was laughable. As the gentleman from Wisconsin [Mr. GUNDERSON] pointed out, we have not done it yet. But what he is doing in this amendment, we are taking 33 Federal orders and reducing it down to 13. That is 20 less regulatory bodies. If that is not deregulation, if that is not dealing with the cost.

Now, the gentleman from Louisiana [Mr. LIVINGSTON] pointed out rightfully there are some problems with some of the feeding programs. But this bill saves $770 million. Dairy farmers have always been willing to share with those less fortunate.

Mr. SOLOMON. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Florida [Mrs. THURMAN], one of the distinguished Members of this body from my former home State.

Mrs. THURMAN. Mr. Chairman, I thank the gentleman for yielding me this time.

I cannot support the dairy title of this bill, for one major reason: It is going to drain income unnecessarily from my region. That is why I am supporting the Solomon-Dooley amendment.

Dairy farmers in Florida are hurt by the Class 1 pool. The result, income will be shifted from Florida dairy farmers to other regions.

In addition, Florida consumers are hurt in two ways. The general consumer is hurt by the requirement for added solids. This requirement will increase the cost of fluid milk in those regions that will have to import the solids to add to local milk. That added cost will be passed on to consumers. Whether it is 40 cents a gallon or 40 cents a week is not important. What is important is that these price increases are not necessary.

I now want to address my urban colleagues on my side of the aisle. Last year, we fought together against an unfair welfare reform plan that hurt the needy. The dairy title increases the cost of WIC and reduces the benefits of food stamps and other nutrition programs that utilize milk by $1 billion. This amounts to a program reduction, in addition to whatever other changes may be included in the next welfare reform plan.

The only alternative before us today is the Solomon-Dooley amendment. It hurts neither the dairy farmer nor the milk consumer. Join me in supporting this sensible alternative.

Mr. GUNDERSON. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from California [Mr. CALVERT].

Mr. CALVERT. Mr. Chairman, there are about 350,000 milk cows in my area of California. I probably have more milk cows in my district than my good friend, the gentleman from the State of New York.

I was in favor of deregulating the entire dairy program, as many people here would like to do. But my friend was opposed to that. That is where we are at today.

The Gunderson compromise is the best compromise that we have, so I hope my colleagues will join me and the California Farm Bureau, National Farm Bureau, and my local producers, and it is the largest producing area in the United States, in opposing Solomon-Dooley.

Mr. VOLKMER. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas [Mr. DE LA GARZA], the former chairman of the Committee on Agriculture, a member who has stood on this floor many times in the name of helping farmers all over the United States, who has traveled extensively throughout the United States in behalf of farmers and now would like to make another speech in behalf of dairy farmers.

Mr. DE LA GARZA. Mr. Chairman, I thank the gentleman for yielding this time to me.

My colleagues, this will be the last time that I participate in any debate on the farm bill and on the dairy program.

I have suffered with the dairy program all of my years on the Committee on Agriculture as chairman of the committee, but somehow in the final event, we come out with what is possible. Legislation is the art of the possible, not the extreme one side, not the extreme the other side. I have seen it all as it rolled by the years that I have been here.

In this case, I will support the gentleman from Wisconsin [Mr. GUNDERSON], because I think it falls more closely to what has been the model through the years. We look for the consumer, we look for the farmers, and it partly a sad occasion that I say this will be the last time that I participate in a debate of this kind on dairy, but I think that my final decision to support Mr. GUNDERSON follows the experience which I have had through the years.

But I have said what I needed to say, that with all due respect to my dear friend from New York, with all respect to my dear friend from California, as I go back through the years, I assess all of the models, all of the areas, all of the novel and innovative, you have got to come with what is possible, and I think this is the art of the possible, what is possible this day, this hour, this very minute, and I would hope that my colleagues would support the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. VOLKMER. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. BROWN], who has a strong interest in dairy.

Mr. BROWN of California. Mr. Chairman, I do not pretend to speak with the expertise that the chairman just spoke with. But I want to speak in support of the provisions authored by the gentleman from Wisconsin [Mr. GUNDERSON].

My experience has been with the very large dairy industry in southern California. I know that this is the provision which best meets their needs, and I am here to indicate to you that I think that this would be best for all of the American dairy industry, although it is not a perfect bill or a perfect provision, as we all know, and I hope that we can keep those provisions in the bill and not support the Solomon amendment.

Mr. SOLOMON. Mr. Chairman, I yield myself such time as I may consume.

Let me say to the gentleman from Texas, KIKA DE LA GARZA, there is only one, and we sure are going to miss you. I am sorry you are not going to be able to be here tomorrow.

Mr. Chairman, I yield 30 seconds to the gentleman from New York [Mr. BOEHLERT] a distinguished Member of this body.

Mr. BOEHLERT. Mr. Chairman, I rise in support of the Solomon-Dooley amendment. It is a win-win situation. It is good for farmers. It eliminates the assessment they pay into the price support program. That is a well-deserved break.

It is good for farmers because it maintains the milk marketing orders, incidentally, milk marketing orders they pay for, not the taxpayers.

It is good for farmers because it will keep them competitive. It is good for farmers because it fully funds the dairy export incentive program, which is extremely important for trade in our dairy farmers' future expansion. That is good for our balance of payments.

This proposal is good for the taxpayers because it gets the Government out of the price support business, and it is good for consumers because it accomplishes all of this without raising consumer costs or increasing Government regulations.

□ 2130

Mr. VOLKMER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would first like to say that I support the work of the gentleman from Wisconsin, the chairman of the subcommittee, Mr. GUNDERSON, on the dairy title. I strongly oppose the provision of the gentleman from New York [Mr. SOLOMON].

I would like to recommend and make a suggestion: As one who is also past chairman of this subcommittee and has worked on this same problem for years and did not get to the successful conclusion as the gentleman from Wisconsin, that the savings that are made by the dairy title in the bill, approximately $700 million, can easily then be used to offset the cost to the WIC Program and to the Food Stamp Program.

Is there any reason that cannot be done in conference? I see none. That should allay the fears of those feel that the Gunderson provision would increase the cost and stop people from benefiting from those programs. It will not, because those savings can be used to offset those costs. Therefore, I strongly support the Gunderson proposal.

Mr. SOLOMON. Mr. Chairman, let us go from New York all the way out to California. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California [Mr. THOMAS].

Mr. THOMAS. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I imagine people trying to follow this who do not understand the dairy programs or agriculture programs are somewhat thoroughly confused right now. I will try to simplify it. This is about whose ox gets gored, or, more appropriately, whose milk cow dries up.

Let me ask a question: If you have ever seen the University of Wisconsin basketball team, and they pan the student body, are those students wearing powdered milk hats, butter hats, or cheese hats? Guess what happens in this program supported by the Committee on Agriculture? Powdered milk phases out immediately; butter phases out immediately; cheese does not.

Now, I am not standing up here saying that I do not have a cow in the corral. Since 1961, California decided on its own, without trying to affect the rest of the country, we wanted to fortify our milk. Up until recently, we did what we wanted to do and left the rest of the country alone.

What has occurred over the last several years is that California cannot do what it wants to do anymore. Here is a Federal court order telling California that they cannot enforce their own milk solid standards.

There is no guarantee in the committee bill that we can do what we want to do. There is a guarantee in the Solomon bill. We do not want to impose it on the rest of the country; we just want to do what we want to do. Fundamentally, you have heard it over and over again. Senator LUGAR has said it is crazy. This program in the Committee on Agriculture goes toward more control, when the whole thrust of the agriculture bill in all the other areas is towards less control. The Secretary of Agriculture has said $1 billion more. We have already heard the negotiations on the floor. "Can we move some of the money that is going to the producers under this to help the WIC Program or to help the Food Stamp Program?" Already the negotiations are beginning.

You do not need to go into that kind of horse trading if you support the Solomon-Dooley amendment. It is an excellent, excellent revision to an otherwise good bill.

Mr. SOLOMON. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from New York is recognized for 1 minute.

Mr. SOLOMON. Mr. Chairman, the first think I wanted to do is commend the gentleman from Wisconsin, STEVE GUNDERSON. He certainly has done yeoman work in his authority as the chairman of the Subcommittee on Livestock, Dairy, and Poultry, and, STEVE, we all appreciate your work over the years.

Having said that, Mr. Chairman, I would implore Members to vote for the Solomon-Dooley amendment. This amendment does not cost the farmers anything, it does not cost the consumers anything. It once and for all does away with all Government subsidies of the dairy industry. Let us do that throughout all of the Committee on Agriculture and let us let the farm system work. Above that, it does not cost the consumer a nickel.

This is a fair amendment. It preserves milk marketing orders throughout this country on a regional basis so that farmers, small and large, can stay in business. In my area they are going out of business by the droves. They are the backbone of America.

The way to help them is to vote for the Solomon amendment. It is the one that will be accepted by the Senate and the President, and will become law.

Mr. GUNDERSON. Mr. Chairman, to close this debate, I yield the balance of my time to the distinguished gentleman from Kansas [Mr. ROBERTS], the Chairman of the full Committee on Agriculture.

The CHAIRMAN. The gentleman from Kansas is recognized for 2 minutes.

Mr. ROBERTS. Mr. Chairman, I thank the gentleman for yielding me time. I say to the gentleman from New York [Mr. SOLOMON], semper fi.

Mr. Chairman, I do not know of any Member who has worked harder and persevered more and put up with more and received more brickbats for his efforts than STEVE GUNDERSON. I would hope the Chair would not take that very well deserved applause out of my time.

Mr. Chairman, many Members look at this issue with very parochial interests, and that is the nicest way that I can put it. STEVE GUNDERSON loses more cows in his district every year than they have. He has worked harder and longer to achieve true dairy policy reform than anyone else; 10,000 traveled miles to conduct the field hearings.

Now, it is a fact of life, nobody is ever going to be happy or satisfied with any dairy provision. My suggestion is when we go to the conference on dairy, we hold it in Sarajevo.

But the committee language, and I am a little tired of trying to push this rope to try to get all of the dairy regions to work together, but the committee language represents the greatest amount of dairy program reform in its history.

The gentleman from Texas [Mr. STENHOLM] said it right: In terms of farm income, we increase dairy farmer income by $4 billion. The gentleman from New York [Mr. Solomon] and the gentleman from California [Mr. DOOLEY] cut dairy income by $3.7, a difference of $7.7 billion.

We save more money. We eliminate two-thirds of the Federal milk marketing orders. With the committee bill, we are able to allow the dairy industry to compete in the international marketplace. It removes butter and powder from price supports immediately. The other folks keep that over a period of time.

The Committee on Agriculture's dairy plan, with its subcommittee chairman, who has worked harder than any other individual on this farm bill that I know, is the clear choice for dairy farmers all throughout the Nation. Please support the committee. Support Mr. GUNDERSON and the committee's plan.

Mr. KIM. Mr. Chairman, I rise in opposition to the Solomon amendment because the majority of dairy farmers in my district support the dairy reform plan already in the farm bill.

I believe the farm bill is the best plan for reforming dairy programs for several reasons.

First, the Congressional Budget Office has scored the farm bill's dairy program as saving $767 million over 7 years. That is considerably more than the Solomon amendment's $337 million in savings.

The farm bill does this by eliminating price supports for butter and powdered milk immediately. We save millions of dollars by this provision alone.

The Solomon amendment slightly reduces price supports for all milk products and then eliminates them completely after 5 years. By keeping all the price supports in place for several years, this proposal spends more money than the farm bill.

Second, the farm bill requires the USDA to develop a new dairy program that will bring the dairy industry into a competitive market system over the next 3 years. To make sure this happens, our bill has a tremendous incentive for the dairy industry to work with the USDA and develop a market based program. If this program is not agreed upon in 2 years, then the existing dairy program expires. Now that's a powerful incentive to reform the program.

Third, the farm bill protects dairy farmers in my district while the program is being changed to a market-based system. During the 2-year transition period, the farm bill provides a floor price for fluid milk.

Furthermore, the bill provides an important safety net for dairy farmers by keeping a price support program for cheese. Farmers in my district are willing to give up price supports for butter and powder milk tomorrow, but they need some level of protection. Under the bill, the cheese price supports would continue, but at a lower level each year.

Finally, the farm bill adopts California's standards for fluid milk throughout the country. For over 25 years Californians have enjoyed the nutritional benefits of California milk. This is a critical point for my constituents, and I support the farm bill because it keeps California's higher milk standards.

In short, I believe the dairy provisions of the farm bill is the best approach to reforming dairy programs and moving the industry to a market-based system. Ultimately, that is in the best interests of the taxpayer, consumers, and the dairy farmers.

I urge my colleagues to support the dairy provisions of the farm bill and to oppose the Solomon amendment.

Mr. NADLER. Mr. Chairman, I rise in support of the Solomon amendment. This amendment will keep dairy products affordable for the American consumer and at the same time provide a smooth transition for dairy farmers to a largely free market system, all at little or no cost to the American taxpayer.

Under the bill before us today, the price for a gallon of milk would increase 40 to 50 cents; the price of cheese and other dairy products would increase as well. Under the Solomon amendment, the price of milk and other dairy products would be largely unchanged.

In addition, the bill before us would increase the cost of the Child Nutrition and Food Stamp Programs by $1 billion over the next 6 years, according to the Agriculture Department's chief economist. The Women, Infant, and Children Feeding Program, or WIC, would have to reduce the average number of monthly recipients by 80,000 in 1997 and an additional 30,000 in later years to recoup the increased cost of dairy products. The Solomon amendment would keep dairy prices down, allowing the WIC, School Lunch, and Food Stamp Programs to function at at least minimal levels in an era of budgetary cuts and block grants.

I urge my colleagues to support the women, infants, children, consumers and farmers of this country. Keep dairy prices affordable and vote "yes" on the Solomon amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York, Mr. SOLOMON.

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SOLOMON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 258, noes 164, answered "present" 1, not voting 8, as follows:

[Roll No. 36]

AYES—258

Ackerman
Allard
Andrews
Bachus
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barr
Barton
Bass
Bateman
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Borski
Browder
Brown (FL)
Brown (OH)
Burr
Buyer
Callahan
Campbell
Canady
Cardin
Castle
Chabot
Christensen
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Collins (GA)
Condit
Conyers
Cox
Coyne
Cramer
Crane
Cremeans
Cunningham
Davis
Deal
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dixon
Doggett
Dooley
Dornan
Doyle
Dreier
Duncan
Durbin
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Everett
Farr
Fattah
Fazio
Fields (LA)
Fields (TX)
Flake
Flanagan
Foglietta
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gejdenson
Gekas
Gilman
Goodlatte
Goss
Graham
Gutierrez
Hall (OH)
Hamilton
Hancock
Harman
Hastert
Hastings (FL)
Hayes
Hefley
Hefner
Heineman
Hilleary
Hilliard
Hinchey
Holden
Hostettler
Houghton
Hutchinson
Hyde
Inglis
Istook
Jacobs
Jefferson
Johnson, Sam
Jones
Kanjorski
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
King
Kingston
Klink
Knollenberg
LaFalce
Lantos
Largent
LaTourette
Lazio
Leach
Lewis (GA)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Lofgren
Longley
Lowey
Maloney
Manzullo
Martinez
Martini
Mascara
Matsui
McCollum
McCrery
McDermott
McHale
McHugh
McInnis
McIntosh
McNulty
Meehan
Meek
Menendez
Meyers
Mica
Miller (CA)
Miller (FL)
Moakley
Molinari
Moran
Morella
Murtha
Myrick
Nadler
Neal
Ney
Norwood
Olver
Ortiz
Owens
Packard
Pallone
Parker
Paxon
Payne (NJ)
Payne (VA)
Peterson (FL)
Pickett
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Rangel
Reed
Richardson
Ros-Lehtinen
Roukema
Roybal-Allard
Rush
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Schumer
Scott
Seastrand
Serrano
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Slaughter
Smith (NJ)
Solomon
Souder
Spence
Spratt
Stearns
Stockman
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thurman
Tiahrt
Torkildsen
Torres
Towns
Velazquez
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Wynn
Yates
Young (FL)
Zeliff
Zimmer

NOES—164

Abercrombie
Archer
Armey
Baesler
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bentsen
Bonilla
Bonior
Bono
Boucher
Brewster
Brown (CA)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burton
Calvert
Camp
Chambliss
Chapman
Chenoweth
Chrysler
Coburn
Coleman
Collins (MI)
Combest
Cooley
Costello
Crapo
Cubin
Danner
de la Garza
DeFazio
DeLay

Dickey
Dingell
Doolittle
Dunn
Edwards
Ehlers
Emerson
Ewing
Fawell
Filner
Ford
Frost
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gonzalez
Goodling
Gordon
Green
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayworth
Herger
Hobson
Hoekstra
Hoke
Horn
Hoyer
Hunter
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kaptur
Kasich
Kildee
Kim
Kleczka
Klug
Kolbe
LaHood
Latham
Laughlin
Levin
Lewis (CA)
Lewis (KY)
Lipinski
Lucas
Luther
Manton
McCarthy
McDade
McKeon
Metcalf
Minge
Mink
Mollohan
Montgomery
Moorhead
Myers
Nethercutt
Neumann
Nussle
Oberstar
Obey
Orton
Oxley
Pastor
Pelosi
Peterson (MN)
Petri
Pombo
Pomeroy
Poshard
Rahall
Ramstad
Regula
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Roth
Royce
Sabo
Sanders
Sawyer
Schroeder
Sensenbrenner
Shadegg
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Stenholm
Stump
Stupak
Tanner
Tejeda
Thompson
Thornberry
Thornton
Torricelli
Traficant
Upton
Vento
Volkmer
Ward
Waters
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Young (AK)

ANSWERED "PRESENT"—1

Riggs

NOT VOTING—8

Collins (IL)
Furse
Markey
McKinney
Rose
Stark
Stokes
Studds

□ 2157

The Clerk announced the following pair:

On this vote:

Mrs. Collins of Illinois for, with Ms. Furse against.

Mr. FATTAH, Mr. LAZIO of New York, and Ms. BROWN of Florida changed their vote from "no" to "aye."

Miss COLLINS of Michigan, Mr. HAYWORTH, and Mr. SAWYER changed their vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 104-463.

The Chair understands the gentleman from Missouri [Mr. VOLKMER] is not desiring to offer amendment No. 4.

It is now in order to consider amendment No. 8 printed in House Report 104-463.

AMENDMENT OFFERED BY MR. BOEHLERT

Mr. BOEHLERT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BOEHLERT:

Strike title III (page 118, line 18, through page 128, line 12) and insert the following:

TITLE III—CONSERVATION

SEC. 301. CONSERVATION.

(a) FUNDING.—Subtitle E of title XII of the Food Security Act of 1985 (16 U.S.C. 3841 et seq.) is amended to read as follows:

"Subtitle E—Funding

"SEC. 1241. FUNDING.

"(a) MANDATORY EXPENSES.—For each of fiscal years 1996 through 2002, the Secretary shall use the funds of the Commodity Credit Corporation to carry out the programs authorized by—

"(1) subchapter B of chapter 1 of subtitle D (including contracts extended by the Secretary pursuant to section 1437 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624; 16 U.S.C. 3831 note));

"(2) subchapter C of chapter 1 of subtitle D; and

"(3) chapter 4 of subtitle D.

"(b) ENVIRONMENTAL QUALITY INCENTIVE PROGRAM.—For each of fiscal years 1996 through 2002, $200,000,000 of the funds of the Commodity Credit Corporation shall be available for providing technical assistance, cost-sharing payments, and incentive payments for practices authorized under the environmental quality incentive program under chapter 4 of subtitle D. At least 50 percent of the funds made available under this subsection for a fiscal year shall be used to provide technical assistance, cost-sharing payments, and incentive payments under such chapter relating to livestock production.".

(b) ENVIRONMENTAL QUALITY INCENTIVE PROGRAM.—Subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3830 et seq.) is amended by adding at the end the following:

"CHAPTER 4—ENVIRONMENTAL QUALITY INCENTIVE PROGRAM

"SEC. 1240. DEFINITIONS.

"In this chapter and section 1241:

"(1) LAND MANAGEMENT PRACTICE.—The term 'land management practice' means a site-specific nutrient or manure management, integrated pest management, irrigation management, tillage or residue management, grazing management, or other land management practice that the Secretary determines is needed to protect, in the most cost effective manner, water, soil, or related resources from degradation.

"(2) LIVESTOCK.—The term 'livestock' means mature livestock, dairy cows, beef cattle, laying hens, turkeys, swine, sheep, and such other animals as determined by the Secretary.

"(3) PRODUCER.—The term 'producer' means a person who is engaged in livestock or agricultural production (as defined by the Secretary).

"(4) STRUCTURAL PRACTICE.—The term 'structural practice' means—

"(A) the establishment of an animal waste management facility, terrace, grassed waterway, contour grass strip, filterstrip, tailwater pit, or other structural practice that the Secretary determines is needed to protect, in the most cost effective manner, water, soil, or related resources from degradation; and

"(B) the capping of abandoned wells.

"SEC. 1240A. ESTABLISHMENT AND ADMINISTRATION OF ENVIRONMENTAL QUALITY INCENTIVE PROGRAM.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—During the 1996 through 2002 fiscal years, the Secretary shall provide technical assistance, cost-sharing payments, and incentive payments to producers who enter into contracts with the Secretary, through an environmental quality incentive program.

"(2) ELIGIBLE PRACTICES.—

"(A) STRUCTURAL PRACTICES.—A producer who implements a structural practice shall be eligible for technical assistance or cost-sharing payments, or both.

"(B) LAND MANAGEMENT PRACTICES.—A producer who performs a land management practice shall be eligible for technical assistance or incentive payments, or both.

"(3) ELIGIBLE LAND.—Assistance under this chapter may be provided with respect to land that is used for livestock or agricultural production and on which a serious threat to water, soil, or related resources exists, as determined by the Secretary, by reason of the soil types, terrain, climatic, soil, topographic, flood, or saline characteristics, or other factors or natural hazards.

"(4) SELECTION CRITERIA.—In providing technical assistance, cost-sharing payments, and incentive payments to producers in a region or watershed, the Secretary shall consider—

"(A) the significance of the water, soil, and related natural resource problems; and

"(B) the maximization of environmental benefits per dollar expended.

"(b) APPLICATION AND TERM.

"(1) IN GENERAL.—A contract between a producer and the Secretary under this chapter may—

"(A) apply to 1 or more structural practices or 1 or more land management practices, or both; and

"(B) have a term of not less than 5, nor more than 10, years, as determined appropriate by the Secretary, depending on the practice or practices that are the basis of the contract.

"(2) DUTIES OF PRODUCERS AND SECRETARY.—To receive cost-sharing or incentive payments, or technical assistance, participating producers shall comply with all terms and conditions of the contract and a plan, as established by the Secretary.

"(c) STRUCTURAL PRACTICES.—

"(1) COMPETITIVE OFFER.—The Secretary shall administer a competitive offer system for producers proposing to receive cost-sharing payments in exchange for the implementation of 1 or more structural practices by the producer. The competitive offer system shall consist of—

"(A) the submission of a competitive offer by the producer in such manner as the Secretary may prescribe; and

"(B) evaluation of the offer in light of the selection criteria established under subsection (a)(4) and the projected cost of the proposal, as determined by the Secretary.

"(2) CONCURRENCE OF OWNER.—If the producer making an offer to implement a structural practice is a tenant of the land involved in agricultural production, for the offer to be acceptable, the producer shall obtain the concurrence of the owner of the land with respect to the offer.

"(d) LAND MANAGEMENT PRACTICES.—The Secretary shall establish an application and evaluation process for awarding technical assistance or incentive payments, or both, to a producer in exchange for the performance of 1 or more land management practices by the producer.

"(e) COST-SHARING, INCENTIVE PAYMENTS, AND TECHNICAL ASSISTANCE.—

"(1) COST-SHARING PAYMENTS.—

"(A) IN GENERAL.—The Federal share of cost-sharing payments to a producer proposing to implement 1 or more structural practices shall not be greater than 75 percent of the projected cost of each practice, as determined by the Secretary, taking into consideration any payment received by the producer from a State or local government.

"(B) OTHER PAYMENTS.—A producer shall not be eligible for cost-sharing payments for structural practices on eligible land under this chapter if the producer receives cost-sharing payments or other benefits for the same land under chapter 1, 2, or 3.

"(2) INCENTIVE PAYMENTS.—The Secretary shall make incentive payments in an amount and at a rate determined by the Secretary to be necessary to encourage a producer to perform 1 or more land management practices.

"(3) TECHNICAL ASSISTANCE.—

"(A) FUNDING.—The Secretary shall allocate funding under this chapter for the provision of technical assistance with respect to non-Federal lands according to the purpose and projected cost for which the technical assistance is provided for a fiscal year. The allocated amount may vary according to the type of expertise required, quantity of time involved, and other factors as determined appropriate by the Secretary. Funding shall not exceed the projected cost to the Secretary of the technical assistance provided for a fiscal year.

"(B) OTHER AUTHORITIES.—The receipt of technical assistance under this chapter shall not affect the eligibility of the producer to receive technical assistance under other authorities of law available to the Secretary.

"(C) PRIVATE SOURCES.—The Secretary shall ensure that the process of writing and developing proposals and plans for contracts under this chapter, and of assisting in the implementation of structural practices and land management practices covered by the contracts, are open to individuals in agribusiness, including agricultural producers, representatives from agricultural cooperatives, agricultural input retail dealers, and certified crop advisers. The requirements of this subparagraph shall also apply to any other Department program using incentive payments, technical assistance, or cost-share payments and to pilot project programs of the Department that require plans.

"(f) LIMITATION ON PAYMENTS.—

"(1) IN GENERAL.—The total amount of cost-sharing and incentive payments paid to a person under this chapter may not exceed—

"(A) $10,000 for any fiscal year; or

"(B) $50,000 for any multiyear contract.

"(2) EXCEPTION TO ANNUAL LIMIT.—The Secretary may exceed the limitation on the annual amount of a payment under paragraph (1)(A) on a case-by-case basis if the Secretary determines that a larger payment is essential to accomplish the land management practice or structural practice for which the payment is made.

"(3) REGULATIONS.—The Secretary shall issue regulations that are consistent with section 1001 for the purpose of—

"(A) defining the term 'person' as used in paragraph (1); and

"(B) prescribing such rules as the Secretary determines necessary to ensure a fair and reasonable application of the limitations established under this subsection.

"(g) REGULATIONS.—Not later than 180 days after the effective date of this subsection, the Secretary shall issue regulations to implement the environmental quality incentive program established under this chapter.".

SEC. 302. WETLANDS RESERVE PROGRAM.

(a) ENROLLMENT.—Section 1237 of the Food Security Act of 1985 (16 U.S.C. 3837) is amended by striking subsection (b) and inserting the following:

"(b) ENROLLMENT CONDITIONS.—

"(1) MAXIMUM ENROLLMENT.—The total number of acres enrolled in the wetlands reserve program shall not exceed 975,000 acres.

"(2) METHODS OF ENROLLMENT.—The Secretary shall ensure, to the maximum extent practicable, that of the total number of acres enrolled in the wetlands reserve program—

"(A) one-third of the acres are enrolled through the use of permanent easements;

"(B) one-third of the acres are enrolled through the use of 30-year easements (or easements of a shorter period if required under applicable State laws); and

"(C) one-third of the acres are enrolled through the use of restoration cost-share agreements authorized under section 1237A(h).".

"(3) TEMPORARY EMPHASIS ON CERTAIN ENROLLMENT METHODS.—To achieve the enrollment ratios specified in paragraph (2), the Secretary shall endeavor, to the maximum extent practicable, to rely on the enrollment methods described in subparagraphs (B) and (C) of paragraph (2) to enroll lands in the wetlands reserve program until such time as enrollments under each such subparagraph accounts for approximately one-third of all lands enrolled in the wetlands reserve."

(b) ELIGIBILITY.—Section 1237(c) of the Food Security Act of 1985 (16 U.S.C. 3837(c)) is amended by striking "2000" and inserting "2002".

(c) EASEMENTS AND RESTORATION COST-SHARE AGREEMENTS.—Section 1237A of the Food Security Act of 1985 (16 U.S.C. 3837a) is amended—

(1) in the section heading, by inserting before the period at the end the following: "and restoration cost-share agreements";

(2) by striking subsection (c) and inserting the following:

"(c) RESTORATION PLANS.—The development of a restoration plan, including any compatible use, under this section shall be made through the local Natural Resources Conservation Service representative.";

(3) in subsection (f), by striking the third sentence and inserting the following: "Compensation may be provided in not less than 5, nor more than 30, annual payments of equal or unequal size, as agreed to by the owner and the Secretary."; and

(4) by adding at the end the following:

"(h) RESTORATION COST SHARE AGREEMENTS.—The Secretary may enroll land in the wetland reserve program through agreements that require the landowner to restore wetlands on the land, if the agreement does not provide the Secretary with an easement. Other than cost share and technical assistance provided under section 1237C(b), the Secretary may not provide compensation for an agreement under this subsection.".

(d) COST SHARE AND TECHNICAL ASSISTANCE.—Section 1237C of the Food Security Act of 1985 (16 U.S.C. 3837c) is amended by striking subsection (b) and inserting the following:

"(b) COST SHARE AND TECHNICAL ASSISTANCE.—

"(1) EASEMENTS.—In the case of an easement entered into during the 1996 through 2002 calendar years, in making cost share payments under subsection (a)(1), the Secretary shall—

"(A) in the case of a permanent easement, pay the owner an amount that is not less than 75 percent, but not more than 100 percent, of the eligible costs; and

"(B) in the case of a 30-year easement, pay the owner an amount that is not less than 50 percent, but not more than 75 percent, of the eligible costs.

"(2) RESTORATION COST-SHARE AGREEMENTS.—In making cost share payments in connection with a restoration cost-share agreement entered into under section 1237(A)(h), the Secretary shall pay the owner an amount that is not less than 50 percent, but not more than 75 percent, of the eligible costs.

"(3) TECHNICAL ASSISTANCE.—The Secretary shall provide owners with technical assistance to assist owners in complying with the terms of easements and restoration cost-share agreements.".

(e) EFFECT ON EXISTING EASEMENTS.—The amendments made by this section shall not affect the validity or terms of any easements acquired by the Secretary of Agriculture under subchapter C of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837 et seq.) before the date of the enactment of this Act or any payments required to be made in connection with such easements.

SEC. 303. ELIMINATION OF CONSULTATION REQUIREMENTS WITH SECRETARY OF THE INTERIOR.

Section 1242 of the Food Security Act of 1985 (16 U.S.C. 3842) is amended—

(1) by striking "(a)" before "In carrying out"; and

(2) by striking subsection (b).

SEC. 304. ENVIRONMENTAL CONSERVATION ACREAGE RESERVE PROGRAM.

(a) PROGRAM EXTENSIONS.—Section 1230(a) of the Food Security Act of 1985 (16 U.S.C. 3830(a)) is amended by striking "1995" and inserting "2002".

(b) CONSERVATION AND IMPROVEMENT OF WILDLIFE HABITAT.—Such section is further amended by inserting "and wildlife habitat" after "soil and water resources".

SEC. 305. CONSERVATION RESERVE PROGRAM.

(a) PROGRAM EXTENSIONS.—

(1) CONSERVATION RESERVE PROGRAM.—Section 1231 of the Act (16 U.S.C. 3831) is amended in subsections (a) and (b)(3), by striking "1995" each place it appears and inserting "2002".

(3) DUTIES OF OWNERS AND OPERATORS.—Section 1232(c) of the Act (16 U.S.C. 3832(c)) is amended by striking "1995" and inserting "2002".

(b) MAXIMUM ENROLLMENT.—Section 1231(d) of the Food Security Act of 1985 (16 U.S.C. 3831(d)) is amended striking "total of" and all that follows through the period at the end of the subsection and inserting "total of 36,400,000 acres during the 1986 through 2002 calendar years (including contracts extended by the Secretary pursuant to section 1437(c) of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 16 U.S.C. 3831 note).".

(c) OPTIONAL CONTRACT TERMINATION BY PRODUCERS.—Section 1235 of the Food Security Act of 1985 (16 U.S.C. 3835) is amended by adding at the end the following new subsection:

"(e) TERMINATION BY OWNER OR OPERATOR.—

"(1) EARLY TERMINATION AUTHORIZED.—The Secretary shall allow an owner or operator of land that, on the date of the enactment of the Agricultural Market Transition Act, is covered by a contract that was entered into under this subchapter at least five years before that date to terminate the contract with respect to all or a portion of the covered land. The owner or operator shall provide the Secretary with reasonable notice of the termination request.

"(2) CERTAIN LANDS EXCEPTED.—Notwithstanding paragraph (1), the following lands shall not be subject to an early termination of a contract under this subsection:

"(A) Filterstrips, waterways, strips adjacent to riparian areas, windbreaks, and shelterbelts.

"(B) Land with an erodibility index of more than 15.

"(C) Other lands of high environmental value, as determined by the Secretary.

"(3) EFFECTIVE DATE.—The contract termination shall take effect 60 days after the date on which the owner or operator submits the notice under paragraph (1).

"(4) PRORATED RENTAL PAYMENT.—If a contract entered into under this subchapter is terminated under this subsection before the end of the fiscal year for which a rental payment is due, the Secretary shall provide a prorated rental payment covering the portion of the fiscal year during which the contract was in effect.

"(5) RENEWED ENROLLMENT.—The termination of a contract entered into under this subchapter shall not affect the ability of the owner or operator who requested the termination to submit a subsequent bid to enroll the land that was subject to the contract into the conservation reserve.

"(6) CONSERVATION REQUIREMENTS.—If land that was subject to a contract is returned to production of an agricultural commodity, the conservation requirements under subtitles B and C shall apply to the use of the land to the extent that the requirements are similar to those requirements imposed on other similar lands in the area, except that the requirements may not be more onerous that the requirements imposed on other lands.".

(d) USE OF UNEXPENDED FUNDS.—Section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) is amended by adding at the end the following:

"(h) USE OF UNEXPENDED FUNDS FROM CONTRACT TERMINATIONS.—If a contract entered into under this section is terminated, voluntarily or otherwise, before the expiration date specified in the contract, the Secretary may use funds, already available to the Secretary to cover payments under the contract, but unexpended as a result of the contract termination, to enroll other eligible lands in the conservation reserve established under this subchapter.".

(e) FAIR MARKET VALUE RENTAL RATES.—

(1) IN GENERAL.—Section 1234(c) of the Food Security Act of 1985 (16 U.S.C. 3834(c)) is amended by adding at the end the following new paragraph:

"(5) In the case of a contract covering land which has not been previously enrolled in the conservation reserve, annual rental payments under the contract may not exceed the average fair market rental rate for comparable lands in the county in which the lands are located. This paragraph shall not apply to the extension of an existing contract.".

(2) APPLICATION OF AMENDMENT.—The amendment made by paragraph (1) shall apply with respect to contracts for the enrollment of lands in the conservation reserve program under section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831)) entered into after the date of the enactment of this Act.

(f) ENROLLMENTS IN 1997.—Section 725 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1996 (Public Law 104–37; 109 Stat. 332), is amended by striking the proviso relating to enrollment of new acres in 1997.

□ 2200

Mr. ROBERTS. Mr. Chairman, I want to inform Members that the House will go into session tomorrow morning at 9 o'clock in order to expedite consideration of the farm bill, and to accommodate Members there will be no 1-minutes.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. YOUNG of Florida, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2854) to modify the operation of certain agricultural programs, had come to no resolution thereon.

HOUR OF MEETING ON TOMORROW

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 9 a.m. tomorrow morning.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

AMENDMENT PROCESS DURING CONSIDERATION OF H.R. 994, SMALL BUSINESS GROWTH AND ADMINISTRATIVE ACCOUNTABILITY ACT

Mr. SOLOMON. Mr. Speaker, the Rules Committee is planning to meet on Thursday, February 29 to grant a rule for H.R. 994, the Small Business Growth and Administrative Accountability Act, which the House is likely to consider during the week of March 4. The Rules Committee is contemplating an open rule for this legislation.

The Rules Committee may grant a rule which would make in order an amendment in the nature of a substitute offered by Government Reform and Oversight Chairman CLINGER and Judiciary Chairman HYDE as original text for purposes of amendment.

The substitute amendment is expected to broaden the scope of the legislation. The Clinger-Hyde amendment will be printed in the CONGRESSIONAL RECORD on Thursday, February 29, and copies of the amendment will be available in the majority offices of the Government Reform and Oversight Committee and the Judiciary Committee.

Members should draft their amendments to this substitute.

The Rules Committee is also contemplating a rule which would provide priority in recognition to those Members who have preprinted their amendments in the CONGRESSIONAL RECORD prior to being offered.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

MAKING IN ORDER SUBSTITUTE AMENDMENT DURING FURTHER CONSIDERATION OF H.R. 2854, AGRICULTURAL MARKET TRANSITION ACT

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent during further consideration of H.R. 2854, pursuant to House Resolution 366, that I be permitted to offer the amendment at the desk in lieu of amendment number 15 printed in House Report 104–463.

The SPEAKER pro tempore. The Clerk will read the amendment.

The Clerk read as follows:

At the end of title V, page 139, after line 17, add the following section: Sense of the Congress regarding purchase of American-made equipment and products requirement regarding notice. Any purchase of American-made equipment and products in the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this act or amendments made by this act, it is the sense of Congress that persons receiving such assistance should in expending the assistance purchase only American-made equipment and products.

B, the notice to recipients of assistance in providing financial assistance under this act or amendments made by this act, the Secretary of Agriculture shall provide to each recipient of the assistance a notice describing the statement made in subsection A by the Congress.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 1561, AMERICAN OVERSEAS INTERESTS ACT OF 1995

Mr. GILMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1561) to consolidate the foreign affairs agencies of the United States; to authorize appropriations for the Department of State and related agencies for fiscal years 1996 and 1997; to responsibly reduce the authorizations of appropriations for United States foreign assistance programs for fiscal years 1996 and 1997, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference requested by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York? The Chair hears none and, without objection, appoints the following conferees: Messrs. GILMAN, GOODLING, HYDE, ROTH, BEREUTER, SMITH of New Jersey, BURTON of Indiana, Ms. ROS-LEHTINEN, and Messrs. HAMILTON, GEJDENSON, LANTOS, TORRICELLI, BERMAN, and ACKERMAN.

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May

12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each:

WE NEED TO INCREASE PRODUCTIVITY AND SAVINGS

The SPEAKER pro tempore (Mr. Kim). Under a previous order of the House, the gentleman from Michigan [Mr. Smith] is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, a challenge is facing this country, and I think there is excellent news for our future, for families, for wages that give families a decent living, if we make some simple changes down here in Washington.

Washington cannot do everything, and eventually, you know, in this country we are going to have to produce a good product that people around the world in this country want to buy, and we can sell it at a reasonable price.

Government can do some things to make sure that happens.

Think for a moment as you look at tax policies around the world and in the industrialized nations, and I see our chairman of the Committee on Ways and Means here. We in the United States penalize savings and investment more than any of those countries. If you look at what has happened the last decade, we see the United States trailing in savings. Out of every take-home dollar in the United States, we are saving about 4 cents. That compares with about 18 cents in Japan, up to 34 cents out of every take-home dollar saved in South Korea. So we are shy on savings.

Part of it is because we have tax policies that discourage savings, almost penalize savings.

If you look at the investment, the new investment in machinery and equipment over the last 10 years, again we see the United States investing less per worker than those other industrialized countries. So it is not surprising that the result is a lower, slower rate of increase in productivity.

Make no mistake, the United States is the most productive nation in the world, but our rate of increase in productivity is slipping over the last decade. We cannot afford that.

What is happening in this post-cold-war economy is that Eastern Europe, the Asian tigers, are doing everything they can to attract capital.

I was talking to some of the Wall Street financiers 3 weeks ago. They are saying with some of their portfolio funds they are now investing in other countries because they think they might be able to get a higher rate of return.

Look, in this next campaign we are going to be talking about new taxes, we are going to be talking should it be a flat tax, should it be some kind of a national income tax, should it be some kind of a value-added tax? All of those taxes are essentially the same in achieving the goals of encouraging savings and encouraging investment.

The country that attracts that investment and expands the capital in their country is going to be the country that ends up with a higher standard of living. We have got to do that.

Here are some of the things that we can do to increase the savings rate in this country:

We have got to reduce the negative savings that is caused by Government overspending. Government now borrows about 18 cents out of every dollar we spend. That means that if you look at all of the money that was lent out in the United States last year, the Federal Government borrowed almost 42 percent of all of the money lent out in the United States last year.

We remember our lessons in economics. The greater the demand, the higher the price. That is why Alan Greenspan came to our Committee on the Budget and said, "If you guys can balance this budget, you are going to see interest rates drop between 1.5 and 2 percent." That means a tremendous difference in what happens to the economy, it makes a tremendous difference in reducing the price of everything we borrow money for, from cars to homes to college educations.

I would yield to the gentleman from Georgia [Mr. Kingston].

Mr. KINGSTON. If the gentleman will yield, is it not true that on a 2½ interest rate reduction for a $75,000 home over a 30-year period of time, the American consumers, the American homeowners, would save $37,000?

Mr. SMITH of Michigan. Is that not amazing? And I am going to give an example for some folks down in Hillsdale County, where the homes are a little less. If you had a $50,000 home and you ended up having—you had a mortgage that lasted over 30 years, it would reduce the amount of money that those homeowners paid by $30,000.

Think of what would happen if it was a business deciding to invest a half a million dollars in some new equipment or build new machinery. It would reduce the cost of that equipment and machinery, we would end up putting better tools in the hands of the greatest work force in the world; that is, the American work force; and we would see our productivity take off.

I mean, that is why Alan Greenspan followed it up saying, look, if you can do this and interest rates drop, you will see this economy growing like it has never grown before.

THE SHADOW OF CRIME OVER AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. Christensen] is recognized for 5 minutes.

Mr. CHRISTENSEN. Mr. Speaker, a long shadow is falling over America. Slowly the shadow is blotting out the sunny streets and parks where children play. It is blocking out the moonlight where couples walk. It is even blocking out the warm welcoming glow of our houses at night.

That shadow is crime, and after many years of thinking it could not fall on the quiet communities from which we have come, it has. The violence that trails gangs and drugs like a vicious dog drove homicides in my city of Omaha to an all time high in 1995. There were 41 killings last year in Omaha, 8 more than in 1994. Omaha's police made nearly 20 percent more juvenile arrests in 1995 than in 1994. And the shadow even claimed the life of one of our brave men in blue.

□ 2215

Many of our districts may have been free from the worst of crime for many years, but now we must turn and face the shadow, and drive it back.

This evening I want to talk about how I think we can restore safety to our streets and sanity to the system. I am fighting hard to protect the American dream. I believe it is an essential part, to be free of the fear that we have today. We must have safe streets and secure schools, and I believe we can.

The fact is, Mr. Chairman, that moral principles, our values, underlie our criminal justice system. There is nothing wrong with these values, and we should never feel guilty about making those who violate those values pay. Theft is not some act or artistic or political expression. It is theft, and it is wrong. Murder is not forbidden as a matter of subjective opinion. It is objectively evil, and we must stop it.

No one but thieves and murderers benefit when we think otherwise. A year ago the House of Representatives here passed six tough bills aimed at combatting crime. For instance, the House unanimously approved the Victim Restitution Act. The bill instructs courts in Federal criminal proceedings to require convicted offenders to pay restitution to their victims. The fact that we passed the Victim Restitution Act without a single dissenting vote tells me that Congress has truly changed. Nowadays we all agree that criminals should have to pay for their misdeeds, literally.

Besides cosponsoring and supporting the six crime bills we have already passed, I have been working on some anti-crime legislation which I will soon introduce. I call this bill the Hard Time for Guns Crime Act. This bill would make it clear that the problem with guns in our society is not the guns, but the felons who use them for a common purpose. It would do so by dramatically increasing the penalties for the possessing, brandishing, or discharging a firearm during the commission of a Federal felony.

The message this bill sends is that we have had it with gun-related violence. Americans have zero tolerance for gun crime, so our justice system should, too. Our families and children should not be afraid to walk to school, go to the grocery store, and leave their windows open at night. That is why I am working hard to keep those who would misuse guns in jail. No more slick criminal defense attorneys pushing criminals to freedom through legal loopholes. No more soft sentences after teary speeches before the bench. No more legal gymnastics setting criminals free after a fraction of their allotted time in jail.

My Hard Time for Gun Crimes bill sends a clear message: If you use a gun to commit a felony, plan on spending the next few decades behind bars, no exceptions. We need to come together as Americans to fight off the shadow of crime. Men and women of all ideologies, all races, and all creeds agree that the shadow of crime has frightened our families and our children long enough. I say to those who care today to restore our streets to safety, we should work together to knit up our Nation's fraying social fabric. We should work now, today, to stop coddling criminals and start crushing them. I think together, in a bipartisan fashion, these goals can be achieved in the 104th Congress.

THE FEDERAL INCOME TAX

The SPEAKER pro tempore (Mr. KIM). Under a previous order of the House, the gentleman from Arizona [Mr. HAYWORTH] is recognized for 5 minutes.

Mr. HAYWORTH. Mr. Speaker, returning from recess, and Mr. Speaker, I assure you and others who might be tuned in tonight that it might have been recess, but it certainly was not play period; instead, it was a chance to traverse the width and breadth of the Sixth District of Arizona, some 46,000 square miles in our sixth largest State, I was struck repeatedly in town hall meetings by the concern Arizonans share in the notion of tax reform. Indeed, tax is the three-letter-word that has too often become a four-letter-word because of the circumstances surrounding the tax burden, because of the seemingly, and in reality, confiscatory policies that confront law-abiding Americans.

To offer some perspective, I would point to a study conducted by the Small Business Survival Group that looked back in time to 1913, to the introduction of the amendment which led to Federal income tax, the 16th amendment. In conducting this study, the people of the Small Business Survival Group took a look at what our tax rates would be if that original act had not been changed through the years. Mr. Speaker, the results are nothing short of mind-boggling.

For example, if the rates introduced in 1913 were still in effect today, adjusting for 1996 dollars, the average American, every American, would be exempt from paying tax on his or her first $59,000 of income. Even more shocking, the tax rate would be at 1 percent up to $298,000 of income. It is shocking, but true.

Mr. Speaker, even more compelling is this realization that in the span of time from the adoption of the 16th amendment to our Constitution allowing for the Federal income tax, in that period of time, even adjusting for inflation, this Federal Government has grown in excess of 13,000 percent.

Mr. KINGSTON. Mr. Speaker, will the gentleman yield?

Mr. HAYWORTH. I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Speaker, I want to make sure that folks understand what the gentleman means. I was at a UPS company, United Parcel Service, talking to the truck drivers. The driver said to me, "I got three kids. I got a good job, and I work long hours. I get paid overtime and make good money. My wife is a schoolteacher. But at the end of each month, we have no money left over because of our tax burden."

His taxes compared to his father, his father in the 1950's paid 5 percent Federal income tax. Today he is paying 24 percent. That is exactly what you are talking about, that Federal income tax. Once the Federal Government established a toe-hold, or should I say a hook in the American back pocket, they never let go. Each year they have grabbed more and more money out of that gentleman's back pocket. So now he wants to save money for his kids' college education, he wants to save money for a vacation, he wants to save money for his long-term retirement. He cannot. At the end of the month they had zero, because of the tax burden.

Mr. HAYWORTH. Reclaiming my time, Mr. Speaker, I thank my friend, the gentleman from Georgia, for pointing out and making it very personal.

Indeed, I would echo the comments of our good friend, the gentleman from Michigan [Mr. SMITH], who preceded me here in the well, Mr. Speaker. Lest there is some misinterpretation of this, let me again state what should be obvious: There is nothing ignoble or selfish or somehow lacking civic-mindedness for people wanting to hang onto more of their hard-earned money and send less of it to Washington. Mr. Speaker, you know something is wrong when the average American family spends more on taxes than on food, shelter, and clothing combined. Clearly, Mr. Speaker, there must be a change.

THE MARRIAGE TAX PENALTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. KINGSTON] is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, I wanted to continue this discussion on taxes and talk about another tax that has been proposed to be alleviated by the Republican tax relief plan. That is the marriage tax penalty. If a young couple today gets married, they pay more taxes together married than they would if they lived with each other. I will walk through an example.

If you have a young woman who is making $20,000 and a young man who is making $20,000 a year, roughly they each pay about $4,000 in taxes. So their combined income, their combined tax liability, is $8,000. That is living together. They put on one of these little wedding bands here and get their relationship blessed by the Lord, and then that tax burden comes at a rate based on not $20,000 in income but $40,000 in income, and their total tax liability jumps from $8,000 to about $12,000 because they are now in a higher tax bracket.

Mr. Speaker, what sense is behind that? What is wrong with trying to correct that? It not only applies to young people, but senior citizens. Here we are, we have a society that is condoning such an absurd, ridiculous tax policy. If society believes in the institution of marriage, then we need to address the marriage tax penalty, which is exactly what the Republican Party in their tax relief plan has done.

Mr. Speaker, I yield to the gentleman from Arizona [Mr. HAYWORTH].

Mr. HAYWORTH. Mr. Speaker, I thank my friend, the gentleman from Georgia, for another real-life example of what could be called one of the one million and one absurdities of our current Tax Code. Let me offer another, mindful of one of our Founding Fathers, Mr. Franklin, or Dr. Franklin I suppose we should say, with his capabilities, as he was often referred to, who talked about only two certains in this life: death and taxes. And it is worth noting that we as Americans are taxed in death obscenely by this government. Estate taxes are so confiscatory and so patently unfair that they are akin to allowing one's estate to be plundered, not allowing those benefits to go to children and rightful heirs, but instead making everyone's uncle, Uncle Sam, the chief beneficiary. That is wrong. That must change.

I am pleased that some of our colleagues in the freshman class and others in the new majority, working with some like-minded folks on the other side of the aisle, are willing to move now for significant reforms that allow estate taxes to be lowered, so not only in this passage of life so important to marriage and building a family, but then as the family continues when one's earthly life ends, families are cared for. That is vitally important, too, and it is part and parcel of the fact that we must reform essentially our Tax Code, our tax laws, to allow Americans to save, spend, and invest more of their own money, instead of forcing Americans to dig into their wallets and send more and more and more money to this Federal Government.

Indeed, in the spirit of bipartisanship, we should note what Mr. Jefferson called for, what his ideal was at the outset of this Nation. Mr. Jefferson called for a limited but effective government, and part and parcel of that is allowing the American worker to realize his dream, to hold onto more of his money, and send less of it here.

Mr. KINGSTON. If the gentleman will yield, I want to make it abundantly clear to anybody who heard you say, Thomas Jefferson was not a Democrat. He was a Democrat Republican, and the party that he stood for has no reflection to today's Democrat party. Do not insult Thomas Jefferson.

I yield to the gentleman from Pennsylvania, Mr. JON FOX.

Mr. HAYWORTH. Mr. Speaker, I am appealing to the good sense of bipartisanship, as we have so many friends here on the other side.

Mr. KINGSTON. Do not call Thomas Jefferson a Democrat.

Mr. Speaker, I yield to the gentleman from Pennsylvania, Mr. JON FOX.

Mr. FOX of Pennsylvania. Mr. Speaker, what is also important is that we need the innovation. What has happened in this Congress which I think is also significant is the fact we talked about rolling back the 1993 Social Security tax on our seniors and allowing seniors to earn more. They were capped at $11,200. By our legislation they will be able to earn more without deductions from Social Security tax. I think that is important in order to free people up, give them the independence and let them decide what to do with their own money.

Mr. KINGSTON. Mr. Speaker, the gentleman is correct. Right now. Seniors who decide to keep working are penalized $1 on their Social Security for every $3 they earn in the workplace. What a ridiculous Tax Code that we have.

Let me speak about another thing. You mentioned the family, the different phases of life. As I listen to this, we know already that 77 percent of the people who will benefit from tax relief have a combined family income of $75,000 or less.

☐ 2230

And yet we are making it also clear that it helps young people, helps seniors, and it helps middle-income, it helps families with children.

Getting back to my UPS truck driver with three kids, under my proposal he will get a $1,500 tax credit, $500 for each kid. That is $1,500 in his pocket.

Now let us say, on the other hand, we say do not do that; let us increase minimum wage 50 cents. We increase minimum wage 50 cents, which might come out to $1,000 more a year in income. It is not a net income figure, because he still pays taxes on that. So it comes to about $600.

If you give the American worker a choice between increasing the minimum wage and a $500 per child tax credit, $500 per child tax credit, it puts more money in the pocket of the American worker, and that is why I am baffled by anyone in this Chamber who would vote against that.

Mr. HAYWORTH. Having been somewhat chastened for my interpretation of history and mindful of my good friend's admonishment, let me also point out something else. It applies not only to the UPS truck driver but to literally the millions of single mothers here. Imagine, a single mother with three children, $1,500 in her pocket. What would that mean? I think it would mean a lot.

TAX RELIEF FOR ALL AMERICANS

The SPEAKER pro tempore (Mr. KIM). Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I yield to the gentleman from Arizona.

Mr. HAYWORTH. I thank my good friend from Pennsylvania, and again just to reemphasize, the notion of tax relief for all Americans is something that is not selfish. It is just simply this realization: that that single mother with three children receiving or able to hang onto $1,500 of her money with a $500 per child tax credit, she knows how best to spend that money, not the Washington bureaucrats. She understands, and she should be free to save, spend and invest for her family.

So my colleague from Georgia, though he might take me to task on some historical interpretations, is absolutely correct when he talks about the vital need for tax reform across the spectrum of age and across this Nation, benefiting middle-class Americans and all working Americans.

Mr. FOX of Pennsylvania. I yield to my friend from Georgia.

Mr. KINGSTON. I thank the gentleman.

I wanted to just conclude this $500 per child tax credit with this chart right here; the big blue section shows that 89 percent of the people who will benefit from $500 per child tax credit have a combined family income of $75,000 or less.

Now, the red line is in the category of $75,000 to $100,000. That is 7 percent. Above $100,000, it is 4 percent.

So, you know, if we want to do something to help middle America, if we want to do something to help America's middle class, this is the ticket to go, and not an increase in the minimum wage. This is real dollars. This will help them in their pocket.

Mr. FOX of Pennsylvania. I yield to the gentleman from Arizona.

Mr. HAYWORTH. I again would just like our friend from Georgia to articulate this, make sure that I understand, and, Mr. Speaker, those may be joining us this evening coast to coast and beyond understand what we are talking about. Is this $500 per child tax credit helping almost 90 percent of our population earning under $75,000? That is something that we absolutely have to herald and have to remind the American people of, and, further, I think it is just vital to understand that our current policy and indeed as I have heard some people put it, working families are those earning under $75,000 a year.

Indeed, 2 years ago, in the first State of the Union Message, the gentleman from Pennsylvania and I were personally in attendance here for having been newly elected to the Congress; President Clinton called working families those families making under $75,000 a year, which begs the question: Should families making in excess of that somehow be punished? Should there be an arbitrary line where we designate Americans as working but those Americans, ofttimes two-income families who work hard, who cross that magic $75,000 line, is it being implied that are not working families, that they are not worth of tax relief?

Mr. Speaker and my colleagues, it is obvious, relief must come because we are penalizing people who are succeeding.

Mr. FOX of Pennsylvania. I would say this, the fact is in this Congress we have already come forward with not only tax reform but spending reductions and deficit reductions, which gives the change to have help for working families, for seniors and for our children.

I yield to the gentleman from Georgia.

Mr. KINGSTON. Let me just say this, in the 1992 presidential primary, candidate Bill Clinton had an ad that said this: "Hi, I am Bill Clinton. I believe you deserve a change. That is why I have a plan to stimulate the economy, starting with a middle-class tax cut."

Now, we all know, after running on a promise of a middle-class tax cut, the President turned around and in 1993 passed the largest tax increase in the history of our country. But it is ironic, the other day he said, "I was raised in an old-fashioned home, in an old fashioned time, maybe, but I still think when you tell somebody you are going to do something, you ought to do everything you can to do it." That was President Bill Clinton at a press conference, January 5, just over 2 months ago, 1996.

All we are saying is, great we are glad, let us use those old-fashioned hometown values that we all love in America, both Democrats and Republicans think highly of. Let us go ahead and give middle-class America the tax cut that he promised and that we want to give him.

Mr. FOX of Pennsylvania. Reclaiming my time, the fact is in this Congress we have already moved pretty close to the balanced budget. I think we can get it. We have added $440 billion back for environment, education, Medicare, Medicaid. I think we are very close to getting a balanced budget, still maintaining the vital services people need.

Mr. HAYWORTH. And our colleague from Georgia again brings us a troubling aspect to this entire endeavor, and perhaps we will have to wait for another time to share that with our friends.

COMMEMORATING BLACK HISTORY MONTH

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from New Jersey [Mr. PAYNE] is recognized for 40 minutes as the designee of the minority leader.

Mr. PAYNE of New Jersey. Mr. Speaker, as chairman of the Congressional Black Caucus, I am pleased to lead my colleagues in once again commemorating Black History Month. Let me take a moment to acknowledge the leadership of our colleague, Congressman LOU STOKES, who organized tonight's special order. A health problem has prevented him from being here tonight, and we want him to know we wish him a speedy recovery. He has been diligent in arranging special orders every year during the month of February, Black History Month. It was in 1976, the bicentennial year, that Congress first passed a resolution to institute a celebration of Black History Month.

This year, we have chosen the theme "African-American Women—Yesterday, Today, and Tomorrow" in recognition of the enormous contributions that African-American women have made to our history and culture. In every field of endeavor—public service, politics, law, medicine, literature, corporate management, education, and others—African-American women are achievers.

Let me begin by recognizing the women of the Black Caucus serving in the 104th Congress. They have inspired tremendous respect as each has approached issues before this Congress with eloquence, passion, and keen insight. Not only have they left their mark on public policy, they serve as outstanding role models for young women and aspirations to public service. Let us also recognize the great women of past Congresses, the trailblazers whose dreams made today's realities possible. Since 1969, when Shirley Chisholm was sworn in as the first African-American woman to serve in Congress, the door of opportunity has been opening and the Congressional Black Caucus now includes 11 women. In yet another first, Shirley Chisholm ran for President in 1972, placing her name on the ballot in 12 primary contests. We had an historic first in 1992 with the stunning victory of CAROL MOSELEY-BRAUN as she took her place as the first African-American to serve in the U.S. Senate.

This year marked the passing of one of our greatest leaders of all times, the Honorable Barbara Jordan. A staunch defender of the Constitution, Barbara Jordan was a tower of strength during the Watergate crisis, one of the most troubling times in our Nation's history. As the first African-American Congresswoman from a southern State, and as the first African-American woman to deliver a keynote address at the Democratic National Convention, she was a true pioneer in the field of public service. A forthright woman of courage and dignity, she will be greatly missed.

Let me take a moment to recognize all of the African-American women who have served so honorably in the U.S. Congress, beginning with Shirley Chisholm and followed by Yvonne Brathwaite Burke; CARDISS COLLINS, who is the longest serving African-American woman in the history of Congress; our great champion Barbara Jordan; Katie Hall; BARBARA-ROSE COLLINS; ELEANOR HOLMES NORTON; MAXINE WATERS; EVA CLAYTON; CORRINE BROWN; EDDIE BERNICE JOHNSON; CYNTHIA MCKINNEY; CARRIE MEEK; SHEILA JACKSON-LEE; and Senator CAROL MOSELEY-BRAUN.

Let me also pay tribute to an outstanding Cabinet member, Secretary of Energy Hazel O'Leary, whom I have had the pleasure of knowing for many years going back to our days growing up together in New Jersey. In her position at the Department of Energy, she has worked tirelessly on issues ranging from energy development to the health effects of radiation testing. She has achieved tremendous success in negotiating trade agreements with a potential value to our Nation of billions of dollars.

Also rendering outstanding service in the executive branch are Lorraine Miller, who formerly served as Deputy Assistant to the President for Legislative Affairs and now holds a post in the Federal Trade Commission; Alexis Herman, Director of Public Liaison at the White House; and Tracey Thornton, Special Assistant for Legislative Affairs.

I am proud of the many accomplished African-American women who hail from my home State of New Jersey. In fact, I had a swearing in ceremony in Newark which was presided over by a distinguished African-American judge, Judge Ann Thompson. I also have crossed paths with Connie Woodruff, a former labor union representative who is now a columnist. Dr. Delores Cross, a New Jerseyan who has achieved excellence as an educator and administrator, now serves as president of Chicago State University.

My home State of New Jersey is rich in a history which encompasses many famous African Americans. For example, Harriet Tubman, the famous operator of the underground railroad, worked as a servant in hotels in Cape May, NJ between 1849 and 1852 in order to earn money to finance her missions.

In 1886, a school was established in New Jersey called the New Jersey Manual Training and Industrial School for Colored Youth; it was better known as the Bordentown School. Among the many distinguished visitors and commencement speakers was the great educator and civil rights champion, Mary McCleod Bethune.

East Orange, NJ was the hometown of Marion Thompson Wright, the first African-American professional historian. She taught at Howard University until her death in 1962.

Gail Elizabeth Harris was the first African-American priest in the diocese of Newark, NJ. The fifth woman ordained in the Episcopal Church, she graduated from the Divinity School of the Pacific in Berkeley, CA.

New Jersey was also home to the great tennis champion, Althea Gibson. In 1951, she became the first African American to play at Wimbledon. In 1957, she won both the singles and doubles Wimbledon crowns.

One of the most successful African-American entrepreneurs, Sara Spence Washington, founded the Apex Beauty Products Co. in Atlantic City, NJ. Ms. Washington established her business in 1919, and by the late 1930's her Atlantic City office and factory had 87 employees, including chemists, clerks, bookkeepers, and beauty operators. With beauty schools in 11 cities, an estimated 35,000 individuals throughout the world were dependent on the sales of her products.

African-American women were breaking into nontraditional roles long before women gained any degree of acceptance in the workplace. In the field of aviation, Bessie Coleman, who was born in 1893, became the first African-American woman to earn a pilot's license back in 1921.

Then, in 1934, Willa Brown Chappell became the first African-American woman to gain officer rank—lieutenant—in the Civil Air Patrol Squadron. She went on to form the first black aviator's group and established the first black-owned flying school, the Coffey School of Aeronautics.

African-American women have achieved a number of historic firsts in recent decades. Patricia Harris set records as she became the first African-American woman to be appointed an ambassador to an overseas post when

President Lyndon Johnson chose her as Ambassador to Luxembourg; 2 years later she became the first to head the credentials committee of the Democratic National Committee; and then under President Jimmy Carter, she ascended to the position of Secretary of Housing and Urban Development, the first African-American woman to hold a Cabinet position.

In 1973, Shirley Ann Jackson received a Ph.D. in physics and became the first African-American woman in the United States to receive a doctorate from the prestigious Massachusetts Institute of Technology.

Mae Jamison will take her place in history as the first African-American woman to become an astronaut, exploring the world of possibilities beyond the planet Earth.

African-American women have also excelled in the creative and performing arts. The whole Nation took notice when Maya Angelou read her beautiful poetry at President Clinton's inauguration. Toni Morrison, the great novelist and editor, won a Pulitzer Prize for fiction for her novel "Beloved" and the National Book Critics Circle Award for "Song of Solomon." Many Americans have enjoyed the music of jazz vocalist Ella Fitzgerald, who was hailed by Time Magazine as "The First Lady of Song." Also gifted with a beautiful voice is Leontyne Price, the soprano singer, who won the San Francisco Opera Medal after performances in "Falstaff," "Porgy and Bess," and "Anthony and Cleopatra."

New York City's highest cultural award, the Handel Medallion, was awarded to the actress and singer Lena Horne, the first African-American woman to sign a contract.

In Newark, NJ, we are very proud of our hometown star, Sarah Vaughan. Known as the Divine One, she was a premier jazz vocalist with many pop and jazz hits.

As we honor famous African-American women, let us also pause to pay tribute to the millions of unsung heroines whose positive influence has made a difference in our lives. Every day, in every community, African-American women are working tirelessly and unselfishly to provide a better quality of life for those around them. They are volunteering in churches and community organizations, they are raising funds for scholarships so that the next generation can look to the future with hope; they are caring for older persons who might otherwise be forgotten. In my own life, in addition to the women in my family who gave me such encouragement and direction, I was fortunate to have many caring teachers and other concerned adults who helped guide me through the difficult times. I owe a debt of gratitude to a woman by the name of Mary Burch of Newark. She opened up her home and her heart to the young people of our community, organizing positive activities through an organization known as the Leaguers.

Another woman who gave generously of her time and talents in the interest of young people is Ms. Madeline Williams, who served as an NAACP advisor when I was a young man.

Under her guidance as a high school student, I was able to rise to the position of president of New Jersey Youth Councils and College Chapters of the NAACP.

Last year, during the Congressional Black Caucus Legislative Conference, I had the pleasure of meeting Ms. Oceola McCarty, the woman from Mississippi who earned her living doing laundry and then donated her life's savings to a scholarship fund so that a deserving youngster would have the opportunity to succeed.

Mr. Speaker, it is a pleasure to pay tribute to all these outstanding African-American women—yesterday, today, and tomorrow.

□ 2245

African-American women, from Maya Angelou, to Toni Morrison, to many people like Ella Fitzgerald and Leontyne Price, as we talk about people who have done so much in all fields, African-American women are certainly those.

I will proceed as we go through this hour to talk about some other African-American women who have been so outstanding. But at this time I would ask the gentlewoman from Florida, Mrs. MEEK, if she would come before us, Mrs. CARRIE MEEK, to tell us about her African-American women who have done so many outstanding things.

Mrs. MEEK of Florida. Mr. Chairman, it is a pleasure to be here to talk about the achievements of Black women.

I AM A BLACK WOMAN

(By Mari Evans)

I am a Black woman
the music of my song
some sweet arpeggio of tears
is written in a minor key
and I can be heard humming in the night
Can be heard humming in the night
I saw my mate leap screaming to the sea
and I/with these hands/cupped the life breath
from my issue in the canebrake
I lost Nat's swinging body in a rain of tears
and heard my son scream all the way from Anzio
for Peace he never knew . . . I
learned Da Nang and Pork Chop Hill
in anguish
Now my nostrils know the gas and these trigger tire/d fingers
seek the softness in my warrior's beard
I am a Black woman
tall as a cypress
strong
beyond all definition still
defying place
and time
and circumstance
assailed impervious indestructible
Look on me and be renewed

Mr. Speaker, that poem identifies Black women.

We have come a very long way since we were seen as acquiescent, submissive Aunt Jemimas, who showed grand faces, plump laps, fat embracing arms and brown jaws pouched in laughter. We have come a long way.

The heartbreaking tenderness of Black women and their majestic strength speak of the heroic survival of a people who were stolen into subjugation, denied chastity, and refused innocence.

Black women's hands have brought children through blood to life, nursed the sick and folded the winding clothes of many masters. Their wombs have held the promise of a race which has proven in each challenged century that despite the threats and mayhem, we still rise. Their feet have trod the shifting swampland of insecurity, yet they have tried to step neatly into the footprints of mothers who went before.

I remember those mothers. I am standing on their shoulders. I remember Harriet Tubman as she toiled so very hard to save slaves and to take them out of slave territory. I strongly remember Sojourner Truth, who was so strongly engrossed in what she did, she bared her chest at a big meeting and said "Ain't I a woman?"

That is the story of the Black woman, the Black woman I remember so very well. I have heard Marion Anderson sing. I have heard Dorothy Maynor sing. What beautiful experiences and song coming out of the mouth of Black women, as a result of their many big contributions, not only in their movement, but also in their freedom of song and spirit.

And I remember so well Ida Wells at the Democratic Convention, where she refused to take second seat. And I also remember the mother of the civil rights movement, how she would not stay at the back of the bus, and how she made Black welcome to the front because of her courage.

I remember Winnie Mandela, C. Deloris Tucker, Black Women's Political Congress that C. Delores started. And Ms. Gwen Sawyer Cherry, the first Black woman to serve in the Florida legislature. I remember Shirley Chisolm, Yvonne Braithwaite Burke, Barbara Jordan, Cardiss Collins, Hazel O'Leary, Madam C.J. Walker, and Althea Gibson, one of the most outstanding tennis players in the world.

That is the story of Black women. I rise today to pay tribute to these Black women, particularly Black women like Maya Angelou, Alice Walker.

But most of all, sketched in my memory is Mary McLeod Bethune. In 1947, Mary McLeod Bethune, in an address to the 22d Annual Meeting of the Association of the Study of Negro Life and History said:

> If our people are to fight their way up out of bondage, we must arm them with the sword and shield and the bunker of pride, belief in themselves and their possibilities,

based upon a sure knowledge of the achievements of the past.

This quote, perhaps more than anything else, captures the basic spirit and philosophy and commitment that Mary McLeod Bethune and other strong Black women had for their race and the promotion and the development of women in African-American history.

I am always greatly moved by the memory of Mrs. Bethune. She was an inspirational American woman who signified and showed all the good qualities of Black American women, who was from the people, not of the people. She provided my generation, indeed many generations, with a beacon of light and hope that all things are possible through God and hard work.

I am hopeful that future generations of Black women remember those Black women from the past, those who have been in our past a long time ago, and they will remember the future, because they will be the light of the world from standing on the strong shoulders of the Black women.

Today, the light of these Black women stand throughout our country. It is so important that we remember. I thank the Black Caucus for bringing to the consciousness of this Congress how important and the contributions that Black women have made to this country. I am happy to be a part of this, I am proud of the Black women in this Congress, how they stand up and support the cause of African-Americans and how they stand up and support, particularly the Black males in America, who need so much help from Black women. This gives me the pride that I do not think anyone else has a chance anywhere to achieve.

We must continue to develop the history of Black women. You do not find as much of it, Mr. Chairman, as we should. It is important that we really visualize what Black women have done in this country throughout the beginning of this country. The slave women who toiled and did the best, came over to this country, laid like spoons in a slave ship. Yet they were strong, they raised their children and they gave us all inspiration.

We have lighted some torches here tonight. Gwen Sawyer Cherry, Mary Church Terrell, Nannie Helen Burroughs, and many others whose lives have informed and inspired our work. It is to good that we must continue to dedicate our lives to carrying forth that vision to another higher level, until we too shall pass the torch.

That is the story for the Black women in the past, in the present, and in the future.

Mr. PAYNE of New Jersey. Mr. Speaker, I thank the gentlewoman from Florida for that tremendous insight. She really is one of our outstanding leaders.

Now let me recognize the gentlewoman from the great State of Texas, SHEILA JACKSON-LEE.

Ms. JACKSON-LEE. Mr. Chairman, I thank you very much. Likewise, let me pay tribute to Congressman STOKES for his continuous support of an opportunity to bring to the Nation I believe the recognition of the value of contributions of African-Americans throughout this country.

Mr. Chairman, I thank you for leading this hour of tribute. For this month to come to a close, we would not want to be on record without being able to bring tribute to so many talented.

This year the challenge is African-American women, yesterday, today and tomorrow, and I rise today to be able to give special honor to many African-American women.

I am reminded, for a personal note, of the special women in my life. My Great Grandmother Sims, my Grandmother Bennett and Grandmother Jackson, many of whom who laid the groundwork for some of the challenges that I faced. My loving mother, Ivalita Jackson, my special Aunt, Valrie Bennett, along with Aunts Audrey and Sarah and Vickie and Sybil, all with their own very special stories of trials and tribulations and jubilations. And today is a day of celebration.

I would like to take this opportunity to call special attention to the extraordinary struggles and achievements of African-American women.

In the Black woman there is combined the two most challenged characteristics of American identity: Race and gender. What is utterly amazing is the fact that Black women have not only borne the weight of this double burden, but that we have done so with great courage and dignity and no small degree of success.

Mr. Speaker, Black Americans are by now well accustomed to what has now been a long history of a questioning of their equality. In this Congress we continually fight to oppose the elimination of affirmative action. We continually fight the challenges that come when it is time to tell us we should not have access to education, jobs and contracts. And yet we continue to fight.

I pay tribute to all of the women who served, African-American women, in the United States Congress, those who have already served and those who are serving now.

Today I give my most heartfelt and deepest words of praise that I can summon, for those must certainly be some of the most deserving group among us, the Black women of America.

First and foremost, our lot has been marked by the same unrewarded but vital work for which the majority of women in our society have had to do for generations. African-American women have been homemakers. They have reared children. They have guided families, and counseled many, the jobs that we are generally responsible for, along with the other job. These are the jobs for which we receive no pay, and are indeed lucky to receive thanks for it now and then.

Our other job, however, and we do it very well, includes sometimes domestic worker, sometimes child care provider, bus driver, clerk, secretary, beautician, and occasionally something that qualifies to be called as professional jobs.

Some of these jobs pay some of the lowest wages in the country. Our average income is only $8,825. Mr. Speaker, that is only 40.7 percent of the $21,695 average income of white American males. Yet we have survived.

African-American women have on this income raised their children, provided homes for our families, and maybe even opened businesses.

We have also been charitable. You will find African-American women in all of the social groups throughout this community, working to help our children, providing support systems for our schools, being volunteers, and, yes, being like the humble laundress from Mississippi who gave $180,000 from her savings over the years to educate Black college students in Mississippi. What a tribute, someone who cared, someone who worked with her hands, and someone who gave back.

Black women, for their children and for their families, have kept us altogether. There are nearly 2 million Black women providing for almost 5 million children on their income.

Black women are sometimes associated with welfare. We have heard the great debate, the cuts in welfare, the elimination of welfare, the termination of welfare. But the fact is, that our total number, 6 million of us are in the American work force, despite the disincentive of our meager wages. So that image is a misnomer.

We are working women, we are women who have protected our families, we are women who have a vision for the 21st Century, we are women who want the best and want the most for our children.

Under these circumstances, mere survival would qualify as success. But we have done much more than merely survive. Over 1.5 million of us have made our way into the technical, administrative and professional ranks of American society. Against great odds, African-American women have become doctors, lawyers, scientists, academics, mayors, and, yes, Members of this August body with increasing frequency.

□ 2300

Mr. Speaker, in the name of all of our great female pioneers, like Phyllis Wheatley, Harriet Tubman, Sojourner Truth, Mary McCloud Bethune, Fannie Lou Hamer, Dorothy Hught, and Senator CAROL MOSELEY-BRAUN, African-American women have continued to achieve.

I call upon my colleagues and Americans everywhere to join me in saluting all of the strong African-American women, those in the Clinton administration, those serving in local government, national government, these are our heroes and sheros.

And then I would like to acknowledge a few Texas women. We have already noted the Honorable Congresswoman Barbara Jordan, who was the first black to serve in the Texas State Senate since reconstruction; Irma Leroy, community activist, and Christen Adair, who were the first secretaries of the NAACP; Magdelein Bush, who organized the Martin Luther King Center, Lois Moore, who heads up our massive hospital district; Frances Frazier, a community activist with Nina Bailey, a strong activist, and Dorothy Hubbard; Dr. Alma Allen, an educator who promotes our children, our many ministers wives who cater and support their communities; Zina Garrison Jackson, outstanding sports enthusiast and tennis player; Maudet Stewart; Alice Bonner, the first African American judge in the State of Texas; Zoe Jones, one of the founders of National Council of Negro Women chapters in the State of Texas—black women who are today carrying on the great tradition of our predecessors and making a seminal contribution to American society.

I would also like to challenge the Members of this body in particular and Americans in general to celebrate the role that African American women play in our society.

It reminds me of the words of Langston Hughes, as he spoke through the black mother who said, Life for me ain't been no crystal stairs, but I's still a-reaching and I's still a-climbing.

Mr. Speaker, it is my privilege to be able to join this special honor and tribute to African American women, ages past, today and tomorrow. And it is a challenge for all of us, as we move into the 21st century, to be reminded of their legacy and that of Maya Angelou that says, despite all that we have to overcome, still we rise, still we rise.

Mr. PAYNE of New Jersey. Mr. Speaker, I thank the gentlewoman for that eloquent statement. We certainly appreciate the outstanding work that she has brought into this 104th Congress.

I now yield to the gentleman from the great State of Georgia, Mr. SANFORD BISHOP.

Mr. BISHOP. Mr. Speaker, I would like to commend you along with my colleague for sponsoring this special order today. As we look back on the month of February, as we celebrate Black History Month, I certainly would like to commend our colleague, the gentleman from Ohio [Mr. STOKES], for his many years of service in leading this caucus as we celebrate Black History Month.

Like many of our colleagues, I have been fulfilling requests to talk about black history during the past month at schools and colleges, churches and civic organizations throughout my area of middle and south Georgia. It is an honor to have an opportunity to participate.

Mr. Speaker, I believe that the 70-year-old observance of Black History Month has made a big difference in our understanding of history. It has helped teach us about how our country's unique diversity has enriched and strengthened us as a people and a nation. Evidence of this statement can be found in the far-reaching contributions made by African Americans in science and medicine, art, entertainment, education, business, exploration, statesmanship and government, the law, in the military and indeed in all aspects of the country's growth and development from our colonial days to the present.

These are contributions that helped the country grow more rapidly, become more prosperous and ultimately emerge as the strongest and most secure nation on earth.

All cultures that have become a part of this great melting pot have made important contributions. Diversity has set America apart and helped make our country great.

It is truly something worth celebrating. All of the Black History Month programs that I have participated in have been rewarding, but one in particular was memorable. In Valdosta, GA this past Sunday, near the Georgia-Florida line, a grass-roots group of citizens conducted a fundraising drive over the past 2 years to erect an archway which was dedicated and a memorial at the site of unmarked graves of former slaves.

The site was discovered some 40 years ago when a gentleman by the name of Mr. Nelson, who was at that time a laborer in the cemetery, was instructed by his superviser to go and to dig and to prepare a compose pit in a certain portion of the Sunset Avenue Cemetery. As he prepared to carry out his instructions and he started to dig, he was interrupted by a woman who was visiting the cemetery, a Mrs. Findley, a black woman who was very, very steeped and knowledgeable of the history of the Valdosta, Lyons County, Brooks County area. She interrupted him and said, son, do you know what you are doing? He said, yes, ma'am, I sure do. She said, what are you doing? He said, I am carrying out the instructions that my boss gave me, and that is what I intend to do.

She said, well, let me tell you, before you go any further, what you are about to do is to dig up some of your history. He said, what do you mean? And she explained that at the site legend had it that that was the site of unmarked graves of former slaves who had lived in the Valdosta area.

He said, well, I had better check into this. And he went and he brought that to the attention of his supervisor in 1956. He challenged his supervisor and said, I just do not think we ought to go forth with this compose pit without checking further into it.

His supervisor paused and he said, all right, we will check into it. And they dug a trench gingerly around the area. They discovered with some exploration that there were indeed the outlines of the graves.

So through four or five supervisors, Mr. Nelson protected the area, informing each of his supervisors of what had taken place, and each one allowed that area to be protected and they did not disturb it. But he had a dream that someday that this area would be preserved. And finally with the help of the grass-roots citizens group, a group called the Committee for the History of the Unknown Slaves and a group called Valdosta Project Change, they are able to raise money and to finally dedicate a very meaningful memorial to these individuals.

We know a great deal about the lives of the more prominent figures who rose from bondage, figures like Sojourner Truth, Harriet Tubman, Frederick Douglass. But we know very little about most of the men and women who endured lives of servitude. We do know, however, that they struggled to better themselves and their families. Many learned to read and to write. Many learned skilled trades. They forged lives that were characterized by deep spirituality and a yearning for a new day of freedom and justice.

They courageously laid the foundation for the freedom to come. The memorial was dedicated last Sunday. It says: To the unknown slaves of Valdosta, in recognition of their sacrifices and contributions to our community.

This recognition is well deserved and long overdue, and I am privileged to have been a part of it.

Mr. PAYNE of New Jersey. Mr. Speaker, I thank the gentleman very much. That was really a very moving story. We appreciate the gentleman bringing that to history. There are so many unsung heroes, as the gentleman mentioned, and I really appreciate his contributing that to our special order tonight.

Mr. Speaker, I now yield to the gentleman from North Carolina [Mr. WATT], a gentleman who has brought a great deal of new energy also into the Congress.

Mr. WATT of North Carolina. Mr. Speaker, I thank that chairman for yielding to me and for organizing this important African-American History Month special order and doing so and taking over in the place of our colleague, the gentleman from Ohio [Mr. STOKES].

I think it would be remiss if we did not send our special regards and wishes for a speedy recovery to our colleague, LOU STOKES, and hope that he gets back here soon and continues to provide the kind of leadership he has provided to us over a period of time.

The theme for this special order, African-American Women, Yesterday, Today, and Tomorrow, is particularly appropriate. I would like to do three short things, given the lateness of the hour.

First of all, I want to go back to a special order or an insertion that I did in last year's African-American history special order and pay tribute to a special woman. Apparently I was a year ahead of my time because the theme last year was not necessarily African-American women, but I did attribute to a special African-American woman who has had a special impact in my congressional district in North Carolina. Her name was Charlotte Hawkins Brown, who was the founder of the Palmer Memorial Institute, which is located in Sedalia, NC.

At the age of 18, Ms. Charlotte Hawkins at that time accepted a teaching position in a school called the American Missionary Association, near Greensboro to teach at the Bethany Institute near Greensboro. And that school went out of existence after about a year. She committed herself to founding a school for women because of the fact that North Carolina had the second highest illiteracy rate in the country at that time.

She traveled back to Massachusetts to raise money for this purpose, did some singing at the seashore, waited tables, sought out donations, worked in various jobs and finally realized the dream of opening the Palmer Memorial Institute in the year 1902. That institute continued until Charlotte Hawkins Brown died on January 11, 1961, and the school actually continued until the year 1971.

So that I can make sure that Charlotte Hawkins Brown gets paired with all the wonderful, powerful women whose names have been mentioned this evening by other Members of Congress, I wanted to restate the important role that Charlotte Hawkins Brown has played in our history.

Second, I want to pay tribute to Harriet Tubman, and I want to do it in a kind of a backhanded way. And I do this without any disrespect to Harriet Tubman. But there is a gentleman in North Carolina by the name of Hal Sieber who has actually researched this thing and determined that the Underground Railroad started in Greensboro, NC.

He has written a book called the "Holy Ground" in which he has gone and researched this. In that book he writes the following: "The legendary national underground railroad system most often associated in later history with the conductor, Harriet Tubman, assisted the escape of thousands of African Americans from captivity. It was founded in the year 1819, actually one year before Harriet Tubman was born in Greensboro, NC, in the woods at New Garden Friends Meeting House."

This first route of the Underground Railroad coursed through Greensboro, NC, north through western Virginia and across the Ohio River to Richmond, IN.

The first recorded passenger of the Underground Railroad was John Moses Dimrey, according to Hal Sieber's historical analysis.

So I want to pay my utmost respects and memories to Harriet Tubman but at the same time remind my colleagues that based on all the information we have now been able to develop, the Underground Railroad actually originated well before Harriet Tubman. It originated in my congressional district in North Carolina.

□ 2315

So I will make that the second part of my tribute to African-American women yesterday, today and tomorrow, and then the final tribute I want to make is to the African-American colleagues that we have here in this House of Representatives and in the Congress of the United States House and Senate: Those important women, CORINE BROWN of Florida, EVA CLAYTON of North Carolina, CARDISS COLLINS of Illinois, ELEANOR HOLMES NORTON of the District of Columbia, SHEILA JACKSON-LEE of the great State of Texas, and we have heard from earlier this evening EDDIE BERNICE JOHNSON from Texas, CYNTHIA MCKINNEY from Georgia, who has led this redistricting fight so vigorously in the State of Georgia, CARRIE MEEK from the great State of Florida, whom we have also heard from earlier this evening, whom I always refer to as Grandma, CAROL MOSELEY-BRAUN, Senator CAROL MOSELEY-BRAUN, from Illinois, BARBARA ROSE COLLINS from Michigan and of course my colleague MAXINE WATERS from California.

As you, Mr. Speaker, have indicated, these women have stood firm in the face of adversity and been shining examples of how progress can be made with dignity and with honor and with integrity and with commitment, and it would be remiss of me if I did not pay special tribute to them for their contributions as we are paying tribute to African-American women. Yesterday they were here. Today they are here. And many of these women who I have mentioned here will be here tomorrow leading the fight for justice and equality in this country.

Mr. PAYNE of New Jersey. Mr. Speaker, let me just thank the gentleman from North Carolina [Mr. WATT] for that very interesting presentation. Let me at this time recognize the gentleman from the State of Illinois, a person who is no stranger to the struggle, one who we are proud to have as one of our colleagues, Mr. BOBBY RUSH from Illinois.

Mr. RUSH. Mr. Speaker, it is indeed an honor and a privilege to join with you this evening to honor black women, African-American women, yesterday, today and tomorrow. And, Mr. Speaker, I also join with you and other members of the caucus to express our considerable remarks and regards for the work that Congressman LOU STOKES from Ohio has put into making this an annual event. His work is certainly commendable, and we all wish him Godspeed in his current illness, and we look forward to working with him and look forward to his return to this Congress.

Mr. Speaker, I want to look at and focus the light of history on a woman from Illinois who serves as a member of this body, CARDISS COLLINS, the Representative from the 7th Congressional District. Mr. Speaker, there are literally legions of strong, remarkable women who have crossed my path and who I have read about and who made history who have contributed all that they could. All that was asked of them, to learn that the African-American community, the Nation, was the best that it could possibly be. These women have made tremendous sacrifices and we have heard names from speakers before me.

But, Mr. Speaker, I want to take a note and I want to take a moment and I want to reflect and focus on CARDISS COLLINS. I happen to believe, Mr. Speaker, that history and historians and indeed historical figures have a special meaning to some of us because they guide our paths. I believe that people who make history are not by definition artifacts on a shelf, but I believe that they are living, working, breathing, caring, committed people. CARDISS COLLINS is such a person. CARDISS COLLINS is a trailblazer. We must note that she was the first African-American Congresswoman from the great State of Illinois, and for nearly a decade she was the only black woman in Congress. She was the first African-American to hold party rank; that is a leadership position. She was the Democratic whip at large.

And Mr. Speaker, we have got to take a moment to pause to honor CARDISS COLLINS because at the end of this term, the 104th Congress, she will retire. She will retire from a Congress where she was indeed, if not the longest serving woman in the Congress, certainly one of the longest serving women in the Congress. She has a long list of firsts, a remarkable record of accomplishment and achievements.

She was the first African-American woman and the first woman to chair the House Government Operations Subcommittee on Manpower and Housing. She serves as chair of the Congressional Black Caucus of the 96th Congress. And she was the first woman to head the Congressional Black Caucus Foundation. She made many achievements. She accomplished many firsts.

But I know CARDISS COLLINS as a tireless worker, a person who spends enormously long days working on behalf of the poor, the downtrodden and minorities. She is a person who would not stop until she gets her task fulfilled. She is relentlessly pursuing all kinds of causes and battles that do not make the evening news, that do not make the headlines.

CARDISS COLLINS in 1991 became the first African-American to chair a subcommittee on the Committee on Energy and Commerce. Back in 1990 she wrote the law which expanded Medicare coverage for screening mammography for millions of elderly and disabled women. She authored the Child Safety Protection Act of 1993, legislation that required warning labels on dangerous toys, and Federal safety standards for bicycle helmets.

CARDISS COLLINS today is leading the fight to protect Medicare for the elderly.

Mr. Speaker, I know of no other female legislator, black, white or any other racial group, I know of no one who has throughout her history led the charge for justice and humanity like CARDISS COLLINS. She is a person that in a very, very humble and quiet manner wields a mighty influence on all those who come within her view or within her realm or in her world. CARDISS COLLINS has the respect of some of the great powers that be, both in the State of Illinois, the city of Chicago, and indeed throughout the Nation.

Mr. Speaker, I just had to take a moment this evening to recognize a friend and a colleague, a person who, if in fact had not been called upon to serve in this Congress, this Congress would certainly not be as great as it is. This person, this individual, this African-American woman, certainly epitomizes the kind of persons whom we have honored in our discussions and our speeches on this floor today, and she is also the kind of individual that they will honor in the future, and I want to today recognize our colleague CARDISS COLLINS, as an African-American woman whose contributions we all admire, respect, appreciate.

She is an African-American woman for yesterday. She is an African-American woman for today. And certainly history books will show that she is an African-American woman for tomorrow.

Mr. PAYNE of New Jersey. Thank you very much. That was certainly very stirring. I could not agree with you more that Representative COLLINS has served this Congress so well, and I thank you for bringing that to our attention.

At this time we will hear from the gentleman from Michigan [Mr. BARCIA].

Mr. BARCIA. I want to thank you, Chairman PAYNE, for the opportunity to participate tonight in paying tribute to a very special friend and an outstanding African-American leader.

Mr. Speaker, as Black History Month comes to a close, I believe it is most appropriate and important to pay tribute to a noted civil rights advocate, an inspirational educator and a distinguished community leader who has impacted the lives of many citizens in the Fifth District of Michigan, the great State of Michigan and across the Nation.

☐ 2330

Bernice Barlow, the eldest of James and Estelle Lowrey's eight children, was born in Louisiana and moved to Michigan when she was still just a toddler. She was born at a time when African-Americans, especially women, had to work harder and struggle against forces beyond their control to demonstrate their leadership abilities and talents. Yet, against those forces, she succeeded and gained the respect and admiration of her peers, whether man, woman, black, or white. She now uses that influence and her talents to help others reach the same threshold of achievement that she has.

As the longest serving president of the Saginaw branch of the National Association for the Advancement of Colored People, Bernice is a living example of a commitment to improving the lives of African-Americans. For the past 28 years, under her steady leadership, the branch has received numerous State and national awards, including outstanding membership and outstanding branch. Prior to becoming its president, Mrs. Barlow served as its secretary, and was also a youth member of the organization. Bernice is also dedicated to improving business opportunities for African-American women, and is a charter member and past president of the local chapter of the National Association of Negro Business and Professional Women's Clubs.

As a member of Alpha Kappa Alpha sorority, Bernice has assisted many young African-American women in achieving their goals. Bernice learned early the importance of a good education. She graduated from Saginaw High School in 1945, and earned a bachelor's degree and a master's degree in education from Michigan State University.

An elementary school teacher with the Saginaw public schools for 31 years, she has had an immense impact on her students. Over her 31 years of teaching, Bernice taught her many students that with a good education, nothing would be beyond their reach. Her words have had a positive effect passing from generation to generation, and she has inspired all who worked with her or had the good fortune to study under her tutelage.

Bernice is not only devoted to teaching our young people, but also teaches basic adult education, showing them that it is never too late to learn and improve yourself. Steadfast in her quest to improve her community, Bernice has consistently been recognized for her outstanding community service. She is a member of numerous operations, and serves as a member of the board of trustees of the Messiah Missionary Baptist Church.

In recognition of how much her community appreciates and acknowledges her accomplishments, her church is naming their new scholarship the Bernice Lowrey Barlow Scholarship, and are recognizing her achievements at a banquet held in her honor on March 2, 1996.

In order to promote fair housing opportunities, Bernice also has been recognized by the Tri-County Fair Housing Council for her outstanding leadership in helping to eliminate racial discrimination in housing. She is also a member of the Saginaw County Mental Health Board, and currently serves on a recipients' rights committee, and is the vice chair for the program committee.

Bernice could not have achieved these great accomplishments without the support of her family, including her loving husband of 47 years, Charles Barlow, and they have four children: Michael, Belinda, Mitchell, and Patrick, as well as 10 grandchildren.

Bernice Barlow is a shining example of the ability of individuals to improve our society. She is the embodiment of the finest qualities expressed in the word citizenship. I commend Bernice Barlow for her lifelong achievements, and I urge my colleagues to join me in extending her our very best wishes in her future endeavors.

I thank the gentleman, Mr. Speaker.

Mr. PAYNE of New Jersey. I thank the gentleman very much for his kind remarks, and we know the family will appreciate that being done here at Black History Month, and we appreciate your contribution.

Mr. Speaker, I yield to the gentleman from Louisiana, Mr. CLEO FIELDS.

Mr. FIELDS of Louisiana. Mr. Speaker, I thank the gentleman for yielding to me. Let me just say to the gentleman that I certainly appreciate the gentleman making recognition of Mrs. Bernice Barlow. I was extremely excited at the fact that she was born, she started off, in Louisiana, in the State that I represent. I want to thank the gentleman for taking the time to recognize such a great servant. Mr. Speaker, let me thank the gentleman for taking the time to have this special order.

I want to personally thank all the African-American women in this country, those who came before us, or before me, and those who are present today in our society who have opened up so many doors of opportunity.

That leads me to a very brief discussion, Mr. Chairman. I wish to talk about a few African-American women from Louisiana. I want to start by talking about an African-American woman by the name of Yola Antoine. Just a few weeks ago, as a matter of fact, when I was traveling in my district giving speeches for Black History Month, I was speaking at a church, and the mother of the church was Ms. Antoine, and the pastor had her to stand, and found out she was 100 years old. So I certainly want to take this moment to recognize her and talk about what type of a woman she is.

She is a great woman, because even at 100 years old, she still has kids gathering at her home, and she reads the Bible to them, and she should be commended for that. But she cuts her own grass, she lives by herself, and to be 100 years of age and still be as active as she is in the church, as active as she is with taking care of herself, we certainly want to recognize her tonight, and I certainly commend her. She is from Eunice, LA. I was just so proud of the fact that I had a citizen in my district that was so old, but yet so wise and so energetic.

I also want to talk about those African-American women who work with children in the district and in the State that I represent. It brings me to the name of Hazel Freemen, who was the past president of the Delta Sigma Theta sorority. She also was a high officer in the LINKS organization. The gentleman from New Jersey knows about these two organizations. This lady works night and day to try to encourage young people to stay in school and stay away from drugs and alcohol, so I certainly want to talk about her as we celebrate black history and recognize women.

I want to talk about another woman from my district out of Baton Rouge, LA, Ms. Eva Legarde. Ms. Legarde was the first female black president of the school board. She was elected to the school board. She put a heavy emphasis on education. She encouraged kids to stay in school. She should be commended tonight. She is no longer on the school board. She still works with community groups. She still works with the Girl Scouts and Boy Scouts and with her church, St. Francis Xavier, a church in Baton Rouge. She tries to encourage kids to stay away from drugs and alcohol.

I want to talk about Annie Smart, who started a legal defense fund in Baton Rouge, LA, because there were so many indigent people in the city that did not have legal representation. She started not only a legal defense fund, but she started a legal aid program in Baton Rouge. What she decided to do as a result of that, she started encouraging more young people to go to college and major and get a legal education. She encouraged kids to go to law school. We certainly commend Annie Smart tonight.

Ms. Lula B. Coleman. She was the mother of civil rights for Baton Rouge. She worked so hard to open up many doors of opportunities that many of us have benefited from today. I can speak as one of those individuals who is a direct beneficiary of her hard work.

Janice Clark, who is a judge in Baton Rouge, LA, today. She works night and day to work with kids before they are confronted with the judicial system. The way she deals with it, she goes into schools and she talks to kids about the consequences of committing crimes and doing drugs, so she should be commended at Black History Month.

Diana Bajoie, who is a female State senator who serves in the Louisiana State Senate, the first African-American woman elected to the Louisiana State Senate. She works night and day to try to improve education in the State of Louisiana by introducing bills that are in the best interests of educating our children.

Ms. Georgia Browne, who is a former librarian at Southern University. She had a program where she brought kids from high schools from across the State of Louisiana, and had them to interface with the library on the college campus. She had many programs that included kids from churches, so they can understand how to use the card catalog, so I want to commend Ms. Georgia Browne tonight.

Mr. Speaker, I want to thank the gentleman for yielding to me.

Mr. PAYNE of New Jersey. Mr. Speaker, I think all our time has expired. I appreciate the gentleman coming.

Mr. GILMAN. Mr. Speaker, as has been my traditional practice for many years, I am pleased to again participate in this special order on the occasion of Black History Month. It is an appropriate time to pay tribute to the many contributions made by Afro-Americans throughout the history of the United States, and to remind all Americans that the many gifts of black culture are and have always been a significant strengthening factor in the overall development of American society.

Thomas Carlyle wrote that "the history of the world is but the biography of great people." Many historians contend that men and women do not make events, but rather events make men and women. I do not subscribe to that theory. I believe that every advance made by civilization, as well as every setback, came about because men and women made conscious decisions either to do something or not do something. The decisions made and actions taken by black Americans ever since our colonial times have impacted greatly on the development and the history of our Nation. Black History Month is an appropriate time to inform the American people of the many outstanding black individuals who have made a better life for all of us throughout the years.

As examples of outstanding blacks who throughout our history have contributed to our way of life, let us not forget: Crispus Attuckus, a free black man who gave his life at the Boston Massacre, which signaled our War for Independence in 1770, and Peter Salem, a hero of the Battle of Bunker Hill.

Let us also note Benjamin Banneker, an astronomer and mathematician; Jean Baptiste Point du Sable, a pioneer trader and trapper; Harriet Tubman and Sojourner Truth, who helped found and run the Underground Railroad for escaping slaves; Frederick Douglass, an escaped slave who became one of the great American diplomats and leaders of all time; and the thousands upon thousands of Afro-Americans who fought and in many cases gave their lives in the Civil War.

Other brilliant Afro-Americans include: Jan Matzeliger who invented shoemaking machinery; Henry Blair, who invented farm machinery; and Granville T. Woods, whose inventions made subway travel safe and practical. Noteworthy Black educators include: Dr. Mary McCleod Bethune, Frederick D. Patterson, and Benjamin Mays; A. Philip Randolph was an outstanding labor leader. Bayard Rustin helped him in organizing the marches on Washington in 1941 and 1963 which raised the consciousness of all Americans.

Dr. Martin Luther King, Jr., whose birthday we celebrated last month, was in a class all by himself. An individual whose message of love and non-violence was valid for all races and for all nationalities for all time, Dr. King has been and will always remain an inspiration to all of us.

Outstanding African-Americans writers include: Toni Morrison, Langston Hughes, Alice Walker, James Baldwin, Charles Fuller, Lorraine Hansberry, Paul Dunbar, and Alex Haley.

And we have not even begun to list the many black Americans who made an impact in the fields of education, sports, entertainment, music, politics, the graphic arts, and so many other spheres of human endeavor.

Mr. Speaker, I am certain that many of our colleagues noted the guest editorial which appeared in the Washington Post just this morning by the gifted black writer, Jonetta Rose Barras. Ms. Barras comments with alarm and disdain regarding some of the efforts of businesses to capitalize on Black History Month. She also notes the unfortunate tendency of many of our institutions to concentrate all activities regarding Afro-Americans into Black History Month, as if the achievements of gifted blacks could and should be ignored the other 11 months of the year.

I tend to agree with Ms. Barras' chagrin. It is bad enough that the memory of our fallen heroes on Memorial Day and Veterans Day is too often desecrated by sales pitches and advertising blitzes which totally ignore the significance of those occasions. Let us not allow this same fate to befall Black History Month.

Black History Month is an appropriate time to note that the contributions of blacks to our culture and our society are truly significant. It is a time to note that our world would be different today were it not for the contributions of so many gifted men and women.

However, it is not an appropriate time to cheapen the sacrifices and the hardships endured by many black Americans throughout the years to advance the causes of equality, liberty, and justice for all.

Mr. Speaker, for the benefit of any of our colleagues who may have overlooked Ms.

Barras' editorial, I request that it be inserted in full in the RECORD at this point.

[From the Washington Post, Feb. 28, 1996]

BLACK HISTORY MONTH GONE WRONG

(By Jonetta Rose Barras)

My mother says I'm a glutton for punishment; she's not half wrong. Except this time, I didn't go looking for trouble. I went into the CVS (formerly Peoples Drug Store) for a pair of hose, which except for the Safeway is the only place to find them in Adams-Morgan.

I'm waiting in line, my hands filled with hosiery, a regular box of Junior Mints and nail polish remover. I'm reading everything in sight, which is Part I of my mother's glutton assessment; Part II is that I often react to what I read, even when I try not to.

As the cashier rings up my merchandise, I continue reading. The sign that catches my eye seems benign: "Look for these and other great values throughout the month," it reads at the top. I scan down the list—I'm always after a good sale.

Luster Silk Right on Curl Moisturizer
Let's Jam Conditioning Gel
Luster's S Curl
Soft Sheen
Afro Pride No-Lye Relaxer

Nothing for me, I conclude; I've worn my hair natural since 1968. It's not a political statement, more of a beauty thing. I think I look great with nappy hair.

But I relax too quickly; the last few lines of the sign are lethal: "CVS Pharmacy Supports Black History Month," it reads, What the hell do S Curl and No Lye have to do with Carter G. Woodson, Harriet Tubman, Sojourner Truth, my aunt Loweska or any of the other tens of millions of black people who have lived and died in this country? I nearly shout at the cashier, She turns the sign around toward her so she can see what set off my alarm. I'm ready to call the manager, the owners, someone, anyone. I am exhibiting 150 percent of righteous indignation (if Madame C.J. Walker were mentioned somewhere on the poster, I might accept the listing of products as a passable salute—although that would be stretching it). I demand justice.

I am tired of Black History Month; tired of being squeezed between 28 days (29 this leap year). I'd started this month declaring I would not try to convert anyone else. I'd quietly achieve my own version of justice, albeit rather peculiar. I would boycott any Black History Month event. No Alvin Ailey or Dance Theater of Harlem or Smithsonian lectures or tours or special exhibitions of Bearden and Tanner or dinners honoring "Great Black Leaders." There'd be none of that for me.

Although I never spoke with Dr. Carter G. Woodson, who originated the concept of a Black History Month (in his day it was called Negro History Week), I am sure he would proclaim his dream a nightmare.

Some think it's progress that African Americans are honored for an entire month. But is it progress when the Smithsonian Institution waits until Black History Month to dump most of its programming targeted for African American audiences and those interested in black culture into one month—forcing every black writer, academician, dancer or whatever to compete with one another because across town at some other institution there is another black history event they want to catch?

Is it progress when mainstream publishers wait for February to unload books they could have released in the fall, just to make their marketing strategy easier?

Maybe it's progress when some drugstore chain decides the best way to celebrate the history of millions of Americans whose ancestors helped build this country into the capital of the free world is to stick up some placard advertising S Curl and Let's Jam Conditioning Gel and call it a salute.

It wasn't supposed to be this way.

I'm absolutely positive Woodson intended that at some point Negro History Week, Black/African-American History Month would become obsolete. He expected the stories of the 5,000 blacks who fought in the Revolutionary War to be right there alongside Washington's. He believed that when the history of World War II was written, it would contain the names of Mary McLeod Bethune, Gen. Daniel Chappie James Jr., the Tuskegee airmen and hundreds of other colored Americans who fought valiantly. And that in every anthology of American poets, Sterling Brown, James Weldon Johnson, Georgia Douglas Johnson and Countee Cullen would be among the writers. Instead, they are in separate books, pulled out during February and considered "additional suggested reading, variations on themes" They are not integral components of America's historical discourse.

This I am certain of: Woodson never intended for his concept aimed at instilling race and cultural pride to become a marketing strategy for museums, publishers and hair-care companies. It's much too precious for that, which is why I had decided to do my own quiet protest.

But CVS changed all of that; I'm now publicly advocating that Americans who no longer want a segregated history of this country boycott Black History Month and demand full representation throughout the year—the key word here is full, not some weak-kneed, half-committed expression. Full, nothing less.

After we've righted the misdirection of Black History Month, let's set our sights on Women's History Month—I mean, where does that come from, anyway?

Mr. BENTSEN. Mr. Speaker, I rise to join my colleagues and our Nation in celebrating Black History Month. I appreciate this opportunity to pay tribute to African-Americans who have contributed so much to making our Nation what it is today. The theme of this year's special order observance is African-American women: yesterday, today and tomorrow.

I want to take this opportunity to honor the memory of one very special woman—a fellow Texan and Houstonian and former Member of this House—who has long been an inspiration to me. That woman is Barbara Jordan.

We all felt a deep loss when she passed away recently. But I have no doubt that Barbara Jordan's life and accomplishments will continue to inspire many generations to come.

As a legislator, Ms. Jordan built a reputation of being a skilled politician and forceful and dynamic individual. She was the first African-American woman in Texas to be elected to the Texas Senate and the first African-American from the South to serve in the Congress of the United States since Reconstruction.

During her tenure in the House, she served as a member of the House Judiciary Committee, the House Committee on Government Operations and the Steering and Policy Committee of the House Democratic caucus. In reflecting on this year's theme, I cannot think of another woman who truly embodies our Nation's greatest traditions and our deepest aspirations than Barbara Jordan.

Barbara Jordan championed the ideal of America being a country where legal rights and equal opportunities were available for everyone. She furthered that ideal for herself, for African-Americans, for African-American women, and for persons of all races.

Ms. Jordan has earned a place in American history, alongside Dr. Martin Luther King, Jr. in pushing forward the dream of equal opportunity for all Americans. She never ceased to remind us what "we the people" truly means.

Texas and the Nation, have lost a powerful voice of conscience and integrity. Barbara Jordan was a champion of our freedom, the Constitution and the laws of our country. We will miss her unflinching intelligence and integrity, her passion for justice, the power of her voice, and the sheer force of the truth for which she spoke. From Watergate to the U.S. Commission on Immigration Reform, our Nation relied on her time and again to give us straight answers. And she never left us disappointed.

In another significant first, she delivered the keynote address at the 1976 Democratic Party Convention—the first black woman in the 144-history of our party to do so. She repeated that performance some 16 years later at the 1992 Democratic Convention when she challenged delegates and the Nation to transform our decaying inner cities into places where hope lives.

Also, let us not forget Ms. Jordan's eloquent defense of the Constitution when she sat on the House Judiciary Committee that investigated the Watergate break-in and the White House coverup that lead to the resignation of President Nixon. She made all of us proud to be Americans. I am most reminded of a speech in which she stated that, "My faith in the Constitution is whole, it is complete, it is total and I am not going to sit here and be an idle spectator to the diminution, the subversion, the destruction of it."

History will remember Barbara Jordan as a dynamic leader, powerful politician, riveting orator, a pioneer for all, and the ultimate public servant. Her impact transcended age, sex, and ethnicity. Barbara Jordan also had a more personal side that friends and associates will remember most. The side that was not fully seen by the public eye.

For example, many do not know that she loved to sing gospel, top 40, and country songs at the parties she threw for her graduate students in Austin. Many do not know of her sharp intellect, dry wit, and childlike curiosity. But one thing is certain, the State of Texas, The city of Houston, and the Nation have lost a true treasury in Barbara Jordan. She lived the dream of fairness and equal opportunity enshrined in our Constitution, and she committed her life to helping all Americans share in that dream.

I last saw Barbara Jordan in San Antonio last spring where we both addressed the College Democrats of America. While it was a unique exchange involving three generations of Americans, I was most thrilled that my two younger daughters, Louise and Meredith, a fourth generation and fellow Houstonians, had a chance to meet a real trailblazer in our American History. She did not let them down.

The best way to honor her is to rededicate ourselves to making that dream come true for all Americans.

Mr. RAHALL. Mr. Speaker, since 1976, February has been celebrated as Black History Month, but the origins of this event date back to 1926, when Dr. Carter G. Woodson who was born in Huntington, WV, set aside a special period of time in February to recognize the heritage, achievements, and contributions of African-Americans. This occasion provides the opportunity for our country to celebrate the past and present contributions and accomplishments of African-Americans. As I reflect on these contributions and accomplishments, I am quickly drawn to my district and a gentleman who has demonstrated time and time again a tireless effort to be of exemplary service to all mankind. Ernest C. Moore is a husband, father, legislator, activist, humanitarian, role model, and friend to all who know him. For over 20 years Delegate Ernest C. Moore has championed the causes of justice and equity as a West Virginia State legislator representing McDowell County, 22d district.

Delegate Moore was born on July 12, 1922 in Winston-Salem, NC but moved to Thorpe, WV at age 4 when his father, a railroad worker heard about a good paying job in the coal mines. His father spent the rest of his life working at U.S. Steel's No. 4 mine in Gary, WV and Moore followed suit when he was old enough, starting at No. 4 and then moving to the No. 10 mine. Along the way he became active in the United Mine Workers, eventually serving as district 29, vice president for 14½ years.

Mr. Speaker, Delegate Moore is the longest serving legislator in the West Virginia House of Delegates. However, because of health reasons on January 22, 1996, Moore retired. He was first elected to the West Virginia House of Delegates in 1971 by McDowell County voters. Except for the one 2-year term from 1979 to 1980, he has served continuously in the House. During his tenure he served on the following committees: Enrolled Bills (chairman), Banking and Insurance, Constitution Revision, Judiciary (chairman), Industry and Labor (chairman) for the 67th–69th legislatures.

Delegate Moore the legislator and humanitarian worked hard to help create the much needed Tug River Health Clinics in Gary and Northfork, WV along with building of the new Welch Emergency Hospital. The significance of this accomplishment is that in McDowell County the hospital and three clinics are among the three highest employers in the county.

Delegate Moore the legislator and activist was also a key player in the civil rights legislation that led to designating Dr. Martin Luther King's birthday a State holiday.

Delegate Moore the legislator and role model has received almost every type of reward and recognition, to name a few. In 1976, he received the Distinguished Citizen's Award from Mountain State Bar Association. In 1992, the Distinguished West Virginia Award and, in 1993, Twenty Years of Dedicated Service Award from the West Virginia Legislature.

Delegate Moore the husband and father is married to Mittie Kellum and is the father of four, Judy, Douglas, Clifton, and Gail. He has maintained that God and his family are the cornerstone of his success.

Delegate Moore the legislator and friend has not only served as a role model to his family and colleagues, but also his constituents. He has demonstrated this through his involvement in community organizations such as the Brother's Club, the McDowell County Health Board, president, Public Defender's Corporation—8th Circuit, and the NAACP. His contribution has symbolized the importance of community involvement and helped to develop future leaders who will challenge this Nation to reach its great potential.

Mr. Speaker, Delegate Moore like so many others we honor this month is a rare and wonderful individual, who, through words and deeds has helped make a difference to countless lives in West Virginia and the Nation. I would now like to share with you Moore's recent response to a news reporter question of regrets during his 23 years of service. Moore responded by saying, "I don't regret a day, a lot of people would probably be shedding tears of sorrow, but if I would be shedding any tears, it would be tears of joy. And I know in my heart that I have done everything possible to help McDowell County and the State of West Virginia."

Finally, Mr. Speaker, there are countless men and women who like Delegate Moore improve the lives of many people on a daily basis, they may not be famous, but they are extraordinary individuals in the same tradition. I ask my colleagues to join me during Black History Month as I salute the excellence of Delegate Ernest C. Moore, an outstanding example of civic responsibility, courage and commitment of whom the African-American community, and indeed Americans everywhere should be proud.

Mr. VISCLOSKY. Mr. Speaker, I am pleased to participate today in this special order to commemorate Black History Month. In March, we will celebrate Women's History Month, and, in that vein, I would like to pay tribute to a number of African-American women who have overcome adversity to achieve great success.

African-Americans have made great strides since the Civil Rights movement of the 1960's. However, we have a ways to go before the economic disparity between the African-American community and the rest of America is eliminated. Black women, in particular, still struggle in disproportionately high numbers with the challenges of raising children while living in poverty.

Fortunately, we can look at shining success stories in the African-American community to show young people how to improve their lives and communities. In the words of the late Congresswoman Barbara Jordan: "We need to change the decaying inner cities from decay to places where hope lives."

A pioneer in American politics, Barbara Jordan was the first black State senator in Texas history, and the first woman from Texas, as well as the first black, to be elected to the U.S. House of Representatives after Reconstruction. Barbara Jordan was a champion of freedom and of the Constitution. Her beliefs were epitomized when, during the Watergate hearings, she declared, "My faith in the Constitution is whole, it is complete, it is total, and I am not going to sit here and be an idle spectator to diminution, the subversion, the destruction of the Constitution."

After serving three terms in Congress, Barbara devoted her energy to teaching and continued to strive, in her own words, "to do something unusual." This was certainly an understatement. Later in life, Barbara struggled with multiple sclerosis, and while the disease crippled her body, she refused to allow it to conquer her spirit. Barbara Jordan's life and success have left a legacy of opportunity for countless American women.

A number of African-American women from Indiana's First Congressional District have also been pioneers. These women have achieved economic and personal success, and they serve as role models for the young people in northwest Indiana. I would like to bring a few of them to your attention now.

Katie Hall served as U.S. Representative for Indiana's First Congressional District from 1982 to 1984. During her tenure in Congress, Katie Hall played an instrumental role in creating the Martin Luther King National Holiday. She currently serves as the Gary city clerk.

Earline Rogers has been elected to serve as a Gary City Council member, State representative, and State senator. Ms. Rogers was only the second African-American woman to be elected a State representative. She continues to serve as a State senator.

Judge Karen Freeman-Wilson is the presiding judge of the Gary City Court. She is also a practicing attorney and has served as a public defender in the Lake County Superior Court.

Eloise Gentry is the president and CEO of the Urban League of Northwest Indiana. She has also served as executive director for Community Coordinated Child Care and helped instigate the movement to integrate Gary's public schools.

Judge Shelia Moss was nominated in 1993 by Governor Bayh to be the presiding judge of the Lake County Superior Court. She has also held the position of deputy director of the Child Support Division for the Lake County Prosecutor's Office.

Hilda Richards is the first African-American chancellor of Indiana University Northwest. She was installed in this position in May of 1994.

Pauline Hutson was the first African-American woman to become a member of the Gary Police Department in 1936, and the first black woman to be promoted to detective in 1969. She has gone on to become commander of the Women's Division of the Gary Police Department.

Y-Gene Chambers was the first African-American woman appointed to the Lake County Crime Commission and the first black woman appointed to the advisory board of Bank One. Ms. Chambers also chartered and was the first president of the board of directors of the Gary Educational Development Foundation.

Dr. Waltee Douglas was one of the first women to become an ordained minister in the Baptist Church in 1985, at St. John Baptist Church in Gary.

Imogene Harris is the publisher of the Gary Info Newspaper and president of the Harris Printing Co. The Gary Info Newspaper is an African-American news weekly which has been in continuous publication for 34 years.

Kellee Patterson was the first African-American woman to win the title of Miss Indiana in 1971.

Vivian Carter was the first African-American woman to host a 5-hour radio show. She is a cofounder of Vee Jay Record Co., which was the first record company to distribute the early recordings of the Beatles.

Dorothy Leavell was the second female president of the National Newspaper Publishers Association, an organization of more than 200 African-American newspapers in the United States.

Del Marae Williams is currently east Chicago's city judge. She has also served in the Lake County Public Defender's Office and as an East Chicago human rights attorney.

As we celebrate Black History Month, we celebrate an America more culturally enriched, intellectually developed, and technologically advanced because of the contributions of African-Americans. In closing, I would like to commend my colleagues, Representatives LOUIS STOKES and DONALD PAYNE, for organizing this important special order on Black History Month.

Ms. BROWN of Florida. Mr. Speaker, in the grand tradition of Mary McLeod Bethune, Shirley Chisholm, and Dorothy Height, former Congresswoman Barbara Charline Jordan carried our Nation's baton for freedom, justice, and equality as one of the first female African-American Member of Congress. When she retired from Congress in 1977, she left an incredible void and a legacy that my colleagues and I have worked tirelessly to fulfill.

Jordan, who died last month in Houston, TX, at age 59, was a true inspiration for past, present, and future female African-American Members of Congress. Both as a Texas State senator and as a U.S. Congresswoman, Jordan sponsored bills that championed the cause of poor, black, disadvantaged, and working people.

Barbara Jordan would be saddened today by the challenges to minority voting districts, including the very district Jordan once represented and is now represented by my colleague, SHEILA JACKSON-LEE. Minority voting districts have been instrumental in ensuring that we are all included in "We the People." Jordan used to say that perhaps George Washington and Alexander Hamilton had left her out by mistake when drafting the Constitution to begin "We the People." Much of her career was spent working to fully implement the Voting Rights Act of 1965. Jordan met with much success. "Through the process of amendment interpretation and court decision," she said, "I have finally been included in 'We the people.'"

Now, our Nation faces threats to the inclusion of all people in challenges to minority districts in many States, including Florida. The Third Congressional District of Florida is a truly representative district and I believe that my constituents have been well served.

In Congress today, I would argue that we need more inclusion, more compassion, and more minority voting districts to ensure that "We the People" includes us all. If the current Republican-led Congress could be injected with the spirit of Congress' most powerful heroes, the U.S. Congress and its American citizens would be better off today.

Those who have come after her have struggled to fill her giant shoes. Barbara Jordan was a true American hero. Let us never forget her legacy of equal opportunity, dreaming and living our dreams, and including all people as we interpret the U.S. Constitution.

Mr. MARTINEZ. Mr. Speaker, I join my colleagues tonight in saluting the accomplishments and contributions of African-American women, who have enriched the lives of all Americans. As we near the end of Black History Month, we should keep in mind that this Nation was built with the blood, sweat and tears of African-Americans.

Black Americans have made enormous contributions in fields as diverse as science and the arts to politics and sports. From the sublime poetry and writings of Maya Angelou to the athletic prowess and wizardry of Magic Johnson, African-Americans continue to contribute to the economic, cultural and political fabric of the Nation.

Tonight, I would like to highlight the achievement of an exceptional African-American woman and former Member of the House of Representatives—the Honorable Barbara Jordan.

Barbara Jordan excelled in every field of endeavor she focused her considerable talents in pursuing. Her distinguished career spanned the areas of politics, law and education. Barbara Jordan tragically passed away a few months ago, however, she has left an indelible mark on the country. Her intellectual brilliance, eloquence, clarity of thought and principled stand on so many vital issues facing the country continue to resonate today. Barbara Jordan was a trailblazer setting the stage for other women, be they black, white, Hispanic or Asian, to follow in her stead.

In the mid-1960's, Barbara Jordan became the first black elected official to the Texas State senate since 1883. During her tenure in that chamber, she authored the first Texas minimum wage law and spearheaded the first package of urban legislation through that chamber. And on June 10, 1972, Barbara Jordan, as President pro tem, became Governor for a day when both the Texas Governor and Lieutenant Governor were out of State, adding another "first" to her long list of accomplishments.

In 1972, Barbara Jordan was elected to the U.S. House of Representatives where she would soon be propelled to national prominence. During the Watergate and impeachment hearings, Representative Jordan distinguished herself by delineating before the entire Nation why she believed the committee on judiciary should vote to indict President Richard Nixon. Newsweek called her speech "The most memorable indictment of Richard Nixon to emerge from the House impeachment" proceedings.

Jordan's memorable keynote address in the 1976 Democratic National Convention sealed her reputation as one of the great political orators in the country. Her decision to retire from the House in 1978 in order to accept a teaching post at the University of Texas' Lyndon B. Johnson School of Public Affairs, represented a loss for American politics and a tremendous gain for the world of academia. More recently, Barbara Jordan was called upon once again to serve our country as chairman of the U.S. Commission on Immigration Reform. She performed her task with the integrity and utter professionalism that marked her whole life.

Barbara Jordan led by example; she led by her sheer will to persevere; and she led by her intellect and oratorical skill. Barbara Jordan was truly a great American. Her legacy is now and forever a part of the rich history of African-American accomplishments and contributions to our country.

Mr. FARR. Mr. Speaker, since 1976, February has been celebrated as Black History Month, but the origins of this event date back to 1926, when Dr. Carter G. Woodson set aside a special period of time in February to recognize the heritage, achievements, and contributions of African-Americans. It is with great pleasure that I rise to recognize a resident of my district who has made an outstanding contribution to both the African-American community, and the central coast region in general.

Rev. Herbert Hoover Lusk, Sr., a native of Memphis, TN, has served as a minister and professional community organizer in the city of Seaside, CA for over 30 years. Widely known for his speaking ability and leadership skills, he has been an instrumental figure in the growth and development of the city of Seaside.

Reverend Lusk received his formal education at Henderson Business College in business administration, 1951, and the Right School of Religion, 1955, both located in Memphis, TN. Later, he received his bachelor of science degree in human relations and organizational behavior from the University of San Francisco, 1984, and his master of science degree in management and school administration from Pepperdine University.

As an organizational planner and administrator, Reverend Lusk founded Operations Shoe-Strings, Inc. Of Seaside 25 years ago, along with Operation Tobacco Education and Operation Second Chance. These organizations are designed to provide essential services to aspiring youth, their parents and other interested community residents.

Reverend Lusk has served as minister and pastor of the Bethel Missionary Baptist Church of Seaside, CA since 1961. During this period he has designed and organized church educational programs, a day-care and pre-school program, assisted in community organizational efforts and developed and administered successful proposal and grant-funding efforts. He is also vice-moderator of the St. John District Association, which consists of the States of California, Nevada, New Mexico, and parts of Africa. In February of 1993, Reverend Lusk participated in the first African American national conference ever held on South African soil. In addition, he has served as either a leader or member of such community organizations as the Monterey Peninsula Ministerial Alliance, the Seaside Chamber of Commerce, the Seaside Club International, the National Association for the Advancement of Colored People [NAACP], the Southern Christian Leadership Conference, the National Baptist Convention U.S.A. and the National Alliance for Black Observation Day.

As a result of his inspirational leadership and tireless efforts Reverend Lusk has been widely recognized for his achievements. Among the many awards and honors bestowed upon him are the Outstanding Services Award of the Anti-Poverty Council, Monterey Peninsula—1971, the NAACP Man of The

Year, 1971, the Seaside Chamber of Commerce Award, 1978, the Elvirita Lewis Foundation Award, 1980, the Delta Sigma Theta Sorority, Inc. Award, 1985 and the California Legislative Resolution Commendation that I sponsored in 1988.

Mr. Speaker, I have known Reverend Lusk for many years. He has demonstrated time and time again a tenacious commitment to bettering the lives of the less fortunate in Seaside and surrounding central coast communities. His zeal and enthusiasm have inspired cooperation and commitment for the betterment of the community. As we celebrate our 1996 observance of Black History Month, we celebrate an America that is richer and more culturally aware because of the undertaking and accomplishments of people like Reverend Lusk.

Mr. DELLUMS. Mr. Speaker, as we remember our former colleague, the Honorable Barbara Jordan, it is particularly fitting that the theme of this special order in observation of Black History Month is "African-American Women: Yesterday, Today and Tomorrow." This institution has benefited greatly from the contributions of Congresswoman Jordan, as well as our other strong African-American female members. So, too, has America benefited from the presence of African-American women in her midst over the past almost 400 years. During slavery the blood, sweat, and tears of African-American women became literally and figuratively a part of the very foundation upon which our great Nation is built.

Throughout her story in America, the African-American woman has played an integral role in the survival of the family, community, and country. Women such as Harriet Tubman, Sojourner Truth, Rosa Parks, Ida B. Wells, Mary McLeod Bethune, and countless others, struggled to obtain freedom and racial equality for African-Americans and all Americans, and to make America a Nation true to its principles and ideas.

African-American women embody the pride and strength of a people who have experienced and survived great oppression. The tradition of leadership and struggle continues today among African-American women as evidenced by Marian Wright Elelman, ELEANOR HOLMES NORTON, Dorothy Height, Myrlie Evers, and others. Today, I join my colleagues to recognize and salute the strength, pride, resilience and commitment of African-American women.

Mr. DURBIN. Mr. Speaker, on behalf of myself and Congressmen GLENN POSHARD and JERRY COSTELLO, I rise to honor Capt. William R. (Bill) Norwood of Carbondale, IL, for his distinguished career and his contributions to Illinois and the Nation. Captain Norwood is retiring after more than 30 years with United Airlines. I want to take this opportunity to acknowledge his significant achievements.

Bill Norwood's life has been one of great individual achievements, which have helped to pave the way for others to follow. He was the first black pilot hired by United Airlines, and the first to reach the rank of captain. Today, there are 236 black pilots at United Airlines who have followed in Bill Norwood's footsteps.

He was born in Centralia, IL, where he attended Lincoln Elementary and Centralia Township High School. He started working at the age of 10, selling newspapers, and worked with his father in carpentry. He graduated from Southern Illinois University in Carbondale with a degree in chemistry, where he was also the first black quarterback on the football team, and went on to earn a master's in business administration from the University of Chicago. He was hired by United Airlines in 1965 and has flown all the cockpit positions and many different airplanes, beginning with the 727 and ending with the DC–10.

He was inspired to become a pilot by a teacher in grammar school who had flown with the Tuskegee Airmen black fighter squadron. He joined the ROTC and served 6 years in the U.S. Air Force, where he flew for the Strategic Air Command.

He is the recipient of many honors and awards, including the United Airlines Flight Operations Division Special Achievement Award; the United Airlines 1991 Community Relations Award; the Certificate of Merit from the Chicago Merit Employment Committee; the Illinois Concerns for Blacks in Higher Education Special Merit Award; membership in the Southern Illinois ROTC Hall of Fame; the Southern Illinois Athletic Hall of Fame; and the Centralia, Illinois Historical Hall of Fame. He was profiled in Chicago's "Successguide 1991" as one of the top 10 black professionals making outstanding contributions to the community. He is named in the first editions of "Who's Who Among Black Americans," "Profiles in Black," "The African Americans," and "African American Firsts." He is also pictured in the National Air and Space Museum's permanent display called "Black Wings."

Beside these many honors are the contributions he has made to our community. Bill serves on the board of trustees of Southern Illinois University and the Southern Illinois University Aviation Advisory Committee. He is a member of the Illinois Board of Higher Education; immediate past president and former treasurer of the State Universities Retirement System Board; and he works with the Illinois Committee on Black Concerns in Higher Education. He is a member of the Airline Pilots Association; he has served many terms as treasurer, president, and chairman of the board of the Organization of Black Airline Pilots; he is a life member of the NAACP; he serves on several committees at the Prince of Peace United Methodist Church; and he frequently takes time to visit schools and give career and motivational talks to young people.

Bill is retiring from United Airlines to spend more time with his family, which he raised with his lovely wife, Molly Frances Cross Norwood, who is also president and CEO of the Blue Ribbon Press. His two adult sons, William, Jr., who is an air traffic controller, and George Anthony, an attorney, are following in their father's footsteps of high achievement. On behalf of his many friends and admirers, I congratulate Capt. William R. (Bill) Norwood and wish him and his family the very best in the future.

Mr. COYNE. Mr. Speaker, I rise today to join in this special order to observe and celebrate Black History Month. Observing Black History Month each year helps Americans educate ourselves about the important role that African-Americans have played in our Nation's history. Given the unique experience of African-Americans in this nation of immigrants, it is important that all Americans understand and appreciate the nature of their struggle for freedom and equality—and the accomplishments in art, science, education, business, and politics that African-Americans have achieved despite the extraordinary obstacles that they have been forced to overcome.

I want to thank Representatives LOUIS STOKES and DONALD PAYNE for organizing this special order today. As a result of their efforts, Members of Congress can take this opportunity to celebrate the many important contributions that African-Americans have made to our country's cultural, economic, and political life.

Black History Month was initiated by Dr. Carter G. Woodson, who established the Association for the Study of Afro-American Life and History in 1915 in order to encourage the proper appreciation for the contributions that African-Americans had made to their country. Black History Month has been celebrated in some form since 1926.

The Association for the Study of Afro-American Life and History has made African-American women the focus of this year's observance because, as Mary Church Terrell observed, African-American women had to overcome the obstacles of both racial and gender discrimination. Consequently, I would like to focus my remarks today on some of the remarkable African-American women who have overcome tremendous obstacles to achieve success in their chosen fields. Brave, smart, strong, and determined—these women were truly giants.

African-American women have been active in every field of human endeavor in this country, and yet, more often than not their contributions have gone unrecognized. African-American women in this country have been activists, educators, professionals, entrepreneurs, artists, and elected officials. Moreover, they have succeeded in these fields in the face of a combination of obstacles more intimidating that those that most other Americans have had to confront.

Women like Harriet Tubman, and Sojourner Truth were born into slavery, but they refused to submissively accept their designated place in society. Both of these women became dedicated abolitionists and contributed to the growing opposition to slavery in this country in the mid-1800's. Harriet Tubman returned to the South many times to help many other African-Americans escape the bondage of slavery. As a result of their efforts to change public attitudes about slavery, millions of African-Americans were eventually freed from slavery.

Emancipation was not the end of African-Americans' struggle for freedom and equality in this country, however. Sadly, even 131 years after the end of the Civil War, that struggle is not over. Nevertheless, tremendous strides have been made. Just as in the battle against slavery, African-American women were active participants in the struggle to end segregation and secure their political rights. Ida B. Wells, for example, was an influential activist and journalist in the late 19th and early 20th centuries. She braved threats of physical violence to organize African-Americans against segregation and protest the lynchings that characterized the post-Reconstruction era.

Fannie Lou Hamer was threatened, shot, and beaten as a result of her efforts to secure the right to vote for African-Americans, and yet she never wavered in her pursuit of social justice. Rosa Parks was arrested for her refusal to submit to the racist Jim Crow laws that, sadly, enjoyed wide support in the South for most of this century. These are only a few of the women who were active in breaking down the political and legal system that discriminated against African-Americans in this country; it would be impossible to mention the names of all the African-American women who contributed to this effort, but it would be wrong not to point out the important role that they played.

As a result of the struggle for civil rights, African-American women have been able to begin participating fully in the political process. Mary McLeod Bethune, a noted African-American educator, was appointed by President Franklin Delano Roosevelt to administer the African-American division of the New Deal era National Youth Administration. In 1969, Shirley Chisholm became the first African-American woman to be elected to the U.S. House of Representatives, and in 1992, CAROL MOSELEY-BRAUN became the first African-American woman elected to the U.S. Senate. Shirley Chisholm also has the honor of becoming the first African-American woman to run for the Presidency. It didn't take long for African-American women like Barbara Jordan to make their mark on Congress. Today there are a number of African-American women in Congress, the judiciary branch, and the administration—as well as in State and local government.

Even in the darkest days of segregation, however, African-American women were successful entrepreneurs and professionals. C.J. Walker, for example, became America's first self-made female millionaire. In the 1800's and early 1900's, thousands of talented African-American women became school teachers and administrators. More recently, African-American women have begun taking advantage of the hard-won opportunities to pursue careers in less traditional fields; Katherine Johnson, for example, has achieved renown for developing navigational procedures for tracking NASA spacecraft. Today, there are no legal or institutional limits on the professions African-American women can pursue.

Finally, I want to mention talented African-American artists like Maya Angelou, Zora Neale Hurston, Alice Walker, and Toni Morrison, who have given powerful voice to the shared experiences of African-American women.

This country has made tremendous progress in race relations in the last 50 years. Much more needs to be done, of course, but let us not forget the substantial advances that have been made, thanks in no small part to the African-American women that I have mentioned here today.

I have focused today primarily on African-American women whose accomplishments are in the more or less distant past. That is understandable—we don't have the perspective necessary to objectively evaluate contemporary events, and we cannot know with any certainty what the future holds. It would be inappropriate, however, to conclude without some mention of the future. The future is inextricably linked to the past—it holds so much potential for African-American women today precisely because of the struggles and sacrifices undertaken by their mothers and their grandmothers. As a result, their future successes will be that much brighter—and the challenges they face will, hopefully, be very different that the obstacles that their mothers and grandmothers were forced to overcome. It is only fitting that we take this time to recognize the contributions that African-American women have made to this country—and will continue to make.

Mr. STOKES. Mr. Speaker, I want to thank our distinguished colleague from New Jersey, Congressman DONALD PAYNE, who chairs the Congressional Black Caucus, for his leadership with regard to today's special order. We gather today to mark the congressional observance of Black History Month. I join Congressman PAYNE, members of the Congressional Black Caucus, and our colleagues on both sides of the aisle as we acknowledge the contribution of African-American men and women to the building and shaping of this great Nation.

African-American have a rich and magnificent history. It is a history which is inextricably woven into the economic, social, and political fabric of this Nation. In 1926, the late Dr. Carter G. Woodson understood that African-Americans were not receiving proper recognition in history for their contributions. Therefore, he proposed setting aside 1 week during the month of February to commemorate the achievements of African-Americans. In 1976, the observance was changed to Black History Month. The Association for the Study of Afro-American Life and History, which Dr. Woodson founded, has selected the theme, "African American Women: Yesterday, Today and Tomorrow," for the 1996 observance of Black History Month.

Mr. Speaker, we gather to pay tribute to African-American women who have contributed to the building and shaping of America. The list is long and the names are many. In most instances, these individuals had to overcome tremendous obstacles and challenges in order to succeed. Let us pause to recognize some of these outstanding Americans and their extraordinary achievements.

In January, the Nation mourned the passing of a great African-American achiever. For many years, Barbara Jordan's voice was heard in these Halls, speaking out on the issues of the day and defending the Constitution. Not only was she a knowledgeable legislator, but she was also sincere and compassionate. She was a tireless advocate for those who had no voice in the congressional deliberations.

Barbara Jordan began her political career with her election to the Texas State Senate, becoming the first African-American elected to that legislative body. In 1972, Barbara Jordan again made history when she and Andy Young became the first African-Americans from the South to be elected to Congress since Reconstruction.

Mr. Speaker, those of us who were fortunate to serve in the U.S. Congress with Barbara Jordan loved, admired, and respected her greatly. She was a lawmaker of the highest caliber and integrity. Her eloquent voice and legal scholarship will be greatly missed.

As we celebrate Black History Month, we also recall the perseverance of Shirley Chisholm who, in 1969, became the first African-American female to be sworn in as a Member of the U.S. Congress. Her election offered hope that women of color could be elected to all branches of government. Shirley Chisholm went on to become the first African-American woman to run for the highest office of the land when she sought the Democratic Presidential nomination in 1972.

Equally noteworthy is the election of the Nation's first African-American female Senator. In 1992, CAROL MOSELEY-BRAUN was elected to the U.S. Senate from the State of Illinois. A committed public servant, she has served with honor and distinction as a Member of that legislative body.

Mr. Speaker, along with Senator MOSELEY-BRAUN, we also pay tribute to the African-American female lawmakers within the ranks of the Congressional Black Caucus. The CBC continues to benefit from their strong leadership and commitment. Like pioneers before them, these 10 lawmakers have been willing to take strong stances on behalf of their constituencies and those who have no voice in the political process.

Mr. Speaker, we know that there are many other African-American women trailblazers who set the pace and cleared the course for those who followed. We need only sift through the ashes of history to find African-American women who withstood the challenges and rose to great heights.

We recall the perseverance of Harriet Tubman, the engineer of the Underground Railroad. This tightly organized, highly secretive network of safe houses provided shelter and support for slaves in their escape from the South to freedom in the northern States and Canada. Harriet Tubman propelled a mass of people to seek better lies for themselves, and to demand something more for future generations. She never gave up, and she never gave in.

During this special observance of Black History Month, we remember the strength of Mary McLeod Bethune, a woman who founded one of America's foremost education institutions, Bethune-Cookman College, with a total capital of $1.50; a woman who during her lifetime held Presidential appointments, and became a friend and advisor to Presidents.

As we celebrate our theme, "African American Women: Yesterday, Today and Tomorrow," we recall the efforts of the legendary Rosa Parks. Her refusal to give a white man her seat on a bus in Montgomery, AL, in 1955, prompted a year-long protest that ultimately resulted in the abolishment of a law that required African-Americans to sit in the rear of the bus behind white people. Rosa Parks continues to serve today as a role model and heroine to those who champion justice and equality.

Mr. Speaker, I take special pride in participating in today's special order in observance of Black History Month. I join my colleagues in saluting African-American women who have changed and, indeed, are making history. This special order provides just a glimpse of the historical contributions of African-American men and women to our Nation. It is important to remember, however, that not only in February, but every day African-Americans are contributing to the building, shaping, and preservation of this great democracy. Our history is America's history.

Mr. HALL of Ohio. Mr. Speaker, it is a pleasure to speak on the accomplishments and contributions of Shirley Chisholm during this special order on Black History Month.

Her political life took root when she decided to become a teacher. During her years in college, she became known for her outspokenness and was encouraged to go into politics. For several years, she worked behind the scenes for many political candidates before she decided to run for the New York State Assembly. Against all odds, she won.

In 1968, Shirley Chisholm entered the House of Representatives with a bang when she refused to accept an assignment on the Committee on Agriculture. In that one moment, she defined herself as a maverick; a warrior who would fight for her rights and the rights of others; a campaigner for the poor, higher minimum wages, and Federal subsidies for day care centers. She showed her commitment, not only to the Brooklyn community she represented, but to many communities that were powerless and insignificant, and she turned them into forces with which to be reckoned.

During 1981 and 1982, I had the opportunity to work with Representative Chisholm when we served together as members of the Rules Committee. During these committee meetings, I was able to witness firsthand her dedication to causes greater than herself. It was an honor to work beside her to achieve changes that improve mankind.

She began to build a road for other African-American leaders and women who were interested in running for Congress. And when this road seemed to come to an unexpected end, she did something few people expected her to do. She sought a major party nomination for President. She was unsuccessful; however, she felt success in being allowed to carry the torch that would allow for other minorities to follow her challenge to run for President.

Representative Chisholm retired in 1982 and returned to the teaching profession. During these years, she has continued to work behind the political scenes for the advancement of all people.

In her biography, "The Good Fight," she stresses that she does not want to be remembered as the first black woman to be elected to the U.S. Congress, even though she was. She does not want to be remembered as the first black woman who happened to be black to make a serious bid for the presidency. She wants to be known as a catalyst for change, a woman who has the determination and a woman who has the perseverance to fight on behalf of the female population and the black population, because she is a product of both.

Mr. PAYNE of Virginia. Mr. Speaker, I would like to take this opportunity to join people from throughout our Nation in commemorating Black History Month. This is a time when we, as American citizens, recognize and pay tribute to the many African-Americans who have made significant contributions in their respective fields throughout the course of American history.

Since our country's beginnings, every aspect of American life and culture has been enhanced by the acts of great African-Americans. Dating back as early as the Revolutionary War, some 5,000 blacks fought for our Nation's independence. For much of American history they were legally denied recognition for their accomplishments and even today, many of their contributions are largely unknown.

For this reason, the noted black author and historian, Dr. Carter G. Woodson of Buckingham County in my congressional district, initiated what has become known today as Black History Month; 70 years later, Dr. Woodson's legacy means that all children across our Nation now understand an important part of history.

Thanks to Black History Month, children now understand that African-Americans made significant advancements in the fields of arts, science, entertainment, technology, communications, politics, and civil rights. These social, economic, and educational achievements have contributed to our Nation's prosperity and rich culture.

In addition to Dr. Woodson, we in the Fifth Congressional District are very proud of another outstanding individual who emerged as one of the most influential African-Americans in American history. Booker T. Washington, born in Franklin County, VA in 1856, spent most of his life working to achieve economic advancement for blacks. Best known for founding the Tuskegee Normal and Industrial Institute in 1881, Mr. Washington also advised Presidents Theodore Roosevelt and William Howard Taft on racial injustice facing the United States. In order to achieve a better quality of life Mr. Washington advocated vocational and industrial training for African-Americans. This would prove to be the most effective path for African-Americans to follow in order to elevate their economic standing. Booker T. Washington was a voice of compromise and moderation in a time when civil and political rights were reserved only for a select few. He believed progress for blacks would be achieved only if peace between the races was maintained.

Booker T. Washington was just one great African-American who helped more of our countrymen to realize freedom and independence. Other individuals, like Frederick Douglas and Martin Luther King, Jr. rank among the greatest Americans in history.

I encourage all citizens to commemorate Black History Month and to recognize always that Americans of every race, color, and creed have helped to make this the greatest nation on Earth.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, since 1976, February has been celebrated as Black History Month, but the origins of this event date back to 1926, when Dr. Carter G. Woodson set aside a special period of time in February to recognize the heritage, achievements, and contributions of African-Americans.

I want to extend greetings to all of you who are celebrating Black History Month during this important time of renewal and reflection for our country.

History has its own power and black women more than ever before need its truths to challenge hateful assumptions, negative stereotypes, myths, lies, and distortions about our own role in the progress of time.

Black women need to know the contradictions and ironies that our unique status presents to a country founded on the proposition that all men are created equal and endowed with the inalienable rights of life, liberty, and opportunity to pursue happiness.

Brave Texas women have used violence, stealth, the legal system, and political strategies to protect themselves and their loved ones. While the private lives of most black women occur within their family settings, those stories remain closed to the public eye.

This evening I would like to highlight not only the trials and tribulations but the bold and creative initiatives black women of Texas have made and contributed to this society.

Women have traditionally tended their families, friends, and neighbors, but around 1900 nursing became professionalized. Mrs. Mary Keys Gibson was among the first southern blacks to receive a nursing certificate from an accredited school, the Chautauqua School of Nursing in Jamestown, NY, in 1907.

Nursing was not taken seriously as a profession in Texas until 1909, when the Texas Graduate Nurses Association persuaded the legislature to pass licensing standards and procedures. By 1912, approximately 65 hospitals existed in the United States, including 6 in Texas.

The Wright Cuney Memorial Nurse Training School was located in Dallas. Mrs. C.H. Graves opened her home to the sick in Temple in 1916. Later, as a nurse, she founded the Memorial Colored Hospital, which operated until the 1950's.

Miss Annie Mae Mathis of Austin was possibly the first African-American on the staff of the Texas State Board of Health. Hired in 1922, she was the first black maternity and infancy nurse in the bureau of child hygiene. Over the next few years, she addressed thousands of white women at Methodist conferences, published an article on "Negro Public Health Nursing in Texas," and surveyed 500 homes in Houston County in 1934.

She recruited black school teachers and midwives to try to improve conditions. In other communities, she organized adult health classes, clinics, and instruction for midwives.

Federal legislation, beginning with the Civil Rights Act of 1964, has helped to raise the glass ceiling for black women. In Texas, they took advantage of each opportunity presented—to get out of the domestic labor ghetto and into white-collar and professional jobs, to use their educational opportunities to enter politics, and to make the process work for their objectives.

Like our predecessors, black women of the nineties continue to pursue not only our continued advancement, but the objectives involving the next generation and the preservation and extension of their history and culture. In addition, a goal of this generation of black women is solidarity with other disadvantaged groups.

While racism is far from ended and the economic battle for racial and gender parity is not yet won, many black women are respected leaders who improve the quality of Texas and help shape the future of the State.

Judging by black Texas women's lengthy and admirable history of trials and triumphs, the transformation of the world is underway. The strong women are coming, it is indeed our time.

Miss COLLINS of Michigan. Mr. Speaker, we, as African-American citizens are on the verge of having our civil and economic rights readjusted to a degree that will seriously test our faith—both in ourselves as a people and in our American Government. Not since the 19th century—in the wake of reconstruction—has the U.S. Government been so determined to renege on every last pledge and promise that it made in the name of equality for all Americans.

After 300 years of so-called emancipation, America has failed to live up to its founding creed that "All men are created equal." Although significant strides were made during the civil rights era, some Members of Congress are determined to devise new laws and customs in order to maintain the status quo. As in the past, in order, for us to combat this rising tide, we must never yield to their oppressive tactics. We must never forget that the African-American spirit can never be broken.

Black History Month is always a special time to honor the contributions and achievements of African-American men and woman. This year, however, I want to specially focus on the extraordinary examples of courage displayed by dynamic African-American women throughout our history.

The courage and conviction of African-American woman such as Sojourner Truth will never be forgotten. As a fierce opponent of slavery, Sojourner Truth, spoke before huge crowds deep in the Ante-bellum South, preaching against white supremacy—all the while, Sojourner Truth never even knew if she would live to complete the speech.

Another great example is Harriet Tubman, who not only escaped from slavery herself, but ventured back into the slave States over 20 times to free more than 300 of our brothers and sisters.

It was Mary McLeon Bethune, who blazed the trail for future black appointees to high-level government positions by becoming the first black woman to be a White House appointee.

There was also Ida B. Wells, who at great personal risk, let the crusade against lynchings in Tennessee and cofounded the NAACP.

Daisy Gibson Bates is another example of African-American courage. As a newspaper editor, Ms. Bates fought throughout her career against racial injustice. However, it was her leadership in the 1955 struggle for Arkansas school integration that gave her national prominence. As president for the Arkansas chapter of the NAACP, she led the way in publicly criticizing the State Governor for his refusal to admit nine African-American students to all all-white high school.

As a direct consequence, her life became a legendary nightmare of arrest, abuse, and intimidation. In addition to forcing her newspaper out of business, racist whites routinely vandalized her home and burned crosses on her lawn. Yet, this remarkable black woman never yielded to the oppression.

Fannie Lou Hamer is another outstanding example. As the founder and chairwoman of the Mississippi Freedom Democratic Party, Ms. Hamer created an alternative to the all white Democratic Party. Ms. Hamer's struggle against the racist white establishment in Mississippi was nothing short of heroic. For her efforts, she was made the object of assassination attempts, unlawful arrests, and torture. Despite these incredible odds, Ms. Hamer persisted—and in 1964, she became the first African-American woman to run for Congress from Mississippi. By 1968, she was formally seated at the National Democratic Convention in Chicago. All because she was sick and tired of being sick and tired. Her famous statement is still used today to verbalize frustration with the system.

Coretta Scott King is an example of a courageous African-American woman. After her husband was slain, she made a swift transition from dedicated wife and parent to a dynamic civil rights and peace crusader in her own right. She was a leading figure in the American antiapartheid movement and founded the Martin Luther King, Jr., Center for Nonviolent Social Change in Atlanta, GA.

Another example of African-American determination is C. Dolores Tucker, the first African-American Secretary of State for the Commonwealth of Pennsylvania. Long active in civil rights, Ms. Tucker participated in the 1965 White House Conference on Civil Rights. She was a founding member of the National Women's Caucus, a cofounder of the National Black Women's Political Caucus. During her time as Pennsylvania's Secretary of State, from 1971 to 1977, she was the highest ranking African-American in State government in the country.

Another example is the Honorable Shirley Chisolm, the first African-American woman elected to the U.S. Congress. Congresswoman Chisolm was also the first African-American woman to make a serious bid for President of the United States.

Another dynamic African-American pioneer is Dorothy Height, whose legendary leadership skills created many powerful organizations in the service of equal rights and justice. As president and executive board member of Delta Sigma Theta, Ms. Height succeeded in making the sorority more a global organization. Dorothy Height's work with the Young Women's Christian Association [YWCA] led to its integration. As president of the National Council for Negro Women, Ms. Height has vastly expanded its reach and influence to include over 240 local groups and 31 national organizations—all striving toward the universal equality of women of color.

As we celebrate Black History Month, it is imperative that we continue the strides of the remarkable African-Americans who have gone before us. In so doing, we must especially remember those sisters who have shaped history. We are great descendants of great people who had the courage, the wisdom, and the fortitude, to face unsurmountable challenges. We come from the world's prime stock. So impressive is our true heritage that massive efforts have been made in the attempt to destroy all knowledge of our history. That is why each and every day, we must continue the struggle and guard against any attempts to dismantle our strong foundation.

Ms. PELOSI. Mr. Speaker, I thank my distinguished colleagues, Congressmen STOKES and PAYNE, for calling this special order in celebration of Black History Month for choosing this year's theme: African-American Women: Yesterday, Today and Tomorrow. The theme today heralds women who have made distinctive contributions to our country. For every woman from Harriet Tubman to Rosa Parks to Myrlie Evers-Williams who have become household names, there are legions of women from past to present who have made great contributions to their communities with little or no recognition. We are here to honor all of them today.

When we examine this theme, it is only natural that our thoughts would turn to our recently departed friend and colleague Barbara Jordan. Congresswoman Jordan was a formidable force, not only in the African American community, but throughout our country. A champion of liberal causes, she was not only a role model for African American women, but also an inspiration to people of all colors.

Mr. Speaker, I am very fortunate to represent California's 8th Congressional District and to work with many outstanding African-American leaders, both women and men, and community organizations based in the city of San Francisco. These are leaders like Enola Maxwell, who has been a driving force for the Potrero Hill Neighborhood House, guiding and mentoring several generations of neighborhood youth; or like Naomi Gray, who spent many years on the San Francisco Health Commission as an advocate for health care for low-income communities; or like Sharon Hewitt, who recently helped organize a city-wide summit to find ways to prevent youth violence among communities of color in San Francisco. These women are working within the community to make it a better place. I applaud their efforts, and the efforts of the many African-American women in my district who are working every day to improve life in the city of San Francisco and in our Nation.

In just a few days, we will end Black History Month and enter a celebration of Women's History Month. Let us continue to acknowledge the accomplishments of pioneering women of the past and promote and support the goals of African-American women present and future. Their struggles deserve credit and recognition every day of the year, not just during Black History Month.

Mr. CLAY. Mr. Speaker, in keeping with this year's Black History Month theme, "African American Women: Yesterday, Today and Tomorrow" I would like to pay tribute to an outstanding St. Louisan who exemplifies the highest values and qualities of leadership in the African-American community, Mrs. Margaret Bush Wilson.

Mrs. Wilson is a St. Louis native who graduated from Sumner High School and received a B.A. degree in economics, cum laude, from Talladega College. She went on to earn her LL.B from Lincoln University School of Law. Mrs. Wilson has been a highly respected jurist in St. Louis for many years and is admitted to practice before the U.S. Supreme Court. She has also taught at the CLEO Institute and St. Louis University School of Law.

Margaret Bush Wilson has dedicated her life to the fight for civil rights and racial equality, carrying on a family tradition of community service. Mrs. Wilson's mother, Berenice

Casey, served on the executive committee of the St. Louis NAACP in the 1920's and 1930's and her father, James T. Bush, Sr., a pioneer real; estate broker in St. Louis was the moving force behind the Shelley versus Kraemer case which led to the landmark U.S. Supreme Court decision outlawing racial restrictive housing covenants.

In addition to being a prominent St. Louis leader, Margaret Bush Wilson has served in many national positions. She was national chairperson of the NAACP Board of Directors from 1975–84. She has also served in the following Federal, State, and local posts: U.S. Attorney, Legal Division, the Rural Electrification Administration of the U.S. Department of Agriculture, assistant attorney-general of Missouri, Legal Services specialist, State Technical Assistance Office, War on Poverty; administrator, community services and continuing education programs, title I, Higher Education Act of 1965 in Missouri, and acting director, St. Louis Lawyers for Housing.

Mrs. Wilson actively serves in numerous organizations committed to education and social justice. She is a member of Alpha Kappa Alpha Sorority and is the recipient of many civic and professional awards including honorary degrees from St. Paul's College, Smith College, Washington University, Kenyon College, Talladega College, Boston University, and the University, of Missouri-St. Louis.

Margaret Bush Wilson is a cherished member of the St. Louis community and a distinguished black woman. She has demonstrated a deep understanding of the history of the black community and displayed the highest level of compassion for equal justice. She has truly dedicated her life to improving the future of the black community.

Mr. Speaker. I am honored to salute Mrs. Margaret Bush Wilson, a force for good in our society who has helped changed the course of African-American history.

Mr. RAHALL. Mr. Speaker, I am as proud as a father today, to have this opportunity to pay tribute to Vicky L. Bandy, of Beckley, WV, during Black History Month. For more than a decade, Ms. Bandy served as my executive assistant here in Washington, and Ms. Bandy was ever as loyal and dedicated as she was a professional, at all times and in all situations. I knew that I could depend upon her in all things.

Mr. Speaker, on February 24, 1996, Ms. Bandy gave a speech at the Beckley Federal Correctional Institution's Black Affairs Banquet, as part of its celebration of Black History Month.

I am privileged to place in the RECORD at this point, Ms. Bandy's stirring words as she encouraged and surely inspired her sisters as she spoke eloquently about their theme: African-American Women: Past, Present and Future. Mr. Speaker, I commend Ms. Bandy's remarks to my colleagues for their reading and their remembrance.

AFRICAN-AMERICAN WOMEN: PAST, PRESENT AND FUTURE

(By Vicky L. Bandy)

> "Stony the road we trod, bitter the chastening rod, felt in the days when hope unborn had died."

Today, we gather 370 years after the first African American landed at Jamestown, Virginia, 133 years after the signing of the Emancipation Proclamation, and 31 years after the Enactment of the Voting Rights Act of 1965, which gave African Americans power at the Ballot Box.

Last October, the African American Community pledged itself to pursue a bold new course with the success of the Million Man March.

The success of the effort is still being felt. But today, ladies, it is our turn. The Theme for the 1996 observance of Black History Month is: African American Women: Past, Present and Future.

As I thought about what I would say, I thought about how far we as African Americans have come. I thought of the stories that were told to me by my Grandmother, Ella Bandy. I recall stories about how this Strong Black Woman worked hard in the fields of Alabama. She would leave her babies in a wagon under a shade tree, while she worked the long rows of the fields. At the end of each row, she would run back to check on her babies. Grandmama was a strong African American Woman. She never gave up, she was a woman of principle; and she never gave in. Grandmama's hands, hard and calloused from toiling in the hot Alabama Sun, so that her children and grandchildren could have a better way of life.

Earlier this week, I witnessed the Swearing-In ceremony of Congressman Kweisi Mfume, as President and CEO of the NAACP, an event that was attended by a very small but elite group of people, among them being the President and Vice President of the United States. I reflected back to the point in time when I would ride in the car with my grandfather on election day—a day that I equated to Thomas 'n Joyland carnival coming to town.

Grand daddy's car windows held many campaign signs belonging to various politicians, seeking a vote in the Black community. I suppose it never occurred to Grand daddy that his granddaughter would grow up to become a part of the Political Process. He did not know that he was molding me for a successful career with your Congressman Nick J. Rahall. Well, Grand daddy did not live to see the end results of the many rides we shared on Election Day, but I will always be grateful to him. For I did not meet the normal standards. Ladies and Gentlemen, you see, I never attended an Ivy League school. I was educated in a four room schoolhouse. My parents were not politically connected, nor did they contribute to a campaign committee. The one thing that they did, was to teach me how to seize an opportunity.

That same lesson is equally important today. Too many of us today let opportunity pass us by, because we look for it in a pretty package, delivered to our doors by Federal Express or priority Mail. Often times, when we do seize the opportunity, we take all of the credit and forget that the way was paved by someone else, who labored and toiled in the fields from sun up to sun down.

"Stony the road we trod, bitter the chastening rod". I've got mine and you get yours, never offering to lend a hand to help another. Well, I heard the songwriter say "The only time you should look down on a man, is when you are picking him up". Imagine Harriet Tubman, Conductor of the Underground Railroad, not reaching back, after seizing the opportunity to become a freed slave. Where would we be had it not been for Sojourner Truth, who traveled the country to proclaim to others the truth about slavery. Would we be able to sit in any seat on a bus today, had it not been for Rosa Parks, who refused to give up her seat in the front of the bus, when Coloreds were not allowed to ride in the front.

African American women; past, present, and future. What about Dr. Mae Jamison, first African American female Astronaut? What about Elizabeth Drewey, first African American Woman elected to the West Virginia House of Delegates? What about Carol Moseley Braun, the first female African American U.S. Senator, and my boss, Hazel R. O'Leary, the first African American and female African American to become Secretary of the U.S. Department of Energy, one who has opened many doors to expose Minority Students to the world of Science. What about your mother and my mother, strong and courageous African American Women, who made tremendous sacrifices and stood firm, despite the obstacles they faced—despite society's denial; despite low paying jobs; despite prejudice and racism—women who because of their determination, paved the way for you and me.

"We have come over a way that with tears has been watered, we have come treading our path thru the blood of the slaughtered." But, I would ask you today, what profit a person to gain, if he or she does not reach back to help another? Now that we have arrived, what are we doing to ensure that we will have famous African American Women in the future?

There are young women in our own neighborhoods who need to know that there is a way off of Welfare and on to Faring Well. Each of you today has a Special Gift to give back, so that others can realize their dreams, their hopes, their goals. I challenge you to stir up your gifts, to lift up somebody, to respect each other, to love yourself and to never stop striving to reach for your goals, never give up—don't give in.

We are African American women, marching on till victory is won. Yet with a steady beat, have not our weary feet, come to the place for which our fathers signed? African American women; past, present, and future.

Poet Maya Angelou sums it up by saying: "You may write me down in history, with your bitter twisted lies. You may trod me in the very dirt, but still, like dust, I'll rise". We will rise. African American women, past, present, and future.

Mr. TOWNS of New York. Mr. Speaker, I would first like to thank my colleague from Ohio, Mr. LOUIS STOKES for calling this special order today in honor of African-American History Month.

Today, I would like to pay special tribute to our African-American women. These women are our mothers, sisters, and wives. Women who have watched their young children be sold on the auction block and women who even today watch their children be buried or sent away in shackles.

Through all the trials, tribulations and pain that African-American women have gone through, they have always been the backbone of our community. In 1969, Shirley Chisholm of New York became the first black woman to serve in the U.S. House of Representatives. In the arts, Gwendolyn Brooks became the first black to win a Pulitzer. She received the award in 1950 for a collection of poems titled "Annie Allen." In 1955, Marian Anderson became the first black to sing a leading role with Metropolitan Opera in New York City. In the civil rights movement, Rosa Parks, a seamstress and civil rights activist in Montgomery, AL, became a leading symbol of black's bold new action to attain their civil rights. In 1955, she was arrested for disobeying a city law that required blacks to give up their seats when white people wished to sit in their seats or in the same row. Montgomery's blacks protested her arrest by refusing to ride the buses. Their protest lasted 382 days, ending when the city abolished the bus law.

During the Great Depression, most African-Americans felt that Republican President Herbert Hoover, had done little to try to end the Depression. In the elections of 1932, some black voters deserted their traditional loyalty to the Republican Party. They no longer saw it as the party of Abraham Lincoln the emancipator, but of Herbert Hoover and the Depression. In 1936 for the first time, most blacks supported Franklin D. Roosevelt, the Democratic Party candidate for President. This change opened the door for women like, Mary McLeod Bethune, who became an advisor to Roosevelt on the problems of black America. Bethune, founder of Bethune Cookman-College, during the Roosevelt administration, directed the Black Affairs Division of a Federal agency called the National Youth Administration.

Brooklyn is very blessed to have the guidance and leadership of many virtuous women. Virtuous women are leaders and organizers, creative and culturally aware of their communities. Women such as, Rev. Evelyn Mann, Rev. Barbara Lucas, and Rev. Barbara Williams-Norman and Rev. Jacqueline McCollaugh have all supported their families and communities through the work and word of God.

All of these women and many more have contributed to the political, social and spiritual progress of this country.

As we honor African-American women, we honor our heritage and our ancestors who have passed the torch of strength and determination.

I ask my colleagues to join me in saluting African-American women around the country for their outstanding achievements even under the most difficult circumstances.

GENERAL LEAVE

Mr. PAYNE of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order tonight.

The SPEAKER pro tempore. (Mr. KIM). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. JACKSON-LEE of Texas (at the request of Mr. GEPHARDT) on Wednesday, February 28, 1996, before 5:40 p.m., on account of the funeral of a constituent in her district.

Mr. MYERS of Indiana (at the request of Mr. ARMEY) until 6 p.m. today, on account of family medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. MEEK of Florida) to revise and extend their remarks and include extraneous material:)

Mrs. MALONEY, for 5 minutes, today.

Mr. PAYNE of New Jersey, for 60 minutes, today.

(The following Members (at the request of Mr. HAYWORTH) to revise and extend their remarks and include extraneous material:)

Mr. KINGSTON, for 5 minutes, today.

Mr. HAYWORTH, for 5 minutes, today.

Mr. FOX of Pennsylvania, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. MEEK of Florida) and to include extraneous matter:)

Mr. BEILENSON.
Mr. HAMILTON in four instances.
Mr. FRANK of Massachusetts.
Mr. HOYER in two instances.
Mr. TOWNS in eight instances.
Mr. BARCIA in two instances.
Mr. MARTINEZ.
Mr. BRYANT of Texas.
Mr. TORRES.
Mr. HILLIARD.
Mr. PICKETT
Mr. DELLUMS.
Mr. HASTINGS of Florida.
Mr. PALLONE.
Mr. RAHALL.
Mr. SABO.

(The following Members (at the request of Mr. HAYWORTH) and to include extraneous matter:)

Mr. SOLOMON in two instances.
Mr. GILMAN in three instances.
Mr. ROHRABACHER.
Mr. GOODLING.
Mr. FAWELL.
Mr. GREENWOOD.
Mr. SPENCE.
Mr. FOX of Pennsylvania.
Mr. FIELDS of Texas.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that the committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2196. An act to amend the Stevenson Wydler Technology Innovation Act of 1980 with respect to inventions made under cooperative research and development, and for other purposes.

ADJOURNMENT

Mr. FIELDS of Louisiana. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 40 minutes p.m.), under its previous order, the House adjourned until tomorrow, February 29, 1996, at 9 a.m.).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2137. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Secretary's certification that the Republic of Belarus, the Republic of Kazakstan, the Russian Federation, and Ukraine are committed to the courses of action described in section 1203(d) of the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103–160), section 1412(d) of the Former Soviet Union Demilitarization Act of 1992 (title XIV of Public Law 102–484), and section 502 of the FREEDOM Support Act (Public Law 102–511); to the Committee on International Relations.

2138. A letter from the Director, Office of Management and Budget, transmitting a report entitled "Statistical Programs of the United States Government: Fiscal Year 1996," pursuant to 44 U.S.C. 3504(e)(2); to the Committee on Government Reform and Oversight.

2139. A letter from the Secretary of Labor, transmitting the annual report under the Federal Managers' Financial Integrity Act for 1995, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

2140. A letter from the Secretary of Transportation, transmitting the Secretary's management report on management decisions and final actions on Office of Inspector General audit recommendations, for the period ending September 30, 1995, pursuant to Public Law 101–576, section 306(a) (104 Stat. 2854); to the Committee on Government Reform and Oversight.

2141. A letter from the Secretary of Commerce, transmitting the Department's reports entitled "Fisheries of the United States" and "Our Living Oceans," pursuant to 16 U.S.C. 742d; to the Committee on Resources.

2142. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting the Department's December 1995 issue of the "Treasury Bulletin," pursuant to 26 U.S.C. 9602; to the Committee on Ways and Means.

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 497. The Committee on Resources discharged from further consideration. Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FIELDS of Texas (for himself, Mr. PORTER, Mr. OXLEY, Mr. MOORHEAD, Mr. SCHAEFER, Mr. BARTON of Texas, Mr. HASTERT, Mr. GILLMOR, and Mr. FRISA):

H.R. 2979. A bill to ensure the financial self-sufficiency of public broadcasting, and for other purposes; to the Committee on Commerce.

By Mr. ROYCE:

H.R. 2980. A bill to amend title 18, United States Code, with respect to stalking; to the Committee on the Judiciary.

By Mr. BAKER of Louisiana:

H.R. 2981. A bill to amend the Bank Holding Company Act of 1956 to provide investment opportunities for small bank holding companies; to the Committee on Banking and Financial Services.

By Mr. BEVILL:

H.R. 2982. A bill to direct the Secretary of the Interior to convey the Carbon Hill National Fish Hatchery to the State of Alabama; to the Committee on Resources.

By Mr. FOX:

H.R. 2983. A bill to amend the Internal Revenue Code of 1986 to restore the 10-percent investment credit; to the Committee on Ways and Means.

By Mr. FOX (for himself, Mr. BEREUTER, Mr. DORNAN, and Mr. ZIMMER):

H.R. 2984. A bill to amend the Internal Revenue Code of 1986 to extend the research credit, to allow an alternative incremental research credit, and for other purposes; to the Committee on Ways and Means.

By Mr. FOX (for himself, Mrs. JOHNSON of Connecticut, Ms. MOLINARI, Mr. DORNAN, Ms. JACKSON-LEE of Texas, Mr. STOCKMAN, Mr. POMEROY, and Mrs. KELLY):

H.R. 2985. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit for a portion of the expenses of providing dependent care services to employees, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEACH (for himself, Mr. BEREUTER, Mr. SCHUMER, Mr. BACHUS, Mrs. MALONEY, Mr. ROYCE, Mrs. KELLY, Mr. HEINEMAN, and Mr. WATTS of Oklahoma):

H.R. 2986. A bill to establish a criminal penalty for the production, sale, transportation, or possession of fictitious financial instruments purporting to be instruments issued by a public or private entity, to require forfeiture of counterfeit access devices, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MANTON:

H.R. 2987. A bill to declare a portion of Queens County, NY, to be nonnavigable waters of the United States; to the Committee on Transportation and Infrastructure.

By Mr. MCKEON:

H.R. 2988. A bill to amend the Clean Air Act to provide that traffic signal synchronization projects are exempt from certain requirements of Environmental Protection Agency rules; to the Committee on Commerce.

By Mr. SCHIFF (for himself, Mr. RICHARDSON, and Mr. SKEEN):

H.R. 2989. A bill to redesignate the Jemez Canyon Dam as the "Tamaya Dam"; to the Committee on Transportation and Infrastructure.

By Mr. SMITH of Michigan:

H.R. 2990. A bill to require congressional approval of proposed rules considered by the Congress to be significant rules; to the Committee on the Judiciary, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. QUILLEN:

H.J. Res. 161. Joint resolution proposing an amendment to the Constitution of the United States to secure the people's right to acknowledge God according to the dictates of conscience; to the Committee on the Judiciary.

By Mr. FAZIO of California:

H. Res. 367. Resolution designating minority membership on certain standing committees of the House; considered and agreed to.

MEMORIALS

Under clause 4 of rule XXII,

203. The SPEAKER presented a memorial of the Legislature of the State of New Mexico, relative to land grant permanent funds; to the Committee on Resources.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 240: Mr. FRISA, Mr. FILNER, and Ms. LOFGREN.

H.R. 248: Mr. MORAN.

H.R. 310: Mr. PORTER.

H.R. 311: Mr. PORTER.

H.R. 312: Mr. ZIMMER.

H.R. 313: Mr. PORTER.

H.R. 528: Mr. HOYER.

H.R. 820: Mr. THOMPSON, Mr. CUNNINGHAM, Mr. COX, Mr. REGULA, and Mr. FILNER.

H.R. 833: Mrs. KELLY, Mr. DOOLEY, Mr. DELLUMS, Mr. SABO, Mr. OLVER, Mr. BALDACCI, and Mr. VENTO.

H.R. 862: Mr. BARCIA of Michigan.

H.R. 878: Mr. BEREUTER, Mr. CLEMENT, Mr. KLINK, and Mr. TRAFICANT.

H.R. 892: Mr. LIVINGSTON, Mr. KING, and Mr. DELAY.

H.R. 938: Mr. CRAMER.

H.R. 941: Mr. HASTINGS of Florida.

H.R. 972: Mr. MINGE.

H.R. 1023: Mr. MCNULTY and Mr. THOMPSON.

H.R. 1110: Mr. CAMP.

H.R. 1305: Mr. NADLER.

H.R. 1404: Mr. CANADY, Mr. COLEMAN, Mr. THOMPSON, and Ms. LOFGREN.

H.R. 1406: Mr. EHLERS, Mr. BALLENGER, Ms. RIVERS, Mr. STUPAK, Mr. FARR, Mr. MOLLOHAN, and Mr. WARD.

H.R. 1424: Mr. STOCKMAN.

H.R. 1462: Mr. DURBIN and Mr. QUILLEN.

H.R. 1484: Mr. TEJEDA.

H.R. 1496: Mr. MYERS of Indiana and Mr. MCDADE.

H.R. 1514: Mr. THORNTON, Mr. CASTLE, Mr. STUDDS, Ms. MOLINARI, Mr. STOCKMAN, Mr. HASTINGS of Washington, Mr. GUTKNECHT, Mr. GOODLING, Mr. GEKAS, Mrs. MORELLA, Mr. FRAZER, Mr. EDWARDS, Mr. BROWNBACK, Mr. LATHAM, Mr. WALSH, and Mr. TIAHRT.

H.R. 1560: Mr. THOMPSON.

H.R. 1583: Mr. KENNEDY of Massachusetts and Mr. WYNN.

H.R. 1619: Mr. GILMAN and Mr. QUILLEN.

H.R. 1625: Mr. BARTON of Texas and Mr. MCCOLLUM.

H.R. 1711: Mrs. CUBIN, Mr. NEUMANN, Mr. KING, Mr. PETRI, Mr. ROGERS, Mr. TALENT, Mr. BAKER of California, and Mr. OXLEY.

H.R. 1791: Mr. BUNNING of Kentucky.

H.R. 1863: Mr. CAMPBELL and Mr. JACKSON.

H.R. 1920: Mr. GILMAN and Mr. WALSH.

H.R. 1946: Mr. REGULA, Mr. RIGGS, Mr. MCCOLLUM, Mr. BUNNING of Kentucky, Mr. NORWOOD, and Mr. NUSSLE.

H.R. 1963: Mr. FAZIO of California.

H.R. 1965: Mr. FRANKS of Connecticut, Mr. ANDREWS, Mr. CAMPBELL, Mr. OBERSTAR, and Mr. LAFALCE.

H.R. 1972: Mr. CALVERT, Mr. PARKER, Mr. CLEMENT, Mr. KING, and Mr. LUTHER.

H.R. 1998: Mr. LINDER and Mr. JACOBS.

H.R. 2024: Ms. FURSE, Mr. DEAL of Georgia, and Mr. FOLEY.

H.R. 2080: Mr. SENSENBRENNER, Mr. FALEOMAVAEGA, Mr. FROST, Mr. MANTON, Mr. TOWNS, Mr. ACKERMAN, Mr. PASTOR, and Mr. HASTINGS of Florida.

H.R. 2098: Mr. BONO and Mr. WELDON of Florida.

H.R. 2137: Ms. PRYCE.

H.R. 2138: Mr. BOEHLERT, Mr. SKEEN, Mr. LEWIS of Georgia, Mr. HUTCHINSON, Mr. FROST, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RICHARDSON, Mr. UNDERWOOD, Mr. GENE GREEN of Texas, Mr. BURR, Mr. WYNN, Mr. MCCOLLUM, Mr. COLEMAN, Mr. BEVILL, Mr. LANTOS, Mr. GOODLING, Mr. THORNTON, Mr. CHRYSLER, Mr. THOMPSON, Mr. FIELDS of Texas, Mr. BRYANT of Texas, Mr. NEY, Mr. COMBEST, Mr. BENTSEN, Mr. PETE GEREN of Texas, and Mr. BISHOP.

H.R. 2178: Mr. MARKEY, Mr. KENNEDY of Massachusetts, Mr. TRAFICANT, and Ms. NORTON.

H.R. 2200: Mr. STEARNS, Mr. EVERETT, Mr. EHRLICH, Mr. WICKER, Mr. BARR, AND MR. DORNAN.

H.R. 2202: Mr. CHAMBLISS, Mr. BEVILL, Mr. GREENWOOD, Mr. OBEY, and Mr. BROWDER.

H.R. 2234: Mr. GORDON.

H.R. 2240: Mr. BOUCHER and Mr. DELLUMS.

H.R. 2333: Mr. HANCOCK, Mr. LINDER, Mr. WARD, Mr. LEWIS of Georgia, Mr. DEAL of Georgia, Ms. MCKINNEY, Mr. NORWOOD, Mr. ENGLISH of Pennsylvania, Mr. KINGSTON, Mr. KLECZKA, Mr. BARR, and Mr. CAMP.

H.R. 2335: Mr. ROHRABACHER, Mr. CONDIT, Mr. SOLOMON, Mr. COBLE, Mr. EVERETT, Mr. BUNNING of Kentucky, Mr. KANJORSKI, Mr. PICKETT, Mr. LEWIS of Kentucky, Mr. WHITFIELD, and Mr. STEARNS.

H.R. 2391: Mr. PETRI, Mr. MCINTOSH, and Mr. GRAHAM.

H.R. 2411: Mr. POMEROY.

H.R. 2433: Mr. FARR and Mr. FOGLIETTA.

H.R. 2435: Mr. FATTAH, Mr. BOUCHER, Mr. THORNBERRY, Mr. KOLBE, Mr. SOLOMON, and Mr. FRANKS of Connecticut.

H.R. 2472: Mr. FOGLIETTA, Mr. ROMERO-BARCELO, Mrs. MEEK of Florida, Mr. LUTHER, Mrs. MALONEY, Mr. BORSKI, Mr. WAXMAN, Mr. KENNEDY of Rhode Island, and Mr. GEJDENSON.

H.R. 2475: Mr. POMEROY.

H.R. 2483: Mr. MCCOLLUM.

H.R. 2497: Mr. BARRETT of Nebraska, Mr. JACOBS, Mr. CHRISTENSEN, Mr. LINDER, Mr. HAYWORTH, Mr. LATHAM, Mr. ROHRABACHER, Mr. ROBERTS, and Mr. HERGER.

H.R. 2508: Mr. RADANOVICH, Mr. BILBRAY, Mr. CHRISTENSEN, Mr. FARR, Mr. BARCIA of Michigan, Mr. DICKEY, Mr. HEINEMAN, and Mr. PORTER.

H.R. 2531: Mr. CASTLE and Mr. GOODLATTE.

H.R. 2578: Mr. WAXMAN and Ms. SLAUGHTER.

H.R. 2579: Mr. DOYLE, Mr. PORTER, Mr. WELDON of Pennsylvania, Mrs. COLLINS of Illinois, Mr. CLYBURN, Mrs. KENNELLY, Mr. CAMPBELL, Mr. LEACH, Mr. WARD, Mr. BACHUS, Mr. WYNN, Mr. COBURN, Mr. METCALF, Mr. MCHALE, Mr. STUDDS, Mr. KINGSTON, Ms. KAPTUR, and Mr. HOYER.

H.R. 2610: Mr. PORTMAN and Mr. BARTLETT of Maryland.

H.R. 2617: Mr. HOLDEN.

H.R. 2650: Mr. SOLOMON.

H.R. 2651: Mrs. COLLINS of Illinois, Mr. WALSH, Mr. HAYES, Mr. FOLEY, Mr. KILDEE, Ms. NORTON, and Mr. VENTO.

H.R. 2652: Mr. GUTIERREZ, Mr. KLECZKA, Mr. DURBIN, Mr. HINCHEY, Mr. BORSKI, Mr. EVANS, Ms. NORTON, Mr. COSTELLO, and Mr. MINGE.

H.R. 2655: Ms. MOLINARI and Mr. PAYNE of New Jersey.

H.R. 2697: Mr. LONGLEY, Mr. BROWN of California, Mr. YATES, Mr. DOYLE, and Mr. BERMAN.

H.R. 2740: Mr. FIELDS of Texas and Mr. CRANE.

H.R. 2777: Mr. STEARNS.

H.R. 2778: Mr. CHRYSLER, Mr. BAKER of Louisiana, Mr. INGLIS of South Carolina, Mr. CARDIN, Mr. PASTOR, Mr. MANZULLO, Mr. MCHALE, Mr. LEACH, Mr. WICKER, Mr. CHAMBLISS, Mr. SCARBOROUGH, Mr. THOMAS, and Mr. FRELINGHUYSEN.

H.R. 2807: Mr. DE LA GARZA, Mr. SMITH of New Jersey, Mr. SERRANO, Mr. CONDIT, and Mr. STOCKMAN.

H.R. 2827: Mr. LEACH, Mr. FRAZER, Mrs. SCHROEDER, Mr. KILDEE, and Mr. Ney.

H.R. 2828: Mr. QUINN and Mr. SHADEGG.

H.R. 2853: Mr. EWING.

H.R. 2856: Mr. SMITH of New Jersey and Mr. FRANKS of New Jersey.

H.R. 2873: Mrs. MEEK of Florida, Mr. PETERSON of Florida, Mr. UNDERWOOD, Mr. FRAZER, and Mr. MCDERMOTT.

H.R. 2874: Mr. GORDON, Mr. DOYLE, Mr. STUPAK, Ms. SLAUGHTER, and Mrs. SCHROEDER.

H.R. 2875: Mrs. KELLY, Mr. OBERSTAR, Mr. SOLOMON, Mr. FOX, and Ms. NORTON.

H.R. 2896: Mr. KIM.

H.R. 2898: Mr. HASTINGS of Washington, Mr. BAKER of Louisiana, Mr. NEY, Mr. CHABOT, and Mr. HERGER.

H.R. 2912: Mr. HASTINGS of Florida and Mr. UNDERWOOD.

H.R. 2919: Mr. TRAFICANT and Mr. FRAZER.

H.R. 2937: Mrs. MEYERS of Kansas, Mr. HORN, and Mr. ENGLISH of Pennsylvania.

H.R. 2951: Mr. KENNEDY of Massachusetts, Ms. LOFGREN, Mr. SHAYS, Mr. CHABOT, and Mr. DOYLE.

H.R. 2959: Mr. LEVIN, Mr. BARRETT of Wisconsin, Mr. KOLBE, Mr. TORRES, Mr. RUSH, Mr. CLAY, Mr. BONIOR, and Mr. PALLONE.

H.R. 2969: Mr. CHRISTENSEN.

H.J. Res. 114: Mr. FRANK of Massachusetts.

H. Con. Res. 51: Mr. DOYLE.

H. Con. Res. 134: Mr. CRAPO, Mr. MOORHEAD, Mr. SCHAEFER, Mr. LEWIS of Kentucky, and Mr. MYERS of Indiana.

PETITIONS, ETC.

Under clause 1 of rule XXII,

63. The SPEAKER presented a petition of the Rensselaer County Legislature, NY, relative to supporting legislation which would require an auction of the spectrum to corporate television networks; which was referred to the Committee on Commerce.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2854

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 6. At the end of title V (page 139, after line 17), add the following:

SEC. . SENSE OF CONGRESS REGARDING PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act or amendments made by this Act, it is the sense of the Congress that persons receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act or amendments made by this Act, the Secretary of Agriculture shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

EXTENSIONS OF REMARKS

STAND BY THE AMERICAN FLAG

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1996

Mr. SOLOMON. Mr. Speaker, last year this Congress came so close to restoring the American flag to its rightful position of honor and glory. You might remember that an overwhelming majority of my colleagues in the House agreed with the overwhelming majority of the American people and voted in favor of my proposed constitutional amendment allowing States and the Federal Government to prohibit the despicable destruction of Old Glory. Unfortunately, just three Senators couldn't find it in their heart to stand up for the Stars and Stripes and provide the constitutional protection that is necessary.

Mr. Speaker, let me tell you, this fight isn't over yet and it won't be over until we win. Just to demonstrate the support behind that statement, allow me to submit the following piece from the American Legion's National Commander Daniel Ludwig for the RECORD as evidence of that organization's resolve to correct this gross injustice. It was the American Legion and the Citizens Flag Alliance who carried the flag and the flag amendment to within three votes of this ultimate protection. Well, Mr. Speaker, just like you might expect out of a crew of old warriors, they're not going to surrender.

WE WILL CONTINUE TO STAND BY OUR FLAG

(By Daniel A. Ludwig)

By the time you read this, the postmortems on the Senate vote on the flag amendment will largely have subsided. The media may finally have stopped smirking their smirks of (supposed) intellectual superiority. The constitutional scholars who were thrust into an unaccustomed limelight will have gone back to their universities to continue the debate in quieter fashion. The public-interest groups who took sides against us—and, we always believed, against the public interest—will have turned their attention to other cherished aspects of traditional American life that need to be "modernized," which is to say, cheapened or twisted or gutted altogether.

Observers have suggested that we, too, should give up the fight. Enough is enough, they say. "You gave it your best, now it's time to pack it in." Those people don't understand what the past six years, since the 1989 Supreme Court decision, have really been about.

From the beginning of our efforts, debate centered on the issue of free speech and whether the proposed amendment infringes on it. But whether flag desecration is free speech, or an abuse of free speech, as Orrin Hatch suggests (and we agree), there is a larger point here that explains why we can't—shouldn't—just fold up our tents and go quietly.

Our adversaries have long argued that opposition to the amendment is not the same as opposition to the flag itself, that it's possible to love the flag and yet vote against protecting it. Perhaps in the best of all possible worlds we could accept such muddled thinking.

Sadly, we do not live in the best of all possible worlds.

In the best of all possible worlds it would not be necessary to install metal detectors in public schools, or have drunk-driving checkpoints on our highways, or give mandatory drug tests to prospective airline employees. Indeed, in the best of all possible worlds, the Pope would not have to make his rounds in a bulletproof vehicle. In all of these cases, we have willingly made certain sacrifices in freedom because we recognize that there are larger interests at stake. In the case of the metal detectors, for example, the safety of our children, and our teachers, and the establishment of a stable climate for instruction to take place, is paramount.

If the flag amendment is about anything, it's about holding the line on respect, on the values that you and I risked our lives to preserve. We live in a society that respects little and honors still less. Most, if not all, of today's ills can be traced to a breakdown in respect—for laws, for traditions, for people, for the things held sacred by the great bulk of us.

Just as the godless are succeeding at removing God from everyday life, growing numbers of people have come to feel they're not answerable to anything larger than themselves. The message seems to be that nothing takes priority over the needs and desires and "rights" of the individual. Nothing is forbidden. Everything is permissible, from the shockingly vulgar music that urges kids to go out and shoot cops, to "art" that depicts Christ plunging into a vat of urine—to the desecration of a cherished symbol like the U.S. Flag.

Are these really the freedoms our forefathers envisioned when they drafted the Bill of Rights? Thomas Jefferson himself did not regard liberty as a no-strings proposition. His concept of democracy presupposed a nation of honorable citizens. Remove the honorable motives from a free society and what you have left is not democracy, but anarchy. What you have left, eventually, is "Lord of the Flies."

Amid all this, the flag stands for something. If respect for the flag were institutionalized, and children were brought up to understand the unique collection of principles it represents, there would be inevitable benefits to society, benefits that would help turn the tide of today's chaos and disrespect. For no one who takes such principles to heart—no one who sees the flag as an untouchable symbol of democracy, of decency—could possibly do the things that some people do, these days, in the name of freedom.

The flag stands for something miraculous that took life upon these shores more than two centuries ago and, if we only let it, will live on for centuries more. It stands for a glorious idea that has survived every challenge, that has persevered in the face of external forces who promised to "bury" us and internal forces which promised to tear us apart. Let us never forget this.

And let us not forget that 63 out of 99 senators voted with us, or that we won over 375 legislators in total. Our efforts were no more wasted than were the efforts to take remote outposts in the Pacific a half-century ago. Those efforts, too, failed at first, but eventually we prevailed.

We undertook a noble fight in trying to save our flag, and the fact that we have suffered a temporary setback does not diminish the nobility of what we fought for. This is not over by a long shot. They will hear from us again.

TRIBUTE TO ELIZABETH DOUPHNER

HON. ANTHONY BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1996

Mr. BEILENSON. Mr. Speaker, I rise today to pay tribute to one of Topanga, California's most dedicated and admired citizens, Elizabeth Douphner, who passed away recently.

Betty Douphner served as executive officer-clerk of the Board of Resource Conservation District of the Santa Monica Mountains, formerly of Topanga-Las Virgenes Resource Conservation District, which carries out environmental education and restoration projects. During the 34 years Betty was employed by the district, she watched it grow from an operation with one employee, herself, to the 50-employee agency it is today.

In her position with the district, Betty worked tirelessly for our community. She helped secure conservation services for landowners in the area, wrote the district's quarterly newsletter, coordinated the annual plant sale, hired personnel, maintained all the district's records, and helped establish and maintain the district's Vance Hoyt Memorial Library. She became an expert on the law governing the operation of resource conservation districts in order to properly advise the district board.

Betty was also responsible for writing and obtaining the first grants that expanded the district's education program. The large number of awards to the district for conservation and education are a testimony to the effectiveness of her work, for which she was twice honored with a distinguished service award by the Employee Association of the California Association of Resource Conservation Districts.

Betty contributed much to the community in other ways as well. For her volunteer work with schools, the Women's Club, and the Strawberry Festival, the Topanga Chamber of Commerce recognized her as the 1979 "Citizen of the Year." She was also a volunteer with Share International, where she helped publish its monthly magazine.

Betty Douphner's warmth, enthusiasm, and dedication are greatly missed by all of her colleagues at the district, and by everyone else

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

who knew her. The entire Topanga community joins me in expressing our deep sorrow to her family and friends, and our heartfelt appreciation for her many years of outstanding public service.

IN RECOGNITION OF LAWRENCE G. REUTER, METRO GENERAL MANAGER

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1996

Mr. HOYER. Mr. Speaker, I rise to take this opportunity to recognize the many accomplishments of the general manager of the Washington Metropolitan Area Transit System [WMATA], Mr. Lawrence G. Reuter. It is indeed the Washington area's loss that Mr. Reuter has chosen to accept the position of president of New York City's transit system.

Mr. Reuter, as general manager of WMATA for the past 2 years, has consistently proven that he knows how to run a railroad. His administrative skills have been evident as he has kept the fast-track program, designed to complete the planned 103-mile metrorail system in an accelerated time period, on schedule and within budget. Under his stewardship, WMATA now has the remaining four rail segments under construction. Completion will finally provide a complete network linking all of the suburban communities to all of the District of Columbia.

Perhaps the most difficult issues Mr. Reuter has addressed during his tenure at Metro are the fiscal challenges faced by all jurisdictions throughout this region. He has had to be resourceful in order to preserve quality Metro service at a time when State and local response to these budgets are lean, and Federal transit assistance has been diminishing.

Mr. Reuter has provided the kind of leadership necessary to run a public service organization in these tight fiscal times. He has consistently encouraged private sector partnerships in order to fully capitalize on the public investment in Metro. He was instrumental in the negotiation of an agreement with the RF&P Corp. to construct, entirely with private funds, a Metrorail station at Potomac Yard in Alexandria, VA. This is the first agreement of this type ever executed in the United States. His commitment to public-private partnerships has enabled Metro to streamline its joint development program making it easier for the private sector to invest in properties near Metrorail stations. His efforts to bring private sector investment to locations in proximity to Metro reflects his firm view that this region must fully utilize our investment in Metrorail. Mr. Reuter recognizes that the Metro system provides economic opportunity to all of the communities along its lines as well as environmental benefits to the entire region.

Larry Reuter has demonstrated his extraordinary ability to lead during one of the most challenging times for the transit authority. This region owes Mr. Reuter our gratitude for preserving our investment in the Metro system and for continuing to provide quality public transit service to the entire National Capital region.

TRIBUTE TO JONATHAN NEWTON

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1996

Mr. CASTLE. Mr. Speaker, the volunteer fire service community and the entire State of Delaware suffered a tragic loss recently with the death of Jonathan Newton. Mr. Newton, at the young age of 31, was the consummate volunteer firefighter. At the time of the accident, he was en route to a fire safety program at a local middle school. It was not uncommon for Mr. Newton to volunteer his time and energy to programs that heightened public awareness about fire safety. In fact, his community education work earned him recognition as Firefighter of the Year for the Hockessin Fire Company.

When a firefighter in Delaware suffers a tragedy, it is felt by the entire fire service community. They are like a family, a unique group of individuals who take great pride in their heritage of volunteer service. Friends and family members alike spoke of Mr. Newton's altruism, and fondness toward children, as he devoted so much of his time to educating them about fire safety.

What is most tragic about Mr. Newton's death is that he leaves behind a family. He has a wife who is 7 months pregnant and two children—all of whom will always have a special place in the Delaware volunteer fire service family.

Mr. Newton's legacy of commitment and dedication as a volunteer firefighter will find a permanent place in the Delaware volunteer fire service mantra, reminding future volunteer firefighters of the importance of their mission. On behalf of the citizens of Delaware, I offer my condolences to Sharon Newton and the entire family on the untimely and tragic death of a true American hero, Mr. Jonathan Newton.

HONORING MICHAEL EAKIN

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1996

Mr. GOODLING. Mr. Speaker, I rise today to pay special tribute to J. Michael Eakin who was recently elected as Pennsylvania Superior Court Judge and is ending his tenure as Cumberland Country District Attorney. For over 20 years he has served the citizens of Pennsylvania's 19th Congressional District by dedicating his career to protecting those who live in Cumberland County and ensuring the laws of the Commonwealth are upheld.

Mr. Eakin's accomplishments in both enforcement and prevention are numerous. He is responsible for establishing the first multicounty drug task force in Pennsylvania's history. He has also dedicated much of his time to working with at-risk youth through programs such as drug abuse resistance education. In addition, Mr. Eakin has led efforts to reduce Cumberland County's alcohol-related fatalities by developing innovative programs which work to expeditiously apprehend and process drunk drivers. Several community service groups including Mother's Against Drunk Drivers and the Cumberland-Perry Drug and Alcohol Council have recognized Mr. Eakin for these achievements.

Mr. Eakin has contributed a great deal to the professional development of attorneys and law enforcement personnel. Currently recognized by the Pennsylvania District Attorney's Association and Pennsylvania Bar Association as an authority on law enforcement, he has developed and led training sessions for new district attorneys throughout the State.

Mr. Speaker, by working hand in hand with the community, Michael Eakin has exemplified the true definition of public service. On behalf of the people of Pennsylvania's 19th Congressional District, I thank him for his years of dedication and wish him continued success as superior court judge.

SRI LANKA'S NATIONAL DAY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1996

Mr. HAMILTON. Mr. Speaker, Sunday, February 4, 1996, marked the 48th anniversary of the independence of Sri Lanka. I know my colleagues will want to join me in saluting our good friends in Sri Lanka on this momentous occasion.

Sri Lanka and the United States have much in common. Both are committed to political pluralism, and both believe in the efficacy of free markets and private enterprise. In addition, Sri Lanka has been a good friend to the United States for many years. We work together on regional issues and in the United Nations. We collaborate on a range of critical transnational issues such as population, food security, and the environment. The United States is Sri Lanka's largest trading partner. Sri Lanka has long hosted an important Voice of America facility on its territory.

Sadly, what should have been a day of celebration for our friends in Sri Lanka was instead a time of mourning. Several days before National Day, Colombo, the Sri Lankan capital, was rocked by a terrorist explosion that claimed nearly 100 lives; 1,400 other men, women, and children were injured in the blast.

Sri Lankan officials have blamed the Liberation Tigers of Tamil Eelam [LTTE] for this despicable act of terrorism, which, if true, would make the Colombo attack merely the latest in a long line of cowardly terrorist acts the LTTE has taken. The world community should be forthright in its denunciations of this group. let there be no doubt on this score: Genuine freedom fighters do not wantonly take the lives of the very people they claim to be liberating.

Mr. Speaker, I wish to conclude by reiterating my congratulations to the brave people of Sri Lanka on the occasion of their National Day, as well as my deepest condolences for this horrid act of terrorism that struck down so many innocent people.

CONGRESS MISSES THE MAGIC SHOW

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1996

Mr. FRANK of Massachusetts. Mr. Speaker, in passing a Defense authorization bill which includes a cruel and wholly unjustified provision requiring the discharge of all service members who are HIV-positive, Congress served itself and the Nation very badly. Our former colleague, who is now the junior Senator from California [Ms. BOXER] recently illustrated how unwise and unfair this new policy is with an article in the Los Angeles Times for February 6. Because we still have a chance to redeem ourselves by repealing this provision before it goes into effect, it is very important that all Members reflect on the truth of what our former colleague has written and so I ask that the article entitled "Congress Misses the Magic Show" by BARBARA BOXER, in the February 6, Los Angeles Times be reprinted here.

[From the Los Angeles Times, Feb. 6, 1996]

CONGRESS MISSES THE 'MAGIC' SHOW

(By Barbara Boxer)

Americans cheered last week as Earvin "Magic" Johnson triumphantly returned to the Los Angeles Lakers. In just 27 minutes, he scored 19 points and dispelled any remaining doubt about his ability to compete at the highest level.

To their credit, Magic's fans, coaches, teammates and even his NBA opponents welcomed him back with open arms. Imagine how absurd it would be if Congress, just as Magic demonstrated his Hall of Fame talent, passed a law requiring the NBA to fire all basketball players who have the HIV virus.

This past week, Congress did something just that absurd.

A little-noticed provision of the annual military spending bill requires the Pentagon to fire all soldiers, sailors and Marines who test positive for the HIV virus, even if they perform their duties as skillfully as Magic Johnson makes a no-look pass. The military strongly objected to this provision, but Congress did not care. The president has called the new policy unfair, but because it is part of a larger bill that includes urgently needed funding for our troops in Bosnia, he will sign it into law.

Under current policy, military personnel with the HIV virus are permitted to remain in the services as long as they are able to perform their duties. If their health deteriorates, the military initiates separation procedures and provides disability benefits and continued health insurance coverage for them and their dependents. So they can remain near health care providers, military personnel with HIV are placed on "worldwide nondeployable status," which means that they cannot be sent on overseas missions. Soldiers with other serious chronic illnesses, such as severe asthma, cancer and diabetes are also nondeployable. In fact, only about 20% of the more than 5,000 nondeployable personnel are infected with HIV.

The congressional authors of the new policy, led by Rep. Robert K. Dornan of Orange County, argue that nondeployable personnel degrade military readiness because they cannot be sent overseas. However, their true motive appears to be less lofty than protecting the readiness of our forces. The new policy irrationally singles out military personnel with HIV. If backers truly believe that nondeployable personnel harmed readiness, why wouldn't they seek to oust soldiers with diabetes and asthma? The only conceivable answer is that readiness is not their real motivation. Their motivation is discrimination, pure and simple.

Can anyone seriously contend that 1,059 HIV-positive soldiers—less than 0.1% of the total force—can meaningfully affect readiness? The Pentagon doesn't think so. Its top personnel policy expert, Assistant Defense Secretary Fred Pang, recently wrote that "as long as these members can perform their required duties, we see no prudent reason to separate and replace them. . . . The proposed provision would not improve military readiness or the personnel policies of the department."

If Magic Johnson can run and leap with the best of them, why can't a military clerk file with the best of them, or a military driver drive with the best of them?

Perhaps the worst aspect of the new policy is its total rejection of the compassion and camaraderie for which the armed forces are rightfully praised. The United States of America does not kick its soldiers when they are down. We have a proud tradition of standing by those courageous enough to dedicate their careers to the defense of our nation. That tradition will end the day this new policy is enacted.

Military personnel discharged under the new policy will lose their jobs even if they exhibit no signs of illness. They will lose their right to disability benefits and their spouses and children will lose their health care coverage. This policy is worse than wrong, it is un-American.

The same day that President Clinton signs the bill that includes this new policy, a bipartisan group of senators will introduce legislation to repeal it. The president and our senior military leaders support repeal. Despite their strong support, the odds are unclear. But I am certain about one thing: Those who vote "no" should take a good look in the mirror.

IN MEMORY OF THE HONORABLE WILLARD CURTIN

HON. JAMES C. GREENWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1996

Mr. GREENWOOD. Mr. Speaker, Henry David Thoreau wrote in 1849:

> Even the death of friends will inspire us as much as their lives. . . . Their memories will be encrusted over with sublime and pleasing thoughts, as monuments of other men are overgrown with moss, for our friends have no place in the graveyard.

I am here today to honor the memory of Willard Curtin, who served in this esteemed body as the Representative from my district from 1957 until his retirement in 1967.

Mr. Curtin's life was dedicated to public service and his memory should inspire us all.

Before running for Congress, Mr. Curtin served as Bucks County's district attorney from 1949 to 1953. Prior to that, he was Bucks County's first assistant district attorney.

He ran for Congress in 1956 to succeed retiring Representative Karl C. King. His campaign theme was based on his belief that President Eisenhower's policies were sound and should be continued. He served Bucks and Lehigh Counties during the Eisenhower, Kennedy, and Johnson administrations.

Mr. Curtin retired to Florida where he continued to lead an active life. His grandson will always remember him as the energetic, active, sharp minded man that he was, even to the end of his life. He also will share with his grandchildren this story: One of Mr. Curtin's most prized possessions was his grandfather clock. When he would go away, Mr. Curtin would stop the clock's pendulum so it would not disturb the other residents in his building. Even though he had not traveled in a long time, the clock was stopped 6 minutes after 1 o'clock. The coroner later estimated the time of his death to be at 1:10 a.m.

I ask you all to join me in remembering the hard work and dedication that Mr. Curtin gave to this country so generously.

TRIBUTE TO HARVEY D. KERN

HON. ANTHONY BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1996

Mr. BEILENSON. Mr. Speaker, I am honored to pay tribute today to Harvey D. Kern, who is retiring as director of public affairs for the Los Angeles County-University of Southern California [LAC–UCS] Medical Center.

In addition to serving as director of public affairs for over 9 years, Mr. Kern oversees volunteer and chaplain services and serves as a government relations representative for the medical center, which is the largest acute care hospital in the United States and provides a variety of patient care services, teaching and research opportunities, and includes the largest HIV/AIDS outpatient center in the country.

Mr. Kern is a native of Los Angeles and received his bachelor of science degree in public health from UCLA and his master of health science degree from Cal State University, Northridge [CSUN]. His long and distinguished career in the health care field includes 32 years with the Los Angeles County Department of Health Sciences, as a faculty member of CSUN for 23 years, and as an assistant professor at USC. He is a fellow in the American Public Health Association, past president of the Los Angeles County Health Services Management Forum, and serves on the joint public affairs committee of the California Healthcare Association.

Mr. Speaker, we ask our colleagues to join us today in saluting Harvey D. Kern for his many years of dedicated service in the health care field. We send our warmest congratulations on his many contributions and accomplishments, and our very best wishes for the future.

HARD BARGAIN FARM—ALICE FERGUSON FOUNDATION

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1996

Mr. HOYER. Mr. Speaker, it is with great pleasure that I rise today to recognize the Alice Ferguson Foundation and the Hard Bargain Farm Environmental Center located in Accokeek, MD. On January 23, Hard Bargain Farm was named the winner of Renew America's National Environmental Award. This award is part of the 6th annual Renew America National Awards for Environmental Sustainability. The awards are given each year to programs throughout the Nation that demonstrate leadership and excellence in environmental sustainability.

I have long been a supporter of the educational programs offered by Hard Bargain Farm and commend them on this selection from a pool of over 1600 applicants in 24 categories. I have been honored to work hand in hand with them throughout the Fifth Congressional District to protect the Potomac River through education efforts, environmental stewardship, and conservation action projects.

Mr. Speaker, this recognition of Hard Bargain's achievement and dedication to the environment marks two important firsts. Not only is this the first time that Renew America has honored a Maryland organization in the institutional education category, but it is also the first time that a National Park Program has received such recognition.

For the past 25 years, Mr. Speaker, Hard Bargain Farm has worked in a unique and highly effective partnership with the National Park Service to develop quality environmental education programs. I commend the leadership and experience of the Alice Ferguson Foundation and am very proud to rise today with my colleagues in recognition of this very special award.

THE PUBLIC'S TRUST

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1996

Mr. HAMILTON of Indiana. Mr. Speaker, I would like to insert my Washington Report for Wednesday, February 21, 1996, into the CONGRESSIONAL RECORD.

IMPROVING PUBLIC TRUST IN GOVERNMENT

It is no longer news that Americans have lost confidence in the federal government. Anger at the government and disgust with elected officials have increased, causing voters to jump in different directions. Americans believe government fails to deal adequately with crime, economic insecurity, and other of the country's biggest problems. They have concluded that government either makes things worse or in incapable of making them better.

It has always been true that people in this country have been skeptical of power and have cherished the right to beat up on their leaders, and in many respects that attitude is healthy. The Constitution of the United States is based on assumptions of wariness of government and each other. That's what checks and balances are all about.

But most elected officials, including me, believe today that public cynicism is severe, intense and stronger than it once was. Restoring confidence in government actions is a daunting task.

CAUSES

Most agree that the distrust of government and elected officials reflects a broader loss of reliance on each other, a civic breakdown in which divorce, crime, and economic anxiety all play important roles. Many Americans are frustrated by an increasingly impersonal economy. Their anxieties are fostered by a changing economy and the highly partisan nature of current politics. People wonder whether there's anything they can depend on. More fundamentally, the experts think that the mistrust of government is part of a larger problem. Americans just don't trust one another as much as they used to.

The media bear some responsibility for the mistrust of government as well. They tend to emphasize and encourage conflict and to downplay consensus. They encourage people to think things are worse than they are. You cannot be very upbeat after watching the evening news. It certainly exaggerates the violent and the sensational, and reduces complexity to a 15 second sound bite. The impact of television often is to isolate people; prevent sustained engagement with other people; and, because of its emphasis on violence and the dark side of human nature, increase pessimism about our fellow human beings.

Elected officials, of course, share much of the blame. It has become easier to lead people by dividing them than by finding areas of agreement. Running against the government in order to serve in it has been the standard practice in American politics for a long time. Elected officials take great delight in attacking the very institutions they serve in and are responsible for. They also create high expectations by promising quick-fix solutions but rarely delivering on them.

SOLUTIONS

So how do we deal with these problems of distrust? It's very clear that political rhetoric will not help much. The credibility of all elected officials is simply too low.

It is important that elected officials try to connect with people through town meetings and face-to-face contact. In the end there's really no substitute for an elected official to spend time with his or her constituents. People want their representatives to listen and be accountable. They have to see some connection between themselves and the government. But there are limits to public meetings. After all, elected officials have been holding them for years without putting the brakes on public distrust of government.

Elected officials have to learn to promise less and produce more. They can help by not promising anything they cannot deliver. They have to make people comfortable with government, and that means producing what the citizens want. In more specific terms it means ongoing efforts to balance the budget and reform education, welfare, and other areas of public dissatisfaction. But there are limitations even to government reform. Reforms always fall short of their goals and the standard political reform agenda, while it may be worthwhile, does not solve all the problems.

Elected officials also have to do a better job of giving people basic facts. One recent poll showed that most Americans can't name their member of Congress or the Vice President, or believe, incorrectly, that more federal money is spent on foreign aid than on Medicare. In a time when there is an explosion of information, data and statistics, it's important to try to identify those facts which are more important than others. Each of us has to take seriously our responsibilities to make ourselves well-informed citizens.

I also happen to think that elected officials need to pay less attention to public opinion polls which now dominate American politics. The idea that elected officials listen to the pros and cons and then make judgments and go back and explain them is still a pretty good basic approach to government. Restoring civility in political debate can help too. No matter how much elected officials disagree with one another at the end of the day they have to sit down with each other and try to reach an agreement.

There also has to be a lot more emphasis on the many good things that are happening in our families, communities, and states. People everywhere every day act in such ways to restore trust, but it often gets little attention. This is not a time for handwringing, but a time to point out the good things, and build upon our successes.

CONCLUSION

It's important to remember in the end that we as a nation cannot thrive or survive without public faith in our institutions, our economic destiny, and our own values.

Three decades ago a majority of Americans believed that most people could be trusted. Today two out of three believe the opposite. We have to ask ourselves what happened to a nation of endless optimism, opportunity, and good heartedness. Many things have set us back: job layoffs and economic insecurity, crime and drugs, government scandals and policy failures. This will not be quickly turned around, but we must make the effort.

The other day I ran into a constituent who said to me he did not know the names of any of his elected officials. He could not name the Vice President or identify the majority party in Congress. He said to me, "I don't care. I just don't have time for it." I strongly suspect that gentleman does not have the right solution to our problems.

TRIBUTE TO STEVE JOHNSON

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1996

Mr. CHAMBLISS. Mr. Speaker, I rise today to pay tribute to Steve Johnson who is celebrating 30 years of faithful service to the Baptist Church. Having served as the pastor of Mabel White Memorial Baptist Church, in Macon, GA, since 1984, Steve Johnson is a man who is loved by the members of his church and all those who know him. Through his commitment to serving God and the church, Steve has touched and changed the lives of many special people.

Steve Johnson also deserves to be recognized for his outstanding service to the community of Macon. Serving on the board of directors for the Cherry Blossom Festival and the First Presbyterian Day School, Steve is working with others to make our communities happier and safer places to live and raise our families. I am fortunate to have had the opportunity to know Steve and his wife Connie for many years, and I am proud to call them friends. I hope you will join me in congratulating Steve during this special time in his life and for 30 years of unparalleled service to the Baptist Church.

THE ENTREPRENEURIAL INVESTMENT ACT

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1996

Mr. BAKER of Louisiana. Mr. Speaker, today I have introduced legislation that will be known as the Entrepreneurial Investment Act. The legislation will make it possible for roughly 5,000 of the Nation's 5,300 bank holding companies to make equity investments in the customers of their community-based banks.

Business often needs equity capital to create new or retain existing jobs. This legislation acknowledges that a community banker knows his customer and is well positioned to invest some of his excess holding company capital in equity investments. Passage of the Entrepreneurial Investment Act will mean that communities will be better served by facilitating private sector economic development and job growth.

This legislation has been drafted in consultation with the Federal Reserve.

EFFORTS TO PREVENT POACHING

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1996

Mr. ROHRABACHER. Mr. Speaker, wildlife poaching in Africa has reached such proportions that elephant and endangered rhinoceros populations have been decimated in several countries. The poaching goes on because of the demand for ivory and animal parts used in traditional medicine in Asia. At one time, wildlife conservation groups criticized the Republic of China on Taiwan for not doing enough to stop this traffic into Taiwan. The Government there has long since cracked down with strict enforcement and stiff penalties for offenders.

Now, they have opened a new front in the war on wildlife poaching. The Government of the Republic of China on Taiwan has just announced a grant to the nonprofit United States-based Wilderness Conservancy to purchase a special spotter airplane that will be used in Kruger National Park in South Africa, where game rangers will patrol with it to locate poachers before they do their dirty work. The airborne spotters will radio the location of potential poachers to rangers on the ground who will apprehend them. Kruger is one of the world's great game reserves and has only recently begun to feel the threat of poaching. The Wilderness Conservancy is experienced in assisting antipoaching forces throughout Southern Africa, with spotter aircraft and a range of supplies and support services for game rangers and their families.

Saving the rhinoceros and elephant from extinction is dangerous, round-the-clock work. This generous gift makes possible a unique three-way cooperative effort between the people of Taiwan, a conservation-minded American organization and the men and women on the antipoaching front lines in South Africa.

THE LONG ISLAND ADVANCE'S 125TH ANNIVERSARY—PURCHASED FOR $500 IN 1871

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1996

Mr. FORBES. Mr. Speaker, I rise today to pay tribute and to congratulate the Long Island Advance for 125 years of dedicated service to the people of Suffolk County.

"The Policy of Honesty—The Might of Right and The Expediency of Principle," were words that appeared in large type across the top of the first page of the Advance when it was first published in September 1871.

Now, reaching the century and a quarter mark with its 125th anniversary edition scheduled for the first issue in September 1996, many changes have taken place in printing, personnel, and location, but the spirit expressed then continues today.

The Advance was the third newspaper to be established in Patchogue, Long Island, NY. The pioneer weekly was the Suffolk Herald founded by a Mr. Van Zandt and discontinued in 1865. In 1870, the Long Island Star was brought to Patchogue by John S. Evans from Port Jefferson. After a few issues it collapsed.

Timothy J. Dyson, a former newspaper correspondent and printer from Brooklyn, purchased $500 worth of equipment that Auston Roe, a member of one of Patchogue's oldest families, had bought from what was left of the short-lived Star. Mr. Dyson, with this equipment from the remnants of the old Star, founded and renamed the paper the Advance. He set about keeping pace with the village of Patchogue, the town of Brookhaven, the County of Suffolk, and even Long Island as a whole, with bits and pieces of the entire world thrown in.

Communications then, not being what they are today, often left much to be desired. Editors were hard-pressed to get news, and sermons often took up a great deal of space on the front pages, because in effect, villages in those days revolved around the church.

Although the Advance suffered many ups and downs, and rapid changes of proprietorship in its earliest days, its course was firmly charted and for the past 103 years, under the ownership of one family, it has weathered many storms to sail a true course, constantly gaining in circulation. After 125 years of serving the community at large, it is one of Long Island's better known weekly newspapers.

Thomas S. Heatley purchased the Advance in 1876 but sold it in 1885 to Rev. S. Fielder Palmer, a former pastor of the Patchogue Congregational Church, and H. Judson Overton. It was renamed the Patchogue Advance. Reverend Palmer stayed for only a few issues and sold out to Mr. Overton, who became its sole proprietor and editor.

On May 18, 1888, he sold out to Martin Van Deusen, who continued its policies and increased its circulation to the four-figure mark. He operated the paper until June 25, 1892, when James A. Canfield, of Hudson, MI, took over the helm. Since then it has remained in his family for 103 years. Under his proprietorship, the newspaper grew and prospered, playing a larger part in community affairs, and sometimes even leading many issues of the town.

In 1924, John T. Tuthill, Jr., Mr. Canfield's son-in-law, became publisher upon the death of Mr. Canfield. He was publisher for 48 years, except for a stint in the Navy during World War II where he rose to the rank of captain. In the post-war years, the Advance was one of three of the largest and most influential weekly newspapers in Suffolk County. The other two being the News-Review of Riverhead, published by Frank C. Forbes, my own uncle, and the Long Islander of Huntington. In 1972, Captain Tuthill's son, John T. Tuthill III, became publisher upon Captain Tuthill's death. Today, he remains the Advance's publisher.

Congratulations to the Long Island Advance. May it continue to serve the community for hundreds of years to come.

TRADE AND JOBS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1996

Mr. HAMILTON of Indiana. Mr. Speaker, I would like to insert my Washington Report for Wednesday, February 7, 1996, into the CONGRESSIONAL RECORD.

TRADE AND JOBS

Hoosiers have different perspectives on foreign trade. Some are concerned that imports of cheap goods and services and the relocation of U.S. companies to other countries help keep U.S. wages down and eliminate good jobs. They want the U.S. to take steps to limit foreign competition. Others think trade creates jobs and boosts growth by opening new markets for our goods and services. They want the United States to take better advantage of export opportunities in other countries.

Both perspectives have some merit. Trade has a number of benefits for jobs and the economy, while trade and plant relocation can also suppress wages and cost jobs. But regardless of where they stand on trade, most Hoosiers would agree that our goal should be to minimize the harm of trade and maximize the benefits. The private sector and governments must work together to help firms take advantage of opportunities created by trade while assisting workers who are adversely affected by it.

BENEFITS AND COSTS OF TRADE

Exporting to other countries supports jobs at home—several million, by most estimates. Imports of goods and services expand choices for consumers and help keep domestic prices down. But workers are sometimes innocent victims of trade developments and other economic forces over which they have little control. While some plants in Indiana have added jobs due to increased exports in recent years, others have liad off workers because of competition from lower-wage countries in Latin America and Asia.

Although the primary responsibility rests with the private sector, I do think federal, state and local governments can help firms and workers respond to both the opportunities and the challenges of trade.

HELPING FIRMS

When U.S. firms sell more goods and services in foreign markets, the job security and wages of their workers generally increase. The State of Indiana and the federal government each manage a variety of programs that help firms identify and take advantage of export opportunities.

The Indiana Department of Commerce gives Hoosier businesses specialized advice on how to crack key export markets. It also helps firms participate in international trade shows where they can pitch Indiana products to new foreign customers. The federal government runs several cost-effective export-promotion programs. Every dollar spent promoting exports of manufactured goods contributes to sales that produce an estimated $10 in tax revenues for the Treasury.

U.S. export-promotion programs were streamlined in 1993 and 1994. Overlap among programs was reduced, coordination was improved, and services to small businesses were upgraded. These changes saved operating expenses. And, as Hoosier executives have told me, they also made the programs more effective in generating export sales.

Last year I opposed the unsuccessful effort in Congress to abolish certain export-promotion programs and to cut the budgets of those that survived by 25%. Most other exporting nations already spend more proportionally than we do on export promotion. These short-sighted cuts would have amounted to unilateral disarmament by the U.S. in the international competition for export sales. I will continue to oppose measures that could reduce our ability to expand our share of world markets and create new opportunities for U.S. workers.

HELPING WORKERS

Job training, vocational education, and income assistance can help workers in several ways. By upgrading job skills, training can boost the wages and job security of U.S. workers who compete with foreign workers. For workers whose jobs have already been lost, training can open the door to careers in industries that are flourishing. Temporary income assistance can help laid-off workers make ends meet while they pursue job training and education.

The State of Indiana and the federal government both run programs designed to help workers respond to the challenges and opportunities of trade. In addition to backing a range of vocational education efforts, the state provides special job training services to workers confronting serious foreign competition. These programs are often run through Ivy Tech vocational schools, which work closely with companies to identify worker skills most in demand.

The federal Trade Adjustment Assistance (TAA) program offers three kinds of help to workers whose jobs are lost due to imports: training, job-search counseling, and income assistance for six to twelve months beyond the expiration of state unemployment benefits. In 1995 TAA provided $212 million in income assistance for 39,000 workers and $130 million in training for 33,000 workers.

We need to do a better job of helping American workers get a leg up on foreign competition. Most of the world's other major economic powers provide more help to trade-impacted workers than we do. TAA only helps workers after their jobs have been lost due to imports, and it doesn't help workers laid off because jobs were shifted to other countries. The track record of TAA is also mixed. Many recipients of TAA benefits do not land jobs that pay better than the ones they lost.

Responding to these concerns, the President in 1994 proposed in overhaul of dozens of federal job training programs, including TAA. The idea was to create a single, streamlined program that would help any worker whose job was jeopardized or lost due to trade or other changes in the economy. Workers would be given vouchers worth several thousand dollars that they could use to help pay the cost of the job training or vocational education program of their choice.

Unfortunately, improving U.S. worker training programs has not been a priority of the Gingrich-led House, which has sometimes been willing to let workers fend for themselves in the face of stiff international competition. Work on the President's proposal ground to a halt in 1995. Instead of trying to work with the President to strengthen TAA and other worker training initiatives, congressional leaders have tried to cut funding.

CONCLUSION

With foreign competition growing, we should be increasing, not decreasing, our investment in workers. Improving the skills of our workforce is among the most important things we can do as a nation. Working with the private sector, Congress and the President must take steps to help U.S. workers retain jobs and wages before they are lost, and prepare for the new jobs that our economy creates.

TRIBUTE TO DICK FIFIELD

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1996

Mr. BEVILL. Mr. Speaker, I rise today to pay tribute to Dick Fifield who is retiring after 22 years of dedicated service with the Alabama Farmers Federation. I have known Dick for many years and I consider him to be one of the strongest advocates of farm programs in the country. He has fought for the small family farmer and his leadership on behalf of Alabama farmers will be missed.

Dick is a native of Wisconsin who began his career in agriculture with a degree from Beloit College in 1951, followed by an MS in horticulture from the University of Illinois in 1972. He served his country as a member of the U.S. Army Counter Intelligence Corps as a special agent from 1951 to 1954, and taught at the University of Illinois from 1971 to 1974 as an assistant horticulturist before moving to Alabama and joining the Alabama Farmers Federation in 1974.

As director of horticulture, poultry and forestry, Dick designed the federation's monthly food price survey and began annual farm market days in Birmingham, Huntsville, and Montgomery. He established and operated a producer-farmer market inside a shopping mall in Birmingham, a new and innovative idea at the time. Dick played a leading role in the design and construction of the Alabama State Farmers' Market, built in 1984.

As director of natural and environmental resources at the Farmers Federation, Dick Fifield worked with farmers to promote optimum employment of their land resources.

He helped farmers to understand and implement State and Federal regulations affecting family farming operations.

As director of national affairs, Dick has served as the organization's liaison with the U.S. Congress since 1980.

In this role, Dick has helped formulate national agricultural policy since the 1981 farm bill. He served as a member of the National Peanut Grower Group's Technical Advisory Committee and was actively involved in the formulation of GATT and NAFTA legislation related to peanuts and other commodities of interest to Alabama.

Dick will continue to operate his family farm in Chilton County, AL, as well as his family-owned nursery in Montgomery. And I'm sure he will continue to be a strong voice for agriculture. I doubt he will miss living out of a suitcase, since he has spent the better part of the past 15 years traveling every week between Montgomery and Washington. His retirement is certainly well-deserved.

In honor of his lifetime of dedicated service to Alabama farmers, Dick recently received the Alabama Farmers Federation's Special Service to Agriculture Award. I join his many friends and colleagues in congratulating Dick on a job well done.

SELF-INSURANCE IS WORKING

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1996

Mr. FAWELL. Mr. Speaker, I wish to call my colleague's attention to an article from "The Self-Insurer" summarizing the 1994 National Survey of Employer-Sponsored Health Plans showing the continued growth of self-insured plans. The Foster-Higgins study indicates that 74 percent of large employers now chose to self-fund their plans, up 16 percent from the previous year. Not surprisingly, the study reveals that the larger the employer, the more likely it is to self-insure: 91 percent of companies with 20,000 or more workers self-insure, 82 percent of those with 5,000 to 9,999 workers, but only 44 percent of those with 200 to 499, and dropping down to just 13 percent for businesses with fewer than 50 employees.

Today, there is a revolution in the delivery of private health care in America. Self-insured employer plans under the Employee Retirement Income Security Act [ERISA] are in the thick of that revolution. And these plans are working. These ERISA group health plans are now the primary provider of care in the private market. They cover 70 percent of all employees—70 million workers—and represent a distinct success story in modern American private health care.

Mr. Speaker, by paying their claims directly, rather than purchasing an insurance policy, self-insured employers have escaped excessive regulation and been able to keep their health care costs down during health costs' upward spiral of the past several years. Self-insured employers have the flexibility to design coverage that fit their workers' needs, at a price they can afford. Self-insurance is keeping costs down and can be expected to continue to be part of the health care solution.

[From the Self-Insurer, July 1995]

The 1994 National Survey of Employer-Sponsored Health Plans, an annual report analyzing employee health benefits statistics, bases its finding on data collected from 2,097 employers throughout the United States. This study, released in June, is the research firm's ninth report on the subject.

Although the survey included large employers (those with 500+ employees) and small employers (those with 1-499 employees), many of the results provided in the report summary are geared toward the large-employer market. According to Frank DiBernardino, a principal at A. Foster Higgins, the reason for this is that overall statistics are often skewed when small employer data is included.

"We split the data between large and small employers because so many small employers were included in the survey that [their data would] distort the results," DiBernardino said.

SELF-INSURANCE

Last year's growth was most pronounced in the small and medium-sized markets, according to the report.

With respect to large employers and traditional indemnity plans, 74 percent of the companies surveyed chose to self-fund their plans, up from 64 percent a year before. Of that 74 percent, 82 percent purchased some from of stop-loss coverage.

For large employers utilizing PPO plans, the statistics show that 77 percent chose to self-insure those plans in 1994, compared with 62 percent in 1993. Of the self-insurers, 83 percent used some form of stop-loss coverage with their self-funded plans.

DiBernardino points out that, while the stop-loss data was not broken down into large and small employer groups, the 12 percent to 13 percent of employers who do not purchase stop-loss are most likely those with 10,000 or more employees.

According to the survey, half of all point-of-service (POS) plans were self-funded in 1994. For DiBernardino, this proves that it is possible to marry capitated and non-capitated services in one plan and make them fundamental with respect to a self-funded environment.

THIRD PARTY ADMINISTRATORS

The study also shows that more large employers are using TPAs. Thirty-nine percent of all the large employers with indemnity plans in the survey used TPAs; the percentage was even higher (45 percent) when only companies with 500 to 999 employees were considered. For large employers choosing PPO benefit plans, the figures indicated that 33 percent used TPA services, a substantial increase from 17 percent in 1993.

TPAs have also continued the trend of low administrative costs, with 7 percent of all claims costs being attributed to the administration of self-funded benefits, versus 15 percent of paid claims costs on administration for fully insured benefit plans. TPAs are a popular choice for self-funded employers, DiBernardino said, because they are more sensitive to the needs of their clients.

"TPAs tend to be more responsive to the needs of their customer than the commercial insurance companies or the Blue Cross/Blue Shield companies. TPAs tend to process claims more quickly and with a lower error rate than commercial carriers, plus they tend to be more connected to the market," he said.

MANAGED CARE ENROLLMENT ON THE RISE

The figures also indicate that an increasing number of employers are utilizing managed care to help control rising health care costs. In 1994, 23 percent of all employees covered were enrolled in HMOs, compared with 19 percent in 1993. POS plans showed the greatest increase, however, with the number of participating employees at 15 percent in 1994—more than double the 7 percent enrolled in 1993.

Fifty-five percent of all employers surveyed in 1994 offered HMO plans, a 9 percent rise from 1993. That percentage is even higher among larger employers, with 87 percent of the companies that employ more than 20,000 workers offering one or more HMOs in their health plans.

DROP IN TOTAL COSTS SHORT-TERM

Glancing at the report, it may seem that 1994 was a landmark year for health care costs in the United States, as it was the first year that costs actually declined from the previous year. But according to DiBernardino, the drop indicated by the survey results was influenced by short-term factors and does not represent real savings for the industry. He attributed this disparity to three major causes.

The first is the massive shift from indemnity plans to managed care plans that occurred last year. The second: an increase of more than 100 percent in the use of carve-out plans to cover areas such as prescription drug or mental health benefits (where costs are growing).

DiBernardino estimates that the number of carve-out plans more than doubled in 1994. Third, actions to stem the growth of retiree benefits caused health care costs to drop, he said, but he predicts those savings will be a one-time-only occurrence.

"These are the reasons why costs decreased last year. It was, in a sense, a lie. A statistical anomaly," said DiBernardino.

"Does it mean the problem is behind us? No. It was a one-time advantage."

MARY RODRIGUEZ HONORED BY DALLAS LIGHTHOUSE

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1996

Mr. BRYANT of Texas. Mr. Speaker, this past December, one of my constituents, Ms. Mary Rodriguez, received an outstanding honor. She earned the Dallas Lighthouse for the Blind's Ronald Pearce 1995 Blind Employee of the Year Award. Ms. Rodriguez achieved this status by demonstrating outstanding job performance and exemplary work practices.

Mary, who is totally blind, assembles certificate binders for the vinyl fabrication department of the Dallas Lighthouse, where she has been an employee for 8 years. Mary's dedication to her work is apparent in the amount of time she spends on the clock. For the past several months, Mary had been working a shift and a half, which breaks down to 12 hour days. She is now pursuing her GED.

Because of this award, she is eligible for the Peter J. Salmon National Blind Employee of the Year Award, selected by National Industries for the Blind [NIB]. NIB is the central nonprofit agency for industrial centers employing people with vision impairments under the Javits-Wagner-O'Day Act of 1938.

I commend Ms. Rodriguez for her motivation to succeed, learn, and grow in the workplace—all of which have contributed to her achievements this year.

TRIBUTE TO MARY EVA GOMEZ

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1996

Mr. TORRES. Mr. Speaker, I rise today to pay tribute to Mary Eva Gomez, a special woman who has spent much of her life working for the betterment of her community.

Mary Eva was born to Juan and Laura Gutierrez on February 28, 1931, in Hanover, NM. Her early education was spent in the Grant County schools until she moved on to St. Mary's Academy, where she graduated from high school. While in New Mexico, Mary Eva began her community involvement. She became an accomplished violinist, which earned her a seat with the Grant County Symphony in 1951 and 1952. She also served as organist and choir master for Holy Family Catholic Church in Hanover.

Mary Eva and her husband Ramon, whom she married in 1949, moved to California in 1957, settling in Pico Rivera in 1964. She and her husband have 6 children and 11 grandchildren.

Mary Eva has served as a strong advocate for the children of the El Rancho Unified School District. From 1964 to the present, she has taken an interest in the education that the children of Pico Rivera receive. From attending countless Parent Teacher Association meetings to serving as a distinguished member of the district board of education, Mary Eva has demonstrated her genuine concern for the children of the community.

Mary Eva has served her community in many other ways. She is an active member in the Pio Pico Women's Club, a member of Auxiliary V.F.W. Post 7734, and an educator and minister at St. Hilary's Catholic Church for which she raised $1,500 for its food for the homeless project. This is only a fraction of her community involvement.

Although her accomplishments are many, her work on the El Rancho Unified School District Board of Education from 1981 through 1995 is what most deserves notice, and commendation. Her presence will be sorely missed but her deeds will be dearly remembered.

Mr. Speaker, it is with great pride and honor that I ask my colleagues to join me in paying tribute to Mary Eva Gomez, a special friend, energetic public servant and community leader, an individual who has given so generously to so many.

THE TELECOMMUNICATIONS BILL

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1996

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, February 14, 1996, into the CONGRESSIONAL RECORD.

THE TELECOMMUNICATIONS BILL

With my support, Congress this month enacted into law a sweeping telecommunications reform bill, the most far-reaching measure passed by this Congress. It affects services that virtually every American uses and which generate hundreds of billions of dollars annually. The bill, which President Clinton has signed into law, is the culmination of several years of efforts to reform the nation's telecommunication laws, which were last comprehensively rewritten in 1934. There has long been broad consensus that those laws were outdated, failing to take into account rapidly advancing technology, but often vast disagreement about how best to change them.

WHAT DOES THE LAW DO?

Many telecommunications services are currently provided by highly regulated monopolies. Often, competition has been expressly prohibited: for example, local phone companies cannot provide cable TV, and vice versa. The purpose of the new law is to create one giant marketplace for telecommunications services. It aims to end monopolies, allowing largely deregulated competition. The goal is to expand consumers' choices while lowering their costs, spurring innovation along the way.

Phone service: The breakup of the Bell system in 1984 generally prohibited one company from offering both local and long-distance service to the same customers. The new law eliminates those barriers, requiring local phone companies to open up their networks to competitors, including long-distance companies. Once there is competition, local phone companies could offer long-distance services to their subscribers. In addition, public utilities, like electric companies, will now be permitted to provide telecommunications services through a separate subsidiary.

The bill contains protections for rural communities, which may see less competition because of the high cost of providing service to these areas. The law allows the Federal Communications Commission (FCC) and states to order carriers to provide quality phone service at reasonable rates in rural areas, and exempts small phone companies from some requirements if they prove economically burdensome. In addition, the bill prohibits "slamming"—the practice of duping customers into unwittingly switching their long-distance carrier.

Television: The new law permits phone companies to offer cable service and allows television networks to own cable systems. It also deregulates cable television rates over the next three years, except for basic service. Some current restrictions on the number of radio and television stations that one company may own are relaxed.

Congress deferred final action on the contentious issue of advanced television services, such as high-definition TV. Broadcasters argue that they need additional broadcast spectrum in order to make the transition to high-definition TV, while phone companies and cable operators argue that broadcasters should have to pay for any additional spectrum.

V-chip: The law requires all newly manufactured TVs with 13-inch or larger screens to include a "v-chip." Broadcasters have one year to voluntarily establish rules for rating video programming that contains sexual, violent, or indecent material and to transmit such ratings during broadcasts. The v-chip would then enable parents to block objectionable programming from their TV sets.

Computing: The new law bars the transmission of obscene materials to minors over a computer network. Violators could be punished with up to two years in jail and fines as high as $250,000 for an individual and $500,000 for a company. The law protects providers of on-line service, like America Online, from prosecution if their systems are merely the means by which someone transmits the indecent material. The law also endorses efforts by software companies to design programs that parents and others can use to block objectionable material.

OUTLOOK

The new law is a watershed in U.S. telecommunications policy. The transition from highly controlled monopolies to competition is likely to be bumpy at times, and the effects will not be the same for all consumers. Some companies are better positioned to take advantage of the new opportunities, and some industries and regions of the country are likely to see fiercer competition than others. In the short term we may see more joint ventures and mergers, as companies that were previously barred from entering each other's business are now able to cooperate. The end result may be a handful of industry giants, each of which offers the customer a wide range of information and entertainment services.

The new laws breaks down barriers that have existed for decades and sets off a competitive free-for-all. Consumers who find themselves annoyed by frequent solicitations to change their long-distance carriers are in for more of the same, as expanded choices become available in cable and local phone service. But greater competition is likely to drive prices down over time, and companies will have to innovate in order to compete.

The law, of course, does not please everyone. Many computer users and advocates of free speech protest that it places unconstitutional restrictions on speech. Consumer groups warn that cable and telephone services could be more expensive.

The challenge Congress faced in writing this law was to establish a level playing field for all providers of telecommunication services, ensuring that no one provider would become so dominant as to establish a new, and unregulated, monopoly. I am optimistic that the new law will do that, but I also agree with those who say that none of us can predict precisely how it will play out. While the bill goes far to break down barriers to competition, and junks volumes of regulations, the final product leaves many issues to the FCC. My strong suspicion is that the bill does not deregulate the industry as much as some proponents claim. I believe that Congress must keep a close watch to ensure that the promise of the new law is realized, and be prepared to take action if consumers are adversely affected.

In the end, this bill was finally pushed forward because the congressional leadership desperately wanted a major legislative achievement to point to. And it was accomplished through a genuinely bipartisan effort, involving congressional leaders on both sides of the aisle and the Clinton Administration. The lesson we should learn is that fostering consensus across party lines is the way to get things done. I hope that we see more of that in the days ahead.

HONORING AFRICAN-AMERICANS

HON. OWEN B. PICKETT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1996

Mr. PICKETT. Mr. Speaker, as we again celebrate Black History Month, it is important to take note of the profound influence that African-Americans have had on American history and American society.

From the early days of our Republic when much of our country's economy rested on the backs of slave labor, to the complex commercialism of modern America the thread of black history has steadily grown and expanded.

While much remains to be done to achieve equal opportunity that is more than just a phrase or slogan we can still take pride in the stunning achievements made by so many African-Americans that has often been overlooked in our recorded history.

These contributions have covered the spectrum of cultural, economic, political, and scientific advances that are widely heralded and well known, but many others, less publicized, have equal significance to society.

African-Americans comprise about 12 percent of our population and are our largest minority group. We need but look around us, in our workplace, in entertainment, sports, politics, religion, sciences, education, and throughout our daily lives to understand the importance of their accomplishments.

I realize that the celebration of Black History Month has origins that go back much farther than the formal program we celebrate today which originated in 1976. It was Dr. Carter G. Woodson, who in 1926 first began setting aside a period of time in February to recall the now voluminous heritage, achievements, and contributions of African-Americans.

Singling out any one person or achievement without also giving equal acknowledgment to the many others of equal fame or public acknowledgment would not do justice to the rich history of one of our Nation's most important minority groups.

I join all Americans in saluting Black History Month 1996.

TRIBUTE TO RODNEY SLATER

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1996

Mr. HILLIARD. Mr. Speaker, I rise today to commend Mr. Rodney Slater, President Clinton's Federal Highway Administrator. Recently, Mr. Slater was of great assistance to the small rural community of Gee's-Bend, AL, in authorizing a new ferryboat to replace the one dismantled by segregationists in 1962 in order to keep many civil rights protesters from easily crossing the Alabama River to march in the streets of Camden for their freedom.

Mr. Slater and his staff at the Federal Highway Administration actually understood the need of these citizens to help transport their families across the Alabama River to the county seat of Wilcox County in Camden, AL, in a timely manner. Rather than acting like an impersonal bureaucratic machine, Mr. Slater's office responded with kindness and understanding.

Since 1962, the predominately African-American citizens of Gee's-Bend have had to travel over 1 hour, each way, to visit their doctor, hospital, bank, and for their children to attend the public schools of the county due to the closing of the ferryboat.

However, the arduous journey of these good people will soon be shortened from over 1 hour each way, to only 10 minutes each way, due to the wisdom of Administrator Slater. Mr. Slater took such an interest as to personally visit the proposed site of the new ferry to ensure that the project was needed and worthy of our taxpayers' support.

President Clinton should be commended in selecting such an upstanding man of honor, integrity, and fairplay as Mr. Slater. He is a friend of all lovers of freedom, democracy, and equality.

TRIBUTE TO OCEAN COUNTY FREEHOLDER JAMES J. MANCINI

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1996

Mr. SAXTON. It is an honor and a privilege to pay tribute to my good friend, Ocean County Freeholder and long-time mayor of Long Beach Township, James J. Mancini.

Freeholder Jim Mancini, as chairman of the Ocean County Office on Aging, serves the largest senior population in the State of New Jersey. Ocean County's nutrition sites, transportation programs for the elderly, and senior outreach programs are considered among the finest in our State. Freeholder Mancini has worked closely with me through the years in our effort to preserve and protect such programs as Social Security, Medicare, and Medicaid. His support has been invaluable.

As liaison to the Ocean County Library Commission, Freeholder Mancini has worked tirelessly to expand the system to 17 branches throughout the county.

A former member of New Jersey's General Assembly, he continues to serve as mayor of Long Beach Township, a position he has held for 28 years. This dedicated public servant also serves as chairman of the board of Southern Ocean County Hospital and as vice president of the Long Beach Island, St. Francis Community Center. The civic associations to which he has devoted many hours are too numerous to mention.

All these associations and activities were carried out while always putting his wife, Madeline, and their nine children first.

The residents of Long Beach Township pay him a great tribute by dedicating their municipal facility in his honor and name.

Jim Mancini represents what is so very good about our country—he is an honorable man, a family man, a man who is willing to go the extra mile for what is right. He has proven the point of the old saying, "If you want something done, give the job to a busy person."

I offer him my personal thanks and the gratitude of all those he has so faithfully served throughout the years.

As he celebrates his 70th birthday among family and friends, I wish him all the best that life can offer.

TRIBUTE TO WILLIAM D. SHAW

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1996

Mr. KILDEE. Mr. Speaker, I stand before you today to ask that you and my colleagues in the U.S. House of Representatives join me in paying tribute to Dr. William D. Shaw.

Dr. Shaw is being honored by his many family members and friends on March 2, 1996, for his 33 years of service and dedication to the field of education. Dr. Shaw began his career in 1962 as a teacher in the Concord Public School District of Michigan. He continued in numerous teaching and administrative positions in Concord before moving on to East Lansing, MI, where he became a instructor at Michigan State University. In 1974 he joined the staff of Bedford Public Schools as director of instruction. Fortunately, in 1978 he moved to the Swartz Creek community schools. During his years of serving the students of Swartz Creek he held the positions of assistant superintendent for instruction and assistant superintendent for instruction and business operations. Dr. Shaw has maintained an involvement in his profession through membership in numerous county and State associations. Additionally, he has served as a adjunct lecturer at both Michigan State University and Central Michigan University.

Mr. Speaker, I ask you and all my colleagues in the U.S. House of Representatives to join me in congratulating Dr. William D. Shaw on his retirement from 33 years to the field of education and wish he and his wife Mary the very best in retirement.

SPECIAL TRIBUTE TO GERALD "JERRY" PROPHET

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1996

Mr. BARCIA. Mr. Speaker, I would like to recognize one of Michigan's most distinguished and devoted police officers. Sgt. Gerald "Jerry" Prophet is retiring from the Michigan State Police on February 29, 1996, after 24 years of commitment to preserve the safety of the citizens of Michigan. He is being honored for his exceptional service on March 2, 1996, at the Candlelight Banquet Center in Bridgeport, MI.

Sergeant Prophet was born in Heflin, AL, on July 31, 1947. His family moved to Michigan when he was a young boy and he graduated from Ferndale High School in 1965. Jerry joined the Michigan State Police in 1972 and rose to the rank of sergeant. He always places protecting the citizens of Michigan over himself which is a tribute to his honorable service. His dedication to the needs of the people of Michigan and his fellow officers earned him the thanks and respect he so much deserves.

An example of his dedication and one of the most notable aspects of his career was when he received a life saving award from the Michigan State Police. Jerry responded to an urgent call and rushed to the home of a Michigan citizen who stopped breathing. He performed CPR and ultimately saved her life.

Despite his demanding schedule, Jerry is also committed to the spirituality of his community. He serves on the usher board and is a member of the men's club and the courtesy committee at Bethel AME Church in Saginaw.

Sergeant Prophet not only served the people of Michigan, but served his country as well. Before joining the Michigan State Police, he served in the Navy and was stationed in China Lake, CA, and Guantanamo Bay, Cuba. He was honorably discharged from the Navy in 1970 with the rank of yeoman 2d class.

Never losing sight of the importance of education and learning, Sergeant Prophet received an associate degree from Delta College in 1978 and is expected to graduate with a bachelor's degree from Saginaw Valley State College in 1997.

Jerry could not have achieved these great accomplishments without the support of his loving family and including his mother Vanilla Prophet and his brothers and sisters, Graylon, Calvin Conrad, and Sharon Prophet, Sandra Jean Foster, Tonia Hickman, and Teri Atkins.

Although he is leaving the police force, I am confident that he will continue to serve and protect his community, I request that my colleagues join me in wishing Sergeant Prophet and his family best wishes as he enters a new phase of his life.

IN HONOR OF 32-YEAR CAREER OF MORRIE TURNER

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1996

Mr. DELLUMS. Mr. Speaker, I rise today to join the African American Advocate in celebration of Mr. Morrie Turner's dedication to art and education, and to chronicle his 32-year career as a prominent cartoonist and creator of the nationally syndicated cartoon strip "Wee Pals." Morrie Turner is the first African-American to be a syndicated cartoonist and to publish a cartoon strip in a mainstream, metropolitan newspaper. He uses his skills and talents to educate children—and adults—about black history, community issues and services, health and safety.

For four decades, Morrie has produced "Wee Pals." The multiethnic cast of characters are reflections of his childhood neighborhood. He highlights the cultural and historical accomplishments of African-Americans through "Soul Corner."

Morrie Turner is a native and resident of Oakland—San Francisco Bay Area, CA, born on December 11, 1923, one of four brothers to James Edward and Nora C. Turner. He attended Cole Elementary and McClymonds High School in Oakland; and graduated from Berkely High School in 1942. In 1943, he was drafted into the U.S. Army.

Morrie began to draw at an early age which provided him with joy and satisfaction. With the support of his family, wife Letha and son Morrie, Jr., he began to pursue a cartoon career. Though it was difficult to break into cartooning with black characters, Morrie's "Wee Pals" was syndicated in 1964. He began to receive fan mail from across the country. Many of his fans did not know he was black. One letter asked, "Do you really know some Black people?" Morrie responded, "Just my mother, father, wife, and son, for starters."

Morrie actively participates in the life of the community. In 1960, he was a delegate to the White House Conference on Children. In 1967, he entertained troops in Vietnam. He spends much of his time sharing with young people about cartooning and black history in schools across the country. He assists many nonprofit organizations and public agencies by producing books, T-shirts, and educational materials.

On February 24, 1996, at the Oakland Museum, Morrie Turner was honored by the African American Advocate and the bay area community for his significant contributions in promoting harmony, understanding, and acceptance of cultural diversity. The vision that "Wee Pals" characters may be used in classrooms and on the streets to promote cultural understanding and to provide our youth with role models will ensure "Wee Pals" as Morrie Turner's legacy to our children and our children's children.

CASTRO'S RUTHLESS ACT OF VIOLENCE

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1996

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to express my outrage over Fidel Castro's act of violence by shooting down two small unarmed civilian planes last Saturday.

Shooting down unarmed civilian planes is a flagrant violation of international law and a horribly inhumane act. There are legitimate ways for a country to protect their national borders, but the Cuban Government ignored every one of them last Saturday by shooting down these planes. International law dictates that civilian planes should not be fired upon even if they do fly into forbidden airspace. It requires warning off the approaching aircraft. But the Castro government decided to react in the most brutal way by ignoring American urgings to stay on a peaceful and legal path.

Mr. Speaker, Since Castro's rise to power, Cuba has surpassed every other Nation in the Western Hemisphere in human rights violations. Because we cannot rest in the face of the oppression of the Cuban people, I fully support the steps taken by the Clinton administration as well as the Helms-Burton legislation which imposes tighter sanctions on Cuba.

Mr. Speaker, we cannot allow these acts of violence to be perpetuated against any person, Cuban or American. Fidel Castro has no respect for the dignity of human life. Maybe the passage of Helms-Burton as well as additional steps taken by the administration will teach him, if not the value of human life, then the repercussions he faces when he kills unarmed American civilians.

THE NATIONAL MEDIA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1996

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, February 28, 1996, into the CONGRESSIONAL RECORD.

THE NATIONAL MEDIA

Public respect for the national media has fallen in recent years. As the power of the media has shifted from local and state newspapers to national networks, I find people increasingly mistrustful of the media. Constituents ask whether they can believe what they read or see. Or, as one constituent asked, how can we know the truth? That's the most fundamental question of all.

American journalists have long had a reputation for independence and integrity combined with hardnosed reporting and sharp investigative skills. Americans have traditionally looked to the media, particularly the national media, to get basic factual information on national events. The national media often put the spotlight on difficult problems and can be an important force for change.

That pattern is changing. There are still many outstanding journalists today, and, at its best, American journalism can be very good indeed. Nonetheless, I am impressed by how many Americans are tuning out the national media, getting their information instead from non-traditional sources, such as talk radio and TV talk shows, tabloid newspapers or television shows, or special interest publications. They simply don't trust the national media anymore to give them basic facts or unbiased reporting. They find alternative media more accessible and more responsive to their concerns.

WHAT HAS CHANGED

It is hard to say why the national press is held in lower esteem today, but my suspicion is that many of its wounds have been self-inflicted. Some journalists appear to have trouble sorting out what's hot news and what's meaningful, what's topical and what really has consequences for the nation. My sense is that the press now seeks to shape public attitudes more than it questions, examines and describes the real world to the fullest extent possible.

Journalists are trained to seek out facts, but increasingly blur fact and opinion and infuse their stories with their opinions rather than objective facts. It often seems there are no reporters in Washington. That's an exaggeration, of course, but it makes a point that many in the media today seek to shape policy, rather than report the news. Many Washington journalists are striving to be colorful personalities. They want to get on the television talk shows. They will often make bombastic arguments and predictions and outrageous statements. What they do not exhibit is professional detachment.

Washington reporting has also become much more speculative, less factual. There is just too much careless reporting, too much cynicism, too much reliance on unnamed sources, too much instant analysis, too much of an effort to entertain, not enough effort to inform objectively.

I am astonished at the number of times I have found that journalists do not check facts, but simply write what they first hear. I wonder whether reporters are scrupulously accurate or whether they try to reshape a quote or ignore a fact or concoct a source in order to make the point they want to make. I have often had the experience of being interviewed only to discover that the journalist had already made up his mind about what to say in the piece, and was only searching for a quote to buttress his view; or have attended an event covered by the press, but find later what appears in print or on television is not the way it was.

The Washington media also show limited interest in promoting informed debate on important issues. In so many of the talk shows, squabbling and shouting matches replace dialogue and discussion. There seems to be a premium on fostering conflict rather than consensus, in encouraging extremes and discouraging moderation. The press also loves to report the misdeeds and the personal failings of public figures.

REPORTING ON POLITICS

Constituents ask overwhelmingly about the "what" of politics: what are we going to do about the health care system, what are we going to do to reform welfare. The national media, in contrast, often seem to think of politics as just a big game filled with players whose motive is to win, and picking the winners and the losers becomes their primary preoccupation. They see politics as a contest between political leaders, not as a clash of ideas and proposals. They appear to have less to say about the substance and little interest in the impact of legislation on people's lives.

My impression is the Washington press corps often shows a lack of diligence, a follow-the-leader mentality. If one journalist writes about a topic, everybody writes about it. If one talks about it, everybody talks about it. If one states a "fact," others accept it without checking. I often ask myself how many journalists out there think for themselves.

What worries me in all this (and other critics of the media) is that the media suggest that politics is little more than the struggle between ambitious politicians for power and has less to do with how we as a country deal with the serious problems confronting us. There are excellent members of the national press corps, but there just seems to be a very large gap between the way many journalists approach a story and the way other people do.

CONCLUSION

One important role of journalism in this country is to try to provide a common ground of knowledge and analysis, an effort to clarify the national debate and link it to people and their lives. The media in our society have a high mission and bear the responsibility to carry it out.

Fortunately, there is a self-correcting process in the media. The competitive instinct is very strong among the multiple sources of information and that sometimes leads to excess and inaccuracies, but also contributes to a corrective process whereby the facts eventually get out straight. If one news outlet reports a story badly, other rival organizations will try to set the record straight.

The proliferation of alternative news sources may also be a positive development. Some argue that the national press is responding to competitive pressures from the tabloid media by trying to imitate them, and this is certainly a concern. Competition, however, may also force the mainstream media to get back to basics—to do what they do best, namely solid beat reporting and in-depth investigative pieces. There has certainly been a trend in the regional press toward issue-oriented coverage of politics and news, and the national media could learn from this positive development.

MEMORANDUM ON THE BALLISTIC MISSILE THREAT

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1996

Mr. SPENCE. Mr. Speaker, as you know, the President vetoed the defense authorization bill last December due primarily to the legislation's direction that a national defense system be deployed by the year 2003. As I commented during the veto override debate, on a political level, the veto did serve to more clearly define the stark differences between the Clinton administration and this Congress on key national security issues such as ballistic missile defense. It is unfortunate that an issue as fundamentally important as whether or not the American people should be defended against the threat of ballistic missiles in the decade ahead has become so controversial—but it is where we find ourselves.

Adding further to the controversy, the Department of Defense announced last week that they do not intend to spend all of the funding appropriated for national missile defense programs this fiscal year, as well as the surprising decision to delay several of the most promising theater missile defense programs—an area in which I did not believe there was much controversy until now. The combination of the President's strong opposition to deploying a national missile defense and now, an apparently conscious decision to scale back theater missile programs leaves us plenty to begin sorting through.

The National Security Committee has a responsibility to raise the visibility of important security issues and through discussion, debate and even disagreement, to hopefully inform and educate the citizens of this country. Today, we started that effort with the first in a series of full committee and subcommittee hearings on ballistic missile defense. In addition to hearings, I have prepared a short paper, "Memorandum on the Ballistic Missile Threat," which I distributed to the members of the National Security Committee yesterday.

The text of the memorandum is as follows:

MEMORANDUM ON THE BALLISTIC MISSILE THREAT

(By HNSC Chairman Floyd Spence)

INTRODUCTION

As last year's debate and veto of the FT 96 National Defense Authorization Act (H.R. 1530) demonstrated, Ballistic Missile Defense (BMD) has become a defining national security issue. Today, the United States has no defense against even a single ballistic missile. According to polls, this fact is not appreciated by the American people, who continue to believe that we have the means today to protect ourselves against ballistic missile attack. Although the technology exists to develop and field a limited defense against such threats, the American people remain hostage to a national strategy of conscious vulnerability, codified by the 1972 anti-Ballistic Missile (ABM) Treaty and reinforced by Cold War notions of strategic stability.

The debate over whether deployment of a national missile defense is warranted ought to pivot in large part on forward looking assessments of the ballistic missile threat to the United States. In his December 28 veto message, the President stated that H.R. 1530's call for a national missile defense system addresses a long-range missile threat "that our Intelligence Community does not foresee in the coming decade." The purpose of this memorandum is to address this issue and to provide a better understanding of the missile threats facing the United States now and in the future.

A CLEAR AND PRESENT DANGER

The Clinton Administration has acknowledged that the shorter-range, or theater, ballistic missile threat is real and growing. Secretary of Defense William Perry has stated that ballistic missiles "are clearly becoming a common battlefield weapon."[1] More than 15 countries currently possess ballistic missiles. Most are based on Soviet-derived designs like the SCUD, which was used by Iraq during the 1991 Gulf War. However, the types of theater missiles being sought and acquired by third countries today are of increasing range, lethality, and sophistication.

In addition, more than 25 countries currently possess, or are seeking to acquire, weapons of mass destruction (WMD), including nuclear, chemical, and biological weapons. According to unclassified estimates, some 24 countries currently have ongoing chemical weapons programs.[2] Ten countries are reportedly pursuing biological weapons research.[3] At least as many are reported to be interested in developing nuclear weapons.[4] The trend toward proliferation of weapons of mass destruction and the missiles that can carry them is "decidedly negative," with "no limits on the ambitions of unstable actors to acquire the most advanced and deadly weapons available, either through internal or external sources.[5]

The Administration is less convinced, however, of the threat posed by longer-range missiles. In particular, a recently completed National Intelligence Estimate (NIE), prepared by the intelligence community, concludes that the threat to the United States posed by long-range ballistic missiles is lower than previously believed.[6] A letter by the CIA's Director of Congressional Affairs to Senators Levin and Bumpers, written on behalf of the Director of Central Intelligence (DCI), John Deutch, asserts that the previous intelligence community estimate of the missile threat to the United States, as reflected in the language of H.R. 1530, "overstates what we currently believe to be the future threat." The letter states that it is "extremely unlikely" any nation with intercontinental ballistic missiles (ICBMs) would be willing to sell them; declares that the U.S. early warning capability is "sufficient to provide many years in advance of indigenous development"; and judges the prospect of an operational North Korean ICBM within the next five years to be "very low."[7]

The Administration's conclusions on these issues are seemingly at odds with previous intelligence community estimates; are at variance with the view of other responsible experts within and outside the intelligence community; and have raised troubling questions concerning the politicization of intelligence.[8]

THE ALLURE OF BALLISTIC MISSILES

There are numerous reasons why a growing number of nations seek to acquire ballistic missiles and weapons of mass destruction. Such weapons provide a military edge against regional adversaries and serve as symbols of national power and prestige. Ballistic missiles offer small and medium powers—for the first time—a strategic weapon potentially capable of deterring great powers militarily and politically. An adversary armed with ballistic missiles and WMD may deter the United States from undertaking certain actions for fear of retaliation against U.S. regional assets of allies. Long-range ICBMs are even more attractive assets for hostile powers wishing to deter the United States from exercising its power projection capabilities by placing U.S. territory directly at risk and threatening our most valued asset: the American people. Importantly, the lack of any effective defenses against ballistic missiles may actually serve to encourage hostile states to acquire missile capabilities and makes them the weapon of choice for nations seeking to threaten others. As the International Institute for Strategic Studies in London has concluded, "the ballistic missile, mainly on account of its range, speed and cost relative to that of a manned aircraft, is a favored delivery means for proliferating states and is likely to remain so until a proven anti-ballistic missile defense system has been deployed."[9]

The proliferation of these weapons heightens the risk that adversaries will seek to use them or threaten their use against the U.S. or American allies and interests. For instance, in the Gulf War, Iraq used SCUD missiles against Israel as political weapons in an attempt to draw Israel into the conflict and fracture the allied coalition. Libya recently declared its willingness to fire ballistic missiles at Naples, Italy, the home of the U.S. Sixth Fleet.[10] In fact, Libya launched ballistic missiles against a NATO base in Italy in 1986. Libyan leader Muammar Qaddafi has spoken of his desire to acquire "a deterrent—missiles that can reach New York," and has stated, "We should build this force so that they [the U.S.] and others will no longer think about an attack."[11] Palestine Liberation Front leader Abu Abbas warned ominously in 1990 that "some day we will have missiles that can reach New York."[12] And Iranian President Hashemi Rafsanjani has called missiles "the most important and the most essential weapons of the world.[13] Clearly, the incentive to develop or otherwise acquire these weapons is enhanced by the lack of defenses against them.

INTELLIGENCE COMMUNITY ANALYSIS

The conclusions expressed in the CIA letter referred to above have required the intelligence community to adopt a number of benign assumptions about the ballistic missile threat to the United States that are not supported by previous intelligence estimates or independent analyses.[14] For example:

An assumption that nations will be limited to their indigenous industrial and technological base when developing ICBMs and that foreign assistance will be minimal or nonexistent. By discounting the likelihood that ICBM components or entire missiles may be purchased from more advanced nations, the intelligence community appears to place faith in a universal adherence to the Missile Technology Control Regime (MTCR) or in self-imposed restraints on trade of such items. However, the MTCR, which establishes guidelines for controlling the transfer of missile equipment and technology, is a voluntary effort, lacks the force of international law, contains no enforcement mechanisms, and has been repeatedly violated. For example, Russia has transferred critical

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Footnotes at the end of article.

missile components, in contravention of MTCR guidelines, to India and Brazil.[15] More recently, missile guidance components capable of being used in an ICBM were intercepted in Jordan in transit from Russia to Iraq.[16] Regardless of whether this particular transfer was sanctioned by the Russian government or was a "rogue operation," the incident is troubling and demonstrates that the MTCR provides no guarantee against the transfer of ICBM technology.

In addition, several known proliferant states—such as China and North Korea—are not members of the MTCR. Chinese sales of intermediate-range missiles to Saudi Arabia and North Korean exports of SCUD missiles and production technology to Iran and Syria are clear indicators that arms control regimes like the MTCR cannot halt potentially dangerous transfers of missile technology.

Furthermore, the assertion in the December 1995 CIA letter that sales of ICBMs are "extremely unlikely" is seemingly at odds with the assessment by Larry Gershwin, former National Intelligence Officer for Strategic Programs at the CIA, who stated in 1993, "We also remain concerned that hostile nations will try to purchase from other states ballistic missiles capable of striking the United States."[17] Indeed, Russia has aggressively marketed variants of the SS–25 and SS–19 ICBMs for space launch purposes.[18] A recent change in the START I Treaty would allow Russia to transfer a missile to any other country as long as it is called a "space launch vehicle" and it remains under Russian control.[19] However, as a practical matter, the United States has no ability to verify that such a missile will be used to launch a satellite (as compared to a warhead), or that Russians "control" it.

The intelligence community's focus on indigenous production also discounts the possibility that the "import" of scientific expertise acquired from other nations may accelerate the indigenous development of potentially hostile states of long-range missile capabilities. Former DCI James Woolsey has testified that "the acquisition of key production technologies and technical expertise would speed up ICBM development."[20] Given Russia's dire economic situation, the prospect that Russian scientific and technical talent will seek work elsewhere (the "brain drain" factor) is troubling.

In short, the compliance problems and loopholes intrinsic to arms control agreements, the increasing availability of foreign expertise, the strong incentives that exist for missile and component sales by states in need of hard currency, and the geopolitical desirability of long-range missiles, justify a more sober assessment of the likely future missile threat to the United States.

An assumption that countries with the capability to develop ICBMs will not do so. The recent intelligence community assessment reflects an apparent and questionable conclusion that those nations most technically competent to develop ICBMs, such as Japan, Ukraine, and India, have little motive to acquire ICBM acquisition could easily and rapidly change, and it is prudent to assume relations and attitudes among nations will be relatively constant in the international order in the coming decade. Indeed, few predicted the monumental changes in the strategic environment that have occurred over the past 5–10 years. At a minimum, any analysis that assumes continuity must be balanced with an equity valid analysis that postulates alternative futures.

It is conceivable, for example, that India might want ICBMs to deter the United States or other powers from becoming involved in any future India-Pakistan conflict. Ukraine might want ICBMs if it finds, once Keiv is bereft of all nuclear weapons now based on its territory, that the United States loses interest in Ukraine's future, or if Ukraine wishes to increase its leverage in future dealings with Moscow. And Japan may look at some future point to acquire long-range missile capabilities for deterrence purposes if it no longer has faith in U.S. security assurances, or if China or Russia assumes more aggressive international or regional stances.

It is important to note that existing SLVs in these and other countries could be transformed into ICBMs in reasonably short order. In fact, there is no practical ability to distinguish between an ICBM and SLV for verification purposes—thereby denying the United States "timely warning" of a new missile threat. A report of the Proliferation Study Team, chaired by former National Security Agent Director LTG Williams Odom (USA, Ret.), noted in 1993 that "[t]he conclusion that the probability is quite low for the emergence of new ballistic missile threat to the United States during this decade or early in the next decade can be sustained only if plausible but unpredicted developments, such as the transfer and conversion of SLVs, are dismissed or considered of negligible consequence."[21] Moreover, according to the study team's report, the transfer and conversion of SLVs would require "relatively modest effort."[22]

The System Planning Corporation found in a 1992 report that conversion of SLVs to military ballistic missiles would be "fairly straightforward" and that extending the range of missiles has already been achieved by China, North Korea, Iraq, and Israel.[23] Additionally, a report prepared in 1992 by Science International Corporation concluded: "The increasing availability of space launch vehicles and space launch services could result in the ability of certain Third World countries to threaten the continental U.S. with United States with ICBMs carrying nuclear, chemical, or biological payloads in the mid- to late-1990s."[24]

An assumption that there is a low risk of deliberate, unauthorized, or accidental missile launch by Russia or China. According to Russian sources and U.S. experts, the Russian General Staff may have operational control of the strategic nuclear forces and could launch those forces without President Yeltsin's permission. Given the elevated emphasis being placed on nuclear weapons in Russia's new military doctrine, this is a particularly worrisome prospect. Russian General Geliy Batenin, former commander of an SS–18 ICBM division and a military advisor to President Yeltsin, has warned that the General Staff and even individual ICBM flight crews could execute an unauthorized missile launch. Batenin has also warned that Russian nuclear submarines may carry launch codes that would allow a submarine commander to conduct an unauthorized launch of SLBMs.[25]

Russian political instability, the erosion of Russian military discipline, and the deterioration of technical infrastructure, including radar and early warning systems, are conditions that increase the possibility of unauthorized or accidental nuclear use.[26] Brookings Institution analyst Bruce Blair has testified that "The world remains unsafe as long as there are thousands of launch-ready nuclear weapons at the fingertips of a Russian command system that is tottering on the edge of civil collapse."[27] The Russian General Staff's unauthorized nuclear alert during the August 1991 coup attempt, the October 1993 Parliamentary crisis, the January 1995 nuclear alert in reaction to Norway's launch of a meteorological rocket, and recent nuclear sabre rattling against proposed NATO expansion, should cause more than a little concern about the Russian nuclear threat.[28] It is disturbing the extent to which knowledgeable Russians are apparently more worried about the possibility of unauthorized or accidental use of Russian nuclear weapons than the US intelligence community.[29]

The solidity of China's command and control system is also in question. Based on admittedly limited knowledge, it appears that technical control over China's ICBM force is significantly less structured than that of either Russia or the United States. Also, China's willingness to use ballistic missiles for political purposes was evident in the recent series of Chinese missile launches against "targets" off the coast of Taiwan. And the reported Chinese warnings to the United States that it would consider nuclear strikes against American cities to deter U.S. involvement in a possible future conflict with Taiwan reinforce the conclusion that China believes ballistic missiles carry both political and military utility.[30]

SUMMARY CONCLUSIONS

The desire of nations to acquire ballistic missiles that can threaten the United States or U.S. and allied interests has not abated. In fact, the absence of ballistic missile defenses may actually encourage other states to acquire such weapons. Perhaps the only way Third World nations can directly challenge the United States in the next ten to twenty years given overall U.S. military capabilities is by developing or acquiring missiles capable of deterring U.S. action or making the "price" of such action exceedingly high.

The ability of other nations to acquire ballistic missile capabilities will expand and under any circumstances is unlikely to be halted by arms control regimes like the MTCR. The countries of greatest proliferation concern are either not members of these regimes or have failed to abide by their international nonproliferation obligations under them.

Indigenous development of ICBM capabilities is one way, but not the only or even most probable way, for other nations to acquire long-range missile capabilities. Given the willingness of regimes such as North Korea to trade in missiles and components, and Russia's refusal or inability to control the flow of missile components as well as scientific and engineering talent to Third World countries, the trend is clearly in the direction of more proliferation rather than less.

The Russian military is not immune to the tremendous societal strains currently underway in Russia. These strains, along with changes in military doctrine that increase reliance on nuclear weapons, call into question the sanguine assessment that the risk of a deliberate, accidental, or unauthorized ballistic missile launch from Russia remains low. Likewise, Chinese threats to use ballistic missiles raise troubling political and military concerns.

The intelligence community's recent downgrading of the long-range missile threat is premised on assumptions that are highly questionable. The latest intelligence community estimate of the long-range missile threat to the United States is at variance with previous intelligence estimates, the public testimonies and statements of acting and former U.S. intelligence officials, and the analysis of respected non-governmental experts.

The American people remain entirely vulnerable to a ballistic missile attack. As recent focus groups have reaffirmed, Americans are surprised and angered when presented with the knowledge that they remain unprotected against this threat.

FOOTNOTES

[1] Secretary of Defense, "Annual Report to the President and the Congress," February 1995, p. 241.

[2] Testimony of R. James Woolsey, Director of Central Intelligence, before the Senate Governmental Affairs Committee, 24 February 1993.

[3] Cited in "Proliferation, Potential TMD Roles, Demarcation and ABM Treaty Compatibility," report prepared by the National Institute for Public Policy, September 1994, p. 7.

[4] U.S. Congress, Office of Technology Assessment, "Proliferation of Weapons of Mass Destruction: Assessing the Risks," August 1993, p. 64.

[5] Institute for National Strategic Studies, "Strategic Assessment 1995: U.S. Security Challenges in Transition," National Defense University, 1995, p. 116.

[6] Director of Central Intelligence, "Emerging Missile Threats to North America During the Next 15 Years," NIE 95-19, November 1995.

[7] Letter dated 1 December 1995. In a similar vein, the former Deputy Director of the Ballistic Missile Defense Organization (BMDO), William Evers, has described the view of the intelligence community this way: "Russia, the former Soviet states, and China will not use [ICBMs] intentionally, will not launch them accidentally, and will not sell them." (Comments at a conference sponsored by the Institute for Foreign Policy Analysis, Inc., 28 April 1995, reported in John Donnelly, "House Panel to Examine Russian Command and Control Issues," Defense Week, 26 June 1995, p. 1+.)

[8] Because NIEs are classified, a detailed discussion of their findings is not possible here. However, a comparative analysis of past and present NIEs indicates that the official assessment of the ballistic missile threat to the United States has been downgraded. The issue of politicization of intelligence is highlighted in Rowen Scarborough and Bill Gertz, "Missile-Threat Report 'Politicized,' GOP Says," Washington Times, 30 January 1996, p. A1+.

[9] International Institute for Strategic Studies, "The Military Balance 1995-1996, p. 281.

[10] "Libya: Gadhafi Ready to Use Missiles," Minneapolis Star Tribune, 1 January 1996, p. 4.

[11] Speech on 18 April 1990, reported by Tripoli Television Service, 19 April 1990, and translated in Foreign Broadcast Information Service, Daily Report: Near East and South Asia, FBIS-NES-90-078, 23 April 1990, p. 8.

[12] Cited in "A Terrorist Talks About Life, Warns of More Deaths," The Wall Street Journal, 10 September 1990, p. 1.

[13] Cited in Thomas L. McNaughter, "Ballistic Missiles and Chemical Weapons: The Legacy of the Iran-Iraq War, International Security, Fall 1990, p. 6.

[14] See footnote 8.

[15] See, for example, R. Jeffrey Smith, "U.S. Waives Objection to Russian Missile Technology Sale to Brazil," Washington Post, 8 June 1995, p, A23; Fred Hiatt, "Russian Rocket Sale Strains U.S. Ties," Washington Post, 24 June 1993, p. A29.

[16] See R. Jeffrey Smith, "U.N. Is Said to Find Russian Markings on Iraq-Bound Military Equipment," Washington Post, 15 December 1995, p. A30. According to a U.S. official, Iraq's missile program "poses a threat to all of Europe." A U.N. official, noting that Iraq is seeking to develop a longer-range missile, stated, "Should Saddam build such a missile, it could easily reach London or Moscow." See Stewart Stogel, "Missile Plans by Iraq May Aim at Europe," Washington Times, 16 February 1996, p. A1+.

[17] Speech before the American Defense Preparedness Association, 18 May 1993.

[18] See, for examply, Anna Bakina, "Strategic Missile Under Conversion Into Space Booster," ITAR-TASS, 17 July 1995, cited in Foreign Broadcast Information Service , "FBIS Report: Arms Control and Proliferation Issues," FBIS-TAC-95-004, 8 August 1995, pp. 38-39 "RSA To Turn Swords Into Plowshares," Kommersant Daily, 7 July 1995, p. 9, cited in Foreign Broadcast Information Service, "SS-19s To Be Converted into Rokot Space Carrier Rockets", FBIS Report: "Arms Control and Proliferation," FBIS-TAC-95-014-L, 4 August 1995, p. 97; Vitaly Chukseyev "Russia to Supply Boosters For U.S. Missiles," ITAR-TASS, 13 October 1995, cited in Foreign Broadcast Information Service, "Daily Report: Central Eurasia," FBIS-SOV-95-198, 13 October 1995. p.30.

[19] See Bill Gertz, "U.S. Relaxes START, Raising Missile Fears," Washington Times, 9 November 1995, p. A1+.

[20] Testimony before the House Foreign Affairs Committee, Subcommittee on International Security, International Organizations, and Human Rights, 28 July 1993.

[21] The Emerging Ballistic Missile Threat to the United States" February 1993, p.1.

[22] ibid, p.1.

[23] Ballistic Missile Proliferation: An Emerging Threat," 1992, pp. 26-28

[24] Sidney Graybeal and Patricia McFate. "GPALs and Fforeign Space Launch Vehicle Capabilities," SAIC February 1992, p. 18.

[25] See Allen Levine's interview of Russian General Batenin, in "Soviet General Says Unrest May Spark Nuclear Terror," Atlanta Constitution, 16 October 1991, p. 2.

[26] See Kurt Campbell, Ashton Carter, Steven Miller, and Charles Zraket, *"Soviet Fission: Control of the Nuclear Arsenal in a Disintegrating Soviet Union,"* Center for Strategic and International Affairs, John F. Kennedy School of Government, Harvard University, November 1991.

[27] Testimony before the Senate Foreign Relations Committee, Subcommittee on European Affairs, reported in Rowen Scarborough, "Russia Losing Nuke Control, Senators Told," Washington Times, 23 August 1995, p. A1+.

[28] On the Russian nuclear alert in January 1995, see "Norwegian Science Rocket Puts Russian Defense On Alert," Washington Times, 26 January 1995, p. 16; "Russian Radars Alert Moscow After Detecting Missile Launch," Agence France-Presse, 25 January 1995; Vasiliy Kononenko, "Yeltsin Leaves Chechnya Behind in Lipetsk, But Takes the 'Black Attache Case' With Him," Izvestiya, 27 January 1995, p. 1; Nikolay Devyanin, "Football: All That Has Happened, Alas, Had to Happen," Moskovskiye Novosti, No. 7, 29 January-5 February 1995, pp. 1, 12.

[29] See, for example, Alexei Arbatov, "The Mysteries of the Nuclear Button," Moscow New Times, No. 4, January 1992, pp. 20-23.

[30] See Patrick E. Tyler, "As China Threatens Tawian, It Makes Sure U.S. Listens," New York Times, 24 January 1996, p. 1+.

BELMAR ST. PATRICK'S DAY PARADE

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1996

Mr. PALLONE. Mr. Speaker, on the afternoon of Sunday, March 3, 1995, the 23d Annual St. Patrick's Day Parade will move through the streets of Belmar, NJ.

Mr. Speaker, from its modest beginnings little more than two decades ago, the Belmar event has become the biggest and best-attended St. Patrick's Day Parade in the State of New Jersey, and one of the finest in the Nation. While not quite as big as the New York City parade, the Belmar event has steadily been attracting crowds of more than 100,000 people, drawn from the Jersey Shore area and throughout our State, surrounding States and other nations, including Ireland itself. Thousands of marchers are expected this year, including members of community organizations, elected officials, marching bands, floats, bagpipers, and leaders of Irish-American organizations. Both the participants and the many spectators always have a wonderful time.

The grand marshal this year is Mr. John F. Kelly of Sea Girt, NJ, a retired Elizabeth, NJ, police officer and a member of numerous community organizations. The deputy grand marshal is Rosemarie Plunkett Reilly of Belmar, the director of the Reilly Funeral Home. A previous grand marshal, Monmouth County Freeholder Thomas J. Powers, will again serve as parade commentator.

The Belmar St. Patrick's Day Parade was established in 1973 by members of the Jerry Lynch Social & Athletic Club. Mr. Lynch is credited with being the parade founder. The first parade, held in 1974, had club members marching in top hats and tails, followed by four marching bands, and numerous fire engines. That year, the crowd of spectators was not much bigger than the contingent of marchers. The first grand marshal was my predecessor, and a name well-known to many of the Members of this body: the late Congressman James J. Howard, a life-long resident of the Jersey Shore who took great pride in his Irish heritage. For their tireless efforts to ensure that the 1996 parade will be another memorable experience, I wish to pay tribute to all of the members of the Belmar St. Patrick's Day Committee, particularly the chairman, Dave Stanley.

Mr. Speaker, it is a great honor for me to pay tribute to the Belmar St. Patrick's Day Parade, a great and proud tradition of the Jersey Shore for Irish-Americans and people of all backgrounds.

TRIBUTE TO LOIS MCDANIEL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1996

Mr. TOWNS. Mr. Speaker, Lois McDaniel is a native of Batesburg, SC and embodies the philosophy that hard work pays big dividends. Lois attended South Carolina State College and Pace University's evening program. She currently serves as the calendar information officer for the Department of City Planning and secretary to the New York City Planning Commission for land use and zoning matters. In her capacity she conducts televised public hearings at city hall for the N.Y.C. Planning Commission.

Prior to joining the Department of City Planning, Ms. McDaniel served as executive secretary to the president of the Bedford-Stuyvesant Restoration Corp. A homeowner in east New York since 1969, Lois has been involved in numerous civic activities within the Community Board 5 area. Her efforts have supported senior citizens, block associations, the Democratic Club of East New York and Union 1180.

Ms. McDaniel is actively involved in food drives for City Harvest's food distribution program for the homeless, and is also involved in numerous other charitable efforts. I am proud to acknowledge her efforts to serve the people of Brooklyn.

IN SUPPORT OF BLACK HISTORY MONTH

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1996

Mr. SABO. Mr. Speaker, I rise today to express my strong support for Black History Month. This year, we are celebrating African-American women of yesterday, today, and tomorrow. In Minnesota, we are fortunate to have a fine tradition of civic leaders who have dedicated their lives to enriching the lives of others through their selfless contributions. Today, I'd like to recognize three, among many, of the African-American women in Minnesota who have become shining role models for us all.

In this brief history, the State of Minnesota has had many gifted leaders who were also African-American women. In 1923, Ethel Ray Nance (1899–1992) was the first black woman hired by the Minnesota Legislature and was the first black policewoman in Minnesota. During her long life, Ms. Nance was an activist in several civil rights organizations, including the National Association for the Advancement of Colored People [NAACP]. She also served as the director of research for the National Urban League.

In more recent years, Nellie Stone Johnson, who celebrated her 90th birthday in December, 1995, has been one of the most outspoken and thoughtful leaders in Minnesota's African-American community. Generations of Minnesotans owe Nellie a great deal for her dedication to community-building, to civil rights, and to economic fairness. In the tradition of Hubert Humphrey and Walter Mondale, Nellie Stone Johnson has been rock solid in her commitment to the most vulnerable in our society.

Finally, representing a new generation of African-American women leaders, Minneapolis Mayor Sharon Sayles Belton, elected in 1993, is the first African-American and the first female mayor of Minneapolis. Mayor Sayles Belton began her public service career immediately after college—when as a civil rights worker she traveled to Jackson, MS, to register voters. She later became the first African-American president of the Minneapolis City Council. As mayor, she has continued her efforts to strengthen families and children by focusing on education, crime prevention, and the economic development of neighborhoods in the city.

I am proud to say that these women, and many other African-Americans, have had an important impact on my life and the lives of many Minnesotans. I wish to thank them for their service to the community, the women's movement, and the United States of America. All citizens should be grateful for their accomplishments and endeavors. Mr. Speaker, as we observe Black History Month, I commend Ethel Ray Nance, Nellie Stone Johnson, Mayor Sayles Belton, and all African-Americans for their contributions to our society.

TRIBUTE TO MERLE BAGLEY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1996

Mr. TOWNS. Mr. Speaker, I am pleased to recognize Mrs. Merle Bagley for her contribution to the Brooklyn community. Mrs. Bagley migrated to New York from North Carolina in the 1960's. Her life's work has revolved around her dedication to children, not only her own, but society's children. She has successfully raised 10 children, a major accomplishment in itself. But equally important is the community work she has done on behalf of the Bedford-Stuyvesant Youth and Action Board, where she serves as the vice president of the Pacific Street Block Association, and is a member of the Earnestine Grena Senior Citizen Center.

Mrs. Bagley has been involved in community work since her retirement, and has lived in the East New York section of Brooklyn since 1973. She is active in the Linden Houses Tenant Association, and is an appointed member of Planning Board 5 and Area Policy Board 5. Merle Bagley's efforts have enriched the community she lives in and loves, and I am pleased to bring her to the attention of my colleagues.

51ST ANNIVERSARY OF THE FLAG RAISING ON MOUNT SURIBACHI

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1996

Mr. GILMAN. Mr. Speaker, last week our Nation commemorated one of the most significant events in our history. The capture of Iwo Jima was not only one of the bloodiest military confrontations in which our Nation was ever involved, but it was also one of the most necessary. This barren island was crucial to ensure the success of our bombing missions into the heart of the Japanese Empire, and was key to the military maneuvers which led to our victory in the Pacific theater of World War II.

Most historians agree that the photograph of six marines raising the American flag on top of Mount Suribachi is the most duplicated photograph ever taken. To this day, no American can remain unmoved by the simple message of heroism and grim determination which that photograph so eloquently portrayed.

Last week, the New York Vets organization conducted solemn ceremonies in Rockland County, NY, commemorating the 51st anniversary of that significant event. I was honored to have been asked to share my thoughts at this ceremony, and would like to share them with our colleagues at this time:

Thank you for inviting me to join with you on this solemn occasion.

Back in 1936, President Roosevelt, Franklin D. Roosevelt, in his acceptance speech for his second nomination for President, told his audience that our generation "has a rendezvous with destiny." President Roosevelt foresaw the war clouds accumulating throughout the world, and knew what we would be facing. And, he was correct in his analysis of the burdens with which our generation so uniquely had to cope.

When you think about it, no generation in recorded history was saddled with responsibilities as awesome as those with which we had to grapple. Not only did our generation have to endure the depths of the Great Depression—the greatest economic crisis of all time—but it also fell to our watch to fight World War II, the most stupendous and complex conflict in all of history before or since. World War II was the only war in our Nation's history fought on two major and widely diverse fronts: the European theater and the Pacific. Very few nations ever had successfully tackled the massive burden of a two front war and emerged victorious.

It is befitting that we meet today to commemorate what symbolized that war for all people. The capture of Iwo Jima was a pivotal event in our efforts. I can personally attest that, on the B–29 bombing missions over Japan in which I participated, we thanked God that Iwo Jima was in our hands, for several of our missions would not have returned had we not had Iwo Jima available for emergency landings.

It is important that we bring to mind the photograph of the flag raising on Mount Suribachi, which most historians contend is the most frequently reproduced photograph in all history. It is important because it symbolized for the whole world the burdens and the sacrifice which our generation had to make.

Now, despite all of the trials and tribulations of our generation's life time, we are being called upon one last time for one last sacrifice. We have one last important responsibility to perform for all humankind.

Today the world is replete with revisionist historians: people who contend they know more than we do about what we lived through, what we witnessed, and what we sacrificed. We have lived to witness the phenomenon of our own Smithsonian Institution attempting to assemble a display which inform people that we, the United States, were the aggressors in our war against Japan, and that we were motivated solely by racial considerations. The Smithsonian Museum went so far as to assemble a display which, believe it or not, portrayed the sufferings of the Japanese people, without once mentioning the cruel Bataan death march, or the inhumanity of Japan's POW camps, or their racial degradation and enslavement of the Asian and Pacific peoples who Japan had temporarily conquered. It did not portray the cruelty of the Japanese Government, which demanded not just obedience from their people, but actual worship. It did not tell of the dreaded Kamikaze pilots, whose eagerness for self-sacrifice struck terror into the hearts of many brave Americans.

It is only through the strong protests of many of our own generation that this display was never opened to the public, but that victory was only one battle. We have much further to go to win the war.

We have been reading almost daily of commentators and self-appointed historians who contend that the Holocaust never took place. In fact, the lack of knowledge of generations younger than our own is appalling. In Orange County, NY a few years ago, the death of a World War II veteran was recorded in the daily newspaper with this incredible line: "He was a survivor of when the Japanese dropped the atomic bomb on Pearl Harbor * * *"

Our generation has one last task before it. The Great Depression, World War II, and the subsequent cold war are topped by one final burden: it is our responsibility to bear witness to what we have seen and what we have lived through.

It is important that we tell our youth, our grandchildren, our families, and any journalists we encounter of the goals, the ideals, and the vision of World War II. It is up to us to bear witness that the inhumanity of the Nazi and Imperialist Japanese war machines were not just in our imaginations.

It is incumbent upon us to leave permanent records of the sacrifices we made. We know that we cannot depend upon future generations to do this.

Accordingly, we are burdened with this final responsibility.

TRIBUTE TO JACQUELINE BERGMAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1996

Mr. TOWNS. Mr. Speaker, Ms. Jacqueline Bergman has distinguished herself as the first female member president of the International Association of Lions Clubs, and I think it is important to recognize this landmark achievement. In 1987 she was installed as the first woman member of the Brooklyn Downtown Lions Club. This is indeed significant because it demonstrates that barriers to advancement for women are being overcome.

Ms. Bergman has served the Lions organization well. She has chaired major fundraisers, been the recipient of the organization's highest award by being designated as a Melvin Jones Fellow, and edited the club's newsletter. Jacqueline has also served as a delegate to numerous district, State, and international conventions. Jacqueline lives in Brooklyn Heights, has two children, Andrew and Mona, and adores her grandson Andre. Her commitment to service is only exceeded by her desire to do the best job possible. I am honored to recognize her dedicated efforts.

TRIBUTE TO ROSA LIVERPOOL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1996

Mr. TOWNS. Mr. Speaker, the Borough of Brooklyn is fortunate to have Rosa Liverpool as a citizen. Rosa has been an achiever in spite of adversity. She was the first African American graduate from the Slovak Girls Academy, and subsequently earned her undergraduate degree from Mercy College, and her master's degree in counseling from Manhattan College.

After receiving her degrees, Rosa began working for the city of New York. She has particular expertise in early identification and reporting of abuse and neglect of children. In 1979 Rosa began working with patients and their families who were addicted to opiates. Presently, Ms. Liverpool is the district guidance counselor for Community School District 19. She is also the child abuse and neglect liaison as well as the suicide prevention specialist for district 19. Rosa has been actively involved in the East New York community of Brooklyn.

Ms. Liverpool chairs the education committee for the Rosetta Gaston Foundation, and is also a member of Community Board No. 5. She has worked with local store owners to provide donations for block activities, and coordinated job fairs for East New York residents. Rosa leads by her example, and is destined to leave a lasting legacy.

TRIBUTE TO AGENTS PETER HARGRAVES, CHRIS REILLY, AND LARRY SALMON

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1996

Mr. GILMAN. Mr. Speaker, I rise today to congratulate three special agents of the State Department's Bureau of Diplomatic Security, Peter Hargraves, Chris Reilly, and Larry Salmon, who received Valor Awards at the U.S. Department of State on February 15. I was pleased to have a member of my staff represent me at this very moving awards ceremony where Secretary Warren Christopher presided. The Valor Award is one of the Department of State's highest awards and is given to those employees who demonstrate exceptional bravery in the face of life-threatening danger. Special Agents Hargraves, Reilly, and Salmon exhibited particular noteworthy courage in 1995 in their efforts to ensure the safe and secure conduct of U.S. foreign policy abroad. I am pleased to take this opportunity to recognize these three courageous public servants. At a June 29, 1995, oversight hearing on the Diplomatic Security Bureau, our House International Relations Committee heard about the details of some of the courage of these agents and their sacrifices in the service of their Nation. I am pleased to see they have been further honored by the Secretary of State.

Special Agent Peter Hargraves was the former Regional Security Officer assigned to the U.S. Embassy in Sarajevo. On August 19, 1995, Special Agent Hargraves was accompanying a United States peacekeeping delegation to Sarajevo for a meeting with the Bosnian Government. During the trek to Sarajevo over the dangerous Mt. Igman Road, one vehicle in the convoy, its weight too much for the road's shoulder, began a fatal spin down the mountain. The vehicle stopped 500 meters later. Special Agent Hargraves, who managed to get out of the vehicle, disregarded his own severe personal injuries and repeatedly returned to the burning vehicle in an effort to save others. After pulling one individual from the wreckage, his efforts were halted when the vehicle exploded. Special Agent Hargraves is still recovering from injuries suffered in this accident, which claimed the lives of three U.S. peace negotiators. Special Agent Hargraves is a true American hero. The citation on his award reads, "For exceptional bravery and heroic devotion to your colleagues, in support of efforts to bring peace to the peoples of Bosnia."

Special Agency Chris Reilly was the former Regional Security Officer assigned to the United States Embassy in Bujumbura. On June 14, 1995, Special Agency Reilly accompanied United States Ambassador to Burundi Robert Krueger and former Burundian Foreign Minister Jean Marie Ngendahayo, on a fact-finding mission to the province of Cibitoke in northwestern Burundi. Late in the afternoon, during the return trip to Bujumbura, the eight vehicle motorcade came under heavy automatic weapons fire from at least two unidentified gunman. Special Agent Reilly immediately instructed the Burundian driver to leave the area. The driver froze. Special Agent Reilly, sitting in the front passenger's seat, reached over and shifted the car into reverse and stepped on the accelerator. After backing up, he shifted the car to drive and managed to get the driver to put his foot on the accelerator and leave the area. Our Ambassador, and the Foreign Minister escaped injury as a result of the heroic actions of Special Agent Reilly. Special Agent Reilly's citation reads,

> For valor during an attack on an official motorcade in Cibitoke province, Burundi, on June 14, 1995. While the Ambassador's vehicle came under heavy automatic weapons fire, your rapid and effective response contributed directly to saving the lives of the Ambassador and the Burundi Foreign Minister. Your actions reflect the highest credit upon you and the Diplomatic Security Service.

Special Agent Larry Salmon, the Regional Security Officer at the United States Embassy in Windhoek, was on temporary assignment in Bujumbura, and had accompanied Special Agency Reilly on the trip in which the Ambassador's motorcade was attacked on June 14, 1995. Special Agent Salmon was driving the unarmored follow car directly behind Ambassador Krueger's car. When the attack began, Special Agent Salmon's vehicle was peppered with bullets. A Burundian bodyguard sitting in the backseat was injured by gunfire, and Special Agent Salmon was hit in the right shoulder by shell fragments. Special Agent Salmon spotted one of the assailants firing an AK–47 at the convoy. Without hesitation, he drew his Smith and Wesson and proceeded to fire six rounds at the attacker through the shot-out right rear window. Once Special Agent Salmon fired his weapon, the assault stopped. The Ambassador's vehicle and the follow car escaped. Special Agent Salmon's quick reaction to this attack saved the lives of the two people in his vehicle, and contributed to the safe escape of the Ambassador and Foreign Minister. His heroic response to such a life threatening situation demands our utmost respect. Special Agent Salmon's citation reads,

> For valor during an attack on an official motorcade in Cibitoke province, Burundi, on June 14 1995. While the Ambassador's vehicle came under heavy automatic weapons fire, your rapid and effective response contributed directly to saving the lives of the Ambassador and the Burundi Foreign Minister.

Your actions reflect the highest credit upon you and the Diplomatic Security Service.

Mr. Speaker, I take this opportunity to further recognize and share with my colleagues some of the details of the exceptionally courageous efforts by these special agents who risked their lives to protect American personnel carrying out our foreign policy broad. Their actions set the standard for valor in the line of duty. These American heroes are a credit to the Bureau of Diplomatic Security, the Department of State, and the people of the United States of America.

We must do all we can to protect American personnel abroad who we ask to carry out U.S. foreign policy, often in far away, and often dangerous places. The Diplomatic Security Bureau and agents like Hargraves, Reilly, and Salmon deserve our full support and understanding, as they carry out this difficult, and often dangerous task.

TRIBUTE TO JO ANNE SIMON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1996

Mr. TOWNS. Mr. Speaker, Jo Anne Simon is an outstanding community activist who represents the brownstone community of Boerum Hill in downtown Brooklyn. Ms. Simon is the president of the Boerum Hill Association. The association serves the historic community that has thriving merchant businesses.

Jo Anne works closely with local community board and public officials to ensure that critical issues such as education, crime prevention, historical preservation and quality of life issues are responsibly addressed on behalf of community and neighborhood members. Ms. Simon recognizes that her efforts must be special because Boerum Hill is a very special Brooklyn enclave.

An attorney and former teacher of the blind, Jo Anne has been very active in the disability rights movement. She is a founding member of the Association of Higher Education and Disability, a national organization which advocates for equal access to higher education. She currently serves on its board of directors. I am pleased to bring Jo Anne Simon's community activism to the attention of my colleagues.

TRIBUTE TO ROBERT E. DOYLE

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1996

Mr. HOUGHTON. Mr. Speaker, Robert E. Doyle recently passed away at his home in Schenectady, NY. Robert was known as the "Commish". He served longer than any other State Liquor Authority Commissioner in the United States. He was considered by his colleagues as the dean of liquor administration.

Robert was born in Thendara, NY. This is in Herkimer County. He was a 1952 graduate of Siena College, and he served during World War II in the Pacific campaign as a Pfc. in the U.S. Marine Corps.

Robert began his tenure with the State Liquor Authority in 1959 as a deputy commissioner. His advice and counsel were sought by public administrators, elected officials, industry executives, and community leaders. He was a warm and caring man willing to help virtually anyone with a problem.

He retired from his post as commissioner in 1995. Mr. Doyle's wife Geraldine Fitzgerald Doyle passed away in 1990. He had five children and eleven grandchildren. He also had a brother, the Very Reverend Mathias Doyle, and three sisters Mary Lou Provost, Gayle Michon, and Joanne Dee.

Robert Doyle had made numerous contributions to his Nation, his State, and his Family. He was truly a good man.

Many including the family, the State of New York, and others mourn his loss. The "Commish" passed away on February 14, in the year of our Lord 1996.

TRIBUTE TO LETICIA P. JOHNSON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1996

Mr. TOWNS. Mr. Speaker, there is no greater calling than attending to the education and nurturing of our children. For the past 20 years Leticia P. Johnson has been performing that very vital task. Leticia is a graduate of Brooklyn College and received a master's degree in supervision and administration.

Leticia believes that early childhood learning sets the stage for positive human development. Leticia has dedicated herself to getting society and educators to focus on the total needs of our children.

Leticia's participation in various organizations reflects her commitment to children. She is a member of the National Black Child Development Institute, and is the cochair of the Early Childhood Task Force. Leticia is also a member of the Bedford-Stuyvesant Community Conference Inc. For the past 10 years she has served as the director of Young Minds Day Care Center, sponsored by Fort Greene Citizens Council Inc. Brooklyn sees the fruits of Leticia's efforts each time a child is nurtured and educated in her institution. I am happy to acknowledge her selfless efforts.

OFFICER ROBERT ALLMOND HONORED AT POLICE CEREMONY AWARDS

HON. JON D. FOX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1996

Mr. FOX of Pennsylvania. Mr. Speaker, I rise today to honor a resident of the 13th Congressional district who recently was named one of the best law enforcement officers in the Nation.

Abington Township, Montgomery county, Police Officer Robert Allmond was recognized as one of 10 honorable mentions during the Police Officer of the Year ceremony. Officer Allmond received the distinction from the International Association of Chiefs of Police and Parade magazine after his name was submitted for consideration by Abington Police Chief William J. Kelly and Edie Richards, director of community development for the Township of Abington.

Mr. Speaker, there are 604,000 police officers in the United States and many past winners have been picked for single outstanding incidents involving a shooting incident or dangerous rescues. Officer Allmond's award is based on a long-term commitment to community policy work which has reduced crime, brought community support for police officers and raised neighborhood esteem.

Officer Allmond began his assignment in 1992 as community policing officer in the Crestmont area where crime, violence, and drug abuse were the highest in the township, according to Chief Kelly. Eighteen months later, a survey showed that overall fear of crime in the neighborhood had dropped by 12.75 percent, community support for police had increased 63 percent and neighborhood esteem was up by 4 percent.

Officer Allmond initiated several programs in Crestmont including organizing trips for youngsters to the New Jersey State Aquarium at Camden, the Franklin Institute Science Museum, the Philadelphia Zoo and the Academy of Natural Sciences. He has also taken children to Philadelphia Eagles, Phillies and 76ers games and arranged for weeks of free bowling so youngsters could participate in a league-like environment.

Almost as important as the outings was the fact that community leaders like Chief Kelly, the township commissioners, police officers, dispatchers, township staff and parents went along as chaperones and got involved with the children.

Officer Allmond organized a program to bring doctors and nurses into the neighborhood using a community policing vehicle as a mini-medical office to do free blood-pressure screenings and other tests for low and moderate income residents. The Lions Club used the vehicle to provide free vision screenings.

Allmond helped coordinate a Citizen's Police Academy to create better understanding between police and residents. Citizens were invited to participate in a 30-hour course about police duties and many Abington police officers volunteered to teach the courses and became involved in the interaction between police and citizens.

Officer Allmond also worked with Abington Memorial Hospital, a leader in community health services, to take information about the outstanding Children's Health Insurance Program [CHIPS] to the community, again using the specially equipped van. CHIPS officers subsidized health insurance for children based on family income.

Officer Allmond's work with the Crestmont Community Policing Program was recognized earlier this year when the program was one of six national winners of the Audrey Nelson Community Development Achievement Award and was honored by the National Community Development Association "for exemplary and creative uses of community development block grant funds which best address the needs of families, homes and neighborhoods of low and moderate income."

Officer Allmond's boss, Chief Kelly, has said of this outstanding citizen: "Bob's initiative, energy, and willingness to try new approaches are greatly responsible for his success, but at the same time, I know that he would be the first to point out that area residents and local beat officers are the keys to the long-term success of these programs in this neighborhood."

Mr. Speaker, that is high praise for the 34-year-old officer who joined this outstanding police department in 1986. Office Allmond has shown that what lies at the heart of a troubled neighborhood is complex and unique to that community and cannot be fixed, necessarily, with a brick and mortar approach to community development, or with a cops and robbers approach to law enforcement.

Prior to the implementation of this outstanding community policing program under Officer Allmond, we had been treating the symptoms without diagnosing the illness. It took Officer Robert Allmond and a very courageous community to show us what and where the problems really were.

This is the heart of community policing and I urge all my fellow Members to investigate this program and help create similar models in their own districts.

Mr. Speaker, I am proud to have Office Robert Allmond as a member of one of Montgomery county's finest police departments. His service to the people of Abington Township have made that community one of the finest places on earth to live, work and raise our families.

CORRECTION OF VOTES IN COMMITTEE REPORT

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1996

Mr. SOLOMON. Mr. Speaker, the Rules Committee's report, House Report 104–463 on H. Res. 366, the rule for the consideration of H.R. 2854, the Agricultural Marketing Transition Act contains one erroneously reported rollcall vote due to a typographical error during the printing process. The vote was correctly reported in the original report filed with the Clerk.

Below is a correct version of that vote as contained in the Rules Committee report as filed with the House.

The amendment number referred to in the motion is to amendments filed with the Rules Committee.

The corrected rollcall vote for rollcall No. 290 is as follows.

RULES COMMITTEE ROLLCALL NO. 290

Date: February 27, 1996.

Measure: Rule for consideration of H.R. 2854, Agriculture Market Transition Act.

Motion By: Mr. Hall.

Summary of Motion: Make in order Volkmer Amendment No. 12, retain permanent law.

Results: Rejected, 3 to 7.

Vote by Member: Dreier, "nay," Goss, "nay," Linder, "nay," Pryce, "nay," McInnis, "nay," Waldholtz, "nay," Moakley, "yea," Frost "yea," Hall, "yea," and Solomon, "nay."

TRIBUTE TO TUSHIA N. FISHER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1996

Mr. TOWNS. Mr. Speaker, I want to recognize Ms. Tushia N. Fisher who is employed as a special assistant to the New York State Senate Minority Leader, Martin Connor. She is a student enrolled in the State University of New York, Empire State College, in a combined master's degree program in political science.

Tushia is a remarkable example of a 1990's woman, dedicated to her family, striving to improve herself as a single parent, and dedicated to improving and empowering her community. Tushia believes that children are our future. She has embarked on a campaign, starting with her 6-year-old son Jamere Jamison, to improve the plight of African-American youth. Her efforts include volunteering at the Interfaith Hospital holiday drive, as well as the City Kids Foundation. Additionally, Tushia is an active member of Concord Baptist Church. She provides a wonderful example for single and dedicated parents about how to pursue personal and professional development while providing volunteer service to her community. I am happy to cite this wonderful community success story.

PUBLIC BROADCASTING SELF-SUFFICIENCY ACT OF 1996

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1996

Mr. FIELDS of Texas. Mr. Speaker, today I am introducing a bill that will start public broadcasting on the road to self-sufficiency. This bill is certainly not the total solution to the challenge that faces us. Rather, it is a first step in the process.

Last year, the House leadership, recognizing the need to cut Government spending and balance the budget, challenged public broadcasting to find alternative sources of funding for their operations. After some initial misgivings the industry responded to this challenge with enormous enthusiasm, seeing this not as a threat but rather as an opportunity. I have been very impressed with the thoughtful and insightful response, and while I cannot agree with all of the proposals, it is obvious that there is strong sentiment for innovation and change.

My bill can help to accomplish this move away from Government support and ensure that public broadcasting continues to serve the educational and entertainment needs of the American public, the purposes for which it was established. I believe that the overarching goal of reorganizing public broadcasting should be to return to the original concept of local, community stations, and funding for these stations should come from sources other than the Federal Government. It should come from local public subscription, city and State appropriations, sponsorship by educational institutions, regional foundations, mergers or local marketing agreements with profitable commercial stations, and flexible use of spectrum. It should also depend, now more than ever before, on the pursuit of innovative ideas and entrepreneurial activities.

It is now time for public broadcasting to become self-sufficient and prepared to compete in the dynamic marketplace of the 21st century. We are, therefore, embarking on a historic change from our Government's policy, the origins of which date back several decades. Public broadcasting, with the help of Federal and State governments, has evolved in its 30-year history into a mature industry providing quality programming to American viewers. We want a healthy and independent future for public television and radio, and it is our responsibility to ensure that public broadcasting continues to serve the educational and entertainment needs of the public. It is our obligation not only because of its inherent value but also because we have decades of Government investment to protect.

Government support for public broadcasting began with Federal matching grants to construct educational television facilities in 1962. That 5-year program, although helpful, did not address the need for long-term financing. It was this financing problem that resulted in the establishment of the Carnegie Commission on Educational Television in 1965, which was also funded by private money, this time from the Carnegie Foundation. The Carnegie Commission was the immediate catalyst for enactment of the Public Broadcasting Act of 1967. In addition to providing needed financing for public television and radio, the act created the Corporation for Public Broadcasting [CPB]. The act attempted to ensure CPB's role in developing an independent educational broadcasting system that provided high quality objective and balanced services to the local community.

As the industry has matured, it has been at the forefront of exciting innovation, including such things as distance learning, which combines television satellite, computer, video disk, and telephone to bring greater educational opportunities to students regardless of their geographic or economic situation. I believe most people would agree that over the years public television has consistently provided high quality programming to the American public. From historical series such as "The Civil War" and "Baseball" to the excellent children's programming such a "Barney and Friends" and "Sesame Street," public television has offered interesting, educational, and entertaining programs for just about everyone.

However, public broadcasting is not without its faults or its critics. Last Congress, the Subcommittee on Telecommunications and Finance held a hearing that was invaluable in revealing the gross inefficiencies of the system. Even some of the system's strongest supporters say that it is mismanaged and should realize new operating efficiencies through consolidations, automation, joint operating agreements, mergers, and other forms of partnerships. Others say that the industry has failed to take advantage of revenue sources through licensing and merchandising agreements.

This bill is designed to address many of these failings and correct many of the problems. It does so in several ways. First, it gives public broadcasting stations additional flexibility and offers new and innovative earned income options. For example, in markets where there are two overlapping stations, a licensee would be allowed to operate one as a commercial station and one as a "pure" public broadcasting station. The profits from the commercial station would be used to fund the second public broadcasting station. Neither station would be eligible for grants from CPB. In the case of duopolies, the licensee could elect to sell one station, as long as the proceeds from the sale go to the retained public broadcasting station. This station would not be eligible for CPB grants.

The bill would also allow VHF and UHF channel swaps. It further provides that stations voluntarily surrendering their licenses for auction by the FCC would be allowed to keep 50 percent of the proceeds. The remainder would go to the U.S. Treasury. Under the bill, stations would now be allowed to accept compensation for broadcasting programs produced by, at the expense of, or furnished by persons other than the station licensee. This would allow partnerships with commercial entities. Finally, the bill expands the definition of underwriting.

Second, the bill has as one of its key purposes the elimination of redundancies within the entire public broadcasting system, including duplicative stations and burdensome bureaucracies. Consequently, CPB is prohibited from issuing more than one grant per market to television licensees, but is allowed more discretion for radio grants.

Third, it relieves the Corporation for Public Broadcasting of most of the congressionally imposed mandates that have limited CPB's ability to function in a sound, business-like manner. The bill eliminates most of the congressionally imposed mandates on CPB, including set-asides and unnecessary reporting requirements. The intent is to allow CPB to use good business judgment in its decision-making process and to prepare for its eventual privatization. Even after the transition to private non-profit corporation, CPB would still be required to report to Congress annually on the status of the trust fund.

The bill also changes the way that members of the board of the Corporation for Public Broadcasting would be selected. Presently, the President appoints the members. The bill establishes a selection committee composed of the Speaker and minority leader of the House and the majority and minority leaders in the Senate to nominate individuals, after consultation with the public broadcasting industry, with expertise in investment management, corporate finance, telecommunications, education, and public broadcasting. The President would appoint from this list. Afterward, the board would be appointed in accordance with the bylaws of the Corporation.

Finally, it establishes a public broadcasting national trust fund, using revenue to be derived from a now fallow resource, thereby ensuring that Government funding will cease. The bill directs the Federal Communications Commission to auction vacant noncommercial channels and to transfer the proceeds to the trust fund. The bill also directs the FCC to ensure that the auction brings in as much revenue as possible by moving the cities of licenses, if necessary, while avoiding harmful interference. Before transferring auction proceeds to the trust fund, the Secretary of the Treasury is required to verify that the fund has been established in accordance with the law. CPB would manage the trust fund and distribute the income from the corpus. If CPB substantially violates the purposes of the law, the corpus would revert to the United States. The bill authorizes $250 million in fiscal years 1998, 1999, and 2000, after which the trust fund would begin to dispense income from the corpus to fund public broadcasting.

This legislation would get the Federal Government out of the business of financing public television, but that goal cannot be achieved overnight without adversely affecting public radio and television. In view of the decades of Federal tax dollars that have been spent to ensure a public broadcasting system, the Government has a stake in ensuring that public broadcasting survives. I, for one, would not like to see decades of Federal funding for public broadcasting go to waste.

One thing is clear: reforming public broadcasting is a daunting task. First, it is a controversial and very emotional issue. Second, it is complex. Public broadcasting is composed of different and unique components and the solution for one may not necessarily be appropriate for the other. Third, the public and those of us in Congress have differing views about how to change the current system.

Despite the difficulty of the job that lies before us, and regardless of our views on public radio and television, we can all agree that Government money is scarce. The American people expect us to be fiscally responsible and examine all federally funded programs. They expect us to make the difficult choices about where to cut Federal spending. That is what good Government is all about. The American public deserves to have the highest quality television and radio programs. The approach taken in this bill will allow that fine tradition to continue, but this time, without Government funds.

RETIREMENT OF DAVID R. LAMBERT, AMERICAN SEED TRADE ASSOCIATION

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1996

Mr. LATHAM. Mr. Speaker, David R. Lambert was appointed as executive vice president of the American Seed Trade Association [ASTA] on June 29, 1990, by the board of directors. ASTA, one of the Nation's oldest trade associations, will acknowledge the achievements of its executive vice president on Wednesday, February 28, 1996, at a retirement celebration. As a long-time member and supporter of the ASTA, I am pleased to add my personal congratulations and hearty wishes for a happy and fruitful retirement.

During the course of Dave's tenure, many noteworthy accomplishments come to mind. One, though, that is particularly significant is his leadership when Congress considered and ultimately approved the Plant Variety Protection Act Amendments of 1994. An important intellectual property rights issue for seedsmen and farmers, these amendments went a long way in providing the real protection and ready assurance American farmers have come to know and expect from the seed industry. In shepherding these amendments, Dave effectively brought together the agricultural community and united the Congress in an issue that will surely affect America's agriculture for decades to come.

To list Dave's good deeds and successes would likely take several volumes. It would be more expedient perhaps to just itemize issues and areas like crop insurance reform, biotechnology, international trade, and export opportunities. The list would continue just like Dave's tenacity and dedication to the American seed industry.

Dave will no doubt continue to play a role in America's agriculture. Undoubtedly, after a distinguished 16-year career at the ASTA, Dave's 23 years of experience and service in Washington, DC, will be remembered by many. His work prior to joining the ASTA included a 7-year association with the National Grange. Prior to working in agricultural organizations, Dave was with the U.S. Army and retired as a lieutenant colonel.

ASTA will long remember Dave's outstanding leadership and vision. I will always recall how the ASTA helped position and support America's foundation to agriculture—the seed. I will also recall, with great fondness, how a small seed company in Iowa, Latham Seed Co., benefited from his dedication and insight.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, February 29, 1996, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 5

9:30 a.m.

Energy and Natural Resources

To hold hearings on the nominations of Thomas Paul Grumbly, of Virginia, to be Under Secretary of Energy, Alvin L. Alm, of Virginia, to be an Assistant Secretary of Energy (Environmental Management), and Charles William Burton, of Texas, to be a Member of the Board of Directors of the United States Enrichment Corporation.

SD–366

Governmental Affairs

To hold hearings on S. 1376, to terminate unnecessary and inequitable Federal corporate subsidies.

SD–342

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Veterans of Foreign Wars.

344 Cannon Building

10:00 a.m.

Judiciary

To hold oversight hearings on the implementation of the Drug Price Competition and Patent Term Restoration Act.

SD–226

MARCH 6

9:30 a.m.

Energy and Natural Resources

To hold oversight hearings on issues relating to competitive change in the electric power industry.

SD–366

Governmental Affairs

To hold joint hearings with the House Government Reform Committee to examine the implementation of the Government Performance and Results Act.

2154 Rayburn Building

Select on Intelligence

To hold hearings to examine the role and mission of U.S. intelligence.

SD–106

Special on Aging

To hold hearings to examine telemarketing scams that target the elderly.

SD–562

10:00 a.m.

Judiciary

To hold hearings to examine the interstate transportation of human pathogens.

SD–2226

Commission on Security and Cooperation in Europe

To hold hearings on the Chechen conflict and Russian democratic development.

2200 Rayburn Building

MARCH 7

9:30 a.m.

Energy and Natural Resources

Parks, Historic Preservation and Recreation Subcommittee

To hold hearings on S. 745, to require the National Park Service to eradicate brucellosis afflicting the bison in Yellowstone National Park, S. 796 and H.R. 238, bills to provide for the protection of wild horses within the Ozark National Scenic Riverways, Missouri, and prohibit the removal of such horses, and S. 1451, to authorize an agreement between the Secretary of the Interior and a State providing for the continued operation by State employees of national parks in the State during any period in which the National Park Service is unable to maintain the normal level of park operations.

SD–366

Governmental Affairs

To resume hearings on S. 356, to declare English as the official language of the Government of the United States.

SD–342

MARCH 8

9:30 a.m.

Governmental Affairs

Oversight of Government Management and The District of Columbia Subcommittee

To hold hearings to examine the oversight of government-wide travel management.

SD–342

MARCH 13

10:00 a.m.

Veterans' Affairs

To hold hearings to examine the reform of health care priorities.

SR–418

MARCH 14

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Paralyzed Veterans of America, the Jewish War Veterans, the Retired Officers Association, the Association of the U.S. Army, the Non-Commissioned Officers Association, and the Blinded Veterans Association.

345 Cannon Building

MARCH 19

10:00 a.m.

Governmental Affairs

Permanent Subcommittee on Investigations

To hold hearings to examine the asset forfeiture program, focusing on issues relating to the Bicycle Club Casino.

SD–342

MARCH 20

10:00 a.m.

Veterans' Affairs

To resume hearings to examine the reform of health care priorities.

SR–418

MARCH 27

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Veterans of World War I, AMVETS, the American Ex-Prisoners of War, the Vietnam Veterans of America, and the Military Order of the Purple Heart.

345 Cannon Building

SEPTEMBER 17

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.

335 Cannon Building

HOUSE OF REPRESENTATIVES—*Thursday, February 29, 1996*

The House met at 9 a.m. and was called to order by the Speaker pro tempore [Mr. MCINNIS].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 29, 1996.

I hereby designate the Honorable SCOTT MCINNIS to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

From the rising of the Sun until the going down of the same, we offer our thanks and praise to You, O God, for Your gracious gifts of faith and hope and love. When we falter or fail, You lift us up; when we do justice and seek mercy, You encourage and make us whole. For all Your marvelous deeds, O God, that forgive us and point us in the way, we offer these words of gratitude and thanksgiving. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Nebraska [Mr. BARRETT] come forward and lead the House in the Pledge of Allegiance.

Mr. BARRETT of Nebraska led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. BARRETT of Nebraska. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole under the 5-minute rule: Committee on Banking and Financial Services, Committee on Commerce, Committee on Economic and Educational Opportunities, Committee on Government Reform and Oversight, Committee on International Relations, Committee on the Judiciary, Committee on National Security, Committee on Resources, Committee on Science, and Committee on Transportation and Infrastructure.

It is my understanding, Mr. Speaker, that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

AGRICULTURAL MARKET TRANSITION ACT

The SPEAKER pro tempore. Pursuant to House Resolution 366 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2854).

□ 0903

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2854) to modify the operation of certain agricultural programs, with MR. HANSEN, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Wednesday, February 28, 1996, amendment No. 8 printed in House Report 104–463 offered by the gentleman from New York [Mr. BOEHLERT] had been designated.

Pursuant to the rule, the gentleman from New York [Mr. BOEHLERT] and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise this morning on behalf of America's farmers, on behalf of America's hunters and fishermen, and on behalf of the environment. What do the National Wildlife Federation, the American Farm Bureau, and the National Rifle Association all have in common?

They are all strong supporters of the Boehlert conservation amendment. Why have major agriculture and environmental organizations in the United States endorsed my conservation amendment? Because the conservation amendment before us is truly profarmer and proenvironment. Chairman ROBERTS, Chairman BARRETT, and Congressman PETERSON have all worked with me to craft a conservation title that provides American farmers with the resources they need to protect the environment that we all need. Every urban American and every rural American will benefit from this amendment.

Today, 51 percent of all privately owned lands in the United States are held by farmers and ranchers. If we are serious about improving the quality of America's rivers and lakes, and we darn well better be, if we are serious about preserving essential wildlife habitat, and we darn well better be, if we are serious about protecting our Nation's drinking water supplies, and, there is nothing more important than that, we have got to work with the American farmer.

Agricultural programs represent the single best opportunity for this Congress to make significant improvements in the quality of our environment. Best of all, we will be achieving these dramatic environmental improvements with voluntary incentive-based programs, programs strongly supported by the agriculture community.

The Boehlert-Roberts-Barrett-Peterson amendment builds on the proven success of the existing conservation reserve program and wetland reserve program. This conservation title also provides new resources and technical assistance for the management of nutrients and manure on America's farms. While providing significant conservation resources to America's farmers, this amendment achieves these conservation goals in a fiscally responsible manner.

This conservation title costs less than half of the $4.5 billion in the one passed by the Senate on February 7. The numbers tell the story. My conservation amendment costs $2.1 billion, while the Senate conservation title has been scored by the Congressional Budget Office at $4.5 billion. The Boehlert amendment makes agricultural, environmental, and fiscal sense.

The Senate and the administration have made it clear they will not support a farm bill absent a comprehensive conservation title. If this body can

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□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

produce a comprehensive conservation title that has the support of farmers and sportsmen and environmentalists, we should do it.

In closing, I would like to read to you what the Natural Resources Defense Council, the Environmental Defense Fund, and Trout Unlimited are saying about my amendment, and I quote: "We are pleased to support the amendment and urge all Members of the House to join in support." The American Farm Bureau, the National Grange, the National Milk Producers Federation, the National Corn Growers, the National Wheat Growers and the National Association of State Departments of Agriculture are all strongly supporting the Boehlert conservation amendment. I urge my colleagues to join me in supporting this pro-farmer, pro-environment amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. Does any Member seek time in opposition?

Mr. LIVINGSTON. Yes, Mr. Chairman, I do.

The CHAIRMAN pro tempore. Is the gentleman from Louisiana opposed to the amendment?

Mr. LIVINGSTON. Yes, Mr. Chairman, I am, and I seek time to express my opposition.

The CHAIRMAN pro tempore. The gentleman from Louisiana is recognized for 20 minutes.

Mr. LIVINGSTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Boehlert amendment actually doubles the impact of a provision in the existing bill that is before the House. I had intended to come to the floor in opposition to the existing provision. So let me double my opposition to the Boehlert amendment. Because what we are talking about here is a whole new entitlement. An entitlement which, if the Boehlert amendment is adopted, amounts to $1.4 billion of mandatory spending; $1.4 billion in taxpayers' dollars which will be spent at the same time that we in this Congress for the last 14 months have been working diligently to pare down the discretionary budget. At the same time that we are telling America how important it is to get entitlements under control and to get a leash on the entitlement portion of the budget, which represents two-thirds of the $1.6 trillion that this Federal Government spends every single year.

At the same time that we are saying we cannot get President Clinton to the table to agree on how to pare down Social Security, Medicare, Medicaid, welfare, and all of the other entitlements that are going rapidly out of control, all of a sudden, quietly, here this morning, we hear the gentleman from New York, my very good friend, come here and say that the provision in this bill which creates a $700 million new entitlement for cattle farmers is not enough and it should be raised to a $1.4 billion entitlement.

To say that I am shocked is only an understatement, because actually I am incredulous. I have worked diligently as chairman of the Committee on Appropriations to get the spending on the discretionary side of the equation under control. We have succeeded.

I would like to take a minute just to show how in Democrat control, the U.S. Congress, in the House and Senate in fiscal year 1994, discretionary spending was roughly $237 billion. This is nondefense discretionary spending under Democrat control.

In fiscal year 1995, it rose to $246 billion. And under Republican control, we shrank fiscal year 1995, because of our rescission bill last year, to under $230 billion, roughly $229 billion.

Currently, in fiscal year 1996, we are at $222 billion. Our projections for fiscal year 1997 are $219 billion. We have had Republicans and Democrats, moderates and conservatives alike, come to the floor and say, "You can't cut this program, you can't cut that program." We want to keep restoring money for education, health and welfare, safety, and all of the wonderful programs in the discretionary portion of the budget.

What we have here this morning, at a time when nobody is paying attention, is Members of the Congress coming forward and saying, "Wait a minute. We want to create a new entitlement, a new mandatory program to spend $1.4 billion."

Mr. Chairman, let me stress, today is February 29, 1996. Once every 4 years we are privileged in this world of ours to add an additional day to the calendar of the year. It is called Leap Day. This program coincidentally enough falls on Leap Day. You know what the name of the program is? It is the Livestock Environmental Assistance Program, or the LEAP Program.

Mr. Chairman, I would suggest to all of my Members who are listening somewhere in cyberspace, or here on the floor, I would suggest to them that if they want to create a brand new entitlement after we are cutting the discretionary budget as successfully as we are doing, then they will have succeeded in making a great leap back on Leap Day of Leap Year 1996.

Mr. Chairman, I reserve the balance of my time.

Mr. BOEHLERT. Mr. Chairman, I yield 8 minutes to the gentleman from Kansas [Mr. ROBERTS], the distinguished chairman of the Committee on Agriculture.

□ 0915

Mr. ROBERTS. Mr. Chairman, I am sorry for the delay. I was taking Mr. LIVINGSTON's pulse. He seemed to be worked up about the budget. I can get worked up about the budget. I can get worked up about entitlement programs.

But this is not an entitlement program. This is the continuation of a strong difference of opinion between our good friends in the Committee on Appropriations, and let me say at the outset, that we have no better chairman of the Committee on Appropriations that the gentleman from Louisiana [Mr. LIVINGSTON], who has done precisely what he said he has done in regards to getting our discretionary, I emphasize the word discretionary, spending down to reasonable levels. He deserves every accolade in that respect.

But the difference in regard to the LEAP program and the EQUIP program here is that we pay for it. We paid for it out of farm programs payments, out of the CCC fund used by Agriculture that is in the mandatory spending category. That comes under the jurisdiction of the House Committee on Agriculture, and we are cutting those funds dramatically, and in addition to cutting those funds and meeting our budget responsibilities, we also cut them again to provide two vitally needed environmental programs, actually three, EQUIP, LEAP, and the conservation reserve program, and we pay for it.

How do we pay for it? Our farmers know that in facing all of the regulatory overkill and their responsibilities as stewards of the soil, they need programs by which the Federal Government is also in partnership with them to reach our environmental responsibilities and our goals. So we reduced those expenditures. This is paid for, and it is capped. It is capped every year.

Now, I understand that the gentleman from Louisiana and my good friends on the Committee on Appropriations Subcommittee on Agriculture, who do a splendid job for us most of the time, would like to have control over these funds. But, in effect, we have already paid for them out of the farm program benefits that would have gone to farmers.

So we are meeting our budget responsibilities, and we are doing that. And this is the most budget conscious, responsible farm bill that we have ever had. And the program is capped. And we have paid for it, and our farmers have paid for it. It is not a new entitlement. It is a great leap forward, if you will, for the most, for the strongest and the most proenvironmental farm bill that has ever been written.

I would like to at least say I had not expected this kind of a fiscal tirade here this morning, and so if I could be granted some additional time through my friend from New York, I would like to say something positive about the legislation.

This has been a very difficult time, a difficult amendment, but it has been worked out through the diligence of my committee colleague, the gentleman from Nebraska [Mr. BARRETT], and my good friend and colleague, the gentleman from New York [Mr. BOEHLERT], and many others, the gentleman from Minnesota [Mr. PETERSON], on that side of the aisle, myself, the gentleman from Missouri [Mr. EMERSON], and many members of the Committee on Agriculture as a means of addressing several important positive environmental programs. It is a capstone to a truly environmental farm bill.

Under the freedom to farm concept, which is the foundation, we really free farmers from the restrictions of 50 years of federally mandated mono-agriculture. American agriculture will be more environmentally friendly. Our farmers will be free to respond to market signals. They will now be able to rotate their crops and instead of planting the same crop time after time after time after time to protect their acreage base in order to get the Government subsidy, they will follow the market signals and what they should be doing in regard to their environmental responsibilities. That means fewer pesticides. That means less fertilizer. And it means more integrated farm management.

Now, past environmental programs have impacted only a few million acres. Every one of the environmental programs that we have heard about in this Congress before have been piecemeal. Under the freedom to farm bill, we will encourage sound conservation and environmentally positive activity on 300 million acres of U.S. farmlands. That is good for all Americans, and it is also good for the farmer and rancher.

I could go down a long list of environmental and wildlife groups that support this amendment and that also understand it is fiscally responsible because we do pay for it. We have the Farm Bureau, Meat Institute, Sheep Industry Association, Soybean Association, Equipment Manufacturers' Institute. And I will make this part of the RECORD.

In this regard, these are the organizations that support the conservation reserve program, and I certainly want to thank also the gentleman from Texas [Mr. PETE GEREN] for his efforts in this regard.

But the conservation reserve program has been a monumental success. It reduces soil erosion. It improves the surface and ground water quality on environmentally sensitive lands. It sets aside huge blocks of land in the Great Plains and cornbelt for wildlife habitat. We have economic studies that generally have concluded that the CRP has provided public benefits totaling $12.5 billion since 1985, when the CRP was enacted. That is $8.6 billion for fish and wildlife, $3.1 billion in water quality improvements, $1.3 billion in soil productivity, and a half a billion dollars in benefits generally caused by wind erosion. So it is a plus. As well as paying for this, there is a positive benefit.

So this amendment assures the continuation of these benefits and will improve our Nation's water quality.

Now, under the terms of the compromise amendment offered today by the gentleman from Nebraska [Mr. BARRETT] and the gentleman from New York [Mr. BOEHLERT], the CRP will be continued at its current level of 36.4 million acres. I think I have extolled the virtues of the CRP program enough for Members.

I want to say finally, Mr. Chairman, the amendment does establish a new environmental quality incentive program, or EQUIP, for livestock men and other agriculture producers. This new program is similar to the one adopted by the other body. We have cost share and incentive payments made to producers for structural and land management practices.

Let me just say this: This is the strongest proenvironment farm bill ever passed in this Congress. Under freedom to farm, the farmer will no longer be trapped into monoagriculture, putting the seed in the ground to protect his acreage base in order to receive the deficiency payment or the subsidy payments. He has the flexibility. It means less pesticides, less fertilizer, a proenvironment farm bill. It also locks in the ability of farmers to participate in their conservation compliance plan for 7 years.

Otherwise, if you extend the current farm bill, they will probably get out of the farm program, and there is no conservation compliance. Then we have the three programs: the conservation reserve program, EQUIP, and LEAP. They are all good programs, and they are paid for, and they are capped, and it is out of the mandatory fund.

So I know, while the argument of the gentleman from Louisiana can be very, very persuasive in his efforts to reduce our budget exposure, we have already paid for this, Mr. Chairman, lock, stock, and barrel. It is capped, and there will be no more money spent on a so-called entitlement program that is permitted in this program.

As I have said, our farmers have already sacrificed their program benefits to pay for these environmental programs.

Mr. LIVINGSTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, since I am overwhelmed with speakers on my side of the issue, I will engage just a second again.

You know, for the last 14 months I have heard one speaker after another from both sides of the aisle come up and talk about how important it is to balance the budget. We are going to do it, oh, we are going to balance the budget, but not with this program, because this program is a good program, that program is a good program. You know, you need a little more, a little touch-up over here, a little more spending here. In fact, that is what we have been hearing in my 19 years in the U.S. Congress, "We are going to do it one day." But, oh, now that we are really getting serious, now that we are really starting to get a handle on discretionary spending, let us come up with new gimmicks, new tricks, and when you have got a good idea, let's just not worry about the discretionary side of the equation. Let us switch it over to the mandatory side of the equation. Let us just kind of move it over in a bookkeeping entry, lock it into law, make it an entitlement, walk away from it because we know this program is a good one; it will be funded for eternity.

Once we get an entitlement, it will never be cut. You know, I could list 10,000 programs that the U.S. Government engages in that every one of which are good ideas. We might as well just take all 10,000 of them and say they are mandatory and not worry. We could all do what Lamar Alexander said, pack our bags, cut our salaries 100 percent and go home, let Bill Clinton run the Government. Is that what we are supposed to do? Is that really what we are elected to do? Are we elected to take every program known to man that is a good idea? And this is a good idea. There is no doubt about the substance of this program. In fact, there never has been any doubt about the substance of the program.

Just this last year we appropriated $75 million for this program, essentially the same thing. We are already doing it.

But my friends in the farm community say, well, we need to spend more because we need to show the environmentalists that we are really looking out after them. I mean after all, we are spending a lot more money on farm programs in order to justify that and to pass a farm bill. Let us put a little money in for the environmentalists; then we get a lot of votes and pass the bill. That is the key here. That is what we are talking about. "Let's buy the votes." Let us not worry about the fact the last 14 months we have been worrying about a balanced budget and trying to pare down discretionary spending and save money for the taxpayers so that eventually we can turn some back to him. Let us come up with a new, neat environmental idea. Well, not so new, because we have been doing it already on the discretionary side. But let us make it an entitlement. Let us lock it into law so those appropriators cannot ever get to it, so we can never decrease it and we can say to the environmental community, "Look what we have done for you today."

Is that not the same old story we have been telling for the last 50 years?

We take the taxpayers' money. We are looking at them straight in the eye and say, "Look what I've done for you today. Vote for me in the next election."

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. LIVINGSTON. If the gentleman would be happy to yield to me on his time, I would be happy to. I want to say——

Mr. ROBERTS. I do not have any time. I would just like to respond to the gentleman.

Mr. LIVINGSTON. I yield to the gentleman from Kansas, the distinguished chairman of the Committee on Agriculture.

Mr. ROBERTS. Bless your heart. Well, do not wander off.

Mr. LIVINGSTON. I am here.

Mr. ROBERTS. OK. Again, let me say to the gentleman that we all stand in admiration of the gentleman's efforts to cut spending. Nobody has done more in the Congress. But what I would like to try to point out is that we do have two separate pastures in regard to our financial obligation in regard to agriculture. One is the mandatory pasture, and one is the discretionary pasture.

The gentleman has done yeoman work in regards to the discretionary part of the funding. We are in charge of the mandatory part.

Now, we started out at $56.6 billion.

Mr. LIVINGSTON. Reclaiming my time, the gentleman has plenty of time from the gentleman from New York.

Mr. ROBERTS. It will only take 30 seconds.

Mr. LIVINGSTON. I understand the gentleman's point. I will summarize it. Essentially he is saying the appropriators appropriate and the authorizers authorize, and therefore he is going to authorize and take all the money from the taxpayer and make sure that it is locked in.

Look, the bottom line is, with all due respect to my friend, and because my time is limited and I think I might have other speakers before this day is over, the fact that this is a program that might be wise today but someday in the future might be unwise. It might be adjusted. And the point is we should make it discretionary, we should control it.

If, in fact, the money is being wasted, somebody in Congress should say it is being wasted, just like on most of these other programs we have. We should never lock things into law simply because they are a good idea. This is a mistake. It was a mistake to put it in the bill and add $700 million. It is an even worse mistake to put it in as an amendment at $1.4 billion, as the gentleman from New York would do.

I urge my friends to vote down this amendment and vote with me to eliminate this whole bad leap year, leap day LEAP program provision from this bill.

Mr. BOEHLERT. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. DE LA GARZA], the distinguished ranking member of the Committee on Agriculture, and I ask unanimous consent that he be allowed to control that time.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DE LA GARZA. Mr. Chairman, I yield 1 minute to the gentleman from South Dakota [Mr. JOHNSON].

Mr. JOHNSON of South Dakota. Mr. Chairman, I rise in support of the Boehlert-Barrett conservation amendment. It contains the backbone of a comprehensive conservation title that should be in the final version of the farm bill whenever that might come about.

I am pleased that the authority for new enrollments in the Conservation Reserve Program is included. The CRP is of great importance in my State of South Dakota for several reasons, for its impact on cutting soil erosion, increasing water quality and enhancing habitat for wildlife. We have seen pheasant populations in South Dakota head back toward historical, record levels. The same is true of duck populations, which have increased by 30 percent, and songbird populations. Many of the songbirds documented on CRP acreage were previously headed toward decline and facing the possibility of being threatened under the Endangered Species Act.

I am also pleased that the gentleman from Nebraska worked with agricultural interests and wildlife groups to come up with a compromise on the issue of early outs.

The other component of this amendment is the Environmental Quality Incentives Program. I have been working with Chairman ALLARD on a similar provision in the Agriculture Committee. This program will be vital in ensuring the viability of livestock operations throughout the country. The livestock sector is facing devastating swings in market prices and the technical assistance and cost-share funds provided by EQIP may help keep many family operations from going out of business.

I want to commend the livestock and commodity groups in their initiative in working to meet the environmental concerns facing their industry. They want to take an active role in ensuring their operations do not degradate the land they live on or the water their families drink.

As I indicated, this is a start toward a conservation title that can balance the survival of family farms with protection of their land and resources for generations to come. I look forward to working with Chairmen ROBERTS and ALLARD to address the remaining important issues such as commonsense reforms to the Swampbuster provision that they included in H.R. 2973.

□ 0930

Mr. DE LA GARZA. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Minnesota [Mr. PETERSON].

Mr. PETERSON of Minnesota. Mr. Chairman, I am proud to stand today to offer this amendment with the gentleman from New York [Mr. BOEHLERT] and the gentleman from Nebraska [Mr. BARRETT]. On behalf of the Sportsmen's Caucus, which has made the Conservation Reserve Program the main focus of this Congress, we are very pleased with the language that is in this amendment. This is a straight, clean, reauthorization of the Conservation Reservation Program, which is what we have been working for, for the last couple of years.

I think the earlyout provision that has been negotiated with the gentleman from Nebraska [Mr. BARRETT] and others is a good provision which is actually, in my judgment, going to benefit wildlife, because frankly, the first 5 years of these contracts are when they do the best job in providing habitat for wildlife. It might be a good thing to allow these to turn over after 5 years so we can take some of this mature cover and turn it into new cover, which is the best for wildlife.

So, Mr. Chairman, I think we have got a very good compromise put together here. It is going to be good for wildlife, farmers, conservationists, and environmentalists. I am glad to support this.

Mr. BOEHLERT. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska [Mr. BARRETT].

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. BARRETT of Nebraska. I yield to the gentleman from Kansas.

Mr. ROBERTS. Mr. Chairman, I thank the gentleman. It used to be in this body, where we delegated responsibility, we appropriated the credit and sifted the blame. Through the leadership of the gentleman from Louisiana [Mr. LIVINGSTON], we do not do that anymore. Let me point out to the distinguished gentleman from Louisiana, we started with $56.6 billion in the mandatory account, went down to $43 billion, went down to $38 billion, went down to $36 billion. These are farm program payments. The reason we went from 38 to 36 is to pay for this. It is paid. It is capped. It is paid. This is not a new entitlement payment program. We paid for it.

Mr. BARRETT of Nebraska. Mr. Chairman, reclaiming my time, I am pleased that the House actually has an opportunity to discuss a strong amendment to the farm bill such as this amendment. I am particularly excited about the Conservation Reserve Program, as has been pointed out.

As a long time supporter of the Agricultural Marketing Transition Act, I will admit I had a concern about moving a farm bill without a conservation section, which should have been included in the reauthorization of the program itself. Without the Boehlert-Barrett-Peterson amendment, we would be ignoring about 15 million acres of CRP land that will be coming out of the program this year. If you add the CRP contracts to expire next year, we are talking about 24 million acres of land.

So the Conservation Reserve Program, which was established in 1985, helps to protect our soil and water. It is an extremely important matter that we continue the program. It has a wide spectrum of interests, and farmers and environmentalists and sportsmen and the public sector, frankly, get large benefits from the program, and the House should not dismiss our responsibility to reauthorize the program. It is a good amendment, it is an amendment that should be adopted. It will help complete the farm bill and give the House a position on CRP as we go to conference with the Senate.

So, Mr. Chairman, in conclusion, I would say please support the amendment, vote yes on Boehlert-Barrett-Peterson.

Mr. LIVINGSTON. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. FARR].

Mr. FARR of California. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise with a great deal of concern on this amendment. This is an amendment that those of us in the environmental community ought to be embracing. But it has some very serious reservations. In fact, I have a letter here signed by the Sierra Club, the American Farmland Trust, Defenders of Wildlife, Environmental Working Group Humane Society of the United States, Friends of the Earth, the Isaak Walton League of America, the Land Trust Alliance, the Union for Concerned Scientists, Public Voice for Food and Health Policy, the Soil and Water Conservation Society, Sustainable Agriculture Coalition, U.S. PIRG, and the Wallace Institute for Alternative Agriculture, all addressing Members of this body, asking them to vote against the bill because of this provision that is from it.

I have some concerns as I have been working closely through the year, only I think we have a lot of mutual interests. One of my biggest concerns in America is the erosion of good, prime, agriculture land. America seems to be doing urban sprawl better than it can do agriculture policy. So what we want to do, rather than get government highly involved in this, is to allow—we have in America these agriculture land trusts created in counties and States throughout the United States. Those are private, nonprofit entities that go out and buy from willing sellers, willing sellers, development rights that are on agriculture land, so that the agriculture land remains permanently in agriculture. I have been trying to get that amendment into the bill and had a very difficult time because it is always sort of delayed.

The Senate policy allowed that amendment in there, and this amendment does not. So, therefore, I reluctantly have to oppose the Boehlert amendment.

I do so because I believe that this amendment undermines efforts both here in the House and in the Senate to protect farmland from urban sprawl.

I have coauthored legislation with my good friend from Maryland, Mr. GILCHREST, to help the States address the troubling loss of farmland to urbanization—over 1,000,000 acres a year at current rates.

The States have taken the lead in helping farmers keep this land in agriculture and out of the grasp of urban sprawl and the Federal Government should help the States with their efforts.

States like New York, California, Maryland, Pennsylvania, Massachusetts, New Jersey, Michigan, and many others.

A version of our bill was added to the Senate farm bill by Senator SANTORUM.

Before Tuesday, the Boehlert amendment would have included most of the Senate conservation title—including farmland protection.

But Tuesday night, the Boehlert amendment was cut down to a size more acceptable to the environmentally leaning Republican leadership.

Farmland protection was dropped from the bill.

This amendment will hurt the Senate farmland protection provisions in conference.

I believe that a vote for the de la Garza-Clayton fund for rural America amendment is better for farmland protection, better for the, environment, better for rural economies, and better for farmers.

I cannot support this bill if it lacks adequate funding for conservation, research, and rural development.

And I cannot support this bill if it does not help State farmland protection efforts, or undercuts the Senate farmland protection amendment in the conference—as I believe the Boehlert conservation amendment will.

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. FARR. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, I would point out the letter the gentleman just referred to, signed by all the environmental organizations, is silent to this amendment. They are actually supportive of my amendment, opposed though to the bill.

Mr. Chairman, I yield 1 minute to the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Chairman, I thank the gentleman for yielding me time. In my 1 minute I would like to make several points.

One is, who is an environmentalist? I have yet to find anybody who does not believe in clean drinking water. Would not like to see clean water in general. Everybody wants clean air. You talk about environmentalists, but the thrust of matter is about 100 percent of the United States of America is in one way or another an environmentalist.

Second, who owns the land? About 50 percent of the land in America is owned or controlled by our farmers and our ranchers. That is a very important commodity in terms of how we are going to impact our environment.

Next our agricultural interests, also our environmental interests, I have not met many farmers, ranchers, or anybody who deals with that area, who is not interested in the environment.

Finally, there is a very close tie-in between the environment and our agricultural interests. I know in my State of Delaware, in our inland bays where Rehoboth Beach is, which many people know about, we have a lot of farm interests. We have studied those inland bays and realize the impact of fertilizers and other products on them.

Mr. Chairman, I would encourage all of us to support the program.

Mr. LIVINGSTON. Mr. Chairman, by national acclaim, I will take the podium again. I yield myself such time as I may consume.

Mr. Chairman, just so that everybody is absolutely clear, I have already made the point that we are scoring big points in getting discretionary spending under control. What the proponents of this amendment and the later subsequent provision in the agriculture bill do to create the LEAP Program on Leap Day of Leap Year of 1996 is to create a $1.4 billion mandatory program.

Now, there has been some discussion that, well, it is not really a mandatory entitlement. I would only point to the bill itself, in fact to the provision, I think this is the Boehlert amendment, "Title III, Conservation, section 1241, mandatory expenses." The whole program is listed under mandatory expenses.

It says the "Environmental Quality Incentive Program for each of fiscal years 1996 through 2002, $200 million of funds of the Commodity Credit Corporation shall be available." It does not say "may be available" or "may be appropriated" or "might be spent." It says "it shall be available," which means this indeed is a mandatory program. It increases spending.

Now, I have to tell my Republican colleagues, I got this report from the House Republican conference talking points on why you should support the House bill and not support the Senate bill. Well, on the second page, it says the Senate bill is "chock full of new spending." That is the reason you should not vote for the Senate bill.

Well, what are we doing here? Creating a nondiscretionary, mandatory new entitlement for $1.4 billion. Do not come to the Committee on Appropriations and say "We need to cut spending" if you vote for this. This is locked in spending. Nobody can cut it, nobody can adjust it, you just have to spend the money. And when you go back to the campaign trail and say "We have got to do something about the mandatory side of the equation, two-thirds of the Federal budget, two-thirds of $1.6 billion that we spend every year, but we can't do it because we can't get the votes, can't get the support," if you vote for this, you will know why. You can look in the mirror and see the person responsible.

Mr. Chairman, I reserve the balance of my time.

Mr. BOEHLERT. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Chairman, I thank the gentleman from New York for yielding me time, and I thank the gentleman from Kansas for allowing the opportunity to discuss an issue such as conservation.

The previous speaker spoke about an important issue, and that is balancing the budget. He spoke about an important issue in not frivolously spending the taxpayers' dollars in a wasteful manner. We must balance the Federal budget. But in so doing, I think we have to remember that we have to reduce some of the problems that are causing Federal spending to go spiralling out of sight.

If we are dealing with the area of agriculture, how do we save money? We reduce soil erosion, we prevent ground water from becoming contaminated, we reduce the necessity of spending Federal dollars on flooding. How do you do all these things in one particular area in the scheme of things? If we are dealing with agriculture, we need to spend taxpayer money wisely, we need to spend Federal dollars wisely, to reduce the overall mismanagement of things.

So if we can have conservation programs that protect things such as wetlands, which, by the way, are now relatively easily identified and farmers wanted to participate in that so they can encourage the fact that soil will not be eroded anymore, ground water will be clean, we will have areas that will not be flooded anymore, we have areas where fish can spawn, and they want to participate in the best management practices for farming, then we are going to work as a team. It is going to work.

Mr. Chairman, I encourage an aye vote on this amendment.

Mr. LIVINGSTON. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa [Mr. LATHAM].

Mr. LATHAM. Mr. Chairman, I would like to engage the gentleman from New York [Mr. BOEHLERT] in a colloquy. I just want some clarification on different parts of this.

Is there anything in this that requires a whole farm plan?

Mr. BOEHLERT. Mr. Chairman, if the gentleman will yield, there is nothing in there to require a whole farm plan.

Mr. LATHAM. There is no intention that would be part of it?

Mr. BOEHLERT. No intention.

Mr. LATHAM. Under the CRP provision it is added as far as water conditions on the criteria. I want to know, is there an actual effect as far as moving acres out of the Midwest to the Northeast, or is there an intent, or will it have an effect in that regard?

Mr. BOEHLERT. I will be glad to direct that response to the chairman of the full committee. We have had extensive conversations on that.

Mr. ROBERTS. Mr. Chairman, if the gentleman will yield, as the gentleman knows, you are looking at possibly the strongest possible defender of the CRP. To have those acres remain in the Great Plains, where we truly need it in this criteria, there is an out-option. The farmer may leave the Conservation Reserve Program, but not, of course, in terms of the highly environmentally sensitive ground. When he does that, on his own volition, the Secretary then has the same number of acres and money and he can apply it to other sensitive acres. But there is no criteria to move this program from one section of the country to another.

Mr. LATHAM. I would just like to ask the gentleman from New York, as far as the Wetlands Reserve Program, you have got a third permanent, third 30 years, and the others are different time periods. Is there anything as far as new delineations of wetlands?

Mr. BOEHLERT. No, there is not.

Mr. LATHAM. Does the gentleman expect any effect as far as with tying up the one-third as far as being permanent, as to what the anticipated effect will be as far as how many acres currently are permanent and will now be able to go into the 30 and the temporary?

Mr. BOEHLERT. We were anticipating more people would participate in the program.

Mr. LIVINGSTON. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I appreciate my colleagues listening to my extemporaneous tirades here. I just hope that people will reflect that this is serious. This is not about the merits of the program. We have heard a lot of good speakers talk about the merits of the program. I have to agree with that. It is a good program. We would like to appropriate as much money as possible to this program. By the way, I have dairy farmers who probably would avail themselves of the benefits of this program. It is important.

But this is not a debate about the program or the benefits of the program or the merits of the program. This is a debate about whether or not we meant what we said when we said we wanted a balanced budget by the year 2002. Now, it is nice that we come to the floor and debate this issue about the LEAP program on leap day of leap year, 1996. That is interesting. That is coincidental. But the real fact is, are we just pulling the wool over the American people's eyes when we talk about a balanced budget?

I suggest to Members, that they look at the trend that we have created with discretionary spending, and remember, discretionary spending is only one-third of the equation, one-third of the budget of the United States that we spend every year. But we are working on nondefense discretionary, we are getting the sum down. We are serious about trying to save the taxpayers money.

As we all know, however, that other two-thirds is growing. Without a budget agreement, we will not get a handle on it. The last thing we need to do is make the problem worse. The last thing we need to do is create new entitlements. The last thing we need to do is make those entitlements lock in good programs, well-intentioned programs, well-meaning programs, so we cannot ever adjust them. We cannot touch them.

But if you vote for this amendment, if you vote against my provision, in fact, you do not want to balance the budget by the year 2002. Perhaps you mean 3002.

The CHAIRMAN pro tempore. The gentleman from New York [Mr. BOEHLERT] has 2 minutes remaining.

Mr. BOEHLERT. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the principal opponent of this amendment has just made a compelling argument to support the amendment. He said his argument is not about the merits of the program. He said it is a good program, but he is concerned about priorities. So are we. So are the American people.

The election of November 8, 1994, sent a clear, unequivocal message to the Congress of the United States. The American people want smaller, less costly, less intrusive, yet more efficient government. They want us to get our priorities in order. And guess what, they did not send us here to dismantle a quarter of a century of progress in important, sensitive, environmental legislation. Who are the principal stewards of our land? Our farmers, agriculture.

This is our greatest opportunity to do something meaningful to protect our environment. When we want to talk about water quality, are Members not all concerned, as we all should be, when in one of the premier cities of America, Milwaukee, in December 1993, 104 people died because they drank the water from a public water system? That is a cause for concern. If we can do something in just a small way here in this House to prevent that from happening in the future, that is a job well done.

The sportsmen of America, the environmentalists of America, the farmers of America support this amendment because it makes sense for America. I urge my colleagues to join with us in a bipartisan manner and win one for the American people.

Mr. FAZIO of California. Mr. Chairman, Mr. BOEHLERT has been a leader respected on both sides of the aisle for lack of partisanship on environmental issues.

His amendment emphasizes the importance of conservation programs in a total farmland management plan.

It addresses many concerns of USDA Secretary Glickman who says "this bill fails to make changes necessary in conservation programs that would lead to cleaner water and better soil protection."

JIM LIGHTFOOT and I have delivered a letter to Chairman ROBERTS in support of the Conservation Reserve Program.

It is vital to reauthorize the program and permit new sign-ups to keep the program viable and maintain the significant investment made over the past 10 years.

Its absence from the Roberts bill is a glaring omission.

I commend the Boehlert amendment and recommend passage.

Mr. VENTO. Mr. Chairman, I rise to support the Boehlert amendment which represents the only opportunity on this farm legislation to address the Conservation Reserve Program [CRP] and the Wetlands Reserve Program [WRP]. Under the rules of the House we should have had a more open debate and an opportunity for the House to work its will on these important provisions—but were denied that by the closed rule adopted for the consideration of this measure, H.R. 2854.

I am frankly very concerned about the Livestock Environmental Assistance Program embodied in the amendment, not because we do not need to clean up the feedlot seepage and pollution, but because the funding duty to do so will be transferred to the Federal Government in the absence of compliance. Such clean up and pollution prevention should be borne by those responsible for the contamination, the producers in agribusiness.

Furthermore, the limitations on the acreage included in the CRP and the WRP proposal will sharply limit their effectiveness. I am hopeful that there is not an implication in the purchase of easements, a concept, that the Federal Government must pay land owners so that they will not pollute or damage the environment.

Hopefully when and if this overall measure moves to conference, we will see these shortcomings corrected. But this amendment, which will no doubt pass today, is a mixed message and not the best product for a sound conservation policy path in 1996.

Mr. WELLER. Mr. Chairman, I rise in strong support of the Boehlert amendment to H.R. 2854 to add much needed conservation provisions to the Agriculture Market Transition Act.

The Boehlert amendment achieves significant conservation measures that benefit the environment by retiring highly erodible and environmentally sensitive land and protecting wetlands, thereby expanding wildlife habitat, enhancing water quality and restoring soil quality. And, at the same time, this amendment provides necessary reform to improve farm management and operation while preserving profitability for farmers.

I understand the chairman's plans to address conservation efforts in future legislation. But, given the President's much-abused use of the veto pen, I don't think that we can afford to delay consideration of this essential authorization.

The time is now to enact conservation authorization reforms. Authority to enroll new CRP lands expired in 1995. The first CRP contracts expired in October 1995 and contracts covering over half the land in the current program will expire this year and next.

I grew up on a fifth generation family farm and my father taught me the importance of preserving the land for future generations.

Conservation efforts benefit not only the community surrounding contract land, but also across state boundaries. Preserving wildlife habitat for future generations is important to my constituents and our heritage. For example, CRP's wildlife benefits are enjoyed by millions of sportsmen and have generated billions of dollars in economic activity, and restoring and protecting ground water and stream flows for fish, wildlife, and rural communities is essential.

I think it is also important to note that, according to the Congressional Budget Office, Representative BOEHLERT's amendment costs less than half of the Senate provisions, while doing a better job of protecting our soil and water resources.

Mr. Speaker, the time to reauthorize conservation programs is now, and I urge my colleagues to support the Boehlert amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York [Mr. BOEHLERT].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BOEHLERT. Mr. Chairman, I demand a recorded vote.

A recorded vote was orderd.

The vote was taken by electronic device, and there were—ayes 372, noes 37, not voting 22, as follows:

[Roll No 37]

AYES—372

Abercrombie
Ackerman
Allard
Andrews
Bachus
Baesler
Baker (CA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Buyer
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
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Gonzalez
Goodlatte
Gordon
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Gunderson
Gutierrez
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Hall (OH)
Hall (TX)
Hamilton
Harman
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Hastings (FL)
Hastings (WA)
Hayworth
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Heineman
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Hutchinson
Hyde
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Jones
Kanjorski
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Leach
Levin
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Miller (CA)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Ros-Lehtinen
Roth
Roukema
Roybal-Allard
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Studds
Stupak
Talent
Tanner
Tate
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Waldholtz
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman

Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wise
Wolf
Woolsey
Wynn
Yates
Zimmer

NOES—37

Archer
Armey
Baker (LA)
Barton
Chenoweth
Collins (GA)
Crane
DeLay
Farr
Goodling
Hancock
Hansen
Hayes
Herger
Hostettler
Hunter
Istook
Johnson, Sam
Kaptur
Lewis (CA)
Livingston
McDade
Miller (FL)
Neumann
Packard
Pombo
Radanovich
Rogers
Rohrabacher
Royce
Scarborough
Souder
Stump
Tauzin
Vucanovich
Walker
Young (FL)

NOT VOTING—22

Bryant (TX)
Burton
Callahan
Collins (IL)
Dingell
Dixon
Fattah
Furse
Gibbons
Graham
Greenwood
Kasich
Lazio
Maloney
McKinney
Moorhead
Rose
Sisisky
Stokes
Wilson
Young (AK)
Zeliff

☐ 1010

The Clerk announced the following pair:

On this vote:

Mr. Fazio of California for, with Mr. Kasich against.

Messrs. MCDADE, NEUMANN, and SCARBOROUGH changed their vote from "aye" to "no."

Mr. OXLEY and Mr. MCINTOSH changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. (Mrs. WALDHOLTZ). It is now in order to consider amendment No. 10 printed in House Report 104-463.

AMENDMENT OFFERED BY MR. ROTH

Mr. ROTH. Madam Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ROTH:

Add at the end of title IV the following:

Subtitle B—Amendments to Agricultural Trade Development and Assistance Act of 1954 and Related Statutes

SEC. 411. FOOD AID TO DEVELOPING COUNTRIES.

(a) IN GENERAL.—Section 3 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691a) is amended to read as follows:

"SEC. 3. FOOD AID TO DEVELOPING COUNTRIES.

"(a) POLICY.—In light of the Uruguay Round Agreement on Agriculture and the Ministerial Decision on Measures Concerning the Possible Negative Effects of the Reform Program on Least-Developed and Net-Food Importing Developing Countries, the United States reaffirms the commitment of the United States to providing food aid to developing countries.

"(b) SENSE OF CONGRESS.—It is the sense of Congress that—

"(1) the President should initiate consultations with other donor nations to consider appropriate levels of food aid commitments to meet the legitimate needs of developing countries;

"(2) the United States should increase its contribution of bona fide food assistance to developing countries consistent with the Agreement on Agriculture.".

(b) CONFORMING AMENDMENT.—Section 411 of the Uruguay Round Agreements Act (19 U.S.C. 3611) is amended by striking subsection (e).

SEC. 412. TRADE AND DEVELOPMENT ASSISTANCE.

Section 101 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1701) is amended—

(1) by striking "developing countries" each place it appears and inserting "developing countries and private entities"; and

(2) in subsection (b), by inserting "and entities" before the period at the end.

SEC. 413. AGREEMENTS REGARDING ELIGIBLE COUNTRIES AND PRIVATE ENTITIES.

Section 102 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1702) is amended to read as follows:

"SEC. 102. AGREEMENTS REGARDING ELIGIBLE COUNTRIES AND PRIVATE ENTITIES.

"(a) PRIORITY.—In selecting agreements to be entered into under this title, the Secretary shall give priority to agreements providing for the export of agricultural commodities to developing countries that—

"(1) have the demonstrated potential to become commercial markets for competitively priced United States agricultural commodities;

"(2) are undertaking measures for economic development purposes to improve food security and agricultural development, alleviate poverty, and promote broad-based equitable and sustainable development; and

"(3) demonstrate the greatest need for food.

"(b) PRIVATE ENTITIES.—An agreement entered into under this title with a private entity shall require such security, or such other provisions as the Secretary determines necessary, to provide reasonable and adequate assurance of repayment of the financing extended to the private entity.

"(c) AGRICULTURAL MARKET DEVELOPMENT PLAN.—

"(1) DEFINITION OF AGRICULTURAL TRADE ORGANIZATION.—In this subsection, the term 'agricultural trade organization' means a United States agricultural trade organization that promotes the export and sale of a United States agricultural commodity and that does not stand to profit directly from the specific sale of the commodity.

"(2) PLAN.—The Secretary shall consider a developing country for which an agricultural market development plan has been approved under this subsection to have the demonstrated potential to become a commercial market for competitively priced United States agricultural commodities for the purpose of granting a priority under subsection (a).

"(3) REQUIREMENTS.—

"(A) IN GENERAL.—To be approved by the Secretary, an agricultural market development plan shall—

"(i) be submitted by a developing country or private entity, in conjunction with an agricultural trade organization;

"(ii) describe a project or program for the development and expansion of a United States agricultural commodity market in a developing country, and the economic development of the country, using funds derived from the sale of agricultural commodities received under an agreement described in section 101;

"(iii) provide for any matching funds that are required by the Secretary for the project or program;

"(iv) provide for a results-oriented means of measuring the success of the project or program; and

"(v) provide for graduation to the use of non-Federal funds to carry out the project or program, consistent with requirements established by the Secretary.

"(B) AGRICULTURAL TRADE ORGANIZATION.—The project or program shall be designed and carried out by the agricultural trade organization.

"(C) ADDITIONAL REQUIREMENTS.—An agricultural market development plan shall contain such additional requirements as are determined necessary by the Secretary.

"(4) ADMINISTRATIVE COSTS.—

"(A) IN GENERAL.—The Secretary shall make funds made available to carry out this title available for the reimbursement of administrative expenses incurred by agricultural trade organizations in developing, implementing, and administering agricultural market development plans, subject to such requirements and in such amounts as the Secretary considers appropriate.

"(B) DURATION.—The funds shall be made available to agricultural trade organizations for the duration of the applicable agricultural market development plan.

"(C) TERMINATION.—The Secretary may terminate assistance made available under this subsection if the agricultural trade organization is not carrying out the approved agricultural market development plan.".

SEC. 414. TERMS AND CONDITIONS OF SALES.

Section 103 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1703) is amended—

(1) in subsection (a)(2)(A)—

(A) by striking "a recipient country to make"; and

(B) by striking "such country" and inserting "the appropriate country";

(2) in subsection (c), by striking "less than 10 nor"; and

(3) in subsection (d)—

(A) by striking "recipient country" and inserting "developing country or private entity"; and

(B) by striking "7" and inserting "5".

SEC. 415. USE OF LOCAL CURRENCY PAYMENT.

Section 104 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1704) is amended—

(1) in subsection (a), by striking "recipient country" and inserting "developing country or private entity"; and

(2) in subsection (c)—

(A) by striking "recipient country" each place it appears and inserting "appropriate developing country"; and

(B) in paragraph (3), by striking "recipient countries" and inserting "appropriate developing countries".

SEC. 416. ELIGIBLE ORGANIZATIONS.

Section 202 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1722) is amended—

(1) by striking subsection (b) and inserting the following:

"(b) NONEMERGENCY ASSISTANCE.—

"(1) IN GENERAL.—The Administrator may provide agricultural commodities for nonemergency assistance under this title through eligible organizations (as described in subsection (d)) that have entered into an agreement with the Administrator to use the commodities in accordance with this title.

"(2) LIMITATION.—The Administrator may not deny a request for funds or commodities submitted under this subsection because the program for which the funds or commodities are requested—

"(A) would be carried out by the eligible organization in a foreign country in which the Agency for International Development does not have a mission, office, or other presence; or

"(B) is not part of a development plan for the country prepared by the Agency."; and

(2) in subsection (e)—

(A) in the subsection heading, by striking "PRIVATE VOLUNTARY ORGANIZATIONS AND COOPERATIVES" and inserting "ELIGIBLE ORGANIZATIONS";

(B) in paragraph (1)—

(i) by striking "$13,500,000" and inserting "$28,000,000"; and

(ii) by striking "private voluntary organizations and cooperatives to assist such organizations and cooperatives" and inserting "eligible organizations described in subsection (d), to assist the organizations";

(C) in paragraph (3), by striking "a private voluntary organization or cooperative, the Administrator may provide assistance to that organization or cooperative" and inserting "an eligible organization, the Administrator may provide assistance to the eligible organization".

SEC. 417. GENERATION AND USE OF FOREIGN CURRENCIES.

Section 203 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1723) is amended—

(1) in subsection (a), by inserting ", or in a country in the same region," after "in the recipient country";

(2) in subsection (b)—

(A) by inserting "or in countries in the same region," after "in recipient countries,"; and

(B) by striking "10 percent" and inserting "15 percent";

(3) in subsection (c), by inserting "or in a country in the same region," after "in the recipient country,"; and

(4) in subsection (d)(2), by inserting "or within a country in the same region" after "within the recipient country".

SEC. 418. GENERAL LEVELS OF ASSISTANCE UNDER PUBLIC LAW 480.

Section 204(a) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1724(a)) is amended—

(1) in paragraph (1), by striking "amount that" and all that follows through the period at the end and inserting "amount that for each of fiscal years 1996 through 2002 is not less than 2,025,000 metric tons.";

(2) in paragraph (2), by striking "amount that" and all that follows through the period at the end and inserting "amount that for each of fiscal years 1996 through 2002 is not less than 1,550,000 metric tons."; and

(3) in paragraph (3), by adding at the end the following: "No waiver shall be made before the beginning of the applicable fiscal year.".

SEC. 419. FOOD AID CONSULTATIVE GROUP.

Section 205 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1725) is amended—

(1) in subsection (a), by striking "private voluntary organizations, cooperatives and indigenous non-governmental organizations" and inserting "eligible organizations described in section 202(d)(1)";

(2) in subsection (b)—

(A) in paragraph (2), by striking "for International Affairs and Commodity Programs" and inserting "of Agriculture for Farm and Foreign Agricultural Services";

(B) in paragraph (4), by striking "and" at the end;

(C) in paragraph (5), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(6) representatives from agricultural producer groups in the United States.";

(3) in the second sentence of subsection (d), by inserting "(but at least twice per year)" after "when appropriate"; and

(4) in subsection (f), by striking "1995" and inserting "2002".

SEC. 420. SUPPORT OF NONGOVERNMENTAL ORGANIZATIONS.

(a) IN GENERAL.—Section 306(b) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1727e(b)) is amended—

(1) in the subsection heading, by striking "INDIGENOUS NON-GOVERNMENTAL" and inserting "NONGOVERNMENTAL"; and

(2) by striking "utilization of indigenous" and inserting "utilization of".

(b) CONFORMING AMENDMENT.—Section 402 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1732) is amended by striking paragraph (6) and inserting the following:

"(6) NONGOVERNMENTAL ORGANIZATION.—The term 'nongovernmental organization' means an organization that works at the local level to solve development problems in a foreign country in which the organization is located, except that the term does not include an organization that is primarily an agency or instrumentality of the government of the foreign country.".

SEC. 421. COMMODITY DETERMINATIONS.

Section 401 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1731) is amended—

(1) by striking subsections (a) through (d) and inserting the following:

"(a) AVAILABILITY OF COMMODITIES.—No agricultural commodity shall be available for disposition under this Act if the Secretary determines that the disposition would reduce the domestic supply of the commodity below the supply needed to meet domestic requirements and provide adequate carryover (as determined by the Secretary), unless the Secretary determines that some part of the supply should be used to carry out urgent humanitarian purposes under this Act.";

(2) by redesignating subsections (e) and (f) as subsections (b) and (c), respectively; and

(3) in subsection (c) (as so redesignated), by striking "(e)(1)" and inserting "(b)(1)".

SEC. 422. GENERAL PROVISIONS.

Section 403 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1733) is amended—

(1) in subsection (b)—

(A) in the subsection heading, by striking "CONSULTATIONS" and inserting "IMPACT ON LOCAL FARMERS AND ECONOMY"; and

(B) by striking "consult with" and all that follows through "other donor organizations to";

(2) in subsection (c)—

(A) by striking "from countries"; and

(B) by striking "for use" and inserting "or use";

(3) in subsection (f)—

(A) by inserting "or private entities, as appropriate," after "from countries"; and

(B) by inserting "or private entities" after "such countries"; and

(4) in subsection (i)(2), by striking subparagraph (C).

SEC. 423. AGREEMENTS.

Section 404 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1734) is amended—

(1) in subsection (a), by inserting "with foreign countries" after "Before entering into agreements";

(2) in subsection (b)(2)—

(A) by inserting "with foreign countries" after "with respect to agreements entered into"; and

(B) by inserting before the semicolon at the end the following: "and broad-based economic growth"; and

(3) in subsection (c), by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—Agreements to provide assistance on a multi-year basis to recipient countries or to eligible organizations—

"(A) may be made available under titles I and III; and

"(B) shall be made available under title II.".

SEC. 424. ADMINISTRATIVE PROVISIONS.

Section 407 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736a) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting "or private entity that enters into an agreement under title I" after "importing country"; and

(B) in paragraph (2), by adding at the end the following: "Resulting contracts may contain such terms and conditions as the Secretary determines are necessary and appropriate.";

(2) in subsection (c)—

(A) in paragraph (1)(A), by inserting "importer or" before "importing country"; and

(B) in paragraph (2)(A), by inserting "importer or" before "importing country";

(3) in subsection (d)—

(A) by striking paragraph (2) and inserting the following:

"(2) FREIGHT PROCUREMENT.—Notwithstanding the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) or other similar provisions of law relating to the making or performance of Federal Government contracts, ocean transportation under titles II and III may be procured on the basis of such full and open competitive procedures. Resulting contracts may contain such terms and conditions, as the Administrator determines are necessary and appropriate."; and

(B) by striking paragraph (4);

(4) in subsection (g)(2)—

(A) in subparagraph (B), by striking "and" at the end;

(B) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(D) an assessment of the progress towards achieving food security in each country receiving food assistance from the United States Government, with special emphasis on the nutritional status of the poorest populations in each country."; and

(5) by striking subsection (h).

SEC. 425. EXPIRATION DATE.

Section 408 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736b) is amended by striking "1995" and inserting "2002".

SEC. 426. REGULATIONS.

Section 409 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736c) is repealed.

SEC. 427. INDEPENDENT EVALUATION OF PROGRAMS.

Section 410 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736d) is repealed.

SEC. 428. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 412 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736f) is amended—

(1) by striking subsections (b) and (c) and inserting the following:

"(b) TRANSFER OF FUNDS.—Notwithstanding any other provision of law, the President may direct that—

"(1) up to 15 percent of the funds available for any fiscal year for carrying out title I or III of this Act be used to carry out any other title of this Act; and

"(2) up to 100 percent of funds available for title III be used to carry out title II."; and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(b) RELATION TO OTHER WAIVER.—Section 204(a)(3) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1724(a)(3)) is amended by inserting "all authority to transfer from title I under section 412 has been exercised with respect to that fiscal year and" after "any fiscal year if".

SEC. 429. COORDINATION OF FOREIGN ASSISTANCE PROGRAMS.

Section 413 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736g) is amended by inserting "title III of" before "this Act" each place it appears.

SEC. 430. USE OF CERTAIN LOCAL CURRENCY.

Title IV of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1731 et seq.) (as amended by section 222) is further amended by adding at the end the following:

"SEC. 416. USE OF CERTAIN LOCAL CURRENCY.

"Local currency payments received by the United States pursuant to agreements entered into under title I (as in effect on November 27, 1990) may be utilized by the Secretary in accordance with section 108 (as in effect on November 27, 1990).".

SEC. 431. LEVEL OF ASSISTANCE TO FARMER TO FARMER PROGRAM.

Section 501(c) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1737(c)) is amended—

(1) by striking "0.2" and inserting "0.4";

(2) by striking "0.1" and inserting "0.2"; and

(3) by striking "1991 through 1995" and inserting "1996 through 2002".

SEC. 432. FOOD SECURITY COMMODITY RESERVE.

(a) FOOD SECURITY COMMODITY RESERVE ACT OF 1995.—The title heading of title III of the Agricultural Act of 1980 (7 U.S.C. 1736f–1 note) is amended by striking "**FOOD SECURITY WHEAT RESERVE ACT OF 1980**" and inserting "**FOOD SECURITY COMMODITY RESERVE ACT OF 1995**".

(b) SHORT TITLE.—Section 301 of the Act (7 U.S.C. 1736f–1 note) is amended by striking "Food Security Wheat Reserve Act of 1980" and inserting "Food Security Commodity Reserve Act of 1995".

(c) IN GENERAL.—Section 302 of the Act (7 U.S.C. 1736f–1) is amended—

(1) in the section heading, by striking "**FOOD SECURITY WHEAT RESERVE**" and inserting "**FOOD SECURITY COMMODITY RESERVE**";

(2) so that subsection (a) reads as follows:

"(a) IN GENERAL.—To provide for a reserve solely to meet emergency humanitarian food needs in developing countries, the Secretary shall establish a reserve stock of wheat, rice, corn, or sorghum, or any combination of the commodities, totaling not more than 4,000,000 metric tons for use as described in subsection (c).";

(3) so that subsection (b)(1) reads as follows:

"(b) COMMODITIES IN RESERVE.—

"(1) IN GENERAL.—The reserve established under this section shall consist of—

"(A) wheat in the reserve established under the Food Security Commodity Reserve Act of 1980 as of the date of enactment of the Food For Peace Reauthorization Act of 1995;

"(B) wheat, rice, corn, and sorghum (referred to in this section as 'eligible commodities') acquired in accordance with paragraph (2) to replenish eligible commodities released from the reserve, including wheat to replenish wheat released from the reserve established under the Food Security Wheat Reserve Act of 1980 but not replenished as of the date of enactment of the Food For Peace Reauthorization Act of 1995; and

"(C) such rice, corn, and sorghum as the Secretary of Agriculture (referred to in this section as the 'Secretary') may, at such time and in such manner as the Secretary determines appropriate, acquire as a result of exchanging an equivalent value of wheat in the reserve established under this section.";

(4) in subsection (b)(2)—

(A) by striking "(2)(A) Subject to" and inserting the following:

"(2) REPLENISHMENT OF RESERVE.—

"(A) IN GENERAL.—Subject to";

(B) in subparagraph (A)—

(i) by striking "(i) of this section stocks of wheat" and inserting "(i) stocks of eligible commodities";

(ii) in clause (ii), by striking "stocks of wheat" and inserting "stocks of eligible commodities"; and

(iii) in the second sentence, by striking "wheat" and inserting "eligible commodities"; and

(C) in subparagraph (B)—

(i) by striking "(B) Not later" and inserting "(B) TIME FOR REPLENISHMENT OF RESERVE.—Not later"; and

(ii) in clause (ii), by striking "wheat" and inserting "eligible commodities";

(5) so that subsections (c) through (f) read as follows:

"(c) RELEASE OF ELIGIBLE COMMODITIES.—

"(1) DETERMINATION.—If the Secretary determines that the amount of commodities allocated for minimum assistance under section 204(a)(1) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1724(a)(1)) less the amount of commodities allocated for minimum non-emergency assistance under section 204(a)(2) of the Act (7 U.S.C. 1724(a)(2)) will be insufficient to meet the need for commodities for emergency assistance under section 202(a) of the Act (7 U.S.C. 1722(a)), the Secretary in any fiscal year may release from the reserve—

"(A) up to 500,000 metric tons of wheat or the equivalent value of eligible commodities other than wheat; and

"(B) any eligible commodities which under subparagraph (A) could have been released but were not released in prior fiscal years.

"(2) AVAILABILITY OF COMMODITIES.—Commodities released under paragraph (1) shall be made available under title II of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1721 et seq.) for emergency assistance.

"(3) EXCHANGE.—The Secretary may exchange an eligible commodity for another United States commodity of equal value, including powdered milk, pulses, and vegetable oil.

"(4) USE OF NORMAL COMMERCIAL PRACTICES.—To the maximum extend practicable consistent with the fulfillment of the purposes of this section and the effective and efficient administration of this section, the Secretary shall use the usual and customary channels, facilities, arrangements, and practices of the trade and commerce.

"(5) WAIVER OF MINIMUM TONNAGE REQUIREMENTS.—Nothing in this subsection shall require the exercise of the waiver under section 204(a)(3) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1724(a)(3)) as a prerequisite for the release of eligible commodities under this subsection.

"(d) TRANSPORTATION AND HANDLING COSTS.—

"(1) IN GENERAL.—The cost of transportation and handling of eligible commodities released from the reserve established under this section shall be paid by the Commodity Credit Corporation in accordance with section 406 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736).

"(2) REIMBURSEMENT.—

"(A) IN GENERAL.—The Commodity Credit Corporation shall be reimbursed for the costs incurred under paragraph (1) from the funds made available to carry out the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.).

"(B) BASIS FOR REIMBURSEMENT.—The reimbursement shall be made on the basis of the lesser of the actual cost incurred by the Commodity Credit Corporation less any savings achieved as a result of decreased storage and handling costs for the reserve.

"(C) DECREASED STORAGE AND HANDLING COSTS.—For purposes of this subsection, 'decreased storage and handling costs' shall mean the total actual costs for storage and handling incurred by the Commodity Credit Corporation for the reserve established under title III of the Agricultural Act of 1980 in fiscal year 1995 less the total actual costs for storage and handling incurred by the Corporation for the reserve established under this Act in the fiscal year for which the savings are calculated.

"(e) MANAGEMENT OF RESERVE.—The Secretary shall provide for—

"(1) the management of eligible commodities in the reserve as to location and quality of commodities needed to meet emergency situations; and

"(2) the periodic rotation of eligible commodities in the reserve to avoid spoilage and deterioration of such stocks.

"(f) TREATMENT OF RESERVE UNDER OTHER LAW.—Eligible commodities in the reserve established under this section shall not be—

"(1) considered a part of the total domestic supply (including carryover) for the purpose of administering the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.); and

"(2) subject to any quantitative limitation on exports that may be imposed under section 7 of the Export Administration Act of 1979 (50 U.S.C. App. 2406).";

(6) in subsection (g)—

(A) by striking "(g)(1) The" and inserting the following:

"(g) USE OF COMMODITY CREDIT CORPORATION.—The";

(B) by striking "wheat" and inserting "an eligible commodity"; and

(C) by striking paragraph (2);

(7) in subsection (h)—

(A) by striking "(h) Any" and inserting:

"(h) FINALITY OF DETERMINATION.—Any"; and

(B) by striking "President or the Secretary of Agriculture" and inserting "Secretary"; and

(8) in subsection (i)—

(A) by striking "(i) The" and inserting:

"(i) TERMINATION OF AUTHORITY.—The";

(B) by striking "wheat" each place it appears and inserting "eligible commodities"; and

(C) by striking "1995" each place it appears and inserting "2002".

(d) EFFECTIVE DATE.—Section 303 of the Act (7 U.S.C. 1736–1 note) is amended by striking "October 1, 1980" and all that follows through the end of the section and inserting "on the date of enactment of this Act.".

(e) CONFORMING AMENDMENT.—Section 208(d)(2) of the Agriculture Trade Suspension Adjustment Act of 1980 (7 U.S.C. 4001(d)(2)) is amended to read as follows:

"(2) APPLICABILITY OF CERTAIN PROVISIONS.—Subsections (b)(2), (c), (e), and (f) of section 302 of the Food Security Commodity Reserve Act of 1995 shall apply to commodities in any reserve established under paragraph (1), except that the references to 'eligible commodities' in the subsections shall be deemed to be references to 'agricultural commodities'.".

SEC. 423. FOOD FOR PROGRESS PROGRAM.

The Food for Progress Act of 1985 (7 U.S.C. 1736o) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by striking "(b)(1)" and inserting "(b)"; and

(ii) in the first sentence, by inserting "intergovernmental organizations" after "cooperatives"; and

(B) by striking paragraph (2);

(2) in subsection (e)(4), by striking "203" and inserting "406";

(3) in subsection (f)—

(A) in paragraph (1), by striking "in the case of the independent states of the former Soviet Union,";

(B) by striking paragraph (2);

(C) in paragraph (4), by inserting "in each of fiscal years 1996 through 2002" after "may be used"; and

(D) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively;

(4) in subsection (g), by striking "1995" and inserting "2002";

(5) in subsection (j), by striking "shall" and inserting "may";

(6) in subsection (k), by striking "1995" and inserting "2002";

(7) in subsection (l)(1)—

(A) by striking "1991 through 1995" and inserting "1996 through 2002"; and

(B) by inserting ", and to provide technical assistance for monetization programs," after "monitoring of food assistance programs"; and

(8) in subsection (m)—

(A) by striking "with respect to the independent states of the former Soviet Union";

(B) by striking "private voluntary organizations and cooperatives" each place it appears and inserting "agricultural trade organizations, intergovernmental organizations, private voluntary organizations, and cooperatives"; and

(C) in paragraph (2), by striking "in the independent states".

Subtitle C—Amendments to Agricultural Trade Act of 1978

SEC. 451. AGRICULTURAL EXPORT PROMOTION STRATEGY.

(a) IN GENERAL.—Section 103 of the Agricultural Trade Act of 1978 (7 U.S.C. 5603) is amended to read as follows:

"SEC. 103. AGRICULTURAL EXPORT PROMOTION STRATEGY.

"(a) IN GENERAL.—The Secretary shall develop a strategy for implementing Federal agricultural export promotion programs that takes into account the new market opportunities for agricultural products, including opportunities that result from—

"(1) the North American Free Trade Agreement and the Uruguay Round Agreements;

"(2) any accession to membership in the World Trade Organization;

"(3) the continued economic growth in the Pacific Rim; and

"(4) other developments.

"(b) PURPOSE OF STRATEGY.—The strategy developed under subsection (a) shall encourage the maintenance, development, and expansion of export markets for United States agricultural commodities and related products, including high-value and value-added products.

"(c) GOALS OF STRATEGY.—The strategy developed under subsection (a) shall have the following goals:

"(1) By September 30, 2002, increasing the value of annual United States agricultural exports to $60,000,000,000.

"(2) By September 30, 2002, increasing the United States share of world export trade in agricultural products significantly above the average United States share from 1993 through 1995.

"(3) By September 30, 2002, increasing the United States share of world trade in high-value agricultural products to 20 percent.

"(4) Ensuring that the value of United States exports of agricultural products increases at a faster rate than the rate of increase in the value of overall world export trade in agricultural products.

"(5) Ensuring that the value of United States exports of high-value agricultural products increases at a faster rate than the rate of increase in overall world export trade in high-value agricultural products.

"(6) Ensuring to the extent practicable that—

"(A) substantially all obligations undertaken in the Uruguay Round Agreement on Agriculture that provide significantly increased access for United States agricultural commodities are implemented to the extent required by the Uruguay Round Agreements; or

"(B) applicable United States trade laws are used to secure United States rights under the Uruguay Round Agreement on Agriculture.

"(d) PRIORITY MARKETS.—

"(1) IDENTIFICATION OF MARKETS.—In developing the strategy required under subsection (a), the Secretary shall identify as priority markets—

"(A) those markets in which imports of agricultural products show the greatest potential for increase by September 30, 2002; and

"(B) those markets in which, with the assistance of Federal export promotion programs, exports of United States agricultural products show the greatest potential for increase by September 30, 2002.

"(2) IDENTIFICATION OF SUPPORTING OFFICES.—The President shall identify annually in the budget of the United States Government submitted under section 1105 of title 31, United States Code, each overseas office of the Foreign Agricultural Service that provides assistance to United States exporters in each of the priority markets identified under paragraph (1).

"(e) REPORT.—Not later than December 31, 2001, the Secretary shall prepare and submit a report to Congress assessing progress in meeting the goals established by subsection (c).

"(f) FAILURE TO MEET GOALS.—Notwithstanding any other law, if the Secretary determines that more than 2 of the goals established by subsection (c) are not met by September 30, 2002, the Secretary may not carry out agricultural trade programs under the Agricultural Trade Act of 1978 (7 U.S.C. 5601 et seq.) as of that date.

"(g) NO PRIVATE RIGHT OF ACTION.—This section shall not create any private right of action.".

(b) CONTINUATION OF FUNDING.—

(1) IN GENERAL.—If the Secretary of Agriculture makes a determination under section 103(f) of the Agricultural Trade Act of 1978 (as amended by subsection (a)), the Secretary shall utilize funds of the Commodity Credit Corporation to promote United States agricultural exports in a manner consistent with the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.) and obligations pursuant to the Uruguay Round Agreements.

(2) FUNDING.—The amount of Commodity Credit Corporation funds used to carry out paragraph (1) during a fiscal year shall not exceed the total outlays for agricultural trade programs under the Agricultural Trade Act of 1978 (7 U.S.C. 5601 et seq.) during fiscal year 2002.

(c) ELIMINATION OF REPORT.—

(1) IN GENERAL.—Section 601 of the Agricultural Trade Act of 1978 (7 U.S.C. 5711) is repealed.

(2) CONFORMING AMENDMENT.—The last sentence of section 603 of the Agricultural Trade Act of 1978 (7 U.S.C. 5713) is amended by striking ", in a consolidated report," and all that follows through "section 601" and inserting "or in a consolidated report".

SEC. 452. EXPORT CREDITS.

(a) EXPORT CREDIT GUARANTEE PROGRAM.—Section 202 of the Agricultural Trade Act of 1978 (7 U.S.C. 5622) is amended—

(1) in subsection (a)—

(A) by striking "GUARANTEES.—The" and inserting the following: "GUARANTEES.—

"(1) IN GENERAL.—The"; and

(B) by adding at the end the following:

"(2) SUPPLIER CREDITS.—In carrying out this section, the Commodity Credit Corporation may issue guarantees for the repayment of credit made available for a period of not more than 180 days by a United States exporter to a buyer in a foreign country.";

(2) in subsection (f)—

(A) by striking "(f) RESTRICTIONS.—The" and inserting the following:

"(f) RESTRICTIONS.—

"(1) IN GENERAL.—The"; and

(B) by adding at the end the following:

"(2) CRITERIA FOR DETERMINATION.—In making the determination required under paragraph (1) with respect to credit guarantees under subsection (b) for a country, the Secretary may consider, in addition to financial, macroeconomic, and monetary indicators—

"(A) whether an International Monetary Fund standby agreement, Paris Club rescheduling plan, or other economic restructuring plan is in place with respect to the country;

"(B) the convertibility of the currency of the country;

"(C) whether the country provides adequate legal protection for foreign investments;

"(D) whether the country has viable financial markets;

"(E) whether the country provides adequate legal protection for the private property rights of citizens of the country; and

"(F) any other factors that are relevant to the ability of the country to service the debt of the country.";

(3) by striking subsection (h) and inserting the following:

"(h) UNITED STATES AGRICULTURAL COMPONENTS.—The Commodity Credit Corporation shall finance or guarantee under this section only United States agricultural commodities.";

(4) in subsection (i)—

(A) by striking "INSTITUTIONS.—A financial" and inserting the following: "INSTITUTIONS.—

"(1) IN GENERAL.—A financial";

(B) by striking paragraph (1);

(C) by striking "(2) is" and inserting the following:

"(A) is";

(D) by striking "(3) is" and inserting the following:

"(B) is"; and

(E) by adding at the end the following:

"(2) THIRD COUNTRY BANKS.—The Commodity Credit Corporation may guarantee under subsections (a) and (b) the repayment of credit made available to finance an export sale irrespective of whether the obligor is located in the country to which the export sale is destined."; and

(5) by striking subsection (k) and inserting the following:

"(k) PROCESSED AND HIGH-VALUE PRODUCTS.—

"(1) IN GENERAL.—In issuing export credit guarantees under this section, the Commodity Credit Corporation shall, subject to paragraph (2), ensure that not less than 25 percent for each of fiscal years 1996 and 1997, 30 percent for each of fiscal years 1998 and 1999, and 35 percent for each of fiscal years 2000, 2001, and 2002, of the total amount of credit guarantees issued for a fiscal year is issued to promote the export of processed or high-value agricultural products and that the balance is issued to promote the export of bulk or raw agricultural commodities.

"(2) LIMITATION.—The percentage requirement of paragraph (1) shall apply for a fiscal year to the extent that a reduction in the total amount of credit guarantees issued for the fiscal year is not required to meet the percentage requirement.".

(b) FUNDING LEVELS.—Section 211(b) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641(b)) is amended—

(1) by striking paragraph (2);

(2) by redesignating subparagraph (B) of paragraph (1) as paragraph (2) and indenting the margin of paragraph (2) (as so redesignated) so as to align with the margin of paragraph (1); and

(3) by striking paragraph (1) and inserting the following:

"(1) EXPORT CREDIT GUARANTEES.—The Commodity Credit Corporation shall make available for each of fiscal years 1996 through 2002 not less than $5,500,000,000 in credit guarantees under subsections (a) and (b) of section 202.".

(c) DEFINITIONS.—Section 102(7) of the Agricultural Trade Act of 1978 (7 U.S.C. 5602(7)) is amended by striking subparagraphs (A) and (B) and inserting the following:

"(A) an agricultural commodity or product entirely produced in the United States; or

"(B) a product of an agricultural commodity—

"(i) 90 percent or more of the agricultural components of which by weight, excluding packaging and added water, is entirely produced in the United States; and

"(ii) that the Secretary determines to be a United States high value agricultural product.".

(d) REGULATIONS.—Not later than 180 days after the effective date of this title, the Secretary of Agriculture shall issue regulations to carry out the amendments made by this section.

SEC. 453. EXPORT PROGRAM AND FOOD ASSISTANCE TRANSFER AUTHORITY.

The Secretary of Agriculture shall fully utilize and aggressively implement the full range of agricultural export programs authorized in this Act and any other Act, in any combination, to help United States agriculture maintain and expand export markets, promote United States agricultural commodity and product exports, counter subsidized foreign competition, and capitalize on potential new market opportunities. Consistent with United States obligations under GATT, if the Secretary determines that funds available under 1 or more export subsidy programs cannot be fully or effectively utilized for such programs, the Secretary may utilize such funds for other authorized agricultural export and food assistance programs to achieve the above objectives and to further enhance the overall global competitiveness of United States agriculture. Funds so utilized shall be in addition to funds which may otherwise be authorized or appropriated for such other agricultural export programs.

SEC. 454. ARRIVAL CERTIFICATION.

Section 401 of the Agricultural Trade Act of 1978 (7 U.S.C. 5662(a)) is amended by striking subsection (a) and inserting the following:

"(a) ARRIVAL CERTIFICATION.—With respect to a commodity provided, or for which financing or a credit guarantee or other assistance is made available, under a program authorized in section 201, 202, or 301, the Commodity Credit Corporation shall require the exporter of the commodity to maintain records of an official or customary commercial nature or other documents as the Secretary may require, and shall allow representatives of the Commodity Credit Corporation access to the records or documents as needed, to verify the arrival of the commodity in the country that was the intended destination of the commodity.".

SEC. 455. REGULATIONS.

Section 404 of the Agricultural Trade Act of 1978 (7 U.S.C. 5664) is repealed.

SEC. 456. FOREIGN AGRICULTURAL SERVICE.

Section 503 of the Agricultural Trade Act of 1978 (7 U.S.C. 5693) is amended to read as follows:

"SEC. 503. ESTABLISHMENT OF THE FOREIGN AGRICULTURAL SERVICE.

"The Service shall assist the Secretary in carrying out the agricultural trade policy and international cooperation policy of the United States by—

"(1) acquiring information pertaining to agricultural trade;

"(2) carrying out market promotion and development activities;

"(3) providing agricultural technical assistance and training; and

"(4) carrying out the programs authorized under this Act, the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.), and other Acts.".

SEC. 457. REPORTS.

The first sentence of section 603 of the Agricultural Trade Act of 1978 (7 U.S.C. 5713) is amended by striking "The" and inserting "Subject to section 217 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6917), the".

Subtitle D—Miscellaneous

SEC. 471. REPORTING REQUIREMENTS RELATING TO TOBACCO.

Section 214 of the Tobacco Adjustment Act of 1983 (7 U.S.C. 509) is repealed.

SEC. 472. TRIGGERED EXPORT ENHANCEMENT.

(a) READJUSTMENT OF SUPPORT LEVELS.—Section 1302 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508; 7 U.S.C. 1421 note) is repealed.

(b) TRIGGERED MARKETING LOANS AND EXPORT ENHANCEMENT.—Section 4301 of the Omnibus Trade and Competitiveness Act of 1988 (Public Law 100-418; 7 U.S.C. 1446 note) is repealed.

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective beginning with the 1996 crops of wheat, feed grains, upland cotton, and rice.

SEC. 473. DISPOSITION OF COMMODITIES TO PREVENT WASTE.

Section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by inserting after the first sentence the following: "The Secretary may use funds of the Commodity Credit Corporation to cover administrative expenses of the programs.";

(B) in paragraph (7)(D)(iv), by striking "one year of acquisition" and all that follows and inserting the following: "a reasonable length of time, as determined by the Secretary, except that the Secretary may permit the use of proceeds in a country other than the country of origin—

"(I) as necessary to expedite the transportation of commodities and products furnished under this subsection; or

"(II) if the proceeds are generated in a currency generally accepted in the other country.";

(C) in paragraph (8), by striking subparagraph (C); and

(D) by striking paragraphs (10), (11), and (12); and

(2) by striking subsection (c).

SEC. 474. DEBT-FOR-HEALTH-AND-PROTECTION SWAP.

(a) IN GENERAL.—Section 1517 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1706) is repealed.

(b) CONFORMING AMENDMENT.—Subsection (e)(3) of the Food for Progress Act of 1985 (7 U.S.C. 1736o(e)(3)) is amended by striking "section 106" and inserting "section 103".

SEC. 475. POLICY ON EXPANSION OF INTERNATIONAL MARKETS.

Section 1207 of the Agriculture and Food Act of 1981 (7 U.S.C. 1736m) is repealed.

SEC. 476. POLICY ON MAINTENANCE AND DEVELOPMENT OF EXPORT MARKETS.

Section 1121 of the Food Security Act of 1985 (7 U.S.C. 1736p) is amended—

(1) by striking subsection (a); and

(2) in subsection (b)—

(A) by striking "(b)"; and

(B) by striking paragraphs (1) through (4) and inserting the following:

"(1) be the premier supplier of agricultural and food products to world markets and expand exports of high value products;

"(2) support the principle of free trade and the promotion of fair trade in agricultural commodities and products;

"(3) cooperate fully in all efforts to negotiate with foreign countries further reductions in tariff and nontariff barriers to trade, including sanitary and phytosanitary measures and trade-distorting subsidies;

"(4) aggressively counter unfair foreign trade practices as a means of encouraging fairer trade;".

SEC. 477. POLICY ON TRADE LIBERALIZATION.

Section 1122 of the Food Security Act of 1985 (7 U.S.C. 1736q) is repealed.

SEC. 478. AGRICULTURAL TRADE NEGOTIATIONS.

Section 1123 of the Food Security Act of 1985 (7 U.S.C. 1736r) is amended to read as follows:

"SEC. 1123. TRADE NEGOTIATIONS POLICY.

"(a) FINDINGS.—Congress finds that—

"(1) on a level playing field, United States producers are the most competitive suppliers of agricultural products in the world;

"(2) exports of United States agricultural products will account for $54,000,000,000 in 1995, contributing a net $24,000,000,000 to the merchandise trade balance of the United States and supporting approximately 1,000,000 jobs;

"(3) increased agricultural exports are critical to the future of the farm, rural, and overall United States economy, but the opportunities for increased agricultural exports are limited by the unfair subsidies of the competitors of the United States, and a variety of tariff and nontariff barriers to highly competitive United States agricultural products;

"(4) international negotiations can play a key role in breaking down barriers to United States agricultural exports;

"(5) the Uruguay Round Agreement on Agriculture made significant progress in the attainment of increased market access opportunities for United States exports of agricultural products, for the first time—

"(A) restraining foreign trade-distorting domestic support and export subsidy programs; and

"(B) developing common rules for the application of sanitary and phytosanitary restrictions;

that should result in increased exports of United States agricultural products, jobs, and income growth in the United States;

"(6) the Uruguay Round Agreement on Agriculture did not succeed in completely eliminating trade distorting domestic support and export subsidies by—

"(A) allowing the European Union to continue unreasonable levels of spending on export subsidies; and

"(B) failing to discipline monopolistic state trading entities, such as the Canadian Wheat Board, that use nontransparent and discriminatory pricing as a hidden de facto export subsidy;

"(7) during the period 1996 through 2002, there will be several opportunities for the United States to negotiate fairer trade in agricultural products, including further negotiations under the World Trade Organization, and steps toward possible free trade agreements of the Americas and Asian-Pacific Economic Cooperation (APEC); and

"(8) the United States should aggressively use these opportunities to achieve more open and fair opportunities for trade in agricultural products.

"(b) Goals of the United States in Agricultural Trade Negotiations.—The objectives of the United States with respect to future negotiations on agricultural trade include—

"(1) increasing opportunities for United States exports of agricultural products by eliminating tariff and nontariff barriers to trade;

"(2) leveling the playing field for United States producers of agricultural products by limiting per unit domestic production supports to levels that are no greater than those available in the United States;

"(3) ending the practice of export dumping by eliminating all trade distorting export subsidies and disciplining state trading entities so that they do not (except in cases of bona fide food aid) sell in foreign markets at below domestic market prices nor their full costs of acquiring and delivering agricultural products to the foreign markets; and

"(4) encouraging government policies that avoid price-depressing surpluses.".

SEC. 479. POLICY ON UNFAIR TRADE PRACTICES.

Section 1164 of the Food Security Act of 1985 (Public Law 99–198; 99 Stat. 1499) is repealed.

SEC. 480. AGRICULTURAL AID AND TRADE MISSIONS.

(a) In General.—The Agricultural Aid and Trade Missions Act (7 U.S.C. 1736bb et seq.) is repealed.

(b) Conforming Amendment.—Section 7 of Public Law 100–277 (7 U.S.C. 1736bb note) is repealed.

SEC. 481. ANNUAL REPORTS BY AGRICULTURAL ATTACHES.

Section 108(b)(1)(B) of the Agricultural Act of 1954 (7 U.S.C. 1748(b)(1)(B)) is amended by striking "including fruits, vegetables, legumes, popcorn, and ducks".

SEC. 482. WORLD LIVESTOCK MARKET PRICE INFORMATION.

Section 1545 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 7 U.S.C. 1761 note) is repealed.

SEC. 483. ORDERLY LIQUIDATION OF STOCKS.

Sections 201 and 207 of the Agricultural Act of 1956 (7 U.S.C. 1851 and 1857) are repealed.

SEC. 484. SALES OF EXTRA LONG STAPLE COTTON.

Section 202 of the Agricultural Act of 1956 (7 U.S.C. 1852) is repealed.

SEC. 485. REGULATIONS.

Section 707 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (Public Law 102–511; 7 U.S.C. 5621 note) is amended by striking subsection (d).

SEC. 486. EMERGING MARKETS.

(a) Promotion of Agricultural Exports to Emerging Markets.—

(1) Emerging markets.—Section 1542 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 7 U.S.C. 5622 note) is amended—

(A) in the section heading, by striking "**EMERGING DEMOCRACIES**" and inserting "**EMERGING MARKETS**";

(B) by striking "emerging democracies" each place it appears in subsections (b), (d), and (e) and inserting "emerging markets";

(C) by striking "emerging democracy" each place it appears in subsection (c) and inserting "emerging market"; and

(D) by striking subsection (f) and inserting the following:

"(f) Emerging Market.—In this section and section 1543, the term 'emerging market' means any country that the Secretary determines—

"(1) is taking steps toward a market-oriented economy through the food, agriculture, or rural business sectors of the economy of the country; and

"(2) has the potential to provide a viable and significant market for United States agricultural commodities or products of United States agricultural commodities.".

(2) Funding.—Section 1542 of the Food, Agriculture, Conservation, and Trade Act of 1990 is amended by striking subsection (a) and inserting the following:

"(a) Funding.—The Commodity Credit Corporation shall make available for fiscal years 1996 through 2002 not less than $1,000,000,000 of direct credits or export credit guarantees for exports to emerging markets under section 201 or 202 of the Agricultural Trade Act of 1978 (7 U.S.C. 5621 and 5622), in addition to the amounts acquired or authorized under section 211 of the Act (7 U.S.C. 5641) for the program.".

(3) Agricultural fellowship program.—Section 1542 of the Food, Agriculture, Conservation, and Trade Act of 1990 is amended—

(A) in subsection (b), by striking the last sentence and inserting the following: "The Commodity Credit Corporation shall give priority under this subsection to—

"(A) projects that encourage the privatization of the agricultural sector or that benefit private farms or cooperatives in emerging markets; and

"(B) projects for which nongovernmental persons agree to assume a relatively larger share of the costs."; and

(B) in subsection (d)—

(i) in the matter preceding paragraph (1), by striking "the Soviet Union" and inserting "emerging markets";

(ii) in paragraph (1)—

(I) in subparagraph (A)(i)—

(aa) by striking "1995" and inserting "2002"; and

(bb) by striking "those systems, and identify" and inserting "the systems, including potential reductions in trade barriers, and identify and carry out";

(II) in subparagraph (B), by striking "shall" and inserting "may";

(III) in subparagraph (D), by inserting "(including the establishment of extension services)" after "technical assistance";

(IV) by striking subparagraph (F);

(V) by redesignating subparagraphs (G), (H), and (I) as subparagraphs (F), (G), and (H), respectively; and

(VI) in subparagraph (H) (as redesignated by subclause (V)), by striking "$10,000,000" and inserting "$20,000,000";

(iii) in paragraph (2)—

(I) by striking "the Soviet Union" each place it appears and inserting "emerging markets";

(II) in subparagraph (A), by striking "a free market food production and distribution system" and inserting "free market food production and distribution systems";

(III) in subparagraph (B)—

(aa) in clause (i), by striking "Government" and inserting "governments";

(bb) in clause (iii)(II), by striking "and" at the end;

(cc) in clause (iii)(III), by striking the period at the end and inserting "; and"; and

(dd) by adding at the end of clause (iii) the following:

"(IV) to provide for the exchange of administrators and faculty members from agricultural and other institutions to strengthen and revise educational programs in agricultural economics, agribusiness, and agrarian law, to support change towards a free market economy in emerging markets.";

(IV) by striking subparagraph (D); and

by redesignating subparagraph (E) as subparagraph (D); and

(iv) by striking paragraph (3).

(4) United States agricultural commodity.—Subsections (b) and (c) of section 1542 of the Food, Agriculture, Conservation, and Trade Act of 1990 are amended by striking "section 101(6)" each place it appears and inserting "section 102(7)".

(5) Report.—The first sentence of section 1542(e)(2) of the Food, Agriculture, Conservation, and Trade Act of 1990 is amended by striking "Not" and inserting "Subject to section 217 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6917), not".

(b) Agricultural Fellowship Program for Middle Income Countries, Emerging Democracies, and Emerging Markets.—Section 1543 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 3293) is amended—

(1) in the section heading, by striking "**MIDDLE INCOME COUNTRIES AND EMERGING DEMOCRACIES**" and inserting "**MIDDLE INCOME COUNTRIES, EMERGING**

DEMOCRACIES, AND EMERGING MARKETS";

(2) in subsection (b), by adding at the end the following:

"(5) Emerging Market.—Any emerging market, as defined in section 1542(f)."; and

(3) in subsection (c)(1), by striking "food needs" and inserting "food and fiber needs".

(c) Conforming Amendments.—

(1) Section 501 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1737) is amended—

(A) in subsection (a), by striking "emerging democracies" and inserting "emerging markets"; and

(B) in subsection (b), by striking paragraph (1) and inserting the following:

"(1) Emerging Market.—The term 'emerging market' means any country that the Secretary determines—

"(A) is taking steps toward a market-oriented economy through the food, agriculture, or rural business sectors of the economy of the country; and

"(B) has the potential to provide a viable and significant market for United States agricultural commodities or products of United States agricultural commodities.".

(2) Section 201(d)(1)(C)(ii) of the Agricultural Trade Act of 1978 (7 U.S.C. 5621(d)(1)(C)(ii)) is amended by striking "emerging democracies" and inserting "emerging markets".

(3) Section 202(d)(3)(B) of the Agricultural Trade Act of 1978 (7 U.S.C. 5622(d)(3)(B)) is amended by striking "emerging democracies" and inserting "emerging markets".

SEC. 487. IMPLEMENTATION OF COMMITMENTS UNDER URUGUAY ROUND AGREEMENTS.

Part III of subtitle A of title IV of the Uruguay Round Agreements Act (Public Law 103–465; 108 Stat. 4964) is amended by adding at the end the following:

"SEC. 427. IMPLEMENTATION OF COMMITMENTS UNDER URUGUAY ROUND AGREEMENTS.

"Not later than September 30 of each fiscal year, the Secretary of Agriculture shall determine whether the obligations undertaken by foreign countries under the Uruguay Round Agreement on Agriculture are being fully implemented. If the Secretary of Agriculture determines that any foreign country, by not implementing the obligations of the country, is significantly constraining an opportunity for United States agricultural exports, the Secretary shall—

"(1) submit to the United States Trade Representative a recommendation as to whether the President should take action under any provision of law; and

"(2) transmit a copy of the recommendation to the Committee on Agriculture, the Committee on International Relations, and the Committee on Ways and Means, of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Finance, of the Senate.".

SEC. 488. SENSE OF CONGRESS CONCERNING MULTILATERAL DISCIPLINES ON CREDIT GUARANTEES.

It is the sense of Congress that—

(1) in negotiations to establish multilateral disciplines on agricultural export credits and credit guarantees, the United States should not agree to any arrangement that is incompatible with the provisions of United States law that authorize agricultural export credits and credit guarantees;

(2) in the negotiations (which are held under the auspices of the Organization for Economic Cooperation and Development), the United States should not reach any agreement that fails to impose disciplines on the practices of foreign government trading entities such as the Australian Wheat Board and Canadian Wheat Board; and

(3) the disciplines should include greater openness in the operations of the entities as long as the entities are subsidized by the foreign government or have monopolies for exports of a commodity that are sanctioned by the foreign government.

SEC. 489. FOREIGN MARKET DEVELOPMENT COOPERATOR PROGRAM.

The Agricultural Trade Act of 1978 (7 U.S.C. 5601 et seq.) is amended by adding at the end the following:

"TITLE VII—FOREIGN MARKET DEVELOPMENT COOPERATOR PROGRAM

"SEC. 701. DEFINITION OF ELIGIBLE TRADE ORGANIZATION.

"In this title, the term 'eligible trade organization' means a United States trade organization that—

"(1) promotes the export of 1 or more United States agricultural commodities or products; and

"(2) does not have a business interest in or receive remuneration from specific sales of agricultural commodities or products.

"SEC. 702. FOREIGN MARKET DEVELOPMENT COOPERATOR PROGRAM.

"(a) In General.—The Secretary shall establish and, in cooperation with eligible trade organizations, carry out a foreign market development cooperator program to maintain and develop foreign markets for United States agricultural commodities and products.

"(b) Administration.—Funds made available to carry out this title shall be used only to provide—

"(1) cost-share assistance to an eligible trade organization under a contract or agreement with the organization; and

"(2) assistance for other costs that are necessary or appropriate to carry out the foreign market development cooperator program, including contingent liabilities that are not otherwise funded.

"SEC. 703. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title such sums as may be necessary for each of fiscal years 1996 through 2002.".

Subtitle E—Dairy Exports

SEC. 491. DAIRY EXPORT INCENTIVE PROGRAM.

(a) In General.—Section 153(c) of the Food Security Act of 1985 (15 U.S.C. 713a–14(c)) is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting ";"; and

(3) by adding at the end the following new paragraphs:

"(3) the maximum volume of dairy product exports allowable consistent with the obligations of the United States as a member of the World Trade Organization are exported under the program each year (minus the volume sold under section 1163 of the Food Security Act of 1985 (7 U.S.C. 1731 note) during that year), except to the extent that the export of such a volume under the program would, in the judgment of the Secretary, exceed the limitations on the value set forth in subsection (f); and

(4) payments may be made under the program for exports to any destination in the world for the purpose of market development, except a destination in a country with respect to which shipments from the United States are otherwise restricted by law.".

(b) Sole Discretion.—Section 153(b) of the Food Security Act of 1985 (15 U.S.C. 713a–14(b)) is amended by inserting "sole" before "discretion".

(c) Market Development.—Section 153(e)(1) of the Food Security Act of 1985 (15 U.S.C. 713a–14(e)(1)) is amended—

(1) by striking "and" and inserting "the"; and

(2) by inserting before the period the following: ", and any additional amount that may be required to assist in the development of world markets for United States dairy products".

(d) Maximum Allowable Amounts.—Section 153 of the Food Security Act of 1985 (15 U.S.C. 713a–14) is amended by adding at the end the following:

"(f) Required Funding.—The Commodity Credit Corporation shall in each year use money and commodities for the program under this section in the maximum amount consistent with the obligations of the United States as a member of the World Trade Organization, minus the amount expended under section 1163 of the Food Security Act of 1985 (7 U.S.C. 1731 note) during that year. However, the Commodity Credit Corporation may not exceed the limitations specified in subsection (c)(3) on the volume of allowable dairy product exports.".

(e) Conforming Amendment.—Section 153(a) of the Food Security Act of 1985 (15 U.S.C. 713a–14(a)) is amended by striking "2001" and inserting "2002".

SEC. 492. AUTHORITY TO ASSIST IN ESTABLISHMENT AND MAINTENANCE OF EXPORT TRADING COMPANY.

The Secretary of Agriculture shall, consistent with the obligations of the United States as a member of the World Trade Organization, provide such advice and assistance to the United States dairy industry as may be necessary to enable that industry to establish and maintain an export trading company under the Export Trading Company Act of 1982 (15 U.S.C. 4001 et seq.) for the purpose of facilitating the international market development for and exportation of dairy products produced in the United States.

SEC. 493. STANDBY AUTHORITY TO INDICATE ENTITY BEST SUITED TO PROVIDE INTERNATIONAL MARKET DEVELOPMENT AND EXPORT SERVICES.

(a) Indication of Entity Best Suited to Assist International Market Development for and Export of United States Dairy Products.—If—

(1) the United States dairy products has not established an export trading company under the Export Trading Company Act of 1982 (15 U.S.C. 4001 et seq.) for the purpose of facilitating the international market development for and exportation of dairy products produced in the United States on or before June 30, 1996; or

(2) the quantity of exports of United States dairy products during the 12-month period preceding July 1, 1997 does not exceed the quantity of exports of United States dairy products during the 12-month period preceding July 1, 1996 by 1.5 billion pounds (milk equivalent, total solids basis);

the Secretary of Agriculture is directed to indicate which entity autonomous of the Government of the United States is best suited to facilitate the international market development for and exportation of United States dairy products.

(b) Funding of Export Activities.—The Secretary shall assist the entity in identifying sources of funding for the activities specified in subsection (a) from within the dairy industry and elsewhere.

(c) Application of Section.—This section shall apply only during the period beginning on July 1, 1997 and ending on September 30, 2000.

SEC. 494. STUDY AND REPORT REGARDING POTENTIAL IMPACT OF URUGUAY ROUND ON PRICES, INCOME AND GOVERNMENT PURCHASES.

(a) STUDY.—The Secretary of Agriculture shall conduct a study, on a variety by variety of cheese basis, to determine the potential impact on milk prices in the United States, dairy producer income, and Federal dairy program costs, of the allocation of additional cheese granted access to the United States as a result of the obligations of the United States as a member of the World Trade Organization.

(b) REPORT.—Not later than June 30, 1997, the Secretary shall report to the Committees on Agriculture of the Senate and the House of Representatives the results of the study conducted under this section.

(c) RULE OF CONSTRUCTION.—Any limitation imposed by Act of Congress on the conduct or completion of studies or reports to Congress shall not apply to the study and report required under this section unless such limitation explicitly references this section in doing so.

SEC. 495. PROMOTION OF UNITED STATES DAIRY PRODUCTS IN INTERNATIONAL MARKETS THROUGH DAIRY PROMOTION PROGRAM.

Section 113(e) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4504(e)) is amended by adding at the end the following new sentence: "For each of the fiscal years 1996 through 2000, the Board's budget shall provide for the expenditure of not less than 10 percent of the anticipated revenues available to the Board to develop international markets for, and to promote within such markets, the consumption of dairy products produced in the United States from milk produced in the United States.".

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Wisconsin [Mr. ROTH] and a Member opposed will each be recognized for 15 minutes.

Is the gentleman from Kansas [Mr. ROBERTS] opposed to the amendment?

Mr. ROBERTS. Yes, Madam Chairman, I am.

The CHAIRMAN pro tempore. The gentleman from Kansas [Mr. ROBERTS] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, we all heard the arguments, here on the floor, that under this bill Congress is basically phasing out Federal Government support for agriculture.

People on our farms work 7 days a week—52 weeks a year—to put food on our tables. We can not abandon these people. What the farmers need are markets.

If we make it possible for our farmers to export that will be more beneficial than any Government program. Today, many overseas doors are slammed shut to our farmers.

As chairman of the Trade Subcommittee, I can tell you that, without a doubt, our foreign competitors are rubbing their hands with glee. They are anticipating the opportunity to grab our market share.

We are not going to let foreign agriculture decimate our domestic agricultural industry and rob us of our overseas markets.

The Senate bill has addressed this issue. The Senate understands that we need to continue helping our farmers with opening markets.

This amendment reauthorizes our farm export credit programs. These initiatives are essential if American agriculture is to be competitive in international markets.

This amendment continues, for example, our Public Law 480 Food Program.

As has been referred to here on the floor, the Agriculture Committee has held hearings on this bill all over America and the message from America's farmers is that they want a chance to compete in markets here at home and in markets overseas. This amendment makes that possible.

This amendment also makes the remaining programs more efficient by eliminating outdated rules.

Due to the welter of change taking place in agriculture, we must reduce the level of bureaucracy and give more elbow room to the Secretary of Agriculture.

We have seen in the Presidential primaries that unfair trade practices are receiving, as they should, the attention of the American people. This amendment combats unfair trade practices.

All of our competitors are subsidizing their farmers and exporters. Without this amendment, American farmers have no defenses against unfair trade practices.

Therefore, our farmers are asking for this amendment, so they will not be totally disadvantaged in competition for overseas markets.

The 1995 trade figures are in, and the merchandise deficit was $174 billion. Agriculture was the one bright light.

We increased our farm exports by $10 billion. Why? Because these programs made that success possible. They are trade lifelines to American farmers.

This amendment is essential to continuing our exports of farm products.

Without this amendment, our trade deficit will get worse and worse. That is why every major farm group is supporting this amendment.

This amendment provides the leadership that our farmers are crying out for.

I ask a "yes" vote on this amendment.

Madam Chairman, I reserve the balance of my time.

Mr. ROBERTS. Madam Chairman, I yield 3 minutes to the gentlewoman from Idaho [Mrs. CHENOWETH], a valued member of the committee.

Mrs. CHENOWETH. Madam Chairman, I thank the gentleman from Kansas for yielding time to me, and I thank the chairman of the Committee on Agriculture for all of his hard work. This has been a difficult road and the expertise that we have seen and his leadership has been remarkable.

I rise in opposition to the Roth amendment because, the Roth amendment preempts a careful, reasoned formulation of agriculture trade policy and strategy for the next 7 years. The Roth amendment sets forth a 7-year plan for U.S. food assistance and a 7-year plan for an agriculture trade strategy and agriculture export programs. This is accomplished without the benefit of any discussion or consultation with members of the committee of jurisdiction, the Agriculture Committee. Not only does the Roth amendment reject the ideas of members of the Agriculture Committee, it rejects and precludes the ideas of the other members of the Committee on International Relations.

The Roth amendment takes the Senate-passed provisions on agriculture export programs and trade strategy and adopts them. No House Members are given the opportunity to have their views on agriculture export programs and trade incorporated. The House of Representatives should not rubber-stamp the actions of the Senate.

Members of the Agriculture Committee have introduced a comprehensive bill to provide American farmers with regulatory relief that will enable them to compete in a very competitive global environment. It is the intention of the chairman of the Agriculture Committee to consider this bill and have the final product reflect the views of members of the Agriculture Committee. The Roth amendment precludes this step for agriculture trade programs.

The authors of this amendment assume they have the final word on agriculture export policy. By taking the Senate language they have cut off debate. The Roth amendment effectively ends discussions and reforms of important agriculture export programs such as the Market Promotion Program and the Export Enhancement Program. It cuts off debate on this very important subject—one that is essential to the prosperity of U.S. farmers. This is wrong, especially in a time that our competitors are rearming and setting up programs to gain control of global markets in the Pacific Rim and Latin America.

The Roth amendment is short-sighted in its agriculture trade strategy. By setting a goal of increasing agriculture exports to $60 billion by 2002, it effectively holds our current trade levels in place. According to USDA, agriculture exports will reach the $60 billion level this year. The Roth amendment wants to maintain the status quo for agriculture trade. This would be a disaster for U.S. farmers and ranchers—the most efficient and productive in the word—who depend on export markets.

The Roth amendment terminates all agriculture export programs if the unilateral goals of the amendment's trade strategy are not met. A trade strategy in which not one member of the Agriculture Committee and only a few in the International Relations committee participated should not dictate the future of American agriculture.

Members of the Agriculture Committee want to participate in formulation of an agriculture and trade policy essential to the well-being of U.S. farmers. All Members will be precluded from participating in this debate under the Roth amendment. Amendments Members want to include in a farm bill trade title include:

Protection from trade embargoes that have a detrimental effect on agriculture producers. Embargoes cede world market share to our competitors. The Roth amendment offers no protection for U.S. farmers against devastating trade embargoes.

Requiring the Secretary to monitor compliance of the World Trade Organization member countries with the GATT provisions on sanitary and phytosanitary measures. U.S. farmers can be wiped out by nontariff trade barriers erected by foreign countries. Our farmers have experienced this in the past and we want to take steps to prevent this from happening again.

Reform of the credit-worthiness standards for the credit guarantee program so that financing requirements can better match the credit guarantee. We need to update our credit programs to take advantage of all export opportunities available.

Significant reform of the Market Promotion Program and the Export Enhancement Program. These are two of the essential programs needed to counteract the trade practices of our competitors. We want to ensure they are responsible, flexible, and respond to current trade situations.

☐ 1015

Mr. ROTH. Madam Chairman, I yield 2 minutes to the gentleman from New York [Mr. GILMAN], the chairman of the Committee on International Relations, the committee of jurisdiction in this area.

Mr. GILMAN. Madam Chairman, I thank the gentleman for yielding me the time.

Madam Chairman, I support Chairman ROBERTS' bill and hope that it is expeditiously passed by the House and signed by the President. I want to work with him and the leadership to make certain that our demonestic agriculture programs are put on a firm footing following the expiration of the 1990 farm bill. I want to commend on distinguished Agriculture Committee chairman Mr. ROBERTS, for an excellent bill and for his diligent, hard work on behalf of America's farmers.

I sponsored the amendment now before us in the hope of bringing agricultural trade and aid programs into the bill before us.

As members of the Agriculture Committee are aware, the International Relations Committee shares jurisdiction with the Agriculture Committee over agricultural trade issues and international food aid programs. Our committee marked up our portions of both the 1985 and 1990 farm bills and had a major impact on their final product. Many members of my committee, most notably Messrs. BEREUTER, ROTH, and HAMILTON, strongly support our international trade and aid programs that directly benefit U.S. agriculture. We held hearings this summer on both trade and aid issues.

It is my understanding that the Senate companion to the bill before us included both the trade and aid reauthorizations in the final bill that passed the Senate floor. It is my understanding that the Senate would like to see trade and aid programs authorized in the legislation now to come before the House. It is also my understanding that the administration, specifically the U.S. Agency for International Development, supports this amendment as presented here today, along with CARE, Catholic Relief Services, Save the Children, World Vision, and many other international humanitarian organizations ending hunger around the world.

In short, the amendment would reauthorize trade and aid programs for the term of the farm bill. We were not insisting on specifics—that is for the upcoming conference. We merely want to improve the chances of language authorizing these programs to survive the upcoming conference on the farm bill.

I want to thank Messrs. ROTH, HALL, and HAMILTON for their support on this amendment. I also want to especially thank Mr. BEREUTER and his staff for the work they have contributed to it. I look forward to working with them, Chairman ROBERTS and the leadership to resolve these issues to ensure America's agricultural trade and aid programs remain a strong part of our economic and foreign policy. I strongly urge Members to support the Gilman-Hamilton-Roth-Bereuter-Hall amendment.

Mr. ROBERTS. Madam Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. HOKE].

Mr. HOKE. Madam Chairman, I thank the gentleman for yielding me the time, and I thank the chairman for the work he has done on this bill. It has been a long hard road for the chairman, I know, and we all appreciate the work he has done.

Madam Chairman, I am speaking in opposition to this amendment and in support of the chairman's position here. I think it is a terrible mistake to try to ram through another 7 years of these programs without the debate that they deserve.

Madam Chairman, I want to speak specifically to one of these programs, Public Law 480, because if I had the opportunity to participate in the debate about Public Law 480, this is what I would say: The program, Public Law 480 and particularly title I in Public Law 480, is often euphemistically called food for peace or humanitarian aid. But the fact is that we cover humanitarian aid under title III of Public Law 480. In fact what title I is all about is corporate welfare for agriconglomerates and we are not even talking about American agriconglomerates. Look at the figures. The No. 3 recipient of these subsidies from 1990 through 1995 was Bunge Corp. of Germany, $258 million; Louis Dreyfus Corp. of France, No. 4, $236 million. Then we have Toshoku Inc., Japanese company, $64 million; Mitsubishi, Japanese company, $50 million; Marubeni America Corp., a Japanese company, $37 million; Gersony-Strauss and Zen-Noh Grain, another Japanese company.

These are not American companies. Yet that is where our U.S. taxpayer dollars are going in this Public Law 480 title I program. That is not right. It is not right to use American taxpayer dollars that way. Not only that, not only that, but by giving away these farm products to less developed countries, what we are doing is we are making it impossible for self-sustained independent agricultural economies to develop in these countries. We lower the price at which Third World farmers can sell their crops, we depress the local food supplies and we make it harder for those poor countries to feed themselves in the long run.

This is not humanitarian aid. It is covered under title III. There is plenty of humanitarian aid. But what we are doing instead of teaching people how to fish, we give them the fish and then we entrap them in this program that comes under the guise of food for peace or humanitarian aid, when we know doggone well that what it really is about is, it is really about corporate U.S. taxpayer welfare for agriconglomerates, many of whom, with hundreds of millions of dollars in receipts, are actually foreign-owned companies.

Madam Chairman, I include the following data for the RECORD:

PUBLIC LAW 480, TITLE I SUPPLIER SUBSIDIES FOR FISCAL YEARS 1990–95

Name	Amount	Percent
1. Continental Grain Co. Inc. (US) [a]	$523,245,770.00	21.24
2. Cargill Inc. (US) [b]	456,611,376.90	18.54
3. Bunge Corp. (Germany) [c]	258,191,751.00	10.48
4. Louis Dreyfus Corp. (France) [d]	236,665,060.90	9.61
5. Archer Daniels Midland Co. Inc. (US) [e]	135,223,076.30	5.49
6. ConAgra Inc. (US) [f]	92,573,510.73	3.76
7. Goldman Sachs Group, LP (US) [g]	66,725,631.11	2.71
8. Toshoku America Inc. (Japan)	64,639,493.90	2.62
9. Farmland Industries Inc. (US)	59,864,466.84	2.43
10. Harvest States Cooperatives Inc. (US) [h]	52,513,100.43	2.13
11. Mitsubishi Int'l Corp. (Japan) [i]	49,943,857.86	2.03
12. Marubeni America Corp. (Japan) [j]	37,165,648.19	1.51
13. Gersony-Strauss Co. Inc. (US) [k]	33,127,828.76	1.34
14. Zen-Noh Grain Corp. (Japan) [l]	29,019,459.21	1.18
15. Central States Enterprises (US) [m]	25,700,677.71	1.04

[a]—1996 Forbes 500 largest private company rating: #4.

[b]—1996 Forbes 500 largest private company rating: #1.

[c]—1994 US subsidiary sales of $1.3 billion.

[d]—1994 US subsidiary sales of $1.1 billion.

[e]—1994 Forbes 500 largest public company rating: #76 (1995 sales of $12.8 billion with $643.6 million in net profits).

[f]—1994 Forbes 500 largest public company rating: #21 (1995 sales of $24.3 billion with $477 million in net profits).

[g]—1996 Forbes 500 largest private company rating: #6.

[h]—1994 sales of $3.8 billion.

[i]—1995 transactions of $200.8 billion.

[j]—1994 transactions of $14.5 billion.

[k]—1994 sales of $770,000.

[l]—1994 sales of $2 billion.

m—1994 sales of $109 million.

Public Law 480, Title I Supplier Subsidies for Fiscal Years 1990–95

[Total: $2,463,436,086.67 (49 companies); US: $1,706,910,866.37 (69.29%) (33 companies); Foreign: $756,525,220.30 (30.71%) (16 companies); Top Five: (65.36%) Top Ten: (79.01%) Top Fifteen: (86.11%)]

United States:	
Adolph Hanslik Cotton Company Inc	$429,750.00
Aljoma Lumber Inc	438,237.21
Archer Daniels Midland Company Inc	135,223,076.30
ADM Export Co.	
ADM Milling	
Bartlett and Company Inc	18,706,602.81
Bartlett Milling Co.	
Calcott Ltd Inc	9,011,281.36
Cargill Inc	456,611,376.90
Cargill Rice Inc.	
Hohenberg Brothers Company Inc.	
Caribbean Lumber Company Inc	94,248.13
Central National-Gottesman Inc	128,269.86
Lindenmyer Munroe Division	
Central States Enterprises Inc	25,700,677.71
Cereal Food Processors Inc	7,390,529.39
Conagra Inc	92,573,510.73
Alliance Grain Company Inc.	
Armour Processed Meat Company	
Peavey Company	
Connell Rice and Sugar Company	2,276,033.44
Continental Grain Company Inc	523,245,770.00
Farmland Industries Inc	59,864,466.84
Tradigrain Inc.	
Georgia-Pacific Corporation	1,110,458.64
Gersony-Strauss Company Inc	33,127,828.76
Golden Peanut Company	7,355,216.45
Goldman Sachs Group, LP	66,725,631.11
J. Aron and Company	
Gulf South Forest Products Inc	45,101.85
Harvest States Cooperatives Inc	52,513,100.43
GTA Feeds	
Jacob Stern and Sons Inc	16,420,098.35
Acme-Hardesty Company	
Lombard and Company Inc	3,013,657.50
Norfoods Incorporated	4,099,151.08
Garnac Grain Company Inc.	
Pasternak, Baum and Company Inc	14,247,324.27
Phillips Grain Company Inc	6,254,169.20
P S International Inc	2,316,600.00
P S International Ltd.	
Riceland Foods Inc	3,991,879.05
Sunbelt Cotton Co	313,750.00
Supreme Rice Mill Inc	8,625,064.67
Temple-Inland Inc	107,434.65
Weil Brothers-Cotton Incorporated	5,062,725.17
France:	
Louis Dreyfus Holding Company Inc	236,665,060.90
Louis Dreyfus Corporation	
Allenberg Cotton Company	
Allenberg Cotton Division	
Germany:	
Bunge Corporation	258,191,751.00
Bunge Commodities Group	
Japan:	
Global Rice Corporation Ltd	11,521,300.94
Granplex Inc	14,214,434.11
Itochu International Inc	1,425,094.02
C. ITOH and Company (America) Inc.	
Marubeni America Corporation	37,165,648.19
Columbia Grain International Inc.	
Mitsubishi International Corp	49,943,857.86
Mitsui and Company USA Inc	6,392,139.44
Mitsui Grain Corporation	
United Grain Corporation of Oregon Inc.	
United Grain Corporation	
Sumitomo Corporation of America	4,940,586.82
Toshoku America Inc	64,639,493.90
Zen-Noh Grain Corp	29,019,459.21
Foreign (Origin Uncertain):	
Artfer Inc	1,533,542.85
CAM USA Inc	
Grand Metropolitan Inc	9,821,111.13
The Pillsbury Company Inc.	
Incotrade Inc	10,057,545.57
Intrade Toepfer US Holdings Inc	20,994,194.80
Alfred C. Toepfer International Inc.	
A.C. Toepfer International	

Mr. ROTH. Madam Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. HAMILTON] who has spent years and years on this topic.

Mr. HAMILTON. I thank the gentleman from Wisconsin for yielding me the time. I want to commend my colleagues, the gentleman from Wisconsin [Mr. ROTH], the gentleman from Nebraska [Mr. BEREUTER], the gentleman from Ohio [Mr. HALL] and others who have worked on this amendment which I strongly support.

Madam Chairman, so far as I know, the substance of this amendment really is relatively noncontroversial. It is supported by every major farm group. I do want to say to the chairman of the Ag Committee that I have appreciated his leadership on this bill. I support this bill. I think he has done a good job on it. So far as I know, the difference here lies largely in tactics. My view is that we have the opportunity now to strengthen these export and trade provisions. It may be the only opportunity we will have to vote on it in the House this year, and we should do so.

The conference committee is already going to include these issues on trade and food aid. It is in the Senate bill, it is in this bill.

Although the provisions of the Roth amendment strengthen our ability to export and our ability to use food aid as a tool of American foreign policy, the weakness in this bill today it seems to me is it kind of tries to divide into two discrete sectors, one domestic, the other international, the American farm economy, and you just cannot do that. We want a whole bill here that strengthens both the domestic and the international aspects of American farm policy.

I think we must worry much less, Madam Chairman, about the jurisdiction of the various committees here and worry much more about the status of the American farmer. The American farmer needs the export tools that are available in the Roth amendment and he needs the market created by the food aid provisions in this amendment as well.

U.S. farm export and food aid programs have served the American national interest for years, they have promoted billions of dollars in export sales and they have forced very sharp reductions in foreign subsidies.

☐ 1030

They have saved tens of millions of people around the world.

Madam Chairman, I rise in support of the Roth-Bereuter-Hamilton-Hall amendment to H.R. 2854.

THE INTERNATIONAL DIMENSION OF AMERICAN AGRICULTURE

Madam Chairman, America's farm economy can no longer be neatly divided into two discrete sectors—one domestic, and one international. The health of America's farm economy depends increasingly upon our capacity to export. In fact, exports already provide the margin of profit in the U.S. farm economy, accounting for more than one-fourth of all sales.

But American farmers face a tough world agricultural market. Low-cost foreign producers, massive foreign subsidies, and import restrictions all pose competitive challenges.

American farm policy needs better tools to deal with these competitive challenges—to develop new markets and eliminate unfair trade practices.

Madam Chairman, H.R. 2854 neglects the critical international dimension of U.S. farm policy. Roth-Bereuter-Hamilton-Hall amendment corrects that deficiency.

This amendment will improve the capacity of U.S. export programs to increase foreign sales. But it will also promote U.S. foreign policy interests by making our generous food aid programs more effective.

IMPORTANCE OF U.S. FOOD AID AND EXPORT PROGRAM

U.S. farm export and food aid programs have served American national interests for several decades.

These programs have: Promoted billions of dollars in export sales annually; forced sharp reductions in foreign subsidies that hurt U.S. farm exports.

U.S. food aid programs have: Saved tens of millions of people around the world from starvation; created large markets for U.S. exports. Japan, Korea, Taiwan, Indonesia, Turkey—all huge current customers for U.S. farm products—were once food aid recipients; bolstered the economic development and political stability of dozens of friendly countries.

WHAT THE AMENDMENT DOES

The Roth-Bereuter-Hamilton-Hall amendment will strengthen these successful programs. It will:

Direct the Secretary of Agriculture to develop a strategy to achieve specific targets for future export sales and world market share.

Reauthorize U.S. food aid programs through 2002.

Authorize Commodity Credit Corporation [CCC] export guarantees through 2002, and empower the CCC to guarantee more exports to emerging markets and countries in transition to free-market systems.

Authorize the Secretary of Agriculture to reprogram unused export subsidy funds among a variety of export and food aid programs.

Require stricter monitoring of foreign compliance with the agricultural provisions of the Uruguay Round.

Improve our emergency-preparedness by increasing—at no extra budgetary cost—the amount and variety of food that may be drawn each year from emergency reserves.

DON'T POSTPONE ACTION ON INTERNATIONAL AGRICULTURE

Madam Chairman, I know the distinguished chairman of the Agriculture Committee, Mr. ROBERTS, recently introduced a new bill, which includes a number of international farm provisions. But I believe we need to move forward on this amendment at this time:

U.S. foreign agricultural policy should not be treated as a second tier issue, left for a second bill.

The American farm community is solidly behind this amendment.

The amendment has been endorsed by two leading farm groups, the American Farm Bureau Federation and the National Council of Farmer Cooperatives.

CARE, Save the Children, and the other major private humanitarian organizations also endorse it.

This amendment stands a good chance of becoming law. The text is very similar to the international titles of the Senate-passed farm bill—which were adopted unanimously.

Finally, despite Mr. ROBERTS' best intentions—which are not in doubt—there are strong indications the Senate will not take up another farm bill, nor conference a second House bill, this year. This could be the House's only opportunity to vote on substantial reforms of U.S. farm export and aid programs.

Madam Chairman, I urge Members to support the Roth-Bereuter-Hamilton-Hall amendment. It will bolster program that have promoted U.S. economic and foreign policy interests for several decades.

America's foreign agricultural policy needs our support, and there is no reason not to provide that support today.

I urge a "yes" vote.

Mr. ROBERTS. Madam Chairman, I yield 30 seconds to the distinguished gentleman from Missouri [Mr. EMERSON], a very valued member of the committee.

Mr. EMERSON. Madam Chairman, I rise in particular support of the provisions that address the Public Law 480 Food for Peace Program. As many are aware, Public Law 480 is a unique program that has enjoyed broad, bipartisan support for over 40 years. These food assistance programs are widely championed because they build a two way highway on which we help others while also helping U.S. farmers. The food for peace funds are first spent right here as farmers grow, process, fortify, bag, can, rail, and ship the commodities to developing countries.

This amendment's reforms to the Food for Peace Program are very similar to the reforms that were encompassed in the bill my subcommittee passed last October. The improvements build on the successful aspects of the program by making modifications to refine and update the existing structure. Recommendations of the administration as well as the concerns voiced by many of the groups whose members deliver relief in the field were largely considered. The result is a bill that more strongly emphasizes the long-term market development aspects of the program, stresses private sector involvement, and recognizes the limits imposed by budgetary constraints.

I hope Members will join with me and support these modifications to the Food for Peace Program.

Mr. ROTH. Madam Chairman, I yield 2 minutes to the gentleman from Nebraska [Mr. BEREUTER], who has done so much work on this and helped with the amendment and has not only had hearings on this but knows these issues and all the nuances.

Mr. BEREUTER. Madam Chairman, this amendment and recommendation should be noncontroversial, and, in fact, they are consistent with the House Committee on Agriculture's general food and trade goals.

This amendment is in compliance with overall budget guidelines. It is not our intent, for example, to amend the House Committee on Agriculture recommendations on the support enhancement program or the market promotion program. Although we have indicated earlier we support full EEP funding to the full Uruguay round agreement allowed levels, we recognize the budget considerations require self-imposed caps. So we have accepted the advice of the Committee on Agriculture.

Nevertheless, we give authority to the Secretary of Agriculture to spend agriculture export promotion funds more wisely.

If the Secretary does not need all the money we provide for EEP, the Secretary can designate that it be used for the highly successful Foreign Market Development Program or even U.S. food assistance. To make sure that the U.S. Department of Agriculture remains focused focused on increasing U.S. agricultural exports, we establish realistic goals and require concrete trade strategies to meet those goals.

To guarantee that the United States remains an innovative leader in the delivery of food assistance, we maintain our commitments of food assistance to the world's most deserving. However, we do not just stop with minimum tonnages of food assistance. We reform outdated burdensome regulatory requirements which have prohibited private voluntary organizations from implementing food assistance programs in countries where the Agency for International Development does not have a mission. In developing countries where U.S. market development food assistance is available, we permit private entities, with real know-how and ingenuity, to implement programs where only Government bureaucrats have been before.

Today one-third of everything grown on the American farm is exported.

Our hard-working farmers and ranchers will send over 50 billion dollars' worth of agricultural commodities to China, Japan, Southeast Asia, Canada, Mexico, Europe, and the rest of the world.

That is why we must continue to reauthorize and, in fact, reform legislation.

Americans recognize the importance of these agricultural exports to the well-being of the agricultural industry and to the prosperity of rural America. In fact, an overwhelming majority—or nearly 75 percent of Americans—believe that the U.S. Government should help farmers and ranchers by providing necessary assistance to promote agriculture exports, counter subsidized foreign competition, and protect American jobs.

But, Mr. Chairman, in contrast to this horn of plenty here in the United States, millions of children and people in the world's poorest countries do not have the necessary resources to purchase our agriculture commodities. According to the Food and Agriculture Organization, 800 million people do not have access to sufficient food to meet their needs for a healthy and productive life. Last year, UNICEF estimates that between 10 and 12 million preschool children died from hunger and disease related to malnutrition.

Just as Americans recognize the importance of supporting agricultural exports, they also embrace U.S. food assistance programs. In fact, many Americans are greatly surprised when they discover that only 1 percent of the entire U.S. Federal budget is foreign aid. Many of them indicate that they would be willing to devote more if it was used wisely for things like U.S. food assistance.

Today, the distinguished gentleman from Wisconsin [Mr. ROTH], the distinguished gentleman from Indiana [Mr. HAMILTON], the distinguished gentleman from Ohio [Mr. HALL], and this Member offer an amendment that specifically targets foreign agricultural trade competition and world hunger. More importantly, our amendment shapes the fundamental policies of the Federal Government which are designed to combat them. The trade and foreign aid recommendations in this amendment reflect the fact that Americans support reasonable and effective agricultural export promotion programs and targeted food assistance. To attest to that, we have over 25 agricultural commodity groups and food assistance providers supporting our legislation. Organizations like the American Farm Bureau Federation and the National Council of Farmer Cooperatives have embraced our trade policy recommendations. Private voluntary organizations like CARE and Catholic Relief Services, which perform the in-country relief work for the world's most needy, have also publicly supported our efforts.

I would say in response to the gentleman from Ohio [Mr. HOKE] if he had a chance to visit in my State he would find that in a 100-mile radius around Crete Mills—which provides much of the enriched grain products for the Food for Peace Program—he would know that they are paying those farmers in a 100-mile radius approximately 10 cents more a bushel just because of the AID Food for Peace Program. The benefits do not all go to large corporations, they go to farmers and other food recipients and their governments.

In closing, it is an extraordinary set of circumstances which forces us to offer the amendment today. In a typical farm bill year, our committee receives a sequential referral of the House Committee on Agriculture trade and food aid title of the farm bill. Then we act accordingly to prepare the farm bill conference. The arrangement has served both committees very well in the previous farm bills.

However, in this instance, while we understand the House Committee on Agriculture's original intent not to address trade and food aid provisions in the upcoming conference, we strongly believe that, for reasons beyond our control, such provisions certainly will be discussed in the conference because the Senate has those provisions therein.

Adoption of this amendment gives the House a voice in the upcoming conference on these two important issues. We have incorporated many of the recommendations for reform coming from members of the House Committee on Agriculture. This is a time to reform and improve our international programs for food assistance and exports. Nearly all of the major farm organizations and probably every one of the child survival and international food assistance nongovernmental organizations support this amendment.

I urge my colleagues to vote for the Roth-Bereuter-Hamilton-Hall amendment.

Mr. ROTH. Madam Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. HALL].

Mr. HALL of Ohio. Madam Chairman, it is a pleasure to join with the gentleman on this amendment, with the gentleman from Nebraska [Mr. BEREUTER] and the gentleman from Indiana [Mr. HAMILTON] and myself. This is an important amendment.

I am one of the few Congressmen who has had the chance to see our Public Law 480 food being distributed to many countries of the world, whether it be in Africa or South America or in Asia. And many times I have seen a lot of people, as you have seen, you know, people have asked me is our food really getting through, and I can tell you I have seen it on a number of cases make the difference between life and death in countries like Mozambique, Ethiopia. I have seen it as far back as the late 1960's, when I was in the U.S. Peace Corps. So this is a tremendous program.

I support the amendment. We need to be very consistent and committed to a number of areas rather than one, and this is not only good for American farmers but it is good for the responsibility, the moral responsibility for our country, and what we have shown, the direction, the leadership that we have given for years.

The way the United States goes relative to feeding other nations, what we do on our appropriations, because we are a leader, a lot of countries kind of look to us as to what we do. If we are then only committed for 1 year and not for a number of years, I think a lot of other countries will follow suit, hold back, cut. This is a very flexible amendment. It is a minimum amount amendment for the next 7 years. It is very, very important for us to take the leadership on this.

I firmly support it. I hope all the Members of the Congress will support it.

Mr. ROTH. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I especially want to thank our previous speaker, the gentleman from Ohio [Mr. HALL] because not only does he know about these problems vicariously, he has been all over the world dedicating his life to this issue. I very much appreciate his remarks.

Madam Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. MANZULLO].

Mr. MANZULLO. Madam Chairman, agricultural exports are the unsung heroes of American trade. Yesterday the Census Bureau released the annual U.S. trade figures, revealing that $111 billion deficit for 1995. Many people are legitimately frustrated with the high trade deficit.

But most people are surprised to learn that the United States actually has a trade surplus, yes; surplus, in agricultural exports. America exports more corn than coal, more meat than cosmetics, and more fruits and vegetables than steel, iron, and aluminum combined. In fact, our trade surplus of foods, feeds, and beverages actually increased by over $6 billion from 1994 to 1995, reaching a record $50.5 billion in total exports.

The future of ag exports is in the area of high value products. These are products that have value added to them through processing and those which require special handling or shipping.

The 16th District of Illinois is fortunate to have many of these companies, including thousands of pounds of pork tenderloins that are shipped each week from Rochelle Foods in Rochelle, IL.

The programs authorized under the Roth amendment all contribute to the continued success of our ag exports. Our Food for Peace Programs help the poorest of the poor countries in dealing with fighting malnutrition. This is a program which provides surplus U.S. commodities directly to the people in need around the world.

The export credit guarantees contained in the Commodity Credit Corporation are also a win for all sides, the farmer, the exporter, and the taxpayer. The CCC is a loan program that helps boost ag exports, especially to those emerging markets where there has not been a large U.S. presence before.

Finally, all of these authorized programs fall within the budget resolution caps. This amendment does not create new spending.

If we want to maintain a positive surplus on our trade account ledger for ag exports and if we want to help fight starvation and malnutrition around the world, I urge support for the Roth amendment.

Mr. ROTH. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS of Florida. Mr. Chairman, I thank the gentleman for yielding.

I am pleased to have this opportunity to support the Roth-Bereuter-Hamilton-Hall amendment. Different than the gentleman from Ohio [Mr. HALL], I have not seen as many areas of the world where programs have been in effect that have helped people to maintain their existence.

However, in the Sudan, in refugee camps in Nigeria, in Somalia, and in Ethiopia, I have seen the work of CARE, the Catholic Relief Services, AfriCare, and Save the Children. U.S. food aid and export programs do serve the U.S. national interest. U.S. food programs have saved tens of millions of people from starvation and improved the health and living standards of many more.

These programs have reinforced the political stability in dozens of friendly countries and created large markets for U.S. exports. I find it rather appalling that many of my colleagues do not want to help farmers, yet in their rhetorical flourishes in their districts they talk all the time about wanting to help farmers.

Let me tell you a few countries that used to be on food aid: Japan, Korea, Taiwan, Indonesia, and Turkey. And all of these now are not only big emerging markets but some are competitive with this great country. They are all huge customers of U.S. farm products, and they were once food aid recipients.

Food aid has also supported tens of thousands of jobs in the United States and continues to do that.

I urge the membership of this body to consider this legislation and to recognize that while it is stalled and while we await authority, Food for Peace and Food for Progress has expired. Needed changes in these programs have not been made.

Mr. ROBERTS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my colleagues, I rise in reluctant opposition to the amendment offered by the gentleman from Wisconsin [Mr. ROTH].

I do want to associate myself with the remarks of the gentleman from New York [Mr. GILMAN], the gentleman from Ohio [Mr. HALL], the gentleman from Nebraska [Mr. BEREUTER], the gentleman from Indiana [Mr. HAMILTON], all strong defenders of export programs, the Public Law 480 program.

The issue here is not so much about substance. The Roth amendment does contain some very good provisions in trade policy. There is no question about it. And the gentleman from Nebraska [Mr. BEREUTER] has worked very hard. The chairman of the full committee has worked very hard, the gentleman from New York [Mr. GILMAN].

But the Roth amendment also preempts what I consider to be a careful and reasoned formulation of agriculture trade policy and strategy for the next 7 years. Seven years, that is a long time. We are passing a 7-year farm bill for the first time in the history of the Congress.

We want the consistency and the predictability because this is a very important matter.

Now, what the Roth amendment does, it sets forth a 7-year plan for U.S. food assistance and a 7-year plan for an agriculture trade strategy and our export programs. This is being accomplished without the benefit of any discussion or consultation or consultation, talk, two-way street, with members of the committee of shared jurisdiction, not sole jurisdiction, shared jurisdiction. We are talking about the Committee on Agriculture.

In terms of practical effect, the Roth amendment rejects the ideas of members of the Committee on Agriculture. We do not have a chance. We have 30 members of the House Committee on Agriculture who have pending amendments that would like to offer either improving amendments or to work out some kind of compromise in regards to the entire trade and export picture.

Now, members of the Committee on Agriculture have introduced a comprehensive bill, called farm bill II. Actually it is called the Agriculture Trade and Regulatory Relief Act. It is to provide farmers with regulatory relief that will certainly enable them to compete in a very competitive global environment.

It is the intention of the chairman to consider this bill, have the final product reflect the views of the members of the Ag Committee. The Roth amendment does actually preclude this step for agriculture trade and other programs.

So the amendment effectively ends the discussions and reforms of important agriculture exports programs. I am talking about the market promotion program, something of intense and personal interest by many Members, the export enhancement program. It cuts off debate on this very important subject. This is wrong, especially in a time that our competitors are rearming and setting up programs to gain control of the global market share.

I am concerned that the Roth amendment, by setting a goal of increasing ag exports up to $60 billion by 2002, it effectively holds our current trade levels in place. That is not the intent. But I am concerned about it if you do not have any discussion about it now. According to the Department of Agriculture, agriculture exports will reach the $60 billion level this year. This year. The Roth amendment could maintain the status quo for agriculture trade. That would be a disaster.

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The Roth amendment also terminates, listen to this one, it terminates all agriculture export programs if the unilateral goals of the amendments trade strategy are not met.

Hello? A trade strategy in which not one member of the Committee on Agriculture and only a few in the Committee on International Relations actually participated should not dictate the future of American agriculture.

Members of the Committee on Agriculture want to participate in the formulation of an agriculture and trade policy. We want to work with you. We will dance with you. We will dance with you until closing time. But closing time is already here. We did not even get to dance.

All Members will be precluded from participating in this debate under the Roth amendment. Amendments Members want to include in the farm bill title included, and these are amendments we already had pending that we were going to consider in farm bill II on both sides of the aisle, protection from trade embargoes that have a detrimental effect on agriculture producers.

We have five embargo protection bills pending in the Committee on Agriculture. What is going to happen if you go to the Senate and you want embargo protection, and the Senators sit there and stare you in the face and say "Outside the scope. Can't do that."

Everybody knows the shattered glass effect of embargoes. We need that protection. We have a tight stocks situation right now, rumors of embargoes. We needed this amendment in this bill.

We should require the secretary to monitor the compliance of the World Trade Organization. My goodness, we have heard about that and all the trade problems in the recent presidential debate.

The chairman of the Senate Committee on Agriculture, Mr. LUGAR, and myself, sent a letter to the President, we have to maintain strong oversight in regards to our NAFTA and GATT trade treaties. We have not done that. We need to give the Secretary strong authority to monitor those and take the appropriate action. Not in this bill.

The reform of the credit worthiness standards for the Credit Guarantee Program, so that financing requirements can better match the credit guarantee, we need to update these credit programs. We have pending amendments on that in the Committee on Agriculture.

Finally, significant reform of the Market Promotion Program. We have many amendments that want to improve and reform the Market Promotion Program. A very critical program, very controversial. We need to fix it. It is not contained in this amendment.

The Export Enhancement Program, we are already hearing commentary that with the tight stocks situation, we do not need the Export Enhancement Program anymore.

That is not right. We need to better tailor that program. These are essential programs needed to counteract the trade practices of our competitors. We want to ensure they are responsible and flexible and respond to the current trade situation.

Now, I do not mean to get obstreperous or very parochial in regards to my dear friends who have worked so hard on the Committee on International Relations in behalf of a very fine trade amendment. Members of the Senate have done the same thing.

But, folks, you just ran an end run around the committee of jurisdiction, shared jurisdiction, and we have no opportunity to offer amendments on the very key items that we are having here today.

What a way to run a railroad. Now we have already heard complaints in this body, and I share the frustration of those who say they are being denied the process.

I really think had we been able to consider this in farm bill II, and we had a commitment by the leadership to bring that bill to the floor as soon as possible, we would have had hearings in the next several weeks and we would have done this, that would have been the appropriate way.

That is why I oppose this amendment. We have an opening on the Committee on Agriculture, on the other side, but maybe we could work that out. If the gentleman from Wisconsin wants to run the committee, we might consider that. I oppose the bill. I am considering the vote. I am unhappy. And the process has been very untoward.

Mr. Chairman, I yield back the balance of my time.

Mr. ROTH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate the fact that the Committee on Agriculture has worked very hard on this bill, and I tip my hat to them, and the chairman has done a great job. But the truth of the matter is there are some glaring deficiencies in the bill.

This is a wonderful amendment that we have before us. If it would not be, we would not have all the farm groups in America for it, all the humanitarian groups for it, and the people, millions of people from all over our country, in favor of this amendment, because they realize that in order to have a good international climate for agriculture, we need this amendment.

Now, someone had mentioned, the problem is it is 5 years. Well, our agriculture bills here are 7 years, but agriculture bills are 5 years.

When it comes down to it, I listened carefully, attentively to all the debate. No one talked against the merits of the amendment, they talked about jurisdiction. "The Committee on Agriculture does not have jurisdiction; another committee has too much jurisdiction."

We had countless hearings on this, but not one asked us particularly about jurisdiction. I would like to forget all about the jurisdiction issue and just look at the merits of the bill and amendment. If it is a good amendment, let us pass it. I am always willing to work with the Committee on Agriculture on any particular issue.

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. ROTH. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Chairman, the export programs are terminated, yes, but it is in 2002. This is a train that is leaving the House. The House Members ought to have an opportunity to vote on it, not the conferees that are going to be facing the Senate version.

Mr. ROTH. Mr. Chairman, reclaiming my time, I thank the gentleman.

Mr. Chairman, for the good of the American people and the good of our American farmers, vote for this amendment.

Mr. POMEROY. Mr. Chairman, I wish to speak in favor of the Roth amendment that would reauthorize the Public Law 480 Food for Peace Program and set an agenda for the Secretary of Agriculture to increase our agricultural exports over the next 7 years.

One of the most important aspects of this amendment to North Dakota producers in the reauthorization of the Public Law 480 program. The committee bill would only reauthorize the program for 1 year while the amendment would extend the program until 2002 is essential that this program continue.

The Food for Peace Program delivers humanitarian aid to nations in need and at the same time develops future markets for United States agricultural products. North Dakota bean growers rely heavily on Public Law 480 to encourage the export of their commodity. Last year U.S. producers exported more than $75 million of dry edible beans through the Public Law 480 program.

The amendment also will set export goals of $60 billion for agricultural commodities. To achieve that goal, the Secretary is required to implement our GATT-legal export programs to the maximum extent allowable. We must take advantage of every opportunity the GATT agreement allows us in the global marketplace.

In addition, the Secretary is required to increase high-value and value-added agricultural exports over the next 7 years. North Dakota producers have begun to reap the benefits of value-added agricultural products through the development of cooperative enterprises such as the Pasta Growers and Bison Cooperatives. We must do everything we can to encourage these innovative farmers and assists them in their efforts to develop agricultural products for the global market.

Agriculture already represents one of the few trade sectors in which our exports exceed our imports. We are now, however, entering a new era for agriculture, one in which the world market is every bit as important as the domestic market. The GATT trade agreement was designed to reduce global trade barriers and increase our total agricultural exports. Under this agreement our exports have increased to more than $50 billion per year. GATT legal export programs such as Public Law 480, the Foreign Market Development Program, EEP and others are critical to the future of American agriculture. We must take every advantage of our international agreements to continue that trend. This amendment requires the Secretary of Agriculture to do just that and I encourage its adoption.

Mr. ROBERTS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. ROTH].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 11 printed in House Report 104–463.

AMENDMENT OFFERED BY MR. LIVINGSTON

Mr. LIVINGSTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. LIVINGSTON: On page 119, strike lines 2 through 21, and insert the following:

"SEC. 1241. FUNDING.

"(a) MANDATORY EXPENSES.—For each of fiscal years 1996 through 2002, the Secretary shall use the funds of the Commodity Credit Corporation to carry out the programs authorized by—

"(1) subchapter B of chapter 1 of subtitle D (including contracts extended by the Secretary pursuant to section 1437 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 16 U.S.C. 3831 note)); and

"(2) subchapter C of chapter 1 of subtitle D.

"(B) AUTHORIZATION OF APPROPRIATIONS FOR LIVESTOCK ENVIRONMENTAL ASSISTANCE PROGRAM.—There are authorized to be appropriated to the Secretary for each of the fiscal years 1996 through 2002, $100,000,000 for providing technical assistance, cost-sharing payments, and incentive payments for practices relating to livestock production under the livestock environmental assistance program under chapter 4 of subtitle D.".

The CHAIRMAN. Pursuant to the rule, the gentleman from Louisiana [Mr. LIVINGSTON] and a Member opposed will each control 20 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Chairman, I may have misheard in the rush to change. Did we call up amendment No. 11?

The CHAIRMAN. Amendment No. 11.

Mr. LIVINGSTON. Mr. Chairman, I ask unanimous consent to withdraw amendment No. 11 and go on to amendment No. 12.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

AMENDMENT OFFERED BY MR. LIVINGSTON

Mr. LIVINGSTON. Mr. Chairman, I offer an amendment, No. 12.

The CHAIRMAN. The clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. LIVINGSTON: On page 131, strike line 21 and all that follows through line 11 on page 135 and insert the following new section:

SEC. 502. COLLECTION AND USE OF AGRICULTURAL QUARANTINE AND INSPECTION FEES.

Subsection (a) of section 2509 of the Food, Agriculture, Conservation, and Trade Act of 1990 (21 U.S.C. 136a) is amended to read as follows:

"(a) QUARANTINE AND INSPECTION FEES.—

"(1) FEES AUTHORIZED.—The Secretary of Agriculture may prescribe fees sufficient—

"(A) to cover the cost of providing agricultural quarantine and inspection services in connection with the arrival at a port in the customs territory of the United States, or the preclearance or preinspection at a site outside the customs territory of the United States, of an international passenger, commercial vessel, commercial aircraft, commercial truck, or railroad car;

"(B) to cover the cost of administering this subsection; and

"(C) through fiscal year 2002, to maintain a reasonable balance in the Agricultural Quarantine Inspection User Fee Account established under paragraph (6).

"(2) LIMITATION.—In setting the fees under paragraph (1), the Secretary shall ensure that the amount of the fees are commensurate with the costs of agricultural quarantine and inspection services with respect to the class of persons or entities paying the fees. The costs of such services with respect to passengers as a class includes the costs of related inspections of the aircraft or other vehicle.

"(3) STATUS OF FEES.—Fees collected under this subsection by any person on behalf of the Secretary are held in trust for the United States and shall be remitted to the Secretary in such manner and at such times as the Secretary may prescribe.

"(4) LATE PAYMENT PENALTIES.—If a person subject to a fee under this subsection fails to pay the fee when due, the Secretary shall assess a late payment penalty, and the overdue fees shall accrue interest, as required by section 3717 of title 31, United States Code.

"(5) COLLECTION OF FEES.—Fees collected under this subsection shall be collected only to amounts as provided in advance in appropriations Acts.

"(6) AGRICULTURAL QUARANTINE INSPECTION USER FEE ACCOUNT.—

"(A) ESTABLISHMENT.—There is established in the Treasury of the United States a no-year fund, to be known as the 'Agricultural Quarantine Inspection User Fee Account', which shall contain all of the fees collected under this subsection and late payment penalties and interest charges collected under paragraph (4).

"(B) USE OF ACCOUNT.—For each of the fiscal years 1996 and thereafter, funds in the Agricultural Quarantine Inspection User Fee Account shall be available, in such amounts as are provided in advance in appropriations Acts, to cover the costs associated with the provision of agricultural quarantine and inspection services and the administration of this subsection. Amounts made available under this subparagraph shall be available until expended.

"(7) STAFF YEARS.—The number of full-time equivalent positions in the Department of Agriculture attributable to the provision of agricultural quarantine and inspection services and the administration of this subsection shall not be counted toward the limitation on the total number of full-time equivalent positions in all agencies specified in section 5(b) of the Federal Workforce Restructuring Act of 1994 (Public Law 103-226; U.S.C. 3101 note) or other limitation on the total number of full-time equivalent positions.".

The CHAIRMAN. Pursuant to the rule, the gentleman from Louisiana [Mr. LIVINGSTON], and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the distinguished chairman and ask for the indulgence of my colleagues. I would like to explain my amendment and then discuss the future of the amendment at the end of my statement.

Mr. Chairman, the agriculture quarantine inspection user fee amendment that is included in my amendment No. 12 is a clarifying amendment. Passengers in commercial vehicles coming into the country pay an agriculture quarantine inspection fee.

The funds collected go into an account and are used to cover the cost of providing inspections of cargo and international air and sea passengers at ports of entry within the United States, inspections of cargo and people at the Mexican and Canadian borders, and the preclearance and preinspection services at sites overseas. These inspections are absolutely essential to protect American agriculture from the introduction of pests and diseases of foreign origin and to facilitate the entry of our agriculture products into international markets.

For example, if the Medfly were to establish itself in this country, the loss to the fruit and vegetable industry in California alone would be in the billions of dollars. If foot and mouth disease, which has been eradicated in the United States, were to be re-introduced into this country, losses to the cattle industry would be estimated at more than $20 billion.

The AQI user fee program was first authorized in the 1990 farm bill. But what the Committee on Agriculture did was authorize the collections and make the spending subject to appropriations. What this means is that the Committee on Agriculture gets credit for the collection of the AQI user fees which are paid into the Treasury, but the Committee on Appropriations is charged with spending the fees.

Over the years, because the spending of the fees has had to compete with other discretionary funds, much like we were talking about earlier this morning, this approach has prevented the program from using all the money that was collected. That means that the Committee on Appropriations is charged with the responsibility of spending roughly $100 million on this program, and they get no credit from the money that was collected, because that goes to the authorizating committee, the Committee on Agriculture.

So without credit, it means that this program, which is a superb and essential program, competes with every other program that falls within the jurisdiction of the Committee on Appropriations, which is tantamount to all discretionary spending programs.

Everyone is in agreement that this approach must be fixed. The bill of the gentleman from Kansas [Mr. ROBERTS] does not fix it. It only guarantees that the amount collected in excess of $100 million will go to the program; $100 million is still scored against discretionary spending. Because the collection of this $100 million is separate from the appropriation, the user fees in effect are totally separate and unrelated to the appropriation for this program, there is no, and I repeat, there is no reason to assume that it will be appropriated.

As we squeeze all of the other discretionary programs under our jurisdiction, so too might this program be squeezed.

Proponents of this program, and we are all proponents of the program, but many proponents of this program would say "well, this simply guarantees that at least $100 million, and perhaps another $20 million, will be spent." That is not true, because if the Committee on Appropriations is not collecting any credit from the user fees, and if we in fact say cut 5 or 10 percent across the board in all discretionary programs, then this program will be cut like every other program within the jurisdiction of the Committee on Appropriations.

What my amendment does is simply make both the collection and the spending of the fees subject to appropriations. Some would say that is another turf war between appropriations and authorization committees. I would say that this guarantees, this is more of a guarantee that the program will get the full amount of money it needs to operate. I would suggest it is a win-win situation for everyone.

I can assure the chairman and all our colleagues that under this scenario, the scoring of the AQI program, the Agriculture Quarantine Inspection Program, that the scoring is neutral. Since the importance of this program is so critical, we in effect would provide every dollar back for the Department to use that is given to us in credits from the user fee collected.

In fact, there would be no reason not to appropriate every dollar of credit, because we would be getting reimbursed for every dollar we spend.

So we have offered this amendment, but I acknowledge that it is opposed by the distinguished chairman of the Committee on Agriculture. I think the gentleman believes that his amendment fixes the problem. I think that the proponents of the gentleman's provision believe that his amendment fixes the problem. But I am here to suggest that it does not. If anyting, it will almost guarantee that as other discretionary programs are cut with across-the-board cuts in the appropriations process, so, too, will this program.

If we really want to fix it, my amendment should be adopted. But I do not think it will be, based on the earlier vote.

I have no illusions about the outcome. I do not want to put our colleagues in a quandary about whether they are voting for the right thing or whether it is properly perceived by their agriculture constituents around America. So I would only suggest that we could fix this problem once and for all with my amendment. We could stop the delays and we could get all the funds paid into the account out to the proper recipients so that the passengers and cargo could be inspected quickly and so that the program could be performed. But because it is obvious to me that my amendment is not going to pass over the objections of the committee chairman, I respectfully ask unanimous consent that the amendment be withdrawn.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

Mr. ROBERTS. Mr. Chairman, reserving the right to object and I shall certainly not object, under my reservation I want to thank the distinguished chairman of the Committee on Appropriations and again thank him for the splendid work he is doing.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

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Mr. CHAIRMAN. It is now in order to consider amendment No. 13 printed in House Report 104-463.

AMENDMENT OFFERED BY MR. DOOLEY

Mr. DOOLEY. Mr. Chairman, I offer an amendment.

Mr. CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DOOLEY:

At the end of title V (page 139, after line 17), add the following new section:

SEC. 507. COMPETITIVE RESEARCH GRANTS TO PROMOTE AGRICULTURAL COMPETITIVENESS INITIATIVES.

(A) PURPOSES.—The competitive research grant program established by this section has the following purposes:

(1) Enhancement of the competitiveness of the United States agriculture industry in an increasingly competitive world environment.

(2) Increasing the long-term productivity of the United States agriculture and food industry while protecting the natural resource base on which rural America and the United States agricultural economy depend.

(3) Development of new uses and new products for agricultural commodities, such as alternative fuels, and development of new crops.

(4) Supporting agricultural research and extension to promote economic opportunity in rural communities and to meet the increasing demand for information and technology transfer throughout the United States agriculture industry.

(5) Improvement of risk management in the United States agriculture industry.

(6) Improvement in the safe production and processing of, and adding of value to, United States food and fiber resources using methods that are environmentally sound.

(7) Supporting higher education in agriculture to give the next generation of Americans the knowledge, technology, and applications necessary to enhance the competitiveness of United States agriculture.

(8) Maintaining an adequate, nutritious, and safe supply of food to meet human nutritional needs and requirements.

(b) AGRICULTURAL COMPETITIVENESS GRANTS.—The Secretary of Agriculture shall award grants to eligible grantees to promote one or more of the purposes of the program.

(c) ELIGIBLE GRANTEE.—The Secretary may make a grant under subsection (b) to—

(1) a college or university;

(2) a State agricultural experiment station;

(3) a State Cooperative Extension Service;

(4) a research institution or organization;

(5) a private organization or person; or

(6) a Federal agency.

(d) USE OF GRANT.—A grant made under subsection (b) may be used by a grantee for one or more of the following uses:

(1) Research ranging from discovery to principles for application.

(2) Extension and related private-sector activities.

(3) Education.

(e) PRIORITY.—

(1) IN GENERAL.—In administering this program, the Secretary shall—

(A) establish priorities for allocating grants, based on needs and opportunities of the food and agriculture system in the United States;

(B) seek and accept proposals for grants;

(C) determine the relevance and merit of proposals through a system of peer review; and

(D) award grants on the basis of merit and quality.

(2) PARTICIPATION BY SCIENTIFIC COMMUNITY.—In carrying out subparagraphs (B) and (C) of paragraph (1), the Secretary shall seek wide participation by qualified scientists and extension and education specialists from colleges and universities, State agricultural experiment stations and State Cooperative Extension Services, the private sector, and the Federal Government.

(f) ADMINISTRATION.—

(1) COMPETITIVE GRANT.—A grant under subsection (b) shall be awarded on a competitive basis.

(2) TERM.—A grant under subsection (b) shall have a term that does not exceed 5 years.

(3) ADVISORY COMMITTEES.—The Secretary may use an advisory committee established independently of this program to assist the Secretary in determining funding priorities under this program.

(4) MATCHING FUNDS.—

(A) IN GENERAL.—The Secretary shall encourage the funding of a grant under subsection (b) with equal matching funds from a non-Federal source.

(B) MANDATORY.—The Secretary shall require the funding of a grant under subsection (b) with equal matching funds from a non-Federal source if the grant is—

(i) for applied research that is commodity-specific; and

(ii) not of national scope.

(5) ADMINISTRATIVE COSTS.—The Secretary may use not more than 4 percent of the funds made available under subsection (h) for administrative costs incurred by the Secretary in carrying out this program.

(6) CONSTRUCTION COSTS.—None of the funds made available under subsection (h) may be used for the construction of a new building or the acquisition, expansion, remodeling, or alteration of an existing building (including site grading and improvement and architect fees).

(g) REGULATIONS.—The Secretary shall issue such regulations as are necessary to carry out this program.

(h) AVAILABILITY OF FUNDS FOR GRANTS.—

(1) SOURCE OF FUNDS.—Of the amount made available under section 102 of the Agricultural Act of 1949, as added by section 1102 of this Act, for payments under market transition contracts for the fiscal year 1996 through 2002, $1,920,000,000 shall be used by the Secretary to make grants under this section. The amounts specified in subsection (e) of such section 102 shall be reduced by the Secretary by the amount made available in this subsection.

(20 FISCAL YEAR AMOUNTS.—Of the total amount specified in subsection (a) for grants under this section, the Secretary shall use $200,000,000 for fiscal year 1996, $220,000,000 for fiscal year 1997, $250,000,000 for fiscal year 1998, $250,000,000 for fiscal year 1999, $300,000,000 for fiscal year 2000, $300,000,000 for fiscal year 2001, and $400,000,000 for fiscal year 2002.

(3) LIMITATIONS.—The Secretary may use less than the amount provided under subsection (b) for a fiscal year if the Secretary determines that the full funding level is not necessary to fund all qualifying applications for agricultural competitiveness grants that satisfy the priority criteria established under subsection (e).

Mr. CHAIRMAN. Pursuant to the rule, the gentleman from California [Mr. DOOLEY] and a Member opposed, each will be recognized for 5 minutes.

The Chair recognizes the gentleman from California [Mr. DOOLEY].

Mr. DOOLEY. Mr. Chairman, I yield myself such time as I may consume.

The amendment I offer today is an amendment that I think is in the best interest of the taxpayers of this country and also is in the best interest of farmers. We are embarking upon enacting a new farm policy, a farm policy that has been identified as being freedom to farm.

The premise behind this policy is that over the next 7 years we will obligate the taxpayers of this country to spend $36.5 billion to farmers regardless of what the prices of the commodities will be. I think it has become very clear that we are currently in a situation where you can forward contract on almost all the commodities that are under the program for December of this year as well as December 1997, enabling farmers today in the private sector to lock in a profit.

Under the current program that we have, our current farm program, there would be minimal government outlays, but under freedom to farm we are going to be requiring the taxpayers of this country to make $36 billion in payments to farmers, $36 billion which I believe cannot be characterized as much more than welfare payments.

What my amendment does is, it makes a minimal change. It says that we would be far better served, the taxpayers would be far better served, farmers would be far better served if we could just take $2 billion of that $36 billion over the next 7 years and invest it in agricultural research.

It has been demonstrated that agriculture research will pay great dividends not only to farmers but also to our society as a whole. A recent study by the Economic Research Service has determined that there has been a return of 35 percent of all moneys that have been invested in agriculture research. That is the central issue that we are talking about today. That is what my amendment is all about.

Are we going to get a greater return on the taxpayers' investment in farm programs by the $36 billion going in direct payments, or will the taxpayers of this country get a greater return on the investment of $2 billion in research? I think clearly it is very clear that everyone will be far better served. Our society will be far better served if we make this modest contribution in allocating these funds to ensure that we will have a more viable, a more productive agriculture research program in this country.

Mr. Chairman, I reserve the balance of my time.

Mr. ROBERTS. Mr. Chairman, I rise in opposition to the amendment.

Mr. CHAIRMAN. The gentleman from Kansas [Mr. ROBERTS] is recognized for 5 minutes.

Mr. ROBERTS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am one of the strongest supporters of agriculture research in the Congress. Since early last year, I, along with the subcommittee chairman, the gentleman from Colorado, Mr. ALLARD, the distinguished chairman emeritus of the Committee on Agriculture, the gentleman from Texas, Mr. DE LA GARZA, and Mr. JOHNSON have been conducting a comprehensive review of research programs which aim to improve the efficiency and effectiveness of the more than $1.7 billion that we now spend on research.

During a time when we are trying to balance the Federal budget and ensure what money we do have is spent wisely, basically what the gentleman from California is proposing is that we spend an additional $2 billion on a new entitlement program without the benefit of a single hearing to discuss how well we are using the $1.7 billion we were already spending.

We are going to continue this review of ag research with our very strong support. After all, our farmers and ranchers must be provided the competitive advantage through research to compete in the global marketplace. We will have a series of hearings, which we have scheduled to begin in 2 weeks. Immediately after these hearings, the committee will proceed with marking up comprehensive reform legislation. We are going to focus on priority setting, revitalizing our research programs and underscoring the strong support, bipartisan support in regards to research.

Now, let me get to the gentleman's comments in regards to freedom to farm. As we have said before, this bill establishes hopefully a market transition from the command and control style of government support to the free market through a series of fixed and declining payments. We have come from $56 billion in regards to the agriculture baseline for farm program payments to $43 billion, to $38 billion, to $36 billion. That is a tremendous decline. We are meeting our budget responsibilities, 50 percent less in terms of market transition payments as compared to the last 5 years. But the gentleman wants to take another $2 billion from farm income, direct farm income to producers, to agriculture research prior to the comprehensive review of the research programs that we have on the books.

The passage of the Dooley amendment, quite frankly, is a killer amendment to freedom to farm. It upsets the process. These payments are declining most rapidly. The income outlook is most uncertain. The gentleman calls it a welfare payment. Again, I think anybody that describes any farm program as a welfare payment does a disservice to agriculture and his constituency. These are not welfare payments. These are declining market transition payments. The farmer has to observe a conservation compliance plan that is most costly, and the gentleman is just dead wrong in his description of what has happened.

So this is a killer amendment. I urge opposition to it. And I would say to the gentleman that I have tried my very best to be of help to the gentleman when he has wanted more investment in the market promotion program. I have tried to be of the greatest amount of help possible in regards to the research capability of the wine industry in California. I was just out there. And we have tried to be of help to the gentleman in regards to the cotton program, and we had very damaging amendments. On the whole total subject of research we have tried to be of help. We worked with the gentleman in regards to USDA reorganization.

I must say to the gentleman, without any consultation, without any conversation in regards to the Committee on Agriculture chair, this amendment sprung out of nowhere, was made in order and is a killer amendment to the total package of the farm program.

I would appreciate it in the future if the gentleman has an amendment of this nature, he would visit with the chair and, as he can indicate, I have a little personal interest in this particular situation, I will continue to help the gentleman on these other matters.

I urge opposition to the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. DOOLEY. Mr. Chairman, I yield myself such time as I may consume to respond to the chairman.

If we would have had one hearing on freedom to farm, we might have been able to have a discussion on these proposed amendments, but we did not have a hearing on freedom to farm.

The bottom line is, the issue here, this is not new money going out. This is not additional money. The bottom line is, if we want to fund agriculture research, there is only one pot of money out there. It is the $36 billion that is going to direct payments to farmers, however, Members should want to characterize those payments.

The bottom line is, if we want to fund research, if we want to make an investment for the future, the investment for the future of farmers and the investment for the future well-being of our society and improving nutrition, we need to support additional investment into research.

Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Chairman, I rise in strong support of the amendment of the gentleman from California to provide the additional money for research that we are going to need during the transition period so that when the year 2002 comes that our farmers are going to be able to compete without any subsidy whatsoever.

That is what the gentleman from Kansas wants, yet he is not willing to make sure that our farmers are prepared to meet that world competition. What he wants to do is give them a lot of money this year and next year, when they really do not need it because they are going to get it from the marketplace. If he wants to fund this research, he can do it in the next 2 years because there is not going to be any need to send farmers money. We are going to see farmers with the prices that we have, am I not correct, with the prices we have in all commodities, the major commodities covered by the freedom to farm, that there is not a farmer out there who has a good crop who is not going to make money. Yet under the freedom to farm we are going to send them a whole bunch of money.

Would it not be better to take that money and do the research when we need it so that our farmers, when the time comes, when they are not going to get any Government payment at all, they are able to meet that competition, world competition out there?

So I rise in strong support of the gentleman's amendment.

What the gentleman from Kansas wants to do is send money out to people when they do not need it and what the gentleman from California wants to do is take that money and make sure that when the time comes that they do not get any money that they are going to be able to compete.

I do not understand this. It does not kill this bill. He still has his freedom not to farm. He still has his bill that says, you do not have to turn one blade, plant one seed or turn any soil. You do not drill, no nothing. You are still going to get a payment. He has still got his bill. What this does is say, we want our farmers to be prepared.

Mr. FAZIO of California. Mr. Chairman, in all the talk about freedom to farm, little attention has been given to agriculture programs to assist States like California which depend less heavily on program crops.

A truly broad-based agriculture program needs market promotion, conservation, nutrition, and rural development.

The Dooley amendment focuses on the other leg of a true agriculture program—research.

Support for research often done at our land-grant colleges put the United States in the forefront of agricultural productivity long before commodity programs.

Budget cuts to agriculture over the last few years have exacted a toll on vital research and our land-grant colleges.

The Dooley amendment makes an important statement: in a market-oriented economy, we need a renewed commitment to competitive research.

Research breakthroughs are the key to agricultural productivity—to higher yields—to fewer pesticides—to better water quality—to better farm practices.

Research has been at the heart of American agricultural success and it must continue to be a mainstay of our agriculture in the future.

Not an approach some of my Appropriations Committee brethren might take.

This approach—using competition not simply formula grants to all institutions demonstrates we are smart enough to focus on all the components that will comprise the agriculture program of tomorrow.

Vote for the future—vote for research—vote for the best approach—the Dooley amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from California [Mr. DOOLEY].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ROBERTS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 163, noes 260, not voting 8, as follows:

[Roll No. 38]

AYES—163

Abercrombie
Ackerman
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bishop
Bonior
Borski
Boucher
Brown (CA)
Brown (OH)
Bryant (TX)
Bunn
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Condit
Conyers
Costello
Coyne
DeFazio
DeLauro
Dellums
Deutsch
Dixon
Doggett
Dooley
Doyle
Duncan
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson, E. B.
Johnston
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McDermott
McIntosh
McNulty
Meehan
Meek
Menendez
Miller (CA)
Minge
Mink
Moakley
Moran
Murtha
Nadler
Neal
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sanders
Sawyer
Schroeder
Scott
Serrano
Skaggs
Slaughter
Spratt
Stark
Stenholm
Studds
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Towns
Traficant
Velazquez
Visclosky
Volkmer
Wamp
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wynn
Yates

NOES—260

Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brown (FL)
Brownback
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Doolittle
Dornan
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Orton
Oxley
Packard
Parker
Paxon
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Sabo
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Torricelli
Upton
Vento
Vucanovich
Waldholtz
Walker
Walsh
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—8

Collins (IL)
Cox
de la Garza
Furse
Gutierrez
McKinney
Moorhead
Stokes

□ 1130

The Clerk announced the following pair:

On this vote:

Ms. Furse for, with Mr. Cox of California against.

Messrs. ALLARD, POMBO, and SHADEGG changed their vote from "aye" to "no."

Mr. WAMP, Mr. SAWYER, and Mr. RAHALL changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. ROBERTS. Mr. Chairman, I move to strike the last word, in order to enter into a colloquy with the gentleman from Idaho [Mr. CRAPO] as it relates to the amendment just voted on.

Mr. Chairman, I yield to my distinguished colleague and my friend, the gentleman from Idaho [Mr. CRAPO].

Mr. CRAPO. Mr. Chairman, I appreciate the chairman of the committee yielding to me for this colloquy.

Mr. Chairman, I appreciate the opportunity to discuss with you the future of agriculture research. Agriculture research extension and education programs have played a critical role in achieving the current productivity and competitiveness of U.S. agriculture. Taxpayers receive a rate of return on research and extension of 30 to 50 percent per year.

While a research title is not included in the bill before the House today, I look forward to working with you and the rest of the Committee on Agriculture and conferees to promote changes to the research component of the fund for rural America in the Senate version of the farm bill. Changes need to be made which will bring better into balance the total research and extension portfolio, addressing those areas in which current funding relative to user-driven national priorities is inadequate.

I have been working with Chairman ROBERTS for several months to promote a strong research extension and education program that reaches out to traditional and nontraditional researchers with an interest in basic and applied research. I would say to the chairman of the committee, I want to continue to work with him, Mr. Chairman, on this issue to address the challenges facing agriculture.

We need an infusion of resources that will provide problem- and opportunity-oriented research, extension, and education. This will assist the entire system, including plant and animal sciences, processing, marketing, and natural resources, while also developing the next generation of knowledge and technology needed to maintain international competitiveness over the long term.

For several months I have been advocating increased funding for agriculture research through a program which would provide a basic excessive grant program, balancing investments in basic and applied research, extension, and education. This program should incorporate a priority-setting mechanism that takes into account the views of producers and processors early in the process, as well as allowing for smaller research institutions to compete for grants. It is designed as an aggressive, coordinated program to be administered by the cooperative State Research Education and Extension Service, with the agriculture industry playing a lead role in priority-setting. It is a worthwhile program.

Again, I appreciate the chairman's willingness to review and consider this proposal and look forward to working with him on this critical issue.

Mr. ROBERTS. Mr. Chairman, I thank the gentleman from Idaho for his remarks and his leadership. Let me simply respond by saying last summer, as I indicated during the debate on the last amendment, along with the gentleman from Colorado, Mr. ALLARD, the gentlemen from Texas, Mr. DE LA GARZA, and Mr. JOHNSON, we sent out a comprehensive questionnaire in regards to research. We asked the researchers and the users what can be done better, how we can spend the $1.7 billion annual commitment to agriculture research and extension to make sure that our producers and consumers will have a competitive and safe food supply in the 21st century?

Now, in addition to the survey, I would tell the gentleman, the House Committee on Agriculture has had the GAO, the General Accounting Office, conduct the first accounting of our Federal agriculture research investment since 1981. The GAO will deliver this report to the committee by the end of next month.

Finally, we have scheduled a series of hearings this March, and plan on producing a comprehensive rewrite of our Federal research program. Unfortunately, I must say the other body has chosen simply to clean around the edges, leaving in place some of our research policies that fail to meet the needs of the agriculture sector as we transition into a free market. That is unacceptable.

Mr. Chairman, I urge my colleagues to support the Committee on Agriculture in our efforts to modernize the current research program. So, pending our comprehensive legislation on agriculture research when we get to the conference on this bill, I am going to look forward to working with the gentleman in addressing how we can secure the additional funds that we need.

The Senate has something called the Fund for Rural America. The gentleman has talked to me about his suggestions, for suggesting that within the Fund for Rural America, to make sure that some of that money does go to research and the needs of farmers. I look forward to the gentleman's suggestions for change and to working with him to make sure the Fund for Rural America serves farmers and consumer research needs.

I thank the gentleman for his commentary and his leadership.

The CHAIRMAN. It is now in order to consider amendment No. 14 printed in House Report 104–463.

AMENDMENT OFFERED BY MR. FOLEY

Mr. FOLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FOLEY: At the end of title V (page 139, after line 17), add the following new section:

SEC. 507. EVERGLADES AGRICULTURAL AREA.

(a) IN GENERAL.—On July 1, 1996, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide $210,000,000 to the Secretary of the Interior to carry out this section.

(b) ENTITLEMENT.—The Secretary of the Interior—

(1) shall accept the funds made available under subsection (a);

(2) shall be entitled to receive the funds; and

(3) shall use the funds to conduct restoration activities in the Everglades ecosystem, which may include acquiring private acreage in the Everglades Agricultural Area including approximately 52,000 acres that is commonly known as the "Talisman tract".

(c) TRANSFERRING FUNDS.—The Secretary of the Interior may transfer funds to the Army Corps of Engineers, the State of Florida, or the South Florida Water Management District to carry out subsection (b)(3).

(d) DEADLINE.—Not later than December 31, 1999, the Secretary of the Interior shall utilize the funds for restoration activities referred to in subsection (b)(3).

The CHAIRMAN. Pursuant to the rule, the gentleman from Florida [Mr. FOLEY] and a Member opposed will each control 10 minutes.

Mr. OBEY. Mr. Chairman, I would like to inquire of the Chair whether there is any Member on the committee who is opposed to the amendment, because if not, in its present form, I am, and I would like to claim the time.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] is opposed to the amendment and will control the time in opposition.

The Chair recognizes the gentleman from Florida [Mr. FOLEY].

Mr. FOLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today I rise in support of a logical solution to aid in the environmental restoration of one of our true national treasures, the Florida Everglades. I would like to first point out there was similar language passed in the Senate earlier this month in the farm bill, and this language enjoys wide bipartisan support from both Senators of our State, the Governor, and the entire south Florida Congressional delegation.

When I was chairman of the Senate Agriculture Committee, the Florida State Legislature passed the Everglades Forever Act. The Secretary of the Interior, environmental groups, and the sugar industry worked towards a comprehensive plan to help restore the Everglades. Under this agreement, the sugar growers will pay up to $320 million over 7 years as part of a State agricultural privilege tax toward Everglades restoration.

Let me just review. In 1850 Congress gave the Everglades to Florida with one proviso, that it be drained. We have certainly come a long way since then. Back in those days, in the 1930's and 1940's, people running for office used to campaign that they would drain the Everglades. By the 1930's, 400 miles of drainage canals had been built. In south Florida this meant the infusion of agriculture in the region, as well as expanded development opportunities in south Florida.

After disastrous hurricanes in 1926 and 1928, thousands of people were killed, and a levee was built around Lake Okeechobee. That levee took out of the Everglades ecosystem large blocks of land. Today's population has grown from 26,000 in 1900 to over 5 million today. This development and the resulting pollution has also put an incredible strain on the environment. Thus, all of these factors combined have disrupted the natural flow of water in south Florida. Now we are searching for solutions on how best to save our national treasure, the Everglades, from environmental and biological collapse.

The bottom line is there is no single scapegoat in this issue. Instead of pointing fingers, we need to point to solutions. Through the combined leadership of the State's Senators, the Governor, and the Florida delegation, we have reached an agreement under which 52,000 acres, known as Talisman, would be purchased for water storage. This land is currently for sale voluntarily. The acquisition will give us long-term solutions for the Everglades water quality and quantity issues. Because of its strategic location in the Everglades ecosystem, a large water storage area can be constructed on the land.

I ask my colleagues to support the environment and support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 3 minutes.

Let me simply say, Mr. Chairman, I am really of mixed feelings here today. I think what the gentleman is trying to do is absolutely, perfectly legitimate. I think the Everglades are a great national treasure, and I have consistently in the past supported every effort that has been before us to try to help preserve the Everglades.

But I think this amendment is, frankly, walking around under false pretenses today. It is advertised, for instance, in the CQ House Action Report as being an amendment to authorize $200 million to acquire land in the Florida Everglades. In fact, what it does is appropriate $200 million for that purpose.

I do not mind the passage of this amendment as long as it would be subject to appropriation. But I do not see why we ought to have a special arrangement under which the Everglades, as precious as they are, will wind up receiving favorable treatment over any other natural resource in any other part of the country because they happen to wind up getting in this bill as an entitlement, as a direct appropriation, I should say, whereas other areas of the country that have environmental problems have to get in line in the regular appropriation process and compete for funds. There is absolutely no reason on the merits to do that, and I regret the fact that this amendment has not been made subject to appropriation.

If it had been, I would support it, because I certainly think what the gentleman is trying to do is correct, but the way he is trying to do it puts this project ahead of virtually every other environmental preservation project in the country. That is not a legitimate way to do business, in my judgment.

Mr. Chairman, I reserve the balance of my time.

Mr. FOLEY. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. DEUTSCH].

Mr. DEUTSCH. Mr. Chairman, the Everglades is a national treasure. In fact, it is an international treasure. This funding is really a small down payment on the Federal Government's share of Everglades restoration. It will help purchase critical land in the Everglades agricultural area. However, it is insufficient for the total restoration, and does not relieve Florida or the industry in Florida of its responsibility. The President has announced the fair share balanced plan to save the Everglades.

Mr. Chairman, I include for the RECORD the President's proposal for Everglades restoration.

The material referred to is as follows:

THE CLINTON/GORE ADMINISTRATION'S EVERGLADES RESTORATION PLAN PRINCIPLES AND ELEMENTS—FEBRUARY 19, 1996

SUMMARY

The Clinton/Gore Administration will pursue a comprehensive plan to restore the Everglades and South Florida ecosystem. This plan will build on the substantial progress already achieved by the Administration working in concert with the Chiles/MacKay Administration, Senator Bob Graham and other parties. The Administration's Everglades restoration plan integrates literally dozens of individual activities, resulting in an ambitious and comprehensive restoration effort. The plan provides for:

Strategic land acquisitions sufficient to ensure successful restoration, including at least 100,000 acres in the Everglades Agricultural Area (EAA);

Acceleration of restoration projects and research activities already underway;

Broad restoration and protection efforts complements and support the health of Florida's economy and its citizens, now and in the future.

The Administration's plan recognizes that the costs of restoration should be borne by a balanced cost-share between the federal and state governments and those who have substantially benefited from federal programs and alterations to the ecosystem and who will potentially benefit from its restoration, including sugar-producing companies. The plan has three major funding components:

The creation of an "Everglades Restoration Fund" for land acquisition funded through appropriations of $100 million per year for 4 years, for a total of $400 million.

A 1 cent per pound increase in the marketing assessment on Florida sugar produced in the EAA, which will generate approximately $35 million per year. This will total $245 million over 7 years, and will constitute an ongoing source of revenues into the Everglades Restoration Fund.

A 25 percent increase in funding for federal agency programs, including, science, land management, water management projects, and other programs, from $104 million in 1996 to $131 million for 1997.

Overall, this approach will double the total federal funding for Everglades restoration to about $1.5 billion over the next 7 years. The Administration will use existing authorities and resources where available, and where necessary will seek new authorities from Congress.

GUIDING PRINCIPLES

A Shared Vision of Restoration: The restoration of the Everglades, a unique national treasure, requires a shared vision of the desired condition of the entire South Florida ecosystem—from the Kissimmee River to the Florida Keys—that will restore and maintain the biological diversity and sustainability of the ecosystem and support actions that incorporate economic, sociocultural, and community goals.

Expanded Partnerships: The federal government will continue to support and work with ongoing partnerships in South Florida with State, Tribal, and local governments, the private sector and individual citizens to accomplish ecosystem restoration and protection objectives, recognizing that the responsibility for issues of water and land use in the ecosystem are largely the responsibility of the State of Florida.

Non-Regulatory Programs: Non-regulatory programs, such as advance planning, research, and public-private cooperative efforts will be encouraged.

Shared Restoration Expenditures: The restoration expenditures should meet clearly defined objectives for the overall long-term effort to restore the ecosystem and should be borne jointly through a balanced cost-share between the federal and state governments and those who have substantially benefited from federal programs and alterations to the ecosystem and who will potentially benefit from its restoration, including sugar-producing companies.

Reliance on Sound Science: Restoration efforts must be scientifically sound, ecologically credible, and legally responsible. Research must be coordinated and focus on critical ecosystem needs, and together with careful monitoring, should support adaptive management.

ADMINISTRATION COMMITMENTS

Beginning with the FY97 budget request to Congress, the Administration will call for a total of about $1.5 billion in funding over seven years for Everglades restoration activities—double the current level. The funding will consist of $100 million in each of the next four years for land acquisition, plus $35 million in revenues each year from the assessment on Florida sugar, both to the Everglades Restoration Fund, as well as $130 million annually for research and ecosystem management.

The Administration will request authority to establish an "Everglades Restoration Fund" to receive discretionary funds and sugar marketing assessment receipts. The Fund's resources will be available without fiscal year limitation. The federal resources will be managed jointly by a cabinet-level group.

The proposed funding, combined with existing and new legislative authorities, will lay the foundation to implement these commitments:

Commitment 1.—The Clinton Administration will increase its already substantial support for restoration and protection of the Everglades ecosystem. Specifically, we will:

Acquire in partnership with the State enough land to make restoration work, concentrating on the following areas: At least 100,000 acres of land in Everglades Agricultural Area for water storage, including acquisition of the Talisman Tract; water preserve/aquifer recharge areas in the eastern edge buffer area for water quality and storage along with drinking water protection, the size of which will be determined after further study and analysis; eastern Edge Buffer-Southern Transition Lands, for improved water delivery; and expansion of Everglades National Park and other parks and refuges.

Accelerate and ensure completion of water supply and control projects, including: Complete the Modified Water Deliveries Project; complete modifications to the C–111 Project, and revise the state/federal cost-share; complete the C–51 Project, including acquisitions of STA 1E; and complete the Kissimmee River Restoration Project.

Undertake necessary ecosystem management and planning, including: Accelerate completion of the Corps of Engineers Central & South Florida Project Restudy; develop a coordinated water quality improvement and protection plan for the south Florida ecosystem; strengthen water quality standards to protect the Everglades and Florida Bay; undertake with State and local officials a cooperation urban interface planning process; expand exotic species control programs; expand the Coral Reef Initiative; and accelerate the Florida Keys Water Quality Protection Program.

Commitment 2.—The Clinton Administration will work to ensure that Florida's sugarcane industry contributes its fair share of the costs of the restoration effort, in view of the industry's impact upon the environment and the benefits to industry from federal water projects and programs. Our policy will support collection of funding, seek to retire acreage where appropriate, improve management practices on those lands that remain in use, and engage the agricultural sector, both owners and workers, in the restoration effort. The President's budget request and other legislation will provide for: An assessment of 1 cent per pound of sugar produced in the Everglades Agricultural Area; cooperative programs with the agricultural community to employ workers in ecosystem restoration activities; and programs for transitional management of depleted and acquired lands, including using transferable development rights, sale lease-back arrangements or other tools.

Commitment 3.—The Clinton Administration will maintain and expand its partnership with the people of Florida in virtually every aspect of the Everglades restoration effort. The Administration's plan would rely upon and enhance the role of key intergovernmental and stakeholder forums. The President's budget and associated legislation will provide for: Continued operation of the South Florida Ecosystem Task Force; acceptance of the Governor's Commission on Sustainable South Florida as a permanent advisory committee to the Task Force; and continued close coordination with the South Florida Water Management District.

Commitment 4.—The Administration will extend its Reinventing Government policy to the Everglades restoration effort, applying innovative and flexible approaches to restoration. In the next year, the Administration will complete development and begin implementation of: A coordinated wetlands protection and permitting plan; and a multi-species recovery plan.

Commitment 5.—The Clinton Administration will reaffirm its support for changed sharing of the public costs of infrastructure projects, including associated land acquisition, related to restoration projects underway. It will explore the cost-sharing of future projects, following the completion of the Corps of Engineers' Restudy. The President's budget and associated legislation will provide for: Revised cost-sharing between the state and federal governments for public costs associated with the C–111 and C–51 restoration infrastructure projects.

Commitment 6.—The Clinton Administration will work to ensure that restoration efforts are guided by the best science available. The President's budget will provide funds to support: Increasing research activities related to monitoring water quality, mercury, Florida Bay and the Keys, and improved agricultural practices; continuation of the scientific review panel; and completion of the ecosystem scientific baseline.

Mr. Chairman, I commend the efforts of my colleagues on the other side of the aisle. I believe this is a real testament to the bipartisan nature and the national nature of Everglades restoration.

□ 1145

It is a crisis, however. It is a crisis in terms of Florida Bay and the Everglades that are degrading at every second that we wait, and this money to purchase land in the upstream area of the Everglades is a necessary condition based on the best science. It does not end the requirements of others to continue to pay, but it is a down payment that is definitely an essential ingredient.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Chairman, this is the final decision. The Senate has already put in this kind of language. The Senate, in their ag bill, sort of wanted to satisfy everybody to get the bill out of the Senate quickly, so the Senate has 500 pages and $5 billion more than what we came out with from the House. It is up to $6 billion now in the analysis.

Here is my problem with this amendment. If we say that all of the other taxpayers of the United States should contribute to help solve this problem, then it seems reasonable that all of the needs that are going to be considered for environmental cleanup be considered with the available money and it be decided how much goes to each one of those needed projects.

For this body now to bypass the Committee on Appropriations, to bypass the analysis of how do we best spend our environmental money is not consistent with the way Congress should operate. It should go through the scrutiny of appropriations. It should go through the scrutiny of the hearings process. It should not be passed as an amendment on this floor to obligate the taxpayers across the whole country to pay for this particular cleanup of the Everglades in Florida.

Mr. FOLEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Chairman, I will not use the full time. I appreciate my colleague, the gentleman from Florida [Mr. FOLEY], taking the initiative on this. The fact of the matter is that we have long tried in Florida. I have been standing on this floor for 7 years trying to get attention and others before me, and certainly a great grouping of our colleagues here today, bringing attention to this. It is a national problem. There is a Federal interest. There is farming going on. This is an appropriate connection, and we are doing the right thing.

Mr. Chairman, I would point out for those who have said, particularly my distinguished colleague who has spoken on this subject, are we paying our fair share in Florida, indeed we are. We are paying almost all the share in Florida. This is a national problem. We are trying to bring in now a small Federal participation in what is going to be a gigantic reward for all the citizens of America and the visitors who come here, and I urge strong support for this amendment.

Mr. Chairman, I thank my friend from Florida for yielding me this time. Mr. Chairman, I have stood here many times to argue that the Everglades is a national treasure that needs and deserves our help and we have taken steps in the past to address the degradation of the Everglades and Florida Bay, for which I am grateful but the time has come to make a full-fledged commitment. The alternative is to simply walk away and allow these two unique, priceless areas to die. That's unacceptable. We can do better, and the Foley amendment—and the similar provisions in the Senate bill—does better.

There is a legitimate Federal responsibility here—it was the Corps of Engineers—in conjunction with the State of Florida—that began altering and diverting the flow of fresh water to the Everglades and Florida Bay. The State of Florida, and the residents of its southwest coast have now made a major commitment to Everglades restoration, and it is time for the Federal Government to do the same

There is also a logical tie-in to the legislation before us, because the Everglades land that was drained south of Lake Okeechobee was turned into farmland, and farmers have benefited from the network of canals and drainable channels for years.

Two hundred and ten million dollars is a sizable commitment, and if this amendment passes I will continue to work with my colleagues to find ways to pay for this necessary expense. Right now, the key is for this House to take a bold step toward good environmental stewardship; to take up the challenge of restoring our "River of Grass," and commit the Federal Government to its share of this worthy endeavor. I urge my colleagues to support the Foley amendment.

Mr. OBEY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, let me repeat, I think that the need for what the Florida delegation is talking about is clear. I think it is environmentally criminal to see what has been allowed to happen to the Everglades over the past three decades or more. But the fact is, if you take a look around the country, you have to get in line for regular appropriations.

We have national parks which are being impacted by pollution all around, and we have great need. All you have to do is talk to the Park Service and they will tell you we have a very serious need to expand some of those national parks to preserve their core environmental values, and yet they have to get in line for regular appropriations. But there is no such getting in line with respect to this problem, and that is what is wrong with this approach. I would assure the entire Florida delegation, I will be the first to support this provision if it is subject to appropriations. But I cannot in good conscience support it, even though I agree with the goal, when it is being set aside, being put ahead of virtually every other urgent environmental problem in the country. That is just not the way to do business in a country with as many problems as we have.

Mr. FOLEY. Mr. Chairman, I yield 30 seconds to the gentleman from Florida [Mr. CANADY].

Mr. CANADY of Florida. Mr. Chairman, I am pleased to rise today in support of the Foley amendment to give priority funding for responsible restoration activities in the Florida Everglades. The Florida Everglades are truly an environmental treasure. The healthy Everglades and a prosperous Florida economy are not only compatible but also mutually dependent.

We have established an historic partnership between the Federal Government and the State of Florida and the agricultural industry to fund these cleanup efforts. I am very pleased that this Congress is standing with the people of Florida is support of this responsible effort. I am pleased to support the amendment of my colleague from Florida, and I want to commend my colleague from Florida [Mr. FOLEY] for his leadership on this outstanding issue.

Mr. OBEY. Mr. Chairman, I yield 2½ minutes to the gentleman from Louisiana [Mr. LIVINGSTON], the distinguished chairman of the Committee on Appropriations.

Mr. LIVINGSTON. Mr. Chairman, I thank the distinguished ranking member on the Appropriations Committee and my good friend, the gentleman from Wisconsin [Mr. OBEY], for yielding time to me.

Mr. Chairman, I did not expect to be back here making this argument again, certainly not before noon today, but it appears that I have to. I think that this is a matter that ought to come before the Members for another vote. Because quite possibly notwithstanding my tirades of the first half of business today, Members did not really understand that despite all of the good intentions that they have today, helping the environmental community clean up our wetlands and so forth, what this amendment does and what we did with the Boelhert amendment, and the provision which was the LEAP Program, which was incorporated and doubled by the Boelhert amendment earlier, is to create entitlements out of what have been discretionary programs.

Now, we might say they are for good intentions, and agree. We might say the substance is fine and good and decent. It purifies the air and the land and the fish and the wildlife, and I say fine. But I say this is not an environmental issue. This is a budgetary issue.

For the last 14 months, the American Congress, on both sides of this Capitol, has told the American people it is mandatory, it is absolutely essential that we balance the budget of the United States. And, as we know, mandatory spending is two-thirds of the equation, two-thirds of the $1.6 trillion that this Government spends every single year. Discretionary, spending which we have had great success in deterring and slowing down and cutting in recent months, has been going down, but we cannot balance the budget with discretionary spending alone.

We have got to get a handle on entitlements, and that means reducing the number of entitlements, not increasing them. We have already created a $2.1 billion entitlement earlier this morning out of what was a $75 million discretionary spending program, and this will create another entitlement. I urge my budgetary-conscious Members to vote against the amendment. Do not create any more entitlements and let us stop this foolishness or admit to the American people that we are not interested in balancing the budget.

Mr. FOLEY. Mr. Chairman, I yield 1 minute to the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. Mr. Chairman, as the distinguished and very impressive chairman of the Appropriations Committee has pointed out, the road to bankruptcy is paved with good intentions. And as the gentleman from Wisconsin [Mr. OBEY] has pointed out in opposition to the bill, there are other environmental programs that certainly are very meritorious.

I think in my discussions with the gentleman from Florida, he has indicated that Federal land exchange is a better way to address this issue or certainly would be helpful, no cost to the taxpayer, wise use of surplus government lands. It would protect the Everglades and protect the other environmental programs that the gentleman from Wisconsin [Mr. OBEY] wants to fund. It would also address the budget issues that the gentleman from Louisiana [Mr. LIVINGSTON] has.

MODIFICATION OF AMENDMENT OFFERED BY MR. ROBERTS TO THE AMENDMENT OFFERED BY MR. FOLEY

Mr. ROBERTS. Mr. Chairman, I notice on line 11 of the amendment, it says, "Shall use the funds to conduct restoration activities in the Everglades ecosystem, which may include acquiring private acreage in the Everglades."

Mr. Chairman, I ask unanimous consent that the amendment be modified to change "may" to "shall." We can answer the problems with the budget in part and the problems by the gentleman from Wisconsin [Mr. OBEY] in terms of other very fine environmental programs.

Mr. FOLEY. Mr. Chairman, I would agree to the inclusion of "shall" in line 11.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

Mr. DEUTSCH. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. FOLEY. Mr. Chairman, I yield 30 seconds to the gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS of Florida. Mr. Chairman, I support the gentleman, and I would like to refer some of my remarks to the gentleman from Louisiana [Mr. LIVINGSTON], chairman, and to the gentleman from Wisconsin [Mr. OBEY], ranking member, both of whom I have immense respect for, and I genuinely mean that.

The fact of the matter is that the Florida Everglades are the second largest national park in the United States of America, and while I agree that everybody ought get in line, this is a pay me now or pay me later situation. What is going to happen, if we do not do this soon, and I mean sooner than later, is we are going to find ourselves in the position of having to pay a great deal more.

Mr. Chairman, I rise to express my support for the Foley amendment. Mr. Speaker, the Florida Everglades is the largest subtropical wetland in the United States and this country's second largest national park.

Spanning south Florida from the coral reefs off the Keys to the headwaters of the Kissimmee River near Orlando, the size of the Everglades is only surpassed by the number of diverse ecosystems and habitats it supports. Nurturing the existence of humans and literally hundreds of wildlife species, the Everglades houses the most complex ecosystem in the United States. It is in urgent need of restoration and this amendment is another step in the long process of restoring the Glades to its proper majesty.

Mr. Chairman, this amendment enjoys bipartisan and bicameral support. Vote for the Foley amendment and help keep the Everglades part of America the Beautiful.

Mr. FOLEY. Mr. Chairman, I yield 30 seconds to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Chairman, I urge my colleagues to adopt this amendment.

The Everglades are not just a Florida treasure but they are a national treasure. While agriculture practices have contributed to the degradation of the Everglades, overdevelopment and also Federal projects and paving and growth have contributed just as much to the pollution of the Everglades. Now we all have an obligation to roll up our sleeves and begin the Everglades cleanup and restoration. Only through a combined effort of State, Federal, and local and private efforts can we make that happen, and we can make it happen here today.

Mr. FOLEY. Mr. Chairman, am I correct to assume I will have the right to close on this amendment?

The CHAIRMAN. The gentleman from Florida will have the right to close.

Mr. FOLEY. Mr. Chairman, I yield 30 seconds to the gentlewoman from Florida [Mrs. MEEK].

Mr. OBEY. Mr. Chairman, I yield 30 seconds to the distinguished gentlewoman from Florida even though we are on different sides of this issue.

The CHAIRMAN. The gentlewoman from Florida [Mrs. MEEK] is recognized for 1 minute.

□ 1200

Mrs. MEEK of Florida. Mr. Chairman, I am in strong support of the Foley amendment, and I understand our appropriations chairman, the gentleman from Louisiana [Mr. LIVINGSTON], who has so capably tried to do the mandate that he had. I also respect the ranking member, the gentleman from Wisconsin [Mr. OBEY].

But there is something that we must take into consideration because of the very strength of what we are trying to do. This provides $200 million to help restore one of America's truly unique and natural resources, the Florida Everglades. It is so important to us because every drop of drinking water in south Florida comes from the ground.

If you keep that in consideration and in mind, we are, the Everglades is the sole source, because all of the aquifers are there, and they are the sole-source aquifer State. Without water, water quality and quantity, we will lose some of our very best resources, you know, in the Florida bay. I do not think I need to update the Congress on the importance of the Florida Everglades. But the amendment offered by my colleague from Florida is very good, and I want the Congress to pass it.

Mr. Chairman, I rise in strong support of the Foley amendment, which provides $200 million to help restore one of America's truly unique natural resources, the Florida Everglades. My district in south Florida is adjacent to the Everglades, and I know from experience that the welfare of all of south Florida depends on the Everglades.

You see, Mr. Chairman, every drop of drinking water in south Florida comes from the ground. We are a sole-source aquifer State, and we need to maintain our water quality and quantity in these aquifers—there is no choice.

Mr. Chairman, only a healthy Everglades can protect the water supply of millions of people. Commercial and sports fishing and tourism are key industries in my State. Our coastal waters must be kept clean for wildlife and fish, for our own health and enjoyment, and for commercial use and tourism. The Everglades empty into Florida Bay, an important marine nursery. A healthy Everglades is indeed the linchpin of our south Florida economy, and a key to fisheries in the entire Gulf of Mexico.

The funds in this amendment will buy land to protect the Everglades ecosystem, including land to protect the Everglades ecosystem, including land that otherwise would be developed. Mr. Chairman, this will help all of us. What we need in south Florida is redevelopment of our urban areas, focusing our growth in areas where it makes environmental and economic sense. I believe that this $200 million for the restoration of the Everglades is an important down payment on a more ecologically sound future, and I urge my colleagues to support this amendment.

Mr. FOLEY. Mr. Chairman, I yield 30 seconds to the gentleman from Florida [Mr. SHAW].

Mr. SHAW. Mr. Chairman, I think the points have been made here today, but there is one thing that I want the Members to leave here really impressed upon their mind, and that is, why are we in Florida waiting in line.

Several reasons. One, there is a national park at stake, the life of a national park. There is the water supply for south Florida. There is the health of the Florida Bay, which is the nursery for all of the fisheries around the coast of Florida.

This is irreparable damage occurring in south Florida. It is not a question, We do not have the luxury of being able to wait 2 or 3 years. The damage would be complete, and it would be final.

Mr. Chairman, I rise today to voice my support for Representative FOLEY's amendment which provides for a $210 million appropriation that will be used to conduct restoration activities in the Everglades National Park and to purchase lands within the Everglades Agricultural Area. The Everglades' unique, fragile ecosystem has been strained, and it is now estimated that 130,000 acres of land need to be taken out of production in the Everglades Agricultural Area [EAA] to regain a reasonable flow of clean water through the Everglades and into Florida Bay.

Immediate action is needed to halt the rapid deterioration of the Everglades, which are dying at the incredible rate of 3 acres everyday. If we fail to act, Florida residential and recreational areas and businesses will suffer increasing water supply problems, and the south Florida fishing, diving, and tourism industries will be endangered.

I believe that the farmers who grow their crops in the Everglades Agricultural Area need to be financially responsible for the damage that their farming does to the Everglades. However, this bill is the first step in the preservation and restoration of Florida Bay and the Everglades, both of which are of tremendous value to our Florida economy in addition to being two of the most beautiful and priceless areas on earth.

I urge my colleagues to vote for this pro-environment vote and take the first step in saving the Everglades.

Mr. OBEY. Mr. Chairman, I yield myself the remainder of my time.

Mr. Chairman, I greatly respect the gentleman who just spoke.

But let me point something out. This Congress has voted to reduce EPA enforcement by one-third. They have voted to gut an entire string of environmental protection programs. And then, having done that, on the appropriations bill, now they come in and say, "Oh, by the way, I have got a special, urgent problem in my State, and so forget all of the need to cut the budgets."

For every last one of you who voted to cut the EPA's budget, who voted to cut the Interior appropriation bill the two budgets for strengthening our environmental protection, every last one of you who voted for it will be putting yourselves in an absolutely hypocritical position if you now vote for this amendment today because you will say that in spite of everything that you did to all other regions of the country, you are going to give this problem a special deal. The American public is tried of special deals.

I want to see the Everglades protected. I want to see the Everglades protected. But I want to see the Great Lakes protected, I want to see our ocean shores protected, I want to see the Mississippi River cleaned up, I want to see all of our national parks protected.

When you are willing to do that, come and see me. But do not ask for a special deal for one State for one group. That is not fair. It is not right. You ought to vote this down.

Mr. FOLEY. Mr. Chairman, I yield the balance of my time to the gentleman from Georgia [Mr. GINGRICH], the Speaker of the House.

Mr. GINGRICH. Mr. Chairman, I thank my friend, the gentleman from Florida, for yielding me this time.

Let me say that on procedural grounds, the chairman and ranking member of the Committee on Appropriations make a good case. But they also know that this legislative process often has unique provisions and often has things which are handled in ways that do not necessarily directly involve the Committee on Appropriations. There are other committees. There is a broader body, called the House, and the other side. There are other committees in the Senate, and there is a broader body, called the Senate.

The question here is very straightforward. We have an opportunity in this bill today to vote to continue a process which was begun at the State level and which is, in fact, moving in the right direction; that is, to save the Everglades, but, equally important, to save the water supply of south Florida.

I think this amendment can be improved, and I hope in conference it is going to be improved. I hope in conference it is going to be improved in a way which both the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Wisconsin [Mr. OBEY] will appreciate.

The truth is we have a limit of money. The truth is we are never going to have enough money to do everything we would like to do around the country.

One of the things that I actively, working with a number of Members, including Chairman POMBO of the Natural Resources Subcommittee that deals with this, am working on is the Sterling Forest Preserve, which is also a water supply problem. The Sterling Forest provides water for New York City and for one-third of New Jersey, and there we have talked about finding a land swap.

Let me suggest, when we get to conference we are going to do all we can to replace the cash requirements with an ability of the Federal Government to take quantities of land all over this country, HUD-owned land in Washington and New York and in Atlanta and Miami and Orlando, land owned by various Federal bureaus in the West, land that is not environmentally necessary, and to the degree we can package land swaps and enable this to occur without drawing upon appropriated funds, I think that is a better way to go.

I am very sympathetic to the chairman of the Committee on Appropriations, who has done heroic work in moving us toward a balanced budget. But on this occasion, in getting this amendment to conference, in setting the stage for negotiating with the Senate and for developing, frankly, a proposal which will both save the Everglades, provide water supply for south

Florida and, I think, establish a precedent for this country of using the Federal lands in an intelligent way to take care of the environmentally needy areas, to take care of the urban areas and to do so in a rational way, I think this is a positive step.

I commend the gentleman from Florida [Mr. FOLEY] for bringing it to the floor. I think it is very important. I commend the gentleman from Florida [Mr. SHAW] for the leadership he has shown on the Committee on Ways and Means for dealing with the same issue.

I think we have to take steps on behalf of the Everglades. We have to take steps on behalf of fresh water in south Florida. I think this is the right amendment to do it with. This starts us down that process.

I do assure my colleagues we will be working in conference to maximize the opportunity to use land swaps instead of appropriated funds. I know you are very sympathetic with the concerns that the appropriators have raised today.

I simply urge a "yes" vote for a very good amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. FOLEY].

The question was taken; and the chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LIVINGSTON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 299, noes 124, note voting 9, as follows:

[Roll No. 39]

AYES—299

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baldacci
Ballenger
Barcia
Bartlett
Barton
Bass
Beilenson
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TX)
Bunning
Burr
Burton
Buyer
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Coleman
Collins (MI)
Conyers
Coyne
Cramer
Cremeans
Cunningham
Davis
Deal
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Dornan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fazio
Fields (LA)
Fields (TX)
Flake
Flanagan
Foglietta
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frisa
Frost
Ganske
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hefley
Hefner
Heineman
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Hutchinson
Hyde
Inglis
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kasich
Kelly
Kennedy (MA)
Kennelly
Kildee
King
Kingston
Kleczka
Klug
LaFalce
LaHood
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
LoBiondo
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Lowey
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Metcalf
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Miller (CA)
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Myrick
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Orton
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Payne (NJ)
Payne (VA)
Pelosi
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Ramstad
Rangel
Reed
Richardson
Riggs
Rivers
Roberts
Roemer
Ros-Lehtinen
Rose
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Salmon
Sanders
Sawyer
Saxton
Scarborough
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Schiff
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Scott
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Waxman
Weldon (FL)
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Yates
Young (FL)
Zimmer
Roybal-Allard
Royce
Sabo
Sanford
Schroeder
Sensenbrenner
Serrano
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Stenholm
Stockman
Stump
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thornberry
Tiahrt
Traficant
Velázquez
Visclosky
Vucanovich
Walker
Watt (NC)
Watts (OK)
Young (AK)
Zeliff

NOES—124

Baker (LA)
Barr
Barrett (NE)
Barrett (WI)
Bateman
Bentsen
Bereuter
Brewster
Bryant (TN)
Bunn
Callahan
Calvert
Chambliss
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Crane
Crapo
Cubin
Danner
DeLay
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Emerson
Fawell
Filner
Ford
Frank (MA)
Franks (CT)
Funderburk
Gallegly
Gekas
Gunderson
Hall (TX)
Hancock
Hastings (WA)
Hayes
Hayworth
Herger
Hilleary
Hostettler
Hunter
Istook
Jacobs
Jefferson
Johnson, Sam
Jones
Kanjorski
Kaptur
Kennedy (RI)
Kim
Klink
Knollenberg
Kolbe
Largent
Laughlin
Lewis (CA)
Lincoln
Livingston
Lucas
Luther
McCarthy
McCrery
McKeon
Minge
Montgomery
Moorhead
Myers
Nethercutt
Neumann
Oberstar
Obey
Ortiz
Oxley
Packard
Parker
Pastor
Petri
Pickett
Pombo
Poshard
Radanovich
Rogers
Rohrabacher

NOT VOTING—9

Becerra
Clyburn
Collins (IL)
de la Garza
Furse
McKinney
Moakley
Regula
Stokes

☐ 1225

Ms. VELÁZQUEZ, Ms. DANNER, and Ms. ROYBAL-ALLARD changed their vote from "aye" to "no."

Messrs. OWENS, MATSUI, BRYANT of Texas, and SALMON changed their vote form "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. MOAKLEY. Mr. Chairman, I was detained in a meeting during the rollcall vote numbered 39 on the Everglades amendment had I been present, I would have voted "yes."

Mr. ROBERTS. Mr. Chairman, I ask unanimous consent at this point to enter into a colloquy with the gentleman from Georgia, [Mr. CHAMBLISS] as it relates to the production flexibility contract that is contained in this bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

The CHAIRMAN. The gentleman from Kansas [Mr. ROBERTS] is recognized for 5 minutes.

Mr. ROBERTS. Mr. Chairman, I yield to the gentleman from Georgia [Mr. CHAMBLISS].

Mr. CHAMBLISS. Mr. Chairman, this bill authorizes the use of binding production flexibility contracts between the United States and owners and operators of farmland to ensure farming certainty and flexibility while ensuring continued compliance with farm conservation compliance plans and wetland protection requirements. Is this guarantee of payment?

Mr. ROBERTS. Mr. Chairman, I thank the gentleman for asking that important question. Let me first say that it is clearly the intent of Congress that the market transition payment provided by the 7-year production flexibility contract is an express and unmistakable contract between the United States and the owner and operator of farmland. Because the market transition payment is based on the 7-year contract it is the intent of the legislation that the payment is guaranteed.

The CHAIRMAN. Pursuant to the order of the House of Wednesday, February 28, 1996, it is now in order to consider the amendment offered by the gentleman from Ohio [Mr. TRAFICANT] in lieu of amendment No. 15 printed in House Report 104-463.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TRAFICANT: At the end of title V (page 139, after line 17), add the following:

SEC. SENSE OF CONGRESS REGARDING PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS; REQUIREMENTS REGARDING NOTICE

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act or amendments made by this Act, it is the sense of the Congress that persons receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act or amendments made by this Act, the Secretary of Agriculture shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

The CHAIRMAN. Pursuant to the rule, the gentleman from Ohio [Mr. TRAFICANT] and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

□ 1230

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a standard buy American amendment that I have offered to many bills. As Members know, I substituted this amendment last night under unanimous consent for the weatherization amendment I was to offer.

I would just like to state this: I seem to have an acceptance by both parties on this. In 1990, the Congress of the United States legislated there would be 10 regions that would implement a national agricultural weather service, specifically geared to farmers and their needs. The Agriculture Department threw it in the can like many of these executive branch agencies have. So the Traficant amendment would have, in fact, brought that into being and, in fact, extended it to all 50 States.

Before I close out my time, let me say this to the Congress: I think in agriculture, we should have a program with our technology where a farmer in your State and in your county can call an 800 number and find out if it is going to rain in the next couple days, a little basic common sense.

So I have withdrawn that amendment. I am working with the committee. I want help for it. And if I do not get the help, I will not withdraw it next time. But this buy American amendment makes a lot of sense. It does not tie anybody's hands.

I would like to compliment the Committee on Agriculture here. One of our good, positive balance of payments is in agriculture. My amendment here, the buy American amendment, certainly would be a benefit in that regard.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does any Member rise in opposition to the amendment?

Mr. ROBERTS. Mr. Chairman, I am not in opposition to the amendment.

Mr. TRAFICANT. Mr. Chairman, I yield such time as he may consume to the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. Mr. Chairman, we will try very hard to address the gentleman's concerns in regards to the previous amendment that he described that he has withdrawn. It is my understanding that the gentleman has or is going to offer his traditional buy American amendment. We have no opposition to that, and we wish to thank the gentleman.

Mr. TRAFICANT. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I would associate myself with the remarks of the chairman. And we have no objections also, and we also assure him that we will work with the gentleman regarding the previous amendment that he dropped.

Mr. TRAFICANT. Mr. Chairman, I ask for an affirmative vote, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 16 printed in House Report 104-463.

AMENDMENTS EN BLOC OFFERED BY MR. STENHOLM

Mr. STENHOLM. Mr. Chairman, I offer amendments en bloc.

The CHAIRMAN. Is the gentleman the designee of the gentleman from Texas [Mr. DE LA GARZA]?

Mr. STENHOLM. Yes, Mr. Chairman.

The CHAIRMAN. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc is as follows:

Amendments en bloc offered by Mr. STENHOLM:

AMENDMENT NO. 3: Page 30, strike lines 1 through 9 and insert the following new subparagraphs:

(A) SOYBEANS.—The loan rate for a marketing assistance loan for soybeans shall be not less than 85 percent of the simple average price received by producers of soybeans, as determined by the Secretary, during 3 years of the 5 previous marketing years, excluding the years in which the average price was the highest and the year in which the average price was the lowest in the period.

(B) SUNFLOWER SEED, CANOLA, RAPESEED, SAFFLOWER, MUSTARD SEED, AND FLAXSEED.—The loan rates for a marketing assistance loan for sunflower seed, canola, rapeseed, safflower, mustard seed, or flaxseed shall be not less than 85 percent of the simple average price received by producers of such oilseed, as determined by the Secretary, during 3 years of the 5 previous marketing years, excluding the years in which the average price was the highest and the year in which the average price was the lowest in the period.

H.R. 2854

OFFERED BY: MR. DE LA GARZA

AMENDMENT NO. 4: Strike section 109 (page 78, line 8, through page 80, line 15), relating to elimination of permanent price support authority, and insert the following new section:

SEC. 109. SUSPENSION AND REPEAL OF PERMANENT AUTHORITIES.

(a) AGRICULTURAL ADJUSTMENT ACT OF 1938.—

(1) IN GENERAL.—The following provisions of the Agricultural Adjustment Act of 1938 shall not be applicable to the 1996 through 2002 crops of any commodity:

(A) Parts II through V of subtitle B of title III (7 U.S.C. 1326–1351).

(B) Subsections (a) through (j) of section 358 (7 U.S.C. 1358).

(C) Subsections (a) through (h) of section 358a (7 U.S.C. 1358a).

(D) Subsections (a), (b), (d), and (e) of section 358d (7 U.S.C. 1359).

(E) Part VII of subtitle B of title III (7 U.S.C. 1359aa–1359jj).

(F) In the case of peanuts, part I of subtitle C of title III (7 U.S.C. 1361–1368).

(G) In the case of upland cotton, section 377 (7 U.S.C. 1377).

(H) Subtitle D of title III (7 U.S.C. 1379a–1379j).

(I) Title IV (7 U.S.C. 1401–1407).

(2) REPORTS AND RECORDS.—Effective only for the 1996 through 2002 crops of peanuts, the first sentence of section 373(a) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1373(a)) is amended by inserting before "all brokers and dealers in peanuts" the following: "all producers engaged in the production of peanuts,".

(b) AGRICULTURAL ACT OF 1949.—

(1) SUSPENSIONS.—The following provisions of the Agricultural Act of 1949 shall not be applicable to the 1996 through 2002 crops of any commodity:

(A) Section 101 (7 U.S.C. 1441).

(B) Section 103(a) (7 U.S.C. 1444(a)).

(C) Section 105 (7 U.S.C. 1444b).

(D) Section 107 (7 U.S.C. 1445a).

(E) Section 110 (7 U.S.C. 1445e).

(F) Section 112 (7 U.S.C. 1445g).

(G) Section 115 (7 U.S.C. 1445k).

(H) Title III (7 U.S.C. 1447–1449).

(I) Title IV (7 U.S.C. 1421–1433d), other than sections 404, 406, 412, 416, and 427 (7 U.S.C. 1424, 1426, 1429, 1431, and 1433f).

(J) Title V (7 U.S.C. 1461–1469).

(K) Title VI (7 U.S.C. 1471–1471j).

(2) REPEALS.—The following provisions of the Agricultural Act of 1949 are repealed:

(A) Section 103B (7 U.S.C. 1444–2).

(B) Section 108B (7 U.S.C. 1445c–3).

(C) Section 113 (7 U.S.C. 1445h).

(D) Section 114(b) (7 U.S.C. 1445j(b)).

(E) Sections 202, 204, 205, 206, and 207 (7 U.S.C. 1446a, 1446e, 1446f, 1446g, and 1446h).

(F) Section 406 (7 U.S.C. 1426).

(C) SUSPENSION OF CERTAIN QUOTA PROVISIONS.—The joint resolution entitled "A joint resolution relating to corn and wheat marketing quotas under the Agricultural Adjustment Act of 1938, as amended", approved

May 26, 1941 (7 U.S.C. 1330 and 1340), shall not be applicable to the crops of what planted for harvest in the calendar years 1996 through 2002.

(d) SUSPENSION OF PARITY PRICE PROGRAM FOR MILK.—Section 201(c) of the Agricultural Act of 1949 (7 U.S.C. 1446(c)) is amended by striking "section 204" and inserting "section 201 of the Agricultural Market Transition Act".

H.R. 2854

OFFERED BY: MR. DE LA GARZA

AMENDMENT NO. 5: At the end of title V (page 139, after line 17), add the following new section:

SEC. 507. INVESTMENT FOR AGRICULTURE AND RURAL AMERICA.

Section 5 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c) is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

"(g) Make available $3,500,000,000 for the following purposes:

"(1) Conducting rural development activities pursuant to existing rural development authorities.

"(2) Conducting conservation activities pursuant to existing conservation authorities.

"(3) Conducting research, education, and extension activities pursuant to existing research, education, and extension authorities.".

The CHAIRMAN. Pursuant to the rule, the gentleman from Texas [Mr. STENHOLM] and a Member opposed each will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, a brief explanation of the amendment before us today. We propose in this amendment to fund the fund for rural America to the degree of $3.5 billion, to meet the rural development conservation research and extension priorities and needs of rural America that we believe are not and have not and will not be met in the funding as before us in H.R. 2854.

I would hasten to point out, for budget reasons, the $3.5 billion additional spending conforms to the coalition budget that was offered last year that balances our budget in 7 years, Congressional Budget Office scoring. We believe and have consistently said that the current farm bill and the cuts as proposed in agriculture are too severe, particularly in the area of rural development. And we have suggested that additional funding must be made available, and that is what this amendment does.

It also includes a provision for the oilseeds. In the transition market program that is in the base bill, the oilseeds are shortchanged. For too long, the oilseeds have been shortchanged and, as we had a discussion yesterday regarding the market loan for cotton, we believe that a similar oilseed marketing loan is also very applicable and very much needed.

The CBO score on the oilseed cost is $103 million over 7 years, but I hasten to point out that soybeans represent the third largest United States crop with the second largest value. I think some additional investment to see that that industry remains a strong and viable industry is warranted, and that is why we offer that as a second part of our amendment.

The third part to the amendment deals with continuation of permanent law. On this side we have been very, very nervous about the ending of farm programs under any shape, form or fashion. We understand that there is a commission that will be studying what we replace, if we replace, agricultural legislation. We think, though, that we should delete the base bill provision which repeals permanent law to give us a little extra added incentive just in case the commission or the Congress should be as hopelessly deadlocked in 2002, as we were in 1995. And, therefore, the three parts of our amendment: the fund for rural America, the oilseed marketing loan and the continuation of permanent law.

Mr. ROBERTS. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Kansas [Mr. ROBERTS], is recognized for 30 minutes.

Mr. ROBERTS. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana, [Mr. LIVINGSTON], chairman of the House Committee on Appropriations, who, in the words of our Speaker, has made heroic efforts in order to bring our spending under control.

Mr. LIVINGSTON. Mr. Chairman, I thank the distinguished chairman of the Committee on Agriculture for yielding time to me. I hope I can say that this time we are on the same side.

Mr. Chairman, this will be the third time I have come before the House today with this argument. This time we are talking about a $3.5 billion program. It would be meritorious, all good intent, maybe the money should be spent, but you are taking it out of the discretionary arena for Congress to raise or lower at the discretion and writing it into law, into mandatory law, as I understand it.

I would be happy to yield to the gentleman. If I am wrong, I would like to know it. But as I understand this program, it becomes a mandatory, locked-into-law program that spends $3.5 billion for purpose which may well be meritorious. I am not quarreling with the gentleman on substance, but if, in fact, I am correct on that, I would only make this point: We have already taken two programs that were discretionary and made them mandatory. Today we have done that.

One was a $2.1 billion program and the other will be at least $2 billion. I have 13 appropriation bills here. These represent one-third of the Federal budget, $1.6 trillion that we spend every year. The two-thirds of the money we spend every year is locked into law. We cannot do anything. Congress does not do anything. We do not have to do anything. It is just going to be spent. Gradually what we have done today is take some of the two programs and move them over from the discretionary side to the mandatory side.

Why do we not just take all 13 bills, just throw them out. Just start with the agricultural bill, put all the appropriations bills right here. Make one amendment and take them from discretionary to mandatory. We can all go home. We can do what Lamar Alexander says, we can go home to our districts. We can cut our pay by 90 percent or maybe 100 percent because we are not going to be doing a darned thing. Bill Clinton will be President and the executive branch will run the Government and the U.S. Congress will cease to function. That is what the gentleman is seeking, if I understand it. I may be wrong. I know the gentleman has his own time.

But if he is seeking to make a mandatory program, $3.5 billion out of what was formerly discretionary, we might as well take all 13 appropriations bills, abolish the discretionary side of the equation and make it all mandatory and forget about legislating. We will be abdicating our responsibility to the American people so we might as well all quit at the same time.

Mr. STENHOLM. Mr. Chairman, I yield myself such time as I may consume.

I wish that the chairman would listen for just a moment, because it is not the intention of this amendment to do any of what the gentleman was describing.

The intention of this amendment is to recognize the tremendous pressures and the frustration that has occurred this year between the appropriators and the authorizers regarding the adequacy of funding for many of the programs in the agricultural function.

I am perfectly willing to let the appropriators make that decision, if that were possible, but the gentleman and I both would agree that if we put this money into the discretionary pot, then it would be up to the appropriators as to whether the $3.5 billion would end up in the agriculture function or would end up somewhere else, meeting more appropriate needs. I do not argue with that process which we have to go through, the appropriators, and I am very sympathetic to that.

But what we are trying to do in the same spirit of the transition market program, in which we are capping entitlements, this is one entitlement that is being capped. I believe the gentleman would agree with that. That is the strength of the Freedom To Farm Act. It is capping the expenditures at a fixed limit. It is reducing it by 46 percent as compared to the last 5 years.

The gentleman and I would both agree that if every other entitlement was making that kind of a reduction, our budget would be balanced. But in doing that, in the debate, in the tremendous pressure that the Committee on Appropriations is undergoing, agriculture and rural America is getting squeezed, squeezed and squeezed, through no fault of the chairman. So all we can think of how we might help work the gentleman's problem and our problem in a cooperative way is to suggest that we increase the CCC funding and make it available specifically for the purpose of agriculture. If the gentleman could show me another way to do it, we would be glad to amend our budget to do it.

As I said in my opening remarks, balancing the budget, there is no one that is more interested and more dedicated to doing that. We do it under our budget, not under the gentleman's budget. My difficulty with the majority in this is I believe that they are asking too much from agriculture and rural America, so we suggest putting some back and we try to control it. I am perfectly willing to let the gentleman have the partnership that we all would share in how we spend it.

Mr. ROBERTS. Mr. Chairman, I yield myself such time as I may consume.

As I have indicated, I rise in opposition to the amendment, basically for three reasons. One is in reference to the oilseed or the proposed oilseed loan program.

The Senate version of this added $132 million to the cost of their farm bill proposal. I do not know what the CBO estimate is of the gentleman's amendment. But I will move on to two other considerations.

This amendment strikes provisions that repeal a multitude of what I think are outdated statutes, as they refer to agriculture. We are talking about something here called permanent law or permanent agriculture law of either the 1938 or the 1949 farm bills. They have not been used for all practical purposes for decades. With a few exceptions, which our bill does recognize, these statutes really represent farm policy that is woefully outdated.

□ 1245

It simply does not apply to the modern-day world of agriculture.

I think we need to clean up the agriculture statute and get rid of these policies and provisions out of date, out of sync with today's markets and farm management systems. So for that reason we oppose the amendment.

I want to make it clear since Secretary Glickman, a good friend and a colleague, a former member of the House Committee on Agriculture, has pointed out that we in no way, we have to pass a farm bill, we in no way could go back to the 1949 act, and we all know that, and so I asked the Secretary, and I have asked the gentleman from Texas [Mr. STENHOLM] and I have asked the chairman emeritus of the House Committee on Agriculture, the gentleman from Texas [Mr. DE LA GARZA] if they could propose a different kind of permanent farm law.

It is the 1949 act that I strongly object to, and it is just completely outdated. Those proposals have not been forthcoming. We have talked about it, and the gentleman from Texas has at least mentioned the possibility of the 1990 act in terms of permanent law. But since their substitute does contain the very awkward and very expensive permanent law for 1949, I think that is a very poor choice.

Then again this amendment also creates something called the Investment for Agriculture and Rural America Fund, similar to the Fund for Rural America that has passed in the other body, and this amendment would make $3.5 billion in CCC moneys, as the chairman of the Committee on Appropriations has pointed out, available for rural development and conservation extension and research, purposes.

I support these initiatives. They are very fine initiatives. And the gentleman from Texas is right. We have been sorely pressed in agriculture, and these, as my colleagues know, these kinds of initiatives and these programs would be of tremendous help to our small communities all throughout the country.

But I do think, with all due respect and some reluctance in opposing this bill, that this amendment goes too far by giving these programs access to mandatory spending out of the CCC authority; the chairman of the Committee on Appropriations has certainly mentioned that. The CCC has traditionally been reserved for use on farm and commodity and other related activities as opposed to this kind of spending.

We oppose this amendment, and I want all of my colleagues to understand this, we oppose this amendment because of its high cost. It virtually wipes out any budget savings achieved by the current bill, and its lack of details relative to how the Secretary would be allowed to spend these funds is very unclear and because it funds again wide discretionary programs out of mandatory spending accounts.

Now, I would like to say that in trying to work with the gentleman from Texas [Mr. DE LA GARZA] and the gentleman from Texas [Mr. STENHOLM] and also the gentlewoman from North Carolina [Mrs. CLAYTON], who has been an eloquent champion in behalf of rural development on the committee, that we considered a very similar bill in committee. I indicated at that time that I would do my very best to try to work for additional funding for rural development, and I have tried, and when we go to conference I will try again, and in the other body there is $300 billion made available to the Fund for Rural America, but $3.5 billion, as I indicated in the committee, is simply too much. We really abrogate what we do in terms of our budget savings, and the structure of this really troubles me. We do not want to get into an even-numbered year debate where we are saying that the money is being used for a secretary slush fund or something like that, and so consequently we are in opposition to the amendment for those reasons.

Mr. Chairman, I reserve the balance of my time.

Mr. STENHOLM. Mr. Chairman, I yield 3 minutes to the gentlewoman from North Carolina [Mrs. CLAYTON], the leading advocate and worker in favor of the Rural Development Fund as it pertains to our rural communities, dealing particularly with the water, sewer, and housing needs.

Mrs. CLAYTON. Mr. Chairman, I thank the gentleman for yielding the time.

We are considering a farm bill; a farm bill is considered every 5 years. It gives us an opportunity not only to look at our production policies in our rural area, but also our developmental policies in our rural areas, and I would remind our colleagues, those of us who live in rural areas, there are activities that are beyond the farm gate, and we live in a community, we live where we either have water or no water, we live where we have poor houses or good houses, we live in a community that has very low economic opportunity.

I further would remind my colleagues that one-fourth of this Nation's population live in rural areas, but yet we have more than 80 percent of the land mass. So there is a lot of land going between individual homes. So the sparsity of our population causes even greater need for our development funds.

My colleagues also know because they are aware that a higher degree of poverty and disadvantaged opportunities are there, but more than that the trend in agriculture means there are less farmers, there are less farmers doing well, and economic development dependent only on our farmers is not going to happen in our rural areas.

So as we consider the farm bill, this is an opportunity to say to rural America we understand that development goes beyond the farm gate: Housing; safe housing; clean water; having infrastructure for sewage. All of these are intimately part of our development in our area.

So I would urge us to consider this is an opportunity, and I would just remind my colleagues twice now on this floor this day we have indeed gone beyond what the appropriation had advocated for us, so this is our opportunity to do the right thing. It is within budget, and the gentleman from Texas has assured us that this is within the coalition budget, so it is not a matter of breaking the budget. This is a matter of priorities, not a matter of breaking the budget.

Do we want to give this amount of money for water, for sewage, for housing? Do we want to make this opportunity to one-fourth of the Nation to have economic development? It goes beyond housing and water. It also goes to our Extension Service to teach our farmers as they move into a more global economy, a competitive world.

So if we want to enable them to be more competitive, we should be providing education, technology, and those things that would enhance our rural development.

Mr. ROBERTS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Idaho [Mr. CRAPO] a valued member of the committee.

Mr. CRAPO. Mr. Chairman, I rise in opposition to the amendment for several reasons.

First, as has already been well stated by the chairman of our Committee on Appropriations, this amendment moves in a very difficult direction by taking spending that has been in discretionary accounts into mandatory accounts. There is not a lot of disagreement, as we have already heard, about the objectives of this amendment, but to make that step from discretionary spending into mandatory spending is to continue a spending practice that has seen far too much in this Congress and has left us now to the point where many of our budget problems are driven by the fact that there are mandatory spending accounts in place that Congress does not have the ability to address each year in the appropriations process, and I do not think we understand we have been moving in that direction.

There are some further reasons, though, that I think we need to address these issues in a different forum. This bill would seek to spend nearly $3.5 billion, which again is much more than our budget allocations allow, but it would take that out of the CCC authority. The CCC has traditionally been used for farm commodity and related activities that are very helpful in the U.S. agricultural commodity sector.

One of the problems that we face is that I do not see enough specificity in legislation in this proposed bill to let us know whether we are going to be spending the money in a better and a more effective way. Let me give one example.

Earlier today I had a colloquy with the chairman of the Committee on Agriculture about research. It is very critical that we have effective and well funded research in the ag sector. It repays itself time and time again to the American taxpayer. We have a follow-on bill, farm bill II, where we are going to do very specific, and well evaluated work on the research sector of our ag programs, and we are going to have a good research provision in that bill. That is the forum in which we should be addressing these issues.

Again, it is not that we do not agree on the direction that this amendment seeks to move us, it is the method and the timing and whether we should be working with the second ag bill that is following along here or whether we should be doing it in this way that does not give the specificity needed.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Chairman, as my colleagues know, in the farm bill debate there is a character to this debate different than other farm bill debates. In the past, rural Representatives, Republicans and Democrats, stood together fighting for rural America. That has not been the case. I am astounded to come to the well following a colleague on the Committee on Agriculture, a gentleman for whom I respect, and he is talking about farm spending creating a budget problem for this country.

My colleagues, farm spending has been reduced more than any other function of Government, bar none. If further functions of Government had the cuts agriculture had had, we would not even have a budget deficit today. And they tout a farm bill that over the next 7 years spends 46 percent less on rural America than was spent over the last 5, and they say what they are doing for rural America.

I will tell my colleagues what they are doing for rural America. They are sticking it right in the neck with a very ill-advised bill that we are trying to make a little better with this amendment.

Take, for example, oilseeds. There is nothing in the so-called freedom to farm bill that addresses oilseeds. They are not going to get the payments that are the most widely touted feature of this bill. They have not been getting deficiency payments in the past; they will not get payments in the future. Yet we know that under the GATT agreement support for the export of U.S. oilseeds has been reduced 79 percent, more than any other agriculture commodity. So you have got a feature where the world export situation looks dramatically worse, and right on the heels of a farm bill that does nothing for oilseeds.

Why is this important? It is important because we have got oilseed production at 63 million acres right now in this country, and if we cannot grow oilseeds and make a dollar anymore, people will not grow oilseeds. They will grow wheat, they will grow corn. As we kill oilseed commodities, we will be shifting production into other commodities, resulting in overproduction and price collapse.

Now that is an event we all ought to avoid especially in light of the fact, especially in light of the fact, that this bill eliminates the safety net providing farmers assistance when market prices collapse.

Two other features of this amendment deserve note; the rural development feature: Rural development funding is down $1.5 billion over the last 2 years. Rural housing loans are at their lowest level in 20 years. Water, wastewater, and economic development funding, down 25 to 50 percent below earlier levels.

Now, the ag economists tell us that the net farm income under this farm bill, if it would be enacted, would drop 50 percent in North Dakota, 50 percent. We have got to use whatever we can to try and grow economic alternatives for our farmers, value-added opportunities. We cannot do that if we are reducing the funding for rural development. So part and parcel of a reforming of our farm program ought to be making a commitment to rural development.

The final point involves permanent law. We need a permanent law. We need permanent status to the farm program. The bill eliminates it. The amendment puts it back in, and it is another reason for its enactment.

Mr. ROBERTS. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. ALLARD], a distinguished subcommittee chairman of the sometimes powerful House Committee on Agriculture.

□ 1300

Mr. ALLARD. Mr. Chairman, I want to thank my chairman for yielding time to me. I would like to congratulate him on his hard work and success in trying to create a better future for our farmers.

I came into this Congress with the demand that is being made on agriculture, and that is that the American people wanted to drop off subsidies. American farmers were sick and tired of rules and regulations that kept them from being able to produce the crops that they wanted, and they were getting bogged down in paperwork. They wanted to have some tax relief.

This farm bill, we need to keep in mind, had the goal of beginning to reduce subsidies, giving farmers regulatory relief and tax relief. This is the most market-oriented, the most pro-environment, and most fiscally responsible farm bill in recent history that has been reported out of the House of Representatives. I believe it will pass today off the floor of the House of Representatives, because there has been so much hard work. We all realize we have to get legislation passed so farmers can move ahead, get their own lives in order, and get their farms prepared to get ready for production. We cannot continue to hold this up.

Mr. Chairman, on rural economic development, right now we are spending $5.1 billion for rural economic development. We are calling for another $3.5

billion. There are a lot of things that need to be done to improve rural economic development. For example, we are spending a lot of dollars on recreation facilities. We need to be focusing those dollars on what is going to help rural America be more productive.

There is a lack of specification, specifics, in this particular amendment. Obviously, we have some real needs on rural economic development, but they are not laid out for us on this particular amendment; so I am urging a no vote on this amendment because of the lack of specifics.

Mr. Chairman, I would urge the Members of the House to join me in defeating this amendment.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of the de la Garza amendment. It is really, in this bill, our first chance to include rural economic and community development in this farm bill. The things which are public safety facilities, that provide grants and loans for public safety facilities, that provide grants and loans for safe drinking water and wastewater disposal, and grants and loans for small business development, all of those programs are in the thousands of rural communities with under 10,000 people that exist in so many of our congressional districts, and in Massachusetts particularly, in my congressional district; all of it money that is critical to low-income rural areas which have sagging infrastructure and little capital for new business.

Mr. Chairman, this amendment is also one of the last opportunities that we have to address the desperate need for housing in rural areas. Last year low-interest loans through the self-help housing program allowed 89 families in my district in rural Massachusetts, who otherwise could not have afforded it, to buy or build their own home. These families earn an average of about $22,000 a year. That is only half of the average family income in Massachusetts, where the property values are very high and owning your own home is very difficult because of those high property values.

Infrastructure and housing are critical investments in the future of rural America, and should not be ignored in this farm bill. I urge my colleagues to support the de la Garza amendment.

Mr. ROBERTS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Illinois [Mr. EWING], the chairman of the Subcommittee on Risk Management and Specialty Crops of the Committee on Agriculture.

Mr. EWING. Mr. Chairman, I thank the gentleman, the chairman of the Committee on Agriculture, for a great job in shepherding this bill through some pretty rough waters over the last 2 days. It is my pleasure to rise to talk about the de la Garza amendment.

Unfortunately, Mr. Chairman, I feel that I have to rise in opposition to this amendment. When the gentleman says that he is going to put $3.5 billion at the discretion of the Secretary of Agriculture, I think we certainly should put a lot more thought and have a lot more ideas exactly how that money is going to be spent; because the bottom line is what we take out of the farm program with an amendment such as this is money that is not going to be there for the transition payments for farmers; it is not going to be there for crop insurance, which is the bottom of the safety net, the base of the safety net for American agriculture; it is not going to be there for legitimate agricultural research, which is always needed.

We cannot tell at this time what our demands are going to be. Certainly, to come along with that kind of a fund, without the controls and the oversight of this Congress, would be a very, very serious mistake, and very crippling to the ability to make this bill, the transition act, the agricultural transition act, be as important as it is to American agriculture.

With great reluctance, Mr. Chairman, I rise in opposition to my colleague's amendment, and would hope that the Members of the House will vote no on this amendment.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. BISHOP].

Mr. BISHOP. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, let me come down to support the de la Garza amendment, especially because of the need we have for more rural development. Many of us who represent farm communities, communities that are filled with production agriculture, find that in order for our family farms to survive and for our communities to be strong economically, that there have to be some other value-added facilities there, some other employers and some other infrastructure to broaden that tax base.

We have found that it has worked very well. We have had in the past some very good rural development projects to support some new industry that helps us to diversify. We have had poultry facilities that have come into our area, but they were helped by rural development grants to help the infrastructure, the water, the sewers, the electrification, road widenings, traffic signals. These kinds of things are very, very important in rural areas. To create, to have an industry come in that creates 1,500 jobs at one time is a real boost to a rural community and to its economy.

Certainly, we are very, very concerned about the water provisions. Having clean water is important to our district. My district has some of the poorest counties anywhere in the country, and because of that it means a great deal for a county like Whitman County, GA, that had no running water, to be able to get a grant to help them serve their citizens with running water. These are the kinds of basic necessities that allow for an improved quality of life in rural Georgia and in rural America.

For that reason, Mr. Chairman, I believe that it is imperative that if we are going to strengthen America, if we are going to strengthen America's rural communities, that we have to do it through rural community development. I think this amendment does it. I would urge my colleagues in the House to please support this amendment. It enhances the bill in a very, very positive way. I hope that it will become law and improve the quality of life for all Americans, especially in our rural areas.

Mr. STENHOLM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like for my friends on the other side to pay particular attention, because there have been a couple of speakers that have, I know, spoken not intentionally erroneously, but have made some erroneous claims about this amendment.

First off, there is no intention, and you will not find anywhere in this amendment that we are designing this to have a slush fund for the Secretary of Agriculture. I fully expect that we will be dealing with these issues in the Committee on Agriculture under farm bill No. 2. If we can come to a resolution thereon, and we can expect then to decide and direct how these moneys shall be spent, we shall do so in the proper legislative process. Only if we fail to bring a bill out will it come to the discretion of the Secretary of Agriculture, and I cannot imagine us failing to do our job.

As I said to the chairman of the Committee on Appropriations a moment ago, it would be my firm hope that we could work in cooperation with the appropriators in resolving these issues. The question before us today is whether we are going to provide the resources for rural America.

Let me remind ourselves that last year in the agriculture appropriation bill we had the Castle amendment and the Olver amendments. The Olver amendment, and we heard from the gentleman from Massachusetts [Mr. OLVER], a moment ago, got 169 votes. The reason we could not do more last year, there was not enough money in the discretionary spending. There will be less money this year in discretionary spending. Therefore, if we are going to provide the resources for this, now, today, and on this amendment is the only way we are going to get it done.

Interesting, Mr. Chairman, is the opposition to the oil seeds amendment. I have in my hand a Dear Colleague from one of our colleagues on the Committee on Agriculture, the gentleman from Iowa [Mr. LATHAM], saying, "Please join me in sending this letter expressing support for the market loan provisions for soybean and other oil seeds included in the Senate version of the farm bill." This is it. We are not doing anything more than what the Senate has already done and what our soybean growers all over the United States are asking us to do.

I do not understand why all this year, every single amendment that comes from this side of the aisle has been zeroed; no support, no bipartisan support if it comes from this side of the aisle. This is the first time in history, at least as long as I have been here, in which we have had that kind of attitude towards amendments, even amendments that are supported by the other side. I do not understand this, how anyone can say, "Sign this Dear Colleague in support of," and then turn around and vote against this amendment.

We hear and listen, and everybody reluctantly opposes this. Why do we reluctantly oppose it if we are for it? Everyone in agriculture in rural America understands that rural America needs water and sewer, and we had an amendment earlier on research. We know we are shortchanging. This is an opportunity to do it, and do it within the full respect of balancing our budget fairly, and having agriculture share fairly in those reductions.

Mr. Chairman, I will summarize again, so everyone understands the de la Garza amendment. Mr. Chairman, it provides $3.5 billion for rural development. It provides the money that all of us, by our votes, and I have those recorded votes in which we said last year we need to provide some additional resources for rural America.

In industries like the wool and mohair industry, for example, that are now going it on their own, market-oriented, and others as we move in this market-oriented direction, every one of us in our agricultural speeches say we have to have some additional resources and seed money if we are going to make it out there. This provides the opportunity for the Committee on Agriculture, in our full deliberations, in a bipartisan way, to act and to make the decisions as to how this money shall be expended, not the Secretary of Agriculture, but to have this committee, and then hopefully, in full consultation with the Committee on Appropriations, because I have become very alarmed when I see, day after day, bill after bill, a constant confrontation between appropriators and authorizers.

I submit to my chairman, whom I deeply love and respect, this is not the best atmosphere for anyone to continue. I wish the gentleman from Louisiana [Mr. LIVINGSTON], as chairman of the Committee on Appropriations, would also have fully understood and appreciated what I was trying to say. We need to build cooperation. We need in our budget deliberations to make sure, as best we can, that we treat all categories of the budget in a fair and equitable manner.

It goes without saying, the facts speak for themselves; if every function of the budget had been cut as much as agriculture since 1986, our budget today would be balanced, and we could be honestly talking about a tax cut, capital gains, inheritance tax relief, all of the things that we are all for.

□ 1315

But we know it has not happened in other areas. And then immediately my critics will say, "Well, Charlie, you are just using 1986 because that is a convenient number. That was the highest level of spending in history."

So I say, fine, let us forget 1986, let us go back to 1955. Let us take a comparison of spending category by category since 1955. Interestingly, the only function of the budget that has been cut since 1955 is agriculture, 27.9 percent.

Agriculture in rural America has done more than its share. The next dearest to us is defense, 11.9 percent increase. Two areas of near and dear importance to all of us.

So the Fund for Rural America provides the funding, again not as much as we would like to see but we have got budget restraints. The oilseed marketing loan, everybody is for it. It makes good sense. This is an opportunity for us to do it. And it is fair and equitable because the oilseeds, the soybean industry in particular, but all of the oilseeds have traditionally gone it alone.

Here we are in this bill saying continue to go it alone, instead of offering a little bit of help through the marketing loan that they have asked for that we have a Dear Colleague from a member of the Committee on Agriculture saying, please, join me in a Dear Colleague. Join me in a vote. If we want to do it, let us vote.

Continuation of permanent law, I agree with the chairman, this, you know, 1949 act, it is not very workable today, but it works, and that is all we are looking for here. We are just trying to put something in that forces us to act and in a timely fashion.

So that is a summation of the de la Garza amendment, and I ask for the support in a bipartisan way from all of our colleagues who in their heart know this is the right vote for America.

Mr. Chairman, I reserve the balance of my time.

Mr. ROBERTS. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. HOSTETTLER].

Mr. HOSTETTLER. Mr. Chairman, there is truly historic reform in this bill. The chairman of the committee, Mr. ROBERTS, has succeeded in forming a system that will let the American farmer make his planting decisions based on the market and not on some convoluted formula hatched in a USDA basement office. This bill also recognizes the danger of making this transition too drastically and thus is patterned to let the producer make the switch in a responsible manner. So as a reformer, I support the bill and oppose this amendment.

This amendment is about the status quo—and the status quo has done nothing but handcuff the American farmer in terms of the world market and in terms of running a sound business. I urge a no vote on the amendment and a yes vote on the Agricultural Market Transition Act.

Mr. STENHOLM. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. MINGE].

Mr. MINGE. Mr. Chairman, we have a bill here today that is very awkward to explain to farmers because we have promised far more in rhetoric than we are delivering in legislation. At the same time, we have a tragic situation that farmers in the southern part of the United States have already begun planting. In the Midwest they are making plans, and they do not know what the program will be.

Tragically, we have not worked together in developing a farm bill. We have not advanced the agenda on a timetable that makes sense for the planting season.

I support the substitute, and I oppose the basic underlying legislation. My deepest wish is that we would have a program that we could return to our areas and proudly explain as providing the tools that farmers need to manage their risks.

When we do not have that, the best we can do is to say that we hope there is a better day for American agriculture, and I sincerely hope that that day will come in time for the 1997 planting season.

Mr. STENHOLM. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I will conclude in whatever time I have remaining, and I shall be very brief in just saying again, the last speaker that spoke on the majority side was speaking not to the amendment before us. We are not quarreling with the change, the historic change. That is not part of our amendment. The debate on the transition market program is over. It is done. Those that oppose it, oppose it. Those that support it, support it.

Nothing in our amendment did anything to that. We did not intend to. What we are suggesting is the same spirit of transition and help go to the oil seeds that are going to the other crops. That is all we are suggesting.

Then the Fund for Rural America, that is additional spending for the rural community needs, not for farmers, and we do not take any money away from farmers. We recognize the spirit of a capped entitlement, something I have worked for for years. I want to see it in every entitlement. But in capping the entitlement, we think a 46 percent cut when we are talking about rates of increase of 6 and 7 percent in every other entitlement, we think that is too severe.

I think that any Member from a rural community that does not see that has been looking with some blinders. That is my opinion.

Mr. Chairman, I urge the support of the de la Garza amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. ROBERTS. Mr. Chairman, I yield myself the balance of my time.

I would simply point out to the gentleman from Minnesota [Mr. MINGE], who is a very valued member of the House Committee on Agriculture, that had the President not really vetoed the balanced budget, we would have had a farm bill months ago.

I understand that there are some concerns about structure of the farm bill. But in terms of the timeliness, and we all know it is time-sensitive, that that has been a problem.

To my good friend from Texas, I understand the concern in regard to oil seeds. That is one of the few diversified crops that we have on the Great Plains. It is a burgeoning crop. It is one we want to move toward. In the Senate bill there is $132 million dedicated to that purpose, but there is a cap on that loan to prevent any further budget hemorrhaging. Perhaps when this bill goes to the Senate, we can accommodate that in some respect.

Let me say again that I think everybody on the committee, if not everybody in the Congress, is supportive of the very valuable rural development programs that have been described, and the chairman, the former chairman of the committee, the gentleman from Texas [Mr. DE LA GARZA], has been a champion in this respect, as has the gentleman from Texas [Mr. STENHOLM] and the gentlewoman from North Carolina [Mrs. CLAYTON], who has just done an outstanding job in that regard in the past.

But this is $3.5 billion, again. If this substitute passes, why, we are, you know, we are looking at a bill that will be over the December baseline for agriculture. I do not know how you bring a bill to the floor of the House and if it is over budget and over the baseline. I do not know how you pass it.

These are many fine programs. I would say that in the Senate, again, the Senate has committed $300 million for a fund for rural America for 3 years. You know that that is going to be extended for the next 4. So that is $700 million.

I think it would be appropriate when we get to conference to take a look at that.

So, from the standpoint of cost in terms of the $3.5 billion, and once again using CCC moneys that historically go to farm programs as opposed to rural development programs, we must oppose the bill.

Mr. STENHOLM. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS. I yield to the gentleman from Texas.

Mr. STENHOLM. I thank the chairman for yielding this time to me.

I do not believe the chairman intended to misspeak about our amendment. It is not outside the baseline. It is within the baseline. It is outside your suggested baseline on spending.

But I would point out you have already broken your baseline today with the Boehlert amendment, with the Everglades. You have already busted your own. So our argument is we are within the baseline, as I have described it. I do not believe you intended to misspeak upon that.

Mr. ROBERTS. Well, we can probably discuss the baseline, which, to all listening and watching this debate, is not what Cal Ripken runs around, and we can run around our own baselines in regards to the budget, if we so choose.

But let me simply say that when the gentleman brings that up, I am always interested in the gentleman from North Dakota [Mr. POMEROY] and others on that side who have indicated that we are really cutting all of these funds for agriculture and we are making a significant contribution to the deficit. Of course, you are also complaining that we are spending too much and also at the wrong time and with the wrong folks. So you are trying to have it, I guess, both ways.

But we are losing $8 billion, already did, in the first baseline, and we would lose another 6, and that is the money available to agriculture in March if we do not move and pass a bill.

Somewhere we are going to save about $5.6 billion in this ag budget, which is our contribution to a balanced budget. That adds up, if we do not move and pass the Freedom to Farm Act to guarantee these market transition payments, to about $20 billion.

Now, you know, my colleagues across the aisle have given many, many speeches, as I have, on how much we have given in agriculture. But then when we find out that we end up with policy rubble on our hands with the continuation of the current policies, they are strangely silent.

This bill locks up more farm-income farmers and still meets our budget responsibilities than any other bill.

We are simply redebating the issue. We do not need to do that. I know Members want us to bring this to a conclusion.

So I rise in opposition to the bill. I urge a "no" vote.

Mr. RICHARDSON. Mr. Chairman, one out of five rural Americans live in poverty.

Three-fourths of the cities in my district have a population under 10,000. They do not have the tax base of urban and suburban areas, yet they still have to provide clean water and adequate sewer systems.

It is almost the 21st century and millions of Americans do not have clean drinking water.

There is currently a backlog of 50,000 applicants for lower-income rural housing and a shortage of funding to provide them with safe, affordable housing.

The needs of rural America are dire.

This amendment gives those small towns in rural America the tools through research, conservation, education and extension activities to provide their citizens with safe water and sewer systems and the basic infrastructure to survive.

When we talk about reforming agriculture policies we must also talk about the needs of rural communities whose economies rely heavily on agriculture production.

Money for economic development can put these communities on sound financial footing and diversify their economies so they can have some stability and survive as the whole agriculture economy changes.

This amendment empowers local communities and their leaders to diversify their economies.

Mr. Chairman, this amendment is critical to bring economic prosperity to every part of the country.

Mr. FARR of California. Mr. Chairman, I said at the opening of debate on this bill that I would vote against it if it was not changed to address California agriculture's needs for conservation, research, and rural development. Nothing that has happened in the past 2 days has changed my mind. The bill is still broken.

The California farmers in my district are the most productive specialty crop growers in the world. They produce over $2.5 billion worth of fresh fruits, vegetables, and horticultural crops without any Federal price supports or other direct Federal support—lettuce, artichokes, strawberries, flowers, and over 100 other crops.

They have succeeded by embracing the full benefits, and potential risks, of the market. They are the models for American agriculture. And I believe American agriculture must move in their direction to remain viable into the next century. But even market-driven agriculture needs a national farm policy with a vision toward the future. Conservation, research, rural development, and market promotion are all crucial to future success and sustainability of market driven agriculture.

H.R. 2854 is a broken bill because it ignores these crucial goals of American farm policy. While I do not like this bill's transition program—its too expensive and makes payments regardless of a farmer's production or the market prices, it still moves agriculture toward the market. And I can support that. But I can not support this bill if it does not also address the conservation, research and rural development.

I am particularly concerned that it does not address the loss of farmland to urban sprawl. I have coauthored legislation to help the States address the troubling loss of farmland to urbanization—over 1,000,000 acres a year at current rates.

Unfortunately, there is nothing in this bill or this morning's conservation amendment for farmland protection—not to mention research or rural development. The de la Garza-Stenholm-Clayton amendment is the best option that we can vote on to fix this broken bill and give the conference some tools to add the kind of vision that the 1996 farm bill needs. Vote "yes" on the amendment.

Mr. ROBERTS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendments en bloc offered by the gentleman from Texas [Mr. STENHOLM].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. STENHOLM. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 163, noes 258, not voting 10, as follows:

[Roll No. 40]

AYES—163

Abercrombie
Ackerman
Baesler
Baldacci
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Evans
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frost
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kildee
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McNulty
Meek
Minge
Mink
Moakley
Mollohan
Montgomery
Murtha
Nadler
Neal
Oberstar
Olver
Ortiz
Orton
Owens
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pomeroy
Poshard
Rahall
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Towns
Traficant
Velazquez
Vento
Volkmer
Ward
Waxman
Whitfield
Williams
Wilson
Wise
Woolsey
Wynn

NOES—258

Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (RI)
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Meehan
Menendez
Metcalf
Meyers
Mica
Miller (CA)
Miller (FL)
Molinari
Moorhead
Moran
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Oxley
Packard
Pallone
Parker
Paxon
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Reed
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Torricelli
Upton
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Wolf
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—10

Collins (IL)
de la Garza
Farr
Fox
Furse
Hastings (FL)
Kennelly
McKinney
Rangel
Stokes

☐ 1347

The Clerk announced the following pair:

On this vote:

Ms. Furse for, with Mr. Rangel against.

Messrs. PALLONE, SCHUMER, MEEHAN, MORAN, LUTHER, FRANK of Massachusetts, DORNAN, and WATT of North Carolina changed their vote from "aye" to "no."

Mr. WHITFIELD changed his vote from "no" to "aye."

So the amendments en bloc were rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. FOX of Pennsylvania. Mr. Chairman, on rollcall No. 40 I was inadvertently detained in a legislative meeting. Had I been present, I would have voted "no."

PERSONAL EXPLANATION

Mr. FARR of California. Mr. Chairman, I was unable to be here during rollcall vote No. 40. Had I been here, I would have voted "aye."

Mr. POSHARD. Mr. Chairman, I rise today in support of the Agriculture Market Transition Act, because this bill provides our farmers with greater flexibility and insurance that they will be able to provide our Nation's families with quality and affordable agricultural commodities.

As farmers begin to make decisions about spring planting, it is critical to support this important reform legislation which gives farmers the opportunity to better meet the needs of our growing domestic and international food markets. I see the Agriculture Market Transition Act as a partnership between the Federal Government and farmers that promotes stable and fair farm prices, trade, and environmental responsibility.

I am pleased we were able to amend the legislation to include reauthorization of the Conservation Reserve Program and the Wetlands Reserve Program, two programs that have successfully worked in providing farmers incentives to be even better stewards of our lands. The bill also establishes important programs that assist in protecting our soil, water supply, and other natural resources from degradation associated with agriculture production.

In addition, the bill provides for increased funding for rural development programs which are critical to the growth and development of infrastructure in rural communities like those in my own congressional district.

For these reasons I support this bill, and I encourage my colleagues in conference to ensure this legislation continues to move in a direction that will benefit our Nation's farmers, consumers, and rural communities.

Mr. GILCHREST. Mr. Chairman, I rise in support of the amendment from the gentleman from New York to reauthorize conservation programs. I believe it is a first good step toward having a comprehensive and incentive-oriented agricultural conservation policy. And as we work with the other body in conference, it is my hope to strengthen this section even more, as the conservation title amendment approved by the other body has strong bipartisan support among farmers, rural communities, sportsmen, and conservationists across the country, and a wide array of organizations such as the Farm Bureau, Sierra Club, and National Rifle Association. The amendment before us today has similar support.

In particular, reauthorizing the Wetlands Reserve Program and the Conservation Reserve

Program is important to assure that voluntary, incentive-based options are available to farmers. These programs have been highly effective in controlling erosion, improving water quality, and enhancing wildlife habitat. More farmers apply to these programs than can be now accommodated.

This amendment begins to address this demand of farmers for voluntary options. For example, under the amendment, the Conservation Reserve Program would preserve new acres on land that should not be in internsive crop production because of poor soil conditions, proximity to water bodies, or importance as priority wildlife habitat.

The Wetlands Reserve Program is a win for farmers and a win for fish and wildlife resources. Currently, landowners may voluntarily agree to sell conservation easements permanently or for 30 years. When a farmer decides to no longer crop a previously farmed wetland, WRP helps the farmer restore the wetland. These restored wetlands have proved critical for migration, wintering, and nesting habitat for waterfowl in the Midwest and West. In Maryland, WRP contributes to our efforts to clean up and restore the Chesapeake Bay. Maryland farmers have enthusiastically embraced the WRP ana want the program expanded beyond the 975,000 acres allowed in this amendment.

Under the amendment, the Wetlands Reserve Program [WRP] is reformed to give farmers more options. The amendment improves the Wetlands Reserve Program by allowing farmers to obtain cost share payments to restore wetlands, as well as enter a voluntary 30 years contracts with the Government to preserve wetlands, or obtain permanent easements on their land. These options are a clear improvement over the original bill, and I look forward to continuing to work with the gentleman from New York and the chairman of the Agriculture Committee to further improve this section to assure that those farmers who now have contracts in place can continue to participate and to apply for cost share funds.

Furthermore, the amendment includes a consolidation of current conservation programs into an environmental quality incentive program [EQUIP], which would provide flexibility and new options to poultry, livestock, and dairy farmers. Under EQUIP, small and medium-sized producers would obtain cost-share payments to put in animal waste management structures, grass waterways, and other practices. EQUIP would prevent manure and contaminants from entering water bodies.

I also look forward to working with the gentleman from New York and the chairman of the Agriculture Committee—and the gentleman from California [Mr. FARR] and the gentlelady from Maryland [Mrs. MORELLA]—to reform and strengthen the farms for the future program. Maryland is the Nation's leader in preserving agricultural land through a voluntary easement program, with more than 100,000 acres preserved. Many farmers nationwide with the best soil for agricultural production face intense pressure from urbanization. The other body's conservation title includes this needed reform, recognizing that many States and localities actually pay farmers who voluntarily wish to remain in farming. The farms for the future provision updates Federal conservation policy, and I hope it will be included when the conference report comes before the House.

In closing, Mr. Chairman, the conservation title is profarmer and proenvironment and will benefit taxpayers, farmers, and rural communities. It includes meaningful solutions to the problem of agricultural runoff pollution, and will aid farmers in addressing water quality problems. I urge my colleagues to support the amendment.

Mrs. LINCOLN. Mr. Chairman, I rise in reluctant opposition to the bill before the House today. I am reluctant because I have spent my career in this Congress defending the American farmer. I have stood beside Chairman ROBERTS and fought the battles to educate our colleagues about the benefits of American agriculture. I have great respect for the Chairman and I do not believe that he has harmful intentions in proposing this bill. But while I am reluctant to oppose him personally, it is with firm conviction that I oppose the policy he brings before the House today.

My district is one of the most productive in the Nation: We are the No. 1 producer of rice in the United States, No. 3 in soybeans, No. 6 in cotton, and No. 17 in wheat. I myself come from a seventh generation farm family and I know the situation facing our farmers and know their values.

I have spent the last 3½ years trying to educate my urban colleagues about farm programs. I remind my friends that first, farm commodity programs are less than 1 percent of the budget; second, they are tied to the market and only pay farmers when prices are low and do not pay a dime when prices are high; third, no one gets a free ride and anyone participating in the programs must be "actively engaged in farming"; fourth, they have dramatically increased our exports to other nations and created hundreds of thousands of jobs in the United States; and fifth, for the small investment that we made in agriculture we are blessed with the most affordable, safest, and most abundant food supply in the world.

I haven't always been successful—this Congress and the last one has continued to cut agriculture spending far above what I believe was necessary but at least I knew that the agriculture policy of the United States was a sound one. Was it perfect? Far from it. I have supported changes in the program that would give farmers much needed flexibility to respond to market conditions and remove the bureaucratic hassles that are inherent in Government programs. I am not averse to change but I believe in this basic premise: the farmer must have assurance that the Government will be there when prices are too low and the taxpayer must have assurance that they receive the benefits for the programs they pay for. That's it—I'm not picky about how we get there, but that's the bottom line.

Unfortunately, this bill doesn't meet that criteria. This bill promises farmers something for nothing—the worst kind of welfare. I've been working on welfare reform for the last 3 years also. Telling our welfare recipients that the days of something for nothing were gone, that they had to work if they expected the Government to help. How can I turn around and tell my farmers that standard doesn't apply to them?

I think it's insulting to put our farmers in this situation. This Congress has known from day one that we had to pass a farm bill before December 31, 1995. We have never failed to deliver by that deadline. Yet the leadership of this House decided to put a farm bill in a budget that they knew the President would veto. A farm bill, I might add, that did not have the benefit of one public hearing.

Unfortunately, the larger political strategies of the Republican leadership of this House has ignored the agrarian calendar. While the farm bill has been tossed around like a political football, some farmers are now well into planting season and still do not know what role the Government will play in the 1996 crop year.

This House has in effect put a gun to the head of the farmers and demanded that they accept this untested theory or else. And with a gun to their head, some farmers are willing to say they'll accept this ill-advised plan. That's no way to govern and I won't be a part of it because other farmers have told me that this is not the bill to take American agriculture into the 21st century and I agree.

Mr. COSTELLO. Mr. Chairman, I rise today in support of the Agriculture Marketing Transition Act. Agriculture is a vital industry in our Nation and in my southern Illinois district. This legislation is sensitive to the budgetary goal of balancing the Federal budget in 7 years. The Congressional Budget Office [CBO] estimates that the bill would result in reductions of direct spending of $5.4 billion between fiscal year 1996 and fiscal year 2002.

I am pleased that today's bill reauthorizes such important programs as the Conservation Reserve Program, the Export Enhancement Program, and Market Promotion Program. These programs help preserve our lands and assure that there are markets abroad for American crops. Expanding our opportunities internationally is of vital importance to me. In fact, I supported an amendment which states directly that if USDA does not meet the goal of $60 billion in exports and increased world-market share by 2002, the authorization for USDA export programs would automatically expire.

Despite my support for the package, I have some concern over the production flexibility contracts section of the bill. These payments, set at specified decreasing amounts each year for the next 7 years, will replace our current system of deficiency payments, which pay farmers based on market conditions.

Producers who have been enrolled in the Federal farm program in at least one of the past 5 years are automatically eligible to sign up for a 7-year contract. I am concerned that this criteria may allow those not actively farming over the 7-year period to receive Government funds for which they would be ineligible.

Also, the bill states that those wishing to sign up for the 7-year program must do so before April 15 of this year. This precludes participation by younger farmers. Current USDA data shows that younger people, even in rural areas, are not choosing agriculture as a primary occupation. By making it more difficult for them to enroll in a Federal support program, even more younger people will become disinterested in this industry.

Mr. Chairman, I commend my colleagues for their efforts to put together such an omnibus piece of legislation. Despite my opposition to the production flexibility contracts, I feel the bill is in line with our Federal budgetary goals and will work to increase agriculture's role in the world market.

Mr. GANSKE. Mr. Chairman, today, we move forward to approve new farm bill legislation which, for the first time ever, will begin to remove the inside-the-beltway, Washington bureaucrat from the backs of the American farmer. We have had to wait until 1996 to come to the realization that farmers, out in the fields, actually know more about farming than the bureaucrats in Washington do. However, I am pleased that we have finally found enlightenment in this body.

Thank you, Chairman ROBERTS.

The Iowa Farm Bureau Federation, the Iowa Corn Growers Association, the Iowa Soybean Association, the Iowa Pork Producers, the Iowa Cattlemen Association, and the Iowa Agri-business Association are also pleased that we have developed a bill that allows farmers to farm.

This is a good bill. It saves taxpayers nearly $5 billion over the next 7 years. It provides farmers the freedom and flexibility to tailor their farm plans to their individual needs.

Not only does this make good free market sense, it is also proenvironment. Farmers will no longer be tied to antiquated farm plans that lock the same crops year after year on the same plot of land. Environmentally friendly crop rotation in combination with advanced farming techniques like no-till will mean less pesticides, less fertilizer, and greater harvests.

This legislation also finally stops paying farmers to set aside good quality land not to plant.

Those in opposition to this legislation will say that it either ends the safety net for our farmers or it is a free handout just like welfare. This is simply not true. This bill is a transition to freer agricultural markets.

Ladies and gentlemen, low harvests trigger higher commodity prices. Under current law, support payments do not kick in when we have low harvests. There is no safety net! If anyone has any doubts about this fact they can ask any of the corn and soybean farmers in my district who suffered record low harvests in 1995—a high price year.

In years when crops are plentiful prices move lower. The Government then forgives deficiency payments and provides increased support payments. Farmers end up receiving help when they do not really need it and no help when they do. Does this make sense?

This is simple economics. Under the freedom-to-farm approach in this bill, we develop a true safety net for our farmers and lower Federal outlays.

Opponents of this bill have a vested interest in maintaining the status quo. They want to continue to force the agricultural community to come to Washington, hat in hand. They want to continue the micromanagement of the farm. They want to continue to hamper development of robust export markets with top down we know best policies.

A vote for this bill is a rejection of the those failed policies of the past. A vote for this bill is a vote for reform. A vote for this bill shows the farmers of this country that this Congress truly cares about bringing agriculture policy into the 21st century. I commend Chairman ROBERTS for his efforts and I strongly urge my colleagues in supporting this bill.

Mr. BUYER. Mr. Chairman, seizing a historic opportunity, the Agriculture Market Transition Act seeks reforms to the Federal agriculture programs that begin to wean farmers off Government subsidies and move them toward more market oriented principles. This legislation moves agri-business from the Depression era policies of the past toward strong incremental steps that move the farmer into the next century. The Agriculture Market Transition Act allows Hoosier farmers to finally be able to plant for the market.

In passing this legislation, the Congress is keeping its word to allow the American farmer the freedom to farm while making substantial reductions in Federal expenditures. Moreover, this legislation helps America move toward our goal of a balanced budget.

Mr. Chairman, retaining present policy is not an option if Indiana farmers are to successfully move into the next century and compete in the world marketplace. This legislation will aid in the transition into the market-oriented farm policy of the future. It does so while providing farmers with fixed, declining payments over 7 years that will help in the economic distortions as a result of these changes. It seeks reform of commodity programs such as sugar, peanut, cotton, and the dairy program. These reforms are a win-win situation as it provides flexibility to farmers and the American consumer benefits as well.

Finally, this legislation reduces the regulatory burden on the agriculture community. Farmers in the Fifth District of Indiana tell me time after time that they spend more time fulfilling bureaucratic requirements than farming their land. Allowing farmers the freedom to farm gives them the resources to get the most out of their land, reduces the regulatory burden, and provides farmers the opportunity to plant what will produce the highest profit on their land.

Mr. Chairman, I support the Agriculture Market Transition Act, because it is good for farmers, good for consumers, and good for agribusiness.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. HASTINGS of Washington) having assumed the chair, Mr. YOUNG of Florida, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 2854) to modify the operation of certain agricultural programs, pursuant to House Resolution 366, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the Committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. STENHOLM

Mr. STENHOLM. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. STENHOLM. I am, in its current form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

MOTION TO RECOMMIT WITH INSTRUCTIONS

Mr. STENHOLM moves to recommit the bill H.R. 2854 to the Committee on Agriculture with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Agricultural Reform and Improvement Act of 1996".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—AGRICULTURAL MARKET TRANSITION PROGRAM

Sec. 101. Short title.
Sec. 102. Definitions.
Sec. 103. Production flexibility contracts.
Sec. 104. Nonrecourse marketing assistance loans and loan deficiency payments.
Sec. 105. Payment limitations.
Sec. 106. Peanut program.
Sec. 107. Sugar program.
Sec. 108. Administration.
Sec. 109. Suspension and repeal of permanent authorities.
Sec. 110. Effect of amendments.
Sec. 111. Dairy.

TITLE II—AGRICULTURAL TRADE

Subtitle A—Market Promotion Program and Export Enhancement Program

Sec. 201. Market promotion program.
Sec. 202. Export enhancement program.

Subtitle B—Amendments to Agricultural Trade Development and Assistance Act of 1954 and Related Statutes

Sec. 211. Food aid to developing countries.
Sec. 212. Trade and development assistance.
Sec. 213. Agreements regarding eligible countries and private entities.
Sec. 214. Terms and conditions of sales.
Sec. 215. Use of local currency payment.
Sec. 216. Eligible organizations.
Sec. 217. Generation and use of foreign currencies.
Sec. 218. General levels of assistance under Public Law 480.
Sec. 219. Food aid consultative group.
Sec. 220. Support of nongovernmental organizations.

Sec. 221. Commodity determinations.
Sec. 222. General provisions.
Sec. 223. Agreements.
Sec. 224. Administrative provisions.
Sec. 225. Expiration date.
Sec. 226. Regulations.
Sec. 227. Independent evaluation of programs.
Sec. 228. Authorization of appropriations.
Sec. 229. Coordination of foreign assistance programs.
Sec. 230. Use of certain local currency.
Sec. 231. Level of assistance to farmer to farmer program.
Sec. 232. Food security commodity reserve.
Sec. 233. Food for progress program.

Subtitle C—Amendments to Agricultural Trade Act of 1978

Sec. 251. Agricultural export promotion strategy.
Sec. 252. Export credits.
Sec. 253. Export program and food assistance transfer authority.
Sec. 254. Arrival certification.
Sec. 255. Regulations.
Sec. 256. Foreign agricultural service.
Sec. 257. Reports.

Subtitle D—Miscellaneous

Sec. 271. Reporting requirements relating to tobacco.
Sec. 272. Triggered export enhancement.
Sec. 273. Disposition of commodities to prevent waste.
Sec. 274. Debt-for-health-and-protection swap.
Sec. 275. Policy on expansion of international markets.
Sec. 276. Policy on maintenance and development of export markets.
Sec. 277. Policy on trade liberalization.
Sec. 278. Agricultural trade negotiations.
Sec. 279. Policy on unfair trade practices.
Sec. 280. Agricultural aid and trade missions.
Sec. 281. Annual reports by agricultural attaches.
Sec. 282. World livestock market price information.
Sec. 283. Orderly liquidation of stocks.
Sec. 284. Sales of extra long staple cotton.
Sec. 285. Regulations.
Sec. 286. Emerging markets.
Sec. 287. Implementation of commitments under Uruguay Round agreements.
Sec. 288. Sense of Congress concerning multilateral disciplines on credit guarantees.
Sec. 289. Foreign market development cooperator program.

Subtitle E—Dairy Exports

Sec. 291. Dairy export incentive program.
Sec. 292. Authority to assist in establishment and maintenance of export trading company.
Sec. 293. Standby authority to indicate entity best suited to provide international market development and export services.
Sec. 294. Study and report regarding potential impact of Uruguay Round on prices, income and government purchases.
Sec. 295. Promotion of American dairy products in international markets through dairy promotion program.

TITLE III—CONSERVATION

Subtitle A—Environmental Conservation Acreage Reserve Program

Sec. 311. Environmental conservation acreage reserve program.
Sec. 312. Conservation reserve program.
Sec. 313. Wetlands reserve program.
Sec. 314. Environmental quality incentives program.

Subtitle B—Conservation Funding

Sec. 321. Conservation funding.

Subtitle C—Miscellaneous

Sec. 351. Forestry.
Sec. 352. State technical committees.
Sec. 353. Conservation of private grazing land.
Sec. 354. Conforming amendments.
Sec. 355. Water bank program.
Sec. 356. Flood water retention pilot projects.
Sec. 357. Wetland conservation exemption.
Sec. 358. Resource conservation and development program reauthorization.
Sec. 359. Conservation reserve new acreage.
Sec. 360. Repeal of report requirement.
Sec. 361. Watershed Protection and Flood Prevention Act amendments.

TITLE IV—NUTRITION ASSISTANCE

Sec. 401. Food stamp program.
Sec. 402. Commodity distribution program; commodity supplemental food program.
Sec. 403. Emergency food assistance program.
Sec. 404. Soup kitchens program.
Sec. 405. National commodity processing.

TITLE V—MISCELLANEOUS

Sec. 501. Investment for agriculture and rural America.
Sec. 502. Collection and use of agricultural quarantine and inspection fees.
Sec. 503. Everglades agricultural area.

TITLE I—AGRICULTURAL MARKET TRANSITION PROGRAM

SEC. 101. SHORT TITLE.

This title may be cited as the "Agricultural Market Transition Act".

SEC. 102. DEFINITIONS.

In this title:

(1) CONSIDERED PLANTED.—The term "considered planted" means acreage that is considered planted under title V of the Agricultural Act of 1949 (7 U.S.C. 1461 et seq.) (as in effect prior to the suspension under section 110(b)(1)(J)).

(2) CONTRACT.—The term "contract" means a production flexibility contract entered into under section 103.

(3) CONTRACT ACREAGE.—The term "contract acreage" means 1 or more crop acreage bases established for contract commodities under title V of the Agricultural Act of 1949 (as in effect prior to the suspension under section 110(b)(1)(J)) that would have been in effect for the 1996 crop (but for the suspension under section 110(b)(1)(J)).

(4) CONTRACT COMMODITY.—The term "contract commodity" means wheat, corn, grain sorghum, barley, oats, upland cotton, and rice.

(5) CONTRACT PAYMENT.—The term "contract payment" means a payment made under section 103 pursuant to a contract.

(6) CORN.—The term "corn" means field corn.

(7) DEPARTMENT.—The term "Department" means the United States Department of Agriculture.

(8) FARM PROGRAM PAYMENT YIELD.—The term "farm program payment yield" means the farm program payment yield established for the 1995 crop of a contract commodity under title V of the Agricultural Act of 1949 (as in effect prior to the suspension under section 110(b)(1)(J)).

(9) LOAN COMMODITY.—The term "loan commodity" means each contract commodity, extra long staple cotton, and oilseeds.

(10) OILSEED.—The term "oilseed" means a crop of soybeans, sunflower seed, rapeseed, canola, safflower, flaxseed, mustard seed, or, if designated by the Secretary, other oilseeds.

(11) PERSON.—The term "person" means an individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or State agency.

(12) PRODUCER.—

(A) IN GENERAL.—The term "producer" means a person who, as owner, landlord, tenant, or sharecropper, shares in the risk of producing a crop, and is entitled to share in the crop available for marketing from the farm, or would have shared had the crop been produced.

(B) HYBRID SEED.—The term "producer" includes a person growing hybrid seed under contract. In determining the interest of a grower of hybrid seed in a crop, the Secretary shall not take into consideration the existence of a hybrid seed contract.

(13) PROGRAM.—The term "program" means the agricultural market transition program established under this title.

(14) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(15) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

(16) UNITED STATES.—The term "United States", when used in a geographical sense, means all of the States.

SEC. 103. PRODUCTION FLEXIBILITY CONTRACTS.

(a) CONTRACTS AUTHORIZED.—

(1) OFFER AND TERMS.—Beginning as soon as practicable after the date of the enactment of this title, the Secretary shall offer to enter into a contract with an eligible owner or operator described in paragraph (4) on a farm containing eligible farmland. Under the terms of a contract, the owner or operator shall agree, in exchange for annual contract payments, to comply with—

(A) the highly erodible land conservation requirements under subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3812 et. seq) applicable to each farm on which the owner or operator has an interest;

(B) wetland protection requirements under subtitle C of title XII of the Act 16 U.S.C. 3821 et seq.) applicable to each farm on which the owner or operator has an interest;

(C) the planting flexibility requirements of subsection (j); and

(D) regulations issued by the Secretary with respect to contract acreage intended to assure that—

(i) contract acreage devoted to conservation uses is protected from weeds and wind and water erosion; and

(ii) contract acreage is not devoted to nonagricultural uses.

(2) HIGHLY ERODIBLE LAND CONSERVATION.—For contracts subject to the terms of paragraph (1)(A), violations of the contract will be subject to the terms of subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3812 et seq.).;

(3) WETLANDS CONSERVATION.—For contracts subject to the terms of paragraph (1)(B), violations of the contract will be subject to the terms of subtitle C of title XII of the Food Security Act of 1985 (16 U.S.C. 3821 et seq.).

(4) ELIGIBLE OWNERS AND OPERATORS DESCRIBED.—The following persons shall be considered to be an owner or operator eligible to enter into a contract:

(A) An owner of eligible farmland who assumes all of the risk of producing a crop.

(B) An owner of eligible farmland who shares in the risk of producing a crop.

(C) An operator of eligible farmland with a share-rent lease of the eligible farmland, regardless of the length of the lease, if the owner enters into the same contract.

(D) An operator of eligible farmland who cash rents the eligible farmland under a lease expiring on or after September 30, 2002, in which case the consent of the owner is not required.

(E) An operator of eligible farmland who cash rents the eligible farmland under a lease expiring before September 30, 2002, if the owner consents to the contract.

(F) An owner of eligible farmland who cash rents the eligible farmland and the lease term expires before September 30, 2002, but only if the actual operator of the farm declines to enter into a contract. In the case of an owner covered by this subparagraph, contract payments shall not begin under a contract until the fiscal year following the fiscal year in which the lease held by the nonparticipating operator expires.

(G) An owner or operator described in a preceding subparagraph regardless of whether the owner or operator purchased catastrophic risk protection for a fall-planted 1996 crop under section 508(b) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)).

(5) TENANTS AND SHARECROPPERS.—In carrying out this section, the Secretary shall provide adequate safeguards to protect the interests of operators who are tenants and sharecroppers.

(b) ELEMENTS.—

(1) TIME FOR CONTRACTING.—

(A) DEADLINE.—Except as provided in subparagraph (B), the Secretary may not enter into a contract after April 15, 1996.

(B) CONSERVATION RESERVE LANDS.—

(i) IN GENERAL.—At the beginning of each fiscal year, the Secretary shall allow an eligible owner or operator on a farm covered by a conservation reserve contract entered into under section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) that terminates after the date specified in subparagraph (A) to enter into or expand a production flexibility contract to cover the contract acreage of the farm that was subject to the former conservation reserve contract.

(ii) AMOUNT.—Contract payments made for contract acreage under this subparagraph shall be made at the rate and amount applicable to the annual contract payment level for the applicable crop.

(2) DURATION OF CONTRACT.—

(A) BEGINNING DATE.—A contract shall begin with—

(i) the 1996 crop of a contract commodity; or

(ii) in the case of acreage that was subject to a conservation reserve contract described in paragraph (1)(B), the date the production flexibility contract was entered into or expanded to cover the acreage.

(B) ENDING DATE.—A contract shall extend through the 2002 crop.

(3) ESTIMATION OF CONTRACT PAYMENTS.—At the time the Secretary enters into a contract, the Secretary shall provide an estimate of the minimum contract payments anticipated to be made during at least the first fiscal year for which contract payments will be made.

(c) ELIGIBLE FARMLAND DESCRIBED.—Land shall be considered to be farmland eligible for coverage under a contract only if the land has contract acreage attributable to the land and—

(1) for at least 1 of the 1991 through 1995 crops, at least a portion of the land was enrolled in the acreage reduction program authorized for a crop of a contract commodity under section 101B, 103B, 105B, or 107B of the Agricultural Act of 1949 (as in effect prior to the amendment made by section 110(b)(2)) or was considered planted, including land on a farm that is owned or leased by a beginning farmer (as determined by the Secretary) that the Secretary determines is necessary to establish a fair and equitable crop acreage base;

(2) was subject to a conservation reserve contract under section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) whose term expired, or was voluntarily terminated, on or after January 1, 1995; or

(3) is released from coverage under a conservation reserve contract by the Secretary during the period beginning on January 1, 1995, and ending on the date specified in subsection (b)(1)(A).

(d) TIME FOR PAYMENT.—

(1) IN GENERAL.—An annual contract payment shall be made not later than September 30 of each of fiscal years 1996 through 2002.

(2) ADVANCE PAYMENTS.—

(A) FISCAL YEAR 1996.—At the option of the owner or operator, 50 percent of the contract payment for fiscal year 1996 shall be made not later than June 15, 1996.

(B) SUBSEQUENT FISCAL YEARS.—At the option of the owner or operator for fiscal year 1997 and each subsequent fiscal year, 50 percent of the annual contract payment shall be made on December 15.

(e) AMOUNTS AVAILABLE FOR CONTRACT PAYMENTS FOR EACH FISCAL YEAR.—

(1) IN GENERAL.—The Secretary shall, to the maximum extent practicable, expend on a fiscal year basis the following amounts to satisfy the obligations of the Secretary under all contracts:

(A) For fiscal year 1996, $5,570,000,000.

(B) For fiscal year 1997, $5,385,000,000.

(C) For fiscal year 1998, $5,800,000,000.

(D) For fiscal year 1999, $5,603,000,000.

(E) For fiscal year 2000, $5,130,000,000.

(F) For fiscal year 2001, $4,130,000,000.

(G) For fiscal year 2002, $4,008,000,000.

(2) ALLOCATION.—The amount made available for a fiscal year under paragraph (1) shall be allocated as follows:

(A) For wheat, 26.26 percent.

(B) For corn, 46.22 percent.

(C) For grain sorghum, 5.11 percent.

(D) For barley, 2.16 percent.

(E) For oats, 0.15 percent.

(F) For upland cotton, 11.63 percent.

(G) For rice, 8.47 percent.

(3) ADJUSTMENT.—The Secretary shall adjust the amounts allocated for each contract commodity under paragraph (2) for a particular fiscal year by—

(A) subtracting an amount equal to the amount, if any, necessary to satisfy payment requirements under sections 103B, 105B, and 107B of the Agricultural Act of 1949 (as in effect prior to the amendment made by section 110(b)(2)) for the 1994 and 1995 crops of the commodity;

(B) adding an amount equal to the sum of all repayments of deficiency payments received under section 114(a)(2) of the Agricultural Act of 1949 for the commodity;

(C) to the maximum extent practicable, adding an amount equal to the sum of all contract payments withheld by the Secretary, at the request of an owner or operator subject to a contract, as an offset against repayments of deficiency payments otherwise required under section 114(a)(2) of the Act (as so in effect) for the commodity; and

(D) adding an amount equal to the sum of all refunds of contract payments received during the preceding fiscal year under subsection (h) for the commodity.

(4) ADDITIONAL RICE ALLOCATION.—In addition to the allocations provided under paragraphs (1), (2), and (3), the amounts made available for rice contract payments shall be increased by $17,000,000 for each of fiscal years 1997 through 2002.

(f) DETERMINATION OF CONTRACT PAYMENTS.—

(1) INDIVIDUAL PAYMENT QUANTITY OF CONTRACT COMMODITIES.—For each contract, the payment quantity of a contract commodity for each fiscal year shall be equal to the product of—

(A) 85 percent of the contract acreage; and

(B) the farm program payment yield.

(2) ANNUAL PAYMENT QUANTITY OF CONTRACT COMMODITIES.—The payment quantity of each contract commodity covered by all contracts for each fiscal year shall equal the sum of the amounts calculated under paragraph (1) for each individual contract.

(3) ANNUAL PAYMENT RATE.—The payment rate for a contract commodity for each fiscal year shall be equal to—

(A) the amount made available under subsection (e) for the contract commodity for the fiscal year; divided by

(B) the amount determined under paragraph (2) for the fiscal year.

(4) ANNUAL PAYMENT AMOUNT.—The amount to be paid under a contract in effect for each fiscal year with respect to a contract commodity shall be equal to the product of—

(A) the payment quantity determined under paragraph (1) with respect to the contract; and

(B) the payment rate in effect under paragraph (3).

(5) ASSIGNMENT OF CONTRACT PAYMENTS.—The provisions of section 8(g) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(g)) (relating to assignment of payments) shall apply to contract payments under this subsection. The owner or operator making the assignment, or the assignee, shall provide the Secretary with notice, in such manner as the Secretary may require in the contract, of any assignment made under this paragraph.

(6) SHARING OF CONTRACT PAYMENTS.—The Secretary shall provide for the sharing of contract payments among the owners and operators subject to the contract on a fair and equitable basis.

(g) PAYMENT LIMITATION.—The total amount of contract payments made to a person under a contract during any fiscal year may not exceed the payment limitations established under sections 1001 through 1001C of the Food Security Act of 1985 (7 U.S.C. 1308 through 1308–3).

(h) EFFECT OF VIOLATION.—

(1) TERMINATION OF CONTRACT.—Except as provided in paragraph (2), if an owner or operator subject to a contract violates a term of the contract required under subsection (a)(1), the Secretary shall terminate the contract with respect to the owner or operator on each farm in which the owner or operator has an interest. On the termination, the owner or operator shall forfeit all rights to receive future contract payments on each farm in which the owner or operator has an interest and shall refund to the Secretary all contract payments received by the owner or operator during the period of the violation, together with interest on the contract payments as determined by the Secretary.

(2) REFUND OR ADJUSTMENT.—If the Secretary determines that a violation does not warrant termination of the contract under paragraph (1), the Secretary may require the owner or operator subject to the contract—

(A) to refund to the Secretary that part of the contract payments received by the owner or operator during the period of the violation, together with interest on the contract payments as determined by the Secretary; or

(B) to accept a reduction in the amount of future contract payments that is proportionate to the severity of the violation, as determined by the Secretary.

(3) FORECLOSURE.—An owner or operator subject to a contract may not be required to make repayments to the Secretary of amounts received under the contract if the contract acreage has been foreclosed on and the Secretary determines that forgiving the repayments is appropriate in order to provide fair and equitable treatment. This paragraph shall not void the responsibilities of such an owner or operator under the contract if the owner or operator continues or resumes operation, or control, of the contract acreage. On the resumption of operation or control over the contract acreage by the owner or operator, the provisions of the contract in effect on the date of the foreclosure shall apply.

(4) REVIEW.—A determination of the Secretary under this subsection shall be considered to be an adverse decision for purposes of the availability of administrative review of the determination.

(i) TRANSFER OF INTEREST IN LANDS SUBJECT TO CONTRACT.—

(1) EFFECT OF TRANSFER.—Except as provided in paragraph (2), the transfer by an owner or operator subject to a contract of the right and interest of the owner or operator in the contract acreage shall result in the termination of the contract with respect to the acreage, effective on the date of the transfer, unless the transferee of the acreage agrees with the Secretary to assume all obligations of the contract. At the request of the transferee, the Secretary may modify the contract if the modifications are consistent with the objectives of this section as determined by the Secretary.

(2) EXCEPTION.—If an owner or operator who is entitled to a contract payment dies, becomes incompetent, or is otherwise unable to receive the contract payment, the Secretary shall make the payment, in accordance with regulations prescribed by the Secretary.

(j) PLANTING FLEXIBILITY.—

(1) PERMITTED CROPS.—Subject to paragraph (2), any commodity or crop may be planted on contract acreage on a farm.

(2) LIMITATIONS.—

(A) HAYING AND GRAZING.—

(i) TIME LIMITATIONS.—Haying and grazing on land exceeding 15 percent of the contract acreage on a farm as provided in clause (iii) shall be permitted, except during any consecutive 5-month period between April 1 and October 31 that is determined by the State committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) for a State. In the case of a natural disaster, the Secretary may permit unlimited haying and grazing on the contract acreage of a farm.

(ii) CONTRACT COMMODITIES.—Contract acreage planted to a contract commodity during the crop year may be hayed or grazed without limitation.

(iii) HAYING AND GRAZING LIMITATION ON PORTION OF CONTRACT ACREAGE.—Unlimited haying and grazing shall be permitted on not more than 15 percent of the contract acreage on a farm.

(B) ALFALFA.—Alfalfa may be planted for harvest without limitation on the contract acreage on a farm, except that each contract acre that is planted for harvest to alfalfa in excess of 15 percent of the total contract acreage on a farm shall be ineligible for contract payments.

(C) FRUITS AND VEGETABLES.—

(i) IN GENERAL.—The planting for harvest of fruits and vegetables shall be prohibited on contract acreage, unless there is a history of double cropping of a contract commodity and fruits and vegetables.

(ii) UNRESTRICTED VEGETABLES.—Lentils, mung beans, and dry peas may be planted without limitation on contract acreage.

(k) CONSERVATION FARM OPTION.—

(1) ESTABLISHMENT.—The Secretary shall establish a voluntary conservation farm option to encourage producers to implement and maintain resource stewardship practices and systems.

(2) TERMS.—Notwithstanding any other provision of law, in the case of a producer who enters into an agreement under paragraph (3), the Secretary shall—

(A) not reduce any marketing assistance loans, contract payments, or other farm program benefits of the producer as a result of the planting of a resource-conserving crop, the establishment of a special conservation practice, the requirements of any integrated crop management practice, or the haying or grazing of contract acres enrolled in the voluntary conservation farm option that is consistent with an approved haying and grazing management plan; and

(B) provide payments to the producer equal to the sum of—

(i) the contract payments for which the producer is eligible;

(ii) any environmental quality incentives program payments for which the producer is eligible; and

(iii) any conservation reserve program payments for which the producer is eligible.

(3) AGREEMENTS.—To be eligible to participate in the voluntary conservation farm option, a producer must prepare and submit to the Secretary for approval a farm plan. Upon the approval of the farm plan, the Secretary shall enter into an agreement with the producer that specifies the contract acres being enrolled in the voluntary conservation farm option. The agreement shall be for a period of not less than three years, nor more than ten years, as determined by the producer. The agreement may be renewed upon the mutual agreement of the Secretary and the producer.

(4) PRODUCER RESPONSIBILITIES UNDER AGREEMENT.—Under the terms of an agreement entered into under paragraph (3), a producer shall agree—

(A) to actively comply with the terms and conditions of the applicable farm plan, as approved by the Secretary; and

(B) to keep such records as the Secretary may reasonably require for purposes of evaluation of the voluntary conservation farm option.

(5) REQUIREMENTS OF FARM PLAN.—To be approved by the Secretary, a farm plan submitted by a producer must—

(A) specify the contract acres the producer wishes to enroll in the voluntary conservation farm option;

(B) briefly describe the resource-conserving crop rotation, special conservation practices, biomass production, or integrated crop management practices to be implemented and maintained on such acreage during the agreement period which fulfill the purposes for which the voluntary conservation farm option is established;

(C) contain a schedule for the implementation, improvement and maintenance of the resource-conserving crop rotation, special conservation, biomass production, or integrated crop management operations and practices described in the farm plan; and

(D) contain such other terms as the Secretary may require.

(6) ADMINISTRATION.—

(A) TECHNICAL ASSISTANCE.—In administering the voluntary conservation farm option, the Secretary, in consultation with the State Technical Committee and local conservation districts, shall provide technical assistance to a producer in developing and implementing a farm plan, evaluating the effectiveness of a farm plan, and assessing the costs and benefits of farming operation and practices. If requested by a producer, the Secretary shall provide technical assistance to help the producer comply with Federal, State, and local conservation or environmental requirements.

(B) STATE PLAN.—In consultation with the State Technical Committee established under section 1261 of the Food Security Act of 1985 (16 U.S.C. 3801), the Secretary may establish conservation farm option plan guidance for a State that is designed to address particular priority needs and opportunities related to soil and water conservation and quality, wildlife habitat, or other natural resource issues.

(C) FLEXIBILITY.—In administering the voluntary conservation farm option, the Secretary shall provide sufficient flexibility for a producer to revise the producer's farm plan to respond to changes in market conditions, weather, or technology or to adjust and modify the farming operation, except that such revisions must be consistent with the purposes for which the voluntary conservation farm option is established and by approved by the Secretary.

(D) TERMINATION.—The Secretary may terminate an agreement entered into with a producer under this section if the producer agrees to such termination or the producer violates the terms and conditions of such agreement.

(7) DEFINITIONS.—In this subsection:

(A) The term "farm plan" means a site-specific farm management plan prepared by the producer and approved by the Secretary, incorporating, where applicable, a conservation plan prepared in accordance with subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3812 et seq.) or a haying and grazing management plan that protects the land from erosion and minimizes sediment and nutrient run-off.

(B) The term "resource-conserving crop rotation" means a crop rotation which includes at least one resource-conserving crop and that reduces erosion, maintains or improves soil fertility, tilt and structure, interrupts pest cycles, or conserves water.

(C) The term "special conservation practices" means field borders, contour buffer strips, grass waterways, filter strips, grass windbreaks, buffer areas, wildlife habitat plantings, farm ponds, habitat plantings for beneficial organisms that aid in the control of pests, adding soil building crops to rotations, grass plantings on highly erodible land managed to provide erosion control and wildlife cover, and such other practices as the Secretary may designate.

(D) The term "integrated crop management practices" means crop, water, nutrient, and pest management measures designed to reduce and minimize the use of pesticides and nutrients and irrigation water on the farm, including the use of reduced yield goals in areas particularly vulnerable to groundwater leaching, run-off to surface water, compaction from excess water withdrawals, or salinization of soils.

(E) The term "resource-conserving crop" means legumes, grasses, brassica cover crops and forages, alternative crops, any interseeded or rely-planted combination of such crops, any interseeded or relay-planted combination of such crops and small grains, and such other crops as the Secretary may designate.

(F) The term "legumes" means any legume, including alfalfa, clover, lentils, lupine, medic, peas, soybeans, and vetch, grown for use as a forage, green manure, or biomass feedstock, but not including any pulse crop from which the seeds are harvested and sold for purposes other than use as seed for planting.

(G) The term "alternative crops" means experimental, industrial, and oilseed crops which conserve soil and water.

(H) The term "small grains" means any small grain, including barley, buckwheat, oats, rye, spelt, triticale, and wheat.

(8) CONFORMING REPEAL.—Section 1451 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5822) is repealed.

(l) CONFORMING AMENDMENTS TO FOOD SECURITY ACT OF 1985.—

(1) HIGHLY ERODIBLE LAND CONSERVATION.—Section 1211(3) of the Food Security Act of 1985 (16 U.S.C. 3811(3)) is amended—

(A) in subparagraph (E), by striking "or" at the end;

(B) in subparagraph (F), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(G) a payment under a production flexibility contract under section 103 of the Agricultural Market Transition Act.".

(2) WETLAND CONSERVATION.—Section 1221(a)(3) of the Food Security Act of 1985 (16 U.S.C. 3821(a)(3)) is amended—

(A) in subparagraph (E), by striking "or" at the end;

(B) in subparagraph (F), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(G) a payment under a production flexibility contract under section 103 of the Agricultural Market Transition Act.".

SEC. 104. NONRECOURSE MARKETING ASSISTANCE LOANS AND LOAN DEFICIENCY PAYMENTS.

(a) AVAILABILITY OF NONRECOURSE LOANS.—

(1) AVAILABILITY.—For each of the 1996 through 2002 crops of each loan commodity, the Secretary shall make available to producers on a farm nonrecourse marketing assistance loans for loan commodities produced on the farm. The loans shall be made under terms and conditions that are prescribed by the Secretary and at the loan rate established under subsection (b) for the loan commodity.

(2) ELIGIBLE PRODUCTION.—The following production shall be eligible for a marketing assistance loan under this section:

(A) In the case of a marketing assistance loan for a contract commodity, any production by a producer who has entered into a production flexibility contract.

(B) In the case of a marketing assistance loan for extra long staple cotton and oilseeds, any production.

(b) LOAN RATES.—

(1) WHEAT.—

(A) LOAN RATE.—Subject to subparagraph (B), the loan rate for a marketing assistance loan for wheat shall be—

(i) not less than 85 percent of the simple average price received by producers of wheat, as determined by the Secretary, during the marketing years for the immediately preceding 5 crops of wheat, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period; but

(ii) not more than $2.58 per bushel.

(B) STOCKS TO USE RATIO ADJUSTMENT.—If the Secretary estimates for any marketing year that the ratio of ending stocks of wheat to total use for the marketing year will be—

(i) equal to or greater than 30 percent, the Secretary may reduce the loan rate for wheat for the corresponding crop by an amount not to exceed 10 percent in any year;

(ii) less than 30 percent but not less than 15 percent, the Secretary may reduce the loan rate for wheat for the corresponding crop by an amount not to exceed 5 percent in any year; or

(iii) less than 15 percent, the Secretary may not reduce the loan rate for wheat for the corresponding crop.

(C) NO EFFECT ON FUTURE YEARS.—Any reduction in the loan rate for wheat under subparagraph (B) shall not be considered in determining the loan rate for wheat for subsequent years.

(2) FEED GRAINS.—

(A) LOAN RATE FOR CORN.—Subject to subparagraph (B), the loan rate for a marketing assistance loan for corn shall be—

(i) not less than 85 percent of the simple average price received by producers of corn, as determined by the Secretary, during the marketing years for the immediately preceding 5 crops of corn, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period; but

(ii) not more than $1.89 per bushel.

(B) STOCKS TO USE RATIO ADJUSTMENT.—If the Secretary estimates for any marketing year that the ratio of ending stocks of corn to total use for the marketing year will be—

(i) equal to or greater than 25 percent, the Secretary may reduce the loan rate for corn for the corresponding crop by an amount not to exceed 10 percent in any year;

(ii) less than 25 percent but not less than 12.5 percent, the Secretary may reduce the loan rate for corn for the corresponding crop by an amount not to exceed 5 percent in any year; or

(iii) less than 12.5 percent the Secretary may not reduce the loan rate for corn for the corresponding crop.

(C) NO EFFECT ON FUTURE YEARS.—Any reduction in the loan rate for corn under subparagraph (B) shall not be considered in determining the loan rate for corn for subsequent years.

(D) OTHER FEED GRAINS.—The loan rate for a marketing assistance loan for grain sorghum, barley, and oats, respectively, shall be established at such level as the Secretary determines is fair and reasonable in relation to the rate that loans are made available for corn, taking into consideration the feeding value of the commodity in relation to corn.

(3) UPLAND COTTON.—

(A) LOAN RATE.—Subject to subparagraph (B), the loan rate for a marketing assistance loan for upland cotton shall be established by the Secretary at such loan rate, per pound, as will reflect for the base quality of upland cotton, as determined by the Secretary, at average locations in the United States a rate that is not less than the smaller of—

(i) 85 percent of the average price (weighted by market and month) of the base quality of cotton as quoted in the designated United States spot markets during 3 years of the 5-year period ending July 31 in the year in which the loan rate is announced, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period; or

(ii) 90 percent of the average, for the 15-week period beginning July 1 of the year in which the loan rate is announced, of the 5 lowest-priced growths of the growths quoted for Middling 1$\frac{3}{32}$-inch cotton C.I.F. Northern Europe (adjusted downward by the average difference during the period April 15 through October 15 of the year in which the loan is announced between the average Northern European price quotation of such quality of cotton and the market quotations in the designated United States spot markets for the base quality of upland cotton), as determined by the Secretary.

(B) LIMITATIONS.—The loan rate for a marketing assistance loan for upland cotton shall not be less than $0.50 per pound or more than $0.5192 per pound.

(4) EXTRA LONG STAPLE COTTON.—The loan rate for a marketing assistance loan for extra long staple cotton shall be—

(A) not less than 85 percent of the simple average price received by producers of extra long staple cotton, as determined by the Secretary, during 3 years of the 5 previous marketing years, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period; but

(B) not more than $0.7965 per pound.

(5) RICE.—The loan rate for a marketing assistance loan for rice shall be $6.50 per hundredweight.

(6) OILSEEDS.—

(A) SOYBEANS.—The loan rate for a marketing assistance loan for soybeans shall be—

(i) not less than 85 percent of the simple average price received by producers of soybeans, as determined by the Secretary, during the marketing years for the immediately preceding 5 crops of soybeans, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period; but

(ii) not less than $4.92 or more than $5.26 per bushel.

(B) SUNFLOWER SEED, CANOLA, RAPESEED, SAFFLOWER, MUSTARD SEED, AND FLAXSEED.—The loan rate for a marketing assistance loan for sunflower seed, canola, rapeseed, safflower, mustard seed, and flaxseed, individually, shall be—

(i) not less than 85 percent of the simple average price received by producers of sunflower seed, individually, as determined by the Secretary, during the marketing years for the immediately preceding 5 crops of sunflower seed, individually, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period; but

(ii) not less than $0.087 or more than $0.093 per pound.

(C) OTHER OILSEEDS.—The loan rates for a marketing assistance loan for other oilseeds shall be established at such level as the Secretary determines is fair and reasonable in relation to the loan rate available for soybeans, except in no event shall the rate for the oilseeds (other than cottonseed) be less than the rate established for soybeans on a per-pound basis for the same crop.

(c) TERM OF LOAN.—In the case of each loan commodity (other than upland cotton or extra long staple cotton), a marketing assistance loan under subsection (a) shall have a term of 9 months beginning on the first day of the first month after the month in which the loan is made. A marketing assistance loan for upland cotton or extra long staple cotton shall have a term of 10 months beginning on the first day of the first month after the month in which the loan is made. The Secretary may not extend the term of a marketing assistance loan for any loan commodity.

(d) REPAYMENT.—

(1) REPAYMENT RATES FOR WHEAT AND FEED GRAINS.—The Secretary shall permit a producer to repay a marketing assistance loan under subsection (a) for wheat, corn, grain sorghum, barley, and oats at a level that the Secretary determines will—

(A) minimize potential loan forfeitures;

(B) minimize the accumulation of stocks of the commodities by the Federal Government;

(C) minimize the cost incurred by the Federal Government in storing the commodities; and

(D) allow the commodities produced in the United States to be marketed freely and competitively, both domestically and internationally.

(2) REPAYMENT RATES FOR UPLAND COTTON, OILSEEDS, AND RICE.—The Secretary shall permit producers to repay a marketing assistance loan under subsection (a) for upland cotton, oilseeds, and rice at a level that is the lesser of—

(A) the loan rate established for upland cotton, oilseeds, and rice, respectively, under subsection (b); or

(B) the prevailing world market price for upland cotton, oilseeds, and rice, respectively (adjusted to United States quality and location), as determined by the Secretary.

(3) REPAYMENT RATES FOR EXTRA LONG STAPLE COTTON.—Repayment of a marketing assistance loan for extra long staple cotton shall be at the loan rate established for the commodity under subsection (b), plus interest (as determined by the Secretary).

(4) PREVAILING WORLD MARKET PRICE.—For purposes of paragraph (2)(B) and subsection (f), the Secretary shall prescribe by regulation—

(A) a formula to determine the prevailing world market price for each loan commodity, adjusted to United States quality and location; and

(B) a mechanism by which the Secretary shall announce periodically the prevailing world market price for each loan commodity.

(5) ADJUSTMENT OF PREVAILING WORLD MARKET PRICE FOR UPLAND COTTON.—

(A) IN GENERAL.—During the period ending July 31, 2003, the prevailing world market price for upland cotton (adjusted to United States quality and location) established under paragraph (4) shall be further adjusted if—

(i) the adjusted prevailing world market price is less than 115 percent of the loan rate for upland cotton established under subsection (b), as determined by the Secretary; and

(ii) the Friday through Thursday average price quotation for the lowest-priced United States growth as quoted for Middling (M) $1\frac{3}{32}$-inch cotton delivered C.I.F. Northern Europe is greater than the Friday through Thursday average price of the 5 lowest-priced growths of upland cotton, as quoted for Middling (M) $1\frac{3}{32}$-inch cotton, delivered C.I.F. Northern Europe (referred to in this subsection as the "Northern Europe price").

(B) FURTHER ADJUSTMENT.—Except as provided in subparagraph (C), the adjusted prevailing world market price for upland cotton shall be further adjusted on the basis of some or all of the following data, as available:

(i) The United States share of world exports.

(ii) The current level of cotton export sales and cotton export shipments.

(iii) Other data determined by the Secretary to be relevant in establishing an accurate prevailing world market price for upland cotton (adjusted to United States quality and location).

(C) LIMITATION ON FURTHER ADJUSTMENT.—The adjustment under subparagraph (B) may not exceed the difference between—

(i) the Friday through Thursday average price for the lowest-priced United States growth as quoted for Middling $1\frac{3}{32}$-inch cotton delivered C.I.F. Northern Europe; and

(ii) the Northern Europe price.

(e) LOAN DEFICIENCY PAYMENTS.—

(1) AVAILABILITY.—Except as provided in paragraph (4), the Secretary may make loan deficiency payments available to producers who, although eligible to obtain a marketing assistance loan under subsection (a) with respect to a loan commodity, agree to forgo obtaining the loan for the commodity in return for payments under this subsection.

(2) COMPUTATION.—A loan deficiency payment under this subsection shall be computed by multiplying—

(A) the loan payment rate determined under paragraph (3) for the loan commodity; by

(B) the quantity of the loan commodity that the producers on a farm are eligible to place under loan but for which the producers forgo obtaining the loan in return for payments under this subsection.

(3) LOAN PAYMENT RATE.—For purposes of this subsection, the loan payment rate shall be the amount by which—

(A) the loan rate established under subsection (b) for the loan commodity; exceeds

(B) the rate at which a loan for the commodity may be repaid under subsection (d).

(4) EXCEPTION FOR EXTRA LONG STAPLE COTTON.—This subsection shall not apply with respect to extra long staple cotton.

(f) SPECIAL MARKETING LOAN PROVISIONS FOR UPLAND COTTON.—

(1) COTTON USER MARKETING CERTIFICATES.—

(A) ISSUANCE.—Subject to subparagraph (D), during the period ending July 31, 2003, the Secretary shall issue marketing certificates or cash payments to domestic users and exporters for documented purchases by domestic users and sales for export by exporters made in the week following a consecutive 4-week period in which—

(i) the Friday through Thursday average price quotation for the lowest-priced United States growth, as quoted for Middling (M) $1\frac{3}{32}$-inch cotton, delivered C.I.F. Northern Europe exceeds the Northern Europe price by more than 1.25 cents per pound; and

(ii) the prevailing world market price for upland cotton (adjusted to United States quality and location) does not exceed 130 percent of the loan rate for upland cotton established under subsection (b).

(B) VALUE OF CERTIFICATES OR PAYMENTS.—The value of the marketing certificates or cash payments shall be based on the amount of the difference (reduced by 1.25 cents per pound) in the prices during the 4th week of the consecutive 4-week period multiplied by the quantity of upland cotton included in the documented sales.

(C) ADMINISTRATION OF MARKETING CERTIFICATES.—

(i) REDEMPTION, MARKETING, OR EXCHANGE.—The Secretary shall establish procedures for redeeming marketing certificates for cash or marketing or exchange of the certificates for agricultural commodities owned by the Commodity Credit Corporation in such manner, and at such price levels, as the Secretary determines will best effectuate the purposes of cotton user marketing certificates. Any price restrictions that would otherwise apply to the disposition of agricultural commodities by the Commodity Credit Corporation shall not apply to the redemption of certificates under this paragraph.

(ii) DESIGNATION OF COMMODITIES AND PRODUCTS.—To the extent practicable, the Secretary shall permit owners of certificates to designate the commodities and products, including storage sites, the owners would prefer to receive in exchange for certificates. If any certificate is not presented for redemption, marketing, or exchange within a reasonable number of days after the issuance of the certificate (as determined by the Secretary), reasonable costs of storage and other carrying charges, as determined by the Secretary, shall be deducted from the value of the certificate for the period beginning after the reasonable number of days and ending with the date of the presentation of the certificate to the Commodity Credit Corporation.

(iii) TRANSFERS.—Marketing certificates issued to domestic users and exporters of upland cotton may be transferred to other persons in accordance with regulations issued by the Secretary.

(D) EXCEPTION.—The Secretary shall not issue marketing certificates or cash payments under subparagraph (A) if, for the immediately preceding consecutive 10-week period, the Friday through Thursday average price quotation for the lowest priced United States growth, as quoted for Middling (M) $1\frac{3}{32}$-inch cotton, delivered C.I.F. Northern Europe, adjusted for the value of any certificate issued under this paragraph, exceeds the Northern Europe price by more than 1.25 cents per pound.

(E) LIMITATION ON EXPENDITURES.—Total expenditures under this paragraph shall not exceed $701,000,000 during fiscal years 1996 through 2002.

(2) SPECIAL IMPORT QUOTA.—

(A) ESTABLISHMENT.—The President shall carry out an import quota program that provides that, during the period ending July 31, 2003, whenever the Secretary determines and announces that for any consecutive 10-week period, the Friday through Thursday average price quotation for the lowest-priced United States growth, as quoted for Middling (M) $1\frac{3}{32}$-inch cotton, delivered C.I.F. Northern Europe, adjusted for the value of any certificates issued under paragraph (1), exceeds the Northern Europe price by more than 1.25 cents per pound, there shall immediately be in effect a special import quota.

(B) QUANTITY.—The quota shall be equal to 1 week's consumption of upland cotton by domestic mills at the seasonally adjusted average rate of the most recent 3 months for which data are available.

(C) APPLICATION.—The quota shall apply to upland cotton purchased not later than 90 days after the date of the Secretary's announcement under subparagraph (A) and entered into the United States not later than 180 days after the date.

(D) OVERLAP.—A special quota period may be established that overlaps any existing quota period if required by subparagraph (A), except that a special quota period may not be established under this paragraph if a quota period has been established under subsection (g).

(E) PREFERENTIAL TARIFF TREATMENT.—The quantity under a special import quota shall be considered to be an in-quota quantity for purposes of—

(i) section 213(d) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(d));

(ii) section 204 of the Andean Trade Preference Act (19 U.S.C. 3203);

(iii) section 503(d) of the Trade Act of 1974 (19 U.S.C. 2463(d)); and

(iv) General Note 3(a)(iv) to the Harmonized Tariff Schedule.

(F) DEFINITION.—In this paragraph, the term "special import quota" means a quantity of imports that is not subject to the over-quota tariff rate of a tariff-rate quota.

(g) LIMITED GLOBAL IMPORT QUOTA FOR UPLAND COTTON.—

(1) IN GENERAL.—The President shall carry out an import quota program that provides that whenever the Secretary determines and announces that the average price of the base quality of upland cotton, as determined by the Secretary, in the designated spot markets for a month exceeded 130 percent of the average price of such quality of cotton in the markets for the preceding 36 months, notwithstanding any other provision of law, there shall immediately be in effect a limited global import quota subject to the following conditions:

(A) QUANTITY.—The quantity of the quota shall be equal to 21 days of domestic mill consumption of upland cotton at the seasonally adjusted average rate of the most recent 3 months for which data are available.

(B) QUANTITY IF PRIOR QUOTA.—If a quota has been established under this subsection during the preceding 12 months, the quantity of the quota next established under this subsection shall be the smaller of 21 days of domestic mill consumption calculated under subparagraph (A) or the quantity required to increase the supply to 130 percent of the demand.

(C) PREFERENTIAL TARIFF TREATMENT.—The quantity under a limited global import quota shall be considered to be an in-quota quantity for purposes of—

(i) section 213(d) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(d));

(ii) section 204 of the Andean Trade Preference Act (19 U.S.C. 3203);

(iii) section 503(d) of the Trade Act of 1974 (19 U.S.C. 2463(d)); and

(iv) General Note 3(a)(iv) to the Harmonized Tariff Schedule.

(D) DEFINITIONS.—In this subsection:

(i) SUPPLY.—The term "supply" means, using the latest official data of the Bureau of the Census, the Department of Agriculture, and the Department of the Treasury—

(I) the carry-over of upland cotton at the beginning of the marketing year (adjusted to 480-pound bales) in which the quota is established;

(II) production of the current crop; and

(III) imports to the latest date available during the marketing year.

(ii) DEMAND.—The term "demand" means—

(I) the average seasonally adjusted annual rate of domestic mill consumption in the most recent 3 months for which data are available; and

(II) the larger of—

(aa) average exports of upland cotton during the preceding 6 marketing years; or

(bb) cumulative exports of upland cotton plus outstanding export sales for the marketing year in which the quota is established.

(iii) LIMITED GLOBAL IMPORT QUOTA.—The term "limited global import quota" means a quantity of imports that is not subject to the over-quota tariff rate of a tariff-rate quota.

(E) QUOTA ENTRY PERIOD.—When a quota is established under this subsection, cotton may be entered under the quota during the 90-day period beginning on the date the quota is established by the Secretary.

(2) NO OVERLAP.—Notwithstanding paragraph (1), a quota period may not be established that overlaps an existing quota period or a special quota period established under subsection (f)(2).

(h) SOURCE OF LOANS.—

(1) IN GENERAL.—The Secretary shall provide the loans authorized by this section through the Commodity Credit Corporation and other means available to the Secretary.

(2) PROCESSORS.—Whenever any loan or surplus removal operation for any agricultural commodity is carried out through purchases from or loans or payments to processors, the Secretary shall, to the extent practicable, obtain from the processors such assurances as the Secretary considers adequate that the producers of the commodity have received or will receive maximum benefits from the loan or surplus removal operation.

(i) ADJUSTMENTS OF LOANS.—

(1) IN GENERAL.—The Secretary may make appropriate adjustments in the loan levels for any commodity for differences in grade, type, quality, location, and other factors.

(2) LOAN LEVEL.—The adjustments shall, to the maximum extent practicable, be made in such manner that the average loan level for the commodity will, on the basis of the anticipated incidence of the factors, be equal to the level of support determined as provided in this section.

(j) PERSONAL LIABILITY OF PRODUCERS FOR DEFICIENCIES.—

(1) IN GENERAL.—Except as provided in paragraph (2), no producer shall be personally liable for any deficiency arising from the sale of the collateral securing any nonrecourse loan made under this section unless the loan was obtained through a fraudulent representation by the producer.

(2) LIMITATIONS.—Paragraph (1) shall not prevent the Commodity Credit Corporation or the Secretary from requiring a producer to assume liability for—

(A) a deficiency in the grade, quality, or quantity of a commodity stored on a farm or delivered by the producer;

(B) a failure to properly care for and preserve a commodity; or

(C) a failure or refusal to deliver a commodity in accordance with a program established under this section.

(3) ACQUISITION OF COLLATERAL.—The Secretary may include in a contract for a nonrecourse loan made under this section a provision that permits the Commodity Credit Corporation, on and after the maturity of the loan or any extension of the loan, to acquire title to the unredeemed collateral without obligation to pay for any market value that the collateral may have in excess of the loan indebtedness.

(4) SUGARCANE AND SUGAR BEETS.—A security interest obtained by the Commodity Credit Corporation as a result of the execution of a security agreement by the processor of sugarcane or sugar beets shall be superior to all statutory and common law liens on raw cane sugar and refined beet sugar in favor of the producers of sugarcane and sugar beets and all prior recorded and unrecorded liens on the crops of sugarcane and sugar beets from which the sugar was derived.

(k) COMMODITY CREDIT CORPORATION SALES PRICE RESTRICTIONS.—

(1) IN GENERAL.—The Commodity Credit Corporation may sell any commodity owned or controlled by the Corporation at any price that the Secretary determines will maximize returns to the Corporation.

(2) NONAPPLICATION OF SALES PRICE RESTRICTIONS.—Paragraph (1) shall not apply to—

(A) a sale for a new or byproduct use;

(B) a sale of peanuts or oilseeds for the extraction of oil;

(C) a sale for seed or feed if the sale will not substantially impair any loan program;

(D) a sale of a commodity that has substantially deteriorated in quality or as to which there is a danger of loss or waste through deterioration or spoilage;

(E) a sale for the purpose of establishing a claim arising out of a contract or against a person who has committed fraud, misrepresentation, or other wrongful act with respect to the commodity;

(F) a sale for export, as determined by the Corporation; and

(G) a sale for other than a primary use.

(3) PRESIDENTIAL DISASTER AREAS.—

(A) IN GENERAL.—Notwithstanding paragraph (1), on such terms and conditions as the Secretary may consider in the public interest, the Corporation may make available any commodity or product owned or controlled by the Corporation for use in relieving distress—

(i) in any area in the United States (including the Virgin Islands) declared by the President to be an acute distress area because of unemployment or other economic cause, if the President finds that the use will not displace or interfere with normal marketing of agricultural commodities; and

(ii) in connection with any major disaster determined by the President to warrant assistance by the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(B) COSTS.—Except on a reimbursable basis, the Corporation shall not bear any costs in connection with making a commodity available under subparagraph (A) beyond the cost of the commodity to the Corporation incurred in—

(i) the storage of the commodity; and

(ii) the handling and transportation costs in making delivery of the commodity to designated agencies at 1 or more central locations in each State or other area.

(4) EFFICIENT OPERATIONS.—Paragraph (1) shall not apply to the sale of a commodity the disposition of which is desirable in the interest of the effective and efficient conduct of the operations of the Corporation because of the small quantity of the commodity involved, or because of the age, location, or questionable continued storability of the commodity.

SEC. 105. PAYMENT LIMITATIONS.

(a) IN GENERAL.—Section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) is amended by striking paragraphs (1) through (4) and inserting the following:

"(1) LIMITATION ON PAYMENTS UNDER PRODUCTION FLEXIBILITY CONTRACTS.—The total amount of contract payments made under section 103 of the Agricultural Market Transition Act to a person under 1 or more production flexibility contracts during any fiscal year may not exceed $40,000.

"(2) LIMITATION ON MARKETING LOAN GAINS AND LOAN DEFICIENCY PAYMENTS.—

"(A) LIMITATION.—The total amount of payments specified in subparagraph (B) that a person shall be entitled to receive under section 104 of the Agricultural Market Transition Act for contract commodities and oilseeds during any crop year may not exceed $75,000.

"(B) DESCRIPTION OF PAYMENTS.—The payments referred to in subparagraph (A) are the following:

"(i) Any gain realized by a producer from repaying a marketing assistance loan for a crop of any loan commodity at a lower level than the original loan rate established for the commodity under section 104(b) of the Act.

"(ii) Any loan deficiency payment received for a loan commodity under section 104(e) of the Act.".

(b) Conforming Amendments.—

(1) Section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) (as amended by subsection (a)) is amended—

(A) by redesignating paragraphs (5), (6), and (7) as paragraphs (3), (4), and (5), respectively; and

(B) in the second sentence of paragraph (3)(A) (as so redesignated), by striking "paragraphs (6) and (7)" and inserting "paragraphs (4) and (5)".

(2) Section 1305(d) of the Agricultural Reconciliation Act of 1987 (Public Law 100–203; 7 U.S.C. 1308 note) is amended by striking "paragraphs (5) through (7) of section 1001, as amended by this subtitle," and inserting "paragraphs (3) through (5) of section 1001,".

(3) Section 1001A of the Food Security Act of 1985 (7 U.S.C. 1308–1(a)(1)) is amended—

(A) in the first sentence of subsection (a)(1)—

(i) by striking "section 1001(5)(B)(i)" and inserting "section 1001(3)(B)(i)";

(ii) by striking "under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.)"; and

(iii) by striking "section 1001(5)(B)(i)(II)" and inserting "section 1001(3)(B)(i)(II)"; and

(B) in subsection (b)—

(i) in paragraph (1)—

(I) by striking "under the Agricultural Act of 1949"; and

(II) by striking "section 1001(5)(B)(i)" and inserting "section 1001(3)(B)(i)"; and

(ii) in paragraph (2)(B), by striking "section 1001(5)(B)(i)(II)" and inserting "section 1001(3)(B)(i)(II)".

(4) Section 1001C(a) of the Food Security Act of 1985 (7 U.S.C. 1308–3(a)) is amended—

(A) by striking "For each of the 1991 through 1997 crops, any" and inserting "Any";

(B) by striking "price support program loans, payments, or benefits made available under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.)," and inserting "loans or payments made available under the Agricultural Market Transition Act"; and

(C) by striking "during the 1989 through 1997 crop years".

SEC. 106. PEANUT PROGRAM.

(a) Quota Peanuts.—

(1) Availability of loans.—The Secretary shall make nonrecourse loans available to producers of quota peanuts.

(2) Loan rate.—The national average quota loan rate for quota peanuts shall be $610 per ton.

(3) Inspection, handling, or storage.—The loan amount may not be reduced by the Secretary by any deductions for inspection, handling, or storage.

(4) Location and other factors.—The Secretary may make adjustments in the loan rate for quota peanuts for location of peanuts and such other factors as are authorized by section 104(i)(1).

(b) Additional Peanuts.—

(1) In general.—The Secretary shall make nonrecourse loans available to producers of additional peanuts at such rates as the Secretary finds appropriate, taking into consideration the demand for peanut oil and peanut meal, expected prices of other vegetable oils and protein meals, and the demand for peanuts in foreign markets.

(2) Announcement.—The Secretary shall announce the loan rate for additional peanuts of each crop not later than February 15 preceding the marketing year for the crop for which the loan rate is being determined.

(c) Area Marketing Associations.—

(1) Warehouse storage loans.—

(A) In general.—In carrying out subsections (a) and (b), the Secretary shall make warehouse storage loans available in each of the producing areas (described in section 1446.95 of title 7 of the Code of Federal Regulations (January 1, 1989)) to a designated area marketing association of peanut producers that is selected and approved by the Secretary and that is operated primarily for the purpose of conducting the loan activities. The Secretary may not make warehouse storage loans available to any cooperative that is engaged in operations or activities concerning peanuts other than those operations and activities specified in this section and section 358e of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359a).

(B) Administrative and supervisory activities.—An area marketing association shall be used in administrative and supervisory activities relating to loans and marketing activities under this section and section 358e of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359a).

(C) Association costs.—Loans made to the association under this paragraph shall include such costs as the area marketing association reasonably may incur in carrying out the responsibilities, operations, and activities of the association under this section and section 358e of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359a).

(2) Pools for quota and additional peanuts.—

(A) In general.—The Secretary shall require that each area marketing association establish pools and maintain complete and accurate records by area and segregation for quota peanuts handled under loan and for additional peanuts placed under loan, except that separate pools shall be established for Valencia peanuts produced in New Mexico.

(B) Eligibility to participate.—

(i) In general.—Except as provided in clause (ii), in the case of the 1996 and subsequent crops, Valencia peanuts not physically produced in the State of New Mexico shall not be eligible to participate in the pools of the State.

(ii) Exception.—A resident of the State of New Mexico may enter Valencia peanuts that are produced outside of the State into the pools of the State in a quantity that is not greater than the 1995 crop of the resident that was produced outside the State.

(C) Types of peanuts.—Bright hull and dark hull Valencia peanuts shall be considered as separate types for the purpose of establishing the pools.

(D) Net gains.—Net gains on peanuts in each pool, unless otherwise approved by the Secretary, shall be distributed only to producers who placed peanuts in the pool and shall be distributed in proportion to the value of the peanuts placed in the pool by each producer. Net gains for peanuts in each pool shall consist of the following:

(i) Quota peanuts.—For quota peanuts, the net gains over and above the loan indebtedness and other costs or losses incurred on peanuts placed in the pool.

(ii) Additional peanuts.—For additional peanuts, the net gains over and above the loan indebtedness and other costs or losses incurred on peanuts placed in the pool for additional peanuts.

(d) Losses.—Losses in quota area pools shall be covered using the following sources in the following order of priority:

(1) Transfers from additional loan pools.—The proceeds due any producer from any pool shall be reduced by the amount of any loss that is incurred with respect to peanuts transferred from an additional loan pool to a quota loan pool by the producer under section 358–1(b)(8) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1358–1(b)(8)).

(2) Other producers in same pool.—Further losses in an area quota pool shall be offset by reducing the gain of any producer in the pool by the amount of pool gains attributed to the same producer from the sale of additional peanuts for domestic and export edible use.

(3) Offset within area.—Further losses in an area quota pool shall be offset by any gains or profits from additional peanuts (other than separate type pools established under subsection (c)(2)(A) for Valencia peanuts produced in New Mexico) owned or controlled by the Commodity Credit Corporation in that area and sold for domestic edible use, in accordance with regulations issued by the Secretary.

(4) Use of marketing assessments.—The Secretary shall use funds collected under subsection (g) (except funds attributable to handlers) to offset further losses in area quota pools. The Secretary shall transfer to the Treasury those funds collected under subsection (g) and available for use under this subsection that the Secretary determines are not required to cover losses in area quota pools.

(5) Cross compliance.—Further losses in area quota pools, other than losses incurred as a result of transfers from additional loan pools to quota loan pools under section 358–1(b)(8) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1358–1(b)(8)), shall be offset by any gains or profits from quota pools in other production areas (other than separate type pools established under subsection (c)(2)(A) for Valencia peanuts produced in New Mexico) in such manner as the Secretary shall by regulation prescribe.

(6) Offset generally.—If losses in an area quota pool have not been entirely offset under paragraph (3), further losses shall be offset by any gains or profits from additional peanuts (other than separate type pools established under subsection (c)(2)(A) for Valencia peanuts produced in New Mexico) owned or controlled by the Commodity Credit Corporation and sold for domestic edible use, in accordance with regulations issued by the Secretary.

(7) Increased assessments.—If use of the authorities provided in the preceding paragraphs is not sufficient to cover losses in an area quota pool, the Secretary shall increase the marketing assessment established under subsection (g) by such an amount as the Secretary considers necessary to cover the losses. The increased assessment shall apply only to quota peanuts in the production area covered by the pool. Amounts collected under subsection (g) as a result of the increased assessment shall be retained by the Secretary to cover losses in that pool.

(e) Disapproval of Quotas.—Notwithstanding any other provision of law, no loan for quota peanuts may be made available by the Secretary for any crop of peanuts with respect to which poundage quotas have been disapproved by producers, as provided for in section 358–1(d) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1358–1(d)).

(f) Quality Improvement.—

(1) In general.—With respect to peanuts under loan, the Secretary shall—

(A) promote the crushing of peanuts at a greater risk of deterioration before peanuts of a lesser risk of deterioration;

(B) ensure that all Commodity Credit Corporation inventories of peanuts sold for domestic edible use must be shown to have been officially inspected by licensed Department inspectors both as farmer stock and shelled or cleaned in-shell peanuts;

(C) continue to endeavor to operate the peanut program so as to improve the quality of domestic peanuts and ensure the coordination of activities under the Peanut Administrative Committee established under Marketing Agreement No. 146, regulating the quality of domestically produced peanuts (under the Agricultural Adjustment Act (7 U.S.C. 601 et seq.), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937); and

(D) ensure that any changes made in the peanut program as a result of this subsection requiring additional production or handling at the farm level shall be reflected as an upward adjustment in the Department loan schedule.

(2) EXPORTS AND OTHER PEANUTS.—The Secretary shall require that all peanuts in the domestic and export markets fully comply with all quality standards under Marketing Agreement No. 146.

(g) MARKETING ASSESSMENT.—

(1) IN GENERAL.—The Secretary shall provide for a nonrefundable marketing assessment. The assessment shall be made on a per pound basis in an amount equal to 1.1 percent for each of the 1994 and 1995 crops, 1.15 percent for the 1996 crop, and 1.2 percent for each of the 1997 through 2002 crops, of the national average quota or additional peanut loan rate for the applicable crop.

(2) FIRST PURCHASERS.—

(A) IN GENERAL.—Except as provided under paragraphs (3) and (4), the first purchaser of peanuts shall—

(i) collect from the producer a marketing assessment equal to the quantity of peanuts acquired multiplied by—

(I) in the case of each of the 1994 and 1995 crops, .55 percent of the applicable national average loan rate;

(II) in the case of the 1996 crop, .6 percent of the applicable national average loan rate; and

(III) in the case of each of the 1997 through 2002 crops, .65 percent of the applicable national average loan rate;

(ii) pay, in addition to the amount collected under clause (i), a marketing assessment in an amount equal to the quantity of peanuts acquired multiplied by .55 percent of the applicable national average loan rate; and

(iii) remit the amounts required under clauses (i) and (ii) to the Commodity Credit Corporation in a manner specified by the Secretary.

(B) DEFINITION OF FIRST PURCHASER.—In this subsection, the term "first purchaser" means a person acquiring peanuts from a producer except that in the case of peanuts forfeited by a producer to the Commodity Credit Corporation, the term means the person acquiring the peanuts from the Commodity Credit Corporation.

(3) OTHER PRIVATE MARKETINGS.—In the case of a private marketing by a producer directly to a consumer through a retail or wholesale outlet or in the case of a marketing by the producer outside of the continental United States, the producer shall be responsible for the full amount of the assessment and shall remit the assessment by such time as is specified by the Secretary.

(4) LOAN PEANUTS.—In the case of peanuts that are pledged as collateral for a loan made under this section, ½ of the assessment shall be deducted from the proceeds of the loan. The remainder of the assessment shall be paid by the first purchaser of the peanuts. For purposes of computing net gains on peanuts under this section, the reduction in loan proceeds shall be treated as having been paid to the producer.

(5) PENALTIES.—If any person fails to collect or remit the reduction required by this subsection or fails to comply with the requirements for recordkeeping or otherwise as are required by the Secretary to carry out this subsection, the person shall be liable to the Secretary for a civil penalty up to an amount determined by multiplying—

(A) the quantity of peanuts involved in the violation; by

(B) the national average quota peanut rate for the applicable crop year.

(6) ENFORCEMENT.—The Secretary may enforce this subsection in the courts of the United States.

(h) CROPS.—Subsections (a) through (f) shall be effective only for the 1996 through 2002 crops of peanuts.

(i) MARKETING QUOTAS.—

(1) IN GENERAL.—Part VI of subtitle B of title III of the Agricultural Adjustment Act of 1938 is amended—

(A) in section 358–1 (7 U.S.C. 1358–1)—

(i) in the section heading, by striking "**1991 THROUGH 1997 CROPS OF**";

(ii) in subsections (a)(1), (b)(1)(B), (b)(2)(A), (b)(2)(C), and (b)(3)(A), by striking "of the 1991 through 1997 marketing years" each place it appears and inserting "marketing year";

(iii) in subsection (a)(3), by striking "1990" and inserting "1990, for the 1991 through 1995 marketing years, and 1995, for the 1996 through 2002 marketing years";

(iv) in subsection (b)(1)(A)—

(I) by striking "each of the 1991 through 1997 marketing years" and inserting "each marketing year"; and

(II) in clause (i), by inserting before the semicolon the following: ", in the case of the 1991 through 1995 marketing years, and the 1995 marketing year, in the case of the 1996 through 2002 marketing years";

(v) in subsection (b)(1), by adding at the end the following:

"(D) CERTAIN FARMS INELIGIBLE FOR QUOTA.—Effective beginning with the 1997 marketing year, the Secretary shall not establish a farm poundage quota under subparagraph (A) for a farm owned or controlled by—

"(i) a municipality, airport authority, school, college, refuge, or other public entity (other than a university used for research purposes); or

"(ii) a person who is not a producer and resides in another State.";

(vi) in subsection (b)(2), by adding at the end the following:

"(E) TRANSFER OF QUOTA FROM INELIGIBLE FARMS.—Any farm poundage quota held at the end of the 1996 marketing year by a farm described in paragraph (1)(D) shall be allocated to other farms in the same State on such basis as the Secretary may by regulation prescribe."; and

(vii) in subsection (f), by striking "1997" and inserting "2002";

(B) in section 358b (7 U.S.C. 1358b)—

(i) in the section heading, by striking "**1991 THROUGH 1995 CROPS OF**"; and

(ii) in subsection (c), by striking "1995" and inserting "2002";

(C) in section 358c(d) (7 U.S.C. 1358c(d)), by striking "1995" and inserting "2002"; and

(D) in section 358e (7 U.S.C. 1359a)—

(i) in the section heading, by striking "**FOR 1991 THROUGH 1997 CROPS OF PEANUTS**"; and

(ii) in subsection (i), by striking "1997" and inserting "2002".

(2) ELIMINATION OF QUOTA FLOOR.—Section 358–1(a)(1) of the Act (7 U.S.C. 1358–1(a)(1)) is amended by striking the second sentence.

(3) TEMPORARY QUOTA ALLOCATION.—Section 358–1 of the Act (7 U.S.C. 1358–1) is amended—

(A) in subsection (a)(1), by striking "domestic edible, seed," and inserting "domestic edible use";

(B) in subsection (b)(2)—

(i) in subparagraph (A), by striking "subparagraph (B) and subject to"; and

(ii) by striking subparagraph (B) and inserting the following:

"(B) TEMPORARY QUOTA ALLOCATION.—

"(i) ALLOCATION RELATED TO SEED PEANUTS.—Temporary allocation of quota pounds for the marketing year only in which the crop is planted shall be made to producers for each of the 1996 through 2002 marketing years as provided in this subparagraph.

"(ii) QUANTITY.—The temporary quota allocation shall be equal to the pounds of seed peanuts planted on the farm, as may be adjusted under regulations prescribed by the Secretary.

"(iii) ADDITIONAL QUOTA.—The temporary allocation of quota pounds under this paragraph shall be in addition to the farm poundage quota otherwise established under this subsection and shall be credited, for the applicable marketing year only, in total to the producer of the peanuts on the farm in a manner prescribed by the Secretary.

"(iv) EFFECT OF OTHER REQUIREMENTS.—Nothing in this section alters or changes the requirements regarding the use of quota and additional peanuts established by section 358e(b)."; and

(C) in subsection (e)(3), strike "and seed and use on a farm".

(4) UNDERMARKETINGS.—Part VI of subtitle B of title III of the Act is amended—

(A) in section 358–1(b) (7 U.S.C. 1358–1(b))—

(i) in paragraph (1)(B), by striking "including—" and clauses (i) and (ii) and inserting "including any increases resulting from the allocation of quotas voluntarily released for 1 year under paragraph (7).";

(ii) in paragraph (3)(B), by striking "include—" and clauses (i) and (ii) and inserting "include any increase resulting from the allocation of quotas voluntarily released for 1 year under paragraph (7)."; and

(iii) by striking paragraphs (8) and (9); and

(B) in section 358b(a) (7 U.S.C. 1358b(a))—

(i) in paragraph (1), by striking "(including any applicable under marketings)" both places it appears;

(ii) in paragraph (1)(A), by striking "of undermarketings and";

(iii) in paragraph (2), by striking "(including any applicable under marketings)"; and

(iv) in paragraph (3), by striking "(including any applicable undermarketings)".

(5) DISASTER TRANSFERS.—Section 358–1(b) of the Act (7 U.S.C. 1358–1(b)), as amended by paragraph (4)(A)(iii), is further amended by adding at the end the following:

"(8) DISASTER TRANSFERS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), additional peanuts produced on a farm from which the quota poundage was not harvested and marketed because of drought, flood, or any other natural disaster, or any other condition beyond the control of the producer, may be transferred to the quota loan pool for pricing purposes on such basis as the Secretary shall by regulation provide.

"(B) LIMITATION.—The poundage of peanuts transferred under subparagraph (A) shall not exceed the difference between—

"(i) the total quantity of peanuts meeting quality requirements for domestic edible use, as determined by the Secretary, marketed from the farm; and

"(ii) the total farm poundage quota, excluding quota pounds transferred to the farm in the fall.

"(C) SUPPORT RATE.—Peanuts transferred under this paragraph shall be supported at not more than 70 percent of the quota support rate for the marketing years in which the transfers occur. The transfers for a farm shall not exceed 25 percent of the total farm quota pounds, excluding pounds transferred in the fall.".

SEC. 107. SUGAR PROGRAM.

(a) SUGARCANE.—The Secretary shall make loans available to processors of domestically grown sugarcane at a rate equal to 18 cents per pound for raw cane sugar.

(b) SUGAR BEETS.—The Secretary shall make loans available to processors of domestically grown sugar beets at a rate equal to 22.9 cents per pound for refined beet sugar.

(c) TERM OF LOANS.—

(1) IN GENERAL.—Loans under this section during any fiscal year shall be made available not earlier than the beginning of the fiscal year and shall mature at the earlier of—

(A) the end of 9 months; or

(B) the end of the fiscal year.

(2) SUPPLEMENTAL LOANS.—In the case of loans made under this section in the last 3 months of a fiscal year, the processor may repledge the sugar as collateral for a second loan in the subsequent fiscal year, except that the second loan shall—

(A) be made at the loan rate in effect at the time the second loan is made; and

(B) mature in 9 months less the quantity of time that the first loan was in effect.

(d) LOAN TYPE; PROCESSOR ASSURANCES.—

(1) RECOURSE LOANS.—Subject to paragraph (2), the Secretary shall carry out this section through the use of recourse loans.

(2) NONRECOURSE LOANS.—During any fiscal year in which the tariff rate quota for imports of sugar into the United States is established at, or is increased to, a level in excess of 1,500,000 short tons raw value, the Secretary shall carry out this section by making available nonrecourse loans. Any recourse loan previously made available by the Secretary under this section during the fiscal year shall be changed by the Secretary into a nonrecourse loan.

(3) PROCESSOR ASSURANCES.—If the Secretary is required under paragraph (2) to make nonrecourse loans available during a fiscal year or to change recourse loans into nonrecourse loans, the Secretary shall obtain from each processor that receives a loan under this section such assurances as the Secretary considers adequate to ensure that the processor will provide payments to producers that are proportional to the value of the loan received by the processor for sugar beets and sugarcane delivered by producers served by the processor. The Secretary may establish appropriate minimum payments for purposes of this paragraph.

(e) MARKETING ASSESSMENT.—

(1) SUGARCANE.—Effective for marketings of raw cane sugar during the 1996 through 2003 fiscal years, the first processor of sugarcane shall remit to the Commodity Credit Corporation a nonrefundable marketing assessment in an amount equal to—

(A) in the case of marketings during fiscal year 1996, 1.1 percent of the loan rate established under subsection (a) per pound of raw cane sugar, processed by the processor from domestically produced sugarcane or sugarcane molasses, that has been marketed (including the transfer or delivery of the sugar to a refinery for further processing or marketing); and

(B) in the case of marketings during each of fiscal years 1997 through 2003, 1.375 percent of the loan rate established under subsection (a) per pound of raw cane sugar, processed by the processor from domestically produced sugarcane or sugarcane molasses, that has been marketed (including the transfer or delivery of the sugar to a refinery for further processing or marketing).

(2) SUGAR BEETS.—Effective for marketings of beet sugar during the 1996 through 2003 fiscal years, the first processor of sugar beets shall remit to the Commodity Credit Corporation a nonrefundable marketing assessment in an amount equal to—

(A) in the case of marketings during fiscal year 1996, 1.1794 percent of the loan rate established under subsection (a) per pound of beet sugar, processed by the processor from domestically produced sugar beets or sugar beet molasses, that has been marketed; and

(B) in the case of marketings during each of fiscal years 1997 through 2003, 1.47425 percent of the loan rate established under subsection (a) per pound of beet sugar, processed by the processor from domestically produced sugar beets or sugar beet molasses, that has been marketed.

(3) COLLECTION.—

(A) TIMING.—A marketing assessment required under this subsection shall be collected on a monthly basis and shall be remitted to the Commodity Credit Corporation not later than 30 days after the end of each month. Any cane sugar or beet sugar processed during a fiscal year that has not been marketed by September 30 of the year shall be subject to assessment on that date. The sugar shall not be subject to a second assessment at the time that it is marketed.

(B) MANNER.—Subject to subparagraph (A), marketing assessments shall be collected under this subsection in the manner prescribed by the Secretary and shall be nonrefundable.

(4) PENALTIES.—If any person fails to remit the assessment required by this subsection or fails to comply with such requirements for recordkeeping or otherwise as are required by the Secretary to carry out this subsection, the person shall be liable to the Secretary for a civil penalty up to an amount determined by multiplying—

(A) the quantity of cane sugar or beet sugar involved in the violation; by

(B) the loan rate for the applicable crop of sugarcane or sugar beets.

(5) ENFORCEMENT.—The Secretary may enforce this subsection in a court of the United States.

(f) FORFEITURE PENALTY.—

(1) IN GENERAL.—A penalty shall be assessed on the forfeiture of any sugar pledged as collateral for a nonrecourse loan under this section.

(2) CANE SUGAR.—The penalty for cane sugar shall be 1 cent per pound.

(3) BEET SUGAR.—The penalty for beet sugar shall bear the same relation to the penalty for cane sugar as the marketing assessment for sugar beets bears to the marketing assessment for sugarcane.

(4) EFFECT OF FORFEITURE.—Any payments owed producers by a processor that forfeits of any sugar pledged as collateral for a nonrecourse loan shall be reduced in proportion to the loan forfeiture penalty incurred by the processor.

(g) INFORMATION REPORTING.—

(1) DUTY OF PROCESSORS AND REFINERS TO REPORT.—A sugarcane processor, cane sugar refiner, and sugar beet processor shall furnish the Secretary, on a monthly basis, such information as the Secretary may require to administer sugar programs, including the quantity of purchases of sugarcane, sugar beets, and sugar, and production, importation, distribution, and stock levels of sugar.

(2) PENALTY.—Any person willfully failing or refusing to furnish the information, or furnishing willfully any false information, shall be subject to a civil penalty of not more than $10,000 for each such violation.

(3) MONTHLY REPORTS.—Taking into consideration the information received under paragraph (1), the Secretary shall publish on a monthly basis composite data on production, imports, distribution, and stock levels of sugar.

(h) CROPS.—This section shall be effective only for the 1996 through 2002 crops of sugar beets and sugarcane.

SEC. 108. ADMINISTRATION.

(a) COMMODITY CREDIT CORPORATION.—

(1) USE OF CORPORATION.—The Secretary shall carry out this title through the Commodity Credit Corporation.

(2) SALARIES AND EXPENSES.—No funds of the Corporation shall be used for any salary or expense of any officer or employee of the Department of Agriculture.

(b) DETERMINATIONS BY SECRETARY.—A determination made by the Secretary under this title or the Agricultural Adjustment Act of 1938 (7 U.S.C. 1281 et seq.) shall be final and conclusive.

(c) REGULATIONS.—The Secretary may issue such regulations as the Secretary determines necessary to carry out this title.

SEC. 109. SUSPENSION AND REPEAL OF PERMANENT AUTHORITIES.

(a) AGRICULTURAL ADJUSTMENT ACT OF 1938.—

(1) IN GENERAL.—The following provisions of the Agricultural Adjustment Act of 1938 shall not be applicable to the 1996 through 2002 crops:

(A) Parts II through V of subtitle B of title III (7 U.S.C. 1326–1351).

(B) Subsections (a) through (j) of section 358 (7 U.S.C. 1358).

(C) Subsections (a) through (h) of section 358a (7 U.S.C. 1358a).

(D) Subsections (a), (b), (d), and (e) of section 358d (7 U.S.C. 1359).

(E) Part VII of subtitle B of title III (7 U.S.C. 1359aa–1359jj).

(F) In the case of peanuts, part I of subtitle C of title III (7 U.S.C. 1361–1368).

(G) In the case of upland cotton, section 377 (7 U.S.C. 1377).

(H) Subtitle D of title III (7 U.S.C. 1379a–1379j).

(I) Title IV (7 U.S.C. 1401–1407).

(2) REPORTS AND RECORDS.—Effective only for the first 1996 through 2002 crops of peanuts, the first sentence of section 373(a) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1373(a)) is amended by inserting before "all brokers and dealers in peanuts" the following: "all producers engaged in the production of peanuts,".

(b) AGRICULTURAL ACT OF 1949.—

(1) SUSPENSIONS.—The following provisions of the Agricultural Act of 1949 shall not be applicable to the 1996 through 2002 crops:

(A) Section 101 (7 U.S.C. 1441).

(B) Section 103(a) (7 U.S.C. 1444(a)).

(C) Section 105 (7 U.S.C. 1444b).

(D) Section 107 (7 U.S.C. 1445a).
(E) Section 110 (7 U.S.C. 1445e).
(F) Section 112 (7 U.S.C. 1445g).
(G) Section 115 (7 U.S.C. 1445k).
(H) Title III (7 U.S.C. 1447–1449).
(I) Title IV (7 U.S.C. 1421–1433d), other than sections 404, 406, 412, 416, and 427 (7 U.S.C. 1424, 1426, 1429, 1431, and 1433f).
(J) Title V (7 U.S.C. 1461–1469).
(K) Title VI (7 U.S.C. 1471–1471j).

(2) REPEALS.—The following provisions of the Agricultural Act of 1949 are repealed:
(A) Section 103B (7 U.S.C. 1444–2).
(B) Section 108B (7 U.S.C. 1445c–3).
(C) Section 113 (7 U.S.C. 1445h).
(D) Section 114(b) (7 U.S.C. 1445j(b)).
(E) Sections 205, 206, and 207 (7 U.S.C. 1446f, 1446g, and 1446h).
(F) Section 406 (7 U.S.C. 1426).

(c) SUSPENSION OF CERTAIN QUOTA PROVISIONS.—The joint resolution entitled "A joint resolution relating to corn and wheat marketing quotas under the Agricultural Adjustment Act of 1938, as amended", approved May 26, 1941 (7 U.S.C. 1330 and 1340), shall not be applicable to the crops of wheat planted for harvest in the calendar years 1996 through 2002.

SEC. 110. EFFECT OF AMENDMENTS.

(a) EFFECT ON PRIOR CROPS.—Except as otherwise specifically provided and notwithstanding any other provision of law, this title and the amendments made by this title shall not affect the authority of the Secretary to carry out a price support or production adjustment program for any of the 1991 through 1995 crops of an agricultural commodity established under a provision of law in effect immediately before the date of the enactment of this Act.

(b) LIABILITY.—A provision of this title or an amendment made by this title shall not affect the liability of any person under any provision of law as in effect before the date of the enactment of this Act.

SEC. 111. DAIRY.

Subsection (h) of section 204 of the Agricultural Act of 1949 (7 U.S.C. 1446e) is amended to read as follows:

"(h) RESIDUAL AUTHORITY FOR REFUND OF BUDGET DEFICIT ASSESSMENTS.—

"(1) APPLICATION OF SUBSECTION.—This subsection shall apply with respect to the reductions made under this subsection, as in effect on the day before the date of the enactment of the Agricultural Market Transition Act, in the price of milk received by producers during the period beginning on January 1, 1996, and ending on the date of the enactment of such Act.

"(2) REFUND REQUIRED.—The Secretary shall provide a refund of the entire reduction made under this subsection, as in effect on the day before the date of the enactment of the Agricultural Market Transition Act, in the price of milk received by a producer during the period referred to in paragraph (1) if the producer provides evidence that the producer did not increase marketings in calendar year 1996 when compared to calendar year 1995.

"(3) TREATMENT OF REFUNDS.—A refund under this subsection shall not be considered as any type of price support or payment for purposes of sections 1211 and 1221 of the Food Security Act of 1985 (16 U.S.C. 3811, 3821).".

TITLE II—AGRICULTURAL TRADE

Subtitle A—Market Promotion Program and Export Enhancement Program

SEC. 201. MARKET PROMOTION PROGRAM.

Effective as of October 1, 1995, section 211(c)(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641(c)(1)) is amended—

(1) by striking "and" after "1991 through 1993,"; and

(2) by striking "through 1997," and inserting "through 1995, and not more than $100,000,000 for each of fiscal years 1996 through 2002,".

SEC. 202. EXPORT ENHANCEMENT PROGRAM.

Effective as of October 1, 1995, section 301(e)(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5651(e)(1)) is amended to read as follows:

"(1) IN GENERAL.—The Commodity Credit Corporation shall make available to carry out the program established under this section not more than—
"(A) $350,000,000 for fiscal year 1996;
"(B) $350,000,000 for fiscal year 1997;
"(C) $500,000,000 for fiscal year 1998;
"(D) $550,000,000 for fiscal year 1999;
"(E) $579,000,000 for fiscal year 2000;
"(F) $478,000,000 for fiscal year 2001; and
"(G) $478,000,000 for fiscal year 2002.".

Subtitle B—Amendments to Agricultural Trade Development and Assistance Act of 1954 and Related Statutes

SEC. 211. FOOD AID TO DEVELOPING COUNTRIES.

(a) IN GENERAL.—Section 3 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691a) is amended to read as follows:

"SEC. 3. FOOD AID TO DEVELOPING COUNTRIES.

"(a) POLICY.—In light of the Uruguay Round Agreement on Agriculture and the Ministerial Decision on Measures Concerning the Possible Negative Effects of the Reform Program on Least-Developed and Net-Food Importing Developing Countries, the United States reaffirms the commitment of the United States to providing food aid to developing countries.

"(b) SENSE OF CONGRESS.—It is the sense of Congress that—

"(1) the President should initiate consultations with other donor nations to consider appropriate levels of food aid commitments to meet the legitimate needs of developing countries;

"(2) the United States should increase its contribution of bona fide food assistance to developing countries consistent with the Agreement on Agriculture.".

(b) CONFORMING AMENDMENT.—Section 411 of the Uruguay Round Agreements Act (19 U.S.C. 3611) is amended by striking subsection (e).

SEC. 212. TRADE AND DEVELOPMENT ASSISTANCE.

Section 101 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1701) is amended—

(1) by striking "developing countries" each place it appears and inserting "developing countries and private entities"; and

(2) in subsection (b), by inserting "and entities" before the period at the end.

SEC. 213. AGREEMENTS REGARDING ELIGIBLE COUNTRIES AND PRIVATE ENTITIES.

Section 102 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1702) is amended to read as follows:

"SEC. 102. AGREEMENTS REGARDING ELIGIBLE COUNTRIES AND PRIVATE ENTITIES.

"(a) PRIORITY.—In selecting agreements to be entered into under this title, the Secretary shall give priority to agreements providing for the export of agricultural commodities to developing countries that—

"(1) have the demonstrated potential to become commercial markets for competitively priced United States agricultural commodities;

"(2) are undertaking measures for economic development purposes to improve food security and agricultural development, alleviate poverty, and promote broad-based equitable and sustainable development; and

"(3) demonstrate the greatest need for food.

"(b) PRIVATE ENTITIES.—An agreement entered into under this title with a private entity shall require such security, or such other provisions as the Secretary determines necessary, to provide reasonable and adequate assurance of repayment of the financing extended to the private entity.

"(c) AGRICULTURAL MARKET DEVELOPMENT PLAN.—

"(1) DEFINITION OF AGRICULTURAL TRADE ORGANIZATION.—In this subsection, the term 'agricultural trade organization' means a United States agricultural trade organization that promotes the export and sale of a United States agricultural commodity and that does not stand to profit directly from the specific sale of the commodity.

"(2) AN.—The Secretary shall consider a developing country for which an agricultural market development plan has been approved under this subsection to have the demonstrated potential to become a commercial market for competitively priced United States agricultural commodities for the purpose of granting a priority under subsection (a).

"(3) REQUIREMENTS.—

'(A) IN GENERAL.—To be approved by the Secretary, an agricultural market development plan shall—

"(i) be submitted by a developing country or private entity, in conjunction with an agricultural trade organization;

"(ii) describe a project or program for the development and expansion of a United States agricultural commodity market in a developing country, and the economic development of the country, using funds derived from the sale of agricultural commodities received under an agreement described in section 101;

"(iii) provide for any matching funds that are required by the Secretary for the project or program;

"(iv) provide for a results-oriented means of measuring the success of the project or program; and

"(v) provide for graduation to the use of non-Federal funds to carry out the project or program, consistent with requirements established by the Secretary.

"(B) AGRICULTURAL TRADE ORGANIZATION.—The project or program shall be designed and carried out by the agricultural trade organization.

"(C) ADDITIONAL REQUIREMENTS.—An agricultural market development plan shall contain such additional requirements as are determined necessary by the Secretary.

"(4) ADMINISTRATIVE COSTS.—

"(A) IN GENERAL.—The Secretary shall make funds made available to carry out this title available for the reimbursement of administrative expenses incurred by agricultural trade organizations in developing, implementing, and administering agricultural market development plans, subject to such requirements and in such amounts as the Secretary considers appropriate.

"(B) DURATION.—The funds shall be made available to agricultural trade organizations for the duration of the applicable agricultural market development plan.

"(C) TERMINATION.—The Secretary may terminate assistance made available under this subsection if the agricultural trade organization is not carrying out the approved agricultural market development plan.".

SEC. 214. TERMS AND CONDITIONS OF SALES.

Section 103 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1703) is amended—

(1) in subsection (a)(2)(A)—

(A) by striking "a recipient country to make"; and

(B) by striking "such country" and inserting "the appropriate country";

(2) in subsection (c), by striking "less than 10 nor"; and

(3) in subsection (d)—

(A) by striking "recipient country" and inserting "developing country or private entity"; and

(B) by striking "7" and inserting "5".

SEC. 215. USE OF LOCAL CURRENCY PAYMENT.

Section 104 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1704) is amended—

(1) in subsection (a), by striking "recipient country" and inserting "developing country or private entity"; and

(2) in subsection (c)—

(A) by striking "recipient country" each place it appears and inserting "appropriate developing country"; and

(B) in paragraph (3), by striking "recipient countries" and inserting "appropriate developing countries".

SEC. 216. ELIGIBLE ORGANIZATIONS.

Section 202 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1722) is amended—

(1) by striking subsection (b) and inserting the following:

"(b) NONEMERGENCY ASSISTANCE.—

"(1) IN GENERAL.—The Administrator may provide agricultural commodities for nonemergency assistance under this title through eligible organizations (as described in subsection (d)) that have entered into an agreement with the Administrator to use the commodities in accordance with this title.

"(2) LIMITATION.—The Administrator may not deny a request for funds or commodities submitted under this subsection because the program for which the funds or commodities are requested—

"(A) would be carried out by the eligible organization in a foreign country in which the Agency for International Development does not have a mission, office, or other presence; or

"(B) is not part of a development plan for the country prepared by the Agency."; and

(2) in subsection (e)—

(A) in the subsection heading, by striking "PRIVATE VOLUNTARY ORGANIZATIONS AND COOPERATIVES" and inserting "ELIGIBLE ORGANIZATIONS";

(B) in paragraph (1)—

(i) by striking "$13,500,000" and inserting "$28,000,000"; and

(ii) by striking "private voluntary organizations and cooperatives to assist such organizations and cooperatives" and inserting "eligible organizations described in subsection (d), to assist the organizations";

(C) in paragraph (3), by striking "a private voluntary organization or cooperative, the Administrator may provide assistance to that organization or cooperative" and inserting "an eligible organization, the Administrator may provide assistance to the eligible organization".

SEC. 217. GENERATION AND USE OF FOREIGN CURRENCIES.

Section 203 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1723) is amended—

(1) in subsection (a), by inserting ", or in a country in the same region," after "in the recipient country";

(2) in subsection (b)—

(A) by inserting "or in countries in the same region," after "in recipient countries,"; and

(B) by striking "10 percent" and inserting "15 percent";

(3) in subsection (c), by inserting "or in a country in the same region," after "in the recipient country,"; and

(4) in subsection (d)(2), by inserting "or within a country in the same region" after "within the recipient country".

SEC. 218. GENERAL LEVELS OF ASSISTANCE UNDER PUBLIC LAW 480.

Section 204(a) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1724(a)) is amended—

(1) in paragraph (1), by striking "amount that" and all that follows through the period at the end and inserting "amount that for each of fiscal years 1996 through 2002 is not less than 2,025,000 metric tons.";

(2) in paragraph (2), by striking "amount that" and all that follows through the period at the end and inserting "amount that for each of fiscal years 1996 through 2002 is not less than 1,550,000 metric tons."; and

(3) in paragraph (3), by adding at the end the following: "No waiver shall be made before the beginning of the applicable fiscal year.".

SEC. 219. FOOD AID CONSULTATIVE GROUP.

Section 205 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1725) is amended—

(1) in subsection (a), by striking "private voluntary organizations, cooperatives and indigenous non-governmental organizations" and inserting "eligible organizations described in section 202(d)(1)";

(2) in subsection (b)—

(A) in paragraph (2), by striking "for International Affairs and Commodity Programs" and inserting "of Agriculture for Farm and Foreign Agricultural Services";

(B) in paragraph (4), by striking "and" at the end;

(C) in paragraph (5), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(6) representatives from agricultural producer groups in the United States.";

(3) in the second sentence of subsection (d), by inserting "(but at least twice per year)" after "when appropriate"; and

(4) in subsection (f), by striking "1995" and inserting "2002".

SEC. 220. SUPPORT OF NONGOVERNMENTAL ORGANIZATIONS.

(a) IN GENERAL.—Section 306(b) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1727e(b)) is amended—

(1) in the subsection heading, by striking "INDIGENOUS NON-GOVERNMENTAL" and inserting "NONGOVERNMENTAL"; and

(2) by striking "utilization of indigenous" and inserting "utilization of".

(b) CONFORMING AMENDMENT.—Section 402 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1732) is amended by striking paragraph (6) and inserting the following:

"(6) NONGOVERNMENTAL ORGANIZATION.—The term 'nongovernmental organization' means an organization that works at the local level to solve development problems in a foreign country in which the organization is located, except that the term does not include an organization that is primarily an agency or instrumentality of the government of the foreign country.".

SEC. 221. COMMODITY DETERMINATIONS.

Section 401 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1731) is amended—

(1) by striking subsections (a) through (d) and inserting the following:

"(a) AVAILABILITY OF COMMODITIES.—No agricultural commodity shall be available for disposition under this Act if the Secretary determines that the disposition would reduce the domestic supply of the commodity below the supply needed to meet domestic requirements and provide adequate carryover (as determined by the Secretary), unless the Secretary determines that some part of the supply should be used to carry out urgent humanitarian purposes under this Act.";

(2) by redesignating subsections (e) and (f) as subsections (b) and (c), respectively; and

(3) in subsection (c) (as so redesignated), by striking "(e)(1)" and inserting "(b)(1)".

SEC. 222. GENERAL PROVISIONS.

Section 403 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1733) is amended—

(1) in subsection (b)—

(A) in the subsection heading, by striking "CONSULTATIONS" and inserting "IMPACT ON LOCAL FARMERS AND ECONOMY"; and

(B) by striking "consult with" and all that follows through "other donor organizations to";

(2) in subsection (c)—

(A) by striking "from countries"; and

(B) by striking "for use" and inserting "or use";

(3) in subsection (f)—

(A) by inserting "or private entities, as appropriate," after "from countries"; and

(B) by inserting "or private entities" after "such countries"; and

(4) in subsection (i)(2), by striking subparagraph (C).

SEC. 223. AGREEMENTS.

Section 404 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1734) is amended—

(1) in subsection (a), by inserting "with foreign countries" after "Before entering into agreements";

(2) in subsection (b)(2)—

(A) by inserting "with foreign countries" after "with respect to agreements entered into"; and

(B) by inserting before the semicolon at the end the following: "and broad-based economic growth"; and

(3) in subsection (c), by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—Agreements to provide assistance on a multi-year basis to recipient countries or to eligible organizations—

"(A) may be made available under titles I and III; and

"(B) shall be made available under title II.".

SEC. 224. ADMINISTRATIVE PROVISIONS.

Section 407 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736a) is amended—

(1) in subsection (a)—

(A) in paragraph(1), by inserting "or private entity that enters into an agreement under title I" after "importing country"; and

(B) in paragraph (2), by adding at the end the following: "Resulting contracts may contain such terms and conditions as the Secretary determines are necessary and appropriate.";

(2) in subsection (c)—

(A) in paragraph (1)(A), by inserting "importer or" before "importing country"; and

(B) in paragraph (2)(A), by inserting "importer or" before "importing country";

(3) in subsection (d)—

(A) by striking paragraph (2) and inserting the following:

"(2) FREIGHT PROCUREMENT.—Notwithstanding the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) or other similar provisions of law relating to the making or performance of Federal Government contracts, ocean transportation under titles II and III may be procured on the basis of such full and open competitive procedures. Resulting contracts may contain such terms and conditions, as the Administrator determines are necessary and appropriate."; and

(B) by striking paragraph (4);

(4) in subsection (g)(2)—

(A) in subparagraph (B), by striking "and" at the end;

(B) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(D) an assessment of the progress towards achieving food security in each country receiving food assistance from the United States Government, with special emphasis on the nutritional status of the poorest populations in each country."; and

(5) by striking subsection (h).

SEC. 225. EXPIRATION DATE.

Section 408 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736b) is amended by striking "1995" and inserting "2002".

SEC. 226. REGULATIONS.

Section 409 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736c) is repealed.

SEC. 227. INDEPENDENT EVALUATION OF PROGRAMS.

Section 410 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736d) is repealed.

SEC. 228. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 412 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736f) is amended—

(1) by striking subsections (b) and (c) and inserting the following:

"(b) TRANSFER OF FUNDS.—Notwithstanding any other provision of law, the President may direct that—

"(1) up to 15 percent of the funds available for any fiscal year for carrying out title I or III of this Act be used to carry out any other title of this Act; and

"(2) up to 100 percent of funds available for title III be used to carry out title II."; and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(b) RELATION TO OTHER WAIVER.—Section 204(a)(3) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1724(a)(3)) is amended by inserting "all authority to transfer from title I under section 412 has been exercised with respect to that fiscal year and" after "any fiscal year if".

SEC. 229. COORDINATION OF FOREIGN ASSISTANCE PROGRAMS.

Section 413 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736g) is amended by inserting "title III of" before "this Act" each place it appears.

SEC. 230. USE OF CERTAIN LOCAL CURRENCY.

Title IV of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1731 et seq.) (as amended by section 222) is further amended by adding at the end the following:

"SEC. 416. USE OF CERTAIN LOCAL CURRENCY.

"Local currency payments received by the United States pursuant to agreements entered into under title I (as in effect on November 27, 1990) may be utilized by the Secretary in accordance with section 108 (as in effect on November 27, 1990).".

SEC. 231. LEVEL OF ASSISTANCE TO FARMER TO FARMER PROGRAM.

Section 501(c) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1737(c)) is amended—

(1) by striking "0.2" and inserting "0.4";

(2) by striking "0.1" and inserting "0.2"; and

(3) by striking "1991 through 1995" and inserting "1996 through 2002".

SEC. 232. FOOD SECURITY COMMODITY RESERVE.

(a) FOOD SECURITY COMMODITY RESERVE ACT OF 1995.—The title heading of title III of the Agricultural Act of 1980 (7 U.S.C. 1736f–1 note) is amended by striking "**FOOD SECURITY WHEAT RESERVE ACT OF 1980**" and inserting "**FOOD SECURITY COMMODITY RESERVE ACT OF 1995**".

(b) SHORT TITLE.—Section 301 of the Act (7 U.S.C. 1736f–1 note) is amended by striking "Food Security Wheat Reserve Act of 1980" and inserting "Food Security Commodity Reserve Act of 1995".

(c) IN GENERAL.—Section 302 of the Act (7 U.S.C. 1736f–1) is amended—

(1) in the section heading, by striking "**FOOD SECURITY WHEAT RESERVE**" and inserting "**FOOD SECURITY COMMODITY RESERVE**";

(2) so that subsection (a) reads as follows:

"(a) IN GENERAL.—To provide for a reserve solely to meet emergency humanitarian food needs in developing countries, the Secretary shall establish a reserve stock of wheat, rice, corn, or sorghum, or any combination of the commodities, totaling not more than 4,000,000 metric tons for use as described in subsection (c).";

(3) so that subsection (b)(1) reads as follows:

"(b) COMMODITIES IN RESERVE.—

"(1) IN GENERAL.—The reserve established under this section shall consist of—

"(A) wheat in the reserve established under the Food Security Commodity Reserve Act of 1980 as of the date of enactment of the Food For Peace Reauthorization Act of 1995;

"(B) wheat, rice, corn, and sorghum (referred to in this section as 'eligible commodities') acquired in accordance with paragraph (2) to replenish eligible commodities released from the reserve, including wheat to replenish wheat released from the reserve established under the Food Security Wheat Reserve Act of 1980 but not replenished as of the date of enactment of the Food For Peace Reauthorization Act of 1995; and

"(C) such rice, corn, and sorghum as the Secretary of Agriculture (referred to in this section as the 'Secretary') may, at such time and in such manner as the Secretary determines appropriate, acquire as a result of exchanging an equivalent value of wheat in the reserve established under this section.";

(4) in subsection (b)(2)—

(A) by striking "(2)(A) Subject to" and inserting the following:

"(2) REPLENISHMENT OF RESERVE.—

"(A) IN GENERAL.—Subject to";

(B) in subparagraph (A)—

(i) by striking "(i) of this section stocks of wheat" and inserting "(i) stocks of eligible commodities";

(ii) in clause (ii), by striking "stocks of wheat" and inserting "stocks of eligible commodities"; and

(iii) in the second sentence, by striking "wheat" and inserting "eligible commodities"; and

(C) in subparagraph (B)—

(i) by striking "(B) Not later" and inserting "(B) TIME FOR REPLENISHMENT OF RESERVE.—Not later"; and

(ii) in clause (ii), by striking "wheat" and inserting "eligible commodities";

(5) so that subsections (c) through (f) read as follows:

"(c) RELEASE OF ELIGIBLE COMMODITIES.—

"(1) DETERMINATION.—If the Secretary determines that the amount of commodities allocated for minimum assistance under section 204(a)(1) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1724(a)(1)) less the amount of commodities allocated for minimum non-emergency assistance under section 204(a)(2) of the Act (7 U.S.C. 1724(a)(2)) will be insufficient to meet the need for commodities for emergency assistance under section 202(a) of the Act (7 U.S.C. 1722(a)), the Secretary in any fiscal year may release from the reserve—

"(A) up to 500,000 metric tons of wheat or the equivalent value of eligible commodities other than wheat; and

"(B) any eligible commodities which under subparagraph (A) could have been released but were not released in prior fiscal years.

"(2) AVAILABILITY OF COMMODITIES.—Commodities released under paragraph (1) shall be made available under title II of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1721 et seq.) for emergency assistance.

"(3) EXCHANGE.—The Secretary may exchange an eligible commodity for another United States commodity of equal value, including powdered milk, pulses, and vegetable oil.

"(4) USE OF NORMAL COMMERCIAL PRACTICES.—To the maximum extend practicable consistent with the fulfillment of the purposes of this section and the effective and efficient administration of this section, the Secretary shall use the usual and customary channels, facilities, arrangements, and practices of the trade and commerce.

"(5) WAIVER OF MINIMUM TONNAGE REQUIREMENTS.—Nothing in this subsection shall require the exercise of the waiver under section 204(a)(3) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1724(a)(3)) as a prerequisite for the release of eligible commodities under this subsection.

"(d) TRANSPORTATION AND HANDLING COSTS.—

"(1) IN GENERAL.—The cost of transportation and handling of eligible commodities released from the reserve established under this section shall be paid by the Commodity Credit Corporation in accordance with section 406 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736).

"(2) REIMBURSEMENT.—

"(A) IN GENERAL.—The Commodity Credit Corporation shall be reimbursed for the costs incurred under paragraph (1) from the funds made available to carry out the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.).

"(B) BASIS FOR REIMBURSEMENT.—The reimbursement shall be made on the basis of the lesser of the actual cost incurred by the Commodity Credit Corporation less any savings achieved as a result of decreased storage and handling costs for the reserve.

"(C) DECREASED STORAGE AND HANDLING COSTS.—For purposes of this subsection, 'decreased storage and handling costs' shall mean the total actual costs for storage and handling incurred by the Commodity Credit Corporation for the reserve established under title III of the Agricultural Act of 1980 in fiscal year 1995 less the total actual costs for storage and handling incurred by the Corporation for the reserve established under this Act in the fiscal year for which the savings are calculated.

"(e) Management of Reserve.—The Secretary shall provide for—

"(1) the management of eligible commodities in the reserve as to location and quality of commodities needed to meet emergency situations; and

"(2) the periodic rotation of eligible commodities in the reserve to avoid spoilage and deterioration of such stocks.

"(f) Treatment of Reserve Under Other Law.—Eligible commodities in the reserve established under this section shall not be—

"(1) considered a part of the total domestic supply (including carryover) for the purpose of administering the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.); and

"(2) subject to any quantitative limitation on exports that may be imposed under section 7 of the Export Administration Act of 1979 (50 U.S.C. App. 2406).";

(6) in subsection (g)—

(A) by striking "(g)(1) The" and inserting the following:

"(g) Use of Commodity Credit Corporation.—The";

(B) by striking "wheat" and inserting "an eligible commodity"; and

(C) by striking paragraph (2);

(7) in subsection (h)—

(A) by striking "(h) Any" and inserting:

"(h) Finality of Determination.—Any"; and

(B) by striking "President or the Secretary of Agriculture" and inserting "Secretary"; and

(8) in subsection (i)—

(A) by striking "(i) The" and inserting:

"(i) Termination of Authority.—The";

(B) by striking "wheat" each place it appears and inserting "eligible commodities"; and

(C) by striking "1995" each place it appears and inserting "2002".

(d) Effective Date.—Section 303 of the Act (7 U.S.C. 1736–1 note) is amended by striking "October 1, 1980" and all that follows through the end of the section and inserting "on the date of enactment of this Act.".

(e) Conforming Amendment.—Section 208(d)(2) of the Agriculture Trade Suspension Adjustment Act of 1980 (7 U.S.C. 4001(d)(2)) is amended to read as follows:

"(2) Applicability of certain provisions.—Subsections (b)(2), (c), (e), and (f) of section 302 of the Food Security Commodity Reserve Act of 1995 shall apply to commodities in any reserve established under paragraph (1), except that the references to 'eligible commodities' in the subsections shall be deemed to be references to 'agricultural commodities'.".

SEC. 233. FOOD FOR PROGRESS PROGRAM.

The Food for Progress Act of 1985 (7 U.S.C. 1736o) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by striking "(b)(1)" and inserting "(b)"; and

(ii) in the first sentence, by inserting "intergovernmental organizations" after "cooperatives"; and

(B) by striking paragraph (2);

(2) in subsection (e)(4), by striking "203" and inserting "406";

(3) in subsection (f)—

(A) in paragraph (1), by striking "in the case of the independent states of the former Soviet Union,";

(B) by striking paragraph (2);

(C) in paragraph (4), by inserting "in each of fiscal years 1996 through 2002" after "may be used"; and

(D) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively;

(4) in subsection (g), by striking "1995" and inserting "2002";

(5) in subsection (j), by striking "shall" and inserting "may";

(6) in subsection (k), by striking "1995" and inserting "2002";

(7) in subsection (l)(1)—

(A) by striking "1991 through 1995" and inserting "1996 through 2002"; and

(B) by inserting ", and to provide technical assistance for monetization programs," after "monitoring of food assistance programs"; and

(8) in subsection (m)—

(A) by striking "with respect to the independent states of the former Soviet Union";

(B) by striking "private voluntary organizations and cooperatives" each place it appears and inserting "agricultural trade organizations, intergovernmental organizations, private voluntary organizations, and cooperatives"; and

(C) in paragraph (2), by striking "in the independent states".

Subtitle C—Amendments to Agricultural Trade Act of 1978

SEC. 251. AGRICULTURAL EXPORT PROMOTION STRATEGY.

(a) In General.—Section 103 of the Agricultural Trade Act of 1978 (7 U.S.C. 5603) is amended to read as follows:

"SEC. 103. AGRICULTURAL EXPORT PROMOTION STRATEGY.

"(a) In General.—The Secretary shall develop a strategy for implementing Federal agricultural export promotion programs that takes into account the new market opportunities for agricultural products, including opportunities that result from—

"(1) the North American Free Trade Agreement and the Uruguay Round Agreements;

"(2) any accession to membership in the World Trade Organization;

"(3) the continued economic growth in the Pacific Rim; and

"(4) other developments.

"(b) Purpose of Strategy.—The strategy developed under subsection (a) shall encourage the maintenance, development, and expansion of export markets for United States agricultural commodities and related products, including high-value and value-added products.

"(c) Goals of Strategy.—The strategy developed under subsection (a) shall have the following goals:

"(1) By September 30, 2002, increasing the value of annual United States agricultural exports to $60,000,000,000.

"(2) By September 30, 2002, increasing the United States share of world export trade in agricultural products significantly above the average United States share from 1993 through 1995.

"(3) By September 30, 2002, increasing the United States share of world trade in high-value agricultural products to 20 percent.

"(4) Ensuring that the value of United States exports of agricultural products increases at a faster rate than the rate of increase in the value of overall world export trade in agricultural products.

"(5) Ensuring that the value of United States exports of high-value agricultural products increases at a faster rate than the rate of increase in overall world export trade in high-value agricultural products.

"(6) Ensuring to the extent practicable that—

"(A) substantially all obligations undertaken in the Uruguay Round Agreement on Agriculture that provide significantly increased access for United States agricultural commodities are implemented to the extent required by the Uruguay Round Agreements; or

"(B) applicable United States trade laws are used to secure United States rights under the Uruguay Round Agreement on Agriculture.

"(d) Priority Markets.—

"(1) Identification of markets.—In developing the strategy required under subsection (a), the Secretary shall identify as priority markets—

"(A) those markets in which imports of agricultural products show the greatest potential for increase by September 30, 2002; and

"(B) those markets in which, with the assistance of Federal export promotion programs, exports of United States agricultural products show the greatest potential for increase by September 30, 2002.

"(2) Identification of supporting offices.—The President shall identify annually in the budget of the United States Government submitted under section 1105 of title 31, United States Code, each overseas office of the Foreign Agricultural Service that provides assistance to United States exporters in each of the priority markets identified under paragraph (1).

"(e) Report.—Not later than December 31, 2001, the Secretary shall prepare and submit a report to Congress assessing progress in meeting the goals established by subsection (c).

"(f) Failure To Meet Goals.—Notwithstanding any other law, if the Secretary determines that more than 2 of the goals established by subsection (c) are not met by September 30, 2002, the Secretary may not carry out agricultural trade programs under the Agricultural Trade Act of 1978 (7 U.S.C. 5601 et seq.) as of that date.

"(g) No Private Right of Action.—This section shall not create any private right of action.".

(b) Continuation of Funding.—

(1) In general.—If the Secretary of Agriculture makes a determination under section 103(f) of the Agricultural Trade Act of 1978 (as amended by subsection (a)), the Secretary shall utilize funds of the Commodity Credit Corporation to promote United States agricultural exports in a manner consistent with the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.) and obligations pursuant to the Uruguay Round Agreements.

(2) Funding.—The amount of Commodity Credit Corporation funds used to carry out paragraph (1) during a fiscal year shall not exceed the total outlays for agricultural trade programs under the Agricultural Trade Act of 1978 (7 U.S.C. 5601 et seq.) during fiscal year 2002.

(c) Elimination of Report.—

(1) In general.—Section 601 of the Agricultural Trade Act of 1978 (7 U.S.C. 5711) is repealed.

(2) Conforming amendment.—The last sentence of section 603 of the Agricultural Trade Act of 1978 (7 U.S.C. 5713) is amended by striking ", in a consolidated report," and all that follows through "section 601" and inserting "or in a consolidated report".

SEC. 252. EXPORT CREDITS.

(a) Export Credit Guarantee Program.—Section 202 of the Agricultural Trade Act of 1978 (7 U.S.C. 5622) is amended—

(1) in subsection (a)—

(A) by striking "Guarantees.—The" and inserting the following: "Guarantees.—

"(1) In general.—The"; and

(B) by adding at the end the following:

"(2) SUPPLIER CREDITS.—In carrying out this section, the Commodity Credit Corporation may issue guarantees for the repayment of credit made available for a period of not more than 180 days by a United States exporter to a buyer in a foreign country.";

(2) in subsection (f)—

(A) by striking "(f) RESTRICTIONS.—The" and inserting the following:

"(f) RESTRICTIONS.—

"(1) IN GENERAL.—The"; and

(B) by adding at the end the following:

"(2) CRITERIA FOR DETERMINATION.—In making the determination required under paragraph (1) with respect to credit guarantees under subsection (b) for a country, the Secretary may consider, in addition to financial, macroeconomic, and monetary indicators—

"(A) whether an International Monetary Fund standby agreement, Paris Club rescheduling plan, or other economic restructuring plan is in place with respect to the country;

"(B) the convertibility of the currency of the country;

"(C) whether the country provides adequate legal protection for foreign investments;

"(D) whether the country has viable financial markets;

"(E) whether the country provides adequate legal protection for the private property rights of citizens of the country; and

"(F) any other factors that are relevant to the ability of the country to service the debt of the country.";

(3) by striking subsection (h) and inserting the following:

"(h) UNITED STATES AGRICULTURAL COMPONENTS.—The Commodity Credit Corporation shall finance or guarantee under this section only United States agricultural commodities.";

(4) in subsection (i)—

(A) by striking "INSTITUTIONS.—A financial" and inserting the following: "INSTITUTIONS.—

"(1) IN GENERAL.—A financial";

(B) by striking paragraph (1);

(C) by striking "(2) is" and inserting the following:

"(A) is";

(D) by striking "(3) is" and inserting the following:

"(B) is"; and

(E) by adding at the end the following:

"(2) THIRD COUNTRY BANKS.—The Commodity Credit Corporation may guarantee under subsections (a) and (b) the repayment of credit made available to finance an export sale irrespective of whether the obligor is located in the country to which the export sale is destined."; and

(5) by striking subsection (k) and inserting the following:

"(k) PROCESSED AND HIGH-VALUE PRODUCTS.—

"(1) IN GENERAL.—In issuing export credit guarantees under this section, the Commodity Credit Corporation shall, subject to paragraph (2), ensure that not less than 25 percent for each of fiscal years 1996 and 1997, 30 percent for each of fiscal years 1998 and 1999, and 35 percent for each of fiscal years 2000, 2001, and 2002, of the total amount of credit guarantees issued for a fiscal year is issued to promote the export of processed or high-value agricultural products and that the balance is issued to promote the export of bulk or raw agricultural commodities.

"(2) LIMITATION.—The percentage requirement of paragraph (1) shall apply for a fiscal year to the extent that a reduction in the total amount of credit guarantees issued for the fiscal year is not required to meet the percentage requirement.".

(b) FUNDING LEVELS.—Section 211(b) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641(b)) is amended—

(1) by striking paragraph (2);

(2) by redesignating subparagraph (B) of paragraph (1) as paragraph (2) and indenting the margin of paragraph (2) (as so redesignated) so as to align with the margin of paragraph (1); and

(3) by striking paragraph (1) and inserting the following:

"(1) EXPORT CREDIT GUARANTEES.—The Commodity Credit Corporation shall make available for each of fiscal years 1996 through 2002 not less than $5,500,000,000 in credit guarantees under subsections (a) and (b) of section 202.".

(c) DEFINITIONS.—Section 102(7) of the Agricultural Trade Act of 1978 (7 U.S.C. 5602(7)) is amended by striking subparagraphs (A) and (B) and inserting the following:

"(A) an agricultural commodity or product entirely produced in the United States; or

"(B) a product of an agricultural commodity—

"(i) 90 percent or more of the agricultural components of which by weight, excluding packaging and added water, is entirely produced in the United States; and

"(ii) that the Secretary determines to be a United States high value agricultural product.".

(d) REGULATIONS.—Not later than 180 days after the effective date of this title, the Secretary of Agriculture shall issue regulations to carry out the amendments made by this section.

SEC. 253. EXPORT PROGRAM AND FOOD ASSISTANCE TRANSFER AUTHORITY.

The Secretary of Agriculture shall fully utilize and aggressively implement the full range of agricultural export programs authorized in this Act and any other Act, in any combination, to help United States agriculture maintain and expand export markets, promote United States agricultural commodity and product exports, counter subsidized foreign competition, and capitalize on potential new market opportunities. Consistent with United States obligations under GATT, if the Secretary determines that funds available under 1 or more export subsidy programs cannot be fully or effectively utilized for such programs, the Secretary may utilize such funds for other authorized agricultural export and food assistance programs to achieve the above objectives and to further enhance the overall global competitiveness of United States agriculture. Funds so utilized shall be in addition to funds which may otherwise be authorized or appropriated for such other agricultural export programs.

SEC. 254. ARRIVAL CERTIFICATION.

Section 401 of the Agricultural Trade Act of 1978 (7 U.S.C. 5662(a)) is amended by striking subsection (a) and inserting the following:

"(a) ARRIVAL CERTIFICATION.—With respect to a commodity provided, or for which financing or a credit guarantee or other assistance is made available, under a program authorized in section 201, 202, or 301, the Commodity Credit Corporation shall require the exporter of the commodity to maintain records of an official or customary commercial nature or other documents as the Secretary may require, and shall allow representatives of the Commodity Credit Corporation access to the records or documents as needed, to verify the arrival of the commodity in the country that was the intended destination of the commodity.".

SEC. 255. REGULATIONS.

Section 404 of the Agricultural Trade Act of 1978 (7 U.S.C. 5664) is repealed.

SEC. 256. FOREIGN AGRICULTURAL SERVICE.

Section 503 of the Agricultural Trade Act of 1978 (7 U.S.C. 5693) is amended to read as follows:

"SEC. 503. ESTABLISHMENT OF THE FOREIGN AGRICULTURAL SERVICE.

"The Service shall assist the Secretary in carrying out the agricultural trade policy and international cooperation policy of the United States by—

"(1) acquiring information pertaining to agricultural trade;

"(2) carrying out market promotion and development activities;

"(3) providing agricultural technical assistance and training; and

"(4) carrying out the programs authorized under this Act, the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.), and other Acts.".

SEC. 257. REPORTS.

The first sentence of section 603 of the Agricultural Trade Act of 1978 (7 U.S.C. 5713) is amended by striking "The" and inserting "Subject to section 217 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6917), the".

Subtitle D—Miscellaneous

SEC. 271. REPORTING REQUIREMENTS RELATING TO TOBACCO.

Section 214 of the Tobacco Adjustment Act of 1983 (7 U.S.C. 509) is repealed.

SEC. 272. TRIGGERED EXPORT ENHANCEMENT.

(a) READJUSTMENT OF SUPPORT LEVELS.—Section 1302 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101–508; 7 U.S.C. 1421 note) is repealed.

(b) TRIGGERED MARKETING LOANS AND EXPORT ENHANCEMENT.—Section 4301 of the Omnibus Trade and Competitiveness Act of 1988 (Public Law 100–418; 7 U.S.C. 1446 note) is repealed.

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective beginning with the 1996 crops of wheat, feed grains, upland cotton, and rice.

SEC. 273. DISPOSITION OF COMMODITIES TO PREVENT WASTE.

Section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by inserting after the first sentence the following: "The Secretary may use funds of the Commodity Credit Corporation to cover administrative expenses of the programs.";

(B) in paragraph (7)(D)(iv), by striking "one year of acquisition" and all that follows and inserting the following: "a reasonable length of time, as determined by the Secretary, except that the Secretary may permit the use of proceeds in a country other than the country of origin—

"(I) as necessary to expedite the transportation of commodities and products furnished under this subsection; or

"(II) if the proceeds are generated in a currency generally accepted in the other country.";

(C) in paragraph (8), by striking subparagraph (C); and

(D) by striking paragraphs (10), (11), and (12); and

(2) by striking subsection (c).

SEC. 274. DEBT-FOR-HEALTH-AND-PROTECTION SWAP.

(a) IN GENERAL.—Section 1517 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1706) is repealed.

(b) CONFORMING AMENDMENT.—Subsection (e)(3) of the Food for Progress Act of 1985 (7 U.S.C. 1736o(e)(3)) is amended by striking "section 106" and inserting "section 103".

SEC. 275. POLICY ON EXPANSION OF INTERNATIONAL MARKETS.

Section 1207 of the Agriculture and Food Act of 1981 (7 U.S.C. 1736m) is repealed.

SEC. 276. POLICY ON MAINTENANCE AND DEVELOPMENT OF EXPORT MARKETS.

Section 1121 of the Food Security Act of 1985 (7 U.S.C. 1736p) is amended—

(1) by striking subsection (a); and

(2) in subsection (b)—

(A) by striking "(b)"; and

(B) by striking paragraphs (1) through (4) and inserting the following:

"(1) be the premier supplier of agricultural and food products to world markets and expand exports of high value products;

"(2) support the principle of free trade and the promotion of fair trade in agricultural commodities and products;

"(3) cooperate fully in all efforts to negotiate with foreign countries further reductions in tariff and nontariff barriers to trade, including sanitary and phytosanitary measures and trade-distorting subsidies;

"(4) aggressively counter unfair foreign trade practices as a means of encouraging fairer trade;".

SEC. 277. POLICY ON TRADE LIBERALIZATION.

Section 1122 of the Food Security Act of 1985 (7 U.S.C. 1736q) is repealed.

SEC. 278. AGRICULTURAL TRADE NEGOTIATIONS.

Section 1123 of the Food Security Act of 1985 (7 U.S.C. 1736r) is amended to read as follows:

"SEC. 1123. TRADE NEGOTIATIONS POLICY.

"(a) FINDINGS.—Congress finds that—

"(1) on a level playing field, United States producers are the most competitive suppliers of agricultural products in the world;

"(2) exports of United States agricultural products will account for $54,000,000,000 in 1995, contributing a net $24,000,000,000 to the merchandise trade balance of the United States and supporting approximately 1,000,000 jobs;

"(3) increased agricultural exports are critical to the future of the farm, rural, and overall United States economy, but the opportunities for increased agricultural exports are limited by the unfair subsidies of the competitors of the United States, and a variety of tariff and nontariff barriers to highly competitive United States agricultural products;

"(4) international negotiations can play a key role in breaking down barriers to United States agricultural exports;

"(5) the Uruguay Round Agreement on Agriculture made significant progress in the attainment of increased market access opportunities for United States exports of agricultural products, for the first time—

"(A) restraining foreign trade-distorting domestic support and export subsidy programs; and

"(B) developing common rules for the application of sanitary and phytosanitary restrictions;

that should result in increased exports of United States agricultural products, jobs, and income growth in the United States;

"(6) the Uruguay Round Agreement on Agriculture did not succeed in completely eliminating trade distorting domestic support and export subsidies by—

"(A) allowing the European Union to continue unreasonable levels of spending on export subsidies; and

"(B) failing to discipline monopolistic state trading entities, such as the Canadian Wheat Board, that use nontransparent and discriminatory pricing as a hidden de facto export subsidy;

"(7) during the period 1996 through 2002, there will be several opportunities for the United States to negotiate fairer trade in agricultural products, including further negotiations under the World Trade Organization, and steps toward possible free trade agreements of the Americas and Asian-Pacific Economic Cooperation (APEC); and

"(8) the United States should aggressively use these opportunities to achieve more open and fair opportunities for trade in agricultural products.

"(b) GOALS OF THE UNITED STATES IN AGRICULTURAL TRADE NEGOTIATIONS.—The objectives of the United States with respect to future negotiations on agricultural trade include—

"(1) increasing opportunities for United States exports of agricultural products by eliminating tariff and nontariff barriers to trade;

"(2) leveling the playing field for United States producers of agricultural products by limiting per unit domestic production supports to levels that are no greater than those available in the United States;

"(3) ending the practice of export dumping by eliminating all trade distorting export subsidies and disciplining state trading entities so that they do not (except in cases of bona fide food aid) sell in foreign markets at below domestic market prices nor their full costs of acquiring and delivering agricultural products to the foreign markets; and

"(4) encouraging government policies that avoid price-depressing surpluses.".

SEC. 279. POLICY ON UNFAIR TRADE PRACTICES.

Section 1164 of the Food Security Act of 1985 (Public Law 99–198; 99 Stat. 1499) is repealed.

SEC. 280. AGRICULTURAL AID AND TRADE MISSIONS.

(a) IN GENERAL.—The Agricultural Aid and Trade Missions Act (7 U.S.C. 1736bb et seq.) is repealed.

(b) CONFORMING AMENDMENT.—Section 7 of Public Law 100–277 (7 U.S.C. 1736bb note) is repealed.

SEC. 281. ANNUAL REPORTS BY AGRICULTURAL ATTACHES.

Section 108(b)(1)(B) of the Agricultural Act of 1954 (7 U.S.C. 1748(b)(1)(B)) is amended by striking "including fruits, vegetables, legumes, popcorn, and ducks".

SEC. 282. WORLD LIVESTOCK MARKET PRICE INFORMATION.

Section 1545 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 7 U.S.C. 1761 note) is repealed.

SEC. 283. ORDERLY LIQUIDATION OF STOCKS.

Sections 201 and 207 of the Agricultural Act of 1956 (7 U.S.C. 1851 and 1857) are repealed.

SEC. 284. SALES OF EXTRA LONG STAPLE COTTON.

Section 202 of the Agricultural Act of 1956 (7 U.S.C. 1852) is repealed.

SEC. 285. REGULATIONS.

Section 707 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (Public Law 102–511; 7 U.S.C. 5621 note) is amended by striking subsection (d).

SEC. 286. EMERGING MARKETS.

(a) PROMOTION OF AGRICULTURAL EXPORTS TO EMERGING MARKETS.—

(1) EMERGING MARKETS.—Section 1542 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 7 U.S.C. 5622 note) is amended—

(A) in the section heading, by striking "**emerging democracies**" and inserting "**emerging markets**";

(B) by striking "emerging democracies" each place it appears in subsections (b), (d), and (e) and inserting "emerging markets";

(C) by striking "emerging democracy" each place it appears in subsection (c) and inserting "emerging market"; and

(D) by striking subsection (f) and inserting the following:

"(f) EMERGING MARKET.—In this section and section 1543, the term 'emerging market' means any country that the Secretary determines—

"(1) is taking steps toward a market-oriented economy through the food, agriculture, or rural business sectors of the economy of the country; and

"(2) has the potential to provide a viable and significant market for United States agricultural commodities or products of United States agricultural commodities.".

(2) FUNDING.—Section 1542 of the Food, Agriculture, Conservation, and Trade Act of 1990 is amended by striking subsection (a) and inserting the following:

"(a) FUNDING.—The Commodity Credit Corporation shall make available for fiscal years 1996 through 2002 not less than $1,000,000,000 of direct credits or export credit guarantees for exports to emerging markets under section 201 or 202 of the Agricultural Trade Act of 1978 (7 U.S.C. 5621 and 5622), in addition to the amounts acquired or authorized under section 211 of the Act (7 U.S.C. 5641) for the program.".

(3) AGRICULTURAL FELLOWSHIP PROGRAM.—Section 1542 of the Food, Agriculture, Conservation, and Trade Act of 1990 is amended—

(A) in subsection (b), by striking the last sentence and inserting the following: "The Commodity Credit Corporation shall give priority under this subsection to—

"(A) projects that encourage the privatization of the agricultural sector or that benefit private farms or cooperatives in emerging markets; and

"(B) projects for which nongovernmental persons agree to assume a relatively larger share of the costs."; and

(B) in subsection (d)—

(i) in the matter preceding paragraph (1), by striking "the Soviet Union" and inserting "emerging markets";

(ii) in paragraph (1)—

(I) in subparagraph (A)(i)—

(aa) by striking "1995" and inserting "2002"; and

(bb) by striking "those systems, and identify" and inserting "the systems, including potential reductions in trade barriers, and identify and carry out";

(II) in subparagraph (B), by striking "shall" and inserting "may";

(III) in subparagraph (D), by inserting "(including the establishment of extension services)" after "technical assistance";

(IV) by striking subparagraph (F);

(V) by redesignating subparagraphs (G), (H), and (I) as subparagraphs (F), (G), and (H), respectively; and

(VI) in subparagraph (H) (as redesignated by subclause (V)), by striking "$10,000,000" and inserting "$20,000,000";

(iii) in paragraph (2)—

(I) by striking "the Soviet Union" each place it appears and inserting "emerging markets";

(II) in subparagraph (A), by striking "a free market food production and distribution system" and inserting "free market food production and distribution systems";

(III) in subparagraph (B)—

(aa) in clause (i), by striking "Government" and inserting "governments";

(bb) in clause (iii)(II), by striking "and" at the end;

(cc) in clause (iii)(III), by striking the period at the end and inserting "; and"; and

(dd) by adding at the end of clause (iii) the following:

"(IV) to provide for the exchange of administrators and faculty members from agricultural and other institutions to strengthen and revise educational programs in agricultural economics, agribusiness, and agrarian law, to support change towards a free market economy in emerging markets.";

(IV) by striking subparagraph (D); and

by redesignating subparagraph (E) as subparagraph (D); and

(iv) by striking paragraph (3).

(4) UNITED STATES AGRICULTURAL COMMODITY.—Subsections (b) and (c) of section 1542 of the Food, Agriculture, Conservation, and Trade Act of 1990 are amended by striking "section 101(6)" each place it appears and inserting "section 102(7)".

(5) REPORT.—The first sentence of section 1542(e)(2) of the Food, Agriculture, Conservation, and Trade Act of 1990 is amended by striking "Not" and inserting "Subject to section 217 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6917), not".

(b) AGRICULTURAL FELLOWSHIP PROGRAM FOR MIDDLE INCOME COUNTRIES, EMERGING DEMOCRACIES, AND EMERGING MARKETS.—Section 1543 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 3293) is amended—

(1) in the section heading, by striking "**middle income countries and emerging democracies**" and inserting "**middle income countries, emerging democracies, and emerging markets**";

(2) in subsection (b), by adding at the end the following:

"(5) EMERGING MARKET.—Any emerging market, as defined in section 1542(f)."; and

(3) in subsection (c)(1), by striking "food needs" and inserting "food and fiber needs".

(c) CONFORMING AMENDMENTS.—

(1) Section 501 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1737) is amended—

(A) in subsection (a), by striking "emerging democracies" and inserting "emerging markets"; and

(B) in subsection (b), by striking paragraph (1) and inserting the following:

"(1) EMERGING MARKET.—The term 'emerging market' means any country that the Secretary determines—

"(A) is taking steps toward a market-oriented economy through the food, agriculture, or rural business sectors of the economy of the country; and

"(B) has the potential to provide a viable and significant market for United States agricultural commodities or products of United States agricultural commodities.".

(2) Section 201(d)(1)(C)(ii) of the Agricultural Trade Act of 1978 (7 U.S.C. 5621(d)(1)(C)(ii)) is amended by striking "emerging democracies" and inserting "emerging markets".

(3) Section 202(d)(3)(B) of the Agricultural Trade Act of 1978 (7 U.S.C. 5622(d)(3)(B)) is amended by striking "emerging democracies" and inserting "emerging markets".

SEC. 287. IMPLEMENTATION OF COMMITMENTS UNDER URUGUAY ROUND AGREEMENTS.

Part III of subtitle A of title IV of the Uruguay Round Agreements Act (Public Law 103–465; 108 Stat. 4964) is amended by adding at the end the following:

"SEC. 427. IMPLEMENTATION OF COMMITMENTS UNDER URUGUAY ROUND AGREEMENTS.

"Not later than September 30 of each fiscal year, the Secretary of Agriculture shall determine whether the obligations undertaken by foreign countries under the Uruguay Round Agreement on Agriculture are being fully implemented. If the Secretary of Agriculture determines that any foreign country, by not implementing the obligations of the country, is significantly constraining an opportunity for United States agricultural exports, the Secretary shall—

"(1) submit to the United States Trade Representative a recommendation as to whether the President should take action under any provision of law; and

"(2) transmit a copy of the recommendation to the Committee on Agriculture, the Committee on International Relations, and the Committee on Ways and Means, of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Finance, of the Senate.".

SEC. 288. SENSE OF CONGRESS CONCERNING MULTILATERAL DISCIPLINES ON CREDIT GUARANTEES.

It is the sense of Congress that—

(1) in negotiations to establish multilateral disciplines on agricultural export credits and credit guarantees, the United States should not agree to any arrangement that is incompatible with the provisions of United States law that authorize agricultural export credits and credit guarantees;

(2) in the negotiations (which are held under the auspices of the Organization for Economic Cooperation and Development), the United States should not reach any agreement that fails to impose disciplines on the practices of foreign government trading entities such as the Australian Wheat Board and Canadian Wheat Board; and

(3) the disciplines should include greater openness in the operations of the entities as long as the entities are subsidized by the foreign government or have monopolies for exports of a commodity that are sanctioned by the foreign government.

SEC. 289. FOREIGN MARKET DEVELOPMENT COOPERATOR PROGRAM.

The Agricultural Trade Act of 1978 (7 U.S.C. 5601 et seq.) is amended by adding at the end the following:

"TITLE VII—FOREIGN MARKET DEVELOPMENT COOPERATOR PROGRAM

"SEC. 701. DEFINITION OF ELIGIBLE TRADE ORGANIZATION.

"In this title, the term 'eligible trade organization' means a United States trade organization that—

"(1) promotes the export of 1 or more United States agricultural commodities or products; and

"(2) does not have a business interest in or receive remuneration from specific sales of agricultural commodities or products.

"SEC. 702. FOREIGN MARKET DEVELOPMENT COOPERATOR PROGRAM.

"(a) IN GENERAL.—The Secretary shall establish and, in cooperation with eligible trade organizations, carry out a foreign market development cooperator program to maintain and develop foreign markets for United States agricultural commodities and products.

"(b) ADMINISTRATION.—Funds made available to carry out this title shall be used only to provide—

"(1) cost-share assistance to an eligible trade organization under a contract or agreement with the organization; and

"(2) assistance for other costs that are necessary or appropriate to carry out the foreign market development cooperator program, including contingent liabilities that are not otherwise funded.

"SEC. 703. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title such sums as may be necessary for each of fiscal years 1996 through 2002.".

Subtitle E—Dairy Exports

SEC. 291. DAIRY EXPORT INCENTIVE PROGRAM.

(a) IN GENERAL.—Section 153(c) of the Food Security Act of 1985 (15 U.S.C. 713a–14(c)) is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "; and"; and

(3) by adding at the end the following new paragraphs:

"(3) the maximum volume of dairy product exports allowable consistent with the obligations of the United States as a member of the World Trade Organization are exported under the program each year (minus the volume sold under section 1163 of the Food Security Act of 1985 (7 U.S.C. 1731 note) during that year), except to the extent that the export of such a volume under the program would, in the judgment of the Secretary, exceed the limitations on the value set forth in subsection (f); and

"(4) payments may be made under the program for exports to any destination in the world for the purpose of market development, except a destination in a country with respect to which shipments from the United States are otherwise restricted by law.".

(b) SOLE DISCRETION.—Section 153(b) of the Food Security Act of 1985 (15 U.S.C. 713a–14(b)) is amended by inserting "sole" before "discretion".

(c) MARKET DEVELOPMENT.—Section 153(e)(1) of the Food Security Act of 1985 (15 U.S.C. 713a–14(e)(1)) is amended—

(1) by striking "and" and inserting "the"; and

(2) by inserting before the period the following: ", and any additional amount that may be required to assist in the development of world markets for United States dairy products".

(d) MAXIMUM ALLOWABLE AMOUNTS.—Section 153 of the Food Security Act of 1985 (15 U.S.C. 713a–14) is amended by adding at the end the following:

"(f) REQUIRED FUNDING.—The Commodity Credit Corporation shall in each year use money and commodities for the program under this section in the maximum amount consistent with the obligations of the United States as a member of the World Trade Organization, minus the amount expended under section 1163 of the Food Security Act of 1985 (7 U.S.C. 1731 note) during that year. However, the Commodity Credit Corporation may not exceed the limitations specified in subsection (c)(3) on the volume of allowable dairy product exports.".

(e) CONFORMING AMENDMENT.—Section 153(a) of the Food Security Act of 1985 (15 U.S.C. 713a–14(a)) is amended by striking "2001" and inserting "2002".

SEC. 292. AUTHORITY TO ASSIST IN ESTABLISHMENT AND MAINTENANCE OF EXPORT TRADING COMPANY.

The Secretary of Agriculture shall, consistent with the obligations of the United States as a member of the World Trade Organization, provide such advice and assistance to the United States dairy industry as may be necessary to enable that industry to establish and maintain an export trading company under the Export Trading Company Act of 1982 (15 U.S.C. 4001 et seq.) for the purpose of facilitating the international market development for and exportation of dairy products produced in the United States.

SEC. 293. STANDBY AUTHORITY TO INDICATE ENTITY BEST SUITED TO PROVIDE INTERNATIONAL MARKET DEVELOPMENT AND EXPORT SERVICES.

(a) INDICATION OF ENTITY BEST SUITED TO ASSIST INTERNATIONAL MARKET DEVELOPMENT FOR AND EXPORT OF UNITED STATES DAIRY PRODUCTS.—If—

(1) the United States dairy industry has not established an export trading company under the Export Trading Company Act of 1982 (15 U.S.C. 4001 et seq.) for the purpose of facilitating the international market development for and exportation of dairy products produced in the United States on or before June 30, 1996; or

(2) the quantity of exports of United States dairy products during the 12-month period preceding July 1, 1997 does not exceed the quantity of exports of United States dairy products during the 12-month period preceding July 1, 1996 by 1.5 billion pounds (milk equivalent, total solids basis);

the Secretary of Agriculture is directed to indicate which entity autonomous of the Government of the United States is best suited to facilitate the international market development for and exportation of United States dairy products.

(b) FUNDING OF EXPORT ACTIVITIES.—The Secretary shall assist the entity in identifying sources of funding for the activities specified in subsection (a) from within the dairy industry and elsewhere.

(c) APPLICATION OF SECTION.—This section shall apply only during the period beginning on July 1, 1997 and ending on September 30, 2000.

SEC. 294. STUDY AND REPORT REGARDING POTENTIAL IMPACT OF URUGUAY ROUND ON PRICES, INCOME AND GOVERNMENT PURCHASES.

(a) STUDY.—The Secretary of Agriculture shall conduct a study, on a variety by variety of cheese basis, to determine the potential impact on milk prices in the United States, dairy producer income, and Federal dairy program costs, of the allocation of additional cheese granted access to the United States as a result of the obligations of the United States as a member of the World Trade Organization.

(b) REPORT.—Not later than June 30, 1997, the Secretary shall report to the Committees on Agriculture of the Senate and the House of Representatives the results of the study conducted under this section.

(c) RULE OF CONSTRUCTION.—Any limitation imposed by Act of Congress on the conduct or completion of studies or reports to Congress shall not apply to the study and report required under this section unless such limitation explicitly references this section in doing so.

SEC. 295. PROMOTION OF AMERICAN DAIRY PRODUCTS IN INTERNATIONAL MARKETS THROUGH DAIRY PROMOTION PROGRAM.

Section 113(e) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4504(e)) is amended by adding at the end the following new sentence: “For each of the fiscal years 1996 through 2000, the Board's budget shall provide for the expenditure of not less than 10 percent of the anticipated revenues available to the Board to develop international markets for, and to promote within such markets, the consumption of dairy products produced in the United States from milk produced in the United States.”.

TITLE III—CONSERVATION

Subtitle A—Environmental Conservation Acreage Reserve Program

SEC. 311. ENVIRONMENTAL CONSERVATION ACREAGE RESERVE PROGRAM.

Section 1230 of the Food Security Act of 1985 (16 U.S.C. 3830) is amended to read as follows:

“SEC. 1230. ENVIRONMENTAL CONSERVATION ACREAGE RESERVE PROGRAM.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—During the 1996 through 2002 calendar years, the Secretary shall establish an environmental conservation acreage reserve program (referred to in this section as ‘ECARP’) to be implemented through contracts and the acquisition of easements to assist owners and operators of farms and ranches to conserve and enhance soil, water, and related natural resources, including grazing land, wetland, and wildlife habitat.

“(2) MEANS.—The Secretary shall carry out the ECARP by—

“(A) providing for the long-term protection of environmentally sensitive land; and

“(B) providing technical and financial assistance to farmers and ranchers to—

“(i) improve the management and operation of the farms and ranches; and

“(ii) reconcile productivity and profitability with protection and enhancement of the environment.

“(3) PROGRAMS.—The ECARP shall consist of—

“(A) the conservation reserve program established under subchapter B;

“(B) the wetlands reserve program established under subchapter C;

“(C) the environmental quality incentives program established under chapter 4; and

“(D) a farmland protection program under which the Secretary shall use funds of the Commodity Credit Corporation for the purchase of conservation easements or other interests in not less than 170,000, nor more than 340,000, acres of land with prime, unique, or other productive soil that is subject to a pending offer from a State or local government for the purpose of protecting topsoil by limiting nonagricultural uses of the land, except that any highly erodible cropland shall be subject to the requirements of a conservation plan, including, if required by the Secretary, the conversion of the land to less intensive uses. In no case shall total expenditures of funding from the Commodity Credit Corporation exceed a total of $35,000,000 over the first 3 and subsequent fiscal years.

“(b) ADMINISTRATION.—

“(1) IN GENERAL.—In carrying out the ECARP, the Secretary shall enter into contracts with owners and operators and acquire interests in land through easements from owners, as provided in this chapter and chapter 4.

“(2) PRIOR ENROLLMENTS.—Acreage enrolled in the conservation reserve or wetlands reserve program prior to the effective date of this paragraph shall be considered to be placed into the ECARP.

“(c) CONSERVATION PRIORITY AREAS.—

“(1) DESIGNATION.—

“(A) IN GENERAL.—The Secretary shall designate watersheds or regions of special environmental sensitivity, including the Chesapeake Bay Region (consisting of Pennsylvania, Maryland, and Virginia), the Great Lakes Region, the Rainwater Basin Region, the Lake Champlain Basin, the Prairie Pothole Region, and the Long Island Sound Region, as conservation priority areas that are eligible for enhanced assistance through the programs established under this chapter and chapter 4.

“(B) APPLICATION.—A designation shall be made under this paragraph if agricultural practices on land within the watershed or region pose a significant threat to soil, water, and related natural resources, as determined by the Secretary, and an application is made by—

“(i) a State agency in consultation with the State technical committee established under section 1261; or

“(ii) State agencies from several States that agree to form an interstate conservation priority area.

“(C) ASSISTANCE.—The Secretary shall designate a watershed or region of special environmental sensitivity as a conservation priority area to assist, to the maximum extent practicable, agricultural producers within the watershed or region to comply with nonpoint source pollution requirements under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) and other Federal and State environmental laws.

“(2) APPLICABILITY.—The Secretary shall designate a watershed or region of special environmental sensitivity as a conservation priority area in a manner that conforms, to the maximum extent practicable, to the functions and purposes of the conservation reserve, wetlands reserve, and environmental quality incentives programs, as applicable, if participation in the program or programs is likely to result in the resolution or amelioration of significant soil, water, and related natural resource problems related to agricultural production activities within the watershed or region.

“(3) TERMINATION.—A conservation priority area designation shall terminate on the date that is 5 years after the date of the designation, except that the Secretary may—

“(A) redesignate the area as a conservation priority area; or

“(B) withdraw the designation of a watershed or region if the Secretary determines the area is no longer affected by significant soil, water, and related natural resource impacts related to agricultural production activities.”.

SEC. 312. CONSERVATION RESERVE PROGRAM.

(a) PROGRAM EXTENSIONS.—

(1) CONSERVATION RESERVE PROGRAM.—Section 1231 of the Act (16 U.S.C. 3831) is amended in subsections (a) and (b)(3), by striking “1995” each place it appears and inserting “2002”.

(3) DUTIES OF OWNERS AND OPERATORS.—Section 1232(c) of the Act (16 U.S.C. 3832(c)) is amended by striking “1995” and inserting “2002”.

(b) MAXIMUM ENROLLMENT.—Section 1231(d) of the Food Security Act of 1985 (16 U.S.C. 3831(d)) is amended striking “total of” and all that follows through the period at the end of the subsection and inserting “total of 36,400,000 acres during the 1986 through 2002 calendar years (including contracts extended by the Secretary pursuant to section 1437(c) of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 16 U.S.C. 3831 note).”.

(c) OPTIONAL CONTRACT TERMINATION BY PRODUCERS.—Section 1235 of the Food Security Act of 1985 (16 U.S.C. 3835) is amended by adding at the end the following new subsection:

“(e) TERMINATION BY OWNER OR OPERATOR.—

“(1) EARLY TERMINATION AUTHORIZED.—The Secretary shall allow an owner or operator of land that, on the date of the enactment of the Agricultural Market Transition Act, is covered by a contract that was entered into under this subchapter at least five years before that date to terminate the contract with respect to all or a portion of the covered land. The owner or operator shall provide the Secretary with reasonable notice of the termination request.

"(2) CERTAIN LANDS EXCEPTED.—Notwithstanding paragraph (1), the following lands shall not be subject to an early termination of a contract under this subsection:

"(A) Filterstrips, waterways, strips adjacent to riparian areas, windbreaks, and shelterbelts.

"(B) Land with an erodibility index of more than 15.

"(C) Other lands of high environmental value, as determined by the Secretary.

"(3) EFFECTIVE DATE.—The contract termination shall take effect 60 days after the date on which the owner or operator submits the notice under paragraph (1).

"(4) PRORATED RENTAL PAYMENT.—If a contract entered into under this subchapter is terminated under this subsection before the end of the fiscal year for which a rental payment is due, the Secretary shall provide a prorated rental payment covering the portion of the fiscal year during which the contract was in effect.

"(5) RENEWED ENROLLMENT.—The termination of a contract entered into under this subchapter shall not affect the ability of the owner or operator who requested the termination to submit a subsequent bid to enroll the land that was subject to the contract into the conservation reserve.

"(6) CONSERVATION REQUIREMENTS.—If land that was subject to a contract is returned to production of an agricultural commodity, the conservation requirements under subtitles B and C shall apply to the use of the land to the extent that the requirements are similar to those requirements imposed on other similar lands in the area, except that the requirements may not be more onerous that the requirements imposed on other lands.".

(d) USE OF UNEXPENDED FUNDS.—Section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) is amended by adding at the end the following:

"(h) USE OF UNEXPENDED FUNDS FROM CONTRACT TERMINATIONS.—If a contract entered into under this section is terminated, voluntarily or otherwise, before the expiration date specified in the contract, the Secretary may use funds, already available to the Secretary to cover payments under the contract, but unexpended as a result of the contract termination, to enroll other eligible lands in the conservation reserve established under this subchapter.".

(e) FAIR MARKET VALUE RENTAL RATES.—

(1) IN GENERAL.—Section 1234(c) of the Food Security Act of 1985 (16 U.S.C. 3834(c)) is amended by adding at the end the following new paragraph:

"(5) In the case of a contract covering land which has not been previously enrolled in the conservation reserve, annual rental payments under the contract may not exceed the average fair market rental rate for comparable lands in the county in which the lands are located. This paragraph shall not apply to the extension of an existing contract.".

(2) APPLICATION OF AMENDMENT.—The amendment made by paragraph (1) shall apply with respect to contracts for the enrollment of lands in the conservation reserve program under section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831)) entered into after the date of the enactment of this Act.

(f) ENROLLMENTS IN 1997.—Section 725 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1996 (Public Law 104–37; 109 Stat. 332), is amended by striking the proviso relating to enrollment of new acres in 1997.

SEC. 313. WETLANDS RESERVE PROGRAM.

(a) PURPOSES.—Section 1237(a) of the Food Security Act of 1985 (16 U.S.C. 3837(a)) is amended by striking "to assist owners of eligible lands in restoring and protecting wetlands" and inserting "to protect wetlands for purposes of enhancing water quality and providing wildlife benefits while recognizing landowner rights".

(b) ENROLLMENT.—Section 1237 of the Food Security Act of 1985 (16 U.S.C. 3837) is amended by striking subsection (b) and inserting the following:

"(b) MINIMUM ENROLLMENT.—The Secretary shall enroll into the wetlands reserve program—

"(1) during the 1996 through 2002 calendar years, a total of not more than 975,000 acres; and

"(2) beginning with offers accepted by the Secretary during calendar year 1997, to the maximum extent practicable, ⅓ of the acres in permanent easements, ⅓ of the acres in 30-year easements, and ⅓ of the acres in restoration cost-share agreements.".

(c) ELIGIBILITY.—Section 1237(c) of the Food Security Act of 1985 (16 U.S.C. 3837(c)) is amended—

(1) by striking "2000" and inserting "2002"; and

(2) by inserting "the land maximizes wildlife benefits and wetland values and functions and" after "determines that".

(d) OTHER ELIGIBLE LANDS.—Section 1237(d) (16 U.S.C. 3837(d)) is amended by inserting after "subsection (c)" the following ", land that maximizes wildlife benefits and that is".

(e) EASEMENTS.—Section 1237A of the Food Security Act of 1985 (16 U.S.C. 3837a) is amended—

(1) in the section heading, by inserting before the period at the end the following: "**and agreements**";

(2) by striking subsection (c) and inserting the following:

"(c) RESTORATION PLANS.—The development of a restoration plan, including any compatible use, under this section shall be made through the local Natural Resources Conservation Service representative, in consultation with the State technical committee.";

(3) in subsection (f), by striking the third sentence and inserting the following: "Compensation may be provided in not less than 5, nor more than 30, annual payments of equal or unequal size, as agreed to by the owner and the Secretary."; and

(4) by adding at the end the following:

"(h) COST SHARE AGREEMENTS.—The Secretary may enroll land into the wetland reserve through agreements that require the landowner to restore wetlands on the land, if the agreement does not provide the Secretary with an easement.".

(f) COST SHARE AND TECHNICAL ASSISTANCE.—Section 1237C of the Food Security Act of 1985 (16 U.S.C. 3837c) is amended by striking subsection (b) and inserting the following:

"(b) COST SHARE AND TECHNICAL ASSISTANCE.—In the case of an easement entered into during the 1996 through 2002 calendar years, in making cost share payments under subsection (a)(1), the Secretary shall—

"(1) in the case of a permanent easement, pay the owner an amount that is not less than 75 percent, but not more than 100 percent, of the eligible costs;

"(2) in the case of a 30-year easement or a cost-share agreement, pay the owner an amount that is not less than 50 percent, but not more than 75 percent, of the eligible costs; and

"(3) provide owners technical assistance to assist landowners in complying with the terms of easements and agreements.".

SEC. 314. ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.

Subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3830 et seq.) is amended by adding at the end the following:

"CHAPTER 4—ENVIRONMENTAL QUALITY INCENTIVES PROGRAM

"SEC. 1238. FINDINGS AND PURPOSES.

"(a) FINDINGS.—Congress finds that—

"(1) farmers and ranchers cumulatively manage more than ½ of the private lands in the continental United States;

"(2) because of the predominance of agriculture, the soil, water, and related natural resources of the United States cannot be protected without cooperative relationships between the Federal Government and farmers and ranchers;

"(3) farmers and ranchers have made tremendous progress in protecting the environment and the agricultural resource base of the United States over the past decade because of not only Federal Government programs but also their spirit of stewardship and the adoption of effective technologies;

"(4) it is in the interest of the entire United States that farmers and ranchers continue to strive to preserve soil resources and make more efforts to protect water quality and wildlife habitat, and address other broad environmental concerns;

"(5) environmental strategies that stress the prudent management of resources, as opposed to idling land, will permit the maximum economic opportunities for farmers and ranchers in the future;

"(6) unnecessary bureaucratic and paperwork barriers associated with existing agricultural conservation assistance programs decrease the potential effectiveness of the programs; and

"(7) the recent trend of Federal spending on agricultural conservation programs suggests that assistance to farmers and ranchers in future years will, absent changes in policy, dwindle to perilously low levels.

"(b) PURPOSES.—The purposes of the environmental quality incentives program established by this chapter are to—

"(1) combine into a single program the functions of—

"(A) the agricultural conservation program authorized by sections 7 and 8 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590g and 590h) (as in effect before the amendments made by section 355(a)(1) of the Agricultural Reform and Improvement Act of 1996);

"(B) the Great Plains conservation program established under section 16(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590p(b)) (as in effect before the amendment made by section 355(b)(1) of the Agricultural Reform and Improvement Act of 1996); and

"(C) the water quality incentives program established under chapter 2 (as in effect before the amendment made by section 355(k) of the Agricultural Reform and Improvement Act of 1996); and

"(D) the Colorado River Basin salinity control program established under section 202(c) of the Colorado River Basin Salinity Control Act (43 U.S.C. 1592(c)) (as in effect before the amendment made by section 355(c)(1) of the

Agricultural Reform and Improvement Act of 1996); and

"(2) carry out the single program in a manner that maximizes environmental benefits per dollar expended, and that provides—

"(A) flexible technical and financial assistance to farmers and ranchers that face the most serious threats to soil, water, and related natural resources, including grazing lands, wetlands, and wildlife habitat;

"(B) assistance to farmers and ranchers in complying with this title and Federal and State environmental laws, and to encourage environmental enhancement;

"(C) assistance to farmers and ranchers in making beneficial, cost-effective changes to cropping systems, grazing management, manure, nutrient, pest, or irrigation management, land uses, or other measures needed to conserve and improve soil, water, and related natural resources; and

"(D) for the consolidation and simplification of the conservation planning process to reduce administrative burdens on the owners and operators of farms and ranches.

"SEC. 1238A. DEFINITIONS.

"In this chapter:

"(1) LAND MANAGEMENT PRACTICE.—The term 'land management practice' means nutrient or manure management, integrated pest management, irrigation management, tillage or residue management, grazing management, or another land management practice the Secretary determines is needed to protect soil, water, or related resources in the most cost effective manner.

"(2) LARGE CONFINED LIVESTOCK OPERATION.—The term 'large confined livestock operation' means a farm or ranch that—

"(A) is a confined animal feeding operation; and

"(B) has more than—

"(i) 700 mature dairy cattle;

"(ii) 1,000 beef cattle;

"(iii) 100,000 laying hens or broilers;

"(iv) 55,000 turkeys;

"(v) 2,500 swine; or

"(vi) 10,000 sheep or lambs.

"(3) LIVESTOCK.—The term 'livestock' means mature dairy cows, beef cattle, laying hens, broilers, turkeys, swine, sheep, or lambs.

"(4) OPERATOR.—The term 'operator' means a person who is engaged in crop or livestock production (as defined by the Secretary).

"(5) STRUCTURAL PRACTICE.—The term 'structural practice' means the establishment of an animal waste management facility, terrace, grassed waterway, contour grass strip, filterstrip, permanent wildlife habitat, or another structural practice that the Secretary determines is needed to protect soil, water, or related resources in the most cost effective manner.

"SEC. 1238B. ESTABLISHMENT AND ADMINISTRATION OF ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—During the 1996 through 2002 fiscal years, the Secretary shall provide technical assistance, cost-sharing payments, and incentive payments, education to operators, who enter into contracts with the Secretary, through an environmental quality incentives program in accordance with this chapter.

"(2) ELIGIBLE PRACTICES.—

"(A) STRUCTURAL PRACTICES.—An operator who implements a structural practice shall be eligible for technical assistance or cost-sharing payments, education or both.

"(B) LAND MANAGEMENT PRACTICES.—An operator who performs a land management practice shall be eligible for technical assistance or incentive payments, education or both.

"(b) APPLICATION AND TERM.—A contract between an operator and the Secretary under this chapter may—

"(1) apply to 1 or more structural practices or 1 or more land management practices, or both; and

"(2) have a term of not less than 5, nor more than 10, years, as determined appropriate by the Secretary, depending on the practice or practices that are the basis of the contract.

"(c) STRUCTURAL PRACTICES.—

"(1) COMPETITIVE OFFER.—The Secretary shall administer a competitive offer system for operators proposing to receive cost-sharing payments in exchange for the implementation of 1 or more structural practices by the operator. The competitive offer system shall consist of—

"(A) the submission of a competitive offer by the operator in such manner as the Secretary may prescribe; and

"(B) evaluation of the offer in light of the priorities established in section 1238C and the projected cost of the proposal, as determined by the Secretary.

"(2) CONCURRENCE OF OWNER.—If the operator making an offer to implement a structural practice is a tenant of the land involved in agricultural production, for the offer to be acceptable, the operator shall obtain the concurrence of the owner of the land with respect to the offer.

"(d) LAND MANAGEMENT PRACTICES.—The Secretary shall establish an application and evaluation process for awarding technical assistance or incentive payments, or both, to an operator in exchange for the performance of 1 or more land management practices by the operator.

"(e) COST-SHARING AND INCENTIVE PAYMENTS.—

"(1) COST-SHARING PAYMENTS.—

"(A) IN GENERAL.—The Federal share of cost-sharing payments to an operator proposing to implement 1 or more structural practices shall not be more than 75 percent of the projected cost of the practice, as determined by the Secretary, taking into consideration any payment received by the operator from a State or local government.

"(B) LIMITATION.—An operator of a large confined livestock operation shall not be eligible for cost-sharing payments to construct an animal waste management facility.

"(C) OTHER PAYMENTS.—An operator shall not be eligible for cost-sharing payments for structural practices on eligible land under this chapter if the operator receives cost-sharing payments or other benefits for the same land under chapter 1 or 3.

"(2) INCENTIVE PAYMENTS.—The Secretary shall make incentive payments in an amount and at a rate determined by the Secretary to be necessary to encourage an operator to perform 1 or more land management practices.

"(f) TECHNICAL ASSISTANCE.—

"(1) FUNDING.—The Secretary shall allocate funding under this chapter for the provision of technical assistance according to the purpose and projected cost for which the technical assistance is provided in a fiscal year. The allocated amount may vary according to the type of expertise required, quantity of time involved, and other factors as determined appropriate by the Secretary. Funding shall not exceed the projected cost to the Secretary of the technical assistance provided in a fiscal year.

"(2) OTHER AUTHORITIES.—The receipt of technical assistance under this chapter shall not affect the eligibility of the operator to receive technical assistance under other authorities of law available to the Secretary.

"(g) MODIFICATION OR TERMINATION OF CONTRACTS.—

"(1) VOLUNTARY MODIFICATION OR TERMINATION.—The Secretary may modify or terminate a contract entered into with an operator under this chapter if—

"(A) the operator agrees to the modification or termination; and

"(B) the Secretary determines that the modification or termination is in the public interest.

"(2) INVOLUNTARY TERMINATION.—The Secretary may terminate a contract under this chapter if the Secretary determines that the operator violated the contract.

"(h) NON-FEDERAL ASSISTANCE.—

"(1) IN GENERAL.—The Secretary may request the services of a State water quality agency, State fish and wildlife agency, State forestry agency, or any other governmental or private resource considered appropriate to assist in providing the technical assistance necessary for the development and implementation of a structural practice or land management practice.

"(2) LIMITATION ON LIABILITY.—No person shall be permitted to bring or pursue any claim or action against any official or entity based on or resulting from any technical assistance provided to an operator under this chapter to assist in complying with a Federal or State environmental law.

"SEC. 1238C. EVALUATION OF OFFERS AND PAYMENTS.

"(a) REGIONAL PRIORITIES.—The Secretary shall provide technical assistance, cost-sharing payments, and incentive payments to operators in a region, watershed, or conservation priority area under this chapter based on the significance of the soil, water, and related natural resource problems in the region, watershed, or area, and the structural practices or land management practices that best address the problems, as determined by the Secretary.

"(b) MAXIMIZATION OF ENVIRONMENTAL BENEFITS.—

"(1) IN GENERAL.—In providing technical assistance, cost-sharing payments, and incentive payments to operators in regions, watersheds, or conservation priority areas under this chapter, the Secretary shall accord a higher priority to assistance and payments that maximize environmental benefits per dollar expended.

"(2) NATIONAL AND REGIONAL PRIORITY.—The prioritization shall be done nationally as well as within the conservation priority area, region, or watershed in which an agricultural operation is located.

"(3) CRITERIA.—To carry out this subsection, the Secretary shall establish criteria for implementing structural practices and land management practices that best achieve conservation goals for a region, watershed, or conservation priority area, as determined by the Secretary.

"(c) STATE OR LOCAL CONTRIBUTIONS.—The Secretary shall accord a higher priority to operators whose agricultural operations are located within watersheds, regions, or conservation priority areas in which State or local governments have provided, or will provide, financial or technical assistance to the operators for the same conservation or environmental purposes.

"(d) PRIORITY LANDS.—The Secretary shall accord a higher priority to structural practices or land management practices on lands on which agricultural production has been determined to contribute to, or create, the potential for failure to meet applicable water quality standards or other environmental objectives of a Federal or State law.

"SEC. 1238D. DUTIES OF OPERATORS.

"To receive technical assistance, cost-sharing payments, or incentives payments under this chapter, an operator shall agree—

"(1) to implement an environmental quality incentives program plan that describes conservation and environmental goals to be achieved through a structural practice or land management practice, or both, that is approved by the Secretary;

"(2) not to conduct any practices on the farm or ranch that would tend to defeat the purposes of this chapter;

"(3) on the violation of a term or condition of the contract at any time the operator has control of the land, to refund any cost-sharing or incentive payment received with interest, and forfeit any future payments under this chapter, as determined by the Secretary;

"(4) on the transfer of the right and interest of the operator in land subject to the contract, unless the transferee of the right and interest agrees with the Secretary to assume all obligations of the contract, to refund all cost-sharing payments and incentive payments received under this chapter, as determined by the Secretary;

"(5) to supply information as required by the Secretary to determine compliance with the environmental quality incentives program plan and requirements of the program; and

"(6) to comply with such additional provisions as the Secretary determines are necessary to carry out the environmental quality incentives program plan.

"SEC. 1238E. ENVIRONMENTAL QUALITY INCENTIVES PROGRAM PLAN.

"An environmental quality incentives program plan shall include (as determined by the Secretary)—

"(1) a description of the prevailing farm or ranch enterprises, cropping patterns, grazing management, cultural practices, or other information that may be relevant to conserving and enhancing soil, water, and related natural resources;

"(2) a description of relevant farm or ranch resources, including soil characteristics, rangeland types and condition, proximity to water bodies, wildlife habitat, or other relevant characteristics of the farm or ranch related to the conservation and environmental objectives set forth in the plan;

"(3) a description of specific conservation and environmental objectives to be achieved;

"(4) to the extent practicable, specific, quantitative goals for achieving the conservation and environmental objectives;

"(5) a description of 1 or more structural practices or 1 or more land management practices, or both, to be implemented to achieve the conservation and environmental objectives;

"(6) a description of the timing and sequence for implementing the structural practices or land management practices, or both, that will assist the operator in complying with Federal and State environmental laws; and

"(7) information that will enable evaluation of the effectiveness of the plan in achieving the conservation and environmental objectives, and that will enable evaluation of the degree to which the plan has been implemented.

"(8) Not withstanding any provision of law, the Secretary shall ensure that the process of writing, developing, and assisting in the implementation of plans required in the programs established under this title be open to individuals in agribusiness including but not limited to agricultural producers, representatives from agricultural cooperatives, agricultural input retail dealers, and certified crop advisers. This process shall be included in but not limited to programs and plans established under this title and any other Department program using incentive, technical assistance, cost-share or pilot project programs that require plans.

"SEC. 1238F. DUTIES OF THE SECRETARY.

"To the extent appropriate, the Secretary shall assist an operator in achieving the conservation and environmental goals of an environmental quality incentives program plan by—

"(1) providing an eligibility assessment of the farming or ranching operation of the operator as a basis for developing the plan;

"(2) providing technical assistance in developing and implementing the plan;

"(3) providing technical assistance, cost-sharing payments, or incentive payments for developing and implementing 1 or more structural practices or 1 or more land management practices, as appropriate;

"(4) providing the operator with information, education, and training to aid in implementation of the plan; and

"(5) encouraging the operator to obtain technical assistance, cost-sharing payments, or grants from other Federal, State, local, or private sources.

"SEC. 1238G. ELIGIBLE LANDS.

"Agricultural land on which a structural practice or land management practice, or both, shall be eligible for technical assistance, cost-sharing payments, or incentive payments under this chapter include—

"(1) agricultural land (including cropland, rangeland, pasture, and other land on which crops or livestock are produced) that the Secretary determines poses a serious threat to soil, water, or related resources by reason of the soil types, terrain, climatic, soil, topographic, flood, or saline characteristics, or other factors or natural hazards;

"(2) an area that is considered to be critical agricultural land on which either crop or livestock production is carried out, as identified in a plan submitted by the State under section 319 of the Federal Water Pollution Control Act (33 U.S.C. 1329) as having priority problems that result from an agricultural nonpoint source of pollution;

"(3) an area recommended by a State lead agency for protection of soil, water, and related resources, as designated by a Governor of a State; and

"(4) land that is not located within a designated or approved area, but that if permitted to continue to be operated under existing management practices, would defeat the purpose of the environmental quality incentives program, as determined by the Secretary.

"SEC. 1238H. LIMITATIONS ON PAYMENTS.

"(a) PAYMENTS.—The total amount of cost-sharing and incentive payments paid to a person under this chapter may not exceed—

"(1) $10,000 for any fiscal year; or

"(2) $50,000 for any multiyear contract.

"(b) REGULATIONS.—The Secretary shall issue regulations that are consistent with section 1001 for the purpose of—

"(1) defining the term 'person' as used in subsection (a); and

"(2) prescribing such rules as the Secretary determines necessary to ensure a fair and reasonable application of the limitations contained in subsection (a).".

Subtitle B—Conservation Funding

SEC. 321. CONSERVATION FUNDING.

(a) IN GENERAL.—Subtitle E of title XII of the Food Security Act of 1985 (16 U.S.C. 3841 et seq.) is amended to read as follows:

"Subtitle E—Funding

"SEC. 1241. FUNDING.

"(a) MANDATORY EXPENSES.—For each of fiscal years 1996 through 2002, the Secretary shall use the funds of the Commodity Credit Corporation to carry out the programs authorized by—

"(1) subchapter B of chapter 1 of subtitle D (including contracts extended by the Secretary pursuant to section 1437 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624; 16 U.S.C. 3831 note));

"(2) subchapter C of chapter 1 of subtitle D; and

"(3) chapter 4 of subtitle D.

"(b) ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.—

"(1) IN GENERAL.—For each of fiscal years 1996 through 2002, $200,000,000 of the funds of the Commodity Credit Corporation shall be available for providing technical assistance, cost-sharing payments, and incentive payments under the environmental quality incentives program under chapter 4 of subtitle D.

"(2) LIVESTOCK PRODUCTION.—For each of fiscal years 1996 through 2002, 50 percent of the funding available for technical assistance, cost-sharing payments, and incentive payments under the environmental quality incentives program shall be targeted at practices relating to livestock production.

"(c) ADVANCE APPROPRIATIONS TO CCC.—The Secretary may use the funds of the Commodity Credit Corporation to carry out chapter 3 of subtitle D, except that the Secretary may not use the funds of the Corporation unless the Corporation has received funds to cover the expenditures from appropriations made available to carry out chapter 3 of subtitle D.

"SEC. 1242. ADMINISTRATION.

"(a) PLANS.—The Secretary shall, to the extent practicable, avoid duplication in—

"(1) the conservation plans required for—

"(A) highly erodible land conservation under subtitle B;

"(B) the conservation reserve program established under subchapter B of chapter 1 of subtitle D; and

"(C) the wetlands reserve program established under subchapter C of chapter 1 of subtitle D; and

"(2) the environmental quality incentives program established under chapter 4 of subtitle D.

"(b) ACREAGE LIMITATION.—

"(1) IN GENERAL.—The Secretary shall not enroll more than 25 percent of the cropland in any county in the programs administered under the conservation reserve and wetlands reserve programs established under subchapters B and C, respectively, of chapter 1 of subtitle D. Not more than 10 percent of the cropland in a county may be subject to an easement acquired under the subchapters.

"(2) EXCEPTION.—The Secretary may exceed the limitations in paragraph (1) if the Secretary determines that—

"(A) the action would not adversely affect the local economy of a county; and

"(B) operators in the county are having difficulties complying with conservation plans implemented under section 1212.

"(3) SHELTERBELTS AND WINDBREAKS.—The limitations established under this subsection shall not apply to cropland that is subject to an easement under chapter 1 or 3 of subtitle

D that is used for the establishment of shelterbelts and windbreaks.

"(c) TENANT PROTECTION.—Except for a person who is a tenant on land that is subject to a conservation reserve contract that has been extended by the Secretary, the Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers, including provision for sharing, on a fair and equitable basis, in payments under the programs established under subtitles B through D.

"(d) REGULATIONS.—Not later than 90 days after the effective date of this subsection, the Secretary shall issue regulations to implement the conservation reserve and wetlands reserve programs established under chapter 1 of subtitle D.".

Subtitle C—Miscellaneous

SEC. 351. FORESTRY.

(a) FORESTRY INCENTIVES PROGRAM.—Section 4 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103) is amended by striking subsection (k).

(b) OFFICE OF INTERNATIONAL FORESTRY.—Section 2405 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6704) is amended by adding at the end the following:

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized each fiscal year such sums as are necessary to carry out this section.".

SEC. 352. STATE TECHNICAL COMMITTEES.

Section 1261(c) of the Food Security Act of 1985 (16 U.S.C. 3861(c)) is amended—

(1) in paragraph (7), by striking "and" at the end;

(2) in paragraph (8), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(9) agricultural producers;

"(10) other nonprofit organizations with demonstrable expertise;

"(11) persons knowledgeable about the economic and environmental impact of conservation techniques and programs; and

"(12) agribusiness.

SEC. 353. CONSERVATION OF PRIVATE GRAZING LAND.

(a) FINDINGS.—Congress finds that—

(1) privately owned grazing land constitutes nearly ½ of the non-Federal land of the United States and is basic to the environmental, social, and economic stability of rural communities;

(2) privately owned grazing land contains a complex set of interactions among soil, water, air, plants, and animals;

(3) grazing land constitutes the single largest watershed cover type in the United States and contributes significantly to the quality and quantity of water available for all of the many uses of the land;

(4) private grazing land constitutes the most extensive wildlife habitat in the United States;

(5) private grazing land can provide opportunities for improved nutrient management from land application of animal manures and other by-product nutrient resources;

(6) owners and managers of private grazing land need to continue to recognize conservation problems when the problems arise and receive sound technical assistance to improve or conserve grazing land resources to meet ecological and economic demands;

(7) new science and technology must continually be made available in a practical manner so owners and managers of private grazing land may make informed decisions concerning vital grazing land resources;

(8) agencies of the Department of Agriculture with private grazing land responsibilities are the agencies that have the expertise and experience to provide technical assistance, education, and research to owners and managers of private grazing land for the long-term productivity and ecological health of grazing land;

(9) although competing demands on private grazing land resources are greater than ever before, assistance to private owners and managers of private grazing land is currently limited and does not meet the demand and basic need for adequately sustaining or enhancing the private grazing lands resources; and

(10) privately owned grazing land can be enhanced to provide many benefits to all Americans through voluntary cooperation among owners and managers of the land, local conservation districts, and the agencies of the Department of Agriculture responsible for providing assistance to owners and managers of land and to conservation districts.

(b) PURPOSE.—It is the purpose of this section to authorize the Secretary of Agriculture to provide a coordinated technical, educational, and related assistance program to conserve and enhance private grazing land resources and provide related benefits to all citizens of the United States by—

(1) establishing a coordinated and cooperative Federal, State, and local grazing conservation program for management of private grazing land;

(2) strengthening technical, educational, and related assistance programs that provide assistance to owners and managers of private grazing land;

(3) conserving and improving wildlife habitat on private grazing land;

(4) conserving and improving fish habitat and aquatic systems through grazing land conservation treatment;

(5) protecting and improving water quality;

(6) improving the dependability and consistency of water supplies;

(7) identifying and managing weed, noxious weed, and brush encroachment problems on private grazing land; and

(8) integrating conservation planning and management decisions by owners and managers of private grazing land, on a voluntary basis.

(c) DEFINITIONS.—In this section:

(1) PRIVATE GRAZING LAND.—The term "private grazing land" means privately owned, State-owned, tribally-owned, and any other non-federally owned rangeland, pastureland, grazed forest land, and hay land.

(2) SECRETARY.—The term "Secretary" means the Secretary of Agriculture, acting through the Natural Resources Conservation Service.

(d) PRIVATE GRAZING LAND CONSERVATION ASSISTANCE.—

(1) ASSISTANCE TO GRAZING LANDOWNERS AND OTHERS.—Subject to the availability of appropriations, the Secretary shall establish a voluntary program to provide technical, educational, and related assistance to owners and managers of private grazing land and public agencies, through local conservation districts, to enable the landowners, managers, and public agencies to voluntarily carry out activities that are consistent with this section, including—

(A) maintaining and improving private grazing land and the multiple values and uses that depend on private grazing land;

(B) implementing grazing land management technologies;

(C) managing resources on private grazing land, including—

(i) planning, managing, and treating private grazing land resources;

(ii) ensuring the long-term sustainability of private grazing land resources;

(iii) harvesting, processing, and marketing private grazing land resources; and

(iv) identifying and managing weed, noxious weed, and brush encroachment problems;

(D) protecting and improving the quality and quantity of water yields from private grazing land;

(E) maintaining and improving wildlife and fish habitat on private grazing land;

(F) enhancing recreational opportunities on private grazing land;

(G) maintaining and improving the aesthetic character of private grazing lands; and

(H) identifying the opportunities and encouraging the diversification of private grazing land enterprises.

(2) PROGRAM ELEMENTS.—

(A) FUNDING.—The program under paragraph (1) shall be funded through a specific line-item in the annual appropriations for the Natural Resources Conservation Service.

(B) TECHNICAL ASSISTANCE AND EDUCATION.—Personnel of the Department of Agriculture trained in pasture and range management shall be made available under the program to deliver and coordinate technical assistance and education to owners and managers of private grazing land, at the request of the owners and managers.

(e) GRAZING TECHNICAL ASSISTANCE SELF-HELP.—

(1) FINDINGS.—Congress finds that—

(A) there is a severe lack of technical assistance for grazing producers;

(B) the Federal budget precludes any significant expansion, and may force a reduction of, current levels of technical support; and

(C) farmers and ranchers have a history of cooperatively working together to address common needs in the promotion of their products and in the drainage of wet areas through drainage districts.

(2) ESTABLISHMENT OF GRAZING DEMONSTRATION.—The Secretary may establish 2 grazing management demonstration districts at the recommendation of the Grazing Lands Conservation Initiative Steering Committee.

(3) PROCEDURE.—

(A) PROPOSAL.—Within a reasonable time after the submission of a request of an organization of farmers or ranchers engaged in grazing, the Secretary shall propose that a grazing management district be established.

(B) FUNDING.—The terms and conditions of the funding and operation of the grazing management district shall be proposed by the producers.

(C) APPROVAL.—The Secretary shall approve the proposal if the Secretary determines that the proposal—

(i) is reasonable;

(ii) will promote sound grazing practices; and

(iii) contains provisions similar to the provisions contained in the promotion orders in effect on the effective date of this section.

(D) AREA INCLUDED.—The area proposed to be included in a grazing management district shall be determined by the Secretary on the basis of a petition by farmers or ranchers.

(E) AUTHORIZATION.—The Secretary may use authority under the Agricultural Adjustment Act (7 U.S.C. 601 et seq.), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, to operate, on a demonstration basis, a grazing management district.

(F) ACTIVITIES.—The activities of a grazing management district shall be scientifically sound activities, as determined by the Secretary in consultation with a technical advisory committee composed of ranchers, farmers, and technical experts.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $20,000,000 for fiscal year 1996;

(2) $40,000,000 for fiscal year 1997; and

(3) $60,000,000 for fiscal year 1998 and each subsequent fiscal year.

SEC. 354. CONFORMING AMENDMENTS.

(a) AGRICULTURAL CONSERVATION PROGRAM.—

(1) ELIMINATION.—

(A) Section 8 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h) is amended—

(i) in subsection (b)—

(I) by striking paragraphs (1) through (4) and inserting the following:

"(1) ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.—The Secretary shall provide technical assistance, cost share payments, and incentive payments to operators through the environmental quality incentives program in accordance with chapter 2 of subtitle D of the Food Security Act of 1985 (16 U.S.C. 3838 et seq.)."; and

(II) by striking paragraphs (6) through (8); and

(ii) by striking subsections (d), (e), and (f).

(B) The first sentence of section 11 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590k) is amended by striking "performance: *Provided further,*" and all that follows through "or other law" and inserting "performance".

(C) Section 14 of the Act (16 U.S.C. 590n) is amended—

(i) in the first sentence, by striking "or 8"; and

(ii) by striking the second sentence.

(D) Section 15 of the Act (16 U.S.C. 590o) is amended—

(i) in the first undesignated paragraph—

(I) in the first sentence, by striking "sections 7 and 8" and inserting "section 7"; and

(II) by striking the third sentence; and

(ii) by striking the second undesignated paragraph.

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of the last proviso of the matter under the heading "CONSERVATION RESERVE PROGRAM" under the heading "SOIL BANK PROGRAMS" of title I of the Department of Agriculture and Farm Credit Administration Appropriation Act, 1959 (72 Stat. 195; 7 U.S.C. 1831a) is amended by striking "Agricultural Conservation Program" and inserting "environmental quality incentives program established under chapter 2 of subtitle D of the Food Security Act of 1985 (16 U.S.C. 3838 et seq.)".

(B) Section 4 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103) is amended by striking "as added by the Agriculture and Consumer Protection Act of 1973" each place it appears in subsections (d) and (i) and inserting "as in effect before the amendment made by section 355(a)(1) of the Agricultural Reform and Improvement Act of 1996".

(C) Section 226(b)(4) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6932(b)(4)) is amended by striking "and the agricultural conservation program under the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590g et seq.)".

(D) Section 246(b)(8) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6962(b)(8)) is amended by striking "and the agricultural conservation program under the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590g et seq.)".

(E) Section 1271(c)(3)(C) of the Food, Agriculture, Conservation, and Trade Act of 1990 (16 U.S.C. 2106a(c)(3)(C)) is amended by striking "Agricultural Conservation Program established under section 16(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h, 590l, or 590p)" and inserting "environmental quality incentives program established under chapter 2 of subtitle D of the Food Security Act of 1985 (16 U.S.C. 3838 et seq.)".

(F) Section 126(a)(5) of the Internal Revenue Code of 1986 is amended to read as follows:

"(5) The environmental quality incentives program established under chapter 2 of subtitle D of the Food Security Act of 1985 (16 U.S.C. 3838 et seq.).".

(G) Section 304(a) of the Lake Champlain Special Designation Act of 1990 (Public Law 101–596; 33 U.S.C. 1270 note) is amended—

(i) in the subsection heading, by striking "SPECIAL PROJECT AREA UNDER THE AGRICULTURAL CONSERVATION PROGRAM" and inserting "A PRIORITY AREA UNDER THE ENVIRONMENTAL QUALITY INCENTIVES PROGRAM"; and

(ii) in paragraph (1), by striking "special project area under the Agricultural Conservation Program established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b))" and inserting "priority area under the environmental quality incentives program established under chapter 2 of subtitle D of the Food Security Act of 1985 (16 U.S.C. 3838 et seq.)".

(H) Section 6 of the Department of Agriculture Organic Act of 1956 (70 Stat. 1033) is amended by striking subsection (b).

(b) GREAT PLAINS CONSERVATION PROGRAM.—

(1) ELIMINATION.—Section 16 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590p) is repealed.

(2) CONFORMING AMENDMENTS.—

(A) The Agricultural Adjustment Act of 1938 is amended by striking "Great Plains program" each place it appears in sections 344(f)(8) and 377 (7 U.S.C. 1344(f)(8) and 1377) and inserting "environmental quality incentives program established under chapter 2 of subtitle D of the Food Security Act of 1985 (16 U.S.C. 3838 et seq.)".

(B) Section 246(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6962(b)) is amended by striking paragraph (2).

(C) Section 126(a) of the Internal Revenue Code of 1986 is amended—

(i) by striking paragraph (6); and

(ii) by redesignating paragraphs (7) through (10) as paragraphs (6) through (9), respectively.

(c) COLORADO RIVER BASIN SALINITY CONTROL PROGRAM.—

Section 202(c) of the Colorado River Basin Salinity Control Act (43 U.S.C. 1592(c)) is amended by striking paragraph (1) and inserting the following:

"(1) The Secretary of Agriculture shall implement salinity control measures, including watershed enhancement and cost-sharing efforts with livestock and crop producers, as part of the Agricultural Conservation Assistance Program established under section 312 of the Conservation Consolidation and Regulatory Reform Act of 1996.".

(d) RURAL ENVIRONMENTAL CONSERVATION PROGRAM.—

(1) ELIMINATION.—Title X of the Agricultural Act of 1970 (16 U.S.C. 1501 et seq.) is repealed.

(2) CONFORMING AMENDMENTS.—Section 246(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6962(b)) is amended—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (8) as paragraphs (1) through (7), respectively.

(e) OTHER CONSERVATION PROVISIONS.—Subtitle F of title XII of the Food Security Act of 1985 (16 U.S.C. 2005a and 2101 note) is repealed.

(f) COMMODITY CREDIT CORPORATION CHARTER ACT.—Section 5(g) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c(g)) is amended to read as follows:

"(g) Carry out conservation functions and programs.".

(g) RESOURCE CONSERVATION.—

(1) ELIMINATION.—Subtitles A, B, D, E, F, G, and J of title XV of the Agriculture and Food Act of 1981 (95 Stat. 1328; 16 U.S.C. 3401 et seq.) are repealed.

(2) CONFORMING AMENDMENT.—Section 739 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1982 (7 U.S.C. 2272a), is repealed.

(h) ENVIRONMENTAL EASEMENT PROGRAM.—Section 1239(a) of the Food Security Act of 1985 (16 U.S.C. 3839(a)) is amended by striking "1991 through 1995" and inserting "1996 through 2002".

(i) RESOURCE CONSERVATION AND DEVELOPMENT PROGRAM.—Section 1538 of the Agriculture and Food Act of 1981 (16 U.S.C. 3461) is amended by striking "1991 through 1995" and inserting "1996 through 2002".

(j) TECHNICAL AMENDMENT.—The first sentence of the matter under the heading "Commodity Credit Corporation" of Public Law 99–263 (100 Stat. 59; 16 U.S.C. 3841 note) is amended by striking ": Provided further," and all that follows through "Acts".

(k) AGRICULTURAL WATER QUALITY INCENTIVES PROGRAM.—Chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838 et seq.) is repealed.

SEC. 355. WATER BANK PROGRAM.

Section 1230 of the Food Security Act of 1985 (16 U.S.C. 3830) is amended by adding at the end the following:

"(d) WATER BANK PROGRAM.—For purposes of this Act, acreage enrolled, prior to the date of enactment of this subsection, in the water bank program authorized by the Water Bank Act (16 U.S.C. 1301 et seq.) shall be considered to have been enrolled in the conservation reserve program on the date the acreage was enrolled in the water bank program. Payments shall continue at the existing water bank rates.".

SEC. 356. FLOOD WATER RETENTION PILOT PROJECTS.

Section 16 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590p) is amended by adding at the end the following:

"(l) FLOOD WATER RETENTION PILOT PROJECTS.—

"(1) IN GENERAL.—In cooperation with States, the Secretary shall carry out at least 1 but not more than 2 pilot projects to create and restore natural water retention areas to control storm water and snow melt runoff within closed drainage systems.

"(2) PRACTICES.—To carry out paragraph (1), the Secretary shall provide cost-sharing and technical assistance for the establishment of nonstructural landscape management practices, including agricultural tillage practices and restoration, enhancement, and creation of wetland characteristics.

"(3) FUNDING.—

"(A) LIMITATION.—The funding used by the Secretary to carry out this subsection shall not exceed $10,000,000 per project.

"(B) USE OF COMMODITY CREDIT CORPORATION.—The Secretary shall use the funds, facilities, and authorities of the Commodity

Credit Corporation to carry out this subsection.

"(4) ADDITIONAL PILOT PROJECTS.—

"(A) EVALUATION.—Not later than 2 years after a pilot project is implemented, the Secretary shall evaluate the extent to which the project has reduced or may reduce Federal outlays for emergency spending and unplanned infrastructure maintenance by an amount that exceeds the Federal cost of the project.

"(B) ADDITIONAL PROJECTS.—If the Secretary determines that pilot projects carried out under this subsection have reduced or may reduce Federal outlays as described in subparagraph (A), the Secretary may carry out, in accordance with this subsection, pilot projects in addition to the projects authorized under paragraph (1).".

SEC. 357. WETLAND CONSERVATION EXEMPTION.

Section 1222(b)(1) of the Food Security Act of 1985 (16 U.S.C. 3822(b)(1)) is amended—

(1) in subparagraph (C), by striking "or" at the end; and

(2) by adding at the end the following:

"(E) converted wetland, if—

"(i) the extent of the conversion is limited to the reversion to conditions that will be at least equivalent to the wetland functions and values that existed prior to implementation of a voluntary wetland restoration, enhancement, or creation action;

"(ii) technical determinations of the prior site conditions and the restoration, enhancement, or creation action have been adequately documented in a plan approved by the Natural Resources Conservation Service prior to implementation; and

"(iii) the conversion action proposed by the private landowner is approved by the Natural Resources Conservation Service prior to implementation; or".

SEC. 358. RESOURCE CONSERVATION AND DEVELOPMENT PROGRAM REAUTHORIZATION.

Section 1538 of the Agriculture and Food Act of 1981 (16 U.S.C. 3461) is amended by striking "1991 through 1995" and inserting "1996 through 2001".

SEC. 359. CONSERVATION RESERVE NEW ACREAGE.

Section 1231(a) of the Food Security Act of 1985 (16 U.S.C. 3831(a)) is amended by adding at the end the following: "The Secretary may enter into 1 or more new contracts to enroll acreage in a quantity equal to the quantity of acreage covered by any contract that terminates after the date of enactment of the Agricultural Market Transition Act.".

SEC. 360. REPEAL OF REPORT REQUIREMENT.

Section 1342 of title 44, United States Code, is repealed.

SEC. 361. WATERSHED PROTECTION AND FLOOD PREVENTION ACT AMENDMENTS.

(a) DECLARATION OF POLICY.—The first section of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001) is amended to read as follows:

"SECTION 1. DECLARATION OF POLICY.

"Erosion, flooding, sedimentation, and loss of natural habitats in the watersheds and waterways of the United States cause loss of life, damage to property, and a reduction in the quality of environment and life of citizens. It is therefore the sense of Congress that the Federal Government should join with States and their political subdivisions, public agencies, conservation districts, flood prevention or control districts, local citizens organizations, and Indian tribes for the purpose of conserving, protecting, restoring, and improving the land and water resources of the United States and the quality of the environment and life for watershed residents across the United States.".

(b) DEFINITIONS.—

(1) WORKS OF IMPROVEMENT.—Section 2 of the Act (16 U.S.C. 1002) is amended, with respect to the term "works of improvement"—

(A) in paragraph (1), by inserting ", nonstructural," after "structural";

(B) in paragraph (2), by striking "or" at the end;

(C) by redesignating paragraph (3) as paragraph (11);

(D) by inserting after paragraph (2) the following new paragraphs:

"(3) a land treatment or other nonstructural practice, including the acquisition of easements or real property rights, to meet multiple watershed needs,

"(4) the restoration and monitoring of the chemical, biological, and physical structure, diversity, and functions of waterways and their associated ecological systems,

"(5) the restoration or establishment of wetland and riparian environments as part of a multi-objective management system that provides floodwater or storm water storage, detention, and attenuation, nutrient filtering, fish and wildlife habitat, and enhanced biological diversity,

"(6) the restoration of steam channel forms, functions, and diversity using the principles of biotechnical slope stabilization to reestablish a meandering, bankfull flow channels, riparian vegetation, and floodplains,

"(7) the establishment and acquisition of multi-objective riparian and adjacent flood prone lands, including greenways, for sediment storage and floodwater storage,

"(8) the protection, restoration, enhancement and monitoring of surface and groundwater quality, including measures to improve the quality of water emanating from agricultural lands and facilities,

"(9) the provision of water supply and municipal and industrial water supply for rural communities having a population of less than 55,000, according to the most recent decennial census of the United States,

"(10) outreach to and organization of local citizen organizations to participate in project design and implementation, and the training of project volunteers and participants in restoration and monitoring techniques, or"; and

(E) in paragraph (11) (as so redesignated)—

(i) by inserting in the first sentence after "proper utilization of land" the following: ", water, and related resources"; and

(ii) by striking the sentence that mandates that 20 percent of total project benefits be directly related to agriculture.

(2) LOCAL ORGANIZATION.—Such section is further amended, with respect to the term "local organization", by adding at the end the following new sentence: "The term includes any nonprofit organization (defined as having tax exempt status under section 501(c)(3) of the Internal Revenue Code of 1986) that has authority to carry out and maintain works of improvement or is developing and implementing a work of improvement in partnership with another local organization that has such authority.".

(3) WATERWAY.—Such section is further amended by adding at the end the following new definition:

"WATERWAY.—The term 'waterway' means, on public or private land, any natural, degraded, seasonal, or created wetland on public or private land, including rivers, streams, riparian areas, marshes, ponds, bogs, mudflats, lakes, and estuaries. The term includes any natural or manmade watercourse which is culverted, channelized, or vegetatively cleared, including canals, irrigation ditches, drainage wages, and navigation, industrial, flood control and water supply channels.".

(c) ASSISTANCE TO LOCAL ORGANIZATIONS.—Section 3 of the Act (16 U.S.C. 1003) is amended—

(1) in paragraph (1), by inserting after "(1)" the following "to provide technical assistance to help local organizations";

(2) in paragraph (2)—

(A) by inserting after "(2)" the following: "to provide technical assistance to help local organizations"; and

(B) by striking "engineering" and inserting "technical and scientific"; and

(3) by striking paragraph (3) and inserting the following new paragraph:

"(3) to make allocations of costs to the project or project components to determine whether the total of all environmental, social, and monetary benefits exceed costs;".

(d) COST SHARE ASSISTANCE.—

(1) AMOUNT OF ASSISTANCE.—Section 3A of the Act (16 U.S.C. 1003a) is amended by striking subsection (b) and inserting the following:

"(b) NONSTRUCTURAL PRACTICES.—Notwithstanding any other provision of this Act, Federal cost share assistance to local organizations for the planning and implementation of nonstructural works of improvement may be provided using funds appropriated for the purposes of this Act for an amount not exceeding 75 percent of the total installation costs.

"(c) STRUCTURAL PRACTICES.—Notwithstanding any other provision of this Act, Federal cost share assistance to local organizations for the planning and implementation of structural works of improvement may be provided using funds appropriated for the purposes of this Act for 50 percent of the total cost, including the cost of mitigating damage to fish and wildlife habitat and the value of any land or interests in land acquired for the work of improvement.

"(d) SPECIAL RULE FOR LIMITED RESOURCE COMMUNITIES.—Notwithstanding any other provision of this Act, the Secretary may provide cost share assistance to a limited resource community for any works of improvement, using funds appropriated for the purposes of this Act, for an amount not to exceed 90 percent of the total cost.

"(e) TREATMENT OF OTHER FEDERAL FUNDS.—Not more than 50 percent of the non-Federal cost share may be satisfied using funds from other Federal agencies.".

(2) CONDITIONS ON ASSISTANCE.—Section 4(1) of the Act (16 U.S.C. 1004(1)) is amended by striking ", without cost to the Federal Government from funds appropriated for the purposes of this Act,".

(e) BENEFIT COST ANALYSIS.—Section 5(1) of the Act (16 U.S.C. 1005(1)) is amended by striking "the benefits" and inserting "the total benefits, including environmental, social, and monetary benefits,".

(f) PROJECT PRIORITIZATION.—The Watershed Protection and Flood Prevention Act is amended by inserting after section 5 (16 U.S.C. 1005) the following new section:

"SEC. 5A. FUNDING PRIORITIES.

"In making funding decisions under this Act, the Secretary shall give priority to projects with one or more of the following attributes:

"(1) Projects providing significant improvements in ecological values and functions in the project area.

"(2) Projects that enhance the long-term health of local economies or generate job or job training opportunities for local residents, including Youth Conservation and Service Corps participants and displaced resource harvesters.

"(3) Projects that provide protection to human health, safety, and property.

"(4) Projects that directly benefit economically disadvantaged communities and enhance participation by local residents of such communities.

"(5) Projects that restore or enhance fish and wildlife species of commercial, recreational, subsistence or scientific concern.

"(6) Projects or components of projects that can be planned, designed, and implemented within two years.".

(g) Transfer of Funds.—The Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1010) is amended by adding at the end the following new section:

"SEC. 14. TRANSFERS OF FUNDS.

"The Secretary may accept transfers of funds from other Federal departments and agencies in order to carry out projects under this Act.".

TITLE IV—NUTRITION ASSISTANCE

SEC. 401. FOOD STAMP PROGRAM.

(a) Disqualification of a Store or Concern.—Section 12 of the Food Stamp Act of 1977 (7 U.S.C. 2021) is amended—

(1) by striking the section heading;

(2) by striking "Sec. 12. (a) Any" and inserting the following:

"SEC. 12. CIVIL MONEY PENALTIES AND DISQUALIFICATION OF RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS.

"(a) Disqualification.—

"(1) In general.—An";

(3) by adding at the end of subsection (a) the following:

"(2) Employing certain persons.—A retail food store or wholesale food concern shall be disqualified from participation in the food stamp program if the store or concern knowingly employs a person who has been found by the Secretary, or a Federal, State, or local court, to have, within the preceding 3-year period—

"(A) engaged in the trading of a firearm, ammunition, an explosive, or a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) for a coupon; or

"(B) committed any act that constitutes a violation of this Act or a State law relating to using, presenting, transferring, acquiring, receiving, or possessing a coupon, authorization card, or access device."; and

(4) in subsection (b)(3)(B), by striking "neither the ownership nor management of the store or food concern was aware" and inserting "the ownership of the store or food concern was not aware".

(b) Employment and Training.—Section 16(h)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2025(h)(1)) is amended by striking "1995" each place it appears and inserting "2002".

(c) Authorization of Pilot Projects.—The last sentence of section 17(b)(1)(A) of the Food Stamp Act of 1977 (7 U.S.C. 2026(b)(1)(A)) is amended by striking "1995" and inserting "2002".

(d) Outreach Demonstration Projects.—The first sentence of section 17(j)(1)(A) of the Food Stamp Act of 1977 (7 U.S.C. 2026(j)(1)(A)) is amended by striking "1995" and inserting "2002".

(e) Authorization for Appropriations.—The first sentence of section 18(a)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2027(a)(1)) is amended by striking "1995" and inserting "2002".

(f) Reauthorization of Puerto Rico Nutrition Assistance Program.—The first sentence of section 19(a)(1)(A) of the Food Stamp Act of 1977 (7 U.S.C. 2028(a)(1)(A)) is amended by striking "$974,000,000" and all that follows through "fiscal year 1995" and inserting "$1,143,000,000 for fiscal year 1996, $1,174,000,000 for fiscal year 1997, $1,204,000,000 for fiscal year 1998, $1,236,000,000 for fiscal year 1999, $1,268,000,000 for fiscal year 2000, $1,301,000,000 for fiscal year 2001, and $1,335,000,000 for fiscal year 2002".

(g) American Samoa.—The Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) is amended by adding at the end the following:

"SEC. 24. TERRITORY OF AMERICAN SAMOA.

"From amounts made available to carry out this Act, the Secretary may pay to the Territory of American Samoa not more than $5,300,000 for each of fiscal years 1996 through 2002 to finance 100 percent of the expenditures for the fiscal year for a nutrition assistance program extended under section 601(c) of Public Law 96–597 (48 U.S.C. 1469d(c)).".

SEC. 402. COMMODITY DISTRIBUTION PROGRAM; COMMODITY SUPPLEMENTAL FOOD PROGRAM.

(a) Reauthorization.—The first sentence of section 4(a) of the Agriculture and Consumer Protection Act of 1973 (Public Law 93–86; 7 U.S.C. 612c note) is amended by striking "1995" and inserting "2002".

(b) Funding.—Section 5 of the Agriculture and Consumer Protection Act of 1973 (Public Law 93–86; 7 U.S.C. 612c note) is amended—

(1) in subsection (a)(2), by striking "1995" and inserting "2002"; and

(2) in subsection (d)(2), by striking "1995" and inserting "2002".

(c) Carried-Over Funds.—20 percent of any commodity supplemental food program funds carried over under section 5 of the Agriculture and Consumer Protection Act of 1973 (Public Law 93–86; 7 U.S.C. 612c note) shall be available for administrative expenses of the program.

SEC. 403. EMERGENCY FOOD ASSISTANCE PROGRAM.

(a) Reauthorization.—The first sentence of section 204(a)(1) of the Emergency Food Assistance Act of 1983 (Public Law 98–8; 7 U.S.C. 612c note) is amended by striking "1995" and inserting "2002".

(b) Program Termination.—Section 212 of the Emergency Food Assistance Act of 1983 (Public Law 98–8; 7 U.S.C. 612c note) is amended by striking "1995" and inserting "2002".

(c) Required Purchases of Commodities.—Section 214 of the Emergency Food Assistance Act of 1983 (Public Law 98–8; 7 U.S.C. 612c note) is amended—

(1) in the first sentence of subsection (a), by striking "1995" and inserting "2002"; and

(2) in subsection (e), by striking "1995" each place it appears and inserting "2002".

SEC. 404. SOUP KITCHENS PROGRAM.

Section 110 of the Hunger Prevention Act of 1988 (Public Law 100–435; 7 U.S.C. 612c note) is amended—

(1) in the first sentence of subsection (a), by striking "1995" and inserting "2002"; and

(2) in subsection (c)(2)—

(A) in the paragraph heading, by striking "1995" and inserting "2002"; and

(B) by striking "1995" each place it appears and inserting "2002".

SEC. 405. NATIONAL COMMODITY PROCESSING.

The first sentence of section 1114(a)(2)(A) of the Agriculture and Food Act of 1981 (7 U.S.C. 1431e(2)(A)) is amended by striking "1995" and inserting "2002".

TITLE V—MISCELLANEOUS

SEC. 501. INVESTMENT FOR AGRICULTURE AND RURAL AMERICA.

Section 5 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c) is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

"(g) Make available $2,000,000,000 for the following purposes:

"(1) Conducting rural development activities pursuant to existing rural development authorities.

"(2) Conducting research, education, and extension activities pursuant to existing research, education, and extension authorities.".

SEC. 502. COLLECTION AND USE OF AGRICULTURAL QUARANTINE AND INSPECTION FEES.

Subsection (a) of section 2509 of the Food, Agriculture, Conservation, and Trade Act of 1990 (21 U.S.C. 136a) is amended to read as follows:

"(a) Quarantine and Inspection Fees.—

"(1) Fees authorized.—The Secretary of Agriculture may prescribe and collect fees sufficient—

"(A) to cover the cost of providing agricultural quarantine and inspection services in connection with the arrival at a port in the customs territory of the United States, or the preclearance or preinspection at a site outside the customs territory of the United States, of an international passenger, commercial vessel, commercial aircraft, commercial truck, or railroad car;

"(B) to cover the cost of administering this subsection; and

"(C) through fiscal year 2002, to maintain a reasonable balance in the Agricultural Quarantine Inspection User Fee Account established under paragraph (5).

"(2) Limitation.—In setting the fees under paragraph (1), the Secretary shall ensure that the amount of the fees are commensurate with the costs of agricultural quarantine and inspection services with respect to the class of persons or entities paying the fees. The costs of the services with respect to passengers as a class includes the costs of related inspections of the aircraft or other vehicle.

"(3) Status of fees.—Fees collected under this subsection by any person on behalf of the Secretary are held in trust for the United States and shall be remitted to the Secretary in such manner and at such times as the Secretary may prescribe.

"(4) Late payment penalties.—If a person subject to a fee under this subsection fails to pay the fee when due, the Secretary shall assess a late payment penalty, and the overdue fees shall accrue interest, as required by section 3717 of title 31, United States Code.

"(5) Agricultural quarantine inspection user fee account.—

"(A) Establishment.—There is established in the Treasury of the United States a no-year fund, to be known as the 'Agricultural Quarantine Inspection User Fee Account', which shall contain all of the fees collected under this subsection and late payment penalties and interest charges collected under paragraph (4) through fiscal year 2002.

"(B) Use of account.—For each of the fiscal years 1996 through 2002, funds in the Agricultural Quarantine Inspection User Fee Account shall be available, in such amounts as are provided in advance in appropriations Acts, to cover the costs associated with the provision of agricultural quarantine and inspection services and the administration of this subsection. Amounts made available under this subparagraph shall be available until expended.

"(C) EXCESS FEES.—Fees and other amounts collected under this subsection in any of the fiscal years 1996 through 2002 in excess of $100,000,000 shall be available for the purposes specified in subparagraph (B) until expended, without further appropriation.

"(6) USE OF AMOUNTS COLLECTED AFTER FISCAL YEAR 2002.—After September 30, 2002, the unobligated balance in the Agricultural Quarantine Inspection User Fee Account and fees and other amounts collected under this subsection shall be credited to the Department of Agriculture accounts that incur the costs associated with the provision of agricultural quarantine and inspection services and the administration of this subsection. The fees and other amounts shall remain available to the Secretary until expended without fiscal year limitation.

"(7) STAFF YEARS.—The number of full-time equivalent positions in the Department of Agriculture attributable to the provision of agricultural quarantine and inspection services and the administration of this subsection shall not be counted toward the limitation on the total number of full-time equivalent positions in all agencies specified in section 5(b) of the Federal Workforce Restructuring Act of 1994 (Public Law 103-226; 5 U.S.C. 3101 note) or other limitation on the total number of full-time equivalent positions.".

SEC. 503. EVERGLADES AGRICULTURAL AREA.

(a) IN GENERAL.—On July 1, 1996, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide $200,000,000 to the Secretary of the Interior to carry out this section.

(b) ENTITLEMENT.—The Secretary of the Interior—

(1) shall accept the funds made available under subsection (a);

(2) shall be entitled to receive the funds; and

(3) shall use the funds to conduct restoration activities in the Everglades ecosystem, which may include acquiring private acreage in the Everglades Agricultural Area including approximately 52,000 acres that is commonly known as the "Talisman tract".

(c) TRANSFERRING FUNDS.—The Secretary of the Interior may transfer funds to the Army Corps of Engineers, the State of Florida, or the South Florida Water Management District to carry out subsection (b)(3).

(d) DEADLINE.—Not later than December 31, 1999, the Secretary of the Interior shall utilize the funds for restoration activities referred to in subsection (b)(3).

Mr. STENHOLM (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. ROBERTS. Reserving the right to object, Mr. Speaker, I would like to inquire of the Chair, in terms of the requirement of reading what is contained in the motion to recommit, it is my understanding there are 229 pages of the proposal. We have not seen these 229 pages. Could the Chair inform me if, in fact, there are 229 pages and was the Clerk going to read all 229?

The SPEAKER pro tempore. Unless the reading is dispensed with, the Clerk will read the full 229 pages.

Mr. ROBERTS. Mr. Speaker, continuing my reservation of objection, I would like to inform the Members of the House that I am certainly not going to have the Clerk read the 229 pages. But we do not know what is in the motion to recommit. We have a summary here that has been handed to me about 30 seconds ago and, under my reservation, perhaps if the gentleman from Texas could answer several questions, we could expedite the process.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Speaker, I will be happy to briefly explain the amendment in careful, concise language so that everyone can understand it.

Mr. ROBERTS. Mr. Speaker, under the circumstances, since we will be allotted the appropriate time to do that, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas [Mr. STENHOLM].

Mr. ROBERTS. Mr. Speaker, I reserve a point of order against the motion to recommit in regards to the addition of a nutrition program which is not permitted in the rule.

The SPEAKER pro tempore. The gentleman reserves a point of order.

The Chair recognizes the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Speaker, title I includes the provisions from the Senate-passed farm bill: Restores the rice payment, eliminates the peanut loan rate penalty, provides oilseed market loans at 85 percent, retains current dairy law but prohibits the collection of assessments in calendar year 1996. A refund is provided for those already collected. Requires contract acres to be devoted to agricultural uses, allows operators to sign for contracts, CRP equipment, at the same time but only if already eligible for CRP.

Summary of the trade title: It includes the Roth amendment as approved by the House. It reauthorizes market promotion export enhancement, exports credit guarantees, food for progress, farmer to farmer and food aid programs, provides greater flexibility in the administration of export programs. Promotes export of dairy products to the maximum extent possible consistent with WTO commitments, increases the amount and variety of food that may be drawn each year from emergency reserves.

In the conservation title: It includes the CRP Program as authorized under the House-passed version today, exactly the CRP as was approved by the full House. It also includes a wetlands reserve program, an environmental quality incentive program better known as EQIP.

It also provides under subtitle B, Conservation Funding: CCC funding is authorized for CRP, WRP, and EQIP. In EQIP, 50 percent of the funding is targeted to livestock producers.

Under miscellaneous, we include the Senate miscellaneous provisions on forestry, State technical committees, conservation, and private grazing lands.

A summary of the nutrition title; this is very important to a large number of Members: It reauthorizes for 7 years the Food Stamp Program and the commodity distribution programs, including the Emergency Food Assistance Program, better known as TEFAP.

It also ensures funding for 7 years for the modified Food Stamp Program and in American Samoa that benefits the elderly, blind, and disabled.

Under miscellaneous, it includes the Fund for Rural America, what we just debated but was defeated. We also include the Everglades amendment, exactly providing the $200 million to the Secretary of the Interior to conduct restoration activities in the Florida Everglades for the purpose of private acreage within the Everglades agricultural area.

It is the language that was included in the Senate bill and also what we just approved earlier in the amending process.

There is also a technical amendment dealing with AQI.

I urge support of the motion to recommit. I might also say, if I have additional time, it is supported by numerous organizations from the producing side of the communities, the environmental community, and the food and nutrition community. It also answers many of the questions that the secretary has had about the legislation before us.

We believe that it will expedite, and this is the final point I would make of our recommittal, if there is one thing that I would hang my hat on, I believe that this recommittal would in fact expedite the consideration so that our farmers who have been waiting for months for a farm bill will be able to get it out of Congress to the President in a form he will sign and do it expeditiously. That is something that everyone wants.

POINT OF ORDER

The SPEAKER pro tempore. Does the gentleman from Kansas [Mr. ROBERTS] insist on his point of order?

Mr. ROBERTS. I do, Mr. Speaker, I insist on my point of order.

It is my understanding there is a nutrition program extension; that is, the Food Stamp Program included. This is not included in H.R. 2854. It is an entitlement program that amounts to about 50 percent of the ag appropriations each year. This is a 7-year extension, not germane to the rest of the bill. I insist on my point of order.

The SPEAKER pro tempore Does the gentleman from Texas [Mr. STENHOLM] wish to be heard on the point of order?

Mr. STENHOLM. I do, Mr. Speaker.

If the gentleman from Kansas insists that the nutrition programs dealing with the feeding of the people with the food that is produced by our farmers should be stricken from this farm bill, I will extract that from our recommittal so that no longer is an issue because I understand the point of order.

The SPEAKER pro tempore. The Chair is prepared to rule on the point of order.

The amendment proposed in the motion to recommit, among other things, amends the Food Stamp Act. The bill as amended does not amend that act, nor does it otherwise address nutrition assistance programs.

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The bill, as perfected, addresses production and distribution of agricultural products and not the food programs.

Therefore, the point of order is sustained.

Does the gentleman from Texas [Mr. STENHOLM] have another motion?

MOTION TO RECOMMIT OFFERED BY MR. STENHOLM

Mr. STENHOLM. Mr. Speaker, I ask unanimous consent that the recommittal be resubmitted with the point of order that has just been sustained, that portion dealing with nutrition programs be extracted from the consideration, everything else shall remain as previously explained.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Texas?

Mr. SOLOMON. Reserving the right to object, Mr. Speaker, and I would ask the gentleman a question. He knows that the Solomon amendment passed by a vote, an overwhelming vote, on this.

The gentleman from Texas [Mr. STENHOLM] knows that the Solomon amendment, which carried overwhelmingly, almost 2 to 1 on the gentleman's side of the aisle, same thing on our side of the aisle, would have made the corrections and we would have been able to go to conference with the Senate.

The gentleman is repealing the Solomon amendment in his motion to recommit; is that correct?

Mr. STENHOLM. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Texas.

Mr. STENHOLM. Mr. Speaker, the gentleman is correct.

Mr. SOLOMON. Mr. Speaker, reclaiming my time, let us hope everybody understands that because the gentleman is trying to again make the Gunderson proposal in the dairy bill right now, which is going to increase the cost of milk 20 to 40 cents per gallon, and the gentleman knows it, and that is what we want to be able to go and negotiate in conference.

Mr. STENHOLM. Mr. Speaker, if the gentleman would continue to yield, I thank the gentleman because his first question was correct; his restatement of the question was not correct. We are not putting the Gunderson amendment back in. The gentleman is correct; the House voted overwhelmingly against the Gunderson compromise amendment. We are not putting that back in, but we are in fact repealing the Solomon amendment because there is a general belief that many who voted for the gentleman last night did so because of concerns of the nutrition programs.

Mr. SOLOMON. On that point the nutrition program now is removed; right? The gentleman just removed the Food Stamp Program reauthorization; is that correct?

Mr. STENHOLM. That is correct.

Mr. SOLOMON. OK.

Mr. STENHOLM. Not at our request, I would say to the gentleman. We preferred to have the nutrition programs in this bill, but it was at the request of a point of order of those that choose not to have them included that they were extracted.

Mr. SOLOMON. Just briefly continuing my reservation, I am just going to tell the gentleman he knows very well what is going to happen when we get to conference. We all know that the existing dairy language is what the Committee on Agriculture Subcommittee on Dairy wants. They will be fighting for that. That is going to affect everybody's district in this House right now. We better vote down this motion to recommit.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. VOLKMER. Reserving the right to object, Mr. Speaker, it is my understanding that the dairy provision in the motion to recommit permits the dairy program that presently exists to expire at the end of this year. Is that correct or incorrect?

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, the gentleman is correct.

Mr. VOLKMER. And there is no Gunderson proposal or anything else in this recommittal motion that can go to conference because there is not anything like that in here. The provision in here just lets it expire at the end of this year. Now it is going to be whether we do something or not before the end of the year if we want to do something, but the gentleman from New York [Mr. SOLOMON] is completely wrong in what he said about the dairy provision that is in here. All it does is permit the dairy provision to expire at the end of this year, what it does under present law.

Mr. STENHOLM. Mr. Speaker, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from Texas.

Mr. STENHOLM. I thank the gentleman for yielding and would point out again that we do repeal the assessments on our dairy farmers which gives some equivalence to the dairy industry as compared to the market transition program, as compared what we tried to do for the soybean producers and oil seeds.

Mr. VOLKMER. That is correct.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. Without objection, the second motion to recommit is considered read.

There was no objection.

(For text of motion to recommit see prior motion to recommit, minus title IV, and redesignate title V as title IV.)

The SPEAKER pro tempore. The gentleman from Texas [Mr. STENHOLM] is recognized for 5 minutes.

Mr. STENHOLM. Mr. Speaker, in the interest of time I believe that we have fully explained our original amendment. Nothing has changed other than we removed the onerous nutrition components to the bill. The rest of it is as was explained.

Mr. ROBERTS. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Kansas [Mr. ROBERTS] is recognized for 5 minutes.

Mr. ROBERTS. Mr. Speaker, may I ask the gentleman from Texas what is in his AQI technical amendment?

Mr. STENHOLM. Mr. Speaker, will the gentleman yield?

Mr. ROBERTS. I yield to the gentleman from Texas.

Mr. STENHOLM. AQI technical amendment?

Mr. ROBERTS. That amendment was withdrawn by the gentleman from Louisiana [Mr. LIVINGSTON]. It is extremely important to Florida, California, whatever.

Mr. STENHOLM. That is in the bill, in the gentleman's bill, that has already been adopted. We added that as part of our bill because we agreed with the wisdom of the majority.

Mr. ROBERTS. It is a minor point.

Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. THOMAS].

Mr. THOMAS. Mr. Speaker, this motion to recommit has 229 pages. What he did not tell you that is in those 229 pages was that we just voted on a measure for $3.5 billion, almost 100 Members of the House said no, it is in there. There are a number of other items that are in there that have been defeated. What my colleagues have got to do is understand that interesting dialog about the fact that Gunderson is not in here for the milk provision. I will tell my colleagues where the gentleman from Wisconsin will be. He will be at the table during the conference. Our colleagues will not be. If my colleagues voted yes for Solomon, they have to vote no on the motion to recommit because he is going to be at the table and my colleagues are not.

Mr. ROBERTS. Mr. Speaker, I realize this farm bill debate has been like Lonesome Dove; we are almost home, and we have all of our body parts, and we will get there if we will just pay a little bit of attention.

This is a revote on some of the amendments that we have just considered. As has been indicated by the gentleman from California, the $3.5 billion in regard to rural development, we all know we would like to have rural development, but it is $3.5 billion. We just voted on that.

We have another situation in regard to conservation funding. The gentleman from Nebraska [Mr. BARRETT], the gentleman from New York [Mr. BOEHLERT], and the rest of us put together a package, and this package is another $300 million over that which we cannot afford.

Then again, as the gentleman from New York [Mr. SOLOMON] has pointed out in regard to dairy, there are significant reductions in regard to the dairy program.

So this is simply a repeat of past amendments we have had before, and I must say in terms of a motion to recommit with 229 pages that nobody has seen up there—well, somebody had to see it—that nobody has really perused to know what is in it, we at least know in terms of cost and policy these are amendments that we voted on before. We ought to get on with it.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to express my views on H.R. 2854, the Agricultural Market Transition Act, and the Democratic substitute to H.R. 2854, which is being offered by my distinguished colleague from Texas, Mr. DE LA GARZA. First, there are not a lot of farms in the 18th Congressional District, which I am privileged to represent, but these agricultural programs, through the cost of prices at the local grocery store, affect all Americans. This bill is important to the State of Texas because Texas is a large, agricultural producing State and Texas needs an efficient and effective agricultural system to keep our economy strong.

Most Members of Congress realize the great need for reform of our system of deficiency payments to farmers and the need for greater attention to issues relating to conservation and rural development. H.R. 2854, however, is not the answer to all of our dreams of agricultural reform. It goes too far by repealing the agricultural law of 1949. It is important to note that the Senate recently passed a farm bill that did not repeal this important law.

Second, H.R. 2854 does not contain sufficient funding for programs relating to conservation, rural development, research, education and cooperative extension. These programs are critical to improving the quality of life for millions of Americans.

Third, unlike the Senate bill, H.R. 2854 does not reauthorize nutrition programs, which have made a tremendous difference in the lives of children in the 18th Congressional District and around the country.

Congressman DE LA GARZA'S substitute is a noble attempt to improve upon H.R. 2854. It would restore funding for some very important agricultural and conservation programs. His substitute would also help preserve an endangered species, the small farmer. I also support the motion to recommit which reauthorized Federal nutrition programs, among other, important farm laws.

I understand that these issues are controversial and emotional, particularly as we make changes in the various commodity programs. I urge my colleagues to support the de la Garza substitute, and the motion to recommit. Both are a better approach than H.R. 2854 in resolving some of these contentious issues.

Mr. ORTIZ. Mr. Speaker, I rise in support of the de la Garza motion and ask unanimous consent to revise and extend my remarks.

This provision would provide the gravely needed allocation of funds to this farm bill for rural development activities.

H.R. 2854 does not adequately address critical rural development needs.

The motion to recommit would provide funding for rural housing, water and waste facilities and rural business development.

The district I represent has a number of colonias with substandard health and living conditions.

As you may know, colonias are unincorporated rural subdivisions situated along the border region.

Colonias are characterized by dense population, rundown housing, lack of sanitary sewerage, drainage, and potable water systems as well as unpaved roads.

Unemployment is high, and diseases are numerous.

Often such communities are ignored by our Federal Government.

This amendment would provide greatly needed Federal assistance in upgrading vital basic services in this area.

Without such funding we will be mandating local rural governments to respond to the increasing demand for water and waste disposal and other programs at a time when their tax base is shrinking, employment is declining and consumer spending is weakening.

Our Nation has a long history of assisting rural communities in the development of water and waste facilities.

Now is not the time to abandon this effort when basic sanitation is unavailable to our citizens in rural areas along the United States-Mexico border.

For these reasons, I urge my colleagues to vote in support of my good friend, Representative KIKA DE LA GARZA's motion to recommit.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. STENHOLM. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 156, nays 267, not voting 8, as follows:

[Roll No. 41]

YEAS—156

Abercrombie
Ackerman
Baesler
Baldacci
Barcia
Becerra
Beilenson
Bentsen
Bevill
Bishop
Bonior
Borski
Brewster
Browder
Brown (CA)
Brown (OH)
Bryant (TX)
Camp
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
DeFazio
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frost
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Harman
Hefner
Hilliard
Hinchey
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kaptur
Kennedy (MA)
Kennelly
Kildee
Klink
Klug
LaFalce
Lantos
Levin
Lewis (CA)
Lewis (GA)
Lincoln
Lipinski
Maloney
Manton
Markey
Martinez
Mascara
McCarthy
McDermott
McHale
Metcalf
Miller (CA)
Minge
Mink
Mollohan
Montgomery
Moran
Morella
Neumann
Oberstar
Obey
Olver
Ortiz
Orton
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pomeroy
Poshard
Rahall
Reed
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Schroeder
Sensenbrenner
Serrano
Skaggs
Skelton
Spratt
Stenholm
Studds
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wynn

NAYS—267

Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bereuter
Berman
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brown (FL)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLauro
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan

Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gejdenson
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Hall (OH)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (RI)
Kim
King
Kingston
Kleczka
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Manzullo
Martini
Matsui
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Meek
Menendez
Meyers
Mica
Miller (FL)
Moakley
Molinari
Moorhead
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Ney
Norwood
Nussle
Owens
Oxley
Packard
Parker
Paxon
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Richardson
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schumer
Scott
Seastrand
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stark
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Velazquez
Vento
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—8

Collins (IL)
de la Garza
Furse
Hastings (FL)
Laughlin
McKinney
Rangel
Stokes

□ 1426

Ms. VELÁZQUEZ, Mrs. MEEK of Florida, Ms. DELAURO, Ms. BROWN of Florida, and Mr. SMITH of Michigan changed their vote from "yea" to "nay."

Mr. GORDON changed his vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. STENHOLM. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 270, nays 155, not voting 6, as follows:

[Roll No. 42]

YEAS—270

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brown (FL)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dingell
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (LA)
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jefferson
Johnson (CT)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kim
King
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Longley
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Meek
Menendez
Meyers
Mica
Mink
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nethercutt
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Pickett
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Richardson
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roukema
Royce
Salmon
Sanford
Scarborough
Schaefer
Schiff
Scott
Seastrand
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (NC)
Thomas
Thompson
Thornberry
Tiahrt
Torricelli
Upton
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Wynn
Young (AK)
Young (FL)
Zeliff

NAYS—155

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Blute
Bonior
Borski
Brown (CA)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Collins (MI)
Conyers
Coyne
DeFazio
DeLauro
Dellums
Dicks
Dixon
Doggett
Dooley
Doyle
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Gejdenson
Gephardt
Geren
Gibbons
Goss
Green
Gutierrez
Hall (OH)
Harman
Hinchey
Hoke
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
Klug
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Livingston
LoBiondo
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDermott
McHale
McNulty
Meehan
Metcalf
Miller (CA)
Miller (FL)
Minge
Moakley
Moran
Nadler
Neal
Neumann
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (MN)
Petri
Pomeroy
Rahall
Rangel
Reed
Rivers
Roth
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Saxton
Schroeder
Schumer
Sensenbrenner
Serrano
Skaggs
Slaughter
Stark
Studds
Stupak
Taylor (MS)
Tejeda
Thornton
Thurman
Torkildsen
Torres
Towns
Traficant
Velazquez
Vento
Volkmer
Wamp
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Yates
Zimmer

NOT VOTING—6

Collins (IL)
de la Garza
Furse
Hastings (FL)
McKinney
Stokes

□ 1444

The Clerk announced the following pair:

On this vote:

Ms. Furse for, with Mr. Stokes against.

Messrs. DOGGETT, SCHUMER, and OLVER changed their vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. FURSE. Mr. Speaker, I want to express my appreciation for the diligent efforts of Representative DE LA GARZA and the House Agriculture Committee Democrats in putting forward the de la Garza en bloc amendment and the motion to recommit, both of which would have enabled additional funding for conservation.

These provisions would have strengthened the conservation effort being made by farmers, reflecting a truly historic investment in resource conservation and environmental protection. Farmers in my district understand the importance of conservation for future generations. I urge House and Senate conferees to include as many of these provisions as possible.

Unfortunately, I was unable to be present for these votes. I was granted a leave of absence due to a medical condition. Had I been here, I would have voted for both the de la Garza en bloc amendment and the motion to recommit.

EXCHANGE OF LETTERS CONCERNING MARKUP OF H.R. 2854, AGRICULTURAL MARKET TRANSITION ACT

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent to insert extraneous matter at this point in the RECORD.

Chairman ARCHER of the Committee on Ways and Means and I had an understanding that arose as a result of my request to him that his committee forgo markup of H.R. 2854 that had been referred to the Ways and Means Committee as an additional referral. Chairman ARCHER agreed to this letter in writing and I requested that our exchange of letters be printed in the RECORD. I wish to comply with that request at this time.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Kansas?

There was no objection.

The letters referred to are as follows:

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 31, 1996.

Hon. PAT ROBERTS,
Chairman, Committee on Agriculture,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This is to confirm my understanding of our agreement concerning further consideration of H.R. 2854, the Agricultural Market Transition Act, as amended, which was referred to the Committee on Agriculture, and in addition to the Committee on Ways and Means.

Section 104 (f)(2) and (g) of H.R. 2854, as reported by your Committee, would establish quotas to increase imports of upland cotton above the amounts allowed under the Uruguay Round tariff-rate quotas if domestic cotton prices exceed specified levels. The action taken by the Agriculture Committee is clearly contrary to clause 5(b) of Rule XXI of the Rules of the House, which provides that no bill carrying a tax or tariff measure shall be reported by any committee not having jurisdiction to report tax and tariff measures.

Section 204 requires importers of dairy products to pay assessments currently applied to domestic dairy producers to offset the costs of export and other sales promotion programs. As you recall, our exchange of letters on H.R. 2195 confirmed that this provision is also within the jurisdiction of the Ways and Means Committee. I note that you have included language to correct national treatment concerns.

Section 107(c) requires the Secretary of Agriculture to reduce loan rates for domestically grown sugar if negotiated reductions in subsidies in the European Union and other sugar producing countries exceed commitments made in the Uruguay Round Agreement on Agriculture. This authority is linked to further negotiated reductions in foreign subsidies under reciprocal trade agreements within the jurisdiction of the Ways and Means Committee.

Section 502 of the bill, as reported, would authorize the Secretary of Agriculture to impose fees to cover the cost of providing agricultural quarantine and inspection services. Although the fees would generally be limited to the cost of the quarantine and inspections programs (and associated administrative costs), the section would allow the fees to accumulate to "maintain a reasonable balance in the Agricultural Quarantine Inspection User Fee Account." Although amounts in the account would generally be subject to appropriations, "excess fees" (fees collected in excess of $100 million) could be spent without appropriation. A special rule applies to the unobligated balance of the Fee Account and fees collected after September 30, 2002.

The mere reauthorization of a preexisting fee that had not historically been considered a tax does not necessarily require a sequential referral to the Committee on Ways and Means. However, if such a preexisting fee is fundamentally changed, it properly should be referred to the Committee on Ways and Means.

In this case, the fee is being more than merely reauthorized, but it is not clear that the fee is being fundamentally changed. Therefore, I ask you to work with me in conforming this fee as closely as possible to a true regulatory fee as permitted under the Rules of the House during further consideration of this legislation.

In response to your requests that I facilitate consideration of this important legislation, I do not believe that a markup of H.R. 2854 by the Committee on Ways and Means will be necessary.

However, this is being done only with the understanding that this does not in any way prejudice the Committee's jurisdictional prerogatives in the future with respect to this measure or any similar legislation, and it should not be considered as precedent for consideration of matters of jurisdictional interest to the Committee on Ways and Means in the future. Should any provisions of jurisdictional interest remain in the bill after Floor consideration, I would request that the Committee on Ways and Means be named as additional conferees.

Finally, I would ask that a copy of our exchange of letters on this matter be placed in the Record during consideration on the Floor. With best regards,

Sincerely,

BILL ARCHER,
Chairman.

COMMITTEE ON AGRICULTURE,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 28, 1996.

Hon. BILL ARCHER,
Chairman, Committee on Ways and Means,
Washington, DC.

DEAR MR. CHAIRMAN: This responds to your letter of January 31, 1996 acknowledging the understanding of the Committee on Ways and Means, to which H.R. 2854, the "Agricultural Market Transition Act", had been additionally referred, and the Committee on Ways and Means would forego a markup of the bill in order to facilitate consideration of H.R. 2854 on the Floor of the House.

Your cooperation in this matter is very much appreciated. Certainly, your action of foregoing a markup is not viewed by this Committee as in any way prejudicing your Committee's jurisdictional prerogatives in the future with respect to this measure or any similar legislation and the Committee does not consider your action as a precedent for consideration of matters of jurisdictional interest to the Committee on Ways and Means in the future.

Also, pursuant to your request I will insert a copy of our exchange of letters in the Congressional Record during the consideration of H.R. 2854 on the floor.

Sincerely,

PAT ROBERTS,
Chairman.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2854, AGRICULTURAL MARKET TRANSITION ACT

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of the bill H.R. 2854, to include corrections in spelling, punctuation, section numbering, and cross-referencing and the insertion of appropriate headings.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

GENERAL LEAVE

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material with respect to H.R. 2854, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

MOTION TO INSTRUCT CONFEREES ON H.R. 956, PRODUCT LIABILITY FAIRNESS ACT OF 1995

Mr. CONYERS. Mr. Speaker, I offer a motion to instruct conferees on the bill (H.R. 956) to establish legal standards and procedures for product liability litigation, and for other purposes.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. CONYERS moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate Amendment to the bill H.R. 956 be instructed to insist upon the provisions contained in section 107 of the House bill.

The SPEAKER pro tempore. Pursuant to clause 1(b) of rule XXVIII, the gentleman from Michigan [Mr. CONYERS] will be recognized for 30 minutes, and the gentleman from Illinois [Mr. HYDE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this may be the last activity for the day and for the week, and so I will move with as much expedition as I can. We do not have a lot of speakers on the matter.

I am very pleased to come before the House with a motion that will instruct our conferees on the subject of product liability reform in terms of a requirement that would insist that the foreign corporations in America do business the same as those that are domiciled in this country.

As the senior member of the Committee on the Judiciary, I have brought this motion to instruct conferees to insist on a House-passed provision that ends special treatment for foreign corporations when it comes to civil litigation in the United States. In other words, this thoughtfully crafted amendment merely seeks to ensure that foreign manufacturers who sell products in the United States, that they play by the same legal rules that govern the conduct of other and all other American companies.

We have supported this measure in the House, and we are merely instructing our conferees to stick with us. Section 107 of the House bill provides that Federal courts shall have jurisdiction over foreign manufacturers who knew or reasonably should have known that their product would enter the stream of commerce in the United States, and, second, that service of process may be served wherever the foreign manufacturer is located, has an agent or transacts business, and, third, any failure by such foreign corporation to comply with a court-approved discovery order shall be deemed an admission of fact to which the discovery order relates.

As the record and history demonstrate, under current law, the foreign corporations legally can suppress the production of constitutional discovery information by hiding behind the protectionist shield of the Hague Convention or some other treaty. This, of course, runs counter to a basic premise of American jurisprudence; namely, that the person who causes an injury should be held legally accountable and has the ironic effort of causing all economic consequences to be borne by American consumers, insurance companies, employers, or the Government.

There were 258 Members who voted for the original Conyers amendment, and my colleagues might want to check the March 19, 1995, CONGRESSIONAL RECORD to see if they were among those numbers.

If foreign companies are permitted to reap profits from selling their products here, can it be more reasonable that they should be held to the same standard and legal procedures as our own companies? And certainly, in tragic cases where the American consumers are victimized by defective foreign products, foreign corporations should not be able to avoid responsibility for injuries suffered because of their products.

We need a level playing field for American businesses, and rule of fairness for the American consumer victimized by defective foreign products is essential.

As we know too well, the unlevel economic playing field caused by the various current foreign trade barriers is exacerbated when foreign companies can literally get away with murder here by shunning their legal responsibilities while pocketing profits for selling products in our own country.

So we are asking not that we give American companies an upper hand, but that we take away the leverage, the advantage, the unfair edge that the foreign companies based in the United States have.

We have supported this amendment. I trust that you will be kind enough to support the motion to instruct conferees.

So I ask that members vote "yes" on the motion to instruct pending before the House.

Mr. Speaker, I reserve the balance of my time.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the motion to instruct conferees is an attempt by opponents of product liability reform to discourage or preclude agreement between the House and Senate on this important legislation. If you favor excessive litigation related expenses, inflated settlement offers, increased liability insurance rates, and higher prices for goods and services, you may want to tie the hand of the conferees. On the other hand, if you want to foster U.S. competitiveness in international markets, preserve and expand employment opportunities here at home, and protect the American consumer, you will oppose this motion to instruct.

A vote for this motion to instruct is a vote to potentially kill product liability reform in this Congress. I am very skeptical that the Senate is willing and able to pass a conference report which includes the Conyers amendment. Adoption of this motion would interfere with our ability to arrive at a final agreement with the Senate on this most important bill.

The motion to instruct does not end special treatment for foreign companies, in fact it would require that special rules be applied in product liability litigation involving foreign manufacturers.

Foreign manufacturers would be subject to suit in any Federal court; foreign manufactures would be subject to service of process anywhere in the country; and discovery omissions by foreign manufacturers would be deemed admissions of the facts sought to be discovered.

The best way to provide a level playing field for American businesses is not to legislate different discovery standards for foreign businesses, but to rein in the costs of product liability cases and change our legal system from a game of Russian roulette to one which provides fairness and certainty to all litigants.

Far from creating a level playing field, the Conyers amendment discriminates against foreign companies by requiring them to subject themselves to service of process to a degree not required of any other litigant. American corporations are not required to make themselves available to suit anywhere in the United States, merely because they knew or reasonably should have known that their product would be in the stream of commerce in that jurisdiction.

A person injured by a product manufactured by a foreign corporation will be able to sue and recover damages even if the foreign manufacturer is not subject to suit in the United States. The conference report will include a provision making product sellers liable as manufacturers when the manufacturer is not subject to service of process under the laws of the State where the action is brought.

This new rule is unnecessary. There is no evidence that foreign manufacturers routinely refuse to appear in American courts, and the Hague Convention already establishes procedures for service of process on foreign corporations.

The motion raises significant constitutional and international law concerns, represents a serious potential irritant in our bilateral relations with other countries, and raises the specter of foreign retaliation against American firms.

As a signatory to the Hague Convention, the United States is bound to follow its procedural rules. The Conyers amendment, if adopted, would require the United States to renege on its international obligations in this regard.

The Commission of the European Communities and its member states have expressed strong opposition to the Conyers provision, because it ignores the rights of defendants in countries outside the jurisdiction of the country of litigation, and ignores the sovereign rights of countries which have different procedural rules than that of the United States.

If the Conyers provision is enacted, it is likely that other countries will also ignore the provisions of the Hague Convention, and begin applying their own procedural rules to American companies whose products enter the stream of commerce abroad. American businesses stand to lose, not gain, from this provision.

The special rules for foreign manufacturers are not supported by American businesses. Many domestic companies have international affiliates that would be adversely affected by the special rules; many use component products manufactured abroad.

The special rules will disadvantage American businesses when both foreign and domestic manufacturers are defendants in the same litigation. They will encourage plaintiff's lawyers to join foreign companies so as to expand the venues in which suit can be brought. This will raise the cost of litigation for American companies.

I strongly urge the House to defeat the motion to instruct. We must not create a stumbling block to product liability reform.

☐ 1500

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I am proud to yield 5 minutes to my friend, the gentleman from Michigan [Mr. DINGELL], the dean of the House of Representatives and dean of the Michigan delegation.

Mr. DINGELL. Mr. Speaker, I thank my good friend for the time.

Mr. Speaker, I commend the gentleman from Michigan [Mr. CONYERS] for his leadership in this matter. This is a splendid motion to instruct, and I would urge all my colleagues to support it.

This is not something which has come full blown on us and it is a matter of surprise. We have all seen this before. This exact language passed the House 258 to 166.

The comment is made that perhaps this might inhibit the passage of product liability legislation. Nothing is further from the truth. What does the proposal do? The proposal treats U.S. corporations, U.S. manufacturers, and U.S. workers the same way that sneaky, dishonest, fly-by-night foreigners are treated.

Having said that, what it says is as follows: That Federal courts have jurisdiction over foreign manufacturers, who knew or who reasonably should have known that their product would enter the stream of commerce in the United States.

Second, the amendment states that the service or process may be served wherever the foreign manufacturer is located, has an agent, or transacts business.

For the benefit of my colleagues on the Committee on the Judiciary, that is standard, boilerplate language that you have seen 100 times. As a matter of fact, you cannot open a law book with regard to service without seeing this kind of language.

Finally, the motion says that the failure of foreign corporations to comply with court ordered discovery orders will be deemed an admission of fact to which the order relates. In other words, if they do not cooperate, the court will draw the necessary and proper conclusions from their refusal to cooperate.

Now, what is at stake here? What is at stake here is a very simple thing, the protection of American consumers, the opportunity of American people to litigate questions with regard to product liability. That is important.

But something else is at stake here, too: Fair treatment of American workers. Americans who work for American corporations in the United States, competing with foreigners, can know that they are going to get the same protection with regard to product liability that foreigners get.

Foreign corporations are going to know that they cannot now any longer come into this country and market shoddy, cheap, dangerous, unsafe products, and then retreat to their home country, secure in the knowledge that the hurt they have done to American citizens, that the unfair competitive advantage which they have seized on behalf of themselves, will redound to their benefit, to the hurt of American corporations, to the hurt of American workers, and to the hurt of American consumers.

I would urge my colleagues to vote for this on the grounds of basic fairness. I would urge my colleagues to vote for it on the basis of common sense. I would urge 258 of my colleagues who voted for this before to vote for it again on the grounds they have already shown good sense and voted for it once. I would point out that every single Democrat, save one, voted for this. I would point out that some 70 Republicans among my colleagues voted for it.

The American people are going to say when you go home, Why was it that you did not vote for the protection of American industry and the fair treatment of American industry? Why was it you did not vote for the protection of the American consumer? And why was it that you did not vote for equal treatment of American industry with foreigners?

That is all this is about, fairness; foreigners and Americans are treated the same way in the marketplace. If you vote against this motion to instruct, you are voting for preference for foreigners.

I have a few words for my friends on the Republican side which I think they will find useful and interesting. You have observed of late you have a new star shining on the horizon of American political life, his name is Pat Buchanan, and he is talking about the failure of other Republicans to look to the well-being of American workers and American goods. He is talking about shutting our borders and putting huge tariffs.

We do not need to do that today. All my Republican colleagues need to do is carry out the mandate that they heard up in New Hampshire or in Arizona or in other places and to genuflect at the altar of Mr. Buchanan is simply to vote here for fairness for Americans, for fairness for American industry, for fairness for American consumers, and to treat foreigners like we treat American corporations, no better.

If you vote against this, you are voting for a preference for special treatment for foreign manufacturers. You are voting to hurt American workers, American industry. I urge my colleagues to vote as the House did once before. Let us not be afraid. Let us vote for an instruction. I urge my colleagues to support the motion to instruct.

Mr. HYDE. Mr. Speaker, I yield myself 30 seconds, simply to comment how enjoyable it is to be instructed on questions of jurisdiction and service of process from Mr. Justice DINGELL. He just short-circuited the real issue, which is jurisdiction, not where you serve process. Jurisdiction under the amendment under discussion is bad, it states,

> The Federal court in which such action is brought shall have jurisdiction over such manufacture if the manufacturer knew or reasonably should have known that the product would be imported for sale or use in the United States.

That does not apply to any domestic corporation, and it is not boilerplate. It is something radically different.

Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Mr. Speaker, I rise in opposition to the motion to instruct.

Rarely have we been treated on this floor to such protectionist verbiage, perhaps not since the mercifully failed textile protectionist bill that worked its way through this Chamber on more than one occasion and was mercifully vetoed first by President Reagan and then President Bush. Those vetoes were sustained.

This provision in the bill dealing with a very real issue of product liability, all of a sudden we are inserting this debate and language dealing with the so-called evil foreigners and all of the terrible things they are going to do to the American consumers.

Let us make one thing very clear: The provision in the bill provides for adequate service on any foreign manufacturer that sells products in the United States. That is not in question. There is the ability to provide service and bring those defendants to a court of law.

There was no provision at all dealing with this issue in the Senate. The other body somehow has lurched into the truth for a change, and we ought to recognize that they were wise in what they did.

The issue really is this: Do we want an effective product liability bill passed into law for the first time in I do not know how long, or do we want to try to obfuscate the issue by waving the bloody shirt of protectionism dealing with a bill that has absolutely nothing to do with trade but has a lot to do with changing the legal system in our country? That is really the question.

The gentleman from Michigan, the former chairman of the Committee on Commerce, did yoeman work in working through a product liability bill a couple of Congresses ago. We marked that thing up for 10 long days. The gentleman from Michigan, my good friend, showed great leadership in providing the kind of legislation that really, I think, led us to where we are today, and that is on the verge of getting a sound product liability bill passed.

But, Mr. Speaker, there are those who would seek to try to derail this bill, both outside and inside this Chamber, who have a different agenda than passing a good, fair product liability bill, and anything we can do to obscure that is apparently all right with them.

This simply discriminates against foreign corporations and manufacturers, and invites retaliation by those very same folks against American firms. Now, do we really want to set up this kind of statute in the United States whereby American companies then, who would manufacture and sell products all over the world, would be subject to the same kinds of legal ramifications that are provided in this bill? I think not.

This simply raises the cost of litigation, has the opposite effect of what we are trying to do with the underlying legislation, and that is, invites more litigation and invites more retaliation.

Mr. Speaker, I would call this antijobs provision the fat cat lawyers act. It feeds trial lawyers at the expense of American businesses and consumers. It is not in the best interests of American businesses and consumers. Despite the rhetoric coming from the far left and the far right, the principal point of American manufacturers is to sell their products abroad.

The provision, as espoused by both gentleman from Michigan, would have the opposite effect, would have a negative effect on our ability to create and protect markets overseas. I would ask that this motion be defeated and that we get on with the conference report that will send a strong bill to the President for the first time in a long, long time, dealing with a strong product liability legislation that all of us can be proud of.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. DINGELL], the senior Member of the House of Representatives.

Mr. DINGELL. Mr. Speaker, I want to make clear one thing: There is no Member of this body that has greater affection or respect for the distinguished chairman of the Committee on the Judiciary or for the gentleman from Ohio [Mr. OXLEY], my good friend. They are great men, great Americans, and dear friends of mine. I express to them my great respect.

They are regrettably, however, very much wrong on their interpretation of this legislation. All this does is treat foreign manufacturers, foreign corporations, foreign workers, the same way we treat U.S. corporations, U.S. manufacturers, and U.S. workers. That is all. That is all this does.

This is a simple, long-arm statute in the motion to instruct, something which my colleagues have seen time after time. And anytime my distinguished friend, the chairman of the committee, cracks a law book to look at a service statute, he will find this kind of language relative to American corporations. That is all we want to do, is to apply it to American corporations and to foreigners.

I can understand there is a certain reluctance on the other side of the aisle on this matter. This town is full of lobbyists working for foreign corporations. Their single most important purpose today is to get this language out.

Why? Because it confers an enormous economic advantage on foreign corporations, to know that they can hide abroad after they have manufactured shoddy or dangerous goods or provided services which have hurt Americans. The Americans can go and sue an American corporation. But without this language as provided in the language of the motion to instruct, the foreign corporation is not reachable.

The issue here is a very simple one: Fairness to American corporations, fairness to American workers, fairness to the American economy, and not letting a bunch of sneaking foreigners get out from under their legitimate responsibility to American consumers; and not permitting a bunch of sneaky foreigners to get an economic advantage over Americans, American workers, American manufacturers, American industry, and the American Congress.

The motion is one which screams for the support of this body. It says, if you are fair, if you want to be fair, if you are interested in this country, its workers and its people, you will vote for this motion to recommit and tell the foreign lobbyists this Congress works for the American people, not for a bunch of foreigners.

□ 1515

Mr. HYDE. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from California [Mr. DREIER].

Mr. DREIER. Mr. Speaker, I thank the distinguished chairman of the committee for yielding time to me.

I have the highest regard and admiration for my friend from Ohio and, of course, from Illinois and for both of my friends from Michigan, who are great Americans and patriots in this institution, but they are both totally wrong on this issue.

Let me give one little example that I think is very important for us to listen to. I heard it said twice, sneaky foreigners. Wow. That is kind of a frightful statement to me.

When I think of, in Great Britain, the prospect of a small, little barber, maybe he is a sneaky foreigner but if he has a little barber shop there and he stirs up his own shaving cream and sells it to an unsuspecting victim who comes to the United States of America and happens to use it here, what happens when that person comes with that shaving cream to the United States? The entire Federal bureaucracy is unleashed on that unsuspecting victim.

It seems to me that this provision is clearly antitrade, antibusiness, and it seriously jeopardizes our agreements that we have internationally. And something else that has not been said is that there are in fact recourses for people who do feel as if they have been victims. That is under the Hague Convention today. So I believe that it was a real mistake to have this measure get in there. It is another attempt to expand the reach of the Federal Government, to bash our trading partners.

And my friend, the gentleman from Michigan [Mr. DINGELL], worked long and hard on a very important telecommunications bill, which recognizes that we have a global economy that has been created. He does that on one hand and then supports this measure which just slaps what he describes as those sneaky foreigners, and I think it is dead wrong. I hope this House will unite in a bipartisan way in opposition.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Let the record show that we on this side respect our friends who may be in the United States and may not be citizens and who are welcome to our shores and are doing business inside our borders. They are complying with the law, and, therefore, they are considered friends of ours. They have chosen to come and do business among us, and they should be made welcome.

They should not, however, be given favored treatment. My dear friend from California, who has been of such help on the Committee on Rules, has pointed out that the little barber from some other country here who concocts his own shaving cream somehow is going to be subject to the venomous provisions of the Product Liability Act that we have passed with this provision in it.

That may be a little bit overstating the case because the American born, local neighborhood barber, who buys his Barbasol off the rack, would be subject to the exact same treatment, if it is conceivable in this hypothetical that anybody else would be. He would be treated the same under the amendment that we have adopted.

By the way, this is not the idea of the gentleman from Michigan [Mr. DINGELL]. It is an idea that has gone through the committee process. We have had witnesses on it. It has been deliberated in the full House of this body. It has passed overwhelmingly. We now come to the point where we ask the conferees to ratify it. I am listening now to a huge outcry about why now the conferees should not be reminded of the work product we have already completed. It is a little bit amazing.

Of course, the chairman of the Committee on the Judiciary is not only one of the most articulate but one of the most learned men on the law in our body. I am pleased to serve with him in that regard. When he looks, again, over the weekend at the provisions of the 5th amendment and the 14th amendment of the Constitution, and then reminds himself of the State long-arm statutes, which allow any corporation, regardless of whether it is domestic or foreign, to be subject to the reaches of the very same provision, the long-arm statutes applied to domestic companies.

We can reach out and get them, if they attempt to flee the jurisdiction in which the harm occurred, and we are only applying the same parallel to those corporations that might not otherwise be amenable to the process.

What is the process? We have got to get jurisdiction. Then we can make service and then we can get discovery. But for goodness sakes, if you are located somewhere else on planet Earth, you cannot obtain jurisdiction. It is as simple as that.

So for someone to suggest to me that the European Economic Community will be unhappy about the work product that we have done in making their companies subject to the same process as American companies, I find the common remark, too bad. I mean, those are the rules, level, even, applicable to one and all.

So what I am saying to my colleagues is that under the Constitution and the long-arm statutes, a corporation, regardless of where it is domiciled, is subject to the jurisdiction of State courts, if they can foreseeably put products in the State stream of commerce. This just includes, this does not just mean foreign corporations, but it means the long-arm statutes apply to domestic corporations as well.

Please, my colleagues, let us not get lost in rhetoric here. Let us have the little barber who has come from foreign shores and makes his own shaving cream, I guess somebody does that in the country, and the guy that takes his product off the shelf be subject to the same provisions.

Mr. HYDE. Mr. Speaker, would the Chair advise how much time remains?

The SPEAKER pro tempore. The gentleman from Illinois, [Mr. HYDE] has 17½ minutes remaining, and the gentleman from Michigan [Mr. CONYERS] has 13 minutes remaining.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

This is a very confused situation and it really should not be. We are talking about manufacturers from Prague, Czechoslovakia, for example, former Czechoslovakia, now the Czech Republic, who do not do business here. They do not have an agency here. They do not have anything here.

They are in Prague and they manufacture a product. Somebody buys it and takes it over here, brings it over to the United States, and it goes from Bangor, ME, to Tallahassee, FL, to Omaha, NE. And then something happens, somebody gets hurt, and they have got jurisdiction over this Czech Republic company in Omaha, NE. And they file a lawsuit.

They, under this bill, they have got jurisdiction. They make demands for discovery, which if they are unanswered, are conceded as admitted and a judgment occurs.

Now, that cuts both ways. That can cut against American companies overseas. There is no need for this process. There is a process whereby due process can be accomplished through the Hague Convention. But here we are conferring jurisdiction, not service of summons, jurisdiction on a court where a manufacturer nowhere near the United States knew or should have known that their product might end up in California or Seattle or somewhere.

Now, that is not treating foreign corporations or stinky little corporations, to use the words of the next Secretary of State, but what it is is conferring jurisdiction where there really should be no jurisdiction and contrary to due process.

So that is why this is objectionable. If the gentleman is so convinced that it is a sound law, it has been passed. It is in the conference. I dare say, the gentleman from the other body will find it very attractive. I do not.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina [Mr. WATT], a distinguished member of the Committee on the Judiciary.

Mr. WATT of North Carolina. Mr. Speaker, I thank the gentleman for yielding time to me.

I assure the chairman of the committee and others that I will not take 3 minutes because I really think our colleagues want to get out of here and leave this issue behind. But I do want to respond to the chairman's comments and make sure that my colleagues understand the choices that they have.

When a manufacturer in Prague manufactures a dangerous product, knowing or in reasonable judgment should know that that product is going to end up here in the United States, the question becomes whether we should protect the manufacturer in Prague or whether we should protect the individual citizen in Nebraska or North Carolina or Michigan or Illinois or Ohio, what is our responsibility and what are the public policy considerations here?

I want to submit to the chairman that if that manufacturer in Prague knows or reasonably should have known that the individual citizen in Nebraska could end up being injured by that dangerous product, it is our responsibility, as Members of this Congress, to protect American citizens and not to look out for the manufacturer in Prague.

So that is the choice we have got, and it is just a matter of fairness. If a manufacturer in California sends something into North Carolina and he reasonably knows or should have known that somebody in North Carolina is going to get injured, we have got a long-arm statute that can bring him down to North Carolina.

There is no public policy justification for protecting that manufacturer in Prague. He is not a constituent of anybody in this body. He deserves no more protection than a U.S. manufacturer. But think about it. The citizen who lives in Nebraska certainly deserves our protection, and that is what this statute is all about.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

I want to say to my friend from North Carolina, I agree that we should aim toward due process for everybody. The gentleman has stipulated in his hypothetical that the product is shoddy. We have to have a trial to determine who is at fault. The plaintiff in the United States has a recourse, has a remedy, if that plaintiff is injured. He can sue the seller of the product because the seller is treated as the manufacturer in the United States if service cannot be had on the manufacturer.

Mr. WATT of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from North Carolina.

□ 1530

Mr. WATT of North Carolina. And the distributor may have $10 in the bank, and the manufacturer in Prague, a multibillion-dollar industry, is making these things, and is making them dangerously, and knowing that an individual in the United States may end up being injured by them, and it is the U.S. distributor that should be left holding the bag? That is even worse as a matter of public policy, I would submit to the gentleman.

Mr. HYDE. Mr. Speaker, reclaiming my time, I disagree. The gentleman is looking for protection and recourse for the injured plaintiff, and the injured plaintiff can have it against the seller. Now you wish to have a multimillionaire manufacturer in Prague. They still are entitled to due process, and it is not due process by requiring some clairvoyance on the part of the manufacturer to know where that product may end up in the United States.

Mr. WATT of North Carolina. Will the gentleman yield further?

Mr. HYDE. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. We are not talking about clairvoyance, we are talking about knowing or reasonably expecting. That is the same, the same identical legal standard that exists in the United States of America. This is not clairvoyance we are talking about. It is the same legal standard that every manufacturer in the United States is subjected to.

Mr. HYDE. Mr. Speaker, I hope the gentleman in Prague can find an attorney in Omaha to run in and defend himself before he has defaulted and the default judgment is entered so that due process gets at least a pass at being respected.

Mr. WATT of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. HYDE. I forever yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. I hope the poor little person in Nebraska that the gentleman was talking about——

Mr. HYDE. Who happens to be a multimillionaire in my hypothetical.

Mr. WATT of North Carolina. Maybe he is a multimillionaire.

Mr. HYDE. He is running for President, by the way.

Mr. WATT of North Carolina. He is first and foremost a citizen of the United States, and it is our obligation as Members of Congress to support and defend and protect our citizens. That is the public policy.

Mr. HYDE. I can only express the found hope that when we do get to debating immigration this hostility toward foreigners is somewhat diminished. I do not mean on the part of the gentleman from North Carolina, but others, who shall be nameless.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume because my chairman has made an important reference to a millionaire running for President, and of course it could be, let us see, it could be Forbes, Buchanan. Wow, this is a pretty long list of their guys, millionaires running for President.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Illinois.

Mr. HYDE. In fact, they have so much money they could almost be Democratic Senators.

Mr. CONYERS. Mr. Speaker, let us throw in the flat tax while we are at it, too.

As far as the assertion that foreign firms are not seeking to avoid suits in this country, I would ask all the members on and off the Committee on the Judiciary to review the case of Floyd Miles versus Morita Iron Works which took place in Cook County. The defendant avoided jurisdiction by selling aerosol machines through a straw man in Japan. Because there were insufficient contacts in Illinois, Mr. Miles could not seek compensation.

So therefore, all we are saying is let us look at the overall contacts nationwide as other countries do. By the way, this is not some prejudicial law to people who are not citizens of this country. Rather than limit it to their relief to a particular State, it is simple fairness in the utmost.

So suggesting that this amendment already adopted would kill product liability reform is unbelievable. I do not think the Members of this body or the other body are subject to the manipulations of foreign manufacturers, the European Economic Community or lobbyists that they may hire to be working here. Let us keep within some limits of reasonability and continue to approve the amendment that has already been adopted by the House.

If I had not brought this motion to instruct conferees, every reasonable conferee would be under the same responsibility to remember what his colleagues had done in the Congress anyway. But to have this provision now being attacked as if product liability will survive or go down in defeat based upon making foreign corporations equally liable reaches the point that is almost ludicrous.

Mr. Speaker, I yield 4½ minutes to the gentlewoman from Texas [Ms. JACKSON-LEE], our distinguished member of the Committee on the Judiciary.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding this time to me, and I thank the gentleman for his wisdom, and the ranking member, the gentleman from Michigan [Mr. DINGELL], on the Committee on Commerce, for his support for a very reasonable position.

Mr. Speaker, this is a serious debate. It really is. I am somewhat puzzled with great respect to my chairman, and I might add that the Committee on the Judiciary has done a major task in fostering positive legislation in this last year, and I would expect under Chairman HYDE's leadership we will do so in this year.

It is interesting that my Republican colleagues will talk about free trade and the American people. I do not think America is a country that is filled with protectionists. I think Americans simply want fairness.

If I might simply focus on what this small instruction will do, if I can just narrow the focus, first of all, I would take issue. It is also not the barbershop maker of lotion for shaving in Prague. It is the multinational corporation that we are talking about, and in fact, it is our neighbor in South Carolina or Texas or Nebraska, Mr. Speaker, Mrs. Jones or Mrs. Smith or Mr. Jackson, who in fact might be impacted by this multinational corporation.

This is a simple instruction that asks the conferees to remember foreign companies and subject them to the same laws in product liability as we would national companies here in this country.

In particular, might I remind those of thalidomide? Might I remind my colleagues of the thalidomide that was used in the 1950's? Although it was not approved by this country, it managed to get here, and we saw deformed children, women who wanted to be fertile having deformed children, children with flippers and other types of debilitating types of deformities. What would have happened if that had fully come to this country and Mrs. Jones and Mr. Jones, the loving parents of a child that they loved, were not able to pursue this tragic occurrence?

This instruction deals with two major points, the points of service. Do we realize that if it was a company, a foreign company, that we in the United States could not even get service, we could not even get them into the courthouse. They would not be able to be filed against because they were a foreign national, something that some other major company in this country could not hide behind.

Then listen to this. Mrs. Peterson, Mrs. Smith again, could not get discovery. We could not penetrate to determine why this multinational company would make such a product that would do such damage, the simple principles of justice that we in America have the right to have.

Mr. Speaker, can we imagine that in a court of law we would have certain rights against an American company but none against the multinational company? Simple processes of justice: One, to serve them to bring them into the courthouse, that is all. We are not saying convicting them. They have their day in court. Does anyone think our American justice would treat a foreign entity any less than an American citizen, the court of law would apply, and then in preparing the case one could not have the same rights of discovery, of disclosing what was behind this dangerous product.

Mr. Speaker, I think that we are misguided here. This is not about free trade, and I might imagine that my colleagues on the other side of the aisle would never want to be told that foreign nationals have so much control of this body that this would gut the products liability if, for example, we would serve foreign corporations. We are not under this kind of umbrage. Would we say that, that we are so frightened of foreign nationals that we would not want a simple instruction?

I cannot believe that we have a situation where this body is so frightened of foreign nationals that a simple instruction passed and supported by 258 Members that simply said subject foreign corporations to the same laws on product liability as would be our American companies, service, one, to get into the courthouse and, two Mr. CONYERS, discovery to be able to determine what caused this tragic incident that would bring these parties into the courthouse, and I would be if I was anyone in Congress staying on the side of Mrs. Jones in Nebraska or Mr. Smith in Texas.

Mr. CONYERS. Mr. Speaker, do I have the right to close in this debate?

The SPEAKER pro tempore. The gentleman does have the right to close.

Mr. CONYERS. I have only one speaker remaining.

Mr. HYDE. Just one, yourself?

Mr. CONYERS. Mr. Speaker, I would not name that person yet. It is a surprise.

Mr. HYDE. Mr. Speaker, I have no more speakers. Whatever the gentleman would like to do, I am at his disposal.

Mr. CONYERS. Mr. Speaker, I yield the remainder of my time to the gentleman from Ohio [Mr. TRAFICANT] and would ask the gentleman from Ohio [Mr. TRAFICANT] to close the debate.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from Ohio is recognized for 3 minutes.

Mr. TRAFICANT. Mr. Speaker, I voted for this bill, and I think if America is going to have true product liability reform, Congress should not stop it at the border. I think discovery and part of this process that we are discussing is very important.

But I wanted to talk about another issue here. I keep hearing everybody come up here and afraid to deal with this so-called protectionist term, and let me say this, my colleagues, we are at war with several protectionist nations who continue to take advantage of our economy.

I have heard the name of Buchanan invoked here earlier, and the tragedy is, while Buchanan will be cannibalized, the problem is he is one of the few guys talking about a major issue the American people are concerned about, and that is trade and the negative balance of payments, is Buchanan.

I also say this to the majority party. There can be no program to balance the budget of the United States of America without addressing this negative balance of payments and many of these factors that contribute to it.

So what I would like to say is I want to congratulate the gentleman from Illinois [Mr. HYDE] and congratulate the gentleman from Ohio [Mr. OXLEY]. I think on this issue they have become supersensitive to this protectionist word, and what has been allowed is countries like Japan and China just beat the hell out of us, and I think what my colleagues ought to do is allow the amendment, allow the language of the gentleman from Michigan [Mr. CONYERS] supported by the gentleman from Michigan [Mr. DINGELL] that will ensure that these manufacturers will be addressed properly under our product liability reform legislation. I think it is common sense.

By the way, the other body. The other body resisted one of my amendments that said it should be against the law to place a fraudulent label on an imported product, and it took Mr. HYDE and others to keep that in a crime bill.

☐ 1545

So if you are gauging anything on the other body, please do not cave in to that. The problem is, we have this in our bill. The other body does not have it in their bill. That should not be the determining factor. We here voted in the affirmative. Let us stay in the affirmative. I think it is a good bill. I support much of what you do, Mr. Chairman.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Michigan [Mr. CONYERS].

The question was taken; and the SPEAKER pro tempore announced that the ayes appeared to have it.

Mr. CONYERS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 256, nays 142, not voting 33, as follows:

[Roll No. 43]

YEAS—256

Abercrombie
Allard
Andrews
Baesler
Baldacci
Barcia
Barr
Barrett (WI)
Bateman
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TX)
Bunn
Burton
Cardin
Chapman
Chenoweth
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Crapo
Cunningham
Danner
Deal
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Edwards
Emerson
Engel
English
Ensign
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frost
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gonzalez
Goodling
Gordon
Graham
Green
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Harman
Hayes
Hayworth
Hefley
Hefner
Herger
Hilleary
Hinchey
Hobson
Holden
Horn
Houghton
Hoyer
Hunter
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kingston
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDade
McDermott
McHale
McInnis
McIntosh
Meek
Menendez
Metcalf
Meyers
Minge
Mink
Moakley
Mollohan
Moran
Nadler
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pombo
Pomeroy
Poshard
Pryce
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sawyer
Scarborough
Schiff
Schroeder
Schumer
Scott
Serrano
Shuster
Sisisky
Skaggs
Skelton
Slaughter
Smith (MI)
Smith (WA)
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Studds
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thompson
Thornton
Thurman
Tiahrt
Torres
Torricelli
Towns
Traficant
Vento
Visclosky
Volkmer
Walsh
Wamp
Ward
Waters
Watt (NC)
Waxman
Weldon (PA)
Weller
Whitfield
Williams
Wise
Wolf
Woolsey
Wynn
Yates

NAYS—142

Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bliley
Boehner
Bonilla
Bono
Bryant (TN)
Bunning
Burr
Buyer
Callahan
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Christensen
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Cremeans
Cubin
Davis
DeLay
Doolittle
Dornan
Dreier
Dunn
Ehlers
Ewing
Fawell
Flanagan
Franks (CT)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gilman
Goodlatte
Goss
Greenwood
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Heineman
Hoekstra
Hoke
Hostettler
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Kelly
Kim
King
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Livingston
Lucas
Manzullo
McCollum
McHugh
McKeon
Mica
Miller (FL)
Molinari
Moorhead
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Norwood
Nussle
Oxley
Packard
Paxon
Porter
Portman
Quinn
Radanovich
Ros-Lehtinen
Sanford

Saxton
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shays
Skeen
Smith (NJ)
Smith (TX)
Solomon
Stump
Thomas
Thornberry
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Weldon (FL)
White
Wicker
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—33

Ackerman
Calvert
Chrysler
Clay
Collins (IL)
de la Garza
Durbin
Ehrlich
Everett
Fields (TX)
Filner
Furse
Gutierrez
Hastings (FL)
Hilliard
Jacobs
Linder
McCrery
McKinney
McNulty
Meehan
Miller (CA)
Montgomery
Parker
Pickett
Quillen
Rose
Salmon
Shaw
Stokes
Velazquez
Watts (OK)
Wilson

□ 1606

The Clerk announced the following pair:

On this vote:

Ms. Furse for, with Mr. Ehrlich against.

Messrs. BARTON of Texas, HOEKSTRA, SHAYS, and YOUNG of Alaska changed their vote from "yea" to "nay."

Messrs. PAYNE of Virginia, CRAPO, BUNN of Oregon, WELLER, PETRI, TIAHRT, HEFLEY, STOCKMAN, SPENCE, JONES, and SMITH of Michigan changed their vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 994, SMALL BUSINESS GROWTH AND ADMINISTRATIVE ACCOUNTABILITY ACT OF 1996

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 104-464) on the resolution (H. Res. 368) providing for consideration of the bill (H.R. 994) to require the periodic review and automatic termination of Federal regulations, which was referred to the House Calendar and ordered to be printed.

COAST GUARD AUTHORIZATION ACT OF 1995

Mr. COBLE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1004) to authorize appropriations for the U.S. Coast Guard, and for other purposes, and ask for its immediate consideration in the House; to strike out all after the enacting clause of S. 1004 and insert in lieu thereof the text of H.R. 1361 as passed by the House; to pass the Senate bill as amended; and to insist on the House amendment and request a conference with the Senate thereon.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The text of S. 1004 is as follows:

S. 1004

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coast Guard Authorization Act of 1995".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—AUTHORIZATION

Sec. 101. Authorization of appropriations.
Sec. 102. Authorized levels of military strength and training.

TITLE II—PERSONNEL MANAGEMENT IMPROVEMENT

Sec. 201. Provision of child development services.
Sec. 202. Hurricane Andrew relief.
Sec. 203. Dissemination of results of 0-6 continuation boards.
Sec. 204. Exclude certain reserves from end-of-year strength.
Sec. 205. Officer retention until retirement eligible.
Sec. 206. Contracts for health care services.
Sec. 207. Recruiting.
Sec. 208. Access to National Driver Register information on certain Coast Guard personnel.
Sec. 209. Coast Guard housing authorities.
Sec. 210. Board for correction of military records deadline.

TITLE III—MARINE SAFETY AND WATERWAY SERVICES MANAGEMENT

Sec. 301. Increased penalties for documentation violations.
Sec. 302. Nondisclosure of port security plans.
Sec. 303. Maritime drug and alcohol testing program civil penalty.
Sec. 304. Renewal of advisory groups.
Sec. 305. Electronic filing of commercial instruments.
Sec. 306. Civil penalties.
Sec. 307. Amendment to require EPIRBS on the Great Lakes.
Sec. 308. Report on Loran-C requirements.
Sec. 309. Restrictions on closure of small boat stations.
Sec. 310. Penalty for alteration of marine safety equipment.
Sec. 311. Prohibition on overhaul, repair, and maintenance of Coast Guard vessels in foreign shipyards.
Sec. 312. Withholding vessel clearance for violation of certain Acts.

TITLE IV—COAST GUARD AUXILIARY

Sec. 401. Administration of the Coast Guard Auxiliary.
Sec. 402. Purpose of the Coast Guard Auxiliary.
Sec. 403. Members of the auxiliary; status.
Sec. 404. Assignment and performance of duties.
Sec. 405. Cooperation with other agencies, States, Territories, and political subdivisions.
Sec. 406. Vessel deemed public vessel.
Sec. 407. Aircraft deemed public aircraft.
Sec. 408. Disposal of certain material.

TITLE V—RECREATIONAL BOATING SAFETY IMPROVEMENT

Sec. 501. State recreational boating safety grants.
Sec. 502. Boating access.
Sec. 503. Personal flotation devices required for children.
Sec. 504. Marine Casualty Reporting.

TITLE VI—COAST GUARD REGULATORY REFORM

Sec. 601. Short title.
Sec. 602. Safety management.
Sec. 603. Use of reports, documents, records, and examinations of other persons.
Sec. 604. Equipment approval.
Sec. 605. Frequency of inspection.
Sec. 606. Certificate of inspection.
Sec. 607. Delegation of authority of Secretary to classification societies.

TITLE VII—TECHNICAL AND CONFORMING AMENDMENTS

Sec. 701. Amendment of inland navigation rules.
Sec. 702. Measurement of vessels.
Sec. 703. Longshore and harbor workers compensation.
Sec. 704. Radiotelephone requirements.
Sec. 705. Vessel operating requirements.
Sec. 706. Merchant Marine Act, 1920.
Sec. 707. Merchant Marine Act, 1956.
Sec. 708. Maritime education and training.
Sec. 709. General definitions.
Sec. 710. Authority to exempt certain vessels.
Sec. 711. Inspection of vessels.
Sec. 712. Regulations.
Sec. 713. Penalties—inspection of vessels.
Sec. 714. Application—tank vessels.
Sec. 715. Tank vessel construction standards.
Sec. 716. Tanker minimum standards.
Sec. 717. Self-propelled tank vessel minimum standards.
Sec. 718. Definition—abandonment of barges.
Sec. 719. Application—load lines.
Sec. 720. Licensing of individuals.
Sec. 721. Able seamen—limited.
Sec. 722. Able seamen—offshore supply vessels.
Sec. 723. Scale of employment—able seamen.
Sec. 724. General requirements—engine department.
Sec. 725. Complement of inspected vessels.
Sec. 726. Watchmen.
Sec. 727. Citizenship and naval reserve requirements.
Sec. 728. Watches.
Sec. 729. Minimum number of licensed individuals.
Sec. 730. Officers' competency certificates convention.
Sec. 731. Merchant mariners' documents required.
Sec. 732. Certain crew requirements.
Sec. 733. Freight vessels.
Sec. 734. Exemptions.
Sec. 735. United States registered pilot service.
Sec. 736. Definitions—merchant seamen protection.
Sec. 737. Application—foreign and intercoastal voyages.
Sec. 738. Application—coastwise voyages.
Sec. 739. Fishing agreements.
Sec. 740. Accommodations for seamen.
Sec. 741. Medicine chests.
Sec. 742. Logbook and entry requirements.
Sec. 743. Coastwise endorsements.
Sec. 744. Fishery endorsements.
Sec. 745. Convention tonnage for licenses, certificates, and documents.
Sec. 746. Technical corrections.

TITLE VIII—POLLUTION FROM SHIPS

Sec. 801. Prevention of pollution from ships.

Sec. 802. Marine plastic pollution research and control.
TITLE IX—LAW ENFORCEMENT ENHANCEMENT
Sec. 901. Sanctions for failure to land or to bring to; sanctions for obstruction of boarding and providing false information.
Sec. 902. FAA summary revocation authority.
Sec. 903. Coast Guard air interdiction authority.
Sec. 904. Coast Guard civil penalty provisions.
Sec. 905. Customs orders.
Sec. 906. Customs civil penalty provisions.
TITLE X—CONVEYANCES
Sec. 1001. Conveyance of property in Massachusetts.
Sec. 1002. Conveyance of certain lighthouses located in Maine.
Sec. 1003. Conveyance of Squirrel Point Light.
Sec. 1004. Conveyance of Montauk Light Station, New York.
Sec. 1005. Conveyance of Point Arena Light Station.
Sec. 1006. Conveyance of property in Ketchikan, Alaska.
Sec. 1007. Conveyance of property in Traverse City, Michigan.
Sec. 1008. Transfer of Coast Guard property in New Shoreham, Rhode Island.
Sec. 1009. Conveyance of property in Santa Cruz, California.
Sec. 1010. Conveyance of vessel S/S RED OAK VICTORY.
Sec. 1011. Conveyance of equipment.
Sec. 1012. Property exchange.
TITLE XI—MISCELLANEOUS
Sec. 1101. Florida Avenue bridge.
Sec. 1102. Oil Spill Recovery Institute.
Sec. 1103. Limited double hull exemptions.
Sec. 1104. Oil spill response vessels.
Sec. 1105. Sense of the Congress regarding passengers aboard commercial vessels.
Sec. 1106. California cruise industry revitalization.
Sec. 1107. Lower Columbia River marine fire and safety activities.
Sec. 1108. Oil pollution research and training.
Sec. 1109. Limitation on relocation of Houston and Galveston Marine Safety Offices.
Sec. 1110. Uninspected fish-tender vessels.
Sec. 1111. Foreign passenger vessel user fees.
Sec. 1112. Coast Guard user fees.
Sec. 1113. Vessel financing.
Sec. 1114. Manning and watch requirements on towing vessels on the Great Lakes.
Sec. 1115. Repeal of Great Lakes endorsements.
Sec. 1116. Relief from United States documentation requirements.
Sec. 1117. Use of Canadian oil spill response and recovery vessels.
Sec. 1118. Judicial sale of certain documented vessels to aliens.
Sec. 1119. Improved authority to sell recyclable material.
Sec. 1120. Documentation of certain vessels.
Sec. 1121. Vessel deemed to be a recreational vessel.
Sec. 1122. Small passenger vessel pilot inspection program with the State of Minnesota.
Sec. 1123. Commonwealth of the Northern Mariana Islands fishing.
Sec. 1124. Availability of extrajudicial remedies for default on preferred mortgage liens on vessels.
Sec. 1125. Offshore facility financial responsibility requirements.
Sec. 1126. Deauthorization of navigation project, Cohasset Harbor, Massachusetts.

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) FISCAL YEAR 1996.—Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 1996, as follows:

(1) For the operation and maintenance of the Coast Guard, $2,618,316,000, of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $428,200,000, to remain available until expended, of which $32,500,000 shall be derived from the Oil Spill Liability Trust fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $22,500,000, to remain available until expended, of which $3,150,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $582,022,000.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program—

(A) $16,200,000, to remain available until expended, of which up to $14,200,000 may be made available under section 104(e) of title 49, United States Code; and

(B) for fiscal year 1995, $12,880,000, which may be made available under that section.

(6) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), $25,000,000, to remain available until expended.

(b) AMOUNTS FROM THE DISCRETIONARY BRIDGE PROGRAM.—Section 104 of title 49, United States Code, is amended by adding at the end thereof the following:

"(e) Notwithstanding the provisions of sections 101(d) and 144 of title 23, highway bridges determined to be unreasonable obstructions to navigation under the Truman-Hobbs Act may be funded from amounts set aside from the discretionary bridge program. The Secretary shall transfer these allocations and the responsibility for administration of these funds to the United States Coast Guard.".

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) AUTHORIZED MILITARY STRENGTH LEVEL.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 38,400 as of September 30, 1996. The authorized strength does not include members of the Ready Reserve called to active duty for special or emergency augmentation of regular Coast Guard forces for periods of 180 days or less.

(b) AUTHORIZED LEVEL OF MILITARY TRAINING.—The Coast Guard is authorized average military training study loads for fiscal year 1996 as follows:

(1) For recruit and special training, 1,604 student years.

(2) For flight training, 85 student years.

(3) For professional training in military and civilian institutions, 330 student years.

(4) For officer acquisition, 874 student years.

TITLE II—PERSONNEL MANAGEMENT IMPROVEMENT

SEC. 201. PROVISION OF CHILD DEVELOPMENT SERVICES.

(a) IN GENERAL.—Title 14, United States Code, is amended by inserting after section 514 the following new section:

"§ 515. Child development services

"(a) The Commandant may make child development services available for members and civilian employees of the Coast Guard, and thereafter as space is available for members of the Armed Forces and Federal civilian employees. Child development service benefits provided under the authority of this section shall be in addition to benefits provided under other laws.

"(b)(1) Except as provided in paragraph (2), the Commandant may require that amounts received as fees for the provision of services under this section at Coast Guard child development centers be used only for compensation of employees at those centers who are directly involved in providing child care.

"(2) If the Commandant determines that compliance with the limitation in paragraph (1) would result in an uneconomical and inefficient use of such fee receipts, the Commandant may (to the extent that such compliance would be uneconomical and inefficient) use such receipts—

"(A) for the purchase of consumable or disposable items for Coast Guard child development centers; and

"(B) if the requirements of such centers for consumable or disposable items for a given fiscal year have been met, for other expenses of those centers.

"(c) The Commandant shall provide for regular and unannounced inspections of each child development center under this section and may use Department of Defense or other training programs to ensure that all child development center employees under this section meet minimum standards of training with respect to early childhood development, activities and disciplinary techniques appropriate to children of different ages, child abuse prevention and detection,and appropriate emergency medical procedures.

"(d) Of the amounts available to the Coast Guard each fiscal year for operating expenses (and in addition to amounts received as fees), the Secretary may use for child development services under this section an amount not to exceed the total amount the Commandant estimates will be received by the Coast Guard in the fiscal year as fees for the provision of those services.

"(e) The Commandant may use appropriated funds available to the Coast Guard to provide assistance to family home day care providers so that family home day care services can be provided to uniformed service members and civilian employees of the Coast Guard at a cost comparable to the cost of services provided by Coast Guard child development centers.

"(f) The Secretary shall promulgate regulations to implement this section. The regulations shall establish fees to be charged for child development services provided under this section which take into consideration total family income.

"(g) For purposes of this section, the term 'child development center' does not include a child care services facility for which space is allotted under section 616 of the Act of December 22, 1987 (40 U.S.C. 490b).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 13 of title 14, United States Code, is amended by inserting after the item related to section 514 the following:

"515. Child development services.".

SEC. 202. HURRICANE ANDREW RELIEF.

Section 2856 of the National Defense Authorization Act for Fiscal Year 1993 (Pub. L. 102–484) applies to the military personnel of the Coast Guard who were assigned to, or employed at or in connection with, any Federal facility or installation in the vicinity of Homestead Air Force Base, Florida, including the areas of Broward, Collier, Dade, and Monroe Counties, on or before August 24, 1992, except that funds available to the Coast Guard, not to exceed $25,000, shall be used. The Secretary of Transportation shall administer the provisions of section 2856 for the Coast Guard.

SEC. 203. DISSEMINATION OF RESULTS OF 0–6 CONTINUATION BOARDS.

Section 289(f) of title 14, United States Code, is amended by striking "Upon approval by the President, the names of the officers selected for continuation on active duty by the board shall be promptly disseminated to the service at large.".

SEC. 204. EXCLUDE CERTAIN RESERVES FROM END-OF-YEAR STRENGTH.

Section 712 of title 14, United States Code, is amended by adding at the end the following new subsection:

"(d) Members ordered to active duty under this section shall not be counted in computing authorized strength in members on active duty or members in grade under this title or under any other law.".

SEC. 205. OFFICER RETENTION UNTIL RETIREMENT ELIGIBLE.

Section 283(b) of title 14, United States Code, is amended—

(1) by inserting "(1)" after "(b)";

(2) by striking the last sentence; and

(3) by adding at the end the following:

"(2) Upon the completion of a term under paragraph (1), an officer shall, unless selected for further continuation—

"(A) except as provided in subparagraph (B), be honorably discharged with severance pay computed under section 286 of this title;

"(B) in the case of an officer who has completed at least 18 years of active service on the date of discharge under subparagraph (A), be retained on active duty and retired on the last day of the month in which the officer completes 20 years of active service, unless earlier removed under another provision of law; or

"(C) if, on the date specified for the officer's discharge under this section, the officer has completed at least 20 years of active service or is eligible for retirement under any law, be retired on that date.".

SEC. 206. CONTRACTS FOR HEALTH CARE SERVICES.

(a) Chapter 17 of title 14, United States Code, is amended by inserting after section 644 the following new section:

"§644a. Contracts for health care services

"(a) Subject to the availability of appropriations for this purpose; the Commandant may enter into personal services and other contracts to carry out health care responsibilities pursuant to section 93 of this title and other applicable provisions of law pertaining to the provision of health care services to Coast Guard personnel and covered beneficiaries. The authority provided in this subsection is in addition to any other contract authorities of the Commandant provided by law or as delegated to the Commandant from time to time by the Secretary, including but not limited to authority relating to the management of health care facilities and furnishing of health care services pursuant to title 10 and this title.

"(b) The total amount of compensation paid to an individual in any year under a personal services contract entered into under subsection (a) shall not exceed the amount of annual compensation (excluding allowances for expenses) allowable for such contracts entered into by the Secretary of Defense pursuant to section 1091 of title 10.

"(c)(1) The Secretary shall promulgate regulations to assure—

"(A) the provision of adequate notice of contract opportunities to individuals residing in the area of a medical treatment facility involved; and

"(B) consideration of interested individuals solely on the basis of the qualifications established for the contract and the proposed contract price.

"(2) Upon establishment of the procedures under paragraph (1), the Secretary may exempt personal services contracts covered by this section from the competitive contracting requirements specified in section 2304 of title 10, or any other similar requirements of law.

"(d) The procedures and exemptions provided under subsection (c) shall not apply to personal services contracts entered into under subsection (a) with entities other than individuals or to any contract that is not an authorized personal services contract under subsection (a).".

(b) The table of sections for chapter 17 of title 14, United States Code, is amended by inserting after the item relating to section 644 the following:

"644a. Contracts for health care services.".

(c) The amendments made by this section shall take effect on the date of enactment of this Act. Any personal services contract entered into on behalf of the Coast Guard in reliance upon the authority of section 1091 of title 10 before that date is confirmed and ratified and shall remain in effect in accordance with the terms of the contract.

SEC. 207. RECRUITING.

(a) CAMPUS RECRUITING.—Section 558 of the National Defense Authorization Act for Fiscal Year 1995 (108 Stat. 2776) is amended—

(1) by inserting "or the Department of Transportation" in subsection (a)(1) after "the Department of Defense";

(2) by inserting "or the Secretary of Transportation" after "the Secretary of Defense" in subsection (a)(1); and

(3) by inserting "and the Secretary of Transportation" after "the Secretary of Education" in subsection (b).

(b) FUNDS FOR RECRUITING.—The text of section 468 of title 14, United States Code, is amended to read as follows:

"The Coast Guard may expend operating expense funds for recruiting activities, including but not limited to advertising and entertainment, in order to—

"(1) obtain recruits for the Service and cadet applicants; and

"(2) gain support of recruiting objectives from those who may assist in the recruiting effort.".

(c) SPECIAL RECRUITING AUTHORITY.—Section 93 of title 14, United States Code, is amended—

(1) by striking "and" at the end of paragraph (t);

(2) by striking the period at the end of paragraph (u) and inserting a semicolon and the word "and"; and

(3) by adding at the end the following:

"(v) employ special recruiting programs, including, subject to appropriations Acts, the provision of financial assistance by grant, cooperative agreement, or contract to public or private associations, organizations, and individuals (including academic scholarships for individuals), to meet identified personnel resource requirements.".

SEC. 208. ACCESS TO NATIONAL DRIVER REGISTER INFORMATION ON CERTAIN COAST GUARD PERSONNEL.

(a) AMENDMENT TO TITLE 14.—Section 93 of title 14, United States Code, as amended by section 203, is further amended—

(1) by striking "and" after the semicolon at the end of paragraph (u);

(2) by striking the period at the end of paragraph (v) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(w) require that any officer, chief warrant officer, or enlisted member of the Coast Guard or Coast Guard Reserve (including a cadet or an applicant for appointment or enlistment to any of the foregoing and any member of a uniformed service who is assigned to the Coast Guard) request that all information contained in the National Driver Register pertaining to the individual, as described in section 30304(a) of title 49, be made available to the Commandant under section 30305(a) of title 49, may receive that information, and upon receipt, shall make the information available to the individual.".

(b) AMENDMENT TO TITLE 49.—Section 30305(b) of title 49, United States Code, is amended by redesignating paragraph (7) as paragraph (8) and inserting after paragraph (6) the following new paragraph:

"(7) An individual who is an officer, chief warrant officer, or enlisted member of the Coast Guard or Coast Guard Reserve (including a cadet or an applicant for appointment or enlistment of any of the foregoing and any member of a uniformed service who is assigned to the Coast Guard) may request the chief driver licensing official of a State to provide information about the individual under subsection (a) of this section to the Commandant of the Coast Guard. The Commandant may receive the information and shall make the information available to the individual. Information may not be obtained from the Register under this paragraph if the information was entered in the Register more than 3 years before the request, unless the information is about a revocation or suspension still in effect on the date of the request.".

SEC. 209. COAST GUARD HOUSING AUTHORITIES.

(a) IN GENERAL.—Part I of title 14, United States Code, is amended by inserting after chapter 17 the following new chapter:

"CHAPTER 18—COAST GUARD HOUSING AUTHORITIES

"SUBCHAPTER A

"Section
"671. Definitions.
"672. General Authority.
"673. Direct loans and loan guarantees.
"674. Leasing of housing to be constructed.
"675. Investments in nongovernmental entities.
"676. Rental guarantees.
"677. Differential lease payments.
"678. Conveyance or lease of existing property and facilities.

"679. Interim leases.
"680. Unit size and type.
"681. Support facilities.
"682. Assignment of members of the armed forces to housing units.
"683. Coast Guard Housing Improvement Fund.
"684. Reports.
"685. Expiration of authority.

"SUBCHAPTER B

"691. Conveyance of damaged or deteriorated military family housing; use of proceeds.
"692. Limited partnerships with private developers of housing.

"SUBCHAPTER A

"§ 671. Definitions

"In this subchapter the term 'support facilities' means facilities relating to military housing units, including child care centers, day care centers, community centers, housing offices, maintenance complexes, dining facilities, unit offices, fitness centers, parks, and other similar facilities for the support of military housing.

"§ 672. General authority

"In addition to any other authority provided for the acquisition, construction, or improvement of military family housing or military unaccompanied housing, the Secretary may exercise any authority or any combination of authorities provided under this subchapter in order to provide for the acquisition, construction, improvement or rehabilitation by private persons of the following:

"(1) Family housing units on or near Coast Guard installations within the United States and its territories and possessions.

"(2) Unaccompanied housing units on or near such Coast Guard installations.

"§ 673. Direct loans and loan guarantees

"(a) DIRECT LOANS.—(1) Subject to subsection (c), the Secretary may make direct loans to persons in the private sector in order to provide funds to such persons for the acquisition, construction, improvement, or rehabilitation of housing units that the Secretary determines are suitable for use as military family housing or as military unaccompanied housing.

"(2) The Secretary shall establish such terms and conditions with respect to loans made under this subsection as the Secretary considers appropriate to protect the interests of the United States, including the period and frequency for repayment of such loans and the obligations of the obligors on such loans upon default.

"(b) LOAN GUARANTEES.—(1) Subject to subsection (c), the Secretary may guarantee a loan made to any person in the private sector if the proceeds of the loan are to be used by the person to acquire, construct, improve, or rehabilitate housing units that the Secretary determines are suitable for use as military family housing or as military unaccompanied housing.

"(2) The amount of a guarantee on a loan that may be provided under paragraph (1) may not exceed the amount equal to the lesser of—

"(A) the amount equal to 80 percent of the value of the project; or

"(B) the amount of the outstanding principal of the loan.

"(3) The Secretary shall establish such terms and conditions with respect to guarantees of loans under this subsection as the Secretary considers appropriate to protect the interests of the United States, including the rights and obligations of obligors of such loans and the rights and obligations of the United States with respect to such guarantees.

"(c) LIMITATION ON DIRECT LOAN AND GUARANTEE AUTHORITY.—Direct loans and loan guarantees may be made under this section only to the extent that appropriations of budget authority to cover their cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)) are made in advance, or authority is otherwise provided in appropriations Acts. If such appropriation or other authority is provided, there may be established a financing account (as defined in section 502(7) of such Act (2 U.S.C. 661a(7)) which shall be available for the disbursement of direct loans or payment of claims for payment on loan guarantees under this section and for all other cash flows to and from the Government as a result of direct loans and guarantees made under this section.

"§ 674. Leasing of housing to be constructed

"(a) BUILD AND LEASE AUTHORIZED.—The Secretary may enter into contracts for the lease of family housing units or unaccompanied housing units to be constructed, improved, or rehabilitated under this subchapter.

"(b) LEASE TERMS.—A contract under this section may be for any period that the Secretary determines appropriate.

"§ 675. Investments in nongovernmental entities

"(a) INVESTMENTS AUTHORIZED.—The Secretary may make investments in nongovernmental entities carrying out projects for the acquisition, construction, improvement, or rehabilitation of housing units suitable for use as military family housing or as military unaccompanied housing.

"(b) FORMS OF INVESTMENT.—An investment under this section may take the form of a direct investment by the United States, an acquisition of a limited partnership interest by the United States, a purchase of stock or other equity instruments by the United States, a purchase of bonds or other debt instruments by the United States, or any combination of such forms of investment.

"(c) LIMITATION ON VALUE OF INVESTMENT.—(1) The cash amount of an investment under this section in a nongovernmental entity may not exceed an amount equal to 35 percent of the capital cost (as determined by the Secretary) of the project or projects that the entity proposes to carry out under this section with the investment.

"(2) If the Secretary conveys land or facilities to a nongovernmental entity as all or part of an investment in the entity under this section, the total value of the investment by the Secretary under this section may not exceed an amount equal to 45 percent of the capital cost (as determined by the Secretary) of the project or projects that the entity proposes to carry out under this section with the investment.

"(3) In this subsection, the term 'capital cost', with respect to a project for the acquisition, construction, improvement, or rehabilitation of housing, means the total amount of the costs included in the basis of the housing for Federal income tax purposes.

"(d) COLLATERAL INCENTIVE AGREEMENTS.—The Secretary may enter into collateral incentive agreements with nongovernmental entities in which the Secretary makes an investment under this section to ensure that a suitable preference will be afforded members of the armed forces in the lease or purchase, as the case may be, of a reasonable number of the housing units covered by the investment.

"§ 676. Rental guarantees

"The Secretary may enter into agreements with private persons that acquire, construct, improve, or rehabilitate family housing units or unaccompanied housing units under this subchapter in order to assure—

"(1) the occupancy of such units at levels specified in the agreements; or

"(2) rental income derived from rental of such units at levels specified in the agreements.

"§ 677. Differential lease payments

"The Secretary, pursuant to an agreement entered into by the Secretary and a private lessor of family housing or unaccompanied housing to members of the armed forces, may pay the lessor an amount in addition to the rental payments for the housing made by the members as the Secretary determines appropriate to encourage the lessor to make the housing available to members of the armed forces as family housing or as unaccompanied housing.

"§ 678. Conveyance or lease of existing property and facilities

"(a) CONVEYANCE OR LEASE AUTHORIZED.—The Secretary may convey or lease property or facilities (including support facilities) to private persons for purposes of using the proceeds of such conveyance or lease to carry out activities under this subchapter.

"(b) TERMS AND CONDITIONS.—(1) The conveyance or lease of property or facilities under this section shall be for such consideration and upon such terms and conditions as the Secretary considers appropriate for the purposes of this subchapter and to protect the interests of the United States.

"(2) As part or all of the consideration for a conveyance or lease under this section, the purchaser or lessor (as the case may be) may enter into an agreement with the Secretary to ensure that a suitable preference will be afforded members of the armed forces in the lease or sublease of a reasonable number of the housing units covered by the conveyance or lease, as the case may be, or in the lease of other suitable housing units made available by the purchaser or lessee.

"(c) INAPPLICABILITY OF CERTAIN PROPERTY MANAGEMENT LAWS.—The conveyance or lease of property or facilities under this section shall not be subject to the following provisions of law:

"(1) The Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

"(2) Section 321 of the Act of June 30, 1932 (commonly known as the Economy Act) (47 Stat. 412, chapter 314; 40 U.S.C. 303b).

"(3) The Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.).

"§ 679. Interim leases

"Pending completion of a project to acquire, construct, improve, or rehabilitate family housing units or unaccompanied housing units under this subchapter, the Secretary may provide for the interim lease of such units of the project as are complete. The term of a lease under this section may not extend beyond the date of the completion of the project concerned.

"§ 680. Unit size and type

"The Secretary shall ensure that the room patterns and floor areas of family housing units and unaccompanied housing units acquired, constructed, improved, or rehabilitated under this subchapter are generally comparable to the room patterns and floor areas of similar housing units in the locality concerned.

"§ 681. Support facilities

"Any project for the acquisition, construction, improvement, or rehabilitation of family housing units or unaccompanied housing units under this subchapter may include the acquisition, construction, or improvement of support facilities for the housing units concerned.

"§ 682. Assignment of members of the armed forces to housing units

"(a) IN GENERAL.—The Secretary may assign members of the armed forces to housing units acquired, constructed, improved, or rehabilitated under this subchapter.

"(b) EFFECT OF CERTAIN ASSIGNMENTS ON ENTITLEMENT TO HOUSING ALLOWANCES.—(1) Except as provided in paragraph (2), housing referred to in subsection (a) shall be considered as quarters of the United States or a housing facility under the jurisdiction of a uniformed service for purposes of section 403(b) of title 37.

"(2) A member of the armed forces who is assigned in accordance with subsection (a) to a housing unit not owned or leased by the United States shall be entitled to a basic allowance for quarters under section 403 of title 37 and, if in a high housing cost area, a variable housing allowance under section 403a of that title.

"(c) LEASE PAYMENTS THROUGH PAY ALLOTMENTS.—The Secretary may require members of the armed forces who lease housing in housing units acquired, constructed, improved, or rehabilitated under this subchapter to make lease payments for such housing pursuant to allotments of the pay of such members under section 701 of title 37.

"§ 683. Coast Guard Housing Improvement Fund

"(a) ESTABLISHMENT.—There is hereby established on the books of the Treasury an account to be known as the Coast Guard Housing Improvement Fund (in this section referred to as the 'Fund').

"(b) CREDITS TO FUND.—There shall be credited to the Fund the following:

"(1) Funds appropriated to the Fund.

"(2) Any funds that the Secretary may, to the extent provided in appropriation Acts, transfer to the Fund from funds appropriated to the Department of Transportation or Coast Guard for family housing, except that such funds may be transferred only after the Secretary transmits written notice of, and justification for, such transfer to the appropriate committees of Congress.

"(3) Any funds that the Secretary may, to the extent provided in appropriations Acts, transfer to the Fund from funds appropriated to the Department of Transportation or Coast Guard for military unaccompanied housing or for the operation and maintenance of military unaccompanied housing, except that such funds may be transferred only after the Secretary transmits written notice of, and justification for, such transfer to the appropriate committees of Congress.

"(4) Proceeds from the conveyance or lease of property or facilities under section 678 of this title.

"(5) Income from any activities under this subchapter, including interest on loans made under section 673 of this title, income and gains realized from investments under section 675 of this title, and any return of capital invested as part of such investments.

"(c) USE OF FUNDS.—(1) To the extent provided in appropriations Acts and except as provided in paragraphs (2) and (3), the Secretary may use amounts in the Fund to carry out activities under this subchapter (including activities required in connection with the planning, execution, and administration of contracts or agreements entered into under the authority of this subchapter).

"(2)(A) Funds in the Fund that are derived from appropriations or transfers of funds for military family housing, or from income from activities under this subchapter with respect to such housing, may be used in accordance with paragraph (1) only to carry out activities under this subchapter with respect to military family housing.

"(B) Funds in the Fund that are derived from appropriations or transfers of funds for military unaccompanied housing, or from income from activities under this subchapter with respect to such housing, may be used in accordance with paragraph (1) only to carry out activities under this subchapter with respect to military unaccompanied housing.

"(3) The Secretary may not enter into a contract or agreement to carry out activities under this subchapter unless the Fund contains sufficient amounts, as of the time the contract or agreement is entered into, to satisfy the total obligations to be incurred by the United States under the contract or agreement.

"(d) LIMITATION ON AMOUNT OF BUDGET AUTHORITY.—The total value in budget authority of all contracts, agreements, and investments undertaken using the authorities provided in this subchapter shall not exceed $60,000,000.

"§ 684. Reports

The Secretary shall include each year in the materials the Secretary submits to the Congress in support of the budget submitted by the President pursuant to section 1105 of title 31, United States Code, the following:

"(1) A report on the amount and nature of the deposits into, and the expenditures from, the Coast Guard Housing Improvement Fund established under section 683 of this title during the preceding fiscal year.

"(2) A report on each contract or agreement for a project for the acquisition, construction, improvement, or rehabilitation of family housing units or unaccompanied housing units that the Secretary proposes to solicit under this subchapter, describing the project and the method of participation of the United States in the project and providing justification of such method of participation.

"(3) A methodology for evaluating the extent and effectiveness of the use of the authorities under this subchapter during such preceding fiscal year.

"(4) A description of the objectives of the Department of Transportation for providing military family housing and military unaccompanied housing for members of the Coast Guard.

"§ 685. Expiration of authority

"The authority to enter into a transaction under this subchapter shall expire 5 years after the date of the enactment of the Coast Guard Authorization Act of 1995.

"SUBCHAPTER B

"§ 691. Conveyance of damaged or deteriorated military family housing; use of proceeds

"(a) AUTHORITY TO CONVEY.—

"(1) Subject to paragraph (2), the Secretary may convey any family housing facility that, due to damage or deterioration, is in a condition that is uneconomical to repair. Any conveyance of a family housing facility under this section may include a conveyance of the real property associated with the facility conveyed.

"(2) The aggregate total value of the family housing facilities conveyed by the Secretary under the authority in this subsection in any fiscal year may not exceed $5,000,000.

"(3) For purposes of this subsection, a family housing facility is in a condition that is uneconomical to repair if the cost of the necessary repairs for the facility would exceed the amount equal to 70 percent of the cost of constructing a family housing facility to replace such a facility.

"(b) CONSIDERATION.—

"(1) As consideration for the conveyance of a family housing facility under subsection (a), the person to whom the facility is conveyed shall pay the United States an amount equal to the fair market value of the facility conveyed, including any real property conveyed along with the facility.

"(2) The Secretary shall determine the fair market value of any family housing facility and associated real property that is conveyed under subsection (a). Such determinations shall be final.

"(c) NOTICE AND WAIT REQUIREMENTS.—The Secretary may not enter into an agreement to convey a family housing facility under this section until—

"(1) the Secretary submits to the appropriate committees of Congress, in writing, a justification for the conveyance under the agreement, including—

"(A) an estimate of the consideration to be provided the United States under the agreement;

"(B) an estimate of the cost of repairing the family housing facility to be conveyed; and

"(C) an estimate of the cost of replacing the family housing facility to be conveyed; and

"(2) a period of 21 calendar days has elapsed after the date on which the justification is received by the committees.

"(d) INAPPLICABILITY OF CERTAIN PROPERTY DISPOSAL LAWS.—The following provisions of law do not apply to the conveyance of a family housing facility under this section:

"(1) The provisions of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

"(2) The provisions of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.).

"(e) USE OF PROCEEDS.—(1) The proceeds of any conveyance of a family housing facility under this section shall be credited to the Coast Guard Housing Improvement Fund (Fund) established under section 683 of this title and available for the purposes described in paragraph (2).

"(2) The proceeds of a conveyance of a family housing facility under this section may be used for the following purposes:

"(A) To construct family housing units to replace the family housing facility conveyed under this section, but only to the extent that the number of units constructed with such proceeds does not exceed the number of units of military family housing of the facility conveyed.

"(B) To repair or restore existing military family housing.

"(C) To reimburse the Secretary for the costs incurred by the Secretary in conveying the family housing facility.

"(3) Notwithstanding section 683(c) of this title, proceeds in the account under this subsection shall be available under paragraph (1) for purposes described in paragraph (2) without any further appropriation.

"(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of any family housing facility conveyed under this section, including any real property associated with such facility, shall be determined by such means as the Secretary considers satisfactory, including by survey in the case of real property.

"(g) ADDITIONAL TERMS AND CONDITIONS.— The Secretary may require such additional terms and conditions in connection with the conveyance of family housing facilities under this section as the Secretary considers appropriate to protect the interests of the United States.

"§692. Limited partnerships with private developers of housing

"(a) LIMITED PARTNERSHIPS.—(1) In order to meet the housing requirements of members of the Coast Guard, and the dependents of such members, at a military installation described in paragraph (2), the Secretary of Transportation may enter into a limited partnership with one or more private developers to encourage the construction of housing and accessory structures within commuting distance of the installation. The Secretary may contribute not more than 35 percent of the development costs under a limited partnership.

"(2) Paragraph (1) applies to a military installation under the jurisdiction of the Secretary at which there is a shortage of suitable housing to meet the requirements of members and dependents referred to in such paragraph.

"(b) COLLATERAL INCENTIVE AGREEMENTS.— The Secretary may also enter into collateral incentive agreements with private developers who enter into a limited partnership under subsection (a) to ensure that, where appropriate—

"(1) a suitable preference will be afforded members of the Coast Guard in the lease or purchase, as the case may be, of a reasonable number of the housing units covered by the limited partnership; or

"(2) the rental rates or sale prices, as the case may be, for some or all of such units will be affordable for such members.

"(c) SELECTION OF INVESTMENT OPPORTUNITIES.—

"(1) The Secretary shall use publicly advertised, competitively bid or competitively negotiated, contracting procedures, as provided in chapter 137 of title 10, United States Code, to enter into limited partnerships under subsection (a).

"(2) When a decision is made to enter into a limited partnership under subsection (a), the Secretary shall submit a report in writing to the appropriate committees of Congress on that decision. Each such report shall include the justification for the limited partnership, the terms and conditions of the limited partnership, a description of the development costs for projects under the limited partnership, and a description of the share of such costs to be incurred by the Secretary. The Secretary may then enter into the limited partnership only after the end of the 21-day period beginning on the date the report is received by such committees.

"(d) FUNDS.—(1) Any proceeds received by the Secretary from the repayment of investments or profits on investments of the Secretary under subsection (a) shall be deposited into the Coast Guard Housing Improvement Fund established under section 683 of this title.

"(2) From such amounts as is provided in advance in appropriation Acts, funds in the Coast Guard Housing Improvement Fund shall be available to the Secretary for contracts, investments, and expenses necessary for the implementation of this section.

"(3) The Secretary may not enter into a contract in connection with a limited partnership under subsection (a) or a collateral incentive agreement under subsection (b) unless a sufficient amount of the unobligated balance of the funds in the Coast Guard Housing Improvement Fund is available to the Secretary, as of the time the contract is entered into, to satisfy the total obligations to be incurred by the United States under the contract.

"(e) TRANSFER OF LANDS PROHIBITED.— Nothing in this section shall be construed to permit the Secretary, as part of a limited partnership entered into under this section, to transfer the right, title, or interest of the United States in any real property under the jurisdiction of the Secretary.

"(f) EXPIRATION AND TERMINATION OF AUTHORITIES.—The authority to enter into a transaction under this section shall expire 5 years after the date of the enactment of the Coast Guard Authorization Act of 1995.".

(b) FINAL REPORT.—Not later than March 1, 2000, the Secretary shall submit to Congress a report on the use by the Secretary of the authorities provided by subchapter A of chapter 18 of title 14, United States Code, as added by subsection (a) of this section. The report shall assess the effectiveness of such authority in providing for the construction and improvement of military family housing and military unaccompanied housing.

(c) CLERICAL AMENDMENT.—The table of chapters at the beginning of part I of title 14, is amended by inserting after the item relating to chapter 17 the following:

"18. Coast Guard Housing Authorities .... 671.".

SEC. 210. BOARD FOR CORRECTION OF MILITARY RECORDS DEADLINE.

(a) REMEDIES DEEMED EXHAUSTED.—Ten months after a complete application for correction of military records is received by the Board for Correction of Military Records of the Coast Guard, administrative remedies are deemed to have been exhausted, and—

(1) if the Board has rendered a recommended decision, its recommendation shall be final agency action and not subject to further review or approval within the Department of Transportation; or

(2) if the Board has not rendered a recommended decision, agency action is deemed to have been unreasonably delayed or withheld and the applicant is entitled to—

(A) an order under section 706(1) of title 5, United States Code, directing final action be taken within 30 days from the date the order is entered; and

(B) from amounts appropriated to the Department of Transportation, the costs of obtaining the order, including a reasonable attorney's fee.

(b) EXISTING DEADLINE MANDATORY.—The 10-month deadline established in section 212 of the Coast Guard Authorization Act of 1989 (Public Law 101-225; 103 Stat. 1914) is mandatory.

(c) SPECIAL RIGHT OF APPLICATIONS UNDER THIS SECTION.—This section applies to any applicant who had an application filed with or pending before the Board or the Secretary of Transportation on or after June 12, 1990, who files with the board an application for relief under this section. If a recommended decision was modified or reversed on review with final agency action occurring after expiration of the 10-month deadline, an applicant who so requests shall have the order in the final decision vacated and receive the relief granted in the recommended decision if the Coast Guard has the legal authority to grant such relief. The recommended decision shall otherwise have no effect as precedent.

TITLE III—MARINE SAFETY AND WATERWAY SERVICES MANAGEMENT

SEC. 301. INCREASED PENALTIES FOR DOCUMENTATION VIOLATIONS.

(a) CIVIL PENALTY.— Section 12122(a) of title 46, United States Code, is amended by striking "$500" and inserting "$10,000".

(b) SEIZURE AND FORFEITURE.—

(1) IN GENERAL.— Section 12122(b) of title 46, United States Code, is amended to read as follows:

"(b) A vessel and its equipment are liable to seizure by and forfeiture to the United States Government—

"(1) when the owner of a vessel or the representative or agent of the owner knowingly falsifies or conceals a material fact, or knowingly makes a false statement or representation about the documentation or when applying for documentation of the vessel;

"(2) when a certificate of documentation is knowingly and fraudulently used for a vessel;

"(3) when a vessel is operated after its endorsement has been denied or revoked under section 12123 of this title;

"(4) when a vessel is employed in a trade without an appropriate trade endorsement;

"(5) when a documented vessel with only a recreational endorsement is operated other than for pleasure; or

"(6) when a documented vessel, other than a vessel with only a recreational endorsement operating within the territorial waters of the United States, is placed under the command of a person not a citizen of the United States.".

(2) CONFORMING AMENDMENT.—Section 12122(c) of title 46, United States Code, is repealed.

(c) LIMITATION ON OPERATION OF VESSEL WITH ONLY RECREATIONAL ENDORSEMENT.— Section 12110(c) of title 46, United States Code, is amended to read as follows:

"(c) A vessel with only a recreational endorsement may not be operated other than for pleasure.".

(d) TERMINATION OF RESTRICTION ON COMMAND OF RECREATIONAL VESSELS.—

(1) TERMINATION OF RESTRICTION.—Subsection (d) of section 12110 of title 46, United States Code, is amended by inserting ", other than a vessel with only a recreational endorsement operating within the territorial waters of the United States," after "A documented vessel"; and

(2) CONFORMING AMENDMENT.—Section 12111(a)(2) of title 46, United States Code, is amended by inserting before the period the following: "in violation of section 12110(d) of this title".

SEC. 302. NONDISCLOSURE OF PORT SECURITY PLANS.

Section 7 of the Ports and Waterways Safety Act (33 U.S.C. 1226), is amended by adding at the end the following new subsection (c):

"(c) NONDISCLOSURE OF PORT SECURITY PLANS.—Notwithstanding any other provision of law, information related to security plans, procedures, or programs for passenger vessels or passenger terminals authorized under this Act is not required to be disclosed to the public.".

SEC. 303. MARITIME DRUG AND ALCOHOL TESTING PROGRAM CIVIL PENALTY.

(a) IN GENERAL.—Chapter 21 of title 46, United States Code, is amended by adding at the end a new section 2115 to read as follows:

"§2115. Civil penalty to enforce alcohol and dangerous drug testing

"Any person who fails to implement or conduct, or who otherwise fails to comply with the requirements prescribed by the Secretary for, chemical testing for dangerous drugs or for evidence of alcohol use, as prescribed under this subtitle or a regulation prescribed by the Secretary to carry out the provisions of this subtitle, is liable to the United States Government for a civil penalty of not more than $1,000 for each violation. Each day of a continuing violation shall constitute a separate violation.".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 21 of title 46, United States Code, is amended by inserting after the item relating to section 2114 the following:

"2115. Civil penalty to enforce alcohol and dangerous drug testing.".

SEC. 304. RENEWAL OF ADVISORY GROUPS.

(a) NAVIGATION SAFETY ADVISORY COUNCIL.—Section 5(d) of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) is amended by striking "September 30, 1995" and inserting "September 30, 2000".

(b) COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE.—Subsection (e)(1) of section 4508 of title 46, United States Code, is amended by striking "September 30, 1994" and inserting "September 30, 2000".

(c) TOWING SAFETY ADVISORY COMMITTEE.—Subsection (e) of the Act to Establish A Towing Safety Advisory Committee in the Department of Transportation (33 U.S.C. 1231a(e)) is amended by striking "September 30, 1995" and inserting "September 30, 2000".

(d) HOUSTON-GALVESTON NAVIGATION SAFETY ADVISORY COMMITTEE.—The Coast Guard Authorization Act of 1991 (Public Law 102–241, 105 Stat. 2208–2235) is amended by adding at the end of section 18 the following:

"(h) The Committee shall terminate on September 30, 2000.".

(e) LOWER MISSISSIPPI RIVER WATERWAY ADVISORY COMMITTEE.—The Coast Guard Authorization Act of 1991 (Public Law 102–241, 105 Stat. 2208–2235) is amended by adding at the end of section 19 the following:

"(g) The Committee shall terminate on September 30, 2000.".

SEC. 305. ELECTRONIC FILING OF COMMERCIAL INSTRUMENTS.

Section 31321(a) of title 46, United States Code, is amended by adding at the end the following new paragraph:

"(4)(A) A bill of sale, conveyance, mortgage, assignment, or related instrument may be filed electronically under regulations prescribed by the Secretary.

"(B) A filing made electronically under subparagraph (A) shall not be effective after the 10-day period beginning on the date of the filing unless the original instrument is provided to the Secretary within that 10-day period.".

SEC. 306. CIVIL PENALTIES.

(a) PENALTY FOR FAILURE TO REPORT A CASUALTY.—Section 6103(a) of title 46, United States Code is amended by striking "$1,000" and inserting "not more than $25,000".

(b) OPERATION OF UNINSPECTED TOWING VESSEL IN VIOLATION OF MANNING REQUIREMENTS.—Section 8906 of title 46, United States Code, is amended by striking "$1,000" and inserting "not more than $25,000".

SEC. 307. AMENDMENT TO REQUIRE EPIRBS ON THE GREAT LAKES.

Paragraph (7) of section 4502(a) of title 46, United States Code, is amended by inserting "or beyond three nautical miles from the coastline of the Great Lakes" after "high seas".

SEC. 308. REPORT ON LORAN-C REQUIREMENTS.

Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation, in cooperation with the Secretary of Commerce, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a plan prepared in consultation with users of the LORAN-C radionavigation system defining the future use of and funding for operations, maintenance, and upgrades of the LORAN-C radionavigation system. The plan shall provide for—

(1) mechanisms to make full use of compatible satellite and LORAN-C technology by all modes of transportation, the telecommunications industry, and the National Weather Service;

(2) an appropriate timetable for transition from ground-based radionavigation technology after it is determined that satellite-based technology is available as a sole means of safe and efficient navigation and taking into consideration the need to ensure that LORAN-C technology purchased by the public before the year 2000 has a useful economic life; and

(3) agencies in the Department of Transportation and other relevant Federal agencies to share the Federal government's costs related to LORAN-C technology.

SEC. 309. RESTRICTIONS ON CLOSURE OF SMALL BOAT STATIONS.

(a) PROHIBITION.— The Secretary of Transportation (hereinafter in this section referred to as the "Secretary") shall not close any Coast Guard multi-mission small boat station or subunit before October 1, 1996.

(b) CLOSURE REQUIREMENTS.—After October 1, 1996, the Secretary shall not close any Coast Guard multi-mission small boat station or subunit unless the following requirements have been met:

(1) The Secretary shall determine that—

(A) adequate search-and-rescue capabilities will maintain the safety of the maritime public in the area of the station or subunit; and

(B) the closure will not result in degradation of services (including but not limited to search and rescue, enforcement of fisheries and other laws and treaties, recreational boating safety, port safety and security, aids to navigation, and military readiness) that would cause significant increased threat to life, property, environment, public safety or national security.

(2) In making the decision to close a station or subunit, the Secretary shall assess—

(A) the benefit of the station or subunit in deterring or preventing violations of applicable laws and regulations;

(B) unique regional or local prevailing weather and marine conditions including water temperature and unusual tide and current conditions; and

(C) other Federal, State, and local government capabilities which could fully or partially substitute for services provided by such station or subunit.

(4) The Secretary shall develop a transition plan for the area affected by the closure to ensure the Coast Guard service needs of the area continue to be met.

(5) The Secretary shall implement a process to—

(A) notify the public of the intended closure;

(B) make available to the public information used in making the determination and assessment under this section; and

(C) provide an opportunity for public participation, including public meetings and the submission of and summary response to written comments, with regard to the decision to close the station or subunit and the development of a transition plan.

(c) NOTIFICATION.—If, after the requirements of subsection (b) are met and after consideration of public comment, the Secretary decides to close a small-boat station or subunit, the Secretary shall provide notification of that decision, at least 60 days before the closure is effected, to the public, the Committee on Commerce, Science and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(d) OPERATIONAL FLEXIBILITY.—Notwithstanding the requirements of this section, the Secretary may implement any management efficiencies within the small boat system, such as modifying the operational posture of units or reallocating resources as necessary to ensure the safety of the maritime public nationwide, provided that no stations or subunits are closed.

SEC. 310. PENALTY FOR ALTERATION OF MARINE SAFETY EQUIPMENT.

Section 3318(b) of title 46, United States Code, is amended—

(1) by inserting "(1)" before "A person"; and

(2) by adding at the end thereof the following:

"(2) A person that knowingly alters lifesaving, fire safety, or any other equipment subject to this part, so that the equipment altered is so defective as to be insufficient to accomplish the purpose for which it is intended, commits a class D felony.".

SEC. 311. PROHIBITION ON OVERHAUL, REPAIR, AND MAINTENANCE OF COAST GUARD VESSELS IN FOREIGN SHIPYARDS.

(a) PROHIBITION.—Chapter 5 of title 14, United States Code, is amended by adding at the end the following:

"§ 96. Prohibition on overhaul, repair, and maintenance of Coast Guard vessels in foreign shipyards

"A Coast Guard vessel may not be overhauled, repaired, or maintained in any shipyard located outside the United States, except that this section does not apply to emergency repairs.".

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 5 of title 14, United States Code, is amended by adding at the end the following:

"96. Prohibition on overhaul, repair, and maintenance of Coast Guard vessels in foreign shipyards.".

SEC. 312. WITHHOLDING VESSEL CLEARANCE FOR VIOLATION OF CERTAIN ACTS.

(a) TITLE 49, UNITED STATES CODE.—Section 5122 of title 49, United States Code, is amended by adding at the end the following new subsection:

"(c) WITHHOLDING OF CLEARANCE.—(1) If any owner, operator, or person in charge of a vessel is liable for a civil penalty under section 5123 of this title or for a fine under section 5124 of this title, or if reasonable cause exists to believe that such owner, operator, or person in charge may be subject to such a civil penalty or fine, the Secretary of the Treasury, upon the request of the Secretary, shall with respect to such vessel refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91).

"(2) Clearance refused or revoked under this subsection may be granted upon the filing of a bond or other surety satisfactory to the Secretary.".

(b) PORT AND WATERWAYS SAFETY ACT.—Section 13(f) of the Ports and Waterways Safety Act (33 U.S.C. 1232(f)) is amended to read as follows:

"(f) WITHHOLDING OF CLEARANCE.—(1) If any owner, operator, or person in charge of a vessel is liable for a penalty or fine under this section, or if reasonable cause exists to believe that the owner, operator, or person in charge may be subject to a penalty or fine under this section, the Secretary of the Treasury, upon the request of the Secretary, shall with respect to such vessel refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91).

"(2) Clearance refused or revoked under this subsection may be granted upon filing of a bond or other surety satisfactory to the Secretary.".

(c) INLAND NAVIGATION RULES ACT OF 1980.—Section 4(d) of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2072(d)) is amended to read as follows:

"(d) WITHHOLDING OF CLEARANCE.—(1) If any owner, operator, or person in charge of a vessel is liable for a penalty under this section, or if reasonable cause exists to believe that the owner, operator, or person in charge may be subject to a penalty under this section, the Secretary of the Treasury, upon the request of the Secretary, shall with respect to such vessel refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91).

"(2) Clearance or a permit refused or revoked under this subsection may be granted upon filing of a bond or other surety satisfactory to the Secretary.".

(d) TITLE 46, UNITED STATES CODE.—Section 3718(e) of title 46, United States Code, is amended to read as follows:

"(e)(1) If any owner, operator, or person in charge of a vessel is liable for any penalty or fine under this section, or if reasonable cause exists to believe that the owner, operator, or person in charge may be subject to any penalty or fine under this section, the Secretary of the Treasury, upon the request of the Secretary, shall with respect to such vessel refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91).

"(2) Clearance or a permit refused or revoked under this subsection may be granted upon filing of a bond or other surety satisfactory to the Secretary.".

TITLE IV—COAST GUARD AUXILIARY

SEC. 401. ADMINISTRATION OF THE COAST GUARD AUXILIARY.

(a) Section 821, title 14, United States Code, is amended to read as follows:

"(a) The Coast Guard Auxiliary is a nonmilitary organization administered by the Commandant under the direction of the Secretary. For command, control, and administrative purposes, the Auxiliary shall include such organizational elements and units as are approved by the Commandant, including but not limited to, a national board and staff (Auxiliary headquarters unit), districts, regions, divisions, flotillas, and other organizational elements and units. The Auxiliary organization and its officers shall have such rights, privileges, powers, and duties as may be granted to them by the Commandant, consistent with this title and other applicable provisions of law. The Commandant may delegate to officers of the Auxiliary the authority vested in the Commandant by this section, in the manner and to the extent the Commandant considers necessary or appropriate for the functioning, organization, and internal administration of the Auxiliary.

"(b) Each organizational element or unit of the Coast Guard Auxiliary organization (but excluding any corporation formed by an organizational element or unit of the Auxiliary under subsection (c) of this section), shall, except when acting outside the scope of section 822, at all times be deemed to be an instrumentality of the United States, for purposes of the Federal Tort Claims Act (28 U.S.C. 2671, et seq.), the Military Claims Act (10 U.S.C. 2733), the Public Vessels Act (46 U.S.C. App. 781–790), the Suits in Admiralty Act (46 U.S.C. App. 741–752), the Admiralty Extension Act (46 U.S.C. App. 740), and for other noncontractual civil liability purposes.

"(c) The national board of the Auxiliary, and any Auxiliary district or region, may form a corporation under State law, provided that the formation of such a corporation is in accordance with policies established by the Commandant.".

(b) The section heading for section 821 of title 14, United States Code, is amended after "Administration" by inserting "of the Coast Guard Auxiliary".

(c) The table of sections at the beginning of chapter 23 of title 14, United States Code, is amended in the item relating to section 821, after "Administration" by inserting "of the Coast Guard Auxiliary".

SEC. 402. PURPOSE OF THE COAST GUARD AUXILIARY.

(a) Section 822 of title 14, United States Code, is amended by striking the entire text and inserting:

"The purpose of the Auxiliary is to assist the Coast Guard, as authorized by the Commandant, in performing any Coast Guard function, power, duty, role, mission, or operation authorized by law.".

(b) The section heading for section 822 of title 14, United States Code, is amended after "Purpose" by inserting "of the Coast Guard Auxiliary".

(c) The table of sections at the beginning of chapter 23 of title 14, United States Code, is amended in the item relating to section 822, after "Purpose" by inserting "of the Coast Guard Auxiliary".

SEC. 403. MEMBERS OF THE AUXILIARY; STATUS.

(a) Title 14, United States Code, is amended by inserting after section 823 the following new section:

"§ 823a. Members of the Auxiliary; status

"(a) Except as otherwise provided in this chapter, a member of the Coast Guard Auxiliary shall not be deemed to be a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, Federal employee benefits, ethics, conflicts of interest, and other similar criminal or civil statutes and regulations governing the conduct of Federal employees. However, nothing in this subsection shall constrain the Commandant from prescribing standards for the conduct and behavior of members of the Auxiliary.

"(b) A member of the Auxiliary while assigned to duty shall be deemed to be a Federal employee only for the purposes of the following:

"(1) the Federal Tort Claims Act (28 U.S.C. 2671 et seq.), the Military Claims Act (10 U.S.C. 2733), the Public Vessels Act (46 U.S.C. App. 781–790), the Suits in Admiralty Act (46 U.S.C. App. 741–752), the Admiralty Extension Act (46 U.S.C. App. 740), and for other noncontractual civil liability purposes;

"(2) compensation for work injuries under chapter 81 of title 5, United States Code; and

"(3) the resolution of claims relating to damage to or loss of personal property of the member incident to service under the Military Personnel and Civilian Employees' Claims Act of 1964 (31 U.S.C. 3721).

"(c) A member of the Auxiliary, while assigned to duty, shall be deemed to be a person acting under an officer of the United States or an agency thereof for purposes of section 1442(a)(1) of title 28, United States Code.".

(b) The table of sections for chapter 23 of title 14, United States Code, is amended by inserting the following new item after the item relating to section 823:

"823a. Members of the Auxiliary; status.".

SEC. 404. ASSIGNMENT AND PERFORMANCE OF DUTIES.

Title 14, United States Code, is amended by striking "specific" each place it appears in sections 830, 831, and 832.

SEC. 405. COOPERATION WITH OTHER AGENCIES, STATES, TERRITORIES, AND POLITICAL SUBDIVISIONS.

(a) Section 141 of title 14, United States Code, is amended —

(1) by striking "General" in the section caption and inserting "Cooperation with other agencies, States, Territories, and political subdivisions";

(2) by inserting "(which include members of the Auxiliary and facilities governed under chapter 23)" after "personnel and facilities" in the first sentence of subsection (a); and

(3) by adding at the end of subsection (a) the following: "The Commandant may prescribe conditions, including reimbursement, under which personnel and facilities may be provided under this subsection.".

(b) The table of sections for chapter 7 of title 14, United States Code, is amended by striking "General" in the item relating to section 141 and inserting "Cooperation with other agencies, States, Territories, and political subdivisions.".

SEC. 406. VESSEL DEEMED PUBLIC VESSEL.

The text of section 827 of title 14, United States Code, is amended to read as follows:

"While assigned to authorized Coast Guard duty, any motorboat or yacht shall be deemed to be a public vessel of the United States and a vessel of the Coast Guard within the meaning of sections 646 and 647 of this title and other applicable provisions of law.".

SEC. 407. AIRCRAFT DEEMED PUBLIC AIRCRAFT.

The text of section 828 of title 14, United States Code, is amended to read as follows:

"While assigned to authorized Coast Guard duty, any aircraft shall be deemed to be a Coast Guard aircraft, a public vessel of the United States, and a vessel of the Coast Guard within the meaning of sections 646 and 647 of this title and other applicable provisions of law. Subject to the provisions of sections 823a and 831 of this title, while assigned to duty, qualified Auxiliary pilots shall be deemed to be Coast Guard pilots.".

SEC. 408. DISPOSAL OF CERTAIN MATERIAL.

Section 641(a) of title 14, United States Code, is amended—

(1) by inserting "to the Coast Guard Auxiliary, including any incorporated unit thereof," after "with or without charge,"; and

(2) by striking "to any incorporated unit of the Coast Guard Auxiliary," after "America,".

TITLE V—RECREATIONAL BOATING SAFETY IMPROVEMENT

SEC. 501. STATE RECREATIONAL BOATING SAFETY GRANTS.

(a) TRANSFER OF AMOUNTS FOR STATE BOATING SAFETY PROGRAMS.—

(1) TRANSFERS.—Section 4(b) of the Act of August 9, 1950 (16 U.S.C. 777c(b); commonly referred to as the "Dingell-Johnson Sport Fish Restoration Act") is amended to read as follows:

"(b)(1) Of the balance of each annual appropriation remaining after making the distribution under subsection (a), an amount equal to $15,000,000 for fiscal year 1995, $40,000,000 for fiscal year 1996, $55,000,000 for fiscal year 1997, and $69,000,000 for each of fiscal years 1998 and 1999, shall, subject to paragraph (2), be used as follows:

"(A) A sum equal to $7,500,000 of the amount available for fiscal year 1995, and a sum equal to $10,000,000 of the amount available for each of fiscal years 1996 and 1997, shall be available for use by the Secretary of the Interior for grants under section 5604(c) of the Clean Vessel Act of 1992. Any portion of such a sum available for a fiscal year that is not obligated for those grants before the end of the following fiscal year shall be transferred to the Secretary of Transportation and shall be expended by the Secretary of Transportation for State recreational boating safety programs under section 13106 of title 46, United States Code.

"(B) A sum equal to $7,500,000 of the amount available for fiscal year 1995, $30,000,000 of the amount available for fiscal year 1996, $45,000,000 of the amount available for fiscal year 1997, and $59,000,000 of the amount available for each of fiscal years 1998 and 1999, shall be transferred to the Secretary of Transportation and shall be expended by the Secretary of Transportation for recreational boating safety programs under section 13106 of title 46, United States Code.

"(C) A sum equal to $10,000,000 of the amount available for each of fiscal years 1998 and 1999 shall be available for use by the Secretary of the Interior for—

"(i) grants under section 502(e) of the Coast Guard Authorization Act of 1995; and

"(ii) grants under section 5604(c) of the Clean Vessel Act of 1992.

Any portion of such a sum available for a fiscal year that is not obligated for those grants before the end of the following fiscal year shall be transferred to the Secretary of Transportation and shall be expended by the Secretary of Transportation for State recreational boating safety programs under section 13106 of title 46, United States Code.

"(2)(A) Beginning with fiscal year 1996, the amount transferred under paragraph (1)(B) for a fiscal year shall be reduced by the lesser of—

"(i) the amount appropriated for that fiscal year from the Boat Safety Account in the Aquatic Resources Trust Fund established under section 9504 of the Internal Revenue Code of 1986 to carry out the purposes of section 13106 of title 46, United States Code; or

"(ii) $35,000,000.

"(iii) for fiscal year 1996 only, $30,000,000.

"(B) The amount of any reduction under subparagraph (A) shall be apportioned among the several States under subsection (d) of this section by the Secretary of the Interior.".

(2) CONFORMING AMENDMENT.—Section 5604(c)(1) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note) is amended by striking "section 4(b)(2) of the Act of August 9, 1950 (16 U.S.C. 777c(b)(2), as amended by this Act)" and inserting "section 4(b)(1) of the Act of August 9, 1950 (16 U.S.C. 777c(b)(1))".

(b) EXPENDITURE OF AMOUNTS FOR STATE RECREATIONAL BOATING SAFETY PROGRAMS.—Section 13106 of title 46, United States Code, is amended—

(1) by striking the first sentence of subsection (a)(1) and inserting the following: "Subject to paragraph (2), the Secretary shall expend under contracts with States under this chapter in each fiscal year for State recreational boating safety programs an amount equal to the sum of the amount appropriated from the Boat Safety Account for that fiscal year plus the amount transferred to the Secretary under section 4(b)(1) of the Act of August 9, 1950 (16 U.S.C. 777c(b)(1)) for that fiscal year."; and

(2) by amending subsection (c) to read as follows:

"(c) For expenditure under this chapter for State recreational boating safety programs there are authorized to be appropriated to the Secretary of Transportation from the Boat Safety Account established under section 9504 of the Internal Revenue Code of 1986 (26 U.S.C. 9504) not more than $35,000,000 each fiscal year.".

(c) EXCESS FY 1995 BOAT SAFETY ACCOUNT FUNDS TRANSFER.—Notwithstanding any other provision of law, $20,000,000 of the annual appropriation from the Sport Fish Restoration Account in fiscal year 1996 made in accordance with the provisions of section 3 of the Act of August 9, 1950 (16 U.S.C. 777b) shall be excluded from the calculation of amounts to be distributed under section 4(a) of such Act (16 U.S.C. 777c(a)).

SEC. 502. BOATING ACCESS.

(a) FINDINGS.—The Congress makes the following findings:

(1) Nontrailerable recreational motorboats contribute 15 percent of the gasoline taxes deposited in the Aquatic Resources Trust Fund while constituting less than 5 percent of the recreational vessels in the United States.

(2) The majority of recreational vessel access facilities constructed with Aquatic Resources Trust Fund moneys benefit trailerable recreational vessels.

(3) More Aquatic Resources Trust Fund moneys should be spent on recreational vessel access facilities that benefit recreational vessels that are nontrailerable vessels.

(b) PURPOSE.—The purpose of this section is to provide funds to States for the development of public facilities for transient nontrailerable vessels.

(c) SURVEY.—Within 18 months after the date of the enactment of this Act, any State may complete and submit to the Secretary of the Interior a survey which identifies—

(1) the number and location in the State of all public facilities for transient nontrailerable vessels; and

(2) the number and areas of operation in the State of all nontrailerable vessels that operate on navigable waters in the State.

(d) PLAN.—Within 6 months after submitting a survey to the Secretary of the Interior in accordance with subsection (c), an eligible State may develop and submit to the Secretary of the Interior a plan for the construction and renovation of public facilities for transient nontrailerable vessels to meet the needs of nontrailerable vessels operating on navigable waters in the State.

(e) GRANT PROGRAM.—

(1) MATCHING GRANTS.—The Secretary of the Interior shall obligate not less than one-half of the amount made available for each of fiscal years 1998 and 1999 under section 4(b)(1)(C) of the Act of August 9, 1950, as amended by section 501(a)(1) of this Act, to make grants to any eligible State to pay not more than 75 percent of the cost of constructing or renovating public facilities for transient nontrailerable vessels.

(2) PRIORITY.—

(A) IN GENERAL.—In awarding grants under this subsection, the Secretary of the Interior shall give priority to projects that consist of the construction or renovation of public facilities for transient nontrailerable vessels in accordance with a plan submitted by a State submitted under subsection (d).

(B) WITHIN STATE.—In awarding grants under this subsection for projects in a particular State, the Secretary of the Interior shall give priority to projects that are likely to serve the greatest number of nontrailerable vessels.

(f) DEFINITIONS.—For the purpose of this section and section 501 of this Act the term—

(1) "Act of August 9, 1950" means the Act entitled "An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes", approved August 9, 1950 (16 U.S.C. 777a et seq.);

(2) "nontrailerable vessel" means a recreational vessel greater than 26 feet in length;

(3) "public facilities for transient nontrailerable vessels" means mooring buoys, day-docks, seasonal slips or similar structures located on navigable waters, that are available to the general public and designed for temporary use by nontrailerable vessels;

(4) "recreational vessel" means a vessel—

(A) operated primarily for pleasure; or

(B) leased, rented, or chartered to another for the latter's pleasure; and

(5) "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Marianas.

SEC. 503. PERSONAL FLOTATION DEVICES REQUIRED FOR CHILDREN.

(a) PROHIBITION.—Section 4307(a) of title 46, United States Code, is amended—

(1) by striking "or" after the semicolon in paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting a semicolon and "or"; and

(3) by adding at the end the following:

"(4) operate a recreational vessel under 26 feet in length unless each individual 6 years of age or younger wears a Coast Guard approved personal flotation device when the individual is on an open deck of the vessel.".

(b) STATE AUTHORITY PRESERVED.—Section 4307 of title 46, United States Code, is amended by adding at the end thereof the following:

"(c) Subsection (a)(4) shall not be construed to limit the authority of a State to establish requirements relating to the wearing of personal flotation devices on recreational vessels that are more stringent than the requirements of that subsection.".

(c) PENALTY.—Section 4311 of title 46, United States Code, is amended by adding at the end the following new subsection:

"(h) Notwithstanding any other provision of this section, in the case of a person violating section 4307(a)(4) of this title—

"(1) the maximum penalty assessable under subsection (a) is a fine of $100 with no imprisonment; and

"(2) the maximum civil penalty assessable under subsection (c) is $100.".

SEC. 504. MARINE CASUALTY REPORTING.

(a) SUBMISSION OF PLAN.—Not later than one year after enactment of this Act, the Secretary of Transportation shall, in consultation with appropriate State agencies, submit to the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan to increase reporting of vessel accidents to appropriate State law enforcement officials.

(b) PENALTIES FOR VIOLATING REPORTING REQUIREMENTS.—Section 6103(a) of title 46, United States Code, is amended by inserting "or 6102" after "6101" the second place it appears.

TITLE VI—COAST GUARD REGULATORY REFORM

SEC. 601. SHORT TITLE.

This title may be cited as the "Coast Guard Regulatory Reform Act of 1995".

SEC. 602. SAFETY MANAGEMENT.

(a) MANAGEMENT OF VESSELS.—Title 46, United States Code, is amended by adding after chapter 31 the following new chapter:

"CHAPTER 32—MANAGEMENT OF VESSELS

"Sec.
"3201. Definitions.
"3202. Application.
"3203. Safety management system.
"3204. Implementation of safety management system.
"3205. Certification.

"§3201. Definitions

"In this chapter—

"(1) 'International Safety Management Code' has the same meaning given that term in chapter IX of the Annex to the International Convention for the Safety of Life at Sea, 1974;

"(2) 'responsible person' means—

"(A) the owner of a vessel to which this chapter applies; or

"(B) any other person that has—

"(i) assumed the responsibility for operation of a vessel to which this chapter applies from the owner; and

"(ii) agreed to assume with respect to the vessel responsibility for complying with all the requirements of this chapter and the regulations prescribed under this chapter.

"(3) 'vessel engaged on a foreign voyage' means a vessel to which this chapter applies—

"(A) arriving at a place under the jurisdiction of the United States from a place in a foreign country;

"(B) making a voyage between places outside the United States; or

"(C) departing from a place under the jurisdiction of the United States for a place in a foreign country.

"§3202. Application

"(a) MANDATORY APPLICATION.—This chapter applies to the following vessels engaged on a foreign voyage:

"(1) Beginning July 1, 1998—

"(A) a vessel transporting more than 12 passengers described in section 2101(21)(A) of this title; and

"(B) a tanker, bulk freight vessel, or high-speed freight vessel, of at least 500 gross tons.

"(2) Beginning July 1, 2002, a freight vessel and a self-propelled mobile offshore drilling unit of at least 500 gross tons.

"(b) VOLUNTARY APPLICATION.—This chapter applies to a vessel not described in subsection (a) of this section if the owner of the vessel requests the Secretary to apply this chapter to the vessel.

"(c) EXCEPTION.—Except as provided in subsection (b) of this section, this chapter does not apply to—

"(1) a barge;

"(2) a recreational vessel not engaged in commercial service;

"(3) a fishing vessel;

"(4) a vessel operating on the Great Lakes or its tributary and connecting waters; or

"(5) a public vessel.

"§3203. Safety management system

"(a) IN GENERAL.—The Secretary shall prescribe regulations which establish a safety management system for responsible persons and vessels to which this chapter applies, including—

"(1) a safety and environmental protection policy;

"(2) instructions and procedures to ensure safe operation of those vessels and protection of the environment in compliance with international and United States law;

"(3) defined levels of authority and lines of communications between, and among, personnel on shore and on the vessel;

"(4) procedures for reporting accidents and nonconformities with this chapter;

"(5) procedures for preparing for and responding to emergency situations; and

"(6) procedures for internal audits and management reviews of the system.

"(b) COMPLIANCE WITH CODE.—Regulations prescribed under this section shall be consistent with the International Safety Management Code with respect to vessels engaged on a foreign voyage.

"§3204. Implementation of safety management system

"(a) SAFETY MANAGEMENT PLAN.—Each responsible person shall establish and submit to the Secretary for approval a safety management plan describing how that person and vessels of the person to which this chapter applies will comply with the regulations prescribed under section 3203(a) of this title.

"(b) APPROVAL.—Upon receipt of a safety management plan submitted under subsection (a), the Secretary shall review the plan and approve it if the Secretary determines that it is consistent with and will assist in implementing the safety management system established under section 3203.

"(c) PROHIBITION ON VESSEL OPERATION.—A vessel to which this chapter applies under section 3202(a) may not be operated without having on board a Safety Management Certificate and a copy of a Document of Compliance issued for the vessel under section 3205 of this title.

"§3205. Certification

"(a) ISSUANCE OF CERTIFICATE AND DOCUMENT.—After verifying that the responsible person for a vessel to which this chapter applies and the vessel comply with the applicable requirements under this chapter, the Secretary shall issue for the vessel, on request of the responsible person, a Safety Management Certificate and a Document of Compliance.

"(b) MAINTENANCE OF CERTIFICATE AND DOCUMENT.—A Safety Management Certificate and a Document of Compliance issued for a vessel under this section shall be maintained by the responsible person for the vessel as required by the Secretary.

"(c) VERIFICATION OF COMPLIANCE.—The Secretary shall—

"(1) periodically review whether a responsible person having a safety management plan approved under section 3204(b) and each vessel to which the plan applies is complying with the plan; and

"(2) revoke the Secretary's approval of the plan and each Safety Management Certificate and Document of Compliance issued to the person for a vessel to which the plan applies, if the Secretary determines that the person or a vessel to which the plan applies has not complied with the plan.

"(d) ENFORCEMENT.—At the request of the Secretary, the Secretary of the Treasury shall withhold or revoke the clearance required by section 4197 of the Revised Statutes (46 U.S.C. App. 91) of a vessel that is subject to this chapter under section 3202(a) of this title or to the International Safety Management Code, if the vessel does not have on board a Safety Management Certificate and a copy of a Document of Compliance for the vessel. Clearance may be granted on filing a bond or other surety satisfactory to the Secretary.".

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle II of title 46, United States Code, is amended by inserting after the item relating to chapter 31 the following:

"32. Management of vessels ...... 3201".

(c) STUDY.—

(1) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall conduct, in cooperation with the owners, charterers, and managing operators of vessels documented under chapter 121 of title 46, United States Code, and other interested persons, a study of the methods that may be used to implement and enforce the International Management Code for the Safe Operation of Ships and for Pollution Prevention under chapter IX of the Annex to the International Convention for the Safety of Life at Sea, 1974.

(2) REPORT.—The Secretary shall submit to the Congress a report of the results of the study required under paragraph (1) before the earlier of—

(A) the date that final regulations are prescribed under section 3203 of title 46, United States Code (as enacted by subsection (a); or

(B) the date that is 1 year after the date of enactment of this Act.

SEC. 603. USE OF REPORTS, DOCUMENTS, RECORDS, AND EXAMINATIONS OF OTHER PERSONS.

(a) REPORTS, DOCUMENTS, AND RECORDS.—Chapter 31 of title 46, United States Code, is amended by adding the following new section:

"§3103. Use of reports, documents, and records

"The Secretary may rely, as evidence of compliance with this subtitle, on—

"(1) reports, documents, and records of other persons who have been determined by the Secretary to be reliable; and

"(2) other methods the Secretary has determined to be reliable.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 31 of title 46, United States Code, is amended by adding at the end the following:

"3103. Use of reports, documents, and records.".

(c) EXAMINATIONS.—Section 3308 of title 46, United States Code, is amended by inserting "or have examined" after "examine".

SEC. 604. EQUIPMENT APPROVAL.

(a) IN GENERAL.—Section 3306(b) of title 46, United States Code, is amended to read as follows:

"(b)(1) Equipment and material subject to regulation under this section may not be used on any vessel without prior approval of the Secretary.

"(2) Except with respect to use on a public vessel, the Secretary may treat an approval of equipment or materials by a foreign government as approval by the Secretary for purposes of paragraph (1) if the Secretary determines that—

"(A) the design standards and testing procedures used by that government meet the requirements of the International Convention for the Safety of Life at Sea, 1974;

"(B) the approval of the equipment or material by the foreign government will secure the safety of individuals and property on board vessels subject to inspection; and

"(C) for lifesaving equipment, the foreign government—

"(i) has given equivalent treatment to approvals of lifesaving equipment by the Secretary; and

"(ii) otherwise ensures that lifesaving equipment approved by the Secretary may be used on vessels that are documented and subject to inspection under the laws of that country.".

(b) FOREIGN APPROVALS.—The Secretary of Transportation, in consultation with other interested Federal agencies, shall work with foreign governments to have those governments approve the use of the same equipment and materials on vessels documented under the laws of those countries that the Secretary requires on United States documented vessels.

(c) TECHNICAL AMENDMENT.—Section 3306(a)(4) of title 46, United States Code, is amended by striking "clauses (1)–(3)" and inserting "paragraphs (1), (2), and (3)".

SEC. 605. FREQUENCY OF INSPECTION.

(a) FREQUENCY OF INSPECTION, GENERALLY.—Section 3307 of title 46, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "nautical school vessel" and inserting ", nautical school vessel, and small passenger vessel allowed to carry more than 12 passengers on a foreign voyage"; and

(B) by adding "and" after the semicolon at the end;

(2) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(3) in paragraph (2) (as so redesignated), by striking "2 years" and inserting "5 years".

(b) CONFORMING AMENDMENT.—Section 3710(b) of title 46, United States Code, is amended by striking "24 months" and inserting "5 years".

SEC. 606. CERTIFICATE OF INSPECTION.

Section 3309(c) of title 46, United States Code, is amended by striking "(but not more than 60 days)".

SEC. 607. DELEGATION OF AUTHORITY OF SECRETARY TO CLASSIFICATION SOCIETIES.

(a) AUTHORITY TO DELEGATE.—Section 3316 of title 46, United States Code, is amended—

(1) by striking subsections (a) and (d);

(2) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively;

(3) by striking "Bureau" in subsection (a), as redesignated, and inserting "American Bureau of Shipping"; and

(4) in subsection (b), as so redesignated, by—

(A) redesignating paragraph (2) as paragraph (3); and

(B) striking so much of the subsection as precedes paragraph (3), as so redesignated, and inserting the following:

"(b)(1) The Secretary may delegate to the American Bureau of Shipping or another classification society recognized by the Secretary as meeting acceptable standards for such a society, for a vessel documented or to be documented under chapter 121 of this title, the authority to—

"(A) review and approve plans required for issuing a certificate of inspection required by this part;

"(B) conduct inspections and examinations; and

"(C) issue a certificate of inspection required by this part and other related documents.

"(2) The Secretary may make a delegation under paragraph (1) to a foreign classification society only—

"(A) to the extent that the government of the foreign country in which the society is headquartered delegates authority and provides access to the American Bureau of Shipping to inspect, certify, and provide related services to vessels documented in that country; and

"(B) if the foreign classification society has offices and maintains records in the United States.".

(b) CONFORMING AMENDMENTS.—

(1) The heading for section 3316 of title 46, United States Code, is amended to read as follows:

"§ 3316. Classification societies".

(2) The table of sections for chapter 33 of title 46, United States Code, is amended by striking the item relating to section 3316 and inserting the following:

"3316. Classification societies.".

TITLE VII—TECHNICAL AND CONFORMING AMENDMENTS

SEC. 701. AMENDMENT OF INLAND NAVIGATION RULES.

Section 2 of the Inland Navigational Rules Act of 1980 is amended—

(1) by amending Rule 9(e)(i) (33 U.S.C. 2009(e)(i)) to read as follows:

"(i) In a narrow channel or fairway when overtaking, the power-driven vessel intending to overtake another power-driven vessel shall indicate her intention by sounding the appropriate signal prescribed in Rule 34(c) and take steps to permit safe passing. The power-driven vessel being overtaken, if in agreement, shall sound the same signal and may, if specifically agreed to take steps to permit safe passing. If in doubt she shall sound the danger signal prescribed in Rule 34(d).";

(2) in Rule 15(b) (33 U.S.C. 2015(b)) by inserting "power-driven" after "Secretary, a";

(3) in Rule 23(a)(i) (33 U.S.C. 2023(a)(i)) after "masthead light forward"; by striking "except that a vessel of less than 20 meters in length need not exhibit this light forward of amidships but shall exhibit it as far forward as is practicable;";

(4) by amending Rule 24(f) (33 U.S.C. 2024(f)) to read as follows:

"(f) Provided that any number of vessels being towed alongside or pushed in a group shall be lighted as one vessel, except as provided in paragraph (iii)—

"(i) a vessel being pushed ahead, not being part of a composite unit, shall exhibit at the forward end, sidelights and a special flashing light;

"(ii) a vessel being towed alongside shall exhibit a sternlight and at the forward end, sidelights and a special flashing light; and

"(iii) when vessels are towed alongside on both sides of the towing vessels a stern light shall be exhibited on the stern of the outboard vessel on each side of the towing vessel, and a single set of sidelights as far forward and as far outboard as is practicable, and a single special flashing light.";

(5) in Rule 26 (33 U.S.C. 2026)—

(A) in each of subsections (b)(i) and (c)(i) by striking "a vessel of less than 20 meters in length may instead of this shape exhibit a basket;"; and

(B) by amending subsection (d) to read as follows:

"(d) The additional signals described in Annex II to these Rules apply to a vessel engaged in fishing in close proximity to other vessels engaged in fishing."; and

(6) by amending Rule 34(h) (33 U.S.C. 2034) to read as follows:

"(h) A vessel that reaches agreement with another vessel in a head-on, crossing, or overtaking situation, as for example, by using the radiotelephone as prescribed by the Vessel Bridge-to-Bridge Radiotelephone Act (85 Stat. 164; 33 U.S.C. 1201 et seq.), is not obliged to sound the whistle signals prescribed by this rule, but may do so. If agreement is not reached, then whistle signals shall be exchanged in a timely manner and shall prevail.".

SEC. 702. MEASUREMENT OF VESSELS.

Section 14104 of title 46, United States Code, is amended by redesignating the existing text after the section heading as subsection (a) and by adding at the end the following new subsection:

"(b) If a statute allows for an alternate tonnage to be prescribed under this section, the Secretary may prescribe it by regulation. Any such regulation shall be considered to be an interpretive regulation for purposes of section 553 of title 5. Until an alternate tonnage is prescribed, the statutorily established tonnage shall apply to vessels measured under chapter 143 or chapter 145 of this title.".

SEC. 703. LONGSHORE AND HARBOR WORKERS COMPENSATION.

Section 3(d)(3)(B) of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 903(d)(3)(B)) is amended by inserting after "1,600 tons gross" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 704. RADIOTELEPHONE REQUIREMENTS.

Section 4(a)(2) of the Vessel Bridge-to-Bridge Radiotelephone Act (33 U.S.C. 1203(a)(2)) is amended by inserting after "one hundred gross tons" the following "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title,".

SEC. 705. VESSEL OPERATING REQUIREMENTS.

Section 4(a)(3) of the Ports and Waterways Safety Act (33 U.S.C. 1223(a)(3)) is amended by inserting after "300 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 706. MERCHANT MARINE ACT, 1920.

Section 27A of the Merchant Marine Act, 1920 (46 U.S.C. App. 883–1), is amended by inserting after "five hundred gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title,".

SEC. 707. MERCHANT MARINE ACT, 1956.

Section 2 of the Act of June 14, 1956 (46 U.S.C. App. 883a), is amended by inserting after "five hundred gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 708. MARITIME EDUCATION AND TRAINING.

Section 1302(4)(A) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1295a(4)(a)) is amended by inserting after "1,000 gross tons or more" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 709. GENERAL DEFINITIONS.

Section 2101 of title 46, United States Code, is amended—

(1) in paragraph (13), by inserting after "15 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(2) in paragraph (13a), by inserting after "3,500 gross tons" the following: "as measured under section 14502 of this title, or an

alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(3) in paragraph (19), by inserting after "500 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(4) in paragraph (22), by inserting after "100 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(5) in paragraph (30)(A), by inserting after "500 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(6) in paragraph (32), by inserting after "100 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(7) in paragraph (33), by inserting after "300 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(8) in paragraph (35), by inserting after "100 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title"; and

(9) in paragraph (42), by inserting after "100 gross tons" each place it appears, the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 710. AUTHORITY TO EXEMPT CERTAIN VESSELS.

Section 2113 of title 46, United States Code, is amended—

(1) in paragraph (4), by inserting after "at least 100 gross tons but less than 300 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title"; and

(2) in paragraph (5), by inserting after "at least 100 gross tons but less than 500 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 711. INSPECTION OF VESSELS.

Section 3302 of title 46, United States Code, is amended—

(1) in subsection (c)(1), by inserting after "5,000 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(2) in subsection (c)(2), by inserting after "500 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(3) in subsection (c)(3), by inserting after "500 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(4) in subsection (c)(4)(A), by inserting after "500 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(5) in subsection (d)(1), by inserting after "150 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(6) in subsection (i)(1)(A), by inserting after "300 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title"; and

(7) in subsection (j), by inserting after "15 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 712. REGULATIONS.

Section 3306 of title 46, United States Code, is amended—

(1) in subsection (h), by inserting after "at least 100 gross tons but less than 300 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title"; and

(2) in subsection (i), by inserting after "at least 100 gross tons but less than 500 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 713. PENALTIES—INSPECTION OF VESSELS.

Section 3318 of title 46, United States Code, is amended—

(1) in subsection (a), by inserting after "100 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title"; and

(2) in subsection (j)(1), by inserting after "1,600 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 714. APPLICATION—TANK VESSELS.

Section 3702 of title 46, United States Code, is amended—

(1) in subsection (b)(1), by inserting after "500 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(2) in subsection (c), by inserting after "500 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title"; and

(3) in subsection (d), by inserting after "5,000 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 715. TANK VESSEL CONSTRUCTION STANDARDS.

Section 3703a of title 46, United States Code, is amended—

(1) in subsection (b)(2), by inserting after "5,000 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(2) in subsection (c)(2), by inserting after "5,000 gross tons" each place it appears the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(3) in subsection (c)(3)(A), by inserting after "15,000 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(4) in subsection (c)(3)(B), by inserting after "30,000 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title"; and

(5) in subsection (c)(3)(C), by inserting after "30,000 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 716. TANKER MINIMUM STANDARDS.

Section 3707 of title 46, United States Code, is amended—

(1) in subsection (a), by inserting after "10,000 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title"; and

(2) in subsection (b), by inserting after "10,000 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 717. SELF-PROPELLED TANK VESSEL MINIMUM STANDARDS.

Section 3708 of title 46, United States Code, is amended by inserting after "10,000 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 718. DEFINITION—ABANDONMENT OF BARGES.

Section 4701(1) of title 46, United States Code, is amended by inserting after "100 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 719. APPLICATION—LOAD LINES.

Section 5102(b) of title 46, United States Code, is amended—

(1) in paragraph (4), by inserting after "5,000 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(2) in paragraph (5), by inserting after "500 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title"; and

(3) in paragraph (10), by inserting after "150 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 720. LICENSING OF INDIVIDUALS.

Section 7101(e)(3) of title 46, United States Code, is amended by inserting after "1,600 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 721. ABLE SEAMEN—LIMITED.

Section 7308 of title 46, United States Code, is amended by inserting after "100 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 722. ABLE SEAMEN—OFFSHORE SUPPLY VESSELS.

Section 7310 of title 46, United States Code, is amended by inserting after "500 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 723. SCALE OF EMPLOYMENT—ABLE SEAMEN.

Section 7312 of title 46, United States Code, is amended—

(1) in subsection (b), by inserting after "1,600 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(2) in subsection (c)(1), by inserting after "500 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(3) in subsection (d), by inserting after "500 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(4) in subsection (f)(1), by inserting after "5,000 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title"; and

(5) in subsection (f)(2), by inserting after "5,000 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 724. GENERAL REQUIREMENTS—ENGINE DEPARTMENT.

Section 7313(a) of title 46, United States Code, is amended by inserting after "100 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 725. COMPLEMENT OF INSPECTED VESSELS.

Section 8101(h) of title 46, United States Code, is amended by inserting after "100 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 726. WATCHMEN.

Section 8102(b) of title 46, United States Code, is amended by inserting after "100 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 727. CITIZENSHIP AND NAVAL RESERVE REQUIREMENTS.

Section 8103(b)(3)(A) of title 46, United States Code, is amended by inserting after "1,600 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 728. WATCHES.

Section 8104 of title 46, United States Code, is amended—

(1) in subsection (b), by inserting after "100 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(2) in subsection (d), by inserting after "100 gross tons" and after "5,000 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(3) in subsection (l)(1), by inserting after "1,600 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(4) in subsection (m)(1), by inserting after "1,600 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(5) in subsection (o)(1), by inserting after "500 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title"; and

(6) in subsection (o)(2), by inserting after "500 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 729. MINIMUM NUMBER OF LICENSED INDIVIDUALS.

Section 8301 of title 46, United States Code, is amended—

(1) in subsection (a)(2), by inserting after "1,000 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(2) in subsection (a)(3), by inserting after "at least 200 gross tons but less than 1,000 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(3) in subsection (a)(4), by inserting after "at least 100 gross tons but less than 200 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(4) in subsection (a)(5), by inserting after "300 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(5) in subsection (b), by inserting after "200 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title"; and

(6) by inserting "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title" after "200 gross tons" in subsection (e)(3).

SEC. 730. OFFICERS' COMPETENCY CERTIFICATES CONVENTION.

Section 8304(b)(4) of title 46, United States Code, is amended by inserting after "200 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 731. MERCHANT MARINERS' DOCUMENTS REQUIRED.

Section 8701 of title 46, United States Code, is amended—

(1) in subsection (a), by inserting after "100 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title"; and

(2) in subsection (a)(6), by inserting after "1,600 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 732. CERTAIN CREW REQUIREMENTS.

Section 8702 of title 46, United States Code, is amended—

(1) in subsection (a), by inserting after "100 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title"; and

(2) in subsection (a)(6), by inserting after "1,600 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 733. FREIGHT VESSELS.

Section 8901 of title 46, United States Code, is amended by inserting after "100 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 734. EXEMPTIONS.

Section 8905(b) of title 46, United States Code, is amended by inserting after "200 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 735. UNITED STATES REGISTERED PILOT SERVICE.

Section 9303(a)(2) of title 46, United States Code, is amended by inserting after "4,000 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 736. DEFINITIONS—MERCHANT SEAMEN PROTECTION.

Section 10101(4)(B) of title 46, United States Code, is amended by inserting after "1,600 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 737. APPLICATION—FOREIGN AND INTERCOASTAL VOYAGES.

Section 10301(a)(2) of title 46, United States Code, is amended by inserting after "75 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 738. APPLICATION—COASTWISE VOYAGES.

Section 10501(a) of title 46, United States Code, is amended by inserting after "50 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 739. FISHING AGREEMENTS.

Section 10601(a)(1) of title 46, United States Code, is amended by inserting after "20 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 740. ACCOMMODATIONS FOR SEAMEN.

Section 11101(a) of title 46, United States Code, is amended by inserting after "100 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 741. MEDICINE CHESTS.

Section 11102(a) of title 46, United States Code, is amended by inserting after "75 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 742. LOGBOOK AND ENTRY REQUIREMENTS.

Section 11301(a)(2) of title 46, United States Code, is amended by inserting after "100 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 743. COASTWISE ENDORSEMENTS.

Section 12106(c)(1) of title 46, United States Code, is amended by striking "two hundred gross tons" and inserting "200 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 744. FISHERY ENDORSEMENTS.

Section 12108(c)(1) of title 46, United States Code, is amended by striking "two hundred gross tons" and inserting "200 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 745. CONVENTION TONNAGE FOR LICENSES, CERTIFICATES, AND DOCUMENTS.

(a) AUTHORITY TO USE CONVENTION TONNAGE.—Chapter 75 of title 46, United States Code, is amended by adding at the end the following:

"§ 7506. Convention tonnage for licenses, certificates, and documents

"Notwithstanding any provision of section 14302(c) or 14305 of this title, the Secretary may—

"(1) evaluate the service of an individual who is applying for a license, a certificate of registry, or a merchant mariner's document by using the tonnage as measured under chapter 143 of this title for the vessels on which that service was acquired, and

"(2) issue the license, certificate, or document based on that service.".

(b) CLERICAL AMENDMENT.—The analysis to chapter 75 of title 46, United States Code, is amended by adding a new item as follows:

"7506. Convention tonnage for licenses, certificates, and documents.".

SEC. 746. TECHNICAL CORRECTIONS.

(a) Title 46, United States Code, is amended—

(1) by striking the first section 12123 in chapter 121;

(2) by striking the first item relating to section 12123 in the table of sections for such chapter 121;

(3) by striking "proceeding" in section 13108(a)(1) and inserting "preceding"; and

(4) by striking "Secertary" in section 13108(a)(1) and inserting "Secretary".

(b) Section 645 of title 14, United States Code, is amended by redesignating the second subsection (d) and subsections (e) through (h) as subsection (e) and subsections (f) through (i), respectively.

TITLE VIII—POLLUTION FROM SHIPS

SEC. 801. PREVENTION OF POLLUTION FROM SHIPS.

(a) IN GENERAL.—Section 6 of the Act to Prevent Pollution From Ships (33 U.S.C. 1905) is amended—

(1) by striking "(2) If" in subsection (c)(2) and inserting "(2)(A) Subject to subparagraph (B), if"; and

(2) by adding at the end of subsection (c)(2) the following:

"(B) The Secretary may not issue a certificate attesting to the adequacy of reception facilities under this paragraph unless, prior to the issuance of the certificate, the Secretary conducts an inspection of the reception facilities of the port or terminal that is the subject of the certificate.

"(C) The Secretary may, with respect to certificates issued under this paragraph prior to the date of enactment of the Coast Guard Authorization Act of 1995, prescribe by regulation differing periods of validity for such certificates.";

(3) by striking subsection (c)(3)(A) and inserting the following:

"(A) is valid for the 5-year period beginning on the date of issuance of the certificate, except that if—

"(i) the charge for operation of the port or terminal is transferred to a person or entity other than the person or entity that is the operator on the date of issuance of the certificate—

"(I) the certificate shall expire on the date that is 30 days after the date of the transfer; and

"(II) the new operator shall be required to submit an application for a certificate before a certificate may be issued for the port or terminal; or

"(ii) the certificate is suspended or revoked by the Secretary, the certificate shall cease to be valid; and"; and

(4) by striking subsection (d) and inserting the following:

"(d)(1) The Secretary shall maintain a list of ports or terminals with respect to which a certificate issued under this section—

"(A) is in effect; or

"(B) has been revoked or suspended.

"(2) The Secretary shall make the list referred to in paragraph (1) available to the general public.".

(b) RECEPTION FACILITY PLACARDS.—Section 6(f) of the Act to Prevent Pollution From Ships (33 U.S.C. 1905(f)) is amended—

(1) by inserting "(1)" before "The Secretary"; and

(2) by adding at the end the following new paragraph:

"(2)(A) Not later than 18 months after the date of enactment of the Coast Guard Authorization Act of 1995, the Secretary shall promulgate regulations that require the operator of each port or terminal that is subject to any requirement of the MARPOL Protocol relating to reception facilities to post a placard in a location that can easily be seen by port and terminal users. The placard shall state, at a minimum, that a user of a reception facility of the port or terminal should report to the Secretary any inadequacy of the reception facility.".

SEC. 802. MARINE PLASTIC POLLUTION RESEARCH AND CONTROL.

(a) COMPLIANCE REPORTS.—Section 2201(a) of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1902 note) is amended—

(1) by striking "for a period of 6 years"; and

(2) by inserting before the period at the end the following: "and, not later than 1 year after the date of enactment of the Coast Guard Authorization Act of 1995, and annually thereafter, shall publish in the Federal Register a list of the enforcement actions taken against any domestic or foreign ship (including any commercial or recreational ship) pursuant to the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.)".

(b) COORDINATION.—Section 2203 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 2803) is amended to read as follows:

"SEC. 2203. COORDINATION.

"(a) ESTABLISHMENT OF MARINE DEBRIS COORDINATING COMMITTEE.—The Secretary of Commerce shall establish a Marine Debris Coordinating Committee.

"(b) MEMBERSHIP.—The Committee shall include a senior official from—

"(1) the National Oceanic and Atmospheric Administration, who shall serve as the Chairperson of the Committee;

"(2) the Environmental Protection Agency;

"(3) the United States Coast Guard;

"(4) the United States Navy; and

"(5) such other Federal agencies that have an interest in ocean issues or water pollution prevention and control as the Secretary of Commerce determines appropriate.

"(c) MEETINGS.—The Committee shall meet at least twice a year to provide a forum to ensure the coordination of national and international research, monitoring, education, and regulatory actions addressing the persistent marine debris problem.

"(d) MONITORING.—The Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, in cooperation with the Administrator of the Environmental Protection Agency, shall utilize the marine debris data derived under title V of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 2801 et seq.) to assist—

"(1) the Committee in ensuring coordination of research, monitoring, education and regulatory actions; and

"(2) the United States Coast Guard in assessing the effectiveness of this Act and the Act to Prevent Pollution from Ships in ensuring compliance under section 2201.".

(c) PUBLIC OUTREACH PROGRAM.—Section 2204(a) of the Marine Plastic Pollution Research and Control Act (42 U.S.C. 6981 note) is amended—

(1) by striking "for a period of at least 3 years," in the matter preceding paragraph (1)(A)—

(2) by striking "and" at the end of paragraph (1)(C);

(3) by striking the period at the end of subparagraph (1)(D) and inserting "; and";

(4) by adding at the end of paragraph (1) the following:

"(E) the requirements under this Act and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) with respect to ships and ports, and the authority of citizens to report violations of this Act and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.)."; and

(5) by striking paragraph (2) and inserting the following:

"(2) AUTHORIZED ACTIVITIES.—

"(A) PUBLIC OUTREACH PROGRAM.—A public outreach program under paragraph (1) may include—

"(i) developing and implementing a voluntary boaters' pledge program;

"(ii) workshops with interested groups;

"(iii) public service announcements;

"(iv) distribution of leaflets and posters; and

"(v) any other means appropriate to educating the public.

"(B) GRANTS AND COOPERATIVE AGREEMENTS.—To carry out this section, the Secretary of the department in which the Coast Guard is operating, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency are authorized to award grants, enter into cooperative agreements with appropriate officials of other Federal agencies and agencies of States and political subdivisions of States and with public and private entities, and provide other financial assistance to eligible recipients.

"(C) CONSULTATION.—In developing outreach initiatives for groups that are subject to the requirements of this title and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.), the Secretary of the department in which the Coast Guard is operating, in consultation with the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, and the Administrator of the Environmental Protection Agency, shall consult with—

"(i) the heads of State agencies responsible for implementing State boating laws; and

"(ii) the heads of other enforcement agencies that regulate boaters or commercial fishermen.".

TITLE IX—LAW ENFORCEMENT ENHANCEMENT

SEC. 901. SANCTIONS FOR FAILURE TO LAND OR TO BRING TO; SANCTIONS FOR OBSTRUCTION OF BOARDING AND PROVIDING FALSE INFORMATION.

(a) IN GENERAL.—Chapter 109 of title 18, United States Code, is amended by adding at the end new section 2237 to read as follows:

"§ 2237. Sanctions for failure to land or to bring to; sanctions for obstruction of boarding and providing false information

"(a)(1) It shall be unlawful for the pilot, operator, or person in charge of an aircraft which has crossed the border of the United States, or an aircraft subject to the jurisdiction of the United States operating outside the United States, to knowingly fail to obey an order to land by an authorized Federal law enforcement officer who is enforcing the laws of the United States relating to controlled substances, as that term is defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), or relating to money laundering (sections 1956–57 of this title).

"(2) The Administrator of the Federal Aviation Administration, in consultation with the Commissioner of Customs and the Attorney General, shall prescribe regulations governing the means by, and circumstances under which a Federal law enforcement officer may communicate an order to land to a pilot, operator, or person in charge of an aircraft. Such regulations shall ensure that any such order is clearly communicated in accordance with applicable international standards. Further, such regulations shall establish guidelines based on observed conduct, prior information, or other circumstances for determining when an officer may use the authority granted under paragraph (1).

"(b)(1) It shall be unlawful for the master, operator, or person in charge of a vessel of the United States or a vessel subject to the jurisdiction of the United States, to knowingly fail to obey an order to bring to that vessel on being ordered to do so by an authorized Federal law enforcement officer.

"(2) It shall be unlawful for any person on board a vessel of the United States or a vessel subject to the jurisdiction of the United States to—

"(A) forcibly assault, resist, oppose, prevent, impede, intimidate, or interfere with a boarding or other law enforcement action authorized by any Federal law, or to resist a lawful arrest; or

"(B) provide information to a Federal law enforcement officer during a boarding of a vessel regarding the vessel's destination, origin, ownership, registration, nationality, cargo, or crew, which that person knows is false.

"(c) This section does not limit in any way the preexisting authority of a customs officer under section 581 of the Tariff Act of 1930 or any other provision of law enforced or administered by the Customs Service, or the preexisting authority of any Federal law enforcement officer under any law of the United States to order an aircraft to land or a vessel to bring to.

"(d) A foreign nation may consent or waive objection to the enforcement of United States law by the United States under this section by radio, telephone, or similar oral or electronic means. Consent or waiver may be proven by certification of the Secretary of State or the Secretary's designee.

"(e) For purposes of this section—

"(1) A 'vessel of the United States' and a 'vessel subject to the jurisdiction of the United States' have the meaning set forth for these terms in the Maritime Drug Law Enforcement Act (46 App. U.S.C. 1903);

"(2) an aircraft 'subject to the jurisdiction of the United States' includes—

"(A) an aircraft located over the United States or the customs waters of the United States;

"(B) an aircraft located in the airspace of a foreign nation, where that nation consents to the enforcement of United States law by the United States; and

"(C) over the high seas, an aircraft without nationality, an aircraft of United States registry, or an aircraft registered in a foreign nation that has consented or waived objection to the enforcement of United States law by the United States;

"(3) an aircraft 'without nationality' includes—

"(A) an aircraft aboard which the pilot, operator, or person in charge makes a claim of registry, which claim is denied by the nation whose registry is claimed; and

"(B) an aircraft aboard which the pilot, operator, or person in charge fails, upon request of an officer of the United States empowered to enforce applicable provisions of United States law, to make a claim of registry for that aircraft.

"(4) the term 'bring to' means to cause a vessel to slow or come to a stop to facilitate a law enforcement boarding by adjusting the course and speed of the vessel to account for the weather conditions and sea state; and

"(5) the term 'Federal law enforcement officer' has the meaning set forth in section 115 of this title.

"(f) Any person who intentionally violates the provisions of this section shall be subject to—

"(1) imprisonment for not more than 1 year; and

"(2) a fine as provided in this title.

"(g) An aircraft that is used in violation of this section may be seized and forfeited. A vessel that is used in violation of subsection (b)(1) or subsection (b)(2)(A) may be seized and forfeited. The laws relating to the seizure, summary and judicial forfeiture, and condemnation of property for violation of the customs laws, the disposition of such property or the proceeds from the sale thereof, the remission or mitigation of such forfeitures, and the compromise of claims, shall apply to seizures and forfeitures undertaken, or alleged to have been undertaken, under any of the provisions of this section; except that such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs laws shall be performed with respect to seizures and forfeitures of property under this section by such officers, agents, or other persons as may be authorized or designated for that purpose. A vessel or aircraft that is used in violation of this section is also liable in rem for any fine or civil penalty imposed under this section.".

(b) CLERICAL AMENDMENT.—The analysis at the beginning of chapter 109, title 18, United States Code, is amended by inserting the following new item after the item for section 2236:

"2237. Sanctions for failure to land or to bring to; sanctions for obstruction of boarding or providing false information.".

SEC. 902. FAA SUMMARY REVOCATION AUTHORITY.

(a) Title 49, United States Code, is amended by adding after section 44106 the following new section:

"§ 44106a. Summary revocation of aircraft certificate

"(a) The registration of an aircraft shall be immediately revoked upon the knowing failure of the pilot, operator, or person in charge of the aircraft to follow the order of a Federal law enforcement officer to land an aircraft, as provided in section 2237 of title 18, United States Code. The Administrator shall as soon as possible notify the owner of the aircraft that the owner no longer holds United States registration for that aircraft.

"(b) The Administrator shall establish procedures for the owner of the aircraft to show cause—

"(1) why the registration was not revoked, as a matter of law, by operation of subsection (a); or

"(2) why circumstances existed pursuant to which the Administrator should determine that, notwithstanding subsection (a), it would be in the public interest to issue a new certificate of registration to the owner to be effective concurrent with the revocation occasioned by operation of subsection (a).".

(b) The table of sections at the beginning of chapter 441 of title 49, United States Code, is amended by inserting after the item relating to section 44106 the following:

"44106a. Summary revocation of aircraft certificate.".

(c) Title 49, United States Code, is amended by adding after section 44710 the following new section:

"§ 44710a. Failure to follow order to land aircraft

"(a) The Administrator shall issue an order revoking the airman certificate of any person if the Administrator finds that—

"(1) such person, while acting as the pilot, operator, or person in charge of an aircraft knowingly failed to follow the order of a Federal law enforcement officer to land the aircraft as provided in section 2237 of title 18, United States Code, and

"(2) such person knew that he had been ordered to land the aircraft.

"(b) If the Administrator determines that extenuating circumstances existed, such as safety of flight, which justified a deviation by the airman from the order to land, the provisions of subsection (a) of this section shall not apply.

"(c) The provisions of subsections (c) and (d) of section 44710 shall apply to any revocation of the airman certificate of any person for failing to follow the order of a Federal law enforcement officer to land an aircraft.".

(d) The table of sections at the beginning of chapter 447 of title 49, United States Code, is amended by inserting after the item relating to section 44710 the following:

"44710a. Failure to follow order to land aircraft.".

SEC. 903. COAST GUARD AIR INTERDICTION AUTHORITY.

(a) IN GENERAL.—Chapter 5 of title 14, United States Code, is amended by adding at the end the following new section:

"§ 96. Air interdiction authority

"The Coast Guard may issue orders and make inquiries, searches, seizures, and arrests with respect to violations of laws of the United States occurring aboard any aircraft subject to the jurisdiction of the United States in accordance with section 2237 of title 18, United States Code. Any order issued under this section to land an aircraft shall be communicated pursuant to regulations promulgated pursuant to section 2237 of title 18, United States Code.".

(b) CLERICAL AMENDMENT.—The analysis at the beginning of chapter 5 of title 14, United States Code, is amended by adding at the end the following new item:

"96. Air interdiction authority.".

SEC. 904. COAST GUARD CIVIL PENALTY PROVISIONS.

(a) IN GENERAL.—Chapter 17 of title 14, United States Code, is amended by adding at the end the following new section:

"§ 673. Civil penalty for failure to comply with a lawful boarding, order to land, obstruction of boarding, or providing false information

"(a) The master, operator, or person in charge of a vessel, or the pilot, operator, or person in charge of an aircraft who knowingly fails to comply with an order of a Coast Guard commissioned officer, warrant officer, or petty officer under the authority of section 2237 of title 18, United States Code, or section 96 of this title, and communicated according to regulations promulgated under section 2237 of title 18, United States Code, or, in the case of a vessel, according to any applicable, internationally recognized standards, or other manner reasonably calculated to be received and understood, shall be liable for a civil penalty of not more than $15,000.

"(b) A vessel or aircraft used to knowingly violate an order relating to the boarding of a vessel or landing of an aircraft issued under the authority of section 2237 of title 18, United States Code, or Section 96 of this Title, is also liable in rem and may be seized, forfeited, and sold in accordance with Customs law, specifically section 1594 of Title 19, United States Code.".

(b) CLERICAL AMENDMENT.—The analysis at the beginning of chapter 17 of title 14, United States Code, is amended by adding at the end the following new item:

"673. Civil penalty for failure to comply with a lawful boarding, order to land, obstruction of boarding, or providing false information.".

SEC. 905. CUSTOMS ORDERS.

Section 581 of the Tariff Act of 1930 (19 U.S.C. 1581) is amended by adding at the end the following new subsection:

"(i) As used in this section, the term 'authorized place' includes —

"(1) with respect to a vehicle, a location in a foreign country at which United States customs officers are permitted to conduct inspections, examinations, or searches; and

"(2) with respect to aircraft to which this section applies by virtue of section 644 of this Act (19 U.S.C. 1644), or regulations issued thereunder, or section 2237 of title 18, United States Code, any location outside of the United States, including a foreign country at which United States customs officers are permitted to conduct inspections, examinations, or searches.".

SEC. 906. CUSTOMS CIVIL PENALTY PROVISIONS.

Part V of title IV of the Tariff Act of 1930 (19 U.S.C. 1581 et seq.) is amended by adding a new section 591 (19 U.S.C. 1591) as follows:

"SEC. 591. CIVIL PENALTY FOR FAILURE TO OBEY AN ORDER TO LAND.

"(a) The pilot, operator, or person in charge of an aircraft who knowingly fails to comply with an order of an authorized Federal law enforcement officer relating to the landing of an aircraft issued under the authority of section 581 of this Act, or section 2237 of title 18, United States Code, and communicated according to regulations promulgated under section 2237 of title 18, United States Code, shall be liable for a civil penalty of not more than $15,000.

"(b) An aircraft used to knowingly violate an order relating to the landing of an aircraft issued under the authority of section 581 of this Act, or section 2237 of title 18, United States Code, is also liable in rem and may be seized, forfeited, and sold in accordance with Customs law, specifically section 1594 of Title 19, United States Code.".

TITLE X—CONVEYANCES

SEC. 1001. CONVEYANCE OF PROPERTY IN MASSACHUSETTS.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary shall convey, by an appropriate means of conveyance, all right, title, and interest of the United States in and to the properties described in paragraph (3) to the persons to whom each such property is to be conveyed under that paragraph.

(2) IDENTIFICATION OF PROPERTY.—The Secretary may identify, describe, and determine each property to be conveyed pursuant to this subsection.

(3) PROPERTIES CONVEYED.—

(A) CAPE ANN LIGHTHOUSE.—The Secretary shall convey to the town of Rockport, Massachusetts, by an appropriate means of conveyance, all right, title, and interest of the United States in and to the property comprising the Cape Ann Lighthouse, located on Thacher Island, Massachusetts.

(B) COAST GUARD PROPERTY IN GOSNOLD, MASSACHUSETTS.—The Secretary may convey to the town of Gosnold, Massachusetts, without reimbursement and by no later than 120 days after the date of enactment of this Act, all right, title, and interest of the United States in and to the property known as the "United States Coast Guard Cuttyhunk Boathouse and Wharf" located in the town of Gosnold, Massachusetts.

(b) TERMS OF CONVEYANCE.—

(1) IN GENERAL.—The conveyance of property pursuant to this section shall be made—

(A) without payment of consideration; and

(B) subject to the conditions required by paragraphs (3), (4), and (5) and other terms and conditions the Secretary may consider appropriate.

(2) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to paragraph (1), the conveyance of property pursuant to this section shall be subject to the condition that all right, title, and interest in the property conveyed shall immediately revert to the United States if the property, or any part of the property

(A) ceases to be maintained in a manner that ensures its present or future use as a Coast Guard aid to navigation; or

(B) ceases to be maintained in a manner consistent with the provisions of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.).

(3) MAINTENANCE OF NAVIGATION FUNCTIONS.—The conveyance of property pursuant to this section shall be made subject to the conditions that the Secretary considers to be necessary to assure that—

(A) the lights, antennas, and associated equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States;

(B) the person to which the property is conveyed may not interfere or allow interference in any manner with aids to navigation without express written permission from the Secretary;

(C) there is reserved to the United States the right to relocate, replace, or add any aid to navigation or make any changes to the property conveyed as may be necessary for navigational purposes;

(D) the United States shall have the right, at any time, to enter the property without notice for the purpose of maintaining aids to navigation; and

(E) the United States shall have an easement of access to the property for the purpose of maintaining the aids to navigation in use on the property.

(4) OBLIGATION LIMITATION.—The person to which the property is conveyed is not required to maintain any active aid to navigation equipment on property conveyed pursuant to this section.

(5) MAINTENANCE OF PROPERTY.—The person to which the property is conveyed shall maintain the property in accordance with the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), and other applicable laws.

(c) DEFINITIONS.—For purposes of this section—

(1) the term "Cape Ann Lighthouse" means the Coast Guard property located on Thacher Island, Massachusetts, except any historical artifact, including any lens or lantern, located on the property at or before the time of the conveyance;

(2) the term "United States Coast Guard Cuttyhunk Boathouse and Wharf" means real property located in the town of Gosnold, Massachusetts (including all buildings, structures, equipment, and other improvements), as determined by the Secretary of Transportation; and

(3) the term "Secretary" means the Secretary of Transportation.

SEC. 1002. CONVEYANCE OF CERTAIN LIGHTHOUSES LOCATED IN MAINE.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of Transportation (in this section referred to as the "Secretary") may convey to the Island Institute, Rockland, Maine, (in this section referred to as the "Institute"), by an appropriate means of conveyance, all right, title, and interest of the United States in and to any of the facilities and real property and improvements described in paragraph (2).

(2) IDENTIFICATION OF PROPERTIES.—Paragraph (1) applies to lighthouses, together with any real property and other improvements associated therewith, located in the State of Maine as follows:

(A) Whitehead Island Light.
(B) Deer Island Thorofare (Mark Island) Light.
(C) Burnt Island Light.
(D) Rockland Harbor Breakwater Light.
(E) Monhegan Island Light.
(F) Eagle Island Light.
(G) Curtis Island Light.
(H) Moose Peak Light.
(I) Great Duck Island Light.
(J) Goose Rocks Light.
(K) Isle au Haut Light.
(L) Goat Island Light.
(M) Wood Island Light.
(N) Doubling Point Light.
(O) Doubling Point Front Range Light.
(P) Doubling Point Rear Range Light.
(Q) Little River Light.
(R) Spring Point Ledge Light.
(S) Ram Island Light (Boothbay).
(T) Seguin Island Light.
(U) Marshall Point Light.
(V) Fort Point Light.
(W) West Quoddy Head Light.
(X) Brown's Head Light.
(Y) Cape Neddick Light.
(Z) Halfway Rock Light.
(AA) Ram Island Ledge Light.
(BB) Mount Desert Rock Light.
(CC) Whitlock's Mill Light.
(DD) Nash Island Light.
(EE) Manana Island Fog Signal Station.

(3) DEADLINE FOR CONVEYANCE.—The conveyances authorized by this subsection shall take place not later than 5 years after the date of the enactment of this Act.

(4) ADDITIONAL CONVEYANCES TO UNITED STATES FISH AND WILDLIFE SERVICE.—The Secretary may transfer, in accordance with the terms and conditions of subsection (b), the following lighthouses, together with any real property and improvements associated therewith, directly to the United States Fish and Wildlife Service:

(A) Two Bush Island Light.
(B) Egg Rock Light.
(C) Libby Island Light.
(D) Matinicus Rock Light.

(b) TERMS OF CONVEYANCE.—

(1) IN GENERAL.—The conveyance of property pursuant to this section shall be made—

(A) without payment of consideration; and

(B) subject to the conditions required by paragraphs (2) and (3) and other terms and conditions the Secretary may consider appropriate.

(2) MAINTENANCE OF NAVIGATION FUNCTION.—The conveyance of property pursuant to this section shall be made subject to the conditions that the Secretary considers necessary to assure that—

(A) the lights, antennas, and associated equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States;

(B) the Institute, the United States Fish and Wildlife Service, and an entity to which property is conveyed under this section may not interfere or allow interference in any manner with aids to navigation without express written permission from the Secretary;

(C) there is reserved to the United States the right to relocate, replace, or add any aid to navigation or make any changes to property conveyed under this section as may be necessary for navigational purposes;

(D) the United States shall have the right, at any time, to enter property conveyed under this section without notice for the purpose of maintaining aids to navigation; and

(E) the United States shall have an easement of access to property conveyed under this section for the purpose of maintaining the aids to navigation in use on the property.

(3) OBLIGATION LIMITATION.—The Institute, or any entity to which the Institute conveys a lighthouse under subsection (d), is not required to maintain any active aid to navigation equipment on a property conveyed under this section.

(4) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to paragraph (1), the conveyance of property pursuant to this section shall be subject to the condition that all right, title, and interest in such property shall immediately revert to the United States if—

(A) such property or any part of such property ceases to be used for educational, historic, recreational, cultural, and wildlife conservation programs for the general public and for such other uses as the Secretary determines to be not inconsistent or incompatible with such uses;

(B) such property or any part of such property ceases to be maintained in a manner that ensures its present or future use as a Coast Guard aid to navigation;

(C) such property or any part of such property ceases to be maintained in a manner consistent with the provisions of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.); or

(D) the Secretary determines that—

(i) the Institute is unable to identify an entity eligible for the conveyance of the lighthouse under subsection (d) within the 3-year period beginning on the date of the conveyance of the lighthouse to the Institute under subsection (a); or

(ii) in the event that the Institute identifies an entity eligible for the conveyance within that period—

(I) the entity is unable or unwilling to accept the conveyance and the Institute is unable to identify another entity eligible for the conveyance within that period; or

(II) the Maine Lighthouse Selection Committee established under subsection (d)(3)(A) disapproves of the entity identified by the Institute and the Institute is unable to identify another entity eligible for the conveyance within that period.

(c) INSPECTION.—The State Historic Preservation Officer of the State of Maine may inspect any lighthouse, and any real property and improvements associated therewith, that is conveyed under this section at any time, without notice, for purposes of ensuring that the lighthouse is being maintained in the manner required under subsection (b). The Institute, and any subsequent conveyee of the Institute under subsection (d), shall cooperate with the official referred to in the preceding sentence in the inspections of that official under this subsection.

(d) SUBSEQUENT CONVEYANCE.—

(1) REQUIREMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Institute shall convey, without consideration, all right, title, and interest of the Institute in and to the lighthouses conveyed to the Institute under subsection (a), together with any real property and improvements associated therewith, to one or more entities identified under paragraph (2) and approved by the committee established under paragraph (3) in accordance with the provisions of such paragraph (3).

(B) EXCEPTION.—The Institute, with the concurrence of the Maine Lighthouse Selection Committee and in accordance with the terms and conditions of subsection (b), may retain right, title, and interest in and to the following lighthouses conveyed to the Institute:

(i) Whitehead Island Light.

(ii) Deer Island Thorofare (Mark Island) Light.

(2) IDENTIFICATION OF ELIGIBLE ENTITIES.—

(A) IN GENERAL.—Subject to subparagraph (B), the Institute shall identify entities eligible for the conveyance of a lighthouse under this subsection. Such entities shall include any department or agency of the Federal Government, any department or agency of the Government of the State of Maine, any local government in that State, or any nonprofit corporation, educational agency, or community development organization that—

(i) is financially able to maintain the lighthouse (and any real property and improvements conveyed therewith) in accordance with the conditions set forth in subsection (b);

(ii) has agreed to permit the inspections referred to in subsection (c); and

(iii) has agreed to comply with the conditions set forth in subsection (b); and to have such conditions recorded with the deed of title to the lighthouse and any real property and improvements that may be conveyed therewith.

(B) ORDER OF PRIORITY.—In identifying entities eligible for the conveyance of a lighthouse under this paragraph, the Institute shall give priority to entities in the following order, which are also the exclusive entities eligible for the conveyance of a lighthouse under this section:

(i) Agencies of the Federal Government.

(ii) Entities of the Government of the State of Maine.

(iii) Entities of local governments in the State of Maine.

(iv) Nonprofit corporations, educational agencies, and community development organizations.

(3) SELECTION OF CONVEYEES AMONG ELIGIBLE ENTITIES.—

(A) COMMITTEE.—

(i) IN GENERAL.—There is hereby established a committee to be known as the Maine Lighthouse Selection Committee (in this paragraph referred to as the "Committee").

(ii) MEMBERSHIP.—The Committee shall consist of five members appointed by the Secretary as follows:

(I) One member, who shall serve as the Chairman of the Committee, shall be appointed from among individuals recommended by the Governor of the State of Maine.

(II) One member shall be the State Historic Preservation Officer of the State of Maine, with the consent of that official, or a designee of that official.

(III) One member shall be appointed from among individuals recommended by State and local organizations in the State of Maine that are concerned with lighthouse preservation or maritime heritage matters.

(IV) One member shall be appointed from among individuals recommended by officials of local governments of the municipalities in which the lighthouses are located.

(V) One member shall be appointed from among individuals recommended by the Secretary of the Interior.

(iii) APPOINTMENT DEADLINE.—The Secretary shall appoint the members of the Committee not later than 90 days after the date of the enactment of this Act.

(iv) MEMBERSHIP TERM.—

(I) Members of the Committee shall serve for such terms not longer than 3 years as the Secretary shall provide. The Secretary may stagger the terms of initial members of the Committee in order to ensure continuous activity by the Committee.

(II) Any member of the Committee may serve after the expiration of the term of the member until a successor to the member is appointed. A vacancy in the Committee shall be filled in the same manner in which the original appointment was made.

(v) VOTING.—The Committee shall act by an affirmative vote of a majority of the members of the Committee.

(B) RESPONSIBILITIES.—

(i) IN GENERAL.—The Committee shall—

(I) review the entities identified by the Institute under paragraph (2) as entities eligible for the conveyance of a lighthouse; and

(II) approve one such entity, or disapprove all such entities, as entities to which the Institute may make the conveyance of the lighthouse under this subsection.

(ii) APPROVAL.—If the Committee approves an entity for the conveyance of a lighthouse, the Committee shall notify the Institute of such approval.

(iii) DISAPPROVAL.—If the Committee disapproves of the entities, the Committee shall notify the Institute and, subject to subsection (b)(4)(D)(ii), the Institute shall identify other entities eligible for the conveyance of the lighthouse under paragraph (2). The Committee shall review and approve or disapprove entities identified pursuant to the preceding sentence in accordance with this subparagraph and the criteria set forth in subsection (b).

(C) EXEMPTION FROM FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee, however, all meetings of the Committee shall be open to the public and preceded by appropriate public notice.

(D) TERMINATION.—The Committee shall terminate 8 years from the date of the enactment of this Act.

(4) CONVEYANCE.—Upon notification under paragraph (3)(B)(ii) of the approval of an identified entity for conveyance of a lighthouse under this subsection, the Institute shall, with the consent of the entity, convey the lighthouse to the entity.

(5) RESPONSIBILITIES OF CONVEYEES.—Each entity to which the Institute conveys a lighthouse under this subsection, or any successor or assign of such entity in perpetuity, shall—

(A) use and maintain the lighthouse in accordance with subsection (b) and have such terms and conditions recorded with the deed of title to the lighthouse and any real property conveyed therewith; and

(B) permit the inspections referred to in subsection (c).

(e) DESCRIPTION OF PROPERTY.—The legal description of any lighthouse, and any real property and improvements associated therewith, conveyed under subsection (a) shall be determined by the Secretary. The Secretary shall retain all right, title, and interest of the United States in and to any historical artifact, including any lens or lantern, that is associated with the lighthouses conveyed under this subsection, whether located at the lighthouse or elsewhere. The Secretary shall identify any equipment, system, or object covered by this paragraph.

(f) REPORT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for the next 7 years, the Secretary shall submit to Congress a report on the conveyance of lighthouses under this section. The report shall include a description of the implementation of the provisions of this section, and the requirements arising under such provisions, in—

(1) providing for the use and maintenance of the lighthouses conveyed under this section in accordance with subsection (b);

(2) providing for public access to such lighthouses; and

(3) achieving the conveyance of lighthouses to appropriate entities under subsection (d).

SEC. 1003. CONVEYANCE OF SQUIRREL POINT LIGHT.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of Transportation (in this section referred to as the "Secretary") shall convey to Squirrel Point Associates, Incorporated, by an appropriate means of conveyance, all right, title, and interest of the United States in and to the property comprising the Squirrel Point Light, located in the town of Arrowsic, Maine.

(2) IDENTIFICATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed pursuant to this subsection.

(b) TERMS OF CONVEYANCE.—

(1) IN GENERAL.—The conveyance of property pursuant to this section shall be made—

(A) without payment of consideration; and

(B) subject to the conditions required by paragraphs (3) and (4) and other terms and conditions the Secretary may consider appropriate.

(2) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to paragraph (1), the conveyance of property pursuant to this section shall be subject to the condition that all right, title, and interest in the Squirrel Point Light shall immediately revert to the United States if the Squirrel Point Light, or any part of the property—

(A) ceases to be used as a nonprofit center for the interpretation and preservation of maritime history;

(B) ceases to be maintained in a manner that ensures its present or future use as a Coast Guard aid to navigation; or

(C) ceases to be maintained in a manner consistent with the provisions of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.).

(3) MAINTENANCE OF NAVIGATION FUNCTION.—The conveyance of property pursuant to this section shall be made subject to the conditions that the Secretary considers to be necessary to assure that—

(A) the lights, antennas, and associated equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States;

(B) Squirrel Point Associates, Incorporated, or any successor or assign, may not interfere or allow interference in any manner with aids to navigation without express written permission from the Secretary;

(C) there is reserved to the United States the right to relocate, replace, or add any aid to navigation or make any changes to the Squirrel Point Light as may be necessary for navigational purposes;

(D) the United States shall have the right, at any time, to enter the property without notice for the purpose of maintaining aids to navigation; and

(E) the United States shall have an easement of access to the property for the purpose of maintaining the aids to navigation in use on the property.

(4) OBLIGATION LIMITATION.—The Squirrel Point Associates, Incorporated, or any successor or assign, is not required to maintain any active aid to navigation equipment on property conveyed pursuant to this section.

(5) MAINTENANCE OF PROPERTY.—The Squirrel Point Associates, Incorporated, or any successor or assign, shall maintain the Squirrel Point Light in accordance with the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), and other applicable laws.

(c) DEFINITIONS.—For purposes of this section, the term "Squirrel Point Light" means the Coast Guard light station located in the town of Arrowsic, Sagadahoc County, Maine—

(1) including the light tower, dwelling, boat house, oil house, barn, any other ancillary buildings and such land as may be necessary to enable Squirrel Point Associates, Incorporated, or any successor or assign, to operate a non-profit center for public benefit; and

(2) except any historical artifact, including any lens or lantern, located on the property at or before the time of the conveyance.

SEC. 1004. CONVEYANCE OF MONTAUK LIGHT STATION, NEW YORK.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of Transportation (in this section referred to as the "Secretary") shall convey to the Montauk Historical Association in Montauk, New York, by an appropriate means of conveyance, all right, title, and interest of the United States in and to property comprising Montauk Light Station, located at Montauk, New York.

(2) IDENTIFICATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed pursuant to this section.

(b) TERMS OF CONVEYANCE.—

(1) IN GENERAL.—A conveyance of property pursuant to this section shall be made—

(A) without the payment of consideration; and

(B) subject to the conditions required by paragraphs (3) and (4) and such other terms and conditions as the Secretary may consider appropriate.

(2) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to paragraph (1), any conveyance of property comprising the Montauk Light Station pursuant to subsection (a) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof—

(A) ceases to be maintained as a nonprofit center for public benefit for the interpretation and preservation of the material culture of the United States Coast Guard, the maritime history of Montauk, New York, and Native American and colonial history;

(B) ceases to be maintained in a manner that ensures its present or future use as a Coast Guard aid to navigation; or

(C) ceases to be maintained in a manner consistent with the provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(3) MAINTENANCE OF NAVIGATION FUNCTIONS.—Any conveyance of property pursuant to this section shall be subject to such

conditions as the Secretary considers to be necessary to assure that—

(A) the light, antennas, sound signal, electronic navigation equipment, and associated lighthouse equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States for as long as they are needed for this purpose;

(B) the Montauk Historical Association, or any successor or assign, may not interfere or allow interference in any manner with such aids to navigation without express written permission from the United States;

(C) there is reserved to the United States the right to replace, or add any aids to navigation, or make any changes to the Montauk Light Station as may be necessary for navigation purposes;

(D) the United States shall have the right, at any time, to enter the property conveyed without notice for the purpose of maintaining navigation aids;

(E) the United States shall have an easement of access to such property for the purpose of maintaining the navigational aids in use on the property; and

(F) the Montauk Light Station shall revert to the United States at the end of the 30-day period beginning on any date on which the Secretary of Transportation provides written notice to the Montauk Historical Association, or any successor or assign, that the Montauk Light Station is needed for national security purposes.

(4) MAINTENANCE OF PROPERTY.—Any conveyance of property under this section shall be subject to the condition that the Montauk Historical Association, or any successor or assign, shall maintain the Montauk Light Station in accordance with the provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.) and other applicable laws.

(5) OBLIGATION LIMITATION.—The Montauk Historical Association, or any successor or assign, shall not have any obligation to maintain any active aid to navigation equipment on property conveyed pursuant to this section.

(c) MONTAUK LIGHT STATION DEFINED.—For purposes of this section, the term "Montauk Light Station" means the Coast Guard light station known as Light Station Montauk Point, located at Montauk, New York, including the lighthouse, the keeper's dwellings, adjacent Coast Guard rights of way, the World War II submarine spotting tower, the lighthouse tower, and the paint locker, except any historical artifact, including any lens or lantern, located on the property at or before the time of conveyance.

SEC. 1005. CONVEYANCE OF POINT ARENA LIGHT STATION.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—At such time as the Secretary of Transportation (referred to in this section as the "Secretary") determines the Point Arena Light Station to be excess to the needs of the Coast Guard, the Secretary shall convey to the Point Arena Lighthouse Keepers, Inc., by an appropriate means of conveyance, all right, title, and interest of the United States in and to The Point Arena Lighthouse, located in Mendocino County, California, except that the Coast Guard shall retain all right, title, and interest in any historical artifact, including any lens or lantern, on the property conveyed pursuant to this section, or belonging to the property, whether located on the property or elsewhere, except that such lens must be retained within the boundary of the State of California.

(2) IDENTIFICATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed pursuant to this section.

(b) TERMS OF CONVEYANCE.—

(1) IN GENERAL.—A conveyance of property pursuant to this section shall be made—

(A) without the payment of consideration; and

(B) subject to such terms and conditions as the Secretary may consider appropriate.

(2) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to paragraph (1), any conveyance of property comprising the Point Arena Light Station pursuant to subsection (a) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof ceases to be maintained as a nonprofit center for public benefit for the interpretation and preservation of the maritime history of Point Arena, California.

(3) MAINTENANCE OF NAVIGATION FUNCTIONS.—Any conveyance of property pursuant to this section shall be subject to such conditions as the Secretary considers to be necessary to assure that—

(A) the light, antennas, sound signal, and associated lighthouse equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States for as long as they are needed for this purpose;

(B) the Point Arena Lighthouse Keepers, Inc., or any successors or assigns, may not interfere or allow interference in any manner with such aids to navigation without express written permission from the United States;

(C) there is reserved to the United States the right to relocate, replace, or add any aids to navigation, or make any changes to the Point Arena Light Station as may be necessary for navigation purposes;

(D) the United States shall have the right, at any time, to enter the property conveyed without notice for the purpose of maintaining navigation aids;

(E) the United States shall have an easement of access to such property for the purpose of maintaining the navigational aids in use on the property; and

(F) the Point Arena Light Station shall revert to the United States at the end of the 30-day period beginning on any date on which the Secretary of Transportation provides written notice to the Point Arena Lighthouse Keepers, Inc., or any successor or assign, that the Point Arena Light Station is needed for national security purposes.

(4) MAINTENANCE OF PROPERTY.—Any conveyance of property under this section shall be subject to the condition that the Point Arena Lighthouse Keepers, Inc., or any successor or assign, shall maintain the Point Arena Light Station in accordance with the provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.) and other applicable laws.

(5) OBLIGATION LIMITATION.—The Point Arena Lighthouse Keepers, Inc., or any successors or assigns, shall not have any obligation to maintain any active aid to navigation equipment on property conveyed pursuant to this section.

(c) MAINTENANCE STANDARD.—The Point Arena Lighthouse Keepers, Inc., or any successor or assign, at its own cost and expense, shall maintain, in a proper, substantial and workmanlike manner, all properties conveyed.

(d) POINT ARENA LIGHT STATION DEFINED.—For purposes of this section, the term "Point Arena Light Station" means the Coast Guard property and improvements located at Point Arena, California, including the light tower building, fog signal building, 2 small shelters, 4 residential quarters, and a restroom facility.

SEC. 1006. CONVEYANCE OF PROPERTY IN KETCHIKAN, ALASKA.

(a) AUTHORITY TO CONVEY.—The Secretary of Transportation (referred to in this section as the "Secretary"), in cooperation with the Administrator of the General Services Administration, shall convey to the Ketchikan Indian Corporation in Ketchikan, Alaska, without reimbursement and by no later than 120 days after the date of enactment of this Act, all right, title, and interest of the United States in and to the property known as the "Former Marine Safety Detachment" as identified in Report of Excess Number CG–689 (GSA Control Number 9–U–AK–0747) and described in subsection (b), for use as a health or social services facility.

(b) IDENTIFICATION OF PROPERTY.—The Secretary shall identify, describe, and determine the property to be conveyed pursuant to this section.

(c) REVERSIONARY INTEREST.—The conveyance of property described in subsection (b) shall be subject to the condition that such property, and all right, title and interest in such property, shall transfer to the City of Ketchikan if, within 18 months of the date of enactment of this Act, the Ketchikan Indian Corporation has not completed design and construction plans for a health and social services facility and received approval from the City of Ketchikan for such plans or the written consent of the City to exceed this period.

(d) In the event that the property described in subsection (b) is transferred to the City of Ketchikan under subsection (c), the transfer shall be subject to the condition that all right, title, and interest in and to the property shall immediately revert to the United States if the property ceases to be used by the City of Ketchikan.

SEC. 1007. CONVEYANCE OF PROPERTY IN TRAVERSE CITY, MICHIGAN.

(a) AUTHORITY TO CONVEY.—The Secretary of Transportation (or any other official having control over the property described in subsection (b)) shall expeditiously convey to the Traverse City Area Public School District in Traverse City, Michigan, without consideration, all right, title, and interest of the United States in and to the property described in subsection (b), subject to all easements and other interests in the property held by any other person.

(b) IDENTIFICATION OF PROPERTY.—The Secretary shall identify, describe, and determine the property to be conveyed pursuant to this section.

(c) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to subsection (a) or (d), any conveyance of property described in subsection (b) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used by the Traverse City Area Public School District.

(d) TERMS OF CONVEYANCE.—The conveyance of property under this section shall be subject to such conditions as the Secretary considers to be necessary to assure that—

(1) the pump room located on the property shall continue to be operated and maintained by the United States for as long as it is needed for this purpose;

(2) the United States shall have an easement of access to the property for the purpose of operating and maintaining the pump room; and

(3) the United States shall have the right, at any time, to enter the property without notice for the purpose of operating and maintaining the pump room.

SEC. 1008. TRANSFER OF COAST GUARD PROPERTY IN NEW SHOREHAM, RHODE ISLAND.

(a) REQUIREMENT.—The Secretary of Transportation (or any other official having control over the property described in subsection (b)) may convey to the town of New Shoreham, Rhode Island, without consideration, all right, title, and interest of the United States in and to the property known as the United States Coast Guard Station Block Island, as described in subsection (b), subject to all easements and other interest in the property held by any other person.

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) is real property (including buildings and improvements) located on the west side of Block Island, Rhode Island, at the entrance to the Great Salt Pond and referred to in the books of the Tax Assessor of the town of New Shoreham, Rhode Island, as lots 10 and 12, comprising approximately 10.7 acres.

(c) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to subsection (a), any conveyance of property under subsection (a) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used by the town of New Shoreham, Rhode Island.

SEC. 1009. CONVEYANCE OF PROPERTY IN SANTA CRUZ, CALIFORNIA.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of Transportation (referred to in this section as the "Secretary") may convey to the Santa Cruz Port District by an appropriate means of conveyance, all right, title, and interest of the United States in and to the property described in paragraph (2).

(2) IDENTIFICATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed pursuant to this section.

(b) CONSIDERATION.—Any conveyance of property pursuant to this section shall be made without payment of consideration.

(c) CONDITION.—The conveyance provided for in subsection (a) may be made contingent upon agreement by the Port District that—

(1) the utility systems, building spaces, and facilities or any alternate, suitable facilities and buildings on the harbor premises would be available for joint use by the Port District and the Coast Guard when deemed necessary by the Coast Guard; and

(2) the Port District would be responsible for paying the cost of maintaining, operating, and replacing (as necessary) the utility systems and any buildings and facilities located on the property as described in subsection (a) or on any alternate, suitable property on the harbor premises set aside for use by the Coast Guard.

(d) REVERSIONARY INTEREST.—Any conveyance of property pursuant to this section shall be subject to the condition that all right, title, and interest in Subunit Santa Cruz shall immediately revert to the United States—

(1) if Subunit Santa Cruz ceases to be maintained as a nonprofit center for education, training, administration, and other public service to include use by the Coast Guard; or

(2) at the end of the thirty day period beginning on any date on which the Secretary provides written notice to the Santa Cruz Port District that Subunit Santa Cruz is needed for national security purposes.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

(f) DEFINITIONS.—For purposes of this section—

(1) "Subunit Santa Cruz" means the Coast Guard property and improvements located at Santa Cruz, California;

(2) "Secretary" means the Secretary of the department in which the Coast Guard is operating; and

(3) "Port District" means the Santa Cruz Port District, or any successor or assign.

SEC. 1010. CONVEYANCE OF VESSEL S/S RED OAK VICTORY.

(a) IN GENERAL.—Notwithstanding any other law, the Secretary of Transportation (referred to in this section as the "Secretary") may convey the right, title, and interest of the United States Government in and to the vessel S/S RED OAK VICTORY (Victory Ship VCS–AP2; United States Navy Hull No. AK235) to the City of Richmond Museum Association, Inc., located in Richmond, California (in this section referred to as "the recipient"), if—

(1) the recipient agrees to use the vessel for the purposes of a monument to the wartime accomplishments of the City of Richmond;

(2) the vessel is not used for commercial transportation purposes;

(3) the recipient agrees to make the vessel available to the Government if the Secretary requires use of the vessel by the Government for war or a national emergency;

(4) the recipient agrees to hold the Government harmless for any claims arising from exposure to asbestos after conveyance of the vessel, except for claims arising from use by the Government under paragraph (3); and

(5) the recipient has available, for use to restore the vessel, in the form of cash, liquid assets, or a written loan commitment, financial resources of at least $100,000.

(b) DELIVERY OF VESSEL.—If a conveyance is made under this section, the Secretary shall deliver the vessel at the place where the vessel is located on the date of enactment of this Act, in its present condition, without cost to the Government.

(c) OTHER UNNEEDED EQUIPMENT.—The Secretary may convey to the recipient any unneeded equipment from other vessels in the National Defense Reserve Fleet for use to restore the S/S RED OAK VICTORY to museum quality.

(d) RETENTION OF VESSEL IN NDRF.—The Secretary shall retain in the National Defense Reserve Fleet the vessel authorized to be conveyed under subsection (a), until the earlier of—

(1) 2 years after the date of the enactment of this Act; or

(2) the date of conveyance of the vessel under subsection (a).

SEC. 1011. CONVEYANCE OF EQUIPMENT.

The Secretary of Transportation may convey any unneeded equipment from other vessels in the National Defense Reserve Fleet to the JOHN W. BROWN and other qualified United States memorial ships in order to maintain their operating condition.

SEC. 1012. PROPERTY EXCHANGE.

(a) PROPERTY ACQUISITION.—The Secretary may, by means of an exchange of property, acceptance as a gift, or other means that does not require the use of appropriated funds, acquire all right, title, and interest in and to a parcel or parcels of real property and any improvements thereto located within the limits of the City and Borough of Juneau, Alaska.

(b) ACQUISITION THROUGH EXCHANGE.—For the purposes of acquiring property under subsection (a) by means of an exchange, the Secretary may convey all right, title, and interest of the United States in and to a parcel or parcels of real property and any improvements thereto located within the limits of the City and Borough of Juneau, Alaska and in the control of the Coast Guard if the Secretary determines that the exchange is in the best interest of the Coast Guard.

(c) TERMS AND CONDITIONS.—The Secretary may require such terms and conditions under this section as the Secretary considers appropriate to protect the interests of the United States.

TITLE XI—MISCELLANEOUS

SEC. 1101. FLORIDA AVENUE BRIDGE.

For purposes of the alteration of the Florida Avenue Bridge (located approximately 1.63 miles east of the Mississippi River on the Gulf Intracoastal Waterway in Orleans Parish, Louisiana) ordered by the Secretary of Transportation under the Act of June 21, 1940 (33 U.S.C. 511 et seq.), the Secretary shall treat the drainage siphon that is adjacent to the bridge as an appurtenance of the bridge, including with respect to apportionment and payment of costs for the removal of the drainage siphon in accordance with that Act.

SEC. 1102. OIL SPILL RECOVERY INSTITUTE.

(a) ADVISORY BOARD AND EXECUTIVE COMMITTEE.—Section 5001 of the Oil Pollution Act of 1990 (33 U.S.C. 2731) is amended—

(1) by striking "to be administered by the Secretary of Commerce" in subsection (a);

(2) by striking "and located" in subsection (a) and inserting "located";

(3) by striking "the EXXON VALDEZ oil spill" each place it appears in subsection (b)(2) and inserting "Arctic or Subarctic oil spills";

(4) by striking "18" in subsection (c)(1) and inserting "16";

(5) by striking ", Natural Resources, and Commerce and Economic Development" in subsection (c)(2)(A) and inserting a comma and "and Natural Resources";

(6) by striking subsection (c)(1) (B), (C), and (D);

(7) by redesignating subparagraphs (E) and (F) of subsection (c)(1) as subparagraphs (G) and (H), respectively;

(8) by inserting after subparagraph (A) of subsection (c)(1) the following:

"(B) One representative appointed by each of the Secretaries of Commerce, the Interior, and Transportation, who shall be Federal employees.

"(C) Two representatives from the fishing industry appointed by the Governor of the State of Alaska from among residents of communities in Alaska that were affected by the EXXON VALDEZ oil spill, who shall serve terms of 2 years each. Interested organizations from within the fishing industry may submit the names of qualified individuals for consideration by the Governor.

"(D) Two Alaska Natives who represent Native entities affected by the EXXON VALDEZ oil spill, at least one of whom represents an entity located in Prince William Sound, appointed by the Governor of Alaska from a list of 4 qualified individuals submitted by the Alaska Federation of Natives, who shall serve terms of 2 years each.

"(E) Two representatives from the oil and gas industry to be appointed by the Governor of the State of Alaska who shall serve terms of 2 years each. Interested organizations from within the oil and gas industry may submit the names of qualified individuals for consideration by the Governor.

"(F) Two at-large representatives from among residents of communities in Alaska that were affected by the EXXON VALDEZ oil spill who are knowledgeable about the marine environment and wildlife within Prince William Sound, and who shall serve terms of 2 years each, appointed by the remaining members of the Advisory Board. Interested parties may submit the names of qualified individuals for consideration by the Advisory Board.";

(9) adding at the end of subsection (c) the following:

"(4) SCIENTIFIC REVIEW.—The Advisory Board may request a scientific review of the research program every five years by the National Academy of Sciences which shall perform the review, if requested, as part of its responsibilities under section 7001(b)(2).";

(10) by striking "the EXXON VALDEZ oil spill" in subsection (d)(2) and inserting "Arctic or Subarctic oil spills";

(11) by striking "Secretary of Commerce" in subsection (e) and inserting "Advisory Board";

(12) by striking ", the Advisory Board," in the second sentence of subsection (e);

(13) by striking "Secretary's" in subsection (e) and inserting "Advisory Board's";

(14) by inserting "authorization in section 5006(b) providing funding for the" in subsection (i) after "The";

(15) by striking "this Act" in subsection (i) and inserting "the Coast Guard Authorization Act of 1995"; and

(16) by inserting "The Advisory Board may compensate its Federal representatives for their reasonable travel costs." in subsection (j) after "Institute.".

(b) FUNDING.—Section 5006 of the Oil Pollution Act of 1990 (33 U.S.C. 2736) is amended by—

(1) striking subsection (a), redesignating subsection (b) as subsection "(a)";

(2) striking "5003" in the caption of subsection (a), as redesignated, and inserting "5001, 5003,";

(3) inserting "to carry out section 5001 in the amount as determined in section 5006(b), and" after "limitation," in the text of subsection (a), as redesignated; and

(4) adding at the end thereof the following:

"(b) USE OF INTEREST ONLY.—The amount of funding to be made available annually to carry out section 5001 shall be the interest produced by the Fund's investment of the $22,500,000 remaining funding authorized for the Prince William Sound Oil Spill Recovery Institute and currently deposited in the Fund and invested by the Secretary of the Treasury in income producing securities along with other funds comprising the Fund.

"(c) USE FOR SECTION 1012.—Beginning with the eleventh year following the date of enactment of the Coast Guard Authorization Act of 1995, the funding authorized for the Prince William Sound Oil Spill Recovery Institute and deposited in the Fund shall thereafter be made available for purposes of section 1012 in Alaska.".

(c) CONFORMING AMENDMENTS.—

(1) Section 6002(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2752(b)) is amended by striking "5006(b)" and inserting "5006".

(2) Section 7001(c)(9) the Oil Pollution Act of 1990 (33 U.S.C. 2761(c)(9)) is amended by striking the period at the end thereof and inserting "until the authorization for funding under section 5006(b) expires".

SEC. 1103. LIMITED DOUBLE HULL EXEMPTIONS.

(a) IN GENERAL.—The double hull construction requirements of section 3703a of title 46, United States Code, do not apply to—

(1) a vessel documented under chapter 121 of title 46, United States Code, that was equipped with a double hull before August 12, 1992;

(2) a barge of less than 1,500 gross tons carrying refined petroleum product in bulk as cargo in or adjacent to waters of the Bering Sea, Chukchi Sea, and Arctic Ocean and waters tributary thereto and in the waters of the Aleutian Islands and the Alaskan Peninsula west of 155 degrees west longitude; or

(3) a vessel in the National Defense Reserve Fleet pursuant to section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744).

(b) AUTHORITY OF THE SECRETARY OF TRANSPORTATION.—

(1) OPERATION OF BARGES IN OTHER WATERS.—The operation of barges described in subsection (a)(2) outside waters described in that subsection shall be on such conditions as the Secretary of Transportation may require.

(2) NO EFFECT ON OTHER AUTHORITY OF THE SECRETARY.—Except as provided in subsection (a), nothing in this section affects the authority of the Secretary of Transportation to regulate the construction, operation, or manning of barges and vessels in accordance with applicable laws and regulations.

(c) BARGE DEFINED.—For purposes of this section, the term "barge" has the meaning given that term in section 2101 of title 46, United States Code.

SEC. 1104. OIL SPILL RESPONSE VESSELS.

(a) DESCRIPTION.—Section 2101 of title 46, United States Code, is amended—

(1) by redesignating paragraph (20a) as (20b); and

(2) by inserting after paragraph (20) the following new paragraph:

"(20a) 'oil spill response vessel' means a vessel that is designated in its certificate of inspection as such a vessel, or that is adapted to respond to a discharge of oil or a hazardous material.".

(b) EXEMPTION FROM LIQUID BULK CARRIAGE REQUIREMENTS.—Section 3702 of title 46, United States Code, is amended by adding at the end thereof the following:

"(f) This chapter does not apply to an oil spill response vessel if—

"(1) the vessel is used only in response-related activities; or

"(2) the vessel is—

"(A) not more than 500 gross tons;

"(B) designated in its certificate of inspection as an oil spill response vessel; and

"(C) engaged in response-related activities.".

(c) MANNING.—Section 8104(p) of title 46, United States Code, is amended to read as follows:

"(p) The Secretary may prescribe the watchstanding and work hours requirements for an oil spill response vessel.".

(d) MINIMUM NUMBER OF LICENSED INDIVIDUALS.—Section 8301(e) of title 46, United States Code, is amended to read as follows:

"(e) The Secretary may prescribe the minimum number of licensed individuals for an oil spill response vessel.".

(e) MERCHANT MARINER DOCUMENT REQUIREMENTS.—Section 8701(a) of title 46, United States Code, is amended—

(1) by striking "and" after the semicolon at the end of paragraph (7),

(2) by striking the period at the end of paragraph (8) and inserting a semicolon and "and"; and

(3) by adding at the end thereof the following new paragraph:

"(9) the Secretary may prescribe the individuals required to hold a merchant mariner's document serving onboard an oil spill response vessel.".

(f) EXEMPTION FROM TOWING VESSEL REQUIREMENT.—Section 8905 of title 46, United States Code, is amended by adding at the end the following new subsection:

"(c) Section 8904 of this title does not apply to an oil spill response vessel while engaged in oil spill response or training activities.".

(g) INSPECTION REQUIREMENT.—Section 3301 of title 46, United States Code, is amended by adding at the end the following new paragraph:

"(14) oil spill response vessels.".

SEC. 1105. SENSE OF THE CONGRESS REGARDING PASSENGERS ABOARD COMMERCIAL VESSELS.

It is the sense of the Congress that section 521(a)(1) of Public Law 103–182 (19 U.S.C. 58c(a)(5)) was intended to require the collection and remission of a fee from each passenger only one time in the course of a single voyage aboard a commercial vessel.

SEC. 1106. CALIFORNIA CRUISE INDUSTRY REVITALIZATION.

Section 5(b)(2) of the Act of January 2, 1951 (15 U.S.C. 1175(b)(2)), commonly referred to as the "Johnson Act", is amended by adding at the end thereof the following:

"(C) EXCLUSION OF CERTAIN VOYAGES AND SEGMENTS.—Except for a voyage or segment of a voyage that occurs within the boundaries of the State of Hawaii, a voyage or segment of a voyage is not described in subparagraph (B) if it includes or consists of a segment—

"(i) that begins and ends in the same State;

"(ii) that is part of a voyage to another State or to a foreign country; and

"(iii) in which the vessel reaches the other State or foreign country within 3 days after leaving the State in which it begins.".

SEC. 1107. LOWER COLUMBIA RIVER MARINE FIRE AND SAFETY ACTIVITIES.

The Secretary of Transportation is authorized to expend out of the amounts appropriated for the Coast Guard for fiscal year 1996 not more than $491,000 for lower Columbia River marine, fire, oil, and toxic spill response communications, training, equipment, and program administration activities conducted by the Marine Fire and Safety Association.

SEC. 1108. OIL POLLUTION RESEARCH TRAINING.

Section 7001(c)(2)(D) of the Oil Pollution Act of 1990 (33 U.S.C. 2761(c)(2)(D)) is amended by striking "Texas;" and inserting "Texas, and the Center for Marine Training and Safety in Galveston, Texas;".

SEC. 1109. LIMITATION ON RELOCATION OF HOUSTON AND GALVESTON MARINE SAFETY OFFICES.

The Secretary of Transportation may not relocate the Coast Guard Marine Safety Offices in Galveston, Texas, and Houston, Texas. Nothing in this section prevents the consolidation of management functions of these Coast Guard authorities.

SEC. 1110. UNINSPECTED FISH TENDER VESSELS.

Section 3302 of Title 46, United States Code, is amended in subsection (c)(3)(A) by adding "(including fishery-related products)" after the word "cargo".

SEC. 1111. FOREIGN PASSENGER VESSEL USER FEES.

Section 3303 of title 46, United States Code, is amended—

(1) by striking "(a)" in subsection (a); and

(2) by striking subsection (b).

SEC. 1112. COAST GUARD USER FEES.

(a) FINDINGS.—The Congress finds the following:

(1) The Secretary of Transportation is authorized under subsection 10401(g) of the Omnibus Budget Reconciliation Act of 1990 (46 U.S.C. 2110(g)) to exempt persons from the requirement to pay Coast Guard inspection user fees if it is in the public interest to do so.

(2) Publicly-owned ferries serve the public interest by providing necessary, and in many cases, the only available, transportation between locations divided by bodies of water.

(3) Small passenger vessels serve the public interest by providing vital small business opportunities in virtually every coastal city of the United States and by providing important passenger vessels services.

(4) During the Coast Guard inspection user fee rulemaking process, small passenger vessel operators informed the Coast Guard that proposed user fees were excessive and would force small passenger operators out of business, leaving many areas without small passenger vessel services required by the public.

(5) The Secretary of Transportation failed to adequately protect the public interest and failed to follow Congressional intent by establishing Coast Guard inspection user fees for small passenger vessels which exceed the ability of these small businesses to pay the fees and by establishing Coast Guard inspection user fees for publicly-owned ferries.

(b) LIMITS ON USER FEES.—Section 10401(g) of the Omnibus Budget Reconciliation Act of 1990 (46 U.S.C. 2110(a)(2)) is amended by adding after "annually." the following: "The Secretary may not establish a fee or charge under paragraph (1) for inspection or examination of a small passenger vessel under this title that is more than $300 annually for such vessels under 65 feet in length, or more than $600 annually for such vessels 65 feet in length and greater. The Secretary may not establish a fee or charge under paragraph (1) for inspection or examination under this title for any publicly-owned ferry.".

SEC. 1113. VESSEL FINANCING.

(a) DOCUMENTATION CITIZEN ELIGIBLE MORTGAGEE.—Section 31322(a)(1)(D) of title 46, United States Code, is amended—

(1) by striking "or" at the end of clause (v);

(2) by striking the period at the end of clause (vi) and inserting "; or"; and

(3) by adding at the end the following:

"(vii) a person eligible to own a documented vessel under chapter 121 of this title.".

(b) AMENDMENT TO TRUSTEE RESTRICTIONS.—Section 31328(a) of title 46, United States Code, is amended—

(1) by striking "or" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; or"; and

(3) by adding at the end the following:

"(5) is a person eligible to own a documented vessel under chapter 121 of this title.".

(c) LEASING.—Section 12106 of title 46, United States Code, is amended by adding at the end the following:

"(e)(1) A certificate of documentation for a vessel may be endorsed with a coastwise endorsement if—

"(A) the person that owns the vessel, a parent entity of that person, or a subsidiary of a parent entity of that person, is primarily engaged in leasing or other financing transactions;

"(B) the vessel is under a demise charter to a person qualifying as a citizen of the United States for engaging in the coastwise trade under section 2 of the Shipping Act, 1916, and it is certified that there are no other agreements, arrangements, or understandings between the vessel owner and the demise charterer with respect to the operation or management of the vessel;

"(C) the demise charter—

"(i) is for a period of at least 3 years or a shorter period as may be prescribed by the Secretary; and

"(ii) charter hire is not significantly greater than that prevailing in the commercial market; and

"(D) the vessel is otherwise eligible for documentation under section 12102.

"(2) The demise charter and any amendments to that charter shall be filed with the certificate required by this subsection, or within 10 days following the filing of an amendment to the charter, and such charter and amendments shall be made available to the public.

"(3) Upon default by a demise charterer required under paragraph (1)(C), the coastwise endorsement of the vessel may, in the sole discretion of the Secretary, be continued after the termination for default of the demise charter for a period not to exceed 6 months on such terms and conditions as the Secretary may prescribe.

"(4) For purposes of section 2 of the Shipping Act, 1916, and section 12102(a) of this title, a vessel meeting the criteria of this subsection is deemed to be owned exclusively by citizens of the United States.

"(5) A vessel eligible for documentation or to be endorsed with a coastwise endorsement under this subsection is not eligible for a fishery endorsement under section 12108.".

(d) CONFORMING AMENDMENT.—Section 9(c) of the Shipping Act, 1916, as amended (46 U.S.C. App. 808(c)) is amended by striking "sections 31322(a)(1)(D)" and inserting "sections 12106(e), 31322(a)(1)(D),".

SEC. 1114. MANNING AND WATCH REQUIREMENTS ON TOWING VESSELS ON THE GREAT LAKES.

(a) Section 8104(c) of title 46, United States Code, is amended—

(1) by striking "or permitted"; and

(2) by inserting after "day" the following: "or permitted to work more than 15 hours in any 24-hour period, or more than 36 hours in any 72-hour period".

(b) Section 8104(e) of title 46, United States Code, is amended by striking "subsections (c) and (d)" and inserting "subsection (d)".

(c) Section 8104(g) of title 46, United States Code, is amended by striking "(except a vessel to which subsection (c) of this section applies)".

SEC. 1115. REPEAL OF GREAT LAKES ENDORSEMENTS.

(a) REPEAL.—Section 12107 of title 46, United States Code, is repealed.

(b) CONFORMING AMENDMENTS.—

(1) The analysis at the beginning of chapter 121 of title 46, United States Code, is amended by striking the item relating to section 12107.

(2) Section 12101(b)(3) of title 46, United States Code, is repealed.

(3) Section 4370(a) of the Revised Statutes of the United States (46 App. U.S.C. 316(a)) is amended by striking "or 12107".

(4) Section 2793 of the Revised Statutes of the United States (46 App. U.S.C. 111, 123) is amended—

(A) by striking "coastwise, Great Lakes endorsement" and all that follows through "foreign ports," and inserting "registry endorsement, engaged in foreign trade on the Great Lakes or their tributary or connecting waters in trade with Canada,"; and

(B) by striking ", as if from or to foreign ports".

(5) Section 9302(a)(1) of title 46, United States Code, is amended by striking "subsections (d) and (e)" and inserting "subsections (d), (e) and (f)".

(6) Section 9302(e) of title 46, United States Code, is amended by striking "subsections (a) and (b)" and inserting "subsection (a)".

(7) Section 9302 of title 46, United States Code, is amended by adding at the end the following new subsection:

"(f) A United States vessel operating between ports on the Great Lakes or between ports on the Great Lakes and the St. Lawrence River carrying no cargo obtained from a foreign port outside of the Great Lakes or carrying no cargo bound for a foreign port outside of the Great Lakes, is exempt from the requirements of subsection (a) of this section.".

SEC. 1116. RELIEF FROM UNITED STATES DOCUMENTATION REQUIREMENTS.

(a) IN GENERAL.—Notwithstanding any other law or any agreement with the United States Government, a vessel described in subsection (b) may be transferred to or placed under a foreign registry or sold to a person that is not a citizen of the United States and transferred to or placed under a foreign registry.

(b) VESSELS DESCRIBED.—The vessels referred to in subsection (a) are the following:

(1) RAINBOW HOPE (United States official number 622178).

(2) IOWA TRADER (United States official number 642934).

(3) KANSAS TRADER (United States official number 634621).

(4) MV PLATTE (United States official number number 653210).

(5) SOUTHERN (United States official number 591902).

(6) ARZEW (United States official number 598727).

(7) LAKE CHARLES (United States official number 619531).

(8) LOUISIANA (United States official number 619532).

(9) GAMMA (United States official number 598730).

SEC. 1117. USE OF CANADIAN OIL SPILL RESPONSE AND RECOVERY VESSELS.

Notwithstanding any other provision of law, oil spill response and recovery vessels of Canadian registry may operate in waters of the United States adjacent to the border between Canada and the State of Maine, on an emergency and temporary basis, for the purpose of recovering, transporting, and unloading in a United States port oil discharged as a result of an oil spill in or near such waters, if an adequate number and type of oil spill response and recovery vessels documented under the laws of the United States cannot be engaged to recover oil from an oil spill in or near those waters in a timely manner, as determined by the Federal On-Scene Coordinator for a discharge or threat of a discharge of oil.

SEC. 1118. JUDICIAL SALE OF CERTAIN DOCUMENTED VESSELS TO ALIENS.

Section 31329 of title 46, United States Code, is amended by adding at the end the following new subsection:

"(f) This section does not apply to a documented vessel that has been operated only for pleasure.".

SEC. 1119. IMPROVED AUTHORITY TO SELL RECYCLABLE MATERIAL.

Section 641(c)(2) of title 14, United States Code, is amended by inserting before the period the following: ", except that the Commandant may conduct sales of materials for which the proceeds of sale will not exceed $5,000 under regulations prescribed by the Commandant".

SEC. 1120. DOCUMENTATION OF CERTAIN VESSELS.

(a) GENERAL CERTIFICATES.—Notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the following vessels:

(1) ALPHA TANGO (United States official number 945782).

(2) AURA (United States official number 1027807).

(3) BABS (United States official number 1030028).

(4) BAGGER (State of Hawaii registration number HA1809E).

(5) BILLY BUCK (United States official number 939064).

(6) CAPTAIN DARYL (United States official number 580125).

(7) CHRISSY (State of Maine registration number 4778B).

(8) CONSORTIUM (United States official number 303328).

(9) DRAGONESSA (United States official number 646512).

(10) EMERALD AYES (United States official number 986099).

(11) ENDEAVOUR (United States official number 947869).

(12) EVENING STAR (Hull identification number HA2833700774 and State of Hawaii registration number HA8337D).

(13) EXPLORER (United States official number 918080).

(14) FOCUS (United States official number 909293).

(15) FREJA VIKING (Danish registration number A395).

(16) GLEAM (United States official number 921594).

(17) GOD'S GRACE II (State of Alaska registration number AK5916B).

(18) HALCYON (United States official number 690219).

(19) IDUN VIKING (Danish registration number A433).

(20) INTREPID (United States official number 508185).

(21) ISABELLE (United States official number 600655).

(22) JAJO (Hull identification number R1Z200207H280 and State of Rhode Island registration number 388133).

(23) LADY HAWK (United States official number 961095).

(24) LIV VIKING (Danish registration number A394).

(25) MAGIC CARPET (United States official number 278971).

(26) MARANTHA (United States official number 638787).

(27) OLD HAT (United States official number 508299).

(28) ONRUST (United States official number 515058).

(29) PERSEVERANCE (Serial number 77NS8901).

(30) PRIME TIME (United States official number 660944).

(31) QUIETLY (United States official number 658315).

(32) RESOLUTION (Serial number 77NS8701).

(33) ROYAL AFFAIRE (United States official number 649292).

(34) SARAH-CHRISTEN (United States official number 542195).

(35) SEA MISTRESS (United States official number 696806).

(36) SERENITY (United States official number 1021393).

(37) SHAMROCK V (United States official number 900936).

(38) SHOOTER (United States official number 623333).

(39) SISU (United States official number 293648).

(40) SUNRISE (United States official number 950381).

(41) TOO MUCH FUN (United States official number 936565).

(42) TRIAD (United States official number 988602).

(43) WEST FJORD (Hull identification number X–53–109).

(44) WHY NOT (United States official number 688570).

(45) WOLF GANG II (United States official number 984934).

(46) YES DEAR (United States official number 578550).

(47) 14 former United States Army hovercraft with serial numbers LACV–30–04, LACV–30–05, LACV 30–07, LACV–30–09, LACV–30–10, LACV–30–13, LACV–30–14, LACV–30–15, LACV–30–16, LACV–30–22, LACV–30–23, LACV–30–24, LACV–30–25, and LACV–30–26.

(b) M/V TWIN DRILL.—Section 601(d) of the Coast Guard Authorization Act of 1993 (Public Law 103–206, 107 Stat. 2445) is amended—

(1) by striking "June 30, 1995" in paragraph (3) and inserting "June 30, 1996"; and

(2) by striking "12 months" in paragraph (4) and inserting "24 months".

(c) CERTIFICATES OF DOCUMENTATION FOR GALLANT LADY.—

(1) IN GENERAL.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), section 8 of the Act of June 19, 1886 (24 Stat. 81, chapter 421; 46 U.S.C. App. 289), and section 12106 of title 46, United States Code, and subject to paragraph (2), the Secretary of Transportation may issue a certificate of documentation with an appropriate endorsement for employment in coastwise trade for each of the following vessels:

(A) GALLANT LADY (Feadship hull number 645, approximately 130 feet in length).

(B) GALLANT LADY (Feadship hull number 651, approximately 172 feet in length).

(2) LIMITATION ON OPERATION.—Coastwise trade authorized under a certificate of documentation issued for a vessel under this section shall be limited to the carriage of passengers in association with contributions to charitable organizations no portion of which is received, directly or indirectly, by the owner of the vessel.

(3) CONDITION.—The Secretary may not issue a certificate of documentation for a vessel under paragraph (1) unless, not later than 90 days after the date of enactment of this Act, the owner of the vessel referred to in paragraph (1)(B) submits to the Secretary a letter expressing the intent of the owner to, before April 1, 1997,enter into a contract for the construction in the United States of a passenger vessel of at least 130 feet in length.

(4) EFFECTIVE DATE OF CERTIFICATES.—A certificate of documentation issued under paragraph (1) shall take effect—

(A) for the vessel referred to in paragraph (1)(A), on the date of the issuance of the certificate; and

(B) for the vessel referred to in paragraph (1)(B), on the date of delivery of the vessel to the owner.

(5) TERMINATION OF EFFECTIVENESS OF CERTIFICATES.—A certificate of documentation issued for a vessel under paragraph (1) shall expire—

(A) on the date of the sale of the vessel by the owner;

(B) on April 1, 1997, if the owner of the vessel referred to in paragraph (1)(B) has not entered into a contract for construction of a vessel in accordance with the letter of intent submitted to the Secretary under paragraph (3); or

(C) on such date as a contract referred to in paragraph (2) is breached, rescinded, or terminated (other than for completion of performance of the contract) by the owner of the vessel referred to in paragraph (1)(B).

(d) CERTIFICATES OF DOCUMENTATION FOR ENCHANTED ISLE AND ENCHANTED SEAS.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), the Act of June 19, 1886 (46 U.S.C. App. 289), section 12106 of title 46, United States Code, section 506 of the Merchant Marine Act, 1936 (46 U.S.C. App. 1156), and any agreement with the United States Government, the Secretary of Transportation may issue certificates of documentation with a coastwise endorsement for the vessels ENCHANTED ISLES (Panamanian official number 14087–84B) and ENCHANTED SEAS (Panamanian official number 14064–84D), except that the vessels may not operate between or among islands in the State of Hawaii.

SEC. 1121. VESSEL DEEMED TO BE A RECREATIONAL VESSEL.

The vessel, an approximately 96 meter twin screw motor yacht for which construction commenced in October, 1993, and which has been assigned the builder's number 13583 (to be named the LIMITLESS), is deemed for all purposes, including title 46, United States Code, and all regulations thereunder, to be a recreational vessel of less than 300 gross tons if it does not—

(1) carry cargo or passengers for hire; or

(2) engage in commercial fisheries or oceanographic research.

SEC. 1122. SMALL PASSENGER VESSEL PILOT INSPECTION PROGRAM WITH THE STATE OF MINNESOTA.

(a) IN GENERAL.—The Secretary may enter into an agreement with the State under which the State may inspect small passenger vessels operating in waters of that State designated by the Secretary, if—

(1) the State plan for the inspection of small passenger vessels meets such requirements as the Secretary may require to ensure the safety and operation of such vessels in accordance with the standards that would apply if the Coast Guard were inspecting such vessels; and

(2) the State will provide such information obtained through the inspection program to the Secretary annually in such form and in such detail as the Secretary may require.

(b) FEES.—The Secretary may adjust or waive the user fee imposed under section 3317 of title 46, United States Code, for the inspection of small passenger vessels inspected under the State program.

(c) TERMINATION.—The authority provided by subsection (a) terminates on December 31, 1998.

(d) DEFINITIONS.—For purposes of this section—

(1) SECRETARY.—The term "Secretary" means the Secretary of the department in which the Coast Guard is operating.

(2) STATE.—The term "State" means the State of Minnesota.

(3) SMALL PASSENGER VESSEL.—The term "small passenger vessel" means a small passenger vessel (as defined in section 2101(35) of title 46, United States Code) of not more than 40 feet overall in length.

SEC. 1123. COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS FISHING.

Section 8103(i)(1) of title 46, United States Code, is amended—

(1) by striking "or" in subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting a semicolon and "or"; and

(3) by adding at the end thereof the following:

"(D) an alien allowed to be employed under the immigration laws of the Commonwealth of the Northern Mariana Islands if the vessel is permanently stationed at a port within the Commonwealth and the vessel is engaged in the fisheries within the exclusive economic zone surrounding the Commonwealth or another United States territory or possession.

SEC. 1124. AVAILABILITY OF EXTRAJUDICIAL REMEDIES FOR DEFAULT ON PREFERRED MORTGAGE LIENS ON VESSELS.

(a) AVAILABILITY OF EXTRAJUDICIAL REMEDIES.—Section 31325(b) of title 46, United States Code, is amended—

(1) in the matter preceding paragraph (1) by striking "mortgage may" and inserting "mortgagee may";

(2) in paragraph (1) by—

(A) striking "perferred" and inserting "preferred"; and

(B) striking "; and" and inserting a semicolon; and

(3) by adding at the end the following:

"(3) enforce the preferred mortgage lien or a claim for the outstanding indebtedness secured by the mortgaged vessel, or both, by exercising any other remedy (including an extrajudicial remedy) against a documented vessel, a vessel for which an application for documentation is filed under chapter 121 of this title, a foreign vessel, or a mortgagor, maker, comaker, or guarantor for the amount of the outstanding indebtedness or any deficiency in full payment of that indebtedness, if—

"(A) the remedy is allowed under applicable law; and

"(B) the exercise of the remedy will not result in a violation of section 9 or 37 of the Shipping Act, 1916 (46 U.S.C. App. 808, 835).".

(b) NOTICE.—Section 31325 of title 46, United States Code, is further amended by adding at the end the following:

"(f)(1) Before title to the documented vessel or vessel for which an application for documentation is filed under chapter 121 is transferred by an extrajudicial remedy, the person exercising the remedy shall give notice of the proposed transfer to the Secretary, to the mortgagee of any mortgage on the vessel filed in substantial compliance with section 31321 of this title before notice of the proposed transfer is given to the Secretary, and to any person that recorded a notice of a claim of an undischarged lien on the vessel under section 31343(a) or (d) of this title before notice of the proposed transfer is given to the Secretary.

"(2) Failure to give notice as required by this subsection shall not affect the transfer of title to a vessel. However, the rights of any holder of a maritime lien or a preferred mortgage on the vessel shall not be affected by a transfer of title by an extrajudicial remedy exercised under this section, regardless of whether notice is required by this subsection or given.

"(3) The Secretary shall prescribe regulations establishing the time and manner for providing notice under this subsection.".

(c) RULE OF CONSTRUCTION.—The amendments made by subsections (a) and (b) may not be construed to imply that remedies other than judicial remedies were not available before the date of enactment of this section to enforce claims for outstanding indebtedness secured by mortgaged vessels.

SEC. 1125. OFFSHORE FACILITY FINANCIAL RESPONSIBILITY REQUIREMENTS.

(a) AMOUNT OF FINANCIAL RESPONSIBILITY.—Section 1016(c)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2716(c)(1)) is amended to read as follows:

"(1) IN GENERAL.—

"(A) EVIDENCE OF FINANCIAL RESPONSIBILITY REQUIRED.—Except as provided in paragraph (2), a responsible party with respect to an offshore facility that—

"(i)(I) is located seaward of the line of ordinary low water along that portion of the coast that is in direct contact with the open sea and the line marking the seaward limit of inland waters; or

"(II) is located in inland waters, such as coastal bays or estuaries, seaward of the line of ordinary low water along that portion of the coast that is not in direct contact with the open sea;

"(ii) is used for exploring for, drilling for, or producing oil, or for transporting oil from facilities engaged in oil exploration, drilling, or production; and

"(iii) has a worst-case oil spill discharge potential of more than 1,000 barrels of oil (or a lesser amount if the President determines that the risks posed by such facility justify it),

shall establish and maintain evidence of financial responsibility in the amount required under subparagraph (B) or (C), as applicable.

"(B) AMOUNT REQUIRED GENERALLY.—Except as provided in subparagraph (C), the amount of financial responsibility for offshore facilities that meet the criteria in subparagraph (A) is—

"(i) $35,000,000 for offshore facilities located seaward of the seaward boundary of a State; or

"(ii) $10,000,000 for offshore facilities located landward of the seaward boundary of a State.

"(C) GREATER AMOUNT.—If the President determines that an amount of financial responsibility for a responsible party greater than the amount required by subparagraphs (B) and (D) is justified by the relative operational, environmental, human health, and other risks posed by the quantity or quality of oil that is explored for, drilled for, produced, stored, handled, transferred, processed or transported by the responsible party, the evidence of financial responsibility required shall be for an amount determined by the President not exceeding $150,000,000.

"(D) MULTIPLE FACILITIES.—In the case in which a person is a responsible party for more than one facility subject to this subsection, evidence of financial responsibility need be established only to meet the amount applicable to the facility having the greatest financial responsibility requirement under this subsection.

"(E) STATE JURISDICTION.—The requirements of this paragraph shall not apply if an offshore facility located landward of the seaward boundary of a State is required by such State to establish and maintain evidence of financial responsibility in a manner comparable to, and in an amount equal to or greater than, the requirements of this paragraph.

"(F) DEFINITION.—For the purpose of this paragraph, the phrase "seaward boundary of a State" shall mean the boundaries described in section 2(b) of the Submerged Lands Act (43 U.S.C. 1301(b)).".

SEC. 1126. DEAUTHORIZATION OF NAVIGATION PROJECT, COHASSET HARBOR, MASSACHUSETTS.

The following portions of the project for navigation, Cohasset Harbor, Massachusetts, authorized by section 2 of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 2, 1945 (59 Stat. 12), or carried out pursuant to section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), are deauthorized: A 7-foot deep anchorage and a 6-foot deep anchorage; beginning at site 1, starting at a point N453510.15, E792664.63, thence running south 53 degrees 07 minutes 05.4 seconds west 307.00 feet to a point N453325.90, E792419.07, thence running north 57 degrees 56 minutes 36.8 seconds west 201.00 feet to a point N453432.58, E792248.72, thence running south 88 degrees 57 minutes 25.6 seconds west 50.00 feet to a point N453431.67, E792198.73, thence running north 01 degree 02 minutes 52.3 seconds west 66.71 feet to a point N453498.37, E792197.51, thence running north 69 degrees 12 minutes 52.3 seconds east 332.32 feet to a point N453616.30, E792508.20, thence running south 55 degrees 50 minutes 24.1 seconds east 189.05 feet to point of origin; then site 2, starting at a point, N452886.64, E791287.83, thence running south 00 degrees 00 minutes 00.0 seconds west 56.04 feet to a point, N452830.60, E791287.83, thence running north 90 degrees 00 minutes 00.0 seconds west 101.92 feet to a point, N452830.60, E791185.91, thence running north 52 degrees 12 minutes 49.7 seconds east 89.42 feet to a point, N452885.39, E791256.58, thence running north 87 degrees 42 minutes 33.8 seconds east 31.28 feet to point of origin; and site 3, starting at a point, N452261.08, E792040.24, thence running north 89 degrees 07 minutes 19.5 seconds east 118.78 feet to a point, N452262.90, E792159.01, thence running south 43 degrees 39 minutes 06.8 seconds west 40.27 feet to a point, N452233.76, E792131.21, thence running north 74 degrees 33 minutes 29.1 seconds west 94.42 feet to a point, N452258.90, E792040.20, thence running north 01 degree 03 minutes 04.3 seconds east 2.18 feet to point of origin.

The text of the House amendment is as follows:

House amendment:

Strike out all after the enacting clause of S. 1004 and insert in lieu thereof the text of H.R. 1361 as passed by the House, as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coast Guard Authorization Act For Fiscal Year 1996".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—AUTHORIZATIONS

Sec. 101. Authorization of appropriations.
Sec. 102. Authorized levels of military strength and training.
Sec. 103. Quarterly reports on drug interdiction.
Sec. 104. Ensuring maritime safety after closure of small boat station or reduction to seasonal status.

TITLE II—PERSONNEL MANAGEMENT IMPROVEMENT

Sec. 201. Hurricane Andrew relief.

Sec. 202. Exclude certain reserves from end-of-year strength.
Sec. 203. Provision of child development services.
Sec. 204. Access to national driver register information on certain Coast Guard personnel.
Sec. 205. Officer retention until retirement eligible.

TITLE III—NAVIGATION SAFETY AND WATERWAY SERVICES MANAGEMENT

Sec. 301. Foreign passenger vessel user fees.
Sec. 302. Florida Avenue Bridge.
Sec. 303. Renewal of Houston-Galveston Navigation Safety Advisory Committee and Lower Mississippi River Waterway Advisory Committee.
Sec. 304. Renewal of the Navigation Safety Advisory Council.
Sec. 305. Renewal of Commercial Fishing Industry Vessel Advisory Committee.
Sec. 306. Nondisclosure of port security plans.
Sec. 307. Maritime drug and alcohol testing program civil penalty.
Sec. 308. Withholding vessel clearance for violation of certain Acts.
Sec. 309. Increased civil penalties.
Sec. 310. Amendment to require emergency position indicating radio beacons on the Great Lakes.
Sec. 311. Extension of Towing Safety Advisory Committee.

TITLE IV—MISCELLANEOUS

Sec. 401. Transfer of Coast Guard property in Traverse City, Michigan.
Sec. 402. Transfer of Coast Guard property in Ketchikan, Alaska.
Sec. 403. Electronic filing of commercial instruments.
Sec. 404. Board for correction of military records deadline.
Sec. 405. Judicial sale of certain documented vessels to aliens.
Sec. 406. Improved authority to sell recyclable material.
Sec. 407. Recruitment of women and minorities.
Sec. 408. Limitation of certain State authority over vessels.
Sec. 409. Vessel financing.
Sec. 410. Sense of Congress; requirement regarding notice.
Sec. 411. Special selection boards.
Sec. 412. Availability of extrajudicial remedies for default on preferred mortgage liens on vessels.
Sec. 413. Implementation of water pollution laws with respect to vegetable oil.
Sec. 414. Certain information from marine casualty investigations barred in legal proceedings.
Sec. 415. Report on LORAN-C requirements.
Sec. 416. Limited double hull exemptions.
Sec. 417. Oil spill response vessels.
Sec. 418. Offshore facility financial responsibility requirements.
Sec. 419. Manning and watch requirements on towing vessels on the Great Lakes.
Sec. 420. Limitation on application of certain laws to Lake Texoma.
Sec. 421. Limitation on consolidation or relocation of Houston and Galveston marine safety offices.
Sec. 422. Sense of the Congress regarding funding for Coast Guard.
Sec. 423. Conveyance of Light Station, Montauk Point, New York.
Sec. 424. Conveyance of Cape Ann Lighthouse, Thachers Island, Massachusetts.
Sec. 425. Amendments to Johnson Act.
Sec. 426. Transfer of Coast Guard property in Gosnold, Massachusetts.
Sec. 427. Transfer of Coast Guard property in New Shoreham, Rhode Island.
Sec. 428. Vessel deemed to be a recreational vessel.
Sec. 429. Requirement for procurement of buoy chain.
Sec. 430. Cruise vessel tort reform.
Sec. 431. Limitation on fees and charges with respect to ferries.

TITLE V—COAST GUARD REGULATORY REFORM

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Sec. 502. Safety management.
Sec. 503. Use of reports, documents, records, and examinations of other persons.
Sec. 504. Equipment approval.
Sec. 505. Frequency of inspection.
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Sec. 507. Delegation of authority of Secretary to classification societies.

TITLE VI—DOCUMENTATION OF VESSELS

Sec. 601. Authority to issue coastwise endorsements.
Sec. 602. Vessel documentation for charity cruises.
Sec. 603. Extension of deadline for conversion of vessel M/V TWIN DRILL.
Sec. 604. Documentation of vessel RAINBOW'S END.
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Sec. 702. Measurement of vessels.
Sec. 703. Longshore and harbor workers compensation.
Sec. 704. Radiotelephone requirements.
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Sec. 707. Merchant Marine Act, 1956.
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TITLE VIII—COAST GUARD AUXILIARY AMENDMENTS

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TITLE I—AUTHORIZATIONS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 1996, as follows:

(1) For the operation and maintenance of the Coast Guard, $2,618,316,000, of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $428,200,000, to remain available until expended, of which $32,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $22,500,000, to remain available until expended, of which $3,150,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $582,022,000.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and

for personnel and administrative costs associated with the Bridge Alteration Program, $16,200,000, to remain available until expended.

(6) For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions, other than parts and equipment associated with operations and maintenance, under chapter 19 of title 14, United States Code, at Coast Guard facilities, $25,000,000, to remain available until expended.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) ACTIVE DUTY STRENGTH.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 38,400 as of September 30, 1996.

(b) MILITARY TRAINING STUDENT LOADS.—For fiscal year 1996, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 1604 student years.

(2) For flight training, 85 student years.

(3) For professional training in military and civilian institutions, 330 student years.

(4) For officer acquisition, 874 student years.

SEC. 103. QUARTERLY REPORTS ON DRUG INTERDICTION.

Not later than 30 days after the end of each fiscal year quarter, the Secretary of Transportation shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on all expenditures related to drug interdiction activities of the Coast Guard during that quarter.

SEC. 104. ENSURING MARITIME SAFETY AFTER CLOSURE OF SMALL BOAT STATION OR REDUCTION TO SEASONAL STATUS.

(a) MARITIME SAFETY DETERMINATION.—None of the funds authorized to be appropriated under this Act may be used to close Coast Guard multimission small boat stations unless the Secretary of Transportation determines that maritime safety will not be diminished by the closures.

(b) TRANSITION PLAN REQUIRED.—None of the funds appropriated under the authority of this Act may be used to close or reduce to seasonal status a small boat station, unless the Secretary of Transportation, in cooperation with the community affected by the closure or reduction, has developed and implemented a transition plan to ensure that the maritime safety needs of the community will continue to be met.

TITLE II—PERSONNEL MANAGEMENT IMPROVEMENT

SEC. 201. HURRICANE ANDREW RELIEF.

Section 2856 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484) applies to the military personnel of the Coast Guard who were assigned to, or employed at or in connection with, any Federal facility or installation in the vicinity of Homestead Air Force Base, Florida, including the areas of Broward, Collier, Dade, and Monroe Counties, on or before August 24, 1992, except that—

(1) funds available to the Coast Guard, not to exceed a total of $25,000, shall be used; and

(2) the Secretary of Transportation shall administer that section with respect to Coast Guard personnel.

SEC. 202. EXCLUDE CERTAIN RESERVES FROM END-OF-YEAR STRENGTH.

Section 712 of title 14, United States Code, is amended by adding at the end the following:

"(d) Reserve members ordered to active duty under this section shall not be counted in computing authorized strength of members on active duty or members in grade under this title or under any other law.".

SEC. 203. PROVISION OF CHILD DEVELOPMENT SERVICES.

Section 93 of title 14, United States Code, is amended by striking "and" after the semicolon at the end of paragraph (t)(2), by striking the period at the end of paragraph (u) and inserting "; and", and by adding at the end the following new paragraph:

"(v) make child development services available to members of the armed forces and Federal civilian employees under terms and conditions comparable to those under the Military Child Care Act of 1989 (10 U.S.C. 113 note).".

SEC. 204. ACCESS TO NATIONAL DRIVER REGISTER INFORMATION ON CERTAIN COAST GUARD PERSONNEL.

(a) AMENDMENT TO TITLE 14.—Section 93 of title 14, United States Code, as amended by section 203, is further amended—

(1) by striking "and" after the semicolon at the end of paragraph (u);

(2) by striking the period at the end of paragraph (v) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(w) require that any officer, chief warrant officer, or enlisted member of the Coast Guard or Coast Guard Reserve (including a cadet or an applicant for appointment or enlistment to any of the foregoing and any member of a uniformed service who is assigned to the Coast Guard) request that all information contained in the National Driver Register pertaining to the individual, as described in section 30304(a) of title 49, be made available to the Commandant under section 30305(a) of title 49, may receive that information, and upon receipt, shall make the information available to the individual.".

(b) AMENDMENT TO TITLE 49.—Section 30305(b) of title 49, United States Code, is amended by redesignating paragraph (7) as paragraph (8) and inserting after paragraph (6) the following new paragraph:

"(7) An individual who is an officer, chief warrant officer, or enlisted member of the Coast Guard or Coast Guard Reserve (including a cadet or an applicant for appointment or enlistment of any of the foregoing and any member of a uniformed service who is assigned to the Coast Guard) may request the chief driver licensing official of a State to provide information about the individual under subsection (a) of this section to the Commandant of the Coast Guard. The Commandant may receive the information and shall make the information available to the individual. Information may not be obtained from the Register under this paragraph if the information was entered in the Register more than 3 years before the request, unless the information is about a revocation or suspension still in effect on the date of the request.".

SEC. 205. OFFICER RETENTION UNTIL RETIREMENT ELIGIBLE.

Section 283(b) of title 14, United States Code, is amended—

(1) by inserting "(1)" after "(b)";

(2) by striking the last sentence; and

(3) by adding at the end the following:

"(2) Upon the completion of a term under paragraph (1), an officer shall, unless selected for further continuation—

"(A) except as provided in subparagraph (B), be honorably discharged with severance pay computed under section 286 of this title;

"(B) in the case of an officer who has completed at least 18 years of active service on the date of discharge under subparagraph (A), be retained on active duty and retired on the last day of the month in which the officer completes 20 years of active service, unless earlier removed under another provision of law; or

"(C) if, on the date specified for the officer's discharge in this section, the officer has completed at least 20 years of active service or is eligible for retirement under any law, be retired on that date.".

TITLE III—NAVIGATION SAFETY AND WATERWAY SERVICES MANAGEMENT

SEC. 301. FOREIGN PASSENGER VESSEL USER FEES.

Section 3303 of title 46, United States Code, is amended—

(1) in subsection (a) by striking "(a) Except as" and inserting "Except as"; and

(2) by striking subsection (b).

SEC. 302. FLORIDA AVENUE BRIDGE.

For purposes of the alteration of the Florida Avenue Bridge (located approximately 1.63 miles east of the Mississippi River on the Gulf Intracoastal Waterway in Orleans Parish, Louisiana) ordered by the Secretary of Transportation under the Act of June 21, 1940 (33 U.S.C. 511 et seq.; popularly known as the Truman-Hobbs Act), the Secretary of Transportation shall treat the drainage siphon that is adjacent to the bridge as an appurtenance of the bridge, including with respect to apportionment and payment of costs for the removal of the drainage siphon in accordance with that Act.

SEC. 303. RENEWAL OF HOUSTON-GALVESTON NAVIGATION SAFETY ADVISORY COMMITTEE AND LOWER MISSISSIPPI RIVER WATERWAY ADVISORY COMMITTEE.

The Coast Guard Authorization Act of 1991 (Public Law 102–241, 105 Stat. 2208–2235) is amended—

(1) in section 18 by adding at the end the following:

"(h) The Committee shall terminate on October 1, 2000."; and

(2) in section 19 by adding at the end the following:

"(g) The Committee shall terminate on October 1, 2000.".

SEC. 304. RENEWAL OF THE NAVIGATION SAFETY ADVISORY COUNCIL.

(a) RENEWAL.—Section 5(d) of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) is amended by striking "September 30, 1995" and inserting "September 30, 2000".

(b) CLERICAL AMENDMENT.—The section heading for section 5(d) of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) is amended by striking "Rules of the Road Advisory Council" and inserting "Navigation Safety Advisory Council".

SEC. 305. RENEWAL OF COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE.

Subsection (e)(1) of section 4508 of title 46, United States Code, is amended by striking "September 30, 1994" and inserting "October 1, 2000".

SEC. 306. NONDISCLOSURE OF PORT SECURITY PLANS.

Section 7 of the Ports and Waterways Safety Act (33 U.S.C. 1226), is amended by adding at the end the following new subsection (c):

"(c) NONDISCLOSURE OF PORT SECURITY PLANS.—Notwithstanding any other provision of law, information related to security plans, procedures, or programs for passenger vessels or passenger terminals authorized under this Act is not required to be disclosed to the public.".

SEC. 307. MARITIME DRUG AND ALCOHOL TESTING PROGRAM CIVIL PENALTY.

(a) PENALTY IMPOSED.—Chapter 21 of title 46, United States Code, is amended by adding at the end the following new section:

"§2115. Civil penalty to enforce alcohol and dangerous drug testing

"Any person who fails to comply with or otherwise violates the requirements prescribed by the Secretary under this subtitle for chemical testing for dangerous drugs or for evidence of alcohol use is liable to the United States Government for a civil penalty of not more than $1,000 for each violation. Each day of a continuing violation shall constitute a separate violation.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 21 of title 46, United States Code, is amended by inserting after the item relating to section 2114 the following new item:

"2115. Civil penalty to enforce alcohol and dangerous drug testing.".

SEC. 308. WITHHOLDING VESSEL CLEARANCE FOR VIOLATION OF CERTAIN ACTS.

(a) TITLE 49, UNITED STATES CODE.—Section 5122 of title 49, United States Code, is amended by adding at the end the following new subsection:

"(c) WITHHOLDING OF CLEARANCE.—(1) If any owner, operator, or person in charge of a vessel is liable for a civil penalty under section 5123 of this title or for a fine under section 5124 of this title, or if reasonable cause exists to believe that such owner, operator, or person in charge may be subject to such a civil penalty or fine, the Secretary of the Treasury, upon the request of the Secretary, shall with respect to such vessel refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 App. U.S.C. 91).

"(2) Clearance refused or revoked under this subsection may be granted upon the filing of a bond or other surety satisfactory to the Secretary.".

(b) PORT AND WATERWAYS SAFETY ACT.—Section 13(f) of the Ports and Waterways Safety Act (33 U.S.C. 1232(f)) is amended to read as follows:

"(f) WITHHOLDING OF CLEARANCE.—(1) If any owner, operator, or person in charge of a vessel is liable for a penalty or fine under this section, or if reasonable cause exists to believe that the owner, operator, or person in charge may be subject to a penalty or fine under this section, the Secretary of the Treasury, upon the request of the Secretary, shall with respect to such vessel refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 App. U.S.C. 91).

"(2) Clearance refused or revoked under this subsection may be granted upon filing of a bond or other surety satisfactory to the Secretary.".

(c) INLAND NAVIGATION RULES ACT OF 1980.—Section 4(d) of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2072(d)) is amended to read as follows:

"(d) WITHHOLDING OF CLEARANCE.—(1) If any owner, operator, or person in charge of a vessel is liable for a penalty under this section, or if reasonable cause exists to believe that the owner, operator, or person in charge may be subject to a penalty under this section, the Secretary of the Treasury, upon the request of the Secretary, shall with respect to such vessel refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 App. U.S.C. 91).

"(2) Clearance or a permit refused or revoked under this subsection may be granted upon filing of a bond or other surety satisfactory to the Secretary.".

(d) TITLE 46, UNITED STATES CODE.—Section 3718(e) of title 46, United States Code, is amended to read as follows:

"(e)(1) If any owner, operator, or person in charge of a vessel is liable for any penalty or fine under this section, or if reasonable cause exists to believe that the owner, operator, or person in charge may be subject to any penalty or fine under this section, the Secretary of the Treasury, upon the request of the Secretary, shall with respect to such vessel refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91).

"(2) Clearance or a permit refused or revoked under this subsection may be granted upon filing of a bond or other surety satisfactory to the Secretary.".

SEC. 309. INCREASED CIVIL PENALTIES.

(a) PENALTY FOR FAILURE TO REPORT A CASUALTY.—Section 6103(a) of title 46, United States Code, is amended by striking "$1,000" and inserting "not more than $25,000".

(b) OPERATION OF UNINSPECTED VESSEL IN VIOLATION OF MANNING REQUIREMENTS.—Section 8906 of title 46, United States Code, is amended by striking "$1,000" and inserting "not more than $25,000".

SEC. 310. AMENDMENT TO REQUIRE EMERGENCY POSITION INDICATING RADIO BEACONS ON THE GREAT LAKES.

Paragraph (7) of section 4502(a) of title 46, United States Code, is amended by inserting "or beyond three nautical miles from the coastline of the Great Lakes" after "high seas".

SEC. 311. EXTENSION OF TOWING SAFETY ADVISORY COMMITTEE.

Subsection (e) of the Act to establish a Towing Safety Advisory Committee in the Department of Transportation (33 U.S.C. 1231a(e)), is amended by striking "September 30, 1995" and inserting "October 1, 2000".

TITLE IV—MISCELLANEOUS

SEC. 401. TRANSFER OF COAST GUARD PROPERTY IN TRAVERSE CITY, MICHIGAN.

(a) REQUIREMENT.—The Secretary of Transportation (or any other official having control over the property described in subsection (b)) shall expeditiously convey to the Traverse City Area Public School District in Traverse City, Michigan, without consideration, all right, title, and interest of the United States in and to the property described in subsection (b), subject to all easements and other interests in the property held by any other person.

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) is real property located in the city of Traverse City, Grand Traverse County, Michigan, and consisting of that part of the southeast ¼ of Section 12, Township 27 North, Range 11 West, described as: Commencing at the southeast ¼ corner of said Section 12, thence north 03 degrees 05 minutes 25 seconds east along the East line of said Section, 1074.04 feet, thence north 86 degrees 36 minutes 50 seconds west 207.66 feet, thence north 03 degrees 06 minutes 00 seconds east 572.83 feet to the point of beginning, thence north 86 degrees 54 minutes 00 seconds west 1,751.04 feet, thence north 03 degrees 02 minutes 38 seconds east 330.09 feet, thence north 24 degrees 04 minutes 40 seconds east 439.86 feet, thence south 86 degrees 56 minutes 15 seconds east 116.62 feet, thence north 03 degrees 08 minutes 45 seconds east 200.00 feet, thence south 87 degrees 08 minutes 20 seconds east 68.52 feet, to the southerly right-of-way of the C & O Railroad, thence south 65 degrees 54 minutes 20 seconds east along said right-of-way 1508.75 feet, thence south 03 degrees 06 minutes 00 seconds west 400.61 to the point of beginning, consisting of 27.10 acres of land, and all improvements located on that property including buildings, structures, and equipment.

(c) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to subsection (a), any conveyance of property described in subsection (b) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used by the Traverse City School District.

SEC. 402. TRANSFER OF COAST GUARD PROPERTY IN KETCHIKAN, ALASKA.

(a) CONVEYANCE REQUIREMENT.—The Secretary of Transportation shall convey to the Ketchikan Indian Corporation in Ketchikan, Alaska, without reimbursement and by no later than 120 days after the date of enactment of this Act, all right, title, and interest of the United States in and to the property known as the "Former Marine Safety Detachment" as identified in Report of Excess Number CG–689 (GSA Control Number 9–U–AK–0747) and described in subsection (b), for use by the Ketchikan Indian Corporation as a health or social services facility.

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) is real property located in the city of Ketchikan, Township 75 south, range 90 east, Copper River Meridian, First Judicial District, State of Alaska, and commencing at corner numbered 10, United States Survey numbered 1079, the true point of beginning for this description: Thence north 24 degrees 04 minutes east, along the 10–11 line of said survey a distance of 89.76 feet to corner numbered 1 of lot 5B; thence south 65 degrees 56 minutes east a distance of 345.18 feet to corner numbered 2 of lot 5B; thence south 24 degrees 04 minutes west a distance of 101.64 feet to corner numbered 3 of lot 5B; thence north 64 degrees 01 minute west a distance of 346.47 feet to corner numbered 10 of said survey, to the true point of beginning, consisting of 0.76 acres (more or less), and all improvements located on that property, including buildings, structures, and equipment.

(c) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to subsection (a), any conveyance of property described in subsection (b) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used by the Ketchikan Indian Corporation as a health or social services facility.

SEC. 403. ELECTRONIC FILING OF COMMERCIAL INSTRUMENTS.

Section 31321(a) of title 46, United States Code, is amended by adding at the end the following new paragraph:

"(4)(A) A bill of sale, conveyance, mortgage, assignment, or related instrument may be filed electronically under regulations prescribed by the Secretary.

"(B) A filing made electronically under subparagraph (A) shall not be effective after the 10-day period beginning on the date of the filing unless the original instrument is provided to the Secretary within that 10-day period.".

SEC. 404. BOARD FOR CORRECTION OF MILITARY RECORDS DEADLINE.

(a) REMEDIES DEEMED EXHAUSTED.—Ten months after a complete application for correction of military records is received by the Board for Correction of Military Records of the Coast Guard, administrative remedies are deemed to have been exhausted, and—

(1) if the Board has rendered a recommended decision, its recommendation shall be final agency action and not subject to further review or approval within the Department of Transportation; or

(2) if the Board has not rendered a recommended decision, agency action is deemed to have been unreasonably delayed or withheld and the applicant is entitled to—

(A) an order under section 706(1) of title 5, United States Code, directing final action be taken within 30 days from the date the order is entered; and

(B) from amounts appropriated to the Department of Transportation, the costs of obtaining the order, including a reasonable attorney's fee.

(b) Existing Deadline Mandatory.—The 10-month deadline established in section 212 of the Coast Guard Authorization Act of 1989 (Public Law 101-225, 103 Stat. 1914) is mandatory.

(c) Application.—This section applies to all applications filed with or pending before the Board or the Secretary of Transportation on or after June 12, 1990. For applications that were pending on June 12, 1990, the 10-month deadline referred to in subsection (b) shall be calculated from June 12, 1990.

SEC. 405. JUDICIAL SALE OF CERTAIN DOCUMENTED VESSELS TO ALIENS.

Section 31329 of title 46, United States Code, is amended by adding at the end the following new subsection:

"(f) This section does not apply to a documented vessel that has been operated only—

"(1) as a fishing vessel, fish processing vessel, or fish tender vessel; or

"(2) for pleasure.".

SEC. 406. IMPROVED AUTHORITY TO SELL RECYCLABLE MATERIAL.

Section 641(c)(2) of title 14, United States Code, is amended by inserting before the period the following: ", except that the Commandant may conduct sales of materials for which the proceeds of sale will not exceed $5,000 under regulations prescribed by the Commandant".

SEC. 407. RECRUITMENT OF WOMEN AND MINORITIES.

Not later than January 31, 1996, the Commandant of the Coast Guard shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, on the status of and the problems in recruitment of women and minorities into the Coast Guard. The report shall contain specific plans to increase the recruitment of women and minorities and legislative recommendations needed to increase the recruitment of women and minorities.

SEC. 408. LIMITATION OF CERTAIN STATE AUTHORITY OVER VESSELS.

(a) Short Title.—This section may be cited as the "California Cruise Industry Revitalization Act".

(b) Limitation.—Section 5(b)(2) of the Act of January 2, 1951 (15 U.S.C. 1175(b)(2)), commonly referred to as the "Johnson Act", is amended by adding at the end the following:

"(C) Exclusion of Certain Voyages and Segments.—Except for a voyage or segment of a voyage that occurs within the boundaries of the State of Hawaii, a voyage or segment of a voyage is not described in subparagraph (B) if it includes or consists of a segment—

"(i) that begins and ends in the same State;

"(ii) that is part of a voyage to another State or to a foreign country; and

"(iii) in which the vessel reaches the other State or foreign country within 3 days after leaving the State in which it begins.".

SEC. 409. VESSEL FINANCING.

(a) Documentation Citizen Eligible Mortgagee.—Section 31322(a)(1)(D) of title 46, United States Code, is amended—

(1) by striking "or" at the end of 31322(a)(1)(D)(v) and inserting "or" at the end of 31322(a)(1)(D)(vi); and

(2) by adding at the end a new subparagraph as follows:

"(vii) a person eligible to own a documented vessel under chapter 121 of this title.".

(b) Amendment to Trustee Restrictions.—Section 31328(a) of title 46, United States Code, is amended—

(1) by striking "or" at the end of 31328(a)(3) and inserting "or" at the end of 31328(a)(4); and

(2) by adding at the end a new subparagraph as follows:

"(5) is a person eligible to own a documented vessel under chapter 121 of this title.".

(c) Lease Financing.—Section 12106 of title 46, United States Code, is amended by adding at the end the following new subsections:

"(e)(1) A certificate of documentation for a vessel may be endorsed with a coastwise endorsement if—

"(A) the vessel is eligible for documentation under section 12102;

"(B) the person that owns the vessel, a parent entity of that person, or a subsidiary of a parent entity of that person, is engaged in lease financing;

"(C) the vessel is under a demise charter to a person qualifying as a citizen of the United States for engaging in the coastwise trade under section 2 of the Shipping Act, 1916;

"(D) the demise charter is for—

"(i) a period of at least 3 years; or

"(ii) a shorter period as may be prescribed by the Secretary; and

"(E) the vessel is otherwise qualified under this section to be employed in the coastwise trade.

"(2) Upon default by a bareboat charterer of a demise charter required under paragraph (1)(D), the coastwise endorsement of the vessel may, in the sole discretion of the Secretary, be continued after the termination for default of the demise charter for a period not to exceed 6 months on terms and conditions as the Secretary may prescribe.

"(3) For purposes of section 2 of the Shipping Act, 1916, and section 12102(a) of this title, a vessel meeting the criteria of subsection is deemed to be owned exclusively by citizens of the United States.".

(d) Conforming Amendment.—Section 9(c) of the Shipping Act, 1916, as amended (46 App. U.S.C. 808(c)) is amended by inserting "12106(e)," after the word "sections" and before 31322(a)(1)(D).

SEC. 410. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) Purchase of American-Made Equipment and Products.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available under this Act should be American-made.

(b) Notice to Recipients of Assistance.—In providing financial assistance under this Act, the official responsible for providing the assistance, to the greatest extent practicable, shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 411. SPECIAL SELECTION BOARDS.

(a) Requirement.—Chapter 21 of title 14, United States Code, is amended by adding at the end the following new section:

"§ 747. Special selection boards

"(a) The Secretary shall provide for special selection boards to consider the case of any officer who is eligible for promotion who—

"(1) was not considered for selection for promotion by a selection board because of administrative error; or

"(2) was considered for selection for promotion by a selection board but not selected because—

"(A) the action of the board that considered the officer was contrary to law or involved a material error of fact or material administrative error; or

"(B) the board that considered the officer did not have before it for its consideration material information.

"(b) Not later than 6 months after the date of the enactment of the Coast Guard Authorization Act For Fiscal Year 1996, the Secretary shall issue regulations to implement this section. The regulations shall conform, as appropriate, to the regulations and procedures issued by the Secretary of Defense for special selection boards under section 628 of title 10, United States Code.".

(b) Clerical Amendment.—The table of sections for chapter 21 of title 14, United States Code, is amended by adding after the item for section 746 the following:

"747. Special selection boards.".

SEC. 412. AVAILABILITY OF EXTRAJUDICIAL REMEDIES FOR DEFAULT ON PREFERRED MORTGAGE LIENS ON VESSELS.

(a) Availability of Extrajudicial Remedies.—Section 31325(b) of title 46, United States Code, is amended—

(1) in the matter preceding paragraph (1) by striking "mortgage may" and inserting "mortgagee may";

(2) in paragraph (1) by—

(A) striking "perferred" and inserting "preferred"; and

(B) striking "; and" and inserting a semicolon; and

(3) by adding at the end the following:

"(3) enforce the preferred mortgage lien or a claim for the outstanding indebtedness secured by the mortgaged vessel, or both, by exercising any other remedy (including an extrajudicial remedy) against a documented vessel, a vessel for which an application for documentation is filed under chapter 121 of this title, a foreign vessel, or a mortgagor, maker, comaker, or guarantor for the amount of the outstanding indebtedness or any deficiency in full payment of that indebtedness, if—

"(A) the remedy is allowed under applicable law; and

"(B) the exercise of the remedy will not result in a violation of section 9 or 37 of the Shipping Act, 1916 (46 App. U.S.C. 808, 835).".

(b) Notice.—Section 31325 of title 46, United States Code, is further amended by adding at the end the following:

"(f)(1) Before title to the documented vessel or vessel for which an application for documentation is filed under chapter 121 is transferred by an extrajudicial remedy, the person exercising the remedy shall give notice of the proposed transfer to the Secretary, to the mortgagee of any mortgage on the vessel filed in substantial compliance with section 31321 of this title before notice of the proposed transfer is given to the Secretary, and to any person that recorded a notice of a claim of an undischarged lien on the vessel under section 31343 (a) or (d) of this title before notice of the proposed transfer is given to the Secretary.

"(2) Failure to give notice as required by this subsection shall not affect the transfer of title to a vessel. However, the rights of any holder of a maritime lien or a preferred mortgage on the vessel shall not be affected by a transfer of title by an extrajudicial remedy exercised under this section, regardless of whether notice is required by this subsection or given.

"(3) The Secretary shall prescribe regulations establishing the time and manner for providing notice under this subsection.".

(c) Rule of Construction.—The amendments made by subsections (a) and (b) may not be construed to imply that remedies other than judicial remedies were not available before the date of enactment of this section to enforce claims for outstanding indebtedness secured by mortgaged vessels.

SEC. 413. IMPLEMENTATION OF WATER POLLUTION LAWS WITH RESPECT TO VEGETABLE OIL.

(a) Differentiation Among Fats, Oils, and Greases.—

(1) In general.—In issuing or enforcing a regulation, an interpretation, or a guideline relating to a fat, oil, or grease under a Federal law related to water pollution control, the head of a Federal agency shall—

(A) differentiate between and establish separate classes for—

(i)(I) animal fats; and

(II) vegetable oils; and

(ii) other oils, including petroleum oil; and

(B) apply different standards to different classes of fat and oil as provided in paragraph (2).

(2) Considerations.—In differentiating between the classes of animal fats and vegetable oils referred to in paragraph (1)(A)(i) and the classes of oils described in paragraph (1)(A)(ii), the head of a Federal agency shall consider differences in physical, chemical, biological, and other properties, and in the environmental effects, of the classes.

(b) Financial Responsibility.—

(1) Limits on liability.—Section 1004(a)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(1)) is amended by striking "for a tank vessel," and inserting "for a tank vessel carrying oil in bulk as cargo or cargo residue (except a tank vessel on which the only oil carried is an animal fat or vegetable oil, as those terms are defined in section 413(c) of the Coast Guard Authorization Act for Fiscal Year 1996),".

(2) Financial responsibility.—The first sentence of section 1016(a) of the Act (33 U.S.C. 2716(a)) is amended by striking ", in the case of a tank vessel, the responsible party could be subject under section 1004 (a)(1) or (d) of this Act, or to which, in the case of any other vessel, the responsible party could be subjected under section 1004 (a)(2) or (d)" and inserting "the responsible party could be subjected under section 1004 (a) or (d) of this Act".

(c) Definitions.—In this section, the following definitions apply:

(1) Animal fat.—The term "animal fat" means each type of animal fat, oil, or grease, including fat, oil, or grease from fish or a marine mammal and any fat, oil, or grease referred to in section 61(a)(2) of title 13, United States Code.

(2) Vegetable oil.—The term "vegetable oil" means each type of vegetable oil, including vegetable oil from a seed, nut, or kernel and any vegetable oil referred to in section 61(a)(1) of title 13, United States Code.

SEC. 414. CERTAIN INFORMATION FROM MARINE CASUALTY INVESTIGATIONS BARRED IN LEGAL PROCEEDINGS.

(a) In General.—Title 46, United States Code, is amended by inserting after section 6307 the following new section:

"§ 6308. Information barred in legal proceedings

"(a) Notwithstanding any other provision of law, any opinion, recommendation, deliberation, or conclusion contained in a report of a marine casualty investigation conducted under section 6301 of this title with respect to the cause of, or factors contributing to, the casualty set forth in the report of the investigation is not admissible as evidence or subject to discovery in any civil, administrative, or State criminal proceeding arising from a marine casualty, other than with the permission and consent of the Secretary of Transportation, in his or her sole discretion. Any employee of the United States or military member of the Coast Guard investigating a marine casualty or assisting in any such investigation conducted pursuant to section 6301 of this title, shall not be subject to deposition or other discovery, or otherwise testify or give information in such proceedings relevant to a marine casualty investigation, without the permission and consent of the Secretary of Transportation in his or her sole discretion. In exercising this discretion in cases where the United States is a party, the Secretary shall not withhold permission for an employee to testify solely on factual matters where the information is not available elsewhere or is not obtainable by other means. Nothing in this section prohibits the United States from calling an employee as an expert witness to testify on its behalf.

"(b) The information referred to in subsection (a) of this section shall not be considered an admission of liability by the United States or by any person referred to in those conclusions or statements.".

(b) Clerical Amendment.—The table of sections at the beginning of chapter 63 of title 46, United States Code, is amended by adding after the item related to section 6307 the following:

"6308. Information barred in legal proceedings.".

SEC. 415. REPORT ON LORAN-C REQUIREMENTS.

Not later than 6 months after the date of the enactment of this Act, the Secretary of Transportation shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science and Transportation of the Senate, prepared in consultation with users of the LORAN-C radionavigation system, defining the future use of and funding for operations, maintenance, and upgrades of the LORAN-C radionavigation system. The report shall address the following:

(1) An appropriate timetable for transition from ground-based radionavigation technology after it is determined that satellite-based technology is available as a sole means of safe and efficient navigation.

(2) The need to ensure that LORAN-C technology purchased by the public before the year 2000 has a useful economic life.

(3) The benefits of fully utilizing the compatibilities of LORAN-C technology and satellite-based technology by all modes of transportation.

(4) The need for all agencies in the Department of Transportation and other relevant Federal agencies to share the Federal Government's costs related to LORAN-C technology.

SEC. 416. LIMITED DOUBLE HULL EXEMPTIONS.

Section 3703a(b) of title 46, United States Code, is amended by—

(1) striking "or" at the end of paragraph (2);

(2) striking the period at the end of paragraph (3) and inserting a semicolon; and

(3) adding at the end the following new paragraphs:

"(4) a vessel equipped with a double hull before August 12, 1992;

"(5) a barge of less than 2,000 gross tons that is primarily used to carry deck cargo and bulk fuel to Native villages (as that term is defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1601)) located on or adjacent to bays or rivers above 58 degrees north latitude; or

"(6) a vessel in the National Defense Reserve Fleet pursuant to section 11 of the Merchant Ship Sales Act of 1946 (50 App. U.S.C. 1744).".

SEC. 417. OIL SPILL RESPONSE VESSELS.

(a) Definition.—Section 2101 of title 46, United States Code, is amended—

(1) by redesignating paragraph (20a) as paragraph (20b); and

(2) by inserting after paragraph (20) the following new paragraph:

"(20a) 'oil spill response vessel' means a vessel that is designated in its certificate of inspection as such a vessel, or that is adapted to respond to a discharge of oil or a hazardous material.".

(b) Exemption From Liquid Bulk Carriage Requirements.—Section 3702 of title 46, United States Code, is amended by adding at the end the following new subsection:

"(f) This chapter does not apply to an oil spill response vessel if—

"(1) the vessel is used only in response-related activities; or

"(2) the vessel is—

"(A) not more than 500 gross tons;

"(B) designated in its certificate of inspection as an oil spill response vessel; and

"(C) engaged in response-related activities.".

(c) Manning.—Section 8104(p) of title 46, United States Code, is amended to read as follows:

"(p) The Secretary may prescribe the watchstanding requirements for an oil spill response vessel.".

(d) Minimum Number of Licensed Individuals.—Section 8301(e) of title 46, United States Code, is amended to read as follows:

"(e) The Secretary may prescribe the minimum number of licensed individuals for an oil spill response vessel.".

(e) Merchant Mariner Document Requirements.—Section 8701(a) of title 46, United States Code, is amended by striking "and" after the semicolon at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting "; and", and by adding at the end the following new paragraph:

"(9) the Secretary may prescribe the individuals required to hold a merchant mariner's document serving onboard an oil spill response vessel.".

(f) Exemption From Towing Vessel Requirement.—Section 8905 of title 46, United States Code, is amended by adding at the end the following new subsection:

"(c) Section 8904 of this title does not apply to an oil spill response vessel while engaged in oil spill response or training activities.".

(g) Inspection Requirement.—Section 3301 of title 46, United States Code, is amended by adding at the end the following new paragraph:

"(14) oil spill response vessels.".

SEC. 418. OFFSHORE FACILITY FINANCIAL RESPONSIBILITY REQUIREMENTS.

(a) Definition of Responsible Party.—Section 1001(32)(C) of the Oil Pollution Act of

1990 (33 U.S.C. 2701(32)(C)) is amended by striking "applicable State law or" and inserting "applicable State law relating to exploring for, producing, or transporting oil on submerged lands on the Outer Continental Shelf in accordance with a license or permit issued for such purpose, or under".

(b) AMOUNT OF FINANCIAL RESPONSIBILITY.—Section 1016(c)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2716(c)(1)) is amended to read as follows:

"(1) IN GENERAL.—

"(A) EVIDENCE OF FINANCIAL RESPONSIBILITY REQUIRED.—Except as provided in paragraph (2), each responsible party with respect to an offshore facility described in section 1001(32)(C) located seaward of the line of ordinary low water along that portion of the coast that is in direct contact with the open sea and the line marking the seaward limit of inland waters that is—

"(i) used for exploring for, producing, or transporting oil; and

"(ii) has the capacity to transport, store, transfer, or otherwise handle more than 1,000 barrels of oil at any one time,

shall establish and maintain evidence of financial responsibility in the amount required under subparagraph (B) or (C), applicable.

"(B) AMOUNT REQUIRED GENERALLY.—Except as provided in subparagraph (C), for purposes of subparagraph (A) the amount of financial responsibility required is $35,000,000.

"(C) GREATER AMOUNT.—If the President determines that an amount of financial responsibility greater than the amount required by subparagraph (B) is necessary for an offshore facility, based on an assessment of the risk posed by the facility that includes consideration of the relative operational, environmental, human health, and other risks posed by the quantity or quality of oil that is transported, stored, transferred, or otherwise handled by the facility, the amount of financial responsibility required shall not exceed $150,000,000 determined by the President on the basis of clear and convincing evidence that the risks posed justify the greater amount.

"(D) MULTIPLE FACILITIES.—In a case in which a person is responsible for more than one facility subject to this subsection, evidence of financial responsibility need be established only to meet the amount applicable to the facility having the greatest financial responsibility requirement under this subsection.

"(E) GUARANTEE METHOD.—Except with respect of financial responsibility established by the guarantee method, subsection (f) shall not apply with respect to this subsection.".

SEC. 419. MANNING AND WATCH REQUIREMENTS ON TOWING VESSELS ON THE GREAT LAKES.

(a) Section 8104(c) of title 46, United States Code, is amended—

(1) by striking "or permitted"; and

(2) by inserting after "day" the following: "or permitted to work more than 15 hours in any 24-hour period, or more than 36 hours in any 72-hour period".

(b) Section 8104(e) of title 46, United States Code, is amended by striking "subsections (c) and (d)" and inserting "subsection (d)".

(c) Section 8104(g) of title 46, United States Code, is amended by striking "(except a vessel to which subsection (c) of this section applies)".

SEC. 420. LIMITATION ON APPLICATION OF CERTAIN LAWS TO LAKE TEXOMA.

(a) LIMITATION.—The laws administered by the Coast Guard relating to documentation or inspection of vessels or licensing or documentation of vessel operators do not apply to any small passenger vessel operating on Lake Texoma.

(b) DEFINITIONS.—In this section:

(1) The term "Lake Texoma" means the impoundment by that name on the Red River, located on the border between Oklahoma and Texas.

(2) The term "small passenger vessel" has the meaning given that term in section 2101 of title 46, United States Code.

SEC. 421. LIMITATION ON CONSOLIDATION OR RELOCATION OF HOUSTON AND GALVESTON MARINE SAFETY OFFICES.

The Secretary of Transportation may not consolidate or relocate the Coast Guard Marine Safety Offices in Galveston, Texas, and Houston, Texas.

SEC. 422. SENSE OF THE CONGRESS REGARDING FUNDING FOR COAST GUARD.

It is the sense of the Congress that in appropriating amounts for the Coast Guard, the Congress should appropriate amounts adequate to enable the Coast Guard to carry out all extraordinary functions and duties the Coast Guard is required to undertake in addition to its normal functions established by law.

SEC. 423. CONVEYANCE OF LIGHT STATION, MONTAUK POINT, NEW YORK.

(a) CONVEYANCE REQUIREMENT.—

(1) REQUIREMENT.—The Secretary of Transportation shall convey to the Montauk Historical Association in Montauk, New York, by an appropriate means of conveyance, all right, title, and interest of the United States in and to property comprising Light Station Montauk Point, located at Montauk, New York.

(2) DETERMINATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed pursuant to this section.

(b) TERMS OF CONVEYANCE.—

(1) IN GENERAL.—A conveyance of property pursuant to this section shall be made—

(A) without the payment of consideration; and

(B) subject to the conditions required by paragraphs (3) and (4) and such other terms and conditions as the Secretary may consider appropriate.

(2) REVERSIONARY INTEREST.—Any conveyance of property pursuant to this section shall be subject to the condition that all right, title, and interest in the Montauk Light Station shall immediately revert to the United States if the Montauk Light Station ceases to be maintained as a nonprofit center for public benefit for the interpretation and preservation of the material culture of the United States Coast Guard, the maritime history of Montauk, New York, and Native American and colonial history.

(3) MAINTENANCE OF NAVIGATION AND FUNCTIONS.—Any conveyance of property pursuant to this section shall be subject to such conditions as the Secretary considers to be necessary to assure that—

(A) the light, antennas, sound signal, and associated lighthouse equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States for as long as they are needed for this purpose;

(B) the Montauk Historical Association may not interfere or allow interference in any manner with such aids to navigation without express written permission from the United States;

(C) there is reserved to the United States the right to replace, or add any aids to navigation, or make any changes to the Montauk Lighthouse as may be necessary for navigation purposes;

(D) the United States shall have the right, at any time, to enter the property conveyed without notice for the purpose of maintaining navigation aids;

(E) the United States shall have an easement of access to such property for the purpose of maintaining the navigational aids in use on the property; and

(F) the Montauk Light Station shall revert to the United States at the end of the 30-day period beginning on any date on which the Secretary of Transportation provides written notice to the Montauk Historical Association that the Montauk Light Station is needed for national security purposes.

(4) MAINTENANCE OF LIGHT STATION.—Any conveyance of property under this section shall be subject to the condition that the Montauk Historical Association shall maintain the Montauk Light Station in accordance with the provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.) and other applicable laws.

(5) LIMITATION ON OBLIGATIONS OF MONTAUK HISTORICAL ASSOCIATION.—The Montauk Historical Association shall not have any obligation to maintain any active aid to navigation equipment on property conveyed pursuant to this section.

(c) DEFINITIONS.—For purposes of this section—

(1) the term "Montauk Light Station" means the Coast Guard light station known as the Light Station Montauk Point, located at Montauk, New York, including the keeper's dwellings, adjacent Coast Guard rights-of-way, the World War II submarine spotting tower, the lighthouse tower, and the paint locker; and

(2) the term "Montauk Lighthouse" means the Coast Guard lighthouse located at the Montauk Light Station.

SEC. 424. CONVEYANCE OF CAPE ANN LIGHTHOUSE, THACHERS ISLAND, MASSACHUSETTS.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of Transportation shall convey to the town of Rockport, Massachusetts, by an appropriate means of conveyance, all right, title, and interest of the United States in and to the property comprising the Cape Ann Lighthouse, located on Thachers Island, Massachusetts.

(2) IDENTIFICATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed pursuant to this subsection.

(b) TERMS OF CONVEYANCE.—

(1) IN GENERAL.—The conveyance of property pursuant to this section shall be made—

(A) without payment of consideration; and

(B) subject to the conditions required by paragraphs (3) and (4) and other terms and conditions the Secretary may consider appropriate.

(2) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to paragraph (1), the conveyance of property pursuant to this section shall be subject to the condition that all right, title, and interest in the Cape Ann Lighthouse shall immediately revert to the United States if the Cape Ann Lighthouse, or any part of the property—

(A) ceases to be used as a nonprofit center for the interpretation and preservation of maritime history;

(B) ceases to be maintained in a manner that ensures its present or future use as a Coast Guard aid to navigation; or

(C) ceases to be maintained in a manner consistent with the provisions of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.).

(3) MAINTENANCE AND NAVIGATION FUNCTIONS.—The conveyance of property pursuant to this section shall be made subject to the conditions that the Secretary considers to be necessary to assure that—

(A) the lights, antennas, and associated equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States;

(B) the town of Rockport may not interfere or allow interference in any manner with aids to navigation without express written permission from the Secretary of Transportation;

(C) there is reserved to the United States the right to relocate, replace, or add any aid to navigation or make any changes to the Cape Ann Lighthouse as may be necessary for navigational purposes;

(D) the United States shall have the right, at any time, to enter the property without notice for the purpose of maintaining aids to navigation; and

(E) the United States shall have an easement of access to the property for the purpose of maintaining the aids to navigation in use on the property.

(4) OBLIGATION LIMITATION.—The town of Rockport is not required to maintain any active aid to navigation equipment on property conveyed pursuant to this section.

(5) PROPERTY TO BE MAINTAINED IN ACCORDANCE WITH CERTAIN LAWS.—The town of Rockport shall maintain the Cape Ann Lighthouse in accordance with the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), and other applicable laws.

(c) DEFINITIONS.—For purposes of this section, the term "Cape Ann Lighthouse" means the Coast Guard property located on Thachers Island, Massachusetts, except any historical artifact, including any lens or lantern, located on the property at or before the time of conveyance.

SEC. 425. AMENDMENTS TO JOHNSON ACT.

For purposes of section 5(b)(1)(A) of the Act of January 2, 1951 (15 U.S.C. 1175(b)(1)(A)), commonly known as the Johnson Act, a vessel on a voyage that begins in the territorial jurisdiction of the State of Indiana and that does not leave the territorial jurisdiction of the State of Indiana shall be considered to be a vessel that is not within the boundaries of any State or possession of the United States.

SEC. 426. TRANSFER OF COAST GUARD PROPERTY IN GOSNOLD, MASSACHUSETTS.

(a) CONVEYANCE REQUIREMENT.—The Secretary of Transportation may convey to the town of Gosnold, Massachusetts, without reimbursement and by no later than 120 days after the date of enactment of this Act, all right, title, and interest of the United States in and to the property known as the "United States Coast Guard Cuttyhunk Boathouse and Wharf", as described in subsection (c).

(b) CONDITIONS.—Any conveyance of property under subsection (a) shall be subject to the condition that the Coast Guard shall retain in perpetuity and at no cost—

(1) the right of access to, over, and through the boathouse, wharf, and land comprising the property at all times for the purpose of berthing vessels, including vessels belonging to members of the Coast Guard Auxiliary; and

(2) the right of ingress to and egress from the property for purposes of access to Coast Guard facilities and performance of Coast Guard functions.

(c) PROPERTY DESCRIBED.—The property referred to in subsection (a) is real property located in the town of Gosnold, Massachusetts (including all buildings, structures, equipment, and other improvements), as determined by the Secretary of Transportation.

SEC. 427. TRANSFER OF COAST GUARD PROPERTY IN NEW SHOREHAM, RHODE ISLAND.

(a) REQUIREMENT.—The Secretary of Transportation (or any other official having control over the property described in subsection (b)) shall expeditiously convey to the town of New Shoreham, Rhode Island, without consideration, all right, title, and interest of the United States in and to the property known as the United States Coast Guard Station Block Island, as described in subsection (b), subject to all easements and other interest in the property held by any other person.

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) is real property (including buildings and improvements) located on the west side of Block Island, Rhode Island, at the entrance to the Great Salt Pond and referred to in the books of the Tax Assessor of the town of New Shoreham, Rhode Island, as lots 10 and 12, comprising approximately 10.7 acres.

(c) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to subsection (a), any conveyance of property under subsection (a) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used by the town of New Shoreham, Rhode Island.

(d) INDEMNIFICATION FOR PREEXISTING ENVIRONMENTAL LIABILITIES.—Notwithstanding any conveyance of property under this section, after such conveyance the Secretary of Transportation shall indemnify the town of New Shoreham, Rhode Island, for any environmental liability arising from the property, that existed before the date of the conveyance.

SEC. 428. VESSEL DEEMED TO BE A RECREATIONAL VESSEL.

The vessel, an approximately 96 meter twin screw motor yacht for which construction commenced in October 1993 (to be named the LIMITLESS), is deemed to be a recreational vessel under chapter 43 of title 46, United States Code.

SEC. 429. REQUIREMENT FOR PROCUREMENT OF BUOY CHAIN.

(a) REQUIREMENT.—Chapter 5 of title 14, United States Code, is amended by adding at the end the following:

"§ 96. Procurement of buoy chain

"(a) The Coast Guard may not procure buoy chain—

"(1) that is not manufactured in the United States; or

"(2) substantially all of the components of which are not produced or manufactured in the United States.

"(b) For purposes of subsection (a)(2), substantially all of the components of a buoy chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components thereof which are produced or manufactured in the United States is greater than the aggregate cost of the components thereof which are produced or manufactured outside the United States.

"(c) In this section—

"(1) the term 'buoy chain' means any chain, cable, or other device that is—

"(A) used to hold in place, by attachment to the bottom of a body of water, a floating aid to navigation; and

"(B) not more than 4 inches in diameter; and

"(2) the term 'manufacture' includes cutting, heat treating, quality control, welding (including the forging and shot blasting process), and testing.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 5 of title 14, United States Code, is amended by adding at the end the following:

"96. Procurement of buoy chain.".

SEC. 430. CRUISE VESSEL TORT REFORM.

(a) Section 4283 of the Revised Statutes of the United States (46 App. 183), is amended by adding a new subsection (g) to read as follows:

"(g) In a suit by any person in which a shipowner, operator, or employer of a crew member is claimed to have direct or vicarious liability for medical malpractice or other tortious conduct occurring at a shoreside facility, or in which the damages sought are alleged to result from the referral to or treatment by any shoreside doctor, hospital, medical facility, or other health care provider, the shipowner, operator, or employer shall be entitled to rely upon any and all statutory limitations of liability applicable to the doctor, hospital, medical facility, or other health care provider in the State in which the shoreside medical care was provided.".

(b) Section 4283b of the Revised Statutes of the United States (46 App. 183c) is amended by adding a new subsection to read as follows:

"(b) Subsection (a) shall not prohibit provisions or limitations in contracts, agreements, or ticket conditions of carriage with passengers which relieve a manager, agent, master, owner, or operator of a vessel from liability for infliction of emotional distress, mental suffering, or psychological injury so long as such provisions or limitations do not limit liability if the emotional distress, mental suffering, or psychological injury was—

"(1) the result of substantial physical injury to the claimant caused by the negligence or fault of the manager, agent, master, owner, or operator;

"(2) the result of the claimant having been at actual risk of substantial physical injury, which risk was caused by the negligence or fault of the manager, agent, master, owner, or operator; or

"(3) intentionally inflicted by the manager, agent, master, owner, or operator.".

(c) Section 20 of chapter 153 of the Act of March 4, 1915 (46 App. 688) is amended by adding a new subsection to read as follows:

"(c) LIMITATION FOR CERTAIN ALIENS IN CASE OF CONTRACTUAL ALTERNATIVE FORUM.—

"(1) No action may be maintained under subsection (a) or under any other maritime law of the United States for maintenance and cure or for damages for the injury or death of a person who was not a citizen or permanent legal resident alien of the United States at the time of the incident giving rise to the action, if the incident giving rise to the action occurred while the person was employed on board a vessel documented other than under the laws of the United States, which vessel was owned by an entity organized other than under the laws of the United States or by a person who is not a citizen or permanent legal resident alien.

"(2) The provisions of paragraph (1) shall only apply if—

"(A) the incident giving rise to the action occurred while the person bringing the action was a party to a contract of employment or was subject to a collective bargaining agreement which, by its terms, provided for an exclusive forum for resolution of all such disputes or actions in a nation other than the United States, a remedy is available to the person under the laws of that nation, and the party seeking to dismiss an action under paragraph (1) is willing to stipulate to jurisdiction under the laws of such nation as to such incident; or

"(B) a remedy is available to the person bringing the action under the laws of the nation in which the person maintained citizenship or permanent residency at the time of the incident giving rise to the action and the party seeking to dismiss an action under paragraph (1) is willing to stipulate to jurisdiction under the laws of such nation as to such incident.

"(3) The provisions of paragraph (1) of this subsection shall not be interpreted to require a court in the United States to accept jurisdiction of any actions.".

SEC. 431. LIMITATION ON FEES AND CHARGES WITH RESPECT TO FERRIES.

The Secretary of the department in which the Coast Guard is operating may not assess or collect any fee or charge with respect to a ferry. Notwithstanding any other provision of this Act, the Secretary is authorized to reduce expenditures in an amount equal to the fees or charges which are not collected or assessed as a result of this section.

TITLE V—COAST GUARD REGULATORY REFORM

SEC. 501. SHORT TITLE.

This title may be cited as the "Coast Guard Regulatory Reform Act of 1995".

SEC. 502. SAFETY MANAGEMENT.

(a) MANAGEMENT OF VESSELS.—Title 46, United States Code, is amended by adding after chapter 31 the following new chapter:

"CHAPTER 32—MANAGEMENT OF VESSELS

"Sec.
"3201. Definitions.
"3202. Application.
"3203. Safety management system.
"3204. Implementation of safety management system.
"3205. Certification.

"§3201. Definitions

"In this chapter—

"(1) 'International Safety Management Code' has the same meaning given that term in chapter IX of the Annex to the International Convention for the Safety of Life at Sea, 1974;

"(2) 'responsible person' means—

"(A) the owner of a vessel to which this chapter applies; or

"(B) any other person that has—

"(i) assumed the responsibility for operation of a vessel to which this chapter applies from the owner; and

"(ii) agreed to assume with respect to the vessel responsibility for complying with all the requirements of this chapter and the regulations prescribed under this chapter;

"(3) 'vessel engaged on a foreign voyage' means a vessel to which this chapter applies—

"(A) arriving at a place under the jurisdiction of the United States from a place in a foreign country;

"(B) making a voyage between places outside the United States; or

"(C) departing from a place under the jurisdiction of the United States for a place in a foreign country.

"§3202. Application

"(a) MANDATORY APPLICATION.—This chapter applies to the following vessels engaged on a foreign voyage:

"(1) Beginning July 1, 1998—

"(A) a vessel transporting more than 12 passengers described in section 2101(21)(A) of this title; and

"(B) a tanker, bulk freight vessel, or high-speed freight vessel, of at least 500 gross tons.

"(2) Beginning July 1, 2002, a freight vessel and a mobile offshore drilling unit of at least 500 gross tons.

"(b) VOLUNTARY APPLICATION.—This chapter applies to a vessel not described in subsection (a) of this section if the owner of the vessel requests the Secretary to apply this chapter to the vessel.

"(c) EXCEPTION.—Except as provided in subsection (b) of this section, this chapter does not apply to—

"(1) a barge;

"(2) a recreational vessel not engaged in commercial service;

"(3) a fishing vessel;

"(4) a vessel operating on the Great Lakes or its tributary and connecting waters; or

"(5) a public vessel.

"§3203. Safety management system

"(a) IN GENERAL.—The Secretary shall prescribe regulations which establish a safety management system for responsible persons and vessels to which this chapter applies, including—

"(1) a safety and environmental protection policy;

"(2) instructions and procedures to ensure safe operation of those vessels and protection of the environment in compliance with international and United States law;

"(3) defined levels of authority and lines of communications between, and among, personnel on shore and on the vessel;

"(4) procedures for reporting accidents and nonconformities with this chapter;

"(5) procedures for preparing for and responding to emergency situations; and

"(6) procedures for internal audits and management reviews of the system.

"(b) COMPLIANCE WITH CODE.—Regulations prescribed under this section shall be consistent with the International Safety Management Code with respect to vessels engaged on a foreign voyage.

"§3204. Implementation of safety management system

"(a) SAFETY MANAGEMENT PLAN.—Each responsible person shall establish and submit to the Secretary for approval a safety management plan describing how that person and vessels of the person to which this chapter applies will comply with the regulations prescribed under section 3203(a) of this title.

"(b) APPROVAL.—Upon receipt of a safety management plan submitted under subsection (a), the Secretary shall review the plan and approve it if the Secretary determines that it is consistent with and will assist in implementing the safety management system established under section 3203.

"(c) PROHIBITION ON VESSEL OPERATION.—A vessel to which this chapter applies under section 3202(a) may not be operated without having on board a Safety Management Certificate and a copy of a Document of Compliance issued for the vessel under section 3205 of this title.

"§3205. Certification

"(a) ISSUANCE OF CERTIFICATE AND DOCUMENT.—After verifying that the responsible person for a vessel to which this chapter applies and the vessel comply with the applicable requirements under this chapter, the Secretary shall issue for the vessel, on request of the responsible person, a Safety Management Certificate and a Document of Compliance.

"(b) MAINTENANCE OF CERTIFICATE AND DOCUMENT.—A Safety Management Certificate and a Document of Compliance issued for a vessel under this section shall be maintained by the responsible person for the vessel as required by the Secretary.

"(c) VERIFICATION OF COMPLIANCE.—The Secretary shall—

"(1) periodically review whether a responsible person having a safety management plan approved under section 3204(b) and each vessel to which the plan applies is complying with the plan; and

"(2) revoke the Secretary's approval of the plan and each Safety Management Certificate and Document of Compliance issued to the person for a vessel to which the plan applies, if the Secretary determines that the person or a vessel to which the plan applies has not complied with the plan.

"(d) ENFORCEMENT.—At the request of the Secretary, the Secretary of the Treasury shall withhold or revoke the clearance required by section 4197 of the Revised Statutes (46 App. U.S.C. 91) of a vessel that is subject to this chapter under section 3202(a) of this title or to the International Safety Management Code, if the vessel does not have on board a Safety Management Certificate and a copy of a Document of Compliance for the vessel. Clearance may be granted on filing a bond or other surety satisfactory to the Secretary.".

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle II of title 46, United States Code, is amended by inserting after the item relating to chapter 31 the following:

"32. Management of vessels .... 3201".

(c) STUDY.—

(1) STUDY.—The Secretary of Transportation shall conduct, in cooperation with the owners, charterers, and managing operators of vessels documented under chapter 121 of title 46, United States Code, and other interested persons, a study of the methods that may be used to implement and enforce the International Management Code for the Safe Operation of Ships and for Pollution Prevention under chapter IX of the Annex to the International Convention for the Safety of Life at Sea, 1974.

(2) REPORT.—The Secretary shall submit to the Congress a report of the results of the study required under paragraph (1) before the earlier of—

(A) the date that final regulations are prescribed under section 3203 of title 46, United States Code (as enacted by subsection (a)); or

(B) the date that is 1 year after the date of enactment of this Act.

SEC. 503. USE OF REPORTS, DOCUMENTS, RECORDS, AND EXAMINATIONS OF OTHER PERSONS.

(a) REPORTS, DOCUMENTS, AND RECORDS.—Chapter 31 of title 46, United States Code, is amended by adding the following new section:

"§3103. Use of reports, documents, and records

"The Secretary may rely, as evidence of compliance with this subtitle, on—

"(1) reports, documents, and records of other persons who have been determined by the Secretary to be reliable; and

"(2) other methods the Secretary has determined to be reliable.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 31 of title 46, United

States Code, is amended by adding at the end the following:

"3103. Use of reports, documents, and records.".

(c) EXAMINATIONS.—Section 3308 of title 46, United States Code, is amended by inserting "or have examined" after "examine".

SEC. 504. EQUIPMENT APPROVAL.

(a) IN GENERAL.—Section 3306(b) of title 46, United States Code, is amended to read as follows:

"(b)(1) Equipment and material subject to regulation under this section may not be used on any vessel without prior approval of the Secretary.

"(2) Except with respect to use on a public vessel, the Secretary may treat an approval of equipment or materials by a foreign government as approval by the Secretary for purposes of paragraph (1) if the Secretary determines that—

"(A) the design standards and testing procedures used by that government meet the requirements of the International Convention for the Safety of Life at Sea, 1974;

"(B) the approval of the equipment or material by the foreign government will secure the safety of individuals and property on board vessels subject to inspection; and

"(C) for lifesaving equipment, the foreign government—

"(i) has given equivalent treatment to approvals of lifesaving equipment by the Secretary; and

"(ii) otherwise ensures that lifesaving equipment approved by the Secretary may be used on vessels that are documented and subject to inspection under the laws of that country.".

(b) FOREIGN APPROVALS.—The Secretary of Transportation, in consultation with other interested Federal agencies, shall work with foreign governments to have those governments approve the use of the same equipment and materials on vessels documented under the laws of those countries that the Secretary requires on United States documented vessels.

(c) TECHNICAL AMENDMENT.—Section 3306(a)(4) of title 46, United States Code, is amended by striking "clauses (1)–(3)" and inserting "paragraphs (1), (2), and (3)".

SEC. 505. FREQUENCY OF INSPECTION.

(a) FREQUENCY OF INSPECTION, GENERALLY.—Section 3307 of title 46, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "nautical school vessel" and inserting ", nautical school vessel, and small passenger vessel allowed to carry more than 12 passengers on a foreign voyage"; and

(B) by adding "and" after the semicolon at the end;

(2) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(3) in paragraph (2) (as so redesignated), by striking "2 years" and inserting "5 years".

(b) CONFORMING AMENDMENT.—Section 3710(b) of title 46, United States Code, is amended by striking "24 months" and inserting "5 years".

SEC. 506. CERTIFICATE OF INSPECTION.

Section 3309(c) of title 46, United States Code, is amended by striking "(but not more than 60 days)".

SEC. 507. DELEGATION OF AUTHORITY OF SECRETARY TO CLASSIFICATION SOCIETIES.

(a) AUTHORITY TO DELEGATE.—Section 3316 of title 46, United States Code, is amended—

(1) by striking subsections (a) and (d);

(2) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively; and

(3) in subsection (b), as so redesignated, by—

(A) redesignating paragraph (2) as paragraph (3); and

(B) striking so much of the subsection as precedes paragraph (3), as so redesignated, and inserting the following:

"(b)(1) The Secretary may delegate to the American Bureau of Shipping or another classification society recognized by the Secretary as meeting acceptable standards for such a society, for a vessel documented or to be documented under chapter 121 of this title, the authority to—

"(A) review and approve plans required for issuing a certificate of inspection required by this part;

"(B) conduct inspections and examinations; and

"(C) issue a certificate of inspection required by this part and other related documents.

"(2) The Secretary may make a delegation under paragraph (1) to a foreign classification society only—

"(A) to the extent that the government of the foreign country in which the society is headquartered delegates authority and provides access to the American Bureau of Shipping to inspect, certify, and provide related services to vessels documented in that country; and

"(B) if the foreign classification society has offices and maintains records in the United States.".

(b) CONFORMING AMENDMENTS.—

(1) The heading for section 3316 of title 46, United States Code, is amended to read as follows:

"§ 3316. Classification societies".

(2) The table of sections for chapter 33 of title 46, United States Code, is amended by striking the item relating to section 3316 and inserting the following:

"3316. Classification societies.".

TITLE VI—DOCUMENTATION OF VESSELS

SEC. 601. AUTHORITY TO ISSUE COASTWISE ENDORSEMENTS.

Section 12106 of title 46, United States Code, is further amended by adding at the end the following new subsection:

"(g) A coastwise endorsement may be issued for a vessel that—

"(1) is less than 200 gross tons;

"(2) is eligible for documentation;

"(3) was built in the United States; and

"(4) was—

"(A) sold foreign in whole or in part; or

"(B) placed under foreign registry.".

SEC. 602. VESSEL DOCUMENTATION FOR CHARITY CRUISES.

(a) AUTHORITY TO DOCUMENT VESSELS.—

(1) IN GENERAL.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), and section 12106 of title 46, United States Code, and subject to paragraph (2), the Secretary of Transportation may issue a certificate of documentation with a coastwise endorsement for each of the following vessels:

(A) GALLANT LADY (Feadship hull number 645, approximately 130 feet in length).

(B) GALLANT LADY (Feadship hull number 651, approximately 172 feet in length).

(2) LIMITATION ON OPERATION.—Coastwise trade authorized under a certificate of documentation issued for a vessel under this section shall be limited to carriage of passengers in association with contributions to charitable organizations no portion of which is received, directly or indirectly, by the owner of the vessel.

(3) CONDITION.—The Secretary may not issue any certificate of documentation under paragraph (1) unless the owner of the vessel referred to in paragraph (1)(A) (in this section referred to as the "owner"), within 90 days after the date of the enactment of this Act, submits to the Secretary a letter expressing the intent of the owner to enter into a contract before October 1, 1996, for construction in the United States of a passenger vessel of at least 130 feet in length.

(4) EFFECTIVE DATE OF CERTIFICATES.—A certificate of documentation issued under paragraph (1)—

(A) for the vessel referred to in paragraph (1)(A), shall take effect on the date of issuance of the certificate; and

(B) for the vessel referred to in paragraph (1)(B), shall take effect on the date of delivery of the vessel to the owner.

(b) TERMINATION OF EFFECTIVENESS OF CERTIFICATES.—A certificate of documentation issued for a vessel under section (a)(1) shall expire—

(1) on the date of the sale of the vessel by the owner;

(2) on October 1, 1996, if the owner has not entered into a contract for construction of a vessel in accordance with the letter of intent submitted to the Secretary under subsection (a)(3); and

(3) on any date on which such a contract is breached, rescinded, or terminated (other than for completion of performance of the contract) by the owner.

SEC. 603. EXTENSION OF DEADLINE FOR CONVERSION OF VESSEL M/V TWIN DRILL.

Section 601(d) of Public Law 103–206 (107 Stat. 2445) is amended—

(1) in paragraph (3), by striking "1995" and inserting "1996"; and

(2) in paragraph (4), by striking "12" and inserting "24".

SEC. 604. DOCUMENTATION OF VESSEL RAINBOW'S END.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), and sections 12106, 12107, and 12108 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsements for employment in the coastwise trade, Great Lakes trade, and the fisheries for the vessel RAINBOW'S END (official number 1026899; hull identification number MY13708C787).

SEC. 605. DOCUMENTATION OF VESSEL GLEAM.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), and section 12106 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel GLEAM (United States official number 921594).

SEC. 606. DOCUMENTATION OF VARIOUS VESSELS.

(a) IN GENERAL.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), the Act of May 28, 1906 (46 App. U.S.C. 292), and sections 12106, 12107, and 12108 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with appropriate endorsements for each of the vessels listed in subsection (b).

(b) VESSELS DESCRIBED.—The vessels referred to in subsection (a) are the following:

(1) ANNAPOLIS (United States official number 999008).

(2) CHESAPEAKE (United States official number 999010).

(3) CONSORT (United States official number 999005).

(4) CURTIS BAY (United States official number 999007).

(5) HAMPTON ROADS (United States official number 999009).

(6) JAMESTOWN (United States official number 999006).

(7) 2 barges owned by Roen Salvage (a corporation organized under the laws of the State of Wisconsin) and numbered by that company as barge 103 and barge 203.

(8) RATTLESNAKE (Canadian registry official number 802702).

(9) CAROLYN (Tennessee State registration number TN1765C).

(10) SMALLEY (6808 Amphibious Dredge, Florida State registration number FL1855FF).

(11) BEULA LEE (United States official number 928211).

(12) FINESSE (Florida State official number 7148HA).

(13) WESTEJORD (Hull Identification Number X-53-109).

(14) MAGIC CARPET (United States official number 278971).

(15) AURA (United States official number 1027807).

(16) ABORIGINAL (United States official number 942118).

(17) ISABELLE (United States official number 600655).

(18) 3 barges owned by the Harbor Marine Corporation (a corporation organized under the laws of the State of Rhode Island) and referred to by that company as Harbor 221, Harbor 223, and Gene Elizabeth.

(19) SHAMROCK V (United States official number 900936).

(20) ENDEAVOUR (United States official number 947869).

(21) CHRISSY (State of Maine registration number 4778B).

(22) EAGLE MAR (United States official number 575349).

SEC. 607. DOCUMENTATION OF 4 BARGES.

(a) IN GENERAL.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), section 1 of the Act of May 28, 1906 (46 App. U.S.C. 292), and section 12106 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsements for each of the vessels listed in subsection (b).

(b) VESSELS DESCRIBED.—The vessels referred to in subsection (a) are 4 barges owned by McLean Contracting Company (a corporation organized under the laws of the State of Maryland) and numbered by that company as follows:

(1) Barge 76 (official number 1030612).

(2) Barge 77 (official number 1030613).

(3) Barge 78 (official number 1030614).

(4) Barge 100 (official number 1030615).

SEC. 608. LIMITED WAIVER FOR ENCHANTED ISLE AND ENCHANTED SEAS.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), section 12106 of title 46, United States Code, section 506 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1156), and any agreement with the United States Government, the Secretary of Transportation may issue a certificate of documentation with a coastwise endorsement for the vessels ENCHANTED ISLE (Panamanian official number 14087-84B) and ENCHANTED SEAS (Panamanian official number 14064-84D), except that the vessels may not operate between or among islands in the State of Hawaii.

SEC. 609. LIMITED WAIVER FOR MV PLATTE.

Notwithstanding any other law or any agreement with the United States Government, the vessel MV PLATTE (ex-SPIRIT OF TEXAS) (United States official number 653210) may be sold to a person that is not a citizen of the United States and transferred to or placed under a foreign registry.

TITLE VII—TECHNICAL AND CONFORMING AMENDMENTS

SEC. 701. AMENDMENT OF INLAND NAVIGATION RULES.

Section 2 of the Inland Navigational Rules Act of 1980 is amended—

(1) by amending Rule 9(e)(i) (33 U.S.C. 2009(e)(i)) to read as follows:

"(i) In a narrow channel or fairway when overtaking, the power-driven vessel intending to overtake another power-driven vessel shall indicate her intention by sounding the appropriate signal prescribed in Rule 34(c) and take steps to permit safe passing. The power-driven vessel being overtaken, if in agreement, shall sound the same signal and may, if specifically agreed to take steps to permit safe passing. If in doubt she shall sound the danger signal prescribed in Rule 34(d).";

(2) in Rule 15(b) (33 U.S.C. 2015(b)) by inserting "power-driven" after "Secretary, a";

(3) in Rule 23(a)(i) (33 U.S.C. 2023(a)(i)) after "masthead light forward"; by striking "except that a vessel of less than 20 meters in length need not exhibit this light forward of amidships but shall exhibit it as far forward as is practicable;";

(4) by amending Rule 24(f) (33 U.S.C. 2024(f)) to read as follows:

"(f) Provided that any number of vessels being towed alongside or pushed in a group shall be lighted as one vessel, except as provided in paragraph (iii)—

"(i) a vessel being pushed ahead, not being part of a composite unit, shall exhibit at the forward end, sidelights and a special flashing light;

"(ii) a vessel being towed alongside shall exhibit a sternlight and at the forward end, sidelights and a special flashing light; and

"(iii) when vessels are towed alongside on both sides of the towing vessels a stern light shall be exhibited on the stern of the outboard vessel on each side of the towing vessel, and a single set of sidelights as far forward and as far outboard as is practicable, and a single special flashing light.";

(5) in Rule 26 (33 U.S.C 2026)—

(A) in each of subsections (b)(i) and (c)(i) by striking "a vessel of less than 20 meters in length may instead of this shape exhibit a basket;"; and

(B) by amending subsection (d) to read as follows:

"(d) The additional signals described in Annex II to these Rules apply to a vessel engaged in fishing in close proximity to other vessels engaged in fishing."; and

(6) by amending Rule 34(h) (33 U.S.C. 2034) to read as follows:

"(h) A vessel that reaches agreement with another vessel in a head-on, crossing, or overtaking situation, as for example, by using the radiotelephone as prescribed by the Vessel Bridge-to-Bridge Radiotelephone Act (85 Stat. 164; 33 U.S.C. 1201 et seq.), is not obliged to sound the whistle signals prescribed by this rule, but may do so. If agreement is not reached, then whistle signals shall be exchanged in a timely manner and shall prevail.".

SEC. 702. MEASUREMENT OF VESSELS.

Section 14104 of title 46, United States Code, is amended by redesignating the existing text after the section heading as subsection (a) and by adding at the end the following new subsection:

"(b) If a statute allows for an alternate tonnage to be prescribed under this section, the Secretary may prescribe it by regulation. The alternate tonnage shall, to the maximum extent possible, be equivalent to the statutorily established tonnage. Until an alternate tonnage is prescribed, the statutorily established tonnage shall apply to vessels measured under chapter 143 or chapter 145 of this title.".

SEC. 703. LONGSHORE AND HARBOR WORKERS COMPENSATION.

Section 3(d)(3)(B) of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 903(d)(3)(B)) is amended by inserting after "1,600 tons gross" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 704. RADIOTELEPHONE REQUIREMENTS.

Section 4(a)(2) of the Vessel Bridge-to-Bridge Radiotelephone Act (33 U.S.C. 1203(a)(2)) is amended by inserting after "one hundred gross tons" the following "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title,".

SEC. 705. VESSEL OPERATING REQUIREMENTS.

Section 4(a)(3) of the Ports and Waterways Safety Act (33 U.S.C. 1223(a)(3)) is amended by inserting after "300 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 706. MERCHANT MARINE ACT, 1920.

Section 27A of the Merchant Marine Act, 1920 (46 U.S.C. App. 883-1), is amended by inserting after "five hundred gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title,".

SEC. 707. MERCHANT MARINE ACT, 1956.

Section 2 of the Act of June 14, 1956 (46 U.S.C. App. 883a), is amended by inserting after "five hundred gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 708. MARITIME EDUCATION AND TRAINING.

Section 1302(4)(A) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1295a(4)(a)) is amended by inserting after "1,000 gross tons or more" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 709. GENERAL DEFINITIONS.

Section 2101 of title 46, United States Code, is amended—

(1) in paragraph (13), by inserting after "15 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(2) in paragraph (13a), by inserting after "3,500 gross tons" the following: "as measured under section 14502 of title 46, United

States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(3) in paragraph (19), by inserting after "500 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(4) in paragraph (22), by inserting after "100 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(5) in paragraph (30)(A), by inserting after "500 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(6) in paragraph (32), by inserting after "100 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(7) in paragraph (33), by inserting after "300 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(8) in paragraph (35), by inserting after "100 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title"; and

(9) in paragraph (42), by inserting after "100 gross tons" each place it appears, the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 710. AUTHORITY TO EXEMPT CERTAIN VESSELS.

Section 2113 of title 46, United States Code, is amended—

(1) in paragraph (4), by inserting after "at least 100 gross tons but less than 300 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title"; and

(2) in paragraph (5), by inserting after "at least 100 gross tons but less than 500 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 711. INSPECTION OF VESSELS.

Section 3302 of title 46, United States Code, is amended—

(1) in subsection (c)(1), by inserting after "5,000 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(2) in subsection (c)(2), by inserting after "500 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(3) in subsection (c)(3), by inserting after "500 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(4) in subsection (c)(4)(A), by inserting after "500 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(5) in subsection (d)(1), by inserting after "150 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(6) in subsection (i)(1)(A), by inserting after "300 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title"; and

(7) in subsection (j), by inserting after "15 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 712. REGULATIONS.

Section 3306 of title 46, United States Code, is amended—

(1) in subsection (h), by inserting after "at least 100 gross tons but less than 300 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title"; and

(2) in subsection (i), by inserting after "at least 100 gross tons but less than 500 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 713. PENALTIES—INSPECTION OF VESSELS.

Section 3318 of title 46, United States Code, is amended—

(1) in subsection (a), by inserting after "100 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title"; and

(2) in subsection (j)(1), by inserting after "1,600 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 714. APPLICATION—TANK VESSELS.

Section 3702 of title 46, United States Code, is amended—

(1) in subsection (b)(1), by inserting after "500 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(2) in subsection (c), by inserting after "500 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title"; and

(3) in subsection (d), by inserting after "5,000 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 715. TANK VESSEL CONSTRUCTION STANDARDS.

Section 3703a of title 46, United States Code, is amended—

(1) in subsection (b)(2), by inserting after "5,000 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(2) in subsection (c)(2), by inserting after "5,000 gross tons" each place it appears the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(3) in subsection (c)(3)(A), by inserting after "15,000 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(4) in subsection (c)(3)(B), by inserting after "30,000 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title"; and

(5) in subsection (c)(3)(C), by inserting after "30,000 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 716. TANKER MINIMUM STANDARDS.

Section 3707 of title 46, United States Code, is amended—

(1) in subsection (a), by inserting after "10,000 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title"; and

(2) in subsection (b), by inserting after "10,000 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 717. SELF-PROPELLED TANK VESSEL MINIMUM STANDARDS.

Section 3708 of title 46, United States Code, is amended by inserting after "10,000 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 718. DEFINITION—ABANDONMENT OF BARGES.

Section 4701(1) of title 46, United States Code, is amended by inserting after "100 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 719. APPLICATION—LOAD LINES.

Section 5102(b) of title 46, United States Code, is amended—

(1) in paragraph (4), by inserting after "5,000 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(2) in paragraph (5), by inserting after "500 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title"; and

(3) in paragraph (10), by inserting after "150 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 720. LICENSING OF INDIVIDUALS.

Section 7101(e)(3) of title 46, United States Code, is amended by inserting after "1,600 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 721. ABLE SEAMEN—LIMITED.

Section 7308 of title 46, United States Code, is amended by inserting after "100 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 722. ABLE SEAMEN—OFFSHORE SUPPLY VESSELS.

Section 7310 of title 46, United States Code, is amended by inserting after "500 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 723. SCALE OF EMPLOYMENT—ABLE SEAMEN.

Section 7312 of title 46, United States Code, is amended—

(1) in subsection (b), by inserting after "1,600 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(2) in subsection (c)(1), by inserting after "500 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(3) in subsection (d), by inserting after "500 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(4) in subsection (f)(1), by inserting after "5,000 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title"; and

(5) in subsection (f)(2), by inserting after "5,000 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 724. GENERAL REQUIREMENTS—ENGINE DEPARTMENT.

Section 7313(a) of title 46, United States Code, is amended by inserting after "100 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 725. COMPLEMENT OF INSPECTED VESSELS.

Section 8101(h) of title 46, United States Code, is amended by inserting after "100 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 726. WATCHMEN.

Section 8102(b) of title 46, United States Code, is amended by inserting after "100 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 727. CITIZENSHIP AND NAVAL RESERVE REQUIREMENTS.

Section 8103(b)(3)(A) of title 46, United States Code, is amended by inserting after "1,600 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 728. WATCHES.

Section 8104 of title 46, United States Code, is amended—

(1) in subsection (b), by inserting after "100 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(2) in subsection (d), by inserting after "100 gross tons" and after "5,000 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(3) in subsection (l)(1), by inserting after "1,600 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(4) in subsection (m)(1), by inserting after "1,600 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(5) in subsection (o)(1), by inserting after "500 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title"; and

(6) in subsection (o)(2), by inserting after "500 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 729. MINIMUM NUMBER OF LICENSED INDIVIDUALS.

Section 8301 of title 46, United States Code, is amended—

(1) in subsection (a)(2), by inserting after "1,000 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(2) in subsection (a)(3), by inserting after "at least 200 gross tons but less than 1,000 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(3) in subsection (a)(4), by inserting after "at least 100 gross tons but less than 200 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(4) in subsection (a)(5), by inserting after "300 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title"; and

(5) in subsection (b), by inserting after "200 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 730. OFFICERS' COMPETENCY CERTIFICATES CONVENTION.

Section 8304(b)(4) of title 46, United States Code, is amended by inserting after "200 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 731. MERCHANT MARINERS' DOCUMENTS REQUIRED.

Section 8701 of title 46, United States Code, is amended—

(1) in subsection (a), by inserting after "100 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title"; and

(2) in subsection (a)(6), by inserting after "1,600 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 732. CERTAIN CREW REQUIREMENTS.

Section 8702 of title 46, United States Code, is amended—

(1) in subsection (a), by inserting after "100 gross tons" the following: "as measured

under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''; and

(2) in subsection (a)(6), by inserting after ''1,600 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 733. FREIGHT VESSELS.

Section 8901 of title 46, United States Code, is amended by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 734. EXEMPTIONS.

Section 8905(b) of title 46, United States Code, is amended by inserting after ''200 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 735. UNITED STATES REGISTERED PILOT SERVICE.

Section 9303(a)(2) of title 46, United States Code, is amended by inserting after ''4,000 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 736. DEFINITIONS—MERCHANT SEAMEN PROTECTION.

Section 10101(4)(B) of title 46, United States Code, is amended by inserting after ''1,600 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 737. APPLICATION—FOREIGN AND INTERCOASTAL VOYAGES.

Section 10301(a)(2) of title 46, United States Code, is amended by inserting after ''75 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 738. APPLICATION—COASTWISE VOYAGES.

Section 10501(a) of title 46, United States Code, is amended by inserting after ''50 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 739. FISHING AGREEMENTS.

Section 10601(a)(1) of title 46, United States Code, is amended by inserting after ''20 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 740. ACCOMMODATIONS FOR SEAMEN.

Section 11101(a) of title 46, United States Code, is amended by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 741. MEDICINE CHESTS.

Section 11102(a) of title 46, United States Code, is amended by inserting after ''75 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 742. LOGBOOK AND ENTRY REQUIREMENTS.

Section 11301(a)(2) of title 46, United States Code, is amended by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 743. COASTWISE ENDORSEMENTS.

Section 12106(c)(1) of title 46, United States Code, is amended by striking ''two hundred gross tons'' and inserting ''200 gross tons as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 744. FISHERY ENDORSEMENTS.

Section 12108(c)(1) of title 46, United States Code, is amended by striking ''two hundred gross tons'' and inserting ''200 gross tons as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 745. CLERICAL AMENDMENT.

Chapter 121 of title 46, United States Code, is amended—

(1) by striking the first section 12123; and

(2) in the table of sections at the beginning of the chapter by striking the first item relating to section 12123.

SEC. 746. REPEAL OF GREAT LAKES ENDORSEMENTS.

(a) REPEAL.—Section 12107 of title 46, United States Code, is repealed.

(b) CONFORMING AMENDMENTS.—

(1) The analysis at the beginning of chapter 121 of title 46, United States Code, is amended by striking the item relating to section 12107.

(2) Section 12101(b)(3) of title 46, United States Code, is repealed.

(3) Section 4370(a) of the Revised Statutes of the United States (46 App. U.S.C. 316(a)) is amended by striking ''or 12107''.

(4) Section 2793 of the Revised Statutes of the United States (46 App. U.S.C. 111, 123) is amended—

(A) by striking ''coastwise, Great Lakes endorsement'' and all that follows through ''foreign ports,'' and inserting ''registry endorsement, engaged in foreign trade on the Great Lakes or their tributary or connecting waters in trade with Canada,''; and

(B) by striking '', as if from or to foreign ports''.

SEC. 747. CONVENTION TONNAGE FOR LICENSES, CERTIFICATES, AND DOCUMENTS.

(a) AUTHORITY TO USE CONVENTION TONNAGE.—Chapter 75 of title 46, United States Code, is amended by adding at the end the following:

''§ 7506. Convention tonnage for licenses, certificates, and documents

''Notwithstanding any provision of section 14302(c) or 14305 of this title, the Secretary may—

''(1) evaluate the service of an individual who is applying for a license, a certificate of registry, or a merchant mariner's document by using the tonnage as measured under chapter 143 of this title for the vessels on which that service was acquired, and

''(2) issue the license, certificate, or document based on that service.''.

(b) CLERICAL AMENDMENT.—The analysis to chapter 75 of title 46, United States Code, is amended by adding a new item as follows:

''7506. Convention tonnage for licenses, certificates, and documents.''.

TITLE VIII—COAST GUARD AUXILIARY AMENDMENTS

SEC. 801. ADMINISTRATION OF THE COAST GUARD AUXILIARY.

(a) IN GENERAL.—Section 821 of title 14, United States Code, is amended to read as follows:

''§ 821. Administration of the Coast Guard Auxiliary

''(a) The Coast Guard Auxiliary is a nonmilitary organization administered by the Commandant under the direction of the Secretary. For command, control, and administrative purposes, the Auxiliary shall include such organizational elements and units as are approved by the Commandant, including but not limited to, a national board and staff (to be known as the 'Auxiliary headquarters unit'), districts, regions, divisions, flotillas, and other organizational elements and units. The Auxiliary organization and its officers shall have such rights, privileges, powers, and duties as may be granted to them by the Commandant, consistent with this title and other applicable provisions of law. The Commandant may delegate to officers of the Auxiliary the authority vested in the Commandant by this section, in the manner and to the extent the Commandant considers necessary or appropriate for the functioning, organization, and internal administration of the Auxiliary.

''(b) Each organizational element or unit of the Coast Guard Auxiliary organization (but excluding any corporation formed by an organizational element or unit of the Auxiliary under subsection (c) of this section), shall, except when acting outside the scope of section 822, at all times be deemed to be an instrumentality of the United States, for purposes of—

''(1) chapter 26 of title 28 (popularly known as the Federal Tort Claims Act);

''(2) section 2733 of title 10 (popularly known as the Military Claims Act);

''(3) the Act of March 3, 1925 (46 App. U.S.C. 781–790; popularly known as the Public Vessels Act);

''(4) the Act of March 9, 1920 (46 App. U.S.C. 741–752; popularly known as the Suits in Admiralty Act);

''(5) the Act of June 19, 1948 (46 App. U.S.C. 740; popularly known as the Admiralty Extension Act); and

''(6) other matters related to noncontractual civil liability.

''(c) The national board of the Auxiliary, and any Auxiliary district or region, may form a corporation under State law in accordance with policies established by the Commandant.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of title 14, United States Code, is amended by striking the item relating to section 821, and inserting the following:

''821. Administration of the Coast Guard Auxiliary.''.

SEC. 802. PURPOSE OF THE COAST GUARD AUXILIARY.

(a) IN GENERAL.—Section 822 of title 14, United States Code, is amended to read as follows:

''§ 822. Purpose of the Coast Guard Auxiliary

''The purpose of the Auxiliary is to assist the Coast Guard as authorized by the Commandant, in performing any Coast Guard function, power, duty, role, mission, or operation authorized by law.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of title 14, United States Code, is amended by striking the item relating to section 822 and inserting the following:

"822. Purpose of the Coast Guard Auxiliary.".

SEC. 803. MEMBERS OF THE AUXILIARY; STATUS.

(a) IN GENERAL.—Section 823 of title 14, United States Code, is amended—

(1) in the heading by adding **", and status"** after **"enrollments"**;

(2) by inserting "(a)" before "The Auxiliary"; and

(3) by adding at the end the following new subsections:

"(b) A member of the Coast Guard Auxiliary is not a Federal employee except for the following purposes:

"(1) Chapter 26 of title 28 (popularly known as the Federal Tort Claims Act).

"(2) Section 2733 of title 10 (popularly known as the Military Claims Act).

"(3) The Act of March 3, 1925 (46 App. U.S.C. 781–790; popularly known as the Public Vessel Act).

"(4) The Act of March 9, 1920 (46 App. U.S.C. 741–752; popularly known as the Suits in Admiralty Act).

"(5) The Act of June 19, 1948 (46 App. U.S.C. 740; popularly known as the Admiralty Extension Act).

"(6) Other matters related to noncontractual civil liability.

"(7) Compensation for work injuries under chapter 81 of title 5.

"(8) The resolution of claims relating to damage to or loss of personal property of the member incident to service under section 3721 of title 31 (popularly known as the Military Personnel and Civilian Employees' Claims Act of 1964).

"(c) A member of the Auxiliary, while assigned to duty, shall be deemed to be a person acting under an officer of the United States or an agency thereof for purposes of section 1442(a)(1) of title 28.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of title 14, United States Code, is amended by striking the item relating to section 823 and inserting the following:

"823. Eligibility, enrollments, and status.".

SEC. 804. ASSIGNMENT AND PERFORMANCE OF DUTIES.

(a) TRAVEL AND SUBSISTENCE EXPENSE.—Section 830(a) of title 14, United States Code, is amended by striking "specific".

(b) ASSIGNMENT OF GENERAL DUTIES.—Section 831 of title 14, United States Code, is amended by striking "specific" each place it appears.

(c) BENEFITS FOR INJURY OR DEATH.—Section 832 of title 14, United States Code, is amended by striking "specific" each place it appears.

SEC. 805. COOPERATION WITH OTHER AGENCIES, STATES, TERRITORIES, AND POLITICAL SUBDIVISIONS.

(a) IN GENERAL.—Section 141 of title 14, United States Code, is amended—

(1) by striking the section heading and inserting the following:

"§ 141. Cooperation with other agencies, States, territories, and political subdivisions";

(2) in the first sentence of subsection (a), by inserting after "personnel and facilities" the following: "(including members of the Auxiliary and facilities governed under chapter 23)"; and

(3) by adding at the end of subsection (a) the following new sentence: "The Commandant may prescribe conditions, including reimbursement, under which personnel and facilities may be provided under this subsection.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 14, United States Code, is amended by striking the item relating to section 141 and inserting the following:

"141. Cooperation with other agencies, States, territories, and political subdivisions.".

SEC. 806. VESSEL DEEMED PUBLIC VESSEL.

Section 827 of title 14, United States Code, is amended to read as follows:

"§ 827. Vessel deemed public vessel

"While assigned to authorized Coast Guard duty, any motorboat or yacht shall be deemed to be a public vessel of the United States and a vessel of the Coast Guard within the meaning of sections 646 and 647 of this title and other applicable provisions of law.".

SEC. 807. AIRCRAFT DEEMED PUBLIC AIRCRAFT.

Section 828 of title 14, United States Code, is amended to read as follows:

"§ 828. Aircraft deemed public aircraft

"While assigned to authorized Coast Guard duty, any aircraft shall be deemed to be a Coast Guard aircraft, a public vessel of the United States, and a vessel of the Coast Guard within the meaning of sections 646 and 647 of this title and other applicable provisions of law. Subject to the provisions of sections 823a and 831 of this title, while assigned to duty, qualified Auxiliary pilots shall be deemed to be Coast Guard pilots.".

SEC. 808. DISPOSAL OF CERTAIN MATERIAL.

Section 641(a) of title 14, United States Code, is amended—

(1) by inserting after "with or without charge," the following: "to the Coast Guard Auxiliary, including any incorporated unit thereof,"; and

(2) by striking "to any incorporated unit of the Coast Guard Auxiliary,".

APPOINTMENT OF CONFEREES

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

COAST GUARD AUTHORIZATION ACT OF 1995 (S. 1004, AND HOUSE AMENDMENT THERETO)

From the Committee on Transportation and Infrastructure, for consideration of the Senate bill and the House amendment, and modifications committed to conference: Messrs. SHUSTER, YOUNG of Alaska, COBLE, Mrs. FOWLER, and Messrs. BAKER of California, OBERSTAR, CLEMENT, and POSHARD.

From the Committee on the Judiciary, for consideration of section 901 of the Senate bill, and section 430 of the House amendment, and modifications committed to conference: Messrs. HYDE, MCCOLLUM, and CONYERS.

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 491

Mr. GEJDENSEN. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 491. It was incorrectly placed as a cosponsor.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1202

Mr. TEJEDA. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1202.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. FAZIO of California asked and was given permission to address the House for 1 minute.)

Mr. FAZIO of California. Mr. Speaker, I yield to the gentleman from Illinois [Mr. HASTERT] in order to learn more about the schedule for next week.

Mr. HASTERT. I thank the gentleman for yielding.

Mr. Speaker, I am happy to announce that this vote marks the end of legislative business for the week.

When we return next week, the House will meet in pro forma session on Monday, March 4. Please be advised that there will be no legislative business and no votes that day.

On Tuesday, March 5, the House will meet at 9:30 a.m. for morning hour and 11 a.m. for legislative business. We plan to take up three bills under suspension of the rules: H.R. 2778, a bill to give special tax treatment to United States troops in Bosnia; H.R. 2853, a bill to extend most-favored-nation status to Bulgaria; and H.R. 497, the National Gambling Impact and Policy Commission Act.

Members should be advised that we do expect recorded votes sometime around 1:00 p.m. on Tuesday, March 5.

For the remainder of the week, we expect to consider the following bills, all of which will be subject to rules: H.R. 994, the Small Business Growth and Administrative Accountability Act; the conference report for H.R. 927, the Cuban Liberty and Democratic Solidarity Act; a bill to Increase temporarily the public debt; an omnibus appropriations or continuing resolution for fiscal year 1996; and it is possible that we may consider a resolution allowing staff depositions in the investigation of the White House Travel Office.

On Tuesday, Wednesday, and Thursday, we hope to conclude legislative business between 7 and 8 p.m. And we should have Members on their way back home to their districts by 2 p.m. on Friday, March 8.

Mr. FAZIO of California. Mr. Speaker, if the gentleman would further elaborate. There is an assumption that we would have votes as early as 1 on Tuesday afternoon?

Mr. HASTERT. If the gentleman will further yield, the assumption here is that the votes could come as early as 1 on Tuesday.

Mr. FAZIO of California. Would it not be possible if we had three suspensions to roll any votes on those suspensions and perhaps delay a little longer than 1?

Mr. HASTERT. We will take it under advisement to roll those votes. Still even rolling those votes it may be 2.

Mr. FAZIO of California. It might not prolong the time, but I think Members would appreciate, particularly on a suspension, as much delay as possible before a vote would actually be called.

Mr. HASTERT. I can tell the gentleman from California that we will roll those votes, but we cannot guarantee that they will go much beyond 2.

Mr. FAZIO of California. Mr. Speaker, let me yield to my friend, the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Speaker, I can tell the gentleman from Illinois I have a little bit of a problem, looking at the schedule, because the last part of it says Tuesday, Wednesday, and Thursday, we hope to conclude legislative business between 7 and 8 p.m. That says Tuesday. What are we going to do after we do the three suspensions because that is all you have got listed for Tuesday?

Mr. HASTERT. We will go to the regulatory reform bill.

Mr. VOLKMER. We are going to do regulatory reform, and where is that on the schedule?

Mr. HASTERT. We will probably do the rule for the regulatory reform and then possibly get into the bill itself.

Mr. VOLKMER. Where is that on this schedule? The Small Business Growth and Administrative Accountability Act?

Mr. HASTERT. The name of the bill is H.R. 994, the Small Business Growth and Administrative Accountability Act.

Mr. VOLKMER. In other words, what is proposed we will first do, I guess it will be 1-minutes on Tuesday.

Mr. HASTERT. It will be 1-minutes.

Mr. VOLKMER. Then we will do the three suspensions. We will roll those. Then we will do those and then we will do the rule and then get into debate and see how far we can go on regulatory reform?

Mr. HASTERT. The gentleman is correct.

Mr. FAZIO of California. Mr. Speaker, if I can reclaim my time here just to confirm. There would be no further legislative business on Tuesday other than the regulatory reform bill that the gentleman mentioned, is that correct?

Mr. HASTERT. If the gentleman will yield further, at this time that is our assumption.

Mr. FAZIO of California. We would take up the rule, general debate, and perhaps consider the legislation, is that correct?

Mr. HASTERT. And amendments.

Mr. FAZIO of California. And all amendments thereto?

Mr. HASTERT. That is right.

Mr. FAZIO of California. Does the gentleman know what kind of rule we might anticipate?

□ 1615

Mr. HASTERT. The Committee on Rules will be meeting this afternoon, and we will have the rule out later this afternoon.

Mr. FAZIO of California. We have no idea, really, how many amendments might be in order, whether an open rule would be required, but it would probably fill up the afternoon?

Mr. HASTERT. We expect it to be an open rule, yes.

Mr. VOLKMER. On the schedule, I appreciate that, because the way I read this, I did not see that in it.

Mr. HASTERT. I understand.

Mr. VOLKMER. Now we know why we are going to be here between 7 and 8. On the bill to increase temporarily the public debt, do you have any idea what date? Will that be a Wednesday or Thursday?

Mr. HASTERT. It could be Wednesday or could be Thursday.

Mr. VOLKMER. Do you know whether or not that would have an open rule, or would that be a closed rule like all of the other ones have been?

Mr. HASTERT. I would say that that bill probably will be a closed rule.

Mr. VOLKMER. The appropriation for continuing resolution, well, first let me ask this: The public debt, let us see, tomorrow is March 1, is it not?

Mr. HASTERT. Tomorrow is March 1.

Mr. VOLKMER. My understanding from earlier discussions with the leadership back before we recessed that we would be doing this by March 1.

Mr. HASTERT. That, plus we passed a piece of legislation that dealt with Social Security that said we could deal with it later than March 1.

Mr. VOLKMER. That is a firm schedule to do it next week?

The continuing resolution, instead of waiting until March 5, you are proposing to do that also next week? Is that correct?

Mr. HASTERT. We are proposing to do a continuing resolution or an omnibus appropriation next week.

Mr. VOLKMER. Right. But that would take care of those that expire on March 15? Is that correct?

Mr. HASTERT. That is our assumption.

Mr. VOLKMER. And would that continuing resolution or appropriation bill, whatever we want to call it, is that going to be for the rest of the fiscal year then? Is that going to be for another 2 or 3 months?

Mr. HASTERT. We are in negotiations with the White House, staff to staff, and intend that that will be on a higher level when those negotiations are finished. I think that result will show in the bill.

Mr. VOLKMER. I have been busy with the farm bill the last 2 days. There may have been announcements on this floor that I have missed. So has there been an announcement by the Committee on Rules on what we call the regulatory reform bill or the Accountability Act that amendments had to be to the Committee on Rules before today so Members knew if they had amendments to this bill, they had to have them in?

Mr. HASTERT. They just filed the rule, sir, and it is an open rule.

Mr. VOLKMER. It is an open rule?

Mr. HASTERT. Yes.

Mr. FAZIO of California. I thank the gentleman from Missouri [Mr. VOLKMER]. I think he has pretty much covered the issues that need to be covered.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. FUNDERBURK. Mr. Speaker, I ask unanimous consent that the business in order under the calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore (Mr. NETHERCUTT). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

ADJOURNMENT TO MONDAY, MARCH 4, 1996

Mr. FUNDERBURK. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

PERMISSION TO HAVE UNTIL 5 P.M., FRIDAY, MARCH 1, 1996, TO FILE CONFERENCE REPORT ON H.R. 927, CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY (LIBERTAD) ACT OF 1995

Mr. FUNDERBURK. Mr. Speaker, I ask unanimous consent that the managers on the part of the House have until 5 p.m. tomorrow, Friday, March 1, 1996, to file the conference report accompanying H.R. 927, the Cuban Liberty and Democratic Solidarity (Libertad) Act of 1995.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 1-minute requests.

DAIRY FARMERS FACING FINANCIAL PROBLEMS

(Mr. SANDERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANDERS. Mr. Speaker, the family dairy farmers in Vermont and throughout this country are facing disastrous financial problems. While consumer milk prices have been going up, the price that the dairy farmer receives has been going down.

Adjusted for inflation, the price Vermont dairy farmers receive has dropped 50 percent over the last 15 years. No wonder that today there are fewer than 2,000 dairy farms left in Vermont, and more and more of them are going out of business.

Tragically, none of the proposals that we were permitted to vote on during the farm bill provided for a significant increase in dairy farm income. In fact, the proposal that was passed threatens to actually lower the price that farmers receive.

Mr. Speaker, in an effort to save the family farm, the six New England States each have passed the Northeast dairy contract, which finally would provide dairy farmers a fair price for their product.

In the final Senate bill, if the final Senate bill contains the Northeast dairy compact, this House must support that provision in the conference report. To do less would be to allow New England dairy farmers to disappear.

PROMISES MADE, PROMISES BROKEN

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Mr. Speaker, promises made, promises broken, the true motto of this failed Republican Congress.

One would think that at least here on Leap Day once every 4 years, Speaker GINGRICH could keep his promises. But, no, indeed, when one turns to a letter written the first day of this month, Speaker GINGRICH, Mr. DOLE, and Mr. ARMEY all wrote President Clinton saying, "Your administration has communicated to us that action must be taken by February 29 to ensure there is no default. Congressional Republicans are committed to act by this date in a manner that is acceptable to you and the Congress in order to guarantee the Government does not default on its obligations."

Where is their action? It is not here on Leap Day. Next week we are going to talk about most-favored-nation treatment for Bulgaria, and they have yet to resolve the question of whether we will protect the full faith and credit of this country.

Promises made, promises broken, and the American working people are the ones who are going to have to pay the price for this failure unless we can turn this country and this Congress around.

BRING UP A CLEAN DEBT CEILING BILL

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, I want to follow up on what my colleague from Texas said.

It is, in fact, true that the commitment was made that as of today the debt ceiling would be extended so that this country would not go into default. And I know we have heard previously, well, that deadline can be extended a couple of weeks because of legislation that has passed this House.

But the bottom line is what we are seeing here again is the same thing we saw with the Government shutdown. The Republican leadership wants to hold this Congress hostage to their ideological agenda where they want to cut Medicare, Medicaid, cut environmental programs, cut education, and they are saying unless you do some of that or unless you provide tax cuts for wealthy Americans and corporations, we are not going to extend the debt ceiling and we are going to threaten the possibility of this country going into default, again, a commitment that was made and a commitment that was broken.

They should bring up a clean debt ceiling. They should not extend it for another week or another 2 weeks but continue it through the rest of the fiscal year so the possibility of default is not out there.

I do not need to say what could possibly happen if this country went into default. Even the threat of it is a problem.

WORKING FAMILIES NEED HELP

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, now that the Republican Party has discovered working America, NEWT GINGRICH and his team are frantically working their agenda. They are desperate. The Contract With America has failed. Voters in the Republican Presidential primaries do not want the Gingrich agenda of the last 14 months. They demand that the concerns of working families be the priority in Washington.

But a tiger cannot change his stripes. The Republican leadership is having a hard time crafting an agenda that deals honestly with the concerns of working men and women.

Will the Newt Gingrich Republican agenda support education, protect pensions, raise the minimum wage? No. According to the majority leader, DICK ARMEY, who is taking over the day-to-day operations of the House from Speaker GINGRICH, once again the new Republican agenda will be topped by a tax break for the wealthiest Americans.

Mr. Speaker, this is not what working families need. They need help to pay their bills, send their kids to college and save for retirement.

My Republican colleagues wanted to offer them the same old failed policies of the past in a brand-new package. The American people deserve better.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

LASER SIGHTS LEGISLATION INTRODUCTION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut [Ms. DELAURO] is recognized for 5 minutes.

Ms. DELAURO. Mr. Speaker, today, I rise to announce a new legislative initiative that I am introducing, the Laser Assisted Gun Crime Penalty Act. I have drafted this bill with the assistance of the greater New Haven area police departments to provide an effective response to a new threat to our law enforcement officers and the public in general.

There has emerged on the scene recently a deadly addition to the arsenal deployed by gangs and other violent criminals. That new threat is called a laser sight.

The enhanced accuracy these devices bring—in the hands of the violent criminal—create a "super-gun," aimed with lethal precision at our police officers as they patrol our neighborhoods to serve and protect the public.

The streets of the Third Congressional District of Connecticut are not immune to this new technology. On Christmas Day of last year and in the first weeks of the new year, guns equipped with laser sights have taken lives and evoked fear amongst families in my district and my local police forces. That is why I am introducing this vital legislation.

Laser sights have become a new rage, the latest deadly fad. By dramatically improving the accuracy of deadly weapons, laser sights turn street thugs into sharpshooters.

The Laser Assisted Gun Crime Penalty Act directs the U.S. Sentencing Commission to increase penalties for individuals convicted of crimes involving laser sights. This bill does not ban laser sight technology or guns equipped with laser sights. This measure punishes the criminal, not sportsmen and sportswomen or law-abiding gun users. This approach to crime and guns can be supported by both pro and antigun control advocates.

My legislation will deter the use of laser sight technology in street crime and require the sentencing commission to collect data on the use and frequency of laser sighting devices in criminal activity throughout the Nation.

My legislation has received strong endorsements from leading police organizations like the National Fraternal Order of Police, the International Brotherhood of Police, the Center for Prevention of Violence and Handgun Control, and the Violence Policy Center. I urge my colleagues to cosponsor my bill and make our streets safer by cracking down on criminals who target law abiding citizens with laser sighting devices. Not gun owners.

We must send a strong signal to the criminal element that we will not tolerate the proliferation of this new brand of high-tech violence. Enacting this legislation will send a clear signal to anyone who would use a laser sighted super-gun, "If you do that crime, you will do real time."

□ 1630

REMOVAL OF NAME OF MEMBER AS COSPONSOR

Mr. METCALF. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor from H.R. 1834.

The SPEAKER pro tempore (Mr. NETHERCUTT). Is there objection to the request of the gentleman from Washington?

There was no objection.

WE MUST NOT WASTE MONEY ON WHITEWATER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, the first thing that I would like to acknowledge is my full and complete appreciation for the oversight responsibilities of this body. Likewise, I think those of us in public life, those who have offered themselves for elected office and for appointed office, do owe a special obligation of responsibility to the American public, to this Nation.

Might I also add, however, that those who offer themselves, particularly Presidential appointees and Governmental officials, have always exhibited to the best of their ability, I believe, the highest degree of integrity. We realize that there may be exceptions and that we should not falter from the responsibility to ensure that the American people have the truth. But might I just for a moment reflect upon the ongoing proceedings in the other body, the Whitewater hearings.

The hearings have to date in the Congress cost $900,000. This is separate and apart from the moneys being spent by the Independent Counsel. I might ask the American people this question: Oversight is one thing; but abuse is something else. We have determined today that the FDIC has decided not to sue the Rose law firm on issues dealing with Whitewater. We have already had previous reports by law firms that have not been dominated by any particular politics that have found no fault on behalf of the Clintons. Yet we now know there is an ongoing discussion about extending the debate and the proceedings of Whitewater, extending it and spending more money.

What the American people should be asking is what are the ultimate results? Will there be a criminal indictment? Is there a need to get more facts, or have we totally exhausted all facts that we could possibly find?

What we now see is a sense of redundancy, calling the same witnesses over again and, in actuality, trying to create perjury where none exists.

The reason why I say this, Mr. Speaker, is that we have some troubling times. First of all, we have no budget. We are funding education for our children at 75 percent of the need. In my State in Texas, Harris county, the area that I represent, stands to lose some $13.8 million in education funds because this body, this entire Congress, has no budget.

We are losing on Goals 2000 moneys. We are losing on title I moneys for disadvantaged children. We have already determined that public education does work. It has educated many in this body. I have had the privilege of being educated by the public schools, and I would say there are many teachers whose shoulders I stand upon that have allowed me to enter into the door of opportunity.

Yet we spend $900,000 on Whitewater, and they are asking that we spend some more, with no resolution, with no conclusion, and no solutions.

So, Mr. Speaker, I would say it is time for this body to get down to business. We must deal with education. We must deal with the Justice Department funding that has the Cops on the Beat Program, another program that has helped citizens in Harris County, the sheriff's department, the police department, cops on the beat. That program is not funded and is threatened. The DARE Program, the Drug and School Safety Program, all of these are trying to meet the test of legitimacy in serving the American public. Yet, may I say it again, we want to spend another $900,000 on Whitewater.

We now face, I think, a very interesting question; many of us have been discussing it for a long time. That is the issue of job creation in this Nation. We hear it in the very disjangled chords of the political process. In fact, many have said to me we are frustrated by this ongoing debate that we see in the Republican primary.

I think it is good that these issues are on the table. But let me say to the American public, we have been discussing, those of us who have been concerned about job development, for a long time, the issue of raising the standard of living for citizens in America. I do not think we can do that without raising the minimum wage. I know that is a difficult question for small- and medium-sized companies. But I do believe if we look at the small fraction of the amount of raising the minimum wage and the number of years where we have not raised it, we will find that Americans will be fair and will realize that giving Americans a fair standard of living is in reality helping America move forward.

Then the job creation, does it come from total protectionist policies? No, it does not. Does it come from a fair assessment of the fair trade? Yes, it does. Does it come from an internal analysis of corporate America in dealing with the investment process, that it is not just the dividend, but it is in fact job creation. We must work with corporate America to develop jobs with America, we must not waste money on Whitewater.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must caution all Members that although factual descriptions of Senate action is permitted, debate may not include characterization of Senate actions or suggest courses of Senate action.

THE WITCH HUNT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. DELAY] is recognized for 5 minutes.

Mr. DELAY. Mr. Speaker, the witch hunt is over and the accused has been found innocent. The charges by the Federal Elections Commission and trumpeted by the liberals regarding Speaker NEWT GINGRICH and GOPAC have been found to be baseless.

In his ruling regarding this case, Judge Lewis Oberdorfer found that there "is no proffer of admissible material evidence in the record that the material and services which GOPAC provided to support Congressman GINGRICH's work as GOPAC General Chairman were ever used by GOPAC or by him to support his reelection campaign."

In other words, the FEC's case held no water.

Mr. Speaker, while this attack on GOPAC and Republicans by the liberal Democrats is not surprising, the fact that the case was summarily dismissed exposes it for what it really is, an effort to change the subject.

Ever since Republicans first won control of the House of Representatives for the first time in 40 years, liberals have tried every trick in the book to derail our agenda for real change.

They have filibustered, fear-mongered, and filed lawsuits. They have convinced their outside activist allies, the trial lawyers, the labor unions, the Naderites, to put every ounce of energy, every bit of money, and every kind of demagoguery, into derailing our agenda.

This ruling by Judge Oberdorfer finally exposes the truth, that this distortion campaign is false and it is malicious.

Mr. Speaker, the American people are not interested in GOPAC. They are not interested in smear campaigns. They are tired of partisanship and bickering. They want the budget balanced. They want lower taxes. They want more opportunities for jobs. They want better schools for our children. And they want us to do the jobs we were sent here to do.

It is time to quit while you are behind. Stop this Ethics Committee abuse and start debating the real issues of the day.

KEEPING YOUR EYE ON THE PRIZE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN. Mr. Speaker, nine Members of this distinguished House of Representatives leave for the Balkans, for Bosnia and several of the surrounding countries, in about an hour and 40 minutes. Although I was able to get to Germany over New Year's Eve and meet with the troops at several locations from the 1st Armored Division that are deploying down to Bosnia, I have been blocked, literally stopped, by Mr. Clinton through his gentlemanly Secretary of Defense on four different occasions, Christmas, New Year's, I repeat, I got as far as Germany, and twice in the month of December.

I would love to be participating in the debate in South Carolina tonight for the honor of the Republican nomination for the Presidency. If they tear at one another's faces and despoil one another's reputations, my presence will be missed, because at every Presidential debate I have literally done everything but beg my worthy competitors to focus on, as Martin Luther King would say, "Keep your eye on the prize," the Presidency on November 5.

The 11th commandment of Ronald Reagan, and he generously offered it to the Democrat family, was "Do not tear yourselves up." You can discuss issues and be substantive on that, but do not try to raise your opponent's negatives, because there are two unintended consequences: Your own come down, and then it depresses the overall voting.

They were anxious to vote in New Hampshire, but in Iowa it was down to 17 percent participation. So I wish I could be there in South Carolina.

It is not this trip to the Balkans, this promised trip that precludes me alone. South Carolina is the only State in the Union demanding over $1,000, which was the New Hampshire entry fee, to participate in their State primaries. They want $7,000.

My younger brother, who is a junior high school teacher, he has got to tell all of his young men and women who dream about running for the Presidency some day that there is the entry fee in South Carolina.

It appears that we have learned one thing in this Presidential season, that $25 million without a message does not get you very far. But a solid message like mine, that I have generously allowed all of the other candidates to appropriate, the message of faith, family, and freedom, and that GOP doesn't mean old anything, it means growth, opportunity and productivity, that those solid messages are not much good without some money.

As our distinguished colleague in the Senate, Mr. PHIL GRAMM, said when he left the race, that he now goes back to his work in the Senate, my statement is simply I never left my work here, Mr. Speaker. I passed at least 12 Dornan amendments in the defense appropriations bill alone. We voted about 302 times more than the other distinguished body during the year of 1995.

We never did recess. For the first time in two sessions, we simply went out of business on the floor here on January 3; constitutionally the second session started at noon January 3. So we were in session the whole year. We actually met in this Chamber about 45 times more than the U.S. Senate.

I have no regrets watching the process from the inside out, making not a single money call. What was the sense of making money calls when I saw I could not compete on the ground, but only in the debate-electronic war and trying to stay very positive with my colleagues at that.

I look at my countdown watch, and I have seven on order to give to the remaining candidates, it says that the election is 250 days away and the inauguration is 326 days. From November 5 to January 20 is 76 days. Mr. Clinton may get to feel the pain that George Bush felt when the voters rejected him after 4 years.

Two-hundred and fifty days is an eternity. The Republican Party is not collapsing. Anybody can still win. There could be a brokered convention. Who knows what can happen and who will come in?

But I offer this to my GOP party, growth, opportunity, and productivity; I offer this theme for the fall: Our team beats Bill's team. To build a team, we are going to have to do something historical. If this bloody infighting, this fratricide continues, we are going to have a very badly wounded standard bearer, and he is going to have to do something historical.

□ 1645

He is going to have to do not only more skillfully than what Ronald Reagan did, and that is name a Vice Presidential running mate. Reagan did that in 1976. It did him no good, because he named a moderate from Pennsylvania that nobody knew. I think our frontrunner is going to have to name five people, the Vice President and four Cabinet officers.

I will close with their names: John Engler of Michigan; the gentleman from Texas, Mr. SAM JOHNSON, as Secretary of Defense; distinguished colleague, Colin Powell as Secretary of State, not Defense, State, and he will not get in trouble with domestic issues; a Treasurer that Wall Street and the common working man will trust and another colleague from here for 10 years, Dan Lundgren for Attorney General, the attorney general of our biggest State. That is the team. The front five. Our team beats Bill's team.

GOOD COMMUNITY FAIR

The SPEAKER pro tempore (Mr. NETHERCUTT). Under the Speaker's announced policy of May 12, 1995, the gentleman from Missouri [Mr. HANCOCK] is recognized for 60 minutes as the designee of the majority leader.

Mr. HANCOCK. Mr. Speaker, we pretty consistently hear about a lot of negative things that are going on in this country. In fact, I am sure that a lot of the people that listen to the debates here on the House floor wonder, does anything positive ever get done in Washington, DC?

I am not too sure about Washington, DC, but I want to talk about an amazing thing that happened on Saturday, January 13, in Springfield, MO. Private citizens, with the support and encouragement of local institutions, organized the first ever Good Community Fair—an opportunity for concerned citizens to meet with leaders of dozens of private community groups to find out how volunteering can make our community a better place.

To the pleasant surprise of organizers more than 7,000 men, women, and children showed up at the Findlay Student Center on the campus of Drury College to find out how and where they could volunteer to do their part to make their hometown a better place, to help it be a good community.

They were able to walk from table to table to pick up information about local charitable groups and volunteer opportunities.

They were able to personally visit with current volunteers.

And they were able to sign up on the spot to get involved with the groups of their choice.

This was one of the most impressive spontaneous outpourings of good will it has ever been my privilege to witness.

And these were not people expressing cheap sentiment. They were not there just to find out what others were doing.

The people who showed up that Saturday made concrete personal commitments by the hundreds to help groups like Special Olympics, the Humane Society, the zoo, hospitals, blood banks, PTA, Meals on Wheels, Boys and Girls Clubs, local libraries, a soup kitchen, a homeless shelter, senior centers, neighborhood crime watch groups, and the list goes on.

When Drury College ran out of table space, the Boy Scouts of America made the best of the situation and literally pitched a tent in front of the building and set up their booth outside. Happily, the weather was great as well.

Community groups were actually running out of volunteer applications and informational literature. There was so much interest, organizers say they were overwhelmed. As one who was there, I can tell you, the whole building was packed.

Organizers admitted they had not expected such a turnout. One group leader said they thought only about 300 people would show up. Another said he thought he would spend the whole day with people just walking by his table.

They were both happily surprised. Thousands of people streamed through Findlay Student Center and made specific commitments to get involved.

And the enthusiasm and overall spirit of good will was tremendous. People felt excited about the possibility of making a difference.

They could do something themselves—rather than just assuming someone else would take care of it, or that government would take care of it.

For a brief moment, our problems did not seem beyond our control. Once again, thousands of people realized it was up to them to turn things around.

What I saw that day renewed and strengthened my faith in a lot things about our country and it made me very proud of my hometown.

Government was there too. A lot of tables at the fair were for different government agencies who need volunteer help, or who just want the public to understand what services they have available. Some were there to get constructive criticism about how they can better serve the public.

The police department, public schools, and city park board—even the city clerk's office—had booths at the fair. And plenty of government officials were on hand.

We had school board members, county commissioners, city council members, State legislators, and, of course, this Congressman.

Fortunately, they corralled all of the elected officials in a holding area called the Government Room. If someone wanted to talk to one of us, they could come visit us in the Government Room. The politicians were there, but we were not the center of attention.

The spotlight was on volunteers and volunteering. And I must tell you, I approved of that arrangement 100 percent.

And, I guess this is as good a time as any to praise the valuable contribution of the news media in this project. I want to specifically pay a compliment to the Springfield News-Leader.

They have started a valuable dialogue in the community. While that sort of thing has the potential to just get everyone talking in circles and mouthing platitudes, this Good Community Fair, was real.

It was an event that I am convinced will make a concrete difference in our quality of life. It was a project that made a difference.

As the newspaper itself put it:

> If Saturday's numbers are any indication of a new trend in community involvement, organizers and agency leaders agree, Springfield is headed toward a better quality of life in a hurry.

And the generous coverage by our local paper, and other local media outlets, unarguably helped make it a success.

Having said that, I want to return the focus to the real heroes of this day. The regular citizens of all ages, all walks of life, who took time out of their weekend to see what they could do to help others—people who cared enough about their community to find out if they could do something themselves.

And let me tell you, I honestly believe this is just the beginning. I think the response we saw at this fair will inspire even more Springfieldians to do their part.

This Good Community Fair has the potential to be a regular event, drawing more people each year into the effort to make a difference.

One of the things that convinces me this event was not just a flash in the pan, but the beginning of something long-term, was the large number of young people who took part.

Nearly 400 teenagers from all across town showed up for a two-hour town hall meeting to discuss their concerns about their schools and community. The discussion was led by panels of their fellow teenagers.

While the kids did not come up with any definitive answers to any problems—something, in fairness, adults have also failed to do—the young people showed an understanding and appreciation of those problems and an earnest, honest, and idealistic desire to do something about them.

And, for the most part, their complaints were voiced with a constructive attitude.

If nothing else, adults saw that the teenagers in our community do care and should be a part of any discussion about how to improve our schools, fight crime, create jobs, or meet other vital needs.

We have got quite a few good apples in the barrel. Anyway, I found some encouragement from it all.

Let me share a few specific stories that capture the spirit of all this, from which I think we can all take some inspiration.

Daisy Jenkins, a 79-year-old Springfield woman, showed up that Saturday. Now, understand, Daisy already gives $3,500 in contributions to 120 different charitable organizations a year. She also generously volunteers her time.

The day before the fair she visited two nursing homes, two private homes, and took a load of supplies to a local school.

This selfless woman came to the Good Community Fair to see what more she could do. Imagine that.

When she was asked why she was eager to add to her burdens, she said: "I don't know. I can't help it. The Lord has been wonderful to me. I asked the Lord, 'I'm comfortable. What can I do?' "

On the same day, 5-year-old Austin Shaw asked his mother to take him to the fair to see how he could help others. Austin is now signed up to cheer up kids his age at the Ronald McDonald House who are sick or have seriously ill brothers or sisters in a local hospital.

"I want to do that with my mom," Austin said.

This generosity of spirit is touching. And there are examples after examples I could give you of other stories. Some I witnessed. Some I read about later. Some were told to me by others. All of them together make up the story of one of the most extraordinary events I have ever attended.

For 5 hours people who care linked up with people who could show them how to get involved in a way that made sense for them.

This one event did more for our community than any Government grant or any speech by a politician ever could.

Oh, and let me tell you. The churches were there. If ever anyone doubted that our churches and religious faith must play a central role in any renewal of our communities, they should be rid of that doubt.

From the Greene County Christian Coalition to the Springfield Area Council of Churches, the religious community was represented across the board.

Representatives were also on hand from Victory Mission, The Kitchen, Evangel College, Salvation Army, Easter Seals, Boy Scouts of America, and more—all groups that affirm Godly values.

This was not some antiseptic, morally neutral civic event. People were inspired by Christian decency and compassion. They were responding in droves to the Gospel message of charity and good will. And they were proudly doing it, in many cases, under the banner of faith.

In too many cases today, we have been told such overt religious expression is bad. That public things must be devoid of religious content. Well, let me tell you something. That is a bunch of horse feathers.

The outpouring of good will I saw that Saturday came from the soul. It was not just a civic act. It was a religious act. And I was proud to see the religious community out in force and out in the open, setting the example we are called to set.

Why am I making a point of this? I just felt that part of the story got missed in the coverage back home. And, while I am paying tribute to the event itself, I want to pay tribute to the religious roots which inspire such Godly sentiments.

The Good Community Fair is something which I believe can and should be emulated in other communities across the country.

By whatever name you call it, getting people together to talk about common problems and giving regular people a chance to make a difference beyond voting for just another set of rascals, is a positive thing.

Make sure government is there, so people can have some input in that aspect of their community and so government leaders can benefit from the direct exchange, but make sure the focus stays on the citizens and what they can do to make their community a better place.

This is something any community can do, regardless of size or status.

Springfield, MO, is a good town. We are not a metropolis, but we have some 145,000 souls who live there. Our problems may not be as great compared to what major cities face.

Many of us still think of ourselves as a small town. We clearly are formed by those small town values.

What I am saying is that we are not a city in crisis. We did not wait for our community to be falling apart at the seams before we did something to make sure we do not head too far in the wrong direction.

If this made sense for us, how much more sense does it make for other cities with greater problems across our land.

Again, I wish to pay tribute to the organizers and volunteers and groups and businesses and everyone else who had a part in making Springfield, MO's Good Community Fair a reality. It was an amazing event, an outstanding success, and the beginning of something very exciting. I am happy I went.

I commend you all for a job well done, and for caring enough about our hometown to make an effort of this kind. Your hard work and effort is surely rewarded by your success.

There is probably not much this retiring congressman can say that will add to that reward, but I felt it was important for me to say something, to let you know just how impressed I was, and to share what you have done with my colleagues and the rest of the country.

I am heartened to see the spirit of volunteerism being renewed in my community. I know it would make President George Bush proud. This is the same idea he was talking about when he spoke of volunteers as a "thousand points of light" in our troubled times.

Well, I saw 7,000 points of light at the Good Community Fair. It was a brilliant sight indeed.

But we must be realistic about this sort of thing.

Just because we cannot end poverty in one act, it does not mean we should not as private citizens help the needy.

Just because we cannot solve every crime or prevent every act of violence, it does not mean we should not do our best to keep our streets and neighborhoods as safe as possible.

Just because Government does not always respond exactly as we like or sometimes seems incapable of functioning effectively, it does not mean we should not vote or get involved in campaigns.

Sometimes, making a difference is incremental. Our Good Community Fair will not make Springfield, MO, a perfect place. It will not solve all our problems overnight. The fine groups represented there will probably never meet every need in our community.

But I would hate to think where we would be without the effort. You must think about the alternative. The real question is: How much worse might things otherwise be?

Progress is positive. We cannot make the perfect the enemy of the good. A good community is never more than a less-than-perfect community that is trying its best to do better. We must not lose heart in that struggle, as communities and individuals

I have less than a year left in the Congress. At the end of the year I will be retiring after serving 8 years in the U.S. House of Representatives. I will once again be a private citizen. And yet, I do not believe for one moment that my public service is coming to an end.

No, I am not talking about running for some other office, although it has been suggested and many have encouraged me to do so. I have no such plans.

I will still be a taxpayer, a voter, and a concerned citizen in my community. You see, I recognize that you do not have to be a five-term U.S. Congressman to make a difference.

You can be a 79-year-old woman volunteering to do more, or a 5-year-old boy who cares about sick children his age.

You can be a petition carrier, a food server, a snow shoveler, a babysitter, a blood donor, or meal deliverer and still make a difference in people's lives.

That is the message of the Good Community Fair I attended. Regular people can and should make a difference.

Do not wait for government to do it, or someone else to do it. If you want something better for your community, show some leadership yourself.

Working together, citizens can make something happen. It may not all happen at once. Some problems will always be with us, but our challenge is to do our best.

On Saturday, January 13, Springfield, MO, took one small—but very impressive—step in the right direction.

□ 1700

Mr. EMERSON. Mr. Speaker, if the gentleman would yield, I want to commend him for the beautiful and inspirational statement that he has just made. I thought about what adjectives I wanted to use, and I almost said remarkable, but I thought beautiful and inspirational would be better because what the gentleman is describing is not at all remarkable in southern Missouri. It is the spirit and the attitude of the people there. And I do not think that we, your district and mine, lying as they do next to each other southwest and southeast Missouri, are particularly unique. I think that this wonderful spirit of voluntarism exists in most places in the country. It just needs to be tapped into and encouraged, and maybe we are old fashioned enough in what we would refer to as down in our neck of the woods to have never lost those qualities that were lost perhaps in many places when government started doing everything for everybody.

We have in Cape Girardeau, MO, my hometown, an organization. It was created by a very, very dedicated public servant, and she is a State representative in Jefferson City representing Cape Giraredeau County. The organization is called the Community Caring Council, and it is all the private sector organizations that do volunteer work and, as was true, you said there were a lot of governmental types in Springfield. All governmental agencies that have anything to do with helping people are represented through this Community Caring Council, and the object of the Community Caring Counsel is if there is anybody in need or got a problem, we have got tentacles in the community that are going to find out about it and know about it and address those problems. And as the gentleman suggested, we are not perfect in all respects, but we do try.

And I think that you have articulated here so beautifully, so well, a spirit that lives out there in the minds and the hearts and the souls certainly of southern Missourians and, I think, of most Americans, and I wish that you could have given your speech here at the beginning of the day when every Member might be present rather than at the end of the day and the end of the week because I think you have delivered a very, very inspirational message here that everyone needs to be familiar with, and I commend you on your outstanding service in presenting to us, as you have, this wonderful activity that went on in Springfield, and I hope it can become a role model for a lot of other places. Thank you, MEL, for what you have done.

Mr. HANCOCK. I thank the gentleman.

The point I am attempting to make, not that I think that, in fact I know Springfield, MO, does not have an exclusive franchise on this, but the fact is that we need to. I am hoping other communities will emulate what they have started there in Springfield, but it is the positive thing that I want to stress.

I have been up here for almost 70 years. I mean it is negative, and I will say that you have to look at the negative side before you can come up with a solution, with positive solutions. You do not want to be blindsided, but this is positive, this is something that people can do.

Now, the ones that count are the ones that do their volunteer work, and probably all they get, they get the thanks in the way they feel inside rather than getting their name in the paper or that unknown person out there, and it just was absolutely amazing. Over 7,000 people showed up on a Saturday afternoon.

Mr. EMERSON. If the gentleman would yield further, let me encourage him. The Community Caring Council, which I mentioned as an entity in Cape Girardeau, has been in existence for some time, and other communities throughout southeast Missouri are emulating that entity, and I dare say that as other communities in the southwest are familiar with that is going on in Springfield, they will want to be a part of it as well because there is not, you know, a lot of difference between the folks in Joplin and Springfield and Poplar Bluff. They all want to be in there doing their part to make this world, this country and our region a better place.

Mr. HANCOCK. Mr. Speaker, is it not great that we live in a country where we do not have to work 14 hours a day just to get enough to eat or 18 hours a day just to get enough to eat?

You know we can spend a little time, and maybe quit watching so much television, and start doing a little volunteer work, and helping out our fellow man a little bit. That is positive, that is not negative.

THE AGRICULTURAL REAUTHORIZATION ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes as the designee of the minority leader.

Mr. OWENS. Mr. Speaker, we have just passed the Agriculture Reauthorization Act that reauthorizes farm programs, and I think it is very important to take note of an unprecedented development. We had a bipartisan breakthrough of the truth in respect to agricultural subsidies and the agribusiness welfare program in America, and this deserves to be noted. Been a lot of frustration for a long time experienced by those of us who recognize the fact that the agribusiness among all the recipients of Federal subsidies was the one that was most hypocritical. It received great amounts of money for a small number of people, and they made lengthy speeches about getting government off their back and not being a part of a welfare program. So we finally made a breakthrough, I think, in that not any great changes were wrought.

The bill that passed has a lot to be desired; the bill that passed is loaded with agribusiness welfare. The bill that passed is not a great reform measure, as it is touted to be. The bill that passed will probably be vetoed by the President. It pleases only segments of the population. Large numbers of the people are displeased with it.

But the phenomena that took place on the floor of the House yesterday is what I am rejoicing about. I rejoice that truth broke through and there was a real honest discussion of the nature of the welfare subsidies that have fueled the agribusiness for the last three decades. The truth broke through, and there were very close votes. We almost got rid of several subsidies that were terrible and have been going on for some time, and, most important of all, it was not partisan. You know, you could find no pattern of partisan voting. Both sides supported a breakthrough of the truth.

The debate was a real debate in that it was not locked into some kind of ideological dogma, it was not a ceremony where, no matter what you said, one side or the other side was not listening. I think for the first time, for one of the few times on the floor the House, the minds of some Members were actually changed by the course of the debate.

So we rejoice that the agribusiness is now being honestly examined, and the agribusiness and the tremendous amount of corporate welfare that the agribusiness has enjoyed is now up for scrutiny. The common sense of the American people can be allowed to examine it, and I expect that you will have an escalating amount of concern from ordinary people that common sense is now going to take hold of the situation, and we are going to have a real look at the kind of money that has been poured into the agribusiness empires over the last three decades.

Of course, you know most people do not realize that this bill, which was mainly focusing on cash subsidies and the details of crops and particular commodities, this bill does not even touch the surface of some of the most generous corporate welfare that has been heaped upon the agribusiness. We were not talking about the Farmers Home Loan Mortgages. We were not talking about a whole set of loan programs that feed into the farm economy.

And they say farmers. I think it is a misnomer to call anything related to agriculture now on a large scale farmers. They are not farmers. It is agribusiness. The farmers long ago were moved from the land.

You know when Franklin Roosevelt, the greatest Democrat probably in history, when Franklin Roosevelt conceived of the crop support programs and provided support for poor farmers across the Nation, if was very much needed and very much in order, and for a long time it did serve the purpose of keeping the family farm alive, allowing poor farmers to survive. It was very important.

But long ago the agricultural subsidies ceased to keep family farms alive and provide help for those that needed it most. That ended a long time ago. That is not the case any more. It is a great business, a great corporate welfare program, and some of us have complained about it for years. It has a dual evil. The taxpayers are forced to pay for the agrabusiness program subsidies, the corporate welfare, on the one hand. On the other hand, the fact that they pay for them to keep the prices up means that the people in other parts of the country that are not farmers pay higher prices for foods and commodities than they would if they were not propped up with special programs.

We had a command and control structure for agriculture second to none. I think the Soviet Union bureaucrats would probably envy the command and control structure of the Department of Agriculture and how agriculture over the years has evolved into this kind of protective command structure with farmers home loan mortgages and all kinds of goodies being fed to farmers and agribusinesses and establishing their own standards. We had situations were $11 billion over a 5-year period, $11 billion in loans, were forgiven under the farmers home loan mortgages program.

□ 1715

When you try as a citizen or as a Congressman to find out exactly what criteria was used and who authorized the giveaway of $11 billion of American money, you know, they forgave the loans over a 5-year period to the tune of $11 billion, and the process of forgiving, writing down, adjusting is still going on. We have delinquent loans outstanding right now related to agriculture which reached the proportion of $11 billion or $12 billion, more than $10 billion, right now outstanding in delinquent loans for agriculture.

The giveaway took place more than 5 years ago, so that brought down the outstanding delinquencies greatly, but it was as high as $23 billion at one time. I have some statistics here. They are not always easy to read, because the way they give it to you, they do not clearly explain themselves. You have to read between the lines.

The various farm loan programs, they call farm programs direct loan fund activities. This is a report that took me some time to get. It is still very incomplete. At one point the outstanding delinquencies were up to $27 billion, as high as $27 billion, the outstanding delinquent loans. They forgave a lot of these loans, forgave them. If you forgave $11 billion worth of loans in New York City to homeowners and the owners of property and buildings, that would be a great boost to the economy of the neighborhoods. I find it hard to conceive of the Government giving away $11 billion to any group, but this was done and it has never been discussed.

Congress, I thought, would at least have hearings on it, when we first brought it up as a result of an article which appeared on the first page of the Washington Post, which talked about the $11 billion which had been forgiven in loans. They talked about four or five of the recipients of the loans that had been forgiven. They talked about the fact that they were millionaires. Several were multimillionaires that have been the recipients of this generosity of the American taxpayers. I thought we would have hearings. I thought—you know, Whitewater is dealing with $60 million. We are talking about $11 billion.

I thought we would be inundated with hearings, the Committee on Agriculture, the Committee on Ways and Means, the Committee on Appropriations. I thought all the committees would want to know how was $11 billion of the taxpayers' money forgiven, and why were millionaires involved in receiving these loan forgivenesses, the generosity of the loans, and what was the criteria. You still find it sort of like the savings and loan swindle. It is one of those things that got swept quickly under the rug. All our numerous media outlets and commentators and analysts, all of a sudden they just lost interest and it never surfaced. To this day it has not surfaced.

So anything related to agriculture has been sort of mysterious, and it has sort of been out of the reach of ordinary people. For that reason I was quite pleased that we made the breakthrough, and yesterday for the first time the Congress came to grips with the corporate welfare program that feeds agribusiness. We ought to be applauded. It was a bipartisan activity. I hope that it certainly continues.

My frustration began some time ago, and I thought I would go back and take a look at some of the things that I had said over the past. One of the items that I have placed in the CONGRESSIONAL RECORD to lament my pain and suffering as a result of watching the agricultural lobby and the agricultural complex ride herd over us, I went back and pulled it out of the CONGRESSIONAL RECORD.

On July 20, 1990, I think it was the day after, I was very frustrated when I saw on the floor a bill which was a very reasonable bill which called for farmers, agribusiness earning more than $100,000 a year to be dropped from the subsidy program. I thought that my colleagues who were interested in saving money and streamlining Government and guaranteeing that the waste would be removed and that every dollar taxpayers pay would be spent wisely and efficiently and effectively, I thought my colleagues would rally to that; but, you know, when the gentleman from New York, CHUCK SCHUMER and I proposed the bill, we were shocked with the number of votes that we received. As a result of that, I wrote my lament.

I am just going to re-read that, because today is February 29, 1996. This was written July 20, 1990. I spoke at that time. I am quoting from my entry into the CONGRESSIONAL RECORD: "Mr. Speaker, during the deliberations on the Schumer-Armey amendment," and it is very interesting that at that time it was also a bipartisan attempt, and of all people, you had the gentleman from New York, CHUCK SCHUMER, the New Yorker, on one end of the spectrum, with the gentleman from Texas, DICK ARMEY, honestly waging war against waste in the U.S. Government through the agriculture program.

I said: "Mr. Speaker, during the deliberations on the Schumer-Armey amendment to the Food and Agriculture Resource Act of 1990 (H.R. 3950), I joined with a number of other colleagues in seeking to convince the Congress that the time has come to use common sense and make some reasonable changes in the farm subsidy program. Although numerous changes are needed in the obsolete subsidy formulas, the amendment proposed only one small correction. Farmers earning more than $100,000 in adjusted gross income would be dropped from the subsidy program and would no longer be eligible for a government check of up to $50,000.

"Despite the fact that the authors of the amendment could prove that no family farmers would be hurt; despite the fact that less than 3 percent of the present acreage would be impacted by the change; despite the fact that it was demonstrated that the people in greatest need within our country—the children, the homeless, and the unemployed—are not eligible for $50,000 government checks; despite these and many other illuminating facts, the Agriculture Committee refused to accept the amendment. On a floor vote, the committee was overwhelmingly supported by the Members of Congress.

"* * * it is obvious that we have learned nothing from the pattern of massive waste in military spending and the monstrous giveaways to the savings and loan crooks. "There was a clear statement to the electorate of America. Let the people suffer but we have to do our deals." That was the statement.

I offered the following as a concession speech to the powerful Agriculture Committee, and I added a little rap comment here which I call Let the People Suffer.

LET THE PEOPLE SUFFER

(A concession speech to the powerful Agriculture Committee)

Let the people suffer!
But we got to do our deals
When hungry babies holler
Make them swallow bitter pills.
We got to do our deals:
Family farmers are really quite rare
But lawmakers never despair
We let millionaires profit
From the myth that farmers are there.
Let the people suffer!
Subsidize fat farmers
Guarantee corrupt banks
Cut kids' anti-viral vaccinations
But we must maintain our tanks.
Let the people suffer!
They fully understand
Why all our foreign embassies
Are built to look so grand.
Let the people suffer!
Let the children feel the pain
Government can't do it all,
So leave the homeless in the rain.
Let the people suffer!
But we have to do our deals
Leadership lacking strong wills
Rule against creative minds
Then stumble into old binds
This budget is stale stew
Nothing is really new
Our current game
Is still insane
The present message
Is too much the same:
Let the people suffer!
But we have to do our deals.

Mr. OWENS. Mr. Speaker, that was the result of my frustration on July 20, 1990. I am happy to report that some movement has taken place since the awesome power of the Committee on Agriculture came down on that amendment on that day before July 20, on July 19. The agriculture lobby came down and squeezed the opposition to death. I think we got less than 60 votes for that amendment, which said simply that any farmer which had an adjusted gross income of $100,000 would not be eligible for the subsidy program.

Then again on March 7, 1995, I wrote a piece, placed a piece in the CONGRESSIONAL RECORD, which also reflected my continuing frustration over the power of the agribusiness lobby and the agribusiness empire, the agribusiness industrial complex. On that day, Tuesday, March 7, 1995, I said: "Mr. Speaker, American agribusiness is one of the most successful industries on the face of the earth. Due to the vision and foresight of the Congress which enacted the legislation which created the land grant colleges, the agricultural experiment stations, and the county agents, government research and development made it possible for our farmers to leap way ahead of the rest of the world. No other Nation's agricultural industry is even close to the U.S. when it comes to farm output and efficiency. Let us applaud the Department of Agriculture and all of the nameless workers who over the years have done such a magnificent job in supporting our farmers.

"But now, Mr. Speaker, most of that work has been done. The mission has been accomplished. We have a monumental success and we can relieve the taxpayers of the burden of helping the agriculture industry, especially the rich corporate farmers. Let's have a means test and from now on let's support only the few remaining poor farm families. Let's stop the indiscriminate subsidies. Let's end the crop insurance. Let's stop the special mortgages. Let's leave the marketplace alone and end the crop subsidies and price supports. Let's get the fat farmers off the dole. The time has come to drastically downsize the Department of Agriculture. We must end farm welfare as we know it. We owe it to the American taxpayers. In this Congress let us work hard to get fat farmers off the dole."

The following poem summarizes and conveys the seriousness of the situation. I call it "Farmers on the Dole."

FARMERS ON THE DOLE

Republican patriots
Come play your role
Keep fat farmers
On the dole
Helping cuddly honey bees
Coddling cattle grazing fees
Meat a city orphan
Never eats
Dole for welfare
Dole for cheats
Congress sink your fork
Deep into Republican pork
Hypocrisy over all
Drives you up the wall
O beautiful spacious skies
Small town editorials
Festering full of lies
Farmers on the dole
Farmers on the dole
Hi-ho the dairytake
Rich farmers on the dole
Decades over
And over it repeats
Dole for welfare
Dole for cheats
The story's never told
About farmers on the dole
Seeds not sown
Wheat not grown
Plow the dollars
Deep in the dirt
Hide the shame
Cover hypocrisy's hurt
Farmers on the dole
Farmers on the dole
Confess to free money's role
Rich farmers on the dole
Mortgage the barn
Until it drops
Timid taxpayers
Insure the crops
Rural swindlers
High on the hog
Food for the homeless
Thrown to the dog
The story's never told
About farmers on the dole
Republican patriots
Come play your role
Keep fat farmers
On the dole.

Mr. OWENS. At that time, Mr. Speaker, there was a partisan defense of farm subsidies. I am happy to report that yesterday on the floor that partisan defense crumbled, and we had legislation, amendments being offered by both sides of the aisle which sought to break through the hypocrisy of corporate welfare for agribusiness.

Common sense is on the rise, you know. We should be pleased. In this great democratic process, common sense raises its head from time to time, and common sense is our greatest hope. If this great democracy of ours is to endure, and I think it will endure, because of the fact that built into the structure are opportunities for common sense to come forward.

I think the fact that our legislators and Members of Congress have gone home and spent several weeks at home had something to do with the fact that there was a breakthrough and a recognition that agriculture, the agribusiness, is corporate welfare, and that we should get off the dole. Billions of dollars down the drain, billions of dollars down the drain, in contradiction of marketplace, the marketplace economy; a command structure similar to the Soviet Union's command structure. The problem is the Soviet bureaucrats would end it.

But there is still much work to be done. Until we are able to deal with farmers' home loan mortgages and other farm loans out there to the tune of $10 billion or $11 billion that are going to be forgiven, we have only begun to scratch the surface. I think we ought to cancel the Whitewater hearings, cancel the hearings on the travel office at the White House, cancel the hearings on the travel problem at the Department of Energy.

I do not say there is not a problem there. I am not going to get involved in trying to deal with the complexities of the White House travel office and the fact that the spoils system, which has been practiced for the entire time this Nation has existed, went into motion in a very crude kind of way, and has become a big, big, problem. Taxpayers' money should no longer be spent to probe the travel office at the White House, when we have $10 billion or $11 billion outstanding in the farm loan programs.

□ 1730

We ought to focus. The same committee responsible for investigating and probing in great detail the travel office problems, scandal, whatever they want to call it, that same committee is responsible for oversight for the Department of Agriculture loan programs. In fact, I first learned of the great outstanding number of delinquent loans in the farmers' home loan mortgage program and other programs as a member of that committee sitting there and hearing them talk about it. I was almost certain that we would have a return of the people who were there from the Department of Agriculture to tell us more about all of those billions of dollars, all those billions of dollars of outstanding loans.

It seems that there are certain places in our United States Government and our executive branch and here in Washington where billions of dollars misused, abused do not matter. You have $60 million at stake in Whitewater. The taxpayers have to shell out $60 million as a result of the collapse of the Whitewater bank, a savings and loan venture which, in the constellation of savings and loan operations, was tiny, you know. We had one that collapsed that owed the taxpayers $2 billion. The taxpayers had to bail it out for $2 billion. One in Denver, CO, almost $2 billion.

Quite a few collapsed for almost $1 billion, another $900 million. We have a whole lot of savings and loan collapses that we have not even discussed that we ought to be really examining. But the committee chose to deal only with Whitewater for some reason.

I said before I had a report, one of several reports that has been done on the savings and loan scandal, and one is the Department of Justice Financial Institution Fraud Special Report put out by the special counsel for financial institution fraud. And they give actual case histories in here, case highlights of things that happened during the saving and loan investigations and the kind of results that they got.

There is a piece in here, a case history, on Charles Keating. It is called "The High-Flying Financier." Charles Keating, sentenced to over 12 years in order to pay $122.4 million for costing the taxpayers $2 billion. Keating was sentenced to 12 years and ordered to pay $122.4 billion. And it goes on to tell in summary what happened to Keating. Then there are other examples of great amounts of money lost, and finally what happened in most cases, we lost the money as taxpayers and it was not recovered.

Keating will stay in jail for less than 12 years, and when he gets out, he will find a way to pay some of his $122.4 million. I am sure he has money salted away in various places, and he will live happily ever after. But he is one of the few that was even prosecuted. He is certainly one of the very few in the billionaire category that received a jail sentence. So there is a lot of unfinished business that we should be addressing in Congress in order to deal with the fair dispensation of the taxpayers' money.

I do not want to dwell on that too long. I just want to make the connection between the excesses in the agribusiness and the corporate welfare subsidies for agribusiness and the other excesses that our Government, we have permitted, and now common sense is moving to address. I mentioned common sense before, I think, in connection with the phenomenon that has happened in the Republican primaries.

Normally I do not comment on the other party's primaries and I will minimize my comments. But the phenomenon of Pat Buchanan is everybody's business because Mr. Buchanan offers a very unusual development. A new dynamic has taken place within the Republican primary, and part of that dynamic relates to the fact that only Mr. Buchanan among the candidates has bothered to talk about what has been happening to workers in America, what is happening with respect to the average middle-class family. The Republican majority speaks incessantly about its concern for families. "Families" is a code word used over and over again in a thousand different ways. But when it comes to the economic security of families, the economic opportunity for families, what Mr. Buchanan has demonstrated is that there is a great vacuum. There is no discussion out there of the insecurity that families feel, that middle-class families now feel.

I have a great proportion of my district of people who are poor, working-class people who were actually quite poor and they felt insecurity all their lives. In certain communities in this country, the Depression never went away. It has been there since 1930, and the pain and the struggle is there on an ongoing basis. But there are large numbers of middle-class families, both black and white and various ethnic groups, middle-class families who have been enjoying a measure of security. They worked at a plant 15 years. 20 years, they could look forward to staying there and retiring and being able to spend their old age comfortably. They could look forward to having their children come behind them and get similar jobs, and it went on for a couple of generations. But now the person has worked there for 15, 20 years, finds that there is a threat to their pension funds. They cannot even look forward to retiring without problems, or they are suddenly dismissed at just the point where they qualify for the pension funds. All kinds of tricks are played and that dream is shattered. Then many others find that they will not get close to the retirement age because the streamlining and downsizing has begun to take place in large corporate organizations.

Streamlining, downsizing, is said to be necessary in order to make corporations more efficient, more effective. Streamlining and downsizing are necessary in order to maximize profits so that on Wall Street the stock offerings will be more attractive. Streamlining and downsizing accomplish all of those things, of course. Streamlining and downsizing is really seldom for the purpose of ending a structure, eliminating positions. Actually, they are going to hire new workers in most places. They are going to hire workers at much lower wages. They are going to hire workers that do not have seniority and have not accumulated certain benefits. Many of the downsizing and streamlining organizations are going to hire, rehire workers, but they are going to rehire them at much lower wage levels. Others are not going to rehire workers in the United States. They are going to hire workers in foreign countries. They are going to hire workers in Mexico. They are going to hire workers in Bangladesh. They are going to contract out to China certain parts of their processes. Whatever the reason, there is a great dislocation in the economy created as a result of the behavior of these corporations. The Democrats know it, Republicans know it. Members of Congress certainly know it. And yet we have not placed it high on the agenda. Oh, yes, there are some Members of Congress who have placed it high on the agenda. It is the leadership, it is the majority who have not. But the Progressive Caucus for some time has been talking about the need for a jobs program, a job creation program, a job training program. We have been talking for some time about that. We put legislation in.

One of the first questions I was asked by my constituents was where is the Democratic program? Why doesn't somebody match Pat Buchanan's interests and his concern? Why doesn't somebody indicate that they understand that there is a wage gap, there is an income gap that keeps growing; that while 10 or 20 percent of Americans are making more than they made for great amounts, their incomes are escalating, they are getting more wealthy all the time. The rest of the 80 percent are in a stagnant position, they cannot gain on the cost of living. Cost of living is way ahead of them. Insecurity is there for a good reason. Those who have jobs are actually not able to maintain the standard of living they had before. Those who have jobs are very anxious about their ability to keep those jobs.

We have been aware of this, and there are many voices raised that are concerned. Certainly DAVID BONIOR here in this House among the Democrats led the attack on NAFTA and the consequences that NAFTA would bring, and there were nearly 175 Democrats who consistently voted against all provisions related to NAFTA, and then they followed the same pattern with GATT. We understood that NAFTA and GATT were being stampeded through in order to guarantee that there was a minimum discussion of consequences. NAFTA and GATT, we knew, would bring problems. Not all of us. I think most of us were not trying to turn back the clock and back away from the globalization of the world's economy. Most of us were not trying to turn back the clock, as Pat Buchanan wants to do, and throw a ring around the United States, build walls, tariff walls, and resort to measures that are kind of crude and would maybe do more harm to the economy of this country as well as the world than they would do good. Not all of us, not most of us were concerned about those kinds of measures. We were concerned about the fact that the steamrolling of NAFTA and GATT would result in a dislocation for large numbers of American workers. We were concerned about the fact that nobody was willing to discuss building into the provisions for NAFTA and GATT some safety nets for workers in terms of education, in terms of opportunity. We were concerned about the fact that the technological revolution which rolls on, technological revolution which is fueled by the taxpayers' research and development efforts 20, 30 years ago, that that technological revolution would be to the benefit of a handful of people and that no provision would be made for the other people, the other Americans who certainly participated and were a critical part of the process of creating the technology which is so beneficial to the telecommunications industry and the computer industry and the information industry. We were concerned about the fact that human beings and human resources were the lowest thing on the list of the people that were pushing for the approval of NAFTA and the approval of GATT.

We were right. The problems have only been compounded. And now as the problems are compounded and workers found an opportunity, middle-class people who are concerned found an opportunity to express it, even one election in New Hampshire, immediately we have some visibility for the issue. Immediately there is a discussion on "Nightline," there is a discussion on all the Sunday talk shows, everybody suddenly has discovered there is a problem in America. There is a problem of anxiety. There is a problem of insecurity. There is a problem of seeing no effort to deal with the losers. There is a problem with the concept of inevitable losers. The people who negotiated GATT and the people who negotiated NAFTA will tell you, well, we knew there would be losers. There will be some workers who are going to lose their jobs, some entrepreneurs put out of business. There are going to be losers.

What is happening now is that the losers are revolting and saying we did not volunteer to lose. We have not accepted the status of losers quietly. We are Americans. We helped to build this country. We helped to build this economy and we do not want to be thrown overboard casually by people who say there have to be some losers.

Now, there are nations and there are economies, there are societies that do not accept the theory that there have to be losers. They do not accept that theory in Japan. You want to know the difference between the Japanese negotiators at the table dealing with GATT or dealing with bilateral trade agreements between the United States and Japan? The great difference is that every one of the negotiators from Japan knows that they are at the table to protect every strata of their society. They do not want to have losers. When they negotiate agreements, they are protecting small merchants, they are protecting categories of workers. The pattern of Japan has been quite pronounced. It is not a subtle thing anymore. Everybody knows that Japan negotiates to protect its own interest and it considers its human beings, the workers, the merchants, the small business people, the corporations, you know, but mainly the folks who need the most protection are the small business people.

□ 1745

Consumer prices are very high in Japan. The price of a pear or an apple or a piece of fruit is very high. The price of rice is very high. You know, it is a commodity that everybody needs and uses. They keep certain prices high, and they keep certain things in place in order to guarantee that certain classes of people are not ever in need of a safety net. They erect barriers in terms of inspection of our products, in terms of licensing, in terms of requirements of safety. They do all kinds of things to keep our products from flowing in rapidly into their market, because they are protecting their people. They do not want losers.

Japan probably does it better and has done it better than any other economy. But they certainly do it in France, they do it in Germany. The negotiators at the table who are negotiating GATT for all the other countries, or NAFTA for all the other countries, they made certain their people were protected. So we do not want to accept the premise that there have to be losers. The losers happen to live in my district. I do not want to be the district where the losers are. They have been losers for too long in the 11th Congressional District in New York. They have been losers for too long in Brownsville. They have been losers for too long in Bedford-Stuyvesant. They have been losers for too long.

I would like to have a government dedicated to the proposition that we want to protect them as much as we want to protect corporate interests.

So what I am saying is nothing new. We were aware of the problem, and we have introduced legislation. I myself introduced several pieces of legislation, and one of them I introduced at the request of the progressive caucus. The progressive caucus has worked on the problem of insecurity among workers, of dislocation of workers, lack of jobs, for some time, and we developed a whole set of legislation.

One of the pieces that I was asked to introduce was the Job Creation and Invest in America Act of 1995, the first year of the 104th session of Congress. I introduced the Job Creation and Invest in America Act of 1995. That is there with a proposal for creating jobs in every area, for dealing with the needs that exist in our economy, for infrastructure changes, infrastructure improvement, surface transportation improvement, aviation improvements, railroads. We go into the nonphysical sector and deal with the need for postsecondary education training lifelong learning and the need to fund that and provide jobs in that area while you are providing more services, the need for early childhood, youth and families to be taken care of, the need to improve the health and environment. It was a comprehensive bill, came out to a lot of money.

But at the same time we were preparing this bill, we read Japan had proposed a bill similar. It is a stimulus. It is a stimulus bill, a job creation, a job training bill, an education bill all wrapped in one. But overall it is a stimulus package. Japan introduced a stimulus package at the same time, and their economy is much smaller than ours, for $90 billion. They have introduced a $90 billion stimulus package, which was going to do similar things, focus on improving their infrastructure, because when they improve railroads and highways and airports, they know that it is going to redound to the benefit of the economy eventually anyhow. So it is not a waste.

So Japan was doing something similar. But we were not without ideas here in Congress. The progressive caucus and myself have repeatedly discussed after the introduction of this bill ways in which some portion of this stimulus package might be introduced.

There is a Federal Housing Trust Fund Act that I introduced which called for some new ways to get affordable housing by changing the way we finance housing, low-income housing, and it would create jobs as well as create housing.

There is a Creative Revenues Act that I introduced, Economic and Educational Opportunities Act, several acts that I have introduced and other people have introduced which deal with education and deal with job training. And, of course, the Congressional Black Caucus alternative budget focused primarily on opportunity, job opportunity, job training, and education.

We had a 25-percent increase in the education budget bill into our Congressional Black Caucus alternative budget. We were pleased when the President announced that he, too, would make education a priority, and there is a great increase, I think, in the President's first 7-year budget. He had $47 billion in increases for job training and education over a 7-year period. I was quite pleased.

I was shocked, then, when I found out, of course, just before we went on recess, that an agreement had been made for an extension, continuing resolution, which actually agreed to the cuts that the Republicans had proposed for certain critical education programs. They cut title I by $1.1 billion by saying that it had to come in at 75 percent; it could operate only at 75 percent of previous funding. That was a 25-percent cut.

They cut Head Start. They cut other programs. The Summer Youth Employment Program is still a shadowy kind of commitment. We do not know exactly how much money is there for it, and I mention these programs over and over again because they are critical. They are very important.

If we do not have job training programs, as meager as the Summer Youth Employment Program, job training and provision of income for the lowest-income families in the country, if we do not have that, then we are not moving at all to fill up the vacuum that Pat Buchanan has exposed.

The least we could do is keep programs alive which exist already. The least we could do is to energize our job training programs that are already in existence while we try to convince the Congress and everybody related that we need a massive education program, we need a massive job training program, we need a massive undertaking to deal with the fact that we are in a transition.

We need a program which deals with something as basic as minimum wage. You know, that is a tiny step. If we cannot get a massive response to the kind of dislocation and anxiety that exists, then certainly we ought to take a small step. The meager step of an increase in the minimum wage, common sense says that we ought to do that.

All of the polls taken in this country have shown repeatedly that Americans favor an increase in the minimum wage. They want to move the minimum wage from $4.25 an hour up in various parts of the country; it varies as to how they want to move it.

But the meager proposal, the basic rock-bottom, proposal made by Congressman GEPHARDT, our minority leader, that has also been endorsed by the White House, has been an increase of 45 cents an hour per year for 2 years, 90 cents an hour over a 2-year period.

Now, the least we could do for our workers is to indicate that we recognize that $4.25 an hour is no way to try to earn a living in this present economy. That comes out to about $8,400, I think, a year for a person who is working 40 hours a week. And you bring home $8,400 gross pay, you cannot support a family on that.

But common sense says we ought to change it. Why does the Congress not listen to common sense? When are we going to have a breakthrough.

I am optimistic now. We had a breakthrough yesterday. Suddenly, we could see that corporate subsidy for agribusiness is bad, suddenly we do not want to face the American people again and try to convince them we should pay farmers who earn $100,000 or more, $50,000, for doing nothing. Suddenly, we made that break. I am optimistic.

I think in the next 30 to 60 days we may have some real movement on a minimum wage increase. The power of common sense is pushing from the bottom. The power of common sense says that no legislator can stand before his constituents and make an argument with a straight face that the minimum wage should not be raised.

I know there are some legislators, some Members of Congress who have said that the minimum wage will be raised "over my dead body." There are others who said we cannot afford to raise the minimum wage because you are competing with the workers in Mexico, we are competing with workers in Bangladesh and China. Common sense says in this economy, if you are going to have some kind of semblance of order and law and justice, you ought to pay people a little bit more than $4.25 an hour.

Common sense has broken through at the local level. There is an article here that states, and this is from the Wall Street Journal of Friday, February 23, "Minimum wage issue heads to the ballot box. Supporters of an increase skirt the unfriendly Congress."

What they are saying in this article in the Wall Street Journal on February 23, 1996, is that in towns and cities and States people are taking steps to increase the minimum wage. They are disgusted with the lack of concern and the failure to act on the part of Congress. So you have, in a place like California, a coalition of unions and community groups gathering signatures to place a measure on the November ballot that would raise the minimum wage, which is now $4.25, to $5 in March 1997 and $5.75 a year later. That is an issue being brought, an initiative being brought in California.

In Idaho, the State AFL–CIO has filed an initiative to raise the minimum wage, now $4.25 an hour, by 50 cents for each of the 4 years beginning July 1, 1997. A separate bill to raise the minimum wage has been introduced in the State legislature. The AFL–CIO has filed the initiative. They are going to try to get the voters to do it. The State legislature has gone ahead in Idaho to file a bill to raise the minimum wage.

In Minnesota, the State legislature is considering a measure to raise the minimum wage, now $4.25, to $5.35.

In Missouri, the community group ACORN is gathering signatures for a State initiative in November that would raise the minimum wage, now $4.25, to $6.25 an hour in January 1997 and by at least 15 cents annually thereafter.

In Montana, a coalition of labor and community groups is collecting signatures to place a proposal on the November ballot to raise the minimum wage, now $4.25, for all workers to $6.25 an hour by the year 2000.

In Texas, a rare State in which cities hold authority over the minimum wage, Texas, the cities actually govern the minimum wage, signatures are being gathered in Texas for a November ballot initiative in Houston, Dallas, San Antonio, and El Paso to raise the base pay for all workers in those cities from $4.25 to as much as $6.25.

In Washington, the State of Washington, Gov. Mike Lowry backed legislation raising the minimum wage from the current $4.90 to $5.30 an hour. But this month business interests killed the measure. Supporters are likely to counter the business killing of the measure with a ballot initiative for November.

Common sense is breaking through. The people are forging forward to make this democracy work for all of the people. Common sense.

There is every reason to be optimistic that common sense will prevail. It moves slowly, and there is a lot of suffering that takes place because we have people in power who have been elected by the people who do not have common sense. But common sense eventually breaks through. Common sense has broken through, and common sense prevails in a number of areas, like Medicare and Medicaid.

The people who want to cut Medicare and Medicaid will do so at their own risk. The level of common sense is so great until they are likely to punish those who disobey the loss of common sense and persist in those cuts.

We should not have to have a demagog like Pat Buchanan to raise the level of visibility for issues of this kind. We should not have to have a demagog like Pat Buchanan to bring to our attention the fact that here in Washington we are ignoring common sense. The Washington wisdom is stuck in the rut. The Washington wisdom is obsolete.

Conventional wisdom here just does not seem to understand. The danger of having a Pat Buchanan as the general on the white horse riding out there to defend the interests of the middle class and the workers is great, because this is a general who is a deceptive general. He does not really care enough about the workers to provide the solutions to the problems that he highlights. Pat Buchanan has raised the issue of the income gap, but he does not want to deal with the problem of the minimum wage. He is not proposing a raise in the minimum wage.

□ 1800

Unless he has done so within the last 24 hours, Pat Buchanan has not addressed the issue that we want a simple two-step increase in the minimum wage. He is not dealing with that. Pat Buchanan is not dealing with the fact that corporations are paying a very small percentage of the total tax burden, the income tax burden. Corporations now pay about 11.4 percent versus the tax burden borne by individuals, which is at 44 percent.

He talks about corporations taking jobs overseas, which we applaud. We applaud him for his ability to command the media and make the media pay attention to the injustices and the foolishness, the wrecking of the economy that takes place as a result of taking jobs overseas while you do not deal with compensating workers, while you do not deal with the adjustments necessary and the kind of transition program that you need.

Pat Buchanan does not really deal with the workers in this country in terms of the environmental laws that are necessary, in terms of the attack by his party on the Occupational Safety and Health Act. He does not deal with the need to guarantee that workers are safe. He does not deal with the Striker Replacement Act, the fact that the right to strike has been abrogated, almost wiped out, by the striker replacement phenomena taking place across the country where management replaces strikers. Although they have the right to strike, collective bargaining is a right under law, if the strikers can be replaced, how can we argue that they have a right to strike?

So Pat Buchanan is not the answer. So I close by indicating that the hypocrisy of Mr. Buchanan when it comes to concern for individuals and concern for workers is revealed in his own statements. He has not denounced himself, he has not walked away from his own statements that have been repeatedly made.

The people on the bottom are of no concern to Pat Buchanan. I have a number of quotes. I do not have time for all of them. In the days ahead we should pay attention to what Pat Buchanan has said about justice, we should pay attention about what Pat Buchanan has said about immigrants, about African-Americans, and understand that this general on a white horse will lead the troops into great danger. This general on a white horse does not care about the majority of American people. This general on a white horse waves a flag that is a hypocritical flag.

Certainly when it comes to African-Americans, Pat Buchanan, according to the Daily News of October 1, 1990, made it quite clear where he stood. He was a White House advisor to President Nixon at that time, and in a memo to President Nixon about the visit to Coretta King, who was the widow, of course, of Martin Luther King, on the anniversary of the assassination, Pat Buchanan advised Nixon not to visit Mrs. King. He said a visit to Mrs. King would "outrage many, many people who believe Dr. King was a fraud and a demagog and perhaps worse. Others consider him the Devil incarnate. Dr. King is one of the most divisive men in contemporary history."

That quote appears in the New York Daily News on October 1, 1990. Buchanan has repeatedly insisted that Ronald Reagan did so much for affirmative action that civil rights groups no longer need to exist.

Pat Buchanan said, "George Bush should have told the NAACP Convention that black America has grown up, that the NAACP should close up shop, that its members should go home and reflect on John F. Kennedy's aspiration, 'Ask not what your country can do for you, but rather ask what you can do for your country.'" That quote is in his syndicated column of July 26, 1988.

There are many, many quotes that show that Pat Buchanan is not the person to lead the people who are suffering in America, those who are insecure and uncertain. You cannot be led by a demagog who makes these kinds of statements and called Capitol Hill "Israeli-occupied territory" in the St. Louis Dispatch in October, 1990. He referred to Capitol Hill as "Israeli-occupied territory."

In a 1977 column, Buchanan said despite Hitler's antisemitism and genocidal tendencies, he was an "individual of great courage. Hitler's success was not based on his extraordinary gifts alone. His genius was an intuitive sense of the mushiness, the character flaws, the weakness masquerading as morality that was in the hearts of the statesmen who stood in his path." The Guardian of January 14, 1992, is the source of that quote.

I cite all of these because we are at least making the breakthrough on the issues. But the issues would be thoroughly confused, the issues that relate to working people, the issues of concerns to those people who are experiencing anxiety and who are the victims of the dislocation, the people suffering because our Government is guilty of great waste.

Our Government is guilty of continuing corporate welfare for agribusiness, guilty of continuing to overfund the defense industry. Our Government is guilty of continuing to fund an overbloated CIA that loses $2 billion in its petty cash fund. Our Government is continuing to not pay attention to the kind of priorities that common sense has set forth.

Common sense says we should put more money into education, we should not be cutting title I by $1.1 billion. We should not be cutting Head Start, we should not be dillydallying around with the Summer Youth Employment Program. Common sense says we ought to maximize our programs for educational opportunity. Common sense says we ought to maximize our job training programs. Common sense says we ought to pay attention to the fact that a technological revolution is going to cause a lot of suffering, and no one has a right to make a judgment that some people are expendable, that some people should be thrown overboard, that in the process of streamlining and downsizing, either the Government or in the private sector, human beings do not matter. Common sense says no.

I am happy that common sense is on the rise. That common sense in the final analysis will save this democracy. This Nation will probably endure for 1,000 years because of the fact that there is a process built in which allows common sense to percolate and allows common sense to rise to the top. Ever so slowly the process takes place, but it is underway, and I think that it will have an impact; a revolution that is underway, pushed by the Republican majority, will hear from the people out there who will fall back on the wisdom of common sense. That common sense will prevail.

PRESIDENT GAGGING WITNESSES BEFORE CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 15 minutes as the designee of the majority leader.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise this evening for a brief period of time to discuss an unfortunate incident involving the Clinton administration. As the chairman of the Research and Development Committee for the Committee on National Security, my responsibility is to oversee the funding for the research and development component of our national defense. That amounts to approximately 30 billion-odd dollars a year.

One of our top priorities, Mr. Speaker, is to review the missile defense capabilities of this country, to provide for the common defense of the people of this Nation from a deliberate or accidental launch of a cruise or ballistic missile from any place or spot in the world. It is a very important topic, and one that resulted in strong bipartisan support in the 1995 calendar year, as Democrats and Republicans joined together in providing one of the single biggest differences in the Clinton administration's defense request.

In the House committee, our bill, which plussed up the missile defense accounts by $800 million, the bill passed by a vote of 48 to 3. On the House floor, in spite of what the President had requested for missile defense, Republicans and Democrats, liberals and conservatives and moderates, joined together with a 300-vote margin in approving the changes we provided for in the committee. So there was strong bipartisan support in this Congress.

In the end, Mr. Speaker, however, the administration and the President vetoed the bill, because he said what we had done in the area providing a national missile defense would in fact violate the ABM Treaty. That was not in fact true, and we knew it at the time, but the President said it will anyway.

Starting this year, Mr. Speaker, we agreed we would bring in the witnesses from the administration to tell the story as to whether or not we could build a system that was within the ABM Treaty, at a relatively low cost, that was doable and would protect the American people.

Mr. Speaker, today we were scheduled to hold a hearing, my subcommittee, at 10 a.m. A total of 12 members showed up, 10 Republicans and 2 Democrats, and zero witnesses.

The witnesses who were supposed to be at the hearing included Gen. Mal O'Neill, who heads the Ballistic Missile Defense Organization, Clinton's point person on missile defense, General Garner, who is the Army's missile defense spokesman, and General Linhard, who is the Air Force's point person on missile defense.

Interestingly enough, Mr. Speaker, they were all anxious to testify. In fact, I have their testimony. Each of them submitted it to us as if they were there. As I hold up the testimony they were going to give to us, it is very interesting. In fact, I will provide this to any Member of Congress, and anyone who is watching us today, Mr. Speaker, can obtain copies of this testimony, because it is unclassified, from any Member of Congress who would in fact contact my office or the administration to get it.

But they could not show up. Why did they not show up and why could they not? Because the Clinton administration imposed a gag rule. Unbelievable as it may seem, Mr. Speaker, today for the first time, to my knowledge, in the history of this country, the Pentagon and the administration and Bill Clinton imposed a gag rule on generals in our Army and our Air Force who were asked to come before this Congress to talk about an issue of vital concern to this country, and that is missile defense.

Now, why would not these generals have been allowed to come forward to this hearing to testify before Democrats and Republicans? Was there some reason? Well, Mr. Speaker, there were two issues that were cited, and I would like to refer to both of them.

First of all, the administration claimed that they could not come forward, they were not allowed, and this was not decided until yesterday late in the afternoon, because, as Deputy Secretary of Defense White said, we did not want anyone on the Hill from the Pentagon testifying prior to Secretary Perry and Dr. Kaminski coming in and testifying before the Congress on this year's fiscal request. That was what they said was the reason why they could not appear.

That is somewhat unbelievable, Mr. Speaker, because yesterday the Vice Chairman of the Joint Chiefs of Staff, Admiral Owens, appeared before the Senate Committee on National Security, gave written testimony, and answered questions about missile defense. So the policy in fact was not upheld, and that was merely an excuse by the administration to try to justify why they would not let these three generals come in.

Now, the second reason they gave, Mr. Speaker, was that they were willing to give us a briefing, but not allow testimony to occur. In fact, the only briefing that took place this week was the briefing of administrative officials to Democrats only. Republicans were not invited.

One of our staff members was called the day before the briefing and was told that he could receive a similar briefing. He was similarly called the day of our hearing and was told that Members of Congress could come in for that from both parties. Obviously the schedules were already made up for that day and the rest of the week.

So why then, Mr. Speaker, would this administration not want generals in our Air Force and our Army to come before Congress and the American people? Very simply, Mr. Speaker, it is because their testimony would prove that this administration has once again lied.

Mr. Speaker, as pure and simply as I can put it, again these generals would prove that this administration lied to the American people. This administration said that we could not build a national missile defense system that would protect all 50 States and be compliant with the ABM Treaty.

In fact, General Garner was prepared to state on the record, as his outline summarizes, that he has a plan that can be completed in 4 years at a cost of less than $5 billion using existing capabilities that would give us a level of protection that we have never had before in this Nation.

General Linhard was prepared in his statement to say the Air Force could give us a similar capability using existing technology for a cost of less than $3 billion from a single site that would give us, agian, a limited protection that we have never had for the people of this country. These two systems would give the American people the same protection that the Russian people already have with the world's only operational ABM system which surrounds Moscow and which protects 80 percent of the Russian people.

Now, these two generals who work for the taxpayers, but who, unfortunately, report to Secretary Perry and ultimately Bill Clinton, were gagged. They were told in personal phone calls, "You can't come up to the hill."

I chatted with Speaker GINGRICH earlier today about this, and he was outraged. I chatted with the gentleman from Louisiana, BOB LIVINGSTON, chairman of the Committee on Appropriations, the gentleman from Florida, BILL YOUNG, chairman of the Defense Committee on Appropriations, and the gentleman from South Carolina, FLOYD SPENCE, chairman of the Committee on National Security, and they were all outraged.

Let me say this, Mr. Speaker: This administration can run, but it cannot hide. They may have prevented three generals from coming up on the Hill today, but it will not happen again. I say this, Mr. Speaker, to you as our voice to the administration: The next time this administration denies our request to have a witness, we will issue a subpoena.

□ 1815

And we will have those generals up at the table where they will be able to tell the American people and this Congress the facts.

This administration is not going to be able to distort and twist things to suit their ultimate political objectives. That is what occurred today. And if this President and this Secertary of Defense think that they will again be successful in denying the public and Members of this Congress the ability to understand and know the facts as they are, then they are very shortsighted.

Mr. Speaker, I say to you tonight that we will again hold these hearings. We will have General O'Neill again requested to come before our committee next week and I assume he will be there. But beyond that, we will again have General Linhard, and we will again have General Garner before our committee where they will be allowed to tell their story.

I would say this, Mr. Speaker, they will be allowed to speak freely. They will be asked questions directly, and there will be no one to filter nor intercept or try to interpret what it is they say. And in the end, the Members of this body and the people of this country can determine why the administration did not want these three generals to appear before our committee. Because in the end the people of this country will see that once again this President and this administration has done what they do so well, and that is distort the facts, change the truth, deny reality, and attempt to sway public opinion for political purposes while in fact jeopardizing the security of the people of this country.

Mr. Speaker, it is unfortunate that this incident had to occur today. It is unfortunate that what was a legitimate attempt to have the Members of this body get factual information on which they can base their decisions was circumvented by an administration so worrisome about the truth getting out in terms of the facts that are out there and the evidence provided by the generals that we hold responsible for the lives of our troops and for the safety of our people.

I say to you, Mr. Speaker, it will not happen again.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET REGARDING CURRENT LEVELS OF SPENDING AND REVENUES FOR FISCAL YEARS 1996–2000

Mr. Speaker, on behalf of the Committee on the Budget and pursuant to sections 302 and 311 of the Congressional Budget Act, I am submitting for printing in the CONGRESSIONAL RECORD an updated report on the current levels of on-budget spending and revenues for fiscal year 1996 and for the 5-year period fiscal year 1996 through fiscal year 2000.

This report is to be used in applying the fiscal year 1996 budget resolution (H. Con. Res. 67), for legislation having spending or revenue effects in fiscal years 1996 through 2000.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, February 22, 1996.

Hon. NEWT GINGRICH,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: To facilitate application of sections 302 and 311 of the Congressional Budget Act, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 1996 and for the 5-year period fiscal year 1996 through fiscal year 2000.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature as of February 16, 1996.

The first table in the report compares the current level of total budget authority, outlays, and revenues with the aggregate levels set by H. Con. Res. 67, the concurrent resolution on the budget for fiscal year 1996. This comparison is needed to implement section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 1996 because appropriations for those years have not yet been considered.

The second table compares the current levels of budget authority, outlays, and new entitlement authority of each direct spending committee with the "section 602(a)" allocations for discretionary action made under H. Con. Res. 67 for fiscal year 1996 and for fiscal years 1996 through 2000. "Discretionary action" refers to legislation enacted after adoption of the budget resolution. This comparison is needed to implement section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 602(a) discretionary action allocation of new budget authority or entitlement authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal year 1996 with the revised "section 602(b)" suballocations of discretionary budget authority and outlays among Appropriations subcommittees. This comparison is also needed to implement section 302(f) of the Budget Act, since the point of order under that section also applies to measures that would breach the applicable section 602(b) suballocation. The revised section 602(b) suballocations were filed by the Appropriations Committee on December 5, 1995.

Sincerely,

JOHN R. KASICH,
Chairman.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET: STATUS OF THE FISCAL YEAR 1996 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 67 REFLECTING ACTION COMPLETED AS OF FEBRUARY 16, 1996

[On-budget amounts, in millions of dollars]

	Fiscal year 1996	Fiscal year 1996–2000
Appropriate level (as set by H. Con. Res. 67):		
Budget authority	1,285,500	6,814,600
Outlays	1,288,100	6,749,200
Revenues	1,042,500	5,691,500
Current level:		
Budget authority	1,307,058	NA
Outlays	1,310,299	NA
Revenues	1,039,022	5,648,263
Current level over (+)/under (−) appropriate level:.		
Budget authority	21,558	NA
Outlays	22,199	NA
Revenues	−3,478	−43,237

NA=Not applicable because annual appropriations acts for fiscal years 1997 through 2000 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of measures providing any new budget authority for FY 1996 (if not already included in the current level estimate) would cause FY 1996 budget authority to exceed the appropriate level set by H. Con. Res. 67.

OUTLAYS

Enactment of measures providing any new budget or entitlement authority that would increase FY 1996 outlays (if not already included in the current level estimate) would cause FY 1996 outlays to exceed the appropriate level set by H. Con. Res. 67.

REVENUES

Enactment of any measure that would result in any revenue loss in either FY 1996 or for the total for FY 1996 through 2000 would increase the amount by which revenues are less than the appropriate levels of budget authority set by H. Con. Res. 67.

DIRECT SPENDING LEGISLATION: COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a)

[Fiscal years, in millions of dollars]

	BA	1996 outlays	NEA	BA	1996–2000 outlays	NEA
House Committee:						
Agriculture:						
Allocation	−992	−992	177	−8,477	−8,477	−2,164
Current level	(*)	−1	0	−3	−7	0
Difference	992	991	−177	8,474	8,470	2,164
National Security:						
Allocation	−1,168	−1,168	382	1,733	1,733	1,467
Current level	369	367	401	1,657	1,653	1,803
Difference	1,537	1,535	19	−76	−80	336
Banking, Finance and Urban Affairs:						
Allocation	−481	−481	0	−1,698	−1,698	0
Current level	3	3	0	(*)	(*)	0
Difference	484	484	0	1,698	1,698	0
Economic and Educational Opportunities:						
Allocation	−128	122	−2,015	−1,976	−1,534	−11,465
Current level	0	0	0	0	0	0
Difference	128	−122	2,015	1,76	1,534	11,465
Commerce:						
Allocation	−555	−405	−3,619	−11,381	−11,480	−84,935
Current level	0	0	0	6,303	6,303	6,297
Difference	555	405	3,619	17,684	17,783	91,232
International Relations:						
Allocation	−3	−3	0	−19	−19	−6
Current level	0	0	0	0	0	0
Difference	3	3	0	19	19	6
Government Reform and Oversight:						
Allocation	−436	−436	−106	−2,903	−2,903	−2,729
Current level	0	0	0	0	0	6
Difference	436	436	106	2,903	2,903	2,735
House Oversight:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Resources:						
Allocation	−106	−104	0	−2,698	−2,693	0
Current level	−18	−24	0	−141	−148	0
Difference	88	80	0	2,557	2,545	0
Judiciary:						
Allocation	0	0	0	−238	−238	0
Current level	0	0	0	0	0	2
Difference	0	0	0	238	238	2
Transportation and Infrastructure:						
Allocation	−63	−63	0	92,844	−457	0
Current level	0	0	0	0	−2	0
Difference	63	63	0	−92,844	455	0
Science:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Small Business:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Veterans' Affairs:						
Allocation	−79	−79	−195	−686	−686	−2,928
Current level	0	0	−21	0	0	−106
Difference	79	79	174	686	686	2,822
Ways and Means:						
Allocation	−7,163	−7,615	−4,502	−192,899	−193,345	−82,895

DIRECT SPENDING LEGISLATION: COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a)—Continued

[Fiscal years, in millions of dollars]

	BA	1996 outlays	NEA	BA	1996–2000 outlays	NEA
Current level	−18	−18	−18	−1,643	−1,643	−1,643
Difference	7,145	7,597	4,484	191,256	191,702	81,252
Unassigned:						
Allocation	306	306	0	4,892	4,892	0
Current level	0	0	0	0	0	0
Difference	−306	−306	0	−4,892	−4,892	0
Total authorized:						
Allocation	−10,868	−10,918	−9,878	−123,506	−216,905	−185,655
Current level	336	327	362	6,173	6,156	6,359
Difference	11,204	11,245	10,240	129,679	223,061	192,014

*=Less than $500,000.

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 1996—COMPARISON OF CURRENT LEVEL WITH SUBALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(b)

[In millions of dollars]

	Revised 602(b) suballocations (Dec. 5, 1995)				Current level				Difference			
	General purpose		Violent crime		General purpose		Violent crime		General purpose		Violent crime	
	BA	O	BA	O	BA	O	BA	O	BA	O	BA	O
Agriculture, Rural Development	13,325	13,608	0	0	13,325	13,581	0	0	0	27	0	0
Commerce, Justice, State	22,810	24,148	3,956	2,113	23,020	23,954	3,038	1,910	−210	194	918	203
Defense	243,042	243,512	0	0	243,037	242,727	0	0	5	785	0	0
District of Columbia	727	727	0	0	0	0	0	0	727	727	0	0
Energy and Water Development	19,562	19,858	0	0	19,336	19,712	0	0	226	146	0	0
Foreign Operations	12,284	13,848	0	0	12,128	13,842	0	0	156	6	0	0
Interior	12,213	13,174	0	0	12,207	13,171	0	0	6	3	0	0
Labor, HHS and Education	61,947	68,380	53	44	62,890	70,949	1	9	−943	−2,569	52	35
Legislative Branch	2,126	2,180	0	0	2,125	2,180	0	0	1	0	0	0
Military Construction	11,178	9,597	0	0	11,177	9,597	0	0	1	0	0	0
Transportation	12,500	36,754	0	0	12,482	36,754	0	0	18	0	0	0
Treasury-Postal Service	11,237	11,542	78	70	11,187	11,490	77	70	50	52	1	0
VA-HUD-Independent Agencies	61,686	74,440	0	0	61,586	74,303	0	0	100	137	0	0
Reserve	437	0	0	0	0	0	0	0	437	0	0	0
Grand total	485,074	531,768	4,087	2,227	484,500	532,260	3,116	1,989	574	−492	971	238

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 20, 1996.
Hon. JOHN KASICH,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the on-budget current levels of new budget authority, estimated outlays, and estimated revenues for fiscal year 1996. These estimates are compared to the appropriate levels for those items contained in the 1996 Concurrent Resolution on the Budget (H. Con. Res. 67), and are current through February 16, 1996. A summary of this tabulation, my first for fiscal year 1996, follows:

[In millions of dollars]

	House current level	Budget resolution (H. Con. Res. 67)	Current level +/− resolution
Budget authority	1,307,058	1,285,500	+21,558
Outlays	1,310,299	1,288,100	+22,199
Revenues:			
1996	1,039,022	1,042,500	−3,478
1996–2000	5,648,263	5,691,500	−43,237

Sincerely,

JUNE E. O'NEILL.

PARLIAMENTARIAN STATUS REPORT, 104TH CONGRESS, 2D SESSION, HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1996 AS OF CLOSE OF BUSINESS FEBRUARY 16, 1996

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			1,039,122
Permanents and other spending legislation	830,272	789,924	
Appropriation legislation		242,052	
Offsetting receipts	−200,017	−200,017	
Total previously enacted	630,254	840,958	1,039,122
ENACTED IN FIRST SESSION			
Appropriation Bills:			
1995 Rescissions and Department of Defense Emergency Supplementals Act (P.L. 104–6)	−100	−885	
1995 Rescissions and Emergency Supplementals for Disaster Assistance Act (P.L. 104–19)	22	−3,149	
Agriculture (P.L. 104–37)	62,602	45,620	
Defense (P.L. 104–61)	243,301	163,223	
Energy and Water (P.L. 104–46)	19,336	11,502	
Legislative Branch (P.L. 104–53)	2,125	1,977	
Military Construction (P.L. 104–32)	11,177	3,110	
Transportation (P.L. 104–50)	12,682	11,899	
Treasury (P.L. 104–52)	15,080	12,584	
Authorization Bills:			
Self-Employed Health Insurance Act (P.L. 104–7)	−18	−18	−101
Alaska Native Claims Settlement Act (P.L. 104–42)	1	1	
Fishermen's Protective Right Amendments of 1995 (P.L. 104–43		(*)	
Perishable Agricultural Commodities Act Amendments of 1995 (P.L. 104–48)	1	(*)	1
Alaska Power Administration Sale Act (P.L. 104–58)	−20	−20	
ICC Termination Act (P.L. 104–88)			(*)
Total enacted first session	366,191	245,845	−100
ENACTED IN SECOND SESSION			
Appropriation Bills:			
Seventh Continuing Resolution (P.L. 104–92) [1]	13,165	11,037	
Ninth Continuing Resolution (P.L. 104–99) [1]	791	−824	
Foreign Operations (P.L. 104–107)	12,104	5,936	
Offsetting receipts	−44	−44	
Authorization Bills:			
Gloucester Marine Fisheries Act (P.L. 104–91) [2]	30,502	19,151	
Smithsonian Commemorative Coin Act (P.L. 104–96)	3	3	
Saddleback Mt.-Arizona Settlement Act of 1995 (P.L. 104–102)		−7	
Telecommunications Act of 1996 (P.L. 104–104) [3]			
Authorization Bills continued:			
Farm Credit System Regulatory Relief Act (P.L. 104–105)	−1	−1	
National Defense Authorization Act, FY 1996 (P.L. 104–106)	369	367	
To award Congressional Gold Medal to Ruth and Billy Graham (P.L. 104–111)	(*)	(*)	
Total enacted second session	56,889	35,618	
CONTINUING RESOLUTION AUTHORITY			
Ninth Continuing Resolution (P.L. 104–99) [4]	116,863	54,882	
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted, and including the effects of the Veterans' Compensation Cost-of-Living Adjustment Act of 1995 (P.L. 104–57)	136,862	132,995	
Total Current Level [5]	1,307,058	1,310,299	1,039,022

PARLIAMENTARIAN STATUS REPORT, 104TH CONGRESS, 2D SESSION, HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1996 AS OF CLOSE OF BUSINESS FEBRUARY 16, 1996—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Total Budget Resolution	1,285,500	1,288,100	1,042,500
Amount remaining:			
Under Budget Resolution			3,478
Over Budget Resolution	21,558	22,199	

[1] P.L. 104–92 and P.L. 104–99 provide funding for appropriated accounts until September 30, 1996.

[2] This bill, also referred to as the sixth continuing resolution for 1996, provides funding until September 30, 1996 for specific appropriated accounts.

[3] The effects of this Act on budget authority, outlays and revenues begin in fiscal year 1997.

[4] This is an annualized estimate of discretionary funding that expires March 15, 1996 for the following appropriation bills: Commerce-Justice, Interior, Labor-HHS-Education and Veterans-HUD.

[5] In accordance with the Budget Enforcement Act, the total does not include $3,417 million in budget authority and $1,599 million in outlays for funding of emergencies that have been designated as such by the President and the Congress.

*Less than $500,000.

Notes: Detail may not add due to rounding.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Ms. DELAURO, for 5 minutes, today.

Mr. DOGGETT, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. PALLONE, for 60 minutes, today.

Mr. OWENS, for 60 minutes, today.

(The following Members (at the request of Mr. HANCOCK) to revise and extend their remarks and include extraneous material:)

Mr. BILIRAKIS, for 5 minutes each day on March 5, 6, and 7.

Mr. SHADEGG, for 5 minutes, today.

Mr. DELAY, for 5 minutes, today.

Mr. WELDON of Pennsylvania, for 5 minutes, today.

Mr. DORNAN, for 5 minutes, today.

Mr. RIGGS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. PALLONE) and to include extraneous material:)

Mr. ACKERMAN.

Mr. VISCLOSKY.

Mr. BARCIA.

Mr. TOWNS in five instances.

Mr. LANTOS.

Mr. SCHUMER in two instances.

Mr. FRANK of Massachusetts.

Mr. POSHARD in two instances.

(The following Members (at the request of Mr. HANCOCK) and to include extraneous material:)

Mr. DORNAN.

Mr. BAKER of California.

Mr. GILMAN.

Mr. COBLE.

Mrs. JOHNSON of Connecticut.

Mr. LOBIONDO.

Mr. FOX of Pennsylvania.

Mr. BUYER.

(The following Members (at the request of Mr. HANCOCK) and to include extraneous matter:)

Mr. WELLER.

Miss COLLINS of Michigan.

Mr. FUNDERBURK.

Ms. DANNER.

Mr. SOLOMON.

Mr. JOHNSON of South Dakota.

Mr. CLINGER.

Mr. STARK.

Mr. DAVIS.

Ms. LOFGREN.

(The following Members (at the request of Mr. WELDON of Pennsylvania) and to include extraneous matter:)

Mr. EVERTT.

Mr. TOWNS in twelve instances.

Mr. PAYNE of New Jersey.

Mr. KANJORSKI.

ADJOURNMENT

Mr. WELDON of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 18 minutes p.m.), under its previous order, the House adjourned until Monday, March 4, 1996, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2143. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize the transfer of naval vessels to certain foreign countries; to the Committee on International Relations.

2144. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2145. A letter from the Chairman, National Labor Relations Board, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1995, pursuant to 31 U.S.C. 3512(C)(3); to the Committee on Government Reform and Oversight.

2146. A letter from the Executive Secretary, National Security Council, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GOSS: Committee on Rules. House Resolution 368. Resolution providing for consideration of the bill (H.R. 994) to require the periodic review and automatic termination of Federal regulations (Rept. 104–464). Referred to the House Calendar.

Mr. ARCHER: Committee on Ways and Means. H.R. 2778. A bill to provide that members of the Armed Forces performing services for the peacekeeping effort in the Republic of Bosnia and Herzegovina shall be entitled to certain tax benefits in the same manner as if such services were performed in a combat zone; with amendments (Rept. 104–465). Referred to the Committee of the Whole House on the State of the Union.

Mr. ARCHER: Committee on Ways and Means. H.R. 2853. A bill to authorize the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of Bulgaria (Rept. 104–466). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Ms. DELAURO:

H.R. 2991. A bill to require the U.S. Sentencing Commission to amend the sentencing guidelines to provide that a defendant convicted of a crime receive an appropriate sentence enhancement if the defendant possessed a firearm with a laser sighting device during the crime; to the Committee on the Judiciary.

By Mr. DOOLITTLE (for himself, Mr. SAM JOHNSON, Mr. BURTON of Indiana, Mr. DORNAN, Mr. ISTOOK, Mr. HUTCHINSON, Mr. BARTLETT of Maryland, Mr. HASTINGS of Washington, Mr. CHRISTENSEN, Mr. WELLER, Mr. CUNNINGHAM, Mrs. SEASTRAND, Mr. STOCKMAN, Mr. CREMEANS, Mr. ROHRABACHER, Mr. FROST, Mr. CRANE, Mr. HERGER, Mr. SAXTON, Mr. COOLEY, Mr. HANCOCK, Mr. EWING, Mr. HOSTETTLER, Mr. TIAHRT, Mr. BARR, Mr. WELDON of Florida, Mrs. KELLY, and Mr. ENSIGN):

H.R. 2992. A bill to combat crime; to the Committee on the Judiciary, and in addition to the Committees on Economic and Educational Opportunities, International Relations, Commerce, Resources, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOBSON:

H.R. 2993. A bill to establish the Forrestal Institute, and for other purposes; to the Committee on National Security.

By Mrs. JOHNSON of Connecticut (for herself and Mr. MATSUI):

H.R. 2994. A bill to amend the Internal Revenue Code of 1986 to provide for the extension of certain expiring provisions; to the Committee on Ways and Means.

By Mrs. LOWEY:

H.R. 2995. A bill to provide that service of the members of the group known as the United States Cadet Nurse Corps during World War II constituted active military service for the purposes of any law administered by the Department of Veterans' Affairs; to the Committee on Veterans' Affairs, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McCOLLUM:

H.R. 2996. A bill to create a commission to encourage cooperation between public sector law enforcement agencies and private sector security professionals to control crime; to the Committee on the Judiciary.

By Mr. METCALF:

H.R. 2997. A bill to establish certain criteria for administrative procedures to extend Federal recognition to certain Indian groups, and for other purposes; to the Committee on Resources.

By Mr. TORRICELLI:

H.R. 2998. A bill to amend the Internal Revenue Code of 1986 to allow a credit for increases in the worker retraining expenditures of employers; to the Committee on Ways and Means.

H.R. 2999. A bill to amend the Internal Revenue Code of 1986 to exclude certain severance payment amounts from income; to the Committee on Ways and Means.

By Mr. VISCLOSKY (for himself, Mr. HOSTETTLER, Mr. BURTON of Indiana, Mr. BUYER, Mr. HAMILTON, Mr. JACOBS, Mr. MCINTOSH, Mr. MYERS of Indiana, Mr. ROEMER, and Mr. SOUDER):

H.R. 3000. A bill to amend title 23, United States Code, to improve safety at public railway-highway crossings, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. WATERS (for herself, Mr. FRAZER, Mr. PAYNE of New Jersey, Mr. MCDERMOTT, Ms. NORTON, Mr. FAZIO of California, Mr. CONYERS, Mr. DELLUMS, Mr. GENE GREEN of Texas, Mr. SANDERS, Ms. JACKSON-LEE, Mrs. MEEK of Florida, Ms. LOFGREN, Ms. PELOSI, Mrs. MALONEY, Mr. ROMERO-BARCELO, Mr. PASTOR, Mr. FROST, Mrs. CLAYTON, Mr. FILNER, Mrs. MORELLA, Mr. CLYBURN, Ms. BROWN of Florida, Ms. ROYBAL-ALLARD, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MCKINNEY, Ms. VELAZQUEZ and, Mr. FARR):

H.R. 3001. A bill to amend the Public Health Service Act to provide for expanding, intensifying, and coordinating activities of the National Heart, Lung, and Blood Institute with respect to heart attack, stroke, and other cardiovascular diseases in women; to the Committee on Commerce.

By Mr. CLINGER:

H. Res. 369. Resolution to provide to the Committee on Government Reform and Oversight special authorities to obtain testimony for purposes of investigation and study of the White House Travel Office matter; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Mr. HORN, Mr. WILSON, Mr. PETERSON of Minnesota, Mr. CRANE, Mr. MANTON, Ms. DUNN of Washington, Mr. METCALF, and Mr. HUTCHINSON.

H.R. 103: Mr. ORTIZ.

H.R. 104: Mr. JOHNSTON of Florida.

H.R. 109: Mr. DIXON.

H.R. 294: Mr. MCHUGH, Mr. NEAL of Massachusetts, Mr. BRYANT of Texas, and Mr. LAFALCE.

H.R. 303: Mr. HORN, Mr. WILSON, Mr. SENSENBRENNER, Mr. PETERSON of Minnesota, Mr. CRANE, Ms. DUNN of Washington, Mr. METCALF, and Mr. JEFFERSON.

H.R. 447: Mr. CLYBURN.

H.R. 777: Mr. LATOURETTE, Mr. TATE, and Mr. TIAHRT.

H.R. 778: Mr. LATOURETTE and Mr. TIAHRT.

H.R. 833: Mr. MEEHAN, Mr. YATES, and Mr. FILNER.

H.R. 957: Mr. WELDON of Pennsylvania and Mrs. ROUKEMA.

H.R. 972: Mr. ANDREWS and Mr. JOHNSON of South Dakota.

H.R. 1042: Mr. HAYWORTH.

H.R. 1202: Mr. NEAL of Massachusetts and Mr. POSHARD.

H.R. 1279: Mr. BLILEY, Mr. SCARBOROUGH, Mr. CRANE, and Mrs. FOWLER.

H.R. 1406: Mr. HINCHEY, Mr. FRANK of Massachusetts, Ms. MCCARTHY, and Mrs. CHENOWETH.

H.R. 1483: Mr. JOHNSON of South Dakota.

H.R. 1493: Mr. KLINK.

H.R. 1500: Mr. COSTELLO and Ms. JACKSON-LEE.

H.R. 1575: Mr. EMERSON.

H.R. 1610: Mr. BONO.

H.R. 1627: Mr. DICKS and Mr. WAMP.

H.R. 1684: Mr. GINGRICH, Mr. CANADY, Mrs. MYRICK, Mr. DEUTSCH, Mr. CLEMENT, Mr. HASTERT, Mr. HILLIARD, Mr. EWING, Mr. ROTH, Mr. MILLER of California, Mr. COX, Mr. REGULA, Mr. BRYANT of Texas, Mr. FLANAGAN, Mr. SOUDER, and Mrs. MALONEY.

H.R. 1711: Mr. ROTH and Mr. EWING.

H.R. 1776: Ms. SLAUGHTER, Mr. LEVIN, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. CLAYTON, Mr. RAHALL, Mr. LARGENT, Mr. BISHOP, Ms. MOLINARI, Mr. COBURN, and Mr. MOORHEAD.

H.R. 1801: Mr. CAMP.

H.R. 1828: Mr. GENE GREEN of Texas, Mr. DORNAN, Mr. HALL of Texas, Mr. FRAZER, Mr. WILSON, Mrs. FOWLER, and Mr. FROST.

H.R. 1884: Mr. HASTINGS of Florida.

H.R. 2128: Mr. CRANE, Mr. BARTLETT of Maryland, Mr. CAMPBELL, and Mr. DEAL of Georgia.

H.R. 2167: Mr. ABERCROMBIE, Mr. CRAMER, Mr. ENGEL, Mrs. LOWEY, Mr. MARKEY, Mr. SMITH of New Jersey, Mr. MATSUI, Mr. FROST, Ms. DELAURO, Mr. STUDDS, and Ms. ROYBAL-ALLARD.

H.R. 2214: Mr. FRANK of Massachusetts.

H.R. 2306: Mr. JOHNSTON of Florida and Mr. TAYLOR of North Carolina.

H.R. 2320: Mr. HAYES, Ms. LOFGREN, Mr. WHITFIELD, Mr. OXLEY, Mr. KLUG, Mr. BLUTE, Mr. BILBRAY, Mr. COBURN, Mrs. MYRICK, Mr. PETRI, Mr. SHUSTER, Mr. JOHNSTON of Florida, and Mr. SCHIFF.

H.R. 2323: Mr. JOHNSON of South Dakota and Mr. EHLERS.

H.R. 2333: Mr. LAUGHLIN and Mr. BONILLA.

H.R. 2344: Mr. ROMERO-BARCELÓ.

H.R. 2429: Mr. MASCARA, Mr. CARDIN, and Mr. SANDERS.

H.R. 2458: Mr. FOLEY, Mr. YATES, Mr. ACKERMAN, Mr. TORRES, Mr. COYNE, and Mr. TOWNS.

H.R. 2463: Mr. HASTINGS of Florida.

H.R. 2498: Mr. LIPINSKI.

H.R. 2499: Mr. LIPINSKI.

H.R. 2506: Mr. OBERSTAR and Mr. CRAPO.

H.R. 2548: Mr. BARTLETT of Maryland, Mr. ROBERTS, Mr. GOODLATTE, Mr. SCHAEFER, and Mr. LEWIS of Kentucky.

H.R. 2566: Mr. MCDERMOTT.

H.R. 2602: Mr. FOLEY.

H.R. 2607: Mr. MCCOLLUM, Mr. MONTGOMERY, Mr. DOYLE, Mr. TOWNS, Mr. SCARBOROUGH, Mr. WARD, Ms. NORTON, Mr. FALEOMAVAEGA, Mr. MCNULTY, Mr. MANTON, Mr. ACKERMAN, Mr. FRELINGHUYSEN, Mr. FILNER, Mr. FROST, Mr. ENGLISH of Pennsylvania, Ms. SLAUGHTER, Mr. GENE GREEN of Texas, Mr. VISCLOSKY, and Mr. PALLONE.

H.R. 2635: Mr. ENGLISH of Pennsylvania.

H.R. 2641: Mr. SCHUMER.

H.R. 2651: Mr. OBERSTAR, Mr. SCARBOROUGH, Mr. SMITH of Michigan, Mr. BARTLETT of Maryland, and Mr. YOUNG of Alaska.

H.R. 2723: Mr. LINDER.

H.R. 2727: Mrs. MYRICK, Mr. COBURN, and Mr. BARTLETT of Maryland.

H.R. 2745: Mr. FAWELL, Mr. GOSS, Mr. MARTINEZ, Mr. STOKES, Mr. LAZIO of New York, Mr. SCHUMER, and Mr. MCNULTY.

H.R. 2803: Mr. PETRI and Mr. KLECZKA.

H.R. 2807: Mr. WELDON of Pennsylvania.

H.R. 2820: Mr. BREWSTER, Mr. ACKERMAN, Mr. BARTLETT of Maryland, Mr. HANCOCK, Mr. DOOLEY, Mr. ENGEL, and Mr. MCCOLLUM.

H.R. 2867: Mr. BAKER of Louisiana, Mr. WELDON of Florida, Mr. NETHERCUTT, Mr. ROGERS, Mr. HANCOCK, Mr. GRAHAM, and Mr. TIAHRT.

H.R. 2900: Mr. BARRETT of Nebraska, Mr. BONO, and Mr. COBURN.

H.R. 2908: Mrs. SMITH of Washington, Mr. NETHERCUTT, Mr. TATE, Ms. DUNN of Washington, and Mr. HERGER.

H.R. 2922: Mr. FROST.

H.R. 2928: Mrs. CHENOWETH and Mr. HUTCHINSON.

H.R. 2933: Mr. EVANS, Ms. LOFGREN, and Mr. BROWN of Ohio.

H.R. 2938: Mr. WHITFIELD, Mr. GREENWOOD, Mr. DUNCAN, Mr. SCHAEFER, and Mr. PAYNE of Virginia.

H.R. 2959: Mr. CONYERS, Mr. ANDREWS, Mr. PAYNE of New Jersey, and Mr. FOLEY.

H.R. 2972: Mr. GILLMOR, Mr. KLUG, Mr. FRISA, and Mr. HASTERT.

H.R. 2976: Mr. FRISA, Mr. HANSEN, Mr. JACOBS, Mr. LEACH, Mr. LIGHTFOOT, Ms. NORTON, Mr. THOMPSON, and Mrs. THURMAN.

H.R. 2979: Mr. COBURN.

H. Con. Res. 5: Mr. HERGER.

H. Con. Res. 23: Mr. COSTELLO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MARKEY, Mr. CLEMENT, and Mr. ROMERO-BARCELO.

H. Con. Res. 31: Mr. DOYLE.

H. Con. Res. 102: Mrs. MEYERS of Kansas.

H. Con. Res. 103: Mr. FOGLIETTA and Ms. FURSE.

H. Con. Res. 120: Mr. MCINTOSH, Mr. LEVIN, Mr. FRANK of Massachusetts, Mr. LIPINSKI, Ms. SLAUGHTER, Mr. SMITH of New Jersey, Mr. BATEMAN, Mr. FOGLIETTA, and Mrs. MALONEY.

H. Con. Res. 125: Mr. SENSENBRENNER.

H. Con. Res. 135: Mr. LEWIS of Georgia, Mr. BROWN of Ohio, Mr. MEEHAN, and Ms. NORTON.

H. Con. Res. 138: Mr. MANZULLO, Mr. PAYNE of New Jersey, Mr. PORTER, Mr. FUNDERBURK, and Mrs. MORELLA.

H. Con. Res. 140: Mr. PAYNE of New Jersey, Mr. FUNDERBURK, Mr. TORKILDSEN, Ms. NORTON, Mr. UNDERWOOD, Mrs. MEEK of Florida, and Mr. HASTINGS of Florida.

H. Res. 30: Mr. CLEMENT, Mr. LATOURETTE, Mr. POSHARD, Mr. FRANKS of Connecticut, and Mr. LOBIONDO.

H. Res. 114: Mr. ANDREWS.

H. Res. 286: Mrs. SCHROEDER, Mr. MINGE, Mr. POSHARD, Mr. FILNER, and Mr. BARRETT of Wisconsin.

H. Res. 347: Mr. BROWN of Ohio, Mrs. MEEK of Florida, Mr. STOCKMAN, Ms. NORTON, and Mr. HALL of Ohio.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 491: Mr. GEJDENSON.
H.R. 1202: Mr. TEJEDA.
H.R. 1834: Mr. METCALF.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petition:

Petition 9 by Mr. CONDIT on House Resolution 333: Zoe Lofgren and Anna G. Eshoo.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 994

OFFERED BY: MR. HYDE

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 1: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Growth and Administrative Accountability Act of 1996".

TITLE I—STRENGTHENING REGULATORY FLEXIBILITY

SEC. 101. JUDICIAL REVIEW.

(a) AMENDMENT.—Section 611 of title 5, United States Code, is amended to read as follows:

"§ 611. Judicial review

"(a)(1) Not later than one year, notwithstanding any other provision of law, after the effective date of a final rule with respect to which an agency—

"(A) certified, pursuant to section 605(b), that such rule would not have a significant economic impact on a substantial number of small entities; or

"(B) prepared a final regulatory flexibility analysis pursuant to section 604,

an affected small entity may petition for the judicial review of such certification or analysis in accordance with the terms of this subsection. A court having jurisdiction to review such rule for compliance with the provisions of section 553 or under any other provision of law shall have jurisdiction to review such certification or analysis. In the case where an agency delays the issuance of a final regulatory flexibility analysis pursuant to section 608(b), a petition for judicial review under this subsection shall be filed not later than one year, notwithstanding any other provision of law, after the date the analysis is made available to the public.

"(2) For purposes of this subsection, the term 'affected small entity' means a small entity that is or will be adversely affected by the final rule.

"(3) Nothing in this subsection shall be construed to affect the authority of any court to stay the effective date of any rule or provision thereof under any other provision of law.

"(4)(A) In the case where the agency certified that such rule would not have a significant economic impact on a substantial number of small entities, the court may order the agency to prepare a final regulatory flexibility analysis pursuant to section 604 if the court determines, on the basis of the rulemaking record, that the certification was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

"(B) In the case where the agency prepared a final regulatory flexibility analysis, the court may order the agency to take corrective action consistent with the requirements of section 604 if the court determines, on the basis of the rulemaking record, that the final regulatory flexibility analysis was prepared by the agency without observance of procedure required by section 604.

"(5) If, by the end of the 90-day period beginning on the date of the order of the court pursuant to paragraph (4) (or such longer period as the court may provide), the agency fails, as appropriate—

"(A) to prepare the analysis required by section 604; or

"(B) to take corrective action consistent with the requirements of section 604,

the court may stay the rule or grant such other relief as it deems appropriate.

"(6) In making any determination or granting any relief authorized by this subsection, the court shall take due account of the rule of prejudicial error.

"(b) In an action for the judicial review of a rule, any regulatory flexibility analysis for such rule (including an analysis prepared or corrected pursuant to subsection (a)(4)) shall constitute part of the whole record of agency action in connection with such review.

"(c) Nothing in this section bars judicial review of any other impact statement or similar analysis required by any other law if judicial review of such statement or analysis is otherwise provided by law.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply only to final agency rules issued after the date of enactment of this Act.

SEC. 102. RULES COMMENTED ON BY SBA CHIEF COUNSEL FOR ADVOCACY.

(a) IN GENERAL.—Section 612 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(d) ACTION BY THE SBA CHIEF COUNSEL FOR ADVOCACY.—

"(1) TRANSMITTAL OF PROPOSED RULES AND INITIAL REGULATORY FLEXIBILITY ANALYSIS TO SBA CHIEF COUNSEL FOR ADVOCACY.—On or before the 30th day preceding the date of publication by an agency of general notice of proposed rulemaking for a rule, the agency shall transmit to the Chief Counsel for Advocacy of the Small Business Administration—

"(A) a copy of the proposed rule; and

"(B)(i) a copy of the initial regulatory flexibility analysis for the rule if required under section 603; or

"(ii) a determination by the agency that an initial regulatory flexibility analysis is not required for the proposed rule under section 603 and an explanation for the determination.

"(2) STATEMENT OF EFFECT.—On or before the 15th day following receipt of a proposed rule and initial regulatory flexibility analysis from an agency under paragraph (1), the Chief Counsel for Advocacy may transmit to the agency a written statement of the effect of the proposed rule on small entities.

"(3) RESPONSE.—If the Chief Counsel for Advocacy transmits to an agency a statement of effect on a proposed rule in accordance with paragraph (2), the agency shall publish the statement, together with the response of the agency to the statement, in the Federal Register at the time of publication of general notice of proposed rulemaking for the rule.

"(4) SPECIAL RULE.—Any proposed rules issued by an appropriate Federal banking agency (as that term is defined in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)), the National Credit Union Administration, or the Office of Federal Housing Enterprise Oversight, in connection with the implementation of monetary policy or to ensure the safety and soundness of federally insured depository institutions, any affiliate of such an institution, credit unions, or government sponsored housing enterprises or to protect the Federal deposit insurance funds shall not be subject to the requirements of this subsection.".

(b) CONFORMING AMENDMENT.—Section 603(a) of title 5, United States Code, is amended by inserting "in accordance with section 612(d)" before the period at the end of the last sentence.

SEC. 103. SENSE OF CONGRESS REGARDING SBA CHIEF COUNSEL FOR ADVOCACY.

It is the sense of Congress that the Chief Counsel for Advocacy of the Small Business Administration should be permitted to appear as amicus curiae in any action or case brought in a court of the United States for the purpose of reviewing a rule.

TITLE II—ADMINISTRATIVE REVIEW

SEC. 201. SHORT TITLE.

This title may be cited as the "Administrative Review Act of 1996".

SEC. 202. PURPOSE.

The purposes of this title are—

(1) to require agencies to regularly review their major rules to determine whether they should be continued without change, modified, consolidated with another rule, or terminated;

(2) to require agencies to consider the comments of the public, the regulated community, and the Congress regarding the actual costs and burdens of rules being reviewed under this title and whether the rules are obsolete, unnecessary, duplicative, conflicting, or otherwise inconsistent;

(3) to require that any rules continued in effect under this title meet all the legal requirements that would apply to the issuance of a new rule;

(4) to provide for the repeal, continuation, or other change in such major rules in accordance with chapters 5 and 7 of title 5, United States Code;

(5) to provide for a process that allows the public and appropriate committees of the Congress to request that rules that are not major rules be reviewed in the same manner as major rules; and

(6) to require the Administrator to coordinate and be responsible for administrative reviews conducted by the agencies.

SEC. 203. REVIEW OF REGULATIONS.

A covered rule shall be subject to administrative review in accordance with section 205. Upon completion of such review, the agency which has jurisdiction over such rule shall conduct a rulemaking in accordance with section 208 to continue such rule without change, modify it, or consolidate it with another rule or terminate such rule.

SEC. 204. RULES COVERED.

(a) COVERED RULES.—For purposes of this title, a covered rule is a rule that—

(1) is determined by the Administrator to be a major rule under subsection (b);

(2) is designated for administrative review by the Administrator in response to a petition or request under subsection (c) or (d), or

(3) is a rule related to a rule described in paragraph (1) or (2) that is designated for administrative review by the Administrator under section 205(a)(3) to allow for a comprehensive administrative review.

(b) MAJOR RULE.—For purposes of this title, the term "major rule" means any rule that the Administrator determines has resulted in or is likely to result in—

(1) an annual effect on the economy of $100,000,000 or more;

(2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.

(c) PUBLIC PETITIONS.—

(1) IN GENERAL.—Any interested person may submit a petition to the Administrator requesting that the Administrator designate any rule that is not a major rule for administrative review. The Administrator shall designate the rule for administrative review unless the Administrator determines that it would not be in the public interest to conduct an administrative review of the rule. In making such determination, the Administrator shall take into account the number and nature of other petitions received on the same rule, whether or not they have already been denied.

(2) FORM AND CONTENT OF PETITION.—A petition under paragraph (1)—

(A) shall be in writing, but is not otherwise required to be in any particular form;

(B) shall identify the rule for which administrative review is requested with reasonable specificity and state on its face that the petitioner seeks administrative review of the rule;

(C) shall explain why the petitioner is an interested person; and

(D) shall be accompanied by a $20 processing fee.

(3) RESPONSE REQUIRED FOR NONCOMPLYING PETITIONS.—If the Administrator determines that a petition does not meet the requirements of this subsection, the Administrator shall provide a response to the petitioner within 30 days after receiving the petition, notifying the petitioner of the problem and providing information on how to formulate a petition that meets those requirements.

(4) DECISION.—Within the 90-day period beginning on the date of receiving a petition that meets the requirements of this subsection, the Administrator shall transmit a response to the petitioner stating whether the petition was granted or denied, except that the Administrator may extend such period by a total of not more than 30 days.

(5) PETITIONS DEEMED GRANTED FOR SUBSTANTIAL INEXCUSABLE DELAY.—A petition for administrative review of a rule is deemed to have been granted by the Administrator, and the Administrator is deemed to have designated the rule for administrative review, if a court finds there is a substantial and inexcusable delay, beyond the period specified in paragraph (4), in notifying the petitioner of the Administrator's determination to grant or deny the petition.

(6) PUBLIC LOG.—The Administrator shall maintain a public log of petitions submitted under this subsection, that includes the status or disposition of each petition.

(d) CONGRESSIONAL REQUESTS.—

(1) IN GENERAL.—An appropriate committee of the Congress, by a majority vote of the members of the committee voting, may request in writing that the Administrator designate any rule that is not a major rule for administrative review. The Administrator shall designate such rule for administrative review within 30 days after receipt of such a request unless the Administrator determines that it would not be in the public interest to conduct an administrative review of such rule.

(2) NOTICE OF DENIAL.—If the Administrator denies a congressional request under this subsection, the Administrator shall transmit to the congressional committee making the request a notice stating the reasons for the denial.

(e) PUBLICATION OF NOTICE OF ADMINISTRATIVE REVIEW.—After the Administrator determines that a rule is a major rule or designates a rule for administrative review under subsection (a), the Administrator shall promptly publish a notice of that determination or designation in the Federal Register.

SEC. 205. ADMINISTRATIVE REVIEW PROCEDURES.

(a) FUNCTIONS OF THE ADMINISTRATOR.—

(1) NOTICE OF RULES SUBJECT TO REVIEW.—

(A) INVENTORY AND FIRST LIST.—Within 6 months after the date of the enactment of this title, the Administrator shall complete an inventory of rules in effect on such date of enactment and determine which of such rules are major rules pursuant to section 204(b). The agencies with jurisdiction over rules shall assist the Administrator in conducting such an inventory. Upon completion of the inventory, the Administrator shall publish in the Federal Register a first list of covered rules. The list shall—

(i) specify the particular group to which each major rule in the list is assigned under paragraph (2), and, in accordance with paragraph (2), state the final rulemaking deadline for all major rules in each such group; and

(ii) include other covered rules and state the final rulemaking deadline for each such rule.

(B) SUBSEQUENT LISTS.—After publication of the first list under subparagraph (A), the Administrator shall publish in the Federal Register an updated list of covered rules at least annually, specifying the final rulemaking deadline for each rule on the list.

(2) GROUPING OF MAJOR RULES IN FIRST LIST.—

(A) STAGGERED REVIEW.—The Administrator shall assign each major rule in effect on the date of enactment of this title to one of the 5 groups described in section 206(a)(1) to permit orderly and prioritized administrative reviews, and specify for each group the applicable final rulemaking deadline in accordance with such section.

(B) PRIORITIZATIONS.—In determining which rules shall be given priority in time in that assignment, the Administrator shall consult with appropriate agencies, and shall prioritize rules based on—

(i) the grouping of related rules in accordance with paragraph (3);

(ii) the extent of the cost of each rule on the regulated community and the public, with priority in time given to those rules that impose the greatest cost;

(iii) consideration of the views of affected persons, including State and local governments;

(iv) whether a particular rule has recently been subject to cost/benefit analysis and risk assessment, with priority in time given to those rules that have not been subject to such analysis and assessment;

(v) whether a particular rule was issued under a statutory provision that provides broad discretion to an official in issuing the rule, with priority in time given to those rules that were issued under provisions that provide broad discretion;

(vi) the burden of reviewing each rule on the reviewing agency; and

(vii) the need for orderly processing and the timely completion of the administrative reviews of existing rules.

(3) GROUPING OF RELATED RULES.—

(A) IN GENERAL.—The Administrator shall group related rules under paragraph (2) (and designate other rules) for simultaneous administrative review based upon their subject matter similarity, functional interrelationships, and other relevant factors to ensure comprehensive and coordinated review of redundant, overlapping, and conflicting rules and requirements.

(B) INCLUSION FOR REVIEW.—The Administrator shall designate under section 204(a)(3) any rule for administrative review that is necessary for a comprehensive administrative review whether or not such other rule is otherwise a covered rule under paragraph (1) or (2) of section 204(a).

(C) SIMULTANEOUS REVIEW.—The Administrator shall coordinate with agencies to ensure simultaneous administrative reviews of related rules without regard to whether they were issued by the same agency.

(4) GUIDANCE.—The Administrator shall provide timely guidance to agencies on the conduct of administrative reviews and the preparation of administrative review notices and reports required by this section to ensure uniform, complete, and timely administrative reviews and to ensure notice and opportunity for public comment consistent with this section and section 208.

(b) AGENCY ADMINISTRATIVE REVIEW PROCEDURE.—

(1) ADMINISTRATIVE REVIEW NOTICE.—At least 3½ years before the final rulemaking deadline under section 206(a) for a covered rule, the agency that has jurisdiction over the rule shall—

(A) publish an administrative review notice in accordance with section 207(a) in the Federal Register and, to the extent reasonable and practicable, in other publications or media that are designed to reach those persons most affected by the covered rule; and

(B) request the views of the Administrator and the appropriate committees of the Congress on whether to continue without change, modify, consolidate, or terminate the covered rule.

(2) ADMINISTRATIVE REVIEW REPORT.—The agency shall consider the public comments and other recommendations generated by the administrative review notice and shall consult with the appropriate committees of the Congress before issuing an administrative review report. At least 2 years before the final rulemaking deadline of the covered rule, the agency shall publish with respect to such rule an administrative review report in the Federal Register that includes a notice of proposed rulemaking in accordance with section 207(b) and transmit such administrative review report to the Administrator and the appropriate committees of the Congress.

(3) OPEN PROCEDURES REGARDING ADMINISTRATIVE REVIEW.—In any administrative review conducted pursuant to this title, the agency conducting the review shall make a written record describing contacts and the subject of all contacts the agency or Administrator made with non-governmental persons outside the agency relating to such review. The written record of such contact shall be made available, upon request, to the public.

SEC. 206. FINAL RULEMAKING DEADLINES FOR COVERED RULES.

(a) IN GENERAL.—For purposes of this title, the final rulemaking deadline of a covered rule is as follows:

(1) EXISTING MAJOR RULES.—For a major rule in effect on the date of the enactment of this title, the initial final rulemaking deadline is the last day of the 5-year, 6-year, 7-

year, 8-year, or 9-year period beginning on the date of the enactment of this title, as specified by the Administrator under section 205(a)(2)(A). For any major rule that 6 months after such date of enactment is not assigned to such a group specified under section 205(a)(2)(A), the initial final rulemaking deadline is the last day of the 5-year period beginning on such date of enactment.

(2) NEW MAJOR RULES.—For a major rule that first takes effect after the date of the enactment of this title, the initial final rulemaking deadline is the last day of the 7-year period beginning on the date the rule first takes effect.

(3) RULES COVERED PURSUANT TO PUBLIC PETITION OR CONGRESSIONAL REQUEST.—For any rule subject to administrative review pursuant to a public petition under section 204(c) or a congressional request under section 204(d), the initial final rulemaking deadline is the last day of the 4-year period beginning on—

(A) the date the Administrator so designates the rule for review; or

(B) the date of issuance of a final court order that the Administrator is deemed to have designated the rule for administrative review.

(4) RELATED RULE DESIGNATED FOR REVIEW.—For a rule that the Administrator designates under section 205(a)(3) for administrative review because it is related to another covered rule and that is grouped with that other rule for simultaneous review, the initial final rulemaking deadline is the same as the final rulemaking deadline for that other rule.

(5) EXTENSION.—The President may extend the final rulemaking deadline established under paragraph (1), (2), (3), or (4) for a period of up to 6 months by publishing a notice of such extension in the Federal Register together with an explanation of the basis for such extension.

(6) NEW FINAL RULEMAKING DEADLINE AFTER FINAL AGENCY ACTION.—For a rule that has undergone administrative review and rulemaking pursuant to this title and that has not been terminated, the next final rulemaking deadline date is the last day of the 7-year period beginning on the effective date of the rule as continued or as newly promulgated under section 208.

(b) LIMITATION ON INTERIM REVIEWS.—An agency may not undertake a comprehensive review and significant revision of a covered rule more frequently than required by this title or another law, unless the head of the agency determines that the likely benefits from such review and revision outweigh the reasonable expenditures that have been made in reliance on the rule as in effect before such revision. For purposes of this section, a law may be considered to require a comprehensive review and significant revision of a rule if it makes significant changes in the Act under which the rule was issued.

(c) DETERMINATIONS WHERE RULES HAVE BEEN AMENDED.—For purposes of this title, if various provisions of a covered rule were issued at different times, then the rule as a whole shall be treated as if it were issued on the later of—

(1) the date of issuance of the provision of the rule that was issued first; or

(2) the date the most recent comprehensive review and significant revision of the rule was completed.

(d) COMPREHENSIVE REVIEW AND SIGNIFICANT REVISION.—In this section, the term "comprehensive review and significant revision" includes an administrative review and final rulemaking under this title, whether or not the rule is revised.

SEC. 207. ADMINISTRATIVE REVIEW NOTICES AND AGENCY REPORTS.

(a) ADMINISTRATIVE REVIEW NOTICES.—The administrative review notice under section 205(b)(1) for a rule shall request public comment and contain—

(1) a request for comments regarding whether the rule should be continued without change, modified, consolidated with another rule, or terminated;

(2) if applicable, a request for comments regarding whether the rule meets the applicable Federal cost/benefit and risk assessment criteria; and

(3) a request for comments about the past implementation and effects of the rule, including—

(A) the direct and indirect costs incurred because of the rule, including the net reduction in the value of private property (whether real, personal, tangible, or intangible), and whether the incremental benefits of the rule exceeded the incremental costs of the rule, both generally and regarding each of the specific industries and sectors it covers;

(B) whether the rule as a whole, or any major feature of it, is outdated, obsolete, or unnecessary, whether by change of technology, the marketplace, or otherwise;

(C) the extent to which the rule or information required to comply with the rule duplicated, conflicted, or overlapped with requirements under rules of other agencies;

(D) in the case of a rule addressing a risk to health or safety or the environment, what the perceived risk was at the time of issuance and to what extent the risk predictions were accurate;

(E) whether the rule unnecessarily impeded domestic or international competition or unnecessarily intruded on free market forces, and whether the rule unnecessarily interfered with opportunities or efforts to transfer to the private sector duties carried out by the Government;

(F) whether, and to what extent, the rule imposed unfunded mandates on, or otherwise adversely affected, State and local governments;

(G) whether compliance with the rule required substantial capital investment and whether terminating the rule on the next final rulemaking deadline would create an unfair advantage to those who are not in compliance with it;

(H) whether the rule constituted the least costly, most cost-effective, or least burdensome alternative that achieved its objective consistent with the criteria of the Act under which the rule was issued, and to what extent the rule provided flexibility to those who were subject to it;

(I) whether the rule was worded simply and clearly, including clear identification of those who were subject to the rule;

(J) whether the rule created negative unintended consequences;

(K) the extent to which information requirements under the rule can be reduced; and

(L) the extent to which the rule has contributed positive benefits, particularly health or safety or environmental benefits.

(b) ADMINISTRATIVE REVIEW REPORT.—The administrative review report under section 205(b)(2) on the administrative review of a rule shall—

(1) contain the factual findings and legal conclusions of the agency conducting the review regarding the application of section 208(b) to the rule and the agency's proposed recommendation as to whether the rule should be continued without change, modified, consolidated with another rule, or terminated;

(2) in the case of a rule that the agency proposes to continue without change, to modify, or to consolidate with another rule, contain—

(A) a notice of proposed rulemaking under section 553 of title 5, United States Code or under other statutory rulemaking procedures required for that rule, and

(B) the text of the rule as so continued without change, modified, or consolidated; and

(3) in the case of a rule that the agency proposes to terminate, contain a notice of proposed rulemaking for termination consistent with paragraph (2)(A).

SEC. 208. RULEMAKING.

(a) IN GENERAL.—After publication of the administrative review report, the agency which conducted such administrative review shall conduct the rulemaking which is called for in such report. The notice of proposed rulemaking published in the administrative review report pursuant to sections 205(b)(2) and 207(b) shall constitute publication of the notice required by section 553 of title 5, United States Code or other statutory rulemaking procedure required for that rule.

(b) COMPLIANCE WITH OTHER LAWS.—In order for any rule subject to administrative review to continue without change or to be modified or consolidated in accordance with this title, such rule must be authorized by law, and meet the same statutory requirements that would apply as if it were issued as a new rule pursuant to chapter 5 of title 5, United States Code, or other applicable statutory rulemaking procedure.

(c) PRESIDENTIAL REVIEW.—After an agency determines to take action under subsection (a), the agency, not later than 60 days before taking final agency action, shall notify the President of such action. Before the expiration of such 60 days, the President may, on the basis of the record of such rulemaking, direct the agency to take a different action.

(d) REISSUANCE.—If a covered rule is terminated under rulemaking begun under subsection (a), a rule may not be reissued in substantially the same form unless—

(1) the President approves the reissuance of such rule; and

(2) the rule as reissued complies with the criteria of subsection (b) and results from a rulemaking in accordance with chapter 5 of title 5, United States Code, or other applicable statute or statutory rulemaking procedure.

(e) PRESERVATION OF INDEPENDENCE OF FEDERAL BANK REGULATORY AGENCIES.—The head of any appropriate Federal banking agency (as that term is defined in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)), the Federal Housing Finance Board, the National Credit Union Administration, and the Office of Federal Housing Enterprise Oversight shall have the authority with respect to that agency that would otherwise be granted to the President in subsections (c) and (d).

SEC. 209. DESIGNATION OF AGENCY REGULATORY REVIEW OFFICERS.

The head of each agency shall designate an officer of the agency as the Regulatory Review Officer of the agency. The Regulatory Review Officer of an agency shall be responsible for the implementation of this title by the agency and shall report directly to the head of the agency and the Administrator with respect to that responsibility.

SEC. 210. RELATIONSHIP TO OTHER LAW; SEVERABILITY.

(a) RELATIONSHIP TO APA.—Nothing in this title is intended to supersede the provisions of chapters 5, 6, and 7 of title 5, United States Code.

(b) SEVERABILITY.—If any provision of this title, or the application of any provision of this title to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this title, shall not be affected thereby.

SEC. 211. JUDICIAL REVIEW.

(a) IN GENERAL.—A denial or substantial inexcusable delay in granting or denying a petition under section 204(c) shall be considered final agency action subject to review under section 702 of title 5, United States Code. A denial of a congressional request under section 204(d) shall not be subject to judicial review.

(b) TIME LIMITATION ON FILING A CIVIL ACTION.—Notwithstanding any other provisions of law, an action seeking judicial review of a final agency action under this title may not be brought—

(1) in the case of a final agency action denying a public petition under section 204(c) or continuing without change, modifying, consolidating, or terminating a covered rule, more than 30 days after the date of that final agency action; or

(2) in the case of an action challenging a delay in deciding on a petition for a rule under section 204(c), more than 1 year after the period applicable to the rule under section 204(c)(4).

(c) AVAILABILITY OF JUDICIAL REVIEW UNAFFECTED.—Except to the extent that there is a direct conflict with the provisions of this title, nothing in this title is intended to affect the availability or standard of judicial review for agency regulatory action.

(d) ACTION TO COMPEL AGENCY ACTION.—

(1) IN GENERAL.—If there has been no final rulemaking action on a rule subject to administrative review by the applicable final rulemaking deadline specified in section 206(a), the agency's inaction shall be presumed to be agency action unlawfully withheld or unreasonably delayed.

(2) COURT ORDER.—If a court determines that an agency's inaction constitutes agency action unlawfully withheld or unreasonably delayed, the court shall order the agency to complete final rulemaking by a date certain. The date certain may not be more than 2 years beyond the final rulemaking deadline specified in section 206(a) for such rule.

(3) SUSPENSION.—If a court enters an order pursuant to paragraph (2) and the agency does not complete the final rulemaking by the deadline specified in such order, the court may suspend the effectiveness of all or a portion of the covered rule which was the basis of such rulemaking until such date as the agency completes such final rulemaking.

SEC. 212. EFFECT OF TERMINATION OR SUSPENSION OF A COVERED RULE.

(a) EFFECT OF TERMINATION OR SUSPENSION GENERALLY.—If a covered rule is terminated or suspended pursuant to this title—

(1) this title shall not be construed to prevent the President or an agency from exercising any authority that otherwise exists to implement the statute under which the rule was issued;

(2) in an agency proceeding or court action between an agency and a non-agency party, the rule shall be given no conclusive effect but may be submitted as evidence of a prior agency practice or procedure; and

(3) this title shall not be construed to prevent the continuation or institution of any enforcement action that is based on a violation of the rule that occurred before the effectiveness of the rule terminated or was suspended.

(b) EFFECT ON DEADLINES.—

(1) IN GENERAL.—Any deadline for, relating to, or involving any action dependent upon, any rule terminated or suspended under this title is suspended until the agency that issued the rule issues a new rule on the same matter, unless otherwise provided by a law.

(2) DEADLINE DEFINED.—In this subsection, the term "deadline" means any date certain for fulfilling any obligation or exercising any authority established by or under any Federal rule, or by or under any court order implementing any Federal rule.

SEC. 213. DELEGATION.

Section 301 of title 3, United States Code, shall apply to any delegation by the President of authority under this title, except that the President may delegate the functions of the President under this title to any officer of the executive branch.

SEC. 214. DEFINITIONS.

In this title:

(1) ADMINISTRATIVE REVIEW.—The term "administrative review" means a review of a rule under section 206.

(2) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Office of Information and Regulatory Affairs in the Office of Management and Budget.

(3) AGENCY.—The term "agency" has the meaning given that term in section 551(1) of title 5, United States Code.

(4) APPROPRIATE COMMITTEE OF THE CONGRESS.—The term "appropriate committee of the Congress" means, with respect to a rule, each standing committee of Congress having jurisdiction under the rules of the House of Representatives or the Senate to report a bill to amend the provision of law under which the rule is issued.

(5) FINAL RULEMAKING DEADLINE.—The term "final rulemaking deadline" means the date by which an agency must complete its final rulemaking action under section 208.

(6) RULE.—

(A) GENERAL RULE.—Subject to subparagraph (B), the term "rule" means any agency statement, including agency guidance documents, which are designed to implement, interpret, or prescribe law or policy or to describe the procedures or practices of an agency, which are intended to assist in such actions, and which are of general applicability and future effect, but does not include—

(i) regulations or other agency statements issued in accordance with formal rulemaking provisions of sections 556 and 557 of title 5, United States Code, or in accordance with other statutory rulemaking procedures that provide the same safeguard for a decision on the record after an opportunity for a hearing with the right to present evidence and conduct cross examination;

(ii) regulations or other agency statements that are limited to agency organization, management, or personnel matters;

(iii) regulations or other agency statements issued with respect to a military or foreign affairs function of the United States;

(iv) regulations, statements, or other agency actions that are reviewed and usually modified each year (or more frequently), or are reviewed regularly and usually modified based on changing economic or seasonal conditions;

(v) regulations or other agency actions that grant an approval, license, permit, registration, or similar authority or that grant or recognize an exemption or relieve a restriction, or any agency action necessary to permit new or improved applications of technology or to allow the manufacture, distribution, sale, or use of a substance or product; and

(vi) regulations or other agency statements that the Administrator certifies in writing are necessary for the enforcement of the Federal criminal laws.

(B) SCOPE OF A RULE.—For purposes of a major rule under this title, each set of rules designated in the Code of Federal Regulations as a part (other than part 1 of title 26 of the Code of Federal Regulations) shall be treated as one rule. Each set of rules that do not appear in the Code of Federal Regulations and that are comparable to a part of that Code under guidelines established by the Administrator shall be treated as one rule.

SEC. 215. SUNSET OF THIS TITLE.

This title shall have no force or effect after the 12-year period beginning on the date of the enactment of this title.

TITLE III—CONGRESSIONAL REVIEW

SEC. 301. CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.

Title 5, United States Code, is amended by inserting immediately after chapter 7 the following new chapter:"

CHAPTER 8—CONGRESSIONAL REVIEW OF AGENCY RULEMAKING

"Sec.
"801. Congressional review.
"802. Congressional disapproval procedure.
"803. Special rule on statutory, regulatory, and judicial deadlines.
"804. Definitions.
"805. Judicial review.
"806. Applicability; severability.
"807. Exemption for monetary policy.

"§ 801. Congressional review

"(a)(1)(A) Before a rule can take effect as a final rule, the Federal agency promulgating such rule shall submit to each House of the Congress and to the Comptroller General a report containing—

"(i) a copy of the rule;

"(ii) a concise general statement relating to the rule; and

"(iii) the proposed effective date of the rule.

"(B) The Federal agency promulgating the rule shall make available to each House of Congress and the Comptroller General, upon request—

"(i) a complete copy of the cost-benefit analysis of the rule, if any;

"(ii) the agency's actions relevant to sections 603, 604, 605, 607, and 609;

"(iii) the agency's actions relevant to sections 202, 203, 204, and 205 of the Unfunded Mandates Reform Act of 1995; and

"(iv) any other relevant information or requirements under any other Act and any relevant Executive orders.

"(C) Upon receipt, each House shall provide copies to the Chairman and Ranking Member of each committee with jurisdiction.

"(2)(A) The Comptroller General shall provide a report on each major rule to the committees of jurisdiction in each House of the Congress by the end of 12 calendar days after the submission or publication date as provided in section 802(b)(2). The report of the Comptroller General shall include an assessment of the agency's compliance with procedural steps required by paragraph (1)(B).

"(B) Federal agencies shall cooperate with the Comptroller General by providing information relevant to the Comptroller General's report under subparagraph (A).

"(3) A major rule relating to a report submitted under paragraph (1) shall take effect as a final rule, the latest of—

"(A) the later of the date occurring 60 days (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress) after the date on which—

“(i) the Congress receives the report submitted under paragraph (1); or

“(ii) the rule is published in the Federal Register;

“(B) if the Congress passes a joint resolution of disapproval described under section 802 relating to the rule, and the President signs a veto of such resolution, the earlier date—

“(i) on which either House of Congress votes and fails to override the veto of the President; or

“(ii) occurring 30 session days after the date on which the Congress received the veto and objections of the President; or

“(C) the date the rule would have otherwise taken effect, if not for this section (unless a joint resolution of disapproval under section 802 is enacted).

“(4) Except for a major rule, a rule shall take effect as otherwise provided by law after submission to Congress under paragraph (1).

“(5) Notwithstanding paragraph (3), the effective date of a rule shall not be delayed by operation of this chapter beyond the date on which either House of Congress votes to reject a joint resolution of disapproval under section 802.

“(b)(1) A rule or proposed rule shall not take effect (or continue) as a final rule, if the Congress enacts a joint resolution of disapproval described under section 802.

“(2) A rule or proposed rule that does not take effect (or does not continue) under paragraph (1) may not be reissued in substantially the same form, and a new rule that is substantially the same as such a rule or proposed rule may not be issued, unless the reissued or new rule is specifically authorized by a law enacted after the date of the joint resolution disapproving the original rule.

“(c)(1) Notwithstanding any other provision of this section (except subject to paragraph (3)), a rule that would not take effect by reason of this chapter may take effect, if the President makes a determination under paragraph (2) and submits written notice of such determination to the Congress.

“(2) Paragraph (1) applies to a determination made by the President by Executive order that the rule should take effect because such rule is—

“(A) necessary because of an imminent threat to health or safety or other emergency;

“(B) necessary for the enforcement of criminal laws;

“(C) necessary for national security; or

“(D) issued pursuant to a statute implementing an international trade agreement.

“(3) An exercise by the President of the authority under this subsection shall have no effect on the procedures under section 802 or the effect of a joint resolution of disapproval under this section.

“(d)(1) In addition to the opportunity for review otherwise provided under this chapter, in the case of any rule that is published in the Federal Register (as a rule that shall take effect as a final rule) during the period beginning on the date occurring 60 days before the date the Congress adjourns a session of Congress through the date on which the same or succeeding Congress first convenes its next session, section 802 shall apply to such rule in the succeeding session of Congress.

“(2)(A) In applying section 802 for purposes of such additional review, a rule described under paragraph (1) shall be treated as though—

“(i) such rule were published in the Federal Register (as a rule that shall take effect as a final rule) on the 15th session day after the succeeding Congress first convenes; and

“(ii) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

“(B) Nothing in this paragraph shall be construed to affect the requirement under subsection (a)(1) that a report shall be submitted to Congress before a final rule can take effect.

“(3) A rule described under paragraph (1) shall take effect as a final rule as otherwise provided by law (including other subsections of this section).

“(e)(1) Section 802 shall apply in accordance with its terms to any major rule that was published in the Federal Register (as a rule that shall take effect as a final rule) in the period beginning on November 20, 1994, through the date of enactment of this title.

“(2) In applying section 802 for purposes of Congressional review, a rule described under paragraph (1) shall be treated as though—

“(A) such rule were published in the Federal Register (as a rule that shall take effect as a final rule) on the date of enactment of this title; and

“(B) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

“(3) The effectiveness of a rule described under paragraph (1) shall be as otherwise provided by law, unless the rule is made of no force or effect under section 802.

“(f) Any rule that takes effect and later is made of no force or effect by enactment of a joint resolution under section 802 shall be treated as though such rule had never taken effect.

“(g) If the Congress does not enact a joint resolution of disapproval under section 802, no court or agency may infer any intent of the Congress from any action or inaction of the Congress with regard to such rule, related statute, or joint resolution of disapproval.

“§ 802. Congressional disapproval procedure

“(a) JOINT RESOLUTION DEFINED.—For purposes of this section, the term ‘joint resolution’ means only—

“(1) a joint resolution introduced in the period beginning on the date on which the report referred to in section 801(a) is received by Congress and ending 60 days thereafter (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), the matter after the resolving clause of which is as follows: ‘That Congress disapproves the rule submitted by the ____ relating to ____, and such rule shall have no force or effect.’ (The blank spaces being appropriately filled in); or

“(2) a joint resolution the matter after the resolving clause of which is as follows: ‘That the Congress disapproves the proposed rule published by the _______ relating to ______, and such proposed rule shall not be issued or take effect as a final rule.’ (the blank spaces being appropriately filled in)

“(b)(1) A joint resolution described in subsection (a) shall be referred to the committees in each House of Congress with jurisdiction.

“(2) For purposes of this section, the term ‘submission or publication date’ means—

“(A) in the case of a joint resolution described in subsection (a)(1) the later of the date on which—

“(i) the Congress receives the report submitted under section 801(a)(1); or

“(ii) the rule is published in the Federal Register; or

“(B) in the case of a joint resolution described in subsection (a)(2), the date of introduction of the joint resolution.

“(c) In the Senate, if the committee to which is referred a joint resolution described in subsection (a) has not reported such joint resolution (or an identical joint resolution) at the end of 20 calendar days after the submission or publication date defined under subsection (b)(2), such committee may be discharged from further consideration of such joint resolution upon a petition supported in writing by 30 Members of the Senate, and such joint resolution shall be placed on the appropriate calendar.

“(d)(1) In the Senate, when the committee to which a joint resolution is referred has reported, or when a committee is discharged (under subsection (c)) from further consideration of, a joint resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

“(2) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

“(3) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

“(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

“(e) If, before the passage by one House of a joint resolution of that House described in subsection (a), that House receives from the other House a joint resolution described in subsection (a), then the following procedures shall apply:

“(1) The joint resolution of the other House shall not be referred to a committee.

“(2) With respect to a joint resolution described in subsection (a) of the House receiving the joint resolution—

“(A) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

“(B) the vote on final passage shall be on the joint resolution of the other House.

“(f) This section is enacted by Congress—

“(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

“(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

“§ 803. Special rule on statutory, regulatory, and judicial deadlines

“(a) In the case of any deadline for, relating to, or involving any rule which does not take effect (or the effectiveness of which is terminated) because of enactment of a joint resolution under section 802, that deadline is extended until the date 1 year after the date of the joint resolution. Nothing in this subsection shall be construed to affect a deadline merely by reason of the postponement of a rule's effective date under section 801(a).

“(b) The term ‘deadline’ means any date certain for fulfilling any obligation or exercising any authority established by or under any Federal statute or regulation, or by or under any court order implementing any Federal statute or regulation.

“§ 804. Definitions

“(a) For purposes of this chapter—

“(1) The term ‘Federal agency’ means any agency as that term is defined in section 551(1) (relating to administrative procedure).

“(2) The term “major rule” means any rule subject to section 553(c) that has resulted in or is likely to result in—

“(A) an annual effect on the economy of $100,000,000 or more;

“(B) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

“(C) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.

“(3) The term ‘final rule’ means any final rule or interim final rule.

“(b) As used in subsection (a)(3), the term ‘rule’ has the meaning given such term in section 551, except that such term does not include any rule of particular applicability including a rule that approves or prescribes for the future rates, wages, prices, services, or allowances therefor, corporate or financial structures, reorganizations, mergers, or acquisitions thereof, or accounting practices or disclosures bearing on any of the foregoing or any rule of agency organization, personnel, procedure, practice or any routine matter.

“§ 805. Judicial review

“No determination, finding, action, or omission under this chapter shall be subject to judicial review.

“§ 806. Applicability; severability

“(a) This chapter shall apply notwithstanding any other provision of law.

“(b) If any provision of this chapter or the application of any provision of this chapter to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this chapter, shall not be affected thereby.

“§ 807. Exemption for monetary policy

“Nothing in this chapter shall apply to rules that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.”.

SEC. 302. EFFECTIVE DATE.

The amendment made by section 301 shall take effect on the date of enactment of this Act.

SEC. 303. TECHNICAL AMENDMENT.

The table of chapters for part I of title 5, United States Code, is amended by inserting immediately after the item relating to chapter 7 the following:

“8. Congressional Review of Agency Rulemaking .... 801”.

REGULATION OF LOBBYING ACT

In compliance with Public Law 601, 79th Congress, title III, Regulation of Lobbying Act, section 308(b), which provides as follows:

(b) All information required to be filed under the provisions of this section with the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the CONGRESSIONAL RECORD.

The Clerk of the House of Representatives and the Secretary of the Senate jointly submit their report of the compilation required by said law and have included all registrations and quarterly reports received.

REGISTRATIONS

The following registrations were submitted for the fourth calendar quarter 1995:

(NOTE.—The form used for reporting is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . . ◆

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

Is this an Amendment? ☐ YES ☐ NO

IDENTIFICATION NUMBER____

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee".*—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer".*—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER —State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."◆

STATEMENT OF VERIFICATION

[Omitted in printing]

PAGE 1◆

Organization or Individual Filing	Employer/Client
Akin Gump Strauss Hauer & Feld, L.L.P., 1333 New Hampshire Ave., NW, #400 Washington, DC 20036	Boston Stock Exchange, Inc
Do	Players International, Inc
Alcalde & Fay, 2111 Wilson Blvd., #850 Arlington, VA 22201	City of Tampa
Do	Dade County Public Schools
Do	MAR, Inc
Do	National Assn of Gas Chlorinators
Do	School Board of Broward County
Debra D. Alexander, 1425 Ironwood Dr. McLean, VA 22101	Locke Group, Ltd
Alston & Bird, 601 Pennsylvania Avenue, NW, #250 Washington, DC 20004-2601	Fieldale Farms Corp
Do	Regions Financial Corp
American Business Council on Cuba, Inc, 113 Fourth Street, SE Washington, DC 20003	
American Defense International, Inc, 1019 19th Street, NW, #350 Washington, DC 20036	CMS Defense Systems, Inc
American Maritime Congress, 1300 Eye Street, NW, #250W Washington, DC 20005	
Arthur Ammann, 81 Digital Drive Novato, CA 94949	Pediatric AIDS Foundation
Edgar M. Andrews III, 1225 Eye Street, NW, #401 Washington, DC 20005	Civil War Trust
Arnold & Porter, 555 Twelfth Street, NW Washington, DC 20004-1202	First Savings Bank, F.S.B.
Arter & Hadden, 1801 K Street, NW, #400K Washington, DC 20006	Central Station Alarm Assn
Do	Consolidated Rail Corp
Do	Port of Houston Authority
APCO Associates, Inc, 1615 L St., NW Washington, DC 20036	American Council of Life Insurance
Gregory R. Babyak, 1747 Pennsylvania Ave., NW, #900 Washington, DC 20006	American Medical Peer Review Assn
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Bristol-Myers Squibb Co
Do	Coalition for Shareholder Fairness
Do	JAC, Inc
Do	National Assn of Manufacturers
Baker Donelson Bearman & Caldwell, 801 Pennsylvania Ave., NW, #800 Washington, DC 20004	Enron Washington, Inc
Do	Grassland Water District
Do	Union Pacific Co
Ball Janik & Novack, 1101 Pennsylvania Avenue, NW, #1035 Washington, DC 20004	Union Pacific Railroad
Albert Barbero, 1823 Horseback Trail Vienna, VA 22182	Sundstrand Corp
Beacon Consulting Group, Inc, 312 Massachuesetts Avenue, NE Washington, DC 20002-5703	College of Physicians of Philadelphia
Belew Law Firm, 1150 Connecticut Ave., NW, #900 Washington, DC 20036	AEL Industries, Inc
Do	Government Employees Hospital Assn
Nancy G. Bennett, 316 Pennsylvania Ave., SE, #200 Washington, DC 20003	American Cancer Society
Black Manafort Stone & Kelly, Inc, 211 North Union Street, #300 Alexandria, VA 22314	Embassy of the Republic of Equatorial Guinea
Do	University of Puerto Rico
Romaine Bostick, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen
Boult Cummings Conners & Berry, 414 Union Street, #1600 Nashville, TN 37219	Lindahl Foundation
Sandra J. Boyd, McGuiness & Williams 1015 15th Street, NW, #1200 Washington, DC 20005	Flexible Employment Compensation & Scheduling Coalition
Stephen S. Boynton, 1015 Moorefield Hill Grove Vienna, VA 22180	Embassy of Iceland
Brady & Berliner, 1225 19th Street, NW Suite 800 Washington, DC 20036	Fairshare for California Coalition
Do	Guam
Susan G. Braselton, 1225 Eye Street, NW, #401 Washington, DC 20005	Civil War Trust
Brownstein Hyatt Farber & Strickland, P.C., 410 17th Street, 22nd Floor Denver, CO 80202	Sara Lee Corp
Broydrick & Associates, 777 East Wisconsin Avenue, #3340 Milwaukee, WI 53202	Arizona Physicians IPA
Burditt & Radzius, 901 15th Street, NW, #901 Washington, DC 20005	Natus Medical, Inc
James M. Burger Sr., 1667 K Street, NW, #410 Washington, DC 20006	Apple Computer, Inc
Tonio Burgos & Associates, 909 Third Ave., 17th Floor New York, NY 10022	Flo-Sun, Inc
Patrick Burns, 214 Massachusetts Ave., NE, #240 Washington, DC 20002	Seniors Coalition, Inc
Butera & Andrews, 1301 Pennsylvania Ave., NW Washington, DC 20004	Acacia Mutual Life Insurance Co
Do	American Deposit Corp
Richard J. Buxbaum, 1226 Huron Road Cleveland, OH 44115	Greater Cleveland Hospital Assn
Grover Bynum, 1850 M Street, NW, 11th Floor Washington, DC 20036	Sprint
Arthur E. Cameron, 225 C Street NE, #A Washington, DC 20002	Western-Cullen-Hayes, Inc
Sabrina V. Campbell, 801 Pennsylvania Ave., NW, #352 Washington, DC 20004	Central & South West Corp
John Canham-Clyne, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen
Timothy A. Cansler, 9201 Bunsen Parkway, P.O. Box 20700 Louisville, KY 40250-0700	Kentucky Farm Bureau Federation
Capital Partnerships (VA), Inc, 11350 Random Hils Road, #8000 Fairfax, VA 22030	Denver International Airport
Do	Douglas County, Colorado
Capitol Associates, Inc, 426 C Street, NE Washington, DC 20002	FHI - Family Health International
Do	GATT/Glaxo
Do	National Assn of Social Workers
Do	Parkinson's Action Network
Carlos Rodriguez & Associates, 1710 Rhode Island Ave., NW, 10th Floor Washington, DC 20036	Bicycle Shippers Assn, Inc
Carlyle Consulting, 3000 S. Randolph Street, Suite 317 Arlington, VA 22206	National Indian Gaming Assn
Carmen & Muss, P.L.L.C., 1901 Pennsylvania Ave., NW, #300 Washington, DC 20006	Stillman Group
Tracey A. Carnes, Kessler & Associates, Inc 510 11th Street, SE Washington, DC 20003	Hoffmann-La Roche
Do	Medtronic, Inc
Do	Zeneca Pharmaceuticals
William E. Casselman II, P.O. Box 156 Aldie, VA 22001	J. Bond Johnson, Ph.D.
Chadbourne & Parke, 1101 Vermont Ave., NW, #900 Washington, DC 20005	Mission Energy
Do	Nynex Corporation
Chambers Associates, Inc, 805 15th Street, NW, #500 Washington, DC 20005	Teledyne, Inc
Mark E. Chestnut, Box 3005, 500 Jackson Street Columbus, IN 47202-3005	Cummins Engine Co, Inc
Patrick J. Cleary, 1155 Connecticut Ave., NW, 10th Floor Washington, DC 20036	Brock Group, Ltd (For:South Pacific Lines)
Paula J. Collins, 1020 19th St., NW, #600 Washington, DC 20036	Eastman Kodak Co
Commonwealth Consulting Corp, 1925 North Lynn Street, #600 Arlington, VA 22209	City of Jacksonville, Florida
Mary R. Costabile, 1301 Pennsylvania Avenue, NW Suite 403 Washington, DC 20004	American Library Assn
Mary Covington, 1135 16th Street, NW Washington, DC 20036	
Covington & Burling, P.O. Box 7566 1201 Pennsylvania Avenue, NW Washington, DC 20044	Missouri Department of Social Services
Do	State of Tennessee, Dept of Finance & Administration
John L. Currie, 611 Wood Avenue Detorit, MI 48226	NBD Bank
Paul B. Darby, 200 N. Pickett Street, #1609 Alexandria, VA 22304	Darby Enterprises, Inc
Davis & Harman, 1455 Pennsylvania Avenue, NW, #1200 Washington, DC 20004	Bituminous Coal Operators' Assn
Do	Merrill Lynch & Co, Inc
Davis O'Connell, Inc, 444 North Capitol St., #517A Washington, DC 20001	Bryant Miller & Olive
Do	Constellation Technology Corp
Do	Florida Community College at Jacsonville
Do	Illinois Community College Board
Do	Indian River Community College
Do	St. Petersburg Junior College
Do	Valencia Community College
Do	Vierra Company
Davis Polk & Wardwell, 1300 Eye St., NW Washington, DC 20005	MacAndrews & Forbes
Do	Mercantile Bank
John Deasy, 1301 K Street, NW, #900 East Tower Washington, DC 20005	Gardner Carton & Douglas (For:Jones Intercable)
Do	Gardner Carton & Douglas (For:Rhone-Poulenec Rorer Pharmaceuticals)
Do	Gardner Carton & Douglas (For:Voluntary Hospitals of America, Inc)
Dewey Square Group, One Beacon Street, #1320 Boston, MA 02108	Accounting Coalition
Susan DeLaurentis, 1311 Colorado Avenue Santa Monica, CA 90404	Pediatric AIDS Foundation
Dickstein Shapiro & Morin, LLP, 2101 L St., NW Washington, DC 20037	Dawn Mining Co of Washington State
Do	Lorillard Tobacco Co
Do	Ohio Valley Coal Co
Lina Frescas Dobbs, 801 Pennsylvania Ave., NW, #352 Washington, DC 20004	Central & South West Corp
Michael Dolan, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen
Dorsey & Whitney, 1330 Connecticut Ave., NW, #200 Washington, DC 20036	Harrah's Entertainment, Inc
Downey Chandler, Inc, 1401 I Street, NW, #1210 Washington, DC 20005	Breakthrough Technologies Institute
Dutko & Associates, Inc, 412 First St., SE, #100 Washington, DC 20003	America's Community Bankers
Do	City of Pittsburgh
Do	Composite Particles, Inc
Do	Government of the Virgin Islands
Do	Pacific Investment Management Co
Do	QED Public Broadcasting
Do	Union Pacific Corp

Organization or Individual Filing	Employer/Client
DMS, 201 North Union Street, #360 Alexandria, VA 22314	GTECH Corp
Do	Sport Services Corp
Renee Eastman, 214 Massachusetts Ave., NE, #310 Washington, DC 20002	Salt River Project
Margaret A. Echols, 1710 Rhode Island Avenue, NW Suite 700 Washington, DC 20036-3007	State Farm Mutual Automobile Insurance Co
Eckert Seamans Cherin & Mellott, 2100 Pennsylvania Ave., NW, #600 Washington, DC 20037	Hawthorne Group
Do	Wackenhut Corrections Corp
Educational Testing Service, 1776 Massachusetts Ave., NW, #620 Washington, DC 20036	
Kendel S. Ehrlich, 2 Park Center Court, #200 Owings Mills, MD 21117	Youth Services, International
Jenifer A. Eisen, 1400 Eye Street, NW, #1200 Washington, DC 20005	American Immigration Lawyers Assn
Adam M. Eisgrau, 1301 Pennsylvania Avenue, NW Suite 403 Washington, DC 20004	American Library Assn
Ann Eppard Associates, Ltd, 30 Wolfe Street Alexandria, VA 22314	Panhandle Eastern Co
Do	Union Pacific Co
Epstein Becker & Green, P.C., 1227 25th Street, NW, #700 Washington, DC 20037	Quantum Health Resources
Randall Harvey Erben, 807 Brazos Street, Suite 402 Austin, TX 78701	Texas Assn for Home Care, Inc
John N. Erlenborn, 815 Connecticut Ave., NW Washington, DC 20006-4004	International Business Machine Corp
Do	UNISYS Corp
Ernst & Young, 1225 Connecticut Ave., NW, #500 Washington, DC 20036	Luis L. Bacardi, et al.
Do	National Assn of Convenience Stores
Do	Jose Urrutia
Do	Marta Urrutia
Evans Group, Ltd, 1010 Wisconsin Ave., NW, 8th Floor Washington, DC 20007	FED Corporation
Fairshare for California Coalition, 1875 Centery Park East, #700 Los Angeles, CA 90067	
Federal Strategies, 888 16th Street, NW Washington, DC 20006	Bristol-Meyers Squibb Co
Do	Cellulose Insulation Manufacturers Assn
Do	Citizens for Health
Do	Federal Data Corporation
Do	National Cable Television Assn
Do	Shell Oil Co
Do	U.S. Fuel & Security, Inc
William Ferguson Jr., 1130 Connecticut Avenue, NW, #300 Washington, DC 20036	Ferguson Company (For:Robert Bein)
Do	Ferguson COmpany (For:Central Valley Project Authority)
Do	Ferguson Company (For:Central Valley Project Water Assn)
Do	Ferguson Company (For:City of Norwalk)
Do	Ferguson Company (For:City of Novato)
Do	Ferguson Company (For:Koll Company)
Do	Ferguson Company (For:Modesto Irrigation District)
Do	Mullan Enterprises, Inc
Do	Ferguson Company (For:National Realty Committee)
Do	Ferguson Company (For:Tejon Ranch)
Do	Tri-Cities Municipal Water District
Jack Ferguson Associates, Inc, 203 Maryland Ave., NE Washington, DC 20002	Edison Electric Institute
Do	KV Partners
Do	Stein & Company
Mark R. Finch, 7900 Westpark Dr., Suite A-320 McLean, VA 22102	National Confectioners Assn
James D. Firth, J.D. Firth Associates One City Center, #901 Portland, ME 04101	Maine Yankee
Haley Fisackerly, 1776 Eye Street, NW, #275 Washington, DC 20006	Entergy Services, Inc
Fish & Richardson, P.C., 601 13th Street, NW Suite 500 North Washington, DC 20005	Shared Legal Capability for Intellectual Property
Fontheim & Hammonds, 888 16th Street, NW, #300 Washington, DC 20006-4103	Limited, Inc
Carol Tucker Foreman, 1100 New York Avenue, NW, #1030 Washington, DC 20005	Foreman & Heidepriem (For:Arnold & Porter (for American Home Products Corp))
Do	Foreman & Heidepriem, Inc (For:Beef Products, Inc)
Do	Foreman & Heidepriem, Inc (For:Procter & Gamble Co)
Foreman & Heidepriem, 1100 New York Ave., NW, #1030 Washington, DC 20005	American Home Products Corp
Do	Arnold & Porter (for American Home Products Corp)
Wyche Fowler Jr., 321 D Street, NE Washington, DC 20002	Tracinda Corporation
Fox Bennett & Turner, 750 17th Street, NW, #1100 Washington, DC 20006	North American Brain Tumor Coalition
Phillip L. Fraas, 1025 Thomas Jefferson Street, NW, #407 Washington, DC 20007	Tuttle Taylor & Heron (For:Cheese Importers Assn of America, Inc)
Do	Tuttle Taylor & Heron (For:South African Sugar Assn)
Franklin Group/Public Affairs, Inc, 513 Capitol Court, NE, #300 Washington, DC 20002	Charles County Naval Industrial Alliance
Do	Food Bank of the Virginia Peninsula
Do	Industrial Development Authority-City of Newport News
Marcia L. Frenz, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects
Freshman Beard, Inc, 1722 I Street, NW, #500 Washington, DC 20006	City of Sacramento, Dept of Utilities
David A. Fuscus, 1301 Pennsylvania Ave., NW, #1100 Washington, DC 20004-1707	Air Transport Assn
Bruce A. Gates, 818 Connecticut Ave., NW, #1100 Washington, DC 20006	Project Relief
David F. Gencarelli, 1919 Pennsylvania Ave., NW, Suite 300 Washington, DC 20006	Omniflight Helicopters, Inc
General Aviation Airports Coalition, P.O. Box 221634 Chantilly, VA 22022	
Corinna Gilfillan, 1025 Vermont Avenue, NW, 3rd Floor Washington, DC 20005	Friends of the Earth
Brad Gilman, 2300 Clarendon Blvd., #1010 Arlington, VA 22201	Robertson Monagle & Eastaugh (For:Ounalashka Corp)
Lennox E. Gilmer, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans
Gover Stetson & Williams, 2501 Rio Grande Blvd., NW Albuquerque, NM 87104-3223	Pueblo of Sandia
Graham & James, 2000 M Street, NW, #700 Washington, DC 20036	Asociacion Nacional de Industriales
Do	Footwear Distributers & Retailers of America
Do	Hong Kong Trade Development Council
Fiona A.R. Grant, 750 17th Street, NW, 4th Floor Washington, DC 20006	Enron Corp
Albert Grasselli, 706 Blueberry Hill Road McLean, VA 22101	Azerbaijan Study Foundation
Robert Green, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare
Greenberg Traurig Hoffman Lipoff Rosen & Quentel, 1300 Connecticut Ave., NW, 10th Floor Washington, DC 20005	American Prepaid Legal Services
Do	American Speech-Language-Hearing Assn
Do	Government of Puerto Rico
Do	Grocery Manufacturers of America
Do	Health Insurance Assn of America
Do	Mission Energy Co
Do	National Assn of Community Health Centers, Inc
Do	National Funeral Directors Assn
Do	Puerto Rico Telephone Co
Gail Greenfield, 414 Union Street, #1600 Nashville, TN 37219	Boult Cummings Conners & Berry (For:Lindahl Foundation)
Greenlee Associates, 19 1/2 N. Fourth St. Harrisburg, PA 17101	Pennsylvania Power & Light
Robert E. Gregg, 3110 Fairview Park Drive, #1400 Falls Church, VA 22042	Hazel & Thomas, P.C. (For:Nationwide Insurance Independent Agents Assn)
J. Steven Griles, 203 Roscommon Drive Bristol, TN 37620	Air Implementation Reform (AIR)
Gualco Group, 770 L Street, #1440 Sacramento, CA 95814	Norcal Waste Systems, Inc
Susan Guber, 5500 SW 8th Street Miami, FL 33143	
Elizabeth Gunther, 485 Lexington Avenue New York, NY 10017	New York State Bankers Assn
Frank Gunzburg, 8750 Georgia Ave., #125E Silver Spring, MD 20910	Health Practioners' and Patients' Coalition
GLB, Inc, 4201 Speedway Austin, TX 78751	Charitable Accord
GRQ, Inc, 5454 Wisconsin Ave., NW, #1340 Chevy Chase, MD 20815	Life Resources
Hale and Dorr, 1455 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Neiman Marcus Group
Eleanor Hamburger, 1535 Mission Street San Francisco, CA 94103	Consumers Union of U.S., Inc
Hance Haney, 1401 H Street, NW, #600 Washington, DC 20005	U.S. Telephone Assn
Joel G. Harpel, P.O. Box 25500 Lehigh Valley, PA 18002-5500	First Valley Bank
Gary M. Hawkinson, 6200 Oak Tree Blvd. Independence, OH 44131	Centerior Energy Corp
Health Practioners' and Patients' Coalition, 8750 Georgia Ave., #125E Silver Spring, MD 20910	
William H. Hecht, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates (For:American Maritime Officers Service)
Hecht Spencer & Associates, Inc, 499 South Capitol Street, SW, #507 Washington, DC 20003	American Maritime Officers Service
Nikki Heidepriem, 1100 New York Avenue, NW, #1030 Washington, DC 20036	Foreman & Heidepriem, Inc (For:American Home Products Corp)
Do	Foreman & Heidepriem (For:Arnold & Porter (for American Home Products Corp))
Heller Ehrman White & McAuliffe, 815 Connecticut Ave., NW, #200 Washington, DC 20006-4004	Land Recovery, Inc
Roger C. Herrera, 1406 Matterhorn Way Anchorage, AK 99508	Arctic Power
Allison Herwitt, 1156 15th Street, NW, #700 Washington, DC 20005	National Abortion & Reproductive Rights Action League
A. Karen Hill, 3000 K Street, NW, #300 Washington, DC 20007	Niagara Mohawk Power Corp
Kenneth Hoeffer, 430 First Street, SE Washington, DC 20515	Washington D.C. Trucking Assns, Inc
Hogan & Hartson, L.L.P., 555 13th St., NW Washington, DC 20004-1109	Baker Aviation, Inc
Do	Beth Abraham Hospital
Do	Duke University
Do	Jewish Home & Hospital for Aged

Organization or Individual Filing	Employer/Client
Do	Martek Biosciences Corp
Do	Metropolitan Jewish Geriatric Center
Do	New Sales Media, Ltd
Do	Parker Jewish Geriatric Institute
Do	SmithKline Beecham
Holland & Hart, 1001 Pennsylvania Ave., NW, #310 Washington, DC 20004	Atlantic Richfield Co
Holland & Knight, 2100 Pennsylvania Avenue, NW, #400 Washington, DC 20037	Frank Bouis
Hooper Hooper Owen & Gould, 801 Pennsylvania Ave., NW, #730 Washington, DC 20004	Coalition for FCC Licensing Fairness
Do	Lehman Brothers
Do	Sherritt, Inc
Hopkins & Sutter (Washington), 888 16th Street, NW Washington, DC 20006	Association of British Insurers
Do	Institute of London Underwriters
James Houton, 444 North Capitol St., #418 Washington, DC 20001	New England Council, Inc
J. Michael Hudson, 112 S. West Street Alexandria, VA 22314	Strategic Management Associates (For:Ralin Medical)
Human Rights Campaign, 1101 14th Street, NW Washington, DC 20005	
Hunton & Williams, 2000 Pennsylvania Ave., NW, #9000 Washington, DC 20006	Republic of Croatia
Issue Dynamics, Inc, 901 15th Street, NW, #230 Washington, DC 20005	Ciba-Geigy Corp
Jefferson Group, 1341 G Street, NW, Suite 1100 Washington, DC 20005	ABT Associates
Do	Chlorine Chemistry Council
Do	CMA-Chemical Manufacturers Assn
Do	Harrah's Entertainment, Inc
Do	Innovative Financial Securities
Do	State of Tennessee
Jellinek Schwartz & Connolly, Inc, 1525 Wilson Boulevard, #600 Arlington, VA 22209	Coalition On Superfund
Do	NEDA/RCRA Project
Do	Unocal Corporation
Philip N. Jett, 414 Union Street, #1600 P.O. Box 198062 Nashville, TN 37219	Boult Cummings Conners & Berry (For:Lindahl Foundation)
Ken Johnson, 1140 Basil Road McLean, VA 22101	Science Application & Int'l Corp
Sandy Johnson, 414 Union Street, #1600 Nashville, TN 37219	Boult Cummings Conners & Berry (For:Lindahl Foundation)
Johnson Smith Dover Kitzmiller & Stewart, Inc, 1300 Connecticut Ave., NW, #600 Washington, DC 20036	Independent Sector
Robert E. Juliano Associates, 2555 M Street, NW, #303 Washington, DC 20037	University Village Assn
Kahn Soares & Conway, 1112 I Street, Suite 200 Sacramento, CA 95814	Central California Tristeza Agency
Do	Michigan Biotechnology Institute
Do	Neogen, Inc
Katten Muchin & Zavis, 1025 Thomas Jefferson Street, NW, #700 E Washington, DC 20007	Crestar Financial Corp
Do	Goldberg Kohn Bell Black Rosenbloom & Moritz, Ltd
Do	State Savings Bank
Keck Mahin & Cate, 1201 New York Avenue, NW, Penthouse Washington, DC 20005	National Defined Contribution Council
Keller & Heckman, 1001 G Street, NW, #500 West Washington, DC 20001	Mars, Inc
Jerry W. Kennedy, 313 South Carolina Ave., SE Washington, DC 20003-4213	El Dorado Irrigation District
Richard S. Kessler, 510 11th Street, SE Washington, DC 20003	Zeneca Pharmaceuticals
Peter Kilgore, 1200 17th Street, NW, 8th Floor Washington, DC 20036	National Restaurant Assn
King & Spalding, 1730 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Mentholatum Company, Inc
Kirkpatrick & Lockhart, 1800 M Street, NW, South Lobby, #900 Washington, DC 20036	Archer Daniels Midland Co
S. Curtis Kiser, Holland & Knight 360 Central Avenue St. Petersburg, FL 33701	Paul Tudor Jones
Heather Klinkhamer, 1100 New York Avenue, NW, #1030 Washington, DC 20005	Foreman & Heidepriem, Inc (For:United Food & Commercial Workers Int'l Union)
Jack Krumholtz, 5335 Wisconsin Ave., NW, #600 Washington, DC 20015	Microsoft Corp
Latham & Watkins, 1001 Pennsylvania Ave., NW, #1300 S Washington, DC 20004-2505	RHF Bunker Hill Corp
Paul Laxalt Group, 801 Pennsylvania Ave, NW, #750 Washington, DC 20004	Tracinda Corporation
Wendy Lechner, 100 Daingerfield Road Alexandria, VA 22314	Printing Industries of America, Inc
Gerard Lavery Lederer, 1201 New York Ave., NW, #300 Washington, DC 20005	Building Owners & Managers Assn Int'l
Angela Ledford, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen
Lent & Scrivner, 555 13th Street, NW, #305E Washington, DC 20004	American Tort Reform Assn
Do	Coalition for Shareholder Fairness
Do	CSX Corp
Do	Investment Company Institute
Do	Liberty Maritime Corp
R. EuGene Lokey, P.O. Box 22341 Sacramento, CA 95822	California Planners & Consultants, Inc
G.T. Long & Associates, 1701 K Street, NW, #400 Washington, DC 20006	National Pharmaceutical Alliance
Long Law Firm, 8550 United Plaza Blvd., #800 Baton Rouge, LA 70809	Lowe's Companies, Inc
Alan G. Lopatin, 4958 Butterworth Place, NW Washington, DC 20016	Ledge Counsel, Inc (For:Patent Office Professional Assn)
Jill Luckett, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn
Anthony Lukasiewicz, 3510 North Elm, #208606 Jackson, MI 49201-8877	
Anne Forristall Luke, 1201 Connecticut Ave., NW, #550 Washington, DC 20036	Arter & Hadden (For:LTV Corporation)
Michael J. Lynch, 3600 W. Lake Avenue Glenview, IL 60025-5811	Illinois Tool Works, Inc
John B. Lynn, 1331 Pennsylvania Ave., NW, #1300 North Washington, DC 20004	EDS Corporation
William T. Lyons, 1717 K Street, NW, #500 Washington, DC 20006	Lyons & Company (For:Ciba-Geigy Corp)
Martin Machowsky, 901 15th Street, NW, #230 Washington, DC 20005	Issue Dynamics, Inc
Mimi Mager, Foreman & Heidepriem, Inc 1100 New York Ave., NW, #1030 Washington, DC 20005	American Home Products Corp
Do	Arnold & Porter (for American Home Products Corp)
Andrew K. Maloney, 2300 Clarendon Blvd., #1010 Arlington, VA 22201	Robertson Monagle & Eastaugh (For:Aleutians East Borough)
Do	Robertson Monagle & Eastaugh (For:MailBoxes, Etc)
Manatt Phelps & Phillips, 1501 M Street, NW, Suite 700 Washington, DC 20005	YCARE 2000
Richard J. Marion, 89 East Avenue Rochester, NY 14649-0001	Rochester Gas & Electric Corp
Marlowe & Company, 1667 K Street, NW, #480 Washington, DC 20006	St. Lucie County
MarCal Associates, Inc, 1051 Paulison Avenue Clifton, NJ 07011-3628	
Mayer Brown & Platt, 2000 Pennsylvania Avenue, NW, #6500 Washington, DC 20006	Harris Trust & Savings Bank
Do	Security Capital Group, Inc
Mays & Valentine, 2300 South 9th Street Arlington, VA 22204	Rocco Enterprises, Inc
Lynne McBride, 8200 Wisconsin Ave., #517 Bethesda, MD 20814	Farmers' Educational & Co-operative Union of America
Kevin S. McGuiness, 400 North Capitol Street, NW, #585 Washington, DC 20001	McGuiness & Holch (For:Aetna Life & Casualty)
Do	McGuiness & Holch (For:CIGNA Corp)
Do	McGuiness & Holch (For:METRA Health)
Thomas McNamara, 5903 Mount Eagle Dr., #1504 Alexandria, VA 22303	State of Tennessee, Dept of Finance & Administration
Wayne A. Mehlman, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce
Donald H. Mensch, 2320 Mill Road, #102 Alexandria, VA 22314	Household Goods Forwarders Assn of America, Inc
Meyers & Associates, 412 First St., SE, #100 Washington, DC 20003	NOKIA
Jon K. Miles, 7332 SW 21st Street, P.O. Box 4267 Topeka, KS 66604	Kansas Electric Cooperatives, Inc
Fred Millar, 215 Pennsylvania Avenue, SE Washington, DC 20003	Public Citizen
Miller & Chevalier, Chtd, 655 15th St., NW, #900 Washington, DC 20005-5701	Atlantic Richfield Co
Do	Intel Corp
Do	ITT Corporation
Do	Paloma Partners Management Co
Do	Pearl Meyer & Partners, Inc
Do	Robert K. Weary
Mintz Levin Cohn Ferris Glovsky & Popeo, P.C., 701 Pennsylvania Avenue, NW, #900 Washington, DC 20004	Human Rights Campaign
Seth Mones, 1200 G Street, NW, #88 Washington, DC 20005	National Electrical Manufacturers Assn, et al.
John J. Motley III, 600 Maryland Ave., SW, #700 Washington, DC 20024	Air Transport Assn
Karen K. Narasaki, 1629 K Street, NW, #1010 Washington, DC 20006	National Asian Pacific American Legal Consortium
Ralph G. Neas, Fox Bennett & Turner/The Neas Group 750 17th Street, NW, #1200 Washington, DC 20006	Major League Baseball Players Assn
Do	National Assn of Legal Services Workers
David A. Norcross, 1156 15th Street, NW, #500 Washington, DC 20005	Blank Rome Comisky & McCauley (For:North American Securities Administrators Assn)
Coley O'Brien & Associates, 400 N. Capitol Street, NW, Suite 353 Washington, DC 20001	Heartland Community Bankers Assn
O'Brien Calio, 1350 Eye Street, NW, Suite 690 Washington, DC 20005	Allergan
Do	Baxter International, Inc
Do	Sara Lee Corp
Do	Sun America, Inc
Cheryl O'Connor, 1015 15th Street, NW, #1200 Washington, DC 20005	McGuiness & Williams (For:Flexible Employment Compensation & Scheduling Coalition)
O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	Brown & Bigelow
Do	Hotung Institute
Do	National Presto Industries, Inc
Brian O'Donnell, 320 4th Street, NE Washington, DC 20002	Alaska Wilderness League

Organization or Individual Filing	Employer/Client
John J. O'Hearn Jr., 32 Berlin Avenue Milton, MA 02186	John J. O'Hearn
Robert F. O'Neill, 901 N. Washington Street, #204 Alexandria, VA 22314	Shipbuilders Council of America
O'Neill and Athy, P.C., 1310 19th Street, NW Washington, DC 20036	Government of Chile
Do	National Hockey League
John T. O'Rourke, 801 Pennsylvania Avenue, N.W., 5th Floor Washington, DC 20004	Goldman Sachs & Co, et al.
Jody R. Olmer, 1615 H Street, NW Washington, DC 20062-2000	Chamber of Commerce of the U.S.
Olsson Frank & Weeda, 1400 16th Street, NW, #400 Washington, DC 20036-2220	Altana, inc
Do	Institute of Food Technologists
Do	Kraft Foods, Inc
Do	SteriGenics Int'l
Clifford A. Palmer, 801 Pennsylvania Ave., NW, #1004 Washington, DC 20004	Glenn Shaheen & Associates, Inc
Do	South Terrebonne Tidewater Management & Conservation Dist
Do	Urban Waste Management & Research Foundation
Do	West Jefferson Levee District
Mary Elizabeth Parker, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute
Jack C. Parnell, 1112 I Street, Suite 200 Sacramento, CA 95814	Kahn Soares & Conway (For:Central California Tristeza Agency)
Do	Kahn Soares & Conway (For:Michigan Biotechnology Institute)
Do	Kahn Soares & Conway (For:Neogen, Inc)
Parry and Romani Associates, Inc, 233 Constitution Avenue, NE Washington, DC 20002	Coalition Against STOP
Do	Rodriguez General Contractors Company
Patton Boggs, L.L.P., 2550 M Street, NW Washington, DC 20036	New Mexico Indian Gaming Assn
Do	Newport Group, Inc
Do	Wheelabrator Clean Waters Systems, Inc
Gwen Gampel Paulson, 206 G Street, NE Washington, DC 20002	International Billing Assn
Elizabeth Pearlman, P.O. Box 398795 Miami Beach, FL 33239	Florida NARAL
Bill Pewitt, 823 Congress Avenue, #915 Austin, TX 78701	Texas Assn for Home Care
William D. Phillips, 888 16th Street, NW Washington, DC 20006	United Waste Systems, Inc
Podesta Associates, Inc, 1001 G Street, NW Suite 900 East Washington, DC 20001	Local Station Ownership Coalition
Do	M & C Franco & Co
Do	Pillowtex Corp
Do	Textron, Inc
Policy Directions, Inc, 818 Connecticut Ave., NW, #325 Washington, DC 20006	Society for Neuroscience
J. Craig Potter, 2121 K Street, NW, #700 Washington, DC 20037	Vedder Price Kaufman Kammholz & Day
Powell Goldstein Frazer & Murphy, 1001 Pennsylvania Ave., NW, 6th Floor Washington, DC 20004	American Import Shippers Assn
Do	Carrollton Federal Bank, F.S.B.
Preston Gates Ellis Rouvelas & Meeds, 1735 New York Avenue, NW, #500 Washington, DC 20006	Kirby Corporation
Do	U.S. Maritime Coalition
Price Waterhouse, 1801 K St., NW, #800W Washington, DC 20006-3333	Depository Institution Consolidation Tax Committee
Robert Raasch, 1615 H Street, NW Washington, DC 20062-2000	U.S. Chamber of Commerce
Joe Raeder, 1130 Connecticut Avenue, NW, #300 Washington, DC 20036	Ferguson Company (For:Reclamation District 108)
Do	Ferguson Company (For:Tejon Ranch)
Raffaelli Spees Springer & Smith, 1341 G Street, NW, #200 Washington, DC 20005	Association of American Railroads
Do	Bud Smith Companies
Do	Law Offices of William Huggett
Do	NASSCOM
Do	Taipei Economic & Cultural Representative in the U.S.
Do	Union Pacific Railroads
Do	Wills Thompson Paschall
Reed Smith Shaw & McClay, 1301 K Street, NW East Tower Washington, DC 20005	Poly-Stat Services
Biff Ringgold, 1232 M Street, NW Washington, DC 20005	Our Turn Advocacy Services
Ritts Wise & Rogers, 1500 Wilson Bvld., #320 Arlington, VA 22209	Idmatics, Inc
Lori Roche, 1130 Connecticut Ave., NW, #300 Washington, DC 20036	Ferguson Company (For:City of Brea)
Do	Ferguson Company (For:City of Folsom)
Do	City of Santa Monica
Do	Ferguson Company (For:Gridley)
Do	Ferguson Company (For:Imperial Irrigation District)
John Runyan, 1015 15th Street, NW Washington, DC 20005	R.R. Donnelley & Sons Co
Sagamore Associates, Inc, 1701 K Street, NW #400 Washington, DC 20006	Union Hospital
Felix R. Sanchez, The Terra Verde Group 1101 30th Street, NW, #500 Washington, DC 20007	Dallas/Fort Worth Int'l Airport
Jerry H. Sansom, P.O. Box 372476 Satellite Beach, FL 32937	Northrop Grumman
Catherine Saudek, 1120 Connecticut Ave., NW, #461 Washington, DC 20036	Planned Parenthood Federation of America
John Schaeffler, 1201 L Street, NW Washington, DC 20005	American Health Care Assn
Schagrin Associates, 1140 - 19th Street, NW, Suite 600 Washington, DC 20036	USX Corporation
Patricia A. Schaub, 1776 Eye Street, NW, #275 Washington, DC 20006	Entergy Services, Inc
Scribner Hall & Thompson, 1850 K Street, NW, #1100 Washington, DC 20006	Alliance of American Insurers
Alisa M. Sell, 1301 Pennsylvania Ave., NW, #401 Washington, DC 20004	Florida Sugar Cane League
Do	Rio Grande Valley Sugar Growers
Cynthia B. Sensibaugh, 1710 Rhode Island Ave., NW Washington, DC 20036	Abbott Laboratories
Adam Sharp, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Fed
Shaw Pittman Potts & Trowbridge, 2300 N Street, NW, #5121 Washington, DC 20037	Coastal Beach Development Corp
Do	Glaxo-Welcome
Thomas Smith, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen
Patricia M. Soldano, 695 Town Center Dr., #1460 Costa Mesa, CA 92626	Cymric
Sorensen & Edwards, PS, 1201 Third Avenue, #2900 Seattle, WA 98101-3028	Shaan-Seet, Inc
Merrill S. Spiegel, 1100 Wilson Blvd., #2000 Arlington, VA 22209	Hughes Electronics Corp
Grey Staples, 1130 Connecticut Ave., NW, #300 Washington, DC 20036	Ferguson Company (For:Ashley Payne Farms)
Do	Ferguson Company (For:Central Valley Project Authority)
Do	Ferguson Company (For:Central Valley Project Water Authority)
Do	Ferguson Company (For:City of Brea)
Do	Ferguson Company (For:City of Sacramento, Dept of Utilities)
Do	Ferguson Company (For:Colusa Basin Drainage District)
Do	Ferguson Company (For:Colusa Drain Mutual Water Co)
Do	Ferguson Company (For:County of Lake, Criterion Engineers Planners)
Do	Ferguson Company (For:County of Sacramento, Dept of Public Works)
Do	Ferguson Company (For:Family Farm Alliance)
Do	Ferguson Company (For:Glenn-Colusa Irrigation District)
Do	Ferguson Company (For:Koll Company)
Do	Ferguson Company (For:National Realty Committee)
Do	Ferguson Company (For:Reclamation District 108)
Do	Ferguson Company (For:Southeast Water Coalition, City of Pico Rivera)
Do	Ferguson Company (For:Tejon Ranch)
Do	Ferguson Company (For:Tulekke Irrigation District)
Jane Sutter Starke, 2100 Pennsylvania Ave., NW, #600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For:Southeastern Pennsylvania Transportation Authority)
Do	Eckert Seamans Cherin & Mellott (For:Washington Metropolitan Area Transit Authority)
Michael R. Stephens, 4205 Lavries Way, #102 Fairfax, VA 22033	General Aviation Airports Coalition
Marise Rene Stewart, 1101 Pennsylvania Ave., NW, #400 Washington, DC 20004	Textron, Inc
Edward W. Stowe, 245 Second St., NE Washington, DC 20002	Friends Committee on National Legislation
Strategic Management Associates, Inc, 112 S. West Street Alexandria, VA 22314	Ralin Medical
Charlene A. Sturbitts, 1625 K St., NW, #790 Washington, DC 20006	Stillwater Mining Co
Jay R. Sullivan, Jamison & Sullivan, Inc 1212 New York Ave., NW, #1200 Washington, DC 20005	Prairie Wood Products
Sullivan & Cromwell, 1701 Pennsylvania Ave., NW, #800 Washington, DC 20006	Wells Fargo Bank
Geoffrey Swinerton, 100 Dangerfield Rd. Alexandria, VA 22314	Printing Industries of America, Inc
William A. Syers, 1100 Wilson Blvd. Arlington, VA 22209	Hughes Electronics Corp
Symms Lehn & Associates, Inc, 210 Cameron Street Alexandria, VA 22314	Federal National Mortgage Assn
Do	United Fresh Fruit & Vegetable Assn
Timothy Terry, 1130 Connecticut Ave., NW, #300 Washington, DC 20036	Ferguson Company (For:Robert Bein)
Do	Ferguson Company (For:City of Fairfield)
Do	Ferguson Company (For:City of Norwalk)
Do	Ferguson Company (For:City of Novato)
Do	Ferguson Company (For:City of Oceanside)
Do	Ferguson Company (For:County of Lake)
Do	Ferguson Company (For:New Hamilton Partners)

Organization or Individual Filing	Employer/Client
Do	Ferguson Company (For:Oceanside Harbor)
Do	Oceanside Redevelopment Community Dev Commission
Kenneth W. Thompson, 1156 15th Street, NW, #505 Washington, DC 20005	Process Gas Consumers Group
Thomson Muraro Razook & Hart, P.A., 1 S.E. 3rd Avenue Sunbank International Center, #1700 Miami, FL 33131	Luis L. Bacardi, et al.
Do	Jose Urrutia
Do	Marta Urrutia
Larry Thrailkill, 414 Union Street, #1600 Nashville, TN 37219	Boult Cummings Conners & Berry (For:Lindahl Foundation)
Ashley O. Thrift, P.O. Drawer 84 Winston-Salem, NC 27102	Womble Carlyle Sandridge & Rice (For:AirTouch Communications, Inc)
Do	Womble Carlyle Sandridge & Rice (For:Time-Warner, Inc)
Do	Womble Carlyle Sandridge & Rice (For:Westinghouse Electric Co, Inc)
Mary A. Turville, 1010 N. Fairfax St. Alexandria, VA 22314	National Society of Public Accountants
Tuttle Taylor & Heron, 1025 Thomas Jefferson Street, NW, #407 Washington, DC 20007	Western United Dairymen
Kim Underwood, P.O. Box 7295 Springfield, IL 62791	Sargent & Lundy
Mark Valente III, 1155 Connecticut Ave., NW, 10th Floor Washington, DC 20036	I M & I (for America's Health Plan)
Do	Jones Day Reavis & Pogue (for LTV Steel)
Van Ness Feldman, P.C., 1050 Thomas Jefferson St., NW, #700 Washington, DC 20007	BP Exploration
Do	City of Virginia Beach
Do	Cook Inlet UDLM Assn
Do	Natural Gas Working Group, Oxy USA Inc
Carlos M. Vazquez, 157 Church St. New Haven, CT 06506	United Illuminating Co
Verner Liipfert Bernhard McPherson & Hand, Chtd, 901 15th Street, NW, #700 Washington, DC 20005-2301	Kamehameha Schools Bishop Estate
Vinson & Elkins, 1455 Pennsylvania Ave., NW, #700 Washington, DC 20004-1008	Florida Regional Emergency Services
Vorys Sater Seymour & Pease, 1828 L Street, NW, #1111 Washington, DC 20036	Compressed Gas Assn
Do	Hawk East
Thomas E. Wagner, Calfee Halter & Griswold 1400 McDonald Investment Center 800 Superior Avenue Cleveland, OH 44114	Student Loan Funding Corporation
We the Sovereign People & Constitutionist, Unincorp Assn, 1625 S.E. 35th Ave. Gainesville, FL 32641	
Frederick L. Webber, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn
Weil Gotshal & Manges, 1615 L Street, NW, #700 Washington, DC 20036	National Football League Players Assn
Weiss Serota & Helfman, P.A., 2665 South Bayshore Drive, #204 Miami, FL 33133	Thomson Muraro Razook & Hart, P.A.
Mary L. Wells, 218 D Street, SE Washington, DC 20003	U.S. Public Interest Research Group
Joseph J. Westwater, 1025 Thomas Jefferson Street, NW, #407 Washington, DC 20007	Tuttle Taylor & Heron (For:South African Sugar Assn)
Wexler Group, 1317 F Street, NW, #600 Washington, DC 20004	Biofoam, Inc
Do	Blue Shield of California
Do	Bristol-Myers Squibb Co
Do	Children's Television Workshop
Do	State of Alaska
Do	State of Oregon
George Y. Wheeler, 1150 Connecticut Ave., NW Washington, DC 20036	Koteen & Naftalin (For:Telephone & Data Systems, Inc)
Bob Whittaker, 2008 Palmer Court Lawrence, KS 66047	Coalition on Smoking or Health
Andrew F. Wiessner, Western Land Group 811 Potato Patch Drive Vail, CO 81654	Sun Valley Company
Wiley Rein & Fielding, 1776 K Street, NW, 12th Floor Washington, DC 20006	Information Industry Assn
Wilkinson Barker Knauer & Quinn, 1735 New York Ave., NW Washington, DC 20006	Fleet Credit Corporation
Williams & Jensen, P.C., 1155 21st Street, NW, #300 Washington, DC 20036	America's Public Television Stations
Do	Coalition for Workforce Protection
Do	Commission on Graduates of Foreign Nursing Schools
Do	Girling Health Care, Inc
Do	National Milk Producers Federation
Do	Transportation Corridor Agencies
Wilmer Cutler & Pickering, 2445 M Street, NW Washington, DC 20037-1420	Dallas Cowboys
Winston & Strawn, 1400 L Street, NW Washington, DC 20005-3502	American Telecasting, Inc
Do	Cable Plus
Do	MaxTel Cablevision
Do	People's Choice TV
Do	R&B Cable TV
Do	Telemedia, Inc
Do	U.S. On-Line Cable, LLC
Do	University of California, Los Angeles
WinCapitol, Inc, 1207 Potomac Street NW Washington, DC 20007	Danaher Corporation
John Wood, P.O. Box 68511 Indianapolis, IN 46268	DowBrands
Wunder Diefenderfer Cannon & Thelen, 1615 L St., NW, #650 Washington, DC 20036	Attorneys' Liability Assurance Society, Inc
Do	Tanimura & Antle, Inc
Marc D. Yacker, 1333 H Street, NW The West Tower, 8th Floor Washington, DC 20005	Electricity Consumers Resource Council
Daniel V. Yager, 1015 15th Street, NW, #1200 Washington, DC 20005	Flexible Employment Compensaiton & Scheduling Coalition
Thane Young, 1130 Connecticut Avenue, NW, #300 Washington, DC 20036	Ferguson Company (For:City of Folsom)
Do	Ferguson Company (For:City of Santa Monica)
Do	Ferguson Company (For:County of Lake)
Do	Ferguson Company (For:Glenn-Colusa Irrigation District)
Do	National Realty Committee
Do	Ferguson Company (For:Oceanside Harbor/City of Oceanside)
Do	Ferguson Company (For:Southeast Water Coalition)
Do	Ferguson Company (For:Tejon Ranch)
Do	Ferguson Company (For:West Valley City)
Susan A. Zettler, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn
Nancy A. Ziuzin, 21 East Maple Street Alexandria, VA 22301	Lockheed Martin
Marilyn Zola, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following quarterly reports were submitted for the fourth calendar quarter 1995:

(NOTE.—The form used for reporting is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data, and Page 2 deals with financial data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . . ◆

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

IDENTIFICATION NUMBER ______________________

Is this an Amendment?
☐ YES ☐ NO

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:
(i) *"Employee".*—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)
(ii) *"Employer".*—To file as an "employer", write "None" in answer to Item "B".
(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:
(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.
(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER —State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."◆

STATEMENT OF VERIFICATION

[Omitted in printing]

PAGE 1◆

NOTE on ITEM "D."—*(a)* IN GENERAL. The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—§ 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In general.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in connection with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multi-purpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In general.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the space following the number.

Receipts (other than loans)

1. $..............Dues and assessments
2. $..............Gifts of money or anything of value
3. $..............Printed or duplicated matter received as a gift
4. $..............Receipts from sale of printed or duplicated matter
5. $..............Received for services (e.g., salary, fee, etc.)
6. $..............TOTAL for this Quarter (Add "1" through "5")
7. $..............Received during previous Quarters of calendar year
8. $..............TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received—"The term 'contribution' includes a . . . *loan* . . ."—§ 302(a).

9. $..............TOTAL now owed to others on account of loans
10. $..............Borrowed from others during this Quarter
11. $..............Repaid to others during this Quarter

12. $..............."Expense Money" and Reimbursements received this Quarter.

Contributors of $500 or More (from Jan. 1 through this Quarter)

13. Have there been such contributors?
Please answer "yes" or "no": ....

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last day of this Quarter, total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor* *("Period"* from Jan. 1 through.............................., 19.......)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE on ITEM "E".—*(a)* IN GENERAL. "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—§ 302 (b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) IN CONNECTION WITH LEGISLATIVE INTERESTS:

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the spaces following the number.

Expenditures (other than loans)

1. $..............Public relations and advertising services
2. $..............Wages, salaries, fees, commissions (other than Item "1")
3. $..............Gifts or contributions made during Quarter
4. $..............Printed or duplicated matter, including distribution cost
5. $..............Office overhead (rent, supplies, utilities, etc.)
6. $..............Telephone and telegraph
7. $..............Travel, food, lodging, and entertainment
8. $..............All other expenditures
9. $..............TOTAL for this Quarter (Add "1" through "8")
10. $..............Expended during previous Quarters of calendar year
11. $..............TOTAL from Jan. 1 through this Quarter (Add "9" and "10")

Loans Made to Others—"The term 'expenditure' includes a . . . *loan* . . ."—§ 302 (b).

12. $..............TOTAL now owed to person filing
13. $..............Lent to others during this Quarter
14. $..............Repayments received during this Quarter

15. *Recipients of Expenditures of $10 or More*______________

If there were no single expenditures of $10 or more, please so indicate by using the word "NONE".

In the case of expenditures made during this Quarter by, or on behalf of, the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7–11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7–15, 8–15, 9–15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Ann Hadley vom Eigen, 1828 L Street, NW, #705 Washington, DC 20036	American Land Title Assn	6,300.00	
Ande M. Abbott, 2722 Merrilee Drive, #360 Fairfax, VA 22031	International Brotherhood of Boilermakers...	421.00	
Paul C. Abenante, 1350 I Street, NW, #1290 Washington, DC 20005	American Bakers Assn		
Adele L. Abrams, 1415 Elliot Place, NW Washington, DC 20007	National Stone Assn	4,000.00	500.00
Steve Abrams, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	19,999.98	
Adrian Acevedo, P.O. Box 2880 Dallas, TX 75221-2880	Oryx Energy Company		
Elaine Acevedo, 666 Pennsylvania Ave., SE, #403 Washington, DC 20003	Florist's Transworld Delivery Assn	8,000.00	
Rodney J. Ackerman, 1450 Poydras Street New Orleans, LA 70112-6000	CNG Producing Company	1,000.00	269.88
Beth P. Adams, 1010 Wisconsin Ave., NW, #900 Washington, DC 20007	Grocery Manufacturers of America, Inc	123.42	
Cecelia A. Adams, 1901 Pennsylvania Avenue, NW, 10th Floor Washington, DC 20006	International Mass Retail Association	3,000.00	
Jane A. Adams, 1100 New York Ave., NW, #340-West Washington, DC 20005	BASF Corporation		
John M. Adams, 909 N. Washington Street, #301 Alexandria, VA 22314	Retired Enlisted Assn	3,627.00	
David S. Addington, 801 Pennsylvania Ave., NW Washington, DC 20004	Baker Donelson Bearman & Caldwell (For:Competitive Long Distance Coalition, Inc).	120,307.67	
Allan R. Adler, 1333 New Hampshire Ave., NW, #600 Washington, DC 20036	Cohn & Marks (For:Association of American Publishers)	500.00	
Do	Cohn and Marks (For:Direct Marketing Assn)		
Michael B. Adlin, 1801 K Street, NW, Suite 400K Washington, DC 20006	Arter & Hadden (For:Nintendo of America)		
Advanced Strategies, 945 Concord Street Framingham, MA 01701	Investment Company Institute	15,000.00	35.00
Advertising Mail Marketing Assn, 1333 F Street, NW, #710 Washington, DC 20004-1108		342.00	342.00
Advocacy Group, 1350 I Street, NW, #680 Washington, DC 20005	American Chiropractic Assn		
Do	American Institute for Foreign Study		
Do	Amorphus Technologies International		
Do	Arizona State University		
Do	Border Trade Alliance		
Do	Brown & Root, Inc		
Do	City of Tempe		
Do	Dowling College		
Do	Florida Board of Regents Foundation, Inc		
Do	Intel Supercomputing Division		
Do	Livingston Health Care Services		
Do	National Assn of Small Business Investment Cos		
Do	National Fuel & Energy, Inc		
Do	Palmer Chiropractic University		
Do	Port of Brownsville, Texas		
Do	Sam Houston State University		
Do	Silicon Graphics, Inc		
Do	U.S. Surgical Corp		
Do	University of Utah		
Do	University of Virginia/Continuing Education		
Aerospace Industries Assn of America, Inc, 1250 Eye Street, NW, #1100 Washington, DC 20005		6,382.52	6,382.52
David A. Affeldt, 10404 Joiners Lane Potomac, MD 20854	Association for Gerontology in Higher Education	750.00	
Affordable Housing Tax Credit Coalition, 1255 23rd Street, NW, #800 Washington, DC 20037		2,000.00	2,000.00
John Aguirre, 727 North Washington Street Alexandria, VA 22314	United Fresh Fruit & Vegetable Assn	4,500.00	
David J. Aho, 800 Connecticut Avenue, NW Suite 1100 Washington, DC 20006	Baxter	26,000.00	12,350.00
Patricia W. Aho, 45 Memorial Circle Augusta, ME 04330-6400	American Petroleum Institute	1,271.60	
Robert S. Aiken, 800 Connecticut Avenue, NW, #610 Washington, DC 20006	Pinnacle West Capital Corp	24,000.00	2,962.07
Herbert Allen Ailsworth, 1615 L Street, NW, #420 Washington, DC 20036	Sandoz Corp	475.00	
Air Products & Chemicals, Inc, 805 15th Street, NW, #330 Washington, DC 20005		16,000.00	16,000.00
Aircraft Owners & Pilots Assn, 421 Aviation Way Frederick, MD 21701		7,000.00	20,396.72
James J. Albertine, 1156 15th Street, NW, #505 Washington, DC 20005	Albertine Enterprises, Inc (For:Association of School Business Officials International).	200.00	125.00
Do	Albertine Enterprises, Inc (For:Coalition for Customer Choice in Electricity)		
Do	Albertine Enterprises, Inc (For:Exide Electronics)	250.00	120.00
Do	Albertine Enterprises, Inc (For:Food Development Corp)		
Do	Albertine Enterprises (For:Fruit of the Loom, Inc)	900.00	125.00
Do	Albertine Enterprises, Inc (For:Greater Washington Society of Assn Executives)	100.00	30.00
Do	Albertine Enterprises, Inc (For:Itron and Amrplus Partners)		
Do	Albertine Enterprises, Inc (For:Potomac Capital Investment Corp)		
Do	Albertine Enterprises, Inc (For:Stairway Manufacturers Assn, Inc)		
Do	Albertine Enterprises, Inc (For:Sunbeam-Oster Co, Inc)	200.00	115.00
Do	Albertine Enterprises, Inc (For:SMS Corp)	1,500.00	250.00
John M. Albertine, 1156 15th Street, NW, #505 Washington, DC 20005	Albertine Enterprises, Inc (For:Association of School Business Offcials International).	500.00	60.00
Do	Albertine Enterprises, Inc (For:Coalition for Customer Choice in Electricity)		
Do	Albertine Enterprises, Inc (For:Coalition for Protection of Competition in Inform Services).		
Do	Albertine Enterprises, Inc (For:Exide Electronics, Inc)	200.00	60.00
Do	Albertine Enterprises, Inc (For:Food Development Corp)		
Do	Albertine Enterprises, Inc (For:Fruit of the Loom, Inc)	500.00	225.00
Do	Greater Washington Society of Assn Executives		
Do	Albertine Enterprises, Inc (For:Itron and Amrplus Partners)		
Do	Albertine Enterprises, Inc (For:Potomac Capital Investment Corp)		
Do	Albertine Enterprises, Inc (For:Stairway Manufacturers Assn, Inc)		
Do	Albertine Enterprises, Inc (For:Sunbeam-Oster Co, Inc)	500.00	110.00
Do	Albertine Enterprises, Inc (For:SMS Corp)	1,000.00	120.00
Albertine Enterprises, Inc, 1156 15th Street, NW, #505 Washington, DC 20005	Association of School Business Officials International	500.00	120.00
Do	Coalition for Customer Choice in Electricity		
Do	Coalition for Protection of Competition in Inform Services	100.00	10.00
Do	Exide Electronics, Inc	1,500.00	120.00
Do	Food Development Corp		
Do	Fruit of the Loom, Inc	12,000.00	250.00
Do	Greater Washington Society of Assn Executives	100.00	30.00
Do	ITRON and AMRplus Partners, Inc		
Do	Potomac Capital Investment Corp		
Do	Stairway Manufacturers Assn, Inc		
Do	Sunbeam-Oster Co, Inc	1,000.00	220.00
Do	SMS Corp	2,000.00	300.00
Phyllis M. Albritton, 1455 Pennsylvania Ave., NW, Suite 500 Washington, DC 20004-0Met	MetPath, Inc		
Alcalde & Fay, 2111 Wilson Blvd., #850 Arlington, VA 22201	Alliance for Clean Coal	5,437.50	
Do	Alliance for Responsible Atmospheric Policy	18,000.00	486.00
Do	Associated Industries of Florida Property & Casualty Trust	75,000.00	37.00
Do	Carnival Corp	12,000.00	799.00
Do	Center for Applied Engineering	2,875.00	
Do	City of Las Vegas/Clark County	18,000.00	1,677.00
Do	City of Miami	12,600.00	
Do	City of North Las Vegas	21,000.00	444.00
Do	City of Tampa	10,500.00	
Do	City of Virginia Beach	31,500.00	343.00
Do	Computer Sciences Corp	5,400.00	64.00
Do	Dade County	15,000.00	
Do	Dade County Public Schools	12,000.00	47.00
Do	Jack Eckerd Corp	3,000.00	43.00
Do	Golden Gate Bridge, Highway & Transportation District	13,125.00	10.00
Do	Hillsborough County	18,000.00	
Do	Home Shopping Network	14,400.00	651.00
Do	International Climate Change Partnership	3,000.00	570.00
Do	International Council of Cruise Lines	37,000.00	3,160.00
Do	Jim Walter Corp	3,750.00	121.00
Do	K & K Merchandising Group	5,600.00	34.00
Do	Marin County	15,450.00	93.00
Do	MAR, Inc		
Do	National Assn of Gas Chlorinators	1,200.00	
Do	National Refrigerants, Inc		
Do	Palm Beach County	24,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Paxson Communications Corp	18,000.00	615.00
Do	Port of Palm Beach	19,500.00	91.00
Do	Regular Common Carrier Conference	7,500.00	4,717.00
Do	School Board of Broward County	6,000.00	1,292.00
Do	Silver King Communications	21,600.00	739.00
Do	Sonoma County	12,000.00	86.00
Do	Stevens Institute of Technology	15,000.00	23.00
Do	Summa Corp	21,000.00	1,817.00
Do	Tampa Electric Co	15,000.00	246.00
Do	Tampa Port Authority	12,000.00	
Do	Tenneco Power Co	4,125.00	20.00
Do	University of Nevada	18,000.00	
Do	Walter Industries	30,818.43	492.00
Arthur J. Alexander, 1000 Connecticut Ave., NW Washington, DC 20036	Japan Economic Institute of America	500.00	
Claude D. Alexander, 1350 I Street, NW, #840 Washington, DC 20005	Ralston Purina Company	11,000.00	1,092.45
Pamela J. Allen, 3601 Vincennes Road P.O. Box 68700 Indianapolis, IN 46268	National Assn of Mutual Insurance Companies	1,060.00	106.61
Virgil Allen, 4201 Plaza Lane Alexandria, VA 22033	Project Acta, Inc	200.00	
Alliance of American Insurers, 1211 Connecticut Avenue, NW, #400 Washington, DC 20036			77,633.94
Alliance of Nonprofit Mailers, 2001 S Street, NW, #301 Washington, DC 20009		1,934.38	5,320.82
Alpha Group: Designs for Education, 1319 F Street, NW, Suite 900 Washington, DC 20004	First Church of Christ, Scientist	487.50	
Alston & Bird, 601 Pennsylvania Avenue, NW, #250 Washington, DC 20004-2601	Fieldale Farms Corp	1,327.50	30.81
Do	GTE Mobilnet	9,500.00	157.45
Do	Municipal Electric Authority of Georgia	315.00	
Do	Municipal Gas Authority of Georgia	1,282.50	
Do	Regions Financial Corp	3,026.00	631.00
Law Offices of Robert Altman, 901 15th Street, NW, #400 Washington, DC 20005	Golden Rule Insurance Co		
Amalgamated Transit Union, AFL-CIO, 5025 Wisconsin Avenue, NW Washington, DC 20016			7,000.00
America's Community Bankers, 900 19th Street, NW, Suite 400 Washington, DC 20006		2,538,797.34	158,241.45
American Academy of Family Physicians, 8880 Ward Parkway Kansas City, MO 64114		69,504.42	69,504.42
American Assn of Bank Directors, 1225 19th Street, NW, #710 Washington, DC 20036			
American Assn of Blood Banks, 8101 Glenbrook Road Bethesda, MD 20814-2749			2,500.00
American Assn of Retired Persons, 601 E Street, NW Washington, DC 20049		3,595,543.43	3,595,543.43
American Assn of University Women, 1111 16th Street, NW Washington, DC 20036			870.58
American Automobile Manufacturers Assn, 1401 H Street, NW, suite 900 washington, DC 20005		102,247.51	102,247.51
American Bankers Assn, 1120 Connecticut Avenue, NW Washington, DC 20036		436,371.79	436,371.79
American Cemetery Assn, 1895 Preston White Drive, Suite 220 Reston, VA 22091-5434			
American Council for Capital Formation, 1750 K Street, NW, #400 Washington, DC 20006		36,070.00	42,884.00
American Dance Therapy Assn, 2000 Century Plaza, #108 Columbia, MD 21044		615.00	
American Defense International, Inc, 1019 19th Street, NW, #350 Washington, DC 20036	CASA Aircraft USA, Inc	12,000.00	151.00
Do	CMS Defense Systems, Inc	12,000.00	850.95
Do	Marine Energy Systems		
Do	Munitions Industrial Base Task Force	12,000.00	
American Farm Bureau Federation, 225 Touhy Avenue Park Ridge, IL 60068		229,380.00	229,380.00
American Fed of Labor & Congress of Industrial Organizations, 815 16th St., NW Washington, DC 20006			187,410.95
American Financial Services Assn, 919 18th Street, NW Washington, DC 20006			1,000.00
American Foreign Service Assn, 2101 E Street, NW Washington, DC 20037		66,563.00	29,109.00
American Frozen Food Institute, 1764 Old Meadow Rd., #350 Mclean, VA 22102		12,000.00	12,000.00
American Gaming Assn, 555 13th Street, NW, #430 West Washington, DC 20004		43,750.00	34,644.98
American Health Care Assn, 1201 L Street, NW Washington, DC 20005		364,400.00	130,683.69
American Hotel & Motel Assn, 1201 New York Ave., NW Washington, DC 20005		48,085.88	29,624.76
American Insurance Assn, 1130 Connecticut Avenue, NW, #I000 Washington, DC 20036		9,105.00	9,105.00
American Land Title Assn, 1828 L St., NW, #705 Washington, DC 20036			6,650.00
American Lands Access Assn, Inc, 13732 N.E. 12th St., #201 Bellevue, WA 98005		5,138.50	4,257.47
American League for Exports & Security Assistance, Inc, 122 C St., NW, #740 Washington, DC 20001		80,000.00	19,014.32
American Life League, Inc, Box 1350 Stafford, VA 22555		25,000.00	8,458.40
American Malting Barley Assn, Inc, 735 North Water Street, #908 Milwaukee, WI 53202		3,405.19	
American Medical Security, 3100 AMS Boulevard P.O. Box 19032 Green Bay, WI 54307-9032			25,867.40
American Motorcyclist Assn, P.O. Box 6114 Westerville, OH 43081		22,512.85	22,512.85
American Physical Therapy Assn, 1111 N. Fairfax Street Alexandria, VA 22314		16,237.53	16,237.53
American Podiatric Medical Assn, 9312 Old Georgetown Road Bethesda, MD 20814-1621			25,816.84
American Portland Cement Alliance, 1212 New York Avenue, NW, #500 Washington, DC 20005			84,546.20
American Pulpwood Assn, 600 East Jefferson Street, Suite 350 Rockville, MD 20852			
American Radio Relay League, Inc, 225 Main Street Newington, CT 06111			20,050.00
American Retreaders' Assn, P.O. Box 37203 Louisville, KY 40233		1,000.00	1,000.00
American Short Line Railroad Assn, 1120 G Street NW, #520 Washington, DC 20005			1,976.00
American Soc of Anesthesiologists, 1101 Vermont Ave, NW, #606 Washington, DC 20005			76,549.54
Americans for Immigration Control, Inc, 725 2nd Street, NE Washington, DC 20002		15,690.58	15,690.58
Americans for Nonsmokers' Rights, 2530 San Pablo Ave., #J Berkeley, CA 94702		6,171.00	6,171.00
Morris J. Amitay, P.C., 444 N. Capitol Street, NW, #712 Washington, DC 20001	Northrop Grumman Corporation	12,000.00	
Do	Thermedics Detection, Inc	7,500.00	
Do	TRW Spce & Electronics Group	7,500.00	
Daniel G. Amstutz, 1300 L Street, NW, #900 Washington, DC 20005	North American Export Grain Assn, Inc		32.50
Bryan D. Anderson, 800 Connecticut Ave., NW, Suite 711 Washington, DC 20006	Coca-Cola Co	50.00	53.75
Byron Anderson, 1001 Pennsylvania Ave, NW, #460(N) Washington, DC 20004-2505	New York Life Insurance Company	1,050.00	7,000.00
Carl A. Anderson, 401 Michigan Avenue, NE Washington, DC 20017	Knights of Columbus	1,150.00	
Caroline Anderson, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	5,500.00	857.00
Cynthia C. Anderson, 750 17th Street, NW 4th Floor Washington, DC 20006-4607	Enron Corp	3,000.00	
David J. Anderson, 66 S. Pearl Street Albany, NY 12207	KeyCorp/Key Bank of New York	51.92	
Mahlon G. Anderson, 12600 Fair Lakes Circle Fairfax, VA 22033-4904	AAA Potomac	125.00	
Philmore B. Anderson, 412 1st Street, SE, Suite 300 Washington, DC 20003	Independent Insurance Agents of America	8,805.00	
Richard F. Anderson, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	WMX Technologies Inc	18,687.99	
Steven Anderson, 1764 Old Meadow Rd, #350 McLean, VA 22102	American Frozen Food Institute	6,600.00	
Tobyn J. Anderson, 601 Thirteenth Street, NW, #320 South Washington, DC 20005	National Independent Energy Producers	5,750.00	
Edgar M. Andrews III, 1225 Eye Street, NW, #401 Washington, DC 20005	Civil War Trust		
Andrews' Associates, Inc, 2550 M St., NW, #375 Washington, DC 20037	American Soc of Assn Executives		
Do	Blue Cross and Blue Shield of ND	20,000.00	
Do	Mars, Inc		
Do	National Trailer Dealers Assn		
Do	Safeguard America's Family Enterprises		
Decker Anstrom, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	16,875.00	
Ernest Antczak, 27777 Inkster Road Farmington Hills, MI 48334	Michigan National Corp		
Thomas D. Anthony, 2500 PNC Center Cincinnati, OH 45202	Frost & Jacobs (For:Comprehensive Medical, Inc)		
Do	Frost & Jacobs (For:Western Hills Imaging Center, Inc)		
Judith C. Appelbaum, Eleven Dupont Circle, NW, Suite 800 Washington, DC 20036	National Women's Law Center		94.75
William H. Applegate, 1001 Pennsylvania Ave., NW, #725S Washington, DC 20004	American Soc of Clinical Pathologists		181.12
Paul W. Arcari, 201 N. Washington Street Alexandria, VA 22314	Retired Officers Assn	10,367.00	
R. M. Julie Archuleta, 1747 Pennsylvania Avenue, NW, 3rd Fl. Washington, DC 20006	Occidental Chemical Corp	150.00	262.29
Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Ave., NW Washington, DC 20036-5339	American Amusement Machine Assn	11,372.81	1,191.85
Do	American Assn of Bioanalysts	109,705.98	5,660.07
Do	American Assn of Occupational Health Nurses	16,866.32	349.33
Do	American Board of Examiners in Clinical Social Work	476.05	104.93
Do	Children With Attention Deficit Disorder (CHADD)		
Do	Children's Health Fund		
Do	Columbia University	14,864.46	477.40
Do	Forschner Group, Inc	22,868.46	440.87
Do	Health Commons Institute		
Do	Health Industry Initiative	7,000.00	65.42
Do	Hoechst Marion Roussel, Inc	5,465.81	158.25
Do	Independent Federation of Flight Attendants	882.25	7.60
Do	International Society for Clinical Laboratory Technology	3,000.00	328.01
Do	National Assn of Recording Merchandisers		
Do	National Parking Association		
Do	Navajo Nation		234.51
Do	North American Training Services, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Prime Time 24	5,740.33	572.13
Do	Raytheon Company	45,998.60	1,045.60
Do	SO-PAK-CO, Inc	476.05	104.93
Do	Video Software Dealers Assn	21.62	615.02
Do	Worksite Health Promotion Alliance	8,098.13	28.98
Arizona Students' Assn, 511 West University Drive Suite 4 Tempe, AZ 85281-5585			
John G. Arlington, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	425.00	
David C. Armijo, 401 Coors Boulevard, NW Albuquerque, NM 87121	Westland Development Co, Inc		
Alice Armstrong, 1150 Connecticut Ave., NW, #1125 Washington, DC 20036	Financial Executives Institute	3,150.00	
Arnold & Porter, 555 Twelfth Street, NW Washington, DC 20004-1202	American Red Cross		
Do	Atlantic Richfield Co		
Do	Bessemer Group, Inc		10.34
Do	Building and Construction Trade Department, AFL-CIO		
Do	City of Reading		
Do	Commissioner, Dept of Telecommunications City of New York		
Do	Computer Sciences Corp		
Do	Consolidated & Administration & Security Services, Inc	731.25	13.51
Do	Continental Corporation		
Do	General Cable Corp		
Do	Glaxo Wellcome, Inc		
Do	Greenwich Capital Markets, Inc	1,125.00	
Do	Hoffmann-La Roche, Inc		
Do	Michigan National Corp (for: Beverly Hills Fed Savings Bank)		
Do	Montefiore Medical Center		
Do	Motorola, Inc	38,548.53	27.02
Do	National Assn of Telecommunications Officers & Advisors		
Do	Paine Webber Group, Inc		
Do	Philip Morris, Inc	6,541.60	
Do	Recording Industry Assn of America, Inc	2,650.74	
Do	Republic of Venezuela		
Do	Stanford University		
Do	State Farm Mutual Automobile Insurance Co	11,149.73	
Thomas M. Arrasmith, 1301 K Street, NW, #1200 Washington, DC 20006	IBM Corp	6,700.32	471.66
Deborah McNeal Arrindell, 519 C Street NE Washington, DC 20002	Home Care Aide Assn of America/National Assn for Home Care	98.00	
Debra B. Arrington, 8219 Leesburg Pike Vienna, VA 22182	Cable & Wireless, Inc		
Arter & Hadden, 1801 K Street, NW, #400K Washington, DC 20006	American Insurance Assn	500.00	300.00
Do	American Koyo Corp	100.00	125.00
Do	Association for Responsible Thermal Treatment	2,888.00	1,324.00
Do	Bristol Myers Squibb Co		
Do	BKK Corporation	8,010.00	2,350.00
Do	Cellular Telecommunications Industry Assn	1,710.00	528.00
Do	Centerior Energy Corp	250.00	200.00
Do	Central & South West Corp	6,350.00	2,638.00
Do	Central Station Alarm Assn	1,000.00	500.00
Do	Circus Circus Enterprises, Inc	500.00	350.00
Do	Citicorp	2,840.00	1,160.00
Do	Consolidated Rail Corp	850.00	440.00
Do	Corning, Inc	20,610.00	8,215.00
Do	CAI Wireless	775.00	388.00
Do	Fairchild Aircraft, Inc	630.00	258.00
Do	Federated Investors		
Do	Great Lakes Museum of Science Environment & Technology	1,800.00	820.00
Do	Hearst Corp	7,755.00	3,168.00
Do	Hicks Muse Tate & Furst	3,425.00	1,501.00
Do	Hong Kong Economic & Trade Office	300.00	175.00
Do	Hunt Valve Co, Inc		
Do	Information Technology Industry Council	485.00	328.00
Do	Investment Company Institute	5,870.00	2,293.00
Do	Jeffries & Co, Inc		
Do	LTV Corp	2,000.00	900.00
Do	Malrite Communications		
Do	Monsanto		
Do	Motorola	10,740.00	4,135.00
Do	Mt Carmel Health		
Do	National Assn of Broadcasters	300.00	175.00
Do	Nintendo of America		
Do	Port of Houston Authority	3,950.00	1,365.00
Do	Sammons Enterprises, Inc	5,635.00	1,923.00
Do	Snap-on, Inc	6,360.00	1,915.00
Do	Tribal Alliance of Northern California	5,570.00	1,776.00
Do	TCI/Liberty	250.00	200.00
Do	U.S. Long Distance Corp	4,575.00	2,113.00
Do	United Services Automobile Assn		
Do	Westinghouse Electric Corp	4,185.00	1,915.00
Do	Working Group on R&D		
Do	WorldCom, Inc	7,525.00	3,423.00
Anne Asher, 1130 Connecticut Ave., NW, Suite 830 Washington, DC 20036	Southern Company Services, Inc		4,354.80
Asian Pacific Economic Educational Cultural Organization, P.O. Box 891 Manila, Philippines			
Donald D. Asmonga, 1919 Pennsylvania Ave., NW, Suie 300 Washigton, DC 20006	American Health Information Management Assn	3,047.10	51.55
Associated Credit Bureaus, Inc, 1090 Vermont Avenue, NW, #200 Washington, DC 20005		1,500.00	
Associated General Contractors of America, 1957 E St., NW Washington, DC 20006			16,500.00
Associated Students of Northern Arizona University, P.O. Box 6003 Flagstaff, AZ 86011-6003			1,688.93
Association of American Publishers, 1718 Connecticut Avenue, NW Washington, DC 20009-1148		13,523.00	13,523.00
Association of American Railroads, American Railroads Building 50 F Street, NW Washington, DC 20001		179,834.56	179,834.56
Association of American Veterinary Medical Colleges, 1101 Vermont Avenue, NW, #710 Washington, DC 20005			97.48
Association of Bankruptcy Professionals, Inc, P.O. Box 1394 Lynchburg, VA 24505		4,578.75	
Association of Home Appliance Manufacturers, 701 Pennsylvania Avenue, NW, #900 Washington, DC 20004			370.68
Association of State & Territorial Health Officials, 415 Second Street, NE, Suite 200 Washington, DC 20002			1,290.75
Assure Competitive Transportation, Inc, Suite 1600 10 S. Lasalle St. Chicago, IL 60603		450.00	162.50
Bob Asztalos, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	14,000.00	79.00
Elise Atkins, 1700 Pennsylvania Ave., NW, #950 Washington, DC 20006	Valis Associates	23,750.00	
Atlantic Richfield Co, 515 South Flower Street Los Angeles, CA 90071			3,252.00
Jonathan P. Atwood, 100 West Putnam Avenue Greenwich, CT 06830	UST Public Affairs, Inc		3,300.00
Kenneth E. Auer, 50 F Street, NW, #900 Washington, DC 20001	Farm Credit Council	210.00	960.00
Linda M. Auglis, 1100 South Washington Street Alexandria, VA 22314-4494	National Beer Wholesalers Assn	713.09	438.48
Frank W. Ault, 2009 N. 14th Street, #300 Arlington, VA 22201	American Retirees Assn	5,250.00	
Les AuCoin, Bogle & Gates 1299 Pennsylvania Ave., NW, #875 East Washington, DC 20004	Confederated Tribes of the Grand Ronde	151.50	
Do	International Paper	656.50	
Do	Northwest Forest Resource Council	1,060.50	
Do	SCS Industries	404.00	
Do	Tillamook Creamery Assn	1,313.00	
Avon Products, Inc, 9 West 57th Street New York, NY 10019			
Merribel Symington Ayres, 601 13th Street, NW, #320 South Washington, DC 20005	National Independent Energy Producers	8,062.05	
AOPA Legislative Action, 500 E Street, SW, #920 Washington, DC 20024		337,091.00	227,005.00
Edward J. Babbitt, 400 Broadway Cincinnati, OH 45202	Western & Southern Life Insurance Co		
Gregory R. Babyak, 1747 Pennsylvania Ave., NW, #900 Washington, DC 20006	Contact Lens Institute		
Do	Genentech		
Do	Laboratory Corp of America		
Do	MacAndrews & Forbes Holding, Inc		
Cara C. Bachenheimer, 225 Reinekers Lane, #650 Alexandria, VA 22314	Health Industry Distributors Assn	3,837.00	22,600.00
Wendy Baer, 4214 King Steet, West Alexandria, VA 22302	IHPA - The International Wood Products Assn	38.70	
Charlotte M. Bahin, 900 19th Street, NW, Suite#400 Washington, DC 20006	America's Community Bankers		
George F. Bailey Jr., 400 South Union Street, #495 Montgomery, AL 36104	CSX Transportation		
Gerald E. Baker, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	18,750.00	727.63

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
James Jay Baker, 1742 N Street, NW Washington, DC 20036	Sporting Arms & Ammunition Manufacturers Institute	4,950.00	970.00
John D. Baker, 815 Sixteenth Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	8,490.99	
R. Garrity Baker, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc		
Baker & Botts, L.L.P., The Warner 1229 Pennsylvania Ave., NW Washington, DC 20004-2400	Association for Manufacturing Technologies	24,438.82	203.00
Do	Information Technology Industry Council		
Do	Mickey Leland National Urban Air Toxics Research Center		70.20
Do	Ministry of Foreign Affairs of the Republic of Yemen		
Do	Northern California District Export Council	20,000.00	161.74
Do	Rhone-Poulenc, Inc	8,966.33	36.70
Do	Sanifill, Inc	1,378.00	22.00
Do	Timex Corp	4,229.81	68.85
Do	Westinghouse Electric Corp		
Elizabeth Baldwin, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	72.60	
Paul W. Baldwin, 500 Arcola Road Collegeville, PA 19426	Rhone-Poulenc Rorer Pharmaceuticals, Inc	1,500.00	
William Lewis Ball, 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	4,905.68
Jack L. Ballard, P.O. Box 21106 Shreveport, LA 71156	Southwestern Electric Power Company		
Debra T. Ballen, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn		
Thomas M. Balmer, 1250 H Street, NW, Suite 900 Washington, DC 20005	International Dairy Foods Association		
Michael Baly III, 1515 Wilson Blvd Arlington, VA 22209	American Gas Assn	4,000.00	133.30
Balzano Associates, 1730 North Lynn Street Arlington, VA 22209	Northrop Grumman Corporation	7,200.00	
James T. Banks, 1155 Connecticut Avenue, NW, #800 Washington, DC 20036	WMX Technologies, Inc	12,812.50	
M. Graeme Bannerman, 888 16th St., NW Washington, DC 20006	Bannerman & Associates, Inc (For:Arab Republic of Egypt)	3,000.00	
Do	Bannerman & Associates, Inc (For:Elf Atochem, N.A., Inc)	1,000.00	
Do	Bannerman & Associates, Inc (For:Embassy of El Salvador)	500.00	
Do	Bannerman & Associates, Inc (For:Government of the United Arab Emirates)	1,500.00	
Do	Bannerman & Associates (For:L.A. Motley & Co (for: Government of the Philippines)).	2,000.00	
Do	Bannerman & Associates, Inc (For:Lebanese American University)	1,000.00	
James W. Bapple III, 5535 Hampstead Way Springfield, VA 22151	National Assn for Uniformed Services	1,102.50	
Samuel J. Baptista, 1776 Eye Street, NW, #735 Washington, DC 20006	Financial Services Council	5,513.00	
Emory W. Baragar, 1700 N. Moore St., #2120 Rosslyn, VA 22209	Boeing Company	5,527.52	319.45
John Paul Barber, 8101 Glenbrook Road Bethesda, MD 20814-2749	American Assn of Blood Banks	2,500.00	
Albert Barbero, 1823 Horseback Trail Vienna, VA 22182	Sundstrand Corp	11,100.00	3,082.33
Dana Barbieri, 600 Maryland Ave., SW, Sutie 700 Washington, DC 20024	National Fed of Independent Business	3,401.00	200.00
Andrew H. Barbour, 1010 Wisconsin Ave., NW, #900 Washington, DC 20007	Grocery Manufacturers of America, Inc	46.56	
Betsy F. Barclay, 1445 New York Avenue, NW, 8th Floor Washington, DC 20005	Public Securities Assn	12,500.00	97.10
Donald P. Barger, 74 Dairypond Road Norris, TN 37828	National Parks & Conservation Assn	157.50	105.79
David H. Baris, 4719 Hampden Lane, #300 Bethesda, MD 20814	American Assn of Bank Directors		
Jared A. Barlage, 122 C Street, NW, 4th Floor Washington, DC 20001	American Wind Energy Assn	7,956.22	
William J. Barloon, 1850 M Street, NW, #1110 Washington, DC 20036	Sprint Corporation	7,000.00	6,864.97
Ben F. Barnes, 98 San Jacinto Boulevard, #200 Austin, TX 78701		5,000.00	2,165.00
Iraline G. Barnes, 1900 Pennsylvania Ave, NW Washington, DC 20068	Potomac Electric Power Company		
Joseph L. Barnes, 125 N. West Street Alexandria, VA 22314-2754	Fleet Reserve Assn		
Mark Barnes, 1200 G Street, NW, Suite 800 Washington, DC 20005	FireArm Importers Fair Trade Group (FAIR)	195.00	
Do	National Rifle Assn	28,008.83	688.14
Sharon W. Barnes, 5535 Hempstead Way Springfield, VA 22151-4094	National Assn for Uniformed Services	1,102.50	
Barnes & Thornburg, 1313 Merchants Bank Building 11 South Meridian Street Indianaplois, IN 46204	Health & Hospital Corp of Marion County	392.50	4.55
Larry P. Barnett, 8752 Center Road Springfield, VA 22152	Aviation Management Associates (For:Wilcox Electric, Inc)		
Barnett & Sivon, PC, 2000 M Street, NW, Suite 740 Washington, DC 20036	Citibank, NA	2,647.50	170.00
Michael E. Baroody, 1331 Pennsylvania Avenue, NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	1,080.00	
Eugene M. Barr, Associated Petroleum Industries of PA P.O. Box 925 Harrisburg, PA 17108	American Petroleum Institute		
David J. Barrett, 1251 Avenue of the Americas, 23rd Floor New York, NY 10020	Morgan Stanley & Co, Inc	4,000.00	
Michael F. Barrett Jr., 1275 Pennsylvania Ave., NW, #1100 Washington, DC 20004-2404	ALZA Corporation	1,400.00	
Robert E. Barrow, 1616 H Street, NW Washington, DC 20006	National Grange	5,000.00	
Albert P. Barry, 2011 Crystal Drive, #107 Arlington, VA 22202	AAI Corporation	5,837.50	
Thomas M. Barry, 1401 I Street, NW, Suite 1100 Washington, DC 20005	SBC Communications, Inc	15,000.00	102.83
Linda Curry Bartholomew, 2 North 9th Street Allentown, PA 18101	Pennsylvania Power & Light Co	550.00	1,212.20
Linda L. Bartlett, 1341 G Street, NW, 9th Floor Washington, DC 20005	Philip Morris Management Corp	750.00	
Robert G. Bartlett, 1415 Elliot Place, NW Washington, DC 20007	National Stone Assn	4,000.00	500.00
Richard A. Barton, 1101 17th St., NW, #705 Washington, DC 20036	Direct Marketing Assn	4,500.00	11,032.34
Jo-Anne R. Basile, 1250 Connecticut Ave., NW, 2nd Floor Washington, DC 20036	Cellular Telecommunications Industry Assn		
J. Mel Bass, 1401 H Street, NW Washington, DC 20005	American Automobile Manufacturers Assn	2,000.00	
Dick Batchelor Management Group, Inc, 201 South Orange Ave., Suite 1017 Orlando, FL 32801	Orlando-Orange County Expressway Authority	10,000.00	657.50
Diane Bateman, 501 2nd Street, NE Washington, DC 20002	Fertilizer Institute	9,000.00	990.01
Paul W. Bateman, 490 Fort Williams Parkway Alexandria, VA 22304-1810	Klein & Saks, Inc (for Alltrista Zinc Products)		
Do	Klein & Saks, Inc (for Gold Institute), et al.	9,000.00	
Do	Klein & Saks, Inc (for Platinum Guild Int'l (USA), Inc)	10,750.00	
Richard M. Bates, 1150 17th Street, NW, #400 Washington, DC 20036	Disney Worldwide Services, Inc	12,375.00	1,035.72
Catharine R. Batky, 801 Pennsylvania Ave., NW, #220 Washington, DC 20004-2604	Burlington Northern Santa Fe	5,000.00	
Lana R. Batts, 2200 Mill Road Alexandria, VA 22314	Interstate Truckload Carriers Conference	700.00	350.00
Gary Lee Bauer, 700 13th Street, NW, #500 Washington, DC 20005	Family Research Council	501.00	
Barbara Bauman, 1301 Pennsylvania Ave., NW, Suite 1030 Washington, DC 20004	Kansas City Power & Light Company, et al.	19,517.00	6,704.83
Charles E. Baxter, P.O. Box 1682 Austin, TX 78767	Blue Cross & Blue Shield of Texas, Inc	7,500.00	422.82
Carl T. Bayer, 2111 Wilson Boulevard, Suite 1100 Arlington, VA 22201	Teledyne Industries, Inc	3,630.00	
Judith Bayer, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	32,400.00	434.30
Kim Koontz Bayliss, One Massachusetts Ave., NW, Third Floor Washington, DC 20001	United Video, Inc	17,010.00	8,917.96
Beacon Consulting Group, Inc, 312 Massachuesetts Avenue, NE Washington, DC 20002-5703	American Registry of Pathology		
Do	Asphalt-Rubber Producers Group, Inc		
Do	Metropolitan Chicago Healthcare Council		
Do	National Coalition for Volunteer Protection		
Do	National Institute for Citizen Education & the Law		
Do	National Museum of Health & Medicine Foundation		
Do	New England Conservatory of Music		
Do	Orton Dyslexia Society		
Joanne Elden Beale, 4455 Woodson Road St. Louis, MO 63134	Catholic Health Assn of the United States		
Bruce A. Beam, 801 Pennsylvania Ave, #214 Washington, DC 20004	American Electric Power Service Corp	315.00	266.88
Beaugarde Booker & Associates, Inc, 619 South Adams Street Arlington, VA 22204		2,160.00	7,800.00
Robert L. Beauregard, 1001 G Street, NW, 6th Floor Washington, DC 20001	Southern California Gas Co		
Bechtel & Cole, Chartered, 1901 L Street, Nw, Suite 250 Washington, DC 20036	Advanced Cordless Technologies, Inc		
Edward A. Beck III, 1615 L Street, NW, #1205 Washington, DC 20036	Smith Helms Mulliss & Moore	2,890.00	104.88
Howard Bedlin, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	12,364.95	441.25
Mary Elizabeth Beetham, 1101 14th St., NW, #1400 Washington, DC 20005	Defenders of Wildlife	2,307.00	189.60
William M. Behan, 1667 K Street, NW, #1230 Washington, DC 20006	Deere & Company		
David Beier, 1747 Pennsylvania Ave., NW, #1223 Washington, DC 20006	Genentech, Inc	3,000.00	
Joe Belew, 1000 Wilson Boulevard, 30th floor Arlington, VA 22209-3908	Consumer Bankers Assn		
Aleesa Bell, 1101 Pennsylvania Ave., NW, #200 Washington, DC 20004	International Paper	3,440.00	870.00
Beverly Bell, 1800 M Street, NW Washington, DC 20036	Coopers & Lybrand, L.L.P.	7,300.00	20.00
Rebecca Leone Bell, 8219 Leesburg Pike Vienna, VA 22182	Cable & Wireless, Inc	7,253.08	
Stephan D. Bell, 600 Maryland Ave., SW, #202W Washington, DC 20024	Farmers' Educational & Co-Operative Union of America	5,681.09	115.80
Winston Everett Bell, P.O. Box 26543 Las Vegas, NV 89126			
James P. Bellis, 700 11th Street, NW, #650 Washington, DC 20004	Association of National Advertisers, Inc		
T. A. Bellissimo, 1000 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Household Financial Group, Ltd	1,845.00	
Judith H. Bello, 1722 Eye Street, NW Washington, DC 20006	Sidley & Austin (For:Pharmaceutical Research & Manufacturers of America)		30.00
Joseph Belluck, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	2,423.08	
Terre Belt, 1015 Fifteenth Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	1,875.00	12.00
Keith B. Belton, 1300 Wilson Blvd. Arlington, VA 22209	Chemical Manufacturers Assn	5,000.00	366.00
Beverly Ann Benedict, 2414 16th Street Anacortes, WA 98221	Gertrude J. Dombrowski Research Organization		26.32
Maynard Benjamin, 1600 Duke Street, #440 Alexandria, VA 22314-3400	Envelope Manufacturers Assn of America	4,000.00	125.03
David J. Bennett, 1800 M Street, NW, #325 South Washington, DC 20036	Dow Corning Corp	5,000.00	
Barbara Anne Bennison, 1155 15th Street, NW, #801 Washington, DC 20005	Education Finance Council	687.50	
John C. Bennison, 1101 King Street Alexandria, VA 22314	American Soc of Travel Agents	8,500.00	
Frederick S. Benson III, 1100 Connecticut Ave, NW, #530 Washington, DC 20036	Weyerhaeuser Company		540.67
James E. Benton, New Jersey Petroleum Council 150 W. State Street Trenton, NJ 08608	American Petroleum Institute	135.00	
Charles D. Beretz, 1101 14th Street, NW, #1400 Washington, DC 20005	Defenders of Wildlife	28.80	20.70

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Diane Soucy Bergan, 1707 L Street, NW, #300 Washington, DC 20036	United Airlines, Inc		
Gene S. Bergoffen, 66 Canal Center Plaza, Suit 600 Alexandria, VA 22314	National Private Truck Council		
Edwin M. Bergsmark, 1000 Regency Court, Suite 209 Toledo, OH 43623	Bergsmark & Associates (For:Rudolph/Libbe Companies, Inc & Subsidiaries)		
Paul C. Bergson, Bergson & Company 1319 F Street, NW, #301 Washington, DC 20004	General Dynamics	5,000.00	
Do	Methyl Bromide Working Group	2,000.00	
Do	Point of Purchase Advertising Institute	5,000.00	
Do	Smokeless Tobacco Council	1,000.00	
Dayle Berke, 519 C Street, NE Washington, DC 20002	National Assn for Home Care	146.12	
Antoinette C. Berkely, P.O. Box 2972 Washington, DC 20013			
Ann Richardson Berkey, One Post Street, Suite 3275 San Francisco, CA 94104	McKesson Corp	100.96	491.69
Debra Berlyn, 1133 15th Street, NW, #575 Washington, DC 20005	National Assn of State Utility Consumer Advocates	1,750.00	61.60
Keith E. Bernard, 8219 Leesburg Pike Vienna, VA 22182	Cable & Wireless, Inc	2,100.00	
Mary E. Bernhard, 1615 H St., NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	
Delanne Bernier, 1023 15th Street, NW, #400 Washington, DC 20005	Wine & Spirits Wholesalers of America, Inc		174.62
Jules Bernstein, 1920 L Street, NW, #602 Washington, DC 20036	Federal Law Enforcement Officers Assn		1,118.63
Norman W. Bernstein, 2000 M Street, NW, #745 Washington, DC 20036	N. W. Bernstein & Associates		1,819.57
Bernstein & Lipsett, 1920 L Street, NW, #602 Washington, DC 20036	National Assn of Police Organizations		60.12
Craig A. Berrington, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Max N. Berry, 3213 O St., NW Washington, DC 20007	American Importers & Exporters Meat Products Group		
Do	Centre National Interprofessional de L'Economic Laitiere		
Do	Florida Department of Citrus		
Robert E. Berry, 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn	1,950.00	276.66
Max Berry Law Office, 3213 O Street, NW Washington, DC 20007	International Dairy Foods Assn		
Maria L. Berthoud, 412 First Street, SE, #300 Washington, DC 20003	Independent Insurance Agents of America, Inc	7,738.00	
Ed Bethune, 1001 N. Randolph, Suite 413 Arlington, VA 22101	Alltel Corp	15,000.00	2,700.00
Do	FBI Agents Assn	45,000.00	2,700.00
Robert Betz, 1350 New York Avenue, NW, Suite 200 Washington, DC 20005	Robert Betz Associates, Inc (For:Alabama Hospital Association)	3,100.00	194.29
Do	American Assn of Eye & Ear Hospitals	2,250.00	203.77
Do	AmeriNet	500.00	
Do	Health Industry Group Purchasing Assn	3,500.00	143.50
Janice Bezanson, 601 Westlake Drive Austin, TX 78746	Texas Committee on Natural Resources	422.04	46.02
Bible Hoy Trachok Wadhams & Zive, 232 Court Street Reno, NV 89501	First American Title Co of Nevada	22,243.35	
Bickerstaff Heath & Smiley, L.L.P., 98 San Jacinto Blvd., #1800 Austin, TX 78701-4039	Systems Control, Inc		
Nathan A. Bicks, 130 North Court Memphis, TN 38103	Belz Investco L.P.		
Heidi Biggs, 1100 Connecticut Avenue, NW, #530 Washington, DC 20036	Weyerhaeuser Company		224.67
James L. Bikoff, 1801 K Street, NW, Suite 400K Washington, DC 20006	Arter & Hadden (For:Nintendo of America, Inc)		
Debbie Billet-Roumell, 901 E Street, NW, #600 Washington, DC 20004	National Treasury Employees Union	13,000.00	63.00
Kevin W. Billings, 600 New Hampshire Avenue, NW, #1200 Washington, DC 20037	Westinghouse Electric Corp	1,200.00	
Leon G. Billings, Inc, 1625 K St., NW, #790 Washington, DC 20006	Main San Gabriel Basin Water Quality Authority	51,400.00	
Do	Manville Corp	2,250.00	
Do	Metropolitan Insurance Companies	16,500.00	
Do	South Coast Air Quality Management District	15,000.00	
Do	Sterling Forest Corporation	9,125.00	
Do	Waste Management, Inc	50,000.00	
Ray B. Billups Jr., 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Southern Company Services, Inc	11,535.18	6,829.49
David Billy, 1750 New York Ave., NW Washington, DC 20006	International Assn of Fire Fighters	11,243.00	
William P. Binzel, 1401 Eye Street, NW Washington, DC 20005	MasterCard International, Inc	1,152.00	34.00
Julie A. Birkofer, 1701 Clarendon Blvd. Arlington, VA 22209	American Chiropractic Assn		
Cherae Bishop, 1331 Pennsylvania Ave., NW, #1500-N Washington, DC 20004-1790	National Assn of Manufacturers		
McNair Bishop, 1764 Old Meadow Lane, #350 McLean, VA 22102	American Frozen Food Institute	500.00	
William G. Bishop III, 249 Maitland Avenue Altamonte Springs, FL 32701-4201	Institute of Internal Auditors		
Bituminous Coal Operators' Assn, 918 16th Street, NW, Suite 303 Washington, DC 20006-2971		158,795.00	158,795.00
Gerrie Bjornson, 1825 Eye Street, NW, #400 Washington, DC 20006	BFGoodrich Co	100.00	
Judy Black, 1450 G St., NW, Suite 485 Washington, DC 20005	Ticketmaster	1,350.00	
Black & Decker Corp, c/o Samuel A. Bleicher Miles & Stockbridge 1450 G Street, NW, #445 Washington, DC 20005			43,654.69
Black Manafort Stone & Kelly, Inc, 211 North Union Street, #300 Alexandria, VA 22314	Allied-Signal Corp	22,500.00	
Do	American Airlines, Inc	15,000.00	
Do	AT&T	30,000.00	
Do	Bethlehem Steel Corp	22,500.00	
Do	Casino Association of New Jersey		
Do	Chrysler Corp	15,000.00	12.00
Do	City of Norfolk	7,200.00	
Do	Clark Construction Group	9,000.00	
Do	Consortium for Passenger Rail		
Do	Delaware North Companies	15,000.00	8.00
Do	First Alert	18,750.00	
Do	Free Angola Information Service (UNITA)	3,750.00	
Do	GTECH Corp	15,000.00	
Do	Heublein Corp		36.00
Do	ICF Kaiser Engineers, Inc	2,000.00	
Do	Johnson & Johnson, Inc	30,000.00	77.36
Do	Kashmiri American Council	35,000.00	
Do	MacAndrews & Forbes Holdings, Inc	45,000.00	65.36
Do	Maui Pinapple Co	4,500.00	
Do	Morton International	35,000.00	34.00
Do	NBC Corporation		
Do	NEC USA, Inc	37,500.00	6.00
Do	Occidental International COrp	12,000.00	5.00
Do	Occidental Petroleum		
Do	Philip Morris	6,000.00	5.00
Do	Roger Williams University	3,500.00	
Do	Textron		
Do	Ticketmaster		
Do	Tiger Management	22,500.00	10.50
Do	Trump Organization	18,000.00	
Do	Union Pacific Corp	15,000.00	
Do	United Parcel Service	5,625.00	
Robert J. Blackwell Jr., 816 Connecticut Avenue, NW, #900 Washington, DC 20006	OHM Corp	2,000.00	
Laricke D. Blanchard, 805 15th Street, NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	2,000.00	
Julia M. Blankenship, 1301 Pennsylvania Ave., NW, #1030 Washington, DC 20004	CINergy Corp	930.82	7,442.00
Samuel A. Bleicher, 1450 G Street, NW, #445 Washington, DC 20005	Miles & Stockbridge (For:Black & Decker Corp)	29,976.28	578.78
Michael E. Bleier, One Mellon Bank Center, #1915 Pittsburgh, PA 15258-0001	Mellon Bank N.A.		
Richard W. Bliss, 1079 Papermill Court, NW Washington, DC 20007	ALZA Corporation	2,100.00	113.62
Do	Consumers Paint Factory, Inc		
Do	Hunter Industrial Facilities, Inc		
Do	National Paint & Coatings Assn, Inc	1,500.00	103.04
Do	National Spa & Pool Institute	900.00	42.47
Bliss & Wilkens, P.O. Box 201128 Anchorage, AK 99520-1128	Akhiok-Kaguyak, Inc	2,467.82	
John R. Block, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
L. Thomas Block, 270 Park Avenue New York, NY 10017	Chemical Bank	10,000.00	2,448.00
Peter L. Blocklin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	17,960.00	3,932.15
Mark Bloomfield, 1750 K St., NW, #400 Washington, DC 20006	American Council for Capital Formation	29,283.00	
Blue Cross & Blue Shield of Florida, P.O. Box 1798 Jacksonville, FL 32231			5,295.00
Jeffrey Blum, 1730 Rhode Island Ave., NW, #403 Washington, DC 20036	Citizen Action Fund	600.00	63.00
Blumenfeld & Cohen, 1615 M Street, NW, #700 Washington, DC 20036	Echelon Corporation	58,697.77	445.14
Patti Blumer, 1350 I Street, NW, #1030 Washington, DC 20005-3305	Principal Financial Group	427.50	
Boat Owners Assn of the U.S., 880 S. Pickett St. Alexandria, VA 22304		47,500.00	47,500.00
Jeffrey Bobeck, 1401 H Street, NW, #900 Washington, DC 20005	American Automobile Manufacturers Assn	2,030.00	14.58
Judith Ann Boddie, 701 Pennsylvania Ave., NW, 4th Floor Washington, DC 20004	Edison Electric Institute	17,626.39	487.10
Denise A. Bode, 1101 16th Street, NW Washington, DC 20036	Independent Petroleum Assn of America		40.00
Bogle and Gates, 1299 Pennsylvania Avenue, NW, #875 East Washington, DC 20004	American Dehydrated Onion & Garlic Assn	161.00	161.00
Do	American Sportfishing Assn	135.00	135.00
Do	Basic American, Inc		
Do	Coastal Conservation Assn	675.00	675.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Confederated Tribes of the Grand Ronde	691.50	691.50
Do	Direct Service Industries, Inc	916.00	916.00
Do	Domestic Petroleum Council	660.00	660.00
Do	Hager Hinge Company	241.00	241.00
Do	International Paper	916.50	916.50
Do	McPhillips Manufacturing Co		
Do	Mineral King District Assn	43.00	43.00
Do	Natural Resources United	161.00	161.00
Do	Northwest Forest Resource Council	1,480.50	1,480.50
Do	Santa Fe Energy Resources, Inc		
Do	Santa Fe Pacific Gold Corp		
Do	SCS Industries	564.00	564.00
Do	Tillamook Creamery Assn	1,833.00	1,833.00
Do	Viceroy Gold Corp	225.00	225.00
Do	Washington Wheat Commission	161.00	161.00
S. Alexander Bohler, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee	3,125.00	91.76
John K. Boidock, 1455 Pennsylvania Ave., NW, #375 Washington, DC 20004	Texas Instruments, Inc	4,500.00	
James B. Boillot, 1005 E Street, SE Washington, DC 20003	National Agricultural Aviation Assn		
Patricia Boinski, 601 Pennsylvania Ave., NW North Building, 4th Floor Washington, DC 20004	Atlantic Richfield Co	480.00	
James E. Boland, 1341 G Street, NW, 9th Floor Washington, DC 20005	Philip Morris Management Corp	5,000.00	932.69
Benjamin C. Bolusky, 1250 Eye Street, NW, #500 Washington, DC 20005	American Assn of Nurserymen		
Janee L. Bonner, 1101 Vermont Avenue, NW, Suite 606 Washington, DC 20005	American Soc of Anesthesiologists	268.94	
C. William Booher Jr., Booher & Associates 1333 New Hampshire Ave., NW, #600 Washington, DC 20036	National Wireless Resellers Assn	21,242.55	622.04
Gaylon B. Booker, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America	2,835.00	7.92
Jeffrey F. Boothe, Oppenheimer Wolff & Donnelly 1020 19th Street, NW, #400 Washington, DC 20036	Grand Rapids Area Transit Authority	500.00	
Do	Tri-County Metropolitan Transportation District of Oregon	6,200.00	
Lydia A. Borland, 2300 M Street, NW, #600 Washington, DC 20037	Capitoline/MS&L (For:Republic of Turkey)	11,000.00	
William J. Bosies Jr., 485 Lexington Avenue New York, NY 10017	New York State Bankers Assn	780.00	344.00
Carroll Bostic, 1250 H Street, NW, #800 Washington, DC 20005	Eastman Kodak Company	4,700.00	299.00
Stephen Bosworth, 1295 State Street Springfield, MA 01111-0001	Massachusetts Mutual Life Insurance Company		
John C. Bottenberg, 800 S.W. Jackson, #1120 Topeka, KS 66612	MultiState Associates, Inc (for Viaticus, Inc)		
Deborah L. Boudreau, 1120 G Street, NW, Suite 900 Washington, DC 20005	National Ocean Industries Assn	3,712.00	
Monte F. Bourjaily III, 218 South Fairfax Street Alexandria, VA 22314	Management Vision Partners, Inc		
Do	Ritter & Bourjaily, Inc	1,500.00	500.00
Melissa L. Bowen Smith, 1090 Vermont Ave., NW, #800 Washington, DC 20005	Equifax, Inc		
Donna Bower, 800 Connecticut Ave., NW, Suite 1100 Washington, DC 20006	Baxter, Gov't Affairs Div	100.00	80.00
Joanne Borghesi Bowers, 500 E Street, SW, #920 Washington, DC 20024	AOPA Legislative Action	7,912.50	
John Bowers Jr., 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	23,127.00	
M. Kenneth Bowler, 1455 Pennsylvania Ave., NW Washington, DC 20004	Pfizer, Inc	4,000.00	950.15
Larry G. Bowles, 1150 18th Street, NW, Suite 200 Washington, DC 20036	Halliburton Co		
Richard P. Bowling, 1020 Princess Street Alexandria, VA 22314	Truck Trailer Manufacturers Assn	1,000.00	
Alan C. Bowser, 1101 Pennsylvania Ave., Nw, #1000 Washington, DC 20004	Citicorpo/Citibank	725.00	
John G. Boyd, 1301 K St., NW, #1200 Washington, DC 20005	International Business Machines Corp	11,031.25	120.50
Richard K. Boyd, 299 Park Avenue New York, NY 10171	Westvaco Corporation		20,320.37
Sandra J. Boyd, McGuiness & Williams 1015 15th Street, NW, #1200 Washington, DC 20005	Flexible Employment Compensation & Scheduling Coalition	9,585.00	
Do	Labor Policy Assn	9,585.00	
Do	National Assn of State Personnel Executives		
Do	State of Washington		
Thomas M. Boyd, 600 Pennsylvania Ave., SE, Suite 206 Washington, DC 20003	Federal Kemper Life Assurance Co	200.00	15.75
Do	Kemper Corp		
Do	Kemper Financial Services, Inc	200.00	19.50
Do	Kemper Corporation (For:Kemper Investors Life Insurance Company)	200.00	15.75
Do	Kemper Corporation (For:Kemper Securities Group, Inc)		
Philip B. Boyer, 421 Aviation Way Frederick, MD 21701	Aircraft Owners & Pilots Assn	1,651.15	
Do	AOPA Legislative Action	1,787.95	
Van R. Boyette, 555 13th Street, NW, #305E Washington, DC 20004	Flo Sun, Inc	15,000.00	1,091.00
Cynthia R. Boynton, 1000 Connecticut Ave., NW, #1106 Washington, DC 20036	Gordley Associates (For:U.S. Canola Assn)		
Bracewell & Patterson, 2000 K Street, NW, #500 Washington, DC 20006	Birdsall, Inc		
Do	Browning-Ferris Industries, Inc		
Do	Centex Corp		
Do	Chemical Manufacturers Assn, Inc	900.00	54.00
Do	Council of Industrial Boiler Owners		
Do	COMDISCO, Inc		
Do	Edison Electric Institute		
Do	Empress Cruise Lines		
Do	Enron Corp		
Do	J.D. Firth Associates	4,800.00	288.00
Do	Higman Barge Lines, Inc		
Do	Independent Refiners Coalition		
Do	Louisiana Land & Exploration Co		
Do	Lyondell Petrochemical Co		
Do	MEPC American Properties		
Do	National Cable Television Assn, Inc	600.00	36.00
Do	Oxygenated Fuels Assn		
Do	Pennsylvania Natural Gas Assn		
Do	Physicians Insurers Assn of America	1,350.00	81.00
Do	Rohm & Hass Co		
Do	Joseph E. Seagram & Sons, Inc		
Do	Securities Industry Association		
Do	Southdown, Inc		
Do	Sterling Chemicals, Inc		
Do	Torch Energy Advisors, Inc		
Do	Union Texas Petroleum Energy Corp		
Do	Valero Energy Corporation		
Marshall A. Brachman, 2108 West Freeway Fort Worth, TX 76102	Adams County, Colorado	5,000.00	
Do	City of Nogales, Arizona	14,500.00	
Do	Diamond Management	15,000.00	
Do	Direct Marketing Assn, Inc	10,000.00	
Do	Edmund Scientific Company	2,250.00	
Do	National Wholesale Co, Inc	1,500.00	
Do	TicketMaster Group, Ltd Partnerships	5,000.00	
Bracy Williams & Company, 601 13th Street, NW, #510 South Washington, DC 20005	Allied Pilots Association	10,000.00	130.00
Do	American Institute for Foreign Studies	5,000.00	175.00
Do	American Ship Management, Inc		
Do	ARD	10,000.00	45.00
Do	City of Atlanta	8,000.00	280.00
Do	City of Ft. Worth	7,000.00	170.00
Do	City of Klamath Falls	5,000.00	
Do	City of Tucson	7,000.00	85.00
Do	Coin Coalition	15,000.00	190.00
Do	County of Winnebago		
Do	Daishowa America Company, Ltd	15,000.00	150.00
Do	Energy Absorption Systems, Inc	8,000.00	110.00
Do	Fort Worth Transportation Authority	5,000.00	160.00
Do	Michigan Consolidated Gas Co	15,000.00	190.00
Do	St. Louis Airport Authority	4,000.00	160.00
Do	Transportation Communications International Union	6,000.00	130.00
John J. Brady Jr., 1615 L Street, NW, #1150 Washington, DC 20036	Capitoline International Group, Inc (For:Allied-Signal Corp)		
Do	Capitoline/MS&L (For:Loral Corp)	135.00	
Do	Capitoline/MS&L (For:Psychemedics Corp)		
Do	Capitoline/MS&L (For:Republic of Turkey)	1,620.00	
Do	Capitoline/MS&L (For:Sprint)	1,215.00	
Stuart J. Brahs, 1350 I Street, NW, #1030 Washington, DC 20005	Principal Financial Group	628.16	
Brand Lowell & Ryan, 923 15th Street, NW, Fifth Fl. Washington, DC 20005	Hewlett-Packard Co	329.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	National Assn for Home Care		
Do	National Assn of Professional Baseball Leagues, Inc		
Do	Oracle Corp	1,925.00	
Do	PRC Environmental Management, Inc (Subsidiary of Tetra Tech)	1,600.00	82.35
Do	Quarters Furniture Manufacturers Assn	3,250.00	
Do	Seafarers International Union		
Do	Unisys	611.00	
Do	West Publishing Co		
Fiona Branton, 1250 Eye St., NW, #200 Washington, DC 20005	Information Technology Industry Council	3,000.00	94.00
Susan G. Braselton, 1225 Eye Street, NW, #401 Washington, DC 20005	Civil War Trust		
Christian N. Braunlich, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	125.00	
George W. Breece, P.O. Box 2801 Fayetteville, NC 28302	Natl Assoc for the Advancement of Orthodics & Prosthetics	8,000.00	1,532.26
Carolyn J. Breedlove, 1201 16th Street, NW Washington, DC 20036	National Education Assn	4,217.25	110.50
Michael J. Brennan, 1750 New York Ave., NW Washington, DC 20006	International Assn of Bridge Struct & Ornamental Iron Wkrs	10,800.00	511.00
Jack E. Bresch, 4455 Woodson Road St. Louis, MO 63134	Catholic Health Assn of the United States	2,189.04	
Thomas M. Bresnahan III, 1401 I Street, NW, #1200 Washington, DC 20005	Chevron Companies	7,500.00	150.00
William O. Bresnick, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc	450.00	
Pamela A. Brewster, 1250 Connecticut Ave., NW, 2nd Floor Washington, DC 20036	Cellular Telecommunications Industry Assn		
Brickfield Burchette & Ritts, P.C., 1025 Thomas Jefferson Street, NW 8th Floor, West Tower Washington, DC 20007	American Medical Technologists	750.00	250.00
Do	Arvin-Edison Water Storage District		
Do	East Texas Electric Cooperative		
Do	Northeast Texas Electric Cooperative		
Do	Sam Rayburn G&T Electric Cooperative, Inc		
Do	Tex-LA Electric Cooperative of Texas, Inc		
Do	4-County Electric Power Assn		
Ellie Anne Bridgman, 1133 Connecticut Ave., NW, #310 Washington, DC 20036	Nestle USA, Inc		680.00
William V. Brierre Jr., 1101 Connecticut Ave., NW, #900 Washington, DC 20036	Marine Logistics, Inc		25.00
Do	Miraid, et al.	13,000.00	1,695.00
Sue M. Briggum, 1155 Connecticut Ave., NW Washington, DC 20036	WMX Technologies, Inc	29,140.00	
Craig S. Brightup, 206 E Street, NE Washington, DC 20002	National Roofing Contractors Assn	6,250.00	1,032.90
Kitty Brims, 1331 Pennsylvania Ave., NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers		
William R. Brittingham, 1275 Pennsylvania Ave., NW, #400 Washington, DC 20004	Pacific Telesis Group	13,625.00	
William M. Brodhead, 505 North Woodward, Suite 3000 Bloomfield Hills, MI 48304	Plunkett & Cooney (for Michigan Consolidated Gas Co)	15,000.00	4,479.68
David A. Brody, 1140 Connecticut Avenue, NW, #803 Washington, DC 20036	American Fiber Manufacturers Assn, Inc		
Do	BASF Corp		
Do	Corning, Inc	3,000.00	
Do	Gordley Associates	1,000.00	
Michael J. Brokovich, 1725 Jefferson Davis Highway, Suite 900 Arlington, VA 22202	Loral Corporation	1,000.00	
Michael D. Bromberg, Law Offices of Deborah Steelman 555 13th Street, MW. #122- East Washington, DC 20004-1109	Federation of American Health Systems	4,500.00	
Douglas A. Brook, 1133 Connecticut Avenue, NW, #620 Washington, DC 20036	LTV Corporation	8,750.00	150.00
Robert F. Brothers, 1250 H Street, NW, #800 Washington, DC 20005	Eastman Kodak Company		
J. Robert Brouse, 1150 Connecticut Ave., NW Washington, DC 20036	Nonprescription Drug Manufacturers Assn (NDMA)	3,230.00	184.00
Dale E. Brown, 1801 Pennsylvania Ave., NW Washington, DC 20006	MCI Communications Corp	1,000.00	
Dianne C. Brown, 750 First St., NE Washington, DC 20002-4242	American Psychological Assn		
Doreen L. Brown, 2000 L Street, NW, #200 Washington, DC 20036	Consumers for World Trade		
Felicien J. Brown, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	12,259.74	309.06
John J. Brown, 50 E Street, SE Washington, DC 20003	Clark S. Herman Associates, Inc	500.00	100.00
Do	Govt Affairs Policy Council of the Reg Bell Operating Co	1,000.00	400.00
Ralph Brown, Suite 107 701 S. 22nd Street Omaha, NB 68102	M.O.A.A.I.O.A. & Subs, Inc		
Regina A. Brown, 1033 N. Fairfax Street, Suite 404 Alexandria, VA 22314	International Council of Shopping Centers	550.00	
Robert Craig Brown, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America	5,343.75	127.17
Steven J. Brown, 421 Aviation Way Frederick, MD 21701	Aircraft Owners & Pilots Assn	4,598.70	
Do	AOPA Legislative Action	6,172.55	
Vincent D. Brown, Nebraska Petroleum Council P.O. Box 95063 Lincoln, NB 68509	American Petroleum Institute	1,500.00	
William C. Brown, Two Ruan Center, Suite 1100 601 Locust Des Moines, IA 50309	Brown Winick Graves Baskerville & Schoenebaum (For:Lisle Corp)		
Brown Winick Graves Baskerville & Schoenebaum, Two Ruan Center, Suite 1100 601 Locust Des Moines, IA 50309			
Arthur W. Brownell, 1101 Pennsylvania Avenue, NW, #200 Washington, DC 20004	International Paper Co		
R. Stephen Browning, P.O. Box 1697 Helena, MT 59624	Burlington Northern Railroad		
Do	Columbia Falls Aluminum Co	900.00	
Do	Cyprus AMAX	2,100.00	
Do	Decision Management, Inc	1,163.00	
Do	Pegasus Gold Corp		
Brownstein Hyatt Farber & Strickland, P.C., 410 17th Street, 22nd Floor Denver, CO 80202	American Salvage Pool Assn	1,470.20	545.58
Do	Apollo Advisors		
Do	Columbia/HCA Healthcare Corp	6,587.00	1,614.00
Do	Crystal Creek Homeowners Assn		
Do	International Planning & Analysis Center		
Do	Liberty Media Corp		
Do	Liggett Group, Inc		1,281.19
Do	New Valley Corporation	67,890.80	7,256.65
Do	Pfizer, Inc	12,000.00	
Do	Rose Medical Center	248.00	
Do	Sara Lee Corp	5,000.00	
Do	Tele-Communications, Inc	16,465.80	469.00
Do	United Airlines		
Do	US West	3,039.02	
Do	Vail Associates, Inc		
Broydrick & Associates, 777 East Wisconsin Avenue, #3340 Milwaukee, WI 53202	Aurora Health Care, Inc	34,666.25	4,345.21
Do	Blood Center of Southeastern Wisconsin	4,287.50	77.57
Do	Children's Hospital of Wisconsin	5,380.00	431.27
Do	Electronic Data Systems Corp	5,350.00	117.44
Do	Lac Vieux Desert Bank of Lake Superior Chippewa Indians	114.36	
Do	Loyola University of Chicago	11,377.50	892.82
Do	Managed Health Services, Inc	1,217.50	76.24
Do	Marquette University	10,801.25	1,058.42
Do	Milwaukee Metropolitan Sewerage District	947.50	21.55
Do	National Assn of Children's Hospitals & Related Institutions	22,607.50	2,636.51
Do	Oneida Nations	53,671.25	4,275.47
Do	PrimeCare Health Plan	810.00	18.25
Do	Superconductivity, Inc	100.00	
Do	TV Network Bingo	100.00	48.09
Wolf Brueckmann, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	75.00	
William K. Brunette, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	10,943.83	
J. M. Brunkenhoefer, 400 N. Capitol Street, NW, #856 Washington, DC 20001	United Transportation Union	6,250.00	
J. Charles Bruse, 888 16th Street, NW, #500 Washington, DC 20006	Allstate Insurance Cos	1,500.00	509.87
Judith A. Buckalew, 1250 Eye Street, NW, #804 Washington, DC 20005	Zeneca Pharmaceuticals Group	12,875.00	1,701.85
Robert Buckler, 225 East 6th Street, Suite 230 St. Paul, MN 55101	American Professional Pet Distributors, Inc	4,500.00	
Do	National Board of Fur Farm Organizations	9,000.00	376.00
Do	Pheasants Forever	5,500.00	1,076.00
Michael Buckley, 1522 K Street, NW, #836 Washington, DC 20005	Consortium of Social Science Assn		2.20
Roy C. Buckner, 1101 Pennsylvania Avenue, NW, #400 Washington, DC 20004	Textron, Inc	600.00	150.00
Matthew J. Budzik, 1 Wycomb Place Coram, NY 11727	George J. Hochbrueckner & Associates, Inc (For:Frisby Technologies)	3,000.00	
Richard W. Buek, 1001 Pennsylvania Ave., NW, #700 Washington, DC 20004	AlliedSignal, Inc		
Betsy Buffington, 23 North Scott, #27 Sheridan, WY 82801	Sierra Club	1,553.82	
J. Bruce Bugg Jr., 100 W. Houston Street, #1660 San Antonio, TX 78205	American College of Mohs Micrographic Surgery & Cutaneous...		
Edward M. Bullard, 1725 Jefferson Davis Highway, #501 Arlington, VA 22202	Chrysler Technologies Airborne Systems, Inc		4,337.00
Darrel D. Bunge, Minnesota Petroleum Council 8 Pine Tree Drive, #260 St. Paul, MN 55112	American Petroleum Institute	3,500.00	
Burditt & Radzius, 901 15th Street, NW, #901 Washington, DC 20005	Natus Medical, Inc		
Marwan Burgan, 601 Pennsylvania Avenue, NW, #900 Washington, DC 20004	MARJAC Investments		
Do	Ruba Harb Sifri, et al.		
Barbara Burgess, 801 Pennsylvania Ave., NW, Suite 730 Washington, DC 20004	John Hancock Mutual Life Insurance Co	2,500.00	
April L. Burke, 1776 Massachusetts Avenue, NW, #410 Washington, DC 20036-1904	Lewis-Burke Associates (For:Association of Independent Research Institutes (AIRI)).	2,000.00	
Do	Lewis-Burke Associates (For:California Institute of Technology)	3,300.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Lewis-Burke Associates (For:Natural History Museum of LA County, et al.)	2,000.00	
Do	Lewis-Burke Associates (For:University of Cincinnati)	2,220.00	
Gerard P. Burke, 1117 Spotswood Drive Silver Spring, MD 20904	International Air Leases, Inc		
Kevin M. Burke, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
Moira Burke, 1250 H Street, NW, Suite 900 Washington, DC 20005	International Dairy Foods Assn		
Burley & Dark Leaf Tobacco Export Assn, 1100 17th St., NW, #505 Washington, DC 20036			1,875.00
Burness Communications, 7910 Woodmont Ave., #912 Bethesda, MD 20814	Therapeutic Immunology, Inc	3,000.00	168.42
Phillip C. Burnett, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America	2,185.00	39.16
David G. Burney, 1101 17th St. N.W., #609 Washington, DC 20036	U.S. Tuna Foundation	12,000.00	3,000.00
Adrienne M. Burns, 801 Pennsylvania Ave., NW, #230 Washington, DC 20004	Sonat, Inc		7,554.17
Timothy F. Burns, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	6,000.00	355.00
Mark R. Burtchi, 1776 I Stret, NW, Suite 400 Washington, DC 20006	American Nuclear Energy Council	1,938.00	342.00
Larry D. Burton, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc	6,500.00	830.71
James D. Burwell, Governmental Affairs Dept. (051) Columbia, SC 29218	SCANA Corp	7,144.85	3,466.05
Barbara L. Bush, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	200.00	
Mary Bushman, 2505 S. Finley Road Lombard, IL 60148	AFSA Data Corp		
Michael R. Bushman, 321 North Clark Street Chicago, IL 60610	Quaker Oats Company		
Roy Bussewitz, P.O. Box 1417-D49 Alexandria, VA 22313-1417	National Assn of Chain Drug Stores		
James J. Butera, 1301 Pennsylvania Ave., NW Washington, DC 20004	Credit Lyonnais	3,000.00	
Do	East New York Savings Bank	3,000.00	
Do	Federal Home Loan Bank of Boston	2,000.00	
Do	Northside Savings Bank	1,000.00	
Butera & Andrews, 1301 Pennsylvania Ave., NW Washington, DC 20004	Acacia Mutual Life Insurance Co	1,500.00	
Do	ADVANTA Corporation	4,000.00	
Do	Citizens Savings Bank	1,500.00	
Do	Community Bankers Assn of New York State	1,500.00	
Do	Community Preservation Corp	1,500.00	
Do	Consumers Electronics Group	3,000.00	
Do	Dime Savings Bank of New York	1,500.00	
Do	Federation for American Immigration Reform	5,000.00	
Do	General Atomics	5,000.00	
Do	Household Financial Group, Ltd	10,000.00	
Do	Independent Research Agency for life Insurance, Inc	3,000.00	
Do	Lake Sunapee	1,500.00	
Do	National Assn of Retail Collection Attorneys	1,000.00	
Do	NAC International	2,000.00	
Do	Peoples Bank	1,500.00	
Do	Poughkeepsie Savings Bank	1,500.00	
Do	River Bank America	1,500.00	
Do	Rochester Community Savings Bank	1,500.00	
Do	Savings Bank of the Finger Lakes	1,500.00	
Do	Savings Banks Life Insurance Fund	2,000.00	
Do	Superior Bank, FSB	1,000.00	
Do	Texas Savings & Loan League	2,000.00	
Do	Towers Perrin		
Jim Butler, 201 S. Main Street, #1800 P.O. Box 45898 Salt Lake City, UT 84145-0898	Parsons Behle & Latimer (For:Barrick Goldstrike Mines, Inc)		
Jeanne A. Butterfield, 1400 Eye Street, NW, Suite 1200 Washington, DC 20005	American Immigration Lawyers Assn	2,088.54	
R. Ian Butterfield, 600 New Hampshire Avenue, NW, #600 Washington, DC 20037	Westinghouse Electric Corp	1,200.00	
John J. Byrne, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	3,880.00	
Robert D. Byrne Jr., 1250 H Street, NW, Suite 900 Washington, DC 20005	International Dairy Foods Assn		
Cable Telecommunications Assn (CATA), P.O. Box 1005 Fairfax, VA 22030-1005		119,595.00	15,337.00
Edward S. Cabot, 2030 M Street, NW Washington, DC 20036	Common Cause	6,555.54	
John R. Cady, 1401 New York Avenue, NW, #400 Washington, DC 20005	National Food Processors Assn		
Morrison G. Cain, 1901 Pennsylvania Ave., NW, 10th Floor Washington, DC 20006	International Mass Retail Assn	6,250.00	
Michael Calabrese, 215 Pennsylania Avenue, SE Washington, DC 20003	Public Citizen	1,656.25	
Alan Caldwell, 9114 Streamview Lane Vienna, VA 22182	Alliance for Fire & Emergency Management	3,125.00	78.96
Bonnie Caldwell, 1445 New York Ave., NW Washington, DC 20005	Public Securities Assn	12,500.00	1,022.39
California Planners & Consultants, Inc, 1029 K Street, Suite 48 Sacramento, CA 95814	Altamed Health Services		2,400.96
Do	Clinic Mutual Insurance Co	5,000.00	8,357.08
Charles L. Calkins, 125 N. West Street Alexandria, VA 22314-2754	Fleet Reserve Assn		
Era Eugene Callahan, 1050 Connecticut Ave., NW, Suite 1250 Washington, DC 20036	Major League Baseball	625.56	197.80
Kateri A. Callahan, 701 Pennsylvania Avenue, N.W. Washington, DC 20004	Electric Transportation Coalition	348.00	75.00
Calorie Control Council, 5775 Peachtree-Dunwoody Rd., #500-G Atlanta, GA 30342			180.00
Cambridge International, Inc, 2120 Washington Blvd., Suite 350 Arlington, VA 22204	Allied Signal Aerospace		
Do	Allison Engine Company	5,000.00	
Do	Allison Transmission	8,200.00	
Do	General Dynamics Land Systems	7,500.00	
Do	McDonnell Douglas Helicopter Company	8,500.00	
Do	Stewart & Stevenson Services, Inc	7,000.00	
Arthur E. Cameron, 225 C Street NE, #A Washington, DC 20002	FLEX-O-LITE, INC.	1,440.00	
Do	LFE Corp, et al.		180.00
Do	Potters Industries, Inc	720.00	
Do	Safetran Systems Corporation	9,250.00	
Do	Stimsonite Corporation	960.00	
Do	Western-Cullen-Hayes, Inc	4,125.00	
Do	3M Company	43,725.00	
Cameron & Hornbostel, 818 Connecticut Ave., NW, Suite 700 Washington, DC 20006	Government of Barbardos	228.60	533.01
Do	Polygon Co, Ltd	27,406.21	18,703.30
Nancy Camm, 1000 Wilson Boulevard, #3012 Arlington, VA 22209-3908	Consumers Bankers Assn		231.10
Paul A. Cammer, P.O. box 68 fairfax, VA 22039-0068	Cammer & Associates (For:Business Council on Indoor Air)		
C. R. Campbell Jr., 1850 M St., NW, #1200 Washington, DC 20036	GTE Corporation	5,000.00	
C. Thomas Campbell, 1776 Eye Street, NW, #575 Washington, DC 20006	DowElanco		6,467.00
Charles O. Campbell, 1420 King Street Alexandria, VA 22314-2715	National Society of Professional Engineers	2,000.00	
Jeanne Campbell, Campbell-Raupe, Inc 1010 Pennsylvania Avenue, SE Washington, DC 20003	Algonquin Gas Transmission Co		
Do	American Assn of Advertising Agencies		
Do	Association for Manufacturing Technology		
Do	Chubb Corp		
Do	Citicorp/Citibank		
Do	Hoechst-Celanese		
Do	Invest to Compete Alliance		
Do	Merck & Co		
Do	National Electrical Manufacturers Assn		
Do	Nuclear Energy Institute		
Do	Olsten Kimberly Quality Care		
Do	Securities Industry Assn		
Do	Shriners Hospital for Crippled Children		
Do	Stone & Webster Engineering Corp		
Do	Textron Corp		
Do	University of Massachusetts		
Do	USX Corp		
Jeffrey Campbell, 1300 Eye Street, NW, #490East Washington, DC 20005	Compaq Computer Corp	2,000.00	178.00
Jerry L. Campbell, 1201 Chestnut St. Chattanooga, TN 37402	Tennessee Valley Public Power Assn		
John G. Campbell, 9300-D Old Keene Mill Road Burke, VA 22015	John G. Campbell, Inc (For:Applied Power Technologies, Inc)		
Do	John G. Campbell, Inc (For:BDM International, Inc)	1,000.00	1,000.00
Do	John G. Campbell, Inc (For:General Electric Co)		
Do	John G. Campbell, Inc (For:GEO-Centers, Inc)		
Do	John G. Campbell, Inc (For:Hughes Aircraft Company)		
Do	ManTech International Corp	2,000.00	2,000.00
Do	John G. Campbell, Inc (For:OHM Remediation Services Corp)		
Do	John G. Campbell, Inc (For:Power Spectra, Inc)	2,000.00	2,000.00
Do	John G. Campbell, Inc (For:Primark Corp)	15,000.00	5,000.00
Do	John G. Campbell, Inc (For:Sierra Nevada Corp)	2,500.00	2,500.00
Do	John G. Campbell, Inc (For:Sippican, Inc)	3,000.00	3,000.00
Do	John G. Campbell, Inc (For:Teledyne Ryan Aeronautical)	1,500.00	1,500.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	John G. Campbell, Inc (For:3M Company)		
Sabrina V. Campbell, 801 Pennsylvania Ave., NW, #352 Washington, DC 20004	Central & South West Corp	1,875.00	186.02
John Canham-Clyne, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	1,003.85	
Sharon F. Canner, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	195.00	
Michael F. Canning, 12 Francis Street Annapolis, MD 21401	Manis Canning & Associates (For:National Troopers Coalition)	8,500.00	
Mark R. Cannon, One West Fourth Street, #200 Cincinnati, OH 45202	Student Loan Funding Corp	2,437.58	265.95
Timothy A. Cansler, 9201 Bunsen Parkway, P.O. Box 20700 Louisville, KY 40250-0700	Kentucky Farm Bureau Federation	407.58	188.34
Julie Cantor-Weinberg, 1331 Pennsylvania Ave., NW, #1500N Washington, DC 20004-1790	National Assn of Manufacturers	150.00	
Francis J. Cantrel Jr., 1801 Pennsylvania Ave., NW Washington, DC 20006	MCI Communications Corp	1,000.00	
H. Hollister Cantus, 9300 Lee Highway Fairfax, VA 22031	ICF Kaiser International, Inc	2,063.00	85.00
Capital Consultants, 1122 Colorado, #307 Austin, TX 78701	LDDS Communications	6,100.00	
Capitol Associates, Inc, 426 C Street, NE Washington, DC 20002	Academic Health Center Coalition	1,000.00	
Do	Alliance for Eye & Vision Research	700.00	
Do	American Academy of Physician Assistants	600.00	
Do	American Assn of Cancer Research	400.00	
Do	American Assn of Critical-Care Nurses	1,200.00	
Do	American Soc of Tropical Medicine and Hygiene	500.00	
Do	Arthritis Foundation	750.00	
Do	Association for Practitioners in Infectious Control	750.00	
Do	Association of Surgical Technologists	250.00	
Do	Autism Society of America	600.00	
Do	Columbia University	1,000.00	
Do	Credential Information & Verification Services, Inc	300.00	
Do	Cystic Fibrosis Foundation	1,000.00	
Do	CPDD - Colelge on Problems of Drug Dependence	300.00	
Do	CSX Corporation	1,000.00	
Do	Fred Hutchinson Cancer Research Center	700.00	
Do	FDA Council	9,000.00	
Do	FHI - Family Health International		
Do	GATT/Glaxo		
Do	Illinois Collaboration on Youth	200.00	
Do	John Whitehead/Whitehead Partners	1,000.00	
Do	Johns Hopkins University	1,200.00	
Do	Joint Council of Allergy & Immunology	1,000.00	
Do	National Assn of Pediatric Nurse Associates & Practitioners	1,000.00	
Do	National Assn of Rural Health Clinics	800.00	
Do	National Assn of Social Workers		
Do	National Coalition for Cancer Research	1,500.00	
Do	Neurofibromatosis	1,000.00	
Do	New York University Medical Center	1,500.00	
Do	Northwestern Memorial Hospital	1,000.00	
Do	Parkinson's Action Network		
Do	Rotary International	1,000.00	
Do	U.S. Healthcare, Inc	1,200.00	
Capitol Link, P.O. Box 9183 Arlington, VA 22219	City of Mobile		
Do	Federal States of Micronesia	15,305.00	
Do	Madison County Commission		
Do	Southern Research Institute		
Capitol Strategies, 888 16th Street, NW Washington, DC 20006	Cook Inlet Region, Inc	27,000.00	750.00
Caplin & Drysdale, Chtd, One Thomas Circle, NW, #1100 Washington, DC 20005	National Rural Electric Cooperative Assn		
James C. Capretta, 4455 Woodson Rd. St. Louis, MO 63134	Catholic Health Assn of the U.S.		
Andrew H. Card Jr., 1401 H Street, NW, Suite 900 Washington, DC 20005	American Automobile Manufacturers Assn	10,070.00	19.00
Denise A. Cardman, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Caremark International, Inc, 2215 Sanders Road, Suite 400 Northbrook, IL 60062			52,383.96
Kate Carey, 1620 L Street, NW, #800 Washington, DC 20036	Metropolitan Life Insurance Cos	125.00	
Kevin F. Carey, 801 Pennsylvania Ave., NW, Suite 650 Washington, DC 20004	American Express Company	3,169.00	56.75
Maurice E. Carino Jr., 1667 K St., NW, #600 Washington, DC 20006	Bethleham Steel Corp	200.00	
Carlsmith Ball Wichman Murray Case & Ichiki, 700 14th Street, NW, 9th Floor Washington, DC 20005	Guam Bankers Assn		
Anne E. Carlson, 750 17th Street, NW, Suite 901 Washington, DC 20006	Nissan North America, Inc	3,800.00	
David S. Carlson, 122 C Street, NW, #310 Washington, DC 20001	American League for Exports & Security Assistance	3,281.00	
Nancy Carlton, 601 Pennsylvania Avenue, NW, #1200 Washington, DC 20004	Merck & Co. Inc	1,000.00	400.00
Gerald P. Carmen, 1730 Pennsylvania Ave., NW Washington, DC 20006	Carmen & Muss (For:Newark Center Building Co)	400.00	
Do	120 Church Street Associates		
Carmen & Muss, P.L.L.C., 1901 Pennsylvania Ave., NW, #300 Washington, DC 20006	Newark Center Building Co	3,128.25	460.80
Do	Stillman Group	310.00	
Paul E. Carothers, 1341 G Street, NW, 9th Floor Washington, DC 20005	Philip Morris Management Corp	3,000.00	1,643.64
Michael C. Carozza, 655 15th Street, NW, #410 Washington, DC 20005	Bristol-Myers Squibb Co	1,500.00	
Bertram W. Carp, 820 First Street, NE, #620 Washington, DC 20002	Turner Broadcasting System, Inc	11,250.00	
Terry M. Carr, 1350 I St., NW, Suite 590 Washington, DC 20005	College of American Pathologists	6,790.00	
David Carroll, 1212 New York Avenue, NW, #500 Washington, DC 20005	Cement Kiln Recycling Coalition (For:LaFarge Corporation)		
John R. Carson, 9312 Old Georgetown Rd. Bethesda, MD 20814-1621	American Podiatric Medical Assn	18,000.00	
R. D. Carson Jr., P.O. Box 2021 40 Franklin Rd., SW Roanoke, VA 24022	Appalachian Power Company		
Melanie Carter-Maguire, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	
James P. Carty, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	500.00	
Diane M. Casey, 1707 L Street, NW, #230 Washington, DC 20036	Grant Thornton LLP	27,000.00	224.51
Winthrop Cashdollar, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	12,000.00	414.10
Cashdollar-Jones & Company, 1000 16th Street, NW, #702 Washington, DC 20036	American Bankers Assn	6,000.00	
Do	Bio Gro Systems, Inc		
Do	Council on Education Development and Research	300.00	
Sean M. Cassidy, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	335.00	
Cassidy and Associates, Inc, 700 13th St., NW, #400 Washington, DC 20005	American Digital Imaging, Inc.		
Do	American Science and Engineering, Inc	3,201.60	
Do	American Superconductor Corp	2,001.10	
Do	ARCO Chemical Americas Co		
Do	AT&T	3,601.80	
Do	Biomedical Waste Systems, Inc		
Do	Bishop Museum	800.40	
Do	Boston College	38,070.70	13.00
Do	Boston University	8,404.20	13.20
Do	Brazil US Business Council	400.20	
Do	Brother International Corp	1,400.70	
Do	Bryant College		
Do	Buena Vista College	2,801.40	
Do	California Community Colleges	11,005.50	72.45
Do	California Institute of the Arts	3,601.80	
Do	California Pacific Medical Center	1,600.80	13.00
Do	Charlotte-Mecklenberg Hospital Authority Foundation		
Do	Chicago Board of Trade	2,001.00	
Do	Chicago Mercantile Exchange	1,841.00	
Do	Children's Hospital and Health Center of San Diego	1,200.60	
Do	Children's Hospital of Pittsburgh	3,201.15	36.15
Do	Children's National Medical Center	2,201.10	29.25
Do	City of Fairfield, CA	8,304.15	13.10
Do	Clark Atlanta University	433.55	
Do	Connecticut Health System, Inc	3,801.90	
Do	Coriell Institute for Medical Research	9,404.70	19.70
Do	Crane Company	11,305.65	22.75
Do	Cray Research, Inc	200.10	
Do	CH2M Hill Companies, Ltd		
Do	Delta Airlines	4,362.90	
Do	Discovery Network		
Do	Dredging Contractors of America	6,203.10	104.75
Do	Duluth Clinic	2,801.40	
Do	Elderhostel, Inc	13,606.80	56.40

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Englewood Hospital & Medical Center	3,401.70	9.75
Do	Fairleigh Dickinson University		
Do	Federal Express	500.25	
Do	Florida HealthCare Coalition		
Do	Forensic Technologies, Inc	13,640.15	31.80
Do	Geisinger Foundation	10,605.30	34.10
Do	General Dynamics Corp	6,403.20	
Do	Geriatric & Medical Companies, Inc	4,002.00	
Do	Graduate Health Systems		
Do	Henry Ford Health System	5,002.50	55.55
Do	Illinois Institute of Technology	1,600.80	
Do	In Home Health, Inc.	600.30	
Do	Inner City, Inc	2,134.40	
Do	Intercontinental Energy Group	2,001.00	
Do	Kids Peace, Inc	1,600.80	3.30
Do	Lahey Clinic		
Do	Law Firm of Darrell Keith, P.C.	700.35	
Do	Limited		
Do	Mac Andrews and Forbes		
Do	Maersk, Inc		
Do	Major League Baseball	300.15	
Do	Mary Hitchcock Memorial Hospital/Hitchcock Clinic	1,600.80	9.75
Do	McDonnell Douglas Corp	3,201.60	
Do	Medical Center of Central Massachusetts	900.45	
Do	Medical College of Pennsylvania	1,700.85	
Do	Mercy Hospital & Medical Center	600.30	65.75
Do	Miami-Dade Community College	10,872.10	39.20
Do	Morehouse School of Medicine	1,100.55	26.10
Do	Motion Picture Assn of America		
Do	MCSI Technologies		
Do	National Indian Lottery, et al.	500.25	
Do	National Jewish Center for Immunology & Respiratory Medicine		
Do	Nature Conservancy	100.05	
Do	New Jersey Instutute of Technology	1,400.70	29.01
Do	Northwestern University	7,003.50	100.15
Do	Ocean Spray Cranberries, Inc	8,104.05	102.25
Do	Partnership for Responsible Risk-Sharing	1,400.70	13.20
Do	Pennsylvania Educational Telecommunications Exchange Network	1,600.80	
Do	Philip Morris Companies, Inc	4,502.25	6.60
Do	Polaroid Corp	8,404.20	6.60
Do	Polytechnic University	4,202.10	
Do	Providence & Worcester Railroad Company		
Do	PGA Tour	800.40	
Do	Queen's Health System	867.10	
Do	Rochester Institute of Technology	5,105.22	
Do	Rush-Presbyterian St. Luke's Medical Center	900.45	6.50
Do	Sacred Heart Hospital		
Do	Saint John's Hospital & Health Center	10,705.35	13.00
Do	Saint Joseph's University	800.40	13.20
Do	Savings Bank and Life Insurance Company of MA	2,401.20	13.20
Do	Scott County Highway Department		
Do	South Dade Land Corp	200.10	
Do	Southeastern PA Consortium for Info. Tech. & Training	3,701.95	9.75
Do	St. Francis Healthcare Foundation of Hawaii	200.10	
Do	St. Norberts College	600.30	
Do	Taiwan Research Institute	24,912.45	13.00
Do	Tufts University	7,203.60	6.50
Do	Union Memorial Hospital	500.25	
Do	University of Dayton	2,901.45	16.60
Do	University of Hawaii-University of Hawaii Found.	12,334.50	
Do	University of San Francisco	3,301.65	
Do	University of Southern Mississippi	1,600.80	
Do	Waimana Enterprises	600.30	
Mark A. Casso, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Counsel	1,250.00	4.00
A. Mario Castillo, 1250 27th Street, NW Washington, DC 20007	Aegis Group, Ltd (For:Dairy Trade Coalition)	3,000.00	1,924.99
Beth Cataldo, 424 West End Ave., #12D New York, NY 10024	HTC-HANYC, Inc Legal Fund		10,752.49
Penelope C. Cate, 321 North Clark Street Chicago, IL 60610	Quaker Oats Company		
Catholic Health Assn of the United States, 4455 Woodson Road St. Louis, MO 63134		4,539.83	20,618.86
C. Dawn Causey, 900 19th Street, NW, #400 Washington, DC 20006	America's Community Bankers		
Lawrence J. Cavaiola, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	Loral Corporation	2,600.00	
Red Cavaney, 1275 K Street, NW Washington, DC 20005	American Plastics Council	9,000.00	160.00
Cement Kiln Recycling Coalition, 1212 New York Ave., NW, #500 Washington, DC 20005			
Center for Reproductive Law & Policy, 120 Wall Street, 18th Floor New York, NY 10005			20,929.22
David Certner, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	11,595.23	513.69
Warner Chabot, 1725 DeSales Street, NW, #500 Washington, DC 20036	Center for Marine Conservation		
Norman W. Chalmers, P.O. Box 26666 Richmond, VA 23261	Virginia Power/North Carolina Power		9,964.09
Maxine Champion, 1133 Connecticut Avenue, NW, #310 Washington, DC 20036	Nestle USA, Inc	1,500.00	500.00
John Chandler Associates, Inc, 9816 Hillridge Drive Kensington, MD 20895	York International	500.00	99.31
Arthur A. Chapa, 5210 East Williams Circle, Suite 500 Tucson, AZ 85711	Pima County Board of Supervisors	6,725.00	1,034.93
Luanne Chapman, 750 17th Street, NW, #900 Washington, DC 20006	Nissan North America, Inc	8,125.00	
Michael D. Chapman, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,750.00	
Thomas B. Chapman, 500 E Street, SW, #920 Washington, DC 20024	AOPA Legislative Action	20,000.00	5,489.74
Nancy Chapman & Associates, Inc, 1723 U Street, NW Washington, DC 20009	Apple Processors Assn	700.00	
Do	Mycogen Corp	2,356.25	45.50
Byron Charlton, 815 16th Street, NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	21,264.60	
Charter Medical Corp, 577 Mulberry Street Macon, GA 31298			
Chemical Manufacturers Assn, Inc, 1300 Wilson Blvd. Arlington, VA 22209			297,401.00
Chemical Specialties Manufacturers Assn, Inc, 1913 Eye Street, NW Washington, DC 20006			1,454.50
Chernikoff & Company, 1320 18th Street, NW, #100 Washington, DC 20036	American Architectural Foundation	1,896.00	1,257.75
Do	American Museum of Natural History		600.00
Do	Arena Stage	2,098.00	1,398.75
Do	Artists Rights Foundation	375.00	
Do	Bishop Museum		100.00
Do	Capital Childrens Museum	1,907.00	1,257.75
Do	Corcoran Gallery of Art	2,098.00	1,351.75
Do	Directors Guild of America	14,958.00	348.99
Do	Folger Shakespeare Library	1,997.00	1,304.75
Do	Ford's Theater	1,896.00	1,257.75
Do	Henry Ford Museum & Greenfield Village		
Do	Isabella Stewart Gardner Museum		100.00
Do	Meridian House International	1,896.00	1,257.75
Do	Metropolitan Museum of Art		600.00
Do	National Building Museum	1,896.00	1,257.75
Do	National Museum of Women in the Arts	1,997.00	1,304.75
Do	National Symphony	4,196.00	1,398.75
Do	Peabody Museum of Salem		100.00
Do	Phillips Collection	1,997.00	1,257.75
Do	Rochester Museum & Science Center		
Do	Science Museum of Minnesota		
Do	Shakespeare Theater	1,997.00	1,257.75
Do	Textile Museum	1,896.00	1,257.75
Do	The Colonial Williamsburg Foundation		
Do	Washington Ballet	1,896.00	1,257.75
Do	Washington Opera	2,098.00	1,398.75

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Washington Performing Arts Society	1,997.00	1,304.75
Samuel D. Chilcote Jr., 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute, Inc	1,525.00	
James M. Childress, Koleda Childress & Co, Inc 1110 N. Glebe Rd., #610 Arlington, VA 22201	BASF Corp	2,082.50	32.70
Do	Dow Chemical Co	2,082.50	32.70
Do	Eastman Chemical Co	2,082.50	32.70
Do	GE Plastics	2,082.50	32.70
Do	Hoechst Celanese Chemical Group	2,082.50	32.70
Do	Union Carbide Corp	2,082.50	32.70
Phillip R. Chisholm, 1901 Fort Meyer Drive, Suite 1200 Arlington, VA 22209	Petroleum Marketers Assn of America		
Courtney Choi, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	1,900.00	132.60
Joseph L. Choquette III, Vermont Petroleum Assn P.O. Box 566 Montpelier, VT 05601-0566	American Petroleum Institute		
Ernest S. Christian, 1350 I Street, NW, #1250 Washington, DC 20005	Association for Manufacturing Technology	762.70	
Do	Center for Strategic Tax Reform		
Chubb Corporation, 15 Mountain View Road Warren, NJ 07061			81,228.39
James R. Churchill, 6301 Stevenson Avenue, #715 Alexandria, VA 22304			
John Chwat, 601 Pennsylvania Avenue, NW, Suite 900 Washington, DC 20005	Chwat and Co, Inc (For:American Radio Relay League, Inc)	3,000.00	
Do	Chwat and Co, Inc (For:Associated Locksmiths of America)	1,400.00	
Do	Chwat and Co, Inc (For:National Licensed Beverage Assn)	4,500.00	
Paul N. Cicio, 1776 Eye Street, NW, Suite 575 Washington, DC 20006	Dow Chemical Corp		6,467.00
Donna M. Cirolia, One Culligan Parkway Northbrook, IL 60062	Culligan International Co	280.00	1,238.00
Citizen Action Fund, 1730 Rhode Island Avenue, #403 Washington, DC 20036		15,119.00	15,119.00
Citizens for Reliable and Safe Highways (CRASH), 116 New Montgomery Street, #900 San Francisco, CA 94105		27,307.20	200.00
Terri G. Claffey, 1801 Pennsylvnaia Ave., NW Washington, DC 20006	MCI Communications Corp	1,000.00	
Donald A. Clarey, 112 South West Street Alexandria, VA 22314	Strategic Management Associates, Inc (For:Greater New York Hospital Assn)	20,000.00	55.00
Do	Strategic Management Associates, Inc (For:Mobile X-Ray Providers of America)	8,000.00	
Do	Strategic Management Associates (For:Montefiore Medical Center)	8,000.00	
Carla E. Clark, 1331 Pennsylvania Ave., NW, #1500-N Washington, DC 20004-1790	National Assn of Manufacturers	1,750.00	
Dan Clark, 1228 Euclid Avenue, Suite 900 Cleveland, OH 44115-1891	Climaco Climaco Seminatore Lefkowitz & Garofoli Co (For:Blue Cross & Blue Shield of Ohio).	7,200.00	3,525.00
James F. Clark, P.O. Box 212ll Juneau, AK 99802-1211	Alaska Forest Assn		
Julie Clark, 1625 K St., NW, #800 Washington, DC 20006	National Legal Aid & Defenders Assn	16,926.00	283.28
Marshall C. Clark, 7332 SW 21st Street P.O. Box 4267 Topeka, KS 66604	Kansas Electric Cooperatives, Inc (KEC)	1,082.00	
Thomas R. Clark, 919 18th Street, NW, #200 Washington, DC 20006	Federal Agricultural Mortgage Corp	7,600.00	455.49
Vernon A. Clark, P.O. Box 59347 Potomac, MD 20859-9347	Vern Clark & Associates (For:Coalition for Property Rights)	69,000.00	
Do	Vern Clark & Associates (For:Fox Television Stations, Inc)	22,500.00	1,472.14
Do	LDDS Metromedia Communications, Inc	30,000.00	311.64
Do	Massachusetts Bay Transportation Authority		
Do	Vern Clark & Associates (For:Metromedia Communications)		
Do	Vern Clark & Associates (For:Metromedia Company)	15,000.00	641.43
Do	Morven Partners, L.P.	30,000.00	362.15
Do	Vern Clark & Associates (For:R.J. Reynolds Tobacco Co)	52,000.00	1,685.17
Vern Clark & Associates, P.O. Box 59347 Potomac, MD 20859-9347	Coalition for Property Rights	69,000.00	
Do	Fox Television Stations, Inc	22,500.00	1,472.14
Do	LDDS Metromedia Communications, Inc	30,000.00	311.64
Do	Massachusetts Bay Transportation Authority		
Do	Metromedia Communications		
Do	Metromedia Company	15,000.00	641.43
Do	Morven Partners, L.P.	30,000.00	362.15
Do	R.J. Reynolds Tobacco Co	52,000.00	1,685.17
Elizabeth T. Clarke, 1420 King Street Alexandria, VA 22314-2792	National Society of Professional Engineers	1,250.00	
Stephen B. Clarkson, 4101 Washington Ave., Dept 016 Newport News, VA 23607	Newport News Shipbuilding & Dry Dock Co	1,000.00	700.00
Michelle C. Clay, 8601 Georgia Ave., #805 Silver Spring, MD 20910	Brown & Associates (For:Lambert International Airport)	24,000.00	7,782.00
Joan Claybrook, 2000 P Street, NW, #605 Washington, DC 20036	Public Citizen	1,725.00	
Kenneth J. Clayton, 1120 Connecticut Ave, NW Washington, DC 20036	American Bankers Assn	11,806.50	184.94
Cleary Gottlieb Steen & Hamilton, 1752 N Street, NW Washington, DC 20036	CSFP Capital, Inc	500.00	
Do	Dime Savings Bank of New York		
Do	Government Representatives Cmte Securities Industry Assn		
Do	Institute of International Bankers		
Do	Long Island Savings Bank		
Do	Ministry of Finance & Public Credit of the United Mexican St		
Do	Salomon Brothers, Inc	1,500.00	
Ronald D. Clements, 701 Pennsylvania Avenue, NW Washington, DC 20004	Edison Electric Institute	3,593.41	928.06
Cleveland-Cliffs, Inc, 1100 Superior Avenue Cleveland, OH 44114-2589			1,334.00
Climaco Climaco Seminatore Lefkowitz & Garofoli Co, 1228 Euclid Ave., #900 Cleveland, OH 44115	Blue Cross & Blue Shield of Ohio		
Michael P. Cline, 1219 Prince Street Alexandria, VA 22314-2916	Enlisted Assn National Guard	1,500.00	
William M. Cloherty, 3211 Tennyson Street, NW Washington, DC 20015-2429	Monterey Institute of International Studies	500.00	750.00
Stephen J. Cloud, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	2,000.00	
W. Dewey Clower, 1199 North Fairfax, #801 Alexandria, VA 22314	National Assn of Truck Stop Operators, Inc		
Anthony T. Cluff, 805 15th Street, NW, #600 Washington, DC 20005	Bankers Roundtable	3,125.00	
Coal Industry Health Protection Coalition, 918 16th Street, NW, Suite 303 Washington, DC 20006		123,143.00	123,143.00
Coalition of Americans to Protect Sports (CAPS), 200 Castlewood Drive North Palm Beach, FL 33408			
Coalition of Disk Exporters ('CODE'), 915 15th Street, NW, Suite 900 Washington, DC 20005			
Coalition to Stop Gun Violence, 100 Maryland Ave., NE Washington, DC 20002		233,023.37	197,865.05
Sarah D. Coates, 800 Connecticut Avenue, NW, #1100 Washington, DC 20006	Baxter		
Richard B. Cobb, Georgia Petroleum Council 50 Hurt Plz., SE, #720 Atlanta, GA 30303-2923	American Petroleum Institute		
Drew Patrick Cobbs, 60 West Street, #403 Annapolis, MD 21401	American Petroleum Institute	1,600.00	
Anna V. Cochrane, 1747 Pennsylvania Ave., NW, #300 Washington, DC 20006	MidCon Corp	60.00	600.00
Robert L. Coen, 205 F Street, NE Washington, DC 20002	Alliance for American Innovation, Inc	7,500.00	48.80
PerryAnne Coffey, 3800 N. Fairfax Drive, Suite 4 Arlington, VA 22203	National Water Resources	8,000.00	
William F. Coffield, 1785 Massachusetts Ave., NW, 4th Floor Washington, DC 20036	BS&B Safety Sytems, Inc	5,287.50	6,862.50
Do	GTECH Corporation	30,000.00	30,000.00
Coffield Ungaretti & Harris, 3500 Three First National Plaza Chicago, IL 60602	Computer & Communications Industry Assn		
Do	FMC Defense Systems	80.59	
Arnold D. Cohen, 900 19th Street, NW, Suite 400 Washington, DC 20006	America's Community Bankers	7,500.00	422.48
Catherine Grealy Cohen, 1250 H Street, NW, #800 Washington, DC 20005	Eastman Kodak Company	2,200.00	104.00
John Cohen, 1331 Penn Ave., NW, #l500-North Washington, DC 20004-1703	National Assn of Manufacturers	500.00	
Kenneth S. Cohen, 1295 State Street Springfield, MA 01111-0001	Massachusetts Mutual Life Insurance Company	270.00	443.25
Marvin S. Cohen, 2929 N. Central Ave., 14th Floor Phoenix, AZ 85012-2576	Sacks Tierney & Kasen (For:City of Tucson)	664.50	
Rita D. Cohen, 1211 Connecticut Ave., NW, #610 Washington, DC 20036	Magazine Publishers of America	5,000.00	
Cohn and Marks, 1333 New Hampshire Ave., NW Washington, DC 20036	Direct Marketing Assn	6,187.50	66.85
Eleanor Cole, 1331 Pennsylvania Ave., NW, #1500-N Washington, DC 20004-1703	UBA, Inc	1,000.00	
Jean L. Cole, 2001 Pennsylvania Ave. NW, Suite 300 Washington, DC 20006	Exxon Corp		
Ken W. Cole, 1001 Pennsylvania Avenue, NW, #700 Washington, DC 20004	Allied-Signal, Inc		
Randall I. Cole, 7900 Westpark Drive McLean, VA 22102	Wang Federal, Inc	6,000.00	572.06
Robert E. Cole, 900 17th St., NW Washington, DC 20006	Kaiser Aluminum & Chemical Corp, et al.	400.00	
E. Thomas Coleman, 1100 New York Ave., NW, #340-West Washington, DC 20005	BASF Corporation	468.00	2,710.74
Richard Coleman, 529 14th Street, NW, Suite 1055 Washington, DC 20045	Space Express Corp		
Walter S. Coleman, 1200 19th Street, NW, #300 Washington, DC 20036-2401	Regional Airline Association	1,000.00	
Colex & Associates, 1106 North Taylor Street Arlington, VA 22201	American Stamps, Inc		
Do	Orleans Levee District	5,000.00	
Do	RGDC, Inc		
Do	St. Bernard Port, Harbor & Terminal District	5,000.00	
Jessie M. Colgate, 1001 Pennsylvania Ave., NW, #460(N) Washington, DC 20004-2505	New York Life Insurance Company	140.00	
Emilio G. Collado III, Collado Associates 1405 Montague Drive Vienna, VA 22180	American Watch Assn	11,500.00	1,294.00
Collier Shannon Rill & Scott, 3050 K Street, NW, #400 Washington, DC 20007	American Car Rental Assn	4,550.00	4,550.00
Do	Association of Certified Trucking Schools		
Do	Australian Dairy Industry	900.00	900.00
Do	Australian Wheat Board	1,050.00	1,050.00
Do	Bicycle Manufacturers Assn of America	1,322.50	1,322.50
Do	Carfax		
Do	Coalition for Improved Environmental Audits		
Do	Coalition for Safe Ceramicware		
Do	COMPACT		
Do	CSR Limited - Sugar Division		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Footwear Industries of America		
Do	Go-Tane Service Station, Inc	370.00	370.00
Do	Golden Gate Petroleum International, Ltd		
Do	GTE Corporation		
Do	Hydrocarbon Trading & Transport Co	370.00	370.00
Do	In Re Color Picture Tubes		
Do	Independent Lubricant Manufacturers Assn	1,350.00	1,350.00
Do	Inland Steel Corp	4,500.00	4,500.00
Do	International Crystal Federation		
Do	J&B Management Co		
Do	Kansas City Southern Railway	875.00	875.00
Do	Leather Industries of America		
Do	Limousine Industry Manufacturers Organization		
Do	Lion Oil Co	1,300.00	1,300.00
Do	National Assn of Convenience Stores	26,000.00	26,000.00
Do	National Limousine Assn		
Do	Oneida, Ltd		
Do	Outdoor Power Equipment Institute		
Do	Owner-Operator Independent Drivers Assn	2,763.75	2,763.75
Do	Petrojam, Ltd		
Do	Pittsburgh Corning Corporation		
Do	Scotsman Industries, Inc		
Do	Shipbuilders Council of America	4,620.00	4,620.00
Do	Society of Independent Gasoline Marketers of America	24,825.00	24,825.00
Do	Specialty Steel Industry of the U.S.	5,485.00	5,485.00
Do	Steel Manufacturers Assn		
Do	Tanners Countervailing Duty Coalition		
Do	Total Petroleum	11,740.00	11,740.00
Do	TUServices	25,650.00	25,650.00
Do	United Parcel Service	400.00	400.00
Do	Vermont Yankee Nuclear Power Corp	30,950.00	30,950.00
Do	Wickland Oil Co		
Do	Williams Companies	400.00	400.00
Michael A. Collins, 19300 Bakers Run Court Brookville, MD 20833	United Assn of Jnymen & Appren of Plmbg & Pipeftg Industry	6,000.00	
Paula J. Collins, 1020 19th St., NW, #600 Washington, DC 20036	Eastman Kodak Co	2,500.00	570.00
Richard L. Collins, Collins & Company 1555 Wilson Blvd., #300 Arlington, VA 22209	International Fund for Agricultural Development		
Do	Loral Corporation		
Do	Northrop Grumman Corp		
Do	Oceanic Institute of Hawaii		
Do	Textron Defense Systems		
Stephen J. Collins, 1401 H Street, NW, #900 Washington, DC 20005	American Automobile Manufacturers Assn		
Jeffrey Colman, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	18,750.00	1,618.36
Mary Colville, 1155 15th St., NW Washington, DC 20005	National Broiler Council	2,500.00	
Jeffrey W. Combos, c/o Tennessee Petroleum Council 315 Deaderick Street, #1430 Nashville, TN 37238-1430	American Petroleum Institute		
Lori A. Comeau, 1401 Eye Street, NW, #340 Washington, DC 20005	CF Industries, Inc	500.00	45.79
Commercial Finance Association, 225 W. 34th St. New York, NY 10122			9,055.00
Common Cause, 2030 M St., NW Washington, DC 20036		2,774,604.00	303,140.94
Competitive Enterprise Institute, 1001 Connecticut Avenue, NW, #1250 Washington, DC 20036		887,500.00	379.51
Competitive Long Distance Coalition, 2000 L Street, NW, Suite 701 Washington, DC 20036		24,990.00	24,990.00
John B. Conaway, 5126 Woodmire Lane Alexandria, VA 22311	Conaway Group	15,000.00	205.00
Bert M. Concklin, 8607 Westwood Center Drive, Suite 204 Vienna, VA 22182	Professional Services Council	3,000.00	
William J. Condon Jr., 813 Ridge Lake Blvd Memphis, TN 38120	Conwood Company, LP	38.58	83.07
Thomas L. Conlan, One West Fourth Street, Suite 200 Cincinnati, OH 45202	Student Loan Funding Corp	2,797.76	913.62
Peter J. Connell, 1501 M Street, NW, Suite 400 Washington, DC 20005	Aetna Life & Casualty	3,000.00	41.85
Jeanne K. Connelly, 1875 Eye St., NW, #540 Washington, DC 20006	Champion International Corp	1,788.00	69.00
Connerton Ray & Simon, 1920 L Street, NW, 4th Floor Washington, DC 20036-5004	International Brotherhood of Teamsters	15,000.00	4,750.00
Do	Laborers National Health & Safety Fund	15,000.00	4,750.00
Do	Laborers-Employers Cooperative & Education Trust	15,000.00	4,750.00
Do	Laborers/AGC Education & Training Fund	15,000.00	4,750.00
Do	Transportation Institute	15,000.00	4,750.00
Catherine Connor, 700 11th Street, NW, #710 Washington, DC 20001	Parsons Brinckerhoff Quade & Douglas, Inc	105.00	
Jerry C. Connors, 2101 Wilson Blvd., Suite 610 Arlington, VA 22201	Manufactured Housing Institute	8,500.00	
David Conover, 1250 H Street, NW, #575 Washington, DC 20005	CH2M Hill	2,856.02	
Conservative Action Lobby, P.O. Box 931602 Los Angeles, CA 90093			
Gladys Considine, 2000 K Street, NW, Suite 800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	3,350.00	
Consortium for Int'l Earth Science Information Network, 2250 Pierce Road University Center, MI 48710			18,993.45
Consortium of Social Science Assns, 1522 K Street, NW, #836 Washington, DC 20005		13,872.50	3,674.58
Consumer Bankers Assn, 1000 Wilson Blvd., #3012 Arlington, VA 22209			231.10
Consumers for World Trade, 2000 L Street, NW, #200 Washington, DC 20036		3,272.00	9,032.23
John J. Contney, 1130 East Hallandale Beach Blvd. Suite B Hallandale, FL 33009	Textile Rental Services Assn of America		
Angie Hunter Conway, 1712 New Hampshire Ave., NW Washington, DC 20009	Air Conditioning Contractors of America	3,200.00	200.00
Daniel J. Conway, One Massachusetts Ave., NW, #350 Washington, DC 20001	Chubb Corporation	10,000.00	1,179.35
Alexandra W. Cook, 1331 Pennsylvania Avenue, NW, #1300N Washington, DC 20004	Electronic Data Systems Corp		
Thomas M. Cook, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Cook Group, Inc, 300 Fountain Square P.O. Box 1608 Bloomington, IN 47402-1608			21,732.70
Charles E. Cooke, 555 12th St., NW, #640 Washington, DC 20004	Southern California Edison Co	7,950.00	5,450.00
Stephen L. Cooney, 701 Pennsylvania Ave., NW, #720 Washington, DC 20004	Siemens Corp		
Julie J. Coons, 900 19th Street, NW, #750 Washington, DC 20006	Fuji Bank, Ltd	3,438.28	438.28
Benjamin Y. Cooper Jr., 100 Daingerfield Road Alexandria, VA 22314	Printing Industries of America, Inc	12,500.00	
Josephine S. Cooper, 1111 19th Street, NW, Suite 800 Washington, DC 20036	American Forest & Paper Assn		
Mitchell J. Cooper, 1001 Connecticut Ave., NW Washington, DC 20036	Rubber & Plastic Footwear Manufacturers Assn	39,000.00	
Coordinadora de Organizaciones Empresariales de Comercio Ext, 1025 Thomas Jefferson Street, NW Washington, DC 20007.		54,431.66	7,554.76
Darrell Coover, 10 Masters Court Potomac, MD 20854	National Assn of Independent Insurers	1,500.00	
Do	Niagara Mohawk Power Corp	2,000.00	
Heidi S. Coppola, 425 Park Avenue New York, NY 10043	Citibank N.A.	1,808.00	
Copyright Group, P.O. Box 5496 Beverly Farms, MA 01915	Alliance for American Innovation	4,500.00	5,796.98
Sherry Tonubbee Corbin, 801 Pennsylvania AVenue, NW, #352 Washington, DC 20004	Central and South West Corp	826.50	110.75
John F. Corcoran, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Maria C. Cordone, 9000 Machinists Place Upper Marlboro, MD 20772	International Assn of Machinists & Aerospace Workers	18,288.01	
Corn Refiners Assn, Inc, 1701 Pennsylvania Ave., NW Washington, DC 20036			
Richard L. Corrigan, 1250 H Street, NW Washington, DC 20005	CH2M Hill	1,119.30	
Marty Corry, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	10,883.25	156.00
Anthony R. Corso, 3225 Gallows Road Fairfax, VA 22037	Mobil Corp	2,500.00	
Philip S. Corwin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	9,853.00	428.92
Jack Cory, 120 E. Jefferson Street Tallahassee, FL 32301	Florida Lobbying Services, Inc (For:Discovery Cruises)		465.00
Barbara J. W. Cosgriff, 444 N. Capitol St., NW, #801 Washington, DC 20001	National Assn of Independent Insurers	600.00	300.00
Paul S. Cosgrove, 121 SW Salmon Suite #1400 Portland, OR 97204	Gardner Cosgrove & Gardner (For:Anadarko Petroleum Corp)		
Cosmetic Toiletry & Fragrance Assn, Inc, 1101 17th Street, NW, #300 Washington, DC 20036		5,640.00	5,640.00
John M. Coster, P.O. Box 1417-D49 Alexandria, VA 22313-1417	National Assn of Chain Drug Stores	2,000.00	
Council for a Livable World, 110 Maryland Avenue, NE Washington, DC 20002			50,086.59
Council for Affordable & Rural Housing, 1300 19th Street, NW, #410 Washington, DC 20036		7,998.00	7,998.00
Council of Industrial Boiler Owners, 6035 Burke Centre Parkway, #360 Burke, VA 22015			
Council of State Chambers of Commerce, 122 C St., NW, #330 Washington, DC 20001		2,100.00	
Mark J. Covall, 1319 F Street, NW, #1000 Washington, DC 20004	National Assn of Psychiatric Health Systems	500.00	
Mary Covington, 1135 16th Street, NW Washington, DC 20036		12,356.00	
Covington & Burling, P.O. Box 7566 1201 Pennsylvania Avenue, NW Washington, DC 20044	J.S. Alberici Construction Co, Inc		
Do	American Assn of Oral & Maxillofacial Surgeons		
Do	American Bankers Assn	5,635.00	9.00
Do	American Council on Education	1,487.50	
Do	American Watch Assn	9,427.50	8.00
Do	Anchorage Telephone Utility		
Do	Association of America's Public Television Stations		
Do	Association of American Medical Colleges	9,797.50	18.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Association of Maximum Service Television, Inc	2,670.00	
Do	Attorneys' Liability Assurance Society, Inc	7,840.00	
Do	Bankers Trust Co	3,360.00	
Do	BankAmerica Corp		
Do	Brown Brothers Harriman & Co	840.00	
Do	Coalition to Preserve the Integrity of American Trademarks		
Do	Council for Marketing & Opinion Research		
Do	Federal Home Loan Mortgage Corp	980.00	
Do	Golden West Financial COrp	9.00	9.00
Do	GTE Corporation		
Do	LeRoy E. Hoffberger	5,790.00	
Do	International Business Machines Corp	3,443.75	120.27
Do	Investment Company Institute		
Do	John E. Simon Trust	6,375.00	164.59
Do	John Hancock Mutual Life Insurance Co		17.00
Do	Missouri Department of Social Services	3,000.00	35.00
Do	Mountain West Savings Bank, F.S.B.		
Do	National Capital Newspaper Distributors Assn	5,631.25	
Do	National Football League	1,430.00	12.00
Do	National Machine Tool Builders' Assn	500.00	10.00
Do	NationsBank Corp	5,512.50	25.00
Do	Private Benefits Alliance	175.00	
Do	Public Broadcasting Service		
Do	State of Louisiana, Dept of Health & Hospitals	2,500.00	22.00
Do	State of Missouri, Dept of Social Services	2,000.00	22.00
Do	State of Tennessee, Dept of Finance & Administration	1,000.00	22.00
Do	Sun Life Assurance Co of Canada (U.S.), et al.	350.00	11.00
Do	Tobacco Institute, Inc, et al.	2,483.00	
Do	Unocal Corporation	1,751.18	
Do	US West, Inc		
Sharon Cowan, 1828 L Street, NW, #906 Washington, DC 20006	American Soc of Mechanical Engineers		
Archibald Cox, 2030 M St., NW Washington, DC 20036	Common Cause		
Chris Cox, 410 First Street, SE, 2nd Floor Washington, DC 20003	National Rifle Assn of America	1,250.00	264.57
Rebecca G. Cox, 1300 Eye Street, NW, #950 East Washington, DC 20005	Continental Airlines, Inc	416.00	145.00
William J. Cox, 1776 K Street, NW Washington, DC 20006	Catholic Health Association of the United States	1,841.11	
John C. Cozad, 2600 Grand Avenue Kansas City, MO 64108	Morrison & Hecker		
Christine G. Crafton, 1133 21st Street, NW, #405 Washington, DC 20036	General Instrument Corp	9,100.00	
Daniel Craig, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	4,425.00	474.14
Daniel M. Crane, 1010 Pennsylvania Avenue, SE Washington, DC 20003	Algonquin Gas Transmission Co		
Do	American Assn of Advertising Agencies		
Do	Association for Manufacturing Technology		
Do	Chubb Corporation		
Do	Citicorp/Citibank		
Do	Hoechst-Celanese		
Do	Invest to Compete Alliance		
Do	Merck & Co		
Do	National Electrical Manufacturers Assn		
Do	Nuclear Energy Institute (NEI)		
Do	Olsten Kimberly QualityCare		
Do	Securities Industry Association		
Do	Shriners Hospitals for Crippled Children		
Do	Campbell-Raupe (For:Stone and Webster Engineering Corporation)		
Do	Textron Corp		
Do	University of Massachusetts		
Do	USX Corp		
Donald A. Crane, 919 18th Street, NW, #400 Washington, DC 20006	W. R. Grace & Co /World Headquarters	3,600.00	
Milly S. Crawford, 1445 New York Ave., NW, 8th Floor Washington, DC 20005	Public Securities Assn	6,000.00	
Robin Crawford, Box M Allentown, PA 18105-5000	Mack Trucks, Inc		
James R. Cregan, 1211 Connecticut Ave., NW Washington, DC 20036	Magazine Publishers of America	5,000.00	
Richard C. Creighton, 1212 New York Avenue, NW, #500 Washington, DC 20005	American Portland Cement Alliance	17,761.98	225.00
Richard E. Cristol, 1101 15th St., NW, #202 Washington, DC 20005	Robert H. Kellen Co (For:Calorie Control Council)		
Jennifer B. Cromwell, 3601 Vincennes Road P.O. Box 68700 Indianapolis, IN 46268	National Assn of Mutual Insurance Companies	228.00	28.10
James W. Cross, 125 N. West Street Alexandria, VA 22314-2754	Fleet Reserve Assn		
Deborah T. Crouse, 1725 DeSales Street, NW, Suite 500 Washington, DC 20036	Center for Marine Conservation	775.09	
Crowell & Moring, 1001 Pennsylvania Ave., NW Washington, DC 20004-2595	American Forest & Paper Assn	6,221.25	75.50
Do	American Land Conservancy		
Do	Associated Gas Distributors		
Do	Avon Products, Inc		
Do	Brooklyn Union Gas Co		
Do	Canyon Resources Corp	157.50	9.00
Do	COMSAT Corp		
Do	Eagle-Picher Industries, Inc		
Do	Endangered Species Coordinating Council	6,536.25	69.00
Do	Helicopter Assn International		
Do	Independence Mining Company, Inc	2,598.75	28.00
Do	Intermountain Forest Industry Assn		
Do	ICF Kaiser International, Inc & Subsidiaries		
Do	Meridian Oil, Inc	2,047.50	13.50
Do	Northwest Forestry Assn		
Do	Polyisocyanurate Insulation Mfrs Assn		
Do	Regional Airline Association		
Do	RTK Corporation		
Do	Trust for Public Lands		
Do	United Cities Gas Co		
Do	Wyatt Company		
Crowell & Moring International L.P., 1001 Pennsylvania Ave., NW, #1275 Washington, DC 20004-2505	Avon Products, Inc		
Do	Board of Foreign Trade, Gov't of the Republic of China		
Do	Government of Indonesia, Ministry of Trade		
Do	Limited, Inc		
Do	Singapore Trade Development Board		
James P. Crumley Jr., 1100 Wilson Blvd. Arlington, VA 22209	Hughes Electronics Corp	75.00	
William P. Cune, 1100 Wilson Boulevard, #2000 Arlington, VA 22209	Hughes Electronics Corp	30.00	
Cuneo Law Group, 317 Massachusetts Ave., NE, Suite 300 Washington, DC 20002	Songwriters Guild of America	5,250.00	618.31
Charles V. Cunningham, 1155 15th Street, NW, Suite 504 Washington, DC 20005	American Textile Manufacturers Institute, Inc	1,500.00	
Do	Dunavant Enterprises, Inc	1,500.00	
Do	Hohenberg Bros. Company	1,500.00	
Kevin M. Cunningham, 11250 Waples Mill Road Fairfax, VA 22030	NRA Crimestrike	7,313.14	
William J. Cunningham, 815 16th Street, NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	21,620.20	878.26
John L. Currie, 611 Wood Avenue Detorit, MI 48226	NBD Bank	3,750.00	4,957.00
Cutler & Stanfield, 700 14th Street, NW, 10th floor Washington, DC 20005	Kaiser Resources, Inc		
Do	Mine Reclamation Corp		
Do	University of Colorado	11,590.00	
Ralf W.K. Czepluch, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Gulf Power Company	4,914.00	14,194.17
CF Industries, Inc, Salem Lake Dr. Long Grove, IL 60047			1,000.00
CR Associates, 317 Massachusetts Ave., NE, #100 Washington, DC 20002	Academy of Radiology Research	1,200.00	
Do	Alzheimer's Assn	1,835.25	
Do	American Assn for Dental Research	958.50	
Do	Association of University Programs in Health Administration	489.00	
Do	Delta Dental Plans Assn	1,200.00	
Do	Hercules, Inc	78.00	
Do	Software Productivity Consortium	172.69	
D.C. Legislative & Regulatory Services, 1155 21st Street, NW, #310 Washington, DC 20036	Andersons Management Corp	9,000.00	1,603.92
Do	Biotechnology Industry Organization	3,000.00	248.84
Do	British Petroleum, America	9,000.00	759.05

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Lebanon Chemical Corp and Lebanon Turf	3,000.00	406.77
Do	National Bark & Soil Producers Assn	3,750.00	1,471.36
Do	Responsible Industry for a Sound Environment	13,000.00	2,251.60
Do	Scotts Companies & Subsidiaries	10,500.00	763.36
Do	ZENECA Plant Sciences	12,000.00	1,590.99
June S. D'Zurilla, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1790	National Assn of Manufacturers		
Lynne R. Daghlian, 1015 15th Street, NW, #700 Washington, DC 20005	Bechtel Group, Inc		200.81
Kawika M. Daguio, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,084.00	
Frank J. Daily, 411 East Wisconsin Ave. Milwaukee, WI 53202	Quarles & Brady (For:General Motors Corp)		
Dairy Export Incentive Program (DEIP), 1025 Thomas Jefferson Street, NW, Suite 407 West Washington, DC 20007		14,000.00	14,736.63
Robert P. Daly II, 1000 Wilson Blvd, #2800 Arlington, VA 22209	Northrop Grumman Corp	1,400.00	60.00
John M. Damgard, 2001 Pennsylvania Ave., NW, #600 Washington, DC 20006-1807	Futures Industry Assn, Inc	6,000.00	25.00
Stephanie C. Dance, 1725 K Street, NW, #1404 Washington, DC 20006	American Cotton Shippers Assn	10,000.00	
Nancy Danielson, 600 Maryland Ave., SW, #202W Washington, DC 20024	Farmers Educational and Co-Operative Union of America	6,751.48	110.66
Marty Dannenfelsner, 700 13th Street, NW, #500 Washington, DC 20005	Family Research Council	4,906.00	
Donald Danner, 600 Maryland Avenue, NW, #700 Washington, DC 20024	National Fed of Independent Business	9,570.00	300.00
Paul B. Darby, 200 N. Pickett Street, #1609 Alexandria, VA 22304	Darby Enterprises, Inc		2,505.13
Darby Enterprises, Inc, 200 No. Pickett St., #1609 Alexandria, VA 22304		2,505.13	2,505.13
Elwyn L. Darden, 1331 Pennsylvania Ave., NW, #1500 North Washington, DC 20004-1790	National Assn of Manufacturers	125.00	
Ed Dauksz, 1650 Tysons Blvd., #1700 McLean, VA 22102	ITT Defense & Electronics	1,000.00	50.00
Theodore S. J. Davi, 23 Holland Road Pittsburgh, PA 15235			
Bruce A. Davidson, P.O. Box 1798 Jacksonville, FL 32231	Blue Cross & Blue Shield of Florida, Inc		
Dionne M. Davies, 1120 Connecticut Ave., NW, #727 Washington, DC 20036	American Bankers Assn	11,099.40	1,940.21
D. Drew Davis, 3M Center St. Paul, MN 55144-1000	Minnesota Mining and Manufacturing Company (3M)	3,500.00	
Edwin H. Davis, 2030 M St., NW Washington, DC 20036	Common Cause	12,734.40	61.75
Ellen Davis, 1156 15th Street, NW, #700 Washington, DC 20005	NARAL		
Lizanne H. Davis, 1627 K Street, NW, #500 Washington, DC 20006	FMC Corporation	1,000.00	
Michael Davis, 735 North Water St., #908 Milwaukee, WI 53202-4105	American Malting Barley Assn, Inc	1,947.75	
Michael R. Davis, 4455 Woodson Road St. Louis, MO 63134	Catholic Health Assn of the United States	2,358.59	
Timothy S. Davis, 801 Pennsylvania Ave., NW, Suite 650 Washington, DC 20004	American Express Co	15,000.00	
William M. Davis, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corporation		
Davis & Harman, 1455 Pennsylvania Avenue, NW, #1200 Washington, DC 20004	Ad Hoc Comm of Life Insurance Companies	1,483.50	7.00
Do	American Home Life Insurance Co	990.00	
Do	American Investors Life Insurance	1,200.00	
Do	American Land Title Assn		
Do	Committee of Annuity Insurers	1,225.19	108.63
Do	Employers Health Insurance Co	8,400.00	
Do	First Penn-Pacific Life Insurance Co		
Do	General Aviation Manufacturers Association	4,500.00	
Do	Hughes & Luce	2,715.00	171.90
Do	Lincoln National Life Insurance Co	922.00	79.54
Do	National Business Aircraft Assn	1,500.00	
Do	Retired Lives Reserve Group	881.00	
Do	Stock Information Group		
Do	Worldspan	290.00	
Davis Polk & Wardwell, 1300 Eye St., NW Washington, DC 20005	Brown Brothers Harriman & Co		
Do	Firstar Corporation		
Do	MacAndrews & Forbes	5,775.00	70.00
Do	Mercantile Bank	2,800.00	68.00
Do	Morgan Guaranty Trust Co	600.00	9.00
Do	Norwest Corporation	560.00	10.00
Davis Wright & Tremaine, 1155 Connecticut Ave., NW, #700 Washington, DC 20036	American Tunaboat Assn	11,186.94	
Do	Association of National Advertisers, Inc		
Do	Chelan County PUD	5,500.00	
Do	Western Pioneer, Inc	5,314.50	
Brenda T. Day, 1401 H Street, NW, #700 Washington, DC 20005	Chrysler Corporation	629.00	784.00
Gaston De Bearn, 1300 Eye Street, NW, #520-W Washington, DC 20005-3314	Hoffmann-La Roche, Inc	4,200.00	
Donald K. Dean, 1725 Jefferson Davis Highway, Suite 900 Arlington, VA 22202	Loral Federal Systems Group	3,500.00	
Dean Blakey & Moskowitz, 1101 Vermont Ave., NW, #400 Washington, DC 20005	American Psychoogical Assn	125.00	
Do	California State Polytechnic University		
Do	Coalition of Higher Education Assistance Organizations	1,100.00	
Do	Consumer Bankers Assn	8,400.00	
Do	Diversified Collection Services, Inc	50,000.00	
Do	Economics Americas	725.00	
Do	FRAC		
Do	PBS	275.00	
Do	Student Loan Funding Corp of Ohio	1,700.00	
Do	University of Vermont	350.00	
Do	Very Special Arts	525.00	
John Russell Deane III, 1317 F Street NW #550 Washington, DC 20004	Trainum Snowdon & Deane (For:Auto International Assn)	90.00	41.49
Do	Trainum, Snowdon & Deane (For:Coalition of Automotive Assns)	244.00	99.28
Do	Trainum Snowdon & Deane (For:Specialty Equipment Market Assn)	977.00	487.25
Tom K. Decker, Box 3529 Portland, OR 97208	Port of Portland	16,189.00	1,047.00
Norbert Dee, 1899 L Street, NW, #1000 Washington, DC 20036	National Petroleum Refiners Assn	1,000.00	90.00
Cathy Deeds, 700 13th Street, NW, #500 Washington, DC 20005	Family Research Council	2,275.00	
Richard A. Deem, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
William T. Deitz, 1000 Connecticut Avenue, NW Washington, DC 20036	Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers)	307.50	14.40
Do	Palumbo & Cerrell, Inc (For:Atlantic Richfield Co)	2,272.50	156.40
Do	Palumbo & Cerrell, Inc (For:Los Angeles County Metropolitan Transportation Authority).	3,540.00	107.70
Do	Pennsylvania Institute of Technology		
Gene A. Del Polito, 1333 F Street, NW, #710 Washington, DC 20004-1108	Advertising Mail Marketing Assn		
Wilma I. Delaney, 1776 Eye Street, NW, #575 Washington, DC 20006	Dow Chemical Co		6,592.00
H. Benson Dendy, 411 East Franklin Street, #602 Richmond, VA 23219	Vectre Corp (For:Mobil Oil Corp)	2,485.84	
George H. Denison, 5910 Woodacres Drive Bethesda, MD 20816	Edison Electric Institute		
Do	Federation of Electric Power Companies of Japan		
Denison Scott Associates, 5910 Woodacres Drive Bethesda, MD 20816	Bristol-Myers Squibb Co		
William H. Dennerlein, 329 F Street, #208 Anchorage, AK 99501	National Parks & Conservation Assn	1,200.00	640.00
Thomas J. Dennis Sr., 555 12th St., NW, #640 Washington, DC 20004	Southern California Edison Co	10,500.00	5,450.00
Robert Neal Denton, 1211 Connecticut Avenue, NW, #620 Washington, DC 20036-2701	Alliance of Nonprofit Mailers	1,722.50	
John M. Derrick Jr., 1900 Pennsylvania AVe., NW Washington, DC 20068	Potomac Electric Power Co	471.14	
M. Beth Dessen, 222 N. 17th Street Philadelphia, PA 19103-1299	Archidocese of Philadelphia		
Paul Devlin, 815 16th Street, NW, Suite 308 Washington, DC 20006	Public Employee Department, AFL-CIO	2,883.23	
R. Daniel Devlin, 808 17th Street, NW, #520 Washington, DC 20006	Trans World Airlines, Inc	600.00	
Robert L. Dewey, 1101 14th Street, NW #1400 Washington, DC 20005	Defenders of Wildlife	1,437.80	182.45
Dewey Ballantine, 1775 Pennsylvania Ave., NW, #500 Washington, DC 20006	Bethlehem Steel, et al.	3,588.75	32.00
Do	Catholic Health Assn of the U.S.		
Do	Federal National Mortgage Assn		
Do	General Electric Co		
Do	General Electric Pension Trust		
Do	PacifiCorp Financial Services		
Do	SEMATECH		
Do	Thompson Publishing Group	900.00	
Do	Travelers, Inc		
Do	Union Pacific Corp	2,250.00	
Do	West Indies Rum & Spirits Producers Assn		
Do	Xerox Corp		
Jennifer S. DeAnna, 601 13th Street, NW, Suite 650 North Washington, DC 20005	Detroit Edison Company	480.00	25.00
H. Edward DeBee III, 6520 North Western, Suite 201 Oklahoma City, OK 73116	DeBee & Associates	6,482.50	71.77
Alex J. DeBoissiere, 701 Pennsylvania Avenue, NW, #710 Washington, DC 20004	Tenneco, Inc		29.75
Katherine B. DeCoster, 666 Pennsylvania Avenue, SE, #401 Washington, DC 20003	Trust for Public Land	2,850.00	75.00
Michael DeEmilio, 400 North Capitol Street, NW, #852 Washington, DC 20001	Brotherhood of Maintenance of Way Employes	12,500.00	
DeKieffer Dibble & Horgan, 915 15th Street, NW, Suite 900 Washington, DC 20005	Coalition of Disk Exporters ('CODE')		
Randolph L. DeLay, 801 Pennsylvania Ave., NW, 5th Floor Washington, DC 20004	I-69 Mid-Continent Coalition		2,643.83

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Pharr Economic Development Corp	51,999.00	3,032.70
Carl S. DeMatteo, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	5,375.00	
William R. DeReuter, 3000 K Street, NW, #620 Washington, DC 20007	Merrill Lynch & Co, Inc	2,400.00	
David DeSantis, 1301 Pennsylvania Ave., NW, Suite 305 Washington, DC 20004	Natural Disaster Coalition	32,000.00	3,006.88
Mark DeSantis, 1455 Pennsylvania Ave., NW, Suite 230 Washington, DC 20004	Texas Instruments, Inc	9,080.00	
Elizabeth Dickerson, 1801 Pennsylvania Ave., NW Washington, DC 20006	MCI Communications Corp	1,000.00	9.00
Ann Sanders Dickey, 1980 Nonconnah Blvd. Memphis, TN 38132	Federal Express Corp	6,000.00	
Elaine Dickinson, 880 S. Pickett Street Alexandria, VA 22304	Boat Owners Assn of the U.S.	7,000.00	
David Dickson, 1725 Desales Street, NW, #500 Washington, DC 20036	Center for Marine Conservation	2,995.14	
Dierman Wortley & Zola, Inc, 1350 Eye Street, Nw, #820 Washington, DC 20005	Alexander & Alexander of New York, Inc		
Do	Carmen Group, Inc (for: ADVO, Inc)		
Do	Special Data Processing, Inc		
Robbi Rice Dietrich, P.O. Box 660634 Dallas, TX 75266-0634	Frito-Lay, Inc	1,875.00	1,055.00
Michael F. Dineen, 600 Pennsylvania Ave., SE, #206 Washington, DC 20003	Lumbermens Mutual Casualty Co (For:Kemper Investors Life Insurance Co)		
Do	Lumbermens Mutual Casualty Company (For:Kemper Reinsurance Company)	643.05	274.02
Do	Lumbermens Mutual Casualty Company	2,100.00	609.84
Charles V. Dinges IV, 1015 15th Street, NW, #600 Washington, DC 20005	American Soc of Civil Engineers	6,720.00	6,720.00
Robert M. Dingman, 1225 Eye St., NW, #500 Washington, DC 20005	American Motorcyclist Assn	14,835.00	1,230.45
Direct Selling Association, 1666 K Street, NW, #1010 Washington, DC 20006			
Dale P. Dirks, 711 Second Street, NE, #200 Washington, DC 20002	Health & Medicine Counsel of Washington		
Mary Ann Dirzis, 9 West 57th Street New York, NY 10019	Avon Products, Inc		
Disabled American Veterans, 3725 Alexandria Pike Cold Spring, KY 41076		86,770.99	86,770.99
Patsy B. Dix, 1130 Conn. Ave., NW Suite 1000 Washington, DC 20036	American Insurance Assn		
Ann M. DiDonato, 6200 Oak Tree Blvd. Independence, OH 44131	Centerior Energy Corp	872.55	889.31
Gerard D. DiMarco, Harris Beach & Wilcox 130 East Main Street Rochester, NY 14604	Reilly Mortgage Group, INc	14,106.50	542.62
Richard S. DiSalvo, 801 Pennsylvania Ave., NW, #650 Washington, DC 20004	American Express Co		
Lucia DiVenere, 228 7th Street, SE Washington, DC 20003-4306	National Assn for Home Care	2,486.00	
E. David Doane, 1401 I Street, NW, #300 Washington, DC 20005	Koch Industries, Inc	4,000.00	188.84
Thomas B. Dobbins, 1015 Fifteenth Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	7,000.00	149.25
Lina Frescas Dobbs, 801 Pennsylvania Ave., NW, #352 Washington, DC 20004	Central & South West Corp	1,800.00	193.25
William A. Dobrovir, William A. Dobrovir, P.C. 65 Culpeper Street Warrenton, VA 22186	Tax Analysts		
Sarah R. Dodge, 1901 Fort Meyer Drive, Suite 1200 Arlington, VA 22209	American Subcontractors Assn		
Do	Petroleum Marketers Assn of America		
H. A. Doersam, 1000 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Household Financial Group, Ltd	31,255.42	
Brian M. Dolan, 1 Metro-Tech Center Brooklyn, NY 11201	Brooklyn Union Gas Co	195.00	35.00
Mary Anne Dolbeare, 1300 North 17th Street, #750 Rosslyn, VA 22209	Uniform & Textile Service Assn	8,000.00	80.00
Robin C. Dole, 1155 21st Street, NW, #321 Washington, DC 20036	Century 21 Real Estate Corp		
Stephan G. Dollinger, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	
Marla M. Donahue, 1901 North Moore Street Arlington, VA 22209	Foodservice & Packaging Institute, Inc		
Andrew J. Donelson, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	3,500.00	
Kevin J. Donnellan, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	1,090.50	
Mary Adele Donnelly, 1725 DeSales Street, NW, #500 Washington, DC 20036	Center for Marine Conservation		
Thomas F. Donnelly, 3800 N. Fairfax Drive, Suite 4 Arlington, VA 22203	National Water Resources Assn	11,000.00	
Thomas R. Donnelly, 1211 Connecticut Ave., NW, #812 Washington, DC 20036	American Plastics Council		
Sally S. Donner, 1341 G Street NW, 9th Floor Washington, DC 20005	Philip Morris Management Corp	2,196.50	314.02
Ridgely Thorp Donohue, 60 Wall Street New York, NY 10260	J.P. Morgan & Co, Inc		
William Donovan, 3138 N. 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions	2,500.00	
Michael C. Dorf, 130 East Randolph Street, #3800 Chicago, IL 60601	Schuyler Roche & Zwirner (For:Gabriella Rosenbaum Trust)	10,960.00	306.62
Kimberly Olson Dorgan, 1702 Esquire Lane McLean, VA 22101	Children's Television Workshop	300.00	
Do	National Captioning Institute		
Keith G. Dorman, 625 Liberty Ave., 7th Pittsburgh, PA 15222	Peoples Natural Gas Company	5,000.00	
Dorsey & Whitney, 1330 Connecticut Ave., NW, #200 Washington, DC 20036	Association of International Automobile Manufacturers, Inc	2,592.00	
Do	Elwaha S'Klallam Tribe	2,200.00	
Do	Geneva Steel	3,753.00	12.60
Do	Harrah's Entertainment, Inc	1,348.65	
Do	Quinault Indian Nation	3,914.90	
Do	Shakopee Mdewakanton Sioux (Dakota) Community	10,671.71	85.50
Do	Southern Company	8,694.00	193.10
Do	Stockbridge-Munsee Community Bank of Mohican Indians	2,632.60	
Do	Winnebago Tribal Council	6,122.81	
Do	Yakima Tribal Council of theYakama Indian Nation	1,623.35	
Dean R. Dort II, 1667 K Street, NW, #1230 Washington, DC 20006	Deere & Company	170.00	
W. Carter Doswell, 1101 Pennsylvania Avenue, NW, #900 Washington, DC 20004	Goldman Sachs & Co	2,000.00	
Robert J. Dotchin, 1350 Eye Street, NW, #680 Washington, DC 20005	UST Public Affairs, Inc	3,000.00	
Richard J. Doubrava, 1010 Delta Blvd. Atlanta, GA 30320	Delta Air Lines, Inc	170.00	28.50
Dow Lohnes & Albertson, 1255 23rd St., NW, Suite 500 Washington, DC 20037	American Assn of Cosmetology Schools		
Do	Hampton Roads Energy Co, et al.	8,064.00	
Do	Home Shopping Network, Inc		
Do	Hotel Consult SHCC Colleges		
Do	Profit Sharing Council of America		
Do	Stelco, Inc		
Downey Chandler, Inc, 1401 I Street, NW, #1210 Washington, DC 20005	American International Group	7,500.00	7,500.00
Do	American Personal Communications	4,500.00	4,500.00
Do	AIDS Resource Center of Wisconsin	15,000.00	15,000.00
Do	Breakthrough Technologies Institute	500.00	500.00
Do	E.I. DuPont de Nemours & Co	3,750.00	3,750.00
Do	Ericsson Corporation	4,500.00	4,500.00
Do	Evergreen Community Development Assn	10,000.00	10,000.00
Do	Fuel Cells for Transportation	500.00	500.00
Do	Fuji Photo Film USA, Inc	21,000.00	21,000.00
Do	Healthcare Assn of New York State	7,500.00	7,500.00
Do	Institute for Community Development		
Do	Kalkines Arky Zall & Bernstein	2,250.00	2,250.00
Do	Limited, Inc	3,000.00	3,000.00
Do	Merck & Company		
Do	Metra Health	1,500.00	1,500.00
Do	Metropolitan Life & Affiliated Companies	6,000.00	6,000.00
Do	Microsoft Corp	3,500.00	3,500.00
Do	National Cable Television Assn	4,500.00	4,500.00
Do	Philipp Brothers Chemicals, Inc	2,400.00	2,400.00
Do	Joseph E. Seagram & Sons, Inc	4,500.00	4,500.00
Do	Teledelsic Corporation	4,500.00	4,500.00
Do	Time Warner, Inc	4,800.00	4,800.00
Do	University Health System of New Jersey	15,000.00	15,000.00
Mary Theresa Doyle, 801 Pennsylvania Avenue, NW, Suite 250 Washington, DC 20004	Massachusetts Mutual Life Insurance Co		
Michael R. Doyle, c/o New York State Petroleum Council 150 State Street Albany, NY 12207-1675	American Petroleum Institute	525.00	
Ronald W. Drach, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	15,162.86	93.00
James E. Drake, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	3,750.00	
Dressendorfer-Laird, Inc, 1730 Rhode Island Avenue, NW, #210 Washington, DC 20036	College Football Assn	250.00	
Do	General Dynamics Corp	250.00	
Do	National Assn of Professional Employer Organizations		
Do	QualMed, Inc	250.00	
Do	Science Applications Int'l Corp	250.00	
Stephen D. Driesler, 700 11th Street, NW Washington, DC 20001-4507	National Assn of Realtors	8,000.00	
William B. Driggers Jr., 1745 Jefferson Davis Highway, #605 Arlington, VA 22202	Texas Instruments, Inc	391.00	512.45
Tim Driscoll, 815 15th Street, NW Washington, DC 20005	International Union of Bricklayers & Allied Craftsmen	2,000.00	40.00
F. Ford Drummond, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
Stan Dublinske, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Ducheneaux Taylor & Associates, 303 Massachusetts Ave., NW Washington, DC 20002	California Ind Legal Services/Timbisha Shoshone Tribe	300.00	
Do	Chippewa-Ottawa Treaty Fishery Management Authority	375.00	
Do	Commissioned Officers Assn of the U.S.P.H.S., Inc	300.00	
Do	Delaware Tribe of Indians		
Do	Gila River Farms		
Do	Grand Portage Reservation Tribal Council	450.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Grand Traverse Bank of Chippewa and Ottawa Indians	450.00	
Do	Intertribal Agricultural Council	300.00	
Do	Leech Lake Tribal Council	562.50	
Do	Miami Tribe of Oklahoma	212.50	
Do	Minnesota Chippewa Tribe	315.00	
Do	Minnesota Indian Gaming Assocation	907.50	
Do	Modoc Tribe of Oklahoma		
Do	MNE-SOSE International Water Rights Coalition	300.00	
Do	Native American Rights Fund	215.00	
Do	Siletz Tribal Council	450.00	
Do	Tohono O'Odham Nation	1,249.50	
Do	Tulalip Tribes	600.00	
Do	White Earth Tribal Council	562.50	
Tim Dudgeon, 1250 Eye Street, NW, #900 Washington, DC 20005	Distilled Spirits Council of the U.S., Inc	2,000.00	
Diane C. Duff, 1129 20th Street, NW, 2nd Floor Washington, DC 20036	Greater Washington Board of Trade	2,600.00	440.00
Juanita D. Duggan, 1401 New York Ave., NW, #400 Washington, DC 20005	National Food Processors Assn	20,383.80	100.00
Garth F. Dull, 5990 Richmond Highway, #506 Alexandria, VA 22303	Nevada Resort Assn		
Mac S. Dunaway, Dunaway & Cross 1146 19th Street, NW, #400 Washington, DC 20036	Crown Controls Corporation		
Do	Industrial Truck Assn		
Do	Lord Corporation		
Do	Walbro Corp		
Dunaway & Cross, 1146 19th Street, NW Washington, DC 20036	Homelite, Div of Textron, Inc		
Do	Industrial Truck Assn		
Amy K. Dunbar, P.O. Box 19230 Washington, DC 20036	National Assn of Bond Lawyers		
Don R. Duncan, 1776 Eye Street, NW, #700 Washington, DC 20006	Phillips Petroleum Co	6,000.00	54.10
Duane Duncan, 3900 Wisconsin Ave., NW Washington, DC 20016	Fannie Mae	2,500.00	
Stephen M. Duncan, 110 South Union Street Alexandria, VA 22314	Mays & Valentine (For:General Atomics, et al.)		
William C. Duncan, 1050 17th Street, NW, #410 Washington, DC 20036	Japan Automobile Manufacturers Assn		876.92
David D. Dunlap, 1300 North 17th Street, #750 Rosslyn, VA 22209	Uniform & Textile Service Assn	5,000.00	
Mari Lee Dunn, 1750 K St., NW, #400 Washington, DC 20006-2305	American Council for Capital Formation	3,894.00	
Mark Dunn, P.O. Box 27 Boise, ID 83707	J. R. Simplot Co	12,000.00	2,675.69
Judy C. Durand, 1156 15th Street, NW, #1015 Washington, DC 20005	JC Penney Co, Inc		98.50
Douglas A. Durante, 7315 Wisconsin Avenue, NW, #515 East Bethesda, MD 20814	Clean Fuels Development Coalition	6,000.00	
Martin J. Durbin, 1275 K Street, NW, #400 Washington, DC 20005	American Plastics Council	643.50	291.10
Daniel T. Durham, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	12,956.79	168.00
Dutko & Associates, Inc, 412 First St., SE, #100 Washington, DC 20003	Child Support Council		
Dyer Ellis Joseph & Mills, P.C., 600 New Hampshire Ave., NW, #1000 Washington, DC 20037	American Coke & Coal Chemicals Institute	12,019.26	
Do	American Healthcorp, Inc	731.25	
Do	American Lithotripsy Society	12,805.77	151.14
Do	Atlantic Maritime		
Do	ARCO Transportation Company	1,924.91	
Do	Classic Car Coalition		72.34
Do	Dialysis Clinic, Inc	390.00	
Do	FastShip Atlantic, Inc	27,777.00	812.17
Do	Fruit Shippers Ltd (Bahamas)		
Do	Greek Shipping Cooperation Committee		
Do	Hvide - Van Ommeren, L.L.C.		0.30
Do	International Marine Carriers, Inc		
Do	JM Family Enterprises, Inc	375.00	
Do	Kirby Corp/Dixie Carriers	5,768.03	3,459.81
Do	Liberty Maritime Corporation	33,007.75	912.60
Do	Magnavox Electronic Systems Co		4.60
Do	Marine Spill Response Corp		
Do	MH Systems, Inc		
Do	National Maritime Alliance, Inc		224.55
Do	National Oilseed Processors Assn	70,019.51	6,243.21
Do	National Steel & Shipbuilding Co		
Do	Ocean Marine Navigation Co, Inc	5,000.00	78.72
Do	Pacific Fruit, Inc	935.86	48.72
Do	Rural Hospital Coalition	1,298.64	6.77
Do	Schnitzer Group		
Do	Sperry Marine, Inc		
Do	Trump Organization		14.00
Do	Van Ommeren Shipping (USA), Inc	5,765.00	
James Trester Dyke Jr., 122 C Street, NW, #750 Washington, DC 20001	Beer Institute		
Dykema Gossett, 1300 I Street, NW, #300W Washington, DC 20005	American Automobile Centennial Commission		
Do	American Osteopathic Association		
Do	Citizen's Committee to Save the Federal Center	1,125.00	
Do	City of Detroit	1,915.00	
Do	Comerica	1,170.00	
Do	Committee on U.S. Business Canadian Life & Health Ins. Assn	2,730.00	800.00
Do	Detroit Medical Center	2,645.00	
Do	Ferris State University	490.00	
Do	Industrial Technology Institute	450.00	
Do	Magic Line, Inc		
Do	Michigan Biotechnology Institute (MBI)	2,975.00	
Do	Military Boot Manufacturers Assn		
Do	Oakwood Health Services	3,852.50	
Do	Selfridge ANG Base Community Council		
Do	Total Petroleum, Inc		
Do	University of Michigan Medical Center	2,100.00	
Do	Wayne State University		
Do	Wellness Plan	810.00	
Do	William Davidson Institute		
DMS, 201 North Union Street, #360 Alexandria, VA 22314	GTECH Corp	1,250.00	1,725.00
Do	Riverside South Planning Commission	2,000.00	1,800.00
Do	Sport Services Corp	1,000.00	900.00
Matthew C. Eames, P.O.Box 70 Boise, ID 83707	Idaho Power Company		
Anthony S. Earl, One South Pinckney Street P.O. Box 2113 Madison, WI 53701-2113	Quarles & Brady (For:Johnson Controls)	200.00	
Peter J. Earle, 607 14th Street, NW Washington, DC 20005	Dofasco, Inc		
Kerry P. Early, 1120 Connecticut Avenue, NW Washington, DC 20036	American Bankers Assn	6,840.00	426.13
Paula P. Easley, 2134 Crataegus Ave., #400 Anchorage, AK 99508		5,200.00	2,350.00
Thomas M. Eastep Jr., 205 F Street, NE Washington, DC 20002	Alliance for American Innovation, Inc	7,500.00	37.40
Mark Eaton, 1100 17th Street, NW, Suite 505 Washington, DC 20036	Burley & Dark Leaf Tobacco Assn	1,875.00	
Eaton Peabody Bradford & Veague, P.A., P.O. Box 1210 Bangor, ME 04402-1210	AT&T		
Do	Penobscot Valley Refuse Disposal District	4,082.00	791.13
Brenda L. Eberly, 50 F Street, NW, #1050 Washington, DC 20001	Freeport-McMoRan Copper & Gold, Inc	917.00	22.00
Do	Freeport-McMoRan, Inc	917.00	22.00
Do	IMC Global, Inc	917.00	22.00
Joseph L. Ebersole, 2101 Connecticut Ave., NW, #63 Washington, DC 20008-1760		22,500.00	349.72
Echelon Corporation, 4015 Miranda Avenue Palo Alto, CA 94304			96,083.00
Margaret A. Echols, 1710 Rhode Island Avenue, NW Suite 700 Washington, DC 20036-3007	State Farm Mutual Automobile Insurance Co	20,000.00	3,344.42
Bradley Eckart, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	9,650.00	
Timothy J. Eckels, 4455 Woodson Road St. Louis, MO 63134	Catholic Health Assn of the U.S.	1,640.96	
Eckert Seamans Cherin & Mellott, 2100 Pennsylvania Ave., NW, #600 Washington, DC 20037	American Assn of Motor Vehicle Administrators	5,750.00	
Do	National Independent Automobile Dealers Assn		
Edington Wade & Associates, Inc, 803 Prince Street Alexandria, VA 22314	Atlanta Comm for the Olympic Games	6,000.00	428.98
Do	Firearms Training Systems, Inc	2,000.00	142.99
Do	Lockheed Corporation	3,000.00	207.99
Do	Maxus Energy Corp	1,000.00	65.00
Do	Oceaneering Technologies, Inc		
Do	Turner Broadcasting System, Inc	5,000.00	350.98
Do	U.S. Cane Sugar Refiners' Assn	1,200.00	91.00
Do	Watkins Associated Industries, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Education Legislative Services, Inc, 5855 Stadium Street San Diego, CA 92122	Central California Legislative Consortium	6,875.00	6,094.32
Do	Oakland Unified School District	10,665.92	9,455.22
Do	Sacramento City Unified School District		2,770.71
Do	San Diego Unified School District	7,500.00	6,647.22
Do	San Francisco Unified School District	4,999.98	4,432.51
Christine A. Edwards, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Dean Witter, Discover & Co.		
Martin E. Edwards III, 555 13th Street, NW, #300 West Washington, DC 20004	Interstate Natural Gas Assn of America	8,000.00	
Sherry L. Edwards, 1100 New York Avenue, NW, #1090 Washington, DC 20005	Synthetic Organic Chemical Manufacturing Assn	500.00	
Stephen R. Effros, P.O. Box 1005 Fairfax, VA 22030-1005	Cable Telecommunications Assn (CATA)	10,480.00	
Stephen R. Effros, P.C., P.O. Box 1005 Fairfax, VA 22030-1005	Cable Telecommunications Assn	10,480.00	104,808.00
Thomas A. Ehrgood Jr., 1401 H Street, NW, Suite 950 Washington, DC 20005	Digital Equipment Corp	25,000.00	
William J. Ehrig, 700 Anderson Hill Road Purchase, NY 10577	PepsiCo, Inc	975.00	2,110.06
Tim Eichenberg, 1725 DeSales Street, NW, Suite 500 Washington, DC 20036	Center for Marine Conservation	492.75	
Peter J. Eide, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	250.00
Donald G. Eirich, 1700 K Street, NW, #504 Washington, DC 20006	Bulova Technologies		
Jenifer A. Eisen, 1400 Eye Street, NW, #1200 Washington, DC 20005	American Immigration Lawyers Assn	449.36	
Jonathan B. Eisen, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
Phyllis Eisen, 1331 Pennsylvania Ave., #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	400.00	
Robert Eisenbud, 1155 Connecticut Ave., NW Washington, DC 20036	WMX Technologies, Inc	34,865.00	
Earl B. Eisenhart, 66 Canal Center Place, #600 Alexandria, VA 22314	National Private Truck Council		
Linda S. Eisnaugle, 225 W. 34th Street New York, NY 10122	Commercial Finance Assn	9,000.00	55.00
Stephen A. Elbert, 1615 M St., NW, #200 Washington, DC 20036	Amoco Corporation	200.00	76.73
Albert L. Elder III, 900 19th Street, NW, #400 Washington, DC 20006	America's Community Bankers	20,000.00	230.00
Elf Atochem North America, Inc, 2000 Market Street Philadelphia, PA 19103			15,911.48
George K. Eliades, 1199 North Fairfax Street, #801 Alexandria, VA 22314	NATSO, Inc		
Jim Elkin, 1615 L Street, NW, Suite 1320 Washington, DC 20036	Sandoz Pharmaceuticals Corp		735.00
Stephen Elkins, 1331 Pennsylvania Ave., NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	175.00	
J. Burton Eller Jr., 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Charles W. Elliott, Wisconsin Petroleum Council 25 W. Main St., #703 Madison, WI 53703	American Petroleum Institute	46.00	
Eric J. Ellman, 1666 K Street, NW, Suite 1010 Washington, DC 20006	Direct Selling Assn		
Gary Elmestad & Associates, P.O. Box 3153 St. Peters, MO 63376	City of St. Peters	6,434.00	
Do	St. Charles County	16,250.01	90.10
Emergency Committee for American Trade, 1211 Connecticut Ave., NW, #801 Washington, DC 20036		199,690.74	122,618.63
Stanley J. Emerling, 2713 Berryland Drive Oakton, VA 22124-1404	National Assn of Meat Purveyors	800.00	
Jo Ann Emerson, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	800.00	363.74
Emerson Electric Co, 8000 W. Florissant St. Louis, MO 63136			4,088.46
John M. Emery, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	25.00	
Michael J. Emig, 1125 15th St., NW Washington, DC 20005	International Bro of Electrical Workers, AFL-CIO-CLC	21,891.50	542.37
Irene R. Emsellem, 1800 M Street, NW Washington, DC 20036	American Bar Assn	400.00	50.00
Arthur P. Endres Jr., 801 Pennsylvania Ave., NW, #220 Washington, DC 20004	Burlington Northern Railroad Co	5,000.00	1,221.56
Energy Consumers & Producers Assn, P.O. Box 1288 Muskogee, OK 74402-1288		900.00	
Gary D. Engebretson, 1200 G Street, NW, #750 Washington, DC 20005	Contract Services Assn		487.90
Ralph Engel, 1913 Eye Street, NW Washington, DC 20006	Chemical Specialties Manufacturers Assn, Inc	340.00	10.00
Charles M. English Jr., 1401 H Street, NW, #500 Washington, DC 20005	Ober Kaler Grimes & Shriver, P.C.	60,927.50	64,687.41
Mary Pepper English, 1133 21st Street, NW, #900 Washington, DC 20036	BellSouth Corp	3,200.00	54.84
English First, 8001 Forbes Place, #102 Springfield, VA 22151		255,321.40	158,144.79
Loretta E. Enloe, 8 Oak Hill Drive Edwardsville, IL 62025	Federation of American Consumers & Travelers (FACT)	2,500.00	
Clinton W. Ensign, P.O. Box 30825 Salt Lake City, UT 84130-0825	Sinclair Oil Corporation	15,300.00	24,352.74
Ann Eppard Associates, Ltd, 30 Wolfe Street Alexandria, VA 22314	AMTRAK	7,500.00	
Do	Board of County Commissioners of Dade County, FL	4,583.00	
Do	Conrail	5,000.00	
Do	FastShip Atlantic, Inc	5,000.00	
Do	Federal Express Corp	5,000.00	
Do	Frito-Lay, Inc	5,000.00	
Do	GTE	7,000.00	
Do	I-73/74 Association, North Carolina	5,001.00	
Do	Los Angeles County Mass Transportation Authority	4,166.00	
Do	Metropolitan Washington Airports Authority		
Do	Natural Disaster Coalition	10,000.00	
Do	Outdoor Advertising Assn of America, Inc	5,000.00	
Do	OMI Corp		
Do	Panhandle Eastern Co	833.00	
Do	Pennsylvania Turnpike Commission	8,333.00	
Do	Puerto Rico Dept of Highways and Transportation	6,333.00	
Do	Regulated Common Carrier Commission	4,000.00	
Do	Southeastern Economic Development Corp		
Do	Union Pacific Co	9,000.00	
Do	United Airlines	8,333.00	
Matthew E. Eppler, 750 17th Street, NW, #900 Washington, DC 20006	Nissan North America, Inc	4,125.00	
Paul A. Equale, 412 First Street, SE, #300 Washington, DC 20003	Independent Insurance Agents of America, Inc	26,928.00	
Equipment Leasing Assn of America, 1300 North 17th St., #1010 Arlington, VA 22209		1,500.00	
Jeffrey Francis Erb, 222 W. Las Colinas Blvd., #641 Irving, TX 75039			
Randall Harvey Erben, 807 Brazos Street, Suite 402 Austin, TX 78701	American Insurance Assn	3,750.00	
Do	Genentech, Inc	7,500.00	208.10
Do	Panhandle 2000	30,000.00	2,280.41
Do	Southwestern Bell Telephone Co	24,000.00	63.59
Do	Texas Assn for Home Care, Inc	4,000.00	2,325.59
Jack Ericksen, 1501 M Street, NW, Suite 400 Washington, DC 20005	Aetna Life & Casualty	490.00	
Markham C. Erickson, 400 North Capitol Street, NW, #585 Washington, DC 20001	McGuiness & Holch (For:American Assembly of Collegiate Schools of Business)		
Thomas J. Erickson, 1300 L Street, NW, #925 Washington, DC 20005	National Grain Trade Council		12.75
Harvey F. Ernest Jr., 1101 15th Street, NW, #1100 Washington, DC 20005	Minnesota Mining & Manufacturing (3M)	1,000.00	
Pamela K. Ernest, 1100 Connecticut Ave., NW, #710 Washington, DC 20036	Honeywell, Inc	2,000.00	1,750.00
Ernst & Young, 1225 Connecticut Ave., NW, #500 Washington, DC 20036	Bank of America	45,000.00	1,200.00
Do	Biltmore Company	10,000.00	450.00
Do	BF Goodrich Co	25,000.00	700.00
Do	National Assn of Convenience Stores	12,000.00	400.00
Dennis L. Erpelding, 555 12th St. NW, #650 Washington, DC 20004	Eli Lilly & Company	3,000.00	405.46
James L. Ervin, 410 First Street, SE, #300 Washington, DC 20003	Hazarous Waste Action Coalition	1,312.50	
Do	Hughes Aircraft Co	4,500.00	
Do	Ingalls Shipbuilding	5,250.00	
Do	Kaman Diversified Technologies, Inc	2,625.00	
Do	Lister Bolt & Chain, Ltd	2,250.00	
Do	Lockheed Martin Corp	6,770.83	
Do	Northrop Corp	5,875.00	
Do	Teledyne Industries, Inc	11,250.00	
Ingolf G. Esders, 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	20,398.56	
Mark Esherick, 1801 Pennsylvania Avenue, NW Washington, DC 20006	MCI Communications Corp	1,000.00	
Anita R. Estell, 1420 New York Avenue, NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:Lincoln University)	750.00	
Do	Van Scoyoc Hospital, Inc (For:McLean Hospital)	937.50	
Do	Van Scoyoc Associates, Inc (For:MetaNetworks)	400.00	
Do	Van Scoyoc Associates, Inc (For:National Commission on Correctional Health Care).	300.00	
Do	Van Scoyoc Associates, Inc (For:Spelman College)	1,200.00	
Do	Van Scoyoc Associates, Inc (For:University of Puerto Rico)	144.75	
Deborah M. Estes, 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn	5,000.00	407.20
Nancy U. Etkin, 1515 Wilson Blvd., Suite 1030 Arlington, VA 22209	Natural Gas Vehicle Coalition	5,614.00	50.00
Mary Jo Eustice, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	6,000.00	
Cleve Evans, P.O. Box 841 Abilene, TX 79604	West Texas Utilities Company	800.00	2,216.00
Donald C. Evans Jr., 655 15th St., NW, #310 Washington, DC 20005	AFLAC, Inc		
Lynwood J. Evans, 1020 19th Street, NW, #700 Washington, DC 20036	U S West, Inc	1,625.25	
Rae Evans & Associates, Inc, 1615 L Street, NW, #1220 Washington, DC 20036	American Personal Communications	18,750.00	568.36
Do	Hallmark Cards, Inc	18,750.00	
Do	Kansas City Southern Industries	22,500.00	5,856.18
Do	National Capital Newspaper Distributors Assn	28,125.00	175.42

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Fawn K. Evenson, 1420 K Street NW, #600 Washington, DC 20005	Footwear Industries of America	1,000.00	
Wayne S. Ewing, Associated Petroleum Industries of PA P.O. Box 925 Harrisburg, PA 17108	American Petroleum Institute		
F/P Research Associates, 1700 K St., NW, #1000 Washington, DC 20006	American Bus Assn	500.00	
Do	Hewlett-Packard Co	1,000.00	
Do	National Assn of Manufacturers	1,000.00	
Do	National Cable Television Assn, Inc	2,000.00	
Do	National Restaurant assn	1,000.00	
Do	Sturm, Ruger & Co		
Thomas L. Fagan, Jr., 1650 Tysons Blvd., #1700 McLean, VA 22102	ITT Defense & Electronics	1,000.00	50.00
Dan L. Fager, 1401 Eye Street, NW, #1200 Washington, DC 20005	Chevron Companies	2,000.00	
Robert J. Falb, 1821 Michael Faraday Drive Suite 400 Reston, VA 22090	National Wholesale Druggists' Assn		
Family Research Council, 700 13th Street, NW, Suite 500 Washington, DC 20005		56,527.00	15,087.00
Frank J. Farfone, 1776 Eye Street, NW, Suite 575 Washington, DC 20006	Dow Chemical USA		6,592.00
S. Jackson Faris, 600 Maryland Avenue, SE, #700 Washington, DC 20024	National Fed of Independent Business	1,150.00	200.00
Farm Credit Council, 50 F Street, NW, #900 Washington, DC 20001			6,190.00
David M. Farmer, 1211 Connecticut Avenue, NW, Suite 400 Washington, DC 20036	Alliance of American Insurers	20,000.00	
Martin T. Farmer, P.O. Box 40789 Jacksonville, FL 32203-0789	Barnett Banks, Inc	26,125.00	5,519.82
Farmers' Educational & Co-Operative Union of America, 600 Maryland Ave., SW, #202w Washington, DC 20024		25,626.00	77,124.02
Meg Farrage, 1901 Pennsylvania Ave., NW, 10th Floor Washington, DC 20006	International Mass Retail Assn	100.00	
Jason Farrow, One Sony Drive Park Ridge, NJ 07656	Sony Electronics, Inc		
Nina Fascione, 1101 14th Street, NW, #1400 Washington, DC 20005	Defenders of Wildlife	13.47	
Marcus G. Faust, 332 Constitution Ave., NE Washington, DC 20002	Central Utah Water Conservancy District	23,491.50	
Do	Clark County Nevada-McCarran International Airport	15,753.44	
Do	Clark County Nevada, Office of the County Manager	18,570.29	48.40
Do	Kirton McConkie & Poelman		
Do	Las Vegas Valley Water District	47,621.66	121.05
Do	Public Service Co of New Mexico	19,353.75	
Do	Sierra Pacific Power Co	32,737.50	155.46
Do	State of Montana Dept of Natural Resources & Conservation	6,480.00	
Nessa E. Feddis, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	4,281.00	185.00
Federal Affairs Office, 11350 Random Hills Rd., #240 Fairfax, VA 22030	Computer Learning Center	6,000.00	6,561.13
Federal Strategies, 888 16th Street, NW Washington, DC 20006	Bristol-Meyers Squibb Co		750.00
Do	Cellulose Insulation Manufacturers Assn	2,250.00	750.00
Do	Citizens for Health		
Do	Cook Inlet Region, Inc	27,000.00	750.00
Do	Federal Data Corporation		750.00
Do	National Cable Television Assn	12,500.00	750.00
Do	Shell Oil Co		750.00
Do	U.S. Fuel & Security, Inc		750.00
Federation of American Controlled Shipping, 50 Broadway New York, NY 10004		201.28	201.28
Federation of American Health Systems, 1111 19th St., NW, #402 Washington, DC 20036		15,000.00	15,000.00
Federation of American Scientists, 307 Massachusetts Ave., NE Washington, DC 20002		26,207.50	3,761.00
Edward F. Feighan, 1228 Euclid Avenue, Suite 900 Cleveland, OH 44115-1891	Climaco Climaco Seminatore Lefkowitz & Garofoli Co (For:Blue Cross & Blue Shield of Ohio).	7,200.00	3,525.00
Geoffrey A. Feiss, 1401 H Street, NW, #600 Washington, DC 20005	U.S. Telephone Assn	100.00	50.00
Laura Feldman, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	3,613.00	
Kenneth E. Feltman, 927 15th St., NW, #1000 Washington, DC 20005	Employers Council on Flexible Compensation	200.00	
Katherine T. Ferency, 117 Water St., Plt. 6 Allegan, MI 49010	Perrigo Co	3,655.20	299.08
Denise G. Ferguson, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co	17,238.00	728.55
Maureen H. Ferguson, Indiana Petroleum Council 143 W. Market Street, #714 Indianapolis, IN 46204	American Petroleum Institute		
Jack Ferguson Associates, Inc, 203 Maryland Ave., NE Washington, DC 20002	Klukwan, Inc		
DeDe Ferrell, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	10,000.00	514.63
Edward Ferrigno, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	3,000.00	759.68
Robert M. Ferris, 1101 14th Street, NW, Suite 1400 Washington, DC 20005	Defenders of Wildlife		
Cap Ferry, American Towers 44 West 300 South, #803 Salt Lake City, UT 84101	MultiState Associates, Inc (for Viaticus, Inc)		
Lizabeth Heydt Ferry, 4636 Somerton Road Trevose, PA 19053	Betz Laboratories		
Marvin C. Feuer, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	15,000.00	172.12
Financial Executives Institute, 10 Madison Avenue P.O. Box 1938 Morristown, NJ 07962-1938		75,500.00	75,500.00
Jeanne Finberg, 1525 Mission Street San Francisco, CA 94103	Consumers Union	5,244.59	
Mark R. Finch, 7900 Westpark Dr., Suite A-320 McLean, VA 22102	National Confectioners Assn		
William J. Finch, 403 East Sixth St. Bloomington, IN 47401	Cook Group, Inc	2,700.00	
Linda D. Findlay, 1420 New York Avenue, NW, Suite 210 Washington, DC 20005	Phelps Dodge Corp	2,500.00	
Lawrence A. Fineran, 1331 Pennsylvania Ave., NW, #1500 N Washington, DC 20004	National Assn of Manufacturers	750.00	
Peter J. Finnerty, 1331 Pennsylvania Ave., NW #560 Washington, DC 20004	Sea-Land Service, Inc	3,000.00	
Thomas D. Finnigan, 801 Pennsylvania Avenue, NW, #230 Washington, DC 20004	Praxair, Inc		
Maria Fiordellisi, 815 16th Street, NW Washington, DC 20006	American Federation of Labor & Congress of Industrial Orgs	19,418.42	1,033.29
First National Bank of Boston, 100 Federal St. Boston, MA 02110			6,163.38
Charles H. Fischer, 1101 14th Street, NW, #1400 Washington, DC 20005	Defenders of Wildlife		
H. David Fish, 5855 Stadium Street San Diego, CA 92122	Education Legislative Services, Inc (For:Central California Legislative Consortium).	1,177.20	9.81
Do	Education Legislative Services, Inc (For:Oakland Unified School District)	1,826.40	15.22
Do	Education Legislative Services, Inc (For:Sacramento City Unified School District)	535.20	4.46
Do	Education Legislative Services, Inc (For:San Diego Unified School District)	1,284.00	10.70
Do	Education Legislative Services, Inc (For:San Francisco Unified School District)	856.20	7.13
John H. Fish, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	R.J. Reynolds Tobacco Co	1,500.00	2,710.54
Fish & Richardson, P.C., 601 13th Street, NW Suite 500 North Washington, DC 20005	Directors Guild of America	747.50	480.00
Do	Shared Legal Capability for Intellectual Property	585.00	373.00
Donald W. Fisher, 3814 Ivanhoe Lane Alexandria, VA 22310	American Group Practice Assn	672.00	
Donna J. Fisher, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	3,237.00	
J. Paris Fisher, 600 New Hampshire Avenue, NW, #1200 Washington, DC 20037	Westinghouse Electric Corp	1,200.00	
Scott Fisher, 701 W. 15th Street Austin, TX 78701	Texas Petroleum Marketers & Convenience Store Assn		
Clyde Fitzgerald, 815 Sixteenth Street Washington, DC 20006	International Longshoremen's Assn, AFL-CIO		
Thomas H. Fitzpatrick, Connecticut Petroleum Council 55 Farmington Avenue, #704 Hartford, CT 06105	American Petroleum Institute	60.00	
Alan M. Fitzwater, P.O. Box 187 Bentonville, VA 22610	Burlington Northern Railroad Co	15,000.00	
Hilliard J. Fjord, 6725 Wooster Pike Cincinnati, OH 45227	Ohio River Co	3,000.00	573.82
N. David Flagg, P.O. Box 100303 Gainesville, FL 32610-0303	Shands Hospital	1,759.00	4,905.31
Robert B. Flagg, 9622 Maury Road Fairfax, VA 22032	Chemical Manufacturers Assn, Inc	750.00	511.60
Steven H. Flajser, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	Space Systems/Loral	4,500.00	
Joyce Flannery, 402 West Broadway, #1150 San Diego, CA 92101	Flannery Group (For:Audre, Inc)		
John Flatley, 1250 Eye Street, NW, Suite 900 Washington, DC 20005	Distilled Spirits Council of the U.S.	2,000.00	
Fleishman-Hillard, Inc, 1301 Connecticut Ave., NW, 7th Floor Washington, DC 20036	National Spiritual Assembly of the Baha'is of the U.S.	24,000.00	955.00
Terry P. Fleming, Ohio Petroleum Council 88 E. Broad St., #1960 Columbus, OH 43215	American Petroleum Institute		157.48
Ronnie G. Flippo, 701 Pennsylvania Ave., NW, #800 Washington, DC 20004	R.G. Flippo & Associates, Inc (For:Alabama Nursing Homes Assn)	1,500.00	
Do	R.G. Flippo & Associates, Inc (For:Alabama Power Co)	3,000.00	
Do	R.G. Flippo & Associates, Inc (For:Huntsville-Madison County Airport Authority)	1,950.00	
Do	R.G. Flippo & Associates, Inc (For:Massachusetts Mutual Insurance Co)	3,000.00	
Do	R.G. Flippo & Associates, Inc (For:South Central Bell)	1,800.00	
Do	R.G. Flippo & Associates, Inc (For:Troy State Universtity)	2,850.00	
Do	R.G. Flippo & Associates, Inc (For:University of Alabama in Huntsville)	2,850.00	
Florida Wetlandsbank, 1800 N. Douglas Road, Suite 203 Pembroke Pines, FL 33024			
John J. Flynn, 1125 17th Street, NW Washington, DC 20036	International Union of Operating Engineers	7,500.00	508.52
Laura C. Fogt, P.O. Box 1417-D49 Alexandria, VA 22313-1417	National Assn of Chain Drug Stores	1,000.00	
Christopher L. Foley, 89 Orinda Way, #4 Orinda, CA 94563	Law Offices of Christopher R. Foley (For:Frank Spenger Company)		
Foley & Lardner, 3000 K Street, NW, #500 Washington, DC 20007-5109	Aurora Health Care, Inc, et al.		
Do	Council of Community Blood Centers		
Do	Real Estate Services Providers Council		
Brian Folkerts, 1401 New York Ave., NW, Suite 400 Washington, DC 20005	National Food Processors Assn	7,356.96	100.00
Richard T. Foltin, 1156 15th Street, NW, Suite 1201 Washington, DC 20005	American Jewish Committee	9,500.00	535.00
Brian F. Fontes, 1250 Connecticut Ave, NW, 2nd Floor Washington, DC 20036	Cellular TElecommunications Industry Assn		
Fontheim & Hammonds, 888 16th Street, NW, #300 Washington, DC 20006-4103	Limited, Inc	2,732.50	2,908.42
Food & Allied Service Trades Dept, AFL-CIO, 815 16th Street, NW, #408 Washington, DC 20006		13,888.00	13,888.00
Foodservice & Packaging Institute, Inc, 1901 North Moore Street Arlington, VA 22209			
James E. Ford, 601 Pennsylvania Ave., NW North Building, 4th Floor Washington, DC 20004	Atlantic Richfield Co	1,922.00	
Ford & Ferraro, 98 San Jacinto, Suite 2000 Austin, TX 78701	Houston Chemical Services, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Sonja Fordham, 1725 DeSales Street, NW, Suite 500 Washington, DC 20036	Center for Marine Conservation		
Donald D. Foreman, 1455 Pennsylvania Avenue, NW, Suite 525 Washington, DC 20004	R.J. Reynolds Tobacco Co	3,600.00	
Forest Farmers Assn, P.O. Box 95385 Atlanta, GA 30347		30,887.30	8,110.74
Paul Forlenza, 1301 K Street, NW Washington, DC 20005	IBM	2,636.00	301.00
Frank J. Formica, 1735 K Street, NW Washington, DC 20006	National Assn of Securities Dealers	350.00	10.00
David V. Foster, 1020 19th St., NW, #550 Washington, DC 20036	Genzyme Corp	937.50	
Alissa T. Fox, 311 Massachusetts Avenue, NE Washington, DC 20002	Washington Health Advocates	23,689.30	
Phillip L. Fraas, 1025 Thomas Jefferson Street, NW, #407 Washington, DC 20007	Tuttle Taylor & Heron (For:Cheese Importers Assn of America, Inc)	5,218.20	217.32
Do	McLeod Watkinson & Miller (For:DEIP Coalition)	9,126.63	343.70
Do	Tuttle Taylor & Heron (For:South African Sugar Assn)	17,000.00	1,728.94
Karl E. Francis, P.O. Box 741239 Arvada, CO 80006-1239	City of Kaktovik, Alaska	32,575.00	11,293.70
Stephen R. Francisco, 815 16th Street, NW, Suite 706 Washington, DC 20006	United Steelworkers of America	14,505.30	
Peter M. Frank, 1667 K St., NW, #250 Washington, DC 20006	Kerr-McGee Corp	2,500.00	
Faye B. Frankfort, 9312 Old Georgetown Road Bethesda, MD 20814-1621	American Podiatric Medical Assn	4,000.00	
David C. Frankil, 1875 Eye Street, NW, Suite 540 Washington, DC 20006	Champion International Corp	1,440.00	11,322.37
Jordan Frankl, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Committee		
Walter L. Frankland Jr., 1730 M Street, NW, #911 Washington, DC 20006-3868	Silver Users Assn, Inc	1,080.00	54.00
C. Anson Franklin, 1101 Connecticut Ave., NW, #1200 Washington, DC 20036	Illinois Power	3,150.00	72.52
Marian C. Franz, 2121 Decatur Place, NW Washington, DC 20008	National Campaign for a Peace Tax Fund	2,662.60	1,389.72
Fraser Trebilcock Davis & Foster, P.C., 1000 Michigan National Tower Lansing, MI 48933	Michigan Cable Television	376.00	379.60
Douglas Freberg II, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn	2,000.00	340.27
Robert M. Frederick, 1616 H St., NW Washington, DC 20006	National Grange	6,000.00	
Matthew Freedman, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	670.67	
Lewis R. Freeman Jr., 1275 K Street, NW, #400 Washington, DC 20005	Society of the Plastics Industry, Inc		
David W. Freer, 1001 G Street, NW 6th Floor East Washington, DC 20001	Southern California Gas Co	5,000.00	
Paula D. Freer, 1101 Pennsylvania Avenue, NW, #510 Washington, DC 20004	USX Corporation		
Verrick O. French, 1455 Pennsylvania Avenue, NW, #1260 Washington, DC 20004	French & Company (For:International Electronics Mfgrs & Consumers of America, Inc).	1,100.00	
Do	French & Company (For:Montgomery Ward & Co, Inc)	175.00	
French & Company, 1455 Pennsylvania Ave., NW, #1260 Washington, DC 20004	International Electronics Mfgrs & Consumers of America, Inc	1,850.00	
Do	Montgomery Ward & Co, Inc	175.00	
Fresh Produce Assn of the Americas, P.O. Box 848 Nogales, AZ 85621			
Stacey Fried, 1301 K Street, NW East Tower 715 Washington, DC 20005	Eastman Chemical Co	500.00	
Fried Frank Harris Shriver & Jacobson, 1001 Pennsylvania Ave., NW, #800 Washington, DC 20004-2505	General Electric Co	1,462.00	
Do	Ohio Edison Co	4,876.50	128.82
Gay Friedmann, 555 13th Street, NW, #300W Washington, DC 20004	Interstate Natural Gas Assn of America	15,000.00	84.00
Owen V. Frisby, 4 Old Stage Court Rockville, MD 20852	GHL, Inc		
Do	National Mining Association	9,000.00	9.00
Maureen S. Frisch, 1201 Third Avenue, Suite 4900 Seattle, WA 98101-3045	Simpson Investment Company		
Edward O. Fritts, 1771 N Street Washington, DC 20036	National Assn of Broadcasters	2,000.00	
Charles H. Fritzel, 444 North Capitol St. NW, #801 Washington, DC 20001	National Assn of Independent Insurers	1,500.00	
Alan Front, 666 Pennsylvania Ave., SE, #401 Washington, DC 20003	Trust for Public Land	5,905.00	7,980.58
Gordon H. Fry, 900 19th St., NW Washington, DC 20006	Aluminum Assn, Inc	25.00	
Susan L. Fry, 1401 New York Ave., NW, #400 Washington, DC 20005	National Food Processing Assn	9,845.57	100.00
Fuji Bank, Ltd, c/o Washington DC Representative Office 900 19th Street, NW, #750 Washington, DC 20006			3,438.28
Fuji Photo Film, Inc, 211 Picketts Ferry Road Greenwood, SC 29649			3,300.00
Fulbright & Jaworski, 801 Pennsylvania Avenue, NW Washington, DC 20004	Barrett Resources Corp	6,560.00	49.90
Do	Federal Home Loan Bank of Dallas	12,000.00	387.35
Do	Siemens Transportation Systems, Inc	7,500.00	63.00
Nancy R. Fulco, 1615 H St., NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	
Carolyn Fuller, 1420 New York Avenue, NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:Montana State University)	1,458.25	
Do	Van Scoyoc Associates, Inc (For:North Dakota State University)	875.00	
Do	Van Scoyoc Associates, Inc (For:University of New Orleans)	250.00	
Do	Van Scoyoc Associates, Inc (For:WINSM Consortium)	900.00	
Don Fuqua, 1250 Eye Street, NW Washington, DC 20005	Aerospace Industries Assn of America, Inc	4,375.00	
Furman Group, 1299 Pennsylvania Avenue, NW Suite 995 Washington, DC 20004	Central Basin Municipal Water District		
Do	Central Utah Water Conservancy District		
Do	Central Valley Water Reclamation Facility Board	15,000.00	
Do	City of Watsonville, CA	7,500.00	
Do	Dacole Investments	25,000.00	
Do	San Elijo Joint Powers Authority	21,250.00	
Do	Southern California Water Co		
Do	Upper San Gabriel Municipal Water District	15,000.00	19.88
Do	West Basin Municipal Water District		184.34
Futures Industry Assn, Inc, 2001 Pennsylvania Ave., NW Washington, DC 20006-1807		7,500.00	25.00
Wayne Gable, 1401 I Street, NW, #300 Washington, DC 20005	Koch Industries, Inc		96.65
James E. Gaffigan, 1201 New York Ave., NW Washington, DC 20005-3931	American Hotel & Motel Assn	6,603.65	
Gage & Tucker, 1200 G Street, NW, #800 Washington, DC 20005	Anchor Glass Container Corp		
Do	Pizza Hut, Inc		
Do	Wendy's International, Inc		
Floyd D. Gaibler, 1155 15th Street, NW, Suite 300 Washington, DC 20005	Agricultural Retailers Assn	7,000.00	5,458.01
Law Offices of John G. Gaine, 1150 Connecticut Ave., NW, Suite 700 Washington, DC 20036	Managed Futures Assn	3,000.00	590.00
Gary P. Galanis, 1100 South Washington Street, 1st Floor Alexandria, VA 22134-4494	National Beer Wholesalers Assn	4,132.67	
Angelina Galiteva, 701 Pennsylvania Ave., NW Washington, DC 20004	Electric Transportation Coalition	100.00	50.00
Jon T. Gallinger, 10 Lafayette Square Buffalo, NY 14203	National Fuel Gas Distribution Corp, et al.	3,583.47	11,047.74
Joan Galvin, 8607 Westwood Center Drive Vienna, VA 22182	Ringling Bros & Barnum & Bailey		
Thomas Gann, 1300 I Street, NW, #40 East Washington, DC 20005-3306	Sun Microsystems, Inc		3,405.00
Cheryl Gannon, 2000 K Street, NW #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	22,967.00	142.50
Brian D. Garber, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	Public Lands Council	1,000.00	
Isabelle Garcia, 1201 16th St., NW, #624 Washington, DC 20036	National Education Assn	4,217.25	76.00
Margaret Garikes, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
Lee D. Garrigan, 1015th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	1,250.00	
Theodore J. Garrish, 1776 I Street, NW, #400 Washington, DC 20006	Nuclear Energy Council	15,050.00	2,090.00
John C. Gartland, 214 Massachusetts Ave., NE, #210 Washington, DC 20002	Amway Corp	10,000.00	
Jerdy Gary, 701 W. 15th Street Austin, TX 78701	Texas Petroleum Marketers & Convenience Store Assn	961.60	213.75
Gas Appliance Manufacturers Assn, Inc, 1901 North Moore Street Arlington, VA 22209		15,200.29	10,659.99
Philip Gasteyer, 900 19th Street, NW, #400 Washington, DC 20006	America's Community Bankers		
Monique S. Gaw, 3138 North 10th Street, Suite 300 Arlington, VA 22201	National Assn of Federal Credit Unions	1,250.00	
A. Fred Gebler, 1331 Pennsylvania Ave., NW, #1300N Washington, DC 20004	EDS Corporation		
Ruthann Geib, 1156 15th Street, NW, #1101 Washington, DC 20005	American Sugarbeet Growers Assn	7,810.00	
Ethel Z. Geisinger, 113 King Street Armonk, NY 10504-1610	MBIA, Inc	1,000.00	640.00
Deanna Gelak, 606 North Washington Street Alexandria, VA 22314	Society for Human Resource Management	5,827.00	65.30
Robert C. Gelardi, 5775 Peachtree-Dunwoody Rd., #500-G Atlanta, GA 30342	Robert H. Kellen Co (For:Calorie Control Council)	180.00	
Do	Kellen Company (For:Infant Formula Council)	450.00	
Morton A. Geller, Corporate Tax Department 100 Federal Street Boston, MA 02110	First National Bank of Boston		
General Aviation Manufacturers Association, 1400 K Street, NW, #801 Washington, DC 20005			13,864.00
General Instrument Corporation, 181 West Madison Street, Suite 4900 Chicago, IL 60602		53,408.75	
General Teamsters Local 959, 4300 Boniface Parkway, 4th Floor Anchorage, AK 99504-4387			61,901.00
Diane J. Generous, 1331 Pennsylvania Ave., NW, #1500 North Washington, DC 20004-1703	National Assn of Manufacturers		
Genzyme Corporation, 1020 19th Street, NW, Suite 550 Washington, DC 20036			17,307.33
John J. Geoghegan, 1728 Leisure Way Crofton, MD 21114	Air Force Sergeants Assn		
Warren S. George, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Louis Gerber, 501 Third Street, NW Washington, DC 20001	Communications Workers of America	7,857.00	67.52
Matthew Gerson, 1600 Eye Street, NW Washington, DC 20006	Motion Picture Assn of America, Inc	1,080.00	201.92
Alvin J. Geske, 2100 Pennsylvania Avenue, NW, #400 Washington, DC 20037	Renewable Fuels Assn	5,842.00	178.91
Danny Ghorbani, 8014 Falstaff Road McLean, VA 22102	Association for Regulatory Reform	462.00	88.73
Christopher J. Giaimo, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	4,135.25	
Gibbons & Company, 1455 Pennsylvania Ave., NW, Suite 1180 Washington, DC 20004	Florida Citrus Mutual		
Do	Kellogg Co		
Do	Mutual Life Insurance Co of New York	16,200.00	
Do	Underwriters at Lloyd's of London		
Gail Giblin, 820 First Street, NE, #900 Washington, DC 20002	Turner Broadcasting System, Inc	2,500.00	
Robert B. Giese, 1101 Connecticut Avenue, NW, #1000 Washington, DC 20036	Chris-Craft Broadcasting, Inc	375.00	
Anne Giesecke, 1350 I Street, NW, Suite 1290 Washington, DC 20005	American Bakers Assn	1,020.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Gary G. Gilbert, 900 19th Street, NW, #400 Washington, DC 20006	America's Community Bankers		
Edward J. Gill Jr., 2100 Pennsylvania Ave., NW, #600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For:Redevelopment Authority of Luzerne County).	142.50	
Joseph A. Gillan, 2001 Pennsylvania Avenue, NW, #300 Washington, DC 20006	Exxon Corporation	300.00	74.19
Neal P. Gillen, 1725 K Street, NW, #810 Washington, DC 20006	American Cotton Shippers Assn	30,000.00	580.28
Edward A. Gillespie, 1301 K Street, NW, #1100 Washington, DC 20005	IBM Corp	206.35	10.00
Daniel F. Gilligan, 2101 Wilson Boulevard, #610 Arlington, VA 22201	Manufactured Housing Institute	1,438.00	
William A. Gillon, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America	2,850.00	19.72
Brad Gilman, 2300 Clarendon Blvd., #1010 Arlington, VA 22201	Robertson Monagle & Eastaugh (For:Alaska Groundfish Data Bank)	6,000.00	
Do	Robertson Monagle & Eastaugh (For:Aleutian Seafood Processors Assn)	841.50	
Do	Robertson Monagle & Eastaugh (For:Aleutians East Borough)	18,000.00	
Do	Robertson Monagle & Eastaugh (For:All Alaska Seafoods, Inc)	5,111.28	
Do	Robertson Monagle & Eastaugh (For:City of Kodiak)	4,500.00	
Do	Robertson Monagle & Eastaugh (For:Crowley Maritime Corp)		
Do	Robertson Monagle & Eastaugh (For:Kodiak Island Borough)	4,500.00	
Do	Robertson Monagle & Eastaugh (For:Lunds Fisheries, Inc)	3,375.00	
Do	Robertson Monagle & Eastaugh (For:Marco)	9,000.00	
Do	Robertson Monagle & Eastaugh (For:Ocean Shipholding, Inc)	15,000.00	
Do	Robertson Monagle & Eastaugh (For:Pacific States Marine Fisheries Cons)	9,000.00	
Do	Robertson Monagle & Eastaugh (For:Sea-Land Services, Inc)	5,190.00	
Do	Robertson Monagle & Easthaugh (For:Seafreeze)	3,375.00	
Do	Robertson Monagle & Eastaugh (For:Trinity Marine Group)	6,000.00	
Jim Gilmore, 4039 21st Avenue, #400 Seattle, WA 98199	National Fisheries Institute	22,500.00	1,500.00
Ginsburg Feldman & Bress, Chartered, 1250 Connecticut Ave., NW, #800 Washington, DC 20036	United Air Lines, Inc		
Caesar A. Giolito, Capital-International Communications P.O. Box 5793 Carefree, AZ 85377	American Assn of Pastoral Counselors	1,000.00	
Carolyn H. Giolito, P.O. Box 5793 Carefree, AZ 85377	American Assn of Pastoral Counselors	1,000.00	
Girl Scouts of the USA, 420 Fifth Avenue New York, NY 10018-2702			8,590.52
Lawrence L. Gladchun, 27777 Inkster Road Farmington Hills, MI 48334	Michigan National Corp		
Nicholas J. Glakas, 1600 M Street, NW Washington, DC 20036	ITT Corporation	1,200.00	104.00
David L. Glass, 485 Lexington Avenue New York, NY 10017	New York State Bankers Assn		
Marci Glazer, 1725 DeSales Street, NW, #500 Washington, DC 20036	Center for Marine Conservation	44.85	
Robert E. Gleason, 17 Battery Place New York, NY 10004	International Longshoremen's Assn, AFL-CIO		
Law Offices of Gleason & Mathews, 26 Broadway, 17th Floor New York, NY 10004	International Longshoremen's Assn, AFL-CIO		
Global USA, Inc, 2121 K St., NW, #650 Washington, DC 20037	All Nippon Airways Co, Ltd		
Do	Hitachi, Ltd		
Do	Hyundai Motor America		
Do	Japan Fed of Construction Contractors, Inc		
Do	K-Mortgage Corp		
Do	Komatsu Ltd		
Do	Kyocera Corporation		
Do	Mazak Corporation		
Do	Metro-Dade Country		
Do	Southwestern Bell Corp		
Do	Westinghouse Electric Corp	486.61	
Kathryn M. Goatley, 1021 S. Hanover Street Baltimore, MD 21230	Maryland Food Committee		29.00
James W. Godlove, 1776 Eye Street, NW, #700 Washington, DC 20006	Phillips Petroleum Co	1,600.00	7.70
Lee R. Godown, 1111 19th Street, NW, #650 Washington, DC 20036	American College of Emergency Physicians	25.00	103.55
Kevin C. Goebel, 2530 San Pablo Avenue, #J Berkeley, CA 94702	Americans for Nonsmokers' Rights	609.00	
Donald G. Goff, 8003 Rivermont Court Springfield, VA 22153	McDonnell Douglas Corp	480.00	
Al James Golato, 1533 New Hampshire Ave., NW Washington, DC 20036	National Assn of Retired Federal Employees		
Howard Goldblatt, 1511 K Street, NW, Suite 622 Washington, DC 20005	Coalition Against Insurance Fraud	3,250.00	51.73
Mark J. Golden, 1019 19th Street, NW, Suite 1100 Washington, DC 20036	Personal Communications Industry Assn	2,031.25	
Max Goldman, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco Group, Inc		
Robert H. Goldsborough, 5508 Lombardy Place Baltimore, MD 21210	Americans for Immigration Control, Inc	2,700.00	
Neil Goldschmidt, Inc, 222 SW Columbia, #1850 Portland, OR 97201	Nike, Inc		
Do	Seneca Sawmill Company		
Andrew P. Goldstein, 1750 Pennsylvania Ave., NW, #1105 Washington, DC 20006	McCarthy Sweeney & Harkaway, PC (For:National Grain & Feed Assn)	19,035.00	1,180.00
Ellen L. Goldstein, 1299 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co	300.00	362.00
John A. Gonzalez, 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp	5,000.00	4,608.80
Thomas E. Goode, 1140 Connecticut Avenue, NW Suite 1140 Washington, DC 20036	UTC Telecommunications Assn		
Deborah K. Goodell, 1315 Nueces Austin, TX 78701	Polan-Ingram Advocacy Group (For:Vermont Yankee Nuclear Power Corp)	2,500.00	3,122.83
Jack Goodman, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	1,000.00	25.00
Laurie Diann Goodman, 3355 Ten Sleep Dr., #5 Jackson, WY 83001		3,000.00	259.41
Susannah Goodman, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	2,533.65	
John Gordley, 1000 Connecticut Avenue, NW, #1106 Washington, DC 20036	American Soybean Assn	11,000.00	8,093.54
Do	Iowa Pork Producers Assn	2,500.00	1,554.52
Do	National Sunflower Assn	3,000.00	3,113.24
Do	U.S. Canola Association	9,000.00	3,640.69
Bradley Gordon, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Committee	31,500.00	447.69
Marvin N. Gordon, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Northrop Grumman	1,400.00	
Mary S. Gordon, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	
Gordy Associates, Susan K., 1 First National Plaza, #3175 Chicago, IL 60603	First Chicago Corp	6,000.00	1,200.00
Gorlin Group, 2300 M Street, NW, Suite 800 Washington, DC 20037	Glaxo	18,000.00	5.50
Do	Intellectual Property Committee		
David W. Gorman, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	12,551.43	
Faye A. Gorman, 1800 M Street, NW, #325-S Washington, DC 20036	Dow Corning Corp	5,000.00	64.00
Barry Gottehrer, 1295 State Street Springfield, MA 01111-0001	Massachusetts Mutual Life Insurance Co	100.00	
Margaret A. Gottlieb, 1111 19th Street, NW, #1100 Washington, DC 20036	Direct Marketing Assn		
Rebecca M.J. Gould, 2001 L Street, NW, Suite 400 Washington, DC 20036	Business Software Alliance	11,000.00	
Gover Stetson & Williams, 2501 Rio Grande Blvd., NW Albuquerque, NM 87104-3223	Campo Band of Mission Indians	3,632.00	
Do	Colorado River Indian Housing Authority		
Do	Crow Tribal Housing Authority		
Do	First Mesa Consolidated Villages		
Do	Lummi Nation	3,578.00	
Do	Mescalero Apache Housing Authority		
Do	Navajo Nation	548.00	
Do	Pueblo of Laguna Housing Authority		
Do	Pueblo of Sandia	8,640.00	
Do	Pueblo of Tesuque	9,112.50	
Do	Shoshone Tribe	260.00	
Do	Tohono O'dham Nation	50.00	
Do	Wind River Tax Commission		
Do	Yavapai-Apache Indian Community	1,387.50	
Do	Zuni Housing Authority		
James E. Graf II, 601 Pennsylvania Avenue, NW North Building, Suite 725 Washington, DC 20004	British Telecommunications, plc	5,000.00	
Ronald P. Graf, 1401 Eye Street, NW, #710 Washington, DC 20005	Hershey Foods Corp		
Lawrence T. Graham, 7900 Westpark Drive, #A-320 McLean, VA 22102	Chocolate Manufacturers Assn of the USA		
Do	National Confectioners Association		
Owen J. Graham, P.O. Box 6600 Ketchikan, AK 99901	Ketchikan Pulp Co	405.00	1,361.85
Graham & James, 2000 M Street, NW, #700 Washington, DC 20036	Asociacion Nacional de Industriales		
Do	Footwear Distributers & Retailers of America		
Do	Hong Kong Trade Development Council		
Gerald W. Grandey, 2121 11th Street West Saskatoon Saskatchewan Canada S7M U3	Cameco Corporation		2,918.87
Grange Mutual Casualty Co, 650 South Front Street Columbus, OH 43206			
Jay Grant, McGuiness & Holch 400 North Capitol St., NW, #585 Washington, DC 20001	American Council of Health Brokerage Agencies	2,000.00	
Do	National Assn of Dental Plans	9,492.25	
Do	National Assn of Health Underwriters		
Rhonda K. Grant, 5901 Executive Drive Lansing, MI 48911	Jackson National Life Insurance Co	2,500.00	2,280.00
James L. Granum, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Marie Beatrice Grause, 499 South Capitol Stret, SW, #405 Washington, DC 20003	Massachusetts Hospital Assn	18,000.00	242.18
Adrienne A. Gray, 1301 K Street, NW, #1200 Washington, DC 20005	IBM Corporation	1,706.88	128.40
Neil A. Gray, 2120 L Street, NW, #305 Washington, DC 20037	International Bridge Tunnel & Turnpike Assn	2,820.00	65.92
Peter Gray, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp/Citibank	2,584.00	
Mary R. Grealy, 1111 19th Street, NW, #402 Washington, DC 20036	Federation of American Health Systems	1,500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Greater Cincinnati Television Educational Foundation, 1223 Central Parkway Cincinnati, OH 45214			
Donald R. Greeley, 919 18th St., NW, #700 Washington, DC 20006	Hoechst Celanese Corp	5,000.00	169.59
Kaylene H. Green, Paul Magliocchetti Associates, Inc 1755 Jefferson Davis Highway, #1107 Arlington, VA 22202	Diagnostic Retrieval Systems, Inc		
Oliver W. Green, 5025 Wisconsin Ave, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Peggy M. Green, 2220 Valcourt Drive Plano, TX 75023	Housing Roundtable		150.00
Rodney M. Green, P.O. Box 1475 Nashville, TN 37202	United Paperworkers International Union		
William Green, 1455 Pennsylvania Ave, #575 Washington, DC 20004	MacAndrews & Forbes Holdings, Inc	1,000.00	
Fred Greene, 316 Teal Crescent Virginia Beach, VA 23456	Denny Miller Associates	2,500.00	
H. Thomas Greene, 412 1st St., SE Washington, DC 20003	National Automobile Dealers Assn	15,000.00	
Laurence T. Greene, U.S. Route 150 Normal, IL 61761-8099	Mitsubishi Motor Manufacturing of America, Inc		5.00
Lori Valencia Greene, 1120 Connecticut Ave., NW, Suite 461 Washington, DC 20036	Planned Parenthood Federation of America	948.78	124.60
Suzanne Greenfield, 2030 M Street, NW Washington, DC 20036	Common Cause	7,839.02	
Alan Greenlee, 1120 Connecticut Avenue, NW Washington, DC 20036	American Bankers Assn	1,500.00	
Greenlee Associates, 19 1/2 N. Fourth St. Harrisburg, PA 17101	CIGNA Corporation	22,500.00	723.38
Do	Pennsylvania Power & Light	6,750.00	1,018.40
Sarah M. Gregg, 800 Connecticut Ave., NW, #1100 Washington, DC 20006	Baxter	3,000.00	313.18
Mark D. Gregory, 1776 K Street, NW, #800 Washington, DC 20006	Seaboard Corp	800.00	4,322.00
Linda W. Greiner, 1317 F Street, NW, Suite 350 Washington, DC 20004	White Consolidated Industries		
Ginny Grenham, 1500 K Street, NW, #360 Washington, DC 20005	Healthcare Leadership Council	5,400.00	320.00
Kathryn Griesinger, 2500 Wilson Bouldevard Arlington, VA 22201	Electronic Industries Assn	750.00	
Terry M. Griffin, 253 Foster Knoll Drive Joppa, MD 21085	Republican Liberty Caucus		74.95
Griffith & Rogers, P.O. Box 960 Yazoo City, MS 39194-0960	American Maritime Congress	15,000.00	553.87
Do	American Rice, Inc	15,000.00	
Do	Charles Schwab & Co, Inc	30,000.00	6,058.58
Do	CBS, Inc	22,500.00	498.30
Do	Glaxo-Wellcome	30,000.00	2,379.39
Do	Gulf Coast Research Laboratory, Univ of Southern Mississippi	10,000.00	314.85
Do	National Air Traffic Controllers Assn	18,000.00	644.20
Do	National Assn of Immigration Judges	10,500.00	360.31
Do	Pharmaceutical Research & Manufacturers of America	20,000.00	
Do	Southern Company Services, Inc	52,500.00	5,268.47
Do	Textron	40,000.00	4,238.86
Norman E. Grimm Jr., 12600 Fair Lakes Circle Fairfax, VA 22033-4904	AAA Potomac		
Cynthia P. Grisso, 1101 Sixteenth Street, NW Washington, DC 20036	Independent Petroleum Assn of America		30.00
Grocery Manufacturers of America, Inc, 1010 Wisconsin Ave., NW, #900 Washington, DC 20007			4,373.25
James N. Groninger, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco Group, Inc	181.73	
Groom & Nordberg, Chtd, 1701 Pennsylvania Avenue, NW, #1200 Washington, DC 20006	Ad Hoc MGA Group		
Do	Ad Hoc PFIC Group		
Do	American Petroleum Institute		
Do	Amoco Corporation		
Do	Bankers Life & Casualty Co		
Do	Business Roundtable	275.00	40.00
Do	Cargill, Inc		
Do	Chevron Corp	175.00	30.00
Do	Eli Lilly & Company	50.00	
Do	Maxus Energy Corp	175.00	20.00
Do	Murphy Oil USA, Inc		
Do	Nebraska Public Power District		
Do	New York City Teachers Retirement System		
Do	Phillips Petroleum Co		
Do	Physicians Mutual Insurance Co		
Do	Principal Financial Group		
Do	Prudential Insurance Co of America	1,250.00	75.00
Do	Prudential Securities		
Do	Puerto Rico, USA Foundation	5,400.00	2,000.00
Do	Retired Lives Reserve Group		
Do	Southern California Edison Co		
Do	Sunflower Electric Power Corp		
Do	Union Texas Petroleum Corp		
Do	Westinghouse Electric Corp		
George Gross, 1211 Connecticut Ave., NW, #610 Washington, DC 20036	Magazine Publishers of America, Inc	10,000.00	
Jessica A. Gross, 1101 17th Street, NW, Suite 105 Washington, DC 20036	Direct Marketing Assn, Inc		
Drew Gruenburg, 1601 Duke Street Alexandria, VA 22314	Society of American Florists	1,000.00	
Michael Grynberg, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	969.23	
Derek Guest, 1250 H Street, NW, Suite 800 Washington, DC 20005	Eastman Kodak Co	600.00	125.00
Pamela D. Guffain, 501 Second Street, NE Washington, DC 20002	Fertilizer Institute	3,000.00	98.99
Jerene B. Guidry, 50 F Street, NW, Suite 1050 Washington, DC 20001	Freeport-McMoRan Copper & Gold, Inc	2,500.00	20.00
Do	Freeport-McMoRan, Inc	2,500.00	20.00
Do	IMC Global, Inc	2,500.00	20.00
Jay F. Guin, P.O. Box 3206 Tuscaloosa, AL 35403	Tanner & Guin (For:Morrow Realty Co, Inc)		
Gun Owners of America, Inc, 8001 Forbes Place Springfield, VA 22151		437,074.51	372,551.74
Peggy A. Gunn, 601 Second Avenue South MPFP 1704 Minneapolis, MN 55402	First Bank System, Inc	16,275.00	4,172.13
Robert Gunther, 2815 Northwind Rd. Baltimore, MD 21234	Cable Television Assn of MD DE & DC	12,501.00	
Judy R. Guse-Noritake, 605 Prince Street Alexandria, VA 22314	Pacific Rivers Council	680.00	722.54
Phyllis A. Guss, 1200 K Street NW Washington, DC 20005	Lockheed Information Management Services Company, Inc		
Karen Lehman Haas, 10604 Persimmon Court Laurel, MD 20723	Capital Cities/ABC, Inc	312.50	24.00
Rosemary T. Haas, 1710 Rhode Island Ave., NW, #300 Washington, DC 20036	Abbott Laboratories	1,000.00	
Sherry J. Haber, 1821 Michael Faraday Dr., #400 Reston, VA 22090	National Wholesale Druggists' Assn		
William G. Haddeland, 601 Pennsylvania Ave., NW North Building, Suite 540 Washington, DC 20004	Ashland Oil, Inc	2,000.00	
Anthony L. Hadley, 2101 Wilson Blvd., #610 Arlington, VA 22201	Manufactured Housing Institute	9,000.00	120.37
Lonnie E. Haefner, 10 Finlay Road Kirkwood, MO 63122	L.E. Haefner Enterprises, Inc (For:Missouri Botanical Garden)		
Do	L.E. Haefner Enterprises, Inc (For:Surface Systems, Inc)		
Thomas M. Hagan, P.O. Box 660164 Dallas, TX 75266-0164	Central & South West Corp		
Kristina Hagg, 2021 North Key Blvd., #621 Arlington, VA 22201	Harris Corporation	2,000.00	1,392.04
Katherine L. Hagmeier, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	1,000.00	
Jacqueline Halbig, 700 13th Street, NW, #500 Washington, DC 20005	Family Research Council	1,925.00	
Hale and Dorr, 1455 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Central Maine Power Co		
Do	Genetics Institute		
Do	Harcourt Brace & Co		
Do	Hybridon, Inc	1,320.00	19.20
Do	Micron Technology, Inc	29,874.00	268.59
Do	Neiman Marcus Group	90.00	
Do	Northeastern University	1,620.00	14.58
Do	Nyacol Products, Inc	210.00	22.70
Do	Panda Project, Inc	2,213.00	
Do	Psychological Corp	3,671.00	185.85
Gregory V. Haledjian, 444 North Capitol Street, NW, Suite 711 Washington, DC 20001	Keefe Company (For:Radiofone, Inc)		
Anne Hall, 436 West 5th Avenue Columbus, OH 43201	Banc One Corporation	12,500.00	6,073.12
Elliott S. Hall, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	7,500.00	2,113.20
John P. Hall Jr., 1350 Eye Street, NW, #810 Washington, DC 20005	Johnson & Johnson		
Joseph M. Hall, 2930 S. Buchanan Street, #A1 Arlington, VA 22230	Harris Corporation	1,475.00	3,722.06
Lawrie Platt Hall, 14901 South Orange Blossom Trail P.O. 2353 Orlando, FL 32801	Dart Industries, Inc, Tupperware U.S., Inc		
Sarah E. Haller, 1615 L Street, NW, #320 Washington, DC 20036	Sandoz Corp		200.00
Paul Hallisay, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	12,500.00	536.58
James Patrick Halloran, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	7,500.00	39.00
Halprin Temple & Goodman, 1100 New York Avenue, NW, #650 East Washington, DC 20005	Bell Atlantic	14,272.50	
Do	NYNEX	12,952.50	
Do	Yellow Pages Publishers Assn	287.50	
Paul T. Haluza, 1325 Pennsylvania Ave., NW, #600 Washington, DC 20004	Motor and Equipment Manufacturers Association	1,000.00	
Eleanor Hamburger, 1535 Mission Street San Francisco, CA 94103	Consumers Union of U.S., Inc	226.72	
Martha R. Hamby, 1212 New York Ave., NW, #500 Washington, DC 20005	American Portland Cement Alliance	10,312.50	516.05
Michael F. Hamerlik, 4510 13th Avenue, SW Fargo, ND 58121-0001	Blue Cross Blue Shield of North Dakota	1,242.00	2,473.89
Palmer C. Hamilton, Miller Hamilton Snider & Odom P.O. Box 46 Mobile, AL 36601	Chase Manhattan Bank	41,666.68	1,335.06
Do	Colonial BancGroup, Inc	7,837.50	4,972.47

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Philip W. Hamilton, 1828 L St., NW, #906 Washington, DC 20036	American Soc of Mechanical Engineers		
Amy R. Hammer, 2001 Pennsylvania Ave., NW #300 Washington, DC 20006	Exxon Corporation	2,500.00	229.44
Thomas A. Hammer, 2100 Pennsylvania Ave, NW, #695 Washington, DC 20037	Sweetener Users Assn	12,165.00	55,688.50
Mary Moore Hamrick, 1001 Pennsylvania Avenue, NW, #460(N) Washington, DC 20004-2505	New York Life Insurance Co	1,105.00	1,665.25
Hance Scarborough Woodward & Weisbart, 111 Congress Avenue, Suite 800 Austin, TX 78701	American Society of Assn Executives	4,000.00	257.50
Do	Kinetic Concepts, Inc	4,000.00	
Do	Southwestern Bell Corp		
Do	Valhi, Inc	5,000.00	2,081.16
Nolan W. Hancock, 2722 Merrilee Drive, Suite 250 Fairfax, VA 22031	Oil Chemical & Atomic Workers International Union	8,004.38	
Hand Arendall Bedsole Greaves & Johnston, P.O. Box 123 Mobile, AL 36601	General Electric Co		
Do	Laguna		
Cynthia Haney, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	25.00	
Rita H. Hankins, 1300 I Street, NW, Suite 400 Washington, DC 20005	NYNEX Government Affairs	9,100.00	1,186.45
P. S. Hannas, 919 18th Street, NW, #400 Washington, DC 20006	W. R. Grace & Co /World Headquarters	600.00	
Dolly A. Hanrahan, 1300 I Street, NW, #520 West Washington, DC 20005-3314	Hoffmann-La Roche	4,000.00	168.48
William D. Hansen, 1155 15th Street, NW Washington, DC 20005	Education Finance Council	3,675.00	
Grant W. Hanson, 507 Second Street, NE Washington, DC 20002	Nike, Inc		
Julie E. Harbin, 1100 Wilson Blvd. Arlington, VA 22209	Hughes Electronics Corp		
Krysta Harden, 1000 Connecticut Ave., NW, Suite 1106 Washington, DC 20036	American Soybean Assn		
Do	Iowa Pork Producers Assn		
Do	National Sunflower Assn		
Do	U.S. Canola Assn		
Sandra K. Harding, 750 First Street, NE, #700 Washington, DC 20002-4241	National Assn of Social Workers	13,053.00	
Donna Akers Harman, 1875 Eye Street, NW, #540 Washington, DC 20006	Champion International Corp	2,238.00	711.52
Joel G. Harpel, P.O. Box 25500 Lehigh Valley, PA 18002-5500	First Valley Bank		
Diane Harper, 1000 Wilson Blvd. Arlington, VA 22209	Northrop Grumman Corp	1,400.00	1,042.95
Edwin L. Harper, 50 F Street, NW Washington, DC 20001	Association of American Railroads	5,000.00	64.34
Eugene Harrington, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Association		
Kathleen M. Harrington, 1501 M Street, NW, Suite 400 Washington, DC 20005	Aetna Life & Casualty	5,000.00	
A. J. Harris II, 1825 Eye Street, NW, #350 Washington, DC 20006	CIGNA Corp	7,000.00	46.00
Harris & Ellsworth, 2600 Virginia Avenue, NW, #1113 The Watergate Washington, DC 20037	American Railway Car Institute		
Do	Association of Food Industries, Inc		
Do	Cheese Importers Assn of America, Inc		
Do	Committee of Domestic Steel Wire Rope & Specialty Cable Mfrs		
Do	National Coalition of Food Importing Assns	237.50	
Laurie C. Harrison, 600 New Hampshire Avenue, NW, #1200 Washington, DC 20037	Westinghouse Electric Corp	1,200.00	
L. Ray Harry, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Southern Company Services, Inc	460.00	4,735.20
Elizabeth Kirby Hart, 3050 K Street, NW, #330 Washington, DC 20007	National Club Assn	1,080.00	
Jayne A. Hart, 1350 Eye Street, NW, #590 Washington, DC 20005	College of American Pathologists	5,115.00	
Jeffrey P. Hart, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	
Lynn S. Hart, 1111 19th St., NW, #402 Washington, DC 20036	Federation of American Health Systems	3,000.00	
Martha A. Hart, 700 North Fairfax Street Alexandria, VA 22314	Railway Progress Institute	2,807.25	
William J. Harte Ltd, 111 West Washington Street, Suite 1000 Chicago, IL 60602	Amgen, Inc		
Robert Hartwell, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	15,000.00	2,110.93
Holly Hassett, 1401 Eye Street, NW, #710 Washington, DC 20005	Hershey Foods Corp		
James C. Hassett, 1747 Pennsylvania Ave., NW, Suite 300 Washington, DC 20006	Occidental Chemical Corp	327.25	1,118.77
Lee B. Hathaway, 1156 15th Street, NW, Suite 1103 Washington, DC 20005	Hawaiian Sugar Planters' Assn		
Martin Hatlie, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	25.00	
Arnold I. Havens, 1331 Pennsylvania Ave., NW, #560 South Washington, DC 20004	CSX Corporation	7,500.00	303.36
Jennifer Hawk, 1722 Eye Street, NW, 4th Floor Washington, DC 20006	Barclays Bank, PLC	5,000.00	256.23
Sidney G. Hawkes, 1667 K St., NW, #420 Washington, DC 20006	Mead Corporation	1,500.00	
Daniel R. Hawkins Jr., 1330 New Hampshire Avenue, NW, #122 Washington, DC 20036	National Assn of Community Health Centers	44.70	10.00
Hawkins Delafield & Wood, 1015 15th Street NW Suite 930 Washington, DC 20005	City of San Antonio	20,100.00	
Do	Mortgage Bankers Assn	9,000.00	
Gary M. Hawkinson, 6200 Oak Tree Blvd. Independence, OH 44131	Centerior Energy Corp	277.31	172.27
F. William Hawley, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp/Citibank	164.27	
Hawthorn Group, LC, 1300 North 17th Street, Suite 1330 Arlington, VA 22209	Alabama Power Co		
John F. Hay, 600 New Hampshire Avenue, NW, #1200 Washington, DC 20037	Westinghouse Electric Corp	1,200.00	
Ludwick Hayden Jr., 1401 I Street, NW, Suite 1200 Washington, DC 20005	Chevron Companies	500.00	
Martin Hayden, 1531 P Street, NW, #200 Washington, DC 20005	Sierra Club Legal Defense Fund	7,180.00	3,366.34
Heidi Wagner Hayduk, 1500 K Street, NW, #360 Washington, DC 20005	Healthcare Leadership Council	4,000.00	500.00
David J. Hayes, 1001 Pennsylvania Ave., NW Washington, DC 20004	Latham & Watkins (For:American Automobile Manufacturers Assn)	2,714.12	21.65
Do	Latham & Watkins (For:Semiconductor Industry Assocation)	2,961.12	18.92
Mark L. Hayes, 1300 I Street, NW, #520 West Washington, DC 20005-3314	Hoffmann-La Roche	4,000.00	218.65
Robert G. Hayes, Bogle and Gates 1299 Pennsylvania Ave., NW, #875 East Washington, DC 20004	American Dehydrated Onion & Garlic Assn		
Do	American Sportfishing Assn	95.00	
Do	Basic American, Inc		
Do	Coastal Conservation Assn	475.00	
Do	Direct Service Industries, Inc	475.00	
Do	Hager Hinge Company		
Do	McPhillips Manufacturing Co		
Do	Natural Resources United		
Do	Washington Wheat Commission		
Sherry D. Hayes, 227 Massachusetts Ave., NE, Suite 310 A Washington, DC 20002	InterHealth-Protestant Health Alliance	220.00	
Mark F. Haynes, 800 Connecticut Avenue, NW, Suite 600 Washington, DC 20006	General Atomics	14,300.00	482.11
Robert A. Haynos, 4711 Hunt Circle Harrisburg, PA 17112	Harsco Corporation	51,922.00	1,543.25
Maureen Healey, 1275 K Street, NW, Suite 400 Washington, DC 20005	Society of the Plastics Industry, Inc		
Health & Hospital Corp of Marion County, 3838 N. Rural Street Indianapolis, IN 46205-2930			397.05
Health Industry Distributors Assn, 66 Canal Center Plaza, #520 Alexandria, VA 22314		3,837.00	27,600.00
Healthcare Assn of New York State, 74 N. Pearl St. Albany, NY 12207		134,667.43	134,667.43
Healthcare Financial Management Assn, 1050 17th Street, NW, #700 Washington, DC 20036			29.52
Robert L. Healy, 601 Pennsylvania Ave., NW North Building, 4th Floor Washington, DC 20004	Atlantic Richfield Co	300.00	
James R. Hecht, 180 Admiral Cochrane Dr., #305 Annapolis, MD 21401	Wheelabrator Clean Water Systems, Inc		397.63
Timothy P. Hecht, 499 South Capitol Street, SW, #507 Washington, DC 20003	Boy Scouts of America		
Do	Hecht Spencer & Associates (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Associates (For:Kamehameha Schools Bishop Estate)		
Do	Hecht Spencer & Associates (For:Mid-American Waste Systems, Inc)		
Do	Hecht Spencer & Associates (For:MCI Telecommunications)		
Do	Hecht Spencer & Associates (For:National Automatic Merchandising Assn)		
Do	Hecht Spencer & Associates (For:New Mexico Indian Gaming Assn)		
Do	Hecht Spencer & Associates (For:North Village Corp)		
Do	Hecht Spencer & Associates (For:Tulalip Tribes of Washington)		
Do	Hecht Spencer & Associates (For:TECO Energy, Inc)		
William H. Hecht, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates, Inc (For:Boy Scouts of America)		
Do	Hecht Spencer & Associates, Inc (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Associates (For:Kamehameha Schools Bishop Estate)		
Do	Hecht Spencer & Associates (For:Mars, Inc)		
Do	Hecht Spencer & Associates (For:Mid-American Waste Systems, Inc)		
Do	Hecht Spencer & Associates (For:MCI Telecommunications)		
Do	Hecht Spencer & Associates (For:National Automatic Merchandising Assn)		
Do	Hecht Spencer & Associates (For:New Mexico Indian Gaming Assn)		
Do	Hecht Spencer & Associates (For:North Village Corp)		
Do	Hecht Spencer & Associates (For:Pacific Lumber Co)		
Do	Hecht Spencer & Associates (For:Charles E. Smith Management, Inc)		
Do	Hecht Spencer & Associates (For:Taiwanese Reichsbanknote Creditors Association (TRC)).		
Do	Hecht Spencer & Associates (For:Tulalip Tribes of Washington)		
Do	Hecht Spencer & Associates (For:TECO Energy, Inc)		
Hecht Spencer & Associates, Inc, 499 South Capitol Street, SW, #507 Washington, DC 20003	Boy Scouts of America	1,000.00	
Do	Brown & Williamson Tobacco Corp	2,500.00	
Do	Kamehameha Schools Bishop Estate	1,000.00	
Do	Mid-America Waste Systems, Inc	1,000.00	
Do	MCI Telecommmunications	1,000.00	
Do	National Automatic Merchandising Assn	1,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	New Mexico Indian Gaming Assn	1,000.00	
Do	North Village Corp	1,000.00	
Do	Pacific Lumber Co	1,000.00	
Do	Taiwanese Reichsbanknote Creditors Assn		
Do	Tulalip Tribes of Washington	1,000.00	
Do	TECO Energy, Inc	1,000.00	
Megan Hedden, 2000 K St., NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	11,538.00	426.84
Mark G. Heesen, 1655 N. Fort Myer Dr., #700 Arlington, VA 22209	National Venture Capital Assn	2,610.00	72.65
Barbara D. Hefferman, 1776 I Street, NW, #200 Washington, DC 20006	Anheuser-Busch Companies, Inc		
Claire Hefferman, 1401 H Street, NW, #900 Washington, DC 20005	American Automobile Manufacturers Assn	8,948.71	327.50
Scott E. Heisel, 735 N. Water Street, #908 Milwaukee, WI 53202-4105	American Malting Barley Assn, Inc	1,042.00	
Heller Ehrman White & McAuliffe, 701 Fifth Avenue, #6100 Seattle, WA 98104	Chugach Electric Assn, Inc	202.50	6.10
Do	Direct Service Industries		
Robert W. Helm, 1000 Wilson Boulevard, #2300 Arlington, VA 22209	Northrop Grumman Corporation	3,000.00	
Rebecca Poe Henderson, P.O. Box 2450 Clarksburg, WV 26302-2450	CNG Transmission Corp	3,000.00	168.42
Wallace Henderson, 1250 Connecticut Avenue, NW, 2nd Floor Washington, DC 20036	Cellular Telecommunications Industry Assn		
Gail L. Hendrickson, 701 Pennsylvania Ave., NW Washington, DC 20004	Electric Transportation Coalition	147.00	50.00
George H. Henry, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	507.00	201.00
John Hugh Henry, 1525 Wilson Blvd., #100 Arlington, VA 22209	McDermott, Inc	15,000.00	866.03
Herbolsheimer Lannon Henson Duncan & Reagan, PC, 733 15th Street, NW, Suite 1120 Washington, DC 20005	American Environmental Sciences & Technologies, Inc		
Do	Bowling Proprietors' Assn of America		
Do	Village of Orland Park, Illinois		
Angela D. Herman, 1130 Connecticut Ave., NW, Suite 1000 Washington, DC 20036	American Insurance Assn	192.75	44.70
Kathryn E. Herring, 1100 South Washington St. Alexandria, VA 22314-4494	National Beer Wholesalers Assn	9,457.23	2,803.55
Heublein, Inc, 16 Munson Road Farmington, CT 06034-0388		17,250.00	6,927.70
Sydney T. Hickey, 6401 Phillip Court Springfield, VA 22152	National Military Family Assn, Inc	1,800.00	
Paul T. Hicks, Rhode Island Petroleum Assn 365 Smith Street, #2 Providence, RI 02908	American Petroleum Institute	600.00	
Hans G. Hiemstra, 1101 17th Street, NW, #300 Washington, DC 20036	Cosmetic Toiletry & Fragrance Assn	2,000.00	70.00
John S. Hightower, 5700 Florida Blvd., #310 Baton Rouge, LA 70806	Louisiana-Pacific Corp	7,125.00	1,241.00
Michael R. Hightower, P.O. Box 1798 Jacksonville, FL 32231	Blue Cross & Blue Shield of Florida, Inc		
Lucy A. Higley, 180 South Clinton Avenue Rochester, NY 14646-0700	Frontier Corporation	5,355.00	5,236.17
Sarah M. Hildebrand, 1111 19th Street, NW Washington, DC 20036	American Forest & Paper Assn	2,400.00	
Susan L. Hildebrandt, 2021 Massachusetts Ave., NW Washington, DC 20036	American Academy of Family Physicians	3,369.00	327.42
Clifton T. Hilderley Jr., 601 Pennsylvania Ave., NW North Building, Suite 540 Washington, DC 20004	Ashland Oil, Inc	2,000.00	
Willard I. Hill Jr., 1501 M Street, NW, Suite 400 Washington, DC 20005	Aetna Life & Casualty	2,000.00	
Hill and Knowlton, Inc, 901 31st Street, NW Washington, DC 20007	America West		
Do	Association of International Automoblie Manufacturers	1,000.00	
Do	Bell Atlantic Mobile	4,125.00	
Do	Blue Cross Blue Shield of Florida		
Do	Boeing Company		
Do	Brandeis-Bardin Institute	1,500.00	
Do	Broward County	500.00	
Do	Coalition for Broadcast Diversity		
Do	COBE Laboratories, Inc		
Do	Everglades Trust		
Do	Great Lakes Museum of Science Environment and Technology		
Do	Louisiana Pacific		
Do	Magnetek	4,500.00	
Do	McAndrews & Forbes Holding, Inc		
Do	Motorola, Inc	4,950.00	
Do	N-Viro International Corp		
Do	Oralcle Corp	2,500.00	
Do	Port of Cleveland		
Do	Southern Electric Institute		
Do	Synergics, Inc		
Do	Tera Computer Company		
Do	Union Pacific		
Edward Joseph Hillings, 750 17th Street, NW, 4th Fl Washington, DC 20006	Enron Corp	7,500.00	
John L. Hills, Rt. 1, Box 645 Purcellville, VA 22132	Greater Rockford Airport Authority	1,000.00	187.00
Louise D. Hilsen, 1133 Connecticut Ave., NW, #310 Washington, DC 20036	Nestle USA, Inc	6,300.00	
John M. Himmelberg, 2100 Pennsylvania Ave., NW, #400 Washington, DC 20037	Florida Fruit & Vegetable Assn	1,200.00	
Do	Holland & Knight (For:Florida Tomato Exchange)	1,500.00	
Do	J.R. Brooks & Son, Inc	500.00	
Grace L. Hinchman, 1401 H Street, NW, Suite 950 Washington, DC 20005	Digital Equipment Corp	28,000.00	
Richard T. Hines Consulting, Inc, 1019 19th Street, NW, #350 Washington, DC 20036	Health Policy & Strategy (for Mutual of Omaha)	3,750.00	
Do	Health Policy & Strategy (for Washington National)	7,500.00	3,750.00
Do	Health Policy & Strategy (for Wausau Insurance Co)	2,500.00	1,250.00
Do	Health Policy & Strategy (Northwestern National Life)	5,000.00	2,500.00
Anne Hingeley, 888 16th Street, NW Washington, DC 20006	Bannerman & Associates, Inc (For:Elf Atochem, N.A., Inc)		
Do	Bannerman & Associates, Inc (For:Embassy of El Salvador)	100.00	
Do	Bannerman & Associates, Inc (For:Government of the United Arab Emirates)	100.00	
Do	Bannerman & Associates, Inc (For:Government of Egypt)	1,000.00	
Do	Bannerman & Associates (For:L.A. Motley & Co (for: Government of the Philippines)).	150.00	
Do	Bannerman & Associates, Inc (For:Lebanese American University)	100.00	
Hinman Straub Pigors & Manning, P.C., 50 E Street, SE Washington, DC 20003	New York State Conference of Blue Cross & Blue Shield Plans	12,220.00	337.84
Mike Hirshfield, 1725 DeSales Street, NW, #500 Washington, DC 20036	Center for Marine Conservation		
Sheila E. Hixson, 4301 Connecticut Avenue, NW, #300 Washington, DC 20008	National Solid Wastes Management Assn (NSWMA)	500.00	
David F. Hobson, 1300 North 17th Street, #750 Rosslyn, VA 22209	Uniform & Textile Service Assn	4,000.00	
Julius W. Hobson Jr., 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	3,750.00	974.29
George J. Hochbrueckner & Associates, Inc, 1 Wycomb Place Coram, NY 11727	Frisby Technologies	3,000.00	
Philip M. Hocker, 20 West Chapman Street Alexandria, VA 22301	Mineral Policy Center		6.00
Fredrick Hodges, 500 E Street, SW, #920 Washington, DC 20024	AOPA Legislative Action	10,000.00	
Greg Hodur, 50 F Street, NW, Suite 1100 Washington, DC 20001	American Hospital Assn		
Jerry S. Hoffman, 74 N. Pearl Street Albany, NY 12207	Healthcare Assn of NYS	499.40	574.60
Marion S. Hoffmann, P.O. Box 020783 Miami, FL 33102-0783	Burger King Corporation		
F. Nordy Hoffmann and Assoc, Inc, 400 N. Capitol St., NW, #327 Washington, DC 20001	American Radio Assn		
Do	Archer Daniels Midland Company		
Do	Coca-Cola Company		
John B. Hofmann, 300 Capitol Mall, Suite 350 Sacramento, CA 95814	California Forestry Assn	1,300.00	1,279.43
Judith L. Hofmann, 919 18th Street, NW, #400 Washington, DC 20006	W. R. Grace & Co		294.00
Elizabeth Hogan, 1801 Pennsylvania Ave., NW Washington, DC 20006	MCI Communications Corp	1,000.00	
Gerald Hogan, 655 15th Street, NW, #220 Washington, DC 20005	ALLTEL Corporation		5,000.00
J. Michael Hogan, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	12,500.00	194.61
Hogan & Hartson, L.L.P., 555 13th St., NW Washington, DC 20004-1109	American Automobile Assn	38,045.00	842.72
Do	American Blood Resources Assn	42,000.00	5,667.78
Do	American Coke & Chemicals Institute	1,500.00	566.62
Do	American Frozen Food Institute		
Do	American Lawyer Media		
Do	American Peanut Shellers Assn	69,983.75	9,500.65
Do	American Registry of Pathology	615.00	
Do	American Society for Bone & Mineral Research	9,682.73	446.17
Do	Amway Corporation	687.50	
Do	Auburn University	5,148.75	831.09
Do	Avions de Transport Regional, Groupement d'Interet Economiqu		
Do	Berg Steel Pipe Corp	5,400.00	23.00
Do	Blue Cross & Blue Shield Assn		
Do	Brother International Corp	2,853.75	722.15
Do	Burger King Corp	35,996.11	1,427.32
Do	BE&K Construction	960.00	241.35
Do	California State Teachers' Retirement System	25,213.82	
Do	Centocor, Inc	17,645.00	1,969.80
Do	Ceridian Corporation	8,185.00	
Do	Chickasaw Nation	27,287.25	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	CC Distributors, Inc		
Do	Direct Selling Association		
Do	Drummond Company, Inc	17,648.75	1,020.33
Do	DryCleaners Environmental Legislative Fund	17,406.34	1,993.05
Do	Duke University		40.98
Do	ElderHealth, Inc	1,258.87	141.82
Do	Farm Credit Bank of Texas	15,035.00	917.23
Do	Farmland Industries, Inc	5,800.00	186.00
Do	Freightliner Corp		
Do	General Electric Co	3,510.45	13.40
Do	Government of Haiti	150,000.00	8,811.70
Do	Government of Ontario, Ministry of Economic Develop & Trade		
Do	Grand Metropolitan	9,806.45	861.78
Do	Grocery Manufacturers of America, Inc	14,737.50	243.97
Do	Group Hospitalization and Medical Services, Inc	13,261.20	170.86
Do	Harbert Corp		
Do	Hardie-Tynes Mfg Company	2,769.00	56.85
Do	Humane Society of the U.S.	312.00	14.82
Do	International Assn of Amusement Parks & Attractions		
Do	International Hydrolyzed Protein Council	5,743.75	522.64
Do	Martek Biosciences Corp	9,626.25	2,423.99
Do	May Department Stores Co	5,575.00	91.50
Do	Medtronic, Inc	20,900.00	
Do	Mercedes-Benz of North America, Inc		
Do	Michelin Tire Company	12,243.00	922.65
Do	Michigan Consolidated Gas Co	7,600.00	503.49
Do	Molloy College		
Do	Monsanto Co		
Do	Mortgage Insurance Companies of America	12,140.36	312.07
Do	National Apparel		
Do	National Broiler Council	5,183.50	
Do	National Child Care Assn	1,500.00	521.48
Do	National Consumer Bankruptcy Coalition	22,135.98	48.00
Do	National Osteoporosis Foundation	12,498.00	557.67
Do	National Structured Settlements Trade Assn		
Do	National Wireless Resellers Assn	24,999.99	475.65
Do	New Sales Media, Ltd		
Do	Ostegenesis Imperfecta Foundation	1,248.00	55.76
Do	Paget Foundation	1,895.24	55.76
Do	PepsiCo, Inc		10.34
Do	Pillsbury Company		
Do	Pizza Hut, Inc		
Do	Polyisocyanierate Insulation Manufacturers Assn (PIMA)	300.00	300.00
Do	Private Child Care Providers	9,918.37	835.23
Do	Product Liability Coordination Committee	75,000.00	2,077.67
Do	Rust Engineering	11,250.00	850.76
Do	Simrad, Inc	9,626.25	64.24
Do	SmithKline Beecham	9,518.75	5.21
Do	Soap & Detergent Assn	12,015.86	423.95
Do	Southern Company Services	15,000.00	1,342.86
Do	Storage Technology Corp		
Do	Taco Bell Corp	5,340.00	114.98
Do	Texas Heart Institute		
Do	Timex Corporation		
Do	Toyota Motor Sales, USA, Inc	9,000.00	150.00
Do	U.S. Sugar Corp	20,717.53	2,141.80
Do	University of Pittsburgh Medical Center	1,637.50	
Do	Virginia Ready-Mixed Concrete Assn		
Do	Visiting Nurse Service of New York		
Do	Vulcan Materials Company	48,373.75	2,541.39
Do	Jim Walter Corp	4,500.00	1,211.03
Do	Williams Telecommunications		
Do	Zeigler Coal Sales Co	5,537.70	347.69
Richard F. Hohlt, 209 Princess Street Alexandria, VA 22314	Dime Savings Bank of New York	2,500.00	70.20
Do	Home Savings of America	3,000.00	112.50
Do	NAC International	2,500.00	19.75
Do	Pacific Telesis Group	2,500.00	58.40
Do	Stuzin & Camner, P.A.	2,000.00	48.70
Bruce E. Holbein, 111 Powdermill Rd. (b79) Maynard, MA 01754	Digital Equipment Corp	28,000.00	
Robert A. Holland, 1020 19th Street, NW, #420 Washington, DC 20036	SmithKline Beecham Corp (Beecham, Inc)	300.00	600.00
Holland & Hart, 1001 Pennsylvania Ave., NW, #310 Washington, DC 20004	Altamont Gas Transmission Co		
Do	American Plastics Council	500.00	
Do	Association of Oil Pipe Lines	100.00	
Do	Battle Mountain Gold Co	750.00	
Do	Citgo Petroleum Corp	1,000.00	
Do	Conservation Fund	300.00	
Do	FMC Corp	400.00	
Do	Precious Metals Producers Group	800.00	
Do	U.S. Borax	500.00	
Holland & Knight, 2100 Pennsylvania Avenue, NW, #400 Washington, DC 20037	Frank Bouis	5,075.00	
Do	City of Miami		
Do	Community Service Society of New York		
Do	Greater Tampa Chamber of Commerce		
Do	Manatee County Public Works Department		
Do	National Peach Council	300.00	
Do	Pan American Satellite Corp		
Do	Peace River/Manasota Regional Water Supply Authority		
Do	Southwest Florida Water Management District		
Do	Spaceport Florida Authority		
Do	VITAS HealthCare Corp of Florida		
Do	West Coast Regional Water Supply Authority		
Robert W. Holleyman II, 2001 L Street, NW, #400 Washington, DC 20036	Business Software Alliance	9,062.50	
Jessica J. Holliday, 805 15th Street, NW, #330 Washington, DC 20005	Air Products & Chemicals, Inc	12,500.00	
Kimo S. Hollingsworth, 1608 K Street, NW Washington, DC 20005	American Legion	9,609.00	
Patricia L. Hollis, 1225 Eye Street, NW, #1250 Washington, DC 20005	American Dietetic Assn	3,000.00	
Eve A. Holloway, 1600 Wilson Blvd., #1000 Arlington, VA 22209	American Waterways Operators	1,958.25	
Holly Corporation, 100 Crescent Court, #1600 Dallas, TX 75201			
Alan F. Holmer, 1722 Eye Street, NW Washington, DC 20006	Sidley & Austin (For:Pharmaceutical Research & Manufacturers of America)		
Moses D. Holmes Jr., 1201 16th St., NW Washington, DC 20036	National Education Assn	4,217.25	77.00
Thaddeus Holt, P.O. Box 440 Point Clear, AL 36564	American Deposit Corp		
John F. Holtz, NJ Petroleum Council 150 West State Street Trenton, NJ 08608	American Petroleum Institute	160.00	31.00
Rebecca Honeycutt, 1250 Eye Street, NW, Suite 900 Washington, DC 20005	Distilled Spirits Council of the U.S.	2,000.00	
Theresa D. Hooper, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	1,000.00	
Hooper Hooper Owen & Gould, 801 Pennsylvania Ave., NW, #730 Washington, DC 20004	Ad Hoc Bankruptcy Coalition		
Do	Affordable Housing Preservation Tax Policy Group	10,000.00	
Do	Borden Chemicals & Plastics, Inc	4,500.00	
Do	City of San Francisco (Water & Power Div)	24,000.00	
Do	Coalition for FCC Licensing Fairness	10,000.00	
Do	Colonial Penn Life	900.00	
Do	Combustion Engineering, Inc	3,500.00	
Do	CSX/Yukon Pacific Corp	1,800.00	
Do	Entergy Corp	36,000.00	
Do	ENSERCH Corp	600.00	
Do	EXOR America	750.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Fluor Corp	2,500.00	
Do	Goldstrike Mine	4,500.00	
Do	Hallmark Cards	500.00	
Do	Hillman Company	3,500.00	
Do	Horsham Corporation	2,250.00	
Do	Hubbell, Inc		
Do	International Paper Co		
Do	John Hancock Mutual Life Ins Co	7,500.00	
Do	Kansas City Southern Industries	4,000.00	
Do	Land Trust Alliance	625.00	
Do	A.T. Massey Coal Co		
Do	Merck	11,250.00	
Do	Mobil Corp	3,000.00	
Do	NorAm Energy Corp.		
Do	Panhandle Eastern Corp	7,400.00	
Do	Pennsylvania Engineering Co	3,000.00	
Do	Phillip Morris Management Corp	1,500.00	
Do	Science Applications Intern Corp	9,000.00	
Do	Shell Oil CO	4,500.00	
Do	Sherritt, Inc	4,500.00	
Do	Trammell Crow Co		
Do	TECO Energy, Inc	12,000.00	
Do	Ultramar, Inc		
Do	Utilicorp United, Inc	2,000.00	
Do	WMX Technology & Services	1,800.00	
Edward Hopkins, 1730 Rhode Island Avenue, NW, Suite 403 Washington, DC 20036	Citizen Action Fund		
Leonard L. Hopkins Jr., 2015 Staples Mill Road Richmond, VA 23230	Trigon Blue Cross Blue Shield	750.00	
Mark D. Hopkins, 1401 Eye Street, NW, Suite 1200 Washington, DC 20005	Chevron Companies	200.00	20.00
Stephen A. Hopkins, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp Washington, Inc	2,500.00	
Hopkins & Sutter (Washington), 888 16th Street, NW Washington, DC 20006	Rogers American Cable Systems, Inc		
Jeffrey S. Hops, 666 11th Street, NW, #806 Washington, DC 20001	Alliance for Community Media	1,462.50	
Darnell K. Horio, 801 Pennsylvania Ave., NW, #310 Washington, DC 20004	GPU Service Corporation	11,636.00	559.00
Robert Jack Horn, 601 13th Street, NW, #650 N Washington, DC 20005-3808	Detroit Edison Company	1,320.00	122.00
Mickey A. Hornbacher, 801 Pennsylvania Ave., NW, #220 Washington, DC 20004-2704	Burlington Northern Railroad Co		
Douglass C. Horstman, 1310 G Street, NW, #720 Washington, DC 20005	Maytag Co	960.50	30.00
William K. Hoskins, 9300 Ward Parkway Kansas City, MO 64114	Marion Merrell Dow, Inc		154.00
Charles H. Hossack, 50 South First Avenue Coatesville, PA 19320	Lukens, Inc	562.50	580.50
Household Financial Group, Ltd, 1000 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Household International, Inc		
M'liss Solove Houston, MSH Consulting 5507 Ferndale Street Springfield, VA 22151	Armour Pharmaceutical Co	33,000.00	16,448.46
Do	OSHA Reform Project 1995	31,100.00	2,755.39
John H. F. Hoving, 1762 Church Street, NW Washington, DC 20036	Society of American Value Engineers		
Hoving Group, 1762 Church Street, NW Washington, DC 20036	Eagle-Picher Industries, Inc	11,000.00	
Do	Western-Southern Life Insurance Co	750.00	150.00
Jackie G. Howell, 2030 M Street, NW Washington, DC 20036	Common Cause	5,578.51	
Ronnie Allen Howell, 1101 Pennsylvania Ave., NW, #200 Washington, DC 20004	International Paper	2,500.00	11,050.32
Jacqueline Howells, 322 Constitution Ave., NE Washington, DC 20002	Marcus G. Faust, P.C. (For:Central Utah Water Conservancy District)	1,785.71	
Do	Marcus G. Faust, PC (For:Clark County Nevada)	1,785.71	
Do	Marcus G. Faust, PC (For:Clark County-McCarran International Airport)	1,785.71	
Do	Marcus G. Faust, PC (For:Las Vegas Valley Water District)	1,785.71	
Do	Marcus G. Faust, PC (For:Public Service Co of New Mexico)	1,785.71	
Do	Marcus G. Faust, PC (For:Sierra Pacific Power Co)	1,785.71	
Do	Marcus G. Faust, PC (For:State of Montana, Dept of Natural Resources & Conservation).	1,785.71	
Susan Howland, 20 Black Oak Mews Newtown, PA 18940	Susan Howland & Associates		
Howrey & Simon, 1299 Pennsylvania Avenue, NW, Washington, DC 20004	CitiCorp Services, Inc, et al.		
Do	Litton Industries, Inc		
Do	Rockwell International Corp		
Paul R. Huard, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	10,000.00	
David S. Hubbard, 1212 New York Avenue, NW, #520 Washington, DC 20005	American Portland Cement Alliance	8,000.00	576.13
M. Ward Hubbell, 1101 Pennsylvania Ave., NW, #200 Washington, DC 20004	International Paper	2,900.00	787.31
John J. Huber, 1901 Fort Meyer Drive, Suite 1200 Arlington, VA 22209	Petroleum Marketers Assn of America		
Henry A. Hubschman, 1 Neumann Way, Mail Drop J104 Cincinnati, OH 45215	General Electric Co	2,000.00	453.00
Walter D. Huddleston, P.O. Box 456 Elizabethtown, KY 42702	Brown & Williamson Tobacco Corp	36,000.00	
Do	MCI Telecommunications		
Margaret Renken Hudson, 1212 New York Avenue, NW, Suite 500 Washington, DC 20005	American Portland Cement Alliance	14,375.00	1,238.19
Thomas H. Hudson, One American Place, 9th Floor Baton Rouge, LA 70825	Coastal Corporation		
Do	Louisiana State University		
Do	Molten Metal Technology, Inc		
Do	Philip Morris, USA		
Gerald F. Hughes, 1600 Wilson Blvd, Suite 807 Arlington, VA 22209	Roadway Services, Inc	100.00	250.00
Kevin M. Hughes, 200 Second Avenue North Seattle, WA 98109	Pacific Science Center	1,890.00	4.50
Patrick J. Hughes, 555 College Road Princeton, NJ 08543	American Re-Insurance Co		
Vester T. Hughes Jr., 1717 Main Street, Suite 2800 Dallas, TX 75201	Holly Corp		
Hughes & Luce, L.L.P., 1717 Main Street, #2800 Dallas, TX 75201	Sammons Enterprises, Inc	53,140.00	7,088.59
Wesley B. Huisinga, 115 3rd Street, SE, #1200 Cedar Rapids, IA 52401	Simmons Perrine Albright & Ellwood, P.L.C. (For:Association of Bankruptcy Professionals, Inc).	1,800.00	1,216.56
Carol A. Hulgus, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International	4,500.00	666.48
Human Capital Resources, Inc, c/o Mottola Cherny & Associates, Inc 575 Madison Ave. New York, NY 10022-2511			14,645.00
Margot Smiley Humphrey, 1150 Connecticut Avenue, NW, 10th Floor Washington, DC 20036	Koteen & Naftalin (For:Telephone & Data Systems, Inc, et al.)	12,840.00	125.60
Harriet Hunt-Burgess, 456 Montgomery Street #1800 San Francisco, CA 94104	American Land Conservancy	114.93	49.50
Charles G. Huntington, 2021 Mass. Ave., NW Washington, DC 20036	American Academy of Family Physicians	4,995.25	97.00
Hunton & Williams, 2000 Pennsylvania Ave., NW, #9000 Washington, DC 20006	Ad Hoc Regulatory Reform Group		
Cathy Hurwit, 1730 Rhode Island Avenue, NW, Suite 403 Washington, DC 20036	Citizen Action Fund	6,000.00	175.00
Brian Huse, P.O. Box 1289 Oakland, CA 94604-1289	National Parks & Conservation Assn	706.00	37.00
Philip A. Hutchinson, 1001 N. 19th Street, #1200 Arlington, VA 22209	Association of International Automobile Manufacturers, Inc		
Suzanne C. Hutchinson, 727 15th Street, NW, 12th Floor Washington, DC 20005	Mortgage Insurance Companies of America	15,000.00	204.90
John A. Hutten, 750 17th Street, NW, 4th Floor Washington, DC 20006	Enron Corporation	1,500.00	
Edward Huylebroeck Jr., 125 N. West Street Alexandria, VA 22314-2754	Fleet Reserve Assn		
Shirley Igo, 713 El Paso Street Plainview, TX 79072-6207	National PTA		4,323.99
Torbjorn Ihre, 1634 I Street, NW Suite 600 Washington, DC 20006-4083	Ericsson Corporation	2,000.00	
Immigration Services Associates, 1212 New York Avenue, NW, #850 Washington, DC 20005	Alliance of Motion Picture & Television Producers		
Do	American Council on International Personnel (ACIP)		
Do	Information Technology Assn of America (ITAA)		
Do	Irish Immigration Reform Movement (IIRM)		
Do	Kennedy Capital Management, Inc		
Do	Professionals for Spouse Reunification		
Scot E. Imus, 1199 North Fairfax Street, #801 Alexandria, VA 22314	National Assn of Truck Stop Operators		
Independent Insurance Agents of America, Inc, 127 S. Peyton Street Alexandria, VA 22314		71,742.00	71,742.00
Infant Formula Council, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342			450.00
Charles E. Ing, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc	15,080.00	22.78
Edwin T. C. Ing, 1800 K Street NW, #720 Washington, DC 20006	Hawaiian Electric Industries, Inc		
Do	Kamehameha Schools/Estate of Bernice P. Bishop		
Do	Kenetech Corporation	2,956.25	2,956.25
Charles W. Ingram, 1615 H Street NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	
Dick Ingram, 1315 Nueces Austin, TX 78701	Polan-Ingram Advocacy Group (For:Vermont Yankee Nuclear Power Corp)		
Brad Inman, 1250 H Street, NW, #575 Washington, DC 20005	CH2M Hill	93.81	
Institute for Responsible Housing Preservation, 1255 23rd St., NW, #800 Washington, DC 20037		2,000.00	2,000.00
Institute of Clean Air Companies, Inc, 1707 L St., NW Washington, DC 20036			
Institute of International Bankers, 299 Park Avenue New York, NY 10171			70,521.35
International Assn of Bridge Struct & Ornamental Iron Wkrs, 1750 New York Ave., NW Washington, DC 20006		26,947.62	39,843.28
International Council of Shopping Centers, 665 Fifth Ave. New York, NY 10022		31,779.70	31,779.70
International Fabricare Institute, 12251 Tech Road Silver Spring, MD 20904		16,193.00	3,830.75
International Longshoremen's Assn, AFL-CIO, 17 Battery Place, #1500 New York, NY 10004			73,831.38
International Taxicab and Livery Assn, 3849 Farragut Avenue Kensington, MD 20895			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
International Union of Bricklayers & Allied Craftsmen, 815 15th St., NW Washington, DC 20005			8,116.50
International Union of Operating Engineers, 1125 17th St., NW Washington, DC 20036		10,000.00	508.52
InterHealth--Protestant Health Alliance, Suite 233N, Court International 2550 University Avenue West St. Paul, MN 55114-1052.			220.00
Richard M. Irby III, 701 Pennsylvania Avenue, NW, #610 Washington, DC 20004	Tenneco, Inc	420.00	210.00
Andy Ireland, 8607 Westwood Center Drive Vienna, VA 22182	Ringling Bros & Barnum & Bailey		
Kathleen Ireland, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	2,902.00	172.48
Mary Stuart McCarry Irion, 3805 Taylor Street Chevy Chase, MD 20815	Keepers of the Treasures	8,749.98	
Iron Ore Lessors Assn, Inc, W-1290 First National Bank Bldg. St. Paul, MN 55101-1361		8,528.85	9,438.02
W. Robert Irvin, 1725 DeSales Street, NW, #500 Washington, DC 20036	Center for Marine Conservation	2,603.13	
John Isaacs, 110 Maryland Ave., NE Washington, DC 20002	Council for a Livable World	7,500.00	
Rebecca Isaacs, 2000 M Street, NW, #400 Washington, DC 20036	People for the American Way Action Fund	7,599.98	
Mark Isakowitz, 600 Maryland Avenue, SW, #700 Washington, DC 20024	National Fed of Independent Business	4,875.00	400.00
Sally D. Iskenderian, 1455 Pennsylvania Ave., NW, #1260 Washington, DC 20004	French & Company (For:International Electronics Mfgrs & Consumers of America, Inc).	250.00	
Russel Iuculano, 1620 L Street, #800 Washington, DC 20036	Metropolitan Life Insurance Co	2,000.00	
Suzanne Iudicello, 1725 DeSales Street, NW, Suite 500 Washington, DC 20036	Center for Marine Conservation	1,282.73	
Ivins Phillips & Barker, Chtd, 1700 Pennsylvania Ave., NW, #600 Washington, DC 20006	Bayer Corporation		
Kenneth M. Iwashita, 29400 Lakeland Boulevard Wickliffe, OH 44092	Lubrizol Corp		
Alvin B. Jackson Jr., 1735 Jefferson Davis Highway, #1200 Arlington, VA 22202	McDonnell Douglas Corp		
Charles R. Jackson, 225 North Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA	9,800.00	314.00
Glenn Jackson, 1667 K Street, NW, #800 Washington, DC 20006	Williams Companies, Inc	250.00	
Robert L. Jackson, 1100 Wilson Boulevard Arlington, VA 22209	Hughes Electronics Corp	70.00	
P. Bernard Jacob, 1130 Connecticut Avenue, NW Washington, DC 20036	Mississippi Power Company	21,716.89	17,483.13
Stephen Jacobs, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	10,000.00	442.19
Daniel L. Jaffe, 700 11th Street, NW, #650 Washington, DC 20004	Association of National Advertisers, Inc		133.49
Jaffe Raitt Heuer & Weiss, P.C., One Woodward Avenue, #2400 Detroit, MI 48226			
Edward L. Jaffee, 655 - 15th Street, NW, Suite 300 Washington, DC 20005	ISP Management Company, Inc		
Do	Primary Glass Manufacturers Council		
Daniel M. James, P.O. Box 61473 Vancouver, WA 98666-1473	Pacific Northwest Waterways Assn	2,283.75	
Thomas M. James, 1299 Pennsylvania avenue, NW Suite 995 Washington, DC 20004	Furman Group	5,000.00	574.82
Timothy P. James, 1125 17th Street, NW Washington, DC 20036	International Union of Operating Engineers	2,500.00	
Jamin Ebell Bolger & Gentry, 323 Carolyn Street Kodiak, AK 99615	Old Harbor Native Corp	36,130.00	20,989.28
Japan Economic Institute of America, 1000 Connecticut Ave., NW Washington, DC 20036		1,930.00	1,930.00
Richard B. Jarman, 1250 H Street, NW, #800 Washington, DC 20005	Eastman Kodak Co		
James R. Jarrad, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	7,700.00	151.60
Marc R. Jartman, 175 Admiral Cochrane Drive Annapolis, MD 21401	UNC, Inc		
Steve Jarvis, 1025 Vermont Avenue, NW Washington, DC 20005	American Pulpwood Assn		
Jerry J. Jasinowski, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	2,000.00	
Sally Jefferson, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce		
Jefferson Group, 1341 G Street, NW, Suite 1100 Washington, DC 20005	ABT Associates		
Do	AEG Hi Speed Rail		
Do	AEG Westinghouse Transportation Systems, Inc		
Do	AFL-CIO Housing Investment Trust		
Do	Barona Casino		
Do	Bethune-Cookman College		
Do	Bionetics		
Do	BOC Gases		
Do	Cabazon Bank of Mission Indians		
Do	Carrington Laboratories, Inc		
Do	Children's Health System		
Do	Chlorine Chemistry Council		
Do	City of Aurora		
Do	City of Orlando		
Do	Coalition to Limit Increases in Postal Rates		
Do	Colorado Springs Chamber of Commerce		
Do	CMA-Chemical Manufacturers Assn		
Do	Dallas Area Rapid Transit		
Do	DePuy, Inc		
Do	Diabetes Institute Foundation		
Do	Doe Run Company		
Do	Dow Chemical Company		
Do	Dunn-Edwards		
Do	Dyncorp		
Do	Embry-Riddle Aeronautical University		
Do	Eye Bank Assn of America		
Do	Florida Memorial College		
Do	Geon Company		
Do	Greater Orlando Aviation Authority		
Do	Grocery Manufacturers of America		
Do	Group Health Cooperative of Puget Sound		
Do	Hampton University		
Do	Health Insurance Plan of Greater New York		
Do	HolidayInn Worldwide		
Do	WN Hunter & Associates		
Do	Informix Software, Inc		
Do	ILZRO/Battery		
Do	ISEA		
Do	Lab One		
Do	Lukas McGowan Nace & Guitierrez		
Do	Marshall Fund		
Do	Mission Energy Company		
Do	Molloy College		
Do	National Assn of Community Health Centers		
Do	National Assn of Development Cos		
Do	National Assn of Home Builders Research Ctr, Inc		
Do	National Quality Health Council		
Do	Nichols Dezenhall		
Do	Nursing Management Services		
Do	NAVAPD		
Do	Rowland Company		
Do	Seminole Tribe of Florida		
Do	Sentara Health System		
Do	Thunder Child Treatment Center		
Do	University of Miami		
Do	Viejas Tribe		
Do	Village of Schaumberg		
Do	Vintage Health Resources, Inc		
Do	Vinyl Institute		
Do	Virginia Commonwealth University		
Do	Virginia Health Quality Center		
Do	Voice of the Retarded		
Do	VA Beach Police Benevolent Assn		
Do	Zinc Corporation of America		
Jefferson-Waterman International, 1341 G Street, NW, #1100 Washington, DC 20005	China External Trade Dev Council		
Do	CAE-Link		
Do	Embassy of the Republic of Korea		
Do	Government of Jamaica		
Do	Government of Nicaragua		
Do	Government of Quebec		
Do	Government of Romania Ministry of Foreign Affairs		
Do	GEC-Marconi Defense Systems Limited		
Do	Lockheed Fort Worth Company		
Do	Mantech Quality Services, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Mission Energy/China		
Do	Republic of Croatia		
Do	Sequa Corporation		
Do	Thapawong International Co. Ltd		
Do	TCOM, Lp		
Ed Jenkins, 50 E Street, SE Washington, DC 20003	Winburn & Jenkins (For:American Forest & Paper Assn)	2,250.00	
Do	Winburn & Jenkins (For:BR Services)	750.00	
Do	Winburn & Jenkins (For:Equipment Leasing Assn)	1,125.00	
Do	Winburn & Jenkins (For:Fieldale Farms Corp)	500.00	
Do	Winburn & Jenkins (For:Hartford Insurance Co)	2,250.00	
Do	Winburn & Jenkins (For:Leggett & Platt)	1,050.00	
Do	Winburn & Jenkins (For:Michigan Hospital Assn)	100.00	
Do	Winburn & Jenkins (For:Norfolk Southern Railroad)	1,500.00	
Do	Winburn & Jenkins (For:Pfizer, Inc)	2,250.00	
Do	Winburn & Jenkins (For:Philip Morris)	3,300.00	
Do	Winburn & Jenkins (For:Transitional Hospitals Corp)	1,875.00	
Do	Winburn & Jenkins (For:Viacom)	3,000.00	
Harry Jenkins Jr., 1650 Tysons Blvd., Suite 1700 McLean, VA 22102	ITT Defense & Electronics	1,000.00	50.00
Teresa L. Jennings, 1666 K Street, NW, Suite 1010 Washington, DC 20006	Direct Selling Assn		
Jensen Baird Gardner & Henry, Ten Free Street P.O. Box 4510 Portland, ME 04112	Mid-Maine Waste Action Corp	877.50	271.30
Do	Regional Waste Systems, Inc	955.50	356.13
Nancy H. Jessick, 700 11th Street, NW, #680 Washington, DC 20001-4507	Hiram Walker & Sons, Inc		
Hugh Jewett, 3025 South Parker Road Aurora, CO 80014	TeleCheck Services, Inc		500.00
Douglas F. John, John Hengerer & Esposito 1200 17th Street, NW, Suite 600 Washington, DC 20036	Los Alamos County Utilities, Dept of Public Utilities		
James W. Johnson Jr., 1156 15th Street, NW, #1019 Washington, DC 20005	U.S. Beet Sugar Assn		
Katie Johnson, 2000 K Street, NW, Suite 800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	3,313.00	
Mark R. Johnson, 1667 K Street, NW, #350 Washington, DC 20006	Maersk, Inc	2,500.00	
Rady A. Johnson, 1615 M Street, NW, Suite 200 Washington, DC 20038	Amoco Corporation		
Richard W. Johnson Jr., 225 N. Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA	9,200.00	314.00
Thomas L. Johnson, P.O.Box 2185 Austin, TX 78768	Associated General Contractors of Texas		
W. Kirk Johnson, 245 North Waco P.O. Box 2940 Wichita, KS 67201-2940	Wichita District Farm Credit Council		571.10
William J. Johnson, 750 First St., NE, #1020 Washington, DC 20002-4241	National Assn of Police Organizations	5,896.00	1,452.00
Johnson Smith Dover Kitzmiller & Stewart, Inc, 1300 Connecticut Ave., NW, #600 Washington, DC 20036	Air Transport Assn of America	7,000.00	224.00
Do	Akers Laboratories		
Do	American Academy of Dermatology	11,000.00	352.00
Do	American College of Cardiology		
Do	American Hospital Assn		
Do	American Petroleum Institute	500.00	16.00
Do	American Psychological Assn	550.00	176.00
Do	American Transit Services Council	4,000.00	128.00
Do	Apollo Travel Services		
Do	Appalachian Coalbed Methane Assn	5,250.00	104.00
Do	Arthur Andersen & Co	3,250.00	104.00
Do	Caremark, Inc	37,500.00	1,200.00
Do	Center for Marine Conservation	7,500.00	240.00
Do	Central and South West Services, Inc	9,000.00	288.00
Do	Coalition of Boston Teaching Hospitals	750.00	24.00
Do	College of American Pathologists		
Do	Competitive Power Council	24,250.00	776.00
Do	Coopers & Lybrand, et al.	10,750.00	344.00
Do	Council of Smaller Enterprises (COSE)	1,250.00	40.00
Do	CBS, Inc	29,750.00	952.00
Do	Delta Dental Plans Assn	4,000.00	128.00
Do	Discovery 2000		
Do	Eli Lilly & Co	6,000.00	192.00
Do	Envirotest Systems	10,000.00	320.00
Do	Fluor Corp	10,750.00	344.00
Do	Galileo International		
Do	Health Insurance Assn of America		
Do	Heartland Health Systems		
Do	Hoffmann-La Roche	18,750.00	600.00
Do	Hong Kong Trade Development Council	3,000.00	96.00
Do	Human Rights Campaign Fund	1,000.00	32.00
Do	Independent Sector	15,750.00	
Do	Independent Telephone & Telecommunications Alliance	18,000.00	576.00
Do	Joint Commission on Accreditation of Health Care...	6,500.00	208.00
Do	Lifetime Security Plan	6,250.00	200.00
Do	Lockheed/Martin Corp	8,250.00	264.00
Do	Maritrans GP, Inc	2,500.00	80.00
Do	Mutual of Omaha	15,000.00	480.00
Do	National Assn of Broadcasters	15,250.00	488.00
Do	National Assn of Urban Critical Access Hospitals	20,750.00	664.00
Do	National Coalition of Burn Center Hospitals		
Do	National Football League	10,250.00	328.00
Do	National Independent Energy Producers	11,750.00	376.00
Do	National Music Publishers Assn, Inc	5,000.00	160.00
Do	Nuclear Energy Institute	13,250.00	424.00
Do	Pennzoil Company		
Do	Philip Morris, Inc	15,750.00	
Do	Presbyterian Hospital in the City of New York		
Do	Software Productivity Consortium	3,750.00	120.00
Do	Ticketmaster		
Ann Marie Johnston, 6321 Birchview Drive, South Reynoldsburg, OH 43068	Columbus Service Group, Inc		
Mary M. Johnston, 500 E Street, SW, #920 Washington, DC 20024	AOPA Legislative Action	10,500.00	695.81
Pierce A. Johnston, 6321 Birchview Drive, South Reynoldsburg, OH 43068	Columbus Service Group, Inc		
Christopher Blake Johnstone, 1000 Connecticut Ave., NW Washington, DC 20036	Japan Economic Institute of America	500.00	
Joint Maritime Congress, 444 N. Capitol St., #801 Washington, DC 20001			17,638.00
Mary K. Jolly, 410 First Street, SE, 2nd Floor Washington, DC 20003	National Rifle Assn of America	1,652.63	150.00
Herbert A. Jolovitz, 7531 Sebago Road Bethesda, MD 20817	Owens-Corning Fiberglas Corporation	2,000.00	
Barbara J. Jones, 1100 Connecticut Ave., NW, #310 Washington, DC 20036	Dresser Industries, Inc		
E. Whitney Jones, 625 Slaters Lane, Suite 200 Alexandria, VA 22314	National Assn for Medical Equipment Services	6,000.00	81.00
Keith Jones, 901 Maple Street North Little Rock, AR 72114	Central Arkansas Transit Authority		
Murray W. Jones, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	R.J. Reynolds Tobacco Co	2,600.00	
Neal T. 'Buddy' Jones, 100 Congress Avenue, #1111 Austin, TX 78701	CLD Coalition, Inc	20,000.00	2,552.93
Russell C. Jones, 1420 King Street Alexandria, VA 22314-2794	National Society of Professional Engineers	1,500.00	
Jones Walker Waechter Poitevent Carrere & Denegre, 1776 Eye Street, NW, #245 Washington, DC 20006	Canal Barge Company, Inc		
Do	International Shipholding Corp	350.00	
Do	Jefferson Parish Council		
Do	Port of New Orleans	700.00	
Do	Sewerage & Water Board of New Orleans		
Do	Turner Broadcasting System, Inc		
James Jordan Associates, Inc, 1747 Pennsylvania Avenue, NW, #807 Washington, DC 20006	Consortium for International Earth Science Info. Network	18,000.00	18,154.95
R. Bruce Josten, 1615 H Street, NW Washington, DC 20062-2000	U.S. Chamber of Commerce	463.46	
Sherman Joyce, 1212 New York Ave., NW Washington, DC 20005	American Tort Reform Assn		18,440.00
Ardon B. Judd Jr., 1100 Connecticut Ave., NW, #310 Washington, DC 20036	Dresser Industries, Inc		
JM Family Enterprises, Inc, 100 Northwest 12th Avenue Deerfield Beach, FL 33443			
Jim Kaitz, 1150 Connecticut Ave., NW, #1125 Washington, DC 20036	Financial Executives Institute	17,313.00	
Jack Kalavritinos, 1015 15th Street, NW, Suite 802 Washington, DC 20005	American Consulting Engineers Council	1,687.50	5.00
Edward J. Kaleta III, 1615 H Street, NW Washington, DC 20062-2000	U.S. Chamber of Commerce	2,700.00	107.70
Kalkines Arky Zall & Bernstein, 1675 Broadway, #2700 New York, NY 10019	Coalition of Financially Distressed Hospitals		9,237.00
Do	St. Luke's-Roosevelt Hospital Center		9,086.75
Walter Kallaur, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	
Edward D. Kalman, Behar & Kalman 6 Beacon Street Boston, MA 02108	National Assn of Long Term Hospitals	13,008.00	
John F. Kamp, 1899 L Street, NW Washington, DC 20036	American Assn of Advertising Agencies	1,250.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Lesley Kane, 666 Pennsylvania Ave., SE, Suite 401 Washington, DC 20003	Trust for Public Land	3,758.00	114.62
Dennis R. Kanin, Foley Hoag & Eliot One Post Office Square Boston, MA 02109	Millicom, Inc		
Martin B. Kanner, 1575 Eye Street, NW, Suite 370 Washington, DC 20005-1175	Eugene Water & Electric Board	3,000.00	
Do	Missouri Basin Municipal Power Agency	7,000.00	
Do	Northern California Power Agency	3,000.00	
Do	OPCO Wholesale Customer Group	3,000.00	
Do	Public Power Council	4,700.00	
Lisa R. Kardell, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	WMX Technologies, Inc	2,175.00	275.99
Phillip J. Kardis, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International	3,000.00	3,901.95
Barry Kasinitz, 1750 New York Avenue, NW Washington, DC 20006	International Assn of Fire Fighters	11,243.00	
Michael E. Kastner, 1350 New York Ave., NW, #800 Washington, DC 20005-4797	National Truck Equipment Assn	2,850.00	52.00
Alyce Katayama, 1455 Pennsylvania Ave., NW Suite 230 Washington, DC 20004	Texas Instruments	2,000.00	
Paul C. Katz, 900 19th Street, NW, #400 Washington, DC 20006	America's Community Bankers		
Anthony P. Kavanagh, 801 Pennsylvania Avenue, NW, #214 Washington, DC 20004	American Electric Power Service Corp	318.60	1,240.79
Everett E. Kavanaugh, 1101 17th Street, NW, #300 Washington, DC 20036	Cosmetic Toiletry & Fragrance Assn, Inc		
Edward M. Kavjian, 1660 L Street, NW Washington, DC 20036	General Motors Corp	3,000.00	2,218.16
Kaye Scholer Fierman Hays & Handler, 901 15th St., NW, #1100 Washington, DC 20005	Kraft, Inc		
Do	Morgan Guaranty Trust Co of New York	852.50	897.15
Do	Spanish Broadcasting System		
David Keaney, 655 15th Street, NW, Suite 410 Washington, DC 20005	Bristol-Myers Squibb Co	1,000.00	
Scott Kearin, 418 C Street, NE Washington, DC 20002	Alaska Wilderness League		
Kearney & Gleason, One State Street - 8th Floor Boston, MA 02109	New England Telephone Co	5,625.00	2,873.93
Do	NYNEX Government Affairs	5,625.00	
Richard F. Keating, 1776 I Street, NW, #200 Washington, DC 20006	Anheuser-Busch Companies, Inc		
Keck Mahin & Cate, 1201 New York Avenue, NW, Penthouse Washington, DC 20005	American Public Communications Council	381.47	
Do	Group Health, Inc	37,701.02	
Do	H. P. Bulmer Holdings, P.L.C.	32,416.00	
Do	National Defined Contribution Council	5,461.75	
Jennifer L. Keehan, 1901 Pennsylvania Ave, NW 10th Floor Washington, DC 20006	International Mass Retail Assn	100.00	
J. Michael Keeling, 1726 M Street, NW, #501 Washington, DC 20036	ESOP Association		
Melvin Keener, 1133 Connecticut NW, #1023 Washington, DC 20036	Coalition for Responsible Waste Incineration	3,000.00	
Danea M. Kehoe, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	8,000.00	207.00
William D. Kelleher, 1415 Elliot Place, NW Washington, DC 20007	Chamber of Commerce of the U.S.	4,000.00	500.00
Robert H. Kellen, 5775 Peachtree-Dunwoody Rd., Suite 500-G Atlanta, GA 30342	Robert H. Kellen Co (For:Calorie Control Council)		
Katherine M. Kellenberg, 1330 New Hampshire Ave., NW, #122 Washington, DC 20036	National Assn of Community Health Centers, Inc		
August Keller, Signature Place II 14785 Preston Road, Suite 1100 Dallas, TX 75240	North American Coal Corporation	30,750.00	17,585.00
Keller & Heckman, 1001 G Street, NW, #500 West Washington, DC 20001	Canadian Sugar Institute	12,171.25	18,077.50
Do	Cominco, Ltd		
Do	Mars, Inc	857.53	
Carolyn M. Kelley, 1225 I Street, NW, #500 Washington, DC 20005	American Payroll Assn	219.30	80.00
Stephen S. Kellner, 1913 Eye Street, NW Washington, DC 20006	Chemical Specialties Manufacturers Assn, Inc		
Carol A. Kelly, 1620 L Street, NW, #800 Washington, DC 20036	United HealthCare Corp	800.00	
Carter Lee Kelly, 701 Pennsylvania Ave., NW, #710 Washington, DC 20004	Tenneco, Inc	246.00	50.80
John A. Kelly, Kelly & Associtės, Inc 1025 Thomas Jefferson St., NW, #105 Washington, DC 20007	BMW of North America, Inc	58,500.00	
Do	Overlook Hospital	15,000.00	
Do	Perdue Farms, Inc	10,000.00	
John F. Kelly, 3000 K Street, NW, #620 Washington, DC 20007	Merrill Lynch & Co, Inc	2,400.00	
Paul T. Kelly, 1701 Clarendon Boulevard Arlington, VA 22209	American Chiropractic Assn		
Jackson Kemper Jr., 1215 Jefferson Davis Hwy., #1104 Arlington, VA 22202	Diagnostic/Retrieval Systems, Inc	10,000.00	
Kemper Corporation, 1 Kemper Drive Long Grove, IL 60049			3,975.00
Kemper Financial Services, Inc, 120 South Lasalle Street Chicago, IL 60603			219.50
Kemper Reinsurance Company, One Kemper Drive Building 3, R-5 Long Grove, IL 60049-0015			917.07
Kemper Securities, Inc, 333 W. Wacker Dr. Chicago, IL 60601			
David Kemps, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	50.00
Andrew T. Kendzie, 1301 K Street, NW, #1200 Washington, DC 20005-3307	IBM Corporation	1,961.91	503.47
Joseph W. Kennebeck, 955 L'Enfant Plaza, SW, #4000 Washington, DC 20024	Volkswagen of America, Inc	350.00	20.00
Daniel E. Kennedy Jr., 1015 15th Street, NW, #700 Washington, DC 20005-2605	Bechtel National, Inc		251.00
Jerry W. Kennedy, 313 South Carolina Ave., SE Washington, DC 20003-4213	Calaveras Public Power Agency	3,750.00	48.94
Do	El Dorado Irrigation District	9,000.00	2,050.04
Do	Kennedy Government Relations (For:General Atomics)	2,950.00	40.06
Do	Kennedy Government Relations (For:Pemco Aeroplex)	2,725.00	5.07
Do	Kennedy Government Relations (For:Stockton East Water District)	12,000.00	4,449.57
Do	Tuolumne Public Power Agency	3,750.00	48.93
John F. Kennedy, 805 15th Street, Nw, #301 Washington, DC 20005	Kennedy & Dolan		
Patricia Cregan Kennedy, 205 N. Liberty Street Arlington, VA 22203	Chrysler Corporation	30,000.00	170.00
Kennedy & Baris, LLP, 112 E. Pecan St., #1775 San Antonio, TX 78205	American Bank Holding Co, Inc	8,833.80	2,439.46
Brendan Kenny, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	18,750.00	727.63
Cathy Ann Kenny, c/o NYS Petroleum Council 39 Broadway, #2705 New York, NY 10006	American Petroleum Institute	300.00	
J. H. Kent, 1990 M Street, NW, #340 Washington, DC 20036	Kent & O'Connor, Inc (For:American Soc of Plastic & Reconstructive Surgeons)	12,513.37	7,067.66
Do	Kent & O'Connor, Inc (For:American Supply Association)	532.00	302.27
Do	Kent & O'Connor, Inc (For:Carter Footwear, Inc)	2,531.50	1,164.42
Do	Kent & O'Connor, Inc (For:International Assn of Airport Duty Free Stores)	3,592.50	2,019.33
Do	Kent & O'Connor, Inc (For:Liz Claiborne, Inc)	6,778.00	4,038.66
Do	Kent & O'Connor, Inc (For:National Customs Brokers & Forwarders Assn of America).	11,080.00	6,057.98
Do	Kent & O'Connor, Inc (For:Professional Compounding Centers of America)	7,751.00	5,048.33
Do	Kent & O'Connor, Inc (For:Vista Chemical Company)		
Glenn C. Kenton, Richards Layton & Finger P.O. Box 551, One Rodney Square Wilmington, DE 19899	New England Investment Cos, L.P.		2,839.03
William Kenworthy, 1776 I Strret NW #400 Washington, DC 20006	Nuclear Energy Institute	4,335.00	2,721.00
Mary Kathleen Kenyon, 2124 Netahoa Court Falls Church, VA 22043	American Group Practice Assn	784.62	
John P. Kerekes, P.O. Box 10070 Lansing, MI 48901	American Petroleum Institute	2,119.90	
Michael L. Kerley, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	2,010.00	103.00
Eleanor W. Kerr, 1020 19th Street, NW, #420 Washington, DC 20036	SmithKline Beecham Corp	200.00	700.00
Suzanne S. Kerr, 110 Maryland Ave., NE Washington, DC 20002	Peace Political Action Committee	5,949.96	
Michael J. Kerrigan, Kerrigan & Associates, Inc 803 Prince Street Alexandria, VA 22314	Echelon Corporation	9,600.00	
Christopher J. Kersting, 1317 F Street, NW, #550 Washington, DC 20004	Trainum Snowdon & Deane (For:Auto International Assn)	90.00	41.49
Do	Trainum Snowdon & Deane (For:Coalition of Automotive Associations)	244.00	99.28
Do	Trainum Snowdon & Deane (For:Specialty Equipment Market Assn)	977.00	487.25
Ketchikan Pulp Co, P.O. Box 6600 Ketchikan, AK 99901			17,874.30
Kimberly Kettle, Kettle Company Public Relations 3316 Lakeside View Dr. Falls Church, VA 22041	Response Technologies, Inc	2,066.14	
G. Chandler Keys III, 1301 Pennsylvania Avenue, NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Karen Keys-Gamarra, P.O. Box 455 Oakton, VA 22124	Citizens for Reliable & Safe Highways		
Mary Turner Khim, 1850 M Street, NW, Suite 600 Washington, DC 20036	Toyota Motor Sales, USA		
Richard F. Kibben, 2235 Heatherwood Drive Toledo, OH 43614			
Carolyn Kiely, 1015 Fifteenth Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	1,875.00	122.26
Ingolf N. Kiland Jr., 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	4,427.04
Joanna Kille, 1010 Wisconsin Ave., NW, Suite 900 Washington, DC 20007	Grocery Manufacturers of America, Inc	1,007.16	
Jeffrey J. Kimbell, 1575 Eye Street, NW, #500 Washington, DC 20005	McKenna & Cuneo (For:Quest Medical, Inc (for Medical Device Manfacturers Assn)).	1,320.00	1,216.69
James L. Kimble, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn		
James Jeffrey Kincheloe, 519 C Street, NE Washington, DC 20002	National Assn for Home Care	246.30	
James A. Kinder, 17300 Redhill Ave., #100 Irvine, CA 92714	Kinder Associates, Inc		
Aubrey C. King, 1100 New York Avenue, NW, #450 Washington, DC 20005	Travel & Tourism Gov't Affairs Council	2,310.00	
Lewis O. King, 8407 Greenflint Lane Austin, TX 78759	National Guard Assn of Texas	2,800.00	100.00
W. Russell King, 50 F St., NW, #1050 Washington, DC 20001	Freeport McMoran, Inc	8,400.00	97.00
Do	Freeport-McMoRan Copper & Gold, Inc	8,400.00	97.00
Do	IMC Global, Inc	8,200.00	97.00
Daniel T. Kingsley, 1655 N. Fort Myer Dr., #700 Arlington, VA 22209	National Venture Capital Association	8,550.00	
Steven Kingsley, 845 Ninovan Road, SE Vienna, VA 22180	Citizens Scholarship Foundation of America		
Do	National Computer System		
Kevin J. Kinnaw, 1850 M Street, NW, Suite 600 Washington, DC 20036	Toyota Motor Sales USA, Inc		
Jan Kinney, 1250 Eye Street, NW, #900 Washington, DC 20005	Distilled Spirits Council of the U.S.	2,000.00	
Richard J. Kinney, 1850 K Street, NW, #1195 Washington, DC 20006	Schering-Plough Corp	9,000.00	582.58
Peter Kinzler, 7310 Stafford Road Alexandria, VA 22307	American Council of Life Insurance	10,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Kinzler & Swab, L.C. (For:NationsBank Corp)		
Kevin Kirchner, 1531 P Street, NW, #200 Washington, DC 20005	Sierra Club Legal Defense Fund	1,280.00	517.42
John R. Kirk, Bingham, Dana & Gould 150 Federal Street Boston, MA 02110	First National Bank of Boston		
Sharon Kirk, 1899 L Street, NW, Suite 1000 Washington, DC 20036	National Petroleum Refiners Assn	2,000.00	100.00
Marie Kissel, 1401 H Street, NW, Suite 900 Washington, DC 20005	American Automobile Manufacturers Assn	75.00	
Peter C. Kissel, 1225 Eye Street, NW, Suite 1225 Washington, DC 20005	Grammer Kissel Robbins & Shancke (For:Kootenai Electric Cooperative, Inc)	1,116.00	
Do	Grammer Kissel Robbins & Skancke (For:Tuolumne Utilities District)		
Sam Kito Jr., P.O. Box 1350 Sultan, WA 98294	Kito, Inc (For:Galena School District)		
Do	Kito, Inc (For:North Slope Borough)	18,000.00	14,828.90
Do	Kito, Inc (For:Sealaska Corporation)	51,400.00	12,913.83
Do	Kito, Inc (For:Southeast Alaska Landless Native Coalition)		
Sandra D. Kjellberg, 1775 K Street, NW, #200 Washington, DC 20006	Maritime Institute for Research & Industrial Development	2,342.13	
Dean Kleckner, 225 Touhy Avenue Park Ridge, IL 60068	American Farm Bureau Federation	4,700.00	
Phil Klein, 1913 Eye Street, NW Washington, DC 20006	Chemical Specialties Manufacturers Assn	833.00	271.50
Scott T. Klein, 1501 BDM Way McLean, VA 22102-3204	BDM International, Inc	50.00	12.50
Michael R. Klipper, 1718 Connecticut Avenue, NW, #700 Washington, DC 20009	Association of American Publishers	1,500.00	61.61
William C. Klostermeyer, 1130 Connecticut Avenue, NW, #350 Washington, DC 20036	Bookman-Edmonston Engineering, Inc		
David M. Klucsik, 1415 Wyckoff Road Wall, NJ 07719	New Jersey Natural Gas Co		
Judith E. Knight, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	1,915.00	
Knights of Columbus, 401 Michigan Avenue, NE Washington, DC 20017			2,036.18
Barbara Knisely, 1616 H Street, NW Washington, DC 20006	National Grange	3,500.00	
Albert B. Knoll, 555 13th Street, NW, #1010 East Washington, DC 20004-1109	Sun Co, Inc	2,000.00	1,695.43
Kent Knutson, 600 Maryland AVe., SW, Suite 700 Washington, DC 20024	National Fed of Independent Business	3,401.00	200.00
Patricia C. Kobor, 750 First St., NE Washington, DC 20002-4242	American Psychological Assn	1,364.11	227.45
Robert P. Koch, 601 13th Street, NW, #580 South Washington, DC 20005	Wine Institute	9,620.00	270.00
Koch Industries, Inc, P.O. Box 2256 Wichita, KS 67201			
David G. Koenig, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc		
Kirk Koepsel, 23 North Scott Sherican, WY 82801	Sierra Club	2,184.21	
Florian Kogelnik, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	500.00	
Gary J. Kohn, 805 15th Street, NW, #300 Washington, DC 20005	Credit Union National Assn	8,000.00	
Howard Kohr, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	23,124.99	221.56
Ann Kolker, 1616 P Street, NW, #100 Washington, DC 20036	National Women's Law Center		43.75
Nicholas Kominus, 1730 Rhode Island Avenue, NW Washington, DC 20036	U.S. Cane Sugar Refiners' Assn		359.07
John H. Komoroske, 1735 K Street, NW Washington, DC 20004	National Assn of Securities Dealers	250.00	73.12
Koniag, Inc, 4300 B Street, #407 Anchorage, AK 99503			4,124.96
George S. Kopp, 2121 K Street, NW, #650 Washington, DC 20037	Global USA, Inc (For:Earth Observation Satellite Co)		
Ronald W. Kosh, 12600 Fair Lakes Circle Fairfax, VA 22033-4900	AAA Potomac		75.00
Susan M. Koski-Grafer, 10 Madison Avenue P.O. Box 1938 Morristown, NJ 07962-1938	Financial Executives Institute	1,150.00	
Michael V. Kostiw, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco Inc		
Jerome J. Kozak, 1250 H Street, NW, Suite 900 Washington, DC 20005	International Dairy Foods Assn		
Edward B. Krachmer, 1250 Connecticut Ave., NW, 2nd Floor Washington, DC 20036	Cellular Telecommunications Industry Assn		
Alan M. Kranowitz, 1725 K Street, NW, #300 Washington, DC 20006	National Assn of Wholesaler-Distributors		
Robert S. Krebs, 1129 20th Street, NW, #200 Washington, DC 20036	Greater Washington Board of Trade	8,500.00	20.00
Earl R. Kreher, 1401 H Street, NW, #900 Washington, DC 20005	American Automobile Manufacturers Assn	1,904.00	939.17
Mary Jo Kripowicz, 1016 16th Street, NW, 5th Floor Washington, DC 20036	Consumers Power Co	3,448.00	6,998.00
Steven Kroll, 1341 G Street, NW, #500 Washington, DC 20057	Healthcare Assn of NYS	1,345.60	1,010.43
John J. Kropp, 1900 Fifth Third Center 511 Walnut Street Cincinnati, OH 45202	Graydon Head & Ritchey (For:River Downs Investment Co)		
Jack Krumholtz, 5335 Wisconsin Ave., NW, #600 Washington, DC 20015	Microsoft Corp	3,420.00	
James S. Krzyminski, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
Ruth M. Kurtz, 5517 Chevy Chase Pkwy., NW Washington, DC 20015	Coordinadora de Organizaciones Empresariales de Comercio Ext	3,246.66	290.21
Ester Kurz, 440 First Street, NW, 6th Floor Washington, DC 20001	American Israel Public Affairs Comm	27,499.94	113.41
Peter Dev Kurze, 1843 Mintwood Place, NW, #110 Washington, DC 20009	Daimler-Benz Washington, Inc		25.00
Peter Kyros, 2445 M Street, NW, #260 Washington, DC 20037	Allsup, Inc		
Do	American Soc for Cell Biology, et al		
Do	Association of Administrative Law Judges, Inc		
Do	Board of Veterans Appeals Professional Assn		
Do	Cooperative of American Physicians, Inc		
James La Sala, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Labor Bureau, Inc, 1101 15th Street, NW, #1010 Washington, DC 20005			
Labor Policy Assn, Inc, 1015 15th St., NW, #1200 Washington, DC 20005		15,271.00	27,500.00
Laborers' Intl Union of North America, AFL-CIO, 905 16th St., NW Washington, DC 20006			41,405.04
Jewel Lafontant-Mankarious, 55 East Monroe Street, #4100 Chicago, IL 60603	Holleb & Coff		
Shannon Lahey, 2701 32nd Street, NW Washington, DC 20008	California Correctional Peace Officers Assn	12,000.00	286.24
David F. Lambert III, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores	2,000.00	
Thomas G. Lambrix, 1730 Rhode Island Avenue, NW, #206 Washington, DC 20036	Union Camp Corp	330.00	256.00
Martha D. Lamkin, 11100 USA Parkway Fishers, IN 46038	USA Group, Inc	288.75	1.34
Robert Joseph Lamoureux, 1735 Jefferson Davis Highway, #1200 Arlington, VA 22202	McDonnell Douglas Corp		
Jennifer Lamson, 2030 M Street, NW Washington, DC 20036	Common Cause	11,636.74	934.92
Ray H. Lancaster, 1667 K Street, NW, #800 Washington, DC 20006	Williams Companies, Inc	6,000.00	22.65
Dina Moses Land, 1764 Old Meadow Lane, #350 McLean, VA 22102	American Frozen Food Institute	500.00	
David W. Landsidle, 1710 Rhode Island Avenue, NW, #300 Washington, DC 20036	Abbott Laboratories	10,000.00	
Maury Lane, 1801 K Street, NW, Suite 800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	
Robin W. Lanier, 1901 Pennsylvania Ave., NW, 10th Floor Washington, DC 20006	International Mass Retail Assn	9,000.00	
Fern M. Lapidus, 6736 Hillandale Road Chevy Chase, MD 20815	American Society for the Prevention of Cruelty to Animals		
Do	Association of Proprietary Colleges	9,999.99	1,039.97
Do	California Impact Aid Assn	2,400.00	44.19
Do	New York City Partnership, Inc	6,999.99	641.37
Do	School of Visual Arts	9,000.00	445.42
Mary Ellen Larson, 1712 New Hamphire Ave., NW Washington, DC 20009	Air Conditioning Contractors of America	2,000.00	75.00
Reed E. Larson, 8001 Braddock Road, #600 Springfield, VA 22160	National Right to Work Committee		
Rod Larson, 4510 13th Avenue Southwest Fargo, ND 58121-0001	Blue Cross Blue Shield of North Dakota	634.00	1,349.56
Theresa Knieriemen Larson, 1331 Pennsylvania Avenue, NW, Suite 1500 Washington, DC 20004-1703	National Assn of Manufacturers	1,500.00	
Robert L. Laszewski, 1225 Connecticut Ave., NW, 7th Floor Washington, DC 20036	Health Policy & Strategy Associates, Inc (For:Northwestern National Life Insurance Co).	7,500.00	5,195.83
Do	Health Policy & Strategy Associates, Inc (For:Washington National Life Insurance Co).	9,375.00	8,078.53
Do	Health Policy & Strategy Associates, Inc (For:Wausau Insurance Companies)	3,750.00	2,882.75
Riaz K. Latifullah, 3415 Fessenden St., NW Washington, DC 20008	Project Acta, Inc	200.00	
Delbert L. Latta, 516 Hillcrest Dr. Bowling Green, OH 43402	Stir-Melter, Inc	4,000.00	695.51
M. S. Lawrence, 40 Franklin Rd, SW P.O. Box 2021 Roanoke, VA 24022	Appalachian Power Company	613.42	677.20
Patricia Laws, 1747 Pennsylvania Ave., NW, #300 Washington, DC 20006	MidCon Corp	375.31	689.94
Richard C. Lawson, 1130 Connecticut Ave., NW Washington, DC 20036	American Insurance Assn	700.00	
Laxalt Corporation, 801 Pennsylvania Ave., NW, #747 Washington, DC 20004	Academy of Rail Labor Attorneys	5,120.00	
Do	Mesa, Inc	2,000.00	
Do	Milliken & Company	2,560.00	
Do	Motion Picture Assn of America, Inc	2,350.00	
Do	Sears Roebuck & Co	3,000.00	
Do	Viacom, Inc	4,700.00	
Paul Laxalt Group, 801 Pennsylvania Ave, NW, #750 Washington, DC 20004	Competitive Long Distance Coalition	36,000.00	
Do	Edison Electric Institute	8,000.00	
Do	Generic Pharmaceutical Industry Assn, et al.	6,000.00	
Do	Lockheed Martin Corp	6,250.00	
Do	Milliken & Company	15,000.00	
Do	Nevada Alliance for Defense, Energy & Business		
Do	Sears Roebuck & Co	2,750.00	
Do	Sierra Pacific Resources	15,000.00	
Do	Tracinda Corporation	2,500.00	
William N. LaForge, McGuiness & Williams 1015 15th Street, NW, #1200 Washington, DC 20005	Bridgestone-Firestone	650.00	
Wayne R. LaPierre Jr., 11250 Waples Mill Road Fairfax, VA 22030	National Rifle Assn of America		
Clifford C. LaPlante, 1299 Pennsylvania Avenue, NW, #1100 Washington, DC 20004	General Electric Co	1,850.00	
League to Save Lake Tahoe, 955 Emerald Bay Rd. South Lake Tahoe, CA 96150		1,000.00	7,823.51
Kristin M. Leary, 900 15th Street, WN Washington, DC 20005	United Mine Workers of America, Int'l Union	10,631.25	350.85
Thomas B. Leary, Hogan & Hartson 555 13th St., NW Washington, DC 20004-1109	Business Roundtable		
Wendy Lechner, 100 Daingerfield Road Alexandria, VA 22314	Printing Industries of America, Inc	10,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Cara Lee, 9 Vassar Street Poughkeepsie, NY 12601	Scenic Hudson, Inc	101.60	404.75
Gary A. Lee Group, Inc, P.O. Box 271 Sanibel Island, FL 33957	Harnischfeger Industries		
Do	Midas International		
Peter A. Lefkin, 1101 Connecticut Ave., NW, #950 Washington, DC 20036	Fireman's Fund Insurance Cos	4,500.00	1,455.00
Mary James Legatski, 1100 New York Ave., NW, #1090 Washington, DC 20005	Synthetic Organic Chemical Manufacturers Assn, Inc	500.00	
J. Mark Leggett, 100 North Tryon Street (NC1-007-11-05) Charlotte, NC 28255	NationsBank Corporation	2,470.00	1,523.25
Legislative Management Services, 136 Calmont Drive Pittsburgh, PA 15235	Ben Franklin Technology Center of Western PA	6,000.00	
Do	Erie Forge & Steel, Inc		
Do	University of Pittsburgh	30,000.00	3,611.99
Jack Legler, 4301 Connecticut Avenue NW, #300 Washington, DC 20008	National Solid Wastes Management Assn	500.00	
Warren R. Leiden, 1400 Eye Street, NW, #1200 Washington, DC 20005	American Immigration Lawyers Assn	5,253.00	
Lent & Scrivner, 555 13th Street, NW, #305E Washington, DC 20004	Alliance for Competitive Communications-Regional Bell..	5,400.00	3,027.77
Do	American Tort Reform Assn	4,500.00	2,523.14
Do	Bernard L. Madoff Investment Securities	750.00	2,474.98
Do	Coalition for Shareholder Fairness	1,250.00	1,005.04
Do	CSX Corp	750.00	2,844.14
Do	Diabetes Treatment Centers of America	837.25	2,558.14
Do	Flo-Sun Sugar	3,000.00	3,011.34
Do	Investment Company Institute	1,500.00	1,261.57
Do	Iroquois Gas Transmission Systems	750.00	2,099.57
Do	J. Makowski Co	750.00	1,607.92
Do	Liberty Maritime Corp	21.38	420.47
Do	Mobil Corp	1,750.00	2,054.73
Do	Pfizer, Inc	1,500.00	2,287.32
Do	Transaero, Inc		
Burleigh C. W. Leonard, 4857 N. 33rd Street Arlington, VA 22207	Nabisco, Inc	17,355.00	208.15
Earl T. Leonard Jr., P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company	1,506.00	1,790.52
Richard L. Lesher, 1615 H St., NW Washington, DC 20062	U.S. Chamber of Commerce	61.79	
William Gene Lesher, 1919 South Eads Street, Suite 103 Arlington, VA 22202-3028	Lesher & Russell, Inc	34,875.00	
Lesher & Russell, Inc, 1919 S. Eads Street, #103 Arlington, VA 22202-3028	Federal Agriculture Mortgage Corp	30,000.00	
Do	Kraft Foods, Inc	18,000.00	
Do	Monsanto Co	3,000.00	
Do	National Soft Drink Assn	18,750.00	
Do	PepsiCo, Inc		
Do	RJR Nabisco		
William J. Lessard Jr., 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	4,457.00	
Keith Lessner, 1211 Connecticut Ave., NW, Suite 400 Washington, DC 20036	Alliance of American Insurers		
Dale Lestina, 1201 16th St., NW Washington, DC 20036	National Education Assn	4,726.00	812.00
Robert John Levering, 1101 17th St., NW, #705 Washington, DC 20036	Direct Marketing Assn	1,000.00	1,000.00
Robert B. Levethal, 1050 17th Street, NW, #350 Washington, DC 20036	AFL-CIO Maritime Committee		
Nina Gail Levitt, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	53.08	110.50
Roger N. Levy, 901 15th Street, NW, #520 Washington, DC 20005-2301	Travelers Insurance Co	4,000.00	
Charles G. Lewis, 625 Ridge Pike, #410 Conshohocken, PA 19428-3216	Longshore & Simmons		
Joseph Christopher Lewis, 1424 16th Street, NW, Suite 604 Washington, DC 20036	Consumer Federation of America	5,323.00	63.00
Mary Melinda Lewis, [illegible] Connecticut Ave., NW, #1250 Washington, DC 20036-5304	Major League Baseball		
Ralph D. Lewis, P.O. Box 6600 Ketchikan, AK 99901	Ketchikan Pulp Co	440.00	2,154.10
Robert J. Lewis, 1620 I Street, NW, #800 Washington, DC 20006	Generic Pharmaceutical Industry Assn	936.00	56.10
Howard Lewis III, 1331 Pennsylvania Ave., NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	3,000.00	100.00
Lewis Rice & Fingersh, 500 N.Broadway St. Louis, MO 63102	John E. Simon Trust		
John F. Leyden, 815 16th Street, NW, #308 Washington, DC 20006	Public Employee Department, AFL-CIO	3,789.71	
LeBoeuf Lamb Leiby & MacRae, 1875 Connecticut Avenue, NW, Suite 1200 Washington, DC 20009	Farmers Insurance Group of Companies		
Do	London Insurance & Reinsurance Market Assn		
Do	Underwriters at Lloyd's London		
Harris W. LeFew, 300 Pratt Street Luke, MD 21540-1099	Westvaco Corporation		
Maria LeGrand, LeGrand Square Group 4609 Sylvan Road Richmond, VA 23225	Dewey Square Group	10,000.00	1,651.19
William J. Lhota, One Riverside Plaza Columbus, OH 43215	Ohio Power Co		
Jack W. Liddle, 1735 Jefferson Davis Highway, #1200 Arlington, VA 22202	McDonnell Douglas Corp		
Richard A. Lidinsky Jr., 700 13th Street, NW, #220 Washington, DC 20005	Sea Containers America, Inc		
Howard S. Liebengood, 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	15,000.00	234.10
Lincoln National Corp, 200 East Berry Street Fort Wayne, IN 46802			1,400.39
Karl W. Lindberg, 2322 Easter Lane New Orleans, LA 70114	Southern Forest Products Assn		
Lisle Corporation, 807 E. Main Clarinda, IA 51632			
Steven S. List, 130 East Randolph Drive, 23rd Floor Chicago, IL 60601	Peoples Gas Light & Coke Co	2,335.72	896.00
Nelson Litterst, 600 Maryland Ave., SW, Suite 700 Washington, DC 20024	National Fed Independent Business	3,401.00	200.00
Melvin J. Littig, 600 New Hampshire Avenue, NW, #1200 Washington, DC 20037	Westinghouse Electric Corp	1,200.00	
Bryan Little, 600 Maryland Ave., SW, #800 Washington, DC 20024	American Farm Bureau Federation	7,833.00	489.72
Charles B. Little, 1331 Pennsylvania Ave., NW #1500 North Tower Washington, DC 20004-1703	UBA, Inc	2,000.00	
Roy E. Littlefield III, 1707 Pepper Tree Court Bowie, MD 20716	American Retreaders' Assn	1,000.00	
Orville J. Litzsinger, 5824 Wessex Lane Alexandria, VA 22310	Alliance for American Innovation, Inc	3,000.00	189.92
H. R. Lively Jr., 919 18th Street, NW Washington, DC 20006	American Financial Services Assn	250.00	
Robert W. Lively, 1850 K Street, NW, #1195 Washington, DC 20006	Schering-Plough	7,260.00	3,045.92
Wingate Lloyd, 1600 M Street, NW Washington, DC 20036	ITT Corp		
John C. Lobert, 444 N Capitol St., NW, #801 Washington, DC 20001-1512	National Assn of Independent Insurers	1,500.00	
Michael A. Lobue, 601 Pennsylvania Ave., NW North Building, 4th Floor Washington, DC 20004	Atlantic Richfield Co	50.00	
W. Timothy Locke, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates (For:Boy Scouts of America)		
Do	Hecht Spencer & Associates (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Associates (For:Mid-America Waste Systems, Inc)		
Do	Hecht Spencer & Associates (For:MCI Telecommunications)		
Do	Hecht Spencer & Associates (For:National Automatic Merchandising Assn)		
Do	Hecht Spencer & Associates (For:New Mexico Indian Gaming Assn)		
Do	Hecht Spencer & Associates (For:North Village Corp)		
Do	Hecht Spencer & Associates (For:Tulalip Tribes of Washington)		
Do	Hecht Spencer & Associates (For:TECO Energy, Inc)		
Lockheed Martin IMS Corp, 1200 K Street, NW Washington, DC 20005			2,000.00
Stephen G. Lodge, 7900 Westpark Drive, #A-320 McLean, VA 22102	National Confectioners Assn		27,857.00
William E. Loftus, 1120 G Street NW, #520 Washington, DC 20005	American Short Line Railroad Assn	1,560.00	
James E. Lokovic, 4514 Governor Pratt Court Upper Marlboro, MD 20772	Air Force Sergeants Assn, Inc		
Christopher M. Long, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	3,000.00	500.00
Patricia Davitt Long, 1331 Pennsylvania Ave., NW, 1500 North Washington, DC 20004-1703	National Assn of Manufacturers	590.00	
Robert Michael Long, The Littlefield Building 106 East 6th St., Suite 400 Austin, TX 78701	American Telephone & Telegraph Co, et al.	15,367.50	1,000.00
Shelley A. Longmuir, 1707 L Street, NW, Suite 300 Washington, DC 20036	United Airlines, Inc	900.00	
Dennis Longoria, Central Power & Light Co P.O. Box 3400 Laredo, TX 78044	Central Power & Light Co		
Andrew J. Loomis, 110 Maryland Ave., NE Washington, DC 20002	Council for a Livable World	4,358.86	
Douglas B. Loon, 1615 H Street, NW Washington, DC 20062-2000	U.S. Chamber of Commerce	13,500.00	123.02
Katherine Loos, 2030 M Street, NW Washington, DC 20036	Common Cause	4,875.00	27.35
Alan G. Lopatin, 4958 Butterworth Place, NW Washington, DC 20016	Ledge Counsel, Inc (For:National Assn of Retired Federal Employees)	12,000.00	208.80
Do	Ledge Counsel, Inc (For:Patent Office Professional Assn)	6,000.00	
Minerva Castaneda Lopez, 1717 R Street, NW, #202 Washington, DC 20009			
Ramon B. Lopez, P.O. Box 1200 Columbus, GA 31902-1200	Columbus GA Chamber of Commerce		
Philip J. Loree, 50 Broadway New York, NY 10004	Federation of American Controlled Shipping	200.00	
Bill Loughrey, One Technology Parkway South Atlanta, GA 30092	Scientific-Atlanta	2,000.00	
Timothy Lovain, 3719 Gunston Road Alexandria, VA 22302	Denny Miller Associates	5,000.00	
Celia C. Lovell, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Steve Lovett, 1111 19th Street, NW, #800 Washington, DC 20036	American Forest & Paper Assn	2,000.00	
Amy Loy, 1250 H Street, NW, #900 Washington, DC 20005	International Dairy Foods Assn		
Joe O. Luby Jr., 225 East John Carpenter Freeway Room 1202 Irving, TX 75062-2298	Exxon Corp		
Paula D. Lucak, 815 16th Street, NW, #308 Washington, DC 20006	Public Employee Department, AFL-CIO	7,800.00	
Jill Luckett, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn		
Kenneth M. Ludden, 888 16th Street, NW Washington, DC 20006	Bannerman & Associates, Inc (For:Elf Atochem, N.A., Inc)	1,000.00	
Do	Bannerman & Associates, Inc (For:Embassy of El Salvador)		
Do	Bannerman & Associates, Inc (For:Government of the United Arab Emirates)		
Do	Bannerman & Associates, Inc (For:Government of Egypt)	3,000.00	
Do	Bannerman & Associates, Inc (For:L.A. Motley & Co (for: Government of the Philippines)).		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Bannerman & Associates, Inc (For:Lebanese American University)		
Earl Lui, 1535 Mission Street San Francisco, CA 94103	Consumers Union of U.S., Inc	99.00	
Lumbermens Mutual Casualty Company, Long Grove, IL 60049			3,778.94
Michael L. Lunceford, 16251 N. Dallas Parkway Dallas, TX 75248	Mary Kay Corporation		
Michelle Gibson Lusk, 1212 New York Ave. NW Suite 500 Washington, DC 20005	Cement Kiln Recycling Coalition		
Kevin A. Lynch, 1299 Pennsylvania Ave., NW , #875 East Washington, DC 20004	PacifiCorp Electric Operations	8,190.00	919.00
John B. Lynn, 1331 Pennsylvania Ave., NW, #1300 North Washington, DC 20004	EDS Corporation	320.00	
James S. Lyon, 410 North Lincoln Street Arlington, VA 22201	Mineral Policy Center		109.00
David C. Lyons, 1350 I Street, NW, #1260 Washington, DC 20005-3305	Louis Dreyfus Corp	29,000.00	180.20
William T. Lyons, 1717 K Street, NW, #500 Washington, DC 20006	Lyons & Company (For:Ciba-Geigy Corp)	10,000.00	3,544.77
M.O.A.A.I.O.A. & Subs, Inc, 701 S. 22nd, #107 Omaha, NE 68102			
Marcia S. Mabee, 11490 Commerce Park Drive Reston, VA 22091	Coalition for American Trauma Care (CATC)		
Rodney Macalister, 1701 Pennsylvania Ave., NW Washington, DC 20006	E.I. DuPont deNemours & Co		
Robert E. Mackin, 122 South Swan Street Albany, NY 12210	National Conference of Insurance Legislators	12,500.00	
Timothy MacCarthy, 750 17th Street, NW, #901 Washington, DC 20006	Nissan North America, Inc	20,000.00	
Gordon D. MacKay, Riva Place South #304 1011 Arlington Blvd. Arlington, VA 22209	New England Mutual Life Insurance Co, ('The New England')	17,500.00	1,275.00
Duncan R. MacKenzie, c/o NYS Petroleum Council 150 State Street Albany, NY 12207-1675	American Petroleum Institute	250.00	
Robb S. MacKie II, 1350 I Street, NW, #1290 Washington, DC 20005-3305	American Bakers Assn	2,880.00	650.00
Uday Madiman, P.O. Box 282 Indianapolis, IN 46206	Indy Unlocks, Inc		
Cliff Madison Government Relations, Inc, 1611 Landfall Drive Wilmington, NC 28405	Burbank-Glendale-Pasadena Airport Authority	7,500.00	
Do	Federal Express Corp	12,000.00	
Do	Los Angeles County Metropolitan Transportation Authority	17,499.99	
Do	MarkAir, Inc		
Do	Sarasota-Bradenton Airport	6,999.99	
Bill Magavern, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	702.88	
James N. Magill, 200 Maryland Avenue, NE Washington, DC 20002	Veterans of Foreign Wars of the U.S.	4,500.00	470.63
Robert Maginnis, 700 13th St., NW, #500 Washington, DC 20005	Family Research Council	115.00	
Paul J. Magliocchetti, 1755 Jefferson Davis Highway, #1107 Arlington, VA 22202	Diagnostic Retrieval Systems, Inc		
Paul Magliocchetti Associates, Inc, 1755 Jefferson Davis Highway, #1107 Crystal Square 5 Arlington, VA 22202	American Ship Building Co		
Do	AT&T		
Do	Bath Iron Works Corp		
Do	Bird-Johnson Co		
Do	BF Goodrich		
Do	Chamberlain Manufacturing Corp		
Do	Computing Devices International		
Do	CAE Electronics, Inc		
Do	Diagonstic Retrieval Systems, Inc		
Do	Dynamics Research Corp		
Do	DDP Delta		
Do	Electronic Warfare Associates, Inc		
Do	First Hospital Corp		
Do	Foundation Health Corp		
Do	FLIR Systems, Inc		
Do	Harding-Watercraft		
Do	Hughes Aircraft Company		
Do	LifeCell Corp		
Do	Medco Containment Services, Inc		
Do	Menninger Clinic		
Do	MIC Industries, Inc		
Do	Orange Shipbuilding Co, Inc		
Do	Pacific Consolidated Industries		
Do	Sabreliner Corporation		
Do	Schweizer Aircraft Corp		
Do	Short Brothers (USA), Inc		
Do	Sperry Marine, Inc		
Do	Sunquest Information Systems, Inc		
Do	Textron, Inc		
Do	Vision Service Plan		
A. John Maguire, 1521 New Hampshire Avenue, NW Washington, DC 20036-1205	National Cotton Council of America	6,262.50	296.88
Alisa Learner Maher, 1401 H Street, NW, #700 Washington, DC 20005	Chrysler Corporation	4,725.00	451.00
Kevin L. Maher, 1201 New York Ave., NW Washington, DC 20005-3931	American Hotel & Motel Assn	2,090.00	
Linda F. Maher, 9000 Montgomery Ave Chevy Chase, MD 20815	Turner Broadcasting System, Inc	550.00	
Terence P. Mahony, 1299 Pennsylvania Ave., NW 11th Floor East Washington, DC 20004	National Broadcasting Co, Inc	3,250.00	
Anthony S. Makris, 116 Waterford Place Alexandria, VA 22314	National Rifle Assn of America		
Do	Quik Pawn Shop		
Andrew T. Malleck, 400 North Capitol St., NW, #852 Washington, DC 20001	Brotherhood of Maintenance of Way Employees	14,922.46	
Claudia Malloy, 2030 M Street, NW Washington, DC 20036	Common Cause	7,249.98	358.74
Mary Jo Malone, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	25.00	
Andrew K. Maloney, 2300 Clarendon Blvd., #1010 Arlington, VA 22201	Robertson Monagle & Eastaugh (For:Clipper Navigation)	3,000.00	
Do	Robertson Monagle & Eastaugh (For:Reeve Aleutian Airways)	3,000.00	
Robert H. Maloney, 3900 Wisconsin Ave., NW Washington, DC 20016	Fannie Mae	2,500.00	
Manatt Phelps & Phillips, 1501 M Street, NW, Suite 700 Washington, DC 20005	Alameda Corridor Transportation Authority	12,597.50	341.26
Do	Alamo Rent A Car, Inc	11,645.00	
Do	ARCO		
Do	ARCO Chemical		
Do	Bank Private Equity Coalition		
Do	Bay Area Rapid Transit District		
Do	California Chiropractic Assn		
Do	California League of Savings Institutions		
Do	Chemical Bank		
Do	City of Hope		
Do	College Construction Loan Insurance Assn	175.00	
Do	ConCorde Career Colleges, Inc		
Do	Dole Food Co, Inc		
Do	E-Z-EM, Inc	40,091.25	
Do	Ethyl Corporation		
Do	Evans Group		
Do	General Atomics		
Do	Hawthorn Group		
Do	Lackawanna Leather Co	2,461.00	48.50
Do	Missouri Enterprise Business Assistance Center	1,056.25	
Do	Money Store	8,722.50	145.95
Do	National Assisted Housing Management Assn	3,900.00	
Do	Navajo Nation		
Do	NEC USA, Inc		
Do	Royal Wine Corp		
Do	S-Corporation Reform Project	4,211.25	
Do	UPF		
Do	Western Dental Services, Inc	6,905.00	80.70
Do	YCARE 2000	4,450.00	
Diane S. Mand, 1100 Connecticut Ave., NW, #310 Washington, DC 20036	Dresser Industries, Inc		
Tammy L. Mann, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn		
Mary Jo Manning, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Television Operators Caucus)		
Cynthia Mansfield, 801 Pennsylvania Ave., NW, Suite 310 Washington, DC 20004	GPU Service Corporation	26,172.00	26.27
Perry Steven Mansfield, 225 Main Street Newington, CT 06111	American Radio Relay League, Inc	3,864.00	3,662.00
Manufactured Housing Institute, 2101 Wilson Blvd., Suite 610 Arlington, VA 22201			25,845.56
Robert Y. Maples, 1627 K Street, NW, #700 Washington, DC 20006	Smokeless Tobacco Council, Inc	3,650.85	501.00
Joseph N. Mariano, 1666 K Street, NW, Suite 1010 Washington, DC 20006	Direct Selling Assn		
Marine Engineers' Beneficial Assn, Dist #1, Pacific Coast District 444 North Capitol St., NW, #800 Washington, DC 20001		1,835.20	
Marine Preservation Association, 8777 North Gainey Drive, Suite 165 Scottsdale, AZ 85258			
Marine Spill Response Corporation, 1350 I Street, NW, Suite 300 Washington, DC 20005			2,656.25
Maritime Institute for Research & Industrial Development, 1775 K Street, NW, #200 Washington, DC 20006			14,263.13
Lawrence D. Markley, Rt. 1, Box 130-A Mt. Solon, VA 22843	Alaska Electric Light & Power Co		
Do	Alaska Village Electric Cooperative		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Anchorage Municipal Light & Power		
Do	Cape Fox Corp		
Do	City of Kake	18,000.00	
Do	Cordova Electric Cooperative		
Do	Electrical District Number 2	5,000.00	
Do	Goldbelt, Inc		
Do	INN Electric Cooperative		
Do	Kotzebue Electric Association	9,600.00	
Do	Metlakatla Indian Community		
Do	ORMAT Nevada, Inc	20,000.00	
Morry B. Markowitz, 1001 19th Street North, #1200 Arlington, VA 22209	Association of International Automobile Manufacturers, Inc		13,255.40
Luther A. Markwart, 1156 15th St., NW, #1101 Washington, DC 20005	American Sugarbeet Growers Assn	8,902.00	
Ron Marlenee, 9008 Linda Maria Court Fairfax, VA 22031	Flathead Joint Board of Control	1,250.00	
Do	Safari Club International	3,000.00	
John D. Marple, 2001 L Street, NW, #400 Washington, DC 20036	Business Software Alliance	4,500.00	
James T. Marrinan, 1301 K Street, NW, Suite 1100-East Tower Washington, DC 20005-3317	Community Psychiatric Centers	24,230.71	8,027.78
Beverly K. Marshall, 555 12th St., NW, #640 Washington, DC 20004	Southern California Edison Co	6,945.00	5,450.00
Ellen M. Marshall, 1033 North Fairfax Street, Suite 404 Alexandria, VA 22314	International Council of Shopping Centers	1,100.00	
Gwen Marshall, 243 Parkway, #3 Cincinnati, OH 45216			260.31
Cynthia L. Martin, 1215 Jefferson Davis Hwy., #1004 Arlington, VA 22202	Diagnostic Retrieval Systems, Inc	12,000.00	
David L. Martin, P.O. Box 427 Jackson, MS 39205-0427	Comprehensive Health Insurance Risk Pool Assn		
Gordon G. Martin, 1130 Connecticut Ave., NW, Suite 830 Washington, DC 20036	Alabama Power Co	26,250.00	6,626.68
Lora Lee Martin, Carriage House University of California Santa Cruz, CA 95064	University of California	8.94	
Antonio C. Martinez II, 11128 Church Street Fairfax, VA 22030-4901	Nutritional Health Alliance	17,300.00	360.00
Robert A. Marzocchi, P.O. Box 1615 15 Mountain View Road Warren, NJ 07061-1615	Chubb & Son, Inc	5,000.00	
Mark A. Maslyn, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	10,446.00	156.35
Glen David Mason, 1350 I Street, NW, #590 Washington, DC 20005	College of American Pathologists	8,015.00	
Nancy Mason, 1020 19th Street, NW, Suite 700 Washington, DC 20036	US WEST, Inc	2,004.47	
Ned W. Massee, 299 Park Avenue 13th Floor New York, NY 10171	Westvaco Corporation		
Camille Bares Massic, 1401 I Street, NW, Suite 1100 Washington, DC 20005	SBC Communications Inc	15,000.00	17,382.15
James D. Massie, 601 13th St., NW, Suite 410 South Washington, DC 20005	R. Duffy Wall & Associates	1,250.00	
Mary Cheryl Matheis, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	15,102.91	112.00
Roderick B. Mathews, 2015 Staples Mill Road Richmond, VA 23230	Trigon Blue Cross Blue Shield	1,250.00	
Amy Mathews-Amos, 1531 P Street, NW, #200 Washington, DC 20005	Sierra Club Legal Defense Fund	2,835.00	1,996.09
Sandra Windsor Mathiesen, 6103 Bayliss Knoll Court Alexandria, VA 22310	Denny Miller Associates, Inc	1,150.00	
Dawson Mathis, 410 First Street, SE, #300 Washington, DC 20003	Civil Justice Reform Group	5,000.00	
Do	Dawson Mathis & Associates (For:Massachusetts Mutual Life Insurance Co)	7,875.00	
Do	United Parcel Service	3,000.00	
Dawson Mathis & Associates, 410 First Street, NW, #300 Washington, DC 20003	Massachusetts Mutual Life Insurance Co	7,875.00	
Michael P. Matlack, 104 North Carolina Ave., SE Washington, DC 20003	Pearson & Pipkin, Inc (For:Physicians Who Care)		
Kim M. Matthews, 1020 19th Street, NW, #700 Washington, DC 20036	U S West, Inc	5,326.80	
Robert A. Matthews, 700 North Fairfax St. Alexandria, VA 22314	Railway Progress Institute	1,253.64	
Joseph M. Mattingly, 1901 North Moore Street, #1100 Arlington, VA 22209	Gas Appliance Manufacturers Assn, Inc		
Michael N. Matton, 1735 Jefferson Davis Hwy., Suite 1200 Arlington, VA 22202	McDonnell Douglas Corp	480.00	
Daniel J. Mattoon, 1133 21st St., NW, #900 Washington, DC 20036	BellSouth Corp	3,325.00	5,153.34
William C. Mattox, 1700 Pennsylvania Avenue, NW Washington, DC 20006	Mutual of Omaha Cos	1,250.00	
Marshall L. Matz, 1400 16th Street, NW, #400 Washington, DC 20036	Holland & Knight (For:Abbott/Ross Laboratories)	7,500.00	
Do	Olsson Frank & Weeda (For:American Commodity Distribution Program)	1,500.00	
Do	Olsson Frank & Weeda (For:American School Food Service Assn)	9,000.00	
Do	Olsson Frank & Weeda (For:United Fresh Fruit & Vegetable Assn)	3,000.00	
Robert V. Maudlin, 1511 K Street, NW Washington, DC 20005	C.V. & R.V Maudlin (For:Southern Company Services, Inc)	1,000.00	210.00
John A. Maxwell, New Jersey Petroleum Council 150 West State Street Trenton, NJ 08608	American Petroleum Institute		
James C. May, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	30,000.00	
Stephen L. May, May & Company 201 King St., #3A Alexandria, VA 22314	AlliedSignal, Inc	39,000.00	
Joseph T. Mayer, 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp	18,135.00	2,398.45
Marion R. Mayer, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	13,254.81	465.79
Mayer Brown & Platt, 2000 Pennsylvania Avenue, NW, #6500 Washington, DC 20006	Accountants' Liability Assurance Co, Ltd		
Do	American Farm Bureau Federation		
Do	Arthur Andersen & Co, et al.	2,862.50	
Do	Bank of America Illinois		
Do	Brunswick Corp		
Do	Chicago Stock Exchange, Inc		
Do	City Colleges of Chicago		
Do	Comdisco, Inc		
Do	Deutsche Lufthansa A.G.		
Do	Enron Development Corp		
Do	First Chicago Corp		
Do	FMC Corporation		
Do	General Electric Industrial & Power Systems		
Do	GATX Corporation		
Do	Harris Trust & Savings Bank		
Do	Joseph E. Seagram & Sons Inc		
Do	JMB Realty Corp		
Do	Merrill Lynch Capital Markets		
Do	NICOR, Inc		
Do	Quaker Oats Company		
Do	Santa Fe Pacific Corp		
Do	Sara Lee Corporation		
Do	Sears Roebuck & Co		
Do	Security Capital Group, Inc	200.00	
Do	Solid Waste Agency of Northern Cook County		
Do	Tele-Communications, Inc		
Do	Vulcan Materials Company, Midwest Division		
S. Hubert Mayes Jr., 320 West Capitol Avenue, Suite 1000 Little Rock, AR 72201-3525	Alliance of American Insurers		
Mays & Valentine, 2300 South 9th Street Arlington, VA 22204	Rocco Enterprises, Inc	2,500.00	8,963.91
H. Wesley McAden, 1155 15th St., NW, #504 Washington, DC 20005	J. G. Boswell Co	3,000.00	
Do	California & Hawaiian Sugar Co	15,000.00	
Do	Marko Zaninovich, Inc	1,500.00	
Do	New York Cotton Exchange	2,000.00	
Lynn A. McAlister, 1331 Pennsylvania Ave., NW, #1300N Washington, DC 20004	EDS Corporation	120.00	490.00
Marcia McAllister, 1270 West Northwest Highway Palatine, IL 60067	American Salvage Pool Assn		
Ann McBride, 2030 M St., NW Washington, DC 20036	Common Cause	21,249.96	898.00
Lynne McBride, 8200 Wisconsin Ave., #517 Bethesda, MD 20814	Farmers' Educational & Co-operative Union of America	4,632.19	
Charlie McBride Associates, Inc, 1730 M Street, NW, #800 Washington, DC 20036	Advanced Communications Corp		
Do	ABB Combustion Engineering, Inc	9,000.00	275.74
Do	Biomedical Research Foundation	4,500.00	1,644.29
Do	Carolina Power & Light Co	900.00	
Do	Cogentrix Energy, Inc		
Do	Edison Chouest Offshore	2,400.00	247.88
Do	Integrated Resources Group, Inc	3,000.00	243.16
Do	ICON Industrial Controls, Inc	5,852.24	639.82
Do	Louisiana Energy Services	1,200.00	
Do	National Electrical Manufacturers Assn	1,400.00	
Do	Nuclear Energy Institute	3,000.00	245.44
Do	Science Applications International Corp	6,000.00	643.42
Do	Sealaska Corp	1,800.00	245.44
Do	Tulane University	5,100.00	245.44
Do	Westinghouse Electric Corp	2,640.00	245.45
Do	Yukon Pacific Corp	2,400.00	245.44
John D. McCallum, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co	24.53	
Carolyn Kim McCarthy, 1455 Pennsylvania Ave., NW, #500 Washington, DC 20004	Corning Life Sciences, Inc	30,000.00	1,000.00
Kelley J. McCarthy, 888 16th Street, NW Washington, DC 20006	Bannerman & Associates, Inc (For:Elf Atochem, N.A., Inc)		
Do	Bannerman & Associates, Inc (For:Embassy of El Salvador)	100.00	
Do	Bannerman & Associates, Inc (For:Government of the United Arab Emirates)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Bannerman & Associates, Inc (For:Government of Egypt)	100.00	
Do	L.A. Motley & Co (for Government of the Philippines)	100.00	
Do	Bannerman & Associates, Inc (For:Lebanese American University)		
Brian McClay, c/o Rogers & Wells 607 14th Street, NW Washington, DC 20005	Canadian Pulp and Paper Association		
Luckie L. McClintock, 901 Massachusetts Ave., NW Washington, DC 20001	United Assn of Journeymen & Apprentices of the P.& P.F.I.	6,000.00	1,349.00
John M. McClung, 727 N Washington Street Alexandria, VA 22314	United Fresh Fruit & Vegetable Assn	4,252.00	
Donald N. McClure Jr., 20 Erford Road, #115 Lemoyne, PA 17043	Pennsylvania Assn of Home Health Agencies	10,640.46	124.52
McClure Gerard & Neuenschwander, Inc, 201 Maryland Ave., NE Washington, DC 20002	Air Transport Assn		
Do	American Home Products		
Do	Asarco, Inc	180.00	
Do	Association of Financial Guaranty Insurors		
Do	Barrick Resources (USA, Inc)	180.00	
Do	Battle Mountain Gold Co	180.00	
Do	Bristol-Myers Squibb		
Do	Brush Wellman, Inc		
Do	BHP Minerals International, Inc	180.00	
Do	Coeur d'Alene Mines Corp	180.00	
Do	Crown Butte Mines, Inc	180.00	
Do	Cyprus Amax Minerals Company	180.00	
Do	Echo Bay Mines	180.00	
Do	Euro-Nevada Mining Corp, Inc	180.00	
Do	Financial Guaranty Insurance Corp	525.00	
Do	First USA		
Do	Franco-Nevada Mining Corp, Inc	180.00	
Do	FMC Gold	180.00	
Do	Goodyear Tire & Rubber Co		
Do	GE Capital Commercial Real Estate Financing & Servicing		
Do	GE Capital Mortgage Corp	125.00	
Do	Hecla Mining Co	180.00	
Do	Homestake Mining	180.00	
Do	Idaho Power Company		
Do	Kennecott Corp	180.00	
Do	LITCO		
Do	Magma Copper Company	180.00	
Do	Merck & Co		
Do	Minorco, USA	180.00	
Do	National Endagered Species Act Reform Coalition		
Do	National Mining Assn	180.00	
Do	National Rifle Assn		
Do	Newmont Mining Corp	180.00	
Do	Pacific Gas Transmission Company		
Do	Pegasus Gold Corp	180.00	
Do	Pfizer		
Do	Phelps Dodge Corp	180.00	
Do	Placer Dome US, Inc	180.00	
Do	Royal Gold, Inc	180.00	
Do	Santa Fe Pacific Gold Corp	180.00	
Do	Upjohn Co		
McClure Trotter & Mentz, Chtd, 1100 Connecticut Ave., NW, #600 Washington, DC 20036	Coca-Cola Company		
Do	Motion Picture Assn America, Inc		
Do	Perpetual Corp		
Do	Rank Video Services America		
William D. McColl, 3717 Columbia Pike, #300 Arlington, VA 22204	National Assn of Alcoholism & Drug Abuse Counselors		26,339.92
Stephen McConnell, 1319 F Street, NW, #710 Washington, DC 20004-1106	Alzheimer's Assn	3,500.00	25.00
Judith A. McCormick, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	3,500.00	
Matthew J. McCoy, 2500 Wilson Blvd. Arlington, VA 22201-3834	Consumer Electronics Manufacturers Association	1,500.00	171.97
John McDavitt, 2000 K St., NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security & Medicare	4,003.00	
Charles J. McDermott, 1155 Connecticut Ave., NW Washington, DC 20036	WMX Technology (Rust)	13,387.50	423.53
McDermott Will & Emery, 1850 K Street, NW, #450 Washington, DC 20006	Allergan, Inc	200.00	
Do	American College of Radiation Oncology	4,875.00	
Do	American Dental Hygienists Assn	1,500.00	
Do	American Imaging Assn		
Do	American Soc of Outpatient Surgeons		
Do	Association of Freestanding Radiation Oncology Centers	100.00	
Do	Blue Cross & Blue Shield of Missouri		
Do	Council of Women's & Infant's Specialty Hospitals	6,000.00	
Do	Fargo Clinic/Medicare	2,500.00	
Do	International Hearing Society	5,300.00	
Do	Juvenile Diabetes Foundation	6,000.00	
Do	Marshfield Clinic	2,500.00	
Do	Outpatient Opthalmic Surgery Society		
Do	Rural Health Network Coalition	2,000.00	
Do	Rural Referral Centers Coalition	2,000.00	
Robert McDonald, 700 13th Street, NW, #700 Washington, DC 20005	Emerson Electric Co	1,562.50	572.71
Marian E. McDowell, 1275 Pennsylvania Ave., NW, 4th Floor Washington, DC 20004	Pacific Telesis Group	13,000.00	
Deborah C. McElroy, 1200 19th Street, NW, #300 Washington, DC 20036-2401	Regional Airline Assn	1,000.00	
Roland McElroy, 1111 19th Street, NW, Washington, DC 20036	American Forest & Paper Assn	5,500.00	
Robert H. McFadden, 1401 H Street, NW, #900 Washington, DC 20005	American Automobile Manufacturers Assn	4,940.00	
J. O. McFalls, 11250 Waples Mill Road Fairfax, VA 22030	National Rifle Assn of America		
Randall H. McFarlane, 900 19th Street, NW, Suite 400 Washington, DC 20006	America's Community Bankers	24,900.00	1,200.00
Becky McGee, P.O. Box 2880 Dallas, TX 75221-2880	Oryx Energy Company		
Meredith McGehee, 2030 M St., NW Washington, DC 20036	Common Cause	13,907.76	205.50
Molly McGinley, 122 C Street, NW, #750 Washington, DC 20001	Beer Institute		
Elissa M. McGovern, 1400 Eye Street, NW, Suite 1200 Washington, DC 20005	American Immigration Lawyers Assn	237.92	
McGrail and Company, 52 Washington Ave. Williamstown, NJ 08094	Aircraft Owners & Pilots Assn	1,000.00	
Do	AT&T Global Information Solutions	2,000.00	
Do	NYMA, Inc		
Do	System Resources Corp		
C. Dean McGrath Jr., 1401 H Street, NW, #900 Washington, DC 20005	American Automobile Manufacturers Asn	232.00	
McGuiness & Williams, 1015 15th Street, NW, #1200 Washington, DC 20005	Benefits Alliance		4.74
Do	Hoechst Celanese Corp	16,684.75	134.19
Do	Hoechst Roussel Agri-Vet	17,625.00	190.63
Do	Hoechst-Roussel Pharmaceuticals, Inc	10,919.18	304.78
Do	National Council of Agricultural Employers	17,290.00	6,463.51
Do	Nisei Farmers League	15,745.75	6,069.17
Do	Turfgrass Producers International		6.12
Joseph M. McGuire, 1001 Pennsylvania Ave., NW, #700 Washington, D. C.	Allied-Signal, Inc		
Mary Lee McGuire, 2300 Clarendon Blvd., #I0I0 Arlington, VA 22201-3367	Metropolitan Water District of Southern California	6,500.00	
Monica M. McGuire, 1331 Pennsylvania Ave., NW, #1500N Washington, DC 20004	National Assn of Manufacturers	1,000.00	
Dennis J. McIntosh, 1225 New York Ave., NW, #200 Washington, DC 20005	Herman Miller, Inc		
Yvonne McIntyre, 601 13th Street, NW, Suite 650 North Washington, DC 20005	Detroit Edison Co	750.00	52.00
McIntyre Kahn & Kruse Co., L.P.A., The Galleria & Towers At Erieview 1301 East Ninth Street, #1200 Cleveland, OH 44114			
Harrison D. McIver III, 1625 K Street, NW, #725 Washington, DC 20006	Project Advisory Group		
John J. McKechnie III, 805 15th St., NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	2,500.00	
K. C. McKee, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.00	200.00
Darina McKelvie, 1101 Pennsylvania Avenue, NW, #1000 Washington, DC 20004	Citicorp Washington, Inc	1,750.00	
McKenna & Cuneo, L.L.P., 444 South Flower Street, 7th Floor Los Angeles, CA 90071	California Dental Association		
Do	Cigar Assn of America, Inc		
Do	DSE Industry Coalition		
Do	Medical Device Manufacturers Assn		
Do	Pharmaceutical Research & Manufacturers of America		
Jan E. McKenzie, 701 Pennsylvania Avenue, NW Washington, DC 20004	Edison Electric Institute	3,535.44	481.01
Frank J. McKeown, 1000 Wilson Boulevard, #2300 Arlington, VA 22209	Northrop Grumman Corporation	1,400.00	
William Colm McKeveny, Chadbourne & Park 30 Rockefeller Plaza New York, NY 10112	American Pulpwood Assn		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
McKevitt Group, 1101 16th Street, NW, #333 Washington, DC 20036	Kelly Services, Inc	7,312.50	1,166.83
Robert E. McKew, 919 18th Street, NW Washington, DC 20006	American Financial Services Assn	250.00	
Beverly E. McKittrick, 1341 G Street, NW, 9th Floor Washington, DC 20005	Philip Morris Management Corp	20,000.00	114.88
Timothy P. McKone, 1404 I Street, NW, #1100 Washington, DC 20005	SBC Communications, Inc	15,000.00	8,130.25
Patrick M. McLain, 1000 Vermont Avenue, NW, #1000 Washington, DC 20005	Rowan & Blewitt, Inc (For:IVAX Corp)	812.50	
Do	Rowan & Blewitt Inc (For:Medtronic, Inc)	3,000.00	
Do	Rowan & Blewitt, Inc (For:National Alliance for Infusion Therapy)		
Do	Rowan & Blewitt, Inc (For:North American Vaccine, Inc)		
Do	Rowan & Blewitt, Inc (For:Par Pharmaceutical, Inc)	4,812.50	
Do	Rowan & Blewitt, Inc (For:Upjohn Company)	4,250.00	
James D. McLaughlin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,300.00	
Lindsay McLaughlin, 1775 K Street, NW, #200 Washington, DC 20006	ILWU	13,000.00	5,821.70
Thomas E. McMahon, 11718 Bowman Green Drive Reston, VA 22090	National Automatic Merchandising Assn	5,000.00	1,424.77
Brian McManus, 7440 Woodland Drive Indianapolis, IN 46278	Golden Rule Insurance Company		193.81
Roger E. McManus, 1725 DeSales Street, NW, #500 Washington, DC 20036	Center for Marine Conservation		
James D. McMillan, 2001 Pennsylvania Ave., NW, #300 Washington, DC 20006	Exxon Corporation	1,100.00	195.38
McMillan Group, 11 Canal Center Plaza, #302 Alexandria, VA 22314	Arctic Oil Reserve		
Do	Charlotte-Mecklenburg Hospital Authority	30,000.00	12.00
Do	CompTIA		
Do	National Assn of Small Business Investment Companies	30,000.00	17.40
Do	North Carolina Electronics & Information Technologies Assn	4,000.00	15.40
Do	Ogden Projects	15,000.00	17.03
Do	Rogers & Wells (for BRACCO)	20,000.00	51.00
Do	Rogers & Wells (for SEMA)	10,000.00	29.90
Do	VEDCO Energy	15,000.00	7.00
Molly McMorrow, 1350 I Street, NW, #840 Washington, DC 20005	Ralston Purina Company		735.00
Gerald R. McMurray, 3900 Wisconsin Avenue, NW Washington, DC 20016	Fannie Mae	2,500.00	
Vanda B. McMurtry, 151 Farmington Avenue, RC6A Hartford, CT 06156	Aetna Life & Casualty	456.25	18.45
Susan McNally, 1330 New Hampshire Ave., NW, #122 Washington, DC 20036	National Assn of Community Health Centers	106.49	18.00
Kathryn M. McNamara, 1300 I Street NW 12th Floor West Washington, DC 20005	Dean Witter Discover & Co	170.00	44.00
Thomas McNamara, 5903 Mount Eagle Dr., #1504 Alexandria, VA 22303	State of Tennessee, Dept of Finance & Administration		
Laura E. McNeill, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	ENSERCH Corp	800.00	1,536.61
Peter F. McNeish, 1199 N. Fairfax Street, #200 Alexandria, VA 22314	National Assn of Small Business Investment Cos	3,000.00	
Cherie L. McNett, 1101 Vermont Ave., NW, #606 Washington, DC 20005	American Society of Anesthesiologists	1,661.10	
James F. McNulty Jr., P.O. Box 2265 Tucson, AZ 85702	Don Bennett Moon		
Gerald T. McPhee, 1747 Pennsylvania Ave., NW, #300 Washington, DC 20006	Occidental International Corp	12,000.00	1,697.40
Laura J. McPherson, 2101 Wilson Blvd., # 610 Arlington, VA 22201	Manufactured Housing Institute	5,000.00	154.61
Diane B. McRee, Diane McRee Associates 801 Pennsylvania Ave., NW, #1213 Washington, DC 20004	Caribbean Marine Service Co, Inc	3,000.00	
Martha McSteen, 2000 K Street, NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security & Medicare	26,814.00	
George G. Mead, 1908 Ednor Road Silver Spring, MD 20905	American Movers Conference, Inc	500.00	
Do	Norfolk Southern Corp	500.00	
James Gregory Means, 601 13th Street, NW, #410 South Washington, DC 20005	R. Duffy Wall & Associates, Inc	1,250.00	
William A. Meaux, 1600 M Street, NW, #702 Washington, DC 20036	ICI Americas, Inc	18,000.00	
Thomas J. Medaglia III, 1615 M Street, NW, Suite 200 Washington, DC 20036-3260	Amoco Corp	1,150.00	743.33
A. Aaron Medlock, 50 Revere Street, #2 Boston, MA 02114	Humane Society of the U.S.		
Charles M. Meehan, 1140 Connecticut Avenue, NW Suite 1140 Washington, DC 20036	Utilities Telecommunications Council		
Fred C. Meendsen, Englewood Cliffs, NJ 07632	CPC International, Inc		23,474.00
H. Patterson Megargee, 12103 Courtney Court Herndon, VA 22070	Horizon Mental Health Management		1,060.16
Wayne Edward Mehl, 2725 Carter Farm Court Alexandria, VA 22306	Nevada Resort Assn	26,151.19	1,892.31
Mehl & Associates, Inc, 1400 L Street, NW, #625 Washington, DC 20005	Cessna Aircraft Company	600.00	
Do	Chandler Evans	1,500.00	
Do	D3 International	3,000.00	
Do	General Atomics	600.00	
Do	Hughes Aircraft Co	1,000.00	
Do	Schweizer Aircraft Corp	600.00	
Do	University of South Carolina	2,400.00	
Do	Westinghouse Electric Corp	500.00	
Larry Mehlhaff, 23 N. Scott, #27 Sheridan, WY 82801	Sierra Club	903.81	
Marilyn F. Meigs, 1776 Eye Street, NW, #750 Washington, DC 20006-3700	BNFL, Inc	1,060.00	300.00
Susan R. Meisinger, 606 North Washington Street Alexandria, VA 22314	Society for Human Resource Management	6,000.00	
Kenneth F. Melley, 1201 16th Street, NW Washington, DC 20036	National Education Assn	8,972.50	
James R. Meltsner, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Grumman	1,400.00	
Mark Menezes, 801 Pennsylvania Avenue, NW, #352 Washington, DC 20004	Central & South West Corp	1,200.00	408.02
David Mengebier, 1016 16th St., NW, 5th Floor Washington, DC 20036	Consumers Power Company	6,000.00	6,998.00
Edward L. Menning, 1101 Vermont Avenue, NW, #710 Washington, DC 20005	National Assn of Federal Veterinarians	93.40	
J. Roger Mentz, 1747 Pennsylvania Ave. NW, #500 Washington, DC 20006	Amway Corporation		
Do	Mercedes-Benz of North America, Inc	18.75	
Do	Williams Companies, Inc	18.75	
Jane Mentzinger, 2030 M Street, NW Washington, DC 20036	Common Cause	7,744.47	116.00
Melinda Mercer, P.O. Box 1417-D49 Alexandria, VA 22313-1417	National Assn of Chain Drug Stores		
Cynthia E. Merifield, 1101 Vermont Ave, NW Washington, DC 20005	American Medical Assn	3,750.00	
Edward L. Merrigan, 6000 Connecticut Ave., NW Chevy Chase, MD 20815-4238	Central Gulf Lines, Inc	9,625.00	78.10
Merrill Lynch & Co, Inc, 3000 K Street, NW, #620 Washington, DC 20007			154,926.00
Gordon Merritt, 1100 Wilson Blvd., #2000 Arlington, VA 22209	Hughes Electronics Corp	45.00	
Richard P. Merski, 1455 Pennsylvania Avenue, NW, #900 Washington, DC 20004	American International Group, Inc	6,800.00	85.00
Carol Messer, 1020 19th Street, NW, #600 Washington, DC 20036	Financial Services Council	1,875.00	
Neil T. Messick, 1299 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co	1,800.00	952.79
Raymond A. Messina, 1300 I Street, NW, 12 Floor Washington, DC 20005	Dean Witter Discover & Co	250.00	53.00
Howard M. Messner, 1015 15th St., NW, #802 Washington, DC 20005	American Consulting Engineers Council	1,000.00	
Jean L. Mestres, 1747 Pennsylvania Avenue, NW, #300 Washington, DC 20006	OXY USA, Inc	1,172.42	270.01
Tanya K. Metaksa, 11250 Waples Mill Road Fairfax, VA 22030	National Rifle Assn of America	4,000.00	
Matthew S. Metcalfe, P.O. Box 6422 Mobile, AL 36660	American Family Corp		
Metzger Hollis Gordon & Mortimer, 1275 K Street, NW Washington, DC 20005	Major League Baseball		
Do	National Assn of Securities & Commercial Law Attorneys		
M. Barry Meyer, 900 19th Street, NW Washington, DC 20006	Aluminum Assn, Inc	100.00	
Thomas J. Meyer, 5901 Executive Drive Lansing, MI 48911	Jackson National Life Insurance Company	1,500.00	200.00
Larry D. Meyers, 412 First Street, SE, #100 Washington, DC 20003	American Beekeeping Federation		31.20
Do	National Peanut Growers	16,320.00	1,826.19
Do	Texas A&M Research Foundation	22,920.00	2,241.89
Meyers & Associates, 412 First St., SE, #100 Washington, DC 20003	American Sheep Industry Assn	19,299.00	783.00
Do	Brownsville Economic Development Council	15,000.00	457.14
Do	Canadian River Municipal Water Authority	9,000.00	507.92
Do	City of Las Cruces	9,000.00	468.98
Do	Corpus Christi Bay Area Economic Development Corp	18,000.00	519.76
Do	Irrigation Projects Reauthorization Council	18,000.00	818.07
Do	New Mexico State University, College of Agriculture	10,500.00	324.40
Do	New Mexico State University, College of Engineering	10,500.00	535.11
Do	Tenth District Farm Credit Bank	15,000.00	478.46
Do	Wellman, Inc		
David R. Mica, Florida Petroleum Institute 215 South Monroe Street, #800 Tallahassee, FL 32301	American Petroleum Institute	682.50	1,110.78
Van R. Michael, P.O. Box 356 Sweetwater, TN 37874	Boise Cascade Corp		
Do	National Christmas Tree Assn	500.00	
Michael Best & Friedrich, 135 South LaSalle Street, #1610 Chicago, IL 60603	DePaul University		
Laurie L. Michel, 601 Pennsylvania Ave., NW Suite 1200 North Building Washington, DC 20004-2613	Merck & Co, Inc	1,000.00	400.00
Michigan Health & Hospital Assn, 6215 West St. Joseph Highway Lansing, MI 48917			1,876.76
Microcosm, Inc, 218 S. Fairfax St. Alexandria, VA 22314	Ritter & Bourjaily, Inc	1,500.00	850.00
Mid-Continent Oil & Gas Assn, 801 Pennsylvania Ave., NW, #840 Washington, DC 20004-2604			40,146.79
Mid-West Electric Consumers Assn, 999 18th Street, #1635 Denver, CO 80202			
Geralyn Mied, 1001 Pennsylvania Ave., NW, #725S Washington, DC 20004	American Soc of Clinical Pathologists		
Edmund Joseph Mihalski, 1101 Pennsylvania Avenue, NW, Suite 540 Washington, DC 20004	Eli Lilly and Co	3,000.00	403.12
Nelson L. Milder, 1828 L Street, NW, #906 Washington, DC 20036	American Soc of Mechanical Engineers		
Jon K. Miles, 7332 SW 21st Street, P.O. Box 4267 Topeka, KS 66604	Kansas Electric Cooperatives, Inc	1,666.66	
Richard Jeffrey Miles, 1530 Wilson Blvd, Suite 250 Arlington, VA 22209	Allison Engine Co	297.50	41.20
Fred Millar, 215 Pennsylvania Avenue, SE Washington, DC 20003	Public Citizen	2,826.92	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
B. Parker Miller III, 600 New Hampshire Avenue, NW, #1200 Washington, DC 20037	Westinghouse Electric Corp	1,200.00	
Brent V. B. Miller, 4207 South 7th Road Arlington, VA 22204	American Group Practice Assn	5,623.33	
Chaz Miller, 1730 Rhode Island Ave., NW, #1000 Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Clinton R. Miller, P.O. Box 528 Gainesville, VA 22065-0528	National Council for Improved Health, et al.	5,000.00	2,271.00
Craig Miller, 1101 14th Street, NW, #1400 Washington, DC 20005	Defenders of Wildlife	107.69	
Deborah E. Miller, 919 18th Street, NW Washington, DC 20006	American Financial Services Assn	250.00	
Dennis W. Miller, P.O. Box 427 Jackson, MS 39205-0427	Comprehensive Health Insurance Risk Pool Assn	434.50	226.92
Denny Miller, 2311 South Queen Street Arlington, VA 22202	Denny Miller Associates	7,500.00	
H. George Miller, 10615 Hunters Chase Lane Damascus, MD 20872	Shippers for Competitive Ocean Transportation (SCOT)	125.00	141.00
Jeffrey T. Miller, 295 Madison Ave 19th Floor New York, NY 10017	Lead Industries Association, Inc		
Joseph A. Miller, 1130 Connecticut Ave., NW, Suite 830 Washington, DC 20036	Southern Nuclear Operating Company	32,036.57	19,776.23
Michael D. Miller, 325 7th Street, NW, #1200 Washington, DC 20004	Pfizer, Inc	1,500.00	595.72
Paul M. Miller, 500 Arcola Road Collegeville, PA 19426	Rhone-Poulenc Rorer Pharmaceuticals, Inc	4,125.00	5,956.00
Richard G. Miller, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	16,000.00	276.65
Richard W. Miller, 1701 Clarendon Blvd. Arlington, VA 22209	American Chiropractic Assn		
Sandra Burgess Miller, 2311 South Queen Street Arlington, VA 22202	Denny Miller Associates	1,250.00	
Sarah Miller, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	3,006.94	
W. Kirk Miller, 1300 L Street, NW, #900 Washington, DC 20005	North American Export Grain Assn, Inc		11.25
Denny Miller Associates, Inc, 400 North Capitol Street, NW, #363 Washington, DC 20001	Alaska Air Group, Inc	1,500.00	1,230.00
Do	Boeing Company	3,000.00	2,460.00
Do	Cell Therapeutics, Inc	1,062.00	862.00
Do	Central Puget Sound Regional Transit Authority	1,500.00	1,235.00
Do	Environmental Technologies, Inc	300.00	245.00
Do	First Church of Christ, Scientist	300.00	245.00
Do	Makah Indian Council	300.00	245.00
Do	Momentum 94	1,875.00	1,530.00
Do	Montana Technology Center	300.00	245.00
Do	Olin Corporation	3,000.00	2,460.00
Do	Port of Tacoma	1,125.00	928.00
Do	Port Blakely Tree Farms	1,500.00	1,235.00
Do	State of Washington, Dept of Transportation	1,500.00	1,235.00
Do	Toy Manufacturers of America	1,500.00	1,230.00
Do	VECTRA	1,062.00	862.00
Elliot Mincberg, 2000 M Street, NW, Suite 400 Washington, DC 20036	People for the American Way Action Fund	4,437.50	
William Miner, 888 16th Street, NW Washington, DC 20006	Bannerman & Associates, Inc (For:Elf Atochem, N.A., Inc)	1,000.00	
Do	Bannerman & Associates, Inc (For:Embassy of El Salvador)		
Do	Bannerman & Associates, Inc (For:Government of the U.A.E.)	1,500.00	
Do	Bannerman & Associates, Inc (For:Government of Egypt)	2,000.00	
Do	Banneraman & Associates (For:L.A. Motley & Co (for: Government of the Philippines)).		
Do	Bannerman & Associates, Inc (For:Lebanese American University)		
Brian C. Mitchell, 18715 Martins Landing Germantown, MD 20874	Clark Atlanta University	15,273.14	
Do	Worldspace, Inc	2,519.17	
Edward F. Mitchell, 1900 Pennsylvania Avenue, NW Washington, DC 20068	Potomac Electric Power Co		
Gina Shea Mitchell, 1150 Connecticut Avenue, NW, #1125 Washington, DC 20036	Financial Executives Institute	9,363.00	
H. Maurice Mitchell, 320 West Capitol Ave., #1000 Little Rock, AR 72201	Entergy Corp		
Lawrence W. Mitchell, 600 Maryland Ave., NE, #202 W Washington, DC 20024	Farmers' Education al & Co-Operative Union of America	5,671.52	794.42
Mitchell McNutt Threadgill Smith & Sams, 215 15th Street, North P.O. Box 1366 Columbus, MS 39703	4-County Electric Power Assn	387.50	19.38
Mitchell Williams Selig Gates & Woodyard, 1420 New York Ave., NW, #750 Washington, DC 20005	Acxiom Corp		
Do	Alliance of American Insurers		
Do	Entergy Corporation	200.00	
Do	Institute of Scrap Recycling Industries, Inc		
Do	National Assn of Professional Employer Organizations		75.00
Mark A. Mix, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee	5,200.00	
David T. Modi, 1875 Eye Street, NW, #775 Washington, DC 20006	Georgia-Pacific Corp	480.00	
Jean S. Mohler, 1901 N. Ft. Myer Drive, #1200 Arlington, VA 22209-1604	Petroleum Marketers Assn of America		
Martha Mohler, 2000 K Street, NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security & Medicare	1,603.00	
Brian R. Moir, 2000 L Street, NW, #512 Washington, DC 20036-4907	American Petroleum Institute	500.00	
Do	International Communications Assn	1,000.00	
Do	National Assn of Broadcasters		
Peter A. Molinaro, 801 Pennsylvania Ave., NW, #230 Washington, DC 20004	Union Carbide Corp	7,284.00	
John V. Moller, 1707 L Street, NW, #725 Washington, DC 20036	Policy Consulting Services, Inc (For:Nissan Motor Company, Ltd)		
Do	Policy Consulting Services, Inc (For:Nissan Motor Manufacturing, U.S.A.)		
Do	Policy Consulting Services, Inc (For:Nissan North America, Inc)		
Do	Sharretts Paley Carter & Blauvelt, P.C.		
Robert A. Molofsky, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO	5,000.00	250.00
John M. Moloney, 1629 K Street, NW, #501 Washington, DC 20006	Delta Airlines, Inc	200.00	200.00
C. Manly Molpus, 1010 Wisconsin Avenue, #900 Washington, DC 20007	Grocery Manufacturers of America, Inc	1,343.10	
Eric Mondres, 900 19th Street, NW, Suite 400 Washington, DC 20006	America's Community Bankers	20,150.00	1,258.78
Seth Mones, 1200 G Street, NW, #88 Washington, DC 20005	Electronic Industries Assn	14,000.00	404.40
Do	National Electrical Manufacturers Assn, et al.	10,000.00	289.91
Do	Philips Electronics North America Corp	15,550.00	
Kenneth L. Money, 1225 I Street, NW, #500 Washington, DC 20005	Inco United States, Inc	3,660.00	18,000.00
Ark Monroe III, 1420 New York Ave, NW, Suite 750 Washington, DC 20005	Axciom Corp		
Do	Institute of Scrap Recycling Industries, Inc		
Do	National Assn of Professional Employer Organizations		
Alan J. Moore, 2000 Pennsylvania Avenue, NW, #6500 Washington, DC 20006	Atchison Topeka & Santa Fe Railway Co	1,000.00	
Carlos Moore, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	1,000.00	
Cynthia L. Moore, 2717 North Fillmore Street Arlington, VA 22207	National Council on Teacher Retirement	475.00	
Frank B. Moore, 1155 Connecticut Ave. NW, #800 Washington, D.C.	WMX Technologies, Inc	18,275.00	
W. Henson Moore, 1111 19th St., NW Washington, DC 20036	American Forest & Paper Assn	2,000.00	
Randall B. Moorhead, 1300 I Street, NW, #1070E Washington, DC 20005	Philips Electronics North America Corp.	4,000.00	1,030.00
Fred P. Moosally, 1745 Jeff Davis Highway, #1200 Arlington, VA 22202	Rockwell International Corp	20,000.00	3,144.12
Peter J. Moran, 1601 Duke Street Alexandria, VA 22314	Society of American Florists	1,000.00	
Robert J. Moran, 1120 G Street, NW, #900 Washington, DC 20005	National Ocean Industries Assn	5,733.00	
Dudley Digges Morgan III, 4900 Baronne Street New Orleans, LA 70115	Southern Forest Products Assn	4,636.13	
E.M. Chip Morgan, P.O. Box 257 Stoneville, MS 38776	Delta Council	1,500.00	26,622.86
Stephen L. Morgan, 1895 Preston White Drive, Suite 220 Reston, VA 22091-5434	American Cemetery Assn		
William G. Morin, 1331 Pennsylvania Avenue, NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	649.74	
Sara E. Morningstar, 8714 Ridge Road Bethesda, MD 20817	Montgomery County (Maryland) Government	4,650.00	
James A. Morrill, 1455 Pennsylvania Ave., NW, #1260 Washington, DC 20004	Lincoln National Corp	900.00	22.01
Cheron Morris, 801 Pennsylvania Ave., NW, #730 Washington, DC 20004	John Hancock Mutual Life Insurance Co	1,200.00	
John V. Morris, 8425 Woodfield Crossing Blvd., #401 Indianapolis, IN 46240	Education Financial Services of Indiana, Inc	2,992.00	1,003.00
Robert Kellogg Morris, 1331 Pennsylvania Ave., NW, Suite 1500 Washington, DC 20004-1703	National Assn of Manufacturers		
Christopher G. Morrison, 3138 North 10th Street, #300 Arlington, VA 22201	National Assn of Federal Credit Unions	1,250.00	
Gary L. Morrison, 10 Lafayette Square Buffalo, NY 14203	National Fuel Gas Company, et al.	431.88	711.60
John W. Morrison, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	1,026.67	
Lynn Morrison, 311 Massachusetts Avenue, NE Washington, DC 20002	Washington Health Advocates	23,689.30	
William C. Morrison, 2001 North Adams St. Arlington, VA 22201	Meat Importers Council of America, Inc		
Morrow Realty Co, Inc, P.O. Box 020887 Tuscaloosa, AL 35402-0887			
Valerie T. Morse, 453 New Jersey Avenue, SE Washington, DC 20003	Beneficial Management Corp	16,200.00	
Ann P. Morton, 8219 Leesburg Pike Vienna, VA 22182	Cable & Wireless, Inc	15,752.33	267.65
Cheryl O. Morton, 1100 New York Avenue, NW, #1090 Washington, DC 20005	Synthetic Organic Chemical Manufacturers Assn	500.00	
Evelyn M. Morton, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	12,357.70	487.14
James C. Morton Jr., P.O. Box 19001 Greenville, SC 29602	Michelin Tire Corp	3,000.00	5,350.00
Richard Moskowitz, 4301 Connecticut Ave., NW, #300 Washington, DC 20008	National Solid Wastes Management Assn (NSWMA)	500.00	
Ralph L. Moss, 1776 K Street, NW, #800 Washington, DC 20006	Seaboard Corporation	2,000.00	4,322.00
Robert E. Moss, 1401 H St., NW, #900 Washington, DC 20005	American Automobile Manufacturers Assn	4,624.75	1,978.92
Motor and Equipment Manufacturers Association, 1325 Pennsylvania Ave., NW, #600 Washington, DC 20004			1,000.00
Motorcycle Industry Council, Inc, 1235 Jeff Davis Hwy. Arlington, VA 22202			
Robert J. Mrazek, 301 Constitution Ave., NE Washington, DC 20002	Douglas Elliman Co	10,000.00	
Mudge Rose Guthrie Alexander & Ferdon, 1200 19th Street, NW, #400 Washington, DC 20036	Asociacion Nacional de Industriales	1,320.00	1,350.00
Do	Footwear Distributors & Retailers of America		
Do	Hong Kong Trade Development Council		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Terry L. Muilenburg, 1701 K Street, NW, Suite 400 Washington, DC 20006	USA Group	7,498.92	156.18
Muldoon Murphy & Faucette, 5101 Wisconsin Ave., NW, #508 Washington, DC 20016	Collective Federal Savings Banks	3,080.00	128.70
Do	GP Financial Corp	12,300.00	491.20
Do	Talman Home Federal Savings and Loan Assn	4,620.00	
Heather M. Mullen, 325 7th St., NW, #1200 Washington, DC 20004	Pfizer, Inc	1,200.00	150.00
Mullenholz Brimsek & Belair, 1150 Connecticut Ave., NW, #700 Washington, DC 20036	City of Fergus Falls, MN	332.57	
Do	Delaware & Hudson Railroad		
Do	Florida East Coast Railway Co		
Do	North American Equipment Dealers Assn	3,450.00	
Do	Soo Line Corporation	17,019.00	
Do	Taca International Airlines		
John A. Mullett, 1667 K St., NW, #400 Washington, DC 20006	FMC Corporation	2,400.00	49.00
William J. Mulligan, 1401 Eye Street, NW, Suite 1200 Washington, DC 20005	Chevron Companies	350.00	
Lisa J. Mullings, 1199 North Fairfax St., #801 Alexandria, VA 22314	NATSO, Inc		
Edgar J. Mullins, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	5,000.00	2,418.26
Kevin C.W. Mulvey, 1455 Pennsylvania Ave., NW, Suite 900 Washington, DC 20004	American International Group, Inc	3,000.00	50.00
Cyril D. Murphy, 1707 L Street, NW, Suite 300 Washington, DC 20036	United Airlines, Inc	300.00	
Edward L. Murphy, 1300 Wilson Boulevard Arlington, VA 22209	Chemical Manufacturers Assn	3,000.00	
James P. Murphy, 56 East 42nd Street, #346 New York, NY 10017	Fleet Financial Group, Inc	15,000.00	
Jeanne Marie Murphy, 805 15th St., NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	8,000.00	
John M. Murphy, 110 East 59th Street, Suite 3202 New York, NY 10022	Azerbaijan Study Foundation		
Michael M. Murphy, 1101 17th St., NW, #400 Washington, DC 20036	American President Companies, Ltd, et al.	20,000.00	
Hyde H. Murray, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	11,327.00	
James V. Murray, 801 Pennsylvania Avenue, NW, #230 Washington, DC 20004	Union Carbide Corp	1,000.00	
Rosemary Griffin Murray, Crystal Park Four, 2345 Crystal Drive Arlington, VA 22227	USAir, Inc		
Susan A. Murray, 666 Pennsylvania Ave., SE Washington, DC 20002	National Audubon Society		
Murray Scheer & Montgomery, 2715 M Street, NW, #300 Washington, DC 20007	Cleveland Cliffs Iron Co	500.00	10.00
Do	Iron Ore Assn	800.00	10.00
Do	Mine Safety Appliances Co	800.00	25.00
Do	Mutual of New York	600.00	25.00
Do	National Council of Coal Lessors	500.00	10.00
Do	New England Life Insurance Co	600.00	20.00
Do	Pacific Mutual Life Insurance Co	600.00	35.00
Do	Penn Mutual Life Insurance Co	600.00	25.00
Do	PepsiCo	500.00	30.00
Do	Piedmont Environmental Council	1,500.00	35.00
Do	Porsche Cars North America, Inc	800.00	30.00
Do	Qualimetrics, Inc	600.00	20.00
Do	Shubert Organization, Inc	600.00	15.00
Do	State Mutual Insurance Co	600.00	35.00
Do	Swaziland Sugar Assn	2,000.00	15.00
Do	Wisconsin Central Transportation Corporation		
Richard Murrell, Maritime Building, 3rd Floor 4 East Port Road Riviera Beach, FL 33404	NICOR, Inc	150.00	
Donald N. Muse, Muse & Associates 919 18th Street, NW, #1001 Washington, DC 20006	Nutritional Restart Centers		
Susan T. Muskett, 227 Massachusetts Ave., NE, #101 Washington, DC 20002	Christian Coalition	8,340.57	
William D. Mutch, 2500 Wilson Boulevard, Suite 301 Arlington, VA 22201	American Apparel Manufacturers Assn	500.00	25.00
Robert J. Muth, 180 Maiden Lane New York, NY 10038	Asarco, Inc	300.00	160.00
Mutual Life Insurance Co Tax Committee, One Madison Ave. New York, NY 10010-3690			
Lawrence D. Muzzy, 2200 W. Salzburg Road, Mail #W281 Midland, MI 48611	Dow Corning Corp		
Gary D. Myers, 501 2nd Street, NE Washington, DC 20002	Fertilizer Institute	4,500.00	387.71
Roland H. Myers III, 3138 North 10th St., #300 Arlington, VA 22201	National Assn of Federal Credit Unions	1,250.00	
William G. Myers III, 1301 Pennsylvania Avenue, NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
MWW/ Strategic Communications, Inc, 1101 17th Street, NW, #202 Washington, DC 20036	Flo-Sun, Inc	15,000.00	30.96
Nabisco, Inc, 7 Campus Drive Parsippany, NJ 07054			
Alan Y. Naftalin, 1150 Connecticut Avenue, NW Washington, DC 20036	Koteen & Naftalin (For:Telephone & Data Systems, Inc)		
Gerald F. Nalepa, 1627 I Street, NW, #1200 Washington, DC 20006	Air Liquide America Corp	2,500.00	
Rochelle Nason, 955 Emerald Bay Rd. South Lake Tahoe, CA 96150	League to Save Lake Tahoe	282.73	608.76
National Air Carrier Assn, 1730 M St., NW, #806 Washington, DC 20036			
National Assn for the Adv of Orthotics & Prosthetics, 1275 Pennsylvania Ave, NW, #300 Washington, DC 20004		37,012.50	18,207.00
National Assn for Uniformed Services, 5535 Hempstead Way Springfield, VA 22151		1,318.49	15,229.36
National Assn of Broadcasters, 1771 N Street, NW Washington, DC 20036		245,313.67	245,313.67
National Assn of Chain Drug Stores, Inc, P.O. Box 1417-D49 Alexandria, VA 22313			7,000.00
National Assn of Children's Hospitals, 401 Wythe Street Alexandria, VA 22314		9,965.41	741.30
National Assn of Cities & States for Air Service, P.O. Box 507 Williston, ND 58802-0507		153.23	
National Assn of Federal Veterinarians, 1101 Vermont Avenue, NW, #710 Washington, DC 20005			121.15
National Assn of Mutual Insurance Cos, 3601 Vincennes Road P.O. Box 68700 Indianapolis, IN 46268		1,369.25	1,503.96
National Assn of Police Organizations, Inc, 750 First Street, NE, Suite 935 Washington, DC 20002-4241		20,400.00	20,445.00
National Assn of Realtors, 430 North Michigan Avenue Chicago, IL 60611-4087			45,201.80
National Assn of Truck Stop Operators, Inc, 1199 N. Fairfax Street, #801 Alexandria, VA 22314			
National Broiler Council, 1155 15th St., NW Washington, DC 20005		4,500.00	4,500.00
National Club Association, Washington Harbour 3050 K Street, NW, #330 Washington, DC 20007			2,731.00
National Collegiate Athletic Assn, One Dupont Circle, NW, #400 Washington, DC 20036			
National Comm to Preserve Social Security & Medicare, 2000 K Street, NW, #800 Washington, DC 20006		3,60,227.00	3,60,227.00
National Community Action Foundation, Inc, 2100 M Street, NW, #604A Washington, DC 20037		108,431.85	44,312.49
National Cotton Council of America, P.O. Box 12285 Memphis, TN 38182		35,878.12	35,878.12
National Council for Languages & Int'l Studies, 300 Eye Street, Suite 211 Washington, DC 20002		30,386.25	26,709.48
National Council on Alcoholism & Drug Dependence, Inc, 1511 K Street, NW, #443 Washington, DC 20005			5,415.00
National Court Reporters Assn, 8224 Old Courthouse Road Vienna, VA 22182-3808			
National Education Assn, 1201 16th St., NW Washington, DC 20036		36,354.65	36,354.65
National Employee Benefits Institute, 601 Pennsylvania Ave., NW, #750 North Washington, DC 20004			
National Employment Lawyers Assn, 600 Harrison Street, Suite 535 San Francisco, CA 94107-1370			50.00
National Fed of Independent Business, 53 Century Blvd., #300 Nashville, TN 37214		40,876.00	40,876.00
National Food Processors Assn, 1401 New York Avenue, NW, #400 Washington, DC 20005		1,250.00	37,886.33
National Glass Assn, 8200 Greensboro Drive, #302 McLean, VA 22102		3,500.00	7,000.00
National Grain Trade Council, 1300 L Street, #925 Washington, DC 20005			197.50
National Grange, 1616 H St., NW Washington, DC 20006		17,875.00	17,875.00
National Grass Roots & Communications, Inc, 116 N. Saint Asaph Street Alexandria, VA 22314	Coalition for Auto Repair Equality		
Do	Wal-Mart		
National Guard Assn of the U.S., One Massachusetts Ave., NW Washington, DC 20001		102,385.07	31,480.82
National Independent Energy Producers, 601 13th Street, NW, #320 South Washington, DC 20005		101,400.00	13,812.05
National Leased Housing Assn, 1300 19th Street, NW, #410 Washington, DC 20036		2,000.00	2,000.00
National Motorists Assn, 6678 Pertzborn Road Dane, WI 53529			5,043.72
National Pest Control Assn, 8100 Oak St. Dunn Loring, VA 22027			
National Right to Work Committee, 8001 Braddock Rd., #600 Springfield, VA 22160		11,403.91	11,403.91
National Society of Professional Engineers, 1420 King Street Alexandria, VA 22314		8,600.00	8,600.00
National Stone Assn, 1415 Elliot Place, NW Washington, DC 20007			
National Strategies, Inc, 888 17th Street, NW, 12th Floor Washington, DC 20006	Cellular Telecommunications Industry Assn		66.35
Do	CIGNA Corporation	21,064.27	137.21
Do	General Reinsurance Co		891.41
Do	Instinet	25.00	1.17
Do	Reuters North America, Inc	1,875.00	406.66
Do	Superfund 1995 Reform Coalition	3,750.00	104.36
Do	Triarc Companies, Inc.		
National Truck Equipment Assn, 37400 Hills Tech Drive Farmington Hills, MI 48331-3414		26,628.40	4,986.00
National Venture Capital Association, 1655 N. Fort Meyer Dr., #700 Arlington, VA 22209		30,600.00	4,351.65
National-American Wholesale Grocers' Assn, 201 Park Washington Court Falls Church, VA 22046		15,000.00	15,000.00
Michael W. Naylor, 1001 Pennsylvania Ave, NW, #700 Washington, DC 20004-2502	Allied-Signal, Inc		
Rick J. Neal, 1800 South Baltimore Avenue Tulsa, OK 74119	Mapco, Inc	5,250.00	
Roy M. Neel, 1401 H Street, NW, #600 Washington, DC 20005	U.S. Telephone Assn	8,250.00	
Janet E. Neigh, 519 C Street, NE Washington, DC 20002	Hospice Assn of America	17.00	
Neighbor-To-Neighbor Action Fund, 1611 Telegraph Ave., #1100 Oakland, CA 94612		69,196.00	91,380.00
Frederick W. Neill, 600 5th Street Aurora, IL 60505			
Lori M. Nelson, P.O. Box 25354 Woodbury, MN 55125-0354	National Parks & Conservation Assn		740.46
Mark E. Nelson, 1341 G Street, NW, #620 Washington, DC 20005	GTT Communications, Inc	3,000.00	1,500.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Michael A. Nelson, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	1,615.60	
Paul Nelson, 1747 Pennsylvania Ave., NW, Suite 900 Washington, DC 20006	Federal National Mortgage Assn	3,000.00	900.00
Do	Institute of International Bankers	6,000.00	2,450.00
Do	Investment Company Institute	1,500.00	1,500.00
Frederick H. Nesbitt, 1750 New York Avenue, NW Washington, DC 20006	International Assn of Fire Fighters	19,911.00	
Network, 801 Pennsylvania Avenue, SE Suite 460 Washington, DC 20003-2167		66,656.67	56,641.16
Louis H. Nevins, 1960 E. Grand Avenue, #1000 El Segundo, CA 90245	Western League of Savings Institutions	6,639.00	
Barry New, 11911 Freedom Drive, 6th Floor Reston, VA 22090-5602	Rolls-Royce, Inc	166.15	17.00
New York State Bankers Assn, 485 Lexington Avenue New York, NY 10017		8,000.00	7,668.00
Newberry Hargrove & Rambicure, 1211 Connecticut Ave., NW, Suite 300 Washington, DC 20036	MESA, In	5,881.00	740.97
Richard W. Newpher, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	15,753.00	25.00
Stephen M. Newton, Box 95385 Atlanta, GA 30347-0385	Forest Farmers Assn		
Daniel A. Nichols, One Giralda Farms Madison, NJ 07940-1000	Schering-Plough Corp	2,500.00	
Marlene Nicholson, 1722 Eye St., NW, Fifth Floor Washington, DC 20006	Barclays Bank, PLC	11,000.00	67.03
David P. Nicoli, 1341 G Street, NW, 9th Floor Washington, DC 20005	Philip Morris Management Corp	1,500.00	427.54
Scott H. Nishioki, 1275 Pennsylvania Ave., NW, #400 Washington, DC 20004	Pacific Telesis Group	12,186.00	
Walker F. Nolan, 701 Pennsylvania Ave., NW 4th Floor Washington, DC 20004	Edison Electric Institute		
Non Commissioned Officers Assn, P.O. Box 33610 San Antonio, TX 78265			60,724.16
Nonprescription Drug Manufacturers Assn, 1150 Connecticut Ave., NW, #1200 Washington, DC 20036			4,264.00
David A. Norcross, 1156 15th Street, NW, #500 Washington, DC 20005	Blank Rome Comisky & McCauley (For:D.C. Wiring, Inc)	50.00	
Do	Blank Rome Comisky & McCauley (For:North American Securities Administrators Assn).	1,500.00	
Julia J. Norrell, 1155 Connecticut Ave., NW, #400 Washington, DC 20036	American Council of Life Insurance, Inc		
Do	Chubb Corp	250.00	
Do	Employers Health Insurance Co	100.00	
Do	Health Insurance Association of America	100.00	
Do	Lincoln National Corp	200.00	
Do	National Assn of Insurance Brokers	200.00	
Do	UNUM Life Insurance Co	200.00	
Do	Washington National Insurance Corp	200.00	
North American Export Grain Assn, Inc, 1300 L Street NW, #900 Washington, DC 20005-4113			43.75
Patrice North-Rudin, 1100 New York Ave., NW, Suite 450 Washington, DC 20005-3934	Travel & Tourism Gov't Affairs Council	2,723.00	
Rita Ersfeld Norton, 1300 Eye Street, NW, Suite 520 West Washington, DC 20005	Hoffmann-La Roche, Inc	4,000.00	264.12
Julie Noufer, 8607 Westwood Center Drive, #204 Vienna, VA 22182	Professional Services Council	2,500.00	
Mary Ann Novak, 700 11th Street, NW, #710 Washington, DC 20001	Parsons Brinkerhoff Quade & Douglas, Inc		
Nuclear Energy Institute, 1776 I Street, NW, #400 Washington, DC 20006		716,066.00	246,871.00
Nussbaum & Wald, One Thomas Circle, NW #200 Washington, DC 20005	American Soc of Composers Authors & Publishers		
Do	National Football League Players Assn	6,000.00	
Terry L. Nyhous, 410 First Street, SE Washington, DC 20003	Hazardous Waste Action Coalition	1,312.50	
Do	Hughes Aircraft Co	4,500.00	
Do	Ingalls Shipbuilding	5,250.00	
Do	Kaman Diversified Technologies, Inc	2,625.00	
Do	Lister Bolt & Chain, Ltd	2,250.00	
Do	Lockheed Martin Corp	6,770.83	
Do	Northrop Grumman Corp	5,875.00	
Do	Teledyne Industries, Inc	11,250.00	
Scott Nystrom, 601 13th Street, NW, #410 South Washington, DC 20004	R. Duffy Wall & Associates, Inc	1,250.00	
Hubert K. O'Bannon, 50 F Street, NW Washington, DC 20001	Association of American Railroads	5,684.64	624.26
Rosemary L. O'Brien, 1401 Eye Street, NW, #340 Washington, DC 20005	CF Industries, Inc	500.00	
Urban F. O'Brien III, 2000 Post Oak Boulevard Houston, TX 77056-4400	Apache Corporation	2,018.80	3,598.98
O'Brien Calio, 1350 Eye Street, NW, Suite 690 Washington, DC 20005	Intellectual Property Owners		
Cheryl O'Connor, 1015 15th Street, NW, #1200 Washington, DC 20005	McGuiness & Williams (For:Flexible Employment Compensation & Scheduling Coalition).	8,943.75	
James E. O'Connor, 900 19th Street, NW Washington, DC 20006	America's Community Bankers	23,750.00	1,587.30
Kelley E. O'Connor, 666 Pennsylvania Avenue, SE, #403 Washington, DC 20003	Florists' Transworld Delivery Assn	8,000.00	
Patrick C. O'Connor, 1990 M Street, NW, #340 Washington, DC 20036	Kent & O'Connor, Inc (For:American College of Occupational & Environmental Medicine).	6,230.28	3,984.17
Do	Kent & O'Connor, Inc (For:American Supply Association)	532.00	298.81
Do	Kent & O'Connor (For:American Warehousemen's Association)	2,682.21	1,992.68
Do	Kent & O'Connor, Inc (For:National Assn of Fleet Administrators)	3,538.50	1,992.08
O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	Alliance of Marine Parks and Aquariums		
Do	Bobby Berosini, Ltd		
Do	Camara Nacional de la Industria Pesquera	1,375.00	
Do	Capital One FInancial COrp	5,000.00	45.00
Do	Coalition for Tax Equity	7,500.00	60.00
Do	Fishing Vessel Owners' Assn		
Do	Mirage		
Do	Pacific Seafood Processors Assn		
Do	Joseph E. Seagram & Sons, Inc		
Do	Solid Waste Agency of Northern Cook County	63.75	
Do	Southeast Alaska Seiners Assn	129.50	
Do	Wards Cove Packing Company		
Thomas A. O'Day, 1211 Connecticut Avenue, NW, #400 Washington, DC 20036	Alliance of American Insurers	15,000.00	
Wayne O'Dell, 6004 Wilmington Dr. Burke, VA 22015	Cable Television Assn of MD, DE & DC	27,501.00	125.00
Denise M. O'Donnell, 1875 Eye Street, NW, #775 Washington, DC 20006	Georgia-Pacific Corp		
John O'Donnell, 1776 I Street, NW, #400 Washington, DC 20006	Nuclear Energy Institute	8,400.00	1,412.00
Gerald P. O'Driscoll, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp/Citibank	3,750.00	
Jane O'Grady, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	21,961.94	312.35
Terri O'Grady-Smith, 11250 Waples Mill Road Fairfax, VA 22030	National Rifle Assn of America	1,489.48	1,043.52
Barbara E. O'Hara, 1101 King Street Alexandria, VA 22314	American Soc of Travel Agents	75.00	
O'Keefe Ashenden Lyons & Ward, 30 North La Salle, #4100 Chicago, IL 60602	Mutual of America		
William S. O'Neill, 500 E Street, SW, Suite 920 Washington, DC 20024	AOPA Legislative Action	12,670.75	1,710.81
O'Neill and Athy, P.C., 1310 19th Street, NW Washington, DC 20036	American Hospital Assn		
Do	American Telephone & Telegraph Co	10,113.00	
Do	Beth Israel Hospital		
Do	Boston University Medical Center Hospital		
Do	Brigham and Women's Hospital, Inc		
Do	Coalition of Boston Teaching Hospitals		
Do	Competitive Long Distance Coalition		
Do	General Mills, Inc	1,520.00	
Do	Glass Packaging Institute/Industry Union Glass Cont Program	600.00	
Do	JM Family Enterprises, Inc	8,662.00	
Do	Massachusetts General Hospital		
Do	National Football League		
Do	New England Deaconess Hospital		
Do	New England Medical Center		
Do	Northeastern University		
Do	Northwestern Memorial Hospital		
Do	Pyrotechnic Signal Manufacturers Assn		
Do	Texas Utilities Co	1,291.00	
Do	USX Corporation	3,056.00	
Do	Viacom International, Inc	2,287.00	
Paul O'Palka Jr., Fifth Avenue Place, Suite 1924 Pittsburgh, PA 15222	Blue Cross of Western Pennsylvania	17,345.00	3,351.14
Charles Robert O'Regan, Palumbo & Cerrell, Inc 1000 Connecticut Avenue, NW Washington, DC 20036	American Society of Composers, Authors & Publishers	9,195.00	1,604.15
Do	Atlantic Richfield Co		
Rita W. O'Rourke, 1875 Eye St., NW, #800 Washington, DC 20006	Philip Morris Companies, Inc		
John J. O'Shaughnessy, 112 S. West Street Alexandria, VA 22314	Strategic Management Associates, Inc (For:Greater New York Hospital Assn)	20,000.00	55.00
Do	Strategic Management Associates, Inc (For:Mobile X-Ray Providers of America)	8,000.00	
Do	Strategic Management Associates, Inc (For:Montefiore Medical Center)	8,000.00	
Do	Strategic Management Associates, Inc (For:National Medical Enterprises, Inc)		
J. Denis O'Toole, 1000 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Household Financial Group, Ltd	15,500.00	
M. Diane O'Toole, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Grumman Corporation	1,400.00	517.26
Stephen E. O'Toole, 1660 L St., NW Washington, DC 20036	General Motors Corp	3,000.00	4,566.38
Mary Rose Oakar & Asssociates, Inc, 2621 Lorain Avenue Cleveland, OH 44113	National Assn of Geriatric Education Centers	3,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Paul C. Oakley, 50 F Street, NW Washington, DC 20001	Association of American Railroads	3,550.93	
Harry R. Obley, One Mellon Bank Center, #1905 Pittsburgh, PA 15258-0001	Mellon Bank N.A., et al.	2,000.00	1,554.64
Neil H. Offen, 1666 K Street, NW, #1010 Washington, DC 20006	Direct Selling Association		
Donald G. Ogilvie, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn		
Marion Browne Oglesby Jr., 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	5,000.00	
B. Robert Okun, 1299 Pennsylvania Ave., NW 11th Floor East Washington, DC 20004	National Broadcasting Co	3,250.00	1,080.00
Oldaker Ryan & Leonard, 818 Connecticut Avenue, NW, #1100 Washington, DC 20006	Aetna Life & Casualty	27,750.00	1,969.58
Do	American Insurance Association	1,500.00	51.22
Do	American International Group, Inc		
Do	American President Lines	300.00	4.57
Do	Anheuser-Busch/BTT Working Group	3,750.00	15.42
Do	Association of American Railroads	11,833.20	
Do	Avis, Inc	4,500.00	74.29
Do	Browning-Ferris Industries	3,000.00	10.74
Do	Business Roundtable	3,000.00	36.27
Do	California Waterfowl Assn	450.00	52.63
Do	Carbonic Industries Corp	3,999.99	165.77
Do	Carbonic Reserves	3,999.99	165.77
Do	Central & South West	4,875.00	146.02
Do	Central Gulf Lines, Inc	300.00	4.57
Do	Champion International Corp		17.36
Do	Citibank		17.36
Do	Commonwealth Edison	1,875.00	
Do	CIGNA Corp	1,500.00	340.09
Do	Federal Express	4,500.00	285.79
Do	Ford Motor Co	1,500.00	107.72
Do	General Electric Co	3,000.00	
Do	Grassland Water District	750.00	52.63
Do	Harsch Investment Co	483.00	10.05
Do	Hewlett-Packard Co	4,200.00	202.83
Do	Jones Intercable, Inc	6,750.00	129.28
Do	Liquid Carbonic Industrial Gases	9,000.00	745.98
Do	Lowe's Companies, Inc	2,250.00	50.71
Do	Matson Navigation Co	300.00	4.57
Do	MetraHealth/United HealthCare	1,500.00	340.09
Do	MCI Communications Corp		
Do	National Cable Television Assn	8,750.00	301.70
Do	National Foreign Trade Council		
Do	National-American Wholesale Grocers' Assn..	15,000.00	650.27
Do	Nuclear Energy Institute	10,950.00	746.29
Do	NPR, Inc	300.00	4.57
Do	Pain Enterprises, Inc	3,999.99	165.77
Do	Pfizer, Inc	4,500.00	187.80
Do	Phillip Morris, Inc	7,500.00	
Do	Piedmont Environmental Council	750.00	39.97
Do	Proctor & Gamble Co		17.36
Do	Prudential Insurance	1,500.00	340.09
Do	RJR Nabisco, Inc	2,700.00	44.21
Do	Sea-Land Service, Inc	300.00	4.57
Do	Texas Industries	6,750.00	266.45
Do	Union Pacific Co	15,000.00	109.34
Do	Vanderbilt University	750.00	12.03
Do	Williams Companies, Inc	2,625.00	43.88
Do	Working Group on R & D	2,250.00	166.19
Do	Ziff Investors Partnership	14,233.60	118.65
Nina Oligino, 1331 Pennsylvania Ave., NW, #512 Washington, DC 20004	Pennsylvania Power & Light Co	75.00	80.96
Mike Oliva, 1301 K Street, NW, Suite 1200 Washington, DC 20005	IBM Corp	1,467.37	649.00
Heidi Belz Oliver, 1300 Wilson Boulevard Arlington, VA 22209	Chemical Manufacturers Assn	1,000.00	
R. Teel Oliver, 601 Pennsylvania Avenue, NW North Building, Suite 1200 Washington, DC 20004-2601	Merck & Co, Inc	3,000.00	500.00
Van R. Olsen, 1156 15th St., NW, #1019 Washington, DC 20006	U.S. Beet Sugar Assn		
Olsson Frank & Weeda, 1400 16th Street, NW, #400 Washington, DC 20036-2220	Altana, inc	86.25	
Do	American Academy of Audiology	10,500.00	
Do	Beef Products, Inc	57.50	
Do	Chocolate Manufacturers Assn/Nat'l Confectioners Assn	6,000.00	
Do	ConAgra, Inc	6,000.00	
Do	Council for Responsible Nutrition	3,750.00	
Do	Duramed Pharmaceuticals, Inc	1,285.00	
Do	General Mills	538.75	
Do	Institute of Food Technologists	1,691.97	
Do	Kraft Foods, Inc	32,964.32	
Do	McDonald's Corporation	57.50	
Do	Murray's Steaks	9,505.00	
Do	National Assn of Margarine Manufacturers	2,081.25	
Do	National Assn of Pharmaceutical Manufacturers	9,834.56	
Do	National Food Processors Assn	2,885.26	
Do	National Frozen Pizza Instutute		
Do	National Meat Assn	7,500.00	
Do	National-American Wholesale Grocers Assn	7,875.00	
Do	PennField Oil Co	25,547.50	
Do	Pillsbury Company		
Do	Ross Laboratories	2,000.00	
Do	San Tomo Group	57.50	
Do	Schwan's Sales Enterprises, Inc	15,000.00	
Do	Southeastern Poultry & Egg Assn		
Do	SteriGenics Int'l	235.00	
Franz M. Oppenheimer, 3000 K Street, NW, #300 Washington, DC 20007-5116	Association Francaise des Banques		
Do	Bremer Vulkan Verbund AG		
Do	Commerzbank Aktiengesellschaft		
Stuart I. Oran, P.O. Box 66100 Chicago, IL 60666	United Airlines, Inc	100.00	
Jason Osborne, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	3,750.00	99.50
Tamar L. Osterman, 1785 Massachusetts Ave., NW Washington, DC 20036	National Trust for Historic Preservation	3,692.64	
Robert V. Oswald, 801 Pennsylvania Ave., NW, Suite 650 Washington, DC 20004	American Express Co	10,037.00	435.50
Sally LaHue Owen, 900 19th Street, NW, #400 Washington, DC 20006	America's Community Bankers	18,000.00	211.44
Stephen F. Owen Jr., 107 Park Washington Court Falls Church, VA 22046	Classroom Publishers Assn		
Thomas E. Owens, 815 16th Street, NW, #309 Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	20,666.80	493.28
Thomas J. Owens, P.O. Box 12266 Seattle, WA 98102	Dollar Savings Bank, et al.	114,000.00	26,589.39
William J. Owens, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute	300.00	247.58
OSHA Reform Project 1995, c/o John Bolt P.O. Box 877 Eastland, TX 76448			38,224.02
Pacific Northwest Waterways Assn, P.O. Box 61473 Vancouver, WA 98666-1473		35,600.00	4,858.75
Joel Packer, 1201 16th Street, NW Washington, DC 20036	National Education Assn	4,217.25	140.10
Lee W. Paden, P.O. Box 201 Tulsa, OK 74102	Public Service Co of Oklahoma		
Anthony Padilla, 815 16th Street, NW, #511 Washington, DC 20006	Transportation Communications Union	3,000.00	382.19
Sosimo Padilla, 401 Coors Blvd., NW Albuquerque, NM 87121	Westland Development Co, Inc		
Barbara Page, 401 Coors Boulevard, NW Albuquerque, NM 87121	Westland Development Co., Inc		
Barbara Pahl, 112 South West Street Alexandria, VA 22314	Strategic Management Associates, Inc (For:Greater New York Hospital Assn)	20,000.00	55.00
Do	Strategic Management Associates, Inc (For:Montefiore Medical Center)	8,000.00	
John Palafoutas, 1901 Pennsylvania Ave., NW, #210 Washington, DC 20006	AMP, Inc	2,000.00	
Fredrick D. Palenske, 1133 Topeka Boulevard Topeka, KS 66629	Blue Cross & Blue Shield of Kansas		
Clifford A. Palmer, 801 Pennsylvania Ave., NW, #1004 Washington, DC 20004	Glenn Shaheen & Associates, Inc	12,000.00	5,575.00
Do	South Terrebonne Tidewater Management & Conservation Dist	2,250.00	5,575.00
Do	Urban Waste Management & Research Foundation	3,000.00	5,575.00
Do	West Jefferson Levee District	1,500.00	5,575.00
Michael C. Palmer, 1350 I St., NW, Suite 590 Washington, DC 20005	College of American Pathologists	2,620.00	
Benjamin L. Palumbo, 1000 Connecticut Avenue, NW, #706 Washington, DC 20036	Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers)	19,987.50	795.92

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Palumbo & Cerrell, Inc (For:Atlantic Richfield Co)	512.50	19.00
Do	Palumbo & Cerrell, Inc (For:Los Angeles County Metropolitan Transit Authority)	350.00	
Do	Palumbo & Cerrell, Inc (For:Pennsylvania Institute of Technology)	150.00	
Palumbo & Cerrell, Inc, 1000 Connecticut Ave. NW, #706 Washington, DC 20036	American Soc of Composers Authors & Publishers	105,000.00	62,555.79
Do	Atlantic Richfield Co	27,000.00	7,917.22
Do	Los Angeles County Metropolitan Transportation Authority	17,499.99	6,449.93
Do	Pennsylvania Institute of Technology		1,588.65
Virginia N. Pape, 6 Holly Leaf Court Bethesda, MD 20817	Scripps League Newspapers, Inc		
Akhandal Parija, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	2,100.00	200.00
Nancy L. Parke, 5410 Grosvenor Lane, #100 Bethesda, MD 20814-2122	American Congress on Surveying & Mapping	2,692.65	
Bruce J. Parker, 1730 Rhode Island Ave., NW, #1000 Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Richard H. Parker, 1301 Leeland, #300 Houston, TX 77002	Citizens Insurance Co of America	15,000.00	3,386.27
Tom V. Parker, Arkansas Petroleum Council One Riverfront Place, #460 North Little Rock, AR 72114	American Petroleum Institute		
Leslie Parks, 1776 I Street NW, #400 Washington, DC 20006	Nuclear Energy Institute	1,760.00	1,866.00
Ann M. Parman, 2101 Wilson Blvd., #610 Arlington, VA 22201	Manufactured Housing Institute	650.00	
Leslie A. Parmelee, 12 Cynthia Court Ravena, NY 12143	American Train Dispatchers Department/Bro of Locomotive...)		
Gerry Parnell, 305 West 44th Street New York, NY 10036	HTC-HANYC, Inc Legal Fund		11,662.49
Ronald L. Parrish, 1800 One Tandy Center Fort Worth, TX 75102	Tandy Corporation	12,269.24	1,105.47
Charles C. Partridge, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	5,760.17	
Caren Pasquale, 3000 K Street, NW, Suite 620 Washington, DC 20007	Merrill Lynch & Co	1,200.00	
Andrea B. Passarelli, 3025 South Parker Road, #1100 Aurora, CO 80014	TeleCheck Services, Inc		500.00
Enzo Pastore, 2000 K Street, NW, Suite 800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	3,313.00	
Richard A. Pate, 1130 Connecticut Ave., NW, SUite 830 Washington, DC 20036	Southern Company Services, Inc	9,095.04	8,671.84
John Patrick, 211 Pucketts Ferry Road Greenwood, SC 29649	Fuji Photo Film, Inc		3,300.00
Gary B. Patterson, Delaware Petroleum Council P.O. Box 1429 Dover, DE 19903-1429	American Petroleum Institute		
Jerry M. Patterson, Burke Williams & Sorenson 3200 Park Center Drive, #750 Costa Mesa, CA 92626	City of Lake Forest	1,550.00	
Do	Burke Williams & Sorensen (For:City of Santa Clarita)	208.00	
Laird D. Patterson, 1667 K Street, NW, Suite 600 Washington, DC 20006	Bethlehem Steel Corp	120.00	
Charles R. Patton, 1050 17th Street, NW, Suite 1250 Washington, DC 20036	Houston Industries, Inc	1,500.00	
Thomas B. Patton, 1300 I Street, NW, #1070 East Washington, DC 20005	Philips Electronics North America Corp		1,030.00
Patton Boggs, L.L.P., 2550 M Street, NW Washington, DC 20036	Ad Hoc Coalition for Intermarket Coordination	1,020.00	100.00
Do	Admiralty Lawyers' Trust	170.00	10.00
Do	American Bankers Assn	2,375.00	
Do	American College of Gastroenterologists	1,158.75	54.00
Do	American Institute of Merchant Shipping		
Do	American Medical Security		
Do	American Soc of Assn Executives		
Do	Armco, Inc		
Do	Association of Trial Lawyers of America	2,783.75	135.00
Do	Bio Compression Systems, Inc	340.00	60.00
Do	Blair Corporation	1,000.00	
Do	Blue Cross of California	385.00	8.00
Do	Blue Cross of Western Pennsylvania		
Do	Bright Beginnings Inc.		
Do	Bristol Myers/Squibb Corp	1,191.25	
Do	Brown & Williamson Tobacco Corp		
Do	BDM Federal, Inc		
Do	BIC Corporation		
Do	Center for the Study of Taxation		
Do	Center for Molecular Medicine & Immunology		
Do	Chamber of Commerce Health Care Coalition		
Do	Charlotte North Carolina Federal Liaison Task Force		
Do	Cherokee Nation of Oklahoma	675.00	30.00
Do	Cherokee Nation Industries, Inc		
Do	Chicago Board Options Exchange	1,315.00	114.00
Do	Christopher Columbus Center Development, Inc		
Do	Chrysler Corporation		
Do	City of Baltimore		
Do	City of Cincinnati		
Do	Climate Council		
Do	Clorox Company	195.00	
Do	Coalition for Local Government Choice on Flow Control	29,500.00	
Do	Coalition on State Use Taxes	2,000.00	
Do	College Savings Bank	945.00	30.00
Do	Council on Community Blood Centers		
Do	CH2M Hill Companies, Ltd		
Do	Denver Colorado Planning Department		
Do	Dimensions International		
Do	Direct Marketing Assn, Inc		
Do	Dole Food Co	10,108.75	82.00
Do	Drycleaner Environmental Legislative Fund		
Do	Duty Free Shoppers Group, Ltd		
Do	DuPont-Merck		
Do	Embassy of the State of Qatar		
Do	Fastship Atlantic, Inc		
Do	Federation of American Health		
Do	First Union Corp		
Do	Flexi-Van Leasing, Inc		
Do	Forethought Group/Forethought Life Insurance Co		
Do	Freedom to Advertise Coalition	2,540.00	11.00
Do	FAG Kugelfischer Georg Schager KGaA	255.00	
Do	George Mason University Foundation, Inc		
Do	Government of Pakistan	1,731.25	40.00
Do	Great American Lines, Inc		
Do	Greater Baltimore Committee Foundation		
Do	GE Capitol Services		
Do	Halogenated Solvents Industry Alliance		
Do	Charles Heilbronn		
Do	Hillenbrand Industries	770.00	16.00
Do	Homesteaders Life Co		
Do	I-69 Mid-Continent Highway Coalition	397.50	6.00
Do	Infinity Broadcasting Corp		
Do	International Fabricare Institute		
Do	International Swaps Dealers Assn, Inc		
Do	International Union of Police Assn		
Do	Irvin Industries	127.50	
Do	J.P. Morgan & Co, Inc		
Do	Johnson Controls		
Do	Kaiser Aluminum & Chemical Corp		
Do	Laquidara & Edwards (for Jacksonville Transporation Auth)		
Do	Liberty Corp	97.50	10.00
Do	Loop, Inc	280.00	
Do	Loyola University		
Do	Major League Baseball Players Assn	780.00	33.00
Do	Manhole Adjusting, Inc		
Do	Manor Care	1,198.75	84.00
Do	Marathon Oil Co		
Do	Mars, Inc	4,775.00	
Do	Maryland Hospital Assn	146.25	13.00
Do	Mashantucket Peqush Tribe		
Do	Mass Mutual		
Do	Matson Navigation Co		
Do	MovieFone, Inc		
Do	Mutual Legislative Committee		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	MCI Telecommunications, Inc	787.50	30.00
Do	Nashua Corporation		
Do	National Assn of Health Underwriters		
Do	National Assn of Life Underwriters		
Do	National Assn of Theatre Owners	195.00	11.00
Do	National Automatic Merchandising Assn	390.00	20.00
Do	National Cable Television Assn, Inc		
Do	National Propane Gas Assn		
Do	National Retail Federation (RITAC)		
Do	National Soft Drink Assn		
Do	New England Student Loan Marketing Corp	3,150.00	125.00
Do	New Mexico Indian Gaming Assn		
Do	New York Life Insurance Company	1,925.00	10.00
Do	Newport Group, Inc	656.25	20.00
Do	Newspaper Assn of America	521.25	22.00
Do	Northwestern Mutual Life Insurance Co	1,925.00	32.00
Do	NAFSO Coalition		
Do	OSG Bulk Ships, Inc	421.00	11.00
Do	Pacific Lumber Co	1,187.50	
Do	Preneed Insurers Gov't Programs Coalition		
Do	Professional Services Council	170.00	
Do	Project ACTA, Inc		
Do	PNC Financial Corp		
Do	Reader's Digest Assn, Inc	1,000.00	
Do	Reinsurance Assn of America		
Do	Reliance Group Holdings, Inc		
Do	Republic National Bank of New York	2,375.00	
Do	Raymond F. Schoenke Jr.	3,850.00	80.00
Do	Sedgwick James, Inc		
Do	Shell Oil Co		
Do	Sheriff Harry Lee		
Do	Charles E. Smith Companies	131.25	
Do	Smokeless Tobacco Council, Inc	12,600.00	500.00
Do	Sprat Bay Corp		
Do	Steel Service Center Institute		
Do	Sultanate of Oman	290.00	
Do	Susan G. Komen Foundation		
Do	Thomson US, Inc		
Do	Travelers		
Do	Triton Container	131.25	
Do	TANO Marine Systems		
Do	U.S. Tobacco Company		
Do	United Family Life		
Do	University of Arizona Foundation		
Do	USAir, Inc		
Do	USX Corporation		
Do	Viatical Assn of America	1,020.00	100.00
Do	Villa Julie College		
Do	Vulcan Materials Co		
Do	Wayne County Michigan		
Do	Alain Wertheimer		
Do	Westinghouse Electric Corp		
Do	Wheelabrator Clean Waters Systems, Inc	255.00	
Do	Woodlands Corp		
Andrew R. Paul, 225 Reinekers Lane, #600 Alexandria, VA 22314	Satellite Broadcasting & Communications Assn	1,500.00	36.07
Paul Hastings Janofsky & Walker, 1299 Pennsylvania Ave., NW, 10th Floor Washington, DC 20004	Allegheny Power System Inc, et al.	2,015.00	
Do	Alliance for Competitive Communications	20,305.00	
Do	Amdahl Corp		
Do	American Institute of Merchant Shipping	387.50	
Do	American President Companies	620.00	
Do	American Trucking Assns, Inc	4,727.50	
Do	Business Council on Indoor Air		
Do	Grocery Manufacturers of America, Inc		
Do	Kawasaki Motors Corp, USA		
Do	Norfolk Southern Corp	13,950.00	
Do	Tyson Foods, Inc	3,255.00	
Do	Union Pacific Corp		
Gwen Gampel Paulson, 206 G Street, NE Washington, DC 20002	International Subacute Healthcare Assn	2,000.00	100.00
Do	Kinetic Concepts, Inc	2,000.00	
Do	Congressional Consultants (For:National Renal Administrators Assn)	3,000.00	40.00
Kristin E. Paulson, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	639.00	2,898.56
Tommy J. Payne, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	R.J. Reynolds Tobacco Co	4,335.00	414.09
Peabody & Brown, 1255 23rd Street, NW, #800 Washington, DC 20037	Affordable Housing Tax Credit Coalition	2,000.00	
Do	Institute for Responsible Housing Preservation	2,000.00	
Do	National Leased Housing Assn		
Peace Political Action Committee, 110 Maryland Avenue, NE, #409 Washington, DC 20002			11,670.76
Ronald Pearson, 104 North Carolina, SE Washington, DC 20003	Pearson & Pipkin, Inc (For:Christian Action Network)		
Do	Pearson & Pipkin (For:Physicians Who Care)		
Russell H. Pearson, 1156 15th Street, NW, #1015 Washington, DC 20005	J. C. Penney Co, Inc		218.95
Pearson and Pipkin, Inc, 104 North Carolina, SE Washington, DC 20003	Christian Action Network	3,000.00	
Do	Physicians Who Care	1,500.00	
Joe P. Peck Jr., 2500 Wilson Blvd. Arlington, VA 22201-3834	Consumer Electronics Manufacturers Association	750.00	35.42
Robert Peck, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union		
Ellen M. Peel, 1725 DeSales St., NW, #500 Washington, DC 20036	Center for Marine Conservation		
Dean R. Peeler, P.O. Box 4220 Montgomery, AL 36103-4220	American Petroleum Institute	1,112.50	
George D. Pence, 9100 Mill Creek Landing Great Falls, VA 22066	WESPAC Constructers, Inc	3,000.00	1,011.34
Brenda K. Pennington, 1250 Connecticut Ave., NW, Sutie 200 Washington, DC 20036	Cellular Telecommunications Industry Assn		
James C. Pennington, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	3,755.41	
Pennsylvania Power & Light Co, 2 North 9th Street Allentown, PA 18101			10,548.41
Gregory M. Pensabene, Bogle & Gates, PLLC 1299 Pennsylvania Avenue, NW, #875 East Washington, DC 20004	Domestic Petroleum Council	12.00	
Do	Mineral King District Assn	3.00	
Do	Santa Fe Energy Resources, Inc		
Do	Santa Fe Pacific Gold Corp		
Do	Viceroy Gold Corp	3.00	
Judith K. Pensabene, 1301 Pennsylvania Ave., NW, #1050 Washington, DC 20004	Baltimore Gas & Electric Co		424.00
Eugene K. Pentimonti, 1101 17th Street, NW, #400 Washington, DC 20036	American President Companies, Ltd	15,000.00	
Pamela Slane Pepe, 950 N. Washington Street Alexandria, VA 22314	American Academy of Physician Assistants	15,500.00	
Pepper & Corazzini, 1776 K St., NW Washington, DC 20006	National Private Telephone Assn		
Pepsico, Inc, 700 Anderson Hill Rd. Purchase, NY 10577			3,085.06
Perkins Coie, 607 14th Street, NW #800 Washington, DC 20005-2011	Boeing Company		
Do	Cook Inlet Region, Inc		
Do	James River II, Inc		
Gary J. Perkinson, 453 New Jersey Ave., SE Washington, DC 20003	Beneficial Management Corp		
Cidette S. Perrin, 1319 F Street, NW, Suite 1000 Washington, DC 20004	National Assn of Private Psychiatric Health Systems	500.00	
John Perrine, 1101 14th Street, NW, #1400 Washington, DC 20005	Defenders of Wildlife	121.14	
Beverly Perry, 1900 Pennsylvania Ave, NW Washington, DC 20068	Potomac Electric Power Company	129.28	
Edmund F. Perry, 1301 K Street, NW, Suite 1100 Washington, DC 20005	IBM Corp	1,680.00	158.42
Schley Louie Perry III, 1521 New Hampshire Avenue N.W. Washington, DC 20036	National Cotton Council of America	2,950.00	8.60
Susan Perry, 1100 New York Avenue, NW, #1050 Washington, DC 20005-3934	American Bus Assn	2,687.50	75.00
John C. Perryman, 333 Piedmont Avenue, 23rd Floor Atlanta, GA 30308	Georgia Power Co	18,218.89	5,733.53
Mark Pertschuk, 2530 San Pablo Ave, #J Berkeley, CA 94702	Americans for Nonsmokers' Rights		
Phillips S. Peter, 1301 K Street, NW Washington, DC 20005	Reed Smith Shaw & McClay	600.00	
Robert L. Peters, 1101 14th Street, NW, #1400 Washington, DC 20005	Defenders of Wildlife		
Robert R. Petersen, 1300 L Street, #925 Washington, DC 20005	National Grain Trade Council		29.75

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Helena Hutton Peterson, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	2,500.00	
Kenneth W. Peterson, Kansas Petroleum Council 1005 Merchants Tower Topeka, KS 66612	American Petroleum Institute		
Margaret L. Petito, 3906 Huntington Street, NW Washington, DC 20015	Government of Ecuador		
Susan F. Petniunas, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corporation	4,200.00	
Michael J. Petrina Jr., 1101 17th Street, NW, #300 Washington, DC 20036	Cosmetic Toiletry & Fragrance Assn, Inc	3,500.00	70.00
Petroleum Marketers Assn of America, 1901 N Ft. Myer Dr. #1200 Arlington, VA 22209			
C. L. Pettit, 1005 E Street, SE Washington, DC 20003	National Agricultural Aviation Assn		
Mitchell S. Pettit, 1133 Connecticut Ave., NW, #1000 Washington, DC 20036	Alliance for Competitive Communications	45,000.00	
Do	American Bankers Assn	33,000.00	640.84
Do	SBC Communications, Inc	60,000.00	2,018.93
Brian T. Petty, 1901 L St., NW, #702 Washington, DC 20036	International Assn of Drilling Contractors		
James R. Phalen, 1776 EYE Street, NW, #400 Washington, DC 20006	Nuclear Energy Institute	8,000.00	257.00
Marshall A. Pharr, 6103 Adirondack Amarillo, TX 79106	Southwestern Public Service Co	4,827.51	88.18
Dennis J. Phelan, 1101 17th St., N.W., #609 Washington, DC 20036	Pacific Seafood Processors Assn	25,000.00	486.00
William C. Phelps, 2929 Allen Parkway Houston, TX 77019	American General Corporation	4,400.00	8,235.31
William W. Phelps, P.O. Box 2159 Dallas, TX 75221	FINA, Inc	6,525.08	2,602.05
James R. Phifer, 1700 N. Moore St., #1801 Arlington, VA 22209	Magnavox Electronic Systems Co	8,792.55	576.30
Edward J. Philbin, 1 Massachusetts Avenue, NW Washington, DC 20001	National Guard Assn of the U.S.	3,366.25	132.10
Deirdre B. Phillips, 100 Federal Street Boston, MA 02110	First National Bank of Boston	3,250.00	2,913.38
Joseph M. Phillips, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	2,750.00	107.82
Karen B. Phillips, 50 F Street, NW Washington, DC 20001	Association of American Railroads	7,915.34	228.34
William D. Phillips, 888 16th Street, NW Washington, DC 20006	Browning-Ferris Industries	6,630.00	750.00
Do	General Communications, Inc	9,375.00	750.00
Do	United Waste Systems, Inc	6,630.00	750.00
William H. Phillips, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,436.22	
Mary Elizabeth Piccione, 1629 K Street, NW, #501 Washington, DC 20006	Delta Air Lines, Inc	4,500.00	645.50
Janice Pieper, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	3,750.00	
Jim Pierce, 1420 King Street Alexandria, VA 22314-2794	National Society of Professional Engineers	1,000.00	
Pierson Semmes & Bemis, 1054 31st Street, NW Washington, DC 20007	Mauritius Sugar Syndicate		150.28
Steven J. Piguet, 1025 Connecticut Ave., NW, #1007 Washington, DC 20036	Armstrong World Industries, Inc		
Jeffrey R. Pike, 1300 Connecticut Ave., NW, #600 Washington, DC 20036	Cabot LNG Shipping Corp	15,000.00	31.00
Do	Massachusetts Water Resources Authority	3,000.00	22.00
Do	National Wireless Resellers Assn		
Do	Oceantrawl, Inc	6,000.00	78.00
Do	Patton Boggs, L.L.P.	10,000.00	58.50
Do	United Catcher Boats	7,500.00	73.00
Piliero Mazza & Pargament, Farragut Square 888 17th Street, NW, #1100 Washington, DC 20006	Latin American Management Assn		
Do	Villa Banfi, U.S.A		
Pillsbury Madison & Sutro, 1667 K St., NW, #1100 Washington, DC 20006	Securities Litigation Reform Coalition	1,168.75	
Valerie F. Pinson, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	2,749.00	218.27
Kimberly J. Pinter, 1331 Pennsylvania Ave., NW, #1500 North Washington, DC 20004-1703	National Assn of Manufacturers	1,000.00	
Piper & Marbury, 1200 19th Street, NW, #700 Washington, DC 20036	Edison Electric Institute	1,125.00	
Do	Rabanco Companies	1,545.00	
Peter A. Piscitelli, Wilson Elser Moskowitz Edelman & Dicker One Steuben Place Albany, NY 12207	Healthcare Asn of New York State	4,167.00	379.00
William H. Pitsenberger, 1133 Topeka Boulevard Topeka, KS 66629-0001	Blue Cross & Blue Shield of Kansas		
William R. Pitts Jr., 4767 North 24th Road Arlington, VA 22207	Capital Cities/ABC, Inc	3,004.75	90.00
Frank M. Pizzoli, 1519 North Front Street Harrisburg, PA 17102	Pennsylvania Chiropractic Society		
Plains Cotton Growers, Inc, 4510 Englewood Lubbock, TX 79414			
Planned Parenthood Fed of America, Inc, 1120 Connecticut Ave., NW, #461 Washington, DC 20036		8,573.03	8,573.03
Michael L. Platner, 1220 L Street, NW, Suite 900 Washington, DC 20005	American Petroleum Institute	10,210.00	187.15
Wyll W. Pleger, 1150 18th Street, NW, #200 Washington, DC 20036	Brown & Root, Inc		
E. R. Plourd, 400 N. Capitol Street, NW, #856 Washington, DC 20001	United Transportation Union	2,500.00	
Podesta Associates, Inc, 1001 G Street, NW Suite 900 East Washington, DC 20001	American Personal Communications (APC)	5,440.00	1,688.15
Do	Americans United to Save the Arts & Humanities	7,500.00	14,794.42
Do	Association of Directory Publishers	7,148.00	876.67
Do	California Healthcare Institute		31.37
Do	California Poultry Industry Federation	163,404.17	33,801.99
Do	Capital Cities/ABC	4,000.00	1,742.88
Do	Committee for America's Copyright Community	9,000.00	838.78
Do	Creative Incentive Coalition	48,000.00	6,439.93
Do	CBS, Inc	6,000.00	1,742.88
Do	CSPP	181,141.05	33,342.27
Do	Digital Equipment Corp	3,000.00	593.98
Do	Fox Broadcasting Group	6,000.00	1,742.88
Do	Genentech, Inc	9,000.00	1,798.95
Do	Genzyme	5,445.63	199.12
Do	HIMA	39,000.00	158.12
Do	Local Station Ownership Coalition	20,000.00	5,331.87
Do	M & C Franco & Co	32,661.56	2,076.58
Do	Motion Picture Assn of America, Inc	19,665.00	3,509.81
Do	MCI	10,500.00	1,314.52
Do	National Assn of Broadcasters	56,000.00	1,552.29
Do	National Broadcasting Company, Inc	2,000.00	1,742.88
Do	National Campaign for Pesticide Policy Reform (NCPPR)		
Do	National Conference of Bankruptcy Judges	1,800.00	1,394.60
Do	Newspaper Assn of America	2,036.88	1,018.45
Do	Pacifica Foundation		
Do	Pharmaceutical Research & Manufacturing of America	30,000.00	7,160.91
Do	Pillowtex Corp	30,609.18	275.71
Do	Prison Health Services, Inc	12,751.00	139.96
Do	Textron, Inc	30,000.00	3,289.00
Do	Time Warner	5,000.00	2,178.70
Do	Times Mirror		
Do	Viacom, Inc	3,000.00	1,307.22
Do	WORD	22,500.00	2,728.73
Kraege Polan, 1315 Nueces Austin, TX 78701	Polan-Ingram Advocacy Group (For:Vermont Yankee Nuclear Power Corp)		
Policy Consulting Services, Inc, 1707 L Street, NW, #725 Washington, DC 20036	Nissan Motor Company, Ltd		
Do	Nissan Motor Manufacturing Corp, U.S.A.		
Do	Nissan North America, Inc		
Diane Pollack, 1120 Connecticut Ave., NW, Suite 461 Washington, DC 20036	Planned Parenthood Federation of America	267.93	80.00
Michele Pollak, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	10,802.58	
Alfonso M. Pollard, c/o Local 161-710, AFM 4400 Mac Arthur Blvd., NW, #306 Washington, DC 20007	American Federation of Musicians	21,432.91	3,359.77
Alfred M. Pollard, 805 15th Street NW, #600 Washington, DC 20005	Bankers Roundtable	23,476.92	
Kris D. Polly, 3800 North Fairfax Drive, Suite 4 Arlington, VA 22203	National Water Resources Assn	3,125.00	
Kathryn Pontzer, 1383 Piccard Drive P.O. Box 1725 Rockville, MD 20849-1725	American Occupational Therapy Assn, Inc	5,000.00	206.75
Mark A. Pope, 200 E. Berry Street, 4R-05 Fort Wayne, IN 46802	Lincoln National Corp		
Pope McGlamry Kilpatrick & Morrison, 318 11th St., 2nd Floor Columbus, GA 31902	INSLAW, Inc		
John D. Porter, 1150 Connecticut Ave., NW, Suite 1125 Washington, DC 20036	Financial Executives Institute	7,788.00	
Potomac Strategies & Analysis, Inc, P.O. Box 132 Clifton, VA 22024-0132	3M Company		
Jack R. Pounds, Betz Laboratories Inc 4636 Somerton Road Trevose, PA 19053	Betz Laboratories Inc		
Bridget Powell, 2722 Merrilee Dr., #360 Fairfax, VA 22031	International Bro of Boilermakers Iron Shipbuilders...	178.00	
Powell Goldstein Frazer & Murphy, 1001 Pennsylvania Ave., NW, 6th Floor Washington, DC 20004	American Committee for the Weizmann Institute of Science	348.00	
Do	Koyo Corporation of USA		
Do	N.V.W. (USA), Inc		
John J. Power, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	21,961.94	505.07
Charles H. Powers, Porter/Navelli 1120 Connecticut Ave., NW Washington, DC 20036	MasterCard International	2,640.00	26.25
Jill Poznick, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	3,094.00	
David J. Pratt, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	850.00	
Russell R. Pratt, 1033 N. Fairfax St., #404 Alexandria, VA 22314	International Council of Shopping Centers	1,050.00	
Preston Gates Ellis Rouvelas & Meeds, 1735 New York Avenue, NW, #500 Washington, DC 20006	American Classic Voyages Company	3,377.50	
Do	American Forest & Paper Assn		
Do	American President Lines	1,598.50	
Do	ASARCO, Inc		
Do	Brown Forman Corp		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Burlington Northern Railroad Co	1,807.00	
Do	Business Software Alliance	2,334.00	
Do	Calista Corp		
Do	Chambers Development Co, Inc		
Do	Coalition for Stability in Marine Financing	717.00	
Do	Coastal Transportation, Inc		
Do	Domino Sugar Corp	39,786.00	
Do	Dynasty Cruise Line, Inc		
Do	Embassy of Pakistan		
Do	Grant County Public Utility District No. 2		
Do	H.D. Vest Financial Services	1,833.00	
Do	Hazardous Waste Action Coalition	5,618.00	
Do	Intermodal Association of North America	4,004.00	
Do	Kirby Corporation		
Do	Massachusetts Port Authority	676.00	
Do	Microsoft Corp	10,542.00	
Do	Mining Law Coalition		
Do	Mormac Marine Group, Inc/Mormac Marine Transport, Inc		
Do	Muckleshoot Indian Tribe		
Do	Natural Disaster Coalition	1,854.00	
Do	Ocean Common Carrier Coalition		
Do	OMI Corp	733.00	
Do	Port of Seattle	82.50	
Do	Ray K. Robinson, Inc	968.00	
Do	Royal Seafoods, Inc		
Do	Seattle Housing Authority	44.00	
Do	Sunmar Shipping, Inc		
Do	Transportation Institute		
Do	Tri-City Industrial Development Council	2,240.00	
Do	U.S. Maritime Coalition		
Do	University of Washington		
Do	USTF Conference Group	8,182.00	
Price Waterhouse, 1801 K St., NW, #800W Washington, DC 20006-3333	Depository Institution Consolidation Tax Committee	2,500.00	
Do	Federated Investors	2,500.00	
Do	PW 10-50 Working Group	2,500.00	
Sheila M. Prindiville, 4301 Connecticut Ave., NW #300 Washington, DC 20008	National Solid Waste Management Assn	500.00	
Curtis A. Prins, P.O. Box 226 Middleburg, VA 22117	Acclerated Payment Systems	9,000.00	
Do	American Collectors Assn	15,833.32	
Do	Credit Union National Assn	6,249.99	
Do	National Auctioneers Assn	15,000.00	
Do	U-Haul International	15,000.00	
Sydney Probst, 1615 L Street, NW, #1220 Washington, DC 20009	Associated Builders & Contractors, Inc	8,000.00	
Procompetitive Rail Steering Committee, c/o Vuono, Lavelle & Gray 2310 Grant Building Pittsburgh, PA 15219			
Stuart E. Proctor Jr., 11319 Sunset Hills Road Reston, VA 22090	National Turkey Federation		
Profit Sharing Council of America, 10 South Riverside Plaza, Suite 1460 Chicago, IL 60606			
Project Acta, Inc, 1 Steppingstone Lane Kings Point, NY 11024			200.00
Gerald R. Prout, 1667 K St., NW, #400 Washington, DC 20006	FMC Corporation	3,200.00	
Peter D. Prowitt, 1299 Pennsylvania Ave., NW, #1100 Washington, DC 20004-2407	General Electric Co	1,900.00	295.35
James C. Pruitt, 1050 17th St., NW, #500 Washington, DC 20036	Texaco Group, Inc		
Jerry Z. Pruzan, 601 Pennsylvania Ave., NW North Building, 4th Floor Washington, DC 20004	Atlantic Richfield Co	500.00	
Public Citizen, 1600 20th Street, NW Washington, DC 20009		16,201.04	36,142.00
Public Employee Department, AFL-CIO, 815 16th St., NW Washington, DC 20006		54,531.19	20,027.69
Public Service Electric and Gas Company, 80 Park Plaza, T4A Newark, NJ 07101			
Public Strategies, 98 San Jacinto, Suite 900 Austin, TX 78701	Hillwood Development Corp	3,600.00	5.06
Public Strategies Washington, Inc, 1455 Pennsylvania Ave., NW, #1100 Washington, DC 20004	Advanced Micro Devices	7,500.00	
Do	American Methanol Institute	30,000.00	
Do	American Tort Reform Assn	45,000.00	
Do	American Trucking Assns, Inc	12,000.00	
Do	Anheuser-Busch Companies, Inc	20,000.00	
Do	Beneficial Management Corp	10,000.00	
Do	Blue Cross Blue Shield Assn	24,000.00	
Do	Boston Capital Partners, Inc	2,000.00	
Do	Chiquita Brands International	50,000.00	
Do	G-Tech Corporation	10,000.00	
Do	Honda North America, Inc	30,000.00	
Do	Mexican Department of Commerce & Finance	180,000.20	
Do	Nafta-El Paso Business Development Council	5,000.00	
Do	Southwest Airlines	23,000.00	
Do	Varity Corporation	12,000.00	
David E. Pullen, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corporation	5,000.00	
Brenda Pulley, 607 14th Street, NW, #800 Washington, DC 20005	Safety-Kleen Corp	5,000.00	
Sue P. Purvis, P.O. Box 14042 St. Petersburg, FL 33733	Florida Power Corp	12,000.00	2,770.00
Do	Florida Progress Corp	3,000.00	693.00
Howard Pyle III, 1050 17th Street, NW, #1250 Washington, DC 20036	Houston Industries, Inc	8,000.00	
Robert N. Pyle & Associates, P.O. Box 3731 Washington, DC 20007	Elkem Metals Company	750.00	
Do	Independent Bakers Assn	1,200.00	
Do	Stratcor	3,000.00	
Do	Welch Foods, Inc	1,000.00	
Quaker Oats Company, 321 North Clark Street Chicago, IL 60610			
Harold P. Quinn Jr., 1130 17th St., NW Washington, DC 20036	National Mining Assn	10,850.00	
John E. Quinn, Massachusetts Petroleum Council 11 Beacon Street Boston, MA 02108	American Petroleum Institute	2,500.00	
Earl C. Quist, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Jeffrey L. Quyle, 720 N. High School Rd. Indianapolis, IN 46214	Indiana Statewide Assn of Rural Electric Cooperatives, Inc	3,000.00	7,987.77
R.J. Reynolds Tobacco Company, 401 North Main Street Winston-Salem, NC 27101			29,312.18
Mark J. Raabe, 601 Pennsylvania Ave., NW North Building, Suite 1200 Washington, DC 20004	Merck & Co, Inc	1,500.00	500.00
Robert E. Rader Jr., 2777 Stemmons Freeway, #1233 Dallas, TX 75207	Rader Campbell Fisher & Pyke, P.C.	7,500.00	1,232.43
Alex Radin, 1615 L St. NW, #900 Washington, DC 20036	Radin & Associates, Inc (For:Tennessee Valley Public Power Assn)	531.25	
Do	Radin & Associates, Inc (For:Washington Public Utility Districts Assn)	2,031.25	
Raffaelli Spees Springer & Smith, 1341 G Street, NW, #200 Washington, DC 20005	American Chiropractic Assn	3,000.00	
Do	American Psychological Assn	1,000.00	
Do	American Radio Operators	1,000.00	
Do	Association of American Railroads	1,000.00	
Do	Association of Progressive Rental Organizations	9,000.00	
Do	AT&T	22,500.00	593.26
Do	Bristol-Myers Squibb Co	9,000.00	
Do	Bud Smith Companies	5,000.00	
Do	BP America	1,500.00	
Do	Chabot Observatory & Science Center	1,200.00	
Do	City of Boston, MA	3,200.00	
Do	Consortium for Regional Climate Centers	3,750.00	
Do	Council of American Overseas Research Centers		32.55
Do	Crystal Holdings Corp	2,000.00	1,121.00
Do	Embassy of the Government of India	172,500.00	67,322.58
Do	Everglades Trust	5,000.00	312.35
Do	Golden Hill Paugussett Tribe		
Do	Law Offices of William Huggett	1,000.00	
Do	Johnson Controls, Inc	2,000.00	
Do	Jones Intercable	3,150.00	17.84
Do	Korea Foreign Trade Assn	45,000.00	182.51
Do	McDonnell Douglas Corp	4,500.00	
Do	National Cable Television Assn	18,750.00	172.94
Do	NASSCOM	36,666.66	59.97
Do	Orlando-Orange County Expressway Authority	2,500.00	50.52
Do	Seafarers International Union	1,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Taipei Economic & Cultural Representative in the U.S.	22,500.00	
Do	Taylor Lohmeyer Corrigan, P.C.	3,000.00	
Do	Telecommunications Industry Assn	10,500.00	104.16
Do	Tudor Investment Corp	1,000.00	240.90
Do	Union Pacific Railroads	1,000.00	
Do	University of Nevada, Reno	8,000.00	842.49
Zvi Rafiah, Asia House 4 Weizman Street Tel Aviv, 64239 Israel	Rafael Armament Development Authority	19,592.00	
Do	TAAS, Israeli Industries LTD (IMI)	7,029.00	1,865.00
Do	Urdan Industries LTD		
Robert H. Ragan, 1015 15th Street, NW, Suite 700 Washington, DC 20005-2605	Bechtel Group, Inc		
Railway Progress Institute, 700 North Fairfax St. Alexandria, VA 22314			
Lisa J. Raines, 1020 19th Street, NW Washington, DC 20036	Genzyme Corp	1,825.00	
Meghan B. Rainey, 1250 Eye Street, NW, #200 Washington, DC 20005	Information Technology Industry Council	3,000.00	166.00
Jack M. Rains, 9 Greenway Plaza, #1717 Houston, TX 77046	Southwestern Bell Corp	3,500.00	
Jack Ramirez, 2600 River Road Des Plaines, IL 60018	National Assn of Independent Insurers	1,500.00	
Howard W. Randolph Jr, 815 16th St., NW Washington, DC 20006	Transportation-Communications Union	1,000.00	
Edward M. Ranier, 800 One Center Plaza 120 West Fayette St. Baltimore, MD 21201-3700	Lord & Whip (For:National Funeral Directors Assn)	4,280.00	167.65
Robert A. Rapoza Associates, Inc, 601 Pennsylvania Avenue, NW, #850 Washington, DC 20004	Association for Enterprise Opportunity		
Do	Bethel New Life	90.28	28.77
Do	Center for Community Self-Help	30.17	
Do	Kentucky Highlands Investment Corp	120.45	28.77
Do	Northern Community Investment Corp	120.45	28.77
Robert L. Rarog, 1401 H Street, NW, #950 Washington, DC 20005	Digital Equipment Corp	18,667.48	
Magda A. Ratajski, Three Commercial Place Norfolk, VA 23510-2191	Norfolk Southern Corp		
John W. Rauber Jr., 1730 Rhode Island Ave., NW, #206 Washington, DC 20036	Union Camp Corp	805.50	166.00
Eiler C. Ravnholt, 3566 Raymoor Road Kensington, MD 20895	Hawaiian Sugar Planters' Assn		
Bruce A. Ray, Bruce Ray & Company 636 A Street, NE Washington, DC 20002	Bayley Seton Hospital	16,130.07	
Do	Cumberland Packing Company	10,592.28	
Do	Lutheran Medical Center	13,692.80	
Do	Simply Lite Foods Corp	6,238.21	
Rhonda J. Ray, 3201 Mayfair Road Baltimore, MD 21207	Maryland Food Committee		19.00
John K. Rayburn, 600 New Hampshire Avenue, NW, #1200 Washington, DC 20037	Westinghouse Electric Corp	1,000.00	45.00
Helene Rayder, 1020 19th Street, NW, #600 Washington, DC 20036	Mutual of Omaha Companies	375.00	
Joanna E. Reagan, 815 15th Street, NW Washington, DC 20005	International Union of Bricklayers & Allied Craftsmen	3,000.00	76.50
John M. Rector, 205 Daingerfield Rd. Alexandria, VA 22314	National Assn of Retail Druggists	700.00	150.00
Donald L. Redfoot, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	12,085.08	13.50
Gregory Redmond, 1620 L Street, NW, Suite 800 Washington, DC 20036	Metropolitan Life Insurance Co	250.00	
Jill C. Redmond, 606 N. Washington Street Alexandria, VA 22314	Society for Human Resource Management	2,869.00	71.85
Laura Redoutey, 6215 West St. Joseph Way Lansing, MI 48917	Michigan Health & Hospital Assn	400.00	1,560.76
Jo Reed, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	11,963.53	245.75
Mary Reed, 600 Maryland Ave., Sw, #700 Washington, DC 20024	National Fed of Independent Business	3,401.00	200.00
Reed Smith Shaw & McClay, 1301 K Street, NW East Tower Washington, DC 20005	Poly-Stat Services	400.00	16.00
Robert K. Reeg, 1420 King Street Alexandria, VA 22314-2715	National Society of Professional Engineers	1,250.00	
Robert S. Reese Jr., 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	3,000.00	2,296.26
Reese Communications Companies, Inc, 3050 K St., NW, Suite 200 Washington, DC 20007	Philip Morris, USA		
J. Ronald Reeves, 2345 Crystal Drive Arlington, VA 22227	U.S. Air, Inc	2,000.00	100.00
R. Brent Regan, 1401 I Street, NW, #1100 Washington, DC 20005	SBC Communications, Inc	15,000.00	359.19
Regional Airline Association, 1200 19th Street, NW., #300 Washington, DC 20036-2401		9,392.00	2,150.00
David K. Rehr, 1100 South Washington Street, Ist Floor Alexandria, VA 22314-4494	National Beer Wholesalers Assn	8,766.31	1,416.41
Reichler Milton & Medel, 1747 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Republic of Guyana	10,000.00	2,503.56
Do	Republic of Nicaragua	136,427.55	3,053.38
Do	Republic of Uganda	230,152.66	290.17
Do	Saharawi Arab Democratic Republic		
Do	United Republic of Tanzania		
Reid & Priest, 701 Pennsylvania Avenue, NW Washington, DC 20004	Edison Electric Institute		
Troy Reinhart, P.O. Box 6600 Ketchikan, AK 99901	Ketchikan Pulp Co	4,910.63	12,302.35
Reinhart Boerner Van Deuren Norris & Rieselbach, 601 Pennsylvania Ave., NW North Bldg., Suite 750 Washington, DC 20004-2612.	National Employee Benefits Institute		
Christine W. Reiter, 1100 New York Avenue, Suite 1090 Washington, DC 20005	Synthetic Organic Chemical Manufacturers Assn	500.00	
Rebecca Relic, 1601 Duke Street Alexandria, VA 22314	Society of American Florists	1,000.00	
Jack Rendler, 116 New Montgomery St., #900 San Francisco, CA 94105	Citizens for Reliable & Safe Highways	1,008.00	
Diane Rennert, 1718 Connecticut Avenue, NW, #700 Washington, DC 20009	Association of American Publishers	3,250.00	137.44
Edward Repa, 4301 Connecticut Ave., NW #300 Washington, DC 20008	National Solid Wastes Management Assn	500.00	
Galen J. Reser, 700 Anderson Hill Road Purchase, NY 10577	PepsiCo, Inc		
Barclay T. Resler, 800 Connecticut Ave., NW, Suite 711 Washington, DC 20006	Coca-Cola Company	65.00	67.21
Resource Management Consultants, Inc, 205 S. Whiting Street, #308 Alexandria, VA 22304		33,501.00	843.54
Retired Officers Assn, 201 N. Washington St. Alexandria, VA 22314		150,490.14	102,888.56
Paul C. Rettig, 325 7th Street, NW, #6F Washington, DC 20004-2802	American Osteopathic Healthcare Assn	2,100.00	
Vincent P. Reusing, 1620 L Street, NW, #800 Washington, DC 20036	Metropolitan Life Insurance Co	500.00	
Alan V. Reuther, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	25,766.71	281.65
Allan R. Rexinger, 717 A Street, SE Washington, DC 20003	Nonprescription Drug Manufacturers Assn	850.00	
Gregg M. Reynolds, 4305-68th Ave. NE Olympia, WA 98516	Real Estate National Network		
Frederick W. Rhodes, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	K & F Industries		
Do	Loral Corporation	4,250.00	
Chuck Rice Jr., P.O. Box 141488 Austin, TX 78714-1488	Citizens, Inc	15,000.00	2,112.73
Patricia M. Richards, 1101 Pennsylvania Ave., NW, #510 Washington, DC 20004	USX Corporation		
Richard Richards, Law Office of Richard Richards 1025 Thomas Jefferson Street, NW, #105 Washington, DC 20007	Sunrider International		
Alan H. Richardson, 2301 M St., NW Washington, DC 20037	American Public Power Assn	3,000.00	
Debi Q. Richardson, 1275 K Street, NW, #400 Washington, DC 20005	Society of the Plastics Industry		
John G. Richardson, 1130 Connecticut Ave, NW, #830 Washington, DC 20036	Southern Company Services, Inc	1,312.50	4,498.80
Lois Richerson, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	3,863.00	84.49
Max Richtman, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	31,416.00	
Lowell J. Ridgeway, North Dakota Petroleum Council P.O. Box 1395 Bismarck, ND 58502	American Petroleum Institute	2,000.00	
E. George Riedel, 1650 Tysons Blvd., #1700 McLean, VA 22102	ITT Defense & Electronics	1,000.00	50.00
Brian Riendeau, 1441 Gardiner Lane Louisville, KY 40213	KFC USA, Inc	12,952.00	3,324.80
Gina J. Rigby-LeDonne, 1901 North Moore Street, Suite 1100 Arlington, VA 22209	Gas Appliance Manufacturers Assn	3,592.68	4,613.26
Judith Assmus Riggs, 1319 F Street, NW #710 Washington, DC 20004	Alzheimer's Assn	7,665.00	59.10
Michael R. Riksen, 2706 Davis Ave. Alexandria, VA 22302	Harris Corporation	2,025.00	1,311.16
Matthew J. Rinaldo, 700 New Hampshire Ave., NW Washington, DC 20037	International CellularVision Assn	600.00	
Karen Rindge, 1120 Connecticut Ave., NW, #461 Washington, DC 20036	Planned Parenthood Federation of America	3,310.97	147.00
Russell C. Ring, 1700 Pensylvania Ave., NW, #500 Washington, DC 20006	Mutual of Omaha Insurance Co	150.00	
Joan D. Ringel, 511 16th Street, Suite 210 Denver, CO 80202-4227		1,000.00	
Durwood W. Ringo, 1299 Pennsylvania Ave., NW, Suite 1100 Washington, DC 20004	GE Company	1,375.00	
Irene Ringwood, Bogle & Gates 1299 Pennsylvania Avenue, NW, #875 East Washington, DC 20004	American Dehydrated Onion & Garlic Assn	81.00	
Do	Basic America, Inc		
Do	Direct Service Industries, Inc	121.00	
Do	Hager Hinge Company	121.00	
Do	McPhillips Manufacturing Co		
Do	Natural Resources United	81.00	
Do	Washington Wheat Commission	81.00	
Rini Coran & Lancellotta, P.C., 1350 Connecticut Ave., NW, Suite 900 Washington, DC 20036			
Mary Jane Rintelman, 3100 AMS Boulevard P.O. Box 19032 Green Bay, WI 54313	American Medical Security	261.52	490.49
Kevin J. Riordan, 1299 Pennsylvania Ave., NW 11th Floor West Washington, DC 20004-2407	General Electric Co	677.00	
John S. Rippey, 805 15th Street, NW, #600 Washington, DC 20005	Bankers Roundtable	6,024.15	
Carol A. Risher, 1718 Connecticut Ave., NW, #700 Washington, DC 20009-1148	Association of American Publishers	2,000.00	
Ivette E. Rivera, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	5,000.00	
Chad W. Robbins, 1333 F Street, Nw, #710 Washington, DC 20004-1108	Advertising Mail Marketing Assn		
Liz Robbins Associates, 522 8th St., SE Washington, DC 20003	Leukemia Society of America		
Do	National Council of Health Facilities Finance Authorities		
Do	New York State Medical Care Facilities Finance Agency		
Do	Office of the Los Angeles District Attorney		
Do	Weight Watchers		
Wade H. Robert, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	5,001.00	107.92
Arch W. Roberts Jr., 1615 L Street, NW, Suite 1150 Washington, DC 20036	Capitoline/MS&L (For:Loral Corporation)	8,750.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Capitoline/MS&L (For:Psychemedics Corp)	3,750.00	
Do	Capitoline/MS&L (For:Republic of Turkey)	5,000.00	
Do	Capitoline/MS&L (For:Sprint)	750.00	
Carole T. Roberts, 901 15th Street, NW, #520 Washington, DC 20005	Travelers Companies	2,750.00	
David Gwyn Roberts, 411 Fayetteville Street Mall Raleigh, NC 27601	Carolina Power & Light Company	1,658.00	4,037.00
Perry A. Roberts, 8000 W. Florissant St. Louis, MO 63136	Emerson Electric Co		3,515.75
Roselee N. Roberts, 1735 Jefferson Davis Highway, #1200 Arlington, VA 22202	McDonnell Douglas Corp		
Rebecca Roberts-Malamis, 1 Massachusetts Ave., NW, #350 Washington, DC 20001	Chubb Corporation	5,000.00	118.11
Dennis Robertson, 8000 Scott Hamilton Drive Little Rock, AR 72209	Arkansas Electric Cooperatives, Inc	26,336.00	1,970.68
Steve A. Robertson, 1608 K Street, NW Washington, DC 20006	American Legion	14,403.00	
Kenneth L. Robinson, 3138 North 10th Street, Suite 300 Arlington, VA 22201	National Assn of Federal Credit Unions		
Richard H. Robinson, 4301 Connecticut Ave., NW, #300 Washington, DC 20008	National Solid Wastes Management Assn	500.00	
Richard L. Robinson, 1900 Fifth Third Center 511 Walnut Street Cincinnati, OH 45202	Graydon Head & Ritchey (For:River Downs Investment Co)	2,692.00	8.55
Robinson Lake Lerer & Montgomery/Sawyer Miller Group, 1501 M St., NW, #600 Washington, DC 20005	CALCOT, Ltd	2,500.00	
Do	Ingersoll-Rand	7,500.00	
Do	Mesa, Inc		
Do	Sun Diamond Growers		
Julie Rochman, 1211 Connecticut Avenue, NW, #400 Washington, DC 20036	Alliance of American Insurers	5,000.00	
James A. Rock, 1101 Pennsylvania Avenue, NW, #530 Washington, DC 20004-2514	Montana Power Co, et al.	2,500.00	2,469.79
Rocking K Development, 2200 East River Road, #115 Tuscon, AZ 85718			
Quincy Rodgers, 1133 21st Street, NW Suite 405 Washington, DC 20036	General Instrument Corporation	9,100.00	
Raymund Rodriguez, P.O. Box 982 El Paso, TX 79960	El Paso Electric Co		
Robert A. Roe Associates, Inc, 1680 Route 23 Wayne, NJ 07470	City of Newark		
Do	County of Bergen		
Do	New Jersey Sports & Exposition Authority		
Rogers & Wells, 607 14th Street, NW Washington, DC 20005	Canadian Pulp & Paper Assn		
Do	Dofasco, Inc		
Richard A. Rohrbach, 1615 M Street, NW, #570 Washington, DC 20036	Boise Cascade Corp	11,400.00	
Frank G. Rohrbough, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	4,072.25	
Ian M. Rolland, 200 East Berry Street Fort Wayne, IN 46802	Lincoln National Corp		
Emil A. Romagnoli, 1600 M Street, NW, #700 Washington, DC 20036	Asarco, Inc	10,000.00	2,733.00
E. Mitchell Roob Jr., 3838 N. Rural Street Indianapolis, IN 46205-2930	Health & Hospital Corp of Marion County		
Curtis D. Rooney, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
J. Patrick Rooney, 7440 Woodland Drive Indianapolis, IN 46278	Golden Rule Insurance Company		50.30
Judith A. Roos, 1350 I Street, NW, Suite 300 Washington, DC 20005	Marine Spill Response Corp	2,656.25	
Clifton Peter Rose, 1101 Pennsylvania Ave., NW, #900 Washington, DC 20004	Goldman Sachs & Co	2,000.00	
Rose Communications, Inc, 1625 K Street, NW, Suite 790 Washington, DC 20006	Fuel Cells for Transportation		
Do	Johnson Matthey, Inc		
Burt E. Rosen, 1020 19th Street, NW, #420 Washington, DC 20036	SmithKline Beecham Corp	2,500.00	500.00
Albert B. Rosenbaum III, 499 South Capitol Street, SW, #520 Washington, DC 20003	Allwaste, Inc	2,000.00	
Robert M. Rosenberg, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		
Herb Rosenbleeth, 1811 R Street, NW Washington, DC 20009	Jewish War Veterans of the USA	17,419.50	34.80
Larry M. Rosenstein, 1130 17th Street, NW, #314 Washington, DC 20036	Levin Rosenstein & Kudon, P.C. (For:National AG Underwriters, Inc)		205.00
Marilyn Rosenthal, 1707 L Street, NW, #300 Washington, DC 20036	United Air Lines, Inc	1,500.00	
William F. Ross, South Carolina Petroleum Council 1220 L Street, NW Washington, DC 20005-8	American Petroleum Institute		
Ross & Green, 1010 Vermont Avenue, #811 Washington, DC 20005	Citizens Comm for Right to Keep & Bear Arms	6,000.00	5,407.54
Toby Roth Jr., 122 C Street, NW, #310 Washington, DC 20001	American League for Exports & Security Assistance	2,625.00	73.30
John C. Rother, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	10,433.71	40.00
Linda Rothleder, 315 Bonifant Road Silver Spring, MD 20904	Marconi Electronics, Inc, et al.	3,000.00	1,625.00
Do	Ralvin Pacific Properties, Inc, et al.	4,000.00	425.00
Edwin Rothschild, 1730 Rhode Island Avenue, NW, #403 Washington, DC 20036	Citizen Action Fund	600.00	41.00
Robert G. Rothstein, 2200 Mill Road Alexandria, VA 22314	Interstate Truckload Carriers Conference	700.00	350.00
F. Scott Rotruck, Rt. 5, Box 155 Keyser, WV 26726	Anker Group, Inc		
Michael O. Roush, 600 Maryland Avenue, SW, #700 Washington, DC 20024	National Fed of Independent Business	4,875.00	400.00
Lori Groves Rowley, 1025 Connecticut Ave, NW, #1014 Washington, DC 20036	Enserch Corp	3,396.00	2,905.76
P. Norman Roy, P.O. Box 1938 (10 Madison Ave) Morristown, NJ 07962-1938	Financial Executives Institute	1,325.00	
Robert S. Royer, 1747 Pennsylvania Ave., NW, #900 Washington, DC 20006	Conference of State Bank Supervisors		
Do	Eaton Vance Corp		
Do	Federal Home Loan Bank of New York		
Do	Long Island Savings Bank		
Do	MacAndrews & Forbes Holdings, Inc		
Do	Michigan Trade Exchange		
Do	Republic Boston Capital Corp		
Do	Thom Americas		
Eldon Rudd, 6909 Main Street Scottsdale, AZ 85251	Central Arizona Project Assn		
Robert E. Ruddy, 1500 K Street, NW, #325 Washington, DC 20005	Mortgage Insurance Companies of America	4,500.00	1,479.19
Lois J. Rude, 700 13th Street, NW, #525 Washington, DC 20005	Meridian Oil, Inc	500.00	
Paul M. Ruden, 1101 King Street Alexandria, VA 22314	American Soc of Travel Agents		
Deborah K. Rudolph, 1828 L Street, NW, #1202 Washington, DC 20036	Institute of Electrical & Electronics Engineers	3,000.00	1,100.00
Gregory Ruehle, 1301 Pennsylvania Avenue, NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Sheryl M. Ruffing, 1400 K Street, NW, #801 Washington, DC 20005	General Aviation Manufacturers Assn	5,538.00	
Thomas Rugg, 1616 H Street, NW Washington, DC 20006	National Grange	3,375.00	
Nicholas L. Ruggieri, 3 Bethesda Metro Ctr., #700 Bethesda, MD 20814	Serono Laboratories	1,000.00	225.00
John Runyan, 1015 15th Street, NW Washington, DC 20005	McGuiness & Williams (For:Labor Policy Assn)	11,475.00	
Do	R.R. Donnelley & Sons Co	11,347.50	494.78
Walter F. Rupinski, 1700 N. Moore St., 20th Floor Arlington, VA 22209	Boeing Company	325.00	6.60
Carey D. Ruppert, 701 Pennsylvania Ave., NW, #710 Washington, DC 20004	Tenneco, Inc	3,375.00	71.49
Rural Community Insurance Services, Inc, 3501 Thurston Avenue Anoka, MN 55303-1060			410.00
Robert A. Rusbuldt, 412 First Street, SE, #300 Washington, DC 20003	Independent Insurance Agents of America, Inc	27,909.00	
Charlotte Rush, 1401 Eye Street, NW Washington, DC 20005	Mastercard International, Inc		
Barry Russell, 1101 16th St., NW Washington, DC 20036	Independent Petroleum Assn of America		55.00
Randall M. Russell, 1919 S. Eads Street #103 Arlington, VA 22202-3028	Lesher & Russell, Inc	34,875.00	
Shannon M. Russell, 601 Pennsylvania Ave., NW Washington, DC 20004	Ashland Oil, Inc	2,000.00	
Lynn B. Russo, 2001 Pennsylvania Ave., NW, #300 Washington, DC 20006	Exxon Corp		
Wayne A. Rustin, 1156 15th Street, NW, #1015 Washington, DC 20005	J.C. Penney Co, Inc		5.25
David A. Ruth, American Express Tower World Financial Center New York, NY 10285	American Express Co	46.00	
J. T. Rutherford & Associates, Inc, 1001 N. Highland Street, #502 Arlington, VA 22201	American College of Radiology	3,000.00	701.10
Do	American Optometric Assn	2,500.00	311.40
Do	American Soc for Clinical Lab Science	2,000.00	101.30
John G. Ryan, 655 15th Street, NW, #410 Washington, DC 20005	Bristol-Myers Squibb Co	1,000.00	
Paul D. Ryan, 750 17th Street, NW, #900 Washington, DC 20006	Nissan North America, Inc	5,516.00	
RASP, INC, P.O. Box 3674 Arlington, VA 22203-0674	Boeing Information Services	1,800.00	423.19
Do	Diagnostic/Retrieval Systems, Inc	600.00	117.56
G. J. Thomas Sadler Jr., 1155 Connecticut Ave., NW Suite 800 Washington, DC 20036	WMX Technology, Inc	23,115.00	
Kenneth J. Salaets, 1250 Eye Street, NW, #200 Washington, DC 20005	Information Technology Industry Council	3,000.00	169.00
Stephen Sale, 910 16th Street, NW Washington, DC 20006	Sale Quinn Deese & Weiss (For:CSC Credit Services, Inc)		25.84
Frank Max Salinger, 650 Naamans Road Claymont, DE 19703	ADVANTA Corp	3,000.00	2,500.00
Laura Sallstrom, 2001 L Street, NW, #400 Washington, DC 20036	Business Software Alliance	1,050.00	
Scott R. Salmon, 1101 Pennsylvania Ave., NW, #510 Washington, DC 20004	USX Corp		
Shannon Salmon, 1350 Eye Street, NW, #810 Washington, DC 20005	Johnson & Johnson	292.00	6.00
David M. Saltz, 815 16th Street, NW Washington, DC 20006	AFL-CIO	17,380.44	324.96
Sammons Enterprises, Inc, 300 Crescent Court Dallas, TX 75201		53,140.00	7,088.59
Wendy B. Samuel, 3900 Wisconsin Avenue, NW Washington, DC 20016	Fannie Mae		
William Samuel, 900 15th Street, NW Washington, DC 20005	United Mine Workers of America	16,470.00	325.19
Jeffrey M. Samuels, 1100 New York Avenue, NW Suite 300 East Washington, DC 20005-3955	International Trademark Assn	1,125.00	106.72
Felix R. Sanchez, The Terra Verde Group 1101 30th Street, NW, #500 Washington, DC 20007	Dallas/Fort Worth Int'l Airport	13,749.99	
Helen Sanders, 1700 Pennsylvania Ave., NW, #950 Washington, DC 20006	Valis Associates	19,500.00	
Lee Sanders, 1350 I Street, NW, Suite 1290 Washington, DC 20005	American Bakers Assn	1,125.00	100.00
Rose Marie Sanders, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	900.00	393.55
Julie Sanderson-Austin, 4240 Brittany Court Woodbridge, VA 22192	American Group Practice Assn		
Stephen E. Sandherr, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	4,000.00	500.00
Mike Sandifer, 2419 Chain Bridge Road, NW Washington, DC 20016	American Telemarketing Assn	1,950.00	469.65
Charles E. Sandler, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	6,000.00	
Peter G. Sandlund, 1730 M Street, NW, Suite 602 Washington, DC 20036	Council of European & Japanese National Shipowners' Assn		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Leslie Sarasin, 1764 Old Meadow Lane, #350 McLean, VA 22102	American Frozen Food Institute	4,400.00	
Ronald A. Sarasin, 1100 South Washington Street Alexandria, VA 22314-4494	National Beer Wholesalers Assn, Inc	6,612.07	
Susan Sarason, 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn		
Satellite Broadcasting & Communications Assn, 225 Reinekers Lane, #600 Alexandria, VA 22314		10,941.50	10,941.50
Catherine Saudek, 1120 Connecticut Ave., NW, #461 Washington, DC 20036	Planned Parenthood Federation of America	129.35	25.59
Klara B. Sauer, 9 Vassar Street Poughkeepsie, NY 12601	Scenic Hudson, Inc	193.84	111.45
Laura Saul-Edwards, 2021 Massachusetts Ave., NW Washington, DC 20036	American Academy of Family Physicians	13,882.63	
Mary Jane Saunders, 1801 K Street, NW, #400K Washington, DC 20006	Arter & Hadden (For:Nintendo of America, Inc)		
Saunders Consulting, 4806 Bentonbrook Dr. Fairfax, VA 22030	Pharmaceutical Research & Manufacturers of America	8,249.99	380.84
Eric Savader, Muse & Associates 919 18th Street, NW, #1001 Washington, DC 20006	Nutritional Restart Centers		
Paul R. Savary, 1199 North Fairfax Street, Suite 801 Alexandria, VA 22314	National Assn of Truck Stop Operators		
Richard N. Sawaya, 601 Pennsylvania Ave., NW North Building, 4th Floor Washington, DC 20004	Atlantic Richfield Co		
Alice C. Saylor, 1120 G Street, NW, #520 Washington, DC 20005	American Short Line Railroad Assn	415.72	6.60
Elizabeth K. Scanlon, 1111 19th Street, NW, #1100 Washington, DC 20036	Direct Marketing Assn, Inc	462.00	
Keith Scarborough, 700 11th St., NW, #650 Washington, DC 20004	Association of National Advertisers, Inc		
Jeanne Schaaf, North Building, Suite 725 601 Pennsylvania Ave., NW Washington, DC 20004	BT North America, Inc	2,500.00	
John Schaeffler, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	10,000.00	212.63
Victoria V. Schaff, Missouri Electric Utitlies 1800 K Street, NW, #1018 Washington, DC 20006	Kansas City Power & Light Company, et al.	6,500.00	9,497.36
Schagrin Associates, 1140 - 19th Street, NW, Suite 600 Washington, DC 20036	Armco, Inc	176.25	
Do	Committee on Pipe & Tube Imports	1,087.50	124.71
Do	Tyco International		
Do	USX Corporation	165.00	13.11
Do	Weirton Steel Corporation	176.25	195.18
Thomas A. Schatz, 1301 Connecticut Ave., NW, #400 Washington, DC 20036	Council for Citizens Against Government Waste	3,000.00	31.25
Schatz Paquin Lockridge Grindal & Holstein P.L.L.P., 1225 Eye Street, NW, #1025 Washington, DC 20005	Asea Brown Boveri, Inc		
Do	Association of Minnesota Counties	170.00	7.93
Do	Business Technology Centers Management, Inc		7.80
Do	Hennepin County, MN	3,790.00	
Do	Mille Lacs Band of Ojibwe Indians	1,852.50	70.50
Do	U.S. Satellite Broadcasting/Hubbard Broadcasting Co	2,893.75	11.00
Do	West Publishing Company	4,773.75	136.54
David E. Scherb, 54 Farview Farm Road Redding, CT 06896	PepsiCo, Inc		
Gerold L. Schiebler, P.O. Box 100014 Gainesville, FL 32610-0014	University of Florida		2,848.93
Robert F. Schiff, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	5,441.11	
Walter G. Schiller, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc		
Jeffrey L. Schlagenhauf, 1627 K Street, NW, #700 Washington, DC 20006	Smokeless Tobacco Council, Inc	846.15	
Paul Schlegel, 1100 Connecticut Ave., NW, #530 Washington, DC 20036	Weyerhaeuser Company		103.10
James P. Schlicht, 1350 Eye Street, NW, #810 Washington, DC 20005-3305	Johnson & Johnson	1,140.00	1,072.30
Rodger Schlickeisen, 1101 14th Street, NW, #1400 Washington, DC 20005	Defenders of Wildlife	345.55	21.60
Lynn L. Schloesser, 1301 K Street, NW East Tower, Suite 715 Washington, DC 20005	Eastman Chemical Co	2,000.00	105.00
Ken Schlossberg Consultants, 147 North Carolina Avenue SE Washington, DC 20003-1846	Bowman Gray School of Medicine		
Do	Marine Biological Laboratory		
Lin Schmale, 1601 Duke Street Alexandria, VA 22314	Society of American Florists	1,000.00	
Adam P. Schmidt, 888 16th Street, NW Washington, DC 20006	Bannerman & Associates, Inc (For:Elf Atochem, N.A., Inc)		
Do	Bannerman & Associates, Inc (For:Embassy of El Salvador)	100.00	
Do	Bannerman & Associates, Inc (For:Government of the United Arab Emirates)	500.00	
Do	Bannerman & Associates, Inc (For:Government of Egypt)	500.00	30.00
Do	Bannerman & Associates, Inc (For:L.A. Motley & Co (for Government of the Philippines)).	500.00	94.00
Do	Bannerman & Associates, Inc (For:Lebanese American University)		
Richard M. Schmidt Jr., 1333 New Hampshire Ave., NW, #600 Washington, DC 20036	Association of American Publishers	500.00	
Ron Schmidt, Schmidt Schroyer Colwill & Moreno, P.C. 124 S. Euclid Avenue Pierre, SD 57501	MultiState Associates, Inc (for Viaticus, Inc)	2,500.00	7.32
Schmidt Schroyer Colwill & Moreno, P.C., Suite 201 Pierre Professional Plaza 124 South Euclid P.O. Box 1174 Pierre, SD 57501-1174.	Home Box Office	12,000.00	43.74
Schnader Harrison Segal & Lewis, 330 Madison Ave., l4th Floor New York, NY 10017-5092	Gulfcoast Transit Co	23,267.50	2,101.11
Do	Lafarge Corp	25,256.50	1,590.95
Anna-Maria Stephens Schneider, 1111 19th Street, NW, #600 Washington, DC 20036	Mitsubishi Motors America, Inc	160.00	
Phillip L. Schneider, P.O. Box 1417-D49 Alexandria, VA 22313-1417	National Assn of Chain Drug Stores		
Abraham Schneier, McKevitt Group 1101 16th St., NW, #333 Washington, DC 20036	Kelly Services, Inc	7,312.50	361.87
Do	PepsiCo, Inc	5,544.00	203.51
Schnitzer Steel Industries, Inc, 3200 N.W. Yeon Avenue Portland, OR 97210			25.00
Nancy Schoephoester, 601 Pennsylvania Ave., NW North Building, Suite 400 Washington, DC 20004	ARCO Alaska, Inc		
Paul A. Schosberg, 900 19th Street NW, #400 Washington, DC 20006	America's Community Bankers		
Charles G. Schreiber, 1 Massachusetts Ave., NW Washington, DC 20001	National Guard Assn of the U.S.	9,492.50	517.06
Susan Schreiber, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	
N. Donald Schroeder, Maryland Petroleum Council 60 West St., #403 Annapolis, MD 21401	American Petroleum Institute		
Roslyne D. W. Schulman, 1111 19th Street, NW, #650 Washington, DC 20036	American College of Emergency Physicians	25.00	
Richard F. Schultz, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	13,121.71	624.64
Mary A. Schulz, 9200 Indian Creek Parkway, #220 Overland Park, KS 66210-2008	Crop Insurance Research Bureau	125.00	145.26
Do	National Assn of Mutual Insurance Cos	81.25	
Richard T. Schulze, 1700 Pennsylvania Ave., NW, Suite 950 Washington, DC 20006	Valis Associates	48,708.00	1,347.94
Neil D. Schuster, 2120 L Street, NW, #305 Washington, DC 20037	International Bridge Tunnel & Turnpike Assn	1,000.00	
James C. Schwaninger, 1156 15th Street, NW, Suite 1015 Washington, DC 20005	J.C. Penney Co, Inc		
A. R. Schwartz, Box 3398 Galveston, TX 77552	Mitchell Energy & Development Co		
Do	Vulcan Materials		
Arthur E. Schwartz, 1420 King St. Alexandria, VA 22314-2715	National Society of Professional Engineers	1,000.00	
Elinor Schwartz, 318 S. Abingdon Street Arlington, VA 22204	California State Lands Commission	10,465.00	61.12
Phillip L. Schwartz, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Richard Schwartz, 880 S. Pickett St. Alexandria, VA 22304	Boat Owners Assn of the U.S.	3,000.00	
Scientific-Atlanta, One Technology Parkway Box 105600 Norcross, GA 30092			2,000.00
Michael Sciulla, 880 S. Pickett St. Alexandria, VA 22304	Boat Owners Assn of the U.S.	17,000.00	
Gregory R. Scott, 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	1,672.50	708.40
James L. Scott, 400 N. Capitol Street, NW, #590 Washington, DC 20001	AmHS Institute	3,075.00	369.22
John H. Scott, 1111 19th Street, NW, #650 Washington, DC 20036	American College of Emergency Physicians	25.00	
Michael Scott, 1101 Vermont Avenue, NW, #606 Washington, DC 20005	American Society of Anesthesiologists	34,919.50	
Scribner Hall & Thompson, 1850 K Street, NW, #1100 Washington, DC 20006	Alliance of American Insurers		
Do	California Department of Insurance		
Do	CNA Financial Corp		
Do	Estate of Helen W. Halbach		
Do	Provident Life & Accident Insurance Co		
Do	Security Life of Denver Insurance Co		
Do	Transamerica Corporation		
Kerrill K. Scrivner, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Enserch Corporation	6,375.00	3,610.97
Robert T. Scully, 750 First Street, NE, Suite 935 Washington, DC 20002-4241	National Assn of Police Organizations, Inc	10,777.00	2,256.00
Thomas Andrew Scully, 1111 19th Street, NW, #402 Washington, DC 20036	Federation of American Health Systems	6,000.00	
Timothy Scully, 1341 G Street, NW Washington, DC 20005	Philip Morris Management Corp		
Pamela Sederholm, 1200 19th Street, NW, # 300 Washington, DC 20036-2401	National Council of Chain Restaurants	900.00	
Christopher C. Seeger, 655 15th Street, NW, #400 Washington, DC 20005	USAA	6,728.00	5,669.00
Mark Seetin, 919 18th Street, NW Washington, DC 20006	New York Mercantile Exchange		700.00
Julie A. Segal, 1816 Jefferson Place, NW Washington, DC 20036	Americans United for Separation of Church & State	10,750.00	767.50
George H. Seidel Jr., Associated Petroleum Industries of PA P.O. Box 925 Harrisburg, PA 17108	American Petroleum Institute		
Elliott M. Seiden, 901 15th Street, NW, #310 Washington, DC 20005	Northwest Airlines, Inc	10,000.00	100.00
Elizabeth T. Seifert, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
Elizabeth Seiler, 1010 Wisconsin Avenue, NW, Suite 900 Washington, DC 20007	Grocery Manufacturers of America, Inc	67.33	
Dennis G. Seipp, 600 New Hampshire Avenue, NW, #1200 Washington, DC 20037	Westinghouse Electric Corp	1,200.00	
George M. Seitts, 23733 N. Scottsdale Road Scottsdale, AZ 85255	Giant Industries, Inc		
Beverly M. Selby, 301 G Street, SW, #713 Washington, DC 20024	Alliance for American Innovation	3,000.00	22.00
Gary B. Sellers, 1800 M Street, NW Washington, DC 20036	American Bar Assn	400.00	50.00
William H. Sells III, 4301 Connecticut Ave., NW, #300 Washington, DC 20008	Computer Leasing and Remarketing Assn (CDLA)	500.00	
Do	National Solid Wastes Management Assn	500.00	
W. Edward Senn, 1300 I Street, NW, #400 West Washington, DC 20005	NYNEX	8,987.00	1,333.83
Cynthia B. Sensibaugh, 1710 Rhode Island Ave., NW Washington, DC 20036	Abbott Laboratories	5,000.00	
David Senter, 1901 L Street, NW, #300 Washington, DC 20036	David Senter & Associates, Inc		
David Senter & Associates, Inc, 1901 L Street, NW, Suite 300 Washington, DC 20036			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Peter M. Seremet, 16 Munson Road Farmington, CT 06034-0338	Heublein, Inc	17,250.00	6,927.70
Eva Seydel, 1401 I Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	951.00	785.11
Seyfarth Shaw Fairweather & Geraldson, 815 Connecticut Ave., NW, #500 Washington, DC 20006	Agricultural Producers	13,373.75	235.84
Erin E. Shaffer, 1101 Pennsylvania Ave., NW, #200 Washington, DC 20004	International Paper		417.00
Sally Shake, 7648 Ivanhoe Avenue, East La Jolla, CA 92037	Education Legislative Services, Inc	10,000.00	50.00
Thomas A. Shallow, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	
Nancy J. Shancke, 1225 Eye Street, NW, #1225 Washington, DC 20005	Grammer Kissel Robbins & Shancke (For:Kootenai Electric Cooperative, Inc)		
Deborah L. Shannon, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	15,300.00	554.92
Kenneth L. Shapiro, Wilson Elser Moskowitz Edelman & Dicker One Steuben Place Albany, NY 12207	Healthcare Assn of New York State	4,167.00	656.40
Adam Sharp, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Fed	1,667.00	10.00
Norman F. Sharp, 1100 17th Street, NW, #504 Washington, DC 20036	Cigar Assn of America, Inc		
Do	Pipe Tobacco Council		
Angela L. Sharpe, 1522 K Street, NW, #836 Washington, DC 20005	Consortium of Social Science Assns		17.50
Sharretts Paley Carter & Blauvelt, P.C., 1707 L Street, NW, #725 Washington, DC 20036	Toy Manufacturers of America		
Charles N. Shaw, 1250 H Street, NW, #900 Washington, DC 20005	International Dairy Foods Assn		
Victoria E. Shaw, 1200 19th Street, NW, Suite 300 Washington, DC 20036	Smith Bucklin & Associates, Inc (For:National Assn of Metal Finishers)	833.33	65.00
Shaw Bransford & O'Rourke, 815 Connecticut Avenue, NW, #800 Washington, DC 20006	ICA, et al.	9,000.00	64.00
Do	PHH Group	3,000.00	301.00
Do	Senior Executives Assn	10,000.00	1,339.00
Shaw Pittman Potts & Trowbridge, 2300 N Street, NW, #5121 Washington, DC 20037	Airship International, Ltd		
Do	Associated Industries of Florida	15,155.98	155.98
Do	Atlas Corp		
Do	Austrian Airline		
Do	Aviall, Inc	1,828.05	96.04
Do	Bechtel Aviation Services	2,997.73	505.23
Do	Chevy Chase Bank, F.S.B.	136,445.00	5,647.59
Do	Chromalloy Gas & Turbine		
Do	City of Kansas City - Aviation Department		
Do	Dallas/Fort Worth International Airport		
Do	Embraer Aircraft Corporation		
Do	Emerson Electric Co		
Do	Federation of Japanese Bankers Assns		
Do	Glaxo-Welcome	2,769.00	
Do	Greenville-Spartanburg Airport District		
Do	Institute of International Bankers	14,817.83	731.33
Do	International Small Satellite Organization		
Do	Kiwi International Air Lines, Inc		
Do	National Assn of State Aviation Officials		
Do	National Business Aircraft Assn		
Do	National Coalition for Minority Business	21,946.00	4,388.35
Do	Nordam, Inc	46.65	1.11
Do	North Carolina Air Cargo Airport Authority	3,490.96	184.58
Do	Pratt & Whitney	32.35	5.12
Do	RJ Reynolds Tobacco		
Do	Schnell-Bruter-Kernkraftwerksgesellschaft MbH		
Shea & Gardner, 1800 Massachusetts Avenue, NW Washington, DC 20036	Societe Generale de Surveillance, S.A.		
James V. Sheahan, 3333 State Bridge Rd. Alpharetta, GA 30202	Siemens Corporation		
John J. Sheehan, 815 16th St., NW, #706 Washington, DC 20006	United Steelworkers of America	17,931.90	
C. Douglas Shelby, Florida Petroleum Council 215 South Monroe Street, #800 Tallahassee, FL 32301	American Petroleum Institute	818.34	1,164.26
Jeffrey L. Sheldon, 1140 Connecticut Avenue, NW, #1140 Washington, DC 20036	UTC Telecommunication Assn	160.99	
John E. Shelk, 1600 M Street, NW, 5th Floor Washington, DC 20036	Hartford Fire Insurance	36,250.00	2,620.00
Cynthia D. Shenker, Wilson Elser Moskowitz Edelman & Dicker One Steuben Place Albany, NY 12207	Healthcare Assn of New York State	4,163.00	
Neal Sher, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public AFfairs Committee	24,375.00	3,550.37
Sheridan Group, 1808 Swann St., NW Washington, DC 20009	Cities Advocating Emergency Aids Relief (CAEAR)	35,414.28	25,038.06
Do	CFIDS Assn of America	24,000.00	4,028.94
Do	III(b) Coalition	12,000.00	4,883.76
Peter B. Sherman, 1146 19th Street, NW Washington, DC 20036	Dunaway & Cross (For:Industrial Truck Assn)		
Dawn M. Shiley, 1100 New York Avenue, NW, #1090 Washington, DC 20005	Synthetic Organic Chemical Manufacturing Assn	500.00	
Cathleen Shine, 767 Fifth Avenue New York, NY 10153-0183	Sanford C. Bernstein & Co, Inc (For:Zalman C. Bernstein)		
William Jeffry Shipp, 50 F St., NW, #900 Washington, DC 20001	Farm Credit Council	150.00	960.00
Jeffrey D. Shoaf, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	2,000.00	500.00
Bard D. Shollenberger, 1200 K Street, NW Washington, DC 20005	Lockheed Information Management Services Co, Inc	2,000.00	
Harold A. Shoup, 1899 L Street, NW Washington, DC 20036	American Assn of Advertising Agencies	2,500.00	
A. Z. Shows, 1801 Columbia Rd., NW, #203 Washington, DC 20009			
Diane M. Shust, 1201 16th Street, NW Washington, DC 20036	National Education Assn	4,217.25	105.50
William H. Shute, 1401 I Street, NW, #1100 Washington, DC 20005	SBC Communications, Inc	15,000.00	15,944.15
Zelda Shute, 816 Connecticut Ave., NW, Suite 900 Washington, DC 20006	OHM Corp	3,000.00	489.01
Barbara Shycoff, 801 Pennsylvania Ave., NW, #650 Washington, DC 20004	American Express Co	9,375.00	83.50
Linda S. Sickels, 806 Canal Street Irving, TX 75063	Trinity Industries, Inc		
David Todd Sidor, One Constitution Square New Brunswick, NJ 08901-1500	New Jersey State Bar Assn		
Kristin Siemann, 1725 DeSales Street, NW, #500 Washington, DC 20036	Center for Marine Conservation	75.08	
Susan Siemietkowski, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
Jill Sigal, 601 Pennsylvania Avenue, NW, #900 South Washington, DC 20004	ASARCO, Inc	25,000.00	3,622.84
Gerry Sikorski, 1225 I Street, NW, #1025 Washington, DC 20005	Save America's Forests		
Allan Silber, 365 Main Street Nashua, NH 03060	Recyclers of Copper Alloy Products	10,500.00	4,849.87
Hilary Sills, 1615 L Street, NW, Suite 1150 Washington, DC 20036	Capitoline/MS&L (For:Berwind Natural Resources Corp)		
Do	Capitoline/MS&L (For:Psychemedics Corp)	800.00	
Do	Capitoline/MS&L (For:Sprint)	800.00	
Howard J. Silver, 1522 K Street, NW, #836 Washington, DC 20005	Consortium of Social Science Assns		8.25
Steve Silver, 2300 Clarendon Blvd., #1010 Arlington, VA 22201	Robertson Monagle & Eastaugh (For:Alaska Loggers Assn)		
Do	Robertson Monagle & Eastaugh (For:BP America, Inc)	10,000.00	
Do	Robertson Monagle & Eastaugh (For:City of Craig, AK)	6,000.00	
Do	Robertson Monagle & Eastaugh (For:City of Kotzebue)	2,000.00	
Do	Robertson Monagle & Eastaugh (For:City of Silverton)		
Do	Robertson Monagle & Eastaugh (For:Echo Bay Mining Company)		
Do	Robertson Monagle & Eastaugh (For:Georgia Pacific)	16,194.36	
Do	Robertson Monagle & Eastaugh (For:Goldbelt)		
Do	Intermountain Forest Industry Assn	11,000.00	
Do	Robertson Monagle & Eastaugh (For:Kennecott Corp)		
Do	Ketchikan Pulp Co	5,250.00	
Silver Users Assn, Inc, 1730 M St., NW, #911 Washington, DC 20036		1,390.00	1,963.00
Edward Silverman, 1150 17th Street, NW, Suite 400 Washington, DC 20036	Greenwich Capital Markets, Inc	5,000.00	375.00
Reuben Silvers, 2030 M Street, NW Washington, DC 20036	Common Cause	7,730.50	48.00
Silverstein & Mullens, 1776 K Street, NW, #800 Washington, DC 20006	International Chiropractors Assn	4,000.00	
Do	Life College	5,000.00	
Do	Monrovia Nursery Company		
Do	National Structured Settlements Trade Assn	10,000.00	
Don Simon, 3rd Floor 2030 M Street, NW Washington, DC 20036	Common Cause	19,999.98	176.25
Emery Simon, 2001 L Street, NW, #400 Washington, DC 20036	Alliance to Promote Software Innovation	9,000.00	
Lee C. Simpson, P.O. Box 6600 Ketchikan, AK 99901	Ketchikan Pulp Co	520.00	2,056.00
Thomas D. Simpson, 700 N. Fairfax Street, #601 Alexandria, VA 22314	Railway Progress Institute	3,951.01	
William G. Simpson, 1155 15th St., NW, #504 Washington, DC 20005	Entergy Services, Inc (Mississippi Power & Light Co)	2,000.00	
Do	Federal Express	3,000.00	
Do	First Mississippi Corp	1,500.00	
Do	Mississippi Chemical Corp	2,000.00	
Stephen F. Sims & Associates, 400 N. Capitol Street, NW, #585 Washington, DC 20001	Mr. Simon T.	6,125.00	71.50
Stephen G. Sinkez, 1111 19th Street, NW, #408 Washington, DC 20036	Mitsubishi Motors America, Inc		
Skadden Arps Slate Meagher & Flom, 1440 New York Avenue, NW Washington, DC 20005	Allied-Signal, Inc		
Do	American International Group, Inc	2,000.00	
Do	Anheuser-Busch Companies, Inc		
Do	AK Steel	2,500.00	
Do	Bethlehem Steel Corp	2,500.00	
Do	CINergy Corp	1,650.00	74.00
Do	Dun & Bradstreet		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Export Source Coalition		
Do	Fruit of the Loom	2,000.00	
Do	Inland Steel Industries, Inc	2,500.00	
Do	LTV Steel Company, Inc	2,500.00	
Do	National Steel Corp	2,500.00	
Do	Sara Lee Corporation	25,000.00	
Do	Sequent Computer Systems, Inc	990.00	
Do			
Do	USX Corp	2,500.00	
Kerry A. Walsh Skelly, 850 Dixie Highway Louisville, KY 40210	Brown-Forman Corp	4,661.00	
Edmund J. Skernolis, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	WMX Technologies, Inc	2,612.50	
Sklar Associates, 100 West Linden Street Alexandria, VA 22301	Institute for International Sport		
Glen J. Skovholt, P.O. Box 524 Minneapolis, MN 55440-0524	Honeywell, Inc	2,500.00	50.00
Lucy N. Skrabut, 655 15th Street, NW, Suite 410 Washington, DC 20005	Bristol-Myers Squibb Company	1,500.00	
Paul A. Skrabut Jr., 1000 Connecticut Avenue, NW, #706 Washington, DC 20036	Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers)	9,682.50	13.39
Do	Palumbo & Cerrell, Inc (For:Atlantic Richfield Co)	525.00	
Do	Palumbo & Cerrell, Inc (For:Pennsylvania Institute of Technology)	705.00	
Jonathan Slade, 1101 17th Street, NW, #202 Washington, DC 20036	MWW Strategic Communications (For:Berna Products Corp)		
Do	MWW Strategic Communications (For:Cuban American Foundation, Inc)	12,820.85	149.42
Do	MWW Strategic Communications (For:Farmland Dairies)		
Do	MWW Strategic Communications (For:GAF Corp)	7,010.65	
Do	MWW Strategic Communications (For:Hadassah Medical Organization)	20,928.18	96.97
Do	MWW/Strategic Communications, Inc (For:Interbank of Aruba)	60,883.76	
Do	MWW Strategic Communications (For:Puerto Ricans for Civic Action)	90,000.00	54.63
Do	MWW Strategic Communications (For:Ross University)	15,509.79	76.19
Robert G. Slaughter, 1615 M St., NW, #200 Washington, DC 20036	Amoco Corporation	1,500.00	489.35
Albert J. Slechter, 1401 H Street, Nw, #700 Washington, DC 20005	Chrysler Corporation	4,998.00	537.33
Donna E. Slingluff, 66 Canal Center Plaza, #520 Alexandria, VA 22314	Health Industry Distributors Assn	3,837.00	23,080.00
Kirsten A. Sloan, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	11,708.79	462.80
Kelly Campbell Slone, 800 Connecticut Ave., NW, #1100 Washington, DC 20006	Baxter	3,000.00	1,389.83
Slover & Loftus, 1224 17th St., NW Washington, DC 20036	Western Coal Traffic League	25,000.00	25,000.00
Small Business Council of America, Inc, P.O. Box 4299 Columbus, GA 31904			24,602.46
Brian D. Smedley, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	217.76	33.00
Donald E. Smiley, 2001 Pennsylvania Ave., NW, #300 Washington, DC 20006	Exxon Corporation		
James Smiley, 1020 19th Street, NW, Suite 700 Washington, DC 20036	US West, Inc	2,485.84	
C. Douglas Smith, 1850 M St., NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Daniel Smith, P.O. Box 1058 Montpelier, VT 05601	Northeast Interstate Dairy Compact Committee	6,000.00	11,030.60
David F. Smith, 10 Lafayette Square Buffalo, NY 14203	National Fuel Gas Distribution Corp, et al.		
Diane Smith, 655 15th Street, NW, #220 Washington, DC 20005	ALLTEL Corporation		2,600.00
Elizabeth M. Smith, 1401 H Street, NW, #200 Washington, DC 20005-2110	Xerox Corp		
F. Scott Smith, 1130 Connecticut Avenue, NW, #830 Washington, DC 20036	Southern Company Services, Inc	36.00	4,364.80
James E. Smith, One State Street Boston, MA 02109	Century Council		
Jennifer L. Smith, 1000 Connecticut Avenue, NW, #304 Washington, DC 20036	Fresh Produce Assn of the Americas	300.00	
Keith H. Smith, 1455 Pennsylvania Ave, NW, #1260 Washington, DC 20004	French & Company (For:International Electronics Mfgrs & Consumers of America, Inc).	500.00	
Michael P. Smith, 485 Lexington Ave. New York, NY 10017	New York State Bankers Assn	4,960.00	1,568.00
Patricia Smith, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	12,125.23	500.90
Patrick Smith, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,750.00	
Richard D. Smith, 15 Mountain View Road Warren, NJ 07061-1615	Chubb Corporation	5,000.00	
Richard F. Smith, 1101 Pennsylvania Avenue, NW, #400 Washington, DC 20004	Textron, Inc	600.00	150.00
Robert E. Smith, 1730 K St., NW, #1300 Washington, DC 20006	Olin Corporation	12,500.00	6,000.00
Sara Hope Smith, 1850 M Street, NW, #1100 Washington, DC 20036	Sprint Corporation	16,875.00	
Susan Snyder Smith, 7900 Westpark Drive, #A320 Mclean, VA 22102	Chocolate Manufacturers Assn of the USA	200.00	189.40
Thomas Smith, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	1,019.64	
Tim Smith, 1776 Eye Street, NW, #400 Washington, DC 20006	Nuclear Energy Institute	11,801.00	2,067.00
Smith & Sowalsky, One State Street, Suite 950 Boston, MA 02109	NYNEX Government Affairs	5,000.00	2,083.41
Smith-Free Group, 1500 K Street, NW, #325 Washington, DC 20005	American Institute of Architects	1,500.00	
Do	American Petroleum Institute	1,250.00	
Do	American Telephone & Telegraph	15,625.00	
Do	Association of Trial Lawyers of America	40,625.00	
Do	AFFYMETRIX	2,454.00	
Do	Broadcast Music Industries	15,000.00	
Do	CSX Corporation	3,750.00	
Do	Federal Home Loan Mortgage Corp	9,000.00	
Do	Kennecott Corp	3,750.00	
Do	Koch Industries, Inc	7,500.00	
Do	MBNA America Bank NA		
Do	National Assn of Protection & Advocacy Systems	600.00	
Do	Northwestern Mutual Life Insurance Co	7,500.00	
Do	Nuclear Energy Institute	1,125.00	
Do	Pittston Co	6,750.00	
Do	Sony Music Entertainment, Inc	7,500.00	
Do	Sony Pictures Entertainment, Inc	10,000.00	
Do	USA Group, Inc	7,500.00	
Do	Wheelabrator Environmental Systems, Inc	1,250.00	
David A. Smitherman, Iowa Petroleum Council 218 6th Avenue, #1012 Des Moines, IA 50309-4006	American Petroleum Institute		
Smokeless Tobacco Council, Inc, 1627 K Street, NW, #700 Washington, DC 20006		19,698.00	19,698.00
William Snape, 1101 14th Street, NW, #1400 Washington, DC 20005	Defenders of Wildlife	778.68	64.00
Larry S. Snowhite, 1025 Connecticut Avenue, NW, #900 Washington, DC 20036	Semmes Bowen & Semmes (For:Houghton Mifflin Co)		
David F. Snyder, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn	416.00	32.00
John M. Snyder, 2301 South Jefferson Davis Highway, #925 Arlington, VA 22202	Abraham Lincoln Foundation for Public Policy Research	450.00	
Do	Citizens Comm for the Right to Keep & Bear Arms	9,000.00	
Sarah E. Snyder, 5025 Wisconsin Ave., NW Washington, DC 20016	Amalgamated Transit Union		
Alan C. Sobba, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Jack Sobel, 1725 DeSales Street, NW, Suite 500 Washington, DC 20036	Center for Marine Conservation		
Society for Animal Protective Legislation, P.O. Box 3719 Georgetown Station Washington, DC 20007		18,174.73	18,629.05
Society for Human Resource Management, 606 North Washington Street Alexandria, VA 22314			25,338.10
Society for Nutrition Education, 2001 Killebrew Drive, #340 Minneapolis, MN 55425-1882		255.00	4,303.40
Gary L. Sojka, 8304 Harland Drive Springfield, VA 22152	APTI, E-Systems		
Do	Electronetics Corp		
Do	Litton Inter Optical Systems	9,000.00	969.14
Do	Mason & Hangaer-Silas Mason Co, Inc	1,000.00	13.50
Do	Pacific Sierra Research Corp		
Eric W. Sokol, 519 C Street, NE Washington, DC 20002	National Assn for Home Care	408.00	
Patricia M. Soldano, 695 Town Center Dr., #1460 Costa Mesa, CA 92626	Cymric		
Solutions Group, Inc, 10335 Democracy Lane Fairfax, VA 22030		10,800.00	243.69
Judah C. Sommer, 1101 Pennsylvania Ave., NW, #900 Washington, DC 20004	Goldman Sachs & Co	2,500.00	
Mary Sophos, 1010 Wisconsin Avenue, NW, #900 Washington, DC 20007	Grocery Manufacturers of America, Inc	570.83	
Southern Forest Products Assn, P.O. Box 641700 Kenner, LA 70064-1700		7,442.99	7,442.99
Southwest Airlines Co, P.O. Box 36611 Dallas, TX 75235-1611			27,882.50
Barbara R. Spangler, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	7,925.00	53.31
Sparber and Associates, Inc, 1319 F St., NW #301 Washington, DC 20004	Association of Fire Districts of the State of New York	1,500.00	
Do	New York State Fire Chiefs Assn		
Do	RJR Nabisco	27,000.00	
John S. Sparkman, 2 North 9th Street Allentown, PA 18101	Pennsylvania Power & Light Co	862.21	
Ian D. Spatz, 601 Pennsylvania Avenue, NW, #1200 Washington, DC 20004-2613	Merck & Co, Inc	1,000.00	400.00
Richard L. Spees, 1341 G Street, NW, #200 Washington, DC 20005	McAuliffe Kelly & Raffaelli (For:Desert Research Institute)	2,100.00	882.70
Barney H. Speight, 200 SW Market, Suite 1200 Portland, OR 97201	Blue Cross & Blue Shield of Oregon	1,032.00	50.00
Rachel E. Speltz, 1050 17th Street, NW, Suite 500 Washington, DC 20036	Texaco, Inc		
Collins Robert Spencer III, 410 First St., SE, 2nd Floor Washington, DC 20003	National Rifle Assn of America	1,387.50	708.78
Spencer Fane Britt & Browne, 1133 Connecticut Avenue, NW, Suite 1000 Washington DC 20036	United Recycling Industries, Inc	3,500.00	
Andrew Sperling, 12300 Twinbrook Parkway Rockville, MD 20815	National Community Mental Healthcare Council	2,139.23	
Dennis D. Spice, 1901 Fox Drive Champaign, IL 61820	State Universities Retirement System of Illinois		
Brian D. Spickard, 333 Piedmont Ave., 23rd Floor Atlanta, GA 30308	Georgia Power Co	21,356.96	17,185.75

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Merrill S. Spiegel, 1100 Wilson Blvd., #2000 Arlington, VA 22209	Hughes Electronics Corp	51.00	
William M. Spodak, 600 New Hampshire Avenue, NW< #1200 Washington, DC 20037	Westinghouse Electric Corp	7,500.00	175.00
Lisa M. Sprague, 601 13th Street, NW, #370 South Washington, DC 20005	American Assn of Preferred Provider Organizations	2,000.00	
Patricia Spurlock, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	6,000.00	160.90
Mark G. Spurrier, 700 E. Joppa Road Towson, MD 21286	Baltimore County Police Department, et al.		
Squire Sanders & Dempsey, 1201 Pennsylvania Ave., NW P.O. Box 407 Washington, DC 20044	American Soc of Anesthesiologists		
Do	National Collegiate Athletic Assn		
Janet G. St. Amand, 1000 Connecticut Ave., NW, #507 Washington, DC 20036	Household Financial Group, Ltd	11,250.00	
Diane D. Staab, 1101 Pennsylvania Ave., NW, #200 Washington, DC 20004	International Paper	12,000.00	214.50
Roger Staiger Jr., 1667 K Street, NW, #450 Washington, DC 20006	Alyeska Pipeline Service Co	3,000.00	1,200.00
Mark V. Stanga, 1725 Jefferson Davis Highway, #201A Arlington, VA 22202	York International Corp		
Michael J. Stanton, 1401 H Street, NW, #900 Washington, DC 20005	American Automobile Manufacturers Assn	14,350.00	1,641.82
Stanton & Associates, 1310 19th Street, NW Washington, DC 20036	National Assn of Bankruptcy Trustees		
Do	Philip Morris		
Do	University Hospitals of Cleveland		
Mary Murray Staples, P.O. Box 660634 Dallas, TX 75266-0634	Frito-Lay, Inc		75.00
James D. Staton, 320 Timberbrook Drive Waldorf, MD 20601	Air Force Sergeants Assn, Inc		
Julie A. Stauss, 1225 Eye Street, NW, Suite 1250 Washington, DC 20005	American Dietetic Assn	500.00	
Randolph J. Stayin, 1401 Eye Street, Nw, #500 Washington, DC 20005	Barnes & Thornburg (For:Indiana Glass Company)	2,353.00	
Do	Barnes & Thornburg (For:Special Comm for Workplace Product Liability Reform)	1,574.50	90.90
Kathryn A. Steckelberg, 701 Pennsylvania Ave., NW Washington, DC 20004-2696	Edison Electric Institute	5,179.67	1,372.12
Allan Stein, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Thomas Stenzel, 727 N. Washington Street Alexandria, VA 22314	United Fresh Fruit & Vegetable Assn	9,500.00	
J. Gordon 'Skip' Stephens Jr., 4700 North 38th Place Arlington, VA 22207-2915	Degussa Corporation		
Do	Ethyl Corporation		
R. W. Stephens Jr., 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Steptoe & Johnson, 1330 Connecticut Ave., NW Washington, DC 20036	American Restaurant China Council		
Do	Bear Stearns & Co, Inc	9,573.12	
Do	Canyon Forest Village Corp		
Do	Citizens Savings & Financial Corp		
Do	Co-Operative Central Bank		
Do	CSO Company		
Do	Del Webb Corp		
Do	Federal Home Loan Bank of San Francisco	42,490.06	
Do	Financial Guaranty Insurance Company		
Do	Mutual Life Insurance Company Tax Committee		
Do	New York Life Insurance Co		
Do	Western Financial	12,130.98	
Do	Yavapai-Prescott Indian Tribe		
Urvan R. Sternfels, 1899 L Street, NW, Suite 1000 Washington, DC 20036	National Petroleum Refiners		
Heidi Sternheim, 2000 K Street, NW, Suite 800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	2,916.00	
Ben A. Stevens, 2300 Clarendon Blvd., #1010 Arlington, VA 22201	Trident		
Michael E. Steward, 1101 Pennsylvania Ave., NW, #530 Washington,, DC 20004-2514	Puget Sound Power & Light Co	2,398.00	48.50
Marise Rene Stewart, 1101 Pennsylvania Ave., NW, #400 Washington, DC 20004	Textron, Inc	600.00	150.00
Robert B. Stewart, 1120 G Street, NW, #900 Washington, DC 20005	National Ocean Industries Assn	7,403.00	
William F. Stiers, 11250 Waples Mill Road, #350 Fairfax, VA 22030	Quick Pawn Shop		
Lee J. Stillwell, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	750.00	
Edward W. Stimpson, 1400 K Street, NW, #801 Washington, DC 20005	General Aviation Manufacturers Association	4,691.00	
Caroline Stinebower, 453 New Jersey Ave., SE Washington, DC 20003	Beneficial Management Corp	5,827.50	
John J. Stirk, 1725 Jefferson Davis Hwy., #601 Arlington, VA 22202-3585	Litton Industries	2,000.00	2,953.63
Carlton A. Stockton, 1801 Pennsylvania Ave., NW Washington, DC 20006	MCI Communications Corp	1,000.00	
Alex Stoddard, 1111 19th Street, NW, Suite 800 Washington, DC 20036	American Forest & Paper Assn	1,200.00	
Thomas M. Stohler, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	3,000.00	500.00
Sean A. Stokes, 1140 Connecticut Ave., NW, Suite 1140 Washington, DC 20036	UTC Telecommunications Assn		
Elizabeth A. Stolpe, 1401 Eye Street, NW, Suite 300 Washington, DC 20005	Koch Industries, Inc	4,500.00	526.87
Dennis C. Stolte, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	9,313.00	177.85
Robin E. Stombler, 1001 Pennsylvania Avenue, NW, #725 Washington, DC 20007	American Society of Clinical Pathologists		138.30
John C. Stone, 1420 New York Avenue, NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:American Gas Assn)	1,500.00	
Do	Van Scoyoc Associates, Inc (For:Natural Gas Vehicle Coalition)	900.00	
Do	Van Scoyoc Associates, Inc (For:Raytheon Services)	1,000.00	
Do	Van Scoyoc Associates, Inc (For:University of New Orleans)	250.00	
Do	Van Scoyoc Associates, Inc (For:Washington Consulting Group)	625.00	
Floyd E. Stoner, 1120 Connecticut Avenue, NW Washington, DC 20036	American Bankers Assn	6,982.00	667.08
Stephen E. Storch, 2101 L Street, NW, #401 Washington, DC 20037-1526	American Stock Exchange		
Stormwater Reform Coalition, 3050 K Street, NW, #400 Washington, DC 20007			
Todd A. Stottlemyer, 1501 BDM Way McLean, VA 22102	BDM International, Inc	120.20	
Anna Stout, 122 C Street, NW, #740 Washington, DC 20001	American League for Exports & Security Assistance, Inc	10,500.00	261.52
Susan M. Stout, 1010 Wisconsin Avenue, NW, #900 Washington, DC 20007	Grocery Manufacturers of America, Inc	424.75	
Julie M. Strandlie, 908 King Street, #300 Alexandria, VA 22314	Taylor Thiemann & Aitken, L.C. (For:University of Florida Foundation, Inc)	200.00	200.00
Luther J. Strange III, 2101 Highland Avenue, #250 Birmingham, AL 35205	Sonat, Inc	5,000.00	
Do	Vulcan Materials Co	5,000.00	
Raymond L. Strassburger, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	
Strategic Management Associates, Inc, 112 S. West Street Alexandria, VA 22314	Greater New York Hospital Assn	20,000.00	55.00
Do	Mobile X-Ray Providers of America	8,000.00	
Do	Montefiore Medical Center	8,000.00	
Do	National Medical Enterprises, Inc		
Strategic Policy, Inc, 1615 L Street, NW, Suite 650 Washington, DC 20036	Arthur Andersen & Co	3,000.00	29.83
Do	Coopers & Lybrand	3,000.00	29.83
Do	COMSAT World Systems	4,000.00	43.00
Do	Deloitte & Touche	3,000.00	29.83
Do	Ernst & Young	3,000.00	29.83
Do	KPMG Peat Marwick	3,000.00	29.83
Do	Monsanto Co	13,500.00	834.64
Do	National Medical Transportation Assn	333.06	15.19
Do	Price Waterhouse	3,000.00	29.83
Terrence D. Straub, 1101 Pennsylvania Avenue, NW Washington, DC 20004	USX Corporation	250.00	155.25
Stephen P. Strickland, 1835 K Street, NW, #610 Washington, DC 20006	National Peace Foundation	178.55	
Steven P. Strobridge, 201 N. Washington Street Alexandria, VA 22314	Retired Officers Assn	4,124.75	
Jack B. Strong, 400 West 15th Street, Suite 804 Austin, TX 78701	LDDSMetromedia, Inc	6,262.50	1,418.32
Maria S. Strong, 1747 Pennsylvania Ave., NW, 12th Floor Washington, DC 20006	International Intellectual Property Alliance		
Stroock & Stroock & Lavan, 1150 17th St., NW Washington, DC 20036	Dreyfus Corporation		
Do	EF Au Pair		
Do	Rongelap Community	12,980.00	76.00
Jerry S. Stroope, Route 3, Box 258 Alvin, TX 77511	American Honey Producers Assn		
Cory N. Strupp, Legal Dept., 38th Floor 60 Wall Street New York, NY 10260	J.P. Morgan & Co, Inc	1,400.72	104.72
Stuntz & Davis, P.C., 1201 Pennsylvania Ave., NW, #819 Washington, DC 20004	Amoco Corporation	78.00	
Do	ARCO	1,924.00	35.82
Do	Bridgestone/Firestone, Inc	1,911.00	9.00
Do	Columbia Gas Systems Service Corp	1,690.00	21.00
Do	Ethyl Corp	546.00	
Do	General Electric Appliances	2,197.00	16.00
Do	General Electric Industrial & Power Systems	54.00	
Do	Marathon Oil Co	4,723.00	30.00
Do	Newport News Shipbuilding	140.00	56.79
Do	Nextel Communications, Inc	7,419.00	84.00
Do	Northern States Power Co	2,483.00	24.10
Do	Pharmaceutical Research & Manufacturers of America	3,575.00	26.10
Do	PURPA Reform Coalition	15,672.00	594.25
Do	R.J. Reynolds Tobacco Co	520.00	
Do	Southern California Edison Co	662.50	9.00
Charlene A. Sturbitts, 1625 K St., NW, #790 Washington, DC 20006	Stillwater Mining Co	20,250.00	
Scott B. Styles, 805 15th Street, NW, #410 Washington, DC 20005	Air Products & Chemicals, Inc	3,500.00	
Charles S. Sullivan, P.O. Box 2310 Washington, DC 20013	Citizens United for Rehabilitation of Errants	4,600.00	1,500.00
Gael M. Sullivan, 1133 Connecticut Avenue, NW, #620 Washington, DC 20036	LTV Corporation	2,344.00	572.50

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
John J. Sullivan, 8900 Keystone Crossing Indianapolis, IN 46240	Miller Muller Mendelson & Kennedy (For:Golden Rule Insurance)	2,742.00	1,173.00
Marcia Z. Sullivan, 1000 Wilson Boulevard, Suite 3012 Arlington, VA 22209	Consumer Bankers Assn		
Pauline Sullivan, P.O. Box 2310 Washington, DC 20013-2310	Citizens United for Rehabilitation of Errants	900.00	
Rebecca M. Sullivan, 1033 N. Fairfax Street, Suite 404 Alexandria, VA 22314	International Council of Shopping Centers	700.00	
Rick Surratt, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	10,047.13	
Gavin J. Sutcliffe, 1201 New York Ave., NW Washington, DC 20005-3931	American Hotel & Motel Assn	1,567.50	
Francis A. Sutherland Jr., 100 N. Greene St. Greensboro, NC 27401	Jefferson-Pilot Life Insurance Co	2,000.00	
Bob Sutton, c/o South Dakota Petroleum Council 222 E. Capitol, #16 Pierre, SD 57501	American Petroleum Institute		
Stephen Sutton, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Grumman Corporation	1,400.00	3.26
Kenneth E. Swab, 7310 Stafford Road Alexandria, VA 22307	Kinzler & Swab, L.C. (For:NationsBank Corp)		
Thomas L. Swartz, 89 East Avenue Rochester, NY 14649-0001	Rochester Gas & Electric Corp	1,985.00	
Loren E. Sweatt, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	2,000.00	500.00
David M. Sweet, 1101 16th Street, NW Washington, DC 20036	Independent Petroleum Assn of America		
Diane K. Swenson, 1212 New York Ave., NW Washington, DC 20005	American Tort Reform Assn		13,050.00
Leland H. Swenson, 10065 East Harvard Avenue Denver, CO 80251	Farmers' Educational & Co-Operative Union of America	12,564.25	136.82
Swidler & Berlin, Chtd, 3000 K Street, NW, #300 Washington, DC 20007	Grocery Manufacturers Assn		
Philip E. Swink, 1 Pepsi Way Somers, NY 10589-2201	Pepsi-Cola Company		142.10
Chris Ray Swonger, 700 11th Street, NW, #680 Washington, DC 20001	Hiram Walker & Sons, Inc	4,500.00	750.00
Virginia M. Swope, 901 15th Street, NW, #320 Washington, DC 20005	Travelers Group	1,500.00	
William A. Syers, 1100 Wilson Blvd. Arlington, VA 22209	Hughes Electronics Corp		
David A. Sykuta, Illinois Petroleum Council P.O. Box 12047 Springfield, IL 62791	American Petroleum Institute		
Ronald P. Szabat, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	25.00	
Szlavik Hogan & Miller, Inc, 1150 Connecticut Ave., NW, Suite 303 Washington, DC 20036			
SJA International, Inc, 1001 Connecticut Ave., NW, Suite 401 Washington, DC 20036	Zenith Data Systems	4,450.00	1,700.66
Mariko Takayasu, 1535 Mission Street San Francisco, CA 94103	Consumers Union	83.00	
Robin M. Tallon, 1875 Eye Street, NW, Suite 800 Washington, DC 20006	Tobacco Institute	1,000.00	55.18
Susan Tannenbaum, 2030 M St., NW Washington, DC 20036	Common Cause	7,204.09	127.25
Tanner & Guin, P.C., P.O. Box 3206 Tuscaloosa, AL 35403	Morrow Realty Co, Inc		
Augustine D. Tantillo, 900 2nd Street, Suite 306 Washington, DC 20002	SRG & Associates	25,000.00	7,000.00
Tapestry Consultants, Inc, P.O. Box 2403 Leesburg, VA 22075			
Gary W. Tappana, 1776 I STreet, NW, Suite 200 Washington, DC 20006	Anheuser-Busch Companies		
Joseph Tasker Jr., 1300 Eye Street, NW, #490East Washington, DC 20005	Compaq Computer Corp	6,250.00	24.00
Jeffrey A. Tassey, 919 18th Street, NW Washington, DC 20006	American Financial Services Assn	250.00	
Eula M. Tate, 1757 N Street, NW Washington, DC 20036	United Auto. Aerospace & Agricultural Implement Wks of Amer.	21,094.37	182.00
Thomas N. Tate, 1250 Eye Street, NW Washington, DC 20005	Aerospace Industries Assn of America, Inc	1,852.50	155.02
Taxpayers Against Fraud, Inc, 1250 Connecticut Ave., NW, Suite 401 Washington, DC 20036			21,377.15
Charles A. Taylor III, 499 South Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	1,500.00	
Larry D. Taylor, P.O. Box 70 Boise, ID 83707	Idaho Power Company		
Lonnie P. Taylor, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	15,450.00	64.30
Margaret J. Taylor, 700 13th Street, NW, #525 Washington, DC 20005	Meridian Oil, Inc	1,750.00	
Marie Taylor, 1825 Eye Street, NW, #400 Washington, DC 20006	BF Goodrich Co	100.00	
Mary Beth Savary Taylor, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	25.00	
Peggy Taylor, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	25,256.14	292.63
Sandra E. Taylor, 1300 Connecticut Ave., NW, #901 Washington, DC 20036	ICI Americas, Inc	20,000.00	
Taylor Thiemann & Aitken, 908 King Street, #300 Alexandria, VA 22314	Association of Test Publishers		
Do	CTB MacMillan/McGraw-Hill	350.00	
Do	National Assn of Convenience Stores		
Peter B. Teeley, 502 Summers Court Alexandria, VA 22301	Amgen, Inc	20,737.50	2,211.71
Richard Telthorst, Missouri Oil Council 312 East Capital Avenue, #B Jefferson City, MO 65101-3055	American Petroleum Institute		
Joshua P. Tenuta, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	7,586.25	
John H. Terry, 25 Erregger Terrace Syracuse, NY 13221-2151	Hiscock & Barclay (For:Niagara Mohawk Power Corp)	2,489.00	1,039.86
Richard Paul Teske, 1500 K Street, NW, #625 Washington, DC 20005	Burroughs Wellcome Co		
Texas Committee on Natural Resources, 5952 Royal Lane, #168 Dallas, TX 75230		797.21	797.21
Texas Oil Marketers Assn, 701 W. 15th Street Austin, TX 78701		3,924.00	2,564.35
Mary Kay Thatcher, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	8,333.00	203.99
Daniel O. Theno, 1919 S. Broadway P.O. Box 19130 Green Bay, WI 54304-1919	Fort Howard Corp	1,774.99	1,642.93
Janelle C.M. Thibau, 3000 K Street, NW, #620 Washington, DC 20007	Merrill Lynch & Co, Inc	1,800.00	
Gregory A. Thies, 1100 New York Avenue, NW, #340 West Washington, DC 20005	BASF Corporation		
Do	Scotts Company		
Philip E. Thoden, 1199 North Fairfax Street, Suite 801 Alexandria, VA 22314	NATSO, Inc		
Robert G. Thoma, 1100 New York Avenue, NW, #340-West Washington, DC 20005	BASF Corp	280.00	15.00
Cindy Thomas, 1990 M Street, NW, #340 Washington, DC 20036	Kent & O'Connor, Inc (For:Carter Footwear, Inc)	2,531.50	1,023.66
Gordon M. Thomas, 1101 Pennsylvania Avenue, NW, #400 Washington, DC 20004	Textron, Inc	600.00	150.00
John L. Thomas, P.O. Box 796322 Dallas, TX 75379-6322	Liberty Media Corp		
Do	Visual Information Technologies, Inc		
Peter William Thomas, 1275 Pennsylvania Ave, NW, #300 Washington, DC 20004	National Assn for the Advance of Orthotics & Prosthethics	8,000.00	
Rich Thomas, 2030 M Street, NW Washington, DC 20036	Common Cause	6,499.98	
W. Dennis Thomas, 1620 Eye St., NW, #700 Washington, DC 20006	International Paper Co	2,400.00	231.77
Bruce E. Thompson Jr., 3000 K Street, NW, #620 Washington, DC 20007	Merrill Lynch & Co, Inc	9,000.00	
C. Nicholas Thompson, 1420 New York Ave., NW, Suite 750 Washington, DC 20005	Acxiom Corp		
Kenneth W. Thompson, 1156 15th Street, NW, #505 Washington, DC 20005	Association of School Business Officials International		10.00
Do	BellSouth Corp	12,000.00	10.00
Do	Coalition for Customer Choice in Electricity	15,000.00	10.00
Do	Food Development Corp		10.00
Do	Itron and AMRplus Partners	15,000.00	10.00
Do	Potomac Capital Investment Corp	15,000.00	10.00
Do	Sunbeam-Oster Company, Inc		10.00
Richard L. Thompson, 655 15th Street, NW, #410 Washington, DC 20005	Bristol-Myers Squibb Co	1,500.00	
Robert L. Thompson Jr., P.O. Box 70 Fort Mill, SC 29715	Springs Industries, Inc		
Timothy C. Thompson, 2200 First Interstate Plaza P.O. Box 1157 Tacoma, WA 98401-1157	Bechtel Hanford, Inc	15,000.00	1,254.36
Warren C. Thompson III, P.O. Box 1616 Tacoma, WA 98401	Frank Russell Company	2,000.00	25,056.06
R. Thompson & Company, One Massachusetts Ave., NW, Suite 330 Washington, DC 20001	Golden Rule Insurance Co	18,000.00	3,139.69
Do	Government of Guatemala	100,000.00	67,934.73
Do	Mitsubishi Electronics America, Inc	4,050.00	3,812.07
Thompson & Mitchell, 700 14th Street, NW, #900 Washington, DC 20005	Cold Finished Steel Bar Institute		
Lynn Harding Thomson, 1299 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co	1,500.00	657.78
Robert B. Thomson III, 453 New Jersey Avenue Washington, DC 20003	Beneficial Management Corp	6,252.39	
Jill Thorne, 1500 SW 5th, #2301 Portland, OR 97201	Round-Up City Development Corp, et al.		
Margo Thorning, 1750 K St., NW, #400 Washington, DC 20006	American Council for Capital Formation	8,456.00	
Ashley O. Thrift, P.O. Drawer 84 Winston-Salem, NC 27102	Womble Carlyle Sandridge & Rice (For:AirTouch Communications, Inc)		
Do	Milliken & Co	22,000.00	
Do	Sprint, Inc	50,000.00	
Do	Womble Carlyle Sandridge & Rice (For:Time-Warner, Inc)	70,000.00	
Do	Womble Carlyle Sandridge & Rice (For:Westinghouse Electric Co, Inc)	100,000.00	
Gil Thurm, 1331 Pennsylvania Ave., NW, #1500N Washington, DC 20004-1790	National Assn of Manufacturers	5,000.00	
Maria Tilves-Aguilera, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	
Timmons & Co, Inc, 1850 K St., NW, #850 Washington, DC 20006	American Medical Assn	6,378.75	
Do	American Petroleum Institute	1,338.75	
Do	Ameritech	7,360.00	
Do	Anheuser-Busch Companies, Inc	1,875.00	
Do	Black Entertainment Television	525.00	
Do	Capital Cities/ABC, Inc	6,063.75	
Do	Chrysler Corporation	2,283.75	
Do	Cox Enterprises	551.25	
Do	Envirocare of Utah, Inc	3,307.50	
Do	General American Life Insurance Co	870.00	
Do	General Instrument Corp	7,008.75	
Do	H.J. Heinz Co	2,092.50	
Do	Major League Baseball	3,307.50	
Do	Metricom, Inc	2,913.75	
Do	National Rifle Assn	930.00	
Do	Natural Disaster Coalition	2,378.62	
Do	Northrop Grumman Corporation	4,882.50	
Do	Omnipoint Corp	551.25	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	G. D. Searle & Co	3,307.50	
Do	SCEcorp and Subsidiaries	2,126.25	
Do	Union Pacific Corp	5,175.00	
Alan R. Timothy, Mail No. BC300 Golden, CO 80401	Coors Brewing Co	5,700.00	
D'Anna Stanfield Tindal, 2346 Greenwich St. Falls Church, VA 22046	Recon/Optical, Inc	33,100.00	12,800.01
Constance E. Tipton, 1250 H St., NW, Suite 900 Washington, DC 20005	International Dairy Foods Association		400.00
E. Linwood Tipton, 888 16th St., NW Washington, DC 20006	International Dairy Foods Assn		126.32
Francis M. Tivnan, Massachusetts Petroleum Council 11 Beacon Street Boston, MA 02108	American Petroleum Institute	3,000.00	
Merry M. Tobin, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	5,854.00	202.46
William P. Toland, 1100 New York Ave., NW, #340 West Washington, DC 20005	BASF Corporation		
Neil Tonnesen, 5 Wildwood Gardens Port Washington NY11050			
Michael J. Toohey, 601 Pennsylvania Ave., NW North Building, Suite 540 Washington, DC 20004	Ashland Oil, Inc	2,000.00	
Jonathan M. Topodas, 151 Farmington Avenue Hartford, CT 06156	Aetna Life & Casualty Co	1,200.00	
William T. Torgerson, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co		
Virginia Torsch, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	2,950.50	
Leslie Touma, 21557 Telegraph Road Southfield, MI 48034	Lear Seating Corp		
Charles H. Tower, 1026 16th Street, NW, #503 Washington, DC 20036	Electronic Publishing Group		
Bronwyn B. Towle, 499 South Capitol Street, SW #507 Washington, DC 20003	Hecht Spencer & Associates (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Associates (For:Kamehameha Schools Bishop Estate)		
Do	Hecht Spencer & Associates (For:National Automatic Merchandising Assn)		
Do	Hecht Spencer & Associates (For:Tulalip Tribes of Washington)		
Christopher Townsend, 17901 Von Karman Irvine, CA 92714	Taco Bell Corp	442.30	334.88
Wanda Townsend, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	3,778.00	263.80
Transportation - Communications International Union, 815 16th St., NW, #511 Washington, DC 20006		4,000.00	5,382.19
E. Neil Trautwein, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	60.00
Travel & Tourism Government Affairs Council, 1100 New York Ave., NW, #450 Washington, DC 20005-3934		5,063.00	5,063.00
Travel Industry Assn of America, 1100 New York Avenue, NW, #450 Washington, DC 20005-3934			5,063.00
Jeffery S. Trinca, 1420 New York Ave., NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:American Forest & Paper Assn)	937.50	
Do	Van Scoyoc Associates, Inc (For:Anheuser-Busch Companies)	2,500.00	
Do	Van Scoyoc Associates, Inc (For:California Water Service Co)	635.00	
Do	Van Scoyoc Associates, Inc (For:Kellogg Company)	457.50	
Do	Van Scoyoc Associates, Inc (For:National Assn of Water Companies)	750.00	
Do	Van Scoyoc Associates, Inc (For:Schering-Plough Corp)	1,500.00	
Do	Van Scoyoc Associates, Inc (For:VIACOM International, Inc)	2,250.00	
Tripp Scott Conklin & Smith, 110 Tower, 28th Floor 110 Southeast 6th Street Fort Lauderdale, FL 33301	Alamo Rent-A-Car, Inc		694.00
Julie Trocchio, 4455 Woodson Road St. Louis, MO 63134	Catholic Health Assn of the United States	2,998.56	
Michael G. Troop, 9072 East Friess Dr. Scottsdale, AZ 85260	America's Community Bankers	8,400.00	
Thomas L. Trueblood, 455 North Cityfront Plaza Drive Chicago, IL 60611	Navistar International Transportation Corp	1,000.00	180.72
Leslie Anne Tucker, 2021 Massachusetts Ave., NW Washington, DC 20036	American Academy of Family Physicians	3,902.00	34.59
Patrick A. Tucker, 701 Pennsylvania Ave., NW, Suite 710 Washington, DC 20004	Tenneco, Inc	6,855.00	155.00
Tucker Flyer & Lewis, P.C., 1615 L Street, NW, #400 Washington, DC 20036-5601	National Realty Committee		
Chris Tuffli, Bogle & Gates 1299 Pennsylvania Avenue, NW, #875 East Washington, DC 20004	Confederated Tribes of the Grand Ronde	180.00	
Do	Domestic Petroleum Council	228.00	
Christopher J. Tully, 5025 Wisconsin Ave., NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO	2,000.00	175.00
Michael R. Tuosto, One Massachusetts Avenue, NW, Suite 710 Washington, DC 20001	Pubic Service Electric and Gas Company		
John M. Turner, 1875 Eye St., NW, #775 Washington, DC 20006	Georgia-Pacific Corp	2,200.00	
Pamela J. Turner, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	8,859.00	71.14
Turner Broadcasting System, Inc, 820 First Street, NE Washington, DC 20002		28,900.00	28,900.00
James S. Turpin, 3444 S. Wakefield St. Arlington, VA 22206	Horsehead Resource Development		
Mary A. Turville, 1010 N. Fairfax St. Alexandria, VA 22314	National Society of Public Accountants	1,625.00	
Tuttle Taylor & Heron, 1025 Thomas Jefferson Street, NW, #407 Washington, DC 20007	Sunkist Growers, Inc	25,975.00	649.38
Do	Western United Dairymen	139,125.00	1,486.43
M. Ann Tutwiler, 1722 Eye Street, NW, 4th Floor Washington, DC 20006	Central Soya Co, Inc	4,000.00	147.90
John R. Tydings, 1129 20th Street, NW Washington, DC 20036	Greater Washington Board of Trade	9,500.00	
G. John Tysse, 1015 15th Street, NW, #1200 Washington, DC 20005	McGuiness & Williams (For:Labor Policy Assn)	4,782.00	
U.S. Border Control, 8180 Greensboro Dr., #1070 McLean, VA 22102		67,345.52	36,262.06
U.S. Cane Sugar Refiners' Assn, 1730 Rhode Island Avenue, NW Washington, DC 20036			1,559.07
U.S.-China Business Council, 1818 N Street, NW #200 Washington, DC 20036		6,224.98	6,224.98
Stewart L. Udall, 1244 Camino Cruz Blanca Santa Fe, NM 87501	Claimants Under the Radiation Exposure Compensation Act	110,000.00	
Jerry G. Udell, Udell & Associates 14841 Bauer Drive Rockville, MD 20853	Alabama Retail Assn Workers' Compensation Self-Insurance...	75.00	5.00
Do	Alabama Roofing Sheetmetal & Air Conditioning Contractors...	25.00	5.00
Do	Florida Retail Federation	25.00	5.00
Do	Louisiana Retailers Assn	25.00	5.00
Do	SCMA Self-Insurers Fund	25.00	5.00
Daniel Ulmer, 2000 Schafer Street P.O. Box 2657 Bismarck, ND 58502	Blue Cross Blue Shield of North Dakota	400.00	1,250.98
John R. Ulrich, 1776 Eye Street, NW, #575 Washington, DC 20006	Dow Chemical Company		6,467.00
John R. Undeland, 12600 Fair Lakes Circle Fairfax, VA 22033-4904	AAA Potomac	200.00	
Uniform & Textile Service Assn, 1300 North 17th Street, #750 Rosslyn, VA 22209			17,080.00
United Fresh Fruit & Vegetable Assn, 727 N. Washington St. Alexandria, VA 22314			19,077.00
Chase Untermeyer, Box 692000-110703 Houston, TX 77269-2000	Compaq Computer Corp	37,500.00	243.98
UTC Telecommunications Assn, 1140 Connecticut Avenue, NW Suite 1140 Washington, DC 20036			252.75
Robert E. Vagley, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn		
Anthony Valanzano, 1825 I Street, NW, #400 Washington, DC 20006	American Council of Life Insurance, Inc	12,000.00	479.28
Do	American Insurance Assn		
Do	Valanzano & Associates (For:American International Group, Inc)	1,500.00	
Do	American Land Title Assn	6,000.00	4.00
Do	Association for Regulatory Reform	7,500.00	134.30
Do	Chubb Corporation	20,000.00	254.59
Do	Colonial Life & Accident Insurance Co	15,000.00	1,174.44
Do	Michigan Consolidated Gas Co	15,000.00	275.15
Do	Valanzano & Assocs. (For:Natural Disaster Coalition National Comm. on Property Insur.).		
Do	River Downs	1,000.00	119.58
Ellen Valentino-Benitez, Manis Canning & Associates 12 Francis Street Annapolis, MD 21404	National Troopers Coalition (NTC)	500.00	
Wayne Valis, 1700 Pennsylvania Ave., NW, #950 Washington, DC 20006	Valis Associates	48,283.00	666.84
Read Carson Van de Water, 901 15th Street, NW, #310 Washington, DC 20005	Northwest Airlines, Inc	8,765.00	175.00
Van der Voort Associates, Ltd, 1134 Westmoreland Road Alexandria, VA 22308	SPACEHAB	500.00	
Nancy Van Duyne, 1300 Eye Street, NW, #950E Washington, DC 20005	Continental Airlines, Inc	10,625.00	5,725.00
Van Fleet Associates, Inc, 499 South Capitol St., SW, #520 Washington, DC 20003	Cadillac Gage Textron	6,000.00	50.52
Do	United Defense Limited Partnership	36,252.00	3,367.91
Van Fleet-Meredith Group, 499 S. Capitol Street, SW, #520 Washington, DC 20003	American Gas Assn	32,812.50	1,577.79
Do	American Gas Cooling Center	15,000.00	
Do	ADI Technologies, Inc	9,000.00	
Do	Electrospace Corporation	10,500.00	2.88
Do	Engelhard/ICC	7,500.00	146.85
Do	HARSCO Corp	6,000.00	95.00
Do	Litton Applied Technologies	14,250.00	761.57
Do	Lockheed-Martin Corp	19,999.98	265.05
Do	Magnavox Government & Industrial Relations Co	22,350.00	
Do	Miltope Corp	10,050.00	31.99
Do	Southern California Gas Co	26,000.00	840.11
Do	Southern Maryland Naval Alliance	10,500.00	88.25
Do	SNECMA	72,000.00	1,718.26
Do	Thermo Trex	7,500.00	13.07
Do	Thiokol Corp	15,000.00	1.29
Van Ness Feldman, P.C., 1050 Thomas Jefferson St., NW, #700 Washington, DC 20007	Arctic Slope Regional Corp	21,522.00	707.00
Do	Barron Collier Co		
Do	BP Exploration		
Do	Chelan County Public Utility District		
Do	City of Tacoma, WA, Dept of Public Utilities		
Do	City of Virginia Beach		
Do	Clean Coal Technology Coalition		
Do	Cogen Technologies, Inc		
Do	Consumers United for Rail Equity (C.U.R.E.)	4,204.50	65.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Cook Inlet UDLM Assn		25.00
Do	Doyon, Ltd		
Do	Ecogas Corp	832.00	
Do	Electric Transportation Coalition		
Do	Foothills Pipe Lines, Ltd		
Do	Geothermal Resources Assn	204.00	6.67
Do	GE Industrial & Power Systems		
Do	International Energy Development Council		
Do	Intertribal Agricultural Council		
Do	Kenai Natives Assn		
Do	Koncor Forest Products Company		
Do	Large Public Power Council (LPPC)	1,404.00	170.13
Do	Los Angeles Department of Water & Power		
Do	Mack Trucks, Inc		
Do	McKesson Corp	1,200.00	6.66
Do	National Endangered Species Act Reform Coalition	11,123.00	357.67
Do	National Wetlands Coalition	25,507.50	509.72
Do	Natural Gas Working Group, Oxy USA Inc	162.50	
Do	Navajo Nation		
Do	North Slope Borough	690.00	899.75
Do	Petro Star, Inc	540.00	
Do	Piquniq Management Corp		
Do	Public Generating Pool		
Do	Risk Policy Council		
Do	Royal Thai Government, Ministry of Commerce		
Do	Sealaska Corp	320.00	38.00
Do	Section 382 Coalition		
Do	Southwest Water Conservation District of Colorado	882.50	15.00
Do	Toyota Motor Corporate Services of North America, Inc	187.50	
Do	United Alaska Fuels Corporated		
Do	Washington County Commission	275.00	
H. Stewart Van Scoyoc, 1420 New York Ave., NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:Alton Ochsner Medical Foundation)	1,125.00	
Do	Van Scoyoc Associates, Inc (For:American Forest & Paper Assn)	937.50	
Do	Van Scoyoc Associates, Inc (For:American Gas Assn)	1,500.00	
Do	Van Scoyoc Associates, Inc (For:Anheuser-Busch Companies, Inc)	2,500.00	
Do	Van Scoyoc Associates, Inc (For:California Water Service Co)	635.00	
Do	Van Scoyoc Associates (For:Champion International Corp)		
Do	Van Scoyoc Associates (For:Coalition of EPSCoR States)	2,500.00	
Do	Van Scoyoc Associates, Inc (For:Kellogg Company)	457.50	
Do	Van Scoyoc Associates, Inc (For:Lincoln University)	750.00	
Do	Van Scoyoc Associates, Inc (For:McLean Hospital)	937.50	
Do	Van Scoyoc Associates, Inc (For:MetaNetworks)	400.00	
Do	Van Scoyoc Associates, Inc (For:National Assn of Water Companies)	750.00	
Do	Van Scoyoc Associates, Inc (For:National Commission on Correctional Health Care).	300.00	
Do	Van Scoyoc Associates, Inc (For:National Institute for Water Resources)	1,125.00	
Do	Van Scoyoc Associates, Inc (For:Natural Gas Vehicle Coalition)	900.00	
Do	Van Scoyoc Associates, Inc (For:North Dakota State University)	875.00	
Do	Van Scoyoc Associates (For:Quanex)	837.50	
Do	Van Scoyoc Associates, Inc (For:Raytheon Services)	1,000.00	
Do	Van Scoyoc Associates, Inc (For:Schering-Plough Corp)	1,500.00	
Do	Van Scoyoc Associates, Inc (For:Spelman College)	1,200.00	
Do	Van Scoyoc Associates, Inc (For:Tulane University)	1,350.00	
Do	Van Scoyoc Associates (For:University of Alabama System)	1,350.00	
Do	Van Scoyoc Associates, Inc (For:University of New Orleans)	250.00	
Do	Van Scoyoc Associates, Inc (For:University of Puerto Rico)	144.75	
Do	VIACOM International, Inc	2,250.00	
Do	Van Scoyoc Associates, Inc (For:Washington Consulting Group)	625.00	
Do	Van Scoyoc Associates (For:Weyerhaeuser)		
Do	Van Scoyoc Associates, Inc (For:WINSM Consortium)	900.00	
John W. Vandervort, Vandervort Hill & Gosdeck 120 Washington Avenue Albany, NY 12210	MultiState Associates, Inc (for Air Products & Chemicals...)		
Do	MultiState Associates, Inc (for Viaticus, Inc)		
Norman C. VanderNoot, New Hampshire Petroleum Council 11 Depot Street Concord, NH 03301	American Petroleum Institute	428.00	522.00
Charlene Vanlier, 6203 A Waterway Drive Falls Church, VA 22044	Capital Cities/ABC, Inc	1,157.00	182.00
Glenn Vanselow, P.O. Box 61473 Vancouver, WA 98666-1473	Pacific Northwest Waterways Assn	1,522.00	
Norman W. VanCor, 111 Tallwood Drive Southington, CT 06489	Yankee Gas Services Company	416.36	550.63
L. Todd VanHoose, 50 F Street, NW, #900 Washington, DC 20001	Farm Credit Council		
Barbara J. Varca, 13210 Mountain Ash Court Woodbridge, VA 22192	Syntex (U.S.A.), Inc		
John Vaughan, 6603 Jerry Place McLean, VA 22101	Daimler-Benz Washington, Inc		56.00
Audrey S. Vaughn, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Alabama Power Co	19,500.00	7,227.63
Lisa F. Vaughn, 422 South Church Street, PB05D Charlotte, NC 28242-0001	Duke Power Co	1,660.68	3,548.75
Carlos M. Vazquez, 157 Church St. New Haven, CT 06506	United Illuminating Co	1,399.38	11,514.90
Joseph J. Vecchio, 1299 Pennsyvlania Ave., NW Washington, DC 20004	General Electric Co	50.00	10.00
Vectre Corporation, 411 East Franklin Street, #602 Richmond, VA 23219	Browning Ferris Industris	9,195.00	302.76
Do	Electronic Data Systems Corp	238.00	
Do	Overnite Transportation Co	644.00	
Do	Tarmac America, Inc		
Do	United HealthCare	3,112.00	181.46
Do	Virginia Power		
Do	Wheat First Butcher Singer, Inc	84.00	
Jay Velasquez, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,750.00	
Nicholas A. Veliotes, 1718 Connecticut Avenue, NW Washington, DC 20009	Association of American Publishers	4,000.00	
Stephen J. Verdier, 900 19th Street, NW, #400 Washington, DC 20005-5802	America's Community Bankers	29,375.00	1,256.45
Robert J. Verdisco, 1901 Pennsylvania Avenue, NW, 10th Fl. Washington, DC 20006	International Mass Retail Assn	10,000.00	200.00
Sara Vickerman, 1101 14th Street, NW #1400 Washington, DC 20005	Defenders of Wildlife		
Linda Vickers, 1706 23rd St., South Arlington, VA 22202	Rural Community Insurance Services	36,000.00	3,542.49
Mary Vihstadt, 1667 K Street, NW, Suite 320 Washington, DC 20006	Dial Corp	5,500.00	
Robert J. Vilhauer, 1700 N. Moore Street, #2120 Arlington, VA 22209	Boeing Company	6,218.00	726.62
Ralph Vinovich, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute	1,000.00	
Vinson & Elkins, 1455 Pennsylvania Ave., NW, #700 Washington, DC 20004-1008	Alliance for Business Investment	150,000.00	
Do	American Gaming Assn	13,817.50	
Do	Bank Tax Group		
Do	BMC Software, Inc	8,573.75	
Do	Cheyne Walk Trust	40,950.00	
Do	Cook Inlet Region, Inc		
Do	Federal Express Corp		
Do	Florida Regional Emergency Services	20,597.50	
Do	Goldman Sachs & Co	53,887.50	
Do	Greater East Texas Higher Education Authority	12,749.20	
Do	S.C. Johnson & Son, Inc	3,392.50	
Do	Merrill Lynch & Co, Inc		
Do	Methodist Hospital System	3,993.75	
Do	National Hospitality Tax Committee	8,967.28	
Do	Newport Group	138,284.29	
Do	Scott & White Clinic		
Do	Shell Oil Co		
Do	Texas Veterans Land Board	625.00	
Do	X L Insurance Company		
Walter D. Vinyard Jr., Vinyard and Associates 555 13th St., NW, #800 East Washington, DC 20004	Lutheran Brotherhood	4,000.00	
Do	Mennonite Mutual Aid Assn	10,000.00	
Joseph A. Violante, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	10,099.66	
Virginia Association of Railway Patrons, P.O. Box 867 Richmond, VA 23207			61.13
Dina Vizzaccaro, 1401 H Street, NW, #900 Washington, DC 20005	American Automobile Manufacturers Assn	11,088.00	109.95
David Vladeck, 2000 P Street, NW Washington, DC 20036	Public Citizen	64.33	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
David K. Voight, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	
Ronnie R. Volkening, 2711 North Haskell Ave. Dallas, TX 75204-2906	Southland Corp		
Douglas K. Vollmer, 801 18th St., NW Washington, DC 20006	Paralyzed Veterans of America	27,210.08	
Volpe Boskey & Lyons, 918 16th Street, NW, #602 Washington, DC 20006	Equipment Leasing Assn of America		
Ingrid A. Voorhees, 1801 K Street, NW, Suite 400K Washington, DC 20006	Arter & Hadden (For:Nintendo of America)		
Vorys Sater Seymour & Pease, 1828 L Street, NW, #1111 Washington, DC 20036	Anthem Blue Cross & Blue Shield	12,268.15	577.30
Do	Clinton Gas Systems, Inc		
Do	Coalition for Employment Through Exports, Inc		
Do	Committee of Publicly Owned Companies	1,322.05	36.93
Do	Compressed Gas Assn		62.27
Do	First National Bank of SE Ohio		
Do	Fraternal Order of Police - National Headquarters	630.53	149.10
Do	Fraternal Order of Police - Postal Police		
Do	Grocery Manufacturers of America, Inc		
Do	Hawk East	1,183.00	30.74
Do	Honda North America, Inc	1,900.00	218.10
Do	Ohio Advanced Technology Center, Inc	57.61	47.30
Do	Ohio Assn of Broadcasters	124.74	9.53
Do	Ohio Cable Television Assn	472.78	97.81
Do	Ohio Corporation for Health Information	997.50	97.95
Do	Ohio Forestry Assn		
Do	Ohio Manufacturers Assn		
Do	Ohio Soft Drink Assn		
Do	Recyclers of Copper Alloy Products	11,873.85	605.56
Do	Snow Aviation International, Inc		
Frank J. Voyack, 1750 New York Ave., NW Washington, DC 20006	International Assn of Bridge Struct & Ornamental Iron Wkrs	26,947.62	1,584.66
Richard E. Vuernick, 1730 Rhode Island Ave., NW, #403 Washington, DC 20036	Citizen Action Fund	3,200.00	110.00
John A. Vuono, Vuono Lavelle & Gray 2310 Grant Building Pittsburgh, PA 15219	Procompetitive Rail Steering Committee		
Rex B. Wackerle, 1101 17th Street, NW, #1002 Washington, DC 20036	Bank of America		18,708.18
Harrison Morton Wadsworth, 1155 15th Street, NW, #801 Washington, DC 20005	Education Finance Council	900.00	
Robert Waffle, 4214 King Street, West Alexandria, VA 22302	International Hardwood Products Assn (IHPA)	152.60	98.56
Joan Wages, 913 East Taylor Run Parkway Alexandria, VA 22302	Cash Smith & Wages (For:Association of Professional Flight Attendants)	6,000.00	965.00
Do	Cash Smith & Wages (For:Independent Federation of Flight Attendants)	3,000.00	1,047.00
Pamela Hyde Wagner, 4301 North Fairfax Srive, #360 Arlington, VA 22203-1608	National Utility Contractors Assn	2,866.76	45.95
Thomas E. Wagner, Calffee Halter & Griswold 1400 McDonald Investment Center 800 Superior Avenue Cleveland, OH 44114.	Student Loan Funding Corporation	885.00	10.00
Charles Walker, 12 Nicklaus Lane, #101 Columbia, SC 29223	National Peach Council		
Clinton W. Walker, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp	837.00	
Gerald M. Walker, 1401 Eye Street, NW, Suite 1200 Washington, DC 20005	Chevron Companies	750.00	
Kelley Walker, 3050 K Street, NW, Suite 330 Washington, DC 20007	National Club Assn	750.00	
Todd A. Walker, 1825 I Street, NW, #400 Washington, DC 20006	UST Public Affairs, Inc	9,000.00	5,000.00
Walker/Potter Associates, Inc, 1730 Pennsylvania Ave., NW Washington, DC 20006	Mexican Department of Commerce & Industrial Development	10,800.00	
Do	Oil Chemical & Atomic Workers Int'l Union, AFL-CIO, et al.	1,600.00	
R. Duffy Wall & Associates, Inc, 601 13th Street, NW, #410 South Washington, DC 20005	Ad Hoc Comm on Coal Taxation	1,000.00	
Do	Alliance for Power Privitization	1,000.00	
Do	American Crop Protection Assn	1,000.00	
Do	American Forest & Paper Assn	1,000.00	
Do	Architects in Partnership		
Do	Bell Atlantic Corp	1,000.00	
Do	Betty Ford Center	1,000.00	
Do	BHP Holdings (USA), Inc	1,000.00	
Do	BP America	1,000.00	
Do	CampbellWilson		
Do	Center for Molecular Medicine & Immunology		
Do	Centerior Energy	1,000.00	
Do	CIBA-GEIGY Corp	500.00	
Do	Ernst & Young	3,000.00	
Do	ENERCO & Affiliates	1,000.00	
Do	Footwear Distributors and Retailers of America	1,500.00	
Do	Harris Methodist Health Service		
Do	Hazelden Foundation	1,000.00	
Do	Hong Kong Trade Development Council	2,500.00	
Do	Metropolitan Tulsa Chamber of Commerce	1,000.00	
Do	Peabody Holding Co, Inc	500.00	
Do	Pittston Group	1,000.00	
Do	Procter & Gamble Co	1,000.00	
Do	Sandoz Agro, Inc	1,000.00	
Do	Seattle Disposal/RABANCO	1,000.00	
Do	State of California	500.00	
Do	Torchmark Corporation	1,000.00	
Do	Water Quality Assn	250.00	
Do	Ziegler Coal Holding Co	1,000.00	
Nancy Wallace, 408 C Street, NE Washington, DC 20002	New York Mercantile Exchange		700.00
Richard Wallace, 1000 Wilson Boulevard, Floor 30 Arlington, VA 22209	ITT Defense & Electronics	1,000.00	50.00
Rob Wallace, 1299 Pennsylvania Ave., NW, #1100 West Washington, DC 20004-2407	General Electric Co	2,400.00	6,513.34
Lori M. Wallach, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	865.38	
Charles S. Walsh, Fleischmen & Walsh 1400 16th Street, NW Washington, DC 20036	National Cable Television Assn, Inc	1,500.00	
Richard J. Walsh, 6770 Lake Ellenor Drive Orlando, FL 32809-3330	Darden Restaurants, Inc	1,687.50	345.62
Susan M. Walter, 1299 Pennsylvania Ave., NW, Suite 1100 Washington, DC 20004	General Electric Co	5,000.00	200.00
Johnnie M. Walters, PO Box 87 Greenville, SC 29602	Leatherwood Walker Todd & Mann, PC		
H. Steven Walton, 2777 Allen Parkway, #700 Houston, TX 77019	Sanifill, Inc	1,750.00	5,377.90
John C. Walton, 1401 North Oak Street, #302 Arlington, VA 22209	General Dynamics Corp	15,000.00	
Do	Grumman Corporation	21,249.63	437.95
Do	Textron, Inc	15,000.00	280.15
Do	Thiokol Corp	9,000.00	307.61
Do	TRW, Inc	15,000.00	217.00
Thomas E. Wanley, 1019 19th Street, NW, Suite 1100 Washington, DC 20036	Personal Communications Industry Assn	2,850.00	296.00
Craig A. Ward, 1101 16th Street, NW Washington, DC 20036	Independent Petroleum Assn of America		30.00
Michael D. Ward, c/o Virginia Petroleum Council, 701 E. Franklin Street, #105 Richmond, VA 23219	American Petroleum Institute	100.00	
Stephen Ward, 1331 Pennsylvania Ave., NW, #1300 North Washington, DC 20004	EDS Corporation	32.00	24.55
Michael A. Waring, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	1,500.00	975.33
David E. Warr, 655 15th Street, NW, #410 Washington, DC 20005	Bristol-Myers Squibb Company	1,000.00	
Tristan Carter Warren, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	8,000.00	551.22
Michael D. Wascom, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	3,500.00	
Barbara J. Washburn, 1660 L Street, NW, #400 Washington, DC 20036	General Motors Corp	3,000.00	3,102.68
Gregory J. Washington, 1050 17th Street, NW, Suite 500 Washington, DC 20036	Texaco, Inc		
Robert A. Waspe, Law Offices of Robert A. Waspe 601 Pennsylvania Ave., NW, #900 Washington, DC 20004-2601			
Mary Kirtley Waters, 888 17th Street, NW, #300 Washington, DC 20006	ConAgra, Inc	15,000.00	
Rosemarie Watkins, 600 Maryland Ave., SW, #800 Washington, DC 20024	American Farm Bureau Federation	8,188.00	356.23
Robbi-Lynn Watnik, 1050 17th Street, NW, Suite 700 Washington, DC 20036	Healthcare Financial Management Assn		29.52
George B. Watts, 1155 15th St., NW, #614 Washington, DC 20005	National Broiler Council	2,000.00	
Bruce H. Watzman, 1130 17th Street, NW Washington, DC 20036	National Mining Assn	6,250.00	71.85
We the Sovereign People & Constitutionist, Unincorp Assn, 1625 S.E. 35th Ave. Gainesville, FL 32641		1.00	
William H. Weatherspoon, North Carolina Petroleum Council 150 Fayetteville St. Mall Raleigh, NC 27601-2919	American Petroleum Institute	500.00	
Sandra M. Webb, 1150 18th Street, NW, #200 Washington, DC 20036	Halliburton Co		
Frederick L. Webber, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn		
Margaret L. Webber, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,750.00	1,000.00
Jack Weber, 1301 Pennsylvania Ave., N.W. #900 Washington, DC 20004	Natural Disaster Coalition	63,000.00	1,500.00
William R. Weber, 50 F Street, NW, Suite 900 Washington, DC 20001	Farm Credit Council	1,190.00	2,720.00
Webster Chamberlain & Bean, 1747 Pennsylvania Ave., NW, #1000 Washington, DC 20006	International Taxicab and Livery Assn	2,000.00	
Jennifer R. Weeks, 1616 P Street, NW, #310 Washington, DC 20036	Union of Concerned Scientists	12,141.00	
Robert K. Weidner, 2300 M Street, NW, #900 Washington, DC 20037	Andalex Resources, Inc	4,000.00	
Do	BP Alaska		
Do	James W. Bunger & Associates		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Rural Utah Public Lands Council	2,000.00	900.00
Do	Tooele Redevelopment Agency		
Theodore F. Weihe, 1800 Massachusetts Avenue, NW 3rd Floor Washington, DC 20036	U.S. Overseas Cooperative Development Committee	8,500.00	
Weinberg Bergeson & Neuman, 1300 Eye Street, NW, #1000 West Washington, DC 20005	Battery Council International		
Do	National Assn for Plastic Container Recovery (NAPCOR)		
Do	Portable Rechargeable Battery Association		
Heather Weiner, 1101 14th Street, NW, #1400 Washington, DC 20005	Defenders of Wildlife	794.71	195.35
Kurt Weinrich, 301 East Clark Avenue, Suite 300 Las Vegas, NV 89101	Regional Transportation Commission	482.20	303.58
Arthur A. Weiss, One Woodward Avenue, Suite 2400 Detroit, MI 48226	Jaffe Raitt Heuer & Weiss, P.C.		
Kathleen Weiss, 299 Park Avenue New York, NY 10171	Westvaco Corp		11,531.76
Walter F. Weiss, 1762 Church Street, NW Washington, DC 20036	American Foreign Service Assn	5,400.00	
Monica Welch, 1331 Pennsylvania Ave., NW, #1300 North Washington, DC 20004	EDS Corporation	80.00	
William J. Welch, 701 Pennsylvania Ave., NW, Suite 710 Washington, DC 20004	Tenneco, Inc		
Brad G. Welling, 1455 Pennsylvania Ave., NW, Suite 900 Washington, DC 20004	American International Group, Inc	3,000.00	50.00
Kent M. Wells, 1401 I Street, NW, Suite 1100 Washington, DC 20005	SBC Communications Inc.	15,000.00	3,456.06
Gerard A. Wendelken, 28 Clarissa Drive Syosset, NY 11791	Human Capital Resources, Inc		14,645.00
Frederick C. Wendorf, 801 Pennsylvania Ave., NW, #352 Washington, DC 20004	Central & South West Corp	1,206.25	2,396.78
Fred Wertheimer, 2030 M St., NW Washington, DC 20036	Common Cause	3,750.00	
Carla L. West, 1521 New Hampshire Ave., NW Washington, DC 20036	National Cotton Council of America	687.50	48.98
Charles M. West, 205 Daingerfield Road Alexandria, VA 22314	National Assn of Retail Druggists	1,500.00	300.00
Ford B. West, 501 Second Street, NE Washington, DC 20002	Fertilizer Institute	25,000.00	693.48
J. C. West, P.C., 1090 Vermont Ave., NW, #800 Washington, DC 20005	City of Detroit		
Western Coal Traffic League, 1224 17th St., NW Washington, DC 20036		25,000.00	25,000.00
Westland Development Co, Inc, 401 Coors Boulevard, NW Albuquerque, NM 87121			
Michelle Westover, 412 First Street, SE, #300 Washington, DC 20003	Independent Insurance Agents of America, Inc		
Joseph J. Westwater, 1025 Thomas Jefferson Street, NW, #407 Washington, DC 20007	McLeod Watkinson & Miller (For:DEIP Coalition)	5,610.00	
Do	Tuttle Taylor & Heron (For:South African Sugar Assn)	2,343.75	
John F. Wetzel Jr., 50 F St., NW Washington, DC 20001	Association of American Railroads	1,881.70	334.10
Brian B. Whalen Jr., 455 North Cityfront Plaza Drive Chicago, IL 60611	Navistar International Transportation Corp	10,000.00	9.73
Jean A. Whalen, 1200 19th Street, NW, #300 Washington, DC 20036	Leukemia Society of America, Inc	2,800.00	2,119.00
Wheat First Butcher Singer, Inc, 901 East Byrd Street, 5th Floor Richmond, VA 23219		500.00	
George Y. Wheeler, 1150 Connecticut Ave., NW Washington, DC 20036	Koteen & Naftalin (For:Telephone & Data Systems, Inc)		
Larry Wheeler, 1100 Wilson Blvd. Arlington, VA 22209	Hughes Aircraft Comp		
Sandra Wheeler, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	5,638.00	
Thomas E. Wheeler, 1250 Connecticut Ave., NW, 2nd Floor Washington, DC 20036	Cellular Telecommunications Industry Association		
June M. Whelan, 1899 L Street, NW, Suite 1000 Washington, DC 20036	National Petroleum Refiners Assn	4,000.00	
Michael G. Whitaker Sr., P.O. Box 66100 Chicago, IL 60666	United Air Lines, Inc		
Bernard H. White, The White Group 333 Clay Avenue, #710 Houston, TX 77002-4086	Zapata Protein, Inc	15,046.75	3,755.54
George E. White Jr., 706 Lowerline St New Orleans, LA 70118	Avondale Industries, Inc	56,454.00	12,110.00
Larry White, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	12,633.32	155.20
Raymon M. White Jr., 5501 Seminary Road, Apt. 2211-South Falls Church, VA 22041	Harris Corporation	6,000.00	1,187.00
Richard H. White, 1875 I Street, NW, #800 Washington, DC 20006	Tobacco Institute	1,000.00	34.41
Ward H. White, 1133 21st Street, NW, #900 Washington, DC 20036	BellSouth Corporation	5,225.00	3,319.38
White & Case, 1747 Pennsylvania Ave., NW Washington, DC 20006-4604	Bud Smith Organization		75.88
Do	Coca-Cola Co	3,568.12	107.04
Do	Aubrey Greene	100.00	9.96
Do	Laura Greene	100.00	9.96
Do	Teresa Greene	100.00	9.96
Do	Motion Picture Assn of America, Inc	2,415.37	72.69
Do	Perpetual Corp		
Do	Rank Video Services America		
David W. Whitehead, 6200 Oak Tree Boulevard Independence, OH 44131	Centerior Energy Corp		
K. Elizabeth Whitehead, 1420 New York Avenue, NW, #750 Washington, DC 20005-2122	Acxiom Corp		
Do	Institute of Scrap Recycling Industries, Inc		
Do	National Assn of Professional Employer Organizations	75.00	
Richard M. Whiting, 805 15th Street, NW——#600 Washington, DC 20005	Bankers Roundtable	3,620.50	
Richard C. Whitner, 1800 N. Kent Street, #1104 Arlington, VA 22209	Northrop Grumman Corp	12,000.00	
Larry H. Whitt, 9111 E. Douglas Wichita, KS 67207	Pizza Hut, Inc	840.00	4,336.93
Pamela J. Whitted, 1225 Eye Street, NW, #500 Washington, DC 20005	BHP Petroleum Americas	500.00	
James Whittinghill, 4800 Old Dominion Drive Arlington, VA 22207	Arter & Hadden (for Sammons Enterprises)		
Jeff Whorley, 1701 K Street, NW, #400 Washington, DC 20006	USA Group, Inc	4,264.00	210.00
William E. Wickert Jr., 1667 K Street, NW, #600 Washington, DC 20006	Bethlehem Steel Corp	250.00	
James Wickett, 600 Maryland Avenue, SW, Suite 700 Washington, DC 20024	National Fed of Independent Business	3,401.00	200.00
Anne Marie Wiedemer, 1350 I Street, NW, #840 Washington, DC 20005	Ralston Purina Company	5,250.00	735.00
Barbara Wierzynski, 2001 Pennsylvania Ave., NW, #600 Washington, DC 20006-1807	Futures Industry Assn, Inc	1,500.00	
Wiggin & Dana, One Century Tower P. O. Box 1832 New Haven, CT 06508-1832	Villa Banfi, U.S.A.		
Terry Wigglesworth, 601 Pennsylvania Ave., NW, #540 Washington, DC 20004	Ashland, Inc	2,000.00	
W. Scott Wilber, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,975.00	
W. Stephen Wilborn, 305 Ann Street, #403 Frankfort, KY 40601	American Petroleum Institute		
Harry G. Wiles II, 1023 15th St., NW, # 400 Washington, DC 20005	Wine & Spirits Wholesalers of America, Inc		987.69
Guenther O. Wilhelm, 2001 Pennsylvania Ave., NW, #300 Washington, DC 20006-1813	Exxon Corporation		
Charles S. Wilkins, 1225 Eye Street, NW, Suite 601 Washington, DC 20005	National Corp for Housing Partnerships	17,750.00	70.00
Timothy C. Wilkins, 1300 Wilson Boulevard Arlington, VA 22209	Chemical Manufacturers Assn	2,000.00	
Wilkinson Barker Knauer & Quinn, 1735 New York Ave., NW Washington, DC 20006	Allegheny Valley North Council of Governments	5,125.00	161.19
Do	Fleet Credit Corporation	8,038.50	106.15
Do	Fleet Financial Group, Inc	39,600.00	888.12
Do	Home Loan & Investment Bank FSB	29,552.00	963.51
Do	Independence County, Arkansas & City of Batesville	2,633.50	120.00
Do	Maine Cellular Telephone Co	1,995.00	
Do	Noah Corporation	5,500.00	220.00
Do	Northwest Hydroelectric Assn	6,000.00	1,200.00
Do	Summit Energy Storage, Inc	5,000.00	250.00
Will Cofer Associates, Inc, 4001 Pine Brook Road Alexandria, VA 22310			
Caroleen Williams, P.O. Box 85608 San Diego, CA 92186	General Atomics	640.00	
Jack L. Williams, 451 New Jersey Avenue, SE Washington, DC 20003	Ark-Best Co	800.00	400.00
Do	Electro Com Automation, Inc	800.00	400.00
Do	Mid-American Dairymen, Inc	1,000.00	400.00
Do	National Marine Manufacturers Assn	1,050.00	400.00
Do	Pacific Telesis Group	1,000.00	350.00
Do	Riceland Foods, Inc	1,000.00	250.00
Do	Tyson Foods, Inc	1,100.00	200.00
Joel C. Williams Jr., P.O. Box 339 Savannah, GA 31402-0339	Savannah Foods & Industries, Inc	3,000.00	1,037.46
Michael E. Williams, 11250 Waples Mill Road Fairfax, VA 22030	National Rifle Assn of America	1,500.00	634.42
Percy V. Williams II, 606 North Washington Street Alexandria, VA 22314	Society for Human Resource Management	6,381.00	131.35
Richard T. Williams, 1300 Wilson Boulevard Arlington, VA 22209	Chemical Manufacturers Assn	2,000.00	
W. Jackson Williams, 111 Center Street, 22nd Floor Little Rock, AR 72201	Williams & Anderson (For:Education Finance Council)		
Wade S. Williams, 1001 Pennsylvania Ave., NW Suite 350N Washington, DC 20004	Deloitte & Touche		6,149.24
Williams & Jensen, P.C., 1155 21st Street, NW, #300 Washington, DC 20036	Coalition for Responsible Packaging		
Fred H. Williamson, 1250 H Street, NW, Suite 800 Washington, DC 20005	Eastman Kodak Company	600.00	52.00
Gene R. Willis, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	950.91	
Roy W. Willis, 1101 16th Street, NW Washington, DC 20036	Independent Petroleum Assn of America		100.00
Wayne D. Willis, 1100 17th Street, NW, #1200 Washington, DC 20036	General Atomics	1,207.60	214.07
Willkie Farr & Gallagher, 1155 21st Street, NW, #600 Washington, DC 20036	American Institute of Certified Public Accountants		
Do	Association of Directory Publishers	6,200.00	
Do	Browning-Ferris Industries, Inc	240.00	
Do	Chemical Leaman Corp		
Do	Comcast Corporation		
Do	Council of Appraisal & Property Professional Societies		
Do	El Alcalde de la Ciudad Capital	2,373.50	
Do	Hispanic Information & Telecommunications Network		
Do	Katama Yachts, Inc	50.00	
Do	Morgan Guaranty Trust Co		
Do	National Assn of Independent Fee Appraisers		
Do	Sony Electronics, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Standard Commercial Tobacco Co, Ltd		
Do	Tele-Communications, Inc	22,542.50	
Do	Telecommunications Industry Assn	1,612.50	
Do	Time Warner	21,610.00	
Do	Town of Riverhead	50.00	
Do	Town of Riverhead Community Development Agency	50.00	
Do	United Metal Recyclers		
Do	Westinghouse Electric Corp	1,540.00	
Do	Wilcox Drug Co, Inc		
Do	Yamaha Motor Co, Ltd, et al.		
Do	Yamaha Motor Manufacturing Corp of America		
Wilmer Cutler & Pickering, 2445 M Street, NW Washington, DC 20037-1420	American Alliance for Rights & Responsibilities		
Do	American Iron & Steel Institute		
Do	Chemical Manufacturers Assn, Inc		
Do	Dallas Cowboys		5,561.00
Do	International Metals Reclamation Company, Inc		
Do	ValueVision International, Inc		
Alexandra M. Wilson, 1320 19th Street, NW, Suite 200 Washington, DC 20036	Cox Enterprises, Inc		
Charles D. Wilson, P.O. Box 19130 1919 South Broadway Green Bay, WI 54307-9130	Fort Howard Corp		
David I. Wilson, 1801 K Street, NW, Suite 400K Washington, DC 20006	Arter & Hadden (For:Nintendo of America, Inc)		
Robert Dale Wilson, 1133 15th Street, NW, #1200 Washington, DC 20005-2710	Wilson & Wilson (For:Cadmium Council)		
Do	Wilson & Wilson (For:Hecla Mining Company)		
Scott A. Wilson, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute	1,600.00	
John P. Winburn, 50 E Street, SE Washington, DC 20003	Winburn & Jenkins (For:American Forest & Paper Assn)	2,250.00	
Do	Winburn & Jenkins (For:BR Services)	750.00	
Do	Winburn & Jenkins (For:Equipment Leasing Assn)	1,125.00	
Do	Winburn & Jenkins (For:Fieldale Farms Corp)	500.00	
Do	Winburn & Jenkins (For:Hartford Insurance Group)	2,250.00	
Do	Winburn & Jenkins (For:Leggett & Platt)	1,050.00	
Do	Winburn & Jenkins (For:Michigan Hospital Assn)	100.00	
Do	Winburn & Jenkins (For:Norfolk Southern Railroad)	1,500.00	
Do	Winburn & Jenkins (For:Pfizer, Inc)	2,250.00	
Do	Winburn & Jenkins (For:Philip Morris)	3,300.00	
Do	Winburn & Jenkins (For:Transitional Hospitals Corp)	1,875.00	
Do	Winburn & Jenkins (For:Viacom)	3,000.00	
Judith A. Winchester, 800 Connecticut Ave., NW, #1200 Washington, DC 20006	Lehman Brothers, Inc	3,500.00	50.00
Stephen H. Wines, 1775 K Street, NW, #200 Washington, DC 20006	Maritime Institute for Research & Industrial Development	4,412.80	
Heather Wingate, 410 First Street, SE, 2nd Floor Washington, DC 20003	National Rifle Assn of America	1,375.00	220.96
Eileen M. Winkelman, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	600.00	1,438.90
David A. Winston, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	1,537.50	61.00
Winston & Strawn, 1400 L Street, NW Washington, DC 20005-3502	James R. Elliott		
Do	FMC Corporation	750.00	
Do	Northern Telecom	2,687.50	85.63
Do	Rhone Poulenc, Inc	1,937.50	34.03
Do	Joseph E. Seagram & Sons, Inc	1,440.00	4.00
Linda A. Winter, 1101 14th Street, NW, #1400 Washington, DC 20005	Defenders of Wildlife	1,516.80	105.00
Linda M. Winters, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	1,000.00	
Winthrop Stimson Putnam & Roberts, 1133 Connecticut Ave., NW, 1200 Washington, DC 20036	America West Airlines, Inc		
Do	Caribbean Banana Exporters Assn		
Do	Corporate Health Care Coalition	2,625.00	71.14
Do	Goldman Sachs & Co		
Do	Schering-Plough Corp	480.00	
Do	Singer Co		
Elizabeth Wirick, 805 15th Street, NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	2,000.00	
Lyn M. Withey, 1101 Pennsylvania Avenue, #200 Washington, DC 20004	International Paper Co	4,988.00	549.94
David A. Withrow, 225 Reinekers Lane, #600 Alexandria, VA 22314	Satellite Broadcasters & Communications Assn	9,000.00	405.43
Cynthia D. Witkin, 1212 New York Avenue, NW, Suite 500 Washington, DC 20005	American Portland Cement Alliance	10,312.50	758.02
S.R. Wojdak and Associates, Inc, The Bellevue - Suite 850 200 S. Broad Street Philadelphia, PA 19102	Albert Einstein Medical Center	21,000.00	2,379.20
Do	Allegheny Health Education & Research Foundation		141.37
Do	American Counseling Assn	8,900.00	764.01
Do	AGE Transportation Systems, Inc		
Do	Belmont Ctr for Comprehensive Treatment		141.37
Do	Braddock Medical Center		141.37
Do	Children's Hospital of Philadelphia		141.37
Do	Children's Hospital of Pittsburgh		141.37
Do	Children's National Medical Center		
Do	Episcopal Hospital		141.37
Do	Federal Advocacy for California Education	15,000.00	956.89
Do	Healtheast	15,000.00	985.57
Do	High Medicaid Hospitals Group		
Do	Hospital of University of Pennsylvania Medical Center		141.37
Do	Magee-Womens Hospital	19,500.00	302.94
Do	Magnet School Coalition, Inc	7,500.00	968.35
Do	Mayer Brown & Platt		
Do	Mercy Health Corporation	15,000.00	1,865.18
Do	National Assn of Urban Critical Access Hospital	45,000.00	11,837.31
Do	National Education Assn	7,500.00	748.78
Do	North Philadelphia Health System		141.37
Do	Northeasatern Hospital of Philadelphia		141.37
Do	Temple University Hospital		141.37
Do	Thomas Jefferson University Hospital		141.37
James E. Wolf, 2020 14th St., North Arlington, VA 22201	American Standard, Inc		
Marla R. Wolfe, 600 New Hampshire Avenue, NW, #1200 Washington, DC 20037	Westinghouse Electric Corp		
Patricia A. Wolff, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	8,021.00	161.00
Melissa A. Wolford, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	(For:American Insurance Assn)	412.23	9.00
Jeffry R. Wollitz, P.O. Box 1798 Jacksonville, FL 32231	Blue Cross & Blue Shield of Florida, Inc	4,920.00	14.88
Mei Lin Wong, 800 Connecticut Avenue, NW, #1100 Washington, DC 20006	Baxter		
Sean Woo, 1150 Connecticut Ave., NW, #1125 Washington, DC 20036	Financial Executives Institute	3,000.00	
Joel Wood, 316 Pennsylvania Avenue, SE, #400 Washington, DC 20003	Council of Insurance Agents & Brokers	1,500.00	874.62
Jonathan B. Wood, 1275 Pennsylvania Ave., NW, #400 Washington, DC 20004	Pacific Telesis Group	14,360.00	
Mildred Wood, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	3,408.00	
Kimberly Woodard, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
James H.B. Woodroffe III, P.O. Box 111 Tampa, FL 33601	Teco Energy, Inc	21,000.00	2,627.91
Kimberley A. Woodruff, 1155 Connecticut Ave., NW Washington, DC 20036	WMX Technologies, Inc	7,725.00	
Jerry D. Woods, 1000 Wilson Boulevard Arlington, VA 22209	Northrop Grumman	1,400.00	257.92
Cynthia Woodside, 701 N. Fairfax Street Alexandria, VA 22314-2045	National Assn of Social Workers	11,613.00	
Calvin Lynn Wooten, 2416 North Capitol St., NW Washington, DC 20003			
Willard A. Workman, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	613.50	
Worthington Associates, 2132 Southbay Lane Reston, VA 22091	HRM		
David L. Wray, 10 South Riverside Plaza, Suite 1460 Chicago, IL 60606	Profit Sharing Council of America		
David L. Wright, Anderson Hill Rd. Purchase, NY 10577	Pepsico, Inc		
Elizabeth L. Wright, 1455 Pennsylvania Ave., NW, #375 Washington, DC 20004	Texas Instruments	2,625.00	50.00
Walter G. Wright Jr., 320 W. Capitol Avenue, #1000 Little Rock, AR 72201-3525	Entergy Corp		
Do	Institute of Scrap Recycling Industries, Inc		
David J. Wulf, 501 Merchants National Bank Terre Haute, IN 47807	Templeton Coal Co, Inc	4,080.00	4,321.41
James Wyerman, 1101 14th Street, NW, #1400 Washington, DC 20005	Defenders of Wildlife		
Thomas L. Wylie, 555 13th St., NW, #1010 East Washington, DC 20004-1109	Sun Co, Inc	1,519.00	32.15
Buck J. Wynne, 1315 Nueces Austin, TX 78701	Polan-Ingram Advocacy Group (For:Vermont Yankee Nuclear Power Corp)		
Marc D. Yacker, 1333 H Street, NW The West Tower, 8th Floor Washington, DC 20005	American Forest & Paper Association		
Daniel V. Yager, 1015 15th Street, NW, #1200 Washington, DC 20005	Flexible Employment Compensaiton & Scheduling Coalition	4,810.00	
Do	Labor Policy Assn	3,146.00	
T. Albert Yamada, 1000 Connecticut Avenue, NW, Suite 304 Washington, DC 20036	Fresh Produce Assn of the Americas	500.00	
Do	Toyota Motor Sales, USA, Inc	500.00	
Yankee Gas Services Company, Attn: Mr. Steve Piascik 599 Research Parkway P.O. Box 1030 Meriden, CT 06450-1030			966.99

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Mary J. Yarrington, 2000 K St., NW, 8th Foor Washington, DC 20006	National Comm to Preserve Social Security & Medicare	3,874.00	
Bruce Yarwood, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	25,000.00	984.13
R. A. Yeates, 1299 Pennsylvania Ave., NW, #995 Washington, DC 20004	Furman Group	4,000.00	313.14
Edward L. Yingling, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	19,005.00	39.53
Dennis R. Yocom, P.O. Box 590 Tallahassee, FL 32302	Florida Electric Cooperatives Assn, Inc		
D. Scott Yohe, 1629 K St., NW, #501 Washington, DC 20006	Delta Air Lines, Inc	450.00	162.50
Stephen A. Yokich, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	6,856.14	39.00
Andrew Yood, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	
Nina M. Young, 1725 DeSales Street, NW, Suite 500 Washington, DC 20036	Center for Marine Conservation	2,985.53	
Stephen G. Young, 1800 Washington Road Pittsburgh, PA 15241	CONSOL, Inc		
Thomas F. Youngblood, 1201 New York Avenue, NW Washington, DC 20005-3931	American Hotel & Motel Assn	5,096.56	
Betsy Younkins, 1220 L Street, NW, #1200 Washington, DC 20005	American Petroleum Institute	8,000.00	95.35
Michael J. Zabko, 909 N. Washington St., #301 Alexandria, VA 22314	Retired Enlisted Assn	3,904.00	
Janice Zarro, 1726 M Street, NW, Suite 701 Washington, DC 20036	Mallinckrodt Medical, Inc		340.00
Richard A. Zavadowski, 1725 DeSales Street, NW, Suite 902 Washington, DC 20036	Nuclear Fuel Services, Inc	4,775.00	36.60
Shirley Zebroski, 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	3,752.79
Philip F. Zeidman, 1401 New York Ave., NW, #900 Washington, DC 20005	American Business Conference, Inc		
Steven Zeisel, 1000 Wilson Boulevard, Suite 3012 Arlington, VA 22209	Consumers Bankers Assn		
Susan A. Zettler, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	169.79	92.57
Ronald L. Ziegler, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc	1,000.00	
Kelly Ziglar-Clay, 727 15th Street, NW, 12th Floor Washington, DC 20005	Mortgage Insurance Companies of America	9,100.00	60.75
Stephen A. Ziller Jr., 1010 Wisconsin Ave., NW, Suite 900 Washington, DC 20007	Grocery Manufacturers of America, Inc	574.59	
Fred Everett Zillinger II, 501 Second Street, NE Washington, DC 20002	Fertilizer Insititue	9,000.00	963.36
W. Craig Zimpher, One Nationwide Plaza Columbus, OH 43216	Nationwide Insurance Companies		
Ziontz Chestnut Varnell Berley & Slonim, 2101 Fourth Avenue, #1230 Seattle, WA 98121	Fallon Paiute-Shoshone Tribes		
Do	Makah Indian Tribe		
Do	Mille Lacs Band of Chippewa Indians		
Do	Northern Arapaho Indian Tribe		
Do	Northern Cheyenne Tribe		
Nancy Zirkin, 1111 16th Street, NW Washington, DC 20036	American Assn of University Women	5,000.00	
Amy G. Zirkle, 801 Pennsylvania Avenue, NW, #650 Washington, DC 20004	American Express Co	3,967.00	129.00
Gary M. Zizka, 1100 South Washington Street, Ist floor Alexandria, VA 22314-4494	National Beer Wholesalers Assn	11,118.57	381.31
Robert R. Zoglman, 600 New Hampshire Avenue, NW, #1200 Washington, DC 20037	Westinghouse Electric Corp	1,200.00	
Marilyn Zola, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	697.12	
Charles O. Zuver, 805 15th St., NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	12,000.00	75.00

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following reports for the fourth calendar quarter of 1993 were received too late to be included in the published reports for that quarter:

(NOTE.—The form used for report is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data, and Page 2 deals with financial data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . . ◆

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

IDENTIFICATION NUMBER______________________________

Is this an Amendment?
☐ YES ☐ NO

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) "*Employee*".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "*Employer*".—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER —State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have ☐ terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."◆

STATEMENT OF VERIFICATION

[Omitted in printing]

NOTE on ITEM "D."—*(a)* IN GENERAL. The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—§ 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In general.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in connection with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multi-purpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In general.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the space following the number.

Receipts (other than loans)

1. $..............Dues and assessments
2. $..............Gifts of money or anything of value
3. $..............Printed or duplicated matter received as a gift
4. $..............Receipts from sale of printed or duplicated matter
5. $..............Received for services (e.g., salary, fee, etc.)
6. $..............TOTAL for this Quarter (Add "1" through "5")
7. $..............Received during previous Quarters of calendar year
8. $..............TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received—"The term 'contribution' includes a . . . *loan* . . ."—§ 302(a).

9. $..............TOTAL now owed to others on account of loans
10. $..............Borrowed from others during this Quarter
11. $..............Repaid to others during this Quarter

12. $..............''Expense Money'' and Reimbursements received this Quarter.

Contributors of $500 or More (from Jan. 1 through this Quarter)

13. Have there been such contributors?
Please answer "yes" or "no": ....

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last day of this Quarter, total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor* *("Period"* from Jan. 1 through.............................., 19.......)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE on ITEM "E".—*(a)* IN GENERAL. "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—§ 302 (b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) IN CONNECTION WITH LEGISLATIVE INTERESTS:

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the spaces following the number.

Expenditures (other than loans)

1. $..............Public relations and advertising services
2. $..............Wages, salaries, fees, commissions (other than Item "1")
3. $..............Gifts or contributions made during Quarter
4. $..............Printed or duplicated matter, including distribution cost
5. $..............Office overhead (rent, supplies, utilities, etc.)
6. $..............Telephone and telegraph
7. $..............Travel, food, lodging, and entertainment
8. $..............All other expenditures
9. $..............TOTAL for this Quarter (Add "1" through "8")
10. $..............Expended during previous Quarters of calendar year
11. $..............TOTAL from Jan. 1 through this Quarter (Add "9" and "10")

Loans Made to Others—"The term 'expenditure' includes a . . . *loan* . . ."—§ 302 (b).

12. $..............TOTAL now owed to person filing
13. $..............Lent to others during this Quarter
14. $..............Repayments received during this Quarter

15. *Recipients of Expenditures of $10 or More*_______________

If there were no single expenditures of $10 or more, please so indicate by using the word "NONE".

In the case of expenditures made during this Quarter by, or on behalf of, the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7–11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7–15, 8–15, 9–15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Robert J. Aagre, 1835 12th Street, NW Washington, DC 20009-4421			
Leanne J. Abdnor, 1000 Massachusetts Ave., NW Washington, DC 20001	Cato Institute		
Abt Associates, Inc, 55 Wheeler Street Cambridge, MA 02138			
James L. Adams, 1701 East Market Street P.O. Box 610 Jeffersonville, IN 47131-0610	American Commercial Barge Lines	2,437.50	200.00
James S. Adams, 1717 Massachusetts Ave., NW, #805 Washington, DC 20036	Safe Energy Communication Council	750.00	
Thomas L. Adams, 1776 Massachusetts Avenue, NW Washington, DC 20036	National Parks & Conservation Assn	1,900.35	251.60
Sandra Sue Adams-Choate, 80 F Street, NW Washington, DC 20001	American Fed of Government Employees	18,920.51	
Arthur Adelberg, 83 Edison Drive Augusta, ME 04336	Central Maine Power Co	881.88	849.28
David A. Affeldt, 10404 Joiners Lane Potomac, MD 20854	Association for Gerontology in Higher Education	750.00	
Affordable Housing Tax Credit Coalition, 1255 23rd Street, NW, #800 Washington, DC 20037		2,000.00	2,000.00
Air Conditioning & Refrigeration Institute, 4301 N. Fairfax Dr., #425 Arlington, VA 22203			
Air Traffic Control Assn, Inc, 2300 Clarendon Boulevard, #711 Arlington, VA 22201		1,043.57	1,043.57
Air Transport Assn, 1301 Pennsylvania Avenue, NW, #1100 Washington, DC 20004-1707		115,155.23	115,155.23
Michael A. Aisenberg, 1401 H Street, NW, #950 Washington, DC 20005	Digital Equipment Corp	26,500.00	
Julia L. Akins, 8630 Fenton Street, #400 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
Alcalde & Fay, 2111 Wilson Blvd., #850 Arlington, VA 22201	Alliance for Clean Coal	5,437.50	
Do	Alliance for Responsible Atmospheric Policy	18,000.00	395.00
Do	Associated Industries of Florida Property & Casualty Trust	75,000.00	85.00
Do	Carnival Corp	12,000.00	196.00
Do	Center for Applied Engineering	2,875.00	
Do	City of Jacksonville	22,425.00	1,081.00
Do	City of Las Vegas/Clark County	18,000.00	783.00
Do	City of Miami	12,600.00	
Do	City of North Las Vegas	21,000.00	970.00
Do	City of Tampa	7,000.00	
Do	City of Virginia Beach	31,500.00	424.00
Do	Computer Sciences Corp	6,300.00	93.00
Do	Consolidated Freightways	13,200.00	248.00
Do	Dade County	15,000.00	72.00
Do	Dade County Aviation Department	11,250.00	
Do	Dade County Public Schools	12,000.00	78.00
Do	Jack Eckerd Corp	3,000.00	50.00
Do	Golden Gate Bridge, Highway & Transportation District	13,125.00	88.00
Do	Hillsborough County	18,000.00	
Do	Home Shopping Network	14,400.00	533.00
Do	International Climate Change Partnership	4,500.00	320.00
Do	International Council of Cruise Lines	37,000.00	1,456.00
Do	Jacksonville Chamber of Commerce	6,000.00	95.00
Do	Jim Walter Corp	3,750.00	88.00
Do	K & K Merchandising Group	5,600.00	144.00
Do	Keep America Moving	22,500.00	1,473.00
Do	Marin County	15,450.00	186.00
Do	Metropolitan Dade County-Seaport Department	15,000.00	539.00
Do	Montgomery Watson Americas, Inc	11,250.00	
Do	National Refrigerants, Inc	7,500.00	
Do	Palm Beach County	19,500.00	
Do	Paxson Communications Corp	14,000.00	394.00
Do	Port of Jacksonville	14,650.00	37.00
Do	Port of Palm Beach	18,000.00	149.00
Do	Regular Common Carrier Conference	7,500.00	4,130.00
Do	Silver King Communications	14,400.00	486.00
Do	Sonoma County	12,000.00	600.00
Do	Stevens Institute of Technology	15,000.00	57.00
Do	Summa Corp	21,000.00	1,231.00
Do	Tampa Electric Co	15,000.00	256.00
Do	Tampa Port Authority	12,000.00	
Do	University of Nevada	18,000.00	
Do	Walter Industries	30,818.43	123.00
Do	Washington Workshops	6,000.00	30.00
Margaret Alessi, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	2,250.00	675.00
Claude D. Alexander, 1350 I Street, NW, #840 Washington, DC 20005	Ralston Purina Company	11,000.00	939.74
Donna K. Alexander, 1875 Connecticut Ave. NW, 12th Floor Washington, DC 20009	LeBoeuf Lamb Leiby & MacRae (For:Federal Employees Tax Group)		
Do	LeBoeuf Lamb Leiby & MacRae (For:Groom & Nordberg (for: Chevron))		
Do	LeBoeuf Lamb Leiby & MacRae (For:Mirage Resorts, Inc)		
Fay S. Alexander, 4155 F Sullyfield Circle Chantilly, VA 22021	Taxpayers Education Lobby, Inc	12,000.00	
Mary K. Alexander, 1620 L Street, NW, #1150 Washington, DC 20036	Matsushita Electric Corp of America	100.00	73.97
Joan Christina Alker, 1431 Corcoran Street, NW Washington, DC 20009	Families USA	1,415.25	270.90
Anne B. Allen, 655 Third Avenue New York, NY 10017	Risk & Insurance Management Society, Inc		
Marjorie D. Allen, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	13,530.28	475.00
Alliance for Community Media, 666 11th Street, NW, #806 Washington, DC 20001		138,430.16	6,499.05
Alliance to Save Energy, 1725 K Street, NW, #509 Washington, DC 20006			3,253.92
Ed Allison, Inc, 145 Brinkby Avenue, Suite B Reno, NV 89509	University of Nevada, Reno	8,000.00	
Paul E. Almeida, 8630 Fenton Street, Suite 400 Silver Spring, MD 20910	International Fed of Professinal & Technical Engineers		
Law Offices of Robert Altman, 901 15th Street, NW, #400 Washington, DC 20005	Golden Rule Insurance Co		
Thomas H. Altmeyer, 1130 17th St., NW Washington, DC 20036	National Mining Assn	15,000.00	89.00
Alvarado & Gerken, 1301 Connecticut Avenue, NW, #700 Washington, DC 20036	Diagnostic Retrieval Systems, Inc	3,000.00	1,136.39
American Arts Alliance, 1319 F Street, NW, #500 Washington, DC 20004-1151		111,478.00	56,648.00
American Assn of Bank Directors, 1225 19th Street, NW, #710 Washington, DC 20036			
American Assn of Blood Banks, 8101 Glenbrook Road Bethesda, MD 20814-2749			2,543.85
American Assn of Museums, 1225 Eye Street, NW, #200 Washington, DC 20005		5,537.00	13,560.49
American Automobile Assn, 1440 New York Ave., NW, #200 Washington, DC 20005			
American Continental Group, Inc, 601 Pennsylvania Avenue, NW Suite 900 Washington, DC 20004	CSR America, Inc		
Do	Envirotest Systems		
Do	Federalist Fund		
Do	Fisher Imaging		
Do	FloSun Corp		
Do	GrainPro, Inc		
Do	GEC-Marconi Systems		
Do	I-Stat Corporation		
Do	Litton - Applied Technology		
Do	Mikros Systems Corp		
Do	National Alliance of Credit Unions		
Do	Plasma-Therm		
Do	Repeal PUHCA Now Coalition		
Do	SeaBeam		
Do	Vanguard		
American Crop Protection Association, 1156 15th St., NW Washington, DC 20005			
American Dance Therapy Assn, 2000 Century Plaza, #108 Columbia, MD 21044		2,024.00	
American Fed of State County & Municipal Employees, 1625 L St., NW Washington, DC 20036			156,012.46
American Federation of Home Health Agencies, 1320 Fenwick Lane, Suite 100 Silver Spring, MD 20910		87,706.14	6,776.23
American Gas Assn, 1515 Wilson Boulevard Arlington, VA 22209		54,952.00	54,952.00
American Grain Inspection Institute, 1629 K Street, NW, #1100 Washington, DC 20006			605.00
American Health Information Management Assn, 919 North Michigan Avenue, Suite 1400 Chicago, IL 60611-1683			9,653.36
American Home Products Corp, 1726 M Street, NW, #1001 Washington, DC 20036			10,000.10
American International Automobile Dealers Assn, 99 Canal Center Plaza, #500 Alexandria, VA 22314		287,978.00	167,142.00
American Managed Care & Review Assn, 1200 19th St., NW, #200 Washington, DC 20037		39,870.00	30,361.00
American Maritime Congress, 1300 Eye Street, NW, #250W Washington, DC 20005			17,541.00
American Meat Institute, 1700 N. Moore Street Arlington, VA 22209		70,267.00	54,096.54
American Motorcyclist Assn, P.O. Box 6114 Westerville, OH 43081		20,773.33	20,733.33
American Movers Conference, 1611 Duke Street Alexandria, VA 22314			32,987.00
American Nurses' Assn, 600 Maryland Avenue, SW, #100 West Washington, DC 20024-2571	American College of Nurse Practitioners	2,025.00	
Do		29,441.00	79,544.63
Do	Association of Operating Room Nurses	1,532.00	
American Orthotic & Prosthetic Assn, 1650 King Street, #500 Alexandria, VA 22314-1885		250,000.00	53,750.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
American Rivers Conservation Council, 801 Pennsylvania Avenue, SE, #400 Washington, DC 20003-2155		519.00	823.00
American Shooting Sports Council, 10 Perimeter Way, Suite B-250 Atlanta, GA 30339		19,279.27	19,310.13
American Soc of Cataract & Refractive Surgery, 4000 Legato Road, Suite 850 Fairfax, VA 22033-4003			102,843.27
American Soc of Clinical Oncology, 750 17th Street, NW, #1100 Washington, DC 20006			
American Textile Manufacturers Institute, Inc, 1801 K Street, NW, #900 Washington, DC 20006		74,095.00	91,148.00
American Trucking Assns, Inc, 430 First Street, SE Washington, DC 20003		13,000.00	86,025.00
American Vintners Assn, 1301 Pennsylvania Ave., NW, #500 Washington, DC 20004			793.26
American Wind Energy Assn, 122 C Street NW 4th Floor Washington, DC 20001		87,500.00	35,982.75
Daniel W. Anderson, 1635 Prince Street Alexandria, VA 22314	National Air Access Council	5,744.87	6,876.65
James A. Anderson Jr., 1725 K Street, NW, #710 Washington, DC 20006	National Assn of Wholesaler-Distributors		
Elaine Andrews, 1001 Pennsylvania Ave., NW Washington, DC 20004-2599	American Council of Life Insurance, Inc	625.00	
Michael Andrews, 1455 Pennsylvania Ave., NW, #350 Washington, DC 20004	Salomon Brothers, Inc	4,000.00	
Decker Anstrom, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	16,875.00	
James F. Anton, 1828 L Street, NW, #1202 Washington, DC 20036	Institute of Electrical & Electronic Engineers, Inc	1,500.00	3,050.00
Apple Processors Assn, 1629 K Street, NW, #1100 Washington, DC 20006		36,204.67	25,920.36
Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Ave., NW Washington, DC 20036-5339	Jean-Bertrand Aristide	45,000.00	5,062.32
Do	Guardian Life Insurance Co of America	27,529.04	466.12
Angela J. Arnett, 1001 Pennsylvania Avenue, NW Washington, DC 20004	American Council of Life Insurance, Inc	1,000.00	
Wayne Arny & Associates, Inc, 2600 Virginia Avenue, NW, #600 Washington, DC 20037	American Logistics Infrastructure Improvement Consortium		
Do	Guam Port Authority		
Do	Technology for Communications, International		
Do	United Defense LP		
Nan Aron, 1601 Connecticut Avenue, NW, #601 Washington, DC 20009	Alliance for Justice		
Arter & Hadden, 1801 K Street, NW, #400K Washington, DC 20006	Southwest Florida Enterprises, Inc		
Do	Whirlpool Corp		
Asbill Junkin Myers & Buffone, 1615 New Hampshire Ave., NW Washington, DC 20009	Coalition on Smoking or Health	4,250.00	4,454.83
James N. Ashmore, 1700 N. Moore Street, 20th Floor Arlington, VA 22209	Boeing Co	363.51	144.41
Associated Builders & Contractors, Inc, 1300 North 17th Street Rosslyn, VA 22209		2,500.00	
Associated Credit Bureaus, Inc, 1090 Vermont Avenue, NW, #200 Washington, DC 20005		1,500.00	
Associated Students of Arizona State University, Box 871001 Tempe, AZ 85287-1001			
Association of Home Appliance Manufacturers, 701 Pennsylvania Avenue, NW, #900 Washington, DC 20004			742.87
Association of Private Pension & Welfare Plans, Inc, 1212 New York Avenue, NW, #1250 Washington, DC 20005		5,112.25	904.86
Deborah Marie Atwood, 122 C Street, NW, #875 Washington, DC 20001	National Pork Producers Council	10,000.00	814.31
Anna Aurilio, 218 D Street, SE Washington, DC 20003	U.S. Public Interest Research Group	6,666.66	
Automotive Parts Rebuilders Assn, 4401 Fair Lakes Court Fairfax, VA 22033		913.75	913.75
Les AuCoin, Bogle & Gates 1299 Pennsylvania Ave., NW, #875 East Washington, DC 20004	Santa Fe Pacific Gold Corp	101.00	
Michael G. Ayre, P.O. Box 130 Levis P.Q. Canada G6V 6N7	Mil Davie, Inc		
AFL-CIO Maritime Committee, 1150 17th Street, NW, #700 Washington, DC 20036		6,365.00	426.00
AIDS Action Council, Inc, 1875 Connecticut Avenue, NW, #700 Washington, DC 20009			13,666.38
APCO Associates, Inc, 1615 L St., NW Washington, DC 20036	Allina Health Systems		
Do	American Assn of Nurse Anesthetists	656.25	
Do	Can Manufacturers Institute, Inc	3,591.25	
Do	City of Duluth	1,360.00	217.45
Do	City Utilities of Springfield	10,000.00	512.73
Do	Coalition for Fairness in Medicare		6,195.22
Do	Colorado River Energy Distributors	16,226.25	1,335.62
Do	Connecticut Municipal Electric Energy Cooperative	1,300.00	428.47
Do	DASAM Corp	2,100.00	3.00
Do	Electronic Filing Coalition		
Do	Gerber Products Company	3,600.00	
Do	Government of Romania	490.00	16.32
Do	LIN Television Corp	2,890.00	336.46
Do	Missouri Joint Municipal Electric Utility Commission	736.25	
Do	Northeast Public Power Assn	9,102.00	441.52
Do	Pennsylvania Power & Light		
Do	Phoenix Home Life Insurance, Inc	2,025.00	4.00
Do	Principal Financial Group	15,000.00	203.45
Do	Queens Borough Public Library	2,520.00	
Do	Sacramento Municipal Utility District	25,751.25	34.00
Do	Southern California Public Power Authority	876.25	97.41
Do	St. Jude Medical, Inc		
Do	State Farm Mutual Automobile Insurance Co		
Do	Tennessee Valley Public Power Assn	1,090.00	20.59
Do	West Fraser Pulp	200.00	
Victor Bach, 105 East 22nd Street New York, NY 10010	Community Service Society	1,515.73	
Cara C. Bachenheimer, 225 Reinekers Lane, #650 Alexandria, VA 22314	Health Industry Distributors Assn	3,837.00	22,530.00
Sheila Bair, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange		
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	American Football Coaches Assn	1,677.50	1,677.50
Do	American Resort Development Assn	4,945.81	4,945.81
Do	Auto Alliance International		
Do	D.H. Blair Investment Banking Corp	67,415.18	67,415.18
Do	Blue Cross & Blue Shield of Ohio	9,809.90	9,809.90
Do	Capitol American Financial Corporation		
Do	Coalition of Independent Casualty Companies of America		
Do	Council of Insurance Agents & Brokers		
Do	Edison Electric Institute	1,747.87	1,747.87
Do	Emmis Broadcasting Corp	4,309.76	4,309.76
Do	Fireman's Fund Insurance Co		
Do	Flexi-Van Leasing/Pacific Holding Company	18,329.28	18,329.28
Do	GTE Corp	61,505.53	61,505.53
Do	Healthcare Underwriters Mutual Insurance Co	85.71	85.71
Do	Hospital Insurance Forum	31,433.75	31,433.75
Do	Hyatt Corp		
Do	Independent Insurance Agents of America, Inc		
Do	Invacare Corporation	43,456.11	43,456.11
Do	IM&I, Inc	427.50	427.50
Do	IOTA Partners		
Do	Jordache Enterprises, Inc		
Do	KeyCorp, Inc	40,000.00	40,000.00
Do	Life Gift Organ Donor Center	956.78	956.78
Do	Loeb & Loeb (for Joseph Bogdanovich)	4,459.01	4,459.01
Do	Lorain Community/St. Joseph Regional Health Center		
Do	Major League Baseball	1,895.00	1,895.00
Do	Methodist Hospital of Indiana		
Do	Motion Picture Assn of America, Inc	2,649.44	2,649.44
Do	National Assn of Professional Insurance Agents		
Do	Paradigm Health Corp		
Do	Renal Physicians of Texas	955.30	955.30
Do	Schering Berlin, Inc	4,193.94	4,193.94
Do	Soap and Detergent Association		
Do	Society of Cardiovascular & Interventional Radiology		
Do	Travelers, Inc		21,276.95
Do	United Fidelity Life Insurance		
Do	Washington Regional Transplant Consortium	99.80	99.80
Do	Wireless Communication Council	16,077.98	16,077.98
Baker Donelson Bearman & Caldwell, 801 Pennsylvania Ave., NW, #800 Washington, DC 20004	Allied-Signal, Inc		
Do	American Standard, Inc	26,407.00	103.47
Do	American Trucking Assn	14,097.50	
Do	AFG Industries, Inc		
Do	AT&T		
Do	Bridgestone/Firestone, Inc	23,207.50	298.62
Do	Burlington Northern Railroad Co	11,077.50	
Do	Competitive Long Distance Coalition, Inc	98,011.36	99.20
Do	CTI PET Systems, Inc	17,570.58	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Day & Zimmerman, Inc		
Do	Eisenhower Exchange Fellowships, Inc		
Do	Enron Washington, Inc	3,825.00	
Do	Federal Express Corp		
Do	Federal Judges Assn	9,000.00	
Do	Foothill Transit	4,620.00	138.09
Do	Fruit of the Loom	3,453.00	
Do	Los Angeles County Transportation Commission	19,000.00	56.00
Do	Martin Marietta Corp		132.34
Do	Metropolitan Washington Airports Authority	361.00	
Do	Motorola General Systems Sector	885.00	
Do	National Soft Drink Assn		
Do	North Carolina Air Cargo Airport Authority	135.00	
Do	Occidental Petroleum Corp		
Do	Ocean Common Carrier Coalition	4,515.00	
Do	OMI Corporation	1,235.00	
Do	Pennsylvania Turnpike Commission	13,725.00	
Do	Pennzoil Co		
Do	Pillsbury Company	590.00	
Do	Puerto Rico Dept of Highways & Transportation	35,256.50	701.20
Do	PPG Industries, Inc	3,277.50	22.30
Do	Salomon Brothers, Inc	1,933.50	
Do	Schering-Plough Corp	27,626.75	75.13
Do	Southern Star Shipping Co		
Do	United Technologies Corp	5,108.75	138.45
Do	UST, Inc		
Do	Ventura Port District	3,687.50	
Do	WMX Technologies, Inc	11,475.38	
Donald Baldwin, 888 16th Street, NW, #600 Washington, DC 20006	Citizens for Law & Order		
Do	Diagnostic/Retrieval Systems, Inc		
Do	National Law Enforcement Council		
Do	Security on Campus, Inc		
H. R. Balikov, 333 Thornall Street Edison, NJ 08818	J. M. Huber Corp		
Stanley W. Balis, 1140 19th Street, NW, #700 Washington, DC 20036	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn)		
Jack L. Ballard, P.O. Box 21106 Shreveport, LA 71156	Southwestern Electric Power Company		
Philip A. Bangert, 2000 L Street, NW #612 Washington, DC 20036	Sher & Blackwell (For:Global Resort Partners)		
Do	Miami River Marine Group		
Do	Port of Oakland	480.00	21.22
Russel Bantham, 1100 15th Street, NW Washington, DC 20005	Pharmaceutical Research & Manufacturers Assn	4,000.00	
Samuel J. Baptista, 1776 Eye Street, NW, #735 Washington, DC 20006	Financial Services Council	5,513.00	
Baraff Koerner Olender & Hochberg, P.C., 5335 Wisconsin Avenue, NW, #300 Washington, DC 20015-2003	Football Bowl Assn		
Do	National Assn of Collegiate Directors of Athletics		
Do	National Basketball Assn	675.00	
Do	National Hockey League	900.00	
Emory W. Baragar, 1700 N. Moore St., #2120 Rosslyn, VA 22209	Boeing Company	7,847.36	453.83
John Paul Barber, 8101 Glenbrook Road Bethesda, MD 20814-2749	American Assn of Blood Banks	2,500.00	
David H. Baris, 4719 Hampden Lane, #300 Bethesda, MD 20814	American Assn of Bank Directors		
G. Denise Barksdale, 1667 K Street, NW, #1270 Washington, DC 20006	Warner-Lambert Company		
William J. Barloon, 1850 M Street, NW, #1110 Washington, DC 20036	Sprint Corporation	7,000.00	577.31
Barnes Richardson & Colburn, 1225 Eye Street, NW, #1150 Washington, DC 20005	Bayer, Inc		
Do	Department 56, Inc		
Do	Florida Citrus Mutual		
Do	Marion Merrell Dow, Inc		
Do	Omni USA, Inc		
Do	Polaroid Corp		
Sarah Barnett, 1101 15th Street, NW, #600 Washington, DC 20005	Sugar Assn, Inc	250.00	10.00
Robert Barr, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce		
David M. Barrett, 2626 Pennsylvania Avenue, NW Washington, DC 20037	Fleetwood Enterprises, Inc		
Do	Southeastern Pennsylvania Transportation Authority		
Virginia Bartlett, One Sony Drive Park Ridge, NJ 07656	Sony Electronics, Inc	6,000.00	
Richard A. Barton, 1101 17th St., NW, #705 Washington, DC 20036	Direct Marketing Assn	4,500.00	12,150.69
Bass and Howes, 1818 N Street, NW, Suite 450 Washington, DC 20036-2406	Family Violence Prevention Fund	4,556.00	100.42
Do	National Breast Center Coalition	18,700.00	66.51
Do	National Diabetes Research Coalition	5,100.00	276.17
Do	RESOLVE	4,250.00	8.87
Sandy Bass-Cors, 119 Oronoco Street, Suite 300 Alexandria, VA 22314	Coalition for Automotive Repair Equality	4,045.00	
Douglas P. Bates, 1001 Pennsylvania Ave., NW Washington, DC 20004-2599	American Council of Life Insurance, Inc	2,800.00	
Catharine R. Batky, 801 Pennsylvania Ave., NW, #220 Washington, DC 20004-2604	Burlington Northern Santa Fe	5,000.00	442.58
Jon A. Baumgarten, 1233 20th Street, NW, Suite 800 Washington, DC 20036	Proskauer Rose Goetz & Mendelsohn (For:Association of American Publishers)		
Bayh Connaughton & Malone, PC, 1350 Eye Street, NW, #200 Washington, DC 20005	Crown Butte Mines, Inc	5,500.00	2,900.00
Do	Illinois Tool Works, Inc		
Do	National Basketball Assn		
Beacon Consulting Group, Inc, 312 Massachuesetts Avenue, NE Washington, DC 20002-5703	Alltel Information Services, Inc		
Do	American Registry of Pathology		
Do	Asphalt-Rubber Producers Group, Inc		
Do	Big Brothers/Big Sisters of America		329.13
Do	Boston Music Education Collaboratiave	9,000.00	313.06
Do	Cummins-Allison Corp	1,900.00	92.67
Do	Haymarket House	12,000.00	1,198.74
Do	Metropolitan Chicago Healthcare Council		
Do	Museum of Science & Industry	3,150.00	1,030.91
Do	Mystic Seaport Museum	9,000.00	424.14
Do	National Coalition for Volunteer Protection		
Do	National Crime Prevention Council	14,250.00	563.27
Do	National Health Sciences Consortium	7,500.00	274.30
Do	National Institute for Citizen Education & the Law		
Do	National Museum of Health & Medicine Foundation		
Do	New England Conservatory of Music		
Do	One-To-One Partnership, Inc	6,750.00	515.96
Do	Orton Dyslexia Society		
Do	Rubber Pavements Assn	19,800.00	2,878.39
Do	SCITREK	1,000.00	33.19
Dorothy A. Beam, 1510 Laburnum Street McLean, VA 22101	Richard J. Sullivan Associates (For:Association of American Railroads)		
Do	Richard J. Sullivan Associates, Inc (For:Design Professionals Coalition)	4,300.00	
Do	Richard J. Sullivan Associates, Inc (For:Northeast Ohio Regional Sewer District)		
Beaugarde Booker & Associates, Inc, 619 South Adams Street Arlington, VA 22204		3,300.00	7,920.00
Robert L. Beauregard, 1001 G Street, NW, 6th Floor Washington, DC 20001	Southern California Gas Co		
Charles D. Becher, 1350 Eye Street, NW, Suite 1000 Washington, DC 20005	Ford Motor Company	1,500.00	871.36
Lee Bechtel, 8506 Sundale Drive Silver Spring, MD 20910	Bechtel & Associates	6,000.00	833.00
Laurie Beck, 105 East 22nd Street, Room 809 New York,, NY 10010-5413	Community Service Society of New York	253.63	
Brenda Larsen Becker, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	1,857.00	867.46
Jeffrey G. Becker, 1225 Eye Street, NW, Suite 825 Washington, DC 20005	Beer Institute		
Elizabeth W. Beckwith, 300 5th Street, NE Washington, DC 20002	American Osteopathic Assn	10,000.00	
Beer Institute, 1225 Eye Street, NW, #825 Washington, DC 20005		6,519.22	
David Beier, 1747 Pennsylvania Ave., NW, #1223 Washington, DC 20006	Genentech, Inc	3,000.00	
Mark Belanger, 12 East 49th Street New York, NY 10017	Major League Baseball Players Assn		
Stephen E. Bell, 1455 Pennsylvania Ave., NW, #350 Washington, DC 20004	Salomon Brothers, Inc	5,000.00	
Joseph Belluck, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	1,211.54	
Terre Belt, 1015 Fifteenth Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	1,875.00	
Jennifer L. Bendall, 1020 19th Street, NW, #200 Washington, DC 20036	Recording Industry Assn of America, Inc	12,000.00	
Mark Benedict, 900 2nd STreet, NE, Suite 306 Washington, DC 20002	Ferroalloy Assn	2,500.00	
Daniel J. Bennet, 1300 North 17th Street Rosslyn, VA 22209	Associated Builders & Contractors, Inc	2,500.00	
Doug Bennett, 1155 W. 4th Street, Suite 105 Reno, NV 89503	Nevada Assn of Medical Product Suppliers		
Edwin M. Bergsmark, 1000 Regency Court, Suite 209 Toledo, OH 43623	Bergsmark & Associates (For:Rudolph/Libbe Companies, Inc & Subsidiaries)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Ellen Berman, 2000 L St., NW, #802 Washington, DC 20036	Consumer Energy Council of America		
Jason S. Berman, 1020 19th St., NW, #200 Washington, DC 20036	Recording Industry Assn of America, Inc	7,500.00	
William R. Berman, 1440 New York Avenue, NW, #200 Washington, DC 20005	American Automobile Assn		
Berman Enterprises, 1800 K Street, NW, #629 Washington, DC 20006	Flo-Sun Corp	18,000.00	464.27
Joan Kovalic Bernard, 701 Pennsylvania Avenue, NW, #610 Washington, DC 20004	Tenneco, Inc	157.50	1,472.30
Keith E. Bernard, 8219 Leesburg Pike Vienna, VA 22182	Cable & Wireless, Inc		
Robert E. Berry, 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn	1,950.00	456.09
Willard M. Berry, 801 Pennsylvania Ave., NW, Suite 950 Washington, DC 20004	European-American Chamber of Commerce in Wash, DC, Inc		
Thomas J. Bethel, 315 Holme Avenue Elkins Park, PA 19027	American Maritime Officers		
Ed Bethune, 1001 N. Randolph, Suite 413 Arlington, VA 22101	Alltel Corp	15,000.00	40.05
Do	FBI Agents Assn	45,000.00	2,229.53
Moe Biller, 1300 L Streeet, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	14,347.65	
Debbie Billet-Roumell, 901 E Street, NW, #600 Washington, DC 20004	National Treasury Employees Union	13,000.00	114.00
Stuart Binstock, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects	2,000.00	
Peggy K. Binzel, 5151 Wisconsin Ave., NW Washington, DC 20016	News Corporation	3,444.00	570.00
William P. Binzel, 1401 Eye Street, NW Washington, DC 20005	MasterCard International, Inc	2,246.40	48.00
Biotechnology Industry Organization, 1625 K Street, NW Washington, DC 20006		963,691.00	21,638.56
Julie A. Birkofer, 1701 Clarendon Blvd. Arlington, VA 22209	American Chiropractic Assn		
Roger Blacklow, 905 16th Street, NW Washington, DC 20006	Laborers' International Union of NA, AFL-CIO		
Brent Blackwelder, 1025 Vermont Avenue, NW, 3rd Floor Washington, DC 20005	Friends of the Earth	300.29	
Lisa E. Blackwell, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	1,250.00	243.77
Phillip J. Blando, 1200 19th Street, NW, #200 Washington, DC 20036-2437	American Managed Care & Review Assn	748.00	48.00
Helen Blank, 25 E Street, NW Washington, DC 20001	Children's Defense Fund	4,602.50	22.00
Allan Block, 5566 Southwyck Blvd Toledo, OH 43614	Blade Communications, Inc		
Nadine Block, 70 West 40th Street, 3rd Floor New York, NY 10018	American Pacific Enterprises		
John L. Bloom, 1029 N. Stuart St., #517 Arlington, VA 22201	American Cancer Society	2,200.00	420.00
Shirley A. Bloomfield, 2626 Pennsylvania Ave., NW Washington, DC 20037	National Telephone Cooperative Assn	12,000.00	766.94
Joanne Blum, 1156 15th Street, NW, #700 Washington, DC 20005	NARAL	24,769.20	
Louis Blumberg, 900 - 17th Street NW Washington, DC 20006	Wilderness Society	348.81	
Bogle and Gates, 1299 Pennsylvania Avenue, NW, #875 East Washington, DC 20004	City of Gresham		
Do	Mineral King District Assn	296.00	296.00
Stacy A. Bohlen, 300 5th Street, NE Washington, DC 20002	American Osteopathic Assn	10,000.00	
John F. Bohm, 526 King Street, #511 Alexandria, VA 22314	National Assisted Housing Management Assn	16,615.00	
Bond & Co, Inc, 655 South Washington Street Alexandria, VA 22314	American Trucking Associations		
Do	Century Council		
Do	Long Island Lighting Co		
Do	Massachusetts Mutual Life Insurance Co		
Do	Philip Morris Companies, Inc		
Do	Reinsurance Assn of America		
John K. Booth, 1001 Pennsylvania Ave., NW Washington, DC 20006	American Council of Life Insurance, Inc		
Borden Group, Inc, 101 N. Alfred Street, Suite 200 Alexandria, VA 22314	American Fed of Home Health Agencies	3,500.00	2,093.00
Henry Borelli, 14589-053 P.O. Box 1000 Leavenworth, KS 66048-1000			
G. Stewart Boswell, 2500 Wilson Blvd., #301 Arlington, VA 22201	American Apparel Manufacturers Assn, Inc		
Jennifer O. Boucher, 1300 N. 17th Street Rosslyn, VA 22209	Associated Builders & Contractors	2,500.00	
Albert D. Bourland, 1350 I Street, NW, #800 Washington, DC 20005	Daimler-Benz Washington, Inc	7,500.00	
Laura L. Bourne, 800 Connecticut Avenue, NW Washington, DC 20006	Food Marketing Institute	100.00	
Elizabeth A. Boussard, 900 17th Street, NW Washington, DC 20006	Wilderness Society	1,611.04	55.40
Brooks J. Bowen, 11 Dupont Circle, NW, #700 Washington, DC 20036	Multinational Business Services, Inc	7,500.00	300.00
Taylor R. Bowlden, 1776 Massachusetts Ave., NW Washington, DC 20036	Highway Users Federation	9,910.00	250.00
Margaret Bowman, 801 Pennsylvania Ave., SE, Suite 400 Washington, DC 20003	American Rivers		
Richard K. Boyd, 299 Park Avenue New York, NY 10171	Westvaco Corporation		14,404.35
Carolyn A. Boyer, 555 13th Street, NW, #600 Washington, DC 20004	Health Insurance Assn of America, Inc	4,287.53	400.11
Celeste D. Boykin, 1701 Pennsylvania Ave., NW, Suite 900 Washington, DC 20006	E.I. duPont de Nemours & Co, Inc		
J. Patrick Boyle, 1700 N. Moore Street, #1600 Arlington, VA 22209	American Meat Institute	610.81	212.59
Sandra D. Braden, 911 Main Street, #3000 Kansas City, MO 64105	UtiliCorp United		
Nancy L. Bradish, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	6,750.00	1,968.21
Cynthia P. Bradley, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	12,818.34	262.95
Lynne E. Bradley, 110 Maryland Ave., NE, Suite 101 Washington, DC 20002-5675	American Library Assn	1,248.00	
Patricia C. Branch, 6453 Browsing Deer Columbia, MD 21045	Children's Defense Fund	8,703.50	
George W. Breece, P.O. Box 2801 Fayetteville, NC 28302	Natl Assoc for the Advancement of Orthodics & Prosthetics	11,500.00	1,547.32
Larry K. Brewer, 1235 Jefferson Davis Highway Arlington, VA 22202	ESCO Electronics Corp		373.18
Sandra L. Brickel, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn		
Ellie Anne Bridgman, 1133 Connecticut Ave., NW, #310 Washington, DC 20036	Nestle USA, Inc		1,150.00
Alexandra Brkic, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	7,400.00	
B. Jeannie Brocato, 2301 Main Street Kansas City, MO 64113	Blue Cross & Blue Shield of Kansas City	320.00	608.00
Michael D. Bromberg, Law Offices of Deborah Steelman 555 13th Street, MW. #122- East Washington, DC 20004-1109	Humana, Inc	37,500.00	114.72
Do	National Assn of Psychiatric Health Sstems	37,500.00	223.04
Mary E. Brooks, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the U.S.	7,298.64	
Steve Brooks, 430 First Street, SE Washington, DC 20003	American Trucking Assns, Inc	100.00	
Bonnie L. Brown, 555 13th Street East Tower # 600 Washington, DC 20004	Health Insurance Assn of America, Inc		
David C. Brown, 601 Pennsylvania Ave., NW Suite 620-North Building Washington, DC 20004	PECO Energy Company	10,290.00	841.28
Donald K. Brown, 1121 L St., #610 Sacramento, CA 95814	Crowley Maritime Corp		
Do	Summa Corporation		
James P. Brown, 232 N. Kingshighway, #202 St. Louis, MO 63108	Bi-State Development Agency	5,000.00	2,300.00
Do	City of St. Louis - City Hall	4,000.00	3,360.00
Do	Lambert-St. Louis International Airport	21,000.00	39,490.00
Do	Brown & Associates (For:Metropolitan St. Louis Sewer District)	12,000.00	9,360.00
Michael Brown, 1700 N. Moore Street, #1600 Arlington, VA 22209	American Meat Institute	9,062.50	418.47
Paul S. Brown, 655 Third Avenue New York, NY 10017	Risk & Insurance Management Society, Inc		
S. M. Henry Brown Jr., 1776 Eye Street, NW, #275 Washington, DC 20006	Entergy Services, Inc	8,150.89	487.73
David J. Brugger, 1350 Connecticut Ave., NW, #200 Washington, DC 20036	Association of America's Public Television Stations	216.35	12.00
Michael E. Brunner, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn	2,000.00	20.40
Trudy M. Bryan, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E.I. du Pont de Nemours & Co, Inc		
Florence Buchanan, 5566 Southwyck Blvd. Toledo, OH 43614	Blade Communications, Inc	100.00	520.00
Judith A. Buckalew, 1250 Eye Street, NW, #804 Washington, DC 20005	Zeneca Pharmaceuticals Group	12,875.00	1,642.43
Jeremiah S. Buckley, Goodwin Procter & Hoar 901 15th Street, NW, #410 Washington, DC 20005	General Latex & Chemical Co	16,280.00	
Martha L. Buddecke, 1299 Pennsylvania Ave., NW, #1175 Washington, DC 20004	Science Applications Int'l Corp	600.00	150.00
Betsy Buffington, 23 North Scott, #27 Sheridan, WY 82801	Sierra Club	1,683.31	
Douglas W. Bulcao, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	14,000.00	151.00
Thomas J. Bulger, 1050 17th Street, NW, #510 Washington, DC 20036	Association for Commuter Transportation, Inc	10,500.00	3,198.37
Do	ESL/TRW	9,000.00	317.85
Do	Metropolitan Transportation Commission	33,999.99	1,391.83
Do	Oakland County, Michigan	10,875.00	254.83
Do	Road Commission for Oakland County	15,925.00	296.32
Glenn Burg, 11240 Waples Hill Road, #100 Fairfax, VA 22030	Rust Environment & Infrastructure, Inc	937.50	
Marwan Burgan, 601 Pennsylvania Avenue, NW, #900 Washington, DC 20004	American Muslim Council		
Do	MARJAC Investments		
Do	Ruba Harb Sifri, et al.		
Diane B. Burke, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	17,256.28	462.50
Patrick Burns, 214 Massachusetts Ave., NE, #240 Washington, DC 20002	Seniors Coalition, Inc	5,950.02	
Joseph E. Burnside, 104 East Stewart Avenue Alexandria, VA 22301	National Assn of Air Traffic Specialists	12,000.00	
William W. Burrington, 8619 Westwood Center Dr. Vienna, VA 22182-2285	America Online, Inc	23,750.00	
James D. Burwell, Governmental Affairs Dept. (051) Columbia, SC 29218	SCANA Corp	8,310.07	4,332.40
Butera & Andrews, 1301 Pennsylvania Ave., NW Washington, DC 20004	Federal Home Loan Bank of Boston	2,000.00	
Gregory B. Butler, 601 Pennsylvania Ave., NW, #620N Washington, DC 20004	New England Power Service Co	25,000.00	16,484.37
Jeanne A. Butterfield, 1400 Eye Street, NW, Suite 1200 Washington, DC 20005	American Immigration Lawyers Assn	2,088.54	
John D. Cahill, McDermott/O'Neill & Associates One Beacon Street, #1600 Boston, MA 02108	Massachusetts Port Authority	21,000.00	
David B. Calabrese, 2500 Wilson Bouldevard Arlington, VA 22201-3834	Electronic Industries Assn	750.00	
Michael Calabrese, 215 Pennsylania Avenue, SE Washington, DC 20003	Public Citizen	4,687.50	
Kateri A. Callahan, 701 Pennsylvania Avenue, N.W. Washington, DC 20004	Electric Transportation Coalition	348.00	75.00
William L. Callaway, 1776 Massachusetts Ave., NW Washington, DC 20036	National Parks & Conservation Assn		
Calorie Control Council, 5775 Peachtree-Dunwoody Rd., #500-G Atlanta, GA 30342			180.00
Floyd Cameron, 105 East 22nd Street, Room 816 New York, NY 10010-5413	Community Service Society of New York	172.16	204.00
Campaign to Save Indian Programs, 1700 Broadway, #1204 Denver, CO 80290		8,000.00	8,000.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Carroll A. Campbell Jr., 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance	7,000.00	
John G. Campbell, 9300-D Old Keene Mill Road Burke, VA 22015	John G. Campbell, Inc (For:OHM Remediation Services Corp)		
Do	John G. Campbell, Inc (For:Power Spectra, Inc)	2,000.00	2,000.00
Sabrina V. Campbell, 801 Pennsylvania Ave., NW, #352 Washington, DC 20004	Central & South West Corp	1,875.00	201.83
Michelle U. Campos, 2025 Pennsylvania Ave., NW, #1114 Washington, DC 20006	Americans for Peace Now	7,083.32	
William Canary Jr., 430 First Street, SE Washington D.C.	American Trucking Assns, Inc	3,000.00	
Shawn Cantrell, 1025 Vermont Avenue, NW, 3rd Floor Washington, DC 20005	Friends of the Earth	147.06	
Gary Capistrant, 1055 North Fairfax Street, #201 Alexandria, VA 22314	U.S. Strategies Corp		
Capital Partnerships (VA), Inc, 11350 Random Hils Road, #8000 Fairfax, VA 22030	City of Denver		
Do	Denver International Airport		
Do	International Taxicab and Livery Association	15,000.00	2,250.00
Do	North Metro Mayors Coalition	16,500.00	2,561.00
Do	RADAR		
Capitol Strategies, 888 16th Street, NW Washington, DC 20006	Cook Inlet Region, Inc	3,750.00	
Mark A. Carano, 800 Connecticut Avenue, NW Washington, DC 20006-2701	Food Marketing Institute	100.00	
Melissa Coggeshall Carey, 2001 Pennsylvania Ave., NW Washington, DC 20006	Electronic Industries Assn	750.00	
Robert R. Carey, P.O. Box 2121 Corpus Christi, TX 78403	Central Power & Light Company		
Anne E. Carlson, 750 17th Street, NW, Suite 901 Washington, DC 20006	Nissan North America, Inc	3,800.00	
Carlyle Consulting, 3000 S. Randolph Street, Suite 317 Arlington, VA 22206	Amdahl Corp	10,649.50	33.64
Do	Levi Strauss International	16,760.00	991.95
Tracey A. Carnes, Kessler & Associates, Inc 510 11th Street, SE Washington, DC 20003	American Assn of Nurse Anesthetists		
Do	Burlington Northern Railroad		
Do	Mary Scott Guest		
Do	Pfizer		
Do	Pharmaceutical Research & Manufacturers of America		
Do	Sandoz Corp		
Do	Joseph E. Seagram & Sons, Inc		
Do	Upjohn Company		
William Carney, 523 7th Street, SE Washington, DC 20003	Nuclear Energy Institute	21,000.00	
Simon P. Carr, 2500 Wilson Blvd. Arlington, VA 22201-3834	Electronic Industries Assn	750.00	
Robert J. Carragher, 815 Connecticut Ave., NW, #710 Washington, DC 20006	Steel Service Center Institute		
Margie Carriger, 415 2nd St., NE, #300 Washington, DC 20002	National Assn of Wheat Growers	3,000.00	
David Carroll, 1212 New York Avenue, NW, #500 Washington, DC 20005	Cement Kiln Recycling Coalition (For:LaFarge Corporation)		
Caroline Carver, 5440 Jefferson Davis Highway Fredericksburg, VA 22407	American Traffic Safety Services Assn	12,675.00	2,186.41
Allen R. Caskie, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	20,000.00	
Mark A. Casso, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Counsel	1,250.00	
A. Mario Castillo, 1250 27th Street, NW Washington, DC 20007	Aegis Group, Ltd (For:Dairy Trade Coalition)	3,000.00	1,549.32
Rita L. Castle, 100 NE Adams Street Peoria, IL 61629	Caterpillar, Inc		
Beth Cataldo, 424 West End Ave., #12D New York, NY 10024	HTC-HANYC, Inc Legal Fund	19,650.00	10,882.18
Center for Clean Air Policy, 444 North Capitol Street, #526 Washington, DC 20001			743.09
Gerald E. Cerasale, 1101 17th Street, NW, #705 Washington, DC 20036	Direct Marketing Assn, Inc	1,200.00	
Jae-Yoon Cha, 1800 K Street, NW, #700 Washington, DC 20006	Korea Foreign Trade Assn	823.00	734.00
Chadbourne & Parke, 1101 Vermont Ave., NW, #900 Washington, DC 20005	Air Products & Chemicals Inc		
Do	AES Corporation		
Do	Landfill Gas Group	5,700.00	107.00
Do	Purdue Frederick Company		
Do	Ruan Transportation Management Systems		
Chambers Associates, Inc, 805 15th Street, NW, #500 Washington, DC 20005	American Postal Workers Union, AFL-CIO	1,875.00	
Do	Belk Stores Services, Inc		
Do	Coalition of Publicly Traded Limited Partnerships	3,212.50	
Do	Council of Infrastructure Financing Authorities	2,550.00	
Do	Environmental Technology Council	4,875.00	
Do	General Motors		
Do	Manville Corporation	787.50	
Do	National Comm to Preserve Social Security & Medicare		
Do	Newhall Land and Farming Company		
Do	Rite Aid Corp	4,950.00	
Do	Teledyne, Inc	3,075.00	
Thomas Champion, 601 Pennsylvania Ave., NW, #620 N. Bldg. Washington, DC 20004	Consolidated Edison Company of New York	4,770.00	1,325.19
Nancy Chapman & Associates, Inc, 1723 U Street, NW Washington, DC 20009	Mycogen Corp	3,363.25	186.75
Charter Medical Corp, 577 Mulberry Street Macon, GA 31298			3,745.00
Blair G. Childs, 1275 Pennsylvania Ave., NW, #1100 Washington, DC 20004	Specialized Assn Services		750.00
Robert A. Chlopak, 1400 L Street, NW, #600 Washington, DC 20005	Chlopak Leonard Schecter & Associates, Inc		
Do	Chlopak Leonard Schechter & Assoc, Inc (For:Coalition Against Double Taxation, Inc).		
Chlopak Leonard Schecter & Associates, Inc, 1400 L Street, NW, Suite 600 Washington, DC 20005	General Electric Capital Mortgage Corp	20,000.00	20,000.00
Do	Health Care Reform Project		
Do	National Audubon Society	3,000.00	3,000.00
Courtney Choi, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	1,900.00	180.00
Marjorie A. Chorlins, 1350 I Street, NW Washington, DC 20005	Motorola	2,500.00	
John Chwat, 601 Pennsylvania Avenue, NW, Suite 900 Washington, DC 20005	Chwat and Co, Inc (For:American Radio Relay League, Inc)	3,000.00	
Do	Chwat and Co, Inc (For:Associated Locksmiths of America)	1,400.00	
Do	Chwat & Co, Inc (For:Fresh Start Home, Inc)		
Do	Chwat and Co, Inc (For:National Licensed Beverage Assn)	4,500.00	
Do	Chwat and Co, Inc (For:National Weather Service Employees Organzation)	800.00	
Donna M. Cirolia, One Culligan Parkway Northbrook, IL 60062	Culligan International Co	70.00	89.82
Jane Dunn Cirrincione, 555 13th Street, NW, #900-E Washington, DC 20004	National Hydropower Assn	1,375.00	1,251.26
Citizens for an Alternative Tax System, 9401 East Street Manassas, VA 22110			
Citizens Comm for the Right to Keep & Bear Arms, Liberty Park, 12500 NE Tenth Place Bellevue, WA 98005		555,683.00	319,415.00
Abe Citron, 110 East 59th Street, Suite 3202 New York, NY 10022	Azerbaijan Study Foundation	75,000.00	
Michelle C. Clay, 8601 Georgia Ave., #805 Silver Spring, MD 20910	Brown & Associates (For:Lambert International Airport)	24,000.00	5,893.55
Joan Claybrook, 2000 P Street, NW, #605 Washington, DC 20036	Public Citizen	2,985.58	
Candace M. Clemons, 8630 Fenton Street, #400 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
William A. Clifford, 510-15 Revere Beach Blvd., #806 Revere, MA 02151	American Train Dispatchers	228.00	
Lawrence Clinton, 1401 H Street, NW, #600 Washington, DC 20005	U.S. Telephone Assn	10,000.00	
Clinton Advocates for Change, 16 Lancaster Drive Suffern, NY 10901		135.00	16.23
Guy Clough, 1301 Pennsylvania Avenue, NW, #1100 Washington, DC 20004-1707	Air Transport Assn of America	1,868.50	
Coalition for an Undercharge Relief Bill, 1750 Pennsylvania Ave., NW, #1111 Washington, DC 20006		500.00	556.00
Coalition for Automotive Repair Equality, Inc, 119 Oronoco Street, Suite 300 Alexandria, VA 22314		43,564.00	20,813.00
Coalition of Americans to Protect Sports (CAPS), 200 Castlewood Drive North Palm Beach, FL 33408			
Coalition to Stop Gun Violence, 100 Maryland Ave., NE Washington, DC 20002		135,111.58	140,326.81
George T. Cody, 2213 M Street, NW, 3rd Floor Washington, DC 20037	American Task Force for Lebanon	450.00	12.00
Cordis B. Colburn, 1745 Jefferson Davis Highway, Suite 1000 Arlington, VA 22202	General Dynamics Corp	1,000.00	218.30
Cynthia A. Colenda, 1211 Connecticut Ave., NW, #800 Washington, DC 20036	International Council of Cruise Lines	5,000.00	230.00
John Collins, 430 First Street, SE Washington, DC 20003	American Trucking Assns, Inc	11,000.00	
Committee for Do-It-Yourself Household Moving, P. O. Box 20084 George Mason Station Alexandria, VA 22320			
Committee for Humane Legislation, Inc, 2000 P Steet, NW, #415 Washington, DC 20026		90.00	4,011.85
Community Nutrition Institute, 2001 S St., NW, #530 Washington, DC 20009			7,065.13
Community Service Society, 105 East 22nd Street New York, NY 10010			21,759.10
Competitive Enterprise Institute, 1001 Connecticut Avenue, NW, #1250 Washington, DC 20036		399,000.00	205.62
Competitive Long Distance Coalition, 2000 L Street, NW, Suite 701 Washington, DC 20036		743,245.00	743,245.00
Stephen R. Conafay, 1100 15th Street, NW Washington, DC 20005	Pharmaceutical Research & Manufacturers of America	4,000.00	
Concerned Women for America Legislative Action Committee, 370 L'Enfant Promenade, SW, #800 Washington, DC 20024	Concerned Women for America	33,695.05	33,695.05
Conference of State Bank Supervisors, 1015 18th St., NW Washington, DC 20036			3,094.00
Thomas L. Conlan, One West Fourth Street, Suite 200 Cincinnati, OH 45202	Student Loan Funding Corp	2,294.48	4.20
Michael Conlon, 1818 N Street, NW, #200 Washington, DC 20036	Automotive Parts Rebuilders Assn	913.75	
Ralph T. Conner, 1250 Eye Street, NW Washington, DC 20005	National Tire Dealers & Retreaders Assn	348.56	90.29
Consumer Energy Council of America Research Foundation, 2000 L St., NW, #802 Washington, DC 20036			
Consumer Federation of America, 1424 16th St., NW, #604 Washington, DC 20036		158,911.43	168,227.03
Convergence Services, Inc, 1215 Cameron St. Alexandria, VA 22314	Ad Hoc Coalition of Station Members	1,125.00	
Do	Greater Washington Educational Telecommunications Assn	1,350.00	
Do	Public Broadcasting Service	3,150.00	
Do	Twin Cities Public Television	125.00	
Harry N. Cook, 1130 17th St., NW Washington, DC 20036	National Waterways Conference, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Edward Cooney, 1875 Connecticut Ave., NW, #540 Washington, DC 20009	Food Research & Action Center	1,196.00	
Mark N. Cooper, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	5,000.01	
Greg Copeland, 1776 Eye Street, NW, Suite 275 Washington, DC 20006	Entergy Services, Inc	3,668.31	413.38
Copeland Lowery & Jacquez, 601 13th Street, NW, #710 North Washington, DC 20005	AT&T	37,798.77	
Do	City of San Diego, California	64,875.45	
Do	Interstate Natural Gas Assn of America	25,521.05	
Do	JAYCOR	26,165.02	
Do	ORINCON Corp	12,453.32	
Do	San Diego State University Foundation	40,080.94	
Do	South West Marine	10,029.33	
Do	State of California	8,000.00	
Do	Westlands Water District	11,472.38	
Sherry Tonubbee Corbin, 801 Pennsylvania AVenue, NW, #352 Washington, DC 20004	Central and South West Corp	826.50	115.00
Christine Corcoran, 1700 N. Moore St., #1600 Arlington, VA 22209	American Meat Institute	129.80	
James T. Corcoran, 1667 K Street, NW, #320 Washington, DC 20006	Dial Corp		
John F. Corcoran, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Alfred W. Cors Jr., 4505 Blue Jay Court Woodbridge, VA 22193	National Taxpayers Union	6,133.00	
Gregory Costa, 1701 Clarendon Blvd. Arlington, VA 22209	American Chiropractic Assn		
R. Lawrence Coughlin, 2100 Pennsylvania Ave., NW, Suite 600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For:AAMVANet)	2,025.00	
Do	Eckert Seamans Cherin & Mellott (For:Central Arkansas Transit Authority)	960.00	
Do	Eckert Seamans Cherin & Mellott (For:Foothill Transit Zone)	960.00	
Do	Eckert Seamans Cherin & Mellottt (For:Los Angeles County Metropolitan Transportation Authority).	960.00	
Do	Eckert Seamans Cherin & Mellott (For:National Independent Automobile Dealers Assn).		
Do	Eckert Seamans Cherin & Mellott (For:Regional Transportation Commission)	3,435.00	
Do	Eckert Seamans Cherin & Mellott (For:Southeastern Pennsylvania Transportation Authority).	960.00	
Do	Eckert Seamans Cherin & Mellot (For:Triangle Transit Authority)		
Do	Eckert Seamans Chein & Mellott (For:Utah Transit Authority)	960.00	
Council for the National Interest, 1511 K Street, NW, Suie 1043 Washington, DC 20005			374.21
Christopher D. Coursen, 1133 Connecticut Ave., NW, #900 Washington, DC 20036	Adelphia Communications Corp		
Do	Allnet Communications Services, Inc		
Do	Booth American Company		
Do	Boston Ventures Management, Inc		
Do	Bresnan Communications Co		
Do	Cablevision Industries		
Do	Cablevision Systems Corp		
Do	Continental Cablevision, Inc		
Do	Cuban American Foundation		
Do	Insight Communications		
Do	InterMedia Partners		
Do	Lenfest Group		
Do	Marcus Communications		
Do	Mas Tec, Inc		
Do	Medium-Sized Cable Operators Group		
Do	Post-Newsweek Cable		
Do	Triax Communications Corp		
Do	U.S. Cable Corp		
Brian Cove, 955 L'Enfant Plaza, SW, #5300 Washington, DC 20024	Honda North America	100.00	96.47
Thomas J. Cove, 1625 K Street, NW, #900 Washington, DC 20006	Sporting Goods Manufacturers Assn (SGMA)	5,250.00	1,087.11
Covington & Burling, P.O. Box 7566 1201 Pennsylvania Avenue, NW Washington, DC 20044	National Foreign Trade Council, Inc		
Sharon Cowan, 1828 L Street, NW, #906 Washington, DC 20006	American Soc of Mechanical Engineers		
Cary L. Cox, 301 Pennsylvania Ave., NW North Building, #540 Washington, DC 20004	Ashland Oil, Inc	2,000.00	
John A. Cox Jr., 9300 Livingston Road Ft. Washington, MD 20744	National Tooling & Machining Assn	17,710.31	54.79
Thomas E. Cox, 1155 Connecticut Ave., NW, 10th Floor Washington, DC 20036	U.S.-Cuba Business Council	200.00	
Harold P. Coxson Jr., Coleman Coxson Penello Fogleman & Cowen 1000 Vermont Ave., NW, #600 Washington, DC 20005	Alliance to Keep Americans Working (AKAW)	20,000.00	
Do	Barrick Gold	3,621.53	
Do	Labor Policy Assn	10,393.16	
Do	TEAM Coalition	10,393.16	
Lanny M. Craft, P.O. Box 13748 Jackson, MS 39236-3748	Comprehensive Health Insurance Risk Pool Assn	935.00	
Charles T. Crangle, 560 N Street, SW #N-609 Washington, DC 20024	American Maritime Officers, MTD, AFL-CIO		
Richard C. Crawford, 601 Pennsylvania Ave. NW Suite 500 North Building Washington, DC 20004	Coors Brewing Co	14,500.00	95.80
Robin Crawford, Box M Allentown, PA 18105-5000	Mack Trucks, Inc		
Roger A. Crawford, 800 Connecticut Avenue, NW Washington, DC 20006-2701	Food Marketing Institute	100.00	
Creative Coalition, 1100 Avenue of the Americas, 15th Floor New York, NY 10036			182.00
Teena Cregan, 8 Herbert Street Alexandria, VA 22305-2600	National Assn of Postmasters of the U.S.	12,003.92	
Douglas P. Crew, 818 Connecticut Avenue, NW, #600 Washington, DC 20006	Caterpillar, Inc	3,000.00	80.08
Anne Crichton Crews, 16251 N. Dallas Parkway Dallas, TX 75248	Mary Kay Cosmetics, Inc		1,654.65
Richard E. Cristol, 1101 15th St., NW, #202 Washington, DC 20005	Robert H. Kellen Co (For:Calorie Control Council)		
Crop Insurance Research Bureau, 9200 Indian Creek Parkway, Suite 220 Overland Park, KS 66210-2008		281.00	320.30
Crowell & Moring, 1001 Pennsylvania Ave., NW Washington, DC 20004-2595	American Forest & Paper Assn	2,523.75	63.00
Do	American Land Conservancy		
Do	Canyon Resources Corp		
Do	Endangered Species Coordinating Council	7,427.50	47.50
Do	Independence Mining Company, Inc	442.50	8.00
Do	Intermountain Forest Industry Assn	3,750.00	
Do	Meridian Oil, Inc	2,986.25	38.00
Do	Northwest Forestry Assn	3,750.00	16.00
Do	Trust for Public Lands		
Crowell & Moring International L.P., 1001 Pennsylvania Ave., NW, #1275 Washington, DC 20004-2505	Avon Products, Inc		
Do	Board of Foreign Trade, Gov't of the Republic of China		
Do	Government of Indonesia, Ministry of Trade		
Courtney Cuff, 1025 Vermont Ave., NW, 3rd Floor Washington, DC 20005	Friends of the Earth	121.05	
Dennis P. Culloton, 233 North Michigan Avenue Chicago, IL 60601	Health Care Service Corp		
R. Lee Culpepper, 1200 17th Street, NW, 8th Floor Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Cuneo Law Group, 317 Massachusetts Ave., NE, Suite 300 Washington, DC 20002	Committee to Support the Antitrust Laws		
Do	National Assn of Securities & Commercial Law Attorneys	122,459.00	2,385.11
Do	Service Station Dealers of America		
Do	West Publishing Co	5,000.00	399.16
Maureen Curley, 105 East 22nd Street New York, NY 10010	Community Service Society	115.15	
John T. Curran, 1920 L Street, NW, 4th Floor Washington, DC 20036-5004	Laborers' Intl Union of North America, AFL-CIO		
Do	National Coordinating Comm for Multiemployer Plans		
Anne M. Curry, 800 Connecticut Avenue, NW Washington, DC 20006	Food Marketing Institute	500.00	
Wayne T. Curtin, P.O. Box 1808 Washington, DC 20013-1808	Motorcycle Riders Foundation, Inc	8,661.01	603.03
Herschel Cutler, 1325 G Street, NW, Suite 1000 Washington, DC 20005	Institute of Scrap Recycling Industries, Inc	11,795.00	1,110.28
Cutler & Stanfield, 700 14th Street, NW, 10th floor Washington, DC 20005	Mine Reclamation Corp		
CM Services, Inc, 800 Roosevelt Boulevard, Bldg C, #20 Glen Ellyn, IL 60137-5833			
CR Associates, 317 Massachusetts Ave., NE, #100 Washington, DC 20002	Academy of Radiology Research	1,200.00	
Do	Alzheimer's Assn	1,835.25	
Do	American Assn for Dental Research	958.50	
Do	Association of University Programs in Health Administration	489.00	
Do	Delta Dental Plans Assn	1,200.00	
Do	Hercules, Inc	78.00	
Do	Software Productivity Consortium	172.69	
B. Guy D'Andrea, 1200 19th Street, NW, #200 Washington, DC 20036	American Managed Care & Review Assn	42.00	14.00
Dairy Export Incentive Program (DEIP), 1025 Thomas Jefferson Street, NW, Suite 407 West Washington, DC 20007		16,000.00	9,925.00
Dairy Farmers for Responsible Dairy Policy, 1919 South Eads St., #103 Arlington, VA 22201-3028			200.00
Stephanie C. Dance, 1725 K Street, NW, #1404 Washington, DC 20006	North American Export Grain Assn, Inc		
Nancy Davenport-Ennis, 303 Butler Farm Road, Suite 104 Hampton, VA 23666	Response Oncologies, Inc	1,250.00	3,975.68
Seth Davidson, Fleischman and Walsh, LLP 1400 16th Street, NW Washington, DC 20036	National Cable Television Assn, Inc	1,500.00	
Davidson Colling Group, 1101 Pennsylvania Avenue, NW, #810 Washington, DC 20004	Abbey Health Care Group, Inc	301.78	32.58
Do	American Advertising Federation		
Do	American Assn of Advertising Agencies		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	American Homepatient	301.78	32.58
Do	Association of National Advertisers, Inc		
Do	Caire, Inc	301.78	32.58
Do	Caraustar Industries	56.25	70.49
Do	Devilbiss Health Care	301.78	32.58
Do	Direct Marketing Assn		
Do	Dun & Bradstreet Corporation		
Do	Field Container Corp	11.25	14.10
Do	Garden State Paper Company	22.50	28.19
Do	Grocery Manufacturers of America, Inc		
Do	Halltown Paperboard Co	3.75	4.69
Do	Healthdyne Technologies	301.78	32.58
Do	Homedco	301.78	32.58
Do	HIDA	301.78	32.58
Do	Invacare Corporation	301.78	32.58
Do	Lincare	301.78	32.58
Do	Magazine Publishers of America		
Do	Media General, Inc	150.00	103.36
Do	National Assn of Broadcasters		
Do	Newark Group	71.25	89.30
Do	Newman & Company, Inc	3.75	4.69
Do	Newspaper Assn of America		
Do	NAMES	301.78	32.58
Do	Packaging Corp of American	15.00	18.79
Do	Pediatric Services of America	301.78	32.58
Do	Point of Purchase Advertising Institute		
Do	Puritan - Bennett Corporation	301.78	32.58
Do	Red Line Healthcare	301.78	32.58
Do	Republic Paperboard Co	7.50	9.39
Do	Rock-Tenn Company	56.25	70.49
Do	Rotech Medical Corp	301.78	32.58
Do	Sonoco Products Co	60.00	75.19
Do	Southeast Paper Manufacturing Co	45.00	56.39
Do	Waldorf Corp	18.75	23.50
Do	White Pigeon Paper Company	3.75	4.69
Do	Yellow Pages Publishers Assn		
Ovid R. Davis, P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company		
Davis & Harman, 1455 Pennsylvania Avenue, NW, #1200 Washington, DC 20004	Alcoma Packing Company, Inc	175.00	
Do	American General Life Insurance Co	990.00	110.16
Do	American Horse Council	2,970.00	110.16
Do	Armco Steel Co	2,700.00	110.16
Do	Bethlehem Steel Corp	2,700.00	190.17
Do	Chicago Board of Trade	8,500.20	314.05
Do	Dresser Industries, Inc		
Do	Florida Power & Light	2,022.50	293.09
Do	Florida Sugar Cane League, Inc	1,200.00	255.31
Do	James Graham Brown Foundation		
Do	National Cattlemen's Assn	900.00	250.34
Do	U.S. Sugar Corp	1,200.00	255.31
Do	Underwriters of Lloyd's London		
Davis O'Connell, Inc, 444 North Capitol St., #517A Washington, DC 20001	Bryant Miller & Olive	9,000.00	
Do	Constellation Technology Corp	4,000.00	
Do	Florida Community College at Jacsonville	3,000.00	
Do	Illinois Community College Board	6,000.00	
Do	Indian River Community College	2,000.00	
Do	Sanders, A Lockheed Martin Co	11,000.00	
Do	St. Petersburg Junior College	2,000.00	
Do	Valencia Community College	2,000.00	
Do	Vierra Company	8,000.00	
Harry F. Day, 701 Pennsylvania Avenue, NW, #600 Washington, DC 20004	New York Stock Exchange, Inc		
Michael P. Day, 230 South Phillips Avenue P.O. Box 5118 Sioux Falls, SD 57117	Rural Community Insurance Services/Norwest		
George K. Degnon Associates, Inc, 6728 Old McLean Village Drive McLean, VA 22101			
James A. Delaney, 1755 Massachusetts Ave., NW, #418 Washington, DC 20036	American Soc for the Prevention of Cruelty to Animals	4,100.00	3,726.00
Wilma I. Delaney, 1776 Eye Street, NW, #575 Washington, DC 20006	Dow Chemical Co	6,592.00	
Deloitte & Touche, 1001 Pennsylvania Ave. Suite 350N Washington, DC 20004-2505	Findley Adhesives, Inc	500.00	
William H. Dennerlein, 329 F Street, #208 Anchorage, AK 99501	National Parks & Conservation Assn	1,200.00	430.00
Paul W. Dennett, 1310 G Street, NW, 12 Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	16,089.00	403.70
Dewey Ballantine, 1775 Pennsylvania Ave., NW, #500 Washington, DC 20006	American Natural Soda Ash Co		
Do	Beneficial Corporation		
Do	Bethlehem Steel, et al.	1,606.50	32.00
Do	Catholic Health Assn of the U.S.		
Do	Eastman Kodak Co		
Do	Federal National Mortgage Assn		
Do	General Electric Co		
Do	General Electric Pension Trust		
Do	General Reinsurance Corp		
Do	Intel Corporation		
Do	McCown De Leeuw & Company		
Do	Norfolk Southern Corp		
Do	Northwestern Memorial Hospital		
Do	PacifiCorp Financial Services		
Do	Prudential Insurance Co of America		
Do	Semiconductor Industry Association	940.00	
Do	Teachers Insurance & Annuity Assn of America		
Do	Thompson Publishing Group		
Do	Travelers, Inc		
Do	Tribune Broadcasting Co	420.00	
Do	U S West		
Do	U.S. Coalition for Fair Lumber Imports		
Do	U.S. Telephone Assn		
Do	Union Pacific Corp		
Do	VIACOM International, Inc		
Do	West Indies Rum & Spirits Producers Assn		
Do	Xerox Corp		
Mary Dewhirst, 1350 Connecticut Ave., NW, #200 Washington, DC 20036	Association of America's Public Television Stations	125.48	17.00
Elaine K. Dezenski, 701 Pennsylvania Ave., NW, Suite 720 Washington, DC 20004	Siemens Transportation Systems		
Alex J. DeBoissiere, 701 Pennsylvania Avenue, NW, #710 Washington, DC 20004	Tenneco, Inc	600.00	26.30
Martin L. DePoy, 700 Eleventh Street, NW Washington, DC 20001	National Assn of Realtors	2,500.00	1,493.43
Judith Martin DeSarno, 122 C Street, NW, #380 Washington, DC 20001-2109	National Family Planning & Reproductive Health Assn, Inc	167.00	
Christine DeVries, 600 Maryland Ave., SW, #100 West Washington, DC 20024-2571	American Nurses' Assn	1,753.00	
Thomas R. DeYulia, 1776 I Street, NW, #770 Washington, DC 20006	CNA Insurance Co		
Robbi Rice Dietrich, P.O. Box 660634 Dallas, TX 75266-0634	Frito-Lay, Inc	1,375.00	876.00
Richard Jon Dines, 1401 New York Avenue, NW, Suite 1100 Washington, DC 20005	National Cooperative Business Assn	5,304.00	89.70
Charles V. Dinges IV, 1015 15th Street, NW, #600 Washington, DC 20005	American Soc of Civil Engineers	7,850.00	7,850.00
Robert M. Dingman, 1225 Eye St., NW, #500 Washington, DC 20005	American Motorcyclist Assn	12,000.00	236.45
Dix & Eaton, Inc, 1301 East 9th Street, #1300 Cleveland, OH 44114	Ohio Legal Assistance Foundation	15,000.00	
Brian E. Dixon, 1400 16th Street, NW Suite 320 Washington, DC 20036	Zero Population Growth	1,090.00	
Rose M. DiNapoli, 1101 Pennsylvania Ave., NW, Suite 950 Washington, DC 20004	Student Loan Marketing Assn	2,050.00	1,028.76
Richard S. DiSalvo, 801 Pennsylvania Ave., NW, #650 Washington, DC 20004	American Express Co	8,750.00	100.00
E. David Doane, 1401 I Street, NW, #300 Washington, DC 20005	Koch Industries, Inc	4,000.00	236.05
Thomas B. Dobbins, 1015 Fifteenth Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	7,000.00	132.17
Lina Frescas Dobbs, 801 Pennsylvania Ave., NW, #352 Washington, DC 20004	Central & South West Corp	1,800.00	115.00
Christopher J. Doherty, Fox Bennett & Turner 750 17th Street, NW, #1100 Washington, DC 20006	Society of Academic Emergency Medicine		
Patrick J. Donnelly, 1747 Pennsylvania Ave., NW, Suite 700 Washington, DC 20006	Ciba-Geigy Corp	4,163.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Thomas J. Donohue, 430 First Street, SE Washington, DC 20003	American Trucking Assns, Inc	11,000.00	
Michael C. Dorf, 130 East Randolph Street, #3800 Chicago, IL 60601	Schuyler Roche & Zwirner (For:Gabriella Rosenbaum Trust)	19,240.00	2,260.78
Dorfman & O'Neal, Inc, 1331 Pennsylvania Ave., NW, Suite 730N Washington, DC 20004	Hercules Engine Co		
Kimberly Olson Dorgan, 1702 Esquire Lane McLean, VA 22101	Children's Television Workshop	450.00	
Do	National Captioning Institute		
Terrie M. Dort, 1200 19th Street, NW, Suite 300 Washington, DC 20036-2401	National Council of Chain Restaurants	150.00	
Madonna Cynthia Douglass, 1120 19th Street, NW, Suite 310 Washington, DC 20036-3605	Institute of Makers of Explosives	5,400.00	75.00
Dow Lohnes & Albertson, 1255 23rd St., NW, Suite 500 Washington, DC 20037	Hotel Consult SHCC Colleges		
Do	Profit Sharing Council of America	350.00	
Jane Lind Downey, 1611 Duke Street Alexandria, VA 22314	American Movers Conference		
Michael Draper, c/o Dickstein, Shapiro & Morin 2101 L Street, NW Washington, DC 20037	Forest Products Industry National Labor-Management Committee		1,049.00
John E. Drawz, 1100 International Centre 900 Second Ave., South Minneapolis, MN 55402-3397	Fredrikson & Byron (For:City of New Brighton)		
Dressendorfer-Laird, Inc, 1730 Rhode Island Avenue, NW, #210 Washington, DC 20036	National Assn of Professional Employer Organizations		
Stephen D. Driesler, 700 11th Street, NW Washington, DC 20001-4507	National Assn of Realtors	8,000.00	
William B. Driggers Jr., 1745 Jefferson Davis Highway, #605 Arlington, VA 22202	Texas Instruments, Inc	32.00	229.99
Drinker Biddle & Reath, 901 15th Street, NW, #900 Washington, DC 20005	General Communication, Inc		
Do	Puerto Rico Bankers Assn		
Do	Puerto Rico Chamber of Commerce		
Do	Puerto Rico Manufacturers Assn	4,700.00	100.00
Do	Puerto Rico Telephone Co	1,625.00	25.00
Do	Tandy Corp	1,196.00	20.00
Duberstein Group, Inc, 2100 Pennsylvania Ave., NW, #500 Washington, DC 20037	American Council of Life Insurance	2,400.00	
Do	Juvenile Diabetes Foundation International	1,866.00	
Marcel Dubois, 430 1st Street, SE Washington, DC 20003	American Trucking Assn, Inc	9,000.00	
Ducheneaux Taylor & Associates, 303 Massachusetts Ave., NW Washington, DC 20002	Minnesota Indian Gaming Assocation	907.50	
Jane McPike Dudley, 888 17th Street, NW, #400 Washington, DC 20006	Whiteford Taylor & Preston (For:National Constructors Assn)	4,000.00	21.50
Andrew Dugan, 2001 S Street, NW, Suite 350 Washington, DC 20009	Community Nutrition Institute	6,576.90	488.23
Mac S. Dunaway, Dunaway & Cross 1146 19th Street, NW, #400 Washington, DC 20036	Crown Controls Corporation		
Do	Industrial Truck Assn		
Do	Lord Corporation		
Do	Walbro Corp		
Dunaway & Cross, 1146 19th Street, NW Washington, DC 20036	Aerospace Industries Assn of America, Inc		
Don R. Duncan, 1776 Eye Street, NW, #700 Washington, DC 20006	Phillips Petroleum Co	6,000.00	116.48
Duane Duncan, 3900 Wisconsin Ave., NW Washington, DC 20016	Fannie Mae	2,500.00	
John H. Dunne, 8630 Fenton Street, #400 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
Margaret A. Durbin, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	2,000.00	
Dutko & Associates, Inc, 412 First St., SE, #100 Washington, DC 20003	America's Community Bankers	10,000.00	
Do	American Plastics Council	75,000.00	
Do	BP America, Inc	12,000.00	
Do	Cable & Wireless, Inc	50,000.00	
Do	Carpet and Rug Institute	30,000.00	
Do	Central Illinois Light Company (CILCO)	28,500.00	
Do	Child Support Council		
Do	Citgo Petroleum Corp	46,875.00	
Do	City of Pittsburgh	16,668.00	
Do	Communications Satellite Corp	30,000.00	
Do	Composite Particles, Inc	5,000.00	
Do	CompTel	50,000.00	
Do	Creditors Alliance for Freight Undercharge Assets		
Do	DSC Communications Corp	41,800.00	
Do	Earth Observation Satellite Co	10,000.00	
Do	Empire Sanitary Landfill, Inc	60,000.00	
Do	Federal Express	30,000.00	
Do	Government of the Virgin Islands	60,000.00	
Do	Haldor-Topsoe, Inc		
Do	Hart-Culp International		
Do	Hercules, Inc	3,675.00	
Do	Household International	10,000.00	
Do	InfoAccess, Inc	20,000.00	
Do	International Arid Lands Consortium		
Do	Jewish National Fund	30,000.00	
Do	JM Family Enterprises	24,000.00	
Do	McCaw/AT&T	35,000.00	
Do	Medallion Knitwear, Inc		
Do	Monarch Wine Co of Georgia/Todhunter Intl, Inc	4,500.00	
Do	National American Wholesale Grocers Assn	9,000.00	
Do	National Assn of Prepaid Dental Plans		
Do	National Cellular Resellers Assn		
Do	National Center for Manufacturing Sciences	50,000.00	
Do	National Ground Water Assn	30,000.00	
Do	New Balance Athletic Shoe, Inc	25,000.00	
Do	Pacific Investment Management Co	37,500.00	
Do	PacifiCare Health Systems	25,000.00	
Do	Pharmacia Diagnostics Division	18,000.00	
Do	Polyisocyanurate Insulation Manufacturers Assn (PIMA)	9,000.00	
Do	QED Public Broadcasting		
Do	Rmax, Inc		
Do	Satellite Broadcasting & Communications Assn	15,000.00	
Do	Southwestern Bell Corp	15,000.00	
Do	Telecommunications Resellers Assn	15,000.00	
Do	Tiregator, Inc		
Do	Todhunter International, Inc	21,000.00	
Do	U.S. West		
Do	Union Pacific Corp		
Do	United Illuminating		
Do	UniHealth America		
Do	Washington Research Group	21,000.00	
Do	Wine Institute	1,537.50	
Robert F. DuPree Jr., 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	180.00	5.00
Stuart S. Dye, 2000 M Street, NW Washington, DC 20036	Graham & James (For:American Hawaii Cruises)	687.50	
Do	Graham & James (For:National Assn of Dredging Contractors)		
David Dyer, 6700 Pine Creek Court McLean, VA 22101	National Milk Producers Federation	8,000.00	
Dykema Gossett, 800 Michigan National Tower Lansing, MI 48933	Committee on U.S. Business Canadian Life & Health Ins. Assn	3,480.00	1,000.00
Do	Systems Control, Inc		
DJR & Associates, Inc, 555 Madison Avenue, 12th Floor New York, NY 10022			
Matthew C. Eames, P.O.Box 70 Boise, ID 83707	Idaho Power Company		
Paula P. Easley, 2134 Crataegus Ave., #400 Anchorage, AK 99508			1,300.00
James E. Eason, 8611 Leeper Circle Anchorage, AK 99504	State of Alaska, Office of the Governor	46,712.75	14,189.95
Penny L. Eastman, 901 N. Washington Street, #204 Alexandria, VA 22314	Shipbuilders Council of America		6,800.00
Renee Eastman, 214 Massachusetts Ave., NE, #310 Washington, DC 20002	Salt River Project	3,375.00	1,848.79
Do	Sun Company, Inc	3,375.00	1,848.79
Pamela Pride Eaton, 900 17th St., NW Washington, DC 20006	Wilderness Society	240.00	
Eaton Peabody Bradford & Veague, P.A., P.O. Box 1210 Bangor, ME 04402-1210	Penobscot Valley Refuse Disposal District	6,838.20	802.55
Joseph L. Ebersole, 2101 Connecticut Ave., NW, #63 Washington, DC 20008-1760		22,500.00	
Dennis E. Eckart, 1801 K Street, NW Washington, DC 20006-1301	Arter & Haden (For:Investment Company Institute)		
Eckert Seamans Cherin & Mellott, 2100 Pennsylvania Ave., NW, #600 Washington, DC 20037			
Edwards Associates, 214 Mass.Ave. N.E. #300 Washington, DC 20002	Confederated Tribes of Warm Springs Reservation		
Phyllis Eisen, 1331 Pennsylvania Ave., #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	400.00	
Albert C. Eisenberg, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	20,461.00	
Mark R. Elam, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance		
Timothy L. Elder, 100 N.E. Adams Street Peoria, IL 61629-1430	Caterpillar, Inc		
Electronic Industries Assn, 2500 Wilson Blvd. Arlington, VA 22201-3834		41,281.88	60,199.96
Law Office of Peter L. Eleey, 304 Victory Road Marina Bay, MA 02171	Dana Farber Cancer Institute		
Dorothy A. Ellsworth, 9000 Machinists Place Upper Marlboro, MD 20772	International Assn of Machinists & Aerospace Workers	18,288.01	45.42

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Emerson Electric Co, 8000 W. Florissant St. Louis, MO 63136			3,250.69
Employee Relocation Council, 1720 N St., NW Washington, DC 20036			
Employers Insurance of Wausau, 2000 Westwood Dr. Wausau, WI 54401			13,775.28
Arthur P. Endres Jr., 801 Pennsylvania Ave., NW, #220 Washington, DC 20004	Burlington Northern Railroad Co	5,000.00	989.02
Lewis A. Engman, 1163 Daleview Drive McLean, VA 22101	Generic Pharmaceutical Industry Assn		
Loretta E. Enloe, 8 Oak Hill Drive Edwardsville, IL 62025	Federation of American Consumers & Travelers (FACT)	2,500.00	
Clyde F. Ensslin, 800 Connecticut Avenue, NW, #800 Washington, DC 20006	Tudor Investment Corp		
Joan M. Entmacher, 1875 Connecticut Ave., NW, #710 Washington, DC 20009	Women's Legal Defense Fund	2,962.00	994.00
Ann Eppard Associates, Ltd, 30 Wolfe Street Alexandria, VA 22314	FastShip Atlantic, Inc	15,000.00	
J. Barry Epperson, 201 West 5th Street, #440 Tulsa, OK 74103-4211	Associated Wire Rope Fabricators		624.75
Markham C. Erickson, 400 North Capitol Street, NW, #585 Washington, DC 20001	McGuiness & Holch (For:Major League Baseball Players Assn)	270.00	
Dawn Erlandson, 1025 Vermont Avenue, NW, 3rd Floor Washington, DC 20005	Friends of the Earth	249.60	
Ernst & Young, 1225 Connecticut Ave., NW, #500 Washington, DC 20036	Bank of America		
Catherine Evans, 430 First Street, SE Washington, DC 20003	American Trucking Assns, Inc	9,000.00	
Evans Group, Ltd, 1010 Wisconsin Ave., NW, 8th Floor Washington, DC 20007	Armour Pharmaceutical Co		
Do	Association for Responsible Thermal Treatment	21,000.00	
Do	FED Corporation	6,000.00	
Do	Matlack Systems, Inc		
Do	Republic of Cyprus	25,500.00	
Do	Riddell Sports, Inc	8,000.00	
Kellye A. Eversole, 4434 Indigo Lane Harwood, MD 20776	Edison Electric Institute	5,000.00	53.99
ESCO Electronics Corp, 8100 W. Florissant St. Louis, MO 63136			2,130.06
Scott Faber, 801 Pennsylvania Ave., SE, Suite 400 Washington, DC 20003	American Rivers	420.68	
Faegre & Benson, Suite 450 North 601 13th Street, NW Washington, DC 20036-4001	Multifoods	187.50	117.87
Do	Plaintiffs in Federal Dist Court litigation in Anchorage, AK		
Darryl H. Fagin, 1625 K Street, NW, #210 Washington, DC 20006	Americans for Democratic Action	5,886.73	
Robert J. Falb, 1821 Michael Faraday Drive Suite 400 Reston, VA 22090	National Wholesale Druggists' Assn		
Family Holding Company Advocacy Group, c/o George Helme Wilmington Trust Company Wilmington, DE 19890			
Dagmar T. Farr, 800 Connecticut Avenue, NW Washington, DC 20006-2701	Food Marketing Institute	300.00	
Meghan Farrell, 444 North Capitol Street, #418 Washington, DC 20001	New England Council		
Jason Farrow, One Sony Drive Park Ridge, NJ 07656	Sony Electronics, Inc		
Leila Farzan, 1875 Connecticut Ave., NW, #300 Washington, DC 20009	Center for Science in the Public Interest	4,063.00	165.00
Gerald W. Fauth III, 208 N. Washington Street Alexandria, VA 22314	Edison Electric Institute	6,623.45	20,335.65
Federal Kemper Life Assurance Co, One Kemper Drive, T-1 Long Grove, IL 60049			38.25
Federal Strategies, 888 16th Street, NW Washington, DC 20006	Cellulose Insulation Manufacturers Assn		
Do	Citizens for Health	1,500.00	
Do	Federal Data Corporation		
Do	Shell Oil Co		
Do	U.S. Fuel & Security, Inc		
Tara Federici, 1200 G Street, NW, #400 Washington, DC 20005	Health Industry Manufacturers Assn	875.00	23.00
Robert Feenstra, 13545 Euclid Avenue Ontario, CA 91761	Milk Producers Council (For:Dairy Farmers for Responsible Dairy Policy)		200.00
Donald M. Fehr, 12 East 49th Street New York, NY 10017	Major League Baseball Players Assn		
Steven A. Fehr, 204 West Linwood Blvd Kansas City, MO 64111	Major League Baseball Players Assn	5,418.00	
Geoffrey A. Feiss, 1401 H Street, NW, #600 Washington, DC 20005	U.S. Telephone Assn	120.00	
George F. Fenton Jr., 1130 17th Street, NW Washington, DC 20036	National Mining Assn	19,350.00	2,421.00
Katherine T. Ferency, 117 Water St., Plt. 6 Allegan, MI 49010	Perrigo Co	2,790.84	2.94
Brian Ferguson, 1301 K Street, NW East Tower 715 Washington, DC 20005	Eastman Chemical Company	1,000.00	
William Ferguson Jr., 1130 Connecticut Avenue, NW, #300 Washington, DC 20036	Ferguson Company (For:Robert Bein)	600.00	16.81
Do	Ferguson COmpany (For:Central Valley Project Authority)	1,522.66	44.96
Do	Ferguson Company (For:Central Valley Project Water Assn)	937.50	210.11
Do	Ferguson Company (For:City of Alhambra)	227.50	65.98
Do	Ferguson Company (For:City of Fairfield)	2,625.00	22.86
Do	Ferguson Company (For:City of Inglewood)	468.75	48.33
Do	Ferguson Company (For:City of Norwalk)	750.00	8.72
Do	Ferguson Company (For:City of Novato)	2,625.00	604.43
Do	Ferguson Company (For:City of Oceanside)	305.10	16.46
Do	Ferguson Company (For:City of Santa Ana)	1,406.25	
Do	Ferguson Company (For:City of Santa Monica)	750.00	23.57
Do	Ferguson Company (For:Forest City Enterprises)	148.75	24.49
Do	Ferguson Company (For:Imperial Irrigation District)	826.88	288.47
Do	Ferguson Company (For:Interstate 5 Consortium)	750.00	101.28
Do	Ferguson Company (For:Irvine Company)	800.00	123.87
Do	Ferguson Company (For:Koll Company)	3,500.00	35.89
Do	Ferguson Company (For:Long Beach Transit)	625.00	14.77
Do	Ferguson Company (For:Modesto Irrigation District)	2,000.00	31.40
Do	Mullan Enterprises, Inc	726.40	42.29
Do	Ferguson Company (For:National Realty Committee)	520.83	132.97
Do	Ferguson Company (For:New Hamilton Partners)	2,250.00	311.59
Do	Ferguson Company (For:Sacramento Metropolitan Chamber of Commerce)	5,000.00	69.15
Do	Ferguson Company (For:Southeast Water Coalition)	2,499.99	91.37
Do	Ferguson Company (For:Tejon Ranch)	1,107.00	154.68
Do	Ferguson Company (For:Transportation Corridor Agencies)	2,625.00	604.43
Do	Tri-Cities Municipal Water District	1,000.00	6.27
Jack Ferguson Associates, Inc, 203 Maryland Ave., NE Washington, DC 20002	Arctic Power	2,812.50	338.21
Do	AT&T	7,500.00	330.72
Do	Dillingham Construction Corp, Inc	7,500.00	338.97
Do	Global Marine, Inc	3,750.00	358.98
Do	Haida Corporation	5,625.00	358.97
Do	Holland America West-Tours		
Do	KV Partners	7,500.00	353.47
Do	Northern Air Cargo	3,750.00	334.80
Do	Nuclear Energy Institute	7,500.00	358.97
Do	Southeast Alaska Land Acquistion Corp, Inc		
Do	Stein & Company	3,750.00	321.10
Do	U.S. Borax, Inc	7,812.51	323.74
Do	U.S. Ecology, Inc	7,500.00	358.97
Kirk Ferrell, 122 C Street, NW, #875 Washington, DC 20001	National Pork Producers Council	10,000.00	330.20
Ferroalloys Association, 900 2nd Street, NE, Suite 306 Washington, DC 20002		9,922.57	
Robert J. Fersh, 1875 Connecticut Avenue, NW, #540 Washington, DC 20009	Food Research & Action Center	862.00	
Andrew D. Filicicchia, 1200 18th Street, NW, Suite 200 Washington, DC 20036	National Business Aircraft Assn	592.50	626.37
Financial Services Council, 1776 Eye Street, NW, #735 Washington, DC 20006		14,875.00	1,440.00
William J. Finch, 403 East Sixth St. Bloomington, IN 47401	Cook Group, Inc	13,534.41	
James K. Finley, 12300 Twinbrook Parkway Rockville, MD 20852	National Community Mental Healthcare Council	3,200.00	75.00
Mary Ellen Fise, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	2,331.81	17.22
Fish & Richardson, P.C., 601 13th Street, NW Suite 500 North Washington, DC 20005	Directors Guild of America	1,137.00	730.45
Do	Shared Legal Capability for Intellectual Property	487.50	314.00
Steven A. Fisher, P.O. Box 76228 Washington, DC 20013	American Great Lakes Ports	12,625.00	5,397.90
Alan M. Fitzwater, P.O. Box 187 Bentonville, VA 22610	Burlington Northern Railroad Co	15,000.00	
Susan G. Flack, 1155 Connecticut Ave., NW Washington, DC 20036	Dayton Hudson Corp	100.00	
Do	National Assn of Chain Drug Stores, Inc	100.00	
Do	Flack, Inc (For:Spiegel, Inc)	100.00	
Fleishman-Hillard, Inc, 1301 Connecticut Ave., NW, 7th Floor Washington, DC 20036	American Ambulance Assn	15,000.00	
Do	Association of American Railroads	9,999.00	
Do	Baxter Healthcare Corp		
Do	Children's Hospital Medical Center of Northern California	12,000.00	
Do	City of Escondido, California	1,500.00	37.60
Do	City of Yukon, Oklahoma		
Do	Coalition of Childrens Hospitals	35,000.00	
Do	CW Agencies, Inc		
Do	Enterprise Car Rental		
Do	Falcon Jet Corp		
Do	Hispanic Business		
Do	Institute of Scrap Recycling Industries	6,000.00	
Do	ILVA SA Ceramica		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Levi Strauss & Company		
Do	Litton Computer Services	11,000.00	
Do	Lloyd A. Wise Companies		
Do	Marazul Charters		
Do	MasterCard International		
Do	Minot Area Development Corp		
Do	National Collegiate Athletic Assn (NCAA)		
Do	National Natural Resources Coalition		
Do	Nintendo of America, Inc		
Do	Novell, Inc	2,500.00	
Do	Oceanic Industries	7,500.00	
Do	Raytheon Company	1,200.00	97.16
Do	Sandoz	1,000.00	
Do	Sony Corp of America		
Do	Sverdrup Corp	1,500.00	
Do	Syva Company	1,000.00	
Do	Turkish Embassy	45,000.00	185.05
Do	Unisys Corporation	5,500.00	62.15
Do	University of New Haven	1,500.00	39.83
Do	Wackenhut Educational Services		
Karen Florini, 1875 Connecticut Ave. NW, #1016 Washington, DC 20009	Environmental Defense Fund	15,000.00	
Ruth Flower, 245 Second Street, NE Washington, DC 20002	Friends Committee on National Legislation	4,325.49	
M. W. Flynn & Associates, Inc, P.O. Box 320115 Tampa, FL 33609	Pan American Life Insurance Co	4,410.50	2,074.99
Christopher L. Foley, 89 Orinda Way, #4 Orinda, CA 94563	Law Offices of Christopher R. Foley (For:Frank Spenger Company)		
Fontheim & Hammonds, 888 16th Street, NW, #300 Washington, DC 20006-4103	Limited, Inc	4,190.50	4,288.54
Food Marketing Institute, 800 Connecticut Avenue, NW, Washington, DC 20006			4,150.00
Footwear Distributors & Retailers of America, 1319 F St., NW, #700 Washington, DC 20004			1,500.00
Barry Forbes, 666 11th Street, NW, #806 Washington, DC 20001	Alliance for Community Media	1,250.00	
John P. Ford, One Kellogg Square Battle Creek, MI 49016	Kellogg Co	2,000.00	283.00
Ford & Ferraro, 98 San Jacinto, Suite 2000 Austin, TX 78701	Houston Chemical Services, Inc		
Carol Tucker Foreman, 1100 New York Avenue, NW, #1030 Washington, DC 20005	Foreman & Heidepriem (For:Arnold & Porter (for American Home Products Corp)).		
Do	International Women's Health Coalition		
Foreman & Heidepriem, 1100 New York Ave., NW, #1030 Washington, DC 20005	American Home Products Corp		
Do	Arnold & Porter (for American Home Products Corp)		
Do	International Women's Health Coalition	1,781.25	
Forest Products Industry National Labor-Management Comm, c/o Dickstein Shapiro & Morin 2101 L Street, NW Washington, DC 20037.		41,449.00	41,449.00
Alison B. Fortier, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International	19,900.00	802.28
Michael Fortier, 555 13th Street, NW, #600 East Washington, DC 20004-1109	American Managed Care & Review Assn	762.00	49.00
Do	Health Insurance Assn of America	2,812.68	268.75
James D. Fowler Jr., 1600 M Street, NW, #500 Washington, DC 20016	ITT Corp		
Fox Bennett & Turner, 750 17th Street, NW, #1100 Washington, DC 20006	American Home Products Corp		75.00
Do	American Soc of Clinical Oncology		
Do	Bristol-Myers Squibb Co		
Do	Cryomedical Sciences, Inc		
Do	Fisons Corp		
Do	Healthcare Management Alternatives, Inc		
Do	Immuno U.S., Inc		
Do	Johnson & Johnson		
Do	Leukemia Society of America		
Do	National Coalition for Cancer Survivorship		
Do	New England Biomedical Research Coalition		92.50
Do	North American Brain Tumor Coalition		
Do	Serono Laboratories, Inc		107.50
Phillip L. Fraas, 1025 Thomas Jefferson Street, NW, #407 Washington, DC 20007	Tuttle Taylor & Heron (For:Cheese Importers Assn of America, Inc)	6,807.50	143.08
Do	McLeod Watkinson & Miller (For:DEIP Coalition)	8,550.00	412.45
Do	Tuttle Taylor & Heron (For:South African Sugar Assn)		
Michael Francis, 900 17th Street, NW Washington, DC 20006	Wilderness Society	929.49	59.00
George Franklin, 1 Kellogg Square Battle Creek, MI 49016-3599	Kellogg Company	1,500.00	150.00
David Frazier, 1015 15th Street, NW, Suite 802 Washington, DC 20005	American Consulting Engineers Council	1,900.00	113.00
Matthew Freedman, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	703.13	
David W. Freer, 1001 G Street, NW 6th Floor East Washington, DC 20001	Southern California Gas Co	5,000.00	
Freer & McGarry, P.C., 1000 Thomas Jefferson St., NW, #600 Washington, DC 20007	Mid-America Dairymen, Inc	10,780.00	263.49
Do	Port Authority to the Territory of Guam		
Do	U.S.-Cuba Business Council	240.18	
Robert Freimark, 900 17th Street, NW Washington, DC 20006-2596	Wilderness Society	1,476.66	
Stacey Fried, 1301 K Street, NW East Tower 715 Washington, DC 20005	Eastman Chemical Co	500.00	144.00
Philip P. Friedlander Jr., 1250 Eye Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn		
Friends Committee on National Legislation, 245 2nd St., NE Washington, DC 20002		144,021.70	104,842.66
Jocelyn C. Frye, 1875 Connecticut Ave., NW, Suite 710 Washington, DC 20009	Women's Legal Defense Fund		14.00
Robert G. Fulton Sr., P.O. Box 75616 Washington, DC 20013-5616	Coalition of Police Professionals		
Kay Fulwider, 600 Maryland Ave., SW, #100 West Washington, DC 20024-2571	American Nurses Assn	4,253.00	
Mark Gable, 1641 Prince Street Alexandria, VA 22314-2818	Federal Managers Assn	8,100.00	
Wayne Gable, 1401 I Street, NW, #300 Washington, DC 20005	Koch Industries, Inc		303.18
Vivian Gabor, 1901 L Street, NW, Suite 260 Washington, DC 20036	March of Dimes	7,000.00	
Gage & Tucker, 1200 G Street, NW, #800 Washington, DC 20005	Anchor Glass Container Corp		
Do	Pizza Hut, Inc		
Do	Wendy's International, Inc		
John G. Gaine, 1150 Connecticut Avenue, NW, #700 Washington, DC 20036	Managed Futures Assn	3,000.00	590.00
Angelina Galiteva, 701 Pennsylvania Ave., NW Washington, DC 20004	Electric Transportation Coalition	100.00	50.00
Galland Kharasch Morse & Garfinkle, P.C., 1054 31st Street, NW Second Floor Washington, DC 20007	Textile Rental Services Assn of America		
Juan Gallardo, 1025 Thomas Jefferson Street, NW Washington, DC 20007	Coordinadora de Organizaciones Empresariales de Comercio Ext		
John Paul Galles, 1155 15th St., NW, #710 Washington, DC 20005	National Small Business United	1,000.00	
L. Thomas Galloway, 7110 Broxburn Drive Bethesda, MD 20817	Galloway & Associates		
Thomas Gann, 1300 I Street, NW, #40 East Washington, DC 20005-3306	Sun Microsystems, Inc		3,600.00
Curtis B. Gans, 421 New Jersey Avenue, SE Washington, DC 20003	Committee for the Study of the American Electorate	2,000.00	
Raymond Garcia, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International Corp	3,000.00	67.30
Lee D. Garrigan, 1015th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	1,250.00	28.00
John C. Gartland, 214 Massachusetts Ave., NE, #210 Washington, DC 20002	Amway Corp	10,000.00	
Edward R. Garvey, 15 South Blair Street Madison, WI 53703	United Transportation Union		
Gas Appliance Manufacturers Assn, Inc, 1901 North Moore Street Arlington, VA 22209		461.72	17,717.74
Neil F. Gasser, P.O. Box 75616 Washington, DC 20013-5616	Coalition of Police Professionals		
David Gasson, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	1,697.00	474.00
Karl Gawell, 900 17th Street, NW Washington, DC 20006	Wilderness Society	4,310.55	
Barbara L. Gay, 901 E Street, NW, Suite 500 Washington, DC 20004-2037	American Assn of Homes & Services for the Aging		
Craig Gehrke, 900 17th Street, NW Washington, DC 20006	Wilderness Society		
Robert C. Gelardi, 5775 Peachtree-Dunwoody Rd., #500-G Atlanta, GA 30342	Robert H. Kellen Co (For:Calorie Control Council)	180.00	
Do	Kellen Company (For:Infant Formula Council)	180.00	
Nancy Whorton George, 601 13th Street, NW, #850 S Washington, DC 20005	El Paso Natural Gas Company	1,000.00	
Robin Gerber, 101 Constitution Ave. NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	3,850.00	384.00
Scott A. Gerke, 955 L'Enfant Plaza, SW #5300 Washington, DC 20024	Honda North America, Inc	500.00	62.85
David A. Gerken, 1301 Connecticut Avenue, NW, 7th Floor Washington, DC 20036	Commonwealth of Puerto Rico, Dept of Consumer Affairs	9,000.00	
Do	Puerto Rico Federal Affairs Administration	25,500.00	77.91
Do	Puerto Rico Senate	1,800.00	
Do	Times Mirror Corp	2,000.00	
Alvin J. Geske, 2100 Pennsylvania Avenue, NW, #400 Washington, DC 20037	Fleishman Hillard, Inc	3,751.50	65.95
David Troy Saxton Getty, 2233 Chanaral Ave. Hemet, CA 92545-2535			
Martha A. Gibbons, 655 15th Street, NW, #300 Washington, DC 20005	Laidlaw Transportation Management, Inc	10,000.00	
Gibson Dunn & Crutcher, 1050 Connecticut Ave., NW, #900 Washington, DC 20036	Civil Justice Reform Group	71,472.25	611.47
Robert B. Giese, 1101 Connecticut Avenue, NW, #1000 Washington, DC 20036	Chris-Craft Broadcasting, Inc	1,425.00	
Richard Gilbert, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	1,222.00	
Corinna Gilfillan, 1025 Vermont Avenue, NW, 3rd Floor Washington, DC 20005	Friends of the Earth	212.26	
Mary Ann Gilleece, 1747 Pennsylvania Ave., NW, #800 Washington, DC 20006	Gadsby & Hannah (For:Colt Manufacturing Co, Inc)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Gadsby & Hannah (For:Dyncorp)	97.75	
Do	Gadsby & Hannah (For:Miami Valley Economic Coalition)	2,122.66	
Do	Gadsby & Hannah (For:NMP Corp)	2,784.37	
Do	Gadsby & Hannah (For:Sabreliner Corp)	1,482.40	
Do	Gadsby & Hannah (For:Svendrup Corporation)		
Do	Gadsby & Hannah (For:Veda, Inc)	67.50	
Do	Gadsby & Hannah (For:Westinghouse & Cutler/Hammer Products)	1,576.55	
Cynthia D. Gillespie, 250 Williams Street Suite 6000 Atlanta, GA 30301-1996	Atlanta Committee for the Olympic Games	312.48	
Michael B. Gillett, 1001 Forth Avenue Plaza, Suite 3200 Seattle, WA 98154	Atlantic Richfield Company	332.50	
Do	Pacific Lumber & Shipping Co		
Dorothy M. Gillman, One Thomas Circle, NW, #950 Washington, DC 20005	Independent Bankers Assn of America	13,400.00	1,355.57
Maureen Gilman, 901 E St., NW, #600 Washington, DC 20004	National Treasury Employees Union	25,000.00	242.94
Gerard Giovaniello, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	2,500.00	884.77
Nicholas J. Glakas, 1600 M Street, NW Washington, DC 20036	ITT Corporation	300.00	25.00
Glass Packaging Institute, 1627 K Street, NW, #800 Washington, DC 20006			3,816.70
Mark L. Glassman, 1055 North Fairfax Street, Suite 201 Alexandria, VA 22314	U.S. Strategies Corp		
Donna Siss Gleason, 2500 Wilson Boulevard Arlington, VA 22201-3834	Electronic Industries Assn	750.00	
Al James Golato, 1533 New Hampshire Ave., NW Washington, DC 20036	National Assn of Retired Federal Employees		
Goldberg Kohn Bell Black Rosenbloom & Moritz, Ltd, 55 East Monroe St., #3700 Chicago, IL 60603	Fender Musical Instruments Corp	447.50	
Wilson Golden, 715 Arlington Street Jackson, MS 39202-1617	ICF Kaiser International, Inc	14,968.75	9,817.79
Ronald L. Goldfarb, Ronald Goldbarb & Associates 918 16th Street, NW, #400 Washington, DC 20006	Washington Independent Writers, Inc		
Neil Goldschmidt, Inc, 222 SW Columbia, #1850 Portland, OR 97201	Nike, Inc		
Do	Seneca Sawmill Company		
Benson S. Goldstein, 11800 Tifton drive Potomac, MD 20854	National Assn for the Self-Employed		
James H. Goldstein, 1350 I Street, NW, #400 Washington, DC 20005	Motorola, Inc	1,500.00	
Rose Gonzalez, 600 Maryland Ave., SW, #100 West Washington, DC 20024-2571	American Nurses Assn	4,263.00	70.26
Marian S. Goodman, 1401 I Street, NW, #210 Washington, DC 20005	American Managed Care & Review Assn	3,115.00	59.00
Susannah Goodman, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	2,980.77	
Goodwin Procter & Hoar, 901 15th Street, NW, #410 Washington, DC 20005	GE Capital Mortgage Services, Inc	23,000.00	
Do	Massachusetts Bankers Assn	11,330.00	
Marvin N. Gordon, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Northrop Grumman	1,400.00	
Gordy Associates, Susan K., 1 First National Plaza, #3175 Chicago, IL 60603	First Chicago Corp	6,000.00	1,300.00
John C. Gore, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc		
Ann M. Gosier, 1001 19th Street North, #800 Arlingtonn, VA 22209	Product Liability Coordinating Comm	36,246.00	1,310.40
Barry Gottehrer, 1295 State Street Springfield, MA 01111-0001	Massachusetts Mutual Life Insurance Co	650.00	
Gover Stetson & Williams, 2501 Rio Grande Blvd., NW Albuquerque, NM 87104-3223	Campo Band of Mission Indians	10,320.00	
Do	Colorado River Indian Housing Authority		
Do	Crow Tribal Housing Authority		
Do	First Mesa Consolidated Villages		
Do	Lummi Nation	3,273.50	
Do	Mescalero Apache Housing Authority		
Do	Navajo Nation	686.00	
Do	Pueblo of Laguna Housing Authority		
Do	Pueblo of Sandia	6,277.50	
Do	Pueblo of Tesuque	3,329.00	
Do	Shoshone Tribe	3,816.00	
Do	Tohono O'dham Nation	287.00	
Do	Wind River Tax Commission		
Do	Yavapai-Apache Indian Community	2,017.50	
Do	Zuni Housing Authority		
Government Affairs Management Associates, 1001 G Street, NW, #400 East Washington, DC 20001	Bechtel/PB Joint Venture	11,250.00	
Do	State of Indiana & Indiana Dept of Transportation	35,299.99	
Edmund Graber, 12103 Goodwood Drive Fairfax, VA 22030	American Road & Transportation Builders Assn	9,630.00	
Do	Artais Weather Check	8,500.00	
Do	Crown America	14,000.00	300.00
Do	Highway Users Federation	6,000.00	
Do	Illinois Public Transit Assn	7,500.00	
Do	RADAR	10,000.00	
Bill Gradison, 555 13th Street, NW, #600 East Washington, DC 20004	Health Insurance Assn of America, Inc	5,660.95	33.95
Elaine Z. Graham, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Lawrence T. Graham, 7900 Westpark Drive, #A-320 McLean, VA 22102	Chocolate Manufacturers Assn of the USA		
Do	National Confectioners Association		
Graham & James, 2000 M Street, NW, #700 Washington, DC 20036	Contact Lens Manufacturers Assn		
Do	Dental Implant Manufacturers Assn		
Jay Grant, McGuiness & Holch 400 North Capitol St., NW, #585 Washington, DC 20001	American Council of Health Brokerage Agencies	1,000.00	
Do	National Assn of Health Underwriters		
Rhonda K. Grant, 5901 Executive Drive Lansing, MI 48911	Jackson National Life Insurance Co	2,500.00	2,808.64
Stanley J. Grant, 81 Country Village Manhasset Hills, NY 11030	Pharmaceutical Research & Manufacturers of America	9,344.29	
James L. Granum, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Marie Beatrice Grause, 499 South Capitol Stret, SW, #405 Washington, DC 20003	Massachusetts Hospital Assn	18,000.00	383.23
Ruth P. Graves, 600 Maryland Ave., SW, #600 Washington, DC 20560	Reading Is Fundamental, Inc	600.00	72.90
Neil A. Gray, 2120 L Street, NW, #305 Washington, DC 20037	International Bridge Tunnel & Turnpike Assn	2,820.00	86.14
Greater Washington Educational Telecommunications Assn, P.O. Box 2626 Washington, DC 20013			
George R. Green, 800 Connecticut Avenue, NW Washington, DC 20006-2701	Food Marketing Institute	450.00	
Micah S. Green, 1445 New York Ave., 8th Floor Washington, DC 20005	Public Securities Assn	12,500.00	
Scott H. Green, 8150 Leesburg Pike, #900 Vienna, VA 22182	Boys & Girls Clubs of America	7,500.00	942.00
Do	DARE AMERICA	10,000.00	1,256.00
Do	National Center for Missing & Exploited Children	5,000.00	656.00
Pamela Greenberg, 1129 20th Street, NW, #600 Washington, DC 20036	Group Health Assn of America, Inc	10,500.00	235.31
Greenberg Traurig Hoffman Lipoff Rosen & Quentel, 1300 Connecticut Ave., NW, 10th Floor Washington, DC 20005	American Healthcare Assn	800.00	10.94
Do	American Prepaid Legal Services		
Do	American Speech-Language-Hearing Assn	600.00	5.01
Do	AT&T Universal Card Services		
Do	Central American & Caribbean Textile & Apparel Council	1,009.54	1.97
Do	Connaught Laboratories, Inc	916.78	8.57
Do	Dade County	700.00	
Do	Government of Puerto Rico		
Do	Grocery Manufacturers of America	500.00	0.95
Do	Health Insurance Assn of America	275.00	1.29
Do	Healthsource, Inc	387.30	3.62
Do	Humana, Inc	1,020.00	15.59
Do	Mission Energy Co	1,322.15	0.10
Do	Mount Sinai Medical Center		
Do	National Assn for the Support of Long-Term Care (NASL)	600.00	7.85
Do	National Assn of Community Health Centers, Inc	450.00	3.62
Do	National Assn of Social Workers	150.00	
Do	National Bank of Detroit, N.A.	318.00	0.50
Do	National Funeral Directors Assn	49.88	1.27
Do	National Health Laboratories	300.05	9.54
Do	Puerto Rico Telephone Co		211.10
Do	Torrington Co	800.00	1.23
Do	Viacom International, Inc	65.28	
Laurence T. Greene, U.S. Route 150 Normal, IL 61761-8099	Mitsubishi Motor Manufacturing of America, Inc		
Greenlee Associates, 19 1/2 N. Fourth St. Harrisburg, PA 17101	Pennsylvania Power & Light	6,750.00	156.64
John P. Gregg, 1140 - 19th Street, NW, Suite 700 Washington, DC 20036	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn)		
Greyhound Lines, Inc, P.O. Box 660362 Dallas, TX 75266-0362			36,000.00
Kathryn Griesinger, 2500 Wilson Bouldevard Arlington, VA 22201	Electronic Industries Assn	750.00	27.00
J. Steven Griles, 203 Roscommon Drive Bristol, TN 37620	Container Corp of Carolina	22,500.00	
Do	National Mining Assn	9,000.00	
Donald Groninger, McGuiness & Williams 1015 15th Street, NW Washington, DC 20005	Bridgestone-Firestone	13,000.00	67,432.00
Daniel LaRue Gross, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	500.00	
Michael Grynberg, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	380.77	
Gerald M. Guarilia, 70 North Main Street Wilkes-Barre, PA 18711	Blue Cross of Northeastern Pennsylvania		
Kenneth A. Guenther, One Thomas Circle, NW, #950 Washington, DC 20005	Independent Bankers Assn of America	62,500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Gene Guerrero, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	1,250.00	
Mark F. Guimond, 2320 Mill Road, #102 Alexandria, VA 22314-4679	Household Goods Forwarders Assn of America, Inc		
Jay F. Guin, P.O. Box 3206 Tuscaloosa, AL 35403	Tanner & Guin, PC (For:Alabama Council for Rural Housing Development)		
GHL, Inc, 1090 Vermont Avenue, NW, #800 Washington, DC 20005	Amoco Performance Products, Inc	15,000.00	1,782.64
GRQ, Inc, 5454 Wisconsin Ave., NW, #1340 Chevy Chase, MD 20815	Life Resources	5,450.00	
Do	Manor Healthcare, Inc	6,267.00	
Do	Midwest Organ Bank, Inc	2,625.00	
Do	National Assn of Medical Directors of Respiratory Care	3,400.00	
Do	Puritan Group-Puritan Bennett Corp	8,823.75	
Do	Spectra Laboratories, Inc	2,088.00	
Do	Transtracheal Systems, Inc	3,461.25	
Rosemary T. Haas, 1710 Rhode Island Ave., NW, #300 Washington, DC 20036	Abbott Laboratories	1,000.00	
Jon Haber, 1400 L Street, NW, #600 Washington, DC 20005	Chlopak Leonard Schechter & Assoc	1,500.00	1,500.00
Sherry J. Haber, 1821 Michael Faraday Dr., #400 Reston, VA 22090	National Wholesale Druggists' Assn		
George Hacker, 1875 Connecticut Ave., NW, #300 Washington, DC 20009-5728	Center for Science in the Public Interest	300.00	
Thomas M. Hagan, P.O. Box 660164 Dallas, TX 75266-0164	Central & South West Corp		
John F. Haifley, 1440 New York Avenue, NW, #200 Washington, DC 20005	American Automobile Assn		
Haight Gardner Poor & Havens, 2000 Pennsylvania Ave., NW, #4400 Washington, DC 20006	Wilh. Wilhelmsen Limited A/S		
Donald M. Haines, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union		
Robert W. Haines, 1250 H Street, NW, #500 Washington, DC 20005	Mobile Corp	2,500.00	290.04
Janet Hale, 1401 H Street, NW, #600 Washington, DC 20005	U.S. Telephone Assn	14,583.00	
Anne Hall, 436 West 5th Avenue Columbus, OH 43201	Banc One Corporation	50,000.00	6,030.64
Martin L. Hall, 5990 Richmond Highway, #1114 Alexandria, VA 22303	Gulfstream TLC/Stablex	12,500.00	255.00
Jim Halpert, 2000 M Street, NW, #400 Washington, DC 20036	People for the American Way Action Fund	7,300.01	
David S. Hamilton, 1725 K Street, NW, #509 Washington, DC 20006	Alliance to Save Energy	2,857.64	1.00
Philip W. Hamilton, 1828 L St., NW, #906 Washington, DC 20036	American Soc of Mechanical Engineers		
Timothy M. Hammonds, 800 Connecticut Ave., NW Washington, DC 20006-2701	Food Marketing Institute	200.00	
Christopher W. Hansen, 1700 N. Moore Street Rosslyn, VA 22209	Boeing Company	1,042.16	38.00
Jake Hansen, 11166 Main Street, #302 Fairfax, VA 22030	Seniors Coalition	11,874.99	6,940.34
Heidi Hanson, 1055 North Fairfax Street, Suite 201 Alexandria, VA 22314	U.S. Strategies Corp		
Dewitt Talmage Hardin III, 600 Pennsylvania Ave., NW, #900 Washington, DC 20004	Chwat & Company, Inc (For:National Licensed Beverage Assn)	6,000.00	
Sandra K. Harding, 750 First Street, NE, #700 Washington, DC 20002-4241	National Assn of Social Workers	13,053.00	
John C. Hare, 701 Pennsylvania Avenue, NW Washington, DC 20004	Siemens Transportation Systems, Inc		
Harkins Cunningham, 1300 19th Street, NW, #600 Washington, DC 20036	Southern Pacific Lines		
Knowles Harmon, P.O. Box 75616 Washington, DC 20013-5616	Coalition of Police Professionals		
Charles Edward Harple, 25 Louisiana Ave., NW Washington, DC 20001	International Brotherhood of Teamsters	14,793.57	
Wiley C. Harrell Jr., 1776 Eye Street, NW, #200 Washington, DC 20006	Wiley C. Harrell, Jr.		
Toni Harrington, 955 L'Enfant Plaza North, SW, #5300 Washington, DC 20024	Honda North America, Inc	684.00	
W. Brendan Harrington, 1101 15th St., NW, #1000 Washington, DC 20005	Cargill, Inc	1,250.00	
Leslie Harris, 2000 M Street, NW, #400 Washington, DC 20036	People for the American Way Action Fund	13,124.99	
Robert E. Harris, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International Corp	1,500.00	
Robert L. Harris, 927 15th Street, NW, 3rd Floor Washington, DC 20005	Nutter & Harris (For:Lead Industries Assn)	24,750.00	
Do	Nutter & Harris (For:Plum Creek Timber Company)	13,880.00	400.00
William D. Harris & Associates, 1156 15th Street, NW, #550 Washington, DC 20005	AT&T	20,000.00	12,000.00
Do	Government Development Bank for Puerto Rico	30,000.00	521.07
Joseph M. Harrison, 1611 Duke Street Alexandria, VA 22314	American Movers Conference	10,000.00	
Fruzsina M. Harsanyi, 1401 H Street, NW, #1060 Washington, DC 20005	Asea Brown Boveri, Inc	3,500.00	
William J. Harte Ltd, 111 West Washington Street, Suite 1000 Chicago, IL 60602	Amgen, Inc	325.00	
Carolyn Hartmann, 218 D Street, SE Washington, DC 20003	U.S. Public Interest Research Group	7,241.40	
Frederick J. Hartwigsen, 1500 Paxton Street P.O. Box 3565 Harrisburg, PA 17105	UGI Corporation		
Barbara S. Haugen, 1401 New York Ave., NW, #720 Washington, DC 20005	National Assn of Insurance Brokers, Inc		
Arnold I. Havens, 1331 Pennsylvania Ave., NW, #560 South Washington, DC 20004	CSX Corporation	7,500.00	834.00
Kathryn Joann Hawes, 8630 Fenton Street, #400 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
Charles E. Hawkins III, 1300 North 17th St. Rosslyn, VA 22209	Associated Builders & Contractors, Inc	2,500.00	
Hawkins Delafield & Wood, 1015 15th Street NW Suite 930 Washington, DC 20005	City of San Antonio	20,100.00	
Do	Mortgage Bankers Assn	9,000.00	
Matt D. Hay, 1235 Jefferson Davis Highway, #305 Arlington, VA 22202	ESCO Electronics Corp		1,756.88
Robert G. Hayes, Bogle and Gates 1299 Pennsylvania Ave., NW, #875 East Washington, DC 20004	American Dehydrated Onion & Garlic Assn		
Do	Basic American, Inc		
Do	Hager Hinge Company		
Do	McPhillips Manufacturing Co		
Do	Natural Resources United		
Do	Washington Wheat Commission		
Steven L. Hayes, 1015 Oneonta Drive Los Angeles, CA 90065	Citizens for an Alternative Tax System		
Mark F. Haynes, 800 Connecticut Avenue, NW, Suite 600 Washington, DC 20006	General Atomics	14,000.00	349.97
Janis D. Hazel, 1350 Connecticut Avenue, NW, #200 Washington, DC 20036	Association of America's Public Television Stations	235.58	
Hazelden Foundation, 15245 Pleasant Valley Road Center City, MN 55012-0011			46,557.00
Health Industry Distributors Assn, 66 Canal Center Plaza, #520 Alexandria, VA 22314		3,837.00	27,530.00
Health Insurance Assn of America, Inc, 1025 Connecticut Ave., NW Washington, DC 20036		22,462.16	22,462.16
Healthcare Assn of New York State, 74 N. Pearl St. Albany, NY 12207		25,014.92	25,014.92
Anne A. Heanue, 110 Maryland Avenue, NW, #101 Washington, DC 20002	American Library Assn	1,086.00	
Mark G. Heesen, 1655 N. Fort Myer Dr., #700 Arlington, VA 22209	National Venture Capital Assn	2,610.00	170.02
M. L. Hefti, 1700 North Moore St., 21st Fl. Rosslyn, VA 22209	Boeing Company		
Nikki Heidepriem, 1100 New York Avenue, NW, #1030 Washington, DC 20036	Foreman & Heidepriem, Inc (For:American Home Products Corp)		
Do	Foreman & Heidepriem (For:Arnold & Porter (for American Home Products Corp)).		
Do	Foreman & Heidepriem, Inc (For:International Women's Health Coalition)	329.00	
Edward A. Helme, 444 N. Capitol Street, #602 Washington, DC 20001	Center for Clean Air Policy	392.83	
Carol C. Henderson, 110 Maryland Ave., NE, #101 Washington, DC 20002	American Library Assn	2,328.00	
Gail L. Hendrickson, 701 Pennsylvania Ave., NW Washington, DC 20004	Electric Transportation Coalition	147.00	50.00
Jane E. Henriques, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	792.00	50.00
Charlotte W. Herbert, 1300 North 17th St. Rosslyn, VA 22209	Associated Builders & Contractors, Inc	2,500.00	
Hercules, Inc, Hercules Plaza Wilmington, DE 19894			14,047.49
William Hermelin, 2215 Constitution Ave, NW Washington, DC 20037	American Pharmaceutical Assn	1,000.00	146.17
Owen E. Herrnstadt, 9000 Machinists Place Upper Marlboro, MD 20772	International Assn of Machinists & Aerospace Workers	18,288.01	
David S. Hess, 9417 Georgetown Pike Great Falls, VA 22066	Citizens and Business for D'Oench Duhme Reform		654.49
Clare Hessler, 1325 G Street, NW, Suite 1000 Washington, DC 20005	Institute of Scrap Recycling Industries, Inc	3,330.00	1,022.71
Susan L. Hildebrandt, 2021 Massachusetts Ave., NW Washington, DC 20036	American Academy of Family Physicians	3,369.00	81.38
Margaret A. Hill, Winston & Strawn 1400 L Street, NW Washington, DC 20005	Sonoco Products Co	32,011.25	951.89
Hill and Knowlton, Inc, 901 31st Street, NW Washington, DC 20007	Bell Atlantic Mobile	2,200.00	
Do	Motorola, Inc	4,125.00	
Do	Oralcle Corp		
Louise D. Hilsen, 1133 Connecticut Ave., NW, #310 Washington, DC 20036	Nestle USA, Inc	6,300.00	
Cynthia Hilton, 430 First Street, SE Washington, DC 20003	American Trucking Assns, Inc	600.00	
Marc Himmelstein, 2600 Virginia Avenue, NW, #600 Washington, DC 20037	Air Implementation Reform Coalition	37,500.00	
Do	Container Corp of Carolina	22,500.00	
Hobbs Straus Dean & Wilder, 1819 H St., NW, #800 Washington, DC 20006	Alamo Navajo School Board		
Do	Association of Navajo Community-Controlled School Boards		
Do	Black Mesa Community School Board		
Do	Bristol Bay Area Health Corp	160.00	8.00
Do	Maniilaq Assn	590.00	21.81
Do	Metlakatla Indian Community		
Do	Miccosukee Tribe of Indians of Florida		
Do	Mississippi Band Choctaw Indians	50.00	5.55
Do	Mohegan Tribe of Indians of Connecticut		
Do	Norton Sound Health Corp	100.00	22.70
Do	Oglala Sioux Tribal Public Safety Commission		
Do	Pinon Community School Board		
Do	Ramah Navajo School Board		
Do	Rock Point Community School Board		
Do	Rough Rock School Board		
Do	Shiprock Alternative Schools, Inc		
Do	Three Affiliated Tribes of the Fort Berthold Reservation	83.70	5.55
Philip M. Hocker, 20 West Chapman Street Alexandria, VA 22301	Mineral Policy Center		9.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
James H. Hodges, 1700 N. Moore St., #1600 Arlington, VA 22209	American Meat Institute		
A.R. 'Trey' Hodgkins III, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute	1,455.75	574.85
Jeanne E. Hoenicke, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
John W. Hoey, 4301 Connecticut Ave., NW, #300 Washington, DC 20008	Environmental Industry Assns (For:National Solid Wastes Management Assn)	500.00	
Glen D. Hofer & Associates, 1000 16th Street, NW, #702 Washington, DC 20036	Froedtert Malt Corp	3,000.00	2,060.80
Do	National Barley Growers Assn	15,000.00	8,243.20
J. Stanley Hoffert, P.O. Box 8017 Wausau, WI 54402-8017	Employers Insurance of Wausau	5,041.00	7,427.73
Jerry S. Hoffman, 74 N. Pearl Street Albany, NY 12207	Healthcare Assn of NYS	499.40	725.50
William L. Hoffman, 516 First Street, SE Washington, DC 20003	American University of Beirut	15,000.00	8,366.32
F. Nordy Hoffmann and Assoc, Inc, 400 N. Capitol St., NW, #327 Washington, DC 20001	American Radio Assn		
Do	Archer Daniels Midland Company		
Do	Coca-Cola Company		
Nancy M. Hogan, 516 N. Howard St., #403 Alexandria, VA 22304	National Assisted Housing Management Assn, Inc	750.00	
Hogan & Hartson, L.L.P., 555 13th St., NW Washington, DC 20004-1109	American Peanut Shellers Assn	127,006.25	7,182.58
Do	Centocor, Inc	53,567.43	4,092.90
Do	Farm Credit Bank of Texas	27,335.00	3,293.89
Do	Farmland Industries, Inc		
Do	Golden Peanut Co		
Do	Government of Haiti	200,000.00	18,491.18
Do	Government of Ontario, Ministry of Economic Develop & Trade		
Do	PepsiCo, Inc		
Do	Pizza Hut, Inc		
Do	G.D. Searle Co		
Do	Sierra Forest Products		
Do	Soap & Detergent Assn		
Do	Taco Bell Corp	4,711.88	1,202.18
Do	U.S. Sugar Corp	12,000.00	1,226.46
Do	Zeigler Coal Sales Co		
Richard F. Hohlt, 209 Princess Street Alexandria, VA 22314	Dime Savings Bank of New York	2,500.00	68.70
Do	Home Savings of America	3,000.00	87.50
Do	NAC International	2,500.00	15.75
Do	Pacific Telesis Group	2,500.00	139.40
Do	Stuzin & Camner, P.A.	2,000.00	39.40
Niels C. Holch, 400 North Capitol Street, NW, #585 Washington, DC 20001	McGuiness & Holch (For:Arch Mineral Corporation)		
Do	McGuiness & Holch (For:AT&T)		
Do	McGuiness & Holch (For:National Assn of Dental Plans)		
Do	McGuiness & Holch (For:National Assn of Health Underwriters)		
Do	McGuiness & Holch (For:National Horse Show Commission)		
Do	McGuiness & Holch (For:Oneida Indian Nation)		
Do	McGuiness & Holch (For:RJR Nabisco)		
Gerard L. Holder, 901 E Street, NW, #500 Washington, DC 20004-2837	American Assn of Homes & Services for the Aging		
George R. Holland, #6 Cape Cod Little Rock, AR 72212	Southwestern Bell Telephone Co	15,000.00	1,409.57
Holland & Hart, 1001 Pennsylvania Ave., NW, #310 Washington, DC 20004	Altamont Gas Transmission Co		
Do	American Plastics Council	500.00	
Do	Association of Oil Pipe Lines		
Do	Battle Mountain Gold Co	1,000.00	
Do	Citgo Petroleum Corp	1,000.00	
Do	Conservation Fund	300.00	
Do	FMC Corp	200.00	
Do	Precious Metals Producers Group	1,500.00	
Do	U.S. Borax	500.00	
Patricia L. Hollis, 1225 Eye Street, NW, #1250 Washington, DC 20005	American Dietetic Assn	2,100.00	
John W. Holt, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Karen A. Hoover, 2111 Jefferson Davis Highway Apt. 407 Arlington, VA 22202	American Maritime Officers Service		1,463.06
Hopkins & Sutter (Washington), 888 16th Street, NW Washington, DC 20006	Association of British Insurers	9,900.00	
Do	Institute of London Underwriters	4,378.75	
Do	Rogers American Cable Systems, Inc		
Richard M. Hoppe, 900 17th Street, NW Washington, DC 20006	Wilderness Society	1,592.31	
Jeffrey S. Hops, 666 11th Street, NW, #806 Washington, DC 20001	Alliance for Community Media	10,225.00	
Mern Horan, 1424 16th Street, NW, #604 Washington, DC 20036	Consumer Federation of America	10,230.78	63.80
Paul Horel, 9200 Indian Creek Parkway, #220 Overland Park, KS 66210-2008	Crop Insurance Research Bureau	231.00	
Mickey A. Hornbacher, 801 Pennsylvania Ave., NW, #220 Washington, DC 20004-2704	Burlington Northern Railroad Co		
Douglass C. Horstman, 1310 G Street, NW, #720 Washington, DC 20005	Maytag Co	5,141.00	65.00
Christina Howard, 1200 17th St., NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Roger W. Howard, 3253 E. Chestnut Expressway Springfield, MO 65802	Burlington Northern Railroad Co		
Howe Anderson & Steyer, 1747 Pennsylvania Ave., NW, #1050 Washington, DC 20006	Association of Bituminous Contractors	2,000.00	2,000.00
Do	DPIC Companies, Inc	1,000.00	1,000.00
Do	Industrial Diamond Assn		
Do	National Assn of Bankruptcy Trustees	1,000.00	1,000.00
Mary Lynch Howell, 1101 Pennsylvania Avenue, NW, #400 Washington, DC 20004	Textron, Inc	1,500.00	280.00
J. Martin Huber, 5301 Wisconsin Ave., NW, #450 Washington, DC 20015	National Assn of Surety Bond Producers		
David G. Huey, 5566 Southwyck Blvd Toledo, OH 43614	Blade Communications, Inc		
Gary E. Hughes, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	675.00	
Patrick J. Hughes, 555 College Road Princeton, NJ 08543	American Re-Insurance Co		
Walter E. Huizenga, 99 Canal Center Plaza, Suite 500 Alexandria, VA 22314	AIADA	15,600.00	
Brett Hulsey, Midwest Office 214 N. Henry St., #203 Madison, WI 53703	Sierra Club	622.72	36.68
Steven E. Humerickhouse, 3454 Vincent Avenue North Minneapolis, MN 55412	Adoption Coalition		2,302.89
Do	National Adoption Center	12,900.00	2,835.33
Frances A. Hunt, 900 17th Street, NW Washington, DC 20006	Wilderness Society	2,630.76	
Angela M. Hunter, 555 13th Street, NW, #600 Washington, DC 20004	Health Insurance of America	1,223.25	450.00
William N. Hunter, 2104-A Gallows Road Vienna, VA 22180	W.N. Hunter & Associates	2,000.00	
W.N. Hunter & Associates, 2104-A Gallows Road Vienna, VA 22180			2,000.00
Charles G. Huntington, 2021 Mass. Ave., NW Washington, DC 20036	American Academy of Family Physicians	4,995.25	
Hunton & Williams, 2000 Pennsylvania Ave., NW, #9000 Washington, DC 20006	Allegheny Power Service Corp	10,497.00	10,497.00
Do	American Electric Power Service Corp	10,497.00	10,497.00
Do	Long Island Lighting Co	1,000.00	
Do	Southern Company Services, Inc		10,497.00
Do	Western Fuels Assn		
Joanne L. Hustead, 1875 Connecticut Avenue, NW, Suite 710 Washington, DC 20009	Women's Legal Defense Fund	3,925.00	1,657.00
Angelo Iasiello, 1015 15th Street, NW, Suite 802 Washington, DC 20005	American Consulting Engineers Council	500.00	84.20
Independent Lubricant Manufacturers Assn, 651 South Washington Street Alexandria, VA 22314		1,575.00	1,575.00
Industrial Union Department, AFL-CIO, 815 16th St., NW, #301 Washington, DC 20006		20,572.00	20,572.00
Industry Union Glass Container Promotion Program, 1627 K Street, NW, #800 Washington, DC 20006			12,077.40
Infant Formula Council, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342			
Richard Innes, 1350 Connecticut Ave., NW, Suite 1101 Washington, DC 20036	Browning-Ferris Industries	1,400.00	2,442.31
Institute for Responsible Housing Preservation, 1255 23rd St., NW, #800 Washington, DC 20037		2,000.00	2,000.00
International Assn of Machinists & Aerospace Workers, 9000 Machinists Place Upper Marlboro, MD 20772			48,051.84
International Brotherhood of Teamsters, 25 Louisiana Ave., NW Washington, DC 20001			52,215.45
International Business-Government Counsellors, Inc, 818 Connecticut Ave., NW, #1200 Washington, DC 20006	ANSAC	2,318.75	89.06
Do	Brandy Export Assn	37.50	0.38
Do	CIBA-GEIGY Corp		
Do	Fashion Accessories Shippers Assn	4,087.50	135.93
Do	Hercules, Inc		
Do	Natural Feathers & Textiles, Inc	4,637.50	71.44
Do	Procter & Gamble	700.00	13.01
Do	Uniroyal Chemical Company, Inc	2,731.25	67.96
Do	Wine Institute	1,356.25	190.18
Do	Xerox Corp	743.75	19.06
Do	3M		
International Public Strategies, Inc, 1030 15th St., NW, #408 Washington, DC 20005	Government of Aruba	22,500.00	74.00
Do	Government of Pakistan	115,500.00	3,760.00
Do	Republic of the Maldives	25,000.00	106.00
International Speedway Corp, 1801 West International Speedway Blvd. Daytona Beach, FL 32114			10,037.74
Richard M. Irby III, 701 Pennsylvania Avenue, NW, #610 Washington, DC 20004	Tenneco, Inc	248.00	30.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Mary Stuart McCarry Irion, 3805 Taylor Street Chevy Chase, MD 20815	Greater Yellowstone Coalition	5,010.00	
Do	Keepers of the Treasures	3,750.00	
Walter G. Irvine Jr., 34th & Civic Center Blvd. Philadelphia, PA 19104	Children's Hospital of Philadelphia	6,250.00	509.69
Rebecca Isaacs, 2000 M Street, NW, #400 Washington, DC 20036	People for the American Way Action Fund	7,599.98	
Ivins Phillips & Barker, Chtd, 1700 Pennsylvania Ave., NW, #600 Washington, DC 20006	Bayer Corporation		
Do	Family Holding Company Advocacy Group		
Do	Grand Metropolitan, Inc		
Do	Pechiney Corporation		
Do	Rochester Tax Council		
Do	Teledyne, Inc	65,168.75	166.12
Barbara Jackier, 555 13th Street, NW, East Tower, #600 Washington, DC 20004	Health Insurance Assn of America, Inc	449.20	9.00
Beverly Roberson Jackson, 3922 Ingomar Street, NW Washington, DC 20015	National Center for Clinical Infant Programs	550.00	
Joseph C. Jackson, 1600 Wilson Boulevard, #1008 Arlington, VA 22209	Suppliers of Advanced Composite Materials Assn		
Jeff P. Jacobs, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	1,200.00	
Khalil E. Jahshan, 1212 New York Avenue, NW, #300 Washington, DC 20005	National Assn of Arab Americans	9,135.00	
Dane B. Jaques, 1025 Thomas Jefferson Street, NW, East Washington, DC 20007-5201	Katten Muchin Zavis & Dombroff (For:Associated Aviation Underwriters)		
Jar-Mon Consultants, Inc, 208 N. Patrick St. Alexandria, VA 22314	American Business Council, Inc	2,000.00	
Do	American Freedom Coalition		
Do	Christian Voice, Inc	21,100.00	
Edwin S. Jayne Jr., 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	19,703.76	316.83
Jefferson Group, 1341 G Street, NW, Suite 1100 Washington, DC 20005	Village of Schaumberg		
Jeford International's, 2775 South Quincy Street, #520 Arlington, VA 22206	Rotary Power International, Inc	150.00	
Jellinek Schwartz & Connolly, Inc, 1525 Wilson Boulevard, #600 Arlington, VA 22209	ASARCO, Inc	124,516.05	3,923.90
Do	MARC		
Jenner & Block, 601 13th Street, NW, 12th Floor Washington, DC 20005	General Dynamics	9,240.00	
Do	National Particleboard Assn		
Carole P. Jennings, 8904 First Avenue Silver Spring, MD 20910	American Academy of Nurse Practitioners	2,300.00	300.00
Nancy H. Jessick, 700 11th Street, NW, #680 Washington, DC 20001-4507	Hiram Walker & Sons, Inc		
Jim Wise Associates Inc, 1500 Wilson Blvd., #320 Alexandria, VA 22209	Kern County, CA	7,500.00	130.00
Do	National Assn of Credit Management	12,600.00	220.00
Do	R.J. Mathews Foundation for Prostate Cancer Research	3,000.00	140.00
Do	San Francisco Bar Pilots Assn	6,000.00	110.00
Douglas F. John, John Hengerer & Esposito 1200 17th Street, NW, Suite 600 Washington, DC 20036	Los Alamos County Utilities, Dept of Public Utilities		
Ronald P. Johnsen, 700 Thirteenth Street, NW, #900 Washington, DC 20005	Columbia Gas System Service Corp	175.00	506.90
Jane Leonard Johnson, P.O. Box 19109 Greensboro, NC 27419	Unifi, Inc		
Kay Johnson, 1901 L Street, NW, #260 Washington, DC 20036	March of Dimes Birth Defects Foundation	2,247.00	
Ken Johnson, 1140 Basil Road McLean, VA 22101	Northrop Grumman Corp	4,000.00	150.00
Rady A. Johnson, 1615 M Street, NW, Suite 200 Washington, DC 20038	Amoco Corporation		
W. Kirk Johnson, 245 North Waco P.O. Box 2940 Wichita, KS 67201-2940	Wichita District Farm Credit Council		173.72
Robert Winthrop Johnson II, Law Offices, 1050 Potomac Street, NW Washington, DC 20007	American Nonwoven Corporation		
Beverly E. Jones, 1819 L Street, NW, #900 Washington, DC 20036	Consolidated Natural Gas Co	500.00	295.71
David R. Jones, 105 East 22nd Street New York, NY 10010	Community Service Society	674.67	140.00
Earl F. Jones, AP2-225 Appliance Court Louisville, KY 40225	General Electric Co		
Gerald C. Jones Jr., 739 8th Street, SE Washington, DC 20003	Citizens Consulting, Inc	6,250.00	343.48
Theodore L. Jones, P.O. Box 65122 Baton Rouge, LA 70896	BellSouth Telecommunications, Inc		
Do	United Companies Financial Corporation		
Jones Day Reavis & Pogue, 1450 G Street, NW, #700 Washington, DC 20005-2088	Coal Coalition	100,949.00	93,063.08
Do	SCM Chemicals		
Gregory J. Junemann, 8630 Fenton Street, Suite 400 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
JM Family Enterprises, Inc, 100 Northwest 12th Avenue Deerfield Beach, FL 33443			
JMD Associates, Inc, 7201 Wisconsin Avenue, Suite 620 Bethesda, MD 20814	ALS Associates	3,000.00	
Do	Engelhard Corp	11,000.00	275.00
Melissa J. Kahn, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Jack Kalavritinos, 1015 15th Street, NW, Suite 802 Washington, DC 20005	American Consulting Engineers Council	1,687.50	39.67
Susan Kamp, 1730 M Street, NW, Suite 700 Washington, DC 20036	Software Publishers Assn		
James L. Kane Jr., 1315 Vincent Place Mclean, VA 22101			
John E. Kane, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	2,000.00	
Donald J. Kaniewski, 905 16th St., NW Washington, DC 20006	Laborers' Intl Union of North America, AFL-CIO	25,000.02	970.50
Martin B. Kanner, 1575 Eye Street, NW, Suite 370 Washington, DC 20005-1175	Coalition for PUHCA		
Do	Eugene Water & Electric Board	3,000.00	
Do	Missouri Basin Municipal Power Agency	6,000.00	
Do	Northern California Power Agency	2,000.00	
Do	OPCO Wholesale Customer Group	2,000.00	
Do	Public Power Council	4,500.00	
James W. Kanouse, 1700 North Moore Street, 21st Floor Rosslyn, VA 22209	Boeing Company	15,320.00	532.70
David A. Karcher, 4000 Legato Rd., #850 Fairfax, VA 22033-4003	American Soc of Cataract & Refractive Surgery	604.40	363.10
Gene Karpinski, 218 D Street, SE Washington, DC 20003	U.S. Public Interest Research Group	8,965.50	
Katten Muchin & Zavis, 1025 Thomas Jefferson Street, NW, #700 E Washington, DC 20007	Associated Aviation Underwriters		
Kaye Scholer Fierman Hays & Handler, 901 15th St., NW, #1100 Washington, DC 20005	Kraft, Inc	1,550.00	1,699.65
Do	Malrite Communication Group, Inc	930.00	1,020.38
Do	Morgan Guaranty Trust Co of New York		
Do	Spanish Broadcasting System		
Do	United Television, Inc		
Carolyn Kazdin, 815 16th Street, NW, #507 Washington, DC 20006	Amalgated Clothing & Textile Workers Union	1,000.00	
David L. Keating, 3415 Shepherd Chevy Chase, MD 20815	National Taxpayers Union	4,038.00	
Keck Mahin & Cate, 1201 New York Avenue, NW, Penthouse Washington, DC 20005	AFLAC, Inc	3,915.00	
Do	Borden, Inc		
Do	Connie Lee Insurance Co	1,007.00	
Do	CNA Insurance Co	4,498.00	
Do	Distilled Spirits Council of the US, Inc	1,000.00	
Do	Eastern Michigan University	255.00	
Do	Kellogg Company	500.00	
Do	Viaticus, Inc	4,280.00	
Do	Water Systems Council	500.00	
Marilyn J. Keefe, 122 C Street, NW, #380 Washington, DC 20001-2109	National Family Planning & Reproductive Health Assn, Inc	382.00	12.00
Michael G. Keegan, 2715 M Street, NW, Suite 300 Washington, DC 20007	National Rural Water Assn	70.00	
Danea M. Kehoe, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	6,000.00	314.00
Robert H. Kellen, 5775 Peachtree-Dunwoody Rd., Suite 500-G Atlanta, GA 30342	Robert H. Kellen Co (For:Calorie Control Council)		
Keller & Heckman, 1001 G Street, NW, #500 West Washington, DC 20001	Leprino Foods		
Do	Mars, Inc	2,536.28	123.98
Do	Society of the Plastics Industry, Inc	22,271.00	1,716.00
John T. Kelley, 800 Connecticut Avenue, NW Washington, DC 20006	Food Marketing Institute	500.00	
Paul J. Kelley, 2727 North Central Ave. Phoenix, AZ 85004	U-Haul Intl, Inc	9,000.00	
Carter Lee Kelly, 701 Pennsylvania Ave., NW, #710 Washington, DC 20004	Tenneco, Inc	344.40	32.00
Claire M. Kelly, 1700 N. Moore St., 20th Floor Arlington, VA 22209	Boeing Company	9,596.52	4,070.67
John A. Kelly, Kelly & Associtės, Inc 1025 Thomas Jefferson St., NW, #105 Washington, DC 20007	BMW of North America, Inc	7,500.00	
Do	Overlook Hospital	15,000.00	
Do	Perdue Farms, Inc	30,000.00	
Paul T. Kelly, 1701 Clarendon Boulevard Arlington, VA 22209	American Chiropractic Assn		
Steven B. Kelmar, 555 13th Street, NW, Suite 1260E Washington, DC 20004	Medtronic, Inc		5,505.39
Kemper Investors Life Insurance Co, One Kemper Drive, T-1 Long Grove, IL 60049			45.46
Judith Kennedy, 1050 Thomas Jefferson Street, NW Washington, DC 20007	Student Loan Marketing Assn	800.00	132.00
Nancy Mohr Kennedy, 701 North Fairfax Street Alexandria, VA 22314	United Way of America	25,250.00	250.00
John V. Kenny, 1055 N. Fairfax Street, #201 Alexandria, VA 22314	U.S. Strategies Corp		
Dianne Keppler, 99 Canal Center Plaza, #500 Alexandria, VA 22314	AIADA	9,000.00	
Michael L. Kerley, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	1,920.00	93.00
Richard S. Kessler, 510 11th Street, SE Washington, DC 20003	AMGEN		
Do	Hoffman-La Roche, Inc		
Do	Medtronic, Inc		
Do	Kessler & Associates (For:National Assn of Beverage Importers)		
Do	Pfizer	15,000.00	
Do	Pharmaceutical Research & Manufacturers of America	15,000.00	861.85
Do	Kessler & Associates, Inc (For:Sandoz Corp)	6,000.00	
Do	Kessler & Associates (For:Joseph E. Seagram & Sons, Inc)	13,475.00	4,525.68

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Kessler & Asso (For:Upjohn Corp)	21,072.30	1,124.34
Do	Zeneca Pharmaceuticals		
Kimberly Kettle, Kettle Company Public Relations 3316 Lakeside View Dr. Falls Church, VA 22041	Response Technologies, Inc		
Michael R. Kidd, 2201 Cooperative Way Herndon, VA 22071	NAIOP - Association for Commercial Real Estate	15,000.00	
Carolyn Kiely, 1015 Fifteenth Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	1,875.00	62.50
Gregory Kilgore, 1850 M Street, NW, 11th Floor Washington, DC 20036	Sprint	8,000.00	
John J. Killeen, 1299 Pennsylvania Avenue, NW, #1175 Washington, DC 20004	Science Applications International Corp	600.00	150.00
Kilpatrick & Cody, 700 13th Street, NW, #800 Washington, DC 20005-3960	International Furniture Rental Assn		
Jeffrey J. Kimbell, 1575 Eye Street, NW, #500 Washington, DC 20005	McKenna & Cuneo (For:Quest Medical, Inc (for Medical Device Manfacturers Assn)).	1,000.00	1,933.87
Roy Caldwell Kime, 515 North Washington Street, #400 Alexandria, VA 22314	International Assn of Chiefs of Police	16,564.80	4,723.06
Aubrey C. King, 1100 New York Avenue, NW, #450 Washington, DC 20005	Travel & Tourism Gov't Affairs Council	2,310.00	
Sandra S. King, 2100 Pennsylvania Ave., NW, Suite 600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For:Centocor, Inc)		
Daniel T. Kingsley, 1655 N. Fort Myer Dr., #700 Arlington, VA 22209	National Venture Capital Association	8,550.00	
Janie Ann Kinney, 1500 K Street, NW, #650 Washington, DC 20005	Glaxo, Inc	4,800.00	200.00
Kipnes & Associates, 4337 Marina City Drive, #43 Marina del Rey, CA 90292	Northrop Grumman Corp	37,500.00	11,468.75
Michael G. Kirby, 1500 N. Beuregard St., #320 Alexandria, VA 22311	Eagan McAlliser, Inc		
Peter C. Kirby, 1447 Peachtree St., #812 Atlanta, GA 30309	Wilderness Society		
Sean Kirkendall, 515 N. Washington Street, #400 Alexandria, VA 22314	International Assn of Chiefs of Police	9,472.72	2,262.01
John Kimsky, 105 East 22nd Street New York, NY 10010-5413	Community Service Society	55.28	
Laurence Klein, 105 East 22nd Street New York, NY 10010	Community Service Society	278.15	
William J. Klinefelter, 815 16th Street, NW, #301 Washington, DC 20006	Industrial Union Department (AFL-CIO)	10,738.00	
Mary Jane Klocke, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc		
Theodore Knappen, 1001 G Street, NW, #400 East Washington, DC 20001	Greyhound Lines, Inc	36,000.00	
Do	Mid-Atlantic Medical Services, Inc	15,000.00	
Sharon H. Kneiss, 1800 K Street, NW Washington, DC 20006	Hercules Corp	1,485.75	270.00
Darrell Knuffke, 900 17th Street, NW Washington, DC 20006-2596	Wilderness Society		
Marcia L. Knutson, 549 4th Street, SE Washington, DC 20003	Association of America's Public Television Stations	1,312.50	51.55
Koch Industries, Inc, P.O. Box 2256 Wichita, KS 67201			
Karil L. Kochenderfer, 1801 K Street, NW, #900K Washington, DC 20036	American Textile Manufacturers Institute, Inc	3,145.00	150.00
Kirk Koepsel, 23 North Scott Sherican, WY 82801	Sierra Club	2,410.16	
Florian Kogelnik, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	500.00	23.30
Susan Kohn, 1400 16th Street, NW Washington, DC 20036	Zero Population Growth, Inc		
James P. Kolb Jr., 101 Constitution Ave, NW Washington, DC 20001	United Brotherhood of Carpenters and Joiners of America	8,076.96	222.65
Brian Komar, 1629 K Street, NW, #1010 Washington, DC 20006	Leadership Conference on Civil Rights	2,532.40	17.50
Koniag, Inc, 4300 B Street, #407 Anchorage, AK 99503			14,723.47
Mark Konrad, P.O. Box 19367 Washington, DC 20036	Tax Payer Asset Project		
Michel N. Korbey, 12500 Fair Lakes Circle, #125 Fairfax, VA 22033	United Seniors Assn, Inc	15,381.60	501.42
Barbara M. Kostuk, 1301 Pennsylvania Ave., NW, #1100 Washington, DC 20004-1707	Air Transport Assn	3,477.12	
Stephen W. Kraus, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Gawain Kripke, 1025 Vermont Ave., NW, Suite 300 Washington, DC 20005	Friends of the Earth	1,206.14	
Mary Jo Kripowicz, 1016 16th Street, NW, 5th Floor Washington, DC 20036	Consumers Power Co	3,448.00	6,998.00
Victor Krohn, 9401 East Street Manassas, VA 22110	Citizens for an Alternative Tax System		
Steven Kroll, 1341 G Street, NW, #500 Washington, DC 20057	Healthcare Assn of NYS	1,345.60	1,022.57
David B. Krone, 1320 19th Street, NW, Suite 201 Washington, DC 20036	Tele-Communications, Inc	3,750.00	
Pamela Kurland, 1667 K Street, NW, #1270 Washington, DC 20006	Warner-Lambert Co	3,000.00	
James M. Kuszaj, P.O. Box 31608 Raleigh, NC 27615	Dow Chemical USA		
Peter Kyros, 2445 M Street, NW, #260 Washington, DC 20037	Allsup, Inc		
Do	American Soc for Cell Biology, et al		
Do	Association of Administrative Law Judges, Inc		
Do	Board of Veterans Appeals Professional Assn		
Do	Cooperative of American Physicians, Inc		
KCM International, Inc, 1730 M Street, NW, #911 Washington, DC 20036	P.T. Teknojasa Sapta Utama	115,000.00	117,720.00
Laborers' Intl Union of North America, AFL-CIO, 905 16th St., NW Washington, DC 20006			1,405.00
Jewel Lafontant-Mankarious, 55 East Monroe Street, #4100 Chicago, IL 60603	Holleb & Coff		
Gerard F. Lamb, 2341 Jefferson Davis Hwy, #1100 Arlington, VA 22202	Bath Iron Works Corp	5,000.00	
Robert Lamb, 1200 G Street, NW, #600 Washington, DC 20005	Wright & Talisman, PC (For:Cabot Energy Corp)		
Do	Wright & Talisman, P.C. (For:Columbia Natural Resources)	5,700.00	
Do	Wright & Talisman, PC (For:Equitable Resources Exploration)	5,700.00	
Do	Wright & Talisman (For:Marisol, Inc)	7,000.00	
Do	Wright & Talisman, PC (For:National Stripper Well Assn)		
Do	Wright & Talisman, PC (For:Potlatch Corp)	8,089.00	
Do	Wright & Talisman, PC (For:Solite Corp)	4,375.00	
Do	McGuire Woods Battle & Boothe (For:Sun Co, Inc)	20,160.00	
Do	Wright & Talisman, PC (For:Tenneco, Inc)		
Do	Wright & Talisman (For:Virginia Oil and Gas Assn)		
David P. Lambert, 1800 K St., NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Ray H. Lancaster, 1667 K Street, NW, #800 Washington, DC 20006	Texas Gas Transmission Corp, et al.	6,000.00	64.24
Jill Lancelot, 7100 Sycamore Avenue Takoma Park, MD 20912	National Taxpayers Union	4,943.00	
Land Trust Alliance, 1319 F Street, NW, #501 Washington, DC 20004-1106			5,504.00
Robert D. Landis, 2201 Cooperative Way Herndon, VA 22071	NAIOP, Assn for Commercial Real Estate	15,000.00	
Phyllis Landrieu, 4600 Venus Street New Orleans, LA 70122	National Medical Enterprises, Inc	5,125.00	
David W. Landsidle, 1710 Rhode Island Avenue, NW, #300 Washington, DC 20036	Abbott Laboratories	10,000.00	
Bruce Alan Landy, 2601 Virginia Avenue, NW Washington, DC 20037	B.A.L. Co		
Do	Cryogenic Vacuum Technology Co		
Do	FAA-Congress Watch		
Do			
L. Lee Lane, 1150 Connecticut Ave., NW, #517 Washington, DC 20036	Policy Services, Inc	80,882.35	14,503.72
Scott H. Lane, 99 Canal Center Plaza, Suite 500 Alexandria, VA 22314	AIADA	32,000.00	
William C. Lane, 818 Connecticut Avenue, NW, #600 Washington, DC 20006	Caterpillar, Inc	3,000.00	579.11
Robert K. Lange, 1901 N. Moore St., #609 Arlington, VA 22209	E-Systems, Inc	15,000.00	1,150.11
Ann Langley & Associates, Inc, 444 North Capitol Street, NW, #837 Washington, DC 20001	Children's Hospital, Boston	2,400.00	
Do	Children's Specialized Hopital	1,365.08	
Do	Health Hill Hospital for Children	1,365.08	
Do	La Rabida Children's Hospital Research Center	1,365.08	
Do	National Assn of Children's Hospitals & Related Institutions	25,000.00	
Do	National League for Nursing	2,650.00	
Do	National Perinatal Assn	225.00	
Do	Tennessee Primary Care Network		
Peter J. Larkin, 800 Connecticut Avenue, NW Washington, DC 20006	Food Marketing Institute	200.00	
Latham & Watkins, 1001 Pennsylvania Ave., NW, #1300 S Washington, DC 20004-2505	Aetna Life Insurance		
Do	AES Corporation	5,000.00	
Do	Bell Atlantic Personal Communications, Inc		
Do	Bell South Corp		
Do	Bristol-Myers Squibb Co		
Do	Coalition for Broadcast Diversity	2,500.00	
Do	Hughes Aircraft Corp	15,000.00	
Do	Hughes Communications Inc	500.00	
Do	Imperial County	7,150.00	
Do	Manville Corp		
Do	National Independent Energy Producers	4,000.00	
Do	Pacific Telecom, Inc		
Do	Vanguard Cellular Systems, Inc	250.00	
Do	Wireless Cable Assn International	30,000.00	
Karl F. Lauenstein, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics Corp	10,000.00	442.85
Beth Lavach, 1747 Pennsylvania Ave., NW, Suite 800 Washington, DC 20006	Gadsby & Hannah (For:Colt Manufacturing Co, Inc)	1,393.31	
Do	Gadsby & Hannah (For:Consolidated Defense Corp)		
Do	Gadsby & Hannah (For:DYNCORP)		
Do	Gadsby & Hannah (For:Energy Research Corp)	640.75	
Do	Gadsby & Hannah (For:Miami Valley Economic Coalition)	116.25	
Do	Gadsby & Hannah (For:NMP Corp)	1,378.75	
Do	Gadsby & Hannah (For:Sabreliner Corp)	1,251.25	
Do	Gadsby & Hannah (For:Westinghouse & Cutler/Hammer Products)		
Elizabeth Lawson, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the U.S.	6,087.10	92.05

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Karen McGill Lawson, 1629 K Street, NW, #1010 Washington, DC 20006	Leadership Conference on Civil Rights	3,390.40	
Louis A. LaMarca, 1667 K Street, NW, Suite 1270 Washington, DC 2006	Warner-Lambert Co	3,000.00	
Leadership Conference on Civil Rights, 1629 K Street, N.W., Suite 1010 Washington, DC 20006		33,971.07	42,284.92
League of Women Voters of the U.S., 1730 M St., NW Washington, DC 20036		85,613.38	85,613.38
League to Save Lake Tahoe, 955 Emerald Bay Rd. South Lake Tahoe, CA 96150			6,981.90
Mary Nell Lehnhard, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	8,762.00	85.00
Arnold H. Leibowitz, 888 Sixteenth Street, NW # 507 Washington, DC 20006	Cameron & Hornbostel (For:Hebrew Immigrant Aid Society (HIAS))	22,200.00	
Warren R. Leiden, 1400 Eye Street, NW, #1200 Washington, DC 20005	American Immigration Lawyers Assn	5,253.00	
Donna Lenhoff, 1875 Connecticut Avenue, NW, #710 Washington, DC 20009	Women's Legal Defense Fund	690.00	249.00
Charles Leonard, 1400 L Street, NW, Suite 600 Washington, DC 20005	Chlopak Leonard Schecter & Associates, Inc	5,000.00	5,000.00
Lloyd Leonard, 1730 M St., NW Washington, DC 20036	League of Women Voters of the U.S.	7,742.51	
Nancy R. Levenson, 1401 Eye Street, NW, #1220 Washington, DC 20005-2204	Joseph E. Seagram & Sons, Inc	2,750.00	
Barbara W. Levine, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	2,566.00	
Herbert J. Levy, 1614 King St. Alexandria, VA 22314	National Assn of Housing Cooperatives		
James E. Lewin, 1850 M Street, NW, 11th Floor Washington, DC 20036	Sprint	14,000.00	744.99
Jack W. Lewis, 888 17th Street, NW, #900 Washington, DC 20006	Paperboard Packaging Council		
Richard W. Lewis, 6525 Clagett Avenue Fairhaven, MD 20754			
LeBoeuf & Associates, Inc, 768 Walker Road, Suite 266 Great Falls, VA 22066	Babcock & Wilcox (Ebensburg Power, Inc)		
Lawson LeGate, 2273 S. Highland Dr., #2D Salt Lake City, UT 84106-2832	Sierra Club	2,651.52	607.18
Bill Libro, 601 Pennsylvania Ave., NW, Suite 600N Washington, DC 20004	Northern States Power Company	4,400.00	
Judith Lichtman, 1875 Connecticut Avenue, NW, #710 Washington, DC 20009	Women's Legal Defense Fund		
Karen L. Lightfoot, 777 N. Capitol Street, NE, #705 Washington, DC 20002	Center on Budget & Policy Priorities	370.20	12.50
Sara J. Lilygren, 1700 N. Moore Street, #1600 Arlington, VA 22209	American Meat Institute	2,596.16	188.75
Lindsay Hart Neil & Weigler, 1201 Pennsylvania Ave., NW, #821 Washington, DC 20004	Agriculture Ocean Transportation Coalition		
Do	Indiana Port Commission		
Do	Oregon Economic Development Department		
Do	Port of Portland		
Do	Port of Redwood City		
Do	Reebok International, Ltd		
James E. Link, 1101 17th Street, NW, #1300 Washington, DC 20036	American Iron & Steel Institute	9,000.00	200.00
Barbara A. Little, 1155 15th St., NW, #611 Washington, DC 20005	Ethyl Corporation	1,000.00	
Jeanne Marie Little, 9300 Livingston Road Ft. Washington, MD 20744	National Tooling & Machining Assn	9,576.91	943.75
Little Sandy Hunting & Fishing Club, P.O. Box 6950 Longview, TX 75608			
Elizabeth Littlejohn, 1300 N. 17th Street Rosslyn, VA 22209	Associated Builders & Contractors	2,500.00	
Livestock Marketing Association, 7509 Tiffany Springs Parkway Kansas City, MO 64153		33,500.00	17,475.00
Stephen G. Lodge, 7900 Westpark Drive, #A-320 McLean, VA 22102	National Confectioners Assn		9,150.89
Long Law Firm, 8550 United Plaza Blvd., #800 Baton Rouge, LA 70809	AT&T	2,250.00	780.00
Do	Bristol-Myers Squibb Co		
Do	General Health, Inc		
Do	J & B Management Company	1,000.00	675.00
Do	Metropolitan Life Insurance Co		
Do	United Companies Financial Corp	1,375.00	325.00
Minerva Castaneda Lopez, 1717 R Street, NW, #202 Washington, DC 20009			
Brien Lorenze, 1015 15th Street, NW, Suite 802 Washington, DC 20005	American Consulting Engineers Council	3,312.50	387.00
Franklin W. Losey, 4301 North Fairfax Drive, #330 Arlington, VA 22203	Shipbuilders Council of America		2,700.00
Charles M. Loveless, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	25,819.02	1,039.49
Celia C. Lovell, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Mark A. Lowman, 1201 K Street, #800 Sacramento, CA 95814	California Assn of Hospitals and Health Systems	15,000.00	13,437.00
Suellen Lowry, 1531 P Street, NW, #200 Washington, DC 20005	Sierra Club Legal Defense Fund	4,884.33	1,186.25
P. Vincent LoVoi, 1667 K Street, NW, #1270 Washington, DC 20006	Warner-Lambert Company	5,000.00	
Arthur M. Luby, 1300 L Street, NW, #200 Washington, DC 20005-4178	O'Donnell Schwartz & Anderson (For:Transport Workers Union of America, AFL-CIO).	12,000.00	450.00
Mrs. Freddie H. Lucas, 1660 L St., NW, Suite 400 Washington, DC 20036	General Motors Corp	3,000.00	3,951.01
William L. Lucas, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Research & Manufacturers of America	4,000.00	20.00
Manuel Lujan Jr., 1209 California, NE Albuquerque, NM 87110	Commonwealth of the Northern Mariana Islands	19,500.00	3,000.00
Do	Eddie Mahe & Associates		
Anne Forristall Luke, 1201 Connecticut Ave., NW, #550 Washington, DC 20036	Bailey & Robinson (For:ORMET Corporation)		
Michael L. Lunceford, 16251 N. Dallas Parkway Dallas, TX 75248	Mary Kay Corporation		
Cody Lusk, 99 Canal Center Plaza, Suite 500 Alexandria, VA 22314	AIADA	9,900.00	
Marshall L. Lynam, 412 First Street, SE, #60 Washington, DC 20003	Dallas/Ft. Worth International Airport	25,000.00	
Do	Tandy Corp	12,000.00	
Timothy P. Lynch, 430 First Street SE Washington, DC 20003	American Trucking Assns, Inc	15,000.00	
Samuel A. Mabry, 1800 K St., NW Washington, DC 20006	Hercules, Inc	8,437.50	1,679.04
Rodney Macalister, 1701 Pennsylvania Ave., NW Washington, DC 20006	E.I. DuPont deNemours & Co		
Robert E. Mackin, 122 South Swan Street Albany, NY 12210	National Conference of Insurance Legislators	12,500.00	
Mark MacCarthy, 6305 32nd Street, NW Washington, DC 20015	Capital Cities/ABC, Inc		
James MacPherson, 725 15th Street, NW, Suite 700 Washington, DC 20005	Council of Community Blood Centers	400.00	
Uday Madiman, P.O. Box 282 Indianapolis, IN 46206	Indy Unlocks, Inc		
Cliff Madison Government Relations, Inc, 1611 Landfall Drive Wilmington, NC 28405	City of Newport Beach		
Bill Magavern, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	930.29	
Mimi Mager, Foreman & Heidepriem, Inc 1100 New York Ave., NW, #1030 Washington, DC 20005	American Home Products Corp		
Do	Arnold & Porter (for American Home Products Corp)		
James J. Magner, 314 Massachusetts Ave, NE Washington, DC 20002	James J. Magner & Associates, Inc. (For:ASARCO, Inc)	3,802.50	58.38
James J. Magner and Associates, Inc, 314 Massachusetts Ave., NE Washington, DC 20002	Asarco, Inc	6,738.75	6,148.66
Alisa Learner Maher, 1401 H Street, NW, #700 Washington, DC 20005	Chrysler Corporation	4,725.00	421.00
Major League Baseball Players Assn, 12 East 49th Street New York, NY 10017			128,092.71
Scott E. Malan, P.O. Box 8600 Harrisburg, PA 17105-8600	Hospital Assn of PA		8,155.00
K. Wayne Malbon, 1250 I Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn	1,159.40	11.00
Robert H. Maloney, 3900 Wisconsin Ave., NW Washington, DC 20016	Fannie Mae	2,500.00	
Manatos & Manatos, Inc, 601 13th Street, NW Washington, DC 20005-3807	United Hellenic Amer Congress & Amer Hellenic Alliance, Inc		4,828.39
Manatt Phelps & Phillips, 1501 M Street, NW, Suite 700 Washington, DC 20005	Alamo Rent A Car, Inc	25,692.25	
Do	Asocolflores	15,269.00	
Do	Atlantic Richfield Co		
Do	ASOCOFLORES	15,269.00	
Do	Bank Private Equity Coalition		
Do	Bay Area Rapid Transit District	450.00	
Do	California League of Savings Institutions		4.00
Do	College Construction Loan Insurance Assn	3,420.00	
Do	CEMEX, S.A.	23,431.50	
Do	E-Z-EM, Inc	38,040.00	
Do	Ethyl Corporation	1,150.00	
Do	Evans Group		
Do	S-Corporation Reform Project	10,697.75	958.33
Do	Vitro, S.A.	130.00	
Do	YCARE 2000	3,250.00	
Peter T. Mangione, 1319 F Street, NW, #700 Washington, DC 20004	Footwear Distributors & Retailers of America	100.00	
Donald W. Mann, 60 B Franklin Street Tenafly, NJ 07670	Negative Population Growth, Inc	500.00	
Mary Jo Manning, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Television Operators Caucus)		
Cynthia Mansfield, 801 Pennsylvania Ave., NW, Suite 310 Washington, DC 20004	GPU Service Corporation	29,500.00	205.78
Anthony Manzanares Jr., 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Marc Associates, Inc, 1101 17th Street, NW, #803 Washington, DC 20036-4704	American Assn of Colleges of Osteopathic Medicine	1,666.00	
Do	American Assn of Dental Schools	6,000.00	
Do	American Sleep Disorders Assn	2,000.00	
Do	American Soc for Gastrointestinal Endoscopy	10,000.00	
Do	American Soc of Anesthesiologists	24,000.00	
Do	American Soc of Hematology	1,000.00	
Do	American Urological Assn/Amer Assn of Clinical Urologists	12,000.00	
Do	California Public Employees Retirement System (CALPERS)	4,250.00	
Do	City of Alhambra	4,000.00	
Do	Federation of State Medical Boards of the US	6,000.00	
Do	Health Industry Manufacturers Assn (HME)	21,000.00	
Do	International Soc for Cardiovascular Surg/Soc for Vascular..	4,500.00	
Do	Los Angeles County Office of Education	6,000.00	
Do	Los Angeles County Transportation Commission	3,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Merck Sharp and Dohm	4,000.00	
Do	National Assn of Epilepsy Centers	2,000.00	
Do	National Hemophilia Foundation	8,000.00	
Do	NI Industries	3,000.00	
Do	Research Society on Alcoholism	2,000.00	
Do	U.S. Facilities Corp	6,000.00	
T. Eston Marchant, 5046 Courtney Rd. Columbia, SC 29206		200.00	
Marlowe & Company, 1667 K Street, NW, #480 Washington, DC 20006	American Public Gas Assn		
Do	Association for Healthcare Philanthropy		
Do	City of Sarasota	1,225.00	29.00
Do	City of Venice, Florida	350.00	16.00
Do	Coalition to Keep Alaska Oil	4,650.00	40.00
Do	Coalition to Repeal the Wright Amendment		
Do	Florida Shore & Beach Preservation Assn	293.75	17.00
Do	Independent Pilots Assn	1,832.50	54.50
Do	National Society of Fundraising Executives	2,693.75	38.50
Do	Ocean Village Property	612.50	18.00
Do	Southwest Airlines Pilots' Assn		
Do	Town of Longboat Key		
James L. Martin, 1526 N. Johnson Street Arlington, VA 22209	60/Plus Assn, Inc	6,718.00	
Kelly Leonard Martin, 725 15th Street, NW, Suite 700 Washington, DC 20005	Council of Community Blood Centers	1,093.75	
William R. Martin, 1725 Jefferson Davis Highway, #901 Arlington, VA 22202	Alliant Techsystems, Inc	1,600.00	50.00
Joseph J. Martyak, 1401 Eye Street, NW, #200 Washington, DC 20005	Rhone-Poulenc, Inc		
Michael Marvin, 122 C Street, NW, 4th Floor Washington, DC 20001	American Wind Energy Assn	20,074.98	182.66
Anna M. Maschino, 1015 18th Street, NW Washington, DC 20036	Conference of State Bank Supervisors	550.00	57.15
Sam Maselli, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn	5,000.00	478.45
Ned W. Massee, 299 Park Avenue 13th Floor New York, NY 10171	Westvaco Corporation		
Alexander S. Mathews, 1700 North Moore Street, Suite 1600 Arlington, VA 22209	American Meat Institute		
Suzette Matthews, Arlington Courthouse Plaza II 2300 Clarendon Boulevard, #711 Arlington, VA 22201	Air Traffic Control Assn, Inc	1,043.57	
Joseph M. Mattingly, 1901 North Moore Street, #1100 Arlington, VA 22209	Gas Appliance Manufacturers Assn, Inc		
Maureen Maxwell, 900 17th Street, NW Washington, DC 20006	Wilderness Society	5.68	
William A. Maxwell, 727 15th Street, NW, #900 Washington, DC 20005-2169	Convex Computer Corp	5,000.00	221.21
Stephen L. May, May & Company 201 King St., #3A Alexandria, VA 22314	AlliedSignal, Inc	39,000.00	
Mayer Brown & Platt, 2000 Pennsylvania Avenue, NW, #6500 Washington, DC 20006	General Electric Aircraft Engines		
Do	SmithKline Beecham		
Do	St. Paul Companies		
Michael McAllister, 3050 K Street, NW, Suite 105 Washington, DC 20007	Behavorial Psychographic Targeting, Inc		
Charlie McBride Associates, Inc, 1730 M Street, NW, #800 Washington, DC 20036	Cogentrix Energy, Inc		
Nancey K. McCann, 4000 Legato Road, Suite 850 Fairfax, VA 22033-4005	American Soc of Cataract & Refractive Surgery	9,085.04	868.56
David J. McCarthy, 601 Pennsylvania Avenue, NW, #900 Washington, DC 20004	IPALCO Enterprises, Inc	300.00	
Brian McClay, c/o Rogers & Wells 607 14th Street, NW Washington, DC 20005	Canadian Pulp and Paper Association		
William D. McColl, 3717 Columbia Pike, #300 Arlington, VA 22204	National Assn of Alcoholism & Drug Abuse Counselors		25,516.21
Robert S. McConnaughey, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Stephen McConnell, 1319 F Street, NW, #710 Washington, DC 20004-1106	Alzheimer's Assn	5,000.00	75.00
Matthew J. McCoy, 2500 Wilson Blvd. Arlington, VA 22201-3834	Consumer Electronics Manufacturers Association	1,500.00	
Todd McCracken, 1155 15th Street, NW, #710 Washington, DC 20005	National Small Business United	1,000.00	
John E. McDade, 1700 North Moore Street Arlington, VA 22209	American Meat Institute		
McDermott Will & Emery, 1850 K Street, NW, #450 Washington, DC 20006	Crop Protection Coalition	650.00	51.00
Bridget McDonald, 1630 Duke Street, 4th Floor Alexandria, VA 22314-3465	National Rural Letter Carriers' Assn	6,376.00	37.00
Douglas J. McDonald, 5735 Walcott Avenue Fairfax, VA 22030	VPSI, Inc		
Robert McDonald, 700 13th Street, NW, #700 Washington, DC 20005	Emerson Electric Co	1,562.50	1,020.76
John P. McDonough, 11785 Beltsville Drive, 10th Floor Calverton, MD 20705	O'Malley Miles Nylen & Gilmore (For:National Hockey League)		
S. Jefferson McFarland III, 750 First St., NE Washington, DC 20002-4242	American Psychological Assn		
Molly McGinley, 122 C Street, NW, #750 Washington, DC 20001	Beer Institute		
Elissa M. McGovern, 1400 Eye Street, NW, Suite 1200 Washington, DC 20005	American Immigration Lawyers Assn	237.92	
Lisa S. McGreevy, 1015 18th Street, NW, #1100 Washington, DC 20036	Conference of State Bank Supervisors	1,375.00	
Katy McGregor, 1200 17th Street, NW, 8th Floor Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Kevin S. McGuiness, 400 North Capitol Street, NW, #585 Washington, DC 20001	McGuiness & Holch (For:Aetna Life & Casualty)	1,550.00	
Do	McGuiness & Holch (For:Barr Laboratories, Inc)	270.00	
Do	McGuiness & Holch (For:Consolidated Rail Corp)	292.50	
Do	McGuiness & Holch (For:CIGNA Corp)	1,550.00	
Do	McGuiness & Holch (For:International Anticounterfeiting Coalition, Inc)	2,235.00	
Do	McGuiness & Holch (For:Major League Baseball Players Assn)	5,107.00	
Do	McGuiness & Holch (For:METRA Health)	1,550.00	
Do	McGuiness & Holch (For:National Nutritional Foods Assn)	2,430.00	
Do	McGuiness & Holch (For:PepsiCo, Inc)	1,275.00	
Do	McGuiness & Holch (For:RJR Nabisco)	400.00	
McGuiness & Holch, 400 North Capitol Street, NW, #585 Washington, DC 20001	Arch Mineral Corporation	1,710.00	
Beverly E. McKittrick, 1341 G Street, NW, 9th Floor Washington, DC 20005	Philip Morris Management Corp	20,000.00	29.08
Bob McLean, 1727 King Street, #400 Alexandria, VA 22314-2753	National Assn of Postal Supervisors	14,434.00	
Michael R. McLeod, 1 Massachusetts Ave., NW, #800 Washington, DC 20001-1431	McLeod Watkinson & Miller (For:American Assn of Crop Insurers)	5,840.00	320.67
Do	McLeod Watkinson & Miller (For:American Mushroom Institute)		
Do	McLeod Watkinson & Miller (For:American Peanut Product Manufacturers, Inc)	64,180.00	1,428.34
Do	McLeod Watkinson & Miller (For:Chicago Board of Trade)	4,560.00	334.17
Do	McLeod Watkinson & Miller (For:General Mills)	220.00	
Do	McLeod Watkinson & Miller (For:United Egg Producers)	145.00	
Fred McLuckie, 25 Louisiana Ave., NW Washington, DC 20001	International Brotherhood of Teamsters	13,192.98	
Thomas E. McMahon, 11718 Bowman Green Drive Reston, VA 22090	National Automatic Merchandising Assn	5,000.00	932.38
Allegra P. McManus, 815 16th Street, NW, Suite 301 Washington, DC 20006	Industrial Union Department (AFL-CIO)	8,034.00	
P. E. McManus Associates, 1101 30th Street, NW, #200 Washington, DC 20007	AAI Corporation	100.00	
Do	Hydroacoustics, Inc	100.00	
Do	Litton Data Systems	100.00	
Molly McMorrow, 1350 I Street, NW, #840 Washington, DC 20005	Ralston Purina Company		735.00
Gerald R. McMurray, 3900 Wisconsin Avenue, NW Washington, DC 20016	Fannie Mae	2,500.00	
Nikki D. McNamee, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance		
Larry McNickle, 901 E Street, NW, #500 Washington, DC 20004-2873	American Assn of Homes & Services for the Aging		
Stephen R. McSpadden, 1015 18th St., NW, #1100 Washington, DC 20036-5715	Conference of State Bank Supervisors	1,169.00	
Douglas L. McSwain, 155 E. Main Street Lexington, KY 40507	Sturgill Turner & Truitt		
McTigue & Brooks, 4921 Dierker Road Columbus, OH 43220	Solid Waste Authority of Central Ohio		
James P. McVaney, 800 Connecticut Ave., NW Washington, DC 20006-2701	Food Marketing Institute	100.00	
A. Aaron Medlock, 50 Revere Street, #2 Boston, MA 02114	Humane Society of the U.S.		
Beverly Medlock, P.O. Box 75616 Washington, DC 20013-5616	Coalition of Police Professionals		
Medtronic, Inc, 7000 Central Avenue, NE Minneapolis, MN 55432			7,739.80
Bradley V. Mefferd, 5566 Southwyck Blvd. Toledo, OH 43614	Blade Communications, Inc		
Larry Mehlhaff, 23 N. Scott, #27 Sheridan, WY 82801	Sierra Club	3,302.39	
Stanley Meierfeld, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange		
Marilyn F. Meigs, 1776 Eye Street, NW, #750 Washington, DC 20006-3700	BNFL, Inc	1,590.00	200.00
Nanine Meiklejohn, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	17,256.24	142.00
John Melcher, 230-B Maryland Avenue, N.E. Washington, DC 20002	Chicago Mercantile Exchange	11,250.00	4,911.00
David Melville, 610 Marshall Street, Suite 800 Shreveport, LA 71101-5332	Change Assistance Programs	1,272.04	157.79
Joseph R. Membrino, 1120 20th Street, NW, #750 South Washington, DC 20036	Hall Estill et al. (For:Hoopa Valley Tribe)	1,958.40	103.51
Mark Menezes, 801 Pennsylvania Avenue, NW, #352 Washington, DC 20004	Central & South West Corp	1,200.00	380.00
David Mengebier, 1016 16th St., NW, 5th Floor Washington, DC 20036	Consumers Power Company	6,000.00	6,998.00
Paul K. Mengert, P.O. Drawer 10265 Greensboro, NC 27404	Real Estate Management Companies		
Joe Mentor Jr., 2600 Two Union Square 601 Union Street Seattle, WA 98101-4000	Lasher Holzapfel Sperry & Ebberson (For:Haglund & Kirtley)	19,023.00	
Pamela L. Meredith, 2300 M Street, NW, #800 Washington, DC 20037	Spectrum Astro, Inc	167.00	
Edward A. Merlis, 1301 Pennsylvania Avenue, NW, #1100 Washington, DC 20004-1707	Air Transport Assn	2,107.82	
Edward L. Merrigan, 6000 Connecticut Ave., NW Chevy Chase, MD 20815-4238	Central Gulf Lines, Inc	8,750.00	110.82
Nancy Jo Merrill, 1901 L St., NW, #260 Washington, DC 20036	March of Dimes Birth Defects Foundation	1,325.00	
Carol Messer, 1020 19th Street, NW, #600 Washington, DC 20036	Financial Services Council	1,875.00	
Howard M. Messner, 1015 15th St., NW, #802 Washington, DC 20005	American Consulting Engineers Council	1,000.00	
Jean L. Mestres, 1747 Pennsylvania Avenue, NW, #300 Washington, DC 20006	OXY USA, Inc	1,815.36	527.78
Steven J. Metalitz, 1747 Pennsylvania Ave., NW, 12th Floor Washington, DC 20006	International Intellectual Property Alliance	365.10	8.00
Matthew S. Metcalfe, P.O. Box 6422 Mobile, AL 36660	American Family Corp		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Alden M. Meyer, 1616 P Street, NW Washington, DC 20036	Union of Concerned Scientists		17,030.15
Thomas J. Meyer, 5901 Executive Drive Lansing, MI 48911	Jackson National Life Insurance Company	1,500.00	200.00
Meyers & Associates, 412 First St., SE, #100 Washington, DC 20003	Jerome L. Trojan	9,000.00	484.89
Daniel Mica, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	5,000.00	
Mark A. Micali, 1111 19th Street, NW, #1100 Washington, DC 20036	Direct Marketing Association, Inc	4,000.00	300.00
Michaels & Wishner, P.C., 1140 Connecticut Avenue, NW, #900 Washington, DC 20036	Health Industry Group Purchasing Assn		
Do	Medco Containment Services, Inc		
Do	United HealthCare Corp	586.50	
Do	Value Health, Inc		
Do	Watts Health Foundation, Inc	767.50	
Richard P. Michalski, 9000 Machinists Place Upper Marlboro, MD 20772	International Assn of Machinists & Aerospace Workers	11,475.82	
Mid-Atlantic Medical Services, Inc, 4 Taft Court Rockville, MD 20850			15,000.00
Edmund Mierzwinski, 218 D Street, SE Washington, DC 20003	U.S. Public Interest Research Group	7,931.04	
Military Boot Manufacturers Assn, P.O. Box 508 Belleville, IL 62222			
Claude W. Miller Jr., 410 Middle Street New Bern, NC 28560			
Clinton R. Miller, P.O. Box 528 Gainesville, VA 22065-0528	National Council for Improved Health, et al.	5,000.00	2,953.00
Edward C. Miller, 1001 Pennsylvania Ave., NW Washington, DC 20004-2599	American Council of Life Insurance, Inc	1,000.00	
G. Daniel Miller, Suite 450 North, Homer Building 601 - 13th Street, NW Washington, DC 20005-3807	Faegre & Benson (For:Plaintiffs in Federal Dist Court litigation in Anchorage, AK).		
H. George Miller, 10615 Hunters Chase Lane Damascus, MD 20872	Shippers for Competitive Ocean Transportation (SCOT)	660.00	660.00
James C. Miller, 415 2nd Street, NE, #300 Washington, DC 20002	National Assn of Wheat Growers	2,800.00	
Pamela A. Miller, 900 17th Street, NW Washington, DC 20006-2596	Wilderness Society	4,684.00	2,759.21
Richard W. Miller, 1701 Clarendon Blvd. Arlington, VA 22209	American Chiropractic Assn		
Scott Miller, 1050 Thomas Jefferson Street Washington, DC 20007	Student Loan Marketing Assn	575.00	237.00
Stuart A. Miller, 9806 Kohoutek Ct. Vienna, VA 22182-1945			
William T. Miller, 1140 19th Street, NW, #700 Washington, DC 20036	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn)		
Miller & Chevalier, Chtd, 655 15th St., NW, #900 Washington, DC 20005-5701	American Craft Council		
Do	American Nuclear Energy Council		
Do	American Psychoanalytic Assn		
Do	Arizona Health Care Contract Management Services, Inc		
Do	Association of Financial Services Holding Companies	2,580.00	
Do	Blue Cross of California		
Do	Chevy Chase Savings Bank, FSB		
Do	CHAPS Health Services, Inc		
Do	E & J Gallo Winery		
Do	Federal Savings Bank of Rogers, KS		
Do	General Chemical	4,200.00	
Do	Humane Society of the U.S.		
Do	Land Rover of North America, Inc		
Do	Leach & English		
Do	Leighton Parks Roper		
Do	O'Connor & Associates	980.00	
Do	Reilly Mortgage Group		
Do	Southwest Marine		
Do	SABIC Marketing Americas, Inc		
Do	Thermal Science, Inc		
Miller Canfield Paddock & Stone, 1225 19th Street, NW, #400 Washington, DC 20036	City of Dearborn, Dept of Communication		
Do	City of Dubuque, Cable Television Division		
Do	City of Laredo	538.30	
Do	City of St. Louis		
Do	Maryland Assn of Counties		
Do	Montgomery County Government, Cable Television Office		
Susan M. Milligan, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange		
Elliot Mincberg, 2000 M Street, NW, Suite 400 Washington, DC 20036	People for the American Way Action Fund	4,437.50	
Richard V. Minck, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Mintz Levin Cohn Ferris Glovsky & Popeo, P.C., 701 Pennsylvania Avenue, NW, #900 Washington, DC 20004	AT&T Wireless Services, Inc	5,000.00	235.72
Do	Biogen, Inc		
Do	Cellular Telecommunications Industry Assn	5,000.00	9.00
Do	Competitive Long Distance Coalition , Inc	5,000.00	128.99
Do	National Cable Television Assn, Inc	7,500.00	343.29
Do	National Council of Health Facilities Finance Authorities		
Do	National Council on Compensation Insurance		
Do	Newspaper Assn of America		
Do	Sprint	5,000.00	49.73
Lawrence H. Mirel, 1614 20th Street, NW Washington, DC 20009	Liberty Mutual Insurance Company		
Brian C. Mitchell, 18715 Martins Landing Germantown, MD 20874	Clark Atlanta University	10,281.52	50.00
Do	Worldspace, Inc	6,484.76	50.00
Mitchell McNutt Threadgill Smith & Sams, 215 15th Street, North P.O. Box 1366 Columbus, MS 39703	4-County Electric Power Assn	100.00	5.00
Karen A. Mogan, 1700 N. Moore Street, NW, #1600 Arlington, VA 22209	American Meat Institute	15,163.46	
Kenneth L. Money, 1225 I Street, NW, #500 Washington, DC 20005	Inco United States, Inc	4,575.00	22,500.00
Louis Mark Monroe, 1750 New York Avenue Washington, DC 20006	International Brotherhood of Painters & Allied Trades		
John H. Montgomery, 2715 M St., NW, #300 Washington, DC 20007	National Rural Water Assn	2,000.00	
Do	Murray Scheer & Montgomery (For:Oklahoma State Medical Assn)	2,000.00	
Do	Underground Injection Practices Council	1,000.00	
Cynthia L. Moore, 2717 North Fillmore Street Arlington, VA 22207	National Council on Teacher Retirement	600.00	96.04
Jonathan Moore, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects		
Randall B. Moorhead, 1300 I Street, NW, #1070E Washington, DC 20005	Philips Electronics North America Corp.	4,000.00	1,030.00
Judith Morehouse, 1700 N. Moore Street Rosslyn, VA 22209	Boeing Company	48.00	15.20
John Morgan, 501 3rd Street, NW Washington, DC 20001	Communications Workers of America		
Morisset Schlosser Ayer & Jozwiak, 1815 H Street, NW, #750 Washington, DC 20006-3604	Little River Band of Ottawa Indians		
Do	Little Traverse Bay Band of Ottawa Indians		
Do	Michigan Inter-Tribal Council		
Do	Yakutat Native Assn		
Mary Morningstar, 1725 Jefferson Davis Highway 3rd Floor Arlington, VA 22202	Lockheed Corp	27,750.00	4,837.89
Kristen Morris, 1200 G Street, NW, Suite 400 Washington, DC 20005	Health Industry Manufacturers Assn	1,820.00	257.90
D. Gail Morrison, 323 - 2nd Street, SE, #L1 Washington, DC 20003	Owner Operator Independent Drivers Assn	3,000.00	
Morrison & Foerster, 2000 Pennsylvania Ave., NW Washington, DC 20006	City and County of San Francisco		
Do	City of Los Angeles, Dept of Airports		
Do	Consolidated Freightways	4,783.75	33.00
Do	Mastercard International, Inc, et al.	5,831.25	43.00
Do	National Electrical Manufacturers Assn		
Do	Shea Homes Limited Partnership		
Gerald J. Mossinghoff, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Research & Manufacturers of America	1,000.00	
Beth Moten, 80 F Street, NW Washington, DC 20001	American Fed of Government Employees	17,579.69	
John J. Motley III, 600 Maryland Ave., SW, #700 Washington, DC 20024	Air Transport Assn	4,910.45	
Motorcycle Industry Council, Inc, 1235 Jeff Davis Hwy. Arlington, VA 22202			
Motorcycle Riders Foundation, Inc, P.O. Box 1808 Washington, DC 20013-1808		40,515.00	62,185.56
Susan Connolly Moya, 1401 H Street, NW, #1060 Washington, DC 20005	Asea Brown Boveri, Inc	7,500.00	118.87
Mullenholz Brimsek & Belair, 1150 Connecticut Ave., NW, #700 Washington, DC 20036	Center for Civic Education	3,870.50	252.49
Do	Constitutional Rights Foundation	3,870.50	252.90
Do	Equifax, Inc	1,329.90	60.22
Do	National Institute for Citizen Education in the Law	3,870.50	252.49
Do	Search Group, Inc	4,366.00	212.37
John A. Mullett, 1667 K St., NW, #400 Washington, DC 20006	FMC Corporation	2,400.00	58.00
Janet G. Mullins, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	5,000.00	1,519.00
Michael L. Mullins, 1101 15th Street, NW, #1000 Washington, DC 20005	Cargill, Inc	1,250.00	
Patricia Collins Murdock, 1875 Connecticut Ave., NW, #540 Washington, DC 20009	Food Research & Action Center	1,051.00	
Jeremiah L. Murphy, 701 Pennsylvania Ave., NW Washington, DC 20004	Siemens Corp		
John M. Murphy, 110 East 59th Street, Suite 3202 New York, NY 10022	Azerbaijan Study Foundation	105,000.00	
Laura W. Murphy, 122 Maryland Avenue, NE Washington, DC 20002	American Civil Liberties Union	16,000.00	
Patrick M. Murphy, 1055 North Fairfax Street, Suite 201 Alexandria, VA 22314	U.S. Strategies Corp		
Patrick W. Murphy, 370 L'Enfant Promenade, SW, 10th Floor Washington, DC 20024	American Nuclear Society	300.00	36.00
Murray Scheer & Montgomery, 2715 M Street, NW, #300 Washington, DC 20007	Independent Laboratory Consortium		
Do	Philadelphia Regional Port Authority		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Wisconsin Central Transportation Corporation		
Donald N. Muse, Muse & Associates 919 18th Street, NW, #1001 Washington, DC 20006	Nutritional Restart Centers	20,000.00	660.00
Christopher J. Mustain, 801 Pennsylvania Ave., NW, #950 Washington, DC 20004-2604	European-American Chamber of Commerce in Washington, DC, Inc		39.88
MWW/ Strategic Communications, Inc, 1101 17th Street, NW, #202 Washington, DC 20036	Flo-Sun, Inc	15,000.00	119.25
Daniel Nadash, 700 - 11th Street, NW Washington, DC 20005	National Assn of Realtors	1,300.00	
Richard R. Nageotte, 385 Garrisonville Rd., #201 Stafford, VA 22554			
Rochelle Nason, 955 Emerald Bay Rd. South Lake Tahoe, CA 96150	League to Save Lake Tahoe	323.12	599.27
National Assisted Housing Management Assn, Inc, 526 King Street, #511 Alexandria, VA 22314		20,428.00	77,759.00
National Assn for the Adv of Orthotics & Prosthetics, 1275 Pennsylvania Ave, NW, #300 Washington, DC 20004		35,907.75	23,849.33
National Assn for Stock Car Auto Racing, Inc (NASCAR), P.O. Box 26765 1801 Volusia Avenue Daytona Beach, FL 32115-2875.			741.20
National Assn of Air Traffic Specialists, 11303 Amherst Avenue, Suite 4 Wheaton, MD 20902			4,500.00
National Assn of Cities & States for Air Service, P.O. Box 507 Williston, ND 58802-0507		11,250.00	
National Assn of Federal Employees, 1140 N.W. 63rd Street, #301 Oklahoma City, OK 73116			
National Assn of Health Underwriters, 1000 Connecticut Ave., NW, #810 Washington, DC 20036		158,422.68	74,086.86
National Assn of Insurance Brokers, Inc, 1401 New York Ave., NW, #720 Washington, DC 20005			
National Assn of Wheat Growers, 415 2nd St., NE, #300 Washington, DC 20002		18,000.00	17,600.00
National Coalition for Abortion Providers (NCAP), 206 King Street, 2nd Floor Alexandria, VA 22314		45,804.99	45,627.50
National Coalition for Cancer Survivorship, 1010 Wayne Avenue, 5th Floor Silver Spring, MD 20910			
National Coalition for Marine Conservation, Inc, 5 West Market Street Leesburg, VA 22075		737.12	602.35
National Comm on Pay Equity, 1126 16th St., NW, #411 Washington, DC 20036		27,940.52	333.91
National Cooperative Business Assn, 1401 New York Ave., NW, #1100 Washington, DC 20005		28,125.00	13,084.00
National Council of Agricultural Employers, 1735 I Street, NW, #704 Washington, DC 20006		18,000.00	3,673.00
National Council of La Raza, 1111 19th Street, NW, #1000 Washington, DC 20036		36,619.42	36,619.42
National Family Planning & Reproductive Health Assn, Inc, 122 C St., NW, #380 Washington, DC 20001		360,103.00	1,451.00
National Knitwear & Sportswear Assn, 386 Park Avenue South New York, NY 10016			1,960.66
National Motorsports Council of ACCUS-FIA, 1500 Skokie Boulevard, Suite 101 Northbrook, IL 60602		140,158.00	
National Particleboard Assn, 18928 Premiere Court Gaithersburg, MD 20879			
National Pork Producers Council, 122 C Street, NW, #875 Washington, DC 20001		138,490.00	54,583.39
National Prevention Alliance, 2817 St. Paul Street Balitmore, MD 21218		7,000.00	50.00
National Quality Health Council, c/o PRS 757 Brooksedge Plaza Dr., P.O. Box 6174 Westerville, OH 43081-6174			
National Retail Federation, 325 7th Street, NW #1000 Washington, DC 20004			26,827.18
National Rural Letter Carriers Assn, 1630 Duke St., 4th Floor Alexandria, VA 22314-3465		43,102.00	46,748.00
National Spa & Pool Institute, 2111 Eisenhower Ave. Alexandria, VA 22314			9,410.00
National Taxpayers Union, 325 Pennsylvania Ave., SE Washington, DC 20003		11,119.00	17,907.00
National Telephone Cooperative Assn, 2626 Pennsylvania Ave., NW Washington, DC 20037		27,000.00	2,192.08
National Tire Dealers & Retreaders Assn, 1250 Eye Street, NW, #400 Washington, DC 20005		8,450.21	8,450.21
National Tour Assn, Inc, 546 E. Main Street Lexington, KY 40508		56,441.00	56,441.00
National Venture Capital Association, 1655 N. Fort Meyer Dr., #700 Arlington, VA 22209		30,600.00	4,449.02
Ralph G. Neas, Fox Bennett & Turner/The Neas Group 750 17th Street, NW, #1200 Washington, DC 20006	Leadership Conference on Civil Rights	30,800.00	
Do	Major League Baseball Players Assn	10,062.07	
Do	National Assn of Legal Services Workers	10,000.00	
Diana Neidle, 1424 16th Street, NW, Suite 604 Washington, DC 20036	Consumer Federation of America	1,518.67	61.75
Christine V. Nelson, 1 Massachusetts Ave., NW, #800 Washington, DC 20001-1431	McLeod Watkinson & Miller (For:United Egg Assn)		
Do	McLeod Watkinson & Miller (For:United Egg Producers)	875.00	87.50
Gaylord Nelson, 900 17th Street, NW Washington, DC 20006	Wilderness Society		
Lisanne Nelson, 666 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society	3,312.50	
Mark D. Nelson, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20036	E. I. du Pont de Nemours & Co	75.00	8.00
David M. Nemtzow, 1725 K Street, NW, #509 Washington, DC 20006	Alliance to Save Energy	395.28	
Lynda L. Nersesian, 1100 15th St., NW, #900 Washington, DC 20005	Pharmaceutical Research & Manufacturers of America	4,000.00	91.00
Charlene Neu A., 901 E Street, NW, Suite 601 Washington, DC 20004	National Treasury Employees Union (NTEU)		
Barry New, 11911 Freedom Drive, 6th Floor Reston, VA 22090-5602	Rolls-Royce, Inc	1,037.50	151.60
Newberry Hargrove & Rambicure, 1211 Connecticut Ave., NW, Suite 300 Washington, DC 20036	MESA, In	5,017.00	275.79
Peter E. Newbould, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	1,675.12	57.45
James Newell, 1050 Thomas Jefferson Street Washington, DC 20007	Student Loan Marketing Assn	525.00	959.02
Daniel E. Nickelson, 2000 L St., NW, #200 Washington, DC 20036	Cleveland Clinic Foundation		
Bob Nicklas, 25 Louisiana Avenue, NW Washington, DC 20001	International Brotherhood of Teamsters	1,901.63	
Ellen Nissenbaum, 777 North Capitol Street, NE, #705 Washington, DC 20002-4239	Center on Budget & Policy Priorities	1,721.86	52.55
Michael E. Nix, 231 W. Michigan Street, #P437 Milwaukee, WI 53203	Wisconsin Electric Power Co	144.19	
Barbara D. Nocera, 955 L'Enfant Plaza, SW, #5300 Washington, DC 20024	Honda North America, Inc	180.00	
Gregory T. Nojeim, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union		
North Shore Consultants, Inc, 4278 Wooster Road Fairview Park, OH 44126	LTV Steel Co	15,000.00	320.00
J. Hallock Northcott, 1620 L Street, NW, #1150 Washington, DC 20036	Matsushita Electric Corp of America	500.00	73.97
Helen L. Norton, 1875 Connecticut Avenue, NW, #710 Washington, DC 20009	Women's Legal Defense Fund	2,139.00	686.00
Ellis T. Nottingham Jr., 7900 Westpark Drive, Suite A530 McLean, VA 22102	Honeywell, Inc	6,000.00	685.67
Patrick J. Nugent, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	5,000.00	
Silas O. Nunn, 901 N. Washington Street Suite 204 Alexandria, VA 22314	Shipbuilders Council of America		1,150.00
Christina Groszer Nyquist, 1310 G Stret, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	2,566.00	1,421.78
NAIOP, Association for Commercial Real Estate, Woodland Park, 2201 Cooperative Way Herndon, VA 22071		189,312.75	36,201.00
Coley C. O'Brien, 400 N. Capitol Street, NW, #353 Washington, DC 20001	Transportation Intermediaries Assn		
Coley O'Brien & Associates, 400 N. Capitol Street, NW, Suite 353 Washington, DC 20001	American International Automobile Dealers Assn		
Do	Virginia Baseball Club, Inc		
O'Brien Calio, 1350 Eye Street, NW, Suite 690 Washington, DC 20005	Allergan	30.00	
Do	American Automotive Leasing Assn		
Do	American Insurance Assn	450.00	
Do	Anheuser-Busch, Inc	62.50	
Do	ARCO	178.50	
Do	AT&T	1,650.00	
Do	Baxter International, Inc	60.00	
Do	Blue Cross Blue Shield Assn	375.00	
Do	Federal Express Corp	30.00	
Do	Federal National Mortgage Assn	135.00	
Do	General Electric Co	60.00	
Do	Global Technology Systems	15.00	
Do	Intellectual Property Owners		
Do	Massachusetts Mutual Life Insurance Co	60.00	
Do	National Wholesale Druggists' Assn		
Do	Product Liability Coordinating Committee	240.00	
Do	Sara Lee Corp	30.00	
Do	Sears Roebuck & Co	375.00	
Do	Securities Industry Assn	660.00	
Do	Teachers Insurance & Annuity Assn		
Do	Tenneco	1,050.00	
Terrence M. O'Connell II, 444 N. Capitol Street, NW, #711 Washington, DC 20001	Keefe Company (For:Computer Learning Works)		
Do	Keefe Co (For:Sanders Associates, Inc)		
Carolyn O'Connor, 444 North Capitol Street, #418 Washington, DC 20001	New England Council, Inc		
Maribeth O'Connor, 521 Wall Street Seattle, WA 98121	Group Health Cooperative	13,204.90	3,030.47
O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	Allergan, Inc	1,845.00	
Do	Associated Credit Bureaus, Inc	5,285.00	
Do	Bear Steams & Company, Inc	12,650.00	
Do	BlueDog Olson & Small		
Do	China External Trade Development Council		
Do	Citizens Savings Bank	1,450.00	
Do	Coca-Cola Company	4,470.00	
Do	College Construction Loan Insurance Assn	7,450.00	
Do	Colt's Manufacturing Company, Inc		
Do	FMC Corp	11,337.00	
Do	Glass Packaging Institute		
Do	Government of Netherlands Antilles	12,612.00	
Do	GAF Corporation		
Do	Healthcare Financing Study Group	7,310.00	
Do	J.C. Penney Company, Inc		
Do	Karalekas & Noone		
Do	M.A. Mortenson Co		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Mercedes-Benz of North America, Inc		
Do	Mortgage Bankers Assn of America	41,902.00	
Do	Muldoon Murphy & Faucette	3,500.00	
Do	MWW/Strategic Communications, Inc	1,410.00	
Do	Pacific Telesis Group	6,015.00	
Do	Prairie Island Tribal Council	1,250.00	
Do	Securities Industry Assn	7,875.00	
Do	Soka University Los Angeles	3,660.00	
Do	St Croix Tribe	1,875.00	
Do	Standard Chartered PLC	9,250.00	
Do	State Street Bank & Trust Company	15,750.00	
Do	Student Loan Funding Corp	7,670.00	
Do	Upper Sioux Community	1,250.00	
Do	UST Public Affairs, Inc	7,500.00	
Do	VISA, USA, Inc	3,600.00	
Do	WinStar Communications, Inc		
Ann E. O'Donnell, 307 Yoakum Parkway, #3-608 Alexandria, VA 22304	United Way of America	9,145.83	200.00
Brian O'Donnell, 320 4th Street, NE Washington, DC 20002	Alaska Wilderness League	29,532.00	3,820.00
Bradley O'Leary, 3050 K Street, NW, Suite 105 Washington, DC 20007	Behavorial Psychographic Targeting, Inc		
Kathleen O'Leary, 700 13th Street, NW, #900 Washington, DC 20005	Columbia Gas Transmission Corp	5,000.00	
Daniel J. O'Neal III, 600 Maryland Ave., SW, #100 West Washington, DC 20024-2571	American Nurses' Assn	3,065.00	5.48
Do	American Nurses Assn (For:Association of Operating Room Nurses)	1,532.00	
Law Offices of John O'Neal, P.C., 1455 Pennsylvania Ave., NW, #1200 Washington, DC 20004	National Rural Telecom Assn	1,750.00	
O'Neill and Athy, P.C., 1310 19th Street, NW Washington, DC 20036	American Hospital Assn		
Do	American Telephone & Telegraph Co	6,268.00	
Do	Beth Israel Hospital		
Do	Boston University Medical Center Hospital		
Do	Brigham and Women's Hospital, Inc		
Do	Coalition of Boston Teaching Hospitals		
Do	Competitive Long Distance Coalition		
Do	General Mills, Inc	893.00	
Do	Glass Packaging Institute/Industry Union Glass Cont Program		
Do	JM Family Enterprises, Inc	4,320.00	
Do	Massachusetts General Hospital		
Do	National Football League		
Do	New England Deaconess Hospital		
Do	New England Medical Center		
Do	Northeastern University		
Do	Northwestern Memorial Hospital		
Do	Pyrotechnic Signal Manufacturers Assn		
Do	Texas Utilities Co	626.00	
Do	USX Corporation	4,212.00	
Do	Viacom International, Inc	771.00	
Paul O'Palka Jr., Fifth Avenue Place, Suite 1924 Pittsburgh, PA 15222	Blue Cross of Western Pennsylvania	16,800.00	4,104.92
Harry R. Obley, One Mellon Bank Center, #1905 Pittsburgh, PA 15258-0001	Mellon Bank N.A., et al.	2,000.00	1,210.78
John W. Olcott, 1200 18th Street, NW, #200 Washington, DC 20036	National Business Aircraft Assn	2,227.50	
Sally G. Oldham, 21 Dupont Circle, NW Washington, DC 20036-1109	Scenic America	828.29	
Richard Oleck, 1181 South Rogers Circle, #6 Boca Raton, FL 33487-2724	Building Trades Assn, Inc		
Daniel Oliver, 3105 Woodley Road, NW Washington, DC 20008	Major League Baseball Players Assn	12,036.93	
Janice Oliver, 25 Louisiana Ave., NW Washington, DC 20001	International Brotherhood of Teamsters	13,192.38	
Omega Management Group, Inc, P.O. Box 400 St. Helena Island, SC 29920			
Philip C. Onstad, 333 Plainfield Road Edison, NJ 08820	International Communications Assn		
Ronald S. Oppenheimer, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange	6,000.00	
Orbital Sciences Corporation, 21700 Atlantic Boulevard Dulles, VA 20166			
Raul G. Ordonez Jr., 8390 West Flagler Street, Suite 205 Miami, FL 33144			
Organ. for Protection & Advancement of Small Telephone Cos, 21 Dupont Circle, NW, Suite 700 Washington, DC 20036		4,455.00	4,455.00
Organization for International Investment, 1901 Pennsylvania Avenue, NW, #807 Washington, DC 20006		750.00	5,973.33
David E. Ortman, 1025 Vermont Avenue, NW, 3rd Floor Washington, DC 20005	Friends of the Earth	150.27	
Marty Orwig, P.O. Box 1799 Sun Valley, ID 83353	Quincy Group	1,634.00	460.00
Jason Osborne, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	3,750.00	903.44
Wayne Owens, 1615 L Street, NW Suite 700 Washington, DC 20036	United Park City Mines		
Wayne P. Pacelle, 9806 Cahart Place Silver Spring, MD 20903	Humane Society of the U.S.	1,714.73	185.30
Michael A. Papalia, 101 Constitution Ave., NW Washington, D2 0001	United Brotherhood of Carpenters & Joiners of America		
Stephen J. Paradise, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
David L. Parde, 119 Oronoco Street, #300 Alexandria, VA 22314	Coalition for Automotive Repair Equality, Inc	4,658.00	
Ken Parmelee, 1630 Duke Street, 4th Floor Alexandria, VA 22314-3465	National Rural Letter Carriers Assn	21,344.00	4,497.00
Gerry Parnell, 305 West 44th Street New York, NY 10036	HTC-HANYC, Inc Legal Fund	19,650.00	11,482.18
Ronald L. Parrish, 1800 One Tandy Center Fort Worth, TX 75102	Tandy Corporation	14,170.97	1,603.14
Parry and Romani Associates, Inc, 233 Constitution Avenue, NE Washington, DC 20002	American Assn of Pharmaceutical Distributors		
Do	American Chiropractic Assn		
Do	American Medical Assn	2,000.00	
Do	American Tort Reform Assn	3,000.00	
Do	Coalition Against STOP		
Do	D & F Industries, Inc	600.00	
Do	Fox Bennett & Turner	4,000.00	
Do	Genentech, Inc	2,800.00	
Do	Glaxo, Inc	3,000.00	
Do	Herbalife International of America, Inc	1,400.00	
Do	Intellectual Property Owners	2,000.00	
Do	International Assn of Broadcast Monitors	800.00	
Do	International Dairy Foods Assn	1,500.00	
Do	Motion Picture Assn of America, Inc	2,200.00	
Do	Murdock Healthcare	500.00	
Do	Newspaper Assn of America	3,000.00	
Do	Nonprescription Drug Manufacturers Assn	900.00	
Do	Pfizer, Inc	2,400.00	
Do	Pharmaceutical Manufacturers Assn	2,100.00	
Do	Recording Industry Assn of America	1,800.00	
Do	Research & Development Laboratories, Inc	1,000.00	
Do	Research Corp Technology, Inc	3,600.00	
Do	Rodriguez General Contractors Company	1,000.00	
Do	Taxpayers Against Fraud	2,100.00	
Do	U S West	2,000.00	
Do	Unilever U.S., Inc	2,500.00	
Do	Upjohn Company	1,400.00	
Do	Utah Natural Products Alliance	1,000.00	
James O. Pasco Jr., 309 Massachusetts Ave., NE Washington, DC 20002	Grand Lodge, Fraternal Order of Police	19,234.70	10,663.98
Richard Pasco, 1 Massachusetts Ave., NW, #800 Washington, DC 20001	McLeod Watkinson & Miller (For:American Peanut Product Manufacturers, Inc)	55,592.00	495.82
Do	McLeod Watkinson & Miller (For:General Mills)	400.00	
Pathfinder Group, L.L.C., 3406 Noble Avenue Richmond, VA 23222			6,100.00
M. Stephanie Patrick, 1101 15th Street, NW, #1000 Washington, DC 20005	Cargill, Inc	1,250.00	
Thomas B. Patton, 1300 I Street, NW, #1070 East Washington, DC 20005	Philips Electronics North America Corp	5,000.00	1,030.00
Patton Boggs, L.L.P., 2550 M Street, NW Washington, DC 20036	Chicago Board Options Exchange	340.00	
Do	Dimensions International		
Joann Payne, 622 North Tazewell Street Arlington, VA 22203	Women First National Legislative Comm		10,000.00
Peabody & Brown, 1255 23rd Street, NW, #800 Washington, DC 20037	Affordable Housing Tax Credit Coalition	2,000.00	
Do	Institute for Responsible Housing Preservation	2,000.00	
Benett Pearlman, Box 7000 West, Bldg. 5851 Fort Dix, NJ 08640			
Wiley H. Pearson, 80 F Stsreet, NW Washington, DC 20001	American Fed of Government Employees	12,985.08	
Stanley B. Peck, 444 N. Michigan Ave., #3400 Chicago, IL 60611	American Dental Hygienists' Assn		
Gregory M. Pensabene, Bogle & Gates, PLLC 1299 Pennsylvania Avenue, NW, #875 East Washington, DC 20004	Mineral King District Assn	3.00	
Pepper Hamilton & Scheetz, 1300 19th Street, NW Washington, DC 20036	Sofamor Danek Group, Inc		225.00
Laura T. Peralta, 1667 K Street, NW, #1270 Washington, DC 20006	Warner-Lambert Company	3,000.00	
Robert Perschel, 900 17th Street, NW Washington, DC 20006-2596	Wilderness Society		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Gary S. Persinger, 1100 15th Street, NW Washington, DC 20005	Pharmaceutical Research & Manufacturers of America	4,000.00	
Gayle Petersen, 900 17th Street, NW Washington, DC 20006	Wilderness Society		
Cheryl A. Peterson, 600 Maryland Ave., SE, Suite 100 West Washington, DC 20024-2571	American Nurses' Assn	4,107.00	63.26
Dan A. Peterson, 1507 Lincoln Way, #304 McLean, VA 22102	Lockheed Martin Corporation	8,500.00	
Lars E. Peterson, 800 Connecticut Avenue, NW Washington, DC 20006	Food Marketing Institute	500.00	
Margaret L. Petito, 3906 Huntington Street, NW Washington, DC 20015	Government of Ecuador		
Laura M. Pettey, 1776 Eye Street, NW, #575 Washington, DC 20006	Dow Chemical Co		6,467.00
Susan M. Pettey, 901 E Street, NW, #500 Washington, DC 20004-2837	American Assn of Homes & Services for the Aging		
Brian T. Petty, 1901 L St., NW, #702 Washington, DC 20036	International Assn of Drilling Contractors		
Peyser Associates, Inc, 1001 G Street, NW, Suite 400 East Washington, DC 20001	City of Philadelphia	15,000.00	
Do	City of Seattle	7,552.00	
Do	King County	10,000.00	
Do	Metro	8,000.00	
Do	Mothers Against Drunk Driving (MADD)	13,500.00	
Do	New York State Thruway Authority		
Do	Philadelphia Airport, Dept of Commerce	2,500.00	
Do	Southeastern Pennsylvania Transit Authority	22,500.00	
Do	Toledo-Lucas Port Authority	15,000.00	
Pharmaceutical Research and Manufacturers of America, 1100 15th Street, NW, #900 Washington, DC 20005		110,040.00	110,040.00
Laura Phelps, 1 Massachusetts Ave., NW, #800 Washington, DC 20001-1431	McLeod Watkinson & Miller (For:American Assn of Crop Insurers)		
Do	McLeod Watkinson & Miller (For:American Mushroom Institute)	975.00	
Do	McLeod Watkinson & Miller (For:American Peanut Product Manufacturers, Inc)	9,484.00	48.47
Do	McLeod Watkinson & Miller (For:General Mills)		
William C. Phelps, 2929 Allen Parkway Houston, TX 77019	American General Corporation	3,960.00	9,242.44
William D. Phillips, 888 16th Street, NW Washington, DC 20006	Browning-Ferris Industries	5,715.20	
Do	General Communications, Inc	9,375.00	
Do	United Waste Systems, Inc	5,715.20	
Theodore M. Pierce, 5301 Wisconsin Ave., NW, #450 Washington, DC 20015	National Assn of Surety Bond Producers		
Paul E. Pike, 1301 Pennsylvania Ave., NW, #1100 Washington, DC 20004-1707	Air Transport Assn	2,213.18	
Susan G. Pikrallidas, 1440 New York Ave., NW, #200 Washington, DC 20005	American Automobile Assn		
Piper & Marbury, 1200 19th Street, NW, #700 Washington, DC 20036	AT&T	4,599.71	126.98
Do	Direct Marketing Assn	250.00	35.60
Do	Disclosure, Inc	11,451.25	23.27
Do	Information Industry Assn	521.25	64.46
Do	Interactive Services Assn	18,265.02	1,029.68
Do	Journal of Commerce, Inc		
Do	MCI Communications Corp	15,000.00	1,304.95
Do	Netscape	13,486.25	70.82
Do	Omnipoint Communications, Inc	18,472.50	60.00
Do	Rabanco Companies		41.00
Plains Cotton Growers, Inc, 4510 Englewood Lubbock, TX 79414			
Jon Plebani, 1801 K Street, NW, #400K Washington, DC 20006	Arter & Hadden (For:Tesoro Petroleum)		
Do	Arter & Hadden (For:Westinghouse Electric Corp)		
Martha Rachel Plotkin, 1120 Connecticut Avenue, NW, #930 Washington, DC 20036	Police Executive Research Forum	787.49	
Podesta Associates, Inc, 1001 G Street, NW Suite 900 East Washington, DC 20001	American Personal Communications (APC)	10,074.66	2,049.30
Do	Americans United to Save the Arts & Humanities	16,875.00	26,011.86
Do	Association of Directory Publishers	2,792.00	468.30
Do	California Healthcare Institute		26.27
Do	California Poultry Industry Federation	10,134.48	14,934.28
Do	Capital Cities/ABC	6,000.00	4,566.90
Do	Committee for America's Copyright Community	6,000.00	1,583.28
Do	Creative Incentive Coalition	24,000.00	2,815.00
Do	CBS, Inc	2,000.00	4,566.90
Do	CSPP	85,869.26	29,029.08
Do	Digital Equipment Corp	2,000.00	143.08
Do	Fox Broadcasting Group	3,000.00	4,566.90
Do	Genentech, Inc	9,000.00	1,627.42
Do	Genzyme		22.06
Do	HIMA		370.35
Do	Local Station Ownership Coalition	50,000.00	8,634.33
Do	M & C Franco & Co		1,853.03
Do	Motion Picture Assn of America, Inc	61,835.00	5,183.34
Do	MCI	10,800.00	4,187.19
Do	National Assn of Broadcasters	22,000.00	452.27
Do	National Broadcasting Company, Inc	7,000.00	4,566.90
Do	National Campaign for Pesticide Policy Reform (NCPPR)	500.00	10.00
Do	National Conference of Bankruptcy Judges	9,800.63	97.94
Do	Newspaper Assn of America	9,347.50	367.46
Do	Pharmaceutical Research & Manufacturing of America	40,000.00	1,001.77
Do	Pillowtex Corp		541.63
Do	Prison Health Services, Inc	5,425.00	662.00
Do	Textron, Inc	30,000.00	764.00
Do	Time Warner	20,666.00	2,833.31
Do	Viacom, Inc	3,000.00	1,699.99
Do	WORD	22,500.00	5,896.70
Susan L. Polan, 316 Pennsylvania Ave., NW, #200 Washington, DC 20003	American Cancer Society	7,500.00	
Anne L. Polansky, 777 North Capitol St., NE, Suite 805 Washington, DC 20002	Solar Energy Industries Assn	5,716.73	
Policy Directions, Inc, 818 Connecticut Ave., NW, #325 Washington, DC 20006	Nestle Food Co	1,000.00	538.00
Anthony Poole, 1020 19th Street, NW, #800 Washington, DC 20036	Kelly Anderson & Associates, Inc (For:U.S. Banknote Corp)		
Anthony Poole, 1020 19th Street, NW, Suite 800 Washington, DC 20036	Kelly Anderson Pethick & Associates, Inc (For:GBQC Architects)		
Do	Kelly Anderson Pethick & Associates, Inc (For:James River Corp)		
Do	Kelly Anderson Pethick & Associates, Inc (For:Securiguard, Inc)		
Pope Group, 5011 Wyandot Court Bethesda, MD 20816	Unisys Corp	2,496.00	
Port of Seattle, P.O. Box 1209 Seattle, WA 98111			4,566.57
Potomac Research Group, 1747 Pennsylvania Ave., NW, Suite 1000 Washington, DC 20006	Alliance for GATT Now		
J. Craig Potter, 2121 K Street, NW, #700 Washington, DC 20037	Vedder Price Kaufman Kammholz & Day		
Powell Goldstein Frazer & Murphy, 1001 Pennsylvania Ave., NW, 6th Floor Washington, DC 20004	American Committee for the Weizmann Institute of Science	565.00	10.00
Do	Koyo Corporation of USA		
Do	N.V.W. (USA), Inc		
Do	Sanyo North America Corp		
Robert J. Powers, 101 Constitution Avenue, NW Washington, DC 20001	United Brotherhood of Carpenters and Joiners of America	8,076.96	399.82
William B. Prendergast, 4301 North Fairfax Drive, #425 Arlington, VA 22203	Air Conditioning & Refrigeration Institute		
Price Waterhouse, 1801 K St., NW, #800W Washington, DC 20006-3333	Federated Investors	2,500.00	
Do	Frank Russell Co		
Do	PW 10-50 Working Group	2,500.00	
Do	Reeves Bros		
Do	Tax Treaties Coalition		
Ann L. Pride, 1776 I Street, NW, #275 Washington, DC 20006	Entergy Services, Inc	4,455.78	266.01
George W. Pritts Jr., 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp	1,875.00	150.50
Private Practice Section, Amer Physical Therapy Assn, 1101 17th Street, NW, #1000 Washington, DC 20036			15,870.34
Profit Sharing Council of America, 10 South Riverside Plaza, Suite 1460 Chicago, IL 60606			
Gerald R. Prout, 1667 K St., NW, #400 Washington, DC 20006	FMC Corporation	5,800.00	
Peter D. Prowitt, 1299 Pennsylvania Ave., NW, #1100 Washington, DC 20004-2407	American President Companies, Ltd		
Public Citizen, 1600 20th Street, NW Washington, DC 20009		77,943.36	45,890.82
Charles N. Quigley, 5146 Douglas Fir Road Calabasas, CA 91302	Center for Civic Education	3,795.00	650.00
George Gregory Raab, 1200 G Street, NW, Suite 400 Washington, DC 20005-0000	Health Industry Manufacturers Assn	855.00	
Joe Raeder, 1130 Connecticut Avenue, NW, #300 Washington, DC 20036	Ferguson Company (For:Central Valley Project Authority)	3,480.50	771.84
Raffaelli Spees Springer & Smith, 1341 G Street, NW, #200 Washington, DC 20005	American Chiropractic Assn	3,000.00	
Do	American Psychological Assn	1,000.00	
Do	American Radio Operators	1,000.00	
Do	Association of Progressive Rental Organizations	9,000.00	
Do	AT&T	22,500.00	1,088.38
Do	BP America	1,500.00	
Do	China External Trade Development Council	15,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Dean Witter Realty, Inc		
Do	Embassy of the Government of India	172,500.00	68,555.01
Do	Golden Hill Paugussett Tribe		
Do	Korea Foreign Trade Assn		194.29
Do	McDonnell Douglas Corp	4,500.00	
Do	Motherland Party		
Do	National Cable Television Assn	12,500.00	486.98
Do	Seafarers International Union	1,000.00	
Do	Taylor Lohmeyer Corrigan, P.C.	3,000.00	
Do	Telecommunications Industry Assn	10,500.00	258.84
Thomas F. Railsback, 2000 M Street, NW Washington, DC 20036	Alliance for Competitive Communications	1,800.00	
Do	Federal Judges Assn	600.00	
Do	Federal Magistrate Judges' Assn	300.00	
Do	RR Donnelley & Sons Co		
Robert A. Rapoza Associates, Inc, 601 Pennsylvania Avenue, NW, #850 Washington, DC 20004	Alaska Village Initiatives	162.25	16.16
Do	Arkansas Enterprise Group		16.16
Do	Association for Enterprise Opportunity	627.00	
Do	Association for Health Services Research	385.00	125.06
Do	Bedford Stuyvesant Restoration Corp	35.17	
Do	Bethel New Life	35.17	
Do	Center for Community Self-Help	127.08	16.16
Do	Chicanos Por la Causa	35.17	
Do	Coastal Enterprises, Inc	162.25	16.16
Do	Community Development Venture Capital Assn	556.00	
Do	Community Reinvestment Fund		76.63
Do	Community Resource Group		
Do	Community Transportation Assn of America		
Do	Corporation for Enterprise Development/AEO	439.00	
Do	Delta Foundation	35.17	
Do	Eastside Community Investments, Inc	35.17	
Do	Great Lakes Rural Network/WSOS		
Do	Impact Services	35.17	
Do	Impact Seven, Inc	162.25	16.16
Do	Kentucky Highlands Investment Corp	162.25	16.16
Do	Local Initiatives Support Corp		62.54
Do	Massachusetts Housing Partnership Fund		
Do	Midwest Assistance Program		
Do	Montana Women's Economic Development Group		
Do	National Cooperative Bank	35.17	
Do	National Council of La Raza	127.08	
Do	National Rural Housing Coalition	1,260.50	97.89
Do	New Community Corp	35.17	
Do	Northeast Entrepreneur Fund		
Do	Northeast Ventures Corp		
Do	Northern Community Investment Corp	162.25	16.16
Do	Northern Economic Initiatives Corp	162.25	16.16
Do	Ridgecrest Enterprises	162.25	16.16
Do	Rural Community Assistance Corp	127.08	16.16
Do	Rural Housing Improvement		
Do	Rural Opportunities, Inc	162.25	16.16
Do	Southern Development Bancorporation	127.08	
Do	TELACU	35.17	
Do	Virginia Water Project/SE RCAP		
Do	YouthBuild, USA	385.00	
Daniel Rappaport, Four World Trade Center New York, NY 10048	New York Mercantile Exchange	1,000.00	
Reading Is Fundamental, Inc, 600 Maryland Ave., SW, #600 Washington, DC 20560			746.10
Recording Industry Assn of America, Inc, 1020 l9th St., NW #200 Washington, DC 20036		52,413.81	52,413.81
Bill Redding, 214 N. Henry Street, #203 Madison, WI 53703	Sierra Club	4,580.31	216.28
Stephanie Reed, 600 Maryland Ave., SW, #100 West Washington, DC 20024-2571	American Nurses Assn	3,900.00	69.78
Reese Communications Companies, Inc, 3050 K St., NW, Suite 200 Washington, DC 20007	Philip Morris, USA		
Martin A. Regalia, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce		
Timothy J. Regan, 1455 Pennsylvania Ave., NW, #500 Washington, DC 20004	Corning, Inc	16,500.00	26,614.06
Mark Reiter, 1325 G Street, NW, #1000 Washington, DC 20005	Institute of Scrap Recycling Industries, Inc	11,000.00	1,481.51
Rendon Group, Inc, 2000 S Street, NW Washington, DC 20009	Vietnam Veterans Workshop		
Reserve Officers Assn of the US, 1 Constitution Ave., NE Washington, DC 20002		3,699.00	19,238.00
Jeffrey Ricchetti, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	5,626.00	1,844.85
James E. Rich Jr., 1401 Eye Street, NW, #1030 Washington, DC 20005	Shell Oil Co	500.00	
Alan K. Richards, 1025 Connecticut Ave., NW, #1200 Washington, DC 20036	Health Insurance Assn of America, Inc	111.88	5.00
Kevin C. Richardson, 2500 Wilson Blvd. Arlington, VA 22201-3834	Electronic Industries Assn	3,000.00	122.21
Marilyn Richmond, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	553.85	213.16
Al Rickard, 2000 L Street, NW, #702 Washington, DC 20036	International Assn of Convention & Visitor Bureaus	135.08	468.58
Brian Riendeau, 1441 Gardiner Lane Louisville, KY 40213	KFC USA, Inc	12,952.00	2,940.74
Blair A. Rieth Jr., 1310 G Street, NW #770 Washington, DC 20005	Guidant Corporation	2,000.00	5,936.45
Gina J. Rigby-LeDonne, 1901 North Moore Street, Suite 1100 Arlington, VA 22209	Gas Appliance Manufacturers Assn	3,293.48	2,985.44
A. E. Riley, 430 First Street, SE Washington, DC 20003	American Trucking Assns, Inc	4,000.00	
Carey J. Riley, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics	1,000.00	711.01
Matthew J. Rinaldo, 700 New Hampshire Ave., NW Washington, DC 20037	International CellularVision Assn	600.00	128.35
Irene Ringwood, Bogle & Gates 1299 Pennsylvania Avenue, NW, #875 East Washington, DC 20004	Basic America, Inc		
Do	McPhillips Manufacturing Co		
Ritts Wise & Rogers, 1500 Wilson Bvld., #320 Arlington, VA 22209	Flagstar Corp	12,600.00	130.00
Robert Roach, 1350 New York Avenue, NW Washington, DC 20005	Spiegel & McDiarmid (For:American Comm for Cleanup Equity)	7,163.00	1,533.27
Do	Spiegel & McDiarmid (For:Oil Chemical & Atomic Workers Int'l Union, AFL-CIO)	525.00	
Michelle Robbins, 1725 Jefferson Davis Highway, #300 Arlington, VA 22202	Lockheed Corporation	2,000.00	
Liz Robbins Associates, 522 8th St., SE Washington, DC 20003	Leukemia Society of America		
Do	National Council of Health Facilities Finance Authorities		
Do	Office of the Los Angeles District Attorney		
Do	Weight Watchers		
Ricardo Robelin, FCI Greenville Med Unit H-2a P.O. Box 5000 Register Number 11741-039 Greenville, IL 62246			
Jennifer S. Roberts, 1875 Connecticut Ave., NW, #1016 Washington, DC 20009	Environmental Defense Fund		
Perry A. Roberts, 8000 W. Florissant St. Louis, MO 63136	Emerson Electric Co		667.43
William J. Roberts, 1875 Connecticut Ave, NW, #1016 Washington, DC 20009	Environmental Defense Fund	15,750.00	300.00
Lara E. Robillard, 1100 15th Street, NW Washington, DC 20005	Pharmaceutical Research & Manufacturers Assn	1,000.00	
Robins Kaplan Miller & Ciresi, 1801 K Street, NW, #1200 Washington, DC 20006	Crystal Cruises, Inc		
Do	International Group of P&I Clubs	46,901.48	304.94
Do	Pacific Maritime Assn	1,016.40	28.10
Do	Stein & Company	18,000.00	1,934.37
Nancy J. Robinson, 7509 Tiffany Spgs. Pkwy. Kansas City, MO 64153-2315	Livestock Marketing Association	16,200.00	
Lori Roche, 1130 Connecticut Ave., NW, #300 Washington, DC 20036	Ferguson Company (For:City of Alhambra)	227.50	65.98
Do	Ferguson Company (For:City of Brea)	333.33	3.84
Do	Ferguson Company (For:City of Folsom)	333.93	20.08
Do	Ferguson Company (For:City of Inglewood)	468.75	48.33
Do	Ferguson Company (For:City of Norwalk)	750.00	8.72
Do	Ferguson Company (For:City of Oceanside)	87.17	16.46
Do	Ferguson Copmpany (For:City of Santa Ana)	1,406.25	
Do	City of Santa Monica	750.00	23.57
Do	Ferguson Company (For:Gridley)	792.83	30.48
Do	Ferguson Company (For:Imperial Irrigation District)	826.88	288.47
Do	Ferguson Company (For:Irvine Co)	800.00	123.87
Do	Ferguson Company (For:LACDA Alliance)	656.25	46.73
Do	Ferguson Company (For:National Realty Committee)	520.83	132.97
Do	Ferguson Company (For:Robert Bein, William Frost & Assoc)	166.67	16.81
Do	Ferguson Company (For:West Valley City)	335.42	57.40
Michael F. Rodgers, 901 E Street, NW, #500 Washington, DC 20004-2837	American Assn of Homes & Services for the Aging		
Randall B. Roe, 1400 K Street, NW, #910 Washington, DC 20005	Burns & Roe Enterprises, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
William P. Roesing, 1401 Eye Street, NW, Suite 1220 Washington, DC 20005-2204	Joseph E. Seagram & Sons, Inc	6,500.00	
James A. Rogers, 316 Pennsylvania Ave., SE, #304 Washington, DC 20003	United Parcel Service	2,000.00	1,308.96
Susan L. Rogers, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corporation	1,500.00	428.36
Rogers & Wells, 607 14th Street, NW Washington, DC 20005	American Express Co		
Do	Dreyfus Corporation	2,500.00	
Do	Investment Program Assn		
Do	Kamehameha Schools/Bishop Estate		
Do	Lehman Brothers, Inc		
Do	National Assn of Beverage Importers		
Do	National Automobile Dealers Assn		
Do	Oxnard Refinery		
Do	Republic National Bank		
Do	RPM Securities, Inc		
Do	The Specialist Association		
Do	Wine & Spirits Wholesalers of America, Inc		
Barbara J. Rohde & Associates, 1701 K Street, NW, #400 Washington, DC 20006	City of Grand Forks	3,000.00	200.00
Do	City of Moorehead	12,000.00	250.00
Richard A. Rohrbach, 1615 M Street, NW, #570 Washington, DC 20036	Boise Cascade Corp	11,400.00	
George L. Rolofson, P.O. Box 18300 Greensboro, NC 27419	CIBA-GEIGY Corp	324.00	
Christopher J. Ronay, 1120 19th Street, NW, #310 Washington, DC 20036	Institute of Makers of Explosives	1,000.00	200.00
John C. Roney, 1156 15th Street, NW, 1103 Washington, DC 20005	Hawaiian Sugar Planters' Assn	1,500.00	802.00
Francis P. Rooney, 1400 L Street, NW, #400 Washington, DC 20005	Biscuit & Cracker Mfgrs Assn	500.00	
Fred B. Rooney, 700 13th Street, N.W., #400 Washington, DC 20005	American Iron & Steel Institute	200.00	
Do	Association of American Railroads	200.00	
Do	AT&T	200.00	
Rooney Group International, Inc, 2000 North 14th Street, #250 Arlington, VA 22201	Bofors AB	3,000.00	1,189.59
Do	Bofors Carl Gustaf	2,400.00	1,187.61
Do	Celsius Tech Electronics	5,700.00	1,185.65
Do	Chemring, Ltd	3,900.00	1,185.98
Do	Intermarine, USA	4,800.00	1,242.30
Do	Kollmorgen Corporation	6,000.00	1,539.92
Do	Olin Ordnance	3,000.00	1,233.17
Do	Raufoss A/S	1,200.00	1,247.02
Do	Recon/Optical, Inc		
Do	Tracor, International	1,500.00	1,139.97
Do	Wayne Amy & Associates, Inc	3,000.00	1,201.60
Burt E. Rosen, 1020 19th Street, NW, #420 Washington, DC 20036	SmithKline Beecham Corp	2,500.00	500.00
Hilary Rosen, 1020 19th St., NW, #200 Washington, DC 20036	Recording Industry Assn of America	8,000.00	
Daniel Rosenberg, 218 D St., SE Washington, DC 20003	U.S. Public Interest Research Group	5,517.24	
Joseph Ross, Ross & Associates 920 Long Blvd. Lansing, MI 48911	Highway Users Federation		
Ross & Green, 1010 Vermont Avenue, #811 Washington, DC 20005	Americans United with the Congolese People		
Hazel Ross-Robinson, 1133 15th Street,NW, #1200 Washington, DC 20005	Ross-Robinson & Associates	37,500.00	21,317.61
Roth VanAmberg Gross Rogers & Ortiz, P.O. Box 1447 Santa Fe, NM 87504-1447	Nambe Pueblo		
Do	Pueblo de Cochiti		
Linda Rothleder, 315 Bonifant Road Silver Spring, MD 20904	Marconi Electronics, Inc, et al.	3,000.00	1,580.02
Do	Ralvin Pacific Properties, Inc, et al.	3,000.00	
G. Jon Roush, 900 17th Street, NW Washington, DC 20006	Wilderness Society		
Eric M. Rubin, 1730 M Street, NW, #412 Washington, DC 20036	Outdoor Advertising Assn of America, Inc		
Lois J. Rude, 700 13th Street, NW, #525 Washington, DC 20005	Meridian Oil, Inc	500.00	21.70
Walter F. Rupinski, 1700 N. Moore St., 20th Floor Arlington, VA 22209	Boeing Company	325.00	4.40
Charlotte Rush, 1401 Eye Street, NW Washington, DC 20005	Mastercard International, Inc		
Matthew Russell, 300 5th Street, NE Washington, DC 20002	American Osteopathic Assn	10,348.62	
Diann Rust-Tierney, 122 Maryland Avenue, NE Washington, DC 20002	American Civil Liberties Union	1,000.00	
J. T. Rutherford & Associates, Inc, 1001 N. Highland Street, #502 Arlington, VA 22201	American College of Radiology	2,000.00	685.40
Do	American Optometric Assn	1,400.00	601.40
Do	American Soc for Clinical Lab Science	1,500.00	71.80
James M. Ruvolo, 405 Madison, I2th Floor Toledo, OH 43604	Owens-Illinois, Inc		3,000.00
Frank Ryan, 4545 Connecticut Ave., NW, Apt. 229 Washington, DC 20008	WMDP Service Station & Automotive Repair Assn	500.00	
Ryan-McGinn, Inc, 2300 Clarendon Blvd., #610 Arlington, VA 22201	Cathedral Healthcare System	900.00	
Do	West Virginia Hospital Assn	600.00	
Kathryn Sabo, 1025 Connecticut Ave., NW Washington, DC 20036	Health Insurance Assn of America, Inc	178.80	100.00
Craig S. Sadick, 1725 K Street, NW Washington, DC 20006	National Assn of Wholesaler-Distributors		
Sagamore Associates, Inc, 1701 K Street, NW #400 Washington, DC 20006	Chemical Bank	24,000.00	425.17
Do	City of Columbus	4,000.00	257.41
Do	Flash Technology Corporation of America	3,900.00	115.73
Do	Indiana State University	4,260.00	158.46
Do	Organizing Committee for the 1998 Goodwill Games, Inc	7,500.00	417.07
Do	Rose Acre Farms		
Do	VASA Brougher, Inc	10,000.00	673.33
Do	WaterFurnace International, Inc	5,617.50	55.55
Do	1996 Atlanta Paralympic Games	22,500.00	3,283.19
Babette P. Salus, Schwing & Salus, P.C. 600 S. Second Street, #100 Springfield, IL 62704	Central Midwest Interstate Low-Level Radioactive Waste Comm		
Wendy B. Samuel, 3900 Wisconsin Avenue, NW Washington, DC 20016	Fannie Mae		
Jeffrey M. Samuels, 1100 New York Avenue, NW Suite 300 East Washington, DC 20005-3955	International Trademark Assn	22,500.00	971.98
Petronella C. Sanders, 1200 18th Street, NW, #200 Washington, DC 20036	National Business Aircraft Assn		
Patricia Kopf Sanner, 1825 I Street, NW, #400 Washington, DC 20006	Humana, Inc		1,000.00
James D. Santini, 1101 King Street, #350 Alexandria, VA 22314	Grand Canyon Air Tour Council		
Do	Grand Canyon Air Tourism Assn		
Eric Sapirstein, 1130 Connecticut Avenue, NW, #300 Washington, DC 20036	Alameda County Water District	982.19	302.47
Do	California Assn of Sanitation Agencies	4,000.00	553.05
Do	ENS Resources, Inc (For:East Bay MUD)	7,052.40	3,441.92
Do	Las Virgenes Municipal Water District	3,900.00	1,612.34
Do	Union Sanitary District	4,403.00	1,945.40
Laura Saul-Edwards, 2021 Massachusetts Ave., NW Washington, DC 20036	American Academy of Family Physicians	13,773.59	
Eric Savader, Muse & Associates 919 18th Street, NW, #1001 Washington, DC 20006	Nutritional Restart Centers	20,000.00	660.00
Scenic America, 21 Dupont Circle Washington, DC 20036			1,128.38
Mark S. Schacht, 2000 'O' Street, Suite 240 Sacramento, CA 95814	California Rural Legal Assistance, Inc	200.93	345.75
Schagrin Associates, 1140 - 19th Street, NW, Suite 600 Washington, DC 20036	Armco, Inc	587.50	
Do	Committee on Pipe & Tube Imports	472.50	6.75
Do	Tyco International		
Do	USX Corporation	480.00	63.13
Do	Weirton Steel Corporation	1,116.25	9.00
Harold A. Schaitberger, 1750 New York Ave., NW Washington, DC 20006	International Assn of Fire Fighters	22,490.46	
Thomas A. Schatz, 1301 Connecticut Ave., NW, #400 Washington, DC 20036	Council for Citizens Against Government Waste	3,000.00	29.29
Gerold L. Schiebler, P.O. Box 100014 Gainesville, FL 32610-0014	University of Florida		2,575.41
Robert F. Schiff, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	6,165.87	
Irene S. Schindler, 555 13th Street, NW, East Tower, #600 Washington, DC 20004	Health Insurance Association of America	2,895.75	700.00
Ella M. Schiralli, 2500 Wilson Blvd. Arlington, VA 22201-3834	Electronic Industries Assn	700.00	302.53
Lynn L. Schloesser, 1301 K Street, NW East Tower, Suite 715 Washington, DC 20005	Eastman Chemical Co	2,000.00	100.00
Schnitzer Steel Industries, Inc, 3200 N.W. Yeon Avenue Portland, OR 97210			
Paul Schomburg, 1620 L Street, NW, Suite 1150 Washington, DC 20036	Matsushita Electric Corp of America	100.00	73.97
Susan Schreiber, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	
William C. Schultz, 7975 North Hayden St. Scottsdale, AZ 85258	Fender Musical Instruments Corp		
Neil D. Schuster, 2120 L Street, NW, #305 Washington, DC 20037	International Bridge Tunnel & Turnpike Assn	1,000.00	
William J. Schuyler, 1500 K Street, NW, Suite 650 Washington, DC 20005	Glaxo Wellcome, Inc	2,500.00	
Elinor Schwartz, 318 S. Abingdon Street Arlington, VA 22204	California State Lands Commission	7,425.00	79.20
Elizabeth Nash Schwartz, 1700 N. Moore St., #2120 Rosslyn, VA 22209	Boeing Company	7,325.50	1,120.25
Eric J. Schwartz, 1233 20th Street, NW, #800 Washington, DC 20036	Proskauer Rose Goetz & Mendelsohn (For:Association of American Publishers)		
Do	Proskauer Rose Goetz & Mendelsohn (For:Bell Atlantic Network Services Co)		
Do	Proskauer Rose Goetz & Mendelsohn (For:National Film Preservation Board)		
Carl F. Schwensen, 415 2nd St., NE, #300 Washington, DC 20002	National Assn of Wheat Growers	7,050.00	
Eric M. Schwing, Illinois Department of Nuclear Safety 1035 Outer Park Drive Springfield, IL 62704	Central Midwest Interstate Low-Level Radioactive Waste Comm		
Michael D. Scott, 900 17th Street, NW Washington, DC 20006	Wilderness Society		
Steven R. Scott, 14950 Heathrow Forest Parkway Suite 200 Houston, TX 77032-3842	Professional Services Group, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Walter J. Sczudlo, 1401 Eye Street, NW, Suite 1030 Washington, DC 20005	Shell Oil Co	500.00	
John Morton Sebree, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,300.00	458.63
Mark Seetin, 919 18th Street, NW Washington, DC 20006	New York Mercantile Exchange		700.00
James Sefcik, 1055 N. Fairfax Street, Suite 201 Alexandria, VA 22314	U.S. Strategies Corp		
Carol Seifert, 1601 Connecticut Ave., NW, #601 Washington, DC 20009	Alliance for Justice		
Alisa M. Sell, 1301 Pennsylvania Ave., NW, #401 Washington, DC 20004	Florida Sugar Cane League	2,800.00	
Do	Rio Grande Valley Sugar Growers	281.00	
Tom Sellers, 1701 Pennsylvania Ave., NW Washington, DC 20006	E. I. du Pont de Nemours & Co		
Peter Semler, Box 723 Easthampton, NY 11937	Azerbaijan Study Foundation		
Seniors Coalition, 11166 Main Street, #302 Fairfax, VA 22030		2,210,952.00	1,291,888.74
Patricia A. Sevilla, 1440 New York Ave., NW, #200 Washington, DC 20005	American Automobile Assn		
Seward & Kissel, 1200 G Street, NW, #350 Washington, DC 20005	Baltic Company, et al.	168.75	
Do	Dean Witter, Discover & Co	406.25	
Do	Merrill Lynch & Co, Inc	406.25	
Mark J. Sharp, 1620 L Street, NW, #1150 Washington, DC 20036	Matsushita Electric Corp of America	100.00	73.97
Susan Shaw, 2728 S. Arlington Ridge Rd. Arlington, VA 22202	National Treasury Employees Union	19,095.00	224.74
Shaw Pittman Potts & Trowbridge, 2300 N Street, NW, #5121 Washington, DC 20037	Airship International, Ltd		
Do	Associated Industries of Florida	2,589.00	23.93
Do	Atlas Corp		
Do	Austrian Airline		
Do	Aviall, Inc	336.20	64.42
Do	Bechtel Aviation Services		
Do	Chevy Chase Bank, F.S.B.	13,883.50	1,678.24
Do	Chromalloy Gas & Turbine	498.68	52.50
Do	City of Kansas City - Aviation Department		
Do	Dallas/Fort Worth International Airport	5,859.48	179.06
Do	Embraer Aircraft Corporation		
Do	Emerson Electric Co		
Do	ESCO Electronics Corp		
Do	Federation of Japanese Bankers Assns		
Do	Greenville-Spartanburg Airport District	2,072.50	200.21
Do	Hongkong and Shanghai Banking Corp		
Do	Institute of International Bankers		
Do	International Small Satellite Organization		
Do	Kiwi International Air Lines, Inc	8,084.76	486.44
Do	National Assn of State Aviation Officials		
Do	National Business Aircraft Assn		
Do	National Coalition for Minority Business	10,317.50	355.13
Do	Nordam, Inc	27.00	0.25
Do	North Carolina Air Cargo Airport Authority	4,306.30	370.12
Do	Pratt & Whitney		
Do	RJ Reynolds Tobacco		
Do	Schnell-Bruter-Kernkraftwerksgesellschaft MbH		
Do	Summit '93 Health Coalition		
Do	Workplace Health and Safety Council	4,240.10	4,218.53
Ellyn M. Shea, 444 North Capitol St., #418 Washington, DC 20001	New England Council, Inc		
Robert E. Shea, 6811 Cabin John Rd. Springfield, VA 22150	General Mills		
John E. Sheeley, 1 Massachusetts Ave., NW, Suite 800 Washington, DC 20001	McLeod Watkinson & Miller (For:American Assn of Crop Insurers)	20,099.00	103.55
Sher & Blackwell, 2000 L Street, NW, #612 Washington, DC 20036	A.P. Moller-Maersk	520.00	16.90
Do	Central Analysis Bureau, Inc		
Do	Council of European & Japanese Nat'l Shipowners Assn	2,065.00	33.40
Do	International Brotherhood of Teamsters Chauffers ...	670.00	12.78
Do	Joint Conferences	4,405.00	42.00
Do	Lykes Bros Steamship Co, Inc		
Marilyn G. Showalter, 2601 S. Capitol Way Olympia, WA 98501	Frank Russell Co	31,550.00	311.00
Barbara Shycoff, 801 Pennsylvania Ave., NW, #650 Washington, DC 20004	American Express Co	9,375.00	163.00
Sidley & Austin, 1722 Eye Street, NW Washington, DC 20006	W. K. Kellogg Foundation		
Mark A. Siegel & Associates, 1030 15th Street, NW, #408 Washington, DC 20005	Stevens Institute of Technology	12,000.00	
Sierra Club, 730 Polk Street San Francisco, CA 94109		226,039.83	226,039.83
Pam Silberstein, 1140 14th Street, NW, Suite 700 36 Washington, DC 20036	Miller Balis & O'Neil (For:American Public Gas Assn)		
Robert E. Simmons, The Simmons Network 692 Mulberry Drive Biloxi, MS 39532	Owners of HUD Mortgages in Biloxi Gulfport & Clinton	10,000.00	11,500.00
David J. Simon, 823 Gold Ave., SW Albuquerque, NM 87102	National Parks & Conservation Association	667.00	1,250.00
Simon & Company, Inc, 1001 Connecticut Ave., NW, #435 Washington, DC 20036	American Water Works Assn	11,100.00	1,265.79
Do	Elkhart, IN	5,625.93	2,166.72
Do	Gary, Indiana	7,782.42	1,545.69
Do	Madison, WI	5,313.18	2,074.25
Do	National Easter Seal Society	7,537.23	1,288.22
Do	Newark, CA	5,517.79	1,960.01
Do	Pierce Transit Authority	7,113.18	1,769.97
Do	Portland, OR	11,192.14	2,166.69
Do	Salt Lake City, UT	9,268.01	2,953.90
Do	San Bernardino, CA	5,431.92	1,676.94
Do	San Leandro, CA	5,408.63	1,992.42
Do	Tacoma Public Utilities	1,735.92	1,501.61
Do	Tacoma, WA	6,023.10	1,690.89
Talmage E. Simpkins, 1150 17th Street, N.W., #700 Washington, DC 20036	AFL-CIO Maritime Committee	200.00	23.73
Carol A. Simpson, P.O. Box 1808 Washington, DC 20013	Motorcycle Riders Foundation	5,734.28	
Charles W. Simpson, 555 13th Street, NW, #410-W Washington, DC 20004	Morrison Knudsen Corp		
Albert M. Sims, 11006 Hampton Rd. Fairfax Station, VA 22039	Performance Engineering, Inc		
William T. Sinclaire, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce		
George Sinner, 101 North Third Street Moorhead, MN 56560-1990	American Crystal Sugar	15,000.00	10,402.26
Marcus W. Sisk Jr., 2828 Pennsylvania Ave., NW, #203 Washington, DC 20037	Tosco Corporation	7,087.50	267.37
Skadden Arps Slate Meagher & Flom, 1440 New York Avenue, NW Washington, DC 20005	Temple-Inland, Inc	775.00	34.00
Linda Arey Skladany, 1001 Pennsylvania Ave., NW Washington, DC 20004	Foundation for Environmental & Economic Progress	21,600.00	
Do	Styrene Industry	22,500.00	
Scott Sklar, 122 C Street, NW Washington, DC 20001	Solar Energy Industries Assn	6,545.16	2,269.70
Glen J. Skovholt, P.O. Box 524 Minneapolis, MN 55440-0524	Honeywell, Inc	2,500.00	100.00
Jonathan Slade, 1101 17th Street, NW, #202 Washington, DC 20036	MWW Strategic Communications (For:Berna Products Corp)	4,633.15	
Do	MWW Strategic Communications (For:Cuban American Foundation, Inc)	12,509.95	198.50
Do	MWW Strategic Communications (For:Farmland Dairies)	10,604.81	
Do	MWW Strategic Communications (For:GAF Corp)	7,322.13	
Do	MWW Strategic Communications (For:Hadassah Medical Organization)	15,689.62	
Do	MWW Strategic Communications (For:Hill International)	27,921.28	150.00
Do	MWW/Strategic Communications, Inc (For:Interbank of Aruba)	15,000.00	23.00
Do	MWW Strategic Communications (For:Puerto Ricans for Civic Action)	45,000.00	65.50
Do	MWW Strategic Communications (For:Ross University)	15,232.78	
Alice Slater, 2902 Upton St., NW Washington, DC 20008	National Assisted Housing Management Assn, Inc	1,519.00	
Donna E. Slingluff, 66 Canal Center Plaza, #520 Alexandria, VA 22314	Health Industry Distributors Assn	3,837.00	23,030.00
Douglas T. Smalls, 316 Pennsylvania Ave., SE, #304 Washington, DC 20003	United Parcel Service		
Smathers Hickey & Smathers, 1050 Connecticut Avenue, NW, #222 Washington, DC 20036	Pennzoil Co		
Allen Smith, 900 17th St., NW Washington, DC 20006	Wilderness Society	143.59	
David F. Smith, 10 Lafayette Square Buffalo, NY 14203	National Fuel Gas Distribution Corp, et al.		
Heather L. Smith, 1400 16th Street, NW, #320 Washington, DC 20036	Zero Population Growth		
Peter N. Smith, 700 13th Street, NW, Suite 950 Washington, DC 20005	Raychem Corp	16,050.00	28,000.00
Philip Hardy Smith, P.O. Box 2801 Daytona Beach, FL 32115	International Speedway Corp	400.00	1,378.94
Do	National Motorsports Comm of ACCUS-FIA, Inc	400.00	1,378.94
Richard D. Smith, 15 Mountain View Road Warren, NJ 07061-1615	Chubb Corporation	5,000.00	
Sara Hope Smith, 1850 M Street, NW, #1100 Washington, DC 20036	Sprint Corporation	16,875.00	
Velma Smith, 1025 Vermont Avenue, NW, 3rd Floor Washington, DC 20005	Friends of the Earth	90.48	
W. Glenn Smith, 101 West Washington Street Indianapolis, IN 46255	National City Bank, Indiana		
W. Lamar Smith, 2121 K Street, NW, Suite 700 Washington, DC 20037	VISA USA, Inc	36,750.00	1,366.06
Larry S. Snowhite, 1025 Connecticut Avenue, NW, #900 Washington, DC 20036	Semmes Bowen & Semmes (For:Houghton Mifflin Co)	1,500.00	
Gary L. Sojka, 8304 Harland Drive Springfield, VA 22152	Pacific Sierra Research Corp		
Solid Waste Authority of Central Ohio, 3011 Columbus Street Grove City, OH 4323			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Alan P. Solow, 5507 S. Kimbark Chicago, IL 60637	Goldberg Kohn Bell...(for Fender Musical Instruments Corp)		
Solutions Group, Inc, 10335 Democracy Lane Fairfax, VA 22030		10,800.00	448.24
Sonnenberg Anderson & Rodriguez, 200 South Wacker Dr. 33rd Floor Chicago, IL 60606	American Yazaki Corp		
Sonosky Chambers Sachse & Endreson, 1250 Eye Street, NW #1000 Washington, DC 20005	American Assn of Acupuncture and Oriental Medicine		
Do	Assiniboine and Sioux Tribes	11.00	
Do	Bad River Band of Lake Superior Chippewa	10.00	
Do	Class of Native Alaskan Plaintiffs		
Do	Colville Business Council		
Do	Cook Inlet Regional Citizen Advisory Council		
Do	Fond du Lac Bank of Chippewa Indians	10.00	
Do	Ho-Chunk Nation	1,650.00	
Do	Hopi Tribe		
Do	Houlton Band of Maliseet Indians of Maine		
Do	Lac Du Flambeau Band of Lake Superior Chippewa Indians	10.00	
Do	Mole Lake Band of the Sokaogon Chippewa Community		
Do	Multi-Housing Laundry Assn, Inc		
Do	Pueblo of Jemez		
Do	Sault Ste. Marie	10.00	
Do	St. Croix Chippewa Indians of Wisconsin	10.00	
Do	Standing Rock Sioux Tribe	189.00	
Do	Yukon-Kuskokwim Health Corp		
Sorensen & Edwards, PS, 1201 Third Avenue, #2900 Seattle, WA 98101-3028	Klukwan, Inc	2,000.00	2,000.00
Do	Shee Atika, Inc	3,000.00	3,000.00
Do	Western Pioneer, Inc	2,000.00	2,000.00
Space Industries International, Inc, 800 Connecticut Avenue, NW, #1111 Washington, DC 20006			
James M. Sparling Jr., 1733 King Street Alexandria, VA 22314	Capitol Counsel, Inc	22,650.00	10,223.64
William B. Spencer, 1300 North 17th Street Rosslyn, VA 22209	Associated Builders & Contractors, Inc	2,500.00	
Philip Squair, 4301 N. Fairfax Dr., Suite 425 Arlington, VA 22203	Air Conditioning & Refrigeration Institute		
Squire Sanders & Dempsey, 1201 Pennsylvania Ave., NW P.O. Box 407 Washington, DC 20044	American Chamber of Commerce in Germany, Rossmarkt		
Do	Public Securities Assn		
Cecile Srodes, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Karen A. St. John, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corporation	1,200.00	708.37
Grey Staples, 1130 Connecticut Ave., NW, #300 Washington, DC 20036	Ferguson Company (For:Ashley Payne Farms)	625.00	50.48
Do	Ferguson Company (For:Robert Bein)	200.00	
Do	Ferguson Company (For:Central Valley Project Authority)	3,480.50	
Do	Ferguson Company (For:Central Valley Project Water Authority)	312.50	136.70
Do	Ferguson Company (For:City of Brea)	500.00	12.30
Do	Ferguson Company (For:City of Sacramento, Dept of Utilities)	1,352.94	65.66
Do	Ferguson Company (For:Colusa Basin Drainage District)	114.00	6.55
Do	Ferguson Company (For:Colusa Drain Mutual Water Co)	1,107.44	82.72
Do	Ferguson Company (For:County of Lake, Criterion Engineers Planners)	357.38	33.13
Do	Ferguson Company (For:County of Sacramento, Dept of Public Works)	5,625.00	66.01
Do	Ferguson Company (For:Family Farm Alliance)	771.42	74.27
Do	Ferguson Company (For:Glenn-Colusa Irrigation District)	1,443.57	131.83
Do	Ferguson Company (For:Koll Company)	1,166.67	74.71
Do	Ferguson Company (For:National Realty Committee)	520.84	85.00
Do	Ferguson Company (For:Reclamation District 108)	462.33	85.64
Do	Ferguson Company (For:Southeast Water Coalition, City of Pico Rivera)	833.34	62.16
Do	Ferguson Company (For:Tejon Ranch)	300.00	74.47
Do	Ferguson Company (For:Tulekke Irrigation District)	3,182.63	597.45
Jane Sutter Starke, 2100 Pennsylvania Ave., NW, #600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For:Central Arkansas Transit Authority)	92.50	
Do	Eckert Seamans Cherin & Mellot (For:City Utilities of Springfield)		
Do	Eckert Seamans Cherin & Mellott (For:Foothill Transit Zone)	92.50	
Do	Eckert Seamans Cherin & Mellott (For:Los Angeles County Metropolitan Transportation Authority).	92.50	
Do	Eckert Seamans Cherin & Mellott (For:Ormet Corp)		
Do	Eckert Seamans Cherin & Mellott (For:Redevelopment Authority of Luzerne County).	95.00	
Do	Eckert Seamans Cherin & Mellott (For:Regional Transportation Commission)	1,387.50	146.93
Do	Eckert Seamans Cherin & Mellott (For:Southeastern Pennsylvania Transportation Authority).	92.50	
Do	Eckert Seamans Cherin & Mellott (For:Utah Transit Authority)	92.50	
Do	Eckert Seamans Cherin & Mellott (For:Washington Metropolitan Area Transit Authority).	92.50	
Julie A. Stauss, 1225 Eye Street, NW, Suite 1250 Washington, DC 20005	American Dietetic Assn	1,000.00	
Law Offices of Deborah Steelman, Columbia Square 555 13th Street, NW, #1220 East Washington, DC 20004-1109	Aetna Life & Casualty	63,075.00	524.30
Do	American Dental Assn	15,937.50	8.00
Do	CIGNA Corporation	16,840.00	590.34
Do	Eli Lilly & Co	26,160.00	16.72
Do	Engquist Pelrine & Powell, Inc	32,750.00	190.06
Do	Healthcare Leadership Council	51,360.00	696.91
Do	Johnson & Johnson	24,900.00	88.88
Do	MetraHealth	16,840.00	590.35
Do	Northwestern Memorial Hospital	34,975.00	121.50
Do	Pfizer, Inc	34,845.00	49.44
Do	Pharmaceutical Research & Manufacturers of America	23,170.00	209.05
Do	Prudential Insurance Co of America	16,840.00	590.33
Do	TheraTx	62,020.00	132.25
Alan C. Steinbeck, 1325 Pennsylvania Avenue, NW, 7th Floor Washington, DC 20004	Kennecott Corp	800.00	3,058.00
R. W. Stephens Jr., 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Steptoe & Johnson, 1330 Connecticut Ave., NW Washington, DC 20036	Association of Private Pension & Welfare Plans, Inc	5,112.25	904.86
Bradley Stillman, 1424 16th Street, NW, Suite 604 Washington, DC 20036	Consumer Federation of America	10,965.43	219.50
Kenneth F. Stinger, 430 First Street, SE Washington, DC 20003	American Trucking Assns, Inc	9,000.00	
Steven F. Stockmeyer, 801 North Fairfax Street, #215 Alexandria, VA 22314	American Osteopathic Assn	750.00	
Do	Committee on U.S. Business	1,875.00	
Do	Manville Corporation	625.00	
Do	Michigan Biotechnology Institute	2,500.00	
Do	Money Store	3,875.00	
Do	National Assn of Business PACs	1,750.00	
Do	Springs Industries, Inc	1,250.00	
Do	WMX Technologies, Inc	1,937.50	
Elizabeth A. Stolpe, 1401 Eye Street, NW, Suite 300 Washington, DC 20005	Koch Industries, Inc	4,500.00	948.90
J. Robin Stone, 1700 N. Moore Street, 20th Floor Rosslyn, VA 22209	Boeing Company		
Stephen E. Storch, 2101 L Street, NW, #401 Washington, DC 20037-1526	American Stock Exchange		
Edward W. Stowe, 245 Second St., NE Washington, DC 20002	Friends Committee on National Legislation	1,932.67	
Andrea Strader, 1625 L St., NW Washington, DC 20036	American Fed of State County & Municipal Employees	17,654.52	86.00
Ronald J. Streck, P.O. Box 2219 Reston, VA 22090-0219	National Wholesale Druggists' Assn		
Maria S. Strong, 1747 Pennsylvania Ave., NW, 12th Floor Washington, DC 20006	International Intellectual Property Alliance		
Heather P. Stroup, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	311.75	
Michael M. Stump, 14950 Heathrow Forest Parkway Suite 200 Houston, TX 77032-3842	Professional Services Group, Inc		
John N. Sturdivant, 80 F Street, NW Washington, DC 20001	American Fed of Government Employees	32,301.43	
Catherine Sullivan, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the U.S.	5,169.23	
Francis J. Sullivan, 16 W. Walnut Street Alexandria, VA 22301	Frank Sullivan Associates (For:Ingalls Shipbuilding)	250.00	
Do	Frank Sullivan Associates (For:ITT Corporation)	175.00	
Do	Frank Sullivan Associates (For:Northrop Grumman Corporation)	250.00	
Do	Frank Sullivan Associates (For:Textron, Inc)	151.00	
Gael M. Sullivan, 1133 Connecticut Avenue, NW, #620 Washington, DC 20036	LTV Corporation	2,344.00	572.50
Harold R. Sullivan, 800 Connecticut Avenue, NW Washington, DC 20006-2701	Food Marketing Institute	600.00	
Jay R. Sullivan, Jamison & Sullivan, Inc 1212 New York Ave., NW, #1200 Washington, DC 20005	Association of O&C Counties	6,000.00	
Do	D.R. Johnson Lumber	6,000.00	2,800.00
Do	Douglas County Oregon	3,000.00	
Do	Malheur Timber Operations	7,500.00	750.00
Do	Native Operating Co	4,000.00	150.00
Do	Prairie Wood Products	4,000.00	150.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Umatilla Water Users	4,000.00	150.00
Judy M. Sullivan, 1614 King Street Alexandria, VA 22314	National Assn of Housing Cooperatives		
Maureen A. Sullivan, 901 E Street, NW, Suite 500 Washington, DC 20004-2037	American Assn of Homes & Services for the Aging		
Richard J. Sullivan, 1507 Laburnum Street McLean, VA 22101	Richard J. Sullivan Associates, Inc (For:Association of American Railroads)	11,620.00	
Do	Richard Sullivan Associates, Inc (For:Design Professionals Coalition)	1,510.00	
Do	Richard J. Sullivan Associates, Inc (For:Northeast Ohio Regional Sewer District)	1,000.00	
Sullivan & Cromwell, 1701 Pennsylvania Ave., NW, #800 Washington, DC 20006	City of West Palm Beach		1,000.00
Do	First Fidelity Bancorporation		220.00
Do	Goldman Sachs & Co	5,492.32	235.25
Do	Massachusetts Port Authority (MASSPORT)		1,000.00
Do	Morgan Guaranty Trust Co	5,492.32	235.25
Do	Town of Palm Beach		1,000.00
Do	Wells Fargo Bank		476.00
Sullivan & Worcester, 1025 Connecticut Ave., NW, #806 Washington, DC 20036	Kollmorgen Corp, et al.		1.76
Richard J. Sullivan Associates, Inc, 1507 Laburnum Street McLean, VA 22101	Association of American Railroads	12,499.98	13,403.75
Do	Design Professionals Coalition	6,000.00	7,593.75
Do	Northeast Ohio Regional Sewer District	1,000.00	2,783.75
Superfund Reform '95, 1155 21st Street, NW, #300 Washington, DC 20036		2,000.00	4,448.00
Donald B. Susswein, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For:Citicorp Washington)	76,463.87	
Rosemarie Sweeney, 2021 Massachusetts Avenue, NW Washington, DC 20036	American Academy of Family Physicians	8,608.92	146.50
William R. Sweeney Jr., 1331 Pennsylvania Ave., NW, #1300-N Washington, DC 20004	Electronic Data Systems Corp	100.00	402.00
David A. Sweeney & Associates, 5209 Wyecliffe Ct. Rockville, MD 20853	United Parcel Service	13,500.00	
Swidler & Berlin, Chtd, 3000 K Street, NW, #300 Washington, DC 20007	American Automobile Manufacturers Assn	1,025.00	
Do	Association of Container Reconditioners	120.00	
Do	Business Software Alliance	2,651.00	40.00
Do	Entertainment Made Convenient		
Do	General Electric Corporation	4,619.75	
Do	Grocery Manufacturers Assn		
Do	Merrill Lynch & Co, Inc	1,530.00	35.00
Do	Metropolitan Fiber Systems Communications Co, Inc	23,101.25	454.00
Do	Microsoft Corp	6,720.00	141.00
Do	National Asphalt Pavement Assn	512.50	
Do	New England Power		
Do	Philip Morris Management Corp	3,162.50	87.00
Philip E. Swink, 1 Pepsi Way Somers, NY 10589-2201	Pepsi-Cola Company		254.28
Chris Ray Swonger, 700 11th Street, NW, #680 Washington, DC 20001	UST Public Affairs, Inc		
Ronald G. Sykes, 1660 L Street, NW, #400 Washington, DC 20036	General Motors Corp	3,000.00	10,002.30
Symms Lehn & Associates, Inc, 210 Cameron Street Alexandria, VA 22314	Association of American Railroads	13,500.00	3,366.00
Do	API, Amalgamated Publishers, Inc	6,000.00	7,128.00
Do	ARTBA, Alliance for Truth in Transportation Budgeting		
Do	Coeur D'Alene Mines	12,000.00	3,366.00
Do	CIBA-GEIGY Corporation	18,000.00	3,366.00
Do	CNI, Community Nutrition Institute	6,000.00	3,366.00
Do	Federal National Mortgage Assn	4,000.00	3,366.00
Do	Forschler & Associates	6,000.00	3,366.00
Do	FMC	30,000.00	6,732.00
Do	Government of Nigeria	75,000.00	17,622.00
Do	Marcos D. Katz		
Do	Marks & Murase		
Do	O'Connor & Hannan	30,000.00	6,732.00
Do	PAR Pharmaceutical	16,000.00	6,732.00
Do	Rabbi Milton Balkany		
Do	TECRO, Taipei Economic & Cultural Representative Office	18,000.00	6,732.00
Do	US Smelting & Refining Co	14,000.00	3,366.00
Elizabeth Symonds, 122 Maryland Avenue, NE Washington, DC 20002	American Civil Liberties Union		
Tammy Jo Szarka, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn	2,500.00	15.58
Z. Michael Szaz, 4201 Massachusets Ave. #4037c Washington, DC 20016	Transylvanian World Federation		
Nkechi Taifa, 122 Maryland Avenue, NE Washington, DC 20002	American Civil Liberties Union		
Bruce B. Talley, 1401 H Street, NW, #1060 Washington, DC 20005	Asea Brown Boveri, Inc	8,500.00	194.35
Jill L. Tanis, 800 Connecticut Ave., NW Washington, DC 20006-2701	Food Marketing Institute	100.00	
Alan Tank, 122 C Street, NW, Suite 875 Washington, DC 20001	National Pork Producers Council	10,000.00	483.88
Tanner & Guin, P.C., P.O. Box 3206 Tuscaloosa, AL 35403	Alabama Council for Rural Housing & Development		
Taxpayers Against Fraud, Inc, 1250 Connecticut Ave., NW, Suite 401 Washington, DC 20036			21,384.17
Taxpayers Education Lobby, Inc, 14155-F Sullyfield Circle Chantilly, VA 22021			12,414.68
Larry D. Taylor, P.O. Box 70 Boise, ID 83707	Idaho Power Company		
Lonnie P. Taylor, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	15,450.00	
Sandra E. Taylor, 1300 Connecticut Ave., NW, #901 Washington, DC 20036	ICI Americas, Inc	20,000.00	11.00
Telecommunications Resellers Assn, 1155 Connecticut Ave., NW, Suite 401 Washington, DC 20036			2,280.00
Ellen S. Teller, 1875 Connecticut Avenue, NW, #540 Washington, DC 20009	Food Research and Action Center	4,500.00	
Paul M. Tendler, 1090 Vermont Ave., NW, #1200 Washington, DC 20005	Tendler Goldberg Biggins & Geltzer, Chtd (For:American Licensed Practical Nurses Assn).		
Timothy Terry, 1130 Connecticut Ave., NW, #300 Washington, DC 20036	Ferguson Company (For:Robert Bein)	166.67	16.81
Do	Ferguson Company (For:City of Fairfield)	2,625.00	22.86
Do	Ferguson Company (For:City of Norwalk)	750.00	8.72
Do	Ferguson Company (For:City of Novato)	2,625.00	604.43
Do	Ferguson Company (For:City of Oceanside)	305.10	16.46
Do	Ferguson Company (For:City of Sacramento)	440.13	47.15
Do	Ferguson Company (For:County of Lake)	302.20	15.11
Do	Ferguson Company (For:New Hamilton Partners)	6,750.00	311.59
Do	Ferguson Company (For:Oceanside Harbor)	58.11	25.87
Do	Oceanside Redevelopment Community Dev Commission	87.17	45.28
Do	Ferguson Company (For:Sacramento Metropolitan Chamber of Commerce)	5,000.00	319.74
Thomas Testa, 1737 25th Street Detroit, MI 48216-1432			
Textron, Inc, 40 Westminster St. Providence, RI 02903		3,300.00	730.00
Thacher Proffitt & Wood, 1500 K Street, NW, #200 Washington, DC 20005	Citicorp Washington	76,463.87	906.12
Laura I. Thevenot, 555 13th Street, NW, #600E Washington, DC 20004-1109	Health Insurance Assn of America, Inc	628.03	104.03
John L. Thomas, P.O. Box 796322 Dallas, TX 75379-6322	Liberty Media Corp		
Do	Visual Information Technologies, Inc		
Peter William Thomas, 1275 Pennsylvania Ave, NW, #300 Washington, DC 20004	National Assn for the Advance of Orthotics & Prosthethics	8,000.00	
R. Lindsay Thomas, 250 Williams Street Atlanta, GA 30301-1996	Atlanta Committee for the Olympic Games		
Herbert G. Thompson, 2430 Kingsley Drive Marietta, GA 30062	National Assn of Police Athletic Leagues	14,722.77	5,815.25
Do	Southern States Police Benevolent Assn	14,722.77	5,815.25
Paula Thompson, 1130 Connecticut Ave., NW, #300 Washington, DC 20036	Ferguson Company (For:City of Alhambra)	682.50	40.68
Do	Ferguson Company (For:City of Brea)	1,000.00	16.41
Do	Ferguson Company (For:City of Inglewood)	1,406.25	58.13
Do	Ferguson Company (For:City of Norwalk)	625.00	8.72
Do	Ferguson Company (For:City of Oceanside)	261.50	13.51
Do	Ferguson Company (For:City of Santa Ana)	1,250.00	
Do	Ferguson Company (For:City of Santa Monica)	750.00	25.95
Do	Ferguson Company (For:West Valley City)	1,006.25	129.38
R. Patrick Thompson, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange	5,000.00	
Thompson & Hutson, 1317 F St., NW, Suite 900 Washington, DC 20004	National Dual Shop Coalition		
John H. Thorne, 1156 15th Street, NW, Suite 400 Washington, DC 20005		10,000.00	1,095.18
Kathryne M. Thorpe, 1299 Pennsylvania Ave., NW, #1175 Washington, DC 20004	Science Applications Int'l Corp	600.00	150.00
Walter L. Threadgill, 1001 Connecticut Avenue, NW, #622 Washington, DC 20036	Millicom, Inc		
John Threlkeld, 80 F Street, NW Washington, DC 20001	American Federation of Government Employees	13,564.98	
Barbara Timmer, 1600 M Street, NW Washington, DC 20036	ITT Corp		
John W. Timmons, 1133 Connecticut Ave, NW, #1000 Washington, DC 20036	America West Airlines, Inc		
Erin Todd, 2626 Pennsylvania Avenue. NW Washington, DC 20037	National Telephone Cooperative Assn	5,000.00	675.74
Jean R. Toohey, 1401 Eye Street, NW, #200 Washington, DC 20005	Rhone-Poulenc, Inc		50.77
Greg R. Toomey, 430 First Street, SE Washington, DC 20003	American Trucking Assn, Inc	9,000.00	
Michelle Totah, 1620 L Street, NW, #1150 Washington, DC 20036	Matsushita Electric Corp of America	100.00	73.97
Charles H. Tower, 1026 16th Street, NW, #503 Washington, DC 20036	Electronic Publishing Group		60.70
Eugene M. Trisko, P.O. Box 596 Berkeley Springs, WV 25411	United Mine Workers of America		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Troutman Sanders, 601 Pennsylvania Ave., NW, Suite 640 North Building Washington, DC 20004	Edison Electric Institute	2,150.50	84.14
John F. Troy, 555 13th Street, NW East Tower Suite 600 Washington, DC 20004	Health Insurance Assn of America	2,103.25	40.00
John P. Truitt, 30420 Revelles Neck Road Westover, MD 21871-3368	Federation of Convicted Felons, The Monkey Boys		
Genevieve W. Tuchow, 200 Civic Center Dr. Columbus, OH 43215	Columbia Gas Distribution Companies	3,500.00	
Leslie Anne Tucker, 2021 Massachusetts Ave., NW Washington, DC 20036	American Academy of Family Physicians	3,902.00	261.64
Chris Tuffli, Bogle & Gates 1299 Pennsylvania Avenue, NW, #875 East Washington, DC 20004	Mineral King District Assn	193.00	
Do	Santa Fe Pacific Gold Corp	193.00	
James Terry Turner, 1641 Besley Rd. Vienna, VA 22182	Seafarers International Union of North America	5,000.00	
Tuttle Taylor & Heron, 1025 Thomas Jefferson Street, NW, #407 Washington, DC 20007	Western United Dairymen		
M. Ann Tutwiler, 1722 Eye Street, NW, 4th Floor Washington, DC 20006	Central Soya Co, Inc	4,000.00	222.10
April Tyler, 105 East 22nd Street New York, NY 10010-5413	Community Service Society	69.01	
Nathan M. Tyler, 1627 K Street, NW, #800 Washington, DC 20006	Glass Packaging Institute	1,293.35	100.00
Robert E. Tyson Jr., 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn	3,750.00	32.95
U.S. Public Interest Research Group, 218 D Street, SE Washington, DC 20003		47,717.80	105,076.88
U.S. Strategies, 1055 N. Fairfax Street, #201 Alexandria, VA 22314	American Physical Therapy Assn		
Do	AU Clair Schools		
Do	CareTenders Healthcorp		
Do	Charter Medical		
Do	Cities in Schools		
Do	City of Las Vegas		
Do	Continental Medical Systems		
Do	Healthsouth Rehabilitation Corp		
Do	Integrated Health Services, Inc		
Do	Medco Behavioral Care		
Do	Promus Companies, Inc		
Do	Michael P. Skredynski		
Do			
Do	URO Health		
Do	USA Healthnet, Inc		
Do	VIVRA		
Stephen J. Ubl, 1055 N. Fairfax Street, #201 Alexandria, VA 22314	U.S. Strategies		
Mark J. Ugoretz, 1400 L St., NW Ste. 350 Washington, DC 20005	Erisa Industry Committee	2,269.00	
Unifi, Inc, P.O. Box 19109 Greensboro, NC 27419			
Denice L. Upton, P.O. Box 1009 Hopewell, VA 23860	Stone Container Corp		
Richard P. Urian, 1850 K Street NW, #1190 Washington, DC 20006	EG&G, Inc		
Mark Valente III, 1155 Connecticut Ave., NW, 10th Floor Washington, DC 20036	Kelly Anderson & Associates (For:James River Corp)		
Nicole Valentine, 1129 20th Street, NW, #600 Washington, DC 20036	Group Health Assn of America, Inc	3,999.99	133.20
Juliane H. Van Egmond, 1101 Pennsylvania Ave., NW, #515 Washington, DC 20004	Bayer Corporation	4,778.00	321.26
Laura Van Etten, 3900 Wisconsin Ave., NW Washington, DC 20016	Fannie Mae	2,500.00	
Burkett Van Kirk, 1747 Pennsylvania Ave., NW, #1000 Washington, DC 20006	INTERARMS		
Bronson Van Wyck & Co, 2141 Highway 224 East Tuckerman, AR 72473		9,000.00	13,776.07
Marjorie Vanderbilt, 600 Maryland Ave., SW, #100 West Washington, DC 20024-2571	American Nurses' Assn	8,100.00	139.69
Lisa A. Vanston, 1200 19th Street, NW, #200 Washington, DC 20036-2437	American Management Care & Review Assn	2,094.00	56.00
Patricia C. Vaughan, 655 Third Avenue New York, NY 10017	Risk & Insurance Management Society, Inc		
Paul S. Vayer, 50 Hillcrest Avenue New Britain, CT 06053			
Carlos M. Vazquez, 157 Church St. New Haven, CT 06506	United Illuminating Co	1,539.33	7,597.97
Joseph B. Verna, 1911 N. Ft. Myer Drive Suite 800 Arlington, VA 22209	Alliant Techsystems, Inc	3,837.00	50.00
Verner Liipfert Bernhard McPherson & Hand, Chtd, 901 15th Street, NW, #700 Washington, DC 20005-2301	Alabama Municipal Electric Authority		
Do	Ameritech	15,600.00	
Do	Argent Marine Services, Ltd	15,024.00	
Do	Association of American Railroads	5,289.50	
Do	Bombardier Corp	2,817.50	
Do	Burlington Northern, Inc		
Do	Centro Industrial de Laboratorios Farmaceuticos Argentinos	2,121.00	
Do	City of New Orleans	1,322.50	
Do	Commonwealth of Puerto Rico	44,606.00	
Do	David Sarnoff Research Center	2,098.00	
Do	Fairchild Aircraft	23,990.00	
Do	GenCorp	4,542.00	
Do	George Washington University		
Do	Hague International		
Do	Harmon Industries	1,365.00	
Do	Hughes Communications, Inc	48,604.50	
Do	Hughes Network Systems, Inc		
Do	Investment Company Institute	3,603.50	
Do	Kellogg		
Do	Lower Colorado River Authority		
Do	Manville Corp	3,618.50	
Do	Mars, Inc	835.00	
Do	McDonnell Douglas Corp	11,233.00	
Do	Merrill Lynch & Co, Inc	9,862.50	
Do	MetraHealth Companies, Inc	25,189.00	
Do	Michelin North America		
Do	Motion Picture Assn of America		
Do	National Assn of Government Guaranteed Lenders, Inc	6,438.00	
Do	National Corp for Housing Partnerships		
Do	Northwest Airlines		
Do	NBC	11,207.50	
Do	Philips Electronics North America Corp		
Do	Port of Portland	2,847.50	
Do	Shell Oil Co	5,238.00	
Do	Southeast Federal Power Customers, Inc	12,536.50	
Do	StarSight Telecast, Inc		
Do	State of Hawaii	3,140.00	
Do	Tenneco	14,400.00	
Do	Travelers Companies	12,562.00	
Do	Uniroyal Chemical Company, Inc		
Do	Western Michigan University		
Francis Vespe, 21 Dupont Circle Washington, DC 20036	Scenic America	255.21	
David Vienna & Associates, 401 Wythe Street, #2-A Alexandria, VA 22314	American Assn of Classified School Employees	1,006.25	
Do	California Franchise Tax Board	24,533.75	
Do	California Public Employees' Retirement System	8,365.00	
Do	California State Senate	225.00	
Do	Pacific Stock Exchange, Inc	1,200.00	
Do	Regional Stock Exchanges Coalition		
Do	Sacramento Metropolitan Water Authority	268.75	
Do	State Board of Equalization (Calif)	3,185.00	
Mary Vihstadt, 1667 K Street, NW, Suite 320 Washington, DC 20006	Dial Corp	4,000.00	
Robert J. Vilhauer, 1700 N. Moore Street, #2120 Arlington, VA 22209	Boeing Company	7,488.00	1,011.34
George A. Viverette Jr., 1440 New York Avenue, NW, Suite 200 Washington, DC 20005	American Automobile Assn		
David Vladeck, 2000 P Street, NW Washington, DC 20036	Public Citizen	402.04	
Brian H. Vogel, 1150 Connecticut Ave., NW, #517 Washington, DC 20036	Policy Services, Inc	56,617.64	10,152.59
Earl J. Volk, 245 Second Street, NE Washington, DC 20002	Friends Committee on National Legislation	6,426.16	
Ronnie R. Volkening, 2711 North Haskell Ave. Dallas, TX 75204-2906	Southland Corp		
Kurt Vorndran, 1126 16th Street, NW Washington, DC 20036	International Union of Electrical Workers	13,000.00	
Jay J. Vroom, 1155 15th Street, NW, #900 Washington, DC 20005	American Crop Protection Assn		
Thomas D. Wacker, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn	5,000.00	270.95
Sadami Wada, 711 Fifth Avenue New York, NY 10022-3109	Sony Corp of America		
James Frederick Wagenlander, 1700 Broadway, #1202 Denver, CO 80290-1201	Campaign to Save Indian Programs	4,350.00	8,000.00
Thomas E. Wagner, Calfee Halter & Griswold 1400 McDonald Investment Center 800 Superior Avenue Cleveland, OH 44114.	Student Loan Funding Corporation	1,180.00	578.00
James Wagoner, 1156 15th Street, NW, 7th Floor Washington, DC 20005	National Abortion Rights Action League (NARAL)	27,461.56	
Frederick P. Waite, 655 15th Street, NW Suite 800 Washington, DC 20005-5701	Popham Haik Schnobrich & Kaufman, Ltd (For:American Wire Producers Assn)		
Do	Popham Haik Schnobrich & Kaufman, Ltd (For:Chiquita Brands International)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Deborah Walden, 110 Maryland Ave., NE, #205 Washington, DC 20002	Women's Action for New Directions, et al.	1,600.00	
Daniel Waldmann, 555 13th Street, NW, #1050E Washington, DC 20004	Medtronic, Inc		2,234.41
Doug Walgren, 8312 Hunting Hill Lane McLean, VA 22102	Nynex	15,000.00	
Charles Walker, 12 Nicklaus Lane, #101 Columbia, SC 29223	National Peach Council		
Todd A. Walker, 1825 I Street, NW, #400 Washington, DC 20006	UST Public Affairs, Inc	9,000.00	5,000.00
R. Duffy Wall & Associates, Inc, 601 13th Street, NW, #410 South Washington, DC 20005	Centerior Energy	1,000.00	
George J. Wallace, 2100 Pennsylvania Ave., NW, #600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For:Centocor, Inc)		
Nancy Wallace, 408 C Street, NE Washington, DC 20002	New York Mercantile Exchange		700.00
Lori M. Wallach, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	2,115.38	
R. Douglas Wallin Jr., 1001 Pennsylvania Avenue, NW, #700 Washington, DC 20004	Allied-Signal Aerospace Co		
Michael D. Walsh, P.O. Box 591 Parishville, NY 13672			
Sarah J. Walsh, 1500 K Street, NW, #650 Washington, DC 20005	Glaxo Wellcome, Inc	1,000.00	100.00
Doug Walter, 750 First Street, SE Washington, DC 20002-4242	American Psychological Assn	741.15	
Johnnie M. Walters, PO Box 87 Greenville, SC 29602	Leatherwood Walker Todd & Mann, PC		
James Waltman, 900 17th Street, NW Washington, DC 20006	Wilderness Society	3,512.81	
Alan S. Ward, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Baker & Hostetler (For:Soap & Detergent Assn)		
Robert A. Warden, 1331 F Street, NW, #400 Washington, DC 20004	Public Employees Retirement Assn of Colorado	1,360.00	
Warner & Hultin, 655 15th Street, NW 300 Metropolitan Square Washington, DC 20005	National Quality Health Council		
Washington Independent Writers, Inc, 733 15th Street, NW, #220 Washington, DC 20005			
Leslie Waters, 1130 Connecticut Ave., NW, #300 Washington, DC 20036	Ferguson Company (For:Robert Bein)	166.67	16.81
Do	Ferguson Company (For:City of Alhambra)	227.50	65.98
Do	Ferguson Company (For:City of Brea)	333.33	3.84
Do	Ferguson Company (For:City of Fairfield)	2,625.00	22.86
Do	Ferguson Company (For:City of Inglewood)	468.75	48.33
Do	Ferguson Company (For:City of Norwalk)	750.00	8.72
Do	Ferguson Company (For:City of Santa Ana)	1,406.25	
Do	Ferguson Company (For:City of Santa Monica)	750.00	23.57
Do	Ferguson Company (For:City of West Hollywood)	315.00	11.58
Do	Ferguson Company (For:Forest City Enterprises)	148.75	24.49
Do	Ferguson Company (For:Interstate 5 Consortium)	750.00	101.28
Do	Ferguson Company (For:Irvine Co)	800.00	123.87
Do	Ferguson Company (For:Long Beach Transit)	625.00	14.77
Do	Ferguson Company (For:Transportation Corridor Agencies)	2,500.00	103.81
Do	Ferguson Company (For:West Valley City)	335.42	57.40
Mary Kirtley Waters, 888 17th Street, NW, #300 Washington, DC 20006	ConAgra, Inc	15,000.00	
Matthew J. Waters, 1532 Clarendon Blvd. #4 Arlington, VA 22209	60/Plus Assn, Inc	3,794.00	
Jay Watson, 900 17th Street, NW Washington, DC 20006	Wilderness Society		
Melyssa L. Watson, 122 C Street, NW, #380 Washington, DC 20001-2109	National Family Planning & Reproductive Health Assn, Inc	103.00	
Bruce H. Watzman, 1130 17th Street, NW Washington, DC 20036	National Mining Assn	6,250.00	197.87
Judith G. Waxman, 2913 Cathedral Ave., NW Washington, DC 20008	Families USA Foundation	2,747.00	250.00
Wear & Associates, 888 16th Street, NW, Suite 300 Washington, DC 20006	Chemical Speciality Manufacturers Assn	12,000.00	
Do	Dal-Tile Corp		
Do	Idaho Communications, L.P.		
Do	Intermedia Partners		
Do	International Dairy Foods Assn	6,450.00	
R. Clifton Webb, 1701 Pennsylvania Ave, NW Washington, DC 20006	E.I. duPont de Nemours & Co, Inc		
Andrew H. Webber, 1140 Connecticut Avenue, NW Suite 1050 Washington, DC 20036	American Medical Peer Review Assn		
Webster Chamberlain & Bean, 1747 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Commercial Law League of America		
Jennifer R. Weeks, 1616 P Street, NW, #310 Washington, DC 20036	Union of Concerned Scientists	10,375.00	
Weil Gotshal & Manges, 1615 L Street, NW, #700 Washington, DC 20036	Circle K Corp	1,025.00	
Do	Muzak, L.P.		
Do	Pinnacle West Capital Corp		
Kurt Weinrich, 301 East Clark Avenue, Suite 300 Las Vegas, NV 89101	Regional Transportation Commission	722.00	964.40
Kathleen Weiss, 299 Park Avenue New York, NY 10171	Westvaco Corp		10,289.73
Marina L. Weiss, 1275 Pennsylvania Ave., NW, 3rd Floor Washington, DC 20004-2404	Communications Consortium	4,059.00	52.59
Do	Mutual of Omaha Insurance Co	1,388.75	12.95
Suzanne Weiss, 901 E Street, NW, #500 Washington, DC 20004-2037	American Assn of Homes & Services for the Aging		
John F. Welch, 655 15th Street, NW, #1200 Washington, DC 20005	Safe Buildings Alliance		
Paul S. Weller Jr., 1629 K St., NW, #1100 Washington, DC 20006	American Grain Inspection Institute	450.00	
Do	Apple Processors Assn	16,272.61	938.65
Mary L. Wells, 218 D Street, SE Washington, DC 20003	U.S. Public Interest Research Group	2,298.84	
Frederick C. Wendorf, 801 Pennsylvania Ave., NW, #352 Washington, DC 20004	Central & South West Corp	1,206.25	2,335.00
David Wentworth, 1001 Pennsylvania Ave., NW Washington, DC 20004-2599	American Council of Life Insurance		
Barbara West, 5018 Sangamore Road Bethesda, MD 20816	National Assn of Veterans' Research & Education Foundations (For:Washington Health Advocates).	617.00	51.00
G. Franklin West, 1530 North Key Blvd., #122 Arlington, VA 22209	Church Alliance	21,000.00	
Do	Oklahoma Natural Gas	15,000.00	
J. C. West, P.C., 1090 Vermont Ave., NW, #800 Washington, DC 20005	City of Detroit		
Timothy M. Westmoreland, 1364 G Street, SE Washington, DC 20003	Pediatric AIDS Foundation	1,800.00	
Joseph J. Westwater, 1025 Thomas Jefferson Street, NW, #407 Washington, DC 20007	Tuttle Taylor & Heron (For:DEIP Coalition)	1,375.00	
Wexler Group, 1317 F Street, NW, #600 Washington, DC 20004	Advanced Navigation & Positioning Corp		
Do	American Airlines, Inc	2,675.00	86.14
Do	American Dental Assn	1,430.00	
Do	American Dietetic Assn	571.25	
Do	American Home Products Corp		
Do	American Mobile Satellite Corp		
Do	Anheuser-Busch Companies, Inc		
Do	ARCO	2,680.00	
Do	AT&T		
Do	Biofoam, Inc	330.00	33.25
Do	Cease Fire Action Fund, Inc		
Do	Center for Energy & Economic Development		
Do	Century Council	8,522.50	85.27
Do	Children's Television Workshop	336.25	
Do	Coalition to Eliminate Securities Suits	372.50	168.00
Do	Comcast Corporation	3,153.75	55.80
Do	Consortium of State Maritime Schools	325.00	
Do	Crow Tribal Council		
Do	CINPAC, Inc		
Do	Duopoly/LMA Coalition	112.50	
Do	Eastman Kodak Co	3,188.75	
Do	Foothills Pipe Line (Yukon) Ltd		
Do	Fox Bennett & Turner	325.00	
Do	FHP	472.50	
Do	Guardian Industries Corp	2,442.50	
Do	Johnson & Johnson	2,255.00	
Do	Kaiser Resources, Inc	1,993.75	
Do	Kamehameha Schools/The Bishop Estate	2,097.50	22.50
Do	Lamont-Doherty Geological Observatory	325.00	
Do	Massachusetts Foundation for Excellence in Marine & Polymer	243.75	
Do	Maximus, Inc	6,930.00	
Do	Millicom Int'l Cellular (MIC-USA)	9,980.50	
Do	National Assn of Music Merchants	5,855.00	
Do	Oceanic Institute	372.50	
Do	Ohio Edison	4,674.50	11.63
Do	OIS Optical Imaging Systems, Inc		
Do	Safe Building Alliance		
Do	Science Applications International Corp	162.50	
Do	SEGA of America	225.00	35.80
Do	Wave Phore		
Jean A. Whalen, 1200 19th Street, NW, #300 Washington, DC 20036	Leukemia Society of America, Inc	2,812.50	2,110.00
Ellan Wharton, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co		
George E. White Jr., 706 Lowerline St New Orleans, LA 70118	Avondale Industries, Inc	25,344.00	8,916.00
Leland J. White, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,750.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Susan J. White & Associates, 1111 North Pitt Street, Suite 2-B Alexandria, VA 22314	County of Los Angeles	25,500.00	5,125.21
Do	Cuyahoga County	7,850.00	1,296.31
Do	National Assn of Gov't Deferred Compensation Administrators	8,250.00	548.54
Whiteford Taylor & Preston, 1025 Connecticut Avenue, NW Suite 400 Washington, DC 20036	National Constructors Association	13,333.32	4,981.22
Martin Whitmer, 905 16th Street, NW Washington, DC 20006	Laborers' Int'l Union of N.A., AFL-CIO	10,000.02	334.00
Steven C. Whitney, 900 17th Street, NW Washington, DC 20006	Wilderness Society		
Robert Whittaker, c/o Fleishman Hillard, Inc 1301 Connecticut Ave., NW Washington, DC 20036	J. I. Gray & Associates		
Do	Arnold J. Lande		
Whitten & Diamond, 1725 DeSales St., NW, #800 Washington, DC 20036	City of Philadelphia	15,000.00	306.00
Do	McDonald's Corp	3,000.00	74.00
Do	National Rural Letter Carriers Assn		
Do	Philadelphia International Airport	5,000.00	64.00
Do	Pioneer Seed Co, Inc	2,000.00	60.70
Anne Marie Wiedemer, 1350 I Street, NW, #840 Washington, DC 20005	Ralston Purina Company	5,250.00	858.30
Andrew F. Wiessner, Western Land Group 811 Potato Patch Drive Vail, CO 81654	Lake Gulch, Inc	18,861.88	2,761.88
Robert H. Wilbur, 1200 19th Street, NW, #300 Washington, DC 20036-2401	Smith Bucklin & Associates (For:Amusement & Music Operators Assn)		
Thomas E. Wilder Jr., 1706 Barrington Circle Marietta, GA 30062		20,000.00	1,712.96
Wiley Rein & Fielding, 1776 K Street, NW, 12th Floor Washington, DC 20006	Chaparral Steel Co		
Do	Club Car, Inc		
Do	Eastman Kodak Co	7,070.00	41.64
Do	Georgetown Industries	7,884.00	176.30
Do	Raritan River Steel Co		
Carl B. Wilkerson, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Laurie L. Wilkerson, 1801 K Street, NW, Suite 400K Washington, DC 20006-1301	Arter & Hadden (For:Girling Health Care)		
E. John Wilkinson, 1899 L Street, NW, #500 Washington, DC 20036	Vulcan Materials Co	1,700.00	540.00
Wilkinson Barker Knauer & Quinn, 1735 New York Ave., NW Washington, DC 20006	Noah Corporation		
Do	Turlock Irrigation District		
Do	Yakima-Tieton Irrigation District		
Joel C. Williams Jr., P.O. Box 339 Savannah, GA 31402-0339	Savannah Foods & Industries, Inc	300.00	4,156.12
Wade S. Williams, 1001 Pennsylvania Ave., NW Suite 350N Washington, DC 20004	Deloitte & Touche		1,934.15
Williams & Jensen, P.C., 1155 21st Street, NW, #300 Washington, DC 20036	America's Public Television Stations		
Do	America's Public Television Stations		
Do	American Home Products	3,264.00	48.34
Do	American Physical Therapy Assn, Pediatrics Section	1,485.00	
Do	Association for the Cure of Cancer of the Prostate		
Do	Robert M. Bass Group	2,152.50	
Do	Boots Pharmaceuticals		
Do	British Petroleum, plc	270.00	
Do	BP Chemicals	540.00	
Do	California Recycling Co		
Do	Century 21 Real Estate Corp		
Do	Charitable Accord		
Do	Coalition for Global Investors (CGI)		
Do	Coalition for Responsible Packaging		
Do	College Board		
Do	Colonial Pipeline Company	1,620.00	
Do	Commonwealth Edison		
Do	Continental Airlines Holding, Inc.	4,865.00	29.87
Do	Credit Suisse Financial Products USA		
Do	CIGNA Corp	5,230.00	5.23
Do	CS First Boston (First Boston Corp)	1,320.00	18.12
Do	DuPont Merck		
Do	Estee Lauder, Inc	415.00	2.19
Do	First Federal Savings & Loan Assn of Rochester	2,352.50	
Do	First Union Corp	5,572.50	78.11
Do	Fort Howard Corp		
Do	Genentech	4,075.00	1.12
Do	Genzyme Corporation	752.50	
Do	Glaxo-Wellcome, Inc		
Do	Kelly Appleman Hart & Hallman		
Do	Keystone Provident Life Insurance Co		
Do	King Farm Partnership		
Do	National Assn of Rehabilitation Agencies	450.00	
Do	National Board for Professional Teaching Standards		
Do	National Public Radio		
Do	National Soft Drink Assn	330.00	
Do	Norfolk Southern Corp	165.00	
Do	Normandy Foundation		
Do	Oklahoma Gas & Electric Co	900.00	7.12
Do	Owens-Illinois, Inc		
Do	Pharmaceutical Manufacturers Assn	2,850.00	
Do	Physician Corp of America		
Do	Pittston Co	6,080.00	61.14
Do	Public Broadcasting Service		
Do	Recording Industry Assn of America, Inc	3,670.00	14.82
Do	Responsible Agricultural Programs, Inc		
Do	Sega of America, Inc		
Do	Smith Barney, Inc	500.00	
Do	Southern Pacific Transportation Co	2,264.25	52.59
Do	Southwest Airlines	2,130.00	27.71
Do	Student Loan Marketing Assn (Sallie Mae)	1,350.00	19.95
Do	Texaco, Inc	900.00	
Do	Turner Broadcasting System, Inc	3,546.75	49.53
Do	TTX Company	300.00	1.48
Do	Universal Foods, Inc		
Do	USAA Financial Service Co	1,241.00	28.06
Do	Zeneca Pharmaceuticals Group	4,191.00	91.34
Wayne D. Willis, 1100 17th Street, NW, #1200 Washington, DC 20036	General Atomics	1,321.59	169.12
Wilmer Cutler & Pickering, 2445 M Street, NW Washington, DC 20037-1420	Fitch Investors Service, Inc		
Do	Managed Futures Assn		
Do	Swiss Bankers Assn	130.00	
Christopher J. Wilmot, 1400 16th Street, NW, Suite 320 Washington, DC 20036	Zero Population Growth		
Ann Wilson, 1611 Duke Street Alexandria, VA 22314	American Movers Conference	22,750.00	
Chapin E. Wilson Jr., 80 F Street, NW Washington, DC 20001	American Fed of Government Employees, et al.	13,000.00	
Don T. Wilson, 1250 I Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn	1,825.96	15.00
Hilary Wilson, 1401 H Street, NW, Suite 1060 Washington, DC 20005	ABB, Inc	5,900.00	
Kerrie Bunting Wilson, 316 Pennsylvania Avenue, SE, #200 Washington, DC 20003	American Cancer Society	10,000.00	
Michael M. Wilson, 801 Pennsylvania Ave., NW, #640 Washington, DC 20004-2604	Florida Power & Light Co	3,000.00	14,191.73
Scott A. Wilson, 1875 Eye Street, NW, #800 Washington, DC 20006	AT&T		
Do	Brown & Williamson Tobacco Corp		
Do	Monk-Austin, Inc		
Do	MCNC		
Do	Standard Commercial Tobacco Corp		
Do	Trading & Investment Corp		
Jeanne Barber Wilton, 1200 G Street, NW, #400 Washington, DC 20005	Health Industry Manufacturers Assn	375.00	
Christine M. Windle, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	8,000.00	
Joseph B. Winkelmann, Winkleman & Associates, Inc 9220 Byron Terrace Burke, VA 22015	Council for Citizens Against Government Waste	9,000.00	
Chriss Winston, The Tierney Group 900 Second Street, NE Washington, DC 20002	Federal Home Loan Bank of Pittsburgh	31,929.34	
Winston & Strawn, 1400 L Street, NW Washington, DC 20005-3502	American Honey Producers Assn	450.00	
Do	Barr Laboratories, Inc	1,047.50	38.76
Do	BP America, Inc		
Do	City of Jackson, Mississippi	3,959.00	22.00
Do	Compaq Computer Corporation		
Do	Cooper Tire & Rubber Company	6,193.75	527.99

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Culligan International Co	840.00	2.50
Do	CSR, Ltd	1,885.00	
Do	Digital Equipment Corp		
Do	DHL Corporation	2,858.44	
Do	General Mills	10,330.00	119.35
Do	General Motors Corp		
Do	Hill International, Inc		
Do	Interbank Anonim Sirketi		
Do	McClure Gerard & Neuenschwander, Inc		
Do	Montgomery Watson	852.50	7.16
Do	Northern Telecom	982.50	
Do	Town of Babylon	275.00	
Do	Town of North Hempstead	3,437.00	10.00
Do	USA Rice Federation	7,626.00	94.50
Do	Waggoner Engineering, Inc	2,232.50	41.50
Do	Walt Disney Co		
Do	Water Environment Federation	1,396.25	193.63
Do	Water Environment Research Foundation	2,100.00	
Do	Western Peanut Growers Assn	2,885.00	22.00
Winthrop Stimson Putnam & Roberts, 1133 Connecticut Ave., NW, 1200 Washington, DC 20036	America West Airlines, Inc		
Do	Caribbean Banana Exporters Assn		
Do	Corporate Health Care Coalition	7,140.00	89.20
Do	Goldman Sachs & Co		
Do	Monsanto Co		
Do	Schering-Plough Corp	1,140.00	17.00
Do	Singer Co	1,005.00	79.00
WinCapitol, Inc, 1207 Potomac Street NW Washington, DC 20007	California Energy Company, Inc	1,397.00	
Do	Calpine Corp	91.00	
Do	Constellation Energy, Inc		
Do	Dow Chemical Co		
Do	Geothermal Resources Assn		
Do	Premark International	1,900.00	
Do	Unocal Corp	91.00	
J. Thomas Wolfe, 1325 G Street, NW, #1000 Washington, DC 20005	Institute of Scrap Recycling Industries	5,750.00	792.01
Charles V. Wollerton, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	1,500.00	425.00
S. Roy Woodall Jr., 1001 Pennsylvania Ave., NW Washington, DC 20004-2599	American Council of Life Insurance, Inc		
G. Kent Woodman, 2100 Pennsylvania Ave., NW, #600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For:Central Arkansas Transit Authority)	94.50	
Do	Eckert Seamans Cherin & Mellott (For:Foothill Transit Zone)	186.38	
Do	Eckert Seamans Cherin & Mellott (For:Los Angeles County Metropolitan Transportation Authority).	186.38	
Do	Eckert Seamans Cherin & Mellott (For:Regional Transportation Commission)	658.88	
Do	Eckert Seamans Cherin & Mellott (For:Utah Transit Authority)	186.38	
Cynthia Woodside, 701 N. Fairfax Street Alexandria, VA 22314-2045	National Assn of Social Workers	11,613.00	
Cara M. Woodson, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects	300.00	
David L. Wray, 10 South Riverside Plaza, Suite 1460 Chicago, IL 60606	Profit Sharing Council of America		
Wright & Talisman, 1200 G Street, NW, #600 Washington, DC 20005	New Jersey Assn of Environmental Authorities		
Leo Wright Associates, Inc, 815 Connecticut Avenue, NW, #1200 Washington, DC 20006	Dynamet, Inc		
Writers & Research, Inc, 4810 Saint Paul Boulevard Rochester, NY 14617			
Wunder Diefenderfer Cannon & Thelen, 1615 L St., NW, #650 Washington, DC 20036	Adventist Health System Sunbelt	9,000.00	339.06
Do	American Assn of Orthodontists	5,250.00	257.92
Do	American Bus Assn	5,625.00	158.51
Do	American International Group, Inc	3,528.00	133.79
Do	American Orthotic & Prosthetic Assn	7,812.50	614.84
Do	American Soc of Assn Executives	5,500.00	63.08
Do	American Soc of Consultant Pharmacists	8,000.00	344.92
Do	Ares-Serono, Inc		
Do	Belz Enterprises	1,329.00	9.15
Do	Bermuda, Government of	2,146.00	280.00
Do	Committee Against Revising Staggers		
Do	Computing Technology Industry Assn		
Do	Connaught Laboratories, Inc	5,955.69	295.86
Do	Construction Industry Air Quality Coalition		
Do	Crescent Cities Jaycees Foundation, Inc		
Do	CSX Corporation	2,000.00	
Do	Fund America Ventures Corp	5,000.00	
Do	Grand Metropolitan/Pillsbury	3,750.00	207.27
Do	Herbalife International of America, Inc	3,491.34	
Do	Island Development Corp		
Do	Jewelers of America, Inc	1,475.00	277.24
Do	Karsten Manufacturing Co		
Do	Keen Realty Consultants, Inc		
Do	Kohlberg Kravis Roberts & Co	2,084.00	280.00
Do	Lonesome Dove Petroleum Company		
Do	Montana Department of Transportation		
Do	Mutual Risk Management Ltd	1,202.00	16.31
Do	National Assn of Small Business Investment Companies	2,000.00	53.08
Do	PMA Group		
Do	Rural States Federal Transportation Policy Development Grp	1,050.00	
Do	RJR Nabisco		19.00
Do	Siemens Transportation Systems	2,250.00	2,274.65
Do	SmithKline Beecham	3,000.00	199.11
Do	South Dakota Dept of Transportation	340.00	
Do	St. Gobain	3,120.00	1,693.80
Do	Stifel Nicolaus & Co, Inc		
Do	Waste Conversion Systems, Inc		
Ronald D. Wyatt, P.O. Box 75616 Washington, DC 20013-5616	Coalition of Police Professionals		
Dalton Yancey, 1301 Pennsylvania Ave., NW, #401 Washington, DC 20004-1701	Florida Sugar Cane League, Inc	10,250.00	
Do	Rio Grande Valley Sugar Growers	1,000.00	
Nancy Foster Yanish, 800 Connecticut Avenue, NW Washington, DC 20006	Food Marketing Institute	400.00	
Jack Yelverton, 15 Falcon Court Stafford, VA 22554-5316	United Armed Forces Assn		
Caryl Yontz, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	13,530.24	295.82
Robert A. Young, 12248 Turkey Creek Maryland Heights, MO 63043	James Brown & Associates		
Thane Young, 1130 Connecticut Avenue, NW, #300 Washington, DC 20036	Ferguson Company (For:City of Folsom)	333.33	20.08
Do	Ferguson Company (For:City of Oceanside)	305.10	16.46
Do	Ferguson Company (For:City of Santa Monica)	750.00	23.57
Do	Ferguson Company (For:County of Lake)	443.85	15.11
Do	Ferguson Company (For:Glenn-Colusa Irrigation District)	959.66	100.96
Do	Ferguson Company (For:Imperial Irrigation District)	826.88	288.47
Do	Ferguson Company (For:Irvine Company)	800.00	123.87
Do	Ferguson Company (For:LACDA Alliance)	656.25	46.73
Do	National Realty Committee	520.83	132.97
Do	The Ferguson Company (For:San Joaquin County Flood Control & Water Conservation Dist).	583.33	271.53
Do	Ferguson Company (For:Southeast Water Coalition)	2,499.99	91.37
Do	Ferguson Company (For:Tejon Ranch)	1,107.00	154.65
Do	Ferguson Company (For:Transportation Corridor Agency)	2,500.00	103.81
Do	Ferguson Company (For:West Valley City)	335.42	57.40
Geoffrey Zeh, 12050 Woodward Avenue Detroit, MI 48203-3596	Brotherhood of Maintenance of Way Employes		
Alan P. Zepp, 1401 New York Avenue, NW, Suite 1100 Washington, DC 20005	National Cooperative Business Assn	7,280.00	129.50
Zero Population Growth, Inc, 1400 16th St., NW, #320 Washington, DC 20036		3,379.00	3,878.00
Susan A. Zettler, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	135.92	
Carl A. Zichella, 214 N. Henry St., #203 Madison, WI 53703	Sierra Club	7,828.25	146.63
Elaine Ziemba, 601 Pennsylvania Avenue N.W. #600 North Building Washington, DC 20004	Northern States Power Company	6,000.00	3,040.16
Zionist Organization of America, 4 East 34th Street New York, NY 10016			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Nancy A. Ziuzin, 21 East Maple Street Alexandria, VA 22301	Lockheed Martin	6,000.00	
60/Plus Assn, Inc, 1616 N. Ft. Myer Drive, #1010 Arlington, VA 22209		160,245.00	170,928.00
965, Inc, 734 9th Street, SE Washington, DC 20003	General Electric Co	100.00	
Do	Kaman Diversified Technologies	100.00	
Do	Newport News Shipbuilding	100.00	
Do	Woods Hole Oceanographic Institution	100.00	

SENATE—*Thursday, February 29, 1996*

(Legislative day of Wednesday, February 28, 1996)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Let us pray:

Father, we are Your children and sisters and brothers in Your family. Today we renew our commitment to live and work together here in the Senate Chamber and in our offices in a way that exemplifies to our Nation that people of good will can work in unity with mutual esteem and affirmation. Help us to communicate respect for the special, unique miracle of each person with whom we work and with whom we debate the issues before us. We need Your help to reverse the growing cynicism in America about government and political leaders. Today we want to overcome this cynicism with civility in all our relationships and the business we do together. May we be more aware of Your presence than we are of television cameras, more concerned about the image we project as we work cooperatively than our personal image, and more dedicated to patriotism than to party. Help us show America how great people pull together to accomplish Your will for our beloved Nation. In the name of the Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator LOTT, is recognized.

SCHEDULE

Mr. LOTT. Thank you very much, Mr. President. Today there will be a period for morning business until the hour of 12 noon, with Senators permitted to speak for up to 5 minutes each with the following exceptions: Senator MURKOWSKI for 15 minutes, Senator DORGAN for 20 minutes; following morning business today at 12 noon, the Senate will begin 30 minutes of debate on the motion to invoke cloture on the D.C. appropriations conference report.

At 12:30, the Senate will begin a 15-minute rollcall vote on that motion to invoke cloture on the conference report. It is also still hoped that during today's session the Senate will be able to complete action on legislation extending the authorization of the committee regarding Whitewater. Senators are reminded there will be a rollcall vote at 12:30 today and additional votes are possible.

THE DISTRICT OF COLUMBIA

Mr. LOTT. Mr. President, I do not see other Senators wishing to speak at this time, so I would like to be recognized for 5 minutes on my own time, not out of leader's time.

I do hope the Senate will think carefully about this vote at 12:30 today. The District of Columbia is in dire straits. We may not approve of the way they do business, or what their plans are for the future, even. However, it is our Nation's Capital. They need this appropriations conference report to be resolved, and resolved right away.

The problem is there is some language in this conference report using vouchers for children in the District of Columbia that have remedial reading problems, or tuition vouchers for them to be able to go to other schools. It has a lot of flexibility built into it.

The Senator from Vermont, Senator JEFFORDS, has worked very hard to come up with a reasonable compromise. These vouchers will not be available, as I understand it, if the District of Columbia decides against it. Why should not the Congress at least give them that option? Why do we resist allowing children that need remedial help in reading, for instance, being able to get this opportunity to go where they can get the help they need—perhaps after the regular school hours. Why would we want to lock children in the District of Columbia into schools that are totally inadequate, but their parents are not allowed to or cannot afford to move them around into other schools or into schools even in adjoining States?

It is a question of choice and opportunity. We are saying we should at least give the District of Columbia the opportunity to consider whether or not they want to allow these children to have this option. The Members of the Senate, the Democratic leadership, the Senator from Massachusetts says, no, we will not even allow this option to be considered. We will vote against this conference report because of this one point. I do not understand it.

We all say we are concerned about education in America, learning and children, but we do not want to give the children in the District of Columbia that option, even? I would urge my colleagues here in the Senate to vote for this conference report. If we do not do it, we are going to wind up at some point—in a week, or two, or I do not know how far down the road—with a continuing resolution for a few weeks or a couple of months or maybe even the remaining 5½ months of this year, or maybe it will wind up in some omnibus appropriations bill, but I can tell my colleagues on the other side of the aisle it will be funded at less than is in this conference report, probably.

I just think that the Senate looks very bad in refusing to vote cloture so that we could even debate this appropriations conference report. I hope we will have additional votes for cloture today. I think we will pick up some. If we do not succeed today, I hope we will try again next week, and I hope the Senate will find its way clear to vote for what I think is the right thing in invoking cloture. You can still vote against the appropriations bill for the District of Columbia if you think it is too much money and not done in the right way, and I might do that, but allow us to bring it up for consideration.

I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. INHOFE). Under a previous order, there will now be a period of time to transact morning business until the hour of 12 noon, with Senators permitted to speak up to 5 minutes each, with the exception of the Senator from North Dakota [Mr. DORGAN] 20 minutes, and the Senator from Alaska [Mr. MURKOWSKI] 15 minutes.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I have 20 minutes in morning business; is that correct?

The PRESIDING OFFICER. We are in morning business until noon. The Senator has 20 minutes reserved.

Mr. DORGAN. Thank you very much.

INTERNATIONAL TRADE

Mr. DORGAN. Mr. President, today is not a particularly busy day in the Senate, as everyone can see. The Senate is not scheduled for action for a bit. We have one vote scheduled, and I think probably not much beyond that for the rest of the day. I had asked yesterday to take some time to discuss an issue today on the subject of international trade.

I noticed in this morning's paper, the Washington Post, an article that says "Trade Deficit in '95 Worst in 7 Years." This was not on the front page, but in the business section of today's paper.

I have talked on the floor of the Senate many times in the last 2 years on the subject of international trade. The reason I came to the floor today was not only because we were going to have the figures on what last year's trade deficit was in this country but also because there is in the party of the Presiding Officer an aggressive, raging, fascinating debate these days about trade issues. One candidate who is out on the hustings campaigning for votes is talking about trade in a particular way, and then several others are responding to it. It is somehow as if this were the first time trade was being discussed in this country.

I have been on the floor of the Senate at least 10 or 12 times in the last 2 years talking about international trade. There are some trade myths that I want to talk about today. This will be the first of a series of presentations which I intend to make on trade. Today I will be dealing with the overview, and then in subsequent days I will be dealing with the problems that cause the trade deficit.

The reason I come to the floor is the myths that exist on trade that are now being perpetuated in the Presidential campaigns. These are generally myths spread around this town that are held dear by many people in this town:

First, "Balancing the Federal budget is important; reducing our Nation's trade deficit is not."

We have two deficits in this country. We have a budget deficit in the Federal Government. It hurts this country, and we ought to deal with it. People on both sides of the aisle are wrestling with the priorities of how do you solve the budget problem and put our budget in balance.

I know some on the other side say, "Well, we have all the answers," and some here say, "No; we have all the answers." The fact is everyone would like to do it the right way. We should balance the Federal budget, and we should do it with the right set of priorities. But, it is not the only deficit that matters. We have a trade deficit in this country that is very serious and that has been growing. As we address the budget deficit, we must also address this burgeoning trade deficit.

The second myth is that more free-trade agreements will eventually eliminate the trade deficits.

The more free-trade agreements we have, the higher the deficits have been. It is not more agreements that matters. It is the kind of agreements that counts. Are these trade agreements fair so that American workers and producers can compete and have an opportunity to win in international trade competition?

Another myth is that there is a common solution for our trade deficit problems with our trading partners: free trade.

There is not one common solution. Free trade is irrelevant if the trade is not fair.

Fourth is that trade deficits are not very important factors in the U.S. economy.

Trade deficits are critically important factors in our economy. They relate to what we produce. Those folks in America who measure our country's progress by what we consume rather than what we produce do not understand this. What an economy will be in the future is related to what it produces. The production of real new wealth is the source of the engine of progress for the future.

And, finally, the fifth myth is that seeking fair trade for America and a level playing field for our country equals protectionism.

I am not a big fan of Pat Buchanan. He is raising trade issues. Perhaps he is raising them in some ways I would not. Some parts of his argument have some dark edges that I do not like. Yet the fact is every time someone raises the question of the trade deficit in this country, they are called a xenophobic protectionist stooge of some type. They are accused of wanting to build a wall around America, or labeled as one of a bunch of isolationists.

What a bunch of nonsense. You can stand up for the economic interests of this country, you can stand up for American producers and American workers, and you can stand up for the symbols and the reality of fair trade without being isolationist or protectionist.

I would like to run through a series of charts and talk about where we are.

The first chart is a chart which talks about the trade deficit and the Federal budget deficit. Actually, this is the Federal budget deficit that is listed both by the President and by the Congress. The budget deficit actually is higher than this because this includes the Social Security revenues. Yet, they advertise the budget deficit as $164 billion last year. The merchandise trade deficit is $174 billion. Our total trade deficit is slightly lower than that. The merchandise trade deficit to me represents the important aspect because it is what we produce and what we manufacture. This critical sector of our economy has a $174 billion trade deficit.

We cannot solve the problems of the budget deficit or the trade deficit without understanding how they relate to each other and how they relate to our national economy.

Both of the deficits undermine our country's economy. The budget deficit does. And, so does the merchandise trade deficit. Both are economic warning flags that our country needs to do a better job in growing our national economy. Both mean we have to give special attention to our wage base and to our productive sector.

We had a budget deficit—which is really not measured appropriately—of $290 billion in 1992. That is down to $164 billion now under this measurement. But the merchandise trade deficit at the same time is going up. It is up to $174 billion.

Now, that represents a loss of jobs and a loss of production facilities in our country. I noticed in the article today, the trade officials said, "Well, gee. We exceeded all previous years in our exports of goods from our country." Yes, that is true. We also exceeded all previous years and previous expectations of the import of manufactured goods into our country. The imported goods we bring in that are manufactured in other places around the world represents nearly one-half of what we manufacture in America today.

Let me go to another chart that deals with our trade deficits. Again, no one wants to talk about this. Nobody will talk about it. Nobody comes to the Senate floor and talks about trade very much.

These red lines represent America's trade deficit. These red lines represent the choking of enterprise in this country and represent the movement of jobs elsewhere.

This is the second straight year of records in trade deficits. It was not too long ago when we would have trade deficits of $5 or $10 billion in a year. At that time back in the 1970's we had Members of Congress, including some chairmen of committees, talking about emergency legislation to impose tariffs on this and that and the other thing. Now our trade deficit is burgeoning and nobody seems to care at all.

Well, the simple fact is that these red lines mean American jobs and American factories are moving outside our country. They are moving from America to other countries.

There are a lot of reasons for this. Some of them are probably our fault but most of the trade deficits that we experience are not. If you would look at this chart which shows the countries with which we have the largest trade deficits.

First, there is Japan. We have nearly a $60 billion trade deficit with Japan. This has been going on year after year after year. I am going to come to the floor and make a special presentation just on our trade deficit with Japan.

Some say, "Well, we have to be more competitive." Competitive how? How can you compete if you cannot get into a market? It is unforgivable for us to not do something to bring this trade imbalance down. We ought to have balanced trade to Japan. We ought not have a $60 billion deficit.

With China we have a $34 billion trade deficit. And, it is ratcheting up year after year after year. Our country is a virtual cash cow for Chinese hard currency needs. Because of these trade deficits, it means jobs are leaving America and being displaced by imports from Japan and China.

With Canada we have an $18 billion trade deficit. With Mexico it is $15 billion. That is a combined trade deficit of over $30 billion with our neighbors with whom we have an agreement called the North American Free-Trade Agreement [NAFTA]. And that trade is moving in the wrong direction, too. It has been spiking way up.

In fact 2 years ago we had a $1 billion trade surplus with Mexico. Now it is a $15 billion trade deficit with Mexico. Can anyone reasonably stand and say that this makes sense? First, we pass NAFTA. Then, we go from a trade surplus of $1 billion to a trade deficit of $15 billion.

Then there is Germany with which we have a $15 billion trade deficit.

You can see what is happening with these trade deficits. I intend to come to the floor of the Senate and talk about each of these countries. We need to discuss our trade situation with Japan, with China, and the combined deficit with Canada and Mexico. We need to discuss what causes it, and what we can do to deal with it. We ought to have balanced trade. We ought to have aggressive and robust trade between our countries. I would never suggest that we put walls around our borders or that we would in any way decide that we will not compete. But, I am sick and tired of people suggesting that those of us who are concerned about our trade deficit are somehow protectionists who are not interested in the well-being of our country or who want to put a wall around our country.

That is not the case at all. What I want is to stop having our producers have their arms tied behind their backs when they are competing in other countries.

Let me talk just for a moment about what these trade deficits mean. The common denominator is that every $1 billion in exports means 20,000 new jobs in America. You can also compute that to the displacement of exports by imports coming in. What does it mean when goods are manufactured elsewhere and are no longer manufactured here?

Our merchandise trade deficit this year means a loss of 3.5 million jobs in this country. Most of these are manufacturing jobs, and most of these manufacturing jobs are the better paying jobs in this country. Just the increase in the trade deficit from 1994 to 1995 is a loss of 166,000 jobs. That is just the increase.

Now, we can see a lot of press reports and a lot of newspapers talk about how many jobs exports create. But, have you seen a press report that talks about losing 166,000 jobs just because of the increase in the trade deficit this year versus last? I do not think so. You do not see many reports about this problem.

Yet, this is a problem that relates to every family in this country. These families sit around their dinner tables and ask themselves whether life is better or is it tougher. And what they say in 60 percent of the American families these days is that they are working harder. If you adjust for inflation they make less money than they made 20 years ago, and they have less job security.

The anxiety in this country is not misplaced. People know. People know why they are anxious. They are anxious because they see jobs leaving and they see their opportunities here to be less secure. The jobs they have had for 20 years with the same company are less secure. They know that they work harder. Their families have not kept pace with inflation and they are actually making less money. Is there any doubt about the reason that workers in this country are angry?

What do we do about that? Well, what we do is decide that this country cannot do what it did 30 years ago when our trade policy was foreign policy. I grew up in a very small town. Every day when I went to school. I walked to school and understood just viscerally that America was the biggest, the best, the strongest, the most, and we could beat most any economy in international trade with one hand tied behind our back.

That is not true anymore. Today we face shrewd, tough international economic competitors. We ought to face them in fair competition. I do not mind that. We can win that competition.

But, we cannot win competition with Japan when their markets are closed to our goods. We cannot win in competition with China when they do not see and understand that when they ship all their goods to us, they have a reciprocal responsibility to buy their major supply of wheat from us. It does not make any sense to me, when I look at these trade relationships.

Somehow, I think the construction of our trade policy is for large corporations who no longer say the Pledge of Allegiance, and do not sing the national anthem. By American law they are artificial people. They can sue and be sued. They can contract and be contracted with. And, God bless them, they have created a lot of wonderful things in our country.

Today many of them see their role other than as an American corporation. They, with others, are now economic international conglomerates interested in profits. What they decided to do is to construct a new economic model. That model says, let us produce our goods where we pay 14 cents an hour to a 14-year-old worker, 14 hours a day, and ship them to Fargo or Tulsa or Cheyenne and have an American customer buy them.

That may sound good because in the short term, it might give the customers a good deal. But what it really means in the short, intermediate and long term is that jobs that were producing in this country are now in Indonesia, Malaysia, Taiwan, Sri Lanka, Bangladesh and China, and all around the world.

The American consumer also plays a role in this. All of us have people come up to us who are wearing shirts made in China, shoes made in Italy, shorts made in Mexico, driving cars made in Japan and watching television sets made in Taiwan, and ask us, "When are you going to do something about these jobs in America? Why are so many jobs leaving our country?" Well the answer is because we have circumstances of trade that allow our market to be wide open to virtually anyone in the world who wants to produce under any set of circumstances.

We fought for 75 years on the question of what is a living wage and what is a fair wage. What about safety in the workplace? What about child labor laws? Some corporations have decided we can eclipse all of those meddlesome issues with one hop. We can avoid all the questions of hiring 12-year-olds by producing in some country that allows it. We can avoid all the problems of not being able to pollute the air and water in the United States by going to produce in a country where you can pollute the air and the water.

We can resolve all the questions of what is a living wage by deciding not to pay a living wage in some other country where the political leadership does not care. You can hire 14-year-olds and you can pay them 14 cents an hour. That is not, under any standard, fair trade, and it should not be allowed.

The production from those circumstances of trade ought never come into this country. They should compete with American men and women, working day after day in factories in this country, who expect to compete but expect the competition to be fair.

My intention in the coming weeks is to make a series of presentations about where we are in international trade and what we ought to be doing about it.

First on the agenda that we ought to have is to hold NAFTA accountable to its promises. You cannot pass a trade agreement that had bountiful promises of massive new jobs only to discover that we have lost a massive amount of jobs in our country—and then say, oh, that did not matter. It does matter. Let us make sure these trade agreements are made accountable. If they are not, let us change them.

Second, let us at least stop subsidizing plants that close in this country and move overseas. We had one vote on that last year. I offered an amendment. It was voted down. I tell you it does not require much thinking to understand that if you do not stop the bleeding, you cannot save the patient.

No country ever ought to have a circumstance in which their tax code says, "We'll give you a good deal. If you stay here, you'll pay taxes, but if you close your plant, fire your workers, and move your jobs overseas, guess what, we'll give you a tax break, we'll give you a big, juicy tax break; $300 million, $400 million a year we'll give you to do that. Close your American plant and move it overseas."

If we cannot shut that insidious provision in our Tax Code down, there is something wrong with us. I am going to give everybody in this Chamber a chance to vote on this a dozen more times until we get it passed. I hope we can do it on a bipartisan basis.

Let us enforce existing trade agreements. Let us stop the dumping of products into this country that, by their cost, drive American producers out of business.

It is sad that we do not stand up for this country's economic interests. That has been true of Republican administrations and Democratic administrations. It has been true for 20 to 30 years.

Let us stand up for this country's economic interest to say that fair trade must be enforced. Let us enforce trade rules.

Let us develop a national trade deficit focus. Yes, let us worry about the budget deficit and let us together solve that problem. But also let us together in the coming months decide the trade deficit is a serious national problem that erodes the economic strength of this country. Let us get together and decide to do something about it.

Let us organize a worldwide conference to decide it is time for a new Bretton Woods Conference and talk about the new financial markets and the new trade relationships that will take us into the next century. Let us be frank. We cannot afford what has happened in the last 50 years.

Let me show you the final two charts. This chart shows that foreign imports now take over one-half of the manufacturing gross domestic product in this country. That is a very serious problem. If you do not have a strong manufacturing base, you will not long have a strong economy in a country like ours.

Second, let me show you this chart. If anyone doubts the problem, let me show you a chart that shows the 50 years post Second World War.

In the first 25 years, as I said, we could compete with one hand tied behind our back. Our trade policy was foreign policy. Everybody knew it, everybody understood it, and everybody accepted it. In the last 25 years our competitors have been tough, shrewd, and often they have beaten us to the punch.

Yes we still have a trade policy that is first a foreign policy. It is one that too often is a giveaway of American jobs to other countries. And you see what has happened. While we have a trade deficit, the other countries have a surplus.

This chart simply shows that Japan, Germany, and other countries in the last 25 years have a surplus and the United States has a deficit.

How do American workers feel about this? They had enormous wage gains in the first 25 years, post Second World War. In the last 25 years they have suffered wage losses. And it is because of this. This is something we can address and fix.

I, Mr. President, appreciate your indulgence and the indulgence of my colleagues. I intend to come to the floor in the coming weeks with four additional presentations, the deficit with Japan, China, Canada, Mexico, and Germany. I will discuss what it is, what we can do about it, and what does this country have a responsibility to do to address these issues?

Mr. President, I appreciate the indulgence of the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Wyoming.

Mr. THOMAS. Mr. President, I would like to speak in morning business.

The PRESIDING OFFICER. The Senator from Wyoming is advised we are in a period of morning business until noon. The Senator shall have 5 minutes to speak.

Mr. THOMAS. Thank you, Mr. President.

Mr. President, I was interested in our colleague's remarks. Certainly he talks about a very important issue. There are a number of things we need to consider. One of them, of course, is what we continue to do to make business more and more expensive in this country making it more and more difficult for us to compete.

AGENDA FOR THE NEW YEAR

Mr. THOMAS. Mr. President, I want to talk more specifically about this coming year, and, frankly, some about the past year, this coming year in terms of the agenda that is set for this country, the agenda that is set for this Congress, more specifically for the Senate, the agenda that is set for the American people and the things that need to be a priority for us as we move forward in this important, important year.

Last year, we talked about a number of things. We talked about a number of issues, largely as a result of, I think, what the voters had said to us in 1994. They said the Federal Government is too large, it costs too much, and we are overregulated. Obviously, that is a simplistic analysis, but I think it is true. I just spent 2 weeks in my State of Wyoming, as you have, Mr. President, and I think that message continues to resonate.

We are talking about doing things that are important for American families. We are talking about doing things that will help bring up the wages and the level of living of Americans, which has slowed. We are talking about balancing the budget, because balancing the budget is the moral and fiscal thing to do, it is the responsible thing to do, but it also has results. It lowers interest rates. It helps create jobs, so it has an impact on each of us.

We are talking about reducing spending. Certainly, most everyone would agree that this Government has expanded far beyond what we ever thought it would. We celebrated Abraham Lincoln's birthday over the last several weeks. One of the things that President Lincoln said is that the Federal Government ought to do for the people those things they cannot better do for themselves in their own communities, and that is still true. We need to evaluate what we do and see if we have gotten away from that concept.

We need to talk about regulatory reform. The Senator from North Dakota was talking about the difficulty of competing in the world. Part of that is because we have made doing business so very expensive. It is not that we want to do away with regulatory protection—we can do that—but we can do it much more efficiently and do it in less costly ways.

We need to talk about welfare reform, partly because of the costs, partly because all of us want to help people who need help, but we want to help them help themselves and do it in the most efficient way that we can.

So, Mr. President, I guess what I am saying is that those concepts still exist, and we need to continue to push to do that. We have not been able to bring to closure some of these things that we have tried to do over the past year, largely because most of them have been vetoed by the White House. Many of them have been opposed by our friends on the other side of the aisle.

Balancing the budget: We came within one vote of getting a constitutional amendment to ensure that the budget would be balanced. We need to continue to do that. I think that is a critical item for our future, for our kids and for our grandkids.

We have made some progress in reducing spending, but we need to tie that in to the future so that through the changing of entitlements that will continue. If we do not do it, it will be right back up.

Regulatory reform passed this Senate. We have not been able to get it past the White House.

So the results, Mr. President, have been that we have had slower growth. Unfortunately, we hear these reports in the State of the Union that this is the best economy in 30 years. Sorry, but when you examine it, it is not very good. We had 1.9 percent growth last year. In the last quarter, we had a .9 percent growth.

If I had charts like the Senator from North Dakota, I could show you the earlier years, in the eighties and prior to that, growth was more commonly in the neighborhood of 3.5 to 4 percent. That reflects in the ability of families to earn a living, a living with which they can support their families.

Mr. President, I hope that we can establish a priority, an agenda for this year, and I hope that we can spend our time on that; that we can move forward.

I am not discouraged by the fact that we did not come to closure last year. On the contrary, I am encouraged with the fact that we are now talking about a balanced budget. Two years ago, we were talking about a budget that had a $200 billion deficit, as far out as you could see. We have not talked about regulatory reform before. We are now talking about that.

So we have changed the discussion in this body, and I think we need to pursue that. I think we need to do it for economic growth. We need to do it so that people in this country and wage earners can enjoy the same kind of prosperity that we have had in years past. We do that, I think, by some tax relief, capital gains tax relief that encourages investment and encourages the economy to grow. We need to do it by regulatory relief so that businesses will have more money to pay. There will be more jobs and more competition, which causes wages to go up. We need to have a balanced budget so we are not only fiscally responsible but so we can bring and keep interest rates down so there will be encouragement for investment.

After all, the real role of economics in this country is for the Federal Government to establish an environment in which the private sector can function. That should be our priority for this year.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ASHCROFT). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1996—CONFERENCE REPORT

The PRESIDING OFFICER. The Chair lays before the Senate the conference report to accompany H.R. 2546, the D.C. appropriations bill.

The clerk will report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2546) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1996, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective House this report, signed by a majority of the conferees.

The Senate resumed consideration of the conference report.

Mr. JEFFORDS. Mr. President, once again we are here debating the District of Columbia appropriations bill for the current fiscal year, which is now fully 5 months old. The city began the year strapped for cash and it has not received $254 million of Federal funds that will be available once this bill is enacted.

The kids in the public schools are still faced with a community and system that has not made them a priority. The Committee on Public Education, known as COPE, is a group of local civic and business leaders who have spent nearly 6 years studying the D.C. public schools. In its report a year ago is stated that too many remain too invested in the status quo. COPE also found that the District has not really tried reform.

The kids in many District public schools continue to attempt to prepare for life in the next century in school buildings that were built in the first half of this century, and are in deplorable physical condition. Many schools lack the infrastructure to accommodate the same technology that the neighborhood grocery store employs.

If we do not begin the process of educational reform and fiscal recovery by passing this conference agreement we can never hope to achieve the goals we, the Congress, set for ourselves last year. A financially fit and economically stable Nation's Capital that is able to attract businesses, jobs, and people to support a tax base that will enable a public education system that prepares our kids for the future is an absolute necessity for this community and for our Nation. If we cannot do it in the District, where can you?

Mr. President, we have a limited amount of time for debate and I do not intend to restate the arguments that were made on Tuesday. But it is important to restate that this scholarship program, limited, in both time and scope, is not the occasion for a national debate on the question of private school vouchers. We have an appropriations bill that should have been enacted months ago. We resolved most of the issues, some of which were controversial and the subject of intense discussion, including the other education reform initiatives, in relatively short order. But we had great difficulty finding common ground on a scholarship program, which had to be a part of this conference agreement with respect to the interests of the House.

Mr. President, I hope that Senators will consider the financial plight of the District government and the educational future of D.C. kids when they cast their vote today and not the fears of a few who are invested in the status quo. I ask Senators to vote for cloture and allow the city to get on with its important rebuilding work.

Mr. President, I will briefly mention again two other issues. We have gone over the abortion issue many times, and about what was reached as a compromise between what the Bush and Clinton administrations did. I talked to you yesterday and, hopefully, removed from your mind any concerns about Davis-Bacon problems. If there are concerns under the interpretation, we are ready to take care of that before this goes into law.

So I urge Senators, please, review what was said yesterday and please pass this conference report by allowing us to have cloture.

Mr. President, I yield the floor and reserve the remainder of my time.

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. KOHL. Mr. President, just 2 days ago, on Tuesday of this week, the Senate failed to invoke cloture on the conference report H.R. 2546, the District of Columbia appropriations bill. The vote was 54 to 44. For the benefit of Members who may have turned their attention to other matters, let me inform the Senate that we are about to repeat Tuesday's vote. However, and unless Chairman JEFFORDS otherwise indicates, I am unaware of any developments affecting the issues that led the Senate to reject the first cloture motion. My position therefore remains the same, and I urge Members to vote against the motion to invoke cloture.

Although I am urging Members to oppose the motion at hand, I do so with great reluctance. As Chairman JEFFORDS and I have already indicated, the District is in dire financial straits. The Chairman of the Control Board, the Mayor, and other officials agree that the city will run out of cash if the balance of the Federal payment—some $212 million—is not released within the next several weeks. We need to act, not to debate. With respect to the voucher program set forth in the conference report, the Senate has spoken. We need to respect the decision of this body and move forward to develop a legislation that will allow the city to pay its bills and operate in an orderly fashion.

Mr. President, the Senators who voted against cloture on the conference report are not satisfied with the status quo in the D.C. public school system. In my opinion, it is a national disgrace that children in our Nation's Capital do not have access to schools that prepare them to succeed in an increasingly competitive global economy. I believe that all of us agree that District schools need to change, and that they will be changed. The conference report includes a broad array of reforms that received bipartisan support. These reforms address many of the shortcomings in the District's schools and I urge my fellow conferees to work with congressional leadership to find a way to enact them.

Mr. President, I know other Senators would like to address the Senate so I will yield the balance of my time to Senator KENNEDY. Thank you and I yield the floor.

Mr. KENNEDY. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, first of all, I thank the Senator from Wisconsin and also the Senator from Vermont for understanding that if we did not have these three inappropriate sort of riders that have been placed on the conference report, this legislation would go through in a moment by a voice vote. But it has been the judgment of the House of Representatives to add three different measures—one dealing with Davis-Bacon, in order to depress the wages of workers in the District; second, in restricting even private funds that could be used to help and assist a woman if she makes a judgment and determination for abortion; third, the issue on the vouchers in an appropriations bill that reduces the total funding, cuts back $11 million, but provides $5 million for vouchers.

Now, Mr. President, just at the outset of this discussion, we have to understand that there are certain issues where there is a public response and a recognized public obligation. We have recognized that with regard to national security. We have recognized that with regard to electricity, for example. And we have recognized that with regard to the Postal Service. Nobody would say we ought to have just the market of electricity and postal. Why? Because we know that the houses at the end of the street would not receive it, or those houses at the end of the street would not receive their mail.

As a nation, for education it will require public investment of funds, and it will be compulsory. We are asked to accept this particular amendment because we are told that it will be an experiment, but it is not an experiment, Mr. President, because what you are doing is rigging the system at the very outset. What you are not giving is the choice and decision for the independent student to make a judgment to go to a private school. What you are basically doing is taking scarce resources from the local community and transferring them to the school. The school makes the judgment as to which young person it is going to select. It is not the individual, it is the school that makes that judgment. It is not choice for the individual or the individual parents, it is choice for the school.

What are we going to learn from this? If the school system accepts 2 percent of the 80,000 students in the District and are able to educate them, are we supposed to assume that because they can, in effect, skim, they do not have to meet other responsibilities or requirements in accepting students that may have some language difficulties, or may be homeless, or have other kinds of difficulties? Are we going to say, well, it is a great experiment? Well this has been rejected by 16 different States. The only city that has tried that has been Milwaukee, and any fair evaluation would show that it is not successful.

We do not reject innovative, creative ways at the local community to enhance the achievements of education, and we have included and supported many of those proposals in the Goals 2000 legislation and other proposals.

Basically, those people who are supporting this system said, "Let's have a competition." What happens in the United States when you have a competition, you have winners and you have losers. What happens on the stock market, you have those that make money and those that close their doors.

That should not be the test for education in America. We are not saying you will have winners and losers. We are saying that those children who have those needs ought to be educated in our society, and that reaches the fundamental objection to this proposal. Effectively, we are saying, OK, the 2 percent will be winners, they will be able to go ahead in terms of a private school system, and we are basically abandoning all the other children with scarce resources.

Mr. President, I think it is very clear what the will of the people in the District of Columbia is. It has been so interesting during the course of this debate and other debates. We hear the statements that Washington does not know best. We have here an issue that was rejected 8 to 1 by the District of Columbia and is being jammed down the throats of the people of the District of Columbia. They do not want it. The very way it is constructed in this conference report says that, if they do not use it, they do not get the money. That is a fine choice. That is a fine choice to give the people in the District of Columbia. We do not here know what is best. The people in the District of Columbia have rejected it and 16 other States have rejected this, but we, in our almighty knowledge, are saying you will have to take it, people in the District of Columbia, or otherwise we will not provide these resources.

It is an unwise education policy. It will not demonstrate any different kind of factors in terms of schools. It is so interesting that those who make the argument talk about what is happening in the schools. Give the children an opportunity to escape from crime and violence. At the same time we are reducing the support for drug-free schools by 50 percent. Give those children a chance to learn. And at the same time we are reducing our commitment to give those children the advancements in the title I programs and math and science and other literacy programs.

What is happening, Mr. President, is a choice. Now, are we going to abandon the children of the District of Columbia? I say we should not. By doing so, we will vote "no" in terms of the cloture vote.

I yield 4 minutes to the Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I thank the distinguished Senator from Wisconsin and the Senator from Massachusetts. The truth of the matter is that this is really a dirty trick on the schoolchildren of the District. Mr. President, 51 schools are in the District of Columbia, and only 8 of the 51 qualify for this so-called $3,000 scholarship. Mr. President, seven of the eight are religious schools. The $3,000 scholarship is not going to get them into schools. They will get them into the courts. It is a dirty trick. It is throwing a 50-yard line to the child 100 yards offshore and telling them to swim for it.

Most of all, the very crowd that is sponsoring this nonsense—here I call it nonsense. We are not living up to the needs of public education. The fact is, in order to get this, this year, this Congress would be going into the $5 million a year program, cut $3 billion from public education. It is unheard of to try to start a private program. And the very crowd that sponsors this nonsense is a group that comes around here and beseeches us about balancing the budget and constitutional amendments to balance it and everything else of that kind. We are without money, running a $286 billion deficit last year, 1995. We do not have the money for this, and we are going to start a multibillion-dollar spending program?

I said that was my suspicion earlier this week. Now I find it to be the fact, looking at the "Education Daily," and the plan of Representative STEVE

GUNDERSON, Republican of Wisconsin, saying the national program authorizes the spending of up to $1 billion a year for vouchers. The $5 million program over the 5 years, in a few days' time, has already gotten to $5 billion. Suppose the program works? Where is the money? Where is that crowd that is going to come up now and start talking about balancing the budgets?

Yes, we have to cut spending; yes, in this Senator's opinion, we have to increase taxes in order to pay for what we get—not cut taxes. More than anything else, we should not start off on fanciful programs not the responsibility beyond the constitutional function of this Congress that will cost billions more. Do not have this group saying they want to balance budgets and in the same breath start $5 billion programs for private endeavor.

Mr. JEFFORDS. Mr. President, I yield 5 minutes to the Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank the Chair, and I thank my friend and colleague from Vermont. Here we are again. Here we go again. I do not know whether we will change any minds, but I do think this is an important issue to debate and an important vote.

I am disappointed by the extent of opposition to this bill that is desperately needed by the District of Columbia apparently primarily because of the portion that would establish a scholarship fund for poor children. I do not get it.

I ask unanimous consent to have printed in the RECORD a letter from Mayor Marion Barry dated February 23, 1996.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE DISTRICT OF COLUMBIA,
Washington, DC, February 23, 1996.

Hon. JOSEPH LIEBERMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LIEBERMAN: As a member of the Democratic Party, supporter of the District, and a champion of progressive and democratic principles, policies, and ideals, I want to appeal to you to assist the District on our FY 1996 Budget. The Senate is scheduled to vote on cloture for the District of Columbia Appropriations bill, HR 2546, on Tuesday, February 27th. I urge you, in the strongest terms, to support cloture and conclude this long delayed District business.

Two hundred forty-seven million dollars ($247) of the District's Federal payment, the compensation that attempts to make up for the significant Congressional limitations on local revenue sources and governing authority, are still unavailable because the appropriations bill, almost 5 months after the start of the fiscal year, has still not been finally approved. The needs of hundreds of thousands of District residents are being held hostage to this delay.

Fiscally speaking, we can wait no longer for our Federal payment. We have just completed our 1995 audit showing that we have significantly cut spending in 1995 by $281 million and decreased payroll by over 3,000 employees. The FY 1996 budget emphatically shows that we have stopped the hemorrhaging of spending and reversed the tide. Last week, I released my transformation document and the FY 97 budget which shows a decrease of 10,000 employees by year 2000 and a radical transformation of the D.C. Government. However, this transformation and FY 97 budget is predicated on the FY 96 budget and the full Federal payment. Our radical savings in 1997, 1998 and 1999 are integrally related to this Federal payment in 1996.

The District is significantly cash short. We are in a desperate situation. If we do not obtain our $247 million in Federal payment now we will run out of cash by the end of March. We have urgent needs for these delayed funds. Although the Federal payment is less than 20% of the General Fund, it is a critical resource. Our cash flow depends on the $660 million in Federal payment that we should have received on October 1, 1996. Unlike the Federal Government, we cannot borrow right away.

Public safety is our top priority yet the delayed Federal payment is hampering our crime fighting capabilities. We have business vendors that are going out of business because of our delayed payments to them. Businesses are laying off employees, closing their doors and vowing never to do business in the District again. School books and building repairs are not possible due to lack of funds. Trash pickups suffer because equipment is old and cannot be repaired. We are 3½ months behind in our Medicaid payments. Our situation is desperate. We need this money immediately.

In addition, it is incredible that we have begun the budget process for Fiscal Year 1997 without having Fiscal Year 1996 resolved. We are just beginning our local Council hearings on the FY 97 budget yet we have no FY 96 budget. This situation makes accurate budget determination impossible.

I know that many Senators rightfully have serious problems with the voucher programs established in the appropriations bill. So do I. I have disdain for vouchers and have opposed them at every turn in the District. This Appropriations Bill is not a vouchers bill: it does not authorize the District to initiate vouchers, it only gives local officials the option to do so if they chose. As much as I dislike the voucher issue, I cannot go another week without our full Federal payment. Real human suffering is at stake.

I urge you to vote for cloture. It is crucial that the District of Columbia be fully funded, as it should have been months ago. Senate Democrats need to allow the District's appropriations Conference Report to be considered so that the District can finally receive its fiscal 1996 appropriations. You have been supportive of the District in the past and I thank you for your support. Today I ask for your support again. I urge you to release this budget and allow us to get on with the business of radically transforming the D.C. Government and providing our residents with the services they deserve. If you have any questions, please call me at 727-6263.

Sincerely,

MARION BARRY, JR.,
Mayor.

Mr. LIEBERMAN. In this letter, Mayor Barry literally pleads for us, for the sake of fiscal continuity of the District of Columbia, that we pass this bill. In it he says:

I know that many Senators rightfully have serious problems with the voucher programs established in the appropriations bill. So do I. . . . This appropriations bill is not a vouchers bill . . . it only gives local officials the option to do so [which is to say initiate a voucher program] if they choose.

Then he says, "As much as I dislike the voucher issue, I cannot go another week without our full Federal payment. Real human suffering is at stake."

What is stopping us? It is the voucher program. We all know this is controversial. I notice in the paper that some of my friends from the National Education Association claimed victory on the vote the other day, one saying, "This is much bigger than DC."

The big point here is the District of Columbia and its future. I think maybe there is something bigger involved in the voucher program, but it is just a question of whether we are going to feel obliged to defend the status quo and the American public education system, which we know is not working for a lot of our children, or whether we will experiment, a very, very small amount of money compared to the billions spent on public education, to test what is going to happen to the kids, poor kids, whose parents decide they are trapped by their income in schools that are not educating them, schools in which they are terrorized very often, tragically, the ones who want to learn, by young hoodlums, stating it specifically. This program would allow them to break out of that. Let us see what effect it would have on those kids, and let us see what effect it would have on the public schools in the District.

My mind is open. I have been a supporter of this voucher or scholarship program, but if these cuts occur and they occur more broadly than contemplated in the bill Senator COATS and I introduced, and somehow we find they cripple the public school system, we will step back and decide maybe it was not a good idea, was not worth it.

I doubt that will happen. I think what is going to happen is we are going to create some opportunity for kids to break out of the cycle of poverty and maybe we are all going to learn a little bit, including the public schools, about how to better educate our children. There are tens of thousands of heroes working in our public school system. That is the heart of our hopes for the future of our children, the public school system. But it is just not working for a lot of our kids.

I really appeal to my friends in the teachers organizations: Do not be defensive about this. You are strong. The public education system gets so much of public investment. I so actively support all the efforts to reform our public schools. This is not an either/or. If you are for the scholarship bill, it does not mean you are against public education.

The fact is, what we have to focus on here is the kids. What is best for our children? Is there only one established way to educate them and brighten their future, or can we try another one, without doing damage to that?

I am not hopeful about the outcome of the vote, but I appeal to my colleagues here. Listen to Mayor Barry's appeal to pass this bill and give this alternative and these 11,000 poor kids in the District a chance for a better education and a better life.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. Mr. President, how much time is left?

The PRESIDING OFFICER. There remains on the time of the Senator from Vermont, 5 minutes and 50 seconds. The opposition time is 3 minutes and 17 seconds.

Mr. JEFFORDS. Mr. President, I will proceed, then.

Mr. KENNEDY. Mr. President, if the Senator wants to make a final remark, out of courtesy he is entitled to it. I would make just a brief response, but I intend to use the 3 or 4 minutes that remain. So, whatever is agreeable to the floor manager.

Mr. JEFFORDS. I would prefer—if the Senator would like to proceed at this point, I will allow him to do so.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, just a final few facts. It has been the Republican Congress that cut back $29 million last year from funding, public support for schools and schoolchildren in the District. They are cutting back $15 million this year and giving the $5 million as a bonus prize that if the school districts are going to use the voucher system, they can get it. If they do not, they will not. It is legislative blackmail, using the worst form of legislative blackmail by using the children of the District of Columbia as pawns.

There is not a person in this body who has not said they would vote for this D.C. appropriations bill, if these three amendments were removed, by voice vote. We can do it now. We can do it this afternoon.

This concept has been rejected about trying to jam vouchers down the throat of the District of Columbia. It has been rejected by them 8-to-1 previously. Why do we know better, we here? We could pass the D.C. appropriation this afternoon by voice vote in a matter of minutes. But, no. They say, even though we have had the vote in the U.S. Senate and even though their position has been rejected, we are still going to play the card of "we are on the side of the District of Columbia's children, and those that will not permit this to go through are not."

Mr. President, the parents of the District of Columbia ought to know who has been standing by them, not just on this legislation but historically—historically. We reject that. We believe the time for political blackmail is over. Let us drop these three provisions, voice vote that, get the money and the resources in the District and fight for them to try to get some additional resources to enhance educational achievement and accomplishment for the children of the District of Columbia.

I retain the remainder of our time.

The PRESIDING OFFICER. Who yields time? The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I appreciate the comments of the Senator from Massachusetts. All those comments and dire remarks he made would have been perfectly appropriate if we had been talking about the original House provisions that were in the bill. But that was before the conference report. We are not dealing with the problems that have been referred to by my friend from Massachusetts.

Let me go through this. There is no jamming it down anybody's throat. That comment was made. The District council can refuse to spend a single penny on tuition scholarships—not a penny. If they do, the money may be lost if there is no agreement with the scholarship corporation, but there does not need to be a cent spent unless the city agrees to spend it.

There is a corporation set up which, must agree with the city council. The corporation will approve all applications for scholarships. In other words, it is not a helter-skelter, "Here is a tuition payment and you can go anywhere you want." It has to be approved by the scholarship corporation, which must also be reviewed by the District council.

Under the conference agreement, not the House version, schools enrolling scholarship students must conform to all of the constitutional protections. The disbursal of the funds must be balanced economically. The disbursal of the funds must be balanced educationally, so we do not get a disparate amount of money being spent towards those who are better off, even among those who are eligible for scholarships—it is all low income—just that they are the economically relatively well-situated.

Second, there are two sets of scholarships in the bill. All of the money can be spent on remedial scholarships, which everybody agrees to. The worst problem the city has right now is we have 20,000 or 30,000 young people going through the system who are going to either graduate functionally illiterate or drop out. Those are the ones we are focusing on in all of the educational reform. The city council priority, I am sure, and the pressure of the city, I am sure, will be to spend all of that money or almost all of it on the scholarships which are for remedial use, afterschool use, or other programs so these kids can be brought up to the status where they can be functionally literate.

Also, we must consider what may happen, and I hope does not happen, on the House side. We have been told that if this loses here, this very scaled-down proposal that we are voting on here, not the one that has been described—if this fails, if this modicum of tuition scholarship fails, then we may lose the whole educational package. That would be a travesty; hopefully that will not be the case if we do fail here today.

Mr. KENNEDY. Will the Senator yield on my time for just a very brief question?

Mr. JEFFORDS. I will suspend at this point for the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Just on that reference, as I understand it, under the conference committee it creates five new boards, five new boards, and defunds the elected school board of the District of Columbia. Am I correct?

Mr. JEFFORDS. No, the Senator is not correct. This was not the intention of the bill, and that will be rectified. But, because the District council reduced the budget for the board's staff and operations, after the conferees had agreed to this provision, that is the way it could be interpreted. We are willing to reprogram some of money in this bill for purposes of the board.

Mr. KENNEDY. But as it stands in this bill, you have funded five new boards and failed to fund the school board, as I understand it?

Mr. JEFFORDS. On Tuesday the Senator from Wisconsin and I had a colloquy to clarify the status of the board. Yes, there are other new boards that are created for the purposes of educational reform. That is correct.

May I inquire how much time I have?

The PRESIDING OFFICER. The Senator has a minute and 53 seconds remaining. Your opponents have 21 seconds remaining.

Mr. KENNEDY. I yield whatever time I have.

Mr. JEFFORDS. Mr. President, I want to close here. I hope this is very clear to my colleagues, and I will make sure they know what we are voting upon today. I hope you would concentrate on what the actual situation is as to the tuition scholarships. There may be not a single penny spent unless the city council agrees to it. Keep that in mind. It is all local control. The Mayor says it is fine with him because it is all local control. So I urge my colleagues to support cloture. I yield the remainder of my time.

CLOTURE MOTION

The PRESIDING OFFICER. The Chair directs the clerk to read the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the

Standing Rules of the Senate, do hereby move to bring to a close debate on the conference report to accompany H.R. 2546, the D.C. Appropriations bill.

Bob Dole, James M. Jeffords, Trent Lott, Rick Santorum, Alfonse D'Amato, Dan Coats, Mark Hatfield, Bill Frist, John McCain, Larry Pressler, Kay Bailey Hutchison, Olympia Snowe, Al Simpson, Conrad Burns, Spencer Abraham, Orrin G. Hatch.

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate shall be brought to a close?

The yeas and nays have been ordered under rule XXII.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. SPECTER. Mr. President, on this vote I have a pair with the distinguished Senator from Kansas, Senator DOLE, who is necessarily occupied in campaigning in South Carolina, where he should be. If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." Therefore, I withhold my vote. I thank the Chair.

Mr. LOTT. I announce that the Senator from Kansas [Mr. DOLE], the Senator from Indiana [Mr. LUGAR], and the Senator from Arizona [Mr. MCCAIN] are necessarily absent.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] and the Senator from Hawaii [Mr. INOUYE] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 52, nays 42, as follows:

[Rollcall Vote No. 21 Leg.]

YEAS—52

Abraham
Ashcroft
Bennett
Bond
Breaux
Brown
Burns
Byrd
Campbell
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Domenici
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Inhofe
Jeffords
Johnston
Kassebaum
Kempthorne
Kyl
Lieberman
Lott
Mack
McConnell
Murkowski
Nickles
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—42

Akaka
Baucus
Biden
Bingaman
Boxer
Bryan
Bumpers
Chafee
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Wellstone
Wyden

PRESENT AND GIVING A LIVE PAIR, AS—1

Specter, against

NOT VOTING—5

Bradley
Dole
Inouye
Lugar
McCain

The PRESIDING OFFICER. On this vote the yeas are 52, the nays are 42. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

Mr. JEFFORDS. Mr. President, I move to reconsider the vote.

Mr. LOTT. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JEFFORDS. Mr. President, I know some of my colleagues here wish to make a few remarks. I hope that everyone over the coming days, before we face this issue again, whether it is on another vote to invoke cloture or whether it is on another vote —I think it is wise for all of us to take a look at what must be done if we are going to reach a consensus on many issues in this body.

As I have tried to let my colleagues know, we worked long and hard, 90 days, on reaching a compromise with the House. The House is very dug in on this issue. We had to make incredibly difficult changes that they would agree to to bring us to a position where I thought we had a bill that could pass the Congress and win support in a highly Democratic city, a highly unionized city, with a very Democratic mayor. I thought that they would agree with the compromise that we reached.

It seems difficult for me to perceive or understand as to why this body would disagree with that compromise. If we cannot find a consensus on this issue, what is going to happen when we get to the three major appropriations bills that we still have not dealt with? Are we somehow going to be able to reach a consensus among the House and this body and the White House? We also have other issues with respect to welfare, Medicaid, and all the other issues that are in addition to the appropriations bills, which to me are so much more difficult. If we cannot reach a consensus on this bill, I do not know what the hope is for the future.

I have been in the Congress now for 22 years. During that length of time, I have been on many committees under many different circumstances with respect to which party controls the committees. Many, many difficult issues have been faced during that period of time, and just by virtue of the committees I have been on, I have been in the center of those.

I mentioned "in the center", for instance, because if one takes a look at the recent ratings, I am the most liberal Republican Senator but I am more conservative than many Democratic Senators. So where does that put me? It puts me right in the middle. Over the course of time I have found myself in that position and have been able to assist in working out the compromises by my ability to see both sides of the issue.

In fact, Mr. President, I will reminisce for just a moment. I remember at a critical moment during the Reagan administration we were dealing with a controversial bill, an employment training bill. I was serving in the House, and I got a call from one of the Members of this body who said, "JIM, we know how hard you worked on this bill, but when we go to the White House, would you tell them how bad it is, because if you tell them how bad it is, I think they will accept it?"

So I went down to the White House and I made a pitch by saying, "Oh, my God, it goes too far this way and goes too far that way." I got a phone call back from that Senator commending me and offering me an Academy Award for my performance. And we reached a consensus. That is how far I would go. Yes, I would have liked to have seen it different, but I was willing to make the compromises that were important to get that bill through.

We have to learn how to do that here. I hope in the interim, before we take another vote, that everyone will take a look at what the real issues are here.

So many of the statements that were made would be true if this was a national proposal to deal with vouchers or even if it was a D.C. proposal to have a mandated voucher program for the city. But it is not that.

So I urge my colleagues in this interim time, if we cannot reach consensus here, where will we ever do it? If we do not do it with the House, which has come a long way, in my mind, in reaching consensus here—they had dug their heels in—we run the risk of losing all the educational reform that is in the bill, all of which is incredibly necessary for the District. We may even lose the ability to provide them with the $254 million in additional Federal funds which they are entitled to under this agreement.

So I urge my colleagues to take a close look before we vote again, whenever that may be.

Mr. President, I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER (Mr. CAMPBELL). The Senator from Mississippi [Mr. LOTT] is recognized.

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the

Standing Rules of the Senate, do hereby move to bring to a close debate on the conference report to accompany H.R. 2546, the D.C. appropriations bill:

> Trent Lott, Jim Jeffords, Dan Coats, Larry E. Craig, Paul D. Coverdell, Conrad Burns, Pete V. Domenici, Jon Kyl, John Ashcroft, Slade Gorton, Spencer Abraham, Craig Thomas, Mark O. Hatfield, C.S. Bond, P. Gramm, Don Nickles.

Mr. LOTT. Mr. President, I wish to inform all Members that there will be a vote on this cloture motion next Tuesday. No exact time has been agreed to yet, but I expect it will fall sometime shortly after the vote, I believe at 2:15, on the Cuba legislation on Tuesday. But it will occur sometime Tuesday afternoon.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Senate now turn to a resolution extending the Special Committee To Investigate Whitewater Development Corporation.

I ask for its consideration under the following agreement: 2 hours to be equally divided in the usual form, and that no amendments be in order, other than one amendment to be offered by Senator DASCHLE, or his designee, limited to 1 hour equally divided.

Further, I ask that following the debate on the amendment and resolution, the Senate proceed to vote on the amendment, and immediately following that vote, that the resolution be advanced to third reading and passage to occur immediately without further action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. D'AMATO. Mr. President, in light of the objection, I make the same request for the legislation to be the pending business on Friday, March 1, at 10:30 a.m., under the same restraints as the previous consent agreement.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. I object.

The PRESIDING OFFICER. Objection is heard.

WHITEWATER

Mr. D'AMATO. Mr. President, I am deeply concerned about the minority's refusal to allow the Senate to consider the resolution that I just offered. This resolution would provide additional funds for the Whitewater Special Committee. It would allow the Senate to fulfill its obligation to the American people to obtain the full facts about Whitewater and related matters.

Make no mistake about it, this debate is not about money, it is not about deadlines, it is about getting the facts. That is our job. We are committed to getting all the facts about Whitewater. It is now quite clear that the minority is not. With its actions today, and over the past few days, the minority has sent the unmistakable message that it wants to prevent the American people from learning the full facts about Whitewater. That is wrong. What is the minority concerned about?

From the beginning, I have said that our committee must get the facts and we must let the chips fall where they may. If the facts exonerate, then so be it. That is good. Again, let the chips fall where they may.

If the facts, on the other hand, reveal improper conduct by anyone, the American people have a right to know that as well. Our committee wants the facts. The American people are entitled to the facts.

Two days ago, we attempted to move to consideration of a resolution that would have funded Whitewater. But the minority invoked Senate rules to block floor consideration of that resolution. That is their right. But, as the New York Times wrote in a syndicated editorial, "The committee, politics notwithstanding, has earned an indefinite extension. A Democratic filibuster against it would be silly stonewalling."

That, Mr. President, is from an editorial in yesterday's New York Times. That is not a partisan spokesperson, nor a partisan policy paper. I will come back to this editorial again. I will ask at this time that the full editorial be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 28, 1996]

EXTEND THE WHITEWATER INQUIRY

Senator Christopher Dodd of Connecticut, reluctantly agreeing to renewal of the Senate Whitewater Committee's expiring mandate, suggests limiting the extension to five weeks, ending April 3. Along with the minority leader, Tom Daschle, and other leading Senate Democrats, Mr. Dodd told reporters yesterday that they were prepared to filibuster against any extension beyond early April.

Their position is dictated by worry about the 1996 campaign, and it is understandable that Mr. Dodd, as chairman of the Democratic National Committee, would hope that the public has an endless tolerance of Whitewater evasions. Mr. Dodd has a point in noting that this is a campaign year. It is impossible to separate this matter entirely from partisan pressures. He wants to protect President and Mrs. Clinton from the embarrassment that the chairman of the Whitewater Committee, Senator Alfonse D'Amato, would be pleased to heap upon them.

But Senator D'Amato, who by and large has curbed his customary partisan manner, has a stronger point. The Senate's duty cannot be canceled or truncated because of the campaign calendar. Any certain date for terminating the hearings would encourage even more delay in producing subpoenaed documents than the committee has endured since it started last July. The committee has been forced to await such events as the criminal trial next week of James McDougal, a Clinton business partner in the failed Whitewater land venture.

No arguments about politics on either side can outweigh the fact that the White House has yet to reveal the full facts about the land venture, the Clintons' relationship to Mr. Douglas banking activities, Hillary Rodham Clinton's work as a lawyer on Whitewater matters and the mysterious movements of documents between the Rose Law Firm, various basements and closets and the Executive Mansion. The committee, politics notwithstanding, has earned an indefinite extension. A Democratic filibuster against it would be silly stonewalling.

Mr. D'AMATO. Mr. President, let us be clear. All of my colleagues have a right, Democrat or Republican, to utilize all the rules of the Senate as it relates to sustaining their position. I certainly do not have a quarrel with that. But I am concerned as it relates to what the underlying objective is. The underlying objective is to prevent the committee from doing its work, from being the factfinders. That is our job. That is a clearly different job from that of the independent counsel or special prosecutor, clearly different. The independent counsel's job is to ascertain whether there was criminal conduct. He uses a grand jury, secret proceedings. We are not entitled to know, nor do we know what facts are uncovered. That is a big difference. People have very particular roles, interests, and needs. Witnesses are protected. They are given absolute constitutional guarantees. That is as it should be. Most of the discovery of the information and facts is done in camera, secretly. That is a far different role than that of congressional investigatory committees. Let us understand that.

There are those who say, "Why, when you have a special counsel, do you have this committee?" It is because it is our duty to ascertain what, if anything, the White House or the administration may have done to impede an investigation, which may or may not have criminal implications. It very well may not. But it is our duty to gather those facts. It is our duty to gather the facts as they relate to what, if anything, took place, whether proper or improper. The facts may not have criminal implications as they relate to the events that transpired in Little Rock, AR. The two investigations are distinct. They are different.

Indeed, this is not the first time in the history of this country that we have had investigations by congressional committees and, at the same time, by an independent counsel, a special prosecutor. Indeed, we have taken precautions so as not to impede upon the work and make it more difficult for the independent counsel to conduct its work. And it is fair to say that much of the delay as it relates to the committee's work has not been created by partisan politics, by Democrats, by the White House, or others acting in their interests. Let us be fair about that. A good deal of the delay has been occasioned, both for the previous committee that undertook this mission and by this committee, due to our legitimate concerns about the work of the special counsel.

Indeed, we have agreed in the resolution that we would not grant immunity where the independent counsel objected. Indeed, we have, painstakingly, gone out of our way, notwithstanding our own constitutional responsibilities, not to willy-nilly insist that we get our way as it relates to subpoenaing of records, documents, and witnesses. On a number of occasions, we have withheld enforcement of subpoenas for documents because we were advised that it would have an impact on the criminal trial, which will start this Monday in Little Rock, AR. The defendants in this trial are the present Governor, Jim Guy Tucker, and Susan and Jim McDougal, the business partners of the Clintons.

We agreed, Republicans and Democrats, to withhold enforcement of these subpoenas. We have, I believe, made the sensible choice in not attempting to force key witnesses to come before this body. When I say "this body," I am talking about the committee in its fullest sense, which is representative of the Congress of the United States, and more particularly of the Senate of the United States.

Although there are key witnesses, I believe it would be irresponsible to simply put aside the concerns of the independent counsel and call these witnesses just so that they can give us information. Some of these witnesses have been defendants and have already pled guilty to various crimes and their testimony may be necessary as it relates to the criminal prosecution which the special counsel, Mr. Starr, is now undertaking in Little Rock.

We have always maintained that there may come a time when we may have to insist upon our prerogatives, we have certain constitutional obligations. Even though the independent counsel has his obligations we never agreed that we would at all times forgo calling various witnesses. Indeed, it was the wish and the hope of this Senator, and I think of the majority of the committee, both Democrats and Republicans, to have one of the key witnesses, Judge David Hale testify. Judge Hale has apparently made statements, most of them through other people, that indicate that he was asked, by the then-Governor of the State to make a loan of as much as $300,000 to Mrs. McDougal.

Now, Mr. President, let me be clear: I do not know nor do I subscribe to the truth or the falsity of that statement. I do not say it to be sensational. This has been published. This has been published. Both Democrats and Republicans have been interested in bringing Judge Hale before the committee.

Let me say I think we acted in a responsible way. We attempted to make, and did make contact with his attorney. We were advised that his attorney was engaged in a number of matters before the Supreme Court of the United States, and indeed we ascertained that he was; further Judge Hale's attorney could not even consider these matters until he had disposed of his arguments. While Judge Hale's attorney did recently dispose of his last argument—sometime I believe in late January or early February—it was, unfortunately, too close to the approaching trial to call Judge Hale before the committee.

I believe, and I was not able to share, through counsel, what his definitive thinking was, that Mr. Hale was not made available. We were led to believe that if we insisted and issued a subpoena, that not unlike several other witnesses, Judge Hale's attorney would indicate that his client would raise an issue of privilege, asserting a privilege against self-incrimination.

Once this privilege is asserted the Senate rules or the congressional rules are quite clear that you can no longer even call the witness to testify. We recall the days gone by when witnesses were called in and asked questions and they asserted, under oath, their right not to incriminate oneself under the fifth amendment. At some point in our history, and I do not have the exact date, the Congress decided that was not how the Congress should conduct itself. When Congress is advised, by counsel, that a witness would, assert the privilege of taking the fifth amendment, it no longer could bring the witness in just to have a show. To do so would simply appear to be a show where you brought someone in, you asked him a question, he repeated to every question that he was asserting his rights not to incriminate himself or herself.

That is the dilemma that we have faced. Otherwise, I want to assure this body it would have been the intent of this Senator, and I believe of every member of the committee, to bring Judge Hale forward and to find out what, if anything, he could share. What information he had, what were the facts to assert. We were unable to do that. We have been unable to do that with maybe 11 or 12 various witnesses that are connected with the trial, which will start this coming Monday. Those witnesses are key to our getting the facts, the whole picture.

Again, I am not in a position to offer a judgment with respect to what they may or may not testify to. The information they give to us may be absolutely exculpatory and clear away the cobwebs. They may demonstrate clearly there was no wrongdoing. It may not. But, by gosh, we have an obligation to get the facts.

Now, I am going to refer to the New York Times editorial of February 28. This is an editorial position that has been shared in whole or in part by just about every major newspaper. I am talking about the main editorial of the New York Times, not a letter to the editor, not something written by a partisan on one side or the other. The New York Times:

> The Senate's duty cannot be canceled or truncated because of the campaign calendar. Any certain date for terminating the hearings would encourage even more delay in producing subpoenaed documents than the committee has endured since it started last July. The committee has been forced to await such events as the criminal trial next week of James McDougal, a Clinton business partner in the failed Whitewater land venture.
>
> No arguments about politics on other side can outweigh the fact that the White House has yet to reveal the full facts about the land venture, the Clintons' relationship to Mr. McDougal's banking activities, Hillary Rodham Clinton's work as a lawyer on Whitewater matters and the mysterious movements of documents between the Rose Law Firm, various basements and closets and the Executive Mansion. The committee, politics notwithstanding, has earned an indefinite extension. A Democratic filibuster against it would be silly stonewalling.

Mr. President, again, as I have said to my friends and colleagues, any colleague, on any side of an issue, of any party has a right to raise whatever rules or procedural questions that they deem appropriate. I respect everyone's view on this. They have a right. It was never my intent nor did I believe we would be debating this issue on the Senate floor without having completed or essentially completed our work. I did not anticipate, nor do I think the committee anticipated, that those delays would take place; some delays may have been occasionally deliberate; some, perhaps negligent.

I am willing to accept the fact that there have been key documents, we wanted from very important people, that were delayed for whatever reason. In some situations because a person left and went from one office to another; in another, someone took one position and thought the papers would be turned over; or one attorney thought another attorney had turned over papers. I am willing to accept that.

But the fact of the matter is that those delays have occasioned the problems that we have. Suppose they were accidental, all of them. Accepting that, here is where we are: We have dozens of witnesses yet to be examined. It is not because the committee has not been diligent. While there are those who can come and say, "You have only met 1 day or 3 days," that is a bit disingenuous when one understands the schedules we have. One must take into consideration the scheduling difficulties the committee faces, first; there are witnesses that we have to accommodate for depositions and testimony; the fact that there are at this time, key witnesses that we have been asked not to examine—some because of physical problems, some because of attorneys' schedules. We should be candid about this. Let us try to be forthright. I do not think we do the process any good by attacking one another, applying political labels, indicating that the chairman or anyone else is undertaking this because of partisan politics.

Of course, there are political overtones to this. Everyone understands that. But, by gosh, we have a duty to get the facts, and we should do it as expeditiously as possible.

Under ordinary circumstances I would think we could accomplish this task, if we had access to all of the witnesses and all of the documents, within a period of 10 weeks or 12 weeks. That should be a reasonable period. But I cannot say that. I am not going to be able, nor will the committee be able, to ascertain with certainty when we will have completed our business. And let me say this, with all honesty and candidness, I know this is a tough debate and I know certain people will be compelled to say certain things. I hope we will not engage in that kind of rhetoric. I have attempted to be moderate. I have really attempted to frame this debate in a manner both sides can participate in reasonably.

I understand the concern of my colleagues when they say, let us not run this investigation into September or October. That is not the intent of this Senator. The intent is to get the facts, and I will work to do it in a thorough, coordinated, expeditious manner with my colleagues.

But the trial of a key witness starts Monday. It may go 4 weeks, 6 weeks, 8 weeks. I hope it will end sooner rather than later.

The committee must have the opportunity to examine key witnesses and documents—documents, at the very least, that we should have access to, and cannot have access to unless we seek enforcement of the subpoena. Let me ask, should we have insisted that documents from various witnesses be produced, notwithstanding the concern of the court—we had a right to do it, constitutionally. We could have ordered enforcement of those subpoenas. But we decided together, Democrats and Republicans, that it would not be in the interest of this body to delay that prosecution. If we enforced the subpoenas the defendants rightfully, could ask,—and we were advised through their attorneys, would ask—to put that case off.

We withheld. I think that was the prudent action. We could have insisted on enforcing the subpoena. I do not think we would have met the mandate under that resolution because the resolution was quite clear. The leaders, Democrat and Republican, were concerned that we not impede the independent counsel.

We had other questions, as it related to Iran-Contra, whether or not immunity should or should not be granted. This committee never even crossed that bridge. We could have asked the Senate to consider, or the committee to consider, granting immunity. I think it would have been irresponsible. I think the committee would have decided against it, particularly in light of the objection that would have come.

I am not going to characterize the suggestion that was put forth by my Democratic colleagues as anything but a sincere attempt to establish a timeframe so that we could wind up the business of the committee. It was a bona fide offer. I will accept that. But I have to tell you, then, and we say it publicly, that I hope you will understand why, notwithstanding the good intention or motivations, that my colleagues' offer was impossible to accept.

Mr. JOHNSTON. Will the Senator yield?

Mr. D'AMATO. No. I would like to complete my statement. I certainly will yield for questions. And I assure my colleague he will have an opportunity to make whatever observations he wishes.

I cannot accept my colleagues offer simply because we would not even begin to have access to key documents and key witnesses until after that trial. We may never get them and if we do not get them, then we will have to wind up, and we will.

It is the hope of this Senator, without setting a specific time limit, that we can conclude the business of this committee within 6 to 8 weeks after the conclusion of that trial—I say conclude the business of this committee in a way that makes sense—quickly and expeditiously, but only after we have either gathered all of the facts or made every reasonable and possible effort to have those facts.

Let me tell you the problem in agreeing to a time limit. It is spelled out in a book called, "Men Of Zeal." This book was coauthored by two of our distinguished colleagues, two of our most distinguished colleagues, both of them from Maine, the former Democratic majority leader, Senator George Mitchell, and our own colleague, Senator BILL COHEN. In "Men Of Zeal" they talk about "a candid inside story of the Iran-Contra hearings." I turn to one of the observations that was made, as it fits the situation and the dilemma that we have here now, a bona fide dilemma. Some can say, "Senator D'AMATO, you are a proponent of Senator DOLE. You are on his campaign team. Therefore, you have a reason and the occasion, to make this go longer." That is not true.

I do support Senator DOLE. By the way, it is a constitutional right of every citizen to support whomever he chooses. And I hope, when we go in to do the business of the committee—we understand that we have different political philosophies, that we can support different candidates. I respect that right of all of my colleagues. But to simply say that because you are campaigning on behalf of one candidate, then, you cannot discharge your duties, I think is rather illogical. We would wipe out everybody.

All of my friends on the Democratic side, I think with very few exceptions—I can think of only one, whose remarks may not have been interpreted as fully supportive of the President of the United States—are fully supportive of the President and the leader of their party. Does that mean they should all, therefore, be disqualified? That they cannot make rational judgments? Or that all of their judgments will be made just simply on a partisan basis? I hope that is not the case.

I do not think that it is right to then apply that logic to a Member or Members of the Republican side, to say you cannot make judgments because you support this candidate, you are in a key position, and therefore you are not going to be able to be impartial and fair.

I have attempted to discharge my duties in a fair and even-handed way. I have attempted to do that. I am not going to tell you that I have not made mistakes. But certainly I hope that the minority will acknowledge that we have attempted to run this committee in a fair manner; wherever possible, and in 90 percent of the cases, subpoenas that have been issued in a bipartisan manner; in terms of working out problems—even when we have had some of the most rancorous disagreements, we have eventually been able to settle them.

I am not going to be able to, nor will I attempt to, say who has been right and who has been wrong. Sometimes we may have asked for information in an overreaching way. And my colleagues rightfully have said, "Wait a second." And we have attempted to accommodate their concerns.

There was only one instance when we came to the floor of this Senate, where we could not reach an agreement, and even in that case eventually we did. And the information that we sought—let me go right to the heart of it, the notes of one of the White House employees, Mr. Kennedy—was found to be appropriate. I ask anybody if they thought we got information we were not entitled to? Of course we were entitled to that information. You cannot on one hand say we are being cooperative, we will not raise the privilege issue, executive privilege, and then on the other withhold. So we even in this case; but again the important thing is that we came to a definitive termination that avoided a test in the courts. Those famous notes revealed a series of meetings. They revealed the question of the Rose Law Firm and, of course, even now is open to interpretation as to a question of what they mean by a "vacuum" in the Rose files. Reasonable people might disagree on that. I would find it hard to give one interpretation. But that is honest disagreement.

One of the reasons that our colleagues find that we are in this position today is because we did not think—nor did I believe—that there would be these delays. It was my hope that we would wind these hearings up before we got into this session. It was always my hope. When I say session I am talking about and I should say season; the political season that is upon us but still has not come upon us as it relates to the general election. And again, I hope that we can bring these hearings and get the facts sooner rather than later. I am not looking to run this thing. I say that to my friend and colleague, Senator DASCHLE, and other colleagues.

But here is the problem that I have and I think we legitimately have. And it is not something that is new. It is not novel. It did not just become visited upon us. And our colleagues in their book, again, "Men of Zeal," by Senator COHEN and former majority leader, Democratic majority leader, Senator Mitchell, said finding the committee's deadline—talking about the Iran-Contra, and the deadline that they had fixed to the committee to finish its work—"provided a convenient stratagem for those who were determined not to cooperate. Bureaucrats in some agencies appeared to be attempting to thwart the investigative process by delivering documents at an extraordinarily slow pace."

This was their observation about what took place during these hearings less than 10 years ago; during their problems. Listen to that. "Bureaucrats in some agencies appeared to be attempting to thwart the investigative process by delivering documents at an extraordinarily slow pace."

I mean as much as things change they never change, when you set a deadline on these kinds of things, as our colleagues are calling for. "But, perhaps most importantly, the deadline provided critical leverage for attorneys of witnesses in dealing with the committee on whether their clients would appear without immunity and when in the process they might be called."

I have to tell you that we have been experiencing that. That is not because of the ill will of my Democratic colleagues. I do not say that is a cabal that has been hatched by the Democratic Party, or their stratagem. I just say if you are an attorney representing your client and you are going to do what you can to protect the client—and it may be that you are going to assert various privileges—It may be that you are going to do whatever you can to get past a particular time or deadline. That is a fact.

Let me go to one of the conclusions again, and it is important to know that these men—colleagues of ours, distinguished colleagues of ours, the former Democratic leader writing this to share with us their insight, candid inside story, of not only the events that transpired, in the attempt to leave us a blueprint for what we should or should not do and some of the problems attendant—in their conclusions they say, "Setting fixed deadlines for the completion of congressional investigations should be avoided."

This is not Senator D'AMATO. They go on to say, "Such decisions are often dictated by political circumstances and the need to avoid the appearance of partisanship."

I suggest to you that is one of the reasons we originally set a time limit because we wanted to avoid that. It is exactly on point, and it is the intent of this Senator—and it is still the intent of this Senator—to keep this out of the partisanship. The Banking Committee, which essentially serves as the mainstay of this Whitewater committee, has acted in a bipartisan manner, I have to tell you, in 90 percent of our undertakings.

I ask my colleagues to think about that. It is not the intent of the chairman of that committee to bring us into a situation that is not going to reflect well upon Republicans or Democrats—the work of the committee, both the Banking Committee and now as a Whitewater committee. It is not my intent. Indeed, it was with that intent in mind that we worked out a date for attempting to finish—listen to the words which are prophetic. I wish my colleagues, when we were attempting to affix a time limit to this that would have been cognizant of this warning because that is what it is. "Setting fixed deadlines for investigations should be avoided." And it goes on to say again with great clarity, "But such decisions are often dictated by political circumstances, and the need to avoid the appearance of partisanship." That is how it is that we came to this situation. "In this case, a compromise was struck between those who believed an adequate investigation could be completed within 2 or 3 months and those who believed no time limitation was necessary."

It goes on to conclude that, "We hope that in future cases such an artificial restraint on this pursuit of facts will not be necessary."

That is what we have. We have an artificial restraint in the pursuit of facts, not occasioned by meanspiritedness, not occasioned by benevolence, no one fixed this date. As a matter of fact, we chose this date to attempt to avoid this debate.

Look. The Rules Committee did not have a quorum. Otherwise, we could have brought this amendment to the floor without asking for unanimous consent. I hope that next week at some point—I think Tuesday—the Rules Committee is scheduled again to take this matter up so that we can come to the floor without asking unanimous consent. At that point, my colleagues will have every right to raise their objections to have extended debate; indeed to undertake that which we have commonly known—and they are determined not to have a vote—as a filibuster. I think that would be wrong. But that is their right. I still hold out the hope that somehow, some way, men and women of good will can work out a way in which the committee can proceed to do its work without the need for us tying up the floor for days creating a political event, one that is highly charged, one that I suggest does not benefit either Republican or Democrat, one which I would just as soon avoid. I say that with all sincerity. I think I have some credibility with my colleagues that if I give a commitment, I keep the commitment. I want to work out this dilemma.

I thank my colleagues for being patient so I could give a speech that is not all written down with dates and times and who held back what and why and when. We are here at this point. I say let us say that everybody had engaged in this with their best effort—the White House witnesses, the people that have been called forth. We still do not have the facts. Let us not ascribe it to ill will. We have a duty to gather the facts. Let us see if we cannot do it in a way that makes sense, that fulfills the obligations of the committee without the rancor, and without the partisanship.

Let me say this to you. This is not one-sided. I do not say here that my colleagues on the Democratic side have been the only ones to make unwarranted attacks. There have been plenty of attacks on both sides. There has been plenty of conjecture —plenty of it. I think it is about time though, that at least we control our own actions; we cannot control everybody out there in the universe. We cannot even control some of those who support us on either the Democratic or the Republican side. But at least we can control how we conduct ourselves, and how we move forward with what statements we make.

I could fight it out just as tough as anybody else. I do not think I am known as a shrinking violet. I have to tell you I think there is a point when we should attempt to come together—we have between now and next Tuesday—to see if we cannot work out some reasonable way to avoid some of the pitfalls that have been outlined in "Men of Zeal" and those pitfalls that we have already experienced. Again, if we set an arbitrary time limit, it invites the kind of thing that our colleagues, Senator COHEN, and former Democratic leader, Senator Mitchell, experienced. It will inevitably take place. We have seen some of that already. Again, I do not say it will be through any malicious actions of one party or the other.

Again, if you are an attorney attempting to defend your client, you are going to avail yourself of everything possible. You are not going to be concerned about the committee and its duty.

I would suggest, by the way—and I just leave you with this last thought—if we do not set a time line it will provide occasion to those who may be attempting to hold back to get past that date, to be more forthcoming because they are going to know that these matters, whatever they are, whatever the testimony, whatever the documents are going to come out. Better to let the chips fall where they may now as opposed to later.

I suggest to you that we will probably have a good chance of winding this up sooner rather than later. Can I give assurance, and I am willing to give assurance as to some specific time that we will cut it off? If the facts lead us to move forward, or if we have the occasion to move forward, then I think we will have to do that. Maybe we can agree to a situation whereby after the trial—and I am putting this forth; I am thinking out loud; I suggest this to the Democratic leader—after the trial, and after a certain period of time, that the leaders will confer again and we may have to come back to the investigation. You may at that time say it is unreasonable or we are going to a filibuster or we are not going to do it.

But let us attempt to work our way out of this together as opposed to us insisting and my colleagues and friends on the other side of the aisle taking their position of raising their rights and going to a filibuster. Let us see if we cannot find a solution to this problem that will permit the committee to do its work in the proper way, and to find the facts.

I thank my colleagues and my friends for affording me this opportunity.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER (Mr. FRIST). The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, my colleagues from the Banking Committee, especially the ranking member and the distinguished Senator from Connecticut, are far more qualified to address many of the points raised by the chairman of the Banking Committee than am I. And let me say at the outset, I thank them for the remarkable job that they have done over the months in addressing this very difficult matter as ably as they have, day after day, week after week. I will leave it to them to raise many of our shared concerns and respond to many of the specific points that have been raised by the chairman.

The chairman has spoken now for over 45 minutes. In spite of all of his assurances and in spite of all of the explanation we have just heard, Mr. President, this issue boils down to one which is very simple. This issue has now become a political one.

The motivation is very clear. It is politics pure and simple. That is what it is. We ought to recognize it as that. We need to deal with it. We ought to confront it. We ought to try to find ways to contain it. But that is really what this issue is about. It is politics. And the chairman so ably stated before the Senate Rules Committee a year ago that the single biggest reason why it was so imperative that we finish by the 29th of February—the 29th of February—is that, and I quote, "We want to keep it out of the political arena, and that is why we have decided to come up with a 1-year request."

That is our chairman. He was right then. And unfortunately, I am disappointed that he has changed his mind now. There has never in the history, to our knowledge, of the Senate been a request of this kind—never. It is unprecedented. No one has ever said we want a fishing license to allow us to go for whatever length of time it takes. Such proposal has never been made before. And never have we found ourselves in a situation like this in a Presidential year.

Is it coincidental that given all the problems we see now in the Republican Party that they conveniently need another 6 or 7 months to take this into the Republican and Democratic Conventions? Is that what it is all about? This is unprecedented, and it is wrong. I daresay there are a lot of Members on the other side of the aisle who know it is wrong.

Mr. President, it is not just the length of time and the amount of money that we have already expended that concerns me; it is the nature of this whole investigation. Were it not for the able leadership given on so many occasions by the ranking member and so many of our colleagues on the Banking Committee, I do not know what this committee would have done. But to make an initial request that over an 18-month period any communication of any kind relating to any subject by the President, the First Lady, any present or former White House employee or any employee of the RTC and dozen and dozens of other named individuals be turned over, is that a fishing license or what? Is that a witch hunt or what?

The committee authorized a subpoena asking for all telephone calls from the White House to area code 501, the entire State of Arkansas, for a 7-month period. What is that? Is that a reasonable request? Above and beyond the committee's overbroad authorization, the majority staff unilaterally issued a subpoena for all White House telephone calls from any White House telephone or communications device for a 7-month period to anywhere in the country.

So I hear the chairman talk about how difficult it has been to get a response from the White House, how much they have been dragging their feet. My heavens, how could anyone comply with requests of that nature. I am surprised that they have gotten anything if the nature of the requests has been as broad as this. But the fact is that White House cooperation has been extensive. So that is point No. 1.

Point No. 2 is that this committee has already been operating longer than any other we have experienced in the Senate in recent history. The Whitewater committee has now run for 20 months, almost 2 full years. How does that compare to ABSCAM? Do you remember that one? That lasted 9 months. What about the POW/MIA committee? I was on that one. The effort that we made on both sides of the aisle to come up with information about what happened in Vietnam, what happened to all of the POW's and MIA's who are still missing, do you know how long we spent on that? The Congress spent 17 months investigating that, and came up with a 1,000-plus page report. Watergate only lasted 16 months. The Iran-Contra hearing mentioned by the chairman, that only lasted 10 months.

So, Mr. President, I must say 20 months and counting with a request for an indefinite time period from here on out to keep going regardless seems extreme. Our majority leader had it right. Our majority leader in talking about this issue—and you talk about men of zeal; he could write a chapter himself—this is what the majority leader had to say. He said, "If we get bogged down in finger pointing, in tearing down the President and the administration, we are not just going to be up to the challenges ahead but all of us, all Americans will be the losers." That was the majority leader, BOB DOLE, as he was talking about the Iran-Contra inquiry. They made a prudent decision to come to some closure here. They took 10 months to do their work.

The third point I would say is equally as important. I do not know how much longer we can continue to ask the taxpayers to fund this fishing expedition. We have already spent over $1.3 million. The independent counsel has spent $26 million and counting. We do not know how much the House has spent. But it is our estimation that we have already spent over $30 million investigating this matter—$30 million.

I do not know whether anybody cares about what that would buy, but it buys about 26 million school lunches. It would fund 400 cops on the street, and 15,000 computers in America's classrooms. I could go on and on, if you want to get a better picture of what $30 million buys.

And when you talk about hearings, it is interesting; the American people want us to start looking into ways we can improve public education, ways we can improve the crime situation, ways that we can deal with good jobs and good health care. Do you how many hearings we have held on crime? We have had 12 days in this entire 104th Congress on crime. Do you know how many days we have spent on jobs in this whole 104th Congress? We have spent zero days. We have not found the time to find 1 day to ask people to come in to see if we can deal with the chronic problems we have in the economy in dealing with underemployed and unemployed people.

What about health care? We have not found the time to hold any hearings for health care either. Zero. Zero days on health care, zero days on jobs and the economy, 3 days on public education.

So I do not know, Mr. President, it seems to me we ought to be relooking at what our priorities are in this Senate.

The fourth point I would make is this. The chairman has said time and again that he has to wait for the end of the trials that are ongoing. The independent counsel begins next week. But we also know that on October 2 the chairman advised Kenneth Starr that the special committee did not intend to call the trial defendants and could not delay the committee's proceedings to accommodate the independent counsel.

There has not been any change in the factual circumstances, Mr. President, to explain this—I will not call it a flip-flop—but this change of heart on the part of the chairman. In any event, regardless of why he has changed his mind in that short period between October 2 and now, February 29, the legal proceedings relating to those trials could go on for years. We have seen it happen in Iran-Contra. We have seen it happen in a whole range of other cases. We have no guarantee it is going to be finished this year. I think there is a chance that none of us may be in the Senate when all that work gets done. Who knows how long this is going to last. And whether convicted or acquitted, the defendants retain their fifth amendment protections against self-incrimination. So no one should be misled, the end of the first phase of those court proceedings are by no means—no means—an indication that they will then be prepared to come before the Banking Committee.

So, Mr. President, the American people know what this is all about. They know it is a political fishing expedition. Poll after poll has shown what we already know in this Chamber. The D'Amato hearings are politically driven. By a large margin, the poll just completed yesterday, 66 to 22, the D'Amato hearings are seen as politically driven. The public opposes granting——

Mr. D'AMATO. Mr. President, personal privilege. I do not think the minority leader—may I make a point of order? When we address Members and begin to address Members by their names, when we begin to bring this business of calling them "D'Amato hearings," I think that the minority leader is out of line. I make that point.

Now, if the minority leader wants to attempt to get into personalization, then take it off the floor. Then you might be absolutely within your rights as a citizen, but not on the Senate floor.

Mr. DASCHLE. Mr. President, the hearings chaired by the distinguished Senator from New York, Senator D'AMATO, are hearings that the public fully appreciates and fully understands. The hearings chaired by the distinguished Senator from New York, Senator D'AMATO, are political. By 71-23 percent, the American people say it is time to let the independent counsel complete its work.

We have laid out in as clear a way as we can our sincere desire to come to some resolution to this issue. In the last several days we have made a good-faith effort to say, let us resolve it. We do not want to politicize it, we do not want it to drag on forever, as some on the other side would have us do. We have proposed that we finish the hearings by April 3 and complete our work by May 10. That is reasonable. It is way beyond what any other committee has done on any other set of circumstances involving investigations in the past.

We, too, hope we will not be compelled to prevent the committee from completing their work next week. Let us resolve this matter in a bipartisan way, in a way that accommodates the needs of the committee but also accommodates the recognition that we need to do our job on a whole range of other issues that must be addressed this year. With that, I yield the floor.

Mr. SARBANES. Would the Senator yield for a question?

Mr. DASCHLE. I will be happy to yield to the Senator from Maryland.

Mr. SARBANES. I say to the distinguished minority leader, when this resolution was enacted under which the special committee has been operated with the February 29 deadline, was it not the recognized intention at the time that this was in an effort to keep it out of the political season?

In fact, the chairman of the committee, Senator D'AMATO, stated when we were before the Rules Committee—and I quote him—"We wanted to keep it out of that political arena. That is why we decided to come forth with just the 1-year request."

And I, in appearing with him before the Rules Committee, stated, "I think it is important to try to finish this inquiry, to be very candid about it, and not take it into an election year with the appearance and the aspect that it is an election-year political effort."

I say to the leader, was it not the understanding at the time that we wished to keep it out of the political season, a view expressed by both Republicans and Democrats?

Mr. DASCHLE. If the Senator will allow me to respond, Mr. President, the answer is absolutely yes. We decided last year that this had extraordinary political sensitivity. We understood last year that this would be a Presidential election year, and that before we got mired in all the Presidential politics, before we ended up trying to resolve this in the midst of Republican and Democratic conventions, that it was critical that we came to closure. That was critical, that we allow the independent counsel to do its work. That is why Senator D'AMATO said it so well: "We want to keep it out of the political arena. That is why we feel the need for a 1-year request."

So the Senator from Maryland is absolutely right. It was our intention back then, it is our intention now. Let us keep it out of the political arena.

Mr. SARBANES. This issue that we are facing now has been prompted, has it not, by the request by the chairman of the committee, the distinguished Senator from New York, Senator D'AMATO, for an additional $600,000 to carry on the inquiry for an unlimited period of time?

The distinguished minority leader put forward a proposition to allow the committee to continue until the 3rd of April with hearings and a little over a month thereafter to file the report with additional funding of $185,000, which would enable the committee to go on to do the last set of hearings but not involve us in an open-ended inquiry that could carry right through the entire political year. Is that not correct?

Mr. DASCHLE. The Senator is correct. Our intent—I think the intent of every Member when they voted on the authorization last year—was to maximize the opportunity that we get our work done, to do all we could to resolve what outstanding questions there were, and then to complete our work with the opportunity to write a report by February 29.

Mr. SARBANES. Chairman D'AMATO has quoted the Iran-Contra. I just want to turn to that for a moment, if the distinguished leader would indulge me. At that time Senator DOLE—and the distinguished leader quoted one of his quotes—but Senator DOLE also said, "I am heartened by what I understand to be the strong commitment of both the chairman and the vice chairman to avoid fishing expeditions and to keep the committee focused on the real issues." He was working for a limited time period, originally just 3 months. In the end, a longer period was established. But it was pointed out at that time that it escaped no one's attention that an investigation that spilled into 1988 could only help keep Republicans on the defensive during the election year.

Chairman INOUYE, who chaired the Senate committee, and Chairman HAMILTON, who chaired the House committee, recommended rejecting the opportunity to prolong and thereby exploit President Reagan's difficulties. In other words, they were not willing to turn it into a political gain, which is what is now happening here. They determined that 10 months would provide enough time to uncover any wrongdoing.

Let me say to the leader, in order to meet that standard, the Iran-Contra committee, in the period between July 7 and August 6, held 21 days of hearings. It met Monday through Friday, over a 5-week period, with only 3 open days during that period. There were 21 hearings—this is Iran-Contra—in order to complete its work, keep it out of the 1988 election year, and not turn it into a political charade.

We urged the chairman of the committee earlier. In fact, the distinguished leader, I believe, wrote to the majority leader in the middle of January urging that the committee intensify its work in order to complete it by the February 29 date; is that not correct?

Mr. DASCHLE. The Senator is absolutely right. Based upon conversations, discussions we had with members of the committee, it became apparent we were not maximizing the opportunities that were already there. We went days, in some cases weeks, without any hearings in the committee, delaying, it seemed to us, in a very concerted and intentional way the opportunities to complete the work on time.

So without any doubt, there have been many, many opportunities for the committee to continue to do the work that the chairman articulated in his remarks. We have run out of time not because we have run out of calendar, but because we did not use the time appropriately.

Mr. SARBANES. I think the minority leader is absolutely correct.

Let me draw this contrast. I want Members to focus on this. This is the hearing schedule in the Iran-Contra hearings, an instance in which the Democratically controlled Congress set a date and undertook to meet it in order to keep that inquiry out of—out of—the Presidential election year. In other words, we sought not to play politics with that issue, and in order to complete in a 1-month period, we held 21 days of hearings in order to complete that work.

Contrast that with the Whitewater hearings over the last 2 months of the committee's existence—not the last 1 month; the last 2 months. In January, no hearings this week; no hearings except 1 day; no hearings here except 2 days; no hearings here except 2 days; 2 days. Eight days of hearings over the entire month of January, 8 days only during the entire month of January. Actually 7 days. I misspoke; 7 days of hearings.

In February, did it get much better? No, it did not. In the month of February, 8 days of hearings. Seven days in January, 8 in February, for a total of 15 over a 2-month period, as we are coming toward the deadline. Contrast that with the Iran-Contra committee, which held 21 days of hearings in a 1-month period as it approached its deadline in order to complete its work.

In fact, this week there are no hearings at all. Last week, there was only one hearing. So instead of an intensification, which the leader requested and which we urged on the chairman of the committee, we had just the contrary—just the contrary.

It was our articulated position in mid-January, and one I continue to hold to in retrospect, that if we had followed an intense hearing schedule, as the Iran-Contra committee did, the work could have been completed. That did not happen. Then we get a request for $600,000, which would take this committee's allocation up to $2 million, and an indefinite time period for the inquiry.

The minority leader, the distinguished Senator from South Dakota, offered an alternative, which I thought was eminently reasonable. The alternative of the minority leader provided that the hearing schedule would be extended 5 weeks, until the 3rd of April, and the time for the filing of the report until the 10th of May.

This matter was taken up in the committee and it was rejected, I regret to say, on a straight party-line vote of 9 to 7; an eminently reasonable proposal. The proposition now that advanced out of the Banking Committee and went to the Rules Committee, the resolution that Chairman D'AMATO is referring to, is a proposal for $600,000 and an indefinite time period, which, of course, guarantees that this matter will be carried out right through the election year.

The public confidence in this inquiry, to the extent it has not yet been eroded, will, in my judgment, be severely eroded by pushing this inquiry further and further into the election year. That was recognized when we passed Resolution 120.

I think there is a growing perception in the country that these hearings are being seen as being politically driven. Of course, that undercuts the credibility of the hearings. The public contrasts the attention and hearings here compared with no hearings on Medicare cuts, hardly any hearings on jobs, and so forth. The independent counsel is there to carry out inquiry, in any event, and many obviously feel that he should be allowed to do his work.

No congressional committee has ever placed itself behind an independent counsel. We did not do that in Iran-Contra, and we should not do it here.

I say to the leader that an intense hearing schedule could complete this matter. That is what ought to be done. I think the proposition put forward by the leader is right on target.

Mr. DASCHLE. If I can just respond to a point made by the distinguished ranking member, I direct attention, again, to the chart that the distinguished ranking member has displayed, because I think it really—keep the one that is right here; that is the one that I think says a lot.

Mr. SARBANES. I have both January and February.

Mr. DASCHLE. But the one in February, I think, makes the point you have been making very well. We have heard the assertions by the chairman of the committee that, indeed, they need the extension of time to hold more hearings. And yet, if you look at just February, no hearings were held on Mondays. No hearings in the entire month of February were held on Fridays. No hearings in the entire last week prior to the expiration of the resolution were held at all. No hearings, except for one, were held in the second to the last week in February.

So it seems to me, Mr. President, that, indeed, this chart speaks for itself and is the best response we can make to the consideration of additional time.

If there was such a need, why did they not meet on Mondays? Why did they not feel the need to meet on Fridays? Why did they not hold any hearings in the last week in February? Why just one in the second to the last week?

Mr. President, I thank the ranking member for so clearly articulating what the circumstance has been during this critical last month of effort by the committee itself.

Mr. SARBANES. Let me just make the further point to the leader, in these months of January and February, the Senate was not in session voting on the floor. We urged the chairman of the committee to have an intense hearing schedule, which would be made easier by the fact that it would not be interrupted for votes, that we would be able to really begin early in the morning and go late into the day.

Many of these hearings that were held began at 10:30 or 11 o'clock and ran until 1:30 or 2 o'clock in the afternoon. Not all of them; some extended through the day. But once again, the comparison between this hearing schedule and what occurred in the last month of Iran-Contra is absolutely dramatic.

In spite of the fact that we did not have intensified hearings, the minority leader said, "Well, we'll provide some additional time." That was the alternative that was offered.

In other words, Chairman D'AMATO said, "Well, we want the $600,000, and we want an unlimited time period to carry on this inquiry," right straight through 1996, I assume, until the eve of the election. My distinguished colleague from Illinois commented in the committee one day. He said, "There will be no more hearings after November 5." He said, "I can guarantee you that," if he will recall making that statement. That would obviously make it political—the very thing that Senator DOLE spoke about in 1987 when we were considering the Iran-Contra, and the very thing that was spoken about here last year when we were considering this committee, on both sides of the aisle. Then at least there was a recognition of the desirability of keeping it out of the political year, not politicizing the inquiry, and not leading to a public perception that what was going on was a straight political exercise.

Now, the minority leader, in order to try to accommodate, I thought, made a very reasonable proposal. That is the one that we offered in the committee and, unfortunately, it was rejected on a straight partisan vote. A straight partisan vote rejected the proposition for a further extension until the 3d of April, and some time beyond that, to do the report. And so the proposition now that moved out of our committee, and is pending in the Rules Committee, is for an indefinite extension and $600,000 worth of additional money.

I say to the distinguished leader that, in my perception, he has offered a very reasonable proposition. My own strong view, obviously, is that it should have been accepted. I do not think that we ought to undertake an indefinite extension. I think that is an unreasonable proposal on its face, and that is the issue that is now joined, that we are now contending with here on the floor of the Senate. But the contrast between Iran-Contra and how that was handled by a Democratic Congress with a Republican administration could not be sharper.

Mr. DODD. Will the minority leader yield?

Mr. DASCHLE. I will soon yield. I was just given a notice that would be of interest, I think, to our colleagues. Congressman HENRY GONZALEZ just released the February 25, 1996, supplemental report to the Resolution Trust Corporation, entitled "A Report on the Representation of Madison Guaranty Savings and Loan by the Rose Law Firm." In releasing the document, Congressman GONZALEZ makes the following very brief statement:

> The report completely supports the Clintons and shows that they have been wrongly accused. The report shows clearly that the Clintons told the truth about Whitewater. As for Madison Guaranty Savings and Loan, the Clintons knew nothing about the shady activities of Madison's owners. With regard to the charges that Mrs. Clinton knew about wrongdoing in the Casa Grande development, the report shows that these claims are false.

Mr. President, I yield to Senator DODD.

Mr. DODD. Mr. President, I was going to raise that question. I was wondering whether or not the minority leader is familiar that the report prepared by Pillsbury, Madison & Sutro, at the cost, I point out, of nearly $4 million, using the services of former Republican U.S. attorney Jay Stephens. They reached the conclusion—to quote from the report, that "there existed no basis whatsoever. There is no evidence, however, that the Rose Law Firm had anything to do with the sales. In essence the evidence suggests that these transactions were put together by Mr. McDougal and others at Madison." It further concludes, "It provides no basis for any sort of claim against the Rose Law Firm and, hence, Mrs. Clinton."

I point that out and ask the leader whether or not he is aware of this. But the earlier report, which this latest report supplements, concludes on page 78 of the report, "Therefore, pending the results of the criminal case, it is recommended that no further resources be expended on the Whitewater part of the investigation." Was the minority leader aware of that conclusion?

Mr. DASCHLE. I respond to the distinguished Senator of Connecticut that I was not aware, until today, that the report had been completed and made available, and that it had such a resounding exoneration of the Clintons. I am not sure all of our colleagues are aware who wrote the report and under what circumstances this investigation was taking place.

Mr. DODD. It was done by a private law firm hired by the FDIC—not Congress, or by Democrats or Republicans—that has expertise in this area. The law firm is Pillsbury, Madison and Sutro, located, I think, on the west coast, using the services, I point out, of a former Republican U.S. attorney, Jay Stephens. They spent $4 million, in addition to the almost $26 million being spent by the independent counsel, the almost $2 million for the committee—and I do not know what the number is in the House—totaling more than $30 million spent on this investigation. Here is their report now that was added because, after the billing documents were discovered in December, they decided they better wait and take a further look at this. These conclusions are based on after examining those billing records that the people have talked so much about. Their conclusion is to stop it, do not spend another nickel on this, not another red cent. That is the conclusion of an independent body under the leadership of a former Republican U.S. attorney. Stop it. No more money on this.

Now, I inquire of the minority leader. That is not what we recommend. The minority leader's recommendation was to allow another month of hearings, and another month after that for a report to be filed; is that not correct?

Mr. DASCHLE. The Senator is absolutely correct. Just to make sure everyone fully appreciates what it is we are suggesting, you have an extraordinary investigation being conducted, as the Senator has indicated, by an independent body, largely directed by a Republican, who is not known for his love or affection for the President or the First Lady, who have concluded, as was just indicated, that there is no merit to continuing any further in this investigation. That is No. 1. Then you have an independent counsel whose activities and extraordinary amount of effort already put forth will go on for who knows how long, requiring millions and millions of dollars more and months and months and months more. So we have on top of that a Senate committee, which has now been in existence for more than 20 months, which is not asking for a week, 2 weeks, or 3 weeks to complete its work. But they want an unlimited amount of time. They cannot tell us whether it is going to be this year, next year, the year after, or how much longer they are going to want.

So I say to the distinguished Senator from Connecticut, the recommendations made by the Pillsbury report, I think, are shared by the vast majority of the American people. It is time to end this. We have to take those limited tax dollars and put them to better use here, in areas like education, the environment, in hearings on how to find better jobs, in areas that this Senate ought to be directing its effort toward, not in more politicized Whitewater investigations.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The minority leader has the floor.

Mr. DASCHLE. I yield to Senator DODD.

Mr. DODD. I say further to the minority leader, I do not know if he was aware of the amount of work. But here are almost 300 pages of a report by the Pillsbury firm. It was the initial report in December, and then this is the supplemental report of February that comes in. There is in excess of 300 pages after a 2-year study, by the way. This is 2 years of work, some $4 million, as I pointed out earlier. I was not aware whether or not the minority leader knew exactly how extensive this report was.

Further, may I inquire of the minority leader, he pointed out earlier how much time had been spent on matters such as Medicare, Medicaid, education, health, and the environment. I inquire of the minority leader whether or not he was aware that over the past 2 years, in addition to almost 50 hearings, by the way, on the Whitewater matter, and I gather another 15 hearings on Waco and Ruby Ridge, some 60 hearings, more than 60 hearings were conducted, juxtapose that with the hearings that were not held, frankly, in this 104th Congress on the issues that people do care about.

The minority leader, was he aware of the number of hearings?

Mr. DASCHLE. First, I respond by saying I was not aware that $2 million had been spent on the Pillsbury investigation——

Mr. DODD. Mr. President, $4 million.

Mr. DASCHLE. Excuse me, $4 million on the Pillsbury investigation.

They have now completed their work. As the Senator from Connecticut has indicated, they have recommended that there be nothing else done. They have completed their work, they have come to a definitive understanding of what happened, and are recommending that no additional action be taken. In spite of that, we are recommending additional time.

The Senator makes a very important point. In a poll taken just recently, the American people said of all the issues that they care the most about, public education by more that 2 to 1 is the most important priority that they hope the Senate and the Congress will devote its attention to; following closely is the effort to control crime.

Mr. President, 64 percent, almost as many people, felt we ought to look at the economy and good jobs. Here we have the American people saying, if it is up to them, they want to talk about education, they want us to deal with it. They want to talk about crime control and want us to deal with it more effectively. They certainly want us to try to find ways to build an economy that creates better jobs.

Yet, on those issues, there have been no hearings on the economy and jobs designated to examine ways with which to try to improve this situation. Of all the days we have had, now more than 400 days since the 104th Congress began, we can only find 3 days out of more than 400 to find time to hold a hearing on public education—3 days.

Mr. President, I think that speaks for itself. We can do better than that. In part, that is really what this is all about. Where do we put our attention? Do we really feel the need not for another month, not for another 2 months as we propose for the hearings and the report, but for an unlimited period of time? Do we really feel the need to go on and on and on with these hearings, given the record just in the last month of February, of this committee and the work that it has done so far?

Mr. DODD. Further, I inquire of the minority leader—he made the point earlier about other investigations that have been done by Congress. I asked our staff to compile a list of the most prominent of those hearings, Watergate being the one that most people probably recall the best, with the Church committee, going back to 1975. Some Members may recall that committee's work. Billy Carter and Libya—we have probably forgotten about that, but that got a lot of attention—ABSCAM; Iran-Contra; HUD; POW-MIA.

I just inquire, in every single one, I do not know if the minority leader was aware, but every single one of these hearings there was a termination date. I do not know if the minority leader was aware of that. I ask unanimous consent, Mr. President, that this list be printed in the RECORD for the purpose of people looking at it.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL INVESTIGATIONS

1. Watergate:
Authorizing resolution—February 7, 1973.
Initial reporting date—February 28, 1974.[1]
Final report—June 27, 1974.
2. Church Committee (Intelligence activities):
Authorizing resolution—January 27, 1975.
Initial reporting date—September 1, 1975.
Final report—April 1976.
3. Billy Carter (and Libya):
Authorizing u.c. agreement—July 24, 1980.
Date for interim or final report—October 4, 1980.
Report (designated interim, actually final)—October 2, 1980.
4. Abscam:
Authorizing resolution—March 25, 1982.
Reporting date—December 15, 1982.
Final report—December 15, 1982.
5. Iran-Contra:
Authorizing resolution—January 6, 1987.
Initial reporting date—August 1, 1987, extendable to October 30, 1987.
Final report—November 17, 1987.
6. Special Committee on Investigations, Indian Affairs (Federal administration of mineral resources and other matters):
Authorizing resolution—April 12, 1989.
Initial reporting date—February 28, 1990.
Final report—November 20, 1989.
7. HUD/MOD Rehab (Banking Committee):
Authorizing resolution—November 21, 1989.
Reporting date—February 28, 1991.
Final report—November 1990.
8. POW/MIA:
Authorizing resolution—August 2, 1991.
Committee to terminate—end of 102d Congress (January 2, 1993).
Final report—January 13, 1993.
9. Leaks (Judiciary—Anita Hill; Ethics—Keating):
Authorizing resolution—October 24, 1991.
Reporting date—not later than 120 days after appointment of counsel.
Final report—May 13, 1992.
10. First phase of Whitewater:
Authorizing resolution—June 21, 1994.
Reporting date—end of 103d Congress.
Report—January 3, 1995.

Mr. DODD. Mr. President, every single major investigation done by the U.S. Congress over the last 20 years that I can find in resolutions that had to come before this body had termination dates in them, primarily because of the very reason the minority leader has raised the issue today—they become open ended, they become political, it becomes a fishing expedition. That is why the wisdom of our colleagues historically has said, "Look, we will let you run, but you do not run indefinitely. You have to finish up your work. If you do not, we know what you do." They did not say "Republicans," they did not say "Democrats." They said, "All of you." We will put a termination date on here so you come back to the full body and report and get it over with.

Otherwise, these things go on indefinitely. With all respect to my colleague from New York, his proposal is just that—to go on indefinitely with another half million dollars.

I inquire of the minority leader whether or not he was aware that, in fact, there were termination requirements in every single major hearing by this Congress?

Mr. DASCHLE. I respond to the distinguished Senator from Connecticut saying the answer is, yes, I was aware of it. I think most people are aware this is an unprecedented request. Never, at least in recent history here in the Senate, has a committee ever asked for an unlimited amount of time to continue an investigation. Never. The list that has just been submitted for the RECORD demonstrates what has happened through all the investigations that we have had in recent times. We have submitted a date. Now, in some cases those dates have been extended. In fact, I think that happened with the Iran-Contra at one point. Those dates had to be extended.

However, in no case has any committee been given the authorization for an unlimited period of time to continue to carry on whatever it is they were doing. This is unprecedented. This is precedent setting and just one of the myriad of reasons why we feel so strongly about the impropriety of this request.

Mr. SARBANES. Will the Senator yield?

Mr. DASCHLE. I am happy to yield to the Senator.

Mr. SARBANES. One of the strongest——

Mr. D'AMATO. Mr. President, is that for a question?

Mr. SARBANES. Yes.

Mr. D'AMATO. I just wanted to ascertain if it was for a question or for the purpose of yielding the floor. It is proper to yield for a question. I have now watched this discussion and observed this for a period of time, but I do believe there is a manner by which Members can seek the floor. It should not be by way of any Member yielding to a Member unless it is a unanimous-consent request and reserving time. Certainly, the posing of a question is proper, and if it is yielding for a question, I understand and will not object.

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[1] Often reporting dates are in the form of, as in the Watergate resolution, "at the earliest practicable date, but no later than ________."

I ask my colleagues, in the interest of comity, because the Senator from New York would have engaged in the same situation and I understand people want to make their points, but there are others who would like to make their points. I hope that if you yield it would be for a question and we can work out some way in which my colleagues can make their points without having to impinge on the rules.

Mr. DASCHLE. We could probably ask the clerk how much time has been allotted to this debate so far and who holds the majority of time so far consumed. I know that the chairman had a good deal of time to express himself, and we did not object to that. We certainly will not object to further comments by the chairman or anybody else, but certainly in keeping some balance, I certainly hope that he understands the need for us to have an equal opportunity to address many of the points he raised.

I yield to the Senator from Maryland for a question.

Mr. D'AMATO. May I inquire of the clerk if they have kept time?

The PRESIDING OFFICER. The Democratic leader has the floor.

Mr. DASCHLE. I yield to the Senator from Maryland for a question.

Mr. SARBANES. Is the minority leader aware that one of the strongest advocates of placing a time limit in order to ensure that the hearings would not drag into a political year was the then-minority leader, now majority leader, Senator DOLE, at the time of Iran-Contra?

At that time, he said there was a conflict between some Democrats, both in the House and Senate, who wanted no time limitations placed on the committee and Republican Members who wanted those hearings completed within 2 to 3 months, which was an absolutely truncated period.

I want to point out that we joined in a resolution last year in May that carried these hearings to February 29, so we made no effort then to have such a truncated period that it would not be possible to do the work.

Senator DOLE then said he wanted to shorten the time period even more. He says, "I do believe that shortening the time period from October 30 to August 1 is a step in the right direction. If, in fact, we do want to complete action on this resolution at the earliest possible time, then the August date will be extremely helpful."

Then he went on to say, "I am heartened by what I understand to be the strong commitment of both the chairman and vice chairman to avoid fishing expeditions, to keep the committee focused on the real issues." Later in debate he said, "There is still a national agenda that needs to be pursued. There are a number of issues that must be addressed. The American people are concerned about the Iran-Contra matter, but they are also concerned about the budget, about the trade bill, about health care, and a whole host of issues that will have to be addressed in this Chamber. The problems of the past, as important as they are, are not as important as the tasks of the future."

Now, the Democratic-controlled Congress recognized—it escaped no one's attention—that if the investigation spilled into 1988, it would keep the Republicans on the defensive during an election year. And Chairman INOUYE of the Senate, Democratic chairman, and Chairman HAMILTON of the House, recommended rejecting the opportunity to prolong the hearings. They determined that 10 months would be enough, and they agreed to a termination date.

Mr. DODD. Will my colleague yield to me, in response to a question, just on the point the Senator from Maryland is making?

Mr. DASCHLE. I will yield to the Senator from Connecticut.

Mr. DODD. This is a very good point. I ask the minority leader if he would not agree this is a tremendously important point. I want to point out to my colleagues here and the minority leader that prior to that time, Mr. Poindexter and Mr. North had deleted—this was public information—over 5,000 e-mails. Mr. North had a shredding party at the White House, as reported by the United Press International. Fawn Hall had changed sensitive documents on North's orders, as reported, by the way, all prior to the consideration of abbreviating the hearings. I ask the minority leader—so we have had none of this, by the way, under this present investigation.

Here, with this information of shredding documents, destroying e-mails, trying to take documents by stuffing them in their cowboy boots and sneaking them out of the White House—knowing that, with full information, is it not correct, I ask the minority leader, that the point that the Senator from Maryland is making is even more poignant, because even with that information, the Democratically controlled Congress said, give a finite period and wrap up these hearings. Is that not true?

Mr. DASCHLE. Both Senators make a very important point. In the face of tremendous evidence of obstruction of justice, that Congress decided that there were more important considerations.

There has been no finding of wrongdoing in this case. So the analogy that others have used with regard to this particular investigation is wrong. It is baseless. So I think the Senator from Connecticut makes a very, very important point.

Mr. DODD. When the two Senators from Maine made the case about extending the hearings, they were fully aware of this kind of information. Was that not the basis for the point in the book they talk about?

Mr. DASCHLE. That was exactly the basis and that was the whole point made by the Senators in their book.

Mr. SARBANES. Furthermore, if the leader will yield, is it not the case that any charge relating to obstruction of justice will be handled by the independent counsel? This committee is not going to bring such a charge, or instigate any punishment. We do not have the authority to do that. That is something the independent counsel does. And is it not the case that whenever our hearings end, the independent counsel will continue? He has an open-ended charter, and it is his responsibility to look into this matter and to bring charges for any violation of the criminal law.

Mr. DASCHLE. And the record will show, I would say to the distinguished Senator from Maryland, that that is what happened in the Iran-Contra hearings. The investigation, I should say, by the independent counsel, went on and on for years following the committee. So I think the Senators have made a very, very important point.

Mr. PRYOR. Mr. President, will the Senator from Maryland—who has the floor, Mr. President?

Mr. DASCHLE. I retain the floor, and I yield for a question to the Senator from Arkansas.

Mr. PRYOR. I would like to inquire, Mr. President, of the very distinguished Democratic leader.

Yesterday I was sitting in a Finance Committee hearing. We were listening to the Governors' reports on Medicare and Medicaid. And, by the way, we were here almost at the first of March. For the information of Members of the Senate, this was only the fourth meeting this year, the fourth meeting this year of the Senate Committee on Finance.

One of our colleagues on the committee, I say to my colleague from South Dakota, expressed disbelief that we have not yet dealt with the welfare package, that we have not dealt with passing the welfare reform bill. And I happened to calculate, well, one reason we are not dealing with legislation is pretty simple: The Senate is not functioning this year.

As a matter of fact, in 1995, up until this point, I say to my colleague from South Dakota, the distinguished leader of the Democrats, we have had 97 votes; we have had 97 votes in this body. In 1996, by the same date, we have had only 21 votes in the U.S. Senate, in 1996. There is only one committee, for all practical purposes, that has been functioning, and that is the so-called Whitewater committee. In 1996, with 15 hearings, 15 hearings thus far, 47 hearings total—time consumed, resources of the Federal Government. In fact, we have had almost as many hearings of the Whitewater committee as we have had votes in the Senate in the year 1996.

I wonder if the distinguished minority leader was aware of those facts?

Mr. DASCHLE. I was not aware of them, but it goes to the point that we were making earlier, I say to the distinguished Senator from Arkansas, that there have been no hearings on health care, there have been no hearings on the economy and on jobs. There have been only 3 days of hearings on public education—3 days in all of this time.

So the point made by the distinguished Senator is an accurate one. The fact is, nothing is being done. There is no effort to address some of the major concerns that people have expressed over and over in poll after poll. So I think the Senator makes a very valid point.

Mr. PRYOR. Mr. President, I wonder if my distinguished leader would also answer this question. I wonder if the distinguished leader was aware that already the Whitewater committee has deposed 202 persons—202 persons?

Mr. DASCHLE. I was not aware.

Mr. PRYOR. I do not know how that would compare with Iran-Contra or some of the other hearings we have had, but I tell you that is a lot of people to depose.

Mr. President, 121 witnesses have now testified before the Whitewater committee. The Whitewater committee has subpoenaed all long-distance telephone records, domestic telephone records, calls by the White House, and they have examined 45,000 pages of White House documents. I think this is an unheard of amount of evidence that they are trying to go over and over and over.

Mr. President, also I noted in the Washington Post, finally—finally—the newspapers and press are about to become aware of an issue that I think is also critical to this story, and that is the amount of legal fees, the amount of legal fees that many of these witnesses are being forced to bear. Most of them could not afford these fees. There were stories this morning in the Post about some of those individuals and some of the tremendous, burdensome, and very high, tremendous legal fees that these individuals are being now asked to assume personally—not paid for by the Government, but personally. This will bankrupt them into perpetuity. It will destroy their financial lives and their financial well being. And I hope, Mr. Leader, that we will see a higher degree of sensitivity to those concerns.

Mr. DASCHLE. I think the Senator from Arkansas makes a good point.

Mr. President, it is not my desire to prevent others from seeking recognition. I know the Senator from Illinois has waited a long period of time to ask a couple of questions. I will defer to him and yield to him for purposes of asking the question, and then I will yield the floor.

Mr. SIMON. I thank the minority leader. I appreciate it.

On the point Senator PRYOR just made, that we have had 121 witnesses, Senator SARBANES has described this as a fishing expedition. And you have, Mr. Leader, said absolutely nothing has come up in terms of either illegal or unethical activities on the part of either the President or the First Lady.

Would it be fair to characterize this fishing expedition, that has cost the taxpayers huge amounts of money, that is a fishing expedition going after a whale but so far has not even produced a minnow?

Mr. DASCHLE. That is an innovative characterization. I think the metaphor it represents is an accurate one. There is not much evidence of any real catch here. And that is really what the effort has been all about, to see if they can get a political catch. The political catch has turned up empty.

Mr. SIMON. The Senator from South Dakota, and my colleague from Maryland, for whom I have great respect, have gone further, frankly, than I would go in saying we will continue this until April 3. Frankly, if I could vote to cut it off tomorrow, I am going to vote to cut it off tomorrow, because I think it is getting nowhere. I think the American people understand that. I like my colleague from New York. He is fun to be with, and I read his book, "Power, Pasta, and Politics." And it is pure AL D'AMATO. It is fun to read. But I think we have to recognize the political purposes.

Why are we doing this? It is hard for me to come to any conclusion other than we are doing it for pure politics. Is not it true that there is an excessive amount of cynicism out here in our society today? I think one of the reasons for that excessive amount of cynicism is that we play partisan games around here. I am not saying the Republicans are the only ones guilty of that. We are guilty of it. PAUL SIMON has been guilty of it occasionally. I am sure none of the rest of you have been guilty of that. But I think that is what makes the public cynical. They see us playing political games instead of dealing with the real problems. I think what you are trying to do is to say let us move on to the real problems.

Then one final point that ties in with what Senator PRYOR had to say: Not only are we hauling people in—121 witnesses who have to hire lawyers and their expenses—but we are terrifying people. This is not fair to people. We are calling in secretaries and people who have probably never even talked to a Senator. And all of a sudden they are on television—a nanny. We are calling people in who know nothing. The one witness ended up his statement saying, "I do not know why I am here." I said to him—a lawyer by the name of Jennings—I said, "Mr. Jennings, that is two of us. I do not know why I am here either."

I think we have to stop playing games. I think that is the thrust of what the minority leader is trying to say.

Mr. DASCHLE. I thank the distinguished Senator from Illinois for the eloquent points which he has made.

I read a comment just this morning that I think is so appropriate. It goes to the points raised by the Senator from Illinois and the Senator from Arkansas. Somebody said in the paper this morning, "Welcome to the Federal Government. You need a telephone, a tablet, and a lawyer." "A telephone, a tablet, and a lawyer." And there are some lawyers that have already garnered more than a half-million in fees to represent people of modest means before this committee and others. That is wrong. We should not subject people who want to dedicate themselves to public service to that degree of financial burden, to that degree of concern and humiliation in some cases.

So I think the Senator from Illinois has made a very important point.

I know that there are others who seek the floor. At this time, I yield the floor.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. D'AMATO. Mr. President, might I ask my friend and colleague to yield to me for 30 seconds without losing his right to the floor?

Mr. FAIRCLOTH. Yes.

The PRESIDING OFFICER (Mr. THOMPSON). Without objection, it is so ordered.

Mr. D'AMATO. A question was just raised. How deceptive things can be. Yes. A witness did say—and he was a lawyer, a very distinguished lawyer—"I do not know why I am here." That was, I guess, Mr. Jennings.

Let me tell you why the committee had him appear. This is an example. We had Mr. Jennings appear because he came to Washington and had a meeting with Mrs. Clinton, and David Kendall, her lawyer, just days after the RTC–IG report criticizing the Rose Law Firm was released. And he happened to represent Seth Ward who had significant transactions. We did not just drag somebody in willy-nilly. The fact is he had total memory loss as it relates to significant questions. We have not even gone into that.

I yield the floor.

Mr. SARBANES. Will the Senator yield for an observation on that point?

Mr. FAIRCLOTH. I was going to make an observation.

Let me finish, and then I will yield.

Mr. DODD. Just to respond to that particular point which the Senator had.

Mr. D'AMATO. Our colleague has the floor, and it has been over 1 hour since the other side had their right.

Mr. FAIRCLOTH. I yield 30 seconds to respond because I want to come back to it myself.

Mr. DODD. I thank my colleague.

I think as to the point which has been raised here regarding Mr. Jennings, a phone call to him, as far as deposition, would have answered the question. He had come up. He was asked because he practiced law in Arkansas with Mrs. Clinton, and the issue was raised as to whether or not she was a competent lawyer. That is why they came together. He could have answered that question in about 15 minutes. Instead he was brought before the entire committee for a whole day. He said she was competent.

Mr. FAIRCLOTH. The Senator says that we could have gotten an answer by a phone call. We could not get it in a full day of testimony. He could not remember how many times he had been to Washington. He could not remember what he was here for. He had no earthly idea, and told me he flew from Arkansas to Washington for 20 minutes to recall cases he had tried with the First Lady. He did not even know who paid for the trip. But talking about something that could have been handled by the telephone, the meeting with the First Lady, that would have been it.

But, Mr. President, I have watched just how we have gone on here, and, No. 1, what we are trying to do here is put a price on this investigation. What the Democratic side of the aisle, the other side of this aisle, is saying, is that we should put a price on the integrity of the White House, and it is costing too much to establish whether there is integrity in the White House or not, and that we should cut off, and let it go. We simply cannot afford to establish the price of integrity of the White House.

But as to the length of a hearing, it is the length of a bullfight. It is whose ox is being gored. And right now, the way it is going I do not see why anyone would not want the hearings to continue. In fact, to clear her name, I would have thought the First Lady would have been down here saying, "Please go on with the hearings. I want this cloud removed from my law practice, and what I have done in my life prior to being in Washington."

But what I would like to do very quickly is compliment the chairman. He has done a great job, in fairness, as chairman of the special Whitewater committee. Just in a brief word, the former chairman, Don Riegle, did a great job too. So we have had good, honest leadership in the Whitewater committee from day one.

But just so many things come up that I want to respond to. The distinguished and honorable Senator from Arkansas, Senator PRYOR, said we have not dealt with welfare. The House passed a great welfare bill. The Senate passed a good one, and out of conference came a good welfare bill that would serve this country well. If I remember correctly, the President vetoed it. That was not dealing with welfare.

I think the first question here that needs answering is why are the Democrats in the Senate and the White House so determined to end the investigation? If there is nothing there, then why not continue, what harm would come to the White House?

Do not tell me it is the cost of money. There has been a constant attempt to deceive and to weave a gossamer facade to cover this up. That is exactly what it has been from day one, and I have been to most of the hearings. It has been a constant effort to deceive, we weave, we cover it up, and we get it out of here.

Why not continue? As I say, it would appear to me that to remove this cloud the President and First Lady they would be down here asking the hearings to be continued. I think their actions have answered the question.

There is very much something to Whitewater. Look at the people who have been indicted, or are under investigation, and look at those who have resigned. The honorable minority leader said we had not caught a minnow. But I doubt if some of the people that have been indicted, or who are under indictment, like the Governor of Arkansas, and are going to be tried, would classify themselves as minnows. They certainly would not like us to.

If there was nothing to this investigation, why else would billing records under subpoena for 2 years turn up in the White House in the reading room next to Mrs. Clinton's private office?

Now, the honorable Senator from Connecticut was referring to some past investigation in which they carried records out of the White House in their cowboy boots. Well, to answer that, I say to Senator DODD, Maggie Williams did not need cowboy boots to get them from Vince Foster's office to the President's quarters. They got there. How else could they have gotten there. This is the most secure room in the world. And I go back to saying, if it is not the most secure room in the world, it ought to be. And anybody who knows how to make it more secure ought to tell the Secret Service people, because where the President sleeps it should be.

Mr. President, how would the average citizen fare if he were raided by the FBI and a 10-pound bag of cocaine was sitting on his dining room table or in his reading room in his house and he said, "I don't know how it got there. It couldn't have been me." It is here. How did it get here? What would they say? "Oh, well, that's perfectly fine; you know, things like that happen all the time." No.

Well, these records showed up. They are valuable, and have been under subpoena for 2 years, and we need an answer to how they got there.

Take the notes from Mr. Gearan and Mr. Ickes, where have they been? Why would they have been hidden for 2 years? Because the meetings show possible attempts to obstruct the Department of Justice investigation. Very simple. The notes on the meeting we went over and over with Mr. Ickes, they wanted to make sure the Arkansas Securities Commissioner Beverly Schaffer and the White House were synchronized in telling the same story to the Federal investigators.

Well, Mr. President, the truth does not have to be synchronized. If she is telling the truth, it was the truth going in and it will be the truth coming out.

Why would the White House go to such length and use parliamentary maneuvers to block consideration of the resolution? We know they oppose it, but they do not want it even debated.

Mr. President, another question that needs answering here is whether or not Governor Clinton gave out leases from the Arkansas State government in return for campaign contributions. Hearings that were scheduled to occur this week probably would have answered that question, if we could have had the hearings.

The committee planned to explore the possibility that an Arkansas State agency, the Arkansas Development Finance Agency, known as ADFA, was ordered to lease a building owned by Jim McDougal in exchange for Mr. McDougal hosting a fundraiser for then Governor Clinton in 1985.

Mr. President, the second question is whether Dan Lasater was given preferential treatment on State bond contracts.

Now, for those of you who do not remember, Dan Lasater was a convicted drug dealer who, by sworn testimony, provided airplane travel, some 35 trips, for the President, when he was running for Governor of Arkansas. He held fundraisers at his offices around the State of Arkansas to raise funds for Governor-to-be Clinton. And then State bond business was directed to him to the amount of at least one windfall profit of $750,000, and it has been reported that the Governor himself lobbied the legislature to make sure that the contract was awarded to Mr. Lasater.

Dan Lasater gave a job to Roger Clinton, Bill Clinton's brother. He paid off Roger Clinton's drug debts. This is a true friend of the President. Dan Lasater was eventually convicted of trafficking in drugs.

Mr. PRYOR addressed the Chair.

Mr. FAIRCLOTH. I was corrected by Patsy Thomasson at the Whitewater hearing; he was convicted of "social distribution" of cocaine.

Mr. PRYOR addressed the Chair.

Mr. FAIRCLOTH. I suppose there is some gossamer difference there, but I am not aware of it.

Mr. PRYOR. Mr. President, will the Senator from North Carolina yield for a question?

Mr. FAIRCLOTH. No, I will not. I have been waiting for some hour and a half, and I will yield when I am finished.

Mr. PRYOR. I was only going to ask what Lasater has to do with Whitewater, which is absolutely nothing, and the Senator from North Carolina should know that.

Mr. FAIRCLOTH. Mr. Lasater has a lot to do with Whitewater, and the Senator from Arkansas should know that. Mr. Lasater was convicted of "social distribution" of cocaine. He was sent to prison. He was pardoned for his crime of drug trafficking by then-Governor Bill Clinton. Dan Lasater's company received tens of millions of dollars of State bonding contracts from the Arkansas development and finance authority. This was an agency controlled by Governor Clinton. Patsy Thomasson was Dan Lasater's top assistant for nearly 10 years. She had his power of attorney to handle his financial interests and run his companies while Dan Lasater was serving time in prison for trafficking in cocaine.

Now, in a twist of irony, the former head of the Arkansas Development Finance Agency is head of White House personnel, and guess who his deputy is? Dan Lasater's former deputy, Patsy Thomasson.

The committee is specifically charged under Senate Resolution 120 with probing the links between Dan Lasater and the Arkansas Development Finance Agency. The link takes us right to the top of the White House. If that does not bring Dan Lasater into Whitewater, I do not know what does.

Is this why the White House wants to stop the investigation? All of a sudden, after being willing to throw millions and billions of dollars at any project anywhere in the world, now they say we cannot continue, we cannot afford this investigation; it is breaking the Government. We send foreign aid around the world. The President supports it. He supports money for any giveaway program. But here the Democrats are saying now we cannot do this.

Mr. SARBANES. Will the Senator yield?

Mr. FAIRCLOTH. No, the Senator will not yield.

Mr. SARBANES. Why don't you bring him in for a hearing?

Mr. FAIRCLOTH. Why don't we do what?

Mr. SARBANES. Why don't you bring him in for a hearing?

Mr. FAIRCLOTH. The President?

Mr. SARBANES. No, Lasater.

Mr. FAIRCLOTH. We are going to.

Mr. SARBANES. Why don't you do it. You had all these days when you could have done it, and you did not do it. Why don't you bring him in?

Mr. FAIRCLOTH. We are going to bring him in.

Mr. SARBANES. Let's have a hearing. Let's test the allegations.

Mr. FAIRCLOTH. We had his lieutenant here, and we are going to bring Dan Lasater in. And we are looking forward to having him.

Mr. SARBANES. You had all the days when you could have done it, and you did not do it.

Mr. FAIRCLOTH. We are going to do it in the future.

I comment to the Senator from Maryland, there are so many of them coming out of Arkansas, there were so many dipping out of that kettle until we have not gotten to Lasater yet, but he is on the way.

But why do they want to stop the investigation now? I think only the White House can answer the question. But I think it is a sad procedural tool to be stopping the Senate investigation at this point with the somewhat feeble excuse that it has gone on too long and it is costing too much, simply because we are rapidly getting to the heart of Whitewater. And as the Senator from Maryland just said, we are going to bring in Dan Lasater, but there have been so many we have not gotten to him yet, but he is coming.

It is our constitutional duty to conduct this oversight hearing. The savings and loan crisis cost taxpayers $150 billion. Madison, the one that served as the pool of money in Little Rock, lost $68 million and maybe more.

And 80 percent of the Arkansas State-chartered savings and loans—80 percent of them; one of the highest in the Nation—failed while Bill Clinton was Governor. This cost the American taxpayers $3 billion in failed Arkansas savings and loans while Bill Clinton was Governor.

Mr. President, I strongly urge my counterparts on the other side of the aisle to stop the filibuster of this resolution, let the truth come out. I would think it would be exactly what the President and First Lady would be recommending: Let the chips fall where they may, let us see the truth, but let the American people who suffered the loss—let the American people who suffered the loss—at least be rewarded with the truth and get on with the investigation.

Mr. President, I yield the floor to the Whitewater Chairman, Senator D'AMATO.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. I will make a very short statement.

Mr. SARBANES. Mr. President, I assume the chairman got the floor on his own right, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. SARBANES. I thank the Chair.

Mr. D'AMATO. Mr. President, I do not intend to be long, because I think there will be extended and long debate. As I said, we are not able to get a vote of the Rules Committee or get the Rules Committee to consider the resolution which would have authorized the expenditure of up to $600,000.

By the way, in order to get some kind of relevance, I think if we were to combine both committees, the prior committee that met, the Whitewater committee that met under the chairmanship of Senator RIEGLE, and this committee, that we have spent something less than $1,500,000. If we want to look at the Iran-Contra with respect to money spent, I think they spent something in the order of $3,298,000, almost $3,300,000 in 1986, 1987 dollars. That would obviously be even more today.

When we talk about $30 million, and it is convenient to mix it in and say, "$30 million would buy a lot." That is the independent counsel. That special counsel that has taken $20-plus million, was appointed at the request of the President and the Attorney General. I think we ought to understand that they are different investigations, not mix the two.

When we speak to the issue of the Pillsbury report, there have been some statements made that they said we should not go on any further. Let us understand that the Pillsbury report was very limited in nature and scope. The fact of the matter is that they were operating under a time constraint. And, indeed, they have a total agreement that tolls as of March 1. They did not and still do not even in their secondary report have all the facts and information. They have to make a determination with respect to whether a suit should go forward on the basis of cost-effectiveness.

They were unable to come to a conclusion based upon all the facts. As a matter of fact, on page 164 of the report they expressly concluded, "This conclusion does not necessarily mean that the evidence exonerates anyone." So let us understand that. The report was for the very limited purpose as it relates to the FDIC bringing a civil suit against Madison. And it was up against a time line. And it did not have all the facts. We have a different role, a far different role.

Now, look, I have attempted to approach this today not in terms of charging partisan politics, although it is obvious to me that there has been a conscious attempt by some to say that is the only reason this committee is asking for an extension. I think that is unfair. I think it is unfortunate. I think what does take place, whether consciously or not—and I think rather consciously—is that those who make claims are attempting to poison the well as it relates to the credibility of the committee. That is unfortunate.

They are attempting to paint the committee as partisan, as political.

I say there was a great Governor in our State, Al Smith. He said, "Let's look at the record." I heard lots of things, let's look at the record, the length of time the committee met, et cetera. We know the committee for months and months could not carry on its work. My colleagues know also that there have been many occasions, including the last several weeks, when we have not been able to go forward because of scheduling problems, and because we were looking toward a continuation and knew we could not finish our work, and because there are dozens of witnesses that are unavailable, and it would not be timely to call them.

There is a sequential order that we need. And these witnesses, in many cases, first need to appear so we can take depositions. In some cases, after we take depositions, we do not bring them in to testify. I think we have to look at that.

Again, I am just going to reflect on the question of hearing the facts. The former U.S. attorney—who was objected to, whose law firm participated in or did the Pillsbury, Madison, and Sutro report, did not participate in the final conclusion—did not participate in the final report, but did have a limited involvement.

Today's Washington Post says, "The retention"—I am trying to give a balanced position on this—"The retention of the Pillsbury firm in 1994 drew sharp complaints by the White House because Republican former U.S. Attorney Jay Stephens, a critic of the Clinton administration, was a member of the Pillsbury team evaluating Madison." It goes on to say—I think this is most instructive and important because we can all pick out some little thing and attempt to pile on, try to make something out of it and blow it out of proportion—"His work on the matter however amounted to only about 10 hours." So this was not a report authored by Mr. Stephens.

Again, when we look at the report, its scope, its narrowness, it does not give license to us to say that the work of the committee is done.

Last but not least, I have to suggest to my friends and colleagues on the other side—and I am not disputing anybody's motivation; they say enough is enough, let us terminate this—if indeed we had access to all the information; if it was forthcoming; if it was not withheld, whether by, again, design or because of human error; if we were not constrained by the independent prosecutor—and, again, I, indicate it was our intent to bring various witnesses in, we would not just surrender our rights; then we may have been in a position to wind up this investigation.

The question is posed, why did we not do that? Because we ascertained from the special counsel his concerns and more importantly we ascertained the likelihood of us bringing in or attempting to bring in some of the witnesses. One in particular, Judge Hale, would have brought forth a plea or an indication that he would avail himself of his constitutional rights, and that is, to take the fifth amendment or indicate that he would take the fifth amendment. That would have cut us off and put us in a position where it would have been rather doubtful that we could get him at any time. We did not go forward. That is the reason.

Again, Al Smith said, "Let's look at the record." With the exception of one situation, notwithstanding that there may not have been some bargaining with respect to the scope, I heard, "Oh, the scope of some of the subpoenas that were requested were too broad." Yes, indeed, when you are looking for information there is a tendency to cover the waterfront. All of those matters were narrowed down by way of counsel, majority and minority, with the exception of one occasion, and that had to do with Bill Kennedy and the famous Kennedy notes, where we had the references to the Rose Law Firm, et cetera—and even then I do not believe that the administration should have pushed us to that.

It was not the committee's desire to ask for enforcement of the subpoena. It was only when they refused, refused to make those notes available. And by the way, why did they withhold them? There was no question they could have done it before. Only on that one occasion did it finally come down to the fact that we had to insist on enforcement. Then the notes were turned over.

So, to attempt at this date today to say at this time that the work of the committee has been and is partisan, that our request to go forward is partisan and is political in nature, is just not the case. I understand the concern to limit the time. I am not suggesting to you—that is why, by the way, as you say, Senator—in my presentation to the Rules Committee, I said that my desire was to terminate, to set that at the end of February, February 29, because we did not want to run it into a political season.

That was my desire. It is my desire today that we terminate sooner rather than later, but only after we get the facts and conclude our work. Ours is not an investigation that should be driven by time alone. I never envisioned that we would run into the problems that we did. I do not think that my colleagues did.

In good faith, there has to be some attempt to reach some comity, or are we going to just simply charge "politics, politics" and drag in the red herrings and talk about how many committees and the economy—sure, people are concerned about the economy and jobs. Do you want me to begin to assert what I think could or should have been done? We should have balanced the budget. We passed a balanced budget here. It was vetoed—vetoed.

If we had a balanced budget that was passed, interest rates would be coming down and the economy would be prospering. Do you want to talk about that? That was not impugned or impinged, the fact the economy is in trouble, because of the Whitewater committee.

Do you want to talk about getting the economy going? Give the working middle class a tax cut. Come forward. If you want to drag in politics and rhetoric, we can do that.

If we want to concentrate in terms of attempting to do the work of the committee in the way that keeps politics to a minimum, this chairman is willing to attempt to work out an accommodation. But I say in all good faith, the set time line proposed, which is April 5, will not give us the opportunity to get the witnesses we need, and will bring us right back into the same situation that Senator Mitchell, former Democratic chairman, and Senator COHEN advised us against. To set up an arbitrary time line—and I am now paraphrasing them—is to bring about a stratagem of delay. I am not suggesting, as I said before, that it would be delay just by the administration or the administration alone. Defense attorneys for various witnesses who may have something to be concerned about will look at that time line. I can guarantee you this will take place and there will be delays.

All the charts in the world are not going to overcome that. All the sloganeering in the world will not overcome that. I suggest to my colleagues that we are going to have plenty of time for political charges to be made next week. Maybe this ought to be the time that we not engage in so much of that political rhetoric and begin to attempt to see in what manner we can continue the work of the committee with the best hope and opportunity to wind up sooner rather than later.

If my colleagues want to take that up, I am willing to do that. I stand ready and willing to work to accomplish our goal without, again, setting a time line which is guaranteed to bring about more delay.

Those sentiments are not original sentiments expressed by the Senator from New York; those are sentiments and concerns that have been expressed by Senator COHEN and by former Senate majority leader, Senator Mitchell. They said they should not have done it. They did. They set time lines with the best of intent.

I suggest the situation is analogous today. Theirs was an attempt not to go further into the political season, and they said they made a mistake—made a mistake.

I do not know how to work out of this dilemma. I understand the legitimate concerns of my colleagues. I really do. I say if there is a way in which we can do it, if it is an authorization, I do not know where it will take us—we can start the work as soon as the trial is completed. We can continue work. There are certain witnesses that we cannot bring in now. There is certain work we can do that we do not have to do by way of public hearings. By the way, Mr. President, let me suggest to you, simply because a committee is not holding public hearings does not mean that there has not been tens of hundreds of thousands of hours of work in terms of the examination of witnesses, in terms of sifting through evidence, in terms of various interrogatories which have been sent out and reviewed. My colleagues know that. I think it is rather disingenuous to come up and simply say, "Well, you didn't have hearings on X, Y, Z days." We can get out the records and we can talk about how many attorneys asked for delays, how many people had legitimate excuses, how many people put forth that there were medical reasons they could not be here, how many could not be here on a particular day because their counsel was too busy.

We have attempted to accommodate people on both sides. The fact we may not have had a hearing on a particular day does not go to the essence of the work of the committee.

Let me say again, last, but not least, as it relates to the fact that there may or may not have been hearings held by other committees with respect to their relevant duties and obligations, whatever they may be—Medicare, Medicaid, health care—and let me take this opportunity to say that I intend to support the Kassebaum-Kennedy bill which will deal with health care which is scheduled to come to the floor. I think that is a good bill and is going to go a long way toward helping. The work of the Whitewater committee has not precluded these other committees or the Senate from undertaking its work. The fact that there may have only been 20-some-odd votes this year as compared to 90-some last year at the same time, again, is not something the Whitewater work has impeded.

These are arguments that are put forth and which are fraught with, I think, specious undertones, a kind of red herring to divert attention.

"Thirty million dollars has been spent on this matter." Look, we spent less than $1.5 million, and that is both committees. I do not think we have to spend $600,000. Why do we ask for it? Because, if at the end we have, let us say, 3 weeks or 4 weeks of work to do and we run out of money, we do not want to be in a situation where we have to again come back to the floor of the Senate. I think we can complete it for less, but the fact of the matter is, you learn by experience. But certainly to say that this is one of the most costly investigations, that is just not the case. As I said, the Iran-Contra ran almost $3,300,000. Their work was compressed in a shorter time. How is that? We have examined more witnesses, taken more depositions. So I think in terms of management of the taxpayers' funds, we have been frugal. I am prepared at another point to go into the kinds of things we have developed: The fact that there have been people who have pled guilty, the fact that there are indictments pending, the fact that there is substance, not just smoke, to many of the things that people are concerned about.

But, again, lest we be unfair, this chairman and this committee has an obligation to get the facts, and if those facts exonerate, clear away the webs of suspicion, why, then, that would be the pronouncement of the committee. I want the chips to fall where they may. If there are practices that should not have been undertaken but that were which may not fall into a criminal area, or if there may be matters that may be of a criminal nature, then that will be the undertaking of the special counsel to decide what, if anything, may be appropriate.

But we should not be afraid of going forward. Democracy is not always nice and tidy, and sometimes it does invite some things that are not pleasant. They are not pleasant for either side. So sometimes we have to do the business of ascertaining what are the facts. It is not all fun, but it is necessary and sometimes it is even somewhat hurtful. I think we have to attempt to not look to deliberately hurt people but to do our job to get the facts. That is what I hope we will be able to do.

Mr. President, I said I am not going to continue and go into what the committee has found and some of the open questions, because I believe that we will be here next week unless we can get a resolution of this. My colleagues on the other side have indicated that they are going to ask for extended debate, and I think there certainly should be extended debate. But debate that reaches more than just that and denies us an opportunity to vote, I think that would be unfortunate.

Again, everyone has a right to play out their role in this matter.

I yield the floor.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I want to take a few minutes to recapitulate where we are.

On May 17 of last year, the Senate adopted Senate Resolution 120 which provided for the establishment of the Special Committee to Investigate Whitewater Development Corporation and Related Matters. That resolution provided $950,000 to conduct the investigation. That funding expires on February 29, 1996, which is today. From the beginning, it was and remains my strong intention that this investigation be carried out in a fair, thorough, and impartial manner, and that it be completed before the country enters into the Presidential campaign. By authorizing funding only through February 29, 1996, Senate Resolution 120 accomplished this objective. In fact, that resolution states that the purposes of the committee are "to expedite the thorough conduct of this investigation, study, and hearings," and "to engender a high degree of confidence on the part of the public regarding the conduct of such investigation, study, and hearings."

Indeed, Chairman D'AMATO himself, when he went before the Rules Committee in the first part of last year in seeking funding for the investigation, stated, "We wanted to keep it out of that political arena, and that is why we decided to come forward with a 1-year request."

The funding deadline has now been reached. The investigation has not been completed. I will discuss, in a moment, the reasons I believe the committee failed to complete the investigation by the cutoff date. The Senate must decide now whether to continue the investigation and, if so, what additional funding and what additional time to provide.

I want this clearly understood. We passed a resolution last year by an overwhelming bipartisan vote to carry out an inquiry through February 29 of 1996. In my judgment, as I will indicate shortly, that was more than adequate to complete the inquiry. It has not been completed, and the chairman of the committee, Senator D'AMATO, is now proposing a resolution for an additional $600,000 in funding and an unlimited extension of time to continue the Senate's inquiry into the so-called Whitewater matter.

Unlike S. Res. 120, which we passed last year, this proposal now for an unlimited extension completely disregards concerns about extending the investigation deep into a Presidential election year. In my view, it seriously undermines the credibility of this investigation and creates the public perception that this investigation is being conducted for political purposes.

As my distinguished colleague from Connecticut, Senator DODD, indicated earlier, there is no precedent that I am aware of for the Senate to conduct an open-ended investigation of a sitting President during a Presidential election year. In fact, as I understand it, there is no precedent to carry on an open-ended inquiry. All of the various investigations—and, as I understand it, the Senator put a list into the RECORD—placed a defined timeframe. As I indicated earlier in my quotes, this is a matter on which Senator

DOLE, now the majority leader, has spoken repeatedly in the past in very strong terms, with respect to the need to have a defined time period.

Now, this proposed additional funding for this committee, another $600,000, would bring Senate expenditures on the investigation of Whitewater to $2 million. It is $1,950,000, just under $2 million. It needs to be understood that this is not the only money that is being spent on Whitewater. There is a tendency to say we are spending this $2 million. Then you can say, what about all the other expenditures that are being made? This is not the only inquiry taking place. There is the RTC commission of Pillsbury, Madison, and Sutro, a distinguished San Francisco law firm, to carry on a civil investigation with respect to these matters involving Madison, and other related matters. They have now issued their final report, in which they find no actionable conduct. They have concluded that no legal actions should be taken.

The cost of that inquiry is just under $4 million. So we add the amounts of $2 million and $4 million on the Pillsbury Madison. The independent counsel has spent, to date, we are informed, over $25 million and is spending at the rate of a million dollars a month. Of course, regarding the House committees, we do not know what the cost of their inquiry is. So over $30 million in direct costs have been spent by the Federal Government on the Whitewater investigation, and millions more have been spent by Federal agencies assisting with or responding to these investigations.

This Whitewater committee made a very broad request to the White House for e-mails. It was so broad that it was eventually clear that this really was not workable. It was an onerous request. When it was finally narrowed down, we got a response from the White House. They have now provided 7 of the 9 weeks of e-mails, and the other 2 weeks are about to come up.

Of course, the committee keeps sending further requests. I want that understood. This is a rolling game, and further requests are made. It has cost the White House hundreds of thousands of dollars to retrieve those e-mails because the Bush administration put in a system that made it very difficult to retrieve the e-mails. The Clinton administration changed that system back. From the date when the system was changed back, they were able to give us the e-mails after that date immediately. But the previous e-mails, under the Bush system, were extraordinarily difficult to retrieve. We are now in the process of receiving those, and we hope to complete it soon. They have had to bring in a contractor from outside, lay on a lot of extra staff, and spend hundreds of thousands of dollars in order to do that.

Now, the proposal of Chairman D'AMATO was first put forward for $600,000 and an unlimited time period. In the majority report on the progress of the Whitewater investigation, which was submitted to the Senate on January 22 by the special committee, the minority argued very strongly in its report that the committee, instead of seeking an extension of time and more money, should undertake an intensified hearing schedule in the final 6 weeks to complete its investigation by the February 29 deadline. I want this very clearly understood. In mid-January, we urged an intensified hearing schedule in order to complete the responsibilities that were before us.

I want to point out that in the last 9 days remaining to this committee under S. Res. 120 to conduct hearings, only 1 day of hearings was held—in the last 9 days of that time period. In the last 9 days of the Iran-Contra committee, when it was coming up against its deadline, they held hearings on 8 of the 9 days. This committee held 1 day of hearings over the last 9 days. No hearings this week. One day of hearings last week.

On the 23d of January, Senator DASCHLE wrote to Senator DOLE, stating,

> It is well within the special committee's ability to complete its inquiry by February 29. The committee can and should adopt a hearing schedule over the next 6 weeks that will enable it to meet the Senate's designated timetable.

Senator DASCHLE was absolutely correct. Unfortunately, there was no serious effort to intensify the hearing schedule in order to meet the February 29 deadline. In fact, sadly, to the contrary. As I indicated last week, the committee held one hearing with one witness. This week, one hearing was scheduled, but it was canceled. In other weeks, 2 or 3 days of hearings were held. Never were there 4 or 5, as was done with Iran-Contra. Indeed, as this committee did itself earlier in the year—this committee itself, back in the summer, held hearings 4 and 5 days a week. We have not done that once, during 1 week, in the January to February period, even though there was no Senate business, there was no business on the floor of the Senate, and therefore we were free from those interruptions.

Some of the witnesses had nothing to add. I just want to give two examples of this, which really in some ways is distressing. Susan Strayhorn, a former secretary, came in. A hearing started at about 10:30, finished at 1:00 or 1:30, and many of the questions at the hearing were so long-winded, at one point in the hearing Mrs. Strayhorn stated, "I am sorry, Mr. Chairman, could we have a short break? I am nodding off here."

There are other examples I mentioned. We have taken over 200 depositions. There is no selectivity and focus on the work of this committee. We took a deposition from a Mr. Charles Scalera. This should never have happened. If the majority counsel cannot call him up and find out whether there is anything there—the deposition began. He was brought in. He had to be sworn. He had a lawyer. We had to get the reporter to record it and go through that expense. The deposition began at 2:15, finished at 2:30. Mr. President, 15 minutes, and these were the last questions in the deposition:

> Question: Do you have any other information other than what you have gleaned from newspaper and media reports that you can give to the special committee regarding Mr. Foster's death?
>
> Answer: No, none whatever.
>
> Question: Any information other than what is reported in the media or the newspaper regarding Whitewater Development Corporation?
>
> Answer: None whatever.
>
> Question: Madison Guaranty Savings and Loan Association?
>
> Answer: None whatever.
>
> Question: Capital Management Services?
>
> Answer: None whatever.
>
> Question: Seth Ward?
>
> Answer: No.
>
> Question: David Hale?
>
> Answer: No.

Finally, counsel says, "Thank you very much for your time. I have nothing further."

Mr. LEAHY. Will the Senator yield?

Mr. SARBANES. I yield to the Senator for a question. I do have a statement I want to complete.

Mr. LEAHY. Mr. President, I have listened to what has been said here. Am I correct that, in all, the Senate investigation has spent 1.3 million of tax dollars, heard from over 150 witnesses, collected more than 45,000 pages of documents, and have not proven any criminal or ethical violations by anybody in the White House?

Mr. SARBANES. That is the current state of affairs. The Senator is correct.

Mr. LEAHY. Mr. President, if I might ask a further question of my friend, he is familiar with normal court procedures. I spent years as a prosecutor. I think, from my own judgment, if any assistant prosecutor in my office had gone on an expensive witch hunt like this, and a grand jury for all this, the foreman of the grand jury would be calling me as district attorney and saying, "Hey, you better come down and answer what in Heaven's name you are answering to for our time and money."

Would that be the experience of my friend from Maryland? At some point, the grand jury or the judge would be saying, "Why are you wasting our time and money?"

Mr. SARBANES. I think the public is increasingly coming to ask those questions. They are asking the question, "Why do you now seek another $600,000, bringing the cost of this to just under $2 million, and why are you projecting it further into the President election year?"

As I indicated, I think the extending of—indefinitely—the proposal of Chairman D'AMATO and his colleagues undermines the credibility of this investigation and would obviously contribute to a growing public perception that is being conducted for political purposes.

Mr. LEAHY. If I may ask one last question of my friend from Maryland. I know he has a statement to make.

I ask if this is his experience. My experience from Vermont, a State with maybe two-thirds of the people considering themselves Republican, my experience has been in letters I receive constantly, in things that people say to me when I am home on weekends, over and over again, people of all walks of life in my State have said, "Enough is enough. Don't you people have something important to do in Washington? Why are you spending this time and money?"

I ask my friend from Maryland if that has not been his experience in the State of Maryland?

Mr. SARBANES. Mr. President, I think it is a perfectly legitimate question for the public to be asking. I do not think there is any question about it.

First of all, it must be understood that the independent counsel's work will continue. Who knows how long that will go on. Under the charter, it is unlimited and the amount of resources is unlimited. They have already, we understand, spent $25 million, or at the rate of $1 million a month. He has broad authority. He has a professional staff of approximately 130 people, 30 attorneys, over 100 FBI and IRS agents, and the Reauthorization Act sets no limits on the duration or the cost of his investigation. So that is at work. It has been at work for a long time. It will continue to be at work.

Now, he is about to start some trials. The other side treats those trials as though they are going to be held on camera. They say, "We need the testimony of the people at those trials." Those people are going to make their testimony at the trial, and it will be on the public record.

This committee has held almost 50 days of hearings. It has heard from over 120 witnesses. It has taken over 200 depositions. It has gotten tens of thousands of pages of documents from the White House and from the President and First Lady's private attorney. It has nearly 30,000 pages of deposition testimony.

Mr. FORD. Will the Senator yield? I apologize, but I think it is timely.

Mr. SARBANES. I yield to the Senator.

Mr. FORD. Mr. President, would the Senator have some idea how much legal expense by the individual witnesses—I saw a story in the paper today. We begin at $50,000 and $60,000 and $400,000, and individuals are being called before the Whitewater Committee that are absolutely scared to death, had no idea of what is going on, had nothing to do with anything. Yet, they are advised to get an attorney, and they hire an attorney, and they cannot pay their mortgage. They have to borrow money to pay their attorneys' fees.

We keep on keeping on, keeping on, and we are absolutely ruining families financially, calling all these people that have no relevance to the committee business at all. Has that ever been added up?

Mr. SARBANES. We do not have that figure. The figures we are giving are public expenditures of money to do the inquiries. The costs that are imposed on the people that come forward as witnesses we have no accounting for, although we do understand that for many of these people those costs are very substantial and they are in no position to bear the cost.

I want to distinguish between two groups of witnesses. There are some who come before the committee, and I agree completely, they ought to be there. There are questions that need to be asked if we are going to do our inquiry. One of the consequences of such inquiry is that people bear costs, and at some point I think we need to give consideration to that as a Congress. There are other people that are being called before our committee and they get there, and they essentially sit there through the hearing. They really have not much to contribute. Maybe they get asked a few questions, and then they, too, incur expense. Some of these are very young people, and others hold low-level positions—clerks, secretaries. It is very clear that this is a terrifying and traumatizing experience for them, personally traumatizing.

Mr. FORD. Mr. President, that is somewhat different from the Ethics Committee or a grand jury investigation. When staff is called to go before the committee, to have representation, the Senate pays for that. The Senate furnishes attorneys. If the Senator himself or herself is not involved, then the Senate pays for the legal counsel.

So what you have here is that in certain instances we pay—we, being the taxpayers—pay for the legal counsel. In this particular case it comes out of the individual's pocket, hundreds of thousands of dollars.

So I think that we are making a real mistake here, crushing families financially for the political whim of a few individuals.

Mr. SARBANES. I would then make this point about the situation we find ourselves in here now, because I know the matter is pending in the Rules Committee.

Mr. FORD. Mr. President, may I answer that? There was a meeting of the Rules Committee called yesterday afternoon at 3:30, and it was postponed. There has been no other meeting called of the Rules Committee.

Mr. DODD. If my colleague will yield?

Mr. FORD. I do not know that anything was before the Rules Committee yesterday.

Mr. DODD. If I may ask my colleague from Maryland to yield so I can ask a question. I sit on the Rules Committee. There was a meeting of the Rules Committee this morning, was there not?

Mr. FORD. An oversight meeting, from 9 o'clock until 1:30. Then there was another one this afternoon at 2, and it went on until about 4 o'clock.

Mr. DODD. Let me inquire. If a quorum had been produced in the Rules Committee, could not the Rules Committee then have marked up and sent out the bill that we are being asked——

Mr. FORD. Only with unanimous consent of the Senate. We were beyond—the 2 o'clock period was beyond the 2 hours. The committee hearing was only for oversight. It would have had to have been expanded this afternoon. This morning, I am not sure. I had not given it any thought.

Mr. DODD. I was referring to this morning.

Mr. FORD. I think that is correct.

Mr. DODD. Was there a quorum at any point present?

Mr. FORD. There was no quorum. There were only three Senators there this morning at any one time.

Mr. DODD. Was the majority leader of the U.S. Senate, who is a member of the Rules Committee, present?

Mr. FORD. No, sir.

Mr. DODD. I thank my colleague.

Mr. WARNER. Mr. President, yesterday, as chairman of the Rules Committee, I was informed that the Banking Committee had reported out a resolution under the procedures of the Senate. It came to the Rules Committee, whereupon I immediately contacted the distinguished ranking member, Mr. FORD, and actually went to his office where we visited for a period of some 15 to 20 minutes.

In a very forthright manner, the two of us ascertained that we could not achieve a quorum of nine members and, therefore, we could not act on the legislative matter that had been received from the Banking Committee.

Mr. FORD then counseled with the distinguished minority leader; I counseled with the distinguished acting majority leader, the Senator from Mississippi, Mr. LOTT. It was clear to me, and I was under the clear impression that it was clear to Senator FORD, that yesterday we would not endeavor in any way to bring this matter up, even for purposes of discussion, even though I had earlier intended to schedule a meeting for 3:30.

Today's agenda of the Rules Committee had been planned for some weeks. Notice was given to all members.

The agenda today was restricted to the subject of testimony from the Secretary of the Senate, the Sergeant at

Arms, and the acting Architect, and other witnesses relative to their subjects. At no time did Senator FORD and I discuss today the matter of the pending issue that came from the Banking Committee.

So there was no question today of trying to raise a quorum for the purpose of considering the pending legislative matter that arrived yesterday from the Banking Committee. I regret that others somehow in the colloquy today might have raised this question. I assure the Senate that that was never on the agenda today. There was no effort to get a quorum for the purposes of consideration, and it was my clear understanding that the earliest date which the Rules Committee could address this issue would be next Tuesday.

(Mr. GREGG assumed the chair.)

Mr. SARBANES. Mr. President, some of my colleagues on the other side have been treating this matter as though the choice is between terminating the inquiry right here and now or an indefinite extension, which is what Senator D'AMATO has proposed. I want to underscore the fact that Senator DASCHLE put forward last week a proposal for providing additional time and funding to complete the work of the special committee authorized by Senate Resolution 120.

Senator DASCHLE proposed providing until April 3, an additional 5 weeks, for the Senate committee to complete its hearings schedule and until May 10, a further 6 weeks thereafter, for the committee's final report to be produced. Senator DASCHLE proposed then, in order to carry us through that period, additional funding of $185,000; not $600,000.

Let me point out, in Iran-Contra, in the 5 weeks leading up to the end of their hearings, they held 21 days of hearings. So, if this committee followed the schedule of the Iran-Contra committee in July and August of 1987, it could do 21 days of hearings within the time period provided by the proposal put forward by the majority leader. That is almost half again as many hearings as have already been conducted by this committee over this entire period.

Five weeks of additional hearings should be more than adequate to complete the so-called Arkansas phase of this investigation. In fact, that phase concerns events that occurred in Arkansas some 10 years ago, events which have been widely reported on since the 1992 Presidential campaign and about which much has already been said. Witnesses have been brought in, and they tell the same story that has been in the newspaper 3 and 4 years ago. In fact, I must tell you—I do not have it here with me, I will get it for further debate— we had one witness with whom we were going over the notes about the January 1994 period. So the next day there was a story in the press about that. We compared that story with the story that had been written in the press back at the time. The first two paragraphs of those two stories are virtually identical.

I mean, we are simply replowing old ground. I understand some people want to do that, as well as whatever new ground there may be. But to now appropriate another $600,000 in order to carry out this kind of inquiry? This investigation can be brought to a proper conclusion for far less money than the $600,000, and the remainder of those funds can be put to a far more constructive purpose. As I indicated before, the inquiry of the independent counsel will continue. He and his predecessor have already spent more than 2 years investigating Whitewater-related matters. We anticipate they will continue. So it is not as though these matters are not going to be looked into. In fact, this committee does not have the power of bringing actions. That rests with the independent counsel.

In addition, as my distinguished colleague from Connecticut, Senator DODD, pointed out, a comprehensive report by an independent law firm, Pillsbury, Madison, and Sutro, retained by the RTC, has now been made public. Its key findings are that they find no conduct on the basis of which action can be brought.

Let me now turn to two arguments that are put forward to support an open-ended extension of time, which is what the proposal is that is before us. One is that there has been delay complying with White House document requests by the White House. And regarding complying with document requests, they point to documents that are provided late. I just want to make this point. Those documents were provided. I have been in other inquiries in which documents were never provided; in fact, in which they were destroyed. What happens here is they come forward with the documents. Instead of saying, "Good, we have the documents, we can now examine them," people are berated because the documents were not provided earlier. It is reasonable, with respect to each person, to ask them why were they not provided earlier. I mean Mark Gearan said that, by mistake, these documents were packed up, put in a box, and shipped over to the Peace Corps when he went there to be the Director. He did not know that had taken place. Later he found out that it had taken place, and he moved, then, to respond with the documents to the requests that had been made of him.

But it must be understood that the White House experienced difficulties in complying with document requests because some of the majority's requests were extremely broad and burdensome. For example, in early September the majority sent to the White House a request—now, listen carefully to this—calling for the production of any communications, contacts, or meetings; any communications between anyone in the White House, current staff or former staff, and anyone on a list of about 50 people, on any subject—any subject matter whatsoever—over a 18-month period.

Just think of that. Take a moment to think about that. You get a document request that says we want any communication between any present or former member of the White House staff, which is quite a large number. I do not know the exact number. But it is many, many people, and anyone on a list of more than 50. Actually that list included any employee of the RTC which literally involves thousands of people if you take it literally—any communication between those groups on any subject matter; any subject matter whatsoever over an 18-month period. Think of the enormity of that request. Obviously, such a broad and onerous request slowed down the document production effort. We engage then in an effort to narrow this request and to focus, and in effect to pinpoint it on what was really relevant, and once that was done, we were able to get a response in a reasonable period of time.

The majority request for electronic mail records encountered the difficulty that the White House did not have an existing capability to retrieve all e-mail messages potentially encompassed by the committee's request. The White House attorneys explained that the e-mail system implemented by the Bush administration and inherited by the Clinton administration did not save e-mail records in retrievable form. Under the Bush administration's system, only weekly backup tapes for the entire computer network were maintained up until the Clinton administration put a new system in place in July 1994. The White House actually has produced responsive e-mail created after July when they put their new system into place. So there was a problem on how to proceed under the technical constraints imposed by the Bush administration.

Finally, this matter was resolved through a more specific definition by the committee of the e-mail request. In other words, we were able to identify particular weeks instead of a broad request over an extended period of time involving huge numbers of people. The White House committed a major outside computer contractual firm to assist it, and we have now been receiving those e-mail. We still have 1 or 2 weeks to go in terms of furnishing them to the committee, although additional requests have been made in recent days I understand.

In any event, it is important to recognize that these documents were produced, and, in fact, one produced contained little meaningful information.

Let me turn to the argument that is made that we need an indefinite extension in order to await the completion of the trial that is about to begin in Little Rock. When the Senate passed Resolution 120 creating the special committee and defining its powers and responsibilities, the independent counsel's investigation was already well under way. The Senate recognized that fact and provided for it in the resolution. It was not the intent of the Senate, as reflected in the resolution, that the special committee's work be delayed, or put on hold because of the activities of the independent counsel. In fact, the independent counsel has along the way raised concerns about the committee's investigation. The committee declined to suspend its work to accommodate those concerns, and on October 2 of last year Chairman D'AMATO and I wrote to independent counsel Kenneth Starr and advised him that the committee intended to proceed with its investigation contrary to wishes expressed by him in his letter of September 27. We said in that letter,

> We believe that the concerns expressed in your letter do not outweigh the Senate's strong interests in concluding its investigation and public hearings into the matters specified in Senate Resolution 120 consistent with section 9 of the resolution.

In other words, on October 2, we said to the independent counsel we are going to go ahead despite your inquiries in order to complete by the date provided in the resolution, February 29. We are not going to await the outcome of your trial. Now we are being told just the opposite. Now we are being told we must await the outcome, and therefore we must extend the inquiry beyond the completion of the pending trial.

Indeed, four witnesses have informed the committee that they will invoke their right against self-incrimination and refuse to testify. But that is no reason for the committee to extend this investigation into the political season, a result the Senate avoided when it provided the funding for the investigation only through February 29, 1996. That problem was recognized at the time. It was part of the thinking at the time. And the thinking was that we would not defer if that became the issue before us to the independent counsel.

In fact, in that letter of October 2 to independent counsel Starr, Chairman D'AMATO and I said, with respect to the position of the special committee in seeking the testimony of defendants in criminal trials initiated by the independent counsel, and I will quote:

> The special committee does not intend to seek the testimony of any defendant in a pending action brought by your office, nor will it seek to expand upon any of the grants of immunity provided to persons by your office or its predecessor.

That was the position that the committee took on October 2 as we projected forward as to what our work schedule would be.

It must be understood that delaying beyond the trial will not affect the ability of witnesses to assert their privilege against self-incrimination. In fact, I think it is fair to say that they can be expected to continue to assert their fifth amendment privileges. Even the availability of defendants, if one were to decide to seek them, would be affected by the trial's outcome. If the defendants are convicted, appeals will likely follow probably on numerous grounds and take months, years. All my colleagues know the workings of the legal system. During that time, the defendants will retain their fifth amendment privilege notwithstanding the prior trial and conviction. Even if acquitted, they retain the privilege for charges other than on those on which they were tried. So it is very unlikely you will obtain this testimony in any event.

Second, this trial is being treated as though it is going to be in camera. In other words, that this trial is going to begin and that no one is going to know what the testimony is at the trial.

Now, obviously, that is not the case. I am told, in fact, that the press and media are already moving from here in Washington to Little Rock, and so I anticipate that the trial will be well covered and well reported.

No one knows, of course, how long the trial will last. Estimates are 10, 12 weeks, maybe longer. I think this letter that we sent—and I will discuss it at greater length subsequently because I take it my colleagues wish to speak, but the October 2 letter which Chairman D'AMATO and I sent to Independent Counsel Starr is instructive in this regard because it operated on the premise that we had to complete our work, that we were not going to be placed in the posture by the independent counsel of backing up our work behind his work. I think that was a wise position then. I think it remains a wise position.

I am very frank to tell you, as I indicated at the outset, that the proposal for $600,000 funding and the unlimited extension of time is a proposal that disregards concerns expressed here a little less than a year ago, concerns that Senator DOLE has expressed on other occasions with great vigor, completely disregards concerns about extending the investigation deep into a Presidential year, and therefore I think it undermines the credibility of the investigation and creates the public perception that it is being conducted for political purposes.

I do not think there is justification for the proposal for an indefinite extension of time. I am very much opposed to it.

Senator DASCHLE has come forward with an alternative proposal that I think is reasonable. He has not said that we are going to simply stick with Senate Resolution 120. He has offered a proposition to extend the hearing schedule to the beginning of April and some additional time to do the report. I think the committee could complete its inquiry within that time period, and I think that will give some assurance to all of us here and to the American people that this investigation is being conducted in a fair, thorough and impartial manner.

Mr. President, I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I do wish to be heard on the issue of the Whitewater extension, but first I have a unanimous consent request.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the nomination of Gen. Barry R. McCaffrey to be Director of the Office of National Drug Control Policy, reported out of the Judiciary Committee today. I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, that any statements relating to the nomination appear at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The nomination was considered and confirmed as follows:

EXECUTIVE OFFICE OF THE PRESIDENT

Barry R. McCaffrey, of Washington, to be Director of National Drug Control Policy.

Mr. SPECTER. Mr. President, I am pleased to support the nomination of Gen. Barry R. McCaffrey, USA, to be Director of the Office of National Drug Control Policy. I congratulate the President on his fine choice.

As a strong supporter of the legislation to create the Office of National Drug Control Policy as part of the Executive Office of the President, I regret that the Office has not met my expectations. Perhaps no one should be surprised that the directors have been unable to exercise full authority over the numerous Federal agencies that have jurisdiction and responsibilities over some aspect of the far-flung war on drugs. These agencies range from the military, law enforcement agencies, public health agencies, education agencies, foreign affairs agencies, and border control agencies, among others.

The Director of this Office must be skilled in the ways of the numerous bureaucracies that come within his domain. He must be able to meld these disparate agencies into a single, effective weapon reaching toward the same goal, even through widely different means. He must be able to handle competing political demands for resources and balance long-term goals with short-term needs. The most important weapon in the Director's arsenal is the President's committed support to the ending the plague of drug use in our Nation.

In 1992, our Nation had achieved a remarkable record in reducing drug use over the previous 10 years. While still confronting excessive crime rates due to illegal drugs, we had made real headway. Not surprisingly, crime rates soon followed in a downward trend. I regret that this record of success has been turned around since 1993.

While cocaine use has been relatively stable since then, the use of other drugs has increased significantly. Heroin use is up, as is the purity of that pernicious drug. Meanwhile, the price is down, demonstrating that heroin supplies have been increasing. This is not an unexpected problem. Under Senator BIDEN's leadership, the Judiciary Committee held a hearing on the subject of heroin trafficking in 1992. The problem has still not been satisfactorily addressed.

Even more troubling is the sharp increase in juvenile drug use. Recent studies show increases in the use of all sorts of drugs among students in junior high and high schools. The sharp increase in marijuana use among these children, double between 1992 and 1994, is most troubling because of marijuana's frequent use as an entry-level drug. Students who use marijuana are 85 times more likely to use more serious drugs than those who do not. LSD, methamphetamine, and inhalant use among students is also increasing.

I believe leadership from the top has been lacking for the past few years. I hope that the nomination of General McCaffrey signals a renewed commitment to fighting the war on drugs.

Wars must be fought on many fronts. Even armies with overwhelming strength and superiority can lose a war to a foe that can take advantage of strategic weaknesses. While the United States has been waging its war on drugs, we have not been doing it intelligently. Too many resources have been wasted on international eradication and interdiction efforts. Not enough resources have been dedicated to the real, long-term answers to the drug problem: education, prevention, and rehabilitation.

While I was a little concerned with General McCaffrey when he was nominated, because of his background in interdiction, those concerns were put to rest by the commitment he expressed both at his confirmation hearing and in his responses to questions submitted for the record to prevention and treatment programs as the key to solving America's drug problem. General McCaffrey is right. America cannot win the drug war by focusing on law enforcement. Prevention, education, rehabilitation are the real keys to winning this war. With General McCaffrey leading our efforts, I am convinced that we will do better and once again begin to make strides in our collective effort to reduce the drug problem.

I also want to note my appreciation to General McCaffrey for his willingness to come to Philadelphia to view first-hand the scope of the drug problem in an American city and some of the innovative steps taken to combat that problem. I look forward to his visit soon.

Mr. HATCH. Mr. President, today the U.S. Senate considers the nomination of Gen. Barry R. McCaffrey, President Clinton's nominee to be Director of the Office of National Drug Control Policy—the so-called drug czar. I strongly support General McCaffrey's nomination and applaud President Clinton's choice of this decorated hero of the Vietnam and Desert Storm conflicts.

General McCaffrey currently runs the United States military's joint command in Latin American—Southern Command, also know as SOUTHCOM. SOUTHCOM is responsible for overseeing the military's Latin American interdiction efforts.

I have been a vocal critic of President Clinton's drug policy, or should I say, lack of drug policy. While President Clinton has abdicated his responsibility to combat the plague of illegal narcotics to fight the war on drugs by refusing to use the bully pulpit of the Presidency to speak out against drugs, I believe that he should be commended for the nomination of General McCaffrey to join forces with others such as Judge Freeh [FBI], Tom Constantine [DEA] and Attorney General Janet Reno who have been instrumental in fighting the drug war. General McCaffrey has the opportunity to use his position to condemn drug use and take active steps in formulating a policy that will help this Nation triumph over drug abuse.

A question I have is whether the selection of General McCaffrey signals a new-found commitment by the President to lead in the drug war, or whether it is, more simply, an election year make over. But I am willing to give the President the benefit of the doubt. I am willing to see if he will provide General McCaffrey with the support necessary to reverse the disturbing trends we have seen the past 2 years, trends that suggest substantial increases in youthful drug use.

In order to be successful, General McCaffrey will need to engage the full support and involvement of the President. The general promised me that he enjoys the President's full support. I want General McCaffrey to know that he will have strong allies in Congress for a serious effort against drugs.

Senator BIDEN and I, for example, have made a major commitment of time and energy to the drug issue, including shoring up the drug czar even after President Clinton slashed it substantially in his first year in office. While the President cut the Office of National Drug Control staff from 147 to 25, I am pleased that General McCaffrey said he plans on increasing staff to its original level of 150.

Last summer Senator BIDEN and I saved the office from elimination. As late as last week we interceded to lift an earmark against ONDCP's operating budget. These recent efforts to eliminate or cut back the drug czar's office reflect congressional frustration with the Clinton administration's abdication of responsibility. I hope we will see the President take a more active role in supporting General McCaffrey and in condemning illegal drug use.

General McCaffrey has raised three children free from the scourge of illegal drugs. I hope he will now view all this Nation's children as his own, and take their futures to heart as he devises and implements a drug strategy. I hope the Senate will commit to assisting him any reasonable way that it can.

Mr. WARNER. Mr. President, it is a distinct pleasure for me to speak briefly on the confirmation of Gen. Barry R. McCaffrey as the Director of the Office of National Drug Control Policy today. It comes as no surprise that a man of General McCaffrey's stature and accomplishments has been confirmed so swiftly by the Judiciary Committee and the full Senate. As Senator HATCH mentioned in his remarks at the Judiciary hearing yesterday, President Clinton has made a bold and enlightened choice to be our next drug czar and I know he will bring fresh energy, ideas, and experience to this difficult challenge.

I cannot let this occasion go by without briefly mentioning some of the many awards and accomplishments that General McCaffrey has received during his illustrious military career: two awards of the Distinguished Service Cross, two awards of the Silver Star, three awards of the Purple Heart for wounds suffered in Vietnam, leader of the 24th Mechanized Infantry Division whose left hook attack against the Iraqi army was the decisive ground battle in our gulf war efforts. In order to accept the President's call to duty in the drug war, General McCaffrey will retire from the Army: there is no greater indication of his love of country than this sacrifice to take on a new challenge.

The extent of the drug war is well known and seems to have worsened during the last few years, especially among our young people. General McCaffrey's recent responsibilities as commander of the Southern Command has plunged him into the counternarcotics battle, experience which will serve him well in his new post. Along with his unquestioned moral authority and leadership skills, this experience makes Gen. Barry McCaffrey uniquely qualified for this position.

I urge the Congress to assist our new drug czar in this fight in policy determination, financial commitment, and moral leadership. Only by enlisting all of us as soldiers in this war will the generals in the fight, such as General McCaffrey, be able to win the war on drugs. I wish my friend the best in his new position and it has been a singular honor for me to participate with my friend, Senator NUNN, in introducing General McCaffrey to the Judiciary Committee.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, in anticipation of the visit by a foreign dignitary, so that we can bring him to the floor, I now observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, we will be a few minutes yet before the foreign dignitary will be able to visit with us in the Chamber, so I thought we would go ahead and proceed with the debate. So, I seek recognition to speak on the Whitewater committee extension.

WHITEWATER

Mr. LOTT. First, Mr. President, I want to make note of what is being done here. The distinguished chairman of the Banking Committee has asked for a very fair unanimous consent that the Senate bring up the resolution extending the Special Committee To Investigate Whitewater Development Corp., and that it would be presented in a most fair manner, 2 hours of debate, equally divided, with an amendment in order by the distinguished Democratic leader, Senator DASCHLE, or his designee, and an hour of debate on that, and we would then proceed to vote.

That unanimous-consent request has been objected to. It seemed like a fair way to proceed to me. It is normal business. You bring up a resolution, you have a very fair procedure where the other side can offer an alternative and we can have a vote on that and then proceed to vote on the resolution as it is presented. That has been objected to now about four times. We are just trying to find a way to move this to a conclusion.

This Whitewater committee has a job to do. The American people understand that. They want the job to be done. But that job is not complete. It would have been nice if it could have been wrapped up a month ago, or today. But the work is not completed. It is not completed partially because there has been this slow process. They talk about a perception of politics; how about a perception of coverup?

I can understand how there are documents can be misplaced at one time and then turn up, like the billing records did in the private residence at the White House. That is one example. And then there are these documents that Mr. Gearan found. Then there are the documents which Mr. Ickes found. I think that came out just in the last week or so.

Every time it looks like all the documents that can be found have been found—and I am not on the committee; I am just observing it as a normal Member of the Senate would—and when the Senate seems like it is getting to the point where we could begin to move to some conclusions, another raft of papers just appears out of thin air.

I want to commend the chairman of the Banking Committee. He has been diligent. He has been very calm in the way he has handled this committee. He has been very fair. Yet he is, on the one hand, criticized because they have not had hearings every day and on the other criticized because of all that has been done and all the documentation that has been accumulated. I just think he is entitled to some credit for the very calm and methodical job that has been done.

Those who want to say, well, it is politics, those who are opposed to extending this hearing in the way that it should be extended, certainly you would think that they would have had the Washington Post or New York Times and other media in their corner. But that is not so.

The New York Times, in fact, on the 28th of February, said that Senator D'AMATO has in a non-partisan way made a very strong point about the need to continue the Whitewater committee. I want to read an excerpt from the New York Times. The editorial supports an indefinite extension of the committee and the duty of the Senate to pursue this matter in a fair way.

The New York Times editorial reads thusly:

> The Senate's duty cannot be canceled or truncated because of the campaign calendar. Any certain date for terminating the hearings would encourage even more delay in producing subpoenaed documents than the committee has endured since it started last July. The committee has been forced to await such events as the criminal trial next week of James McDougal, a Clinton business partner in the failed Whitewater land venture.
>
> No arguments about politics on either side can outweigh the fact that the White House has yet to reveal the full facts about the land venture, the Clintons' relationship to Mr. McDougal's banking activities, Hillary Rodham Clinton's work as a lawyer on Whitewater matters and the mysterious movements of documents between the Rose Law Firm, various basements and closets and the Executive Mansion. The committee, politics notwithstanding, has earned an indefinite extension. A Democratic filibuster against it would be silly stonewalling.

The New York Times is not exactly a Republican National Committee publication. The New York Times is not the only newspaper which has expressed similar views. There have been similar articles in the Washington Post.

So, I am a little surprised at what I have heard here today: that we're dragging the investigation out; that Whitewater is only about empty allegations and politics. There are also these complaints that there is nothing really to Whitewater. There is no "there, there," so to speak.

I do not know all the details. But I do know this, that in connection with this matter, there have been numerous guilty pleas and indictments. David Hale pleaded guilty on March 22 to two felony violations. Charles Matthews pleaded guilty on June 23, 1994, to two misdemeanor violations. Eugene Fitzhugh pleaded guilty on June 24, 1994. Robert Palmer pleaded guilty on December 5, 1994. Webster Hubbell pleaded guilty on December 6, 1994. Christopher Wade pleaded guilty on March 21, 1995. Neal Ainley pleaded guilty on May 2. Stephen SMITH pleaded guilty on June 8. Larry Kuca pleaded guilty on July 13, 1995.

We have indictments on numerous felony counts of Mr. McDougal. Eleven felony indictments were handed down against Governor Tucker. You know, I do not think we can lightly dismiss all of these things.

I acknowledge that these are separate proceedings that are being carried forth by the independent counsel's office. But as a matter of fact, the Senate has an even higher responsibility. We are not just looking at legal matters; we are looking at broader questions of misconduct, how Federal agencies or departments may have been used, how certain Federal funds may or may not have wound up in campaigns.

So even aside from all this, if you can just dismiss all this, you have to ask yourself, should not the committee be looking at that and a lot of other matters that are surrounding this Whitewater affair? So, clearly, the committee should have an extension of its time well beyond February 29.

Mr. SARBANES. Would the Senator yield?

Mr. LOTT. I will yield, but I want to take note that I listened a long time to the Senator's statements without any interruption. If the Senator would like to ask a question or make a point.

Mr. SARBANES. If the Senator would prefer that I wait, I will be happy to.

Mr. LOTT. Beg pardon?

Mr. SARBANES. If the Senator would prefer that I wait, I will be happy to do that.

Mr. LOTT. Would the Senator? Then I would be glad to respond to questions. And I would like to address some to the distinguished chairman of the committee because most Senators do not know the answers to some of these questions that are being asked out here today. I would like to ask those of you who have been involved to respond to those.

Certainly, the Whitewater committee should be extended beyond February 29. Even my colleagues on the other side of the aisle acknowledge this. But you want to put this arbitrary cutoff on it. Regardless of what happens in the trial that is beginning next week, you want to say by a date certain we are going to stop it no matter what happens in that trial.

I know some of the defendants maybe will be found innocent, or maybe they will be found guilty. Maybe there will be appeals. But we will find out. There are witnesses, I presume, associated with that trial that this committee has not been able to have testify.

How can we say to the committee, "Complete your work," when they may not have questioned some of the most critical witnesses? Again, I do not know what the end result will be. I do not know how long it will take. But I am uncomfortable, in view of the dribbling out of information, with saying you have to just stop it at some date certain, like May 3. The minute you say this is the cutoff date, the way things have transpired, what your guarantee is that there will be more withholding of information until that date arrives.

I have some sympathy for the White House, in a way, because I am amazed at how they handled this thing. They certainly have not helped this committee finish its work, even though the Whitewater affair is a blight on the administration. Surely, it would be better if we could get it all out in the open and reach a conclusion. I am sure that the administration, in many respects, is horrified at how some of this is being handled.

Let me say this, too. I served in the House for 16 years. I have been in the Senate 7 years. I was on the Judiciary Committee during the Watergate hearings. Oh, yes, is it not amazing how the worm sort of turns over the years, depending on which side of the aisle you are on. I remember Watergate, and I watched the Iran-Contra hearings. I watched the October surprise. I never figured out what the surprise was. I got the answer. There was not any. And now some of those who were saying we must get to the bottom of this, that we cannot have a coverup, that we have to go forward with this no matter what the cost, now they are saying, "Geez, we need to cut this thing off; it costs too much, it looks political because of an election year." If we had gotten all the evidence, if the special independent counsel had completed its work, maybe we could have completed it.

I want to talk about the dollars, too. Not only has the chairman done a very calm, reasonable, fair job, he has also been frugal. This committee has only spent $950,000 in the 104th Congress, as I understand it, through February 29. I understand there might have been an amount that was actually done in the previous Congress, bringing the total to like $1.3 million, I believe, and that is what the Democratic leader had said earlier.

Mr. SARBANES. If the Senator will yield?

Mr. LOTT. I will yield on that point.

Mr. SARBANES. This committee spent what was available to them. That was the $950,000.

Mr. LOTT. That is going to relate to what I am fixing to say. You talk about the cost. That is a very small amount of money in doing its job, especially when you compare it to what these other committees spent. For instance, the select committees on Iran-Contra spent well over $3 million, and in 1996 dollars, it would probably be $4.5 million on that investigation, according to the Congressional Research Service.

The October surprise investigation cost up to $2.5 million, according to the Congressional Budget Office. Chairman HYDE in the House, who served on the investigating committee, said the total cost, including salaries and expenses, amounted to probably as much as $4.56 million. It may have been for a shorter period of time, but the actual costs were greater.

According to the Congressional Research Service, the total cost of Whitewater, including the independent counsel, at this point has been $12,525,000.

Compare this $12.5 million to the $40 million in direct costs spent on Iran-Contra. Some estimates place the total cost of Iran-Contra as high as $100 million. Even the Watergate investigation, in which I participated, is estimated to have cost $26 million.

I understand you have the cost of the independent counsels and the entire cost of some of these other investigations, and in this case you have the independent counsel going forward, but the committee itself has been very reasonable in what it has spent.

What they have asked in additional funds is only $600,000. You are talking about, based on that money, 3 months, 4 months maybe, and if the work is completed before then, it certainly would have to be completed within 4 months, but it could be done before then.

I want to know, when did this committee establish 96 to 3, by a vote of the Senate last year, to become a political circus? What we are trying to do here is find out the facts, not facts as determined by Republicans or Democrats, but what happened in this matter. There are a lot of questions that remain unanswered, as far as I can see.

More and more this Whitewater affair looks to me like a scheme to fund dubious ventures illegally, perhaps with some of the tab ultimately being picked up by the taxpayer. These are important issues, not flights of fancy. To treat this investigation as anything less, as partisanship or vindictiveness, is wrong.

So, Mr. President, let me just say the Whitewater investigation is not and should not be about politics. The committee has found a tremendous amount of information and facts that raise a lot of questions. Some of those questions have not been answered yet, and the committee has done its job inexpensively and prudently. The truth needs to get out. The Congress has a job to do, no matter what happens with the independent counsel. We need to get through the public hearings.

If there is wrongdoing, then the judiciary will get involved. The Senate's role is limited. The job of Congress constitutionally is not to prosecute but to reveal. It is a place not only where the people rule, but where the people hear. Through hearings and other means, the Senate has and can continue to reveal what really happened in Whitewater. For the good of the Presidency and for the good of the country, we must find out.

Surely we can find a way to come to an agreement on the necessary funds to get this hearing done and completed in a reasonable way, but without artificial cutoffs. We will regret that if we do it.

Mr. President, I would like to address a couple of questions to the distinguished chairman of the committee to clear up some of these things that some of the Members are wondering about and that I wonder about.

Obviously, documents have been coming in fits and stops and not all the documents that the committee subpoenaed, but I just wonder and ask the chairman of the committee, what kind of cooperation have you received from the White House? The White House keeps talking about the number of pages of documents. The Senator from Maryland talked about this tremendous, voluminous amount of material that has been furnished to the committee, but have we received full cooperation from the White House? Have you received everything you have asked for?

I yield to the Senator.

Mr. D'AMATO. The Senator raised a very good point, because we have heard "50,000 pages of documents being produced in response to requests," but the fact of the matter is, as Senator MACK pointed out yesterday that it is not the sheer quantity of documents that matter, it is the quality and relevance; for example, documents that were under the jurisdiction of key people with the so-called Whitewater defense team, the group that was attempting to deal with press inquiries and other inquiries, headed by Mr. Ickes. We just received about 200 pages, literally, last week. Incredible.

Now, we have requested that—

Mr. LOTT. You received 200 pages just last week?

Mr. D'AMATO. That is right.

Mr. LOTT. Where did those documents come from?

Mr. D'AMATO. It was indicated they were in a box, a file. He thought he maybe turned them over to his lawyer.

Mr. LOTT. Who is he?

Mr. D'AMATO. He is Mr. Ickes, deputy chief at the White House, and in charge of this task force dealing with this Whitewater and Whitewater-related matters.

Let me say that the production of those documents alone have raised very interesting questions, and I have to think that there are many more documents—because the produced records contain information relating to Mr. Ickes tasking assignments out to different people. You know something, we have not gotten any of those documents or any of the task reports from the other members of that so-called White House defense team. But that is only one individual.

With Mark Gearan several weeks ago, former White House communications director, the same kind of event. He claims that the documents were not found because he put them in a box while he was packing. He was going to head the Peace Corps, and he thought mistakenly that they had been turned over. An inadvertence. Interesting. Because he is another member of the defense team.

Guess what? Again, just several weeks ago, the same thing. This time Mr. Waldman, another member of the defense team, finds documents. Again, it relates to specifically Whitewater-related matters. No question. I have to tell you, it does lead one to believe—even if one were to accept that these were just accidental—these are delays that are no fault of the committee.

What about the manner in which the White House conducted an investigation to get the documents? Let me give you an example of what the Treasury Department did. They sent a team of IRS agents in to comb the files for relevant material. It is not what the White House did. They had a haphazard handling of this, almost with the back-of-the-hand attitude, designed—or certainly if not designed, they should have recognized that it certainly did not comply with the spirit and intent of what the President meant by promising full cooperation.

Last but not least is the miraculous production of the billing records—billing records that are very essential to analyze what Mrs. Clinton did or did not do for Madison. Where are they found? In the personal residence of the White House. I do not know how it got there. But I have to tell you, as our friend from North Carolina, Senator LAUCH FAIRCLOTH, points out, that is one of the most secure places in the world. He asked, tongue in cheek, "Did the butler bring it there?" Who do you think had control of the billing records of the Rose Law Firm? Who? It was not this Senator. I do not know. Where do you think they found them? They were found in the personal library of the First Family. Who brought them there? How did they get there?

Our colleagues complain that we are bringing in witnesses unnecessarily. An attorney, Austin Jennings, was brought in. Let me tell you why we asked for that poor attorney to come in. It was because he came up to Washington to meet with the Clintons' personal defense lawyer. Are we supposed to talk to him by telephone? Why did the Clinton's attorney not do that? He was writing a book—this is a great story—and he wanted to ascertain, was Mrs. Clinton a competent lawyer.

Could you believe he flew from Little Rock up here to the White House itself to meet with the Clintons' personal lawyer and Mrs. Clinton to spend 20 minutes simply to say that, yes, if asked any questions, he would say she was a competent lawyer? He did not even know who paid for his trip. You want to talk about disingenuous. I think it is disingenuous to ask why we asked this poor gentlemen to come here. Incredible. Sympathy and sop? Come on. Let us level somewhat.

I have to tell you something. The fact of the matter is that Mr. Jennings was Seth Ward's attorney. Who is Seth Ward? If my friends want to debate this, we will bring out what the committee has been doing on this floor. If you want to do it for 10 hours, we will do it for 10 hours. If you want to do it for 20 hours, we will do it for 20 hours, and we will spell it out.

Seth Ward is Webb Hubbell's father-in-law, and he participated in Castle Grande, the biggest of Madison Guaranty's sham deals—a $3.8 million loss. By the way, Mrs. Clinton, when asked by various investigative agencies of the Government, gave indications that she did not know about Castle Grande. She heard it referred to by a different name. She had 15 conversations with Seth Ward. Jennings was Seth Ward's attorney. That is why we brought him in. When an attorney says tongue in cheek, like Mr. Jennings did—a smart fellow—says, "I do not know what I am doing here," come on, it is disingenuous to come to the American people and to the Senate and to say some witnesses did not even know why. Here is a smart lawyer, and he does not even know who paid for him to come up here. I have to tell you, it raises many more questions than it answers.

It is this kind of delay and holding back that puts us here in this position. You can pull out the letter and all of the conversations you want. I thought we would have this matter finished by February 29. If we had the cooperation of witnesses, the White House, and others, we could have wound this up. But we did not have the kind of cooperation that the American people are entitled to.

VISIT TO THE SENATE BY HIS HIGHNESS SHEIKH JABER AL-AHMAD AL-JABER AL-SABAH, AMIR OF THE STATE OF KUWAIT, AND MEMBERS OF THE OFFICIAL KUWAITI DELEGATION

RECESS

Mr. LOTT. Mr. President, I ask now that the Senate recess for 2 minutes to receive His Highness Sheikh Jaber Al-Ahmad Al-Jaber Al-Sabah, Amir of the State of Kuwait.

There being no objection, the Senate, at 4:44 p.m. recessed until 4:46 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GREGG).

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

WHITEWATER

Mr. LOTT. Mr. President, I know others wish to speak and ask questions. I will ask one more question at this time. I think it is really the key question that we had asked in answer to the objections we are hearing from the other side of the aisle.

There have been complaints that the chairman's request does not set up an end date for the investigation. I assume he has some very good reasons for that. Why can we not say that the investigation will end on such and such a date? Why is May 3 or May 31 not an acceptable date?

Mr. D'AMATO. That is a very valid point and question. Also, again, when one looks at the contention that we have looked for an indefinite, ad infinitum extension, that fails to take into account that we have asked for a finite amount of money, up to $600,000. But if we get into the situation where we cannot get certain witnesses, because their lawyers seek—as has been spelled out in a book called "Men of Zeal," where they talk about what happens if you fix a date for the end of an investigation or the work of the committee. Exactly what we are confronting today is what our colleague, Senator Mitchell, the former Democratic leader, and Senator COHEN warned us about: there will be lawyers who use the deadline as a target time, and delay their clients from coming forward; and there will be bureaucratic stalling. It is stated quite explicitly in here. This is the result of hard deadlines.

He says: "The committee's deadline provided a convenient stratagem for those who were determined not to cooperate. Bureaucrats in some agencies appeared to be attempting to thwart the investigative process by delivering documents at an extraordinarily slow pace."

My gosh, if that is not exactly what is taking place. We have experienced that. If we want to guarantee that stratagem will continue, just put on a date certain and we will see that take place.

Last, it says, "perhaps more important, the deadline provided critical leverage for attorneys of witnesses in dealing with the committee on whether their clients would appear without immunity and when in the process they might be called."

We have key witnesses that we want to appear. And I joined with Senator SARBANES in trying to bring a key witness, Judge David Hale, before the committee. Indeed, the Senator quotes a letter of October 2—but he does not read all of it—in which we said to the special prosecutor, who objected to us calling Mr. Hale in, "having determined that the Senate must now move forward the special committee," we were going to bring various witnesses in. "We will, of course, continue to make every effort to coordinate where practicable activities with those of your investigation." We say "we stand ready to take into account consistent with the objectives set forth your views with regard to the timing of such private depositions and public testimony of particular witnesses."

You have to read the whole letter to understand it and you have to understand that there were briefings subsequent to this letter in which counsel for the minority and the majority were advised as to the problems related to bringing Mr. Hale in. If somebody wants to impugn the motives of the committee for not bringing him in, I say why would I not want to? I did not want, first, to have a situation where we jeopardized the trial that would be taking place, which is starting this coming week; and second, to have lost the opportunity, probably for all times, to get the cooperation of Mr. Hale. I know that there are some in this body who may not really want Mr. Hale to come in and testify, because, indeed, if he testifies, as there have been indications, that he was asked—or even more, told—to make a $300,000 loan to Susan McDougal by the then Governor, it would seem to me that there are some who would not be very anxious for that to be uttered publicly, in view of the American people.

I suggest that if that is anything, it is an indication of the Senator's good will in not attempting—and lack of political motivation—in not attempting to pull them in here and say the devil may care, we do not care about that trial, I want somebody to come in here and make accusations against the President and the First Lady. I did not go in that direction. I think I chose to act in a responsible manner in accordance with the request of the special counsel. Yes, I wanted Mr. Hale to come in, but indeed the special counsel was able to make a convincing argument, and I think we did the right thing.

What would they have said, what would this body have said if I asked to immunize David Hale? They would have risen up, by the Democratic leadership, calling me and accusing me of all kinds of things, and would have said, "What are you doing? You want to immunize a crook and a thief to have him make accusations?" Think about it. Come on. Let me ask the question. What are you hiding? What are you afraid of? Why do you not want the facts to come out?

The New York Times says that, and this is what most responsible newspaper editorials are saying. When you suggest that we are asking for an unlimited period of time, that is not what we say. We couch it in terms of no more than or up to $600,000. But if we spell out, I say to my friend, a specific time certain, by gosh, everything that has taken place in terms of the procrastination, in terms of the documents that find their way—oh, I just found it in this book. Can you imagine, trained lawyers who are in charge of defending the White House giving us this drivel—drivel—that they were not aware that the documents were not turned over, documents setting out, tasking other members of the White House at the highest levels, what to do as it related to Whitewater.

This was the very man charged with the responsibility of mastering and bringing the very forces together—Mr. Ickes, Deputy Chief of Staff of the White House. I could just imagine if my friends and colleagues were in the majority and that was the Bush administration, and that was the manner in which their Chief of Staff was responding—Deputy Chief of Staff—on a particular matter. We are not talking about one instance or two instances. This is repeat; a pattern.

Want to talk about delay? We, unfortunately, were delayed for weeks and weeks because we had to battle over documents being produced and we had to vote subpoenas and come to the floor of the Senate. Who occasioned that political debacle? Who is it that created that political firestorm? We are always tested. Weeks and weeks and months and months of negotiations behind the scene. My friend brings out and says these subpoenas are so far reaching. He knows that those were, indeed, the preliminary negotiations as it related to scope and breadth. In only one case did we not agree upon the breadth and scope of the subpoenas. We agreed on every other one of them.

It is disingenuous to come out and say officially they requested a far-reaching subpoena. That happens and is part of the process in negotiating. We did negotiate. The one exception was the case where we had to come to this body and vote the enforcement of a subpoena and then, miraculously, we get the documents on a Friday afternoon. It's always on a Friday, by the way, most of these documents appear Friday afternoons; they get the least press.

Want to talk about politics? Talk about politics in the White House answers. When we ask for documents, let me tell you what the White House, Mr. Fabiani of the White House says, "Tell Senator D'AMATO and one of his fat cats to pay for the production of them." Is that the kind of response that the Senate and the committee is entitled to when we ask for electronic e-mail? "Tell the Senator and his fat cats to pay for it."

Want to talk about crude political assassination? How about the team that they had over there, Mr. Waldman, who was assigned a task to get information, to get dirt, on Senator D'AMATO, on White House time, and then send it over to the Democratic Committee. Is that what we are involved in? Want to talk about a low down kind of thing—that is fact. That is fact.

Now, look, I never intended nor did I wish for this hearing, these investigations, to go into the political season. Had we had cooperation and had we been able to get some of the witnesses in, we would not have to be asking for that. Had we not been precluded from some of the witnesses we could have even made our request such that we will examine only these witnesses that we have not had access to. I did not delay the production of these documents. The committee was not responsible for the miraculous production of the billing records that showed up in the White House.

The fact of the matter is that we have encountered a far different situation than has been promised to us. The President promises cooperation. Those who carry out the President's wishes have stalled, have delayed, have been engaged in dilatory tactics. I will at a certain point in time elucidate on those and touch on those with definiteness. If, indeed, they think that by the political attacks upon the committee or upon the chairman that they are going to dissuade us from doing our job, and that is to get the facts, they are wrong.

I suggest that we call a truce, call a truce to the politicization of this, and say we will agree to get the facts and work together. We have demonstrated we can do that. I have no doubt that some of my colleagues are placed in a very awkward position. I do not think they like what they are doing and saying—some of the things that they say. I think they are almost forced to do it. I think they are compelled to do it by an administration that seems to be totally bent on keeping the facts from coming to the people, an administration that says, "We don't care." Why do you not care what the public thinks? Why are they not entitled to the truth? What is it that lurks behind that stone wall that has been constructed? We have not had cooperation.

Mr. LOTT. Mr. President, I ask, then, that we go ahead and vote to pass this resolution, stop the filibuster, find a way to get an agreement to go forward with these hearings, find the information that we need to draw the conclusion to the hearings. I think that can be done. I hope we will seek to find that process. I yield the floor.

Mr. SARBANES. Will the Senator yield for some questions?

Mr. LOTT. Mr. President, I apologize to the Senator from New Mexico but I indicated earlier I would be glad to yield for some questions, so I would like to be able to do that.

Mr. DOMENICI. Absolutely.

Mr. LOTT. I yield to the Senator from Maryland for a question.

Mr. SARBANES. First, the Senator indicated, as I understood it, the costs of the independent counsel were $12 million, is that correct?

Mr. LOTT. According to the information I have from the Congressional Research Service, the total cost of Whitewater to that point is $12,525,582. That is the congressional investigation plus the investigation of Robert Fiske and Kenneth Starr to this point. I have heard various estimates from several sources, all the way up to $25 or $30 million, but that is the information I got from the Congressional Research Service. If it is more than that, I would be glad to get that information, but that is not what I have.

Mr. SARBANES. I just want to put on the record, because I think it is important to keep it accurate if we can, that the GAO did a financial audit. It does periodic financial audit reports. The audit report for the period January 1994, which is when Fiske began, to March 1995, by the GAO, was $14,600,000.

In addition, an estimate has been made from the period subsequent to March 1995. In other words, April 1995 to January 1996. Based on the level that they were following at the end of the previous period—and, of course, the independent counsel has, in fact, intensified his efforts, but that is not taken into account—that figure would be $11 million, which would give you a total of $25,600,000.

Mr. LOTT. I believe, to respond to that, we could probably argue back and forth about what the accurate number is. The source that I have here, Congressional Research Service, versus GAO. But I still say that is probably just barely more than half what was spent on Iran-Contra. And that is still less than what I understand was spent on Watergate. So what is your point?

Mr. SARBANES. Of course Iran-Contra involved sending investigators overseas, if you recall, both to the Middle East and to South America.

Mr. LOTT. It might have been easier to get what you are looking for than what we experienced in the Whitewater. I do not know.

Mr. SARBANES. That is the next point I want to address. The fact of the matter is the committee has now received from the White House virtually everything that has been requested. There are a couple of weeks——

Mr. LOTT. Voila. Maybe that is true. I do not know. I do not know if the committee even knows that. All I do know is there has continued to be this drizzle of information. The Senator surely feels discomforted by the way documents have appeared in various places, at the White House, in boxes at the Peace Corps, and Vice Chief of Staff.

Mr. SARBANES. Let me give one example. Gearan came before us and he said this is how this happened. I thought it was a plausible statement, frankly. I mean, Gearan said when he packed up to go over to the Peace Corps his file was put in that box unbeknown to him and he did not find it over there. When he found it he tried to get it back into the loop. I think that is a plausible statement.

You have to judge it on your own. But the fact is, the documents have been provided in the end. The fact that there was a deadline——

Mr. LOTT. Do we know that is all of them? There was another group of papers that came to the committee just last week, 200 pages, not from Gearan but from Ickes. If it were one example, or maybe two—but three? I am not on the committee. The committee tells us, tells the Senators. Is this all the documentation or not? I do not know. I am under the impression there is reason to believe maybe there is more information that we should try to obtain. Maybe there is information, even from the independent counsel, that that might be available at some point. But we are not even going to be able to look at any of that?

Mr. SARBANES. No; the independent counsel is not able to make his information available to us, under grand jury requirements. Certainly the Senator——

Mr. LOTT. That is the point. I assume at some point——

Mr. SARBANES. Are you suggesting we should transgress those?

Mr. LOTT. I am suggesting at some point his work will be completed and some of what he has may, in fact, be available to the committee. I do not know to what extent. But I am just expressing a concern about how we just go ahead and wrap it up in 30 days and say we are done with it when there appears to be—in fact, when I look at this, from what I am hearing and what I have heard, it looks to me like the committee really is just getting started with this work. You have not started finding out some of the answers that are still pending out there.

I do not want to ask a whole series of questions. Maybe some more will be asked by the Senator from New Mexico. But there are other questions pending. You have not started to write the report. We do not know what is going to be the result of this trial down there.

Mr. SARBANES. We got the Gearan notes. We held a day of hearings with Gearan. We had nothing substantially new and the same thing happened with Ickes. We got the notes. We held the hearing on both of them. In both instances we received the notes and the hearings have been held.

Mr. LOTT. Is that a question or a statement?

Mr. SARBANES. No; it is a response to the point you just made.

Mr. LOTT. Mr. President, I think the Senator from New Mexico would like to get into this with some questions and a statement. I yield the floor at this time.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from New Mexico.

Mr. DOMENICI. I wonder, Senator D'AMATO, would you answer the last question? I am asking it of you now.

Mr. D'AMATO. Yes, the Gearan notes indicate quite a few things that we did not know. They indicated——

Mr. SARBANES. Could I ask the Senator a question?

Mr. D'AMATO. They indicated an attitude of the Deputy Chief of Staff and others, but certainly the Deputy Chief of Staff, that they were concerned, very concerned. And they characterized in very descriptive language what professionals, civil servants at the Justice Department, were doing. And they did not like it. They did not say they are doing a professional job. They said, in essence, they are working us over. He is a bad guy. That is what we find in the Gearan notes.

We find a whole series of meetings that we were not aware of. No one came in and told us that we met on this day and the next day and we met in the morning and we met in the afternoon. Oh, no. We learned thereafter that various tasks are given out. And I have reason to believe, as it relates to the question that was asked, I say to the Senator, by the distinguished Senator from Mississippi, Senator LOTT, that, indeed, there very well may be—and I would suspect there are—substantial documents that have not been turned over to this committee or that may have been discarded deliberately, particularly by that team, that so-called Whitewater team. I cannot believe that we have only received documents from a handful of them.

Where is it? Where are they? What happened to those tasks? What did they do? What were their responses to the tasks, very carefully enumerated? We will go through that.

Last, but not least, I think it is rather interesting that the First Lady turns up at, I believe, the first meeting—I may be wrong—the first meeting. And according to Mr. Gearan's notes: Oh, this looks like a meeting I would like to attend or that I would be interested in.

No, let us not let it be said that these were just casual, indifferent, that these were notes that had no meaning. They reflected a pattern of concern, of fear, of absolutely disdain, in some cases, for the work that professionals at the Justice Department were undertaking.

So, to your question, Senator DOMENICI, they were very revealing and revealed facts that we were not aware of, facts that we are still pursuing.

Mr. DOMENICI. Mr. President, I rise for just a few minutes today to talk about this Whitewater issue. I will take very little time.

I think I should say to my friends on the other side of the aisle that I believe they are making a very big mistake. I can tell you that, if they intend to preclude us from bringing this resolution to the floor and they intend to use that tool called filibuster, the American people are going to get their ears and eyes filled with Whitewater. However, it will not be in the records of the Whitewater Committee. It will be here on the Senate floor, and, frankly, what they are going to hear they are not going to like.

What they are going to hear is going to convince them, I say to my friend from Maryland, that the reason this committee needs more time is not because of Chairman AL D'AMATO of New York taking too much time, being too slow, not doing enough work, and not working the committee and his staff hard enough. That is pure bunk. There are reasons why we are still here and there are plain and simple reasons why we need more time: This is about the toughest committee investigation you will ever find.

Why? The first reason is because witnesses are telling half-truths all over the place. Witnesses are losing their recollection in a way which would make you think that a wave of amnesia has begun to affect young people. Witnesses cannot remember anything. In fact, I cite the testimony of just two of them. We had one witness, Josh Steiner. He was the chief of staff for the Secretary of the Treasury at one point. This young fellow claimed that he could not believe his own diary. Imagine that.

So people had to spend time getting to other witnesses and bringing them in to verify because he could not believe his own diary.

Mr. SARBANES. When was that hearing on Steiner?

Mr. DOMENICI. That was the very first part of the hearings.

Mr. SARBANES. When?

Mr. DOMENICI. Summer of 1994. I was there for that. So I know that.

Mr. SARBANES. Summer of 1994.

Mr. DOMENICI. That is what I was just told by counsel. That the hearing took place 2 years ago has nothing to do with whether he should believe what was in his diary. When we asked him, he had the diary put in front of him.

There is also another one. There is April Breslaw. This is a good one. This witness refused to even verify that her own voice on a tape recording was actually hers. That is the kind of thing this chairman, this committee, and the competent staff had to go through day after day with White House witnesses.

Why do I say that to the American people? I guarantee you that is what makes hearings go on forever. Hearings go on forever when you have to bring in extra witnesses to verify facts, when you have to bring in another witness to verify the verifier, and then some witnesses only know part of the truth, and others do not remember anything. That takes time. It takes energy. That takes competent legal counsel. That is one reason—because the huge entourage of witnesses were about as difficult as you will find in terms of volunteering information and getting it on the RECORD, getting it straight, and getting it right the first time.

And the second reason we need an extension—it will come out in huge panorama for the American people, if the other side chooses to filibuster this—is that the White House and the White House staff are more responsible than anyone else for this committee being unable to get its work done. Let me tell you why.

It came as a shock when, after subpoenas had been outstanding for a couple of years, all of a sudden just before a witness is supposed to testify, they find documents in the White House. Let me tell you, that makes for prolonged hearings. When that evidence should have been available for months, Mr. Ickes finds 200 pages of evidence just before he has to appear. These files and notes in some miraculous way all of a sudden became relevant and responsive to the subpoena. That costs time and exacerbates the delay. If that had been produced when it was supposed to have been produced, it would have been analyzed and these hearings could have been over with.

I am merely telling those listening just who is to blame for the delay. And that is just a little part of this debate. But anyone who blames the committee, the committee's chief counsel—counsel extraordinaire, in my opinion—for this dilemma will find more things in this RECORD to justify our committee and its counsel's competency and ability than anybody has ever thought could be put before the Senate.

If they want to bring Whitewater here and keep it on the Senate floor for a week, then people are going to hear what happened in the course of this investigation. It has been locked up in a committee. It will be unlocked here before the American people, and they are going to pass judgment, I tell you, Mr. President. And if the other side of the aisle does not agree that this investigation ought to go forward, they are harming our President. That is who they are harming, because it is not going to go away. I do not know of a single Member on this side of the aisle who thinks this is going to go away. And I would think, in fairness, there are many on that side who know they ought to extend this committee's work.

They can get up on the other side, whether it is my friend from Maryland or whomever, and say, Senator D'AMATO is asking for too much. As I understand it, he is asking for $600,000, which is probably between 3 and 4 months of effort at most, and then the committee would run out of money. Why did he choose not to agree to a date certain? Because he has now been informed by those who have undertaken investigations before him that to agree to a date certain invites more delays. So essentially this is not open ended because the committee will be out of money soon—in 2 or 3 months.

I can recite lots of facts about the Whitewater investigation. I can come down next time and give my friend, Senator D'AMATO, a couple of hours here. I will read some transcripts, and I will put them in the RECORD, and we will see why it was so tough to get things accomplished and why the investigation is not concluded. And we will see whose fault it is.

But, frankly, I believe the Democratic leader ought to sit down with the Republican leader, Senator Al D'AMATO, and the distinguished Senator from Maryland. They ought to decide and reach an agreement on how we should continue these hearings.

But we should not take a week in this Chamber exposing what is going on in these hearings, but I guarantee for those who want to do it, the President is not going to win. The President is not going to win that debate. If they think the American people are going to end up saying, "Hurrah, hurrah, we should stop these hearings," let me tell you, they are mistaken. They are going to end up saying, "What's the matter with that White House? What's the matter with all those people? And all that time and effort spent at the White House on Whitewater. Something is fishy." They are going to say, "Something is being covered up."

I came down to suggest that and to support the chairman. I happen to be on this committee. I am not a longtime member. I have been here a long time but not on the committee. But I think the committee has done a very good job. I do not think that in the debate over this extension that anyone ought to come down here and add onto this record indications that the committee is in any way to blame for the delays that have been caused.

I yield the floor.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. SARBANES. Will the Senator from Arkansas yield to me for just a moment.

Mr. PRYOR. I will be glad to yield.

Mr. SARBANES. I wish to point out to the Senator from New Mexico that this committee held 1 day of hearings in the last 9 days leading up to the end of our time. The Iran-Contra Committee held hearings in 8 of the last 9 days leading up to the end of its time.

Your leader, Senator DOLE, with respect to the Iran-Contra Committee, insisted that it have a timeframe because, he said, it would not be fair to run that inquiry into the 1988 political year. The Democrats in the Congress, led by Chairman HAMILTON and Chairman INOUYE from the Senate, agreed with that. They provided a time limit, and then they met almost around the clock over the last month. They held 21 days of hearings in the last month in order to complete their work. Now, it was your leader who pressed that case very hard. And the Democrats responded to it, in all fairness. Now, this situation is in complete contrast.

Mr. DOMENICI. I assume the Senator is asking for an observation or comment on my part.

Let me say to my friend from Maryland, I just want to repeat, I do not think that this committee has been intentionally dilatory. I do not think for a minute that Senator AL D'AMATO wants to use this to carry it into the Presidential election. Frankly, I look back at the last 3 months and I kind of wonder how he was able to hold as many hearings as he did. I look at what has happened in the Senate during most of that time. We had more votes during a 2- or 3-week period than we have ever had.

Mr. SARBANES. That is not accurate, I say to the Senator.

Mr. DOMENICI. I do not mean in the committee. I mean in December in the Senate.

Mr. SARBANES. I understand. In January and February, when we urged the committee to do an intensified schedule, when the Senate was not holding floor sessions and not voting, over that 2-month period we held only 15 hearings. The Iran-Contra Committee in a month's time held 21 hearings. So during that period, January and February—in other words, the last 2 months of this committee's existence—

Mr. DOMENICI. We had a blizzard. Nobody could get around for a week.

Mr. SARBANES. The schedule ground down. It did not intensify. And over the last 10 days we have only had 1 day of hearings.

Mr. DOMENICI. I almost welcome this, and I am not in a position to do this right now, but if we continue this I will ask counsel for this committee to prepare a work product evaluation for the last 90 days of what the staff of this committee has gone through to try to get this moving, and we will produce it here. And anybody who thinks there has been intentional delay is truly not paying close attention to this situation.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Arkansas has the floor.

Mr. PRYOR. Mr. President, let me also respond to my friend from New Mexico.

Earlier in the afternoon, we did a very quick summary of what the Senate has done in the year 1996 as compared to 1995. In fact, I do not have that sheet before me, but I think we have had—if I am not mistaken, I think the Senate this year, in 1996, has had 21 votes, total. In 1995, we had had 97 votes up until this time. So basically, the Senate, except for the Whitewater operation, has been pretty well, let us say, called to a halt.

We have been waiting for all the primaries to get over, and we have been accommodating. We have been cooperative, et cetera.

Also, I think earlier in the afternoon—I do not know if our friend from New Mexico was here—talking about the lack of cooperation from the White House—I hope, Mr. President, my friend will listen to this—this committee has requested all documents covering an 18-month period—listen to this, please—any communication of any kind relating to any subject between the President, First Lady, any present or former White House employee, and any employee of the RTC and several dozen named individuals. The next group, the committee authorized a subpoena asking for all telephone calls—I heard the Senator from New Mexico, my friend, a while ago talking about his own area code. What is that area code?

Mr. DOMENICI. 505.

Mr. PRYOR. 505. Arkansas is 501. The committee authorized a subpoena asking for every telephone call from the White House in Washington, DC, to any area code 501 number, the entire State of Arkansas, for a 7-month period.

Third, they asked, above and beyond the committee's already overbroad authorization, the majority staff unilaterally, unilaterally issued a subpoena for all White House telephone calls from any White House telephone or communications device for a 7-month period in 1993 to anywhere in the country. This is the type of documentation the committee is trying to force the White House to come up with.

Now, it is my understanding that the committee is trying to get all of the e-mail messages from the White House. Well, I would say to my friend from New Mexico, I think that this White House has been extremely cooperative, and you know it was not just but a very few years ago when, in September 1992, after a subpoena, after a subpoena had been issued in the Iran-Contra affair, you might remember because the Senator was certainly here at that time, as this Senator was present, in September 1992, an administrative staff assistant, Patty Prescott, found George Bush's diary, President Bush's diary which was under subpoena. Where did they find it? They found it on the third floor of the White House living quarters.

Even when the document was not delivered to the investigators, as the subpoena called for—not delivered—Ms. Prescott told President Bush of her discovery and said she believed it was relevant to the latest then-counsel request. The President said he directed Ms. Prescott to have the Presidential counsel at that time, C. Boyden Gray—we all remember—"sort it out." That was December 1992, after the election, after the election when Mr. Clinton had won and Mr. Bush had lost. I do not think that the diary was ever turned over to the investigators. If it was, I do not have any knowledge of it.

I do not recall my friend from New Mexico or my friend from New York ever coming to the floor of this Senate and saying, "Oh, my goodness, this has been a terrible transgression; this has been a terrible obstruction of justice." George Bush did not present his diary to the subpoena's call and request for that diary.

So I just think we ought to put things in perspective. I think we ought to talk about how this White House has cooperated—45,000 pages of statements and testimony and records have been turned over from the White House to this committee. They deposed 202 persons; 121 witnesses have testified to this date before the Committee on Whitewater, and the examination, as I have said, of thousands and thousands and thousands of pages.

We on our side of the aisle think that we have proposed a reasonable solution to this so-called impasse, a reasonable solution. April 3, continue with our hearings until April 3, and then allow the Whitewater Committee to, at that time, write a report and submit that report to the Congress and to the public on its findings and any recommendations that it might have.

Then after that, any and all information, I assume, would be turned over to the special counsel, Mr. Kenneth Starr, who is in Little Rock, AR. I am sure he would love to receive all of these truckloads of information that will be driven from Washington, DC, down to Little Rock and deposited in Mr. Starr's office, including all of the telephone logs, all of the telephone records, and even the subpoena for Chelsea Clinton's nanny. I am sure he would enjoy seeing that subpoena, too.

It is my understanding that there is a whole new list now out that the chairman wants to bring before the Whitewater committee, people who have no way to pay their legal bills, people who have no way to pay the costs of coming, mostly from Arkansas, to Washington, DC, and back.

Mr. President, I think we have to talk some sense into this matter. I think we have made a reasonable offer. I am very hopeful that our colleagues on the other side will consider that offer.

I have one other thing I wanted to place in the RECORD. But should my friend desire to ask a question, I will yield for a question.

Mr. DOMENICI. First, let me just say that we are going to miss him when he leaves the Senate.

Mr. PRYOR. I thank the Senator.

Mr. DOMENICI. I appreciate the manner and demeanor he uses in situations like this. It is pretty obvious he has been a loyal friend of the President for a long time. I respect him for that. Nothing I said here on the floor had anything whatsoever to do with a lack of cooperation. You can have cooperation, but what is the quality of the information provided by those who are told to cooperate?

Frankly, I say to the Senator, I believe that when Mr. Ickes just recently, 2 weeks ago, all of a sudden discovered 200 documents that had been under subpoena for a long time, and going through the transcripts and finding the large number of "I don't remembers" and the number of people forgetting things that hardly anybody could forget, not believing they are on tape recorders even if they are, and saying, "That is not me"—when you have all that, it is pretty obvious that the committee is having difficulty getting facts and getting to a conclusion.

It is in that context that I speak here today. Frankly, you all have made an offer from the other side. You think it is reasonable. The chairman and his legal counsel, who know more about it than I do, think it is unreasonable. Somewhere between what you have presented and some other proposition may be where we ought to end up.

But all I wanted the Senator to know is that there are a lot of Senators on this side, who I think are fair-minded people and worried about many of those staff and their legal bills. I read in the paper about it. I am not one running around here saying they should not find resources to help them. I know about that kind of stuff. I am for trying to let them find resources to help with their bills. But that does not mean this committee is to blame for the kind of slipshod efforts that have gone on with reference to the type of cooperation that the President obviously told them to give to this committee.

Mr. PRYOR. Mr. President, if I may respond now that I have the floor. I want to thank my friend from New Mexico. I have loved serving in this body. I have enjoyed so much my service with the distinguished Senator from New Mexico and the Senator from New York and my colleagues on both sides of the aisle. It has been a hope and a dream that I have hoped for all of my life. I have been one of the fortunate 1,800 and some odd people who have had this great privilege. So I thank my colleague very much.

But the Senator and several of our colleagues have made reference during the discussion this afternoon of how many times witnesses forget, how many times they say, "I don't know" or, "I don't recall."

Let me ask my friend from New Mexico, what was the Senator doing 12 years ago? I am asking my friend, what was the Senator doing 12 years ago today?

Mr. DOMENICI. Let us see, 12 years ago.

Mr. PRYOR. Yes, 12 years ago today. Does the Senator recall who he talked to on the telephone?

Mr. DOMENICI. I was probably campaigning for reelection.

Mr. PRYOR. The Senator was probably campaigning, but he does not recall specifically?

Mr. DOMENICI. If I had a chance to look at all my records and prepare for a deposition, I probably could recall something.

Mr. D'AMATO. What if the Senator had a diary?

Mr. DOMENICI. Maybe if I had a diary. Everybody knows I do not have a diary.

Mr. PRYOR. I was trying to bring brevity. Some of these events happened 10, 12, 15 years ago, a decade ago, 6 and 7 and 8 years ago. A lot of these people did not have an associate or maybe someone we might call a staff person to keep a diary, to keep a phone log, to keep records for them. And they are trying, to the very best of their ability, to come up here and tell the truth as they know the truth. Yet, many times they appear to be badgered before the committee day after day. Sometimes they are attempting to answer the question, and the counsel will not even give them that opportunity. I would just——

Mr. SARBANES. Will the Senator yield?

Mr. PRYOR. I would be glad to.

Mr. SARBANES. One of the things that is happening—and I think this needs to be understood—is that we get notes and testimony, and then it is treated as though it is some new discovery. "Oh, we found out something that no one knew anything about." For example, when Mr. Ickes came in, a lot of focus was on the fact that there was this damage control squad to deal with the Whitewater matter set up in early 1994 and that he was the head of it.

So this is treated in the hearings—and it has been done here on the floor as well today—as a major revelation, a new sort of breakthrough in discovery of facts that has been made.

This is from the Washington Post, January 7, 1994:

> With the start of the new year, the White House launched a major internal effort to fight back against mounting criticism of the way it has handled inquiries into President Clinton's Arkansas land investments. A high-powered damage control squad was appointed under the direction of new Deputy Chief of Staff, Harold Ickes, and daily strategy sessions began.

This article was in January 1994, reporting on this matter. Then we hold a hearing, we get these notes, and this is treated as though some major revelation has been discovered.

Actually the report on February 16, 1996, reads:

> Four days into the new year of 1994, top White House aides gathered in the office of then Chief of Staff Thomas F. "Mack" McLarty for the first meeting of the Whitewater response team.

You could take the story from January 1994 and the story written after our hearing, and they are virtually the same. Yet this is portrayed as though something new has been revealed or discovered. This sort of process is going on all the time. Members need to understand that. I thank the Senator for yielding.

Mr. PRYOR. Mr. President, I am going to yield in just a moment. I have only a few more points I wish to make. I would like to read, if I might, Mr. President, a few sentences from a February 15 editorial from the Atlanta Constitution. This editorial begins by saying, "The Senate's Watergate hearings of 1973–1974"—Watergate hearings—"were momentous, delving into White House abuses into power, leading to the resignation of a disgraced President, and the imprisonment of many of his aides. That lasted 279 days. Next week Senator ALFONSE D'AMATO"—I want my friend to know that I am mentioning his name, and I do not want him to think I am abusing his name; I am simply reading from the editorial—"next week Senator ALFONSE D'AMATO, Republican, New York, and his fellow Whitewater investigators, will surpass that mark. Today," which was February 15, "is the 275th day."

The Watergate hearings went 279 days. And we have already surpassed probably almost 280 days. "And they have nothing anywhere near conclusive to show for their labors. To put matters in context, all they have to do is ponder a fairly obscure 1980's real estate and banking scandal in Arkansas."

Let me interject here, Mr. President. President and Mrs. Clinton made an investment, and it went sour. They lost everything in that investment that they made. I do not know what it was, $50,000 or $60,000, $30,000. I am not sure how much they lost.

What would have happened had they made that much money in this investment or had they made $500,000? We would have really seen a momentous explosion. But they lost money, and they show that they lost that money.

Reading further:

> With the February 29 expiration date for the special panel staring him in the face, D'Amato has the effrontery to ask the Senate for more time and more money to continue drilling dry investigative holes. Specifically, he wants open-ended authority and another $600,000. That's on top of the $950,000 his committee has spent so far, plus $400,000 that was devoted to a Senate Banking Committee inquiry into Whitewater in 1994.

Mr. President, I conclude with the last paragraph of this editorial:

> The First Couple is still under investigation by independent counsel, Kenneth Starr, a former Reagan Justice Department official who can be expected to scrutinize the Clinton's legal and business affairs rigorously. Any additional sleuthing by Mr. D'Amato would be a waste of taxpayer money.

That comes from the Atlanta Constitution.

An editorial that appeared yesterday in, I believe, the Washington Post states, and I read:

> Senator Christopher Dodd of Connecticut reluctantly agreed to renewal of the Senate Whitewater committee's expiring mandates, suggesting limiting the extension to 5 weeks ending April the 3rd. Along with the minority leader Tom Daschle and other leading Senate Democrats, Mr. Dodd told reporters yesterday that they were prepared to filibuster against any extension beyond April.

Mr. President, there is no desire for anyone to filibuster this legislation. We have offered a reasonable compromise, and that reasonable compromise is to go to April 3 and then to allow a 30-day period for a committee report to be sent out to the public and to the Senate and to the Congress of the United States. We think that is fair. We think that is reasonable. We think and we hope that proposal will be given very careful consideration by our colleagues on the other side of the aisle.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, and I will yield to my friend, Senator THOMAS, for some questions that he might want to pose, but before I yield to him for the purpose of questions, let me say, we can all quote editorials. My friend and colleague gave a viewpoint of a distinguished newspaper, but let me say, if one were to look at the major newspapers of this country, very clearly—and I am not talking about now the opinions expressed by various pundit s, but rather the editorial pages—you will find overwhelmingly, 5 to 1 or more, a clear pattern. Those in the media who have been following this, like the American people who have been following it have been supportive of our efforts.

And I'd like to add the manner under which we are compelled to operate does not make our work quick or easy. That is, bringing in witnesses, deposing them.

You cannot schedule 1 day after the other. You have to bring in witnesses and examine them. Thousands of hours go into these hearings, not just the hearings that are heard publicly, but in preparation for them. Otherwise, we would have had many, many witnesses who came in and, rightfully, the minority and, more important, the American people would have said, "Why are you bringing these people here? They have no relevance."

We have examined well over 100 witnesses—well over—and we will go into that. This month alone, we have examined dozens of witnesses not in a public forum. Many of them we will not call, because we have found that they do not add to the investigation.

So it is not accurate to suggest that the committee has not been diligent, notwithstanding that there may have been a period of time when we have not had many public hearings.

Again, as it relates to the various editorials, I will speak to some of them, but I will tell you that when you find most of the Gannett chain, when you find the Los Angeles Times, when you find the New York Times, when you find the Washington Post and others, for the most part, supporting very clearly that the work of the committee continue, I think it underscores the need for us to find the facts.

Mr. SARBANES. Will the Senator yield on that point?

Mr. D'AMATO. I am not going to. I want to take questions, but I want to yield for some questions which I think Senator THOMAS wants to——

Mr. SARBANES. Does the Senator read the Washington Post as supporting his position?

Mr. D'AMATO. I read the Washington Post as taking a middle ground, not one which I am totally unsympathetic with. And I also read the Washington Post as saying extend but with limits. I disagree to the limits for reasons I stated before.

I think it is noteworthy where they say:

> The Senate Democrats would do themselves and the president little good—

Let me read you the concluding paragraph where they say there should be some extension, it is interesting, and I know my colleague, Senator THOMAS, wants to pose some questions:

> What the Senate does not need is a Democratic-led filibuster. Having already gone bail for the Clinton White House, often to an embarrassing degree—

I think it is very interesting, because I think, indeed, that is what many of my colleagues have been forced to do, to kind of walk the plank.

> Senate Democrats would do themselves and the president little good by tying up the Senate with a talkathon. Better that they let the probe proceed.

Then it goes on to say something rather interesting, that it is a responsibility that all of us have, including this Senator and the majority. It said:

> Give the public some credit for knowing a witch hunt and a waste of their money if and when they see one. And that, of course, is the risk Senator D'Amato and his committee are taking. The burden is also on them.

Mr. SARBANES. What about——

Mr. D'AMATO. Let me suggest that by simply saying this is politics, this is politics, this is politics, this is politics, it reminds me of the adage that if you repeat it over and over and over and over, you will draw people from what it is we are doing. I think this is a well-orchestrated attempt by the Democrats, by the minority, to have just that, to have us forget the paper trail, to have us forget the witnesses who deliberately—Senator, I will yield to you when I am ready to yield to you. Senator, I have not interrupted you once.

Mr. SARBANES. Yes, but you are——

Mr. D'AMATO. I watched you now for quite a period of time. I have not interrupted you. When I yield the floor, then you can ask whatever questions you wish. If I am here, I will attempt to answer them.

The fact of the matter is that there has been a persistent pattern of delay, obfuscation and deliberate memory loss. When this matter gets to the floor next week, we will go through it.

We will go through, for example, incidents where Mrs. Clinton, the First Lady, right after the death, or soon after the death of Vincent Foster, makes a phone call to Susan Thomases. Susan Thomases comes in and testifies to us she does not recall the phone call.

By the way, this is on, I believe, July 22. I will have the record in front of me. This is after the death, and they are now going to conduct the investigation as it relates to what papers may or may not be in Mr. Foster's office, looking for possibly a suicide note. She would have the committee and the American people believe—I think it is absolutely incredible—that at 7:57, a phone call from Little Rock, AR, made by the First Lady to her hotel, that she did not get it. The First Lady was on the phone for 3 minutes. "Maybe the operator got it." At 8:01, 1 minute after that, she admits to paging Mr. Nussbaum.

Let me tell you why she admitted it, because she would have feigned recollection there, too, in my opinion. You see, because Mr. Nussbaum had an assistant, and that assistant indicated Mr. Nussbaum said Susan Thomases called him, so she could not very well deny that call. But, believe me, if there was any way for her to do it, she would have done it. This is one of the most capable lawyers in America, described as a lady who has the "juice." "She has the juice," they said. She walks into the White House whenever she wants. She is a close confidant, a friend, a counselor. Guess what Mr. Nussbaum's assistant, Mr. Neuwirth, says in depositions and testimony? He says—I am paraphrasing, but we will get it on the record with absolute precision because I know my colleague wants that. We will get that absolute precision.

The First Lady was not happy. The First Lady was not happy with the manner of investigation, that there would be unfettered access into Mr. Foster's office. We asked about that call and, of course, remember, we have absolute proof, phone logs—if we did not have the phone logs, they would deny anything and everything. I will give you examples of this. As Senator DOMENICI has indicated, I am not going to just sit here and have those who would take our work and our good efforts and simply attempt to politicize them for their own purposes. That is my observation. I think they ought to be ashamed of themselves for doing that. We have worked together too long and hard in a spirit of bipartisanship. But if they want to throw that out and just do the bidding of the White House and carry their water, that is their decision. As the Washington Post said—and I just quoted that editorial—"to almost an embarrassing degree."

Let me tell you, when we asked Mrs. Thomases about this call—she said she was reaching out. It was a touchy-feely call. When we asked about the other calls she made—and there were 13 or 14 within a hour and a half—to Nussbaum, calls to the Chief of Staff office, almost frantic. She was reaching out to touch someone. There is an ad about that. By the way, we have not been able to examine her yet. Only because we received logs and notes that indicate she had a communication from Mrs. Clinton's scheduler saying, "Come down to Washington to see us," and she did come; the only reason we know she went over to see her is because the White House logs maintained by the Secret Service indicate that. Lawyers were meeting—a lawyer—Mr. Barnett was meeting with Mrs. Clinton to review various documents, and documents were indeed turned over to Mr. Barnett on that date. We said, "Did you recall meeting Mrs. Clinton?" She was upstairs for an hour and a half. I believe that date was July 27, but I have not looked at the records for a while. "No." "Did you meet with Mrs. Clinton?" "I do not recall." "Did your scheduler tell you?" "I do not recall."

Look, that is absurd. We are not talking about incidental events. We are talking about critical times and junctures. We are talking about a pattern. That is what we see taking place. So we have not been dealt with fairly. We have not had candid testimony from numerous witnesses. The pattern continues. And there are those who say, "Why are you doing this?" I say, why are you afraid of getting the facts? The only reason I am forced to editorialize, or at least sum up what I see at this point in time, is because of the opposition of the other side to permit us to do our work. So that, then, puts me in a very peculiar and difficult position, one that I have resisted in terms of making these observations public and making them with more precision and preciseness. But we will do that. We will have no choice but to do that. We will have no choice but to decide, when we do not have all of the facts—and that is why we are making a mistake by pushing this at this point in time, instead of saying, OK, we will permit x numbers of dollars, and let us see if we cannot wind this up within a reasonable period of time after you get access to the necessary witnesses, particularly those who may or may not be called to testify but that the special prosecutor objects to.

I see my friend wants to raise a question. Certainly, if he wants to raise that question, I will take it.

Mr. THOMAS. Mr. President, let me say, first of all, that I enter into this debate and discussion from a little different point of view. I have not been a member of this committee, and I have not indeed followed it real closely. But I am very interested in it. I understand there is a purpose for this committee action. The purpose is to discover what the facts are. So I am a little surprised when they argue that we ought to stop, put a limit on it, when we have not completed what the purpose of it was, which was to find facts.

I must tell you that I did have a little brush with it in the House last year. I was on the Banking Committee. Somebody talked about Mr. GONZALEZ's report. He would not let us do anything last year. We were stonewalled. So I was excited when the Senate went forward with an opportunity to do something. I know a little about that because I was there. So I say I am surprised, and I am not sure I should be surprised. I know that the minority sort of acted like defense counsel here instead of asking questions.

I do have a couple of points. Mr. President, if I might ask, I am curious about the work of the independent counsel and its effect on the committee's work specifically and if the criminal investigations into Whitewater have impeded the congressional efforts to get all the facts about Whitewater.

Mr. D'AMATO. As my distinguished colleague may be aware, the Senate resolution that empowered us to go forward indicated that we should coordinate our activities with the investigation of the counsel. We have attempted to do that.

Mr. THOMAS. What about the October 2, 1995, letter Senator SARBANES made reference to yesterday? Is it the special committee's intention to move forward without regard to the independent counsel's investigation?

Mr. D'AMATO. I am glad my colleague has raised that point. I think one has to read the letter in its entirety, not just part of it. It was our very real intent to bring forward and to move in an expeditious manner with these hearings, but never without regard to the independent counsel's investigation. Even in that letter of October 2—which does not contain the totality of our discussions either with the independent counsel or with the minority—indicates that we were going to be very mindful of the independent counsel's efforts. That letter, if you read it in its totality, indicates we are going to be very mindful of not impacting on the special counsel's work adversely.

Mr. THOMAS. It is my understanding that there are criminal trials pending. Could the Senator share with us the timetable with respect to these trials?

Mr. D'AMATO. Again, I appreciate my colleague's inquiry because we are now talking—by the way, in our letter, we expressed some concern that this trial would be adjourned much longer than the beginning of the year. They indicated they thought January and possibly early February. That is going to be going off next week. We are there at that point.

There have been other delays. It just seemed to us that as time went along, as we attempted to bring in Judge Hale, in particular meeting with the difficulties of Judge Hale's lawyer—the distinguished counsel had a number of arguments before the Supreme Court. He told our counsel that he could not even consider bringing his client in because he had to prepare him, and he would not be able to prepare and be thoroughly briefed until after he made these arguments. One of those arguments was postponed due to the snowstorm we had.

I have to tell you that we are making every effort. It was unusual, almost unheard of—the Supreme Court's adjournment of a matter that had been docketed and set for schedule. But the Court found that the circumstances were so difficult that they granted an adjournment. People could not make it in, participants in that case. That was put off until the end of January or very early February.

That is a practical matter that made it impossible for him to prepare the witness, to bring him in. We were just not ever able to get that concurrence. Notwithstanding that, we might have had strong objection because the independent counsel did indicate he was opposed. We were still willing to attempt to bring him in.

Let me say this to you. Once we began to hit February, the end of January, February, you then run into a question of responsibility of this body in conjunction with and cooperation with the independent counsel. You really do. We could have insisted that the attorney formally raise the fact that his client would assert the privilege against self-incrimination.

There is something more important. Rather than run the risk of jeopardizing—because we were so close to that trial, so close to the proposed trial of March—putting that off or creating an impediment to the special counsel going forward. I think in a responsible way we did what was absolutely necessary and did not attempt to create a clash or a crisis with the prerogatives that we had, which we could have exercised, but I think would have been injudicious.

Mr. THOMAS. As I understand it, the proposal that has been brought forth is to conclude the special committee's work in the middle of April and the possibility of examining either Governor Tucker or the McDougals, then, would not be possible, is that correct?

Mr. D'AMATO. That is absolutely correct. It would be impossible, and we may or may not be able to get them in any event. That would certainly preclude the examination of McDougal and would preclude us from even considering whether we might want to immunize him, to get his testimony, whether or not the special counsel might agree after that trial to us providing them with immunity, and also other witnesses, Judge Hale and about a dozen others who may or may not be testifying.

Let me say, it has been indicated that there is going to be public testimony at this trial. The scope of the trial—given that it is a criminal trial, and given the rules of evidence—will not permit the kind of latitude that would give a full, detailed story as to what did or did not take place. Indeed, there may be testimony that we seek or require that will never be asked of these witnesses at a public trial.

Indeed, all the questions may be answered. We may have no need to bring some of them in. We may not have to. But to prejudge it now and to say that we are going to cut it off now is wrong. It is wrong. We should not set an arbitrary time limit for it.

Mr. THOMAS. I thank the chairman, and I certainly want to congratulate you and your committee for continuing to seek to find the answers. That is what this is all about. I certainly hope we continue to do that.

Mr. MURKOWSKI. Could I ask my friend from New York a question?

Mr. D'AMATO. Certainly.

Mr. MURKOWSKI. Mr. President, the Senator from New York has led, as chairman of the Banking Committee, the extraordinary responsibility of this body relative to the Whitewater investigation. I ask my friend from New York, as a consequence of what I understand is accurate to date, the investigations have led to nine convictions and seven indictments, which is reason to believe that more may still be coming. Two indictments occurred just last week.

Now, in conscience, how could the chairman suggest to this body, as a consequence of this factual information, to terminate these hearings or even indicate a definitive date at which time these hearings might be concluded? I think that my colleague would agree that the work of the Whitewater Committee is clearly not done, the investigation is not complete. The primary reason for its incompleteness is the inability of the White House to present factual material in a timely manner. It has been suggested that some of the material provided by the White House comes in like a haystack, but the needles—the information that the committee really needs—is missing.

I ask my friend from New York, how can those that object to the continuance of this very important process conceivably reflect on the collective responsibility we have as a body? My question to the Senator from New York is, how do you see your responsibility as chairman of this committee? How do you see the responsibilities have been given to you? And, without all the facts before the committee, how can you reach a definitive deadline such as April?

The PRESIDING OFFICER (Mr. BENNETT). The Senator from New York.

Mr. D'AMATO. I thank my friend and colleague. The Senator from Alaska has served on the committee and knows and has felt the manner in which the committee in many cases has been almost stifled.

I think the point is inexorable. I do not think the Senate could possibly discharge its duties by truncating or terminating its work by setting an arbitrary deadline, one that particularly would ensure that we would not have access to a number of witnesses whose testimony may be very key, and as a result of relevant information and facts it leads you to possibly other facts that one must discover, other areas that one must look at.

That is why I think any thoughtful analysis of the committee's work, where we are today, would lead one to believe, as Senator Mitchell once indicated very clearly in his book, "Men of Zeal," do not put an arbitrary end date for any hearing, even if the intent—and I am paraphrasing—is to avoid partisan politics. That was the intent in Iran-Contra, not running it into the political season. That was my intent. That was the intent of the distinguished ranking member.

There is no doubt, I hope he would not have questioned, or did not question, the sincerity of the Senator from moving forward in that manner. That was my intent. That continues to be my intent.

I also suggest that it seems to me that I do not know how my colleagues can know for certain what may be revealed or may not be revealed. I do not think they can. I do not think they know the documents that may or may not have been produced. I do not think that they are aware of what the testimony of various witnesses we would like to bring in will be, but certainly it would appear that the White House is very intent, and my colleagues are intent, in order to protect them—and I am paraphrasing the New York Times editorial—to protect them from embarrassment.

It is better to get the facts out now and let the chips fall where they may than to continue this exercise in this matter. It will not dissuade the chairman and the committee from doing its job by simply charging partisan politics. That has not been the case. It will not be the case. I will move as expeditiously as the events and facts permit to end the work of this committee, particularly the public hearings, but that will be based on facts, not an arbitrary date.

I answer my colleague in saying we should not set an arbitrary date. It is exactly the situation we find ourselves in today. By the way, if we reflect on the words, and I read them half a dozen times today, that our friend said—the parallel between what took place then, bureaucrats holding back information, looking at a date in which the inquiry would terminate, attorneys keeping their clients from coming forward, et cetera, and delaying and obfuscating—it is the same pattern that we see repeating itself. It is, I think. I am sorry that I agreed to a date. I did not contemplate that this would take place.

Now, you never get credit from the other side in attempting to be fair. You just do not. But I will attempt to be fair and to say to them, not all of this has been occasioned by some kind of a diabolical political plot by my colleagues or the Democrats or the White House. That would be unfair. Some has been occasioned by attorneys who are looking to protect their clients. And, so, they have engaged in a pattern, it seems to me, of withholding, having them testify in that manner. At least the clients have insisted upon it, or maybe witnesses, who said I cannot recall anything.

Mr. MURKOWSKI. Let me commend the Senator for accepting the responsibility of responding to such a wealth of questions. I know that it is your desire and sense of real obligation to get to the bottom of this investigation so we are all satisfied that the investigation was done fairly, appropriately, and in depth. But I wonder if my friend from New York recalls a comment of one of our colleagues during the Iran-Contra debate? Our good friend, Senator BYRD, said:

> The Congress has a Constitutional responsibility of oversight, a Constitutional responsibility of informing the people. . . [T]o reassure the faith of the American people in the Constitutional and political system, is to find out about all of these things that we have been hearing, and the way to do it is to go at it, put our hand to the plow, and develop the facts.

Now, I think that sets a pretty good direction for the committee. I think we all know that the constitutional process is going to take time. It is going to take expense. Also, I think that it is important for my friend to consider the recommendation of certain editorials—so I ask if my friend from New York would comment on two editorials. I will quote a portion from the Washington Post, February 15, 1996:

> Hardly a day goes by without someone in the administration suddenly discovering some long-sought subpoenaed documents. . . The committee clearly needs time to sift those late-arriving papers.

And, in the New York Times, February 28, 1996:

> The Senate's duty cannot be canceled or truncated because of the campaign calendar. Any certain date for terminating the hearings would encourage even more delay in producing subpoenaed documents than the committee has endured since it started last July. . . .
>
> No arguments about the politics on either side can outweigh the fact that the White House has yet to reveal the full facts about the land venture. . . . Clinton's work as a lawyer on Whitewater matters and the mysterious movements of documents between the Rose Law Firm, various basements and closets and the Executive Mansion. The committee, politics notwithstanding, has earned an indefinite [an indefinite] extension. A Democratic filibuster against it would be silly stonewalling.

I ask my friend from New York, recognizing the statement of the former majority leader and our good friend, Senator BYRD, regarding his statement of the Iran-Contra dispute, is not the same constitutional application and principle appropriate in this case? Should not that same constitutional application be used as we search for the facts and attempt to reach a final conclusion so that the American people as well as the Congress can be satisfied in this matter?

Mr. D'AMATO. The Senator from Alaska is absolutely correct. He is absolutely correct. I think our colleague, Senator FAIRCLOTH, has indicated there should be no price placed upon the integrity of the White House.

The fact is, the cost for the hearings, and given the work, the witnesses, the volume of work, sifting through the haystack to attempt to get the needles—it has been difficult. The lack of cooperation of various witnesses; the lack of cooperation with various agencies; the lack of cooperation and candor with many, many officials; total failure to recollect events, even though the diaries put them at various places doing various things; even the transmittal of documents when occasioned by distress calls.

I have to tell my colleague that the committee's work must continue and that we have limited it, both initially and now, to very modest sums. Although $600,000 is a lot of money, if we look at the Iran-Contra investigations and hearings—and again those were almost 10 years ago—that cost was $3,300,000. I think it was $3,298,000 at that point in time. If we were to get this appropriation, and I believe we will, we would still have spent less than $2 million.

I am not suggesting that is not a considerable sum. But I am suggesting that the work that we have done, the charge and the responsibility, is important. And in the words of Senator BYRD, it should be continued. It is our "constitutional responsibility." Certainly it was true then and it is true now. Certainly Congress met its responsibility in fully funding the Iran-Contra hearings.

Again, if we look at the words of two of the Members who served on that committee, they said they made a mistake by setting an arbitrary date for concluding the hearing. I think it is disingenuous for people to say—by the way, I understand it comes out of the White House spin doctors—that $30 million has been spent. And we have heard it here today. "Do you know how much food that could buy? Do you know how many people that could help?"

This committee has not spent $30 million. The work of the independent counsel was decided upon by none other than the President of the United States and the Attorney General. They requested that the independent counsel undertake his work and there have been 11 or 12 convictions or pleas of guilty. And he does continue his work. He has one capacity. That is to ascertain criminal wrongdoing and to prosecute it where it is found. We have another. To simply lump it in and then say to the American people, "This is politics, and they are spending all this money in search of we know not what it is," I simply have to say that is not correct. And it is not factual. And it is not dealing with our colleagues in a fair and even-handed manner, in the same manner in which they would like to be dealt with.

Mr. MURKOWSKI. May I ask my friend from New York a question, since partisanship has been brought up here more than once or twice in the discussion? Would my friend from New York care to enlighten the Senator from Alaska on what is the objective of our friends on the other side of the aisle? Why do you believe that the other side of the aisle is delaying the majority from bringing this matter before the Senate for a vote? Wouldn't you agree that we are all here collectively to meet our obligation of finding the facts and presenting them to the American public? What could be more political than for one party to ban together in an attempt to delay a vote? I am sure that is of some frustration to my friend from New York. Would he convey, in the graciousness of the cordiality that we are all bound by, why this body is being prevented from bringing this resolution to the floor?

Mr. D'AMATO. I have to say to my colleague and friend from Alaska, politely, I can not understand what my Democratic colleagues hope to accomplish by extended, protracted debate—which is a filibuster. That is a nice way of talking about filibustering this. It will only conjure in the minds of people the question: What are you hiding and why are you doing this?

I think the Washington Post, although it did not say, today, that we should go on endlessly—nor do I believe we should—they said, today, that "The Senate Democrats have already gone bail." That is pretty tough language. Listen to this.

"What the Senate does not need is a Democratic led filibuster, having already gone bail for the Clinton White House, often to an embarrassing degree."

Mr. SARBANES. Will the Senator yield on this editorial?

Mr. D'AMATO. Certainly.

Mr. SARBANES. Because the Senator continues citing it, yet the editorial very clearly states the Senate should require the committee to complete its work and produce a final report by a fixed date. That is the essential difference between the two sides.

You want an indefinite hearing, and we have suggested that there be a fixed date, just like I say to the Senator from Alaska there was in Iran-Contra, which is exactly the position that Senator DOLE took at that time and which was acceded to by the Democratic Congress. This editorial is consistently being cited by my colleague from New York, and yet the editorial says, in very clear terms, the Senate should require the committee to complete its work and produce a final report by a fixed date, a matter with which the Senator, as I understand it, disagrees.

Mr. D'AMATO. I indicated heretofore that I would not—and I again cited none other than an authority on this than Senator Mitchell as to why a fixed date I believe would be counterproductive. Having said that, certainly April 3 is absolutely unacceptable, or April 5—is guaranteed to deny us essential information and evidence that we would need. There is no way that trial will be concluded.

Let me say something else. I would be willing to say that at some reasonable period of time after the conclusion of the trial, whether it results in whatever—an acquittal, a conviction, or a hung jury—that we then, because there are practicalities, an attempt to end this, whether it is 8 weeks thereafter, that we would, and then a time for the writing of a report. But even that is dangerous because then we run into the problem of having certain attorneys looking to take advantage of every opportunity to run the clock.

Mr. MURKOWSKI. I ask my friend from New York, is it not a fact that on February 17 the committee received notes of important substance from Mr. Gearan? And, isn't it true that on February 13, the committee received Michael Waldman's notes, which totaled over 200 of information? In addition, isn't it true that the committee received Harold Ickes' documents, which totaled over one hundred pages? That was just 8 days ago.

How could the committee possibly evaluate that information? How could the committee possibly be expected to set a definitive date of when this investigation will be completed when we received subpoenaed information only 8 days ago? Do you not believe that this task is virtually impossible knowing that we have every reason to believe there is other material going to come in?

I ask my friend from New York if he would feel that he is acting responsibly if he sets a definitive date of when the investigation would end, knowing that 8 days ago the committee just got several hundred more pages of information? How long does it take the professional staff to go through that information, and how long does it take the staff of the minority side of committee to examine that information?

Mr. D'AMATO. It would be impossible to give a date exactly, because the Senator is right: We have to go through the information and bring in people. It may develop—and does in many cases—additional leads and additional people.

I have to tell you. I do not believe that we have received nearly all of the pertinent information that we have requested, or subpoenaed, or that has been subpoenaed by the special counsel. I just do not believe that to be the case. I think it is impossible to believe that other members of that White House defense team, that strategy team that met during the early week of January—they met under extraordinary circumstances, they met repeatedly, they met every day for a 1-week period of time, and thereafter—that there is not more information that was available that has not been turned over to this committee.

If we set a time, I have to tell you something, I do not think we will ever get it. If we do not wait to see what takes place in terms of that trial and what witnesses we may or may not have, we are never going to get all the facts. I never knew that a committee ran just simply on the basis of a time line. I thought that our obligation was to get the facts. I thought that was what determined. And if we were doing a credible job, if we were getting the facts, that we would continue until the picture was completed, until the job was completed, if it took additional resources. That is why we are here. We are here for those resources.

Let me say that we did not say "give us such funds as may be necessary." So you see when we say there is not a definitive date, that is true. But we have asked to limit it to an amount of money. That amount of money will only enable us to go approximately 3, maybe 4 months if there is no real activity, and if we have to suspend during a period of time, maybe somewhat longer. Indeed, if there is no justification—and I suggest it has been the action of the White House and their people in terms of holding back documents, that has brought us to this point where we suspect, and I think we have reason to suspect, that they are still withholding key documents and information from the Senate.

Mr. MURKOWSKI. Along those lines, I would ask my colleague from New York if he can explain to me why throughout the testimony of Susan Thomases and Maggie Williams there seemed to be significant memory losses. I am particularly thinking of Maggie Williams, the chief of staff of the First Lady—she responded some 140 times, "I do not remember." These are people that were in positions of responsibility, and, obviously, very intelligent people. These were significant events in their lives. And to suggest that Maggie Williams had no recollection 140 times is troubling to this Senator. Also troubling is the fact that Susan Thomases, the First Lady's friend and adviser, told the committee "I do not remember" over 70 times.

My friend from New York is a lawyer who has practiced and who knows something about the procedures in the court. What kind of an explanation can you provide for Maggie Williams responding 140 times "I do not remember" to questions from the committee? And what kind of explanation can you provide for Susan Thomases telling the committee that she "didn't remember" over 70 times? I find that very discomforting because, obviously, it suggests that there are questions that witnesses are refusing to answer. I know the chairman sat through every single witness and was troubled by this as well.

Mr. D'AMATO. The Senator is absolutely correct. Of course, you see that you could ask. If you were to say, "Where were you, Senator, on last week on Tuesday," I could not tell you now. I would have to look. But when you have key events, monumental, the death of a trusted friend, someone you have known for a long time, someone who you have worked with, and you get some of the testimony surrounding that event, surrounding the search for something that was important, the possible suicide note, to have the kind of statements "I do not recall." "I do not know."

"Who did you speak to?"

"I do not know."

"Did you speak to anybody?"

"I do not know. I do not remember. It would have been any"—it is just inconceivable. It smells of a well-orchestrated plot to deny the committee the facts and the information. And it is not just once; it is repeated.

Then when we find—and, again, very troubling—documents that relate to the work of the First Lady, documents that relate to her representation, or at least the fact that there were numerous phone calls to Seth Ward, Seth Ward, a man who purchased the property known as Casa Grande, Seth Ward, Webb Hubbell's father-in-law, Associate Attorney General, his son-in-law is in that law firm. It is interesting the son-in-law did not represent or make the phone calls with respect to his father-in-law who he was close to, a transaction that can be described as nothing less than a sham, that attempted to provide Seth Ward, in the final analysis, with over $335,000, and finally had to agree to give back to the RTC. One has to say, was it that representation, or those phone calls which we were never aware of until we found the billing records? And where were the billing records of phone calls between Mrs. Clinton and Seth Ward? In the personal residence of the President and the First Lady, in their personal residence. How about that? Are we to believe some construction worker picked them up someplace? Where did they pick them up, and where did they get to where they got, the President's personal residence, in August, just when the RTC was again releasing a report dealing with these events?

So it is very troubling. It is very troubling and it raises questions.

Maggie Williams, you see, was seen, at least by the testimony of Officer O'Neill, a career Secret Service officer, who would have no reason to concoct a story, says that on the night of Vincent Foster's death he saw Maggie Williams coming out of Vincent Foster's office—and she admits she was there—and that she was carrying papers, files. And he remembers with great detail, that when she, Maggie Williams, who is Mrs. Clinton's chief of staff, attempted to gain access to her office, she could not do it; she had to balance the files with one hand and then with the other hand open her door.

You see, this is an experience I think probably many of us have had when you are carrying something and then you have to shift it. And he said she propped it up against the wall or a cabinet so that she could then use her other hand to open the door. That was a specificity that made it hard for this Senator to not totally believe Officer O'Neill.

Let me tell you, the saga continues, the saga of the memory lapses, because Maggie Williams denies that this occurred.

But then there is another White House staffer, a young man who works there as an assistant by the name of Tom Castleton. He still works there. This is not someone who is in discord with the administration. This is not a partisan—if anything, he may be a partisan supporter of the White House. And there is nothing wrong with that. But he has no reason to lie.

What does he testify? He testifies that when Maggie Williams is carrying a box of documents up to the personal residence of the White House, she says, "Mrs. Clinton wants to review these papers." When we asked Maggie Williams, she didn't say that; she has no memory of that. Why would she say that? She would never tell this young man that for no reason. After all, of course, he told us the truth. He had no reason to make this up.

Let me ask something else. It has always mystified me why it is people have to invent incredible stories. Would it not be ordinary, if papers that belonged to you, that were with a trusted friend and a legal advisor, that you would look them over as opposed to simply having them turned over to another attorney without looking?

I find that very difficult, very difficult to understand. It would seem to me that if the Senator had important papers entrusted to his legal advisor and counselor and something has suddenly gone wrong and those papers were packaged and sent to your residence so you could then send them over to your personal lawyer, would you not look through them? Would it not be natural? Would it not be correct? Would it not be right? But you see what happens when people invent stories; they are stuck to them. They are stuck to them. Once the White House issued the statement, a definitive statement, that the First Lady had, never looked at those papers, they could never explain how the papers that were sent up there found their way back down, and then, if all of those papers were sent over to Mr. Kendall, the lawyer for the Clintons, if all of them were sent over, then how could it be that the billing records were found in the personal residence, if you had already said for the public record, public consumption, that you never looked at the records?

So now we have the mystery of the appearing documents. Where are they found? In the personal residence, where all the papers had been brought initially, all of them, and, I would suggest to you, probably including the billing records. And that, indeed, when we have heard this troubling story—because I tell you it would be absolutely totally reasonable for anybody, President or anyone—to look through their personal files and their personal records. I think that it would be unusual, unusual, absolutely unusual—after all, they had nothing to fear. There was no wrongdoing. Why would you not look through the papers to ascertain if these were papers, indeed, that should be then sent over to a new lawyer. Would you not want to look at them?

So the answers that are forthcoming do not in many cases lead to a conclusion. They raise other questions. But let me say our mandate is to get the facts. It is not to rush to judgment. It is only because—and I have only shared this for the first time—of some of the questions that I consider important, some of the troubling aspects, that I raise this. I have not raised this heretofore. I have not shared this with the media. I have not rushed to judgment, nor do I. But I raise this question—and there are others—in light of testimony given by witnesses who have nothing to gain, who, if anything, are supporters of the administration. Neuwirth, assistant counsel to the chief counsel of the United States, he says they are concerned about unfettered access, that Mrs. Clinton was concerned. This young man, Tom Castleton, who says Maggie Williams, Mrs. Clinton's chief of staff, says that Mrs. Clinton wants to review these documents. Then the White House states that they did not look at these documents. Then the billing records appearing. How did they get there?

So there is more work to be done. I do this—and I was not happy about having to raise these questions at this point in time—only because, again, the assertions have been made that our investigation has not revealed anything, that this is a waste of time and a waste of taxpayers' money.

Let me conclude by saying I believe that the committee has been patient, in some cases overly so; that the committee has gone out of its way to give the benefit of the doubt, as we should and will continue to do, to witnesses and in certain instances when evidence has not come forth when it should. We will say, let us conclude our job, get the facts, and that is when we will end the investigation, sooner rather than later.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. I thank the Chair.

Mr. President, unlike my colleague, I will be brief. I will be to the point as nearly as I can. I have been standing now for 1 hour and 20 minutes on the floor of the Senate to try to get a word in edgewise, and I recognize that when someone has the floor, they can literally keep it forever. I was prompted to come here by some remarks that I heard by my friend and colleague from New Mexico, Senator DOMENICI, a couple of hours ago when I happened to hear him say that the only way to resolve the problem before us is for the majority leader and the minority leader to sit down in one office or the other and come up with some kind of an agreeable compromise.

I thought, as usual, that was a very constructive suggestion from my friend and colleague from New Mexico, with whom I have worked on the Budget Committee each and every year, this being the 18th, since I have been here.

It makes an awful lot more sense than the long, drag-out confrontation that we seem to be headed for and are involved in now with regard to what is right and what is wrong with the request made by the chairman of the Banking Committee for the continuation of the hearings as long as he wants to pursue them in whatever manner the chairman of the committee wishes to pursue them.

I notice with great interest there were several references during the last hour and 20 minutes, when I was listening very carefully, that the name of Robert BYRD was used. We all respect Robert BYRD as one of the great Members of the U.S. Senate of today and certainly, in my opinion, of all time. It has been said on the floor that Senator BYRD felt that the Iran-Contra hearings should proceed because we have "a constitutional responsibility." I do not think there is any quarrel with that. I suspect that Senator BYRD voted for the Whitewater investigation, as did this Senator, because I think it is our constitutional responsibility to investigate wrongdoing.

In that regard, I might say that one of the side elements of this investigation and other investigations that we see more and more and more going on forever and forever and forever in the Senate of the United States, has caused a great deal of harm and a great deal of expense to many people whom most would agree are totally innocent. That has happened. The committee is chaired by my colleague from New York. It happened in previous committees.

If you read the newspapers and talk to some of the people that have appeared before the Banking Committee, you will find that when they come there, they have to bring a lawyer to protect themselves. The amount of lawyers' fees that these people have, mostly without means, to defend themselves when they are called by a committee of the U.S. Senate, they have spent anywhere from $50,000 in the last few months, sometimes up to $500,000 in the last few months, out of their own pockets to defend themselves, when in most instances most would agree most of them, if not all —and I say most of them, and maybe all, with the understanding that there was always a reason to investigate Whitewater. The dialog that we have heard, the dog and pony show for the last hour and 20 minutes, was merely to fulfill the wishes of those who wish to continue.

Senator BYRD said it is our constitutional responsibility. And it is. And we have investigated. Senator DOMENICI suggests that the two leaders should get together and work out some kind of a compromise, if you will. That is the only way we get things done down here, after we raise all kinds of havoc. I endorse the suggestion made by Senator DOMENICI.

My colleague from Maryland, the ranking Democrat on the Banking Committee, knows where this Senator has been coming from on this issue for a long, long time. I think that we have granted the Banking Committee—I voted to give the Banking Committee the time and the money to make an investigation. I am willing to give them some additional time, if that is what they need.

But if anyone thinks that this Senator is going to give an open-ended license to the present chairman of the Banking Committee, or anyone else, to go on and on and on and on, on something that, in my view, should have been concluded weeks ago, they are badly mistaken.

We do this to ourselves here, Democrats and Republicans, over and over again. We wonder why the polls show that the people despise—I think the word "despise" is not overstated—they despise, as a group, the Members of the House of Representatives and the Members of the U.S. Senate. Even used car salesmen, I believe, rate ahead of us in the polls. Why is that? Because we bring it on ourselves, Democrats and Republicans. It is not just one side of the aisle or the other. It is the conspiratorial nature of the business, unfortunately.

Mr. President, I had been the Governor of my State for 8-years, longer than any other person in the history of that State, and this is my 18th year in the U.S. Senate. I have never been sued, either before I was in public service or since I have been in public service. I never have been accused of any wrongdoing. I have never had to pay out a dollar, let alone $50,000 or $500,000 or more, to defend myself. I have had the wonderful experience of serving 18 years in the U.S. Senate.

I have been in hundreds of thousands of hours of committee hearings on the national security interests of the United States, the Armed Services Committee, in the Budget Committee, that is very much up front now. I happen to be the ranking member of the Budget Committee at the present time. I also serve, and have since I came here, also, in addition to those two committees, as a member of the Commerce, Science, and Transportation Committee.

I am proud to say that never, as long as I have served or called witnesses or been a part of questioning witnesses, have I ever cost even one of those witnesses any money out of their own pocket to come before me as the sacred one on the elevated platform directing questions down at them.

It so happens that I have not, nor have I ever, sought to serve on the Ethics Committee of the U.S. Senate. I do not like judging other people. I have never sought to serve on that committee or any other investigative committee that is going after people, to get people. Some of that is necessary. I believe that BOB BYRD is right in saying we have a constitutional responsibility to do that. But in so doing—and it has been going on and on every day, almost of every week of every month, and certainly of every year since I have served in this body—some people, a group of people, have set up themselves as judge and jury. They use the taxpayers' money of the United States of America to make accusations, to carry on investigations, some of them legitimate. But we wonder why the people of the United States distrust us.

I saw a bumper sticker on a car in Nebraska the other day that said, "I love my country, but I don't trust my Government." Well, is it any wonder what we do to ourselves? We have become the conspirators, whether we recognize or realize it or not. And the feeling of the people of the United States with regard to their elected public officials, most of whom I can certify are honest, God-fearing people trying to do the right thing, whether they have Democrat or Republican behind their names, we wonder why we are not more respected. Because of what you see on the floor of the U.S. Senate tonight.

I am not conspiratorial by nature, and I do not like what is going on. In addition to the committee of jurisdiction that seems to be on the tube every time I turn on C—SPAN, and I see mean-looking lawyers peering down, as if they were judges, at these people behind them, kind of like the Christians in the lion's den in Rome—I see that, and I do not like that either because I think you can make inquiry of people as a U.S. Senator in a fashion that does not say, "It is us against them." That is what is going on here.

The costs of this, as I understand it, are over $1 million for the committee and up to $15 million or more for the special prosecutor.

The special prosecutor has a job to do, and I voted the money to have the special prosecutor check into Whitewater. I guess what I am saying, Mr. President, is that somewhere sometime enough is enough.

Some—not this Senator—some have said that the chairman of the Banking Committee is doing this primarily because he is the chairman of the Republican Senatorial Campaign Committee, which is designed to collect money and make a lot of hoopla to try and elect Republicans. Well, that is the job of the Republican Senatorial Campaign Committee, and we have a Member on this side who does the same thing.

But some have said—not this Senator—some have said one of the main reasons that the chairman of the Banking Committee, who is simultaneously chairman of the Republican Senatorial Campaign Committee, is doing this and wants more taxpayer money to continue the investigation forever and forever and forever, as near as I can tell, is he wants to continue it at least until after the November elections, because some have said—not this Senator—that the chairman of the Banking Committee wants to do this for political reasons. He thinks it will help elect Republicans.

Now remember, I did not say that, but I guess other people have. Whether that is true or not, I voted for the money for the special prosecutor to investigate Whitewater. I voted in support of and provided a vote to provide the money to the Banking Committee to do their investigation. I had assumed that it would not take longer than it took to investigate other matters, such as Iran-Contra, but it has for whatever reason. Now the chairman of the Banking Committee wishes to go on and on and on.

I simply say that I do not believe this committee going on and on and on, spending more of the taxpayers' money is going to amount to any more than it has already. The special prosecutor is continuing, the special prosecutor is the place to bring charges if anyone before the Banking Committee has committed perjury, as was indicated by the dog-and-pony show tonight. If they committed perjury, they should be prosecuted, and if they are found guilty, they should stand whatever the sentence in court should be.

I simply say that I think it is far past time for this committee to have made its report, but in the good nature that I think has always embodied me, I suggested to the ranking Democrat, the Senator from Maryland, who is on the floor, what, 2 months ago, 3 months ago—I do not know what it was—when the chairman of the Banking Committee was beginning to talk about the necessity to extend this date beyond the expiration date of yesterday and wanted $200,000 or $300,000 more of taxpayers' money to get the job done, I said, "I'm not for that at all. I think they should be called upon to wind up their inquiry and make their report to the U.S. Senate."

But I said in the spirit of compromise, since the chairman of the Banking Committee says he wants more time and he needs more time, I would, against my better judgment say, "All right, let's give them another 30 days, until the 28th of March, and $90,000," or whatever it takes to wind this up and then set a date for the report no later than 30 days after that, so that we can get on with this matter. I remember very well the ranking Democrat at that time thanking me for that suggestion.

We have now come to the place, while I can assure the Senate that the vast majority of the Democrats in this body—and there are 47 of us—the vast majority of them are against any extension period beyond the expiration date of the committee of yesterday.

But it has been talked over and it was agreed, in an effort to come to some kind of a compromise, that we do not want to filibuster, we do not think a filibuster is necessary.

Following up on what Senator DOMENICI suggested on the floor of the Senate, why do we not have the majority leader, Senator DOLE, and the minority leader, Senator DASCHLE, get together tomorrow and make a decision, a reasonable decision, along the lines that Senator DOLE suggested back under the Iran-Contra affair?

At that time, the Democrats were the conspirators. They were the ones who wanted to continue this discussion. Senator DOLE suggested that we should not go on with Iran-Contra forever. It was causing problems for the President of the United States who, at that time, was a Republican. Believe it or not, Mr. President, the Democratic majority at that time said, "Senator DOLE, you're right. You're making sense. You're trying to be reasonable, Senator DOLE."

What we are asking for at the present time, and taking up on the public expression and request by my friend and colleague from New Mexico, it is time for the two leaders to get together. It is time to end the dog-and-pony show. It is time to come to a definite timeframe—30 days, *x* amount of money, whatever is necessary—to wind up this investigation, and then anything further that is done beyond that, as it should be, would be accomplished by the special prosecutor.

If we end the investigation by the Banking Committee tonight, the special prosecutor is still there with full subpoena powers and the authority of a prosecutor to bring charges for anything that he thinks needs to be raised in the courts.

I simply say, Mr. President, that I hope we will take the wise counsel offered by the Senator from New Mexico, my friend, Senator DOMENICI, and resolve this matter tomorrow and get on with the business of the U.S. Senate.

I thank the Chair, and I yield the floor.

EXTENDING WHITEWATER INVESTIGATION

Ms. MIKULSKI. Mr. President, yesterday we returned for the last session of the 104th Congress to complete the Nation's business. We returned so that we could attempt to reach a bipartisan agreement on welfare reform. We returned to continue debating the future of Medicare. We returned so we could end the budget impasse. We returned so that we could face the legislative challenges before us and not let the American people down.

I'm sad to say, we are not doing these important things. We are not serving the American people by working on the things that affect their day to day lives. Instead, we are debating whether to extend the Senate Committee's investigation into Whitewater indefinitely and if an additional $600,000 for the investigation should be provided.

I oppose this attempt to extend the hearings indefinitely. The Senate has already spent $950,000 on 277 days of Whitewater investigation, heard from more than 100 witnesses, and collected more than 45,000 pages of documents. Enough is enough.

Let me tell you what I support. I support Senator DASCHLE's proposal to complete the task at hand by extending the hearing until April 3, 1996, with a final report due on May 10, 1996. I also support letting the Independent Counsel do his work. Three federal judges have given him the job of investigating Whitewater and all related matters. He has more than 130 staff members helping him. There is no time limit or spending cap on his investigation, so he will be able to gather facts in a systematic and unencumbered way and to investigate Whitewater thoroughly. The results of his investigation will be made public. If the Independent Counsel finds wrongdoing, he has the authority to bring any lawbreakers to justice. By permitting him to do what none of us can do and what none of us should be doing, we will get a complete rendering of the facts. That's the right thing to do. That's what I support.

What I don't support is using Senate committees to play Presidential politics. The goal of this proposed extension is very clear. It's about Presidential politics. And, it's about vilifying Mrs. Clinton in the name of Presidential politics. This attack on her is unprecedented. She has voluntarily answered questions on four occasions from the Grand jury and on three occasions in interviews for the Grand jury, numerous written questions, and she has been cooperative with the committee. I know her personally. Like many others across the Nation, I have deep admiration and respect for her.

Like so many other American women she has struggled to meet the demands of both a career and a family. She is dedicated to her family and she is a dedicated advocate for children. For more than 25 years she worked on behalf of children and families which she discusses in her book "It Takes a Village". In "Village", Mrs. Clinton shares with the public her passion, conviction, and insight, gleaned from her experience as a mother, daughter, advocate, attorney, and First Lady.

Mrs. Clinton has truly inspired a generation of men, women and children. She has worked to raise her own family and she has worked to protect a generation of children. So I don't support extending the Senate committee's investigation into Whitewater.

We should not ask taxpayers to continue subsidizing this round of Presidential politics and this attack on Mrs. Clinton. Instead, I say, let's get on with the business of this country and its citizens. The Senate committee should finish its investigation immediately, write its report, and let the American people hear what the committee has to say. I believe the Senate should get back to the job we were elected to do. Get back to meeting the day to day needs of the American people. The American public deserves our full attention.

WHITEWATER

Mr. SARBANES. Mr. President, I listened with great interest while my colleague, the distinguished Senator from New York, and his colleagues went on for some length, and I do not intend to match that length at this hour. I do not think that is really necessary, but there are some matters that I think ought to be reviewed with respect to this Whitewater matter.

First, a great deal is being made about these documents that appear, as though it is a nefarious plot. I understand that people like to attach sinister intentions, but the explanation for it may be far more innocent than that. And I really want to include in the RECORD an article that appeared a few weeks ago in the New York Times by Sidney Herman, a former partner of Kenneth Starr. Let me quote from it:

> Documents that are relevant to an investigation are found in an unexpected place 6

> months after they were first sought. A shocking development? Absolutely not. In most major pieces of litigation, files turn up late. One side or the other always thinks of making something of the late appearance. But these lawyers know the truth. It could just as easily happen to them. Despite diligent searches, important papers in large organizations are always turning up after the initial and follow-up searches.

Later on he goes on to say:

> My former partner, Kenneth Starr, knows all this. As independent counsel in the Whitewater investigation, he will take it into account. But the American people have no reason to know that this is a normal occurrence. It is not part of their every-day experience. Reporters really do not have any reason to know this either, or they may know and simply choose to ignore it.

Now, Mr. President, I ask unanimous consent that article be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SARBANES. I place it in the RECORD simply to make the point, as the article does, that the appearance of documents a considerable period of time after they have been requested is, in fact, not a shocking development. This goes on all the time, as anyone involved in litigation or document requests well knows.

In each instance, of course, one has to judge the explanation for the late-appearing documents with respect to their plausibility, but as I indicated when we were discussing Mr. Gearan earlier, his explanation, I thought, was very straightforward. He said by mistake these had been packed into a box he took with him to the Peace Corps. He thought they had remained at the White House where the White House counsel could go through them and provide responsive matters to the committee. It was only by chance that these documents, then, were later discovered in that box that had been sent over to the Peace Corps and then were put back into the loop so that they eventually came to the committee.

A great to-do is made of the fact that if you have a fixed date for ending, you will not get the documents, and that to-do is made over documents that we have gotten. I find it incredible—in other words, these documents are furnished to us and then an argument is made if you have a fixed date—as we did, the date of February 29—you will not get the documents. I do not know how you square the two. We get the documents. They are provided to us. Then the assertion is made if you have a fixed date you will not get the documents. We have a fixed date. We got the documents. The people provided them to us in response to the request. I do not understand that argument. Obviously, logically, it does not hold together.

Now, the issue here is essentially the difference between the request of my colleague from New York, Chairman D'AMATO, for an open-ended extension of this inquiry, and the proposal put forth by Senator DASCHLE for an extension until April 3 for hearings and until May 10 to file the report.

When this resolution was first passed, it was passed on the premise that there would be an ending date, February 29, and the rationale advanced in part for that ending date was to keep this matter out of the Presidential election year and therefore avoid the politicizing of these hearings and the erosion of any public confidence in the hearings because of a perception that they were being conducted for political reasons.

I listened with some amazement earlier as the Washington Post editorial was cited by my colleagues on the other side of the aisle in support of their position for an unlimited extension. Now, that is the position, and I recognize it, of the New York Times. I recognize that the New York Times' posture is for an indefinite extension; but the Washington Post, which was also cited in support, said today, very clearly, "The Senate should require the committee to complete its work, produce a final report by a fixed date."

Now, they question the dates that we put forward as perhaps being too short a period. They said a limited extension makes sense but an unreasonably short deadline does not. They said 5 weeks may not be enough time. They suggested maybe there should be a little extra time, running in the range of through April or early May. In other words, a few more weeks beyond what the leader has proposed in the alternative, which my distinguished friend from Nebraska has suggested was a possible way of approaching this matter.

In any event, so that readers of the RECORD can judge for themselves, I ask unanimous consent that this Washington Post editorial entitled "Extend But With Limits," and which contains as I said the sentence, "The Senate should require the committee to complete its work and produce a final report by a fixed date," which editorial has been used by some in support of an indefinite extension—for the life of me I cannot understand how one can do that, can make that argument. I ask unanimous consent that editorial be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. SARBANES. Mr. President, I want to point out with respect to both the Gearan and Ickes notes, because the point was raised that we have these notes and we got them late in the day. The fact is the committee held a full day of hearing with Mr. Gearan and a full day of hearing with Mr. Ickes with respect to their notes. There was an opportunity to examine their notes, see the contents of their notes, bring them in before the committee, and have a hearing with respect to them.

The White House has, in effect, now responded to every request of the committee. We have some e-mails to be obtained, but that is almost completed. I outlined earlier the difficult problems that were associated with the e-mails. First of all, the extraordinary and onerous breadth of the committee's request and the fact that the Bush administration had put in a procedure, a process at the White House that made the recovery of those e-mails extremely difficult. The White House finally had to bring in a consultant, and they are expending hundreds of thousands of dollars in order to provide those e-mails. The ones that have been provided thus far, the weeks covered, have not produced anything. That is in a very real sense a fishing expedition. It has not produced anything thus far.

Now, Mr. President, a lot has been made of citing the book by Senator Mitchell and Senator COHEN with respect to having a firm deadline and their feeling that the Iran-Contra inquiry would have worked better without a firm deadline. Of course, as my colleague from Connecticut pointed out earlier, there has been no inquiry conducted in the Senate without a firm deadline. This is an entirely new and different precedent that was going to be established.

Let me just quote from their book:

> At the time, the setting of a deadline for the completion of the committee's work seemed a reasonable and responsible compromise between Democratic members in both the House of Representatives and the Senate who wanted no time limitation placed upon the committee, and Republican Members who wanted the hearings completed within 2 or 3 months.

As an aside, I may note that probably the strongest advocate of a time limitation for the committee's work was the then-minority leader, Senator DOLE. Time and time again he took the floor to argue that very strenuously, did the same thing in the meetings that were being held between the leadership to work out how that inquiry would be done, and did, in fact, press for a timeframe at one point of only 2 or 3 months, as this book indicates.

Now, the book then goes on to say, and I am now quoting it again:

"It escaped no one's attention that an investigation that spilled into 1988 could only help keep Republicans on the defensive during an election year. Both Inouye and Hamilton recommended rejecting" and I underscore that. "rejecting the opportunity to prolong, and thereby exploit President Reagan's difficulties, determining that 10 months would provide enough time to uncover any wrongdoing."

I want to underscore to this body that the Democratic leadership of the Congress, as that book states, Chairman HAMILTON from the House and

Chairman INOUYE from the Senate, agreed to a defined timeframe as the minority leader, Senator DOLE, had pressed for very, very hard. And, of course, the reason was to keep it out of the 1988 Presidential election year and, therefore, not turn the inquiry into a political football.

That was the thinking here last year when we passed Senate Resolution 120 with an ending date of February 29, 1996, which is where we find ourselves now. That was the thinking. And many of us have taken the view, and I hold to it very strongly, that extending the inquiry deep into a Presidential election year will seriously undermine the credibility of this investigation and create a public perception that this investigation is being conducted for political purposes. I think that is clearly happening, and I think the effort to have the inquiry continue on through the Presidential election year will contribute to that.

I was very much interested in an editorial that appeared in U.S. News & World Report on January 29, by its editor in chief, Mortimer Zuckerman.

I ask unanimous consent that editorial be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. SARBANES. In the course of it he says, and let me just quote it:

> It would be foolish to expect a congressional investigation to be above politics. But at what point, in a decent democracy, does politics have to yield to objectivity? At what point does rumor have to retreat before truth? In Whitewater that point would seem to have been reached when we have had an independent, exhaustive study of the case under the supervision of a former Republican U.S. attorney, Jay Stephens.

Of course, he is referring there to the study that was commissioned by the RTC, from the Pillsbury, Madison, Sutro law firm.

He goes on a little later in that editorial to say:

> That official report is in, but hardly anyone who has been surfing the Whitewater headlines will know of it. It has been ignored by both the Republicans and a media hungry for scandal. The Stephens report provides a blow-by-blow account of virtually every charge involved in the Whitewater saga. Let us put the conclusions firmly on the record. The quotes below are directly from the Stephens report.

And he then goes through questions that were raised about various activities and the conclusions of the report. And then goes on to say:

> The report concludes: On this record there is no basis to charge the Clintons with any kind of primary liability for fraud or intentional misconduct. This investigation has revealed no evidence to support any such claims. Nor would the record support any claim of secondary or derivative liability for the possible misdeeds of others.
>
> Stephens's firm—Pillsbury, Madison & Sutro—spent two years and almost $4 million to reach its conclusions and recommended that no further resources be expended on the Whitewater part of this investigation.

Pillsbury, Madison actually asked for a tolling agreement from the Rose Law Firm at the end of December, because of some new material that had come out. And then subsequent to that we received the billing records of Mrs. Clinton from the Rose firm. Other matters came of public record, and they examined all of those before they submitted their final report, which has just come in today. In that report they conclude, as they had concluded earlier, that there was no basis on any of the matters they investigated—and they went carefully through quite a long litany of them—

> . . . no basis on which to charge the Clintons with any kind of primary liability for fraud or intentional conduct, nor would the record support any claim of secondary or derivative liability for the possible misdeeds of others.

This report needs, obviously, to be carefully examined by my colleagues. It is a very important report; $4 million of public money was expended on it. And it reached the conclusions which I have just outlined.

Mr. President, I think the proposal that Senator DASCHLE has put forward is an eminently reasonable proposal. It is argued, on the one hand, we need even an indefinite time because we need to get more material. The material has now all come—an extraordinary request for material, some of it delayed, in my judgment, because of how far-reaching and onerous the document requests were. Other items were delayed because people misplaced them, did not find them. They have now been provided to the committee.

The other argument that is made, which is an interesting argument given the record of this committee, is that we now need to await the trial in Arkansas. It was recognized in Senate Resolution 120 that the independent counsel was already at work, and it was never anticipated that the committee would defer its work to the independent counsel in such a way as to go beyond the February 29 deadline.

In fact, when the independent counsel in September of last year indicated to the committee to forbear until some unspecified time any investigation and public hearings into many of the matters specified in Senate Resolution 120, we rejected that in a joint letter which Senator D'AMATO and I sent to Mr. Starr. We stated:

> We have now determined that the special committee should not delay its investigation of the remaining matters specified in Senate Resolution 120.

We went on to say:

> We believe that the concerns expressed in your letter do not outweigh the Senate's strong interest in concluding its investigation and public hearings into the matters specified in Senate Resolution 120 consistent with section 9 of the resolution.

Section 9 is the provision of the resolution which called for the February 29 concluding date for the work of this committee.

And we went on to say:

> Accordingly, we have determined that the special committee will begin its next round of public hearings in late October of 1995. This round of hearings will focus primarily on the matters specified in section (1)(b)(2) of Senate Resolution 120, and through the remainder of this year the special committee will investigate the remaining matters specified in Senate Resolution 120 with the intention of holding public hearings thereon beginning in January 1996.

That was our position then. I thought it was a correct position. It was not anticipated that the committee would defer its work until after the independent counsel has pursued his trials. It is now said this trial. But he has other trials in the offing as well, all of which, of course, would serve to carry this inquiry on into infinity.

Just to underscore it with respect to Mr. Hale because we, the minority, have pressed repeatedly throughout for bringing Mr. Hale in, seeking through subpoena to obtain his documents—and that has consistently been delayed—this issue was considered at a hearing on the 28th of November, and Chairman D'AMATO said the following. I now quote:

> I would like to bring him, Hale, in sooner rather than later so that he can testify and so that he can be examined. If we drag this, if this matter is dragged out into February or later, I believe legitimate questions can be raised as to why bringing him in so late and getting into next year and the political season—and I think that is a very legitimate concern of this committee—both Democrats and Republicans and I would like to avoid that.

It certainly was a legitimate concern and the effort to press to move on the Hale matter never was realized. The minority staff continually sent memoranda to the majority about Hale and nothing was done about it. We now find ourselves finding this being used as an argument to defer the hearings to the other side of the trial. As I said, the trial is not going to be in secret. So the matters developed at the trial will be, I can assure you, on the public record and available to the public.

Many of the witnesses sought have indicated they will take the fifth amendment. And there is every reason to assume that they will continue to do so. So then they are not going to become available to the committee in any event. And the committee has to do its work and make its report.

We have taken an extraordinary number of depositions. Much of what we are now looking at, which involves matters that occurred in Arkansas 10 and 15 years ago, had been covered voluminously in the press. I am really almost staggered by the fact that we hold a hearing and then it is asserted, well, new revelations came out at this hearing. We held a hearing with Ickes.

And everyone said, "My goodness, we have discovered that a special team was set up in the White House to deal with the Whitewater matter in January of 1994." A newspaper account in early January of 1994 states that a special team under the direction of Mr. Ickes was set up. So he comes in. We have these notes. He comes in and testifies. We have the situation in the committee where the establishment of this team and him as the head of it is considered as a new discovery when there is a newspaper story from 2 years earlier stating that such a team was being set up and that he would head it up.

Interestingly enough, the article that was written on the day after the hearing paralleled the article that was written 2 years earlier. The January 7th, 1994—not 1996, 1994—article in the Washington Post stated, and I quote:

> With the start of the new year, the White House launched a major internal effort to fight back against mounting criticism of the way it has handled inquiries into President Clinton's Arkansas land investments. A high-powered damage control squad was appointed under the direction of new Deputy Chief of Staff, Harold Ickes, and daily strategy sessions began.

That is in 1994. Then we get notes from Ickes about a meeting of the special strategy session that he is heading up, and that is treated as though we discovered something new. In fact, the article reporting on the hearing paralleled the article written 2 years earlier.

That is what we have been going through; I mean a replowing of material that has already been available generally in the press and out to the public. In fact, the Atlanta Constitution in the editorial that my colleague, Senator PRYOR, cited of February 15 states:

> The Senate's Watergate hearings of 1973 and 1974 were momentous delving into White House abuses of power and leading to the resignation of the disgraced President and the imprisonment of many of his aides. They lasted 279 days. Next week, Senator Alfonse D'Amato, Republican of New York and his fellow Whitewater investigators, will surpass that mark. Today is the 275th day, and they have nothing anywhere near conclusive to show for their labors. To put matters in context, all they have to ponder is a fairly obscure 1980's real estate and banking scandal in Arkansas. With the February 29th expiration date for the special panel staring him in the face, Senator D'AMATO has the effrontery to ask the Senate for more time and money to continue drilling dry investigative holes. Specifically, he wants open-ended authority and another $600,000. That is on top of $950,000 his committee has spent so far plus $400,000 that was devoted to a Senate Banking Committee inquiry into Whitewater in 1994. The partisan motives behind Senator D'Amato's request could not be more obvious.

They then go on along this vein.

They also make the point in concluding that the independent counsel will continue his investigation and, therefore, the legal and business affairs of the President and Mrs. Clinton will be scrutinized by the independent counsel.

This editorial actually called for ending on February 29 as the resolution provided. The distinguished minority leader has in effect come forward and said we will not press this immediate cutoff. We are prepared for the hearings to go on for a limited further period of time, and for a period of time after that in order to do the report. I think that is a very forthcoming proposal, and I very strongly commend it to my colleagues on the other side of the aisle.

Mr. President, I yield the floor.

EXHIBIT 1

[From the New York Times, Jan. 27, 1996]

DOCUDRAMA

(By Sidney N. Herman)

Documents that are relevant to an investigation are found in an unexpected place six months after they were first sought. A shocking development?

Absolutely not. In most major pieces of litigation, files turn up late. One side or the other always thinks of making something of the late appearance, but these lawyers know the truth: it could just as easily happen to them.

Despite diligent searches, important papers in large organizations are always turning up after the initial and follow-up searches. How many times have you looked for something on your desk and couldn't find it, only to have it appear right under your nose later? Happens all the time.

Indeed, as every litigator knows, there is nothing worse than having an important document show up late. You've only highlighted its absence for your opponent. If you know where it is, it is far better to include it in the initial delivery of relevant papers, where it gets mixed in with the rest of the morass. Why red-flag it by holding it back?

My former partner, Kenneth Starr, knows all this. As independent counsel in the Whitewater investigation, he will take it into account.

But the American people have no reason to know that this is a normal occurrence; it is not part of their everyday experience. Reporters really don't have any reason to know this either. Or they may know, and simply choose to ignore it.

Last summer, notes that were critical to the celebrated libel suit brought by Jeffrey Masson against the writer Janet Malcolm appeared in her private study, years after they were first sought. I recall that discovery being treated as an interesting happenstance, nothing more.

When documents show up belatedly, even in private quarters, there is simply nothing unusual about it.

EXHIBIT 2

[From the Washington Post, Feb. 29, 1996]

EXTEND, BUT WITH LIMITS

We noted the other day that the White House—through its tardiness in producing long-sought subpoenaed documents—has helped Senate Banking Committee Chairman Alfonse D'Amato make his case for extending the Whitewater investigation beyond today's expiration date. If one didn't know any better, one might conclude that the administration's Whitewater strategy was being devised not by a White House response team but by the high command of the Republican National Committee.

However, despite the administration's many pratfalls since Whitewater burst onstage, Sen. D'Amato and his Republican colleagues have not provided compelling evidence to support the entirely open ended mandate they are seeking from the Senate. There are loose ends to be tied up and other witnesses to be heard, as Republican Sen. Christopher Bond said the other day. But dragging the proceedings out well into the presidential campaign advances the GOP's political agenda; it doesn't necessarily serve the ends of justice or the need to learn what made the Madison Guaranty Savings & Loan of Arkansas go off the tracks at such enormous cost to American taxpayers. The Senate should allow the committee to complete the investigative phase of its inquiry, including a complete examination of the Clinton's involvement with the defunct Whitewater Development Corp. and their business relationships with other Arkansas figures involved in financial wrongdoing. But the Senate should require the committee to complete its work and produce a final report by a fixed date.

Democrats want to keep the committee on a short leash by extending hearings to April 3, with a final report to follow by May 10. A limited extension makes sense, but an unreasonably short deadline does not. Five weeks may not be enough time for the committee to do a credible job. Instead, the Senate should give the committee more running room but aim for ending the entire proceedings before summer, when the campaign season really heats up. That would argue for permitting the probe to continue through April or early May.

What the Senate does not need is a Democrat-led filibuster. Having already gone bail for the Clinton White House, often to an embarrassing degree, Senate Democrats would do themselves and the president little good by tying up the Senate with a talkathon. Better that they let the probe proceed. Give the public some credit for knowing a witch hunt and a waste of their money if and when they see one. And that, of course, is the risk Sen. D'Amato and his committee are taking. The burden is also on them.

EXHIBIT 3

[From the U.S. News & World Report, Jan. 29, 1996]

THE REAL WHITEWATER REPORT

(By Mortimer B. Zuckerman)

Have you no sense of decency, sir, at long last? Have you left no sense of decency? Forty years ago, Joseph Welch, a venerable Boston lawyer, thus rebuked Joe McCarthy in the Army-McCarthy hearings and stopped his reckless persecution of a naive but innocent young man. How one longs for a Joseph Welch to emerge in the middle of the extraordinary affair now known as Whitewater! The parallels between Sen. Alfonse D'Amato's investigation of a land deal in Arkansas and McCarthy's investigation of communism in the Army are hardly exact, but there is an uncanny echo of 1954 in the fever of political innuendo we are now experiencing and in the failure of an excitable press to set it all in proper perspective. Then, as now, the public found itself lost in a welter of allegation, reduced to mumbling the old line about "no smoke without fire."

It would be foolish to expect a congressional investigation to be above politics. But at what point, in a decent democracy, does politics have to yield to objectivity? At what point does rumor have to retreat before truth? In Whitewater that point would seem to have been reached when we have had an independent, exhaustive study of the case under the supervision of a former Republican U.S. attorney, Jay Stephens, a man whose credibility is enhanced by the fact that he was such a political adversary of the Clintons that his appointment provoked Clinton aide George Stephanopoulos to call for his removal. Yes? No. That official report is in, but hardly anyone who has been surfing the Whitewater headlines will know of it. It has been ignored by both the Republicans and a media hungry for scandal. The Stephens report provides a blow-by-blow account of virtually every charge involved in the Whitewater saga. Let us put the conclusions firmly on the record. The quotes below are directly from the Stephens report.

Question 1: Were the Clintons involved in the illegal diversion of any money from the failed Madison Guaranty Savings & Loan, either to their own pockets or to Clinton's 1984 gubernatorial campaign? "On this record, there is no basis to assert that the Clintons knew anything of substance about the McDougals' advances to Whitewater, the source of the funds used to make those advances, or the source of the funds used to make payments on bank debt. . . . For the relevant period (ending in 1986), the evidence suggests that the McDougals and not the Clintons managed Whitewater."

Question 2: What of money diverted to the campaign? No evidence has been unearthed that any campaign worker for Clinton knew of any wrongdoing pertaining to any funds that might have come out of Madison into Clinton's campaign.

Question 3: Did taxpayers suffer from Whitewater through Madison's losses on the investment? No. Whitewater did not hurt Madison, the possible exceptions being a couple of payments involving James and Susan McDougal. The report says the Clintons knew nothing about the payments.

Question 4: Did the Clintons make any money? The report says they did not; instead, they borrowed $40,000 to put into Whitewater and lost it.

Question 5: What of the charge from David Hale, former municipal judge and Little Rock businessman, that Bill Clinton pressured him to make an improper Small Business Administration loan of $300,000 to Susan McDougal? As to the $300,000 loan to Mrs. McDougal, "there is nothing except an unsubstantiated press report that David Hale claims then-Governor Clinton pressured him into making the loan to Susan McDougal." The charge lacked credibility in any event. It was made when Hale sought personal clemency in a criminal charge of defrauding the SBA.

What's left? Nothing. The report concludes: "On this record there is no basis to charge the Clintons with any kind of primary liability for fraud or intentional misconduct. This investigation has revealed no evidence to support any such claims. Nor would the record support any claim of secondary or derivative liability for the possible misdeeds of others."

Stephen's firm—Pillsbury, Madison & Sutro—spent two years and almost $4 million to reach its conclusions and recommended "that no further resources be expended on the Whitewater part of this investigation." Amen.

So when you cut through all the smoke from D'Amato's committee and almost hysterical press reports such as those emanating from the editorial page of the Wall Street Journal, what you have is smoke and no fire. No Whitewater wrongdoing to cover up, no incriminating documents to be stolen, no connection between the Clintons and any illegal activities from the real-estate business failure and the web of political and legal ties known as Whitewater.

But wait. What about the time sheets showing the amount of legal work that Hillary Clinton performed for the failed S&L? Surely we have some flames there? Again, no. Her role, says the Stephens report, was minimal. Mrs. Clinton did perform real-estate work in 1985 and 1986 pertaining to an option for about 2 percent of the land, but as the report says, that was at most related only tangentially to the acquisition itself. Mrs. Clinton did not play a legal part in the original acquisition of the land, known as castle Grande, although the Rose Law Firm did. Both sides pointed out that the principals, as opposed to the lawyers, put together the deal. The lawyers did only the scrivener work, and if this transaction was a sham, there is "no substantial evidence that the Rose Law Firm knowingly and substantially assisted in its commission."

As for the option, the report says there is no evidence that Mrs. Clinton knew of any illegalities in this transaction: "The option did not assist in the closing of the acquisition. It . . . was created many months after the transaction closed. The option . . . does not prove any awareness on the part of its author of Ward's [Madison's partner] arrangements with Madison Financial. . . . While Mrs. Clinton seems to have had some role in drafting the May 1, 1986, option, nothing proves that she did so knowing it to be wrong, and the theories that tie this option to wrongdoing or to the straw-man arrangements are strained at best."

Rep. James Leach's spokesman asserts that Hillary Clinton's minimal work on the option put her "at the center of a fraudulent deal," and D'Amato says that her billing records show tremendous inconsistencies with her previous statements on the time she spent on Whitewater. Fraud? The only fraud lies in these congressional statements; they are a political fraud on a credulous public. On the role of real-estate lawyers, I must endorse the Stephens judgments here from my personal business experience of thousands of real-estate transactions. Never, not once, have my lawyers drawing up legal documents determined the business terms or the appropriateness of the price.

It is appalling that the smoke and smear game has been played so long by the Republicans and the media that everyone is tagged with some kind of presumption of guilt rather than a presumption of innocence. The double standard of judgment is well illustrated by the performance of those standard-setting newspapers, the New York Times and the Washington Post. The Times originally broke the Whitewater story on its front page with a jump to a full inside page. What did it do with Stephens's report? Ran it on Page 12, in a 12-inch story. The Post's priorities were so distorted that it mentioned the findings in only the 11th paragraph of a front-page story devoted to a much less important Whitewater subpoena battle. Most other major papers ran very short stores on inside pages, and the networks virtually ignored the report.

The press has slipped its moorings here. It seems to be caught in a time warp from the Nixon-Watergate era. The two questions then—what did the president know and when did he know it?—were at the very heart of the matter. The two questions now—what did the president's wife know and when did she know it?—seem a childish irrelevance by comparison. The time, money, and political energy spent barking up the wrong tree are quite amazing. The press gives the impression that it has invested so much capital in the search for a scandal that it cannot drop it when the scandal evaporates. The Republicans give the impression that if one slander does not work, they will try another. No wonder the nation holds Congress, the White House and the media in such contempt; the people know that the press seems to be acting like a baby—a huge appetite at one end and no sense of responsibility at the other.

We have a topsy-turvy situation here. The Republicans win the case on merit over balancing the budget but are losing it politically on the basis of public perception. The Clintons have the better case on Whitewater but are losing it politically because of smear and slander, a situation compounded by their defensive behavior. The media seem unwilling to focus on the substance of either issue. So much for a responsible press!

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

EUROPEAN ARMIES DOWNSIZE

Mr. WARNER. Mr. President, I read with great interest an article in the Washington Times a few days ago. I ask unanimous consent to have it printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Times, Feb. 26, 1996]

EUROPEAN ARMIES LOSE SIZE, EFFICIENCY

CONSCRIPTION NOT WORKING; ALL-VOLUNTEER TOO EXPENSIVE

(By John Keegan)

LONDON.—The state may not be withering away, as Karl Marx predicted it would, but Europe's armies are.

Only seven years ago, Europe was awash with combat units. Now they are so thin on the ground that governments can scarcely meet their military commitments. And the situation is getting worse.

The problem is conscription. Young Europeans do not want to perform military service, even for as little as a year, now the norm.

Paradoxically, the generals are not keen on conscription either. As a result, the big armies, such as those of France and Germany, are planning either to increase the proportion of volunteers or to scrap conscription altogether.

France announced Thursday the most sweeping changes in its military since it developed nuclear weapons nearly 40 years ago, saying it will shrink its armed forces by one-third in six years and eliminate the draft. The French want a force of 350,000 by 2002, all of it volunteer.

Smaller armies in Europe have taken similar steps. The Netherlands will call up no new conscripts and release all those in service by Aug. 30. Belgium stopped conscription in 1993. Austria, not part of NATO, is talking of substituting an armed police for its army.

In the former Soviet bloc, the situation is confused at best, chaotic at worst.

Russia's problem is that young men of military age do not report for the call-up. In some military regions, the proportion of those who do is as low as 10 percent, and they tend to be unqualified—often dropouts who cannot find a place in the new free-enterprise economy. That does much to explain the poor performance of Russian units in Chechnya.

The Russian army has been humiliated by the collapse of the Soviet empire, of which it was the guardian. Russian officers resent the dimunition of national power as much as they are frustrated by the drop in their units' ability to perform. Inefficiency is so glaring that self-appointed volunteer formations, often calling themselves "Cossacks," are springing up.

Military disgruntlement in circumstances of political weakness always bodes ill. The need to put the former Soviet armed forces on a proper footing is now urgent.

Poland, where the army is a revered national institution, still operates a successful conscription system. Neighboring states, such as Belarus and Ukraine, are laboring to decide what sort of army they want. They look to the West for advice.

The British Defense Ministry held a conference in London last year to explain the options to them. The British model of all-"regular"—that is, career or volunteer—forces is much admired, but is too expensive for many. Conscription staggers on but does not produce combat units worth the money they cost.

The crisis in France and Germany is of a different order.

Conscription in France, since the French Revolution, has always been given an ideological value. Military service, the French believe, teaches the "republican virtues" of equality and fraternity, besides patriotism and civic duty.

There have been ups and downs in the system: exemptions for the well-educated, substitution for the rich. Since 1905, however, all fit young Frenchmen have had to serve a year or two in the ranks.

The logic is different from that held by Britons, who pine for the days before 1961, when conscription was abolished. They see it as a recipe for an end to inner-city hooliganism. In France it has a higher motive. Military service makes Frenchmen into citizens.

In Germany, conscription also acquired an ideological justification in the post-Hitler years.

Under the kaiser, it was intended to produce the biggest army in Europe, but also to make German youth respectful of their betters and obedient to all authority. The imperial officer corps took trouble to see that their authority was obeyed. Regular officers remained a caste apart from civilians, even under Hitler.

When postwar West Germany rearmed, its democratic government harbored understandable fears of creating such an office corps again. It saw in conscription a check against military authoritarianism. Conscripts were guaranteed their civil rights, military law was abolished, and conscientious objection was made easy.

Too easy, it has proved.

More than half of the 300,000 annual conscripts now opt for alternative, non-military service. There are simply not enough men to keep units up to strength.

What makes things worse is that Chancellor Helmut Kohl, with his passion for European integration, is pushing for more inter-allied units, with Germans serving beside French, Spanish and Belgian soldiers.

Spain retains conscription, though the short term of service makes its army of little use. If French and Belgian troops are to be regulars in the future, the difference in quality between them and their German and Spanish comrades-in-arms will become an embarrassment.

The solution may be to make all soldiers regulars, to go for what Europeans increasingly call "the British system." The problem is cost.

Regulars are at least twice as expensive as conscripts, requiring either a bigger defense budget or smaller armed forces. No one wants to spend more on defense, particularly when social budgets are crippling national economies. It seems inevitable, therefore, that armies must grow smaller but become all-regular if they are to meet international standards of efficiency.

The French appear to have accepted that logic.

President Jacques Chirac is about to be advised that France should withdraw the 1st Armed Division, its main contribution to the Franco-German Eurocorps, from Germany and disband several of its regiments, together with many others in metropolitan France. The army would be halved.

That may make good military sense, but it is likely to cause a political storm. Democratic France, like Germany, harbors suspicions of regular forces. They are thought to be anti-popular and all too readily turned against elected governments.

French history, like Germany's makes such fears realistic.

Napoleon III came to power through a military coup mounted with long-service troops. Charles de Gaulle faced another coup mounted by the Foreign Legion in Algeria. The Foreign Legion has never been allowed to serve in mainland France during peacetime because of fears about its loyalty.

In Germany, which already has some all-regular units, the public is probably no more ready to face a transition to the British system than is Mr. Kohl. The paradoxical outcome may be to leave Germany with the least efficient of armies among major European states.

German generals, who increasingly count on existing all-regular units to fulfill their NATO commitments, will not be pleased. They are likely to press for an end to conscription but unlikely to get it.

The difficulties involved in a change from conscript to regular forces are not easily understood in Britain, nor is the political debate it causes. The British take their system, together with the political stability of their armed forces, for granted.

What is not perceived is that such stability is the product of 300 years of unbroken constitutional government, during which the officer corps has completely integrated with civil society. There is, indeed, no "officer corps" in Britain, where soldiering is seen as a profession akin to others.

In Germany and France, with their different traditions, it may not take 300 years to change the relationship between army and society, but it will still take some time. In the former Soviet bloc, time may not be on the military reformers' side.

Mr. WARNER. Mr. President, this article was written by John Keegan of the London Daily Telegraph in which he stated the historical perspective of how the principal European nations and Great Britain have, through the years, raised their Armed Forces, and how the future portends that they are going to depart from these time-honored methods, and, as a consequence, the likelihood of their level of manpower could significantly drop in the coming years.

I promptly sent a letter to the Secretary of Defense, the Honorable William J. Perry, addressing my concerns.

The letter said:

DEAR MR. SECRETARY: I want to bring to your attention the enclosed article, "European Armies Lose Size, Efficiency," which appeared in the "Washington Times" on February 26.

According to this article, European nations—many of which are Members of NATO—are in the process of dramatically reducing the size of their ground forces. Such developments could have adverse consequences for the future of NATO, and require ever-increasing U.S. military contributions to the Alliance to compensate for European shortfalls. In such developments continue, NATO's ability to fulfill its commitments under Article 5 of the "NATO Charter" could be called into question.

As Chairman of the AirLand Forces Subcommittee of the Armed Services Committee—the Subcommittee with primary jurisdiction over NATO and the European Command—I will need information from the Department of Defense in order to assess the impact on the United States of the issues raised in the enclosed article. In particular, I am concerned about the long-term plans for meeting our NATO commitments in light of the reductions planned by our European allies; the need for increased U.S. military contributions to the Alliance to offset the European reductions; and the adequacy of current U.S. force structure planning to meet our NATO commitments in light of these changes.

During a time when NATO expansion is being actively considered, by some, these issues must be thoroughly examined. I ask that you provide your assessment as soon as possible in order for my Subcommittee to incorporate this information into its upcoming budget review and schedule of hearings. I am hopeful your reply will be detailed, as I view the representations in this article with deep concern.

SENATOR THURMOND APPOINTS ROMIE L. BROWNLEE AS NEW SENATE ARMED SERVICES COMMITTEE DIRECTOR

Mr. WARNER. Mr. President, I compliment the chairman of the Armed Services Committee, Senator THURMOND, for his selection of Col. Les Brownlee as the new staff director of the Armed Services Committee. Colonel Brownlee has served me with extraordinary professionalism for 12 years. He brings to this position a record of significant achievement as a highly decorated career military officer for his valor in combat, service with the Army Secretariat, special assistant to the undersecretary of the Army, and many other qualifications.

I wish to compliment the chairman for the selection of Colonel Brownlee, who, although he has been in my employ, so to speak, for a dozen years, now will owe his total allegiance to the chairman and all other members of the committee. I was so pleased when Chairman THURMOND consulted me on this nomination that he had in mind some days ago. Of course, I strongly recommended Colonel Brownlee, and I am pleased that the chairman did select him from the strong field of candidates to become the staff director.

Colonel Brownlee is well known throughout the Senate and the staffs. He has worked here by my side and by the side of many others, including Senators Tower, Goldwater, NUNN, and many members of the committee, in the preparation of our legislative responsibilities, which have been discharged here on the floor through these many years. I would like to think that the men and women in the Armed Forces on active duty today, and, indeed, the retired military, will receive with pride the news that one of their own, one who has distinguished himself so well in uniform, as well as in service to the committee, has been selected to this very, very important post.

I add, Mr. President, the fact that while Colonel Brownlee had not in any way actively looked at outside opportunities because he is a strict adherent to the rules of conflict of interest here, it was clear to me in our conversations that, in all probability, having spent 12 years on the committee and having many years before him of useful and productive life, thoughts were given to the more lucrative opportunities that are frequently offered by the private sector. But he clearly decided, once again, on the offer to serve his Nation, serve this Senate, and indeed serve the Armed Forces of the United States. The call came, and he responded unhesitatingly.

I ask unanimous consent that the press release accompanying the announcement by Chairman THURMOND be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THURMOND APPOINTS NEW SASC DIRECTOR

WASHINGTON, FEB. 27. 1996.—Chairman of the Senate Armed Services Committee Strom Thurmond (R–SC) today appointed longtime committee staff member Romie L. Brownlee as the new Staff Director for the Committee.

Brownlee, a retired Army Colonel, has worked on defense issues in the Senate since 1984, when he began his career in the Legislative Branch as a National Security Assistant to Senator John Warner (R–VA), and then joined the Committee in 1987 as the Deputy Staff Director for the Minority. Before being named Staff Director, Brownlee was responsible for handling issues related to the Army and Marine Corps land forces, Special Operations Forces, and drug interdiction.

"Les Brownlee is extremely well qualified to serve as Staff Director of the Senate Armed Services Committee, as he is a man with a keen intellect and proven abilities," said Thurmond. "He is widely respected by senior members of the armed forces, by Senators serving on the Armed Services Committee, and by his fellow staffers. We are fortunate to have him as our new Director."

A native Texan, Brownlee was commissioned a Second Lieutenant of Infantry following his 1962 graduation from the University of Wyoming. Brownlee served two tours in Vietnam, including one as a Company Commander with the 173rd Airborne Brigade. During his career, Brownlee earned a number of decorations including two Silver Stars, three Bronze Stars, and a Purple Heart. In subsequent years, Brownlee would hold postings that included serving as Commander of the 3rd Battalion, 36th Infantry, and at the Pentagon as the executive officer for the Under Secretary of the Army. He earned a Master's of Business Administration from the University of Alabama, graduated from the Army War College, is a distinguished graduate from the Army's highly demanding Ranger Course, and is an Honor Graduate of both the Infantry Officer Advanced Course, and the Command and General Staff College.

Brownlee is replacing retired Brigadier General Richard Reynard, who is resigning from his position as Staff Director to return to the private sector.

Mr. WARNER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NEW MEXICO, THE LAND OF ENCHANTMENT

Mr. DOMENICI. Mr. President, once again, 1 of our 50 is missing. If that seems like an enigmatic statement, bear with me a little longer. I have a story to relate to you that proves true once again the adage that truth is often stranger than fiction.

On Tuesday of this week one of my constituents, a man named Wade Miller, of Santa Fe, NM, called the Olympic ticket office in Atlanta, GA, in the United States—Atlanta, GA, USA. He was calling them to request tickets for the Olympics, I say to my friend from New York. Instead, imagine his surprise when he was told that since he was calling from New Mexico with his request, he would need to consult with the Mexican or Puerto Rican Olympic Committees in order to get tickets—not the Olympic office in Atlanta, which, I repeat, is in Georgia, USA.

Keep in mind that the area code for New Mexico is 505. The area code for Atlanta is 404. I checked it myself, and this does not register as an international call. If it was, my poor constituent, who argued with them for a half hour to 45 minutes trying to convince them that New Mexico was, indeed, in the United States, would have a real telephone bill. There was even some debate about old Mexico versus New Mexico. But when all was said and done they still told him that, no, you cannot buy any tickets from us. You have to get them from either the Mexican or Puerto Rican—they were not sure, I guess—Olympic office.

Finally, Mr. Miller produced a mailing address in Arizona and asked if his tickets could be mailed to that address. They established on the phone that yes, Arizona was in the United States and that tickets could be sent there. Alas, the identity crisis for New Mexico, USA, seems to continue. And while I'm pleased we could all agree that Arizona, our distinguished neighbor to our west, is a State, I must point out that New Mexico was actually a State even before Arizona, although not by much.

So, as the Senator from New Mexico—although I guess the Olympic Committee would simply call me a delegate, not a Senator—I must once more rise to refresh everyone's memory. New Mexico—that large span of land between the oil wells of Texas and the saguaros of Arizona—is in the United States. I flew home during the last recess and they did not book me on an international flight, nor did I need to pass through customs on my way. And while my passport is in order, I can assure you I did not need it to land at Albuquerque International Sunport.

I might also remind the Senate, and also the Olympic organizers in Atlanta, that New Mexico was admitted to the Union as the 47th State in January 1912. It lies directly south of Colorado, east of Arizona, west of Texas, and north of the Mexican border. Let me repeat, north of the Mexican border. You may know it as one of the larger pieces in jigsaw puzzles of the United States.

In fact, New Mexico has one of the longest histories of any State in the Union, starting with our ancient Indian cultures, almost four centuries of Hispanic ancestry, and nearly 200 years of American settlement. It is a dramatic land of scenic vistas and 1.5 million proud citizens.

And let me remind the Olympic office that we had good reason to be proud during the last Olympics, for we had a great champion from New Mexico—Trent Dimas, who earned a gold medal in gymnastics. When Trent Dimas won this medal, it wasn't "O Fair New Mexico," New Mexico's State song, that was played during the ceremony. They played the National Anthem of the United States—surely an indicator that even in the context of the Olympics, New Mexicans are proud U.S. citizens. And those New Mexican athletes who visit the State of Georgia this summer to attend the Summer Olympics will do so as citizens of the United States, cheering our other terrific American athletes.

Let me wrap up by assuring the Atlanta ticket office that we in New Mexico are well practiced in the use of U.S. currency. We, too, use the dollar and not the peso. We're also well accustomed to potable drinking water and to driving our cars on the right side of the road. And I can't even imagine that those unique Southern accents will give New Mexicans any trouble.

So today, I put a little note in Senator NUNN's and Senator COVERDELL's mailboxes, asking them if they would do us a favor in New Mexico and vouch for us to the Olympic Committee in

Georgia—and I'm assuming that would be Georgia, USA, not Georgia, Russia. Perhaps they could each send a note to the good people of Georgia to remind them that New Mexico, the Land of Enchantment, is a State. No need to refer New Mexicans to any embassy, customs office, passport center, or currency exchange office. We're one of you.

THE TRAVIS LETTER

Mrs. HUTCHISON. Mr. President, this month marked the sesquicentennial of the end of the Republic of Texas.

But I rise this morning to celebrate the beginning of our Republic, not its end. One hundred sixty years ago Saturday, March 2, a band of Texans gathered in Washington-on-the-Brazos and declared our Independence from Mexico. Around them raged a fierce war for that Independence. I would like the Senate to remember the many brave Texans who gave their lives in that war as I read the last letter sent from the Alamo on February 24, 1836. In reading this letter, I continue a tradition begun by my late friend, Senator John Tower. Here then is the letter of Col. William Barrett Travis, from his fort at San Antonio.

To the people of Texas and all Americans in the world:

Fellow citizens and compatriots—I am besieged by a thousand or more of the Mexicans under Santa Anna. I have sustained a continual bombardment and cannonade for 24 hours and have not lost a man. The enemy has demanded a surrender at discretion, otherwise, the garrison are to be put to the sword, if the fort is taken. I have answered the demand with a cannon shot, and our flag still waves proudly from the walls. I shall never surrender or retreat. Then, I call on you in the name of Liberty, of patriotism and everything dear to the American character to come to our aid with all dispatch. The enemy is receiving reinforcements daily and will no doubt increase to three or four thousand in four or five days. If this call is neglected, I am determined to sustain myself as long as possible and die like a soldier who never forgets what is due his own honor and that of his country. Victory or death.

P.S. The Lord is on our side. When the enemy appeared in sight we had not three bushels of corn. We have since found in deserted house 80 to 90 bushels and got in the walls 20 or 30 head of Beeves.

William B. Travis.—The Alamo, February 24, 1839.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, 4 years ago I commenced these daily reports to the Senate to make a matter of record the exact Federal debt as of the close of business the previous day.

In that report (February 27, 1992) the Federal debt stood at $3,825,891,293,066.80, as of the close of business the previous day. The point is, the federal debt has escalated by $1,190,735,080,843.14 since February 26, 1992.

As of the close of business yesterday, February 28, 1996, the Federal debt stood at exactly $5,016,626,373,909.94. On a per capita basis, every man, woman and child in America owes $19,041.54 as his or her share of the Federal debt.

IMPORTED FOREIGN OIL BOX SCORE

Mr. HELMS. Mr. President, the American Petroleum Institute reports that for the week ending February 23, the United States imported 6,094,000 barrels of oil each day, a 6.5-percent increase over the 5,698,000 barrels imported during the same period 1 year ago.

Americans continue to rely on foreign oil for more than 50 percent of their needs, and there are no signs that this upward trend will abate.

According to the January 30, New York Times article "Odds of Another Oil Crisis: Saudi Stability Plays a Large Role," Saudi Arabia, which sits on 25 percent of the world's proven oil reserves—that's approximately 260 billion barrels—is politically vulnerable. There is increasing tension between the Sunni majority and the Shiite minority; tensions within the royal family have been widely reported.

Mr. President, a power struggle could easily lead to violence with a disastrous effect on the price of oil. Of course, we all pray that Saudi Arabia remains stable, politically, economically, and otherwise. This is a concern that has bothered me for years.

Mr. President, I ask unanimous consent that the aforementioned article be printed in the RECORD at the conclusion of my remarks and, needless to say, I hope Senators and their staffs will heed the very explicit warning in it.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ODDS OF ANOTHER OIL CRISIS: SAUDI STABILITY PLAYS A LARGE ROLE

(By Agis Salpukas)

Oil Shock III. Could it happen again?

With supplies of oil plentiful and the price of gasoline, adjusted for inflation, as low as it was in the bountiful 1950's, the notion that the world will go through another spike in oil prices like those in 1973–74 and 1979 seems farfetched. And with Iraq apparently on the verge of re-entering the market, nothing is likely to change soon. Indeed, prices may fall for a while.

But some oil industry experts—worried that Saudi Arabia, the linchpin of the world oil market, may be more vulnerable politically than is generally believed—are raising the specter of an oil price surge for the first time in years.

The talk has intensified because of the possibility, remote as it may be, of a battle to succeed the ailing King Fahd between Crown Prince Abdullah, the King's half brother, and Prince Sultan, a full brother. Both men control large armies.

On Jan. 1, the 74-year-old King handed over authority to Crown Prince Abdullah, 72, for an unspecified time while he recovered from exhaustion. The Crown Prince, long designated to succeed the King, is known as an Arab nationalist who may be less open than King Fahd to American policies.

Civil war between rivals for power or between the Sunni majority and the Shiite minority cannot be ruled out, says David P. Hodel, Secretary of Energy under President Ronald Reagan. And any instability in Saudi Arabia, which sits on 25 percent of the world's proven oil reserves, or 260 billion barrels, would have wide repercussions. The tendency in the United States, he warns, has been to "go merrily on our way as if there is no potential problem to world oil supply until it is too late."

"Sadly," he added, "the consequences can be devastating."

Most political leaders and industry executives say there is nothing to worry about. Another oil crisis is always possible, they concede, but it is highly remote. The United Nations World Economic and Social Survey 1995 confidently predicts that the real price for oil will remain roughly constant for the next 20 years.

"Nobody can say it won't happen," said Alfred C. DeCrane Jr., the chairman and chief executive of Texaco Inc. "But an earthquake on the San Andreas Fault is more apt to happen than a disruption in oil."

Is that confidence overdone?

Saudi Arabia is still vital to feed the world's growing appetite for oil, which now totals about 62 million barrels a day. It accounts for a little more than 8 million of the 17 million barrels of oil that flow from the Middle East. And even though output outside the Middle East has been growing, there is not enough reserve capacity to fill the void if Saudi supplies are disrupted.

"The world needs Saudi Arabia," said John H. Lichtblau, the chairman of the Petroleum Industry Research Foundation, a private research group. In the event of upheaval, the question, Mr. Lichtblau said, is, "Will you be killed or just be hurt?"

Experts like Mr. Lichtblau offer the consoling thought that history demonstrates that even the most disruptive political events are unlikely to keep the crude oil from pumping for long.

Vahan Zanoyan, senior director of a private consulting firm in Washington, the Petroleum Finance Company, generally agrees. He recently warned in an article in Foreign Affairs magazine that Saudi Arabia's leaders were frozen in time and had shown little inclination to respond to the decade-old drop in oil prices by reining in spending by the royal family and its entourage of princes, households and hangers-on.

"If in the next three to four years the Saudi Government resists reforms," he said in an interview, "you will see more often the types of riots and civil unrest partly caused by economic concerns and the rise of more Islamic movements. The oil markets in the world will not watch this kind of thing with detachment."

Yet even under the worst view—in which a fundamentalist Islamic group seizes power in Saudi Arabia—the new government will only hurt itself if it cuts off the supply of oil for a sustained period. "Sooner or later," he said, "the new leaders would have to export oil."

The best protection against a temporary cutoff in supplies lies in the United States Strategic Petroleum Reserve, which holds about 600 million barrels, enough to meet America's needs for 90 to 120 days. But growing complacency about the risk of another oil shock is leading some lawmakers to look at the reserve as a source of revenue today rather than an insurance policy for tomorrow. Senate Republicans have proposed selling 39 million barrels from the reserve to help reduce the budget deficit. And most companies have cut their own inventories of oil, leaving the nation with a smaller margin of protection.

There is also little will on the part of the public, political leaders or the oil industry to lessen the vulnerability by increasing conservation or supporting alternative energy sources.

"At the moment we're just letting things drift," said James R. Schlesinger, Energy Secretary under President Jimmy Carter, "when we should be alert to finding possible contingencies."

In the event of a crisis, the most likely outcome, many experts say, will not be a complete shutoff but the risk that any new leadership will decide to sacrifice maximum income for a while, cutting production over time in a bid to push up prices.

But not everybody is so confident that the worst can be avoided. Milton Copulos, president of the National Defense Council Foundation, a conservative group in Washington, raised the possibility of an oil crisis at Congressional hearings last year. "The optimists assume that the Arabs are exclusively motivated by economics," Mr. Copulos said. "The Ayotollah Khomeini was not motivated by economics. Other militants are not motivated by economics."

Ultimately, of course, there is always the option of military force.

Walter E. Boomer, the president of the Babcock & Wilcox Generation Group and a former Marine Corps lieutenant general who was involved in the Persian Gulf war, said the United States had already demonstrated its commitment during the war to defend Western interests in the Middle East.

"If the country is threatened," he said, "we would make that commitment again."

INTERNATIONAL DRUG CERTIFICATION

Mr. BIDEN. Mr. President, I rise to draw a line—a line that divides our nation from those countries who have fallen prey to the obscene influence of international drug cartels.

This week, the President will offer his decision—drawing his line—about which countries have cooperated sufficiently with United States counternarcotics efforts to justify all the benefits of a full partnership with our Nation. This year, some of our neighbors have crossed the line and should not be "certified" as fully cooperating with the U.S. drug enforcement effort. Others of our neighbors are coming perilously close to crossing this line.

Before offering my specific views on which countries I believe have crossed this line, I want to offer my general views of this drug certification process. Foremost, the certification process does not seek to shift the full blame for the drug scourge solely to the drug-producing and transit countries. In fact, the comprehensive drug strategies I have offered call on the U.S. government and the U.S. people to remain vigilant and committed to attacking the drug problem at home.

But, as I have always recognized, slowing the flow of drugs into the U.S. must be an integral part of a comprehensive drug strategy. And this effort to cut the literally hundreds of tons of drugs flowing toward American shores must be assisted by all countries if they are to continue as our full partners in the family of nations.

Mr. President, let me make it real simple—any nation that wishes to enjoy the benefits of American friendship must do everything they can to help America fight the scourge of drugs. This is not an impossible task. We are not being unreasonable. We do not ask that the nations that have literally been held hostage by the drug cartels end the supply of drugs coming from their shores. That would be unreasonable—many of these nations just cannot eliminate all drug cartels, just as we cannot eliminate all of the mafia here in the U.S.

Still, America has the right to ask what is reasonable—no more but also no less. That has been my longstanding test, not only in the area of drug policy but also in other important questions of foreign policy, such as arms control.

To be more specific, I have long believed that a United States policy of support and cooperation with our friends in Latin America is the best way to counter the drug threat. While it might make us feel better, isolation and incrimination of other countries rarely helps us meet our ultimate objectives. Particularly in the drug interdiction task, cooperation and shared intelligence are absolutely essential to an effective strategy because drugs can be hidden in any of the billions of legal containers that cross our border every year. And with no intelligence, we can never hope to stop these drugs.

Nevertheless, despite the fact that cooperation is usually the best policy, there are grave circumstances where both morality and practicality require America to draw the line.

I regret to conclude that for Colombia that line has been crossed. The United States should not certify that Colombia has done everything possible to curb the operations and influence of the illicit drug trade, primarily because of the corruption at the highest levels of the Colombian government.

I also conclude that for Mexico, that line is close to being crossed. This requires the U.S. to send a clear warning—just as we did last year to Colombia. Let me also point out that totally cutting off cooperation could make a bad situation very much worse, and it is simply not in our national interest to do so. Therefore, I recommend that a vital national interest waiver or similarly strong, unambiguous warning be sent to the Mexican government.

Even as I call for our nation to decertify Colombia, I recognize the immense challenges that the drug trade poses in that country. I admire the courage of the men and women in Colombian law enforcement—leaders such as the National Police Chief, General Serrano—who endure violent threats and even actual assaults on their Government institutions. Hundreds of honest, hardworking Colombians sacrificed their lives last year in the struggle against drug traffickers.

But, how can we assured of the Government's commitment against drug trafficking when the President himself almost surely benefited from the drug trade? The extent and level of official drug corruption in Colombia is the single most glaring failure —and the overriding reason I must recommend decertification.

President Ernesto Samper has been charged with accepting $6 million in campaign funds from the Cali cartel—and may soon be impeached because of it. In addition, at least 20 members of congress are also under investigation for accepting drug funds.

I have long stated that such official corruption cannot be tolerated. Even if a nation is overwhelmed by the horrible powers of international drug cartels, as long as their leaders remain committed to fighting these cartels they deserve our support. But, once a nation's leaders have fallen under the corrupt influence of the drug cartels, morality and practicality require that they cannot be given our support.

This has been my test for certification for years. In 1989, I voted to overrule President Bush's decision to certify the Bahamas. I believed then that the Bahamas should have been decertified because drug corruption had permeated the highest levels of their Government.

Let me also point out that the current leadership of Colombia has already been given the benefit of the doubt—given chances—given tests—but, ultimately, their leaders have failed. The Senate was first faced with reports of the Samper campaign's alleged connection to the Cali cartel during the summer of 1994. I and every Senator voted to condition U.S. aid on progress in fighting drug operations and corruption. But, with no clear evidence of corruption against Mr. Samper available at the time, this provision was dropped when the final foreign operations bill was negotiated with the House of Representatives.

At the time of President Samper's inauguration in August 1994, I and the majority of Senators voted against a measure to place further counternarcotics conditions on United States aid to Colombia. We voted, in effect, to give the new President time to demonstrate his commitment to fighting the drug cartels. President Samper personally assured me that he would remain faithful to the struggle against drugs. The evidence is clearer every day that he has not lived up to his word.

Last year's certification of Colombia on vital national interest grounds was the clearest possible—and first ever—official United States warning that the leaders of Colombia must remain absolutely free from the corrupt influence of the drug cartels. In response to this warning, we did see an unprecedented series of raids—Colombian authorities, cooperating with the of DEA, captured six leaders of the Cali cartel.

But just last month, one of those key traffickers walked out of prison and reliable reports indicate that the cartel kingpins who stayed in prison continue to run their drug operations from their plush prison cells.

Finally, and unpardonably, charges of corruption have coincided with a marked diminution of efforts to slow the drug trade—as last year Colombian seizures of cocaine decreased by 24 percent last year. And, supplies of Colombian heroin are also on the rise—becoming more pure, less expensive, and taking over the streets of America.

Even as I recommend decertification, I recognize that this issue can—under the law—be revisited during the coming year. The Samper government may soon be replaced. It may even prove that the charges of corruption are groundless.

So, let me be crystal clear. If a new Colombian Government demonstrates a commitment to fighting the drug cartels and an absolute freedom from corrupt influence of the drug cartels, then the United States should revisit the decertification decision. The Foreign Assistance Act allows the President to reconsider a decertification decision if there has been a fundamental change of government or a fundamental change in the reasons for decertification. A new government—free of the corrupt influence of the drug cartels—would be such a fundamental change.

But, until then, I cannot recommend to the President that he do anything other than decertify Colombia.

The story for Mexico is different than Colombia's—at least so far. The key difference is the antinarcotics leadership of the current Mexican administration. Still, the growing threat to the United States of drugs grown, produced, or traveling through Mexico is too serious for Mexico to be granted full certification. Therefore, the correct course to take this year with Mexico is the step we took last year with Colombia. In other words, we must send a warning—such as granting a national interest waiver.

Let me point out, Mexico's problems are in some ways the result of successes in interdiction in the transit zone—the Caribbean. Our success at pushing the drug traffickers out of the transit zone means that the drug cartels needed a new route—the natural choice is the overland route that passes directly through Mexico. This has been the key opportunity for Mexican traffickers to gain control more phases of cocaine operations. Reports from the field indicate that Mexican drug kingpins actually accept payments in the form of cocaine—1 free kilo from the Colombian kingpins for every kilo the Mexican traffickers smuggle to the United States.

This 2-for-1 sale has had such a severe impact that now more than two-thirds of all the cocaine in this country now comes through Mexico. And, it means that Mexican drug cartels are poised to become much richer, more powerful and more deadly than ever before. What is worse, all this is on top of longstanding Mexican trafficking in heroin, marijuana, methamphetamine, and one of the newest drugs of abuse—rohypnol.

Let me also point out that Mexico's large geographic size and their limited resources mean that fighting the drug traffic is simply an overwhelming task.

Last year, for example, we heard that traffickers landed fast-flying jumbo jets with multi-ton shipments of cocaine in rural Mexico. Sometimes using dry riverbeds or dirt roads as landing strips, obviously ruining these planes—literally abandoning planes worth upwards of $10 million . Of course, it's worth it to the drug cartels—these tons of cocaine are worth literally hundreds of millions of dollars. Such tactics seriously test the capacity of Mexico's anti-drug personnel and resources.

But with all these problems, I believe Mexico has a President who is on our side. President Zedillo has taken sincere and important steps on the drug front, including judicial reforms and the appointment of an attorney general who is from the opposition party dedicated to weeding out corruption. The recent arrest of Juan Abrego—leader of the Mexican gulf cartel—was an example of United States-Mexican cooperation.

Mexico's demonstrated leadership amidst the growing drug threat is the fundamental reason I do not propose decertification for Mexico. Frankly, if we destroy Mexico's moral, political or practical resolve against the drug traffickers we will only have succeeded in making a bad situation very much worse.

Still, in rejecting no-strings-attached full certification for Mexico, we must send a clear and strong warning that the Mexican drug trade must be a priority in our bilateral relations and that we expect results. Nevertheless, continued cooperation between the United States and Mexico on drugs is critical with such a close and important neighbor. Last year, we sent a warning to the Colombian government—they did not heed this warning—and this year I call for them to pay the price. This year, we must send a warning to the Mexican government—and if they do not heed it, they will pay the price.

We cannot expect a quick fix to the drug problem in Mexico. But we must be clear about areas where we think a strong, honest government can make a difference—starting with reforms in the institutions and laws that are both governable by their national leadership and vulnerable to the narcotics industry.

For example, more can and must be done to curb the problem of money laundering in Mexico's financial sector. More can and must be done to control precursor chemicals of methamphetamine, as Mexican traffickers become key players in the manufacturing and distribution of this drug. And, more can and must be done to work together to control the new challenge posed by the flow of rohypnol across the border.

In 1993, I supported the North American Free Trade Agreement—and vowed to monitor carefully how the agreement with Mexico was functioning. And last year, I did not protest when President Clinton decided to lend Mexico money to help alleviate the peso crisis. My call to end the full no-strings-attached certification for Mexico means that my continued support for NAFTA will depend in great measure on an aggressive Mexican response to the growing drug threat. In doing so, I am following the same prudent course I followed for Colombia—a clear warning, a chance to comply, with failure to comply resulting in action.

Mr. President, I understand that both Mexico and Colombia are making efforts in counter-narcotics—but the standard for certification is full cooperation. Given the massive scourge of drugs confronting us, it is in the interest of the United States to raise the level of expectations and attention given to the drug trade by our southern neighbors. This is what the certification process allows, and this is what our Nation must do.

THE FUTURE OF THE NATIONAL GUARD

Mr. FORD. Mr. President, shortly after Christmas, the New York Times printed a very one-sided portrayal of the National Guard. In that article, a senior Defense Department official is quoted as saying, "There's a lot of the Army National Guard that's just irrelevant to our strategy. It's kind of like a welfare program for weekend warriors. * * *"

Aside from being grossly inappropriate, the statement is simply not true. Change is inevitable—not just for the Guard but for this Nation's military structure as a whole. And, while the Guard is prepared to face those new challenges, as we go forward, I'll continue to be guided by my unequivocal support for the Guard and by the knowledge that the Guard is in no way the problem, but rather the key to the solution.

I can also assure my colleagues that some nameless, faceless bureaucrat who equates the Guard—with its stellar performances in the Persian Gulf, Somalia, Haiti, the Sinai, and Bosnia—to a handout, will not be determining the Guard's fate. Instead, the Guard, sitting down as equals with the Army, will determine that future.

That's the message I delivered a few weeks ago to the Adjutants General Conference, that's the message I delivered when the Governors met here for their annual meeting, and that's the message I bring to you today. Because when representatives of the National Guard sit down at the negotiating table with the Army, I intend for both the Governors and Congress to be solidly behind them.

Our common goal has been to maximize the Guard's role both during times of war and peace, and to assure the Guard is ready and accessible. That goal has not changed. But, we must assure that this goal can adapt to the changing global, economic, technological, and political environment. I think that the Guard's accomplishments put us in an excellent position as we head into this debate, and ask the question, "What are the military needs of this country, and how can we best meet them?"

We've already proven we can conform to the changing global demands being placed on our military. In his State of the Union Address, President Clinton said, "We can't be everywhere. We can't do everything. But where our interests and our values are at stake—and where we can make a difference—America must lead. We must not be isolationists or the world's policeman. But we can be its best peacemaker."

The Guard has proven itself 100 percent as a necessary and vital part of America's peacekeeping force. Any discussions about the Guard's future must recognize the interdependability of the regular Army and the Guard, rather than continuing to see them as having separate missions.

The Air Force and Air Guard are a perfect example of how we can make this integration work. Serving anywhere around the globe, there is no distinction between these two Air Forces. They fly as one, they work as one, and they succeed as one.

Another issue often mentioned is the changing technology and its impact on our military makeup. Again, the Guard is keeping pace with the changing demands. I'll use this opportunity to brag on Kentucky a bit. Our western Kentucky training facility, in conjunction with the high-technology training available at Fort Knox, puts Kentucky and the National Guard at the forefront of this country's military training.

Last year, 16,000 soldiers trained there. But, those numbers represent just the beginning in a long line of soldiers who will receive the best, state-of-the-art training this country has to offer.

The Kentucky Guard is certainly not alone in its ability to adapt to new high-technology opportunities and demands. And, who better than our citizen-soldiers with their added professional skills, to meet the high-technology challenges of the future? We've seen how these additional skills constantly come into play—a chief of police providing the know-how to set up policing operations in Haiti is just one example—and we'll see it when the Guard uses its outside expertise for the high-technology military of the future.

In the end, Mr. President, our greatest pleasure comes from budget realities and growing fiscal restraints. Last year, we essentially had to go in and write the Guard's resource and training needs into the budget. But, our hard work paid off and our priority items—Air National Guard force structure, military technician manning and the Army Guard operating funding—survived.

This year, things will get even more difficult. And as General Baca conceded a few weeks ago, we'll not only have to confront the issue of force structure, we'll have to accept change. But, the Guard can be the architects of that change.

In drawing up the plans for that change, I think we should be guided by the Adjutants General Association president, General Lawson's words. As he said last September, "We may need less military, but we don't need the military less."

Assistant Secretary of Defense Deborah Lee is right on target when she points out that our units cost 25 to 75 percent of active-duty counterparts. "Making greater use of the reservists makes good sense in an area of shrinking budgets. This means that instead of reducing the Reserve components in the same direct proportion as the active components, more use should be made of reservists to control peacetime costs and to minimize the risks associated with active drawdown."

And that last point is very important. As the executive officer of a Cobra helicopter squadron put it, "If you dissolve units like this, it would take years to rebuild that ability if you ever needed it again."

Major General Philbin put it another way: "Since few conflicts evolve as anticipated, where would those reserve component forces be found if the Guard combat divisions are deactivated? The Army Reserve? Not structured for combat. Another draft? No time, since the Pentagon pundits are forecasting, however unrealistically, conflicts that arise like lightning bolts and are successfully concluded in a flash."

When we go to the table to hammer out a new covenant with the Army, we must bring to the table our willingness to see changes to force structure. But we shouldn't leave behind our commitment to a relevant, viable and ready Guard that maintains a balanced force of combat, combat support, and combat service support, along with an equal level of command support to maintain balance across the Nation. These items will not be negotiable.

We're at a crucial juncture that will have long-felt repercussions for the National Guard and the Nation as a whole. But I hope we've reached that juncture, with Congress behind the Guard, with the Governors behind the Guard, and most important, with the American people behind the Guard.

That's because the citizen-soldiers of the National Guard find their roots in the history of this country, but equally important, in the communities of this country.

If you look behind the words in the Guard's theme—"Capable, Accessible, Affordable"—what you'll find are average folks who've struggled through some of the worst disasters imaginable.

They understand that taken together, these three words define with simplicity and clarity, the important dual Federal-State function of our National Guard, the decisive role they've played in our Nation's history, and will play in our Nation's future.

And taken together, they decree what the Guard has been, what they can be, and what they will be.

Mr. President, I look forward to working with my colleagues to assure that the Guard continues to play a major role in this Nation's military structure and mission.

CHARACTER COUNTS RESOLUTION, SENATE RESOLUTION 226

Mr. NUNN. Mr. President, yesterday, I joined with my distinguished colleague Senator DOMENICI, in submitting Senate Resolution 226. This resolution which, I strongly support, would designate the week of October 13–19, 1996, as the third annual National Character Counts Week.

For the past 2 years, I have joined with Senator DOMENICI and several of our other colleagues in introducing the previous character counts bills, and I have been very pleased with its reception by our colleagues and our constituents.

We have come together again this year to draw attention to the fact that our Nation is experiencing a crisis of values. This crisis is reflected in the rising tide of violence that kills children in the cross-fire on school yards and in front of their houses, and in the increasing number of children who kill each other.

This crisis goes beyond crime. It is reflected, also, in the recent survey of youngsters conducted by the Josephson Institute of Ethics. These ordinary youngsters may never be involved in crime, drug abuse, or teenage pregnancy, but they still acknowledge disturbing ethical lapses;

Two out of five high school age boys and one in four girls have stolen something from a store.

Nearly two-thirds of all high school students and one-third of all college students had cheated on an exam.

More than one-third of males and one-fifth of females aged 19–24 said they would lie to get a job and nearly one-fifth of college students had already done so in the last year. Twenty-one percent said they would falsify a report to keep a job.

As a character in John Steinbeck's novel "Of Mice and Men" complained, "Nothing is wrong anymore." Unfortunately, a lot is wrong and our society seems reluctant to admit the problem, and to teach again and live by the values of right and wrong.

This is the core message of character counts—that there are core values that our society agrees on and that should guide our decisionmaking. These values, as set out in the resolution, are trustworthiness, respect, responsibility, fairness, caring, and citizenship. These values are and have been supported by an extremely broad and diverse coalition of people, including former Secretary of Education Bill Bennett, the late Barbara Jordan, actor-producer Tom Selleck, and Children's Defense Fund founder Marian Wright Edelman. Among our colleagues, Senators with such diverse political viewpoints as Senator HELMS and Senator BOXER have supported similar efforts in the past. I come before the Senate today on behalf of this group to urge continued attention to this important problem.

In recent months, I have joined with my colleague Senator LIEBERMAN and Secretary Bennett in an effort to raise awareness of the connection between what people see in the media and the way they live their lives. One of the points we have tried to stress to media producers and the advertisers who support these shows is that they have a responsibility to consider the societal context in which their programs play. It is difficult for our children to see trash and violence on television every day and avoid falling into those habits in their own lives. By the same token, we as citizens have a responsibility to provide an example of good character for our children to follow. If they see us upholding the pillars of good character in our everyday lives, it becomes easier for them to live that way.

This is a resolution considered by members of the Senate and House in Washington, DC. But it is the parents, teachers, coaches, ministers, big brothers and sisters in local communities who will lead the fight for values in our Nation. As a result of the efforts by the Character Counts Coalition, people in all areas of the country are more aware of the problems we face, and have begun to incorporate these values into their everyday lives and those of their children. Senator DOMENICI has outlined some of these efforts. We resubmit this resolution to remind the Senate that the work on this issue is far from over, and again to enlist our colleagues' support in reenforcing that these values are fundamental to our society. I am proud to join my colleagues, especially Senator DOMENICI, in this effort once again, and I urge the Senate to support this resolution.

HONORING THE BERQUISTS FOR CELEBRATING THEIR 60TH WEDDING ANNIVERSARY

Mr. ASHCROFT. Mr. President, these are trying times for the family in America. Unfortunately, too many broken homes have become part of our national culture. It is tragic that nearly half of all couples married today will see their union dissolve into divorce. The effects of divorce on families and particularly the children of broken families are devastating. In such an era, I believe it is both instructive and important to honor those who have taken the commitment of "til death us do part" seriously and have successfully demonstrated the timeless principles of love, honor, and fidelity, to build a strong family. These qualities make our country strong.

For these important reasons, I rise today to honor the Reverend and Mrs. Ernie Berquist of Springfield, MO, who on February 28 celebrated their 60th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. The Berquists commitment to the principles and values of their marriage deserves to be saluted and recognized. I wish them and their family all the best as they celebrate this substantial marker on their journey together.

UNITED NATIONS SANCTIONS AGAINST IRAQ

Mr. THOMPSON. Mr. President, I rise today to express my concern over ongoing discussions in New York between Iraqi representatives and the United Nations Secretariat over possible implementation of U.N. Security Council Resolution 986. Should Resolution 986 be accepted by Iraq, $2 billion of Iraqi oil would be permitted to be sold on the international market over a 6-month period. A loosening of the economic embargo under Resolution 986 would occur without any linkage to the cessation of Iraq's drive to acquire weapons of mass destruction. The prospect of even a partial lifting of the Iraqi embargo at this time raises a number of concerns and may serve to remind Members of the continuing duplicity and intransigence of the Iraqi regime, and the costs the United States has borne as a result. Moreover, the fact that the recent discussions over implementing Resolution 986 have occurred in a virtual information blackout, without the input or oversight of the American U.N. Representative, adds additional concern.

If accepted by Iraq, Resolution 986 would permit Iraq to sell oil in order to finance humanitarian goods and address "the serious nutritional and health situation of the Iraqi people." Resolution 986 would not, however, require Iraq to cease its efforts to acquire weapons of mass destruction—the foremost reason sanctions were imposed against Iraq in the first place. While reducing the suffering of the Iraqi people is certainly a laudable goal, the cause of this suffering rests squarely and completely on the shoulders of Saddam Hussein. His continued refusal to accept relevant U.N. Security Council Resolutions regarding cessation of the production of weapons of mass destruction and his continued harsh internal repression against the people of Iraq are the causes of the economic embargo and the deprivations suffered by the Iraqi people, as well as others in the region.

Despite apparent cooperation with U.N. monitors in some areas, evidence of Iraqi's ongoing effort to build weapons of mass destruction was obtained as recently as 2 months ago. On December 8, 1995, Jordan said it intercepted a shipment of missile guidance components bound for Iraq. A few weeks later, on December 26, Jordan intercepted dangerous chemicals on their way to Iraq. On December 15, 1995, the United Nations Special Commission on Iraq (UNSCOM) reported that Iraq continues to conceal and provide false information on its efforts to develop weapons of mass destruction. Mr. President, these incidents alone, even ignoring past acts of terrorism and weapons procurement, should be sufficient cause to continue fully the economic embargo against Iraq. Even a temporary allowance for "humanitarian" oil sales will decrease the pressure on Iraq to comply with U.N. requirements to dismantle its facilities for the production of weapons of mass destruction and could free-up other Iraqi resources for its weapons programs.

Beyond ceasing production of chemical, biological and nuclear weapons, Saddam Hussein is also required to end the repression of Iraqi citizens under the terms of U.N. Security Council Resolution 688 enacted on April 1, 1991. The most recently available Human Rights Report issued by our State Department calls the human rights situation in Iraq "abysmal". Just a short excerpt from that report makes the case that conditions of Resolution 688 have not been met:

> Political power in Iraq is concentrated in a repressive one-party apparatus dominated by

> Saddam Hussein. . . . Systematic violations continued in all categories, including mass executions of political opponents, widespread use of torture, extreme repression of ethnic groups, disappearances, denial of due process, and arbitrary detention.

Mr. President, I certainly do not wish more hardships on the Iraqi people beyond those they have already suffered at the hands of Saddam Hussein. But softening the pressure against his regime, while so many examples of outrageous and dangerous activities continue to confront us, makes no sense. Certainly reducing the pressure on Iraq now will not hasten the day when the Iraqi people can live free of the depredations imposed on them by Saddam Hussein.

Even more alarming than a temporary easing of sanctions, however, are suggestions that UNSCOM may recommend lifting the Iraqi embargo entirely sometime this year. How such a recommendation could be contemplated so shortly after UNSCOM itself reported that Iraq continues to lie and hide information about its weapons program is baffling. Further increasing America's dependence on imported oil from a country with Iraq's openly hostile objectives is not in our national interest.

On that point, I should also mention that on March 27 of last year, the Foreign Relations Committee held hearings on the subject of American dependence on foreign oil. Despite repeated findings over many years that the United States' national security is harmed by a dependence on foreign oil, this dependence continues to increase. I commend Chairman HELMS for having held this hearing and recommend that colleagues concerned about our national dependence on foreign oil review the hearing record.

In any case Mr. President, either a temporary easing of sanctions under Resolution 986, or a permanent lifting of sanctions pursuant to earlier Security Council Resolutions, should be accompanied by a full reporting to Congress of the effect on U.S. national security of any Iraqi oil sales, the steps being taken to ensure adequate protection of human rights in Iraq, and the international safeguards in place to protect against future weapons development by Iraq.

CUBAN SHOOT DOWN OF MIAMI-BASED CUBAN EXILE PLANES AND THE CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY—LIBERTAD—ACT CONFERENCE REPORT

Mr. THURMOND. Mr. President, I rise today in strong support of the conference report to H.R. 927, the Cuban Liberty and Democratic Solidarity Act—Libertad. As an original cosponsor of this legislation in the Senate, I have long believed that the United States should strengthen international sanctions against the dictatorial regime of Fidel Castro. I regret that it has taken the most recent outrageous behavior of the Cuban Government to convince the President of this.

Fidel Castro was, is, and always will be a despot and a murderer who has no regard for human life and no respect for international law. The downing of 2 private planes and the killing of 4 civilians by Cuban military fighter aircraft reiterates this fact. It is imperative that Mr. Castro realize that the United States will not tolerate his tyranny. The passage of the Libertad Act will send this vitally important message.

This legislation strengthens international sanctions against Cuba, provides support for a free and independent Cuba, protects the interests of American citizens whose property was confiscated by the Castro regime, and denies visas to individuals who traffic in confiscated property.

I urge all of my colleagues to join me in support of this vital legislation. President Clinton has agreed to sign this act into law. It is time that we send a strong bipartisan message to Fidel Castro.

TRIBUTE TO BRIG. GEN. RICHARD L. REYNARD, STAFF DIRECTOR, SENATE ARMED SERVICES COMMITTEE

Mr. THURMOND. Mr. President, I rise today to recognize the contributions of Brig. Gen. Richard L. Reynard, the staff director of the Committee on Armed Services. Dick Reynard, who is well known to many in the Senate and in the Department of Defense, is leaving the committee to return to the private sector.

General Reynard joined the committee as the minority staff director in April 1993. He quickly earned the reputation as a capable leader to whom the Members and staff could turn for clear advice and counsel. His more than 34 years of leadership and management experience in government and the private sector served him and the committee very well.

General Reynard was commissioned in the Army as an artillery officer following graduation from the U.S. Military Academy in June 1958. He served in a wide variety of staff and command assignments at every level of the Army, including a combat tour in Vietnam. General Reynard taught at the U.S. Military Academy where he helped shape a new generation of leaders for our Nation. Many Members of the Senate remember Dick Reynard from his assignment as the Army's liaison officer to the Senate where he ensured that we understood the Army's priorities and traveled with us as we performed our duties around the world.

Following retirement from the Army, General Reynard worked in the private sector as an officer in a small corporation and as a government relations specialist. When I asked General Reynard to be my staff director, he agreed to return to Government service even though it meant personal and financial sacrifice. During his first year in the committee, we addressed such important issues as the "Don't Ask, Don't Tell" policy concerning the service of gays in the military, force reduction policies and benefits, assignment of women in the military, and Secretary Aspin's reorganization of the Department of Defense. His analysis, advice, and ability to protect the minority points of view resulted in important legislation which enjoyed bipartisan support. Following the elections in November 1994, General Reynard administered the transition of the Armed Services Committee from a Republican minority to the majority. Under his direction, the Armed Services Committee staff was in place and ready to support the committee members when the Congress convened in January 1995.

During his 3 years with the committee, General Reynard earned the reputation as a reliable, steady, and fair person to whom Members and staff could turn when they sought advice or insight on National Security issues. He was a tireless, dedicated, and trusted aide to me. I know many in this Chamber join me in expressing our appreciation to General Reynard and in wishing him and his wife Bibs well in his new endeavors.

Thank you, Mr. President.

UNITED STATES-GERMAN OPEN SKIES AGREEMENT

Mr. PRESSLER. Mr. President, I am delighted to inform the Senate that today the United States and the Federal Republic of Germany signed an open skies agreement which will liberalize air service between our two countries. I am also pleased to advise my colleagues that the United States and Germany initialed a Bilateral Aviation Safety Agreement [BASA] which will greatly enhance safety coordination between the Federal Aviation Administration [FAA] and its German counterpart agency.

The United States-German open skies agreement is a great economic victory for both countries and a very welcome development for consumers. In fact, I regard this agreement to be a trade accord of truly historic proportions for both countries. As always is the case where market forces are unleashed, consumers flying between the United States and Germany, as well as passengers connecting in either country for travel to a third country, will benefit enormously. These consumer benefits will include increased choice and competitive air fares.

Mr. President, the United States-German open skies agreement is the product of bold and visionary leadership by two men. I refer to our Secretary of Transportation Federico Peña and German Transport Minister Matthias Wissmann. Secretary Peña had the vision to identify this opportunity and to recognize that competition will be our best ally in opening restrictive European air service markets such as those in the United Kingdom and France. Minister Wissmann had the vision to recognize the economic benefits of an open skies agreement with the United States are a two-way street.

In addition, I want to praise the great work of four men who labored for months to negotiate the fine points of this agreement. For the United States, I commend the outstanding work of Mark Gerchick, DOT's Deputy Assistant Secretary for Aviation and International Affairs, and John Bylerly, special negotiator for Transportation Affairs at the State Department. For the Germans, I commend the outstanding work of Dr. Jurgen Pfohler, Deputy chief of staff to Minister Wissmann, and Dieter Bartkowski, Director of the Air Transport Section at the German Ministry of Transport. The United States-German open skies agreement is a fitting tribute to their efforts and exemplary public service.

What does the United States-German open skies agreement do in terms of putting aviation relations between our two countries on the firm foundation of market principles? It will allow airlines of both countries to operate to any points in either country, as well as third countries, without limitation. It also liberalizes pricing, charter services and further liberalizes the open skies cargo regime already in place. In short, it allows market demand, not the heavy hands of governments, to decide air service between the United States and Germany.

How will this open skies agreement benefit all U.S. carriers? It will create tremendous new air service opportunities between the United States and Germany in which all U.S. carriers can partake. Also, German airports will provide well-situated gateway opportunities for our carriers to serve points throughout Europe, the Middle East, Africa, and the booming Asia-Pacific market. These gateway opportunities offer the double benefit of serving as a means of breaking the bottleneck at London's Heathrow Airport and offering a backdoor to the booming Asia-Pacific market.

All U.S. carriers also will receive indirect benefits from the United States-German open skies agreement. I predict the United States-German open skies agreement will be an important catalyst for further liberalization of air service opportunities throughout Europe. In fact, I believe this agreement will serve as a template for such liberalization. Hopefully, the United States-German open skies agreement, in combination with open skies agreements we already have with 11 other European nations, will force the United Kingdom and France to come to the alter of air service competition.

Mr. President, let me conclude by saying that today is a very important day in U.S. international aviation policy and U.S. trade policy. It also is an important day in United States-German economic and political relations. Perhaps most important, it is a great day for consumers in both countries.

UNITED STATES-GERMAN BILATERAL AGREEMENT

Mr. FORD. Mr. President, this morning the Department of Transportation announced an open skies agreement with Germany. Access to Germany, as Secretary Peña has recognized, is critical. I want to recognize the effort by the administration and the Secretary is aggressively pursuing an open skies agreement with Germany.

The agreement today does three things. First, it will enable our carriers to satisfy consumer demand this summer. Second, the Secretary and the German Government also will sign an important safety agreement. Finally, the two countries have initialed an open skies agreement.

The open skies agreement is the 10th with a European country and is a big step forward in our efforts to liberalize aviation agreements in Europe. Germany is the second largest European market. I caution my colleagues not to get over-confident—countries like the United Kingdom are not likely to jump on the bandwagon quickly. Each country and market differs. We also must focus on Japan, which I will discuss at a later date.

This open skies agreement is a major step forward. With all of the praise forthcoming today for the administration and Secretary Peña, I want to raise one issue. The effective date of the open skies agreement is triggered by favorable treatment of an application for antitrust immunity by Lufthansa and United. I have been assured that the request will be treated separately, and that the two matters are not linked. I know the Departments of Justice and Transportation will review the request thoroughly. I would have preferred that consumer benefits of an open skies agreement not be held hostage to a subsequent and independent review of the antitrust issue. This open skies agreement, as the Secretary recognizes, is an important one. I hope that this agreement, and others in the future, are able to be implemented without extraneous issues encumbering the process. I am certain Secretary Peña shares my views and I congratulate him on this breakthrough today.

MESSAGE FROM THE HOUSE

At 11:06 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 1561) to consolidate the foreign affairs agencies of the United States; to authorize appropriations for the Department of State and related agencies for fiscal years 1996 and 1997; to responsibly reduce the authorizations of appropriations for United States foreign assistance programs for fiscal years 1996 and 1997, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. GILMAN, Mr. GOODLING, Mr. HYDE, Mr. ROTH, Mr. BEREUTER, Mr. SMITH of New Jersey, Mr. BURTON of Indiana, Ms. ROS-LEHTINEN, Mr. HAMILTON, Mr. GEJDENSON, Mr. LANTOS, Mr. TORRICELLI, Mr. BERMAN, and Mr. ACKERMAN as the managers of the conference on the part of the House.

ENROLLED BILL SIGNED

The following enrolled bill, previously signed by the Speaker of the House, was signed on February 28, 1996, by the President pro tempore [Mr. THURMOND]:

H.R. 2196. An act to amend the Stevenson-Wydler Technology Innovation Act of 1980 with respect to inventions made under cooperative research and development agreements, and for other purposes.

MEASURE REFERRED

The Committee on Rules and Administration was discharged from further consideration of the following measure which was referred to the Committee on Governmental Affairs:

S. 1577. A bill to authorize appropriations for the National Historical Publications and Records Commission for fiscal years 1998, 1999, 2000, and 2001.

MEASURE PLACED ON THE CALENDAR

The following measure was read the first and second times by unanimous consent and placed on the calendar:

H.R. 2854. An act to modify the operation of certain agricultural programs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1898. A communication from the President of the United States, transmitting, pursuant to law, the report of three rescission proposals of budgetary resources relative to Bosnia peace implementation force, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, Committee on the Budget, and to the Committee on Armed Services.

EC–1899. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the cumulative report on rescissions and deferrals dated February 12, 1996; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, Committee on Budget, Committee on Finance, and the Committee on Foreign Relations

EC–1900. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the compliance report for the session of Congress ending January 3, 1996; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations and the Committee on the Budget.

EC–1901. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report on General Accounting Office employees detailed to congressional committees as of January 19, 1996; to the Committee on Appropriations.

EC–1902. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 94–23; to the Committee on Appropriations.

EC–1903. A communication from the Deputy Assistant Secretary of Defense (Installations), transmitting, pursuant to law, a report entitled "The Performance of Department of Defense Commercial Activities" for fiscal year 1995; to the Committee on Armed Services.

EC–1904. A communication from the Secretary of the Army, transmitting, pursuant to law, a notice to award a particular contract without competition; to the Committee on Armed Services.

EC–1905. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the annual Defense Manpower Requirements Report (DMRR); to the Committee on Armed Services.

EC–1906. A communication from the Principal Deputy General Counsel, Department of Defense, transmitting, a draft of proposed legislation to revise and amend the provisions of title 32, United States Code, relating to the jurisdiction and powers of courts-martial for the National Guard not in Federal service; to the Committee on Armed Services.

EC–1907. A communication from the Director of the Office of Management and Budget, the Executive Office of the President, transmitting, pursuant to law, the report on appropriations legislation within five days of enactment; to the Committee on the Budget.

EC–1908. A communication from the Director of the Office of Management and Budget, the Executive Office of the President, transmitting, pursuant to law, the report on appropriations legislation within five days of enactment; to the Committee on the Budget.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. ROTH, from the Committee on Finance:

Stuart E. Eizenstat, of Maryland, to be Under Secretary of Commerce for International Trade.

James E. Johnson, of New Jersey, to be an Assistant Secretary of the Treasury.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. HATCH, from the Committee on the Judiciary:

Barry R. McCaffrey, of Washington, to be Director of National Drug Control Policy, vice Lee Patrick Brown.

(The above nomination was reported with the recommendation that he be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. KERRY:

S. 1580. A bill to provide funding for community-oriented policing, to reduce funding for the Department of Defense, and for other purposes; to the Committee on the Judiciary.

By Mr. DEWINE:

S. 1581. A bill to reinstate the License for, and extend the deadline under the Federal Power Act applicable to the construction of, a hydroelectric project in Ohio, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LEAHY (for himself and Mr. SIMON):

S. 1582. A bill to reauthorize the Runaway and Homeless Youth Act and the Missing Children's Assistance Act, and for other purposes; to the Committee on the Judiciary.

By Mr. SARBANES:

S. 1583. A bill to establish the Lower Eastern Shore American Heritage Area, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. THOMPSON (for himself, Mr. FRIST, and Ms. MOSELEY-BRAUN):

S. 1584. A bill to authorize appropriations for the preservation and restoration of historic buildings at historically black colleges and universities; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HELMS (for himself, Mr. PELL, Mr. DOLE, Mr. DASCHLE, Mr. LIEBERMAN, Mr. LAUTENBERG, Mr. DODD, Mr. MACK, Mrs. FEINSTEIN, Mr. BIDEN, Mrs. KASSEBAUM, Mr. SARBANES, Mr. THOMAS, Mr. GRAMS, Mr. LUGAR, Mr. D'AMATO, Ms. SNOWE, Mr. ASHCROFT, Mr. FEINGOLD, Mr. MOYNIHAN, Mr. BRADLEY, Mr. LEVIN, Mr. SPECTER, Mr. SANTORUM, and Mr. WELLSTONE):

S. Res. 228. A resolution condemning terror attacks in Israel; considered and agreed to.

By Mr. DOLE (for himself, Mr. DASCHLE, Mr. LAUTENBERG, Mrs. FEINSTEIN, and Mr. D'AMATO):

S. Res. 229. A resolution commemorating Black History Month and contributions of African-American United States Senators; considered and agreed to.

By Mr. INHOFE (for himself, Ms. MOSELEY-BRAUN, and Mr. WARNER):

S. Res. 230. A resolution to urge the President to announce at the earliest opportunity the results of the Senior Army Decorations Board which reviewed certain cases of gallantry and heroism by black Americans during World War II; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY:

S. 1580. A bill to provide funding for community-oriented policing, to reduce funding for the Department of Defense, and for other purposes; to the Committee on the Judiciary.

THE SAFER STREETS ACT OF 1996

• Mr. KERRY. Mr. President, I am today introducing the Safer Streets Act of 1996 that will address the anxiety of many citizens who believe that violence and crime are eating away at the social fabric of their communities. The Safer Streets Act would help to restore family security by funding an additional 100,000 police officers, above and beyond the 100,000 initially funded by the crime bill, to take their place on the streets of communities across our Nation.

Mr. President, to date, Massachusetts has received $53 million in funding from the 1994 crime bill for 1,020 new police officers, including the redeployment of 407 officers to the street from desk duty. Our communities must be able to respond to the threat of violent crime with an effort we know is already working in towns and cities across Massachusetts. I have listened to police officers and law enforcement officials, and citizens across my State, and they tell me that there is a real need for an even greater police presence on the streets of Massachusetts. Our first effort—putting 100,000 cops on the streets of our Nation—is already working to fight crime. There is no better deterrent to crime in our communities than a cop on the beat, so it is vital that we help communities obtain the police they need to keep neighborhoods safe. The Safer Streets Act will fund approximately 100,000 additional community police positions across the Nation—effectively doubling the number it was possible to provide from the first year's funding. It does this by cutting $6.5 billion from the 1996 fiscal year Defense Department appropriation and transferring it to the Justice Department to fund community policing efforts with grants that will be awarded to communities using the same formula as the first 100,000 cops on the street initiative. This is money the Defense Department did not ask for, and it is money we desperately need for more cops on the street.

Americans are understandably anxious about their economic and personal security. How we as a Congress respond to that anxiety—the kinds of partnerships we form between government and communities to address the concerns of families struggling to keep up and do well—will determine this Nation's future. That's why a strong, affordable effort to expand community policing, that has been proven to be extraordinarily successful, is not only our responsibility but is our obligation to the people we represent.

Mr. President, If we know that community policing works; and we know that our constituents are anxious about their personal security, then it would be irresponsible not to act. This legislation addresses the personal frustrations of families who see a level of crime and violence on their streets and in their neighborhoods that is unacceptable. People want their government to respond with what we know can make a difference. Community policing with 200,000 more police on the streets will make a difference.

Mr. President, passing the Safer Streets Act is our duty.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD,

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1580

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TRANSFER OF FUNDS.

(a) IN GENERAL.—Notwithstanding any provision of the Department of Defense Appropriations Act, 1996 (P.L. 104–61), the Secretary of Defense shall transfer $6,500,000,000 of unobligated funds appropriated under such Act for fiscal year 1996 to the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211).

(b) ALLOCATION.—The Secretary of Defense shall allocate the amount transferred under subsection (a) from among any programs in the Department of Defense for which funding was not requested in the 1996 budget request of the President.

SEC. 2. FUNDING FOR COMMUNITY-ORIENTED POLICING PROGRAMS.

The amount transferred under section 1 shall only be used for community-oriented policing programs under section 1701(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(b)).●

By Mr. DEWINE:

S. 1581. A bill to reinstate the license for, and extend the deadline under the Federal Power Act applicable to the construction of, a hydroelectric project in Ohio, and for other purposes; to the Committee on Energy and Natural Resources.

HYDROELECTRIC PROJECT LEGISLATION

● Mr. DEWINE. Mr. President, S. 1581 would reinstate the license for a 49.5 megawatt hydroelectric project in Ohio, which was originally issued on September 27, 1989, and extend the deadline for construction until September 24, 1999. The licensee for this project is the City of Orrville. The original license was stayed and held in abeyance until 1992, due to administrative and judicial challenges to FERC's decision to issue licenses for 16 projects in the upper Ohio River basin. In 1992, the D.C. Circuit Court of Appeals upheld FERC's licensing decision. Due to the delay caused by the litigation and difficulty securing adequate funding for the project, the city surrendered its license in June, 1993 and sought other sources of power to meet its immediate energy needs. This bill would reinstate the license and extend the construction deadline for this project. In a letter dated February 9, 1996, FERC chair, Elizabeth Moler, stated that she did not have any specific objections to legislation reinstating the license and extending the construction deadline for Pike Island Project No. 3218.●

By Mr. LEAHY (for himself and Mr. SIMON):

S. 1582. A bill to reauthorize the Runaway and Homeless Youth Act and the Missing Children's Assistance Act, and for other purposes; to the Committee on the Judiciary.

REAUTHORIZATION LEGISLATION

● Mr. LEAHY. Mr. President, today I am joining with Senator SIMON to introduce a bill reauthorizing a number of worthwhile programs that serve young people and their families in Vermont and across the country. In particular, I am referring to the Runaway and Homeless Youth Act, the Missing Children's Assistance Act, and related programs, whose authorizations are expiring later this year.

A few weeks ago, I had the privilege of meeting with Frances Dodd, coordinator of the Vermont Coalition of Runaway and Homeless Youth programs. The Vermont Coalition is a community-based network comprised of eight member programs that provide crisis response, emergency shelter, counseling, and other services to troubled youth throughout nine Vermont counties. This meeting also included a number of young Vermonters who knew first-hand the value of providing shelters and support for young people facing difficult times. I came away from that meeting more convinced than ever that the Federal assistance provided by the Runaway and Homeless Youth Act continues to make an important difference in the lives of our young people and to play a critical role in reuniting families.

Those who provide services pursuant to these programs and those who are the beneficiaries of those services are far too important to be left hanging. In a Congress in which the budget and appropriations processes have given way to short-lived spending authority, they all deserve the reassurance of reauthorization and a commitment to funding. Only then will our State youth service bureaus and other shelter and service providers be able to plan, design and implement the local programs necessary to make the goals of the act a reality.

In 1974, Congress passed the Runaway and Homeless Youth Act as title III of the Juvenile Justice and Delinquency Prevention Act. The inclusion of the Runaway and Homeless Youth Act in this legislation recognized that young people who were effectively homeless were in need of shelter, guidance and supervision, rather than punishment, and should be united with their families wherever possible.

Since 1974, the programs that make up the Runaway and Homeless Youth Act have evolved to meet the complex problems faced by our young people, their families and our communities. Over the last decade, as a nation, we have witnessed an increase in teen pregnancy rates, drug and alcohol abuse beginning as early as grade school, child physical and sexual abuse, and a soaring youth suicide rate.

Today, the Runaway and Homeless Youth Act encompasses basic center grants, the transitional living program and drug abuse prevention program. These programs are vital to meeting the needs of troubled youth in rural Vermont and across the Nation. While the actual numbers of young people who run away or become homeless in rural areas might be small in comparison to that of large cities, emergency shelter and other services must still be accessible. It is an unfortunate reality that urban and rural youth can experience family conflict, and physical or sexual abuse.

The majority of these programs in my home State are coordinated through the Vermont Coalition. Young people find these services through friends and family as well as through referrals by police and our court diversion program.

ur Vermont programs and services have been very successful. Last year, for example 87 percent of runaways returned home or to a positive living situation after receiving services. Only 7 percent of those served in 1995 had new State social service cases open and less than 1 percent ended up in police custody. Since 1993, there has been a 42-percent increase in the total number of youths served by Vermont's programs. In 1995, these programs reached over 700 young people and over 1000 family members.

Two years ago, the Vermont Coalition was awarded a Federal rural demonstration grant to assist counties that lack adequate services for runaway youth in developing responsive programs. Through this grant, the Vermont Coalition was able to identify underserved counties, draw upon the expertise of its many programs and help develop programs for three additional Vermont counties in which services are now emerging.

Since 1989, the transitional living program, which was developed by my colleague, Senator SIMON, has filled a gap in the needs of older youth to help them make the transition to independent living situations. I know how hard Senator SIMON worked on creating this important program and I look forward to working with him now to continue it.

The programs we seek to reauthorize include those directed at young people who have had some kind of alcohol or other drug problem. The isolation in rural areas can lead to serious substance abuse problems. It is difficult to reach young people in rural areas and it is difficult for them to find the services they need. In Vermont, these drug abuse prevention programs provide essential outreach services.

Providing these types of community-based services to runaway and homeless youth seems to me to make good economic sense. We need only compare the cost of these programs to other services often needed by young people experiencing serious family conflict and associated social difficulties. Neglecting the needs of runaway and homeless youth and their families would have staggering economic implications. In Vermont, the average cost of services to youth by the Vermont Coalition of Runaway Youth Programs is $1,895. Compare this with $18,392, the average annual cost of maintaining someone in State custody through the social services department; the $50,000 it would cost to place someone in a substance abuse treatment facility; or the $60,000 a year it costs to incarcerate someone.

I receive letters from parents whose families have been kept together with the assistance of runaway and homeless programs as well as from young people who have been helped by these services. In one, a mother wrote of a program in the Northeast Kingdom:

> My teenage daughter ran away this spring. I feel fortunate to have been able to call upon the [Northeast Kingdom Youth Services] programs. I credit the quick, compassionate response by [the] on-call worker, with keeping my daughter out of state custody. Careful, immediate intervention was the key in helping my daughter feel comfortable about remaining at home. [Your] ongoing efforts to mediate issues which continue to arise have kept our family together.

These service providers are being challenged as never before with an increasingly complex set of problems affecting young people and their families. Now is not the time to abandon them. There is consensus among services providers that young people seeking services and their families are increasingly more troubled—as evidenced by reports of family violence, substance abuse and the effects of an array of economic pressures. These services may well be the key to breaking through the isolation of street youth, their mistrust of adults, and their reluctance to get involved with public or private providers.

Among the other critical programs reauthorized by our bill is the Missing Children's Assistance Act. Since its initial passage in 1984, we have made real progress on the tragedy of missing and exploited children. A national coordinated effort has proved essential in facing these problems. I understand that in Vermont alone there have been more than 30 cases of missing children resolved. Those children and their families know the value of this program.

This month, Senator THOMPSON has begun a series of hearings before the subcommittee on Youth Violence. I look forward to working with him and with Senator BIDEN, the ranking member on the subcommittee and on the Judiciary Committee, and our other colleagues in connection with these matters. In addition to the critical role that Senator BIDEN is playing, Senator KENNEDY and Senator KOHL have long been supporters of the juvenile justice and delinquency prevention programs. Senator SPECTER has been actively involved in these matters for more than a decade, formerly chaired the Juvenile Justice Subcommittee and currently chairs the Appropriations Subcommittee with jurisdiction over many of these programs.

In light of the ongoing hearings and in deference to our colleagues who lead the subcommittee, we have chosen not to include the title II Juvenile Justice and Delinquency Prevention Act programs in this reauthorization bill at this time. I understand that our colleagues, the administration, State program officers, the Ad Hoc Coalition on Juvenile Justice and Delinquency Prevention, and other groups are all currently developing proposals for the reauthorization of the Juvenile Justice and Delinquency Prevention Act. We look forward to consideration of those proposals and to working together to continue the bipartisan traditional that has always attended this program. While we all need to work together to address the rise in serious, violent juvenile crime and the need to enhance public safety, I believe that we can do so while still preserving the essential elements of the act.

The Juvenile Justice and Delinquency Prevention Act has helped foster strides nationwide through a series of funded mandates. Throughout the United States, the number of violations of the deinstitutionalization mandate for status offenders and nonoffenders has been reduced from 171,581 to 3,146 among the participating States. In 1994, 55 States and territories participated in the program and only three received reduced funding because of compliance issues.

Over a decade ago, the Vermont General Assembly established the Children and Family Council for Prevention programs, which is the designated State advisory group that monitors and distributes our funds under the title II block grant. The Vermont co-chairs of the council, Ken Schatz and Pamela Smith, and its other members encourage community involvement in the development of effective prevention programs that promote the health and increase the self-reliance of Vermont children and families. I look forward to working closely with the council on the reauthorization of the title II programs.

In June 1993, the council used Federal assistance under the act to sponsor a youthful offender study project. The ensuing report recommended the development of a youthful offender program, which won the endorsement of the Vermont Department of Corrections and the Department of Social Rehabilitative Services. The council is now funding projects with Federal assistance to implement this recommendation.

In 1994, the council developed Vermont's 3-year plan for the formula grant monies by identifying State priority areas. The largest portion of juvenile justice and delinquency prevention funding is a State block grant program, not a one-size-fits-all solution. In Vermont, the priorities are violent family functioning, the lack of treatment resources for violent youthful offenders and the need to improve the juvenile justice system. Over the last decade, Vermont has seen a substantial increase in reported violence against women and children. The council's plan allowed it to target this problem. The decrease in substantial cases of child abuse last year signals that the State's prevention efforts are making a difference.

Using its Federal assistance, Vermont has made great progress in improving the juvenile justice system in recent years. These funds enable Vermont to replicate initiatives that are working across the State. Typically, the Federal funding is leveraged with State and private funds to support these efforts. Vermont's formula grant has gone to support such projects as community-based treatment, court diversion, diversity training, pilot programs on juvenile restitution, its Families First program, its Caring Communities program and teen centers where young people can gather in a safe, supervised environment for socializing, group activities and educational events. One Vermont youthful offender noted:

> The Diversion program works. The board's faith in me gave me something to live up to and gave me confidence. They trusted me at a time when almost all the trust I ever had was gone, and they gave me one extra chance and that one extra bit of trust that I needed.

Through the programs which make up the Juvenile Justice and Delinquency Prevention Act, the Federal response to the problems of our youth has become comprehensive and collaborative. The Federal technical and financial resources have enabled States to undertake a number of system-wide improvements. The bill that we are introducing today recognizes the importance of a nonpunitive system for vulnerable youth.

In my view, the Runaway and Homeless Youth Act and the other Juvenile Justice and Delinquency Prevention Act programs are working in Vermont and ought to be continued. Given the short time left in this Congress, I believe that changes proposed to the Juvenile Justice and Delinquency Prevention Act will have to be those around which a consensus can be obtained very quickly if we are to meet our goal of reauthorizing it before the end of the year.•

• Mr. SIMON. Mr. President, this is the year that the Juvenile Justice and Delinquency Prevention Act needs to be reauthorized. This important act has vastly improved our handling of juveniles in our criminal justice system, and has provided funding for services to some of the most vulnerable young people in our society.

Today, Senator LEAHY and I are introducing a bill to reauthorize the runaway and homeless youth sections of the act. Although I feel strongly that the entire Juvenile Justice and Delinquency Prevention Act should be reauthorized, I understand that Senators THOMPSON and BIDEN, chairman and ranking member of the Juvenile Violence Subcommittee of the Senate Judiciary Committee, are holding hearings on the rest of the act. I applaud their work to examine these issues and construct a reauthorization plan, however I want to introduce this bill because the runaway and homeless youth parts of the act are particularly important to me.

In 1988, I held a hearing in Chicago on the problem of homeless youth. As a result of that hearing, I sponsored the Transitional Living Program. The Transitional Living Program was designed to fill a gap in the Runaway and Homeless Youth Act. The basic centers part of the act provides grants to community centers which provide temporary shelter and services to runaways while they try to reunite with their families or are placed in a foster home. Unfortunately, as I discovered during my 1988 hearing, many young people never return to their family homes, largely because of neglect and abuse, but are too old to be placed with a foster family. These young people were not being adequately served by the temporary shelters which help so many others.

The Transitional Living Program awards new-start grants to community projects which provide longer-term residential services to older homeless youth ages 16 through 21. Nonprofit, community-based grantees teach these young people independent living skills to prepare them to live on their own. Young people live in host family homes, group houses, or in supervised apartments, and receive guidance from counselors to help them make the transition to independent living. The goal of this program is to help these young people live productive, self-sufficient lives, and prevent future dependency on social services. The total annual appropriations for this program has been approximately $12 million. That investment has assisted countless young people who otherwise would have found themselves on the street with no one to provide the support and resources they need to live independently.

In 1988, a third component of the Runaway and Homeless Youth Act was also added. This Drug Abuse Prevention Program [DAPP] for runaway and homeless youth was initiated because of the recognition that drugs play a large role in these young people's lives. Their difficult living situations make them particularly vulnerable to the dangers of drug use, and such drug use severely hinders efforts to improve their circumstances. As anyone working in this field will testify, drug prevention and treatment are an essential element of any efforts to help runaway and homeless youth. Unfortunately, this DAPP component of the Runaway and Homeless Youth Act, along with a companion DAPP program for youth gangs, was not reauthorized last year and did not receive any funding this year. This bill recognizes the destructive role of illicit drug use in these young people's lives, and reauthorizes both of these essential programs.

Finally, this bill reauthorizes the National Center for Missing and Exploited Children. This center, created in 1984, provides important services to the thousands of families who face the devastating, mysterious loss of a child. The center operates a toll-free number to gather tips about missing children, coordinates Federal, State and local efforts to locate missing children, serves as a clearinghouse of information on successful service and research efforts, provides grants to local agencies for research and service efforts and conducts a regular survey on the number of missing children. This center has helped us as a nation understand the scope of this problem and has helped families locate missing children. Unfortunately, the problem of missing children continues, as President Clinton recognized on January 19, 1996, when he signed an order instructing Federal agencies to post missing-children posters in Federal buildings. The National Center for Missing and Exploited Children performs an essential function and should be reauthorized.

Mr. President, this bill should not be considered a substitute for a complete reauthorization of the Juvenile Justice and Delinquency Prevention Act. I support the efforts of Senators THOMPSON, and BIDEN, and look forward to working with them to reauthorize the act. However, Senator LEAHY and I agree that the runaway and homeless youth part of the act provide essential support for a most vulnerable group of young people. Our bill is meant to highlight our support for these programs and our belief that they should be reauthorized.•

By Mr. SARBANES:

S. 1583. A bill to establish the Lower Eastern Shore American Heritage Area, and for other purposes; to the Committee on Energy and Natural Resources.

THE LOWER EASTERN SHORE AMERICAN HERITAGE AREA ACT OF 1996

• Mr. SARBANES. Mr. President, today I am introducing legislation to designate the Lower Eastern Shore of Maryland as a National Heritage Area. The purpose of this legislation is to help conserve and promote the resources of the region's communities and their unique contribution to the fabric of the Nation, while revitalizing its local economies and improving its overall quality of life.

The Lower Eastern Shore is a very special place. It contains an unrivaled combination of resources and history which represent a unique and integral piece of the diverse tapestry of our national character. Situated on the Delmarva Peninsula between the Atlantic Ocean and the Chesapeake Bay—the largest and most productive estuary in North America, its nationally significant natural resources also include the Coastal Bays—Chincoteague, Sinepuxent, Isle of Wright, and Assawoman; the Wild and Scenic Pocomoke River; and one of the few relatively undisturbed strands of barriers islands on the east coast—to name only a few. Its unique land and water resources contain an extraordinary variety of habitat types—from old growth forests to cypress swamps—and a tremendous diversity of flora and fauna.

The Lower Eastern Shore has played an important role in the history and culture of our Nation from the earliest native American, African-American, and European-American settlements. Evidence of the Lower Shore's past is featured prominently in its daily life—including its watermen who for centuries have sailed the Bay's waters in the legendary Skipjacks—the last commercial sailing fleet left in North America—Bugeyes, and other vessels harvesting oysters, crabs, and fish. The area is recognized as the country's original historic and cultural center for the shell fishing industry. It holds the birth rights to the uniquely American art form of decoy carving through the internationally-recognized work of Lemuel and Steve Ward. The agriculture and water-related industries which flourished throughout the 1700's and 1800's, still contribute heavily to the regional economy. Many of the towns and communities on the Lower

Shore including Crisfield, Deal Island, Smith Island, Snow Hill, and Princess Anne look much the same today as they did almost two centuries ago—and their numerous buildings and sites on the National Register of Historic Places still serve as important reminders of the history of the area.

The Lower Eastern Shore also boasts a wide array of national recreational amenities including: Ocean City, one of the Nation's premier ocean resorts; the Assateague Island National Seashore, one of the few pristine and unspoiled seashores remaining on the east coast; the Blackwater National Wildlife Refuge, home to the largest population of bald eagles east of the Mississippi River; and the Beach to Bay Indian National Recreational Trail. Over 10 million tourists visit the area each year to enjoy not only the scenic waterways and recreational draws, but also the historic sites and cultural attractions.

Five years ago, State and local government officials, area residents, the National Park Service, the Environmental Protection Agency, the University of Maryland-Eastern Shore, businesses, and other private organizations joined together to harness and at the same time protect this area's distinctive potential. This was one of the early efforts in a growing national movement of concerned individuals, organizations, and governments working together to develop a vision for the future of an area distinguished by its resources, communities, and ways of life. Through that effort, a regional public-private partnership was formed and the Lower Eastern Shore Heritage Committee has prepared and begun to implement a plan which is already showing results in the conservation, preservation, and the revitalization of the Lower Shore counties.

The bill which I have introduced will provide further impetus for the successful implementation of a heritage conservation and development plan, while providing the Lower Eastern Shore with the important national recognition it deserves. This legislation is not designed to create a new national park or in any way change existing authorities of Federal, State and local governments to regulate the use of land as provided for by current law or regulations. Rather, it provides Federal technical assistance and grants and seed moneys at the grassroots level to foster Federal, State, and local partnerships, and promote and protect the unique characteristics of the area.

The Lower Eastern Shore Heritage initiative has been endorsed by a number of communities and organizations including the town of Berlin, the city of Crisfield, Pocomoke City, the town of Princess Anne, the town of Snow Hill, the Beach to Bay Indian Trail Committee, the Pocomoke River Alliance, the Greater Crisfield Marketing Authority, the Jenkins Creek Environmental Research Center, Wicomico, Worcester, and Somerest County tourism offices, and local chambers of commerce.

I ask unanimous consent that the full text of the bill and a section-by-section analysis be included in the RECORD. It is my hope that this bill can be included as part of the broader National Heritage Area legislation which is working its way through the Congress.●

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1583

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lower Eastern Shore American Heritage Area Act of 1996".

SEC. 2. DEFINITIONS.

In this Act:

(1) COORDINATING ENTITY.—The term "coordinating entity" means the Lower Eastern Shore Heritage Committee, Inc., a nonprofit corporation organized under the laws of Maryland.

(2) HERITAGE AREA.—The term "Heritage Area" means the Lower Eastern Shore American Heritage Area established under section 5.

(3) PARTICIPATING PARTNER.—The term "participating partner" means a county that has entered into the compact under section 6.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. FINDINGS.

Congress finds that—

(1) the Lower Eastern Shore possesses important historical, cultural, and natural resources, representing themes of settlement, migration, transportation, commerce, and natural resource uses, as described in the Lower Eastern Shore Heritage Plan (1992), endorsed by local governments, and in the draft report, Investing in a Special Place: A Report by the National Park Service to Congress and the Public on Resources, Accomplishments, and Opportunities for Conservation and Sustainable Development: Lower Eastern Shore, Maryland (1995);

(2) the Lower Eastern Shore played an important role in the history of the American Revolution and the Civil War;

(3) the Lower Eastern Shore gave birth to the uniquely American art form of decoy-carving through the internationally recognized work of Lemuel and Steve Ward and played a central role in the recognition of the aesthetic value of waterfowl habitat and landscapes;

(4) the skipjack, a popular symbol of the Chesapeake Bay designed and used in Maryland for harvesting oysters, is the last commercial sailing vessel still used in North America;

(5) the Lower Eastern Shore played an important role in the evolution of the colonial and American agricultural, timbering, shipping, and seafood industries in the 17th through 20th centuries, exemplified in many structures and landscapes, including farms and plantations, railroad towns, seafood processing industries, docks, and what was once the largest cannery in the United States;

(6) the Lower Eastern Shore rural townscapes and landscapes—

(A) display exceptional surviving physical resources illustrating the themes of the Lower Eastern Shore and the social, industrial, and cultural history of the 17th through the early 20th centuries; and

(B) include many national historic sites and landmarks;

(7) the Lower Eastern Shore is the home of traditions and research efforts associated with native American, African-American, and European-American settlements dating to periods before, during, and after European contact, and retains physical, social, and cultural evidence of the traditions; and

(8) the State of Maryland has established a structure to enable Lower Eastern Shore communities to join together to preserve, conserve, and manage the Lower Eastern Shore's resources through the Maryland Greenways Commission, river conservation, trail development, and other means.

SEC. 4. PURPOSES.

The purposes of this Act are to—

(1) recognize the importance of the history, culture, and living resources of the Lower Eastern Shore to the United States;

(2) assist the State of Maryland and the communities of the Lower Eastern Shore in protecting, restoring, and interpreting the Lower Eastern Shore's resources for the benefit of the United States; and

(3) authorize Federal financial and technical assistance to serve the purposes stated in paragraphs (1) and (2).

SEC. 5. LOWER EASTERN SHORE AMERICAN HERITAGE AREA.

(a) ESTABLISHMENT.—The Secretary shall establish a Lower Eastern Shore American Heritage Area.

(b) INITIAL GEOGRAPHIC SCOPE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the Heritage Area shall consist of the Maryland counties of Somerset, Wicomico, and Worcester.

(2) LOCAL AGREEMENT TO PARTICIPATE.—The government of each county listed under paragraph (1) and each municipality in a county listed under paragraph (1) shall become a participating partner by entering into the compact under section 6.

(3) ADDITIONAL PARTNERS.—The Secretary may include a county or municipality other than those listed in paragraph (1) to be part of the Heritage Area if the county becomes a participating partner by entering into the compact under section 6.

(4) COORDINATION.—The Secretary may coordinate with or allow participation by any county, city, town, or village in the Lower Eastern Shore.

SEC. 6. COMPACT.

(a) IN GENERAL.—To carry out the purposes of this Act, the Secretary shall enter into a compact with the State of Maryland, the coordinating entity, and any county eligible to be a participating partner under section 5.

(b) INFORMATION.—The compact shall include information relating to the objectives and management of Heritage Area programs, including—

(1) a discussion of the goals and objectives of Heritage Area programs, including an explanation of a proposed approach to conservation and interpretation and a general outline of the measures committed to by the parties to the compact;

(2) a description of the respective roles of the participating partners;

(3) a list of the initial partners to be involved in developing and implementing a management plan for the Heritage Area and a statement of the financial commitment of the partners; and

(4) a description of the role of the State of Maryland.

SEC. 7. MANAGEMENT PLAN.

(a) IN GENERAL.—The coordinating entity and the participating partners shall develop a management plan for the Heritage Area that presents comprehensive recommendations for conservation, program funding, management, and development.

(b) PLAN REQUIREMENTS.—The management plan shall—

(1) be consistent with State and local plans in existence prior to development of the management plan;

(2) involve residents, public agencies, universities, and private organizations working in the Heritage Area;

(3) specify the existing and potential sources of funding to protect, manage, and develop the Heritage Area; and

(3) include—

(A) a description of actions to be undertaken by units of government and private organizations;

(B) an inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the themes of the Heritage Area and that should be preserved, restored, managed, developed, or maintained because of the property's natural, cultural, historical, recreational, or scenic significance;

(C) a recommendation of policies for resource management that considers and details application of appropriate land and water management techniques, including the development of intergovernmental cooperative agreements to protect the Heritage Area's historical, cultural, recreational, and natural resources in a manner that is consistent with supporting appropriate and compatible economic viability;

(D) a program for implementation of the management plan, including plans for restoration and construction, and specific commitments of the participating partners for the first 5 years of operation;

(E) an analysis of ways in which Federal, State, and local programs may best be coordinated to promote the purposes of this Act; and

(F) an interpretation plan for the Heritage Area.

(c) TIME LIMIT FOR SUBMISSION OF A MANAGEMENT PLAN.—If the Secretary has not approved a management plan by the date that is 2 years after the date of enactment of this Act, the Heritage Area shall be ineligible for Federal funding until a management plan is approved.

SEC. 8. THE COORDINATING ENTITY AND PARTICIPATING PARTNERS.

(a) DUTIES OF THE COORDINATING ENTITY AND PARTICIPATING PARTNERS.—The coordinating entity and participating partners shall—

(1) develop and submit to the Secretary for approval a management plan pursuant to section 7 not later than the date that is 2 years after the date of enactment of this Act;

(2) give priority to implementing actions set forth in the compact and the management plan, including taking steps to—

(A) assist units of government, regional planning organizations, and nonprofit organizations in—

(i) preserving the Heritage Area;

(ii) establishing and maintaining interpretive exhibits in the Heritage Area;

(iii) developing recreational resources in the Heritage Area;

(iv) increasing public awareness of and appreciation for the natural, historical, and architectural resources and sites in the Heritage Area; and

(v) restoring any historic building relating to the themes of the Heritage Area;

(B) encourage by appropriate means economic vitality in the area consistent with the management plan for the Heritage Area;

(C) encourage local governments to adopt policies consistent with the management of the Heritage Area and the goals of the plan; and

(D) assist units of government, regional planning organizations, businesses, and nonprofit organizations to ensure that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are put in place throughout the Heritage Area;

(3) consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area;

(4) conduct public meetings not less frequently than quarterly regarding the implementation of the management plan;

(5) submit substantial changes (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan to the Secretary for approval;

(6) for any year in which Federal funds have been received under this Act, submit an annual report to the Secretary setting forth the accomplishments and expenses and income of the coordinating entity and the participating partners and the entity to which any loans and grants were made during the year for which the report is made; and

(7) for any year in which Federal funds have been received under this Act, make available for audit all records pertaining to the expenditure of the Federal funds and any matching funds and require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available for audit all records pertaining to the expenditure of the funds.

(b) FEDERAL FUNDING.—

(1) OPERATIONS.—The Federal contribution to the operations of the coordinating entity and participating partners shall not exceed 50 percent of the annual operating cost of the entity and partners associated with carrying out this Act.

(2) IMPLEMENTATION.—A grant to the coordinating entity or a participating partner for implementation of this Act may not exceed 75 percent of the cost of the entity and partners for implementing this Act.

(c) PROHIBITION OF ACQUISITION OF REAL PROPERTY.—The coordinating entity may not use Federal funds received under this Act to acquire real property or an interest in real property.

(d) ELIGIBILITY TO RECEIVE FINANCIAL ASSISTANCE.—

(1) ELIGIBILITY.—Except as provided in paragraph (2), the coordinating entity shall be eligible to receive funds to carry out this Act for a period of 10 years after the date on which the compact under section 6 is signed by the Secretary and the coordinating entity.

(2) EXCEPTION.—The coordinating entity may receive funding under this Act for a period of not more than 5 additional years, if—

(A) the coordinating entity determines that the extension is necessary in order to carry out the purposes of this Act and the coordinating entity notifies the Secretary of the determination not later than 180 days prior to the termination date;

(B) not later than 180 days prior to the termination date, the coordinating entity presents to the Secretary a plan of activities for the period of the extension, including a plan for becoming independent of the funds made available through this Act; and

(C) the Secretary, in consultation with the Governor of Maryland, approves the extension of funding.

(e) OTHER FEDERAL FUNDS.—Nothing in this Act shall affect the use of Federal funds received by the coordinating entity or a participating partner under any other Act.

SEC. 9. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) DUTIES AND AUTHORITIES OF THE SECRETARY.—

(1) GRANTS TO THE COORDINATING ENTITY AND PARTICIPATING PARTNERS.—The Secretary shall make grants available to the coordinating entity and the participating partners to carry out this Act.

(2) TECHNICAL AND FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—On request of the coordinating entity, the Secretary may provide technical and financial assistance to the coordinating entity and participating partners to develop and implement the management plan.

(B) PRIORITY.—In assisting the coordinating entity and participating partners, the Secretary shall give priority to actions that—

(i) conserve the significant natural, historic, and cultural resources of the Heritage Area; and

(ii) provide educational, interpretive, and recreational opportunities consistent with the resources and associated values of the Heritage Area.

(B) EXPENDITURES FOR NONFEDERALLY OWNED PROPERTY.—The Secretary may expend Federal funds on nonfederally owned property to further the purposes of this Act, including assisting units of government in appropriate treatment of districts, sites, buildings, structures, and objects listed or eligible for listing on the National Register of Historic Places.

(2) APPROVAL AND DISAPPROVAL OF COMPACTS AND MANAGEMENT PLANS.—

(A) IN GENERAL.—The Secretary, in consultation with the Governor of Maryland, shall approve or disapprove a compact or management plan submitted under this Act not later than 90 days after receiving the compact or management plan.

(B) ACTION FOLLOWING DISAPPROVAL.—

(i) IN GENERAL.—If the Secretary disapproves a compact or management plan, the Secretary shall advise the coordinating entity in writing of the reasons for rejecting the compact or plan and shall make recommendations for revisions in the compact or plan.

(ii) APPROVAL OF REVISION.—The Secretary shall approve or disapprove a proposed revision not later than 90 days after the date the revision is submitted.

(3) APPROVING AMENDMENTS.—

(A) IN GENERAL.—The Secretary shall review substantial amendments to the management plan for the Heritage Area.

(B) FUNDS FOR AMENDMENT.—Funds made available under this Act may not be expended to implement a substantial amendment to the management plan until the Secretary approves the amendment.

(4) ISSUING REGULATIONS.—The Secretary shall issue such regulations as are necessary to carry out this Act.

(b) DUTIES OF FEDERAL ENTITIES.—A Federal entity conducting or supporting an activity directly affecting the Heritage Area, and any unit of government acting pursuant to a grant of Federal funds or a Federal permit or agreement conducting or supporting an activity directly affecting the Heritage

Area, shall, to the maximum extent practicable—

(1) consult with the Secretary and the coordinating entity with respect to the activity;

(2) cooperate with the Secretary and the coordinating entity in carrying out the duties of the Secretary and the coordinating entity under this Act; and

(3) conduct or support the activity in a manner consistent with the management plan.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE

Establishes the title of the bill, the Lower Eastern Shore Heritage Area Act of 1996.

SECTION 2. DEFINITIONS

Defines the terms, "Coordinating Entity," "Heritage Area," "Participating Partner," and "Secretary."

SECTION 3. FINDINGS

Identifies historical, cultural, and natural resources of National significance on the Lower Eastern Shore.

SECTION 4. PURPOSE

States that the purpose of the Act is to: 1.) recognize the importance of the history, culture and living resources of the Lower Eastern Shore to the United States; 2.) assist the State of Maryland and the communities of the Lower Eastern Shore in protecting, restoring, and interpreting the Lower Eastern Shore's resources; and 3.) to authorize Federal financial and technical assistance to serve these purposes.

SECTION 5. LOWER EASTERN SHORE AMERICAN HERITAGE PLAN

Directs the Secretary of the Interior to designate the Lower Eastern Shore as an American Heritage Area. Establishes a process for the counties and municipalities of Somerset, Worcester, and Wicomico and other surrounding jurisdictions that wish to be included therein to participate in the Heritage Area.

SECTION 6. COMPACT

Directs the Secretary of Interior to enter into a compact with the State of Maryland, the coordinating entity, and any county eligible to participate in the heritage plan and also defines roles, objectives and goals for management and implementation of the Lower Eastern Shore Heritage Area.

SECTION 7. MANAGEMENT PLAN

Requires, within two years, that the Secretary of the Interior, the coordinating entity and participating partners develop a management plan, that presents comprehensive recommendations for conservation, program funding, management, and development. The plan must be consistent with State and local plans in existence prior to its development and include a description of actions to be taken by units of government and private organizations and an inventory of resources contained within the area.

SECTION 8. COORDINATING ENTITY AND PARTICIPATING PARTNERS

Defines duties of Coordinating Entity and Participating Partners to include: 1.) coordination with state and local authorities in the development of the management plan; and 2.) holding of quarterly public meetings regarding the implementation of the plan. Establishes federal cost shares at 50 percent of the operating costs and 75 percent of the implementation costs.

SECTION 9. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES

Auhtorizes the Department of the Interior to provide technical and grant assistance to the coordinating entity and participating partners to develop and implement the management plan.

SECTION 10. AUTHORIZATION OF APPROPRIATIONS

Authorizes such sums as are necessary to carry out this Act.•

By Mr. THOMPSON (for himself, Mr. FIRST, and Ms. MOSELEY-BRAUN):

S. 1584. A bill to authorize appropriations for the preservation and restoration of historic buildings at historically black colleges and universities; to the Committee on Labor and Human Resources.

THE HISTORICALLY BLACK COLLEGES AND UNIVERSITIES HISTORIC BUILDING RESTORATION AND PRESERVATION ACT

• Mr. THOMPSON. Mr. President, today I am pleased to offer on behalf of myself, Senator FRIST, and Senator MOSELEY-BRAUN authorization legislation for historic preservation activity for buildings at historically black colleges and universities. This bill directs the Secretary of the Interior to administer a program of grants-in-aid, from amounts authorized to be appropriated to carry out the National Historic Preservation Act for fiscal year 1996 through 1999, to eligible historically black colleges and universities for the preservation and restoration of historic buildings and structures on their campuses.

This being African-American History Month, I believe it is important for us to step back and reflect on the contributions that African-Americans have made to the founding and building of this Nation. And more importantly, to reflect on the institutions and organizations that were built by African-Americans to meet the challenges, goals, and needs of their people. Historically black colleges and universities stand as a testament to the hopes, dreams, achievements, and struggle of a people previously denied opportunity and justice to overcome extreme adversity and who succeeded despite the imposition of almost insurmountable legal and social obstacles.

This bill authorizes the Secretary to: First, obligate funds for a grant with respect to a building or structure listed on the National Register of Historic Places only if the grantee agrees to match the amount of such grant, with funds derived from non-Federal sources; and second, waive this matching requirement if an extreme emergency exists or is such a waiver is in the public interest to assure the preservation of historically significant resources.

It authorizes funds for to complete preservation operations at Fisk University and 13 historically black colleges and universities in Delaware, the District of Columbia and throughout the South, based on the 1991 National HBCU Historic Preservation Initiative. In September 1987, the Office of Historically Black College and University Programs within the Department of the Interior developed a proposal for a project designed to restore and preserve historic structures on the campuses of HBCU's. In 1988, a special survey to identify candidates for inclusion in the program generated responses from 46 HBCUs nominating 144 structures for consideration. The initiative selected 11 of the most historically significant and critically threatened structures which will require an estimated $20 million to restore and preserve the structure. Projects to be funded under the program include: Gains Hall, Morris Brown College, Atlanta, GA; Leonard Hall, Shaw University, Raleigh, NC; Hill Hall, Savannah State College, Savannah, GA; St. Agnes, St. Augustine's College, Raleigh, NC; The Mansion, Tougaloo College, Tougaloo, MS; White Hall, Bethune-Cookman College, Daytona Beach, FL; Graves Hall, Morehouse College, Atlanta, GA; Howard Hall, Howard University, Washington, DC; Virginia Hall, Hampton University, Hampton, VA; Parkard Hall, Spelman College, Atlanta, GA; Administration Building, Fisk University, Nashville, TN; Lookerman Hall, Delaware State College, Dover, DE; Cooper Hall, Sterling College, Sterling, KS; and Science Hall, Simpson College, Indianola, IA.

This bill is exactly the same as the bill that passed both the House and Senate in 1994 but died in conference due to the end of the session. The only changes made were to the effective dates. I am happy to be a part of preserving this important part of American history and urge my colleagues to join me in the effort.•

ADDITIONAL COSPONSORS

S. 173

At the request of Mr. NICKLES, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 173, a bill to provide for restitution of victims of crimes, and for other purposes.

S. 295

At the request of Mrs. KASSEBAUM, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 295, a bill to permit Labor management cooperative efforts that improve America's economic competitiveness to continue to thrive, and for other purposes.

S. 581

At the request of Mr. FAIRCLOTH, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Georgia [Mr. COVERDELL] were added as cosponsors of S. 581, a bill to amend the National Labor Relations Act and the Railway Labor Act to repeal those provisions of Federal law that require employees to pay union dues or fees as a condition of employment, and for other purposes.

S. 592

At the request of Mrs. HUTCHISON, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 592, a bill to amend the Occupational Safety and Health Act of 1970 and the National Labor Relations Act to modify certain provisions, to transfer certain occupational safety and health functions to the Secretary of Labor, and for other purposes.

S. 628

At the request of Mr. KYL, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 628, a bill to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers.

S. 684

At the request of Mr. HATFIELD, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 684, a bill to amend the Public Health Service Act to provide for programs of research regarding Parkinson's disease, and for other purposes.

S. 743

At the request of Mrs. HUTCHISON, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 743, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit for investment necessary to revitalize communities within the United States, and for other purposes.

S. 1028

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 1028, a bill to provide increased access to health care benefits, to provide increased portability of health care benefits, to provide increased security of health care benefits, to increase the purchasing power of individuals and small employers, and for other purposes.

S. 1039

At the request of Mr. ABRAHAM, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of S. 1039, a bill to require Congress to specify the source of authority under the United States Constitution for the enactment of laws, and for other purposes.

S. 1183

At the request of Mr. HATFIELD, the names of the Senator from Ohio [Mr. GLENN], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 1183, a bill to amend the Act of March 3, 1931 (known as the Davis-Bacon Act), to revise the standards for coverage under the Act, and for other purposes.

S. 1247

At the request of Mr. GRASSLEY, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 1247, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for contributions to a medical savings account by any individual who is covered under a catastrophic coverage health plan.

S. 1379

At the request of Mr. SIMPSON, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 1379, a bill to make technical amendments to the Fair Debt Collection Practices Act, and for other purposes.

S. 1423

At the request of Mr. GREGG, the names of the Senator from Wyoming [Mr. THOMAS] and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 1423, a bill to amend the Occupational Safety and Health Act of 1970 to make modifications to certain provisions, and for other purposes.

S. 1491

At the request of Mr. GRAMS, the names of the Senator from Delaware [Mr. ROTH] and the Senator from Arizona [Mr. KYL] were added as cosponsors of S. 1491, a bill to reform antimicrobial pesticide registration, and for other purposes.

S. 1501

At the request of Mr. COHEN, the names of the Senator from New Jersey [Mr. BRADLEY] and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of S. 1501, a bill to amend part V of title 28, United States Code, to require that the Department of Justice and State attorneys general are provided notice of a class action certification or settlement, and for other purposes.

S. 1505

At the request of Mr. LOTT, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1505, a bill to reduce risk to public safety and the environment associated with pipeline transportation of natural gas and hazardous liquids, and for other purposes.

S. 1506

At the request of Mr. LEVIN, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 1506, a bill to provide for a reduction in regulatory costs by maintaining Federal average fuel economy standards applicable to automobiles in effect at current levels until changed by law, and for other purposes.

S. 1524

At the request of Mr. LAUTENBERG, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1524, a bill to amend title 49, United States Code, to prohibit smoking on any scheduled airline flight segment in intrastate, interstate, or foreign air transportation.

S. 1568

At the request of Mr. HATCH, the names of the Senator from Washington [Mrs. MURRAY] and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 1568, a bill to amend the Internal Revenue Code of 1986 to provide for the extension of certain expiring provisions.

S. 1575

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 1575, a bill to improve rail transportation safety, and for other purposes.

SENATE JOINT RESOLUTION 49

At the request of Mr. KYL, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of Senate Joint Resolution 49, a joint resolution proposing an amendment to the Constitution of the United States to require two-thirds majorities for bills increasing taxes.

SENATE CONCURRENT RESOLUTION 42

At the request of Mrs. KASSEBAUM, the names of the Senator from New Mexico [Mr. DOMENICI] and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of Senate Concurrent Resolution 42, a concurrent resolution concerning the emancipation of the Iranian Baha'i community.

SENATE RESOLUTION 152

At the request of Mr. ABRAHAM, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of Senate Resolution 152, a resolution to amend the Standing Rules of the Senate to require a clause in each bill and resolution to specify the constitutional authority of the Congress for enactment, and for other purposes.

SENATE RESOLUTION 215

At the request of Mr. LAUTENBERG, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of Senate Resolution 215, a resolution to designate June 19, 1996, as "National Baseball Day."

SENATE RESOLUTION 217

At the request of Mrs. KASSEBAUM, the names of the Senator from Kentucky [Mr. FORD], the Senator from Texas [Mrs. HUTCHISON], the Senator from Alaska [Mr. MURKOWSKI], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Vermont [Mr. LEAHY], and the Senator from Florida [Mr. MACK] were added as cosponsors of Senate Resolution 217, a resolution to designate the first Friday in May 1996, as "American Foreign Service Day" in recognition of the men and women who have served or are presently serving in the American Foreign Service, and to honor those in the American Foreign Service who have given their lives in the line of duty.

SENATE RESOLUTION 228—CONDEMNING TERROR ATTACKS IN ISRAEL

Mr. HELMS (for himself, Mr. PELL, Mr. DOLE, Mr. DASCHLE, Mr. LIEBERMAN, Mr. LAUTENBERG, Mr. DODD, Mr. MACK, Mrs. FEINSTEIN, Mr. BIDEN, Mrs. KASSEBAUM, Mr. SARBANES, Mr. THOMAS, Mr. GRAMS, Mr. LUGAR, Mr. D'AMATO, Ms. SNOWE, Mr. ASHCROFT, Mr. FEINGOLD, Mr. MOYNIHAN, Mr. BRADLEY, Mr. LEVIN, Mr. SPECTER, Mr. SANTORUM, and Mr. WELLSTONE) submitted the following resolution; which was considered and agreed to:

S. RES. 228

Whereas on February 25, 1996, two vicious terror attacks in Jerusalem and Ashkelon killed two American citizens and 23 Israelis, and wounded dozens more;

Whereas the Gaza-headquartered terrorist organization "Hamas" claimed credit for the attack;

Whereas in 1995, 47 innocent Israeli and American citizens were killed in Palestinian terror attacks;

Whereas since the signing of the Declaration of Principles between Israel and the PLO on September 13, 1993, 168 people have been killed in terrorist acts, 163 Israelis and five American citizens;

Whereas the Gaza-based "Hamas" terror group and Damascus-based Palestinian Islamic Jihad and Popular Front for the Liberation of Palestine terror groups have claimed responsibility for the majority of those terror attacks;

Whereas the PLO, the Palestinian Authority and Yasser Arafat have undertaken on repeated occasions to crack down on terror and bring to justice those in areas under their jurisdiction who commit acts of terror;

Whereas notwithstanding such undertakings and some improvements in Palestinian efforts against terrorism, the vast majority of terror suspects have not been apprehended, or if apprehended, not tried or punished, and no terror suspects requested for transfer have been transferred to Israeli authorities by Palestinian authorities in direct contravention of agreements signed between the PLO and Israel;

Whereas the governments of Iran, Syria and Lebanon continue to provide safe haven, financial support and arms to terror groups such as Hamas, Islamic Jihad, or Hezbollah among others, and have in no way acted to restrain such groups from committing acts of terrorism;

Whereas failure to act against terrorists by the Palestinian Authority, Syria and others can only undermine the credibility of the peace process: Now, therefore, be it

Resolved, That the Senate—

(1) condemns and reviles in the strongest terms the attacks in Jerusalem and in Ashkelon;

(2) extends condolences to the families of all those killed, and to the Government and all the people of the State of Israel;

(3) calls upon the Palestinian Authority, the elected Palestinian Council and Chairman Arafat to act swiftly and decisively to apprehend the perpetrators of terror attacks, to do more to prevent such acts of terror in the future and to eschew all statements and gestures which signal tolerance for such acts and their perpetrators;

(4) calls upon the Palestinian Authority, and Palestinian representatives in the elected Council to take all possible action to eliminate terrorist activities by Hamas, Palestinian Islamic Jihad, the Popular Front for the Liberation of Palestine, and all other such terror groups;

(5) urges all parties to the peace process, in order to retain the credibility of their commitment to peace, to bring to justice the perpetrators of acts of terrorism, and to cease harboring, financing and arming terror groups in all territories under their control; and

(6) urges the Clinton administration to act decisively and swiftly against those who continue to harbor, arm or finance terror groups seeking to undermine the peace process.

SENATE RESOLUTION 229—COMMEMORATING BLACK HISTORY MONTH AND CONTRIBUTIONS OF AFRICAN-AMERICAN UNITED STATES SENATORS

Mr. DOLE (for himself, Mr. DASCHLE, Mr. LAUTENBERG, Mrs. FEINSTEIN, and Mr. D'AMATO) submitted the following resolution; which was considered and agreed to:

S. RES. 229

Whereas Black History Month in 1996 is a fitting occasion to direct public attention to the many significant contributions which have been made by African-American citizens in government service to the people of the United States of America; and

Whereas 125 years ago on February 25, 1870, Republican Hiram Rhodes Revels of Natchez, Mississippi was seated as the first Black citizen to serve in the United States Senate; and

Whereas the service of Senator Revels, an ordained minister of the Christian Gospel, was distinguished by conscientious support for desegregated public education, reconciliation, equal political opportunity and veterans' benefits and by opposition to discrimination in government employment and political corruption; and

Whereas Blanche Kelso Bruce of Bolivar County, Mississippi, whose term commenced on March 5, 1875, became the first Black citizen to serve a full term in the U.S. Senate and distinguished himself by supporting equality in Western State land grants, desegregation in the U.S. Army, electoral fairness, equitable treatment of Native Americans and by opposing fraud and incompetence in governmental affairs; and

Whereas Edward William Brooke of Newton, Massachusetts on January 3, 1967 became the first Black citizen to be elected directly by the people to serve in the U.S. Senate (and then was re-elected), distinguished himself by supporting American history awareness, racial reconciliation initiatives, strengthened foreign relations, stronger higher education, improved veterans' benefits, affordable housing and the performing arts; and

Whereas Carol Moseley-Braun of Chicago, Illinois on January 3, 1993 became the first Black woman and the first Black member of the Democrat Party to be seated in the U.S. Senate and is currently distinguishing herself for her resolute commitment to equal opportunity in education, advocacy of women's and children's rights, support for business entrepreneurship, expanded economic opportunity, equity for family farmers and fiscal responsibility and for her forceful opposition to all forms of crime; and

Whereas on February 29, 1996 the African-American Alliance, the James E. Chaney Foundation, and Local 372 of District Council 37 of the American Federation of State, County and Municipal Employees, are sponsoring ceremonies in the U.S. Capitol Building to pay tribute to the pioneering legacy of these intrepid and highly esteemed role models: Now, therefore, be it

Resolved, That the United States Senate does hereby join in honoring these inspiring legislators and expresses profound gratitude for their innumerable substantive contributions to the pursuit of justice, fairness, equality and opportunity for all U.S. citizens.

SENATE RESOLUTION 230—RELATIVE TO THE SENIOR ARMY DECORATIONS BOARD

Mr. INHOFE (for himself, Ms. MOSLEY-BRAUN, and Mr. WARNER) submitted the following resolution; which was considered and agreed to:

S. RES. 230

Whereas black Americans served in the Armed Forces during World War II with heroism and distinction, often giving their lives to ensure United States victory in that war;

Whereas prevailing attitudes in the Armed Forces at that time often prevented appropriate recognition of the distinguished service of black Americans, particularly service meriting the award of the medal of honor;

Whereas in May 1993, the Secretary of the Army convened a study to review the processes and procedures used by the Department of the Army in awarding medals during World War II in order to determine whether racial bias and procedural violations resulted in medals not being awarded to black American members of the Army for their acts of distinguished or heroic service in that war;

Whereas the study recommended the review of the distinguished acts of 10 black American members of the Army in World War II in order to determine whether to recommend that the medal of honor be awarded to such members for such acts;

Whereas pursuant to subsection (d) of section 3744 of title 10, United States Code, the President may award a medal of honor to a person qualified for the medal, notwithstanding that the time for awarding the medal has otherwise expired under such section;

Whereas the award of the medal of honor to black Americans recommended by the Senior Army Decorations Board would reverse a past injustice; and

Whereas many family members, colleagues, and comrades of such black Americans, and a grateful Nation, have sought for more than 50 years proper and appropriate recognition for the distinguished actions of such black Americans: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Secretary of the Army for convening a study to review the processes and procedures used by the Department of the Army in awarding medals for service in World War II in order to determine whether racial bias and procedural violations resulted in medals not being awarded to black American members of the Army for their acts of distinguished or heroic service in that war;

(2) commends the Senior Army Decorations Board for convening to review cases pertaining to certain black American members of the Army for their acts of conspicuous gallantry in that war; and

(3) urges the President, pursuant to section 3744(d) of title 10, United States Code, to endorse the recommendations of the Senior

Army Decorations Board and bring to a close the long struggle for appropriate recognition of our heroic black American patriots.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that the nomination of Christopher M. Coburn to be a member of the U.S. Enrichment Corporation will be considered at the hearing scheduled for Tuesday, March 5, 1996 at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

For further information, please call Camille Heninger at (202) 224–5070.

SPECIAL COMMITTEE ON AGING

Mr. COHEN. Mr. President, I wish to announce that the Special Committee on Aging will hold a hearing on Wednesday, March 6, 1996, at 9:30 a.m., in room 562 of the Dirksen Senate Office Building. The hearing will discuss telemarketing scams against the elderly.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a hearing before the Subcommittee on Forests and Public Land Management to receive testimony on S. 393 and H.R. 924, the Angeles National Forest Land Exchange Act.

The hearing will take place on Thursday, March 7, 1996 at 1 p.m. in room SD 366 of the Dirksen Senate Office Building in Washington, DC.

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Mark Rey of the subcommittee staff at 202–224–6170.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. LOTT. Mr. President, the Finance Committee requests unanimous consent to hold a hearing on the bipartisan proposal of the Governors on welfare and medicaid on Thursday, February 29, 1996, beginning at 10 a.m. in room SD–215.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Thursday, February 29, 1996, at 10 a.m. in SD–226.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet beyond 2 p.m. and during the session of the Senate on Thursday, February 29, 1996, to hold a hearing to review the operations of the Secretary of the Senate, the Sergeant at Arms and the Architect of the Caiptol, and to receive testimony on the establishment of a criteria for the Architect of the Capitol.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, February 29, 1996 at 2:00 p.m. to hold a closed briefing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE RETIREMENT OF ADM. WILLIAM OWENS AND JROC

Mr. COATS. Mr. President, I rise today to recognize Adm. William A. Owens and his extraordinary efforts in developing the military's Joint Requirements Oversight Council, better known as JROC. Admiral Owens retires today after 33 years of service to our Nation, and as our military's third Vice Chairman of the Joint Chiefs of Staff—the second highest ranking officer in our Armed Forces.

As Vice Chairman, Admiral Owens defined the role of the JROC in the defense requirements planning process—a process that has seen little change from the cold war planning process instituted by former Defense Secretary McNamara in the 1960's. The JROC as a forum, and a process, is little known and even less understood. But I believe it is essential to leveraging the tremendous capabilities that can be gained through joint planning and operations. I believe it also signals the need for a fundamental change in the way America plans for its future defense. This need for change is not a challenge limited to the Defense Department, but rather will provoke many of us to reflect what means to be pro-defense today—in a daunting era of emerging new technologies, uncertainly over future threats, an expanding continuum of military operations, and scarce and competing resources.

The JROC evolved in response to these challenges. But the JROC was also largely motivated by the Goldwater-Nichols' Defense Reorganization Act of 1986. Goldwater-Nichols required the Chairman of the Joint Chiefs of Staff to conduct net assessments to determine our military capabilities. The act also required that the Chairman provide the Secretary of Defense with alternative program recommendations and budget proposals—recommendations alternative to decisions derived from business as usual.

To assist the Chairman in this role, Goldwater-Nichols created the position of the Vice Chairman, Joint Chiefs of Staff. As Vice Chairman for the past 2 years, Admiral Owens has chaired the JROC and its members—the Air Force and Army Vice Chiefs of Staff, the Vice Chief of Naval Operations, and the Assistant Commander of the Marine Corps. These senior military leaders now devote 10 to 15 hours each week to review issues generated by various joint warfighting capability assessments, or JWCA's. The JWCA's, which Admiral Owens initiated, comprehensively evaluate 10 distinct warfighting capabilities across military service lines. The purpose of these assessments is to enhance interoperability among programs and services, and to identify those new technologies, organizational changes, as well as deficiencies and redundancies, that will improve our military's warfighting capabilities.

Through his leadership and vision, Admiral Owens transformed the JROC into what it is today—a forum where our military's senior leadership undertakes the critical process of reviewing, debating and planning our military's future warfighting capability. The JROC has given our military service members a greater awareness of other services' programs, requirements and operations, as well as the capabilities required by each of the warfighting commanders. Because it comprehensively assesses the overarching military capability as a whole—compared to the well-rooted program by program review of the past—the JROC can better assess how much warfighting capability is enough and how much redundancy is acceptable.

The JROC is in a state of evolution and its recommendations will not always be popular. But what's remarkable about the JROC is its ability to address military requirements across service lines—across the lines of parochialism that have, in the past, inhibited the military's move toward greater jointness, to greater effectiveness and to greater efficiencies. Admiral Owens and the JROC have been a catalyst for moving defense planning away from business as usual—shifting the focus of the defense debate away from defense spending levels, and move toward a process that collectively addresses a kaleidoscope of defense challenges, and will ensure that defense investment decisions and force structure changes are wise, attainable and affordable.

At one of our last meetings, Admiral Owens left with me a booklet entitled "New York Habits for a Radically Changing World." There is one particular quote in this book which perhaps best captures Admiral Owens' concern and vision for the future of our armed forces. I quote:

> Organizations can't stop the world from changing. The best they can do is adapt. The smart ones change before they have to. The lucky ones manage to scramble and adjust when push comes to shove. The rest are losers, and they become history.

Our Nation owes a debt of gratitude to Admiral Ownes for effecting change before it was compelled, and for his stewardship in ensuring our Armed Forces are well-equipped, well-trained, and well-prepared in this century and beyond.•

TAYLOR MIDDLE SCHOOL NAMED BLUE RIBBON SCHOOL

• Mr. BINGAMAN. Mr. President, I rise today to recognize the outstanding achievements of Taylor Middle School in Albuquerque, NM. On February 8, 1996, U.S. Secretary of Education Richard Riley named Taylor Middle School a blue ribbon school, the highest honor for a school in our Nation. One of 266 recipients nationwide and the only recipient in New Mexico, Taylor Middle School deserves to be commended.

Taylor Middle School, a charter school, uses an interdisciplinary team approach in which both the teachers and the parents are catalysts for the educational development of their children. The school is using a revolutionary middle school philosophy in which the students are learning and the teachers are being taught. Taylor is using both special education and regular education teachers to work with the entire student body enabling a more supportive learning environment.

Secretary Riley recognized that Taylor Middle School offers a challenging and rigorous academic approach to learning in a safe, disciplined and drug-free environment. This school is an outstanding example of an academic institution that is using its own resources to work toward the National Education Goals. Taylor Middle School is an outstanding model for New Mexico's schools and schools across our Nation.

Mr. President, I would like to commend Taylor Middle School, its students, its staff, and the parents who have formed a partnership to create a healthy and effective learning environment.•

CONGRATULATING PAULINE D. GATT ON BEING NAMED SECRETARY OF THE YEAR BY THE MACOMB CHAPTER OF PROFESSIONAL SECRETARIES

• Mr. ABRAHAM. Mr. President, I rise today to congratulate and pay tribute to Pauline Gatt for receiving the Macomb Chapter of Professional Secretaries [PSI] Secretary of the Year Award. Ms. Gatt started her secretarial career after graduating from high school. She then went on to obtain her stockbroker and insurance licenses and earn her certified professional secretary designation. Currently, she is executive secretary to Joseph R. Grewe, president of Masco Tech Sintered Components in Auburn Hills.

Pauline joined PSI in 1994 and has been a very active member of the Macomb Chapter. She has served on several committees, both as leader and a member. Pauline is currently team leader of the certified professional secretary [CPS] membership committee and spearheading the seminar and publicity committee for the Michigan division annual meeting. She also serves as proctor for the biannual CPS exams at Macomb Community College in Fraser.

Throughout such a busy career, Pauline has found time to marry Mr. William Gatt and raise their 4-year-old son, James Gatt. Her example should serve as an inspiration to all of us concerning what we can accomplish. On behalf of all Michigan residents, I would like to wish Pauline all the best and congratulations.•

BLACK HISTORY MONTH

• Mr. KERRY. Mr. President, as Black History Month, 1996, draws to a close, we have had an extraordinary opportunity to remember African-Americans who have changed America. We find our Nation more culturally enriched in the arts, in film and theater, in literature and music, in the humanities, the sciences, in our military and political history, in education, communications, and civil rights because of the contributions of African-Americans. But the most compelling stories are of the earliest African-American leaders who are among America's greatest heroes. They struggled and succeeded in the face of slavery and against the odds, and rose above the extraordinary prejudice and hatred of the 19th century to have a lasting impact on the cultural, social, and spiritual fabric of America. To name just a few: poets like Phillis Wheatley, a Massachusetts native and the first African-American woman to have her poetry published; Crispus Attucks, said to be the first person killed in a Boston battle that presaged the Revolutionary War; and the soldiers of the 54th Massachusetts Regiment, the first African-American unit in the Civil War who were memorialized in the film, "Glory," and in a statue on Boston Common are not heroes to just African-Americans, but heroes to every American.

Their stories are part of this Nation's lexicon and should be as commonly known as the story of another Massachusetts native, Paul Revere, but they are not. That is one of the reasons that, 20 years ago, Black History Month formalized a 70-year-old celebration begun in 1926 by Dr. Carter Woodson, the father of black history. Dr. Woodson set aside a special time in February to celebrate the achievements and contributions of African-Americans and the rich traditions and proud heritage of those who contributed so much to the building of this Nation.

But, as we celebrate we must also recognize that the contributions of African-Americans serve as a bridge over the troubled waters of economic insecurity. Their struggle and achievements in the face of incredible odds give us hope when we see that struggle for freedom, and equal justice has become an economic as well as a social struggle that finds hard working, self-reliant, responsible African-Americans looking for a good job at a liveable wage. The economic disparity between African-Americans and the rest of America is disproportionate. I know that African-Americans in Massachusetts—from Roxbury to Lowell, from New Bedford to Springfield—are working harder and harder, like all Americans, without receiving a raise, struggling to get the skills they need, and trying to educate themselves and their families, and some are falling further and further behind.

So, this month, in recognizing the importance of African-American heroes and their contribution to the history of America, we must not only reaffirm our commitment to civil rights and equal opportunity but to building an opportunity economy that provides for a better paying job, decent benefits, and a chance for their children to make more and do better in a world that judges them as Martin Luther King said, "on the content of their character." Black History Month is one more important step in tearing down the economic, social, and cultural walls that divide us and bridging the racial gaps between us. As we approach the 21st century, this will be one of our greatest challenges.•

TRIBUTE TO BLUE RIBBON SCHOOLS

• Mrs. HUTCHISON. Mr. President, I am here today to celebrate the achievements of the 27 schools from my State that were awarded the Department of Education's prestigious Blue Ribbon Award. The Blue Ribbon Award signifies excellence in education and calls attention to remarkably successful public and private schools.

Blue ribbon schools display the superior qualities that are necessary to prepare our young people for the challenges of the next century. The recognized schools serve as models for other schools and communities seeking to provide high quality education for their students. This year 266 secondary, junior high, and middle schools will be presented with the Blue Ribbon Award.

After a vigorous screening process by each State Department of Education, a panel consisting of 100 outstanding educators and other professionals reviews the nominations, and selects the most promising schools for a site visit. After the schools have been visited, the panel considers the reports and forward its final recommendations to Secretary Riley, who then reveals the names of the schools selected for recognition.

It is my honor and privilege to identify the following 27 Texas schools selected to receive a Blue Ribbon Award: Klein Oak High School, Plano Senior High School, Renner Middle School, Forest Meadow Junior High School, Strickland Middle School, Forest Park Middle School, Mayde Creek High School, Groesbeck Middle School, Lawrence D. Bell High School, Grapevine Middle School, Spring Forest Middle School, Spring Oaks Middle School, Northbrook Middle School, James E. Taylor High School, Westwood High School, Noel Grisham Middle School, Travis Middle School, Socorro High School, Lubbock High School, Lackland Junior-Senior High School, Georgetown High School, Coppell Middle School West, Edward S. Marcus High School, Booker T. Washington High School for Performing and Visual Arts, Crookett Middle School, Carroll High School, and Carroll Middle School. They are clearly among the most distinguished schools in the Nation with a persistent commitment to excellence in education.

I am elated that of all the schools selected from the entire United States, 10 percent are in Texas. Their achievements stand as positive testimony to the dedication, pride, and devotion to responsibility of the students, teachers, administrators, and parents at each of these blue ribbon schools.•

CHARACTER COUNTS WEEK

• Mr. LIEBERMAN. Mr. President, in my home State of Connecticut and across the Nation, something very positive is happening. Every day we hear about crime and violence committed by youth, teenage pregnancy, falling test scores and a host of other indications that the fabric of our society is fraying. These are problems that certainly need to be addressed. But today I would like to talk about Character Counts, a program that has committed itself to the children of this Nation in an affirmative way that conveys the faith and optimism we have in our youth and the high expectations we have for them. I am very proud to be a part of this growing endeavor.

On yesterday, I joined with my colleagues in the introduction of a resolution to designate October 13–19, 1996 as this year's National Character Counts Week. Character Counts Week will focus attention on the importance of character education and mobilize participation in the program. Last year in Connecticut, almost 3,000 students and teachers from 75 towns attended a rally in Hartford kicking off Character Counts Week, and I know many other States have had an equally enthusiastic response to the promise of character education. I invite all Americans to join us in taking part in the character education of our young people as it is everyone's duty.

Character Counts emphasizes six values—trustworthiness, respect, responsibility, fairness, caring, and citizenship. These are values that we all hold in common; these values transcend religions, cultures, socio-economics, and generations. But these values need to be explicitly taught to our children and reinforced and reflected in the way we live and in the way we shape our society. Character Counts does exactly this—the program encourages participating schools to infuse their regular curriculum with the six core values. There is no set curriculum—schools create individualized programs to fit their needs. Character education can be quite simple—as one Connecticut educator commented, "Any good teacher or good coach is probably doing it anyway." Character Counts spotlights and inspires these efforts.

A 1992 survey of 9,000 high school and college students conducted by the Josephson Institute of Ethics revealed that 65 percent felt that values should be taught in school because some parents fail to do so in the home, and 45 percent felt that character education should begin as early as kindergarten. This tells me that kids not only need guidance, because it is often not received at home, but that they want guidance. A responsible society will work together to fulfill this obligation.

Schools participating in the program have experienced a dramatic improvement in their behavioral problems. The Devereux Glenholme School in northwest Connecticut, the first school in the State to adopt Character Counts, saw a 50-percent drop in behavioral problems. And I know of at least three children in Connecticut who found sums of money, and instead of keeping it, turned it into the authorities. These children attributed Character Counts with helping them make the decision to turn in the money.

I believe that our youth reflect the broader society as it is revealed to them by adults and that they will rise to our expectations. If expectations of ourselves and of our children are low, then kids will fulfill those low expectations. If we communicate to our youth that they are bad kids, then they will be bad kids. If we recognize their potential for being good kids and then show them and teach them what it means to have character, then they will grow up to be adults of character, and it is our obligation to see that this happens. Character Counts helps us meet that charge.•

TRIBUTE TO VICE ADM. J.M. (MIKE) McCONNELL

• Mr. SPECTER. Mr. President, it is always an honor and a privilege to recognize the men and women of our Armed Forces who have diligently and faithfully maintained the security of this great Nation. We do this on Armed Forces Day and on Veteran's Day, but I believe everyone would agree that we do not recognize these individuals as frequently as their deeds would warrant. Today, I stand to recognize and pay tribute to one of the Nation's outstanding military leaders and unsung heroes, Vice Adm. Mike McConnell, Director of the National Security Agency [NSA], who will retire on March 1, 1996 after having unselfishly served his country for over 29 years.

Vice Admiral McConnell's life is truly an American success story. Being the product of humble roots, he attended Furman University in Greenville, SC, also the place of his birth, and was commissioned as a line officer in the Navy in 1967. He served tours in Vietnam, Japan, the Persian Gulf, and Indian Ocean as an intelligence officer before being nominated for flag rank and being selected as the Director for Joint Staff Intelligence, J–2. In this critical assignment, he served as the senior military intelligence advisor to the Secretary of Defense and the Chairman of the Joint Chiefs of Staff [CJCS]. Vice Admiral McConnell's leadership skills and expertise were immediately put to use to keep the Nation's senior policymakers informed of developments during the turmoil and revolutionary changes that swept the former Soviet Union during 1990. More important, however, were his contributions to the Nation during the 1991–92 Persian Gulf crisis. Vice Admiral McConnell's service to the Nation during the gulf war, which included keeping Gen. Colin Powell [CJCS] informed of all enemy activity, was instrumental in saving U.S. and coalition lives and directly contributed to bringing about a quick and decisive victory for allied forces. Realizing that Vice Admiral McConnell had much more to offer the Nation, the President recommended him for a two-star elevation to vice admiral and nominated him to serve as Director of the National Security Agency in 1992.

Vice Admiral McConnell's greatest contributions to the Nation were yet to come. Becoming NSA's 13th Director in May 1992, he committed himself to ensuring that the United States had the world's best cryptologic organization. Vice Admiral McConnell streamlined NSA's operations while ensuring that the Agency had the requisite skills and resources to meet the quickly evolving technological challenges that faced the Nation. His candor and openness with the Congress and its oversight committees helped ensure that the Nation's legislators were well informed of the

Agency's operations and how taxpayer dollars were being spent. Realizing that NSA's support saves lives, he also ensured that the Agency provided matchless support to every major military operation undertaken by the United States during his tenure. Most importantly, he crafted a strategy that will enable NSA to ensure that its people will remain its most critical resource.

Mr. President, I close by stating that everyone who calls this great Nation home owed a debt of gratitude to Vice Admiral McConnell. He has quietly, yet dutifully, served the Nation during four different decades and under seven different Commanders in Chief. Those of us who have been fortunate enough to know him personally can attest to his dedication, peerless integrity, and unwavering loyalty to this Nation. It is with a sense of great pride and honor that I salute Vice Adm. Mike McConnell.•

GIRL SCOUTS AND BOY SCOUTS OF RHODE ISLAND

• Mr. CHAFEE. Mr. President, it is with pride that I present to you the outstanding individuals who have achieved the highest honors as a Girl Scout or Boy Scout. These young people possess qualities of leadership and hard work that distinguishes them from the rest.

Since the beginning of the century, the Girl Scouts and Boy Scouts have provided a positive outlet for young men and women to develop leadership skills, make new friends, explore new ideas, as well as gain a sense of self determination, self-reliance and team work.

The highest honors that can be received by a Girl Scout are the Gold and Silver Awards. These awards are presented to those Girl Scouts who have demonstrated their commitment to excellence, hard work and the desire to help their community. The Eagle Scout Award is the highest honor given to a Boy Scout. Recipients display outstanding leadership in outdoor skills, and in community service that is helpful to religious and school institutions.

It is with great honor that I congratulate the recipients of these awards. The accomplishments of these young people are certainly worthy of praise. The skills they have learned as Scouts will allow them to help the world become a better place.

We also pay tribute to the parents, Scout leaders, and Scouting organizations that have guided these young people to achieve such greatness. Without their time and energy none of this would be possible.

It is a privilege to submit to you the list of the young men and women who have earned these awards, so I ask that it be printed in the RECORD.

The list follows:

GIRL SCOUT GOLD AWARD RECIPIENTS FOR 1995

Cranston: Amanda Toppa.

East Greenwich: Kimberly Gaffney.

Johnston: Amy Crane, Bonnie Renfrew.

Kenyon: Kimberly Pierce.

North Providence: Heather Konicki.

Pawtucket: Tanya Coots, Heather Davis.

Portsmouth: Elizabeth Goltman, Julia Kohl, Janessa LeComte, Jennifer McLean, Bridget Sullivan.

Rehoboth, MA: Nicole Swallow.

Riverside: Cochetta Dolloff.

West Kingston: Cheryl Berker.

West Warwick: Heather LaBelle.

Wood River Junction: Shayna Horgan.

Woonsocket: Kimberly Hebert.

GIRL SCOUT SILVER AWARD RECIPIENTS FOR 1995

Barrington: Heather Bianco, Nicole Daddona, Caroline Danish, Alison Fodor, Emilie Hosford, Ashley Humm, Stephanie Mailloux, Carly Marsh, Amy Poveromo, Sarah Richardson, Adrian Schlesinger, Emily Wetherbee.

Carolina: Amanda Bouressa.

Cranston: Sara Carnevale, Shannon Corey, Louise Humphrey, Elizabeth Kronenberg, Sarah Lavigne, Stacey Lehrer.

Middletown: Jennifer Hancock, Elizabeth Jump, Amy Kobayashi, Marie Kobayashi, Sarah Peter, Aimee Saunders, Mary Saunders.

North Smithfield: Jessica Cavedon.

Narragansett: Caroline Cutting, Shauna Dickens, Katie Webster.

Newport: Andrea Innes, Meredith Innes, Jennifer Matheny.

Pawtucket: Amy Medeiros, Valerie Poisson, Brce Smith.

Richmond: Emily Hisey.

West Kingston: Michelle Berker.

Wakefield: Ruth Anderson.

Warwick: Bethany Ascoli, Lynn Summers.

Woonsocket: Danielle Auclair, Tina Brin, Jessica Cousineau, Sarah Doire, Diane Ferland, Alicia Gamache, Stephanie Joannette, Melanie Labrecque, Lynn Turner.

BOY SCOTTS OF AMERICA EAGLE SCOUT RECIPIENTS FOR 1995

Ashaway: Chris Dumas.

Barrington: Jonathan T. Belmont, George William Campbell, Morgan Huffman Densley, Scott D. Harrison, Patrick Charles Keenan, Matthew Joseph Stoeckle, Jonathan Larrison Vohr, Russell Aubin Wallis, Rory W. Wood.

Blackstone Massachusetts: Joseph E. Niemczyk.

Bristol: Jason M. Bloom.

Charlestown: Jesse Rhodes.

Chepachet: John F. Valentine, IV.

Cranston: Matthew Erik Anderson, Benjamin J. Caito, Peter W. Caito, Peter Eli Jetty, Michael R. Kachanis, Anthony Mangiarelli, Christopher N. Reilly, Bryan Rekrut, Kevin A. Silva.

Coventry: Brian K. Martin, Matthew Walters.

Cumberland: Chad Michael Dillon.

East Greenwich: Christopher Joseph Cawley, John J. Doyle, Frederick W. Lumb, Kevin Allen Schwendiman, James M.R. Sloan.

Greene: Jeremy P. Skaling.

Greenville: Kenneth C. Collins, Charles Bradley Daniel, Scott E. Hopkins, Mark S. Wong.

Harrisville: Steven B. Mendall, Jr.

Hope: Stephen Raymond Pratt, Jr., Steven Etchells.

Hope Valley: Andrew J. Horton.

Hopkinton: James Romanski, Corey Small.

Jamestown: Scott E. Froberg, Alan D. Weaver, Jr.

Johnston: Neal R. Bradbury, Edward Albert Darragh, William P. DeRita, III, Michael L. Porter, Jr., Guy S. Shaffer.

Manville: Jason Michael Allen, David Raymond Levesque.

Middletown: Todd Michael Fisher, Michael A. Henry, Luke Allen Magnus, Eric Oldford, Brian J. Paquin, Jason F. Soules, Aaron M. Wilbur.

Millville, Massachusetts: Jeffrey Dean.

Narragansett: Matthew W. Maruska.

Nasonville: Brian D. Lafaille.

Newport: Aaron Hauquitz, Douglas Everett Jameson.

North Attleboro, Massachusetts: Raymond Gauthier, Jr.

North Dighton, Massachusetts: Joshua N. Labrie.

North Kingston: William C. Mainor, Walter E. Thomas, IV, John T. Walsh, III.

North Providence: Kevin M. Brault, Mathew William Thornton.

North Scituate: Thomas D. Alberg, Paul L. Carlson, Peter Charles Carlson, Matthew P. Koehler.

North Smithfield: James E.K. Doherty.

Pawcatuck, Connecticut: Patrick K. Cryan, James D. Spaziante.

Pawtucket: Dominic Chirchirillo, III, Ramiro Antonio Dacosta, Peter Fleurant, Albert Joseph Prew, Joseph Edward Sullivan, Joshua Brian Waldman.

Portsmouth: Jeremy Sawyer Brown, Benjamin Gorman, Kent D. Rutter, Colin B. Smith.

Providence: John James Joseph Banks, Matthew Charles Bastan, Luke C. Doyle, Andrew Frutchey, Christopher A. Goulet, Patrick J. Horrigan, Vincent R. Iacobucci, Jr., Adam Ryan Moore, Thomas J.W. Parker, Peter Scheidler, Jr.

Rumford: Tony Poole.

Seekonk, Massachusetts: Nathanael J. Greene, Brett Marcotte, Jeffrey C. McCabe, Christopher R. Nicholas, William J. Wood, Jr.

Smithfield: Brian P. Breguet, Michael J. Hogan, Nathan Moreau, Colin M. Segovis.

Sutton, Massachusetts: Matthew John Zell.

Uxbridge, Massachusetts: Brian M. Zifcak.

Warren: William Garcia.

Warwick: Ryan W. Arnold, Steven L. Bailey, Christopher A. Bissell, James R. Caddell, Jr., Fred Crossman, Jr., Joseph G. Diman, Ian T. Fairbairn, Sean R. Guzeika, Matthew L. Lutynski, Michael Marseglia, Andrew P. McGuirl, Adam J. Morelli, Matteo D. Morelli, Gerald Theroux, Bradley Thompson, Robert A. Wilcox.

Westerly: Shane Matthew Belanger, Vincent Anthony Fusaro.

West Kinston: Benjamin T. Brillat, Jacob Casimir Sosnowski.

West Warwick: Linton S. Wilder, IV, Frank M. Caliri.

Woonsocket: Adam Christopher Crepeau, Dominique Doiron.•

AGREEMENT TO CREATE TV RATING SYSTEM

• Mr. LIEBERMAN. Mr. President, a popular TV show in the 1960's, The Outer Limits, began each episode with these words: Do not attempt to adjust your television set. We control the horizontal. We control the vertical. . .

Those words symbolized the kind of control the TV industry has had over what viewers could watch in living rooms all across the country. For a long time, we didn't mind, as TV offered plenty of quality shows, with a few inoffensive bombs sprinkled in here and there.

But in recent years, the domination of the broadcast industry over what we see on TV has grated on the sensibilities of the American people, especially as TV has gone beyond the outer limits of good taste and decency, and into a twilight zone of immorality and degradation.

The Outer Limits TV show ended each week with the announcer telling viewers, "We now return control of your television set," and that is what has begun to happen today.

This is an historic day for millions of American families. The major television networks and the people responsible for most of what we see on TV have agreed to create a rating system for their programs. This rating system will be compatible with the V-chip that television sets will carry in the near future. I would like to commend the entertainment industry leaders who have taken this step forward and agreed to implement a rating system and embrace the V-chip. I have no doubt that this will be seen as both a socially responsible and a good business decision in the long term. I have no illusions however, about how difficult it was for the entertainment leaders who met with the President to take this step.

Today's news means parents will have a new tool to use as they struggle to raise their children in a healthy, moral environment. Parents will be able to block out programs that they deem inappropriate for their children.

As co-sponsor of the V-chip legislation with Senator KENT CONRAD and Representative ED MARKEY, I am very pleased that the V-chip will soon become reality. President Bill Clinton deserves a lot of credit for making this major step forward possible. Beginning with his support for the V-chip last July, and continuing through his strong endorsement in the State of the Union Address, President Clinton, along with Vice President GORE, has helped move this issue front and center, and encouraged the television industry to abandon their opposition to ratings and the V-chip.

We all will be watching what the television industry does to implement this new rating system. I have some concerns about how the ratings will be structured, because the credibility of that system is essential if parents are going to be able to use and trust the V-chip. The ratings must be tough enough to allow parents to prevent their kids from seeing too much violence, sexual activity, vulgarity, and even sexual innuendo, which has inundated many prime time television shows in recent years. A Seinfeld or Friends episode about masturbation or orgasms might qualify for a PG rating in a movie theater but should get the equivalent of an R when it comes on at 8 o clock at night.

We must also guard against a rating system becoming a cover for even more inappropriate content in television programming. The parents of America will not stand still if the networks use the existence of ratings as an excuse to produce even more explicit and offensive shows.

But, if properly designed and widely used by parents, a rating system operating through a V-chip can change the economics of the television industry, make quality programming more profitable than ever, and halt the current downward spiral in which the networks are too often competing with each other in a sleaze contest to capture their lucrative slice of a particular demographic pie.

Today, the V in V-chip stands for victory, and the struggle to reclaim our public airwaves from the sleaze which too often dominates what is broadcast will continue. Ratings alone do not solve the problem. You can rate garbage, but you haven't changed the fact that it is still garbage. As my friend BILL BENNETT said yesterday in a news conference we held with Senator NUNN and leaders from the Christian, Jewish, and Moslem organizations, a sign in front of a polluted lake does let you know that it's polluted, but it doesn't mean you can fish or swim in it. We need to clean up the polluted lake that is American television today, and take out the garbage.

There are some television programs that no rating will make acceptable. Last week, Sally Jessy Raphael put a 12-year-old girl on her stage—a girl who had been sexually victimized repeatedly by older men—and verbally abused her in front of a nationwide audience. That is a form of child abuse in itself, and it's totally unacceptable, rating or no rating.

That's the big, next task for the television industry—to use its incredible creative genius to bring us more programs that will elevate, not denigrate, our culture and our children.

There is probably no other force around that dominates the lives of young people in America today as thoroughly as television. Millions of children spend more time in front of a TV than they do talking with their parents, praying in church, or listening to their teachers.

The TV industry must do more to clean up their programs. Get rid of the violence that is still too pervasive, and damaging to impressionable young minds. Get rid of the gratuitous sex scenes, the common use of vulgarity, and the heavy sexual innuendo that dominates so many programs. You don't need to get down in the gutter to attract a big audience and make a profit. You do need to begin to draw a line, and say to yourselves and your producers, writers and actors—we won't go beyond that line, even if we can make more money, because it is wrong and it is bad for our country and our children.

One way the television networks can demonstrate they mean business when it comes to helping America and its parents is to adopt a code of conduct to govern their programming. They used to have active standards and practices divisions, but those divisions have been sub-standard and out-of-practice in recent years, and need to be bolstered and empowered by a strongly worded code of conduct that sets decent standards.

Another way the networks can show better corporate citizenship is to give us back the family hour. Give America's parents at least one hour at night when they can sit on the couch and watch TV with their children without fear of having their values insulted. Many parents, including my wife and I, have simply given up on network TV at night, choosing a family-oriented cable channel instead, or just reading or relaxing together. But tens of millions of families have no access to cable, and have little choice about what they can watch.

There is no law, no business imperative, no reason not to give the American people decent, quality programs from 8 pm to 9 pm every night. To paraphrase the line in Field of Dreams, air them, and we will come. We will watch good TV.

Mr. President, I am not a child of the information age. I am a child of the television age. I was raised watching TV, and I have watched TV with three generations of my children. I love TV, but I am not happy with what TV has become.

It is not too late to reverse course. The degradation of America's culture can be stopped. We can't go back to the 1950's, but we can go back to a time of decency and quality television.

We celebrate today the news that the television industry will develop a rating system for its programs and support the V-chip that will give parents more power to control over what their children see on TV. And we encourage the television executives to see today as a beginning, not an end. A beginning to a new partnership with America's families.

"A rising tide raises all ships," President Kennedy said, in speaking of economic growth. The same can be said of the tide of cultural decency. American television can uplift our people, or it can degrade them. It can inspire, or it can dispirit. Today, we hope the tide has begun to shift. Will the rising tide be sustained? All we can say now, is, "stay tuned."•

TRIBUTE TO ORDER OF DeMOLAY

• Mr. GREGG. Mr. President, I am pleased to rise today to commend a group whose members make important daily contributions to many communities across the country, including the town of Bristol, NH.

The International Supreme Council, Order of DeMolay has spent the past 77 years supporting their communities by assisting young men between the ages of 12 and 21 become better sons, citizens, and leaders. The Order of DeMolay urges these young men to lead lives full of filial love, reverence, courtesy, comradeship, fidelity, cleanness, and patriotism. This organization should be commended for its unwavering commitment and contributions to this Nation, and for participating in the molding of today's young men for a better world of peace and brotherhood.

Mr. President, I ask that the Senate acknowledge the Order of DeMolay's meritorious service toward our families, communities, States, and Nation and I invite the citizens of the United States to recognize this organization's significant efforts in community harmony.●

ORDER OF BUSINESS

Mr. WARNER. Mr. President, on behalf of the distinguished majority leader, I shall now address the wrapup. I wish to inform the Chair, as well as all Senators, that each of these items has been cleared by the Democratic leader.

ORDERS FOR TUESDAY, MARCH 5, 1996

Mr. WARNER. First, Mr. President, I ask unanimous consent that at 9:30 a.m., on Tuesday, March 5, the Senate proceed to the consideration of the conference report to accompany H.R. 927, and that there be 2½ hours of debate on the conference report to be equally divided between the Senator from Georgia, Mr. COVERDELL, and the Senator from Connecticut, Mr. DODD, or their designees, and that following the debate the conference report be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I further ask unanimous consent that a vote occur on adoption of the conference report at 2:15 p.m., Tuesday, and that paragraph 4 of rule XII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I ask unanimous consent that it be in order for me to ask for the yeas and nays at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. Mr. President, I ask unanimous consent that at 12 noon, Tuesday, March 5, the Senate resume the D.C. appropriations conference report, and there be 30 minutes equally divided in the usual form for debate on the cloture motion filed earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I further ask unanimous consent that the Senate stand in recess from 12:30 p.m., to 2:15 p.m., in order for the weekly party caucuses to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I ask unanimous consent that immediately following the 2:15 p.m., vote on Tuesday on the adoption of the Cuba conference report, the Senate proceed to the cloture vote with respect to the D.C. appropriations conference report, and that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE DISCHARGED AND REFERRED—S. 1577

Mr. WARNER. Mr. President, I ask unanimous consent that S. 1577, a bill to authorize appropriations for the National Historical Publications and Records Commission, be discharged from the Committee on Rules and referred to the Committee on Governmental Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations on the executive calendar: Calendar Nos. 472, 473, 474, 475, 476, 477, 478, and all nominations on the Secretary's desk in the Air Force, Army, and Navy.

I further ask unanimous consent that the nominations be considered en bloc; that the motions to reconsider be laid upon the table en bloc; that any statements relating to any of the nominations appear at the appropriate place in the RECORD; that the President be immediately notified of the Senate's action; and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the nominations were considered and confirmed, en bloc, as follows:

AIR FORCE

The following officers for appointment in the Reserve of the Air Force, to the grade indicated, under the provisions of title 10, United States Code, sections 8373, 12004, and 12203:

To be major general

Brig. Gen. Boyd L. Ashcraft, [redacted] Air Force Reserve.

Brig. Gen. Jim L. Folsom, [redacted] Air Force Reserve.

Brig. Gen. James E. Haight, Jr. [redacted] Air Force Reserve.

Brig. Gen. Joseph A. McNeil, [redacted] Air Force Reserve.

Brig. Gen. Robert E. Pfister, [redacted] Air Force Reserve.

Brig. Gen. Donald B. Stokes, [redacted] Air Force Reserve.

To be brigadier general

Col. John L. Baldwin, [redacted] Air Force Reserve.

Col. James D. Bankers, [redacted] Air Force Reserve.

Col. Ralph S. Clem, [redacted] Air Force Reserve.

Col. Larry L. Enyart, [redacted] Air Force Reserve.

Col. Jon S. Gingerich, [redacted] Air Force Reserve.

Col. Charles H. King [redacted] Air Force Reserve.

Col. Ralph J. Luciani, [redacted] Air Force Reserve.

Col. Richard M. McGill, [redacted] Air Force Reserve.

Col. David R. Myers [redacted] Air Force Reserve.

Col. James Sanders, [redacted] Air Force Reserve.

Col. Sanford Schlitt, [redacted] Air Force Reserve.

Col. David E. Tanzi, [redacted] Air Force Reserve.

Col. John L. Wilkinson, [redacted] Air Force Reserve.

ARMY

The following-named officer for appointment to the grade of general in the U.S. Army while assigned to a position of importance and responsibility under title 10, United States Code, section 601(a):

To be general

Lt. Gen. Johnnie E. Wilson, [redacted] U.S. Army.

NAVY

The following-named officer for appointment to the grade of Admiral in the U.S. Navy while assigned to a position of importance and responsibility under title 10, United States Code, sections 601 and 5035:

VICE CHIEF OF NAVAL OPERATIONS

To be admiral

Vice Adm. Jay L. Johnson, [redacted]

The following-named officer for appointment to the grade of vice admiral in the U.S. Navy while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Vernon E. Clark, [redacted]

The following-named officer for appointment to the grade of vice admiral in the U.S. Navy while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. (Selectee) Richard W Mies, 350–34–4623.

The following-named officer for appointment to the grade of vice admiral in the U.S. Navy while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Dennis A. Jones, [redacted]

MARINE CORPS

The following-named colonel of the U.S. Marine Corps Reserve for promotion to the grade of brigadier general, under the provisions of Section 5912 of Title 10, United States Code:

To be brigadier general

Col. Leo V. Williams III, xxx-xx-xxxx USMCR.

IN THE AIR FORCE, ARMY, NAVY

Air Force nominations beginning James M. Abel, Jr., and ending Robert L. Williams, which nominations were received by the Senate and appeared in the Congressional Record of December 18, 1995.

Air Force nominations beginning Jonathan S. Flaugher, and ending Walter L. Bogart III, which nominations were received by the Senate and appeared in the Congressional Record of January 22, 1996.

Air Force nominations beginning Donald R. Smith, and ending James L. O'Neal, which nominations were received by the Senate and appeared in the Congressional Record of January 22, 1996.

Air Force nominations beginning Bradley S. Abels, and ending Mark A. Yuspa, which nominations were received by the Senate and appeared in the Congressional Record of January 22, 1996.

Air Force nominations beginning Joseph P. Anello, and ending Barbara T. Martin, which nominations were received by the Senate and appeared in the Congressional Record of January 22, 1996.

Air Force nominations beginning Edward A. Askins, and ending James L. Scott, which nominations were received by the Senate and appeared in the Congressional Record of January 22, 1996.

Air Force nominations beginning Andrea M. Andersen, and ending Bryan T. Wheeler, which nominations were received by the Senate and appeared in the Congressional Record of January 22, 1996.

Air Force nominations beginning Stephen W. Andrews, and ending Richard M. Zwirko, which nominations were received by the Senate and appeared in the Congressional Record of January 22, 1996.

Air Force nominations beginning Jeffrey K. Smith, and ending Lowry C. Shropshire, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 1996.

Air Force nominations beginning Matthew D. Atkins, and ending Steven J. Youd, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 1996.

Army nominations beginning Col. William G. Held, and ending Lt. Col. Patricia B. Genung, which nominations were received by the Senate and appeared in the Congressional Record of January 22, 1996.

Army nomination of Ricky J. Rogers, which was received by the Senate and appeared in the Congressional Record of February 1, 1996.

Army nominations beginning James C. Ferguson, and ending Michael M. Wertz, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 1996.

Army nominations beginning Romney C. Andersen, and ending David F. Tashea, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 1996.

Army nominations beginning Danny W. Agee, and ending Frank A. Wittouck, which nominations were received by the Senate and appeared in the Congressional Record of February 9, 1996.

Navy nominations beginning Charles Armstrong, and ending Winceslas Weems, which nominations were received by the Senate and appeared in the Congressional Record of January 22, 1996.

Navy nominations beginning Caleb Powell, Jr., and ending Paul T. Broere, which nominations were received by the Senate and appeared in the Congressional Record of January 22, 1996.

Navy nominations beginning Maurice J. Curran, and ending Kim M. Volk, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 1996.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

REMOVAL OF INJUNCTION OF SECRECY—INVESTMENT TREATY WITH UZBEKISTAN, TREATY DOCUMENT 104–25

Mr. WARNER. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on February 28, 1996, by the President of the United States: Investment Treaty with Uzbekistan, Treaty Document No. 104–25.

I further ask unanimous consent that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of the Republic of Uzbekistan Concerning the Encouragement and Reciprocal Protection of Investment, with Annex, signed at Washington on December 16, 1994. I transmit also, for the information of the Senate, the report of the Department of State with respect to this Treaty.

The bilateral investment treaty (BIT) with Uzbekistan is designed to protect U.S. investment and assist the Republic of Uzbekistan in its efforts to develop its economy by creating conditions more favorable for U.S. private investment and thus strengthen the development of its private sector.

The Treaty is fully consistent with U.S. policy toward international and domestic investment. A specific tenet of U.S. policy, reflected in this Treaty, is that U.S. investment abroad and foreign investment in the United States should receive national treatment. Under this Treaty, the Parties also agree to international law standards for expropriation and compensation for expropriation; free transfer of funds related to investments; freedom of investments from performance requirements; fair, equitable, and most-favored-nation treatment; and the investor's or investment's freedom to choose to resolve disputes with the host government through international arbitration.

I recommend that the Senate consider this Treaty as soon as possible, and give its advice and consent to ratification of the Treaty, with Annex, at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 28, 1996.*

CONDEMNING TERROR ATTACKS IN ISRAEL

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 228, submitted earlier today by Senators HELMS, PELL, DOLE, and DASCHLE.

The PRESIDING OFFICER. The Clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 228) condemning terror attacks in Israel.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. HELMS. Mr. President, it is with profound regret that I feel obliged to offer another resolution condemning an act of terrorism in Israel.

Early this past Sunday, suicide bombers from the Palestinian terrorist group Hamas slaughtered 25 innocent human beings in two separate terrorist attacks. In Jerusalem, two young Americans, a young man and his financee, were among those who died.

Shock waves from the bomb blast reverberated around Jerusalem. I am confident that decent people the world over were dismayed.

Mr. President, we hear much oratory about the sacrifices that must be made for peace, but surely, however, there are mothers, fathers, and brothers and sisters throughout both Israel and America who are asking themselves how much more they must sacrifice; indeed when will they know peace?

When Yasser Arafat tours his new domain, when he pays condolence calls on the families of suicide bombers, does he ask himself what kind of man boards a crowded bus with pounds of explosive, specially packed with shards of metal to cause the maximum carnage?

Is Arafat willing himself to continue to be identified as the leader of such brutal men? If not, he must do more. Hamas and other such groups must be outlawed, and their members prosecuted to the fullest extent of the law.

For peace hangs in the balance. If Yasser Arafat expects Gaza and other areas under his control to be known as anything more than a breeding ground for terrorists, he must move swiftly, and decisively against the terrorists in his midst.

Only then can mourning Americans and Israelis believe that peace has real meaning.

Mr. PELL. Mr. President, I am pleased to join with the distinguished chairman of the Senate Committee on Foreign Relations—Senator HELMS—and others in submitting a resolution to condemn the recent terrorist attacks in Israel.

I have not doubt that all of my colleagues were as stunned and dismayed as I to learn about the horrifying bombings. All too often in the past several years, we have been forced to watch the gut-wrenching pictures on CNN of the Chaos, carnage, and misery of yet another terrorist bombing in Israel.

The frequency of these occurrences, however, does nothing to lessen their devastating impact. Each time a bombing occurs, the Israeli Government must reexamine its approach to security and its commitments to the Palestinians. The Israeli people again must come to grips with the fact that the peace has a heavy toll. The Palestinians must reaffirm that they are worthy of taking charge of their own destiny, and that they are living up to their commitments to end terrorism. And the United States must step back and ask yet again if we are doing the right thing.

As painful as these realities are, we must not let them obscure our interests in the Middle East peace process. Having just led a congressional delegation on a trip to the region—where Senators, ROBB, INHOFE, and I met with Prime Minister Peres and PLO Chairman Arafat among other—I have a renewed sense of the importance of the peace agreements between Israel and the Palestinians.

We must also remember that the perpetrators of these heinous bombings are in fact the enemies of peace, and more to the point, the enemies of those Palestinians who have committed themselves to peace with Israel. My own hope is that the world—and specifically the parties to the peace process—will not let them succeed in destroying the peace. While we must indeed hold Arafat's feet to the fire, and insist that he do more to stop terrorist acts, we must acknowledge the progress that the Palestinians have made to stop violence and terror. Clearly they have not yet succeeded, but we should not minimize the improvements they have made since signing their peace agreements with Israel.

Above all, this is a moment to commiserate with the families of the victims, to express our profound sorrow and regret to our ally, Israel, and to reaffirm our basic and fundamental commitment to the true success of the peace process. Our resolution intends to do just that, and I hope that the Senate will move to adopt the resolution as quickly as possible.

Mr. LIEBERMAN. Mr. President, I rise today to join with the leadership of the Foreign Relations Committee and of the Senate in cosponsoring Senate Resolution 228, a resolution condemning the recent terror attacks in Israel.

The heinous attacks in Jerusalem and Ashkelon on February 25 killed 25 people and wounded dozens more. A radical, crazy minority opposed to the peace process which is supported by most Israelis and Arabs has again taken innocent lives. The perpetrators and their supporters must be brought to justice.

Such cowardly attacks are always reprehensible. But these attacks truly brought home to us the horror of terrorism because the victims included two Americans, one of them from Connecticut. This is the second time in less than half a year that the hand of terrorism has struck someone from Connecticut.

In this case, Matt Eisenfeld—a wonderful young man, committed to the peace process, a student of the bible, exemplary of the best traditions—was struck down by cowards planting a bomb on a bus.

I am in awe of the strength of the Eisenfeld family of West Hartford at such a difficult time. They have been true to their principles and true to their son's principles and continue to support the movement toward peace in spite of the awful loss they have suffered. Let us hope that people of similar strength and good will among the Palestinians and the Israeli population will not be distracted and deterred by these violent acts.

Mr. BIDEN. Mr. President, I rise to condemn in the strongest possible terms this past Sunday's heinous bombings in Israel. I also wish to convey my heart-felt condolences to the families of the 23 Israelis and the 2 young Americans who lost their lives in these despicable acts.

Mr. President, many of us are asking the same questions that Israelis are asking in the wake of these attacks: why and for what end would someone commit such senseless acts of mass murder? We probably never will be able to penetrate the demented mind of a suicide-bomber to understand what causes that person to kill. But I think we all know the immediate aim of the bombers who struck on Sunday—it is to spread fear and terror in order to derail the peace process.

As hard as it is to comprehend, peace in the Middle East is actually perceived as a threat in some quarters. Coexistence, friendship, cooperation—all of these concepts are anathema to a small, extremist minority on both sides.

And Mr. President, I would submit that the vast majority of Palestinians—which does believe in these concepts—needs to stand up now to prevent its future from being stolen by the extremists. These extremists offer a version of the future that includes a return to the darkest days of the Arab-Israeli conflict. Indeed, they see renewed conflict as a necessary means to achieve their ultimate goal of destroying Israel.

Mr. President, if the Palestinians want a brighter future for their children—as I know they do—then they will need to stop these extremists in their tracks.

We stand ready, and I know that Israel stands ready, to provide whatever help the Palestinians need to win this fight. But they must be the ones to initiate a new all-out battle with the violent rejectionists.

Israelis have rejected the message and methods of extremists in their midst. Their democratically chosen institutions have been acting to thwart the designs of Israeli extremists.

Recently, the Palestinians have acquired their own democratically chosen institutions. It is time for those new institutions to be put to the test by employing their full might in a battle whose outcome will be historic for the Palestinian people and the middle east as a whole.

Mr. President, we cannot let Sunday's attackers achieve their goals. The peace process must continue. The two young American victims, Matthew Eisenfeld and Sarah Duker, whose future life together was so cruelly taken from them on Sunday, were committed to peace. We can best honor their memory by staying on the path that they had chosen.

Mr. WARNER. Mr. President, I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolution (S. Res. 228) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 228

Whereas on February 25, 1996, two vicious terror attacks in Jerusalem and Ashkelon killed two American citizens and 23 Israelis, and wounded dozens more;

Whereas the Gaza-headquartered terrorist organization "Hamas" claimed credit for the attack;

Whereas in 1995, 47 innocent Israeli and American citizens were killed in Palestinian terror attacks;

Whereas since the signing of the Declaration of Principles between Israel and the PLO on September 13, 1993, 168 people have been killed in terrorist acts, 163 Israelis and five American citizens;

Whereas the Gaza-based "Hamas" terror group and Damascus-based Palestinian Islamic Jihad and Popular Front for the Liberation of Palestine terror groups have claimed responsibility for the majority of those terror attacks;

Whereas the PLO, the Palestinian Authority and Yasser Arafat have undertaken on repeated occasions to crack down on terror and bring to justice those in areas under their jurisdiction who commit acts of terror;

Whereas notwithstanding such undertaking and some improvements in Palestinian efforts against terrorism, the vast majority of terror suspects have not been apprehended, or if apprehended, not tried or punished, and no terror suspects requested for transfer have been transferred to Israeli authorities by Palestinian authorities in direct contravention of agreements signed between the PLO and Israel;

Whereas the governments of Iran, Syria and Lebanon continue to provide safe haven, financial support and arms to terror groups such as Hamas, Islamic Jihad, or Hezbollah among others, and have in no way acted to restrain such groups from committing acts of terrorism;

Whereas failure to act against terrorists by the Palestinian Authority, Syria and others can only undermine the credibility of the peace process: Now therefore be it

Resolved, That the Senate—

(1) condemns and reviles in the strongest terms the attacks in Jerusalem and in Ashkelon;

(2) extends condolences to the families of all those killed, and to the Government and all the people of the State of Israel;

(3) calls upon the Palestinian Authority, the elected Palestinian Council and Chairman Arafat to act swiftly and decisively to apprehend the perpetrators of terror attacks, to do more to prevent such acts of terror in the future and to eschew all statements and gestures which signal tolerance for such acts and their perpetrators;

(4) calls upon the Palestinian Authority, and Palestinian representatives in the elected Council to take all possible action to eliminate terrorist activities by Hamas, Palestinian Islamic Jihad, the Popular Front for the Liberation of Palestine, and all other such terror groups;

(5) urges all parties to the peace process, in order to retain the credibility of their commitment to peace, to bring to justice the perpetrators of acts of terrorism, and to cease harboring, financing and arming terror groups in all territories under their control; and

(6) urges the Clinton administration to act decisively and swiftly against those who continue to harbor, arm or finance terror groups seeking to undermine the peace process.

COMMEMORATING BLACK HISTORY MONTH AND CONTRIBUTIONS OF AFRICAN-AMERICAN UNITED STATES SENATORS

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 229, submitted earlier today by Senators DOLE and DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 229) commemorating Black History Month and contributions of African-American U.S. Senators.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Ms. MOSELEY-BRAUN. Mr. President, it is indeed the most profound honor and privilege to stand before the United States Senate today to commemorate the 126th anniversary of the election of the very first African-American ever to serve in these great Senate Chambers.

U.S. Senator Hiram Revels.

We are all of us indebted to this man, Mr. President—and to Senator Bruce and Senator Brooks who followed him. These leaders carried forth the dignity of black Americans, as they worked vigilantly inside these Chambers to open the opportunity of America to all Americans.

The past is always prolog. The history of the contributions of African-Americans is as much a part of the mosaic of America as any other. Indeed, the dream of black Americans resonates so powerfully, because it is an optimistic dream. Because it is about inclusion. Because it is about expanding opportunity. Because it breaks down the barriers that divide us.

The Declaration of Independence and our Constitution, the twin cornerstones of our Nation, eloquently set forth the kind of nation we all want. Think about the preamble of our Constitution. It states:

> We the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare and secure the blessings of liberty to ourselves and our prosperity, do ordain and establish the Constitution for the United States of America.

With that elegant pronouncement, 39 white men laid down the tenants that would organize the Government for this, the greatest nation in the world. In so doing, they created a democracy which guides us still.

However, as Dr. Martin Luther King so wisely said, "The Declaration of Independence is really a declaration of intent." In reality, the Constitution was more a statement of principles than a set of rules carved in stone. It took almost two centuries of struggle and testing to fulfill the promise of so lofty a pronouncement.

For one thing, the new Americans learned right away that "We the people" was a pretty exclusive group. It certainly did not include women. Women were not enfranchised into the body politic until the 19th amendment to the Constitution was adopted in 1920. Poor people were shut out, too. Most States required ownership of property for participation in elections. Nor were young people recognized until the 26th amendment was ratified in 1971, allowing 18-year-olds to vote. And certainly not the large population of slaves, who counted as three-fifths of a person, for purposes of the census, taxes, and representation.

As Congresswoman Barbara Jordan was wont to note: "When the Constitution was completed in September 1787, I was not included in that 'We, the people.'"

All of this despite the noble proclamation:

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted by men, deriving their just powers from the consent of the governed.

After the first Constitutional Convention, Benjamin Franklin was asked: "What have you wrought?" He answered: "A Republic, if you can keep it."

If we can keep it. Indeed it is a grand vision that has inspired generations of African-Americans to steward the Constitution so that this statement of intent shall be realized and turned into a reality that benefits all Americans. By contrast, a history which deliberately erases the sagas of blacks and women is no history at all—it is fiction—as flat and incomplete as a history that would leave out George Washington, Abraham Lincoln or any of these 39 men who founded our great country.

Worse, it has the ultimate mischief of misdirecting future activity that grows forth from that fraud. For the past is indeed prolog. A distorted past without texture and honesty misleads us all.

And so Congresswoman Barbara Jordan said, too, when she was seated in the House Chambers—

> Today I am an inquisitor. I believe hyperbole would not overstate the solemnness that I feel right now. My faith in the Constitution is whole, it is complete, it is total. I am not going to sit here and be an idle spectator to the diminution, the subversion, the destruction of the Constitution.

I say to you today, Mr. President, Congresswoman Jordan was honoring a tradition of paramount importance to our African-American ancestors. A tradition started by the man we honor today. Senator Hiram Revels, the very first African-American to serve in the Senate, representing the great State of Mississippi during Reconstruction.

Senator Revels was a courageous man for his time. How he grew from his ordinary roots to dedicate his life to public service, and contribute in such an extraordinary way to public policy in the Reconstruction era should show us all that every one of us really can make a difference.

Consider who he was. Born the son of free parents, Senator Revels started out in the ministry, preaching in the Midwestern and border States, and assisting fugitives from slavery. When the Civil War broke out, Revels was a school principal and a church pastor in Baltimore. He helped raise two regiments of African-American troops in Maryland, then moved on to St. Louis, MO, where he established a school for freed men.

The following year, in 1864, Revels joined the Union Army and served as chaplain assigned to an Army regiment of African-Americans stationed in Mississippi. You heard me right. He served in a black regiment defending the Union in Mississippi.

Such courage as this is the foundation of our African-American ancestry.

By 1870, Revels had been elected to the Mississippi State Senate. But destiny tapped his shoulder when the Republican-dominated legislature elected Revels to the U.S. Senate, in anticipation of the State's readmission to representation in Congress.

It was in 1870, you will recall, and the 15th amendment granting citizens the right to vote regardless of race or previous condition of servitude, was finally passed. 1870. That is almost 100 years after the Constitution declared this country to exist for the protections of all people.

His victory was not without a fight. Sent to Washington, Senator Revels' credentials were immediately challenged. On the basis of the Dred Scott decision by the Supreme Court in 1857, which judged that persons of African-American descent were not U.S. citizens, he was accused of failing to satisfy the citizenship requirement to hold elected office in the Senate.

The debate over Senator Revels seat became increasingly bitter. For 2 days, his opponents offered up a caustic mix of racial epithets, inflammatory charges, and specious arguments in a futile effort to prevent the seating of the Nation's first black Senator.

As a result, this minister and school principal, this educator and spiritual leader, embarked on his career as a U.S. Senator defending the rights of other blacks to hold public office. His first debate was against an amendment to the Georgia readmission bill that prevented blacks from holding State office in Georgia, and from representing Georgia in either House of Congress. Prefacing his remarks, and I quote: "With feelings which perhaps never before entered into the experience of any member of this body," Senator Revels declared that black citizens, "ask but the rights which are theirs by God's universal law." And Senator Revels reminded his audience of the contributions that African-American troops had made to the war effort. Despite Senator Revels efforts, the Georgia readmission bill was enacted.

During 14 months of service in the Senate, Senator Revels spoke out against legislation to segregate public schools in the District of Columbia, and was instrumental in helping to integrate the work force at the Washington Navy Yard.

Although Senator Revels decided not to run for re-election, his short stay in the Senate paved the way for other African-American Senators to follow.

In fact, he opened the door of opportunity for the election of Senator Blanche Kelso Bruce in 1875, who became the first African-American to serve a full term in the U.S. Senate.

Though born a slave, Senator Bruce still believed in the guiding truth of the Constitution, and he dedicated his life to working for the inclusion of all under the arm of its protections. In an effort to support African-Americans seeking higher office, Senator Bruce championed the cause of Pinckney Pinchback, a Louisiana Republican who might have been this Nation's third black Senator but for a challenge to his seat. In his first speech in this Chamber, Senator Bruce vigorously defended Pinchback, and the Republican-dominated legislature which had elected him to the Senate. But it was to no avail.

During his 6-year term in the Senate, Senator Bruce served as chairman of a select committee charged with investigating the Freedman's Savings and Trust Co.—a federally chartered institution whose collapse threatened to impoverish thousands of black depositors. Through his efforts, investors were able to recover more than half of their deposits.

Senator Bruce made great contributions in the fight for inclusion during his one term in the Senate. However, despite the tremendous strides achieved during the Reconstruction era, in the late 1870's, ominous tactics of intimidation unbecoming of a great democracy were used to exclude African-Americans from full participation in the voting process. Lives were threatened, and lives were lost, when Afican-Americans dared to exercise their right to vote.

Both of these gentlemen clung to the promise of a republic, guided by a love of liberty. And they did this, Mr. President, despite their direct exposure to a society that condoned slavery—and espoused the degradation of humanity—which characterized the popular will of their times. They did this because they hoped. Because they were determined that their hopes would not be in vain.

Even so, it was not for another 86 years—that's almost a century, Mr. President, a full century—until America elected another African-American to the U.S. Senate.

Not until the great surge of the civil rights era was the third African-American Senator elected; 1967 was the year, and the American politics had matured. For one thing, a change in the Constitution allowed for direct elections by the people, rather than elections or appointments by State legislatures.

Thus, it was a significant victory, Mr. President, when the people of Massachusetts, on their own volition, on the basis of their own vision and wisdom and depth of comprehension of America's political values elected Senator Edward Brooks to the U.S. Senate.

Senator Brooks was only the first African-American ever to win a Senate seat by direct election. With his victory, the American electorate showed that it had grown in its maturity. The people had a deeper connection to the meaning of "We the People." They appreciated the value of inclusion for all peoples. They understood the great possibilities of allowing diversity to thrive in our Nation, and so they opened up the ranks of participation in leadership.

Senator Brooks served two terms until 1979. During his 12 years of service, Senator Brooks supported a number of measures aimed at healing the Nation's racial and economic divisions, including tax reform, fair housing legislation, the extension of the Voting Rights Act and Federal aid to education.

Each of these three gentlemen set a fine example of leadership that all Americans can be proud of. Each championed the cause of justice, democracy, and liberty for all. And perhaps most notably, each one of them avowed that one day, one day the promise of America would be a reality for all Americans.

Mr. President, I stand on the floor of this most powerful legislative body, and I am only the fourth American of African descent to serve in the U.S. Senate. The fourth ever. And the only one serving today.

But I want to tell you that I share the hopes of my ancestors, too. When the Senate convened for the first time, we met in the old Senate Chamber, and I searched out the desk of my predecessor from Illinois who would actually have been seated in that Chamber.

It was the seat of Stephen Douglas. You may recall that Abraham Lincoln debated Stephen Douglas in the late 1850's, and the famous Lincoln-Douglas debate sharpened the focus of the clouds of war on the horizon. Lincoln, not at that point an abolitionist, argued the question of the Douglas legislation, the Kansas-Nebraska Act, which would make the extension of slavery into the territories a matter to be decided by referendum. Lincoln thought slavery was best confined where it already existed, and made the moral argument against human enslavement as the basis for his opposition to its extension. Douglas defended his bill. Douglas won the election to the Senate. When I sat in that seat for the first time, I made sure I was well positioned in it.

How very different our times might have been—had the outcomes of their conflict been different. Through the crucible of a great civil war, our Nation redefined itself, to admit to citizenship those persons of color who were previously held as chattel. In his commitment to the Union, Lincoln held out a hope of freedom to those who, themselves, had never stopped hoping.

In his second inaugural address, Lincoln said with no small amount of anguish, "With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in, to bind up the nations wounds, to care for him who shall have borne the battle and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations."

"Let us strive on to finish the work we are in * * *"

Lincoln was referring to the war between the States. But to African-Americans, the struggle against racism and for human dignity was to continue. Again, their contributions in that continuing struggle compel us today. Harriet Tubman and Frederick Douglass, W.E.B. DuBois and Booker T. Washington, Paul Lawrence Dunbar and James Weldon Johnson, Mary McCloud Bethane and S. Phillip Randolph, George Washington Carver and Jackie Robinson, Ida B. Wells and Mary Church Terrell, Langston Hughes, Ralph Bunche. Each name conjures a story of heroism, of patriotism, of hope.

We are today the product of their sacrifice, their labor, and their commitment to community. It is in the essential message of their contributions that we find guidance for out times. These people were great because they reached outside of themselves to define and serve the community as they hoped it would be. They saw, and enhanced the possibilities for America. They were protectors of the Constitution, cherishing and defending and promoting the promise of freedom. And in their many endeavors, they sought to guarantee that the value of liberty and the sanctity of human dignity would never be lost in this great Nation. They would not drop the flag because they believe in the Republic. They were stewards of the Constitution and the values it so eloquently established as the bedrock foundation of this country.

Dr. King once said, "The arc of the moral universe is long, but it bends toward justice." African-Americans can take real pride in the fact that by our struggles for freedom, all people are made free. By our commitment and sacrifice, the weight of moral authority has helped bend that arc. By helping convert that Declaration of Intent into a firm reality, by insisting on a definition of community that is inclusive of all people and nurturing of human potential, we build the foundation for a 21st century that will move us beyond the painful struggles and lost talent which so sadly characterized our past.

There is a term in mathematics known as Vector addition. Simply stated it holds that you add forces working together and subtract forces working against each other. This formula is as true for society as it is for mathematics. If we can continue on the path to human dignity, and in the direction of the Declaration and Constitution together, we will reach the goals set out there. We will create the America that our ancestors prayed and died for.

We are not there yet.

Today, a lot of Americans want to believe that we have arrived. People now want to move away from the concept of inclusion, saying we need go no further. But remember that I am still the only African-American sitting in the Senate today, and I am the very first African-American woman to win election to the Senate in the history of the United States. Of the 1,827 Senators in the history of the United States, only 4 have been African-American. The numbers alone tell you where we are and how far we have to go.

I look forward to the day in American history when we will no longer have reason to take note how many women and African-Americans are in the Senate. I want to see that great day when "We the People" will include all Americans, that great day when skin color and ethnicity will not matter. Gender will not matter. The great day when the diversity that makes America so special in the history of the world will finally achieve this perfect union that our Forefathers envisioned.

We are, after all, in this together. Black and white, southern and northern, male and female, all these distinctions should point us to the real truth—that we are all created equal, and we are all one community. In our multi-color, multi-faceted, multi-dimensional diversity, we are all one people. And in that diversity lies our strength. When whites can take pride in the contributions of black Americans, and blacks can take pride in the history of white Americans, we can all be proud of our common heritage and common humanity.

And from that diversity we can stir the competitive pot, giving full play to the complete range of talent that 100 percent of our people—not just some of our people—can bring to bear on the challenges of our time.

When my own great State of Illinois rached beyond race and gender to embrace my candidacy, and carry me to an election triumph, they gave all of America a wonderful victory. It was first and foremost a victory for "We the People," a resounding advancement and maturing of the American character, that it should promote leadership on the basis of individual contributions and vision, not on the basis of race and gender.

Yes indeed, the people of Illinois can be proud of the patriotism and love of country, which prompted this ultimate fulfillment of our Founding Fathers and mothers visions for what we could become. Like the people of Massachusetts who elected Senator Brooks before me, the victory was a mark of progress that all leadership and all participation. An act of inclusion that recognizes the worthiness of all facets of American life, and the need for all of America to benefit from that experience and expertise.

African-American history month is a celebration for all of us. It is not just for black children deprived of role models and heroes of their heritage. It is not just for white children, who are fed media images of African-Americans as drug dealers and gang bangers. It is a celebration for all of us, and a time for reflection on the kind of America we want to leave as our legacy. But most of all, it provides us with an opportunity for truth telling. Because there are tens of thousands of ordinary black Americans who have made significant contributions in the arts, literature, politics, science, business and community service. Most importantly of all, black history teaches that we all have a role to play in making this country great. We all had played a role in shaping the past, and we all have a role to play in shaping the future. All of us—African, Irish, Italian, Heinz 57 variety, we are all Americans and we will all individually and collectively make the decision today which will determine tomorrow.

That is why this salute to Hirim Revels, Blanche Bruce, and Ed Brooks is a salute to America and a celebration of the history of the contribution of Americans of African descent.

Mr. WARNER. Mr. President, I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolution (S. Res. 229) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 229

Whereas, Black History Month in 1996 is a fitting occasion to direct public attention to the many significant contributions which have been made by African-American citizens in government service to the people of the United States of America; and

Whereas, 125 years ago on February 25, 1870, Republican Hiram Rhodes Revels of Natchez, Mississippi was seated as the first Black citizen to serve in the United States Senate; and

Whereas, the service of Senator Revels, an ordained minister of the Christian Gospel, was distinguished by conscientious support for desegregated public education, reconciliation, equal political opportunity and veterans' benefits and by opposition to discrimination in government employment and political corruption; and

Whereas, Blanche Kelso Bruce of Bolivar County, Mississippi, whose term commenced on March 5, 1875, became the first Black citizen to serve a full term in the U.S. Senate and distinguished himself by supporting equality in Western state land grants, desegregation in the U.S. Army, electoral fairness, equitable treatment of Native Americans and by opposing fraud and incompetence in governmental affairs; and

Whereas, Edward William Brooke of Newton, Massachusetts on January 3, 1967 became the first Black citizen to be elected directly by the people to serve in the U.S. Senate (and then was re-elected), distinguished himself by supporting American history awareness, racial reconciliation initiatives, strengthened foreign relations, stronger higher education, improved veterans' benefits, affordable housing and the performing arts; and

Whereas, Carol Moseley-Braun of Chicago, Illinois on January 3, 1993 became the first Black woman and the first Black member of the Democrat Party to be seated in the U.S. Senate and is currently distinguishing herself for her resolute commitment to equal opportunity in education, advocacy of women's and children's rights, support for business entrepreneurship, expanded economic opportunity, equity for family farmers and fiscal responsibility and for her forceful opposition to all forms of crime; and

Whereas, on February 29, 1996 the African-American Alliance, the James E. Chaney Foundation, and Local 372 of District Council 37 of the American Federation of State, County and Municipal Employees, are sponsoring ceremonies in the U.S. Capitol Building to pay tribute to the pioneering legacy of these intrepid and highly esteemed role models; Now, therefore, be it

Resolved that the United States Senate does hereby join in honoring these inspiring legislators and expresses profound gratitude for their innumerable substantive contributions to the pursuit of justice, fairness, equality and opportunity for all U.S. citizens.

MEASURE SEQUENTIALLY REFERRED—S. 1186

Mr. WARNER. Mr. President, I ask unanimous consent that when the Committee on Energy and Natural Resources reports S. 1186 regarding the Flathead Irrigation and Power Project, the bill be sequentially referred to the Committee on Indian Affairs for a period of 20 days, excluding days when the Senate is not in session; further, that if the Indian Affairs Committee has not reported the measure at the end of 20 session days, the bill be discharged from the committee and placed back on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

STAR PRINT—S. 1535

Mr. WARNER. Mr. President, I ask unanimous consent that the bill, S. 1535, be star printed with the changes that I understand are presently at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

URGING THE PRESIDENT TO ANNOUNCE THE RESULTS OF A REVIEW OF CASES OF GALLANTRY AND HEROISM BY BLACK AMERICANS DURING WORLD WAR II

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 230, submitted earlier today by Senator INHOFE, for himself and Senator CAROL MOSELEY-BRAUN.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 230) to urge the President to announce at the earliest opportunity the results of the Senior Army Decorations Board which reviewed certain cases of gallantry and heroism by black Americans during World War II.

The PRESIDING OFFICER. Is there objection to the consideration of the resolution?

There being no objection, the Senate proceeded to the consideration of the resolution.

Mr. WARNER. Mr. President, I ask unanimous consent that the Senator from Virginia [Mr. WARNER] be added as a cosponsor of S. Res. 230.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolution (S. Res. 230) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 230

Whereas black Americans served in the Armed Forces during World War II with heroism and distinction, often giving their lives to ensure United States victory in that war;

Whereas prevailing attitudes in the Armed Forces at that time often prevented appropriate recognition of the distinguished service of black Americans, particularly service meriting the award of the medal of honor;

Whereas in May 1993, the Secretary of the Army convened a study to review the processes and procedures used by the Department of the Army in awarding medals during World War II in order to determine whether racial bias and procedural violations resulted in medals not being awarded to black American members of the Army for their acts of distinguished or heroic service in that war;

Whereas the study recommended the review of the distinguished acts of 10 black American members of the Army in World War II in order to determine whether to recommend that the medal of honor be awarded to such members for such acts;

Whereas pursuant to subsection (d) of section 3744 of title 10, United States Code, the President may award a medal of honor to a person qualified for the medal, notwithstanding that the time for awarding the medal has otherwise expired under such section;

Whereas the award of the medal of honor to black Americans recommended by the Senior Army Decorations Board would reverse a past injustice; and

Whereas many family members, colleagues, and comrades of such black Americans, and a grateful Nation, have sought for more than 50 years proper and appropriate recognition for the distinguished actions of such black Americans: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Secretary of the Army for convening a study to review the processes and procedures used by the Department of the Army in awarding medals for service in World War II in order to determine whether racial bias and procedural violations resulted in medals not being awarded to black American members of the Army for their acts of distinguished or heroic service in that war;

(2) commends the Senior Army Decorations Board for convening to review cases pertaining to certain black American members of the Army for their acts of conspicuous gallantry in that war; and

(3) urges the President, pursuant to section 3744(d) of title 10, United States Code, to endorse the recommendations of the Senior Army Decorations Board and bring to a close the long struggle for appropriate recognition of our heroic black American patriots.

ORDERS FOR MONDAY, MARCH 4, AND TUESDAY, MARCH 5, 1996

Mr. WARNER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 11 a.m. on Monday, March 4, for a pro forma session only, and that immediately following the convening, the Senate stand in adjournment until 9:30 a.m., March 5, 1996, and that immediately following the prayer, the Journal of the Proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and the time for the two leaders be reserved, at which time the Senate would proceed to the conference report to accompany H.R. 927, under a previous consent agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. WARNER. Mr. President, for the information of all Senators, the Senate will debate the Cuba conference report and the D.C. appropriations conference report on Tuesday morning, and two back-to-back votes will occur beginning at 2:15 p.m. on Tuesday. The first vote is on adoption of the Cuba conference report, and the second is on the third attempt to invoke cloture on the D.C. appropriations conference report. Consequently, the next rollcall votes will be 2:15 p.m. on Tuesday, March 5, 1996.

RECESS UNTIL 11 A.M., MONDAY, MARCH 4, 1996

Mr. WARNER. Mr. President, if there being no further business to come before the Senate, I ask that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 7:57 p.m., recessed until Monday, March 4, 1996, at 11 a.m.

CONFIRMATIONS

Executive nomination confirmed by the Senate February 29, 1996:

EXECUTIVE OFFICE OF THE PRESIDENT

BARRY R. MCCAFFREY, OF WASHINGTON, TO BE DIRECTOR OF NATIONAL DRUG CONTROL POLICY.

IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE, TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 8373, 12004, AND 12203:

To be major general

BRIG. GEN. BOYD L. ASHCRAFT, 303–44–5153
BRIG. GEN. JIM L. FOLSOM, 444–38–6538
BRIG. GEN. JAMES E. HAIGHT, JR. [redacted]
BRIG. GEN. JOSEPH A. MCNEIL [redacted]
BRIG. GEN. ROBERT E. PFISTER [redacted]
BRIG. GEN. DONALD B. STOKES [redacted]

To be brigadier general

COL. JOHN L. BALDWIN [redacted]
COL. JAMES D. BANKERS [redacted]
COL. RALPH S. CLEM [redacted]
COL. LARRY L. ENYART [redacted]
COL. JON S. GINGERICH [redacted]
COL. CHARLES H. KING [redacted]
COL. RALPH J. LUCIANI [redacted]
COL. RICHARD M. MCGILL [redacted]
COL. DAVID R. MYERS [redacted]
COL. JAMES SANDERS [redacted]
COL. SANFORD SCHLITT [redacted]
COL. DAVID E. TANZI [redacted]
COL. JOHN L. WILKINSON [redacted]

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL IN THE U.S. ARMY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be general

LT. GEN. JOHNNIE E. WILSON [redacted]

NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF ADMIRAL IN THE U.S. NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTIONS 601 AND 5035:

VICE CHIEF OF NAVAL OPERATIONS

To be admiral

VICE ADM. JAY L. JOHNSON [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL IN THE U.S. NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. VERNON E. CLARK [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL IN THE U.S. NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. (SELECTEE) RICHARD W. MIES [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL IN THE U.S. NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. DENNIS A. JONES [redacted]

IN THE MARINE CORPS

THE FOLLOWING-NAMED COLONEL OF THE U.S. MARINE CORPS RESERVE FOR PROMOTION TO THE GRADE OF BRIGADIER GENERAL, UNDER THE PROVISIONS OF SECTION 5912 OF TITLE 10, UNITED STATES CODE:

To be brigadier general

COL. LEO V. WILLIAMS, III [redacted]

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING JAMES M. ABEL, JR., AND ENDING ROBERT L. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 18, 1995.

AIR FORCE NOMINATIONS BEGINNING JONATHAN S. FLAUGHER, AND ENDING WALTER L. BOGART III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 22, 1996.

AIR FORCE NOMINATIONS BEGINNING DONALD R. SMITH, AND ENDING JAMES L. O'NEAL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 22, 1996.

AIR FORCE NOMINATIONS BEGINNING BRADLEY S. ABELS, AND ENDING MARK A. YUSPA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 22, 1996.

AIR FORCE NOMINATIONS BEGINNING JOSEPH P. ANELLO, AND ENDING BARBARA T. MARTIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 22, 1996.

AIR FORCE NOMINATIONS BEGINNING EDWARD A. ASKINS, AND ENDING JAMES L. SCOTT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 22, 1996.

AIR FORCE NOMINATIONS BEGINNING ANDREA M. ANDERSEN, AND ENDING BRYAN T. WHEELER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 22, 1996.

AIR FORCE NOMINATIONS BEGINNING STEPHEN W. ANDREWS, AND ENDING RICHARD M. ZWIRKO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 22, 1996.

AIR FORCE NOMINATIONS BEGINNING JEFFREY K. SMITH, AND ENDING LOWRY C. SHROPSHIRE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 1996.

AIR FORCE NOMINATIONS BEGINNING MATTHEW D. ATKINS, AND ENDING STEVEN J. YOUD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 1996.

IN THE ARMY

ARMY NOMINATIONS BEGINNING WILLIAM G. HELD, AND ENDING PATRICIA B. GENUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 22, 1996.

ARMY NOMINATION OF RICKY J. ROGERS, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 1, 1996.

ARMY NOMINATIONS BEGINNING JAMES C. FERGUSON, AND ENDING MICHAEL M. WERTZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 1996.

ARMY NOMINATIONS BEGINNING ROMNEY C. ANDERSEN, AND ENDING DAVID F. TASHEA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 1996.

ARMY NOMINATIONS BEGINNING DANNY W. AGEE, AND ENDING FRANK A. WITTOUCK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 9, 1996.

NAVY

NAVY NOMINATIONS BEGINNING CHARLES ARMSTRONG, AND ENDING WINCESLAS WEEMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 22, 1996.

NAVY NOMINATIONS BEGINNING CALEB POWELL, JR., AND ENDING PAUL T. BROERE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 22, 1996.

NAVY NOMINATIONS BEGINNING MAURICE J. CURRAN, AND ENDING KIM M. VOLK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 1996.

EXTENSIONS OF REMARKS

CASTRO'S HEINOUS ACT

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. ACKERMAN. Mr. Speaker, I rise today to decry the actions of Fidel Castro over the weekend and extend my condolences to the family members of the four victims.

Clearly, the shooting down of unarmed U.S. civilian aircraft is the heinous and unforgivable act of a rogue regime that ignores international law. Cuba's action is inexcusable and is, as Ambassador Albright said, "cowardice".

Brothers to the Rescue is a private group engaged in the humanitarian mission of plucking Cuban rafters out of the shark infested waters of the Florida Straits. The Brothers were on another such humanitarian mission last Saturday, in international airspace, when the Cuban Government scrambled two MiG fighters to intercept the three Cessnas. With only the vaguest of warnings, the fighters locked onto the small planes and blasted them from the sky leaving only oil slicks on the water below.

Mr. Speaker, such wanton disregard for international law cannot go unanswered, so the response to this appalling attack has been swift. The U.N. Security Council has condemned the Cuban actions, as has the European Union, the President has suspended charter air travel and will ask Congress to use some of the $100 million in frozen Cuban assets to compensate the families of the victims. In addition, the conferees yesterday reached agreement on H.R. 927, the Cuban Liberty and Democratic Solidarity Act. These steps, taken together, will dramatically increase the pressure on the Castro regime.

Mr. Speaker, I ask my colleagues to join me in condemning the shooting down of civilian planes and to continue our work for a free and democratic Cuba.

TRIBUTE TO JACQUELINE CHARITY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. TOWNS. Mr. Speaker, I am pleased to recognize Jacqueline Charity, who serves as deputy director for access and compliance with the New York City Board of Education, for her years of service. Ms. Charity has amassed an impressive resume of selfless service in the cause of educating young people. She has been directly responsible for programs targeted at talented and gifted students, in addition to her outstanding supervision of the College Bound Program. Recognizing that it is essential for students to be competitive in math and sciences, Ms. Charity undertook the challenge to establish a math-science program at Stuyvesant High School.

Jacqueline attended primary and secondary school in Brooklyn, and received her undergraduate degree from Brooklyn College, and her masters degree from New York University.

A devoted mother and wife, Jackie finds the time to provide extensive community service in her church and for numerous civic organizations. Among her numerous awards is recognition from the Jack and Jill organization and the YWCA. Jacqueline maintains her spiritual center by serving as a eucharistic minister/lay reader at St. Phillips Episcopal Church. I am pleased to be able to bring the accomplishment of this noted Brooklyn educator to the attention of my colleagues.

B'NAI B'RITH TO HONOR PAULINE FRIEDMAN

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. KANJORSKI. Mr. Speaker, I rise today to bring to the attention of my colleagues the accomplishments of Ms. Pauline Friedman who will receive the Seligman J. Strauss Lodge's highest honor, the Community Service Award. Ms. Friedman will be honored at the Lodge's 52d Annual Lincoln Day Dinner.

The Community Service Award is presented each year to one outstanding citizen who, by his or her leadership and dedication on behalf of humanity, has made a valuable contribution to the betterment of community living. Pauly Friedman, with her many accomplishments, certainly meets the criteria for this award. She serves on the boards of the Family Service Association of Wyoming Valley, the Ethics Institute of Northeastern Pennsylvania, Interfaith Council of Penn State University Wilkes-Barre Campus, and St. Vincent DePaul Soup Kitchen. In addition, Pauly serves the Jewish Community Center of the Wyoming Valley, the Joint Committee of the Scranton Catholic Diocese, and the Jewish Community to Advance Jewish-Catholic Dialogue as a board member. She is also a member of the Wilkes University Council and the King's College Council.

Ms. Friedman founded the League of Home Health Services and the Friends of Family Services. She also served as the president of many leading community service organizations including the Visiting Nurses Association of Greater Pittston, Home Health Services of Luzerne County, Family Services Association of the Wyoming Valley, Pennsylvania Council of Family Service Agencies, Home Care Management of Luzerne County, and the Art Gallery of College Misericordia.

Pauly has served on the board of trustees of Temple Israel and on the boards of the Junior Leadership of Wilkes-Barre, Jewish Home of Eastern Pennsylvania, Salvation Army of Greater Pittston, and the Broadway Theater of Northeastern Pennsylvania. She was a member of the Penn State University Alumni Council and served as the vice president of the United Way of Wyoming Valley and the Northeastern Pennsylvania Philharmonic. She also chaired the women's division of the United Jewish Appeal Campaign and was secretary of the Luzerne/Wyoming Counties Mental Health Care organization.

Mr. Speaker, I have had the distinct pleasure of working with Pauly on her most recent project—her effort to bring better health care to the children of Eastern Europe. Ms. Friedman organized physicians who took their knowledge and medical supplies to Eastern Europe to help the young people of the region. Pauly then founded a nonprofit foundation to continue this noble work.

Mr. Speaker, we do not often get the chance to honor someone with such strong experience in volunteerism. Her spirit of commitment to her community is legendary in the Wyoming Valley.

Pauly Friedman has a deep understanding of the values that have made our country the greatest nation in the world. It is obvious to all who know her that she believes giving of oneself is the greatest gift of all. We in northeastern Pennsylvania extend our deepest appreciation to Pauline Friedman for a lifetime of commitment to improving the quality of life of the citizens of her community.

A TRIBUTE TO BERKELEY-CARROLL SCHOOL

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. SCHUMER. Mr. Speaker, I rise today to congratulate the Berkeley-Carroll School of Park Slope for their achievement in receiving the U.S. Department of Education's Blue Ribbon award. Berkeley-Carroll is well known throughout Brooklyn and New York State for its high standard of academic excellence coupled with a strong parent-teacher-student community that nurtures the individual strengths of each student. I am inspired by the unique curriculum of Berkeley-Carroll and congratulate them as they provide a national model of educational achievement.

What I find particularly noteworthy about the curriculum at Berkeley-Carroll is their committment to civic duty and community activism. Each student is required to fulfill a minimum of 50 hours of community service, however, most students do more. This spirit of giving back to the community as part of one's course work, especially in an era where most have turned inward, is truly remarkable. Such

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

an innovative component to a student's intellectual development as a problem solver provides the groundwork for future leadership skills.

I have always admired the teachers and parents of Berkeley-Carroll for encouraging their students to become active participants in their communities. In addition to completing their public service requirement, students are immersed in a rigorous academic program that provides a solid foundation in math, reading, writing, and analytical reasoning. It is hardly surprising that Berkeley-Carroll was awarded the Federal Blue Ribbon Award for their sincere committment to academic strength and civic leadership.

As a resident of Park Slope, I have witnessed the positive contributions made by Berkeley-Carroll to the neighborhoods throughout Brooklyn. Students are given a special experience that will stay with them their entire lives. I rise to honor this landmark institution and urge all of my colleagues to recognize this Brooklyn-based school as a national leader in education.

TRIBUTE TO LOIS McDANIEL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. TOWNS. Mr. Speaker Lois McDaniel is a native of Batesburg, SC and embodies the philosophy that hard work pays big dividends. Lois attended South Carolina State College and Pace University's evening program. She currently serves as the calendar information officer for the department of city planning and secretary to the New York City Planning Commission for land use and zoning matters. In her capacity she conducts televised public hearings at city hall for the New York City Planning Commission.

Prior to joining the department of city planning, Ms. McDaniel served as executive secretary to the president of the Bedford-Stuyvesant Restoration Corp. A homeowner in East New York since 1969, Lois has been involved in numerous civic activities within the Community Board 5 area. Her efforts have supported senior citizens, block associations, the Democratic Club of East New York, and Union 1180.

Ms. McDaniel is actively involved in food drives for City Harvest's food distribution program for the homeless, and is also involved in numerous other charitable efforts. I am proud to acknowledge her efforts to serve the people of Brooklyn.

CELEBRATING THE CAREER ACHIEVEMENTS OF LT.C. AARON A. CRAYCROFT

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. POSHARD. Mr. Speaker, it is my pleasure today to relate a very inspiring story. It is not an unfamiliar plot, but one that always reassures my faith in the American dream and the work ethic that has made this country the greatest in the world. Aaron A. Craycroft of Macon County, IL, the northernmost county of Illinois' 19th district, has been promoted to the rank of lieutenant commander in the Navy Air Corps, and I salute his ascension to this position.

Military service in the United States has always been a position of honor for those who have served, and often represents the opportunity for personal betterment that is inherent in the idea of the United States. This has proved to be the case for Aaron. He enlisted in the Navy in 1974 without a college degree. Since then he has devoted his life to serving our country to the best of his ability, and his dedication has provided much in return. Aaron has traveled the world via aircraft carrier, learned the highly specialized skill of aviation electronics, and after putting that training to use repairing A–6 fighters, he is now the administrator of the school where he learned the craft. From humble origins, Lieutenant Commander Craycroft has achieved success through 20 years of hard work. His example is a model for the youth of today, for there are no easy answers, no quick fixes, and no substitute for giving your all. The path to opportunity and fulfillment exists if you are willing to give of yourself.

Mr. Speaker, Aaron's story is especially meaningful to me, because at 17, I also entered the armed services without having been to college, and I will never forget what that opportunity has meant to my life. I would like to thank Lieutenant Commander Craycroft for his devotion to his country's security. I am honored to represent him and his family in the U.S. Congress.

SAINT PATRICK'S DAY 1996

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. GILMAN. Mr. Speaker, the promotion of peace and justice, along with long term and shared economic development on the beloved Emerald Isle, are important items of concern to millions of Americans of Irish descent, particularly at this time of year as we all join again in celebrating yet another glorious St. Patrick's Day.

These important issues of peace and justice also concern all of Ireland's many friends here and around the globe, especially now once again with the misguided return to violence by some few frustrated with the pace of the peace process and needed change on the ground in the north of Ireland today.

Ireland and its warm, generous people have long had a fond affection for America, as President Clinton learned when he triumphantly toured the whole island late last year. There we all witnessed first hand, the genuine warmth and love of the Irish people for America, and the respect for the President's outstanding leadership in promoting peace on the island.

The President has done much through his effort at promoting peace in Ireland to in some small way, pay back that nation that has also given America so much. With the current breakdown in the progress toward lasting peace, it is time for the President to take the next step, and appoint that promised peace envoy, which many believe is needed to get the process back on track.

Former Senator George Mitchell, who served so well as head of the International Body dealing with the arms issue, would be an ideal candidate for the position, in my opinion. I urge the President to make such an appointment of a peace envoy at this critical time in Irish history.

The tragic and misguided returned to violence recently by some who mistakenly believe that justice can be obtained through terrorism, death, and destruction, must end. The IRA cease fire must be restored, the bombings ended, and peaceful means and dialog resumed immediately, or the nationalist cause will suffer even greater damage in world opinion.

As we once again examine at this particular time of year, the impact the Irish have had on America, and why the U.S. has a responsibility to remain engaged in the efforts to bring about lasting peace and justice in Ireland, it is worth remembering their many sacrifices and contributions to our great Nation.

President Clinton addressing a joint session of the Irish parliament in Dublin on his trip last year, mentioned the 200,000 Irish who bravely fought for the Union cause in our civil war. Many Irish officers and soldiers also distinguished themselves in ending British rule over the colonies, during the earlier American revolution.

Once here in this great land, and taking full advantage of the American dream, the Irish fought and died for this Nation, and excelled in every way and walk of American life. Few from the World War II generation can forget, a young Irish lad named Audie Murphy who on the battlefields of eastern France, became one of the Nation's most decorated veterans. He received the Medal of Honor and 27 other decorations, including the Distinguished Service Cross, the Silver Star with Oak Leaf Cluster, and the Croix de Guerre with Palm.

In fact, since Congress established the Congressional Medal of Honor in 1863, there have been a remarkable 250 or more Irish who have earned this Nation's highest honor. No other nationality, even comes close to that astonishing record of valor and courage in service of this great Nation.

The sons and daughters of Ireland, their families and many friends here in America, are all grateful for our Government and its leaders' efforts, from both parties, to help pay back those remarkable sacrifices. The President has worked hard to bring peace and justice to their ancestral homeland, which every Irishman holds near and dear to his or her heart. We must all continue to work to keep peace in Ireland on the top of America's foreign policy agenda today, as I and others will do here in the Congress.

While helping make America great, the Irish have never forgotten, from whence they proudly came, as anyone who has marched in, or witnessed the grand Saint Patrick's Day parade down 5th Avenue in New York City each year. Today, more than 40 million Americans have ancestral links to Ireland, many as a result of the large immigration that followed the great famine, as well as the years before and after, that terrible and destructive human tragedy.

This year's Saint Patrick's parade Grand Marshal is William Flynn the CEO of Mutual of America in New York City. He is a great man, duly deserving of this high honor, who has dedicated himself to peace in Ireland, and has worked tirelessly to bring about lasting peace and justice, as have so many of his fellow Irish Americans.

The Irish in America, and their many friends have long played a role in assuring that our Government and elected leaders have not forgotten that the problems of Ireland did not end with the great famine. Together we have worked hard to insure that the people of Ireland never again face such terrible hardships, and depravation of basic human rights and human dignity.

We must also all continue to work for a permanent end to the troubles in Ireland, through a just and lasting peace. I know we will eventually see lasting peace and justice a permanent feature on that beautiful Emerald Isle in the Irish Sea. It is the hope and dream of all of us as we approach St. Patrick's Day once again.

TRIBUTE TO ROSA LIVERPOOL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. TOWNS. Mr. Speaker, the Borough of Brooklyn is fortunate to have Rosa Liverpool as a citizen. Rosa has been an achiever in spite of adversity. She was the first African-American graduate from the Slovak Girls Academy, and subsequently earned her undergraduate degree from Mercy College, and her master's degree in counseling from Manhattan College.

After receiving her degrees, Rosa began working for the city of New York. She has particular expertise in early identification and reporting of abuse and neglect of children. In 1979 Rosa began working with patients and their families who were addicted to opiates. Presently, Ms. Liverpool is the district guidance counselor for community school district 19. She is also the child abuse and neglect liaison as well as the suicide prevention specialist for district 19. Rosa has been actively involved in the east New York community of Brooklyn.

Ms. Liverpool chairs the education committee for the Rosetta Gaston Foundation, and is also a member of community board No. 5. She has worked with local storeowners to provide donations for block activities, and coordinated job fairs for east New York residents. Rosa leads by her example, and is destined to leave a lasting legacy.

ROSE TUCKER HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. KANJORSKI. Mr. Speaker, I am pleased to rise today to pay tribute to my good friend and a distinguished community leader, Mrs. Rose Tucker. Mrs. Tucker has just completed a term as a member of the Luzerne County Board of Commissioners and will be honored for her service at a testimonial on March 1, 1996. It is my deep honor to join the many friends and colleagues of this extraordinary woman, who has earned a very special place in the history of Luzerne County.

Rose Tucker hails from my hometown, Nanticoke, PA. With a strong northeastern PA. With a strong northeastern Pennsylvanian upbringing and education, Rose committed much of her life to serving her community. At the beginning of her long career, Rose was at the forefront of providing much needed services to migrant workers in northeastern Pennsylvania. In 1973, she became a human services planner for the United Services Agency. Her interests then led her to become the executive director of the Luzerne-Wyoming Counties Drug and Alcohol Abuse Program. In 1979, Rose initiated and implemented the Community Cancer Corp. of Luzerne County under the auspices of the Luzerne County Medical Society. In 1982, Rose proved her business acumen by owning and operating a successful travel agency in Pittston, PA.

During this time, Rose furthered her commitment to ensuring health care for northeastern and central Pennsylvanians. In 1989, Rose became the director of public affairs for the Maternal and Health Services Corp. which cares for individuals and families in 15 counties throughout the region.

Mr. Speaker, in 1992 Rose Tucker took on her greatest challenge. She sought and was elected to the board of commissioners of Luzerne County. A year later, she was elected to chair the board. As one of the three chief executives of Luzerne County, Rose faced the challenge of governing a county confronting many difficult decisions. As an advocate of economic development in the region, Rose was responsible for bringing new jobs and opportunities to the county. She understood the importance of changing the coal town image of our area and preparing the county for the 21st century. Rose managed to exert strong leadership while maintaining her close connection to the people of Luzerne County, and her dedication to the people she served is greatly appreciated. She is truly a beloved public figure.

Mr. Speaker, I have known Rose Tucker for many years and consider myself fortunate to be included among her many friends. While facing the daily challenges of elected office, Rose endured the agony of watching her husband, Leonard, battle cancer. My wife Nancy and I joined Rose, her friends, and family in mourning his passing.

I am extremely proud to have the opportunity to pay tribute to the career of this distinguished public servant. It has been my pleasure to bring Rose's many accomplishments to the attention of my colleagues. The entire community thanks Rose Tucker for a job well done, and wishes her the very best.

TRIBUTE TO HANDGUN CONTROL ADVOCATE RICHARD M. ABORN

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. SCHUMER. Mr. Speaker, I rise today to pay tribute to an esteemed colleague and courageous public citizen, Mr. Richard Aborn, who has helped me and others lead the charge for tougher handgun laws. On the eve of his retirement from Handgun Control, Inc., he has inspired everyone committed to improving law enforcement policy in the United States. For all of those who work toward making our communities safe, from police officers, to neighborhood groups, Richard has provided the vision and the leadership needed to encourage all in their quest for a society free from gun violence and destruction.

As an advocate for gun control since 1979, Richard worked at the Manhattan District Attorney's office, where he prosecuted homicide and gun distribution cases. His interest in reforming our Nation's weak gun laws motivated him to volunteer for Handgun Control, Inc., and in 1992 was elected president. He was also selected as president of the Center To Prevent Handgun Violence, working in tandem with Handgun Control to develop comprehensive handgun control policies. As one of the principal strategists behind passage of the Brady bill and the assault weapons ban, Richard worked against the odds to surprise the pundits and help these crucial laws on the books. He has also used his immeasurable energy and influence to lobby for gun control measures at the State and local level.

Not only has Richard contributed to reducing gun violence at the Federal level, but he has also been instrumental in establishing New York City's STAR Program—Straight Talk About Risks—the Nation's only prekindergarten through 12th grade program designed to reduce gun injuries through education. This ingenious program addresses gun violence before it starts. His contribution to New York City serves as a model for all concerned citizens wishing to stop violence in their own communities.

Throughout my entire public career I have rarely met anyone with more conviction to a specific cause than Richard. His remarkable dedication resulted in landmark laws that have made our streets and schools safer. I would like to personally thank him for his time, energy, and spirit in helping me and others begin to realize our dream of living in a society free from guns and violence. I urge my colleagues to join me in honoring him as he completes his time as president of Handgun Control.

TRIBUTE TO TUSHIA N. FISHER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. TOWNS. Mr. Speaker, I want to recognize Ms. Tushia N. Fisher who is employed as a special assistant to the New York State Senate minority leader, Martin Connor. She is a student enrolled in the State University of New York Empire State College, in a combined master's degree program in political science.

Tushia is a remarkable example of a 1990's woman, dedicated to her family, striving to improve herself as a single parent, and dedicated to improving and empowering her community. Tushia believes that children are our future. She has embarked on a campaign, starting with her 6-year-old son Jamere Jamison, to improve the plight of African-American youth. Her efforts include volunteering at the Interfaith Hospital holiday drive, as well as the City Kids Foundation. Additionally, Tushia is an active member of Concord Baptist Church. She provides a wonderful example for single and dedicated parents about how to pursue personal and professional development while providing volunteer service to her community. I am happy to cite this wonderful community success story.

TWILIGHT OF THE THUGS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. LANTOS. Mr. Speaker, today's Washington Post has an excellent column by the Post's distinguished diplomatic correspondent, Jim Hoagland. He discusses the recent incidents involving a series of "rogue regimes," the international outlaw countries which are a threat to global peace and stability. He rightfully points out that we must keep the focus on the leaders of these regimes and their outrageous policies and not let minor differences over how to deal with these dictators distort the fundamental agreement that exists among most Americans.

Mr. Speaker, these rogue regimes represent the most serious threat to U.S. interests and policies in the world, and it is essential that we take strong action to deal with these countries. These states support and sponsor terrorism; they create instability in their regions through destabilizing policies toward their neighbors; they seek to acquire weapons of mass destruction and sell such weapons to other rogue regimes; they violate the human rights of their own citizens. The list of such countries is not long, but it includes Libya, Iran, Iraq, North Korea, Sudan, and Cuba.

As my colleagues know, with my distinguished colleague from New York, Mr. KING, I have introduced legislation that would put this House on record by condemning the visit of Louis Farrakhan to several of these rogue regimes, including Libya, Iran, and Iraq. It also calls on the President to direct executive agencies to determine if the Farrakhan visit and the actions that follow that visit—such as the reported gift from Libya's Qadhafi of $1 billion for Farrakhan's use in the United States—violate United States laws and, if that is the case, to prosecute vigorously such violations.

Mr. Hoagland made this observation regarding Farrakhan's grand tour of terrorist states: "Keep the focus on the Friends of Farrakhan. Make it clear that any financial transactions between the rogues and any Americans, including Farrakhan, will be investigated and if warranted prosecuted. President Clinton should not remain silent on the minister's travels."

I could not agree more with Mr. Hoagland. And—I would also add—the Congress should not remain silent on Farrakhan's travels. I invite my colleagues to join us in cosponsoring our resolution to condemn the Farrakhan tour of the terrorist states.

Mr. Speaker, I ask that Jim Hoagland's column be placed in the RECORD, and I urge my colleagues to read his excellent analysis.

[From the Washington Post, Feb. 29, 1996]

TWILIGHT OF THE THUGS

(By Jim Hoagland)

Fidel Castro has demonstrated anew his zest for creating mischief for a U.S. president seeking reelection. But Cuba's cold-blooded shooting down of two unarmed U.S. civilian aircraft on Saturday also shows the insecurity and desperation that now envelops the Western Hemisphere's last dictator and his kind.

The two Cessnas piloted by Cuban exiles, out to help fleeing rafters and perhaps drop propaganda leaflets on their homeland were mosquitoes buzzing around El Jefe's beard. Castro was not strong enough to laugh them off. Instead he turned them into martyrs. His savage response is the act of a wounded, cornered animal fighting off the end.

To be sure, there is a mountain of politics and diplomacy to be worked through in the days to come, with debates flowing here over whether President Clinton's classically incremental response to the shoot-down was overly mild.

But the focus should stay on Castro and his regime, revolutionary relics floating like debris in the wake of the Soviet collapse of 1991. Just as time ran out on the Soviet Union five years ago, it is now running out for the rogue regimes and rulers who have clung to power in the Third World after the demise of their superpower protector.

The same lurching, cornered quality of the Cuban shoot-down is apparent in the grisly spat between Saddam Hussein and the two defectors-in-law he accepted back to Iraq and then had executed, and in Moammar Gadhafi's desperate efforts to construct the most grandiose poison gas factor in history in the empty Libyan desert. Instead of fiddling as their regimes crumble, these modern Neros pass their time by expanding their repertoire of murder and mass destruction.

North Korea plays out its version of the communist endgame by blackmailing the United States and its allies for financial help to stave off a total, sudden collapse. Vietnam plays the game by opening up to foreign investment and trade, an approach Syria toys with, trying to winkle concessions out of Warren Christopher and Shimon Peres for doing so. China and Iran, which also practice Soviet-style tyranny at home and criminality abroad, do not—alas—appear to be as close to revolutionary burnout. But cheer up. I could be wrong, particularly about China.

Why get our hopes up now? Because the extinguishing of the Soviet sun has left this shrinking universe of thug-rulers without a center, without a system of political gravity. They have lost their international reason to exist. They have coasted for five years on the strength of brute force and in some cases on the political and financial glory of nationalized oil or other resources coveted by the West.

But the disgrace and isolation Castro, Gadhafi, Saddam, Syria's Hafez Assad, North Korea's Kims and the others have brought on their nations can no longer be justified in the name of international revolutionary glory or hidden from their citizens. The growing isolation of the world's outlaws is underscored by their willingness to serve as platforms for the pitch of an itinerant American snake oil salesman—that is, for the race-baiting of Louis Farrakhan, recently hosted by Gadhafi, Saddam, and ayatollahs and the criminals who run Nigeria, and others.

Farrakhan is no doubt right when he says he has a constitutional right to travel to these countries and meet with whomever he likes. But Americans who were willing to grant him the benefit of the doubt based on his Million Man March, and promises of reconciliation and tolerance he voiced there, would be fools to continue that openness after his Grand Tour of Murder Inc. International.

Congress should not give Farrakhan a new platform by bringing him to town to hearings that, as a master showman, he can manipulate. Farrakhan has said everything Americans need to know by kissing the bloodstained rings of the killers with whom he has cavorted on this trip.

But this does not mean that America should passively wait for the world's second-tier thugs and their would-be acolytes to disappear into the sunset created by the collapse of communism. Keep the focus on the Friends of Farrakhan. Make it clear that any financial transactions between the rogues and any Americans, including Farrakhan, will be investigated and if warranted prosecuted. President Clinton should not remain silent on the minister's travels.

On Cuba, keep the focus on Castro. Clinton's Republican rivals lack a sense of history and proportionality in concentrating their fire not on Castro but on the president's low-key, still evolving response to the shoot-down. We fall into Castro trap if we let these murders become an American political football. You can almost hear Castro laughing and saying, "There they go again."

J. MICHAEL McLEOD, CIVIC LEADER AND RESPECTED HARNETT COUNTY ATTORNEY

HON. DAVID FUNDERBURK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. FUNDERBURK. Mr. Speaker, it is a special pleasure for me to pay tribute to one of Harnett County's finest citizens, J. Michael McLeod. McLeod, Hardison & Harrop is one of the leading attorney firms in Harnett County. And no one—Republican or Democrat—is more respected for his fairness and legal expertise than Mike McLeod, senior partner in his law firm founded by his father Max McLeod. Most notable about Mike is the fact that he is not pretentious but down-to-earth. And he is never too busy to stop to chat with friends or strangers in Dunn, NC. One admirer told me that what you see is what you get with Mike and that he is always up-front with you.

Mr. J. Michael McLeod has an outstanding background of education, sacrifice for his country and community involvement. McLeod graduated in 1962 from Dunn High School where he was vice president of the student body, president of the Hi-Y Club and football standout. He got a B.A. degree in 1966 from Wake Forest University where he was a member of the honor council, Kappa Sigma Fraternity, Scabbard & Blade Honorary Military Society, and Distinguished Military Graduate, and he earned a juris doctor degree in 1969 at Wake Forest University Law School, where he was a member of the Phi Delta Phi Legal Fraternity.

McLeod served in the U.S. Army Infantry at the rank of captain. He served at Ft. Benning and Ft. Bragg and for 1 year in Vietnam. For his meritorious service in Vietnam he was awarded a Vietnam Campaign Medal, Vietnam Service Medal, Army Commendation Medal, and Bronze Star Medal. He showed great courage under fire in Vietnam.

In civic, community and political affairs, Mike McLeod has been quite active. He is a member of the Palmyra Masonic Lodge, the Dunn Shrine Club, the Veterans of Foreign Wars, the American Legion, the Harnett County Bar Association, the North Carolina Bar Association, and the United Carolina Bank Advisory Board. He served two terms as chairman of the Harnett County Republican Party and has been active in political affairs in the county and State for more than two decades. Mike lives with his wife, Karen—who teaches at Western Harnett High School and two children, Susan and Bruce Walls, in Dunn, NC. He is the father of two children, Karen and Clay McLeod.

As one who was a college classmate of Mike McLeod and one who has worked with him in many activities, it gives me great personal pleasure to pay tribute to my trusted friend for his outstanding contributions to his community and Nation.

TRIBUTE TO JACQUELINE BERGMAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. TOWNS. Mr. Speaker, Ms. Jacqueline Bergman has distinguished herself as the first female member president of the International Association of Lions Clubs, and I think it is important to recognize this landmark achievement. In 1987 she was installed as the first woman member of the Brooklyn Downtown Lions Club. This is indeed significant because it demonstrates that barriers to advancement for women are being overcome.

Ms. Bergman has served the Lions organization well. She has chaired major fundraisers, been the recipient of the organization's highest award by being designated as a Melvin Jones Fellow, and edited the club's newsletter. Jacqueline has also served as a delegate to numerous district, State and international conventions. Jacqueline lives in Brooklyn Heights, has two children, Andrew and Mona, and adores her grandson Andre. Her commitment to service is only exceeded by her desire to do the best job possible. I am honored to recognize her dedicated efforts.

CONGRATULATIONS TO THE MT. ZION SEVENTH GRADE BOYS BASKETBALL TEAM

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. POSHARD. Mr. Speaker, I rise today to acknowledge and celebrate the Mt. Zion, IL, seventh grade boys basketball team and their coach, Jeff Sams, for winning the Illinois Elementary School Association 7AA State championships. Their tremendous team effort brought them back from a four point half-time deficit against the favored Lincoln Trojans. I join their families and the rest of Mt. Zion in honoring their achievement.

As all of us sports fans know, February and March are the height of the high school and college basketball seasons. The Super Bowl is over, the first sounds of spring training are just being heard, and playoffs in pro basketball and hockey are still weeks away. Moreover, in small towns across America, local sports are the only game that matters, and a community's pulse can be measured by how the local teams fare. This is the case in Mt. Zion, where 2,500 turned out to watch the championship game. They were not disappointed, as the Braves shot 58 percent en route to the victory. The excitement of playing before such a crowd is truly an exhilarating experience that those players won't soon forget, and the thrill that the team gave to the community is equally special. As coach Sams said, "I found the whole experience to be an unforgettable memory for everyone involved."

Mr. Speaker, sports also serve to develop qualities in our children that will help them throughout their lives. Leadership, team play, and the value of physical fitness are all integrally linked to success, and I am confident that all of Mt. Zion's players will achieve even greater heights in their future endeavors. I would like to congratulate them again, and mention their names: Aaron Barger, Stephen Barger, Sean Brewer, Justin Cox, Jonathan Ellis, Ryan Kistenfeger, Matt McCollom, Neil Plank, Jake Sams, Josh Stonecipher, Matthew Trusner, and Chad Watson.

RIGHTS OF VICTIMS

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. SCHUMER. Mr. Speaker, I am submitting into the RECORD a letter that was sent to me which deserves immediate attention from every Member of Congress.

Nashotah, WI, February 26, 1996.

Congressman CHARLES SCHUMER,
Committee On The Judiciary,
Washington, DC.

DEAR CONGRESSMAN SCHUMER: On July 19, 1994, my wife Karin testified before this committee on the subject of health care abuse. She was only 28 years old when she appeared before you, yet she was dying as a direct result of medical malpractice. Karin told you about our HMO, Family Health Plan in Milwaukee, Wisconsin and how for over three years her doctors misdiagnosed the classic physical symptoms of advanced cervical cancer while their lab chronically misread her pap smears and her biopsies.

Karin told you about Dr. Lipo who owned the lab while he also served on the board of directors at Family Health Plan, and how in that capacity he would see the bids from competing labs and adjust his contract to keep the HMO's business. Karin also testified about June Fricano, the lab technician, who was paid on a per slide basis, reading 5 times the federally recommended number of slides and working at as many as four other labs simultaneously.

Although our HMO repeatedly told us everything was okay, our fears drew us to look elsewhere. Within one week of going to a gynecologist outside of Family Health Plan, we received the devastating news. Had Karin been properly diagnosed in 1988, after her first positive pap smear was misread, she would have had a 95–97 percent chance of survival, but due to the gross incompetence of Family Health Plan, my wife died at 29. Next Friday marks the one year anniversary of Karin's death.

Karin fought 2 battles when she became sick and she fought them as hard as she could. She fought the cancer with chemotherapy, radiation, surgery and prayer. The other battle she fought was to protect the rights of all patients and victims of medical malpractice and she fought that battle with her words and her experiences.

Every chance she got, Karin would write letters to regulatory agencies, legislators, or go to Washington to tell her story to Congress. She spoke to the Clintons', she testified before the Senate Judiciary Committee and she spoke to you. All so that no other American would fall prey to the horrible nightmare we were forced to endure.

Karin and I experienced first hand, the overwhelming lack of continuity of care, lack of communication, lack of responsibility, lack of accountability and lack of humanity which are the hallmarks of profit driven managed care facilities in this country today.

When Karin testified before you she asked that you let her experience be your guide. She asked you for a health care system that allows choice, while providing accountability and incorporating strict mandatory medical negligence prevention. As a victim of those offenses, Karin implored you . . . "Please don't let Congress strip away the rights of victims like me." It would be her wish that we'd continue the fight in her name. Please don't let her death be in vain.

Sincerely,

PETER SMITH.

TRIBUTE TO THE HONORABLE SANDRA SCHULTZ NEWMAN

HON. JON D. FOX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. FOX of Pennsylvania. Mr. Speaker, I rise today to honor a resident of the 13th Congressional District who has a long record of service to the people of Montgomery County, PA and who now serves the entire Commonwealth with honor and distinction.

The Honorable Sandra Schultz Newman is the newest member of the Supreme Court of Pennsylvania. Justice Newman was elected to the highest court in 1995 and became the first woman elected to serve in that distinguished office in the history of the State. Previously, she served the residents of the Keystone State as an outstanding Judge of the Commonwealth Court.

The daughter of Oscar Newman and Minerva Kaminsky Schultz. Judge Newman earned her bachelor's degree from Drexel University in Philadelphia. After receiving a master's degree from Temple University in Philadelphia, Justice Newman graduated with honors from Villanova University Law School where she received her Juris Doctor degree.

Justice Newman served in private law practice from 1972–79 where she rose to become the senior partner in the firm of Astor, Weiss & Newman in 1979. Justice Newman served with great distinction as an Assistant District Attorney in Montgomery County, PA. She is the past president of the Pennsylvania Chapter of the American Academy of Matrimonial Lawyers. She is also a contributing member of the American Bar Association, the Pennsylvania Bar Association, the Montgomery County Bar Association, the Pennsylvania Trial Lawyers Association and the American Trial Lawyers Association.

Additionally, she is a member of the National Association of Women Judges and past board manager of the family law section of the Pennsylvania Bar Association. Justice Newman serves as chairman of the board of consultors of the Villanova University Law School and a member of the advisory board for the University of Pennsylvania Biddle Law Library.

Justice Newman has been honored by Best Lawyers in America and has received the Drexel 100 Award, 1992, Medallion of Achievement Award of the Villanova Law School, 1993. She is the author of "Alimony, Child Support, and Counsel Fees"—1988—and has been active in many charitable and community service organizations in Montgomery County and throughout the Commonwealth of Pennsylvania.

Mr. Speaker, I join the residents of Pennsylvania in honoring Justice Sandra Schultz Newman as a revered member of the Pennsylvania Supreme Court. Her legal skills, outstanding judgment, compassionate heart, and fundamental fairness marks her as one of the most outstanding leaders in the United States. Thank you, Mr. Speaker.

PEARL HARBOR '41, BOSNIA '95

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. LoBIONDO. Mr. Speaker, I commend to my colleagues an excellent editorial which appeared in the January issue of the Township of Hamilton Veterans Bulletin. As our Nation embarks on yet another military mission overseas, we should all keep the following points in mind.

PEARL HARBOR '41, BOSNIA '95

(By John Hein)

This is the last of the 50th Anniversary Celebrations of World War II and the 54th remembrance of Pearl Harbor. December 7, 1941, is a day etched in my politically incorrect memory with the hope that this day will forever live in infamy.

Veterans are often guilty of tell the adventures of the war as the fun of youth. Our minds forbid us to recall we were bit players in massive tableaus of horror. Let's tell our children and grandchildren that our war stories are not grand heroic adventures.

Accordingly, I take this opportunity to warn of this nation's neglect of three bitter history lessons. They are: Our failure to prepare, our nation's unity during WWII, and our responsibilities after WWII. Today, we teeter on the brink of a similar disastrous day. We plan to risk the blood of our sons, daughters, grandsons and granddaughters for peace in Bosnia?

First, in WWII and Korea, unprepared we sacrificed young people to buy time. Pearl Harbor and Bataan were such sacrifices. Unprepared heroes saved the Pusan perimeter. Our WWII bazookas were no match for North Korea's tanks. In Vietnam our troops had to fight a new type of war. Since Generals prepare for the last war, have we trained our armed forces for peacekeeping and nation building? I shudder when young men shout happily when told they will create peace by force of arms. Peace by standing between armed forces while arming one at the expense of the other. I doubt these young men are ready for the realities of war.

Second, before we go to war, our forces in the field need our resources, and our government. However, even more, they need the hearts of their countrymen. War is not a television side show. It involves life and death for real people with feelings and families. We must not permit the spin doctors, or the Jane Fondas, to shift the blame for Bosnia's war to the warriors.

However, this media shift has begun. A recent Brinkley show (Ms. Roberts) and a CNN & Company guest stated, "Since this is an all volunteer army, what's wrong in letting them fight?" I'll tell you. Today, our voluntary armed services consist of those who joined for education benefits, to learn leadership or to learn work skills, and patriots, they are our best, our brightest and our bravest. The sons and daughters of those who can afford these benefits without joining the services are not part of today's armed, volunteer services. Thus, the "talking heads" advocate putting those "volunteers" in harm's way. Our service people are your, or your neighbor's, sons and daughters. Remember, those who would dodge a draft won't protest for those who go to Bosnia.

Further, isn't our government's prime duty to "provide for the common defense?" Does the military oath permit our nation's defenders to act as mercanaries? Our Constitution doesn't say we will send our troops to enforce "peace" or build new nations. If we want a mercenary army, let's change their oath. Let's drop the part that says to uphold and defend the Constitution of the United States.

After Bosnia, will this nation have a future? Who, in their right mind, would counsel their sons and daughters to enter such a military service? Who will protect our country when our government wastes our sons and daughters so recklessly? When they use their blood trying to build foreign nations and keep the peace in foreign lands by force of arms.

The U.N. has had 39 peacekeeping operations that involved fatalities. The U.S. is in 3 of the 13 still operating. Were Somalia or Haiti successful uses or our military, or money? Do you remember the 263 Marines in Beirut? Was Iraq worth the risk?

Third, after any war, as a nation we must know the cost and should honor our debts. After WWII, we funded the Marshall Plan—aid to the nations suffering the ravages of war. This was not intervention in their affairs. That should be the model for aiding foreign nations—not the misuse of our sons and daughters for armed intervention as mercenaries.

But, after any war we have a higher debt, a debt to our own people. War doesn't end when the shooting stops. Those crippled or wounded continue to pay the price. PTSD, Agent Orange, and now the Gulf War Syndrome affects the veterans of our wars. They are our wounded just as if they were maimed by shells or bullets. Some wives and children of Vietnam, and the families of the over 51,000 Gulf War veterans with the syndrome, have the same problems as the veterans. These people are not getting help today.

We bought our freedoms with those shattered lives . . . we are forever in their debt. It is a duty yours and mine, to see that the VA system functions properly. Congress must find honorable places to care for all who suffer for us.

Thus, we go to Bosnia, as we have gone to other recent battlefields. We go without a patriotic cause, without a national interest, and without an economic interest. Our government forgot these three terrible lessons: A united cause—Bosnia is not such a cause; preparation—these troops don't know what perils they face; and without aftermath responsibility—we will again turn our backs on those who suffer for us.

TRIBUTE TO JO ANNE SIMON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. TOWNS. Mr. Speaker, Jo Anne Simon is an outstanding community activist who represents the brownstone community of Boerum Hill in downtown Brooklyn. Ms. Simon is the president of the Boerum Hill Association. The association serves the historic community that has thriving merchant businesses.

Jo Anne works closely with local community board and public officials to ensure that critical issues such as education, crime prevention, historical preservation, and quality of life issues are responsibly addressed on behalf of community and neighborhood members. Ms. Simon recognizes that her efforts must be special because Boerum Hill is a very special Brooklyn enclave.

An attorney and former teacher of the blind, Jo Anne has been very active in the disability rights movement. She is a founding member of the Association of Higher Education and Disability, a national organization which advocates for equal access to higher education. She currently serves on its board of directors. I am pleased to bring Jo Anne Simon's community activism to the attention of my colleagues.

SIOUX FALLS, SD, SAYS GOOD-BYE TO MSGR. FRANCIS SAMPSON

HON. TIM JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. JOHNSON of South Dakota. Mr. Speaker, I rise to honor a fellow South Dakotan who served his country as a highly decorated soldier and prominent priest, Msgr. Francis Sampson. Monsignor Sampson, 83, died of cancer Sunday, January 28, 1996. Having been born on leap day in 1912, today would have been his 21st leap year birthday. The Sioux Falls community and all of South Dakota mourn the loss of a valuable friend, educator, and hero. Monsignor Sampson's interests and influence went beyond his efforts within the church and the military. As a strong supporter of O'Gorman High School in Sioux Falls, SD, he helped many students pay for their tuition.

Monsignor Sampson briefly served as pastor at Notre Dame Cathedral and Dowling High School in Des Moines, IA, before he began his military career in the Army chaplaincy as a first lieutenant in 1942. He was captured twice and wounded by the Germans during World War II, and his efforts earned him the Distinguished Service Cross. Sampson continued to serve his country in Korea where he rescued American prisoners of war. Prior to his retirement from the Army, Sampson became a monsignor in 1963. He was named deputy chief of chaplains for the Army in 1966, and in 1967 was made chief of chaplains and promoted to major general. Sampson's outstanding military service was recognized with his many awards, including the Purple Heart and the Bronze Star.

Monsignor Sampson continues to make investments in the lives of children through the Monsignor Sampson O'Gorman Fund. In doing so, he has given the Sioux Falls community a legacy that will live on in the successes of future generations. Monsignor Sampson's influence on our children and on so many others throughout the world should be remembered, as it will be missed.

SPRINT'S FIRING OF 235 EMPLOYEES IN SAN FRANCISCO

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. LANTOS. Mr. Speaker, on July 14, 1994, the Sprint Corp. abruptly closed down La Conexion Familiar, its San Francisco telemarketing subsidiary, and fired all 235 La Conexion Familiar workers. These employees were let go just 1 week before they were scheduled to vote in an organizing election under the supervision of the National Labor Relations Board. A majority of the employees at La Conexion Familiar had signed a petition indicating their desire to unionize. The employees said that they were seeking to improve working conditions which included restrictions on drinking water and bathroom breaks.

The National Labor Relations Board charged Sprint with over 50 Federal labor violations and with illegally closing La Conexion Familiar. An administrative law judge upheld these 50 labor violations, but offered no assistance or remedy to the fired employees. The NLRB general counsel has appealed to the full Board charging that the closing was an illegal effort to thwart a union organizing drive.

The U.S. Department of Labor held a public forum in San Francisco this week, entitled "Public Forum of the Effects of a Sudden Plant Closure and the Impact on the Principle of Freedom of Association and the Right of Workers to Organize." This forum was the first of its kind under the terms of the NAFTA agreement. I submitted testimony to this forum and would like to share my testimony with my colleagues. Therefore, Mr. Speaker, I respectfully request that my testimony be entered into the RECORD.

EFFECTS OF SUDDEN PLANT CLOSURE AND THE IMPACT ON THE PRINCIPLE OF FREEDOM OF ASSOCIATION AND THE RIGHT OF WORKERS TO ORGANIZE

(By Tom Lantos)

I would first like to commend you for holding this hearing which is the first of its kind under the terms of the NAFTA agreement on a case involving violations of worker rights in the United States. As you know, I was strongly opposed to NAFTA, but it is now the law of the land and we must live by its provisions. I will be the first to make sure that the spirit and intent of the principles contained in NAFTA's side agreement on labor cooperation are given maximum attention in the enforcement of NAFTA's provisions.

The North American Agreement on Labor Cooperation states plainly that every effort will be made to guarantee to all workers the right of freedom of association and the right to union representation.

The Sprint workers who are the subject of today's hearing were clearly denied these rights. Sprint's shutdown of La Conexion Familiar demonstrated that reality falls well short of the goals of the NAFTA agreement on labor cooperation. This is a case of a company which willfully violated our labor law and which was cited with more than 50 violations. It is also a case of human pain and suffering.

As you know, on July 14, 1994, 235 individuals were thrown out of work by Sprint. Many of these workers live in my Congressional district. Today we heard from several of these workers who have told us in their own words the turmoil they have had to endure.

I have heard their pain from the beginning of this tragic situation and I have observed first hand the wrenching consequences of Sprint's behavior of these worker's lives. In a split second these workers were unemployed. Their families were in disarray. And the promise of the American dream was destroyed. "How could this happen", they asked, "After all, this is America, where laws are supposed to mean what they say and are supposed to be enforced to the letter."

When Sprint abruptly shut its "La Conexion Familiar" facility one week before an organizing election, we had a classic case of US labor law not adequately protecting American workers. Two hundred and thirty-five workers lost their jobs, victims of an illegal campaign against workers' rights. More than a year and a half after losing their jobs, the workers at La Conexion Familiar are still struggling and awaiting justice. Out of the 177 workers who were scheduled to vote in the union election, fewer than half are working—the rest are still out of work.

The National Labor Relations Board moved as quickly as current law permitted. But in spite of their efforts it took over four months until the case was heard and well over a year until a decision was issued. And the process is far from over. As of today, this case is 593 days old and it will take many more months before the Board issues a final decision, even as they expedite the case. It will take years before all parties exhaust available appeals. In the meantime, the workers are the ones paying the price for the inability of our system to provide prompt and effective remedies for this obvious and egregious violation of the law.

The Sprint case is not atypical. The latest data available from the NLRB show that by the end of 1994, the medium number of days it took for an unfair labor practice case to reach a decision by an administrative law judge was 360 days and the median number of days to a reach a Board decision was 601 days. What this means is that half of all these cases took even longer. The average age of cases pending before the Board (as of September 30, 1994) was 758 days. Add to that years of appeals through the courts and we have to recognize that our current system of labor law is in fact an easy and inexpensive tool for companies to use to break the law rather than abide by it.

It is simply unjust for workers who have lost their jobs as a result of unfair labor practices by their employers to have to wait so long for a remedy. Our labor laws and their enforcement mechanisms must be strengthened.

Under these circumstances, I admire the courage of the workers at La Conexion Familiar. They stepped up to the plate and took a swing at their rights. What they did not know was that the game was rigged against them and Sprint was throwing a spit ball. What would you do if you were a worker in a plant or a facility such as La Conexion Familiar and you were told by your supervisor or your manager:

"Look, don't even try to organize, because we'll shut the plant down and it will take you four to five years to prove that the company did anything wrong. In the meantime, you will be out of work."

Under these circumstances would anyone try to organize? There is no question that the average worker would say, "No."

This is what is so admirable about the Sprint workers at La Conexion Familiar. In spite of all the threats, the coercion and the spying, they still tried. They demonstrated that the importance of organizing a union is not from a bygone era, but that organizing a union is more relevant than ever. It is our system of labor law and its enforcement which must be brought into the 21st century.

This is why I am testifying today in support of Sprint workers and all workers who want to organize. I will continue to do everything I can to seek a remedy in this case and will continue to push for labor law reform which provides prompt and effective penalties against labor law violators. Workers must feel secure in their belief that they can exercise their right to organize without fear of retaliation by their employer and without running the risk of losing their job.

One reason I opposed the NAFTA agreement was that it perpetuated the ineffectiveness of US law in protecting workers rights. In the case of the right to organize, the NAFTA agreement provides only a mechanism for exposing violations of these rights and this Forum is part of that mechanism. It is important for workers to demonstrate the widespread abuse of workers rights. But it is clearly not enough.

The objectives of the NAFTA side agreement on labor cooperation are admirable. But the law itself should contain penalties against the companies who benefit from expanded trade opportunities but at the same time violate their workers' rights, whether in Mexico, Canada or the United States. I will fight hard to ensure that the NAFTA agreement is amended to include real penalties and appropriate enforcement provisions.

I support calls for an international code of conduct for all companies operating on a global scale. This code will ensure that workers' rights, which we in the United States are at least committed to on paper and which are contained in the NAFTA side agreement on labor cooperation, will become a part and parcel of acceptable behavior in international commerce.

The promise of international investment and trade must go hand in hand with the promise of improved working conditions and living standards for workers both in the United States and abroad. By recognizing and protecting the rights of workers to form unions and engage in collective bargaining, we are not giving workers entitlements or handouts. We are giving them the tools to stand up for themselves and claim their fair share of economic progress that they had a hand in producing.

Thank you.

ST. DAVID'S DAY

HON. PAT DANNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Ms. DANNER. Mr. Speaker, for more than 850 years, the legacy of St. David has been an inspiration to generations of people of Welsh descent, including such prominent American leaders as Abraham Lincoln and Thomas Jefferson.

While the annual celebration will be delayed slightly this season by leap year, St. David's Day, March 1, will recognize the legend of the patron of Wales—one of the most illustrious bishops of ancient Wales.

In fact, a 10th century manuscript refers to St. David as the spiritual leader of the Welsh. One of the legends surrounding St. David is that during his schooling, a dove with a golden beak was seen playing by his lips, teaching him to sing the glory of God.

At the time of his death, just before angels carried his soul to heaven, St. David is reported to have said: "Be joyful brothers and sisters. Keep your faith and do the little things you have seen and heard with me."

For the many Welsh-Americans who will be celebrating tomorrow, I trust that the day will bring you the joy St. David spoke of so many years ago.

TRIBUTE TO LETICIA P. JOHNSON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. TOWNS. Mr. Speaker, there is no greater calling than attending to the education and nurturing of our children. For the past 22 years Leticia P. Johnson has been performing that very vital task. Leticia is a graduate of Brooklyn College and received a master's degree in supervision and administration.

Leticia believes that early childhood learning sets the stage for positive human development. Leticia has dedicated herself to getting society and educators to focus on the total needs of our children.

Leticia's participation in various organizations reflects her commitment to children. She is a member of the National Black Child Development Institute, and is the cochair of the Early Childhood Task Force. Leticia is also a member of the Bedford-Stuyvesant Community Conference Inc. For the past 10 years she has served as the director of Young Minds Day Care Center, sponsored by Fort Greene Citizens Council Inc. Brooklyn sees the fruits of Leticia's efforts each time a child is nurtured and educated in her institution. I am happy to acknowledge her selfless efforts.

HANSON POLICE CHIEF HAILS 1994 CRIME BILL

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. FRANK of Massachusetts. Mr. Speaker, I ask permission to insert into the RECORD a very powerful letter which I received from Chief Eugene Berry of the police department of the town of Hanson. Chief Berry writes to express his strong support for the 1994 crime bill and the funds that have gone to local communities as the result of this. His letter reinforces the point that it would be great folly for this Congress to disrupt this flow of funds by making drastic changes in this program. Chief Berry notes that his department and the entire State of Massachusetts have benefited from these funds, and as a police chief who is dealing every day with the problem of protecting the public safety in a small community, Chief Berry speaks with great credibility on this subject.

As a police chief, and as an instructor for the Massachusetts Criminal Justice Training Council, Chief Berry is very well situated to evaluate this program and his strong testimony in support of it should carry a great deal of weight. I ask that Chief Berry's letter be printed here.

POLICE DEPARTMENT,
TOWN OF HANSON,
Hanson, MA, January 31, 1996.

Hon. BARNEY FRANK,
State House, Boston, MA.

DEAR REPRESENTATIVE FRANK: I am writing to you to share the success of the 1994 federal Crime Bill, specifically the COPS FAST and COPS MORE projects.

The Town of Hanson Police Department counts itself extremely fortunate to be the recipients of both of these grants.

The COPS FAST grant has truly allowed this department to address the community concerns.

The COPS MORE grant will enable this department to install in-crusier computers which will add the equivalent of 2.8 police officers to the complement of this department.

The 1994 federal Crime Bill has reinvigorated the dedication of law enforcement in America through these programs.

As an instructor for the Massachusetts Criminal Justice Training Council teaching many of the officers hired as a result of the COPS FAST program, I can attest to the rededication of the police service in preparing our recruits for practicing the community policing philosophy.

If the political leaders of our nation are going to play politics with the Community Policing programs in the 1994 federal Crime Bill, it will have a devastating effect on all the positive strides we have made in the last 2 years.

I know you will take an active role in the leadership fighting to retain the advances in policing we have made since 1994.

Sincerely,

E.G. BERRY,
Chief of Police.

IN HONOR OF FATHER JOHN J. MURPHY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. SOLOMON. Mr. Speaker, I would like to take time today to pay tribute to a great man and community leader, Father John J. Murphy of Catskill, NY, in my congressional district. Father Murphy will be celebrating his 25th anniversary as pastor of the St. Patrick's parish located in Catskill, nestled between the Catskill mountains and the Hudson River.

Throughout his tenure as pastor, Father Murphy has served the Catskill community with an unending devotion, self-sacrifice, and countless hours of hard work and determination. Moreover, he has devoted a great deal of his time to ensuring that families in Greene and Columbia Counties have the opportunity to provide their children with a parochial school education in their own community. While attending St. Patrick's for school, it wouldn't be rare to see Father Murphy out front in all kinds of weather, even those Northeast winters, welcoming students off the school bus. Father Murphy takes great pride in playing a central role in the students religious education from their very first day, to graduation day and beyond. Former students spanning his 25 years of service still know they can expect a warm greeting, sound advice and guidance, or just an open ear upon their return.

Mr. Speaker, even outside his formal duties to his parish and the school, it is not unusual to see Father Murphy at all kinds of community events. I always have admired people like Father Murphy who go out of their way to offer their services to neighbors in the community, especially to those people who may not have the privilege of hearing his words of wisdom regularly. It is actions like these, Mr. Speaker, that make Father John Murphy a pillar of the Catskill community.

This year, Father Murphy will have been a priest for 39 years, 25 of which will have been as pastor of St. Patrick's. And on this Sunday, March 3, 1996, the Catskill community will pay tribute to his tremendous service on their behalf. At this time, I ask you, Mr. Speaker, and the rest of my colleagues in the House to rise alongside myself and the rest of his community in wishing Father Murphy many more years of health and happiness.

HIGHWAY RAIL GRADE CROSSING SAFETY FORMULA ENHANCEMENT ACT OF 1996

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. VISCLOSKY. Mr. Speaker, because I am concerned about the number of railroad crossing accidents in northwest Indiana, today I am introducing legislation that will provide a more effective method of targeting available Federal funds to enhance safety at our most dangerous highway rail grade crossings. I am introducing this legislation with our colleague, Mr. Hostettler, and the entire Indiana congressional delegation, in a bipartisan effort to improve rail safety. This bill, the Highway Rail Grade Crossing Safety Formula Enhancement Act of 1996, which is the companion bill to legislation introduced in the Senate by Indiana's Senators, RICHARD LUGAR and DAN COATS, is similar to legislation I introduced in the 103d Congress (H.R. 4855). This bill would improve the Federal funding formula to account for risk factors that identify which States have significant grade crossing safety problems. The factors considered in the bill include a State's share of the national total for public highway-rail grade crossings, its number of crossings with passive warning devices, and its total number of accidents and fatalities caused by vehicle-train collisions at crossings.

Under the proposed funding formula established by my bill, Indiana's share of rail crossing safety construction funds would increase by an estimated 33 percent annually, from $4.9 million to $6.6 million. In 1994, Indiana ranked sixth in the Nation for number of grade crossings—6,788—third for grade crossing accidents—263—and fifth for fatalities, 27. For the current fiscal year, Indiana received 3.4 percent of section 130 safety construction funding, while accounting for 6.1 percent of the Nation's accidents, 5.9 percent of fatalities, and 4 percent of crossings.

Currently, in the United States, several hundred people are killed and thousands more injured every year as a result of vehicle-train collisions at highway rail grade crossings. A significant number of these accidents occur in rail-intensive States, such as Indiana, Illinois, Ohio, California, and Texas. One quarter of the Nation's 168,000 public highway rail grade crossings are located in these five States. They accounted for 38 percent of deaths and 32 percent of injuries caused by vehicle-train collisions nationwide during 1991–93. Overall, about 24 States would receive an increase in section 130 funds for grade crossing improvements under my legislation.

Maximizing the return from Federal funds requires that they be targeted to areas with the greatest risk, like Indiana. In a 1995 report to Congress on the status of efforts to improve railroad crossing safety, the General Accounting Office [GAO] found anomalies among the States in terms of the funds they received in proportion to three key factors: accidents, fatalities, and total crossings.

Through this bill, we have a unique opportunity to maximize existing resources, improve safety at rail crossings, and save lives. The establishment of a new funding formula is an innovative step in that direction and will directly benefit northwest Indiana, which bears the lion's share of rail traffic in Indiana. By targeting funds to States based on accident rates and number of rail crossings, we can put scarce resources to work and use a common sense approach by allocating Federal dollars where the need is greatest.

Given the limited resources available for railroad crossing safety, it is crucial that available funds be targeted to the most cost-effective approaches. The first means to target our limited resources is to change the current method used to apportion section 130 dollars to the States. The legislation I am introducing today will accomplish that. I urge you and all of my House colleagues to support it.

HONORING LUCY CORREA VIERA

HON. BILL BAKER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. BAKER of California. Mr. Chairman, when a young Lucy Correa Viera was 5 years old, she looked forward to walking the 2 miles from her parents' cattle ranch in Clayton, CA, to the small school where she attended class.

That was in 1907, and 7 years later, Lucy left school to work on her family's ranch, without receiving her diploma. Since then, Lucy has lived a full and remarkable life. A successful rancher, a devoted community leader, and a beloved "Aunt Lucy" to her many friends, Lucy recently received something she should have gotten long ago: her grammar school diploma. Upon learning she had never received it, Dennis McCormac, a trustee of the Mt. Diablo School District, initiated the movement to help Lucy obtain her diploma. He deserves our thanks for his thoughtful efforts.

Lucy worked as a clerk for and served as a trustee of what was then known as the Clayton School District. She used her education for the betterment of her hometown and its young people. I am extremely pleased to recognize Lucy Correa Viera for her lifetime of giving, and to add my name to the list of her many friends who join in recognizing this wonderful woman.

TRIBUTE TO MERLE BAGLEY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. TOWNS. Mr. Speaker, I am pleased to recognize Mrs. Merle Bagley for her contribution to the Brooklyn community. Mrs. Bagley migrated to New York from North Carolina in the 1960's. Her life's work has revolved around her dedication to children, not only her own, but society's children. She has successfully raised 10 children, a major accomplishment in itself. But equally important is the community work she has done on behalf of the Bedford-Stuyvesant Youth and Action Board, where she serves as the vice president of the Pacific Street Block Association, and is a member of the Earnestine Grena Senior Citizen Center.

Mrs. Bagley has been involved in community work since her retirement, and has lived in the East New York section of Brooklyn since 1973. She is active in the Linden Houses Tenant Association, and is an appointed member of Planning Board 5 and Area Policy Board 5. Merle Bagley's efforts have enriched the community she lives in and loves, and I am pleased to bring her to the attention of my colleagues.

TRIBUTE TO LT. COL. TIMUR J. EADS

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. DORNAN. Mr. Speaker, today I recognize Lt. Col. Timur J. Eads for his distinguished and exemplary service to the U.S. Army and this great Nation on the occasion of his retirement from active military service. The Army and the military have been a better place for having known Timur Eads. Timur's retirement from the U.S. Army and service to his country will truly be felt. His over-20-years of inspired service has not only made the Army a better place, it has insurmountably enhanced the soldiers, sailors, and airmen who have benefited from his leadership and encouragement. His common sense and concern for the day-to-day welfare of his charges represent the epitome of what military leadership is all about. An officer of the highest ethical and moral standards he took the toughest jobs and succeeded where most fail. As an elite U.S. Army Ranger he truly led the way. Whether shepherding an infantry platoon or directing the operations of a ranger battalion, Timur Eads had what it takes. His service as the deputy director for the Nation's counterdrug effort from U.S. SOUTHCOM in Panama provided such an invaluable service to this Nation, I cannot begin to quantify it.

On a personal note, from all of us in the Congress who have been inspired by his resolute service and dedication, Timur's retirement will truly leave a void on the Hill. During his present tenure with us as the deputy director of Legislative Affairs for the U.S. Special Operations Command, Timur quickly established a solid reputation with members and staff alike for his extensive knowledge of the intricate world of special operations, as well as an insightful perspective into national defense strategy. His unparalleled expertise in the counterdrug environment has been of immeasurable importance to those of us in the Congress who have been dedicated to eliminating the courage of illicit drugs from the streets and neighbors of this fair land. His wit and charisma have made an indelible impact on us. Timur has aided us immeasurably in our day-to-day operations. His credibility and candor made him an invaluable resource.

I have had the pleasure of traveling with Timur on numerous occasions and like the old adage "I won't go anywhere without him" he has always, proved invaluable. When I had a sensitive and time critical trip to Bosnia, during the crux of the escalation of the United States led air effort, it was Timur Eads whom I called upon to make it happen. In the challenging arena of international travel, he has a way of making the difficult look effortless and the impossible a reality. He has earned our trust, our respect, and our gratitude. Because of Timur's credibility and goodwill, the Special Operations Command, its CINC—Gen. Wayne Downing and the Department of Defense have reaped enormous benefits from his tenure on the Hill.

The colleagues and I bid Lt. Col. Timur Eads, his lovely wife Cathy, and his exceptional daughters Nicole, Jessica, and Amanda, a fond farewell—they are truly a remarkable American family. Well done, Tim, but certainly expected from the son of an Army Air Force P–38 "Lightning" fighter pilot.

IN TRIBUTE AND MEMORY OF ADOLPH WEIL, JR.

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. EVERETT. Mr. Speaker, I rise today to pay tribute to one of Montgomery's finest citizens and premiere member of the business community.

Mr. Adolph Weil, Jr., passed away on December 12, 1995, and is survived by his wife, Jean, his three children, Jan Katherine Weil, Dr. Lauri Weil, and Adolph Weil III, and his five grandchildren.

Mr. Weil was a veteran of World War II where he attained the rank of captain, before returning home to the family business. Mr. Weil, one of the principals of Weil Brothers Cotton, Inc., became known in Montgomery for his generous support for local endeavors. His philanthropic efforts were not well known, because he gave for the sake of giving, not accolades. He and his brother, Bobby, shared the Montgomery Advertiser Citizen of the Year Award in 1994.

Mr. Weil was heavily involved in many forms of public service, including the Montgomery Area United Way, Jewish Federation of Montgomery, Temple Beth-Or, American Cotton Shipper Association, Atlantic Cotton Association, YMCA, and the Children's Center.

Mr. Speaker, we will greatly miss Mr. Weil and his charitable efforts; I ask that the eulogy for Mr. Weil delivered by Rabbi David Baylinson be included in the RECORD following my remarks.

EULOGY FOR ADOLPH WEIL, JR.

(DELIVERED BY RABBI DAVID A. BAYLINSON)

We are gathered this noon, shocked and sadden by the sudden loss of one beloved to a myriad of people. We gather this noon to pay our last earthly respect and tokens of love to Adolph Weil, Jr.

To paraphrase the words of King David at the time of his sorrow: "Know ye not that there is a prince and a great man fallen this day in our community?"

Bucks was a gentleman and a gentle man with few peers.

First and foremost was Jean, the love of his life. Indeed, a more beautiful love affair is not found even in the pages of a novel. Their lives were intertwined always. Now we pray that her heart will be filled with beautiful memories to bring her a measure of comfort.

And his family * * * Children who not only loved him but also respected him. Children who admired him and learned from him the highest degree of ethics and their responsibility to the community. They and we all were taught by him that living is giving.

You, his grandchildren * * * Do you know what a sparkle you put in his eyes every time he mentioned your name? And what a sense of pride you put into his heart because you loved him? His life was fuller because you were * * * because you wanted to be * * * such an integral part of his life. Your love of him only testifies to his loving kindness and beauty of character.

Bucks was a devoted and caring brother, working so closely these many years with his brother, and he was a devoted and caring brother to his sisters. He was a brother, a friend, a partner.

So close, too, to all his family members, wherever they lived and always enjoying being with them on special occasions.

You, gathered here this noon, testify to a warmth of friendship, wider then any embrace could hold, and a respect for a man who has earned that respect throughout his life.

So much has been said and printed these past few days about what Bucks has done for the community and his many achievements. For Bucks this was what was supposed to be as he gauged his life by the words of the poet, Browning: "Ah, but a man's reach should exceed his grasp, or what's a heaven for?"

Bucks lived by the teachings of his faith and by the words of the prophet, Micah, he quoted so often: "And now, O Israel, what does the Lord require of thee? Only to do justice, to love mercy, and to walk humbly with they God."

Forgive us please, Bucks, for all of this praise. It is never your wish or your style. Please understand that it helps us to alleviate some of our grief and helps to heal our broken hearts.

We are all richer because Bucks was among us, and we are all the poorer because his life on earth has been taken from us.

Yet, after the tears of separation have been shed, and after the shock of the sudden loss has been absorbed, there is a void to be filled, and we, we alone, can in some measure, large or small, fill that void, the psalmist has told us: "We bring our years to an end as a tale that is told"

The story of Bucks' life is one of love, friendship, service, leadership and concern for others. We can honour that memory best by giving of ourselves as he gave of himself, of learning to love without conditions, of extending our hands in true warmth of friendship, of acts of loving kindness that that is commonly called "charity." For Bucks it was always an act of loving kindness.

Bucks wrote his book of life in beautiful verse. Now it is the task of the living to live up to the standards he set and take up the challenge. His soul is immortal, his memory eternal, is love without earthly bounds.

"Good night, sweet prince. And flights of angels sing thee to thy rest."

REPUBLICAN MEDICARE BILL WILL COST SENIORS $6.8 BILLION IN EXTRA DOCTOR CHARGES

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. STARK. Mr. Speaker, the Republican Medicare bill will cost the Nation's seniors an extra $6.8 billion per year in doctor's bills. This is the same rate of balance billing we had before 1985, the year that Congress started to encourage doctors not to charge seniors extra. A return to this previous level of balance billing will cost the Nation's seniors at least $6.8 billion extra per year.

The Republican Medicare bill allows doctors to set up fee-for-service plans with no limit on how much can be charged. It allows HMO's to extra bill for the basic package of Medicare services. It permits specialists outside of a beneficiary's managed care plan to charge unlimited amounts. Those who elect the Medical Savings Account option will also lose all protection against the-sky's-the-limit billings. The Republican plan reduces payments for traditional Medicare programs to the point doctors will switch to new systems that allow unlimited fees.

Beginning in 1985, Congress passed a series of laws designed to encourage doctors to accept as payment in full the amount proposed by Medicare. As a result, Medicare beneficiary liability for excessive doctors' bills fell from $2.8 billion in 1985 to $1.3 billion in 1992. In current 1995 dollars, that is a decline from $5.5 billion to $1.5 billion. When you factor in the growth in Medicare and assume a return to the old ratio of balance billing, you get $8.3 billion in extra charges. Subtract the current $1.5 billion in extra billing, and you have an additional cost of $6.8 billion from the Republican plan.

Seniors have been paying less out of pocket for medical bills in recent years, because assignment rates—the number of doctors who accept the Medicare fee as payment in full—has gone up, from 70 percent in 1986 to 92 percent in 1993. Balance billing—charging seniors more than the Medicare fee schedule—has also declined dramatically. When a senior goes to a doctor, he or she doesn't have to pay more than 20 percent—the coinsurance—of a set fee. There are no extra charges.

The Republican bill changes all that.

The GOP returns to the rate of extra charges existing in 1985. This will increase costs to seniors $6.8 billion per year, or an increase of $187 per senior in out of pocket expenses. The Republicans will also charge seniors $120 more per year in part B premiums. Put the two together, and seniors will see an increase over the Clinton budget of $614 a couple.

Managed care should be encouraged. Medicare currently offers many choices of managed care plans to seniors. We should not return to wallet biopsies and price gouging.

Whatever Medicare changes are made, we should preserve the limits on doctors' extra charges.

TRIBUTE TO MAE POWELL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. TOWNS. Mr. Speaker, Mae Powell of Brooklyn is an exceptional human being and educator. Born in North Carolina, Mae has resided in New York most of her life. She is a graduate of Brooklyn College, and currently serves as a special education teacher in district 13. Mae has been an educator for over 30 years. An innovative educator, she subscribes to the shared learning approach.

Mae's colleagues have elected her to serve as a U.F.T. union delegate and as district screening committee member for the selection of school administrators. A crowning achievement in Mae's portfolio is her dedication to fostering the entrepreneurial abilities of young people.

Mae is the mother of three children and four grandchildren, and embodies the attributes of academic achievement, community service and professional dedication. I am pleased to recognize her selfless efforts.

A SPECIAL TRIBUTE TO LEONARD FALCE

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. BARCIA. Mr. Speaker, a picture captures a moment in time, whether traumatic or exhilarating, momentous or trivial. A single photograph can cause emotional heartbreak or outfelt joy. A compilation of photographs can create a history for our family, or our country. Photographers who take these pictures work tireless hours to capture just the right moment.

I rise today to pay tribute to one such photographer. Leonard Falce who has spent 39 years with the Bay City Times as staff and chief photographer and photo editor, is retiring this month. Leonard has had a career filled with award-winning photography and has had a strong impact on aspiring photographers.

Born in Brooklyn and raised in the Bronx and Hell's Kitchen area's of New York City, Leonard served his country for 4 years in the U.S. Army. He began his exemplary photography career as a photographer's assistant with the Tommy Weber Studio in New York. Following a stint with the United Press International Newspictures in New York City, he was appointed as the newspictures manager in Madison, WI. While in Wisconsin, he covered the State capitol and many celebrities, including poet Carl Sanburg, Architect Frank Lloyd Wright, and controversial Senator Joe McCarthy.

His professionalism and keen eye ignited his passion for creating prize-winning images. One of his most notable photographs was while he worked in Fort Wayne, IN, for Carl Hartup at the Fort Wayne News Sentinel, in 1955. He photographed a virtually unknown musician, Elvis Presley.

In 1957, Leonard moved to the Bay City Times where he has earned several recognitions for his exceptional work. Shortly after he started, Leonard and the newsroom staff were awarded a Pulitzer Prize for its coverage of the Capitol Airlines crash at Tri-City Airport which killed 47 people. This commitment to excellence led to additional awards by the Michigan Press Association. Additionally, he led several technological changes, during his tenure with the Bay City Times, including facilitating the switch from large format cameras to 35mm in the 1950's and launching a photo darkroom redesign in 1974.

Leonard shares his enthusiasm for photography with others in his field and has served as a mentor to many future successful photographers including members of the Saginaw News, the Detroit Free Press, and the Muskegon Chronicle. He will continue to photograph during his retirement and will continue to touch aspiring photographers.

He could not have had such a successful career and fulfilled life without the support of his wife, Jean, of 34 years. Both gourmet cooks, Leonard and Jean collaborated on a food illustration for the Times and won awards for those photos. They have two daughters, Julie and Maria, and three grandchildren.

I urge my colleagues to join me in commending Leonard Falce for his outstanding career and wishing Leonard and his family health and happiness as he enters his retirement.

CONGRATULATIONS ON A SPECIAL SILVER ANNIVERSARY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. PAYNE of New Jersey. Mr. Speaker, I would like to call to the attention of my colleagues here in the U.S. House of Representatives a very special event, the 25th Newark Teen Arts Festival, a display of visual and performing arts by the students in the Newark Public Schools Secondary Program.

This annual event, which will be held on March 9, is a cooperative effort of the Newark Public Schools—Office of Art, Office of Music Education, and the Junior League of Montclair-Newark, Inc., which has sponsored the festival from its inception in 1971.

During this silver anniversary celebration, student artworks will be exhibited in the Mutual Benefit Life Community Gallery. Highlighted will be a selection of the crafts, drawings, graphics, photographs, paintings, and sculptures created by students in the senior high schools. The performing arts portion will feature varied vocalists, musical and choral selections, showcasing the talent of Newark's secondary youth.

During the 24 years of the Newark Teen Arts Festival, the Newark Museum has exhibited more than 3,000 secondary student visual artworks and hosted the high school performances of over 100 musicians, dancers, vocalists, choral groups, and plays.

The festival brings the local community together in a wonderful spirit of cultural appreciation and enjoyment.

As the representative of Newark and Montclair, I am proud of the accomplishments of these fine young people, and I applaud the work of the Junior League in making this annual event possible. Mr. Speaker, I know my colleagues join me in sending our congratulations on this special silver anniversary and our best wishes for continued success.

TRIBUTE TO ROSE ZUZWORSKY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. TOWNS. Mr. Speaker, I want to commend Dr. Rose Zuzworsky for combining personal and community activism with her deep religious convictions. Rose has been a resident of Cypress Hills for 30 years. She began her community involvement in Blessed Sacrament Parish. She serves on several advisory committees including the pastor's advisory council, and is the chairperson of the environment subcommittee of the Cypress Hills Community Coalition.

Rose's interest in environmental concerns is both personal and professional. Dr. Zuzworsky has worked closely with a number of religious organizations and coalitions, and has been a guest lecturer to academic and community groups. In recent years she has volunteered in the recycling division of the department of sanitation. In 1992 she participated in the Earth Summit in Rio De Janeiro.

There is no doubt that Rose's theological training greatly influences her philosophy relative to the environment, as evidenced by her doctoral dissertation which examined the theological and practical dimensions of environmental concerns. The world needs more people to take up the cause of environmental protection, and I am pleased to have her as an ally in that cause.

FLORIDA AIR NATIONAL GUARD ON DUTY IN CUBAN CRISIS

HON. TILLIE K. FOWLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mrs. FOWLER. Mr. Speaker, the destruction of two unarmed civilian aircraft from the group "Brothers to the Rescue" and killing of four pilots has again focused our attention on the

Castro regime's criminal behavior. I am pleased that the international community has responded swiftly to these horrible misdeeds.

I would note that even as our Government, the Congress, and the Security Council were working to fashion their political responses, the men and women of the Florida Air National Guard were on heightened alert status in defense of our national interests. Following the shoot-downs, Jacksonville-based F–15's of the 125th fighter wing, supported by the unit's C–26 operational support aircraft, redeployed to Homestead Air Reserve Base in South Florida. There they joined a detachment of the 125th that is on alert 365 days a year to assure protection of our Nation's airspace and perform the combat air patrol mission.

The air guard's speedy response to the Castro dictatorship's crimes is a tribute to the dedication and professionalism of our guard forces. We owe them all a debt of gratitude.

TRIBUTE TO JACQUELINE CHARITY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. TOWNS. Mr. Speaker, I am pleased to recognize Jacqueline Charity, who serves as deputy director for access and compliance with the New York City Board of Education, for her years of service. Ms. Charity has amassed an impressive résumé of selfless service in the cause of educating young people. She has been directly responsible for programs targeted at talented and gifted students, in addition to her outstanding supervision of the College Bound Program. Recognizing that it is essential for students to be competitive in math and sciences, Ms. Charity undertook the challenge to establish a math-science program at Stuyvesant High School.

Jacqueline attended primary and secondary school in Brooklyn, and received her undergraduate degree from Brooklyn College, and her masters degree from New York University.

A devoted mother and wife, Jackie finds the time to provide extensive community service in her church and for numerous civic organizations. Among her numerous awards is recognition from the Jack and Jill organization and the YWCA. Jacqueline maintains her spiritual center by serving as a eucharistic minister/lay reader at St. Phillips Episcopal Church. I am pleased to be able to bring the accomplishment of this noted Brooklyn educator to the attention of my colleagues.

COMMEMORATING COMPOSER-CONDUCTOR MORTON GOULD

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. COBLE. Mr. Speaker, I rise to commemorate Morton Gould, the great composer, conductor, and recording artist who died on February 21 at the age of 82.

Gould's contributions included significant works for orchestra, chamber ensemble, band, chorus and soloists, as well as scores composed for film, television, Broadway, and ballet. Throughout his career, Gould's work was characterized as particularly American, integrating the elements of jazz, blues, spirituals, and folk music.

He was born on December 10, 1913 in Richmond Hill, NY. As a child prodigy, he composed and published his first work at age 6. Growing up during the throes of the Great Depression, Gould supported his family by working as a vaudeville pianist.

His music has been commissioned by symphony orchestras, the Library of Congress, the New York City Ballet, and the American Ballet Theatre. Gould's work has been performed worldwide by a number of prominent conductors.

He received the Kennedy Center Honor in 1994 and the Pulitzer Prize in Music the following year. Elected to the American Academy of Arts and Letters in 1986, Gould received 12 Grammy nominations and a Grammy award in 1966. He conducted more than 100 albums on three different recording labels.

Finally, Mr. Speaker, Gould was a great friend of the intellectual property community as an active participant in many ASCAP and ASCAP Foundation programs. A tireless advocate for new American composers, he was constantly seeking opportunities to expose their work. Gould also served with distinction on the Board of the American Symphony Orchestra League and on the National Endowment for the Arts Music Panel.

Mr. Speaker, Morton Gould was a great American artist whose talents and contributions to our national culture will be missed. I join my colleagues in acknowledging his accomplishments. We extend our sympathies to his family.

THE 110TH CELEBRATION OF GROUNDHOG DAY

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. CLINGER. Mr. Speaker, it is with great pleasure that I rise in honor of the 110th celebration of Groundhog Day, February 2, 1996. Although it is almost 4 weeks late I am pleased to announce only 2 more weeks of winter left according to the 1996 proclamation.

1996 GROUNDHOG DAY PROCLAMATION

Punxsutawney Phil, King of Groundhogs, Seer of Seers, the Omniscient Marmot, Weather Forcaster Without Peer has responded to his annual summons at 07:28 this February 2, 1996.

As he sat upon his regal stump, he greeted the throng of anxious well-wishers "Happy Groundhog Day." After brief observation and contemplation he spoke in Groundhogese which was quickly interpretated to read:

I'm sorry to have to say
On this Groundhog Day
As I looked around
My shadow I found
When my shadow I do see,
Six more weeks of winter there must be.

However, I think that even Punxsutawney Phil, burrowed deep below the icy frost of winter at Gobbler's Knob, engaged in fun and frolic as we enjoyed the taste of spring this past week. May I say in all confidence, that Phil be true to his word and that March will "come in like a lion and go out like a lamb," to put an end to this bitter cold winter.

EXPIRING TAX PROVISIONS MUST BE RENEWED

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mrs. JOHNSON of Connecticut. Mr. Speaker, my Ways and Means colleague, BOB MATSUI, and I today have introduced a bill to extend the lives of several important tax provisions that expired last year.

We have done this to encourage support for prompt consideration and expeditious enactment of tax provisions affecting research and development, orphan drugs, and employer-provided educational expenses, among others. If tax payers are to meet their obligations by April 15, it is imperative that we act quickly to reinstate these effective programs.

Extension of the so-called expiring provisions was included in the Balanced Budget Act of 1995, legislation that was vetoed for reasons unrelated to these specific tax items. We believe that these targeted tax provisions serve a critical role in enhancing economic growth and long-term job creation. Just as importantly, various loophole closers were identified in the Balanced Budget Act to pay for these extensions.

In addition to the narrow tax credits for R&D, orphan drug research, nonconventional fuels research, and work opportunities for disadvantaged citizens, we call attention to the importance of continued favorable tax treatment for employer-provided educational expenses. This popular, low-cost inducement for working people to enhance their educational credentials and move up the economic ladder has now been moribund since December 31, 1994, causing many program beneficiaries considerable inconvenience as tax time approaches.

The measure also restores reasonable incentives for taxpayers to make gifts of publicly traded stock to charitable institutions, a particularly worthwhile mechanism at a time of great need for charitable giving. The bill also extends section 120 benefits regarding group legal services and makes permanent the FUTA exemption for alien agricultural workers.

The importance of these expired tax provisions to various segments of taxpayers—from folks suffering from rare diseases to landfill owners wishing to create clean-burning energy from their property—cannot be understated and we urge our colleagues to give them the priority they deserve.

TRIBUTE TO LYNDA DIANNE CURTIS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. TOWNS. Mr. Speaker, all of us are concerned about quality health care, and fortunately the citizens of New York City have Lynda Dianne Curtis working to provide them with top flight service. Lynda is a native New Yorker. She received her undergraduate degree from the State University of New York [SUNY] at Buffalo, and her masters degree in special education and learning disabilities from Fordham University.

Ms. Curtis began her professional career at Sydenham Neighborhood Family Care Center [NFCC]. She has held numerous positions of responsibility, including her current position as executive director of the Cumberland Diagnostic and Treatment Center in Brooklyn. During her tenure the center has extended clinic hours, increased the number of patients attended to by physicians, and improved the physical plant facility.

Lynda's hard work has often been recognized, including awards such as the Community Service Volunteers Award, the Renaissance Community Service Award, and the Black Agency's Founders' Award. Clearly, Lynda's record of service and delivery of health care is commendable. I am happy to introduce my House colleagues to Lynda Dianne Curtis.

HOUSE OF REPRESENTATIVES—*Monday, March 4, 1996*

The House met at 2 p.m. and was called to order by the Speaker pro tempore [Mr. BARRETT of Nebraska].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 4, 1996.

I hereby designate the Honorable BILL BARRETT to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

There are times when it seems our world is filled with the demons of violence and chaos and yet, O God, we pray for peace. The lives of some women and men and children are irrevocably lost and instead of hope there is despair, and instead of respect and compassion there is contempt and disdain. O gracious God, from whom we have come and to whom we shall return, encourage all people of good will to think and speak and act in ways that strengthen the human bond and make right the covenant of peace. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from California [Mr. LANTOS] come forward and lead the House in the Pledge of Allegiance.

Mr. LANTOS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The Speaker pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE CLERK,
Washington, DC, March 1, 1996.

Hon. NEWT GINGRICH,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Friday, March 1st at 3:25 p.m. and said to contain a message from the President whereby he notifies the Congress of the declaration of a national emergency with respect to Cuba.

With warm regards,

ROBIN H. CARLE,
Clerk, House of Representatives.

DECLARATION OF NATIONAL EMERGENCY WITH RESPECT TO CUBA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Pursuant to section 1 of title II of Public Law 65–24, ch. 30, 50 U.S.C. 191 and sections 201 and 301 of the National Emergencies Act, 50 U.S.C. 1601 *et seq.*, United States Code, I hereby report that I have exercised my statutory authority to declare a national emergency in response to the Government of Cuba's destruction of two unarmed U.S.-registered civilian aircraft in international airspace north of Cuba.

In the proclamation, I have authorized and directed the Secretary of Transportation to make an issue such rules and regulations that the Secretary may find appropriate to prevent unauthorized U.S. vessels from entering Cuban territorial waters.

I have authorized these rules and regulations as a result of the Government of Cuba's demonstrated willingness to use reckless force, including deadly force, in the ostensible enforcement of its sovereignty. I have determined that the unauthorized departures of vessels intending to enter Cuban territorial waters could jeopardize the safety of certain U.S. citizens and other persons residing in the United States and threaten a disturbance of international relations. I have, accordingly, declared a national emergency in response to these threats.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *March 1, 1996.*

INTRODUCTION OF RESOLUTION CALLING ON OUR PRESIDENT TO MAKE ANTITERRORIST ASSETS AVAILABLE TO ISRAEL

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, our deeply respected and beloved chaplain a few moments ago started out his prayer with these words: "There are times when it seems our world is filled with the demons of violence and chaos."

This is one of those times.

As the only survivor of the Holocaust ever elected to the Congress of the United States, I know I speak for all of my colleagues, Republicans and Democrats, in expressing our outrage at the most recent terrorist attack against children, women and old people, all civilians, in the streets of Israel.

The distinguished Republican chairman of the Committee on International Relations, the gentleman from New York [Mr. GILMAN], and I are introducing a resolution denouncing this most recent outrage, calling on Yasser Arafat to pulverize the infrastructure of the terrorists and calling on the President of the United States to make our antiterrorist assets available to achieve that goal.

I ask all of my colleagues to join me in this resolution.

GENDER EQUITY IN EDUCATION

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, this week the congressional caucus for women's issues is kicking off our program for National Women's History Month. We celebrate Women's History Month because, for too long, history has only meant his story. Women's contributions have to often gone unnoticed and unappreciated.

Now is the time to get to know her story. Now is the time to talk about women's accomplishments; women's contributions; and what we need to do to make the future brighter for our daughters—as well as our sons.

However, women can only make history when they have been educated,

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

and America has a long way to go before educational equality is achieved.

In honor of Women's History Month, please join me at a briefing on gender equity in education, this Thursday, March 7, at 1 p.m. in 311 Cannon. At this event, we will see how far we have come, and how far we need to go, to make America's schools the best in the world for both boys and girls.

Women make history all year around, but March is Women's History Month. It deserves our attention.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's previously announced policy of May 12, 1995, and under a previous order of the House the following Members are recognized for 5 minutes each.

OUR DEFENSE TECHNOLOGY MUST BE APPLIED TO TERRORISM IN THE MIDDLE EAST

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, I must say this is a day where all of us shudder at what is going on in the Middle East. While we were so optimistic about the whole peace process, today is a day where it looks like the terrorists are willing to risk anything to get it derailed. You know, making peace is not for cowards. It is for the toughest and the strongest because they will test you and test you and test you because lesser beings and the demons that are around there want so much to continue the turmoil. If they can continue the turmoil and the terror, then they feel they are in charge.

The thing I think is so important to point out on these last horrible incidents is clearly the people doing this are not acting alone. These are not just somebody who is going out and doing this by themselves. There is a tremendous infrastructure supporting them, and that infrastructure must be sought out and destroyed. These are not mere happenstance. These are not independent contractors. These are folks who belong to some well-organized group that is putting a lot of thought into how to be as destructive of human life as possible, and these people are despicable, and we should do everything we can to go at them.

Today I would like to ask Attorney General Reno and the wonderful National Institute of Justice to get to the Israelis anything we have in the technology that would help crack that infrastructure.

When I chaired the Research and Development Committee for the Department of Defense, we took all of their top-of-the-line research and put it at the National Institute of Justice so they could get together with our law enforcement people and see what they could take and apply to law enforcement and to antiterrorism, antidrugs, antianything, because when you look at our law enforcement technology, it has lagged way behind our national security and defense technology. So this is up and running, and we have some very exciting things there, things that can detect plastics which clearly could be very helpful and many other things.

So I know that this country will be opening their doors immediately.

Necessity is the mother of invention, and we must take all of this very, very high-technology stuff the American taxpayer purchased for the Defense Department and apply it in this situation as rapidly as possible. The analogy is when the Scuds hit Israel during the gulf war, all of us were horrified and suddenly realized we had to get Patriot missiles there as soon as possible to help deflect those Scuds. This is similar. We must scurry around, get our antiterrorism groups, our law enforcement groups and everybody helping Israel get through this crisis because, if the peace process is derailed, which is the goal of these terrorists, then they win, they win, and we all lose.

So, civilized nations must stand shoulder to shoulder in this time where we are all being tried. We are being tried to see if we are really strong enough to stay on this road. We are, and we must stand together, and we must make sure that the course is set and we will not deviate. We will bring peace to the Middle East and throw everything we have got toward that goal.

SMALL BUSINESS REGULATORY RELIEF ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. MCINTOSH] is recognized for 5 minutes.

Mr. MCINTOSH. Mr. Speaker, I come before the House today to talk about the Small Business Regulatory Relief Act that the House will be considering tomorrow.

My subcommittee, the Subcommittee on National Economic Growth, Natural Resources, and Regulatory Relief, has been conducting numerous field hearings around this country where we have been hearing from average Americans about the problems that redtape causes in their lives, and let me tell you, a lot of times it boils down to the fact that this Government redtape costs us jobs in this country.

I want to read one example of testimony that we received from a Mr. Bruce Gohman, president of W. Gohman Construction Co. in St. Cloud, MN.

Now, Mr. Gohman came and told us that he purposefully keeps the number of employees in his small business fewer than 50 individuals because, if he goes over 50, a whole new set of redtape and regulations kicks in and, quite frankly, he cannot afford it at that point. That means that we are losing jobs in Minnesota because of all of this redtape right here in Washington.

Now, tomorrow we have a proposal on the House floor that is a very modest proposal to address that problem. First, it says we are going to strengthen the Regulatory Flexibility Act that requires agencies to consider the impact on small businesses of their rules and regulations. This proposal was part of the contract and is very important for us to say to small businessmen, if the agencies ignore this rule, that agency administrators have to make rules more flexible. Then you can bring them to court and require them to follow the guidelines.

This second title is administrative review, and, quite frankly, I am perplexed at this because President Clinton, on February 21, 1995, said that it is time to revise the culture in this town and change the way we write regulations. He ordered his agencies to, "go over every single regulation and cut those regulations that are obsolete."

Title II does exactly that. It tells the agencies they must go through their regulations, get rid of the ones that are obsolete, that do not make sense, that really no longer serve their purpose. Those that we need should continue to be on the books, and those that can be strengthened should be strengthened and improved—a very simple, very commonsense approach.

I was surprised to find out today that President Clinton is opposing title II and does not think it is a good idea for us to pass this piece of legislation in Congress. I think it is a shame when the President says he want to cut back on regulations but then acts to prevent the agencies from doing that in opposing our title II provision.

There is also title III that says these regulations must come back to Congress for review, and that each House must consider them. If they do not approve the rules, they can pass a law, send it to the President, and he can sign or veto it, and the regulation will be overridden by that law; I think this is a very helpful procedure to add additional emphasis in cutting back on regulations.

But the most surprising thing to me is the demagoguery that is going along in the debate by opponents of this bill who claim that for some reason it may be gutting environmental laws, may be gutting health and safety laws, may be leaving poor and innocent Americans defenseless.

This is a very good bill that can actually strengthen those rules that make sense, get rid of those rules that do not make sense, and once again tell small businessmen like Bruce Gohman in Minnesota we are not going to have so many regulations that you would not add new jobs, create more employment in this country, because that is the reason we have to have regulatory relief.

I urge all my colleagues to keep a strong version of this bill tomorrow so we can tell the American people we have made a start in cutting back on unnecessary regulations and redtape.

CONFERENCE REPORT ON H.R. 927

Mr. GILMAN submitted the following conference report and statement on the bill (H.R. 927), to seek international sanctions against the Castro government in Cuba, to plan for support of a transition government leading to a democratically elected government in Cuba, and for other purposes:

CONFERENCE REPORT (H. REPT. 104–468)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 927), to seek international sanctions against the Castro government in Cuba, to plan for support of a transition government leading to a democratically elected government in Cuba, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Purposes.
Sec. 4. Definitions.
Sec. 5. Severability.

TITLE I—STRENGTHENING INTERNATIONAL SANCTIONS AGAINST THE CASTRO GOVERNMENT

Sec. 101. Statement of policy.
Sec. 102. Enforcement of the economic embargo of Cuba.
Sec. 103. Prohibition against indirect financing of Cuba.
Sec. 104. United States opposition to Cuban membership in international financial institutions.
Sec. 105. United States opposition to termination of the suspension of the Cuban Government from participation in the Organization of American States.
Sec. 106. Assistance by the independent states of the former Soviet Union for the Cuban Government.
Sec. 107. Television broadcasting to Cuba.
Sec. 108. Reports on commerce with, and assistance to, Cuba from other foreign countries.
Sec. 109. Authorization of support for democratic and human rights groups and international observers.
Sec. 110. Importation safeguard against certain Cuban products.
Sec. 111. Withholding of foreign assistance from countries supporting Juragua nuclear plant in Cuba.
Sec. 112. Reinstitution of family remittances and travel to Cuba.
Sec. 113. Expulsion of criminals from Cuba.
Sec. 114. News bureaus in Cuba.
Sec. 115. Effect of Act on lawful United States Government activities.
Sec. 116. Condemnation of Cuban attack on American aircraft.

TITLE II—ASSISTANCE TO A FREE AND INDEPENDENT CUBA

Sec. 201. Policy toward a transition government and a democratically elected government in Cuba.
Sec. 202. Assistance for the Cuban people.
Sec. 203. Coordination of assistance program; implementation and reports to Congress; reprogramming.
Sec. 204. Termination of the economic embargo of Cuba.
Sec. 205. Requirements and factors for determining a transition government.
Sec. 206. Requirements for determining a democratically elected government.
Sec. 207. Settlement of outstanding United States claims to confiscated property in Cuba.

TITLE III—PROTECTION OF PROPERTY RIGHTS OF UNITED STATES NATIONALS

Sec. 301. Findings.
Sec. 302. Liability for trafficking in confiscated property claimed by United States nationals.
Sec. 303. Proof of ownership of claims to confiscated property.
Sec. 304. Exclusivity of Foreign Claims Settlement Commission certification procedure.
Sec. 305. Limitation of actions.
Sec. 306. Effective date.

TITLE IV—EXCLUSION OF CERTAIN ALIENS

Sec. 401. Exclusion from the United States of aliens who have confiscated property of United States nationals or who traffic in such property.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The economy of Cuba has experienced a decline of at least 60 percent in the last 5 years as a result of—

(A) the end of its subsidization by the former Soviet Union of between 5 billion and 6 billion dollars annually;

(B) 36 years of communist tyranny and economic mismanagement by the Castro government;

(C) the extreme decline in trade between Cuba and the countries of the former Soviet bloc; and

(D) the stated policy of the Russian Government and the countries of the former Soviet bloc to conduct economic relations with Cuba on strictly commercial terms.

(2) At the same time, the welfare and health of the Cuban people have substantially deteriorated as a result of this economic decline and the refusal of the Castro regime to permit free and fair democratic elections in Cuba.

(3) The Castro regime has made it abundantly clear that it will not engage in any substantive political reforms that would lead to democracy, a market economy, or an economic recovery.

(4) The repression of the Cuban people, including a ban on free and fair democratic elections, and continuing violations of fundamental human rights, have isolated the Cuban regime as the only completely nondemocratic government in the Western Hemisphere.

(5) As long as free elections are not held in Cuba, the economic condition of the country and the welfare of the Cuban people will not improve in any significant way.

(6) The totalitarian nature of the Castro regime has deprived the Cuban people of any peaceful means to improve their condition and has led thousands of Cuban citizens to risk or lose their lives in dangerous attempts to escape from Cuba to freedom.

(7) Radio Marti and Television Marti have both been effective vehicles for providing the people of Cuba with news and information and have helped to bolster the morale of the people of Cuba living under tyranny.

(8) The consistent policy of the United States towards Cuba since the beginning of the Castro regime, carried out by both Democratic and Republican administrations, has sought to keep faith with the people of Cuba, and has been effective in sanctioning the totalitarian Castro regime.

(9) The United States has shown a deep commitment, and considers it a moral obligation, to promote and protect human rights and fundamental freedoms as expressed in the Charter of the United Nations and in the Universal Declaration of Human Rights.

(10) The Congress has historically and consistently manifested its solidarity and the solidarity of the American people with the democratic aspirations of the Cuban people.

(11) The Cuban Democracy Act of 1992 calls upon the President to encourage the governments of countries that conduct trade with Cuba to restrict their trade and credit relations with Cuba in a manner consistent with the purposes of that Act.

(12) Amendments to the Foreign Assistance Act of 1961 made by the FREEDOM Support Act require that the President, in providing economic assistance to Russia and the emerging Eurasian democracies, take into account the extent to which they are acting to "terminate support for the communist regime in Cuba, including removal of troops, closing military facilities, and ceasing trade subsidies and economic, nuclear, and other assistance".

(13) The Cuban Government engages in the illegal international narcotics trade and harbors fugitives from justice in the United States.

(14) The Castro government threatens international peace and security by engaging in acts of armed subversion and terrorism such as the training and supplying of groups dedicated to international violence.

(15) The Castro government has utilized from its inception and continues to utilize torture in various forms (including by psychiatry), as well as execution, exile, confiscation, political imprisonment, and other forms of terror and repression, as means of retaining power.

(16) Fidel Castro has defined democratic pluralism as "pluralistic garbage" and continues to make clear that he has no intention of tolerating the democratization of Cuban society.

(17) The Castro government holds innocent Cubans hostage in Cuba by no fault of the hostages themselves solely because relatives have escaped the country.

(18) Although a signatory state to the 1928 Inter-American Convention on Asylum and the International Covenant on Civil and Political Rights (which protects the right to leave one's own country), Cuba nevertheless surrounds embassies in its capital by armed forces to thwart the right of its citizens to seek asylum and systematically denies that right to the Cuban people, punishing them by imprisonment for seeking to leave the country and killing them for attempting to do so (as demonstrated in the case of the confirmed murder of over 40 men, women, and children who were seeking to leave Cuba on July 13, 1994).

(19) The Castro government continues to utilize blackmail, such as the immigration crisis with which it threatened the United States in the summer of 1994, and other unacceptable and illegal forms of conduct to influence the actions of sovereign states in the Western Hemisphere in

violation of the Charter of the Organization of American States and other international agreements and international law.

(20) The United Nations Commission on Human Rights has repeatedly reported on the unacceptable human rights situation in Cuba and has taken the extraordinary step of appointing a Special Rapporteur.

(21) The Cuban Government has consistently refused access to the Special Rapporteur and formally expressed its decision not to "implement so much as one comma" of the United Nations Resolutions appointing the Rapporteur.

(22) The United Nations General Assembly passed Resolution 47–139 on December 18, 1992, Resolution 48–142 on December 20, 1993, and Resolution 49–200 on December 23, 1994, referencing the Special Rapporteur's reports to the United Nations and condemning violations of human rights and fundamental freedoms in Cuba.

(23) Article 39 of Chapter VII of the United Nations Charter provides that the United Nations Security Council "shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken . . ., to maintain or restore international peace and security.".

(24) The United Nations has determined that massive and systematic violations of human rights may constitute a "threat to peace" under Article 39 and has imposed sanctions due to such violations of human rights in the cases of Rhodesia, South Africa, Iraq, and the former Yugoslavia.

(25) In the case of Haiti, a neighbor of Cuba not as close to the United States as Cuba, the United States led an effort to obtain and did obtain a United Nations Security Council embargo and blockade against that country due to the existence of a military dictatorship in power less than 3 years.

(26) United Nations Security Council Resolution 940 of July 31, 1994, subsequently authorized the use of "all necessary means" to restore the "democratically elected government of Haiti", and the democratically elected government of Haiti was restored to power on October 15, 1994.

(27) The Cuban people deserve to be assisted in a decisive manner to end the tyranny that has oppressed them for 36 years, and the continued failure to do so constitutes ethically improper conduct by the international community.

(28) For the past 36 years, the Cuban Government has posed and continues to pose a national security threat to the United States.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to assist the Cuban people in regaining their freedom and prosperity, as well as in joining the community of democratic countries that are flourishing in the Western Hemisphere;

(2) to strengthen international sanctions against the Castro government;

(3) to provide for the continued national security of the United States in the face of continuing threats from the Castro government of terrorism, theft of property from United States nationals by the Castro government, and the political manipulation by the Castro government of the desire of Cubans to escape that results in mass migration to the United States;

(4) to encourage the holding of free and fair democratic elections in Cuba, conducted under the supervision of internationally recognized observers;

(5) to provide a policy framework for United States support to the Cuban people in response to the formation of a transition government or a democratically elected government in Cuba; and

(6) to protect United States nationals against confiscatory takings and the wrongful trafficking in property confiscated by the Castro regime.

SEC. 4. DEFINITIONS.

As used in this Act, the following terms have the following meanings:

(1) AGENCY OR INSTRUMENTALITY OF A FOREIGN STATE.—The term "agency or instrumentality of a foreign state" has the meaning given that term in section 1603(b) of title 28, United States Code.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(3) COMMERCIAL ACTIVITY.—The term "commercial activity" has the meaning given that term in section 1603(d) of title 28, United States Code.

(4) CONFISCATED.—As used in titles I and III, the term "confiscated" refers to—

(A) the nationalization, expropriation, or other seizure by the Cuban Government of ownership or control of property, on or after January 1, 1959—

(i) without the property having been returned or adequate and effective compensation provided; or

(ii) without the claim to the property having been settled pursuant to an international claims settlement agreement or other mutually accepted settlement procedure; and

(B) the repudiation by the Cuban Government of, the default by the Cuban Government on, or the failure of the Cuban Government to pay, on or after January 1, 1959—

(i) a debt of any enterprise which has been nationalized, expropriated, or otherwise taken by the Cuban Government;

(ii) a debt which is a charge on property nationalized, expropriated, or otherwise taken by the Cuban Government; or

(iii) a debt which was incurred by the Cuban Government in satisfaction or settlement of a confiscated property claim.

(5) CUBAN GOVERNMENT.—(A) The term "Cuban Government" includes the government of any political subdivision of Cuba, and any agency or instrumentality of the Government of Cuba.

(B) For purposes of subparagraph (A), the term "agency or instrumentality of the Government of Cuba" means an agency or instrumentality of a foreign state as defined in section 1603(b) of title 28, United States Code, with each reference in such section to "a foreign state" deemed to be a reference to "Cuba".

(6) DEMOCRATICALLY ELECTED GOVERNMENT IN CUBA.—The term "democratically elected government in Cuba" means a government determined by the President to have met the requirements of section 206.

(7) ECONOMIC EMBARGO OF CUBA.—The term "economic embargo of Cuba" refers to—

(A) the economic embargo (including all restrictions on trade or transactions with, and travel to or from, Cuba, and all restrictions on transactions in property in which Cuba or nationals of Cuba have an interest) that was imposed against Cuba pursuant to section 620(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a)), section 5(b) of the Trading with the Enemy Act (50 U.S.C. App. 5(b)), the Cuban Democracy Act of 1992 (22 U.S.C. 6001 and following), or any other provision of law; and

(B) the restrictions imposed by section 902(c) of the Food Security Act of 1985.

(8) FOREIGN NATIONAL.—The term "foreign national" means—

(A) an alien; or

(B) any corporation, trust, partnership, or other juridical entity not organized under the laws of the United States, or of any State, the District of Columbia, or any commonwealth, territory, or possession of the United States.

(9) KNOWINGLY.—The term "knowingly" means with knowledge or having reason to know.

(10) OFFICIAL OF THE CUBAN GOVERNMENT OR THE RULING POLITICAL PARTY IN CUBA.—The term "official of the Cuban Government or the ruling political party in Cuba" refers to any member of the Council of Ministers, Council of State, central committee of the Communist Party of Cuba, or the Politburo of Cuba, or their equivalents.

(11) PERSON.—The term "person" means any person or entity, including any agency or instrumentality of a foreign state.

(12) PROPERTY.—(A) The term "property" means any property (including patents, copyrights, trademarks, and any other form of intellectual property), whether real, personal, or mixed, and any present, future, or contingent right, security, or other interest therein, including any leasehold interest.

(B) For purposes of title III of this Act, the term "property" does not include real property used for residential purposes unless, as of the date of the enactment of this Act—

(i) the claim to the property is held by a United States national and the claim has been certified under title V of the International Claims Settlement Act of 1949; or

(ii) the property is occupied by an official of the Cuban Government or the ruling political party in Cuba.

(13) TRAFFICS.—(A) As used in title III, and except as provided in subparagraph (B), a person "traffics" in confiscated property if that person knowingly and intentionally—

(i) sells, transfers, distributes, dispenses, brokers, manages, or otherwise disposes of confiscated property, or purchases, leases, receives, possesses, obtains control of, manages, uses, or otherwise acquires or holds an interest in confiscated property,

(ii) engages in a commercial activity using or otherwise benefiting from confiscated property, or

(iii) causes, directs, participates in, or profits from, trafficking (as described in clause (i) or (ii)) by another person, or otherwise engages in trafficking (as described in clause (i) or (ii)) through another person,

without the authorization of any United States national who holds a claim to the property.

(B) The term "traffics" does not include—

(i) the delivery of international telecommunication signals to Cuba;

(ii) the trading or holding of securities publicly traded or held, unless the trading is with or by a person determined by the Secretary of the Treasury to be a specially designated national;

(iii) transactions and uses of property incident to lawful travel to Cuba, to the extent that such transactions and uses of property are necessary to the conduct of such travel; or

(iv) transactions and uses of property by a person who is both a citizen of Cuba and a resident of Cuba, and who is not an official of the Cuban Government or the ruling political party in Cuba.

(14) TRANSITION GOVERNMENT IN CUBA.—The term "transition government in Cuba" means a government that the President determines is a transition government consistent with the requirements and factors set forth in section 205.

(15) UNITED STATES NATIONAL.—The term "United States national" means—

(A) any United States citizen; or

(B) any other legal entity which is organized under the laws of the United States, or of any State, the District of Columbia, or any commonwealth, territory, or possession of the United States, and which has its principal place of business in the United States.

SEC. 5. SEVERABILITY.

If any provision of this Act or the amendments made by this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act, the amendments made by this Act, or the application thereof to other persons not similarly situated or to other circumstances shall not be affected by such invalidation.

TITLE I—STRENGTHENING INTERNATIONAL SANCTIONS AGAINST THE CASTRO GOVERNMENT

SEC. 101. STATEMENT OF POLICY.

It is the sense of the Congress that—

(1) the acts of the Castro government, including its massive, systematic, and extraordinary violations of human rights, are a threat to international peace;

(2) the President should advocate, and should instruct the United States Permanent Representative to the United Nations to propose and seek within the Security Council, a mandatory international embargo against the totalitarian Cuban Government pursuant to chapter VII of the Charter of the United Nations, employing efforts similar to consultations conducted by United States representatives with respect to Haiti;

(3) any resumption of efforts by any independent state of the former Soviet Union to make operational any nuclear facilities in Cuba, and any continuation of intelligence activities by such a state from Cuba that are targeted at the United States and its citizens will have a detrimental impact on United States assistance to such state; and

(4) in view of the threat to the national security posed by the operation of any nuclear facility, and the Castro government's continuing blackmail to unleash another wave of Cuban refugees fleeing from Castro's oppression, most of whom find their way to United States shores, further depleting limited humanitarian and other resources of the United States, the President should do all in his power to make it clear to the Cuban Government that—

(A) the completion and operation of any nuclear power facility, or

(B) any further political manipulation of the desire of Cubans to escape that results in mass migration to the United States,

will be considered an act of aggression which will be met with an appropriate response in order to maintain the security of the national borders of the United States and the health and safety of the American people.

SEC. 102. ENFORCEMENT OF THE ECONOMIC EMBARGO OF CUBA.

(a) POLICY.—

(1) RESTRICTIONS BY OTHER COUNTRIES.—The Congress hereby reaffirms section 1704(a) of the Cuban Democracy Act of 1992, which states that the President should encourage foreign countries to restrict trade and credit relations with Cuba in a manner consistent with the purposes of that Act.

(2) SANCTIONS ON OTHER COUNTRIES.—The Congress further urges the President to take immediate steps to apply the sanctions described in section 1704(b)(1) of that Act against countries assisting Cuba.

(b) DIPLOMATIC EFFORTS.—The Secretary of State should ensure that United States diplomatic personnel abroad understand and, in their contacts with foreign officials, are communicating the reasons for the United States economic embargo of Cuba, and are urging foreign governments to cooperate more effectively with the embargo.

(c) EXISTING REGULATIONS.—The President shall instruct the Secretary of the Treasury and the Attorney General to enforce fully the Cuban Assets Control Regulations set forth in part 515 of title 31, Code of Federal Regulations.

(d) TRADING WITH THE ENEMY ACT.—

(1) CIVIL PENALTIES.—Subsection (b) of section 16 of the Trading with the Enemy Act (50 U.S.C. App. 16(b)), as added by Public Law 102–484, is amended to read as follows:

"(b)(1) A civil penalty of not to exceed $50,000 may be imposed by the Secretary of the Treasury on any person who violates any license, order, rule, or regulation issued in compliance with the provisions of this Act.

"(2) Any property, funds, securities, papers, or other articles or documents, or any vessel, together with its tackle, apparel, furniture, and equipment, that is the subject of a violation under paragraph (1) shall, at the direction of the Secretary of the Treasury, be forfeited to the United States Government.

"(3) The penalties provided under this subsection may be imposed only on the record after opportunity for an agency hearing in accordance with sections 554 through 557 of title 5, United States Code, with the right to prehearing discovery.

"(4) Judicial review of any penalty imposed under this subsection may be had to the extent provided in section 702 of title 5, United States Code.".

(2) CONFORMING AMENDMENT.—Section 16 of the Trading with the Enemy Act is further amended by striking subsection (b), as added by Public Law 102–393.

(3) CLERICAL AMENDMENTS.—Section 16 of the Trading with the Enemy Act is further amended—

(A) by inserting "SEC. 16." before "(a)"; and

(B) in subsection (a) by striking "participants" and inserting "participates".

(e) DENIAL OF VISAS TO CERTAIN CUBAN NATIONALS.—It is the sense of the Congress that the President should instruct the Secretary of State and the Attorney General to enforce fully existing regulations to deny visas to Cuban nationals considered by the Secretary of State to be officers or employees of the Cuban Government or of the Communist Party of Cuba.

(f) COVERAGE OF DEBT-FOR-EQUITY SWAPS BY ECONOMIC EMBARGO OF CUBA.—Section 1704(b)(2) of the Cuban Democracy Act of 1992 (22 U.S.C. 6003(b)(2)) is amended—

(1) by striking "and" at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph:

"(B) includes an exchange, reduction, or forgiveness of Cuban debt owed to a foreign country in return for a grant of an equity interest in a property, investment, or operation of the Government of Cuba (including the government of any political subdivision of Cuba, and any agency or instrumentality of the Government of Cuba) or of a Cuban national; and"; and

(4) by adding at the end the following flush sentence: "As used in this paragraph, the term 'agency or instrumentality of the Government of Cuba' means an agency or instrumentality of a foreign state as defined in section 1603(b) of title 28, United States Code, with each reference in such section to 'a foreign state' deemed to be a reference to 'Cuba'.".

(g) TELECOMMUNICATIONS SERVICES.—Section 1705(e) of the Cuban Democracy Act of 1992 (22 U.S.C. 6004(e)) is amended by adding at the end the following new paragraphs:

"(5) PROHIBITION ON INVESTMENT IN DOMESTIC TELECOMMUNICATIONS SERVICES.—Nothing in this subsection shall be construed to authorize the investment by any United States person in the domestic telecommunications network within Cuba. For purposes of this paragraph, an 'investment' in the domestic telecommunications network within Cuba includes the contribution (including by donation) of funds or anything of value to or for, and the making of loans to or for, such network.

"(6) REPORTS TO CONGRESS.—The President shall submit to the Congress on a semiannual basis a report detailing payments made to Cuba by any United States person as a result of the provision of telecommunications services authorized by this subsection.".

(h) CODIFICATION OF ECONOMIC EMBARGO.—The economic embargo of Cuba, as in effect on March 1, 1996, including all restrictions under part 515 of title 31, Code of Federal Regulations, shall be in effect upon the enactment of this Act, and shall remain in effect, subject to section 204 of this Act.

SEC. 103. PROHIBITION AGAINST INDIRECT FINANCING OF CUBA.

(a) PROHIBITION.—Notwithstanding any other provision of law, no loan, credit, or other financing may be extended knowingly by a United States national, a permanent resident alien, or a United States agency to any person for the purpose of financing transactions involving any confiscated property the claim to which is owned by a United States national as of the date of the enactment of this Act, except for financing by the United States national owning such claim for a transaction permitted under United States law.

(b) SUSPENSION AND TERMINATION OF PROHIBITION.—

(1) SUSPENSION.—The President is authorized to suspend the prohibition contained in subsection (a) upon a determination made under section 203(c)(1) that a transition government in Cuba is in power.

(2) TERMINATION.—The prohibition contained in subsection (a) shall cease to apply on the date on which the economic embargo of Cuba terminates as provided in section 204.

(c) PENALTIES.—Violations of subsection (a) shall be punishable by such civil penalties as are applicable to violations of the Cuban Assets Control Regulations set forth in part 515 of title 31, Code of Federal Regulations.

(d) DEFINITIONS.—As used in this section—

(1) the term "permanent resident alien" means an alien lawfully admitted for permanent residence into the United States; and

(2) the term "United States agency" has the meaning given the term "agency" in section 551(1) of title 5, United States Code.

SEC. 104. UNITED STATES OPPOSITION TO CUBAN MEMBERSHIP IN INTERNATIONAL FINANCIAL INSTITUTIONS.

(a) CONTINUED OPPOSITION TO CUBAN MEMBERSHIP IN INTERNATIONAL FINANCIAL INSTITUTIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of the Treasury shall instruct the United States executive director of each international financial institution to use the voice and vote of the United States to oppose the admission of Cuba as a member of such institution until the President submits a determination under section 203(c)(3) that a democratically elected government in Cuba is in power.

(2) TRANSITION GOVERNMENT.—Once the President submits a determination under section 203(c)(1) that a transition government in Cuba is in power—

(A) the President is encouraged to take steps to support the processing of Cuba's application for membership in any international financial institution, subject to the membership taking effect after a democratically elected government in Cuba is in power, and

(B) the Secretary of the Treasury is authorized to instruct the United States executive director of each international financial institution to support loans or other assistance to Cuba only to the extent that such loans or assistance contribute to a stable foundation for a democratically elected government in Cuba.

(b) REDUCTION IN UNITED STATES PAYMENTS TO INTERNATIONAL FINANCIAL INSTITUTIONS.—If any international financial institution approves a loan or other assistance to the Cuban Government over the opposition of the United States, then the Secretary of the Treasury shall withhold from payment to such institution an amount equal to the amount of the loan or other assistance, with respect to either of the following types of payment:

(1) The paid-in portion of the increase in capital stock of the institution.

(2) The callable portion of the increase in capital stock of the institution.

(c) DEFINITION.—For purposes of this section, the term "international financial institution" means the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the Inter-American Development Bank.

SEC. 105. UNITED STATES OPPOSITION TO TERMINATION OF THE SUSPENSION OF THE CUBAN GOVERNMENT FROM PARTICIPATION IN THE ORGANIZATION OF AMERICAN STATES.

The President should instruct the United States Permanent Representative to the Organization of American States to oppose and vote against any termination of the suspension of the Cuban Government from participation in the Organization until the President determines under section 203(c)(3) that a democratically elected government in Cuba is in power.

SEC. 106. ASSISTANCE BY THE INDEPENDENT STATES OF THE FORMER SOVIET UNION FOR THE CUBAN GOVERNMENT.

(a) REPORTING REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report detailing progress toward the withdrawal of personnel of any independent state of the former Soviet Union (within the meaning of section 3 of the FREEDOM Support Act (22 U.S.C. 5801)), including advisers, technicians, and military personnel, from the Cienfuegos nuclear facility in Cuba.

(b) CRITERIA FOR ASSISTANCE.—Section 498A(a)(11) of the Foreign Assistance Act of 1961 (22 U.S.C. 2295a(a)(11)) is amended by striking "of military facilities" and inserting "military and intelligence facilities, including the military and intelligence facilities at Lourdes and Cienfuegos".

(c) INELIGIBILITY FOR ASSISTANCE.—

(1) IN GENERAL.—Section 498A(b) of that Act (22 U.S.C. 2295a(b)) is amended—

(A) by striking "or" at the end of paragraph (4);

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by inserting after paragraph (4) the following new paragraph:

"(5) for the government of any independent state effective 30 days after the President has determined and certified to the appropriate congressional committees (and Congress has not enacted legislation disapproving the determination within that 30-day period) that such government is providing assistance for, or engaging in nonmarket based trade (as defined in section 498B(k)(3)) with, the Cuban Government; or".

(2) DEFINITION.—Subsection (k) of section 498B of that Act (22 U.S.C. 2295b(k)) is amended by adding at the end the following new paragraphs:

"(3) NONMARKET BASED TRADE.—As used in section 498A(b)(5), the term 'nonmarket based trade' includes exports, imports, exchanges, or other arrangements that are provided for goods and services (including oil and other petroleum products) on terms more favorable than those generally available in applicable markets or for comparable commodities, including—

"(A) exports to the Cuban Government on terms that involve a grant, concessional price, guaranty, insurance, or subsidy;

"(B) imports from the Cuban Government at preferential tariff rates;

"(C) exchange arrangements that include advance delivery of commodities, arrangements in which the Cuban Government is not held accountable for unfulfilled exchange contracts, and arrangements under which Cuba does not pay appropriate transportation, insurance, or finance costs; and

"(D) the exchange, reduction, or forgiveness of debt of the Cuban Government in return for a grant by the Cuban Government of an equity interest in a property, investment, or operation of the Cuban Government or of a Cuban national.

"(4) CUBAN GOVERNMENT.—(A) The term 'Cuban Government' includes the government of any political subdivision of Cuba, and any agency or instrumentality of the Government of Cuba.

"(B) For purposes of subparagraph (A), the term 'agency or instrumentality of the Government of Cuba' means an agency or instrumentality of a foreign state as defined in section 1603(b) of title 28, United States Code, with each reference in such section to 'a foreign state' deemed to be a reference to 'Cuba'.".

(3) EXCEPTION.—Section 498A(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2295A(c)) is amended by inserting after paragraph (3) the following new paragraph:

"(4) The assistance is provided under the secondary school exchange program administered by the United States Information Agency.".

(d) FACILITIES AT LOURDES, CUBA.—

(1) DISAPPROVAL OF CREDITS.—The Congress expresses its strong disapproval of the extension by Russia of credits equivalent to $200,000,000 in support of the intelligence facility at Lourdes, Cuba, in November 1994.

(2) REDUCTION IN ASSISTANCE.—Section 498A of the Foreign Assistance Act of 1961 (22 U.S.C. 2295a) is amended by adding at the end the following new subsection:

"(d) REDUCTION IN ASSISTANCE FOR SUPPORT OF INTELLIGENCE FACILITIES IN CUBA.—

"(1) REDUCTION IN ASSISTANCE.—Notwithstanding any other provision of law, the President shall withhold from assistance provided, on or after the date of the enactment of this subsection, for an independent state of the former Soviet Union under this Act an amount equal to the sum of assistance and credits, if any, provided on or after such date by such state in support of intelligence facilities in Cuba, including the intelligence facility at Lourdes, Cuba.

"(2) WAIVER.—(A) The President may waive the requirement of paragraph (1) to withhold assistance if the President certifies to the appropriate congressional committees that the provision of such assistance is important to the national security of the United States, and, in the case of such a certification made with respect to Russia, if the President certifies that the Russian Government has assured the United States Government that the Russian Government is not sharing intelligence data collected at the Lourdes facility with officials or agents of the Cuban Government.

"(B) At the time of a certification made with respect to Russia under subparagraph (A), the President shall also submit to the appropriate congressional committees a report describing the intelligence activities of Russia in Cuba, including the purposes for which the Lourdes facility is used by the Russian Government and the extent to which the Russian Government provides payment or government credits to the Cuban Government for the continued use of the Lourdes facility.

"(C) The report required by subparagraph (B) may be submitted in classified form.

"(D) For purposes of this paragraph, the term 'appropriate congressional committees' includes the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

"(3) EXCEPTIONS TO REDUCTIONS IN ASSISTANCE.—The requirement of paragraph (1) to withhold assistance shall not apply with respect to—

"(A) assistance to meet urgent humanitarian needs, including disaster and refugee relief;

"(B) democratic political reform or rule of law activities;

"(C) technical assistance for safety upgrades of civilian nuclear power plants;

"(D) the creation of private sector or nongovernmental organizations that are independent of government control;

"(E) the development of a free market economic system;

"(F) assistance under the secondary school exchange program administered by the United States Information Agency; or

"(G) assistance for the purposes described in the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103–160).".

SEC. 107. TELEVISION BROADCASTING TO CUBA.

(a) CONVERSION TO UHF.—The Director of the United States Information Agency shall implement a conversion of television broadcasting to Cuba under the Television Marti Service to ultra high frequency (UHF) broadcasting.

(b) PERIODIC REPORTS.—Not later than 45 days after the date of the enactment of this Act, and every three months thereafter until the conversion described in subsection (a) is fully implemented, the Director of the United States Information Agency shall submit a report to the appropriate congressional committees on the progress made in carrying out subsection (a).

(c) TERMINATION OF BROADCASTING AUTHORITIES.—Upon transmittal of a determination under section 203(c)(3), the Television Broadcasting to Cuba Act (22 U.S.C. 1465aa and following) and the Radio Broadcasting to Cuba Act (22 U.S.C. 1465 and following) are repealed.

SEC. 108. REPORTS ON COMMERCE WITH, AND ASSISTANCE TO, CUBA FROM OTHER FOREIGN COUNTRIES.

(a) REPORTS REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and by January 1 of each year thereafter until the President submits a determination under section 203(c)(1), the President shall submit a report to the appropriate congressional committees on commerce with, and assistance to, Cuba from other foreign countries during the preceding 12-month period.

(b) CONTENTS OF REPORTS.—Each report required by subsection (a) shall, for the period covered by the report, contain the following, to the extent such information is available:

(1) A description of all bilateral assistance provided to Cuba by other foreign countries, including humanitarian assistance.

(2) A description of Cuba's commerce with foreign countries, including an identification of Cuba's trading partners and the extent of such trade.

(3) A description of the joint ventures completed, or under consideration, by foreign nationals and business firms involving facilities in Cuba, including an identification of the location of the facilities involved and a description of the terms of agreement of the joint ventures and the names of the parties that are involved.

(4) A determination as to whether or not any of the facilities described in paragraph (3) is the subject of a claim against Cuba by a United States national.

(5) A determination of the amount of debt of the Cuban Government that is owed to each foreign country, including—

(A) the amount of debt exchanged, forgiven, or reduced under the terms of each investment or operation in Cuba involving foreign nationals; and

(B) the amount of debt owed the foreign country that has been exchanged, forgiven, or reduced in return for a grant by the Cuban Government of an equity interest in a property, investment, or operation of the Cuban Government or of a Cuban national.

(6) A description of the steps taken to assure that raw materials and semifinished or finished goods produced by facilities in Cuba involving foreign nationals do not enter the United States market, either directly or through third countries or parties.

(7) An identification of countries that purchase, or have purchased, arms or military supplies from Cuba or that otherwise have entered into agreements with Cuba that have a military application, including—

(A) a description of the military supplies, equipment, or other material sold, bartered, or exchanged between Cuba and such countries,

(B) a listing of the goods, services, credits, or other consideration received by Cuba in exchange for military supplies, equipment, or material, and

(C) the terms or conditions of any such agreement.

SEC. 109. AUTHORIZATION OF SUPPORT FOR DEMOCRATIC AND HUMAN RIGHTS GROUPS AND INTERNATIONAL OBSERVERS.

(a) AUTHORIZATION.—Notwithstanding any other provision of law (including section 102 of this Act), except for section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1) and comparable notification requirements contained in any Act making appropriations for foreign operations, export financing, and related programs, the President is authorized to furnish assistance and provide other support for individuals and independent nongovernmental organizations to support democracy-building efforts for Cuba, including the following:

(1) Published and informational matter, such as books, videos, and cassettes, on transitions to democracy, human rights, and market economies, to be made available to independent democratic groups in Cuba.

(2) Humanitarian assistance to victims of political repression, and their families.

(3) Support for democratic and human rights groups in Cuba.

(4) Support for visits and permanent deployment of independent international human rights monitors in Cuba.

(b) OAS EMERGENCY FUND.—

(1) FOR SUPPORT OF HUMAN RIGHTS AND ELECTIONS.—The President shall take the necessary steps to encourage the Organization of American States to create a special emergency fund for the explicit purpose of deploying human rights observers, election support, and election observation in Cuba.

(2) ACTION OF OTHER MEMBER STATES.—The President should instruct the United States Permanent Representative to the Organization of American States to encourage other member states of the Organization to join in calling for the Cuban Government to allow the immediate deployment of independent human rights monitors of the Organization throughout Cuba and on-site visits to Cuba by the Inter-American Commission on Human Rights.

(3) VOLUNTARY CONTRIBUTIONS FOR FUND.—Notwithstanding section 307 of the Foreign Assistance Act of 1961 (22 U.S.C. 2227) or any other provision of law limiting the United States proportionate share of assistance to Cuba by any international organization, the President should provide not less than $5,000,000 of the voluntary contributions of the United States to the Organization of American States solely for the purposes of the special fund referred to in paragraph (1).

(c) DENIAL OF FUNDS TO THE CUBAN GOVERNMENT.—In implementing this section, the President shall take all necessary steps to ensure that no funds or other assistance is provided to the Cuban Government.

SEC. 110. IMPORTATION SAFEGUARD AGAINST CERTAIN CUBAN PRODUCTS.

(a) PROHIBITION ON IMPORT OF AND DEALINGS IN CUBAN PRODUCTS.—The Congress notes that section 515.204 of title 31, Code of Federal Regulations, prohibits the entry of, and dealings outside the United States in, merchandise that—

(1) is of Cuban origin;

(2) is or has been located in or transported from or through Cuba; or

(3) is made or derived in whole or in part of any article which is the growth, produce, or manufacture of Cuba.

(b) EFFECT OF NAFTA.—The Congress notes that United States accession to the North American Free Trade Agreement does not modify or alter the United States sanctions against Cuba. The statement of administrative action accompanying that trade agreement specifically states the following:

(1) "The NAFTA rules of origin will not in any way diminish the Cuban sanctions program. . . . Nothing in the NAFTA would operate to override this prohibition.".

(2) "Article 309(3) [of the NAFTA] permits the United States to ensure that Cuban products or goods made from Cuban materials are not imported into the United States from Mexico or Canada and that U.S. products are not exported to Cuba through those countries.".

(c) RESTRICTION OF SUGAR IMPORTS.—The Congress notes that section 902(c) of the Food Security Act of 1985 (Public Law 99–198) requires the President not to allocate any of the sugar import quota to a country that is a net importer of sugar unless appropriate officials of that country verify to the President that the country does not import for reexport to the United States any sugar produced in Cuba.

(d) ASSURANCES REGARDING SUGAR PRODUCTS.—Protection of essential security interests of the United States requires assurances that sugar products that are entered, or withdrawn from warehouse for consumption, into the customs territory of the United States are not products of Cuba.

SEC. 111. WITHHOLDING OF FOREIGN ASSISTANCE FROM COUNTRIES SUPPORTING JURAGUA NUCLEAR PLANT IN CUBA.

(a) FINDINGS.—The Congress makes the following findings:

(1) President Clinton stated in April 1993 that the United States opposed the construction of the Juragua nuclear power plant because of the concerns of the United States about Cuba's ability to ensure the safe operation of the facility and because of Cuba's refusal to sign the Nuclear Non-Proliferation Treaty or ratify the Treaty of Tlatelolco.

(2) Cuba has not signed the Treaty on the Non-Proliferation of Nuclear Weapons or ratified the Treaty of Tlatelolco, the latter of which establishes Latin America and the Caribbean as a nuclear weapons-free zone.

(3) The State Department, the Nuclear Regulatory Commission, and the Department of Energy have expressed concerns about the construction and operation of Cuba's nuclear reactors.

(4) In a September 1992 report to the Congress, the General Accounting Office outlined concerns among nuclear energy experts about deficiencies in the nuclear plant project in Juragua, near Cienfuegos, Cuba, including—

(A) a lack in Cuba of a nuclear regulatory structure;

(B) the absence in Cuba of an adequate infrastructure to ensure the plant's safe operation and requisite maintenance;

(C) the inadequacy of training of plant operators;

(D) reports by a former technician from Cuba who, by examining with x-rays weld sites believed to be part of the auxiliary plumbing system for the plant, found that 10 to 15 percent of those sites were defective;

(E) since September 5, 1992, when construction on the plant was halted, the prolonged exposure to the elements, including corrosive salt water vapor, of the primary reactor components; and

(F) the possible inadequacy of the upper portion of the reactors' dome retention capability to withstand only 7 pounds of pressure per square inch, given that normal atmospheric pressure is 32 pounds per square inch and United States reactors are designed to accommodate pressures of 50 pounds per square inch.

(5) The United States Geological Survey claims that it had difficulty determining answers to specific questions regarding earthquake activity in the area near Cienfuegos because the Cuban Government was not forthcoming with information.

(6) The Geological Survey has indicated that the Caribbean plate, a geological formation near the south coast of Cuba, may pose seismic risks to Cuba and the site of the power plant, and may produce large to moderate earthquakes.

(7) On May 25, 1992, the Caribbean plate produced an earthquake numbering 7.0 on the Richter scale.

(8) According to a study by the National Oceanic and Atmospheric Administration, summer winds could carry radioactive pollutants from a nuclear accident at the power plant throughout all of Florida and parts of the States on the coast of the Gulf of Mexico as far as Texas, and northern winds could carry the pollutants as far northeast as Virginia and Washington, D.C.

(9) The Cuban Government, under dictator Fidel Castro, in 1962 advocated the Soviets' launching of nuclear missiles to the United States, which represented a direct and dangerous provocation of the United States and brought the world to the brink of a nuclear conflict.

(10) Fidel Castro over the years has consistently issued threats against the United States Government, most recently that he would unleash another perilous mass migration from Cuba upon the enactment of this Act.

(11) Despite the various concerns about the plant's safety and operational problems, a feasibility study is being conducted that would establish a support group to include Russia, Cuba, and third countries with the objective of completing and operating the plant.

(b) WITHHOLDING OF FOREIGN ASSISTANCE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the President shall withhold from assistance allocated, on or after the date of the enactment of this Act, for any country an amount equal to the sum of assistance and credits, if any, provided on or after such date of enactment by that country or any entity in that country in support of the completion of the Cuban nuclear facility at Juragua, near Cienfuegos, Cuba.

(2) EXCEPTIONS.—The requirement of paragraph (1) to withhold assistance shall not apply with respect to—

(A) assistance to meet urgent humanitarian needs, including disaster and refugee relief;

(B) democratic political reform or rule of law activities;

(C) the creation of private sector or nongovernmental organizations that are independent of government control;

(D) the development of a free market economic system;

(E) assistance for the purposes described in the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103–160); or

(F) assistance under the secondary school exchange program administered by the United States Information Agency.

(3) DEFINITION.—As used in paragraph (1), the term "assistance" means assistance under the Foreign Assistance Act of 1961, credits, sales, guarantees of extensions of credit, and other assistance under the Arms Export Control Act, assistance under titles I and III of the Agricultural Trade Development and Assistance Act of 1954, assistance under the FREEDOM Support Act, and any other program of assistance or credits provided by the United States to other countries under other provisions of law.

SEC. 112. REINSTITUTION OF FAMILY REMITTANCES AND TRAVEL TO CUBA.

It is the sense of the Congress that the President should—

(1)(A) before considering the reinstitution of general licenses for family remittances to Cuba, insist that, prior to such reinstitution, the Cuban Government permit the unfettered operation of small businesses fully empowered with the right to hire others to whom they may pay wages and to buy materials necessary in the operation of the businesses, and with such other authority and freedom as are required to foster the operation of small businesses throughout Cuba; and

(B) if licenses described in subparagraph (A) are reinstituted, require a specific license for remittances described in subparagraph (A) in amounts of more than $500; and

(2) before considering the reinstitution of general licenses for travel to Cuba by individuals resident in the United States who are family members of Cuban nationals who are resident in Cuba, insist on such actions by the Cuban Government as abrogation of the sanction for departure from Cuba by refugees, release of political prisoners, recognition of the right of association, and other fundamental freedoms.

SEC. 113. EXPULSION OF CRIMINALS FROM CUBA.

The President shall instruct all United States Government officials who engage in official contacts with the Cuban Government to raise on a regular basis the extradition of or rendering to the United States all persons residing in Cuba who are sought by the United States Department of Justice for crimes committed in the United States.

SEC. 114. NEWS BUREAUS IN CUBA.

(a) ESTABLISHMENT OF NEWS BUREAUS.—The President is authorized to establish and implement an exchange of news bureaus between the United States and Cuba, if the exchange meets the following conditions:

(1) The exchange is fully reciprocal.

(2) The Cuban Government agrees not to interfere with the establishment of news bureaus or with the movement in Cuba of journalists of any United States-based news organizations, including Radio Marti and Television Marti.

(3) The Cuban Government agrees not to interfere with decisions of United States-based news organizations with respect to individuals assigned to work as journalists in their news bureaus in Cuba.

(4) The Department of the Treasury is able to ensure that only accredited journalists regularly employed with a news gathering organization travel to Cuba under this subsection.

(5) The Cuban Government agrees not to interfere with the transmission of telecommunications signals of news bureaus or with the distribution within Cuba of publications of any United States-based news organization that has a news bureau in Cuba.

(b) ASSURANCE AGAINST ESPIONAGE.—In implementing this section, the President shall take all necessary steps to ensure the safety and security of the United States against espionage by Cuban journalists it believes to be working for the intelligence agencies of the Cuban Government.

(c) FULLY RECIPROCAL.—As used in subsection (a)(1), the term "fully reciprocal" means that all news services, news organizations, and broadcasting services, including such services or organizations that receive financing, assistance, or other support from a governmental or official source, are permitted to establish and operate a news bureau in the United States and Cuba.

SEC. 115. EFFECT OF ACT ON LAWFUL UNITED STATES GOVERNMENT ACTIVITIES.

Nothing in this Act prohibits any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency, or of an intelligence agency, of the United States.

SEC. 116. CONDEMNATION OF CUBAN ATTACK ON AMERICAN AIRCRAFT.

(a) FINDINGS.—The Congress makes the following findings:

(1) Brothers to the Rescue is a Miami-based humanitarian organization engaged in searching for and aiding Cuban refugees in the Straits of Florida, and was engaged in such a mission on Saturday, February 24, 1996.

(2) The members of Brothers to the Rescue were flying unarmed and defenseless planes in a mission identical to hundreds they have flown since 1991 and posted no threat whatsoever to the Cuban Government, the Cuban military, or the Cuban people.

(3) Statements by the Cuban Government that Brothers to the Rescue has engaged in covert operations, bombing campaigns, and commando operations against the Government of Cuba have no basis in fact.

(4) The Brothers to the Rescue aircraft notified air traffic controllers as to their flight plans, which would take them south of the 24th parallel and close to Cuban airspace.

(5) International law provides a nation with airspace over the 12-mile territorial sea.

(6) The response of Fidel Castro's dictatorship to Saturday's afternoon flight was to scramble 2 fighter jets from a Havana airfield.

(7) At approximately 3:24 p.m., the pilot of one of the Cuban MiGs received permission and proceeded to shoot down one Brothers to the Rescue airplane more than 6 miles north of the Cuban exclusion zone, or 18 miles from the Cuban coast.

(8) Approximately 7 minutes later, the pilot of the Cuban fighter jet received permission and proceeded to shoot down the second Brothers to the Rescue airplane almost 18.5 miles north of the Cuban exclusion zone, or 30.5 miles from the Cuban coast.

(9) The Cuban dictatorship, if it truly felt threatened by the flight of these unarmed aircraft, could have and should have pursued other peaceful options as required by international law.

(10) The response chosen by Fidel Castro, the use of lethal force, was completely inappropriate to the situation presented to the Cuban Government, making such actions a blatant and barbaric violation of international law and tantamount to cold-blooded murder.

(11) There were no survivors of the attack on these aircraft, and the crew of a third aircraft managed to escape this criminal attack by Castro's Air Force.

(12) The crew members of the destroyed planes, Pablo Morales, Carlos Costa, Mario de la Pena, and Armando Alejandre, were United States citizens from Miami flying with Brothers to the Rescue on a voluntary basis.

(13) It is incumbent upon the United States Government to protect the lives and livelihoods of United States citizens as well as the rights of free passage and humanitarian missions.

(14) This premeditated act took place after a week-long waive of repression by the Cuban Government against Concilio Cubano, an umbrella organization of human rights activists, dissidents, independent economists, and independent journalists, among others.

(15) The waive of repression against Concilio Cubano, whose membership is committed to peaceful democratic change in Cuba, included arrests, strip searches, house arrests, and in some cases sentences to more than 1 year in jail.

(b) STATEMENTS BY THE CONGRESS.—(1) The Congress strongly condemns the act of terrorism by the Castro regime in shooting down the Brothers to the Rescue aircraft on February 24, 1996.

(2) The Congress extends its condolences to the families of Pablo Morales, Carlos Costa, Mario de la Pena, and Armando Alejandre, the victims of the attack.

(3) The Congress urges the President to seek, in the International Court of Justice, indictment for this act of terrorism by Fidel Castro.

TITLE II—ASSISTANCE TO A FREE AND INDEPENDENT CUBA

SEC. 201. POLICY TOWARD A TRANSITION GOVERNMENT AND A DEMOCRATICALLY ELECTED GOVERNMENT IN CUBA.

The policy of the United States is as follows:

(1) To support the self-determination of the Cuban people.

(2) To recognize that the self-determination of the Cuban people is a sovereign and national right of the citizens of Cuba which must be exercised free of interference by the government of any other country.

(3) To encourage the Cuban people to empower themselves with a government which reflects the self-determination of the Cuban people.

(4) To recognize the potential for a difficult transition from the current regime in Cuba that may result from the initiatives taken by the Cuban people for self-determination in response to the intransigence of the Castro regime in not allowing any substantive political or economic reforms, and to be prepared to provide the Cuban people with humanitarian, developmental, and other economic assistance.

(5) In solidarity with the Cuban people, to provide appropriate forms of assistance—

(A) to a transition government in Cuba;

(B) to facilitate the rapid movement from such a transition government to a democratically elected government in Cuba that results from an expression of the self-determination of the Cuban people; and

(C) to support such a democratically elected government.

(6) Through such assistance, to facilitate a peaceful transition to representative democracy and a market economy in Cuba and to consolidate democracy in Cuba.

(7) To deliver such assistance to the Cuban people only through a transition government in Cuba, through a democratically elected government in Cuba, through United States Government organizations, or through United States, international, or indigenous nongovernmental organizations.

(8) To encourage other countries and multilateral organizations to provide similar assistance, and to work cooperatively with such countries and organizations to coordinate such assistance.

(9) To ensure that appropriate assistance is rapidly provided and distributed to the people of Cuba upon the institution of a transition government in Cuba.

(10) Not to provide favorable treatment or influence on behalf of any individual or entity in the selection by the Cuban people of their future government.

(11) To assist a transition government in Cuba and a democratically elected government in Cuba to prepare the Cuban military forces for an appropriate role in a democracy.

(12) To be prepared to enter into negotiations with a democratically elected government in Cuba either to return the United States Naval Base at Guantanamo to Cuba or to renegotiate the present agreement under mutually agreeable terms.

(13) To consider the restoration of diplomatic recognition and support the reintegration of the Cuban Government into Inter-American organizations when the President determines that there exists a democratically elected government in Cuba.

(14) To take steps to remove the economic embargo of Cuba when the President determines that a transition to a democratically elected government in Cuba has begun.

(15) To assist a democratically elected government in Cuba to strengthen and stabilize its national currency.

(16) To pursue trade relations with a free, democratic, and independent Cuba.

SEC. 202. ASSISTANCE FOR THE CUBAN PEOPLE.

(a) AUTHORIZATION.—

(1) IN GENERAL.—The President shall develop a plan for providing economic assistance to Cuba at such time as the President determines that a transition government or a democratically elected government in Cuba (as determined under section 203(c)) is in power.

(2) EFFECT ON OTHER LAWS.—Assistance may be provided under this section subject to an authorization of appropriations and subject to the availability of appropriations.

(b) PLAN FOR ASSISTANCE.—

(1) DEVELOPMENT OF PLAN.—The President shall develop a plan for providing assistance under this section—

(A) to Cuba when a transition government in Cuba is in power; and

(B) to Cuba when a democratically elected government in Cuba is in power.

(2) TYPES OF ASSISTANCE.—Assistance under the plan developed under paragraph (1) may, subject to an authorization of appropriations and subject to the availability of appropriations, include the following:

(A) TRANSITION GOVERNMENT.—(i) Except as provided in clause (ii), assistance to Cuba under a transition government shall, subject to an authorization of appropriations and subject to the availability of appropriations, be limited to—

(I) such food, medicine, medical supplies and equipment, and assistance to meet emergency energy needs, as is necessary to meet the basic human needs of the Cuban people; and

(II) assistance described in subparagraph (C).

(ii) Assistance in addition to assistance under clause (i) may be provided, but only after the President certifies to the appropriate congressional committees, in accordance with procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961, that such assistance is essential to the successful completion of the transition to democracy.

(iii) Only after a transition government in Cuba is in power, freedom of individuals to travel to visit their relatives without any restrictions shall be permitted.

(B) DEMOCRATICALLY ELECTED GOVERNMENT.—Assistance to a democratically elected government in Cuba may, subject to an authorization of appropriations and subject to the availability of appropriations, consist of economic assistance in addition to assistance available under subparagraph (A), together with assistance described in subparagraph (C). Such economic assistance may include—

(i) assistance under chapter 1 of part I (relating to development assistance), and chapter 4 of part II (relating to the economic support fund), of the Foreign Assistance Act of 1961;

(ii) assistance under the Agricultural Trade Development and Assistance Act of 1954;

(iii) financing, guarantees, and other forms of assistance provided by the Export-Import Bank of the United States;

(iv) financial support provided by the Overseas Private Investment Corporation for investment projects in Cuba;

(v) assistance provided by the Trade and Development Agency;

(vi) Peace Corps programs; and

(vii) other appropriate assistance to carry out the policy of section 201.

(C) MILITARY ADJUSTMENT ASSISTANCE.—Assistance to a transition government in Cuba and to a democratically elected government in Cuba shall also include assistance in preparing the Cuban military forces to adjust to an appropriate role in a democracy.

(c) STRATEGY FOR DISTRIBUTION.—The plan developed under subsection (b) shall include a strategy for distributing assistance under the plan.

(d) DISTRIBUTION.—Assistance under the plan developed under subsection (b) shall be provided through United States Government organizations and nongovernmental organizations and private and voluntary organizations, whether within or outside the United States, including humanitarian, educational, labor, and private sector organizations.

(e) INTERNATIONAL EFFORTS.—The President shall take the necessary steps—

(1) to seek to obtain the agreement of other countries and of international financial institutions and multilateral organizations to provide to a transition government in Cuba, and to a democratically elected government in Cuba, assistance comparable to that provided by the United States under this Act; and

(2) to work with such countries, institutions, and organizations to coordinate all such assistance programs.

(f) COMMUNICATION WITH THE CUBAN PEOPLE.—The President shall take the necessary steps to communicate to the Cuban people the plan for assistance developed under this section.

(g) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report describing in detail the plan developed under this section.

(h) REPORT ON TRADE AND INVESTMENT RELATIONS.—

(1) REPORT TO CONGRESS.—The President, following the transmittal to the Congress of a determination under section 203(c)(3) that a democratically elected government in Cuba is in power, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate and the appropriate congressional committees a report that describes—

(A) acts, policies, and practices which constitute significant barriers to, or distortions of, United States trade in goods or services or foreign direct investment with respect to Cuba;

(B) policy objectives of the United States regarding trade relations with a democratically elected government in Cuba, and the reasons therefor, including possible—

(i) reciprocal extension of nondiscriminatory trade treatment (most-favored-nation treatment);

(ii) designation of Cuba as a beneficiary developing country under title V of the Trade Act of 1974 (relating to the Generalized System of Preferences) or as a beneficiary country under the Caribbean Basin Economic Recovery Act, and the implications of such designation with respect to trade with any other country that is such a beneficiary developing country or beneficiary country or is a party to the North American Free Trade Agreement; and

(iii) negotiations regarding free trade, including the accession of Cuba to the North American Free Trade Agreement;

(C) specific trade negotiating objectives of the United States with respect to Cuba, including the objectives described in section 108(b)(5) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3317(b)(5)); and

(D) actions proposed or anticipated to be undertaken, and any proposed legislation necessary or appropriate, to achieve any of such policy and negotiating objectives.

(2) CONSULTATION.—The President shall consult with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate and the appropriate congressional committees and shall seek advice from the appropriate advisory committees established under section 135 of the Trade Act of 1974 regarding the policy and negotiating objectives and the legislative proposals described in paragraph (1).

SEC. 203. COORDINATION OF ASSISTANCE PROGRAM; IMPLEMENTATION AND REPORTS TO CONGRESS; REPROGRAMMING.

(a) COORDINATING OFFICIAL.—The President shall designate a coordinating official who shall be responsible for—

(1) implementing the strategy for distributing assistance described in section 202(b);

(2) ensuring the speedy and efficient distribution of such assistance; and

(3) ensuring coordination among, and appropriate oversight by, the agencies of the United States that provide assistance described in section 202(b), including resolving any disputes among such agencies.

(b) UNITED STATES-CUBA COUNCIL.—Upon making a determination under subsection (c)(3) that a democratically elected government in Cuba is in power, the President, after consultation with the coordinating official, is authorized to designate a United States-Cuba council—

(1) to ensure coordination between the United States Government and the private sector in responding to change in Cuba, and in promoting market-based development in Cuba; and

(2) to establish periodic meetings between representatives of the United States and Cuban private sectors for the purpose of facilitating bilateral trade.

(c) IMPLEMENTATION OF PLAN; REPORTS TO CONGRESS.—

(1) IMPLEMENTATION WITH RESPECT TO TRANSITION GOVERNMENT.—Upon making a determination that a transition government in Cuba is in power, the President shall transmit that determination to the appropriate congressional committees and shall, subject to an authorization of appropriations and subject to the availability of appropriations, commence the delivery and distribution of assistance to such transition government under the plan developed under section 202(b).

(2) REPORTS TO CONGRESS.—(A) The President shall transmit to the appropriate congressional committees a report setting forth the strategy for providing assistance described in section 202(b)(2) (A) and (C) to the transition government in Cuba under the plan of assistance developed under section 202(b), the types of such assistance, and the extent to which such assistance has been distributed in accordance with the plan.

(B) The President shall transmit the report not later than 90 days after making the determination referred to in paragraph (1), except that the President shall transmit the report in preliminary form not later than 15 days after making that determination.

(3) IMPLEMENTATION WITH RESPECT TO DEMOCRATICALLY ELECTED GOVERNMENT.—The President shall, upon determining that a democratically elected government in Cuba is in power, submit that determination to the appropriate congressional committees and shall, subject to an authorization of appropriations and subject

to the availability of appropriations, commence the delivery and distribution of assistance to such democratically elected government under the plan developed under section 202(b).

(4) ANNUAL REPORTS TO CONGRESS.—Not later than 60 days after the end of each fiscal year, the President shall transmit to the appropriate congressional committees a report on the assistance provided under the plan developed under section 202(b), including a description of each type of assistance, the amounts expended for such assistance, and a description of the assistance to be provided under the plan in the current fiscal year.

(d) REPROGRAMMING.—Any changes in the assistance to be provided under the plan developed under section 202(b) may not be made unless the President notifies the appropriate congressional committees at least 15 days in advance in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1).

SEC. 204. TERMINATION OF THE ECONOMIC EMBARGO OF CUBA.

(a) PRESIDENTIAL ACTIONS.—Upon submitting a determination to the appropriate congressional committees under section 203(c)(1) that a transition government in Cuba is in power, the President, after consultation with the Congress, is authorized to take steps to suspend the economic embargo of Cuba and to suspend the right of action created in section 302 with respect to actions thereafter filed against the Cuban Government, to the extent that such steps contribute to a stable foundation for a democratically elected government in Cuba.

(b) SUSPENSION OF CERTAIN PROVISIONS OF LAW.—In carrying out subsection (a), the President may suspend the enforcement of—

(1) section 620(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a));

(2) section 620(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(f)) with respect to the "Republic of Cuba";

(3) sections 1704, 1705(d), and 1706 of the Cuban Democracy Act of 1992 (22 U.S.C. 6003, 6004(d), and 6005);

(4) section 902(c) of the Food Security Act of 1985; and

(5) the prohibitions on transactions described in part 515 of title 31, Code of Federal Regulations.

(c) ADDITIONAL PRESIDENTIAL ACTIONS.—Upon submitting a determination to the appropriate congressional committees under section 203(c)(3) that a democratically elected government in Cuba is in power, the President shall take steps to terminate the economic embargo of Cuba, including the restrictions under part 515 of title 31, Code of Federal Regulations.

(d) CONFORMING AMENDMENTS.—On the date on which the President submits a determination under section 203(c)(3)—

(1) section 620(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a)) is repealed;

(2) section 620(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(f)) is amended by striking "Republic of Cuba";

(3) sections 1704, 1705(d), and 1706 of the Cuban Democracy Act of 1992 (22 U.S.C. 6003, 6004(d), and 6005) are repealed; and

(4) section 902(c) of the Food Security Act of 1985 is repealed.

(e) REVIEW OF SUSPENSION OF ECONOMIC EMBARGO.—

(1) REVIEW.—If the President takes action under subsection (a) to suspend the economic embargo of Cuba, the President shall immediately so notify the Congress. The President shall report to the Congress no less frequently than every 6 months thereafter, until he submits a determination under section 203(c)(3) that a democratically elected government in Cuba is in power, on the progress being made by Cuba toward the establishment of such a democratically elected government. The action of the President under subsection (a) shall cease to be effective upon the enactment of a joint resolution described in paragraph (2).

(2) JOINT RESOLUTIONS.—For purposes of this subsection, the term "joint resolution" means only a joint resolution of the 2 Houses of Congress, the matter after the resolving clause of which is as follows: "That the Congress disapproves the action of the President under section 204(a) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 to suspend the economic embargo of Cuba, notice of which was submitted to the Congress on ____.", with the blank space being filled with the appropriate date.

(3) REFERRAL TO COMMITTEES.—Joint resolutions introduced in the House of Representatives shall be referred to the Committee on International Relations and joint resolutions introduced in the Senate shall be referred to the Committee on Foreign Relations.

(4) PROCEDURES.—(A) Any joint resolution shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(B) For the purpose of expediting the consideration and enactment of joint resolutions, a motion to proceed to the consideration of any joint resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

(C) Not more than 1 joint resolution may be considered in the House of Representatives and the Senate in the 6-month period beginning on the date on which the President notifies the Congress under paragraph (1) of the action taken under subsection (a), and in each 6-month period thereafter.

SEC. 205. REQUIREMENTS AND FACTORS FOR DETERMINING A TRANSITION GOVERNMENT.

(a) REQUIREMENTS.—For the purposes of this Act, a transition government in Cuba is a government that—

(1) has legalized all political activity;

(2) has released all political prisoners and allowed for investigations of Cuban prisons by appropriate international human rights organizations;

(3) has dissolved the present Department of State Security in the Cuban Ministry of the Interior, including the Committees for the Defense of the Revolution and the Rapid Response Brigades; and

(4) has made public commitments to organizing free and fair elections for a new government—

(A) to be held in a timely manner within a period not to exceed 18 months after the transition government assumes power;

(B) with the participation of multiple independent political parties that have full access to the media on an equal basis, including (in the case of radio, television, or other telecommunications media) in terms of allotments of time for such access and the times of day such allotments are given; and

(C) to be conducted under the supervision of internationally recognized observers, such as the Organization of American States, the United Nations, and other election monitors;

(5) has ceased any interference with Radio Marti or Television Marti broadcasts;

(6) makes public commitments to and is making demonstrable progress in—

(A) establishing an independent judiciary;

(B) respecting internationally recognized human rights and basic freedoms as set forth in the Universal Declaration of Human Rights, to which Cuba is a signatory nation;

(C) allowing the establishment of independent trade unions as set forth in conventions 87 and 98 of the International Labor Organization, and allowing the establishment of independent social, economic, and political associations;

(7) does not include Fidel Castro or Raul Castro; and

(8) has given adequate assurances that it will allow the speedy and efficient distribution of assistance to the Cuban people.

(b) ADDITIONAL FACTORS.—In addition to the requirements in subsection (a), in determining whether a transition government in Cuba is in power, the President shall take into account the extent to which that government—

(1) is demonstrably in transition from a communist totalitarian dictatorship to representative democracy;

(2) has made public commitments to, and is making demonstrable progress in—

(A) effectively guaranteeing the rights of free speech and freedom of the press, including granting permits to privately owned media and telecommunications companies to operate in Cuba;

(B) permitting the reinstatement of citizenship to Cuban-born persons returning to Cuba;

(C) assuring the right to private property; and

(D) taking appropriate steps to return to United States citizens (and entities which are 50 percent or more beneficially owned by United States citizens) property taken by the Cuban Government from such citizens and entities on or after January 1, 1959, or to provide equitable compensation to such citizens and entities for such property;

(3) has extradited or otherwise rendered to the United States all persons sought by the United States Department of Justice for crimes committed in the United States; and

(4) has permitted the deployment throughout Cuba of independent and unfettered international human rights monitors.

SEC. 206. REQUIREMENTS FOR DETERMINING A DEMOCRATICALLY ELECTED GOVERNMENT.

For purposes of this Act, a democratically elected government in Cuba, in addition to meeting the requirements of section 205(a), is a government which—

(1) results from free and fair elections—

(A) conducted under the supervision of internationally recognized observers; and

(B) in which—

(i) opposition parties were permitted ample time to organize and campaign for such elections; and

(ii) all candidates were permitted full access to the media;

(2) is showing respect for the basic civil liberties and human rights of the citizens of Cuba;

(3) is substantially moving toward a market-oriented economic system based on the right to own and enjoy property;

(4) is committed to making constitutional changes that would ensure regular free and fair elections and the full enjoyment of basic civil liberties and human rights by the citizens of Cuba;

(5) has made demonstrable progress in establishing an independent judiciary; and

(6) has made demonstrable progress in returning to United States citizens (and entities which are 50 percent or more beneficially owned by United States citizens) property taken by the Cuban Government from such citizens and entities on or after January 1, 1959, or providing full compensation for such property in accordance with international law standards and practice.

SEC. 207. SETTLEMENT OF OUTSTANDING UNITED STATES CLAIMS TO CONFISCATED PROPERTY IN CUBA.

(a) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act,

the Secretary of State shall provide a report to the appropriate congressional committees containing an assessment of the property dispute question in Cuba, including—

(1) an estimate of the number and amount of claims to property confiscated by the Cuban Government that are held by United States nationals in addition to those claims certified under section 507 of the International Claims Settlement Act of 1949;

(2) an assessment of the significance of promptly resolving confiscated property claims to the revitalization of the Cuban economy;

(3) a review and evaluation of technical and other assistance that the United States could provide to help either a transition government in Cuba or a democratically elected government in Cuba establish mechanisms to resolve property questions;

(4) an assessment of the role and types of support the United States could provide to help resolve claims to property confiscated by the Cuban Government that are held by United States nationals who did not receive or qualify for certification under section 507 of the International Claims Settlement Act of 1949; and

(5) an assessment of any areas requiring legislative review or action regarding the resolution of property claims in Cuba prior to a change of government in Cuba.

(d) SENSE OF CONGRESS.—It is the sense of the Congress that the satisfactory resolution of property claims by a Cuban Government recognized by the United States remains an essential condition for the full resumption of economic and diplomatic relations between the United States and Cuba.

TITLE III—PROTECTION OF PROPERTY RIGHTS OF UNITED STATES NATIONALS

SEC. 301. FINDINGS.

The Congress makes the following findings:

(1) Individuals enjoy a fundamental right to own and enjoy property which is enshrined in the United States Constitution.

(2) The wrongful confiscation or taking of property belonging to United States nationals by the Cuban Government, and the subsequent exploitation of this property at the expense of the rightful owner, undermines the comity of nations, the free flow of commerce, and economic development.

(3) Since Fidel Castro seized power in Cuba in 1959—

(A) he has trampled on the fundamental rights of the Cuban people; and

(B) through his personal despotism, he has confiscated the property of—

(i) millions of his own citizens;

(ii) thousands of United States nationals; and

(iii) thousands more Cubans who claimed asylum in the United States as refugees because of persecution and later became naturalized citizens of the United States.

(4) It is in the interest of the Cuban people that the Cuban Government respect equally the property rights of Cuban nationals and nationals of other countries.

(5) The Cuban Government is offering foreign investors the opportunity to purchase an equity interest in, manage, or enter into joint ventures using property and assets some of which were confiscated from United States nationals.

(6) This "trafficking" in confiscated property provides badly needed financial benefit, including hard currency, oil, and productive investment and expertise, to the current Cuban Government and thus undermines the foreign policy of the United States—

(A) to bring democratic institutions to Cuba through the pressure of a general economic embargo at a time when the Castro regime has proven to be vulnerable to international economic pressure; and

(B) to protect the claims of United States nationals who had property wrongfully confiscated by the Cuban Government.

(7) The United States Department of State has notified other governments that the transfer to third parties of properties confiscated by the Cuban Government "would complicate any attempt to return them to their original owners".

(8) The international judicial system, as currently structured, lacks fully effective remedies for the wrongful confiscation of property and for unjust enrichment from the use of wrongfully confiscated property by governments and private entities at the expense of the rightful owners of the property.

(9) International law recognizes that a nation has the ability to provide for rules of law with respect to conduct outside its territory that has or is intended to have substantial effect within its territory.

(10) The United States Government has an obligation to its citizens to provide protection against wrongful confiscations by foreign nations and their citizens, including the provision of private remedies.

(11) To deter trafficking in wrongfully confiscated property, United States nationals who were the victims of these confiscations should be endowed with a judicial remedy in the courts of the United States that would deny traffickers any profits from economically exploiting Castro's wrongful seizures.

SEC. 302. LIABILITY FOR TRAFFICKING IN CONFISCATED PROPERTY CLAIMED BY UNITED STATES NATIONALS.

(a) CIVIL REMEDY.—

(1) LIABILITY FOR TRAFFICKING.—(A) Except as otherwise provided in this section, any person that, after the end of the 3-month period beginning on the effective date of this title, traffics in property which was confiscated by the Cuban Government on or after January 1, 1959, shall be liable to any United States national who owns the claim to such property for money damages in an amount equal to the sum of—

(i) the amount which is the greater of—

(I) the amount, if any, certified to the claimant by the Foreign Claims Settlement Commission under the International Claims Settlement Act of 1949, plus interest;

(II) the amount determined under section 303(a)(2), plus interest; or

(III) the fair market value of that property, calculated as being either the current value of the property, or the value of the property when confiscated plus interest, whichever is greater; and

(ii) court costs and reasonable attorneys' fees.

(B) Interest under subparagraph (A)(i) shall be at the rate set forth in section 1961 of title 28, United States Code, computed by the court from the date of confiscation of the property involved to the date on which the action is brought under this subsection.

(2) PRESUMPTION IN FAVOR OF THE CERTIFIED CLAIMS.—There shall be a presumption that the amount for which a person is liable under clause (i) of paragraph (1)(A) is the amount that is certified as described in subclause (I) of that clause. The presumption shall be rebuttable by clear and convincing evidence that the amount described in subclause (II) or (III) of that clause is the appropriate amount of liability under that clause.

(3) INCREASED LIABILITY.—(A) Any person that traffics in confiscated property for which liability is incurred under paragraph (1) shall, if a United States national owns a claim with respect to that property which was certified by the Foreign Claims Settlement Commission under title V of the International Claims Settlement Act of 1949, be liable for damages computed in accordance with subparagraph (C).

(B) If the claimant in an action under this subsection (other than a United States national to whom subparagraph (A) applies) provides, after the end of the 3-month period described in paragraph (1) notice to—

(i) a person against whom the action is to be initiated, or

(ii) a person who is to be joined as a defendant in the action,

at least 30 days before initiating the action or joining such person as a defendant, as the case may be, and that person, after the end of the 30-day period beginning on the date the notice is provided, traffics in the confiscated property that is the subject of the action, then that person shall be liable to that claimant for damages computed in accordance with subparagraph (C).

(C) Damages for which a person is liable under subparagraph (A) or subparagraph (B) are money damages in an amount equal to the sum of—

(i) the amount determined under paragraph (1)(A)(ii), and

(ii) 3 times the amount determined applicable under paragraph (1)(A)(i).

(D) Notice to a person under subparagraph (B)—

(i) shall be in writing;

(ii) shall be posted by certified mail or personally delivered to the person; and

(iii) shall contain—

(I) a statement of intention to commence the action under this section or to join the person as a defendant (as the case may be), together with the reasons therefor;

(II) a demand that the unlawful trafficking in the claimant's property cease immediately; and

(III) a copy of the summary statement published under paragraph (8).

(4) APPLICABILITY.—(A) Except as otherwise provided in this paragraph, actions may be brought under paragraph (1) with respect to property confiscated before, on, or after the date of the enactment of this Act.

(B) In the case of property confiscated before the date of the enactment of this Act, a United States national may not bring an action under this section on a claim to the confiscated property unless such national acquires ownership of the claim before such date of enactment.

(C) In the case of property confiscated on or after the date of the enactment of this Act, a United States national who, after the property is confiscated, acquires ownership of a claim to the property by assignment for value, may not bring an action on the claim under this section.

(5) TREATMENT OF CERTAIN ACTIONS.—(A) In the case of a United States national who was eligible to file a claim with the Foreign Claims Settlement Commission under title V of the International Claims Settlement Act of 1949 but did not so file the claim, that United States national may not bring an action on that claim under this section.

(B) In the case of any action brought under this section by a United States national whose underlying claim in the action was timely filed with the Foreign Claims Settlement Commission under title V of the International Claims Settlement Act of 1949 but was denied by the Commission, the court shall accept the findings of the Commission on the claim as conclusive in the action under this section.

(C) A United States national, other than a United States national bringing an action under this section on a claim certified under title V of the International Claims Settlement Act of 1949, may not bring an action on a claim under this section before the end of the 2-year period beginning on the date of the enactment of this Act.

(D) An interest in property for which a United States national has a claim certified under title V of the International Claims Settlement Act of 1949 may not be the subject of a claim in an action under this section by any other person. Any person bringing an action under this section whose claim has not been so certified shall have the burden of establishing for the court

that the interest in property that is the subject of the claim is not the subject of a claim so certified.

(6) INAPPLICABILITY OF ACT OF STATE DOCTRINE.—No court of the United States shall decline, based upon the act of state doctrine, to make a determination on the merits in an action brought under paragraph (1) .

(7) LICENSES NOT REQUIRED.—(A) Notwithstanding any other provision of law, an action under this section may be brought and may be settled, and a judgment rendered in such action may be enforced, without obtaining any license or other permission from any agency of the United States, except that this paragraph shall not apply to the execution of a judgment against, or the settlement of actions involving, property blocked under the authorities of section 5(b) of the Trading with the Enemy Act that were being exercised on July 1, 1977, as a result of a national emergency declared by the President before such date, and are being exercised on the date of the enactment of this Act.

(B) Notwithstanding any other provision of law, and for purposes of this title only, any claim against the Cuban Government shall not be deemed to be an interest in property the transfer of which to a United States national required before the enactment of this Act, or requires after the enactment of this Act, a license issued by, or the permission of, any agency of the United States.

(8) PUBLICATION BY ATTORNEY GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Attorney General shall prepare and publish in the Federal Register a concise summary of the provisions of this title, including a statement of the liability under this title of a person trafficking in confiscated property, and the remedies available to United States nationals under this title.

(b) AMOUNT IN CONTROVERSY.—An action may be brought under this section by a United States national only where the amount in controversy exceeds the sum or value of $50,000, exclusive of interest, costs, and attorneys' fees. In calculating $50,000 for purposes of the preceding sentence, the applicable amount under subclause (I), (II), or (III) of subsection (a)(1)(A)(i) may not be tripled as provided in subsection (a)(3).

(c) PROCEDURAL REQUIREMENTS.—

(1) IN GENERAL.—Except as provided in this title, the provisions of title 28, United States Code, and the rules of the courts of the United States apply to actions under this section to the same extent as such provisions and rules apply to any other action brought under section 1331 of title 28, United States Code.

(2) SERVICE OF PROCESS.—In an action under this section, service of process on an agency or instrumentality of a foreign state in the conduct of a commercial activity, or against individuals acting under color of law, shall be made in accordance with section 1608 of title 28, United States Code.

(d) ENFORCEABILITY OF JUDGMENTS AGAINST CUBAN GOVERNMENT.—In an action brought under this section, any judgment against an agency or instrumentality of the Cuban Government shall not be enforceable against an agency or instrumentality of either a transition government in Cuba or a democratically elected government in Cuba.

(e) CERTAIN PROPERTY IMMUNE FROM EXECUTION.—Section 1611 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(c) Notwithstanding the provisions of section 1610 of this chapter, the property of a foreign state shall be immune from attachment and from execution in an action brought under section 302 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 to the extent that the property is a facility or installation used by an accredited diplomatic mission for official purposes.".

(f) ELECTION OF REMEDIES.—

(1) ELECTION.—Subject to paragraph (2)—

(A) any United States national that brings an action under this section may not bring any other civil action or proceeding under the common law, Federal law, or the law of any of the several States, the District of Columbia, or any commonwealth, territory, or possession of the United States, that seeks monetary or nonmonetary compensation by reason of the same subject matter; and

(B) any person who brings, under the common law or any provision of law other than this section, a civil action or proceeding for monetary or nonmonetary compensation arising out of a claim for which an action would otherwise be cognizable under this section may not bring an action under this section on that claim.

(2) TREATMENT OF CERTIFIED CLAIMANTS.—(A) In the case of any United States national that brings an action under this section based on a claim certified under title V of the International Claims Settlement Act of 1949—

(i) if the recovery in the action is equal to or greater than the amount of the certified claim, the United States national may not receive payment on the claim under any agreement entered into between the United States and Cuba settling claims covered by such title, and such national shall be deemed to have discharged the United States from any further responsibility to represent the United States national with respect to that claim;

(ii) if the recovery in the action is less than the amount of the certified claim, the United States national may receive payment under a claims agreement described in clause (i) but only to the extent of the difference between the amount of the recovery and the amount of the certified claim; and

(iii) if there is no recovery in the action, the United States national may receive payment on the certified claim under a claims agreement described in clause (i) to the same extent as any certified claimant who does not bring an action under this section.

(B) In the event some or all actions brought under this section are consolidated by judicial or other action in such manner as to create a pool of assets available to satisfy the claims in such actions, including a pool of assets in a proceeding in bankruptcy, every claimant whose claim in an action so consolidated was certified by the Foreign Claims Settlement Commission under title V of the International Claims Settlement Act of 1949 shall be entitled to payment in full of its claim from the assets in such pool before any payment is made from the assets in such pool with respect to any claim not so certified.

(g) DEPOSIT OF EXCESS PAYMENTS BY CUBA UNDER CLAIMS AGREEMENT.—Any amounts paid by Cuba under any agreement entered into between the United States and Cuba settling certified claims under title V of the International Claims Settlement Act of 1949 that are in excess of the payments made on such certified claims after the application of subsection (f) shall be deposited into the United States Treasury.

(h) TERMINATION OF RIGHTS.—

(1) IN GENERAL.—All rights created under this section to bring an action for money damages with respect to property confiscated by the Cuban Government—

(A) may be suspended under section 204(a); and

(B) shall cease upon transmittal to the Congress of a determination of the President under section 203(c)(3) that a democratically elected government in Cuba is in power.

(2) PENDING SUITS.—The suspension or termination of rights under paragraph (1) shall not affect suits commenced before the date of such suspension or termination (as the case may be), and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if the suspension or termination had not occurred.

(i) IMPOSITION OF FILING FEES.—The Judicial Conference of the United States shall establish a uniform fee that shall be imposed upon the plaintiff or plaintiffs in each action brought under this section. The fee should be established at a level sufficient to recover the costs to the courts of actions brought under this section. The fee under this subsection is in addition to any other fees imposed under title 28, United States Code.

SEC. 303. PROOF OF OWNERSHIP OF CLAIMS TO CONFISCATED PROPERTY.

(a) EVIDENCE OF OWNERSHIP.—

(1) CONCLUSIVENESS OF CERTIFIED CLAIMS.—In any action brought under this title, the court shall accept as conclusive proof of ownership of an interest in property a certification of a claim to ownership of that interest that has been made by the Foreign Claims Settlement Commission under title V of the International Claims Settlement Act of 1949 (22 U.S.C. 1643 and following).

(2) CLAIMS NOT CERTIFIED.—If in an action under this title a claim has not been so certified by the Foreign Claims Settlement Commission, the court may appoint a special master, including the Foreign Claims Settlement Commission, to make determinations regarding the amount and ownership of the claim. Such determinations are only for evidentiary purposes in civil actions brought under this title and do not constitute certifications under title V of the International Claims Settlement Act of 1949.

(3) EFFECT OF DETERMINATIONS OF FOREIGN OR INTERNATIONAL ENTITIES.—In determining the amount or ownership of a claim in an action under this title, the court shall not accept as conclusive evidence any findings, orders, judgments, or decrees from administrative agencies or courts of foreign countries or international organizations that declare the value of or invalidate the claim, unless the declaration of value or invalidation was found pursuant to binding international arbitration to which the United States or the claimant submitted the claim.

(b) AMENDMENT OF THE INTERNATIONAL CLAIMS SETTLEMENT ACT OF 1949.—Title V of the International Claims Settlement Act of 1949 (22 U.S.C. 1643 and following) is amended by adding at the end the following new section:

"DETERMINATION OF OWNERSHIP OF CLAIMS REFERRED BY DISTRICT COURTS OF THE UNITED STATES

"SEC. 514. Notwithstanding any other provision of this Act and only for purposes of section 302 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, a United States district court, for fact-finding purposes, may refer to the Commission, and the Commission may determine, questions of the amount and ownership of a claim by a United States national (as defined in section 4 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996), resulting from the confiscation of property by the Government of Cuba described in section 503(a), whether or not the United States national qualified as a national of the United States (as defined in section 502(1)) at the time of the action by the Government of Cuba.".

(c) RULE OF CONSTRUCTION.—Nothing in this Act or in section 514 of the International Claims Settlement Act of 1949, as added by subsection (b), shall be construed—

(1) to require or otherwise authorize the claims of Cuban nationals who became United States citizens after their property was confiscated to be included in the claims certified to the Secretary of State by the Foreign Claims

Settlement Commission for purposes of future negotiation and espousal of claims with a friendly government in Cuba when diplomatic relations are restored; or

(2) as superseding, amending, or otherwise altering certifications that have been made under title V of the International Claims Settlement Act of 1949 before the date of the enactment of this Act.

SEC. 304. EXCLUSIVITY OF FOREIGN CLAIMS SETTLEMENT COMMISSION CERTIFICATION PROCEDURE.

Title V of the International Claims Settlement Act of 1949 (22 U.S.C. 1643 and following), as amended by section 303, is further amended by adding at the end the following new section:

"EXCLUSIVITY OF FOREIGN CLAIMS SETTLEMENT COMMISSION CERTIFICATION PROCEDURE

"SEC. 515. (a) Subject to subsection (b), neither any national of the United States who was eligible to file a claim under section 503 but did not timely file such claim under that section, nor any person who was ineligible to file a claim under section 503, nor any national of Cuba, including any agency, instrumentality, subdivision, or enterprise of the Government of Cuba or any local government of Cuba, nor any successor thereto, whether or not recognized by the United States, shall have a claim to, participate in, or otherwise have an interest in, the compensation proceeds or nonmonetary compensation paid or allocated to a national of the United States by virtue of a claim certified by the Commission under section 507, nor shall any district court of the United States have jurisdiction to adjudicate any such claim.

"(b) Nothing in subsection (a) shall be construed to detract from or otherwise affect any rights in the shares of capital stock of nationals of the United States owning claims certified by the Commission under section 507.".

SEC. 305. LIMITATION OF ACTIONS.

An action under section 302 may not be brought more than 2 years after the trafficking giving rise to the action has ceased to occur.

SEC. 306. EFFECTIVE DATE.

(a) IN GENERAL.—Subject to subsections (b) and (c), this title and the amendments made by this title shall take effect on August 1, 1996.

(b) SUSPENSION AUTHORITY.—

(1) SUSPENSION AUTHORITY.—The President may suspend the effective date under subsection (a) for a period of not more than 6 months if the President determines and reports in writing to the appropriate congressional committees at least 15 days before such effective date that the suspension is necessary to the national interests of the United States and will expedite a transition to democracy in Cuba.

(2) ADDITIONAL SUSPENSIONS.—The President may suspend the effective date under subsection (a) for additional periods of not more than 6 months each, each of which shall begin on the day after the last day of the period during which a suspension is in effect under this subsection, if the President determines and reports in writing to the appropriate congressional committees at least 15 days before the date on which the additional suspension is to begin that the suspension is necessary to the national interests of the United States and will expedite a transition to democracy in Cuba.

(c) OTHER AUTHORITIES.—

(1) SUSPENSION.—After this title and the amendments of this title have taken effect—

(A) no person shall acquire a property interest in any potential or pending action under this title; and

(B) the President may suspend the right to bring an action under this title with respect to confiscated property for a period of not more than 6 months if the President determines and reports in writing to the appropriate congressional committees at least 15 days before the suspension takes effect that such suspension is necessary to the national interests of the United States and will expedite a transition to democracy in Cuba.

(2) ADDITIONAL SUSPENSIONS.—The President may suspend the right to bring an action under this title for additional periods of not more than 6 months each, each of which shall begin on the day after the last day of the period during which a suspension is in effect under this subsection, if the President determines and reports in writing to the appropriate congressional committees at least 15 days before the date on which the additional suspension is to begin that the suspension is necessary to the national interests of the United States and will expedite a transition to democracy in Cuba.

(3) PENDING SUITS.—The suspensions of actions under paragraph (1) shall not affect suits commenced before the date of such suspension, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in this same manner and with the same effect as if the suspension had not occurred.

(d) RESCISSION OF SUSPENSION.—The President may rescind any suspension made under subsection (b) or (c) upon reporting to the appropriate congressional committees that doing so will expedite a transition to democracy in Cuba.

TITLE IV—EXCLUSION OF CERTAIN ALIENS

SEC. 401. EXCLUSION FROM THE UNITED STATES OF ALIENS WHO HAVE CONFISCATED PROPERTY OF UNITED STATES NATIONALS OR WHO TRAFFIC IN SUCH PROPERTY.

(a) GROUNDS FOR EXCLUSION.—The Secretary of State shall deny a visa to, and the Attorney General shall exclude from the United States, any alien who the Secretary of State determines is a person who, after the date of the enactment of this Act—

(1) has confiscated, or has directed or overseen the confiscation of, property a claim to which is owned by a United States national, or converts or has converted for personal gain confiscated property, a claim to which is owned by a United States national;

(2) traffics in confiscated property, a claim to which is owned by a United States national;

(3) is a corporate officer, principal, or shareholder with a controlling interest of an entity which has been involved in the confiscation of property or trafficking in confiscated property, a claim to which is owned by a United States national; or

(4) is a spouse, minor child, or agent of a person excludable under paragraph (1), (2), or (3).

(b) DEFINITIONS.—As used in this section, the following terms have the following meanings:

(1) CONFISCATED; CONFISCATION.—The terms "confiscated" and "confiscation" refer to—

(A) the nationalization, expropriation, or other seizure by the Cuban Government of ownership or control of property—

(i) without the property having been returned or adequate and effective compensation provided; or

(ii) without the claim to the property having been settled pursuant to an international claims settlement agreement or other mutually accepted settlement procedure; and

(B) the repudiation by the Cuban Government of, the default by the Cuban Government on, or the failure of the Cuban Government to pay—

(i) a debt of any enterprise which has been nationalized, expropriated, or otherwise taken by the Cuban Government;

(ii) a debt which is a charge on property nationalized, expropriated, or otherwise taken by the Cuban Government; or

(iii) a debt which was incurred by the Cuban Government in satisfaction or settlement of a confiscated property claim.

(2) TRAFFICS.—(A) Except as provided in subparagraph (B), a person "traffics" in confiscated property if that person knowingly and intentionally—

(i)(I) transfers, distributes, dispenses, brokers, or otherwise disposes of confiscated property,

(II) purchases, receives, obtains control of, or otherwise acquires confiscated property, or

(III) improves (other than for routine maintenance), invests in (by contribution of funds or anything of value, other than for routine maintenance), or begins after the date of the enactment of this Act to manage, lease, possess, use, or hold an interest in confiscated property,

(ii) enters into a commercial arrangement using or otherwise benefiting from confiscated property, or

(iii) causes, directs, participates in, or profits from, trafficking (as described in clause (i) or (ii)) by another person, or otherwise engages in trafficking (as described in clause (i) or (ii)) through another person,

without the authorization of any United States national who holds a claim to the property.

(B) The term "traffics" does not include—

(i) the delivery of international telecommunication signals to Cuba;

(ii) the trading or holding of securities publicly traded or held, unless the trading is with or by a person determined by the Secretary of the Treasury to be a specially designated national;

(iii) transactions and uses of property incident to lawful travel to Cuba, to the extent that such transactions and uses of property are necessary to the conduct of such travel; or

(iv) transactions and uses of property by a person who is both a citizen of Cuba and a resident of Cuba, and who is not an official of the Cuban Government or the ruling political party in Cuba.

(c) EXEMPTION.—This section shall not apply where the Secretary of State finds, on a case by case basis, that the entry into the United States of the person who would otherwise be excluded under this section is necessary for medical reasons or for purposes of litigation of an action under title III.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—This section applies to aliens seeking to enter the United States on or after the date of the enactment of this Act.

(2) TRAFFICKING.—This section applies only with respect to acts within the meaning of "traffics" that occur on or after the date of the enactment of this Act.

And the Senate agree to the same.

BEN GILMAN,
DAN BURTON,
ILEANA ROS-LEHTINEN,
PETER T. KING,
LINCOLN DIAZ-BALART,
ROBERT G. TORRICELLI,
ROBERT MENENDEZ,
Managers on the Part of the House.

JESSE HELMS,
PAUL COVERDELL,
FRED THOMPSON,
OLYMPIA SNOWE,
CHARLES S. ROBB,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 927), to seek international sanctions against the Castro government in Cuba, to plan for support of a transition government leading to a democratically elected government in Cuba, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

FINDINGS

The House bill (section 2) sets forth findings of the Congress with respect to Cuba as well as U.S. policy aimed at liberating the Cuban people from the dictatorship of Fidel Castro.

The Senate amendment (section 2) contains similar provisions.

The conference substitute (section 2) adopts the House language.

PURPOSES

The House bill (section 3) sets forth the purposes of this Act, including support for a democratic transition in Cuba, to protect the property rights of U.S. nationals, and to protect the national security of the United States.

The Senate amendment (section 3) contains a similar provision.

The conference substitute (section 3) adopts the Senate language.

DEFINITIONS

The House bill (section 4) defines specific terms used in the Act.

The Senate amendment (section 4) contains a similar provision.

The Conference substitute (section 4) is similar to the House definitions, but modifies definitions of "appropriate Congressional committees", "economic embargo of Cuba", "official of the Cuban government or the ruling political party in Cuba", "property", "transition government in Cuba", and "traffics", and adds a new definition of "person" for purposes of Title III.

The committee of conference modified the definition of "economic embargo of Cuba" to include all statutes or regulations relating to trade, travel, and transactions involving Cuban assets imposed under section 620(a) of the Foreign Assistance Act of 1961, section 5(b) of the Trading with the Enemy Act, the Cuban Democracy Act of 1992, section 902(c) of the Food Security Act of 1985, or any other provision of law. It is the intent of the committee that this definition be interpreted broadly, in part, in order to ensure that the suspension or termination of any economic sanctions on Cuba be pursuant only to the authority granted in section 204 of this Act.

The committee of conference notes that the definition of "property" specifically excludes residential properties from title III, unless the residence is, at the time of enactment of this Act, the claim to the property is held by a United States national and the claim has been certified under title V of the International Claims Settlement Act of 1949 or the property is occupied by an official of the Cuban government or the ruling political party in Cuba, and the claimant can meet the other criteria (e.g., amount in controversy) in title III. The definition of "traffics," as used in Title III, has been modified to remove any liability for the delivery of telecommunications signals to Cuba, the trading or holding of publicly-traded stock (unless the trading is with a person designated by the Secretary of the Treasury as a "specifically designated national"), and any activities related to lawful travel to Cuba, and transactions and uses of property by Cuban citizens residing in Cuba who are not officials of the Cuban Government or the Communist Party.

SEVERABILITY

The conference substitute (section 5) states that if any provision of this Act is held invalid, the remainder of this Act shall not be affected by such invalidation.

Neither the House bill nor the Senate amendment contained such a provision. It is the intent of the committee to preserve the remaining provisions of this Act if any particular provision is invalidated.

TITLE I—STRENGTHENING INTERNATIONAL SANCTIONS AGAINST THE CASTRO GOVERNMENT

STATEMENT OF POLICY

The House bill (section 101) expresses the sense of Congress on U.S. policy toward Cuba, *inter alia*, that the acts of the Castro government, including its massive, systematic, and extraordinary violations of human rights, are a threat to international peace and that the President should propose and seek a U.N. Security Council vote on a mandatory international embargo against the totalitarian government of Cuba pursuant to chapter VII of the Charter of the United Nations, which is similar to measures taken by the United States with respect to Haiti.

The Senate amendment (section 101) has a similar provision.

The conference substitute (section 101) adopts the Senate language.

ENFORCEMENT OF THE ECONOMIC EMBARGO OF CUBA

The House bill (section 102) reaffirms section 1704(a) of the Cuban Democracy Act of 1992, which states the President should encourage foreign countries to restrict trade and credit relations with Cuba. This section also urges the President to take immediate steps to apply the sanctions described in section 1704(b) of that Act against countries assisting Cuba; states that the Secretary of State shall ensure that U.S. diplomatic personnel communicate the reasons for the U.S. economic embargo on Cuba and urge foreign governments to cooperate more effectively with the embargo; urges the full enforcement of the Cuban Assets Control Regulations in part 515 of title 31, Code of Federal Regulations; adds "debt-for-equity swaps" to transactions constituting "assistance to Cuba" by foreign countries under section 1704(b)(2) of the Cuban Democracy Act of 1992; subjects persons violating travel restrictions to civil penalties and forfeiture of property by amending section 16 of the Trading With the Enemy Act (exempting most news gathering, research, religious, or human rights groups).

The Senate amendment (section 103) has a similar provision, although it does not contain an exception to the application of civil penalties for unlicensed travel to Cuba for specifically for "news gathering" or "educational or religious activities."

The conference substitute (section 102) adopts the Senate language, with modifications that incorporate House language defining "agency or instrumentality of the Government of Cuba," requiring a semiannual report to Congress by the President on "payments made to Cuba by any United States person" for telecommunications services under the Cuban Democracy Act of 1992.

The conference substitute (section 102(e)) states the sense of the Congress that existing regulations should be fully enforced to deny visas to officers or employees of the Cuban Government or of the Communist Party of Cuba, pursuant to Proclamation 5377 of October 4, 1985, issued by President Ronald Reagan, under section 212(f) of the Immigration and Nationality Act of 1952, as amended.

The conference substitute (subsection 102(g)) makes clear that the Cuban Democracy Act of 1992 should not be construed as authorizing any United States person to make any direct or indirect investment, in cash or in-kind, in the domestic telephone network within the island of Cuba until such time as the economic restrictions on such transactions are suspended or terminated as provided in subsection 102(h)).

The conference substitute (subsection (102(h)) codifies the "economic embargo of Cuba," as defined in section 4. It is the intent of the committee of conference that all economic sanctions in force on March 1, 1996, shall remain in effect until they are either suspended or terminated pursuant to the authorities provided in section 204 of this Act (requiring a Presidential determination that a democratic transition is under way in Cuba). It is not the intent of this section to prohibit executive branch agencies from amending existing regulations to tighten economic sanctions on Cuba or to implement the provisions of this Act.

The committee of conference expresses its profound conviction that executive branch agencies must be more vigorous in their enforcement of certain provisions of the U.S. embargo on Cuba, and must be accorded the resources by the President for this purpose. The committee of conference concludes that the President and executive agencies must be more vigorous in advocating U.S. policy before foreign governments. The explicit mandates in this legislation make clear congressional intent that U.S. law be enforced fully and, thereby, provide a basis for strict congressional oversight of executive branch enforcement measures henceforth.

PROHIBITION AGAINST INDIRECT FINANCING OF CUBA

The House bill (section 103) prohibits a U.S. national, agency, or permanent resident alien from knowingly extending any loan, credit, or other financing to finance transactions involving any property confiscated by the Cuban government the claim to which is owned by a U.S. national; subjects violators of this prohibition to penalties under the Cuban Assets Control Regulations; and terminates this prohibition when the U.S. embargo is lifted.

The Senate amendment (section 104) has a similar provision that provides an exception for "financing by the owner of the property or the claim thereto for a permitted transaction."

The conference substitute (section 103) adopts the Senate language with minor modifications, including House language defining "permanent resident alien" and "United States agency" as used in this section.

UNITED STATES OPPOSITION TO CUBAN MEMBERSHIP IN INTERNATIONAL FINANCIAL INSTITUTIONS

The House bill (section 104) seeks to ensure that the current Cuban government cannot join or benefit from membership in international financial institutions (such as the World Bank, International Monetary Fund, the Inter-American Development Bank, etc.). This section states that the Secretary of the Treasury shall instruct the United States executive director to each international financial institution to use the voice and vote of the United States to oppose the admission of Cuba as a member of such institution until a democratically elected government is in power in Cuba (as defined in section 206 of this Act). This section provides that during the period that a transition government is in power in Cuba (as defined in section 205 of this Act), the President shall take steps to support the processing of Cuba's application for membership to take effect after a democratically elected government is in power. This section states further that, if any international financial institution approves a loan or other assistance to Cuba over U.S. opposition, the Secretary of the Treasury shall withhold from payment to such institution an amount equal to the loan or other assistance to the Cuban government.

The Senate amendment (section 105) has a similar provision that has the effect of withholding U.S. support for Cuba's membership in international financial institutions until there is a "democratically elected government" there; however, the Senate language does authorize U.S. support for loans or other assistance to a "transition government" by these institutions as well as U.S. support for a transition government's application for membership "taking effect after a democratically elected government in Cuba is in power."

The conference substitute (section 104) adopts the Senate language.

UNITED STATES OPPOSITION TO TERMINATION OF THE SUSPENSION OF THE GOVERNMENT OF CUBA FROM PARTICIPATION IN THE ORGANIZATION OF AMERICAN STATES

The House bill (section 105) seeks to ensure that the United States opposes the reintegration of the current government of Cuba into the Organization of American States. (The Castro government was suspended by a vote of the OAS member states in 1961.)

The Senate amendment (section 106) has a similar provision.

The conference substitute (section 105) adopts the Senate language.

The committee believes that it is inconceivable that any OAS member government would consider Cuba to be worthy of active participation in the OAS without first undertaking fundamental democratic reforms, in light of the historic measures taken by the Organization to recognize "representative democracy as an indispensable condition for stability, peace, and development in the region. . . ."

ASSISTANCE BY THE INDEPENDENT STATES OF THE FORMER SOVIET UNION FOR THE GOVERNMENT OF CUBA

The House bill (section 106) seeks to discourage any form of assistance from former Soviet states to the Cuban government, in light of the Castro regime's historic dependency on such assistance. This section (1) requires a report to Congress detailing progress toward the withdrawal from Cuba of personnel of any independent state of the former Soviet Union, including advisers, technicians, and military personnel, from the Cienfuegos nuclear facility in Cuba; (2) amends section 498A(a)(11) of the Foreign Assistance Act of 1961 to explicitly designate facilities at Lourdes and Cienfuegos among those installations the dismantling of which should be considered by the President in determining whether to provide assistance to a former Soviet state; (3) adds "providing assistance for or engaging in nonmarket based trade" with Cuba to the list of activities that render such countries ineligible for U.S. assistance; and (4) requires the President to reduce assistance allocated for an independent state of the former Soviet Union by an amount equal to the sum of assistance and credits, if any, provided by such state after the date of enactment of this Act in support of intelligence facilities in Cuba, including the intelligence facility at Lourdes, Cuba.

The President may waive this requirement if doing so is important to the national security and, in the case of Russia, if the President certifies that the Russian government has assured the U.S. Government that the Russian government is not sharing intelligence from Lourdes with officials or agents of the Cuban government. Urgent humanitarian needs, including disaster and refugee relief; assistance for democratic political reform and rule of law; technical assistance for safety upgrades of civilian nuclear power plants; aid to create private sector and nongovernmental organizations and develop a free market system; and aid under the Cooperative Threat Reduction Act of 1993 are exempt from the withholding requirement. The President also is required, in the case of a certification with respect to Russia, to report to Congress on the intelligence activities of Russia in Cuba, the purposes of the Lourdes facility, and the extent of any Russian credits provided to Cuba for the use of the Lourdes facility.

The Senate amendment (section 107) has a similar provision that adds an exception under section 498(c) of the Foreign Assistance Act for "assistance provided under the secondary school exchange program administered by the United States Information Agency."

The conference substitute (section 106) adopts the Senate language with minor modifications, including the House definition of "agency or instrumentality of the Government of Cuba" as used in this section.

The committee of conference notes that since the enactment of the FREEDOM Support Act in 1992, questions have arisen about the nature of the trade relationship between the former Soviet states and Cuba, and whether that trade has been conducted on market terms. The LIBERTAD Act would define the terms for judging such trade and a mechanism for discouraging Russian support for the Castro regime. The committee of conference notes that Russian-Cuban trade primarily involves a barter exchange of Russian oil for Cuban sugar; to the extent that any such exchange is done on terms more favorable to Cuba than are otherwise available in the market, the committee concludes that such "concessional" terms represent a subsidy of the Castro regime. The committee of conference intends that U.S. assistance be provided in a manner that prevents any indirect U.S. foreign aid subsidy of any Russian support for the Castro regime.

This LIBERTAD Act does not affect any market-based economic relationship between any former Soviet state and Cuba, and it does not undermine U.S. support for denuclearization activities or democratic and free market reform in Russia, for which there are provided specific exceptions of the "withholding" provision and ample presidential waiver authority.

With respect to Russian intelligence facilities located at Lourdes, Cuba, the committee of conference notes that a senior Russian government official announced in November 1994 that his government was providing $200 million in credits to the Castro regime in exchange for the continued use of that facility. The Lourdes facility is one of the world's largest and most sophisticated intelligence stations, which Department of State and Department of Defense documents say is used to intercept and monitor U.S. commercial satellites, U.S. military and merchant shipping communications, NASA activities, and telephone conversations of U.S. citizens. The committee of conference notes that the Department of State has assured the Congress that no part of the LIBERTAD Act would violate U.S. treaty obligations, nor does any existing arms control treaty prevent the United States from urging Russia to end its use of Cuba as a base for intelligence operations against U.S. interests.

TELEVISION BROADCASTING TO CUBA

The House bill (section 107) reaffirms the congressional mandate to convert Television Marti to ultra high frequency (UHF) and requires reports to Congress from the Director of the United States Information Agency (USIA) until the conversion is complete. The section also establishes a "sunset" provision for both Radio and Television Marti upon the President's determination that a democratically elected government is in power in Cuba.

The Senate amendment (section 108) contains an identical provision.

The conference substitute (section 107) adopts the House language.

The committee of conference supports the conversion of Television Marti to UHF in order to expand the reach of the Television Marti signal. The committee of conference notes that Congress mandated the conversion in Public Law 103-317, the FY 95 Commerce, Justice, State Appropriations. The Conference report accompanying the FY 95 Act specifically provided $1,200,000 to convert Television Marti (see Congressional Record, August 16, 1994, p. H8501).

REPORTS ON COMMERCE WITH, AND ASSISTANCE TO, CUBA FROM OTHER FOREIGN COUNTRIES

The House bill (section 108) seeks to determine which governments and commercial entities are continuing to support the Castro government through trade, assistance, and joint ventures by requiring an annual report to Congress that includes a detailed description of all bilateral assistance provided to Cuba by other foreign countries, commercial ventures under way or under consideration (specifically whether such ventures involve property confiscated from a U.S. national), and any exchange of military supplies or equipment.

The Senate amendment (section 109) has a similar provision that specifies the date on which this report must be submitted.

The conference substitute (section 108) adopts the Senate language.

AUTHORIZATION OF SUPPORT FOR DEMOCRATIC AND HUMAN RIGHTS GROUPS AND INTERNATIONAL OBSERVERS

The House bill (section 109) provides explicit authority, notwithstanding other specific provisions of the law (except for notification requirements), for the President to provide immediate support to individuals and independent nongovernmental organizations to advance democracy-building efforts for Cuba, including publications and audiovisual material on democracy, human rights, and market economies; humanitarian assistance to victims of political repression and their families; and support for democratic and human rights groups; and U.S. financial support for an Organization of American States (OAS) special emergency fund for human rights observers, election support, and election observation in Cuba (notwithstanding section 307 of the Foreign Assistance Act of 1961).

The Senate amendment (section 102) has a similar provision that authorizes U.S. support for groups in Cuba but does not refer to human rights and electoral support by the Organization of American States.

The conference substitute (section 109) adopts the House language with minor modifications, including Senate language to "ensure that no funds or other assistance is provided to the Cuban Government."

The committee of conference recognizes that the execution of some of the activities authorized under this section could require incidental payments or indirect benefits to commercial or regulatory entities of the Cuban Government, e.g. payments for hotels, car rental, travel or transportation to or within the island, purchases of other goods or services in the local economy, customs fees, migration fees, or other comparable government charges. The committee does not consider such incidental payments or indirect benefits as "assistance" "provided to the Cuban Government" that is otherwise prohibited in subsection (c).

IMPORTATION SAFEGUARD AGAINST CERTAIN CUBAN PRODUCTS

The Senate amendment (section 110) takes note of existing law prohibiting the entry of, and dealings outside the United States in, merchandise that is of Cuban origin, is or has been located in or transported from or through Cuba, or is made or derived in whole or in part of any article which is the growth, produce, or manufacture of Cuba. The Congress also notes in this section that U.S. accession to the North American Free Trade Agreement does not modify or alter U.S. sanctions against Cuba.

The House bill has no comparable provision.

The conference substitute (section 110) adopts the Senate language.

WITHHOLDING OF FOREIGN ASSISTANCE FROM COUNTRIES SUPPORTING JURAGUA NUCLEAR PLANT IN CUBA

The House bill (section 110) is intended to deter countries from providing any form of support for the completion of the Cuban nuclear facility at Juragua, near Cienfuegos, Cuba. This section requires the withholding from U.S. assistance to any country an amount equal to the sum of assistance and credits provided on or after the date of enactment by that country in support of the completion of the Juragua facility. This section exempts from any withholding certain forms of U.S. assistance, such as humanitarian and disaster aid and support for democratic political reform and free market development.

The Senate amendment has no comparable provision.

The conference substitute (section 111) adopts the House language with a modification that adds "assistance provided under the secondary school exchange program administered by the United States Information Agency" to the list of activities to which the requirement of withholding U.S. aid under this section shall not apply.

The committee of conference takes note of expert conclusions that the plant's construction is seriously flawed and that Cuba lacks a nuclear regulatory structure as well as adequate infrastructure and training to support the safe operation of the plant. The committee of conference views with alarm recent reports that several countries, including Russia and Cuba, are considering the completion and operation of that plant. The committee of conference intends that "assistance and credits" be interpreted broadly, not limited merely to grant assistance or concessional transactions but also including any form of financial, technical, or other support that facilitates completion of the plant at Juragua.

REINSTITUTION OF FAMILY REMITTANCES AND TRAVEL TO CUBA

The Senate amendment (section 111) states the sense of Congress that the President, before considering the full reinstitution of family remittances and travel to Cuba, should insist on specific economic and political reforms by the Castro regime.

The House bill has no comparable provision.

The conference substitute (section 112) adopts Senate language with minor modifications.

EXPULSION OF CRIMINALS FROM CUBA

The House bill (section 112) requires the President to instruct U.S. government officials to raise with Cuban officials the extradition or other means of return to the United States of persons residing in Cuba sought by the Department of Justice for crimes committed in the United States.

The Senate amendment has no comparable provision.

The conference substitute (section 113) adopts the House language.

NEWS BUREAUS IN CUBA

The Senate amendment (section 112) authorizes the President to establish and implement an exchange of news bureaus between the United States and Cuba, provided that the exchange is fully reciprocal, the Cuban Government allows free, unrestricted, and uninhibited movement in Cuba, the U.S. government is able to ensure that only accredited journalists regularly employed with a news gathering organization avail themselves of the general license to travel to Cuba, and the Cuban Government does not interfere with the transmissions and distribution of materials of news organizations.

The House bill has no comparable provision.

The conference substitute (section 114) adopts modified Senate language that, *inter alia*, ensures that Radio Marti and Television Marti are included among the organizations whose journalists should be allowed to work freely in Cuba without interference by the Cuban government as a condition of any exchange of news bureaus.

EFFECT OF ACT ON LAWFUL UNITED STATES GOVERNMENT ACTIVITIES

The Senate amendment (section 113) states that nothing in this Act shall prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency or of an intelligence agency of the United States.

The House bill has no comparable provision.

The conference substitute (section 115) adopts the Senate language.

CONDEMNATION OF CUBAN ATTACK ON AMERICAN AIRCRAFT

The conference substitute (section 116) sets forth congressional findings and statements of condemnation and condolences relating to the February 24, 1996, attack by Cuban military aircraft on unarmed U.S. civilian aircraft which resulted in the deaths of three United States citizens and one United States permanent resident.

The committee of conference states in the strongest terms its intention that the President seek, in the International Court of Justice, indictment for this act of terrorism by Fidel Castro.

TITLE II—ASSISTANCE TO A FREE AND INDEPENDENT CUBA

Title II sends a clear message to the Cuban people that the United States is prepared fully to assist in a peaceful, democratic transition, with due respect for their right of self-determination. Title II instructs the President to develop an aid plan now so that the U.S. government is prepared to respond quickly to the inevitable democratic transition in Cuba. Title II lists types of U.S. assistance contemplated to be included in the required aid plan; however, it is not the intent of this legislation to mandate that the President include all of the listed forms of assistance in the plan. Also, any assistance is "*subject to an authorization of appropriations and subject to the availability of appropriations*" (see section 203(c)(1) and (3)).

POLICY TOWARD A TRANSITION GOVERNMENT AND A DEMOCRATICALLY ELECTED GOVERNMENT

The House bill (section 201) states that it is the policy of the United States to support Cuban self-determination and to plan now to provide emergency and longer-term support for the transition to democracy in Cuba, directly and through multilateral cooperation. This section also states that it is the U.S. policy, *inter alia*, to not provide favorable treatment or influence on behalf of any individual or entity in the selection by the Cuban people of their future government; to be prepared to enter into negotiations with a democratically elected government in Cuba on the future of the U.S. presence at Guantanamo Bay; to terminate the economic embargo of Cuba when the President determines that a democratically elected government is in power in Cuba; and to consider the extension of free trade arrangements to a democratic Cuba.

The Senate amendment (section 201) has a similar provision.

The conference substitute (section 201) adopts the House language.

ASSISTANCE FOR THE CUBAN PEOPLE

The House bill (section 202) requires the President to develop a plan for providing economic assistance to Cuba, defining what types of assistance can be provided when a transition government is in power and when a democratically elected government is in power. In the case of a transition government, assistance shall be limited to such food, medicine, medical supplies and equipment; assistance to meet emergency energy needs; assistance that the President certifies is essential to the successful completion of the transition to democracy; and assistance in preparing the Cuban military forces to adjust to an appropriate role in a democracy. In the case of a democratically elected government, assistance may include development assistance and economic support funds under the Foreign Assistance Act of 1961; assistance under the Agricultural Trade Development and Assistance Act of 1954; financing and other forms of assistance provided by the Export-Import Bank, Overseas Private Investment Corporation, and Trade and Development Agency; Peace Corps programs; and assistance in preparing the Cuban military forces to adjust to an appropriate role in a democracy. This section also states that assistance should be provided through U.S. government organizations or through nongovernmental organizations, private and voluntary organizations (whether within or outside the United States), including humanitarian, educational, labor, and private sector organizations. In addition, this section requires the President to seek to obtain the agreement of other countries, international financial institutions, and multilateral organizations to provide similar forms of assistance to a transition government and to a democratically elected government in Cuba.

The Senate amendment (section 202) maintains the notification requirements of section 634A of the Foreign Assistance Act (22 USC 2394) and the limitations on assistance pursuant to section 620(a)(2) of the Foreign Assistance Act (22 USC 2370(a)(2)). The amendment also provides that assistance to a transition government be limited to food, medicine, medical supplies and equipment, and such other assistance as may be necessary to meet the basic human needs of the Cuban people. Support to a democratically elected government in Cuba should consist of assistance to promote free market development, private enterprise, and a mutually beneficial trade relationship between the United States and Cuba.

The conference substitute (section 202) adopts the House language.

REPORT ON TRADE AND INVESTMENT RELATIONS

The House bill (section 202(h)) states that once a democratically elected government is in power, the President shall submit a report on trade and investment relations with Cuba and shall consult with Congress on any proposals for improving such economic ties.

The Senate amendment (section 202(d)) has a similar provision that specifies the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate (as well as appropriate congressional committees) as those committees to which reports under this subsection shall be submitted.

The conference substitute (section 202(h)) adopts the Senate language.

COORDINATION OF ASSISTANCE PROGRAM; IMPLEMENTATION AND REPORTS TO CONGRESS; REPROGRAMMING

The House bill (section 203) makes explicit that delivery and distribution of assistance to a transition or democratically elected government is "subject to an authorization of appropriations and subject to the availability of appropriations." This section requires the President to designate a coordinating official to implement the assistance plan, ensure the speedy and efficient distribution of assistance, and ensure coordination among the various U.S. agencies involved. It requires the President to designate a United States-Cuba council to involve the private sector in promoting market-based development in and bilateral trade with Cuba. It requires periodic reports to the Congress on implementation of this assistance plan.

The Senate amendment (section 203) has a similar provision but does not mandate the designation of a "coordinating official" or creation of a "United States-Cuba Council".

The conference substitute (section 203) adopts the House language.

TERMINATION OF THE ECONOMIC EMBARGO OF CUBA

The House bill (section 204) provides that once a transition government is in power in Cuba, the President, after consulting with the Congress, is authorized to take such steps to suspend the economic embargo of Cuba to the extent that such action contributes to a stable foundation for a democratically elected government. Subsection (e) requires a report to Congress by the President upon making this decision and no less than every six months thereafter and provides that Congress may reject the President's decision by enactment of a joint resolution of the Houses of Congress. Section 204(c) further states that, upon submitting to Congress a determination under section 203(c) that a democratically elected government is in power in Cuba, the President shall take steps to terminate the economic embargo of Cuba. This section explicitly repeals several provisions of the law related to the economic embargo once such a determination is made.

The Senate amendment (section 204) has a similar provision that also allows the suspension of the "right of action" created in Title III of the Act when a "transition government" in Cuba is in power, "to the extent that such action contributes to a stable foundation for a democratically elected government."

The conference substitute (section 204) adopts the Senate language with minor modifications.

REQUIREMENTS AND FACTORS FOR DETERMINING A TRANSITION GOVERNMENT

The House bill (section 205) specifies that for the purposes of this Act, a "transition government" in Cuba is a government which is demonstrably in transition from communist totalitarian dictatorship to representative democracy; has recognized the right to independent political activity and association; has released all political prisoners and allowed for investigations of Cuban prisons by appropriate international human rights organizations; has ceased any interference with Radio or Television Marti broadcasts; does not include Fidel Castro or Raul Castro; has given adequate assurances that it will allow the speedy and efficient distribution of assistance to the Cuban people; and permits the deployment throughout Cuba of independent and unfettered international human rights monitors. In addition, a transition government also must have made public commitments to and be making demonstrable progress in establishing an independent judiciary; dissolving the present Department of State Security in the Cuban Ministry of the Interior, including the Committees for the Defense of the Revolution and the Rapid Response Brigades; respecting internationally recognized human rights and basic freedoms as set forth in the Universal Declaration of Human Rights; effectively guaranteeing the rights of free speech and freedom of the press; organizing free, fair, and open elections within one year; assuring the right to private property; taking appropriate steps to return to United States nationals property taken by the Government of Cuba; granting permits to privately owned telecommunications and media companies to operate in Cuba; and allowing the establishment of independent trade unions and allowing independent social, economic, and political associations.

The Senate amendment (section 205) has a similar provision that identifies several similar requirements for a "transition government" as well as a set of factors that "the President shall take into account" in making a determination whether a "transition government" is in power in Cuba. The effect of this language is to allow the President greater flexibility in determining when a "transition government" is in power.

The conference substitute (section 205) adopts modified Senate language that provides the President greater discretion in making a determination. This modified language establishes requirements for a "transition government" as follows: has legalized all political activity; has released all political prisoners and allowed for investigations of Cuban prisons by appropriate international human rights organizations; has dissolved the present Department of State Security in the Cuban Ministry of the Interior, including the Committees for the Defense of the Revolution and the Rapid Response Brigades; has made public commitments to organizing free and fair elections for a new government (under specific conditions); has ceased any interference with Radio Marti or Television Marti broadcasts; has made commitments to making demonstrable progress in establishing an independent judiciary, respecting international recognized and basic freedoms, and allowing the establishment of independent trade unions; does not include Fidel Castro or Raul Castro; and has given adequate assurances that it will allow the speedy and efficient distribution of assistance to the Cuban people.

In addition, the conference substitute takes a series of strict requirements from the House language and includes them instead as factors that "the President shall take into account" in making a determination whether a "transition government" in Cuba is in power, among these the extent to which that government is demonstrably in transition from communist totalitarian dictatorship to representative democracy; has made public commitments to, and is making demonstrable progress in, effectively guaranteeing the rights of free speech and freedom of the press (including the operation of privately owned media and telecommunications), permitting the reinstatement of citizenship to Cuban-born nationals returning to Cuba, assuring the right to private property, taking appropriate steps to return to United States citizens and companies property taken by the Cuban Government from such citizens and entities on or after January 1, 1959; has extradited or otherwise rendered to the United States all persons sought by the United States for crimes committed in the United States; and has permitted the deployment of independent and unfettered international human rights monitors.

REQUIREMENTS FOR DETERMINING A DEMOCRATICALLY ELECTED GOVERNMENT

The House bill (section 206) specifies that for the purposes of this Act, a democratically elected government in Cuba is a government that results from free and fair elections conducted under the supervision of internationally recognized observers; has permitted opposition parties ample time to organize and campaign for such elections, and has permitted full access to the media to all candidates in the elections; is showing respect for the basic civil liberties and human rights of the citizens of Cuba; has made demonstrable progress in establishing an independent judiciary; is substantially moving toward a market-oriented economic system; is committed to making constitutional changes that schedule regular free and fair elections; and has made demonstrable progress in returning to U.S. nationals property taken by the Government of Cuba or providing full compensation.

The Senate amendment (section 206) has a similar provision that lists factors that the President "shall taken into account" in determining if a "democratically elected government" is in power in Cuba. The effect of this language is to allow the President greater flexibility in determining when a "democratically elected government" is in power.

The conference substitute (section 206) adopts modified House language that states requirements for a "democratically elected government" with the purpose of ensuring that minimally acceptable reforms are under way before a Cuban Government is eligible to receive a full range of benefits of normal political and economic relations with the United States.

SETTLEMENT OF OUTSTANDING UNITED STATES CLAIMS TO CONFISCATED PROPERTY IN CUBA

The Senate amendment (section 207) conditions most U.S. support to a "transition government" (including U.S. support for loans or assistance through international financial institutions) on such government publicly committing itself, and taking appropriate steps to establish a procedure under its law or through international arbitration, to provide for the return of, or prompt, adequate, and effective compensation for, property confiscated by the Cuban Government on or after January 1, 1959. This section also conditions such support to a "democratically elected government" on such government having adopted and effectively implementing such procedures. Subsection 207(c) also requires reports to Congress on the number of property claims of U.S. nationals as well as a description of ways to help a Cuban Government resolve such claims, etc. Subsection 207(d) also states the sense of Congress that the satisfactory resolution of property claims by a Cuban Government remains an essential condition for a full resumption of economic and diplomatic relations between the United States and Cuba.

The House bill has no comparable provision.

The conference substitute (section 207) adopts the Senate language only with respect to the report to Congress and sense of Congress (Senate amendment subsections 207(c) and (d)).

TITLE III—PROTECTION OF PROPERTY RIGHTS OF UNITED STATES NATIONALS

STATEMENT OF POLICY

The House bill (sec. 301) contains a series of congressional findings regarding the fundamental right of individuals to hold and enjoy property, the U.S. Government's obligation to protect its citizens against illegal confiscations, and the absence of effective remedies in international law, the result of which is to condone the wrongful confiscation of property and to allow unjust enrichment through the use of confiscated property.

The Senate amendment contains no comparable provision.

Section 301 of the conference substitute amends the House language by noting the economic benefit derived by Castro through his government's exploitation ("trafficking") of wrongfully confiscated American properties and the objective of deterring the use of wrongfully confiscated American properties by denying profits to those who profit from the economic exploitation of Castro's seizures.

LIABILITY FOR TRAFFICKING IN CONFISCATED PROPERTY CLAIMED BY UNITED STATES NATIONALS

The House bill (sec. 302) creates civil liability for persons or entities, including an agency or instrumentality of a foreign state in the conduct of a commercial activity (defined in sec. 4), as follows:

CIVIL REMEDY: LIABILITY FOR TRAFFICKING

Section 302(a)(1) and (2) of the House bill provides that any person who, after the end of the 6-month period beginning on the date of enactment, traffics in property confiscated by the Cuban Government shall be liable to the United States national who owns the claim to such property in an amount equal to the value of the property plus reasonable interest, costs, and fees. When determining the amount of liability for claims certified by the Foreign Claims Settlement Commission (FCSC) pursuant to the International Claims Settlement Act of 1949, courts shall give a strong presumption to the findings of the FCSC.

The Senate amendment contains no comparable provision.

Sections 302(a)(1) and (2) of the conference substitute are similar to the House provision. They provide that liability for trafficking in property confiscated by the Cuban Government shall attach three months after the effective date of the title. The grace period before liability for trafficking attaches is intended to permit persons who currently are "trafficking" within the meaning of title III to wind down their activities in Cuba in order to avoid liability. Because the conference substitute is effective not on the date of enactment, but rather on August 1, 1996, the grace period provided by the House bill was reduced from six months to three months.

In addition, the substitute specifies that damages may include court costs and "reasonable attorney's fees" in lieu of "reasonable costs and attorney's fees." Inasmuch as governments (as contrasted with their agencies or instrumentalities) are not "persons" for purposes of this section, they cannot be held liable under this section.

The conference substitute retains the language of the House bill creating a strong presumption in favor of findings of the FCSC when determining the amount of liability under this section for claims certified by the FCSC.

The committee of conference believes that this right of action is a unique but proportionate remedy for U.S. nationals who were targeted by the Castro regime when their property was wrongfully confiscated. The purpose of this civil remedy is, in part, to discourage persons and companies from engaging in commercial transactions involving confiscated property, and in so doing to deny the Cuban regime of Fidel Castro the capital generated by such ventures and to deter the exploitation of property confiscated from U.S. nationals. The substitute puts would-be investors on notice that if they traffic in confiscated property of U.S. nationals after this provision becomes law, they may be held liable to the legitimate U.S. owners in U.S. courts.

It is the committee of conference's intent not to supplant or undermine the Foreign Claims Settlement process, but to provide an additional remedy for U.S. nationals through which they may take action to protect their claim to a confiscated property in Cuba. The committee of conference expects that the existence of this remedy will make the recovery process less complicated because it will deter investment in and development of confiscated property in Cuba, thereby facilitating efforts by the rightful owners to reclaim, sell, or develop such property under the laws of a democratic Cuba.

INCREASED LIABILITY

Section 302(a)(3) of the House bill provides for treble liability if the person traffics in the property after having received notice both of the claim to ownership and the provisions of this section.

The Senate amendment contains no comparable provision.

Section 302(a)(3) of the conference substitute modifies the House bill by providing increased liability (treble damages) for claims certified by the FCSC pursuant to title V of the International Claims Settlement Act of 1949 for any trafficking after the 3-month grace period established by subsection (a)(1). For U.S. nationals with claims not certified by the FCSC, the conference substitute requires a 30-day advance notice to the defendant (after the 3-month grace period) by non-certified claimants before they can seek treble damages. The conference substitute further provides that a trafficker can avoid treble liability by ceasing to traffic in the property in question by the conclusion of the 30-day period following the provision of notice. A trafficker that ceases trafficking during such 30-day period nevertheless remains liable for damages for trafficking that took place between the conclusion of the 3-month grace period following the effective date and the time that the trafficking ceased. The conference substitute outlines the contents of the required notice and the manner in which it is to be provided. Notice shall be deemed to have been provided on the date posted by certified mail or on the date personally delivered to the defendant.

The committee of conference notes that investors in Cuba have been effectively on notice regarding the 5,911 certified U.S. claims since the Cuban claims program was completed on July 6, 1972. Information regarding whether the claim to a particular property in Cuba is held by a certified U.S. claimant is readily available. The intent of the conference committee in revising the House language is to provide priority to certified claimants by allowing them to seek treble damages without an additional notice or an additional waiting period (beyond the initial 3-month grace period). In the case of non-certified claimants seeking treble damages, the committee of conference believes it reasonable to impose an affirmative duty on the claimant to notify a potential defendant of the claimant's claim to the property. This 30-day period, which is in addition to the 3-month grace period, provides adequate time for an investor in Cuba to research the validity of the claim to the property and take appropriate action.

APPLICABILITY

Section 302(a)(4) of the House bill provides that the right of action is applicable to property confiscated before, on, or after enactment of this Act; that in order to bring an action with respect to property confiscated before the date of enactment, the U.S. national had to own the property claim before the date of enactment; and that no United States national may bring an action under this section with respect to property that was confiscated on or after the date of enactment if the claim was acquired by assignment for value after enactment.

The Senate amendment contains no comparable provision.

Section 302(a)(4) of the conference substitute modifies the House provision to specify with respect to property confiscated on or after the date of enactment that an action for damages is precluded only if the claim to the property was acquired by assignment for value after the property was confiscated.

The committee of conference notes that these provisions are intended, in part, to eliminate any incentive that might otherwise exist to transfer claims to confiscated property to U.S. nationals in order to take advantage of the remedy created by this section. It is not the committee's intent that the right of action be available to persons or entities that would relocate to the United States for the purpose of using this remedy. Entities that are incorporated in the United States after the date of enactment cannot use the remedy with respect to property confiscated before the date of enactment, inasmuch as such entities could have not have owned the claim to confiscated property on the date of enactment because they did not then exist.

TREATMENT OF CERTAIN ACTIONS

Section 302(a)(5) of the House bill provides the manner in which claims denied by the FCSC and the claims of those U.S. nationals who had the opportunity to avail themselves of the FCSC certification process and failed to do so are to be treated. In the case of any action brought by a U.S. national who was eligible to file the underlying claim with the FCSC but did not do so, the court may hear the case only if the court determines that there was good cause for not filing the claim with the FCSC. In the case of any action brought by a U.S. national who did file a claim with the FCSC but had such claim denied, the court may assess the basis for the denial and may accept the FCSC's findings unless good cause justifies another result.

The Senate amendment contains no comparable provision.

Section 302(a)(5) of the conference substitute modifies the House language to provide that U.S. nationals may not use this remedy if they either (1) were previously denied certification by the FCSC or (2) were eligible to file their claim under the FCSC process but failed to do so. The conference substitute adds new language providing that all non-certified claimants must wait two years after the Act's enactment before using the cause of action, and that non-certified claimants must satisfy the court that the property in question is not the subject of a certified claim.

The intent of the committee of conference in revising this paragraph is to enhance the position of the certified claimants and to give them priority in pursuing actions against traffickers.

INAPPLICABILITY OF ACT OF STATE DOCTRINE

Section 302(a)(6) of the House bill directs courts not to dismiss actions brought under this section on the basis of the "act of state" doctrine.

The Senate amendment contains no comparable provision.

Section 302(a)(6) of the conference substitute is identical to the House provision.

LICENSES NOT REQUIRED FOR USE OF THE RIGHT OF ACTION

Section 302(a)(7) of the conference substitute provides that actions may be brought and settled, and judgments rendered, under this section without first having to obtain a license from the United States Government, except that no judgments may be executed against property currently blocked under the authority of the Trading With the Enemy Act. The conference substitute further provides that for purposes of this title only the transfer of a claim to a U.S. national shall not be deemed an interest in property which required or requires a license.

PUBLICATION IN THE FEDERAL REGISTER

Section 302(a)(8) of the conference substitute requires the Attorney General to publish in the Federal Register a summary of the provisions of title III not later than 60 days after enactment.

AGENCY OR INSTRUMENTALITY OF A FOREIGN STATE

Section 302(b) of the House bill contains a definition of "agency or instrumentality of a foreign state."

The Senate amendment contains a comparable provision in the definitions section (section 4).

The definition in the conference substitute is identical to the Senate definition, but moves the definition to section 4(1).

AMOUNT IN CONTROVERSY

Section 302(b) of the conference substitute establishes an amount in controversy requirement of $50,000, exclusive of interest, costs, and attorneys' fees, in order for an action to be brought under this section. The provision further provides that the amount in controversy threshold cannot be met by computing treble damages.

PROCEDURAL REQUIREMENTS

Section 302(c) of the House bill amends title 28 of the United States Code to grant United States district courts exclusive jurisdiction over actions brought under this title, regardless of the amount in controversy.

The Senate amendment contains no comparable provision.

Section 302(c) of the conference substitute provides that an action under this section shall be subject to the same procedural requirements as any other "federal question" action under title 28, United States Code.

ENFORCEABILITY OF JUDGMENTS AGAINST THE CUBAN GOVERNMENT

Section 302(d) of the conference substitute provides that judgments under this section shall not be enforceable against an agency or instrumentality of either a transition government or democratically elected government in Cuba. This subsection is intended to ensure that a transition or democratically elected government in Cuba is not burdened by judgments entered at any time under this section in connection with activities of the Castro regime.

CERTAIN PROPERTY IMMUNE FROM EXECUTION

Section 302(d) of the House bill amends section 1611 of title 28, United States Code (a provision of the Foreign Sovereign Immunities Act) to provide that property used for accredited diplomatic purposes is immune from both attachment and execution of a judgment resulting from an action brought under this section.

The Senate amendment contains no comparable provision.

Section 302(e) of the conference substitute is identical to the House language.

ELECTION OF REMEDIES

Section 302(e)(1) of the House bill requires an election of remedies for U.S. nationals who bring actions under this section, limiting the manner and number of actions that may be brought seeking compensation. Persons who bring an action under this section may not bring a civil action under any other law seeking compensation by reason of the same subject matter, and persons who bring a civil action under any other law seeking compensation arising out of the same claim may not bring an action under this section. In this context, the term "same subject matter" refers not to the original confiscation of property, but rather to trafficking in the property. This section is intended to prevent persons from bringing separate actions for trafficking against the same defendant or defendants under both section 302 and under a common law tort theory.

Section 302(e)(2) of the House bill contains special rules designed to prevent double compensation of certified claimants. Persons who receive a recovery in an action under this section cannot subsequently collect compensation for the same claim in subsequent settlements, except to the extent that the certified claim was not fully satisfied by the recovery in the action under this section. Certified claims under the FCSC procedure are not adversely affected by an unsuccessful action brought on the basis of the same claim under this section.

The Senate amendment contains no comparable provision.

Section 302(f) of the conference substitute is based on the House provision, but adds language stating that in any situation involving a consolidation of cases by the courts, priority in any settlement will be given to the certified claimants.

DEPOSIT OF EXCESS PAYMENTS BY CUBA UNDER CLAIMS AGREEMENT

Section 302(f) of the House bill provides that any amounts paid by Cuba to the United States in settlement of certified claims that are in excess of the payments made to the certified claimants shall be deposited into the United States Treasury.

The Senate amendment contains no comparable provision.

Section 302(g) of the conference substitute is identical to the House provision.

TERMINATION OF RIGHTS

Section 302(g) of the House bill provides for the termination of the right of action, except for pending suits, upon a determination by the President that a democratic government is in power in Cuba.

The Senate amendment contains no comparable provision.

Section 302(h) of the conference substitute modifies the House provision to include, in addition, specific authority for the President to suspend the right of action once he determines that a transition government is in power pursuant to section 204(a). Pending suits are not suspended in the event of such a determination.

The committee of conference recognizes the burden a future, post-Castro government will confront in resolving property disputes and seeking to attract foreign investment. Further, the committee is confident that such a government will take steps to provide prompt and adequate compensation to property claimants. Accordingly, this section provides that the right to bring an action under this title may be suspended by the President once he determines that a transition government is in power in Cuba, and the right to bring an action will terminate upon a presidential determination that a democratically elected government is in power in Cuba.

IMPOSITION OF FILING FEES

Section 302(i) of the conference substitute requires the establishment of a filing fee for potential plaintiffs, with the amount to be determined by the Judicial Conference of the United States. The fee should be sufficient to cover the incremental costs to the courts of actions under this title.

The committee of conference's objective is to make this right of action system self-sustaining, so that it is paid for by those who use it rather than by tax revenues drawn from the Treasury.

PROOF OF OWNERSHIP OF CLAIMS TO CONFISCATED PROPERTY

Section 303 of the House bill establishes the means courts may use in determining the amount and ownership of claims brought under section 302 as follows:

Subsection (a) requires that courts accept as "conclusive proof of ownership" a claim certified by the FCSC pursuant to title V of the International Claims Settlement Act of 1949. In the case of a claim that has not been certified by the FCSC, the court is given latitude, including the power to appoint a "special master" (including the FCSC), in making determinations of the amount and validity of ownership only for the purposes of an action brought under section 302 of the bill. The House bill precludes the courts from taking as "conclusive evidence of ownership" any findings, orders, or judgments from foreign courts or agencies or international organizations, unless such findings resulted from binding international arbitration to which the U.S. national submitted the claim.

Subsection (b) amends the International Claims Settlement Act of 1949 to add a new section 514, providing that the FCSC may provide amount and ownership determinations to the court for evidentiary purposes only, whether or not the U.S. national qualified as a national (as defined in the International Claims Settlement Act of 1949) at the time of the confiscation.

Subsection (c) sets out a rule of construction that makes explicit that nothing in the Act shall be construed as requiring or authorizing the United States Government to espouse the claims of Cuban nationals who became United States citizens after their property was confiscated.

The Senate amendment contains no comparable provisions.

Section 303 of the conference substitute is the same as the House bill, except that it changes the name of the section to "Proof of Ownership of Claims to Confiscated Property", and in subsection (a)(3) adds language that U.S. courts may not accept as conclusive evidence any findings, orders, or judgments by courts or agencies of foreign countries or international organizations as to either the amount or ownership of a claim, unless such a determination resulted from binding international arbitration to which either the United States or the individual U.S. claimant submitted the claim.

The committee of conference recognizes the importance of a decision by the Foreign Claims Settlement Commission in certifying a claim and, accordingly, believes that no court should dismiss a certification in an action brought under this title. The committee of conference also notes the recognized special expertise of the FCSC in determining the amount and validity of claims to confiscated properties overseas. As such, the "special master" provision allows the court to call upon the FCSC's expertise for evidentiary purposes related to the right of action only. This provision is intended to make clear that such evidentiary determinations by FCSC do not constitute certification of property claims pursuant to title V of the International Claims Settlement Act of 1949 for purposes of United States Government espousal and future negotiation with a friendly government in Cuba. In the view of the committee of conference, only the current 5,911 claims certified by the FCSC should be espoused by the United States Government in any settlement with a future Cuban Government.

The committee of conference is also concerned that persons potentially liable for trafficking in wrongfully acquired property may seek to immunize themselves from liability by acquiring a foreign court or agency judgment invalidating the claim of a U.S. national. U.S. courts are precluded from accepting such determinations as conclusive evidence.

EXCLUSIVITY OF FOREIGN CLAIMS SETTLEMENT COMMISSION CERTIFICATION PROCEDURE

Section 304 of the House bill amends the International Claims Settlement Act of 1949 to add a new section 515, providing that persons who were eligible to file claims under that Act but did not do so, persons who were not eligible to file a claim under that Act, and Cuban nationals or instrumentalities shall not have a claim to any compensation paid or allocated to a United States national by virtue of a certified claim. The amendment also denies U.S. courts jurisdiction to adjudicate any such claim.

The Senate amendment contains no comparable provision.

Section 304 of the conference substitute is similar to the House bill.

The committee of conference intends to make explicit that the LIBERTAD bill does not create any additional claims under the International Claims Settlement Act of 1949 and that any settlement between the United States and Cuban Governments is for the benefit of the property claimants with claims certified by the Foreign Claims Settlement Commission pursuant to title V of the International Claims Settlement Act of 1949. The committee of conference notes that, under current law and court precedents (*Judah* v. *Shanghai Power Co.*, 546 A.2d 981 (Del. 1988)), an inequitable situation could arise for certified claimants following a settlement with the Cuban Government if section 304 is not enacted. Section 304 is intended to avoid the unfair result that all or a portion of the settlement proceeds paid to expropriated U.S. claimants could be attached by (1) Cuban nationals or representatives of current or successor Cuban government agencies, (2) U.S. nationals who were eligible to file claims with the FCSC but did not, or (3) U.S. nationals who were not eligible to file claims with the FCSC, but without modifying any rights that U.S. nationals might have with respect to their shares of stock.

LIMITATION OF ACTIONS

Section 305 of the conference substitute provides that actions under section 302 cannot be brought more than two years after the trafficking in confiscated property in Cuba has ceased to occur.

EFFECTIVE DATE

Section 306 of the conference substitute establishes an effective date of August 1, 1996 for title III. The section further provides two forms of suspension authority that the President may exercise to delay litigation under section 302.

First, the President may suspend the effective date for a period of not more than six months if he determines and reports in writing to the appropriate committees of Congress that such suspension is "necessary to the national interests of the United States and will expedite a transition to democracy in Cuba." This suspension may be extended for additional periods of not more than six months each upon making the same determination and report to Congress as above.

Second, after title III takes effect, the President may suspend the right to bring an action under section 302 for a period of not more than six months upon making the same determination and report to Congress as above. This second form of suspension can also be extended for additional periods of not more than six months upon making the same determination and report to Congress as above. Suspension pursuant to this authority will not suspend or otherwise affect pending cases.

The committee of conference provided this suspension authority at the request of the Executive branch in order to afford the President flexibility to respond to unfolding developments in Cuba. The committee specifically rejected a proposal made by the Executive branch that the President be permitted to suspend the right of action upon determining and reporting to the appropriate committees of Congress that such suspension "is important to the national interests of the United States, including expediting a transition to democracy in Cuba."

The committee of conference could not accept the formulation proposed by the Executive branch because it subordinated the question of whether suspension of the right of action would expedite a transition to democracy in Cuba to a larger question of whether suspension is important to the President's overall calculation of the national interest. The committee strongly believes that the question of whether suspension will expedite a transition to democracy in Cuba should be the central element of the President's decision whether to exercise the suspension authority, and not just be one of many factors to be considered by the President.

The formula included in the conference substitute requires the President to determine two separate and distinct matters before suspending the right of action: first that suspension "is necessary to the national interests of the United States," and second that suspension "will expedite a transition to democracy in Cuba."

In the judgment of the committee of conference, under current circumstances the President could not in good faith determine that suspension of the right of action is either "necessary to the national interests of the United States" or "will expedite a transition to democracy in Cuba." In particular, the committee believes that it is demonstrably not the case that suspending the right of action will expedite a transition to democracy in Cuba, inasmuch as suspension would remove a significant deterrent to foreign investment in Cuba, thereby helping prolong Castro's grip on power.

TITLE IV—EXCLUSION OF CERTAIN ALIENS

Section 401 of the House bill provides that the Secretary of State, in consultation with the Attorney General, shall exclude from the United States any alien who the Secretary determines (1) has confiscated or converted, or overseen or directed the confiscation or conversion of, property belonging to a United States national; (2) knowingly and intentionally traffics in confiscated American property after the bill's enactment; (3) is a corporate officer, principal, or controlling shareholder in a company or entity that has been involved in such confiscations or conversions or trafficking; or, (4) is a spouse, minor child, or agent of any person described above. The Secretary of State may waive this prohibition on a case-by-case basis when he determines that it is in the national interest to do so.

The Senate amendment contains no comparable provision.

Section 401 of the conference substitute adopts the approach of the House bill, but limits application of the provision to confiscated property in Cuba. In addition, the substitute limits application of the provision to trafficking that occurs after the date of enactment.

The committee notes that the definition of trafficking for purposes of section 401 is slightly narrower than the definition applicable to title III set forth in section 4(13) of the conference substitute. Two considerations account for the narrower definition. First, the committee did not wish to reach existing acts of trafficking under this section, but rather wished to reach new and different acts of trafficking beginning on or after the date of enactment. Second, the committee did not wish this section to deter investors in Cuba from divesting their holdings. For this reason, the sale or abandonment of confiscated property in Cuba for purposes of disengaging from Cuba is excluded from the definition of trafficking.

BEN GILMAN,
DAN BURTON,
ILEANA ROS-LEHTINEN,
PETER T. KING,
LINCOLN DIAZ-BALART,
ROBERT G. TORRICELLI,
ROBERT MENENDEZ,
Managers on the Part of the House.

JESSE HELMS,
PAUL COVERDELL,
FRED THOMPSON,
OLYMPIA SNOWE,
CHARLES S. ROBB,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. STOKES (at the request of Mr. GEPHARDT), for today through Friday, March 15, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. SCHROEDER) to revise and extend their remarks and include extraneous material:)

Mrs. SCHROEDER, for 5 minutes, today.

Mr. CHRISTENSEN, for 5 minutes on March 5.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. SCHROEDER) and to include extraneous matter:)

Mr. TOWNS.
Mr. ORTIZ.
Mr. EWING.
Ms. ESHOO.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on the following dates present to the President, for his approval, bills of the House of the following titles:

On February 23, 1996:

H.R. 1718. An act to designate the United States courthouse located at 197 Main Street in Wilkes-Barre, Pennsylvania, as the "Max Rosenn United States Courthouse."

On February 28, 1996:

H.R. 2196. An act to amend the Stevenson-Wydler Technology Innovation Act of 1980 with respect to inventions made under cooperative research and development agreements, and for other purposes.

ADJOURNMENT

Mr. McINTOSH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 17 minutes p.m.), under its previous order, the House adjourned until tomorrow, March 5, 1996, at 9:30 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred to as follows:

2147. A letter from the Under Secretary of Defense, transmitting a report of a violation of the Anti-Deficiency Act which occurred at the Oklahoma City Air Logistics Center, Tinker Air Force Base, OK, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

2148. A letter from the Assistant Secretary for Legislative Affairs and Public Liaison, Department of the Treasury, transmitting a copy of the 10th monthly report pursuant to the Mexican Debt Disclosure Act of 1995, pursuant to Public Law 104-6, section 404(a) (109 Stat. 90); to the Committee on Banking and Financial Services.

2149. A letter from the Chair, Christopher Columbus Fellowship Foundation, transmitting annual report of the Christopher Columbus Fellowship Foundation for fiscal year 1995, pursuant to Public Law 101-281, section 429(b) (106 Stat. 145); to the Committee on Banking and Financial Services.

2150. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Ukraine, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

2151. A letter from the Acting Assistant Secretary, Department of Education, transmitting final regulations—State grants program for technology—related assistance for individuals with disabilities, pursuant to 20 U.S.C. 1232(d)(i); to the Committee on Economic and Educational Opportunities.;

2152. A letter from the Secretary of Education, transmitting final regulations—Education Department general administrative regulations [EDGAR]—direct grant programs, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Economic and Educational Opportunities.

2153. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on various issues of the Safety Research Program of the Nuclear Regulatory Commission, pursuant to 42 U.S.C. 2039; to the Committee on Commerce.

2154. A letter from the Chair, Federal Labor Relations Authority, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2155. A letter from the Executive Director, Federal Retirement Thrift Investment Board, transmitting activities under the Freedom of Information Act, for the calendar year 1995, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2156. A letter from the Administrator, General Services Administration, transmitting the annual report of personal property furnished to non-Federal recipients for fiscal years 1992 through 1994, pursuant to 40 U.S.C. 483(e); to the Committee on Government Reform and Oversight.

2157. A letter from the Commission, International Boundary and Water Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

2158. A letter from the General Counsel, National Science Foundation, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2159. A letter from the Director, National Science Foundation, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1995, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

2160. A letter from the Chairman, National Transportation Safety Board, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552; to the Committee on Government Reform and Oversight.

2161. A letter from the Deputy Director, Office of Federal Housing Enterprise Oversight, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

2162. A letter from the Director, Office of Management and Budget, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2163. A letter from the Director, Office of Office of Science and Technology Policy, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2164. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 96-10: Eligibility of Bosnia and Herzegovina to be Furnished Defense Articles and Services Under the Foreign Assistance Act and the Arms Export Control Act, pursuant to section 503(a) of the Foreign Assistance Act of 1961, as amended and section 3(a)(1) of the Arms Export Control Act; to the Committee on International Relations.

2165. A letter from the Executive Director, Pennsylvania Avenue Development Corporation, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552; to the Committee on Government Reform and Oversight.

2166. A letter from the Railroad Retirement Board, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2167. A letter from the Executive Director, Thrift Depositor Protection Oversight Board, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2168. A letter from the Director, U.S. Trade and Development Agency, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2169. A letter from the Chairman, U.S. International Trade Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2170. A letter from the Marshal of the Court, Supreme Court of the United States, transmitting the annual report on administrative costs of protecting Supreme Court Officials, pursuant to 40 U.S.C. 13n(c); to the Committee on the Judiciary.

2171. A letter from the Secretary of Commerce, transmitting the 1995 annual report of the visiting committee on advanced technology of the National Institute of Standards and Technology [NIST], U.S. Department of Commerce, pursuant to Public Law 100–418, section 5131(b) (102 Stat. 1443); to the Committee on Science.

2172. A letter from the Chairman, U.S. International Trade Commission, transmitting a copy of the 84th quarterly report on trade between the United States and China, the successor states to the former Soviet Union and other title IV countries during July–September 1995, pursuant to 19 U.S.C. 2440; to the Committee on Ways and Means.

2173. A letter from the Chair, Defense Environmental Response Task Force, transmitting a report on the actions of the Defense Environmental Response Task Force; jointly, to the Committees on National Security and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ARCHER: Committee on Ways and Means. H.R. 2969. A bill to eliminate the Board of Tea Experts by repealing the Tea Importation Act of 1897 (Rept. 104–467 Pt. 1). Ordered to be printed.

Mr. GILMAN: Committee of Conference. Conference report on H.R. 927. A bill to seek international sanctions against the Castro government in Cuba, to plan for support of a transition government leading to a democratically elected government in Cuba, and for other purposes (Rept. 104–468). Ordered to be printed.

Mr. HYDE: Committee on the Judiciary. H.R. 2202. A bill to amend the Immigration and Nationality Act to improve deterrence of illegal immigration to the United States by increasing border patrol and investigative personnel, by increasing penalties for alien smuggling and for document fraud, by reforming exclusion and deportation law and procedures, by improving the verification system for eligibility for employment, and through other measures, to reform the legal immigration system and facilitate legal entries into the United States, and for other purposes; with an amendment (Rept. 104–469, Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 2202. Referral to the Committees on Agriculture, Banking and Financial Services, Economic and Educational Opportunities, Government Reform and Oversight, National Security, and Ways and Means extended for a period ending not later than March 8, 1996.

H.R. 2969. Referral to the Committee on commerce extended for a period ending not later than March 7, 1996.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. EWING (for himself and Mr. LEWIS of Kentucky):

H.R. 3002. A bill to amend the Higher Education Act of 1965 to exempt certain small lenders from the audit requirements of the guaranteed student loan program; to the Committee on Economic and Educational Opportunities.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 580: Mr. PASTOR and Ms. SLAUGHTER.

H.R. 842: Mr. ALLARD and Mr. GREENWOOD.

H.R. 989: Ms. LOFGREN.

H.R. 1143: Mr. MINGE.

H.R. 1496: Mr. PAYNE of Virginia and Mr. FRELINGHUYSEN.

H.R. 1733: Mr. QUILLEN.

H.R. 1884: Ms. ESHOO.

H.R. 1965: Mr. SCHUMER and Mr. MCNULTY.

H.R. 2655: Mr. SCHUMER.

H.R. 2676: Mr. PETE GEREN of Texas.

H.R. 2751: Mr. CRAMER.

H.R. 2827: Mr. GONZALEZ.

H.R. 2856: Mr. CLYBURN.

H.R. 2922: Mr. COSTELLO.

H. Con. Res. 21: Mr. JOHNSTON of Florida.

H. Con. Res. 145: Mr. BROWN of Ohio, Mr. BERMAN, Mr. FRAZER, Mrs. KENNELLY, Ms. SLAUGHTER, Mr. PORTER, AND MRS. MEYERS of Kansas.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

64. By the SPEAKER: Petition of the city council of the city of Seattle, WA, relative to the council's opposition to the proposed immigration legislation currently before the U.S. Senate and strongly urging its defeat as a bill which imposes unfair and unwise restrictions on legal immigration; to the Committee on the Judiciary.

65. Also, petition of the city council of Toledo, OH, relative to the Great Lakes Critical Programs Act; to the Committee on Transportation And Infrastructure.

SENATE—*Monday, March 4, 1996*

(Legislative day of Wednesday, February 28, 1996)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDENT pro tempore. Under the previous order, the Senate stands in adjournment until 9:30 a.m., Tuesday, March 5.

Thereupon, the Senate, at 11 o'clock and 10 seconds a.m., adjourned until Tuesday, March 5, 1996, at 9:30 a.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

EXTENSIONS OF REMARKS

ELIMINATING THE FFELP AUDIT ON LENDING INSTITUTIONS

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1996

Mr. EWING. Mr. Speaker, I represent many small to mid-sized lenders which maintain and service small student loan portfolios in compliance with the Federal Family Education Loan Program [FFEL]. The profit on these portfolios is estimated to be around $3,000–$5,000 annually while the audit required by the Department of Education costs as much and in some cases even more. In the vast majority of these cases audits are not even sent to the Department of Education—they just sit and collect dust in the financial institution. As you can see it is senseless for small lenders to service their portfolios and participate in the FFEL Program. In fact, many small lenders are selling their portfolios and leaving the student loan business altogether because of this expensive and unnecessary audit.

When contacted about the possibility of a waiver or alternative to this detrimental mandate the Department of Education stated "* * * lender audits are required by statute—section 428(b)(U) of the Higher Education Act of 1965, as amended by the Higher Education Act of 1992 * * *" and that the "* * * statute does not provide authority for the Department to waive the annual audit based on the size of the lender's FFEL portfolio or the cost of conducting the audit." Furthermore, according to the Department of Education's Office of the inspector general, portfolio totaling less than $10 million do not even have to send their audits to the Department for review. They are only required to " * * * hold the reports for a period of 3 years and shall submit them only if requested." That means lenders spend thousands on a compliance audit that is never sent anywhere.

Today I am introducing a bill that would eliminate the lender audit on institutions with portfolios equaling $10 million or less. Without a change in current law more and more small lending institutions will continue to leave the FFEL Program and the result will be fewer opportunities for students. This law makes no sense and clearly illustrates why Americans are so frustrated with Washington.

TRIBUTE TO THE HONORABLE JANE BAKER

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1996

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to Jane Baker, a dedicated community leader who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Jane Baker has dedicated much of her life to serving the people of San Mateo County. For more than 20 years, she served on the San Mateo City Council, with six terms as mayor. As a dedicated local elected official, Jane Baker has worked with the San Mateo County Transportation Authority, the National League of Cities Advisory Council and Board of Directors, the State Job Training Coordinating Council, the City/County Task Force on Transportation, the Association of Bay Area Governments, and the Council of Mayors of San Mateo County. Jane Baker is also a founding member and past director of the California Elected Women for Research and Education, and has been actively involved with the American Association for University Women, the League of Women Voters, the Women's Association of the First Presbyterian Church, the Coyote Point Museum Auxiliary, and the Commonwealth Club.

Mr. Speaker, Jane Baker is an outstanding citizen and I salute her for all her work on behalf of and commitment to our community. I ask my colleagues to join me in honoring Jane Baker and congratulate her on being inducted into the San Mateo County Women's Hall of Fame.

TRIBUTE TO ROBERTA JANE BESSETTE

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1996

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to Roberta Jane Bessette, a dedicated community leader who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Roberta Jane Bessette has been involved in public health services for more than 30 years. As the visiting nurse director in San Mateo County, she has worked to support equal access to home health-care for everyone, regardless of race, religion, place of residence, or ability to pay. She promotes cultural diversity in hiring and has expanded the Visiting Nurse Association's home care program to rural and high crime areas where other agencies do not serve. With her vision and leadership skills, Roberta Jane Bessette started the much-needed home pediatric and psychiatric programs for the Visiting Nurse Association. She is also actively involved with the United Way County Leadership Board, the Foster City Friends of the Library, and the Health Plan Committee of San Mateo.

Mr. Speaker, Roberta Jane Bessette is outstanding citizen and I salute her for her contributions and commitment to serving our community. I ask my colleagues to join me in honoring Roberta Jane Bessette and congratulate her on being inducted into the San Mateo County Women's Hall of Fame.

TRIBUTE TO MARJORIE "MIDGE" BOLTON

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1996

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to Marjorie "Midge" Bolton, a dedicated community leader who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Marjorie "Midge" Bolton served as the head of the Volunteer Center of San Mateo County for 20 years. During that time, she started an innovative volunteer program to help mental health patients who were leaving institutional care. From 1983 to 1993, Marjorie "Midge" Bolton worked as a member of the Board of the Peninsula Community Foundation, helping to guide the agency during a period of important growth and development. She was one of the founding members of the Mission Hospice and served as its board president from 1982–1984. Marjorie "Midge" Bolton is also actively involved in the Mills College Board of Trustees and Alumnae Association, the San Mateo County unit of the United Way of the Bay Area, the Peninsula YMCA, the Burlingame Library Foundation Board, and the KCSM Advisory Board.

Mr. Speaker, Marjorie "Midge" Bolton is an outstanding citizen and I salute her for her contributions and commitment to serving our community. I ask my colleagues to join me in honoring Marjorie "Midge" Bolton and congratulate her on being inducted into the San Mateo County Women's Hall of Fame.

TRIBUTE TO DORIAN MOTEN BROWN

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1996

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to Dorian Moten Brown, a dedicated community leader who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Dorian Moten Brown is a remarkable community activist who works as a trainer in conflict resolution and serves as the director of a Community Mediation Program in East Palo Alto. She has opened an in-house alternative program for children suspended from elementary schools and runs programs of gang mediation in East Palo Alto, Palo Alto, and San

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mateo. She is a mentor for parolees from the California Youth Authority, a group home counselor, and an executive producer of youth television for Emerald City magazine. Dorian Moten Brown has received numerous recognitions for her dedicated community service, including the World of Well Being Award from the Santa Clara Girl Scouts, the Positive Image Award from the East Palo Alto Teen Home, the Community Leader Fellowship Award from the California Wellness Foundation, and the Larry Sleizer Memorial Award for professional mediation.

Mr. Speaker, Dorian Moten Brown is an outstanding citizen and I salute her for her contributions and commitment to serving our community. I ask my colleagues to join me in honoring Dorian Moten Brown and congratulate her on being inducted into the San Mateo County Women's Hall of Fame.

TRIBUTE TO GIOCONDA EGAN

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1996

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to Gioconda Egan, a dedicated community leader who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Gioconda Egan, herself profoundly deaf, founded the San Mateo County Branch of Deaf Counseling Advocacy Referral Agency in 1978 and served as its executive director until 1982. She is a trained paralegal and has encouraged the courts and community colleges in San Mateo County to offer sign language services. She was instrumental in developing the Disability Services Program for the San Mateo County government and effectively operated the program from 1985 to 1991. She also helped establish a class specifically designed for the hearing impaired at a local college. Gioconda Egan is a founding member and active participant in the San Mateo County Commission on Disabilities.

Mr. Speaker, Gioconda Egan is an outstanding citizen and I salute her for her contributions and commitment to serving our community. I ask my colleagues to join me in honoring Gioconda Egan and congratulate her on being inducted into the San Mateo County Women's Hall of Fame.

TRIBUTE TO SHARON BRYCE HOFSTEDT

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1996

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to Sharon Bryce Hofstedt, a dedicated community leader who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Sharon Bryce Hofstedt, a registered nurse for 25 years, is a tireless advocate on behalf of women, children, and families in San Mateo County. She chairs the Community Outreach Committee of the Board of Directors for Stanford University Hospital and has been instrumental in developing programs that encourage people to volunteer with the hospital. As a board member and current president of the board of directors for Women's Recovery Association, she has helped expand its services to include the innovative Perinatal Residential Program. Sharon Bryce Hofstedt is also actively involved with Samaritan House and the County Winter Shelter Task Force. In 1991, Sharon Bryce Hofstedt was honored by the Junior League of Palo Alto as an Outstanding Volunteer Advocate.

Mr. Speaker, Sharon Bryce Hofstedt is an outstanding citizen and I salute her for her contributions and commitment to serving our community. I ask my colleagues to join me in honoring Sharon Bryce Hofstedt and congratulate her on being inducted into the San Mateo County Women's Hall of Fame.

TRIBUTE TO VIVIAN L. KRAL

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1996

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to Vivian L. Kral, a dedicated community leader who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Vivian L. Kral was recently named president-elect of California Women Lawyers, the largest Women's Bar Association in the world. Vivian L. Kral is an invaluable women's rights activist and the first woman in San Mateo County to have earned the honor of presiding over the California Women Lawyers. She has also received the California Women Lawyers President's Award for passion and commitment for her work in promoting the advancement of women in the legal profession and society. In addition to her work as a practicing attorney, Vivian L. Kral lectures on legal ethics and family law and teaches oral advocacy at the Hastings College of Oral Advocacy. She is also the vice president of the Planned Parenthood Association of San Mateo County, president of the San Mateo County's National Women's Political Caucus, and a member of the County Bar Association Board of Directors.

Mr. Speaker, Vivian L. Kral is an outstanding citizen and I salute her for her contributions and commitment to serving our community. I ask my colleagues to join me in honoring Vivian L. Kral and congratulate her on being inducted into the San Mateo County Women's Hall of Fame.

TRIBUTE TO MARIA LUCIDI

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1996

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to Maria Lucidi, a dedicated community leader who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

For the past 40 years, Maria Lucidi has worked to improve our education system as a teacher, a department chair, a coach of forensics and debate, a coordinator of our schools' Gifted and Talented Program, and head of many committees at the school, district, and county levels. With her remarkable vision and leadership skills, Maria Lucidi started San Mateo High School District's literary-art magazine and originated the speaker's bureau. She has excelled as an educator, having received a National Endowment for the Humanities Fellowship in 1992 and the San Mateo County Teacher of the Year Award in 1980. Maria Lucidi is also actively involved in the Red Cross and the Cystic Fibrosis Associations.

Mr. Speaker, Maria Lucidi is an outstanding citizen and I salute her for her contributions and commitment to our students and our public education system. I ask my colleagues to join me in honoring Maria Lucidi and congratulate her on being inducted into the San Mateo County Women's Hall of Fame.

TRIBUTE TO JACQUELINE COOKE

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1996

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to Jacqueline Cooke, a dedicated community leader who is being honored as an inductee into the San Mateo County Women's Hall of Fame as a Young Woman of Excellence.

Jacqueline Cooke has been an active participant in student government, athletics, and music from her first day at Burlingame High School. She has developed outstanding leadership skills and maintained a consistent honor roll academic standing. Jacqueline Cooke is one of two seniors representing Burlingame High School in a community coalition dedicated to linking students with senior citizens. She has also played an important role in developing "Freshman Gathering," a program designed to help ninth graders make the transition from middle school to high school. Jacqueline Cooke is currently student body president and was recently voted the Senior Who Contributed the Most. Her volunteer activities range from fundraising for AIDS research to collecting teddy bears for needy children.

Mr. Speaker, Jacqueline Cooke is an outstanding citizen and I salute her for her contributions and commitment to serving our community. I ask my colleagues to join me in honoring Jacqueline Cooke and congratulate her on being inducted into the San Mateo County Women's Hall of Fame as a Young Woman of Excellence.

TRIBUTE TO THE HONORABLE FLORENCE RHOADS

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1996

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to Florence Rhoads, a dedicated community leader who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Florence Rhoads has more than two decades of community service to her credit, including more than 12 years on the San Mateo City Council, with three terms as mayor. As a dedicated local elected official, she served on the public safety committee of the League of California Cities and the Association of Bay Area Government's executive board. With her strong leadership skills, Florence Rhoads chaired the San Mateo County Council of Mayors, the County Criminal Justice Council, and the San Mateo Parks and Recreation Commission. Her community activism also goes beyond her work in local government. She is actively involved with community groups such as the American Association of University Women, the West San Mateo Homeowners' Association, the League of Women Voters, and the San Mateo Arboretum Society.

Mr. Speaker, Florence Rhoads is an outstanding citizen and I salute her for her countless contributions and commitment to serving our community. I ask my colleagues to join me in honoring Florence Rhoads and congratulate her on being inducted into the San Mateo County Women's Hall of Fame.

TRIBUTE TO MARY REGAN SIMONSON

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1996

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to Mary Regan Simonson, a dedicated community leader who is being honored as an inductee into the San Mateo County Women's Hall of Fame as a Young Woman of Excellence.

Since 1992, Mary Regan Simonson has contributed over 900 hours of community service to the Ronald McDonald House for terminally ill children and their parents. Working at the Ronald McDonald House, she recruits, trains, and manages a Teen Volunteer Program serving 200 children. She also has donated hundreds of volunteer hours at the Stanford Children's Hospital. As a senior at Sacred Heart Preparatory School, Mary Regan Simonson maintains a 3.68 grade point average and is the editor of the yearbook, as well as an active member of the student council. She is also a nationally competitive vaulter in gymnastics on horseback and spends time teaching younger children how to vault.

Mr. Speaker, Mary Regan Simonson is an outstanding citizen and I salute her for her contributions and commitment to serving our community. I ask my colleagues to join me in honoring Mary Regan Simonson and congratulate her on being inducted into the San Mateo County Women's Hall of Fame as a Young Woman of Excellence.

TRIBUTE TO PEGGY STERN PROPP

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1996

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to Peggy Stern Propp, a dedicated community leader who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Seven years ago, Peggy Stern Propp left a successful marketing career to start Community Impact, a remarkable nonprofit organization dedicated to increasing volunteerism. With her vision and passion, she collaborates with other Bay Area nonprofits to create innovative one-day projects for volunteers, and advertises these opportunities through a newsletter. Through Community Impact, volunteers have donated over 62,000 hours of community service to agencies and individuals in need. With her infectious enthusiasm, Peggy Stern Propp is continually finding new ways for individuals and groups to build stronger communities through volunteer service.

Mr. Speaker, Peggy Stern Propp is an outstanding citizen and I salute her for her contributions and commitment to serving our community. I ask my colleagues to join me in honoring Peggy Stern Propp and congratulate her on being inducted into the San Mateo County Women's Hall of Fame.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 5, 1996, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 6

9:00 a.m.

Select on Intelligence

To hold hearings to examine the role and mission of U.S. intelligence.

SD–106

9:30 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1997 for the Department of Defense.

SD–192

Armed Services

To hold hearings on the 1996 Ballistic Missile Defense update review.

SD–G50

Energy and Natural Resources

To hold oversight hearings on issues relating to competitive change in the electric power industry.

SR–325

Governmental Affairs

To hold joint hearings with the House Government Reform Committee to examine the implementation of the Government Performance and Results Act.

2154 Rayburn Building

Labor and Human Resources

To hold hearings on proposed legislation authorizing funds for the National Institutes of Health.

SD–430

Special on Aging

To hold hearings to examine telemarketing scams that target the elderly.

SD–562

10:00 a.m.

Budget

To hold hearings to review the current state of the U.S. economy.

SD–608

Foreign Relations

To hold hearings on the nomination of Rita Derrick Hayes, of Maryland, for the rank of Ambassador during her tenure of service as Chief Textile Negotiator.

SD–419

Judiciary

To hold hearings to examine the interstate transportation of human pathogens.

SD–226

Commission on Security and Cooperation in Europe

To hold hearings on the Chechen conflict and Russian democratic development.

2200 Rayburn Building

2:00 p.m.

Armed Services

Strategic Forces Subcommittee

To hold hearings on the Department of Energy's Environmental Management Program, and Defense Nuclear Facilities Safety Board activities.

SR–232A

Foreign Relations

Near Eastern and South Asian Affairs Subcommittee

To hold hearings to examine the treatment of minorities in South Asia.

SD–419

MARCH 7

9:30 a.m.

Armed Services

Business meeting, to consider pending military nominations; to be followed by hearings on the nominations of Kenneth H. Bacon, of the District of Columbia, to be Assistant Secretary of Defense for Public Affairs, Franklin D. Kramer, of the District of Columbia, to be Assistant Secretary of Defense for International Security Affairs, and

Alvin L. Alm, of Virginia, to be Assistant Secretary of Energy for Environmental Management.

SR-222

Commerce, Science, and Transportation

To hold hearings to examine air bag safety issues.

SR-253

Energy and Natural Resources

Parks, Historic Preservation and Recreation Subcommittee

To hold hearings on S. 745, to require the National Park Service to eradicate brucellosis afflicting the bison in Yellowstone National Park, S. 796 and H.R. 238, bills to provide for the protection of wild horses within the Ozark National Scenic Riverways, Missouri, and prohibit the removal of such horses, and S. 1451, to authorize an agreement between the Secretary of the Interior and a State providing for the continued operation by State employees of national parks in the State during any period in which the National Park Service is unable to maintain the normal level of park operations.

SD-366

Governmental Affairs

To resume hearings on S. 356, to declare English as the official language of the Government of the United States.

SD-342

Labor and Human Resources

To continue hearings on proposed legislation authorizing funds for the National Institutes of Health.

SD-430

10:00 a.m.

Foreign Relations

To hold hearings on the Convention on Chemical Weapons.

SD-419

Judiciary

Business meeting, to resume consideration of S. 269 and S. 1394, proposed Immigration Reform Act.

SD-106

1:00 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold hearings on S. 393 and H.R. 924, bills to prohibit the Secretary of Agriculture from transferring any national forest system lands in the Angeles National Forest in California out of Federal ownership for use as a solid waste landfill.

SD-366

2:00 p.m.

Select on Intelligence

To hold a closed briefing on intelligence matters.

SH-219

MARCH 8

9:30 a.m.

Governmental Affairs

Oversight of Government Management and The District of Columbia Subcommittee

To hold hearings to examine the oversight of government-wide travel management.

SD-342

Labor and Human Resources

To hold hearings on S. 553, to amend the Age Discrimination in Employment Act of 1967 to reinstate an exemption for certain bona fide hiring and retirement plans applicable to State and local firefighters and law enforcement officers.

SD-430

Joint Economic

To hold hearings to examine the employment-unemployment situation for February.

334 Cannon Building

MARCH 12

10 a.m.

Budget

To hold hearings on immigration and public welfare benefits.

SD-608

MARCH 13

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Governmental Affairs

Permanent Subcommittee on Investigations

To resume hearings to examine global proliferation of weapons of mass destruction.

SD-342

10:00 a.m.

Veterans' Affairs

To hold hearings to examine the reform of health care priorities.

SR-418

MARCH 14

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Paralyzed Veterans of America, the Jewish War Veterans, the Retired Officers Association, the Association of the U.S. Army, the Non-Commissioned Officers Association, and the Blinded Veterans Association.

345 Cannon Building

MARCH 19

9:30 a.m.

Commerce, Science, and Transportation

To hold oversight hearings on activities of the Federal Communications Commission.

SR-253

10:00 a.m.

Budget

To hold hearings on the President's fiscal year 1997 budget proposals.

SD-608

Governmental Affairs

Permanent Subcommittee on Investigations

To hold hearings to examine the asset forfeiture program, focusing on issues relating to the Bicycle Club Casino.

SD-342

MARCH 20

9:30 a.m.

Governmental Affairs

Permanent Subcommittee on Investigations

To resume hearings to examine global proliferation of weapons of mass destruction.

SD-342

10:00 a.m.

Veterans' Affairs

To resume hearings to examine the reform of health care priorities.

SR-418

MARCH 26

2:00 p.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings on the proposed budget request for fiscal year 1997 for the National Aeronautics and Space Administration (NASA).

SR-253

MARCH 27

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine Spectrum's use and management.

SR-253

Governmental Affairs

Permanent Subcommittee on Investigations

To resume hearings to examine global proliferation of weapons of mass destruction.

SD-342

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Veterans of World War I, AMVETS, the American Ex-Prisoners of War, the Vietnam Veterans of America, and the Military Order of the Purple Heart.

345 Cannon Building

SEPTEMBER 17

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.

335 Cannon Building

SENATE—*Tuesday, March 5, 1996*

The Senate met at 9:30 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Our Chaplain this morning is Dr. O.S. Hawkins, pastor of the First Baptist Church of Dallas, TX. He is sponsored by Senator HUTCHISON.

PRAYER

The guest Chaplain, Dr. O.S. Hawkins, pastor of the First Baptist Church of Dallas, TX, offered the following prayer:

Dear Lord, thank You for the realization that You are truly alive today. Bring us to a conscious awareness that, as Your Word states, "The Most High still rules over the affairs of men," that "Your eyes run to and fro over this whole world to show Yourself strong in behalf of those whose hearts are fixed on You."

Lord, impart a spirit of faith, hope, and love to this body of men and women in these strategic places of leadership. A spirit of faith because You said "without faith it is impossible to please You." A spirit of hope because You are the personification of our hope, our blessed hope. And, a spirit of love because You said that is the single distinguishing characteristic by which we would be known. We ask these things in Jesus' name. Amen.

The PRESIDENT pro tempore. Senator HUTCHISON of Texas.

ACCOLADES TO GUEST CHAPLAIN, DR. O.S. HAWKINS

Mrs. HUTCHISON. I want to say how pleased I am to have been able to invite Dr. O.S. Hawkins of the First Baptist Church of Dallas, one of the largest Baptist churches in the whole world, to be with us today. He is a very special person in my life, along with his wife, Susie, whose father I served with in the Texas Legislature. Susie Hawkins was just a girl when her father and I served in the legislature. My husband also served with Susie's father in the State legislature in Texas. Our family ties have gone back a long way.

I want to say Dr. Hawkins is one of the great future religious leaders of our country. He already has taken over this great Baptist church of Texas. We are very proud of him. He has been wonderful to my family and to me.

I also want to thank Dr. Ogilvie for helping us bring him in for the great honor of opening the Senate. I think it is a wonderful tradition we have to start every day as we do by just taking a moment to thank God for the blessings that we have in this country. I think Dr. Hawkins did it very well today. I commend him. I am proud to be one of his constituents.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER (Mr. COVERDELL). The Chair recognizes the Senator from Mississippi.

SCHEDULE

Mr. LOTT. Mr. President, today the Senate will immediately begin consideration of the conference report accompanying H.R. 927, the Cuban sanctions bill. Under the current consent agreement reached last week, there will be 2½ hours of debate on the conference report divided equally between Senators COVERDELL and DODD.

Following debate on the conference report, the conference report will be set aside with a vote to occur on the adoption of that conference report at 2:15 today. At the hour of 12 noon today the Senate will begin 30 minutes of debate on the motion to invoke cloture on the District of Columbia conference report, with the vote to invoke cloture immediately following the 2:15 vote on the Cuban sanctions legislation.

The Senate will recess from the hours of 12:30 to 2:15 today for the weekly party conferences to meet. Senators should therefore be reminded there will be two consecutive rollcall votes beginning at 2:15 this afternoon, the first vote being on the Cuban conference report, followed by a vote on cloture on the D.C. conference report.

CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY [LIBERTAD] ACT OF 1996—CONFERENCE REPORT

The PRESIDING OFFICER. The Chair lays before the House a conference report on H.R. 927. The report will be stated. The assistant legislative clerk read as follows:

> The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 927) to seek international sanctions against the Castro government in Cuba, to plan for support of a transition government leading to a democratically elected government in Cuba, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of March 1, 1996.)

Mr. LOTT. I believe the managers of the legislation will be ready to go in a few minutes. Until they arrive, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LOTT). Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. COVERDELL. Mr. President, I ask unanimous consent that floor privileges be granted to the following staff members from the House Committee on International Relations, Mr. Roger Noriega and Mr. Stephen Rademaker, during the pendency of the conference report on H.R. 927 and for the rollcall votes thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, we are beginning deliberation on the Cuban Liberty and Democratic Solidarity Act, H.R. 927. There has been much said about this piece of legislation. It has been controversial from the beginning.

I believe it is important that we put this legislation in context. This legislation, Mr. President, is directed at a dictator and regime that has engaged in the violation of human rights of their own people and others, murder, terrorism, exportation of revolution, and has been an open adversary of the United States of America and her people.

To put it in context, there have been decades of pursuit of the objectives I just referred to. In 1959, Cuba aided armed expeditions against Panama, the Dominican Republic, and Haiti. During the 1960's, Cuba backed attempts to develop guerrilla insurgencies in Guatemala, Colombia, Venezuela, Peru, and Bolivia. In the 1970's and the 1980's, Cuba had 50,000 troops in Angola; in Ethiopia, 24,000; and in Nicaragua 1,500.

By the end of 1960, the Cuban Government, under Fidel Castro, had expropriated all—all—private United States property in Cuba.

We all remember—or should remember—the confrontation between the United States and Cuba and the Soviet Union as they attempted to put hostile missiles on Cuban soil, directed at the United States. In July 1964 the Organization of American States voted to suspend diplomatic and trade relations with Cuba because of Cuban support for subversive activities in Venezuela.

In the 1980's, from April through September of 1980, 125,000 Cubans fled Cuba in the so-called Mariel boatlift. In February 1982 the Secretary of State added Cuba to the list of countries supporting international terrorists for its complicity with the M–19 movement in Colombia.

On April 29, 1994, Cuban border guards rammed and sank a private vessel, the *Olympia*, which had fled Cuba and was 25 nautical miles off its shores; 3 of the 21 Cubans aboard drowned, including two 6-year-old children.

On July 13, 1994, approximately 40 Cubans, many of whom were children, drowned when the tugboat *Trece de Marzo*, stolen by a group of Cubans attempting to flee Cuba, sank after being rammed by Cuban border guard vessels and flooded with fire hoses into the hold, sweeping the innocent citizens off the deck.

On December 22, 1995, the U.N. General Assembly approved a resolution, again calling on Cuba to cooperate fully with the U.N. Special Rapporteur, regretting profoundly the numerous violations of human rights and fundamental freedoms in Cuba.

Beginning on February 15, 1996, the Cuban Government began a crackdown on members of the Concilio Cubano, an umbrella group of more than 100 dissident organizations that had applied for permission to hold a national meeting on February 24, 1996.

And then, Mr. President, on February 24, Cuban MiG–29 fighter jets shot down two United States private airplanes, Cessna 336's, in the Florida straits, flown by members of the Cuban-American group, Brothers to the Rescue.

Mr. President, I might add that both aircraft were destroyed, unarmed, in international waters, 4 and 6 miles beyond Cuban airspace.

This incident has caused considerable outrage and has caused the administration to alter its policy of befriending the Castro government; and they have now come together with the authors of this resolution, Senator HELMS of North Carolina and Representative BURTON of Indiana, in an agreement to finally pass the Libertad Act and direct our hostility toward the Cuban Government.

But the point is that this is not an isolated incident. This is but one of hundreds of incidents and infractions of common and civil and appropriate behavior on the part of the Cuban Government, which it continues to fail to practice.

Let us look at a summary of the Libertad Act. Title I: Strengthening international sanctions against the Castro government.

It urges the President to seek in the U.N. Security Council an international embargo against the Castro dictatorship.

It authorizes the President to furnish assistance to support the democratic opposition and human rights groups in Cuba.

It instructs the United States executive directors to international financial institutions to oppose Cuban membership until the President determines that a democratically elected government is in power in Cuba.

It codifies—this is very important—it codifies the existing embargo on Cuba, making it law unless a transition government is in place.

Title II: Assistance to a free and independent Cuba, instructs the President to develop a plan for providing support to the Cuban people during the transition to a democratically elected government; and it authorizes the President to suspend the embargo, once a transition government is in place, and to terminate the embargo once a democratic government is in power in Cuba.

Title III: Protection of property rights of United States nationals. It establishes, as of August 1, 1996, a private right of action by which U.S. citizens can protect their interest in property confiscated—stolen—by the Castro government. The President has the authority to delay the effective date on a 6-month basis if he determines that such an act of delay is "necessary to the national interest of the United States and will expedite the transition to a democratic government in Cuba."

Title IV: Exclusion of certain aliens. It denies visas to aliens who confiscate, convert or traffic or benefit from property confiscated from United States nationals by the Cuban Government.

Mr. President, opponents of this legislation will contend that it will disrupt trade with our European and other allies and claim that the bill violates our international trade agreements. Although a number of our allies have expressed displeasure with this measure, the right-of-action provision will provide a measure of protection for all international investors by making it clear that trafficking in stolen property will not be tolerated.

We will be asked, "Why limit the property rights debate encompassed in this bill to Cuban-Americans? Why not expand it to Americans from Poland or China or Vietnam or other nations of Eastern Europe?"

In fact, the United States has reached settlements of confiscated American property claims with Albania, Vietnam, the People's Republic of China and most of the States of Central and Eastern Europe, including the former German Democratic Republic—East Germany—Bulgaria, Yugoslavia, Poland, Hungary, Romania, and Czechoslovakia.

Castro, conversely, has shown no serious interest in the settling of property claims—neither of American citizens at the time of the seizures in the early 1960's, nor for the thousands of Cuban citizens who had property stolen by the regime since then. The only remedy the Libertad bill allows is for American citizens who meet the jurisdictional requirements to have their day in court to deter the continuing wrong of Castro's exploitation of property.

Opponents will say that the bill will result in an explosion of claims in the United States court system; but the primary intent of the right of action is as a deterrent to would-be investors in Cuba. Few actions are expected to be brought under this conference report because both parties must be sufficiently present in the United States to sustain jurisdiction in our courts. The Congressional Budget Office, in its estimate of the House bill, stated that they expect that only a few cases would actually go to trial.

Further, in the process of arriving at this conference agreement, there is a cap. The cases must involve property valued at $50,000 or more. We have concluded that there are only about 700 claims, principally commercial interests, that would therefore come under the act.

Mr. President, the Libertad conference report, as I said, provides a way for American citizens whose property was stolen by Fidel Castro to protect their claim or receive compensation from those who knowingly and intentionally exploit that property and are in the United States under the jurisdiction of U.S. courts.

Castro is running a fire sale in stolen properties. Since his loss of $5 to $6 billion in annual Soviet subsidies, Castro is looking to capitalize on the sale of stolen property. He has gotten into the business of joint ventures with stolen property.

Imagine if you were in an airport in Canada or Europe and picked up a brochure actually advertising these properties to the highest bidder? The Castro regime offers the sale of the Hermanos Diaz Refinery in Santiago, Cuba. Its rightful owner, however, Mr. President, is Texaco.

"Item 119" for sale is the Manuel M. Prieto sugar mill; its rightful owner is a naturalized U.S. citizen whom Castro has never been forced to compensate for the claim.

This is why title III is needed. It puts would-be investors—those who would be accomplices to a dictator and his property theft—on notice that, if they enrich themselves with stolen property, they will be held liable to the legitimate U.S. owners.

For some reason, the opponents of the pending bill have expressed outrage that American citizens would be given a means of defending their property in the United States. This bill violates no treaty or international convention. It does not violate customary international law, which recognizes that a nation's domestic courts may reach actions abroad when those actions directly affect that nation. There is no doubt that Castro's illegal confiscations and the exploitation of those properties has a direct effect on American citizens.

Mr. President, there is an old cliche that the truth is often stranger than fiction. I think that is the case here.

The United States has more effective mechanisms to protect fish and marine life than it has to protect Americans who have property stolen. We have statutes on the books to protect dolphins from tuna fishermen even when those provisions violate trade agreements. Other nations are required by U.S. law to protect sea turtles in order to continue having access to U.S. markets. Yet opponents of the Libertad bill object to protecting the legitimate interests of U.S. citizens.

Mr. President, property rights are the core of investments and commerce historically and forever.

I was recently in Nicaragua and had discussions with the Chamarro government, which was struggling to deal with property rights following the fall of the Sandinistas. Until they got that straight, there would be no investment.

There will never be a rebuilt Cuba without property adjudication—never.

Mr. President, this legislation moves to the center of the debate the issue of property rights and international treatment of property rights. I believe it is benchmark legislation. I believe it is legislation that can initiate positive new developments; that the scope and the breadth of it, as it moves the issue of property rights forward, will not only serve the citizens of the United States but the international community in general as we globally deal with the issue of property rights and the victims of property thefts. This is a singular case that demands our attention as it relates to Fidel Castro, his dictatorship, and the brutality of his regime.

Mr. President, I yield the floor to my distinguished colleague from Texas for a period of up to 5 minutes.

Mr. GRAMM. Can we make that 10?

Mr. COVERDELL. Can we use 5 minutes and come back?

Mr. GRAMM. All right.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, 50 years ago today Winston Churchill came to America to a tiny college in the middle of the Midwest—to Westminster College—and gave a speech that awakened America and the world to a crisis. We all know that speech. We all remember it from our childhood, or reading about it in history books. He talked about the descending of an iron curtain across the face of Europe. And, while the cold war was already underway, that speech probably more than anything else awakened America and the world to the Soviet threat.

We started to respond with the policy of containment. We responded by building up NATO and SEATO. We responded by fighting in Korea and Vietnam. We responded with the Marshall plan and the Truman plan to expand trade and work toward free trade. Our policies won the cold war, tore down the Berlin Wall, liberated Eastern Europe, and transformed the Soviet Union. We won one of the greatest victories in the history of mankind.

But there still is important unfinished business from the cold war. Communist China is in transition, and so is Vietnam. But there are two Communist regimes on this planet that are totally unchanged, that still believe in Marxism and Leninism, that still are committed to everything that we oppose in the world. One of those regimes is the military dictatorship in North Korea. The other is Fidel Castro's Cuba.

For 3 years, Bill Clinton has coddled both of those regimes. We have a policy in place today to give, through an international consortium, $4 billion to North Korea to build for them two nuclear powerplants even though there is no evidence whatsoever that either of the existing nuclear powerplants in North Korea was ever used to generate a watt of electricity or ever had any purpose other than building nuclear weapons. We are today supplying oil through that consortium to North Korea and propping up a Communist regime.

President Clinton for 3 years has coddled Fidel Castro. He announced a policy last year that enforced the imprisonment of the Cuban people—that actually used the United States Navy to enforce the imprisonment of the Cuban people. The United States Navy was given the assignment by the President of the United States to pick up people who risk their lives to flee Communist oppression from Cuba, put them in American naval vessels, and then turn those people back over to Fidel Castro. The President set out a policy that opened the door for nongovernment organizations to establish a presence in Cuba and in the process started what Fidel Castro believed, and the world believed, was a movement toward normalization. Voices were raised in Congress in opposition to the President's policy. Both the distinguished Senator from Georgia and I spoke out against it, as did many others.

We now see the fruit of that policy, and the fruit of that policy is that Fidel Castro brutally murdered four Americans. We have the tapes of the communications from the MiG's as they talked to their home base, identifying civilian planes with no armament. We have the tapes of those conversations when they then boasted how they were going to destroy these planes. On an order from their home base, they fired the missiles that killed four American citizens.

We are now considering a bill to change our relationship with Castro's Cuba and bring it back to what it has always been; that is, a policy of strong opposition.

The PRESIDING OFFICER. The Senator's 5 minutes has expired.

Mr. COVERDELL. Mr. President, I yield an additional 5 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, our position expressed with this bill goes back to what our position has been with regard to Fidel Castro since the early days of that brutal regime. Our position is founded on the recognition that Fidel Castro is a brutal dictator and murderer and that his regime in Cuba must end.

Our position under Democrat and Republican administrations has always been—until the Clinton administration—a commitment to the isolation of Castro's Cuba, and a commitment to seeing the overthrow of Fidel Castro and his accomplices.

Today with this bill, we restore that policy and we hit Fidel Castro where it hurts the most. We hit him in the pocketbook. We allow Americans to sue those who buy their property stolen by Castro, to sue those who are trafficking in stolen goods. With this bill we allow Americans to sue international interests in American courts to recover damages. The effective result of that will be that private investors will think two and three times before they bring their investment money to Castro's Cuba.

Let me also say, Mr. President, that there is more that we can do. I think the President ought to act unilaterally to deny Americans the ability to send money to Castro's Cuba.

While it is true that allowing people to send money to their relatives provides some temporary assistance to them, some relief to them, those funds, that hard currency also props up Castro's Cuba, allowing Castro to continue his imprisonment of the people. It prolongs their misery, and in my opinion that should be ended.

I believe that we should demand that Cuba turn over the two pilots who fired the missiles, turn over the air traffic controller who gave the order to fire, and turn over anyone in the chain of command who was engaged in giving the orders or carrying those orders that killed four Americans. As we did in Iraq, as we have done in Bosnia, I think we need to declare a no-fly zone over Cuba for military aircraft until those people are turned over, and I think we ought to enforce that no-fly zone.

I believe we need to recommit ourselves to the principle that Fidel Castro and his regime will not survive the end of the 20th century. What a terrible tragedy it would be if this tidal wave of freedom which has covered the planet is allowed to subside before it drowns

Fidel Castro. I think we have in these brutal murders a new example to remind us again of who Fidel Castro is and what he stands for, and I believe we should dedicate ourselves to the principle that the 20th century will not end and find the Castro dictatorship intact in Cuba.

This bill is a step forward. I urge the President to take other actions, such as to cut off cash transfers to Cuba by American citizens, to demand that the pilots and the air traffic controllers who were responsible for the death of four Americans be turned over, along with anyone in the chain of command who gave or carried out those orders. I think we ought to enforce that with a no-fly zone.

I congratulate our colleagues from Georgia and North Carolina for their leadership on this bill. This is long overdue. We should have made this bill the law of the land last year. I remind my colleagues and the American people that up until the last few days President Clinton fought this bill and threatened to veto this bill. He thought his policy of coddling Fidel Castro was working. He thought a movement toward normalization of relations with Castro's Cuba could be successful. We now know what the fruits of that policy were: death for four Americans. I say enough is enough. Let us restore freedom and democracy to Cuba. Let us do it in this century. Starting with this bill let us get serious.

I thank our colleague for yielding to me.

Mr. COVERDELL. Mr. President, I yield the Senator from New Mexico 3 minutes to speak in support of the conference report.

Mr. DOMENICI. Mr. President, I rise to support the conference report of H.R. 927, the Cuban Liberty and Democratic Solidarity Act. I commend Senator HELMS and Congressman BURTON for their foresight and fortitude in tackling the Castro regime.

On Saturday, February 24, two Cuban MiG fighter jets shot down two civilian, unarmed Cessna aircraft off the coast of Cuba. The Cuban pilots gave the Cessnas no warning. These planes were operated by Brothers to the Rescue, a group based in Miami whose mission is to look for Cuban refugees floating toward the United States.

The Havana government has failed to provide proof that the Cessnas were in Cuban airspace, but never mind that. No country has the right to shoot down civilian planes. Cuba even adopted the 1983 international rules stating that there is never a justification for such actions.

These planes posed no threat to Cuba's security. They were unarmed on a nonviolent humanitarian mission, and the Cuban Government knew it. To respond with deadly force is a shamelessly cruel act. This is cold-blooded murder and shows Fidel Castro's total disregard for human life as an alleged attempt to enforce Cuban sovereignty.

My deepest sympathy goes out to the families and friends of the four pilots killed.

Mr. President, some politicians and businessmen were encouraged over this past year, encouraged that Castro and Cuba were reforming and open to a warmer United States relationship. But we should not have been surprised by Cuba's latest crime against the United States. Castro is a ruthless dictator and we must stop underestimating him.

No matter how open the Cuban economy becomes, Castro never will change. A dictator who enforces doctrines through the secret police, firing squads, taking political prisoners, confiscating property, and limiting the basic rights of Cuban citizens. Only a brutal and vicious dictator could justify the murder of these four unarmed pilots all to counter the threat the Brothers to the Rescue makes on his cruel, authoritarian government.

Our best chance to oust Fidel Castro from power is now. The Cuban economy is in a crisis and Castro's totalitarian leadership has been threatened. H.R. 927 is our chance to exert more pressure on Mr. Castro, on the Cuban economy, and on those aiding the Cuban economy by trafficking in confiscated United States property.

Within 2 weeks of taking power in 1959, Castro issued his constitutional amendment authorizing the confiscation of property. In the following 2 years, Castro demolished private property rights by expropriating all businesses in Cuba owned by United States citizens, nationalizing industries owned by United States companies, and confiscating personal property of Cubans who left the country.

No compensation has been made in any U.S. claim in 37 years. Instead Castro has energetically promoted the exploitation of this stolen property by third-country joint ventures and foreign investment in order to sustain its faltering economy. These joint ventures have abounded, but to the benefit of Castro, not to the Cuban people whose labor is exploited. The Cuban Government has used the exploitation of working people and the absence of individual human rights as a lure to attract investors.

Mr. President, I rise in support of H.R. 927 because it would stop such deals and stop the resources Castro needs to restrain his ruthless and repressive regime.

Might I say to my friend from Texas, Senator GRAMM, I listened to part of his remarks, and I commend him for them. I think the Senator would share with me a concern about the very strange situation that in the United States we are bragging about. The world is moving toward democracy and free enterprise and private property rights—we kind of call it Pax Americana. Everybody is moving in that direction, and everybody is saying we are going to have a better life for billions of people than we ever thought we would have had 10 years ago when the potential for Communist dictatorships was very prevalent throughout the world. Is it not strange that right off our coastline sits a Communist dictator who is still in power, still in office while his people suffer, while his economy deteriorates, while people have no chance there of freedom and individual opportunity and individual rights?

I am sorry that it takes this kind of incident for the U.S. Government to become serious about doing everything in its power to erase that dictatorship from the face of the Earth.

This bill will push in that direction, but obviously this country also requires sustained leadership at the top levels of our Government. Leadership that will not bend its ideas to any concept that Castro is going to reform, and that things are going to work out in some normal way. We have to lend ourselves in legitimate ways to getting rid of this dictator and letting those people be free.

Can you imagine what is going to happen to that country when they are free and when enterprise is alive again? Just go to Florida and see what those people who have escaped this yoke are doing. Cubans will do the same in their country once they are free, but for now they cannot.

Today, Cubans are prisoners in their own country.

Again, I compliment the committee for what they have done in this bill and urge that the President sign it. I think that is what the Senator is saying, and perhaps that is not even enough, but let us get started today.

Mr. President, I yield the floor.

Mr. COVERDELL. Mr. President, I yield 5 minutes to the Senator from Florida to speak in support of the conference report.

(Mr. FRIST assumed the chair.)

Mr. MACK. I thank the Senator from Georgia for yielding me this time.

I rise today in support of the Cuban Liberty and Democratic Solidarity Act, H.R. 927. I am proud that I was an original cosponsor of this bill and to have worked in support of its passage.

I commend my colleagues, particularly Senator HELMS and Congressmen BURTON, DIAZ-BALART, and MENENDEZ, and Congresswoman ROS-LEHTINEN for their efforts.

This bill reflects the heartfelt desire of many Americans to see the end of the tyranny and decades-long repression Castro has inflicted on his people. Make no mistake: The killing of the four Brothers to the Rescue was not out of character for Fidel Castro. The Cuban Government's heinous conduct reminded the world of Fidel Castro's true colors.

I might just say to those who take the opportunity to read about Fidel Castro's history, you will find that those words I just mentioned about not being out of character are quite accurate. The Cuban Government's heinous conduct, as I said a moment ago, reminded the world of his true colors. The brutal murder of unarmed Brothers to the Rescue occurred on a weekend when a prodemocracy and human rights group was to conduct an organizational meeting before Castro stopped it. Scores of Cubans affiliated with the group have been arrested, detained and harassed. In 1994, a tugboat with freedom-seeking Cubans was rammed by Cuban Government ships until it sank. Year after year, Cuba has had one of the world's worst human rights records.

It is time for tough talk to give way to tough actions. Guided by the principle that freedom is the core of all human progress, the bill contains provisions designed to isolate Fidel Castro, squeeze him from power and usher in an era of democracy and freedom.

In the best spirit of the American people, this legislation holds out the prospect of United States aid to transition and democratic governments in Cuba.

America will be there as soon as we can but not a moment before the long nightmare of the Castro regime is ended. So long as Fidel Castro is in power, United States hard currency, financing and other kinds of support will not go to the Cuban regime. We know that Castro uses the hard currency he gets from foreign investment to support the instruments of power and repression, and that must stop.

President Clinton last week finally agreed to support the Cuban Liberty and Democratic Solidarity Act. His support for the bill is welcome, if overdue. I am sorry it took the tragic murder of four pilots to focus the administration's mind on this bill.

Castro's efforts to intimidate the United States through onslaughts of refugees and now through the brutal and calculated shooting down of civilian humanitarian planes have come during Democratic administrations when Cuban policy has been weakened. It was incumbent upon President Clinton to stop delaying the Cuban Liberty and Democratic Solidarity Act. Anything less would have been a travesty and dishonored the lives of the Brothers to the Rescue who lost their lives.

With the President's agreement and with his call to congressional Democrats to support the legislation, America's long history of bipartisan opposition to tyranny in Cuba has been restored.

The bill that passed the House-Senate conference is even stronger than the bill that first passed the House. It contains the extremely important provisions of title III which deny Castro the ability to profit from illegally confiscated properties of Americans.

It also contains title IV's powerful provisions denying U.S. visas to individuals who traffic in confiscated property.

Although the bill gives waiver authority to the President, President Clinton will be hard pressed to find conditions that merit waiving the title III provisions.

It took tremendous pressure from the Congress to make the President accept title III. He will face the same pressure again should he attempt to delay the effect of title III's right to sue.

The bill also provides that all provisions of the United States embargo against Cuba will be codified in law, ensuring that the embargo will be preserved until a democratic transition is underway in Cuba.

All existing Cuban embargo Executive orders and regulations will now be signed into law. This is a major victory for the opponents of the Castro regime. No longer can President Clinton react unilaterally to a supposed reform in Cuba and lift a sanction here or there. No longer can administration wavering on the embargo threaten the historic policy of isolating the repressive Cuban regime.

When President Clinton announced measures in reaction to the shooting down of American citizens, he said they were a first step, and they had better be. While Ambassador Albright's performance at the United Nations was commendable, the administration must do more to convince our allies to impose an international embargo against Cuba and treat Fidel Castro as an outcast. His record deserves nothing less.

The fight must be taken up in every capital around the world. I believe our allies would respond to a sincere and concerted effort to win our cooperation in the embargo. Our Government must make the case that foreign investment perpetuates a dictatorship bent on brutality and repression, and it must stop.

I thank the President's support of the Libertad bill. Now he must take our Cuba policy to another level—to make it a priority with our allies to stop foreign investment in Cuba for the life of the Castro regime. I promise you, without that foreign investment, Castro's regime of repression cannot stand. It will be all that much sooner when the Cuban people can create a new society of freedom, justice, democracy and the protection of basic human rights.

I yield the floor.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I wish to add my voice to those who have expressed their outrage about the Cuban Government's reckless and calloused shooting down of two small, unarmed civilian aircraft flown by the exile humanitarian group, Brothers to the Rescue. These shootings, which took place on the 24th of February, are deplorable, and I endorse the President's efforts to console and aid the families of those who died in this tragedy.

But as heinous as this shooting was, it does not justify the passage of wrongheaded legislation. Everything that was wrong with the Helms-Burton legislation before the incident remains wrong today.

I am reminded of the words of former Chief Justice Oliver Wendell Holmes who, in a dissenting decision, stated as follows:

> Great cases like hard cases make bad law. For great cases are called great, not by reason of their real importance in shaping the law of the future, but because of some accident of immediate overwhelming interest which appeals to the feelings and distorts the judgment. These immediate interests exercise a kind of hydraulic pressure which makes what previously was clear seem doubtful, and before which even well settled principles of law will bend.

Mr. President, the shooting of these planes have created, in Justice Holmes' words "overwhelming interest which appeals to the feelings and distorts the judgment." We in the Senate are feeling that "hydraulic pressure" to which Justice Holmes referred. Senator HELMS and others who have stated that the message of this bill is "Farewell, Fidel," are ignoring the utter failure of 35 years of our embargo against Cuba.

Rather, the Helms-Burton legislation is now being adopted and embraced by both parties and, unfortunately, by the President in a bid to curry favor with the Cuban-American community. As I have argued before on this floor, the passage of this bill will harm rather than help American interests in Cuba. It will restrict this President and any future President's hand in conducting foreign policy with an important neighboring nation and in responding to events quickly when the need arises. And it will codify in law an Executive order imposing an economic embargo on Cuba that has clearly failed.

Our Nation's foreign policy is rife with anachronisms, and I cannot support helping to reinforce and entrench in our foreign policy such an outmoded and regressive policy as is reflected in this bill.

In October of last year, the President announced a plan that received much bipartisan praise. The President promised to more vigorously enforce laws against unlicensed travel to Cuba, but to broaden support for cultural, intellectual and educational exchange in a way that the people of Cuba could encounter more frequently and broadly the fruits of democracy at work in the United States.

The President stated that he would license non-Government organizations to operate in Cuba, to provide information and to provide emergency relief when needed, to provide the necessary infrastructure to help guide Cuba and its people toward democracy in the future.

The President also noted that Cuban-Americans with relatives still in Cuba would be permitted to visit Cuba to tend to family crises and that these one-time-per-year licenses to visit would not be stymied by the delays and management problems that frustrate American citizens attempting to get to Cuba when a family emergency hits.

These steps were important ones and they did not strengthen Castro's hand. What these provisions did was to help bond the people of Cuba to the people of the United States. For 35 years, we have tried to bring Fidel Castro down with heavy-handed tactics. One would think that during such a long period of time, we might have figured out that our policy had completely failed. We need a new direction, and it must involve building bridges with the Cuban people.

The Helms-Burton legislation will only injure and alienate ordinary Cubans, weaken Cuba's civil society, and retard Cuba's democratization. And the unprecedented effort to impose United States policies on other countries will make it more difficult for the United States Government to cooperate with its allies in fashioning a joint approach towards Cuba.

The problems with the bill before us are summed up well in an article this week by Walter Russell Mead in the New Yorker. Let me just quote a couple of sentences from that article. He says:

> Now President Clinton has agreed to sign the so-called Helms-Burton bill—a piece of legislation that will cement the embargo into law and deprive the President of the option of modulating it for diplomatic purposes. It will also permit lawsuits in American courts against Canadian, Mexican, European and other foreign companies whose Cuban investments involve the use of expropriated property—a category broad enough to include virtually every activity in Cuba. Moreover, the officers of these companies will be ineligible for American visas . . .
>
> . . . Fidel Castro has survived the enmity of nine American Presidents. In concert with his enemies in South Florida, he retains a hypnotic ability to induce stupidity in Yankee policymakers. That seems unlikely to change until the United States Government gets around to taking control of its Cuba policy away from a small, self-interested lobby group.

Mr. President, this bill is an anachronism that ties America to a past from which it needs to move on. America is the only industrial power in the world maintaining an economic embargo against Cuba. It is time we consider a new course. The shooting down of two civilian aircraft was a great tragedy that we all should mourn, but as Chief Justice Holmes warned, we need to stand strong against the "hydraulic pressure" of momentary events that evidently will cause this Congress to enact this very misguided law.

Mr. President, I yield the floor.

Mr. COVERDELL. Mr. President, I yield 3 minutes to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I wish to congratulate the Senator from Georgia and also the Senator from North Carolina for bringing forward the Libertad Act, which is a very appropriate act in light of what has happened recently in Cuba, but it is more appropriate in light of what has happened in the last 37 years.

This is not an event of momentary instance, as was just referred to by the Senator from New Mexico, in my opinion. This is a problem that has existed and confronted this country for 37 years, and we have failed to take the aggressive action we should have to relieve the Cuban people of the dictatorship which has oppressed them in the last 37 years.

The least we can do as a nation is not aid and abet the activities of Fidel Castro and his actions, which have been to oppress his people, by giving him economic assistance and by giving him psychological support. This bill makes it very clear that no longer shall we give Cuba economic assistance in any way, indirectly or directly. We will no longer allow our citizens, American citizens, to have their property expropriated and mismanaged by this illegal and criminal government which now governs Cuba, but rather we will say clearly to the world that you have to choose between a democracy of America and American citizens whose rights are being abused, and in the instances of 2 weeks ago actually being killed, at the hands of this dictatorship, or you can choose the Government of Cuba operated by a dictator.

That is what this bill essentially says. It says to the world it is time to choose up in this confrontation. Unfortunately, this administration has had a schizophrenic, almost bumper-car approach to its foreign policy, but also on its policy to Cuba, it almost looks as if with Cuba they are looking through the eyes of the radical chic, the 1960's view of the world, which still views Castro as some sort of character of sympathy or character of international quality, whereas, in fact, he has proven himself over 37 years to be nothing more than a petty 2-cent dictator who has oppressed his people for his own personal gain.

Yet, this administration is not willing to face up to that, or has not been until American citizens lives were lost. Now we are going to give this administration and this country some teeth to come forward and say to Cuba, "No longer will we tolerate your form of government and to support the Cuban people and especially Cuban Americans who have lost their property in that nation."

So I want to commend again this bill, and I want to commend the authors of this bill. I was one of the original coauthors of this bill. I strongly support its initiatives, and I congratulate the Senator from North Carolina and the Senator from Georgia for bringing it forward today. I hope we will pass it overwhelmingly, send it to the White House, and we will finally see a definitive course from the White House by their signing this piece of legislation.

I yield back the remainder of my time.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I believe we all want to promote a peaceful transition to democracy and economic liberalization in Cuba. Where we clearly differ is on how we get there.

Despite the recent tragic loss of life in the shootdown of two unarmed civilian aircraft by the Cuban Air Force, I continue to believe that the Cuba legislation before us takes us further away from achieving the goal of democracy and economic reform on the island of Cuba.

If anything, the conference agreement takes us even further down that wrong road than either the House- or Senate-passed versions of the bill did.

It is naive, in my view, to think that this bill or any sanctions legislation we might pass will succeed in forcing Castro to step aside when all similar actions in the past over many, many years have failed.

All we are likely to ensure is that the living conditions of the Cuban people are made even worse, making a mass exodus from for Miami the only attractive option. Taken to its most extreme, this bill could even provoke serious violence on the island.

In some ways, this legislation is even more problematic than earlier efforts to tighten the screws on Castro. I say this because its implications go well beyond United States and Cuban relations. It now allows that our foreign allies and friends can be sued in American courts for undertaking activities totally lawful in their own countries. It mandates that the Secretary of State deny entry into the United States those foreign businessmen and women and their families. Clearly, these measures can only alienate our allies and undermine American global foreign policy objectives.

Thirty-five years of policies of United States isolation have failed to change Castro, or convince our allies of the wisdom of our policy. Is it not time to try something else? I think of the success we had in Eastern Europe, when freedom, free thinking and democracy came over those countries as they opened. Is it not time to try a similar approach in Cuba, particularly when we think that it has now been 35 years that we have been trying this approach and we have had absolutely no success?

We are just about where we were—a little worse off with our relationship—35 years ago.

I continue to hold the view that contact and dialog between Havana and Washington is more likely to bring about democracy on the island of Cuba, not isolation and impoverishment. Perhaps if we took that approach, our allies would be more likely to support our policy with respect to Cuba, which virtually none of them do at this time.

The bill before us has gone through a number of changes since it was first introduced. However, no version to date resolves the fundamental problem that I have with the direction it takes U.S. policy. It takes us further down the road and leads to no where rather than reversing course, as we should have done years ago and can still do, and open up. When we have a free exchange of ideas in which we have free competition between democratic ideas and Communist ideas, democracy usually, one can say always, wins out.

I yield the floor.

Mr. DODD. Mr. President, I yield 5 minutes to my colleague from Illinois.

Mr. SIMON. Mr. President, I recognize this bill is going to pass, and I recognize the President is going to sign it. It is bad legislation. It is an emotional reaction to a situation that, obviously, all Americans are unhappy about. The action of Castro in shooting down those planes is indefensible. I have to add, our policy toward Cuba has been the basic cause of the friction. If that policy had changed a long time ago, those planes would not have been shot down.

I will take two examples—Cuba and China. Will anyone here suggest—and I do not for a moment defend the human rights policies of Fidel Castro—but does anyone here suggest that Cuba's human rights policy is worse than China's? Yet, what do we do? We say to China, "We are going to give you the MFN status, the favorable treatment on trade." When China growls, as the Presiding Officer knows, we quake.

I think it is a bad policy to have one policy like this on China and another totally different policy on Castro, who is not a threat to anybody. How many nations in the world follow the policy that we do on Cuba? None. Not even our good friend, Israel, who frequently, probably sometimes in embarrassment, votes with the United States. No nation follows our policy on Cuba. It just does not make sense.

Stephen Chapman had an op-ed piece in the Chicago Tribune—he is a regular columnist there—in which he quotes Senator DOLE as saying:

> "Firmness and pressure" is what we have to use against Cuba. He says, "Firmness and pressure are what the United States has used against Castro since he came to power in 1959, and if they had succeeded, we wouldn't be dealing with him today. The Cuban dictator has outlasted eight American presidents, and the odds are good that Bill Clinton will also leave office long before Castro does. By any conceivable standard, our efforts to bring down his regime or force him into democratic reforms have been a monumental failure."

No question about it. If in the old days of the Soviet Union, the Soviets and Castro had gotten together and said, "How can we design American policy so Fidel Castro can stay in power," they could not have designed a better policy than the United States followed. It is absolutely self-defeating.

It is interesting how we treat two different incidents. Belorussia shot down two American balloonists—innocent balloonists. We protested. Belorussia apologized. The incident has been forgotten. Now, there are differences. One is that Cuba has not apologized, which they should. But the other difference is, those balloonists were completely innocent. They were not trying to overthrow the Government of Belorussia.

It is a different situation, but the response is obviously an emotional response on our part. Foreign policy ought to represent national interests and not national passion. What our policy toward Cuba represents is national passion, rather than national interests and a desire to get those electoral votes in Florida.

Now, both parties are guilty. I recognize that. That is not the way you ought to make foreign policy.

Mr. DODD. I yield 2 additional minutes to the Senator from Illinois.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Illinois.

Mr. SIMON. It does not make sense. The bill that is before the Senate, among other things, codifies existing sanctions. That means, and I say to my colleague from Georgia and I say to my colleague from Wyoming, if BOB DOLE is elected President of the United States and wants some flexibility in dealing with Cuba, we have taken that away. I think we ought to leave flexibility in the hands of the President of the United States.

Canada's Trade Minister, quoting in the Washington Post:

> "If the United States wants to get at Cuba, that's one thing. But what they are doing here is contrary to the relationship we have had with them and it is a violation of NAFTA." That is the Trade Minister of Canada.

I read, and I regret I did not cut out an article by a woman professor who is a Cuban exile who said we are just playing into Castro's hands. What he wants is for the United States to beat up on Castro so he can say, "I am standing up to this big bully."

In the Washington Post, March 3, Louis F. Desloge had an article in which he says, talking about this bill, "They may very well achieve just the opposite of what they seek by buttressing, not undermining, Castro's support at home and weakening, not strengthening, the embargo's prohibition on trade with Cuba."

This is a Cuban-American exile. This whole thing just does not make sense. The only thing that makes sense is yielding to the national passion and yielding to electoral politics. It is not good foreign policy. I will vote against it.

Mr. DODD. Mr. President, I yield myself such time as I may consume. Let me thank my colleagues, Senator PELL of Rhode Island, Senator BINGAMAN of New Mexico, and my colleague from Illinois, Senator SIMON, for their statements here this morning.

Mr. President, I rise to express my strong opposition to this legislation. This piece of legislation before us is truly just a bad proposal, Mr. President. The unfortunate part of it is that it comes in the wake of a tragedy of significant proportions in the Straits of Florida. That is what makes it so difficult to act sensibly.

Obviously, the authors of the legislation had a difficult time, over a year or so, moving this bill forward for the obvious reasons that the bill is so flawed substantively that many Members were reluctant to sign on to it. However, in the wake of what I call a terrorist act in the straits of Florida by a rogue government attacking innocent pilots and unarmed planes, it is virtually impossible at this point to have an intelligent discussion about the specifics of this bill.

I suspect that today this measure will pass overwhelmingly, and I feel that is a great tragedy. I think it will come back to haunt us terribly. With the provisions of this bill—we are carving out exceptions that will create a nightmare for us in our Federal courts, in our consular offices, in our relations with our friends and allies—I will go through the reasons why here this morning.

I certainly want to begin my remarks, Mr. President, by saying to my colleagues and others, and particularly to the families of these young men who lost their lives at the hands of an armed MiG attacking single-engine planes, Piper-Cubs how much I regret that violent act. To me it does not matter whether they were flying over Havana. It is inexcusable for a heavily armed plane to attack unarmed commercial private planes under any circumstances.

The debate ought not be about whether or not we are all horrified and angry over what happened a week ago Saturday in the straits of Florida. That is not the debate. I think people agree with the President's actions—he spoke out clearly on this issue immediately. I want to applaud Madeleine Albright, our Ambassador at the United Nations, who did a remarkable job. Getting the People's Republic of China to agree to a statement of condemnation was no small feat considering the relationship that exists between Cuba and the PRC. The fact she was able to do that speaks volumes about her ability as our Ambassador.

I regret we did not build on that particular momentum and seek to expand the support within the United Nations for other joint initiatives which might have had even a greater effect on Cuban behavior. As we all know, every time there has been an issue in the United Nations on the Cuban embargo, we get two or three votes in support of our policy and that is it. We get clobbered on this issue. I suspect as a result of the legislation we are about to adopt here today that will be the case once again. Instead of building on Ambassador Albright's efforts, the Security Council will now squander that particular achievement.

Mr. President, again, I do not take a back seat to anybody when it comes to condemnation of this act. I do not take a back seat to anyone in my desire to see change in Cuba. It is a dictatorship. No other way to describe it. That is what it is. Our hope is that democracy will come to this island as the last nation in this hemisphere to be denied the opportunity of its own people to choose its own leadership.

In the strongest of possible terms, Mr. President, I would say to my colleagues that I carry no brief for the Cuban Government—none whatsoever. Nor do any of my colleagues who join me in opposition to this bill. Our opposition to this legislation is rooted in something that each and every one of us ought to ask ourselves when we consider any bill that comes before the Congress, particularly one involving international relations: Is it good for my country first and foremost? It is not about Cuba, not about Castro, not about others. It is strictly is it good for us? What does it do to my country? I am a U.S. Senator; I am not a Senator for any particular group. I am not a Senator for any particular nation except my own.

So the first, threshold question is: What does this bill do to my people, to my country, to my interests?

I will make the case here this morning that this bill is devastating to my people and to my country. It is foolish. Despite the obvious emotion surrounding what happened last week, we ought to be looking carefully at the contents of this measure. There is a reason why the Senate is a deliberate body—why we follow a process here.

The consideration of this bill has been anything but deliberative. We had no markup of this bill in the Senate Foreign Relations Committee, not a markup of this bill. We held a hearing on a very early version of the bill and no followup hearings once the legislation had been significantly altered. The bill itself came directly to the Senate floor without any vote to report it from the committee of jurisdiction.

Normally, on a bill of this significance, this magnitude, considering what an exception we are creating in law, you would have thought we would have had extensive hearings and a markup in the Senate Foreign Relations Committee. That was not the case. The conference was similarly conducted with the proponents of the bill working behind closed doors to produce yet another version of the bill.

By the way, the bill has been changed at least four times on the Senate side alone. Similarly the final conference agreement is decidedly different than either the House or Senate passed bills I am sure my colleagues have not read all the details of it. I do not expect them to; they are busy. Nonetheless, we are about to vote on something here that is just bad law.

There is a reason why we take our time in the U.S. Senate. It is because we do not want to react to the emotion of the moment. We have seen too many occasions, historically, when this body, because of the emotions of the moment, has passed legislation and looked back only weeks later and wondered what it was doing at the time. If this is a good bill, it will be a good bill a week from now, a month from now, 6 months from now. If it is a bad piece of legislation, it does not change. Taking a few days, which we are not going to have, to analyze the implications of enacting this measure into law, how it will affect our country, is the least we ought to be able to do.

I will make a case here—by the way, for the many people who showed up in the Orange Bowl the other day who may have claims, against the Cuban Government who think that they are going to be able to seek compensation once this bill becomes law. They may not know it, but many of them are excluded from exercising the right of private action included in this bill.

Pay attention, Cuban-Americans, pay attention. The majority of you are probably not going to benefit from this legislation. It is the fat cats who are going to get the money, not you. Pay attention to this bill and pay attention to those who would seek to have this legislation passed and what their interests are.

So, again, I regret we are moving as quickly here as we are, carving out unique and special pieces of legislation that I think will come back to haunt us very, very quickly.

Mr. President, let me take some time here, if I can, just to go over some of the provisions contained in the conference agreement. I probably have had more time than some of my colleagues to follow the changes that have been made in this legislation. In my view, the fundamental premises of this legislation remain fatally flawed; namely, that it will strangle Fidel Castro, causing him to scream "uncle" and step down; that our allies will be bludgeoned—we are going to beat up our allies—into going along with this approach; and that there will be no negative consequences to the United States, to the American people, or to the myriad other outstanding foreign policy concerns that we have in common with our allies around the globe.

It may seem trite to say this, Mr. President, but I believe, as I said a moment ago, that our legislative process as it has evolved with experience exists to protect citizens from bad laws. There is a reason that we normally hold hearings on legislative proposals and conduct markups to examine highly complex issues. There is a reason we seek to take testimony from recognized experts on the implications of a measure, intended or unintended. There is a reason that our Founding Fathers provided for the possibility of extended debate in the U.S. Senate. We all know why. It is to try to at least protect against the passage of bad laws.

In the case of this legislation, we have short-circuited that process, particularly in the U.S. Senate. Most Members of this body, let alone the general public, do not have the vaguest idea what is in this legislation before us. The conference report was only available yesterday—and on a very limited basis, I might point out.

Suffice it to say, the final version of the Helms-Burton bill is worse than the previous versions that passed either body of this Congress last year. I fear many of us are going to be in for a surprise once legal experts and others have an opportunity to review this bill. Unfortunately, that will not happen until it has already become law.

As I said on numerous occasions, the stated purposes of the legislation are laudable. I do not have any debate with what the purposes are: to assist the Cuban people in regaining their freedom and prosperity, to encourage the holding of free and fair elections, and to protect American nationals' property against confiscatory takings by the Castro regime. We all agree on that. That is not what is at issue. Unfortunately, the conferees on this measure adopted legislation that will not make any of this achievable.

We only have a couple of hours to make the case against this bill. I will attempt to do that this morning. I would say that I believe we would all have been better served had outside analysts had an opportunity to review and comment on this measure before we vote. That isn't going to be possible.

Let me begin by highlighting some of the more problematic provisions in the final conference agreement that were in neither the House bill nor the Senate-passed bill as it came out of conference.

First among these is codification in law of all current embargo regulations. Let me point out here, this is unique, what we are about to do here and pass here. To the best of my knowledge we have never codified in law outstanding regulations and executive orders targeted at Libya, Iran, Iraq, China, Vietnam, North Korea—none of these countries. We are now going to say, with regard to Cuba, that all of the sanctions and regulations are now going to be codified into law. Senator SIMON of Illinois was making this point. Any effort on the part of this President or future Presidents to in any way modify what are normally executive branch decisions when it comes to economic sanctions can occur only once we enact a law to change them until democracy has come to Cuba. We have never taken such a draconian action anyplace else in the world. This is really going far beyond anything we have ever done. As angry as we were about what happened to our hostages in Iran, as angry as we were about what happened in Iraq, as angry as we are about what could happen in North Korea, or as we watch the human rights abuses in China, yet Presidents have had the flexibility to deal with those situations through executive orders and the promulgation of regulations.

In the case of Cuba that isn't tough enough. Read the bill; we codify these sanctions. That is unwise foreign policy. It is unwise. Yet the emotions of the moment are carrying us along here. We are going to be looking back in a matter of days and saying, "My Lord, what did we do here by doing that?"

So that is my first concern. I urge my colleagues to look at section 102(h) of the conference agreement. We have never, in my view, done that before. We have imposed a lot of sanctions and done a lot of things, but codifying them all into law is, I think, very dangerous. With the codification of the embargo regulations we have tied the hands of this and future Presidents, as I said a moment ago, in their efforts to respond flexibly to changes that we hope will occur in Havana. None of us knows for sure if they will. They may not. But if they do, Presidents ought to have the ability to respond to that. Make no mistake about what this codification does. It sidelines, our Government as a participant in facilitating positive change in Cuba for the foreseeable future.

Let me turn to what I believe is the most troublesome provision in this conference report, and that is title III. This title, which was deleted from the Senate-passed version, grants a private right of action to some individuals who have had property expropriated by Fidel Castro. While the sponsors have tinkered with this title continuously in response to criticisms leveled against it, the essence of this title remains fundamentally the same and, therefore, continues to be objectionable.

Instead of the United States utilizing the Foreign Claims Settlement Commission to validate the claims of American citizens and the U.S. Government to then espouse those claims with the foreign government that has taken U.S. citizens' property to obtain compensation—which, by the way, has been the practice for more than 40 years—our Federal court system, the Federal court system, now will be given the role of effecting compensation for expropriated property claims.

By the way, the historic treatment by the United States of expropriated property claims is not unique to our country. It has been international law for 46 years. So, all of a sudden, 46 years of law and practice world wide are going to be overturned for one particular country in one part of the world.

Moreover, this legislation will broaden the universe of those eligible to be compensated to include individuals who were not U.S. citizens at the time their property was taken. For those who follow this expropriation of property without compensation, a fundamental principle for 46 years internationally has been that you must have been a citizen of the country that seeks to espouse your claim at the time the property was taken. That is, you must have been a United States citizen, in this case, at the time your property was expropriated in Cuba. That is the rule internationally.

We are now saying, "No, in this case you do not have to be a U.S. citizen at the time of the expropriation, and you go to the Federal courts." I urge my colleagues, no matter how angry you are about what happened a week ago, consider what we are doing here. We have already rejected over the years similar attempts to change the eligibility requirements for property compensation cases.

So my colleagues on the Foreign Relations Committee will recall it was a difficult case—expropriation of property. They came and said, "Won't you allow Hungarians who were not citizens at the time to be able to be covered in the compensation program?" We said as a body here, "We are deeply sorry. We understand your point. You have a vehicle available to you through your courts. If we carve out an exception for you, then what are we going to say to Polish-Americans, Chinese-Americans, Vietnamese-Americans, and Arab-Americans?" Up until now, we have said "no" to them. Now we are saying "yes" here. Now we are going to have to back other countries, I presume, who are likely to seek similar treatment.

No matter how angry we are, to carve out an exception to one country here and deny others the opportunity is a bad, bad practice.

The principle of international law and practice in the area of expropriation is very well established. Let me quote from the legal brief prepared by Mr. Robert Muse which summarizes very clearly the international law of claims:

> If international law is to apply to a governmental taking of property, a party claiming the loss must occupy at the time of loss the status of an alien with respect to the Government that took the property. The injured person must be a foreign national.

The U.S. courts have stated on numerous occasions that confiscations by a State of the property of its own nationals, no matter how flagrant and regardless of whether other compensation has been provided, do not constitute violations of international law.

This is not the first time, as I said a moment ago, an effort has been made to mandate legislatively that the United States depart from the nationality principle of international claims laws. Fortunately, on those occasions Congress wisely rejected such efforts.

During the 84th Congress the Senate Foreign Relations Committee expressed very clearly why that should not be done in its report dealing with claims programs related to property losses in Hungary, Romania, and Bulgaria.

The committee said:

> The committee has carefully considered the arguments advanced in support of the proposed extension of eligibility which, if adopted, would mark the first time in claims history of the United States that a declaration of intention was equated with citizenship. While sympathetic to the plight of those unfortunate individuals who are not American citizens when they sustained war losses, the committee has to keep utmost in view the interests of those individuals who did possess American nationality at the time of the loss.

That is why I said our first responsibility is to our own citizenry—to American citizens. We are placing them in second-class status. That is why in the 84th Congress we rejected, no matter how laudable, no matter how sympathetic we are to the claims of Hungarians, Rumanians, and Bulgarians, we said, "No. We are sorry. We cannot do that." Today we are about to reverse that. Forget the other countries where individuals may have similar cases to make. They, of course, will not be handled accordingly, although they may come forward and seek similar treatment, I presume, once this legislation has been adopted.

The committee went on to say, "Further, these persons who have a paramount claim [speaking about American citizens] to any funds which may be available to include the not-national-in-origin group will only dilute the funds still further and increase the injustice to American owners."

So here you are going to take an action that is likely to increase the injustice against those American citizens whose property was taken by Castro—1,911 of them. I say that because their chances of being fully compensated for their losses once this bill passes will be worse than beforehand because of the vastly expanded pool of claimants produced by this bill. In essence we are taking funds that might otherwise be available to them and diluting them by carving out this one exception to our global property claims programs.

So, if you run to pass this bill and sign up for it, remember what you are doing. You are taking American citizens and putting them in second place. U.S. citizens at the time of the expropriation get second-class status when this bill passes because we are caught up in the emotion and the horror of what happened a week ago. Why not slow down and take a few days and think about what we are doing here instead of jamming this through on the emotion of the moment?

Proponents of the Helms-Burton legislation appear to be indifferent, I must say, to the injustice that this legislation will entail to certified American claimants, although these claimants are terribly mindful of it and for that reason continue to oppose title III in this bill.

I ask unanimous consent to have printed in the RECORD a February 29 letter that we received from one of the largest U.S. claimants, Mr. David Wallace, chairman of Lone Star Industries, who states quite clearly his opposition to this change in law and practice.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JOINT CORPORATE COMMITTEE
ON CUBAN CLAIMS,
Stamford, CT, February 29, 1996.

Hon. CHRISTOPHER J. DODD,
Ranking Member, Foreign Relations Subcommittee on Western Hemisphere and Peace Corps Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR DODD: As Chairman of Lonestar Industries and on behalf of the Joint Corporate Committee on Cuban Claims, I want to express my deep appreciation for your unwavering leadership in standing up for the rights of U.S. certified claimants.

The Joint Corporate Committee deplores the recent actions of the Cuban Government in the strongest possible terms, but as egregious as those actions are, we should not let the passions of the day lead us to uncritically enact legislation that is harmful to the rights of U.S. certified claimants, contrary to international law, and constitutionally suspect.

As I've indicated in my previous communications to you, Title III of the Helms-Burton bill will lead to a flood of litigation in our federal courts. As you know, the Title is so broadly drafted that not only third country foreign investors would be subject to suit in U.S. courts for "trafficking" in confiscated properties, but agencies and instrumentalities of the Government of Cuba also would be subject to suit. As a consequence, we can reasonably expect that tens if not hundreds of thousands of Cuban-Americans will file Title III lawsuits for the property losses they suffered over thirty years ago as Cuban nationals.

Apart from the burden these lawsuits will place on our already clogged federal court system, serious constitutional questions arise that may result in substantial liability to our government. The harm U.S. certified claimants will suffer as a result of the enactment of Title III is indisputable. The U.S. State Department has estimated the total value of Cuban-American claims at $94 billion. U.S. certified claims, by contrast, total $6 billion. Faced with the prospect of tens of billions of dollars in federal court judgments, the Cuban Government will have neither the means nor the incentive to negotiate a settlement of the U.S. certified claims. This effective nullification of the property interests of the U.S. certified claimants is not without consequence. Under the takings clause of the Fifth Amendment, if the U.S. Government elects to advance a foreign policy objective at the expense of the certified claims lawfully held by its citizens, it will be required to pay just compensation to that group of citizens. In other words, by enacting Title III, we may be putting the U.S. taxpayer in the shoes of the Government of Cuba—ironically, the very Government this legislation seeks to punish—to pay the debt these claimants are owed under international law.

Finally, the creation of a lawsuit right that benefits one national origin group, Cuban-Americans, at the exclusion of all others, will not be tolerated under our Constitution. The equal protection clause of the Constitution will require the extension of this lawsuit right to other national origin groups. Consequently, Vietnamese-Americans, for example, will be able to sue U.S. companies that today or in the future are "trafficking" in the properties they once owned as nationals of Vietnam. The same right will be extended to all naturalized citizens who have lost properties in their native countries as a result of governmental actions.

I regret that in its haste to demonstrate our abhorrence of the Castro regime's actions, Congress is prepared to enact ill-conceived legislation that, apart from strengthening sanctions against the Cuban Government, will penalize U.S. certified claimants and create a myriad of undesirable domestic consequences. Your principled opposition to Title III and your resolute support of the claimants is all the more appreciated under these difficult circumstances.

Sincerely,

DAVID W. WALLACE.

Mr. DODD. Mr. President, ironically title III, which has been so fiercely defended by its sponsors, is not going to do much to harm Fidel Castro either. He is not likely to make himself available, as I point out, as a defendant in our courts coming down the road.

Mr. President, this legislation will have serious implications on our Federal court system, on the value of claims of certified U.S. claimants and on our relations with our close trading partners who will feel much of the brunt of these lawsuits. If this new approach to resolving expropriated claims is so good, why do a number of the largest U.S. certified claimants continue to oppose the legislation?

I believe that many of my colleagues in the Senate had come to share my view that title III was not in the interest of the United States and, for that reason, they joined in opposing its inclusion in the Senate-passed version of the bill.

While the events of a week ago Saturday were tragic and senseless, Mr. President, they do not in any way change the fact that title III is contrary to the interests of our country, of the United States, and inconsistent, as I have tried to point out, with international law.

To disregard, without even a markup in our committee, 46 years of international law and practice in the handling of expropriation issues, as this title does clearly, is foolhardy, in my view.

There is also a question of whether title III is constitutional because of the equal protection provisions of law.

But even if on narrow legal grounds this bill stands the constitutional test, on political grounds it is indefensible, Mr. President. As I said earlier, why should not Polish-Americans, Vietnamese-Americans, Arab-Americans—the list of 38 countries where we have claims outstanding—be granted similar access to our United States courts? Will they not come forward tomorrow, or the next day, and demand equal treatment as we are giving in this particular case? Why not? Is this somehow different than the horrors that went on in Poland, or Vietnam, or China? Is anyone going to stand up on this floor and suggest to me that they are somehow different, were not quite as bad as what goes on in Cuba when we lose four citizens in a tragic act of shooting these people down, as horrible as it is?

What about the young people on the Pan Am flight that we now know Libya was involved with? What about claims there? They have a case to make? I do not see them included in this bill.

What happened under the Communist regimes before? Where are they here? They had their property expropriated and taken from them. Why are they not included in this bill? If I were they, I would be angry. This is special-interest legislation carving out extraordinary treatment for a special group.

By the way, in order to exercise the provisions of title III with respect to the right of private action you will have to have a claim worth more than $50,000—I will get to that in a minute—so your average poor Cuban is not included in this. Out of 5,911 U.S. certified claims, only slightly more than 800 will benefit from title III. The rest of them are excluded. Pay attention, Cuban-Americans. Pay attention to what this bill does or doesn't do for most of you. You are not going to get any benefit. It is the fat cats who are going to benefit. The tobacco and the rum interests are going to be the beneficiaries of this. Read carefully how the law is written here.

So, Mr. President, to all of those who say they support title III of this bill, I would say that I hope they have had an opportunity to study the final version and understand the implications. I suspect, for example, that when the more than 85 percent of the 5,911 U.S. certified claimants discover that they are precluded by provisions in this title from availing themselves of this new private right of action, they are going to be doubly opposed to this bill. Unfortunately, they will not find out until it is passed.

In the final conference report, the sponsors sought to address a significant criticism leveled against this title—that it would cause an avalanche of lawsuits in our courts. They have responded to that by putting a floor on the value of the claims that will be admissible in U.S. court in adjudication. Putting aside my underlying objection to that, the floor in the bill is $50,000. The problem with their efforts to limit lawsuits is that only suits that are really excluded by this floor are those by U.S. certified claimants whose property has already been valued at $50,000 or less.

Can you imagine, in 1959, $50,000 of value of United States citizen property in Cuba? It has to be valued at the time of the taking, by the way. As a result of that, you are seeing here a situation where 85 percent of the 5,911 certified claimants get excluded. They cannot go to court here—just the 800 or so people that have claims in excess of that can. I presume that Cuban/Americans who were ineligible to submit their claims to the Foreign Claims Settlement Commission and who therefore have no particular value associated with their claim will start alleging claims in excess of $50,000 so that they can get access to the courts.

On the other hand, of course, the $50,000 floor is not likely, as I said, to limit filing of lawsuits by Cuban-American claimants. They are obviously going to allege more than $50,000. You can argue $50,001 and you get into court. That is available to them. But our people, U.S. citizens, who have already been certified by the commission as having a property value of $50,000 or less can't try the same thing. These U.S. citizens are out of luck.

Again, let us remind ourselves why we are here, who we represent, to whom is our first obligation. Last time I looked it was to U.S. citizens—U.S. citizens. That is my first obligation, U.S. citizens. They get taken to the cleaners on this; 85 percent of them do not get any advantage under this. And for the bulk of people who have claims of less than $50,000 who were not United States citizens when their property was taken, they will allege more and they get to access to our courts. So U.S. citizens lose. U.S. citizens lose. Clearly, these small claimants would be foolish, as I said earlier, not to avail themselves of this relief by alleging a claim in excess of $50,000.

They can claim that their property falls above the threshold value, file suit and attempt to convince the courts that they qualify for a positive judgment. At the very least, this will put them in a position to perhaps negotiate a side deal with the alleged offending party, clearly permissible under this law, negotiation of a deal.

I predict that even in this latest version there will be a flood of lawsuits in our courts. What is most troubling about putting our courts at the centerpiece of this legislation is that it transforms our judicial system, the principal duty of which is to adjudicate legal disputes, into an instrument of U.S. foreign policy, something we have always tried to avoid in this body, always tried to avoid. Do not turn your courts into an instrument of foreign policy. And yet this provision of this bill not only vaguely requires that; it insists upon it.

So all of a sudden we say to the Federal courts now, with all the complaints we get from our States about the overload of work, here comes another load of work in your lap. When people start complaining about handling criminal cases in the United States and drug cases, consider the fact you are going to be inundated now with a bunch of claims matters, that we have all of a sudden involved you in a foreign policy matter with Cuba.

The inclusion of periodic Presidential waiver authority in this title, in my view, does not change that conclusion at all—this is bad law.

There are also serious problems with other parts of the legislation, Mr. President, provisions that restrict our ability to provide assistance to Russian and other New Independent States countries. As angry as we are at Cuba and what the Cuban authorities have done, why are we going to jeopardize our relationship with Russia and the New Independent States. That is what the bill does. Read it.

I understand the anger. I understand the frustration. But why would we jeopardize the delicate relationship we are trying to build in Russia and the New Independent States and have those relationships hang on legislation here dealing with Cuba? That is not smart. That is dangerous, in my view.

Provisions in this bill also impact on our adherence to provisions of GATT and NAFTA, provisions that seek to micromanage our relationships with future Cuban Governments—post-Castro governments.

Let me predict right now our allies' response to title IV of the bill. Let me spend a minute or so talking about this part of the bill. And people ought to pay attention to this so-called exclusion of certain aliens title of the bill. It is going to make foreign commerce and travel a nightmare, in my view, for our business community.

Title IV calls upon the Secretary of State—listen to this—calls upon the Secretary of State to deny entry into the United States to any alien whose been involved in the confiscation or trafficked in Cuban property formerly owned by a United States national. The actions called for by title IV, require that the Secretary of State and the Attorney General deny entry into the United States by any foreign business person, foreign official and their family members for an activity which is lawful in the country where that person is a citizen and consistent with international law. This action flies in the face of international commitments we have made. We talking about potentially a great many countries being effected here.

I ask unanimous consent that this list be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD as follows:

U.S.-CUBA TRADE AND ECONOMIC COUNCIL, INC.

NON-UNITED STATES COMPANIES AND THE REPUBLIC OF CUBA

Corporations and companies cited in the international media as having commercial activities with the Republic of Cuba.

Australia: Western Mining Corp.

Austria: Rogner Group (tourism)

Brazil: Andrade Gutierrez Perforacao (oil), Coco Heavy Equipement Factory (sugar), Petrobras S.A. (oil).

Canada: Advanced Laboratories (manufacturing), Anglers Petroleum International, Bow Valley Industries Ltd. (oil), Canada Northwest Energy Ltd. (oil), Caribgold Resources Inc. (mining), Commonwealth Hospitality Ltd. (tourism), Delta Hotels (tourism), Extel Financial Ltd., Fermount Resources Inc. (oil), Fortuna Petroleum, Fracmaster (oil), Globafon, Havana House Cigar and Tobacco Ltd., Heath and Sherwood (oil), Hola Cuba, Holmer Goldmines, Joutel Resources (mining), LaBatt International Breweries, Marine Atlantic Consultant (shipping), MacDonalds Mines Exploration, Metal Mining, Mill City Gold Mining Corp, Miramar Mining Corp. (Minera Mantua), Pizza Nova (tourism), Realstar Group (tourism), Republic Goldfields, Scintres-Caribe (mining), Sherrit Inc. (mining), Talisman Energy Inc., Teck (mining), Toronto Communications, Val d'Or (mining), Wings of the World (tourism).

Chile: Dolphin Shoes (clothing), Ingelco S.A. (citrus), Latinexim (food/tourism), New World Fruit, Pole S.A. (citrus), Santa Ana (food/tourism), Santa Cruz Real Estate (tourism).

Colombia: SAM (an Avianca Co.) (tourism), Intercontinental Airlines, Representaciones Agudelo (sporting goods).

Ecuador: Caney Corp. (rum).

China: Neuke (manufacturing), Union de Companentes Industriales Cuba-China.

Dominican Republic: Import-Export SA (manufacturing), Meridiano (tourism).

France: Accord (tourism), Alcatel (telecommunications), Babcock (machinery), Bourgoin (oil), Compagnie Europeene des Petroles (oil), Devexport (machinery), Fives Lille (machinery), Geopetrol, Geoservice, Jetalson (construction), Maxims (cigars-owned by Pierre Cardin), OFD (oil), OM (tourism), Pernod Ricard Group (beverages/tourism), Pierre Cardin, Pompes Guinard (machinery), Societe Nationale des Tabacs (Seita) (tobacco), Sucres et Donrees (sugar), Thompson (air transport), Total (oil), Tour Mont Royal (tourism).

Germany: Condor Airlines (charters for Lufthansa), LTU (LTI in Cuba) (tourism).

Greece: Lola Fruits (citrus).

Holland: Curacao Drydock Company (Shipping), Golden Tulips (tourism), ING (banking), Niref (minerals).

Honduras: Facuss Foods.

Hong Kong: Pacific Cigar.

Israel: GBM (citrus), Tropical (manufacturing), World Textile Corp. S.A.

Italy: Benetton (textiles), Fratelli Cosulich (gambling), Going (tourism), Italcable (telecommunications), Italturis (tourism), Viaggo di Ventaglio (tourism).

Jamaica: Caricom Investments Ltd. (construction), Caricom Traders (Int'l mrktg of Cuban products), Intercarib (tourism), Superclubs (tourism).

Japan: Mitsubishi (auto'/tourism), Nissan Motor Corp. (auto), Nissho Iwai Corp. (sugar), Toyota, Sumitomo Trading Corp. (auto), Suzuki Motor Corp. (auto).

Mexico: Aero-Caribe (subsid. of Mexicana de Aviacion), Bufete Industrial, Cemex (construction), Cubacel Enterprises (telecommunications), Del Valle (manufacturing), Domeq (export-rum), DSC Consortium (tourism), Grupo Domos (telecommunications), Grupo Industrial Danta (textiles), Grupo Infra de Gases, Incorporacion International Comercial (beer), Industrias Unidas de Telephonia de Larga, Distancia, La Magdalena Cardboard Co., Mexpetrol (oil), Pemex, Bancomex, Mexican Petroleum Institute, Protexa, Bufete Industrial, Inggineiros Civiles Asociados, Equipos Petroleos Nacionales, Telecomunicacionales de Mexico, Vitro SA (manufacturing).

Panama: Bambi Trading

South Africa: Anglo-American Corp. (mining), Amsa (mining), De Beers Centenary (mining), Minorco (mining), Sanachan (fertilizers).

Spain: Caball de Basto (S.L., Camacho (manufacturing), Consorcio de Fabricantes Expanoles, Cofesa, Corporacion Interinsular Hispana S.A. (tourism), Esfera 2000 (tourism), Gal (manufacturing), Guitart Hotels S.A., Grupo Hotelero Sol, Hialsa Casamadrid Group, Iberia Travel, Iberostar S.A. (tourism), Kawama Caribbean Hotels, K.P. Winter Espanola (tourism), Miesa SA (energy), National Engineering and Technology Inc., Nueva Compania de Indias S.A., P&I Hotels, Raytur Hoteles, Sol Melia (tourism), Tabacalera S.A. (tobbaco), Tintas Gyr SA (ink manufacturer), Tryp (tourism), Tubos Reunidos Bilbao (manufacturing), Vegas de la Reina (wine imports).

Sweden: Foress (paper), Taurus Petroleum.

United Kingdom: Amersham (pharmaceuticals), BETA Funds International, Body Shop International (toiletries), British Borneo PLC (oil), Cable & wireless comm., Castrol (oil), ED&F Man (sugar), Fisions (pharmaceuticals), Glaxo (pharmaceuticals), Goldcorp Premier Ltd., (manufacturing), ICI Export (chemicals), Ninecastle Overseas Ltd., Premier Consolidated Oilfields, Rothschild (investment bank), Simon Petroleum Technology, Tate & Lyle (sugar), Tour World (tourism), Unilever (soap/detergent), Welcomme (pharmaceuticals).

Venezuela: Cervecera Nacional, Covencaucho, Fiveca (paper), Fotosilvestrie, Gibralter Trading (steel), Grupo Corimon, Grupo Quimico, Ibrabal Trading, Interlin, Intesica, Mamploca, Mamusa, Metalnez, MM Internacional, Pequiven, Plimero del Lago, Proagro, Sidor, Venepal, Venoco.

Mr. DODD. On this list are roughly 26 countries and nearly 200 foreign companies doing business in Cuba today. And so under this provision of title IV of the bill, as you go through the list now, we are going to have to go and I guess do a fact finding of some kind or another and determine whether or not—I presume that a lot of this may in some way touch on confiscated property in Cuba. Obviously, we have seen that happen—they were involved in confiscation. All these companies are going to have to go through it. And then, of course, we will have to let our consular service know because any one of the people involved in these companies or family members who seek to come to the United States can be stopped from coming. It is going to put us in a difficult situation in Australia, Austria, Brazil, Canada, Chile, and so on.

Read the language. If you do not think we are going to get reprisals from this nightmare, this quagmire, let us see what happens when an Israeli is denied a visa because some of their people are doing business in Cuba or what happens when Canadians try to come to this country. Do not think we are not going to feel the brunt of it.

Again, I ask my colleagues to read this legislation. This is unwise. This is unwise. Why are we not doing this in China? My Lord, there are human rights problems there. Imagine if you tried to do that here. You would be laughed off the floor if you tried it here, or Vietnam or other places. And yet are they any less guilty in a sense. And so here are 26 countries, most of them allies, where we are now going to have our immigration service at the gates denying entry to members of families of people who are doing business on property that may have been confiscated without compensation in Cuba.

Again, I urge my colleagues just look at what we are doing here; we are about to run through and adopt this legislation probably on an overwhelming vote, without for a moment considering and the consequences of it.

I know in some quarters it is considered good form to say the United States is prepared to renounce our trade agreements. I listened to the Presidential debate going on and certainly there are those who are against NAFTA and against GATT, well, we are about to do it here. You do not have to wait for Buchanan to become President of the United States. We are about to do it.

I do not think those of our citizens who count on the integrity of these agreements to protect the sanctity of their international business transactions find this acceptable. I for one take these national commitments seriously. When I vote on them here, I vote on them seriously because I think they are right and the right direction to go. I think most Americans do, and I think most of our colleagues do.

Overall, this bill is bad for U.S. business. It will undercut efforts by the United States to ensure that U.S. investors face a stable and predictable environment when they do business abroad.

We can hardly insist that our trading partners respect international law in the areas of trade and investment when we ourselves are prepared to violate it. Where is our moral high ground when we give these speeches around the world about the sanctity of the efforts to try and get the world to live by the rules we adopt. Here we are about to go in and just blow that apart on our own, and then presumably give a lecture to the rest of the world about how they ought to live up to these agreements.

I wonder what our response is going to be when other governments whose citizens are adversely affected by this legislation decide to enact some special interest legislation of their own directed at our people, our country, our citizens and their properties abroad. We are hardly going to be in any position to object or to assert some provision of international law in that situation.

This legislation, Mr. President, has a great deal of hortatory language. Much of it I agree with. For example, section 201 sets forth U.S. policy toward a transition and a democratic government in Cuba. It is good language. Among other things, it states that it is the policy of the United States to "support the self-determination of the Cuban people and to recognize that the self-determination of the Cuban people is a sovereign and national right of the citizens of Cuba which must be exercised free of interference by the government of any other country."

Exercising their right, the right of the citizens of Cuba which must be exercised free of interference by the Government of any other country in that transition. Who can disagree with that? I could not have written it better myself. I love it. I think it is wonderful. However, the operative provisions of the bill are totally at odds with what we state is our policy in section 201. There are 19 criteria in this bill that the future Cuban government must meet—a future government, not the Castro government in order for the United States to engage in any significant way with that government. Nineteen criteria they have to meet, 19 of them, before we deem it to be in transition to democracy including when it should hold its elections—within 18 months, how and who must not be at the head of State.

Does this really constitute respect for self-determination? Can you imagine if we had these criteria with the New Independent States or in Russia? Do you know how difficult their transition has been, as they have wrestled with trying to form their own notion of democracy. When you want to help that process, nurture it, provide aid and assistance that would be impossible if this legislation governed our relations with those countries. We would be prohibited from doing it in this bill. Similarly even if Castro goes and the Cuban Government is in transition, we cannot do anything meaningful to assist until the requirements of the bill have been met. That is foolhardy—foolhardy—to do that.

Mr. President, I have said on numerous occasions, when we consider foreign policy legislation of this nature—and I said at the outset—we have to ask ourselves two very basic questions: Is what is being proposed in the best interest of our own country, and is it likely to achieve the stated goals in the country to which it is directed?

Two basic questions: Is it good for my country, and is it likely to achieve the stated goals in the country that may be the target of the legislation?

In the case of the pending legislation, I think the answer to both of these questions is a resounding no.

I regretfully say that I think this is a bad bill, and for that reason, I strongly oppose it. I also realize that I may be in the minority, a small minority, but I could not stand here and watch this go by today and not point out the fundamental flaws in the whole approach.

I will point out again that I think it is dreadful what happened a week ago Saturday—dreadful what happened. There is no excuse for it. But if we rush to legislate a bill that has been around a year or so, and it has been around because, frankly, people had serious problems with it. The problems are not any less because of what happened last Saturday. This bill would have passed a long time ago if it had intelligent provisions in it dealing with how might effectively we deal with Castro.

The only reason it is up today is because of the tragedy a week ago. In fact, I argue the bill is worse today than before. There are a lot of provisions, as part of this conference report, that none of us ever voted on.

I realize this may be a futile effort on my behalf to urge my colleagues in the next few hours to do something, which I guess none of us do with great frequency. And that is to just read this conference report, in particular read title III and read title IV. Consider what we are about to do. I believe if you sit back objectively and look at this and see how we are changing so many things in this bill, carving out unique exceptions that, I think, are going to cause us serious problems, you will come to the same conclusions I have.

This does not diminish our determination to see change occur in Cuba, to see democracy and freedom come to the Cuban people; that Fidel Castro leave or that we find ways in which to effectively make our case that what happened there not only should not happen but must not happen again.

We will not forget what happened in the Straits of Florida, and we will not forget who is responsible. Let us not, in the emotion of the moment in dealing with that particular issue, do damage to ourselves. My sole point is this bill does damage to our country. It does damage to our citizens. It does damage to our ability as the leading superpower in the world today to negotiate and to conduct its foreign policy.

I ask unanimous consent to have printed in the RECORD a number of editorials and articles in opposition to this bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Mar. 3, 1996]

THE RECIPROCAL OBSESSION OF CASTRO AND WASHINGTON

(By Gaddis Smith)

NEW HAVEN, CT.—Throughout our history, the U.S. government, on the one hand, and whatever regime was in power in Cuba, on the other, have been prone to spasms of reciprocal obsession—marked by wild rhetoric, economic warfare and sometimes armed violence. Cuba's stupidly brutal shooting down of two U.S. civilian airplanes last weekend, and President Bill Clinton's subsequent surrender to Congress on maniacal legislation aimed at the destruction of Fidel Castro's regime, mark the latest spasm.

Today, no U.S. presidential candidate dares challenge the wisdom of escalating intervention against a small, if unpleasant, neighboring government. The angriest voices in Washington and Florida advocate a naval blockade and do not rule out invasion—ignoring international law and the opinion of other governments. This furor has an all-too familiar ring.

Since the early 19th century, Cuba's proximity to the United States, strategic location on the seaways of the Caribbean and economic importance have induced U.S. politicians to assert the right to dictate Cuba's foreign policy and internal arrangements. But the line between legitimate U.S. national-security interests in Cuba and domestic political partisanship has always been blurred.

For example, in 1853, Washington, influenced by the slaveholding states, tried to buy Cuba from Spain to increase the area of slaveholding and suppress a feared insurrection of slaves in Cuba and its spread to the United States. Spain refused to sell. In response, three senior U.S. diplomats—including soon-to-be President James Buchanan—issued the "Ostend Manifesto," which argued that Spain's continued possession of Cuba threatened "our internal peace and the existence of our cherished Union." If we cannot acquire Cuba in any other way, said the diplomats, we should take it through war. Nothing came of this because the United States was hurtling toward civil war—but its tone and its intimate connection to politics in the United States set a pattern.

In the 1870s and again in the 1890s, the Cuban people rose in armed rebellion against the Spanish colonial regime. The Spaniards became alarmed, with good reason, over the support for the rebels coming from the United States, in general, and Cuban Americans, in particular.

Spain suppressed the first insurrection, but not the second, in 1895–98. This time, Cuba was a far hotter issue in U.S. politics—thanks to coverage by mass-circulation newspapers, deeper economic interconnections, the strident lobbying of Cuban Americans and heightened concerns in Washington over the strategic security of the Caribbean. President William McKinley, eager to assure his reelection, joined those who said Spain must be ousted. The sinking, in Havana harbor, of the U.S. battleship Maine as a result of an internal explosion in February 1898, (260 Americans died) inflamed a war spirit—though it is highly unlikely that the Spanish government was responsible. McKinley did not make a serious effort to negotiate. The Spanish government, in turn, preferred war to what it considered dishonorable concessions. And war it was—"the splendid little war" of 1898. Spain lost Cuba—along with Puerto Rico and the Philippines.

The Cuban freedom fighters expected immediate independence. Instead, the United States militarily occupied the island for four years, then imposed, through the Platt Amendment, its right to control Cuba's foreign relations and to intervene, with troops if necessary, in the country's internal affairs. President Franklin D. Roosevelt formally relinquished these rights in 1934—but U.S. influence remained pervasive.

Fast-forward to Jan. 1, 1959. Fulgencio Batista, a corrupt and non-ideological dictator, fled Havana and Castro, leader of a successful rebellion, entered the city and established the regime he heads to this day. Scholars debate whether the regime was communist from the outset or became so within a year or two. They also debate whether an accommodating posture by Washington, instead of an obsession with undermining the regime, could have preserved amicable relations. Or were Castro's obsession with Washington as the source of all Cuba's problems and his welcome of the Soviet Union as protector the real obstacles? There can be no question, however, that a pattern of reciprocal obsession and provocation was evident from the outset. Washington organized an exile force to invade Cuba at the Bay of Pigs in April 1961. It was, as one historian said, "the perfect failure."

More serious, of course, was the 1962 crisis over the placement of Soviet nuclear missiles in Cuba—the most dangerous moment of the Cold War and a genuine threat to U.S. security. Castro was ignored in the negotiated Soviet-U.S. settlement. The Russians removed the missiles and Washington promised not to invade Cuba.

For the next 30 years, Castro poked his finger in Uncle Sam's eye at every opportunity—supporting leftist revolutionaries in Latin America, sending troops to Africa at Moscow's behest—and Washington did everything possible to inflict economic pain and make Cuba a pariah state—only to be thwarted by the subsidies sent to Castro by the Soviet Union.

With the end of the Cold War and disappearance of the Soviet Union, easing tensions, even normalizing relations, might have been expected. But objective security interests and domestic politics are different matters. Castro was too proud—and too convinced of U.S. hostility—to make conciliatory gestures toward Washington. Castro also believed that Mikhail S. Gorbachev lost control of the Soviet Union because he abandoned a repressive political system. Castro says he will not make the same mistake. And in the United States, politicians of both parties competed for the support of the Cuban American community by demonstrating how tough they could be on Castro.

By 1995, Republicans in Congress appeared to have won the tough-posture competition. The Helms-Burton bill—officially the Cuban Liberty and Democratic Solidarity Bill—sets new heights of obsession with Cuba and pretensions for dictating that country's future. And it has gained tremendous momentum since the planes were shot down.

The bill's purpose is unequivocal: Use economic strangulation to eliminate Castro, then establish, with military help, a transitional government and market economy under U.S. supervision, followed by free elections. These measures are justified both on the idealistic ground that Castro is a violator of human rights—which he is—and on a fanciful description of his regime as a threat to U.S. security and international peace. The bill's arrogant and overblown rhetoric recalls the Ostend Manifesto and its specific provisions are more intrusive than the Platt Amendment of 1903–34.

Helms-Burton assumes that Castro is on the edge of a cliff and the Cuban economy is in shambles. But both assumptions are wrong. Castro is paranoiac about internal criticism, but remains popular. And the island's economy is reviving with expanding trade and considerable new investment from Canada and Europe.

This trade and foreign investment are the real targets of Helms-Burton. If its provisions become law, and are sustained in the courts, they would burn down the house of U.S. foreign policy. Seeking to overthrow the regime of one little country, the law inflicts great injury to the larger fabric of U.S. trade and investment.

The key provisions flow from the assertion that the confiscation and nationalization of private property in Cuba, carried out by the regime sine 1959, violates U.S. and international law. Therefore, any person, corporation or state entity engaging in trade and investment in Cuba is likely to be "trafficking" with stolen property—since, by definition, virtually all economic activity in Cuba is based on confiscated property. Any current U.S. citizen, or any U.S. corporation—like the Bacardi rum company—with a claim to such property can sue these "traffickers" in U.S. courts and be awarded damages.

Furthermore, individual traffickers, or officers or controlling stockholders of trafficking corporations—including their spouses and children—can be excluded from the United States. In theory, the son or daughter of an executive of a Canadian hotel company with Cuban interests attending school in the United States could be deported. The bill's implementation would create a nightmare for U.S. courts and would violate major treaties and international-trade agreements.

Last summer, Secretary of State Warren M. Christopher recommended that Clinton veto the bill when and if it came to his desk. Until Feb. 24, the chances of the bill being passed and signed were slight. But then Castro blundered into the hands of his enemies—by authorizing the destruction of the two civilian planes flown by the Brothers to the Rescue group. The Cuban government is brazenly unapologetic and said it was defending its sovereignty—but even Castro's newest friend, China, has joined in deploring the deed.

By this action, Castro achieved what his most fervent critics in Congress could not: He persuaded Clinton to agree to Helms-Burton. Clinton, like McKinley in 1898, wants a second term. The final details of the legislation remain to be worked out, but the president said he will sign. Reciprocal obsessions have again triumphed.

[From the Washington Post, Feb. 29, 1996]

U.S. POLICY: HELD HOSTAGE IN MIAMI

(By Richard Cohen)

Question: Who sets U.S. policy toward Cuba?

(A) The president.

(B) Congress.

(C) Any Cuban American with an airplane.

The answer, apparently, is "C"—or, if you'd like a name, Jose Basulto. He is the leader of Brothers to the Rescue, the humanitarian group with a political mission, and a survivor of the recent massacre in the skies near (or over) Cuban waters. Four others died when their unarmed Cessnas were downed by Cuban MiGs. They were brave men.

It is important to say, as the American government has, that Cuba was wrong. The downing of the two planes, no matter what their location, was a violation of international law—not to mention common decency. It was as if the police here had caught some burglars red-handed, determined they were unarmed and executed them on the spot. Fidel Castro committed murder—and not for the first time.

Whatever its faults, though, the nature of the Castro regime is well known. It is a museum piece, a relic of the communist era, frozen in ideological amber and, like Pavlov's famous dog, predictable in its reaction to certain stimuli. After years of a U.S. embargo—after the Bay of Pigs and other CIA operations, after Radio Marti and numerous attempts at coups, a farcical facial (the CIA tried to make his beard fall out) and, probably, assassination—it would be just plain insulting to call Castro paranoid. The man has enemies, and they are out to kill him.

One of them, in fact, is Basulto. Not only was he flying the one plane that was not downed, but he announced himself to the Cuban authorities as the guy in the cockpit: "Cordial greetings from Brothers to the Rescue, from its president, Jose Basulto, who is talking."

That greeting, it turned out, was met with a warning: "Sir, be informed that the north zone of Havana is activated." Basulto was then told he was in "danger," and he responded with an acknowledgment: "We are aware that we are in danger each time we cross the area to the south of the 24th [parallel], but we are willing to do it as free Cubans."

Ah, but Basulto is not merely a "free Cuban." He is also a Cuban American. As such he reminds me of those zealous Israeli settlers who, citing the Bible, declare a certain spot divinely zoned for Jewish occupation and promptly establish a settlement there. The Arabs respond with clenched teeth and unsheathed daggers, and the settlers demand that the Israeli army protect them. Which side are you on? they demand to know, ours or the Arabs? The army moves in.

In this case, the Clinton administration is playing the role of the Israeli army: Deep down it has all sorts of reservations about the United States' traditional Cuba policy, but it cannot afford to show good sense lest it be seen as weakness. The boycott of Cuba has done little more than make the Cuban people miserable. Castro remains—resplendent, entrenched and still wearing those silly fatigues. He is no more and no less a communist than the leaders of Vietnam, old foes with whom we now do business.

The influence Cuban Americans have over U.S.-Cuba policy is neither illegitimate nor novel. American Jews have a passionate concern about Israel, and the Irish here are intensely interested in the Irish there. One might even suggest that the recent U.S. occupation of Haiti would not have happened were it not for the political clout of African Americans—an assertion, you might say; a fact, I would insist.

Yet, some Cuban Americans are in a class of their own. Basulto, for one, does more than write his congressman or raise money. He was at the Bay of Pigs and, a year later (1962), was one of 23 men who took two converted PT boats into Cuban waters and shelled a Havana suburb. The Associated Press named him "the man behind the gun." Since then, he has formed Brothers to the Rescue, which, among other things, has dropped anti-Castro leaflets on Havana, testing the dictator's celebrated sense of humor.

Basulto had been warned by both Washington and Havana to watch his step. That does not excuse the subsequent killings, but it does tend to explain them. The same holds for Washington's policy toward Havana. It's easy enough to explain why Washington toughened the embargo in response to the shoot-down (all those votes in Florida), but harder to excuse. It makes little sense. Toughening the embargo causes ordinary Cubans—not Castro—to suffer even more.

The Clinton administration had little choice but to get tougher with Castro. But it has to be firmer, too, with certain Cuban Americans. U.S. policy toward Cuba, inching toward sanity until the recent shootings, cannot become the captive of anyone, no matter how well-intentioned, who literally flies off on his own. More than planes got shot down the other day. So did U.S. policy.

[From the New York Times, Mar. 2, 1996]

A BAD BILL ON CUBA

The Clinton Administration had done many things right and one thing terribly wrong in response to Cuba's shootdown of two unarmed planes flown by Miami-based exiles.

Providing a Coast Guard escort to accompany an exile flotilla to the site of the downing today registers American determination to protect the security of international waters and airspace. Equally important, it minimizes the risk of either the exiles' or Havana's provoking a new incident. The Administration's decision earlier this week to suspend charter flights to Cuba and to impose travel restrictions on Cuban diplomats in this country made clear that Havana had attacked not just anti-Castro activists but international law itself.

However, the Administration is about to make a huge mistake by signing into law a bill, sponsored by Senator Jesse Helms and Representative Dan Burton, that aims to coerce other countries into joining the American embargo of Cuba. By dropping his opposition to the bill, Mr. Clinton junks his own balanced policy for encouraging democracy in Cuba and signs on to an approach that will inevitably slow the opening of Cuban society and pick a pointless quarrel with American allies.

The bill threatens foreign companies with lawsuits and their executives with exclusion from American soil if they use any property in Cuba ever confiscated from anyone who is now a United States citizen. Some of its provisions appear to violate international law and trade treaties, and the Administration had been saying since last summer that it would veto the measure unless these provisions were removed.

The United States is the only country that maintains an economic embargo against Cuba, an outdated policy that has failed in 35 years to topple the Castro Government. Trying to coerce other countries to join the embargo is offensive to American allies and unlikely to succeed.

Backers of the Helms-Burton bill believe the Cuban economy has been so enfeebled by the loss of subsidized Soviet trade that the Castro regime can be brought down with one final shove. But Cuba's economy, though hurting, has already revived from the depths of the early 1990's. Its recovery has been built on austerity, limited reforms and new trade relationships with the rest of the world. It is unrealistic to think that a reinforced American embargo would bring Mr. Castro down.

What Havana really worries about is the resurgence of opposition in Cuba itself. Opposition groups have been invigorated by Cuba's widened contacts with the outside world. They are also encouraged by a more supportive attitude on the part of Miami-based exile organizations. These used to view all Cubans who remained on the island, even opposition activists, with suspicion. Now groups like Brothers to the Rescue, the organization whose planes were shot down last week, see opposition groups on the island as a key to political change.

The Castro regime is alarmed by this potential link between domestic opponents and outside support groups, heralded by Brothers to the Rescue's previous airborne leafletting of Havana. Indeed, Havana's concern over this prospect may have been a factor in last week's missile attack against the exile's planes. Washington should be doing everything it can to promote opposition within Cuba by encouraging more human interchange between the island and the outside world, not less.

The Helms-Burton Act is not an appropriate response to Cuba's murderous deed. It is a wholesale policy reversal that weakens America's ability to encourage democracy in Cuba. Mr. Clinton should return to his original sound position.

[From the Chicago Tribune, Mar. 1, 1996]

SURRENDERING U.S. POLICY ON CUBA

After more than 30 years of them, it should be clear that trade sanctions against Cuba will not force Fidel Castro to surrender. What a shame, then, that a great power like the United States has surrendered its foreign policy to a tiny population of hard-line anti-Castro Cubans. What an embarrassment.

By agreeing this week to impose new economic penalties against Cuba, President Clinton and the Republican-controlled Congress have proven that, given a choice between sound foreign policy and pandering to the rabid anti-Castro crowd in a critical electoral state, they'll pander.

In no way do we defend Castro's dictatorship or the outrageous disregard for human life represented by Cuba's downing last weekend of two small civilian aircraft. But in that regard, an old American adage is instructive: Don't go looking for trouble, it cautions, cause it'll find you anyway.

Brothers to the Rescue, an exile group, went looking for trouble by violating Cuba's sovereign air space to drop leaflets and by playing hide-and-seek with Cuban jets along its periphery.

By law, private citizens may not make foreign policy. Yet the Cuban exiles invited this "crisis," if they didn't actually manufacture it, and suckered both a Democratic president and a Republican Congress into making policy to suit their purposes.

Ironically, the new sanctions, while aimed at isolating Castro and weakening his power, are certain only to complicate trade relations with key U.S. allies and commercial partners such as Canada, Mexico and France.

Under the sanctions, U.S. visas will be denied to foreign corporate executives—and their stockholders—if these firms are among those that have invested billions of dollars in Cuban property. (The U.S. is the only nation that observes the absurd embargo of Cuba.)

Another provision would allow U.S. citizens to file suit against foreign firms utilizing property that was seized by Castro. But in a cynical provision designed to neuter that very same proposal, the president is granted power to waive the rule every six months to throw out the backlog of anticipated cases.

Like all dictators, Castro shows unwavering patience in allowing his people to suffer. But if America wants to influence Cuba to liberalize, then more ties—not a trade embargo—is the answer.

[From the Washington Times, Sept. 30, 1995]

CUBA EXPROPRIATION BILL COULD END UP COSTING U.S. TAXPAYERS BILLIONS

In his Sept. 25 Op-Ed, Rep. Dan Burton understates an important aspect of his Cuban Liberty and Democratic Solidarity Act of 1995 ("Cuban-American claims . . . and counterclaims").

Mr. Burton says that his proposed legislation will allow U.S. citizens to sue "foreigners" who "buy or use" expropriated properties in Cuba. The litigation provisions of Mr. Burton's bill, like Sen. Jesse Helms' counterpart Cuba bill that is awaiting action in the Senate, are far broader than that.

In fact, the nation of Cuba itself will be the chief defendant in the 300,000 to 430,000 lawsuits that will be filed in the federal courts of Florida by naturalized Cuban Americans if Mr. Burton's bill becomes law.

It is this aspect of the bill that its proponents tend to downplay. The reason such an avalanche of litigation is inevitable is that the bill bestows—in flagrant disregard of international law—a set of retroactive lawsuit rights against their native country upon Cuban Americans who were naturalized in the United States after suffering property losses in Cuba.

Unfortunately, the unprecedented rights that are intended to be conferred on Cuban Americans by the bill are at the expense of U.S. citizens who do have rights under international law with respect to Cuba—that is, the 5,911 holders of $6 billion in claims certified against that nation by the Foreign Claims Settlement Commission in the 1950s. (One such certified corporate claimant is my client, Amstar.)

If the lawsuit provisions of Mr. Burton's bill become law, certified claimants will see their prospects of recovering compensation from an already impoverished Cuba extinguished in a sea of Cuban-American claims that have been estimated by the State Department at approximately $95 billion.

It is ironic that a pair of well-meaning Republican legislators are threatening with their bill (1) to create a litigation explosion in this much-heralded year of tort reform, and (2) to destroy or gravely damage the adjudicated interests of one group of Americans in an era of supposed greater protectiveness of the property rights of U.S. citizens.

The bill raises two further serious questions. First, on what principled basis are the lawsuit rights proposed to be given Cuban-Americans to be denied other national-origin groups (e.g., Vietnamese-Americans, Chinese-Americans, Polish-Americans, Palestinian-Americans, etc.) that have suffered property losses in their former countries?

If history is any guide, the courts will not void the rights proposed to be accorded Cuban-Americans by the Burton bill; rather they will decree, pursuant to the equal protection clause of the Constitution, that such rights be extended to other similarly situated national-origin groups. It is anyone's guess how many additional hundreds of thousands of litigations will then ensue.

The second question posed by the Burton bill is, once a class of hundreds of thousands of Cuban-Americans judgment creditors against Cuba is created, how will relations ever be normalized with that country? The answer is that such normalization will inevitably require the dismissal of the underlying federal court awards because of the running-sore problems of the attachments in the United States—following the lifting of the embargo—of Cuban bank accounts, ships, airplanes, agricultural produce and manufactured items of Cuban origin by hundreds of thousands of Cuban-American judgment holders.

When those judgments are dismissed by the president, the issue of liability of the U.S. government to the Cuban-American holders of extinguished federal court awards inevitably will arise.

It is not alarmist to warn that the U.S. taxpayer may well be made, under the Fifth Amendment "takings clause" of the Constitution, to indemnify hundreds of thousands of Cuban-Americans in the amount of approximately $95 billion.

If anyone doubts that Mr. Burton's bill harbors such consequences for the U.S. Treasury, then he or she might usefully consult the Supreme Court's opinion in Dames & Moore vs. Regan, 453 U.S. 654 (1981). We should hope that the Senate, member by member, will do precisely that before voting on Mr. Helms' bill—Robert L. Muse, Washington.

Mr. DODD. I yield the floor.

Mr. COVERDELL. Mr. President, I yield 5 minutes to the Senator from Kansas to speak on behalf of the conference report.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I appreciate the Senator from Georgia yielding. I intend to vote in favor of this conference report despite some serious reservations about several of the provisions.

The Senator from Connecticut has just spoken strongly about several of the same reservations that I hold, although I suggest, Mr. President, I think some of the examples he has given about unintended consequences might be a bit exaggerated.

I would like to outline some of my concerns and the reasoning for them.

First, I question whether this bill, on the whole, moves us in the right direction. The laws of nature dictate that Castro cannot remain in power forever, and I am skeptical that the best means at this point of ensuring a peaceful transition is to further tighten the noose around Cuba, despite the outrageous acts of a week ago.

Second, I remain concerned about title III of the legislation, as has been addressed, which allows new lawsuits in Federal court against investors of property that was confiscated in Cuba.

I opposed this provision when the legislation first came before the Senate, and I am disappointed it has been restored in the conference report. I still believe it is unwise for Congress to set up United States Federal courts as tools in the pursuit of foreign policy objectives in Cuba, although I take some comfort in the new authority provided for the President to weigh this provision.

Third, I also am disappointed that the conference report goes further than the Senate bill in two important areas, which, of course, the Senator from Connecticut also discussed, neither of which has had the benefit of examination in the Senate.

The conference report would deny United States visas to any person who invests in confiscated property in Cuba with only two narrow exceptions. We have allowed no flexibility to accommodate the awkward situations that inevitably will arise. The conference report also codifies in statute all existing sanctions and embargoes against Cuba, stripping this President and future presidents of the flexibility to respond step-by-step to changes in the situation in Cuba.

For these many reasons, I would prefer that we enact something other than this bill. But, Mr. President, that is not an option. Nobody has done more to ensure enactment of this legislation than Fidel Castro himself. By shooting down two American civilian airplanes last week, he demanded that we respond.

I strongly believe we must respond to this latest provocation and that America should speak with one voice on this matter. While this particular legislation would not be my preference, it clearly is the preference of the Republican leadership in both houses of Congress. It now is the preference of the President of the United States. I am one who believes the President should have some discretion to shape U.S. foreign policy.

The situation reminds me of a young cowboy who worked hard each week to earn money so he could ride into town each weekend and play poker. He always lost. After months of watching him lose, a sympathetic bartender pulled him aside one evening and said, "Son, I just want you to know, this game is rigged. The cards are marked. The deck is stacked. And the dealer keeps an ace up his sleeve."

"I know," replied the young cowboy.

The bartender was flabbergasted. "You know?" he exclaimed. "Then why do you keep coming back?"

"That's simple," replied the cowboy. "This is the only game in town."

Mr. President, there is no other option before this body for those of us who believe strongly that the United States must respond to Fidel Castro's latest outrage. Despite its faults, this legislation is the only game in town. For that reason, I will support it.

I yield back any time I may have, Mr. President.

Mr. COVERDELL. Mr. President, I yield 4 minutes to the distinguished Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas [Mrs. HUTCHISON] is recognized.

Mrs. HUTCHISON. I thank the Chair and the manager of the bill, Senator COVERDELL.

Mr. President, the premeditated, cold-blooded murder of four American citizens by Cuban war planes last Saturday is an outrage, an outrage against the United States of America, against international law, and against every concept of human decency. Neither the United States nor the world community can allow these murders to go unpunished. The four Americans who were killed were part of Brothers to the Rescue, an organization that has helped to save countless Cuban citizens who risked their lives to flee oppression and poverty in their country. Without the Brothers' heroic, humanitarian efforts, thousands of Cuban families would have died on the open seas.

How did the Cuban Government react to this heroism? How did it reward those who had saved thousands of its own citizens? It carried out the ruthless execution of four of these brave Americans.

The Cuban Government can try to argue that its actions were justified as an act of self defense, but the whole world knows the truth—that Cuban MiG's pursued and shot down the crews of two unarmed Cessna aircraft.

The whole world was watching, Mr. Castro. It was not self-defense. It was cold-blooded murder.

We are shocked by what happened the weekend before last, but nobody should be surprised. Mr. Castro is a brutal dictator with no regard for basic human rights, no respect for international law, and he has an abiding hatred for the United States and everything it stands for.

This is a man responsible for the suffering in Cuba—hunger, forced labor, oppression, and worse. This is the man who has exported military equipment and Cuban soldiers to foment civil war in nations in our hemisphere and around the world. This is the man who tried to put his finger on the launch button of nuclear missiles aimed at the United States.

Mr. President, he is an evil man. A series of American Presidents, Republicans and Democrats, have understood this and have sought to isolate and individually bring down his government, for the good of the Cuban people and the world. Nevertheless, Mr. Castro always has had his apologists in this country. Until Saturday before last, it had become popular in some circles to see him as "older and mellower," a more "moderate" revolutionary Communist. That view of a "kinder, gentler" Fidel Castro was evidenced in the recent relaxation of travel and other restrictions against Cuba. The folly of appeasement and accommodation is now tragically apparent.

Today, we will act to restore United States policy to its previous and proper direction—to isolate the Castro government, and hasten the day that it will fall.

The legislation before us will reinstate and reaffirm United States economic sanctions, it will deny foreign investment and hard currency to sustain this corrupt government, and it will protect the interests of American citizens whose property was seized illegally by the Cuban Government.

Without huge Soviet subsidies that propped it up for decades, the provisions of this legislation will inevitably bring the Castro government to the brink of two alternatives: give up power voluntarily, or have it taken away by the long-suffering Cuban people. The goals of United States policy toward Cuba must be: the end of the Castro regime, and the opportunity for freedom and democracy for the Cuban people.

Mr. President, we must do more than we are even doing today. This is a step in the right direction, and I am pleased that we are going to pass this important legislation. I am also pleased that the President has thought better of his earlier opposition to this legislation. But we must also address another urgent problem, and that is the threat posed by Cuban construction of two nuclear reactors. These reactors are fatally flawed—Chernobyls in the making. In the event of a meltdown, lethal radioactivity would threaten the entire southeastern United States. These two reactors cannot be allowed to go online. This is a matter of direct and vital national security interest to the United States.

Our allies and the Cuban Government must understand that we cannot permit the existence of this threat to our country. So I call on the President today to take the lead in coming to grips with this impending crisis.

I extend my sympathies to the families of the four brave men who lost their lives in the name of freedom. Nothing can replace the husbands and fathers they lost. But it would be a fitting testament to the sacrifices of these American patriots if the tragedy strengthened American resolve and thereby hastens the day that the Castro dictatorship crumbles and freedom is restored to the people of Cuba.

Thank you, Mr. President.

Mr. COVERDELL. Mr. President, I yield 4 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia [Mr. WARNER] is recognized.

Mr. WARNER. Mr. President, I join others in expressing our profound appreciation to the chairman of the Foreign Relations Committee, the Senator from Georgia, and other colleagues on that committee, for their absolute steadfast determination to bring this measure to the Senate for a vote and eventually for passage and enactment into law. That took real courage. And it is regrettable that the final impetus to get this legislation passed had to come in a week of absolute tragedy.

I want to deal with that for a minute, Mr. President. This world today is sieged with acts of terrorism. All of our hearts are filled with compassion and sadness for the people of Israel today for the total useless taking of life in those recent terrorist acts. We admire the courage the people of Israel have shown in the face of these attacks.

Just over a week ago, four innocent lives were lost in the Straits of Florida due to the Cuban shoot-down of two unarmed civilian aircraft. These acts, at the explicit direction of Fidel Castro, were first-degree, premeditated murder—offenses which would be punished in the United States upon conviction, and in most instances with the death penalty. I regret the level of reaction by the current administration. But this legislation will go further and bring about, through economic means, an incentive to stop it, because terrorism knows no boundaries, and unless it is thoroughly and unanimously oppressed across the board, it will spring up elsewhere, as we see in this very troubled world today.

Castro's total lack of support for democratic reform, and his lack of willingness to even attempt to provide some economic recovery for his repressed people, brought about, in some measure, this legislation.

The Cuban Liberty and Democratic Solidarity Act—what a fine name that is—contains three primary objectives: To strengthen international sanctions against the Castro regime, to develop a plan for future support for a free and independent Cuba, and provide for the protection of property rights of United States nationals.

I firmly believe that this legislation, if passed and signed into law by the President, will greatly enhance the likelihood that Cuba, some day, will join the other nations in this hemisphere with a democratic form of government and a freedom to which those people are entitled.

Mr. President, as I look through the technical aspects of this legislation, I would like to address a question, for clarification, to the distinguished manager of the bill. It is about a concern I have with respect to the $50,000 limitation in section 302 of title III. It seems to me that a lot of people under the figure of $50,000 are severely injured, as are those above the figure of $50,000. To them, the few dollars they could recover, with a lesser cap, is of equal importance to them and their families—and to try and assure their life in this country to be a better one—than the higher limit. I know it was a difficult decision. But if the distinguished Senator from Georgia could give me some background on that particular issue, I would appreciate it.

Mr. COVERDELL. Mr. President, the $50,000 cap comes from the workings of the Congress itself. The distinguished Senator from Connecticut, in his opposition to the bill, and several others, were worried about a flood of court cases, and so the cap was placed to address that concern. There are some 500,000 claims, or so some opponents claim, that could have come into the court system without the cap. So in response to the concern that the court system could not manage this number of claims, the cap came into play. Secondarily——

Mr. WARNER. To make that fair, Mr. President, in other words, the initiative to put the cap in came from those originally opposed to the legislation?

Mr. COVERDELL. Absolutely. Second, the focus of this bill is to discourage and chill economic joint ventures with Castro. Economic joint ventures do not involve residential housing properties, instead they deal with the broad commercial properties. So there were these two reasons for setting the $50,000 cap. I, myself, more than welcome the opportunity at some later point to lower the cap to zero.

Mr. WARNER. Mr. President, with that assurance, I depart the floor better informed, because if at a later time Congress, looking at how well this act has performed and will serve the goals in here, would begin to consider that perhaps there is a hardship, and could address that.

Mr. COVERDELL. I join the Senator in welcoming that.

Mr. WARNER. I yield the floor.

Mr. COVERDELL. Mr. President, how much time remains on the proponents side?

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from Georgia has 16½ minutes.

Mr. COVERDELL. I yield to the Senator from Florida for 10 minutes.

Mr. GRAHAM. Thank you, Mr. President. I appreciate the opportunity to speak today on this very important issue.

Mr. President, as an original cosponsor of the Helms-Burton bill, I urge my colleagues to support this legislation, which has taken on increased importance as the level of repression has escalated both within and outside Cuba.

For 37 years, Fidel Castro has held the Cuban people hostage to his brutal repression and mismanagement. He has brazenly violated their human rights.

Since 1992—a year after the collapse of the Soviet Union and its subsidization of Cuba's economy—United States Cuba policy has been based upon tightening the economic embargo around Castro's neck, while at the same time extending the hand of democracy and human rights to the Cuban people.

The Cuban Democracy Act of 1992 started us down this road. Today's action will accelerate our pace.

Our drive to free Cuba from Castro's grip would benefit from the example of an organization whose bravery, selflessness, and unflagging humanitarian spirit deserves recognition on this historic occasion.

On February 24, four brave members of Hermanos al Rezkate—Brothers to the Rescue—lost their lives at the hands of a dictator and his brutal regime.

They were the victims of a pattern of escalating human rights abuses that previously had been reserved for the citizens of Cuba. This time, Fidel Castro extended his violent reach outside his own airspace.

These men knew, when they embarked on their mission, that it involved significant personal risk. But they also believed that the suffering of the Cuban people demanded courage in the face of risk.

The brave, tireless, humanitarian acts of Brothers to the Rescue must live on despite the deaths of these brave pilots.

Mr. President, their mission must become ours.

CASTRO OPPRESSES, THE BROTHERS RESCUE

While Fidel Castro has terrorized the Cuban people, Brothers to the Rescue has extended the hand of brotherhood to his victims.

Fidel Castro has never hesitated to resort to violence to protect his autocratic rule. Last weekend's incident is a perfect example of that inclination toward violent action.

Brothers to the Rescue deplores violence. Their mission is strictly humanitarian. Its leaders receive training at the Martin Luther King Center for Non-Violence in Atlanta. Its leaders speak and practice Gandhi's precepts of nonviolence.

They use volunteer pilots to search for Cuban rafters and others in need of rescue. They drop bottled water, protective clothing, and other needed supplies to those refugees.

Castro has harassed thousands of Cuban journalists and thousands of nonviolent political dissenters. Recently:

July 11, 1995: Cuban police initiate a widespread crackdown on independent journalists;

February 16–24, 1996: Castro cracks down on the nonviolent Concilio Cubano, a coalition of 131 prodemocracy dissident groups; and

On February 24, Castro murdered four U.S. citizens over international waters.

The Brothers have rescued more than 5,000 men, women, and children refugees from the waters of the Straits of Florida.

First flight: May 15, 1991.

Total flights: Over 1,780.

SOME WILL ACCUSE BROTHERS TO THE RESCUE OF BEING PROVOCATEURS

To be sure, there were instances where the organization's commitment exceeded its charter. On several occasions, they have penetrated Cuban airspace and dropped leaflets.

Two such occasions were:

June 1994—returning from Guantanamo Bay, dropped Brothers to the Rescue bumper stickers on Eastern Cuba; July 13, 1995—dropped leaflets on Havana.

These were leaflets—their impact on Cuban citizens was the power of their ideas.

These actions, however, were taken to provide the Cuban people with information they are badly lacking—information on their basic human rights. Each leaflet reproduced one of the Universal Articles on Human Rights. This is information the Cuban people do not have because the Castro regime refuses to allow a free press, or the free exchange of ideas.

MAKING THE BROTHERS' MISSION OUR OWN

Changes are afoot in Cuba. The best way we can take advantage of those changes and bring democracy, prosperity, and an end of the Castro regime to Cuba is to make the Brothers to the Rescue mission our own.

The Brothers are committed humanitarians, They reach out to all people in need.

Last week, I had the privilege of meeting with some of the family members and friends of the lost pilots. One of them recounted a story about Mario De La Pena, a 24-year-old Miami resident who had flown with Brothers to the Rescue for several years.

Last Christmas Eve, Mario was returning home from a mission when he spotted a man stranded in the water.

The man was not a Cuban rafter, but Mario dropped supplies anyway. Mario flew home to join his family for Christmas Eve, but the thought of this man trapped in the Straits of Florida during Christmas haunted him.

The next morning, he woke up early and flew back to check on the stranded boater.

To his relief, the man was fine. He was soon rescued, and later that day, Mario saw the man on television, jubilant and relieved. Mario's friends tell me that this rescue, and the others he participated in, were among the biggest thrills of his life.

The United States must continue to support people-to-people humanitarian efforts to free Cuba. We must continue our support for those non-governmental organizations working to encourage democracy in Cuba.

The Brothers rescue people in danger.

The determination to rescue Cubans from Castro's enslavement was embodied by Armando Alejandre, who also lost his life on February 24. Armando didn't just look for rafters in the Straits of Florida. He carried food and supplies to Cuban refugees stranded in the Bahamas. And he never passed on an opportunity to criticize the Castro regime for its brutal suppression of rights.

The enslaved people of Cuba are in danger of further abuses by the Castro regime. We must rescue them.

The fallen Brothers pilots were brave men. They took enormous risks to bring hope to the Cuban people.

Another one of last weekend's victims was a young man named Carlos Costa. His sister tells me that he was terrified of the small Cessna he flew for Brothers to the Rescue. The winds in the Straits of Florida violently buffeted his plane and frightened Carlos and his passengers. Yet he volunteered to fly his rescue plane every week. He flew on Christmas and other holidays.

We must also be willing to take risks to hasten Castro's fall from power. We need a tougher, more ambitious Cuba policy.

The Brothers were tireless, searching every mile of the Straits of Florida for Cuban rafters.

Some of the most determined were those pilots who had once been rafters themselves. Pablo Morales was one of those pilots. He fled Cuba on a raft in 1992 and quickly became an active volunteer in Brothers to the Rescue.

He returned to help others on February 24—Castro sentenced Pablo Morales to death in these same Straits of Florida.

We must be as vigilant as Pablo was. We must not rest until we have searched for every possible way to force Castro from power.

SEIZING THE DAY—MORE PRESSURE ON CASTRO

Fidel Castro has once again shown that he is a brutal dictator. We must reiterate our commitment to ending his stranglehold on Cuba.

How? There are three ways:

First, enact Helms-Burton.

This will tighten the economic chokehold on Castro, and sharpen his isolation from his own people.

This will continue the work of the Cuban Democracy Act, which began our effort to sanction and isolate the Castro regime with one hand, and reach out to the Cuban people with the other.

Helms-Burton will help us in our goal of building democratic sentiment among the Cuban people.

Second, work with our allies to bring international pressure to bear on the Castro regime.

Last month, I visited Chile to assess the shape of United States-Chilean relations. And though Chile maintains diplomatic relations with the Castro government, I was pleased to return with a firm commitment that Chile will support the U.N. resolution condemning Castro's human rights abuses.

Third, assess our preparedness for dealing with Castro in the future.

We must maintain a clear understanding of what our objectives are: To support the legitimate aspirations of the Cuban people to replace Fidel Castro with a democratic, human rights-friendly government that brings about the political and economic reconstruction of Cuba.

In the future, we cannot afford to wait 48 hours to issue a response. That is an unacceptable delay. Our Government needs to develop an anticipatory stance. We need contingency plans that can be implemented swiftly and judiciously.

We must be committed to a response which is proportional to the offense.

As the Helms-Burton and other sanctions take hold, we must anticipate the potential for further escalation of attacks against U.S. citizens and U.S. interests. This means making certain that our borders are secure from Castro's terror.

I continue to be concerned about incidents such as that which occurred in 1994, when a Cuban defector landed a Cuban military plane on the United States naval station near Key West, FL. He landed that plane unchallenged. Castro has made repeated threats against a major nuclear power facility in the southern portions of my State.

We must expand our efforts through television and Radio Marti to reach out to the people of Cuba.

Mr. President, this past weekend, the remaining members of Brothers to the Rescue led another mission in the Straits of Florida. This time, their goal was not to rescue but to celebrate the memories and brave acts of those four fallen pilots.

As they have for the past 5 years, the boats and planes dispatched on this mission encountered tremendous obstacles. Mother Nature greeted them with rough seas, black skies, pounding rain, and fierce winds.

But when the flotilla stopped to lay wreaths and hold religious services in memory of their fallen colleagues, the black clouds disappeared. For a moment, the Sun came out and shone down on the boats gathered below, as if to smile upon their mission.

Mr. President, for the last 5 years, Brothers to the Rescue has been a ray of light in the black clouds hovering over the Cuban people. If we are to turn that ray of light into permanent sunshine, the United States must salute their mission by making it our own.

I urge my colleagues to do that by supporting the Helms-Burton Cuba sanctions bill.

Mr. MCCAIN. Mr. President, increasingly an anachronism in the affairs of the world, Fidel Castro has burnished his credentials as the Western Hemisphere's most vicious dictator. Unfortunately for the four downed Brothers-to-the-Rescue pilots and their families, and the members of Concilio Cubano, he has again turned to terrorism to assert his control over the Cuban people.

All of the overtures made by the Clinton administration, some Members of Congress and the business community have failed to pacify Fidel Castro. Only weeks ago he arrested more than 50 Cuban citizens in anticipation of a conference by the dissident coalition Concilio Cubano. Apparently, Castro felt so threatened by a peaceful assembly of free Cubans that he disregarded the concern of the international community. To his relief, the Concilio Cubano conference was canceled.

Determined to maintain control over the information and views to which his countrymen are exposed, Fidel also seeks to limit dissent from abroad. He has always been too weak to directly confront the United States and terminate our efforts to bring freedom to the people of Cuba. But Fidel Castro can no longer even muster the strength to terrorize our friends in Latin America. He has been reduced to lashing out at unarmed Americans guilty only of straying too close to his Marxist paradise.

Fidel Castro cannot have it both ways. He cannot cultivate a new relationship with the United States and U.S. business and still run roughshod over the rights of his people. He is a member of a dwindling circle of friends. Fidel still believes in building a utopian socialist society. A fraudulent nationalist, he believes his people incapable of the exercise in self-government we have witnessed from Haiti to Russia. Fine—he can believe what he wants to. But he should not expect to have his egomaniacal dreams of totalitarianism and socialism subsidized by Americans.

This is why I support the Cuban Liberty and Democratic Solidarity Act. It makes the choice for Cuba clear.

The bill codifies the existing embargo of Cuba. Many of the actions taken in response to Fidel's outrages, including President Clinton's recent response, have been done by Executive order. By including them in this bill, we have ensured that they will not be overturned without a genuine democratic transition in Cuba.

The bill also builds on the current embargo in important ways. It attempts to freeze foreign investment in Cuba by denying United States visas to those who improve on investments in confiscated property; by giving, with the approval of the President, United States citizens the right to sue those who invest in confiscated property; and by barring Cuba from international financial institutions.

The bill also restricts assistance to Russia in proportion to the assistance Russia offers Cuba. This is an especially important provision. It is high time that we make a concerted attempt to enlist the support of our allies and friends in the efforts to end the Castro dictatorship.

The bill provides for a lifting of the embargo in response to democratic change in Cuba.

Castro has a choice. He can continue to isolate his nation, or by allowing his people to exercise their God-given rights, he can bring his nation the benefits of a relationship with the United States.

I do not know how long it will take before the pressure of the tightened embargo has its intended effect. It may still be years away. I do know, however, that one day democracy will come to Cuba, and that in the meantime, Americans should do everything in their power to withhold support from a government that so thoroughly denies its people their basic rights. I believe the bill before us does that.

Ms. SNOWE. Mr. President, I will keep my remarks brief, as I know there are so many of my colleagues who wish to add their voices in support of this conference report. As a member of the Foreign Relations Committee, and as an original cosponsor and conferee on this landmark legislation, I rise in the strongest possible support for the Cuban Liberty and Democratic Solidarity Act.

Before going further, I would like to join so many other Americans in expressing personal outrage at the most recent crimes of the Castro regime. Just 11 days ago, Cuban dictator Fidel Castro ordered the shooting down of two unarmed civilian small planes over international waters, murdering four American citizens. I extend my deepest sympathy to the victims' families. They deserve justice for Castro's murderous, tyrannical act, and this legislation is a first step in process.

For 36 years, Castro has ruled Cuba with an iron, totalitarian hand. But as he steadily impoverished and brutalized the Cuban people, his key source of support came from massive subsidies from the old Soviet Union. But since the 1991 collapse of the Soviet Union, those subsidies have ended, the ideological underpinnings of his tyranny have evaporated, and his regime has come under pressure as never before.

Castro has tried to compensate for the loss of Soviet aid by developing a hard-currency tourist industry. To build that industry, he has sold off at fire-sale prices confiscated American property to foreign companies for development. The purpose of this bill, among other things, is to deter these kind of actions by foreign companies who may be tempted to invest in Castro's Cuba at the expense of uncompensated Americans.

This bill accomplishes that in two ways. In title IV it applies mandatory travel restrictions on top Cuban Government and foreign individuals who participate in trafficking in confiscated American property. Permanent exclusion from the United States is a serious sanction that will give any multinational firm second thoughts about taking possession of stolen U.S. property.

In title III, the bill permits American citizens to bring suit against foreign persons who traffic in their confiscated property in Cuba. To obtain the administration's support for this bill, in conference we granted the President renewable 6-month waiver authority. But this still achieves the main goal of this title by creating an environment of uncertainty that foreign firms will want to avoid.

All would-be foreign traffickers in confiscated United States property in Cuba will be put on notice that if they would always be within 6 months of having legal action taken against them in the United States for their actions. And this presupposes that the President will even initially invoke his waiver authority, which in the current climate is not, I believe, a foregone conclusion.

This bill also:

Calls for an international embargo against Cuba.

Prohibits any United States loans to foreign individuals who purchase United States-owned property confiscated by the Cuban government.

Requires the United States to vote against multilateral bank loans to Cuba until the country has had a democratic election.

Disapproves of Russia's $200 million in loans to Cuba in exchange for continued access to intelligence-gathering facilities in Cuba.

Calls on the President to develop a plan for providing support to Cuba during that country's transition to a democratically elected government.

Also permits during the transition period Eximbank financing, Overseas Private Investment Corporation-supported investment projects, Trade and Development Agency assistance, counter-narcotics assistance, and Peace Corps assistance.

Fully terminates the United States trade embargo upon President's certification of a democratic government in Cuba, and provides for extension of most-favored-nation status.

Mr. President, with Castro's regime facing its gravest crisis ever, it is important to understand that his decision to kill four innocent Americans in cold blood is not an isolated act. This action came on the heels of yet another brutal crackdown on the Cuban people just the week before. From February 15 to 18, Castro ordered arrested 50 leaders of the Concilio Cubano, an pro-democracy umbrella group similar to Poland's Solidarity movement.

The arrest was Castro's answer to their attempt to simply hold a meeting to discuss the future of democracy in Cuba. Many of these pro-democracy leaders have already been convicted by the Castro regime, and have joined the thousands of Cuban political prisoners that today languish in Cuba's gulags.

I would like to recognize the stalwart leadership of the sponsor of this legislation and the distinguished chairman of the Foreign Relations Committee, Chairman HELMS. I also congratulate the leadership of the chairman of our Western Hemisphere Subcommittee, Senator COVERDELL, who is managing this conference report today. Together, they have been unswerving in their commitment to supporting the efforts of the Cuban people to bring freedom and democracy to that long-troubled island nation.

I would also note that in both the House and Senate this has long been a bipartisan cause, and I hope and expect that this conference report will receive overwhelming support from both sides of the aisle. The bipartisan nature of this bill is further demonstrated from the fact that last week, after Castro's brutal action against innocent Americans, President Clinton himself gave his support to this legislative initiative. Now, we will be able to move forward together to strengthen our Nation's resolve to see an end to 36 years of totalitarian rule just 90 miles from our shores.

Again, Mr. President, I would like to congratulate the efforts of all those who worked on this bill over the past year. I urge my colleagues to join in supporting the conference report we will soon be adopting.

Mr. GRAMS. Mr. President, I am pleased that the conferees on H.R. 927, the "Liberatad bill" were able to reach an agreement with the administration that will offer a tough, united response to the recent destruction of two small planes and four American lives by Cuban MiG's. While I would have preferred a compromise which eliminated titles III and IV of the conference report, the agreement moves us in the right direction.

I believe all of us are united in our desire to see a peaceful transition to democracy in Cuba, Mr. President. The downing of the planes heightened the concerns of many of us that we should take further steps to bring about this transition. There are many differences in how we reach our goal of a democratically elected government in Cuba. While I supported the Senate version of the Helms-Burton legislation, I had some problems with the possible inclusion of titles III and IV of the House bill in a conference agreement. Fortunately, the conferees added waiver authority to enable the President to waive title III, and, in effect title IV, for national security reasons or if necessary to promote a democratic transition.

Because election pressures may make a waiver difficult, I would like to remind my constituents what my concerns with titles III and IV are. In my judgment, these titles will cause more harm to our own country than to serve their intended purpose of limiting foreign investment in Cuba and thereby exacerbating Cuba's economic problems, which would increase pressures for a new government.

To remind my colleagues, there was concern about titles III and IV in the Senate, and neither of these titles was included in the Senate version of the bill. Modified versions of both titles are included in the conference report, along with the waiver authority.

My primary concern with title III is its extraterritorial reach. I have concerns with laws which attempt to impose our own laws and standards on other countries that they face costly lawsuits if they seek to invest in Cuba on properties which ownership 37 years ago may be difficult to verify, is unwise, in my judgment. This kind of U.S. attempt to infringe on the sovereignty of other nations should concern us.

Some of our allies have communicated to us that they do not view their investment in Cuba any differently than our own efforts to invest in Vietnam or China, which also could be on disputed properties. It is possible that one or more of these countries could reciprocate against us in the future, in injuring United States companies and jobs.

While I sympathize with anyone who has had property confiscated in any country, I believe the foreign claims settlement process is the right way to pursue property claims for United States citizens. There are many certified claimants now eligible for claims against the Cuban Government for confiscated properties, which will be pursued once a transition has occurred in Cuba. This bill was designed to help Cuban-Americans, who were not United States citizens at the time of the takeover, receive similar benefits through the courts. Now, those citizens would have the right to pursue their claims in Cuba once a transition occurs, which would be a parallel effort to that of our own certified claimants. Title III would provide a private right of action in Federal courts to all United States citizens, including the Cuban-Americans who were not citizens at the time of confiscation. This is a radical departure to our traditional use of the courts and is contrary to international law. Despite efforts to narrow this right of action, this change will create a precedent in our courts that would allow this right to be extended to naturalized citizens of over 85 countries where we have had similar property disputes. This would result in a flood of lawsuits at a time we are striving for tort reform.

One inconsistency in title III is that only properties valued over $50,000 at the time of confiscation can be involved in the lawsuits. I am not sure how this would accomplish the bill's authors' goal of limiting foreign investment in Cuba. And again, despite this attempt to limit the right of action, I still believe a court precedent is created for an expanded right of action in the future.

The language which would terminate the right of action for new cases once a democratically elected government is in power combined with the President's current authority under the International Emergency Economic Powers Act to nullify any claims and judgments against the Cuban Government after a transition also concerns me. This sounds attractive, but many legal experts have concluded that these citizens would have private property rights under the takings clause of the fifth amendment. So what will happen is that Cuba won't have to pay any judgments—the United States taxpayers will pay. They will pay treble damages for property confiscated from people who weren't citizens at the time. United States citizens who were certified claimants for years will be only partially reimbursed from funds negotiated from the new Cuban Government.

Title IV forces the President to restrict visas for any foreigner who traffics in any property under dispute. Fortunately, this language was made prospective, for new investments. Further, it would not kick in if title III is waived. It is further limited since visas are not currently required for residents of all countries which may be subject to this restriction in the future. However, this title could affect multinationals with thousands of employees globally in the future, most of whom would have had nothing to do with decisions to invest in Cuba. In a global economy it could be counterproductive to limit this type of access.

Mr. President, I support this conference report but hope that the President will exercise his authority to waive title III.

Mr. CRAIG. Mr. President, I am pleased to speak today in support of the Cuban Libertad Act.

We were all troubled by the announcements that two civilian aircraft belonging to the Brothers to the Rescue, Organization had been shot down by a Cuban MiG–29. However, this event, described by the President and other world leaders as "abominable" and "abhorrent," was not an isolated incident. Rather, it was the most recent act of aggression perpetrated by Castro's tyrannical regime.

In the last few years, the Castro government has taken a hard-line position and has continued to tighten the crackdown on dissent, arrested human rights activists, and staged demonstrations against their regime's critics.

Mr. President, the harassment, intimidation, and beatings of activists was well documented.

Dissidents and political prisoners were routinely subjected to a variety of actions. For example, sleep deprivation in prisons was used to coerce statements from inmates. In addition, prison conditions were characterized by habitual beatings, severe overcrowding and a lack of food, and medical care.

Arbitrary arrests, detention, and exile are routine methods of discouraging dissidents from speaking out against the Government. Freedom of expression is severely restricted. One person was arrested for wearing a t-shirt which said, "Abaja Fidel," which means "Down With Fidel." This individual was taken to a police station, beaten and held incommunicado for 8 days. He was finally tried and sentenced to prison for 6 months.

Mr. President, 1994 was also a period of tyranny on the high seas. In April and July of that year, the Cuban Government was implicated in the sinking of two vessels which resulted in the deaths of a number of people, including children.

President Clinton has referred to the attack in the press as, "An appalling reminder of the nature of the Cuban regime: repressive, violent, scornful of international law."

I couldn't agree with him more. It is another action taken by Castro that shows nothing but disregard for human life, let alone international law, norms, and values.

This action requires more than just a rhetorical response. Therefore, I am pleased that we will be voting today on the conference report to the Cuban Libertad Act, or Helms-Burton Act, as it has been referred to in press accounts.

President Clinton announced a series of actions he proposed in response to this unwarranted attack. These included; ensuring that the families of the pilots are compensated; imposing restrictions on Cuban nationals traveling in the United States; suspending United States charter flights into Cuba; and, passing the Helms-Burton Act.

This bill includes a number of provisions which would: strengthen international sanctions against the Castro Government in Cuba; develop a plan to support a transition government leading to a democratically elected government in Cuba; and enact provisions addressing the unauthorized use of United States-citizen-owned property confiscated by the Castro government.

Mr. President, I am pleased that President Clinton has committed to support and sign this legislation.

Mr. President, some Senators and Members have concerns about the ramifications of this legislation. I respect those concerns and am pleased that the sponsors of the legislation have done such an excellent job of working on addressing some of those concerns. Certainly, some concerns that I had with respect to certified claimants under title III have been addressed. I appreciate the efforts of Chairman Helms, and his staff.

In closing, I would just reiterate that this bill is a response to far more than the recent attack on civilian aircraft. It is a response to the continued aggression of Castro's regime.

Mr. HATCH. Mr. President, today we are again debating U.S. foreign policy toward the Communist regime of Fidel Castro. We are here to strengthen the policy that the majority of both parties have supported for over 30 years.

And, we are here to show that as long as Mr. Castro and his brutal regime remain, he shall see no easing of that policy.

That policy has been one of economic containment and diplomatic isolation. That policy has worked. It has isolated a brutal regime and restrained its ability to undermine stability around the world.

Unfortunately, this policy has not forced Castro from power, nor eliminated his ability to cause mayhem about the world. Castro was still able to send his forces to Angola, prolonging that war as a payback to Castro's Soviet masters. Our containment policy did not prevent Castro's henchmen from conspiring with Latin American drug bosses to smuggle cocaine poison into our country. And, our policy did not prevent Castro from shooting down two unarmed airplanes in international airspace last week, killing four American citizens.

But, Castro's behavior should never surprise us. His regime is built on oppression; his currency is flagrant disrespect for basic human rights.

Now that Fidel Castro's tab at the Moscow cafe has been closed, we see how desperately his regime is to survive. Without rubles and oil, the dictator of Havana stands without the slightest shred of a functionary economy. Without his Soviet sponsors, Emperor Castro has no clothes. Our embargo has ensured that the United States has not in any way participated in granting a figleaf of legitimacy to the aging strongman.

I say let us strengthen our embargo. If Castro wishes to use foreign investment to replace the rubles from his Communist masters, let us at least ensure that the firms that would succor the Castro regime do not do so with property stolen from U.S. citizens. Foreign investors are free to take the place of the Kremlin powerbrokers, but they cannot trade in stolen property without consequence.

In recent years, the debate over U.S. policy toward the autocratic Castro regime and, in particular, the debate over maintaining the embargo have included the introduction of two arguments.

One argument suggests that, now that we are in a post-cold-war world, we need not maintain a cold war policy toward Cuba.

A second argument we have heard suggests that if we can engage authoritarian states like China and Vietnam, we should be able to engage in the Cuban regime.

Regarding the first argument, we are constantly reminded that we now live in the post-cold-war world. In this new world, we are told, we need to revisit so many of the crises and flashpoints that we saw through the bipolar lens of cold war competition.

Derivative of this approach is the notion that we must learn to give up our neuralgic distaste for the few remaining Communist regimes, and we must recognize that the basic security and political notions of the cold war no longer provide the touchstones for U.S. policy. A specific point of this rationale is that our Cuba policy must no longer be containment.

The problem with this argument is simple: The cold war may be over, but Fidel Castro still rules. While I admit that the Cuban regime is a cold war anachronism, which certainly belongs on the scrap heap of history, the harsh political reality is that Castro and his secret police remain as the dictatorship of Cuba.

With the conclusion of the cold war, we saw the end of our global competition with Communist states and the collapse of totalitarian regimes before the popular will of newly freed peoples.

Throughout Central Europe, the withdrawal of Soviet support combined with the decay of Communist client governments. Faced with the uprisings of the people demanding freedom, the dictators fled and freedom won the day. The result was the transformation of a part of Europe that had been frozen in time and oppression for nearly 50 years.

The United States welcomed these nations to the democratic fold, for we were no longer threatened by their hostile diplomatic postures, their support for terrorists, and their dedication to undermining democracies around the world.

But the end of the cold war brought no popular revolution to Cuba. Castro denounced the last Soviet leaders as having failed the Communist catechism. The evaporation of Soviet subsidies brought more misery for the Cuban people, and Castro, no doubt thinking more of Ceausescu than of Havel, clamped down even more. Human rights have not improved in Cuba.

No talk about looking at Cuba from a post-cold-war perspective will change this dismal fact. The Cuban people are not free. They are not free to choose their own government; they do not have an independent judiciary; they cannot work in a free economy. They are never free from their political jailers. Those brave ones who dare attempt political discourse continue to be harassed and jailed by Castro's police, as we saw 2 weeks ago when dozens of members of Concillio Cubano were arrested, interrogated, and jailed.

The second argument suggests that if we can engage China and Vietnam, under the hope of moderating and influencing their policies, we can do the same for Cuba.

I am not sympathetic to the analogy with Vietnam, mostly because I am not sympathetic to opening relations with Vietnam.

I believe that Vietnam had much more to gain from recognition by the

United States than we did, and that, as a result, we should have been able to extract more concessions before we granted the valuable diplomatic asset of recognition. For recognition from Washington, we should have gained from Hanoi more openness on the POW-MIA issue, and more concessions on human rights.

It's clear the authorities in Hanoi recognized that they were getting away with a lot: Less than a month after recognition, they jailed a handful of elderly Buddhist monks. We recognized their dictatorship, and the jailers kept jailing. In all the debate over Vietnam, I never heard adequate reasoning for why we should, at this time, open our Embassy there. So, from my perspective, Vietnam hardly justifies as a reason to adjust our Cuba policy.

Mr. President, I don't believe we can compare countries. Cuba is not China, which has the world's largest population, a booming economy, a predominant position in Asia, and a nuclear arsenal. Global foreign policy for this country must take into account this Asian giant, and United States national security must account for the role of China.

Cuba has 11 million people, a supine economy, and has become largely irrelevant in Latin America. With no Communist sponsors, it no longer provides a major security threat.

While I don't believe it can threaten stability in the region—unless Castro unleashes another wage of refugees—we have seen that the regime is a threat to international civility. When MiG's are dispatched to shoot down Cessnas, you know that the regime is showing its true colors, and those are not the colors of a civilized nation.

Mr. President, containing the Castro regime has worked. We must remain vigilant rather than provide sustenance. We must tighten the embargo, rather than engage in the "Lax Americana" policies of President Clinton.

Mr. President, this bill addresses the role the United States will play during the transition from the Castro dictatorship. In this manner, this legislation provides some forward thinking that I believe was lacking in some of our policies conducted during the cold war. This bill looks to a post-Castro regime, and outlines our responsibility to prepare for the inevitable.

It is one of the many paradoxes of a current historical myopia that many view the cold war from simply a security perspective. The result is that we hear the reasoning that says, "now that we defeated the Soviet Union, we need not concern ourselves with an island run by a bunch of ragged and increasingly isolated Communists."

But, the cold war was not just fought for security reasons alone. It was fought over ideals: the ideals of humankind's right to liberty, to democratic government and to freedom from oppression. These are the fruits that many of the formerly captive nations of Central Europe now enjoy; these are the fruits denied to captive citizens of Castro.

But, in Castro's Cuba, the instruments of oppression remain. And, this is why this body now debates the merits of the bill presented by the distinguished chairman of the Foreign Relations Committee, which stands for continuing a firm and resolute policy toward the dictator Castro.

And, this is why, today, I believe that we should declare that we stand for a policy that recognizes that the Cuban dictatorship remains in place, and that this brutal reality demands of us that we remain vigilant in our opposition to the Castro regime, determined to outlast it, and dedicated to help the Cuban people when the dictatorship falls.

Because fall it will, as so many of those rusted and despised statues dedicated to Communists ideals fell all over Central Europe and the newly independent states when the victors of the cold war were finally freed.

I urge my colleagues to support the Libertad bill.

Mrs. BOXER. Mr. President, we consider this conference report less than 2 weeks after a tragic day for the cause of democracy in Cuba. On February 24, Fidel Castro's brutal regime shot down two unarmed American aircraft belonging to Brothers to the Rescue who were flying over international waters.

This unprovoked ambush was a gross violation of international law and an affront to standards of human decency. It was a cowardly attack, demonstrating clearly that Fidel Castro will resort to any means—no matter how vile and repugnant—to hold on to power.

I was appalled by this despicable incident and I would gladly vote for legislation that directly addresses this attack as well as legislation that would foster the democratization of Cuba. Unfortunately, the bill before us today will not carry out those objectives.

The conference report would deny a United States travel visa to anyone with a stake in certain companies that do business in Cuba. This provision threatens to seriously damage relations with many of our closest allies, including Canada, whose citizens could be denied entry into the United States.

The measure creates a new cause of action in U.S. courts allowing citizens to sue any foreign national who traffics in confiscated Cuban property. This alone could result in a huge logjam in our Federal courts. But by establishing an arbitrary $50,000 claim threshold, the legislation denies legal recourse to many Americans whose homes or shops were confiscated by the Castro regime. There is no logical justification for this discriminatory treatment. It winds up helping the wealthiest and hurting middle-class Americans. It makes sense to adopt measures to punish Fidel Castro and his thugs for their reprehensible action. It makes no sense, however, to do so in a way that will hurt many Americans and punish our best allies.

Mr. KERREY. Mr. President, I come to the floor of the Senate today to express my opposition to the legislation currently under consideration. While the Helms-Burton legislation seeks to hasten the end of the Castro regime in Cuba—a goal that is shared by every Member of this body—I am concerned that it will in fact do more to damage our larger foreign policy goals than bring about a democratically elected government in Cuba.

The shootdown by the Cuban military of two unarmed United States civilian aircraft engaged in humanitarian activities in international airspace is reprehensible. This clear violation of international law required a strong U.S. response—a response which was delivered by the Clinton administration immediately following the attack. Charter flights between the United States and Cuba were suspended, steps were taken to compensate the victims' families from Cuban assets frozen in the United States, and the United States led a successful campaign in the U.N. Security Council to strongly deplore the unprovoked attack on these unarmed aircraft.

Mr. President, there is now great pressure for those of us in the Senate to voice our distaste for the Castro regime by passing the Helms-Burton legislation. I will vote against this bill, not because I am opposed to trying to tighten sanctions on Castro's Government, but because I believe that provisions of the Helms-Burton bill would have a detrimental effect on relations with our closest allies.

Last fall, I voted in favor of the Senate version of this bill which, in my opinion, represented a bipartisan approach to strengthening economic sanctions on Cuba. The Senate bill included provisions which sought to include the international community in our efforts to ratchet down the pressure on the Castro regime while holding out the promise of United States assistance to a post-Castro Cuban Government striving to achieve democratic, free-market reforms in Cuba. I still support this approach, and believe our policy should continue to move in this direction. However, the bill that we have before us today includes provisions not in the version that passed the Senate. Titles III and IV of Helms-Burton will open the floodgates to new lawsuits in U.S. courts and will put us in an adversarial position in our relations with our allies throughout the world.

Provisions of title III and IV which give United States citizens the right to sue foreign companies that operate in

Cuba are viewed by our allies as an attempt by the United States to act unilaterally to dictate to them a Cuba policy. This will undoubtedly lead to resentment and resistance to future United States policy efforts in connection with Cuba. Rather than alienating our allies, our policies toward Cuba should seek to be inclusive.

It is far too easy to vote in favor of Helms-Burton as an emotional response to Castro's unlawful shootdown of United States civilian aircraft, but to do so would ignore the negative impact this legislation will have on our foreign policy objectives both in Cuba and in a larger sense. Mr. President, it is my hope that we will be able to separate our current anger at the Castro Government from these proceedings. I say this not to minimize the gravity of Cuba's actions, nor would I necessarily rule out further action against Castro, but rather because I believe that the legislation before us will hurt our ability to exact change in Cuba. By straining our relations with our closest allies, it is my fear that we will further isolate ourselves from the international community on this issue, and that in the future we will be unable to work on a multilateral basis to bring about a democratic Cuba.

I conclude, Mr. President, by urging my colleagues to fully consider their vote today in the larger context of how this legislation will affect U.S. foreign policy.

Mr. FEINGOLD. Mr. President, on February 24, the Cuban regime shot down and killed four men, American citizens, apparently flying over international waters, off the coast of Cuba. No matter how one judges the intent of these four Brothers to the Rescue—and some have pointed out that in the past Brothers to the Rescue violated Cuban airspace and went so far as to overfly Havana and drop anti-Castro leaflets over the Cuban capital—the fact is that they were flying in small, unarmed civilian aircraft. They certainly did not represent a real, physical threat to Cuban security. But the Castro government—no respecter of human rights, of international law, or of common decency—had its MiG fighters shoot down those two defenseless Cessnas. I join my colleagues, the U.S. Government, and the international community in deploring this act of brutality.

As appalling as this act was, Mr. President, it should not surprise us. Castro is a dictator who, for 37 years, has ruthlessly trampled on the rights of the Cuban people. The State Department and all reputable human rights organizations point to the routine use of torture, beatings, economic coercion, and suppression of legitimate protest by the Castro regime.

Only 2 weeks ago, a small pro-democracy group, the Concilio Cubano, was prevented from holding a meeting and two of its members were summarily thrown into prison after kangaroo court proceedings. That Castro would have his military lash out callously and viciously at a perceived threat, then, is pretty much what we could expect.

What surprises me, Mr. President, is how a small, poor island like Cuba continues to elicit the most knee-jerk response from Washington. Certainly, the administration did the right thing in seeking an international condemnation of these intentional murders. I also support President Clinton's order requiring restitution by the Cuban Government—drawing on frozen Cuban assets—for the families of the victims, and the increased use of Radio Marti—and notably not that proven failure, TV Marti—to bring uncensored news and information to the Cuban people. The rush to punish, however, must stop at that point where ill-considered policies undermine U.S. national interest, or lead to a misguided and ineffective policy altogether. That's what this bill did before the shootdown, and what it's going to do regardless of the shootdown.

In seeking to pound the final nail in Castro's coffin, H.R. 927 misses its target, causing pain for all but Castro. Very briefly, allow me to enumerate the most obvious flaws:

Title I instructs the President to seek a mandatory international embargo against Cuba. This is untenable: The United States is regularly outvoted at the United Nations by margins along the lines of 140 to 2 when we seek to defend our unilateral trade embargo. It is all the less likely to pass given that our closest allies object vociferously to the other provisions of this bill.

Title I also requires the President to make it clear to the Cuban Government that:

> The completion and operation of any nuclear power facility, or b) further political manipulation of the desire of Cubans to escape that results in mass migration to the United States, will be considered an act of aggression which will be met with an appropriate response. . . .

What does this mean? Are we threatening, in fact, to bomb or disable a nuclear energy facility in Cuba? I should hope not, and suggesting it as a policy undermines U.S. credibility.

Another fault of the bill is section 102, which codifies the trade embargo as law. By this provision, Congress deprives the executive branch of the right to modify, ease or even strengthen the embargo. It would restrict the President's ability to react quickly to events within Cuba or on the international scene as related to Cuba. Mr. President, I am a strong supporter of the Congress' constitutional prerogative to advise and consult closely with the White House on matters of foreign policy. But I do not support leaving Congress alone to legislate United States foreign policy, and in fact fear that we do a disservice to the country if we try.

With title III, Mr. President, the bill steps beyond domestic politics and into offending accepted norms of international law. This section, which grants to persons, including those not U.S. citizens at the time of the alleged taking, a cause of action in U.S. Federal court against individuals and foreign entities trafficking in expropriated Cuban properties. This procedure not only threatens to clog U.S. courts, but also defies logic. Their cause of action is rightfully in some, future, Cuban court, not the United States judiciary.

Furthermore, contrary to the assertions of supporters of this bill, an international claims settlement procedure already provides an effective mechanism for asserting claims, which is why most certified claimants oppose this bill. Moreover, this provision will not benefit the little guy who lost property in Cuba, since there is a threshold level of $50,000 in controversy, a tremendous amount in 1959 Cuba. Further, to mollify critics, a filing fee of perhaps $4,500 will be imposed. Of course, very few beyond corporate interests can afford to pursue such a costly litigation.

If that was not bad enough, title IV of this conference report takes the extraordinary step of mandating the exclusion from the United States of third-party nationals who traffic in such property. Canadian and European business executives, and their governments, are understandably upset at the prospect of their citizens being kept out of the United States because they do business with Cuba. There is an international consensus that countries such as Iran pose a threat to global stability, and therefore travel by its officials should be limited. But people doing business in Cuba are not threats to our security, and accordingly should not categorically be denied access to the United States. Of course, most of our allies don't need visas and will enter anyway, undermining the force of the statute. But it looks tough —and is more or less pointless.

Mr. President, this bill's myopic focus on Cuba is one that I find particularly disturbing. Cuba is not significant on the world scene; whatever geostrategic threat it may have posed disappeared 5 years ago, a fact our own military acknowledges.

In China, by comparison, we find a country bordering on superpower status. The Chinese Government regularly takes steps which threaten international security in fact: Nuclear equipment sales to Pakistan; saber-rattling across the Taiwan strait; human rights violations on a very brutal scale. China's policies on intellectual property even violate major United States financial interests. Why are we not imposing sanctions on China? Sadly, I know that a bill proposing the same sanctions on China that we are today imposing against Cuba would fail—indicating that to the United States Congress fossilized cold war fantasies are more powerful than the real national security goals of 1996.

Mr. President, Cuba is a pariah. Certainly we as a nation have the right to limit our relations, economic and otherwise. Although some might note that after 35 years of embargo, Castro remains entrenched and that the policy needs careful review, I am not advocating a loosening of the embargo. That cannot take place absent an improvement in the atrocious human rights situation in Cuba. But I think we should be consistent in our foreign policy. If we sanction Cuba, then why not those current and former Communists—including those which are actual threats to international security, such as China, or with whom we met in battle at the cost of 55,000 United States soldiers, such as Vietnam? If we choose, instead, to engage such countries in dialog and with economic relations to effect change, then why not Cuba?

Instead, we shoot ourselves in the foot. This bill will not topple Castro; it will only give him cause to tighten his grip in the face of the Yanqui threat. It increases our isolation internationally and hobbles our ability to influence events in Cuba in a positive manner. It is an expensive resolution which will bring United States-Cuba politics into our courts. Helms-Burton damages the United States national interest and hurts innocent Cubans and I will vote against it.

Mr. BOND. Mr. President, as we consider instituting the provisions of title III of the Cuban Sanctions Act, I am troubled that in a rush to exact retribution for the heinous act of shooting down United States unarmed civil light aircraft by Cuban MiG fighters, we will accomplish nothing more than antagonizing our worldwide trading partners.

First, monetary restrictions and filing procedures currently in the language, prevent compensation to by the vast majority of Cuban exiles and benefit only large business concerns which look to use the offices of the U.S. Government to practice international tort law through legislation. This course of action can only lead to the muddying of the legal trade policies and agreements which we have long supported.

Second, though we are unarguably the leader in free trade throughout the world, this action will isolate us from our loyal and historic trading partners. Even as we contemplate this drastic course of action, our trading partners have vociferously objected to its long-term ramifications. Some of our closest allies are considering equally harmful measures in response and you know that once we start down this type of road, it will be extremely difficult to halt until an economic disaster occurs.

Third, the further starving of the Cuban people in an attempt to force a change in their government is not the way to promote a democratic movement. In order to win the hearts and minds of a subjugated people one doesn't beat them even more. We want to see them change their government from within and view us as a benefactor and not as a martinet.

I too, want the Cuban Government to change. I too, want the Cuban Government to bear full responsibility and consequence for their totally unwarranted and illegal actions. I don't believe that unilaterally attacking world wide trading policies and harming our relationships with our allies and partners is the way to do it.

Mr. JEFFORDS. Mr. President, I must strongly condemn the Cuban Government for its gross violation of international law in shooting down two small, unarmed civilian aircraft last Saturday, resulting in the presumed loss of four American lives. This was a cowardly, cold-blooded act by Cuban authorities. There is no excuse for this violent act and no explanation that Cuba can offer which justifies such blatant disregard for international norms.

I must note that Cuba's action on Saturday came on the very date that the Cuban Council, an alliance of human rights and dissident groups, had asked to hold a first-ever conference of such groups in Cuba. Beginning on February 15, the Cuban Government responded to the council's request, a request made in accordance with Cuba's Constitution, by retaining and arresting more than 50 people active in the council. I must also strongly condemn the Cuban Government of Fidel Castro for this crackdown.

By these actions, the Cuban Government has once again demonstrated its fundamental disregard for internationally recognized humanitarian norms. These actions also sadden me because they have extinguished summarily the pin-pricks of light which were beginning to show, for the first time in many, many years, in our relations with Cuba. Recently, there had been an increased number of exchanges and visits, activities which I continue to believe are crucial to creating space for a democratic change in Cuba.

The legislation before the Senate today, however, is not an appropriate, or even a relevant, response. As I noted during our consideration of this bill last October, instead of promoting democratic change in Cuba, this legislation, namely title III, creates a potential windfall for a small group of people at the expense of the greater interests of the United States. This bill alienates major allies and trading partners, such as Canada, Mexico, and France, with its clear extra-territorial application. Further, the effects of this legislation risk destabilizing Cuba to the point where we could face another exodus of boat people. We must ask ourselves: Are we ready to deal with such a crisis anew in order to serve the interests of a deep-pocketed few? I say we are not. The Presidential waiver provision for title III is not enough to overcome my deep reservations. This bill also carries with it a high human cost and I should note that the Cuban-American community is far from monolithic in its support for this bill.

I am also deeply concerned by this bill's codification of the Executive orders and regulations that implement the existing embargo. In spite of Cuba's recent actions, codifying the embargo takes us in the wrong direction, making our eventual and necessary rapprochement all the more difficult. I also believe that a mandatory visa ban on officers and majority shareholders companies which are trafficking in such properties is an unnecessarily petty provision. I will vote against this legislation.

DRACONIAN HELMS-BURTON CUBA SANCTIONS BILL GOES TOO FAR

Mr. WELLSTONE. Mr. President, today we will be voting on legislation to codify permanently some of the most far-reaching, harshest economic and political sanctions the United States has ever imposed by law upon another country. While I support the goal of pressing Cuba toward democratic rule, this bill is not the way to get there.

Let me be clear: Cuba's recent shocking attack against unarmed civilian aircraft, apparently in international waters, was an outrageous breach of international law, even considering the unwise acts of the Cuban-American pilots who had been consistently warned of the dangers. This action, and Cuba's detention of members of the Cuban Council—journalists, human rights activists, and others—has been met with widespread condemnation, both here and abroad. Cuba must respect international aviation law, internationally recognized human rights, and democratic freedoms if it is to reenter the community of nations.

The President has responded with a series of firm economic and political steps, unilaterally and multilaterally. This bill simply piles on, in a way that I don't believe is in U.S. long-term interests. I know that in the wake of the air tragedy, it will pass by overwhelming margins in both Houses, and will be signed by President Clinton, despite his earlier strenuous opposition. While there are elements of the bill which I support, including its authorization of assistance to democratic organizations, human rights groups, and international observers, as a whole it embodies a fundamentally flawed policy.

It's true that the people of Cuba have for too long been denied basic political rights, including the right to speak freely, to criticize their Government, and to associate with one another as they wish. And for too long, Cubans have been unable to improve their standard of living through much-needed economic reforms. I would of course support and vote for legislation if I thought it would achieve that goal.

But unfortunately that's not the case. Instead we have before us the so-called Helms-Burton legislation, and we have to decide if it is likely to move us toward the twin goals of greater economic opportunity and greater political freedom in Cuba. Unfortunately, the answer, I believe, is no. So while I share the goal of my colleagues who support this bill—a peaceful transition to democracy in Cuba—I do not believe this bill will get us to that goal. There are several major areas of concern that I want to focus on.

First, as I observed, I fear that the burden of harsh sanctions often falls on innocent Cubans, not on the Government or on elites. Its provisions to enact into law prohibitions on families in the United States sending any significant funds to their own family members in Cuba, to all but cut off travel between the United States and Cuba so family members can at least visit one another, and to prohibit investments in open telephone communication between the United States and Cuba are especially unfair and counterproductive.

Its provision to place in law a prohibition on sales of food and medicines to Cuba—even to nongovernmental organizations, like churches or relief groups—is wrong, and likely to do further real harm to those whom proponents claim most to want to help. As is so often the case when ideology presses all other considerations into the background, the reality of people's lives—those innocent Cubans who will be most directly affected, and who struggle to maintain their families under Cuba's repressive government—is dismissed as inconsequential.

Second, I do not believe it is in our national political or economic interest to codify into law, and then tighten, this already harsh U.S. embargo. I will offer a few examples later of the reasons why, including my concerns, as one who represents a State which borders Canada, about its impact on United States-Canada relations, on Minnesota firms which do business with our Canadian neighbors.

Third, even if it were judged to be in our interest, I don't believe it will have the desired effect on Fidel Castro's government that its proponents intend. In fact, it could backfire on us, prompting Castro to become more repressive, and worsening social and political tensions there which could in turn lead to violence, and another major outflow of refugees to the United States. It was not long ago we had thousands of Cubans coming across the Florida Straits in leaky boats, who were stopped and then held at Guantanamo Naval Base for many months, at a cost of millions of dollars. Is that what Americans want to see again? I don't think so. But that very well could happen.

Ultimately, additional harsh sanctions could undermine, not bolster, opposition-backed hopes for political and economic liberalization there by enabling Fidel Castro to play the nationalist card, using the U.S. sanctions as a rationale for tightening his grip on power. We have seen in Russia, Vietnam, Eastern Europe, and to some degree even in China that the process of political and economic reform in these places has been accelerated by a more open exchange of ideas, people, information, technology, and other goods and services—not by increasing the isolation of these people from the outside world.

North Korea is a good example of what happens when we isolate Communist states; a disaster for United States policy. In Cuba, as elsewhere, ensuring an open flow of Western, democratic ideas, information, and technology could be critical to helping to transform those societies. This bill flies in the face of almost all of our recent positive experience in helping to transform collapsing Communist states around the world.

The bill could also prompt our allies and trading partners to retaliate, putting limits on U.S. firms which trade abroad, and eliminating the good-paying U.S. jobs that depend on such trade. Many are already voicing loud complaint, and some have threatened such retaliation. Over 50 countries now have substantial business interests in Cuba. Should we refuse visas to businesspeople—and their families—from Britain, France, Germany, Japan, or other of our trading partners who want to do business and create jobs within the United States, if they hold an interest in a Cuban business? Under this bill, in many cases we would have to do just that.

Americans expect a tough, firm response to Cuba's recent actions. But they also expect common sense, something which has been in short supply in America's policy approach to Cuba for a long time. Usually, if a policy doesn't work, you try something else. United States-Cuba policy, like the shop-worn Communist policies of the Cuban Government itself, has been frozen in ideological amber for too long, driven as much by domestic political concerns as by responsible foreign policy.

Let me offer a few examples that I think highlight why this bill is not in our own national interest. Russia is now moving toward elections that could determine the fate of the reform movement there for years to come. United States aid has played a key role in helping the Russians to dismantle their nuclear arsenals, open up their economy, and become a more open and democratic society. But this bill would require substantial reductions in United States aid to any country, like Russia, that provides assistance to Cuba. The way I read it, we couldn't provide key assistance, including that designed to bolster Russia's ability to buy United States products, if they provide aid, however unrelated, to the Cubans. This is true not only of Russia, but of any of our allies or trading partners whose firms have long been doing business in Cuba.

The tight and inflexible strictures this bill places on assistance to a transitional government there would also not be in our political interest. When the transition to a post-Castro, more democratic Cuba begins, we must be ready to move quickly to help to ensure its success, as we did in Haiti. The new rules proposed by this bill could leave us on the sidelines in a rapidly-moving transition—a dangerous place to be during such an unstable period.

As in Haiti, the United States needs the flexibility to respond to changing circumstances, sometimes even to overnight changes. But it takes months for Congress to act on simple bills declaring National Auto Safety Week, or National Ice Cream Day. It's unrealistic to think we would move quickly to provide aid to a new government. We should be there with resources, ideas, and the diplomatic flexibility to react just as the transition begins—not panting up to the finish line once it's over.

Nor is this bill in our economic interest. Its provisions to effectively impose a boycott on third-party countries and businesses who are not the primary target of Cuba sanctions are especially unwise. For example, should Minnesota farmers who sell grain to Russian joint Venture partners be penalized because Russia trades with Cuba?

Should Minnesota businesses who may be working in partnership with Canadian firms be subject to multi-million dollar lawsuits simply because their Canadian partner happens to sell computers, or medical equipment, or anything else, to a Cuban humanitarian organization? I don't think so. But this bill would do that, exposing firms in my State to huge potential liabilities for something they have little or no control over. That's not common sense, and it would endanger jobs and trade for Minnesotans.

There are other objections that have been raised about the legal implications of this bill. As Senators DODD, PELL and others have observed, the bill would open U.S. courts to potentially thousands of new property claims. This provision was dropped from the original Senate bill. Current law provides for a means of addressing property claims, through a Claims Settlement Commission. This bill would give special rights under United States law to a particular class of people, Cuban citizens who can make a claim that their properties were nationalized in the late 1950's by the Cuban Government, and who later became U.S. citizens by means of very generous United States immigration laws—more generous than for virtually any other group. Why are we giving these special rights to Cubans who became citizens? Why not give the same rights to Bulgarians, Russians, Poles, Vietnamese, Chinese, Hmong, Lao, too, who may have had unresolved property claims when they were citizens of their own countries? Providing access to U.S. courts for claims filed on behalf of those who weren't even U.S. citizens, and thus not entitled to U.S. court review when the claims originally arose, sets a precedent which I am sure we will regret, and which will likely be very expensive. Who pays to give this special treatment to this special group? U.S. taxpayers pay. Of course, this disparate treatment not only raises legal questions. It also raises constitutional questions, especially about equal protection of the law, which its proponents have brushed aside.

Don't let anyone confuse the issue by leaving the impression that this bill is designed to protect small Cuban landholders who lost their homes and offices when Cuba overthrew the brutal Batista regime. These regular folks get left out. As is so often the case, the big corporate interests who reportedly helped to draft the bill, like the rum manufacturers and sugar processors, many of whom supported the brutal and corrupt Batista regime in the 1950's, and the big families that composed Cuba's elites for decades, are the ones who would most benefit from the new legal rights accorded by this bill. But they cloak themselves in the rhetoric of protecting the little guy who lost his shack on the beach in Havana, in order to persuade Congress, and other Americans, to protect their economic interests.

Mr. President, it's clear that we must send a strong message to the Cuban Government, and that we must do all we can to help accelerate a democratic transition there. But this bill would harm innocent Cubans far more than it would serve to pressure the Cuban Government. It could undercut the very efforts at political and economic reform that its proponents support, escalating social tensions, and prompting another outflow of refugees to U.S. shores.

Given the new frictions it will cause with our allies, and the other problems I've discussed, I do not believe it is in America's long-term interests. I know it will pass today. But I would be less than honest if I took the politically expedient route and voted with many of my colleagues who want to simply send a strong signal, whatever the vehicle, whatever the potential costs and unintended consequences, whatever the troubling legal precedents it sets. This bill does not meet the Minnesota common sense test. It does not meet the fairness test. It will not, in my view, have the effect its proponents hope. I urge my colleagues to oppose it.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I gather there has been an agreement between the forces supporting and opposing this measure. Pursuant to that agreement, I ask unanimous consent to speak for up to 6 minutes from time that had been allotted to the opponents of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I rise in support of the Cuban Liberty and Democratic Solidarity Act. I am pleased and proud to say I am an original sponsor of this legislation which passed the Senate, passed the House, and languished in a conference committee because of a dispute over certain provisions of the bill. But, as so often happens, dictators like Castro, if given the time, will show their true inclination and will, by their acts, provide the best evidence and the best support for action by great and free nations like ours against them. So it was, painfully, tragically, in the case of Cuba and Castro, over the last few weeks.

This is in the context of attempts by many in our country, well-intentioned attempts, to open some lines of communication with Castro to see if that might tame this beast, if that might make this tiger into a pussy cat. Just a few weeks ago, a distinguished group of visiting Americans had pictures taken with Castro, all looking very friendly. But what is happening on the ground at the same time in Cuba? In response to the deterioration of the economy and the continued suppression of the human rights of Cubans, I gather for the first time in three decades, the disparate opposition groups, that is groups opposed to Castro—and it is not easy, as we all know, to be opposed to Castro in Cuba—come together, form this group, Concilio Cubano, and begin to discuss peaceful, nonviolent ways to oppose the dictatorial regime of Castro.

What is the response of that government, of Castro's government, to this group? He arrests its leaders, the leaders of the opposition, and puts them in jail. Think about the contrast. A distinguished group of Americans visiting, holding peaceful discussions, and at the same time the courageous domestic opposition to Castro—finally beginning to come together against the force of this state—gets locked up; all that in the week or so before this next tragic incident.

They were four Americans. Sometimes we are too sensitive about things said in the media, but it struck me at the outset, when these planes were shot down, they were described as being piloted by representatives of the Cuban exile community. There is a Cuban-American community that has left Cuba. But these are not Cuban exiles in the sense that the term suggests, that they are somehow the other. They are us. These are Cuban-Americans who have attained citizenship and are proud of their extraordinarily productive community in Florida.

So, four Americans in these unarmed planes were shot down, without appropriate warning under international law: an outrageous act; an act of murder—let us call it that, plain and simple. An act of murder of civilians by a military government has now dislodged this bill from the conference committee and brought it to the floor, and I am grateful for the support that has been given to the bill.

The act of cowardice represented by that military attack demonstrates—as clearly as we could ask for it, much more clearly than any of us could argue on this floor or had argued before on behalf of this bill—that the Cuban Government's opposition to freedom is as strong as ever. The Castro regime remains hostile to the United States and the people of Cuba. This crackdown on the opposition, the shootdown of these planes, the litany of outrageous dictatorial acts that my friend and colleague from Florida has stated, show us once again that Castro is not redeemable. Forget it. Do not have idealistic dreams that this man, who comes out of the Stalinist era of communism, can suddenly become a freedom fighter.

In supporting the Cuban Liberty and Democratic Solidarity Act, we are acting in the best traditions of America's foreign policy because we are acting in the interests of human rights. We are acting in the interests of human rights. We are acting on behalf of the suppressed people who have lived too long under Castro's domination in Cuba. They have no less a right to live in freedom than the other peoples of the world toward whom we have extended ourselves, or against whom we have imposed economic sanctions to try to raise the liberty of the people who live within those countries.

There are those who say that Castro denies human rights. That is true. And it is in the tradition of America, the best tradition of our foreign policy, to stand for human rights.

Mr. President, pursuant to the previous agreement, I wonder if I might ask for 3 more minutes from the time of the opponents to the legislation?

Mr. COVERDELL. I would like to yield to the Senator from Connecticut 2 minutes, if I might.

Mr. LIEBERMAN. The Senator from Connecticut gratefully accepts.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, the point is this. The opponents of the bill and others may say, "Yes, Castro denies human rights, but he does not represent a threat to the United States." He does not, in a fundamental sense of our existence and security. But so long as there is a hostile government in Cuba, the fact is that enemies of the United States will find a partner. So long as there is a hostile government in Cuba 90 miles from our shore, those who wish us ill will find an ally. For that reason of our own national security, as well as the faithful support of the best principles of our country, human rights, I think the Cuban Liberty and Democratic Solidarity Act is a strong step in the right direction.

Keep the pressure on. Bring Castro down. Let us move together on a bipartisan basis. The President strongly supports this legislation. Great majorities of both parties in this Congress support the legislation. Let us pass it and send the strongest possible message of hope to those who live under tyranny in Cuba and, hopefully, the strongest possible message that will bring fear to that individual who has tyrannized this proud people and that great island for much too long.

I thank the Chair and I yield the floor.

Mr. COVERDELL. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the letter from President Bill Clinton to Majority Leader BOB DOLE in support of the conference report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, March 5, 1996.

Hon. ROBERT DOLE,
Majority Leader, U.S. Senate, Washington, DC.

DEAR MR. LEADER: The Cuban regime's decision on February 24 to shoot down two U.S. civilian planes, causing the deaths of three American citizens and one U.S. resident, demanded a firm, immediate response.

Beginning on Sunday, February 25, I ordered a series of steps. As a result of U.S. efforts, the United Nations Security Council unanimously adopted a Presidential Statement strongly deploring Cuba's actions. We will seek further condemnation by the international community in the days and weeks ahead. In addition, the United States is taking a number of unilateral measures to obtain justice from the Cuban government, as well as its agreement to abide by international law in the future.

As part of these measures, I asked my Administration to work vigorously with the Congress to set aside our remaining differences and reach rapid agreement on the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act. Last week, we achieved that objective. The conference report is a strong, bipartisan response that tightens the economic embargo against the Cuban regime and permits us to continue to promote democratic change in Cuba.

I urge the Congress to pass the LIBERTAD bill in order to send Cuba a powerful message that the United States will not tolerate further loss of American life.

Sincerely,

BILL CLINTON.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the letter of endorsement of the conference report by the U.S. Cuba Business Council be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S.-CUBA BUSINESS COUNCIL,
Washington, DC, September 20, 1995.

DEAR COUNCIL MEMBER: As you know, the U.S.-Cuba Business Council has closely monitored congressional and Executive Branch action on the Cuban Liberty and Democratic Solidarity Act of 1995 [H.R. 1868], known as the LIBERTAD Act or the Helms-Burton bill. The LIBERTAD Act has undergone significant change since the bill was originally introduced. Council members have inquired as to how the Council views the potential impact of this bill on the U.S. business community.

The measure, in its current form, addresses many of the concerns expressed by the Executive Branch, the business community and legal scholars. As modified, we believe that the LIBERTAD Act is fundamentally consistent with the goal of current U.S. policy on Cuba designed to foster a democratic change with guarantees of freedom and human rights under the rule of law. Congressional action on the bill may take place as early as this week.

Chapter I of the bill includes measures to strengthen the embargo against Cuba. Questions have been raised about the "extraterritoriality" of these provisions. As currently drafted, LIBERTAD Act is consistent with U.S. obligations under the North American Free Trade Agreement and the General Agreement on Tariffs and Trade and does not involve secondary boycotts.

Chapter II establishes a framework for trade with, and economic assistance to, a transitional or democratic government in Cuba. Some U.S. certified claimants have expressed concerns that Section 737 of the bill may diminish the pool of available assets for American property claimants by conditioning U.S. assistance to Cuba on resolution of claims held by those who were not U.S. citizens at the time of confiscation. Section 737 of the LIBERTAD Act has been significantly modified to address such concerns. As amended, this section protects the rights of certified U.S. claimants by conditioning assistance to a transitional government in Cuba on U.S. Presidential certification that the Cuban government is taking appropriate steps to resolve property claims involving U.S. claimants as described in Section 620(a)(2) of the Foreign Assistance Act of 1961.

A key element of the LIBERTAD Act involves measures under Chapter III to defend U.S. property rights and discourage foreign investors from trafficking in confiscated U.S. properties. Under these provisions, foreign firms trafficking in stolen U.S. property in Cuba would risk action by U.S. claimants against their U.S.-based assets [(Chapter III) Sections 741–744] and invite U.S. action to revoke entry visas of foreign corporate executives trafficking in confiscated U.S. properties.

We believe these measures will enhance the leverage of U.S. claimants seeking to discourage prospective foreign investors from trafficking in their confiscated properties in Cuba, facilitate the rapid and effective resolution of claims disputes, and level the playing field for U.S. firms preparing to participate in the economic development of a democratic Cuba.

Some U.S. claimants have expressed concerns about allowing Cuban American claimants to file suits against traffickers or to obtain default judgements against the Cuban government. Sections 742 and 744 of the LIBERTAD Act have also been modified to clarify that the bill does not authorize the President to espouse the claims of naturalized U.S. citizens in any settlement with Cuba and will not dilute the pool of assets available to U.S. claimants. As modified, the LIBERTAD Act significantly narrows and limits the filing of suits to effectively target foreign firms trafficking in confiscated U.S.-owned property.

In the new version of LIBERTAD, it is not possible to obtain a default judgement against the current government of Cuba. Moreover, the right of action to sue a trafficker in stolen U.S. assets applies almost exclusively to commercial property. Claimants must provide suspected traffickers with 180 days notice before filing legal action and the case must involve property worth more than $50,000. The Cuban government claims a total of 212 joint ventures on the island. Few of those enterprises are likely to have U.S.-based subsidiaries or other assets. Thus, only a handful of cases against foreign firms in the U.S. would qualify for consideration in U.S. courts. Accordingly, the Congressional Budget Office estimated that the cost of enforcement of the LIBERTAD Act would be less than $7 million. Furthermore, under current law the President could halt such suits through his authority under the International Emergency Economic Powers Act once a transition regime is in power in Cuba.

On balance, the Council considers the LIBERTAD Act, in its current form, to be consistent with the Council's mission statement and beneficial for the U.S. business community, protection of U.S. property rights, and the economic development of a free market, democratic Cuba.

Please contact me or USCBC Executive Director Tom Cox in our Washington office (202) 293–4995 if you need further information on issues relating to this measure. I look forward to hearing from you.

Best regards.

Sincerely yours,

OTTO J. REICH.

Mr. COVERDELL. Mr. President, I want to remind all listening to this debate that we are not talking about normal business transactions. We are talking about a dictator, a murderer, a violator of human rights, and an evil force in our hemisphere. That is the basis of this conference report.

It was suggested that we have not had appropriate time to deal with this legislation. It has been before the Senate for 13 months. There have been two subcommittee hearings on the measure and, of course, extensive negotiations between the White House and the committee itself.

It has been suggested that it violates NAFTA. The administration has confirmed our finding that this document does not violate NAFTA.

It has been suggested that we have a $50,000 cap denying the residential owners with smaller claims the opportunity to be benefited by the act. That is a result of the opponents' complaint that the number of claims under the original bill would crowd the court system. So we have acceded to their demand to limit the number of cases. We are perfectly willing to open these legal remedies to those with claims valued at less than $50,000 and welcome legislation to lower this cap.

It had been suggested that it is a violation of 40 years of international law, that no nationalized citizens have ever had rights under an international claims settlement. I would suggest the opposition read the 1992 annual report of the Foreign Claims Settlement Commission of the United States. You will find the precedents for our efforts to provide compensation to naturalized citizens.

It has been suggested that we are going to chill the business community, that this just deals with business transactions. I want to remind all listening, and the opposition, that the bill is directed at people who engage in the business of exploiting stolen—I repeat stolen—property confiscated by Fidel Castro and his regime.

Mr. President, until the Soviet aid was cut off, joint ventures were not the key issue that they have become. In 1981, there was one transaction of this type. But by 1993, there were 60; and in 1994, there were 74. Yet, just the introduction of the Helms-Burton legislation has cut the number of new joint ventures in half.

Mr. President, I ask unanimous consent to have printed in the RECORD a chart titled "Cuban Economic Association with Foreign Capital Participation", showing joint ventures in Cuba by country and year.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CUBAN ECONOMIC ASSOCIATIONS WITH FOREIGN CAPITAL PARTICIPATION

[By country and year]

Country	1988	1990	1991	1992	1993	1994	1995	Total
Spain	1	....	3	9	10	14	10	47
Mexico	....	....	2	3	3	4	1	13
Canada	....	....	....	2	8	16	....	26
Italy	....	....	....	1	5	4	7	17
France	....	1	....	3	5	2	2	13
Holland	....	....	....	1	2	3	3	9
Offshore	....	1	3	10	5	12	....	31
Latin America	....	....	2	3	11	9	4	29
Other	....	....	1	1	11	10	4	27
Total	1	2	11	33	60	74	31	212

Source: Cuba, Inversiones y Negocios 1995–96, CONAS, Havana, 1995, p. 18.

Mr. COVERDELL. Mr. President, it has been stated that our allies, some 58 countries, are going to be intimidated. I hope they are chilled by this. I hope they are. We are saying "quit dealing and assisting this dictator by giving him hard currency in exchange for the use of our stolen property."

Mr. President, let me say that I think the argument that international law, which protects these types of transactions, has a higher standing than our country's interest in defending our property owners is flawed. I think the pursuit of perfecting international law to protect our citizens from a rogue regime is legitimate and good sound public policy.

I yield the floor.

Mr. President, how much time is remaining total?

The PRESIDING OFFICER. Five minutes and fifty-one seconds.

Mr. COVERDELL. It is my understanding that no one chooses to speak on the measure. So I will make a closing comment and then yield back time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, first, I think we owe the authors, Senator HELMS and Congressman BURTON, the cosponsors, and the White House—all who participated extensively to perfect this conference report that I believe will soon become law—a great deal of support. They need to be complimented extensively for the vast work they have done to perfect this legislation over the last 2 years.

Mr. President, I believe that this legislation will send a signal worldwide about this rogue regime, that it is not in the interest of business, or individuals, to be predators over confiscated and stolen property. I think the effects that I just alluded to moments ago are very positive, and I hope that all will take note and that there will be no more transactions in stolen property.

I hope that we give comfort to those who have had their lifelong possessions confiscated by the Cuban Government, that we will begin to signal hope to them, that there may be light at the end of the tunnel, and that they will be compensated for that which was lost.

I hope to the Cuban people we will be saying that the United States stands here ready to be an ally and ready to be an assistant to the transition to democracy and to the transition to a democratic government.

Mr. President, I see the author of the bill has arrived on the floor. I yield whatever time is remaining to the distinguished Senator from North Carolina.

Mr. HELMS. I thank the Senator from Georgia.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Thank you for recognizing me, Mr. President.

Mr. President, let me first say with the friendliest of intent to our neighbors to the north, Canada, who have overspoken themselves in criticism of the United States—and particularly of this bill—declaring that they think it is all right for them and others to continue to deal with Castro. Let me remind them that Castro has had a murderous regime from the very beginning. More Cuban citizens have been killed, murdered, locked up, imprisoned, robbed—you name it—than anybody can imagine.

They advocate making a deal with Castro.

That is precisely what Neville Chamberlain advocated about dealing with Hitler. Mr. Chamberlain went to Munich, was wined and dined by Hitler. When he came back, he declared, "We can do business with Hitler. We can make a deal. We can have peace in our time." Well, Neville Chamberlain was wrong; one man, Winston Churchill, rebuked Chamberlain and declared that he was wrong. Winston Churchill was right.

Furthermore, I will say to our critical friends in Canada that some of us in the United States are a bit weary about Canada's flagrant transshipment of Cuban sugar and other things which are brought into Canada and then unlawfully shipped into the United States.

So, if the Canadians want to discuss what's right, what's moral, they should bear in mind that all of us become a part of what we condone. And by their advocacy in this matter, by their opposition to this bill, the Canadians are condoning Fidel Castro. Shame on them.

Mr. President, about a year ago, on February 9, 1995, I introduced legislation to hasten the day when Fidel Castro no longer can inflict terror and hardship upon the people of Cuba. Today, the Cuban people have reason to hope that Castro's days are indeed numbered: The Cuban Liberty and Democratic Solidarity Act is on its way to the White House for the President's promised signature.

So, we are today one step away from seeing the long-awaited legislation signed into law. This conference report has broad bipartisan support, and the President has endorsed the bill and is urging all Members of Congress to support it.

The Libertad Act may very well persuade Fidel Castro to withdraw his stranglehold on the Cuban people. It is difficult to see how Castro can sensibly continue to hope that his dictatorship can survive the tough provisions of this legislation, for example, the strengthening of all international sanctions by putting into law all the scores of Cuban embargo Executive orders and regulations enacted and imposed since President Kennedy. Simply stated, the embargo cannot and will not be lifted until Castro has departed and a democratic transition is underway in Cuba.

In short, it is time for Mr. Castro to wake up and smell the coffee.

Most importantly, the Libertad Act forces foreign investors to make a decision, a choice: They can trade with the United States or they can trade with Cuba, but not with both without paying a serious price. This legislation specifically creates a right of action for American citizens to sue those who traffic in property stolen from them by the Castro regime. The bill also makes it mandatory that the Secretary of State deny entry into the United States to individuals who are enriching themselves with confiscated American properties.

Mr. President, it may be hard to believe but there are still a few voices calling for the United States to lift the embargo. In the past 2 weeks, those arguments have been completely, totally, and utterly discredited. For during these past 2 weeks, the Castro regime deliberately, intentionally, and in violation of international law, blew two unarmed civilian planes out of the sky. Castro has launched the most brutal crackdown on dissidents in more than a decade. There have been wholesale arrests in the middle of the night, followed by show trials; there have been illegal searches that have shown what Fidel Castro is—a brutal dictator.

These atrocities have not surprised the Cuban people who, for three decades now, have witnessed brutal atrocities every day of their lives under Castro's tyrannical regime.

Fidel Castro has also launched a crackdown on members of the independent news media in Cuba. Since early 1995, Castro and his agents have arrested and jailed journalists who made the mistake of trying to make objective reports regarding Cuban Government activities.

They arrested Olance Nogueras Roce for trying to protect the health and well-being of his fellow Cubans by detailing the perilous violations of safety regulations and the faulty construction of the Cuban nuclear powerplant.

Perhaps the most despicable attacks made by Castro, Mr. President, were against Cuba's blossoming religious community. After years of persecution and open hostility by the Castro regime, the Cuban people, especially the young people, are flocking to the church in record numbers. But, fearful that the church will tell the truth about Fidel Castro, his security agents have closed churches, arrested clergy, and harassed church-goers. Freedom to worship is nonexistent in Castro's dictatorship.

So, Mr. President, this conference report recommending that the Libertad Act become law is more desperately needed by the people of Cuba than ever before. The enactment of the Libertad Act will give these beleaguered Cuban people hope.

This is the light at the end of the tunnel for which the Cuban people have prayed—those poor souls locked in Castro's gulags, those desperate people who attempt to cross the dangerous straits to Florida, the journalists and clergy who have sought the freedom to shed light on Castro's lies, and the average Cuban citizen struggling to survive under Castro's tyranny. Now that they are about to have this new law on their side, surely it will be only a matter of time before the Cuban people enjoy the freedoms that too many Americans take for granted.

Mr. President, earlier I mentioned that President Clinton supports the Libertad Act. I ask unanimous consent that the President's letter to the distinguished majority leader be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, March 5, 1996.

Hon. ROBERT DOLE,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR MR. LEADER: The Cuban regime's decision on February 24 to shoot down two U.S. civilian planes, causing the deaths of three American citizens and one U.S. resident, demanded a firm, immediate response.

Beginning on Sunday, February 25, I ordered a series of steps. As a result of U.S. efforts, the United Nations Security Council unanimously adopted a Presidential Statement strongly deploring Cuba's actions. We will seek further condemnation by the international community in the days and weeks ahead. In addition, the United States is taking a number of unilateral measures to obtain justice from the Cuban government, as well as its agreement to abide by international law in the future.

As part of these measures, I asked my Administration to work vigorously with the Congress to set aside our remaining differences and reach rapid agreement on the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act. Last week, we achieved that objective. The conference report is a strong, bipartisan response that tightens the economic embargo against the Cuban regime and permits us to continue to promote democratic change in Cuba.

I urge the Congress to pass the LIBERTAD bill in order to send Cuba a powerful message that the United States will not tolerate further loss of American life.

Sincerely,

BILL CLINTON.

Mr. HELMS. I thank the distinguished manager of the bill, Mr. COVERDELL, of Georgia.

I yield the floor. I yield such time as I may have.

The PRESIDING OFFICER. Who yields time?

Mr. COVERDELL. Mr. President, I ask that all time be yielded and the debate be concluded.

The PRESIDING OFFICER. All time is yielded.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1996—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the clerk will report the conference report to accompany H.R. 2546, the District of Columbia appropriations bill.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2546) making appropriations for the Government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1996, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The Senate resumed consideration of the conference report.

The PRESIDING OFFICER. Under the previous order, there are 15 minutes allotted to each side.

Who yields time?

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, my remarks will be very brief. This afternoon—after the vote on the Cuba resolution—the Senate is scheduled to vote on a third motion to invoke cloture on the D.C. appropriations bill. The first motion was rejected by a vote of 54 to 44. Last Thursday, the Senate rejected a second cloture motion by a vote of 52 to 42. Today, I urge my colleagues to reject this motion as well.

The time has arrived for the Senate to move beyond single issue politics to address the urgent needs of our Nation's Capital. It is clear that there is a significant—and unresolvable—difference of opinion on the scholarship program proposed in the conference report.

Repeated attempts to move this report have failed, and I am certain that the question of vouchers will not be settled on this particular legislative vehicle. I believe it is time now to move forward with the many other reforms that will begin to put the District on a sound fiscal and operational footing. As Chairman JEFFORDS and others have indicated, the District is about to experience a serious cash shortage. If the remainder of the Federal payment is not released within the next 2 weeks, the city will be unable to pay its bills or to provide essential services. The debate over the scholarship program has been a robust and informative one but it is time to move on. So I urge my colleagues to vote against the cloture motion.

Mr. JEFFORDS. Mr. President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I honestly hope this is the last time that we are called upon to debate the D.C. appropriations conference report. It is time to get beyond our differences and come to agreement. This conference agreement represents the best consensus that can now be achieved. To those who believe that by delaying or defeating this conference report they can somehow ensure a better deal, I can tell you that this is highly unlikely. I do not know what the House reaction is going to be, but I do know that we negotiated long and hard on this conference report which essentially gave total local control on the question of vouchers and, to my mind, brought it out of the specter of being a national test on your feelings on this issue.

Mr. President, the Federal Government still owes the District government more than $254 million, of which $219 million is the remaining portion of the Federal payment. There are real human consequences to this delay. District vendors are carrying the city's debt. The city owes more than $300 million to its vendors. Partially as a result of not receiving the Federal payment, the city has taken steps to conserve cash including delaying payments to vendors. Many of these individuals are small businessmen who depend upon prompt payment to meet their own payroll and business expenses. When one of their customers is late, it causes a hardship. Some have gone out of business. Some have had to lay off employees, and some, like snowplow operators, refuse to do further business with the city. And let us hope we do not get another snowstorm. But it is still too early to be sure of that.

Mr. President, each year we make an appropriation of $52 million to the District's retirement fund for police, firefighters, teachers, and judges, who were formerly Federal employees when the District government was a Federal agency. As a result of the delay in enacting this bill, the Federal Government has not paid $35 million of this amount for those pensioners. These funds are invested for the future benefit of retirees. Through the end of January, the retirement fund estimates that it has lost over $2 million in interest proceeds as a result of not having these funds to invest. That is not fair.

I do not know what more can be said to convince Senators that this is the best deal possible under the circumstances and that the District desperately needs the money. Last week, the Chairman of the D.C. Control Board, Dr. Andrew Brimmer, visited me and gave me a letter concerning the effect of delay in enacting the D.C. bill. He stated that without the remainder of the Federal payment, the District could run out of cash this spring. He also noted that without the bill being enacted, the District cannot spend $42 million in new Federal grants identified after the 1996 budget was prepared. That authority is contained in the conference agreement.

In closing, Dr. Brimmer states:

> The Authority has begun to make significant progress toward the goal of restoring financial stability to the District without sacrificing core public services or adversely impacting our disadvantaged citizens. . . All this is jeopardized by failure to enact the D.C. budget. I plead with you and your colleagues to adopt the District's FY 1996 appropriation bill without further delay.

The White House has issued a statement which threatens that the President's senior advisers would recommend he veto this bill in its present form. The Mayor has written a letter to the President in which he appeals to the President's good sense and judgment as he weighs the advice of those senior advisers. The Mayor makes the case very well when he states, "This appropriations bill is not a vouchers bill. It is a bill that only gives local officials the option to do so if they choose."

Mr. President, we have come to another vote on this conference report. I hope my colleagues will heed the words of the mayor and the chairman of the control board and invoke cloture so that we do not have to wait for some other legislation to enact this bill. Time and the District's need for cash are of urgent concern. I ask my colleagues to support the conference agreement so that we may discharge our obligations to the city.

Mr. President, I yield the floor and yield 4 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, the issue before us is not just the city government of Washington, DC, because that general issue is not what is holding up this legislation. The issue is whether or not the children of the District of Columbia ought to have a better education and a better educational system. And if that educational system does not evolve, then that the poor of the District of Columbia would have the same opportunity as the rich of the District of Columbia to make sure their children have an equal educational opportunity. And that revolves around whether or not school vouchers ought to be available to the poor of Washington, DC, so that they can have then the same educational opportunities as the rich of this city who choose to send their children to private schools.

Now, I have not historically promoted the wholesale move to school vouchers because I have in the past only supported a limited demonstration program that would provide school vouchers to poor families that reside in troubled school districts.

Obviously, the District of Columbia falls into that category. But it is certainly an idea, the idea of school vouchers, that deserves a chance. And more importantly, it may give many poor children in the District of Columbia a chance for a better education.

How ironic. We have been told that the President's advisers may suggest a veto. How ironic that this very same President, when he was Governor of Arkansas, supported a voucher program. Thank goodness for a candid story in the Post explaining why the President of the United States now has a different view. The Washington Post last Sunday showed why President Clinton flip-flopped on school vouchers and why the other side of the aisle is in lockstep behind him in opposition to this bill. You see, it is the special interests. Now, in Iowa, special interest when it comes to education means children or, if it is not education, it means the elderly or the disabled veterans, but here in Washington the special interests are fellows waving big checkbooks. The special interest in this case is the National Education Association which provided $4.4 million to Federal office seekers, virtually all of them Democrats, according to the Washington Post story.

So I do not want to hear from the other side of the aisle how they are voting to save education when they vote against cloture. They are not voting for the children's interest of the District. They are voting for the special interests of the District.

Incredibly, many people in the White House and in Congress who oppose this small effort to give children of working families a chance send their own children to the most expensive private schools in the city. I hope as they drive their sons and daughters to their elite academies that they can roll up the tinted windows of their cars and, thus, will not have to look at the children who have no chance, and they can shut out the noises of those children asking for a chance.

The Post story recounts that President Clinton told the NEA after he was elected that he would not "forget who brought me to the White House."

No, President Clinton has not forgotten his big special interest friends. Unfortunately, it is the children of the poor struggling to get a good education who have been forgotten by this White House if they, in fact, veto this bill.

I hope my colleagues will do the right thing for the children of the District and vote for this bill and give them a chance for a better education tomorrow and a better future as a result thereof.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I want to thank the Senator from Iowa for some very explicit and appropriate comments on the situation that we are in. I hope that my colleagues will heed his words.

I yield the floor, seeing there are speakers on the other side, I believe, ready to go.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 13 minutes, 6 seconds remaining.

Mr. KENNEDY. I yield myself 6 minutes.

Mr. President, just to sum up where we are in the U.S. Senate, and really speaking to the people who live in the District, we are seeing a third vote on an issue in which I believe our good Republican friends are basically playing politics with the children of the District of Columbia.

It is an interesting fact that 2 years ago, the majority cut $28 million out of funding for education in the District. This last year, they cut some $14 million out, and then $8.5 million out of title I.

So that is the background, and now what they are doing is asking $42 million over the period of the next 5 years for a very narrow program, which has been rejected 8 to 1 by the District of Columbia, and that is the voucher system that is not going to give the choice to the individual, it is going to give the choice to the school.

That is something that our Republican friends do not seem to understand. Only 2 percent of the children in the District would be able to qualify for this particular program. Who is going to make the judgment? Do you think the parents are? Of course, they are not. It is going to be the schools that are making the judgment about which children they are going to take.

So, on the one hand, we have seen the commitment to try and enhance the academic achievement and accomplishment for all of the children 2 years ago, and that was cut back, and then you see the commitment to enhance opportunities for all of the children, and that is cut back.

Now we are faced with a conference proposal that effectively undermines the first elected school board for the District of Columbia by not funding them. Do you hear that, Mr. President? I hope all of our Republican colleagues understand, local control. How often we hear, "Let's have local control over school planning, local control over the allocations of resources." That is not this bill.

The officials elected by the District of Columbia selected their school board, and that program is defunded. We have basically a Federal oversight that is going to say to the District of Columbia, "Use this money our way or you're not going to get it." That is real choice. That is real choice. That is real choice for the citizens here.

So we ought to understand, this is the third time that we are being asked to vote on this, Mr. President, along with the other provisions of the legislation that provide an assault on the incomes of working families here, unlike any other part of the country, where the changes in the worker protection under Davis-Bacon have been included, and the position of the Congress on the issues of funding for abortions. We are making a judgment which the Supreme Court has recognized ought to be a State or a local judgment, but, oh, no, we are saying we know best, we know what is really best for the education of the students, and we know what is in the best interest of the poor and needy women in the District, and we know what is in the best interest of workers in the District.

We will hear, as we have over the period of these past months, that we in this body do not always know what is best for the people around this country. How often we have heard that speech. Now you have the chance to say no to that judgment by rejecting this conference report and saying yes to workers, yes to needy women, yes to the parents and to the enhanced quality of education for the people of the District.

So, Mr. President, I hope for these reasons and the excellent reasons that have been outlined by Senator KOHL earlier today and during the last debates and my friend and colleague from Illinois, Senator SIMON, that this conference report will not be considered; that we will send a very clear message.

As Senator KOHL has pointed out, and it has not been controverted, if you eliminated these kinds of restrictions that have no business whatsoever being on this bill, this funding would be available this afternoon. But, no, we have voted on it. People understand where those votes are, and we are being asked to go through this routine and what I think is basically blackmailing the children and families of the District of Columbia to achieve some purpose for the majority that the majority might be able to explain to us. But we are asked to do that, Mr. President.

I want to make it very, very clear to all the members of the District of Columbia, we stand strong to make sure that the District of Columbia is going to get its funding. It could get it this afternoon if they drop these three proposals off the conference report. They could work that conference report. All of us have been around this institution to know the conferees would be able to get back together. Drop those three, and they could get it this afternoon.

We have had the two votes, and still they want to have the third one. But we will do everything we possibly can to work with our friend and colleague, the Senator from Vermont, who we admire both his commitment to the quality of education nationwide and also in the District of Columbia. We will work with him and the other Members of the House to make sure the District of Columbia gets its payment, but on this proposal we should say no.

Mr. President, I see my friend and colleague. I yield 4 minutes.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I simply want to underscore what Senator KENNEDY has had to say. The Presiding Officer, as a new Member of this body, may not be aware of this, but in addition to everything that Senator KENNEDY had to say, one of the things that is happening in our world that is really dramatic is the spread of democracy. It is in Russia, it is in Poland, it is in many countries of Africa now.

It is interesting, Mr. President, that in all of the democracies of the world, there is only one democracy where we deny the people in the capital city the right to be represented in a democracy, in their parliament. That democracy, I regret to say, is the United States of America.

The District of Columbia has their own elected school board, and we make all these speeches about local control, but we say to only one school board—and it is not insignificant, it is a school board that does not have a vote in terms of having a U.S. Senator—we say to one school board, "You have to do this or you don't get this money." That just does not make sense. I add one other point, Mr. President. I have been around here now 22 years and, generally, we try and work out compromises between the House and the Senate. These are provisions that were not favored by a single Member of the Senate side. Democrats and Republicans capitulated to the House. I understand capitulating because you have to do that sometimes. But the body does not need to do that. The precedent is simply wrong.

So I hope that our vote on cloture will be the same. There is no reason for anyone to change his or her mind. This is not good policy, and I hope we will continue to resist the cloture motion.

I yield the remainder of my time back to Senator KENNEDY.

Mr. JEFFORDS. Mr. President, first, I thank my colleagues for their kind words about our relationship, which I cherish. I thank them for very eloquently making my arguments, because they have pinned it all on the fact that we are shoving something at a city that has no opportunity with their elected officials to say no.

That is not the case. I wish they would read the bill. What it says is simply that we set up the operation, and there is a nonprofit corporation set up to handle private funds and public funds. Then there will be two voucher plans. One voucher plan nobody disagrees with. One is that every child that has problems with their education will have an opportunity to seek a voucher to go after school—or to go someplace to get the kind of remedial attention they need. Nobody disagrees with that. The bill further states that, however, the corporation can recommend that money would go for tuition vouchers. However, there must be agreement upon how much to spend on tuition vouchers, down to zero, and that is up to the elected city officials, the District Council. They can say no money.

When we reached this agreement, I was fully aware there had been a referendum that said, 8 to 1, "We do not want any vouchers." That simply means that I knew, and I am sure others that have agreed to this know, that many people in the District are against it. To make the presumption that the city council does not remember this vote, that was on the ballot, which said that the city voters do not want vouchers, 8 to 1, and they are going to say forget about that, forget about how you feel now—of course, they are not. So I appreciate Senators on the other side making the argument strongly that we should not have anything that is locally controlled. This conference agreement gives the city local control.

So how can you say you are against it because it does not have local control when the whole thing is based upon local control?

The other issues, we have argued before, with respect to Davis-Bacon may not be a problem. If it is, we will correct it. The abortion issue is a compromise between the language adopted in 1995, and which was adopted by the Senate this year and the more restrictive language of the House bill. The conference agreement states that no funds, either from the local government or the Federal Government, can be used to perform an abortion unless it is to save the life of the mother or in cases of rape or incest. That was the best we could do.

Let us concentrate on the educational provisions now. Mr. President, we have done everything in this agreement we can to protect the people of this city from a mandatory Federal program which would violate local control. That is the case in this agreement.

In addition, we must remember that there are many other important education reforms in this bill besides that one provision. We run the risk, as I mentioned earlier, of ending up with nothing here, and all the catastrophes that can come from that, including losing the funding for the reforms.

I want to say briefly that I know there are several Members—enough to pass this bill—that are tortured by this vote right now, who want to support the cloture motion, but they know that the problem has been an agreement by the unions to hold the line. The White House is putting pressure on and saying they will veto it if it is presented in its present form. I urge those Members to look at the facts and get the grit to be able to do what you know you should do to help the city and to, most of all, help the kids get the education they need in this city.

I reserve the remainder of my time.

Mr. KENNEDY. How much time do I have?

The PRESIDING OFFICER. The Senator has 4 minutes.

Mr. KENNEDY. Mr. President, I yield myself 3 minutes.

Mr. President, I appreciate the explanation of the Senator from Vermont. But I do not think that that ought to be very satisfying to the parents of the school district in the District of Columbia. Effectively, what the Republican Congress has done is this: They have cut $52 million in the last 2 years on the one hand, and they are giving $42 million back on the other, if it is used as explained by the Senator from Vermont, and that is whether it is vouchers or after-school vouchers. But if they do not spend it for the vouchers, they lose it. They lose it. They do not get the money.

You have had these draconian cuts that we have seen in the last 2 years, and they are dangling the money in front of the District now and saying the only way you can use this money is if you use it for the programs of after-school vouchers and the other vouchers.

What do you say to the school that says they would like just a few more hundred thousand dollars for the literacy program, or they would like to have an in-school after-school program? It would not be just the kids that get the vouchers, but all the children. You are saying no to that group of parents that want to have an after-school program and use some of the money. We otherwise would have gotten another $42 million for the after-school program. What if the teachers and parents say we would like to have more technology, computers? Oh, no, we have to permit 2 percent of the school children to go to some other schools. We cannot say that in your school you might be able to get some additional resources for technology.

Those are the things that are out there, parents, and under this proposal, you are denying it. You have had significant cuts in the last 2 years. You are offering them a lot of money this way, but it has to be used not the way the District of Columbia wants to use it, which has rejected vouchers in recent years by 8 to 1—if they had wanted vouchers, they would have had it before this year. They never have. So you are saying we know best, and you are going to use the money this way, or you are going to lose it.

That is unacceptable. We say that the schools know best and the parents, who may want to be able to develop after-school programs. Schools and parents want to have literacy and technology, and schools and parents want to have enhancement of math and science. But we are saying, no, you cannot do that. You have to use it our way, or you lose the money. That is the issue.

That is unacceptable, Mr. President. I hope that we will defeat the cloture motion and move toward providing the funding to the District of Columbia.

Mr. JEFFORDS. How much time remains?

The PRESIDING OFFICER. There are 30 seconds remaining.

Mr. JEFFORDS. I point out that we have never cut the school budgets of the city. The city has recommended reductions, some of which were accepted. We have never imposed cuts. So, again, let us get the facts straight.

In addition to that, this $5 million is the only thing at risk here. All of that can be used if the city council and the scholarship corporation agree. It can all be used for the kind of vouchers that no one opposes, for remedial instruction. Local control is total here.

Mr. WARNER. Mr. President, as the Senate today again attempts to limit debate on H.R. 2546, the fiscal year 1996 District of Columbia appropriations bill, I would like to address what seems to be the principal roadblock to Senate approval. That issue is the proposed discretionary educational voucher program.

The conference report on H.R. 2546 would authorize school vouchers for as many as 1,500 low-income children at up to $3,000 each. These vouchers could be used for one of two purposes: Either for supplemental educational services such as remedial training after school, or as tuition scholarships to assist with the costs of private education.

As proposed, the voucher demonstration is not mandated. It is authorized first as a choice for the District of Columbia Council. No voucher program could go forward until it was approved by the District government.

Furthermore, should the District decide to implement the voucher demonstration, the D.C. Council could specify the type of vouchers which would be available. For instance, all of the demonstration funds could be targeted to supplemental educational services with no tuition assistance alternative.

Mr. President, this legislation respects home rule by giving the D.C. government the discretion to choose the type of program it may wish to provide, or reject the program outright. It would also give up to 1,500 D.C. families the ability to make important choices to improve their children's education.

I strongly support the bill, and I strongly support the discretionary school voucher demonstration. This is consistent with my support of a similar voucher demonstration proposal during the 1994 debate on the Goals 2000 legislation.

The American education system should provide an environment which fosters innovation and experimentation. Here is an opportunity to test that environment in the Nation's Capital. I urge my colleagues to join in voting in favor of educational choice for the District of Columbia.

Mr. JEFFORDS. Mr. President, I yield back the remainder of my time.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:29 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. COATS].

CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY [LIBERTAD] ACT OF 1996—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, as I understand, the vote is set for 2:15.

The PRESIDING OFFICER. That is correct.

Mr. DOLE. Mr. President, the Senate is taking a historic step today. We will soon vote on the conference report on the Cuban Liberty and Democratic Solidarity Act of 1996. It is a tragedy it took the brutal attack on unarmed American citizens in international airspace to overcome resistance to tightening the economic noose around Castro. Many of us believed legislation should have been enacted much sooner. Fifty-nine Senators voted for cloture on this bill last October. Though we were forced to delete a critical section to overcome the filibuster last year, that section has been restored in the conference report pending in the Senate.

Castro still has a few supporters in the United States. The tired rhetoric defending his dictatorship is the last stand of the old left. But their voices are irrelevant. Their voices are drowned out by the overwhelming and uncontestable evidence of Castro's true nature. Castro is clearly determined to cling to power at all costs, but his days are numbered. Enactment of the Libertad bill will weaken, and eventually end, Castro's desperate dictatorship.

There has been much said in the debate this morning about this bill. The key provisions deserve special mention. First, the Helms-Dole-Burton Libertad bill codifies all regulations implementing the embargo on Cuba. This will ensure no more mixed signals will be sent from the United States—the Cuban embargo stays in place until a transition government is in place.

Second, the Libertad bill requires entry to the United States be denied to all individuals who traffic in stolen property in Cuba. Entry into the United States is a privilege, not a right. Enactment of this bill will guarantee that the privilege of entry to the United States is not extended to those who profit from property stolen from American citizens.

Third, effective August 1, 1996, the Helms-Dole-Burton bill creates legal recourse in American courts against firms and individuals who profit from property confiscated from Americans. Limited authority to suspend this provision is included in the conference report, but only for 6-month periods, only with advance notice to Congress, and only if the President certifies that such a suspension will expedite democratic change in Cuba.

There are many other important provisions in the bill: Authorization to support democratic and human rights groups in Cuba, tough conditions on aid to the former Soviet states if they provide aid to Cuba, mandatory reductions in United States assistance and credits to any country which support completion of the nuclear reactors in Cuba, and tough requirements for United States Government action on American fugitives in Cuba.

The Libertad bill is a comprehensive package which will cutoff Castro's foreign economic lifeline. The Libertad conference report will speed up democratic change in Cuba. It sends a clear message: The time of Fidel Castro has come and gone. It has been a long, hard road to get to the point of final Senate action. I wish we could have been here much sooner. I wish we could have acted without facing veto threats and filibusters.

But today, these differences are behind us. President Clinton has endorsed the Helms-Burton bill—in its toughened form. President Clinton has asked all Members of Congress to support this legislation. In a letter to me this morning, he wrote:

> The conference report is a strong, bipartisan response that tightens the economic embargo against the Cuban regime and permits us to continue to promote democratic change in Cuba. I urge Congress to pass the Libertad bill in order to send Cuba a powerful message that the United States will not tolerate further loss of American life.

There can be no doubt that the signal from the United States is stronger when the Democratic White House and Republican Congress speak with the same voice. There can be no doubt that the signal from the United States is unmistakable: Democracy yes, dictatorship no.

Now that the White House is on board with a tougher approach to the Castro regime, I hope they will enact unilateral steps to increase pressure on Castro—steps they could take today. The Clinton administration should beef up enforcement of the embargo, including opening a Treasury Department office in Miami. The Clinton administration should also instruct the FBI to crack down on Cuban agents in the United States including tougher restrictions on so-called diplomats and stronger steps to counter Cuban spies in Miami. The administration should also require strict compliance with the Foreign Agents Registration Act to ensure all of Castro's lobbyists are publicly disclosed. Measures like these will help demonstrate a genuine change of heart by the White House.

Let there be no mistake: Castro's dictatorship will end. From Poland and Prague, from Moscow to Managua, from Kiev to Kazakhstan, Communist tyrants have fallen to the will of people. Castro stands alone as the last dictator in the hemisphere. When the history of the fall of Castro is written, today's action will have a central place. The atrocity over the Florida Straits—the murder of martyrs of February 24—has galvanized opposition to Castro. And it has overcome obstacles to passing their Libertad bill before us today.

There is a long list of people who worked hard on the legislation before us. Senator HELMS made enactment of this legislation a priority when he assumed the chairmanship of the Foreign Relations Committee. Senator MACK of Florida was critical in mobilizing Senate support for the bill.

In the House, Congressman BURTON played a critical role in shepherding the legislation to the overwhelming vote last September. Congressman DIAZ-BALART and Congresswoman ROS-LEHTINEN were tireless in their work for the bill—in the House and in the Senate. Congressman MENENDEZ of New Jersey was central in getting the Clinton administration to see the light on the legislation last week. All of these Members deserve credit for the Libertad conference report. Without their efforts, we would not be where we are today. Enactment of this legislation will end the debate over how to foster democratic change in Cuba. Enactment of this legislation will send a signal to our allies and our adversaries that the United States is united in opposing Fidel Castro. And enactment of this legislation will bring the end of Fidel Castro's reign of terror much closer. I urge my colleagues to support the Libertad bill to send the strongest possible message to the hemisphere's last dictator.

The signals are clear. It is now nonpartisan, bipartisan, call it what you will. I hope with an overwhelming vote that Castro will finally get the message. And I think the administration has finally gotten the message. After cozying up to Castro in 1994 and 1995, they now see the error of their ways. And I am happy that they are now on board.

I particularly want to thank the distinguished chairman of the committee, Senator HELMS, for his tireless efforts throughout the past several months.

MIDDLE EAST TERRORISM

Mr. DOLE. Mr. President, apparently the White House press secretary made some statements this morning that I think probably he should not have made. I am not certain it helps the cause of counterterrorism to talk publicly about the type of equipment we are sending to help our allies. I support, and I am certain all of my colleagues support, United States efforts to support Israel's fight against the killers of Hamas. I have pointed out that continued United States aid to the Palestinian authority is difficult to justify unless Arafat takes concrete action against terrorists who threaten the peace process. Congress has had many contentious delays in extending the Middle East Facilitation Act in the past. We could have a continuing resolution in the Chamber maybe next week or maybe even this week, sometime very soon, and unless and until Arafat does more to crack down on terrorism, I would assume—I am not suggesting I am going to plead it, but I assume there might be an effort by some to cut off aid to the Palestinian authority, and that is the point I made. It seems to me it is up to Mr. Arafat to take some decisive action. It is not enough to say that he regrets it and it is intolerable. I think we need action not only from Arafat but some action from Syria which has been a safe haven for terrorists the last decade or so.

CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY [LIBERTAD] ACT OF 1996—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

The PRESIDING OFFICER. The question is now on agreeing to the conference report to accompany H.R. 927. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Indiana [Mr. LUGAR] and the Senator from Delaware [Mr. ROTH] are necessarily absent.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] and the Senator from Georgia [Mr. NUNN] are necessarily absent.

The result was announced—yeas 74, nays 22, as follows:

[Rollcall Vote No. 22 Leg.]

YEAS—74

Abraham
Ashcroft
Baucus
Bennett
Biden
Bradley
Breaux
Brown
Bryan
Burns
Byrd
Campbell
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dole
Domenici
Dorgan
Exon
Faircloth
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hatch
Heflin
Helms
Hollings
Hutchison
Inhofe
Johnston
Kassebaum
Kempthorne
Kohl
Kyl
Lautenberg
Lieberman
Lott
Mack
McCain
McConnell
Mikulski
Murkowski
Nickles
Pressler
Pryor
Reid
Robb
Rockefeller
Santorum
Sarbanes
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wyden

NAYS—22

Akaka
Bingaman
Bond
Boxer
Bumpers
Chafee
Dodd
Feingold
Harkin
Hatfield
Jeffords
Kennedy
Kerrey
Kerry
Leahy
Levin
Moseley-Braun
Moynihan
Murray
Pell
Simon
Wellstone

NOT VOTING—4

Inouye
Lugar
Nunn
Roth

So the conference report was agreed to.

Mr. COVERDELL. Mr. President, as manager of the conference report on H.R. 927 just adopted by the Senate, I ask unanimous consent to address the Senate for 1 minute.

The PRESIDING OFFICER. Without objection, the Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, I wish to thank Senator HELMS, the chairman of the Foreign Relations Committee, and the majority leader, Senator DOLE, for their leadership on this issue.

I also wish to thank my fellow Senate conferees—Senators THOMPSON, SNOWE, and ROBB—for their relentless effort and willingness to work long hours to pass the conference report. Further, I wish to thank Senator DODD for his knowledgeable input and management of the conference report on the floor, and for his willingness to bring this to closure even though he does not support the measure.

In addition, I want to add my thanks to the staff involved in this conference report, especially Steve Schrage of my office, and Dan Fisk and Gina Marie Lichacz of the Senate Foreign Relations Committee who worked diligently throughout the process to keep me fully briefed and prepared. I also wish to express my gratitude to Randy Scheunemann of the leader's office for his invaluable expertise, and to Janice O'Connell of Senator DODD's staff for graciously working with us during floor consideration of this conference report. Finally, I wish to acknowledge all the other Senators and staff who made passage of the Libertad Act a reality.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1996—CONFERENCE REPORT

CLOTURE MOTION

The PRESIDING OFFICER. The clerk will report the motion to invoke cloture on the conference report to accompany H.R. 2546, the D.C. appropriations bill.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the conference report to accompany H.R. 2546, the District of Columbia appropriations bill:

Trent Lott, Jim Jeffords, Dan Coats, Larry E. Craig, Paul D. Coverdell, Conrad Burns, Pete V. Domenici, Jon Kyl, John Ashcroft, Slade Gorton, Spencer Abraham, Craig Thomas, Mark O. Hatfield, C.S. Bond, P. Gramm, Don Nickles.

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate be brought to a close?

The yeas and nays are ordered under rule XXII.

The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Indiana [Mr. LUGAR] and the Senator from Delaware [Mr. ROTH] are necessarily absent.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] and the Senator from Georgia [Mr. NUNN] are necessarily absent.

The PRESIDING OFFICER (Mr. FAIRCLOTH). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 53, nays 43, as follows:

[Rollcall Vote No. 23 Leg.]

YEAS—53

Abraham
Ashcroft
Bennett
Bond
Bradley
Breaux
Brown
Burns
Byrd
Campbell
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kyl
Lieberman
Lott
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Santorum
Shelby
Simpson
Smith
Snowe
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—43

Akaka
Baucus
Biden
Bingaman
Boxer
Bryan
Bumpers
Chafee
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Mikulski
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Specter
Wellstone
Wyden

NOT VOTING—4

Inouye
Lugar
Nunn
Roth

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 43. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. JEFFORDS. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

Mr. JEFFORDS. Mr. President, once again the Senate has expressed its will on the conference report for the District of Columbia appropriations bill.

Clearly there are provisions in the conference agreement that are not acceptable to a significant minority of the Senate, which makes it impossible at this time to pass the bill in its present form.

I will work with my colleagues here in the Senate and in the other body to find a common ground. I want to assure the District officials I will seek every legislative vehicle to ensure that the remainder of the Federal payment to the city is provided as quickly as possible. I will discuss with the distinguished chairman of the Committee on Appropriations the possibility of including the District in any omnibus bill or continuing resolution in the Senate, which we may consider, hopefully this week.

I intend to get the money available for education reform so it is not lost to the city, and to secure as much education reform as possible. It is imperative for the kids—and that is why we are here, is for those kids—and essential to the District's ability to attract business and people.

I thank the Senators who have supported us, the majority, in attempting to bring an end to this debate and encourage those who did not to keep an open mind and consider the larger issue of the needs of the Capital as we attempt to resolve this issue, and especially consider the children so badly in need of education reform. Mr. President, I am concerned about where we have gone. I still have hopes we will be able to resolve this. I will keep doing that until such time as we have reached the kind of solution that we need for this city.

I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington.

Mr. GORTON. Mr. President, are we still on this bill? What is the issue before the Senate at this time?

The PRESIDING OFFICER. The conference report is still pending.

Mr. GORTON. Mr. President, I ask unanimous consent I be permitted to speak as in morning business for not to exceed 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, certainly I will not object, but will the Senator withhold so I can make some important points at this point?

Mr. GORTON. I would indeed withhold, and also for the Senator from Vermont, if he wished to speak to the conference report.

Mr. LEAHY. Mr. President, I just ask I be recognized after the distinguished Senator from Washington.

I understand the Senator from Mississippi has some housekeeping matters to take care of first, but after that is done and after the distinguished Senator from the State of Washington, I ask I might be recognized as in morning business. That is a unanimous-consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Mississippi.

Mr. LOTT. Mr. President, I do just have a couple of items we need to do right away.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business until the hour of 3:30 p.m., with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERNATIONAL VOLUNTARY FAMILY PLANNING

Mr. HATFIELD. Mr. President, I have recently expressed my concern for the harm done through the 85-percent cut in international voluntary family planning programs which is now law for this fiscal year.

I wish to submit for the record a body of statistics which describe what is likely to happen in the aftermath of a 35-percent cut in voluntary family planning programs. Again, the cut in this fiscal year is 85 percent.

These statistics represent the most conservative estimates of what a 35-percent cut would mean. In sum, we can expect nearly 2 million more abortions, and a minimum of 8,000 more women dying in pregnancy and childbirth. One need not be a professional demographer to calculate what this year's 85-percent cut will mean for families across the globe.

Mr. President, I ask unanimous consent that these estimates be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

METHODOLOGICAL SUMMARY

(Prepared by the Alan Guttmacher Institute)

The potential effect of a 35% cut in U.S. funding for family planning is estimated by gathering and sometimes reconciling information from a wide variety of sources, ranging from national censuses and population estimates to country-specific surveys of women of reproductive age to special studies of contraceptive use and of pregnancy outcomes. Detailed references and calculations are available on request. The following outline describes the basic steps in the estimation.

Estimation of the impact of the funding cut starts by determining how many of the couples who depend on U.S funded family planning programs will lose their access to contraceptives.

Population censuses and estimates indicate an estimated 829 million women of reproductive age are living today in developing countries other than China (which receives no U.S. family planning program support).

Surveys of women in developing countries show that roughly 247.5 million of these women and their partners use modern methods of contraception to lengthen the time between the births of their children or to avoid having more children than they already have.

Because of their poverty, 190.5 million, or 77%, of the couples in developing countries outside of China who are using modern contraceptive methods rely on public-sector family planning programs for their contraceptive method.

The United States contributes about 17% of all public funds spent on family planning in developing countries other than China, accounting for 32.4 million couples using modern contraceptive methods. [Of these couples, 12.6 million are estimated to be protected by contraceptive sterilization or long-lasting methods including hormonal implants (such as Norplant) and intra-uterine devices (IUDs).]

On an annual basis, 19.8 million couples depend on U.S. supported programs to obtain contraceptive supplies, such as pills, condoms or injectables, or to start use of a long-term method, such as voluntary sterilization, hormonal implants or IUDs.

A cut in program resources of 35% means that 12.9 rather than 19.8 million couples will be able to be served in a year's time, leaving 7.0 million couples without access to contraceptive supplies or services.

The second step is estimating what effect losing U.S. supported family planning services will have on the couples who were depending on them for contraceptive care.

There are few other contraceptive choices in developing countries for women who lack access to modern contraceptives. A conservative estimate is that of the 7.0 million women losing services because of U.S. funding cuts 2.8 million will turn to traditional methods and 4.2 million will use no contraceptive.

Because pregnancy rates are so much higher among couples relying on no method or on a traditional method than if they use a modern contraceptive, 4.0 million more unwanted pregnancies are expected in developing countries due to the drop in family planning program resources.

About 40% of these unintended pregnancies are likely to end in induced abortion, even though it is often not legal and performed in unsafe conditions—accounting for 1.6 million abortions among the expected additional unwarranted pregnancies.

Some 47% of these unintended pregnancies are likely to end in unwanted births with the remaining 13% resulting in spontaneous abortions or miscarriages—accounting for 1.9 million unwanted births among the expected additional unwanted pregnancies.

Maternal mortality rates in developing countries are high, about 4.1 deaths per 1,000 women giving birth, leading to an estimated 8,000 additional deaths due to pregnancy among the women facing additional unintentional pregnancies.

In summary, it is estimated that, in a year's time as a result of a 35% cut in AID funding, there will be:

7.0 million couples in developing countries who would have used modern contraceptive methods will be left without access to these methods.

As a result, there will be 4.0 million more women experiencing unintended pregnancies, leading in turn to:

1.9 million more unplanned births, and

1.6 million more abortions (the remainder of the unintended pregnancies ending in miscarriages); and

8,000 more women dying in pregnancy and childbirth.

Estimate of number of additional abortions resulting from a 35-percent cut in USAID funding for family planning services for all developing countries excluding China

1. WRA	829,000,000
2. Percent in union	....
3. MWRA	....
4. Percent MWRA using modern methods	....
5. Percent WRA using modern methods	....
6. Modern method users	247,473,000
7. Percent FP supplied by public sector	74
8. Percent of private sector subsidized	10
9. Modern method users relying on public sources	190,455,221
10. Percent of USAID share of total funding	17
11. Users protected by USAID	32,377,388
12. Percent users using long term methods	43
13. New sterilization acceptors as percent of ster. users	10
14. USAID-funded users needing current protection	19,847,339
15. Percent of USAID budget cut	35
16. Current users left unprotected	6,946,568
17. Proportion adopting traditional methods in percent	40
18. New users of traditional methods	2,778,627
19. Percent of failure rate for traditional methods	30
20. Unwanted pregnancies from traditional use	833,588
21. Percent of pregnancy rate for those unprotected	75
22. Unwanted pregnancies from those unprotected	3,125,956
23. Total unwanted pregnancies from budget cuts	3,959,544
24. Percent resorting to abortion	40
25. Additional abortions	1,583,818
26. Percent of pregnancies resulting in live births	47
27. Additional unwanted births	1,860,986
28. Maternal mortality rate	410
29. Additional maternal deaths	7,630

ESTIMATE OF NUMBER OF ADDITIONAL ABORTIONS AND MATERNAL DEATHS RESULTING FROM A 35-PERCENT CUT IN USAID FUNDING FOR FAMILY PLANNING

Date of DHS	Developing countries minus China	Bangladesh 1993/94	Ghana 1993	Philippines 1993	Peru 1991/92
1. Women of reproductive age (WRA)	829,000,000	29,100,183	3,970,368	17,019,483	6,143,800
2. Percent in union	....	79	....	....	....
3. Married women of reproductive age (MWRA)	....	23,076,445	....	....	....
4. Percent MWRA using modern methods	....	36	....	....	....
5. Percent WRA using modern methods	....	....	9	15	20
6. Modern method users	247,473,000	8,353,673	369,244	2,569,942	1,222,616
7. Percent FP supplied by public sector	74.4	79	43	70	48
8. Percent of private sector subsidized	10	10	10	10	10
9. Modern method users relying on public sources	190,455,221	6,774,829	179,822	1,876,058	650,432
10 Percent of USAID share of total funding	17	24	40	65	57
11. Users protected by USAID	32,377,388	1,625,959	71,929	1,219,437	370,746
12. Percent of users using long term methods	43	31	16	61	37
13. New sterilization acceptors as percent of ster. users	10	6	13	7	9
14. USAID-funded users needing current protection	19,847,339	1,153,415	61,859	525,171	246,041
15. Percent of USAID budget cut	35	35	35	35	35
16. Current users left unprotected	6,946,568	403,695	21,651	183,810	86,114
17. Proportion adopting traditional methods in percent	40	40	40	40	40
18. New users of traditional methods	2,778,627	161,478	8,660	73,524	34,446
19. Percent of additional pregnancy rate with traditional methods	30	30	30	30	30
20. Unwanted pregnancies from traditional use	833,588	48,443	2,598	22,057	10,334
21. Percent of additional pregnancy rate for those unprotected	75	75	75	75	75
22. Unwanted pregnancies from those unprotected	3,125,956	181,663	9,743	82,714	38,751
23. Total unwanted pregnancies from budget cuts	3,959,544	230,106	12,341	104,772	49,085
24. Percent resorting to abortion	40	38	40	52	43
25. Additional abortions	1,583,818	87,440	4,936	54,481	21,107
26. Percent of pregnancies resulting in live births	47	49	46	36	43
27. Additional unwanted births	1,860,986	112,752	5,800	37,718	21,107
28. Maternal mortality rate	410	600	1000	100	300
29. Additional maternal deaths	7,630	677	58	38	63

SOURCES AND NOTES

1. Population Division, 1995, *World Population Prospects: The 1994 Revision*. New York: Department for Economic and Social Affairs, United Nations. ST/ESA/SER.A/145. All figures are for 1995.

2. DHS country reports.

3. *WRA [1] percent in unions [2]*.

4. DHS country reports.

5. DHS country reports.

6. For specific countries modern method users are calculated by: *WRA [1] percent WRA using modern methods [5]* if data are available, otherwise *MWRA [3] percent MWRA using modern methods [4]*.

For all developing countries, the number of modern method users is derived from: W. Parker Mauldin and Vincent C. Miller, 1994. *Contraceptive Use and Commodity Costs in Developing Countries, 1994–2005. Technical Report Number 18*. New York; United National Population Fund, p. 17. This source gives the total number of modern method users in the developing world in 1995 as 460,673,000. Modern method users in China (213.2 million) were subtracted to estimate users in the rest of the developing world. The estimate for China is based on contraceptive prevalence of 83 percent of MWRA (*World Contraceptive Use 1994*, United Nations Department of Economic and Social Information and Policy Analysis, Population Division, New York.) The number of MWRA in China is estimated to be 256.9 million, based on a 1990 estimate in *World Contraceptive Use 1994* of 222.7 million and an annual growth rate of WRA of 2.9 percent (*World Population Prospects*).

7. For individual countries figures are from DHS reports for users of reversible methods.

For the developing world excluding China the figure is based on an estimate of users supplied by government sources for all developing countries of 86.3% from *Contraceptive Use and Commodity Costs in Developing Countries, 1994–2005*, p. 30. Assuming that all users in China are supplied by the public sector, the estimate for all developing countries excluding China becomes 74.4%: (460.6 million users 86.3% public—213.2 Chinese users)/247.5 million users in LDC-China.)

8. According to *Contraceptive Use and Commodity Costs in Developing Countries, 1994–2005*, p. 30, 4.4% of all private sector services are provided by NGOs. Other private sector services, such as social marketing, are also subsidized. We have estimated that 10% of all private sector services are subsidized by the public sector.

9. *Modern users relying on public sources=Modern method users [6] percent public [7] + modern method users [6] percent private percent of private sector subsidized [8]. Percent private=1-percent public [7]*.

10. Estimates for individual countries are from Population Action International (unpublished tabulations).

For the developing world excluding China estimates are based on three different approaches.

The first approach is based on the following assumptions and calculations by Population Action International: total family planning expenditure in the developing world is $4–5 billion, expenditure in China is $1 billion, USAID expenditure in FY 1995 was $547 million, thus USAID expenditure is 14–18% of all expenditure outside China.

The second approach is based on commodities distributed. In FY 1995 USAID provided 608 million condoms, 3.1 million IUDs, 52.5 million cycles of oral contraceptives, 14.8 million vaginal foaming tablets, 82 thousand units of Norplant and 2.9 million units of Depo-Provera. (NEWVERN Information System, special tabulation provided by JSI). This translates in 19.6 million couple-years of protection for these methods alone. According to *Contraceptive Use and Commodity Costs in Developing Countries, 1994–2005*, p. 24, total couple-years of protection for all methods except sterilization is 212.4 million. Chinese users account for 46 percent of all modern method users (213.2/460.7), so the remaining countries have 54 percent of these couple-years of protection, or 115 million. The USAID figure of 19.6 million is 17 percent of 115 million.

The third approach assumes that official development assistance accounted for 25% of total funds spent on family planning; private payments by users accounted for another 25% and governments of developing countries funded the remaining 50% (R. Bulatao, 1993. *Effective Family Planning Programs*, Washington, DC: World Bank). Thus, 75% of funds are from public sources. USAID contributes about 50% of all foreign assistance family planning dollars. Thus it contributes 17% of public funding for family planning: 50%×25%/75%=16.7%.

11. *Modern method users relying on public sources [9]USAID share of funding [10].* This estimate coincides well with an estimate based on commodities distributed. USAID provided 19.6 million couple-years of protection based on all methods other than sterilization (see 10 above). In the developing world, 56 percent of users rely on these methods, the other 44 percent use sterilization (*Contraceptive Use and Commodity Costs in Developing Countries, 1994–2005*, p. 20). If the same ratio applies to USAID-supported users, then total USAID-supported users would be 19.6 million/0.56 or 35 million.

12. Figures for individual countries are from DHS. They refer to sterilization users. In countries with significant reliance on the IUD, 70 percent of IUD users have also been included as long-term use (based on an average duration of use of about 3.5 years). For all developing countries the estimate is calculated as the weighted average for the 18 countries with the largest USAID programs (weighted by the number of USAID-supported users).

13. Calculated as 1/(45—mean age at sterilization). Estimates of mean age are from DHS and/or AVSC. Average for all developing countries is from John Stover, *et al.*, *Empirically Based Conversion Factors for Calculating Couple-Years of Protection*, The EVALUATION Project, 1996, draft.

14. *Users protected by USAID [11] × (1-percent using long term methods [12] + percent using long term methods [12] * New ster acceptors as % of users [13]).*

15. Assumed to be 35 percent.

16. *Users needing current protection [16] × percent of budget cut [17].*

17. This is an estimate of the percent people who lose their family planning services due to USAID budget cuts that would adopt traditional methods as an alternative. Since the people losing their services are committed users, many would adopt traditional methods. However, traditional methods require the active participation of both partners, so many would probably not adopt these methods. One approach to estimating this figure has been developed by The Alan Guttmacher Institute. This approach uses DHS data to determine traditional method use as a proportion of all women either using a traditional method or having an unmet need for family planning. The average of 36 developing countries for which data are available shows that 20 percent of these women use traditional methods (Alan Guttmacher Institute, 1995. *Hopes and Realities; Closing the Gap Between Women's Reproductive Aspirations and their Reproductive Experiences*, AGI, New York, Appendix Table 7). This is likely to be an under-estimate since there are many reasons other than lack of access for women to have an unmet need (lack of knowledge, religious objections to family planning, spouse opposes family planning, fear of side effects). Therefore, to be conservative, we have doubled this figure to 40 percent.

18. *Users left unprotected [18] × percent adopting traditional methods [19].*

19. Failure rates for withdrawal and periodic abstinence in developed countries are reported to be around 20% *(Contraceptive Technology, 16th Revised Edition*, Robert A. Hatcher, *et al.*, New York: Irvington Publishers, Inc. 1994, p. 652). For developing countries there is very little information. One study used DHS data to calculate that 16% of users of withdrawal had a birth in the first years of use (Lorenzo Moreno and Noreen Goldman, 1991. "Contraceptive Failure Rates in Developing Counties: Evidence from Demographic and Health Surveys." *International Family Planning Perspectives*, 17(2), June 1991, pp. 44-49.) The number of pregnancies (rather than births) due to traditional method failure would be even higher (Elise F. Jones, "Contraceptive Failure and Abortion." *International Family Planning Perspectives*, 17(4), December 1991, p. 150) Also, this study was based on respondent recall. There is a tendency, especially with traditional method users, to forget or not report use immediately before a pregnancy. Therefore, we assume that the annual pregnancy rate among traditional method users is about 40%. For users of modern methods the pregnancy rate is about 10%. (It is estimated to be about 14% in the U.S. among users of reversible methods. [Elise F. Jones and J.D. Forrest, 1992. "Contraceptive failure rates based on the 1988 NSFG," *Family Planning Perspectives*, 24:12-19.] but this number is high because there is little use of the IUD. For USAID-supported users, the IUD accounts for about half of all couple-years of protection provided by reversible methods.) Therefore, the additional pregnancy rate due to users switching from modern methods to traditional methods is 30% (40%–10%).

20. *New traditional method users [20] × failure rate [21].*

21. The annual pregnancy rate for those couples using no method is 85% (*Contraceptive Technology, 16th Revised Edition*, Robert A. Hatcher, *et al.*, New York: Irvington Publishers, Inc. 1994, p. 652). Subtracting the 10% pregnancy rate for couples using modern methods (note 19) leaves an additional pregnancy rate of 75%.

22. *(Users unprotected [18]—new traditional method users [20] × pregnancy rate [23].*

23. *Unwanted pregnancies from traditional method failure [22] + unwanted pregnancies from users left unprotected [24].*

24. Estimated to be 40%. Estimates are based on the following information:

The number of unintended pregnancies is the sum of abortions, unintended births and unintended pregnancies that end as spontaneous abortions (estimated as 10% of abortions + 20% of unintended births).

The main source of data on abortions is World Health Organization, 1994. *Abortion: A tabulation of available data on the frequency of unsafe abortion*, Geneva: WHO. These figures are also supported by S.K. Henshaw, 1990. "Induced abortion: A world review", *Family Planning Perspectives*, 22, 76–89 and The Alan Guttmacher Institute, 1994. *Clandestine Abortion: A Latin American Reality*, New York: AGI.

The number of unintended births is obtained by applying regional average proportions of all births that are unintended, to UN estimates of the total number of births in each region. Estimates of the total number of births that are unintended are obtained from DHS surveys done in the late 1980s/early 1990s. The weighted average for countries that have surveys, in a given region, is assumed to apply to the region as a whole. These proportions are based in women's reports of the wantedness status of each birth in the five years prior to the survey. Regional distributions of all pregnancies by planning status were published in chart form in *Hopes and Realities: Closing the Gap Between Women's Reproductive Aspirations and their Reproductive Experiences*, p. 25). These data were used to recalculate the distribution of unintended pregnancies by pregnancy outcome (that is, excluding wanted births and that proportion of wanted pregnancies that end as spontaneous abortions).

Country or region specific numbers were used for the individual countries. For Peru estimates are from: The Alan Guttmacher Institute, 1994. *Clandestine Abortion: A Latin American Reality*, New York: The Alan Guttmacher Institute. Other country estimates are based on regional data (The Alan Guttmacher Institute, unpublished tabulations).

25. *Unwanted pregnancies [25] × percent resorting to abortion [26].*

26. Estimated as 47% for all developing countries. (Alan Guttmacher Institute, unpublished tabulation.) For Peru estimates are from: The Alan Guttmacher Institute, 1994. *Clandestine Abortion: A Latin American Reality*, New York: The Alan Guttmacher Institute. Other country estimates are based on regional data (the Alan Guttmacher Institute, unpublished tabulations).

27. *Unwanted pregnancies [25] × percent resulting in live births [28].*

28. The Progress of Nations: 1995, UNICEF, pp. 52–53.

29. *Additional live births [25] × maternal mortality rate [26] / 100,000.*

WAKE UP: TRADE MATTERS

Mr. HOLLINGS. Mr. President, I would like to draw my colleagues' attention to a short interview that appeared this morning in USA Today. In it, textile businessman Roger Milliken outlines the inaccuracies in the present-day argument that only free trade can improve our Nation's economy. With a plethora of hard facts, Mr. Milliken debunks this myth by focusing on the real problem: America does not have real trade troubles with nations that accept and sell products from America. America's trade problems are with countries like Japan and China that won't let American products into their markets.

Across the Nation, columnist and now Presidential candidate Pat Buchanan has opened up the wound of disinvestment in America. Unlike the Washington pundits and experts, people across America know that trade matters. Hard-working people have a tremendous disaffection with our trade policies and that unsettledness is bound to grow.

Mr. President, Roger Milliken hit the nail on the head of trade in this interview. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From USA Today, Mar. 5, 1996]

TEXTILE MAGNATE CRITIQUES RECENT TRADE DEALS

Roger Milliken, the South Carolina textile magnate, is a leading advocate of protectionist trade policies and a major contributor to GOP presidential candidate Patrick Buchanan and other conservative politicians and causes. In a rare interview, Milliken tells USA Today's Beth Belton why he thinks recent trade deals have been a mistake.

Q: You're against free trade, right?

A: Stop right there. We do believe in free trade. We have plants offshore. We have one in Japan and 11 in Europe. But the products we make are all sold in those countries. We don't take advantage of low labor costs to bring products back and destroy U.S. jobs.

Q: But you are against the North American Free Trade Agreement. Do you have plants in Canada or Mexico?

A: No. And we wouldn't consider either country because I've studied history, and I've found that no country has ever remained a major economic factor in the world that has lost its own manufacturing. . . . We have a manufactured goods trade deficit of $174 billion, and if you use Clinton administration figures that every $1 billion of exports supports 20,000 jobs, it's not far-fetched to say that if we didn't have a deficit, we would have 3.4 million more manufacturing jobs in the U.S. than we have.

Q: The USA has been losing manufacturing jobs for decades, and many economists say technology, not trade is the reason. You disagree?

A: Technology companies in this country pay lower wages than textile companies. The biggest piece—$52 billion—of our $174 billion goods trade deficit is in autos and auto parts. The second is textiles and apparel—$37 billion. We're talking about year-round, full-time jobs. Most of the U.S. jobs created now are in the tourist trade or part-time fast-food jobs. These jobs don't pay benefits. They don't hold the family together. The turnover rate in the fast-food business is 250%. There's nothing steady or stabilizing to the economy about that.

Q: But don't statistics from your home state, South Carolina, show trade is helping create manufacturing jobs?

A: I take total exception to that. Four weeks ago in Spartanburg County, where I live, five textile plants closed down permanently. That's 800 jobs. Sure, the state gained 6,000 jobs last year because foreign companies invested in South Carolina. That's absolutely terrific. But if we put in more protectionist laws, more of those jobs would be coming here. Foreign companies would have to locate here to get U.S. business.

Q: Has NAFTA increased export demand for cloth and other products?

A: It's not true, and it's worse than that because what everybody isn't told is that the textile industry today is operating six days a week instead of seven, or five days instead of six. Most of them have cut off the third shift or are closing one day a month because imports are hurting demands here.

Q: What's the solution?

A: I'd like to see us withdraw from the World Trade Organization. The U.S. has one vote. Cuba can cancel our vote. Or St. Kitts, an island in the (Caribean). . . . We also want higher tariffs. Our opponents say that would prompt retalization. I don't know how anybody retaliates against their best customer. I would love to retaliate against some of my best customers who treat us badly.

Q: Why are you speaking out now?

A: We're a private company and we like to stay private, but we're fighting for our industry. We have 14,000 employees in the U.S., and one of my jobs is to fight for preservation of those jobs.

Q: Didn't some in the textile industry support passage of NAFTA?

A: It was a split vote in the industry. There were some who believed the industry might benefit. They believed no textile plants would go to Mexico. But already we see plants setting up there, where all-in costs are $2 an hour compared to $12 an hour in the U.S.

Q: Have you had to downsize?

A: No, but I have to tell you we're running on curtailed schedules and the industry has had to close 12 plants in an economy that's growing all over. We ought to be a growing industry. We ought to be creating jobs.

Q: What about plans to expand?

A: We plan to continue expanding. Last year, we bought a company in Japan that makes fabric for auto interiors. When you deal with international auto companies, one of their requirements is that you be located in parts of the world where they can exchange products.

Q: You don't often give interviews. Why?

A: The media emphasize the growth in exports and the jobs created by exports. There are figures collected by the government that are put together very skillfully. But there is no way to look at government figures to find out how many jobs have been lost to imports. I hear a lot of talk about the growth of exports but hardly anyone talks about the growth of imports, which in percentage terms are slightly less. But in absolute numbers, the U.S. imports three times as much as it exports.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, 4 years ago I commenced these daily reports to the Senate to make a matter of record the exact Federal debt as of the close of business the previous day.

In that report of February 27, 1992, the Federal debt stood at $3,825,891,293,066.80, as of close of business the previous day. The point is, the Federal debt has escalated by $1,190,704,977,476.86 since February 26, 1992.

As of the close of business yesterday, Monday, March 4, 1996, the Federal debt stood at exactly $5,016,596,270,543.66. On a per capita basis, every man, woman, and child in America owes $19,041.42 as his or her share of the Federal debt.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT CONCERNING THE NATIONAL EMERGENCY WITH RESPECT TO CUBA—MESSAGE FROM THE PRESIDENT RECEIVED DURING RECESS—PM 125

Under the authority of the order of the Senate of January 4, 1995, the Secretary of the Senate, on March 1, 1996, during the recess of the Senate, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of The United States:

Pursuant to section 1 of title II of Public Law 65–24, ch. 30, 50 U.S.C. 191 and sections 201 and 301 of the National Emergencies Act, 50 U.S.C. 1601 *et seq.*, United States Code, I hereby report that I have exercised my statutory authority to declare a national emergency in response to the Government of Cuba's destruction of two unarmed U.S.-registered civilian aircraft in international airspace north of Cuba.

In the proclamation (copy attached), I have authorized and directed the Secretary of Transportation to make and issue such rules and regulations that the Secretary may find appropriate to prevent authorized U.S. vessels from entering Cuban territorial waters.

I have authorized these rules and regulations as a result of the Government of Cuba's demonstrated willingness to use reckless force, including deadly force, in the ostensible enforcement of its sovereignty. I have determined that the unauthorized departure of vessels intending to enter Cuban territorial waters could jeopardize the safety of certain U.S. citizens and other persons residing in the United States and threaten a disturbance of international relations. I have, accordingly, declared a national emergency in response to these threats.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 1, 1996.*

REPORT CONCERNING THE INTERAGENCY ARCTIC RESEARCH POLICY COMMITTEE—MESSAGE FROM THE PRESIDENT—PM 126

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs.

To the Congress of the United States:

As required by section 108(b) of Public Law 98–373 (15 U.S.C. 4701(b)), I transmit herewith the Sixth Biennial Report of the Interagency Arctic Research Policy Committee (February 1, 1994, to January 31, 1996).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 5, 1996.*

REPORT CONCERNING REVISED DEFERRAL OF BUDGETARY RESOURCES—MESSAGE FROM THE PRESIDENT—PM 127

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report;

which was, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, referred to the Committee on Appropriations, the Committee on the Budget, the Committee on Foreign Relations, the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Governmental Affairs.

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one revised deferral, totaling $91 million, and two proposed rescissions of budgetary resources, totaling $15 million.

The deferral affects the Department of State U.S. emergency refugee and migration assistance fund. The rescision proposals affect the Department of Agriculture and the General Services Administration.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 5, 1996*.

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 4, 1995, the Secretary of the Senate, on March 4, 1996, during the adjournment of the Senate, announcing that the House insists upon its amendment to the bill (S. 1004) to authorize appropriations for the U.S. Guard, and for other purposes, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House:

From the Committee on Transportation and Infrastructure, for consideration of the Senate and the House amendment, and modifications committed to conference: Mr. SHUSTER, Mr. YOUNG of Alaska, Mr COBLE, Mrs. FOWLER, Mr. BAKER of California, Mr. OBERSTAR, Mr. CLEMENT, and Mr. POSHARD.

From the Committee on the Judiciary, for consideration of section 901 of the Senate bill, and section 430 of the House amendment, and modifications committed to the conference: Mr. HYDE, Mr. MCCOLLUM, and Mr. CONYERS.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1909. A communication from the Secretary of Housing and Urban Development, transmitting pursuant to law, the semiannual reports for the period April 1 through September 30, 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC-1910. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, a statement regarding a transaction involving exports to Ghana; to the Committee on Banking, Housing, and Urban Affairs.

EC-1911. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, a statement regarding a transaction involving exports to Indonesia; to the Committee on Banking, Housing, and Urban Affairs.

EC-1912. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the Monetary Policy Report; to the Committee on Banking, Housing, and Urban Affairs.

EC-1913. A communication from the Managing Director of the Federal Housing Finance Board, transmitting, pursuant to law, the report of salary ranges for graded employees for calendar year 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC-1914. A communication from the Acting Chairman of the Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, the semi-annual report of the Office of the Inspector General for the period October 1 through December 31, 1995; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

H.R. 782. A bill to amend title 18 of the United States Code to allow members of employee associations to represent their views before the United States Government.

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 219. A resolution designating March 25, 1996 as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. AKAKA:

S. 1585. A bill to authorize award of a medal to civilians who participated in the defense of Pearl Harbor and other military installations in Hawaii against attack by the Japanese on December 7, 1941; to the Committee on Armed Services.

By Mr. COHEN (for himself and Ms. SNOWE):

S. 1586. A bill for the relief of Nancy B. Wilson; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. BURNS, Mr. DOLE, Mr. PRESSLER, and Mrs. MURRAY):

S. 1587. A bill to affirm the rights of Americans to use and sell encryption products, to establish privacy standards for voluntary escrowed systems, and for other purposes; to the Committee on the Judiciary.

By Mr. STEVENS:

S. 1588. A bill to authorize the Secretary of Transportation to issue a certificate of documentation and coastwise trade endorsement for the vessel *Kalypso;* to the Committee on Commerce, Science, and Transportation.

By Mr. GORTON (for himself and Mr. LIEBERMAN):

S. 1589. A bill to provide for a rotating schedule for regional primaries for Presidential elections, and for other purposes; to the Committee on Rules and Administration.

By Mrs. MURRAY (for herself, Mr. LEAHY, Mr. BAUCUS, Mr. BUMPERS, and Mrs. FEINSTEIN):

S. 1590. A bill to repeal the emergency salvage timber sale program, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. D'AMATO:

S.J. Res. 50. A joint resolution to disapprove the certification of the President under section 490(b) of the Foreign Assistance Act of 1961 regarding foreign assistance for Mexico during fiscal year 1996; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself, Mr. BURNS, Mr. DOLE, Mr. PRESSLER, and Mrs. MURRAY):

S. 1587. A bill to affirm the rights of Americans to use and sell encryption products, to establish privacy standards for voluntary escrowed systems, and for other purposes; to the Committee on the Judiciary.

THE ENCRYPTED COMMUNICATIONS PRIVACY ACT OF 1996

Mr. LEAHY. Mr. President, I am joined today by Senators BURNS, DOLE, PRESSLER, and MURRAY in introducing a bill that is pro-business, pro-jobs and pro-privacy.

The Encrypted Communications Privacy Act of 1996 would enhance the global competitiveness of our high-technology industries, protect the high-paying good jobs in those industries and maximize the choices in encryption technology available for businesses and individuals to protect the privacy, confidentiality and security of their computer, telephone, and other wire and electronic communications.

The guiding principle for this bill can be summed up in one sentence: Encryption is good for American business and good business for Americans.

FBI Director Louis Freeh testified last week at a hearing on economic espionage and quoted Secretary of State Warren Christopher as saying that "Our national security is inseparable from our economic security." I could not agree more. Yet, American businesses are suffering a double blow from our current encryption policies. First, American firms lose billions of dollars each year due to the theft of proprietary economic information, which could be better protected if strong encryption were more widely used. Second, government export restrictions tie the hands of American high-technology businesses by barring the export of strong encryption technology. The size of these combined losses makes encryption one of the critical issues facing American businesses today.

Moreover, the increasing use of and dependency on networked computers by Americans to obtain critical medical services, to conduct research, to be entertained, to go shopping and to communicate with friends and business associates, raises special concerns about the privacy and confidentiality of their computer transmissions. I have long been concerned about these issues, and have worked over the past decade to create a legal structure to foster privacy and security for our wire and electronic communications. Encryption technology provides an effective way to ensure that only the people we choose can read our communications.

A leading encryption expert, Matt Blaze, told me in a recent letter that our current regulations governing the use and export of encryption are having a "deleterious effect on our country's ability to develop a reliable and trustworthy information infrastructure." It is time for Congress to take steps to put our national encryption policy on the right course.

The Encrypted Communications Privacy Act would accomplish three goals:

First, the bill encourages the use of encryption by legislatively confirming that Americans have the freedom to use and sell here in the United States any encryption technology that they feel is most appropriate to meet their privacy and security needs. The bill bars any government-mandated use of any particular encryption system, such as a key escrow encryption system.

Second, for those Americans who choose to use a key escrow encryption method, the bill establishes privacy standards for key holders and stringent procedures for how law enforcement can obtain access to decoding keys and decryption assistance. These standards would subject key holders to criminal and civil liability if they released the keys or divulged the identity and information about the user of the encryption system, without legal authorization. Commenting on these provisions, Bruce Schneir, who has literally written the textbook on encryption, said in a recent letter to me that the bill "recognizes the special obligations of keyholders to be vigilant in safeguarding the information entrusted to them, without imposing hurtles on the use of cryptography."

Finally, the bill loosens export restrictions on encryption products. Under the bill, it would be lawful for American companies to export high-technology products with encryption capabilities when comparable encryption capabilities are available from foreign suppliers, and generally available encryption software, including mass market products and encryption that is in the public domain. According to Mr. Schneir, the bill "removes the strangle-hold that has encumbered the development of mass-market security solutions" which are so vital to the development of our information infrastructure.

Senator MURRAY took a leading role in the last Congress on reforming our export restrictions on encryption, and I commend her for continuing to give this important issue her committed attention again in this Congress.

Current export restrictions allow the export of primarily weak encryption software programs. So weak, in fact, that a January 1996 report by an ad hoc group of world-renowned cryptographers and computer scientists estimated that it would take a pedestrian hacker a matter of hours to break and a foreign intelligence agency a matter of nanoseconds to break. No wonder that foreign buyers of encryption products are increasingly looking elsewhere for strong security. This hurts the competitiveness of our high-technology industry.

A recent report by the Computer Systems Policy Project, which is a group of major American computer companies estimated that U.S. companies stand to lose between $30 and $60 billion in revenues and over 200,000 of high-technology jobs by the year 2000 because U.S. companies are handicapped in the global market by outdated export restrictions.

Even the Commerce Department reported in January that U.S. export controls may have a "negative effect on U.S. competitiveness" and "may discourage" the use of strong encryption domestically since manufacturers want to make only one product for export and for use here.

Although American companies account for almost 75 percent of the global market for prepackaged software, the rest of the world is competing strongly in the market for encryption software. Shortsighted government policy is holding back American business. Almost 2 years ago, I chaired a hearing of the Judiciary Subcommittee on Technology and the Law on the administration's Clipper Chip key escrow encryption program. I heard testimony about 340 foreign encryption products that were available worldwide, 155 of them employing encryption in a strength that American firms were prohibited from exporting.

In 2 short years, those numbers have increased. According to a survey of cryptographic products conducted by Trusted Information System, as of December 1995, 497 foreign products from 28 countries were available with encryption security. Almost 200 of these foreign products used strong encryption that American companies are barred from selling abroad. This study draws the obvious conclusion that "As a result, U.S. Government restrictions may be succeeding only in crippling a vital American industry's exporting ability."

At the Clipper Chip hearing I chaired in 1994, I heard a number of reports about American companies losing business opportunities due to U.S. export restrictions. One data security company reported that despite its superior system, it had been unable to respond to requests from NATO and foreign telecommunications companies because it cannot export the encryption they demanded. This cost this single American company millions in foregone business. Another major computer company lost two sales in Western Europe in a single year totaling about $80 million because the file and data encryption in the integrated system they offered was not exportable.

Our current export restrictions on encryption technology are fencing off the global marketplace and hurting the competitiveness of this part of our high-technology industries. While national and domestic security concerns must weigh heavily, we need to do a better job of balancing these concerns with American business' need for encryption and the economic opportunities for our high-technology industries that encryption technology provides.

American businesses are not only suffering lost sales because of our current export restrictions, but are also suffering staggering losses due to economic espionage. FBI Director Freeh testified that the White House Office of Science and Technology Policy puts the amount of that loss at $100 billion per year. At a hearing last week on economic espionage, we heard from one witness who had to close down his software company, with a loss of 25 jobs, after China bribed an employee to steal the source code for the company's software.

We have bills pending before Congress to enact new criminal laws to punish people who steal trade secrets or other proprietary information and who break into computers to steal sensitive information. But new criminal laws are not the whole answer. Criminal laws often only come into play too late, after the theft has occurred or the injury inflicted.

We must encourage American firms to take preventive measures to protect their vital economic information. That is where encryption comes in. Just as we have security systems to lock up our offices and file drawers, we need strong encryption systems to protect the security and confidentiality of business information.

The Computer Systems Policy Project estimates that, without strong encryption, financial losses by the year 2000 from breaches of computer security systems to be from $40 to $80 billion. Unfortunately, some of these losses are already occurring. One U.S.-based manufacturer is quoted in the Project's report, saying:

> We had a multi-year, multi-billion dollar contract stolen off our P.C. (while bidding in a foreign country). Had it been encrypted, [the foreign competitor] could not have used it in the bidding time frame.

New technologies present enormous opportunities for Americans, but we must strive to safeguard our privacy if these technologies are to prosper in this information age. Otherwise, in the service of law enforcement and intelligence needs, we will dampen any enthusiasm Americans may have for taking advantage of the new technologies.

I look forward to working with my colleagues on this important matter, and ask unanimous consent that the bill, a summary of the bill, and three letters of support from Matt Blaze, Bruce Schneir, and Business Software Alliance, be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1587

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Encrypted Communications Privacy Act of 1996".

SEC. 2. PURPOSE.

It is the purpose of this Act—

(1) to ensure that Americans are able to have the maximum possible choice in encryption methods to protect the security, confidentiality, and privacy of their lawful wire or electronic communications; and

(2) to establish privacy standards for key holders who are voluntarily entrusted with the means to decrypt such communications, and procedures by which investigative or law enforcement officers may obtain assistance in decrypting such communications.

SEC. 3. FINDINGS.

The Congress finds that—

(1) the digitization of information and the explosion in the growth of computing and electronic networking offers tremendous potential benefits to the way Americans live, work, and are entertained, but also raises new threats to the privacy of American citizens and the competitiveness of American businesses;

(2) a secure, private, and trusted national and global information infrastructure is essential to promote economic growth, protect citizens' privacy, and meet the needs of American citizens and businesses;

(3) the rights of Americans to the privacy and security of their communications and in conducting their personal and business affairs should be preserved and protected;

(4) the authority and ability of investigative and law enforcement officers to access and decipher, in a timely manner and as provided by law, wire and electronic communications necessary to provide for public safety and national security should also be preserved;

(5) individuals will not entrust their sensitive personal, medical, financial, and other information to computers and computer networks unless the security and privacy of that information is assured;

(6) business will not entrust their proprietary and sensitive corporate information, including information about products, processes, customers, finances, and employees, to computers and computer networks unless the security and privacy of that information is assured;

(7) encryption technology can enhance the privacy, security, confidentiality, integrity, and authenticity of wire and electronic communications and stored electronic information;

(8) encryption techniques, technology, programs, and products are widely available worldwide;

(9) Americans should be free lawfully to use whatever particular encryption techniques, technologies, programs, or products developed in the marketplace they desire in order to interact electronically worldwide in a secure, private, and confidential manner;

(10) American companies should be free to compete and to sell encryption technology, programs, and products;

(11) there is a need to develop a national encryption policy that advances the development of the national and global information infrastructure, and preserves Americans' right to privacy and the Nation's public safety and national security;

(12) there is a need to clarify the legal rights and responsibilities of key holders who are voluntarily entrusted with the means to decrypt wire or electronic communications;

(13) the Congress and the American people have recognized the need to balance the right to privacy and the protection of the public safety and national security;

(14) the Congress has permitted lawful electronic surveillance by investigative or law enforcement officers only upon compliance with stringent statutory standards and procedures; and

(15) there is a need to clarify the standards and procedures by which investigative or law enforcement officers obtain assistance from key holders who are voluntarily entrusted with the means to decrypt wire or electronic communications, including such communications in electronic storage.

SEC. 4. FREEDOM TO USE ENCRYPTION.

(a) LAWFUL USE OF ENCRYPTION.—It shall be lawful for any person within any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States, and by United States persons in a foreign country to use any encryption, regardless of encryption algorithm selected, encryption key length chosen, or implementation technique or medium used except as provided in this Act and the amendments made by this Act or in any other law.

(b) GENERAL CONSTRUCTION.—Nothing in this Act or the amendments made by this Act shall be construed to—

(1) require the use by any person of any form of encryption;

(2) limit or affect the ability of any person to use encryption without a key escrow function; or

(3) limit or affect the ability of any person who chooses to use encryption with a key escrow function not to use a key holder.

SEC. 5. ENCRYPTED WIRE AND ELECTRONIC COMMUNICATIONS.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 121 the following new chapter:

"CHAPTER 122—ENCRYPTED WIRE AND ELECTRONIC COMMUNICATIONS

"2801. Definitions.
"2802. Prohibited acts by key holders.
"2803. Reporting requirements.
"2804. Unlawful use of encryption to obstruct justice.
"2805. Freedom to sell encryption products.

"§ 2801. Definitions

"As used in this chapter—

"(1) the terms 'person', 'State', 'wire communication', 'electronic communication', 'investigative or law enforcement officer', 'judge of competent jurisdiction', and 'electronic storage' have the same meanings given such terms in section 2510 of this title;

"(2) the term 'encryption' means the scrambling of wire or electronic communications using mathematical formulas or algorithms in order to preserve the confidentiality, integrity or authenticity and prevent unauthorized recipients from accessing or altering such communications;

"(3) the term 'key holder' means a person located within the United States (which may, but is not required to, be a Federal agency) who is voluntarily entrusted by another independent person with the means to decrypt that person's wire or electronic communications for the purpose of subsequent decryption of such communications;

"(4) the term 'decryption key' means the variable information used in a mathematical formula, code, or algorithm, or any component thereof, used to decrypt wire or electronic communications that have been encrypted; and

"(5) the term 'decryption assistance' means providing access, to the extent possible, to the plain text of encrypted wire or electronic communications.

"§ 2802. Prohibited acts by key holders

"(a) UNAUTHORIZED RELEASE OF KEY.—Except as provided in subsection (b), any key holder who releases a decryption key or provides decryption assistance shall be subject to the criminal penalties provided in subsection (e) and to civil liability as provided in subsection (f).

"(b) AUTHORIZED RELEASE OF KEY.—A key holder shall only release a decryption key in its possession or control or provide decryption assistance—

"(1) with the lawful consent of the person whose key is being held or managed by the key holder;

"(2) as may be necessarily incident to the holding or management of the key by the key holder; or

"(3) to investigative or law enforcement officers authorized by law to intercept wire or electronic communications under chapter 119, to obtain access to stored wire and electronic communications and transactional records under chapter 121, or to conduct electronic surveillance, as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801), upon compliance with subsection (c) of this section.

"(c) REQUIREMENTS FOR RELEASE OF DECRYPTION KEY OR PROVISION OF DECRYPTION ASSISTANCE TO INVESTIGATIVE OR LAW ENFORCEMENT OFFICER.—

"(1) CONTENTS OF WIRE AND ELECTRONIC COMMUNICATIONS.—A key holder is authorized to release a decryption key or provide decryption assistance to an investigative or law enforcement officer authorized by law to conduct electronic surveillance under chapter 119, only if—

"(A) the key holder is given—

"(i) a court order signed by a judge of competent jurisdiction directing such release or assistance; or

"(ii) a certification in writing by a person specified in section 2518(7) or the Attorney General stating that—

"(I) no warrant or court order is required by law;

"(II) all requirements under section 2518(7) have been met; and

"(III) the specified release or assistance is required;

"(B) the order or certification under paragraph (A)—

"(i) specifies the decryption key or decryption assistance which is being sought; and

"(ii) identifies the termination date of the period for which release or assistance has been authorized; and

"(C) in compliance with an order or certification under subparagraph (A), the key holder shall provide only such key release or decryption assistance as is necessary for access to communications covered by subparagraph (B).

"(2) STORED WIRE AND ELECTRONIC COMMUNICATIONS.—(A) A key holder is authorized to release a decryption key or provide decryption assistance to an investigative or law enforcement officer authorized by law to obtain access to stored wire and electronic communications and transactional records under chapter 121, only if the key holder is directed to give such assistance pursuant to the same lawful process (court warrant, order, subpoena, or certification) used to obtain access to the stored wire and electronic communications and transactional records.

"(B) The notification required under section 2703(b) shall, in the event that encrypted wire or electronic communications were obtained from electronic storage, include notice of the fact that a key to such communications was or was not released or decryption assistance was or was not provided by a key holder.

"(C) In compliance with the lawful process under subparagraph (A), the key holder shall provide only such key release or decryption assistance as is necessary for access to the communications covered by such lawful process.

"(3) USE OF KEY.—(A) An investigative or law enforcement officer to whom a key has been released under this subsection may use the key only in the manner and for the purpose and duration that is expressly provided for in the court order or other provision of law authorizing such release and use, not to exceed the duration of the electronic surveillance for which the key was released.

"(B) On or before completion of the authorized release period, the investigative or law enforcement officer to whom a key has been released shall destroy and not retain the released key.

"(C) The inventory required to be served pursuant to section 2518(8)(d) on persons named in the order or the application under section 2518(7)(b), and such other parties to intercepted communications as the judge may determine, in the interest of justice, shall, in the event that encrypted wire or electronic communications were intercepted, include notice of the fact that during the period of the order or extensions thereof a key to, or decryption assistance for, any encrypted wire or electronic communications of the person or party intercepted was or was not provided by a key holder.

"(4) NONDISCLOSURE OF RELEASE.—No key holder, officer, employee, or agent thereof shall disclose the key release or provision of decryption assistance pursuant to subsection (b), except as may otherwise be required by legal process and then only after prior notification to the Attorney General or to the principal prosecuting attorney of a State or any political subdivision of a State, as may be appropriate.

"(d) RECORDS OR OTHER INFORMATION HELD BY KEY HOLDERS.—A key holder, shall not disclose a record or other information (not including the key) pertaining to any person whose key is being held or managed by the key holder, except—

"(1) with the lawful consent of the person whose key is being held or managed by the key holder; or

"(2) to an investigative or law enforcement officer pursuant to a subpoena authorized under Federal or State law, court order, or lawful process.

An investigative or law enforcement officer receiving a record or information under paragraph (2) is not required to provide notice to the person to whom the record or information pertains. Any disclosure in violation of this subsection shall render the person committing the violation liable for the civil damages provided for in subsection (f).

"(e) CRIMINAL PENALTIES.—The punishment for an offense under subsection (a) of this section is—

"(1) if the offense is committed for a tortious, malicious, or illegal purpose, or for purposes of direct or indirect commercial advantage or private commercial gain—

"(A) a fine under this title or imprisonment for not more than 1 year, or both, in the case of a first offense under this subparagraph; or

"(B) a fine under this title or imprisonment for not more than 2 years, or both, for any second or subsequent offense; and

"(2) in any other case where the offense is committed recklessly or intentionally, a fine of not more than $5,000 or imprisonment for not more than 6 months, or both.

"(f) CIVIL DAMAGES.—

"(1) IN GENERAL.—Any person aggrieved by any act of a person in violation of subsections (a) or (d) may in a civil action recover from such person appropriate relief.

"(2) RELIEF.—In an action under this subsection, appropriate relief includes—

"(A) such preliminary and other equitable or declaratory relief as may be appropriate;

"(B) damages under paragraph (3) and punitive damages in appropriate cases; and

"(C) a reasonable attorney's fee and other litigation costs reasonably incurred.

"(3) COMPUTATION OF DAMAGES.—The court may assess as damages whichever is the greater of—

"(A) the sum of the actual damages suffered by the plaintiff and any profits made by the violator as a result of the violation; or

"(B) statutory damages in the amount of $5,000.

"(4) LIMITATION.—A civil action under this subsection shall not be commenced later than 2 years after the date upon which the plaintiff first knew or should have known of the violation.

"(g) DEFENSE.—It shall be a complete defense against any civil or criminal action brought under this chapter that the defendant acted in good faith reliance upon a court warrant or order, grand jury or trial subpoena, or statutory authorization.

"§ 2803. Reporting requirements

"(a) IN GENERAL.—In reporting to the Administrative Office of the United States Courts as required under section 2519(2) of this title, the Attorney General, an Assistant Attorney General specially designated by the Attorney General, the principal prosecuting attorney of a State, or the principal prosecuting attorney of any political subdivision of a State, shall report on the number of orders and extensions served on key holders to obtain access to decryption keys or decryption assistance.

"(b) REQUIREMENTS.—The Director of the Administrative Office of the United States Courts shall include as part of the report transmitted to the Congress under section 2519(3) of this title, the number of orders and extensions served on key holders to obtain access to decryption keys or decryption assistance and the offenses for which the orders were obtained.

"§ 2804. Unlawful use of encryption to obstruct justice

"Whoever willfully endeavors by means of encryption to obstruct, impede, or prevent the communication of information in furtherance of a felony which may be prosecuted in a court of the United States, to an investigative or law enforcement officer shall—

"(1) in the case of a first conviction, be sentenced to imprisonment for not more than 5 years, fined under this title, or both; or

"(2) in the case of a second or subsequent conviction, be sentenced to imprisonment for not more than 10 years, fined under this title, or both.

"§ 2805. Freedom to sell encryption products

"(a) IN GENERAL.—It shall be lawful for any person within any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States, to sell in interstate commerce any encryption, regardless of encryption algorithm selected, encryption key length chosen, or implementation technique or medium used.

"(b) CONTROL OF EXPORTS BY SECRETARY OF COMMERCE.—

"(1) GENERAL RULE.—Notwithstanding any other law, subject to paragraphs (2), (3), and (4), the Secretary of Commerce shall have exclusive authority to control exports of all computer hardware, software, and technology for information security (including encryption), except computer hardware, software, and technology that is specifically designed or modified for military use, including command, control, and intelligence applications.

"(2) ITEMS NOT REQUIRING LICENSES.—No validated license may be required, except pursuant to the Trading With The Enemy Act or the International Emergency Economic Powers Act (IEEPA) (but only to the extent that the authority of the IEEPA is not exercised to extend controls imposed under the Export Administration Act of 1979), for the export or reexport of—

"(A) any software, including software with encryption capabilities, that is—

"(i) generally available, as is, and designed for installation by the purchaser; or

"(ii) in the public domain or publicly available because it is generally accessible to the interested public in any form; or

"(B) any computing device solely because it incorporates or employs in any form software (including software with encryption capabilities) exempted from any requirement for a validated license under subparagraph (A).

"(3) SOFTWARE WITH ENCRYPTION CAPABILITIES.—The Secretary of Commerce shall authorize the export or reexport of software with encryption capabilities for nonmilitary end-uses in any country to which exports of software of similar capability are permitted for use by financial institutions not controlled in fact by United States persons, unless there is substantial evidence that such software will be—

"(A) diverted to a military end-use or an end-use supporting international terrorism;

"(B) modified for military or terrorist end-use; or

"(C) reexported without requisite United States authorization.

"(4) HARDWARE WITH ENCRYPTION CAPABILITIES.—The Secretary shall authorize the export or reexport of computer hardware with encryption capabilities if the Secretary determines that a product offering comparable security is commercially available from a foreign supplier without effective restrictions outside the United States.

"(5) DEFINITIONS.—As used in this subsection—

"(A) the term 'generally available' means, in the case of software (including software with encryption capabilities), software that is widely offered for sale, license, or transfer including, but not limited to, over-the-counter retail sales, mail order transactions, phone order transactions, electronic distribution, or sale on approval;

"(B) the term 'as is' means, in the case of software (including software with encryption capabilities), a software program that is not designed, developed, or tailored by the software company for specific purchasers, except that such purchasers may supply certain installation parameters needed by the software program to function properly with the purchaser's system and may customize the software program by choosing among options contained in the software program;

"(C) the term 'is designed for installation by the purchaser' means, in the case of software (including software with encryption capabilities)—

"(i) the software company intends for the purchaser (including any licensee or transferee), who may not be the actual program user, to install the software program on a computing device and has supplied the necessary instructions to do so, except that the company may also provide telephone helpline services for software installation, electronic transmission, or basic operations; and

"(ii) that the software program is designed for installation by the purchaser without further substantial support by the supplier;

"(D) the term 'computing device' means a device which incorporates one or more microprocessor-based central processing units that can accept, store, process, or provide output of data; and

"(E) the term 'computer hardware', when used in conjunction with information security, includes, but is not limited to, computer systems, equipment, application-specific assemblies, modules, and integrated circuits.".

(b) TECHNICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 33, the following new item:

"122. Encrypted wire and electronic communications .... 2801".

SEC. 6. INTELLIGENCE ACTIVITIES.

(a) CONSTRUCTION.—Nothing in this Act or the amendments made by this Act constitutes authority for the conduct of any intelligence activity.

(b) CERTAIN CONDUCT.—Nothing in this Act or the amendments made by this Act shall affect the conduct, by officers or employees of the United States Government in accordance with other applicable Federal law, under procedures approved by the Attorney General, or activities intended to—

(1) intercept encrypted or other official communications of United States executive branch entities or United States Government contractors for communications security purposes;

(2) intercept radio communications transmitted between or among foreign powers or agents of a foreign power as defined by the Foreign Intelligence Surveillance Act of 1978; or

(3) access an electronic communication system used exclusively by a foreign power or agent of a foreign power as defined by the Foreign Intelligence Surveillance Act of 1978.

ENCRYPTED COMMUNICATIONS PRIVACY ACT OF 1996—SUMMARY

Sec. 1. Short Title. The Act many be cited as the "Encrypted Communications Privacy Act of 1996."

Sec. 2. Purpose. The Act would ensure that Americans have the maximum possible choice in encryption methods to protect the security, confidentiality and privacy of their lawful wire and electronic communications. For those Americans who choose an encryption method in which another person, called a "key holder," is voluntarily entrusted with the decryption key, the Act would establish privacy standards for the key holder, and procedures for law enforcement officers to follow to obtain assistance from the key holder in decrypting encrypted communications.

Sec. 3. Findings. The Act enumerates fifteen congressional findings, including that a secure, private and trusted national and global information infrastructure is essential to promote citizens' privacy and meet the needs of both American citizens and businesses, that encryption technology widely available worldwide can help meet those needs, that Americans should be free to use, and American businesses free to compete and sell, encryption technology, programs and products, and that there is a need to develop a national encryption policy to advance the global information infrastructure and preserve Americans' right to privacy and the Nation's public safety and national security.

Sec. 4. Freedom to Use Encryption

(a) Lawful Use of Encryption. The Act legislatively confirms current practice in the United States that any person in this country may lawfully use any encryption method, regardless of encryption algorithm, key length or implementation selected. The Act thereby prohibits any government-mandated use of any particular encryption system, such as a key escrow encryption system.

The Act further makes lawful the use of any encryption method by United States persons in a foreign country. This provision is consistent with, though broader than, the Department of State's new personal use exemption published in the Federal Register on February 16, 1996, that permits the export of cryptographic products by U.S. citizens and permanent residents who have the need to temporarily export the cryptographic products when leaving the U.S. for brief periods of time. For example, under this new exemption, U.S. citizens traveling abroad will be able to take their laptop computers containing copies of Lotus Notes software, many versions of which contain an encryption program otherwise not exportable.

(b) General Constructions. Nothing in the Act is to be construed to require the use of encryption, a key escrow encryption system, or a key holder if a person chooses to use a key escrow encryption system.

Sec. 5. Encrypted wire and electronic communications. This section of the Act adds a new chapter 122, entitled "Encrypted Wire and Electronic Communications," to title 18 of the United States Code to establish privacy standards for key holders and to set forth procedures that law enforcement officers must follow to obtain decryption assistance from key holders.

(a) In General. New chapter 122 has five sections.

§2801. Definitions. Generally, the terms used in the new chapter have the same meanings as in the federal wiretap statute in 18 U.S.C. §2510. Definitions are provided for "encryption", "key holder", "decryption key", and "decryption assistance". A "key holder" may, but is not required to be, a Federal agency.

This chapter applies only to wire or electronic communications and communications in electronic storage, as defined in 18 U.S.C. §2510, and not to stored electronic data. For example, encrypted electronic mail messages, encrypted telephone conversations, encrypted facsimile transmissions, encrypted computer transmissions and encrypted file transfers over the Internet would be covered, but not encrypted data merely stored on computers.

§2802. Prohibited acts by key holders

(a) Unauthorized release of key.—Key holders will be subject to both criminal and civil liability for the unauthorized release of decryption keys or providing unauthorized decryption assistance.

(b) Authorized release of key.—Key holders are authorized to release decryption keys or provide decryption assistance with the consent of the key owner, as may be necessary for the holding or management of the key, or to investigative or law enforcement officers upon compliance with the procedures set forth in subsection (c).

(c) Requirements for release of decryption key to investigative or law enforcement officer.—To obtain access to a decryption key or decryption assistance from a key holder, an investigative or law enforcement officer must present to the key holder the same form of lawful process used to obtain access to the encrypted content. For example, to obtain the decryption key to, or decryption assistance for, an encrypted telephone conversation that is the subject of a court-ordered wiretap under 18 U.S.C. §2518, a law enforcement agent must present a court order to the key holder to obtain the decoding key. Likewise, to obtain the decryption key to, or decryption assistance for, an encrypted stored wire or electronic communication, a law enforcement officer must present a court warrant, order, subpoena or certification, depending upon what process was used to obtain access to the stored communication.

Key holders may only provide the minimal key release or decryption assistance needed to access the particular communications specified by court order or other legal process. Released keys or other decryption assistance may only be used in the manner and for the purpose and duration expressly provided by court order or other legal process.

A key holder who fails to provide the decryption key or decryption assistance called for in the court order, subpoena or other lawful process may be penalized under current contempt or obstruction laws.

(d) Records or other information held by key holders.—Key holders are prohibited from disclosing records or other information (not including decryption keys) pertaining to key owners, except with the owner's consent or to an investigative or law enforcement officer, pursuant to a subpoena, court order or other lawful process.

(e) Criminal penalties.—Key holders who violate this section for a tortious, malicious or an illegal purpose, or for direct or indirect commercial advantage or private commercial gain, will be subject to a fine and up to 1 year imprisonment for a first offense, and fine and up to 2 years' imprisonment for a second offense. Other reckless and intentional violations would subject the key holder to a fine of up to $5,000 and up to 6 months' imprisonment.

(f) Civil damages.—Persons aggrieved by key holder violations may sue for injunctive relief, and actual damages or statutory damages of $5,000, whichever is greater.

(g) Defense.—A complete defense is provided if the defendant acted in good faith reliance upon a court order, warrant, grand jury or trial subpoena or statutory authorization.

§2803. Reporting requirements. The Attorney General is required to include in her report to the Administrative Office of the U.S. Courts under 18 U.S.C. §2519(2), the number of orders and extensions served on key holders to obtain access to decryption keys or decryption assistance. The Director of the Administrative Office of the U.S. Courts is required to include this information, and the offenses for which the orders were obtained, in the report to Congress under 18 U.S.C. §2519(3).

§2804. Unlawful use of encryption to obstruct justice. Persons who willfully use encryption in an effort and for the purpose of obstructing, impeding, or prevent the communication of information in furtherance of a federal felony crime to a law enforcement officer, would be subject to a fine and up to 5 years' imprisonment for a first offense, and up to 10 years' imprisonment for a second or subsequent offense.

§2805. Freedom to sell encryption products

(a) In general.—The Act, legislatively confirms that it is lawful to sell any encryption, regardless of encryption algorithm, key length or implementation used, domestically in the United States or its territories.

(b) Control of exports by Secretary of Commerce.—Notwithstanding any other law, the Act vests the Secretary of Commerce with control of exports of hardware, software and technology for information security, including encryption for both communications and other stored data, except when the hardware, software or technology is specifically designed or modified for military use.

No export license may be required for encryption software and hardware with encryption capabilities that is generally available, including mass market products (i.e., those generally available, sold "as is", and designed for installation by the purchaser) or encryption in the public domain and generally accessible. For example, no licenses would be required for encryption products commercially available without restriction and sold "as is", such as Netscape's commercially available World Wide Web Browser, which cannot be exported. Similarly, no license would be required to export software and corresponding hardware placed in the public domain and generally accessible, such as Phil Zimmerman's Pretty Good Privacy program, which has been distributed to the public free of charge via the Internet.

In addition, the Secretary of Commerce must authorize the export of encryption software to commercial users in any country to which exports of such software has been approved for use by foreign financial institutions, except when there is substantial evidence that the software will be diverted or modified for military or terrorists' end-use or re-exported without requisite U.S. authorization. Finally, the Secretary of Commerce must authorize the export of computer hardware with encryption capabilities if the Secretary determines that a product with comparable security is commercially available from foreign suppliers without effective restrictions outside the United States.

Significantly, the government is authorized to continue controls on countries that pose terrorism concerns, such as Libya, Syria and Iran, or other embargoes countries, such as Cuba and North Korea, pursuant to the Trading With the Enemy Act or the International Emergency Economic Powers Act.

(b) Technical Amendment. The Act adds new chapter 122 and the new title in the table of chapters in title 18 of the United States Code.

Sec. 6. Intelligence activities. The Act does not authorize the conduct of intelligence activities, nor affect the conduct by Federal government officers or employees in intercepting (1) encrypted or other official communications of Federal executive branch or Federal contractors for communications security purposes; (2) radio communications between or among foreign powers or agents, as defined by the Foreign Intelligence Surveillance Act (FISA); or (3) electronic communication systems used exclusively by foreign powers or agents, as defined by FISA.

MURRAY HILL, NJ,
March 1, 1996.

Hon. PATRICK LEAHY,
U.S. Senate.

DEAR SENATOR LEAHY: Thank you for introducing the Encrypted Communications Privacy Act of 1996. As a member of the computer security and cryptology research community, I have observed firsthand the deleterious effect that the current regulations governing the use and export of cryptography are having on our country's ability to develop a reliable and trustworthy information infrastructure. Your bill takes an important first step toward creating regulations that reflect the modern realities of this increasingly critical technology.

Unlike previous government encryption initiatives such as the technically-flawed and unworkable "Clipper" chip, your bill reaffirms the role of the marketplace in providing ordinary citizens and businesses with a full range of choices for securing their private information. In particular by freeing mass-market cryptographic software and hardware from the burdensome export controls that govern the international arms trade, the bill will help the American software industry compete, for the first time, in the international market for high-quality security products.

Law enforcement need not fear the widespread availability of encryption; indeed, they should welcome and promote it. Encryption thwarts electronic predators by preventing unauthorized access to private data and computer systems, and the use of strong cryptography to protect computer networks is becoming as natural and necessary as the use of locks and burglar alarms to protect our homes and businesses. While criminals, too, might occasionally derive some advantage from the use of cryptography, the benefits of widely-available encryption technology overwhelmingly favor the honest user. By recognizing that those who hold decryption keys on behalf of others are in a special position of trust, your bill is respectful of the privacy of law-abiding citizens without introducing impediments to the government's ability to investigate and prevent crime.

I have also examined the new provision designed to discourage the use of cryptography by criminals in the furtherance of a felony, and hope to see your carefully-worded language reinforced by a narrow interpretation in the courts, consistent with your intent.

Again, thank you for your continued leadership in this area, and I look forward to doing whatever I can to help you bring encryption regulations in line with the fast-changing reality of this emerging technology.

Sincerely,

MATT BLAZE.

March 1, 1996.

Hon. PATRICK LEAHY,
U.S. Senate.

DEAR SENATOR LEAHY: I would like to thank you for introducing the Encrypted Communications Privacy Act. As a member of the computer and information security research community, I am keenly aware of the vital role of cryptography in fostering the development of our information infrastructure.

As the author of the book, "Applied Cryptography", I have unusual insights into the absurdity of cryptography export restrictions. It is not without irony that one may export my book in paper format, but not electronically. Presumably no rational person believes that the current restrictions actually prevent the spread of cryptography. I believe you recognize this, as evidenced from the strong stance taken in your bill.

As the bill recognizes, we can no longer afford to hold on to the obsolete notion that cryptography is the sole province of government communications; the growth of modern networks has irrevocably pushed it into the mainstream. I applaud your leadership towards codifying these principles in a balanced and responsible way. In particular, the bill:

Removes the regulatory strangle-hold that has encumbered the development of mass-market security solutions; Recognizes the futility of applying regulations intended to control the international arms trade to even the most mundane and commonly available software; Encourages public confidence in encryption by allowing the marketplace to provide a full range of choices for privacy and security needs; Recognizes the special obligations of keyholders to be vigilant in safeguarding the information entrusted to them, without imposing hurtles on the use of cryptography; Allows the United States to continue its leadership role as a technological innovator; Acknowledges the pivotal role of cryptography in electronic commerce.

I continue to have concerns that the new criminal obstruction provision will discourage law abiding citizens from using cryptography. I hope that legislative history and further discussion will demonstrate the narrow intent of this crime.

Overall, your bill takes very necessary strides towards ensuring that the protections we take for granted in traditional media keep pace with technology, and I commend your efforts.

Sincerely,

BRUCE SCHNEIER.

BUSINESS SOFTWARE ALLIANCE,
Washington, DC, March 4, 1996.

Hon. PATRICK J. LEAHY,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR LEAHY: As President of the Business Software Alliance (BSA), I am writing to express our strong support for the Encryption Communications Privacy Act of 1996 which I understand you will introduce tomorrow. BSA represents the leading publishers of software for personal computers and the client server environment including Adobe, Autodesk, Bentley, Lotus Development, Microsoft, Novell, Sybase, Symantec and the Santa Cruz Operation.

We have had an opportunity to review the legislation and find it a significant step toward placing the U.S. software industry on a level playing field with our foreign competitors. Currently, we are only allowed to export weak (40-bit) encryption. Your legislation would allow us to export generally available software which offers security at prevailing world levels. While many would prefer export restrictions being lifted in their entirety, this legislation at least would place us on an equal footing with our foreign competitors which is critical to the continued success of the U.S. software industry in the global market place.

As you well know, today, America's software industry is the envy of the world. U.S. software companies hold an estimated 75% worldwide market share for mass market software with exports accounting for more than one-half of revenues for our companies. According to a 1993 study by Economists Inc., the American mass market software industry was the fastest growing industry in the U.S. between 1982 and 1992 and had become larger than all but five manufacturing industries. This translates into jobs here in the U.S.

The continued growth and success of our industry is directly threatened by existing U.S. government export controls. For that reason, our companies have consistently made this one of its top policy issues. As importantly, the availability of easy to use, affordable encryption will be essential to the successful development of the Global Information Infrastructure (GII). As more and more transactions are being done on-line, consumers are increasingly demanding software with strong encryption capabilities. In two studies, 90% of the respondents believe information security is important. In one study 37% of the respondents said that they would consider purchasing foreign software with otherwise less desirable features if that software offered data security not available in a U.S. program. Additionally, a recent study shows there are nearly 500 foreign encryption products from 28 countries currently available. U.S. export restrictions simply put U.S. industry at a competitive disadvantage. Your bill would address this issue by allowing U.S. industry to export generally available software with strong security features.

As you may know, the Administration has attempted to address this issue with a "64-bit key escrow encryption proposal." Under that proposal, in order to be allowed to export software with strong security features, U.S. industry would be required to build a back door into the program with a spare key held by a U.S. government certified agent. After careful and serious deliberation by our members, we concluded that the Administration's approach is fatally flawed and cannot be the basis for progress in this area. We simply have not found a market for such a product. Any resolution must be market driven. Your bill takes a very different approach. It reaffirms Americans right to chose the encryption they use, either with key escrow or without. For those who chose voluntarily to use key holders, your legislation provides standards so that their privacy is not violated. Your legislation allows the market to work. We wholeheartedly endorse this market driven approach.

The digital information age and the Global Information Infrastructure present opportunities and challenges to computer users concerned about privacy at home and in their businesses, as well as for the U.S. government. From that point of view, we are all in a similar position. Information security policies for the electronic world are fundamental to the success of the GII and we are pleased to support your legislation which is pro-market, pro-competition, pro-privacy and pro-progress.

We look forward to working with you toward the enactment of this legislation.

Sincerely,

ROBERT W. HOLLEYMAN II,
President.

Mrs. MURRAY. Mr. President, I am pleased to join Senator LEAHY today as an original cosponsor of the Encrypted Communications Privacy Act. Senator LEAHY is truly a leader on this issue, and I've had the pleasure of working on encryption policy with him over the past 3 years. I'm excited to once again join him in this effort to make sense out of our national export control policies, and to promote export opportunities for American software and hardware producers.

As many of my colleagues know, with help from Congresswoman Cantwell in the 103d Congress, I was able to persuade the administration to study the extent to which U.S. companies are stymied by our country's current encryption and export control policies.

The Department of Commerce released that report last month. And let me just say that there are some findings in this report that we should be aware of, and concerned about. For instance, the report acknowledges there are tremendous international growth opportunities for software exporters in the next 5 to 10 years. Unfortunately, the report also finds that most U.S. companies don't pursue international sales because our export control laws are too cost prohibitive.

Mr. President, there are legitimate national security concerns underpinning the Export Administration Act. However, these outdated laws are no longer relevant to the post-cold-war world we now lived in. Today's national security controls should target those items that really need to be controlled in order to maintain national security. Simply, they should make better sense; it doesn't make sense to tell a U.S. software producer they can't export a product that is already widely available on the world market.

Senator LEAHY'S bill seeks a balanced approach to implementing viable, safe, and secure encryption technology on both domestically sold products and exported products. It protects our privacy concerns, and it lays out the appropriate procedures law enforcement officials should use when obtaining encrypted materials. And, most important, it protects industry ingenuity and prohibits mandatory key escrow.

Mr. President, I introduced the Commercial Export Administration Act in the 103d Congress. I am pleased Senator LEAHY is incorporating my language into his bill. My language reduces regulatory redtape and makes it easier to export generally available mass-marketed commercial software. Washington State is home to some of the most innovative software producers in the world, and they are eager to export their goods. Unfortunately, our export controls keep Washington State's companies from penetrating the world market. Senator LEAHY'S bill, however will fix this problem.

We are hearing a lot on the Presidential campaign trail about the damage that comes from trade—how trade hurts our economy and our workers. That's nonsense. My Washington State friends and neighbors know full-well that trade is essential to our State's success. One out of every five jobs in Washington State is trade related; and these are highly skilled, family wage jobs that pay 15 percent higher than the national average. Moreover, Washington State's small- and mid-sized high-technology companies provided over 98,000 jobs in 1995.

Mr. President, I mention this because our bill will increase exports and enable our high-technology companies to grow further. Higher growth means more jobs—plain and simple. A recent study revealed that in 1995 U.S. exporters lost $60 billion in international sales, and it estimates the industry will lose 200,000 potential jobs by the year 2000. Given the increase in international competition, we can no longer afford to persist in holding U.S. companies back from potential world sales.

This legislation makes good sense. First and foremost, it ensures every American's right to use any appropriate encryption available on the market. It also sets out necessary guidelines that should accompany any policy regarding the use of key escrow. And finally, it paves the way for new, streamlined export policies.

Mr. President, this legislation is badly needed, and I urge my colleagues to join Senator LEAHY and me in supporting it.

By Mr. STEVENS:

S. 1588. A bill to authorize the Secretary of Transportation to issue a certificate of documentation and coastwise trade endorsement for the vessel *Kalypso;* to the Committee on Commerce, Science, and Transportation.

JONES ACT WAIVER LEGISLATION

• Mr. STEVENS. Mr. President, today I am introducing a bill to provide a certificate of documentation for the vessel *Kalypso.*

The *Kalypso* (vessel number 566349) is a 36-foot recreational vessel owned by Ronald Kent of Anchorage, AK. It was built in Largo, FL, in 1974. The vessel was apparently at one time owned by a non-U.S. citizen, and it is therefore ineligible for documentation under the Jones Act. Mr. Kent intends to use the vessel for charter fishing and sightseeing in Prince William Sound, AK.

I ask unanimous consent that this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1588

Be it enacted by the Senate and House of Representatives of the United States of America in

Congress assembled, That notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsements for employment in the coastwise trade for the vessel Kalypso (vessel number 566349).●

By Mr. GORTON (for himself and Mr. LIEBERMAN):

S. 1589. A bill to provide for a rotating schedule for regional primaries for Presidential elections, and for other purposes; to the Committee on Rules and Administration.

THE PRESIDENTIAL PRIMARY ACT OF 1996

Mr. GORTON. Mr. President, reacting to a proposal which I am about to introduce in bill form, a columnist and cartoonist on the Seattle Post Intelligencer wrote, in yesterday's edition of that newspaper:

> My English friend, Carolyn, having recently arrived in the United States from London, asked me to explain how Americans decide who will be their President.
>
> We were at a social occasion just before I headed up to New Hampshire to witness the process firsthand. The longer I rambled on, detailing the haphazard series of primaries and caucuses, the influence of media expectations and money, the nearly endless campaigns that begin almost as soon as the winner of the previous round has been inaugurated, the more I thought how bizarre it must sound to a person from another country. . .
>
> To the extent that the word "system" implies rationality and forethought, we really do not have a system for choosing nominees for president of the United States.

This bill also reflects a cartoon that this same individual had in the newspaper about 3 or 4 weeks ago. In that cartoon, several of the Founding Fathers, Benjamin Franklin, Thomas Jefferson, and Alexander Hamilton are "Brainstorming at the Constitutional Convention." Ben Franklin turns to his colleagues in jest and rattles off an idea for a Presidential election system, with the following statement:

> "The President shall be chosen from among those persons who can hone complex ideas into simplistic sound bites, defame the character of their opponents, hide their own blemishes from an intrusive swarming press corps and"—get this!—"win the most votes from a tiny number of citizens in a remote corner of New England!"

While this was simply a newspaper cartoon figure, it nonetheless comes all too close to describing the way in which we pick nominees for President of the United States at the present time.

A relatively small handful of voters in two or three States are wooed for more than a year while the rest of the country is ignored, and the influence of their votes, or even their sound bites on radio and on television, has a disproportionate impact on the way in which we nominate our Presidents. At the same time, it means that the candidates must have very narrow platforms, appealing to this not highly representative group of American citizens.

It also has the paradox, or had the paradox this year, of requiring major candidates to ignore States that somehow or another are deemed to be less influential. We saw an example this year when most of the candidates skipped primaries and caucuses in Louisiana and Delaware for fear of upsetting States that, for an extended period of time, had gone earlier than they did.

This is absolutely ridiculous, and we need a new and better system. We need a system that empowers and enfranchises all of the citizens of the United States equally; that treats the nominating process in both parties as being vitally important to the future of democratic institutions in the United States; that does so fairly; that causes the campaigns to speak about major national and regional issues on a much broader focus than they have at the present time. So, this is the time, it seems to me, when all of this is green in our memories, that we should begin the process toward a new system.

As a consequence, the bill that I am introducing today, together with my distinguished friend and colleague, the junior Senator from Connecticut [Mr. LIEBERMAN], creates a simple system of regional primaries. There will be four regions, each including either 12 or 13 States, all required to hold primaries respectively on the first Tuesday in March—incidentally, today—the first Tuesday in April, and in May, and then in June, with the regions rotating first position, second position, third position, fourth position over four cycles, or 16 years. So the people in each region would go first once every four Presidential elections and last every fourth Presidential election.

The delegates would be bound for at least two ballots on the vote for the candidate to carry their State, or their congressional district, and leave the rules as to how the votes are divided to be determined by each individual State.

So the people of each State will have an equal opportunity to participate in and to influence the nomination in that process. Instead of 4 or 5 percent of the people of the United States having a disproportionate impact on the outcome, all of the people of the United States will have an equal opportunity, and, equally significant, the candidates for President will have had the campaign in all corners of the United States and in every State to be affected.

I believe, Mr. President, it will probably give a slightly greater advantage to those candidates who are not independently wealthy or do not have huge campaign chests because, with 12 or 13 primaries going on at the same time, they could attempt to establish a niche in one or two or three of those States and become well known, win one or two, and be major candidates by the time the second round comes around.

Not at all incidentally, Mr. President, it would place the nomination process a little bit closer to the national convention, and that perhaps would slightly shorten the entire process.

I think, in summary, Mr. President, that we should do everything we possibly can to improve the nomination system for President and see to it that all of our people have equal opportunity to participate.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1589

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Presidential Primary Act of 1996".

SEC. 2. DEFINITION.

For purposes of this Act—

(1) the term "election year" means a year during which a Presidential election is to be held;

(2) the term "national committee" means the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the national level, as determined by the Federal Election Commission;

(3) the term "political party" means an association, committee, or organization which—

(A) nominates a candidate for election to any Federal office whose name appears on the election ballot as the candidate of such association, committee, or organization; and

(B) won electoral votes in the preceding Presidential election;

(4) the term "primary" means a primary election held for the selection of delegates to a national Presidential nominating convention of a political party, but does not include a caucus, convention, or other indirect means of selection; and

(5) the term "State committee" means the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the State level, as determined by the Federal Election Commission.

SEC. 3. SCHEDULE.

(a) SCHEDULE.—

(1) FIRST ELECTION CYCLE.—In the first election year after the date of enactment of this Act, each State shall hold a primary in accordance with this Act, according to the following schedule:

(A) REGION I.—Each State in Region I shall hold its primary on the first Tuesday in March.

(B) REGION II.—Each State in Region II shall hold its primary on the first Tuesday in April.

(C) REGION III.—Each State in Region III shall hold its primary on the first Tuesday in May.

(D) REGION IV.—Each State in Region IV shall hold its primary on the first Tuesday in June.

(2) SUBSEQUENT ELECTION CYCLES.—

(A) GENERAL RULE.—Except as provided in subparagraph (B), in the second and each subsequent election year after the date of enactment of this Act, each State in each region shall hold its primary on the first Tuesday of the month following the month in which it held its primary in the preceding election year.

(B) LIMITATION.—If the States in a region were required to hold their primaries not earlier than the first Tuesday in June of the preceding year, such States shall hold their primaries on the first Tuesday in March of the succeeding election year.

(b) REGIONS.—For purposes of subsection (a):

(1) REGION I.—Region I shall be comprised of the following:

(A) Connecticut.
(B) Delaware.
(C) District of Columbia.
(D) Maine.
(E) Maryland.
(F) Massachusetts.
(G) New Hampshire.
(H) New Jersey.
(I) New York.
(J) Pennsylvania.
(K) Rhode Island.
(L) Vermont.
(M) West Virginia.

(2) REGION II.—Region II shall be comprised of the following:

(A) Alabama.
(B) Arkansas.
(C) Florida.
(D) Georgia.
(E) Kentucky.
(F) Louisiana.
(G) Mississippi.
(H) North Carolina.
(I) Oklahoma.
(J) South Carolina.
(K) Tennessee.
(L) Texas.
(M) Virginia.

(3) REGION III.—Region III shall be comprised of the following:

(A) Illinois.
(B) Indiana.
(C) Iowa.
(D) Kansas.
(E) Michigan.
(F) Minnesota.
(G) Missouri.
(H) Nebraska.
(I) North Dakota.
(J) Ohio.
(K) South Dakota.
(L) Wisconsin.

(4) REGION IV.—Region IV shall be comprised of the following:

(A) Alaska.
(B) Arizona.
(C) California.
(D) Colorado.
(E) Hawaii.
(F) Idaho.
(G) Montana.
(H) Nevada.
(I) New Mexico.
(J) Oregon.
(K) Utah.
(L) Washington.
(M) Wyoming.

(5) TERRITORIES.—The national committees shall jointly determine the region of each territory of the United States.

SEC. 4. QUALIFICATION FOR BALLOT.

(a) CERTIFICATION BY FEDERAL ELECTION COMMISSION.—The Federal Election Commission shall certify to the States in the relevant region the names of all seriously considered candidates of each party—

(1) for the first primary in the election year, not later than 6 weeks before such primary; and

(2) in the subsequent primaries in the election year, not later than 1 week after the preceding primary in that election year.

(b) STATE PRIMARY BALLOTS.—Each State shall include on its primary ballot—

(1) the names certified by the Federal Election Commission; and

(2) any other names determined by the appropriate State committee.

SEC. 5. VOTING AT NATIONAL PARTY CONVENTIONS BY STATE DELEGATES.

(a) IN GENERAL.—Each State committee shall establish a procedure for the apportionment of delegates to the national Presidential nominating convention of each political party based on 1 of the following models:

(1) WINNER-TAKE-ALL.—A binding, winner-take-all system in which the results of the primary bind each member of the State delegation or Congressional district delegation (or combination thereof) to the national convention to cast his or her vote for the primary winner in the State.

(2) PROPORTIONATE PREFERENCE.—A binding proportionate representation system in which the results of the State primary are used to allocate members of the State delegation or Congressional district delegation (or combination thereof) to the national convention to Presidential candidates based on the proportion of the vote for some or all of the candidates received in the primary in the State.

(b) SELECTION OF DELEGATES.—

(1) SUBMISSION OF NAMES.—Not later than the date on which a candidate is certified on the ballot for a State, such candidate shall submit to the State committee, in priority order, a list of names of individuals proposed by the candidate to serve as delegates for such candidate.

(2) SELECTION.—Delegates apportioned to represent a candidate pursuant to the procedure established under subsection (a) shall be selected according to the list submitted by the candidate pursuant to paragraph (1).

(c) VOTING AT THE NATIONAL CONVENTIONS.—Each delegate to a national convention who is required to vote for the winner of the State primary under the system established under subsection (a) shall so vote for at least 2 ballots at the national convention, unless released by the winner of the State primary to which such delegate's vote is pledged.

SEC. 6. EFFECTIVE DATE.

This Act shall apply to the primaries in the year 2000 and in each election year thereafter.

By Mrs. MURRAY (for herself, Mr. LEAHY, Mr. BAUCUS, Mr. BUMPERS, and Mrs. FEINSTEIN):

S. 1590. A bill to repeal the emergency salvage timber sale program, and for other purposes; to the Committee on Energy and Natural Resources.

THE PUBLIC PARTICIPATION IN TIMBER SALVAGE ACT OF 1996

Mrs. MURRAY. Mr. President, I rise today to introduce legislation to correct serious problems with a law passed by this Congress at the beginning of last year. This law was intended to bypass environmental safeguards to speed up tree harvesting in national forests.

Mr. President, this law, commonly known as the salvage rider, has not worked. Instead, it has reopened old wounds in the Pacific Northwest, and sparked major controversy throughout the region. It has once again cast political uncertainty over working families, and blatantly cut regular people out of decisions over their own forests.

In short, what was billed as a commonsense approach to removing dead trees has turned out to be another case of legislative overkill on the environment.

Mr. President, it doesn't have to be this way. My bill will defuse a tense situation, provide certainty for workers, and restore a role for the public in forest management. Let me explain how.

The salvage rider has three problems: It allows large, old-growth timber sales previously declared illegal to be harvested without regard to fish and wildlife concerns; it could relegate the Northwest forest plan to the trash heap; and it cuts the public completely out of any final decision to harvest trees in national forests.

First, my bill resolves the old-growth issue by suspending timber sales commonly referred to as section 318 sales, and requiring the Forest Service to provide substitute timber volume or buy these sales back from the purchaser. In either case, the purchaser is held harmless, and so are the sensitive old-growth areas.

Second, my bill expedites implementation of the Northwest forest plan by making sure resources are available to complete recommended watershed analyses. The primary goal of this provision is to protect the scientific validity of option 9, so that timber sales can move ahead and private land owners can proceed with their habitat conservation plans.

This is a very important point: The State of Washington and every major timber land owner in the region are working on comprehensive habitat conservation plans. Every single one of these groups assume full implementation of option 9 as the basis of fish and wildlife protection in their own plans. If option 9 goes belly up, all of these habitat plans are worthless.

Third, my bill establishes a permanent, reasonable salvage program. The key work is permanent. I propose moving away from ad hoc forest planning by Congress, switching gears with every swing of the political pendulum. Instead, we should put a long-term program in place, something everyone can plan around, year in and year out.

Let me be very clear: This is not about salvage logging; this is about public input and accountability. Salvage logging is appropriate—and sometimes necessary—is done right. My bill sets up a program that allows the agencies to target salvage logging on an expedited basis when needed, under the full scrutiny of the public eye. If the agencies can defend their proposals, then they will go forward unimpeded.

Mr. President, I remember what it was like last spring. There was a new feeling in Congress; the people had called for change, so the leadership was running through bills left and right in the heat of the moment. A lot of things passed that might not have stood up under closer scrutiny, and this was one of them.

The irony here is thick: The salvage rider gave the Federal Government more power, and less accountability. As a result, the public has no say in how their own national forests are managed. I don't think the people wanted that kind of change.

People say this issue is too controversial to resolve, and that over the years it has become too polarized. To watch the debate, you might think that's true. Any person's idea is immediately rejected by someone else. And that may be the case with my bill. But if we keep rejecting everything, we will be left with nothing, except more chaos.

With all the controversy, people ask me, "why bother?" I'll tell you why: Because I care deeply about the Northwest. I care deeply about what government is saying to people about tough issues; more often than not, we're telling people that someone, somewhere, has to lose. That's not what I'm about. Most of all, I care deeply about the kind of legacy we're leaving for our children in this world.

We simply cannot continue the way of divide and conquer.

There are several ideas out there about how to proceed on this issue, from doing nothing at all, to repealing the salvage rider outright. My bill cuts a middle path. It says to workers: Salvage logging is something we should always be able to do. It says to conservationists: You will have an opportunity to hold the administration to its word. It says to large landowners: Your habitat planning efforts will pay off.

In my view, people ought to be willing to settle for this as a responsible approach.

Mr. President, I intend to pursue this matter on the continuing resolution when it comes before the full Senate. It is my understanding that the CR will contain limited language on this issue, but I do not believe it will solve the problem. I look forward to working with my colleagues.

Mr. President, I would also like to explain further some of the concepts contained in this bill.

REPLACEMENT VOLUME FOR SECTION 2001(K) SALES, SECTION 102(B)

The Secretary and contract holder/sale purchaser should immediately begin negotiations to locate alternative volume agreeable to both parties. Because these purchasers have owned these contracts for half a decade, the Secretary should make every effort to find and plan environmentally sound timber sales or modifications of the existing sale. The Secretary should direct agency personnel to make substitute volume a priority.

New sales or modifications of existing sales must comply with all applicable law, forest and regional plans, and standards and guidelines. Specifically, they must comply with the Northwest forest plan and, when developed, the plan—or plans—implementing the Interior Columbia Basin ecosystem management project. Furthermore, they must comply with Forest Service and BLM standards and guidelines, including PACFISH, INFISH, and Eastside screens.

BIDDING RIGHTS, SECTION 102(C)(2)

This bill contains provisions allowing for purchasers holding timber sale contracts for sales that do not comply with environmental or natural resource laws to exchange the value of those contracts for bidding credits. Such a concept has operated for mineral rights in at least two other natural resource laws—see Public Law 97–466, 96 Stat. 2540; and Public Law 96–401, 94 Stat. 1702.

This bill authorizes monetary credits based on the negotiated value of the purchaser's timber sale contract. The bidding credits extend to the purchaser and his or her successors and assigns to use in whole or part payment for future timber sales on Forest Service sales where the credits originated therefrom or on Bureau of Land Management sales, where the credits originated therefrom.

SALVAGE SALES INITIATED UNDER THE RIDER, SECTION 103(A)

Sales initiated under section 2001 (b) or (d) are all those begun since passage of the Emergency Timber Salvage Act, on July 27, 1995. Title III of this bill applies to sales where its provisions are timely. For example, if a sale has been advertised, this law does not require the agency to host an interdisciplinary team meeting with public participation. All sales that have not been awarded are subject to appeal under the provision of title III.

APPEAL OF AWARDED SALVAGE SALES, SECTION 103(B)

In section 103(b), I address sales that have been awarded to timber sale purchasers under the salvage and Northwest forest plan provisions of the rescissions bill. I give the public an opportunity to appeal immediately and thereby suspend sales that are causing environmental damage. The administration insists that it is complying with all environmental laws, and I want to give the public an opportunity to prove that is the case.

However, the agencies were required by the law at the time these sales were awarded—section 2001 of Public Law 104–19—to take procedural short cuts. I do not believe the purchasers should be denied their contract rights while the public challenges the agencies for obeying the law's procedural timelines. On the other hand, I do not want any sales that cause environmental harm to go forward. Thus, I try to strike a balance between these competing needs by limiting appeals to substantive complaints.

I understand that often substantive claims are raised in the context of procedural laws, such as the National Environmental Policy Act. Some courts have suggested that NEPA is a purely procedural statute. The term "procedural" in this bill is not meant to eliminate claims regarding environmental harm, even if they could be characterized as a purely procedural challenge. Let me give some examples.

Where an agency had documentation in which a biologist recommended a sale not go forward, but the agency allowed the sale to be awarded to a purchaser, then such documentation could be the basis for an appeal and would not be considered a procedural challenge. Another example would be where the agency went forward with a sale prior to obtaining the concurrence from the National Marine Fisheries Service or the U.S. Fish and Wildlife Service regarding whether an activity will or will not jeopardize a species under the Endangered Species Act. This should not be characterized as a procedural challenge. A final example would be that section 2001 of Public Law 109–14 required the agencies to, in their discretion, file only environmental assessments, not environmental impact statements. Because both EA's and EIS's should disclose the effects of a sale on the environment, a challenge could not be made simply because the agency published such information in an EA, rather than an EIS. However, if the documentation, no matter what its title, failed to disclose the effects on the environment, it would be open to challenge.

FUNDING TO IMPLEMENT TITLE III, SECTION 304

In this bill, the agencies are given discretion at the forest supervisor's and district manager's levels to combine several funds and accounts to implement this bill. The intent is to provide adequate funds for such activities as salvage timber sales, stewardship programs, watershed restoration, including road decommission, and data inventory and collection. This fund may not be used to carry out any activities that violate the forest plans, agency standards and guidelines, or the intent of this bill. This flexibility of funding will allow the agency to address critical salvage situations, correct an apparent agencywide problem with inadequate inventory of forest resources, and address a backlog of stewardship and restoration projects.

PILOT PROGRAM FOR HARVEST CONTRACTING, SECTION 306

The legislation authorizes a pilot program to change the way salvage timber sales are undertaken on Forest Service and BLM lands. The Forest Service currently sells timber by planning and preparing the sale, offering the sale to bidders, and administering the timber harvest. Harvest contracting or stewardship contracting is an alternative to the current method, entailing a two-step process: A timber harvest contract or contracts to cut and remove wood, and log sales from the collected and sorted wood.

There are several advantages to harvest contracting, including allowing the agencies to better implement ecosystem management, providing an opportunity to improve tree health without a large component of merchandise timber, eliminating below-cost timber sales, and reducing timber theft.

Specifically, harvest contracting would improve ecosystem management by basing contracts on the work performed and the resulting conditions of the forest. This would eliminate incentives for purchasers to inappropriately harvest large, lucrative trees. This pilot project encourages harvest so smaller, less valuable trees that have proliferated in many years of the West due to fire suppression and historic timber practices, such as highgrading. These young, dense stands are expensive to harvest, but many scientists believe it is important to remove them in order to restore health to timber stands.

The primary financial benefit is that gross timber sale revenues would be substantially higher because purchasers would not have road construction or logging costs—they would simply buy the wood from the log yard. Because the agencies may not be as efficient as a private enterprise, the agencies should consider contracting the log marketing business to a private business.

A secondary financial benefit would be the elimination of many opportunities for timber sale fraud and theft. Under harvest contracting, the scaling system would be eliminated and the contractor would not benefit from cutting trees designated to be left standing because of the fixed contract price and, in fact, might be penalized for not performing to contract specifications. That is why the bill contains a provision limiting the ability of the contractor who performs the contract from also selling the harvested wood.

Finally, this pilot project should benefit timber workers in several ways. First, salvage timber sales or thinning sales that were previously uneconomical to harvest would be offered, providing jobs for loggers and other resource experts. Second, timber companies would be purchasing wood after seeing its quality and knowing the exact board footage, rather than hypothesizing about the quantity of wood contained in a standing timber sale and not knowing how weather or timber markets might affect the ability to harvest or make a profit from the wood. Third, companies would not be subject to changes or delays in ability to harvest based on legal or political changes as they held long-term timber sale contracts; they would simply purchase wood.

While harvest contracting appears to offer many benefits from many different aspects, it remains untested on a large scale. This bill requires the Forest Service and BLM to establish pilot programs. This should provide guidance as to the feasibility, benefits, and drawbacks of the concept.

In addition, Senator MAX BAUCUS has introduced a bill, S. 1259, that also establishes a demonstration program to use stewardship contracting. The concepts contained in this bill were developed by a group of conservationists, forest product industry representatives, and community leaders. This should also offer guidance as how to implement this pilot program.

FOREST TIMBER STAND STUDY TITLE IV

The Forest Service has initiated a similar study to that required in this bill. The Western Forest Health Initiative should be used as a foundation for the requirements of this bill. There is no need for the agencies to be duplicative, rather this bill's provisions should be supplemental to the work done in the WFHI.

COLLABORATIVE DECISIONMAKING

Early drafts of this bill included use of collaborative decisionmaking. The concept was dropped from the bill because it was too difficult to described in legislative language. However, this decisionmaking process was very effective when it was used to plan and develop timber salvage sales after the wildfires of 1994 on the Wenatchee National Forest. The process was developed by Steve Daniels and Gregg Walker, of Oregon State University, as a tool to support ecosystem-based management of forest.

Collaborative learning is a framework designed for natural resource management situations that have the following features: Multiple parties and issues, deeply held values and cultural difference, scientific and technical uncertainty, and legal and jurisdictional constraints. The key notions that define collaborative learning are: Redefining the task away from solving a problem to one of improving a situation; viewing the situation as a set of interrelated systems; defining improvement as desirable and feasible change; recognizing that considerable learning about science, issues and value differences—will have to occur before implementable improvements are possible; and promoting working through the issues and perspectives of the situation.

Because of its success on the Wenatchee National Forest, I recommend the agencies consider use of collaborative decisionmaking procedures to increase valuable and productive participation by various interest parties.

By Mr. D'AMATO:

S.J. Res. 50. A joint resolution to disapprove the certification of the President under section 490(b) of the Foreign Assistance Act of 1961 regarding foreign assistance for Mexico during fiscal year 1996; to the Committee on Foreign Relations.

CERTIFICATION DISAPPROVAL LEGISLATION

Mr. D'AMATO. Mr. President, I rise today to introduce a joint resolution that disapproves of the administration's certification of Mexico. I am joined by my colleagues Senator HELMS, Senator MCCONNELL, and Senator PRESSLER in presenting this resolution and urge its immediate passage.

As a result of the amount of drugs that are found to have come into the United States through Mexico, we know that Mexico has failed to stem the international drug trade. If this administration does not want to recognize Mexico's failure, then it is up to Congress to do so. I will speak on this issue in more detail tomorrow. I encourage my colleagues to join us in this effort.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 50

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That pursuant to subsection (d) of section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j), Congress disapproves the determination of the President with respect to Mexico for fiscal year 1996 that is contained in the certification (transmittal no.) submitted to Congress by the President under subsection (b) of that section on , 1996.

ADDITIONAL COSPONSORS

S. 953

At the request of Mr. DOLE, the names of the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Michigan [Mr. ABRAHAM], and the Senator from Tennessee [Mr. FRIST] were added as cosponsors of S. 953, a bill to require the Secretary of the Treasury to mint coins in commemoration of black revolutionary war patriots.

At the request of Mr. CHAFEE, the names of the Senator from Wyoming [Mr. SIMPSON], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Virginia [Mr. ROBB], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 953, supra.

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. 953, supra.

S. 1028

At the request of Mrs. KASSEBAUM, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 1028, a bill to provide increased access to health care benefits, to provide increased portability of health care benefits, to provide increased security of health care benefits, to increase the purchasing power of individuals and small employers, and for other purposes.

S. 1039

At the request of Mr. ABRAHAM, the names of the Senator from Kentucky [Mr. McCONNELL] and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of S. 1039, a bill to require Congress to specify the source of authority under the United States Constitution for the enactment of laws, and for other purposes.

S. 1420

At the request of Mr. STEVENS, the names of the Senator from Illinois [Ms. MOSELEY-BRAUN] and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of S. 1420, a bill to amend the Marine Mammal Protection Act of 1972 to support International Dolphin Conservation Program in the eastern tropical Pacific Ocean, and for other purposes.

S. 1451

At the request of Mr. McCAIN, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 1451, a bill to authorize an agreement between the Secretary of the Interior and a State providing for the continued operation by State employees of national parks in the State during any period in which the National Park Service is unable to maintain the normal level of park operations, and for other purposes.

S. 1483

At the request of Mr. KYL, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 1483, a bill to control crime, and for other purposes.

S. 1506

At the request of Mr. ABRAHAM, the names of the Senator from Arizona [Mr. KYL] and the Senator from Missouri [Mr. BOND] were added as cosponsors of S. 1506, a bill to provide for a reduction in regulatory costs by maintaining Federal average fuel economy standards applicable to automobiles in effect at current levels until changed by law, and for other purposes.

S. 1548

At the request of Mrs. FEINSTEIN, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 1548, a bill to provide that applications by Mexican motor carriers of property for authority to provide service across the United States-Mexico international boundary line and by persons of Mexico who establish enterprises in the United States seeking to distribute international cargo in the United States shall not be approved until certain certifications are made to the Congress by the President and the Secretary of Transportation, and for other purposes.

S. 1553

At the request of Mr. McCAIN, the names of the Senator from Louisiana [Mr. JOHNSTON], the Senator from Ohio [Mr. DEWINE], the Senator from Wyoming [Mr. THOMAS], the Senator from Alaska [Mr. STEVENS], the Senator from Missouri [Mr. ASHCROFT], the Senator from Louisiana [Mr. BREAUX], and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of S. 1553, a bill to provide that members of the Armed Forces performing services for the peacekeeping effort in the Republic of Bosnia and Herzegovina shall be entitled to certain tax benefits in the same manner as if such services were performed in a combat zone.

SENATE JOINT RESOLUTION 18

At the request of Mr. HOLLINGS, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of Senate Joint Resolution 18, a joint resolution proposing an amendment to the Constitution relative to contributions and expenditures intended to affect elections for Federal, State, and local office.

SENATE JOINT RESOLUTION 49

At the request of Mr. KYL, the names of the Senator from North Carolina [Mr. HELMS] and the Senator from Michigan [Mr. ABRAHAM] were added as cosponsors of Senate Joint Resolution 49, a joint resolution proposing an amendment to the Constitution of the United States to require two-thirds majorities for bills increasing taxes.

SENATE RESOLUTION 133

At the request of Mr. HELMS, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of Senate Resolution 133, a resolution expressing the sense of the Senate that the primary safeguard for the well-being and protection of children is the family, and that, because the United Nations Convention on the Rights of the Child could undermine the rights of the family, the President should not sign and transmit it to the Senate.

SENATE RESOLUTION 152

At the request of Mr. ABRAHAM, the names of the Senator from Kentucky [Mr. McCONNELL] and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of Senate Resolution 152, a resolution to amend the Standing Rules of the Senate to require a clause in each bill and resolution to specify the constitutional authority of the Congress for enactment, and for other purposes.

SENATE RESOLUTION 224

At the request of Mr. D'AMATO, the names of the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Vermont [Mr. JEFFORDS], the Senator from Ohio [Mr. DEWINE], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of Senate Resolution 224, a resolution to designate September 23, 1996, as "National Baseball Heritage Day."

SENATE RESOLUTION 226

At the request of Mr. DOMENICI, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of Senate Resolution 226, a resolution to proclaim the week of October 13 through October 19, 1996, as "National Character Counts Week."

NOTICE OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Energy Research and Development.

The hearing will take place Wednesday, March 20, 1996, at 2 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 1077, a bill to authorize research, development, and demonstration of hydrogen as an energy carrier, and for other purposes, S. 1153, a bill to authorize research, development, and demonstration of hydrogen as an energy carrier, and a demonstration-commercialization project which produces hydrogen as an energy source produced from solid and complex waste for on-site use in fuel cells, and for other purposes, and H.R. 655 a bill to authorize the hydrogen research, development, and demonstration programs of the Department of Energy, and for other purposes.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Judy Brown or David Garman at (202) 224–8115.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce that a full committee hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place Thursday, March 14, 1996, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 1425, a bill to recognize the validity of rights-of-way granted under section 2477 of the Revised Statutes, and for other purposes. It will also address the Department of the Interior's July 29, 1994, proposed regulations regarding R.S. 2477 rights-of-way.

Those who wish to testify or to submit written testimony should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. Presentation of oral testimony is by committee invitation. For further information, please contact Jo Meuse or Brian Malnak at (202) 224–6730.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT AND THE DISTRICT OF COLUMBIA

Mr. COHEN. Mr. President, I wish to announce that the Subcommittee on Oversight of Government Management and the District of Columbia, Committee on Governmental Affairs, will hold a hearing on Friday, March 8, 1996, at 9:30 a.m., in room 342 of the Dirksen Senate Office Building, on oversight of governmentwide travel management.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 9:30 a.m. on Tuesday, March 5, 1996, in open session, to receive testimony on the Defense authorization request for fiscal year 1997 and the future years Defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on HUD Oversight and Structure, of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, March 5, 1996, to conduct a hearing on oversight of the Office of HEO and implementation of the 1992 Federal Housing Enterprises Safety and Soundness Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, March 5, 1996, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to consider the nominations of Thomas Paul Grumbly to the Under Secretary of Energy; Alvin L. Alm to be Assistant Secretary of Energy for Environmental Management; Charles William Burton and Christopher M. Coburn to be members of the Board of Directors of the U.S. Enrichment Corporation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENT AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Tuesday, March 5, at 9:30 a.m. for a hearing on S. 1376, the Corporate Subsidy Review, Reform and Termination Act of 1995.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, March 5, 1996, at 10 a.m. to hold a hearing on "A Decade Later: The Drug Price Competition and Patent Term Restoration Act."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. LOTT. Mr. President, The Committee on Veterans' Affairs asks unanimous consent to hold a joint hearing with the House Committee on Veterans' Affairs to receive the legislative presentation of the Veterans of Foreign Wars. The hearing will be held on March 5, 1996, at 9:30 a.m., in room 345 of the Cannon House Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

SUPPORT OF NATIONAL SPORTSMANSHIP DAY

• Mr. CHAFEE. Mr. President, today marks the sixth annual celebration of National Sportsmanship Day. Designed to promote ethics, integrity, and good sportsmanship in athletics, as well as in society as a whole, National Sportsmanship Day was established by the Institute for International Sport at the University of Rhode Island.

As my colleagues may recall, the Institute for International Sport gained national attention 3 years ago as the sponsor of the inaugural World Scholar-Athlete Games in Newport, RI. More than 1,600 student-athletes from 108 countries participated in athletic and scholastic competitions. In 1995, the institute sponsored the Rhode Island Scholar-Athlete Games, which served as a model for similar contests across the country.

Schools and colleges from across the United States are encouraged to participate in National Sportsmanship Day. This year, some 6,000 schools representing all 50 States and 61 nations are expected to take part in the celebration. Working with material provided by the institute, classrooms around the globe will take this opportunity to debate questions related to gender equity, competition, and fair play. In addition, for the third year in a row USA Today is sponsoring a national essay contest.

Another key component of National Sportsmanship Day is the Student-Athlete Outreach Program. This program encourages high schools and colleges to send talented student-athletes to local elementary and middle schools to promote good sportsmanship and serve as positive role models. These students help young people build self-esteem, respect for physical fitness, and an appreciation for the value of teamwork.

National Sportsmanship Day is recognized by the President's Council on Physical Fitness and Sports. In a letter to the institute, Florence Griffith Joyner and Tom McMillen, cochairs of the President's Council, point out "the valuable life skills and lessons that are learned by youth and adults through participation in sports." I will ask that the full text of the letter be printed in the RECORD at the conclusion of my remarks.

I am delighted that National Sportsmanship Day was initiated in Rhode Island and I applaud all the students and teachers who are participating in this inspiring event today. Likewise, I congratulate all of those at the Institute for International Sport, whose hard work and dedication over the last 6 years have made this program so successful.

I ask that the letter be printed in the RECORD.

The letter follows:

THE PRESIDENT'S COUNCIL
ON PHYSICAL FITNESS AND SPORTS,
WASHINGTON, DC, *March 1996*.

The President's Council on Physical Fitness and Sports is pleased to recognize March 5, 1996, as National Sportsmanship Day. The valuable life skills and lessons that are learned by youth and adults through participation in sports cannot be overestimated.

Participation in sports contributes to all aspects of our lives, such as heightened awareness of the value of fair play, ethics, integrity, honesty and sportsmanship, as well as improving levels of physical fitness and health.

The President's Council congratulates the Institute for International Sport for its continued leadership in organizing this important day. We wish you every success in your efforts to broaden participation in and awareness of National Sportsmanship Day.

FLORENCE GRIFFITH
JOYNER,
Co-Chair.
TOM MCMILLEN,
Co-Chair.•

DIGITAL BROADCAST SPECTRUM AUCTIONS: CONSUMERS WILL PAY THE HIGHEST PRICE

THERE IS NO SPECTRUM GIVEAWAY

• Mr. DORGAN. Mr. President, the Senate majority leader has said that he intends to stop the big spectrum giveaway in the telecommunications bill. The Senator from Kansas is referring to spectrum that the FCC has set aside for broadcasters to use to convert to digital television. He wants this spectrum to be put up for auction, which he believes will net billions of dollars in revenues for the Federal Treasury. And the chairman of the Senate Commerce Committee has announced that he will soon hold hearings on this issue.

I don't think the real question is whether there should be auctions of broadcast spectrum. Rather, the question is when. Some, like the majority leader, have proposed up front auctions of spectrum intended for the transition to digital television. Others, such as myself, believe that the auctions should occur on the analog spectrum, after the transition occurs.

I am a strong supporter of auctions as a means of allocating spectrum. As my colleagues know, I joined the Senator from Arizona, Senator MCCAIN, in sponsoring an amendment last year which called for auctioning spectrum for a direct broadcast satellite license. The FCC concluded the auction for this license earlier this year, netting nearly $700 million for the Federal Treasury.

I think if my colleagues will look through the rhetoric and focus on the serious policy consequences of this debate, they will realize that the very future of free over-the-air broadcasting is at stake. If up front auctions are required for the digital spectrum, as suggested by some of my colleagues, it is local television stations and the consumers who rely upon them as their only source of television that will be the losers.

At issue in this debate is the current plan of the FCC to allocate an additional 6 MHz of spectrum to broadcasters. The purpose of this allocation is to allow broadcast television to convert their broadcast signals from analog to digital, which will be a necessity in the digital world that is rapidly approaching the video industry, and in fact, is already here with direct broadcast satellite. Digital conversion will permit broadcast television to keep pace with the vast changes in telecommunications technology, and thereby help to make broadcast TV competitive.

The FCC is not planning on giving spectrum to the broadcasters. Rather, it intends to loan the additional spectrum to broadcasters for a period of years in order to permit a transition from analog to digital. After a certain point, the broadcasters will return their current analog spectrum—but not until Americans have become equipped with digital televisions. That has been the plan for years. The process of converting to digital television was born by the FCC over a decade ago. It is only in the rush of the moment when politicians are searching for revenue to balance the budget, that this plan has come into question.

DAVID AND GOLIATH AUCTIONS

Some believe that broadcasters should have to pay for this spectrum—rather than receive it on a loan basis. If the spectrum is placed up for auction, there is very little chance that local broadcast stations will have the resources to compete with the giant telecommunications corporations that want the spectrum for subscriber-based services. The proposals talked about up to this point will permit anyone to bid for the spectrum. Thus, the telecommunications giants like AT&T, MCI, the RBOC's, Microsoft, and others will be competing against local television stations for the spectrum. The fact is, up-front auctions mean that broadcast stations will not have a chance at the digital spectrum, and therefore, will never have the opportunity to compete in a digital world.

Everyone needs to realize how the cards will be stacked in this kind of auction. When we talk about broadcasters having to compete in an auction for this spectrum, we are talking about little Davids going up against Goliath telecommunications corporations. The auctions will be between small, locally owned stations bidding against large, national corporations. The vast majority of broadcast stations in this country are small, locally owned stations and many of these stations have well under $1 million in pretax revenues. Local broadcast stations cannot successfully compete against other interests vying for the spectrum. The other interests who plan to use the spectrum for more profitable subscriber-based services will simply overwhelm the local broadcasters' efforts.

Even if we assume that broadcasters would win the licenses at an auction, this would not ensure that broadcasters will have the opportunity to compete with other digital-quality services. A costly fight for the spectrum could make digital conversion financially prohibitive. We are told that local broadcast stations are going to have to invest nearly $10 million per station to convert to digital. Investing in digital equipment and technology for small locally owned stations such as those in my home state of North Dakota is going to be challenging enough. Add on top of the equipment costs a sizable fee for the spectrum, and digital conversion for broadcasters will never become a reality. Tomorrow's TV will be like today's AM radio when the rest of the video world goes digital.

ANALOG VERSUS DIGITAL AUCTIONS

The administration has a different and equally troublesome proposal to auction the analog broadcast spectrum. Under the administration's proposal, broadcasters would have to accelerate the giveback of the analog spectrum after completing the conversion to digital. A 15–20 year process would be crammed in a 10-year window under this approach. While I strongly support the notion that broadcasters should have to give back the analog spectrum after converting to digital, and I further support the notion that this should be auctioned, the administration's proposal is seriously flawed because the acceleration is totally unrealistic. Under this approach, broadcasters would be required to vacate the analog spectrum they are currently using by the year 2005.

The consequences under this approach fall largely on the American consumer. When the broadcasters stop sending analog signals, existing television sets will be useless. Thus, under this approach, the administration is asking that all Americans replace all existing television sets with new, yet to be manufactured digital sets, within 10 years. The cost to the American consumer will likely exceed any revenue gained from this accelerated auction.

As I stated earlier, there really should be no question about whether or not broadcast spectrum should be auctioned. The timing of the auction is the question. It seems to me that the best policy approach should guide this timing—not budget pressures. If we ask ourselves what is the best policy—what is best for the public interest and American consumers—we must conclude that broadcasters ought to be given the opportunity to convert to digital television. Once that conversion has been successfully completed, then the analog spectrum that is currently being used should be made available through an auction. If this process cannot realistically be completed within the arbitrary 7-year budget cycle we have created for ourselves, then we should not force ourselves into making a serious policy mistake.

CONCLUSION

Broadcast television is the universal video service in this country. In many rural and remote areas, where cable is not available, it is the only video service. Currently, a little more than one-third of Americans do not subscribe to cable. That's 33 million TV households that have no choice but to rely upon broadcast television. In addition, over 60 percent of all the TV sets in the United States—close to 138 million—are not hooked to cable.

If the FCC is permitted to move forward with its plan to allocate the needed spectrum for digital conversion, consumers will continue to have access to free television. Converting to digital will not give broadcasters a leg up—it is a necessity in the new digital age. Rather, it is consumers that will lose if this conversion does not occur. I am convinced that up front auctions for this spectrum will result in fewer choices for consumers. In areas where cable is available—and in homes where it is affordable—it will mean fewer choices. But for one-third of the population, it will mean no choice.

In my judgment, this is too high a price to pay for the short-term revenue gain in up front auctions. My concern is the future of free over-the-air television—not a financial giveaway to the broadcast industry. I urge my colleagues to examine this issue carefully. It is not the corporate welfare as some have claimed. Rather, it is a question of the survival of our local television stations and the universal service that only they can provide. I urge my colleagues to oppose the proposal of up front auctions and the unrealistic acceleration of auctioning the analog spectrum. Let's not be tempted by the revenue, instead carefully examine the policy implications behind spectrum auctions.●

SENATE QUARTERLY MAIL COSTS

• Mr. WARNER. Mr. President, in accordance with section 318 of Public Law 101-520 as amended by Public Law 103-283, I am submitting the frank mail allocations made to each Senator from the appropriation for official mail expenses and a summary tabulation of Senate mass mail costs for the first quarter of fiscal year 1996 to be printed in the RECORD. The first quarter of fiscal year 1996 covers the period of October 1, 1995, through December 31, 1995. The official mail allocations are available for frank mail costs, as stipulated in Public Law 104-53, the Legislative Branch Appropriations Act for fiscal year 1996.

The allocations follow:

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING DEC. 31, 1995

Senators	Total pieces	Pieces per, capita	Total cost	Cost per capita	FY 96 Official mail allocation
Abraham	0	0.00000	0.00	$0.00000	$160,875
Akaka	0	0.00000	0.00	0.00000	48,447
Ashcroft	0	0.00000	0.00	0.00000	109,629
Baucus	0	0.00000	0.00	0.00000	46,822
Bennett	0	0.00000	0.00	0.00000	56,493
Biden	0	0.00000	0.00	0.00000	44,754
Bingaman	0	0.00000	0.00	0.00000	56,404
Bond	0	0.00000	0.00	0.00000	109,629
Boxer	1,000	0.00003	$247.60	0.00001	433,718
Bradley	0	0.00000	0.00	0.00000	139,706
Breaux	0	0.00000	0.00	0.00000	92,701
Brown	9,300	0.00268	3,152.24	0.00091	86,750
Bryan	0	0.00000	0.00	0.00000	56,208
Bumpers	0	0.00000	0.00	0.00000	69,809
Burns	0	0.00000	0.00	0.00000	46,822
Byrd	0	0.00000	0.00	0.00000	59,003
Campbell	0	0.00000	0.00	0.00000	86,750
Chafee	0	0.00000	0.00	0.00000	48,698
Coats	0	0.00000	0.00	0.00000	112,682
Cochran	0	0.00000	0.00	0.00000	69,473
Cohen	0	0.00000	0.00	0.00000	52,134
Conrad	7,091	0.01115	5,748.14	0.00904	43,403
Coverdell	0	0.00000	0.00	0.00000	131,465
Craig	0	0.00000	0.00	0.00000	49,706
D'Amato	0	0.00000	0.00	0.00000	262,927
Daschle	0	0.00000	0.00	0.00000	44,228
DeWine	0	0.00000	0.00	0.00000	186,314
Dodd	0	0.00000	0.00	0.00000	80,388
Dole	0	0.00000	0.00	0.00000	70,459
Domenici	1,050	0.00066	254.20	0.00016	56,404
Dorgan	5,900	0.00928	1,091.59	0.00172	43,403
Exon	0	0.00000	0.00	0.00000	57,167
Faircloth	0	0.00000	0.00	0.00000	134,344
Feingold	0	0.00000	0.00	0.00000	102,412
Feinstein	1,737	0.00006	547.83	0.00002	433,718
Ford	0	0.00000	0.00	0.00000	86,009
Frist	0	0.00000	0.00	0.00000	106,658
Glenn	0	0.00000	0.00	0.00000	186,314
Gorton	0	0.00000	0.00	0.00000	109,059
Graham	0	0.00000	0.00	0.00000	259,426
Gramm	0	0.00000	0.00	0.00000	281,361
Grams	650	0.00015	542.74	0.00012	96,024
Grassley	0	0.00000	0.00	0.00000	73,403
Gregg	0	0.00000	0.00	0.00000	50,569
Harkin	0	0.00000	0.00	0.00000	73,403
Hatch	0	0.00000	0.00	0.00000	56,493
Hatfield	0	0.00000	0.00	0.00000	78,163
Heflin	0	0.00000	0.00	0.00000	89,144
Helms	0	0.00000	0.00	0.00000	134,344
Hollings	0	0.00000	0.00	0.00000	85,277
Hutchison	0	0.00000	0.00	0.00000	281,361
Inhofe	0	0.00000	0.00	0.00000	82,695
Inouye	0	0.00000	0.00	0.00000	48,447
Jeffords	12,700	0.02228	2,747.97	0.00482	42,858
Johnston	0	0.00000	0.00	0.00000	92,701
Kassebaum	0	0.00000	0.00	0.00000	70,459
Kempthorne	0	0.00000	0.00	0.00000	49,706
Kennedy	0	0.00000	0.00	0.00000	117,964
Kerrey	0	0.00000	0.00	0.00000	57,167
Kerry	0	0.00000	0.00	0.00000	117,964
Kohl	0	0.00000	0.00	0.00000	102,412
Kyl	0	0.00000	0.00	0.00000	93,047
Lautenberg	0	0.00000	0.00	0.00000	139,706
Leahy	6,004	0.01053	2,798.18	0.00491	42,858
Levin	0	0.00000	0.00	0.00000	160,875
Lieberman	0	0.00000	0.00	0.00000	80,388
Lott	0	0.00000	0.00	0.00000	69,473
Lugar	3,600	0.00064	877.65	0.00016	112,682
Mack	0	0.00000	0.00	0.00000	259,426
McCain	0	0.00000	0.00	0.00000	93,047
McConnell	0	0.00000	0.00	0.00000	86,009
Mikulski	0	0.00000	0.00	0.00000	101,272
Moseley-Braun	0	0.00000	0.00	0.00000	184,773
Moynihan	5,250	0.00029	1,283.37	0.00007	262,927
Murkowski	0	0.00000	0.00	0.00000	42,565
Murray	0	0.00000	0.00	0.00000	109,059
Nickles	0	0.00000	0.00	0.00000	82,695
Nunn	0	0.00000	0.00	0.00000	131,465
Pell	0	0.00000	0.00	0.00000	48,698
Pressler	0	0.00000	0.00	0.00000	44,228
Pryor	0	0.00000	0.00	0.00000	69,809
Reid	0	0.00000	0.00	0.00000	56,208
Robb	19,645	0.01084	6,092.98	0.00336	121,897
Rockefeller	0	0.00000	0.00	0.00000	59,003
Roth	0	0.00000	0.00	0.00000	44,754
Santorum	0	0.00000	0.00	0.00000	199,085
Sarbanes	0	0.00000	0.00	0.00000	101,272
Shelby	0	0.00000	0.00	0.00000	89,144
Simon	0	0.00000	0.00	0.00000	184,773
Simpson	0	0.00000	0.00	0.00000	41,633
Smith	0	0.00000	0.00	0.00000	50,569
Snowe	0	0.00000	0.00	0.00000	52,134
Specter	0	0.00000	0.00	0.00000	199,085
Stevens	951	0.00204	241.79	0.00052	42,565
Thomas	1,300	0.00026	349.06	0.00007	41,633
Thompson	0	0.00000	0.00	0.00000	106,658
Thurmond	0	0.00000	0.00	0.00000	85,277
Warner	0	0.00000	0.00	0.00000	121,897
Wellstone	0	0.00000	0.00	0.00000	96,024•

RECENT DEVELOPMENTS TOWARD PEACE IN NORTHERN IRELAND

• Mr. LEAHY. Mr. President, much has happened since the Irish Republican Army broke its cease-fire with two bloody bombings in London. Those cowardly acts cast doubt on the viability of the entire peace process. But the people rose up en mass, as I had a feeling they would. Tens of thousands demonstrated in the streets of Dublin and elsewhere, demanding that the perpetrators of the violence give them back their peace.

Responding to the will of the people, the Irish and British Governments reached agreement on a way forward, including a date of June 10 for full-party talks. The peace process is back on track and moving ahead, and Sinn Fein and the IRA should waste no time in seizing this opportunity. Their participation is needed if lasting peace is to be achieved. As Irish Foreign Minister Dick Spring said in an eloquent speech to the Dail Eireann on February 29, the "fixed date surely now offers the basic assurances that the republican movement has sought. Given the intolerable human cost, and the grave political damage caused by the violence to date, how can the IRA explain the continuation, for one more day, of its renewed campaign?"

Mr. President, Foreign Minister Spring has been on a relentless quest for peace in Northern Ireland for much of his distinguished career. I know his hopes were dashed when the IRA ended its cease-fire, as were all of ours. But he did not lose hope. He persevered, and we all owe him and Prime Minister John Bruton our support and admiration for their determination, their fairness, and their commitment to a better life for all the people on that island.

I ask that Foreign Minister Spring's February 29 speech be printed in the RECORD.

The speech follows:

STATEMENT BY TANAISTE AND MINISTER FOR FOREIGN AFFAIRS DICK SPRING, DAIL EIREANN, 29 FEBRUARY 1996

The British and Irish Governments have long shared a common analysis and a common objective: a comprehensive political settlement based on consent. We have also been united in agreement that this objective can only be attained through all party negotiations addressing comprehensively all the relevant relationships and issues in an interlocking three-stranded process. The necessity for all-party negotiations is also appreciated by all parties in Northern Ireland.

Where they, and we, have differed, has been on how to proceed into such negotiations. Was it possible to ensure that, on the one hand, all parties could enter into such negotiations freely, on a basis of equality, and without prejudice to their fundamental aspirations, and, on the other hand, that all could negotiate in full confidence that there was a basic commitment all round to exclusively peaceful methods and to the democratic process?

This conundrum has dominated discussions between the two Governments, and wider debate, for the last year. It has been a difficult and frustrating period. Disputes over a wide range of complex and interconnected, but ultimately secondary, issues have been permitted to obscure the fundamental point, that there is an overwhelming consensus for peace, and for agreement between the people who share this island. Debate about questions of substance has been crowded out by debate about questions of procedure.

The appalling prospect that the peace process might run into the sands has loomed before us. In their mass demonstrations last Sunday, the people underlined their determination that this could not be allowed to happen. Even before yesterday's Communique was written, the wider Irish public had demonstrated that the peace does indeed belong to all the people.

The two Governments agreed at the end of November that is was their firm aim to launch all-party negotiations by the end of February—that is, today. A clear and unalterable timetable leading to negotiations on 10 June has now been put in place. The timescale now envisaged is consistent with the implications of an elective process, the possibility of which was signalled in the November communique.

The essential point agreed at the summit is that there is a fixed date on which all-party negotiations will begin. This is a firm and unambiguous commitment. Neither Government has sought to enter any qualifications, to hedge or to equivocate.

We now see a definite commitment that the two Governments and the Northern parties will sit down together to begin to fashion that lasting settlement which is required to underpin peace and to allow for a new beginning in all three core relationships.

The need for negotiations has been acknowledged on all sides. We want them because, objectively, they are necessary. They would be necessary even if the paramilitary organizations had never existed, because there is a political conflict that must be resolved.

Nor can the will of the people for negotiations leading to an agreement founded on consent be thwarted by violence. The Taoiseach and the Prime Minister resolved that neither violence, nor the threat of violence, would be allowed to influence the course of negotiations, or preparations for negotiations. They also agreed that the

IRA's abandonment of its cessation of violence was a fundamental breach of the declared basis on which both Governments had engaged Sinn Fein in political dialogue. They reiterated what has already been stated more than once in this House, that the resumption of full political dialogue with Sinn Fein requires the restoration of the ceasefire.

The vast majority of the people of Ireland, North and South, who utterly repudiate the use of violence for any purpose whatever, can be assured that there will be no bending of the principle that violence has no place in any political process.

Equally, the Governments have emphasized that they are determined to press on in the search for political agreement, irrespective of whether the republican movement makes it possible for Sinn Fein to rejoin that quest or not.

Nevertheless, a fundamental objective of the peace process has always been to offer a meaningful political alternative to violence. Negotiations conducted on a fully inclusive basis, and in the absence both of violence and of security counter-measures, have always seemed more likely in the long run to produce a stable agreement in which all could acquiesce. It is the hope of the two Governments, accordingly, that the negotiations will be fully inclusive, with all parties being able to participate in them. We call on Sinn Fein, and the IRA, to make Sinn Fein's participation in the process of such negotiations possible.

On 15 February, the President of Sinn Fein said that "the absence of negotiations led to the breakdown. The commencement of negotiations therefore provides the way forward. Any new process must contain copperfastened and unambiguous public assurances that all party talks will be initiated by both Governments at the earliest possible date."

All-party negotiations will begin on 10 June. While many would have wished for an earlier date, we wanted to be sure that the appointed date was realistic and could be fixed without doubt. This fixed date surely now offers the basic assurances that the republican movement has sought. Given the intolerable human cost, and the grave political damage caused by the violence to date, how can the IRA explain the continuation, for one more day, of its renewed campaign? It is up to it to decide its own course. I cannot pretend to know how the minds of its leaders work. But I expect that all those with influence upon it will do what they can to point out to it the straightforward and positive implications of agreement on a fixed date and timetable for negotiations.

The Taoiseach and the Prime Minister both recognized that confidence building measures will be necessary in the course of all-party negotiations. Negotiations are a dynamic process, depending on the interplay of personalities and arguments, and not a matter of static calculation. As one such measure, all participants would need to make clear at the beginning of negotiations their total and absolute commitment to the principles of democracy and non-violence set out in the Mitchell Report. These principles offer essential guarantees that negotiations will not be affected by violence or by the threat of violence, and that they will address and, as part of their outcome, achieve, the total and verifiable decommissioning of all paramilitary weapons.

All parties will also have to address, as a high priority, the Report's proposals on decommissioning. Negotiations must, in a nutshell, deal fully and satisfactorily with this issue.

But decommissioning is by no means the only item on the agenda, nor should the commitments we seek be exploited to avoid serious negotiation on the many other questions to be addressed. The two Governments have been at pains to stress that confidence is required all round if the negotiations are to gain the momentum necessary for their success. The parties must have reassurance that a meaningful and inclusive process of negotiations is genuinely being offered to address the legitimate concerns of their traditions, and the need for new political arrangements with which all can identify. Negotiations must be for real, and must be undertaken in good faith. Every participant has the right to expect that every other participant will make a genuine effort to understand opposing perspectives and to seek accommodation.

A heavy onus will rest on all of us. For all to gain, each must be prepared to change. A flexible and accommodating approach will be essential. For example, I was heartened by the fact that the Ulster Unionist Party's recent paper, *The Democratic Imperative*, displayed some understanding of the basis of the nationalist requirement for meaningful North/South links. I hope that all parties, including the Unionists, will feel able, both before and throughout the negotiations, to prove to others their determination to forge a new and all-embracing accord.

The Unionist parties have stressed that for them an elective process is of crucial importance in enabling them to go to the table. Both Governments are of the view that such a process would have to be broadly acceptable and would have to lead immediately and without further pre-conditions to the convening of all-party regotiations with a comprehensive agenda.

As is reflected in the Communiqué, the details of an elective process are primarily a matter for the Northern Ireland parties, which will be the participants in any such process, and for the British Government, which will have to introduce the necessary legislation, and to ensure that it is speedily processed. The question of how elections are to be integrated into the launch of negotiations, on the other land, is one in which we have entirely legitimate interest, as one of the participants in those negotiations. The Irish Government is prepared to support any process which satisfies the criteria set out by the International Body; it must be broadly acceptable to the Northern parties, have an appropriate mandate, and be within the three stranded structure. It is on this basis that the Government has agreed with the British Government on the approach outlined in the Communiqué.

It is no secret that the Northern parties continue to disagree on the form of any elective process, and on the precise function of that process. There are significant disagreements even between those who have advocated such a process from the beginning. There is a range of possible options consistent with the requirement that elections lead directly and without pre-conditions into three-stranded all party negotiations.

There are also numerous other significant details which need to be resolved in advance of the launch of negotiations. These are broadly grouped together under the rubric of "the basis, participation, structure, format and agenda" of such negotiations. Both Governments have had useful discussions with the parties during the series of preparatory talks which were initiated after last November's Summit. Nevertheless, there is still much work to be done. For example, we need to ensure that, irrespective of the form and outcome of any elective process, there will be a way for all the relevant players in the situation, including the loyalist parties, which have played so crucial and constructive a role, to be involved in resolving the conflict. There are several other key points, and myriad lesser details on which it will be necessary to be clear in advance.

It seemed to me for some time that the only practical way to hammer out agreement on these issues, given both their complexity and the number of participants involved, would be through some form of concentrated and accelerated dialogue, which would allow us all to bounce ideas off one another and to explore common ground.

The Prime Minister and the Taoiseach have now agreed that the two Governments will conduct intensive multi-lateral consultations on these lines with the relevant Northern Ireland parties, in whatever configuration, or indeed configurations, are acceptable to those concerned. These consultations will begin on Monday next, 4 March. Preparations at official level are already underway. The Secretary of State for Northern Ireland and I will meet in Belfast on that day to launch the consultations and to agree on how we will make the best use of the time available, to ensure that every effort is made to secure widespread agreement among the parties on elections and the organisation of negotiations, and to allow us to come to a view on the question of a referendum. I would appeal to all parties to cooperate fully in that process.

These consultations are to be strictly time-limited. They will end on Wednesday 13 March. They will not be allowed to drag on inconclusively, and in so doing to threaten the timetable set out for the launch of negotiations. The existence of a deadline will focus the minds of participants.

After 13 March, the two Governments will immediately review their outcome. The British Government will bring forward legislation for an elective process, based on a judgement of what seems most broadly acceptable. Decisions will also be announced as appropriate on the other matters relating to the negotiating process which are to be addressed by the consultations. The two Governments are of the shared view that the parties must be given every opportunity to shape these matters in an agreed fashion, but ultimately we are prepared to make judgements and where appropriate to take the necessary decisions on the basis of what we have learned in the consultations.

In essence, we have mapped out a clear path to the negotiating table. This combination of steps offers to all parties a balanced and honourable way forward. It guarantees negotiations, and it also guarantees that those negotiations will be conducted on the basis of the principles of democracy and non-violence. There is no reason for any party to refuse to participate in negotiations. Equally, there is no reason for the IRA, through a refusal to restore its ceasefire, to deny Sinn Fein the possibility of full participation in political dialogue and entry into the negotiations on a basis of equality.

Negotiations are a necessary means to an essential end. We must never forget what it is that we seek to attain through them. It is important to remind ourselves of the ultimate prize we seek to gain.

Political violence could be eradicated forever through a draining of the swamp of inherited distrust and incomprehension.

Through partnership in agreed institutions, unionism and nationalism could learn to respect one another and to work together for the common good. Nationalists could feel secure and valued within Northern Ireland: Unionists could feel secure and valued on the island of Ireland. We could achieve permanent agreement on the rules which would order our relationships, through matching and reciprocal guarantees which would transcend disputes about sovereignty. The last ghosts which haunt the relationship between Britain and Ireland would be laid to rest.

It is long past time that we began to work out together how to reach this destination. Now we know when negotiations will begin, and we must prepare ourselves for the task ahead. The Irish Government, working on the foundations and with the commitments of yesterday's communiqué, will approach that task with the utmost urgency and resolve.•

THE BLACK REVOLUTIONARY WAR PATRIOT'S COMMEMORATIVE COIN ACT

• Mr. BINGAMAN. Mr. President, I rise today to cosponsor S. 953, the Black Revolutionary War Patriot's Commemorative Coin Act. This legislation, sponsored by Senators CHAFEE and MOSELEY-BRAUN, would allow the minting and sale of commemorative coins to finance the construction of a memorial in our Nation's Capital, honoring those African-Americans who fought for our Nation's independence.

Mr. President, our Nation owes those African-American patriots who fought in the American Revolution a deep debt of gratitude. All together, over 5,000 African-American men and women served as guides, spies, teamsters, and sailors in pursuit of a free nation. These African-Americans accounted for over 2½ percent of the total American force. They served with distinction and honor.

In this month, designated as Black History Month, it is appropriate to remind ourselves of the service African-Americans have given to this Nation's armed services. African-American service men and women have left an indelible mark upon our Nation's history.

In researching the role of African-Americans in the American Revolution, I was surprised to learn that many of those patriots who served were, indeed, slaves. How ironic it is that many of the patriots serving to found a nation based on the ideals of freedom were unable to enjoy this very freedom. We as a nation have struggled, and continue to struggle today, to ensure that all Americans can enjoy the fruits of living in a nation dedicated to democracy and freedom for all.

We have a long way to go to meet that ideal. It is my sincere hope that the construction of the memorial to be built from the proceeds of the sale of these commemorative coins, will inspire us to continue this fight for democracy and equality. We owe the patriots who fought in the American Revolution no less.•

TRIBUTE TO DIANE KASEMAN

• Mr. D'AMATO. Mr. President, I am pleased to take the opportunity to acknowledge the 43 years of dedicated service of Diane Kaseman, upon her retirement. A native of Rochester, NY, Diane began her distinguished career on March 27, 1953. Diane began her tenure here on Capitol Hill as a receptionist for Representative Kenneth Keating. She then moved to the Senate and worked for Senator John Sherman Cooper and has since served under the administrations of 11 separate Senate Sergeants at Arms, where she has worked with the service and computer facilities staff of the U.S. Senate.

Diane's accomplishments have not been limited to her professional career, as she has endlessly devoted herself to volunteer activities benefiting not only her colleagues, but also many charitable organizations. In 1953, Diane actively sought and obtained approval from the Senate Rules Committee for the establishment of the Senate Staff Club. Founded in 1954 with 150 members as a social organization for all Senate employees, the club has sponsored a variety of social, civic, and charitable activities. Under the capable and dynamic leadership of Diane, the club's first treasurer, the Staff Club has grown to over 3,000 members.

The organization has been responsible for a number of variety shows, dances, and dinners, however, an integral part of the club has been charitable activities. Diane Kaseman has been instrumental in the success of these efforts. In 1955 Diane helped to form a Senate hospitalization plan, which is still active under the jurisdiction of the Secretary of the Senate. The Staff Club was asked by the Red Cross to become part of its blood donor drive in 1978 and has continued this support. Diane has been a driving force behind this noteworthy campaign and has dedicated many hours of hard work to ensure that the Senate blood drive meets its goal. As a result of her efforts, the Senate Staff Club has received four Outstanding Merit Awards for its contributions.

Diane won the 22d Annual Roll Call Congressional Staff Award in 1953 as one of the founders of the Senate Staff Club. In 1981, Diane Kaseman received the Sid Yudain Award in recognition of "her dedication to the well-being of her coworkers and for the generous expenditure of her time, talent, and personal resources in the service of the congressional community." Diane was also commended by U.S. Capitol Chief of Police James M. Powell for her unending assistance and patience during a special 5-week assignment in 1984 with the U.S. Capitol Police in establishing a system for providing security badges for all employees of the Senate.

Diane's contributions have been vast and effectual. She enjoys volunteering her time and special talents in helping others and has contributed to the Red Cross, Children's Hospital, Walter Reed Hospital, Saint Joseph's food drive, Hungary relief, Mexico's earthquake relief, and Help for Retarded Children, among others.

As U.S. Senator from New York, I am particularly pleased to congratulate Diane Kaseman for her outstanding contributions and dedicated service of the past 43 years and wish Diane continued success in all her future endeavors.•

RUNAWAY AND HOMELESS YOUTH REAUTHORIZATION ACT

• Mr. LEAHY. Mr. President, I ask that the text of S. 1582, a bill to reauthorize the Runaway and Homeless Youth Act and the Missing Children's Assistance Act, introduced by myself and Senator SIMON on Thursday, February 29, be printed in the RECORD.

The text of the bill follows:

S. 1582

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SHORT TITLE.

This Act may be cited as the "Runaway and Homeless Youth Reauthorization Act of 1996".

SEC. 2. JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974.

(a) RUNAWAY AND HOMELESS YOUTH.—Section 385 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5733) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 385. (a)(1) There are authorized to be appropriated to carry out this title (other than part B and section 344) $75,000,000 for each of the fiscal years 1997, 1998, 1999, and 2000.

"(2) Not less than 90 percent of the funds appropriated under paragraph (1) for a fiscal year shall be available to carry out section 311(a) in such fiscal year.

"(3) After making the allocation required by paragraph (2), the Secretary shall reserve for the purpose of carrying out section 331 not less than $911,700 for each of the fiscal years 1997, 1998, 1999, and 2000.

"(4) In the use of funds appropriated under paragraph (1) that are in excess of $38,000,000 but less than $42,600,000, priority may be given to awarding enhancement grants to programs (with priority to programs that receive grants of less than $85,000), for the purpose of allowing such programs to achieve higher performance standards, including—

"(A) increasing and retaining trained staff;

"(B) strengthening family reunification efforts;

"(C) improving aftercare services;

"(D) fostering better coordination of services with public and private entities;

"(E) providing comprehensive services, including health and mental health care, education, prevention and crisis intervention, and volcational services; and

"(F) improving data collection efforts.

"(5) In the use of funds appropriated under paragraph (1) that are in excess of $42,599,999—

"(A) 50 percent may be targeted at developing new programs in unserved or underserved communities; and

"(B) 50 percent may be targeted at program enhancement activities described in paragraph (4).

"(b)(1) Subject to paragraph (2), there are authorized to be appropriated to carry out part B of this title $25,000,000 for each of the fiscal years 1997, 1998, 1999, and 2000.

"(2) No funds may be appropriated to carry out part B of this title for a fiscal year unless the aggregate amount appropriated for such fiscal year to carry out part A of this title exceeds $26,900,000.

"(c) There is authorized to be appropriated to carry out section 344 of this title $1,000,000 for each of the fiscal years 1997, 1998, 1999, and 2000.

"(d) The Secretary (through the Administration on Children, Youth and Families which shall administer this title) shall consult with the Attorney General (through the Administrator of the Office of Juvenile Justice and Delinquency Prevention) for the purpose of coordinating the development and implementation of programs and activities funded under this title with those related programs and activities funded under title II of this Act and under the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3701 et seq.).

"(e) No funds appropriated to carry out the purposes of this title—

"(1) may be used for any program or activity which is not specifically authorized by this title; or

"(2) may be combined with funds appropriated under any other Act if the purpose of combining such funds is to make a single discretionary grant or a single discretionary payment unless such funds are separately identified in all grants and contracts and are used for the purposes specified in this title.".

(b) MISSING CHILDREN'S ASSISTANCE.—Section 408 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5777) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 408. To carry out the provisions of this title, there are authorized to be appropriated $6,000,000 for each of the fiscal years 1997, 1998, 1999, and 2000.".

(c) INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS.—Section 506 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5785) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 506. To carry out this title, there are authorized to be appropriated $30,000,000 for each of the fiscal years 1997, 1998, 1999, and 2000.".

SEC. 3. ANTI-DRUG ABUSE ACT OF 1986.

(a) DRUG EDUCATION AND PREVENTION RELATING TO YOUTH GANGS.—Section 3505 of the Anti-Drug Abuse Act of 1986 (42 U.S.C. 11805) is amended to read as follows:

"SEC. 3505. AUTHORIZATION OF APPROPRIATIONS.

"To carry out this chapter, there are authorized to be appropriated $16,000,000 for each of the fiscal years 1997, 1998, 1999, and 2000.".

(b) PROGRAM FOR RUNAWAY AND HOMELESS YOUTH.—Section 3513 of the Anti-Drug Abuse Act of 1986 (42 U.S.C. 11823) is amended to read as follows:

"SEC. 3513. AUTHORIZATION OF APPROPRIATIONS.

"To carry out this chapter, there are authorized to be appropriated $16,000,000 for each of the fiscal years 1997, 1998, 1999, and 2000.".

SEC. 4. CRIME CONTROL ACT OF 1990.

Section 214B of the Crime Control Act of 1990 (42 U.S.C. 13004) is amended to read as follows:

"SEC. 214B. AUTHORIZATION OF APPROPRIATIONS.

"(a) SECTIONS 213 AND 214.—There are authorized to be appropriated to carry out sections 213 and 214 $15,000,000 for each of the fiscal years 1997, 1998, 1999, and 2000.

"(b) SECTION 214A.—There are authorized to be appropriated to carry out section 214A $5,000,000 for each of the fiscal years 1997, 1998, 1999, and 2000.".•

ORDER FOR RECESS

Mr. LOTT. Mr. President, I ask unanimous consent that at 3:30 p.m. today the Senate immediately stand in recess until 9:30 a.m. on Wednesday, March 6.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TOMORROW

Mr. LOTT. Mr. President, I ask unanimous consent that at 9:30 a.m. on Wednesday, March 6, immediately following the prayer, the Journal of proceedings be deemed approved to date, the time for the two leaders reserved, and there be a period for morning business until the hour of 11 a.m. with Senators permitted to speak for up to 5 minutes each, with the following exceptions: Senator FEINSTEIN for 15 minutes, Senator DORGAN for 15 minutes, Senator BINGAMAN or his designee for 30 minutes, and Senator THOMAS for 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR THE RULES COMMITTEE TO FILE LEGISLATION

Mr. LOTT. Mr. President, I further ask unanimous consent that the Rules Committee have until 6 p.m. this evening to file the Whitewater legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. Mr. President, for the information of all Senators, the Senate will recess, then, today at 3:30 until 9:30 a.m. tomorrow. At 11 a.m. it will be the majority leader's intention to turn to the legislation concerning the Whitewater investigation, therefore votes could occur during this session of the Senate.

We will have no further votes today, Mr. President, for the information of all Senators.

With that I thank the Senator from Vermont and the Senator from Washington for allowing me to get this in the RECORD, to get these approvals, and I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington.

Mr. GORTON. I thank the Chair.

(The remarks of Mr. GORTON pertaining to the introduction of S. 1589 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GORTON. I yield the floor.

Mr. LEAHY. Mr. President, I do not see others seeking recognition. So I ask unanimous consent that upon the conclusion of my remarks, the Senator from California [Mrs. BOXER] be recognized for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN LANDMINE CASUALTIES IN BOSNIA

Mr. LEAHY. Mr. President, I have spoken on this floor many times about the danger of antipersonnel landmines. In fact, I find that this is an issue on which I get thousands of letters and comments on my web page and over the Internet and telephone calls from all over the country and all over the world from people urging the ultimate banning of antipersonnel landmines and applauding steps that we took in this body to vote to ban them.

Mr. President, the NATO peacekeeping operation has been underway in Bosnia for less than 12 weeks. During that period, at lest 40 IFOR soldiers have been wounded or killed by landmines. The first American killed in Bosnia, Sgt. Donald A. Dugan, may have died from a landmine. He was apparently trying to disarm it, when it detonated in his hand.

Sargent Dugan was 38 years old. He died trying to help end the most brutal war in Europe in 50 years. He died so others, many of whom have lost parents, children, or brothers and sisters, could live.

The first American wounded in Bosnia was also the victim of a landmine. Another American lost part of his foot from a mine. Three British soldiers were among those killed by landmines.

In the 3 years that the United Nations force was there, 204 U.N. soldiers were injured by mines, and 25 died. As the snow melts and the ground thaws, there will be more landmine casualties.

Since 1990 when the war started, thousands of civilians have been injured and killed by landmines, and they will continue to suffer casualties long after the NATO troops leave. The Army's advice is "if it's not paved, don't step on it." That's great. That means that 99 percent of the land in Bosnia is too dangerous to walk on. The landmines in Bosnia, like many other countries, will be cleared an arm and a leg and a life at a time for generations.

Mr. President, I have spoken often on this subject and I will continue to do so. Today I want to make just one point.

If there ever was an opportunity for American leadership to make the world a safer place, this is it. On February 12, President Clinton—and I applaud him for it—signed the foreign operations bill which contains my amendment to halt, for 1 year, U.S. use of antipersonnel landmines.

Some in the Pentagon have complained that since they use landmines responsibly they should not have to stop using them.

Mr. President, no one is more proud than I am of our Armed Forces. Our men and women in uniform, whether they are in Bosnia, Korea, or here in Washington, make every American proud for what they stand for, and their unmatched professionalism. I have voted for just about every defense appropriations bill since I came to the U.S. Senate.

If I thought for a minute that getting rid of antipersonnel landmines would put our troops or our national security in jeopardy, I would not be speaking here today. On the contrary, I believe we have far more to gain. Antipersonnel landmines cannot be justified on military grounds or on moral grounds.

I have received calls and letters from combat veterans from every part of this country who experienced the horrors of landmines, and who agree with me that they made their job more dangerous, not safer. Some were wounded by mines. Some saw troops under their command killed by mines, even by their own minefields when the battle changed direction.

I know landmines have some military use. But consider the cost. Over 24,000 Americans were injured or killed by mines in World War II. There were over 2,400 recorded landmine casualties in Korea, and over 7,400 in Vietnam. Twenty-one Americans died in the Persian Gulf from mines—20 percent of all our casualties there. Twenty-six percent of our casualties in Somalia were from mines.

No matter how or what type of landmines are used, they are indiscriminate. They are triggered by the victim, and usually it is a civilian. Our mines, and the mines of countless other nations, are killing and maiming hundreds of innocent people each week.

Mr. President, we have a tremendous opportunity. The law signed by the President will halt, in 3 years, our use of antipersonnel landmines except in very limited areas. We will not be alone. Canada and Belgium have unilaterally halted their production, use, and export of these weapons, and 20 other nations have declared support for an immediate, total ban.

During the next 3 years, we can lead other nations to join with us in repudiating this weapon. If the Congress, the President, the Vice President, the Secretary of Defense, the Chairman of the Joint Chiefs, the Secretary of State, our U.N. Ambassador, all our Ambassadors in posts around the world—if we all speak loudly and with one voice, the message will be heard.

Mr. President, a recent Washington Post article entitled "A Global Bid To Ban Landmines," described how the Serbs used minefields in their campaign of ethnic cleansing, by forcing their Moslem captives to walk through minefields, triggering the mines.

That many sound appalling, and it is. But it is little different from what millions of people are forced to do each day, in countries where survival means tilling the land, and the land is a minefield.

So Mr. President, we remember Sgt. Donald Dugan for his sacrifice for peace in Bosnia. Let us also remember him by renouncing these cowardly weapons that have claimed the lives of so many innocent people.

BOMBINGS IN ISRAEL

Mr. LEAHY. Mr. President, each one of us has been horrified at what we have seen on our television sets with the tragedies in Israel. I was at my home and reading the recent account—what I thought was the most recent account of bombing in Israel—when I got a call from somebody in my office who started referring to the terrible bombing in Israel. I said, "I am reading about it right now." He said, "No; not the one that is in this morning's paper, the one that happened within the last few minutes."

The shock that fell on everybody in my office, on everybody in my family, and on the family members of those in my office—one of whom lives with his wife and daughter in Israel.

I believe that we are witnessing a determined, relentless suicidal attempt to destroy the peace process in the Middle East. It may be predictable. We have seen these attempts before. Fanatical extremists have tried time and again to intimidate and destroy the forces for peace; unfortunately, on both sides. But so far they have failed.

I think that Israel today faces its greatest challenge with the handshake on the White House lawn. When Prime Minister Rabin was assassinated by a Jewish fanatic I thought we had reached the low point. But the situation has only deteriorated since then. At least 60 people, innocent civilians, have been killed in the past 9 days alone. The people responsible in an almost obscene perversion seem to take pride in claiming responsibility for the slaughter of men, women, and children.

So our sympathies—and I believe this can be said of all Americans—and our prayers are with the victims and their families.

The White House has said that they will provide counterterrorism assistance to Israel, and the Palestinian authority—and the Congress, of course—is going to support whatever can be done to stop these atrocities. But we know there are no guarantees. If someone is prepared to sacrifice his life to commit murder, there are real limits on what we can do to prevent that.

Prime Minister Peres has said he will take all necessary steps to fight back. He has no alternative. To stand by and not do whatever he can would be inconceivable, and I know the Prime Minister's determination is to do all that is possible that he, his government, and his great country can do.

Chairman Arafat has condemned the attacks and has pledged to fight back, as he should have done long, long ago. He should be taking all necessary measures to track these people down and stop them before they strike again. Those who would urge Prime Minister Peres to turn his back on the peace process should also understand that is exactly what the terrorists want. They want the war to go on because they know that if peace prevails—as we all pray it will—then they lose.

Real opportunities for peace come rarely. It took great courage and years of patient work to get to this point. Prime Minister Rabin gave his life for it, as have dozens of others. There is no other way than to search and continue searching for peace.

So I express my sorrow and my horror at what has happened to this brave country. I hope that now steps can be taken to stop terrorists from striking again and stop those who would plan even more terrorism but also let the peace process go forward.

Mr. President, I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from California.

Mrs. BOXER. Thank you very much, Mr. President.

I thank the Senator from Vermont for his eloquence. We come to the Senate floor all too often to talk about tragedy and needless loss of life. The Senator talked about the tragedy in Israel; needless tragedy. We see it in England. We see it here at home. We saw it in Oklahoma City, in New York City. Terrorism must be—and will be—stopped because people in this world want peace, and they want life as they choose to live in peace.

Tragedy also comes too often in the course of our lives here in America in our hectic life. I am here to talk about one such tragedy that occurred in California.

BRIAN OHLEYER

Mrs. BOXER. Mr. President, I want to pay tribute to a young man named Brian Ohleyer, who was killed yesterday in a tragic automobile accident in northern California. Brian was in his twenties. He was a light in every life that he touched, in every community that he was a part of, in every school that he went to, and in every job he had. And he brought light to my life. He was my friend.

Brian's future was as bright as you could imagine—a wife, Elle, whom he adored; a career that he loved; a mom and dad, brother and sister, nephews and nieces whom he treasured, which made up the happiest and warmest of families. Brian was blessed, and he blessed everyone that he touched.

And then came yesterday, a truck crashing into all his dreams and the dreams of everyone who loved him. The news was like a stab in the heart. News like this strikes too many Americans. And when it happens, we have to reach out to one another. In the days ahead, we will reach out to this family.

I talked to Michael Luckhoff, the general manager of KGO Radio in San Francisco, Brian's employer. He said Brian was a shining star, a wonderful, polite young man—a superstar, he said. He said he was the future, a gem among gems, liked by everyone, a pacesetter, a breath of fresh air.

I am here to say that when we lose someone like this, all we can do is pray that this tragedy does not happen to anyone we love. All we can do is remember the best and brightest memories. And what I am going to do, because this young man was a model of what a young person should be, full of life and expectation, playing by the rules, just the best, I am going to name my internship program after Brian, and all the interns that come in my office will learn about him and they will be Brian Ohleyer interns. Maybe in that small way I can do my part in keeping his spirit alive.

I thank the Chair. I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. I thank the Chair.

I am moved by the remarks of the junior Senator from California. Let me follow with just a few remarks about recent events in the Middle East.

MIDDLE EAST PEACE PROCESS

Mr. FEINGOLD. On September 13, 1993, the world watched with hope and fear when Israeli Prime Minister Yitzhak Rabin and Palestinian leader Yasser Arafat signed the Declaration of Principles on the White House lawn and began a new era in the Middle East. As much as we hoped there would be an end to terrorism, bloodshed, and occupation, I think just about everyone knew the road to peace would not be that simple.

We had reason to cheer though because now the battle lines would be drawn differently. Rather than Arab versus Jew, the peace process created a new alliance, moderate versus extremism, where Israelis, Palestinians, and others were joined to pursue a peaceful and prosperous Middle East.

While there were some very tenuous periods during 1994—continued terrorist attacks, such as the disastrous bombing in the center of Tel Aviv, and the bomb attack in Beit Leid where over 20 soldiers were killed, the massacre of 28 Palestinians in Hebron by an extremist Israeli named Baruch Goldstein—nonetheless, Mr. President, the peace process was progressing. By late 1995, in fact, it seemed relations between Arafat and Rabin were warming.

Israelis themselves, Mr. President, were becoming more confident that this was the path to take. On November 4, 1995, 150,000 Israeli supporters attended a Tel Aviv peace rally to demonstrate their depth of commitment to the peace process.

Then, of course, as we all sadly know, extremism struck again. This time a Jewish radical gunned down Prime Minister Rabin in an effort, of course, to kill the peace process.

I think it is important to note that this, too, was a terrorist attack, an attack in the vein of a new Middle East where extremism and violence of any stripe lashes out against any sign of peace and tolerance.

Of course, with the assassination of Prime Minister Rabin, the world lost one of its great leaders and great men. He possessed so many attributes that made him an extraordinary figure. As a soldier, he helped build Israel, and as Prime Minister, he paved the way for a peace that can only come from Israel's strengths. With this, he earned the trust and confidence of Israelis who knew that Rabin would not take risks for peace that outweighed the dangers of continued war.

He recognized the day had passed when one people in the Middle East can really think seriously about dominating another people; when most Israelis, Palestinians, Jordanians, and others saw that they must co-exist if there is to be any security or prosperity in the region.

Rabin put his full weight behind the peace process as the only way to protect Israel's security. His achievements were illustrated again, sadly, during the funeral, an event that in itself helped solidify the process the assassin had tried to stop. The huge United States delegation, which I was fortunate to be part of, testified to the depth of support that the United States has and will offer Israel. The fact that President Mubarak and King Hussein not only set foot in Jerusalem but also eulogized Prime Minister Rabin at his funeral spoke to the commitment for peace with a strong Israel. The more than 40 heads of State and representatives from over 80 countries who were there also signaled international investment in the peace process as well as the tremendous personal tribute to Rabin that it represented.

I think Prime Minister Peres has been equally determined in this quest. He has continued implementation of the Oslo II Agreement, expanded relations with Jordan, pursued preliminary peace talks with Syria and he has also cemented ties with other countries.

We had hoped that the extremists in the Middle East would have been weakened. But as their ranks have been withering, their hatred was intensifying. Israel, with some cooperation from Palestinian leader Yasser Arafat, has continued its war against terrorism, and it is widely assumed that that led to the January assassination of the engineer, the so-called engineer, Yahyia Ayash, the Hamas technician who masterminded the bus explosions in Israel.

Mr. President, in the last 9 days, we all know we have seen 4 devastating bombs, all delivered by fanatics on a suicide mission, explode during commuter rush hours in urban centers in Israel, murdering at least 59 people and injuring many more. The horrific images we see on television cannot even compare with the terror any Israeli must now feel when they get on a bus to go to work, pick up their shopping, send their kids to school. This is a real source of insecurity and pandemonium in Israel now.

What makes this problem so challenging is how does Israel stop a suicide bomber? There are young Hamas supporters who are willing to blow themselves up as long as they can take a few Israelis with them. At first they said the attacks were in retaliation for the killing of the engineer. Now it is because of Israel's announced war on Hamas. It is really a war against any kind of Western or modern presence in the Middle East and against the peace process. Prime Minister Peres has responded forcefully and decisively. He has pledged that Israel will take all measures necessary to fight the war against terrorism. Last night, they arrested a man from Ramallah who they believe orchestrated three of the last four attacks. A strict closure, a drastic effort to fully separate Israelis and Palestinians, will be in effect, I expect, until the election at the end of May.

I am also very proud of President Clinton's efforts and commitments to crack down on the supporters of terrorists. I feel confident the United States will continue to support Israel, be it through strict enforcement of the ban on contributions to Hamas or through more intelligence sharing with Israel to avert would-be attacks, or whatever. But the next steps are really with the Palestinians. The protest demonstration by tens of thousands of Palestinians in Gaza against the bombers who struck on Sunday in Jerusalem was exactly the kind of support the peace process needs. While moderate Palestinians may feel their lives are in danger by openly opposing Hamas, the peace process could potentially fail if they do not speak out against extremism and demonstrate their investment in the process.

Mr. Arafat must do all he can in his power now to prevent further attacks. Political agreements, such as that which he made with Hamas 2 weeks ago, are simply and clearly insufficient. Hamas may now be splintered into several camps and Arafat must counter all of them. He must also recognize that merely arresting people, though a good first step, is hardly sufficient. There must be an aggressive policy of hot pursuit and follow-through in the Palestinian justice system if peace is to be sustained.

Mr. President, it is with great disappointment that I say it may be unrealistic to think that Arafat can control the extremists in the Hamas, even if he puts all of his efforts into it. For that reason, it is time again Israel not only join with Arafat in the fight, but also pursue its own means where necessary to protect its citizens.

The peace process is in danger. But, as Leah Rabin appealed to us yesterday, it is far from over. In the context of the bombings and atrocities of the last 9 days, there should be a suspension of implementation or further negotiations. Israel is in no position to be talking further peace when the current situation gives its citizens no security.

But that is the genius of the Oslo process which Rabin left: Israel can go at its own speed, and it should focus on the fight against terrorism now.

Mr. President, this has been a very difficult period and leaves the past and the future in a very confusing posture. But we do know that peace is the only alternative to this war and insecurity. I hope the forces of peace will prevail over the destructive and powerful—but minority—forces of hate.

Israel and the Palestinians are too invested in the peace to throw it away now. Even more compelling is that if they did throw it away, war will continue in this and many other forms. For that reason, they must put all their efforts into fighting these forces.

The United States also has a continued interest in Israel's security, and the world has a humanitarian interest in halting this mindless violence. I think and hope all parties will rise to the challenge. We must counter the horrific forces of extremism that took Prime Minister Rabin's life, and fight and extinguish the forces such as Hamas that undermine the future of the Middle East.

In Rabin's vision of the Middle East, one nation will not stand in opposition to the rights and dignity of another. To achieve this, and to carry on Rabin's lifelong work, violent extremism, such as that which killed Rabin—and President Sadat before him—must be confronted, condemned, and stopped. That, indeed, will continue to be the biggest obstacle to peace.

Mr. President, I yield the floor.

RECESS UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 9:30 a.m. tomorrow, March 6, 1996.

Thereupon, the Senate, at 3:31 p.m., recessed until Wednesday, March 6, 1996, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 5, 1996:

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. RICHARD T. SWOPE [redacted]

IN THE ARMY

THE FOLLOWING U.S. ARMY NATIONAL GUARD OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTIONS 3385, 3392 AND 12203(A):

To be major general

BRIG. GEN. JEROME J. BERARD [redacted]
BRIG. GEN. JAMES W. EMERSON [redacted]
BRIG. GEN. RODNEY R. HANNULA [redacted]
BRIG. GEN. JAMES W. MAC VAY [redacted]
BRIG. GEN. JAMES D. POLK [redacted]

To be brigadier general

COL. EARL L. ADAMS [redacted]
COL. H. STEVEN BLUM [redacted]
COL. HARRY B. BURCHSTEAD, JR. [redacted]
COL. JAMES E. CADLWELL III [redacted]
COL. LARRY K. ECKLES, [redacted]
COL. WILLIAM L. FREEMAN [redacted]
COL. GUS L. HARGETT, JR. [redacted]
COL. ALLEN R. LEPPINK [redacted]
COL. JACOB LESTENKOF, [redacted]
COL. JOSEPH T. MURPHY [redacted]
COL. WILLIAM T. NESBITT [redacted]
COL. LARRY G. POWELL [redacted]
COL. ROGER C. SCHULTZ [redacted]
COL. MICHAEL L. SEELY [redacted]
COL. LARRY W. SHELLITO, [redacted]
COL. GARY G. SIMMONS [redacted]
COL. NICHOLAS P. SIPE [redacted]
COL. GEORGE S. WALKER [redacted]
COL. LARRY WARE, [redacted]
COL. JACKIE D. WOOD [redacted]

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE U.S. ARMY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

LT. GEN. JOHN G. COBURN [redacted]

IN THE MARINE CORPS

THE FOLLOWING-NAMED COLONEL OF THE U.S. MARINE CORPS FOR PROMOTION TO THE GRADE OF BRIGADIER GENERAL, UNDER THE PROVISIONS OF SECTION 624 OF TITLE 10, UNITED STATES CODE:

To be brigadier general

COL. GUY M. VANDERLINDEN [redacted]

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR PERMANENT PROMOTION IN THE U.S. AIR FORCE, UNDER THE PROVISIONS OF SECTION 628, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE:

LINE OF THE AIR FORCE

To be lieutenant colonel

DOUGLAS W. ANDERSON [redacted]
PAUL E. BISHOP [redacted]
RAYMOND H. CAPLINGER [redacted]
RONALD E. HARVEY [redacted]
RICHARD K. SPRENGER [redacted]

To be major

JEFFERY S. ANTES [redacted]
STEVEN L. HACK [redacted]
ALGER E. HASELRIG, JR. [redacted]
HAROLD D. HITES [redacted]

IN THE COAST GUARD

THE FOLLOWING REGULAR AND RESERVE OFFICERS OF THE U.S. COAST GUARD TO BE PERMANENT COMMISSIONED OFFICERS IN THE GRADES INDICATED:

To be lieutenant

GERALD E. ANDERSON
CHARLES D. DAHILL
NANCY R. GOODRIDGE
DOUGLAS I. HATFIELD
JAMES J. JONES
MARK A. WILLIS
STEPHEN E. SCHROEDER
TIMOTHY J. GILBRIDE
JAMES J. MIKOS
PAUL A. GUMMEL
EDWARD J. VANDUSEN
DAVID M. FLAHERTY
JOHN L. BEAMON
HEWITT A. SMITH III
MARCUS X. LOPEZ
SEAN D. SALTER
JAMES Q. STEVENS III
CHARLES H. SIMPSON, JR.
DANIEL J. MOLTHEN
ROGERS W. HENDERSON
SCOTT H. OLSON
BRIAN W. ROCHE
ROBERT T. HENDERICKSON, JR.
PAUL E. GERECKE
DAVID W. MOONEY
GERALD M. CHARLTON, JR.
KURT A. LUTZOW
GERALD A. WILLIAMS
JOSE A. SALICETI
TIMOTHY A. MAYER
TODD C. HALL
MICHAEL L. GATLIN
CHRISTINE R. GUSTAFSON
JAMES BORDERS, JR.
KEVIN R. SCHEER
THOMAS S. MACDONALD
JAMES W. BARTLETT
PETER J. CLEMENS
JAMES A. STEWART
CARLA J. GRANTHAM
KEVIN A. JONES
SUSAN R. KLEIN
JEFFREY K. PASHAI
WESLEY K. PANGLE
KAREN L. BROWN
NEIL H. SHOEMAKER
BRIAN P. WASHBURN
KRISTIN K. BARLOW
LARA N. BURLESON
CHRISTEL A. DAHL
MARK A. EMMONS
JOSE M. ZUNICA
ANDRES V. DELGADO
GARTH B. HIRATA
DAVID E. HOTEN
GEORGE R. LEE
ROBERT L. SMITH
ROBERT C. GAUDET
MARK J. MORIN
JEFFREY A. BAILLARGEON
BARBARA N. BENSON
MICHELLE R. WEBBER
DARNELL C. BALDINELLI
MICHAEL H. DAY

To be lieutenant (junior grade)

JEFFREY R. MC CULLARS
PAUL E. DITTMAN
DANIEL H. MADES
CHRISTOPHER B. O'BRIEN
PETER V. NOURSE
DAVID R. SIMEUR II
DEAN J. DARDIS
PATRICK S. MC ELLIGATT
NANCY L. PEAVY
EDWARD A. WESTFALL
WILLIAM A. BIRCH
RANDALL G. WAGNER
DOUGLAS R. CAMPBELL
KARL D. DORNBURG
JOYCE E. AIVALOTIS
MELVIN WALLACE
ANDRE L. MC GEE
CHARLES G. ALCOCK
THOMAS J. SALVEGGIO
TONY M. CORTES
STEVEN E. VIGUS
MATTHEW X. GLAVAS
LISA A. RAGONE
RONALD K. GRANT
ERIC L. TYSON
WILLIAM R. TIMMONS
PETER A. YELLE
CLAUDIA C. GELZER
DANIEL D. UNRUH
MARK MARCHIONE
MATTHEW D. WOODWARD
JOHN A. DENARD
JOHN B. MILTON
JOHN A. CROMWELL
SCOTT A. HINTON
ORIN E. RUSH, JR.
MITCHELL A MORRISON
CHRISTOPHER B. HILL
ALAN L. BLUME
JEFFERY W. THOMAS
LARRY L. LITTRELL
CHRISTOPHER M. HOLMES
THOMAS N. THOMSON
BRYAN P. RORKE
DAVID H. ANDERSON
EDWARD W. PRICE, JR.
THOMAS J. ROBINSON II
RICHARD M. KLEIN
JERRY J. BRIGGS
WILLIAM G. LUTMAN
GREGORY N. DELONG
DAVID A. BULLOCK
TIMOTHY J. COTCHAY
BOB I. FEIGENBLATT
STEPHEN A. MC CARTHY
RAMON E. ORTIZVALEZ
THOMAS W. HARKER
KYLE A. ADAMS
DANIEL R. NORTON
BRUCE D. CHENEY, SR.
CHRISTOPHER K. BISH
KEVIN L. REBROOK
MARK P. DORNAN
KATHLEEN M. MC NULTY
BRENDAN C. BENNICK
WILLIAM E. RUNNELS
MICHAEL R. CHARBONNEAU
BRADLEY J. RIPKEY
MICHAEL SAKAIO
CHRISTINA M. BJERGO
JAMES E. ELLIOTT
BRETT A. TAFT
JOSEPH F. ROCK, JR.
JOSEPH M. FIERRO
CHARLES A. CARUOLO
KARL I. MEYER
MICHAEL A. BAROODY
ROBERT I. COLLER
ROBERT R. HARPER, JR.
JOSEPH PONSETI, JR.
GREGORY L. CARTER
ROGER A. SMITH
JAMES V. MAHNEY, JR.
KEVIN N. KNUTSON
DONNA G. URBAN
RAYMOND C. MILNE III
JOEL B. ROBERTS
DALE DEAN
DAVID J. WIERENGA
MARK J. BRUYERE
THOMAS J. GOLDBERG
MICHAEL F. TREVETT
JOHN G. WHITE
TIMOTHY A. TOBIASZ
CHRISTOPHER S. NICHOLSON
DALE A. BLUEMEL
LAWRENCE A. KILEY
WHITNEY L. YELLE
JAMES F. BLOW
EDWARD W. SANDLIN II
SCOTT D. STEWART
ISMAL CURET
MICHAEL A. VANVOORHEES
LEWIS M. WERNER
CHARLES A. ROSKAM II
JAMES A. NUSSBAUMER
KEVIN Y. PEKAREK
MICHAEL T. LINGAITIS
ERICH M. TELFER
CONSTANTINA A. STEVENS

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LINE

To be lieutenant commander

MARK A. ADMIRAL [redacted]
RUSSELL P. ASHFORD [redacted]
VINCENT S. CROMER [redacted]
KELLY C. DAWSON [redacted]
CARL G. DECKERT [redacted]
JOHN D. DEEHR [redacted]
WILLARD E. DYURAN [redacted]
GREGORY B. GALLARDO [redacted]
JOHN P. GILLENWATER II [redacted]
ERIC L. GOTTSHALL [redacted]
FRANK M. HARRILL [redacted]

STEPHANIE T. KECK [redacted]
MERRILL F. KING [redacted]
JOHN N. LEWIS [redacted]
ROBERT W. MARSHALL [redacted]
ISAAC H. MAY [redacted]
MICHAEL H. MERRILL [redacted]
GRETCHEN O. MERRYMAN [redacted]
ADAM J. MOORE [redacted]
JOHN R. MOORMAN [redacted]
THOMAS G. MUNSON [redacted]
DAVID D. PHELPS [redacted]
RUSSELL H. PHELPS, III [redacted]
TONY D. RYKKEN [redacted]
BRETT R. SCHEXNIDER [redacted]
JERRY D. SEAGLE JR. [redacted]
LARRY THOMAS [redacted]
VINCENT D. TRAEYE [redacted]
MICHAELPETER VASKE [redacted]
DAVID M. WARNER [redacted]
DANIEL E. ZIMBEROFF [redacted]

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED IN THE MEDICAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

MEDICAL CORPS

To be captain

LAWRENCE, E. COOT [redacted]
WILLIAM R. CORSE [redacted]
RICHARD M. GILBERT [redacted]
DAVONNE S. LOUP [redacted]
WILLIAM R. SCHINDLER [redacted]
RONALD L. SOLLOCK [redacted]
JANE F. VIEIRA [redacted]

MEDICAL CORPS

To be commander

JOSE A. ACOSTA [redacted]
KIMBERLY AGEE [redacted]
PHILIP P. ALFORD [redacted]
SCOTT A. BILDSTEN [redacted]
HAROLD D. BOYD [redacted]
STEVEN E. BRAATZ [redacted]
PAULETTE C. BRYANT [redacted]
ROSE M. BULGER [redacted]
DONALD J. CENTNER [redacted]
COLIN G. CHINN, [redacted]
BRUCE R. CHRISTEN [redacted]
EDWARD N. COHILL [redacted]
GREGG J. COLLE [redacted]
DAVID C. COMBEST [redacted]
JOEL P. COOK [redacted]
DENNIS M. CRUFF [redacted]
MARK A. DAELEY [redacted]
TERRENCE X. DWYER [redacted]
WALTER ELIAS III [redacted]
STEPHEN H. FLAX [redacted]
DONALD J. FLEMMING [redacted]
JOHN C. FORSYTH [redacted]
DANIEL R. GACCIONE [redacted]
TAMMY S. GERSTENFELD [redacted]
LORRAINE J. GRIFFIN [redacted]
RICHARD L. GRIFFIN [redacted]
BEVERLY G. HARRELLBRUDER [redacted]
STEPHEN L. HENDRIX [redacted]
MARY J. HERDEN [redacted]
BARRY E. HERMAN [redacted]
JAMES C. HIGGINS, [redacted]
GREG W. HOEKSEMA [redacted]
ERIC S. HOLMBOE [redacted]
MARK P. HONIG [redacted]
DENNIS L. HUFFORD [redacted]
ROBERT B. HUNTER III [redacted]
WILLIAM HURST [redacted]
JOSEPH J. JANKIEWICZ [redacted]
ROBERT L. KARL [redacted]
KELLY S. KEEFE [redacted]
DOUGLAS P. KEMPF [redacted]
JOHN J. KNIGHTLY [redacted]
TIMOTHY KOBERNIK [redacted]
JEFFERY J. KUHN [redacted]
CHARLES L. LAMB [redacted]
JOHN I. LANE [redacted]
JERRY T. LIGHT [redacted]
ALAN LIM [redacted]
RONALD LOCKE [redacted]
ROBERT R. LOWE, JR. [redacted]
MARIAN L. MACDONALD [redacted]
JAMES A. MARRON [redacted]
ROBERT C. MARSHALL [redacted]
LAURA M. MARTIN [redacted]
JOHN R. MASCOLA [redacted]
DANIEL L. MAXWELL [redacted]
DERVILLA M. MCCANN [redacted]
JOHN L. MCDONOUGH [redacted]
ROBERT W. MCMAHON [redacted]
ROSS MCQUIN, [redacted]
ROBERT A. MEVORACH [redacted]
JOHN A. MICHALSKI [redacted]
DAVID W. MINER [redacted]
MICHAEL J. NOWICKI [redacted]
THOMAS J. O'BRIEN IV [redacted]
STEPHAN E. OOSTERMAN [redacted]
RICHARD L. PARKER [redacted]
ROBERT L. PARRY [redacted]
DREW A. PETERSON [redacted]
FRANK J. PINTO, JR. [redacted]
PABLO D. PIZARRO [redacted]
PAUL POTTER [redacted]
JEFFREY G. PROCTOR [redacted]
GERARD S. REBAGLIATI [redacted]
DAVID ROBERTS [redacted]
WILLIAM P. ROBINSON, JR. [redacted]
MARCO A. ROSS [redacted]
ANDREW K. SALTZMAN [redacted]
JAMES J. SCHNEIDER [redacted]
SCOTT R. SCHOEM [redacted]
RUDY A. SEGNA [redacted]
JAMES F. SMITH, JR. [redacted]
STEPHEN K. SOUTHER [redacted]
RAYMOND G. SPAW [redacted]
KIRTH W. STEELE [redacted]
ERIC S. SUAREZ [redacted]
WILLIAM J. SWARTWORTH [redacted]
JAMES R. SWEGLE [redacted]
RUDOLPH V. TACORONTI [redacted]
STEVEN M. TEMERLIN [redacted]
CORNELIUS W. THOMAS [redacted]
MICHAEL L. TOBIN [redacted]
GEORGE G. ULRICH [redacted]
DANIEL V. UNGER IV [redacted]
JAMES D. VALENTE [redacted]
JONATHAN G. VUKOVICH [redacted]
ROBERT S. WALL [redacted]
AMY G. WANDEL [redacted]
HOWARD C. WETSMAN [redacted]
BRITT C. WILSON [redacted]
JAMES S. WILSON [redacted]
TIMOTHY J. WILSON [redacted]
KENNETH A. WINGLER [redacted]
JAMES J. WOYTASH [redacted]
ROBERT P. YOUNG [redacted]
MARK L. ZUKOWSKI [redacted]

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED IN THE SUPPLY CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

SUPPLY CORPS

To be lieutenant commander

KIT A. DUNCAN [redacted]
CEDRIC D. HENRY [redacted]
THOMAS B. O'DOWD [redacted]
TIMOTHY A. STARK [redacted]

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED IN THE CHAPLAIN CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

CHAPLAIN CORPS

To be commander

CESAR V. BUENAVENTURA [redacted]
DAVID G. KLOAK [redacted]

CHAPLAIN CORPS

To be lieutenant commander

ROOSEVELT H. BROWN [redacted]
STEVEN R. BROWN [redacted]
JOSEPH T. DEVINE [redacted]
STEPHEN A. GAMMON [redacted]
MARK J. LOGID [redacted]
KIERAN G. MANDATO [redacted]
DEBORAH L. MARIYA [redacted]
DAVID D. MITCHELL [redacted]
NESTOR NAZARIO [redacted]
DENNIS T. PINKNEY [redacted]
JOHN O. REITZ [redacted]
ROBBIE H. SCOTT, JR. [redacted]
MARK G. STEINER [redacted]
PETER B. STMARTIN [redacted]

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICER, TO BE APPOINTED IN THE DENTAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

DENTAL CORPS

To be commander

RICHARD L. SZAL [redacted]

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

MEDICAL SERVICE CORPS

To be lieutenant commander

ELLEN M. ANDERSEN [redacted]
MELISSA T. BERRY [redacted]
CHARLENE C. COLON, [redacted]
JOSEPH D. DUPRE [redacted]
RALPH L. HOWE, [redacted]
WILLIE R. HUNTER [redacted]
KEVIN R. KENNEDY [redacted]
THOMAS MOSZKOWICZ, [redacted]
CELIA A. QUIVERS [redacted]
LEISA R. RICHARDSON [redacted]
ANNE R. SHIELDS [redacted]
STEPHANIE M. SIMON [redacted]
ROBERT M. WAGNER [redacted]
PATRICIA J. WATSON [redacted]
RICKY A. WENNING [redacted]
REVLON O. WILLIAMS [redacted]
TOBY L. WILSON [redacted]

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED IN THE NURSE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

NURSE CORPS

To be lieutenant commander

MARIA E. S. AGUILA [redacted]
ANDREW R. BIEGNER [redacted]
KAREN K. BIGGS [redacted]
JULIA E. BOND [redacted]
ELIZABETH N. BOULETTE [redacted]
DEAN P. CARY, [redacted]
BRENDA A. CLARK [redacted]
ROSEMARY COTA, [redacted]
MARK S. DAHLEN, [redacted]
CINDY L. DAVIS [redacted]
JAMES P. FOWLER [redacted]
DEBRA A. GAGNON, [redacted]
LAURIE GENTENE, [redacted]
EDWARD W. GREER, [redacted]
CAROL J. HADDOCK, [redacted]
KATHY A. HANSEN, [redacted]
JEANETTE S. HIRTER [redacted]
GARY M. JACKSON, [redacted]
JOHN J. S. KANE [redacted]
GAYLE S. KENNERLY [redacted]
PATRICIA A. KISNER [redacted]
RAYMOND B. LANPHERE, [redacted]
LORI A. MARTIN, [redacted]
LINDA S. V. MCCORD, [redacted]
MATTHEW L. MCCOUCHA, [redacted]
PATRICIA MCDONALD [redacted]
SUSAN P. MCKEEFREY [redacted]
SHARON A. MULLANEY, [redacted]
JOANN E. SERSLAND [redacted]
CARLA J. STANG [redacted]
TANYA STEVENSONGAINES [redacted]
DEBRA A. TERRELL [redacted]
MARY E. VERBECK, [redacted]
CLARENCE H. WAGONER, [redacted]
MARGARET S. WOOD, [redacted]
VICTORIA M. WOODEN [redacted]
SHARRON L. YOKLEY [redacted]
ALICE A. ZENGEL [redacted]

HOUSE OF REPRESENTATIVES—*Tuesday, March 5, 1996*

The House met at 9:30 a.m. and was called to order by the Speaker pro tempore [Mr. REGULA].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 5, 1996.

I hereby designate the Honorable RALPH REGULA to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of May 12, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GEKAS] for 5 minutes.

REGULATORY RELIEF FOR SMALL BUSINESS COMMUNITY

Mr. GEKAS. Mr. Speaker, it was 1 year ago today when during the flurry of activity that accompanied the floor action with respect to the Contract With America that this Chamber passed overwhelmingly several pieces of legislation, all combined to relax the stranglehold that the various agencies have had for generations over our small business community.

These regulations have served over the years to strangle competition, to subdue the freedom to exercise new ideas and innovative ways to bring new products and new services to the marketplace. So, as part of the Contract With America, the House endeavored very early, right at the outset of the new legislative year in 1995, to bring about hearings and examination of the issues involved. As a result we are now poised here in this week of legislative action to put the final touches on some of these relief measures for our small business.

Some of the important features that we have taken into the regulation reform arena are, No. 1, we have strengthened the hand of counsel for the Small Business Administration who before had a role to play, under the original act, in advising, so to speak, the small business community as to the impact of regulations. But now we strengthen his position by giving him additional powers and more flexibility and more actual power to be one of the decisionmakers as to the final texture of a rule or a regulation that would affect small business.

We have done other things with respect to the kinds of analyses that must be accorded to the public and to the small business community by the agencies involved so that they will have a better idea and a more involved undertaking on themselves to deal with the agencies and in a cooperative manner bring about the final product of a regulation. Thus, we would be having a rule or regulation offered in which the small business community, the one that would be affected, would have had a part in creating. That is a new way and a good way to do business in this very important sector of our business activity.

Third, and this, to me, is the most important new feature of what the Contract With America and what my committee and the committee chaired by the gentlewoman from Kansas [Mrs. MEYERS] has been able to accomplish, is to bring about for the first time an opportunity for judicial review. That is, a small business or entity or individual who is adversely impacted by a regulation that says you must do this. Many times the regulation has taken on the form of an edict, a mandate, an unappealable fiat, as it were.

What now we provide for is judicial review. So if in the final analysis, after this joint venture of trying to create a regulation that everyone can live with, if everything else fails, we also give to the disaffected regulatee, if there be such a word, the option to appeal to have a judicial review of that situation.

Now, this is important, of course, in its own right, just to bring about a new set of rules between the business community and the agencies of the Federal Government. But that is not the real reason, the real emphasis that we should be placing on what we are accomplishing here. What we are accomplishing here is creating an additional atmosphere for the creation of new jobs, for the creation of new business activity, for the lifting up of the American business community into a new and better stance for competitive enterprises throughout the world.

This is the importance of what we are about here today and for the remainder of this week. When these provisions become law, we will have fulfilled the Contract With America, that portion of which promised to the American people that we would unsnarl the number of lassos that are thrown around our business communities by the Federal agencies through their regulations and we would loosen them up for the business competition and activity with which they will lead the world.

WOMEN'S HISTORY

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized during morning business for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, I take the floor today to talk about March because March is the month of National Women's History week. We keep saying, his story. I guess what we are really trying to do in this month is tell her story. I think women's role in history has really been left out in so many cases.

We have this great image that the men in America all came here on these dangerous ships, coming across the North Atlantic and all that and settling the great country. Yet women came in cruise ships, sitting around swimming pools getting their nails done and their hair done. It is not quite true.

Women were there shoulder to shoulder, came to this great country and said, we didn't come here to walk in front of you or behind you but alongside in building this Nation. I think it is important to remind ourselves that early on many of our forefathers got it right. George Washington, had everybody followed him, I think, we would be in great shipshape. George Washington insisted that the women in the Revolutionary Army be paid equally.

Most people did not even know there were women in the Revolutionary Army but, yes, there were. And there are women who were Revolutionary soldiers buried at West Point. How come they forgot to tell us that? George Washington also did something very interesting. We think of Martha Washington as one who sat home and waited for George. Martha was not that way at all. She ran a very sophisticated plantation. The minute the crops were in during all 3 years of the Revolutionary War, Martha Washington

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

picked up everything she had and moved to winter camp.

So she was there in Valley Forge. She was in New Jersey, and she was in New York where the military was encamped those three terrible winters. The reason we know that is after the war was won and this great Republic began to come together, George Washington insisted that the Congress pay her for having been there and held the morale and the troops together winter after winter.

Is it not interesting they did the painting of George Washington shivering at Valley Forge but they forgot to put Martha in it. If you look at women of all different colors and backgrounds, they from the very beginning did innovative and wonderful things that held this country together. Harriet Tubman was probably one of the most brilliant strategists ever. She figured that if they ever wrote down anything about the underground railroad for which many African Americans were able to escape from slavery in the South, if they ever wrote it down, somebody would find it and that would be the end of the underground railroad. So they put it all in code and sang it in songs that the white folks thought were just nice little songs. They were really singing the map to the underground railroad. Is that not a brilliant, intelligent undercover operation? As I say, what a strategist.

Would Lewis and Clark ever have found the west coast if a native American woman had not helped them through the forest to get there?

This is not to say women did everything. But when you read the history books, they forget to tell us that women did anything. I think it is really reflected in the attitude that we have today about women's roles. If we look at America, women are still the major care giver, every woman I know, including myself. Life could be stopped tomorrow if someone in the family gets critically ill because we have given women absolutely very little help with any kind of those care giver roles. They are the ones that is to rush with the family's safety net whenever someone is in trouble, be they young, be they old, be they sick.

I think it is time that we do not do gender wars but we just treat each other as brothers and sisters and figure out how we are going to get on with this great country. How do we respect that? There is tremendous value to care giver roles. We should be trying to help women who are not only doing their care giver roles but are often forced out of the home to work because of this deplorable economy. It only generates more and more stress that gets reflected in the family and every other way.

So I would hope that during this month of Women's History Week more and more people would sit down and find out what her story really was and really realize we did not come on cruise ships. We did a lot to help build this Nation, too. We should start taking that into account as we plan our legislative strategy, as we do every other such thing. Because this is the way that the country will continue to be great.

SITUATION IN UNITED KINGDOM

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Indiana [Mr. BUYER] is recognized during morning business for 5 minutes.

Mr. BUYER. Mr. Speaker, I come to the well today to share an insight with my colleagues. About 10 days ago I was in London, the United Kingdom, actually there by invitation of the Royal British Legion to discuss the gulf war illness issues to coordinate our research efforts between the two countries.

What brings me to the well today is, I was constantly asked the question, whether it be from the news media, members of the Parliament, House of Lords or even the citizens in the United Kingdom, what are you doing in the United States?

Many people in the United Kingdom were extremely upset with the United States, in particular the President of the United States, with a coddling of Gerry Adams of the IRA, now that they have broken away from the peace process and have continued the indiscriminate acts of terror. I was almost left speechless, having to defend the President of the United States in what he had done in the past and not only in the past, but I am now deeply disturbed that while in Northern Ireland they have broken away from the peace process, that the President continues to coddle Gerry Adams, the leader of the Sinn Fein, the political party of the IRA, while the citizens in London and the rest of the United Kingdom do not know if they can walk down the streets in safety, whether the phone booth will explode, whether they can ride on a city bus. And I can understand why they ask, what are you doing in the United States.

My only response is that for some reason this one does not resonate with the American people like it should. For so long we have been insulated from indiscriminate acts of terror, yet we had the explosion in the World Trade Center. We had the experience of Oklahoma City bombing. And how it moved everyone in this Nation that someone could actually commit a cowardly act of terror, such as the Oklahoma City bombing of the Federal building. Yet when trying to relate this to what Gerry Adams and others in the IRA are doing in London, for some reason it does not resonate. You see how would we feel if the President of the United States had coddled those involved with the Oklahoma City bombing at the White House prior to the Oklahoma City bombing, how would we feel in this country?

□ 0945

We probably would be having impeachment proceedings right now. Now what we have is the President, who now exempts them from the terrorist list, permits fundraising to occur in this country, and the President now, even though they have broken away from the peace process, says, OK, and we will grant this visa to Gerry Adams to come to the United States. Something is not right here. This is a disconnect. How can that happen?

So I want to share with my colleagues, if you are going to travel the United Kingdom, be prepared to answer that tough question, what are you doing in the United States coddling Gerry Adams and the Sinn Fein Party while indiscriminate acts of terror are occurring?

You know we are going to have an antiterrorism bill come to this House floor here relatively soon, and I think what we should do is take a good hard look here as to whether or not it is going to permit fundraising to occur. Perhaps what the President should do; he has not asked for my advice; but I think what he should do is in fact not grant the visa to Gerry Adams, play a much harder line. I would also stop any forms of fundraising to occur in this country. We all want the peace process to be successful in the United Kingdom with regard to Northern Ireland.

So I wanted to share with the American people and with my colleagues my dismay and my disappointment with the President of the United States and with regard to how he is treating Gerry Adams and the Sinn Fein Party.

WE MUST SPEAK UP AGAINST TYRANNY AND HORROR AND EVIL SO IT WILL NOT BE REPEATED

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized during morning business for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, this past Sunday in Houston we had somewhat of the joy and celebration and elation of long years of toil for Jewish citizens in our community to give back a measure of their life and their history to those of us living in Houston, TX, for 2,000 individuals attended the opening of the Holocaust Museum in Houston, TX. Participating in that ceremony, I listened to the recounting of the toiling and the hard work that helped to bring about this outstanding facility for our community. There was a chronicling of how the idea started, and how it generated, and how it grew. But there was a sense of love and appreciation for all who gathered for a recognition of the true symbol of this Holocaust Museum, an acknowledgment of the tragedy of tyranny and the horror of silence, 6 million lost in Germany and other places before and through World War II.

We heard from Benjamin Meed, president of the American Gathering Federation of Jewish Holocaust Survivors, and he eloquently reminded us, "every survivor, and there are many here, can recall someone near death saying, if you survive, tell the story." It was not done in harshness or meanness, but it was done in the spirit of educating all of us that if we fail to speak up against tyranny and horror and evil, we are doomed to repeat that same horror.

It was interesting to hear holocaust survivor William Morgan describe what the building meant to some 350 survivors in the Houston area. "This holocaust museum in Houston I call the House of Love," Morgan said. "It will remove the hate from the hearts that enter. It will unite all of us no matter what race or color."

I found that to be most striking in the shadow of the tragedies that are occurring all over the world, and I stand now to vigorously condemn the horrorful bombing that is occurring in Israel, horrorful and vicious and inciting, clearly a major effort to undermine the powerful efforts of good men and good women. Certainly not in the spirit of Prime Minister Rabin and his efforts, followed now by Prime Minister Peres and Yasser Arafat, there would be those who call for death and condemnation of those leaders, and I simply ask for a reckoning, a reckoning that we must move forward in peace, however vile these acts, however wrenching, however deep the pain we feel embedded in our heart.

As I read yesterday's paper, the headlines said everybody is crying, crying with our soul, crying with our minds, crying in confusion. But you see that is the purpose of the evil doers, for they are certainly seeking to destroy the progress made in the peace talks.

I would ask that this Congress, as it gathers to deliberate, and this administration, seek to reinforce the policies that have allowed the peace discussions to go forward, be tempered in their discussion and debate to find the real solution that will respond to the evil doers by punishing them, and promote those who would do good. These peace talks, as I understand from the leadership on both sides of this issue, from the Arab world and the Israeli world, must go forward, and it is certainly difficult in the shadow of these great tragedies, and it is great, the loss of children, men and women, disruption of families, the fear for their lives, the violation of the sanctity of a sovereign nation. But we must stand for peace and moving forward.

I will simply ask that as we rise to speak, in grief of course, that our remarks are in fact tempered, but that they are strong with the desire to ensure that people can live in peace, and that peace negotiations are respected, and that the evil doers be caught and condemned and penalized.

As I listened to my colleague, the gentlewoman from Colorado [Mrs. SCHROEDER], this is the month to celebrate women, and it was interesting, Mr. Speaker, as I close, that we had a schoolteacher, dressed in a mask for the Purim celebration, bring to our attention God's, promise to Noah in Genesis 9: 14–15:

> And it shall come to pass when I bring a cloud over the Earth that the bow shall be seen in the cloud and I will remember my covenant and the waters shall no more become a flood to destroy all flesh.

Let us believe, and let us realize together that we can bring peace to this world, to Israel and the Arab world.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the House stands in recess until 11 a.m.

Accordingly (at 9 o'clock and 53 minutes a.m.), the House stood in recess until 11 a.m.

□ 1100

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. ROGERS] at 11 a.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Open our eyes, O God, so we have a better vision of Your glory; guide our words so we speak good news; strengthen our hands so we do the works of justice and peace, and move our hearts to feel compassion toward every person. For all these gifts and the blessings of life, we offer this prayer of thanksgiving. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. GOSS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GOSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, further proceedings on this question are postponed.

The point of order is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Wyoming [Mrs. CUBIN] come forward and lead the House in the Pledge of Allegiance.

Mrs. CUBIN led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Edwin Thomas, one of his secretaries.

ON AMENDMENT PROCEDURE ON H.R. 2703, THE EFFECTIVE DEATH PENALTY AND ANTITERRORISM BILL

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, the Rules Committee is planning to meet this Friday, March 8, to grant a rule on H.R. 2703, the effective death penalty and antiterrorism bill. Subject to the approval of the Rules Committee, this rule may include a provision limiting amendments to those specified in the rule.

Any Member who desires to offer an amendment should submit 55 copies and a brief explanation of the amendment by noon on Thursday, March 7, to the Rules Committee, at room H–312 in the Capitol.

Members who filed amendments last December to H.R. 1710, the Comprehensive Antiterrorism Act, do not have to file those same amendments again. Those amendments were already drafted to the text of H.R. 2703. Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. GOSS. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule. Committee on Agriculture, Committee on Commerce, Committee on Government Reform and Oversight, Committee on International Relations, Committee on National Security, Committee on Resources, Committee on Transportation and Infrastructure, Committee on Veterans' Affairs, and Permanent Select Committee on Intelligence.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

IN SUPPORT OF ANTITERRORIST LEGISLATION

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, the heinous terrorist bombings in Israel that have claimed the lives of more than 50 Israelis, Americans, and others, and injured more than 150 have shocked all Americans. They must be stopped.

Today I plan to introduce legislation calling upon Yasir Arafat, and the Palestinian leadership to crack down decisively against the terrorists and those who support them.

My resolution also calls for a review of United States assistance to the Palestinians, and calls upon President Clinton to consider making available to Israel appropriate antiterrorist and intelligence resources.

I urge my colleagues to cosponsor and support his measure.

Finally, Mr. Speaker, our Committee on International Relations will hold a hearing on Tuesday, March 12, into these vicious attacks, and on compliance of the PLO with the commitments it has made to the peace process.

SMALL BUSINESS RELIEF

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, this afternoon the Republican leadership is brining up the Small Business Relief and Regulatory Accountability Act. This is nothing more than the Contract With America repackaged.

It is an effort to bog down Federal agencies, particularly those involved with the environment such as the EPA, so that they cannot get the job done. From the beginning of this session last year, the Republicans made a point that they were going to push through regulatory reform. But this regulatory reform is nothing more than but an effort to burden departments and agencies that protect our public health and safety with duplicative and unnecessary paperwork and bureaucracy.

It is a shame that the Republican leadership is going to try again to raise this issue and do what is necessary, what they think they can do to break down environmental protection and make it impossible for the EPA and other agencies that protect our environment and protect our public health from doing their job. But we will have to fight it again today and make the point that this is not the way that Congress should be run.

IN SUPPORT OF H.R. 994, SMALL BUSINESS GROWTH AND ADMINISTRATIVE ACCOUNTABILITY ACT OF 1996

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, working Americans have suffered under the proregulation, protax policies of the Clinton administration. In 1993, Bill Clinton enacted the largest tax increase in history. Since then, average working Americans have had to deal with higher taxes on one hand, and stagnant wages on the other.

Under President Reagan family income increased, the economy grew, and economic confidence soared. Today, the Clinton administration is overjoyed if growth is over 2 percent in a year. That's simply not getting the job done. We need faster economic growth and the way we do that is by easing the burden of Government. We need to cut taxes for families and cut repetitive and burdensome regulation on small business.

Mr. Speaker, later today we will vote on H.R. 994. This bill will help create a cheaper and more effective regulatory system and let small businesses do what they do so well—create jobs and grow the American economy.

EDUCATION CUTS

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, yesterday I visited a local school in my district and met with parents and educators, the people we entrust with the lives of our children, with the future of our Nation.

Mr. Speaker, these dedicated people are afraid that the devastating education cuts passed by my Republican colleagues spell disaster for our schools and for our children.

The temporary spending bill which expires in a week includes deep cuts in basic skills training and in Federal violence prevention funds to keep our schools safe. In my State of Connecticut, these cuts alone amount to a $9 million loss in aid to education.

At a time when Americans are anxious about their job security and in an age the income you earn is tied to the skills you have learned, education is the last place we should cut.

This week, we are scheduled to take up an extension of the spending bill through the end of the fiscal year. I urge my Republican colleagues to do more than pay lipservice to the anxiety in the American workplace. Retreat from your extreme agenda. Restore the funds you took from our classrooms, and give our students the tools they need.

PASS H.R. 994

(Mrs. CUBIN asked and was given permission to address the House for 1 minute.)

Mrs. CUBIN. Mr. Speaker, later today we will take up H.R. 994, the Small Business Growth and Administrative Accountability Act. H.R. 994 will improve the Federal regulatory system and is the first step toward ending the Clinton crunch.

For too long small businesses have been subjected to a flood of regulation and compliance costs. It is estimated that for the smallest of businesses—those with only one to four employees—the regulatory costs per employee are over $30,000. It is no wonder that so many people today feel that the entrepreneurial spirit is being choked by Washington taxes, Washington regulation, and Washington interference.

Today we have the chance to do something about this problem. Today we can send a message to small business owners and those who dream one day of owning their own business. Let's pass H.R. 994 and fix the burdensome regulatory system and let small businesses do what they do best: create jobs.

SUPREME COURT RULING

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the Supreme Court ruled it is OK for the government to seize the car of an innocent wife, innocent because her husband had sex in the car with a prostitute. Watch out Hertz and Avis here.

Mr. Speaker, has the Supreme Court lost their marbles? This ruling is tantamount to allowing the government to seize your home, your car, your boat, your BVD's, your rubber duckies, even if you had been victimized by the action and you are innocent and did nothing wrong. Beam me up, Mr. Speaker.

Whatever happened to government of the people, by the people, and for the people? Now the Supreme Court says, it is government from the people. Beam me up again here. It is not the

President evidently who smoked dope; it is the membership of the Supreme Court who voted for this, and it is absolutely evident they inhaled all the way through.

Congress, do something. The Supreme Court should not set the law in America. That is the legislative role.

AN ARGUMENT FOR EDUCATION REFORM

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, I am a former schoolteacher. I taught the seventh and eighth grades in an inner city school in Cincinnati. There is perhaps no greater argument for education reform than the school system right here in Washington, DC. The numbers and the statistics are shocking.

The District spends 76 percent more per pupil than any other jurisdiction in the Nation. Yet its students rank last in eighth-grade math proficiency, last in fourth-grade math proficiency, and last in fourth-grade reading proficiency.

Washington, DC teachers are among the best paid teachers in the entire country, and they have a very favorable student-teacher ratio. But even with these advantages, the District ranks 49th in on-time graduations. Despite these shortcomings, the liberal special interests continue to block any meaningful reform of Washington schools, including school choice.

Let us improve educational opportunities and the lives of the children here in Washington and across the Nation. Even more importantly, let us pass the Back to Basics Education Act, which takes the power and the money away from the bureaucrats here in Washington and gives it back to parents and teachers and local school boards where it ought to be.

GOP RECORD ON EDUCATION

(Mr. KLINK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLINK. Mr. Speaker, in the 103d Congress, the Congress that preceded this, I had the honor of serving on a committee then known as the Committee on Education and Labor. We were known collectively in the 103d Congress as the education Congress. We had done school to work transition, goals 2000, reauthorized the Elementary and Secondary Education Act.

Now in this Congress, the 104th, the GOP piecemeal governing strategy is threatening to wreak havoc on our educational system and on the local school districts. The constant uncertainty about Federal funding has meant nothing short of chaos for school districts across this Nation who are awaiting final word on the future funding levels for elementary and secondary education programs.

This uncertainty, coupled with the likelihood of sharply reduced funding, has made it difficult for schools to plan for next year. The result could be fewer teachers, larger classes, and a decline in the quality of education, and that is not what Americans want for their children.

The GOP record this year so far has been the largest education cuts in the history of this Nation. If congressional Republicans decide to extend their current short-term budget for the remainder of the year, the result would be the largest setback in education in the history of this country. These cuts would include basic reading, math skills, drug and safe schools, and vocational education. We cannot afford this.

□ 1115

THE DIFFERENCES BETWEEN REPUBLICANS AND DEMOCRATS

(Mrs. SEASTRAND asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SEASTRAND. Mr. Speaker, over the last year the American people watched the actions of this body very closely. And they learned many things. One thing learned is how very differently the two parties think about the great issues that face them.

They see that Republicans fight for tax cuts and a smaller government. They also see that liberal Democrats fight for more government and higher taxes.

During the budget negotiations, the American people saw for themselves very clearly that liberals, including the President, will go to bat for government programs, but not for the average taxpayer and worker.

Mr. Speaker, the American people's desire for government reform has not subsided. That is something that is not going away overnight. Big government advocates are on the wrong side of history. America's future depends on less government and less taxation. And that is something that is obvious to all Americans.

MOST AMERICANS FAVOR RESTORATION OF FUNDS FOR EDUCATION

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Mr. Speaker, the Republican majority is out of step with the bedrock concerns of the American public when it comes to education funding. A recent Gallup poll shows two-thirds of the Americans rank quality of education as their top priority over such issues as crime, health care, and the deficit. A January Wall Street poll shows 9 out of 10 Americans favor increased spending in education. A January Post poll shows 8 of 10 Americans oppose cutting education.

Despite these dramatic and overwhelming numbers, the current continuing resolution cuts $1.5 billion nationwide and $64 million in Michigan, my home State, for title I, vocational education, drug free schools and other programs. If we extend the continuing resolution to year's end, more than a million young people will be deprived of services in the title I program alone. Our budget process has been turned upside-down this year.

Let us get back to common sense. Our real contract with the American people demands that we restore funding to education, protect our children, and invest in America's future.

ENDING THE CLINTON CRUNCH

(Mr. METCALF asked and was given permission to address the House for 1 minute.)

Mr. METCALF. Mr. Speaker, Americans are feeling the pinch of the Clinton crunch. Their taxes go up, but their real wages decline, and not only are families feeling the pinch, but small businesses are being ground down by overtaxation and overregulation. This is sad because, if you look at the record, small businesses account for more than 70 percent of the jobs in America.

According to a recent survey, nearly half the small businesses surveyed said that overregulation had a substantial adverse effect on profit making. Small businesses today are faced with a barrage of Federal regulations and a sea of redtape. Sometimes these rules are contradictory or they are just too complex to understand.

Mr. Speaker, American small business people deserve a break from senseless overregulation. Today Congress should apply the brakes to overregulation and take a huge step toward ending the Clinton crunch.

A WORLD-CLASS EDUCATION FOR OUR CHILDREN

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, Members of the House, among the highest priorities for America's families and America's parents is a good education for their children and the ability of their local schools to be able to deliver world class standards in world class education for our young people and, at the same time, to make sure that today's students go to school in a safe environment and a drug-free environment.

Unfortunately, under the current funding plan proposed by the Republicans we see funding for safe and drug-free schools cut by 25 percent, funding for title I that for the first time is bringing the advances in technology and teacher improvements to economically disadvantaged schools cut by 17 percent, Goals 2000 that allows the Governors of States to implement world class standards in reading and mathematics and critical thinking in the sciences for the first time so that young people can compete against the best the world has to offer to keep America's economy strong; we see these programs slashed in this funding resolution. Hopefully on March 15 we will reverse that trend and restore aid to education.

PEACE THROUGH STRENGTH AS OPPOSED TO INSTABILITY THROUGH WEAKNESS

(Mr. HUNTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNTER. Mr. Speaker, Presidents Bush and Reagan brought down the Berlin Wall with a defense policy that was called peace through strength. They built up our military, rebuilt declining forces, and they forced the Soviet Union to the bargaining table, and they, by doing that, brought stability to the world.

Mr. Speaker, despite President Clinton's own Joint Chiefs of Staff recommending that he spend more money on defense to give the right kind of equipment to these young troops that he is deploying all over the world, he has refused to do that. His new defense budget has come down. It drastically cuts the new equipment that his own people recommended he give to his troops, and this President apparently follows a policy of instability through weakness.

TAX RELIEF FOR UNITED STATES TROOPS IN BOSNIA

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KENNELLY. Mr. Speaker, I rise in support of H.R. 2778, tax relief for United States troops in Bosnia. We have before us today a piece of legislation that really is an excellent piece of legislation. It shows that we can in fact work in a bipartisan manner.

Mr. Speaker, as men and women struggle to bring peace to a region that has seen more than its fair share of horror and tragedy in Bosnia, we have decided that it is very timely at this time of year, before April, to address the concerns of our men and women in Bosnia and their tax situation, and what we have done is make it easier for men and women in Bosnia to file their income tax returns and have their combat pay exempt from taxation.

Also, it was realized that officers in the area had a cap on their compensation that could not end. As a result, only a part of it could be tax free.

I am pleased that the Committee on Ways and Means was able to report this important legislation in a bipartisan manner, and I also am pleased that we are able to relieve our men and women in Bosnia from the worries that all of the rest of us across the United States have concerning getting ready to pay our taxes to the United States Government.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. ROGERS) laid before the House a communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, February 27, 1996.

Hon. NEWT GINGRICH,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that a member of my staff has been served with a subpoena issued by the Circuit Court for Baltimore City, Maryland. This subpoena relates to her employment by former Representative Kweisi Mfume.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

ROBIN H. CARLE,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which a vote is objected to under clause 4 of rule XV. Such rollcall votes, if postponed, will be taken after the debate is concluded on all motions to suspend the rules.

SPECIAL TAX TREATMENT FOR UNITED STATES TROOPS IN BOSNIA

Mr. BUNNING of Kentucky. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2778) to provide that members of the Armed Forces performing services for the peacekeeping effort in the Republic of Bosnia and Herzegovina shall be entitled to certain tax benefits in the same manner as if such services were performed in a combat zone, as amended.

The Clerk read as follows:

H.R. 2778

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF CERTAIN INDIVIDUALS PERFORMING SERVICES IN CERTAIN HAZARDOUS DUTY AREAS.

(a) GENERAL RULE.—For purposes of the following provisions of the Internal Revenue Code of 1986, a qualified hazardous duty area shall be treated in the same manner as if it were a combat zone (as determined under section 112 of such Code):

(1) Section 2(a)(3) (relating to special rule where deceased spouse was in missing status).

(2) Section 112 (relating to the exclusion of certain combat pay of members of the Armed Forces).

(3) Section 692 (relating to income taxes of members of Armed Forces on death).

(4) Section 2201 (relating to members of the Armed Forces dying in combat zone or by reason of combat-zone-incurred wounds, etc.).

(5) Section 3401(a)(1) (defining wages relating to combat pay for members of the Armed Forces).

(6) Section 4253(d) (relating to the taxation of phone service originating from a combat zone from members of the Armed Forces).

(7) Section 6013(f)(1) (relating to join return where individual is in missing status).

(8) Section 7508 (relating to time for performing certain acts postponed by reason of service in combat zone).

(b) QUALIFIED HAZARDOUS DUTY AREA.—For purposes of this section, the term "qualified hazardous duty area" means Bosnia and Herzegovina, Croatia, or Macedonia, if as of the date of the enactment of this section any member of the Armed Forces of the United States is entitled to special pay under section 310 of title 37, United States Code (relating to special pay; duty subject to hostile fire or imminent danger) for services performed in such country. Such term includes any such country only during the period such entitlement is in effect. Solely for purposes of applying section 7508 of the Internal Revenue Code of 1986, in the case of an individual who is performing services as part of Operation Joint Endeavor outside the United States while deployed away from such individual's permanent duty station, the term "qualified hazardous duty area" includes, during the period for which such entitlement is in effect, any area in which such services are performed.

(c) EXCLUSION OF COMBAT PAY FROM WITHHOLDING LIMITED TO AMOUNT EXCLUDABLE FROM GROSS INCOME.—Paragraph (1) of section 3401(a) of the Internal Revenue Code of 1986 (defining wages) is amended by inserting before the semicolon the following: "to the extent remuneration for such service is excludable from gross income under such section".

(d) INCREASE IN COMBAT PAY EXCLUSION FOR OFFICERS TO HIGHEST AMOUNT APPLICABLE TO ENLISTED PERSONNEL.—

(1) IN GENERAL.—Subsection (b) of section 112 of such Code (relating to commissioned officers) is amended by striking "$500" and inserting "the maximum enlisted amount".

(2) MAXIMUM ENLISTED AMOUNT.—Subsection (c) of section 112 of such Code (relating to definitions) is amended by adding at the end the following new paragraph:

"(5) The term 'maximum enlisted amount' means, for any month, the sum of—

"(A) the highest rate of basic pay payable for such month to any enlisted member of the Armed Forces of the United States at the highest pay grade applicable to enlisted members, and

"(B) in the case of an officer entitled to special pay under section 310 of title 37, United States Code, for such month, the amount of such special pay payable to such officer for such month.".

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the provisions of and amendments made by this section shall take effect on November 21, 1995.

(2) WITHHOLDING.—Subsection (a)(5) and the amendment made by subsection (c) shall apply to remuneration paid after the date of the enactment of this Act.

SEC. 2. EXTENSION OF INTERNAL REVENUE SERVICE USER FEES.

Subsection (c) of section 10511 of the Revenue Act of 1987 is amended by striking "October 1, 2000" and by inserting "October 1, 2003".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kentucky [Mr. BUNNING] will be recognized for 20 minutes, and the gentleman from Florida [Mr. GIBBONS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. BUNNING].

GENERAL LEAVE

Mr. BUNNING of Kentucky. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2778.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. BUNNING of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am proud to bring before the House today a bill I sponsored to make sure that our brave men and women serving in Bosnia are able to receive the benefits that they deserve while risking their lives in the service of their country.

The Internal Revenue Code provides specific benefits to our service personnel who are on active duty in a combat zone. But, these benefits are available only if the President issues an Executive order designating the area as a combat zone.

Unfortunately, the peacekeeping operations in the former Yugoslavia have not been designated by the President as being in a combat zone.

There have already been casualties in Bosnia and more are likely. That means that our service personnel are in a combat zone type situation even if the President has not declared it a combat zone.

Let us be honest. When you are being shot at or dodging landmines you are in a combat zone. Diplomatic niceties aside, these brave warriors are in danger because of the policies of their Government and we must take care of them.

Quite frankly, we must act to insure that we do not have a repeat of what happened in Somalia.

In Somalia, the families of the soldiers who lost their lives could not receive the benefits that should have gone to them under the Tax Code because the President never declared it a combat zone.

Two of those who were killed were Congressional Medal of Honor winners. But because of the technical language of the Code they could not receive the tax benefits because Somalia had not been designated as a combat zone.

H.R. 2778 provides that members of the Armed Forces in Bosnia and Herzegovina, Croatia, or Macedonia who receive hostile fire or imminent danger pay will receive combat zone tax benefits.

That means enlisted personnel stationed in these countries would not be taxed on their pay for any month that they receive hostile fire or imminent danger pay.

Officers would be taxed on only a portion of their pay. Members of the Armed Forces would be eligible to postpone their tax filing and payment obligations. Additional benefits would also apply.

The bill also makes some technical and administrative improvements to the combat zone tax provisions. More importantly, it makes some long-needed changes to the combat zone tax laws.

Currently, enlisted personnel in a combat zone are not taxed on their pay for any month they are in the combat zone, but officers are allowed to receive only $500 each month tax-free.

This $500 was set in 1966 and has not been increased for inflation. This bill would raise that $500 limit to equal the top pay grade for enlisted personnel.

The bill also extends one of the combat zone tax benefits, the suspension of tax filing and payment obligations, to personnel involved in Operation Joint Endeavor even if they are not physically located in the former Yugoslavia.

Members of the Armed Forces and Department of Defense personnel who have been deployed as part of Operation Joint Endeavor outside of the United States and away from their permanent duty stations would be eligible for this benefit.

Plainly, these people do not have easy access to their tax records and have concerns other than finding the nearest post office.

This is truly a bipartisan bill. More than 120 Members of Congress have cosponsored this bill. It was reported by the Ways and Means Committee on a unanimous voice vote.

Moreover, as it was reported by the Ways and Means Committee, the bill incorporates the best of practically all of the various combat zone benefit bills introduced in recent months.

In short, the bill before us reflects the input of many Members, Democrats and Republicans, as well as the Defense Department and the Treasury Department.

In particular, I want to recognize Chairman BILL ARCHER, SAM GIBBONS, and IKE SKELTON for their contribution to this report.

Making sure that our military personnel in Bosnia receive all of the benefits that we can give them under the Tax Code is the least that we can do for them.

I hope that we will demonstrate our unqualified support for our troops in Bosnia by adopting the bill before us today.

This is not about whether you agree with the policy that put United States forces in Bosnia. Many of us have had grave reservations about the policy that sent our troops there in the first place; but, the point is—they are there.

And, since they are there, we need to do everything in our power to make sure that they are treated fairly in the Tax Code. This bill does that.

□ 1130

Mr. Speaker, I reserve the balance of my time.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a needed piece of legislation. It is a bipartisan piece of legislation. The chairman has adequately and totally described it. I support what he is doing, what we are doing on a bipartisan basis. I would only say that it makes good common sense that soldiers who go to zones, such as the one they are now occupying in the former Yugoslavia and its surrounding areas, do not take with them their tax records. They are not in a position to file an income tax return. They are certainly entitled to all of the benefits that are included in this bill.

This is something we have done in various forms for most soldiers, at least since World War II, in my own memory, so I urge a unanimous vote for it as a show of solidarity that we support those whose lives are at risk.

Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri [Mr. SKELTON]. He is a distinguished member of this committee whose record is replete with his concern for the welfare of our country and of the military personnel who make it up.

Mr. SKELTON. Mr. Speaker, I especially appreciate the gentleman's kind words. I am grateful for the opportunity to express my support for H.R. 2778. I commend the chairman of the committee, the gentleman from Texas [Mr. ARCHER], the gentleman from Florida [Mr. GIBBONS], the ranking member, and the Committee on Ways and Means for bringing this legislation to the floor. I especially thank the gentleman from Kentucky [Mr. BUNNING] for his hard work. I commend him for his thorough and painstaking effort. It was a pleasure to work with him on this legislation.

Mr. Speaker, late last year I began working with the gentleman from Kentucky [Mr. BUNNING] to draft legislation providing tax relief for United States troops serving our Nation in contingency operations overseas, particularly those in Bosnia and Herzegovina, Croatia, and Macedonia. I introduced my own legislation, H.R. 2776, to meet this end. I am pleased the committee adopted a key provision originally from my bill that would expand a pay exemption.

We need to take care of our troops. The American people can be proud of the fine service of the members of our Armed Forces. We are sending them into dangerous and difficult missions as participants in Operation Joint Endeavor and Operation Able Sentry, thousands of miles from their friends and families.

It is only proper that we extend an exemption from Federal income taxes during their deployment, as we did those who served in the gulf war in Operation Desert Shield and Operation Desert Storm. In some instances, the living conditions and dangers are as bad or worse than some experienced in the gulf war.

H.R. 2778 deserves, and I am sure will receive, a wide bipartisan support. Let us all express our support for our American troops by passing this legislation, hopefully unanimously, today.

Mr. BUNNING of Kentucky. Mr. Speaker, I have the pleasure to yield such time as he may consume to the gentleman from Texas [Mr. ARCHER], chairman of the Committee on Ways and Means.

Mr. ARCHER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in strong support of H.R. 2778. I compliment the gentleman from Kentucky [Mr. BUNNING], chairman of the Subcommittee on Social Security of the Committee on Ways and Means, for his leadership in introducing this bill, even though it does not have anything to do with Social Security.

He has done a great service for our service men and women in Bosnia by pointing out the appropriateness of this legislation, because those people over there, as we know and we have heard, are placed in the same sort of danger as if it were a combat zone.

Quite honestly, I do not know why the President did not declare it a combat zone. It clearly is a combat zone. But by the President failing to declare it as one, he has denied, effectively, the benefits to our service people over there that they would otherwise be entitled to. This legislation provides our troops and their families with a little relief and demonstrates Congress' support for our troops.

In the past they would have, as I mentioned, in a combat zone automatically have received these benefits which now we will give especially to them by this legislation. This bill enjoys great bipartisan support, and I know of no opposition to it. I therefore urge my colleagues on both sides of the aisle to support it.

Mr. SPENCE. Mr. Speaker, I rise in strong support of H.R. 2778, a bill to provide combat zone type tax exemption to our troops in the former Yugoslavia.

Mr. Speaker, many Members of this body, including myself, may have considerable doubt about the wisdom of the President's decision to commit military forces to uphold the Dayton Peace agreement in Bosnia. But there is one thing about which there is no doubt in my mind, and that is my unshakable support for the military men and women assigned this arduous duty. I am confident that the vast majority of this House will not falter when the welfare of our troops is at stake, especially when they serve in such a dangerous place such as Bosnia.

H.R. 2778 as reported by the Committee on Ways and Means is a superb bill. It provides full exclusion of income for enlisted members and warrant officers as would be provided under current law in a combat zone. Another important aspect of the legislation is the long overdue update in the income exemption for officers. We on the Committee on National Security have been working since the Persian Gulf war to update the $500 cap on officer exemptions in current law. The $500 cap dates back to 1966 and has long since lost any relevance to officer income levels. H.R. 2778 not only restores the value of this benefit for officers, it precludes this problem from reoccurring by linking the cap to the maximum pay for an enlisted person, or $3,377.10.

The other very important aspect of this bill is that it provides a series of benefits to the survivors of members who lose their lives in Bosnia. We all hope that we have seen the last United States servicemember die in Bosnia, but we must acknowledge that the prospect for further casualties remains very real. H.R. 2778 ensures that a second tragedy is not visited upon a deceased member's family by the Internal Revenue Service.

H.R. 2778 is an important bill that supports our troops. I urge my colleagues to vote "yes."

Mr. BEREUTER. Mr. Speaker, this Member rises in the strongest possible support for H.R. 2778, legislation designed to provide that members of the Armed Forces serving in Bosnia will be entitled to combat zone tax benefits.

The benefits provided in this legislation are relatively modest. Enlisted personnel will not be taxed on their base pay, and officers receive a $500 exclusion. Servicemembers killed in Bosnia are granted a reduced estate tax. They are given a filing extension so that our peacekeeping operation does not shut down on April 15 while our troops are filling out returns. Telephone calls back home are not subject to a 3-percent excise tax.

But while the provisions may seem modest, the effect on the morale of American troops serving in Bosnia, Croatia, and Macedonia will be significant. This Member recently had the opportunity to visit with General Nash, commanding general of the U.S. Army's 1st Armored Division in Bosnia. He expressed the troops' strong support for the passage of H.R. 2778. It was, General Nash argued, at this point perhaps the single most positive and personally important expression of support that the Congress could send to the troops serving in IFOR.

Mr. Speaker, the very least we can do is ensure that, when our troops return, they will not be met at the airport by the IRS. This Member urges swift passage of H.R. 2778.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 2778, a bill to give special tax treatment to U.S. troops in Bosnia. This legislation will assist the families of those troops serving in the Balkans with filing their taxes and is an appropriate gesture in response to the peacekeeping efforts of those troops who are serving in that region.

The Dayton Peace Accord, signed in December 1995, outlined a peaceful settlement for the 3 year old conflict in Bosnia and Herzegovina. Part of this agreement called for the deployment of a NATO peackeeping force to enforce the cease-fire which was the foundation of the accord. The U.S. commitment to this force in Bosnia was 20, 000 soldiers. Furthermore, an additional 12,000 Americans are stationed in Croatia, Italy, Hungary, and other neighboring countries to provide support for the implementation force [IFOR]. In December, the Secretary of Defense estimated the cost of this mission to be $2 billion.

Additionally, there are 550 Americans serving as part of a 1,000 man U.N. force in Macedonia. The purpose of this mission, Operation Able Sentry, which began in 1993, is to prevent the conflict in Bosnia from spilling over into Macedonia.

Under current law, U.S. military personnel serving in Areas designated by the President as a combat zone are exempt from performing a number of tax-related duties, including filing tax returns, paying taxing, or filing a claim for credit until the individual is no longer serving in the designated area. This allows these individuals to attend to their financial affairs after their service is complete. Additionally, the families of active service personnel killed in a combat zone are not subject to income tax for the year of death and are entitled to a reduction in estate taxes.

To date, President Clinton has not declared any areas within the Balkans as combat zones. By not classifying the area as a combat zone, the families of soldiers killed in service will not be able to receive a variety of special tax waivers and benefits.

This legislation will correct the oversight of the administration and allow personnel serving in Bosnia and Herzegovina, Croatia, and Macedonia, all qualified hazardous duty areas, to be eligible for the eight specific provisions of the Internal Revenue Service Code which relate to personnel serving in a combat zone.

In addition, this legislation will raise the amount of income an officer may claim as tax-exempt combat pay from $500 to the highest rate of basic pay for any enlisted member of the Armed Forces.

I strongly support this legislation and urge its passage. By doing so we will be sending a vote of confidence to our troops in the Balkans regarding their ability and dedication to enforcing peace in a war-torn land.

Ms. DELAURO. Mr. Speaker, first, I want to express my sadness that our colleague, Representative GIBBONS, is retiring. We will miss your leadership.

I strongly support this bill to give favorable tax treatment to American troops, just as I strongly supported American troops during the debate on Bosnia. American service men and women who are keeping the peace in Bosnia deserve all of the support that we in Congress can give.

Under this bill, we will allow our Armed Forces to focus on the difficult task at hand—keeping peace in a land ravaged by nearly 4 years of fighting—without worrying about filing their tax forms on time. We will signal how much we value the extraordinary service of American troops by exempting Operation Joint Endeavor pay from taxation. The bill also will make it easier for families to stay in touch during a time of separation by waiving the excise tax for troops to call home from Bosnia.

This bill corrects a technicality, but one that I believe is extremely important. Troops in combat zones have traditionally received tax breaks, but American forces in Bosnia are there not to fight a war, but to keep the peace. I urge my colleagues to pass this bill and show our troops in Bosnia that we understand their sacrifice and value their service.

Mr. TATE. Mr. Speaker, while I do not believe the President ever made the case to the American people and Congress that sending United States ground troops to Bosnia is clearly within our vital national security interests, I cannot express how profoundly proud and deeply appreciative I am of the men and women that once again have been called upon to serve our great Nation.

The men and women of our military risk their lives every day in Bosnia. I believe if our Government can do anything to help our soldiers and their families during these difficult times, it is our obligation to do so. That is why I am so disappointed that the President has not extended combat zone tax benefits to troops serving in Bosnia. In the past, these benefits have been automatic.

As a Member of the 104th Congress, I am proud this body has chosen to step up to the plate and show how profoundly grateful we are for those troops serving at the request of the President. Today, we will pass a measure to provide tax relief to our troops serving in Operation Joint Endeavor. This will include eliminating taxation of combat pay, reducing estate taxes in the event of combat-related death, and forgiving income tax upon a combat-related death.

This tax relief cannot fully compensate members of the military for their service, but if it helps one family or service member through this trying ordeal, then it will have been worth it.

Mr. FARR of California. Mr. Speaker, I rise today to speak in support of H.R. 2778. This important legislation would ensure that American soldiers now serving in the former Yugoslavia receive the same tax benefits as other soldiers in combat zones.

Our troops serving in Operation Joint Endeavor face special dangers and challenges unique to their mission, including mine clearance and monitoring the withdrawal and redeployment of armed groups. Though they are not serving in conventional combat conditions, their work is no less dangerous. Clearly, they should not be treated any differently than other American soldiers who serve overseas in an area of potential danger.

Unfortunately, without this bill, our troops in Bosnia would not get the same tax benefits as soldiers serving in a combat zone. This legislation will correct this discrepancy and ensure that the young American men and women enforcing the Dayton Peace Accords in the former Yugoslavia are treated the same as soldiers serving in equally hazardous areas.

I am glad to see Congress take action on this issue, and I urge the prompt passage of the legislation to correct this oversight.

Mr. GIBBONS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BUNNING of Kentucky. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ROGERS). The question is on the motion offered by the gentleman from Kentucky [Mr. BUNNING] that the House suspend the rules and pass the bill, H.R. 2778, as amended.

The question was taken.

Mr. BUNNING of Kentucky. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

MOST-FAVORED-NATION TREATMENT FOR BULGARIA

Mr. CRANE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2853) to authorize the extension of nondiscriminatory treatment—most-favored-nation treatment—to the products of Bulgaria.

The Clerk read as follows:

H.R. 2853

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL FINDINGS AND SUPPLEMENTAL ACTION.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that Bulgaria—

(1) has received most-favored-nation treatment since 1991 and has been found to be in full compliance with the freedom of emigration requirements under title IV of the Trade Act of 1974 since 1993;

(2) has reversed many years of Communist dictatorship and instituted a constitutional republic ruled by a democratically elected government as well as basic market-oriented reforms, including privatization;

(3) is in the process of acceding to the General Agreement on Tariffs and Trade (GATT) and the World Trade Organization (WTO), and extension of unconditional most-favored-nation treatment would enable the United States to avail itself of all rights under the GATT and the WTO with respect to Bulgaria; and

(4) has demonstrated a strong desire to build friendly relationships and to cooperate fully with the United States on trade matters.

(b) SUPPLEMENTAL ACTION.—The Congress notes that the United States Trade Representative intends to negotiate with Bulgaria in order to preserve the commitments of that country under the bilateral commercial agreement in effect between that country and the United States that are consistent with the GATT and the WTO.

SEC. 2. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO BULGARIA.

(a) PRESIDENTIAL DETERMINATIONS AND EXTENSION OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(1) determine that such title should no longer apply to Bulgaria; and

(2) after making a determination under paragraph (1) with respect to Bulgaria, proclaim the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of that country.

(b) TERMINATION OF APPLICATION OF TITLE IV.—On and after the effective date of the extension under subsection (a)(2) of nondiscriminatory treatment to the products of Bulgaria, title IV of the Trade Act of 1974 shall cease to apply to that country.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois [Mr. CRANE] will be recognized for 20 minutes, and the gentleman from Florida [Mr. GIBBONS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. CRANE].

GENERAL LEAVE

Mr. CRANE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2853.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 2853, which would extend permanent most-favored-nation [MFN] tariff treatment to the products of Bulgaria. This legislation, which was introduced by myself and the ranking member of the Ways and Means Subcommittee on Trade, Mr. RANGEL, is non-controversial and is identical to legislation that the House passed last year, H.R. 1643, by a voice vote. The House needs to take action on this important legislation again because the provisions on Bulgaria were not contained in the version of H.R. 1643 that was ultimately enacted.

The reasons for the normalization of trade relations between the United States and Bulgaria through the passage of H.R. 2853 remain the same as they were at the time of the House's consideration of this issue last year. At present, Bulgaria's MFN status is regulated by title IV of the Trade Act of 1974, which is commonly referred to as the Jackson-Vanik amendment. Since 1993, Bulgaria has received MFN status after the President has found the country to be in full compliance with the freedom of emigration requirements contained in this provision of United States law.

The political and economic circumstances in Bulgaria have changed considerably since the enactment of the Jackson-Vanik amendment, which was intended to address United States trade relations with nonmarket economies. In recent years, the Communist dictatorship in Bulgaria has collapsed and a democratically elected government has taken office which has implemented basic market-oriented principles, including privatization. Normalizing United States trade relations with Bulgaria, as has been done for other East European countries, will enhance our bilateral relations with the country. Moreover, it will foster the economic development of Eastern Europe by providing the business community with greater certainty with respect to Bulgaria's status under United States law.

At present, Bulgaria is also in the final stages of its negotiations to become a member of the World Trade Organization [WTO]. In this process, Bulgaria has presented a market access offer that would further open the Bulgarian economy to United States exports. For this reason, passage of H.R. 2853 is important in order for the United States to avail itself of all WTO rights in our trade relations with Bulgaria at the time of the country's accession to the agreement.

The Congressional Budget Office has indicated that its baseline revenue projections assume that Bulgaria's conditional MFN status will be renewed by the President in the future. Therefore, enactment of H.R. 2853 will not affect projected Federal Government receipts.

Mr. Speaker, I urge my colleagues to support the passage of this legislation, and I reserve the balance of my time.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Illinois [Mr. CRANE] has adequately explained this bill. I will not belabor the time. I had planned to do a little filibustering here, because I was waiting for the gentleman from Illinois [Mr. HYDE] to reach the floor, but he is already here, so I will not do the filibuster.

I was going to point out at great length the strides Bulgaria has made since it has become a free nation. It has joined the family of nations very well, conducted itself as well as we can really expect, considering the tortuous history that this country has gone through.

Mr. Speaker, I would like to commend all the people in Bulgaria for what they have done. I do not think it is widely known here in the Congress or widely known throughout the world, but Bulgaria has modernized its revenue collection system, and has adopted a very comprehensive value-added tax. Now, that is something that we are going to hear more about in our future around here, but the gentleman from Illinois is here, and I urge the adoption of this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before we conclude this exchange on this important piece of legislation, I want to take this opportunity briefly to pay tribute to the former chairman of our Committee on Ways and Means and the man under whom I served when he was chairman of the Subcommittee on Trade. I refer, of course, to the gentleman from Florida [Mr. GIBBONS].

Mr. Speaker, I have often mentioned to folks that it was the Democratic party traditionally that embraced free trade, and it was the Republicans that tried to put the Great Wall of China around this country. In the post World War II era, our positions tended to shift somewhat, but not totally. It was, in fact, McKinley, a Republican, who imposed what at that point was the highest tariff in our history in 1890. That brought on the panic of 1893.

Grover Cleveland was reelected in 1892, and he got the tariffs lowered and he restored a stable economy again. He said in a State of the Union message at that time, when you put those walls around your country, you inflict the greatest injury on that man who earns his daily bread with the sweat of his brow. That was a profound truth that he uttered. But I have mentioned to many people that the gentleman from Florida, SAM GIBBONS, is our Grover Cleveland, and he has faithfully stood on behalf of those free market principles, and has tried to advance them, and we have worked amicably on a bipartisan basis on all of these issues. His announcement of his retirement I deeply regret. He will be profoundly missed. I salute you, SAM, and thank you for your guidance.

Mr. BEREUTER. Mr. Speaker, this Member rises in support of H.R. 2853, which would extend nondiscriminatory most-favored-nation treatment—normal tariff status—to the export products of Bulgaria. This Member commends his colleagues from the Ways and Means Committee, especially the chairman of the committee, the distinguished gentleman from Texas [Mr. ARCHER], for bringing this legislation to the House floor. This Member would also commend the ranking minority member, the distinguished gentleman from Florida [Mr. GIBBONS], who has recently announced his retirement and who will be sorely missed by this Member and all Members of this body.

He is among the first Members of Congress who took a deep interest in the nations of Eastern and Central Europe even before these countries emerged from behind the Iron Curtain. This Member first visited Bulgaria in the early 1980's as part of a Gibbons-led trade delegation. His good counsel and knowledge about these countries has helped us facilitate our relations with those emerging democracies and active trading partners.

Finally, this Member congratulates the chairman of the Ways and Means Trade Subcommittee, Mr. CRANE, and the ranking minority member, Mr. RANGEL, for their leadership on this important legislation. Their effort is appreciated by this Member.

There are four major reasons that Bulgaria has earned most-favored-nation status. First, Bulgaria has received MFN treatment since 1991 through the waiver process, and has been found to be in compliance with the freedom of emigration requirements of the Trade Act of 1974. Second, Bulgaria has reversed many years of Communist dictatorship and has instituted a constitutional republic, a democratically elected government and basic market-oriented reforms. The Bulgarian people enjoyed their first direct Presidential elections in 1992. Third, Bulgaria is in the process of acceding to the World Trade Organization [WTO] and extension of unconditional MFN would enable the United States to avail itself of all rights under the WTO with respect to Bulgaria. Fourth, finally, Bulgaria has demonstrated a strong desire to build friendly relations with the United States and to cooperate fully with us on trade matters.

In closing, Mr. Speaker, this Member reiterates his strong support for H.R. 2853 and urges his colleagues to join in this support.

Mr. GILMAN. Mr. Speaker, I rise in support of H.R. 2853, a bill extending most-favored-nation trade status to Bulgaria.

Bulgaria emerged from Communist dictatorship in November 1989, when Communist leader Todor Zhivkov was removed from power and the path was laid for the free elections that were later held in June 1990.

Just as the other Eastern European countries that emerged from Communist dictatorship after 1989, Bulgaria has faced considerable challenges in transforming its economy and building a new foreign policy focused on integrating Bulgaria into European and trans-Atlantic institutions.

Unfortunately, Bulgaria and the problems it faces have not often received sufficient attention from the international community.

In fact, given the pressing problems elsewhere in the region—particularly the conflicts in the nearby states of the former Yugoslavia—many have preferred to see Bulgaria as simply an oasis of stability in the otherwise turbulent Balkans, overlooking the fact that Bulgaria's economy has suffered from more than just the problems associated with transforming a Communist economy to one based on a market mechanism.

The reality is that, in the last few years, Bulgaria's economy has been adversely affected by its observance of economic sanctions placed on two of its traditional trading partners by the international community.

Since the early part of this decade, sanctions on Serbia and Iraq have resulted in considerable commercial losses for Bulgaria—losses Bulgaria has accepted as a member of the international community, but losses nonetheless.

The United States has tried to assist Bulgaria in this difficult time with direct aid for political and economic reform and as a member of the G–24 group of nations coordinating aid for that country.

It is now time, however, for us to try to do a little more to help Bulgaria and its people as they work to transform their economy and join in a new, modern, prosperous, and democratic Europe.

I hope my colleagues will join in supporting this measure, which should help Bulgaria by providing it with most favored nation—or MFN—trade status for its exports to the United States.

Let us today voice our support for those positive steps that Bulgaria has taken since emerging from communism just a few short years ago, and urge it forward toward a prosperous and democratic future.

Mr. CRANE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. BUNNING] that the House suspend the rules and pass the bill, H.R. 2853.

The question was taken.

Mr. BUNNING of Kentucky. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

□ 1145

NATIONAL GAMBLING IMPACT AND POLICY COMMISSION ACT

Mr. HYDE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 497) to create the National Gambling Impact and Policy Commission, as amended.

The Clerk read as follows:

H.R. 497

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Gambling Impact and Policy Commission Act".

SEC. 2. ESTABLISHMENT OF COMMISSION.

There is established a commission to be known as the National Gambling Impact and Policy Commission (in this Act referred to as the "Commission").

SEC. 3. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—

(1) GENERALLY.—The Commission shall be composed of 9 members, appointed from persons specially qualified by training and experience to perform the duties of the Commission, as follows:

(A) three appointed by the Speaker of the House of Representatives;

(B) three appointed by the majority leader of the Senate; and

(C) three appointed by the President of the United States.

(2) CONSULTATION BEFORE APPOINTMENT.—Before the appointment of members of the Commission (including to any vacancies), the appointing authorities shall consult with each other to assure that the overall membership of the Commission reflects a fair and equitable representation of various points of view.

(3) TIMING OF APPOINTMENTS.—The appointing authorities shall make their appointments to the Commission not later than 60 days after the date of the enactment of this Act.

(b) DESIGNATION OF THE CHAIRMAN.—The Speaker of the House of Representatives and majority leader of the Senate shall designate a Chairman and Vice Chairman from among the members of the Commission.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) INITIAL MEETING.—No later than 60 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(e) MEETINGS.—The Commission shall meet at the call of the Chairman.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

SEC. 4. DUTIES OF THE COMMISSION.

(a) STUDY.—

(1) IN GENERAL.—It shall be the duty of the Commission to conduct a comprehensive legal and factual study of—

(A) gambling in the United States, including State-sponsored lotteries, casino gambling, pari-mutuel betting, and sports betting; and

(B) existing Federal, State, and local policy and practices with respect to the legalization or prohibition of gambling activities and to formulate and propose such changes in those policies and practices as the Commission shall deem appropriate.

(2) MATTERS STUDIED.—The matters studied by the Commission shall include—

(A) the economic impact of gambling on the United States, States, political subdivisions of States, and Indian tribes, both in its positive and negative aspects;

(B) the economic impact of gambling on other businesses;

(C) an assessment and review of political contributions and their influence on the development of public policy regulating gambling;

(D) an assessment of the relationship between gambling and crime;

(E) an assessment of the impact of pathological, or problem gambling on individuals, families, social institutions, criminal activity and the economy;

(F) a review of the demographics of gamblers;

(G) a review of the effectiveness of existing practices in law enforcement, judicial administration, and corrections to combat and deter illegal gambling and illegal activities related to gambling;

(H) a review of the costs and effectiveness of State, Federal, and Tribal gambling regulatory policy;

(I) an assessment of the effects of advertising concerning gambling, including—

(i) whether advertising has increased participation in gambling activity;

(ii) the effects of various types of advertising, including the sponsorship of sporting events;

(iii) the relationship between advertising and the amount of the prize to be awarded; and

(iv) an examination of State lottery advertising practices, including the process by which States award lottery advertising contracts;

(J) a review of gambling that uses interactive technology, including the Internet;

(K) a review of the extent to which casino gambling provides economic opportunity to residents of economically depressed regions and to Indian tribes;

(L) a review of the effect of revenues derived from State-sponsored gambling on State budgets; and

(M) such other relevant issues and topics as considered appropriate by the Chairman of the Commission.

(b) REPORT.—No later than 2 years after the Commission first meets, the Commission shall submit a report to the President and the Congress which shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate.

SEC. 5. POWERS OF THE COMMISSION.

(a) HEARINGS AND SUBPOENAS.—

(1) The Commission may hold such hearings, sit and act at such times and places, administer such oaths, take such testimony, receive such evidence, and require by subpoena the attendance and testimony of such witnesses and the production of such materials as the Commission considers advisable to carry out the purposes of this Act.

(2) ATTENDANCE OF WITNESSES.—The attendance of witnesses and the production of evidence may be required from any place within the United States.

(3) FAILURE TO OBEY A SUBPOENA.—If a person refuses to obey a subpoena issued under paragraph (1), the Commission may apply to a United States district court for an order requiring that person to appear before the Commission to give testimony, produce evidence, or both, relating to the matter under investigation. The application may be made within the judicial district where the hearing is conducted or where that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(4) SERVICE OF SUBPOENAS.—The subpoenas of the Commission shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(5) SERVICE OF PROCESS.—All process of any court to which application is to be made under paragraph (3) may be served in the judicial district in which the person required to be served resides or may be found.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this Act. Upon request of the Chairman of the Commission, the head of such department or agency may furnish such information to the Commission.

(c) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

SEC. 6. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Subject to the limitation provided in subsection (e), each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the

Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—Subject to the limitation provided in subsection (e), the members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—Subject to the requirements of subsection (e), the executive director shall be compensated at the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code. The Chairman of the Commission may fix the compensation of other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for such personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(e) LIMITATION.—No payment may be made under the authority of this section except to the extent provided for in advance in an appropriation for this purpose.

SEC. 7. TERMINATION OF THE COMMISSION.

The Commission shall terminate 30 days after the date on which the Commission submits its report under section 4.

The SPEAKER pro tempore (Mr. ROGERS). Pursuant to the rule, the gentleman from Illinois [Mr. HYDE] and the gentleman from Massachusetts [Mr. FRANK] each will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, National Gambling Impact and Policy Commission Act (H.R. 497) would create a national commission to study the economic and social impact of gambling in our country.

The legislation is the concept of our colleague, and my good friend, Congressman FRANK WOLF of Virginia. This measure is on the floor of the House largely because of his articulate advocacy and persistence. A study of the impact of gambling on our society—focusing on both its positive and negative aspects—will be a helpful tool for policymakers at the Federal, State, and local government levels. FRANK WOLF has identified a very important public policy issue and he deserves high praise for his efforts.

On September 29, 1995, the full Judiciary Committee held a hearing on H.R. 497. At that time, we heard from 15 witnesses, including 8 Members of Congress. Also, subsequent to our hearing, the committee received 15 additional statements for the record from other interested organizations and individuals.

During our hearing, we heard virtually every point of view on gambling and its effects. For example, we had testimony on the problem of compulsive gambling. We also heard from a university professor focusing on the economic aspects of gambling—that is, job creation, impact on tourism, State and local government revenue, et cetera. We also heard testimony from the chairman of the National Indian Gaming Association, documenting how the emergence of an Indian gambling industry in recent years has had a positive impact on employment, economic development, and overall self-sufficiency for Indian tribes. Still others testified regarding the relationship between gambling and crime, including organized crime.

Based upon this extensive committee record and personal study, I concluded that a study commission on gambling in the United States is a good idea. As the Washington Post proclaimed in its headline for an editorial endorsing the bill: "For Once, a Useful Commission!" The Post went on to observe that "commissions can * * * play the useful role of bringing to national attention issues that were previously submerged or debated in fragmentary ways."

In my view, it is particularly timely for us to have a balanced, impartial, and comprehensive look at whether or not the spread of gambling is good for this country. Over the last two decades, legalized gambling has expanded extensively throughout our country. Currently, 48 States allow some form of legalized gambling. We have State-conducted lotteries, riverboat gambling, Indian gambling, and casino gambling. For better or worse, gambling has become a commonplace part of the American culture. Just this week, the Washington Post illustrated the explosive growth of gambling:

> What had been a mob-infested vice has become state-approved fun—a new national pastime. While 70 million people attend professional baseball games each year, 125 million go to government-sanctioned casinos. Adults now spend more money gambling than they spend on children's durable toys. Three times more pilgrims from around the world visit the pyramid-shaped Luxor Hotel in Las Vegas than visit Egypt. Casinos rake in more profits than movie houses and theaters and all live concerts combined.

The Washington Post, March 3, 1996 at A1.

Many believe that this widespread expansion of legalized gambling has had numerous negative effects. In some instances, this conclusion is undoubtedly true. For example, many opportunities to gamble are now available to minors who are not ready to make a mature judgment about the nature of this kind of activity. Furthermore, compulsive gamblers frequently have a negative, sometimes tragic, impact on their families.

The traditional linkage between gambling and crime is also an obvious concern. To give just one example, a GAO report issued in January concluded that "the proliferation of casinos, together with the rapid growth of the amounts wagered, may make these operations highly vulnerable to money laundering." General Accounting Office, "Money Laundering—Rapid Growth of Casinos Makes Them Vulnerable," GAO/GGD-96-28, B-259791 (January 1996) at 2. As gambling continues to spread, these negative effects and others spread with it.

In addition, the proponents of H.R. 497 have pointed out the lack of reliable information about the actual effects of gambling. We simply need better and more accurate scientific and behavioral data concerning gambling. Because of this lack of information, State and local policymakers, who are considering the legalization of gambling in various forms, are often vulnerable to exaggerated claims about the positive effects of gambling and the prospects for painless revenue generation. Just 3 months ago, a Maryland State study commission concluded:

> The Maryland Congressional delegation should support the immediate creation of a national commission to study issues related to commercial gaming and should recommend that the commission complete its work within one year.
>
> States are unable to confidently make decisions about casino gaming because of competitive concerns about the decisions of their neighbors and because of the inadequate data and analysis available to them. *The Task Force believes that the proposed national commission on gambling, currently being considered by Congress, could make a significant contribution to public policy development.*

Final Report of the Joint Executive-Legislative Task Force to Study Commercial Gaming Activities in Maryland, December 1995, at xiv (emphasis added).

I also want to stress that I have listened to the critics of H.R. 497 as introduced, and they too have some valid points to make. In particular, they said that they do not fear the outcome of an objective study. However, they did express concern that the Commission as proposed in the original version of H.R. 497 might be biased against gambling per se and that it was only charged with looking at the negative effects of gambling.

I believe that this Commission can do the most good if its study is as neutral, objective, and comprehensive as possible—considering the views of all sides of this issue. In that spirit, I proposed a committee amendment in the nature of a substitute to H.R. 497, which the Judiciary Committee adopted on a voice vote.

My substitute included the vast majority of the provisions contained in H.R. 497 as originally introduced, but it added language so as to assure that all points of view would be represented on the Commission. Specifically, the bill now requires that the appointing authorities consult together to ensure that the overall makeup of the Commission fairly and equitably represent various points of view. It also drops the requirement that one seat on the Commission go to a State Governor. I want to avoid going down the difficult road of specifying which group gets what seat on the Commission because I believe that is a decision better left to the collective wisdom of the appointing authorities—the President, the Speaker, and the majority leader of the other body.

In addition, the amendments add language that would require the Commission to study both the positive and negative aspects of the economic impact of gambling. I believe that the opponents of H.R. 497 will agree that these changes are a good-faith effort to address their concerns about the fairness and balance of the Commission.

At the Judiciary Committee hearing, I heard members of the committee express particular concern about the issue of advertising concerning gambling activities. Because of that concern, the amendment adds language that would require the Commission to study that issue. At the suggestion of our colleague, Congressman HOKE, we added even further specificity to the advertising language, and I appreciate his contribution and his willingness to work with us on this issue.

Senator DICK LUGAR, as well as the Governor of my own State of Illinois, Gov. Jim Edgar, raised the issue of gambling through the Internet and other interactive technologies. The amendment adds language directing the Commission to look at this aspect of the issue. We have also added language that will require the Commission to study the impact of revenue from State-sponsored gambling on State budgets. With respect to all of these changes, my thinking is that the more comprehensive the Commission's study is, the more useful it will be.

Another major change the amendment would make is to shorten the time period for the study commission from 3 to 2 years. The Maryland study commission urged that we make the time period even shorter. This will reduce the costs involved with this effort. The amendment also made changes of a technical and conforming nature.

During committee consideration of this bill, Congressman BONO, Congressman SCHIFF, and Congressman GALLEGLY expressed concerns about whether the proposed Commission would end up being overly biased against gambling operations in general, and Indian gambling operations, in particular. I worked with these members to craft language to amend H.R. 497 to address these concerns. These changes include: First, language to clarify that the Commission is to study all forms of commercial gambling include State lotteries, casino gambling, pari-mutuel betting, and sports betting; second, language that clarifies that the study of political contributions should include all political contributions that influence public policy on gambling, not just those of gambling operators; and third, language originally suggested by Congressman FRANK that would require the Commission to study the extend to which casino gambling has provided economic opportunity for Indians and residents of economically depressed areas. I also agreed to add language to the report that further addresses their concerns about the fairness of the makeup of the Commission.

Subsequent to our consideration of the bill, the Resources Committee sought and received sequential referral of the bill to review specifically its effect on Indian gambling. After its consideration, that committee made a suggestion of one amendment that would clarify the bill's description of the gambling regulatory policies to be studied so that it now includes tribal regulatory policy. I have accepted that amendment, and it is part of the substitute text we consider today. I want to thank Chairman DON YOUNG for his cooperation in this matter. I also want to note that by cooperating with the Resources Committee, the Judiciary Committee does not waive any of its traditional jurisdiction over Federal gambling statutes and gambling issues generally.

I think all of these changes make the bill more balanced and comprehensive, and I appreciate the contributions of all of these members in working with us to make this a better bill.

I have discussed the various changes contained in my substitute amendment, as well as the Resources Committee amendment, with Congressman WOLF, and he has indicated his full support for all of these changes.

I urge my colleagues to adopt the improvements embodied in the committee amendment and to pass H.R. 497 as amended.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Speaker, I rise today in opposition to this legislation, H.R. 497, which would create a national gambling commission to study the impact of gaming on this country. My time is short and my opposition is well documented in my testimony last year before the Judiciary Committee.

But I believe, Mr. Speaker, what we are about to do here today goes against everything this new Congress is supposed to stand for—and that is limiting the ever increasing intrusion of the Federal Government into our everyday lives. Gaming and its regulation has been the sole responsibility of our individual States and it is my belief that this is where that responsibility must remain. Creation of a national gaming commission to study the impacts of gaming simply infringes on that right and we should be taking a very dim viewpoint of that action.

Quite honestly, Mr. Speaker, this proposed commission leaves the States out in the cold. The proponents claim that the purpose of the study is for the States to be well informed about the gaming industry. First, let me say that the States are extremely well informed about what their job is and they don't need Washington to tell them how to do it. After all, they deal with the regulation of gaming on a daily basis. But this proposed commission avoids the State's expertise by precluding our Governors, State legislators, mayors, and locally elected officials from a major role in the study. This is of such concern that in a recent letter, Governor Roy Rowland of Connecticut, cited his deep concern and specifically requested that State and local lawmakers have representation on the commission.

The approach taken by this bill is the usual Washington-knows-best syndrome. Let's just say, I object to that premise.

This legislation should also require that commission recommendations regarding State gaming policy issues must be directed to State and local governments. But it does not. Does this mean new costly Federal laws or regulations will be implemented on gaming at a time when we are working to reduce regulation? And, once again, when our States are the best ones to be handling this issue, why are we advocating more Federal intrusion?

A final point I'd like to make is that if we are going to have a study, this bill should be inclusive of all forms of gaming present in 48 of the 50 States including casino gaming, State lotteries, charitable gaming, Native American gaming, Internet gaming, sports betting, horse and dog racing and other pari-mutuel activities. Why does this bill exclude charitable gaming from its study? If you want a study on gaming, why are we picking and choosing, rather than including every type of gaming?

Mr. Speaker, we don't need another costly Federal study and we don't need more intrusion on our States' right to guide their existence. I urge defeat of this bad legislation.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. LAFALCE], a cosponsor of the bill.

Mr. LAFALCE. Mr. Speaker, I rise in support of H.R. 497, the National Gambling Impact and Policy Commission Act. I wish to commend my colleague from Virginia [Mr. WOLF], for his efforts and his leadership in bringing this legislation to the House floor today.

The legislation before us today addresses issues and concerns that I have sought to bring to the attention of Congress since 1994. As chairman of the Committee on Small Business, I conducted hearings in 1994 that documented the rapid proliferation of casino gambling throughout the United States and examined the economic impact of Government-sponsored gambling on small businesses, on individual communities, and on the Nation as a whole.

Based on the findings of those hearings, I introduced in 1994 the National Policies Toward Gambling Review Act to authorize a Federal study of the economic and social implications of this widespread growth of legalized gambling. This proposal, like that introduced by Mr. WOLF, creates a new national commission, along the lines of the commission that last studied gambling in 1976, and would expand its study to all aspects of gambling in all States and localities. I reintroduced my bill in the current Congress as H.R. 462, and was delighted to sign on Mr. WOLF as my first cosponsor. When he subsequently introduced his most similar bill, H.R. 497, I was pleased to sign on as his lead cosponsor.

The 1994 Small Business Committee hearings convinced me that widespread legalized gambling has raised serious questions that few local officials, and American society generally, are prepared to address. The hearings also confirmed what a New York Times article headline had proclaimed several weeks earlier, that gambling is now bigger than baseball as a national pastime. Some 125 million people visited casinos in 1994, a whopping 36 percent increase from 92 million in 1993. Annual attendance at professional baseball games averaged only 70 million. Casino revenues increased by a whopping 33 percent between 1993 and 1994, from $30 billion to $40 billion, and easily exceed the combined revenues for other major leisure activities, including movies, books, recorded music, spectator sports, theme parks, and arcades.

Americans wagered $462 billion on all forms of legalized gambling in 1994, more than the entire gross national product of Communist China. More than $360 billion was wagered in casinos in 10 States and on Indian reservations in 24 States, most of which were built after 1991. All but three States now permit pari-mutuel betting, slot machines, video poker, keno, bingo, or other forms of gambling. And 36 States actively encourage gambling with government-run lotteries.

This is a far different situation than existed when the last national commission issued its report on gambling in 1976. Legalized gambling was then confined to Nevada, and was under consideration in Atlantic City. The focus of the commission's study was the influence of organized crime in gambling, not the various economic and social implications of widespread gambling across the country. For Nevada, and later Atlantic City, gambling provided what experts termed a monopoly export economy—the popular conception of gambling as a model for economic development in which new jobs, higher tax revenues, and other economic benefits are created for a local economy by tourists from other locations. This model offered the added benefit of hiding the economic and social problems of gambling—including bankruptcies, gambling addiction and crime—which tourists simply took home with them.

As gambling has spread across the United States, and even to locations on our border with Canada, it has become clear that this model of gambling as economic development is no longer effective. States and localities now compete with Indian reservations, with other States and with other countries to lure potential gamblers or, at minimum, to keep their own gambling revenues at home. Casinos that were touted as bringing jobs and economic enrichment to communities in 1994 are now going bankrupt.

What we now have is an economic model of gambling that the casino industry itself refers to as "convenience" gambling. Rather than confining gambling to specific locations for purposes of economic development, gambling is made readily available to all potential customers. In a convenience gambling economy, discretionary spending is diverted from other forms of entertainment and consumer expenditures to casinos and other gambling establishments. Restaurants, hotels, and other competing local businesses lose revenues and fail. Scarce resources are diverted to the least productive local activities and economic wealth becomes concentrated in fewer and fewer hands. In short, rather than the economic panacea promised by gambling promoters, the opposite of economic development appears to be occurring in many communities.

The social costs of gambling also have become more visible as gambling has spread to more locations. However, there is little comprehensive data, for example, on the costs of gambling-related crimes, on personal losses and bankruptcies or on lost jobs and work time due to gambling. Nor do we know the costs inflicted on families in terms of gambling-related alcoholism, abuse, divorce, or suicide.

Recent studies in Iowa and Missouri found that between 3 to 6 percent of gamblers become compulsive gamblers and that a large percentage of compulsive gamblers resort to crime to cover their losses. Other studies have estimated the public costs of each problem gambler, in terms of treatment, services and court expenses, as between $13,000 and $35,000. Even at the lowest cost estimate, according to witnesses in our 1994 hearing, an increase in gambling addiction of only one-half of 1 percent of a State's adult population would translate into added costs of $73 million a year in a small State like Iowa and more than $780 million in new costs in a large State like California. Such costs could eventually nullify any economic gains from gambling.

Concern with the economic, social and moral implications of Government-sponsored gambling has created something of a public backlash against the gambling industry. In the November 1994 elections voters from Florida to Wyoming rejected 90 percent of all State and local referenda to legalize or expand gambling operations. Last November, gambling initiatives were defeated in Washington and Massachusetts, while special panels in Maryland and Connecticut rejected new casino proposals. This suggests a growing public consensus that the pace of future casino development should be more measured and that future growth of gambling generally must be given greater scrutiny at the local, State, and national levels.

A report issued in November by a special Maryland task force to study casino gambling is particularly instructive and highlights two of the most important issues in the legislation before us today. In recommending against casino gambling, the task force concluded that casino gambling is an issue Maryland cannot address on its own. Since the economic benefits of gambling come largely from reductions in other consumer spending or by attracting spending from other States, the task force said that the issue must be addressed on at least a regional, if not national, basis. The task force also concluded that, given the limited statistical and economic analysis available, it needed far more information to understand all potential consequences of initiating casino gambling.

Contrary to the arguments of some in the gambling industry, the bill before us today does not seek to restrict or regulate organized gambling, nor is it intended as a preliminary step toward such regulation. It merely responds to a growing public demand for more and better information about gambling. And it responds to requests by officials in Maryland and elsewhere for a broad analysis of gambling that can incorporate information from all States and from Indian tribal jurisdictions.

As State and Federal funding for social services and other programs continue to decline, local officials will come under even greater pressure to heed promises of new revenue and greater prosperity in legalized gambling. It is imperative that these officials, and the public generally, have all the information available to make reasoned and prudent policy decisions.

Nearly 2 years have passed since I first proposed legislation to create a national commission to study gambling. It was needed then, it is imperative now. I urge adoption of this important legislation.

Mr. HYDE. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia [Mr. WOLF], the chief sponsor of this bill.

Mr. WOLF. Mr. Speaker, I rise in strong, strong support of this bill. The bill has over 150 to 160 cosponsors.

Let me begin by thanking Chairman HYDE personally for his work on this effort. I want to commend the gentleman. I appreciate the good work that he has done. I also want to thank Alan Coffey, who I have known for about 30 years, for his outstanding work; and lastly for Joe Gibson, your staff, and your other staff people who have done a superb job.

This is important. There are now 48 States that have some form of gambling, whether it be lottery, casino gambling, and whatever the case may be. This is important to stop and take a close look at it. Now, there are going to be many other things, and I have spoken from the floor on this issue many, many times.

I believe it is inappropriate, the spread of gambling that has taken place in the country. All you have to do is read the Washington Post series that was on Sunday and Monday and Tuesday and again tomorrow to see that from two States we have grown to roughly 48 States.

Let me just say—it is not in my statement—for the record, powerful interests in this city have been hired to derail this bill. Prominent people in the Republican Party and prominent people in the Democratic Party from the K Street corridor have been hired to detract and derail and stop this bill.

This bill is going to pass today by an overwhelming vote. There literally is very, very little opposition because it is a fair study that the American people want to see. What is the impact with regard to economic cannibalization, what impact does it have, and what is the impact with regard to corruption and political contributions? What is the impact to social aspects with regard to Gamblers Anonymous and things like this?

So we are going to watch it, and I appreciate the efforts in the House. It is bipartisan. We have the gentleman from Illinois [Mr. HYDE] and the gentleman from Michigan [Mr. BONIOR]. I remember one day I was giving a 1-minute speech and the gentleman from Michigan got up and said, "I want to be on that bill." We have come together in the best interest of this body.

In closing, I appreciate the Speaker of the House, the gentleman from Georgia [Mr. GINGRICH], making this a priority item to bring up, and also the gentleman from Texas [Mr. ARMEY] in not allowing some of these people that are—and I am reluctant to get into their names—who have been hired by the gambling interests to derail this bill.

My closing comment is, I personally care about this almost as much as I care about a lot of things that we are taking. I am going to watch what happens on this bill. I am going to watch and see what takes place over in the Senate.

What I would ask is those who have some problem with this bill, this bill ought to be allowed to pass, whereby we can set up a national commission, whether it be for 18 months or 2 years, whereby 9 men and women of decency and honesty who are not tied into any particular community can look at and examine this issue.

Again, I want to thank the gentleman from Illinois [Mr. HYDE] and his staff very, very much from the bottom of my heart.

Mr. Speaker, as the original sponsor of the pending legislation, I rise in ardent support of H.R. 497, the Gambling Impact and Policy Commission Act and appreciate your scheduling this important legislation for floor consideration. Also, I would like to take a moment to recognize the diligent efforts of the chairman of the Judiciary Committee and his able staff in guiding this legislation through the committee process. It was a pleasure working with Chairman HYDE in bringing this bipartisan bill to the floor.

Mr. Speaker, H.R. 497 is complicated. It would charge the National Gambling Impact and Policy Commission with the duty of making an objective, comprehensive, and impartial legal and factual assessment of gambling. Let me be clear. This legislation does not outlaw gambling. It does not tax gambling. It does not regulate gambling. It merely recognizes that gambling is spreading throughout the country like wildfire and it needs a hard look. This is our responsibility as Federal legislators to create a commission to bring together all the relevant data so that Governors, State legislators, and citizens can have the facts they need to make informed decisions.

In the early 1970's Congress was concerned about problems related to gambling, and it established a commission similar to the one pending before the House today. Since the Commission on the Review of the National Policy Toward Gambling issued its 1976 report, gambling has greatly expanded, and it has grown in many ways that are contrary to the recommendations of that early report. In 1976 only two States had casino gambling. Today, every State but two have some form of legal gambling. According to U.S. News & World Report, people wagered $482 billion in 1994 on all forms of gambling, 85 percent of which took place in casinos in 27 States, most of them built in the past 5 years. As gambling proliferates in casinos, on riverboats, on Indian reservations and elsewhere, problems such as crime, political corruption, cannibalization of existing businesses, gambling addiction, family breakups, and suicide appear to be a growing and unfortunate consequence. It is time for Congress to take a comprehensive look at gambling and its associated problems.

The gambling industry and its proponents argue that this study is not needed because this issue should be left up to the States. Well, Governors Lowry, Washington; Bush, Texas; Dean, Vermont; Carper, Delaware; Sundquist, Tennessee; Merrill, New Hampshire; Cayetano, Hawaii; Voinovich, Ohio; and Racicot, Montana disagree and support H.R. 497. I have heard from many State attorneys general and legislators who also support a national study of gambling. H.R. 497 has received wide editorial support as well from papers such as the Washington Post, Dallas Morning News, Los Angeles Times, Cincinnati Enquirer, Philadelphia Inquirer, Richmond-Times Dispatch, Capital Times, Madison, WS, Sacramento Bee, Chicago-Sun Times, Sun-Sentinel, Fort Lauderdale, FL. Also, this legislation is supported by the Christian Coalition, Traditional Values Coalition, Concerned Women for America, American Family Association, Focus on the Family, Family Research Council, and others. Recently, a coalition of 16 churches in America wrote the House and Senate leadership in support of this important legislation.

Why do so many Governors, State attorneys general, State legislators, and citizens support H.R. 497? The reason is that there exists little credible or reliable information about gambling, and much of the information that does exist is produced by the gambling industry itself. Joseph Tydings and Peter Reuter, chairman and executive director respectively of Maryland's Joint Executive Legislative Task Force to Study Commercial Gambling, in an opinion article which ran in the Washington Post, wrote:

> The problem of legal casino gambling is a national one. . . . The problem cries out for attention from the President and Congress. Unfortunately, the casino industry has mobilized cash and lobbyists to prevent Federal action on the issue.

Mr. Speaker, Congress can no longer turn a blind eye to the stories of poor mothers playing the slots with their children's lunch money or the Northeast Mississippi Daily Journal article that indicated that more money was bet in casinos, $29.7 billion, in 1994 than was spent on all taxable sales, $27.6 billion, in the State. No longer can we ignore reports of teenagers so addicted to gambling that they prostitute their girlfriends to pay off their mob debts. And Congress will no longer be able to disregard accounts of Americans so distraught over their mounting gambling debts that their only perceived recourse is suicide.

Mr. Speaker, America has begun to focus on the issue of gambling and its related problems. By passing H.R. 497 today, Congress will take a meaningful step toward bringing together all the relevant data so that Governors, State legislators, and citizens can have the facts they need to make informed decisions.

Mr. Speaker, I include for the RECORD four editorials in support of this legislation, as follows:

[From the Saturday Oklahoman, Oct. 28, 1995]

STUDY COULD HELP

The battle over legalizing casino gambling in Oklahoma apparently will be fought at the polls instead of in the courtroom.

Casino proponents have gathered 202,993 signatures on petitions to place the proposal on the ballot, the secretary of state says. A leading opponent says his group believes it would be useless to challenge the petition, based on past Supreme Court rulings. Instead, foes will focus on defeating the proposal, possibly at the time of the presidential primary on March 12. Casino boosters want to question on the November 1996 general election ballot.

In either case, Oklahomans will have time to study the issue and should try to get all the information they can to help them make their decision.

Of interest in this respect is an editorial in The News Journal of Wilmington, Del. It raises concerns about casinos due to open this year at Delaware racetracks.

News stories in the paper estimate perhaps $400 million will be poured into 1,200 slot machines the first year. But the profit to the state would be only $8 million, about 2 percent of the wagering. The slot machines would return 90 percent or more to the bettors, with the rest going to track owners, purses for the horses, slot machine leases and state administrative costs, according to the paper.

The editorial worries about the potential for abuse existing in all aspects: gambling contractors, casino employees, bettors, owners and operators. It notes that smaller operations like Delaware's are considered more susceptible to corruption than the big gambling meccas, like Atlantic City and Nevada.

"While much is said about the possible benefits from slots to racing and new jobs, businesses and revenue, how much is really known about the influence of organized crime, the potential for political corruption and the social toll on individuals and families?" the paper asks.

The editorial supports legislation pending in Congress to establish a National Gambling Impact and Policy Commission to help states evaluate the effects of legalized gambling. Such a study could also prove useful also for Oklahoma as it is confronted by efforts to expand gambling activities in the state.

[From the Indianapolis News, Feb. 29, 1996]

LOOKING AT THE FACTS

Since it's only a study commission, it might be pertinent to wonder why the gambling industry wants to delay or water down House Resolution 497.

This proposal, by Rep. Frank Wolf, R-Va., would establish a national commission to study the economic and social impact of legalized gambling.

The problem for the gambling industry is the fact that such studies tend to hurt their cause. Researchers who study this business keep finding unpleasant facts and information that make it harder for the industry to make its case to local and state governments.

University of Illinois economist Earl Grinols, for example, keeps coming up with studies showing that the economic development claims offered by the industry are exaggerated or false. He finds that off-track betting outlets, for example, do not generally bring new economic development to a community but transfer discretionary spending from retail businesses such as restaurants to gambling establishments.

Additionally, the facts on gambling addiction are devastating to legalized gambling promoters. The financial costs are difficult to pinpoint precisely, but they run into the billions of dollars when all factors are weighed. Families wind up on welfare when fathers or mothers get addicted. Crime increases as the addicted turn to theft, forgery and other such practices to feed this habit. But the human cost is harder to weigh. Some people have committed suicide. Others wind up all but abandoning their children in favor of this form of entertainment.

Wolf's proposal is timely. Critics claim the issue is a state or local matter. But the federal government allows Indian gambling initiatives to circumvent state or local government jurisdiction, and there are other national implications of legalized gambling's proliferation in recent years.

Sen. Richard Lugar, R-Ind., has made a proposal similar to Wolf's, offering it in his presidential campaign. Lugar and Wolf have been joined by many other members of Congress. In Indiana, newspaper publisher George Witwer, as a candidate for governor, has called for a state study commission, and legislation in the General Assembly may be adopted to provide for a legislative study committee on the subject.

The Washington Post warns that the gambling industry will be trying to stop or delay the national proposal in Congress. A recent editorial noted: "The gambling industry has a great deal of money, has been making large campaign contributions and recently hired some of Washington's most influential lobbyists. We have no doubt that the industry can bring a lot of pressure against this bill and construct some ingenious strategies to weaken it."

Congress ought to listen to Wolf, Lugar and others calling for a study commission on this issue. There is much at stake, as such a commission would point out.

[From the Los Angeles Times, Mar. 5, 1996]

TAKING A HARD LOOK AT GAMBLING

Rocked to attention by the explosion of legal gambling across the country in the past two decades, Congress is belatedly, but sensibly, considering legislation calling for a comprehensive national study on the social and economic effects of gambling. Lobbyists accuse government of trying to stack the deck to expand its regulatory reach. But without a study and reliable data, what conclusions can be drawn?

The bipartisan legislation, endorsed by 143 cosponsors in the House and 16 in the Senate, calls for the creation of a commission to conduct a two-year national study of the effects of gambling. Its recommendations are expected to provide guideposts for states and localities in dealing with legal gambling's transformation from sleepy enterprise to a national economic force.

As recently as 1984, just two states, Nevada and New Jersey, allowed casino gambling. Today nearly half the states have casinos on land, water or Indian reservations. Only Utah and Hawaii have no state-sanctioned gambling.

The increase in the number of gambling outlets clearly seems to have changed the public's betting habits. According to the General Accounting Office, between 1984 and 1994 the annual amount bet on legalized gaming—including casinos, lotteries, parimutual betting and sports books—jumped by 137%, from $147 billion in 1984 to $482 billion in 1994, more than twice the current annual budget deficit that consumes so much congressional attention.

Rapid-fire expansion of legal wagering has meant new jobs and tax revenues to state and local governments, but it has also resulted in serious problems. Though most of the evidence is anecdotal, signs of the social and economic downside are proliferating, from housewives blowing monthly household budgets to sharp-suited toughs showing up in town.

What is the extent of gambling addiction? Has its expansion increased criminal activity? Has political corruption become a problem? Is there a multiplier effect on jobs from gaming? Or does legal betting drain money away from other businesses and drive them into the ground?

As it now stands, there are no clear answers to these questions. Opponents, including the American Gaming Assn., argue that by involving itself in an expansive gaming study, the federal government is potentially interfering in local matters. But this is only a study. If gambling is the sure-fire winner that proponents say it is, there ought to be nothing to worry about.

[From the Washington Post, Oct. 3, 1995]

GAMBLING NATION?

On the opposite page, Rep. Frank Wolf (R-Va.) makes a strong case for his bill to set up a National Gambling Impact and Policy Commission. His point is hard to refute: If the United States' headlong rush into becoming Gambling Nation is a great idea—good for business, for the social order, for government revenues—surely a fair-minded commission would discover such a thing. And please, no talk about "undue government interference with free enterprise." As Mr. Wolf points out, there is absolutely nothing in his bill that involves taxing or regulating gambling. He simply suggests that states and localities that get inundated with pro-gambling propaganda—and politicians who get inundated with political contributions from gambling interests—get a chance to see how all the arguments for gambling pan out in reality.

What needs to be understood in this debate is that the central issue is *not* the end to all legalized gambling in America—this is not a replay of the arguments over Prohibition. For better or worse, most Americans seemed to accept the situation that existed some years ago in which large-scale casino operations were confined to the states of Nevada and New Jersey. This sent powerful messages: that casino gambling was not a routine activity and that communities had good reason not to turn themselves over to gambling. The nation effectively accepted that many people liked to gamble, but it also accepted that organized commercial gambling was not the sort of activity that ought to become a routine part of life. Implicit in this national compact was an understanding that the potential for crime and political corruption ought to be contained. Call it the enclave theory of gambling.

Several things have happened since. One is that popular resistance to taxes has moved governments all over the country to sponsor their own forms of gambling through lotteries and other games. The idea was that a portion of the public treasury would be filled with money "voluntarily" handed over in bets. Once Atlantic City got going, many economically strapped communities that saw no other way to support themselves figured they too should get a piece of the action. Jobs in casinos look mighty attractive to the unemployed and underemployed, and local officials staring at huge local budget problems tend to look kindly on any new revenue sources. Finally, there was the 1987 Supreme Court ruling legalizing gambling on Indian reservations, which opened up whole new areas of the country to gambling—and gave a new moral justification to casinos as Native American leaders argued that their people were at last getting their due.

This is how large social changes happen—in small increments that no one notices much until a big transformation has taken place. Mr. Wolf and his allies are suggesting that on gambling, the country look ahead before it is too late, or too complicated, to turn back.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentleman from American Samoa [Mr. FALEOMAVAEGA].

Mr. FALEOMAVAEGA. Mr. Speaker, I would like to engage the distinguished chairman of the committee in a brief colloquy.

Was it the intent of the Committee on the Judiciary to include the U.S. Territories, Commonwealths, and possessions within the meaning of the terms "United States," "States," and "political subdivisions of States" as used in section 4 of this legislation?

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. FALEOMAVAEGA. I yield to the gentleman from Illinois.

Mr. HYDE. Yes, Mr. Speaker, it is our intent that the U.S. Territories, Commonwealths, and possessions be included in H.R. 497, as the gentleman has stated.

Mr. FALEOMAVAEGA. I thank the distinguished gentleman.

Mr. Speaker, while having some reservations which I will note later, I rise today in support of H.R. 497.

Mr. Speaker, the amount of gambling has increased considerably in the United States over the last two decades. While before many Americans were confined to gambling in the States of Nevada and New Jersey, or to parimutuel betting, today fully 48 of the States of the United States participate in some form of gambling. This has provided a new stream of revenue for State and municipal treasuries, which has in turn provided additional services to the residents of those States.

The issues this legislation tries to address are very comprehensive, and I commend the chairman and members of the Judiciary Committee for trying to address these issues. For most Americans, gambling provides leisure-time entertainment. For a small minority, however, many of whom are those who least can afford to lose their limited earnings or savings, gambling is an addictive, destructive habit. The question is, as a matter of public policy, Are the drawbacks to permitting gambling so destructive that legal gambling should be restricted or eliminated?

While I am not a gambler, as I noted earlier, gaming activities are being used by almost all States for public purposes. Gaming operations are also now being used by American Indians throughout our country to raise money for improvements to schools, hospitals, and roads on their Indian reservations. As a member of the Committee on Resources, I am especially concerned that Indian gaming not be unfairly targeted should this legislation become law.

My concern is that there may be individuals who want to use this bill in an attempt to stop or curtail gaming throughout the United States, and that this opposition is centered on moral grounds but more particularly, that this is an attack on the successes which have been achieved by American Indians through gaming.

If this were truly a moral concern, why is the Commission being empowered to study only gaming? Why not also include the study of alcohol consumption, the use of cigarettes and tobacco among teenagers and adults, and abortion, too? Are those activities any more or less moral than gaming?

Again, for those who may be determined to eliminate Indian gaming, I find it very unfair to target only gaming in this Commission. Those of us on the Committee on Resources are familiar with the long-standing problems within Indian country. By most, if not all measures, our American Indians are at the bottom of the ladder when it comes to housing, income, education, or any other measure of economic development. Here are a few facts which portray the dismal conditions in which many of our first Americans live.

I ask my colleagues to keep in mind that the locations of the reservations on which many American Indians now live, are not locations of their choosing. Many tribes were forcibly moved to these reservations from much more desirable locations at which they could and did provide for themselves.

Fact: the life expectancy of an American Indian is 47 years; the life expectancy of all Americans is 78 years.

Fact: the 1990 census determined that 30.9 percent of our Nation's Indians live in poverty; the poverty rate for the U.S. population was 13.1 percent.

Fact: in 1991, the unemployment rate on Indian reservations was 45 percent; for the United States, when that number goes above 7 percent we take significant action to reduce it.

I could go on, but I think my point is clear: the Indians are in trouble, and they can use whatever assistance is available.

Mr. Speaker, through the judicious use of gaming operations, Indian country is slowly pulling itself up the ladder of life. Indian gaming is a well-regulated system that is serving its purpose remarkably well. No one is forced to gamble and all the profits received by the tribes go directly to tribal uses. The U.S. Government does not have the money to make all the capital improvements needed on the reservations, and through the Indian Gaming Regulatory Act, Congress has established a system to pay for improvements in Indian country through voluntary, private contributions. After 500 years of mistreatment, this is one Indian program I feel good about—it is voluntary, efficient, and privately funded.

I have heard accusations that Indian gaming is fraught with criminal activity including Mafia and other syndicate-type operations, but the truth is these allegations have been investigated by Federal authorities and they are unfounded. In fact, at hearings I helped organize, the Federal Bureau of Investigation testified before the House Subcommittee on Indian Affairs during the 104th Congress that there is no truth to these allegations. Indian gaming is a well-managed, highly regulated activity providing widely disbursed public benefit.

I appreciate the willingness of the Committee on Judiciary to remove some of the most egregious anti-Indian-gaming provisions contained in H.R. 497, as it was introduced. Given Congress' efforts over the years to monitor and regulate this activity, I am concerned that other amendments offered by the Committee on Resources were not included in the legislation to ensure Indian gaming received fair consideration. For example, given the extent to which Indian gaming is federally regulated, and the complexity of those regulations, I believe it would be beneficial to include on the Commission persons with an expertise in this area.

I also want to express my concern with the limited time in which the Committee on Resources was afforded to consider this bill. H.R. 497 was referred to the Committee on Resources for the period beginning December 21, 1995, through February 28, 1996, most of which time the House was adjourned or in pro forma session.

Finally, I want to express my appreciation to Chairman HYDE for his willingness to include the territories in this legislation.

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Mr. HYDE. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Speaker, I would like to engage the gentleman in a brief colloquy.

Is it the intent of the Committee on the Judiciary that the Commission be free to study the public safety costs that gambling operations, including those operations on Indian reservations, impose on local government and local law enforcement agencies?

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. RIGGS. I yield to the gentleman from Illinois.

Mr. HYDE. Yes, Mr. Speaker, it is our intent the commission would be free to study the public safety cost that gambling operations, including those operations on Indian reservations, impose on local law enforcement agencies. I believe that is implicit in subparagraphs A, D, G, H, and M of subsection 4(a)(2).

Mr. RIGGS. I thank the gentleman. I strongly support the legislation.

Mr. Speaker, I want to bring to Members' attention a matter of importance brought about from the proliferation of gaming operations in northern California.

Mr. Speaker, I am a strong supporter of the National Gambling Impact and Policy Commission Act. I believe, however that it is important to clarify one aspect of the legislation.

Like many other regions of the Nation, the Indian tribes in northern California are establishing gaming operations in order to provide a much needed source of revenue for depressed rural areas.

While, I support the efforts of native American communities to establish a self-sufficient form of revenue, the residual impacts of the gaming operations on local communities are having unanticipated consequences.

Not long ago, the Elem Indian colony, in Lake County, CA, erupted in 5 days of shooting over control of two casinos where video poker and pool are played. On more than one occasion, the county swat team and law enforcement officials have been called to the scene to prevent the continuation of hostilities between the two competing factions. Tensions on the reservation are high and are directly attributable to the operation of the gaming facilities.

The resulting hostilities have been a drain on local law enforcement. The county government is not recompensed for its services relating to the reservation.

I would hope that the Commission would study the financial and public safety costs of Indian gaming operations on county and municipal law enforcement.

Although the legislation does not directly address this topic, I have noticed that section 4, subsections D, G, and H, include reviews relating to crime and the effectiveness of law enforcement and regulatory polity as it relates to Indian Gambling. It would seem to me that the Commission should address the impact and cost of native American gaming operations on county law enforcement.

It is my hope that the Commission will address the concerns of northern California communities, and communities across the Nation that reside near native American gaming facilities?

Mr. FRANK of Massachusetts. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, as a member of the Committee on the Judiciary, I rise in support of H.R. 497, for it covers an area that provides information for all of us to move forward and to ensure that gambling is not hurtful.

Mr. Speaker, I am pleased to cosponsor this important legislation, which establishes a nine-member Commission to study gambling in the United States—including gambling on Indian reservations, State-sponsored lotteries, casino gambling and sports betting.

Gambling has become an important part of American life. Americans are betting and losing more money each year than it spends on all spectator sports combined. Gambling has also become a major source of revenue for many State governments. I am concerned, however, that we do not completely understand the impact of gambling on our society.

Just yesterday, the Washington Post reported the story of a Louisiana woman who became addicted to video poker. She described it as an addiction as powerful as any drug. This woman squandered her entire savings, including a trust reserved for her grandson's education, on the video poker games which are in many of the State's bars and restaurants. Do State governments that push gambling have any responsibility for people who become hooked was just one question that the article asked.

The Commission established by this bill would be required to conduct a comprehensive, legal and factual study of the impact of gambling on Federal, State, and Tribal governments in an attempt to answer some of the questions that have arisen from the Nation's new obsession.

The Commission would also study the influence of political contributions on the development of public policy regulating gambling, as well as the relationship between gambling and crime. The bill requires the Commission to review the effectiveness of existing practices in law enforcement, judicial administration, and corrections to combat and deter illegal gambling and illegal activities related to gambling. The bill also directs the Commission to study the effects of advertising and whether it increases participation in gambling activities.

America has become a gambling nation. This bill will study the effects, both positive and negative, of our new favorite pastime and I believe it is important to do so.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. BONIOR], the minority whip.

Mr. BONIOR. Mr. Speaker, I do not come at this issue as a Pollyanna. I mean, I have on rare occasions bought a lottery ticket and played the ponies in my day.

I must be very frank with you, Mr. Speaker, I watch this gambling explosion now in the last two decades since 1974. It really has become something we as a country really need to look at and study.

Two decades ago we spent $17 billion on gambling in this country; in 1994, $482 billion. Americans lost $40 billion of what they bet, more than 6 times what they spent on all spectator sports combined, and while 70 million people attend professional baseball games each year, 125 million go to government-sanctioned casinos. Adults spend more money gambling than they spend on children's durable toys. Lottery ticket sales have increased 829 percent since 1982.

Something is going on, and you can relate it to a lot of different things; the stagnant wages of 80 percent of the population who have not seen an increase in wages basically, real increase, since 1979, may attribute to that. I mean, are we really to the point the American dream means pinning your hopes on a weekly basis on the lottery?

We have got to look at this. There are serious social implications with respect to gambling. Gamblers Anonymous, in Illinois, did a study. A third of the people said they lost or quit their jobs because of gambling. Seventy-six percent said they missed time from work because of gambling. Forty-four percent had stolen from work to pay for gambling debts. It goes on and on and on.

I am conflicted by this issue, because of how the native Americans in our country have been become resourceful and done well economically because of this, and I understand that concern, and it is a legitimate concern that we have to face.

But it seems to me, with all of this proliferation of gambling in the country, we need to really have a serious, rational look at it, and I support the efforts on the part of my colleagues bringing this up, and commend the gentleman from Illinois [Mr. HYDE] and the gentleman from Virginia [Mr. WOLF].

Mr. HYDE. Mr. Speaker, I yield 1 minute to the gentlewoman from Utah [Mrs. WALDHOLTZ].

Mrs. WALDHOLTZ. Mr. Speaker, I rise in strong support of H.R. 497, the National Gambling Impact and Policy Commission Act, of which I am proud to be a cosponsor.

I want to commend the gentleman from Virginia [Mr. WOLF] and the gentleman from Illinois [Mr. HYDE] for their leadership on this important legislation.

Mr. Speaker, we dearly need a commission to study effects of gambling in the United States. One only needs to read the front page of last Sunday's Washington Post to understand why. Legalized gambling in the United States has exploded 2,800 percent in the last two decades, from $17 billion in 1974 to $482 billion in 1994.

As has been earlier stated, Americans lost $40 billion of what they bet, more than 6 times what Americans spent on all spectator sports combined. We need to ask ourselves what this explosive growth is doing to our economy, our communities and to our families.

There is disturbing evidence of urban decay, public corruption, despair and suicide among addicted gamblers. We must know for certain what the net effects of legalized gambling are.

The stakes are too high to let these questions go unanswered, and I urge my colleagues to support this important legislation so that we can have the facts as we make decisions about what role gambling should play in our country.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. KILDEE].

Mr. KILDEE. Mr. Speaker, the question we face today is not whether one is for or against gaming. The fact is that gambling has been part of our society for a long, long time—and it probably will continue to be that way. The question we face today is what role should the Federal Government play in regulating gambling. I am not sure what that role should be. I am not convinced that today's system of checks and balances is broken. Today, the States have been used as the primary regulatory body that oversees commercial gaming. Like my friend from Massachusetts, I thought the Republicans would be happy knowing that the States are regulating gaming operations—much like the Republicans want the States to regulate WIC, school lunch programs, welfare, and Medicaid.

But if this study is going to happen, it should not be used as a vehicle to attack Indian gaming and the sovereignty of tribal governments. Mr. Speaker, if one was reading the Washington Post this morning, they may be led to believe that Indian tribes who engage in gaming are basically unregulated entities operating casinos across the country. But as we know, nothing could be further from the truth. The fact is that Indian gaming is the most heavily regulated gaming industry in America. The tribes have three layers of regulatory bodies they have to deal with. The tribes themselves have their own law enforcement and court systems to provide oversight on the reservations. And tribal regulatory and control standards are generally equal or greater than State or industry standards. The tribes must also deal with a host of Federal regulators—including the Department of Justice, the FBI, the IRS, and the Department of Interior. And as a result of the Indian Gaming Regulatory Act of 1988, the States have also been given a role to limit Indian gaming during the compact process.

Mr. Speaker, another fact is that in Indian country, the money generated from gaming must, by law, be used for purposes to benefit the tribes. Today, the tribes employ 140,000 people nationwide, with about 85 percent being held by non-Indians. The tribes have used their gaming dollars to build schools, homes, and health clinics to better serve their members. But I have some real concerns about this bill. I am concerned that while this Commission will focus a great deal of its time on Indian gaming, there is no guarantee that a person from Indian country will even be a member of the Commission. I hope any Senate bill will include a provision requiring two members of the Commission be from federally recognized tribes who engage in gaming. Finally, Mr. Speaker, I remain deeply concerned that there are some people in the House who would like to use this bill as a vehicle to attach amendments that would be detrimental to Indian gaming. If this bill passes the House and moves over to the Senate, I would hope that body would reject any attempt to add such amendments to this bill. Such a move would be unwise and counterproductive. It would lead many people who support this bill, to actively oppose it.

Mr. HYDE. Mr. Speaker, I yield 1 minute to the gentleman from Guam [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, I thank the chairman for yielding time to me.

I rise in support of H.R. 497, which would establish a national commission to study the impact of gambling in America.

Numerous studies have been conducted on the impact of gambling, studies which have generated a variety of conclusions, largely dependent on who funds them.

This commission will be unique in that it will hopefully provide an objective and dispassionate view of the economic and social effects of gambling. This kind of information is vital if we are to make responsible decisions about commercial and governmental gambling.

If gambling continues to generate popularity as a revenue-generating mechanism, we will need accurate information in order to help State, territorial, local governments, and Indian tribes make decisions about gambling.

Earlier in this debate, the gentleman from American Samoa [Mr. FALEOMAVAEGA] and the chairman, the gentleman from Illinois [Mr. HYDE], entered into a colloquy to clarify the roll of territories in this legislation. I support the effort of my friend in that regard.

I am especially interested in what the commission's findings will reveal about the affects of gambling on our local economies. My home of Guam is considering legalizing casino gambling as a way to attract more tourists to our island. I do not think it is necessary, but we need information in order to make that decision better and more effective for our local community.

Support H.R. 497.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, I rise against the bill because of its negative impact on native Americans.

Mr. Speaker, a National Gambling Commission is in many ways an unnecessary intrusion by the Federal Government into the business of State and local and tribal governments. It will cost millions of dollars to fund the Commission and its study, which can surely be put to better use.

There is no evidence that such a study is even necessary. The gambling operations of the native American tribes, which would be one of the subjects of this study, have shown no evidence of any connection with organized criminal activity. The bill does not provide a requirement that there be native American members of the Commission.

The bill's study does not cover all forms of gambling.

Indian gambling has produced hundreds of thousands of jobs, both directly and indirectly, and has been of tremendous economic benefit. This is the first time that the tribes have been able to bring in a significant amount of revenue, and they have used it for hospitals, schools, and other improvements to their communities.

Creating this Commission will create another Federal bureaucracy which will have subpoena power.

Regardless of one's position on whether gambling is a positive or negative force, the States and localities must decide for themselves, and they are already doing so.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. LoBIONDO].

Mr. LoBIONDO. Mr. Speaker, I proudly represent the Second District of New Jersey, which includes Atlantic City and the casino industry in Atlantic City. New Jersey also has a State lottery and racing and other types of legalized betting.

In turn, New Jersey is able to provide programs for senior citizens, programs for the disabled and programs for schoolchildren that would not be there if it were not for this source of revenue.

Mr. Speaker, this is not an area for the Federal Government to get involved in. It is an area that has been run by the States. It is an area that has been based on the approval by the people of those States.

Gaming includes a wide variety of activities in States. It involves racing, lottery, sports betting, charitable gaming, and the casino industry.

I would like to at least suggest that this study be completed by those involved in the industry at the State and local level, those who know it best, and that its results be shared with States and local governments, and that if Federal issues are to be examined, that the agenda should focus on Indian gaming and gaming on the Internet.

I can tell you, Mr. Speaker, what this study is going to find. It is going to find that there were a lot of jobs that were created because of the industry, good-paying jobs, with good benefits. It is going to find that has been a reduction in the welfare roles because people have been put to work. It is going to find a highly regulated industry that is extremely well run. It is going to find that services provided to the elderly and disabled would not have been there if this industry would not be allowed to flourish, and it is also going to find that educational funds for our children have been enhanced because of the revenues that they receive from the gaming industry.

Mr. Speaker, I strongly urge a "no" vote on this bill.

Mr. HYDE. Mr. Speaker, I yield 1 minute to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Speaker, I thank the gentleman for yielding me this time.

I would like to begin by saluting the gentleman from Virginia [Mr. WOLF] for his hard work on this particular bill.

We are hearing a lot about what this bill is and what it is not. I think one of our former Presidents once said, "Education is expensive, but ignorance is even more expensive." This bill is about educating the American people. It is not about mandating the States. It is about getting information out to the people about what the gaming industry and the gambling is doing to our small businesses and our families and our wages. That is what this is about.

I recommend the "Luck Business", by Robert Goodman, to see some of the devastating consequences that gaming is having in our small communities.

Second, this is about values. Our values in American society are not to say to our children, "Go out and win the lottery. We are going to go out to 7-Eleven and buy enough tickets and go gaming and gambling, and that is the way to make the American dream." It is about hard work and sacrifice and commitment.

So let us study and see what this proliferation of gambling is having on American families and American small businesses. That is all this bill does.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. MILLER], the ranking member of the Committee on Resources, which should have had jurisdiction over this bill.

Mr. MILLER of California. Mr. Speaker, I rise in support of this resolution, and I want to commend the gentleman from Virginia [Mr. WOLF] for bringing it to our attention and the gentleman from Illinois [Mr. HYDE] and the Committee on the Judiciary for reporting it.

I wish that our committee would have spent more time on it because of its significant impact on Indian gaming in this country.

But I think with the proliferation of gambling in the United States, we have got to ask these questions. We have got to start to have some answers as to the real impacts of gambling. There is a lot of impact that appears at first, and a lot of it appears positive, but there are obviously some ongoing studies, anecdotal evidence from communities that some of it that is so positive in the beginning maybe turns out not to be the case later.

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I must also say that I am concerned that this resolution starts to get into a number of areas that are beyond those generic questions as to the impact of gaming on our families and our communities and our social structure. Many of the areas where States have made decisions, the people have voted to engage in this activity, and we do not get back into trying to create some type of Federal regulatory body.

But I think the resolution on balance is a good one. I would hope that the members of the Commission will remain sensitive to the unique status of the Indian tribes and the laws and the treaties governing those tribes and the laws that govern their ability to conduct gambling as a result of State activities in which those tribal lands reside.

So I hope that this Commission will be productive, and I hope that it will be able to report back to us, so that decisions can be made by us, I think individually, because I think we are going to find out most of these decisions reside with the States, as they have properly in the past. But maybe this national Commission will have enough status so that local communities and States can make informed decisions before plunging into the further expansion of gambling before they know the results and whatever the downside may be.

Mr. HYDE. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in strong support of this legislation. I might remark, as one from New Jersey, which has a strong gambling casino industry, nevertheless I believe this is a study that is long overdue. I rise in strong support.

Mr. Speaker, I rise in strong support of this legislation which would set up a commission to study the impact of gambling on our Nation. I also do this as one from New Jersey a State that has a casino industry that is nationally prominent. This study is long overdue and I commend my good friend from Virginia for his hard work on this important issue. In doing so, he has recognized what many of us have also grown aware of—that the moral, social, economic, and political ramifications of gambling are far too great to go unaddressed any longer. We must carefully evaluate what has become an uncontrollable epidemic that has destroyed peoples lives and families.

All we need to do is look at the staggering statistics on gambling. The amount of money legally gambled has skyrocketed by 2,800 percent since 1974—from $17 to $482 billion in 1994. Moreover, the $40 billion in revenue raised in 1994 from all gambling related activities is more than all of the combined revenue raised from movie theaters, sporting events, theme parks, cruises, and music concerts.

The economic impact of gambling on community businesses can be devastating. Money that would normally be invested into local economies is instead being thrown away at the nearby casino. Local merchants, retailers, and restaurantuers are seeing business dry up because the money that people used to spend on their goods and services is being gambled at the card table, the slot machine, the scratch off lotto cards.

The reality of individual and family owned businesses going out of business is exacerbated by the corporate structure of casinos. Casinos provide cheap food and entertainment on site in order to keep gamblers near the action, and to keep spending money. So, in order for restaurants to remain competitive and attract business, or just to take advantage of a State's liberal gambling regulations, many restaurants generate more money from their video poker machines than they do from selling food.

And, as individual dependency on gambling grows, so too do the loss of homes and jobs. Families are faced with bankruptcy and unpaid bills. Divorces increase, families break up, and chronic gamblers contemplate suicide. Theft and crime increase. Crime rates are twice as high in places with gambling. In 1994, towns with casinos saw a 5.8-percent jump in crime while the national average fell 2 percent. And, a 7.7-percent increase was seen at places with casinos in operation for less than a year.

People such as Betty Yakey, a 65-year-old woman from Louisiana, lose $190,000 to the lures of gambling. In doing so, she used up her grandson's college savings. Other people in Betty Yakey's position sell off possessions and file false theft reports to collect insurance to feed their habit. This habit not only destroys the life of the gambler, but also the lives of spouses and children, and in Betty Yakey's case, grandchildren. Gambling is not just an individual problem, but one that a whole family must face together. And, it is an issue that must be recognized and addressed by gambling interests.

However, the irony in all of this is that those responsible for making sure that gambling habits like Betty Yakey's continue to be fed are the same people who are responsible for writing gambling regulations and issuing casino licenses. These are our State legislators, many of whom have been corrupted by the gambling lobby.

State legislators facing sagging economies justify gambling with the argument that, without the revenue generated by gambling, they would be forced to either increase taxes or cut programs. But, they set gambling policy having already received huge amounts of money from gambling interests within the State. In Illinois in 1995, gambling PAC's contributed $1.2 million to State legislators, including almost $100,000 each to the Governor and the House Republican and Democratic leaders. In Louisiana, gambling put more money into campaigns than the next four industries combined. In 1994, gambling interests gave $3.1 million to parties and candidates, making them one of the top five special interest contributors.

Gambling is a drug, an addiction just like alcohol or cocaine. The bottom line is that the gambling industry and State legislatures do nothing to stop the promotion of gambling as family entertainment. They are willing to watch small businesses fail, crime spread, and families fall apart—all to raise revenue, precious revenue. See, gambling is a State tourist attraction, as are theme parks and ski resorts. Mississippi generates two-thirds of its gambling revenue from out of State, mainly from Florida and Tennessee. People flood into Mississippi and spend their money, then they leave and take their problems home with them.

It is estimated that Gamblers Anonymous groups have almost doubled to over 1,000 since 1990. Is this what we want to perpetuate in the United States? State-supported addiction? Is it worth destroying peoples lives, families, the moral backbone of our Nation, just to make some money? I certainly think not.

We must move forward and scrutinize the impact of gambling on all levels. Support Congressman WOLF's legislation. Our Nation can't afford to do without it.

Mr. HYDE. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Ohio [Mr. HOKE].

Mr. HOKE. Mr. Speaker, I thank the gentleman for yielding me time, and I appreciate the chairman for bringing this bill to the floor, and I appreciate the work of the gentleman from Virginia [Mr. WOLF] as well.

Mr. Speaker, I have a particular interest in one section of this that the committee was gracious enough to accept as part of this. I am on the committee and was glad to be able to add this.

It has to do with the effects of advertising concerning gambling. Because my concern with respect to gambling advertising, as with the advertising of other vices, such as alcohol and tobacco, is that what happens is something that is essentially negative and bad, for a person gets glamorized and misleads the public into thinking that there is something very positive and fulfilling and wonderful and glamorous about partaking in this.

What happens with our legislation is that it calls for a review, particularly, and an assessment of the effects of advertising concerning gambling, including whether the advertising has increased participation in gambling activity, the effects of various types of advertising, including the sponsorship of sporting events, the relationship between advertising and the amount of the prize that is going to be awarded, and an examination of State lottery advertising practices, including the process by which States award lottery advertising contracts.

I think it is terribly important, because what it strikes me is happening is we are undermining and misleading the public with respect to creating the false impression that gambling is a legitimate, bona fide, way to get rich quick. That is really what is behind so much of the advertising.

I would also like to say, Mr. Speaker, and I am very happy about this, there was an attempt in the telecom bill to make casino gambling advertising legal on television. That had been brought in from the other body. When in conference, and I was a conferee on that committee, I was able, with the help of the gentleman from Virginia [Mr. WOLF], and a number of other people, to make sure that that specific section was knocked out.

Mr. Speaker, we need this to find out exactly what the impact is of advertising on gambling.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Mr. Speaker, when the 104th Congress began, it was our mandate, it was alleged, to enhance the role of State government, to reduce the role of Federal regulations, to ease the burdens on industry. And now here we are, a year later, creating a new Federal commission to review an industry that has always been the province of the State government, an industry about which the Federal Government has never been involved and has no expertise. And, to compound the problem, this new Commission will all be named by elements of the Federal Government. No involvement by the attorneys general, who have enforced the laws for 200 years, no role by the State Governors, who have had this responsibility, and no role by tribal leaders, who now have the fastest growing element of this industry. We have managed to ask a recommendation uniquely from the one element of government in the entire country with no expertise, no knowledge, and no involvement.

Mr. Speaker, I see the realities that the Commission may carry the day. Let me at least suggest this: The other body has a chance to improve it, get the Governors involved, get the industry involved, get the tribal leaders involved, to make it a better report.

While I may still believe that it is the role of the Federal Government that is not appropriate and I oppose the Commission, let us at least for the record make this clear: The gentleman from Virginia [Mr. WOLF] in his statement earlier made clear, this Commission does not have a mandate for new Federal taxes. It is my belief it does not have a role in new Federal regulations. I have heard no Member come to this floor talking about new Federal taxes on this industry.

Let the record at least be clear on this: this is the most taxed, most regulated, most inspected industry in the United States today. In New Jersey alone we have 1,000 inspectors for 12 casinos. The petroleum industry, the chemical industry, the drug industry, none of them have that level of involvement. If you own any part of any company involved in casino gaming in New Jersey, you, your family, your finances, your holdings, are inspected.

I hope, Mr. Speaker, in the other body we can make this a Commission that really involves the industry and our States in what is a State industry.

Mr. HYDE. Mr. Speaker, I include for the RECORD a letter from the chairman of the Committee on House Oversight with reference to this legislation.

COMMITTEE ON HOUSE OVERSIGHT,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 5, 1996.

Hon. HENRY HYDE,
Chairman, Committee on the Judiciary, Washington, DC.

DEAR CHAIRMAN HYDE: On Tuesday, March 5, the House will consider on the suspension calendar, H.R. 497, to establish a Commission to study the impact of gambling in the United States.

A portion of this legislation directs the Commission to study the impact of campaign contributions on public policy related to gambling.

Under House Rule 10(h) 12 and 15 the Committee on House Oversight has jurisdiction over matters pertaining to "corrupt practices" and "the raising, reporting, and use of campaign contributions for office of Representative. . . ."

The parliamentarian has indicated in consultations with the Committee that the consideration of this bill on suspension does not constitute any precedent for avoidance of this Committee's jurisdiction in future matters that relate to campaign finance as a matter of Federal public policy.

I would appreciate your entering this letter as part of the record during the floor consideration of H.R. 497.

Thank you very much for your cooperation on this matter.

Sincerely,

BILL THOMAS,
Chairman.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentleman from Nevada [Mr. ENSIGN].

Mr. ENSIGN. Mr. Speaker, I have several contentions with this bill. First of all, I have heard testimony over the last year about that this bill is just a study, and what is wrong with a study? One of the reasons for this study is just to give States the information so that they can make the decision about whether they should have gambling legalized or not, because there is the assertion made that the States do not have the proper information to make that decision at this point.

The sponsor of this bill, the gentleman from Virginia [Mr. WOLF], his own State defeated a State measure that would have legalized gaming in Virginia, even though they were outspent, I think it was something like 16 to 1, by the casino industry to try to legalize it in that State.

State after State after State is defeating legalized casino gaming. It seems that they do have the information to make the decision that is proper for their own State. And that is my biggest contention with this bill. Where in the Constitution can anyone point out to me that this body has oversight over legalized casinos that are regulated by a State? Nowhere in the Constitution.

Now, if one wants to regulate Indian gaming or regulate Internet gaming, that is interstate commerce, we certainly have the constitutional jurisdiction to do that. But we do not have the jurisdiction in this body over regular casinos.

Second, this legislation should require that the study commission make recommendations regarding purely State gaming policy issues, and that those recommendations be directed to the States, not to this body. Because our biggest fear is that people will take this information into this body and make either taxes, which the gentleman from New Jersey [Mr. TORRICELLI], referred to, or more regulations. We feel that this is a thinly veiled disguise for future regulation of the gaming industry. This is purely a State issue that should stay at the State and local level.

Last, let me conclude by saying that to improve this bill we should at least have local and State input. People on the gaming commission should at least be local mayors, legislators, and State Governors.

Mr. Speaker, I rise in strong opposition to this bill.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. HYDE. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania, even though the gentleman is bitterly hostile to what we are trying to do.

The SPEAKER pro tempore [Mr. ROGERS]. The gentleman from Pennsylvania [Mr. GEKAS] is recognized for 2 minutes.

Mr. GEKAS. Mr. Speaker, I thank the gentlemen for yielding me time.

Mr. Speaker, the cost of this venture into the inquiry on gambling is going to be about $4 million. It occurred to me that this Congress, and I approve of its measures to a large extent, is seeking ways to cut spending, so the $4 million you might say means nothing. We can gamble that away in 2 minutes.

But this same Congress, which is now about to vote $4 million for this gambling commission, has eliminated the Administrative Conference of the United States, a little, small bureau that was very useful, which only cost $1.5 million. We zeroed it out to save $1.5 million. And now, in a double or nothing mode, we are doubling the expenditure for the purpose of this commission. That is a little odd, and it gives me a great discomfort about the priorities that my own leadership is trying to set in cutting the budget. That is No. 1.

Mr. Speaker, I just wanted to make one other observation. When the gentleman from Michigan [Mr. BONIOR] was at the well, he very properly enumerated a lot of different statistics about what others had learned and other studies have created about the evils of gambling. That is the point.

We all know what the evils of gambling are. We can call the Library of Congress and in 6 minutes get every single report and analysis ever made on gambling and have it on this floor for final consideration of what evil gambling poses to the American public, and we need no commission at all. We have the information at hand. We know it is bad when gambling becomes a vice, not just a play thing.

So I am eager, if at all, to defeat this resolution and go about the business of cutting the budget.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. FRANK] is recognized for 3½ minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, this has been the month of self-repudiation by the Republican majority. Last week, the Party of Free Enterprise brought forward a bill which said that while the free enterprise system can handle telecommunications and computers and automobiles, it is not quite up to peanuts or sugar. So peanuts and sugar remain exempt from the free enterprise system in this Republican bill.

Now the party that talks about States' rights is planning to spend millions of Federal dollars on a study that will, among other things, look into the enormous national question of, and I quote from page 6, "an examination of State lottery advertising practices, including the process by which States award lottery advertising contracts."

Apparently the States, now we are going to test them. We are going to let them experiment with easier issues like Medicaid, welfare, a few things like that. Once they have shown that they can handle Medicaid and welfare, then maybe we will let them handle the tough issue of lottery advertising contracts.

Now, how do people who purport to be advocates of States' rights tell us we are going to spend millions of Federal dollars to investigate the way the States issue lottery contracts, and tell the States how to do it better? Because on page 5 it says this commission shall look into gambling and make such changes, it says, existing Federal, State, and local policy and practices with respect to legalization and propose such changes in those policies and practices as the Commission shall deem appropriate.

Here come big brother and sister, not out of the goodness of the heart, by the way, under this fiscally responsible Congress. These people will be paid at an annual rate of $115,000 a year for 2 years, depending on how many meetings they have. They can self-pay. They can generate meetings for themselves until they myth the $115,000. And they will be investigating the States and proposing recommendations and changes in what the States do.

This confirms my view that there is not on the other side any consistent belief in States' rights. The people on the other side believe that the issue should be decided at that level of government where they will like the outcome.

□ 1230

There are many over there who do not think that people should gamble. The States have, from their standpoint, been lax. So forget about the States rights stuff. We will stick Thomas Jefferson back on the shelf. We will spend millions of dollars to make these recommendations of what the States are doing. I presume we will probably be then asked to act on these things.

By the way, whatever happened to the notion of government not interfering with individuals? How dare these adults earn money and go out and gamble. How dare they offend the morality of some of our friends on the other side who do not think it is right.

I read the Washington Post series. Do my colleagues know what it sounded like yesterday? Prohibition of alcohol. Sure, we can find in any human endeavor people who abuse it. There are people who smoke too much and drink too much and gamble too much and they buy more expensive cars than they ought to buy, and there are people who watch too much C-SPAN and become adversely affected.

But in a free society, in a free society, particularly people who purport to distrust government do not answer that by saying, The government will tell you what to do with your money; you are not doing it wisely. That is obviously the premise behind this.

Then, of course, we have the Indians, who have been running casinos quite successfully. And they listen to these kinds of assaults on them and, as I have said before, I believe that this kind of legislation further convinces native Americans that the only mistake in Pat Buchanan's immigration policies is that they come 300 years too late, because the native Americans have been running the gambling quite successfully and they have been benefiting from it. And here comes big brother and sister, millions of dollars, forget about the States, forget about the Indians, forget about individuals rights. We know better and we will tell you what to do. It is wholly inconsistent.

Mr. HYDE. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. ROGERS). The gentleman from Illinois [Mr. HYDE] is recognized for 4 minutes.

Mr. HYDE. Mr. Speaker, I hesitate to quote Shakespeare, and probably inartfully, but me thinks "thou doth protest too much" seems to hang over this Chamber today.

I have never heard so many Members defending States rights. This is virgin territory for them, and I welcome them to the ranks of States rights defenders, but I almost began to imagine the Stars and Bars were being waved over there with some vigor because, God forbid, the Federal Government cross into a State to examine its gaming industry.

First of all, there is no proposal to regulate here. There is no proposal to tax. The only proposal is to recommend changes. We do that every day in the thousands. We are great change recommenders. But that would be based on a study made of an industry that is indeed an interstate industry. It is a national phenomenon, and it deals with big, big money. It has an impact on commerce.

Money that is spent in a casino is not money that is spent in a local store or retail outlet, and that is fine. Let people spend the money the way they want. Let them gamble up a storm. I once heard about a slot machine that took wristwatches when you ran out of money. That is all right. Let it happen. But let us know about it. Let us study it. Let us find out what the impact is on our society, on our commerce, and on the people engaged in this activity.

It is a legitimate activity. I would never want to declare it illegal. But what is wrong with learning something about it? I do not think there is anything wrong with it.

All this bill does is set up a commission. We assume and hope and expect that it will be fairly constituted by people of intelligence and integrity, and at the end of the 2 years we will know something about a major industry dealing with important money in this country. I do not see anything wrong with that.

Mr. BEREUTER. Mr. Speaker, this Member is pleased to support H.R. 497, legislation to establish a National Gambling Impact and Policy Commission to study gambling in the United States and recommend any appropriate changes in public policy in light of the Commission's findings. The results will provide an objective body of data about the gambling industry which does not currently exist.

This issue is certainly worthy of examination and H.R. 497 is a reasonable step on which to proceed. Over the past 10 years various types of gambling have spread to most every State. The expanded availability of gambling has greatly increased the number of people participating in and the amount of money spent on gambling on a regular basis. Such a large increase over such a short period of time certainly warrants a study of the issue.

It should be noted that this legislation in no way targets one type of gambling over another. Nor, for example, is it intended to concentrate on Indian gaming more than charitable gambling or keno more than video poker.

Mr. Speaker, this Member urges support for H.R. 497.

Mr. PACKARD. Mr. Speaker, as a cosponsor of H.R. 497, The National Gambling Impact and Policy Commission Act, I would like to encourage all of my colleagues, both Democrat and Republican to support the establishment of such a Commission.

With the recent explosion in the number of casinos across the country, concerns have been raised about the effects of expanded gambling Advocates of legalizing gambling promise economic growth, jobs, and windfall of tax revenues. However, we must also consider the negative impacts which include regulatory costs, lost productivity and more importantly, the social costs.

This legislation would create a blue ribbon panel charged with the duty of conducting a comprehensive and objective study of gambling in the United States. Negative impacts of gambling on State and local economies, small businesses and families can no longer be ignored. Crime and social problems related to gambling could add to already overburdened criminal justice and social welfare systems. This issue is of particular concern to myself and my district because of largely unrestricted Indian gaming and its impact on the community. But this is more than a local issue. It is an issue of National social and economic importance.

Mr. Speaker, the States, local governments and citizens need unbiased and factual information about gambling. Gambling must be carefully studied to provide citizens with all the information they need when deciding whether to allow legalized gambling in their communities. I strongly urge all of my colleagues to support H.R. 497.

Mr. HYDE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. HYDE] that the House suspend the rules and pass the bill, H.R. 497, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 497, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

REPORT OF INTERAGENCY ARCTIC RESEARCH POLICY COMMITTEE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Science:

To the Congress of the United States:

As required by section 108(b) of Public Law 98–373 (15 U.S.C. 4701(b)), I transmit herewith the Sixth Biennial Report of the Interagency Arctic Research Policy Committee (February 1, 1994 to January 31, 1996).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 5, 1996*.

REPORT ON DEFERRAL AND PROPOSED RESCISSIONS OF BUDGETARY RESOURCES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104–182)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one revised deferral, totaling $91 million, and two proposed rescissions of budgetary resources, totaling $15 million.

The deferral affects the Department of State U.S. emergency refugee and migration assistance fund. The rescission proposals affect the Department of Agriculture and the General Services Administration.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 5, 1996*.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 1 p.m.

Accordingly (at 12 o'clock and 36 minutes p.m.), the House stood in recess until approximately 1 p.m.

□ 1301

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore. [Mr. ROGERS] at 1 p.m.

THE CIVIL RIGHTS COMMISSION AMENDMENTS ACT OF 1996

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, last year the U.S. Commission on Civil Rights subpoenaed members of the Florida proposition 187 committee, a grassroots organization interested in curbing illegal immigration. The Commission went so for as to subpoena all of the group's internal documents, including reports, memos, and computer-generated printouts. In the words of one housewife who was paid a visit by a

U.S. marshal, she felt intimidated and harassed by the Commission and felt like she was living in the land of the Gestapo.

By statute, the Commission is granted subpoena power to conduct fact-finding hearings on discrimination and racial tensions. But whose civil rights are they protecting? It certainly does not appear to be the rights of those Floridians who were exercising their constitutional rights of free speech and free association.

Regardless of any individual's personal beliefs or political associations, no one should be subjected to this type of intimidation by Federal agencies. It is for this reason that I am introducing the Civil Rights Commission Amendments Act of 1996 to prevent further fishing expeditions at the expense of law-abiding citizens. The bill would allow the Commission to subpoena only government officials, or in cases where a person's right to vote has been violated.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members are recognized for 5 minutes each.

PROMOTING GREATER EDUCATIONAL CHOICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. RIGGS] is recognized for 5 minutes.

Mr. RIGGS. Mr. Speaker, I rise today to focus on a very serious debate that has been going on back here in Washington over the last several weeks. In fact, it is a debate that reminds me, the longer I serve in Congress, the more convinced I become that Washington just does not get it.

Mr. Speaker, I am referring to the fact that the District of Columbia appropriations spending bill is now held up in the other body under the threat of a filibuster, and for one simple reason. That is because Senate Democrats are opposed to the notion of giving low-income students, those students who come from low-income families here in the District of Columbia, educational choice.

The House version of the District of Columbia appropriations bill contains language that appropriates funds for a demonstration program, the idea being to grant scholarships or educational vouchers to these particular students.

Bear in mind a couple of facts: One, the District of Columbia schools have the worst performance record of any inner-city school district in the country in terms of test scores and graduation rate. Only 56 percent of the students in the District of Columbia public schools graduate from those particular schools. Yet, our political opponents here in the Congress remain vehemently opposed to the notion of even trying or experimenting with school choice right here in our backyard in the District of Columbia public schools through the partnership that we are trying to create between the Congress and the District of Columbia public schools.

Despite their adamant opposition, we have a message, those of us who believe in real educational reform, we have a message for those in the other body and here in the House who have been fighting our plans to try to reform and improve the District of Columbia public schools, and for that matter, public education across the lands.

That is that voucher programs, the idea of promoting educational competition through a greater choice and the idea of giving parents the full range of choice across all competing institutions, that is an idea whose time has come. Voucher programs are moving ahead around the country, certainly in Wisconsin, where Milwaukee public schools have now expanded their particular educational choice or voucher program to include 15,000 inner-city students, and in my home State of California, which will have a statewide initiative on the November ballot providing for educational choice through a voucher system.

This is a terribly important debate going on back here in Washington. Let me tell the Members what is at stake here is nothing less than the success of the U.S. economy. According to a James Glassman article in last Tuesday's Washington Post, languishing wages, which is obviously an issue that keeps cropping up in the Republican Presidential primary, languishing wages, this idea of income stagnation in America, can be linked directly to a poor education and training system.

That deficiency begins in our primary and secondary schools, especially in our high schools, where high school test scores and a high school diploma have been watered down to the point of almost becoming meaningless in terms of predicting a student's ability to go on to a higher education institution, or to obtain a good-paying job in the workplace.

Therefore, we are trying to promote greater educational choice. We realize private schools cannot replace public schools, but we believe that the model for U.S. secondary education should be the U.S. higher education system, which is the best in the world. One of the reasons it is the best in the world is because we have robust competition between private and public universities, and that has raised the quality of both. How ironic that we have educational choice in preschool and in higher education. The only place we do not have it is in our primary and secondary schools.

Why is that? Really, U.S. News & World Report last week, I think, points up the reason why we do not have greater educational choice in this country. That is the militant opposition of the teachers unions, which have become the campaign arm of the national Democratic Party, and which are still operating based on an old-fashioned 1940's and 1950's industrial union model.

The largest union is the National Education Association, the NEA. The other union is the American Federation of Teachers. Both of these unions, according to U.S. News & World Report, are "driving out good teachers, coddling bad ones, and putting bureaucracy in the way of quality education." Both of these unions are fiercely opposed to the idea of educational choice and promoting greater competition in education.

They also, of course, donate millions of dollars to the Democratic Party and their candidates. In fact, a second article in the Washington Post last week pointed out that the NEA, the National Education Association, is the largest union in the country, with 2.2 million members. They are the richest, with a nearly $800 million budget. They are also intertwined in Democratic politics, really the campaign arm of the National Democratic Party.

I will conclude, Mr. Speaker. I want to talk more about this in later special orders. I just want to conclude by quoting Stephen Jobs, the founder of Apple Computers, who said he has probably spearheaded giving away more computer equipment to the schools than anybody on the planet, but he has come to the inevitable conclusion that the problem is not one technology can solve, it is a political problem. The problems are unions. You plot the growth of the NEA and the dropping of test scores, and they are inversely proportional. He concludes: "I am one of those people who believe the best thing we could ever do is go to the full voucher system."

EXPRESSING APPRECIATION FOR CONGRESSIONAL SUPPORT FOR EVERGLADES PRESERVATION LEGISLATION, AND ADDRESSING TOPICS WHICH CREATE HAVOC IN THE NATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. FOLEY] is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, first of all, I want to thank the Congress for their excellent efforts on behalf of the Everglades in Florida, with their resounding 299 vote of support for the $210 million appropriation for our National Park, the Everglades.

Particularly I would like to thank the Speaker of the House, the gentleman from Georgia, NEWT GINGRICH, for appearing in the well and debating this issue with me for the preservation of our endangered Everglades. I think Congress sent a message across America that this is a bipartisan effort to preserve and protect our environment, and I again applaud the Speaker and the gentleman from Texas, [Mr. ARMEY], and others who valiantly supported our efforts, as well as the gentleman from Florida, [Mr. DEUTSCH], and members of the Florida delegation, for their strong, steadfast belief that in order to preserve the quality of life of Florida, we must protect our natural resources, including our water supply.

I would also like to take a moment to commend the Caring Foundation in West Palm Beach, FL, headed by Larry and Betty Brown, who are dear friends of mine. They put on a performance called We the Living, which was produced by the School of the Arts and the South Area High School. It is a play reflecting the problems faced by our youth today regarding drugs and violence.

The young people put on this performance to display the concerns that are expressed in the school environment: the peer pressure, the degradation of life, and all the tragedies that result in the abuse of narcotics. It is important today, as we have many closeup students in the gallery, to understand how destructive drugs are and how destructive violence is in our school system.

"We the Living," the play, exemplified why students are fighting, fighting for survival in the classroom, fighting for survival in the streets of our communities, all recognizing that the one fundamental problem that is so difficult for them to overcome is the influence of drugs in our society and the influence peer pressure has in the first attempt to use drugs.

Again, I applaud the Caring Foundation, and I urge all of our schools and all of our youth to do what they can to not make it cool to be involved in narcotics or illegal activities, but in fact, that it would be cool to say no. As in the DARE Program and the Just Say No Program, stand up and be counted against the destruction of human life, the destruction and aggravation of human suffering which drugs provide.

I would also like to speak about child abuse today, because that is another topic that is creating tremendous havoc in our Nation. Our children are abused daily. We are reading about more shocking details of abuse and abandonment, both sexually and otherwise, and it just has to stop. As a nation, we have to lead the charge against child abuse, most strictly penalize those that would bring about child abuse, especially sexual abuse, and fight for the rights of our children, because once they are abused, it is a very difficult and tragic way to come back into society. Palm Beach County is starting a Home Safe project, which will give children a chance to be in an environment safe from the dangerous opportunities they experienced in their homes.

I would also like to take a moment and look at the headlines "Hamas Bomb Kills 13 at Mall in Tel Aviv; Bomb Ravages Israel." The war in Israel is a tragedy. The New York Times did a wonderful editorial today, basically outlining the problems: The suicide bombings, the difficulties that are being experienced by the people of Israel. We in America, and I know my colleague, the gentleman from Pennsylvania, JON FOX, joins in a strong condemnation of these attacks, a strong condemnation against violence, not only in Israel, but in London and in other places around the globe.

□ 1315

But the one thing they stress in the editorial, the war in Israel, the war between a small group of fanatics who want to destroy the chances for peace and the millions of Israelis and Palestinians who want to live side-by-side in peace, prosperity, and security, the fanatics must not be allowed to prevail.

Both sides, the Israelis and the Palestinians, want peace. There are a few radical groups that are trying to dislodge that peace. We must remain calm and committed to peace in Israel. We must remain calm and keep the PLO and others at the table to ensure the survival of the Middle East. We cannot condone or tolerate terrorism, and we certainly cannot condone it in Israel or, as I mentioned, in London. It simply must stop.

The hatred, the violence, the antisemitics in this country must stop. The campaigns that are being waged for the Presidency, the dialog needs to change and we need to focus on the future of America, not dividing people by color, race or ethnicity, not dividing people by differences of opinion, but thinking of what unites this country together in a spirit of independence and democracy.

This is the greatest Nation in the world. We have so much to be proud of, and at the same time we seem to be destroying everything we have worked for for 200-plus years by divisive, nasty, mean-spirited debate. It needs to stop, and it needs to stop by arguments by both sides of the aisle that for democracy to prevail, men need to think with their heads clearly, committed to compassion and to people's rights.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ROGERS). The gentleman is reminded that Members are not to make reference to visitors in the gallery of the House.

THE 104TH CONGRESS PROMISES BRIGHT ECONOMIC FUTURE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Pennsylvania [Mr. FOX] is recognized for 60 minutes as the designee of the majority leader.

Mr. FOX of Pennsylvania. Mr. Speaker, I join with Congressman FOLEY in his astute remarks regarding our need for prayer for the families of those who were killed and those who were injured senselessly in Israel in recent days and weeks at the hands of the Hamas. We certainly cannot tolerate this kind of violence in this country or any other country, including Israel, one of our greatest allies in this world.

I do hope, as Congressman FOLEY pointed out, our work will continue with this country and with Israel to make sure the peace process moves forward, and the senseless acts of a few fanatics will not deter us from our mission to restore peace to the Middle East. And whatever we can do as a country, working together with the White House and our President, there is a resolve within this House and within this Congress that we do everything and anything we can to make sure that peace is brought to that region of the world and that we support Prime Minister Peres in his efforts to continue the peace process.

I have today the opportunity also to introduce legislation which goes to much of what the 104th Congress on a bipartisan fashion has been working on, and that is to create jobs, have a pro-growth Congress which will sustain not only the economic future of America but make sure there are better chances for more jobs. That is why I have introduced today legislation dealing with creating and providing tax credits for investment and research and experimentation. These are pro-business, pro-people measures which I think will help create the jobs and the investment that is important.

Specifically H.R. 2984 will extend the research tax credit through December 1997, expand the definition of start-up firms, allow taxpayers to elect an alternative incremental credit process, and treat 80 percent of research as qualified instead of the 65 percent limit we now have. In addition, the 10 percent investment tax credit will be reinstated and have the effect of reducing the tax burden on new investment, speeding up the growth of the economy, improving competitiveness of the U.S. business firms, and laying the foundation for a future rise in the United States' standard of living.

I would ask that the Congressman from Florida [Mr. FOLEY], and the Congressman from California [Mr. RIGGS], join me in this special order with regard to the kinds of things that we have been trying to do in this Congress, in this historic 104th House, to get our fiscal house in order.

I am speaking of balancing the budget, having a line-item veto passed, my legislation to sunset review Federal agencies that have outlived their usefulness or should be privatized, downsized or consolidated, the kinds of things we have done to help businesses by having deductibility for health insurance, regulatory review so it is easier for businesses to operate. And also our legislation has already brought $190 billion in spending reductions and $190 billion in deficit reduction.

So I would ask the gentleman from Florida [Mr. FOLEY], to tell us with regard to the interaction you have had with your constituents in Florida, have they discussed with you the benefits they see of having a balanced budget, one that would be bipartisan and one that would embrace collectively what the White House and the Congress wants with regard to our children's future and the country's future and a balanced budget.

Mr. FOLEY. Mr. Speaker, I appreciate the gentleman from Pennsylvania [Mr. FOX] yielding. One of the things that I hear from my constituents when I return home is the fact that the balanced budget is first and foremost in their minds. They are not necessarily interested in what party gets credit, but they want this Government to learn to live by the same standards our society imposes on the average citizen. Balancing your checkbook, that is normal. I mean if you do not, as you know, Mr. Fox, if somebody issues a worthless check, it is rejected by the bank.

Mr. FOX of Pennsylvania. Right.

Mr. FOLEY. If you overcharge on your credit card, they will cancel your card. If you do not pay your home mortgage, they will foreclose your home. But the Federal Government somehow spends $200 plus billion a year that they do not have and they call that compassionate and good Government.

Well, they are telling me, "MARK, seek out a solution. The rhetoric needs to stop. We don't want to hear anymore about during the Reagan years and the Bush years, those Presidents ran up the budget because you know the that Congress is the one with the checkbook, not the Presidents."

So it is our incumbent responsibility as legislators to focus on where the spending is occurring and how we alleviate the spending, and I think we have done a yeoman's job of attempting to portray that. You know, the other outside influences try to paint us as noncaring, wanting to destroy the fiber and safety net of this Nation. But to the contrary, when you read some great editorials, I think Mr. RIGGS referred to one earlier, Mr. Glassman has been great in portraying the fact that Republicans are not cutting near what is being accused, 7 percent growth rate in Medicare, 7.5. All of the programs grow in excess of CPI.

Mr. FOX of Pennsylvania. Mr. Speaker, reclaiming my time, to expand on that, people might be listening and saying, some of my colleagues, what is the advantage of a balanced budget?

Well, the advantage, according to Alan Greenspan with the Federal Reserve, is by having reduced interest costs it will be easier to afford a mortgage, easier to pay for a college loan, easier to pay for a car expense. Those kinds of things are in real dollars going to be decreased in cost if we can in fact pass a balanced budget, and also create about 300,000 new jobs a year. So the overall boost to our economy will be terrific.

Mr. FOLEY. People do not realize the nexus. The Government is out bidding for dollars like a private consumer. So while the Government drives up interest costs with its ever-excessive appetite for credit, it is driving up comparable mortgage costs.

A plain example by Mr. Greenspan is the fact that with current rates at about 7¼ to 7⅝ on a 30-year fixed home mortgage, we could see those rates decline to 6 percent, maybe below. A 2-percent difference in a $100,000 mortgage is $200 in savings in the consumer's pockets from interest savings alone, $2,000 per annum, which is about $180 per month in the homeowners' pockets to spend on their families, vacations, children's savings account, and what have you. So clearly, clearly the balanced budget will provide an economic windfall, not only for the taxpayers of having to pay fewer dollars into the public treasury, but more yield back home in their individual accounts.

Mr. FOX of Pennsylvania. Mr. Speaker, reclaiming my time, I think it is also important to note that frankly this can be done easily if we put our heads and minds and hearts into working together. We have seen since the beginning of this balanced budget debate that the majority side of the aisle has added $440 billion more funding for Medicare, for Medicaid, for the environment, for education, and for the earned income tax credit.

So those kinds of cooperative ventures by the Republican side certainly have gone without notice in some quarters, but are certainly not lost on those of us who are still speaking today in the well of the House, because we believe that there can be, in fact in the not too distant future, an actual agreement on the balanced budget. The President has actually said, under different year points he has talked about, we can have a balanced budget in any number of years. I think if we can just get to the table and talk about removing gridlock, getting away from finger pointing and not worrying about who gets the credit, it is amazing how much we can get done.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. FOX of Pennsylvania. I yield to the gentleman from Florida.

Mr. FOLEY. That is the sad part of the political debate, people need credit for everything. We were sent here from around the country, 435 individuals, 100 Members in the Senate, and the President, Vice President, elected by the people of America to lead, not to take unnecessary advantage but to solve the people's problems.

So again, I think we have got to put beyond our debate who eventually gets credit for the legislation. It is more important that the American public sense a victory here, that the consumer senses a victory.

Mr. FOX of Pennsylvania. I agree.

Mr. FOLEY. That the public at large senses that Congress is acting responsibly, that they are no longer going to send or return Members of Congress to this great body just simply because they said, "Look at all that I have done for you, and look at all the bacon and pork that I have brought home to our district. Isn't that reason enough to reelect me?"

It is about saying, "What have you done to reduce the burden on the American consumer, reduce the burden on business? What have you done to make it easier for us to educate our children?" I think these are the questions in the debate that is going to rage in November, not about whose party is right or whose party is wrong. It is about what did you personally do as an individual that we sent here to represent our great district, to make a difference in America.

Mr. FOX of Pennsylvania. Mr. Speaker, I would ask if the gentleman from California [Mr. RIGGS] would join us in this discussion regarding the balanced budget and its benefit to the country. From California, as a favorite son, he might want to give us a little bit of his insights into what his district believes and what he thinks is appropriate as we move forward in this debate.

Mr. RIGGS. Mr. Speaker, I very much appreciate the gentleman yielding, and taking the leadership initiative in organizing this special order.

What I would really like to do is compare the Clinton crunch with the balanced budget bonus; that is to say, the benefits to the average American family that will result from putting our fiscal house in order back here, eliminating deficit spending and balancing the Federal budget, versus the present economic predicament that we as a nation find ourselves in.

As both gentlemen will very well remember, the President back on January 23 visited our Chamber and stood at this podium right behind me to deliver his annual State of the Union Message, and in that speech just less than 2 months ago he told us that our economy is the healthiest it has been in three decades and he proclaimed the era of big government over.

We have all learned to expect, particularly from this President, some fairly outrageous statements. In fact, I think it was Jay Leno that pointed that out the other night. I guess we can sort of plagiarize from Jay Leno, because once he says it on The Tonight Show, it is out there in the public realm.

Jay Leno said the other night, "Republicans have the choice of eight presidential candidates." But then he went on to say, "But you know, the Democrats have much more than eight when you think about it. They have got the old Clinton, the new Clinton, the big-government-is-over Clinton, the highest-tax-increase-in-history Clinton, and so on."

Well, I think when we scrutinize the President's comments, we realize that, No. 1, the economy is not by any stretch of the imagination the healthiest it has been in three decades. And second, we realize that if the President really ended or would join us in ending the era of big government, and if he really helped us in turning over Washington power to individuals and communities, the American people would not now be experiencing the Clinton crunch: higher taxes and stagnant wages.

The reality behind the President's rhetoric is that in each and every year of his presidency, the typical American family has had less income than when President Clinton took office. Last year alone, the typical family earned $790 less than in 1992, according to the Census Bureau. But while family incomes have fallen, the family tax burden has risen in America and, that is a result obviously of policies adopted by this body prior to the Republican Party becoming the majority in Congress, and policies that were signed into law by the President during the first 2 years of his administration.

So we have had this Clinton crunch, this double whammy of stagnant wages and rising taxation, including payroll taxes rising on the backs of American workers. We all remember that back in 1993 the President and the liberal House Democrats or liberal congressional Democrats enacted the largest tax increase in history, and the result is that the typical family now spends 24.5 percent of its income in Federal taxes, a greater share of its income than at any other time in America's peacetime history. And we will remember, of course, that that Clinton democratic tax increase passed the Congress without a single Republican vote.

□ 1330

When you add up Federal, State, and local taxes, families today are paying more than 38 percent of their income in taxes, according to the Tax Foundation, and in many families that ultimately means one spouse has to work, not to support the family but simply to support the government and the burden of taxation.

So I want to talk a little bit about here over the next few minutes again those two factors, falling incomes and rising taxes, and how that has created the Clinton crunch versus the bonus that every single American family would receive from balancing the Federal budget.

I appreciate, again, the gentleman organizing this special order.

Mr. FOX of Pennsylvania. Reclaiming my time, I appreciate the gentleman's remarks. I think that you have been one of the leaders, along with the gentleman from Florida [Mr. FOLEY], in moving ahead in a fiscally responsible balanced budget debate and one that embraces, I think, what most Americans want, and that is more money in their pocket and less money in the Government's pocket, and that makes a big difference.

In addition to having a balanced budget and removing, you know, fraud, waste, and abuse from the Government, we are talking about tax reform, and that it is what the President campaigned on. He said he wanted to give us three things in 1992; he wanted to have a middle-class tax reform, balanced budget, and he wanted to end welfare as we know it. We have sent him three bills, and he has vetoed three of them. Hope springs eternal. I still believe in the long run he is going to sign bills we in a bipartisan fashion can agree on.

Mr. RIGGS. There is a certain irony in a new Republican congressional majority trying to help a Democratic President make good on his fundamental campaign promises. That is exactly the case.

Mr. FOX of Pennsylvania. It shows the cooperation we are giving.

Mr. RIGGS. That is right. Yet, as the gentleman points out, the President campaigned on promises of balancing the Federal budget, ending welfare as we know it, as you pointed out, cutting middle-class taxes. The middle-class tax cut was the centerpiece of his economic plan, which he called Putting People First. He certainly did not make good on any of those promises during the first 2 years of his administration, when he had a Democratic majority in the Congress to work with.

He has turned around, of course, in this session of Congress, vetoed legislation that would accomplish all three of those fundamental promises to the American people that we, the Republican majority here in the Congress, enacted with very little support from the other side of the aisle. There is a certain irony, again, in a Republican majority of Congress trying to help a Democratic President make good on his fundamental campaign promises.

Mr. FOLEY. I am anxious if somebody can tell me what is right with our welfare system today. For a President to veto what I believe is a bipartisan effort to reform a tragic situation that perhaps people in a welfare system, with no means of exit, how anybody can defend the current status quo and not be seriously concerned about not only the future of this Nation but those we pretend to care for is beyond me. I go home to the district. I would be interested if the gentleman from California [Mr. RIGGS] or the gentleman from Pennsylvania [Mr. FOX] have any other indications. When I go home to the district, my constituents resoundingly say, "MARK, help people with the Association for Retarded Citizens, help those mentally or physically challenged who have not been given the full tools to do what they need to do to function in society. But, by God, get healthy, capable, able-bodied people out of the welfare rolls and out in the workplace." What is good about the proposed legislation, not adopted by the President, but certainly, hopefully, in the near future will be, under that legislation you spoke of, there are some or many good points with it, the able-bodied people to be in a job within 5 years, with the Federal Government assisting with job training, job counseling, job placement, day care, if necessary. That is certainly, in a sense, moving ahead, still leaving a safety net for those who are unable to work, or have to take care of a child, and increased enforcement by Governors to collect child support.

I always love the example about the State of Maine, where they threatened to take away the drivers licenses of those deadbeat dads who have not paid child support, but all but 50 out of 21,000 paid within a record period of time. This is legislation that is going to make sure child support is paid, to make sure food, nutrition programs, frankly, we feed more children, we also do so with quality standards that the Federal Government is going to enumerate, so I think that, you know, the welfare reform we discussed and proposed and passed in the House in a bipartisan fashion certainly will, hopefully, come to life again in this second session of the 104th Congress.

Perhaps the gentleman from California [Mr. RIGGS] could shed some light on why he feels this bill, the revitalized bill, would be beneficial, what your take is from California.

Mr. RIGGS. I appreciate the gentleman yielding to me. He just described a version of welfare reform that received the unanimous bipartisan endorsement of 45 of the 50 Governors, or Nation's Governors, meeting back here in Washington in February.

You know, I think the President has revealed his true colors on the question of welfare reform. Not only has he twice vetoed the welfare reform legislation sent to him by the House and the Senate, but he is now saying, after initially encouraging this bipartisan group of Governors to help us craft a bipartisan compromise, he is now pulling the rug out from underneath them. He has indicated through his Cabinet Secretary, Secretary of Health and Human Services Shalala, last week the administration's disapproval of the unanimous Governors' agreement. I just want to again stress how rare unanimity is in American politics today. We had 45 of the 50 Nation's Governors meeting back here in February. Again, they unanimously supported and endorsed these welfare reforms which the President is indicating that he opposes and will veto.

So it is very clear to me that this President, who as a candidate promised to end welfare as we know, is not sincere in that promise. He would, furthermore, have a real political problem with the far left wing of his party if he were to meet us somewhere in the middle in trying to craft bipartisan welfare reform legislation.

So it is very disappointing again to see the President fail to make good on one of his fundamental campaign promises from 1992.

Mr. FOX of Pennsylvania. I wanted to reclaim the time because one of the other items I thought was very sensitive in the legislation dealing with welfare reform, that is, making sure teenage moms who need health care, formulas for their children, clothing, under the present program they would get cash assistance. Unfortunately, some of those teenage mothers frankly do not have the wherewithal to understand we cannot use those funds for drugs or alcohol and have been doing so. Under our legislation they would get vouchers instead, not for drugs or alcohol but vouchers for formula, health care, clothing for the child and the baby or child, and frankly this is a much more humane way of making sure we take care of those truly in need and not waste the money for what it was not intended.

So, while some may cast that this Congress is being tough, we are not being fair in making sure the benefits that those who are in the safety net must be saved, and we are going to save them. We do not want people milking the system and taking the money, using it for purposes other than what was intended.

Mr. RIGGS. Very clearly we have to reform the welfare system that fails too many of our fellow citizens and too often subsidizes illegitimacy, really, with our current welfare system, and this political constituency of dependency that has been created back here in Washington over the last three to four decades created a welfare state, if you will, where too many families now find themselves also dependent on welfare over several generations, and again that has led to soaring rates of illegitimacy and family disintegration in America.

I think the American people know the welfare system is broke. They certainly have every right to expect of us that we will acknowledge the problem and attempt to fix it in a bipartisan manner. Again, that is exactly what we have done. That is the legislation the President vetoed. That is the legislation that is heartily recommended and endorsed by 45 of the Governors meeting back here in February.

Mr. FOLEY. It is not just the public that is upset. I met with a young girl, 22 years old, in Belle Glade, FL, in a course sponsored by the Private Industry Council to learn to be a nurse. She came up to me at a graduation reception, where she had gotten her degree for nursing all on her own. She said, "Mr. Foley, I am 22. I have five children. I am not married. The welfare system has encouraged me to stay in the welfare system and have babies." This is not a made-up story. This is an absolute occurrence that happened in my district.

She said, "For the first time, the Private Industry Council is giving me some hope for my future and for my children. But I am telling you it is a tragedy what we do as a Nation to encourage people to have additional babies out of wedlock, that they will get additional food stamps, AFDC and housing allowances if they simply add another child to the roster." She said, "This has got to stop." She said, "I am a sad example of what is wrong with the system. I am 22 years old, with five kids." I was amazed. She said, "You have got to do everything you can to not hurt children, to make sure I or others like me are not encouraged to proliferate additional children to the society, knowing more money is coming your way."

Mr. RIGGS. I think our fellow citizens know the American welfare system today too often discourages the very things that we want to promote as societal ideals. It is a system that is riddled with perverse incentives that discourage working, marriage, savings, investment, and that is why it is so important that we reform the welfare system.

If the gentleman would just yield further, because unfortunately I am going to have to leave and I want to kind of complete this idea of the Clinton crunch versus the balanced budget bonus.

I want to stress, because I think the gentleman from Florida alluded earlier, there is really nothing to be gained, going back and revisiting the 1980's. I think if we look at economic policy, fiscal policy in the 1980's, there is plenty of blame to go around. We have no intention here, as the new Republican majority in Congress, of repeating those same mistakes, and that again the perverse notion that we could cut taxes and increase spending, which gave us these enormous deficits that have ultimately left us with a staggering national debt which our kids and grandkids are going to inherit.

Instead, when we passed the balanced budget, the balanced budget, the first balanced budgets in 26 years, the balanced budget the President vetoed, we had tax cuts for working families. We believe that it is possible to cut Federal spending and cut taxes, and that the combination of the two will give the American people a tremendous economic dividend, what we call the balanced budget bonus.

So let me just tell you what every American family would have realized had the President signed our balanced budget bill into law, the same bill that he instead vetoed. Again, remember that we want incomes to go up while taxes go down so that every American family can earn more and keep more of what they earn. So here is the balanced budget bonus, because I do not think that you will get much disagreement here in Washington or across the land. Most economists, and I recognize that economists can often be wrong, but I believe this is one case where, as Mary Chapin Carpenter said, the stars might lie, but the numbers never do, the economists widely agreed the balanced budget would have led to a drop in interest rates by as much as 2 percentage points. That would save the typical American family between $1,600 and $1,800 annually on an average home mortgage. It would save the typical American family $174 on an average car loan, $216 on the average student loan, and if you add to that the $500 per child tax credit, a typical family of four, that is, two adult parents and two children, that typical family of four would have received a balanced budget bonus of $2,990, so let us call it $3,000.

If I ask you, my colleagues, when was the last time that an American family got a $3,000 average bonus, 29 million American families would have benefited from our $500 per child tax credit, and nearly 4 million American families would have had their entire Federal tax burden eliminated? And that is real relief from the Clinton crunch.

But the President stood in the way of this balanced budget bonus for families. He vetoed the balanced budget and tax cuts for families and economic growth. Far from feeling our pain, as again he promised back in 1992, the President has become the cause of it.

So I wanted to just remind my colleagues that while President Clinton promised a middle-class tax cut when he ran for President, again he made that the centerpiece of his economic plan, Putting People First, he raised taxes instead.

So, again, as I said earlier, there is a certain juxtaposition or irony in the fact that President Clinton promised a middle-class tax cut and Republicans want to deliver one.

What we got from President Clinton and congressional Democrats, we all know now, was the largest tax increase in history. As I mentioned earlier, it passed without a single Republican vote.

Later President Clinton himself admitted that tax increase was a big mistake. He actually told an audience of major Democratic Party donors in Houston that he realized in hindsight that he had made a mistake by raising taxes so high, but then he went on to infer that somehow the Republican minority in Congress had forced him to raise taxes. Nothing could be further from the truth, because again not a single Republican voted for that Clinton Democratic tax increase back in 1993.

□ 1345

His tax increase not only raises taxes on the rich, but on the middle class, the poor, senior citizens, and American small businesses, which are the backbone of our economy. These are the very businesses which create most new jobs in America. These are the small and very small companies that give us most of our new job creation, most of our economic growth in the private sector. These are companies typically with 10 or fewer employees accounting for 70 percent of all American businesses.

The President and congressional Democrats like to claim they only raised taxes on the rich. But according to the Internal Revenue Service, nearly 87 percent of tax returns showing $200,000 or more in annual income were filed by small businesses and family businesses. These are business owners. Many times these are family businesses, but these are business owners who are organized as a partnership or sole proprietorship or sole corporation. So when the President talks about raising taxes on the rich, he is not talking about General Motors. These business taxes most impact that hardware store owner on Main Street.

Second, the President's tax and spend policies have turned a healthy economy into an economy that is on the verge of recession. More jobs were created in the last 6 months of the Bush administration than in the last 6 months of the Clinton administration. The economy was growing 3 times faster in President Bush's last year in office than it did under President Clinton last year. In fact, for the last quarter of 1995, the most recent economic statistics, the economy grew barely at all, a growth rate of 0.9 percent annually, according to the Commerce Department.

So I go back to my original premise. The failing Clinton economy, with its income stagnation and economic insecurity, is the direct result of the Clinton-Democratic high tax, big-government policies. We have record high taxes, record high spending, excessive regulatory costs, and 25 consecutive years of deficit spending that have sucked trillions of dollars out of the economy.

So it is really little wonder that wages are stagnant, because the Government got your pay raise. So I believe that unless we reverse these policies, the policies that President Clinton and the congressional Democrats put in place, there will be no relief from the Clinton crunch. They believe, the President and the liberal congressional Democrats, believe higher taxes, increased Federal spending, and more Federal programs will lead to more and better jobs and higher pay.

We Republicans, on the other hand, believe that lower taxes, less government, and a balanced budget are the surest way to more jobs and more take-home pay for the average working American.

So we are working hard back here in Washington, and that is why we wanted to take this time to present a special order on the House floor, to emphasize we are working hard to reverse the economic effects of the Clinton crunch on the average American family and the average American worker. We believe again that the right approach is tax cuts for families and for economic growth, an end to the excessive regulations that stifle wages and increase prices and create a constant drag on economic growth and job creation, and a balanced budget, which is just terribly important, to make it easier ultimately for American families to balance their own budgets.

So again I thank the gentleman for organizing the special order and yielding the time to me.

Mr. FOX of Pennsylvania. Thank you, Mr. RIGGS, the gentleman from California. Your comments were right on when it comes to the fact that most citizens want to make sure the raise they get stays in their pocket so they can spend it for their family, their community, in the ways they have to, and not have big brother, so to speak, take their funds and use it and waste it. We have seen a lot of waste.

Under your proposals, the probusiness, projobs legislation you have filed, I am hopeful that Congress will pass it, and not only will your district benefit in California, but the whole country will. We appreciate your leadership on continuing the dialog and getting the legislation adopted.

I go back to the gentleman from Florida with regard to some issues dealing with keeping jobs and making sure that Government is decreased in responsible ways. We discussed jointly our interest in having sunset review of Federal regulations, which has been introduced in the House, and also sunset review of Federal agencies.

I know that in Pennsylvania we had legislation like that adopted, and we were able to sunset agencies that were not doing their job, or consolidate them, privatize them, eliminate them, because they were not meeting their original mission from 50 to 100 years ago.

I wanted your thoughts on what you have heard from your Florida constituents with regard to properly downsizing those programs which have outlived their usefulness.

Mr. FOLEY. I thank the gentleman for yielding. First of all, I think it is important in every level, every walk of life, for a review. When you create an agency or commission or a study or a rule, I do not think it was ever meant to be perfected in its entirety throughout its lifetime. I think in Florida we always would call back a commission or authority or issue for a 5-year review, to find out if it is doing what it was established to do. Is it operating within the guidelines? Is it spending appropriately the public's funds? Obviously that is the No. 1 component. Are they spending the public resources correctly?

These are the things I think a sunset review would provide for us. Think about it: the Department of Energy established in 1978 under the Carter administration because of the fuel crisis, and we were to set our thermostats to 68.

Look at what that agency has become. Now, are we indeed saving energy in America? Consumption is up almost in every category. Has it fulfilled its usefulness? I do not think there is anything wrong with analyzing agency-by-agency on a frequent basis its need, its necessity, and cost effectiveness for the consumer.

Mr. FOX of Pennsylvania. If the gentleman would yield, that is exactly what we do in private industry. When companies look each year or each 5 years to where they are going and where they have been, they analyze every department, every single activity, to see whether the cost benefit is there, whether they have achieved their original goal, and whether there is a way to change.

Frankly, we can take a page out of business and make Government more responsive, giving the people their money's worth, and making sure that tax dollars are being spent wisely. Because frankly, some programs are best handled by of the private sector.

You only have to look at Habitat for Humanity and other good organizations like that that are community-driven and people-driven that do not depend on taxpayer dollars, but rather on sweat equity, and the involvement and caring of clergy and community and citizens, in making sure that they take abandoned houses and turn them into homes, and they really make a difference.

So we need to be reaching out, applauding, supporting, and buttressing the private sector everywhere we can, and making sure we realize that not every need is answered by a Federal program, but maybe sometimes through a private sector initiative.

Mr. FOLEY. If the gentleman will yield, you mentioned Habitat for Humanity. That is a prime example. People say, when we go looking into HUD, that we, the Republicans, are evil, mean-spirited, we do not want to provide housing.

You just mentioned Habitat. In Okeechobee County, the McArthur Dairy Foundation deeded over 35 former housing units, single-family homes, to the Habitat for Humanity. About 2 weeks ago I went to the dedication of a home that a woman and her four children were about to move into. Through sweat equity, determination, perseverance, she was now in a single-family home, the girls and boys had their own bedrooms, and they had a home to call their own, pride of ownership. They worked on it. It was their home. It was in the neighborhood. It was not something HUD did for them.

It was not something they were trapped in. Here, this is your rental quota and this is what you get every month and you can't move, and this is not really your home, it is a rental home and subsidized. You feel these constant strings attached by government.

Habitat has given people the willingness to succeed, to own, to be proud of, and to prosper. That is the difference in what our philosophies are when we start talking about where we want our Nation to go.

Privatization in Florida: The Department of Commerce is becoming the "Enterprise Florida," which is made up of large corporations. If corporations think it is great to promote the State and its opportunities, that is a role for corporations. Not the State or Federal treasury to prop up organizations that do not really promote.

The Commerce Department, you are only lucky enough to get on a Commerce trip if you have donated significantly to either a Democratic or Republican President. You do not get to go because of a novel or unique opportunity or invention.

So when we talk about downsizing, Mr. FOX, I think we have to be very, very aggressive and outline what we hope for the outcomes, that we are in fact liberating companies, businesses, individuals, to seek their own opportunities, rather than stifling them.

Mr. FOX of Pennsylvania. I think that will come with our legislation to have sunset review and also working with Congressman MICA in regulatory review, because many times I have seen where we have had Federal regulations introduced, there are already State agencies that do that. So there is no reason to have duplicative legislation, which puts a further burden on business, and we put a further burden on business that is already being covered, the safety hazard has been addressed. Why should we put the further burden on business to do more forms that do not help safety, but add to the cost of a product and therefore make it more difficult to hire.

Mr. FOLEY. Think with about your own family. When you are planning something for your future, I am certain you and Judy sit down and go over the pros and cons of a situation, you review where you are currently, where you hope to be, but you do it through a deliberative fashion. In Government it is we who have set it up, we have done our job, let us leave it alone and forget it. And that I think is a significant problem, because there is no oversight, no checking up on the kind of initiatives that were proposed and whether they yield any benefits.

So sunset review, your initiative to push and pursue this legislation, it is vitally important for Congress to become more efficient and effective.

Mr. FOX of Pennsylvania. I want to change gears if I could to go back to something I heard you speak about on the House floor recently, and I helped vote and work for the bill that you introduced to save the Everglades. While the Everglades are not in my part of the country in the sense it is not in Pennsylvania, we, who have to be stewards of the environment and conservation for future generations, have to look at the country as a totality and try to help and make sure we preserve natural areas. So I have to applaud you for your leadership in having your legislation adopted, which will in fact make sure the Everglades are maintained in their present form.

You might tell me further illustratively what was due to happen with regard to the Everglades for which we had the legislation come up to begin with?

Mr. FOLEY. As everyone knows that follows the environment and particularly the Everglades, because of growth, 5 million population in south Florida, 41 million visitors to our State last year from Pennsylvania, New York, and all throughout the great 50 States and throughout the entire continent and the globe, visited our State, and obviously that impact has greatly affected the water quantity and quality going into the Everglades.

The Everglades is one of the motion unique National Forest Park water systems, and one we are all immensely proud of. What we are doing with the $210 million appropriated last week is acquiring additional lands to buffer the Everglades, almost acting like a kidney in a body, to filter the water as it comes through these areas, and then taking the nutrients or phosphorus contents away and allowing cleaner water to flow into the Everglades and the Florida Bay.

It is vitally important for the sustaining of life. No human life, no plant life, no animal, can survive without water. So basically this is a step in the right direction of helping the Everglades.

But what I wanted to fundamentally point out, and you mentioned Mr. MICA from Florida. Mr. MICA stated very clearly in a press account that the Republicans are not against the environment. Clearly by their vote for this $210 million, we have stepped up to the plate of committing Federal resources to a vital, national interest park.

But what we are tired of spending our money on is study after study, report after report, consultants, lawyers and others, giving us ideas that are never carried out. Here we have for the first time dollars allocated to the project for actual construction and work, for something we can go back and talk about tangibly, as a result of Federal action rather than inaction.

So one of the things that I want to stress when we talk about the environment is that we are not antienvironment. The Speaker of the House came to the floor and spoke of the Everglades, announced we had to do this, the time had arrived for us to work together collectively for the Everglades. It is about making certain that the monies we are appropriating actually end up in the critical areas that need our attention.

So that is why I was proud. You marshalled the troops from Pennsylvania and your northeast corridor, because, again, as you clearly stated, this is not a Pennsylvania issue, but it is a national issue. It proves for all that enjoy the vast wonders of our continent, the Grand Canyon, you name the desert, the parks, the Allegheny Forests, all of the things we enjoy together as a nation, our pursuit of the preservation of those national resources should be first and foremost on our minds. Not whether we are getting rated on a vote, this is a good environmental vote or what have you. It is about are the dollars we are spending as a nation being applied effectively to solving problems.

Mr. FOX of Pennsylvania. With regard to Florida generally, is there a conservation board within the State with which you work?

Mr. FOLEY. Actually there are a number of things. We have a number of initiatives. We have the Preservation 2,000 fund, the Carl Land programs, we have obviously the Audubon, Everglades National Park, a number of different groups that are very intricately involved in the process. South Florida Water Management, Corps of Engineers, Fish and Wildlife, all are looking for solutions.

That is another thing that I think is important, is to look at the broad opportunities we have as a nation to solicit input from a variety of groups. Not any one individual or group has the right answer for any given question of the day. It is seeking compromise, seeking consensus, and getting the agencies all together in the same room and saying we have a common mission, we have a common problem. Let us solve it with a common solution, rather than 100 different solutions that end up not getting the problem addressed.

Mr. FOX of Pennsylvania. I am sure your colleagues would want to have updates on a regular basis of what is happening with the Everglades, and it will be important to the body.

Mr. FOLEY. It is essential they be forthcoming, because after I have asked for that commitment of resources, that is the largest single appropriation ever in our Federal history toward the Everglades, the dollar amount. Two hundred was allocated by the Senate, Mr. DOLE specifically, and Senators MACK and GRAHAM, both Florida members Democrat and Republican, led the initiative in the Senate. Of course, we had a bipartisan coalition in the House. I think they deserve the followup to that expenditure, to see that the dollars they spend in fact are working. I know they will.

□ 1400

Mr. FOX of Pennsylvania. You know when we talk about the environment; you know Earth Day is coming up in April; it occurs to me that for us to continue the environmental movement started some years ago and to carry on the issues that Major Carson, an environmental leader, started in the years before that by other conservationists, I am wondering whether we are doing enough to inform, educate, and inspire youth to go into fields that deal with conservation, that deal with community participation, even if it is not going to be a profession, in those areas of environmental preservation, and whether you had thought about programs in your district and for the country which would accentuate that and would promote it.

Mr. FOLEY. Yes, I spoke to Forestdale High School yesterday, and they have a class, an actual magnet program, on environmental studies. It is the youth of the community working in a classroom setting, learning about the environment.

Again, one of the things that I want to stress, too, is the fact that one of my concerns with the Government is the fact that we do have so many agencies doing similar functions with different agendas and different mandates. I think the young people need to get involved and look at the practical applications of environmental sciences because there is a cause and effect. I have always suggested that farming and the environment can coexist with the right guidelines and the right tools. I think it is important that we train our young people to understand, yes, recycling is a viable method of preserving our Earth and also to consider all of the other aspects of how can a business coexist with an environmental movement and not look at them as enemies. And ofttimes you try to draw lines, if you are for business, you are against the environment; if you are for the environment, you are against business; and I think we have clearly indicated with our cooperation with the gentleman from New York [Mr. BOEHLERT] and others to try and make that connection that we can make it happen.

The EPA has a tremendous program in Louisiana, which is a fast-track approach to permitting. They are doing a good job, and I will commend them for that. It is a leadership environmental movement within the EPA, but they actually work hand and hand with business, they get together with them and get their executives on board early so they can streamline the permitting process and in fact encourage that dialog so, No. 1, the company's resources are not expended unnecessarily. It is a cooperative effort, so you got both sides working for harmonious relationships, and the reports from both the corporation and from the EPA were a resounding success.

There are things in our Government that I think we need to work on to exemplify and highlight so the public says, you know, these people are serious about helping the environment, but they are not just going to sit there and throw billions of dollars at it and say now we feel good in our conscience because we have spent money and that should solve everyone's problems.

Mr. FOX of Pennsylvania. If the gentleman would yield, what you say about fast tracking we see in Pennsylvania under the leadership of our new Governor, Tom Ridge, who was a former member of this body, where he has taken a leadership role on restructuring our State Department of Environmental Resources such that fast tracking for permitting and working with industry and the environmentalists is taking place. That cooperative role where government is becoming user friendly is what Governor Ridge of Pennsylvania is all about, and I think that is going to go a long way, hopefully, toward getting government more responsive to people's needs.

Speaking of being responsive, I wanted to highlight one of the legislative initiatives that you and the gentleman from Idaho, Mr. CRAPO, have worked on, and that is the lockbox for savings deficit reduction, and remember there is an interesting story you had in committee where you were able to reduce a budget item that you felt was wasteful only to find that the funds taken from one wasteful item was given to another pet project for someone else's district, and I believe that your lockbox legislation with Congressman CRAPO will in fact ameliorate that problem, and if you can outline that further for our colleagues, I would appreciate it.

Mr. FOLEY. Just a quick summary for those listening:

I went to an authorizing committee of the Committee on Science and withdrew an amendment for 25 million of spending. I had not a unanimous, but a majority support for the cancellation of this wasteful spending, 25 million. It turns out a day later one of my colleagues found the 25 million that I cut and immediately inserted it into another program.

Now, I would work very, very hard in order to save the taxpayers 25 million. In this process everybody says, "Oh, MARK, 25 million, that's no money. You're not talking serious dollars. That's a nickel and dime." And I thought to myself never let me think that 25 million is not significant money. But they went and put the 25 million on another project.

Well, at that time I heard about Mr. CRAPO's lockbox, which is a phenomenal technique meaning I could cut that 25 million, but before it goes anywhere I designate it to the lockbox. That means just like a Christmas club account, or a savings account, or a travel account that a family sets up. That money is earmarked for deficit reduction only. So basically the mechanism would take the 25 million, put it in the expense account but, more importantly reduce the appropriations authorized for that committee by a like amount so no longer would they have the wherewithal to bump up other projects since you save money, and that is critical in order to bring the deficit down.

If we do not establish some mechanism for savings where a Member can actually not only take credit for wasteful spending, but can take credit for deficit reduction, then all of our work and efforts is for naught because you start competing against regions and areas.

The 25 million was important to certain districts, they were upset, but bottom line: everybody recognized it for what it was, a wasteful spending. But if we do not have a mechanism by which to save those dollars, to put them aside and to reduce the Federal deficit, this Nation will never achieve any fiscal sanity.

So the lockbox is critical. We are working to get it into House legislation overall and to get the Senate to adopt it, and thereby, if a Fox amendment is offered to reduce spending in a unwarranted project, if it reaches the majority consensus that the spending is unwarranted and that it should be in a lockbox, we can achieve those victories one at a time. With a $1.6 trillion budget we have got a long way to go based on $1.4 trillion of income and the rest excess spending, we have got a long way to go to reduce our Federal dependency on dollars and to wean us off of a natural addiction toward spending.

Lockbox is the only answer that I have found in all of my budgetary pursuits that works, and the gentleman from Idaho [Mr. CRAPO] is to be commended, as are other Members, the gentleman from Oklahoma [Mr. LARGENT], yourself, the gentlewoman from North Carolina [Mrs. MYRICK], a number of people that stood up and fought for this initiative, and we do not want to see that initiative lost in this Congress.

Mr. FOX of Pennsylvania. I appreciate your leadership in that and others in moving forward on it. I know that we can achieve, as far as I am concerned, the balanced budget that we talked about at the top of this hour if we continue making sure that we find the common ground, that we work overtime in making sure that the issues that we hold so dear, whether it be Medicare, Medicaid, environment, education; those are not just one party's issues or one branch of the Government's issues. They are everyone's issues, and we are working on them as well as anyone else is, and on Medicare I might say I think we have made some real progress. When the original debate started out on Medicare, we only learned this past April that in fact the President's trustees told us there was going to be a shortfall, Medicare would be out of business in 7 years.

So I think we have done the bipartisan, correct thing in advancing legislation which will in fact make sure that Medicare is preserved, protected, and extended, but doing it; the way we take care of the problem I think is legislation that is going to eliminate the fraud, abuse and waste. I was amazed to find; I do not know if you were; that there is $30 billion a year now wasted in fraudulent, inflated claims and billing for services not rendered by providers, and I do not know if you have researched that as well and found that to be the case.

Mr. FOLEY. Well, that is what we know about. I mean the problem with Medicare, the fraud and abuse that is being perpetrated on the taxpayers is so pervasive and so difficult to track that I think in my heart if we merely went after that with the full force and weight of the Federal Government and put the resources behind it we would probably save enough to hopefully balance not only Medicare, but lead us to a balanced budget in our Nation. There is a lot of waste and fraud. But I will tell you one thing about Medicare because there is a hue and a cry by the other side of shame on you, and GOP stands for get old people, and you are destroying Medicare.

When I went to the district, and I am the first among freshmen Congressmen with the largest number of Medicare recipients I am No. 7 in the Nation of all Members of Congress with the most Medicare recipients, we would have often 150 to 200 people attend the hearings, and when I explain the program, stay in traditional Medicare, do not change premiums, stay the same, no different than they would have been, they become more comfortable, they find that they can go to a managed care physician, care network or a medical savings account more and more comforted. The fact is if they choose a product that they do not like, the following year they can disenroll in that and reenroll in something else or go back to traditional Medicare, and the options and ranges of options created in the plan do not deny benefits, in fact encourage opportunities for seniors.

One person at a town hall meeting said, "You know, I like chiropractic care and it is not covered under Medicare; why not?" I said, well, in the medical savings account you could make that discretionary choice with the moneys we provide in your account to spend on the health care you think best suits your appropriate condition, 7.5-percent increase. I mean, everything, when I finished the hearings I did not get but one or two persons still disapproving, and often that was more of a partisan than it was a practical disagreement.

What they were saying was you know you have comforted me knowing, first of all, it is not going out of business if you get your bill enacted. Second, choices. Third, competition. Fourth, we are not creating a new commission for fraud, waste and abuse; it stays with Donna Shalala, it stays with HHS. We are getting a hotline and increased enforcement in penalties, but the Medicare bill for the first time provides a road map for our system to make certain that seniors, ourselves included some day when we make that golden year, are in fact provided for, not a Band-aid, not a political let us ignore it until it really becomes a crisis. Let us look at it now strategically and make certain Medicare is something we can all be proud of in the year 2010, 2020, and beyond.

Mr. FOX of Pennsylvania. What is interesting is the President and the First Lady a couple a years ago said the way to solve the Medicare crisis is to make sure we control the rate of growth, and that is exactly what the majority proposal was and is, so hopefully we can work together with the White House, and both sides of the aisle and both Chambers, the House and Senate, to make sure we save Medicare for our seniors. We want that quality health care to be there for them and to make sure it is a system that is not just going to stop in the year 2002.

Mr. FOLEY. One other item, line-item veto. That seems to be a significant legislative initiative passed by this body. I hope we are going to be able to flush that out and get it passed by the Senate and onto the President for his signature.

Mr. FOX of Pennsylvania. Well, we passed a version early on in the 104th Congress, first session. The Senate passed a slightly different version. But I am hopeful that this bill will get to the President and a compromise version after the conferees have met because line-item veto like 43 Governors have in the country, the chance to eliminate waste, fraud, and abuse, that exists. My own Governor, Governor Ridge, has a chance in Pennsylvania to eliminate those programs that are just pork barrel, just in there for one Representative or Senator and not really there to have permanent, long-term value for our Nation. And the line-item veto is an idea whose time has certainly arrived.

Mr. FOLEY. Well, if you think about the debate that can occur, and when people say line-item veto, what power does that give the President? Well, just like you mentioned with your Governor, they can strike through the appropriation as wasteful pork spending without having to veto an entire bill. But the safeguard for Congress is if a President, and a lot of people say, well, they can take retribution against a Member. If the President does not like Congressman FOLEY, he can strike out all of his projects. Well, if my projects are so good, I can go back to the floor after the veto and defend them among my colleagues and get an override within the next couple of days to restore the project.

So I do not sense this disastrous consequence of a line-item veto. In fact, I sense that there could be a bigger opportunity for us to really tighten the rein of Government, and give the President an active hand in budgetary negotiations, and in fact strike through some of these things you read about, these studies, asparagus studies, or, you know, this and that study, none of which lead to any better prosperity for anyone that has a response to the study. It is just another give-back to communities, a little pork barrel spending that I think has to stop. Line-item veto is the only mechanism in which to do that.

Mr. FOX of Pennsylvania. And with two other programs which have been adopted, that one is soon to be signed by the President hopefully, as soon as the compromise version is agreed to, but two other bills I think of note that this 104th Congress has passed and the President has signed, one would be the accountability law which says all the laws we pass are now also applied to the Congress. Prior Congresses said, well, the fair labor standards, civil rights law, family leave does not apply to our employees.

Now, how can we in heavens understand the bills if they do not affect us too? Well, now those laws do apply to us, and we, as well, passed legislation dealing with unfunded mandates, local government, State government. We are all told by prior Congresses, well, look, we are going to send you this bill, you are going to have to do it. If it costs money? That is too bad, we are not sending you any.

Well, this new Congress has said, and the President agreed and signed the bill, saying no more unfunded mandates. If we think it is such a good idea, then we are going to send the money back to local districts so we do not bankrupt townships and towns and burroughs and villages just because we think here in Congress it is such a good idea.

Mr. FOLEY. If the gentleman would yield, if you can imagine how in name the process is that allows the memberships to pass bills onto other people and not have them impact their own lives or their own offices.

When I first toured the Capitol complex after being elected, I go to many offices looking for which one I may potentially select in the draw, and in front of every door that had, you know, the exits out into the hallways were books and computers and desks blocking the exists. There was generally in most offices one exit remaining open.

Now in a business, OSHA, the fire marshall, everyone would have cited that facility for not having a proper escape for an employee.

□ 1415

Here in Congress they can do whatever they want, clog up the offices, junk everywhere, and they consider that fair.

Civil rights laws, fair labor standards, all the things that we impose on small businesses, Members of Congress sat back and said, "Oh, no, but I am holier than thou. I do not need to enforce those laws on ourselves, because we are in fact the Congress. We are the superior body of mankind." I think it was that attitude that got this Congress into such trouble.

Mr. FOX of Pennsylvania. Mr. Speaker, I think the gentleman from Pennsylvania [Mr. WELDON] would be glad to know that we will now have a change in that, as the person who started the firefighters' caucus in the Capitol. I am sure he will take the initiative to work with the appropriate authority to change that.

It is also interesting to note that we have taken not only reform measures when it comes to fiscal responsibility, but we have changed how we run the institution. We have one-third less committee staff. We have in fact also made sure that the pensions that Members receive are now not special, they are the same as any other Federal employee. We have eliminated the right of lobbyists to give us gifts. Our constituents do not get gifts, except at holiday time and birthdays. Why should we have anything special as well? We also have passed lobbying disclosure, and campaign reform is in the offing, very shortly to be passed. There are several good bills out there, I think, to make campaign reform a reality.

So this Congress is different. We are getting our fiscal house in order with a line item veto, with a balanced budget, stopping the unfunded mandates. But the reforms of the Congress itself have also come about when it comes to how we operate the institution. Hopefully that will continue as we move forward.

Mr. FOLEY. Mr. Speaker, if the gentleman will continue to yield a final moment, I want to thank him very much. I thank him for this excellent opportunity to portray the things we are trying to do, to balance the budget, and for his leadership on a number of issues.

Mr. FOX of Pennsylvania. I thank the gentleman, Mr. Speaker. I appreciate the opportunity to address the House and my colleagues.

RECESS

The SPEAKER pro tempore. (Mr. ROGERS). Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 3 p.m.

Accordingly (at 2 o'clock and 15 minutes p.m.), the House stood in recess until approximately 3 p.m.

□ 1501

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ROGERS) at 3 o'clock and 1 minute p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has concluded on all motions to suspend the rules. Pursuant to clause 5 of rule I, the Chair will now put the question on approval of the Journal and then on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which the motion was entertained.

Votes will be taken in the following order:

Approval of the Journal; de novo;
H.R. 2778, de novo; and
H.R. 2853, de novo.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the pending business is the question de novo of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

Pursuant to clause 1, rule I, the Journal stands approved.

SPECIAL TAX TREATMENT FOR UNITED STATES TROOPS IN BOSNIA

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the bill, H.R. 2778, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. BUNNING] that the House suspend the rules and pass the bill, H.R. 2778, as amended.

The question was taken.

Mr. BUNNING. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 416, not voting 15, as follows:

[Roll No. 44]

YEAS—416

Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)

Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—15

Abercrombie
Brown (FL)
Chenoweth
Collins (MI)
DeFazio
Durbin
Ehrlich
Kaptur
LaTourette
Lipinski
McCarthy
Morella
Ortiz
Stokes
Wynn

□ 1523

Mr. SCARBOROUGH changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ABERCROMBIE. Mr. Speaker, earlier today the House considered on the suspension calendar, H.R. 2778, a bill to give special tax treatment to United States troops in Bosnia. As a strong supporter of the members of our Armed Forces I strongly support this measure. Had I been present on roll No. 44 I would have noted "aye."

PERSONAL EXPLANATION

Mr. LATOURETTE. Mr. Speaker, unfortunately, I was unavoidably detained. As a result, I was unable to vote on rollcall No. 44. However, had I been able to vote, I would have voted "yes."

MOST-FAVORED-NATION TREATMENT FOR BULGARIA

The SPEAKER pro tempore (Mr. ROGERS). The pending business is the question of suspending the rules and passing the bill, H.R. 2853.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. CRANE] that the House suspend the rules and pass the bill, H.R. 2853.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

NAMING OF THE HONORABLE JIM BUNNING TO BASEBALL'S HALL OF FAME

(Mr. HYDE asked and was given permission to address the House for 1 minute.)

Mr. HYDE. Mr. Speaker, I have a very special announcement to make. One of our colleagues, the gentleman from Kentucky [Mr. BUNNING], was just named to the Baseball Hall of Fame.

Mr. Speaker, I am sure that my colleagues all know that the gentleman from Kentucky [Mr. BUNNING] is the only major league pitcher ever to pitch a no-hit game in both the National League and the American League and that his selection to the Hall of Fame was not by baseball writers, but by the veterans themselves, which makes it, it seems to me, a little loftier in stature.

□ 1530

Mr. Speaker, I might trespass upon my friendship with the gentleman from Kentucky [Mr. BUNNING] to tell the Members a true story. I think I have the year right. 1958. Maybe it was 1968, but I am going to say 1958. The gentleman from Kentucky [Mr. BUNNING] was pitching for the Detroit Tigers against the New York Yankees. The New York Yankees had a first base coach named Bob Turley, a former pitcher who was very skilled at stealing signs. Every time JIM would throw a fastball, Turley would whistle, and the batters knew what the pitch was.

Now, the first batter up was Bobby Richardson, and JIM got him out. The second batter up was Tony Kubek, the shortstop. JIM got him out. The third batter stepped in, Mickey Mantle, and JIM walked over to the first base coach, Turley, and he said, "If you whistle, I am going to hit him right in the back with a pitch." JIM took the mound. He got his sign and he was at the top of his windup when Turley whistled. JIM decided to cross everybody up. He threw a slider. It got away from him, and hit Mantle right in the back. Mantle headed toward the mound with his bat, but decided better of it, and trotted down to first base.

The next batter was Yogi Berra. Yogi stepped in, pounded the plate, looked at JIM BUNNING and said, "Hey, JIM, if Turley whistles, I ain't listening."

Mr. FOX of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Pennsylvania.

Mr. FOX of Pennsylvania. Mr. Speaker, it is hard to top what our good friend, the gentleman from Illinois, has said about the wonderful gentleman from Kentucky, JIM BUNNING. But I know that our friends in Philadelphia, like the gentlemen from Pennsylvania, CURT WELDON and JIM GREENWOOD, and many others, BOB BORSKI, TOM FOGLIETTA, all the other Members, know that the gentleman from Kentucky, JIM BUNNING, is a hero not only on the field of baseball, but JIM BUNNING has been a hero as a congressional leader and as someone who has held the great family principles of life, someone who is fair dealing, someone who cares about others, and someone who, in his lifetime, has really made a difference.

Mr. Speaker, I would ask my colleagues to stand and rise to this great American hero, the gentleman from Kentucky, JIM BUNNING.

Mr. HYDE. Mr. Speaker if I might yield very briefly to the gentleman from Pennsylvania, CURT WELDON, who formerly was the Congressman of JIM BUNNING.

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank my colleague for yielding to me.

Let me just say, Mr. Speaker, that there is no one that the members of the Pennsylvania delegation would fear more in coming back to our State and running for elective office than JIM BUNNING, because he is adored by all of our constituents, whether they be in the district of the gentlemen from Pennsylvania, TOM FOGLIETTA, CHAKA FATTAH, or BOB BORSKI's district, or whether they be over in the district of the gentleman from New Jersey, ROB ANDREWS, or the district of the gentleman from Delaware, MIKE CASTLE, or in our suburban districts around Philadelphia.

JIM is adored because the gentleman from Kentucky, years ago, and I will not say how long ago, was my boyhood idle when I was a Phillies fan growing up in the suburbs. I have told him that many times. But JIM BUNNING, years ago, represented the same ideals that Cal Ripken stands for today.

Mr. Speaker, while we acknowledge JIM BUNNING's leadership as a professional baseball player, let us also acknowledge his stature as a human being and as a father and as a husband and a man. As the proud parent of nine children, and who knows how many grandchildren, JIM BUNNING really epitomizes what is right with this country. I am proud to call him not just a colleague, but someone that all of us can look up to in this country as a true role model for America.

Congratulations, JIM. The people of Philadelphia are real proud to call you their own.

Mr. BOEHLERT. Mr. Speaker, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from New York.

Mr. BOEHLERT. I thank my colleague for yielding to me.

Mr. Speaker, I would like to tell my colleagues, as the Congressperson who was privileged to represent Cooperstown, NY, I would like to welcome the gentleman from Kentucky, JIM BUNNING, to my constituency. I would like to point out to my colleagues that his election came from his peers, people like Ted Williams and Stan Musial and Yogi Berra and Pee Wee Reese and Bill White. The greats of baseball recognized another great.

For those of you who have dreams of coming to Cooperstown, NY, I would like to welcome you all to come up to that magnificent community to see the induction of the gentleman from Kentucky, JIM BUNNING, this year.

Mr. FOGLIETTA. Mr. Speaker, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Pennsylvania for a brief comment.

Mr. FOGLIETTA. I thank the gentleman for yielding to me.

Mr. Speaker, not only is this an honor for Pennsylvania and for the city of Philadelphia, but the fact is that the gentleman from Kentucky, JIM BUNNING, achieved his greatness in the First Congressional District of Pennsylvania, in Philadelphia, that I now represent. JIM, it is a good, solid Democratic district.

The heritage in south Philadelphia was from Joe DiMaggio, and most of the kids in south Philadelphia were Yankee rooters, so we were thrilled when JIM finally came to Philadelphia with the Phillies, rather than with the A's, so he would not have to pitch against the Yankees anymore. But when he came to Philadelphia, all Philadelphia became fans of JIM BUNNING's.

Only last week in the article, letters to the editor, young people were writing praising the exploits of JIM BUNNING, and urging those who were going to vote to elect him to the Baseball Hall of Fame. I am so happy that they did. We admire you, JIM. You are a great, great, great Philadelphian.

Mr. HYDE. Mr. Speaker, I wonder if I might yield to the gentleman from Kentucky [Mr. BUNNING] for a few comments.

Mr. BUNNING of Kentucky. Mr. Speaker, I want to thank the gentleman from Illinois [Mr. HYDE].

Mr. Speaker, it is hard to speak after 25 years. I have been retired from baseball for 25 years. None of the numbers that were on the back of my card have changed in that time. They are all the same numbers that I retired with, so it has been a long waiting process. Thank God it happened while I was still on my feet. Sometimes it happens posthumously, and I really deeply appreciate the veterans committee. As the gentleman from Illinois, HENRY HYDE, said, "Those are some of your peers that voted you in."

Particularly I talked with Yogi Berra, who was on the committee, and I talked with Peewee Reese, who was on the committee. I talked to Bill White, one of my teammates from Philadelphia, after the vote was taken today. So it is deeply appreciated. I would be remiss if I did not mention Alan Lewis, who happened to be a writer, a beat writer in Philadelphia, when I was playing. It was through his efforts that this happened, nobody else's. Thank you very much.

Mr. HYDE. It was through your efforts, JIM, not anybody else's.

Mr. LEVIN. Mr. Speaker, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Michigan.

Mr. LEVIN. Mr. Speaker, Michigan would be remiss if it did not add its words of congratulations. I have the privilege of sitting on the Committee on Ways and Means with the gentleman from Kentucky, JIM BUNNING. I just want to say to you, to JIM, he is still throwing strikes, and now and then a curve ball. I am sometimes the recipient, and all I can say is I am glad I am receiving them in the Committee on Ways and Means, rather than on a baseball team.

JIM was a terrific person and a terrific pitcher for the Tigers, and brought moments of great glory to our State of Michigan. JIM, if I might speak on behalf of a lot of people, I think, from the State of Michigan to congratulate you on an award long in coming and more than richly deserved: Congratulations.

Mr. STEARNS. Mr. Speaker, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Florida.

Mr. STEARNS. Mr. Speaker, I had the honor to have the gentleman from Kentucky, JIM BUNNING, in my congressional district. I represented Ted Williams. Ted Williams being a constituent of mine, he wanted to meet with JIM BUNNING, so the two of them met in my congressional district at a dinner, and we had a wonderful time. I would point out to my colleagues here that JIM BUNNING struck out the greatest hitter of all time, Ted Williams, three times in one afternoon. He has that kind of staying power and that kind of pitching power.

But one thing that Ted Williams did say to me confidentially is that "JIM BUNNING should be in the Hall of Fame, and God willing, JIM BUNNING some day will be in the Hall of Fame," so I think Ted Williams was forecasting what has occurred. I congratulate him, and I think, on behalf of Ted Williams and others, we wish JIM BUNNING the best. We are glad that he was finally recognized.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1963 AND H.R. 1972

Mr. FILNER. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1963 and H.R. 1972.

The SPEAKER pro tempore (Mr. ROGERS). Is there objection to the request of the gentleman from California?

There was no objection.

PERSONAL EXPLANATION

Mr. FILNER. Mr. Speaker, I was unable to be present for a number of resent rollcall votes.

Had I been present, I would have voted as follows: rollcall No. 20, "no"; rollcall No. 21, "yes"; rollcall No. 22, "yes"; rollcall No. 23, "no"; rollcall No. 24, "yes"; rollcall No. 25, "yes"; rollcall No. 26, "no"; rollcall No. 27, "no"; rollcall No. 28, "no"; rollcall No. 29, "no"; rollcall No. 30, "yes"; and rollcall No. 43, "yes".

SPECIAL TAX TREATMENT FOR UNITED STATES TROOPS IN BOSNIA

The SPEAKER pro tempore. Without objection, the title of H.R. 2778, to provide that members of the Armed Forces performing services for the peacekeeping effort in the Republic of Bosnia and Herzegovina shall be entitled to certain tax benefits in the same manner as if such services were performed in a combat zone, passed earlier today, is amended.

There was no objection.

The title was amended so as to read: "A bill to provide that members of the Armed Forces performing services for the peacekeeping efforts in Bosnia and Herzegovina, Croatia, and Macedonia shall be entitled to tax benefits in the same manner as if such services were performed in a combat zone, and for other purposes.".

RESIGNATION AS MEMBER OF COMMITTEE ON SMALL BUSINESS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Small Business:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
March 5, 1996.

NEWT GINGRICH,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I hereby resign from the Committee on Small Business.

Very truly yours,

CHAKA FATTAH,
Member of Congress.

CALLING FOR REFORM OF THE CRIMINAL JUSTICE SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. CHRISTENSEN] is recognized for 5 minutes.

Mr. CHRISTENSEN. Mr. Speaker, I also serve on the Subcommittee on Social Security, and I am honored to call the gentleman from Kentucky [Mr. BUNNING] my chairman, and it is indeed with honor that I serve on his committee.

Mr. Speaker, today I want to talk about another issue. If I have learned anything over the past year in Congress, it is that there are two opposing views on crime in our country. There are those who believe that crime is not necessarily an issue of personal responsibility, but of environment. They tend to believe that the slick criminal trial lawyers, the liberal jurists, and endless death penalty appeals have been a good development for our criminal justice system. They advocate rehabilitation, lenient sentences, and legal loopholes, often in the name of compassion.

Then there are those like myself, those who are sick and tired of criminals preying on our families and children. We are tired of our kids being afraid to walk to school alone, we are tired of illegal drugs that are poisoning our youth, eating away at their futures. We are tired of slick criminal defense lawyers pushing criminals to freedom through legal loopholes. We are tired of seeing our prisoners treated better than the working men and women of this country.

I would like to give you just one recent example of what those of us in the silent majority are tired of. A recent decision by Federal Judge Herald Baer illustrates what is wrong with the liberals' view on crime, and why it is so important that we put justice back into our criminal justice system.

Judge Baer was appointed by President Clinton, due to, in President Clinton's own words, "his outstanding record of achievement." One wonders if President Clinton would stand by those words today, after reading Judge Baer's recent opinion.

□ 1545

This is an account of his recent opinion.

During the early morning hours of April 21, 1995, police officer Richard Carroll and his partner, Sergeant Bentley, were assigned to plainclothes duty patrol on the north end of Manhattan, an area well known for being a hub for the drug trade. At about 5 in the morning, these veteran officers observed a woman slowly driving a car with out-of-State license plates. The woman stopped the car, double-parked, and waited.

Soon four men approached the car, walking single file. Without saying so much as one word to the female driver, the men lifted open the trunk of the car and placed several duffle bags into the car.

For obvious reasons becoming a little suspicious, Officers Carroll and Bentley drove up to the four males. Immediately the four males began running. Unable to apprehend the fleeing men, the officers immediately pulled over the woman's car.

Upon opening the trunk of the car, the officers discovered more than 80 pounds of cocaine and heroin in the trunk with a street value of over $4 million. The woman admitted that she was purchasing drugs, even stating that she had expected to be paid $20,000 for the trip and that she had made 20 similar trips in the past.

Now, where I come from in Nebraska, common sense tells us that people like that should go to jail. These trained officers clearly had a reason to pull over the car. You had an out-of-State car, it was moving slowly, in a drug-dealing neighborhood, in the wee hours of the morning, four men put duffle bags in the trunk without speaking to the driver. The four men took off running when approached by the police.

Well, unfortunately, that did not happen. After the slick criminal trial lawyers and liberal Judge Baer got through with the case, the court ruled that the officers did not have a reasonable suspicion that the woman was involved in criminal activity. Judge Baer, in his infinite wisdom, suppressed all of the evidence, and now it appears that yet another drug dealer will go free.

Why? Because Judge Baer decided that it was normal for people to run from the police in this drug-ridden neighborhood. According to this Clinton appointee, quote, had the men not run when the cops began to stare at them, it would have been unusual, end of quote. Well, maybe our men in blue should start arresting everyone who does not run, then.

The bottom line, I believe, is this: It is high time judges stopped looking for ways to protect criminals, and it is high time our leaders started looking for ways to protect families. We can and we must restore safety to our streets and sanity to our justice system.

We are fighting hard here in the 104th Congress to protect the American dream, but an essential part of that dream is restoring freedom from fear in our streets in America. We must have safe streets and secure schools, and I believe we can achieve this on a bipartisan fashion here in the 104th Congress.

TRUTH IN ADVERTISING FOR STATE-RUN LOTTERIES

The SPEAKER pro tempore Mr. (FOX of Pennsylvania). Under a previous order of the House, the gentleman from Texas, Mr. PETE GEREN, is recognized for 5 minutes.

Mr. PETE GEREN of Texas. Mr. Speaker, today I introduce legislation requiring State lotteries to inform consumers of the statistical probability of winning the lottery prize as a part of all radio and television advertising.

As a general principle, the Federal Government has been quite aggressive in requiring truth in advertising from those who use our Nation's airwaves. However, it has neglected to act in one of the Nation's fastest growing industries, that is, State-run lotteries.

In 1994, nationwide, consumers spent $34.4 billion on lottery tickets. In Texas alone we spent almost $3 billion. These billions were spent in spite of the fact that the chance of winning the lottery grand prize is less likely than getting struck by lightning.

Mr. Speaker, there were 1.178 billion lottery tickets bought for the Lotto Texas grand prize last year. There were 74 grand prize winners. Statistically, the chance of winning the Lotto Texas grand prize is 1 in 15,890,700.

Mr. Speaker, if a medical product offered one person in 15,890,700 a chance of growing hair on a bald head, the FDA would not approve it and the FTC would not allow it to be advertised on TV as a cure for baldness. Unfortunately. If a stock broker, price indexer, advertised an investment where 1 person gets rich and 15 million get nothing in TV ads showing only the person who got rich, the SEC would shut him down.

The duty of a State to its people is higher than I would ask of private citizens or a business. If a State is going to be in the numbers business and use the

Nation's airwaves to market the chance of living the life style of the rich and famous, it has the duty to tell those people their chances of winning that life style.

For most of our Nation's history lotteries and other numbers games were illegal. They were illegal because they were deceptive and tricked people out of their hard-earned money. Times have changed, and today lotteries are an accepted fact of life. We have a duty to ensure our Nation's airwaves; we have a duty to ensure that the people get the facts.

In Texas, every ad that brings the smiling face of our State's newest millionaire in the living room should conclude with the tag line, "The chances of winning are 1 in 15,890,700."

FARRAKHAN'S MIDDLE EAST TRIP CHALLENGES NATIONAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. BARR] is recognized for 5 minutes.

Mr. BARR of Georgia. Mr. Speaker, recently a gentleman named Louis Farrakhan toured over a dozen African and Middle Eastern countries, including Libya, Nigeria, Iraq, and Iran. During Mr. Farrakhan's trips abroad, and specifically during his trip to Libya, Libyan strong man and known terrorist Mu'ammar Qadhafi pledged $1 billion to Mr. Farrakhan's Nation of Islam to be used here in this country to, I believe, improperly influence the American political system.

By the pledges and statements made by strong man Qadhafi, the following laws may have been broken, and further may have been broken by Mr. Farrakhan himself: the Foreign Agents Registration Act; the Libyan sanctions regulations; restrictions on campaign contributions and expenditures by foreign nationals; passport travel restrictions; and the Logan Act.

Mr. Speaker, this is a direct challenge to the national security and national interest of the United States of America and her people. Mr. Qadhafi has himself stated that this is one way to infiltrate America. Moslems from abroad, through these various political organizations, are calling to unite with those in this country in subversion of the U.S. Government and its governmental systems.

Mr. Speaker, further, Iranian Prime Minister Rafsanjani has stated regarding Mr. Farrakhan's visit to his country, also on the list of terrorist nations, "Let our enemies call this export of revolution. We do not fear this."

Congress must hold hearings and the appropriate law enforcement agencies in the executive branch must investigate these matters. We cannot turn a blind eye to blatant disregard of our Nation's laws and national interests.

Questions must be answered as to the legality of Mr. Farrakhan's actions, and this administration's apparent unwillingness to pursue Mr. Farrakhan for an explanation of his actions must not be allowed to lie.

Did this administration send a letter to Farrakhan stating it was illegal to travel to certain of these nations? What steps has this administration taken, if any, to investigate possible violations of U.S. law? Why did this administration allow Mr. Farrakhan to reenter the United States, knowing of his activities and statements abroad, without even checking his passport for a Libyan stamp?

Mr. Speaker, I have called for hearings, as have others. I have written to Secretary of State Warren Christopher and Attorney General Janet Reno calling for an immediate and in-depth review of these matters.

Mr. Speaker, I include the following correspondence for the RECORD:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 14, 1996.

Hon. WARREN CHRISTOPHER,
U.S. Department of State,
Washington, DC.

Re Louis Farrakhan's trip to Iran and Libya.

DEAR MR. SECRETARY: I write to urge you as the Secretary of State to investigate Louis Farrakhan's recent trips to Libya and Iran, which are listed on the United States' terrorist list for their roles in state sponsored terrorism. By engaging in such travel, it is my understanding that Mr. Farrakhan may have violated several federal statutes, including the Foreign Agents Registration Act, various passport travel restrictions, sanctions regulations and the Logan Act.

An investigation by your department is critical to determine the means by which Mr. Farrakhan traveled to Libya and Iran, what economic contributions he may have made to these countries, whether there exists any financial relationship between these terrorist governments and Louis Farrakhan's Nation of Islam, and answers to other relevant questions.

It is unconscionable and unacceptable for our government to stand idly by, while federal laws may have been disregarded with impunity by this man.

I respectfully urge your department to take whatever action is necessary, including comprehensive investigations to fully disclose Louis Farrakhan's travels and interaction with the terrorist regimes in Libya and Iran.

Thank you for your consideration and cooperation in this matter, and I look forward to working with you in this regard.

With kind regards, I am,

Very truly yours,

BOB BARR,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 14, 1996.

Hon. JANET RENO,
Attorney General, U.S. Department of Justice, Washington, DC.

Re Louis Farrakhan's trip to Iran and Libya.

DEAR ATTORNEY GENERAL RENO: I write to urge you as Attorney General of the United States to, as soon as possible, investigate Louis Farrakhan's recently trips to Libya and Iran, which are listed on the United States' terrorist list for their roles in state-sponsored terrorism. By engaging in such travel, it is my understanding that Mr. Farrakhan may have violated several federal statutes, including the Foreign Agents Registration Act, various passport travel restrictions, sanctions regulations, and the Logan Act.

An investigation by your department is critical to determine the means by which Mr. Farrakhan traveled to Libya and Iran, what economic contributions he may have made to these countries, whether there exists any financial relationship between these terrorist governments and Louis Farrakhan's Nation of Islam, and answers to other relevant questions.

It is unconscionable and unacceptable for our government to stand idly by, while federal laws may have been disregarded with impunity by this man.

I respectfully urge your office to take whatever action is necessary, including comprehensive investigations to fully disclose Louis Farrakhan's travels and interaction with the terrorist regimes in Libya and Iran.

Thank you for your consideration and cooperation in this matter, and I look forward to working with you in this regard.

With kind regards, I am,

Very truly yours,

BOB BARR,
Member of Congress.

Mr. Speaker, to say that Mr. Farrakhan is, quote, cavorting with dictators, close quote, as one presidential spokesman initially said, is not enough. Our laws should be the rule of the land, not political interests of the moment.

Even beyond, Mr. Speaker, the immediate questions about whether Mr. Farrakhan has violated U.S. laws, looms the broader issue of whether U.S. laws purporting to guard against U.S. citizens conspiring to work against U.S. national security interests have any meaning whatsoever. Do our laws, which prevent U.S. citizens from serving as conduits for foreign money being interjected into the U.S. political system, have any meaning or not?

These fundamental and basic questions about the scope and strength and rule of U.S. laws guarding our national security and guarding the integrity of our political system must be addressed. We must have the backbone to ask these questions through appropriate congressional hearings and through appropriate law enforcement review by the Department of Justice.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 927, CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY (LIBERTAD) ACT OF 1996

Mr. DIAZ-BALART, from the Committee on Rules, submitted a privileged report (Rept. No. 104–470) on the resolution (H. Res. 370) waiving points of order against the conference report to accompany the bill (H.R. 927) to seek international sanctions against the Castro government in Cuba, to plan for support of a transition government leading to a democratically elected government in Cuba, and for other purposes, which was referred to the House Calendar and ordered to be printed.

CONDEMNING VIOLENCE IN THE MIDDLE EAST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. BENTSEN] is recognized for 5 minutes.

Mr. BENTSEN. Mr. Speaker, for the fourth time in 9 days, a savage suicide bomber has attacked the people and the state of Israel, seeking to terrorize its people and destabilize the Middle East peace process. The latest bombing, outside Tel Aviv's largest shopping mall, struck a crowded center filled with families and many children dressed in costume for the Jewish holiday festival of Purim. At least 12 were killed and 120 wounded in yesterday's bombing, only 1 day after a bus bombing in Jerusalem killed 18 people. The latest terrorist attacks bring the death toll of this 9-day siege to 59.

The United States and the world must stand with Israel in this time of crisis. The actions of Hamas, the militant Moslem group which has claimed responsibility for these bombings, should not be tolerated. We cannot allow these terrorists to undermine the peace process and reverse the tremendous progress that has been made. More importantly, we must do all we can to stop these terrorist attacks and all who would support them militarily and financially.

Israeli President Shimon Peres reiterated yesterday that Israel would not surrender to terrorists, and I have no doubt he will bring the nation's full weight to bear on Hamas and their allies who would threaten the very existence of Israel.

I am pleased that President Clinton has moved swiftly to assist Israel in its efforts to battle this deadly wave of terrorism. The highly sophisticated bomb detection equipment and technical experts the United States sent to Israel today will support Israel's efforts to bring the killers to justice and to prevent future bombings.

While these attacks have been portrayed as acts of revenge for Israel's killing of a Hamas terrorist leader, there can be no doubt today that these attacks are designed to undermine the peace process between Israel and the Palestinian authority led by Yasser Arafat. The actions of Hamas should not be tolerated nor should they be allowed to sway our commitment to peace.

We here in the U.S. Congress must not waiver on our own commitment to this effort. Domestically, we must do everything within the law to ensure that Hamas and other terrorist groups do not receive financial support from within the United States. Internationally, we must lead the world in taking strong action against any nation that harbors or supports terrorists.

We must also demand that Chairman Arafat and Palestinian Authority use the police powers granted under the peace process to bring these terrorists to justice. Finally, we must endorse the Israeli Cabinet's position of troop deployment as an allowable exception to the Peace accords to address an inexcusable action on the part of a terrorist organization.

Today, all Israel mourns the loss of its friends and family, and the entire world grieves with them. We can best honor the victims of these bombings by recommitting ourselves to a comprehensive peace for Israel and the entire Middle East. But we must also recognize there can be no true peace until the terrorists behind these attacks are brought to justice. They must not succeed.

I urge my colleagues to join me in condemning this senseless campaign of terror against the people of Israel and in sending our condolences to the families of the victims of these horrible attacks. America stands with you and will support you throughout your fight against terrorism and for peace.

□ 1600

A TERRIBLY SAD DAY FOR HUMANITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. FRANK] is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, I welcome the eloquent comments of my colleague from Texas who just spoke. This is for all who care about the best instincts of humanity, a terribly sad day.

The people of Israel, a democratic society represented by a democratically elected government, have been in the process for the past couple of years of taking risks for peace, of reaching out in ways that societies do not always do. The Israelis have shown a willingness to cede control of territory that was hard-earned in wartime and in a war forced on them by the intransigence and hostility of its enemies, and the effort by the Government of Israel to bring about this peace has tragically been responded to by a minority, but unfortunately a significant minority, within the Arab world, by a campaign of vicious murder.

No society, and certainly no democratic society where the people rule as they do in Israel, can tolerate this sort of assault on the citizenry. We should make very clear from the outset that the Government of the United States is fully supportive of the decisions that have been made and will be made by the government of Prime Minister Peres. No one has done more to show his dedication to true peace and by that very fact, as well as by the right of self-defense inherent in any state, and particularly for a democratic society, Prime Minister Peres and his colleagues have earned the right to take the steps that they need to in self-defense with our full support, and that will include sending Israeli security forces anywhere in the area where they are required to go, because you cannot sit back and let dozens and dozens of your people be slaughtered defenselessly. You have the absolute, not just right, but obligation to defend them, and the United States should make very clear that it will be supportive of this.

Arguments that somehow this is incompatible with the peace process cannot be given any weight, because what could be less compatible with the peace process than the systematic brutal murder of dozens of innocent people by the Hamas terrorists.

People should understand that, again, Israel being a democratic society, it cannot go forward with a peace process until and unless its security can be provided.

I thought the chance for genuine peace in the Middle East was one of the finest hours we have seen. I still hope that we will get the benefits of that. But people must understand that protecting the innocent citizens of Israel against this sort of butchery is an absolute precondition to any further progress in the peace process.

No democratically elected government would try, and it would not succeed if it did try, and it would not deserve to succeed if it did try, to go forward with a peace process without securing the defense of its citizens. And an especially important burden lies with the leadership of the Arab world, of Yasser Arafat, who has clearly done far too little, we now learn, to enforce the law and true peace. The Palestinian leadership cannot at the same time profit from the steps toward peace and then fail to use the authority they are getting to put an end to this murder.

If the Palestinian authority cannot put an end to this systematic, organized murder that comes from within their ranks, they will not have a moral claim and they will not have a legal claim and they will not have a claim anyone will recognize to control the territory.

But it is also important for us to talk to our Arab friends, the Saudi Arabians and others. It is not enough simply to dissociate themselves from these murderers, it is simply not enough to look the other way unless there is a sustained willingness on the part of the Arab leadership to cut off funds. These are not people who are earning a living by some honorable means. They cannot go forward with this terrorism without substantial subsidies in which governments are complicit.

The President of Syria, a great defender of terrorism, must be told any dream he has of regaining control of the Golan Heights totally evaporates now and for the foreseeable future until he begins a reversal and says, "We will crack down on terrorism."

I believe the peace process was one of the finest hours of mankind. I believe the Israeli government was distinguishing itself. I was hopeful there was within the Arab world the kind of responsible leadership that would reach out and meet that. Today that is in question. It is not enough to condemn and wink and look the other way. It is important that we get a full commitment from the Arab leadership to cooperate fully with the Israeli leadership in putting an end to these murderers' ability to murder. Otherwise, one of the things they will have murdered will be the peace process.

SECRETARY OF COMMERCE AND SECRETARY OF ENERGY MUST ACCOUNT FOR WASTED MONEY

The SPEAKER pro tempore (Mr. QUINN). Under a previous order of the House, the gentleman from Kansas [Mr. TIAHRT] is recognized for 5 minutes.

Mr. TIAHRT. Mr. Speaker, this country and this legislative body and the administration have been struggling to achieve a balanced budget. The people really do not understand this problem, and, frankly, I do not either.

The working Americans balance their checking accounts monthly. I cannot think of a business in Kansas, where I am the Fourth District Congressman, or a nonprofit organization or an individual that has not balanced their budget over the last 26 years, nowhere except right here in the Federal Government.

This Congress has also been striving to be a House of the people, bringing common sense from the common people back to Government. But we have had many obstacles in achieving that.

The administration has submitted multiple budgets that did not balance. The President personally lobbied against the balanced budget amendment, which passed in the House and failed by only one vote in the U.S. Senate, and the President, in his last budget, which was scored as a balanced budget by the CBO, has 95 percent of the savings in the last 2 years, which would be after his administration, assuming that he would be successful next November.

Perhaps the most confusing, though, is how the President condones actions that are directly in opposition to achieving a balanced budget. I am speaking of the waste and the abuse and the potentially fraudulent activity that have been occurring in the Department of Commerce and the Department of Energy. The President's Secretary of Commerce, Secretary Ron Brown, has allowed the excessive issuance of Government credit cards; for example, half of the employees at the National Oceanic and Atmospheric Agency, NOAA, as it is called, have been issued Government credit cards. Even nongovernment employees have been issued Government credit cards. Reportedly, there have been 600 instances where they have taken Government credit cards and used an automatic teller to receive cash, cash benefits, unaccountable for. I wonder how long do people like Tim Schwilling, who works at the Boeing Co. delivering parts, or Craig Faroh, who works for Sedgwick County, how long do they have to work to pay in tax to the Federal Government to just have it taken out in cash benefits, unaccounted for?

There is Mr. Clinton's Secretary of Energy, Secretary O'Leary, who has been known for her excessive travel. Some call her a congenital flyer, over 100 domestic trips, 16 overseas trips. The gentleman from Ohio [Mr. HOKE] and myself asked for a General Accounting Office audit of two overseas trips, South Africa and India, and the GAO found out Secretary O'Leary could not account for $255,000 of taxpayers' money, a quarter of a million dollars. We have called for her resignation.

This Congress has wanted accountability from the administration, accountability to the people, because it is the people's money.

It is known that the President has opposed a balanced budget during his administration. You cannot balance the budget when the presidential appointees, like Secretary Brown and Secretary O'Leary, waste taxpayers' dollars and remain unaccountable for their actions.

I ask for the President to ask them to account for the money that has been wasted and resign from their office.

KEEP THE GOVERNMENT OPEN ACT OF 1996

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida [Mrs. MEEK] is recognized for 5 minutes.

Mrs. MEEK of Florida. Mr. Speaker, as we all know, for 3 weeks part of the Federal Government was shut down. I do not want to dwell in the past and worry about who was to blame for this shutdown. I want to look to the future and try to prevent another shutdown.

On February 6 I introduced a bipartisan bill to prevent another shutdown if there should be another lapse in appropriations. H.R. 2963, the Keep the Government Open Act of 1996, amends the Anti-Deficiency Act to permit Federal employees to continue to work and to be paid during a lapse in appropriations, if the President determines that a sufficient appropriation is likely to be made before the end of the fiscal year.

The recent shutdown of the Federal Government wasted one billion taxpayer dollars. We ended up paying 285,000 Federal employees who were ordered not to work for 3 weeks. This shutdown also imposed a serious financial hardship on many of the 476,000 Federal workers who were not paid during this period even though they were ordered to work.

The shutdown of the Federal Government hurt many private firms, both those that normally sell to Federal employees and those that have Federal contracts. They were unable to recoup the business they lost during the shutdown.

The other cosponsors of this bipartisan bill are Mr. DAVIS, Mr. HOYER, Mrs. MORELLA, Mr. MORAN, Ms. NORTON, and Mr. WYNN.

I urge all my colleagues to support this insurance against another failure to enact funding bills.

SUPPORT ADEQUATE FUNDING LEVELS FOR EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. SAWYER] is recognized for 5 minutes.

Mr. SAWYER. Mr. Speaker, I rise today in support of maintaining adequate funding levels for education, because as we end, as we near the end of another continuing resolution, I think we all agree that the improvement of public education is one of the greatest challenges facing our entire Nation on every level of government and in every locality.

Investment in the learning capacity of this and future generations is crucial to both our long-term economic strength and our continued cultural growth. It is at the heart of what many families mean when they talk about personal economic security and the stability of their families themselves.

I think we all recognize that education has traditionally been, and should remain, a local function and a State responsibility, but Federal support for education as an overarching national concern can make a crucial difference, especially where local resources are strained or where a coordinated effort can help achieve national objectives; in short, where we can begin to unify our Nation in common purpose.

☐ 1615

Poll after poll today shows education as the highest economic priority for voters, more than crime or the budget deficit, Medicare, moral issues, Federal taxes, and welfare reform. Education stands at the top of the list for 82 percent of the Americans who oppose cutting education.

To that end, Mr. Speaker, on February 1 of this year I introduced House Concurrent Resolution 144, a sense of

Congress resolution that demonstrates support for education funding at this critical time. The bill calls for an appropriation for education programs by March 15 that is no less than the amount spent on those programs in 1995. I am pleased to tell you as of today 192 bipartisan colleagues of ours have joined me in cosponsoring this resolution, and I am confident that more will join.

I am hopeful this showing of unity, of purpose, will send a message to the people of this Nation and the leadership of this Congress that America is serious about protecting our children's education. School districts that do not receive notification by March 15 that they will have adequate funds for the upcoming school year will have to start planning which teachers to lay off, which programs to cut, which classes to eliminate. These kinds of choices will be grim reality in many school districts around the country.

But March 15 is only the deadline for the schools most immediate needs. A commitment to education funding in the future is necessary to satisfy longer term needs, funding for things that include the basic tools of learning as well as technology adaptation, to professional development, and an elevated curriculum for all kids. All of this comes at a time when we really need to talk about investing in education.

In the fall of 1996 we will have more students enrolled in K through 12, elementary and secondary education, than at any other time in our Nation's history. This will surpass the previous record of the baby-boom years. It is going to come at a time that will necessitate the hiring of about 50,000 new teachers, at the very same time that the cuts proposed through the continuing resolution, if extended throughout the year, would cause the loss of between 40,000 and 50,000 teachers and teachers' aides throughout the United States.

This increase is not a 1-year anomaly. It is expected to continue. These demographic changes are no one's fault. This is not a matter of throwing bombs from one side of the aisle to another. They really come at a time when we all need to recognize that the force of demographic change is at the heart of what is driving policy imperatives throughout the Nation. We need to recognize that this investment is an investment in the security of all of us, and I would urge all Members to consider the consequences of our decisions over the next several weeks. They will undoubtedly reverberate through our population for decades to come.

ORDER OF BUSINESS

Mr. GEJDENSON. Mr. Speaker, I ask unanimous consent to take the time allocated for the gentlewoman from Texas [Ms. JACKSON-LEE].

The SPEAKER pro tempore (Mr. QUINN). Is there objection to the request of the gentleman from Connecticut?

There was no objection.

ALL NATIONS MUST JOIN IN QUEST FOR MIDDLE EAST PEACE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut [Mr. GEJDENSON] is recognized for 5 minutes.

Mr. GEJDENSON. Mr. Speaker, the tragic events in Israel in the last several days, the bombings by Hamas, are not simply actions taken by a handful of extremists. These extremists function because they have economic support that comes from countries and individuals around the globe.

It is time that the efforts to attain peace be broadened beyond the United States, Israel, and the PLO. It is time for our Western Allies to join the American effort to isolate forces in the world that support terrorism.

Our Western European Allies continue to do business as usual with the Government of Iran, that is probably the most central supporter of Hamas and its terrorism. Our Western European Allies, like England, France, and Germany, continue to buy oil and provide technical assistance to that Government that provides the economic support and often the direction for these terrorist movements. Countries that Americans have bled for, like Saudi Arabia and Kuwait, also send a large portion of the funds that go to Hamas. Several months ago when Yasser Arafat was here in this Capitol, he complained it was easier for Hamas to get funding from some of these groups than it was for Yasser Arafat trying to lead the Palestinians toward a lasting peace with the Israelis.

United States leadership has existed historically around the globe. That is why much of the world turns to us when there is a crisis. In Yugoslavia it was clear the world could not deal with that crisis unless America played a central role. The United States led the effort to end the apartheid in South Africa.

It is now time for the Europeans to join the Americans and for Americans to take the lead in isolating the Government of Iran, that continues to be the single most destructive force of the peace process in the Middle East. The extremism that they breed, that they teach, that they finance, continues to threaten not only the peace process between Israel and the Palestinians, but governments that have been supportive of the peace process, like the Government of Egypt, led by Mr. Mubarak.

American efforts will not succeed if we are isolated from our Western friends. Business as usual with the Government of Iran continues to provide the billions of dollars of revenue that they can divert for terrorism. The blood that lays on the streets of Jerusalem and Tel Aviv is simply not the fault of those who actually built the bomb. It is not simply the fault of those who brought the bomb in. It is the fault of those who provide the financing to buy the chemicals, to fly the materials, to energize these deadly destructions and this attempt to bring the peace process to an end.

The world has paid a heavy price for these conflicts. Both the Government of Israel and the Government of Egypt have paid prices that most countries are shaken to their roots by, losing their leaders, seeing their citizens on a daily basis being the victims of terrorism.

The Palestinian leadership of Yasser Arafat may not be perfect, may not have total control of the West Bank, but it is the only hope for peace at this point. They need to do a better job, but the rest of us need to provide them the support they need.

Western Europe sits back with its continental coolness thinking that somehow it is above the fray. Let me tell the Governments in England and France and Germany and others, if you do business with the terrorists in Iran, if you do business with the Government of Iran, then the blood of those on the streets of Tel Aviv and Jerusalem is on your hands. If the peace process fails, it is on your hands. You cannot simply go on and do business as usual with the single worst government in the Middle East.

For Syria, if it wants to enter the peace process, it has to renounce its support of Hamas and terrorism as well. Before we take you into the family of nations that operates on the legal and respected basis, we need to know that the Syrian leadership is ready to reject its support for terrorism.

War has a terrible price. The cost of peace has been dear as well. We dare not turn away from it. The alternative is so much worse and so much more devastating. But the Israelis and the Palestinians cannot do it alone. They alone cannot succeed in this effort if the richest of all of Western Europe go to Iran and then a portion of that is transferred to terrorists to take their toll on the peace process.

The Governments of Israel and Egypt, the leadership of the PLO have made their effort. It is now our turn to support that effort more seriously.

PROPOSED CUTS WILL HURT EDUCATION

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Connecticut [Ms. DELAURO] is recognized for 60 minutes as the designee of the minority leader.

Ms. DELAURO. Mr. Speaker, I rise today with my colleague, the gentleman from New Jersey [Mr. PALLONE], during this special order to really call some attention to an issue that I think is near and dear to the hearts of every American family, everyone in this country, and that is the whole issue of education and educating our children and providing for our children that opportunity, that first start, if you will, on the road to what their lives will be about in terms of opportunity, of economic ability, their ability to compete, to succeed in this great Nation of ours, something that, in fact, has been part of the American dream.

What we want to try to call attention to in this time period is the fact that there are, as proposed by the congressional majority, devastating cuts to education. In fact,there are cuts that have been passed into law by our Republican colleagues.

Congressional Republicans are on the brink of making the largest education cuts in our Nation's history, and thereby are on the brink of harming, truly harming, our Nation's children. At a time when Americans are rightly anxious about their job security, at a time when we all know that a good education is the key to a good job, we have congressional Republicans who are launching an assault on American education.

Last week, Secretary of Education William Riley delivered his annual state of American education address. In those remarks he said, "American schools are where the future of America is being created each and every single day." That, in fact, is so true about what goes on and is supposed to go on in our American schools.

In fact, public education is the great equalizer in this country. It allows children, all children, regardless of their economic status, to be able to go as far as their God-given talents will allow them.

That is what we are here to talk about, the fact that public education is under attack in this Congress. Ensuring a bright future is a basic part of the job that we have here, Mr. PALLONE's job, my job, each and every Member of the Congress who is given that public trust, to come here. What we need to try to do is to ensure, in fact, a bright future for our children.

Part of our sacred trust as elected officials is to honor those who have come before us, for example, by ensuring that our seniors have a dignified retirement and making the investments in our future so that the generation that comes after us can live a full and a prosperous and a secure life.

Despite this obligation, we have congressional Republicans today who are making times tougher for kids who are trying to get a good education and for their parents, hard-working parents, I might add, who want to see their kids get ahead in life. They are making the largest cuts in the history of Federal aid to education.

The temporary spending measure that they have passed that funds education, what is known as the continuing resolution, cuts basic skills training, which is known as title I, by 17 percent. Funding to keep our schools safe and free of drugs is being cut by 25 percent. Before we can expect our kids to do all of the great things that we wish them to do and they are anxious and excited to do, we need to provide them with some essentials, training in the basic skills, a safe place in which they can learn. But it is in these areas where my Republican colleagues have made the most crippling cuts.

This temporary spending measure expires on March 15 so that Congress will soon have to face a choice. Will my Republican colleagues extend these cuts through the end of the fiscal year, or will they restore the funds that they have taken from America's classrooms?

Let me tell my colleagues about what happens in my State of Connecticut. These cuts spell disaster. Yesterday, I met with parents and educators at a school in my congressional District, and we had represented there both urban schools and suburban schools.

I will tell my colleagues what the parents and the educators are concerned about. They are concerned that these cuts will hurt school kids who are trying to build their basic skills, stay off the streets, and stay away from drugs. Under the Republican proposals for basic skill training, funding would be cut by $8.6 million in Connecticut, affecting 9,200 needy students. Schools in my district will lose $1.5 million. Under the Safe and Drug Free School Program, $729,000 would be cut in Connecticut.

Let me read a quote from one of the parents who was there yesterday. Carolyn Jackson, who met with me, said the proposed cuts would eliminate students' chances of being competitive. This is her quote.

"They won't make it, they won't be trained, they won't be able to go on to a trade school or to college," she said. These after school programs that would be cut keep kids off the streets. It keeps them occupied, it gives them something positive to do. If they cut that out, the only place that they have left to go is to the streets.

□ 1630

The teachers, the administrators, both again from urban and suburban schools, talked about having to cut math and reading programs, remedial programs, programs that provide our young people with being able to be ready to learn when they go to school. If these cuts go through, how, in fact, will we be able to deal with these issues?

Mr. Speaker, what makes these cuts so wrong headed is that our Nation now stands at a crossroads, and I know my colleague, Mr. PALLONE, understands that. We have been listening to and talking to people about if our people in this country do not have the basic skills to compete to win in the global workplace, how can we allow our people, our kids and their futures, to fall further and further behind as they try to compete with low skilled workers around the world for low skilled jobs? That is not what we want to do. We want our young people to have all of the advantages that they need and all of the tools that they need to be able to compete in a world order, in a New World order, to be able to compete right here in the United States so that they can have highly skilled, high paying jobs so that they can make their way for the future.

Getting a good education has always been a big part of what enabled the people of this country to stake their claim in the American dream. My parents, other parents, have worked hard to see that their kids get the opportunities that they need so that they can serve, that they can have good paying jobs. We are taking away this American dream for parents today, but also for youngsters. These cuts will dash that dream for too many of our children.

For generations, as I have said, public education has allowed children, regardless of their economic status, to go as far as their God-given talents will allow, but despite that public education is under attack today in this Congress. This week, as Congress considers a new spending measure for the rest of the year, I urge my colleagues, Democrats and Republicans and Independents, to remember the children in classrooms all over America and their hard-working parents, parents who have bright hopes for their kids' future. Please remember these people. We need to restore the Federal funds that enable our children to make those dreams a reality.

And what I would like to do is to ask my colleague from New Jersey, FRANK PALLONE, to talk about his concerns about this issue and what effect it has in his own community and for us to have a conversation and a dialog about this issue.

Mr. PALLONE. I want to thank my colleague from Connecticut, Ms. DELAURO, for raising this issue again this evening on the floor of the House of Representatives, and I guess you know I approach the education issue from two perspectives in the House.

First of all, I think most people realize that maybe it needs to be stated again that the amount of money that the Federal Government contributes for education is really very minuscule. I think if you look at your local school budget, for example, in the municipalities that any of us represents, you will find maybe 7 or 8 percent of their budget is Federal dollars.

So we are not really talking about a tremendous amount of money that the Federal Government actually does contribute, particularly on the local level, and if that is cut significantly, as is being proposed by the Republicans, then the Federal role, the Federal commitment to education, will even be more minuscule.

The other thing, I think, is a lot of people believe that because of this budget battle that we have had between Democrats and Republicans over the last year and because it is not resolved at this point, perhaps that the status quo continues and that the money continues to flow to local districts for various educational functions, and that is simply not true. As you pointed out, the level of funding under this continuing resolution, if that level of funding were to continue through the rest of this year, would be about a 20-percent cut overall in Federal education funding on every level. That is a significant cut from 1 year to the next, and the impact on local school districts, on colleges and universities will be severe.

Already I know that in my own area State and local officials have told me that they are unable to plan for the coming year in terms of their education budget. They do not know whether or not they can keep as many teachers as they have. They do not know whether or not they can offer certain courses, you know, whether their curriculum is going to change. So this uncertainty, if you will, that exists out there because we are operating under these continuing resolutions, where we have to keep extending the funding every 2 weeks or every month or so, really is having a terribly negative impact on the ability for local and State officials to plan for educational purposes over the next year.

The other thing that I guess disappoints me a great deal is that if you think about the effort that President Clinton has made in trying to highlight education, when he was first elected and in the first few years of his administration he established a number of initiatives on the Federal level that really have already started to make a difference in terms of improving education at every level, and those initiatives are right now very much in limbo because of the Republican leadership budget.

I just wanted to mention a couple of them because, for example, the National Service Program, which allows students to work in the community when they are in college and then use the money that they earn to pay for their college tuition or their college education. He actually came to Rutgers University, which is in my district, and announced that program a couple of years ago, and Rutgers and students in my district have taken advantage of that to the hilt. I mean basically it was a supplemental program where right now you can get some grants for scholarships, you can get some student loans from the Federal Government. But this now allows a whole other area where I think you can earn up to about $4,000 a year, which is a significant amount of money, you know, given the cost of tuition and the cost of higher education today, and the community benefits because the students are back in the community working either in hospitals or on environmental projects or in schools, whatever it happens to be. And this is the program, this National Service or AmeriCorps, which the Republican leadership wants to eliminate outright. Their budget actually just kills the program completely.

The other thing is if Goals 2000——

Ms. DELAURO. Let me just interrupt my colleague for a second because I think the AmeriCorps Program is a perfect example of how we have, how they have, our values backward, what AmeriCorps is all about, and just to say that about 691 young people in Connecticut would be denied the opportunity to participate in the National Service Program if the funding is eliminated.

But this says to young people you have an obligation to give back to your community. You need to participate in the life of your community, get involved with helping, whether it is in education, or in health, or in some other area, because if we are going to provide you with some help, you have got to do something for that. This is not, you know, just without any kind of responsibility. This is a way in which we try to instill responsibility in our people.

And so many times today you hear from people about we do have, in whatever segment, if it is for young people, with adults or so forth, that people just do not have the responsibility that they had in the past, they do not take on areas where they need to demonstrate that they are willing to put their heart and soul into something, but they only want to grab a handout and not give something in return.

This program epitomizes the values of work, responsibility, and community, and if you engage in those ways, then, yes, we will give you a tool, if you will, to help you meet your goals. But it is a two-way street. This is not just one way, and this is what is so incomprehensible, that on one side of their mouth they want to talk about how we want to stop this handout for people, which is right. But they also want to take away the opportunity for young people to contribute as well as to be able to engage and to move forward with their own objectives, and that is wrong.

We need to have people be responsible and take on a direction or an action and get involved before we are willing to do something for them.

Mr. PALLONE. Absolutely, and I think you are pointing it out, and again this is not pie in the sky. I have talked to students, as I know you have, college students who were involved in these various national service programs, and they are working, and they are in the schools, out in the community, they are in hospials. They are doing all kinds of things.

The other thing that the President established was the direct loan program. Now again maybe it sounds a little bureaucratic, but it is important because again Rutgers University in my district has taken advantage of it where traditionally student loans, when I was in college and until recently, you had to go to the bank, and the Government would guarantee the loan. Well, some of the universities, including Rutgers, went to the administration and to the Congress and said, look, if we administer this program directly, if the money comes directly to us and the students apply directly for the student loans from us, then we eliminate the middle person, if you will, and we can expand opportunities and give out a lot more direct loans.

Ms. DELAURO. Costs you less money.

Mr. PALLONE. Exactly, and they started it on an experimental basis at certain colleges and universities, Rutgers being one of the first, and at Rutgers it expanded the number of student loans that they can give out. Now all of a sudden we are hearing as a part of this budget that they want to cap the direct loan program, I think it is at 10 percent, and not allow it to be expanded to other colleges and universities.

In my district, my college, for example, which was a 4-year institution, would not be able to establish a direct loan program under this Republican budget or proposal, and again it makes no sense. I mean it is essentially nothing but a special interest effort to say let us go back to the old way where the middleman, the banker, or financial institution, makes the money and no one is proposing that this makes any sense. It is certainly going to make it harder to get a loan for individual college students and obviously eliminate a lot of opportunities that students would have to be able to go to college. It makes no sense.

Ms. DELAURO. Let me just comment on that one because I think that there is—you made a very, very good point, which is that they are willing to do harm to young people who want to again further their education and go to college, hurt working families who are struggling to get their kids to school. I could not have gone to school without student loans. My folks could not have afforded it. This was, you know, they killed themselves to, you know, to see me through college and to utilize the student loan program to do that. But it is doing harm. But at the same time, and particularly with this one, is to cater to a special interest because the banks are up in arms about the direct lending program.

Mr. PALLONE. They are not——

Ms. DELAURO. Because they are not going to make their percentage. That is what this is about. This is not saying to hard-working middle class families you get the advantage, you get the incentive. Banks are doing OK. They can live without this. We want to give you a break, Mr. and Mrs. America. You want to have your kids get ahead. Do not take it away from hard-working families to cater to special interests and wind up hurting the family and the youngster.

In that program in the State of Connecticut we will see 14 schools forced out of the direct lending program, losing over 14,000 loans.

Mr. PALLONE. Exactly.

Ms. DELAURO. And an opportunity for people and young people.

Mr. PALLONE. And again what we are really talking about here is the recognition of the fact that today, unlike maybe 10 or 20 years ago, it takes a lot more money to go to college, and so if you do not have a national service program, if you do not have direct loans, if you do not have innovative ways of trying to pay for college tuition, you are not going to be able to make it.

Now, the President in his State of the Union Address talked about families, parents, being able to pay up to $10,000 in tuition for their students and that that would be tax deductible. As you know, in the process of this budget debate the Republicans and the Democrats have talked about some sort of tax cuts or tax breaks. But again I would suggest that if you look at the tax breaks suggested by the Republican leadership, they are mostly for large corporations and for the well-to-do, whereas the President now is saying here again education is a major issue. If we allow that kind of tax deductibility, it expands the ability of parents to help pay their kids' education, and if we are going to do any kind of tax cut or tax break, that should be the kind of tax cut or break that we should institute because it is an investment in the future of the country.

□ 1645

Ms. DELAURO. That makes enormous sense, Mr. Speaker, because it is probably one of the areas that most parents are worried about, after a job or the increase in their wages, because they have not seen a raise for a number of years. But if you could target the tax cut to working families, to take the education costs as a deduction, it makes enormous sense.

What you are seeking in that tax break package at the moment is that the richest corporations are winding up with the elimination of the alternate minimum tax getting a windfall again. You are seeing that special interest effort do very, very well. That is a $17 billion windfall for the richest corporations, if you will eliminate the alternate minimum tax.

Mr. PALLONE. Exactly.

Ms. DELAURO. Mr. Speaker, to try to make it a little easier for working families to be able to see some realization of their dreams and their aspirations for themselves and for their children, this is the direction that we ought to go in. On that score, it is my hope that we will have an agenda over the next several months where we will introduce legislation in this body here, and that we can get it on the floor for a vote.

Mr. PALLONE. Again, I do not want to prolong this, but we talked about higher education. If you talk about primary and second, as I pointed out before, the Federal contribution to local education is not very much in dollars. It is about 7 percent or 8 percent of the budget. But the Federal Government has traditionally, and again, President Clinton has talked about trying to create incentive programs that will basically try to improve the quality of education, with the few Federal dollars that go to the local districts.

One of the areas that he has been a champion of is Goals 2000. Basically, this is where you set standards, if you will, for the quality of education, for curricula, whatever, within the school, and then you give the schools, on a competitive basis, a certain amount of Federal dollars to try to implement some changes, some innovations, that would improve the standards of the curriculum or the education. That, again, is something that is significantly cut back, almost eliminated in the Republican leadership budget.

The other thing is that traditionally the Federal Government, I guess for at least 10 years or more now, has been involved in providing new equipment or high-technology type things, whether it is computers or ways of trying to improve the sciences; things that, as you know, many schools simply cannot afford to buy that kind of high-technology equipment or whatever, because they do not have the budget for it. Again, that is another area where there are significant cuts that are being proposed, and the President is talking about trying to come up with some innovations.

Ms. DELAURO. Yesterday when I went to visit the school I was in three kindergarten classes. You just see these little bits of kids, it was just astounding; there they are, in terms of the equipment, and they have these computers in front of them, and they are there with their earphones or their listening program, where they are listening to the story in order to prepare them to move on.

But these kids with the computers, it is just really mind-boggling. There they are with the mouse going back and forth, and several of them were showing people how they were learning the alphabet, and they had the letter D, and then they were using the computer to point to a deer or a duck, and so forth, or using a C and pointing to a cake and so forth.

Here they are, again, these little bits of kids, getting proficient in a technology which is our future, but it is their future more than it is ours. Why are we trying to be in the business of taking away these tools from them?

One program that I wanted to mention was something called School-to-Work. The heart and soul is being cut out of the School-to-Work Program. This is a program that says to young people who are seniors in high school, who do not want to, cannot afford to, or maybe do not have the skills to go on to a 4-year liberal arts college, and God knows, we probably have enough history and English majors to last us a lifetime, but these young people want to go on from school to work. They want to be gainfully employed, they want to get some skills.

This program has allowed that bridge from school to work, really, the first piece of legislation that in so many years has recognized the aspirations of these young people, and their dreams of moving from school to work, without having a 4-year college education. That is truly the fate of most of our young people in this country. The largest percentage do not go on to a 4-year college.

But this program is going to be cut and decimated, and we just say one more time to these young people, "Sorry, you really do not make any difference. Do it on your own." Why are we not in the business of trying to provide a bridge from school to work; again, responsibility? "We will give you some tools so you can carry out what you need to make your way."

We cannot do it for you. That is not what anybody is saying here, nor should we. We do not have the resources to do that. But how do we enable young people to move ahead? This is a program that works, it is gaining all kinds of endorsements from the academic communities, from the business community, because they are seeing the fruits of the labor here, because they are getting these kids who are well-trained, who have the skills, who can make it in their jobs. Now we are saying, "Sorry, we are just going to close the door on this effort." It is wrongheaded. It really is wrongheaded.

Mr. PALLONE. You talked about programs that work. Just the last one that I wanted to mention, of course, even earlier is the Head Start Program, preschool Head Start Program, because from 1992 to 1995, which is, of course, the span of the current administration, we have had an increase of 130,000 children that were able to participate in the Head Start Program over the last 3 years, because we were expanding a very successful program, which is enjoying—it really had support under President Bush, President Reagan, as well as President Clinton and President Carter. It has always been very bipartisan. Now all of a sudden this Republican leadership budget would deny Head Start benefits to 180,000 children over the next few years. So again, we are talking about misplaced priorities here.

When I go out of my district, when I am in the State of New Jersey and I talk to people, they all tell me that education is paramount. Everyone understands that. I really for the life of me do not understand why the Republican leadership in this House does not get it. Education is crucial. If we are going to start talking about cutting education 20 percent here over the next fiscal year, it just makes no sense. It is totally out of sync with what the American people want.

Ms. DELAURO. Just in terms of translating that 20 percent, and I think you have made the excellent point that there is a minuscule amount of Federal aid in education—sometimes people do not realize that or understand that—from this minuscule amount of money, we are looking at, roughly, if things continue the way they are with this, at this level, we are looking at about a $3.1 billion cut from those funds. We are looking overall, in terms of the college loan programs, you know, at almost $5 billion over the next few years in terms of cutbacks in college loans, to say nothing of what is going on in the Pell Grant Program. In the Pell Grant Program, what they did, the bill eliminates assistance to students who qualify for grants of less than $600; about 250,000 students in this Nation are going to be eliminated from the program.

Perkins loans. Again, these are not great amounts of money that are being put in play at the moment, but the removing of that kind of money has an unbelievable effect on how many young people can look to a brighter future.

I think you would agree with me that we are at a crossroads. We truly are at a crossroads, because we have never seen the level of cuts in education that we are seeing today. Education has always been the way for people to expand their horizons, move forward, and have a brighter future. That has been true with succeeding generations.

This is the first time in the history of this country that if you talk to American families, working families, that today they do not see a bright future for their kids. They do not believe that their kids will have the same kinds of advantages that they had. That is a sad commentary on what our values are in this Nation and what our priorities are.

So that there is a full-scale assault, whether it is on Head Start and you are looking at preschool programs, readiness; whether it is in a school lunch program that they would like to away with; whether it is in a summer jobs program that is being cut out so kids can make some money, go back to school, and then, again, demonstrate some responsibility; whether it is in education, skills training, and school-to-work, or whether it is in moving kids forward in terms of higher education.

I do not understand it. I think it is outrageous. My hope will be in the next 2 weeks, as we discuss what is going to happen before March 15, that when it comes to the issue of education, that we are not about the business of doing harm, and doing harm for the special interests of this Nation, but that we are in the business of doing what people sent us here to do. That is to do something for the public good and particularly for the kids and for the future of the youngsters in this Nation.

Mr. Speaker, I thank my colleague for joining with me this evening. I am sure that we will be engaged in this conversation over the next few weeks.

Mr. PALLONE. Absolutely.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the House will stand in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 55 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 1823

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. McINNIS) at 6 o'clock and 23 minutes p.m.

INVESTMENT IN EDUCATION VITAL TO RESPOND TO TECHNOLOGICAL REVOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, we are now in our second week following the recess, a recess where every Member had an opportunity to consult with his constituents, and I think that most of the Members had the same kind of experience that I had. That was an experience of talking with constituents who displayed in their commonsense reasoning far greater wisdom than is often displayed here in this institution.

This body seems to have lost touch with common sense. Common sense of the people says clearly that education is a No. 1 priority. They have been telling us this in many ways for the last 5 years. For the last 5 years, education as a spending priority has ranked in the top five priorities as designated by the American people in public opinion polls. They clearly have shown that education is very important.

Seventy-two percent of the people recently interviewed said that if there are going to be cuts made in the Federal Government, then the cuts should not be in education. Education should not be one of the areas where you streamline or downsize. They clearly stated that this was not desirable.

We have common sense repeating over and over again what ought to be clear to everybody that is in a decisionmaking position in Government. We have a crisis.

We have a situation that ought to be clear by now, where technological change is escalating. Technological change, the telecommunications revolution, the information age revolution are all upon us. As they take hold, it is quite clear that we need more and more educated people. It is quite clear that the people who are educated now need to have an upgrading and different changes in their education.

In order to meet the present upheaval, in order to be able to deal with it, the minimum need is a massive education and job training program. Common sense tells us we need a massive education and job training program. Without any further research, that is quite clear.

Nobody knows where this technological information is going, this age of information, the age of telecommunications. Nobody can really predict where it is going to go and what we should do. Nobody can lay out a detailed plan as to exactly where we are going to be able to take hold of the situation and not have it wreck our economy.

It is a revolution that is displacing large numbers of workers. We have seen large numbers of blue collar workers displaced over the last 20 years, but now we have the middle-management workers, clerical workers. Large numbers of them are being displaced, certainly temporarily dislocated, and there is no solution in sight to this.

Large amounts of money are being made in a booming economy. The economy is booming if we look at it in general. These are very prosperous times. So if in very prosperous times we are losing large numbers of jobs and there is a great deal of dislocation and upheaval in the job market, then what is going to happen if we fall into a recession and the boom is no longer there? We have a boom which is unprecedented, in that profits are higher than ever on Wall Street, and yet at the same time people are less secure than ever before. More jobs are being lost than ever before.

I would certainly call to the attention of all the Members of this House an article which is must reading. It is a series of articles that started in the Sunday New York Times, March 3 New York Times. It is called, "On the Battlefields of Business, Millions of Casualties." That is the title for this particular article which is the beginning of the series: "On The Battlefields of Business, Millions of Casualties."

This is a series which is called "The Downsizing of America" and this is the first of 7 articles. It is must reading for all Americans, must reading for decisionmakers in Washington, and must reading for Members of the House, because it talks about mostly middle-class people, mostly people who were employed as of 2 or 3 years ago in very good jobs, and the kind of suffering they are going through and have gone through as a result of this technological escalation, the age of computers and telecommunications displacing large numbers of people.

It has not yet moved to the point where they are offering remedies, but I think previous editorials in the New York Times and a few other of our leading newspapers have quite clearly come down on the side of more education. Nobody understands all that has to be done, as I said before, but everybody who is thinking about the problem clearly understands that there will have to be a greater amount of investment in education, a greater amount of investment in job training. It is self-evident. If the experts cannot see what is self-evident, then certainly the common sense of the American people has repeatedly reinforced and underlined the fact that it is self-evident to them that we need a greater investment in education and a greater investment in job training.

National security now must be defined not in terms of our military strength and not in terms of our economic prowess, but the things that support that military strength, economic prowess, leadership in the world. Underneath it is an educated populace. Nothing is more important than an educated populace. Nothing is more important for the security of the country.

□ 1830

Nothing is more important to the quality of life in the country. Nothing is more important in terms of maintaining our central humanity than a massive investment in education.

Instead of a massive investment in education which is going forward, this present Congress is proposing that we disinvest, that we deescalate, that we downsize the commitment in education. Part of that disinvestment argument is that the Federal Government should get out of the business of education.

We have had the Republican majority propose that the Education Department be totally dismantled, that we get rid of the Department of Education. They put zero in one of the budgets for the Department of Education.

You know, no sane industrialized nation walks away from its commitment to education to that extent. Every industrialized nation, on the other hand, really has a far greater commitment to education at the central government level. There is not a single industrialized nation that does not have a substantial commitment to education, and it is reflected in some kind of single government coordinating body at the top, whether they basically are highly centralized, as they are in Japan and Germany, France, or whether they are moving away from a centralized model and having more flexibility and greater innovation at the local level, as they are in Great Britain, and they still have very strong centralized departments of education to give some kind of guidance and direction.

In this country, traditionally we have had a strong central department of education. I am certainly not advocating that we have one now. I am not advocating that we go to the other extreme, that we have zero, nothing, because our involvement at the central government level in education is minimal. At its very height, when the Department of Education was even funded at a higher level than it is funded at now, we had a very minimal commitment to education at the central level, and the operation of education in this Nation remains in the hands of local education agencies and local school boards. It still does.

Our commitment to education at this point at the Federal level is less than 8 percent of the total amount spent on education, 8 percent of the total. You know, more than $360 billion was spent on education last year, and of that $360 billion, most of it was spent by State governments and local governments. Only 7 percent, between 7 and 8 percent, was provided by the Federal Government. A large part of that 7 to 8 percent provided by the Federal Government comes in the form of commitments to higher education through the loan programs and grant programs at the higher education level. So, when you are talking about Federal commitment to education at the elementary and secondary level to the schools across America, you know, at the local school boards and local school districts, you are talking about a very minimal commitment. That minimal commitment, however, sets a tone. It sets a direction, a sense of direction, a sense of tone. It has been very important in the last 10 to 15 years in stimulating reform, in stimulating more activity that is positive at the local and State level.

The fact that our national government, the Federal Government, now is choosing to back away from that commitment and to downsize and to cut education at the Federal level has set off a domino reaction at the State levels and at the local levels to cut education fiercely in some places, and in my home State of New York, large cuts are being proposed in education aid from the State to the city of New York and in the upstate district also, but greatly the cut impacts most on the city of New York.

In the city of New York itself, the city government, the mayor has waged a war against the board of education, and in his attempt to balance the budget of the city, the board of education is being made to pay a higher price than most other city agencies.

So, what started at the Federal level has set off a chain reaction which has been carried through devastating proportions at the State and local level. I give New York as an example, but across the country this phenomenon has taken hold in most big States. There are cutbacks in most big cities. There are cutbacks, and we are going in just the opposite direction than we should be going. There should be an escalation of investment and an escalation of activities in the area of education, and we are going in just the opposite direction.

Today the Education and Economic Opportunity Committee, the Committee on Economic and Educational Opportunity, what we used to call the Education and Labor Committee; the new Republican majority went to great lengths to take out the word "labor," not have "labor" appear anywhere. I am glad they at least left "education" in the title of the committee; the Committee on Economic and Educational Opportunities, Democratic members held a hearing, a forum, you cannot actually call it a hearing; it was a frustration forum, because out of frustration, the Democrats had to set aside time and recruit witnesses for an unusual kind of exercise. It was not an official hearing, because the people that we have sought to call for all of the official hearings have not been accepted by the majority. In fact, the majority, not following the tradition and the pattern set by the Democratic majority, which always allowed a reasonable number of witnesses from the minority in ration to the majority witnesses, the majority has chosen to limit the minority, the Democratic minority has been limited in our committee to no more than one witness at each hearing. You know, one witness has been all we have been limited to as we proceeded to discuss revolutionary changes in education, and even the number of hearings has been limited.

The hearings that are stacked in favor of the majority witnesses and opinions that are only favored by the majority have been all too few. So we are proposing revolutionary changes, gigantic budget cuts, changes in structure, elimination of the Department of

Education, the restructuring of the School Lunch Program, the restructuring of the careers program, total revamping of education for individuals with Disabilities Act, all of those sweeping changes have been proposed and are under way without any reasonable number of hearings.

We have spat upon the democratic process. We have just denigrated the democratic process, which at least called for an opportunity for controversial ideas and new proposals to be discussed. The Republican majority has not permitted that.

So we had to have our own hearing out of frustration, and large numbers of people were called on one day, kind of an overwhelming enterprise that we had to undertake today. I do not recall exactly how many witnesses, but I think there were more than 20, 20 witnesses called by five panels, and some of the witnesses, of course, were outstanding spirits, outstanding philosophers, outstanding advocates for education. We are quite proud of the fact that we finally had the opportunity to have them go on record in this very critical year of decisionmaking.

This is a critical year of decisionmaking because even through the Republican majority has not been able to go through the usual democratic legislative procedure and work its will, they have not been able to get many of the revolutionary changes they wanted passed. They have chosen the appropriations route, the budget-making and appropriations route, to work their will. They cannot get the reauthorization of certain laws. They cannot get many of the items that they passed at the level of the House of Representatives passed in the other body. So they have turned to the appropriations process and legislate through the denial of funds to certain activities, denial of funds to the Department of Education, cutting back at a certain level, the denial of funds to title I.

You do not like title I, you do not have the opportunity to get ride of it fully, revamp it in the way you want it, so you cut it be $1.1 billion, about a 25 percent cut. And you follow that pattern with other programs. Even Head Start, which is frowned upon unfavorably by certain sectors of the Republican majority, and Head Start gets the first cut in the history of the program. Ronald Reagan did not cut Head Start. He increased the amount of funds for Head Start. George Bush did not cut Head Start. No President has cut Head Start. Only now does the Republican majority in the House venture to cut Head Start by $300 million.

Summer Youth Employment Program, which is on the border between education and job training, very important for education because it sends a positive message to the young people during the summer. They can be employed. It says to them that their Government cares something about them. It has been program that has been cut down, whittled down over the years.

Ten years ago, in New York City, 90,000 young people were employed in the summer youth employment program. Last year, 32,000 were employed. It has been steadily cut down to lower and lower levels over the years. Now we do not know what is going to be funded for the coming summer or not. There is a shadow over it. It is in the continuing resolution, like everything else, but when it is not mentioned specifically, it say it is funded at 75 percent of last year's level. In the case of the Summer Youth Employment Program, we cannot really determine what last year's level is, because there was a move to phase out the program, and the amount of funds appropriated was an amount needed administratively to phase it out. So there is a big question mark.

This is March 5. Summer youth employment programs usually go into motion sometime this month in terms of administrative planning, the recruitment, et cetera. As of March 5, we do not really know what is going to happen in the Summer Youth Employment Program.

We have, through the budget process, through the back door, been able to whittle down very critical education programs. We have done all of this, as I said before, without going through the democratic legislative process. We have treated the process with great contempt.

To compensate for the contempt that the majority has shown for the democratic process, the Democrats on the committee called today's forum, which is, again, not an official hearing. It does not have minutes and records of the same type as we have in official hearings. It does not or did not have both parties there, and only the Democrats were there. So it is not a substitute for what should have happened. But it is an opportunity or was an opportunity for people who have opinions, people who are advocates, people who have been around a long time who have experience. They should have their voices heard in this process of changing education radically.

The radical changes are unnecessary. I always frowned on radical approaches when they are not necessary. Revolution is a dangerous operation always. Revolution, things can always get more chaotic and more people can end up suffering if you take the revolutionary route. So, revolution should only be undertaken when it is necessary. It is not necessary to have a revolution in education, however bad things may be. We were moving forward in an evolutionary way.

I think proposals that have been on the table for a long time, made a lot of sense, starting with the Republican President, George Bush, and his proposal for America 2000 and his establishment of the six goals, the Clinton program of Goals 2000, are not so far from the Bush Program of American 2000. There was some continuity. Democratic Governors and Democratic legislators were involved in both processes. All of that was moving forward.

Standards were being established which were first proposed by the Republican administration, and they are now being established under a Democratic administration. We did not need a revolution.

The evolutionary process needed to be speeded up. The evolutionary process needed to have some resources put behind it. All of the structural changes were not being accompanied by proposals to increase the investment. We needed more money. You know, to keep changing the structure and playing with standards to institute new evaluations and do all the kinds of things that are proposed in the Goals 2000 legislation does not really allow education to be impacted in the way it should be impacted.

During the process of these negotiations and discussions on Goals 2000 last year, not last year, year before last, when the Democrats were in the majority, during those discussions we had long debates about opportunity to learn standards. Everybody was interested in standards for teaching the subject matter. Everybody was interested in standards for testing. But we talked about opportunity to learn standards, and opportunity to learn standards means that you have to provide the resources for young people to be able to measure up to the standards that are the educational standards and to be able to pass the tests.

If you do not have science equipment, then do not ask youngsters to pass a test which is a strenuous test about science if they do not have science equipment, if they do not have the books, if you do not have the necessary physical plant. We have many schools across the country where it is just unsafe to have young people in the schools, let alone they do not have proper lighting, they do not have proper ventilation. We have asbestos, in many cases, still around when it should not be around, unsafe schools as well as schools that are not conducive to study.

□ 1845

All of those factors we try to build into the standard setting process. There is a great debate, and we had a compromise. At least the phrase "opportunity to learn" is built into the standards.

If you follow the course of action proposed by Goals 2000 and deal with standards for curriculum, course content, you deal with standards for evaluation and have some kind of uniformity so you can compare from one district and one State to another. And if you deal with standards for opportunity to learn, if you move in that way, then you put some funding behind the opportunity to learn standards. You have to have some money. You need more money for science equipment, you need money for books. We have libraries in New York that have books that are 35 years old, history books that are 35 years old. What can you teach a youngster from a history book that is 35 years old that is going to allow them to really deal with 1996 and history standards being promulgated for the rest of the country, where the rest of the country has books that are up to date.

So in numerous ways, investment is needed. You need to put money behind the effort. Among the people testifying today at our forum was the distinguished author, Jonathan Kozol. Mr. Kozol has written many books, and I think the most famous and current of the two is "Amazing Grace." Before "Amazing Grace" is his recent book which was released last year, before that a book called "Savage Inequalities." I think that there is no more appropriately entitled book than "Savage Inequalities."

Mr. Kozol spent the day with us, since he testified. In fact, he is here right now in the audience. I think nothing was more penetrating than his statement that you cannot keep asking the question that most conservatives use. The favorite statement of the Republican majority, the favorite evasion of the Republican majority, the favorite evasion of the Republican majority, is "You can't solve educational problems by throwing money at them. You can't solve the problems related to urban education by throwing money at them."

One is supposed to cringe and fall back in the face of that kind of statement and apologize for asking for more money. I think Mr. Kozol made it quite clear that the answer to that statement is, Oh, yes, you can. Oh, yes, you must. You must have more money, more resources applied to the problem, or you definitely will not solve it.

We do not try to solve any other problems in this Nation or this society without the appropriate resources. I think this country would sort of applaud itself for its high-technology military machine that we have, a military unlike any that the world has ever seen. We are continuing to perfect that high-technology military machine. We are throwing a lot of money at that. We have thrown billions and billions of dollars at the military in order to have the military solve problems and come up with some gadgets that nobody really needs and continue to throw money at the military. We are building another *Seawolf* submarine in Connecticut, and the only justification for that submarine is we want to keep the technology alive. We want to keep the workers' ability to deal with that technology current and alive. That is the justification for building another *Seawolf* submarine, which costs $2.1 billion. We are throwing $2.1 billion at a problem that is really not a problem anymore, because we already have enough *Seawolf* submarines.

The Soviet Union does not exist anymore and is not building new submarines. We are throwing money at it. That is a problem that the establishment, a problem that the people who are hypocritical about streamlining the budget, choose to designate as a problem. So they throw money at it.

We are throwing money in the sky at F-22 fighter planes. In Marietta, GA, the Speaker's district, we are building F-22 fighter planes that are not needed. There are high-technology fighter planes unlike anything the world has ever seen. We already have the best fighter planes in the world. We already have fighter planes that nobody is challenging. The Soviet Union is not building any new fighter planes to challenge the ones we have.

Why do we have to throw money at the problem of high-technology fighter planes? But we are throwing money at it at Marietta, GA. It might not be a problem we need to throw money at to solve the problem. By throwing money at the F-22's in Marietta, GA, in the Speaker's district, we are certainly solving the problem of employment in that district. That district happens to be the district that receives the greatest amount of Federal aid in the country. The county that the Speaker represents receives the greatest amount of money per capita of any county in the whole country. So by throwing money in that direction, we certainly are solving a problem of prosperity and employment in that country.

So why not provide appropriate resources, or even, if you must have a phrase, throw money at education, if you want to solve the problem of education? We need money to build schools, because some of them are literally unsafe and falling down. Many of them are, if not unsafe, are not conducive to learning. We need money to throw at that problem and get new schools built.

Senator CAROL MOSELEY-BRAUN and I introduced a bill 2 years ago which would provide for the introduction of a program just to repair dilapidated schools and maybe build a few. It was passed in the Senate she even got an authorization of $600 million, which is a small amount when you are considering physical renovations and construction. But the other body passed it. Later on they cut that down to $100 million, and it passed both the Senate and the House in the reauthorized legislation that we passed in the fall of 1994, before the Republican majority took over in January 1995.

That money has been totally wiped out of the budget, $100 million to deal with asbestos problems, to deal with lead in the water, to deal with unsafe conditions, $100 million zeroed out completely. It is not even under discussion anymore.

We needed to throw money at the problem of asbestos and lead in the water. We needed to throw money at unsafe conditions in certain schools.

So I want to salute Mr. Jonathan Kozol today when he said,

> Despite all that we face in education, we face the strange phenomena of being asked repeatedly by those who spend as much as $20,000 yearly to enroll their children in exclusive private schools, whether money really matters when it comes to the education of the poor. Can you solve these kinds of problems, we are asked, by throwing money at them?

I think that no more appropriate statement could be made than to begin the dialog on whether Americans in decisionmaking positions are serious about wanting a society which is a fair society, a society which is feasible in terms of being able to maintain a sense of justice and some kind of law and order that everybody can live with.

To continue from Mr. Kozol's testimony,

> I always find this a strange question, but especially when it is asked by those who do precisely this for their own children. Money cannot do everything in life. It cannot buy decency. It obviously does not buy honesty or generosity of spirit. But if the goal is to repair a roof or to install a wiring system or remove lead poison or to pay for a computer or persuade a first-rate teacher to remain in a tough job. I think money is a fine solution. Money is a fine solution.

If money is a solution for the military machine, then why is it not a solution for the building of a society where the most important resource is an educated population? An educated population is the most important resource of a great power.

Mr. Kozol goes on to point out that many people use as an example some urban district somewhere which has a high per capita education expenditure, but is not working. This is using an example of why money does not solve problems.

I doubt if you can find three or four education systems where you have a higher amount of money being spent per capita than is being spent in the suburban districts across the country. Where people have money, they choose to spend large amounts on their schools. There per capita rates are much higher.

In New York State, the highest per capita rate is $17,000 per pupil. That is only one district. Many other districts spend $12,000, $11,000, $10,000 on their schools per pupil. In New York City they barely eke out $7,000 per year per child. When studies are done on how the $7,000 per child per year is spent, there is a clear indication that it is lopsided from one district to another. New York City has a student body of 1 million pupils, 60,000 to 65,000 teachers. It is a mammoth system, shifting things around. You will find the poorest neighborhoods and the lowest grades which have the most difficulty in teaching children have the least amount of resources. They are not spending $7,000 per child simply because the biggest expenditure in any budget is the personnel budget. The personnel budget is driven by the length of time that teachers are in the system. The districts which have the children which need the help most, they have the least experienced teachers, because they have the most difficult school systems, difficult jobs. Many teachers, as soon as they qualify for tenure, they move out of those districts, they get transfers, so you have an ongoing condition where the districts that need the help most and the best teachers have the least experienced teachers. The most experienced teachers move out, and subsequently the amount of money being spent per child is lower and lower in the districts that need the most expenditures.

That is just one basic phenomena which explains expenditure difference, even in a city where the average is $7,000 per child. You have in the poorest districts, in Brownsville, which is in my district, or the South Bronx, which is in Congressman SERRANO's district, you will have the expenditure down as low as $3,000 per child, because of these disparities in personnel salaries.

So it is far too low in many cases, and in many cases, of course, there are always ways in which you can improve the distribution.

So I want to go back to the basic thesis, is if we are in times which require greater and greater amounts of education, where individuals cannot survive, families cannot survive unless they have wage earners who do have exceptional education, wage earners who have the kind of education which allows them to fit into this high-tech telecommunications information age society, we need those people, and the only way you are going to get those people is to have an education system which allows them the opportunity to get the kind of education necessary to qualify for these jobs.

This is something that planners have understood for a long time, professors in universities have understood a long time. The people in the street understand it, too. They keep crying. They cry out for more and more resources to be devoted to education. Whenever they are asked a question or given an opportunity to express their opinion, they make it quite clear that education ought to be one of the highest priorities in Federal expenditures.

We keep ignoring them. It is amazing how we just turn our back on the will of the people in a democracy. The great question is when are the people going to wake up and understand that they have the power? They have the power, if they really believe that education is a priority and it has been that way for the last 5 years, it is ranked in the top four or five. Health care was once a priority 3 or 4 years ago, but education was No. 2 or No. 3. Recently the New York Times and USA Today and some others did polls which show that education had eclipsed everything. It was at the very top for a while, over health care, over crime. So people keep telling us again and again that their commonsense knowledge tells them that we ought to be investing more in education. But we refuse to do it. We let these savage inequalities that Jonathan Kozol talks about, savage inequalities that are destroying young people, continue year in and year out. We are reminded of Shakespeare's words in King Lear, "Fool me not so much to bear it tamely; touch me with noble anger," which in street language means somebody ought to get mad, ought to get very mad.

□ 1900

This is rotten. Smells to high heaven. Why are our mayors cutting education when the people said that education should be the highest priority expenditure? Why are Governors cutting education when the people in the States said education ought to be the highest priority? Why does our Federal Government insist on cutting education when the people across the Nation said education should be the highest priority? What is going on? What is going on in our democracy?

Somebody ought to get very mad, and I hope that every parent, every person who cares about America, will understand that we ought to get angry at decisionmaking which completely ignores priorities that are set by the people. Education is that clear priority.

We had testifying today Deputy Secretary of Education Madeleine Kunin, and she only echoed what the other witnesses had said before. I quote from the testimony of Deputy Secretary Kunin:

> As Secretary Riley and I meet with parents, students and business and community leaders around the country, we hear what you hear, that education is America's top priority because it is America's greatest concern. The public understands what education means for our children's future and for the future of our Nation. As they see companies downsizing, their own jobs threatened or lost, they look around and they see who is left standing: the men and women with the highest computer and technical skills.

In short, Americans are seeing that the greatest job security belongs to those who have the best and most advanced education. Education is the currency of the future.

I continue to quote Deputy Secretary Kunin. "As the President has often said, how much you learn determines what you earn." Few Americans argue with that conclusion.

Many Americans, however, argue with the approach that the majority in Congress has taken in cutting support for education at the very moment when the demand for higher and more education by all Americans is growing at an unprecedented rate. Demand is growing on two fronts. Sheer numbers tell part of the story. We are going to be educating more children in elementary and secondary education than ever before. We expect growth to increase by a million students next year, nearly 6 million students by the year 2005, a 10-percent increase nationwide, including a 22-percent increase in California alone.

Continuing to quote Deputy Secretary Kunin:

> Just to imagine present class sizes, which already are too large, 50,000 new teachers will have to be hired for the coming school year. Fifty thousand new teachers have to be hired just to keep up with the growing numbers. If we want to move to improve the ratio of teachers to students and have lower class sizes, smaller classes, then of course we would need more than 50,000 new teachers.

To continue to quote Secretary Kunin:

> Today every student has to reach here or his full potential. No mind can be wasted. Without a high school degree today, you can't earn a decent living. Even with a high school degree, you have a tough time in the job market. K–12 is becoming K–14 as technical schools and community colleges are providing first-generation college students with the skill they want and they need. Our ability to meet this avalanche of demand for education depends on support from all levels of government aimed at providing better educational opportunities for children. All those who have an impact on education must join hands. Together we must build this village in which to raise our children. There is no time for the politics of blame or for demonizing the Federal Government.

It is hard to understand why the majority in Congress would decrease resources in the face of rising demand for education. The House appropriations bill would create a massive education deficit, and among the victims would be our children and our Nation's future. Their cuts are in the areas of highest priority to the American people: support for basic skills, safe and drug-free schools, raising standards, better training for teachers, getting technology into the classroom, and access to college and post-secondary education.

To continue to quote the Deputy Secretary:

> For example, the House-approved appropriations bill would take away $3.7 billion from education. That is for one year, the coming fiscal year. Sadly, the loss of these funds will have the greatest impact on children who need to read better, who want to prepare for a career, and who may attend schools where standards are still low, and these children can catch up and do well if they are given extra help, the extra help that they need.

Why should we take this chance away from them? Indeed, the purpose of title I programs is to help these needy children succeed. How odd it is then that this program takes such a big hit in the budget fight. Education takes a 17-percent cut across the board. In some communities with a high percentage of poor children, the impact of this cut will be as high as 25 percent. If these cuts are enacted, some 40,000 to 50,000 aides and teachers will have to be let go. The Washington jargon, continuing resolution it is called, has a different meaning for the children served by these aides and teachers. For them it is a discontinuing resolution, stopping their education just when many were getting started.

Let me give you a few examples of what these cuts mean in classrooms across this country. "Last year I was in California," I am quoting Madeleine Kunin, Deputy Secretary of the Department of Education:

> Last year I was in California meeting with San Francisco School Superintendent Bill Rojas and mayor Willie Brown. They told me that these cuts would force elimination of 12 schools from the title I program, affecting 4,162 students who need to learn the basics to pass and get ahead. The remaining schools of the title I program could face the elimination, would face the elimination of teacher aides, library staff, computer labs, and the gutting of reading labs through the loss of reading specialists, materials, and equipment.

Their story is not unique. New York City, while we have seen great success recently in improved test scores, will lose $67 million in title I funds. And those dollars support 1,500 classroom teachers. These cuts come at a bad time, right when the new chancellor announced that he is determined to make sure that every third-grade child reads at grade level.

Secretary Riley, in his state of education speech last week, called for the entire Nation to focus on helping our children read, a goal that will not be achieved if these budget cuts stay in place. The same story is true in Philadelphia. A loss of $13 million, 300 teachers and aides as well as services. In Chicago, these title I cuts could translate to layoffs of 600 teachers. In San Diego, 11,000 students could be denied title I services. Perhaps the most disastrous impact will be felt by our youngest children at the highest poverty levels.

At McNair school in north Charleston, 80 percent of the students live in public housing. The school receives $455,000 in title I support. What will change without this money? The Charleston Post and Courier report that the programs at risk include all-day kindergarten, special reading programs, the schools' computer lab, staff development, and a 6-week summer enrichment program. These cuts will be real and painful if the Congress does not act to prevent them.

Already schools are being forced to take action because they must plan ahead. As you know, the education budget is forward-funded, and for good reason. Schools must get budgets passed in their own communities and sign contracts and buy books for next year. Such local decisions are made in the springtime, months after Congress usually enacts an education appropriations bill for the next school year. But this springtime, time is running out.

It makes no sense that some of the same people who say government should be run like a business are willing to let school principals, superintendents, legislators, and school boards twist in an uncertain wind with no sense of how much Federal aid they can expect. The result of this uncertainty is that decisions to cut back on education are being made at school board meetings around the country as we speak.

In Boston, school officials had to submit their draft budget for next year 4 weeks ago. If nothing changes, teachers must be notified by May 15 of any layoffs. Monroe County, WV, receives 25 percent of its district budget from Federal funds and would have to announce teacher contracts by April 1. Right now, they plan to lay off 15 to 20 teachers in six schools.

Moreover, the House-approved appropriations bill would actually eliminate all funding for Goals 2000, ending excellence grants to thousands of schools around the country which are trying to raise their academic standards, involve parents in communities and education, and they are preparing teachers for the challenges of the 21st century classroom.

At a time when 72 percent of Americans say drugs and violence are serious problems in local schools, it is not easy to understand how the House could approve a 55-percent cut in the safe and drug-free schools program, reducing funding in this program by nearly $200 million.

The impact of budget cuts will be felt on higher education as well. If direct lending is capped or killed, students and schools in the program will be deprived of a streamlined program that has worked, making access to student loans easier and cheaper and enabling them to pay their loans back more readily.

We also have a difference of opinion with the congressional leadership on Pell grants. We are pleased that a $100 increase was approved, but we must do more and raise the grant to $2,620 as more students depend on financial aid to further their college education.

I am still quoting from the Deputy Secretary of Education, Madeleine Kunin: From my own life, I know the value of education. I came to this country as a child who could not speak English. My mother believed that anything is possible in America and our access to education made her more than an idol dreamer. It made her a prophet. What was there for me and for you must be there for this generation of children. That is what this budget battle is all about. It is about making hope more than rhetoric, making it a reality.

I end the quote from the testimony of the Deputy Secretary of Education, Madeleine Kunin, and I return to the statement of author Jonathan Kozol and the spirit of the testimony of Jonathan Kozol. The spirit of the testimony of Jonathan Kozol is that we have a moral dilemma. We have a situation where the powerful decisionmakers of America have made a decision to throw overboard large numbers of children, a large percentage of the population, just forget about them. We have a situation in America where large numbers of decisionmakers, people in power, are choosing to take care of their children, send them to the best schools, appropriate money and resources or make available money and resources through private sources for their own children, while the rest of America, a large part of it, goes down the drain.

I think Mr. Kozol used the word "triage." Triage is something that originated in war. It is a French term where when you had large numbers of wounded congregated, they had to make some decisions about how to use their meager resources. They had a limited number of doctors, nurses, and medicine, so they would line people up, and those who were only partially wounded or not so serious were put in one category and not given much attention, and those who were so far gone that it was felt that resources should not be wasted on them were put in another category and left to die, and those in the middle, of course, who belonged to neither category were given attention.

Well, we have decided to do something similar in a situation where there is no need for it. We are not on a battlefield. There is no emergency. We do not need a revolution. We do not need to balance the budget overnight in ways which force us into a situation where we have to participate in triage. But triage is going forward because the majority in this House and the majority which controls the Congress at this point has decided that America should be an America for an elite group. We are going to go into the pampering of an oligarchy. A small group will be placed into the situation where they will be able to make unlimited profits, they will be able to live without any disturbances from the rest of the population. Ten percent of the people will make all the money they can make. Ten percent of the people would not have to be bothered with any taxes which fund the programs that make the Nation go. Ten percent of the people are going to be parasites on the national tradition and on all that has gone before them.

People are making large amounts of money on Wall Street on telecommunications investments, investments in computers, investments in cable television, investments of all kinds of gadgets which are driven by modern technology which was developed by the American people's money. Taxpayers financed the development of telecommunications. At the end of World War I and World War II, we invested billions of dollars to develop radar, to develop miniaturization, to develop ways in which you could use frequencies more effectively. All of this was developed by the resources and the taxes of the American people. And the American people deserve to have a share of that investment.

□ 1915

We now have frequencies, spectrums above our head. I have used this example many times, and I do not think I can say it too often. The spectrum belongs to the American people. The air over our heads, the atmosphere over our heads, nobody has the right to claim that. It belongs to the people. The Government should not give that away. The Government should use it in ways which benefit all of the people.

If we are going to sell it, we should sell it at prices which benefit all the taxpayers. I certainly propose we do not even sell it, we lease it, so nobody thinks they own the spectrum, they own the frequencies up there. It is like the early America, where we had the great land rush, and there was land which we claimed that nobody owned, and we gave it to white American settlers. The native Americans, they owned it, so it was taken from them.

But without getting into that argument, at least there was a democratic process of allowing people to participate in the land rush. Black people were not allowed to participate, even after the slaves were freed. They could not participate in the land rush, but all white Americans could participate in the land rush. Immigrants who were white could participate in the land rush. They were given land, land that belonged to the people, that belonged to the Government.

So we have a similar situation above our heads with a spectrum as invaluable as land. Let us not cry about the lack of resources. Let us not tax American families anymore. Let us make the corporations who want to use those frequencies and want to use those spectrums, let us let them pay for it. It is a way to justly derive revenue, revenue which can then be used to pay for more education.

Why do we not have a dedicated tax for all the Internet transactions above a certain amount of money, commercial transactions above $10, put a tax on them of some percentage, and have that tax on the Internet transactions become a way to finance the information access that is needed for the rest of the public? We need to have access for everybody, so we need libraries and schools to be wired, we need computers to be available in some public centers, public telecommunication centers, or in libraries where people can go in and make use of the information age, regardless of their income.

All of this could be financed painlessly by attaching a dedicated tax to transactions that take place over the Internet, or various other electronic communications transactions. We could have a trust fund. We call it the information superhighway, so let us use the analogy. We have a highway trust fund very successfully. The highway trust fund is based upon a tax that is placed on gasoline. That tax money is used to build highways, a successful interstate net across the country. We have the best highway system in the world, because we had a dedicated tax to take care of that.

Now we are on the information superhighway, and why not have that funded in the same way: establish a trust fund through dedicated revenue, give the revenue that we have derived back to the States on a per capita basis. If we want to hand things down to the State, there is a situation where we could easily, without a bureaucracy, hand down the money that is collected through this dedicated revenue process to the States on the basis of the number of people in each State.

I say that because I would like to see New York State for a change get a fair shake in some kind of Federal program. We have the phenomenon in New York where we are still paying far more into the Federal Treasury than we get back in aid. You would not believe that when you hear them talk. We get large amounts of aid from title I, a large amount of aid from Medicaid and Medicare. People look at all that and say "New York gets more than anybody else." New York has more people, and New York chooses to spend its money on Medicaid and on Medicare, instead of on F–22 planes or *Seawolf* submarines. I can think of no more noble way to spend money than to spend it on the health of people.

Yes, you can always get rid of some waste, some corruption; you can always streamline the process. But if you are spending money on the health care of New Yorkers, that is money well spent. In New York, we should raise our heads high, because our share of what we are getting from the Federal Government is being used to help people in various positive ways. We are not building weapons systems that will no longer be needed, weapons systems that are very expensive and obsolete.

New York State in 1994 gave, through a tax collection process, the Federal Government $18.9 billion more than it got back in Federal aid. You might say "Why did you calculate it that way?" We have been following this for a few years. The Kennedy School of Government has a table which shows that consistently, New York has given more to the Federal Government then it has gotten back in terms of aid. We do not have any big defense plants, any *Seawolf* submarines, any aircraft carriers, so we do not get back large amounts of money like Marietta, GA, does. The southern States altogether get back $65 billion more from the Federal Government than they pay into the Federal Government.

I am mentioning this because we have a dogma here about States rights and block grants to the States, the States can do it so much better. New York could probably exist far better if you were to give it back its own money. If we had $18 billion, almost $19 billion that is ours to spend as we see fit, we can solve all the budget problems of New York State.

Those who talk about States rights and passing education programs and school lunch programs and AFDC, Medicaid, passing it down to the States, you had better stop and think twice about placing such a high priority on States rights in running programs and funding programs. On education, there are many States that would be shortchanged if they have to pay for their own costs without Federal funds. Many of the Federal funds flow out of the northwest States like New York and Michigan; midwest States like Michigan and Wisconsin. They are still paying far more to the Federal Government than they get back.

Let me conclude by saying what we need is leadership that recognizes that triage will not work. No part of the population should be thrown overboard. If you are not going to throw a portion of the population overboard, then you invest in education.

You must face the realities of 1996. There is a technological revolution. There is an information age revolution. There are going to be large dislocations that you have always in the work force. We want to have certain kinds of value systems developed. We want to have fairness across the board, and everybody participate in the prosperity of America.

The only way we know at this point to do that, the way we are certain will have a direct impact on that problem, is education, more investment in education, more investment in job training. Some genius may come along later on and find some other way to deal with the problem in addition to investing in education and job training. It may be there may be a pill people can take to help solve the problem at some time in the future. I do not know. We do not have any way to predict the wonders of technology and medicine.

But we do know education and job training are absolutely necessary in order to cope with the current difficulties we are facing in this society, whether you are talking about crime problems, AIDS problems; you name the problem, and education is part of the solution.

Let us go forward and reject the philosophy of the Republican majority. Let us not disinvest in education at this point. Let us follow the trend of the thinking of the people who appeared at our forum today. Twenty people came from all walks of life. They said "The American people say that common sense dictates that we should invest more and more in education." I hope we will go forward and do that.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the House will stand in recess subject to the call of the Chair.

Accordingly (at 7 o'clock and 24 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 2128

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. COBLE) at 9 o'clock and 28 minutes p.m.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Miss COLLINS of Michigan (at the request of Mr. GEPHARDT), for today and the balance of the week, on account of illness in the family.

Mrs. CHENOWETH (at the request of Mr. ARMEY), for today, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCDERMOTT) to revise and extend their remarks and include extraneous material:)

Mrs. MALONEY, for 5 minutes, today.
Ms. KAPTUR, for 5 minutes, today.
Mr. DEUTSCH, for 5 minutes, today.
Mr. FRANK of Massachusetts, for 5 minutes, today.

(The following Members (at the request of Mr. FOLEY) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes each day on today and March 6, 7, and 8.
Mr. HUNTER, for 5 minutes, today.
Mr. FOLEY, for 5 minutes, today.

(The following Members (at the request of Mr. CHRISTENSEN) to revise and extend their remarks and include extraneous material:)

Mr. MCINTOSH, for 5 minutes, today.
Mr. TIAHRT, for 5 minutes, today.
Mr. BARR of Georgia, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. PETE GEREN of Texas, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MCDERMOTT) and to include extraneous material:)

Mr. CLAY.
Mr. LANTOS.
Mrs. SCHROEDER.
Mr. UNDERWOOD.
Mr. REED.

(The following Members (at the request of Mr. FOLEY) and include extraneous matter:)

Mr. CUNNINGHAM.
Mr. RADANOVICH.

(The following Members (at the request of Mr. BENTSEN) and to include extraneous material:)

Mr. BERMAN.
Ms. PELOSI.
Mr. ORTIZ.
Ms. DELAURO.
Mr. MENENDEZ in two instances.
Mr. STARK.
Mr. BORSKI.

(The following Members (at the request of Mr. OWENS) and to include extraneous material:)

Mr. DAVIS.
Mrs. MORELLA in two instances.
Mr. MENENDEZ in two instances.
Mr. BEREUTER in two instances.
Mr. RADANOVICH.
Mr. GILLMOR.
Mr. JACOBS.
Mr. STARK.
Mr. BORSKI.
Mr. MOAKLEY.
Mr. GOODLATTE.
Mr. PALLONE.
Mr. LEWIS of California.
Mr. DIAZ-BALART.
Mr. MEEHAN.
Mr. BARCIA.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned.

There was no objection.

Accordingly (at 9 o'clock and 29 minutes p.m.), the House adjourned until Wednesday, March 6, 1996, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2174. A communication from the President of the United States, transmitting his requests for emergency fiscal year 1996 supplemental appropriations for emergency expenses related to recent natural disasters in the United States and the Virgin Islands, and to designate the amount made available as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, pursuant to 31 U.S.C. 1107 (H. Doc. No. 104–183); to the Committee on Appropriations and ordered to be printed.

2175. A letter from the Secretary of Energy, transmitting notification of the Department's intention to contract the sale of Naval Petroleum Reserve Numbered 1, also known as the Elk Hills Reserve without providing for the use of competitive procedures; to the Committee on National Security.

2176. A letter from the Secretary of Education, transmitting final priority—Research in Education of Individuals with Disabilities Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Economic and Educational Opportunities.

2177. A letter from the Secretary of Health and Human Services, transmitting the Department's report entitled "Ambulatory Surgery, Preadmission Testing, and Same-day Surgery: State Medicaid Programs' Experience and Findings from the Literature," pursuant to Public Law 101–508, section 4755(b)(3)(d) (104 Stat. 1388–210); to the Committee on Commerce.

2178. A letter from the Acting Secretary of State, transmitting a list of all potential sales and licensed commercial exports under the act of major weapons or weapons-related defense equipment valued at $7 million or more, or of any other weapons or weapons-related defense equipment valued at $25 million or more, which the administration considers eligible for approval during the calendar year 1996 and which may, therefore, result in notification to the Congress this year, pursuant to section 25(a)(1) of the Arms Export Control Act; to the Committee on International Relations.

2179. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on the progress made toward opening the U.S. Embassy in Jerusalem, pursuant to Public Law 104–45, section 6 (109 Stat. 400); to the Committee on International Relations.

2180. A letter from the Executive Director, Committee for Purchase from People who are Blind or Severely Disabled, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2181. A letter from the Director, Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552; to the Committee on Government Reform and Oversight.

2182. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

2183. A letter from the Chairman, Federal Maritime Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

2184. A letter from the Chairman, Board of Governors, Federal Reserve System, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552; to the Committee on Government Reform and Oversight.

2185. A letter from the National Endowment for Democracy, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2186. A letter from the Chairman, Securities and Exchange Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552(b); to the Committee on Government Reform and Oversight.

2187. A letter from the Chairman, U.S. Merit Systems Protection Board, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2188. A letter from the U.S. Copyright Office, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552; to the Committee on Government Reform and Oversight.

2189. A letter from the Director, U.S. Information Agency, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

2190. A letter from the U.S. Trade Representative, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DIAZ-BALART: Committee on Rules. House Resolution 370. Resolution waiving points of order against the conference report to accompany the bill (H.R. 927) to seek international sanctions against the Castro government in Cuba, to plan for support of a transition government leading to a democratically elected government in Cuba, and for other purposes (Rept. 104–470). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1332. A bill to establish certain policies and responsibilities with respect to the administration of the Rongelap Resettlement Trust Fund, and for other purposes; with an amendment (Rept. 104–471). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GONZALEZ:

H.R. 3003. A bill to establish requirements applicable to rent-to-own transactions; to the Committee on Banking and Financial Services.

By Mrs. LINCOLN (for herself, Mr. TAUZIN, Mr. POSHARD, Mr. HUTCHINSON, and Mr. MINGE):

H.R. 3004. A bill to amend title XVIII of the Social Security Act to extend the maximum period permitted between standard surveys of home health agencies and to expand the scope of deemed status and permit recognition of surveys by national accreditation bodies for providers under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FIELDS of Texas:

H.R. 3005. A bill to amend the Federal securities laws in order to promote efficiency and capital formation in the financial markets, and to amend the Investment Company Act of 1940 to promote more efficient management of mutual funds, protect investors, and provide more effective and less burdensome regulations; to the Committee on Commerce.

By Mr. LEWIS of California:

H.R. 3006. A bill to provide for disposal of public lands in support of the Manzanar Historic Site in the State of California, and for other purposes; to the Committee on Resources.

By Mr. BACHUS (for himself, Mr. LEACH, and Mr. SPRATT):

H.R. 3007. A bill to establish an interagency task force to design and implement a plan for determining the extent to which U.S. currency is held in foreign countries and estimating the extent to which such currency is being counterfeited outside the United States, and for other purposes; to the Committee on Banking and Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COX (for himself, Mr. YOUNG of Alaska, Mr. CALVERT, and Mrs. VUCANOVICH):

H.R. 3008. A bill to amend the Helium Act to authorize the Secretary to enter into agreements with private parties for the recovery and disposal of helium on Federal lands, and for other purposes; to the Committee on Resources.

By Mr. FOLEY:

H.R. 3009. A bill to amend the Civil Rights Commission Act of 1983 with respect to the subpoena power of the Commission; to the Committee on the Judiciary.

By Mr. PETE GEREN of Texas:

H.R. 3010. A bill to assure that advertisements by States for participation in their lotteries provide information to the consumer on the statistical probability of winning and for other purposes; to the Committee on Commerce.

By Mr. GOODLATTE (for himself, Mr. DELAY, Mr. BOEHNER, Mr. MOORHEAD, Mrs. SCHROEDER, Mr. GEJDENSON, Mr. MANZULLO, Mr. COBLE, Mr. BARR of Georgia, Mr. BONO, Ms. LOFGREN, Mr. CAMPBELL, Ms. ESHOO, Mr. DOOLITTLE, Mr. FARR of California, Mr. MCKEON, Mr. ENGEL, Mrs. WALDHOLTZ, Mr. EWING, Mr. MICA, Mr. CHAMBLISS, Mr. EVERETT, Mr. EHLERS, Mr. ORTON, Mr. MATSUI, Mr. BOUCHER, Mr. CHABOT, Mr. MOAKLEY, and Mr. BARTLETT of Maryland):

H.R. 3011. A bill to amend title 18, United States Code, to affirm the rights of U.S. persons to use and sell encryption and to relax export controls on encryption; to the Committee on the Judiciary, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MORAN (for himself, Mr. SAXTON, Mr. DAVIS, Mr. FROST, Mr. PASTOR, Mr. DEUTSCH, Mr. FARR of California, Mr. COLEMAN, Mr. HASTINGS of Florida, Ms. NORTON, Mr. FILNER, Mr. BILBRAY, Mr. GENE GREEN of Texas, Ms. LOFGREN, and Mr. NORWOOD):

H.R. 3012. A bill to amend title 10, United States Code, to permit covered beneficiaries under the military health care system who are also entitled to Medicare to enroll in the Federal Employees Health Program; to the Committee on National Security, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case of consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEY:

H.R. 3013. A bill to increase the availability and continuity of health coverage for individuals, small employers, and other groups, to reduce paperwork and simplify administration of health care claims, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Economic and Educational Opportunities, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REED (for himself, Mr. KENNEDY of Rhode Island, and Mr. GEJDENSON):

H.R. 3014. A bill to amend title 46, United States Code, to ensure the safety of barges carrying oil or hazardous material in bulk on lakes, bays, or sounds of the United States, by establishing equipment and manning requirements for those barges; to the Committee on Transportation and Infrastructure.

By Mrs. SCHROEDER (for herself, Ms. WATERS, Ms. JACKSON-LEE of Texas, and Ms. NORTON):

H.R. 3015. A bill to amend the Public Health Service Act to establish a program for postreproductive health care; to the Committee on Commerce.

By Mr. YATES:

H.R. 3016. A bill to require the Secretary of the Treasury and the Attorney General of the United States to be consulted before the manufacture, importation, sale, or delivery of armor piercing ammunition for the use of a governmental entity; to the Committee on the Judiciary.

H.R. 3017. A bill to amend title 18, United States Code, to prohibit the possession or transfer of handgun ammunition capable of being used to penetrate standard body armor; to the Committee on the Judiciary.

H.R. 3018. A bill to prohibit the importation, manufacture, sale, purchase, transfer, receipt, or transportation of handguns in any manner affecting interstate or foreign commerce, except for or by members of the Armed Forces, law enforcement officials, and, as authorized by the Secretary of the Treasury, licensed importers, manufacturers, and dealers, and pistol clubs; to the Committee on the Judiciary.

By Mr. LIVINGSTON:

H.R. 3019. A bill making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAW (for himself, Mr. Zeliff, and Mr. McCollum):

H.J. Res. 162. Joint resolution to disapprove the certification of the President under section 490(b) of the Foreign Assistance Act of 1961 regarding foreign assistance for Mexico during fiscal year 1996; to the Committee on International Relations.

By Mr. GILCHREST:

H. Con. Res. 146. Concurrent resolution authorizing the 1996 Special Olympics Torch Relay to be run through the Capitol Grounds; to the Committee on Transportation and Infrastructure.

By Mr. TRAFICANT:

H. Con. Res. 147. Concurrent resolution authorizing the use of the Capitol Grounds for the 15th annual National Peace Officers' Memorial Service; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Mr. Dornan, Mr. Hansen, Mr. Farr, and Mr. Smith of New Jersey.

H.R. 103: Mr. Baldacci and Mr. Combest.

H.R. 218: Mr. Longley.

H.R. 303: Mr. Hansen and Mr. Smith of New Jersey.

H.R. 447: Mr. Thornton, Mr. Weldon of Pennsylvania, and Mr. Weldon of Florida.

H.R. 777: Mr. Brown of California.

H.R. 778: Mr. Brown of California.

H.R. 779: Mr. Hilliard, Mr. Borski, and Mr. Frost.

H.R. 780: Mr. Hilliard, Mr. Borski, and Mr. Frost.

H.R. 789: Mr. Graham.

H.R. 820: Ms. Slaughter, Mr. Hall of Texas, Mr. Pete Geren of Texas, Mr. Brewster, Mr. Peterson of Minnesota, Mr. Condit, Mr. Coleman, Mr. Everett, Mr. Callahan, and Mr. Payne of Virginia.

H.R. 833: Mr. Bilbray and Mr. DeFazio.

H.R. 972: Mr. Luther.

H.R. 995: Mr. Quinn.

H.R. 1010: Mr. Kildee.

H.R. 1386: Mr. Nethercutt.

H.R. 1416: Mr. LaFalce, Ms. Roybal-Allard, Mr. Brown of California, and Mr. Ehlers.

H.R. 1423: Mr. English of Pennsylvania, Ms. Pelosi, and Ms. Woolsey.

H.R. 1513: Mr. Walsh.

H.R. 1560: Mr. Olver.

H.R. 1573: Mr. Royce.

H.R. 1610: Mr. Camp and Mr. Bilbray.

H.R. 1619: Mr. Nadler.

H.R. 1625: Mr. Petri and Mr. Emerson.

H.R. 2143: Mr. Campbell.

H.R. 2193: Mr. Klug.

H.R. 2202: Mrs. Lincoln and Mr. Sisisky.

H.R. 2214: Ms. Lofgren.

H.R. 2270: Mr. Miller of Florida.

H.R. 2306: Mr. Evans and Mrs. Meyers of Kansas.

H.R. 2320: Mr. Coble, Mr. Rohrabacher, Mr. Ewing, Ms. Dunn of Washington, Mr. Scarborough, Mr. Neumann, Mr. Moorhead, Mr. Kim, Mr. Ney, and Mr. Metcalf.

H.R. 2566: Mr. Franks of New Jersey.

H.R. 2575: Mr. Yates.

H.R. 2604: Mr. Shaw.

H.R. 2664: Mr. Studds, Mr. Bryant of Texas, and Mr. Taylor of Mississippi.

H.R. 2779: Mr. Bliley, Mr. Solomon, Mr. Foley, Mr. Weldon of Florida, and Mr. Emerson.

H.R. 2795: Mr. Mica and Mr. Scarborough.

H.R. 2807: Mrs. Meyers of Kansas and Mr. Hunter.

H.R. 2820: Ms. Pryce and Mr. Linder.

H.R. 2837: Mr. DeFazio and Mr. Hoyer.

H.R. 2879: Mr. Dingell.

H.R. 2900: Mr. Jacobs.

H.R. 2959: Ms. Roybal-Allard, Ms. McCarthy, Mr. Bryant of Texas, and Mr. Dicks.

H.R. 2966: Mr. Calvert, Mr. Bryant of Tennessee, and Mr. Ehlers.

H.R. 2976: Mr. Dellums, Mr. Houghton, Mr. Norwood, Mr. Owens, Mr. Taylor of North Carolina, and Mr. Walsh.

H.R. 2992: Mr. Coburn, Mr. Gillmor, and Mr. Kim.

H.R. 2994: Mr. Herger, Mr. Levin, Ms. Dunn of Washington, Mrs. Kennelly, Mr. Towns, Mr. Camp, Mr. Leach, Mr. Fattah, Ms. Lofgren, Mr. Farr, and Mr. Hutchinson.

H.J. Res. 158: Mr. Moakley, Mr. Thompson, Mr. Frost, Ms. Lofgren, Mrs. Morella, Mr. Olver, Mrs. Maloney, Mr. Waxman, Mr. Berman, Mr. Ackerman, Mr. Beilenson, Mr. Jefferson, Ms. Kaptur, Mr. Porter, Mr. McNulty, Mr. McDermott, Mr. Murtha, Mr. Hilliard, Mr. Horn, Mr. Studds, Mr. Frazer, Mrs. Clayton, Mrs. Schroeder, Mr. Payne of New Jersey, Mr. Dellums, Mr. Wilson, Ms. Velázquez, Mr. Torres, Ms. Furse, Mr. Frank of Massachusetts, Mr. Bunn of Oregon, and Mrs. Meyers of Kansas.

H. Con. Res. 144: Mr. Barrett of Wisconsin, Mr. Berman, Mr. Blute, Mr. Filner, Mr. Gephardt, Mr. Lantos, Mrs. Maloney, Mr. Manton, Mr. Rangel, Mrs. Schroeder, and Mr. Wilson.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1963: Mr. Filner.

H.R. 1972: Mr. Filner.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 994

Offered By: Mr. Sanders

(Page and line number references are to Amendment No. 1)

Amendment No. 2: Page 5, line 16, insert before the period the following: "especially small entities employing 50 or fewer employees".

H.R. 994

Offered By: Mr. Sanders

(Page and line number references are to Amendment No. 1)

Amendment No. 3: Page 15, line 17, strike "functional interrelations" and insert "functional interrelationships (including the relationship of rules which affect business entities employing 50 or fewer employees)".

H.R. 994

Offered By: Mr. Smith of Michigan

Amendment No. 4: Strike title III and insert the following:

TITLE III—REQUIREMENT FOR CONGRESSIONAL APPROVAL OF SIGNIFICANT RULES

SEC. 301. SHORT TITLE.

This title may be cited as the "Significant Regulation Oversight Act of 1996".

SEC. 302. FINDING AND PURPOSE.

(a) Finding.—The Congress finds that oversight of significant rules will be enhanced if they are subject to congressional review and approval after being proposed by an agency.

(b) Purpose.—The purpose of this title is to ensure that before a significant rule takes effect—

(1) Congress is given an adequate opportunity to review the rule and ensure that it is in accordance with the intent of Congress in enacting the law under which the rule is proposed; and

(2) Congress approves the rule in accordance with the procedures established by this title.

SEC. 303. REVIEW OF SIGNIFICANT RULES BY CONGRESS.

(a) Congressional Approval of Significant Rules Required.—A significant rule shall not take effect before the date of the enactment of a joint resolution described in section 304(a) comprised solely of the text of the significant rule.

(b) Reporting and Review of Significant Rules.—(1) Before a proposed significant rule would take effect as a final rule, the agency proposing the rule shall submit to each House of Congress a report containing the following:

(A) A copy of the proposed significant rule.

(B) A concise summary of the proposed significant rule, its purpose, and anticipated effects.

(C) A complete copy of any cost-benefit analysis report that has been prepared by the agency with respect to the proposed significant rule.

(D) An explanation of the specific statutory interpretation under which a rule is proposed, including an explanation of—

(i) whether the interpretation is expressly required by the text of the statute; or

(ii) if the interpretation is not expressly required by the text of the statute, an explanation that the interpretation is within the range of permissible interpretations of the statute as identified by the agency, and an explanation why the interpretation selected by the agency is the agency's preferred interpretation.

(E) Any other relevant information or requirements under any other Act and any relevant Executive order.

(2) Upon receipt of a report under paragraph (1), each House of Congress shall provide a copy of the report to the Chairman and ranking minority party member of each committee with jurisdiction over the subject matter of the report.

(c) No Inference To Be Drawn Where Congress Fails To Approve.—If Congress fails to enact a joint resolution approving a proposed significant rule, no court or agency may infer any intent of Congress from any action or inaction of Congress with regard to such rule or related statute.

SEC. 304. CONGRESSIONAL APPROVAL PROCEDURE FOR SIGNIFICANT RULES.

(a) Introduction.—Not later than 3 legislative days after the date on which an agency submits a report under section 303(b) containing the text of any proposed significant rule, the majority leader of each House of the Congress shall introduce (by request) a joint resolution comprised solely of the text of that significant rule. If the joint resolution is not introduced in either House as provided in the preceding sentence, than any Member of that House may introduce the joint resolution.

(b) Referral and Consideration.—The joint resolution shall be referred to the appropriate committee of the House in which it is introduced. The committee may report the joint resolution without substantive revision and with or without recommendation or with an adverse recommendation, or the committee may vote not to report the joint resolution. If the committee votes to order the joint resolution reported, it shall be reported not later than the end of the period (not to exceed 45 legislative days) established for consideration of the joint resolution by the Speaker of the House of Representatives or the majority leader of the Senate, as the case may be. Except in the case of a joint resolution which a committee votes not to report, a committee failing to report a joint resolution within such period shall be automatically discharged from consideration of the joint resolution, and it shall be placed on the appropriate calendar.

(2) A vote on final passage of the joint resolution shall be taken in that House on or before the close of the 90th legislative day after the date of the introduction of the joint resolution in that House.

(3)(A) A motion in the House of Representatives to proceed to the consideration of a joint resolution under this section shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(B) Debate in the House of Representatives on a joint resolution under this section shall be limited to not more than 4 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a joint resolution under this section or to move to reconsider the vote by which the joint resolution is agreed to or disagreed to.

(C) All appeals from the decisions of the chair relating to the application of the Rules of the House of Representatives to the procedure relating to a joint resolution under this section shall be decided without debate.

(D) Except to the extent specifically provided in the preceding provisions of this subsection, consideration of a joint resolution under this section shall be governed by the Rules of the House of Representatives applicable to other joint resolutions in similar circumstances.

(4)(A) A motion in the Senate to proceed to the consideration of a joint resolution under this section shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(B) Debate in the Senate on a joint resolution under this section, and all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(C) Debate in the Senate on any debatable motion or appeal in connection with a joint resolution under this section shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the joint resolution, except that in the event the manager of the joint resolution is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a joint resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(D) A motion in the Senate to further limit debate on a joint resolution under this section is not debatable. A motion to recommit a joint resolution under this section is not in order.

(c) AMENDMENTS PROHIBITED.—No amendment to a joint resolution considered under this section shall be in order in either the House of Representatives or the Senate. No motion to suspend the application of this subsection shall be in order in either House, nor shall it be in order in either House for the presiding officer to entertain a request to suspend the application of this subsection by unanimous consent.

(d) TREATMENT IF THE OTHER HOUSE HAS ACTED.—If, before the passage by one House of a joint resolution of that House described in subsection (a), that House receives from the other House a joint resolution described in subsection (a) comprised of the same text, that:

(1) The procedure in that House shall be the same as if no joint resolution had been received from the other House.

(2) The vote on final passage shall be on the joint resolution of the other House.

(e) CONSTITUTIONAL AUTHORITY.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 305. EXISTING RULES.

(a) GENERAL.—Any existing rule may be revised or revoked in accordance with this section if a petition for review so requests.

(b) INTRODUCTION.—If a petition for review is filed with the Clerk of the House of Representatives or the Secretary of the Senate, the Clerk or the Secretary shall determine whether the petition meets the requirements of subsection (d). If the Clerk or the Secretary determines that a petition meets those requirements, he or she shall notify the majority leader of that House. The majority leader so notified shall, within 3 legislative days, introduce a joint resolution (by request) that makes the revision or revocation of existing rules proposed by the petition upon the enactment of that joint resolution. If the joint resolution is not introduced as provided in the preceding sentence, then any Member of that House may introduce the joint resolution.

(c) PROCEDURES FOR CONSIDERATION IN THE HOUSE OF REPRESENTATIVES AND THE SENATE.—Any joint resolution introduced under subsection (b) shall be considered in the House of Representatives and the Senate in accordance with the procedures respecting a joint resolution set forth in section 304.

(d) PETITIONS FOR REVIEW.—A petition for review under subsection (a) shall contain the following:

(1) Any rule affected by the petition and the contents of that rule as it would exist if a joint resolution revising or revoking that rule pursuant to the petition were enacted.

(2) For a petition in the Senate, the signatures of 30 Senators, or for a petition in the House of Representatives, the signatures of 120 Members.

SEC. 306. DEFINITIONS.

For purposes of this title:

(1) AGENCY.—The term "agency" has the meaning given that term in section 551 of title 5, United States Code (relating to administrative procedure).

(2) RULE.—(A) The term "rule" has the meaning given such term by section 551 of title 5, United States Code, except that such term does not include—

(i) any rule of particular applicability including a rule that approves or prescribes—

(I) future rates, wages, prices, services, or allowances therefor,

(II) corporate or financial structures, reorganizations, mergers, or acquisitions thereof, or

(III) accounting practices or disclosures bearing on any of the foregoing, or

(ii) any rule of agency organization, personnel, procedure, practice, or any routine matter.

(B) The term "final rule" means any final rule or interim final rule.

(3) SIGNIFICANT RULE.—The term "significant rule" means any rule proposed by an agency that is specified or described as such in the Act that authorizes the rule.

SEC. 307. EXEMPTION FOR MONETARY POLICY.

Nothing in this title applies to any rule concerning monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.

H.R. 994

OFFERED BY: MR. TRAFICANT

(Page and line number references are to Amendment No. 1)

AMENDMENT NO. 5: Page 33, line 17, strike "and", in line 21 strike the period and insert "; and", and after line 21 insert the following:

(vii) regulations or other agency statements that impose trade sanctions against any country that engages in illegal trade activities against the United States that are injurious to American technology, jobs, pensions, or general economic well-being.

H.R. 994

OFFERED BY: MR. TRAFICANT

(Page and line number references are to Amendment No. 1)

AMENDMENT NO. 6: Page 33, line 17, strike "and", in line 21 strike the period and insert "; and", and after line 21 insert the following:

(vii) regulations or other agency statements that ensure the collection of taxes from a subsidiary of a foreign company doing business in the United States.

H.R. 994

OFFERED BY: MR. TRAFICANT

(Page and line number references are to Amendment No. 1)

AMENDMENT NO. 7: Page 33, line 17, strike "and", in line 21 strike the period and insert "; and", and after line 21 insert the following:

(vii) regulations or other agency statements that protect the health and safety of the American worker.

EXTENSIONS OF REMARKS

THE CLINTON "DEFENSE": ANOTHER STEP TOWARD TROUBLE

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1996

Mr. CUNNINGHAM. Mr. Speaker, President Clinton's 1997 defense budget returns us to a Carter-era hollow military. It's like the difference between Desert Storm and Desert One, Jimmy Carter's failed mission to rescue hostages in Iran. By chopping about $10 billion from 1996 spending, President Clinton jeopardizes the military's ability to train, repair and maintain equipment, and ultimately to defend our Nation.

While the defense pot shrinks, President Clinton has increased our commitments to places like Haiti and Bosnia, costing the Pentagon and the taxpayer billions of dollars. He identifies spending for some important initiatives, but remains silent on where the cuts will come from. The fact is they will eventually come from important accounts that fund training, maintenance and upgrades to equipment. Either President Clinton is assuming Congress will provide necessary funding for defense, or he is not serious about defending our country.

Our soldiers who risk their lives for our country are continuously being asked to do more with less. Without the proper training and equipment our national security and our soldiers suffer. The 3-percent pay raise for our soldiers included in the bill will help them make ends meet back home, but we must do more than that. We must make sure our military personnel have the training and equipment necessary to do their jobs. Cutting defense spending makes this difficult, if not impossible, to do.

Clinton's shortsighted defense policy has been recognized by the Joint Chiefs of Staff who admit that defense has been under funded. Congress, which recognized the problem, kept its promise to begin fixing it. We began making the investments necessary to maintain America's standing as the world's most formidable military power. Unfortunately, while we took one step forward, President Clinton's 1997 defense budget takes us two steps back.

SALUTE TO DAMASCUS, MD, AMERICAN LEGION POST 171

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1996

Mrs. MORELLA. Mr. Speaker, I rise today to salute the 50th anniversary of American Legion Post 171, which is located in my congressional district. This post has over 360 active members; several members have been with the post for 50 years. The post is headed by Comdr. Robert Morris with help from Gerald Duvall, Leonard Tolley, Robert Morris, Robert Ray, Luther Burke, and Jack Day.

The American Legion has a history of contributing to the community since its founding after the First World War as a "patriotic, mutual-help, and community service organization." The membership consists of honorably discharged wartime veterans of the U.S. Armed Forces. Today's members, men and women, have served overseas in World War II, Korea, Vietnam, Lebanon, Granada, Panama, and Desert Storm. All are committed to improving their communities through active volunteerism. These efforts have helped many people, most especially our youngsters.

Of particular note are the many activities and programs for young people. Every year, Post 171 helps send teenagers to Boys State and Girls State, sponsors an awards program for elementary school children and Boy Scout troops, and provides a college scholarship program for high school students.

Mr. Speaker, please join me in saluting the efforts of the veterans of American Legion Post 171. They are an important, vital part of Maryland's Eighth Congressional District.

IN HONOR OF BILL AND FRANCES HOGAN: TWO OUTSTANDING CITIZENS CELEBRATING 70 YEARS OF MARRIAGE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1996

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to two outstanding citizens, Bill and Frances Hogan, who celebrated their 70th wedding anniversary on March 1. Father John Doherty of St. Andrew's Church, Bayonne celebrated a special Mass in their honor on Saturday, March 2 at noon.

Saturday's remembrance acknowledged the enormous contributions made by Bill and Frances Hogan to their family and community. March was destined to be an important month for Mr. and Mrs. Hogan; Frances was born on the 14th of the month and Bill on the 26th. On March 1, 1926, the future Mr. and Mrs. Hogan were married by Msgr. Charles Doyle in the same St. Andrew's Church where their union will be commemorated. On that happy day, the bride and groom were attended by Ed and Carrie Van Dwight as best man and maid of honor.

This joyful marriage produced eight children to follow in their parents' footsteps of service to the community: Virginia, Donovan, Cecilia Van Wagner, Dolores, Matt, Bill, Jerry and Bernadette Stuponski. Mr. and Mrs. Hogan are the proud grand-parents of 28 and great grand-parents of 19 with 1 more due in May.

Bill Hogan is a citizen who has distinguished himself with dedication to his community in Bayonne. Mr. Hogan was an active participant in the administration of his town's judicial system serving as chief court clerk for over 25 years. In addition to his duties as father and public official, Mr. Hogan was a founder of the Police Athletic League program in Bayonne. A sports enthusiast, Mr. Hogan also served as a coach in both the Bayonne Little League and Catholic Youth Organization programs.

Frances Hogan is an individual inspired with a commitment to family and her fellow citizens. Mrs. Hogan played an integral role in the development of her children. As a full-time mother, Mrs. Hogan's guidance led to her children becoming responsible community members. After her children had grown, Mrs. Hogan went to work for the Bayonne Economic Opportunity Foundation. A very religious woman, Mrs. Hogan also became an extremely active member of St. Andrew's parish.

It is an honor to have two such exceptional individuals residing in my district. They exemplify the important relationship that exists between family and community. I ask my colleagues to join me in recognition of Bill and Frances Hogan's life-long commitment to their community and to each other.

CUBAN EMBARGO NOT THE ANSWER

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1996

Mr. BEREUTER. Mr. Speaker, Cuba's shootdown of two civilian aircraft, resulting in the loss of four American lives just over a week ago, was a reprehensible and cowardly act. Certainly, a swift and decisive response from the U.S. Government is entirely warranted. Whether the Clinton administration has chosen the appropriate response is far less certain.

This Member would call to the attention of his colleagues an editorial in the March 3, 1996 edition of the Washington Post, entitled "The Great Cuban Embargo Scam". A key intent behind the embargo legislation is to discourage foreign investment in Cuba by allowing Cuban-Americans to sue in U.S. Federal courts those foreign companies doing business on land once owned by these exiles. Author Louis F. Desloge argues that, conversely, companies are unlikely to abandon viable operations in Cuba because of lawsuits, and would be more than willing to settle out of court.

Mr. Speaker, this Member would ask that Mr. Desloge's editorial from the Washington Post be placed in today's RECORD and urges that his colleagues read it.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

[From the Washington Post, March 3, 1996]

THE GREAT CUBAN EMBARGO SCAM

(By Louis F. Desloge)

Virtually everyone agrees that President Clinton should retaliate forcefully against Cuba's tragic and murderous downing of two civilian aircraft last weekend. But the least effective and most counterproductive punishment is Clinton's acquiescence to the Helms-Burton bill to tighten the U.S. embargo of Cuba. This legislation, which the White House endorsed last week, albeit with reservations, will only play into Castro's hands by creating an expansive loophole for property claimants, especially wealthy Cuban Americans, to circumvent the embargo.

Jesse Helms and Dan Burton, conservatives whom I admire, are no doubt sincere in their motivation to subvert Castro's rule by applying economic pressure on his regime. However, they may very well achieve just the opposite of what they seek by buttressing, not undermining, Castro's support at home and weakening, not strengthening, the embargo's prohibition on trade with Cuba.

The Helms-Burton bill is a slick stratagem. Its stated purpose is to tighten the embargo by allowing Cuban Americans to have the unprecedented right to sue, in U.S. federal courts, foreign companies doing business on land once owned by these exiles. The idea is to discourage foreign business investment in Cuba, thus undermining the island's financial recovery which, the bill's supporters naively hope, will result in a collapse of the Castro regime. The bill's practical consequences are a different story.

A little-noticed provision in the Helms-Burton measure will enable a small group of Cuban Americans to profit from the economic activity occurring in Cuba.

To understand this provision, one must first know who helped write it. As the Baltimore Sun reported last May, the bill was drafted with the advice of Nick Gutierrez, an attorney who represents the National Association of Sugar Mill Owners of Cuba and the Cuban Association for the Tobacco Industry. Gutierrez acknowledges his involvement, as does Ignacio Sanchez, an attorney whose firm represents the Bacardi rum company. Sanchez told the Sun that he worked on the bill in his capacity as a member of the American Bar Association's Cuban Property Rights Task Force and not as a representative of the rum company.

It is not hard to surmise what these former sugar, tobacco and rum interests will do if and when the law takes effect: sue their competitors who are now doing business in Cuba.

Gutierrez told the Miami Herald last fall as saying that he (and his clients) are eyeing a Kentucky subsidiary of British-American Tobacco (B.A.T.) that produces Lucky Strike cigarettes. B.A.T. has a Cuban joint venture with the Brazilian firm Souza Cruz to produce tobacco on land confiscated from his clients, Gutierrez claims.

Bacardi would be able to sue Pernod Ricard, the French spirits distributor, currently marketing Havana Club rum worldwide. Bacardi claims that Pernod Ricard's rum is being produced in the old Bacardi distillery in the city of Santiago de Cuba.

Here is how this vexatious scheme will work if Helms-Barton becomes law. The former landowner of a tobacco farm files a suit in federal court against British-American Tobacco and seeks damages. If both sides want to avoid prolonged litigation they can reach an out-of-court settlement whereby the former tobacco grower can now share in the profits of the ongoing B.A.T.-Brazilian joint venture in Cuba. Likewise, Bacardi could reach a settlement to get a share of Pernod Ricard's profits from sales of Havana Club internationally.

These agreements do not need the blessing of the U.S. government. This is the million dollar loophole in Helms-Burton. The bill states: "an action [lawsuit] . . . may be brought and may be settled, and a judgment rendered in such action may be enforced, without the necessity of obtaining any license or permission from any agency of the United States."

What will be the practical result? Foreign companies like Pernod Ricard and British-American Tobacco are unlikely to abandon viable operations in Cuba because of a lawsuit. More likely, these foreign businessmen will agree, reluctantly, to pay off Cuban exiles suing under Helms-Burton. Given the choice of forfeiting millions of dollars invested in Cuba or their financial interests in the United States, the practical business solution might be to give the exiles a cut of the action. Far better to have 90 percent of something than 100 percent of nothing, these businessmen will reason. Allowing Cuban Americans a share of their profits will just be factored in as another cost of doing business.

Indeed, Helms-Burton gives the Cuban exile community a strong financial stake in Castro's Cuba. If the foreign businesses simply withdrew in the face of Helms-Burton, the exiled tobacco, sugar and rum interests would get nothing. But if British-American Tobacco or Pernod Ricard or any other foreign firm now doing business with the Castro regime offers an out-of-court settlement to Cuban American exiles, who is going to turn them down? Given the option, at least some people are going to choose personal enrichment over the principle of not doing business with Fidel. After all, Fidel has been in power for 37 years, and the exiles are not getting any younger.

The Clinton White House is not unaware of the scam at the heart of the bill. Before the shooting down of the plane, the president had objected to the provisions allowing U.S. nationals to sue companies doing business in Cuba. During last week's conference with Congress, the president's men surrendered and asked for a face-saving compromise: a provision giving the president the right to block such deals later on if they do not advance the cause of democracy in Cuba. But how likely is Clinton to block Cuban Americans in Florida, a key election state, from suing Castro's foreign collaborators later in the final months of an election year? Not very.

The bottom line is that Clinton, in the name of getting tough with Castro, has endorsed a bill that allows the embargo to be evaded and protects Cuban Americans who want to legally cut deals to exploit their former properties in Cuba while the rest of the American business community must watch from the sidelines.

In fact, the legislation could encourage a massive influx of new foreign investment in Cuba. Armed with the extortionist powers conferred by the legislation, former property holders could shop around the world for prospective investors in Cuba and offer them a full release on their property claim in exchange for a "sweetheart" lawsuit settlement entitling them to a piece of the economic action. Thus, the embargo is legally bypassed and everyone laughs all the way to the bank.

Actually, not everyone would benefit. The Clinton-endorsed version of Helms-Burton only exempts the wealthiest cabal of Cuba's former elites from the embargo's restraints. The bill will only allow those whose former property is worth a minimum value of $50,000 (sans interest) to file suits. And you had to be very rich to have owned anything of that value in Cuba in 1959. If you were a Cuban butcher, baker or candlestick maker, too bad. This bill is not for you.

What could be more useful to Castro in his efforts to shore up his standing with the Cuban people? The spectacle of the U.S. Congress kowtowing to these Batista-era plantation owners and distillers provides Fidel his most effective propaganda weapon since the Bay of Pigs debacle. Castro surely knows that the overwhelming majority of the Cuban people—60 percent of whom were born after 1959—would deeply resent what can be characterized, not unfairly, as an attempt to confiscate their properties and revert control over Cuba's economy to people who symbolize the corrupt rule of the 1950s. Rather than undermining Castro's rule, this bill would drive the people into his camp.

Where is the logic in denying the vast majority of the American people the right to become economically engaged in Cuba if it is extended to only a select, wealthy few? Is the concept of "equal protection under the law" served if non-Cuban Americans are now relegated to the status of second-class citizens? Or is the real intent of this bill to allow rich Cuban exiles the opportunity to get a jump start and thereby head off the "gringo" business invasion certain to follow the demise of the embargo and the inevitable passing of Castro.

Let us put an end to this special interest subterfuge. Whatever obligation the United States had to my fellow Cuban Americans has been more than fulfilled by providing us safe haven and the opportunity to prosper and flourish in a free society. Providing us, once again, another special exemption which makes a mockery of the American Constitution, laws and courts, not to mention making a farce of U.S.-Cuban policy, is an insult to both the American and Cuban people.

If we are going to lift the embargo for a few wealthy exiles then, fine, let us lift it for all Americans. To be fair and consistent, why not liberate the entire American community to bring the full weight if its influence to bear upon Cuban people? Implementing an aggressive engagement policy to transmit our values to the Cuban people and to accelerate the burgeoning process of reform occurring on the island has a far better chance of ending Castro's rule than the machinations of Helms-Burton.

WORKFORCE PARTNERSHIP AWARD

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1996

Mr. RADANOVICH. Mr. Speaker, the National Association of Private Industry Councils [NAPIC] will be in Washington, DC, on March 3 to open an important conference on improving America's work force. At this conference, well-deserved recognition will be given to Ruiz Food Products, Inc. for their progressive leadership and tireless efforts in enhancing our Nation's goal of a better educated labor force. As the 1996 recipient of NAPIC's Workforce Partnership Award, Ruiz Food Products located in California's Tulare County, has shown that its efforts to energize the area's commitment to develop job skills have not gone unnoticed. Ruiz Food Products, with the vision of individuals such as Fred Ruiz, has clearly forged the strategic partnerships with private industry councils necessary to lift up, in an era of downsizing, a sometimes discouraged work force. My hat's off to them since America is a better place for their efforts. Many of the unique and compassionate programs they have developed, such as on-site education and literacy enhancement centers, strike a ringing cord of commitment in a society increasingly silent on these matters. Mr. Speaker, I would like to extend the recognition of this Congress to Ruiz Food Products' recent job well done.

INTRODUCTION OF THE OWENS RIVER VALLEY ENVIRONMENTAL RESTORATION AND MANZANAR LAND TRANSFER ACT OF 1996

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1996

Mr. LEWIS of California. Mr. Speaker, today I join my colleague, BOB MATSUI, in introducing the Owens River Valley Environmental Restoration and Manzanar Land Transfer Act of 1996.

This legislation releases outdated watershed withdrawals on lands managed by the Bureau of Land Management [BLM] in order to acquire land for the Manzanar Historic Site which is managed by the National Park Service [NPS]. Lifting these outdated withdrawals are necessary to facilitate land exchanges between the BLM and the Los Angeles Department of Water and Power [LADWP] and Inyo County, CA. The Manzanar site is currently owned by LADWP. This legislation also makes other lands in the area available for the long-term community expansion and other uses as identified in the BLM's Bishop Resources Management Plan.

This legislation is necessary to carry out the intent of Public Law 102–248 which established the Manzanar National Historic Site to provide for the protection and interpretation of the historic, cultural, and natural resources associated with the relocation of Japanese Americans during WW II.

Further, this legislation will allow an innovative and unique environmental restoration project to move forward. The intent of this environmental restoration project is to revive 60 miles of the Owens River Valley in Inyo County, CA. This project will lead to increased wetlands, riparian areas and wildlife—including fish and waterfowl. This restoration project is another step in the ongoing and positive relationship which has developed between Inyo County and LADWP.

The development of this legislation was a process which involved active participation from local citizens in Inyo County, the Inyo County Board of Supervisors, officials from the BLM and the Park Service, LADWP and Japanese-American community. Mr. MATSUI and I look forward to swift consideration of this important measure by our colleagues on the House Resources Committee and expedited consideration by the full House.

THE OWENS RIVER VALLEY ENVIRONMENTAL RESTORATION AND MANZANAR LAND TRANSFER ACT OF 1996

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1996

Mr. MATSUI. Mr. Speaker, I am pleased to join my colleague JERRY LEWIS in introducing legislation that would allow the Federal Government to rapidly obtain the lands designated as the Manzanar National Historic Site.

During World War II, 11,000 Japanese-Americans were held at the Manzanar Internment Camp. These individuals were some of the over 120,000 Japanese-Americans interned at 10 sites throughout the United States.

The National Park Service determined in the 1980's that of the 10 former internment camps, Manzanar was best suited to be preserved and to thus serve as a reminder to Americans of the glaring violation of civil rights that the internment represented. As a result, the Congress passed legislation in 1992 to establish a National Historic Site at Manzanar.

The legislation that Mr. LEWIS and I are introducing will allow us to finish the process of creating the Manzanar National Historic Site. The bill will make it possible for the Federal Government to obtain the Manzanar site through a land exchange with the Los Angeles Department of Water and Power [LADWP], which currently owns the property. LADWP recently reached an agreement with the National Park Service, the Bureau of Land Management, and Inyo County that identifies a land exchange that can occur rapidly once our legislation is passed. I commend these parties, as well as the Manzanar National Historic Site Advisory Commission and the Japanese-American community, for their work in bringing us to this stage in the process. I also deeply appreciate the commitment of my colleague, JERRY LEWIS, to this effort.

In 1988, the Congress passed legislation to make redress for the suffering that Japanese-Americans endured as a result of the internment. In addition to directing an official apology by the Federal Government and symbolic payments to Japanese Americans that were interned, the bill included efforts to educate Americans about the internment. In many ways, this final aspect of redress is the most important. It is essential that we instill in our citizens a high level of public awareness about the internment, so that our country never again makes such a terrible mistake. Creation of a national historic site at Manzanar clearly will make an important contribution to this effort. I urge my colleagues to support this bill, so that we can quickly make the Manzanar National Historic Site a reality.

THE POSTREPRODUCTIVE HEALTH CARE ACT

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1996

Mrs. SCHROEDER. Mr. Speaker, today I and my colleagues, Congresswomen WATERS, NORTON, WOOLSEY, and JACKSON-LEE, are reintroducing the Postreproductive Health Care Act. This is a bill that former Representative Marilyn Lloyd introduced in the previous Congress to address the all-too-often ignored health care needs of older women.

This legislation directs the Secretary of Health and Human Services [HHS] to provide grants to health clinics serving women so they can develop programs to meet the unique needs of mid-life and older women.

Most clinics devote the majority of their resources to serving young women in their reproductive years, providing family planning and prenatal care services. For some women, this is their only contact with the health care system. As these women age and their need for reproductive and childbirth-related care ends, so may their contact with the health care system. Yet women's health needs do not end at menopause; in fact, they often increase.

This legislation would enable clinics to provide a continuity of service from the reproductive years through the menopausal years. It would help clinics offer services and train professionals in mid-life issues such as menopause, hormone replacement therapy, hysterectomy, and cancer screening/prevention. And it would provide funds to help train clinic staff about issues affecting older and mid-life women.

The bill also would help improve outreach services to low-income women in such areas as heart disease, breast cancer, and osteoporosis. Information and education are urgently needed for these women. While both breast and cervical cancer increase with age, disproportionately fewer low-income women over age 40 have had a clinical breast exam and mammogram; the figures for pap smears are even more dismal.

Menopause is a confusing time for many women, especially those who do not have the resources to differentiate between medical facts, harmful stereotypes, and lore. This legislation would fight misinformation with accurate information and services specifically related to menopause.

I urge my colleagues to support this much-needed approach to preventative health care for women.

NATIONAL SPORTSMANSHIP DAY

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1996

Mr. REED. Mr. Speaker, I rise in honor of National Sportsmanship Day, which is being observed today in the United States and throughout the world. Since its inception in

1991, over 7,000 schools in all 50 States and 48 countries have joined in the National Sportsmanship Day festivities.

National Sportsmanship Day was conceived by the Institute for International Sport, located in my congressional district at the University of Rhode Island. This year's slogan, "Dare to Play Fair," challenges athletes, coaches, administrators, and parents to reflect on the true meaning of competition and to discuss the importance of ethics and fair play in sport, the classroom, and everyday life.

The institute has enlisted the help of several Sports Ethics Fellows, including two time Boston Marathon winner and Olympic gold medalist Joan Benoit Samuelson, to promote this event. These men and women are wonderful role models who can be admired for more than just their athletic prowess. They have consistently demonstrated an interest in furthering the principles of honesty and integrity in sport and society.

Indeed, the Sports Ethics Fellows are helping to teach the important lessons of National Sportsmanship Day by writing articles relating to sportsmanship and assisting in the development of programs for National Sportsmanship Day. Through competition, young athletes can learn that while winning is a goal worth working for, honor, discipline, and hard work are more important. These values will guide them in all aspects of everyday life.

Mr. Speaker, I ask my colleagues to join the President's Council on Physical Fitness and Sports and the Rhode Island congressional delegation in recognizing this day and the principles it embodies.

TRIBUTE TO MORTON GOULD

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1996

Mr. BERMAN. Mr. Speaker, almost 1 year ago I extended my congratulations to Morton Gould who was honored with the 1995 Pulitzer Prize for music composition. Sadly, Mr. Gould passed away on February 21, and today I wish to pay tribute to him.

Mr. Gould was one of the century's most celebrated American composers and conductors, whose career spanned eight decades. A child prodigy, he composed and published his first work at the age of 6, and was a pioneer of live radio broadcasts at the age of 21, as the star, host, and conductor of long-running radio programs on the Mutual and CBS Radio Networks.

His compositions explored and elevated all aspects of American style by integrating folk, blues, jazz, gospel, and other elements of music. Orchestras throughout the United States and the world have performed his compositions and they have been enjoyed by all.

He has been honored with numerous awards including a Grammy award and 12 Grammy nominations, the 1985 Medal of Honor for Music from the National Arts Club, and the Kennedy Center Honor in 1994 for a lifetime of contributions to the performing arts. He also served on the board of directors of ASCAP for over 36 years and was its president from 1986 to 1994.

Morton Gould was not just a wonderful musician, he was also a warm and humorous man. I enjoyed working with him over the years, and am saddened by his loss. I offer my most sincere condolences to his family. Mr. Gould's memory and spirit will forever live on in his music.

TRIBUTE HONORING CAROLYN LINEBACK ON THE OCCASION OF HER RETIREMENT

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1996

Mr. GILLMOR. Mr. Speaker, I rise today to pay tribute to an outstanding public servant in northwest Ohio. On March 8 of this year, Carolyn Lineback, the grants administrator for the city of Bowling Green, will retire.

Carolyn can look back on her career with great pride. During her tenure she researched and wrote successful grants in excess of $10 million to the city. By working in close association with numerous Federal and State agencies, including the Federal Housing and Urban Development Department, the Ohio Department of Transportation, and Ohio Department of Natural Resources, she has literally improved the lives of all the residents of Bowling Green.

Americans would not be able to enjoy the blessings of our country without the tireless dedication of those who have the talent and willingness to work for the community. It is for this reason we owe a special debt of gratitude to people like Carolyn, who had done an outstanding job as grants administrator. Whether it was her activism in establishing 911 in the area or her involvement in numerous business and housing programs, Carolyn Lineback has shown an impressive dedication to the causes of public service, public health, and public safety.

Mr. Speaker, we have often heard that America works because of the unselfish contributions of her citizens. I know that Ohio is a much better place to live because of the dedication and countless hours of effort given by Carolyn Lineback. While she may be leaving her official capacity, I know she will continue to be actively involved in those causes dear to her.

I ask my colleagues to join me in paying a special tribute to Carolyn and wishing her, her husband Richard, their children Lyn and Anne and their families, all the best in the years ahead.

TRIBUTE TO JOSE JOSE

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1996

Mr. ORTIZ. Mr. Speaker, I ask that the House commend today a great Mexican pop singer, Jose Jose. Jose Jose is to Hispanic music lovers throughout the United States and Latin America what Frank Sinatra is to many 1950's music fans.

Jose Jose is a crooner who has enthralled Spanish-speaking audiences with his sweet, gentle manner. He is stylish and elegant, and his voice conveys a passionate blend of strength and vulnerability.

He was born Jose Romulo Sosa Ortiz in February of 1948 and first appeared on the music scene in Mexico in the late 1960's. His commercial success in music, however, did not come until the 1970's. He was the first Latino artist in the United States to sell over 1 million albums.

In the 1990's, after years of stardom, Jose struggled publicly with a divorce and a bout with alcoholism. But, he was sustained during this time by the love and kindness of his family, friends, and a faithful public. Last year he triumphed over the difficulties in his life, and used his experiences to communicate—through music—the pain and agony of life.

Songs full of candor describe his long climb back from the pain of chemical dependency and divorce. His new songs are autobiographical, talking about relationships, of losing someone and finding a way back. Some of his emotional songs include "El Triste" (The Sad One), "Promesas" (Promises), and "Reflexiones" (Reflections).

But Jose Jose does not dwell on sadness. Some of his greatest hits, including "Gavilan o Paloma" (Hawk or Dove), speak to facing challenges and making the right choices.

I hope my colleagues will join me today in commending Jose Jose for his lasting musical talent.

COMMENDATION FOR JAMES A. HENWOOD ON HIS RETIREMENT FROM THE PHILADELPHIA POLICE DEPARTMENT

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday March 5, 1996

Mr. BORSKI. Mr. Speaker, I rise today to pay tribute to one of Philadelphia's finest police officers, and a good friend of mine, James A. Henwood, on the celebration of his retirement from the force on January 26, 1996.

Jim was born in Philadelphia on January 27, 1949, to Emile and Eunice Henwood. He was educated throughout his young life in Philadelphia, graduating from Good Shepherd Grade School, West Catholic High School, and the prestigious Saint Joseph's College, where Jim earned a bachelor of science degree in history.

Mr. Henwood joined the Philadelphia Police Department on June 21, 1971. Upon graduation from the police academy in September 1971, he proudly served the community of the 26th district for 3 years, earning merit commendations for 1973 and 1974. Promoted to detective in 1974, Jim served briefly in the east detective district, and later moved to the northeast detective district, again being awarded commendations every year from 1974 to 1981.

Mr. Henwood was promoted to sergeant in 1981, and to Lieutenant of the major crimes division in 1985. Six months later, he was moved to the homicide division of the police department. Serving as lieutenant of homicide division from 1986 to 1989, Jim faithfully commanded a platoon of 15 detectives with citywide responsibilities to investigate all homicides, suspicious deaths, and police-involved shootings.

In 1989, Jim was appointed to be the administrative lieutenant for the 5th police district, where he directed the administrative, anticrime, and community relation functions of the 5th district and managed a staff of over 100 officers.

Finally, in 1994, Mr. Henwood was selected to be the commanding officer for the court liaison unit, where he directed a multi-faceted unit, consisting of 70 police officers, civilian clerks, and supervisors, to interact with the Philadelphia District Attorneys Office, municipal, common pleas and Federal court systems and ensure the successful prosecution of criminal cases and civil litigation.

Jim Henwood's accomplishments as a dedicated and valiant officer of the Philadelphia Police Department have earned him well-deserved respect and praise from his peers. I join his wife, Maureen, his children, Jimmy, Jessica, Brian, and Megan, as well as the rest of his family and friends in wishing him an enjoyable retirement.

IN HONOR OF JOHN NICARETTA: A DISTINGUISHED GENTLEMAN NAMED MAN OF THE YEAR

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1996

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to a distinguished gentleman, John Nicaretta, who was named man of the year by the Bayonne Chapter of UNICO. He was honored at a black tie dinner dance at the Richfield Regency in Verona on Saturday, March 2.

Saturday's festivities celebrated the many contributions made by Mr. Nicaretta to his family, country, and community. Being 1 of 12 children, family holds a prominent place in the life of Mr. Nicaretta. While attending Bayonne Technical High School, he helped his parents by doing odd jobs before and after class. As a young adult, Mr. Nicaretta worked in the kitchen of Balbo's Riviera Restaurant which was run by his family. On November 12, 1955, our honoree married Helen Dragshchuk. The union produced two children Catherine and John. In 1970, Mr. Nicaretta established Nicaretta Construction Co. with his brother Gino.

Duty to his country has played a significant role for Mr. Nicaretta. He enlisted in the U.S. Army in July 1951 at which time he attended basic infantry training and cooking school at Fort Dix, NJ. The following January Mr. Nicaretta was sent to Korea where he was promoted to mess sergeant for the 151st Combat Engineers Headquarters Co., I Corp Division. Previous experience with his family's restaurant assisted Mr. Nicaretta in preparation of meals for 300 men per day.

Community involvement has been a consistent theme in Mr. Nicaretta's life. Through the construction company, he started with his brother, Mr. Nicaretta contributed to a number of community oriented endeavors. His donation to the "Adopt-A-School Program" of Bayonne helped design two programs at the John Bailey School to promote reading and student recognition. Also benefiting from Mr. Nicaretta's generosity has been Boy Scout Camp Louis and the "Cleaner and Greener Project," which plants trees in Hudson County Park. Among the numerous organizations to which he belongs are the Assumption Catholic War Veterans, Bayonne Chamber of Commerce, Sons of Italy and the Bayonne Sicilian Citizens Club. Mr. Nicaretta is an active member of Our Lady of the Assumption Parish where he volunteers his time and talents.

It is an honor to have such an outstanding and caring individual residing in my district. John Nicaretta is a dedicated community leader. I am certain my colleagues will join me in recognition of this well deserved honor.

CUBAN ATTACK

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1996

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues two important editorials which appeared in the Omaha World-Herald on February 27 and February 28, 1996.

[From the Omaha World-Herald Feb. 27, 1996]

CUBAN ATTACK IS U.S. BUSINESS; CLINTON TOO QUICK TO CALL IN U.N.

Saturday, Feb. 24, 1996. Two American-based civilian aircraft, belonging to a Cuban exile group called Brothers to the Rescue, are blasted out of the sky by Fidel Castro's warplanes. Four people are missing and presumed dead.

President Clinton's immediate response is to slink off and ask the United Nations to do something. By Sunday evening, the Security Council is meeting in closed session. Cuba asks for more time to give its version of the event. The question of whether the United States would respond unilaterally seemed to be on hold.

Monday, Clinton belatedly came through. He halted charter air travel between Cuba and the mainland, places further restrictions on the movements of Cuban diplomats in the United States and threw his support to pending legislation to tighten U.S. sanctions against the island nation. He also allowed frozen Cuban assets to be used to help the families of the victims.

But even as Clinton acted, the effectiveness of his previous policies toward Castro came under scrutiny. Under Clinton, travel between Cuba and the mainland had become easier. Telephone links were established. U.S. businesses encountered less resistance from their own government in establishing contacts with the Cubans—indeed, when a move originated in Congress to punish them for doing business on the island, Clinton was against it.

When Castro wanted to attend the U.N. anniversary celebration in New York City, the U.S. government did not stop him. Moreover the U.S. government had urged Brothers to the Rescue pilots not to fly into Cuban air space during their flights to spot refugees at sea and notify U.S. authorities—a warning that the Brothers ignored when they dropped leaflets on Cuban cities, urging that Castro be overthrown.

U.S. concessions made no more impression on Fidel Castro than they did on Gerry Adams, apparently. A few days earlier, it was the Irish Republican Army that repaid hopeful concessions with unspeakable violence. Clinton had given the IRA and its Sinn Fein partners a claim to respectability by inviting Adams to be a guest in the White House. The naivete of that approach became clear when the IRA went back to its old practice of planting bombs where dozens of innocent people were likely to be injured.

The intentional destruction of unarmed airplanes was once considered an act of war. As Patrick Buchanan said Sunday, this was murder. U.S. citizens, flying the small planes, were the victims. Clinton was too quick, in our opinion, to turn to the United Nations. This attack endangers the peace of the Caribbean and is accordingly, America's business.

[From the Omaha World-Herald, Feb. 28, 1996]

U.N. RESPONSE TO CUBA TOO TIMID

The Clinton administration unnecessarily humbled itself by going hat in hand to the United Nations after Cuba's air force used missiles to shoot down two American-based, small civilian planes. The incident need not have required a finding by an international body that Cuba was wrong. That was self-evident. It required only an appropriate U.S. response, firm and prompt.

As it turned out, the U.N. response was minimal and perfunctory. The United States had requested a formal resolution, condemning the assault. Instead, it received a "presidential statement," which required no vote and which deplored rather than condemned. To their credit, the drafters of the statement mentioned that international covenants ban the use of weapons against civilian aircraft.

But any outrage was muted. Diplomats said there was no support for punitive action against Cuba.

Madeleine Albright, the U.S. ambassador to the United Nations, called attention to the heinousness of the Cuban barbarism when she played a tape in which the Cuban pilots expressed joy about their success and made crude remarks about their victims.

At one point, one of the fighter pilots radioed that the target was in sight and that it was a small plane. Ground control acknowledged that it was a "small plane." The pilot identified the plane as a Cessna 337. An order came back: "Authorized to destroy."

Ms. Albright said she was "struck by the joy of these pilots as they committed cold-blooded murder." Her fellow Security Council members, however, showed little outrage.

This should be a lesson to the administration. There may be times when the United Nations serves a purpose. But certainly there are other times—and this was one—when the United States has better things to do than solicit an expression of support from the United Nations.

THE IMPACT OF FAMILY PLANNING CUTS

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1996

Mrs. MORELLA. Mr. Speaker, I would like to express my dismay and disappointment with recent legislation that devastates international family planning programs.

Although this is not an abortion issue, we have opted to treat it like one. People on both ends of the abortion issue spectrum have argued that they want to strengthen the family, yet the impact of these funding cuts will result in millions of couples losing contraceptive services, millions of unwanted pregnancies, and inevitably millions of abortions. In addition, this funding cut will stymie maternal and infant health programs, as well as education about sexually transmitted diseases/HIV, around the world as agencies shuffle what little appropriations they have.

This is not the way to promote the family. The Washington Post published a Judy Mann column February 2 which addresses these devastating cuts. I submit for the consideration of my colleagues.

[From the Washington Post, Feb. 2, 1996]

EXTRACTING THEIR POUND OF FLESH

(By Judy Mann)

Congressional opponents of family planning scored a major victory last week by passing legislation that will strangle U.S. support for international contraceptive services.

Led by House Republicans and backed by the Christian Coalition and other right-wing groups that oppose abortion, these efforts ironically will lead to an additional 200,000 illegal and unsafe abortions, according to Nils Daulaire, deputy assistant administrator for policy and child health policy adviser at the U.S. Agency for International Development.

Damage to family-planning programs will be far more extensive than it appeared from early news reports about the temporary budget agreement. The legislation will decrease by 35 percent the amount of money available to spend on international family-planning programs—that is, it will cut the budget by nearly $200 million. USAID will not be permitted to spend any of its appropriation for family planning until July 1, nine months after the start of the fiscal year, which, in Daulaire's words, will cause a "tremendous disruption in services." It is the only international assistance program that is restricted in this way. After July 1, spending cannot exceed 6.7 percent per month of the total appropriated, which means that only a small amount of the whole will actually be spent before Oct. 1, when a new fiscal year begins.

Daulaire projects that as many as 5,000 more women will die over the next year as a result of unsafe abortions and mistimed pregnancies, and that roughly 500,000 additional births will result, putting further stress on child-survival programs that are strained already. Further, he says, the piecemealing restrictions imposed by Congress will increase administrative costs by four to five times, costing U.S. taxpayers $750,000 to $1 million more.

Most of the campaign against family planning has been carried out in the guise of preventing U.S. foreign aid funds from paying for abortions, although that practice has been banned since 1973. This current fight began last year when House Republicans voted for a measure sponsored by Rep. Christopher H. Smith (R-N.J.) that would have prevented any foreign nongovernmental organization from receiving any U.S. family-planning money if it attempted to provide information about abortion or lobby its own government to change regulations regarding abortion. The Senate refused to go along with the Smith language, the White House said it would veto any bill with this language, and a stalemate on the whole foreign aid package ensued.

Pressure to get a foreign operations appropriation bill mounted steadily after Oct. 1, when checks to Israel and Egypt weren't delivered, foreign aid missions weren't getting their funding, their contractors weren't being paid and population programs weren't being funded at all, according to Victoria Markell, vice president of Population Action International, a nonprofit, research-based advocacy organization that receives no federal funding.

The Smith language was cut out of the final bill last Thursday in the face of growing public outrage over the prospect of yet another government shutdown. "The ideologues had to come up with some formulation that will restrict population-planning spending as much as they could," Markell says. Neither the Senate nor the White House wanted the blame for another government shutdown.

"It's such an attack on women and children," Markell says. "How in the world can you pretend to care about child survival when we know that women and mothers are going to die without access to family planning?" She cites a World Health Organization statistic that 90 percent of children in developing countries who lose their mothers in delivery will die by their first birthday. "We know that if women have fewer children, the children they have live longer and are healthier and everyone benefits."

"One of the key priorities of our family-planning program is to reduce abortions worldwide," Daulaire says. Yet, when it became clear that the Smith language gutting family-planning services would not pass, "they decided that the way to extract a cost was by severely restricting AID's ability to provide family-planning services around the world. They understood very clearly that this language would mean not just a 35 percent reduction in funding but was really much harsher."

What is clear from this exercise is that the conservative Christian bloc of House Republicans is targeting international contraceptive and family-planning services, not just abortion services. And the people who will suffer are women and children in the poorest parts of the world. Is that the Christian way?

TRIBUTE TO CHARLES A. WALTON, SR.

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1996

Mr. JACOBS. Mr. Speaker, the following obituary appeared in the Indianapolis Star on February 20, 1996. It should have been delayed for at least 30 more years.

Charlie Walton was one of God's noblemen—undoubtedly still is now that he is in the arms of the Almighty for eternity.

Obituaries tend to be rather sterile. Just the facts. Here is another fact, Charlie Walton was one of the brightest and gentlest people who ever lived. His death leaves an enormously lonesome place in Indianapolis.

[From the Indianapolis Star, Feb. 20, 1996]

CHARLES WALTON SR., ATTORNEY, EX-CENTER TOWNSHIP TRUSTEE

Charles A. Walton Sr., 59, an Indianapolis attorney and former Center Township trustee, died Feb. 19.

Services will be at 1 p.m. Feb. 22 in Stuart Mortuary Chapel, with calling from 11 a.m.

Burial: Crown Hill Cemetery.

He was elected interim trustee in 1986 by Democratic precinct committeemen to fill the unexpired term of the late Benjamin Osborne. Mr. Walton, a controversial figure, subsequently was denied the nomination for a four-year term by party officials despite support from the precinct committeemen.

He was an attorney 36 years with several firms, including Walton and Pratt, which he helped start in 1992 with a daughter, a son and son-in-law.

Mr. Walton was elected to the Indiana General Assembly in 1964. He was also a former deputy prosecuting attorney for Marion County and an Indianapolis city attorney.

He was an unsuccessful candidate for mayor of Indianapolis in 1987.

He was a member of Metropolitan Baptist Church; National, American, Indiana, Indianapolis and Marion County bar associations; and a life member of the NAACP.

He was a graduate of Morehouse College and Indiana University School of Law, Indianapolis. Memorial contributions may be made to the Indianapolis Morehouse College Alumni Association Scholarship Fund, in care of Walton and Pratt law firm.

Survivors: wife Joan Blackshear Walton; children Charles A. Jr., John C. Walton, Mia-Lon Washington, Tanya Walton Pratt; sisters Adell Van Buren, Johnnie Marie Cliff; four grandchildren.

INTRODUCTION OF SAFE: THE SECURITY AND FREEDOM THROUGH ENCRYPTION ACT

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1996

Mr. GOODLATTE. Mr. Speaker, today, I am pleased to introduce the Security and Freedom Through Encryption Act. The SAFE Act. Twenty-seven of my colleagues in the House join me as cosponsors of this important legislation. We join Senators LEAHY and BURNS in this bipartisan initiative which is intended to send the administration two loud and clear messages:

Our antiquated export restrictions are out of step with today's technology and must be brought into the information age; and

American citizens and businesses will not tolerate big brother holding the keys to their private and proprietary information.

American consumers are demanding information security and are getting it. Without security features, the innovative content, electronic commerce, and enhanced communications capabilities necessary to make the development of the GII—global information infrastructure—a success simply will not occur. Current law allows Americans to utilize any level of encryption that innovative minds can develop, but the administration wants to change that. They want to use export controls as a back door approach to controlling the use of encryption here at home.

The administration has proposed allowing the export of products with strong security features but only if key escrow is built in. If this does not work, administration officials have said they will seek legislation forcing Americans to use only encryption to which the Government has access. We are here to tell the administration not to bother. We reject that solution as a big Government answer to a Big Government problem. It completely ignores consumer privacy and security.

While we recognize the concerns of law enforcement officials who want to preserve surveillance capabilities, the technology genie is clearly out of the bottle. The administrations' "64-bit key escrow" policy ignores the realities of today's marketplace and the technology which abounds. Criminals and terrorists are not always stupid, they are going to use the highest security to communicate and conspire that is technologically available. Terrorists will not buy American just because of it's PC.

There are currently over 500 foreign products and programs with strong encryption capabilities available in the world marketplace. These are products that U.S. companies can not even export. Some of them are here on display. These products are being produced and sold by foreign companies and can be downloaded on the Internet and used anywhere in the world.

An economic study released in December by the Department of Commerce demonstrates that failure to address these export controls by the year 2000—4 years from now—will cost the U.S. economy $60 billion and 200,000 jobs. The administration's proposed policy would be yet another blow to the U.S. computer industry. It is time we gave our companies the ability to compete rather that giving foreign competitors the advantage.

Therefore, our bill will do four things:

Continue to ensure that all Americans have the right to choose any security system to protect their confidential information.

Prohibit big brother from mandating a back door into people's computer systems.

Make it unlawful to use encryption in the commission of a crime or to willfully coverup a crime.

Allow the U.S. computer industry to export generally available software and hardware if a product with comparable security is commercially available from foreign suppliers.

U.S. software companies, world leaders in cutting edge technology, must have the freedom to develop products with strong security features which meet computer user demands and privacy concerns in the United States and abroad. Mr. Speaker, this is a bipartisan effort that I urge of all my colleagues to join and support.

The original cosponsors are Representatives DELAY, BOEHNER, MOORHEAD, SCHROEDER, GEJDENSON, MANZULLO, COBLE, BARR, BONO, LOFGREN, CAMPBELL, ESHOO, DOOLITTLE, FARR, MCKEON, ENGLE, WALDHOLTZ, EWING, MICA, CHAMBLISS, EVERETT, EHLERS, ORTON, MATSUI, BOUCHER, CHABOT, and MOAKLEY.

Mr. Speaker, I would like the text of my legislation reprinted in the RECORD.

IN SUPPORT OF FREEDOM OF THE PRESS

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1996

Mr. RADANOVICH. Mr. Speaker, as an avid believer in the Constitution of the United States of America, I take particular pride in the diversity of our people and those who make use of the powers vested in our Constitution to make this country great.

There are several people in my district who share in my desire to keep the minority community informed about issues at home and abroad. People such as Bee Vang, who interned in my office last summer, is now the anchor of Hmong TV USA and Uniting Hmong Radio. Rafael Hernandez, El Grafico newspaper director, keeps the Hispanic community abreast of issues with his weekly newspaper. Harout Sassounian, who has many ties with the large Armenian-American population in the district, is the publisher of the California Courier in Glendale, CA. Finally, there is Mark Kimber, who has made the California Advocate a reputable publication in Fresno for nearly three decades.

Recently there was an article in The Fresno Bee, the leading newspaper in my congressional district, in which the writer, Karla Bruner, wrote about the minority media, and its impact on the 19th Congressional District. Her Journalistic talents and keen awareness of minority communities in the district make her account all the more informative.

The press has played an important part in shaping our history and our great Nation. I salute the above mentioned people for their valuable contributions to the 19th District. I take pleasure in sharing the following article by Karla Bruner for the Fresno Bee:

MINORITY MEDIA OUTLETS STRIVE TO TELL THEIR SIDE OF THE STORY

A handful of racial and ethnic groups in Fresno are practicing freedom of the press their way.

Frustrated with mainstream media that they believe do not represent their ethnic community well or just do not speak the language, they have set up their own media groups.

Joining this tradition will be The Hmong American Times, which will begin publishing Feb. 1. It will replace The Hmong Times, which began under another name in 1990.

Locha Thao, the newspaper's new publisher, said he entered the business to help his community, not to make money.

"We need voices. We need a newspaper in our own language for the elders to understand," he said. Several thousand subscribers are expected to continue paying for the newspaper. Other copies are distributed free at Hmong stores and businesses.

Thao echoes one of the main reasons why Hmong, Armenians, Hispanics and African-Americans run their own newspapers, television and radio programs. They do not want to be stereotyped. They want to maintain their identity.

"The black press has been an institution in our community for hundreds of years. We support our own media, tell our own story. It's a historical fact that the general media doesn't represent us," said Mark Kimber, publisher of the California Advocate newspaper in Fresno, a weekly publication that has served the African-American community for almost 29 years. It has 22,000 paid subscribers.

Kimber said that many times when the mainstream media show African-Americans, they are being arrested. He said his newspaper tries to highlight the accomplishments of African-American lawyers and doctors.

Bee Vang, an anchor for Asian Broadcasting, which airs Hmong-language programs on local television stations, knows Kimber's frustration.

"[The mainstream media] usually represent the worst side of the Hmong," he said.

That does not mean journalists in the minority media represent their communities in a positive light only, he and others said. Vang said the Hmong program last year aired the story regarding the rape of a girl by Hmong youths, for example.

"The thing is, we talk to the leadership of the community," he said. "Say we do a story and we talk to leaders to ask them how the [Hmong] culture is affected—then there's less of a negative response [to the story]."

Rafael Hernandez, director of El Grafico, a Spanish-language weekly in Fresno, said his newspaper is not afraid to go after anyone—even if they are Hispanic. About 20,000 copies of the newspaper are distributed at no charge in Fresno.

"We're not like big newspapers who are afraid of lawsuits. * * * We write what the people want," he said.

Harut Sassounian, publisher of the California Courier, a 38-year-old English-language Armenian newspaper, said minority-run newspapers serve a special role.

The California Courier was published in Fresno until 1988 and is now in Glendale. It has 3,000 paid subscribers.

He said minority-run newspapers are like the "village newspaper that is read by everybody."

"The Fresno Bee and New York Times aren't going to take a political position on every Armenian issue and people want direction," he said.

INTERNATIONAL WOMEN'S DAY—NEW JERSEY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1996

Mr. PALLONE. Mr. Speaker, I am pleased to pay special tribute today to an important series of events that will take place on International Women's Day. International Women's Day will be celebrated with great enthusiasm and energy throughout New Jersey on March 8, 1996, and I am delighted to be able to help organizers in their goal of recognizing the achievements and contributions of working women.

International Women's Day is one of New Jersey's most exciting community initiatives. Its New Jersey inception dates back to 1909 in Metuchen which is in my Sixth Congressional District.

Created as an opportunity to facilitate discussions on women and work, International Women's Day has over the past 85 years inspired many young women to better understand their working futures in a global context.

On Thursday evening, Mr. Speaker, a public event will be held at Rutger's Cook Campus

Center to offer awards to those selected from over 400 student essays collected from throughout New Jersey. This is a special evening and will help start International Women's Day—New Jersey, as each awardee and presenter will help to inspire the goals of International Women's Day.

Mr. Speaker, I rise today to offer a special congratulations to International Women's Day—New Jersey on their achievement of becoming the first State to plan a statewide celebration in schools and universities this Friday, March 8, 1996.

It is truly commendable that New Jersey has so many leaders committed to making an important event, such as International Women's Day—New Jersey, a vivd reality. To know that this event will be celebrated in every school district in each of New Jersey's 21 counties is remarkable and I hope each individual can take the important lessons from these events.

Mr. Speaker, we do not always have the opportunity to honor an organization with such a rich history of progressive thought and I am so proud to be able to recognize their achievements today.

International Women's Day will be an unqualified success and I am proud to have had the distinct pleasure of supporting this initiative throughout our State and nationally.

IN RECOGNITION OF THE HIALEAH-MIAMI LAKES ADULT EDUCATION CENTER VOLUNTEERS

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1996

Mr. DIAZ-BALART. Mr. Speaker, I rise today to pay tribute to staff and volunteers at the Hialeah-Miami Lakes Adult Education Center and to recognize their considerable accomplishments.

The Hialeah-Miami Lakes Adult Education Center is guided by the leadership of Principal Robert P. Villano and Assistant Principal Martin D. Simonoff. The backbone of the adult education center, however, is composed by the numerous volunteers who work so diligently with the adult students.

I would like to mention one of these volunteers in particular. His name is Otto Esteire. Otto has distinguished himself by his extraordinary dedication and assistance and is scheduled to receive an award from the Office of Applied Technology, Adult, Career, and Community Education.

Mr. Speaker, it is through the hard work of Otto, the other volunteers and staff, that the Hialeah-Miami Lakes Adult Education Center is able to assist students of all ages to prepare for the G.E.D. exam, to sharpen their skills in preparation for entering the work force, and to encourage them in their efforts to succeed in their goals. The entire south Florida community is grateful for their contributions.

GREEK INDEPENDENCE DAY

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1996

Mr. MOAKLEY. Mr. Speaker, I rise today in recognition of the 175th anniversary of Greek Independence Day which will take place on March 25, 1996. It is my pleasure to join the many friends of Greece and the nearly 3 million Greek-Americans living in the United States in celebrating the day the Greeks began their long struggle for independence from the Ottoman Empire.

We must remember that the ancient Greeks first developed the concept of democracy and many of their philosophies serve as the cornerstones of our modern democracy. Time has not lessened the wisdom of Aristotle's insight when he said:

> If liberty and equality, as is thought by some, are chiefly to be found in democracy, they will best be attained when all persons alike share in the government to the utmost.

March 25 is a day to reflect on these words and remember the courage of the Greeks who proclaimed their independence on that day in 1821 and fought bravely for nearly a decade. The belief in democracy and the willingness to sacrifice for it is a common heritage that the people of Greece and the people of the United States share and is reflected by the contributions Greek-Americans make nationwide.

While celebrations will take place nationwide, a very special event is planned for Boston. My friends at the Federation of Hellenic-American Societies of New England and the Greek Orthodox Diocese of Boston have organized their 2d Annual Greek Independence Day Parade. It is my great pleasure to recognize this event and I know it will be another tremendous success.

IN MEMORY OF LT. DREW DAVID HELMS, SEPTEMBER 26, 1962 TO FEBRUARY 11, 1996

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1996

Mr. STARK. Mr. Speaker, I rise today to pay tribute to Lt. Drew David Helms, a man who touched the lives of thousands. Lieutenant Helms was a member of the Salvation Army corps in California's 13th Congressional District. He passed away on Sunday, February 11, 1996, as a result of injuries received in an automobile accident.

Lt. Drew Helms grew up in Seattle where he learned the importance of service to his fellow man early in life. His parents, Gordon and Peggy Helms, were training to become Salvation Army officers and brought Drew and his older brother, Paul, along with them as they attended the School for Officers' Training. Drew grew up in the corps and credited his parents with teaching him early on to honor and respect all human life and to dedicate one's life to helping those less fortunate.

While still in Seattle, Drew met Nancy Newbould. After years of friendship and service together in the Salvation Army, they were married in 1987 while Drew was a student at Simpson College in San Francisco. In June in 1988, Drew graduated from Simpson with a bachelor of arts degree in Christian education. In 1990 Drew and Nancy, along with their 1-year-old son, Nicholas Andrew, entered the School for Officers' Training as members of the Followers of Jesus Session. In 1992, Drew and Nancy moved to Honolulu, HI, after receiving their commissions as lieutenants in the Salvation Army. Once there, Drew was appointed commanding officer of the Leeward Corps. In September of the same year, Drew and Nancy's second son, Cameron David was born. After only a year in Hawaii, the Helms family moved to Hayward, CA where Drew served as commander of the Hayward Corps. They served in Hayward together for the next 5 years and had a daughter, Katherine Leigh, in May 1995.

Lt. Drew Helms was on his way from Hayward to the corps to participate in a neighborhood feeding program when he was involved in a fatal automobile accident. He is survived by his wife, Nancy; their three children, Nicholas, Cameron, and Katherine; his parents, Majors Gordon and Peggy Helms; and his brothers Paul, Derek, and Craig. My thoughts and prayers are with them.

Mr. Speaker, I ask that you and my colleagues join me in honoring the memory of Lt. Drew David Helms. His dedication and commitment to those less fortunate should serve as an example to us all.

IN MEMORY OF PEDRO MARTINEZ ADA

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1996

Mr. UNDERWOOD. Mr. Speaker, I rise today to share with our Nation the story of a very remarkable man, Mr. Pedro Ada. During his lifetime, Mr. Ada, along with his wife Maria, made a positive contribution to the people of Guam through their hard work and dedication.

Tun Pedro, as he was known to his family and friends, was born on the Island of Saipan in 1903. He attended the business program at Sophia University in Tokyo, Japan, at age 17 and returned to Guam in 1925. In 1927, Tun Pedro married his wife and business partner for life, Maria Palomo. With only the proceeds of a $200 loan from the Bank of Guam, the Adas began their first business, a grocery store, in 1938. In 1941 the Japanese invaded our island. The occupying forces confiscated all of the merchandise in the Adas' grocery store and imprisoned Tun Pedro for a month because he was suspected of being a spy for the United States. After the island was liberated by the United States in 1944, Tun Pedro was able to reopen his grocery store across the street from the site of his old store. For the next 12 years, Tun Pedro continued to expand his business.

By 1956, the Adas had three grocery stores, warehouses in four villages, and a fleet of 18 vehicles to haul goods that came into Guam's port. On the advice of his accounting firm, Tun

Pedro incorporated his grocery business and created Ada's Inc. During the next 15 years, the Adas continued to expand their business to include a bowling alley and several office buildings. In 1970, Ada's Inc. teamed up with Chinn Ho, a Hawaiian businessman, to build Guam's first condominium project, Alupang Cove Condominiums.

Tun Pedro and his family worked during the 1970's and 1980's to renovate his various properties and to strengthen his company. In May of 1985, Tun Pedro and his wife were both awarded honorary doctorate degrees from the University of Guam in recognition of their civic and corporate leadership.

Mr. Pedro Ada was a hard-working and generous man who was dedicated to Guam. Tun Pedro had been the chairman of the board for Ada's Inc., since its beginning. He was also a charter member of the Civilian Advisory Council and a member of the Knights of San Sylvester. Tun Pedro contributed to many charities and organizations on Guam and had established the Pedro M. Ada scholarship program at the University of Guam. His accomplishments and contributions to our island will live on for many years to come. Tun Pedro passed away on November 14, 1995. I extend my condolences and the sympathy of the people of Guam to the family of Tun Pedro. Our island has been blessed by his life's work, and we appreciate the many good things he has done for Guam.

A YOUNG SPEAKER VOICES TIME-TESTED IDEALS

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1996

Mr. BARCIA. Mr. Speaker, Hubert Humphrey, a distinguished former Vice President and Senator, observed over 50 years ago, that "It is not enough to merely defend democracy. To defend it may be to lose it; to extend it is to strengthen it. Democracy is not property; it is an idea." One of the best ways of extending our democratic ideals is to help more Americans, both young and old, improve their appreciation for democracy. Tracey Sierras of Bay City, MI, has exemplified this effort with her outstanding participation in this year's Voice of Democracy contest, sponsored by the Veterans' of Foreign Wars, in which she was selected as the best speaker in the State of Michigan, and this week is participating in the national finals here in Washington.

Tracey is the manifestation of what we want our young people to be. She is concerned about her community and nation, as evidenced by her efforts in this year's speaking contest. She understands the importance of the eloquence of words being followed with the commitment of action. She is vice president of Bay City All Saints High School student council, and has been actively involved with Students Against Drunk Driving. She leads by example, including her outstanding 3.5 grade point average.

Competing for achievement is nothing new for Tracey. She has done it this year in Michigan, and is facing our Nation's best here in Washington. She is planning on making her presence known internationally as she has set her long-term goal on becoming an international business lawyer. She will take more concrete steps towards the goal when she enters Saginaw Valley State University, my alma mater, this fall, putting to good use the scholarship she won as part of the Voice of Democracy contest.

Mr. Speaker, at a time when we seem to hear stories about young people who are heading down the wrong path, who have failed to set goals for themselves and do not appreciate what life has to offer to them, it is important and refreshing for us to learn about capable, energetic and focused young people like Tracey Sierras. I know her parents, Randy and Judy, are rightly proud of their daughter. I want to add for the record that all of us in Bay City and in the fifth district are proud of her, too.

I congratulate Tracey on her accomplishments, as I do all of the other State winners. I urge all of our colleagues to join me in congratulating her as we prepare to welcome this new generation of new thoughtful leaders to the proud heritage of our Nation.

HONORING VICTOR CRAWFORD, 1933–1996

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1996

Mr. MEEHAN. Mr. Speaker, I want to take this opportunity to honor Victor Crawford, who died March 2, 1996, at Johns Hopkins Hospital in Baltimore, MD. Mr. Crawford was a leader and a national spokesman in the fight to curb tobacco use.

Mr. Crawford served in Maryland's State legislature for over 26 years. After he retired from his legislative career, Mr. Crawford became a lobbyist. One of his largest lobbying contracts was with the tobacco industry, including the Tobacco Institute, which paid him over $20,000 in fees.

As a tobacco lobbyist, Mr. Crawford used his considerable legislative and personal skills to derail a number of State initiatives that would have curbed tobacco use in public places and by young people. "I was in it for the money," he said, "and I was never concerned if people were dying."

Mr. Crawford's views on tobacco radically changed after he was diagnosed with cancer, a product of his lifelong smoking addiction. He became an eloquent and persuasive speaker on the issue of tobacco. His message was clear and sobering, "It's too late for me, but it's not too late for you."

By appearing on "60 Minutes," Massachusetts' Department of Public Health's "Let's Make Smoking History" campaign, and a radio address with President Clinton, Victor Crawford made a difference in the fight against youth tobacco use. His was a credible voice, a man who realized he had made a mistake and wanted to make amends.

Mr. Crawford will be missed not only by his family and friends but also by countless children who listened to his message and decided not to start smoking. His legacy will include thousands of healthy lives that otherwise would have ended prematurely from tobacco related illnesses.

HONORING THE SPRINGFIELD INTER-SERVICE CLUB COUNCIL AWARD WINNERS

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1996

Mr. DAVIS. Mr. Speaker, it gives me great pleasure to rise today and pay tribute to some very special people in Virginia's 11th District. These are individuals who put the good of their community above their own needs. These people received awards from the Springfield Inter-Service Club Council ISCC on February 20, 1996.

The Springfield ISCC was founded in 1986 to coordinate the good works of the numerous service clubs and civic organizations in the greater Springfield community. Today more than 60 clubs, civic organizations, and agencies are affiliated with the ISCC.

Mr. Speaker, the following individuals who received awards for their distinguished service to the community are:

Sylvia Bonner. Sylvia has been a Girl Scouts Council of the Nation's Capital Service Unit comanager in the central Springfield area since 1992, Sylvia has worked hard to build a strong cohesive program for the youth of our community. Most recently she has picked up the banner of the Springfield Santa refurbishes experienced toys for needy children during the holidays. Under her leadership Santa's Green Elves are keeping a Springfield tradition alive.

John Garilli. John with his guide dog, Guy, has served the Springfield-Franconia Host Lions Club as secretary, vice president, flea market chairman, sight chairman, and communications chairman. He is founder and advisor for the Leo Club at Hayfield High School. John and Guy also serve as spokesman for Leader Dog in the Washington metro area.

Mr. Speaker, the following individuals who received awards for their outstanding community service are:

Dominick Caridi. Dominick has been a tireless and resourceful Boy Scout leader. He led the Scouting for Food Drive in southern Fairfax County and the city of Alexandria. Under his exceptional leadership and enthusiasm the Scouts collected more than 80 tons of food for the hungry residents of the Greater Washington area.

Robert E. Denny. Robert, an author, a Civil War historian, a tireless volunteer who has worked on the developmental programs for severely handicapped residents of the Northern Virginia Training Center.

Bob Lund. Bob serves the community in many ways. As the coordinator of volunteer efforts to maintain the grounds at the Pohick Regional Library, he has coordinated the efforts of over 35 Eagle Scout service projects, serving as mentor and role model to countless young people and saving the community untold costs.

Lt. Tyrone Morrow. Lieutenant Morrow of the Fairfax County Police Department serves his community in many ways. In addition to his unselfish service as a police officer he serves as a mentor and role model for children at risk of being lost to education. Through his personal efforts as a tutor and through his inspirational example and ability to recruit others to serve as tutors, Lt. Morrow has instituted ongoing projects to help young people in our community who had nowhere to turn.

Mr. Speaker, the following individuals received the Award for Persons of the Year:

Carl and Betty Kohlmeier. Carl and Betty have been unsung heroes in our community since 1959. In service to the victims of family violence, helping the Northern Virginia Hotline, active in the United Methodist Church, and feeding the needy through "Lazarus at the Gate." With seemingly endless energy and a gift to know what is right they have quietly and ably given their hearts and their hands to ensure success in their endeavors.

Mr. Speaker, I know my colleagues join me in congratulating these fine citizens on their outstanding work. It is citizens like these, scattered across America, that provide this country with our margin for excellence, in providing services to those in need, keeping our communities clean and beautiful, and restoring the American dream to our young people. The Springfield Inter-Service Club Council and its member organizations deserve our thanks and efforts.

JACK VALENTI—ADDRESS TO THE FEDERAL COMMUNICATIONS BAR ASSOCIATION: LESSONS OF ONE OF WASHINGTON'S KEENEST OBSERVERS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1996

Mr. LANTOS. Mr. Speaker, Jack Valenti, the president and CEO of the Motion Picture Association of America, is one of the most distinguished and insightful observers of the Washington scene. As my colleagues know, Jack arrived in Washington aboard Air Force One with President Lyndon Johnson on November 22, 1963. In the three decades since Jack arrived at the White House, he has been a thoughtful and careful eyewitness to the administrations of seven Presidents and every Congress from the 88th to the 104th.

Jack shared his wisdom and thoughts about our National Government based on his first-hand participation and his perceptive observations in an outstanding address to the members of the Federal Communications Bar a few weeks ago. The lessons he shared with these attorneys are lessons that would be beneficial to all of us in the Congress as well. Mr. Speaker, I ask that the address of Jack Valenti be placed in the RECORD, and I urge my colleagues to give it thoughtful attention.

WASHINGTON, DC: "IT'S A MAKE YOU TOWN OR A BRING YOU DOWN AND BREAK YOU TOWN"

(By Jack Valenti)

As one who has spent his entire adult career in two of life's classic fascinations, politics and movies, I have known in both those worlds the great, the near great and those who thought they were great. The latter category outnumbers the first two by a long ton. I have become convinced that movie people and politicians spring from the same DNA.

They are both:

Unpredictable.

Sometimes glamorous.

Usually in crisis, imagined or otherwise.

Addicted to power.

Anxious to please.

Always on stage.

Hooked on applause.

Enticed by publicity.

Always reading from scripts prepared by someone else.

Constantly taking the public pulse.

Never really certain, except publicly.

Indeed, it's difficult to say which deserves more the description of entertainment capital of the world, Hollywood or Washington, D.C.

The lyrics of the song "This Town," as sung by Frank Sinatra explain most accurately what Washington is all about. Sang Old Blue Eyes: "It's a make you town or a bring you down and break you town."

Which is why I would like to talk tonight about what I have learned since I arrived in the Federal City aboard Air Force One on November 22, 1963. In the intervening 32 years I have in turn been an intimate participant at the highest station of this government, serving my President with loyalty and fidelity, as well as a clinical observer through the administrations of seven Presidents, from the 88th Congress through the 104th Congress. Perhaps some of these musings will be some casual interest of a few of you. They are quite interesting to me.

So, let me count the lessons I have learned. Or more accurately, lessons learned as defined by my experience, not necessarily by yours.

I learned that in the White House there is one enduring standard by which every assistant to the President, every presidential adviser, every presidential consultant must inevitably be measured. Not whether you went to Harvard or Yale, or whether you scored 1600 on your SATs, or whether you are endlessly charming and charismatically enable or whether you made millions in what we sardonically call "the private sector." These are all attractive credentials which one may wear modestly or otherwise. But when the decision crunch is on in the Oval Office they are all merely tracings on dry leaves in the wind. What does count, the ultimate and only gauge, is whether you have "good judgment."

I learned that no presidential decision is ever made where the President had all the information he needed to make the decision. There is never enough facts. Very quickly, the decision corridor grows dark, the mapping indistinct, the exit inaccessible. What is not useful are precedents or learned disquisitions by Op-Ed page pundits, some of whom would be better suited to raising pigeons. Finally, the decision is made on judgment alone. Sometimes the judgment is good. Sometimes it is not.

You don't learn "good judgment" in the Ivy League or by reading the New York Times, the Washington Post or even the Weekly Standard. It is well to remember, as Oscar Wilde once said, that from time to time nothing that is worth knowing can be taught. Judgment is something that springs from some little elf who inhabits an area between your belly and your brain, and who from time to time, tugs at your nerve edges, and says, "no, not that way, the other way." This mysterious inhabitant is called instinct, intuition, judgment. It is the one ingredient on which the rest of human condition depends for guidance.

I learned that the one political component above all else which can insure electoral victory or crushing defeat is timing. A whack to your political solar plexus six to eight months before an election is survivable. Two weeks before the election, and you're dead. Ask Jimmy Carter. In politics, twenty-hours is a millennium.

I learned that economic forecasts beyond about two weeks have the same odds of accuracy as guessing the winning numbers in the D.C. lottery. If you truly believe in long-term predictions of economic activity, estimates based on so-called "real numbers," which is the mantra of the current budget debate, then you are enrolled in a defunct mythology. Economic forecasts are usually unwarranted assumptions leaping to a preconceived conclusion. Just remember, whenever an economist can't remember his phone number, he will give you an estimate.

I learned that when there is no unamiable issue like war, or prospect of war or recession or economic disaster, most people vote for a President viscerally not intellectually. Most people choose a President romantically, a choice made in unfathomable ways which is how romance is formed. Like John Kennedy and Ronald Reagan.

I learned never to humiliate an antagonist and never desert a friend. In a political struggle, never got personal else the dagger digs too deep. Your enemy today may need to be your ally tomorrow.

I learned that nothing lasts. What is up will inevitably go down and sooner or later in reverse. It took forty years, but the House changed masters. Victory is often the prelude to defeat. President Bush can rise to testify about that. Failure is often the precursor of triumph. Ask Bill Clinton. Richard Nixon tasted both ends of those beguiling equations. The breeding ground of politics is irrigated and nourished by change. As one who has fallen from political power, I can instruct George Stephanopoulos in how quickly you lose your charm and your enticements when you no longer sit at the right hand of the Sun King.

I learned that a political poll is Janus in disguise. The life of a poll is about 10 nanoseconds. It is already in decay when it is published. A political poll, like the picture of Dorian Gray, is the face of entropy. The veteran professionals know that. The old pols use polls to raise money. When polls are up, go for the fat wallets. But the politician who persistently lifts his wet finger to test the political polls before he acts, usually leaves office with a wet finger.

I learned that if a President, a Congressman, a Senator does not have convictions, he or she will be right only by accident. I must confess I have a grudging admiration for those freshmen House Republicans who won't budge from their fixed convictions. They truly believe, heavily, explicitly. Which is why Speaker Gingrich is finding out what Mirabeau finally knew: When you undertake to run a revolution, the difficulty is not to make it go. It is to hold it in check.

But I have also learned that the frustrating constant of modern day American politics is perennial gridlock, caused by forces at either extreme. It has been said that a man does not show his greatness by being at the end of one political boundary or the other, but rather by touching both at once. In our free Republic, political parties argue and shout, but finally they touch both ends of the extremes and draw them together. That is called "compromise." It is not an ignoble word. Compromise is the canopy under which men and women finally behave wisely, once they have exhausted all other alternatives. Without compromise, parliamentary bodies will "split into a bundle of unfriendly and distrustful fragments."

I have learned that if we live in the incestuous world of Washington long enough we become, in the main, skeptics, cynics, who view with lacerating contempt the boobs and the rabble, the unlearned and unlettered, who live out there, somewhere east of Beverly Hills and west of the Beltway. But those boobs are the very folks who over two centuries of cruel disjointings have sustained this free and loving land.

I have a special feeling for the rabble. My grandparents were part of that rabble. They came to Texas from Sicily, poor immigrant peasants, strangers in a strange and wondrous land. They became unabashed patriots, which to them meant fierce loyalty and unbreakable fidelity to their new country.

These days we are uneasy with the designation "patriot." We regard it in much the same queasy manner as one does holding a wolf by the ears. Too bad. When the night is full of knives, when lightning is seen and drums are heard, the patriots are always there, ready to fight, and ready to die if need be, to defend their country and to protect those who stayed home, for sound and convenient reasons, of course.

But the greatest lesson I have learned, the most important of my education, is really the essential imperative of this century. It is called leadership. We brandish the word. We admire its light. But we seldom define it. Outside Caen in the Normandy countryside of France is a little cemetery. Atop one of the graves is a cross on which is etched these words: "Leadership is wisdom and courage and a great carelessness of self." Which means, of course, that leaders must from time to time put to hazard their own political future in order to do what is right in the long term interests of those they have by solemn oath sworn to serve. Easy to say. Tough to do.

I remember when I first bore personal witness to its doing. It was in December, 1963. Lyndon Johnson had been President but a few short weeks. At that time I was actually living on the third floor of the White House until my family arrived. The President said to me on a Sunday morning, "call Dick Russell and ask him if he would come by for coffee with you and me."

Senator Richard Brevard Russell of Georgia was the single most influential and honored figure in the Senate. His prestige towered over all others in those years before the dialogue turned sour and mean. When in 1952, the Senate Democratic leader's post fell open, the other Senators turned immediately to Russell, imploring him to take the job. "No," said Russell, "let's make Lyndon Johnson our leader, he'll do just fine." So at the age of 44, just four years in his first Senate term, LBJ became the youngest ever Democratic leader and in a short time the greatest parliamentary commander in Senate history.

When Russell arrived, the President greeted him warmly with a strong embrace, the six-foot four LBJ and the smallish, compact Russell, with his gleaming bald head and penetrating eyes. The President steered him to the couch overlooking the Rose Garden, in the West Hall on the second floor of the Mansion. I sat next to Russell. The President was in his wing chair, his knees almost touching Russell's, so close did they sit.

The President drew even closer, and said in an even voice, "Dick, I love you and I owe you. If it had not been for you I would not have been Leader, or Vice President or now President. But I wanted to tell you face to face, please don't get in my way on this Civil Rights Bill, which has been locked up in the Senate too damn long. I intend to pass this bill, Dick. I will not cavil. I will not hesitate. And if you get in my way, I'll run you down."

Russell sat mutely for a moment, impassive, his face a mask. Then he spoke, in the rolling accents of his Georgia countryside. "Well, Mr. President, you may just do that. But I pledge you that if you do, it will not only cost you the election, it will cost you the South forever."

President Johnson in all the later years in which I knew him so intimately never made me prouder than he did that Sunday morning so long, long ago. He touched Russell lightly on the shoulder, an affectionate gesture of one loving friend to another. He spoke softly, almost tenderly: "Dick, my old friend, if that's the price I have to pay, then I will gladly pay it."

Of all the lessons I have learned in my political life, that real life instruction in leadership on a Sunday morning in the White House was the most elemental, and the most valuable. It illuminated in a blinding blaze the highest point to which the political spirit can soar. I have never forgotten it. I never will.

SENATE—*Wednesday, March 6, 1996*

(Legislative day of Tuesday, March 5, 1996)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND.]

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Lord God, You are infinite, eternal, unchangeable, and the source of wisdom, holiness, goodness, and truth. Today we want to hold together two Biblical admonitions. We are told that the fear of the Lord is the beginning of wisdom but also that we are not to fear. Help us to distinguish between the humble awe and wonder that opens us to the gift of Your guidance, and the negative panic that so often grips our souls.

Give us a profound reverence in Your presence that keeps us on the knees of our hearts. May we never presume that we are adequate for a day's challenges until we have received Your strength and vision. Give us the confidence that comes from trust in Your reliability and resourcefulness. You never let us down and constantly lift us up.

Lord, liberate us from all minor fears that haunt us: the fear of hidden memories, the fear of imagined failure, and the fear of what is ahead. We may not know what the future holds, but we do know that You hold the future. In the name of Him whose constant watch word is "Fear not, I am with you!" Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished acting majority leader, Senator LOTT, is recognized.

SCHEDULE

Mr. LOTT. Mr. President, today there will be a period for morning business until the hour of 11 a.m., with Senators permitted to speak therein for 5 minutes each, with the following exceptions: Senator FEINSTEIN, for 15 minutes; Senator DORGAN, for 15 minutes, Senator BINGAMAN, for 30 minutes; Senator THOMAS, for 30 minutes.

At the hour of 11 a.m., it will be the intention of the leadership to begin consideration of a resolution regarding the extension of the Whitewater Committee. Rollcall votes are, therefore, possible during today's session.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CAMPBELL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota is recognized for 15 minutes.

THE AMERICAN PEOPLE HAVE CHOICES TO MAKE

Mr. DORGAN. Mr. President, yesterday was so-called Junior Tuesday, where there were a lot of Presidential primaries in our country. It is one more step in this public discussion that happens every even numbered year under the Constitution in our country whereby the American people make choices about their future.

It is interesting to watch the political system this year because the discussion and debate in our political system is fascinating and interesting to me and, I think, millions of others. There is one area especially that has me confused. We have, at the same time, candidates for public office who will tell us that this country is in terrible shape, America is in deep trouble, the Congress cannot do anything right, and America is going down the wrong road. We have other candidates who say that the solution to at least one of our problems is to build a fence between the United States and Mexico to keep immigrants out.

I scratch my head and wonder, why would we want to build a fence to keep people out? Why do people want to come? Because this is a wonderful place, a remarkable country, a country full of hope and opportunity, a country many others look to as a beacon of hope in the world. So what is the disconnection here? Why is it that one group of people say it is an awful place, this country is going to hell in a handbasket, and other people say we have too many people who want to come here, so let us build fences to keep them out?

I could make the case as a politician, find a lectern and an audience and go on the stump and tell people about America: There are 23,000 murders a year, and we are the murder capital of the world. The United States consumes 50 percent of the world's cocaine. There are 110,000 rapes in a year, and there are a million violent aggravated assaults in a year. Ten million people are looking for work, 25 million are on food stamps, and 40 million people are living in poverty. There will be a million and a quarter babies born this year without a father present at the birth, and 900,000 of those babies will never in their lifetimes learn the identity of their fathers.

I can talk about the challenges and the troubles in this country. We entertain ourselves with everybody's dysfunctional behavior. We, every day and every way, on television and elsewhere, hold it up to the light on Oprah and Phil and Geraldo and Ricki, all of those programs, and say, "Is this not ugly?" "Is this not awful?" Yes, it is ugly. But it is the exception. So it becomes entertainment, entertaining people with other people's dysfunctional behavior. This country is much, much more than any of that. The crime, the poverty, and the unemployment are challenges we have to respond to in this country. But this is a country that got through a civil war and united on the other side. This is a country that survived a depression and got through on the other side. This is a country that defeated Hitler and cured polio and put a man on the Moon. This is a country with remarkable resources and remarkable will.

The question is, How do we as a country and as a government—a representative government as called for in our Constitution—together create the things and do the things necessary to advance our country's interests and make it a stronger, better country for everybody in the future? We have a chorus of people who tell us that the solution is just get rid of Government. The problem is our Government.

We have done a lot of good things in this country together. I worry about a country where we treat as a public sport an effort to essentially try to denigrate our institutions. I worry about a democracy where there is not respect for the institution of government, because government is all of us. The people rule this place. Nobody but the people rule this Senate, because the people determine who serves here. Those they want out will very soon be out; those they want to retain, who they believe fight for the right public policies and the right kind of future for this country, will stay.

There is an enormous capacity for good in all of us, to do the right thing for this country's future, if we decide to concentrate not on what is wrong with these institutions, but decide to make sure these institutions work to create real solutions to the real problems confronting the American people.

Some would say the answer is just term limits. If we can impose term limits and get all these evil, venal people out of these institutions and move all the knowledge out the door with them, then we have something that is good for America. In fact, I saw all these folks who come to the floor of the Senate this year. I saw people who served here 20 and 30 years march to the floor of the Senate and vote for term limits. They did not believe in term limits; not for a minute. They felt politically, I suppose, it is the thing to do. Make sure those who have experience are told, "You cannot serve anymore." I would not trade one Bob Dole for 75 freshman Republicans in the House, just because I think the people here with the experience and the people who are here who understand the value of doing the right things through this institution of government, an institution that is all of ours, are the people who are finally going to advance this country's interests, not Democrat or Republican, but just Americans, working together to solve problems.

What are the problems in this country? They are legion. There are a lot of them. Personal security issues—we must deal with crime and do it in the right way. Values—diminished standards and values in this country are of concern. We must deal with that in the families, the neighborhoods, and the communities all across this country.

I want to talk today about the centerfold of what ought to be the debate in 1996. That is the economy and jobs. We have a circumstance in this country that is described well, I think, by two pieces in the Washington Post 2 weeks apart. First, "Labor Cost Rise in '95 was Lowest on Record." Blue collar workers, this says, had benefits or labor costs increasing 2.5 percent. That is not even the rate of inflation, just under the rate of inflation. So, workers down at the bottom of this country—the people who work, manufacture, and produce—are not quite keeping up with inflation. Two weeks later, "CEO's at Major Corporations Got a 23 Percent Raise Last Year." Average salary? $4 million. Some of them got raises while they downsized and streamlined and cut out 10,000, 20,000, or 40,000 jobs to be more competitive.

What does that mean, being more competitive? It means they are global enterprises. They do not sing the National Anthem. They do not say the Pledge of Allegiance. What they want is profit for their stockholders, and they want to do that any way they can. If that means hiring people who work for 12 cents a day, 12 hours a day, even if they are 12 years old, in some foreign country to make tennis shoes, rugs, or shirts, and then ship the product to Pittsburgh, Fargo, or Denver and sell them, if that spells profit, that is just fine for those interests because it is in their economic interests, but it is not in this country's interest.

The center of the economic debate in this country is how do we provide the incentives to keep good jobs here in this country and prevent jobs from leaving? Now, we have a trade deficit that I am not going to talk about at great length. Pat Buchanan is out there and that lit the fuse on the debate. On part of it he is right, and on part of it he is wrong. The debate ought to be this: We ought not in this country create circumstances where we tell enterprises, "If you move your jobs and your plant overseas we will make a bargain with you. Your Federal Government will give you a tax break."

Can you think of anyone in the U.S. Senate who would decide to go out and hold a town meeting or announce for election and decide, "My hypothesis is this: I am going to decide to run on this proposition. I believe that we ought to provide a tax cut or a tax loophole or a tax break for manufacturing firms who close their businesses in the United States and move them overseas." How many votes do you think that politician would get? They would get booed out of every single room in this country and should be booed out of every single room in this country.

Do you know something? That provision now exists in our Tax Code, and we had a vote on it last October. I tried to get that provision repealed, saying we should no longer have an insidious provision in our Tax Code that pays companies to move their workers overseas—pays companies to shut down their manufacturing plant in our country and move their jobs overseas. Do you know how many people voted against my proposal to close that insidious loophole? Fifty-two. Fifty-two people said, "We believe we ought to keep that tax loophole."

The old advice in medicine, to save the party you stop the bleeding. If we are going to start talking about jobs—and we ought to be; that ought to be the central issue in this Chamber—we ought to start with step one. Every person in this Chamber ought to stand up on this question, and I will give them the opportunity a dozen times if it takes it this year, because we will vote on this proposition again and again and again: Do you believe we ought to have a provision in our Tax Code that says shut your plants down here, move your jobs overseas, and we will reward you, we will give you a big fat tax break worth billions of dollars. That is going to be closed this year, one way or another. This Senate is going to vote, and the vote is going to be different than the 52 votes against me last October. I believe we ought to do that as a first step—shut down that insidious tax provision.

The second step we ought to do is take the advice of the Senator from New Mexico, Senator Bingaman, and many others who worked on the high-wage task force, and start providing incentives to those who create good jobs in this country. Stop the hemorrhaging of jobs out of this country and start rewarding and providing incentives for those who create jobs in this country. We can talk forever about all the other ancillary issues, but what is important to the American family is this: 60 percent of them sit down for dinner these days and around the dinner table talk about their lot in life. What they discover is that they are working harder and, after 20 years, have less income. After 20 years, they have lost income when you adjust for inflation.

That is not the American dream. The American dream is to work harder and do better and hope your kids do better than that. But we now have an economic circumstance where the largest enterprises in our country and in the world have decided they want to produce where it is cheap and sell into established markets, which means American jobs leave. We have to decide as a Congress and as a country what it is we are going to do to rebuild once more an infrastructure of good manufacturing jobs in America.

I have said before and I will say it again until people are tired of it, you cannot measure America's economic strength by what we consume. The people at the Federal Reserve Board with thick glasses, living in concrete bunkers, every month they measure what we consume. They think heart attacks are a source of national strength and an earthquake is a source of national economic enterprise. Hurricane Andrew added one-half of 1 percent to the gross domestic product in our country. That is true. That is the way the Federal Reserve Board measures economic progress, what do they consume. They document what we consume, not the damage. That is not what economic health is.

Economic health in this country will be measured by what we produce. Do you have a vibrant, working manufacturing sector that is competitive and produces in a way that is competitive with the rest of the world, and also produces good jobs with good income for American workers? If you do not have that, nothing else much matters to those families who are having dinner and losing money and talking about their lot in life, knowing that their wages are going down, their job is less secure, they have fewer benefits, and they know that the future for their children is less bright than that which they face.

That is why Senator Bingaman and others—all of us have worked together to try to create a circumstance where we can begin to debate in this Chamber the center of the economic debate in the country: How do you create and retain good jobs in America? There is not any way that we ought to lose on the international economic stage. We just should not.

I grew up in a town of 300 people, which is probably the case with many Members of the Senate. It was a small town. When I walked to school I knew I came from the country that was the biggest, the best, and the strongest. We could beat anybody in the world at anything and we could do it with one hand tied behind our back.

Our competitors are shrewd, tough, international competitors. The world has changed. We cannot countenance unfair trade. We cannot countenance dumping in our markets. We cannot countenance economic enterprises that decide they want to produce where it is cheap to produce and sell back to our established market, even if it means fewer American jobs.

We must decide to stand up for the economic interests of this country. It is not to say we ought to build a wall to keep things out. It is to say, whether we are talking about the Japanese trade surplus with us or our deficit with them, that we insist you buy more from us. If you have a $50 billion trade surplus with us, or we a deficit with you, then we insist you buy more from us because that is what translates into more American jobs. Our failure to do that consigns us to a future of lower standards of living because of these trade deficits, and that is not something I am prepared to accept. It is not something I believe my constituents are prepared to accept.

It is something we can alter, we can change, if we, in this Chamber, finally get rid of all these distractions and get to the center of the economic debate: What about good jobs in America's future? How do we create them and how do we keep them? And can we take the first baby step by deciding, all of us, that we will finally and completely close the insidious loophole in our Tax Code that actually rewards companies to move jobs overseas, and then begin to take other steps to say we want to, in addition to stopping jobs going overseas with juicy tax breaks, we want to provide incentives that will help create new jobs, good jobs, good paying jobs in this country? And that represents part of the work that we have done in the Democratic caucus, especially with the task force headed by Senator BINGAMAN.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Kentucky [Mr. FORD] is recognized.

Mr. FORD. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is in morning business. Several Senators have reserved time to speak.

Mr. FORD. I did not want to interrupt anything. Could I have 5 minutes?

The PRESIDING OFFICER. All Senators may speak for up to 5 minutes each.

Mr. FORD. Well, could I have 5 minutes?

The PRESIDING OFFICER. The Senator from Kentucky.

WORKERS' DECLINING STANDARD OF LIVING

Mr. FORD. Mr. President, I think we all ought to listen to the Senator from North Dakota. I think the Senator from North Dakota laid it out very well and if we listen to what he says and the direction he wants to go, he has within him the American dream. It was instilled in him as a boy. He could be my son. That's the difference in age. I hope I have instilled into my son that he has that opportunity.

But, Mr. President, our Nation's economy is strong and it is growing. Home ownership, when you read the records, is at its highest rate in 15 years. Mr. President 7.8 million new jobs have been created in the last 3 years. And the administration's 1993 economic plan has cut the deficit nearly in half. However, for the first time—and I underscore first time—in our country's history, productivity is surging but real wages for workers are declining. That is unacceptable. That is just unacceptable, that productivity is surging and real wages for workers are declining.

The majority of Americans are working longer and harder, as my friend from North Dakota said, without the promise of higher wages or job security from their employers.

The days of having one parent at home with the child, or children, are becoming a distant memory for many, many families in this country. American working families need both parents' incomes now, in order to make ends meet. The number of two-worker families rose by more than 20 percent in the 1980's and more than 7 million workers—think about this—7 million workers are holding more than one job. At least two. The largest increase in population of working spouses was among families earning the least money.

There is no question the standard of living of American working families is declining. Workers have invested their hard work, their time—and let me underscore—loyalty to the company they work for, and employment in the companies, and are being repaid with layoffs, downsizing, and relocation by these same employers.

The American dream is fast becoming a distant vision for many American working families.

Society is changing with the growth in technology. Computers are replacing jobs that were once done by hand. We need to change the outlook for the American work force by adjusting our education and training opportunities to reflect the needs of the marketplace.

We can no longer view the development of a skilled work force separately from development of the business community. By adjusting to the needs of the business community we can provide our workers with good jobs at real wages. Government cannot solve this problem alone.

Let me give an example. In my home State of Kentucky the business community, the educational community and local leaders are working together through school-to-work, and work force development programs, to create jobs for the future. We are creating high-technology jobs at high-technology wages. This is a partnership: Education, partnership with business; partnership with government.

Government cannot be all things to all people but it can be an honest partner.

Kentucky has taken the approach that students not entering college should have both a high school diploma and certified skills, enabling them to enter the work force at a living wage.

So, Mr. President, in order to prepare our work force of the future we must maintain the tools such as school-to-work that have succeeded in places like my State of Kentucky. The President has requested that funding for school-to-work be restored and I think it should be in the next continuing resolution. I ask my colleagues to support this add-back, which will assist 27 States in building statewide school-to-work transition systems.

I appreciate the efforts of my colleagues, Senator BINGAMAN, Senator DASCHLE, Senator DORGAN. I feel their report addresses issues that are foremost in the minds of American families.

I read the other day a statement, I do not know who to attribute it to, but I am going to repeat it. "A cut in education never heals."

A cut in education never heals, and in there lies our responsibility.

The PRESIDING OFFICER. Under the previous order, the Senator from New Mexico, Senator BINGAMAN, is recognized to speak for up to 30 minutes.

AMERICA'S WORKING FAMILIES

Mr. BINGAMAN. Mr. President, I commend my colleague from Kentucky for that eloquent statement about the problem, and also the Senator from North Dakota for his eloquent statement about the extent of the problem and our efforts to find at least some partial solutions to the problem.

As both of my colleagues have said this morning, there are millions of American working families that are scrambling to pay the bills each month. They are working longer hours. They are taking home less money in real spendable money. Yet what they are having to pay for education and for health care is going up, and many of these same families are afraid of being laid off from their jobs.

So we do have a problem and the problem is twofold. The problem is that our economy has grown too slowly in the last couple of decades. And, second, the people who are doing the work in our economy, whether they are working for large companies or small companies or nonprofit organizations—the people who are really doing the work in our economy are getting a smaller part of the benefit from the work that they do and from the profit that is being realized.

Last spring I went to our Democratic leader, Senator DASCHLE, and urged that he set up a working group of Senators to explore options for dealing with this problem of stagnant wages. This is not, I should say, a recent problem. This is a problem that has been with us, now, since 1973. I think all economists would agree that it is a new era in our Nation's economy.

Senator DASCHLE, of course, agreed. He was enthusiastic about the idea and appointed me to chair that group. We turned out a report entitled "Scrambling To Pay the Bills, Building Allies for America's Working Families." Mr. President, I think this report summarizes very well the recommendations that we found and that we came up with that we believe seriously address the problem in a variety of areas. What I want to do this morning is to first describe the problem in some detail but then go on and describe at least the broad outlines of the recommendations that we have made.

Many people deserve credit for participating in the preparation of our report. My own chief of staff, Patrick Von Bargen, took a lead role in it; Virginia White and Steve Clemons in my office deserve special thanks, as well as Paul Brown, with the Democratic Policy Committee, and many other Senators and staff people here in the Democratic side of the Senate.

I also want to thank all the experts that we consulted with, many of whom made major contributions to what we were doing.

First, let me talk about the problem. The economy in this country is growing too slowly. It has been growing too slowly for at least 2 decades now. This issue, as I said before, has been recognized by economists. But I believe the best summary of the problem was made by Jeffrey Madrick in a recent book that he published called "The End of Affluence." That book has in it a chart which I have reproduced here so we can make the point very readily.

It points out that the long-term annual rate of growth in this country from 1870 until 1973 averaged 3.4 percent. That is a good rate of growth, and it was one that is discounted for inflation. That is a rate of growth that we had been able to maintain—at least that average rate of growth—through wars, through depressions, and through a whole variety of economic circumstances.

Since 1973, the rate of growth has slowed. That slowing of the rate of growth is a major part of the problem that we face. There has not been enough investment in productive capacity in the country. There has not been enough job creation, nor good-paying, high-wage jobs in the country. So the rate of growth of our economy has slowed to 2.3 percent during the period from 1973 until the present. That slowing of the rate of growth is a serious issue that we are trying to address with some of these recommendations.

The second serious issue that we are trying to address is that the people who are doing the work in this economy are sharing less in the benefits from the growth that is occurring. Again, we have some charts to try to make the point.

The first of these charts is a chart that shows what has happened to real hourly earnings between 1967 and 1995. These hourly earnings, as you can see, for a period from about 1967 to perhaps 1976 were going up and were reasonably high. Since the early 1970's, or the mid-1970's, they have been dropping. Clearly we are in a situation today where we are almost back—not quite, but almost back—to the same real hourly earnings that people in this country were realizing in 1967. This shows part of the problem that American working families are struggling with.

Let me show another chart. This is the drop in real average income. It is a slightly different measure, but, again, it makes the very same point. This chart shows that from 1978 until 1995 there has been almost a continuous decline in real average income for American workers.

The next chart shows the share of workers that have pension coverage in the country. By "pension coverage" I am not talking about just Social Security. I am talking about a pension in addition to Social Security. In the period from 1979 to 1989—that is just the 10-year period—you can see a dramatic dropoff in the total number or the total percentage of workers with pension coverage which dropped from 50 percent in 1979 to 43 percent in 1989. When you break that down according to the level of education of workers, you can see a much more dramatic impact on people who have not had the education. For those with less than a high school diploma, the number of those workers with pension coverage was 44 percent in 1979. It dropped to 28 percent in 1989.

The next chart is full-time male workers with health insurance. We spend a lot of time around here talking about health insurance coverage and the importance of that. Again, taking the period from 1979—this chart goes from 1979 to 1992—it shows that the total figures are that 87.3 percent of full-time male workers had health insurance in 1979. That 87.3 percent dropped to 70 percent by 1992.

Again, just to show the way that breaks out by education level, for people with less than a high school diploma, 87.7 percent of those people had some type of health insurance in 1979. That had dropped in 1987 to 53.8 percent, a mere 14 years later.

The next chart shows the job insecurity in the 1970's and 1980's. This is a very interesting chart, in my view, because it shows what is happening to a lot of families. This shows the percentage of workers that are age 24 to 58 who changed employers at least four times during the decade. That is a lot of change. In the 1970's, you can see that something around 13 percent of all workers aged 24 to 58 had to change jobs four times in that decade. When you look in the 1980's, that number, the percentage of workers who had to change jobs four times, doubled and is nearly at 30 percent. This is twice as many workers changed employers at least four times during the 1980's as changed employers during the 1970's.

The final one of these charts that I want to show on the problem is trying to point out what is called "the mean time to financial failure." By "financial failure," we essentially mean if a person loses their job, how long will it be until they have exhausted their financial resources? This is broken down by fifths, or quintiles, according to family income. For the lowest fifth of all families as far as their income level, of course, they have no time. If they lose their job, they are facing financial failure immediately. For the second fifth, it is half of 1 month until they face financial failure; the middle fifth, 3.6 months; the fourth fifth, 4.66; and even the top fifth is only a little over 18 months from financial failure. On average—that is this final column—it is 3.64 months from loss of job to total financial failure for American families.

Mr. President, I think this makes the case that there is a problem. This is not a manufactured problem. This is not a rhetorical problem. This is a real life problem that many working Americans are faced with.

The debate, unfortunately, about this problem has not been particularly productive. The debate which the public hears on the issue sort of veers from those who are surprised to discover that there is a problem on the one hand to those who recognize that there is a problem but have no plan to deal with it other than giving speeches, attacking corporate management, or attacking foreign companies or foreign countries for unfair trade practices.

There is no set of proposals that has been put forward so far in the public debate to try to come to grips with this very real problem. What we tried to do in the report that I referred to earlier was to come up with that set of recommendations and get this debate on to a serious plain.

In putting these recommendations together, we have tried to move the debate past the blame game and name calling and on to thoughtful consideration and policy options.

First, what can we do to stimulate the growth, going back to the first chart I referred to. And second, what can we do to ensure that America's working families fairly benefit from the growth that does occur? In the report that I referred to, we have some 80 specific recommendations. I am sure that no single Senator supports each, but each is a proposal that deserves to be seriously considered on its merits. I hope that this debate we are beginning now will result in that.

Let me describe the three broad areas in which we have made recommendations. First, we have made recommendations to encourage businesses to become better allies of American families, because they have a tremendous impact. And that is in this column here on the left.

Second, we have made some recommendations to make financial markets better allies for America's working families, and that is the center column.

And third, we have made recommendations on how Government can become a better ally for America's working families. Let me just describe briefly the major recommendations in each area.

Businesses, how do we help businesses to be better allies with America's working families? We concluded fairly early in our discussion that the present corporate income tax is a jumble of complexity that does not serve the best interests of any of us. In our view, we should repeal the present corporate income tax and replace it with something like the business activities tax that was proposed by Senators Boren and Danforth in the last Congress. We believe that would be a major improvement in many respects.

Let me cite some of the ways that would improve the situation. First, it would eliminate the existing preference in the tax law for debt over equity.

Second, it would incentivize investment in this country rather than overseas, an issue that the Senator from North Dakota spoke about several times.

Third, it would apply the tax as other countries apply their taxes, on imports and not on exports, so that it would encourage more exports and it would see to it that imports coming into this country pay their fair share of tax.

Fourth, it would impose the tax more equitably across all types of firms than the present income tax does.

Fifth, it would dramatically simplify the Federal corporate tax.

And finally, it would allow us to reduce by half the payroll taxes that are paid by businesses. That is a very major expense to U.S. business today, and the shift to a business activities tax would allow us to dramatically reduce the payroll tax. We would make up any lost revenue to the Social Security trust fund from revenue that we received through the business activities tax. But we believe that would be a major step forward.

One other major advantage to adopting this proposed business activities tax is it would allow us to give better tax treatment to corporations that invest in their workers and invest in America. We designated such businesses as "A-Corps," suggesting that they were allied with America's working families, and we provide that the business activities tax would be imposed at two different rates, one rate for any business with receipts over $100,000, which does not qualify as an A-Corp, a second rate for a business that does self-qualify as an A-Corp.

Let me briefly describe what we intend as the criteria for determining qualifications as an A-Corp. To qualify as an A-Corp and thereby qualify for a lower tax rate, a business would self-certify that it is, first of all, investing in its workers, that it is investing in pensions and profit sharing, investing in training and education, investing in their health care, making some contribution to help them acquire health coverage; second, that they are investing in plant and equipment in the United States, and that a reasonable proportion of their new employment created for meeting the demands of this market is in fact made and produced here in this country; third, that they are doing at least 50 percent of their research and development in this country.

Then there are several other items. Let me mention one. We do have a provision in there indicating that there should be some multiple of the compensation of top management as compared to the salary of the lowest paid worker. Now, this is controversial, Mr. President, and I do not know that the specifics of what we recommended will be embraced by everybody, but I think it is an issue that needs to be discussed.

What we basically said was that to qualify as an A-Corp, a company would demonstrate that the compensation of its top executives did not exceed the salary of the lowest paid full-time worker by more than 50 times. That may not be the right figure. I will tell you how we arrived at that. It is somewhat arbitrary. We basically said that if you are paying the lowest paid worker in your company, say, $15,000, which I think may be a low figure for most corporations, but if you are paying the lowest paid worker $15,000, if you want to pay your top CEO 50 times that, you can pay him $750,000 a year. That did not seem like an unreasonably low number to me at the time we were putting the report together. Since then, the new information out makes me doubt whether that is the right number. As the Senator from North Dakota referred to it, this article in the Washington Post of March 5 says CEO's at major corporations got a 23 percent raise in 1995. It says that the average compensation for chief executives of major companies is now $4.37 million. Obviously, 50 times the lowest paid worker does not get you up to $4.37 million. So maybe it should not be 50 times. Maybe it should be 100 times. At some point, however, I do think it is appropriate for the taxpayers of this country to say we want to give the best tax treatment to corporations that have some sense of equity and some reasonable commitment to help their own workers and do not just pay top executives exorbitant salaries at the same time that they are refusing to share any of the profit with the people who are doing the work down in the trenches. So that is another part of the issue which needs to be discussed.

Let me go on to the second column in our earlier chart which was how do we make financial markets become allies of working families as well?

The concept here is very simple. Much of the action that corporate management has to take these days which adversely affects the workers in that corporation is brought about by pressures imposed from financial markets. There is a constant pressure to look at the short-term profitability of the company. There is an inability to invest adequately in research and development, an inability to invest adequately in investments of various kinds that will have a long-term payoff. So what we are trying to do is to get something in the law to discourage the short-term focus and encourage the long-term focus.

So what we have done here is to come up with some recommendations to reduce the financial market pressure for short-term decisionmaking, to reduce financial market pressure for short-term speculation in securities by imposing a security transfer excise tax on sale of securities that occurs within 2 years of the purchase of the securities at issue.

That is the recommendation. This excise tax, this transfer tax would be similar to the ones that are now imposed in Japan and Switzerland, in Sweden, in Hong Kong, in Taiwan, and various other countries, with one major exception, that the tax goes away at the end of 2 years.

We are not discouraging investment in securities. We are discouraging speculation in short-term trading in the securities. In our view, the country will be benefited, working families will be benefited, corporate management will be benefited if the owners of the corporations have a community of interests with the corporate management and want to help them by focusing more on the long term.

We would use the revenue from the transfer tax on short-term speculation to create an A fund to create long-term investments in working families. The A fund would be dedicated, first, to funding deductions for higher education and work-skill training. Those higher education deductions—that is the $10,000 deduction the President has talked about—would be used, the resources would be used, to fund a tax credit for dependent children. They would be used to fund programs to accomplish work force training, school-to-work, efforts to achieve education goals, technology research and development, and export promotion. All of these activities, we believe, do help promote more job creation and more high-wage job creation in this country.

We also recommend a whole range of proposals to reform the securities regulation and accounting area to promote greater attention to long-term investment and performance of business by those who do invest in corporations.

Finally, one of these areas I want to talk about just briefly, Mr. President, is the issue of how we make Government a better ally of America's working families. We propose, as part of this overall package of recommendations, to reduce the tax burden on working families in several very specific ways—to cut in half the payroll tax paid by employees.

I referred earlier to the fact that the adoption of the business activities tax would allow us to cut in half the payroll tax paid by employers. We believe we should also cut in half and can also cut in half the portion of the payroll tax paid by employees. I point out to people that this is not a small item. Something over 70 percent of all taxpayers in this country pay more tax under the payroll tax than they do under the income tax. We are suggesting that the payroll tax, which is the biggest tax burden on most working Americans today, be reduced in half.

Second, we are recommending that we reduce individual income tax by increasing the standard deduction very substantially.

Third, we are suggesting—and I referred to this before—we permit the deduction of up to $10,000 for investment in postsecondary education and training—this is the President's proposal—and that we provide a $500 tax credit—a $500 tax credit—for each dependent child. We believe that all of these actions can be taken. All of them will benefit working families.

In addition to that, we can use some of the funds raised by the shift to the business activities tax and by the establishment of the A fund that will be established with the use of revenues from the securities transfer tax to increase efforts to improve education and training. We would support skill standards and academic standards for students. We would support school-to-work transition. We would support more work force training.

Let me finally say that Government, we also believe, needs to be a better ally for the self-employed worker and for small business. As part of what we recommend here, we would reduce in half the self-employment workers' payroll tax, which is presently 12.4 percent. We reduce that to 6.2 percent. We would exempt all small businesses with less than $100,000 in annual receipts from Federal business tax. Corporate tax returns today indicate that there are about 24 million people filing some type of corporate tax return.

With this change, with this single change of exempting all businesses with less than $100,000 in annual receipts, we would reduce the number of people who have to file a business return from 24 million down to 9 million. So there are 15 million businesses that today file business returns that will be exempt from filing such a return or paying a business tax after this set of recommendations are adopted.

Mr. President, let me just step back from the specific recommendations. I have gone through some of the major ones. I have not tried to give an exhaustive description of all of the recommendations in our report. But the important goal is to begin this national debate. The important goal is to recognize the centrality of this issue of how we stimulate economic growth and to recognize that we all benefit from those Americans who do the work in this country, we share in the benefits from the growth that occurs.

It is not enough to continue to give speeches about the problem. It is not enough to continue to ignore the problem. In my opinion, Mr. President, those of us in the Government need to participate in a very real and important debate at this time in our Nation's history.

Our report "Scrambling to Pay the Bills" is an effort to move that debate forward and to get us down to some concrete steps that can be taken to help working families in America to do better in the years ahead. I hope very much that the report has that effect. I hope very much that the report does stimulate this debate. I hope that, during the remaining days and weeks and months of this Congress, we can get off of some of the things that, unfortunately, take up too much of our time here.

Today, I understand we are going to spend a substantial amount of time debating the Whitewater Committee again. We debated the Cuban shootdown yesterday. We have a whole range of things that we debate around here that are not directly impacting upon the welfare of the people we are sent here to represent.

These recommendations try to bring that debate back to the issues that matter to people in our home States. I hope very much that we will seriously debate these issues between now and the end of this Congress. I hope very much that we can adopt some of the recommendations in here so that we begin providing some relief to those who are in fact doing the work in this country.

Mr. President, I thank my colleagues for their attention, and I yield the floor.

The PRESIDING OFFICER (Mr. INHOFE). The Senator's time has expired.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as in morning business for 15 minutes.

The PRESIDING OFFICER. The Senator is advised we are currently in morning business, with Senators permitted to speak for up to 5 minutes each. This unanimous-consent request—is there objection?

Mr. THOMAS. Mr. President, we reserved the last half-hour for three Members. If the Senator can take a little less than 15, we would appreciate it.

Mrs. MURRAY. I thank my colleague. I will attempt to do that.

The PRESIDING OFFICER. The Senator from Washington.

WHAT REAL PEOPLE ARE SAYING ABOUT CHILDREN

Mrs. MURRAY. Mr. President, when I left here in early February for the Senate's recess, I was exasperated. Nothing productive seemed to be happening here in Washington, DC. Budget stalemates had become an accepted way of life, rather than words to bring Members of Congress to work together to reach agreements. The battles of last year all seemed to end in stalemates. And worse, even the air in the District of Columbia seemed charged with negativity and mean-spirited rhetoric.

Today, however, I feel invigorated. My trip home to Washington State in early February was hardly relaxing, but it was extremely productive. Today, I want to take a moment to share with my colleagues why I feel a renewed sense of optimism and why I am ready to take on new challenges.

Mr. President, like many who work with our young people today, I have become increasingly concerned about what is or, more importantly, what is not happening for our youth today. I have spent my life working with young people as a mother, as a preschool teacher, as a school board member, as a Girl Scout leader, as a PTA member, as a State senator, and today as a U.S. Senator.

There is no doubt in my mind that young people today are becoming increasingly disillusioned with their world. They feel that they have no chance—more and more of them know college is out of reach; many people feel unconnected to what is taught in our elementary and secondary schools; far too many have no support from family at home. Increasingly, I hear our young people from all walks of life, from 4.0 students to gang members, say, "I don't think adults care about me today."

Indeed, the statistics about our young people are very disturbing. Almost half of Washington State children fail to read at a basic level of competence. The number of young people in my State who are incarcerated is increasing. One in sixteen girls in Washington become teen parents. That, by the way, is a higher rate than many other developed nations.

It is important to note there are some encouraging signs. The health of Washington State children, whether measured by infant mortality rates or child mortality rates or access to prenatal care, is an area of improvement.

But as I have participated in and listened to the debates and direction of this Congress from welfare reform to Medicaid to education, I have become increasingly concerned that our young people are right. Adults do not care about them. Children seem to have been relegated to the bottom of the priority pile at the exact time they are feeling so left out and alone. It is time to change direction for our young people.

Over this last recess, I set out to find what adults need to do to make this Nation a better place for our children to grow up in. I was determined to stay away from partisan battles and inflammatory debates. I wanted to engage people in a conversation about children. I wanted to find goals that we could all agree on.

On that basis, I traveled back and forth across my State for 2 weeks and invited people of all ages and backgrounds to join me in a conversation about Washington children. In four cities around the State, people came out in cold and heavy rain to a community center, to a church, a school, or a college auditorium and they talked, not just for a few minutes, but for 3½ hours. They talked about their own kids or the kid next door or their older or younger brothers or sisters.

We began each of these meetings with a short presentation of some objective local data about how kids are doing, followed by a panel discussion between local people who work with kids, followed by breakout discussions to come up with things we could agree to do.

We covered three aspects in a child's life: Health, education, and membership in community. People talked about how children have to be healthy so they can learn. They spoke of how children needed a relevant education to face a complex economy. They discussed how we must let young people know we care about them and how only then will young people feel the sense of civic responsibility and pride we all need them to feel.

As I said, this was a conversation, and I had one rule: Nobody leaves the room without participating. So we heard answers to one central question: What can we all agree to do for our children?

People brought many different voices and perspectives to these conversations. The groups heard from mothers and fathers. We heard from students, as well as kids who dropped out of school. We heard the voices of business leaders and child care workers. We heard from veterans, youth mentors, teachers, and police officers. We heard from Republicans and Democrats and Independents. We heard thoughts from our senior citizens and our seniors in high school. We heard about individual people or government services or business or charitable programs which make a real difference for our kids. We heard about kids who did not get help, who fell through the cracks or who had such a hard time there was hardly a way to start helping them.

We did not just hear about children and young people, we heard from them. Young people on our panels told us how they do not see evidence that adults care about them or their future. They talked about succeeding in school and not realizing any benefit from it. They talked about failing in school because it did not seem relevant or challenging. They spoke of adults designing programs for them but not with them. They spoke from their hearts about the lack of trust and fear that exists between them and the adults that they meet in stores and on the streets.

Overwhelmingly, they wanted to break down the walls of mistrust. The one word I heard over and over was "respect." They want real respect, not just the kind kids get from joining a gang. And they want an adult world that cares about them so they can build up their respect for adults.

At every one of our meetings, we heard the voices of young people as panelists, as group facilitators, or as group participants. Too many discussions about children from the school board meeting to the State house to the floor of the U.S. Senate happen without real participation by young people. Who better to include on matters concerning laws and policies affecting our children?

And what did all these different people with their divergent, independent, unique American voices, and opinions agree to do? Well, we are still writing down all the specifics, but I want to give you a few of the common themes that we heard.

On the topic of children's health, we heard from people committed to immunizing more children or to creating more child care slots in their local community. They agreed to meet with other citizens to build local awareness and to tap local resources for these needs. There was a strong consensus everywhere that as adults, we have a responsibility to care for our children and to ensure that they have adequate quality health care.

On education, we heard from children who wanted to participate in activities and learning experiences after school but who did not have the $35 sign-up fee for the program. They wanted to work off the fee or to earn good grades so that they could participate.

Over and over, I heard that we must make our education system relevant for tomorrow. Young people want curricula in classes that will give them the skills for the job market and focus them for the world they are entering.

On involving young people in the community, we heard from business leaders who want to increase their investment in the citizenship of young people. They agreed to donate time for their workers to help children do job shadowing or give kids a place to fit in.

There was a strong feeling from both young people and adults that every one of us must begin to take more time to be involved with each other in our neighborhoods and in our communities.

In addition to what people wanted to do, there were some trends I noticed that I want to share with you.

First, people agreed to have a polite discourse. One reason young people say today that they have a hard time getting along is that they say they have no role models. We disagree all the time in the Senate. We have genuine differences of opinion, and we express them freely. Well, I will tell you right now, we do it too freely. We need to find where we agree. All we talk about are the differences. We have to talk about the shared beliefs as well. We need to set a better example for American children and young people and be better role models ourselves.

Second, people seemed to leave their cynicism at home and brought with them a sense of hope. This happened even though we heard some bleak news about children's health, about how they are doing in school, and how they are doing in home and on the streets.

People heard that too many children still suffer from preventable health problems. Too many students cannot read or end up dropping out of school. Too many young people see no alternative to violence. Too many have no hope of ever being employed. But despite the bad news, and some good, the people at these meetings never got cynical or depressed; it just made them want to work harder.

Third, I noticed that people felt the children were too important not to talk about and to learn about and to work for. People said children are too important to scrimp on. They want us to find somewhere else to save our money. They agreed that communities are the best place to solve most problems for kids, but said you have to involve kids to get good solutions. They agreed the Federal Government should guarantee the minimums for all kids and should encourage local action. Above all, the young people and all participants agreed we should work more on children's issues and less on other things.

During these meetings, I promised to put people's ideas up on the walls of my office so every lobbyist who comes in can see what the people of Washington really care about. As people got ready to leave at the end of the evening, I asked them each to take one idea back to their local neighborhood or their community and make it happen.

The posters from these meetings are in the mail to my office in the Russell Building, and they contain very specific ideas. I encourage all of you to come by my office next week and read what people have to say.

I think you will find, as I have, that it is time to put our young people at the top of our priority list. It is time to find a way at every level to focus our schools on preparing all of our children, not just a few, for tomorrow. You will see, as I have, that people from all walks of life understand as adults we have a responsibility to give our children a strong start in life. There is much we can and much we must do to make this happen in our country today.

Not too long ago, at a hearing in Washington, DC, I heard a businessman talk about what he saw in our country today. So often we hear that Government should act more like a business. He said that any business that wants to be here in the future invests in their most important resources. He said America is acting like a business that does not plan to have a future.

I agree. It is like we are having a fire sale in our country. Children are our growth capital. They are our new physical plant. They are our inventory.

We cannot stop investing in kids now and hope to have any future in this country. This is the strong and loud message I heard from people all over my State, from all political stripes, from all ages, and all walks of life.

I was listening, and I will be working over the next months and years to put children back at the top of our Nation's agenda. I hope we can work together as adults to make that happen. Our children are worth it, our communities are worth it, and our country is worth it.

I yield the floor.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

THE STATE OF THE ECONOMY

Mr. THOMAS. Mr. President, we had reserved 30 minutes this morning for our freshman focus to talk about some of those things that are of great importance to American families, to talk about the economy, to talk about jobs, to talk about increasing wages and returns to American families.

I would like to start with three areas that I think are important, even though it is not directly involved. One has to do with how we get facts out, so that we can make decisions based on facts. Another is just to comment a little on the broader question of whether we want more Government in our lives, more Government in business, or whether we want to release the private sector to be able to create jobs and, finally, to talk a little bit about the facts as related to the idea put forth by the President that "this is the best economy in 30 years." The facts do not substantiate that.

First, let me say that it is almost a paradox, it seems to me, where we have the technical ability in this country for everyone who is interested in the world, for that matter, to know precisely what is going on every day and to know it at the time it goes on. Compare that, for example, to the ability to know what happened in your Government 50 years ago or 100 years ago when people in Wyoming did not know what the Congress had done for 3 weeks or a month—maybe they did not care. But now we have the facilities to do that. We know that if Gorbachev stands up on a tank somewhere, we see it the instant it happens. We have the ability to know that. Yet, we find ourselves, I think, in a time where most people are less able to sort out the information and bring it down to facts than we have had for a very long time.

What is happening, of course, is that the political arena is filled with spinning and posturing and seeking to make things look different than they are. I understand that, and it is not the unique province of anyone. But I am not sure that we can really sustain a Government of the people and by the people and for the people, unless the people have some facts. Part of that is our responsibility, of course. We have to sort through the stuff and come out with facts. But I have to tell you, Mr. President, that I guess I have never seen a time like there is now, where you hear something in the media, you hear something from the White House, or you hear something from this place and say, gee, I wonder if that is the case.

Second, let me talk a little bit about the idea of increasing the economy and the growth. I think there is not a person in here who would not be for that. I think it is interesting, and it just happens that my friend from New Mexico just spoke a few moments ago about his perception about how to do it. It clearly defines the greater debate that goes on in this country and that goes on in the U.S. Senate—that is, do you seek to get more and more Government involved? Do you have a tax arrangement where you tell people what they can do and encourage them to do it and get more regulation? Or do you, in fact, seek to release the private sector so that the economy can grow? Could you agree with the notion that the role of Government generally is to provide an environment in which the private sector can prosper? That is the great debate that goes on.

The Senator talked about bringing this debate back in. Let me remind my friends on the other side of the aisle that that has been the debate for a year. We have been talking about balancing the budget. Why? So you can reduce interest rates and increase the economy. We have talked about regulatory reform. Why? So that businesses can prosper and you can create jobs—good jobs, so that there is some growth in take home pay. That has been the debate.

Unfortunately, my friends have objected to everything that we have tried to do. They objected to regulatory reform, and the White House threatened to veto it. They objected to a balanced budget amendment, and they threatened to veto it at the White House. Tax relief and capital gains, so that people can invest, so you can do something with your farm when you sell it and pass it on to your kids and create a stronger economy. So the option will be—and that is fine, it is a legitimate discussion. Do you want more Government, or do you want to release the business sector so it can create these kinds of things?

Third, let me talk very briefly about the economy and the differences in views on that. The President has indicated in his State of the Union and at other times that this is the best economy in 30 years. Well, let us take a look at it. During 1995, the economy grew at 1.4-percent annual growth rate. In the previous decade, it grew at about 3.5 percent. In the last quarter of last year, it was .9-percent growth rate.

The economy has been weaker every year than it was the last year of the previous administration. It is not a matter of blaming. That is just fact. The growth recovery in terms of jobs. We have talked about 8 million jobs. If you break it down into hours and part-time jobs, it comes out to be less than half of that. For the same period in the 1980's, it created 8 million jobs.

So this has not been a time of growth, a time of economic prosperity; particularly, it has not been for families. The stock market is doing pretty good. That is fine. Those are corporate profits. But the problem is, I think, you find when you have to pay your stockholders, of course, in order to get the money to operate, you have a cost of regulation that is exorbitant and going higher, and you are squeezed in the end. But who gets squeezed? The workers. Furthermore, you do not have a growth rate that is traditionally where we have been, and you do not have competition for jobs. Salaries do not go up because competition causes salaries to go up.

We have to be honest about where we are. The fact is, it is not the best time in 30 years. It is not even as good a time as we had 5 years ago. More importantly, what do we do about it to get families into a position where salaries reflect a growing economy, or where families can have more of their own money to spend on their own kids' education and spend it as they choose? That is what it is all about. That is what this debate is about. That is what a balanced budget is about—to be financially and fiscally responsible, and also to reduce the interest rates so that the economy will grow.

That is what tax relief is about—middle class tax relief, which the President promised when he ran. He has never delivered. That is what $500 per child is about, so it goes to families. That is what regulatory relief is about. It is not a matter of regulation and specifics. It is a matter of being able to grow an economy where there are jobs and prosperity. That is what our agenda is about, Mr. President.

The final argument, of course, will be that basic argument of do you follow the suggestion that says it is the Government's task to regulate these, and let us get more government, more regulation and more involved? Or do we release this dynamic private sector to create jobs.

Mr. President, I yield the floor to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

WHERE AMERICA IS GOING

Mr. SANTORUM. Mr. President, I thank my colleague and my friend from Wyoming for his leadership on this freshman focus, a time where freshman Members of the Senate have an opportunity to get up and talk about issues of importance to the country from a perspective of those of us who are relatively new in this body. I think he is right on target to talk about the issue of the economy and where this country is going.

We have a President who is running around the country talking about how this is the healthiest economy that we have seen and we are doing great and everything is fine. It actually reminds me of another President in an election year 4 years ago, who was going around the country trying to convince the American public that the economy was fine and everything is great and this is a healthy economy and we are moving forward. The American public, frankly, did not buy it.

The reaction was very simple: What country is he living in? What country is he leading? Does he not have any understanding of what is actually going on in the economy, what we are dealing with here, that in fact the statistics show that, out of recessionary years, this economy is the slowest growing economy since the 1950's? This is not a robust economy.

The Senator from Wyoming was right on target as to why this is not a growing economy. It is the same reason that the previous President had problems saying it was a growing economy, and that is because this President and the previous President raised taxes on the American public. They took more money out of their pocket and sent it here to Washington. It had a real effect on their take-home pay and had a real effect on their ability to be able to provide for themselves and their families. That has a ripple effect through the economy, from consumer confidence and their willingness to consume to the real issue of just paying bills.

I think we may be seeing a repeat here. I know many of us who are in this Chamber now were here as Senators or Representatives during the 1993 Budget Act, when President Clinton went out and said we have to raise taxes and we said this is going to have an effect. It is the same type of tax increase that was put forward in 1990. Many Republicans—I was in the House at the time—many Republicans fought it and said President Bush at that time was making a mistake; it would hurt the economy and drag the whole economy down and this country down. A lot of us believed it would bring the President down. It did.

Then 1993 comes around and President Clinton did not learn from the mistakes of President Bush and pushed forward through another tax increase—and, I might add, more entitlement programs, more regulation, more on people's backs. Many of us said, "Learn your lesson from 1990. That is not going to help the economy. That is not, in the long run, going to balance this budget." He said, "No, we have to do it." They did it.

As a result, coming out of this recession in the early 1990's, we have had one of the slowest recoveries in history. Job growth, yes. We have had jobs. But I think if you talk to most of the people, the kind of jobs being created are not the kind of jobs that will support a family. You hear Members on both sides of the aisle talking about that. The reason is oppressive regulation, oppressive taxation.

Almost 25 percent of the income of the average family in America goes just to pay taxes to Washington, DC. That is a peace-time high. By the way, I like to compare that to what it was back in 1950 when the average American family—same family, average-income family—did not pay almost 25 percent of their taxes to the Federal Government; they paid 2 percent of their income to the Federal Government in taxes. Now it is almost 25 percent.

Do we wonder why people feel squeezed, why they do not feel they have the opportunities to provide for a family anymore, why both husband and wife have to work? If you are a single parent, what do you do? You work two jobs and you struggle to provide for your children.

What we do here is what they did 3 years ago: Put even more taxes on the American public. We believe that is not the answer. We have stood up this year and said the answer is not to take the American public for more, not to regulate the American public more, but to put Government on a diet so we can allow the folks back home to take a little bit more out of their paycheck for their own use, not Government use.

So we proposed this irresponsible thing. People got on the floor and said this was such an irresponsible thing to let people keep more of their own money to help provide for their families. As the song goes, "That's my story and I'm sticking to it." My story is that American families should keep more of their money.

We are going to continue to push for a tax cut for American families. We will continue to push for a tax cut to create growth and opportunity in capital gains and helping small business people, because creating jobs is the real answer here. Creating good quality jobs is the real answer here. Growth is the answer—not further taxation, but liberating people. Money should go out and be invested in capital resources so we can create more high-quality jobs in this country. We will continue to push for that.

We will continue to push for regulatory reform so Government does not stifle the creativity of Americans by regimenting them into some model that we believe in Washington, DC, is the best for everyone. We are going to go out and do the things that are necessary to make this country prosperous and moving forward.

I just hope that the President will come to the realization that tightening the belt here in Washington ever so slightly—and frankly, that is all we are talking about in this balanced budget—tightening the belt here in Washington so we can give just a little bit more to working families is not cruel. It may be cruel to some bureaucrats in town, but it is not cruel to American families. It is not cruel to Americans who want good-paying jobs, outside in the private sector, not just here in Washington.

I am hopeful we can somehow come to an agreement that this is not the healthiest economy, that the spin doctors of the campaign of 1996 for the President are not going to win the day to try to convince the American public what they know is not true, that this economy is booming and healthy and the best it has ever been. We should get down to trying to address the real economic insecurity that American workers have, the real problems of raising families in this country, and do something about it on a bipartisan basis in this Congress.

I am hopeful we can do that. We should be able to do that. I am looking forward to the opportunity to make that happen. I yield the floor.

Mr. INHOFE. I thank the Senator from Pennsylvania. I ask unanimous consent that the period for morning business be extended by 10 minutes.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

THE ECONOMY

Mr. INHOFE. Mr. President, this has been a very enlightening morning listening to both Democrats and Republicans refuting this myth that seems to be floating around the country that we are enjoying this great economic time when, in fact, the indicators show just the opposite.

I happened to be presiding when the distinguished Senator from New Mexico, Senator BINGAMAN, observed that people who are doing the work in America are getting less and more rapidly plummeting down to the point where we were in 1967 in terms of real income or purchasing power for the American people. Also we can observe that it is worse than might be indicated by family income because we increasingly have multifamily members working in America. When I was quite young, it was somewhat unheard of. It was not a way of life in America. Nonetheless, the real purchasing power is going down.

I do not like to point fingers as to why this is happening, but I think, Mr. President, when you look at the policies that were adopted by the current President of the United States, Bill Clinton, it is four-tiered. It is increased spending, increased taxes, increased borrowing, and increased regulations. I do not very often quote a very distinguished talk radio show host but I remember the other day he said, "If you really want to be competitive with the Japanese, export our regulations to Japan and we will be competitive." I think there is a lot of truth to that.

Some people may have forgotten that back in the first year of the Clinton administration, in 1993, there was a tax increase that was characterized by Democrats and Republicans alike, and I specifically recall the chairman of the Senate Finance Committee characterizing that tax increase as the largest single tax increase in the history of public finance in America or anyplace in the world. That was a very large tax increase.

I recall, also, when the chief adviser to the President, prior to being sworn in for her duties, made the observation that there is no relationship between the level of taxation in a country and the economic activity, and further went on to say what we need in this country in addition to the taxes we currently have is a value-added tax to be comparable to that in other industrialized nations that would immediately increase revenues $400 billion.

I suggest this is where this administration has gone wrong, because the problem we are having in America is not that we are taxed too little, but we are taxed too much.

I, the other day, on the 9th of January, witnessed the birth of a charming little man by the name of James Edward Rapert, in Fayetteville, AR. At that time I looked at this very small baby, where I was actually there in the room during the delivery of that small child in Arkansas, and I realized that innocent child, who had not done anything wrong on his own, inherits a share of the national debt of $18,000 that that one individual will have to pay off during his lifetime. That individual did not do anything to cause this.

Also, I noticed if we do not change this trend that has been continued by the current administration, that that small child, James Edward Rapert, will have to pay 82 percent of his lifetime income just to support the debt. That is how we have gotten to the point where we are now, where we have to do something about it.

There was a man who came to this country by the name of Alexis de Tocqueville many years ago. He actually came here to study our prison system, and when he got here he was so impressed by the freedom in this country and by the wealth of this Nation that he wrote a book. The final paragraph of that book said: Once the people of this country find they can vote themselves money out of the public trust, the system will fail. And that is exactly where we are today, right on the brink of having a system that will fail. The economy is not good today.

One more thing I want to say before yielding the floor, back to this tax thing, is the President has opposed a budget balancing amendment to the Constitution. He actually campaigned on a budget balancing amendment to the Constitution. Also, he vetoed the Balanced Budget Act. When he vetoed that Balanced Budget Act he was saying that we do not want to live in the confines where we will be able to eliminate the deficit in 7 years.

That particular act also included some tax relief. There was a lot of criticism I heard from conservative Republicans all across the country: We do not care about tax relief until we balance the budget. What they do not realize is all we were trying to do is correct a mistake that was made in this country back in 1993 when we passed the largest single tax increase in the history of public finance in America or anyplace else in the world. If anyone was not for that tax increase, then they should be for tax relief.

I think it is incumbent upon us, and certainly those in the freshman class, who are new here to the U.S. Senate, to have an absolute commitment to giving tax relief, to giving families more of the expendable income that they work so hard for. That is our commitment. It is not just for those of us who are around today but the new generations that are coming up, the James Edward Raperts. Incidentally, that happened to be my grandson.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, I ask unanimous consent morning business be extended for a total of 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO MINNIE PEARL

Mr. FRIST. Mr. President, I rise today in recognition and in memory of one of America's most beloved country personalities, Minnie Pearl, who died Monday night at the age of 83. Minnie Pearl was born Sarah Ophelia Colley, in Centerville, TN, the daughter of a prosperous sawmill owner and lumber dealer. As a student at Nashville's Ward-Belmont Finishing School in the middle of the Great Depression, not many would have thought Sarah Colley had the background to believably portray Minnie Pearl, that man-hunting spinster from Grinder's Switch, TN. But her down home country comedy act, old-fashioned dresses, and a wide-brimmed hat with a price tag still dangling, found a place in the hearts of millions of Americans.

Today, the State of Tennessee and the entire country mourn the loss of a truly outstanding and inspirational American.

After completing her drama education at Ward-Belmont, where I should add that she was a student with my mother, Sarah Colley traveled throughout the rural South for 6 years, putting together amateur theatricals for churches and civic groups. During that time she met various country folk who formed the foundation for the character of Minnie Pearl, as well as Minnie's friends and neighbors from fictional Grinder's Switch. The name Minnie Pearl was actually a combination of Sara Colley's favorite country names.

When she returned to Tennessee in 1940, the story-telling character of Minnie Pearl had fully developed, and WSM radio in Nashville asked her to audition for the Grand Ole Opry. A week after her audition, Minnie Pearl made her debut on the stage of the Grand Ole Opry and was an immediate hit. Before her second performance the next weekend, Miss Minnie had been asked to become a regular member of the Grand Ole Opry cast.

In the 50 years since she burst onto the stage, Minnie Pearl traveled with country music legend Roy Acuff, entertained troops in World War II, and was featured on NBC–TV's "This Is Your Life." She recorded numerous albums, continued her frequent appearances at the Grand Ole Opry, and appeared as a regular on the nationally syndicated television program, "Hee Haw." In 1975 she became the first person elected to the Country Music Hall of Fame for comedy work, and she has been honored by the Academy of Country Music with its Pioneer Award.

Unlike her country counterpart, Sarah Colley caught her man, Henry Cannon, and was married to him for more than 40 years, until her death this week. As active members of the Brentwood United Methodist Church just outside of Nashville, Sarah and Henry Cannon have been actively involved in charitable and community affairs all over this country. Sarah Cannon worked tirelessly for many causes, including the Children's Hospital, the American Cancer Society, and so many others. For her hard work for the Cancer Society, and in recognition of her personal struggle against breast cancer, Sarah Cannon was awarded the American Cancer Society's 1987 National Courage Award.

The Cancer Center at Centennial Medical Center, where she died this week, was named for her—the Sarah Cannon Cancer Center. That same year, she received the Roy Acuff Humanitarian Award for Community Service. The Nashville Network also created the Minnie Pearl Award in her honor, which is an annual community service award given to members of the country music industry for their dedication and commitment to their community.

As I traveled across the State of Tennessee, so many entertainers and so many artists would come forward and recount stories about how they, when they first came to Nashville to break in but when nobody knew them, would be pulled over to the side by this legendary figure, Minnie Pearl, and Minnie Pearl would give them those words of encouragement and inspiration to plug ahead.

Mr. President, I knew Minnie Pearl personally because my father was her family physician for about 35 years. Whether she was in character as Minnie Pearl or whether she was simply living in her own private life, or whether she was encouraging aspiring young artists upon their arriving in Nashville, Sarah Cannon touched the hearts and souls of all with whom she came into contact. It was her warm smile, her folksy humor, her words of encouragement, her tales, and most of all her famous "How-dee" greeting—these will all be missed by those whom Minnie Pearl had entertained for years.

Her kind and loving character will be missed by those across the State of Tennessee and across this country. Mr. President, today I thank Minnie Pearl and Sarah Cannon for all that "they" have given to their community, to their State, and to their country.

Mr. President, I yield the floor.

MINNIE PEARL

Mr. THOMPSON. Mr. President, I want to recognize the passing this week of a great entertainer and citizen, Sarah Ophelia Colley Cannon. Mrs. Cannon, better known as Minnie Pearl, was a tribute to the entertainment industry and to our community. She graced the stage of the Grand Ole Opry in Nashville, TN, with her animated humor for 51 years. Who could forget the stories of Grinders Switch, her straw hat with the $1.98 price tag still attached, and her well-known and beloved "How-dee!"

Minnie Pearl made many contributions off-stage as well. She was a humanitarian who contributed much to her community. Many of her efforts were focused on fighting cancer. In 1987, President Ronald Reagan presented Mrs. Cannon with the American Cancer Society's Courage Award. In 1991, the Sarah Cannon Cancer Center at Centennial Medical Center in Nashville was dedicated in her name. I know that I join all Tennesseans and all Americans in saying that Sarah Cannon and Minnie Pearl will be sadly missed.

TRIBUTE TO DONALD DOWD OF WEST SPRINGFIELD

Mr. KENNEDY. Mr. President, I am delighted that the John F. Kennedy Library is honoring Donald Dowd of West Springfield, MA with its 1996 Irishman of the Year Award. It is a privilege to take this opportunity to pay tribute to Don for his commitment and dedication to the people of Massachusetts and the Nation.

The Irishman of the Year Award was established in 1986 by the Friends of the Kennedy Library to pay tribute to unsung leaders of Irish heritage. This award honors individuals for their outstanding contributions to their communities and it honors President Kennedy's great love for his Irish heritage and his belief that "each one of us can make a difference and all of us must try."

Few have done more for their community or for Massachusetts than Don Dowd. Don is currently vice president and Northeast manager of government affairs for the Coca-Cola Co. He also serves as a member of the Board of Directors of the New England Council, the Adopt-A-Student Program for Cathedral High School in Boston, the Armed Services YMCA in Charlestown, and the board of trustees of the Eastern States Exposition in West Springfield. Don's commitment to his community and our Commonwealth is further exemplified by his work with the Massachusetts Chapter of the Special Olympics and his work with the New England Governors' Conference.

Don eminently deserves this year's Irishman of the Year Award. Massachusetts is proud of Don's outstanding leadership, and we are proud of his friendship as well. I commend him for his many achievements, and I wish him continued success in the years ahead.

ADVANCE NOTICE OF PROPOSED RULEMAKING

Mr. THURMOND. Mr. President, pursuant to section 304(b) of the Congressional Accountability Act of 1995 (2 U.S.C. 1384(b)), an advance notice of proposed rulemaking was submitted by the Office of Compliance, U.S. Congress. This advance notice seeks comment on a number of regulatory issues arising under section 220 of the Congressional Accountability Act. Section 220 applies to covered congressional employees and employing offices the rights, protections, and responsibilities established under chapter 71 of title V, United States Code, related to Federal service labor-management relations.

Section 304 requires this notice to be printed in the CONGRESSIONAL RECORD; therefore, I ask unanimous consent that the notice be printed in the RECORD.

There being no objection, the notice was ordered to be printed in the RECORD, as follows:

OFFICE OF COMPLIANCE—THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995: EXTENSION OF RIGHTS, PROTECTIONS AND RESPONSIBILITIES UNDER CHAPTER 71 OF TITLE 5, UNITED STATES CODE, RELATING TO FEDERAL SERVICE LABOR-MANAGEMENT RELATIONS

ADVANCE NOTICE OF PROPOSED RULEMAKING

Summary: The Board of Directors of the Office of Compliance ("Board") invites comments from employing offices, covered employees and other interested persons on matters arising in the issuance of regulations under section 220 (d) and (e) of the Congressional Accountability Act of 1995 ("CAA" or "Act") Pub. L. 104–1, 109 Stat. 3.

The provisions of section 220 are generally effective October 1, 1996. 2 U.S.C. section 1351. Section 220(d) of the Act directs the Board to issue regulations to implement section 220. The Act further provides that, as to covered employees of certain specified employing offices, the rights and protections of section 220 will be effective on the effective date of Board regulations authorized under section 220(e). 2 U.S.C. section 1351(f). Section 304 of the CAA prescribes the procedure applicable to the issuance of substantive regulations by the Board.

The Board issues this Advance Notice of Proposed Rulemaking (ANPR) to solicit comments from interested individuals and groups in order to encourage and obtain participation and information as early as possible in the development of regulations. In particular, the Board invites and encourages commentors to address certain specific matters and to submit reporting background information and rationale as to what the regulatory guidance should be before proposed rules are promulgated under section 220 of the Act. In addition to receiving written comments, the Office will consult with interested parties in order to further its understanding of the need for and content of appropriate regulatory guidance.

Dates: Interested parties may submit comments within 30 days after the date of publication of this Advance Notice in the Congressional Record.

Addresses: Submit written comments (an original and 10 copies) to the Chair of the Board of Directors, Office of Compliance, Room LA 200, John Adams Building, 110 Second Street, S.E., Washington, DC 20540–1999. Those wishing to receive notification of receipt of comments are requested to include a self-addressed, stamped post card. Comments may also be transmitted by facsimile ("FAX") machine to (202) 426–1913. This is not a toll-free call. Copies of comments submitted by the public will be available for review at the Law Library Reading Room, Room LM–201, Law Library of Congress, James Madison Memorial Building, Washington, DC, Monday through Friday, between the hours of 9:30 a.m. and 4:00 p.m.

For Further Information Contact: Executive Director, Office of Compliance at (202) 724–9250. This notice is also available in the following formats: large print, braille, audio tape, and electronic file on computer disk. Requests for this notice in an alternative format should be made to Mr. Russell Jackson, Director, Service Department, Office of the Sergeant at Arms and Doorkeeper of the Senate, 202–224–2705.

Background

The Congressional Accountability Act of 1995 applies the rights and protections of eleven federal labor and employment law statutes to covered Congressional employees and employing offices. The Board of Directors of the Office of Compliance established under the CAA invites comments before promulgating proposed rules under section 220 of that Act, the section which applies to covered Congressional employees and employing offices the rights, protections and responsibilities established under chapter 71 of title 5, United States Code, relating to Federal service labor-management relations ("chapter 71").

Section 220(d) authorizes the Board to issue regulations to implement section 220 and further states that such regulations "shall be the same as substantive regulations promulgated by the Federal Labor Relations Authority ["FLRA"] to implement . . . [the referenced statutory provisions] . . . except to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification for such regulations would be more effective for the implementation of the rights and protections under this section; or . . . as the Board deems necessary to avoid a conflict of interest or appearance of a conflict of interest."

Section 220(e) further authorizes the Board to issue regulations "on the manner and extent to which the requirements and exemptions of chapter 71 . . . should apply" to covered employees who are employed in offices listed in paragraph 2 of that subsection and provides that such regulations shall, "to the greatest extent practicable, be consistent with the provisions and purposes of chapter 71 . . . and of this Act, and shall be the same as substantive regulations issued by the [FLRA] under such chapter, except . . . [for good cause] . . . and that the Board shall exclude from coverage under [section 220] any covered employees who are employed in offices listed in paragraph (2) [of section 220(e)] if the Board determines that such exclusion is required because of (i) a conflict of interest or appearance of a conflict of interest; or (ii) Congress' constitutional responsibilities."

The provisions of section 220 are effective October 1, 1996, except that, "[w]ith respect to the offices listed in subsection (e)(2), to the covered employees of such offices, and to representatives of such employees, [the provisions of section 220] shall be effective on the effective date of regulations under subsection (e)."

In order to promulgate regulations that properly fulfill the directions and intent of these statutory provisions, the Board needs comprehensive information and comment on a wide range of matters and issues. The Board has determined that, before publishing proposed regulations for notice and comment, it will provide all interested parties and persons with this opportunity to submit comments, with supporting data, authorities and argument, as to the content of and bases for any proposed regulations. The Board wishes to emphasize, as it did in the development of the regulations issued to implement sections 202, 203, 204 and 205 of the CAA, that commentors who propose a modification of the regulations promulgated by the FLRA, based upon an assertion of "good cause," should provide specific and detailed information and rationale necessary to meet the statutory requirements for good cause to depart from the FLRA's regulations. It is not enough for commentors simply to propose a revision to the FLRA's regulations or to request guidance on an issue, rather, if commentors desire a change in the FLRA's regulations, commentors must explain the legal and factual basis for the suggested change. Similarly, commentors are urged to provide information with sufficient specificity and detail to support (1) any proposed modification of the FLRA's regulations based upon an asserted conflict of interest or appearance of a conflict of interest, (2) any claim that the manner and extent of the application of the requirements and exemptions of chapter 71 should differ for certain employees or covered employing offices, or (3) exclusion of any covered employees from coverage of section 220 because of an asserted conflict of interest or appearance thereof, or because of Congress' constitutional responsibilities. The Board must have these explanations and information if it is to be able to evaluate proposed regulations and make proposed regulatory changes. Failure to provide such information and authorities will greatly impede, if not prevent, adoption of proposals by commentors.

So that it may make more fully informed decisions regarding the promulgation and issuance of regulations, in addition to inviting and encouraging comments on all relevant matters, the Board specifically requests comments on the following issues:

I. Regulations Promulgated by the Federal labor Relations Authority

As noted above, except as otherwise specified, section 220 (d) and (e) of the CAA, among other things, directs the Board to issue regulations that are "the same as substantive regulations promulgated by the Federal Labor Relations Authority to implement the [applicable] statutory provisions" (emphasis added).

The Board has reviewed the body of regulations promulgated by the FLRA and published at 5 C.F.R. sections 2411–2416 (Subchapter B), 2420–2430 (Subchapter C), and 2470–2472 (Subchapter D), as amended, effective March 15, 1996 (See Vol. 60 Federal Register 67288, December 29, 1995) Subchapter B of the FLRA regulations treats the implementation and applicability of the Freedom of Information Act, the Privacy Act and the Sunshine Act in the FLRA's processes; internal matters including delegations of authority, FLRA employee conduct and anti-discrimination policies; and procedural issues such as ex parte communications and subpoenas of FLRA personnel. As the regulations contained in Subchapter B of the FLRA's regulations do not appear to have been "promulgated to implement the statutory provisions" applied by section 220, it is the Board's preliminary view that they should not be proposed for adoption under the CAA.

With respect to the rest of the FLRA's regulations, section 2420.1, "Purpose and scope", states in pertinent part that "the regulations contained in this subchapter [Subchapter C relating to the FLRA and the General Counsel of the FLRA] are designed to implement the provisions of chapter 71 . . . They prescribe the procedures, basic principles or criteria under which the [FLRA] or the General Counsel of the [FLRA], as applicable, will" carry out their functions, resolve issues and otherwise administer chapter 71. Section 2470.1 in turn provides that the "regulations contained in this Subchapter [D] are intended to implement the provisions of section 7119 of title 5 . . . They prescribe procedures and methods which the Federal Service Impasses Panel may utilize in the resolution of negotiation impasses . . ." Thus, a review of Subchapters C and D reveals that certain of the regulations relate to processes that implement chapter 71, while others relate to principles or criteria for making decisions that implement chapter 71. Thus, with respect to all of these provisions, there is a question as to which, if any, are "substantive regulations" within the meaning of section 220(d) and (e) of the Act.

When promulgating regulations to implement section 203 of the CAA, the Board noted that, under principles of administrative law, a distinction is generally made between "substantive" regulations and "interpretive" regulations or guidelines. "Substantive" regulations are issued by a regulatory body pursuant to statutory authority and implement the underlying statute. Such rules have the force and effect of law. The Board also notes that the term "substantive," when describing regulations, might be used to distinguish such regulations from those that are "procedural" in nature or content. In this regard, section 304 of the CAA sets forth the procedures applicable to the issuance of "substantive" regulations. In contrast, section 303 of the CAA sets forth different procedures for the issuance of "procedural rules." Both sections 303 and 304 require adherence to the principles and procedures set forth in section 553 of title 5, United States Code, and provide for the publication of a general notice of proposed rulemaking in accordance with section 553(b) of title 5, United States Code (to be published in the Congressional Record instead of the Federal Register) and a comment period of at least 30 days. In light of these statutory provisions, the use of the phrase "substance regulations," in the context of sections 220 and 304 of the CAA, could be intended to further distinguish such regulations from the purely procedural regulations to be issued under section 303 of the Act.

The Board invites comment on the meaning of the term "substantive regulations" under sections 220 and 304 of the CAA.

The Board further invites comment on which of the regulations promulgated by the FLRA should be considered substantive regulations within the meaning of section 220 of the CAA, and specifically invites comment on whether, and if so, to what extent the Board should propose the adoption of the regulations set forth in 5 C.F.R. sections 2411–2416.

II. Modifications of FLRA Regulations under Section 220(d) of the CAA

As noted above, section 220(d) provides that the Board shall issue regulations that are the same as substantive regulations of the FLRA "except to the extent that the Board may determine, *for good cause shown* and stated together with the regulations, that a modification of such regulations would be *more effective for the implementation of the rights and protections* under this section" (emphasis added). Section 220(d) also provides that the Board may modify the FLRA's substantive regulations "as the Board deems necessary to avoid a conflict of interest or appearance of a conflict of interest." Thus, there is an issue as to what modifications, if any, should be made to the FLRA's regulations pursuant to these authorities.

Commentors who, based upon an assertion of "good cause," propose modifications of any identified substantive regulations promulgated by the FLRA should state, with specificity and detail, how such modifications would be "more effective" for the implementation of the rights and protections applied under the CAA. Commentors are reminded that proposed modifications for good cause must meet the statutory requirements quoted above; commentors are also reminded that any proposed modifications in regulations should be supported by appropriate legal and factual materials.

Similarly, the Board further requests commentors to identify, where applicable, why a proposed modification of the FLRA regulations is necessary to avoid a conflict of interest or an appearance of a conflict of interest. In this regard, commentors should not only fully and specifically describe the conflict of interest or appearance thereof that they believe would exist were the pertinent FLRA regulations not modified, but also explain the necessity for avoiding the asserted conflict or appearance of conflict and how any proposed modification would avoid the identified concerns. Indeed, commentors should explain how they interpret this statutory provision and, in doing so, identify the interpretive materials upon which they are relying.

In addition, the Board requests that commentors identify any provisions within Subchapters C and D of the FLRA's regulations which, although promulgated to implement chapter 71, were not in the commentors' view promulgated to implement a statutory provision of chapter 71 that was incorporated by section 220 into the CAA or are otherwise inconsistent with the provisions of the CAA. Also, commentors are requested to suggest technical changes in nomenclature or other matters that may be deemed appropriate.

The Board invites comment on whether and to what extent it should, pursuant to section 220(d) of the CAA, modify the substantive regulations promulgated by the FLRA.

III. Questions arising under section 220(e)

A. The Manner and Extent of the Application of Chapter 71 to Specific Employees

Section 220(e)(1) provides that the "Board shall issue regulations pursuant to section 304 on the manner and extent to which the requirements and exemptions of chapter 71 . . . should apply to covered employees who are employed in offices listed in paragraph (2)." Section 220(e) further states that the "regulations shall, to the greatest extent practicable, be consistent with the provisions and purposes of chapter 71 and shall be the same as substantive regulations issued by the [FLRA] under such chapter," except for "good cause." The offices referred to in section 220(e)(2) include:

(A) the personal office of any Member of the House of Representatives or of any Senator;

(B) a standing, select, special, permanent, temporary, or other committee of the Senate or other committee of the Senate or House of Representatives, or a joint committee of Congress;

(C) the Office of the vice President (as President of the Senate), the Office of the President pro tempore of the Senate, the Office of the Majority Leader of the Senate, the Office of the Minority Leader of the Senate, the Office of the Majority Whip of the Senate, the Office of the Minority Whip of the Senate, the Conference of the Majority of the Senate, the Conference of the Minority of the Senate, the Office of the Secretary of the Conference of the Majority of the Senate, the Office of the Secretary of the Conference of the Minority of the Senate, the Office of the Secretary for the Majority of the Senate, the Office of the Secretary for the Minority of the Senate, the Majority Policy Committee of the Senate, the Minority Policy Committee of the Senate, and the following offices within the Office of the Secretary of the Senate: Offices of the Parliamentarian, Bill Clerk, Legislative Clerk, Journal Clerk, Executive Clerk, Enrolling Clerk, Official Reporters of Debate, Daily Digest, Printing Services, Captioning Services, and Senate Chief Counsel for Employment.

(D) the Office of the Speaker of the House of Representatives, the Office of the Majority Leader of the House of Representatives, the Office of the Minority Leader of the House of Representatives, the Offices of the Chief Deputy Majority Whips, the Offices of the Chief Deputy Minority Whips and the following offices within the Office of the Clerk of the House of Representatives: Offices of Legislative Operations, Official Reporters of Debate, Official Reporters to Committees, Printing Services, and Legislative Information;

(E) the Office of the Legislative Counsel of the Senate, the Office of the Senate Legal Counsel, the Office of the Legislative Counsel of the House of Representatives, the Office of the General Counsel of the House of Representatives, the Office of the Parliamentarian of the House of Representatives, and the Office of the Law Revision Counsel;

(F) the offices of the caucus or party organization;

(G) the Congressional Budget Office, the Office of Technology Assessment, and the Office of Compliance; and

(H) such other offices that perform comparable functions which are identified under regulations of the Board.

These statutory provisions raise a number of interpretive and factual questions that must be considered in the rulemaking process.

Although section 220(e)(1)(A) directs that any regulations issued by the Board on the manner and extent of application of chapter 71's requirements and exemptions shall generally be the same as the FLRA's substantive regulations, the regulations promulgated by the FLRA only generally govern the manner in which chapter 71 is implemented. The specific application of both the requirements of chapter 71 and the exemptions delineated in sections 7103 and 7112 of that chapter has been developed through the case precedents of the FLRA and the courts; the FLRA regulations generally do not set forth, with any specificity, the manner and extent of the application of chapter 71's requirements and exemptions. An initial question arises as to whether and to what extent the regulations promulgated by the FLRA should be modified for application to covered employees of the offices identified in section 220(e)(2) so as to specify in greater detail the manner and the extent of chapter 71's application. In addressing this question, commentors are reminded that any suggested modifications of the FLRA's regulations should be supported with a detailed explanation of the factual and legal reasons that demonstrate how such modification would meet the "good cause" standard of the CAA (see Section II, supra.).

In addition, the Board notes that section 220(e) further requires that any regulations issued on the manner and extent of chapter 71's application to employees in the referenced offices shall, to the greatest extent practicable, be consistent with the provisions and purposes of chapter 71. In the latter regard, Section 7101 of chapter 71 sets forth the following "Findings and purpose".

(a) The Congress finds that—

(1) experience in both private and public employment indicates that the statutory protection of the right of employees to organize, bargain collectively, and participate through labor organizations of their own choosing in decisions which affect them—

(A) safeguards the public interest,

(B) contributes to the effective conduct of public business, and

(C) facilitates and encourages the amicable settlements of disputes between employees and their employers involving conditions of employment; and

(2) the public interest demands the highest standards of employee performance and the continued development and implementation of modern and progressive work practices to facilitate and improve employee performance and the efficient accomplishment of the operations of the Government Therefore, labor organizations and collective bargaining in the civil service are in the public interest.

(b) It is the purpose of this chapter to prescribe certain rights and obligations of the employees of the Federal Government and to establish procedures which are designed to meet the special requirements and needs of the Government. The provisions of this chapter should be interpreted in a manner consistent with the requirement of an effective and efficient Government.

There thus is immediately a question whether and to what extent these findings and purposes apply in interpreting section 220 of the CAA, and, if these findings and purposes do not apply, the question arises as to how the Board should define the phrase "provisions and purposes of chapter 71."

The Board invites comment on whether and to what extent it should, pursuant to section 220(e)(1)(A), modify the regulations promulgated by the FLRA for application to covered employees of the offices identified in section 220(e)(2). Commentors are reminded that any suggested modifications of the FLRA's regulations should be supported with a detailed explanation of the factual and legal reasons that demonstrate how such modification would meet the "good cause" standard of the CAA, as well as an explanation of how such proposed modifications are "to the greatest extent practicable consistent with the provisions and purposes of chapter 71."

The Board further invites comment on what regulations should be issued under section 220(e)(1)(A) concerning the manner and extent to which the requirements and exemptions of chapter 71 should apply to covered employees who are employed in the offices identified in section 220(e)(2). Commentors are requested to state on what basis they believe the Board has authority to issue such regulations, and to set forth fully and precisely the content of and necessity for any proposed regulations, as well as an explanation of how any such proposed regulations are "to the greatest extent practicable consistent with the provisions and purposes of chapter 71."

B. Exclusion from Coverage

Section 220(e)(1)(B) provides "that the Board shall exclude from coverage [under section 220] any covered employees who are employed in offices listed in paragraph (2) if the Board determines that such exclusion is required because of—

(i) a conflict of interest or appearance of a conflict of interest; or

(ii) Congress' constitutional responsibilities."

The referenced offices are set forth above. The Board seeks comment on several questions.

Under section 7103 of chapter 71, managerial and supervisory employees are excluded by law from coverage under section 220 of the CAA, and, pursuant to section 7112, other individuals such as confidential employees, employees engaged in personnel work, certain employees who conduct internal investigations and employees engaged in intelligence or national security work are precluded from inclusion in bargaining units. In addition, section 7120 of chapter 71 provides that chapter 71 "does not authorize participation in the management of a labor organization or acting as a representative of a labor organization by an employee if the participation or activity would result in a conflict or apparent conflict of interest or would otherwise be incompatible with law or with the official duties of the employee." The issue presented is which additional employees, if any, shall be excluded from coverage under section 220 based upon factors other than those already set forth under the provisions of chapter 71, as applied by the CAA. The Board reiterates that any proposed exclusion should be supported with detailed and precise information and rationale sufficient to establish that exclusion is warranted under section 220(e)(1(B) of the Act. For example, commentors should provide comprehensive and specific descriptions of job functions and responsibilities that they believe require exclusion of covered employees from coverage and explain precisely why the participation in an employee organization of an individual who had such tasks and responsibilities would interfere with Congress' constitutional responsibilities or present a conflict of interest. In the absence of such information and rationale, it will be difficult for the Board to determine whether covered employees in the specified offices should be excluded from enjoying the rights and protections of section 220, except as otherwise required by law or provided under any regulations issued pursuant to section 220(e)(1)(A).

The Board invites comment on the following specific questions:

1. What are the constitutional responsibilities of Congress that would require exclusion of employees from coverage under section 220 of the CAA? Similarly, what would constitute a conflict of interest or appearance of conflict that would require exclusion of employees from coverage under section 220 of the CAA?

2. Should determinations as to exclusion from coverage under section 220 be made on an office-wide basis or should they be based on performance of specified duties and functions in the referenced office?

3. In each individual office referenced in section 220(e)(2), what are the particular duties and functions of the specific positions that shall be excluded from coverage? What is the legal basis under the CAA for exclusion?

4. What exclusions, if any, are required under paragraph 220(e)(2)(H)? What are the "comparable functions" of any office so identified? What are the bases for exclusion of the specified office or of covered employees in the offices?

The Board reiterates that, in answering these questions, commentors should provide detailed legal and factual support for their proposals. Generalities and conclusory assertions will not suffice. Detailed information and authorities that address specific duties and functions of employees and offices, in rigorous and complete detail, are necessary to enable the Board to make appropriate determinations pursuant to the CAA's mandate.

GOODBYE TO THE HUNTSVILLE NEWS

Mr. HEFLIN. Mr. President, Huntsville, AL's morning newspaper, the Huntsville News, will publish its last edition on Friday, March 15, 1996. The News was founded 32 years ago by local business people as a weekly, but became a daily paper within only a few months. In 1968, it was sold by the owners to Advance Publications, which also owns Huntsville's afternoon paper, the Huntsville Times.

The Huntsville News published its first edition on January 8, 1964. It introduced itself to its Rocket City readers with the headline: "New Communications Capsule Blasts Off." The original owners were James Cleary, a Huntsville attorney; John Higdon, the former manager of a local television station; and Thomas A. Barr, an electrical engineer. The paper was printed on its own press, an offset press which was one of the most modern in the business. Less than 2 months after it began publishing, it went to a twice-weekly schedule, and in August 1964, it became a 6-day daily, publishing every day except Sunday.

Stoney Jackson was the first editor of the News. At one time, he was a contestant on "The $64,000 Question" television quiz show, and became famous when he revealed cheating on the famous game show. Other editors were Sid Thomas, Hollice Smith, Dave Langford, Tom Lankford, and Lee Woodward, who has been editor since 1977. Ironically, Woodward, who first came to work for the paper in 1972, had already planned his retirement for this March before the announcement about the News.

Before he joined the News, Woodward, a native of Arab, AL, had worked for the Huntsville Times, the News Courier, Alabama Courier, and Limestone Democrat, all three newspapers published in Athens, where he grew up. He had also worked at the Gadsden Times. He is now serving as president of the Alabama Press Association and has been on the Alabama Newspaper Advertising Service Board of Directors. Altogether, he has enjoyed 42 years in the newspaper business.

I want to congratulate everyone who has been involved with the publication of the Huntsville News over the last 32 years, particularly the current editor, Lee Woodward, who has performed superbly in an exceedingly difficult position. The newspaper has been an authoritative source of information and insight into the issues and news of the day, and its loss is an extremely sad one for the Huntsville area. Its sharp writing, lucid clarity, and professional objectivity each morning will be sorely missed by its many readers. It has performed its mission well and leaves a tremendous journalistic legacy to the citizens of this vibrant area.

TRIBUTE TO MAYOR RALPH SEARS

Mr. HEFLIN. Mr. President, longtime Montevallo, AL mayor Ralph Sears passed away on February 14, 1996 at the age of 73. A native of Nebraska, the young World War II veteran had come to Montevallo in 1948 to teach broadcasting courses at Alabama College, now the University of Montevallo. It was said that he had a golden voice, and he originally was lured to the south to teach a year or so and then move on. Thankfully for Montevallo, he never got around to moving on. Instead, he went on to serve for 16 years as a member of the city council and then for 24 years as mayor.

During his nearly half-century in his adopted city, Ralph Sears and his wife, Marcia, raised three children; opened radio station WBYE, located between Calera and Montevallo; and bought and published two weekly newspapers, one of which was the Shelby County Reporter.

As mayor, he came to be seen as an uncommon friend to his constituents. He accomplished things which had a direct impact on their daily lives. He saw that tall horse-and-buggy curbs and crumbling sidewalks were replaced by lower curbs, handicap ramps, flowering trees in planters, and litter cans. He oversaw the building of a 40-acre park with ball fields, playgrounds, picnic tables, walking trail, gazebo, recreation building, and Scout hut. He worked with black citizens to devise a district voting system that assured their representation on the council years before a Federal court decision ordered municipal governments to take such action. Mayor Sears was also credited with constructing a sewage treatment plant and modern fire station.

He spent some fairly exciting times in the Pacific theatre during World War II. He served in Tokyo and in the Philippines with General Douglas MacArther. He and Marcia would customarily travel around the world, to wherever news was breaking or about to break. They celebrated Alaska's statehood in Juneau; visited South Africa on the brink of revolution in 1986; and saw the other side of the Iron Curtain before glasnost turned it into rust.

Mayor Sears was active in the World Council of Mayors; past chairman of the Shelby County Mayors Association; and president of the Montevallo Rotary Club, Chamber of Commerce, and board of Shelby Youth Services.

Ralph Sears was truly an institution in Montevallo; he was involved in the city's educational, religious, news media, and, of course, its governing bodies. He was a gentleman's gentleman who believed deeply in the principles set forth in the U.S. Constitution. He was an honest, fair, and moral person—a progressive and a visionary who believed the American way was the right way.

At the time of his death, one of the projects he was working on was the establishment of a section of Montevallo as an Alabama Village. The State and the University of Montevallo are trying to create a community similar to Jamestown in Williamsburg, VA, and the city has committed funds to buy 115 acres for the project. Hopefully, this village will some day stand as a monument to his life and work.

I extend my sincerest condolences to the Sears family in the wake of its tremendous loss. His legacy is one that will last for many, many decades into the future.

TRIBUTE TO CIVIC LEADER HARRY MOORE RHETT, JR.

Mr. HEFLIN. Mr. President, Harry Moore Rhett, Jr., a long-time community leader and member of one of Huntsville, Alabama's most prominent families, died on February 3, 1996 at his antebellum home in Huntsville.

During his long career, Rhett served as chairman of the city of Huntsville Gas Utility Board; chairman of the city of Huntsville Water Utility Board; chairman of the Huntsville Hospital Foundation; chairman of the Randolph School Board of Trustees; and chairman of the board of governors of the Heritage Club.

In addition, he had served as president of the Huntsville-Madison County Chamber of Commerce; the Huntsville Rotary Club; the Huntsville Industrial Expansion Committee; and the Twickenham Historic Preservation District Association. He was chairman of the board of control of Huntsville Hospital; the Madison County Board of Registrars; and the Marshall Space Flight Center Community Advisory Committee.

It is difficult to imagine any citizen serving his community with more energy, pride, and dedication than did Harry Rhett, Jr. His devotion to his community was total and unwavering.

As an avid athlete, hunter, and sportsman, he was the founder and master of the Mooreland Hunt, a local fox-hunting group. He was a graduate of Culver Military Academy; Washington and Lee University; and Harvard University business school. He served as an army officer in Europe during World War II.

Harry Rhett, Jr. was one of those rare individuals who truly embodied the unique ideals upon which our country was founded. He achieved great financial and personal success, yet served with humility and a spirit of generosity. His efforts and work contributed significantly to the tremendous growth of the Huntsville area during his life-time.

I extend my sincerest condolences to the Rhett family in the wake of its tremendous loss. I hope they, like most citizens of this area, will find solace in continuing to enjoy the fruits of Harry's labor, which are all around them, for many, many years to come.

HONORING THE EATONS FOR CELEBRATING THEIR 50TH WEDDING ANNIVERSARY

Mr. ASHCROFT. Mr. President, these are trying times for the family in America. Unfortunately, too many broken homes have become part of our national culture. It is tragic that nearly half of all couples married today will see their union dissolve into divorce. The effects of divorce on families and particularly the children of broken families are devastating. In such an era, I believe it is both instructive and important to honor those who have taken the commitment of "til death us do part" seriously and have successfully demonstrated the timeless principles of love, honor, and fidelity, to build a strong family. These qualities make our country strong.

For these important reasons, I rise today to honor the Ernest and Margie Eaton of Clinton, MO, who on March 3 celebrated their 50th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. Ernest and Margie's commitment to the principles and values of their marriage deserves to be saluted and recognized. I wish them and their family all the best as they celebrate this substantial marker on their journey together.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, the Federal debt now exceeds $5 trillion. Twenty years ago, in 1976, the Federal debt stood at $629 billion, after 200 years of America's existence, including two world wars. After all of that, the total Federal debt, I repeat, was $629 billion.

Then the big spenders really went to work and the interest on the debt really began to take off—and, presto, during the past 20 years the Federal debt has soared into the stratosphere, increasing by more than $4 trillion in 2 decades—from 1976 to 1996.

So, Mr. President, as of the close of business yesterday, March 5, 1996, the Federal debt stood—down-to-the-penny—at $5,016,462,295,493.85. On a per capita basis, every man, woman, and child in America owes $19,040.91 as his or her share of that debt.

This enormous debt is a festering, escalating burden on all citizens and especially it is jeopardizing the liberty of our children and grandchildren. As Jefferson once warned, "to preserve [our] independence, we must not let our leaders load us with perpetual debt. We must make our election between economy and liberty, or profusion and servitude." Isn't it about time that Congress heeded the wise words of the author of the Declaration of Independence?

MS. BARBARA BALDWIN

Mr. PELL. Mr. President, last week Rhode Islanders learned some sad news. We learned that one of our community's leading and most respected activists is leaving our State for a new position in Tennessee. We will miss Barbara Baldwin, the Executive Director of Planned Parenthood of Rhode Island for the last 9 years, when she leaves Rhode Island at the end of May.

It is often said that everyone in Rhode Island knows everyone else in Rhode Island. That's almost true—we are a small State and it is relatively easy to get to know people who become active in the State and in their communities. But Barbara made an immediate mark on Rhode Island when she arrived here in 1987. And since then she had led Planned Parenthood with dignity, serenity, courage, and energy. She is totally dedicated to ensuring quality health care to women, and is wholly committed to preserving reproductive rights.

Barbara has also been an important political adviser and friend to me over these last 9 years, and to many other government officials and politicians. But mostly, she has been a leader for the women of Rhode Island, and has gained the respect of both those who share her views and those who don't.

Rhode Islanders will miss Barbara, and we wish her well in her move to Tennessee. But we want her to know that the door to our State will always be open to her, and we hope that some day she will return.

CONGRATULATIONS TO PRESIDENT SOARES UPON HIS RETIREMENT

Mr. PELL. Mr. President, as President Soares, one of Portugal's greatest modern leaders, prepares to retire, I would like to offer my personal congratulations. President Soares is a good friend who has my admiration for all he has done to make Portugal a vibrant and democratic part of Europe. During the dark days of Portugal's authoritarian regime, President Soares demonstrated an enormous amount of courage. He was an active opponent of that rule—and for that he paid dearly. I particularly remember that when those dark days ended in 1974, President Soares returned to Portugal to help lead the new government. I followed his career closely in the ensuing years—when he served as foreign minister twice and prime minister three times before becoming President in 1986. I have deep regard for President Soares' leadership in the 1980's in preparing Portugal for entry into the European Community, and in more recent years, in ensuring that Portugal remains firmly planted in the European Union and NATO.

I have a huge respect for Portugal and her people, and have been fortunate to work with President Soares over the years. My State of Rhode Island has a large and vibrant Portuguese community.

Portugal is an important ally. Our two countries share a commitment to democracy, freedom, and peace—values which are important not only as we confront a changing Europe—but as we approach challenges in the Middle East and Africa. Portugal is a great friend of the United States, and it is in the spirit of this friendship that I pay tribute to President Soares, and wish him well in his retirement.

HOW MUCH FOREIGN OIL BEING CONSUMED BY UNITED STATES? HERE'S WEEKLY BOXSCORE

Mr. HELMS. Mr. President, the American Petroleum Institute reports that, for the week ending March 1, the United States imported 6,329,000 barrels of oil each day, 3 percent more—169,000 barrels more—than the 6,160,000 barrels imported during the same period 1 year ago.

Americans now rely on foreign oil for more than 50 percent of their needs. There is no sign that this upward trend will abate.

Anybody else interested in restoring domestic production of oil—by U.S. producers using American workers? The political primary season has forced the political and media establishment to take seriously American's deep-felt concern about economic insecurity and loss of jobs to foreign competition. It's about time they caught on. All it takes is a trip through North Carolina to see the scores of textile mills closed due to foreign competition to understand why Americans have a legitimate fear of losing their job or see their hard earned wages fall.

Politicians had better ponder the economic calamity that will surely occur in America if and when foreign producers shut off our supply, or double the already enormous cost of imported oil flowing into the United States.

TRIBUTE TO TRUDY VINCENT

Mr. BRADLEY. Mr. President, I rise to offer my warmest thanks, respect, and heartfelt congratulations to my legislative director, Trudy Vincent, who will leave my staff at the end of this week. For 3 years, in her second tour of duty in my office, Trudy has been the anchor of my legislative work, and deserves much of the credit for the legislative accomplishments of my office since 1993.

Although Trudy will be leaving my staff, she will not be leaving the Senate, and my office's loss is the gain of my colleague Senator BINGAMAN of New Mexico, who will undoubtedly grow to depend upon her much as I have.

Like many of the most gifted and successful of the staff members who serve this institution, Trudy first came here as a fellow through an academic program, having first pursued and succeeded in another demanding field. In her case, Trudy first attained a doctorate in psychology, then joined my office in 1987 as a legislative fellow, working on innovative education and health initiatives.

When her first tour of duty in my office ended after a year, Trudy joined the staff of her home State Senator, Senator MIKULSKI, rose to legislative director, and returned to my staff as legislative director in 1993. I have found her good sense, her wide knowledge, her broad network of friends and professional contacts, and her sense of humor to be of invaluable help in all that I do for the people of New Jersey and the Nation.

The most important attribute a Senator or legislative staffer can possess, I have found, is persistence and dedication. You have to be entrepreneurial, always looking for opportunities to move a good idea forward and never giving up when things look bleak. Trudy exemplifies these qualities. Her persistence and dedication has helped us move forward most of my urban initiatives of 1993, the funding for the high school student exchange with the republics of the former Soviet Union, student loan reform, several nominations, and very soon, I hope it will lead to final passage of my bill to prohibit new mothers from being discharged from the hospital before they or their babies are ready.

In addition to these qualities, there is an intangible between a Senator and a staff member. It is related to loyalty and knowledge, but it also is something more. It is the phenomenon of being confident that the staff member knows how to further the Senator's goals in a way that is consistent with the Senator's values and style. I've always felt that way about Trudy. I could truly leave it to her and know that it would be done as I would want it done. I guess I'm saying that at the core of a Senator-staff relation is trust. That's clearly the way it's been between us, for which I am lucky and very grateful.

I want finally to thank Trudy again, express my appreciation for all her long hours and hard work, and wish her all the best fortune as she continues to contribute to the workings of this democratic institution after I leave.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Utah.

Mr. BENNETT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate now stand in adjournment for 1 minute, and that when the Senate reconvenes its morning hour be deemed to have expired.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon, the Senate adjourned until 11:12 a.m.; whereupon, the Senate at 11:13 a.m. reassembled when called to order by the Presiding Officer [Mr. DEWINE].

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

WHITEWATER DEVELOPMENT CORP. AND RELATED MATTERS—MOTION TO PROCEED

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 341, Senate Resolution 227 regarding the Special Committee on Whitewater.

The PRESIDING OFFICER. Is there objection?

Mr. SARBANES. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BENNETT. Mr. President, I now move to proceed to calendar 341, Senate Resolution 227.

The PRESIDING OFFICER. The question is on the motion.

Is there further debate?

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. Mr. President, we are here today primarily because the White House has not been dealing with the special committee in good faith. I know that there are those who would accuse this committee of conducting a political witch hunt in an election year. But I submit that there are legitimate and powerful reasons to be investigating Whitewater Development Corp. and all of the related matters.

At the outset, it should be made clear that the main reason this committee needs additional time is the abject failure of this administration to cooperate. Contrary to all of their public statements, I believe the White House has been actively engaged in a coverup. They have repeatedly refused to turn over relevant evidence and have often failed to remember key facts under oath.

To give just one example, Bruce Lindsey was asked on numerous occasions whether he had produced all relevant documents to the committee, and he insisted under oath that he had. In particular, the committee asked about any notes he might have taken during the November 5, 1994, meeting of the Whitewater defense team. That is the same meeting where William Kennedy took notes, and we almost had to go to court to obtain them. Last Friday—that is the very date the special committee's funding was set to expire—he turned over his clearly marked notes of the November 5 Whitewater defense team meeting.

The American people deserve better than that. Again, this is only one example—where Bruce Lindsey was asked over and over again whether he had taken notes during that November 5 meeting, and we were told over and over again that he had not. On the day this committee's funding expired, they turned over these notes of the meeting.

In my opinion, the White House has done everything in its power to hide the truth. That is why we are here asking for additional funds to continue the committee's work.

Mr. President, I suspect that over the next several hours we obviously will hear from both sides of the aisle on this. But on our side of the aisle, I expect that most of our Members who participated in these hearings will probably do as I have done; that is, to focus my attention on some specific areas where I focused my attention during the committee hearings. So my comments now will be somewhat focused on the behavior of the White House officials immediately after Vincent Foster's death.

The death of White House Deputy Counsel Vincent W. Foster, Jr., on July 20, 1993, marked the first time since Secretary of Defense James Forrestal died in 1949 that such a high-ranking U.S. official took his own life. Mr. Foster was a close friend of both the President and Mrs. Clinton, and provided legal counsel to them on a number of sensitive personal matters, including Whitewater. Given Mr. Foster's sensitive position within the administration and his close personal friendship with the Clinton's, there were legitimate questions to be asked about the way he died.

The reason I raise this is because I have a feeling that those who may have just casually been observing or watching these hearings may have asked the question, What is all the concern about how the White House handled the review of documents in Vince Foster's office? I have already indicated that he was a personal friend of the Clintons, but there are questions that would be raised about any suicide of an individual in this kind of position.

Questions, for example, could be: Was there blackmail involved? Was he a victim of a crime that had something to do with his position? Could he have been the subject of extortion? Was our national security compromised in any way? Officials would certainly be concerned with finding out the answers to these questions as soon as possible.

In the days following his death, White House officials—in particular, members of the White House counsel's office—searched the contents of Mr. Foster's office and at the same time prevented law enforcement officials from conducting a similar search. In doing this and later covering it up, they have come to look like the guiltiest bunch of people I have ever seen.

Section (1)(b)(1) of Senate Resolution 120 authorizes the committee to inquire "whether improper conduct occurred regarding the way in which White House officials handled documents in the office of White House Deputy Counsel Vincent Foster following his death."

Pursuant to this directive, the committee conducted 69 depositions and held 17 days of public hearings to investigate the actions of White House officials in the week following Mr. Foster's death. The committee's investigation revealed, among other things, the following facts.

Fact: Foster's office was never sealed the night of his death despite four separate official requests.

Fact: High-ranking White House officials searched it without supervision.

Fact: Maggie Williams was seen by an unbiased witness carrying a stack of documents out of Foster's office.

Fact: Nussbaum made an agreement for Justice Department officials to conduct a search of Foster's office.

Fact: Nussbaum told Stephen Neuwirth that the First Lady and Susan Thomases was concerned with the Justice officials having unfettered access to Foster's office.

Fact: A flurry of phone calls occurred at critical times—17 separate contacts in a 48-hour period among Hillary Clinton, Maggie Williams, Susan Thomases, and Nussbaum.

Fact: After those calls, Nussbaum reneged on the deal with the Department of Justice investigators. He insisted on searching the office himself.

Fact: Once the investigators left the scene, a real search occurred with Maggie Williams' help, and afterwards she took documents to the residence.

Mr. President, I am going to go back through those various facts that I have raised, and again I am focusing on a very, very small portion and limited area of this whole debate. The area that I will be focusing on again is the night of Foster's death and the few days following that death.

Seven different persons recalled four separate requests to White House officials to seal Vincent Foster's office on the evening of his death. This was not done until the next morning. Hillary Rodham Clinton called Maggie Williams, her chief of staff, at 10:13 p.m. immediately upon hearing of Mr. Foster's death on July 20, 1993. Right after talking with Mrs. Clinton, Ms. Williams proceeded to the White House to Mr. Foster's office. White House Counsel Bernie Nussbaum and Deputy Director of the White House Office of Administration, Patsy Thomasson, met her there and conducted a late-night search of Mr. Foster's office without law enforcement supervision.

Mrs. Clinton then called Susan Thomases, a close personal friend, in New York at 11:19 p.m. Secret Service officer Henry O'Neill testified that on the night of Mr. Foster's death, he saw Ms. Williams remove file folders 3 to 5 inches thick from the White House counsel's suite and place them in her office.

Now, why would this Secret Service individual lie about that? This could constitute obstruction of justice, particularly if the billing records were in those files. If this is true, there could be two possible separate counts, the first against Maggie Williams for knowingly taking relevant documents out of Foster's office with the intent to hide them from investigators, and the second for turning them over to someone else, possibly the Clintons, who then intentionally withheld them from us in violation of numerous document requests and subpoenas.

This is one of the central questions which the committee must resolve.

After searching Mr. Foster's office on the night of his death, Ms. Williams called Mrs. Clinton in Little Rock at 12:56 a.m. on July 21, 1993, and talked with her for 11 minutes. Again, this is 12:56 a.m., middle of the night. Once that call was concluded, only 3 minutes later, at 1:10 a.m., after her conversation with Mrs. Clinton, Ms. Williams called Ms. Thomases in New York and they talked for 20 minutes.

I wish to note here that when we first spoke to Ms. Williams, she categorically denied talking to Ms. Thomases that night. Imagine, that was a 20-minute conversation that took place at 1:10 in the morning and Ms. Williams categorically denied talking to Ms. Thomases. When the committee asked her for her phone records to prove her claim, she and her lawyer stated they were not available from the phone company. We asked the phone company for the records and, voila, 1 week later, we had them.

Susan Thomases, a New York lawyer, is a close personal friend of President and Mrs. Clinton. She has known the President for 25 years and Mrs. Clinton for almost 20 years. She was an adviser to the Clinton 1992 Presidential campaign and remained in the close circle of confidants to the Clintons after the election. One article referred to Ms. Thomases as the "blunt force instrument" of enforcement for the First Lady. She was the one who got things done in a crunch. As my colleague, Senator BENNETT, described her during the hearings, she was the "go-to" guy on the Clinton team. If the First Lady wanted to make sure that her people got to Foster's files before outside law enforcement, Susan Thomases was just the person to get the job done.

Department of Justice officials testified that they agreed with Mr. Nussbaum on July 21, 1993, that they would jointly review documents in Mr. Foster's office. Let me just say that again. There was an agreement between the Justice Department and Bernie Nussbaum as to how the documents in Mr. Foster's office would be reviewed.

Then there is a flurry of phone calls that occurs at what I would call critical times. We then begin a period of time in which a multitude of calls took place involving Thomases, Williams, and the First Lady. I believe the purpose of these calls might have been to make sure that the agreement Bernie Nussbaum had made with the Justice Department concerning the search of Foster's office was not kept.

Call No. 1. At 6:44 a.m.—fairly early in the morning. I am trying to think about how many phone calls I have actually placed at 6:44 a.m. Anyway, 6:44 a.m. Arkansas time on July 22, Maggie Williams called Mrs. Clinton—this is the day following—called Mrs. Clinton at her mother's house in Little Rock, and they talked for 7 minutes. Ms. Williams initially did not tell the special committee about her early-morning phone call to the Rodham residence.

After obtaining her residential telephone records documenting the call, the special committee voted unanimously to call Ms. Williams back for further testimony. When presented with these records, Ms. Williams testified, "If I was calling the residence, it is likely that I was trying to reach Mrs. Clinton. If it was 6:44 in Arkansas, there's a possibility that she was not up. I don't remember who I talked to, but I don't find it unusual that the chief of staff to the First Lady might want to call her early in the morning for a number of reasons."

Maggie Williams said, "I don't recall" or "I don't remember" so many times I lost count. According to one New York paper, as of last month, all of the Whitewater witnesses combined said this a total of 797 times during the hearings alone.

Call No. 2. This is a call that takes place now 6 minutes after the call that Maggie Williams forgot or just did not mention to the committee until we had records of the call. But 6 minutes after she apparently was willing to wake up the First Lady 6:44 Arkansas time, 6 minutes later Mrs. Clinton called the Mansion on O Street, a small hotel where Susan Thomases stayed in Washington, DC. The call lasted 3 minutes. Oddly enough, Ms. Thomases did not remember this call again until after the committee was provided with her phone records.

Call No. 3. Upon ending her conversation with Mrs. Clinton, Susan Thomases immediately paged Bernie Nussbaum at the White House, leaving her number at the Mansion on O Street. When Mr. Nussbaum answered the page, they talked about the upcoming review of documents in Mr. Foster's office. Ms. Thomases actually told the committee that these two phone calls had nothing to do with one another. After obtaining records documenting that she talked with Mrs. Clinton for 3 minutes immediately prior to paging Mr. Nussbaum, the special committee voted unanimously to call Ms. Thomases back for further testimony.

She maintained, however, that she called Nussbaum, because again, "I was worried about my friend Bernie, and I was just about to go into a very, very busy day in my work, and I wanted to make sure that I got to talk to Bernie that day since I had not been lucky enough to speak with him the day before."

I will come back to the busy day she was having later. At this point I will say that she was busy all right, but not with her private law practice.

Mr. Nussbaum has a different recollection of his conversations with Ms. Thomases. On July 22 he testified that Ms. Thomases initiated the discussion about the procedures that he intended to employ in reviewing documents in Mr. Foster's office.

"The conversation on the 22d"—this is a quote now— "The conversation on the 22d was that she asked me what was going on with respect to the examination of Mr. Foster's office." "She said * * * people were concerned or disagreeing * * * whether a correct procedure was being followed, * * * whether it was proper to give people access to the office at all."

According to Mr. Nussbaum, Ms. Thomases did not specify who these "people" were to whom she was referring, nor did Mr. Nussbaum understand who they were. Mr. Nussbaum testified he resisted Ms. Thomases' overture, but he said, "Susan * * * I'm having discussions with various people," which, by the way, we determined those various people were Hillary Clinton, Bill Clinton and Maggie Williams. Again quoting—"Susan * * * I'm having discussions with various people. As far as the White House is concerned, I will make a decision as to how this is going to be conducted."

He did decide to renege on his deal with the Department of Justice, but only after more phone calls from Maggie Williams and Susan Thomases. We have independent corroboration from Steve Neuwirth. Steve Neuwirth, a member of the White House counsel staff, testified under oath that Bernie Nussbaum told him Susan Thomases and the First Lady were concerned about giving the officials from Justice "unfettered access" to Foster's office.

While the Justice Department officials were kept waiting outside, Nussbaum continued his discussions, as more phone calls ensued, presumably about how to search the office.

Call No. 4. We are back again to this series of phone calls I was describing a little earlier. This is the fourth phone call. This is 8:25 in the morning of July 22. Thomases called the Rodham residence and spoke for 4 minutes.

Call No. 5. At 9 a.m., Thomases called Maggie Williams and left the message "call when you get in the office."

Call No. 6. 10:48 a.m., Thomases calls Chief of Staff McLarty's offices, spoke with someone for 3 minutes.

A meeting involving numerous members of the White House staff was going on in McLarty's office at this time to decide how to handle the search of Foster's office. In the meantime, the officials from the Justice Department, Park Police, and other agencies were waiting around for the search to begin.

Call No. 7. 11:04 a.m., Thomases called Maggie Williams, spoke for 6 minutes.

Call No. 8. This is occurring 1 minute after the conclusion of the previous call—Thomases calls Chief of Staff McLarty's office, spoke with someone for 3 minutes.

Call No. 9, just a couple minutes later, Thomases calls Chief of Staff McLarty's office again; spoke with someone for 1 minute.

Call No. 10. 11:37 a.m., Thomases called Maggie Williams, spoke for 11 minutes. Three minutes after that call was completed, Thomases called Maggie Williams and spoke for 4 minutes. Do not forget, this is all taking place during the time that Ms. Thomases said she was going to be very, very busy on conference calls related to her private legal practice.

When we asked Ms. Williams about all these calls to her office from Susan Thomases, she denied talking to her, and told us it could have been anybody else in her office, could have been an intern, a volunteer, or another staffer. Her refusal to take responsibility for the calls resulted in 32 different staffers having to be interviewed about who might have spoken to Susan Thomases that day, and all said they do not remember talking to her.

By doing this, Maggie Williams asked the committee to believe that Susan Thomases regularly calls unpaid interns at the White House just to chat. Her testimony to the committee was frankly typical of her whole approach to the process. In my opinion, both Maggie Williams and Susan Thomases are openly contemptuous of the committee's work. Their attitude toward this inquiry has never been one of cooperation, but rather blatant hostility.

Their behavior, coupled with the documentary evidence we have acquired, lead me to no other reasonable conclusion than that Maggie Williams and Susan Thomases were involved or influenced the decision to breach the agreement with the Department of Justice. Their behavior, and what I believe to be the reasons behind it, are frankly an insult, not just to us, but to the credibility and integrity of the Presidency.

Call No. 12. At 12:47 p.m., Capricia, an individual who is Hillary Clinton's personal assistant, paged Maggie Williams from the Rodham residence.

Call No. 13. 12:55 p.m., Maggie Williams called the Rodham residence and spoke for 1 minute. The pressure on Nussbaum must have been too great. He broke his agreement with the Justice Department and conducted the search essentially unsupervised. After learning of Nussbaum's reversal, David Margolis, one of the seasoned DOJ officials sent over for the search, told Nussbaum, that he was making a big mistake.

Once he heard this news, Philip Heymann, the Deputy Attorney General, later asked, "Bernie, are you hiding something?"

Call No. 14. At 1:25 p.m., the White House phone call to Rodham residence. Conversation for 6 minutes. Was this to tell Mrs. Clinton the deal with the Justice Department had been reneged upon?

Then we move to the search which takes place in Foster's office from approximately 1 p.m. to 3 p.m. The Department of Justice officials again are kept at bay.

Call No. 15. 3:05 p.m., Bill Burton, McLarty's deputy, called Maggie Williams and left a message. He had been asked by Nussbaum, after the review of Foster's office, to locate Maggie Williams. This signals the attempt by Nussbaum, through his deputy, to get the real search of the office underway, but only with Ms. Williams' help.

Call No. 16. 3:08 p.m., Thomases called Maggie Williams. Spoke for 10 minutes.

Call No. 17. 3:25 p.m., Steve Neuwirth called Ms. Williams and left a message. They are still trying to find Ms. Williams.

Call No. 18. It occurred somewhere between 4 and 4:30 p.m. Bernie Nussbaum personally called Maggie Williams to summon her to Foster's office. They searched the office for about half an hour.

Call No. 19. Somewhere between 4:30 and 5 p.m. Maggie Williams phoned Hillary Clinton.

Call No. 20. 5:13 p.m., Thomases called Maggie Williams. Spoke for 9 minutes, 30 seconds.

Then Maggie Williams takes the documents to the residence. Although the public was initially told by the White House spokesperson that all the Clintons personal documents were immediately turned over to their lawyers after Foster's death, once again, we later learned this was simply untrue.

Tom Castleton, a White House employee, spoke against his own interest and told us Maggie Williams asked him to take boxes of documents from Foster's office to the residence on July 22, 1993, so the First Lady and the President could review them.

I want to go back to this point again. This is Maggie Williams who again says that this did not occur. We have got testimony under oath from Tom Castleton that when he and Maggie Williams were taking these documents to the third floor of the White House, that Maggie Williams told Tom Castleton that the reason they were doing this is so that the First Lady and the President could review them.

What I see is a day that begins and ends with Maggie Williams, Susan Thomases and Hillary Clinton conversing. I think Maggie Williams started the day at 6:44 talking with the First Lady about the need to keep law enforcement out of Foster's office and to get certain documents into a safe place.

She ended the day with a conversation with Thomases and a conversation with Hillary Clinton to let them know—mission accomplished. Bernie Nussbaum was able to control the document review. Nothing was divulged to the Department of Justice investigators. The sensitive documents of the First Lady were whisked away to the private quarters where months later Carolyn Huber discovered critical billing records which had Foster's handwriting all over them.

Hubbell even told us he had last seen them in Foster's possession. I believe those records may have been among the files Maggie Williams took out of Foster's office.

The first time we talked to Ms. Williams and Ms. Thomases, we only had a record of 12 of these phone calls. They denied talking to each other, except maybe once or twice, during this period. We received the phone records in three separate installments and, in the end, we see their testimony was nothing but deception.

There were 17 separate contacts in a 48-hour period among Hillary Clinton, Maggie Williams, Susan Thomases and Bernie Nussbaum, which I believe were related to how to handle the documents in Foster's office. Thomases was on the phone to the White House for 28 out of 58 minutes when Nussbaum was trying to decide how to handle the search of Foster's office.

Again, this was on the day that, in her own words, again I quote, "I was just about to go into a very, very busy day in my own work." It now appears that her work was, in fact, the First Lady's work.

But that is not all. There is more deception about the suicide note and the documents removed from Foster's office. I want to reiterate, I have picked out one small segment of the investigation of the testimony that we reviewed, and it certainly ought to become obvious to people, as they listen to this, the lack of cooperation that we received from the witnesses, the lack of cooperation that we received from the White House. As I said earlier, I believe that the White House was actively involved in trying to cover up.

I am moving now to July 27, 1993. It is an important day. This is the day that the suicide note was turned over. Vince Foster's suicide note had been found the previous day. It was only turned over to the Park Police after a meeting with Janet Reno where she instructed the White House to do so. Attorney General Reno was very strong and decisive in her direction to the White House. I am paraphrasing, but basically the impression she left was, "Why did you waste my time? Why did I have to come to the White House to tell you to turn these documents over?"

I raise the question, Why were the documents not turned over the same day they were found? If you think about it for a moment, what possible reason could the White House have for keeping that note overnight, 30 hours? Why?

In retrospect, it is stunning that the White House did not turn it over to the Park Police right away. Obviously, as we can see by their handling of the note, they had no real intention of cooperating. Prior to the note being turned over to the Justice Department or Park Police, Hillary Clinton and a horde of other White House officials saw it. From what it sounded like, there were a large number of people—again, what I am referring to is from the testimony. The note was found, taken to Nussbaum's office, and people were coming in and reviewing this note. The people who, in fact, had seen the note were asked to testify about that note and who else was in the room, who else saw the note.

Oddly enough, everyone who was later interviewed by the FBI about the circumstances of finding the note forgot about the First Lady having seen it. Only during our second round of hearings did we learn about this important fact.

As for the documents that Tom Castleton and Maggie Williams took up to the residence on the 22d, they were turned over to Bob Barnett, the Clinton's personal attorney, on this day, on the 27th. Susan Thomases has testified she did not recall seeing Mrs. Clinton on July 27 and that she was not involved in Ms. Williams' transfer of Whitewater files from the White House residence to Clinton's personal lawyer, Mr. Bob Barnett, this despite records showing that Susan Thomases entered the residence at the same time as Mr. Barnett.

Thomases spent 6 hours there, yet she does not remember anything about being in the White House that day. I mean, they are really asking us to stretch our willingness to understand how this could happen.

I want to go over that point again because I find this really—6 hours she was in the White House. It would be one thing if somehow or another she just happened to either bump into Maggie Williams or bump into Bob Barnett and forgot it, but to, in essence, have forgotten anything about the 6 hours at the White House, I just find that very, very, very hard to believe.

As recently as January 9, 1996, we received another phone record of a message from Mrs. Clinton to Susan Thomases from July 27, 1993 at 1:30 p.m., asking Thomases to please call Hillary. Ms. Thomases was in Washington, DC on that day when she would not normally have been in town, and she had received a message from Mrs. Clinton's scheduler the day before. This is also the first time Ms. Thomases saw the First Lady after Vince Foster committed suicide.

So that is two personal requests by the First Lady to speak to her, but Thomases has no memory of the occasion. Ironically enough, she was able to tell the committee in some detail the specific reasons why she happened to be in Washington on Tuesday instead of on Wednesday but has absolutely no memory of a White House visit when there. This type of memory loss is, first, unbelievable and, second, I believe a purposeful attempt to avoid giving the committee information that it is entitled to.

What I have gone over is just, again, one small portion of the body of evidence this committee has uncovered.

Here are some other items which form my view of the situation and explain why I have arrived at the conclusion that this White House has engaged in an attempt to completely stonewall the committee and the American public.

Unethical Treasury/White House contacts led to the resignation of Altman and Hanson and Steiner, saying he lied to his diary. You may recall that from earlier hearings we had. These contacts were a systematic effort to gain confidential information from Government sources and ultimately influence the criminal and civil investigations of Madison.

The President's refusal to turn over vital notes under the guise of attorney-client privilege—this kind of coordination among White House staff and personal lawyers resulted in a multimember Clinton defense team at taxpayers' expense.

Now we understand why they did not want to turn over those notes, because they contain phrases such as "vacuum Rose law files."

The coverup has now reached the third floor of the White House residence. It is difficult to construct a scenario where whoever left billing records on that table is not guilty of a felony. It is the most secure room in the world. Are we supposed to believe, as my colleague from North Carolina indicated during the hearing, that the butler did it?

Hillary Clinton has publicly floated the possibility that construction workers may have placed those billing records in the book room. After committee investigation, we now know that workers are under constant Secret Service supervision and they would be fired if they moved anything around.

The White House has seriously delayed document production from key White House players in the Whitewater legal defense team: Gearan, Ickes and Waldman—and, as I said earlier, just last week, Lindsey.

Even when documents were turned over, there were redactions which were just plain wrong. The notes Mr. Gearan produced to us of a series of meetings of the Whitewater legal defense team were so heavily redacted that the committee insisted on a review of the complete notes. As it turns out, the White House chose to redact highly relevant statements.

For example, one redacted portion—and I guess maybe I ought to stop for a minute, because some people may not understand what "redaction" means. It would be, for example, if I were to take this page and make the determination that there were some things on here that were not relevant; I would just white them out and white out everything on the page I thought was irrelevant, leaving only, let us say, a note on here that says, "Quality, not quantity of evidence" that is important.

So, for example, one of the redactions said that "the First Lady was adamantly opposed to the appointment of a special counsel." What I am saying to you is, when we first got the document, a lot of information that we believed was relevant was whited out, redacted. We could not see it. It was only after we demanded to see it, after they said to us, "Do not worry, there is nothing else of any relevance on this document to what you are investigating." This one redacted portion said, "The First Lady was adamantly opposed to the appointment of a special counsel."

I think that is relevant and it is another example of the White House's efforts to keep us from moving forward. I know that the White House, as well as Members on the other side of the aisle, keep hammering on the fact that over 40,000 pages of documents have been produced. But it is not the quantity of documents that matter. They could produce a million pages but deliberately withhold one key page. By telling us to be satisfied with what they have already given us, it is like telling us we can have everything but the 18-minute gap in the 4,000 plus hours of Watergate tapes. Plain and simple, in my opinion, this amounts to contempt of the Senate and obstruction of justice.

We in the Senate have a serious responsibility to investigate abuses of power in the executive branch. It is one of our constitutional obligations and is a responsibility which the people of Florida expect me to carry out.

The obligation of the legislative branch to hold the executive branch accountable goes back to the beginning of our American heritage. The Founding Fathers had this very role in mind when they debated ratification of the Constitution. In Federalist Paper No. 51, James Madison explained the need for checks and balances among the branches of Government.

> If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: You must first enable the government to control the governed; and in the next place oblige it to control itself.

The special committee's work is an attempt to ensure that we are controlling government in the way our Founding Fathers envisioned. We owe it to the American people. This is their Government, and we are accountable to them.

Now, the failure of Madison Guaranty cost the taxpayers $60 million. I have attended hearings day after day and heard some amazing incidences of wrongdoing, only to turn around and hear administration apologists proclaim, "So what." This is my reaction to the "so what" response. In other words, what they are saying is, "You have not proved anybody guilty of anything. There is no smoking gun. So what." It is like saying that if somebody takes a gun and shoots at somebody and misses, no harm was done. I think, in fact, there is harm that has been done; and it has, in fact, been uncovered.

To those who insist that nothing wrong was done, I suggest you look to the results obtained so far from the independent counsel's work: Nine guilty pleas and indictments against seven others. That tells me that the issues we are pursuing are important.

In fact, in the most recent round of indictments, the President's 1990 gubernatorial campaign is specifically mentioned as the direct beneficiary of criminal behavior.

It is also interesting to note that the work of this committee has helped, not hindered or duplicated, the work of the independent counsel. The Albany Times Union observed that without the public demand in our hearings for the First Lady's billing records, the special prosecutor might still be waiting for them.

The public has a right to know the truth about this administration. On February 25, the Washington Post ran an editorial favoring an extension of the special committee. The main reason stated for needing additional time was the failure of the White House to cooperate. This is what the Washington Post said: "Clinton officials have done their share to extend the committee's life."

A January 25 editorial in the New York Times said, "Given the White House's failure to address many unanswered questions, there is . . . a strong public interest in keeping the committee alive."

One Florida newspaper, the St. Petersburg Times said, "Forget election year politics. The American people deserve to know whether the Clinton administration is guilty of misusing its power and orchestrating a coverup. For that reason—and that reason alone—the Senate Whitewater hearings should go on."

Further, they cited the most important and most democratic reason to continue these hearings was, "Ordinary citizens need to learn what all this Whitewater talk is about. Americans deserve a President they can trust, someone who embraces questions about integrity instead of running from them. If the answers make Clinton's campaigning more difficult, so be it."

Wrongdoing should not go unpunished just because it was discovered during an election year. "The search for answers cannot stop now."

I agree wholeheartedly with the St. Petersburg Times. This committee's work must continue in order to preserve the future integrity of the office of the President. The Presidency of the United States is an office which should be looked to as a beacon of trust. Our President should be honest and forthright, and so should his staff. Our duty is to ensure that the President upholds this basic standard, abides by the laws of the land, and avoids any abuse of his sacred office.

Apologists for the administration's behavior have complained this investigation is costing taxpayers too much money. I agree with my colleague, again, from North Carolina, who said, "You cannot put a price tag on the integrity of the Presidency."

For those of my colleagues who may still be deciding how to vote on this matter, I suggest they ask themselves a few basic questions. Have all the White House staffers been forthcoming, candid, helpful, and informative in their testimony and conduct? Did the career employees of key agencies who contradicted White House staff lie when they told us of White House interference? Has the President fulfilled his pledge to cooperate fully with the committee? If you answer one or more of these questions with a no, do as I will, and support the resolution so that we might finally learn the truth.

Thank you, Mr. President. I yield the floor.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, the issue before us is a resolution that has been reported from the Rules Committee, introduced by Senator D'AMATO, the chairman of the Special Whitewater Committee, which would indefinitely extend the special committee and provide another $600,000 over and above the almost million dollars that was provided last year for it to continue its work.

The distinguished minority leader, Senator DASCHLE, has proposed that the committee's work continue until the 3rd of April with an additional $185,000. The question is really whether the life of this committee ought to be given an indefinite extension throughout the 1996 Presidential election year.

I am going to retrace the history of our inquiry with respect to this particular issue, because I am very frank to say that I think the indefinite extension of the work of this committee will only result in politicizing the committee. It will be increasingly perceived by the public as an investigation being conducted for political purposes.

Now, that was recognized last year when the resolution establishing the committee was first passed. Last May—on May 17—the Senate adopted Senate Resolution 120, which provided for the establishment of the Special Committee To Investigate the Whitewater Development Corporation and Related Matters. That resolution, which provided $950,000—almost $1 million to carry out that investigation—provided that the funding would expire on February 29, 1996.

The reason it provided that was that from the beginning the intent was to carry out this inquiry in a fair, thorough, and impartial manner, and complete it before the country enters into the Presidential campaign. Therefore, Resolution 120, by authorizing funding only through February 29, accomplished this objective. In fact, the resolution states that the purposes of the committee are "to expedite the thorough conduct of this investigation, study and hearings" and "to engender a high degree of confidence on the part of the public regarding the conduct of such investigation, study and hearings."

In fact, Chairman D'AMATO, before the Rules Committee, stated when funding for the inquiry was being sought, "We wanted to keep it out of that political arena, and that is why we decided to come forward with the one-year request."

So it is very important to understand that at the time the resolution was adopted there was a concern about this inquiry becoming a partisan political endeavor. It was very clear that to avoid that it was decided not to extend the inquiry well into the Presidential election year. In fact, the resolution provided that the committee should report to the Senate in mid-January, evaluating its progress and the status of the investigation. When that report was made, regrettably the majority took the position they needed an unlimited extension of the inquiry—unlimited. In other words, it could go throughout 1996.

The minority took the position—and this was back in mid-January—that the committee should complete its investigation by the date contained in the resolution; namely, the 29th of February. We argued in that report, "It is well within the ability of the committee to complete its investigation by the February 29th date provided for in the resolution. The committee should undertake a schedule for the next 6 weeks that will enable it to meet that objective."

In fact, the Senate leadership had announced that the Senate would not be in regular voting sessions from the period of mid-January until near the end of February, and without any competing legislative business, it was our view that the committee could devote full attention to this investigation, hold an intense series of hearings and complete its inquiry on schedule—on schedule—and within budget as provided for in Senate Resolution 120 which this body adopted last May on a vote of 96–3.

It was possible for the committee to have met 4 or 5 days a week, a pace the committee has on previous instances followed. This very same committee has followed that pace on other occasions. That would have given the committee the opportunity to do the Arkansas phase of the inquiry, part of which remained to be completed, the committee having largely completed the work on the Foster papers phase and the Washington phase.

Now, between July and August of last year, between July 18 and August 10, at a time when the Senate was in session and Members were handling extensive legislative business, this special committee held 13 days of public hearings and examined 34 witnesses. That is a period of 3 weeks last summer, this committee, working hard, held 13 days of public hearings and examined 34 witnesses. The Iran-Contra committee, which I will turn to in a bit to make some other contrasts, held 21 days of hearings back in 1987 between July 7 and August 6 in order to complete its work.

Now, there is an important reason not to carry this matter well into a Presidential election year. By authorizing the funding only through February 29, Senate Resolution 120 stated that the purpose was to engender a high degree of confidence on the part of the public regarding the conduct of such investigation, study and hearings. Extending the life of the committee beyond that date, and in particular extending it for an indefinite period of time would undermine this objective. Inevitably, in my judgment, it would diminish public confidence in the impartiality of this inquiry.

Now, regrettably, an intensification of the hearing schedule was not pursued through January and February. So we came to the end of February and the majority, now led by Chairman D'AMATO, has proposed an unlimited extension of time to continue the Senate investigation. That proposal was reported out of both the Banking Committee and the Rules Committee on a straight partisan vote, in contrast to the vote on Senate Resolution 120 last May.

The minority proposed an alternative. We took the position in mid-January that this inquiry could be finished by the end of February, pursuant to Senate Resolution 120, but the kind of hearing schedule that would have been necessary to accomplish that was regrettably never adopted. In fact, we have a situation in which in the 2-month period, we saw opportunities to conduct hearings simply pass by. In January, we held one hearing this week, two hearings this week, two this week, two that week. So we held seven hearings in the entire month of January. January—seven hearings.

I remind Senators that last summer this very same committee in the period between July 18 and August 10, a period of 3 weeks, held 13 days of public hearings, 13 days of public hearings. The Iran-Contra committee, in a month, held 21 days of public hearings. Mr. President, seven hearings in the month of January; the pace in February was the same. The month of February we held eight hearings. All of these opportunities to hold hearings on all these other days did not take place, and in the last 2 weeks we held 1 day of hearings out of nine possibilities. So we came to the end of February not having intensified the hearing schedule, and Chairman D'AMATO and the majority now propose an indefinite extension of the hearing schedule.

Additional funding, $600,000, which, of course, would bring Senate expenditures on the investigation of Whitewater matters to $2 million—$400,000 in the previous Congress, $950,000 thus far by this committee, and an additional $600,000. Now, of course, that does not take into account the money spent by the independent counsel, which is now understood to be above $25 million, and increasing at about the rate of $1 million a month; or the money spent by the RTC on a civil investigation carried out by the Pillsbury Madison firm, which comes in at just under $4 million. We have no firm figure on the amount spent by House committees looking into the Whitewater matter, nor a figure for the money spent by Federal agencies assisting with or responding to these investigations. In any event, it is very clear that the amount spent in total, including all of these various sources, is over $30 million.

Senator DASCHLE wrote to Senator DOLE on the 23rd of January, at the time the report was filed, in which the minority argued very strongly that the committee should undertake an intensified hearing schedule in the final 6 weeks, to complete its investigation by the February 29 date, and said in his letter, and I am quoting Senator DASCHLE now:

> It is well within the special committee's ability to complete its inquiry by February 29. The committee can and should adopt a hearing schedule over the next 6 weeks that will enable it to meet the Senate's designated timetable.

As I indicated, no serious effort to intensify the hearing schedule in order to meet the February 29th deadline occurred. In fact, in the last week no hearing whatever was held. In the week before, only one hearing was held. In other weeks, more hearings were held, two hearings, maybe three hearings, but often with witnesses who had little new to contribute to the investigation.

Senator DASCHLE has put forth an alternative proposal in an effort, really, to demonstrate reasonableness, with respect to the work of the committee, and that is to provide an additional 5 weeks, until April 3, for the special committee to complete its hearing schedule, and until May 10 for the committee to complete its final report and to pay for this extra time by additional funding of $185,000.

In my view, 5 weeks of additional hearings should be more than adequate to complete the so-called Arkansas phase of this investigation, a phase which concerns events that occurred in Arkansas some 10 years ago, events which have been widely reported on since the 1992 Presidential campaign, about which much is already known.

So, in an effort to reach an understanding, Senator DASCHLE said we felt that you could have completed your work by the deadline, by February 29, as was enacted by the Senate last May when they passed the resolution establishing the committee. That represented the judgment and the consensus of this body in passing that resolution 96 to 3. And when we reached the mid-January point, it was clearly stressed that an intensified schedule would enable the committee to complete its work on time and within budget. That did not happen. We did not get that intensification of schedule. Now we come, having passed the 29th of February, with Chairman D'AMATO and the majority arguing that they now want an indefinite extension of this inquiry.

I think the proposal put forth by the minority leader, Senator DASCHLE, is an eminently reasonable one. Regrettably, it was rejected in the Banking Committee on a straight party-line vote and rejected again in the Rules Committee by a straight party-line vote. In other words, the Democratic position was, we are willing to provide a limited extension in order to finish up the things that you assert are not yet done and will provide a limited amount of time. We do not want to, in effect, commit $600,000, but we will commit $185,000.

Let me compare and contrast the procedure that has been followed with respect to this resolution and the question of its extension with what occurred on the Iran-Contra hearings which took place in 1987, namely the year preceding a Presidential election year, just as 1995 precedes a Presidential election year. In considering a resolution with respect to Iran-Contra, Senator DOLE took the very strong position that the inquiry ought not to extend into the Presidential election year.

In fact, in early 1987, when Congress was considering establishing a special committee on Iran-Contra, some advocated that it have a long timeframe, extending into 1988, in order to complete its work. There was a conflict between some Democrats in the House and Senate who wanted no time limitations placed on the committee, and Republican Members, led by Senator DOLE, who wanted the hearings completed within 2 or 3 months. And, of course, it was pointed out at the time, and escaped no one's attention, that an investigation that spilled into 1988 would only place the Republicans in a defensive posture during the Presidential election year.

Senator INOUYE, who was selected to chair the special committee, and Congressman HAMILTON, who was selected as its vice chairman, recommended at the time rejecting the opportunity to prolong, and thereby exploit for political purposes, President Reagan's difficulties. They determined, in fact, that 10 months would provide enough time to carry out the inquiry, and that was the requirement under which the Iran-Contra Committee moved forward. In fact, during the Senate debate on the resolution to establish a select committee on Iran-Contra, Senator DOLE noted the good-faith effort of these two congressional leaders to have the committee complete its work in a timely manner.

He stated:

> I am heartened by what I understand to be the strong commitment of both the chairman and vice chairman to avoid fishing expeditions and to keep the committee focused on the real issues here.

And the time period then was shortened from what many had been proposing in order to expedite and complete work on the matter and not carry it into the 1988 election year. Senator DOLE argued during floor debate that the country had many other matters to deal with, and stated:

> With all these policy decisions facing us, the Senate—and the country, for that matter—cannot afford to be consumed by the Iranian arms sales affair.

So the Senate, when it passed the resolution, established a termination date well before the end of 1987. The termination date in our resolution was in February 1996. But it was recognized that that was to avoid going further into a Presidential election year. In doing that, Senator DOLE said:

> There is still a national agenda that needs to be pursued. There are a number of issues that must be addressed, and the American people are concerned about the Iran-Contra matter. But they are also concerned about the budget, about the trade bill, about health care, and a whole host of issues that we will have to address in this Chamber.

He went on to say:

> The problems of the past, as important as they are, are not as important as the future. And, further, if we get bogged down in finger pointing, in tearing down the President and the administration, we are just not going to be up to the challenges ahead, and all of us—all Americans—will be the losers.

I want to compare these two ways of proceeding because it was debated at the time of Iran-Contra, and recognized some push to extend it into 1988 and into the Presidential election year. That was very strongly opposed by Senator DOLE, and by his colleagues. In the end, Senator INOUYE and Representative HAMILTON turned down the opportunity to prolong the inquiry into the election year and extend it for political purposes.

This Senate last May took, in effect, the same position by establishing the February 29, 1996 date. We have now reached that date. And we find the majority asking for an unlimited extension of this inquiry after we have been through a period in which neither in January nor in February did the committee embark upon an intense hearing schedule in order to finish its work by the cutoff date.

As I have indicated, we had hearings only 8 days in the month of February, a month when the Senate was not in session. And, therefore, when it was possible to really devote all day every day to this issue, there were no hearings in the last week in February—only one hearing in the next to the last week. And in the month of January, once again, many days without any hearings by the special committee, 7 days of hearings out of the entire month, 8 days in February. That is a total of 15 days over 2 months.

As I indicated earlier, this very committee last summer in the latter part of July and the first part of August—over a 3-week period—held 13 days of hearings. But let us compare it with Iran-Contra because that was a situation in which the Democrats controlled the Congress. There was a Republican administration.

The question then was, what was fair in terms of carrying out this inquiry, and how far should it extend into the Presidential election year? And the Democrats took the position that they were not going to extend it into the Presidential election year. They were going to try to keep politics out of the inquiry. Obviously, the further it goes into a Presidential election year, the more politics will come into the inquiry. And there is just no doubt about that, and the more the public's confidence in the impartiality of the inquiry will be eroded.

In 1987, in order to meet this schedule, the Iran-Contra committee held 21 days of hearings between July 7 and August 6. It met literally every Monday through Friday with three exceptions over a 5-week period.

So there was an intense set of hearings in order to carry through on the undertaking that had been made to finish up its work in a timely fashion and avoid keeping the matter out of the 1988 Presidential election year—21 days of hearings with only three open days during that period so it could complete its hearing work within the timeframe set forth in the resolution which established it; 21 days of hearings.

Contrast that—the undertaking made by the Democratic Congress then dealing with a Republican administration to honor the effort to keep it out of the election year and out of the political context and not to have it turn into a partisan endeavor. Contrast this hearing schedule—21 days of hearings in a 1-month period—with a hearing schedule that has been pursued by this committee over the last 2 months. There were only 8 days of hearings in February, and only 7 days of hearings in January for a total of 15; 15 days over 2 months when Iran-Contra had 21 days in a month and finished up its work to honor the undertaking not to project it into a political year.

My own view is that the committee could and should have finished its work by the 29th of February as it was charged to do by the resolution that was adopted by this body last May. I think that was well within the ability of the committee. It did not happen. We are now confronted with a situation in which Chairman D'AMATO and his colleagues seek an unlimited extension of the work of the committee.

Senator DASCHLE indicated on the 23rd of January that he thought the committee could complete its work by February 29. Now he has prepared and has offered an alternative in an effort to accommodate providing some additional time and funding for the committee to carry on its work.

In other words, we felt the committee should have finished by February 29. They did not follow a schedule in order to do that. The question is, what now? Senator DASCHLE, in an effort to accommodate, proposed providing additional weeks of hearings, until April 3 to complete a hearing schedule, until May 10 to complete a final report, and funding to carry out this work of $185,000 as contrasted with the $600,000 that Chairman D'AMATO is seeking for an indefinite extension of the work of the committee. In other words, an extension that can go throughout 1996 and obviously right into the Presidential campaign—an extension which, in my judgment, by prolonging the investigation well into a Presidential election year, will contribute to a public perception that the investigation is being conducted for political purposes.

It needs to be understood, of course, that the independent counsel's inquiry will continue. The independent counsel operates under, in effect, his own statute. He has unlimited funding. So that inquiry will go on as long as the independent counsel deems that it should go on. Judge Walsh, as we know, went on many, many years with respect to Iran-Contra and, in fact, continued his work after the hearings were concluded.

These hearings have never been related to the work of the independent counsel because the independent counsel is on a separate track. As we saw in Iran-Contra, those hearings ended in the latter part of 1987, but the independent counsel continued his work. Of course the work of the current independent counsel, Kenneth Starr, will go forward. He was given broad authority by a special panel of Federal judges to investigate Whitewater. He has a staff that eclipses anything that is available to any other inquiry that is now going on—we understand 30 attorneys and over 100 FBI and IRS agents; and the Independent Counsel Reauthorization Act sets no cap on the cost of his investigation, which has been over $25 million thus far.

So, in fact, many have raised the point: Let the independent counsel do the inquiry, on the premise that that is a less political arena than hearings conducted here in the Congress, particularly hearings that go into the election year itself, so you have politicians looking at politicians in a political year, and that is almost certain to guarantee a political endeavor.

Now, in addition, it is important to realize that the RTC-commissioned report, the comprehensive report by an independent law firm, Pillsbury, Madison & Sutro, headed by a former Republican U.S. attorney, Jay Stephens, that report has now been made public. It cost almost $4 million. And the conclusion transmitted to the RTC was that they found no basis on which the RTC should bring any actions, civil actions, with respect to the various matters which they investigated.

That represents a very thorough and comprehensive review.

Let me turn for a moment to the argument about requiring an open-ended extension in order to get more material. It is my understanding that the White House has now provided all material requested with the exception of those further requests made to it by the special committee over the last 2 or 3 weeks.

A great to-do is made about material that has been provided 2 weeks ago, a month ago, in early January. But the important thing to remember is that that material was provided; so it was made available to the committee. People raise a lot of commotion about the fact that Mr. Gearan's notes were not provided earlier on. Well, they were provided. He has an explanation as to why they were not provided earlier on. In any event, the committee got them, reviewed them, and held a hearing with Mr. Gearan, an all-day hearing, in which we went over those notes. The same thing is true of the notes with respect to Mr. Ickes.

On March 6, today, Jane Sherburne, the special counsel to the President, sent a letter to Chairman D'AMATO and to me as the ranking member in which she states the following, and I am quoting the letter:

> Since the issuance of the Special Committee subpoena on October 30, 1995, the White House has received some 30 new requests from the Chairman. This letter summarizes the status of our response to those requests.
>
> We have provided responses to every request with the exception of two new requests for e-mail made by the Chairman in February after we reached what we had understood was the Committee's finalized e-mail request memorialized in my letter to the Committee on January 23, 1996. One of these additional e-mail requests relates to the discovery of copies of Rose Law Firm billing records which were provided to the committee on January 5, 1996, 2 weeks before the Committee staff finalized its e-mail request.
>
> The other outstanding e-mail request relates to the period January 3 through January 12, 1994. This request was first made on February 16, 1996, but without the necessary detail to conduct the retrieval process. The detail was later provided by staff orally.
>
> As you are aware, the Executive Office of the President already has incurred over $138,000 in out-of-pocket costs for the e-mail described in my January 23, 1996, letter. Although we retrieved and reviewed 10 boxes of e-mails, this effort produced nothing of use to the committee's inquiry. Nonetheless, we are undertaking to respond to the new requests and hope to provide you with the results shortly.

Those are additional requests that were made. The original e-mail requests—well, the original request was so broad that no one really reasonably could be expected to respond to it, and after extended discussions, we were able to reach an agreement to focus those e-mail requests and to narrow them down, and they now have all been provided.

In addition, the White House undertook to verify that all documents provided to the counsel's office by White House staff beginning in March 1994 had been reviewed and produced to the committee as responsive. They also undertook to verify that all relevant White House files of certain former White House officials that may contain responsive material had been reviewed. So they undertook to go back and scrub down the files as a consequence of a couple of these late-arriving requests.

As a consequence of that work, some additional material—not much—has been provided to the committee. Most of them are copies or duplicates of matters that had previously been produced to the committee.

But that material has also now been received by the committee. So the committee now has all of this material in hand, which seems to me argues very strongly for an approach as the one contained in that put forth by the minority leader, by Senator DASCHLE, which would provide the committee an extension of 5 weeks from the termination date in order to complete its inquiry, some additional time in order to do its report, and would really serve to keep this matter out of the election year.

There has been no counterresponse to that proposal of the distinguished minority leader, Senator DASCHLE. I mean, the original proposition put forward by Chairman D'AMATO was an indefinite extension and $600,000. Senator DASCHLE and his colleagues on this side of the aisle indicated that that was unacceptable because it would really politicize this inquiry even further in an election year and guarantee that it would turn into a partisan political endeavor.

The Democrats did not seek to do that with Iran-Contra in 1987, and I am frank to say I do not think the Republicans should seek to do that with Whitewater in 1996.

The leader, faced with this proposal for an unlimited extension, offered what I think was a very reasonable proposal. That is for an extension until the 3d of April for hearings and until the 10th of May for the report. That has not elicited any response from my colleagues on the other side other than simply to press forward with their original proposal, which was for an indefinite extension and an additional $600,000.

As we have indicated, Mr. President, we do not think that is necessary or required. We believe an indefinite proposal would make this inquiry simply a partisan political endeavor. We note that while the original resolution was passed by a very overwhelming bipartisan vote of 96 to 3, the proposal for an unlimited extension is moving along simply on the basis of a straight party vote.

We do not believe that is the way this matter should be handled. I urge my colleagues on the other side to look again at the proposal put forth by the minority leader, which I think represents a very reasonable proposition.

I yield the floor.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I have several observations and reactions to the statement by the Senator from Maryland, who has done his usual thorough job of examining a whole series of issues. But if I may, Mr. President, without being disrespectful of my colleague, I would like to say that those issues are not particularly significant or relevant to what we are talking about here. I was not in the Senate when the Senate discussed Iran-Contra or the October Surprise or Watergate or any of the other hearings that he has discussed in such detail.

The issue before us is not whether or not those hearings were conducted well or badly, whether they were conducted in a speedy and expeditious manner or whether they were dragged out. The issue is whether or not this committee deserves more time to do its work. For that reason, I will not really debate with the Senator from Maryland anything regarding Iran-Contra or October Surprise or any other such issue.

The committee clearly needs more time to conclude its work. That is a given. The proposal offered to the Senate by the distinguished Democratic leader very specifically demonstrates a recognition of the fact that the committee needs more time. So I do not think that question is at issue.

The only question at issue before us is, how much time do we need? To me, the answer to that is very simple—as much time as it takes to get the facts. It is not that complicated. I know my colleague from Florida spoke for 45 minutes, close to an hour. My colleague from Maryland has spoken for the same period of time.

To me, the issue is very simple—how much time will it take to get the facts? Not how much time has elapsed or how many witnesses we have heard or how many documents have been furnished or how much time was taken in another controversy that took place years ago. How much time do we need to get the facts?

In an effort to try to come to that point, Mr. President, I turn to the press. I will quote briefly from three editorials. They have been quoted extensively before. They have been put in the RECORD. So I will simply summarize some of them on the point that I have tried to make.

The Washington Post on the 25th of February, after examining many of the outstanding issues says this in conclusion:

> Who knows where this all will lead? The committee clearly needs time to sift through these late-arriving papers as well as interview witnesses now unavailable because they are key figures in the Whitewater-related trials. So like it or not, the Senate committee is unlikely to go off into the sunset at month's end when its mandate expires. Clinton officials have done their share to extend the committee's life.

That summarizes it for me, Mr. President. Why do we need more time? Because Clinton officials have not been as forthcoming as they should have been. The committee clearly needs time for two reasons. One, to sift through these late-arriving papers. Why are they late arriving? Again, ask President Clinton and his staff. The committee has been asking for them for months. One, to sift through these late-arriving papers, and, two, interview witnesses who are now unavailable because they are key figures in the Whitewater-related trials. Very straightforward. All right.

The New York Times, making comment in the aftermath of the Iowa and New Hampshire primaries says:

> The excitement of Iowa, New Hampshire has diverted attention from the Senate Whitewater committee and its investigation into the Rose Law Firm's migrating files.

I think that is an interesting phrase, the law firm's "migrating files."

> Naturally this pleases the White House—

Referring to the lack of focus on this—

> Naturally this pleases the White House and its allies, who hope to use the interregnum to let their 'so what' arguments take root. David Kendall, the Clinton's private attorney, says the curious paper trail is just one of the meaningless mysteries of Whitewater.

Then the Times says:

> There are mysteries here, but they are not meaningless.

Then it goes on again through that which has been covered so many times. I do not feel the necessity of covering it one more time. But the Times concludes:

> Perhaps the files will also show that there was no coverup associated with moving and storing these files.

And this sentence—I love it, because it summarizes what we are talking about.

> Inanimate objects do not move themselves. It is pointless to ask Senators and the independent prosecutors to fold their inquiry on the basis of the facts that have emerged so far. To do so would be a dereliction of their duties.

I love the way this is written. The "migrating files," "inanimate objects do not move themselves."

Another newspaper, USA Today, offered these comments in an editorial. It leads off with this statement:

> This week author Hillary Rodham Clinton was supposed to inform the nation about the truths kids can tell us. Instead, the nation is confronted with questions about whether the First Lady is telling the whole truth about her role in two scandals, Whitewater and Travelgate, and whether she and her husband can stop acting like children when asked about it.

It then goes on to list a series of questions. Again, they have been talked about at great length here on the floor. I see no point in asking them again just for the sake of asking them.

But I like the conclusion, again, out of this editorial, after renewing all of these questions. It says:

> Mrs. Clinton and the President have raised these questions, not Republicans.

I would like to repeat that for emphasis, Mr. President:

> Mrs. Clinton and the President have raised these questions, not Republicans. They've created the impression they may be covering something up by being less than thorough in responding to legitimate demands for information. This is not the first time Mrs. Clinton has run into such a problem. She never fully explained profits from the 1970's commodities trades. Concerns linger that the profits came from wealthy friends seeking political favors.

And then the conclusion, with which I heartily agree:

> Rather than pointing fingers at the investigators, the Clintons need to offer some apologies, plus the whole truth of what went on with Madison, Whitewater and the travel office. Nothing less will do.

That is the end of that editorial.

So, Mr. President, I could go on for a significant period of time and review what we found out in the committee, rehearse the various things that were said, comment once again on the inconsistencies and all of the rest of that. I do not see that it serves much purpose. The issue is very clear: How much more time does the committee need?

I believe that the offer made by the Democratic leader is for an insufficient amount of time. The argument is made that the request made by the chairman of the committee for no firm date is too much time. I hope both sides can sit down and say somewhere between the offer made by the Democratic leader and the request for an open-ended inquiry made by the chairman, we can find a date that can satisfy the two requirements, which are sufficient time to sift through the late-arriving documents and enough time for us to hear from the witnesses who are currently unavailable.

To me, it is not that hard to figure out. I hope that we can arrive at that point instead of tying up the Senate in endless rehashing of issues that, as I say, in my view, are not relevant.

I go back to the New York Times for the final summary of that when the New York Times said editorially, for the Democrats to filibuster this request will look like silly stonewalling.

Mr. President, I suggest the absence of a quorum.

Mr. SARBANES addressed the Chair.

Mr. BENNETT. I withdraw the request.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I always enjoy the opportunity for an exchange with my distinguished colleague from Utah. I listened carefully as he quoted from the Washington Post editorial headed "Extend the Whitewater Committee." The Post then, in a subsequent editorial headed "Extend, But With Limits," said:

> . . . but the Senate should require the committee to complete its work and produce a final report by a fixed date.

It then goes on to say, and this may, in effect, get into the area that the Senator was perhaps suggesting in his comments because I listened very carefully and as I made the point myself, the proposal we had from the other side was an unlimited extension.

Mr. BENNETT. Yes.

Mr. SARBANES. The distinguished Democratic leader said, "Well, we can't agree to an unlimited extension, but we are prepared to offer carrying it forward." We have heard nothing back with respect to that. So that is the play on this issue.

This editorial said:

> Democrats want to keep the committee on a short leash by extending hearings to April 3rd with a final report to follow by May 10th. A limited extension makes sense, but an unreasonably short deadline does not. Five weeks may not be enough time for the committee to do a credible job. Instead, the Senate should give the committee more running room, but aim for ending the entire proceeding before summer when the campaign season really heats up. That would argue for permitting the probe to continue through April or early May.

And, of course, we had suggested April 3.

I know the Senator has quoted some editorials that say go on with this thing. There are other editorials, of course, which take just the opposite point of view.

Mr. BENNETT. Mr. President, may I respond to that very quickly?

The PRESIDING OFFICER. The Senator from Maryland has the floor. Does the Senator yield?

Mr. SARBANES. I certainly yield to my colleague.

Mr. BENNETT. I have to leave the floor, and I thank my colleague from Maryland for his courtesy. I simply say, Mr. President, that subsequent editorial that the Senator from Maryland quoted is in exactly the vein of what I am talking about, that I find the Democratic leader's proposal to be too short a leash, but this Senator would not object if we met the two objectives called for of enough time to sift through the late-arriving papers and the ability to interview witnesses who are currently unavailable. My only objection to the proposal made by the Democratic leader is that it does not provide for meeting those two.

So I say to the Senator from Maryland, Mr. President, that this Senator would be willing to have some kind of agreement along the lines that he is now talking about. My objection is to the cutoff date in the proposal made by the Democratic leader which I think is too short a leash.

Mr. SARBANES. Mr. President, let me point out that there are other editorial comments around the country which actually think this should end right now, period.

The Sacramento Bee on March 2 had an editorial, "Enough of Whitewater." Let me quote a couple of paragraphs:

> Senator Alfonse D'Amato, the chairman of the Senate Whitewater committee and chairman of Senator Bob Dole's Presidential campaign in New York, wants to extend his hearings indefinitely, or at least one presumes until after the November elections. The committee's authorization and funding ran out Thursday, and the Democrats, in part for related political reasons, want to shut the committee hearings down. In this case, the Democrats have the best of the argument by a country mile. With every passing day, the hearings have looked more like a fishing expedition in the Dead Sea.

I ask unanimous consent that the entire text of that editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Sacramento Bee, Mar. 2, 1996]

ENOUGH OF WHITEWATER

Sen. Alfonse D'Amato, the chairman of the Senate Whitewater Committee and chairman of Sen. Bob Dole's presidential campaign in New York, wants to extend his hearings indefinitely—or least, one presumes, until after the November elections. The committee's authorization and funding ran out Thursday and the Democrats, in part for related political reasons, want to shut the committee hearing down.

In this case, the Democrats have the best of the argument by a country mile. With every passing day, the hearings have looked more like a fishing expedition in the Dead Sea.

Given the fact that D'Amato's mighty and costly labors have so far caught little but crabs; that there is a special prosecutor going over the same ground; that there have already been nearly 20 months of Senate hearings, first under the Democrats, then under the Republicans; that a couple of House committees have held their own hearings; and that an armada of journalists has covered the ground for more than three years, you'd think that whatever Whitewater is had been covered to death.

Thursday, the Democrats, though in the minority, managed to use parliamentary devices to block the indefinite extension that D'Amato asked for. They're willing, they said, to accept a five-week extension to wrap up the hearings, then another six weeks to allow the committee to write a report. That, said D'Amato, sends "the unmistakable message that (the Democrats) want to prevent the American people from learning the full facts about Whitewater."

In fact, it ought to be plenty. Even if every charge were true, the political cronyism and favoritism allegedly bestowed in connection with the Whitewater development while Bill Clinton was governor of Arkansas—and so far only alleged—would be of no interest to any congressional committee were it not for the fact that Clinton is present. Similar shenanigans—and worse—occur routinely in state after state. Why isn't D'Amato investigating Lamar Alexander, who benefited richly from business cronies during his days as governor of Tennessee and as president of its state university?

There may well have been attempts in the Clinton White House to cover up the dealings among the Clinton, the Whitewater development company and the failed Arkansas savings and loan that helped to bankroll it. There was certainly a great deal of stonewalling and evasive behavior. But Kenneth Starr, the special prosecutor, has been sparing no effort to investigate both that and related matters. What is it that D'Amato can credibly establish that Starr can't.

Mr. SARBANES. Mr. President, finally an editorial in the Atlanta Constitution which calls for bringing this inquiry to an end. It goes on to point out, "one, that a recent Resolution Trust Corporation investigation found no hint of impropriety by the Clintons regarding their Whitewater involvement."

It goes on to say:

> The first couple is still under investigation by Independent Counsel, Kenneth Starr, a former Reagan Justice Department official, who can be expected to scrutinize the Clinton's legal and business affairs rigorously. Any additional sleuthing by Senator D'Amato would be a waste of taxpayers' money.

I ask unanimous consent that that editorial be printed in the RECORD as well.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Atlanta Constitution, Feb. 15, 1996]

TAKE D'AMATO OFF CLINTONS' CASE

The Senate's Watergate hearings of 1973–74 were momentous, delving into White House abuses of power and leading to the resignation of a disgraced president and the imprisonment of many of his aides. They lasted 279 days.

Next week, Sen. Alfonse D'Amato (R-N.Y.) and his fellow Whitewater investigators will surpass that mark (today is the 275th day), and they have nothing anywhere near conclusive to show for their labors. To put matters in context, all they have to ponder is a fairly obscure 1980s real estate and banking scandal in Arkansas.

With a Feb. 29 expiration date for his special panel staring him in the face, D'Amato has the effrontery to ask the Senate for more time and money to continue drilling dry investigative holes. Specifically, he wants open-ended authority and another $600,000. That's on top of the $950,000 his committee has spent so far, plus $400,000 that was devoted to a Senate Banking Committee inquiry into Whitewater in 1994.

The partisan motives behind D'Amato's request couldn't be more obvious. Here he is, a chief political strategist for the leading Republican contender for the presidency, Bob Dole, seeking to legitimize the committee's hectoring of President and Mrs. Clinton well into the campaign season.

If the panel could demonstrate a glimmer of a hot new lead connecting the Clintons to the Arkansas scams, D'Amato's appeal for an extension might have merit. Invariably, though, the committee's supposed revelations have evaporated for want of substance. Witnesses who testified in the past are being summoned back, often to go over familiar ground. Chelsea Clinton's former nanny had to appear again this week, for heaven's sake.

This is not to let the Clintons off the hook. They might have allayed suspicions about themselves long ago if they had promptly produced documentation of their Arkansas business and legal dealings. But lawyerly reticence, however politically unwise, by no means indicates guilt. Remember that a recent Resolution Trust Corp. investigation found no hint of impropriety by the Clintons regarding their Whitewater involvement.

The first couple is still under investigation by independent counsel Kenneth Starr, a former Reagan Justice Department official who can be expected to scrutinize the Clintons' legal and business affairs rigorously. Any additional sleuthing by D'Amato would be a waste of taxpayers' money.

Mr. SARBANES. Mr. President, the Greensboro, NC, News and Record had an editorial headed "Whitewater Hearing Needs To Wind Down." Let me just quote a couple of paragraphs from that:

> A legitimate probe is becoming a partisan sledgehammer.

Let me repeat that:

> A legitimate probe is becoming a partisan sledgehammer. The Senate Whitewater hearings, led since last July by Senator Al D'Amato (R–NY), have served their purpose. It's time to wrap this thing up before the election season.

Then they end that editorial with this comment:

> Let the GOP use the fruits of D'Amato's labors as they will in the coming campaign, but don't let the opposition party run a smear campaign at public expense.

I ask unanimous consent that that editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WHITEWATER HEARING NEEDS TO WIND DOWN

A legitimate probe is becoming a partisan sledgehammer.

The Senate Whitewater hearings led since last July by Sen. Al D'Amato, R–N.Y., have

> served their purpose. It's time to wrap this thing up before the election season.
>
> The committee has documented the Clinton's various relationships with a bankrupt Arkansas savings and loan and related enterprises. It has developed evidence of a damage control campaign run from the White House. And it has revealed a mean and petty episode involving the White House travel office. The portrait of Arkansas politics curing the '80s is not a pretty one.
>
> All of this—including the mysterious, belated appearance in the White House of documents that had been subpoenaed by the committee months earler—will surely be politically damaging to the Clintons. D'Amato's committee should sum up its findings, publish them for all to see, and go on to something else. The committee has done its work, sometimes more than once.
>
> Still, D'Amato and company haven't had enough. The New York senator wants his mandate, which has already eaten up $1 million of your money, extended indefinitely. He has asked for another $600,000.
>
> Republicans charge that it has been the White House's desultory compliance with the committee's requests that has slowed its work, necessitating the extension of this expensive and fruitless exercise. But that argument is becoming tedious.
>
> The committee has already subpoenaed everybody and every document in sight. The committee's thoroughness is not in question. The committee's excesses are. They have begun to eat into its credibility.
>
> Senator D'Amato tries to explain away his obvious conflict of interest by making the laughable argument that his role as New York chairman of the Bob Dole campaign has no connection to his use of the Senate committee. Here's what's happending.
>
> D'Amato is carrying on Dole's campaign in the Senate with repetitious hearings that highlight testimony from the White House staff, then outside the Senate chambers with press conferences. Covering Whitewater once in 1995 was a legitimate Senate inquiry. Rehashing it in 1996, an election year, is exploiting the forum to damage the president.
>
> What began as only a partly political exercise has over the months become blatantly that, thanks to D'Amato and his North Carolina ally, Sen. Lauch Faircloth.
>
> The committee had good reason to look into the Clintons' role in the Madison Guaranty Savings & Loan mess and related matters. But the panel majority, and especially the chairman, have turned a search for the truth into a partisan vendetta against the Clintons. Not even a casual observer of these proceedings could miss the contempt that the committee chairman has for the president and his wife. Allowing these hearings to go on indefinitely would be giving D'Amato—and by extension the legislative branch—a license to harass the executive.
>
> There's no reason to let the Clintons off the hook. An independent counsel is plowing the same ground—including the serious allegations that the White House may have attempted to obstruct justice and that Clinton exercised undue influence over savings and loan regulators while governor of Arkansas. There is no need for taxpayers to pay for this work twice and then again, particularly not when the Senate committee has so obviously become an arm of the Republican campaign to unseat the President.
>
> Let the GOP use the fruits of D'Amato's labor as it will in the coming campaign. But don't let the opposition party run its smear campaign at public expense.

Mr. SARBANES. Mr. President, I yield the floor.

Mr. FAIRCLOTH. Mr. President, it would appear that we are going into not a debate on the issues here, but a debate on who can find the best editorials. I say to the Senator from Maryland that he read from the Greensboro, NC, News and Record. I have found, over the few years that I have been in the Senate, when I get an unfavorable editorial in the News and Record, I finally did something right. But since we are going into the editorials, I will read one from USA Today. I am quoting from the last four paragraphs:

> Why did it take so long to find the papers? Subpoenas for Travelgate and Whitewater documents are many months old. Failure to provide them quickly warranted legal action. The statute of limitations for filing suits against Madison lawyers lapsed just days before the bills were produced. How could the White House have missed them? Mrs. Clinton and the President have raised questions, not Republicans. They have created the impression they may be covering up something by being less than thorough in responding to legitimate demands for information. This is not the first time Mrs. Clinton has run into such a problem. She never fully explained profits from a 1970 commodity trade—

And they are being kind to her when they say "never fully explained." She never even slightly explained.

> Concerns linger that the profits came from wealthy friends seeking political favors. There has never been any explanation of that. Rather than pointing fingers at the investigators, the Clintons need to offer some apologies, plus the whole truth about what went on with Madison, Whitewater, and the travel office. Nothing less will do.

Now, that is from USA Today, January 10, 1996.

Mr. President, we have been through this charade with the administration for more than 2 years now. It is time that it ends, and the length and amount of time that we have expended in these investigations is brought on not by the Republicans on the committee, but by the delay of the White House in providing subpoenaed information. That is simply the reason we are here today asking to extend the length of the resolution.

Mr. President, the central issue in this debate is this: Will the U.S. Senate, for the first time in my memory, take the affirmative step of refusing to investigate a scandal of public corruption? That is very simply what we are talking about doing with the filibuster here today—it is that the Senate is saying, "We are not going to investigate these people. We do not want to get into it."

The length of the investigation is irrelevant. As I said, the delays have come about not by the investigating committee, but by the White House itself. It has been nothing more than an attempt to wear it out, to use it up, to exhaust the people, to exhaust the money, to hope it would go away, and the length and time set for the investigation would lapse.

Just a few weeks ago, we received key documents from Mark Gearan. We received new documents from Harold Ickes, the White House Deputy Chief of Staff. And even just this week, still documents are coming in from White House lawyers. If the legal staff and the White House do not know where their notes and papers are, maybe that explains some of the confusion we see coming out of the White House. What do they know if they do not know where their notes and papers are?

Last December, on the Senate floor, we voted for a resolution to subpoena William Kennedy's notes from a November 5, 1993, meeting concerning Whitewater. The full Senate voted a subpoena. And last Friday, Bruce Lindsey admitted that he, too, had notes from this meeting. Last Friday. That is 2 years and 3 or 4 months. He brought those notes forward for one reason, which is that he believes this investigation is going to go on and he has a fear of obstructing justice. Can you imagine someone of that rank at the White House telling the committee that he did not take notes and then find them after the deadline has expired? We are asked to believe that. Furthermore, the accidental discovery of documents always seems to occur on Friday afternoon after the news deadline. This is when Bruce Lindsey turned over his documents. This is when the First Lady's billing records were released. I do not think a committee of the U.S. Senate should be treated with the disrespect the White House has shown this committee.

The cost of the investigation is not small, but I have asked, "Can we put a price on the integrity of the White House?" Mr. President, it is worth discussing how we arrived at this point? It is worth reviewing how Whitewater became a congressional issue, because it tells us something about the failure of the savings and loan industry and also tells us a lot about the ethics of Bill and Hillary Clinton?

In February 1989, Madison Guaranty Savings Loan failed. The failure cost American taxpayers an estimated $60 million at that time. I see figures today that it is over $70 million. But, whatever, it was a lot of taxpayer dollars. In fact, the entire savings and loan crisis cost the American taxpayers $150 billion—an unbelievably staggering amount of money. The Banking Committee has every right—and, in fact, a duty—to review the cause of the crisis. Is there any question that the American people, who are paying this bill—they are paying the $60 or $70 million Madison lost, and they and their children and grandchildren are going to pay the $150 billion, and they have a right to know where the money went and how it happened.

While Madison was a small institution, its failure was one of the worst in the Nation. When it failed, the cost to the taxpayers was 50 percent of the assets of the institution—50 percent.

In Arkansas, 80 percent of the State-chartered S&L's failed while Bill Clinton was Governor. Jim McDougal took over Madison from 1982 to 1986. In 4 short years, the assets grew from $6 million to $123 million. Now, if we will back up and look at what assets mean, that means he borrowed $117 million more in a period of 4 years. He borrowed $117 million that wound up being guaranteed by the taxpayers of this country. In 4 years, he borrowed $117 million that the taxpayers of this country wound up paying off for him. Part of that money, a good bit of it, went to Whitewater Development.

He increased his loans to insiders. That is what Bill and Hillary certainly would have been, since they were his partners in a real estate deal. He increased his loans to insiders. When he took it, the insider loans were $500,000. Four years later, he had increased his loans to insiders, which were Bill and Hillary Clinton, the President and First Lady, to $17 million. Whitewater was one of the ventures that caused Madison to fail.

Furthermore, the claims that the Clintons lost money is false. They never had any of their money at risk. You cannot lose money you did not have. It was a sweetheart deal for the new Governor, tracking and congruent with the commodity trade in which Hillary Clinton earned $100,000. Do you know how she earned $100,000 in the most speculative business in the world? She read the Wall Street Journal. After she earned $100,000, without explanation, in this brilliant, brilliant trade, worked by a commodity broker named Red Bone who was investigated for everything, she quit. No more commodity trades. If she possessed the skill to turn $1,000 into $100,000 in that length of time by being First Lady, she is wasting the most valuable and potential money-making asset this Nation has ever known.

The Pillsbury report that has been referred to many times by Senators in the minority showed that the taxpayers of this country lost far more money on Whitewater than the Clintons. To me, that alone is a scandal.

Furthermore, there are reports in today's Washington Post that Mrs. Clinton herself was much more involved in Whitewater than we believed, that she was fully aware that the McDougals had put more money into the deal than the Clintons did. Again, we have two Yale-educated attorneys that today tell us they were oblivious to the whole affair, that they did not understand it. It is almost beyond the concept of most of us on the committee to see two of the "smartest lawyers"—said her press people or somebody; we were clearly often told Mrs. Clinton was one of the 100 smartest lawyers in the Nation, and he certainly was at Oxford—could not buy 300 acres of cheap Arkansas land without a national scandal. The two smartest lawyers in the country could not buy 300 acres of cheap Arkansas land without creating a national scandal.

Why? Because it was not a clean legal deal. That is why you could not buy it without a scandal. Madison Guaranty was a high-flier savings and loan. It has been called the personal piggy bank for the political elite in Arkansas. I called it a calabash or a pot of money that the politicians were dipping in and taking out. I do not often agree with the editorial pages of the New York Times, but they have called the Whitewater hearings a stew of evasion and memory lapses. They do not often get it correct, but they did that time.

Mr. President, the central issue in Whitewater has been whether Madison received favorable treatment from Arkansas savings and loan regulators because of Jim McDougal's close ties to President Clinton. Essentially, the question is this: Did the losses to the taxpayers increase because Jim McDougal pressed his case with State regulators, which President Clinton, then Governor Clinton, Bill Clinton, had appointed?

The notes from Gearan's meeting, from the meeting he was in, suggested the White House wanted to send somebody down to Little Rock to get the story straight with Beverly Bassett Schaffer, the State savings and loan regulator. Get the story straight. The folks we were talking about, if we send them—and I do not remember the initials—but if we send CP, HL, and CB, it will come out. We cannot send them. Maybe we could get somebody from New York to go. They probably would not be recognized very quickly in Little Rock. Maybe we can get somebody from here or there to go. If we send our people, they will be recognized; it will get out.

Well, if it were an honest, clean trip, what was there to get out? Why not go down and talk to Ms. Schaffer and say, "Here is what we are here for. Tell us the truth." That was not the purpose of the trip. The purpose of the trip was to get the story to match.

Had the American public been given the real picture in the wake of the savings and loan crisis, I think they would have reacted very differently to the inside quid pro quo way of doing business in Arkansas and Little Rock, particularly since the American taxpayers paid for the lax regulations. We will be paying for this into the whole next century.

Mr. President, Whitewater extends even farther than Madison Guaranty. It involves a small business investment corporation called Capital Management Services. This company was run by a man named David Hale. It, too, served as a personal bank for the politically connected in Arkansas. Its purpose was to make loans to the disadvantaged, but that turned out to be the rule-making politicians of Little Rock. Regrettably, the American taxpayers paid over $3 million for the failure of Capital Management.

Mr. President, it is a fact that Capital Management made a $300,000 loan to Whitewater. Now, inside the beltway of Washington and in the vernacular of the Congress, $300,000 would not even be a blip on the screen. To the average American, $300,000 is an enormous amount of money.

Now, Capital Management made a $300,000 loan to Whitewater. That is far more than anybody had put into it in real money. We have strong evidence that President Clinton asked this loan be made. I think time will tell that David Hale is telling the truth when he says that Bill Clinton pressured him to make this loan to help benefit Whitewater. If it is not true that Bill Clinton pressured David Hale to make this loan, then we need to—and I hope the Democrats would be pushing to extend these hearings so we can bring David Hale to the hearings and let him clear Bill Clinton's name.

If it is true, if it is true that the President, now President Clinton, pressured him, then that needs to be brought to light and let the public see it.

Here again, the American taxpayers have paid to subsidize President and Mrs. Clinton's failed real estate venture in Arkansas. Again, our Whitewater hearings have uncovered that the White House was aware of the Hale investigation from the very beginning. They had testimony from a career SBA official that the SBA briefed Mike McLarty in May 1993, about the SBA investigation of David Hale. They briefed McLarty about the SBA investigation of David Hale, the man who said he was pressured by then-Governor and now President Bill Clinton to make the loan.

That is essentially what these hearings are about, the loss of taxpayer money in Madison, Whitewater, and Capital Management. We have never had Mr. Hale as a witness. We need him as a witness and we need to wait until the legal proceedings going on in Little Rock are over and bring him as a witness.

Mr. President, on another issue, Vince Foster's death and the handling of his papers on the eve of his death has raised the most questions with the committee. We know for a fact that the First Lady spoke with her assistant, Maggie Williams, before Maggie Williams went to the White House and Vince Foster's office. In fact, she spoke to her in almost record time that you could drive from Maggie Williams' house to get in Vince Foster's office. And we know by the telephone records when she left her home and we know by the Secret Service records when the alarm went off in Vince Foster's office and she went in. And she did it in almost record time.

We asked her before the committee, why did she go to the White House? And the explanation was a somewhat vague, that she was out riding and had to be somewhere. Well, she was somewhere, in Vince Foster's office.

We know that they spoke later in the evening, immediately upon Maggie Williams' return from the White House. We know that she called, Mrs. Clinton called her. She went to the White House. We know she went to the White House, she went to Vince Foster's office, she went directly back home, and she called the First Lady. That we know.

Then, in the morning, 1 a.m., Maggie Williams was talking to Susan Thomases. We have the sworn testimony of uniformed Secret Service Officer Henry O'Neill, who saw Maggie Williams remove documents from Vince Foster's office on the night of his death. All of this is undisputed fact.

Within the last few weeks we have gathered more information that I think gives credence to the notion that files were indeed removed on the night of Mr. Foster's death. First, two files relating to the Madison Guaranty were sent back to the Rose Law Firm by David Kendall. They had to have come out of Vince Foster's office. Yet these files were never part of the box that Maggie Williams said she took from Foster's office 2 days after his death. These documents were reviewed and cataloged by Bob Barnett, the Clinton's other attorney. The two Madison files never appeared there.

Mr. President, what we have seen is massive inconsistency and confusion. It has gone on and on and on. The truth, as I use a poor simile, is that getting information out of the White House was akin to eating ice cream with a knitting needle. And that is about what it has been, a little bit here and a little bit there. But never enough to satisfy.

This is the way it has gone on since the beginning of the hearings and unbelievable stories we have been asked to believe. We can go back to the Maggie Williams/Susan Thomases flurry of telephone calls, and also to Mrs. Clinton's explanation of them.

Maggie Williams: I do not know why I went to the White House. I could not possibly have taken anything out. Yet she met a uniformed 18-year veteran of the Secret Service in a 5-foot hall, and neither of them are small people. He had no reason to tell it wrong. She immediately calls Mrs. Clinton from her home phone when she gets back to her house, and she went directly back to her house. There were many calls to Susan Thomases and Mrs. Clinton over a very short period of time. And the explanation we have for these calls is this one: They were commiserating with each other. They were making sure everybody was all right. They were checking to see if the bereaved were comfortable.

Mrs. Clinton herself said that these calls were commiserating and there was a lot of sobbing going on on those calls that night.

I find that extremely difficult to believe, and if I am wrong I would be delighted to be corrected by the facts. But we find no calls from Mrs. Clinton to Mrs. Foster or the children. The telephone records have not indicated those calls existed, and so far they have not been brought forward. I believe the documents that Maggie Williams delivered that night are the now-famous missing billing records. I fully believe that Maggie Williams had them in her arms that night. Certainly everybody agrees that Vince Foster's handwriting was all over these billing records—in the original writing, not copies. The records were copies but his handwriting was the original. It was all over them.

Many have said, Well, what is it in the billing records that is significant?

There are two very important significances. One of them is that they were subpoenaed by a Senate investigating committee, they were subpoenaed by an independent counsel, and whoever knew where they were should have brought them forward regardless of what they said. They were subpoenaed papers.

But the significance—another significance is the work on the Castle Grande project is important. That was the one project that RTC said: There may be legal liability for the Rose Law Firm. Is it any wonder that they stayed hidden until after the statute of limitation had expired?

The First Lady had over 14 calls with Seth Ward, according to her billing records. Seth Ward was the Castle Grande man. This was a known sham deal identified by the RTC as a sham deal. Is it reasonable to think that one of the 100 smartest lawyers in the country could have had 14 telephone calls with a client doing a sham deal and not suspect it or known it was wrong? I think she knew well what she was doing. She had to know. That is why the documents did not turn up.

Castle Grande cost the American taxpayers $4 million. The RTC tried to collect some of the money. But Mrs. Clinton had disguised work on this issue. No wonder they were so concerned about the statute of limitations expiring in 1994 but extended until the end of 1995. This is what sparked the meeting that we saw in 1994.

Mr. President, in conclusion, we still have key witnesses to call, witnesses that know where the bodies are buried, witnesses that will talk and can talk, but they are tied up in a trial in Little Rock now. We need to get them here. Jim McDougal, Susan McDougal, and David Hale. Can you imagine if we held Iran-Contra hearings without Ollie North or John Poindexter or Bud McFarland? What would the hearings show? Can you imagine if the Republicans wanted to end these hearings and had wanted to end them? The media would have crucified us. It would not have happened.

To conclude, here are some of the questions that need answers. These we need answered before we conclude the hearings.

Who placed Mrs. Clinton's subpoenaed records in the White House book room? Nobody has given me any argument that the White House book room and Mrs. Clinton's private adjoining office are the two most secure rooms in the world. If they are not, they should be, because that is where the President spends his private time.

Were those records in Vince Foster's office the night he died? If so, who removed them? And where were they stored for 2 years?

Clearly, the records did not walk out of Vince Foster's office. They were walked out, and whoever walked them out knows where they carried them and where they were hidden for 2 years.

Did White House officials lie to investigators about what went on in the hours and days after Vince Foster's death? Did the White House response team obstruct justice by attempting to control the scope of the investigation? Did the White House Whitewater response team obstruct justice by attempting to tamper with a witness? Did then-Governor Clinton pressure a local judge to make an illegal loan to his business partner? These we can answer if we get the people here.

Why did the Clinton business partner pay most of the Clintons' share of Whitewater Development Corps. bills? What motivated his generosity? Was the administration involved in any action which prevented, impeded, or obstructed the administration of justice? If so, who directed it, who carried it out, and what was done? Why cannot the American people get the answers to these questions?

If there is nothing to hide, which has been contended by the Democratic side and the White House, why not bring forth the facts, bring forth the documents and stop letting them out little by little by little? Nothing would clear the name of the Clintons quicker than to bring forth all of the facts, bring the people in from Little Rock, and conclude the hearings.

Would we be literally facing a filibuster if there were nothing to hide? If there is not, let us end the filibuster, and let us get on with the investigation.

Mr. President, I think it is time that we get on with the investigation. I agree with the Democrats: We need to bring it to a conclusion, but we need to complete our work before we bring it to conclusion.

Mr. President, I see my colleague and friend from California is on the floor. So at this time I will yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I thank my friend for yielding the floor at this time.

Mr. President, what I would like to do in the beginning of my remarks is to correct the record on a couple of matters that the Senator from North Carolina raised. First of all, the statute of limitations on the Castle Grande transactions had not expired when the Rose Law Firm billing records were found in the White House in early January 1996. In fact, by a agreement between the RTC and the Rose Law Firm, the statute of limitations had been extended until March 1, 1996.

So, Mr. President, we could have a disagreement on whether we ought to continue these hearings, but let us not get on the floor of the Senate and say things that are not true. It is simply wrong to suggest that the documents were discovered because the statute of limitations had expired when, in fact, the statute of limitations had not expired.

Second, Mr. President, I think it is very important when colleagues stand up and make comments that there be a basis for those comments.

I am happy to yield to my friend for a question.

Mr. FAIRCLOTH. I am very much aware, and we all are, that the statute of limitations was not applicable to the First Lady's business. But as a member of a Rose Law Firm, as the attorney involved, and as a billing attorney involved in this—and she was the billing attorney on Castle Grande—she would certainly have a responsibility, maybe not a personal financial responsibility, but she very much would be involved in the proceedings.

Mrs. BOXER. If I might reclaim my time, I think my friend is not contradicting what I said. I will repeat what I said.

The statute of limitations had been extended until March 1, 1996, and it is wrong to suggest that the documents were discovered because the statute of limitations had expired. That is the only point I am making to my friend. I think it is important we not stand up here and say the statute had expired.

I am going to have to take back my time and tell my friend he is going to have to seek time on his own only because of a pressing appointment in my office. I need to make this statement and finish it, if I might.

I am glad to yield to my friend, but I hope he would have a question.

Mr. FAIRCLOTH. My question is in answer to the statement. Mrs. Clinton's attorney, Mr. Kendall, said it was a legal question whether it involved the Rose Law Firm or Mrs. Clinton personally. I yield the floor.

Mrs. BOXER. I would just restate that whether it did or did not is not my point. My point is a statement was made here that the statute had expired, and the implication is that, if there was something wrong in the billing records, the First Lady and the Rose Law Firm would be off the hook. The statute did not expire. In fact, we know the billing records were turned over, and actually underscored what the First Lady had said, that the time she put into that is minimum.

That is the first point I want to correct, Mr. President.

Second, I want to quote from the Madison Guaranty Savings and Loan and Whitewater Development Co. supplemental report written by Pillsbury, Madison & Sutro. And we know part of that firm is Jay Stephens, who has strong ties to the Republican Party. This is what they found. I am going to state this and quote directly from the report.

> There is no basis to assert that the Clintons knew anything of substance about the McDougals' advances to Whitewater, the source of funds used to make those advances, or the source of the funds used to make payments on the bank debt.

That is on page 77.

On page 78, quoting from an investigative report that cost about $3 million—excuse me, I stand corrected, $4 million—page 78:

> There is no basis to charge the Clintons with any kind of primary liability for fraud or intentional misconduct. The investigation has revealed no evidence to support any such claim, nor would the records support any claim of secondary derivative liability for the possible misdeeds of others.

Page 78. "It is recommended"—and this is very important, I say to my colleagues—"it is recommended that no further resources be expended on the Whitewater part of the investigation."

Now, this is an objective report, paid for by the taxpayers, done by the firm of Pillsbury, Madison & Sutro, a great law firm, including Jay Stephens, known for his ties to Republicans, and what do they say?

> It is recommended that no further resources be expended on the Whitewater part of the investigation into Madison Guaranty.

So what are we doing in the Senate? Ignoring this, ignoring this and moving on with an investigation of a Senate select committee. I think we ought to start listening to people who are objective on this, who have no political ax to grind. As a matter of fact, people thought in the beginning, when Pillsbury, Madison & Sutro got that: My God, this is going to be political.

Well, it turned out that the Clintons have been cleared.

Now, I know that annoys a lot of my Republican friends, and I feel sorry for them, that this is the biggest thing in their lives, some of them. But I have to tell you there are other things in the lives of the American people that have to be addressed by this Senate. And I have to tell you, these attacks on the First Lady of the United States, these personal attacks, these personal attacks on the President of the United States border, in my opinion, on being unpatriotic. It is my personal opinion. But that is up to each individual Senator. And clearly it is up to the people of the country to decide.

I have to say, listening to these attacks, when my colleague says he believes David Hale, well, that is his right. This is a man who has already pleaded guilty to two felonies, as I understand it. And not only that, but we have word that the State is prosecuting him as well. And this is the individual that is quoted in this Chamber to prove that our First Lady and our President are not good human beings. Well, again, it is every Senator's right to call it the way he sees it, but I think the American people see right through this. And who are they going to believe? A man who has already stated that he committed two felonies or Pillsbury, Madison & Sutro, which says in their report: Let us spend no more time on this investigation. The Clintons are not guilty of anything.

Now, I supported every single vote here to move this investigation forward. I voted to set up the special committee. I voted to extend the special committee. I had nothing but support for those two resolutions. We reached across party lines. We worked together. We shaped resolutions that were not political. But I say it is time to step back and wind this thing down.

I have to tell you, the offer that we Democrats have made is extremely generous in terms of the time and the allocation of funds we have recommended. Let me prove that point. We have already heard from 121 witnesses, some of them two and three times, mind you. They are brought back. They have to pay for attorneys. Some of them do not have means to do it. Some of them will be paying that off for decades, if ever. But we have done it.

We have met for 230 hours of hearings. I want you to keep that number in mind—230 hours of actual hearings. Now, the Democratic leader and ranking member, Senator SARBANES, and all of us are saying, let us have an additional 5 weeks of hearings, almost $200,000 more, recommending also that there be 4 weeks allocated in addition to write a report, and our Republican colleagues say it is not enough. It is not enough.

Why? Why? This is their latest reason. Because they cannot get up here and say we want to keep investigating, keep the story alive because it hurts the First Lady and it hurts the President. You cannot say that. But this is what they say. In the court, there is a hearing. There is a trial in court, and we need to call those people. We need to wait.

Let me quote from a letter signed by our ranking member, Senator SARBANES, and our chairman, Al D'AMATO, that was written in October 1995. This is signed by both.

> The special committee does not intend to seek the testimony of any defendant in the pending action brought by your office.

This is to Ken Starr.

> Nor will it extend to expand upon the grants of immunity provided to persons by your office. Indeed, Senate Resolution 120 expressly provides the special committee may not immunize a witness if the independent counsel informs the committee in writing that immunizing that witness would interfere with the independent counsel's ability to prosecute.

So, in writing, our chairman said he had no intention of calling any witnesses. Now, the big reason we have to wait is we have to call the same people who are going before this jury.

Now, let me say something. And this was brought out by our ranking member, Senator SARBANES, but it bears repeating. I wish to say to my Republican friends, this is America. We do not have trials in secret in this country. Every one of these people involved in the trial, all the people who Senator FAIRCLOTH says he wants to hear from, they are going to be in that courtroom and we are going to hear from them. But, no, that is not enough. We want to play prosecutor. You know, this is not "L.A. Law." This is the Senate of the United States of America. We are legislators, not prosecutors. That is why we have the independent counsel.

And by the way, does the independent counsel have any limits to his investigation? The answer is no. He has, as I understand it, 100 FBI agents on this matter and 30 lawyers; unlimited sums of money. But we are going to play prosecutor. Maybe some of them are jealous; they want to be prosecutors. Well, they ought to do that and not be Senators. That is fair. But do not turn this Senate into a group of prosecutors because that is not our role. That is why we have the independent counsel. Take the politics out of this thing. So we have had 230 hours of hearings, and now we are offering another 5 weeks.

Now, let me say this to anyone who is listening. I sat down with my pen and figured out how many hours of hearings we could have under the Democratic proposal. Let us say we worked 8 hours a day, taking an hour for lunch like most Americans, 8 hours a day, and held those hearings 5 days a week. Most Americans work 5 days a week. I think it is a sound idea myself. We could hear from so many witnesses. We could hear from 100 witnesses, maybe more.

As I figure it, we would have 175 hours of additional hearings. They have only had 230. They could have another 175 hours. What happens if we decide to work 10 hours a day? Just work a little harder, take an hour for lunch, a 10-hour day. We could have another 250 hours of hearings under the Democratic proposal.

We have only had 230. So we could just do as much as we have done, plus. If my Republican friends are so anxious to work on this, let us get to work. Let us go. Let us get your witnesses, let us line them up, an hour at a time. Let us do our work.

But, no, as the ranking member has pointed out, there are some weeks they have one witness. They harangue them for 9 hours—and I mean harangue—to no avail, by the way. So if we are really serious, the Democratic alternative has offered them more hours than they have already spent. So let us stop saying that we want to close it down. By the way, some Members on my side do want to close it down. They do not want any more hours. I happen to believe let us close it down in an orderly fashion. So I am supporting this additional 5 weeks, with 4 weeks to write a report.

I just cannot understand why my Republican friends do not want to take this, if they are serious about saying they want to get their work done. They want to hear from these witnesses in the jury trial. We can listen in, just as all Americans can, and read all the reports about the trial and get the information we need. If we feel we need to take more action legislatively because we found out new information, we can do that.

By the way, I also point out we do have a Senate Banking Committee that can meet any day of the week. Why do we need to hire all these special lawyers they bring in? They go on television every night and report, move their careers up the line. At what cost? At what cost? We have very good people on staff. We can do some of this in the Senate Banking Committee.

So we are legislators, not prosecutors. The Democratic alternative gives you more hours than you have already expended on this matter. The only reasonable conclusion I think the American people can draw is that that is not their interest. Their interest is in dragging this out until election day—until election day.

I have to tell you something. It is not working for them. From a political standpoint, if I were being political, I would just let them go right ahead, because the American people are disgusted. They are watching this, and they are saying, "This is incredible. These people are meeting back here in Washington, and what are they doing? Nothing to make our lives better, nothing to make our lives better. As a matter of fact, spending $600,000"—which is the proposal of the Republicans—"which could be better spent either on deficit reduction or restoring some of the cuts to education they so happily made here."

Teachers are being laid off all over who teach reading to children, because of the actions of this Senate. They could not find the money for education. But boy, oh, boy, they find it pretty easy for this.

I have a Superfund site in San Bernardino, CA, where a poison plume is moving down into the water supply. That cannot be cleaned up because the Republicans, who control this body and the other body, do not even have the budget passed. I am on the Budget Committee. We are supposed to be working on the next budget. They do not even have the current budget passed.

But, oh, no, we have to talk about Whitewater. We need $600,000, not to restore some of these cuts, not to reduce the deficit, not to clean up Superfund sites, not to raise the minimum wage. You do not even need money to do that; you just need time on the floor to vote on it. It is at a 40-year low. People try to live on it. They cannot take time for that.

I mean, it is just amazing to me. So politically, as far as I am concerned, when people look at this Congress, they are saying, "We didn't expect this kind of change. We didn't expect a whole breakdown in the budget process. They can't even get their act together to pass the debt." Hurting our ratings because we cannot even do our job. But they have a lot of time for Whitewater.

So maybe I should not be here complaining about it. Maybe, politically speaking, it will help, help change who is in control around here. But be that as it may, I have to say what I think. What I think is that this offer from the Democrats to extend these hearings for 5 weeks, another 4 weeks to write a report, if we got our act together and worked 8, 10 hours a day, we could just have well over 100 witnesses and wrap this up and get on to the work and keep this out of the political arena.

People want job training, education. They want pension protection. They want health insurance that is portable. We have a great bipartisan bill. Why is that not up here? The Kassebaum-Kennedy bill will protect our people from getting their insurance canceled because of a preexisting condition. It would allow them to take that health insurance with them.

I ask you, what is more important for our people, standing up and berating the President and the First Lady on something that happened years and years ago, where the special counsel has all the resources he needs to bring justice, or doing the work of the U.S. Senate? I am absolutely amazed that, after all the bipartisanship we have had on that committee over so many years, our ranking member and our chairman cannot agree when we have offered hours and hours of hearings to them.

It is extraordinary to me. I think this issue of the trial is a false issue. Again, this is not going to be a secret trial. So, Mr. President, I am clearly distraught that this is the priority of the U.S. Senate.

Mr. President, I ask unanimous consent that I may speak for 3 minutes on a different subject. Then I will yield the floor.

The PRESIDING OFFICER. Is there objection? Hearing none, so ordered.

Mrs. BOXER. Thank you so much, Mr. President.

VIOLENCE BY TERRORISTS IN ISRAEL

Mrs. BOXER. Mr. President, I rise to discuss the recent violence in Israel and to express my profound hope that these cowardly terrorist attacks will not destroy the peace process that so many have worked so hard to cultivate.

In the past week, the extremist, terrorist organization Hamas has sponsored four deadly bombings, killing more than 60 people and wounding more than 200 innocent, innocent people. These vile and disgusting acts clearly targeted at innocent civilians on public buses and on busy streets must be condemned.

It is hard to imagine the kind of deranged mind that could contemplate such appallingly evil deeds. As the President said very eloquently yesterday, he cannot even imagine an adult who could teach a child to hate so much.

The most recent attack, which occurred this past Sunday, killed 14 Israelis, including 3 children dressed in their costume for the Purim festivals.

Purim is among the most joyous holidays for the Jewish people. It commemorates how the children of Israel overcame a genocidal plot thousands of years ago. Purim reminds us that in the end, good triumphs over evil and reminds us that the Jewish people have an indomitable spirit of survival. The Persians could not destroy the Jewish people thousands of years ago. The Nazis failed 50 years ago. And Hamas will fail, too.

The United States of America stands shoulder to shoulder with Israel during this crisis. Their battle against these evildoers will be the battle of all civilized people everywhere.

An all-out war on terrorism must and should be waged. But the Hamas terrorists want one thing more than anything else, Mr. President—to scuttle the peace process. We must not allow them to win. We must defeat the terrorists and ensure a lasting peace.

PLO President Yasser Arafat can and must do much more. His recent statements condemning these attacks unconditionally have been good, but his actions must now follow his words. Only he has the power, the position, and the influence to gain control over Hamas.

My heart goes out to the victims of this violence and to all the good people of the Middle East who pray and work for peace.

I thank you very much, Mr. President, and I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WHITEWATER DEVELOPMENT CORP. AND RELATED MATTERS—MOTION TO PROCEED

The Senate continued with the consideration of the motion.

Mr. HATCH. Mr. President, I have heard just about all the whining about Whitewater that I can stand. To be honest with you, if this was a Republican President, what has already been uncovered would be front-page headlines all over the country everyday.

The fact is, it is a mess, and it does not take any brains for people to realize that if you set a short time limit, people are literally not going to comply with that time limit.

We have had more than ample proof that that has been the case here—more than ample proof. The fact of the matter is, we have had documents dribbling in at the last minute 2½ years since there has been a subpoena for them. There is no excuse for it. To hear our friends on the other side on this issue, it is outrageous what they are saying, and to act like this is not the Senate's business is also outrageous. There may not be anything more important for the Senate to do than to do its job in this area.

Now, I have to say, I hope personally that the President and the First Lady do not have any difficulties in the end, but there are a lot of unanswered questions. There are a lot of things that any logically minded person or fair-minded person would have to conclude create some difficulties for anybody, let alone the President and the First Lady.

It is one thing to stand up and defend your party and your party's President—I have done it myself, and I do not have any problem with that at all; in fact, I commend my friends on the other side for doing it—but it is another thing to act like this is not important business or that we should not be doing this; that there are other things more important. Of course, there are other things that are also important, but not more important, and we should be doing all of them. And I agree with some of the criticism that has been given with regard to some of the things that need to be done.

We have done a lot, but a lot has been vetoed. There is a lot tied up in conferences today. There is a lot that is not being done because of party warfare here. I have never seen more filibusters used in my whole 20 years in the Senate than I have seen in the last couple of years. Almost everything, even inconsequential bills. Why? Because they want to stop any momentum of the Contract With America. That is legitimate. I am not going to cry about that, but I do not believe you use filibusters on just about everything. To me that is wrong.

So I rise today to express my support for the extension of the Special Committee on Whitewater and Related Matters. As chairman of the Judiciary Committee, I see it as my duty to defend the separation of powers and the constitutional prerogatives of the executive branch. These are important things, and I have to say, in some ways, I resent some of the comments that indicate these are not important things. I guess they are not important because it is a Democratic President who is being investigated at this time. Boy, they were sure important when Republican Presidents were in office. You could not stop anything from going on, and you had both Houses of Congress controlled by Democrats in most of those cases.

We are talking about the separation of powers and the constitutional prerogatives of the executive branch. After giving this issue careful thought, however, I have decided that the special committee's investigation into Whitewater must continue. This issue transcends the claims of partisanship and goes to the very constitutional authority of Congress to investigate wrongdoing at the highest levels of Government.

Congress has the constitutional obligation to see that public officials have not misused their office, and we have a duty to bring these matters to the public eye so that the American people can be confident that their Government is operated in a fair, just, and honest way.

We must provide the special committee with more time in order to demonstrate that delaying tactics of a White House, whether Democrat or Republican, will not be permitted to frustrate a legitimate congressional investigation.

For example, I was dismayed that we received more notes from the White House relevant to this investigation just last week. Now, I am happy that we received these notes—more notes—that are responsive to the special committee's requests. I am just concerned about the delay in the response.

Last Thursday, the special committee's resolution expired. In light of the fact that information keeps trickling out of the White House, I can see no other way than to extend the committee's investigation until the most pressing questions are answered. We cannot be expected to wrap up our investigation when we are still receiving important information from the White House and awaiting the availability of key Arkansas witnesses currently involved in related court proceedings in that State.

The special committee must be given time to conduct a fair, careful and thorough investigation so that the Congress can be confident that all of the issues surrounding the Whitewater scandal have been fully aired and examined. Some have requested that a time limit be put on the extension of the Whitewater committee. That might not be a bad idea under certain circumstances. Unfortunately, however, we cannot agree to any time limits until the criminal trials have been completed.

Some have thought that the reason the Democrats have suggested 5 weeks is because that is how long the criminal trials will take. At that point, it will be over and you cannot get some of the witnesses who really have to come before the committee.

Many of the witnesses who will testify in the criminal trials may also need to come before the Whitewater committee. We cannot agree to any time limit that would preclude the Whitewater committee from completing its work or we will get into the same debate 5 weeks from now. If we set that time limit, I guarantee you we will be in this same debate 5 weeks from now because there will be further delays, further obfuscation, further finding of documents at the last minute. At least that has been the situation up to now.

As long as doubt concerning Whitewater continues, the President and the First Lady will not enjoy the full trust of the American people. This scandal is not just bad politics, it is bad for the future of our Nation.

I believe we do need more time to further examine whether White House officials attempted to interfere improperly with the Justice Department's investigation. During January 1994, Mr. Mark Gearan, then director of communications at the White House, took detailed notes of a series of meetings on Whitewater with senior White House personnel. I am concerned that, despite White House denials, attempts were made both to influence the appointment of a special prosecutor or independent counsel and to affect the testimony of some of the key witnesses in that case.

I am particularly concerned that attempts were made to influence the appointment of an independent counsel. We have only begun efforts, the needed efforts to investigate these problems.

Mr. Gearan's notes indicate several White House officials, including Mr. Ickes, argued that an independent counsel should not be sought. Now, I can see that. But from what I am able to glean from these notes, I presume the reason White House officials opposed an independent counsel's appointment was that an independent counsel could not be "controlled." That is what the notes say.

For example, in the January 5 meeting, Mr. Gearan's notes record Bernie Nussbaum as saying that the independent counsel is "subject to no control."

During the January 7 meeting, Mr. Gearan's notes say, "We cannot affect the scope of the prosecutor."

I think a fair reading of these statements is that the high-level White House officials were concerned about the appointment of an independent counsel, because they could not exercise control over his or her investigation. According to Mr. Gearan's notes, Mr. Ickes stated that neither the President nor the staff could speak to the First Lady about appointing a special counsel.

This suggests to me that the First Lady was making the final decision about whether a special counsel should be appointed. It certainly is not proper for the possible subject of an investigation to have input as to whether or not a special counsel should be appointed. We need more time to study this very worrisome possibility.

Mr. Gearan's notes of January 8 indicate that Mr. Ickes said that Mr. Kendall, the Clintons' personal lawyer, attempted to talk to Alan Carver who was supervising Donald McKay's investigation into Whitewater at the time. In fact, according to Mr. Gearan's notes, Mr. Ickes called Mr. Carver a "bad" guy, a guy who would not talk to Mr. Kendall without FBI agents present.

Then, according to Gearan's notes:

> Mr. Ickes went so far as to say, "That guy is f. . . us blue."

Was the Department of Justice getting too close to the truth? How could Mr. Carver and Mr. Mackay be a problem if they were only doing their jobs to carefully investigate Whitewater? During the same time as the White House meetings, Attorney General Janet Reno was considering whether to appoint a special prosecutor to investigate Whitewater. At that time, the independent counsel statute had lapsed and the Attorney General chose Robert Fiske on January 20 to be her special prosecutor.

Unlike the independent counsel, the special prosecutor was under the control of the Justice Department and, ultimately, the President. Less than 2 weeks after these White House meetings, during which time the benefit of an apathetic special counsel was discussed at length, Janet Reno chose Robert Fiske as the special prosecutor, a man who many consider had failed to investigate fully the events surrounding Whitewater. I read some of his depositions. They were not detailed. They were not carefully done. I know Mr. Fiske. I have a high regard for him as an attorney, but in this particular matter I do not think he was doing the job that needed to be done.

We have learned that Webster Hubbell kept Whitewater documents of the Rose Law Firm in his basement after the election. Some of these may have been in Vince Foster's office when he died. We need to investigate whether at the time of these White House meetings Mr. Hubbell continued to have the documents in his basement while serving as an Associate Attorney General of the United States and was perhaps privy to discussions in the Justice Department concerning whether to appoint an independent counsel.

Another area that disturbs me is the effort to contact Ms. Beverly Bassett Schaffer. According to evidence collected to date, Mr. Ickes was deeply concerned about Ms. Schaffer's testimony. She had been the acting securities commissioner. He wanted a checkered story to make sure it would support President and Mrs. Clinton's version of the events surrounding Whitewater. Mr. Ickes even said he could not send any prominent members of the White House to speak with her because the press, or others, might get wind of what was going on. Mr. Ickes said that if these steps were not taken, "We are done."

I hate to read anything sinister into that statement, but an argument could be made that Mr. Ickes was worried that if he could not successfully manipulate Ms. Schaffer's testimony, serious consequences could result. I am gravely concerned about any discussion by White House officials to influence the workings of the Justice Department, particularly when it conducts ongoing criminal investigations into the White House.

Earlier, when I questioned Ms. Sherburne and Mr. Gearan about the notes, I became concerned that officials at the White House were trying to influence the story of an important witness—Ms. Schaffer—in this investigation. Ms. Sherburne agreed the notes could be read that way. That was in response to my questions—that, yes, they could be read that way.

The possibility that White House officials might attempt to influence or tamper with the ongoing actions of the President and his aides raises questions about the integrity and fairness of the administration of justice in our Nation. I cannot believe that anybody in good conscience could oppose a continuation of this committee's investigation until we start getting answers to the many troubling questions that have been raised.

Putting aside these problems, there are many other unanswered questions that have been raised by the committee's investigation that would require further investigation. Now, this is my Whitewater top 10 questions list. It is, by no means, exhaustive. It is just 10 I think ought to be answered.

First: How did the First Lady's billing records from the Rose Law Firm mysteriously appear in the personal quarters of the White House long after they had been subpoenaed?

Second: Who brought Madison Guaranty into the Rose Law Firm as a client, and who had primary responsibility for that account?

Third: Did the First Lady attempt to benefit from her relationship with her husband, then-Governor Clinton, in representing Madison Guaranty before Arkansas regulators, including Beverly Bassett Schaffer, who was the Arkansas State Securities Commissioner?

Fourth: Did the First Lady attempt to persuade Beverly Bassett Schaffer to approve a highly unusual deal that would have allowed Madison to stay afloat longer than it did?

Fifth: What was the First Lady's role in the Castle Grande deal? Did she assist Madison in what the RTC concluded was a sham transaction to conceal Madison's true ownership interest in the problem?

Sixth: Have the President and the First Lady's lawyers attempted to impede the investigations into Whitewater by the special prosecutor and the Senate special committee?

Seventh: Did the First Lady, her aides, or Bernard Nussbaum prevent Justice Department investigators from searching Vincent Foster's office after his death?

Eighth: Was there a effort to interfere with the investigation of Whitewater, as suggested by Mr. Gearan's notes?

Ninth: Who ordered the firing of Billy Dale in the White House travel office? What was their motive? Was there some connection with Whitewater? Was there some connection with something that was inappropriate or wrong? Certainly, there appears to be, and that needs to be cleared up. I hope there was nothing wrong, but there appears to be so.

Tenth: Were Rose Law Firm records purposely removed from the firm and/or destroyed?

Before these hearings began, the American public had been told there had been full disclosure. We now know that this is not true.

Before these hearings began, the American people were told Hillary Clinton did not work on Whitewater or Castle Grande. We now know that is not true. On Whitewater, she billed 53 hours, had 68 telephone conversations, and 33 conferences. You could go on and on. On Castle Grande, she billed more than any other partner in the law firm, as I understand it. I think it was 14½ hours. She had a number of conversations with Seth Ward, who was used as a straw man to circumvent the law in what regulators have called a sham transaction.

Before these hearings began, the American public had been told that there had been full disclosure. It is clear there had not been. We know that is not true. It is only because of these hearings that we know that.

These hearings have been very important, regardless of the outcome. It is our constitutional responsibility to follow through and conclude them in a satisfactory, fair, and decent manner.

Before these hearings began, as I said, the American people were told Hillary Clinton did not work on the Whitewater and Castle Grande cases. We now know that is not true. We know that. The hearings proved it.

Before these hearings began, we were told there was no interference with the Justice Department's investigation into Vince Foster's death. We now know, as a result of these hearings, that is not true.

You could go on and on. Given this history of deception, delay, and obfuscation, should the Senate take the administration's word on these matters? To permit us to close the book on this scandal, the Senate must approve the extension of the Whitewater committee operations. The American people demand no less from their elected officials. The counsel is pursuing the criminal aspects of this case, and it is important that the Congress fulfill its constitutional duty to conduct oversight at the executive branch and inform the American people of its findings. We have had suggestions that we ought to take 5 weeks and work 8 to 10 hours a day and we will solve this problem.

I have to tell you that since this committee has been established, committee counsel has been working a lot more than 10 hours a day every day. You cannot have hearings every day because it takes time to do the depositions and prepare, get documents together and go through them, and it takes time to put them together in a cohesive way. To prepare the questions, it takes time for each Senator. These hearings have to be planned and done in a reasonable, orderly, credible way.

I also can guarantee you that the minority's attorneys have been working full time on these matters because they are serious, because there are thousands of documents, because there are questions that are unanswered, because we have to get to the bottom of this.

Again, I will repeat that I like President and Mrs. Clinton. I have worked rather closely with the President for these last 2 years. I do not think anybody in this body can deny that. I have tried to help him with judges and other appointments, and on legislation, and I think he would be the first to acknowledge that. I have been very friendly to the First Lady. I hope there is nothing that hurts either of them here. But it would hurt the Congress, the Senate, if we, once we have this charge, do not follow through and bring it to a conclusion in a fair, just, and orderly way. We are clearly not at a conclusion now, not with getting documents as late as last week, even after the commission of this special committee has expired.

So this is important stuff, and I know that my colleagues are tired of it on the other side. I do not blame them. I got tired of Iran-Contra and a number of issues that were, in many respects, worked to death.

This is something that until it is resolved and resolved in a fair, just, and reasonable way, I think you cannot count on the President and First Lady having the full trust and confidence of the American people. Hopefully, when this is all over, they can. If they cannot, it is another matter. But at least we ought to get this thing put to bed and put to bed right.

I agree with the distinguished chairman of the Banking Committee, you cannot put a 5-week delay on it. You do have to put up enough money to resolve these matters, to be able to investigate them fully. There are just countless documents, countless witnesses in this matter, and we have not even gotten into the hard-core issues of this matter. That cannot be done until the trial is over, which is estimated to take 5 or 6 weeks.

I know that my colleagues are not just simply choosing that timeframe so that they can avoid another set of hearings or mess up this investigation. On the other hand, I think they have to acknowledge that 5 weeks is not enough time and that, if you do put a time limit on it, there is a natural propensity on the part of those who have something to hide to make sure it is hidden until after it is too late to bring it up.

Frankly, I do not think we should do that. We owe it to the Senate, we owe it to the Constitution, we owe it to our own conscience to do it in the right way. I want the hearings to be fair. I think thus far they have been. I want to commend the distinguished chairman of the committee, Senator D'AMATO. Contrary to what many on the opposite side thought before these hearings began, I think he has conducted them in a fair and reasonable manner.

I also want to compliment the minority leader on the committee, Senator SARBANES. He is one of the more thoughtful, intelligent people in this body. We came to the Senate together. I have tremendous respect for him. I think he has conducted himself in the most exemplary of ways, and I have respect and admiration for the way he has done so. I think both of them have done a very good job. I think other members of the committee have done a good job as well.

It is apparent that it takes time. It is apparent it is a painful experience for all to go through, including those on the committee. It means reading thousands of documents and trying to stay up with a very convoluted set of circumstances here that are very difficult for anyone. We simply have to go forward. I do not think it is right to delay this any longer. I think literally we should go forward. There should not be a filibuster on this matter.

In fact, of all things, I think there should be no filibuster on this motion to extend the time of the committee. Truthfully, I think the Rules Committee needs to get the resolution out and we need to vote on it, up or down, and let the chips fall where they may and go about doing our business in the best, most ethical, reasonable, and just way we possibly can.

In the meantime, I will be pushing to extend this committee because I think it is the right thing to do. I have raised a lot of questions that literally have not been answered as of this time. I yield the floor.

Mr. SARBANES. Mr. President, I see the distinguished Senator from Minnesota on the floor. I know he wishes to speak.

I want to take a couple of moments because there is one thing my distinguished colleague from Utah made reference to. He talked about the previous hearings and other Congresses when the Congress was Democratically controlled, and I think that is an important point. I just want to come back to revisit the Iran-Contra hearings on which the distinguished Senator from Utah served. As he will recall, at the outset of that, there were Democrats who wanted to extend those hearings into 1988, into the election year. Now, Senator INOUYE and Representative HAMILTON rejected that proposition and agreed, in response to a very strong representation by Senator DOLE for a specific date to end it, and then conducted hearings in a very intense manner in order to accomplish that.

Again, I want to make the contrast between the hearings schedule in Iran-Contra in order to meet its cutoff date, which involved 21 hearings between July 7 and August 6. In other words, we had hearings every weekday throughout that period from July 7 to August 6 except for 2 days—21 out of 23 days we held hearings. Contrast that pace, that effort to comply with a requirement that had been passed by the Senate, with what took place over the last 2 months, when this committee in January held only 7 days of hearings—in other words, all of the other days were open to hold hearings, and no hearings were held. The same thing happened in February, where we held only 8 days of hearings. In fact, this committee, over a 2-month period, without the Senate being in session—we had the opportunity to really meet continually—held only 15 days of hearings over a 2-month period; whereas the Iran-Contra Committee, to which my colleague made reference, held 21 days of hearings in a 23-day period.

I think this simply demonstrates the effort then in that Congress to keep this matter out of the political election year. It stands in marked contrast to what has transpired over the last 2 months.

The PRESIDING OFFICER (Mrs. HUTCHISON). The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair. I want to take a few minutes of this debate, but offer my thoughts within a somewhat different framework.

In a recent USA-CNN Gallup Poll of big issues facing Congress—and I am sure others have referred to this—virtually no one suggested Congress should be devoting time and resources to Whitewater—67 percent of the people said Congress should work on improving public education; 66 percent cited crime as a major concern; 64 percent said jobs and the economy; and 63 percent worried about health care.

Madam President, this Senate, the majority-led Senate, has not held even one hearing on better jobs and wages. We have not had one hearing on better jobs and wages. Only 3 hearings have been held on improving public education, and 12 on crime control, drugs, and terrorism. Madam President, the majority party did not hold even one Senate hearing on what was an unprecedented plan to slash Medicare.

The reason I mention this, Madam President, is that I think there is a disconnect between all of the time and all of the resources that have been devoted to this hearing versus what it is people are telling us in cafes and town meetings in our own States that they are really concerned about. I do not hear people talking to me about the Whitewater hearings, except they wonder why they go on and on and on and on, and they want to know how much more will be spent on them.

I do hear people talking to me, not in the language of left or right, not in the language of Democrats or Republicans. People say to me, "Senator, am I going to have a pension when I retire? I am really worried. I am 67 years old, and I am really worried." "Will there be Medicare?" Or, "Senator, I have Medicare but I have to pay for prescription drug costs. I have Parkinson's disease. My father had Parkinson's disease. I cannot afford the price of these drugs." Or, "Senator, you know the story about AT&T? That is my story. I worked for a company for 30 years. I worked 5 days a week and more. I was skilled. I was middle management and a responsible wage earner. I gave that company everything I had. I did a good job. I thought if you did that, at age 50 or 55 you would not find yourself fired with nowhere to go, just spit out of the economy."

Or people in cafes say, "Senator, this is for all of us, regardless of party. Senator, we have three children. They are in their twenties and the problem is that they are not able to obtain jobs that pay decent wages with decent fringe benefits. We do not know what will happen with our kids." Or "Senator, I have a small business going and I do not know if I can continue to make a go of it." These are the issues that people are talking about—basic economic opportunity issues, basic bread and butter issues, basic issues about how to sustain their families and communities.

Madam President, I raise this because I wanted today to focus on another one of these basic economic "bread and butter" issues, which is minimum wage. As the author of the only minimum wage legislation in the last Congress, I congratulate the minority leader, Senator DASCHLE, for his focus today on increasing the Federal minimum wage. Despite the increases that went into effect in 1990 and 1991, the current minimum wage is not a living wage. It is a poverty wage—$4.25 an hour. Should we not start talking about that on the floor of the U.S. Senate? A person working 52 weeks a year, 40 hours a week, works for a poverty wage. A person making a minimum wage earns just about $170 a week, and that is before taxes—income tax, Social Security tax, you name it.

Madam President, the principle that a minimum wage ought to be a living wage served this Nation well for 40 years. From the enactment of the first Federal minimum wage law in 1938, through the end of the 1970's, Congress addressed this issue six times.

Six times bipartisan majorities, with the support of both Republican and Democratic Presidents, reaffirmed our Nation's commitment to a fair minimum wage for working people in this country. But during the 1980's the real value of the minimum wage plummeted and, adjusted for inflation, the value of the minimum wage has fallen by nearly 50 cents since 1991 and it is now 27 percent lower than in 1979, using 1995 dollars. To put it in another context, we need to realize that the minimum wage would have had to have been raised to $5.75 an hour last year to have the same purchasing power it averaged in the 1970's.

When are we going to start talking about good education and good jobs? I said on the floor of the Senate before, real welfare reform would mean an increased minimum wage, good education, and a good job. If you want to reduce poverty: Good education, and a good job. If you want to reduce violence you have to focus, in addition to strong law enforcement, on a good education, and a good job. If you want to have a stable middle class, it is a good education and a good job. Do you want our Nation to do well economically? A good education, a good job. When are we going to focus on these issues, I ask my colleagues?

We go on and on and on and on with these hearings, and now they want to go on and on again. And we do not focus on the very issues about which people are coming up to us, back in our States, and saying to us, in as urgent and as eloquent a way as possible, "Senators, please speak to the concerns and circumstances of our lives. We are worried about pensions. We are worried about health care. We are worried about jobs. We are worried about being able to educate our children. We are worried about being able to reduce violence in our communities." When are we going to focus on that?

When are we going to talk about raising the minimum wage? Madam President, 75, 80 percent of the people in the country say we must do this. And contrary, Madam President, to popular misconception, the minimum wage is not just paid to teenagers who "flip burgers" in their spare time. Less than one in three minimum wage earners are teenagers. In fact, less than 50 percent of those who receive minimum wage are adults 25 years of age and over. And more important, 60 percent of the minimum wage earners in this country are women.

Madam President, we have talked about welfare reform. And, you know, I think it is true the best welfare reform is a job. But I think we ought to add to that and say the best welfare reform is a job that pays a living wage. Increasing the minimum wage will help in the welfare reform effort, because it is one means of making work pay.

I guess that the reason that I use this opportunity to talk about a minimum wage is that I want to point out the disconnect between all these hearings, all this money we have spent on Whitewater, and a Republican-led Senate that is not focusing on raising the minimum wage, not focusing on living wages, not focused on what we are going to do to make sure people keep their pensions, not focused on opportunity, not focused on how people are going to afford education for their children or for themselves.

People work hard in this country and they deserve to earn a living wage for their work. It is that simple. I would appreciate it if we would get some focus on this in this U.S. Senate. Pretty soon I am going to come to the floor with other Senators with an amendment so we can have a vote, so people can hold us accountable. Because people want to know what in the world we are doing as legislators to make a positive difference in their lives.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I was on Iran-Contra Committee. I have to admit it was a huge committee with a huge budget and all kinds of lawyers, and it had to be—I do not know how many people were on that committee, but it was both the House and the Senate. And every effort was put forth. And I have to say the White House cooperated fully. Outside of the documents that were shredded by Oliver North and his secretary, which were fully explained, there was complete cooperation. There was not obfuscation. There was not withholding of documents. There was not withholding of witnesses. There were not notes indicating that there were these type of things going on in the White House.

We have had to fight for everything we got here. I do not think anybody who watches those hearings seriously would conclude other than that there has been a lot of delay and a lot of obfuscation, a lot of failure to comply, a lot of failure to work with the committee.

There has been an effort to work with the committee, too. I do not want to fail to give people respect who have legitimately come forth. But this committee was created just 9 months ago on May 17, 1995. The Iran-Contra investigation lasted for more than a year.

The Joint Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition was established on January 6, 1987. The committee conducted hearings until August 1987. The committee was extended twice in 1987, from August to October and then from October to November. And the committee filed its report on November 17, 1987. On December 10, 1987, the House voted to extend its operation to March 1, 1988.

There is an important thing we ought to note here. The special committee is not really seeking a "extension." That is, Resolution 120 will not expire and the committee will not cease to exist on March 1, 1987, if the new resolution is not adopted. All that the committee is asking for is additional funding so that the investigators and the attorneys can be paid.

By historical standards the Whitewater committee has not been an especially long-lived investigatory committee. The Truman Committee, also known as the Special Committee To Investigate the National Defense Program, was in existence for 8 years, from 1941 to 1948. During that time the committee held 432 hearings and examined 1,798 witnesses; I guess millions of documents.

The Joint Select Committee on the Conduct of the War, the Civil War that is, lasted for 3½ years, from 1861 to 1864, and the committee convened 272 times.

The Watergate Committee, also known as the Select Committee on Presidential Campaign Activity, was formed on February 7, 1973, and issued its final report on June 27, 1974.

The Senate spent 11 months investigating the so-called October Surprise. A subcommittee of the Committee on Foreign Relations appointed a special counsel on October 16, 1991. The special counsel's report was issued on November 19, 1992.

The allegations at issue in the October Surprise investigation were completely spurious—completely. Everybody acknowledges that today. Yet it took 11 months. I hope they are here, too, but it does not look that way. At least with what we have done so far, there are too many unanswered questions that have to be answered.

With respect to the central allegation on the October Surprise matter, that the Reagan campaign made a deal with the Khomeini regime to delay the release of the hostages until after the 1980 Presidential election, the special counsel concluded that:

> There is not sufficient credible evidence to support this allegation. The primary sources for this allegation have proven wholly unreliable. Their claims regarding alleged secret meetings are riddled with inconsistencies and have been contradicted by irrefutable documentary evidence as well as the testimony of vastly more credible witnesses.

Now, let me just say the $30 million figure is not the amount of money this committee has spent. The special committee thus far has spent $950,000. The special committee has been very productive. This committee has deposed 221 witnesses, had 41 hearing days and heard the testimony of 121 witnesses, with a staff of around 20. That is pretty productive. That does not indicate any wasting of time.

I commend both the chairman and the ranking member for having worked so hard along with other members of the committee. But what this committee has done compares favorably with the Iran-Contra Committee which conducted 250 depositions and 250 interviews, had 40 days of hearings, and heard the testimony of 28 witnesses. And they had a staff of 100.

What would be a waste of money would be to end the investigation now just when the investigation is starting to heat up and before the committee has received the White House e-mail and has fully investigated the withholding of the billing records.

Senator BYRD said the following during the Iran-Contra debate in response to a suggestion that the investigation would not be worth its costs. Senator BYRD said:

> May I say, if we are going to talk in terms of cost, this is the 200th anniversary of the Constitution of the United States, and there is no price tag on a constitutional system which has been around for 200 years and which has worked very well, and which will continue to work very well. Under our constitutional system, there is a doctrine that we speak of as checks and balances, and that is precisely what is being done here. The

Congress has a constitutional responsibility of oversight, a constitutional responsibility of informing the people, a constitutional responsibility of legislating. Now before it can legislate it has to have hearings in order to conduct its oversight responsibilities. I am saying this for the RECORD. I am not telling the Senator anything he does not know. But its oversight responsibilities and its informing responsibilities which Woodrow Wilson said were as important if not more important than legislative responsibilities which are done mostly by committees. A problem has developed which we will not go into but which everybody has been reading about for quite some time, and it is incumbent upon all of us to try to see what the facts are. There is no price tag on that constitutional system. If there is one thing we can do in this 200th year of the writing of the Constitution it would be to reassure the faith of the American people in that constitutional and political system, and one way of doing it is to find out about all of these things that we have been hearing. And the way to do it is to go at it, put our hand at the plow and develop the facts.

Senator BYRD said that on January 6, 1987. I agree with Senator BYRD.

We are not at the end of these hearings. We are not at the end of this investigation. We are still receiving documents at the last minute. We have not had the cooperation that I think they had in Iran-Contra and in other hearings. And, frankly, there is no reason not to. We just plain ought to finish these and carry out our constitutional responsibility to the best of our ability to do so.

I hope that we can continue to do this. I think it is unseemly to deny the committee investigators and attorneys, the necessary requisite funds to be able to continue to do so, and to insist that 5 weeks is going to be adequate to do this job. I do not think that it will be; not the way we have been treated, sometimes getting documents that are 2 years old and longer.

I might say that the committee has been successful, too. Again, I will make this point. If this was a Republican President all hell would be breaking loose right now with what this committee has already uncovered. There is not misgiving about that. Everybody in America knows that. There is a double standard around here. There are some dramatic things that have been brought out. I think the committee has been successful. But it happens to be a Republican Senate investigation under a Democratic President and First Lady.

Again, I will just say that I hope there is nothing wrong. I hope there is no problem with either of them. I am hoping that is the case. But there are a lot of things that look terrible here.

I think it is simply not true to say that nothing has been found in the Whitewater investigation in general, or this committee in particular. One measure of what has been found is the number of Whitewater related indictments and convictions that have been obtained.

Here are some of the numbers. Nine people have been convicted and seven are currently under indictment. And the indictments are still coming. The two owners of the Perry County Bank were indicted just last week. Further, three senior officials—Bernie Nussbaum, Roger Altman, and Jean Hanson were forced to resign over their handling of Whitewater matters. Rightly or wrongly they had to resign.

Some of what the committee has learned include the following: A Secret Service agent saw Maggie Williams, the First Lady's chief of staff, abscond with numerous files from Vincent Foster's office the night of his death. She denies that. But what reason would the Secret Service agent have to lie?

You might ask that question the other way. Would Maggie Williams have any reason not to tell the truth? I think subsequent facts kind of indicate otherwise.

For instance, there was a flurry of early morning phone calls between the First Lady, Maggie Williams, her chief of staff, and Susan Thomases, her good, smart, sharp attorney friend on July 27, 1993. That is the First Lady's good, sharp attorney friend.

That same day, on July 27, 1993, Bernie Nussbaum reneged on a deal he had agreed to the day before to let career DOJ, Department of Justice attorneys review the documents in Vince Foster's office. Why did he do that after that short flurry of phone calls that all of a sudden neither Susan Thomases nor Maggie Williams can really explain because their memories had suddenly become short?

Notes taken during the November 25, 1993 meeting between White House officials and the Clinton's personal lawyers contain a reference to "vacuum Rose Law files." While at the Rose Law Firm, Mrs. Clinton had a dozen or more conferences with Seth Ward in connection with the Castle Grande matter. That land deal which banking regulators have termed a sham cost the taxpayers $4 million.

I can tell you of a case in Utah where the president of the bank saved the bank. Throughout, the 100 percent stockholding owner of the bank bounced his checks and saved the bank, and yet he and the board of directors had to go through a tremendous and ill-advised litigation that cost them well over $1 million in legal fees before the Government finally admitted that the bank had broken even, and that they really had saved the bank and not caused the bank the problem. This was necessary in order to just get it off their backs.

You have a case of $4 million actually lost through what was considered a sham transaction, a fraud. And the taxpayers are stuck with it.

Mrs. Clinton also prepared an option agreement that was intended to be the way that Seth Ward would be compensated for acting as a straw man in this sham transaction called the Castle Grande transaction. Maybe none of this amounts to a smoking gun. But it is instructive to remember what Senator SARBANES said in connection with the Iran-Contra investigation upon which he also sat. He said that requiring a smoking gun "sets a standard of certainty that is very rare that we are going to reach."

To make a long story short, there is a lot of smoke here. There are a lot of unanswered questions. There has been a lot of obfuscation. There has been a lot of selective memory loss. There has been a lot of delays in giving documents. There has been a lot of ignoring subpoenas. And there have been a lot of explanations that just do not make sense in light of the notes and what is on those notes—like "vacuum the Rose Law Firm files" being treated as though they ought to clean them up. Let me tell you. There is a lot here. There is a lot here, and I do not think we should ignore it even though we should make every effort to be just and fair to everybody concerned.

I certainly will make every effort to do that and will insist that everybody else do likewise.

I yield the floor.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. SARBANES. Madam President, I really want to address this suggestion by my colleague from Utah of the double standard and his reference back to Iran-Contra because, if there is any double standard at work, I think it is very amply demonstrated with respect to this proposal now to extend indefinitely this inquiry.

Let me go back into that Iran-Contra matter because my colleague from Utah says, well, if this were a Democratically controlled Congress and a Republican administration, you would really be seeing things differently.

Now, in early 1987, when Congress was considering establishing a special committee on Iran-Contra, some Members advocated that it have a long timeframe extending right into the 1988 election. There was a conflict between some Democrats both in the House and Senate who wanted no time limitations placed on the committee and Republican Members who wanted the hearings completed within a matter of a few months. It was pointed out at the time, although it really escaped no one's attention, that an investigation that spilled into 1988 would be very political since that was a Presidential election year.

Senator DOLE was very strong in his comments about the necessity to have a fixed time for the conduct of that inquiry. Now, that is a Republican administration, a Democratic Congress. This is the double standard issue that my colleague raised. He said, and I quote him:

> If we get bogged down—

This is Senator DOLE—

> get bogged down in finger pointing; in tearing down the administration—we are just not going to be up to the challenges ahead. All of us—all Americans—will be the losers.

And he pressed repeatedly for an ending date for that inquiry.

Now, the Democratically controlled Congress responded to that representation, and both Senator INOUYE, who was selected to chair the special committee, and Congressman HAMILTON, who was selected as its vice chair, recommended rejecting the opportunity to prolong the hearings and to exploit President Reagan's difficulties for political purposes. In fact, they set a termination date, and Senator DOLE welcomed that. In fact, he said:

> I am heartened by what I understand to be the strong commitment of both the chairman and vice chairman to avoid fishing expeditions; and to keep the committee focused on the real issues here.

Now, if we do not want a double standard, I ask my Republican colleagues, why will they not respond now as the Democrats responded in 1987?

Senator DOLE went on to say:

> We ought to be able to shorten that time, expedite it and complete work on this matter. . .

In fact, that is what happened. As I indicated earlier, in order to complete work, the Iran-Contra committee held 21 days of hearings in the last month in order to complete its work, a record that stands in marked contrast with what this committee has done. It has, over a 2-month period here at the end, instead of moving expeditiously in order to finish its work, held only 15 days of hearings. So if you want to talk about a double standard, there is the double standard. The double standard is the comparison between how the Democratically controlled Congress handled the Iran-Contra hearings in 1987 and how the Republican-controlled Senate is seeking to handle the Whitewater hearings in 1996.

Now, we agreed in the resolution that was passed last May by an overwhelming bipartisan vote that this inquiry should come to an end on February 29. It is my very strongly held view that, if the committee had intensified its hearings schedule comparable to what the Iran-Contra committee did in 1987 or comparable to the earlier intense effort that this very committee pursued last summer, we could have completed our work by February 29 as provided in the resolution. We could have completed it within the budget and a request for an indefinite extension and for another $600,000 would never have been necessary.

Regrettably, that kind of work schedule was not followed. In effect, we had a drawn-out procedure over 2 months when the committee could have been very hard at work, since the Senate was not in session, and we failed therefore to carry through all of the hearings that were being projected.

Now, I think the reason we failed is we did not intensify the hearing schedule, and, therefore, I think the responsibility for that rests upon those who were directing the hearings in terms of the schedule they laid out and its lack of intensity.

Nevertheless, Senator DASCHLE, in an effort to be accommodating and reasonable, indicated that he was willing to extend the hearings for another 5 weeks into early April in order for the committee to complete its matters. I regard that as a very reasonable proposal. It has not drawn a response from my Republican colleagues, who continue to adhere and insist upon their original position, which was an indefinite extension of this inquiry into a Presidential election year, thereby virtually guaranteeing that it is going to be a partisan political endeavor.

We worked hard to prevent it from being a partisan political endeavor when we established the committee and when we set the parameters of its work, including completion of its work by February 29 of this year—in other words, well before we got into the election year, barely into the primary period. We wanted to bring it to a close so it did not carry on and therefore raise in the public mind, I think, very legitimate questions that this matter was being pressed for political reasons.

Prolonging the investigation well into a Presidential election year, in my judgment, cannot help but contribute to a public perception that this investigation is being conducted for political purposes, and that is exactly what is happening. We are now getting editorials in newspapers across the country that are making exactly that point. The Greensboro, NC, paper editorialized:

> Whitewater Hearing Needs to Wind Down. A legitimate probe is becoming a partisan sledgehammer. The Senate Whitewater hearings, led since last July by Senator Al D'Amato, Republican of New York, have served their purpose. It's time to wrap this thing up before the election season.

The Sacramento Bee to the same effect, saying they now want to extend the hearings indefinitely, as they say, "or at least one presumes until after the November election."

They go on to make the point that the independent counsel, Kenneth Starr, will continue his work on any matters that can be left to him. In fact, it is only the independent counsel who can bring criminal charges in this matter in any event, not something that the Senate committee can do.

I think that Senator DASCHLE, the Democratic leader, has put forward a reasonable proposal. The committee ought to be able to conclude its work with a short extension of time. I think that is the path that we ought to follow and avoid pressing this matter throughout the election year and the creating the perception that it is being conducted for political purposes.

In fact, Chairman D'AMATO, when he went to the Rules Committee last year, stated that—I quote him—"We wanted to keep it out of that political arena, and that is why we decided to come forward with the 1-year request." That was the right approach then. It was reflected in the action taken by the full Senate.

The majority's proposal now for another $600,000 and an open-ended period of time will project this investigation into the election season, thereby inevitably diminishing public confidence in the impartiality of the inquiry. That is not the right approach. The time suggested by the minority leader should be more than adequate for the Arkansas phase of this investigation. It will save public money and it will complete the job. That is what we ought to be about.

The double standard—the double standard—is reflected in the difference in the position of my Republican colleagues with respect to the length of time for this inquiry and the position they took in 1987 with respect to the inquiry in Iran-Contra. It is also reflected in the fact that in 1987, the Democratic majority in the Congress agreed—agreed—to the representation by our Republican colleagues that we ought to have an end date and not prolong the matter into the political year. Senator INOUYE and Chairman HAMILTON agreed with that representation. That is the process that we followed.

My Republican colleagues refuse now to accede to the same process, thereby clearly applying a double standard to this matter. Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRAIG). Without objection, it is so ordered.

Mr. DODD. Mr. President, may I inquire, are the managers controlling time, or may I seek time in my own right?

The PRESIDING OFFICER. There is no control of time.

Mr. DODD. I thank the Chair.

Mr. President, let me preface my remarks this afternoon, if I may, by acknowledging the very difficult decisions that Senators on both sides of the aisle have to make over the coming days—I hope it is days and not weeks—on this issue.

Let me also preface my remarks by, first of all, commending and thanking my colleague from Maryland who has been the ranking member of the Banking Committee and has handled the lion's share of the work on our side of the aisle over these past many months and demonstrated, I think, remarkable patience and a great sense of cooperation.

I do not know the exact number, but I think there has been only a handful of incidents in the last sets of hearings that we have had over the past year and a half where there has been any real disagreement at all between the majority and the minority, thanks to the leadership of the Senator from Maryland, cooperating and working with, I might say, of course the Senator from New York, the chairman of the committee. I think it is important for all our colleagues to know the tremendous amount of work that the Senator from Maryland has done.

Let me also say I appreciate the job of the Senator from New York. It is not an easy job to be chairman of a committee, particularly one that has the responsibilities as this committee has had over the past 270 days to try and sort out the various differences that exist.

But nonetheless, it will be, to some, a difficult decision. For others, I do not think it is that difficult a decision, given the amount of time we have spent.

Conducting a thorough Senate investigation is hard and painstaking work. Certainly I can appreciate the dilemma in which some of the people in the majority find themselves, particularly when there are those who come to them and say, "Look, you must vote with us here regardless of what your own feelings may be on this issue. We have to have your vote. Stick with us on this."

We have all at one time or another, I suppose, been confronted by those who have asked us to "stay with them," as the usual expression goes, even though our own views may be otherwise.

I am especially sensitive to that difficulty, because I well remember my own experience with the debate on a matter, not unlike the one before us this afternoon, involving President Bush's role in the so-called October Surprise of 1991 and 1992.

Some of my colleagues may remember there were allegations in late 1991 that President Bush, when he was Ronald Reagan's running mate in 1980, had had secret meetings with the Iranian Government to urge that Government not to release the American hostages until after the 1980 Presidential elections, thus avoiding the October Surprise that might have lifted President Carter to reelection. There was an enormous hue and cry in the media about those allegations, and a little bit of excitement among some of our colleagues who viewed this as an opportunity to do some damage to President Bush, as we went into the 1992 elections. There were many, many articles, many, many stories, many, many editorials, about those allegations.

Mr. President, I believed at the time that those allegations—after looking at the charges that were made and the information that was being offered to support those conclusions, I thought that the conspiracy theories that were being hatched by those who wanted to bring those hearings to bear were motivated principally, in my view at the time, by politics. For those reasons, Mr. President, I, along with others opposed that investigation. And I hope that some of my colleagues in the majority do so now, despite the pressures that I am sure members of the majority are getting today to vote for open-ended hearings with a $600,000 appropriation are getting—in fact, I know it is the case because a number of our colleagues have basically told me they think this is a waste of time and money. But this sense of staying together because we have 34 weeks to go before election day, and everybody sort of linking arms here, let us not let this get out of hand here. If anyone deviates or breaks ranks, of course, this falls apart. I know what that is like.

So as a result of several of us voting differently, those hearings did not go forward. They ended, much to the disappointment, I might say, of a number of our colleagues who felt we should have gone forward. The reason I raise that is not to suggest somehow that the Senator from Connecticut deserves any particular commendation, but to hope there might be some colleagues today who are faced with a similar fact situation and might respond similarly, when we know, frankly, that an additional $600,000—$400,000 in consulting fees—an open-ended investigation, at this juncture, with respect to those involved, has gone on too long.

The overwhelming majority of people in this country think, frankly, it has gone on too long. It has been 270 days, the longest congressional investigative hearings—to the best of my knowledge—in the history of the U.S. Congress. Twenty months. The Watergate hearings went on 16 or 17 months; Iran-Contra, 6 or 7 months, from January 1987 through August 1987. Those I remember very, very well because the now majority leader, ROBERT DOLE, came to Senator INOUYE and Chairman HAMILTON—in 1987 now, not 1988—and said, "Even though you have the right under the resolution to go until October of that year, can we not wrap these up in August?" I will tell you why. Because it was getting involved in election-year politics. Let us get it done early. DAN INOUYE, the Democratic Senator from Hawaii, and LEE HAMILTON, a Congressman from Indiana, who cochaired those investigations, agreed with the then-minority leader DOLE to wrap up those hearings in August, so that they would not contaminate the political season 1 year out—not 34 weeks out, but 1 year out.

As a result of that, the Iran-Contra hearings were completed by early August 1987, if my memory serves me well. I think, as our distinguished colleague from Maryland pointed out, there were 21 hearings, in fact, conducted between early July 1987 and early August 1987, in order to accommodate the then-minority leader's request.

Now here we are 34 weeks away, after 20 months of hearings, 270 days, 50 actual hearings, 100 witnesses, and 50,000 documents have been turned over. I do not know how many people have been through depositions. And it is nothing, by the way, even remotely close to Iran-Contra in allegations. I remind my colleagues to remember the days when Fawn Hall was stuffing documents into her cowboy boots, sneaking into the White House, or they had shredding parties at the White House, they called them, to destroy documents. Nothing like that has been alleged here.

We have documents that have turned up. I know our colleagues have gone on at some length—I think, entirely appropriately—to examine what happened there. None of us has suggested that we ought not to look into that. But as I pointed out in the past, in every single case where these documents have emerged, nothing in them contradicts anything we learned earlier. Had these documents produced contradictory evidence, the suspicions about showing up late, or in some other place, would have much more credibility. But everything we found in the documents that came later has corroborated what we knew earlier. It does not excuse the fact they showed up late.

Again, we may never know the answers completely. But to suggest there is a great conspiracy here is not borne out by the facts of what was in the documents once discovered.

So my basic plea, Mr. President, is for some Members on the other side to join us, and we could end this. Ending it is not to terminate it tomorrow, from our perspective. The Senator from Maryland and the minority leader have offered five more weeks of hearings, almost $200,000 more in money, beyond the almost $1.5 million we have spent in the last 2 years just in the Senate, and one more month beyond that to write the report. So it is a proposal to go to the end of May. That is about 20 weeks away from election day, not a year as we were in 1987. Yet, we are being told flatly that that is unacceptable.

Mr. President, you might understand the frustration we feel in all of this. That is not an unreasonable request. The original agreement was to end in February. We had snow days. We had a disagreement over the executive privilege argument, which took some days. You can make a case that you need a bit more time. But we entered into those agreements almost unanimously, with maybe two or three dissenting votes. But when you end up with almost all of the Senate voting overwhelmingly to conduct the hearings and to do the second phase and to agree on the termination date, and to be told on February 29, "Sorry, we are going to ask for $600,000 more and no date certain when we end them," despite the fact that we are weeks away from election, knowing full well that the mere fact that you are having these hearings would create the kind of damage we would like to cause, that is why we are upset about this. This is no great joy to be engaged in a lengthy debate and discussion here. We ought not to be doing this.

Here we are, and we hold one hearing on Medicaid all last year—one, despite the proposals to cut $240 billion out of that program. I think we had two or three hearings on education, and virtually no hearings on health care at all. Then we sit around and wonder why it is that Pat Buchanan seems to be igniting some support when he talks about jobs and people and they see us suspending maybe a week on the floor of the U.S. Senate debating the Whitewater hearings. We had 10 or 12 days on Waco. I do not know how many House hearings and Senate hearings there were on Ruby Ridge. I think there is value in looking at those issues, but this is going beyond the pale, going too far. It is going way too far.

So we are urging, Mr. President, that some Members of the majority stand up and join us in this compromise proposal to bring a conclusion to these hearings and to do so in a reasonable way, with a reasonable amount of dollars. We are the ones on the committee who have to sit there day after day. We are prepared to do it.

I remember in the summer of 1994, when we sat there 12, 13 hours a day in order to wrap this up. We went late into the night to do it. If it takes that, then let us do it. We are prepared to do that, to bring this to closure. So we are urging colleagues to join us in this proposal, in this effort.

Mr. President, I went over some of the earlier points. It may be worth it to reiterate some of the things that happened. The Senate's Whitewater investigation began in 1994, with bipartisan support. Bipartisan support was continued in May 1995 when the Senate overwhelmingly approved Senate Resolution 120 to create the Special Committee To Investigate Whitewater.

Since 1994, there have been more than 50 hearings, as I have mentioned, with testimony from well over 100 witnesses, after detailed examination of more than 45,000 pages of documents. By the way, Mr. President, it is worthwhile to note that here, unlike in other congressional investigations, not a single witness from the White House came other than voluntarily, and several witnesses came on many occasions.

Other than the argument over attorney-client privilege—which is a legitimate argument—every single document received we received voluntarily. There has been no effort here to fight for the release of documents at all except when there was a legitimate question about attorney-client privilege and executive privilege. Those only occurred in very rare cases. Beyond that, in every other instance, we had a tremendously cooperative White House on this.

I think the documentation is about fifty-fifty: About 10,000 or 12,000 pages of White House representation, and 12,000 from the Clintons' files themselves that have come into the committee's possession for examination. It is hard for those who pushed for this investigation to admit that nothing new has been turned up. Yet, that is the case.

I might point out in addition to the moneys we have spent of almost $2 million, not including what we may be spending now with this additional request, the Pillsbury, Madison & Sutro law firm out on the west coast has spent several millions of dollars over the last 2 years on an independent examination for the RTC, Mr. President, of the Rose Law Firm and related matters. As you know, Mr. President, they concluded their report in December, but when the new billing records at the White House showed up they asked for an extension to determine whether or not the conclusions in December would be warranted. They did that examination and basically several days ago filed their final conclusions after examining these new records and reached the conclusion in their words, "That no more moneys ought to be spent on the Whitewater investigation." That, in fact, in their view there was no proof to substantiate the Clintons' or the law firm's involvement in the Madison Guaranty issues. It is a long report, about 170 pages. I do not expect my colleagues to read through it but the conclusions are there for people to read. Again, that has been completed.

Then we have the $26 million spent by the independent counsel up to now. Again, as our colleague from Maryland pointed out, I believe it is $1 million a month; $1 million a month the independent counsel is consuming. Nothing we are suggesting here limits the independent counsel's investigation. In fact, they can go on in perpetuity. Some fear they probably will, if past practice is any indication of future conduct. We ought to take a look at that issue at some point, but the independent counsel proceeds apparently at $1 million a month with no limitations on their work.

So there is $30 million—more than $30 million—that has been spent over 270 days or so, with more hearings than in any other investigation in the history of Congress. Is it unreasonable that we say can we not wrap this up in 5 weeks—our part of this, in 5 weeks—with $200,000, almost a quarter of a million dollars, in additional funding? Is that an unreasonable request, particularly when you compare it to the request that says we want half a million, not including consulting fees for an unlimited amount of time. Which is the more reasonable request in light of what we have been through over these past several years?

Mr. SARBANES. Will the Senator yield?

Mr. DODD. I am happy to yield to the Senator.

Mr. SARBANES. I ask the Senator which is the more reasonable request, if you put it in the context of what occurred in 1987 with respect to the Iran-Contra hearings in which a Democratically controlled Congress was looking into the activities of a Republican administration and had Members who were pressing hard for an open-ended investigation that would carry well into the 1988 political year. The minority leader of the U.S. Senate, then Senator DOLE, in early 1987 took a very strong position against an unlimited hearing on that matter, pointing out it would turn into a political exercise in an election year.

Senator INOUYE, who headed up the select committee on the Senate side, and Chairman HAMILTON, from the House side, accepted that argument and agreed to a limited period of time. In fact, later they intensified the schedule in order to finish it earlier in 1987, in August, so it would not carry over into 1988.

Now, if you put it in that context, I say to the Senator, is not the proposal made by Senator DASCHLE an eminently reasonable proposal? I heard talk on the floor today that there is a double standard. Someone got up and said if this were a Republican President now and a Democratic Congress, things would be different. They might well be different. They were different in 1987 when we had a Republican president and a Democratic Congress, and the Democratic Congress then accepted the argument that we did not want to turn it into a political exercise in the 1988 election, and carried through and did the hearings—did 21 days of hearings in 23 days in order to bring the matter to an end.

Given that history and placing it in that context, does that not make the proposal of the minority leader, Senator DASCHLE, seeking to accommodate for the extension of another 5 weeks to do the hearings, a far more reasonable proposition than the proposal of Chairman D'AMATO for an indefinite extension of these hearings throughout the election year?

Mr. DODD. Mr. President, my colleague from Maryland is exactly right. He answers his question with his question. In fact, it obviously is far more reasonable.

Again, I recall the then-minority leader, Senator DOLE, making the case in part that it was not just the politics. He worried about the damage being done to the Presidency, the office of the Presidency. So he made that appeal on the basis that we ought not to damage the office of the Presidency. Of course, we are well aware that our colleague from Kansas, the majority leader, is an active candidate for the office of the Presidency today, and yet yesterday in the Rules Committee when the matter came up as to whether or not we ought to try and put some limitation on this for 5 weeks and a limited amount of money, there was a vote.

Our colleague, Senator FORD of Kentucky, offered an amendment to the open-ended proposal and said, "How about 5 weeks, $185,000, with an additional month to wrap it up?" The majority leader was there for the vote. He voted against that and voted for the open-ended proposition. Only 5 years ago he was, of course, making a strong case in the other direction.

Mr. SARBANES. If the Senator would yield on that point, what he said in the debate in early 1987, "If we get bogged down in finger pointing, in tearing down the President and the administration, we are just not going to be up to the challenges ahead, and all of us, all Americans, will be the losers." Let me repeat that, "and all of us, all Americans, will be the losers."

As the Senator from Connecticut pointed out, this was an added argument that was made in addition to the argument which was accepted by the Democratic majority that the inquiry ought not to be carried into the election year. There is this the very point that the Senator alluded to just a moment or two ago.

Mr. DODD. I thank my colleague from Maryland for raising that point. It goes to the heart of what I was suggesting at the outset here, that in the conduct of these investigations by and large there has been an effort at least on the part of those of us here to seek bipartisan accommodation. These are not matters that necessarily ought to fall into the area of partisan debate because we recognize the sensitivity of them. Hence, over the years, the formation of these committees and the allocation of resources, with some minor exceptions, have enjoyed bipartisan support.

As the Senator from Maryland points out, it was, in fact, the leadership of the majority in 1987 that agreed with the minority and accommodated their request to not allow those hearings to spill over into the fall of 1987, a year away from election day. Not 34 weeks away from election day, a year away from election day.

I might point out that resolution called for the termination of the Iran-Contra hearings in October 1987. That was the termination date. We moved it back and finished the work in August, a year and a half before the election, because the request from the then-minority leader was that this might contaminate the election season.

Yet here, after the longest investigatory hearings in the history of Congress, 50 hearings, 100 witnesses or more and all of the information we have accumulated and collected, to a request to wrap this up 6 months—less than 5 months, less than that—before election day, the answer is a resounding, "No. Tough. We have something going here politically and we are going to ride this one down the road here, even though we have no information or no evidence of any wrongdoing—not even any wrongdoing; any unethical behavior—we are going to ride this one out because, who knows, maybe we can get something going here."

This is a very unhealthy thing for this body to be doing, very unhealthy. It invites a kind of deterioration in the comity that is essential in this body to get anything done, when we engage in this kind of practice.

Mr. President, what we are confronted with here, then, is obviously the dilemma the majority is in—which should be a dilemma which is not that difficult to resolve but nonetheless is a dilemma—do you push, on the one hand, for an extension of the hearings that we have already conducted for such a lengthy period of time deep into the Presidential campaign season and thus undermine, in my opinion, the integrity of the Senate with what will appear to be, at least it does to many, a purely partisan attack on the President? Or do you admit that the investigation has turned up no new evidence of illegal or unethical behavior and risk the vocal wrath of those on the fringes for whom the very absence of proof is in itself evidence of a coverup? A true Hobson's choice, in many ways, for the majority leader and the majority.

At this point, I think it is appropriate to ask if it was necessary for the Senate to even reach this point. I do not believe so. One of the key provisions of Senate Resolution 120 was a requirement that the special committee conclude its business by February 29, 1996. By adopting a date specific to terminate the special committee, the Senate as a body wisely—wisely—intended to eliminate the taint of partisan politics from the committee's work and to avoid the kind of pressures that come from outside fringe groups that demand a continuation of our work in perpetuity. That is why, unanimously, we agreed on that date.

Now, we understand we may need a few more days. We understand that.

But we avoid the very problem that we have now found ourselves in by establishing those kind of dates. By the way, I went back and researched this. There is not a single investigation that I could find done by the Senate of the United States over the past 30 years that did not have a termination date in the original resolution that established the committee. Wisely the Senate has done so to avoid the kind of problem we get into when you have open-ended investigations with no end in sight. Therefore, we put that in the resolution.

In adopting a cutoff date well in advance of the 1996 Presidential elections, the Senate was following the same procedures advocated by the majority leader, as pointed out by our colleague from Maryland, back in 1987 when he then as minority leader successfully argued for the limiting of the duration of the special committee to investigate the Iran-Contra affair. Of course, as this deadline approaches we find ourselves operating in a far different political landscape than we were in the months following the 1994 congressional elections. The enhanced political position of the President has led some to speculate that the proposed extension is little more than a desperate, nakedly partisan attempt to smear the First Family. What is particularly interesting is that as the committee moved closer and closer to the deadline which we established almost unanimously it actually slowed down the pace of the hearings to the point where we held only eight hearings in the entire month of February, and none in the last week of February. I remind my colleagues there were no votes. The majority leader did not call up any votes in the month of February. There were no interruptions. Yet, for the entire month we were all around—members of the committee. We had eight hearings over 5 weeks, and only one hearing with a single witness in the last week of the hearings.

Mr. President, I also find it interesting that last week the majority provided a preliminary witness list indicating that it wanted to call as many as 60 to 75 people as witnesses when over a month ago, and before we heard from 15 witnesses, the chairman of the committee said in response to questions from myself and Senator SARBANES of Maryland that "we have identified 60 potential witnesses." That was on February 1, 1996, on page 84 of the transcripts. As I mentioned, we have heard from 15 witnesses since that time, leading one to reasonably believe that we were down to calling 45 witnesses, or less at this point. I say this not to place the chairman of the special committee in any embarrassing position but to illustrate the fact that the bar keeps getting raised by the majority as to how much time they need to complete their inquiries.

It would be one thing, of course, if we had no precedents to rely upon as far as Senate investigations go. But, in fact, we have many precedents, including our experience with the Iran-

Contra hearings. The contrast, as has been pointed out by our colleague from Maryland, could not be more stark. When the Iran-Contra hearings entered its final months of existence and knew it had a lot of ground to cover, it held 21 hearings in that 1-month period. Mr. President, that is 21 hearings in 1 month by Iran-Contra, compared to 8 in 1 month by the Whitewater Committee. Did Senators have more stamina in 1987 than they do in 1996? Probably not. I do not think so. But perhaps there was a greater will to get the job done by the members of that committee than we have seen so far by the members of the Whitewater Committee.

The majority raises a number of issues to justify an indefinite extension of the special committee. But I believe, based on the facts, that the alternative that we are offering to this indefinite extension will provide ample time for the committee to complete whatever work remains. The primary reason cited by my friends on the other side of the aisle for continuing these hearings indefinitely has been that the White House has failed to cooperate with the committee's investigation. That is just fundamentally wrong. To buttress this contention, we are told by the majority and it is pointed out by the majority, the confrontation over the so-called Kennedy notes—that is the lawyer—and the discovery since January of documents are relevant to the committee's work. The conclusion drawn by the majority is that the White House will delay providing damaging documents until just before the committee's termination date and thus an open-ended extension is warranted.

Mr. President, the facts do not justify such a conclusion. First and foremost, this administration, as I said earlier, has been more cooperative with the committee's investigation than any administration in memory. The White House has turned over 14,000 pages of White House documents, and the President and the First Lady's personal attorney have turned over in excess of 10,000 to 20,000 pages of additional documents.

Furthermore, every administration official has been made available to the committee and has testified voluntarily—every single one of them without the promise of immunity that Congress was required to give members of the previous administration during the Iran-Contra hearings.

Many of us in the Senate well remember the actions of the previous two administrations with respect to the Iran-Contra investigation. Who can forget the time we heard about high-level national security officials holding shredding parties at the White House? In fact, the top two Reagan officials in White House deleted over 5,000 e-mails in the hours just before they both resigned in disgrace from their positions; 5,000 e-mails were destroyed just hours before they submitted their resignations. And yet we did those hearings in 6 months. Who can forget the image of Fawn Hall stuffing sensitive documents into her boots so they could be spirited out of the White House before investigators could examine them?

Many of us remember the changing memory of top officials who refused for 6 years to turn over documents to the independent counsel, Lawrence Walsh, despite repeated demands to do so. None of that has happened here.

What have we received? We have received as a good-faith effort by the White House to comply with the innumerable and frequently overly broad requests of the special committee. Perhaps there would be more credibility to the allegations if the documents that have been turned over since January offered startling new evidence of wrongdoing, or if they contradicted previous testimony. But the fact is that all of these documents—yes, even the ones we found just recently—confirm the information that has been provided to the special committee in previous evidence; in every single case.

Far from revealing the smoking gun, these documents provide exculpatory evidence that there was no illegal or unethical activity by the President or the First Lady or administration officials. We have also been told by the majority, citing the controversy over producing the so-called Kennedy notes as a reason for why the committee cannot complete its work on time. The fact of the matter is that there was a legitimate dispute between the committee and the White House over the legitimate claims of attorney-client privilege. To simply dismiss the White House concerns on this issue is nothing more than obstructionism. But as Geoffrey Hazzard, a noted professor of law, stated in a letter to the White House at the time of this controversy, and I quote from it:

> Presidents of both political parties have asserted the privilege. This position is, in my opinion, correct reasoning from such precedents as can be applied. Accordingly, the President can properly invoke the attorney-client privilege.

I am not trying to reopen the debate on this issue which ended after mutually satisfactory negotiations with the committee getting all the documents it had requested, but to put to rest an assertion that there was no basis for the White House to be concerned with inadvertently waiving the President's right to confidential communications with their attorneys.

There are some observers who believe that the entire controversy over the so-called Kennedy notes was orchestrated by the majority to create a conflict within the White House over providing documents. The reason for that belief is that there has been a strong tendency on the part of the committee to make document requests that are so broad as to make compliance virtually impossible. There are numerous examples of this, not just a few. But I particularly remember when the majority wanted to subpoena—listen to this—all of the telephone records from the White House to area code 501, which just so happens to be the entire State of Arkansas—all of the telephone records of the entire State of Arkansas. That was the subpoena request. If you think I am making this up, that is the kind of request we were getting.

Senator KERRY of Massachusetts and I asked majority counsel for the basis of such a broad request, and let me quote from the hearing transcript.

> Senator KERRY. That's the entire State of Arkansas. You want calls to the entire State of Arkansas from the White House for 5 months?
>
> MAJORITY COUNSEL. I don't know what the area code 501 encompasses.
>
> Senator DODD. It's the entire State. You ought to know that before you put it in a subpoena.

There you have a case where here we are subpoenaing an area code and counsel says, I don't know what it encompasses. We are just going to throw the net out here. You wonder why we are frustrated and angry over how this is proceeding.

Ultimately, the subpoena was narrowed, thanks to the efforts of the Senator from Maryland, to a legitimate framework. But that small example, that one example I hope gives our colleagues a flavor of the difficulty faced by the White House during these proceedings. It seems that every time the majority makes a document request, it starts out so broad that days or weeks of negotiations are necessary before the request can be complied with. Thus, the question might not be why the White House takes so long to comply with the document requests but, rather, why the majority consistently chooses to frame those requests in a way that ensures the maximum amount of time will elapse before there can be compliance with the request. That is one of the reasons for the delay.

Mr. SARBANES. Will the Senator yield?

Mr. DODD. I will be glad to yield.

Mr. SARBANES. Is the Senator familiar with the request that was made for all communications between anyone on the White House staff, current or past, and 50 named individuals over an 18-month period on any subject whatsoever? Let me repeat that. That was the initial request. For any communication between anyone on the current White House staff or past White House staff and an enumerated list of more than 50 people over an 18-month period on any subject whatsoever. And, of course, the response to that is that this is so broad it is just impossible to comply with. And eventually, by interaction, and so forth, it was narrowed down to more relevant time periods, to more relevant individuals, and to more relevant subjects. And then, once that was done, we were able then in a reasonable period of time to get compliance from the White House. But that is another example along the lines of the 501 area code, which the Senator cited, of the problems we have confronted.

Now, as the Senator indicated earlier, I generally joined with the majority in the various document requests, but I refused to do it in those few instances in which the requests were so broad that they literally were not possible reasonably to comply with. And then, over time, eventually we were able to narrow those down, put them in a reasonable framework and then put them forward and get compliance.

Now, the White House has now responded to every request that has been made to them as of today with the exception of two new requests made in the last couple of weeks with respect to e-mails. These were additional e-mail requests, beyond the ones that have previously been made. So there has been an effort on their part to comply with some of the most broad and sweeping and onerous requests that I think anyone could imagine.

Mr. DODD. I appreciate my colleague making that point. I wonder if my colleague would agree that it is not unreasonable for those who watch those kinds of requests to begin to question whether or not there is an intentional desire to provoke a delay, knowing full well that such a broad request is going to have to be unacceptable, so that time is consumed narrowing the request to a reasonable level so that the White House in this case can respond. I do not know how long my colleague actually spent in those cases to actually narrow the subpoenas down to a reasonable level. May I inquire. Was it several days?

Mr. SARBANES. Certainly. More than that. More than that. And the White House's response to these overly broad requests is, What can we do with this? We have to get more rationality into the request if we are to respond to it in a reasonable period of time.

That has been one of the problems throughout.

Mr. DODD. I thank my colleague for that additional information which I had forgotten, but it is a very good point indeed. Any communication to, was it 18 employees? Did I hear it correctly?

Mr. SARBANES. No, no, it was between anyone on the White House staff——

Mr. DODD. Anyone?

Mr. SARBANES. Current or past, and 50 people, named people over an 18-month period on any subject matter whatsoever. That was the original request. That was not the request that was finally responded to because we were able, by working together, to narrow the request in a way that we were able to limit the number of people, the subject matter, and the time period so it become manageable.

Mr. DODD. That is incredible.

Mr. SARBANES. This was the original thing we were confronted with.

Mr. DODD. I thank my colleague. I apologize. I thought it was 18. It was 18 months, every single employee, past or present, in this administration over an 18-month period.

Mr. SARBANES. On the White House staff, yes.

Mr. DODD. I should complete my remarks at that particular point. I think that makes the case. It is a better example than almost the entire area code of a State.

Mr. President, another reason we have been given as to why the committee should be extended indefinitely—and let me emphasize this indefinite extension—is that we must wait until the independent counsel has completed his trial of Governor Tucker, Jim McDougal and Susan McDougal, in Arkansas. That trial is scheduled, after several delays, to begin on March 4—in fact, it is underway—and to last from 6 to 10 weeks.

However, the idea of waiting for Mr. Starr's trial to end is contrary to the bipartisan position taken by the special committee just a few months ago. On October 2 of last year, the chairman and Senator SARBANES sent a letter to Mr. Starr. Let me quote from this letter, if I may. This is from the chairman of the Whitewater Committee and Senator SARBANES, joint signatures. The letter says:

> If the special committee were to continue to defer its investigation and hearings, it would not be able to complete its task until well into 1996.

They continued saying:

> We have now determined that the special committee should not delay its investigation of the remaining matters specified in Senate Resolution 120. We believe that the concerns expressed in your letter do not outweigh the Senate's strong interest in concluding its investigation and public hearings into the matter specified in Senate Resolution 120 consistent with section 9 of the resolution.

Section 9 of the resolution is the provision that requires the special committee to complete its work by February 29, 1996.

So the committee is specifically on record, it is on record, as opposed to delaying its work in order to accommodate the trial going on in Arkansas. One cannot help but wonder what has changed other than the political situation to prompt the chairman to unilaterally change his mind on this fundamental issue.

There is one critical fact that I hope my colleagues will not lose sight of during the course of these debates, and that is that our decision about extending the committee will not affect the investigation of the independent counsel by one iota. There are no limits, none, on either the duration of Mr. Starr's investigation or its scope or its cost, for that matter—none whatsoever. As a matter of fact, the independent counsel recently requested and received permission to expand his inquiry to include matters from 1992 that were not originally part of his mandate.

I hope that those Senators who might worry that ending our investigation will somehow give the Clintons a free ride will certainly want to know what Mr. Starr is doing down in Little Rock with a staff of 30 attorneys, 100 investigators, and a cost to the taxpayers of $1 million a month on top of the $26 million he has already spent.

That would be a good inquiry, maybe extend these hearings. Maybe we ought to do an investigation of how that investigation is being done—$26 million. You have more lawyers down there than you do focused on organized crime in some of our major cities. The American public might want to know how their tax money is being spent with that kind of an effort.

Given the absence of any compelling factual basis to continue these hearings, Mr. President, the alternative that we have proposed through the minority leader, Senator DASCHLE, I think is more generous in allowing the committee to complete whatever task the majority feels must still be accomplished.

You know, Mr. President, in some ways I regret we did not do what the minority had done back in 1987. In retrospect, maybe we should have had the minority leader, Senator DASCHLE, approach the majority last fall and ask to wrap up these hearings early, as Senator DOLE did in 1987. Remember what I said earlier, the original termination date was October of 1987. Senator DOLE came in the spring and said, "Can't we get this done early, get it done by August, in order to avoid the campaign season of 1988? Can't you get it done in August of 1987, not in October when it gets into the campaign season?"

Maybe we should have approached the majority last fall and said, "How about getting this done earlier?" Then maybe we might have finished around February. Instead, we thought it was on the level. In fact, it was set at February 29 as a reasonable time, and then because you may need a few extra days, we have suggested 5 more weeks, almost a month and a half more of hearings, and an additional month to file the report, and almost $200,000 more to do it, not to mention the consultants' fees that are going to be spent.

Our colleagues ought to know that I think a substantial minority or maybe a majority of the Senators on this side feel this should have ended on the 29th, and that is it. But because Senator SARBANES and the majority leader and others, myself included, made a case, look, a few more days here, let us try, and there are additional witnesses we need; let us try to wrap this up.

But I think many people here feel, as the American public does by overwhelming majorities—they feel this has gone on too long—$30 million dollars. It is their money we are spending on this. It is their money that is being spent on this, on this investigation that has gone nowhere, shown nothing, uncovered nothing. Now they want half a million dollars more of your money to spend on this, along with consultancy fees for an unlimited amount of time.

You wonder why the American public get sick and tired of how Washington pays attention to itself, is preoccupied with itself, trying to get $30 million to spend on hearings instead of looking into what is happening to our cities or education or health care or joblessness in America. You could not get the votes here for that. But we will spend $30 million over 270 days, and 50 hearings, on whether or not something happened in the 1980's, 15 years ago, in Arkansas.

Then we wonder why there is rage in the country over how Washington does its business. Well, you get a good taste of it now in this last Congress. Not one hearing on Medicare. Whether you agree with the cuts or not, the fact that we would propose cutting $240 billion out of the safety net for people's health care, and we do not even have a hearing to look at it and examine it.

Oh, but we can spend 50 hearings on this, 10 or 12 hearings on Waco, 15 hearings on Ruby Ridge. Boy, those are important issues. That is just what the American public sent us here for. That is how they want their money spent. Now they want an unlimited amount of time and a half a million more. And people say, wringing their hands, "Why are people so upset with Washington?" Well, watch this spectacle over the next few days. You do not have to ask yourself the question.

We ought to wrap this up and get it over with. It has gone on too long. The proposal by the minority leader, Senator DASCHLE, is a reasonable one—this body ought not to take 10 minutes to debate it—5 more weeks, $185,000 to complete its work, and particularly as it is coming down, as everyone—everyone—knows in the country.

It is one thing to engage in politics with your own money, but to engage in political activities with the taxpayers' money is insulting. It angers people. It makes them angry. They are right to be angry. They ought to be angry about this process and watch these votes when the votes come up and remember how people vote on this, how quick they are to spend their money on this.

But how unwilling they are when it comes down to your health care or your kid's education or your jobs. They are, "Oh, no, we can't afford to do that. We've got to balance the budget, but, by God, we'll spend the money on this." That is why people are angry in America. And I do not blame them.

So, Mr. President, I hope in the coming days here, over the next day or so, that we can reach an understanding here that 5 weeks is plenty amount of time. We can hold a lot of hearings in 5 weeks. We can wrap this up and put it behind us. It is unhealthy for this institution. It does damage to this institution. It does a disservice to the American public. So I urge that we come to an agreement on this and move along.

Mr. President, I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair. Mr. President, we heard a good deal of rhetoric relative to the prevailing attitude of the American people. My good friend from Connecticut has indicated that the public has had enough and that clearly this side of the aisle is to blame for continuing the efforts in the Whitewater probe.

I think my colleagues on the other side of the aisle are either not listening to the American public or not reading the daily newspapers in the United States. I have a list that was compiled a little while ago, just a very, very partial list, of the newspapers specifically requesting extended hearings—the Washington Times, the Washington Post, New York Times, the New York Post, the Times-Picayune, the Times Union. And in support of the hearings, there has been the same group of newspapers. This is a very, very, very, very small list of those newspapers.

That represents public opinion, Mr. President. That represents the public's opinion in light of the overwhelming information that just keeps coming out about Whitewater. So much of this information just seems to be trickling out of the White House, and the public wants answers.

Let me refer specifically to what I am talking about by referring to the chart behind me which clearly makes my point.

If one looks—I might just make a reflection on a comment that was made in the book "Men of Zeal" by Senator COHEN and former Majority Leader Mitchell.

I quote:

> The committee's deadline provided a convenient stratagem for those who were determined not to cooperate.

That, of course, is a commentary on the events surrounding the Iran-Contra hearings.

But let us look at the record, Mr. President. And this, Mr. President, is why these hearings must be extended. The documents simply keep coming. In August of 1995, The committee requested documentation from the White House.

In October it was necessary to send a subpoena to the White House.

January 5. The Rose Law Firm billing records were produced.

Records discovered by Carolyn Huber in the White House personal residence in August 1995.

January 29, 1996, and February 7. Mark Gearan's documents produced, documents "inadvertently taken" from the White House.

February 13. Michael Waldman's documents produced. Documents found "in the course of an office move."

Well, let us move to February.

February 20. Harold Ickes' documents produced. Documents were "inadvertently overlooked" and Mr. Ickes was under "mistaken belief" that they had been produced earlier.

February 29. Special committee funding expires. And that, Mr. President, is why we are here are today.

But incredulously, the White House documents just keep coming. March 1, suddenly Bruce Lindsey's documents are produced. Documents "inadvertently were not produced previously.

March 2. White House produces 166 pages of documents of various administration officials, including Lisa Caputo, Neil Eggleston, Bruce Lindsey, Bernard Nussbaum, and Dee Dee Myers.

March 5. Rose Law Firm documents produced. Documents were "just located."

Mr. President, look at the facts. Since the funding has expired, we have received three separate groups of documentation. Why did that occur? Well, one can do some guessing. Perhaps there was some fear of the consequences that occur from withholding evidence? And perhaps memories were suddenly refreshed when those consequences became more apparent.

Mr. President, do not buy for a minute the argument of the other side that somehow this debate is a Republican plot, a partisan plot. Well, Mr. President, finding answers to the many unanswered questions about Whitewater is not partisan politics. Let's look at what the public thinks, as reflected in many editorials from newspapers across the nation.

The Times Picayune:

> Senate Democrats should think twice about filibustering to end the Whitewater investigation committee's attempt to get to the bottom of President and Mrs. Clinton's involvement in Whitewater and related matters. The public would likely simply add Senate Democrats to the list of participants in a suspected coverup.

I read on:

> But the Senate investigation has not popped up suddenly in this election year, it began 20 months ago, and it's sometimes snail's pace has not had to do with dragging it out until the election year but instead with the White House's determinedly evasive tactics.

The White House, Mr. President, not the Congress.

> The White House pleads that it is cooperating, but although it has provided the committee reams of requested documents, it still has not provided key documents that might clear the matter up, one way or the other.

> The natural conclusion must be that the Clintons have something to hide, and that if they do not want to make it public, it must not support the Clintons' declarations that they have done nothing illegal or unethical.

It concludes:

> No matter how this might serve the Democratic campaign interests, it would not serve the public interest. That interest is having the facts, and only then can the public draw its own conclusion.

Mr. President, the editorial that I just read, is representative of many editorials across the United States. So, I ask again, is it only the Senate Republicans who wish to get answers about Whitewater? It clearly is not. It is the opinion of editorials across the nation, and these editorials reflect the attitudes and opinions of the American public. Let's look at some more editorials:

The Washington Post, March 4, entitled "Twenty Months and Counting." It reads as follows:

> Twenty months and counting. That is the disdainful cry of Senate Democrats as they rise in opposition to the request of Senate Republicans for an open-ended extension of the now-expired Whitewater investigation.
>
> . . . The committee, for example, has been having an exceedingly tough time obtaining subpoenaed documents or unambiguous testimony from administration officials. Seldom have so many key witnesses had no earthly idea why they did what they did, wrote what they wrote, or said what they said—

Or if they even remembered it at all.

> . . . White House aides keep dribbling down documents—suddenly and miraculously discovered—to the committee. Just when we think we've seen the last of the belated releases, one more turns up. The latest was Friday night, when one of the President's top aides, Bruce Lindsey, produced two pages of notes that he had earlier told the Whitewater committee he didn't remember taking.

At issue today, as has been the case for some time, is whether the Clinton administration has done anything to impede investigations by Congress or the independent counsel and whether the Clintons engaged in any improper activities in Arkansas while he was Governor and the First Lady was partner in the Rose law firm. Nothing illegal on their part has turned up yet. For those who are inclined to dismiss any and everything that falls under the label of Whitewater as just another political witch hunt, it is worth remembering that 16 people have been indicted by Federal grand juries as a result of the independent counsel's probe and 9 have entered guilty pleas. Congress doesn't have the job of sending people to jail. But factfinding is part of the congressional job description. The Whitewater Committee should be empowered to do just that.

The St. Petersburg Times has another interesting editorial. And again, Senate Republicans did not write these editorials, Mr. President. Newspaper editors wrote these editorials; editorials that I submit reflect the views of many Americans. Let me quote the last portion of an editorial in the St. Petersburg Times, dated February 29:

> There are many . . . compelling reasons for continuing the Senate work, including the criminal Whitewater proceedings that may unearth important new facts. But the most important reason is also the most democratic: Ordinary citizens need to learn what all this is about, what this Whitewater talk is about. While Arkansas' most powerful couple, did the Clinton's trade their public trust for private gain? Since going to Washington have the Clintons and their associates used the power of the presidency to cover their tracks?

These are painful questions, and not just for the Clintons. Americans deserve a President they can trust, someone who embraces questions about integrity instead of running from them. If the answers make the Clintons' campaign more difficult, so be it. The search for answers can't stop now.

Let me quote the Washington Post of February 29, which is not a product of this side of the aisle by any means. I read the last paragraph:

> What the Senate does not need is a Democratic-led filibuster. Having already gone bail for the Clinton White House, often to an embarrassing degree, Senate Democrats would do themselves and the President little good by tying up the Senate with a talkathon. Better that they let the probe proceed.

Again, whose idea is this, Mr. President? This is public opinion throughout the Nation through the editorial writers of some leading newspapers in this country.

Mr. SARBANES. Will the Senator yield for just a moment on these two Post editorials?

Mr. MURKOWSKI. I will yield at the conclusion of my brief statement.

Mr. SARBANES. Would it be—

Mr. MURKOWSKI. Please proceed.

Mr. SARBANES. I ask unanimous consent that these two editorials from the Washington Post, that were cited, be printed in the RECORD, because one of them says:

> . . . the Senate should require the committee to complete its work and produce a final report by a fixed date.

And later it says:

> That would argue for permitting the probe to continue through April or early May.

The other says:

> The Whitewater committee should be empowered to do just that . . .

That is, factfinding within a reasonable time and it suggests 2 additional months.

So both of these editorials reject the notion that we should have an indefinite extension of this hearing.

I ask unanimous consent that the two editorials be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 29, 1996]

EXTEND, BUT WITH LIMITS

We noted the other day that the White House—through its tardiness in producing long-sought subpoenaed documents—has helped Senate Banking Committee Chairman Alfonse D'Amato make his case for extending the Whitewater investigation beyond today's expiration date. If one didn't know any better, one might conclude that the administration's Whitewater strategy was being devised not by a White House response team but by the high command of the Republican National Committee.

However, despite the administration's many pratfalls since Whitewater burst onstage, Sen D'Amato and his Republican colleagues have not provided compelling evidence to support the entirely openended mandate they are seeking from the Senate. There are loose ends to be tied up and other witnesses to be heard, as Republican Sen. Christopher Bond said the other day. But dragging the proceedings out well into the presidential campaign advances the GOP's political agenda; it doesn't necessarily serve the end of justice or the need to learn what made the Madison Guaranty Savings & Loan of Arkansas go off the tracks at such enormous cost to American taxpayers. The Senate should allow the committee to complete the investigative phase of its inquiry; including a complete examination of the Clinton's involvement with the defunct Whitewater Development Corp. and their business relationships with other Arkansas figures involved in financial wrongdoing. But the Senate should require the committee to complete its work and produce a final report by a fixed date.

Democrats want to keep the committee on a short leash by extending hearings to April 3, with a final report to follow by May 10. A limited extension makes sense, but a unreasonably short deadline does not. Five weeks may not be enough time for the committee to do a credible job. Instead, the Senate should give the committee more running room but aim for ending the entire proceedings before summer, when the campaign season really heats up. That would argue for permitting the probe to continue through April or early May.

What the Senate does not need is a Democrat-led filibuster. Having already gone bail for the Clinton White House, often to an embarrassing degree, Senate Democrats would do themselves and the president little good by tying up the Senate with a talkathon. Better that they let the probe proceed. Give the public some credit for knowing a witch hunt and a waste of their money if and when they see one. And that, of course, is the risk Sen. D'Amato and his committee are taking.

* * *

[From the Washington Post, Mar. 4, 1996]

TWENTY MONTHS AND COUNTING

That is the disdainful cry of Senate Democrats as they rise in opposition to the request of Senate Republicans for an open-ended extension of the now-expired Whitewater investigation. After conducting more than 50 days of public hearings involving 120 witnesses, taking 30,000 pages of deposition testimony, collecting 45,000 pages of White House documents, spending more than $1.3 million, and compiling a casualty list of near financially destroyed administration officials, what do Whitewater committee Chairman Alfonse D'Amato and his Republican colleagues have to show for it? the Democrats ask. A good question, indeed. But it's not the only one to be answered in deciding whether to extend the life of the committee.

The committee has been working for more than a year to gather the facts surrounding the collapse of the federally insured Madison

Savings and Loan in Little Rock, the involvement of Bill and Hillary Clinton in the defunct Whitewater Development Corp., and the handling of documents and the conduct of White House officials and Clinton associates in the aftermath of Deputy White House Counsel Vincent Foster's suicide. Whitewater, in the hands of congressional Republicans and the independent counsel, is now a much wider-ranging investigation that seeks answers to a host of questions concerning Washington-based actions taken after the administration was in office.

The committee, for example, has been having an exceeding tough time obtaining subpoenaed documents or unambiguous testimony from administration officials. Seldom have so many key witnesses had no earthly idea why they did what they did, wrote what they wrote, or said what they said—if they owned that they even remembered at all.

Committee Republicans assert that dozens of witnesses still must be examined. Some will not be available until their trials end. That's the major reason Sen. D'Amato gives for a lengthy open-ended extension. The next has to do with the way White House aides keep dribbling documents—suddenly and miraculously discovered—to the committee. Just when we think we've seen the last of the belated releases, one more turns up. The latest was Friday night, when one of the president's top aides, Bruce Lindsay, produced two pages of notes that he had earlier told the Whitewater committee he didn't remember taking. See what we mean?

At issue today, as it had been for some time, is whether the Clinton administration has done anything to impede investigations by Congress or the independent counsel and whether the Clintons engaged in any improper activities in Arkansas while he was governor and she was a partner in the Rose Law Firm. Nothing illegal on their part has turned up yet. For those who are inclined to dismiss any and everything that falls under the label of Whitewater as just another political witch hunt, it is worth remembering that 16 people have been indicted by federal grand juries as a result of the independent counsel's probe and nine have entered guilty pleas. Congress doesn't have the job of sending people to jail. But fact-finding is part of the congressional job description. The Whitewater committee should be empowered to do just that, but within a reasonable time. Two additional months, with a right to show cause for more time, makes sense.

Mr. MURKOWSKI. I have no objection to that. It was my intention to include each of these editorials in their entirety, though I would like to point out that I only made reference to one Washington Post editorial. What I quoted to the President is what I believe reflects the difference between the two sides, the Democrats and Republicans. What is occurring today is a great deal of finger pointing, and unfortunately the finger pointing will likely continue throughout this debate.

Today's debate, Mr. President, reflects a process that has been initiated by one side of the aisle. One side of the aisle wishes to terminate the process by preventing a vote on this resolution. My concern is that the process that they have initiated is based upon misconstruing the facts. Let me explain what I mean.

I think the Senator from Connecticut had used the figure of close to $30 million of taxpayers' funds, suggesting that somehow this is connected with the activities of our committee. Well, that is not factual.

The Senate has spent $950,000 on the Whitewater investigation. The investigation associated with the special counsel, Ken Starr, has spent $23 million through 1995. The RTC spent almost $4 million. But to suggest by association that the Senate Whitewater Committee is responsible for this expenditure is misleading, to say the least, and far from the disclosure that is appropriate in this body, where we specifically identify each expenditure that is referenced.

The reality is that the information still keeps coming in, Mr. President. There is absolutely no denying that fact. I ask my colleagues to address this issue. Is there a reasonable explanation relative to why we would still get material coming in when, clearly, the authority of the funding for the committee has expired? That is evidenced by the activity associated with material that came in on March 1, 2, and 5. We may get some more material in today, tomorrow, or the next day.

Now, that is why this process has to continue. At what time in the future will it be appropriate that we make a determination that enough is enough? Well, obviously, that is up to the membership of this body and whether this body is satisfied with the work of the committee. But it is fair to say, Mr. President, that the American public feels that this process should continue. The American public is knowledgeable enough to be aware that once there is a date certain, the committee will face delay after delay from the White House. It's a pattern that has been well established. Witnesses and document production would likely be nonresponsive until shortly before the committee's next deadline. If today this body sets a date certain of when the investigation would end, I believe that much of the information that the committee would attempt to obtain would never be given the light of day.

Furthermore, there is a trial starting in Little Rock. The relevance of that trial to this committee's action has yet to be addressed, but it is legitimate and should be part of the ongoing consideration. We all know that there may be individuals in that trial that should come before our committee and give their testimony. We may have some penetrating questions for them. I can certainly say that those of us on this side have several questions that we would like to ask, if given the opportunity. We hope that opportunity will be extended. But, unfortunately, we do not know when that trial is going to be concluded.

So we could go on and on here with justifications for legitimatizing this process. However, bottom-line, we have a responsibility as U.S. Senators of oversight; a responsibility to complete the work that was authorized by 96 Senators. And to suggest that we do anything less than that, or restrict ourselves to a date certain, is absolutely irresponsible. I think a majority of the Members of this body recognize that for what it is and are prepared to support a continuation of the committee's activities, without a date certain.

Let us face it, it is a political year. We all know that. But we all have an obligation in our conscience to address the responsibility associated with our office, and that is to do the best job possible, recognizing the human limitations associated with an investigation of this type and the realization that each person has to vote his or her own conscience. Mr. President, that is an obligation and trust that has been given to us by our constituents and one we do not take lightly.

So we may differ on the merits relative to the political consequences, but we have a job to do, and it would be absolutely irresponsible to suggest that we can set a time certain for that job to cease, especially in light of the fact that the committee has had three separate submissions of subpoenaed materials that came in after February 29, 1996—the date when this investigation was to cease.

Mr. President, I see my colleague waiting to speak. I will yield the floor to him.

The PRESIDING OFFICER. The Senator from Alabama [Mr. SHELBY] is recognized.

Mr. SHELBY. Mr. President, I think it is very important that we continue to fund the committee's work for a couple of pretty obvious reasons. For one, documents are turning up like wildflowers everywhere. Every week or so, the Whitewater Committee receives a pile of "mistakenly overlooked documents" from the White House.

Mr. President, how is it that mistakenly overlooked Whitewater files labeled "Whitewater Development Corporation," or that they fail to ensure that notes they took in meetings dedicated exclusively to the discussion of Whitewater, as part of a Whitewater damage control response team, are not produced as part of the subpoena's request?

Mr. President, if you were going to comply with a subpoena that is seeking documents related to Whitewater, would you not start with a Whitewater response team? It is obvious that you would.

Mr. President, that would seem to be the minimum in terms of compliance, would it not? Frankly, I am surprised that we are even debating today whether to continue funding for the Special Committee To Investigate Whitewater. Mr. President, it was only a little more than a month ago that the committee first learned of the existence of billing records that had been under subpoena for over 2 years. What was incredible about their discovery, Mr. President, was that these billing records were discovered by a White House aide in the personal residence of the White House, probably one of the most secure places in the world.

Mr. President, documents do not have legs. They cannot walk. They have to have somebody to carry them. The White House can argue that the billing records support the First Lady's prior statements until the cows come home. They can argue about what the word "significant" means, or about what "minimal" means. They can rewrite Webster's if they want to. But, Mr. President, that will not change the fact that these records we are talking about were under subpoena for close to 2 years and were not produced during that time. Regardless of motive, someone had custody of these records while they were under subpoena and chose not to produce them.

Mr. President, the mysterious appearance of these records prompted the independent counsel to subpoena the First Lady to testify before the grand jury. This unprecedented action by the independent counsel, I believe, underscores the seriousness and the importance of the billing records' reappearance to this committee's investigation.

What we do know about the billing records is this. Certainly, what we do know is certainly less than what we do not know. What information the committee has been able to glean thus far since the records' discovery is the following:

Mr. Foster's handwriting is found all over the billing records in red ink.

Mr. Foster's writing appears to direct questions to the First Lady about her billings of Madison Savings & Loan.

Mr. Foster was the last person that we know of that had possession of these records after the 1992 Presidential campaign. And the records were found on a table in the book room of the personal residence of the White House sometime in late July or early August.

Mr. President, the committee thus has a sense of who may have had the records last, but no answers to the who, what, where, and when of the billing records' reappearance. We need that information. More important is still what remains unanswered, like, for example, how did the billing records end up in the White House personal residence?

Where have they been for the past 2 years while they have been under subpoena?

Were the records in Mr. Foster's office when he died? If so, who took custody of these records after Mr. Foster's death?

Finally, and most important, who left the billing records on the table in the book room of the White House residence?

As the New York Times so aptly noted in its February 17, 1996, editorial, "Inanimate objects do not move themselves, we all know that."

These are serious questions, Mr. President, questions that the committee and the public deserve answers to. There is nothing partisan or politically motivated about trying to uncover the circumstances surrounding the much belated discovery of records under subpoena for over 2 years. Indeed, answers to these questions, I believe, are central to the committee's investigation.

If Mr. Foster did, in fact, have these records in his possession as of his tragic death, how did they move, Mr. President, from the White House counsel's office to the personal residence? Obviously, not on their own motion. Testimony given before the committee about the Foster office search and movement of files to the personal residence leads us to some sense of how they may, Mr. President, have made their way to the book room. The committee heard testimony from a Secret Service officer who swore that he saw Maggie Williams, the First Lady's chief of staff, carrying documents out of Mr. Foster's office the night of his death. Phone records obtained by the committee, Mr. President, showed a spate of early morning phone calls between Ms. Williams, the First Lady, Susan Thomases, and Bernie Nussbaum, immediately preceding Mr. Nussbaum's decision to renege on his agreement with the Deputy Attorney General of the United States, Mr. Heymann, on how the search of Mr. Foster's office would be conducted.

A senior White House aide testified that the day of the search, Mr. Nussbaum, White House counsel at that time, told him of his concerns coming from the First Lady—told of concerns coming from the First Lady and Susan Thomases—about law enforcement officials having unfettered access to Mr. Foster's office.

Department of Justice officials have testified before the committee as to suspicions and concerns that began to arise after the White House reneged on an agreement on how Mr. Foster's office would be searched—suspicion and concerns, Mr. President, that prompted the Deputy Attorney General of the United States at that time, Mr. Philip Heymann, to ask the then White House counsel, Mr. Bernie Nussbaum, "Are you hiding something?" A White House aide testified that later on in the day of the search of Mr. Foster's office, he assisted Ms. Williams in carrying boxes of materials from Mr. Foster's office to the personal residence, during which time Mrs. Williams offered the explanation that the materials were personal documents that needed to be reviewed by the Clintons.

Mr. President, Ms. Williams testified that documents were moved from Mr. Foster's office to a closet on the third floor, to the personal residence of the White House, where they were later reviewed and collected by the Clintons' personal attorneys. This testimony, Mr. President, in conjunction with the belated discovery of the billing records and other Whitewater documents, has only fueled suspicions that the White House has not been truthful about the search of Mr. Foster's office after his death.

Mr. President, the many unanswered questions that remain are in truth due in large part to the lack of cooperation and evasive tactics coming from the White House. While the committee has undertaken to conduct its investigation expeditiously, events like the mysterious discovery of the billing records, the miraculous location of over 100 pages of notes from top White House aides and Whitewater damage control team members, undermine the committee's ability to conduct a timely and thorough investigation.

Mr. President, these documents have been under subpoena, as I said, for over 2 years, and they only now, Mr. President, surface with explanations that confound credibility, such as "Sorry, mistakenly overlooked." "Didn't know you were looking for notes of those Whitewater meetings." Or, "I thought they were already turned over to the White House counsel."

Mr. President, the excuses are too little, and I believe they are too late. "No harm, no foul" just will not work for the White House anymore. The committee and the independent counsel will not and cannot, Mr. President, accept misunderstandings, miscommunications, mistakes, mismanagement, and general bungling as an excuse by the White House for not producing documents that we are legitimately entitled to. I think it is time for answers, not excuses.

Indeed, Mr. President, the White House's lack of cooperation and forthcomingness, its defensive posture and its behavior in response to the legitimate congressional and law enforcement inquiries has led us to where we are today. The White House's handling of the documents in Mr. Foster's office after his death and its continued and persistent pattern of obstruction and evasion perpetuate the belief they have something to hide.

Last summer, the committee heard testimony about the search of Mr. Foster's office after his death. I want to briefly read from the committee transcript testimony we heard from Deputy Attorney General Philip Heymann, because I believe it clearly reveals why this committee and many Americans continue to believe that the White House has not been truthful about what went on in the hours following Mr. Foster's death.

Mr. President, I ask unanimous consent that the entire script beginning on pages 41 of Mr. Heymann's testimony be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCERPTS OF TESTIMONY OF DEPUTY ATTORNEY GENERAL HEYMANN

Senator SHELBY. Okay. At some point on the 21st, it was determined that Roger Adams and David Margolis would be sent over to the White House, as I said, to review documents regarding the relevance and privilege dealing with the Foster investigation, you said that are right.

Mr. HEYMANN. That's correct, Senator Shelby.

Senator SHELBY. And the scope of this review, according to your notes, would be looking for anything to do with this violent death. You want to refer to your notes?

Mr. HEYMANN. Yes, I have my notes here and that's correct.

Senator SHELBY. Is that correct?

Mr. HEYMANN. That's correct.

Senator SHELBY. And it was—was it your understanding by the end of the 21st that an agreement or understanding had been reached between the Department of Justice, the Park Police and the White House over how the search would be conducted, the search of the deputy counsel's office?

Mr. HEYMANN. Yes, Senator Shelby, in the sense that we all had agreed on how it would be done. And in what I still think was a very sensible way——

Senator SHELBY. Would you relate what you recall of how the—what you agreed to or thought you had agreed to?

Mr. HEYMANN. I'd be happy to. I just wanted to make clear, Senator Shelby, I didn't feel that I had a binding commitment by Mr. Nussbaum or anyone else. We simply all had talked about it by then and we all were on the same track, we all were on the same page, we all thought it would be done in the way I'm about to describe.

Senator SHELBY. Did you think when you sent Mr. Adams and Mr. Margolis over there that it would turn into an adversarial relationship or something close to that?

Mr. HEYMANN. No, I did not.

Senator SHELBY. You did not.

Mr. HEYMANN. You'd asked me to describe what the understanding was, Senator Shelby.

Senator SHELBY. Yes, sir, that's right. You go ahead.

Mr. HEYMANN. The understanding was that they would see, these two senior prosecutors, not the investigators, but the prosecutors would see enough of every document to be able to determine whether it was relevant to the investigation or not. Now, I've been handed some pages from my transcript, but let's assume this is a document, it's about 30 pages long. They would look at this and it says "deposition of Philip Heymann, re: Whitewater," and they would know that that didn't seem to have anything, any likely bearing on the cause of Vince Foster's death. If need be, they might have to look a page or two into it. But the object was to maintain the confidentiality of White House papers to the largest extent possible with satisfying ourselves that we were learning of every potentially relevant document.

If there was a relevant document, it would be set aside in a separate pile. If the White House counsel's office believed that it was entitled to executive privilege, and therefore should not be turned over to us, we would then have to resolve that: There would be a separate pile of documents; some relevant and would go directly to the investigators some relevant but executive privilege claims, in which case we would have to resolve it perhaps with the assistants of the legal counsel's office of the Justice Department.

Senator SHELBY. Mr. Heymann, did you contemplate that this would be done jointly or just done by the White House counsel?

Mr. HEYMANN. I thought it was essential, Senator Shelby, that it be done jointly with these two prosecutors being able to satisfy themselves, and through them satisfy the investigative agencies that whatever might be relevant was being made available to us.

Senator SHELBY. That it would be a bona fide investigation and not a sham; is that right?

Mr. HEYMANN. Well, I don't——

Senator SHELBY. Or be a bona fide investigation.

Mr. HEYMANN. That it would be an entirely—it would be a review of documents that would be entirely credible to us, to the investigators and to the American public.

Senator SHELBY. Okay. Your notes mention, I believe, Mr. Heymann, that Steve Neuwirth objected to this agreement, but that Mr. Nussbaum agreed with Margolis that it was a done deal; is that correct? You want to refer——

Mr. HEYMANN. That is what they reported to me when Mr. Margolis and Mr. Adams returned that evening, the evening of Wednesday the 21st, to the Justice Department.

Senator SHELBY. What do your notes reflect, I was paraphrasing them?

Mr. HEYMANN. It said they discussed the system that had been agreed upon, I just described it to you. BN that stands for Mr. Nussbaum, agreed. SN, that stands for Steve Neuwirth, said no. We shouldn't do it that way. The Justice Department attorneys shouldn't have direct access to the files. David Margolis, the Justice Department attorney, said it's a done deal and Mr. Nussbaum at that point said yes, we've agreed to that.

Senator SHELBY. Was it important to you and to the Department of Justice that you represented that the documents be reviewed independently, is that why it was important that the Department of Justice look for relevance and privilege jointly in this undertaking?

Mr. HEYMANN. Yes, Senator Shelby. Again, I did not think it was necessary and do not think it was necessary to review documents which we could quickly determine had no relevance to Vince Foster's death. So our attorneys would not have looked at those, that was a clear part of the understanding. Or pages, yeah.

Senator SHELBY. I didn't say. I understand that you received a call from David Margolis the next morning from the White House about the search; is that correct? You want to refer to your notes?

Mr. HEYMANN. That's correct, Senator Shelby.

Senator SHELBY. What was this call about?

Mr. HEYMANN. He and Roger Adams had gone over with the Park Police and the FBI to do the review we planned.

Senator SHELBY. This was pursuant to the understanding you had with Mr. Nussbaum?

Mr. HEYMANN. Pursuant to the understanding of the 21st.

Senator SHELBY. Okay.

Mr. HEYMANN. Mr. Margolis told me that Mr. Nussbaum had said to me that they had changed the plan, that only the White House counsel's office would see the actual documents. Mr. Margolis had asked Mr. Nussbaum whether that had been discussed with me and Mr. Nussbaum had said no. I told Mr. Margolis at that point to put Mr. Nussbaum on the phone, and I was——

Senator SHELBY. Did he get on the phone?

Mr. HEYMANN. He got on the phone.

Senator SHELBY. What did you say to him?

Mr. HEYMANN. I told him that this was a terrible mistake.

Senator SHELBY. Terrible mistake. Go ahead.

Mr. HEYMANN. Well, please don't——

Senator SHELBY. That was your words; is that right?

Mr. HEYMANN. Yeah—no, no, please don't assume that what I now paraphrase would be the words I actually used. This is 740 days ago and it would be quite unreliable to think they're the exact words. I remember very clearly sitting in the Deputy Attorney General's conference room picking up the phone in that very big room. I remember being very angry and very adamant and saying this is a bad—this is a bad mistake, this is not the right way to do it, and I don't think I'm going to let Margolis and Adams stay there if you are going to do it that way because they would have no useful function. It would simply look like they were performing a useful function, and I don't want that to happen.

The CHAIRMAN. You told this to the counsel?

Senator SHELBY. You told this to Nussbaum; is that correct?

Mr. HEYMANN. I told this to Mr. Nussbaum.

The CHAIRMAN. But you volunteered this? In other words, it did not come from Mr. Margolis or Mr. Adams? This was your saying I'm not going to keep them here if this——

Mr. HEYMANN. I suspect, Senator D'Amato, that when I talked to Mr. Margolis in the same phone conversation shortly before I asked him to put Mr. Nussbaum on the phone he would have said to me something like we have no useful role here, and it would—I would have picked it up from that, and I would have said I don't think I'm going to keep them there. Mr. Nussbaum was, as always, entirely polite and he said—he was taken back by my anger and by the idea that I might pull out the Justice Department attorneys and he said I'll have to talk to somebody else about this or other people about this, and I'll get back to you, Phil.

Senator SHELBY. Did he tell you who he was going to talk to?

Mr. HEYMANN. He did not tell me who he was going to talk to.

Senator SHELBY. He didn't tell you or indicate it was the President of the United States or the First Lady?

Mr. HEYMANN. He never indicated in any way who he was going to discuss this with, nor has he ever.

Senator SHELBY. Just the phrase I'm going to talk to somebody?

Mr. HEYMANN. I'm—just the notion was I have to talk to other people about this. I had obviously shaken him enough that he wanted to consider whether he should come back to what we had agreed to the day before on the 21st, but there were other people involved that he had to talk to about that.

Senator SHELBY. Was it your impression, Mr. Heymann, then that Mr. Nussbaum would get back to you before any review of the documents in the White House was conducted?

Mr. HEYMANN. He said to me specifically don't call Adams and Margolis back to the Justice Department. I'll get back to you.

Senator SHELBY. Did he ever call you back?

Mr. HEYMANN. He never called me back.

Senator SHELBY. Did you ever consent to the change in the plan in how the search would be conducted, Mr. Heymann?

Mr. HEYMANN. I did not.

Senator SHELBY. Did David Margolis or any other law enforcement official have an impression of whether the Department of Justice had consented to this search?

Mr. HEYMANN. Mr. Margolis was clear that the Department of Justice had not consented to the changed arrangement. It was—he obviously thought that he was to remain, even if it was changed, because he did remain, but he knew that we had not consented to the changed arrangement and did not approve of it.

Senator SHELBY. You later found out, sir, that the search was conducted with Mr. Nussbaum calling the shots that night; is that right?

Mr. HEYMANN. That's correct.

Senator SHELBY. Did you talk to Mr. Nussbaum after that?

Mr. HEYMANN. I found that out at about—when Mr. Margolis and Mr. Adams returned the evening of the 22nd——

Senator SHELBY. Returned to your office?

Mr. HEYMANN. Returned to my office, I went home to an apartment we were renting then and I picked up the phone and I called Mr. Nussbaum and I told him that I couldn't imagine why he would have treated me that way. How could he have told me that he was going to call back before he made any decision on how the search would be done and then not call back?

Senator SHELBY. What did he say to that?

Mr. HEYMANN. I don't honestly remember, Senator Shelby. He was, again, polite. He didn't—there was no explanation given that I would remember. And I remember saying to him, Bernie, are you hiding something. And he said no, Phil, I promise you we're not hiding something.

Senator SHELBY. Did you say to him—and you can refer to your notes if you like—Mr. Nussbaum, you misused us? What did you—if you said that, what did you mean by that? Do you believe then that the White House had something to hide or was worried about the investigation? What was your impression?

Mr. HEYMANN. Well, when I said you misused us, or something like that, I meant that he had used Justice Department attorneys in a way that suggested that the Justice Department was playing a significant role in reviewing documents when they had come back and told me they felt like they were not playing any useful role there.

Senator SHELBY. Did you know later that the White House had issued a statement that Justice—something to the effect that the Justice Department was involved in the review of the documents and not just observing, and then they did a correction on that when someone objected, maybe it was your office?

Mr. HEYMANN. The following morning it was called to my attention that they had said that the Justice Department and the FBI—I now know it—in the press release it said—well, whatever it was, the Justice Department along with the FBI and the Park Police had supervised the review of documents.

Senator SHELBY. Was that a CBS News report?

Mr. HEYMANN. What I was shown at my deposition, Senator Shelby, was, I think, a piece from the Washington Post. I directed that the Department of Justice put out a correction that we had not supervised, that we had simply been there as observers while the investigation was carried out—while the search was carried out by the White House counsel.

Mr. SHELBY. Mr. President, this was a question that this Senator asked Mr. HEYMANN when he was before the committee.

Senator SHELBY. Was it your understanding by the end of the 21st that an agreement or understanding had been reached between the Department of Justice, the Park Police and the White House over how the search would be conducted, the search of the deputy counsel's office?

Mr. HEYMANN. Yes, Senator Shelby, in the sense that we all had agreed on how it would be done. And in what I still think was a very sensible way——

Senator SHELBY. Would you relate what you recall of how the—what you agreed to or thought you had agreed to?

Mr. HEYMANN. I'd be happy to. I just wanted to make clear, Senator Shelby, I didn't feel that I had a binding commitment by Mr. Nussbaum or anyone else. We simply all had talked about it by then and we all were on the same track, we all were on the same page, we all thought it would be done in the way I'm about to describe.

Senator SHELBY. Did you think when you sent Mr. Adams and Mr. Margolis over there that it would turn into an adversarial relationship or something close to that?

Mr. HEYMANN. No, I did not.

Senator SHELBY. You did not.

Mr. HEYMANN. You'd asked me to describe what the understanding was, Senator Shelby.

Senator SHELBY. Yes, sir, that's right. You go ahead.

Mr. HEYMANN. The understanding was that they would see, these two senior prosecutors, not the investigators, but the prosecutors would see enough of every document to be able to determine whether it was relevant to the investigation or not. Now, I've been handed some pages from my transcript, but let's assume this is a document, it's about 30 pages long. They would look at this and it says "deposition of Philip Heymann, re: Whitewater," and they would know that that didn't seem to have anything, any likely bearing on the cause of Vince Foster's death. If need be, they might have to look a page or two into it. But the object was to maintain the confidentiality of White House papers to the largest extent possible with satisfying ourselves that we were learning of every potentially relevant document.

If there was a relevant document, it would be set aside in a separate pile. If the White House counsel's office believed that it was entitled to executive privilege, and therefore should not be turned over to us, we would then have to resolve that? There would be a separate pile of documents; some relevant and would go directly to the investigators some relevant but executive privilege claims, in which case we would have to resolve it perhaps with the assistants of the legal counsel's office of the Justice Department.

Senator SHELBY. Mr. Heymann, did you contemplate that this would be done jointly or just done by the White House counsel?

Mr. HEYMANN. I thought it was essential, Senator Shelby, that it be done jointly with these two prosecutors being able to satisfy themselves, and through them satisfy the investigative agencies that whatever might be relevant was being made available to us.

Senator SHELBY. That it would be a bona fide investigation and not a sham; it that right?

Mr. HEYMANN. Well, I don't——

Senator SHELBY. Or be a bona fide investigation.

Mr. HEYMANN. That it would be a entirely—it would be review of documents that would be entirely credible to us, to the investigators and to the American public.

Senator SHELBY. OK. Your notes mention, I believe, Mr. Heymann, that Steve Neuwirth objected to this agreement, but that Mr. Nussbaum agreed with Margolis that it was a done deal; is that correct? You want to refer——

Mr. HEYMANN. That is what they reported to me when Mr. Margolis and Mr. Adams returned that evening, the evening of Wednesday the 21st, to the Justice Department.

Senator SHELBY. What do your notes reflect, I was paraphrasing them?

Mr. HEYMANN. It said they discussed the system that had been agreed upon, I just described it to you. BN that stands for Mr. Nussbaum, agreed. SN, that stands for Steve Neuwirth, said no. We shouldn't do it that way. The Justice Department attorneys shouldn't have direct access to the files. David Margolis, the Justice Department attorney, said it's a done deal and Mr. Nussbaum at that point said yes, we've agreed to that.

Senator SHELBY. Was it important to you and to the Department of Justice that you represented that the documents be reviewed independently, is that why it was important that the Department of Justice look for relevance and privilege jointly in this undertaking?

Mr. HEYMANN. Yes, Senator Shelby. Again, I did not think it was necessary and do not think it was necessary to review documents which we could quickly determine had no relevance to Vince Foster's death. So our attorneys would not have looked at those, that was a clear part of the understanding. Or pages, yeah.

Senator SHELBY. I didn't say. I understand that you received a call from David Margolis the next morning from the White House about the search; is that correct? You want to refer to your notes?

Mr. HEYMANN. That's correct, Senator Shelby.

Senator SHELBY. What was this call about?

Mr. HEYMANN. He and Roger Adams had gone over with the Park Police and the FBI to do the review we planned.

Senator SHELBY. This was pursuant to the understanding you had with Mr. Nussbaum?

Mr. HEYMANN. Pursuant to the understanding of the 21st.

Senator SHELBY. Okay.

Mr. HEYMANN. Mr. Margolis told me that Mr. Nussbaum had said to me that they had changed the plan, that only the White House counsel's office would see the actual documents. Mr. Margolis had asked Mr. Nussbaum whether that had been discussed with me and Mr. Nussbaum had said no. I told Mr. Margolis at that point to put Mr. Nussbaum on the phone, and I was——

Senator SHELBY. Did he get on the phone?

Mr. HEYMANN. He got on the phone.

Senator SHELBY. What did you say to him?

Mr. HEYMANN. I told him that this was a terrible mistake.

Senator SHELBY. Terrible mistake. Go ahead.

Mr. HEYMANN. Well, please don't——

Senator SHELBY. That was your words; is that right?

Mr. HEYMANN. Yeah—no, no, please don't assume that what I now paraphrase would be the words I actually used. This is 740 days ago and it would be quite unreliable to think they're the exact words. I remember very clearly sitting in the Deputy Attorney General's conference room picking up the phone

> in that very big room. I remember being very angry and very adamant and saying this is a bad—this is a bad mistake, this is not the right way to do it, and I don't think I'm going to let Margolis and Adams stay there if you are going to do it what way because they would have no useful function. It would simply look like they were performing a useful function, and I don't want that to happen.
>
> The CHAIRMAN. You told this to the counsel?
>
> Senator SHELBY. You told this to Nussbaum; is that correct?
>
> Mr. HEYMANN. I told this to Mr. Nussbaum.
>
> The CHAIRMAN. But you volunteered this? In other words, it did not come from Mr. Margolis or Mr. Adams? This was your saying I'm not going to keep them here if this——
>
> Mr. HEYMANN. I suspect, Senator D'Amato, that when I talked to Mr. Margolis in the same phone conversation shortly before I asked him to put Mr. Nussbaum on the phone he would have said to me something like we have no useful role here, and it would—I would have picked it up from that, and I would have said I don't think I'm going to keep them there. Mr. Nussbaum was, as always, entirely polite and he said—he was taken back by my anger and by the idea that I might pull out the Justice Department attorneys and he said I'll have to talk to somebody else about this or other people about this, and I'll get back to you, Phil [meaning Phil Heymann].
>
> Senator SHELBY. Did he tell you who he was going to talk to?
>
> Mr. HEYMANN. He did not tell me who he was going to talk to.
>
> Senator SHELBY. He didn't tell you or indicate it was the President of the United States or the First Lady?
>
> Mr. HEYMANN. He never indicated in any way who he was going to discuss this with, nor has he ever.
>
> Senator SHELBY. Just the phrase I'm going to talk to somebody?
>
> Mr. HEYMANN. I'm—just the notion was I have to talk to other people about this. I had obviously shaken him enough that he wanted to consider whether he should come back to what we had agreed to the day before on the 21st, but there were other people involved that he had to talk to about that.
>
> Senator SHELBY. Was it your impression, Mr. Heymann, then that Mr. Nussbaum would get back to you before any review of the documents in the White House was conducted?
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> Mr. HEYMANN. He said to me specifically don't call Adams and Margolis back to the Justice Department. I'll get back to you.
>
> Senator SHELBY. Did he ever call you back?
>
> Mr. HEYMANN. He never called me back.
>
> Senator SHELBY. Did you ever consent to the change in the plan in how the search would be conducted, Mr. Heymann?
>
> Mr. HEYMANN. I did not.

Just think about it a minute. This is the beginning of it shown in this transcript that has been made a part of the RECORD here.

Why should we extend the Whitewater Committee? Let us look at some other things. The Senator from Alaska talked about some editorials from some of the leading newspapers in the country and I want to expand on them a little bit.

For example, the Washington Post editorial that I have here by my pointer, it says, on February 25, "Extend the Whitewater Committee."

> For an administration that professes to want a quick end to the Senate Whitewater hearings before the election year gets into full swing, the Clinton White House seems to be doing everything in its power to keep the probe alive.

Think about it, this is the Washington Post, not a Republican newspaper by any means.

Another editorial that I want to refer to here from the New York Times entitled "The Whitewater Paper Chase"; February 17, 1996.

> The excitement of Iowa and New Hampshire has diverted attention from the Senate Whitewater committee and its investigation into the Rose Law Firm's migrating files. Naturally this pleases the White House and its allies, who hope to use [this time] . . . to let their "so what" arguments take root.

This is the New York Times saying we should extend the investigation of Whitewater.

Another editorial, January 25, 1996, in the New York Times. Headline in the editorial section, "Extend the Whitewater Committee." Why? Because the public has a right to know. It says:

> The committee and its chairman need to be mindful of the appearance of political maneuvering, but recent events argue strongly against too arbitrary or too early a deadline.

That is what we are talking about here.

Subpoenas were ignored. Perhaps the files will also show that there was no coverup associated with moving and storing these files. But inanimate objects, as I said earlier, do not move themselves. So it is pointless to ask Senators and the independent prosecutors to fold their inquiry on the basis of the facts that have emerged so far. To do so would be a dereliction of our duties.

Mr. President, I have additional editorials that have run throughout this country.

USA Today, January 10, 1996, "Clintons owe answers about First Lady's role. Newly released documents reveal troubling inconsistencies. The public deserves the whole story." That is what this is all about.

Additionally, "The Whitewater Committee," the Washington Times editorial, February 27.

> There are plenty of documents the White House still has not released; and there are plenty of witnesses still to be questioned; there are also many witnesses whose testimony was so misleading or incomplete that they need to be re-questioned.

Attempts by the administration to frustrate the work of the committee, I think, are not going to work. We need to extend the Whitewater inquiry, politics notwithstanding. We need to move to the next step.

Mr. President, you cannot always agree with some of these papers. I do not always agree with the New York Times, the Washington Post, and others. But the New York Times and the Washington Post for a lot of people, rightly or wrongly, are conventionally viewed as vanguards of good government, and I would venture to say can hardly be characterized as supporters of Republican partisanship.

After reviewing everything that has gone on in the Whitewater committee, the mysterious disappearance of files, the finding of files in a mysterious way, Mr. President, I ask that my colleagues join me in supporting the continued funding of the committee to continue our investigation.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Nevada.

Mr. SARBANES. Mr. President, will the Senator yield?

Mr. BRYAN. I am pleased to yield.

Mr. SARBANES. Mr. President, in view of the fact that my distinguished colleague from Alabama was quoting the Washington Post editorial, I would like to include in the RECORD after his remarks the Post editorial from February—both of these editorials come after the one he was citing—February 29 in which the Post said the "Senate should require the committee to complete its work and produce a final report by a fixed date." I underscore "by a fixed date." And then it goes on to say, "That would argue for permitting the probe to continue through April or early May."

And in their other editorial of March 4, they say, "The Whitewater committee should be empowered to do just that"—that is factfinding—"but within a reasonable time." And it goes on to say, "Two additional months" constitutes a reasonable time.

I ask unanimous consent that both of these editorials, since they, in fact, make a different point than the one that was being made by my colleague from Alabama, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> [From the Washington Post, Feb. 29, 1996]
>
> EXTEND, BUT WITH LIMITS
>
> We noted the other day that the White House—through its tardiness in producing long-sought subpoenaed documents—has helped Senate Banking Committee Chairman Alfonse D'Amato make his case for extending the Whitewater investigation beyond today's expiration date. If one didn't know any better, one might conclude that the administration's Whitewater strategy was being devised not by a White House response team but by the high command of the Republican National Committee.
>
> However, despite the administration's many pratfalls since Whitewater burst onstage, Sen. D'Amato and his Republican colleagues have not provided compelling evidence to support the entirely open-ended mandate they are seeking from the Senate. There are loose ends to be tied up and other witnesses to be heard, as Republican Sen. Christopher Bond said the other day. But dragging the proceedings out well into the

presidential campaign advances the GOP's political agenda; it doesn't necessarily serve the ends of justice or the need to learn what made the Madison Guaranty Savings & Loan of Arkansas go off the tracks at such enormous cost to American taxpayers. The Senate should allow the committee to complete the investigative phase of its inquiry, including a complete examination of the Clintons' involvement with the defunct Whitewater Development Corp. and their business relationships with other Arkansas figures involved in financial wrongdoing. But the Senate should require the committee to complete its work and produce a final report by a fixed date.

Democrats want to keep the committee on a short leash by extending hearings to April 3, with a final report to follow by May 10. A limited extension makes sense, but an unreasonably short deadline does not. Five weeks may not be enough time for the committee to do a credible job. Instead, the Senate should give the committee more running room but aim for ending the entire proceedings before summer, when the campaign season really heats up. That would argue for permitting the probe to continue through April or early May.

What the Senate does not need is a Democrat-led filibuster. Having already gone bail for the Clinton White House, often to an embarrassing degree. Senate Democrats would do themselves and the president little good by tying up the Senate with a talkathon. Better that they let the probe proceed. Give the public some credit for knowing a witch hunt and a waste of their money if and when they see one. And that, of course, is the risk Sen. D'Amato and his committee are taking. The burden is also on * * *

[From the Washington Post, March 4, 1996]

TWENTY MONTHS AND COUNTING

That is the disdainful cry of Senate Democrats as they rise in opposition to the request of Senate Republicans for an open-ended extension of the now-expired Whitewater investigation. After conducting more than 50 days of public hearings involving 120 witnesses, taking 30,000 pages of deposition testimony, collecting 45,000 pages of White House documents, spending more than $1.3 million, and compiling a casualty list of near financially destroyed administration officials, what do Whitewater committee Chairman Alfonse D'Amato and his Republican colleagues have to show for it? the Democrats ask. A good question, indeed. But it's not the only one to be answered in deciding whether to extend the life of the committee.

The committee has been working for more than a year to gather the facts surrounding the collapse of the federally insured Madison Savings and Loan in Little Rock, the involvement of Bill and Hillary Clinton in the defunct Whitewater Development Corp., and the handling of documents and the conduct of White House officials and Clinton associates in the aftermath of Deputy White House Counsel Vincent Foster's suicide. Whitewater, in the hands of congressional Republicans and the independent counsel, is now a much wider-ranging investigation that seeks answers to a host of questions concerning Washington-based actions taken after the administration was in office.

The committee, for example, has been having an exceedingly tough time obtaining subpoenaed documents or unambiguous testimony from administration officials. Seldom have so many key witnesses had no earthly idea why they did what they did, wrote what they wrote, or said what they said—if they owned that they even remembered at all.

Committee Republicans assert that dozens of witnesses still must be examined. Some will not be available until their trials ends. That's the major reason Sen. D'Amato gives for a lengthy open-ended extension. The next has to do with the way White House aides keep dribbling documents—suddenly and miraculously discovered—to the committee. Just when we think we've seen the last of the belated releases, one more turns up. The latest was Friday night, when one of the president's top aides, Bruce Lindsay, produced two pages of notes that he had earlier told the Whitewater committee he didn't remember taking. See what we mean?

At issue today, as it has been for some time, is whether the Clinton administration has done anything to impede investigations by Congress or the independent counsel and whether the Clintons engaged in any improper activities in Arkansas while he was governor and she was a partner in the Rose Law Firm. Nothing illegal on their part has turned up yet. For those who are inclined to dismiss any and everything that falls under the label of Whitewater as just another political witch hunt, it is worth remembering that 16 people have been indicted by federal grand juries as a result of the independent counsel's probe and nine have entered guilty pleas. Congress doesn't have the job of sending people to jail. But fact-finding is part of the congressional job description. The Whitewater committee should be empowered to do just that, but within a reasonable time. Two additional months, with a right to show cause for more time, makes sense.

Mr. BRYAN. Mr. President, I take no backseat to any Member in this Chamber in terms of trying to ascertain and ferret out the truth as it relates to the so-called matter which has been embraced—the subject of Whitewater.

We have today spent some 277 days on this matter. We have heard from more than 100 witnesses. We have collected more than 45,000 pages of documents. That is an enormous expenditure of time and effort. Mr. Starr, the special counsel, has spent some $25 million to date to engage 30 attorneys and 100 FBI agents working in concert with them.

If we are truly interested in getting at the truth, and ascertaining if in fact there is any wrongdoing arising out of these matters, I believe that we have vested Mr. Starr with the authority and the resources to be complete and exhaustive in his review of all facts called to his attention.

I happen to have had experience with Mr. Starr in a former capacity as chairman of the Ethics Committee. Mr. Starr served as a special master reviewing matters that were contained in a diary and to first review that information to determine whether or not it was subject to an agreed upon exception which the committee had established and, if not, that information should be available to us.

My personal observation of Mr. Starr is that he is competent, he is aggressive, he is tough, and he is energetic. There is no reason to believe that Mr. Starr, with the resources made available to him, will not ferret out any wrongdoing if in fact such wrongdoing has occurred.

I think it is important to remember that the premise for establishing the Office of Special Counsel was to take these kinds of circumstances out of the realm of partisanship on the floor of the U.S. Senate, vest special independent counsel with the authority to conduct the investigation, and then let the chips fall where they may. If indeed there is evidence of wrongdoing, that should be vigorously presented and prosecuted, and those who are guilty should be sentenced accordingly.

I must say, having served on this Banking Committee for my 8th year, that it has been the history of the Banking Committee to be bipartisan in its approach. There are some committees that by reputation in the Congress are extraordinarily confrontational and partisan, that there is constant bickering, and that they really have evolved into partisan debating societies. That has not been the history of the Banking Committee. Sure, we have had our differences, and there have been intense discussions and debate. But we have not, by and large, broken into partisan bickering and confrontation.

Let me say that if you go back to the end of last year, Mr. Starr requested of the committee that it hold action in abeyance until after he could have proceeded further with respect to his investigation and prosecution of these matters. That letter came to us, a letter dated September 27. That was carefully considered by our distinguished chairman and our able ranking member, and I believe in the spirit of bipartisanship which has historically characterized the operation and function of the Banking Committee that the chairman and the ranking member concluded that they would not do so; that, indeed, they felt that it was in the best interest of the Senate to proceed.

I invite my colleagues' attention to a particular paragraph on page 2, which concludes, and I read it:

> For these reasons we believe that the concerns expressed in your letter do not outweigh the Senate's strong interest in concluding its investigation and public hearings into the matters specified in Senate Resolution 120.

So at the very outset last fall, there was a delinking, if you will, in terms of the Senate's actions with respect to the Whitewater inquiry and the actions undertaken by the special counsel, or prosecutor. That was done in a spirit of bipartisanship.

Let me say that I believe the premise of that letter, which is dated October 2—I ask unanimous consent it be printed in the RECORD—that premise is as valid today as it was last October.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,
Washington, DC, October 2, 1995.

KENNETH W. STARR, Esq.,
Independent Counsel, Office of the Independent Counsel, Washington, DC.

DEAR JUDGE STARR: We have reviewed your September 27, 1995 letter advising us of your belief that, at this time, your office's investigation would be hindered or impeded by the Special Committee's inquiry into the matters specified in Sections 1(b)(3) (A), (B), (C), (D), (E) and (G) of Senate Resolution 120 (104th Congress). You have raised no specific concerns respecting the Special Committee's investigation of the other seven matters specified in the Resolution, including all of those contained in Section 1(b)(2), although in our meeting on September 19, 1995 you did indicate concerns about the Committee's investigation of the substance of the RTC's criminal referrals relating to Madison Guaranty Savings and Loan Association.

The Senate has consistently sought to coordinate its investigation of Whitewater and related matters with the Office of the Independent Counsel. Last year, in Senate Resolution 229 (103rd Congress), the Senate refrained from authorizing the Banking Committee to investigate a great majority of such matters. Moreover, at the request of then-Special Counsel Robert Fiske, the Banking Committee postponed in July 1994 its authorized investigation of the handling of documents in the office of White House Deputy Counsel Vincent Foster following his death.

Senate Resolution 120 encourages the Special Committee, to the extent practicable, to coordinate its activities with the investigation of the Independent Counsel. As a result, over the past four months, the Special Committee has delayed its investigation into the vast bulk of the matter specified in Section 1(b) of Senate Resolution 120. We held public hearings this past summer into the handling of documents in Mr. Foster's office following his death only after you indicated that your investigation would not be hindered or impeded by such hearings.

The Senate has directed the Special Committee to make every reasonable effort to complete its investigation and public hearings by February 1, 1996. (S.R. 120 §9(a)(a)(1)). Your letter of September 27th asks the Special Committee to forebear, until some unspecified time, any investigation and public hearings into the bulk of the matters specified in Senate Resolution 120.

Your staff has indicated that the trial in *United States* v. *James B. McDougal, et al.* is not likely to commence until at least early 1996 and is expected to last at least two months. Our staffs have discussed the possibility that this trial could be delayed even further by pretrial motions and by possible interlocutory appeals, depending on certain pretrial rulings. Under these circumstances, if the Special Committee were to continue to defer its investigation and hearings, it would not be able to complete its task until well into 1996.

Over the past month, we have instructed the Special Committee's counsel to work diligently with your staff to find a solution that appropriately balances the prosecutorial concerns expressed in your September 27th letter and the Senate's constitutional oversight responsibilities. We have now determined that the Special Committee should not delay its investigation of the remaining matters specified in Senate Resolution 120.

The Senate has determined, by a vote of 96-to-3, that a full investigation of the matters raised in Senate Resolution 120 should be conducted. The Senate has the well established power under our Constitution to inquire into and to publicize the actions of agencies of the Government, including the Department of Justice. At the same time, our inquiry must seek to vindicate, as promptly as practicable, the reputations of any persons who have been unfairly accused of improper conduct with regard to Whitewater and related matters.

We understand that courts have repeatedly rejected claims that the publicity resulting from congressional hearings prejudiced criminal defendants. Fair and impartial juries were selected in the Watergate and Iran-Contra trials following widely publicized congressional hearings. Even where pretrial publicity resulting from congressional hearings has been found to interfere with the selection of a fair and impartial jury, the sole remedy applied by courts has been to grant a continuance of the trial.

For these reasons, we believe that the concerns expressed in your letter do not outweigh the Senate's strong interest in concluding its investigation and public hearings into the matters specified in Senate Resolution 120 consistent with Section 9 of the Resolution. Accordingly, we have determined that the Special Committee will begin its next round of public hearings in late October 1995. This round of hearings will focus primarily on the matters specified in Section 1(b)(2) of Senate Resolution 120. Through the remainder of this year, the Special Committee will investigate the remaining matters specified in Senate Resolution 120 with the intention of holding public hearings thereon beginning in January 1996.

Having determined that the Senate must now move forward, the Special Committee will, of course, continue to make every effort to coordinate, where practicable, its activities with those of your investigation. The Special Committee has provided your staff with the preliminary list of witnesses that the Committee intends to depose. We stand ready to take into account, consistent with the objectives set forth above, your views with regard to the timing of such private depositions and the public testimony of particular witnesses.

The Special Committee does not intend to seek the testimony of any defendant in a pending action brought by your office, nor will it seek to expand upon any of the grants of immunity provided to persons by your office or its predecessors. Indeed, Senate Resolution 120 expressly provides that the Special Committee may not immunize a witness if the Independent Counsel informs the Committee in writing that immunizing the witness would interfere with the Independent Counsel's ability "successfully to prosecute criminal violations." (§5(b)(6).)

As you know, the Special Committee has solicited the views of your office prior to making requests for documents. We will continue to take into account, where practicable, your views with regard to the public disclosure of particular documents.

In sum, it is our considered judgment that the time has come for the Senate to commence its investigation and public hearings into the remaining matters of inquiry specified in Senate Resolution 120. We pledge to do so in a manner that, to the greatest extent practicable, is sensitive to the concerns expressed in your September 27th letter.

Sincerely yours,

PAUL S. SARBANES,
Ranking Member.
ALFONSE M. D'AMATO,
Chairman.

Mr. BRYAN. Mr. President, I am not unmindful, nor is anybody in this Chamber, nor anyone in America, that we are in the heat of a great Presidential debate. That is as it should be. That is a quadrennial experience in America. But we ought not to allow that Presidential debate to divert the focus of our own energies on the Banking Committee and on every other committee in the Congress in which we have very serious public business to undertake.

I must say that the proposal that has been advanced—that we extend these hearings in the Senate not to a time certain but until after the so-called McDougal trial is concluded—in my judgment is nothing more than an open-ended extension which I regret to say smacks of partisanship seeking some advantage, seeking to embarrass the President, seeking to develop headlines, and not in the advancement of our effort to ascertain the truth—that is going to occur through the aggressive investigation of Mr. Starr—but to seek some political gain at the President's expense.

First of all, we do not know when that trial might be concluded. This is a trial of extraordinary complexity. At a bare minimum, it would take several months for this trial to be concluded. Moreover, it is not without precedent in cases like this that there could be further unanticipated delays in which this body, the Senate of the United States, would have no ability to control or influence, nor should we.

So we have no idea when this matter will be concluded based upon the uncertainties that a very complicated trial, as this has every expectation of being, would conclude.

Let us assume for the sake of argument that, indeed, a conviction were secured against all of the defendants. I do not believe that anybody in this Chamber would challenge the proposition that there will be an appeal taken during the course of the aftermath of that conviction or convictions. As a result, those defendants would certainly not be available to the Senate committee because it is clear in every circuit in the country that the privilege which exists with respect to each of those defendants is not waived, nor is it extinguished in any form because it is entirely possible that an appellate court could reverse those convictions, in which case, if there was a subsequent trial, the defendants ought not to be disadvantaged by being compelled to disclose testimony which subsequently could be used against them. So that is very clear.

Let us assume for the sake of argument that the trial concludes and the defendants are found innocent. Does that extinguish the privilege? Would that constitute some kind of a waiver? Look at the experience that the

McDougals themselves had. They were prosecuted and subsequently acquitted. They are now subject to trial once again. They argued that they were precluded under the double jeopardy provisions of the Constitution from being tried again, and they lost in that argument.

No one is arguing that the jurisdiction of the special prosecutor and the jurisdiction of the Senate Whitewater Committee is concurrent in all respects. So very clearly as a result of those circumstances the defendants, if they were acquitted, would not have lost their right to assert the privilege, and their testimony would not necessarily be available to this committee.

Although it has a superficial appeal—well, let us wait until after the trial and then we will hear from the various defendants—in point of fact, that is clever but simply an open-ended prospect in which there may be no definitive conclusion by reason of the two alternatives I posit here—either a conviction, in which case they are certainly not going to be forthcoming in their testimony, or in the event of an acquittal by reason of the prior experience they have had there could be some other ancillary prosecution that could be commenced.

So I think that the premise upon which this extension is sought is fundamentally flawed—that is, namely, this testimony would be available to us at such time as the trial would be concluded, whenever that might be, for whatever period of time, which could be for an extended period of weeks or even months, or, even assuming it is concluded either by reason of a determination of guilt or acquittal, that in either of those two circumstances the testimony might be available to us.

I respectfully submit that a careful analysis of the information would indicate that in neither of those two events is it reasonable to assume that that evidence would be made available to us, and that in each of those cases it is very likely the defendants would continue to assert their privilege and the committee would not have the ability to receive their testimony.

I began my comments by saying that I am as committed as any Member in this Chamber to getting at the facts. If there is evidence of misconduct, it should be brought to public attention. Indeed, the trials which are occurring right now will be public trials and that information, if there is such evidence, will come out. The American people will fully understand.

I have indicated that I think Mr. Starr is a competent and an aggressive, energized prosecutor. There is every reason to believe he will follow any leads, any evidence that may suggest wrongdoing, and he will be aggressive in doing so.

I believe an argument could be made that the Whitewater matter has gone on long enough in the Senate and it ought to be concluded at this point. But I believe the compromise that has been offered by the ranking member, namely, that we extend the hearings for a period of 5 weeks, and then allowing another 4 weeks thereafter to compile the report, is reasonable. In that period of time we ought to be able to conclude this matter, unless there is a different agenda here. And I think the American people need to understand that. I believe—and I hate to say this, but I think it is true—there is a different agenda. It is not an agenda to find out exactly what happened and to get to the bottom of this. It is to keep this issue alive, to generate a headline, to generate ongoing controversy with the hope that somehow this may spill over into the Presidential race this year and disable the President politically.

What has been proposed is a very reasonable compromise, and I think any fairminded person who has looked at the 277 days, the 100 witnesses, the 45,000 pages of documents we have examined would conclude that another 5 weeks is a reasonable period of time. And so I commend the distinguish Senator from Maryland. That is a reasonable approach. I say to the American people that in 5 weeks, done energetically, not just one hearing for 1 hour, 1 day each week, but I mean an aggressive hearing schedule that would engage the members of the committee for a 4- or 5-day workweek, we can reasonably examine any evidence or tie up any loose ends that might have existed. But that offer was rejected. That offer was rejected.

What we are faced with is a proposition that in effect has no time limit, no constraint at all. After the trial, whenever that might be, whatever week, whatever month, who knows, whatever year, we do not know what might occur. Those of my colleagues who have done trial work know that oftentimes in the course of a major piece of litigation—and this is certainly a major case—unexpected events occur and, indeed, the trial is recessed for a considerable period of time—weeks, even months.

And so I would urge my colleagues to enable us to reach a responsible compromise that has been suggested by the distinguished ranking member, the senior Senator from Maryland, and let us go on with this. There are so many other things I would like to do in this year in the Banking Committee. Some are interested in regulation reform with respect to the banking industry. I would like to work on some of those provisions.

I would like to see us complete our work here on the floor, the Fair Credit Reporting Act, which was something that I personally invested a good many years on. But the reality is that the entire agenda of the Banking Committee, the legitimate public policymaking part of that agenda, has been held captive or hostage to the political machinations with an attempt to prolong a hearing on Whitewater, not for the purpose of getting at the truth, but for the purpose of trying to embarrass the President.

I regret that I have to say that on the floor, Mr. President, but in my view the evidence lends itself to no other conclusion.

I will conclude as I began by pointing out that last October, what may very well be the high-water mark in terms of the bipartisan approach which I hoped would characterize the entire Whitewater inquiry in the Senate, in which it was affirmatively stated that these matters needed to be concluded, that we should not hold our hearings in abeyance until the trial and those ancillary proceedings are concluded, but that we had a compelling public interest to address this issue and to address it thoroughly but to address it promptly and responsibly. That, I fear, Mr. President, we are not doing.

Mr. President, I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. FORD. Mr. President, we have heard a lot of reasons why the Whitewater Special Committee should get on with its work and be limited. But this evening I am going to take a different approach that I think my colleagues ought to consider that has nothing to do with the facts of the investigation.

That may seem strange, but I have been chairman of the Rules Committee with a strong responsibility; I am now ranking member of the Rules Committee with a strong responsibility. So, Mr. President, I feel that it is incumbent upon me to let my colleagues know what the actual costs are and what the prospects of getting the money might be.

Mr. President, under title II of the United States Code, it gives the Committee on Rules and Administration the exclusive authority—I underscore "exclusive authority"—to approve payments made from the contingency fund of the Senate. No payment may be made from the contingency fund without the approval of the committee. I think that is pretty clear.

Inherent in that authority is the responsibility to assure that there are adequate funds—adequate funds—in the contingency fund to cover the various expenses of the Senate. This is just one. We are affecting every committee chairman in the Senate. I will get to that in a minute.

Senate Resolution 227 before us today authorizes funds to be paid from the inquiries and investigation account within the contingency fund of the Senate. During the meeting of the committee on this resolution, I raised the concern that there may be insufficient funds within this account to support an open-ended extension of the Whitewater Special Committee at an additional amount of $600,000.

Similarly, the full Senate should consider whether there is adequate funds in this account to provide for the extension. Not to consider this issue, in my opinion, Mr. President, would be irresponsible.

First, let me advise my colleagues that the actual cost of extending the special committee is considerably more than $600,000. Senate Resolution 227 authorizes—and I quote—"additional sums as may be necessary for agency contributions related to the compensation of employees of the Special Committee."

The original resolution, Senate Resolution 120, was silent on how agency contributions were to be paid, but was amended, Mr. President, to provide retroactively that additional sums may be provided to pay these expenses. So, really the original amount is now well over $1 million. The $900,000, $950,000 is well over $1 million. We will get to that in a minute.

Any agency contributions include such expenses as the employer's share of health insurance, life insurance, retirement, FICA tax, and the employer match for the FERS thrift savings plan. For standing committees, the rule of thumb for figuring agency contributions is about 26 percent of payroll.

It is my understanding that the percent incurred by the special committee might be slightly more than that. But let us consider the 26 percent. So, Mr. President, based on 26 percent of payroll expense, the additional cost to the taxpayer and expense to the contingent fund of the extension of the Whitewater Special Committee could be upward of $150,000 more than the $600,000 that is being requested, bringing the actual total to over some $750,000.

I should also point out to my colleagues that the same is true of the $950,000 authorized under Senate Resolution 120. The retroactive amendment to Senate Resolution 120, which provided additional funds to pay for agency contributions, could cost upward of $247,000. So we have a $950,000 figure. Then we have to add $247,000 to that. That comes out of the contingency fund. That could bring the initial cost of the special committee, as we add it up, to be well over $1 million to date.

So, Mr. President, in reviewing the financial state of the inquiries and investigations account, I am advised there is an estimated $2.3 million unobligated in this account for this fiscal year. I am concerned that this is not a sufficient balance to allow the Senate to authorize another $600,000 or more in expenses for continuation of the Whitewater Special Committee and have sufficient resources to meet other obligations of the Senate.

Overtime is coming, whether you like it or not. We voted for that. Offices are already paying overtime. If you have been listening to the Secretary of the Senate and the Sergeant-at-Arms, they are very concerned about overtime. We think that will be a minimum of 4 percent for committees. That is over $2 million.

If you take Whitewater out of that contingency fund, you add on the other expenses that are necessary, you have a fund that is short, that is absolutely short. We will not have money. You jeopardize every committee in the U.S. Senate.

Let me advise my colleagues as to the expenses that are paid out of this account. These expenses include all salaries and expenses of the 19 standing committees, special and select committees, including the allowance for a COLA, if authorized, and the employer's share of all committee staff benefits. I go back and repeat, that means FICA, life insurance, health insurance, retirement, and the match for contributions to the FERS thrift savings plan.

In addition, all salaries and expenses of the Ethics Committee are paid from this account. Also, the initial $950,000 for the special committee, plus agency contributions, were paid from this account.

As my colleagues are well aware, we are now subject to the overtime provisions of the Fair Labor Standards Act. Just last week—and I repeat myself here—we heard from both the Secretary of the Senate and the Sergeant-at-Arms that they anticipate a substantial amount of overtime costs.

The Rules Committee has heard from committee chairmen and ranking members who are facing the potential of substantial amounts of overtime costs without any funds budgeted to pay these costs.

If the Senate should find it necessary to authorize additional funds to pay overtime expenses of committees, these expenses would be paid from the inquiries and investigations account of the contingency fund.

While we have no history of overtime costs for Senate committees, it is clear that we will incur overtime costs before the end of this fiscal year.

Based upon the current projected surplus in this account, if we should fund the extension of the special committee at the recommended level, we would have only about a 3-percent-of-payroll cushion for paying overtime expenses.

This may be dry, and you may not be interested in what I am saying, but when you run out of money and your staff cannot be paid, you go back and remember what I said on this particular date.

We simply cannot authorize an additional $600,000 in expenses from the contingency fund at this time. Doing so means nothing less than choosing between funding our obligations to our committee staff and hiring more consultants and issuing more subpoenas for more documents that have proven no wrongdoing at all.

Let me be very clear. My colleagues may be choosing between paying COLA's, overtime expenses and the employer's share of health insurance, life insurance, retirement, and other items for our staff, or the consultant fees for an open-ended fishing license.

Moreover, while an amount is theoretically budgeted for the expense of the Ethics Committee, that committee has unlimited budget authority, which is funded out of this account. While the Ethics Committee funding needs vary from year to year, investigations in the recent past have required substantial expenditures for hiring outside counsel. Again, my colleagues need to be aware that there are numerous important and unforeseen expenses that must be paid from the contingency fund.

Mr. President, during the Rules Committee consideration of Senate Resolution 270, I offered two amendments which we believe provided sufficient time and funding to complete the business of the special committee without jeopardizing benefits to committee employees. The first amendment would have both reduced the additional funding for the Whitewater Special Committee and limited the ability to obligate expenses to be paid from the contingency fund after May 10, 1996.

This amendment would have reduced the funding for the special committee from $600,000 to $185,000, with a corresponding reduction in the amount which can be used for consultants under this resolution from $475,000 down to $147,000.

It would also have prohibited obligated expenses from the contingency fund after May 10, 1996, and based upon prior experience, it is clear that the additional witnesses and hearings the special committee wishes to call could be accommodated within that amount. However, with virtually no debate, that amendment was defeated on a party-line vote, 9 to 7.

The second amendment that was offered would have reduced the additional funding for expenses and salaries of the special committee without the sunset date. This amendment would also have reduced authorization from $600,000 to $185,000, with a corresponding reduction in the amount available for consultants from $475,000 to $147,000.

So with this resolution, if adopted, we would go out and get private consultants and pay them $475,000, almost half a million dollars of taxpayers' money to come in and help us gin up some more subpoenas, for all the telephone calls for the total State of Arkansas.

This amendment would have allowed the special committee to complete its work without jeopardizing the funding of the other 19 Senate committee budgets and the benefits of the employees who work for those committees. Again, that amendment was defeated on a party-line vote.

We are going to be here after Whitewater. The committees are going to be functioning after Whitewater. Staff is going to have to be paid on all the committees after Whitewater. But I tell you, when you dilute this fund—and we are going to have to have a line item, I say to the ranking member, for the new procedures of the Senate, and it is going to be a humongous amount of money. Some of it may start this year, and we will not have the amount of money necessary to complete.

Let me be clear that we are not suggesting the special committee not be allowed to finish its work. I am only urging that we be responsible with the American taxpayers' money and be responsible to our staff by limiting both the life and the additional funding of the special committee to an amount that will not jeopardize the quality or, more important, the obligations of the Senate contingency fund.

The American people will best be served if we reach a reasonable compromise for the extension of the special committee.

So I urge the leadership on both sides of the aisle to make an effort to try to arrive at a compromise that will give us an opportunity to be sure that the contingency fund is not diluted.

Mr. President, I just reiterate that we authorized $950,000 for Senate Resolution 120 and over $220,000 in addition to that which we had to pay. That is this unobligated—the little quotes that we get at the end of the bill. This one will be well up there, too, and well over the $600,000 that the chairman of the committee is asking for.

What I have done here is to alert my colleagues to the possibility of jeopardizing the contingency fund, the possibility of jeopardizing our ability to take care of the other 19 committees to pay what the Sergeant at Arms and the Secretary of the Senate have said they are very concerned about—overtime.

Overtime is tough, and it is going to get tougher. When we have approximately 3 percent left in the contingency fund, then I think we are on the verge of depleting that contingency fund.

So I hope my colleagues will look at that; that they will see that it will take more money from the committees than is absolutely necessary; that this committee can wind it up by May 10; that we cannot dilute the contingency fund. I am very concerned, not for myself, not for the Senators, but I certainly am concerned for those who work for us on our committees every day and put in a good job, work hard and long, and they are entitled to have the overtime, because we now made it law.

So, therefore, Mr. President, I yield the floor.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, last week, my colleagues on the Democratic side objected to us taking up this very same resolution by way of unanimous consent essentially to empower the committee, to authorize the committee to do its job, to finish the work that it has started.

Make no mistake about this: This is not an argument about funds; this is not an argument about a deadline. This really comes down to the crucial question of whether or not we are going to do our job and to fulfill the constitutional responsibilities and to get the facts. By the way, it may not be pleasant. Those facts may be very distressing or disturbing to some. Let me suggest that they may be disturbing because some may suspect that all kinds of misdeeds may have been committed by people in the administration or close to the administration, by friends of the administration, and suspect the possibility of attempting to impede investigations. But, indeed, there may be findings that there were no misdeeds—none. Some people may be upset by that. There may be findings that indeed there was improper conduct and activities.

Regardless of which way it is, whether it is to clear away the clouds of suspicion, or whether the ultimate findings are that there was serious misconduct on the part of people in the administration, we have a duty to get the facts. If those facts are exculpatory, if they clear away the doubts, then fine, let the chips fall where they may.

To oppose the proper work of this committee, which is authorized, pursuant to almost unanimous consent—96 to 3—to undertake this investigation, is to say very clearly that there may be facts that may not be exculpatory, they may be damaging. Now, look, it is easy to suggest that this committee has conducted its work in what one would call an unfair partisan manner. I say, let us look at the record. Yes, we have had suggestions and, yes, there have been subpoenas initially drafted, but not served, that may have been overly broad. That is not unusual. You negotiate to determine what the scope should be. Al Smith, the Governor of New York State, coined an expression. He used to say, when there were controversies, "Let us look at the record." If one were to look at the record, you would ultimately find, notwithstanding that there may have been negotiations between the Democrats and Republicans, that ultimately, in almost all cases, over the life of this committee and its predecessor, agreement has been reached. On only one occasion—out of the dozens of subpoenas that were issued and requests for witnesses' testimony—did we really have one disagreement that could not be solved in a bipartisan manner.

To come forth at this time and suggest that this is politically inspired is at variance with the record. Al Smith said, "Let us look at the record." That record indicates, quite clearly, that notwithstanding the times that we may have had differences, we were able to surmount them in a way that brought clarity and dignity to our work. We may not have found what some would characterize as the smoking gun. But, indeed, ours is not to anticipate what will or will not be found. The work of this committee is to gather the facts, my friends, not to prejudge, not to offer speculation, not to suggest that, well, what do you do then if you unearth some terrible, horrible chilling thing. Ours is to gather the facts. If those facts clear away the clouds of doubt that may exist, fine. But I suggest to you that there was sufficient room, at least, to say there are some very real concerns—repeated memory lapses, tied to factual situations, diaries that people kept notes in, which mysteriously turn up after the work of this committee could have come to an end; missing records that turn up. Contradictory testimony of Secret Service Officer O'Neill and young Mr. Castleton, two people who have no reason to make up stories, cast very real doubts and concerns as to the manner in which key documents that were removed from Mr. Foster's office were handled. Who requested the movement of those documents? What were those documents? Officer O'Neill says that he saw the first lady's chief of staff, Maggie Williams, removing files. It was very clear in his testimony. Very clear. As a matter of fact, it is so clear that I think most people, if they have heard his account, would believe it. And I can assure my friends and colleagues on the other side that I will go over that narrative very carefully if they continue to oppose us going forward and orchestrate what is a filibuster.

I do not think it behooves the interest of the committee, the Senate, Democrats or Republicans, or the entire political process, given the grave doubts that people have with respect to Washington, that we fail in our duties and obligations to continue to do our work in an expeditious a manner as reasonable, dealing with the circumstances that we have, recognizing that there are key witnesses that are unavailable.

Mr. President, those witnesses may never be available. I am the first to suggest that. They may never be available. But at least we will have done the best we can do. If we file a report based upon all of the work, our best efforts, then we can say that we have discharged our responsibility. The American people have a right to know, and we have an obligation to get the facts.

Some people say, "Why do you continue with this? People are bored." It is not our job to be concerned with whether or not people are bored. The question is not whether there are sensational headlines that will come out of revelations. The question is: What are the facts? Were there misdeeds, an abuse of power, an attempt to cover up? Was there an attempt to stop investigations from taking place? And then going to the heart of the issue, was there misuse of taxpayers' moneys in Little Rock? That is the question. If there was, who was responsible? As a result, was there a concerted effort to keep these facts from being revealed to the American people?

I am sorry that this matter has been drawn out as it has. Notwithstanding those who would claim that this was deliberate, that is not the case. Nor would I differ with my friends if they were to say that there were dates that we could have held more hearings. Certainly, but that would not have permitted us to complete the work of this committee. It absolutely would not have. Indeed, it would have left a situation where there were still numbers of documents that we have no reason to believe would have been produced any earlier, and numbers of witnesses, including Judge Hale, who I believe the committee wants to at least make a good-faith effort to bring before the committee. And again—and I know it is difficult—I think we want to attempt to be as fair and reasonable in our presentations of our cases as we possibly can be. I do not know the truth or falsity of what Judge Hale is reported to have said. I do not know whether he can shed any light on any factual material. It certainly is important enough to make the effort. If, indeed, at the conclusion of the trial when we subpoena him—together, hopefully, and I have every reason to believe that my Democratic colleagues will join in that because that has been the indication of the ranking member—his lawyers may assert and raise the constitutional questions about self-incrimination. That may take place.

Then we could say, "Well, Senator, why did you do this?" I admit we have no assurance that any of these witnesses that we want will be forthcoming. But, by gosh, we have an obligation to do the job, thoroughly, correctly, and in the right way. All the arguments about money, and how much has been spent, is a red herring. There is no truth to that. This committee has been rather frugal. Indeed, if you want to look at the costs, hundreds of thousands of dollars were spent correctly in gathering the evidence, taking depositions—these transcripts cost thousands of dollars a day. That is part of the cost. This has not been a wasteful exercise that costs $30 million. I hear people say, "Why are you wasting money—$30 million?"

Let me say again, the committee's work has been extended. It has been extended because the special counsel has asked us as it relates to key times and dates to withhold from the subpoenaing of information, to withhold from the subpoenaing witnesses. We have worked with them. I think that is responsible. Did I want to get those witnesses in? Yes, absolutely. There is a degree of responsibility that this committee must exercise. It does not mean that we cede to the special counsel all authority and say, "When you raise an objection, we shall not go forward," but in good conscience we have attempted to act in a way that would not jeopardize the important work of the special counsel.

Mr. President, I think that if the minority continues to thwart, as it can, if it votes against cloture—and there will be a cloture vote scheduled—then I think they are very clearly saying to the American people that they are afraid of the facts that will be revealed. There is no doubt in my mind this is a carefully orchestrated opposition being raised, and that orchestration comes from the White House.

Indeed, packets of information have been distributed to denigrate individual Members. That is not what a White House should be about. That is not what this investigation should be about—people assigned tasks, responsibilities of gathering information on a Senator from the DNC. That is not right. That is not fair. This Senator has known about that for quite a while. I bring it up now for the first time because, Mr. President, if we want democracy to work, then we have to stop these dirty little games, the dirty tricks of attempting to embarrass, attempting to hurt so that one is diverted, one's attention is diverted from the facts.

Now, Mr. President, I believe that we could come to a resolution. I have not spelled out any particular methodology. It seems to me that we know with a good degree of certainty that the trial will be concluded. There may be appeals. So what? That will not preclude us from asking for witnesses to come in. Indeed, their lawyers may or may not assert constitutional rights. At least at that point we have given to the special counsel the opportunity to do his work. He may disagree. The committee may say, "Look, we want to resolve this and go forward."

On the other hand, the committee may say, reasonably, we should not. At that point, I would be first to say we may have to conclude, or certainly there is no further reason to continue going forward if there are not other areas that have not been successfully covered.

It would seem to me we would be in a position to look into the question of the leases that have been made with respect to Mr. McDougal and the State. We would be able to look into the Arkansas Development Finance Authority, the propriety of its acts, the relationships that it had or did not have with various people, the probity of those—all of those areas that are left unresolved. I am not going to take the time at this point to go into them, but I will. And I will spell them out in detail as we will spell out the testimony of Mrs. Williams, Maggie Williams, in detail and the testimony of young Mr. Castleton and the testimony of the officer, which is clearly at variance with what her memory and what her reflections are to such a degree that one has to say that there are very real issues that are not resolved. I will do that.

Mr. President, I think we have an opportunity to do the business of the people, not to create these doubts—what are my Democratic friends worried about? What is the White House worried about? What are they hiding? If there is nothing there, then, fine, the committee will fold its tent, as it should. It will conclude. But it has an obligation to first have the real opportunity to conclude its work as we should, as honest factfinders. That is what this is about, being honest factfinders. Nothing more, nothing less.

I hope that we would not engage in the kind of accusations that oftentimes come about where there are contentious matters, matters of conscience. There may be some of my colleagues who absolutely feel that the only reason we are going forward is to seek to discredit politically. There may be some on my side who seek partisan advantage for that purpose. But irrespective of those feelings, we have an obligation. The obligation is to get the facts and to try to do it in a manner that really demonstrates to the American people that notwithstanding contentious issues—issues that could very easily be blown out of proportion by partisanship—that we are above it.

Now, I am not suggesting to you that reasonable people may not have reason to disagree with some of my decisions or actions on that committee. But I believe if one were to examine his or her conscience, they would have to say that the chairman has endeavored to be fair. Yes, fair; yes, thorough; yes, comprehensive; but, above all, fair. That does not mean we have to agree on every issue.

It seems to me that one way which is not recommended, a recommended course, is to continue our work and look at the conclusion of the trial as a point in which we would look to set some kind of reasonable time, and that we would agree if there was work that still needed to be done, that we would take up whether or not it should be extended. I do not see how you can set a limit based upon a date certain—what if the trial does go 2 months, and we say we have to wrap up the work of the committee by April 5. That means that those key witnesses would be precluded.

That means that we set a timeline. It has been suggested, and I know referenced by some of my colleagues in the debate, that when you set a deadline for the completion of congressional investigations, decisions are often dictated by political circumstances and the need to avoid the appearance of partisanship. This is what was done in the Iran-Contra case. They set a particular timeline. What that did is set a convenient drop-dead date by which lawyers sought to delay and wait out the investigation.

My distinguished colleagues, the former Democratic majority leader and Senator COHEN, suggested that should not have been done. Here is a quote: "The committee's deadline provided a convenient stratagem for those who were determined not to cooperate." That is in this book, "Men of Zeal." I have to suggest that, given the appearance of documents at the last minute—and I am not going to argue the merits—but I have to suggest there has been a history of documents coming in conveniently late. The last of them was the miraculous production of the Bruce Lindsey documents. Mr. Lindsey, the assistant to President Clinton, his close confidant and friend, testified before the committee, that he did not take notes—he did not remember taking notes. He was asked specifically about it. His lawyer was requested to look and see and to make a proper search. He did undertake this so-called review and this search, and lo and behold, after the committee's funding ended, guess what? On a Friday, the miraculous production. Always on a Friday. Always late on a Friday. This time I think it was about 7 or 8 o'clock Friday.

Why? To avoid the news, avoid the news. The White House got these documents, I understand, on a Wednesday. But they did not make them available to the committee until Friday. What is that all about? Managing the flow of information. That is managing the flow of facts. Is that right? Is that proper? I will tell you what it appears like to me. It appears to me that my Democratic friends are so interested in the management of the facts, facts that may be embarrassing, that they are willing to scuttle our constitutional obligations. That is just wrong and that is what leads people to say: What are you hiding? What are you hiding?

Do I believe that all my colleagues are in league with that? No, I do not. But I believe that there are those who are so intent upon stopping this investigation that they have laid down a hard and fast rule. They are probably polling right now to ascertain whether or not this is going to hurt their credibility or not.

I think whenever you want to end a duly constituted investigation when there are substantial open questions and work to do, people have to say: Why? Why are you keeping the committee from doing its work? I think we can do our work. I think we can do it again in a reasonably fast way, but in a way that meets our obligations.

I do not look to draw this out. I said to this committee, to the Rules Committee, when we sought authorization, it was my hope that we could keep this matter from continuing into the political season. I still think we can deal with this in a manner which means that it would end sometime in June, late June or maybe even earlier. I think we really can.

But there has to be a starting point that is reasonable and will assure that we have some opportunity to get the facts. If we never get the opportunity to examine the witnesses—and that is what would take place if we had an arbitrary deadline of April and that trial is not over—we will be denied this opportunity. I recognize they can take appeals. They could take appeals for years. I am not suggesting we wait until the appellate process is over. That is not the case at all.

Mr. President, I am going to ask that my colleagues on the Democratic side consider an attempt to deal with this in a way that will not put us to the test of coming to vote to end this filibuster. They should not be filibustering this. We have other things to do. We have important things to do.

The PRESIDING OFFICER (Mr. DOMENICI). The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to stand and commend the distinguished Senator from New York. The Rules Committee, of which I am a member, proceeded to meet yesterday, in a very correct manner, hoping to consider S. Res. 227, I believe, reported it to the floor, and that is the subject of the pending business.

Mr. D'AMATO. Correct.

Mr. WARNER. I thank the chairman and his staff for their cooperation in conducting that hearing with expedition. The matter is now before the Senate.

Mr. SARBANES. Mr. President, I listened to Senator D'AMATO, the chairman of the Whitewater Committee, with great interest. I want to say that the unreasonable element in this current situation is a request for an indefinite extension of the work of the committee. That was not the premise on which the committee was established in Senate Resolution 120. In fact, it is very clear that in Senate Resolution 120 we agreed to a termination date just as we did in the Iran-Contra investigation at the strong urging of Senator DOLE who at that time was the minority leader and who pressed the Democratic majority at that time in the Senate and the House to have a closing date on the inquiry in order to avoid making it a political exercise in a Presidential election year in 1988.

That is exactly what we sought to do here by having a termination date of February 29, 1996, and the request that has been made is for an indefinite extension.

The minority leader, Senator DASCHLE, has responded to that by proposing a limited time period. But the proposal before us that was brought first from the Banking Committee, and then by the Rules Committee, on a straight partisan vote is for an indefinite time period in order to carry out this inquiry. And, as I have indicated, this is perceived as unreasonable.

I know of no plot, as my colleague suggested, to denigrate Senators. Certainly no one on this side of the aisle is involved in any such endeavor. I want to establish that in a very clear fashion.

Two things have been argued. One is we have not gotten all of the material in, and, therefore, we need to extend. Of course, Senator DASCHLE proposed a period of time for extension. I just observe that the material is all now in. We got these notes. We had hearings on these notes. I have to take the explanations as they come.

The Lindsey notes constitute three pages. This is what came. That is the extent of it. These notes, in fact, corroborate what has previously been available to the committee.

Let me just read the note that comes from their counsel. It says:

> Following a recent Senate committee hearing in which questions were raised as to whether a January 10, 1994 memorandum from Harold Ickes was copied to other White House officials and whether they had produced their copies of such documents in response to the committee's request, Mr. Lindsey and this firm undertook a review of all our prior document productions.

And I think it is important to point out that there have been very extensive prior document productions.

> With respect to the January 10th memorandum, we found that an identical copy of the document produced to the committee by Mr. Ickes was in Mr. Lindsey's White House files and had been produced by Mr. Lindsey to the White House Counsel's office January 1995 for review with regard to executive privilege and other issues. In the course of this review, we have identified two other documents in our files which inadvertently were not produced to you, or the White House Counsel's Office, earlier and which are attached.

Those are these three pages of notes. And he then goes on to say:

> First, while Mr. Lindsey previously informed your committee that he did not recall taking any notes as of November 5, 1993 with Mr. David Kendall and other counsel for the President, our recent review has located some very brief handwritten notes set forth as attachment A here, to which Mr. Lindsey did write at that meeting but did not previously recall. As you will see, these brief notes are completely consistent with the testimony of Mr. Lindsey and others, and the Kennedy notes of the same meeting presented to your committee about that meeting.

You may want to go at one or another of these people for not producing the documents early but the fact is the document had been produced—the Gearan document. Then we had a full day of hearing on those documents. And the same thing, of course, is true with respect to the Ickes notes.

So those matters have been furnished to the committee. And, as I understand it, now every request made by the committee to the White House has been responded to with the exception of two new requests for e-mail that the chairman made in the latter part of February that have not yet been responded to.

Those two e-mail requests are pending, and the White House has indicated that it will provide them to the committee as soon as it is able to prepare them and furnish them to the committee.

Mr. D'AMATO. If the Senator will yield for an observation.

Mr. SARBANES. Sure.

Mr. D'AMATO. This is the first time that I have seen the letter conveying the notes. I guess we got these last Friday. They did not really come into our possession until Saturday.

That would be a week ago Saturday? Yes, last Saturday. Last Saturday. So when we got these notes, I think you have to understand very clearly that Mr. Lindsey testified to the committee that he did not take notes. Then there is another encounter——

Mr. SARBANES. If the Senator will yield, they state that in the letter. They are not trying to conceal that fact.

Mr. D'AMATO. Sure. I understand.

Mr. SARBANES. They are very up front about saying "previously informed your committee that he did not recall taking any notes."

Mr. D'AMATO. Sure.

Mr. SARBANES. And he now says they have found these brief handwritten notes.

Mr. D'AMATO. I understand. And then we made a request after that testimony and his lawyer said that he was going to look, to search the records. And we did not get anything. And now, on March 2, after the committee goes out of its authority—I do not know whether we have authority, but certainly authorization expired February 29—this letter is sent to us enclosing the notes he had taken.

I find the letter interesting; this is the first time I have seen the letter, and I would ask my friend if he would take a look at the second page of the letter, the last paragraph, last sentence. "We have not produced, of course, attorney-client privileged documents reflecting either Mr. Lindsey's communications with this firm." I understand that. In other words, he should not have to report his communications that he has had with his lawyer. Those are privileged. He has a right to assert that. But this is where I have some real trouble, and I think the committee will, and it is a very proper question. We will look and we will press and we will subpoena, if necessary, these documents, whatever they may be, because obviously his lawyer thought they were important enough that they would not place him in a position where he might be charged with obstructing justice or not responding to the subpoena. He has very smart lawyers. He is a lawyer himself, a former senior partner in a law firm. "Or his"—meaning Mr. Lindsey's—"attorney-client privileged communications with private counsel for the President."

I have to suggest he does not have a privilege with respect those conversations that he had and cannot assert that with respect to those conversations and those documents, and we have been in touch with him about this. We have gone to the point that we brought down to the Senate floor and voted on—this is the one area that we could not agree on—whether or not documents were privileged. That same kind of question about whether they would be required to waive privilege came, and we were ready to vote enforcement of the subpoenas that we issued. That was the only time that we had a disagreement.

I have to say to my friend, again, this raises very substantial questions. Now, reasonable people might disagree, but I have to suggest to you that was not just placed in there as some legal nicety. That is important. And I have to say, what information does he have?

We have settled the manner in which to deal with many of these issues. We have had majority counsel and minority counsel meet to see whether or not information should be made public, whether the committee had a right to it or not. At the very least, we have a right to see whether or not this falls within that area of information that is not germane to the subject of our inquiry—at the very least.

Now, if people want to raise, if the White House wants to raise the issue of privilege, which the President of the United States said he would not—he would not—why, then, that is their right. But for Mr. Lindsey's attorney to withhold and say, "We are not going to do it," that is improper.

Now, if the White House wants to come in and say, "We are asserting that Mr. Lindsey had communications with the President's private counsel that are privileged," then they have a right to do that. I am not agreeing that we are going to say that falls within the parameters of the privilege. We may insist on enforcement. But I have to tell you that this again raises questions. And when do we get this information? Saturday.

How is it that we have got so many of these convenient kinds of lapses? And this is not the first time. Mr. Lindsey is an assistant to the President of the United States. He has the lapse. The deputy chief of staff, Mr. Ickes, he has a lapse. He finds documents, again, at the last minute. Mr. Gearan, he has a lapse. Again, every one of these people involved with the Whitewater team has a lapse. I have to suggest to you that it does raise real questions and is very troubling.

That is why I think there are many people who believe that we have an obligation to finish this and to get the facts, and I think that if we were to move forward you would see even more documents be produced, more discoveries, more things that have not been turned over to this committee. I cannot believe given the tasks—and I am prepared to go through the list—that Mr. Ickes assigned to various people that all of the documents related to their Whitewater activities have been turned over to this committee.

I yield the floor to my friend because the Senator has been more than gracious. I just wanted to raise this matter.

Mr. SARBANES. All I would say to the Senator is that these documents have been furnished to the committee. They have not been concealed from the committee, and they have not been hidden.

Now, the people who furnished them said, "We were late furnishing them for the following reasons." Now, you may accept or reject those reasons. And if you want to inquire into the reasons, you are perfectly free to do so. But the fact remains that the committee has these documents. They are now in hand.

I have been sitting here listening today to my colleagues recite various aspects of our inquiry. The fact is the matters they have been reciting they can recite because we have gotten documents, we have had hearings, we have had witnesses that we have been able to question, we have taken depositions, and therefore they can get up and talk about these matters—often I think drawing conclusions not warranted by the facts, but leave that to one side—they can talk about these matters because this material has been furnished to the committee. So the fact is now that there has been a tremendous dragnet set out for material and a tremendous amount of material furnished back to the committee, the fact is when we set out on this endeavor last May it was agreed that we would draw it to a conclusion at the end of February.

That has been a consistent principle that has been applied to all inquiries and all investigations by the Senate. None of them has been open ended. In 1987, when Democrats pushed for an open-ended hearing, Senator DOLE was very strong in saying that should not be done, and the Democrats actually acceded to his representations and a concluding date was set—in fact, quite an early one—and in order to accommodate it, the Iran-Contra committee held 21 days of hearings in the last 23 days of its working period in order to get the job done.

Now, as the chairman knows, we urged him in mid January to have an intensified hearing schedule in respect to this matter. We now find ourselves here at the beginning of March. I think that the minority leader has been very forthcoming in proposing an extension of time until the April 3 in order to complete our hearings. And, in any event, I do not regard it as a reasonable proposition to ask for an indefinite time period which is completely contrary to the premise on which we set out. It is completely contrary to the premise of Iran-Contra, and it is completely contrary to the premise of every other inquiry and investigation.

Mr. D'AMATO. I do not know if my friend is finished, and without losing the right to the floor, I would like to make an observation if he would care to comment.

Mr. SARBANES. Certainly.

Mr. D'AMATO. Mr. President, the fact is that this letter—by the way, not so clearly, not so clearly—is what I consider to be a brilliant legal, scholastic exercise in extricating one's client from meeting the obligations that he would be required to meet pursuant to the subpoena that asked him to produce all relevant documents with respect to Whitewater. Brilliant. This is absolutely terrific.

And this fellow, Allen B. Snyder, is one good lawyer. He is the lawyer who signed this letter. Let me tell you why. Analyze this; you have to agree, this is good. This is good. Listen to this, Mr. President. "We have not produced"—this is the last sentence in this letter that says, here we give you these things, how we found them—"We have not produced, of course,"—gets you into believing, of course—"attorney-client privilege documents reflecting either Mr. Lindsey's communication with this firm"—oh, OK, all right, we are not going to ask about that.

You are talking to your lawyer and saying, by the way, I have a problem, et cetera, whatever. We have some facts or are talking strategy, et cetera. That is what we consider to be privileged. By the way, it would seem that constitutional authorities would indicate in some cases that we would actually have the right to that documentation.

So, "* * * of course, attorney-client privilege documents reflecting either Mr. Lindsey's communications with this firm or—get this; now we search very carefully—"or his attorney-client privileged communication with private counsel for the President."

He is withholding documents. We do not have those documents. We have not seen those documents. And he is now asserting for the first time that he has information. He did not know he had it before. He just remembered it. He just found it. He did not know it. But he now says, "I've got documents that you have subpoenaed. But I'm not going to give them to you because, guess what, I had conversations with or communications with the President's counsel." Let me tell you something, as an assistant to the President, if he has communications and shares documents with a private counsel for the President, they are not privileged. And this Senate and the Congress has a right to know what that information is.

Look, it may be that we are arguing over nothing. We have agreed to a methodology, a methodology of not attempting to provoke a court confrontation. I will tell you, I will ask for enforcement of the subpoena because this subpoena was served before the authorization of committee funds ran out. This response is carefully contrived, and the documents are produced after the committee goes out.

Is it any wonder why reasonable people say, "Why are you doing this? Why are you holding this?" Is there any reason why newspapers say, "How come you keep dribbling this thing out? What are you trying to hide?"

At the very least, it all seems to me that the majority counsel and the minority counsel have done this before. We can look at this information, see if it is relevant or not, and examine whether or not a claim of privilege is valid. I cannot see how it can be asserted, but if it is not relevant, we will not ask for it. We will agree to take a pass.

I do not want to know whether he was discussing whether a football team or basketball team was going to win the game the night that they went to see it, or if he was in the company of the President, that he discussed that kind of thing. But if it is relevant, we have a right to it. If he communicated to the President's counsel, "By the way, I'm worried about X, Y and Z," we have a right to that.

Either we want the facts or we do not. Do we want to hide the facts? Let me say, as it relates to the proposition that we are not willing to set a time certain, I think that is bad. I think it is really bad. But I am willing to say, let us provide a period of time after the conclusion of the trial. We know, whether that trial concludes with a final verdict—guilty, innocent, hung, et cetera—that within 10 weeks after that trial, we will conclude.

You have to start someplace. I do not like setting a time because I think again when you set a time line, you set a prescription for people looking to delay and get past that time line. That is what our friends in "Men of Zeal" said. And they were right. Again, this was authored by Senator COHEN and Senator Mitchell about Iran-Contra. They said, "The committee's deadline provided a convenient stratagem for those who were determined not to cooperate."

I suggest, given the manner in which these documents came forward, that this is part of the stratagem. When I see this letter, we know conclusively that we have not had an opportunity to examine documents that were subpoenaed.

This is a very brilliant, lawyerly, scholarly letter. I read it for the first time, and it just jumped out at me. Then counsel told me they have attempted to get some kind of an agreement from Mr. Lindsey's counsel in order to inspect this material. They were told no.

So where is the cooperation? If the White House has nothing to hide, where is that cooperation? It's a needle in a haystack. We want the facts and information—the needles—but we get the whole haystack, we do not get the critical information.

This is just another example. Let me suggest to you, is it not great cooperation when lawyers tell their clients, "What are you holding back?" and "You better not hold back"? I see a pattern here. I see some very bright lawyers saying, "You can't withhold this stuff. You have memorandums all over this place. If someone comes over and says, 'Where is that memorandum?' and you sent it to eight different people, where do you think we get these documents from?"

Some very capable lawyers would tell a client, "I'm not going to be part of advising you to withhold." Perhaps, that is why we have been getting documents from them. Of course, that is an assumption on my part. There are a number of suspicious instances. We could take Susan Thomases and the repeated requests to her for records—two times, three times, four times before we get all of the information, before we get the logs that show the communications, key communications, information withheld from us. I think there are some very capable lawyers that she has representing her saying, "Wait a minute. Wait a minute. They have asked you about these things. You can't withhold these things."

You really think that a very capable lawyer like Ms. Thomases would not have looked at the diaries and logs as it relates to communications that she had during critical periods of time on or about the day of the suicide, or the day following the suicide, of Vince Foster? She would have missed these during that week? And it took us months to obtain this vital information.

We have not been able to examine her. She broke her leg. We examined her twice. She was scheduled to come in a third time. Unfortunately, we could not do that because she said she broke her leg. What were we supposed to do? Drag her in there? Have her come in a wheelchair?

I recognize the discomfort level that my friends and colleagues on the other side would have as it relates to an indefinite extension. I understand that. But as a practical matter, if we receive $600,000, and spend it at the rate of approximately $150,000 a month, Mr. President, we are talking about 4 months. That is the practical side of this.

We could be doing that business without rancor, doing it to the best of our ability. We may not be able to complete all of the work as we would like. If there were facts and information that clearly demonstrated that we had to go forward, I am sure that my colleagues would then say, maybe reluctantly, we have to do that. That is the position we would be placed in.

You know, the editorials indicate that we should go forward. They also say that there is a caveat, a clear caveat, as it relates to the work of the committee, if we begin to appear to be unfair, if we appear to be partisan in terms of being demanding, and that we, those of us who are pressing to finish our work, could feel the political fallout. But there are what we call common sense, common decency, in handling the inquiry in a manner that is proper. I think we can do that. I would like to proceed in that manner.

I thank my colleague for giving me the opportunity, at least, to share these thoughts with you. I hope that between now and tomorrow, when we come to the floor again, that I have put forth something in a manner in a way in which we could possibly move forward.

I suggested some way to begin to resolve this, such as taking a period of time after the completion of the trial. I said 10 weeks. My friend may feel that is too long, but let us see if we cannot do it. Again, there is a finite amount of time, constrained by very limited resources, resources of $600,000.

There has been an endeavor by my friends to put forth a proposal for 5 weeks starting now and $185,000. I think we have to say even if that is the most good-faith offer they can make—and I do not question the fact that my colleague advances that in good faith—I hope that my friend, Senator SARBANES, will understand that it will not deal with the question of access to those witnesses.

Again, we may never have access to them. I admit that. I am not trying to score debating points here. What I am trying to do is tell you clearly where we are troubled, what some of those facts are and see if we cannot work out a way cooperatively to go forward.

Mr. SARBANES. Let me say to the chairman, let me make a couple of points. First of all, they cite editorials that say do an indefinite extension. I have cited on the floor today editorials that say—let me just quote a couple of them.

> . . . Whitewater hearing needs to wind down. A legitimate probe is becoming a partisan sledgehammer.
>
> . . . The Senate Whitewater hearings, led since last July by Senator Al D'Amato, have served their purpose. It's time to wrap this thing up before the election season.

That is the Greensboro, NC, paper.

The Sacramento Bee says:

> With every passing day, the hearings have looked more like a fishing expedition in the Dead Sea.

And says these ought not to be extended.

Mr. D'AMATO. That is at least an imaginative image, fishing in the Dead Sea. I like that.

Mr. SARBANES. It is very imaginative, in my opinion. This is a growing body of editorial view about the nature of these hearings.

When we agreed to these hearings on a 96 to 3 vote last May, an essential premise was that they would come to a conclusion. In fact, when the chairman went before the Rules Committee, he made the point that he wanted to keep it a year, so it would not extend into the election season.

It was very clear that we were not going to defer to Starr and his trial. We were going to carry out our hearings, just the way Iran-Contra carried out their hearings, and Walsh kept going after they concluded their hearings. Iran-Contra did not come in behind the trials. They carried out their hearings and brought them to a close, and, in fact, we stated that to Starr very clearly back on October 2 when we joined and wrote him a letter and said:

> For these reasons, we believe the concerns expressed in your letter do not outweigh the Senate's strong interest in concluding its investigation and public hearings into the matter specified in Senate Resolution 120 consistent with section 9 of the resolution.

And section 9 was the February 29 date. So we were very clear about that, as far back as October.

By seeking an indefinite extension, there is a complete change in the ground rules by which the special committee has been operating heretofore. And I say to the chairman, that is part of the basis for the very strong opposition that we have to an indefinite extension of this inquiry. It has not been done before.

I commend to you Senator DOLE's very strong comments in 1987 on this very issue in which he was very explicit, repeatedly, with respect to this question, and actually to accommodate, the Democratic Congress agreed that we would not extend the inquiry into the election year, thereby politicizing the matter and, I think, increasing the public perception that what is going on is simply a political exercise.

Mr. D'AMATO. Again, I have not heard any response, but I have indicated that, obviously, the committee would be very hard pressed to continue its work past 4 months. That is No. 1. At $150,000 a month, in some cases even more, and particularly if we are going to attempt to conclude this and take the necessary depositions, et cetera, that is about the time frame that we are talking about.

It is reasonable to assume we are going to talk about a trial that lasts anywhere in the area of 6 to 8 weeks. I suggested we take a time line from the conclusion of that trial and attempt to use that as the date.

So I have given an opportunity to our Democratic colleagues and friends to consider this, instead of just being placed in a position of those of us who would come to the conclusion, rightfully or wrongfully, that there may be people who are calling and orchestrating this from the White House who just do not want those facts to come out, whatever they may be.

I do not know what they will be. I tell you, if they are exculpatory, if they clear the record, if they clear the clouds away, fine, so be it.

While Senator DOLE has indicated previously the need and necessity to keep investigations and hearings from going into the political season—and I recognize that and I have addressed that—there is the experience that our colleagues and the former majority leader had during that same period of time. In his book, "Men of Zeal," it was said that to set a time line is basically to encourage people to look at delay.

We can continue this back and forth, but I hope my colleague will consider what I suggested as a way to attempt to resolve this without us becoming involved in other matters.

Let me say this to you. Tomorrow I will advance, if we do not get an extension and if my colleagues continue to vote against cloture—and I have no reason to believe my Democratic colleagues will not come in here and, to a man, vote against proceeding and we will continue this filibuster—then we will go through the record very clearly and attempt to make the case why it is we are seeking to continue, what facts we are still seeking, what information, what witnesses, in detail. They can still vote that particular way. But then there will come a point in which we will attempt to do the work of the committee. It may not be as neat, it may not be as tidy, but I can assure my friend and colleague that we will persist. I think when I say we are going to undertake something and I am committed to seeing to it that we do the best job we can, that is something we can count on.

I put forth an offer that I think I can get substantial support for. There will be some of my colleagues, as I am sure there will be a number of yours, who are adamantly opposed to any kind of compromise. I recognize that, and I recognize, in all due sincerity, that my friend probably has a number of colleagues who just do not want to agree to even 5 weeks. I recognize that, too.

Mr. SARBANES. If the Senator will yield on that point, there are many people who feel the committee should have done its work within the requirements of Senate Resolution 120, just as Iran-Contra had to do its work within its allotted requirements under the resolution under which it was operating.

Mr. D'AMATO. I really tried as hard as possible to attempt to put forth an offer——

Mr. SARBANES. No, I just want you to understand there are some strongly held views of that sort.

Mr. D'AMATO. Sure, and you must recognize that there are legitimately held views that people themselves feel strongly about without any partisan motives being attached to their feeling; that they say we want to end that. I understand that, and I am saying to you that I have a number of Members who do not want to compromise as it relates even to a time line and they suggest we are going to be back in the same problem again. But there comes a point in time when you have to make the best of the situation.

I am suggesting possibly we explore looking at a time certain, from which we say we will conclude, that being the conclusion of the trial, one way or the other, if it is a hung jury, whatever it might be. We may not be able to get any of those witnesses.

Mr. SARBANES. That is right, and we need to examine that up front.

Mr. D'AMATO. I am first to admit that. I am first to admit that. What I am trying to do is to say there is a good faith offer, an attempt to wind this up in a manner that does not detract from everything and everybody because there are going to be those who say in the drumbeat of the political spin doctors on one side saying the Senator from New York is attempting to keep this going for political reasons.

Mr. SARBANES. That is right.

Mr. D'AMATO. I understand that. On the other side, there will be the chorus, What are you hiding? For every editorial you can produce, I can produce one, two, three, four and you can produce some, and back and forth. What does that achieve? My gosh, what have we advanced?

So I am—and I am not asking you for an answer now—I am asking you to consider attempting to deal with this impasse, so that we do not have to come down here and have our colleagues vote, line up on one side, those vote to cut off debate, cut off the filibuster, and those who take the opposite possible positions and all the various characterizations that are going to flow—from both sides, absolutely totally well-meant. All right. So I hope I have covered the waterfront on that.

It may be that we cannot find a way to resolve this. But I am suggesting that I am certainly willing to spare us further debate here, further time here, and let us be able to do the best we can, given that we cannot control all the circumstances in this investigation. Some of it is beyond our ability to control.

I yield the floor, and I thank my friend for his courtesies in giving me the opportunity at various times to make some points that I thought were important.

The PRESIDING OFFICER. Who seeks recognition?

Mr. D'AMATO. Mr. President, I believe, without imposing upon my colleague, that concludes our discussion with respect to going forward on the Whitewater resolution.

Mr. SARBANES. Yes.

VACANCIES AT THE FEDERAL RESERVE BOARD

Mr. D'AMATO. Mr. President, on that note, let me say this. The Banking Committee has been waiting for months now for the President to fill vacancies at the Federal Reserve Board. It was just a little less than 2 weeks ago last Saturday, March 2—there are two vacancies, two other vacancies aside from Mr. Greenspan—I guess it was about 10 days ago when the President indicated that he was going to recommend not only Chairman Greenspan but two other people, Alice Rivlin as the Vice Chairman, and Lawrence Meyer as a Governor.

Since this announcement from the White House—and I have indicated publicly that we would move expeditiously to take up these nominees—we have not received any word and the Federal Reserve has been forced to adopt various rules to address this gap so that Chairman Greenspan could carry on his work. This continues to be a very critical post, and these positions are critical. I hope the administration will move with some speed and alacrity in sending those nominations over to us so we can move.

I pledge to the body here and to the administration and to the President that we will move as quickly as we possibly can. We will set up a hearing—if it means in the afternoon, if it means whatever time convenient to the nominees—to deal with these important nominations, because they are important and they are critical.

We want to move this. I hope they will send those nominations over. Certainly they should send over Mr. Greenspan at this point in time. We could dispose of that. I do not understand why they would not have Mrs. Rivlin ready, given her long stewardship in Federal Government and the fact that she has had all her clearances, et cetera. So at least two of those positions are something we would be willing to move on very expeditiously.

Mr. President, I yield the floor.

MORNING BUSINESS

Mr. D'AMATO. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPLORING TERRORIST ATTACKS IN ISRAEL

Mr. DASCHLE. Mr. President, every American deplores the bombings in Tel Aviv and Jerusalem in the past days.

The Tel Aviv bombing was a senseless act of violence cynically targeted to hit as many innocent people as possible at a shopping mall on a school holiday commemorating what is to be a joyous holiday of Purim. Once again, a suicide bomber did this awful deed; people are dead and injured; a nation is stricken; and the peace process is further jeopardized.

Ironically, Purim commemorates the time in which Esther, a Jewish heroine, convicted her husband to stop the slaughter of the Jews. There was no modern day Esther Monday in Tel Aviv.

Monday's bombing follows Sunday's in Jerusalem, which took place on a street down which I have walked. I can see with terrible clarity the horror of Sunday's bombing.

Mr. President, along with my colleagues, the President, and all Americans, I offer my condolences to the families of those killed and injured. I fear for the future of the peace process, which offers hope that, maybe, some day, Israelis and Palestinians can walk down these same streets in Jerusalem and Tel Aviv in peace, free of the fear that they may be the terrorists' next victims. I join the President in pledging to do all we can to stop this senseless slaughter; apprehend the terrorists and bring them to justice; and get the peace process back on track.

GEN. BARRY McCAFFREY, DIRECTOR OF THE OFFICE OF NATIONAL DRUG CONTROL POLICY

Mr. WARNER. Mr. President, in today's Washington Post there is a remarkable article. I commend all to read it. It is about the President's appointment of Gen. Barry McCaffrey, a four-star general, to the position of drug czar. It has been my privilege to know this fine American for some many years. I recall on one occasion, together with other colleagues in this body—it may well have been the distinguished whip was on that trip, the Senator from Kentucky, when we visited the gulf region. We visited a number of the U.S. commanders who had taken an active participation in the war in the gulf. General McCaffrey was the general who spearheaded the tank column which crushed Saddam Hussein's armor.

From that experience and many other chapters of complete heroism as a soldier, he now takes on another assignment and immediately goes into battle, this time a battle to counter the threat of illegal drugs and drug abuse to this Nation. It is a threat as serious as any that has ever faced this Nation in our history from any foreign military power or terrorist organization. I congratulate the President of the United States. Indeed, he had awesome powers of persuasion, to get this American to step aside, to promptly retire as a four-star officer, a man who may well have been destined to become Chief of Staff of the U.S. Army. He will take on a new challenge and enter another battle in a life which, although this man is quiet and humble, is filled with heroism.

But General McCaffrey's appointment is timely, Mr. President. As today's Washington Post article opens up—and I will quote the article and I ask unanimous consent that it be printed in full at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WARNER [reading]: "By moving full circle in this election year, President Clinton plans an ambitious upgrading of the White House drug control policy office three years after virtually wiping out that office in order to fulfill a campaign pledge to reduce White House staff."

How tragic, Mr. President. Just look what happened statistically since the Clinton administration has been in office.

The statistics over the past 2½ years are astonishing and alarming. The number of 12- to 17-year-olds using marijuana in the United States increased from 1.6 million in 1992 to 2.9 million in 1994.

The category of recent marijuana use increased a staggering 200 percent among the 14- to 15-year-olds in this same period of time.

Since 1992 there has been a 52-percent jump in the number of high school seniors using drugs on a monthly basis.

I spoke with a group of parents the other day. The principal theme of our meeting was education. Yes, we talked extensively about education, but in the course of an exchange between myself and this group they quickly turned to the threat that drug abuse poses to their children's safety. We all know that safety in the educational environment equates with the quality of education that these children hope to receive. We also know that a portion of the violence that occurs in our schools is related to illegal drugs and their sales and distribution.

One in three high school seniors now smoke marijuana. The American people recognize the problems with drug abuse. A December 1995 Gallup Poll shows that 94 percent of Americans feel illegal drug abuse is either a crisis, or a very serious problem.

So, Mr. President, I am glad the President of the United States has responded. He has gone to general quarters, as well he should. He is providing General McCaffrey considerable support, and I am glad General McCaffrey's conditions are being met.

Just look at the record. The Clinton administration has virtually wiped out the Drug Control Policy office reducing the staff from 146 in 1993 to just 25 as of today. This decision to staff up, made in conjunction with the appointment of General McCaffrey, comes at a time when numerous articles and television programs about the terrible increase in substance abuse are appearing throughout our country.

Mr. President, thank you for getting the message from the American people.

I pledge to this fine general and his staff my full cooperation so long as I am privileged to be a Member of the U.S. Senate. I daresay my colleagues likewise will support him.

I yield the floor. I thank the Chair.

EXHIBIT 1

ABOUT-FACE

(By Ann Devroy)

Moving full circle in this election year, President Clinton plans an ambitious upgrading of the White House drug control policy office three years after virtually wiping out that office in order to fulfill a campaign pledge to reduce White House staff.

According to requests submitted yesterday to Congress and sources at the White House, the president is seeking to increase drug policy staffing from 40 to 150 slots, reversing steps he took in 1993 to reduce the office from 146 workers to 25.

In addition, the White House has agreed to requests by its new drug policy chief, retired Gen. Barry R. McCaffrey, to move the operation from a relatively distant office near the New Executive Office Building back into the Old Executive Office Building, where it was located under its first and most high-profile director, William J. Bennett. McCaffrey, also at his request, will be a given a slot on the National Security Council, a new power perk, and the job will continue to hold Cabinet rank.

One White House official explained the reversal this way: "The general wants some troops to command, and Clinton wanted the general." But White House aide Rahm Emanuel, who handled the upgrading of the operation, said the new staffing levels and access for McCaffrey signal Clinton's confidence in the former head of the military's Southern Command and his commitment to an expanded fight against drugs.

"This is what he needs to get the president's policy implemented," Emanuel said. "It is what the president believes will help us improve on our record."

While the new staff and spending are likely to consign Clinton's staff-cut efforts to history, it will help him with what may be a more potent political issue: his commitment to drug control at a time when drug use among young people has risen every year he has been in office.

Clinton yesterday sent to Congress a request for $3.4 million in supplemental spending for the Office of National Drug Control Policy. That request will pay for 80 new jobs, according to the White House submission. In addition, McCaffrey has gotten White House approval to take 30 "detailees" from the Pentagon to his new operation. Detailees are paid by their home agencies, so their cost is not reflected in the White House budget.

The White House also has given McCaffrey the go-ahead to formulate a plan for spending an additional $250 million this year on the anti-drug effort, much of it reprogrammed Pentagon funds.

In all, the new Clinton drug policy office will have funding for 150 employees, four more than its high point in the Bush administration. It was these workers that Clinton turned to in large measure when he had to make the cuts in White House operations to meet his campaign pledge to shave the staff by 25 percent.

Despite significant misgivings from his own staff and many outsiders, Clinton argued during the campaign that the White House should operate with 25 percent fewer workers than in the Bush era. The pledge was meant to symbolize the president's commitment to make sacrifices himself before he asked other parts of government and the American people to sacrifice in the name of deficit reduction and more efficient government.

On taking office, the Clinton team used some creative accounting to readjust the baseline of what is normally considered White House staff so that fewer cuts would produce the 25 percent goal. But they still had to cut 350 slots from a total of 1,394, and the drug office took by far the biggest hit. White House officials argued that other parts of the government, including the Pentagon and the State Department, could pick up the slack.

White House officials now say they will try to keep the staff level down for the full year to meet the 25 percent reduction, even with the rush of new workers.

And they reject any link between the election year and staffing up anti-drug efforts.

"Our policy has been strong throughout. The president has emphasized anti-drug efforts throughout his administration. It has been an important priority," Barry Toiv, a deputy to White House Chief of Staff Leon E. Panetta, said yesterday. "The president obviously has tremendous respect for General McCaffrey's ability, and the general feels that with additional resources he can do an even better job. The president wants him to have those resources."

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 1:52 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 497. An act to create the National Gambling Impact and Policy Commission.

H.R. 2778. An act to provide that members of the Armed Forces performing services for the peacekeeping effort in the Republic of Bosnia and Herzegovina shall be entitled to certain tax benefits in the same manner as if such services were performed in a combat one, and for other purposes.

H.R. 2853. An act to authorize the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of Bulgaria.

At 4:02 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 927) to seek international sanctions against the Castro government in Cuba, to plan for support of transition leading to a democratically elected government in Cuba, and for other purposes.

MEASURE REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 2853. An act to authorize the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of Bulgaria; to the Committee on Finance.

MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 497. An act to create the National Gambling Impact and Policy Commission.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1915. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 94-08; to the Committee on Appropriations.

EC–1916. A communication from the Secretary of Energy, transmitting, pursuant to law, the report on the Elk Hills Reserve; to the Committee on Armed Services.

EC–1917. A communication from the Director of Administration and Management, Office of the Secretary of Defense, transmitting, pursuant to law, the report of agreements and transactions for fiscal year 1995; to the Committee on Armed Services.

EC–1918. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, a statement regarding a transaction involving exports to Ukraine; to the Committee on Banking, Housing, and Urban Affairs.

EC–1919. A communication from the Executive Director of the Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC–1920. A communication from the Vice President of Government and Public Affairs of the National Railroad Passenger Corporation, transmitting, pursuant to law, the Amtrak annual report for calendar year 1995 and grant request and legislative report for calendar year 1996; to the Committee on Commerce, Science, and Transportation.

EC–1921. A communication from the Comptroller of the Currency, transmitting, pursuant to law, the report on consumer complaints for calendar year 1995; to the Committee on Commerce, Science, and Transportation.

EC–1922. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the Federal Aviation Administration; to the Committee on Commerce, Science, and Transportation.

EC–1923. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the benefits of safety belts and motorcycle helmets; to the Committee on Commerce, Science, and Transportation.

EC–1924. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Effectiveness of Occupant Protection Systems and Their Use"; to the Committee on Commerce, Science, and Transportation.

EC–1925. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report on Federal technology partnerships; to the Committee on Commerce, Science, and Transportation.

EC–1926. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report entitled "Fisheries of the United States"; to the Committee on Commerce, Science, and Transportation.

EC–1927. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, a report of a budget estimate, request, or information; to the Committee on Commerce, Science, and Transportation.

EC–1928. A communication from the Administrator of the Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled "Performance Profiles of Major Energy Producers 1994"; to the Committee on Energy and Natural Resources.

EC–1929. A communication from the Secretary of Energy, transmitting, pursuant to law, the 1994 annual report on low-level radioactive waste management; to the Committee on Energy and Natural Resources.

EC–1930. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to Exxon and stripper well oil overcharge funds as of September 30, 1995; to the Committee on Energy and Natural Resources.

EC–1931. A communication from the Deputy Associate Director for Compliance, Royalty Management Program, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC–1932. A communication from the Director of the Minerals Management Service, Department of the Interior, transmitting, pursuant to law, the report of the Proposed 5-Year Outer Continental Shelf (OCS) Leasing Program for 1997–2002; to the Committee on Energy and Natural Resources.

EC–1933. A communication from the Deputy Associate Director for Compliance, Royalty Management Program, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEE SUBMITTED DURING RECESS

Pursuant to the order of the Senate of March 5, 1996, the following report was submitted during the recess of the Senate:

S. Res. 227: An original resolution to authorize the use of additional funds for salaries and expenses of the Special Committee To Investigate Whitewater Development Corporation and Related Matters, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATFIELD, from the Committee on Appropriations, without amendment:

S. 1594. An original bill making omnibus consolidated rescissions and appropriations for the fiscal year ending September 30, 1996, and for other purposes (Rept. No. 104–236).

By Mr. BOND, from the Committee on Small Business, with an amendment in the nature of a substitute:

S. 942. A bill to promote increased understanding of Federal regulations and increased voluntary compliance with such regulations by small entities, to provide for the designation of regional ombudsmen and oversight boards to monitor the enforcement practices of certain Federal agencies with respect to small business concerns, to provide relief from excessive and arbitrary regulatory enforcement actions against small entities, and for other purposes.

By Mr. HATFIELD, from the Committee on Appropriations:

Special Report entitled "Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1996" (Rept. No. 104–237).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mrs. KASSEBAUM, from the Committee on Labor and Human Resources.

Marca Bristo, of Illinois, to be a Member of the National Council on Disability for a term expiring September 17, 1998. (Reappointment)

Kate Pew Wolters, of Michigan, to be a Member of the National Council on Disability for a term expiring September 17, 1998. (Reappointment)

Edna Fairbanks-Williams, of Vermont, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 1998. (Reappointment)

Donna Dearman Smith, of Alabama, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring March 3, 1998.

LaVeeda Morgan Battle, of Alabama, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 18, 1998. (Reappointment)

John N. Erlenborn, of Illinois, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 1998.

David Finn, of New York, to be a Member of the National Council on the Humanities for a term expiring January 26, 2000.

William P. Foster, of Florida, to be a Member of the National Council on the Arts for a term expiring September 3, 2000.

Patricia Wentworth McNeil, of Massachusetts, to be Assistant Secretary for Vocational and Adult Education, Department of Education.

Norman I. Maldonado, of Puerto Rico, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 1999.

Wallace D. McRae, of Montana, to be a Member of the National Council on the Arts for a term expiring September 3, 1998.

Luis D. Rovira, of Colorado, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2001.

Patrick Davidson, of California, to be a Member of the National Council on the Arts for a term expiring September 3, 2000.

Townsend D. Wolfe, III, of Arkansas, to be a Member of the National Council on the Arts for a term expiring September 3, 2000.

Pascal D. Forgione, Jr., of Delaware, to be Commissioner of Education Statistics for a term expiring June 21, 1999.

Speight Jenkins, of Washington, to be a Member of the National Council on the Arts for a term expiring September 3, 2000.

Mary Burrus Babson, of Illinois, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term of one year. (New Position.)

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. McCAIN:

S. 1591. A bill to prohibit campaign expenditures for services of lobbyists, and for other purposes; to the Committee on Rules and Administration.

By Mr. LAUTENBERG (for himself, Ms. MOSELEY-BRAUN, Mrs. BOXER, Ms. SNOWE, Mr. SIMON, Mr. KERRY, and Mr. FEINGOLD):

S. 1592. A bill to strike the prohibition on the transmission of abortion-related matters, and for other purposes; to the Committee on the Judiciary.

By Mr. SPECTER (for himself and Mr. KERREY):

S. 1593. A bill to amend the National Security Act of 1947 to provide for the appointment of two Deputy Directors of Central Intelligence, to strengthen the authority of the Director of Central Intelligence over elements of the Intelligence Community, and for other purposes; to the Select Committee on Intelligence.

By Mr. HATFIELD:

S. 1594. An original bill making omnibus consolidated rescissions and appropriations for the fiscal year ending September 30, 1996, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. BRADLEY (for himself, Mr. LEAHY, Mr. SIMON, Mr. LAUTENBERG, Mr. GRAHAM, Mr. BRYAN, Mr. PELL, Ms. MOSELEY-BRAUN, and Mr. KERRY):

S. 1595. A bill to repeal the emergency salvage timber sale program, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. THOMAS (for himself, Mr. HELMS, Mr. MURKOWSKI, Mr. SIMON, and Mr. MACK):

S. Con. Res. 43. A concurrent resolution expressing the sense of the Congress regarding proposed missile tests by the People's Republic of China; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McCAIN:

S. 1591. A bill to prohibit campaign expenditures for services of lobbyists, and for other purposes; to the Committee on Rules and Administration.

CAMPAIGN EXPENDITURES LEGISLATION

• Mr. McCAIN. Mr. President, recently the Congress was successful in passing legislation that would ban gifts from Members and staff and put a wall between lobbyists who seek to curry special favor by the giving of gifts. Unfortunately, recent news articles have exposed a loophole that some have sought to exploit. Specifically, some lobbyists have served as fundraisers for Members of Congress and sought to increase their influence by means of coordinating campaign contributions

Mr. President, this practice must stop. Registered lobbyists who work for campaigns as fundraisers clearly represent a conflict of interest. When a campaign employs an individual who also lobbies that Member, the perception of undue and unfair influence is raised. This legislation would stop such practices.

This bill would ban a candidate or a candidate's authorized committee from paying registered lobbyists. Additionally, the bill would mandate that any contributions made by a registered lobbyist be reported by such individual when he or she files his or her lobbying disclosure report as mandated by the Lobbying Disclosure Act.

Mr. President, this bill is not aimed at any individual, but instead at a practice that has come to light. It is also not meant in any way to impugn anyone's integrity or good name. But it does seek to end a practice that is giving the Congress as a whole a bad name.

These two small changes in law represent a substantial effort to close any loopholes that exist in our lobbying and gift laws. The Congress has begun to make great strides to restore the public's confidence in this institution. We must continue that good work.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1591

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT OF FECA.

(a) IN GENERAL.—Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end the following new subsection:

"(i) Notwithstanding any other provision of this Act, a candidate and the candidate's authorized committees shall not make disbursements for any services rendered by, any individual if such individual, was required to register as a lobbyist under the Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.).".

(b) REPORTING.—Section 304(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)) is amended—

(1) in paragraph (7), by striking "and" after the semicolon;

(2) in paragraph (8), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(9) for an authorized committee, an identification, including the name and address, of any lobbyist (as that term is defined in section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602)) who provided services to the authorized committee, regardless of whether disbursements were made for such services.".

SEC. 2. AMENDMENT OF LOBBYING DISCLOSURE ACT OF 1995.

Section 5(b) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604(b)) is amended—

(1) in paragraph (3), by striking "and" after the semicolon;

(2) in paragraph (4), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(5) the amount and date of each contribution by the registrant to a candidate, or an authorized committee (as that term is defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) of a candidate, for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress.".•

By Mr. LAUTENBERG (for himself, Ms. MOSELEY-BRAUN, Mrs. BOXER, Ms. SNOWE, Mr. SIMON, Mr. KERRY, and Mr. FEINGOLD):

S. 1592. A bill to strike the prohibition on the transmission of abortion-related matters, and for other purposes; to the Committee on the Judiciary.

THE COMSTOCK CLEAN-UP ACT OF 1996

• Mr. LAUTENBERG. Mr. President, on behalf of Senators SNOWE, MOSELEY-BRAUN, BOXER, FEINGOLD, KERRY, SIMON, and myself, today I am introducing legislation, the Comstock Clean-up Act, to repeal a law that prohibits the transmission of abortion-related information over the Internet and through the mail.

Mr. President, freedom of speech is among the most fundamental of democratic rights. Yet the recently-enacted telecommunications bill include a little-noticed provision that directly violates this basic principle.

The provision applies to the Internet an archaic law known as the Comstock Act. The Comstock Act prohibits the interstate transport of materials that provide information about abortion, or the interstate transport of drugs or devices that are used to perform abortions. These prohibitions were first enacted in 1873, and they have been on the books ever since. Under the law, first-time violators are subject to a fine of up to $250,000 and five years in prison.

Mr. President, these prohibitions almost certainly are unconstitutional. And, fortunately, President Clinton has said that his Justice Department will not enforce them.

Yet many users of the Internet are concerned, and understandably so. After all, Bill Clinton is a pro-choice President. But what if Pat Buchanan wins the Presidency? Or BOB DOLE? Zealous prosecutors in their administrations might well use the new law to harass people who are pro-choice, and to chill speech about abortion over the Internet.

In other words, if you distribute information about abortion over the Internet today, there's no assurance that you won't be prosecuted next year.

Mr. President, anyone prosecuted under this law almost certainly would be able to successfully challenge its constitutionality. Yet who wants to be the one innocent American who's forced to defend hereself against the power of the U.S. Government? The costs of defending oneself in a criminal case often are enormous. And many Internet users will be unwilling to risk being a test case. Current law therefore threatens to have a severe chilling effect on abortion-related speech.

Over the past few years, numerous pro-choice groups, such as the National Abortion and Reproductive Rights Action League and Planned Parenthood, have established home pages on the world wide web. These home pages provide important information about birth control, women's health, and abortion.

Women can also obtain information about clinics in their area over the Internet. Within the last month and a half alone, over 1,500 people have accessed such an Internet site. Under this new law, these 1,500 persons potentially could have been arrested, fined up to $250,000, or sent to prison for five years.

Mr. President, this law adversely affects people on both sides of the abortion issue. Groups opposed to abortion are at risk when they mail information about abortion providers, just as are those who support abortion rights. All Americans should be able to freely discuss abortion-related matters, no matter how they might feel about this issue.

So this bill would repeal the prohibition against the interstate transportation of drugs and articles that produce abortions and the dissemination of abortion-related information across State lines. It also would repeal a prohibiton against mailing information about abortions, abortion providers and articles or drugs that produce abortions.

Mr. President, I hope my colleagues on both sides of the aisle and both sides of the abortion debate join me in support of this legislation and I ask unanimous consent that a copy of the bill, and related materials, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1592

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Comstock Clean-up Act of 1996".

SEC. 2. IMPORTATION OR TRANSPORTATION OF CERTAIN ABORTION-RELATED MATTERS.

Section 1462 of title 18, United States Code, is amended by striking subsection (c).

SEC. 3. MAILING OF ABORTION-RELATED MATTERS.

Section 1461 of title 18, United States Code, is amended by striking "; and—" and all that follows through "Is declared" and inserting "is declared".

OFFICE OF THE ATTORNEY GENERAL,
Washington, DC., February 9, 1996.

Hon. NEWT GINGRICH,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: On February 7, 1996, a lawsuit was filed challenging the constitutionality of a provision of 18 U.S.C. §1462, as amended by section 507(a)(1) of the Telecommunications Act of 1996. *Sanger, et al.* v. *Reno*, Civ. No. 96–0526 (E.D.N.Y.). Yesterday, a second lawsuit was filed, raising the same challenge to §1462 along with claims that several other provisions of the Telecommunications Act are unconstitutional. *American Civil Liberties Union, et al.* v. *Reno*, Civ. No. 96–963 (E.D. Pa.). This letter relates solely to the claims regarding §1462, as amended. Plaintiffs in both cases allege that §1462, as amended, violates the First Amendment insofar as it prohibits the interstate transmission of certain communications regarding abortion via common carrier or via an interactive computer service.

This is to inform you that the Department of Justice will not defend the constitutionality of the abortion-related speech provision of §1462 in those cases, in light of the Department's longstanding policy to decline to enforce the abortion-related speech prohibitions in §1462 (and in related statutes, i.e., 18 U.S.C. §1461 and 39 U.S.C. §3001) because they are unconstitutional under the First Amendment.

In 1981, Attorney General Civiletti informed the Speaker of the House and the President of the Senate that it was the policy of the Department of Justice to refrain from enforcing similar speech prohibitions in two cognate statutes—39 U.S.C. §3001 and 18 U.S.C. §1461—with respect to "cases of truthful and non-deceptive documents containing information on how to obtain a lawful abortion." Letter to Attorney General Benjamin R. Civiletti to the Hon. Thomas P. O'Neill, Jr., at 2 (Jan. 13, 1981). According to the Attorney General, there was "no doubt" that those statutes were unconstitutional as applied to such speech. Id. at 1. The Attorney General left open the possibility that the two statutes might still be applied to certain abortion-related commercial speech. Id. at 3. Two years later, the Supreme Court held that §3001 cannot constitutionally be applied to commercial speech concerning contraception, at least not where the speech in question is truthful and not misleading. *Bolger* v. *Youngs Drug products Corp.*, 463 U.S. 60 (1983). The holding in *Bolger* would apply equally with respect to abortion-related commercial speech. *See Bigelow* v. *Virginia*, 421 U.S. 809 (1975).

Section 1462 is subject to the same constitutional defect as §§1461 and 3001 with respect to its application to abortion-related speech and information.[1] As a result of the Department's conclusion that prosecution of abortion-related speech under §1462 and related statutes would violate the First Amendment, the Department's longstanding policy has been to decline to enforce those statutes with respect to that speech. What is more, we are not aware of any reported decision reflecting a prosecution of abortion-related speech under §1462.

Nothing in the Telecommunications Act provides any reason to alter the Department of Justice's nonenforcement policy. In his signing statement yesterday, the President stated:

> I . . . object to the provision in the Act concerning the transmittal of abortion-related speech and information. Current law, 18 U.S.C. 1462, prohibits transmittal of this information by certain means, and the Act would extend that law to cover transmittal by interactive computer services. The Department of Justice has advised me of its longstanding policy that this and related abortion provisions in current law are unconstitutional and will not be enforced because they violate the First Amendment. The Department has reviewed this provision of S. 652 and advises me that it provides no basis for altering that policy. Therefore, the Department will continue to decline to enforce that provision of current law, amended by this legislation, as applied to abortion-related speech.

The principal function of §1462 is to prohibit the interstate carriage of "obscene, lewd, lascivious, . . . filthy . . . [and] indecent" materials. See §1462(a). The Supreme Court has construed this prohibition to be limited to materials that meet the test of "obscenity" announced in *Miller* v. *California*, 413 U.S. 15 (1973).[2] Congress's express purpose in enacting the amendment to §1462 in Telecommunications Act §507 was to "clarify[]" that obscene materials cannot be transmitted interstate via interactive computer services.[3] In this respect, §1462 and its amendment in §507 are constitutionally unobjectionable, and the Department will continue to enforce §1462 with respect to the transmittal of obscenity.

However, §1462 also prohibits the interstate transmission of certain communications regarding abortion. As amended by §507 of the Telecommunications Act, §1462 provides, in pertinent part, that it shall be a felony to:

> knowingly use[] any express company or other common carrier or interactive computer service. . . for carriage in interstate or foreign commerce [of]. . .
>
> (c) any . . . written or printed card, letter, circular, book, pamphlet, advertisement, or notice of any kind giving information, directly or indirectly, where, how, or of whom, or by what means any [drug, medicine, article, or thing designed, adapted, or intended for producing abortion] may be obtained or made.

Thus, on its face, §1462 prohibits the use of an interactive computer service for "carriage in interstate . . . commerce" of any information concerning "any drug, medicine, article, or thing designed, adapted, or intended for producing abortion."[4]

It plainly would be unconstitutional to enforce §1462 with respect to speech or information concerning abortion, because the restriction on abortion-related speech is impermissibly content-based. This conclusion is confirmed by the judicial and Executive Branch treatment of similar prohibitions on speech concerning abortion and contraception, contained in two cognate statutes, 39 U.S.C. §3001 and 18 U.S.C. §1461. Section 3001 provides that abortion and contraception-related speech is "nonmailable"; and §1461 makes such mailing subject to criminal sanctions. In 1972, a district court declared that §3001 was unconstitutional insofar as it rendered abortion-related speech "nonmailable." *Atlanta Coop. News Project* v. *United States Postal Serv.*, 350 F. Supp. 234, 238–39 (N.D. Ga. 1972).[5] The next year, another district court declared both §3001 and §1461 unconstitutional as applied to noncommercial speech concerning abortion and contraception. *Associated Students for Univ. of California at Riverside* v. *Attorney General*, 368 F.Supp. 11, 21–24 (C.D. Calif. 1973). As the Attorney General later explained to the Congress, the Solicitor General declined to appeal the decisions in *Atlanta Coop. News Project* and *Associated Students* "on the ground that 18 U.S.C. §1461 and 39 U.S.C. §3001(e) were constitutionally indefensible" as applied to abortion-related speech. See Letter of Attorney General Benjamin R. Civiletti to the Hon. Thomas P. O'Neill, Jr., at 2 (Jan. 13, 1981). And, as explained above, in 1981 the Attorney General informed the Congress that the Department of Justice would decline to enforce §§1461 and 3001 in cases of truthful and non-deceptive documents containing information on how to obtain a lawful abortion.

Nothing in recent Supreme Court law respecting the First Amendment has affected the conclusions reached by the district courts in *Atlanta Coop. News Project* and *Associated Students*, the 1981 opinion of Attorney General Civiletti, or the Supreme Court's decision in *Bolger*. Indeed, the Supreme Court on several recent occasions has strongly reaffirmed the principle that the First Amendment, subject only to narrow and well-understood exceptions not applicable here, "does not countenance governmental control over the content of messages expressed by private individuals." *Turner Broadcasting System, Inc.* v. *FCC*, 114 S. Ct. 2445, 2458–59 (1994) (citing *R.A.V.* v. *City of St. Paul*, 505 U.S. 377 (1992); *Texas* v. *Johnson*, 491 U.S. 397 (1989)).

In the *Sanger* case, Judge Sifton yesterday denied plaintiffs' motion for a temporary restraining order after the United States Attorney represented that the Department's policy is to decline to enforce the pertinent provision of §1462. Judge Sifton further ruled that a three-judge court hearing on any dispositive motions will be convened next month, after briefing. In the *ACLU* case before Judge Buckwalter, the Government is due to respond to a motion for a TRO on February 14, 1996. In accordance with the practice of the Department, I am informing the Congress that in neither case will the Department of Justice defend the constitutionality of the provision of §1462 that prohibits speech concerning abortion.

Sincerely,

JANET RENO.

FOOTNOTES

[1] The only material difference between §1462 and the cognate prohibitions in §§1461 and 3001 is that §1462 regulates interstate "carriage" of information by common carrier, rather than dissemination of that information through the mail. This distinction is not material to the constitutional issue in this context.

[2] *See Hamling* v. *United States*, 418 U.S. 87, 114 (1974); *United States* v. *Orito*, 413 U.S. 139, 145 (1973), *United States* v. *12 200-Ft. Reels of Super 8mm Film*, 413 U.S. 123, 130 n.7 (1973).

[3] The Conference Committee on the Telecommunications Act noted that §507 is intended to address the use of computers to sell or distribute "obscene" material. Joint Explanatory Statement of the Committee of Conference at 77, reprinted in 142 Cong. Rec. H1130 (daily ed. Jan. 31, 1996).

[4] The Conference Committee Report on the Telecommunications Act explicitly notes that the prohibitions in §1462 apply regardless of whether the purpose for distributing the material in question is commercial or non-commercial in nature. Joint Explanatory Statement of the Committee of Conference at 77, reprinted in 142 Cong. Rec. H1130 (daily ed. Jan. 31, 1996).

[5] That court did not reach the merits of the challenge to the criminal prohibition in §1461 because the plaintiffs in that case were not threatened with prosecution. Id. at 239.

NARAL PROMOTING
REPRODUCTIVE CHOICES,
Washington, DC, March 6, 1996.

Hon. FRANK LAUTENBERG,
U.S. Senate,
Washington, DC.

DEAR SENATOR LAUTENBERG. I am writing to lend NARAL's strong support to legislation your introducing today which seeks to delete the ban on abortion-related speech from the 1873 Comstock Law governing the importation or transportation of obscene matters. A little noticed provision in the recently passed 1996 Telecommunications Act resurrects and expands the 123 year old law, making it a federal crime to use interactive computer systems to provide or receive information about abortion.

As an organization committed to ensuring that American women have access to all information relating to reproductive health care services, we and other pro-choice organizations have filed a lawsuit in U.S. District Court in New York to block this criminal ban on abortion related speech on the Internet.

Millions of Americans use the Internet to communicate with other Americans and to read information on a wide range of topics. The Internet provides an unprecedented opportunity to provide critical information about women's reproductive rights and health. Without swift passage of your legislation, millions of American women could lose access to vital information they need to make informed, responsible decisions about their reproductive health. I applaud your efforts to remove this anachronistic ban on abortion-related speech and your commitment to ensuring that American women have access to vital reproductive health care information.

Sincerely,

KATE MICHELMAN,
President.

THE CENTER FOR REPRODUCTIVE
LAW AND POLICY,
New York, NY, March 5, 1996.

Hon. FRANK LAUTENBERG,
Senate Hart Office Building,
Washington, DC.

DEAR SENATOR LAUTENBERG: On behalf of the Center for Reproductive Law and Policy (CRLP), I am writing to support your effort to repeal the ban on abortion information on the Internet found in 18 U.S.C. 1462(c). CRLP, an independent non-profit legal organization dedicated to preserving and ensuring women's access to reproductive health and rights, represents the plaintiffs in *Sanger v. Reno*, a federal case challenging this ban.

18 U.S.C. §1462(c) is an affront to the First Amendment rights of our plaintiffs, as well as all reproductive health care professionals, women's civil rights activists, students, and particularly women seeking information in order to make comprehensive reproductive health care decisions. 18 U.S.C. 1462(c)'s ban on abortion information on the Internet is broad enough to encompass a wide range of activities, including advertisement of abortions services; transmission of chemical formulas for drugs that can be used to induce abortion; purchase or sale of medical equipment used in abortion procedures; and computer bulletin boards or World Wide Web sites that tell women where they can obtain abortions.

While anti-choice forces promote coercive so-called "informed consent" laws requiring health care professionals to recite a litany of unwanted and misleading information to women seeking abortions, they simultaneously enact provisions such as 18 U.S.C. §1462(c) which deny women access to real health care information about abortion.

18 U.S.C. §1462(c) must be repealed. Not only does it threaten the First Amendment, jeopardize free flow of medical information, and exclude issues critical to women from new communications technology, it also reflects a broader agenda to drive abortion underground by characterizing this health care as an illicit procedure.

For these reasons, we applaud your efforts to repeal §1462(c) as a necessary step toward safeguarding women's health and providing women the information they need to make thoughtful and responsible health care decisions.

Sincerely,

KATHRYN KOLBERT.

PLANNED PARENTHOOD
OF NEW YORK CITY, INC.,
New York, NY, February 27, 1996.
Hon. FRANK R. LAUTENBERG,
U.S. Senate, Senate Hart Office Building, Washington, DC.

DEAR SENATOR LAUTENBERG: We thank you for introducing critical legislation to repeal the "abortion gag rule" portion of the Telecommunications Act.

We are gratified that pro-choice leaders like you are battling this misguided attempt to turn back the clock 80 years—to 1916, when the Comstock Law was used to jail my grandmother and Planned Parenthood founder Margaret Sanger. It is shocking to realize that I, too, could be jailed for violating the same law, having published on the Internet our brochure "How to Find A Safe Abortion Clinic." At times like these it is reassuring to know that we can count on some voices of reason in Congress: those who understand that the freedom to speak about sexual and reproductive health issues, including information on safe abortion services are rights protected by our Constitution.

Planned Parenthood of New York City deeply appreciates your courageous stance to protect and advance the rights of all Americans. We stand ready to help you in any way we can, and hope you will call on us to do so.

Sincerely,

ALEXANDER C. SANGER,
President.

CALIFORNIA ABORTION AND
REPRODUCTIVE RIGHTS ACTION LEAGUE,
San Francisco, CA, February 26, 1996.
SENATOR FRANK LAUTENBERG,
Hart Office Building,
Washington, DC.

DEAR SENATOR LAUTENBERG: On behalf of the California Abortion and Reproductive Rights League-North (CARAL-North), I am writing in support of legislative efforts to amend the Comstock Act, 18 U.S.C. 1462, by striking subsection (c) dealing with the transportation of certain abortion-related matters.

CARAL-North is one of the plaintiffs in *Sanger* v. *Reno*, the lawsuit challenging recently enacted restrictions on the dissemination of information and material about abortion. CARLA-North maintains a site on the World Wide Web and uses the Internet to provide information about abortion and reproductive rights—activities proscribed under the Comstock Act as amended by the telecommunications bill recently passed by Congress and signed into law by President Clinton.

CARAL-North believes that the protection of women's health and women's rights requires the greatest possible availability of information about where, when and how women can obtain safe and legal abortions. Legislation like 18 U.S.C. 1462(c)—which restricts or prohibits the spread of such information and the transport of materials used in performing legal, accepted medical procedures—has no place in this society.

CARAL-North commends your work to protect women's rights and health by removing this barrier to reproductive health, and thanks you.

Sincerely,

ANN G. DANIELS,
Executive Director.

THE FEMINIST MAJORITY,
Arlington, VA, March 5, 1996.
Hon. FRANK LAUTENBERG,
U.S. Senate, 506 Hart Senate Office Building, Washington, DC.

DEAR SENATOR LAUTENBERG: On behalf of the Feminist Majority, I am writing to support your effort to repeal the ban on abortion information on the Internet found in 18 U.S.C. 1462(c). The Feminist Majority is one of the plaintiffs in the *Sanger* v. *Reno* case, a federal case challenging this ban.

Use of 18 U.S.C. 1462(c) is an affront to the First Amendment rights of the Feminist Majority and the other plaintiffs, as well as all reproductive health care professionals, women's civil rights activists, students, and particularly women seeking information in order to make comprehensive reproductive health care decisions. 18 U.S.C. 1462(c) is broad enough to encompass a wide range of activities, including advertisement of abortion services over the Internet; Internet transmission of chemical formulas for drugs that can be used to induce abortion; purchase or sale of medical equipment used in abortion procedures over the Internet; and computer bulletin boards or World Wide Web sites that tell women where they can obtain abortions.

While anti-choice forces promote coercive so-called "informed consent" laws requiring health care professionals to recite a litany of unwanted and misleading information to women seeking abortions, they simultaneously promote provisions such as 18 U.S.C. 1462(c) which deny women access to real health care information about abortion. The ban must be repealed not only because it threatens the First Amendment, jeopardizes the free flow of medical information, and excludes issues critical to women from new communications technology, but also because it is part of a broader agenda to drive abortion underground by characterizing this health care as an illicit procedure.

For these reasons, we applaud your efforts to repeal Section 1462(c) with the Freedom to Choose Internet Information Act of 1996 as a necessary step toward safeguarding women's health and providing women the information they need to make thoughtful and responsible health care decisions. Thank you for your courage in undertaking this repeal effort.

Sincerely,

ELEANOR SMEAL,
President.•

By Mr. SPECTER (for himself and Mr. KERREY):

S. 1593. A bill to amend the National Security Act of 1947 to provide for the appointment of two Deputy Directors of Central Intelligence, to strengthen the authority of the Director of Central Intelligence over elements of the Intelligence Community, and for other purposes; to the Select Committee on Intelligence.

THE INTELLIGENCE ORGANIZATION ACT OF 1996

Mr. SPECTER. Mr. President, I seek recognition, reasonably briefly, to introduce legislation proposed by the Brown Commission on the reorganization of the U.S. intelligence community.

The Brown Commission, which filed its report last Friday, March 1, today testified before the Senate Intelligence Committee, which I chair, and, as a courtesy, Senator KERREY, the distinguished vice chairman of the committee, and I are introducing their legislative package.

The Brown Commission came to some very important conclusions, many of which I agree with, some of which I do not agree with.

I think they made an important statement on the need for continuing U.S. intelligence activities because there are still many dangers in the world, notwithstanding the demise of the Soviet Union. They have taken a step to eliminate secrecy by their recommendation on the disclosure of the total Intelligence Committee budget, a position adopted on the floor of this body several years ago but overturned in conference. The suggestion, I think, is very, very important as a start on declassification. My sense has been, in so many documents that crossed my desk as chairman of the Intelligence Committee, many are classified that need not be classified. As we have seen from the recent slush fund in the NRO, the National Reconnaissance Office, there is a need for public scrutiny, investigative reporting, so we have a better idea as to what is going on in the intelligence community. Where there is a need for secrecy—and I think the presumption ought to be in favor of secrecy, but it ought not to be absolute—if there is a need for secrecy, then let us maintain that secrecy, but let us not do so as a matter of rote, only as a matter of reason.

The Brown Commission came to the conclusion that the Director of Central Intelligence needs to have his or her hand strengthened. Senator KERREY and I agree with that. But there is considerable feeling on the Intelligence Committee that we need to go further on that particular line.

When the Brown Commission says that an enormous amount of intelligence community work ought to stay in the Department of Defense, I have grave reservations about that. It is true that the Department of Defense is the customer and the Department of Defense provides a great deal of the resources. But, if you have agencies like NRO, NSA, and so much of HUMINT—human intelligence—remaining under the Department of Defense, it does not give the Director of the Central Intelligence Agency the authority that he needs to really be able to operate.

One of the very serious problems in the intelligence community today is an attitudinal problem. We saw that in the Aldrich Ames matter. We have seen it in the investigation on Guatemala, where, in a hearing, one of our Members, Senator COHEN, was very blunt in an open hearing saying that the CIA had lied in withholding information from the oversight committee.

Testimony was taken by the committee from a veteran of the CIA on the issue of Soviet domination in sending tainted material back to the CIA, which the CIA had known to be tainted, controlled by Soviet sources, and yet that information was passed on to the highest levels, one key bit of information going to the White House in January of 1993 for both the President and the President-elect.

When questioned by the Intelligence Committee, this ranking, ex-CIA official said, "Well, we pass it on. We know better than the customers. If we told them it was tainted, they wouldn't use it." Really, an incomprehensible sort of a situation.

I think Director Deutch has done a very good job in his few months at the CIA. He faces a very, very difficult situation. When he concurred in testimony before the commission as to a Guatemala incident, that there had been willful failure to disclose, he later changed that view in a letter to the Intelligence Committee a few days later, showing the difficulties of being the Director of the CIA compared with a more independent role or at least a different role than the Senate Intelligence Committee has.

We also heard testimony today from former Senator, former majority leader Howard Baker of a very important nature, including Senator Baker's recommendation that there be a combination of the Senate and the House Intelligence Committees, a recommendation that at least preliminarily I agree with. We will have to pursue it and have hearings. But it is more than worth considering. It is something that really is an idea whose time, probably, has come. I am just limiting the final decision until we do have a hearing process and collaborate with our counterparts in the House of Representatives.

Mr. President, to reiterate, today Senator ROBERT KERREY and I are introducing legislation as a courtesy to the Commission on the Roles and Capabilities of the United States Intelligence Community. In August 1994, the Senate adopted a provision establishing this Commission to "review the efficacy and appropriateness of the activities of the United States Intelligence Community in the post-cold-war global environment." On March 1, 1996, the Commission submitted its report, entitled "Preparing for the 21st Century, An Appraisal of U.S. Intelligence." In addition, the Commission submitted proposed legislation to implement some of its proposals. We are introducing the Commission's proposed legislative package today at their request. It is our hope that other Members of the Senate and the public at large can participate fully in the upcoming debate on this important issue. Moreover, the Senate Select Committee on Intelligence intends to use this legislation, and other Commission recommendations, as a basis for additional proposals of the committee.

The legislation proposed by the Commission would make a number of changes in the way the intelligence community is organized and managed. First, it replaces the current Deputy Director of Intelligence with two new Deputies: one to manage the community and one to manage the Central Intelligence Agency. In addition, it amends the National Security Act to require DCI concurrence with respect to the appointment by the Secretary of Defense of the heads of the National Security Agency [NSA], the Central Imagery Office [CIO], and the National Reconnaissance Office [NRO]. In addition, its requires consultation with the DCI by the Secretaries of Defense, State, and Energy, as well as the Director of FBI, before the appointment of the heads of the intelligence elements within these agencies. This bill also mandates that the DCI provide to the Secretary of Defense an evaluation of the performance of the heads of NSA, NRO and the proposed National Imagery and Mapping Agency. The Commission's legislation also replaces the National Intelligence Council with a National Assessments Center that would remain under the purview of the DCI but would be located outside the CIA to take advantage of a broader range of information and expertise.

The most extensive aspect of this legislation is that which addresses personnel issues. The Commission is proposing new legislative authority for the most severely affected intelligence agencies, for 1 year, to "rightsize" their work forces to the needs of their organization. Agencies wishing to downsize by at least 10 percent over and above the current congressionally mandated levels would identify positions to be eliminated "in order to achieve more effectively and efficiently the mission of the agencies concerned." The incumbents of such positions, if close to retirement, would be allowed to retire with accelerated eligibility. If not close to retirement, they would be provided generous pay and benefits to leave the service of the agency concerned, or, with the concurrence of the agency affected, exchange positions with an employee not in a position identified for elimination who was close to retirement and would be allowed to leave under the accelerated retirement provisions. This bill also creates a single "senior executive service" for the intelligence community under the overall management of the DCI.

The Commission did an excellent job identifying the key issues and the Vice Chairman and I agree with some of their recommendations, particularly regarding institutional mechanisms for getting the policymakers more involved in identifying and prioritizing their information needs and for addressing transnational threats, ways to improve intelligence analysis, and the need to enhance accountability and oversight—to include declassifying the aggregate amount appropriated for the intelligence budget. The committee also will consider the Commission's recommendation to make the Select Committee on Intelligence a standing committee. However, I believe that the Commission did not go far enough in some areas.

The changes brought about by the collapse of the Soviet Union have dramatic implications for U.S. intelligence efforts. The demands for rapid responses to diverse threats in a rapidly changing world necessitate a steamlined intelligence community and a DCI with clear lines of authority. This is lacking in the intelligence bureaucracy that emerged during the bipolar world of the cold war.

As the Commission noted: "The Intelligence Community * * * has evolved over nearly 50 years and now amounts to a confederation of separate agencies and activities with distinctly different histories, missions, and lines of command." Recognizing the pitfalls of decentralized intelligence—less attention devoted to non-Defense requirements, waste and duplication, the absence of objective evaluation of performance and ability to correct shortcomings, and loss of synergy—the Commission supported centralized management of the intelligence community by the DCI. The Commission concluded, however, that the DCI has all the authority needed to accomplish this objective of centralized management, if only he spent less time on CIA matters and had the budget presented to him in a clearer fashion.

It is my sense that the current disincentives for intelligence to operate as a community, reduce unnecessary waste and duplication, and become more effective and efficient in meeting the Nation's needs can only be overcome by enhancing the DCI's statutory authority over the budget and administration of all nontactical intelligence activities and programs. A key issue for congressional oversight of the intelligence community is accountability. It has become increasingly clear that a single manager, the DCI, must be accountable for the success or failure of the intelligence community. Therefore, the DCI must be given the authorities he needs to carry out this responsibility.

For example, the Commission recommends that the DCI concur in the appointment or recommendation of the heads of national intelligence elements within the Department of Defense, and be consulted with respect to the appointment of other senior officials within the intelligence community. We believe the DCI should recommend the appointment of all national agency heads, with concurrence from the heads of the parent organizations. Along these lines, the heads of the major collection agencies should be confirmed to that position; today they are confirmed only with respect to their promotion to the rank designated for each position.

The Commission noted in its report: "The annual budgets for U.S. intelligence organizations constitute one of the principal vehicles for managing intelligence activities, * * *. How effectively and efficiently the intelligence community operates is to a large degree a function of how these budgets are put together and how they are approved and implemented." I agree with this assessment and conclude that the DCI must have ultimate control over the formulation and execution of these budgets if he or she is to effectively manage the intelligence community.

The Select Committee on Intelligence will consider these and other alternative proposals over the upcoming weeks as we move toward mark-up of legislation to renew and reform the U.S. intelligence community to meet the challenges of our changing world.

Mr. KERREY. Mr. President, I rise today to join with Chairman SPECTER to introduce legislation. We are embarking on a course to change the U.S. intelligence community, and this legislation is the chart upon which we will be marking that course.

Over a year ago, Congress created a Presidential commission to evaluate the intelligence community's ability to respond to a rapidly changing world. Sadly, the commission's first chairman, the Honorable Les Aspin, passed away after he had ably established the Commission and they had started their work. We owe many debts of gratitude to Les Aspin, and this legislation is one more example of the fine work he did in the service of his country.

Chairman HAROLD BROWN and our former colleague, Vice Chairman Warren Rudman, quickly took the helm, and the Commission embarked on almost a year's evaluation of the U.S. Government's intelligence needs and the intelligence community's ability to meet those needs. We are especially grateful to our able colleagues, Senator JOHN WARNER and Senator JIM EXON, who played important and active roles in the Commission's work. Their broad base of experience coupled with the other Commission members' outstanding credentials permitted a wide variety of views and ideas to come together. There are no assumptions here. They looked wide and deep. They interviewed over 200 experts and received formal testimony from 84 witnesses. It was a remarkable effort which has produced a significant report. I do not concur with all their recommendations, and there are some areas in which they do not go as far as I would. I look on their report as a solid base upon which Congress and the administration can build.

For me, one of the most important results of their evaluation is their reaffirmation of the need for intelligence. Intelligence contributes heavily to most of our national decisions about foreign policy, law enforcement, and military matters. I am convinced intelligence is the edge we must have in the face of stiff global competition for leadership, and as our Government fulfills its responsibility to protect Americans in an increasingly dangerous world. The Brown Commission clearly explains why this is so.

The Brown Commission recognized the world today is very different from the world which existed while the Intelligence Community was growing up. Confronted with the overwhelming military threat of the Soviet Union, the intelligence community responded by organizing itself to examine every part of that military threat as best as it could. While some critics argue that the intelligence community missed the big ones—the fall of the Berlin Wall, the collapse of the Soviet economy—there is no question the United States was ably informed on the Soviet Union's military threat. But that threat, while still capable of attacking us, is receding.

Today, the threats, facing the United States do not initially present themselves as military threats—although if we fail to recognize them in time, we have to deploy our military when nothing else works. The erosion of nation-state power in many places, the rise of transnational movements and global crime, and the fierce economic competition we face, have together created a new set of threats that are not military soluble.

Insight and predictive analysis is as important in charting the American course in this new world as it was in the old world of superpower military confrontation. We must make sure the intelligence community is optimally organized for this new world. That is why I urge consideration of the Brown Commission report, and why the Intelligence Committee will take up these and other reform proposals in the months ahead.

The Brown Commission establishes three recurring themes about intelligence: The need to better integrate intelligence into the policy community; the need for intelligence agencies to operate as a community; the need to create greater efficiency. These themes are clearly discernible and they also are quite consistent with a large segment of the public's view on intelligence: Something is wrong. If everything was all right, we wouldn't have a heinous spy like Aldrich Ames; we wouldn't have missed the fall of the wall or the collapse of the Soviet Union; we wouldn't have a palace for an NRO headquarters building; we wouldn't have unspent billions of NRO dollars sitting around unused and waiting for a rainy day. I agree that we need to better integrate intelligence with policy, enhance the effectiveness of the community and improve its efficiency. The time for reorganization is upon us.

The Brown Commission has made many important recommendations that address each of these themes. The Intelligence Committee will evaluate them closely. But I have already concluded that in some areas the Commission did not go far enough to ensure intelligence is integrated, effective, and efficient in a world continuing to evolve. In my view, the authorities of the Director of Central Intelligence need to be strengthened beyond what the Commission recommended, and the many agencies of the Intelligence Community need to be pulled into a closer relationship. There is no other way to make sure both the national and military customer get what they need, and there is also no other way to wring redundancy and excess cost out of the system.

I do not want leave the impression that U.S. intelligence is broken. Something is wrong, but the Nation is well-served by the men and women of the intelligence agencies serving around the world. Their patriotism and technical competence is unquestioned. Moreover, the director of Central Intelligence, John Deutch, has brought outstanding leadership to the community. Working closely with Secretary Perry, he already has set a new course for intelligence. The corporate culture which allowed an Aldrich Ames to continue is being dismembered. Congressional notification of significant intelligence activities has never been more prompt and complete. We need to institutionalize these changes and the superb cooperative relationship that exists between Director Deutch and Secretary Perry. Intelligence must and will serve all of its customers with timely, comprehensive, and hard-hitting analysis. The Brown Commission's recommendations have provided us with the basis to make this happen.

In conclusion, I want to thank Chairman SPECTER for his leadership on this issue. His close attention to the challenges facing the intelligence community and their solutions has created an environment where the committee can draft this legislation in a thoughtful, informed environment.

By Mr. BRADLEY (for himself, Mr. LEAHY, Mr. SIMON, Mr. LAUTENBERG, Mr. GRAHAM, Mr. BRYAN, Mr. PELL, Ms. MOSELEY-BRAUN, and Mr. KERRY):

S. 1595. A bill to repeal the emergency salvage timber sale program, and for other purposes; to the Committee on Energy and Natural Resources.

THE RESTORATION OF NATURAL RESOURCES LAWS ON THE PUBLIC LANDS ACT OF 1996

• Mr. BRADLEY. Mr. President, today I am introducing legislation to repeal the emergency salvage timber provisions that Congress enacted as part of last year's rescissions bill. I believe that the salvage rider is one of the biggest mistakes that Congress has made in natural resource management in the last 25 years. We need to admit our error and correct it as soon as possible with new legislation.

Both consciously and unwittingly, last Spring this body endorsed a program of logging without laws which undermines environmental protections for precious resources and has slight economic justification. Even worse, we passed the original rider with little understanding of its potential impact, without holding hearings, and based on an "emergency" that may not exist.

Members thought they were voting to remove dead and dying trees from our national forests in order to protect forest health and capture the remaining value of trees which had been damaged in a series of devastating forest fires. However, the rationale on which the rider was based, deteriorating forest health conditions, the rationale on which the rider was based, is supported by very little data. We lack even basic information to justify cutting trees on the scale endorsed by the rider and under conditions which effectively suspend environmental laws, and terminate almost all avenues for administrative and judicial appeal.

Members were surprised to find that the courts have interpreted the law to mandate the cutting of some of America's most valuable trees, including the healthy, old growth forests of western Oregon and Washington which have been off-limits to timber sales for years due to environmental concerns. These forests support a rich mix of fish and wildlife, from endangered bird species to commercially important salmon and are valuable as well for their own beauty and uniqueness. Yet under the rider these majestic trees might be sold at bargain prices under outdated contracts and using outdated environmental terms.

This is not just an issue for the Northwest. The rider also requires that the Forest Service offer salvage sales in all regions of the country including sales that would otherwise be rejected for legitimate environmental reasons. Although agencies such as the National Marine Fisheries Service, Fish and Wildlife Service and the Environmental Protection Agency have objected to many of these sales, courts have held that they must go forward, no matter how devastating, because they are required by the letter of the law.

In addition, the rider undermines President Clinton's consensus Northwest forest plan which took many months to produce and gave some hope for settling the region's longstanding timber wars. Instead, under the rider, the timber wars have resumed at full force.

Now we have a chance to reverse the mistakes we made last year and take a more measured approach to timber salvage sales. First, my bill returns forestry law to where it was before the rider was passed. Trees can still be cut but environmental laws must be obeyed. I believe it is appropriate to completely repeal the salvage rider, not just modify it around the edges and invite further confusion from the courts.

Second, my bill calls for a study of the forest health issue by the National Academy of Sciences and the General Accounting Office in order to determine the extent of the problem and how it can best be addressed, both financially and ecologically.

I urge my colleagues to join me in reversing last year's mistake. It is time to restore lawful logging on our national forests.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD as follows:

S. 1595

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Restoration of Natural Resources Laws on the Public Lands Act of 1996".

SEC. 2. REPEAL OF EMERGENCY SALVAGE TIMBER SALE PROGRAM.

(a) DEFINITION OF SECRETARY CONCERNED.—In this section, the term "Secretary concerned" means—

(1) the Secretary of Agriculture, with respect to an activity involving land in the National Forest System; and

(2) the Secretary of the Interior, with respect to an activity involving land under the jurisdiction of the Bureau of Land Management.

(b) REPEAL.—Section 2001 of Public Law 104–19 (109 Stat. 240; 16 U.S.C. 1611 note) is repealed.

(c) SUSPENSION.—

(1) IN GENERAL.—Notwithstanding any outstanding judicial order or administrative decision interpreting section 2001 of Public Law 104–19 (109 Stat. 240; 16 U.S.C. 1611 note) (as in existence prior to the date of enactment of this Act), the Secretary of Agriculture and the Secretary of the Interior shall suspend each activity that was being undertaken in whole or in part under the authority provided in the section, unless the Secretary concerned determines that the activity would have been undertaken even in the absence of the subsection.

(2) RESUMPTION OF AN ACTIVITY.—The Secretary concerned may not resume an activity suspended under paragraph (1) until the Secretary concerned determines that the activity (including any modification after the date of enactment of this Act) complies with environmental and natural resource laws.

SEC. 3. STUDIES.

(a) PURPOSE.—The purpose of this section is to provide factual information useful to the President and Congress in setting funding and operational levels for the public forests in order to ensure that the public forests are operated so that the health of forest resources is secured with ecological and financial effectiveness.

(b) NATURE AND EXTENT OF THE SITUATION.—

(1) IN GENERAL.—The Secretary of Agriculture, through the research branch of the Forest Service, shall undertake a study to report on the nature and extent of the forest health situation in the National Forest System.

(2) NATURE.—The nature of forest health shall be categorized into types of situations, including—

(A) overstocked stands of unmerchantable-size trees;

(B) stands with excessive fuel loads;

(C) mixed conifer stands with an inappropriate mix of tree species; and

(D) combinations of the situations described in subparagraphs (A) through (C).

(3) EXTENT.—The extent of forest health shall include acreage estimates of each situation type and shall distinguish variations in severity.

(4) REPRESENTATIVE SAMPLE MEASUREMENTS.—If feasible, the Secretary shall use representative sample measurements with a specified degree of confidence in extending the measurements to the whole population.

(5) PRESENTATION.—The report shall present data at the national forest or a comparable level and shall be displayed geographically and tabularly.

(6) REVIEW.—The report shall be properly reviewed by the scientific community prior to transmission under paragraph (7).

(7) TRANSMISSION.—The report shall be transmitted to Congress not later than 1 year after the date of enactment of this Act.

(c) ECOLOGICAL EFFICACY OF ACTIVITIES.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Agriculture shall enter into a contract with the National Academy of Sciences for the purpose of conducting a study of the ecological and forest health consequences of various activities intended, at least in part, to improve forest health.

(2) ACTIVITIES EXAMINED.—The activities examined under paragraph (1) shall include—

(A) site preparation for reforestation, artificial reforestation, natural regeneration, stand release, precommercial thinning, fertilization, other stand improvement activities, salvage harvesting, and brush disposal;

(B) historical as well as recent examples and a variety of conditions in ecological regions; and

(C) a comparison of various activities within a watershed, including activities conducted by other Federal land management agencies.

(3) TRANSMISSION.—The report shall be transmitted to the Chief of the Forest Service and to Congress not later than 2 years after the date of enactment of this Act.

(d) ECONOMIC EFFICACY OF ACTIVITIES.—

(1) IN GENERAL.—The Comptroller General of the United States, through the General Accounting Office, shall conduct a study of the Federal, State, and local fiscal and other economic consequences of activities intended, at least in part, to improve forest health.

(2) COORDINATION.—The study conducted under this subsection shall be coordinated with the study conducted under subsection (c)—

(A) to ensure that the same groups of activities in the same geographic area are examined; and

(B) to develop historic as well as recent effects that illustrate financial and economic trends.

(3) FEDERAL FISCAL EFFECTS.—In assessing the Federal fiscal effects, the Comptroller General shall distinguish the net effects on the Treasury of the United States from changes in the balances in the various special accounts and trust funds, including appropriated funds used to conduct the planning, execution, sale administration, support from other programs, regeneration, site restoration, agency overhead, and payments in lieu of taxes associated with timber cutting.

(4) TRANSMISSION.—The study shall be transmitted to the Chief of the Forest Service and to Congress not later than 2 years after the date of enactment of this Act.

(e) IMPROVEMENT OF ACTIVITIES.—In response to the findings of the National Academy of Sciences and the Comptroller General under subsections (c) and (d), the Chief of the Forest Service shall assess opportunities for improvement of, and progress in improving, the ecological, economic, and fiscal consequences and efficacy for each national forest.

(f) FOREST SERVICE STUDY.—

(1) IN GENERAL.—The Chief of the Forest Service shall conduct a study of alternative systems for administering forest health-related activities, including, modification of special account and trust fund management and reporting, land management service contracting, and government logging.

(2) SIMILARITIES AND DIFFERENCES.—The study shall compare and contrast the various alternatives with systems in existence on the date of the study, including—

(A) ecological effects;

(B) forest health changes;

(C) Federal, State, and local fiscal and other economic consequences; and

(D) opportunities for the public to be involved in decisionmaking before activities are undertaken.

(3) REQUIREMENTS OF STUDY.—To ensure the validity of the study, in measuring the effect of the use of contracting, the study shall specify the costs that contractors would bear for health care, retirement, and other benefits afforded public employees performing the same tasks.

(4) TRANSMITTAL.—The report shall be transmitted to Congress not later than 1 year after the studies conducted under subsections (c) and (d) are transmitted to Congress.

(g) PUBLIC AVAILABILITY.—The reports conducted under this section shall be published in a form available to the public at the same time the reports are transmitted to Congress. Both a summary and a full report shall be published.•

Mr. KERRY. Mr. President, today I join Senator BILL BRADLEY in introducing legislation to repeal the timber salvage rider, a law that has permitted destructive logging of ancient forests because it waives important environmental safeguards.

Let me first say that I do not oppose responsible logging on public or private lands, as long as it is done in compliance with our environmental statutes. The fundamental problem with the timber salvage provision as it is currently written, is that it does not comply with current Federal protection laws.

During debate of the 1995 Rescissions Act, proponents of the emergency timber measure stressed the need to remove dead and dying trees to protect the health of our forests in the Pacific Northwest. We were told that the rider would not cost the federal treasury one dime; in fact it would make money. We were told that the measure would not harm fish and wildlife and that it was needed only to expedite a small number of outstanding timber sales.

In other words, we were told that this rider would be a simple fix to a small problem and should be added without a congressional hearing or review to an entirely unrelated bill that was moving quickly through congress. As are all too aware, this was the way many anti-environmental statutes were being sold by the Republican leadership during the 1995 congressional term.

Regrettably, we know of the severe environmental damage that this statute has wrought on some of our most beautiful and oldest forest lands.

We now know that this statute is being used to clearcut healthy forests across the Nation including ancient forests as old as 500 years.

We know that this statute will cost American taxpayers billions of dollars by requiring them to subsidize bargain basement logging of our national forests.

We know that timber is being clearcut on steep slopes next to streams of spawning endangered salmon.

And we now know that the Federal Government is being forced to enter into far more than just a small number of contracts, and in fact, that the effect of this rider will be felt in the logging of national forests across the country.

I commend the Senator from New Jersey for his leadership on this issue, and I hope that the Senate will act expeditiously to enact the bill being introduced today and thereby repeal this extremely harmful so-called timber salvage rider.

Mr. LEAHY. Mr. President, we need our environmental laws back. Old-growth trees that have stood for 400 years are falling today, and it will the year 2400 before we get them back. We need to restore the laws.

To achieve this goal, I have cosponsored two efforts. One is a straight, fundamental attempt to overturn the salvage law, and one that is a practical attempt to stop the lawless logging. No one has worked harder than PATTY MURRAY to restore economic and ecological balance to the hoax of a "jobs versus the environment" campaign. I am proud to be an original cosponsor of her effort.

Senator BRADLEY, ranking Democrat on the Forests and Public Land Management Subcommittee, has taken the lead to simply overturn one of the worst environmental laws Congress has considered in years. As soon as the so-called salvage law passed, industry sued to cut the big old-growth trees. This will be a difficult bill to overturn, especially since we still have the same Congress through which it originally passed. Nonetheless, I am a proud original cosponsor of Senator BRADLEY's bill to repeal the salvage rider.

Proponents of logging without laws say that they must cut, build roads, risk mudslides, threaten fisheries, and scar the forest to create jobs. The facts don't support this twisted rationale. There were more than 14,200 new jobs in the Rocky Mountain-Pacific Northwest timber industry from 1992 until Congress forced through the rider, and the sector was still growing. Oregon had the lowest unemployment in a generation. We did not need to derail steady responsible growth with a return to the conflicts of the 1980's. Unfortunately, some groups have bought into the gluttony of the salvage rider, but have forgotten about putting food on the table for working families when the salvage free-for-all days are over.

Our No. 1 priority should be to restore stability to working families in rural communities. No one can tolerate another short-term logging binge. The current rider is bringing conflict. When it is repealed or expires, workers face another round of economic instability while we struggle with environmental triage on the forest resource.

But most importantly, we need to restore the environmental laws that this Congress suspended. The Forest Service is poised to release hundreds of millions of board feet of timber, and we must not leave the door open for such abuse. Both bills are steps in the right direction, and I hope we can unsaddle the salvage rider very soon.

ADDITIONAL COSPONSORS

S. 684

At the request of Mr. HATFIELD, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 684, a bill to amend the Public Health Service Act to provide for programs of research regarding Parkinson's disease, and for other purposes.

S. 949

At the request of Mr. GRAHAM, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 949, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 200th anniversary of the death of George Washington.

S. 1072

At the request of Mr. THURMOND, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 1072, a bill to redefine "extortion" for purposes of the Hobbs Act.

S. 1217

At the request of Mr. COATS, the name of the Senator from Tennessee [Mr. FRIST] was added as a cosponsor of S. 1217, a bill to encourage the provision of medical services in medically underserved communities by extending Federal liability coverage to medical volunteers, and for other purposes.

S. 1268

At the request of Mr. THOMAS, the name of the Senator from Mississippi

[Mr. COCHRAN] was added as a cosponsor of S. 1268, a bill to provide assistance for the establishment of community rural health networks in chronically underserved areas, to provide incentives for providers of health care services to furnish services in such areas, and for other purposes.

S. 1452

At the request of Mr. GRAMS, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 1452, a bill to establish procedures to provide for a taxpayer protection lock-box and related downward adjustment of discretionary spending limits and to provide for additional deficit reduction with funds resulting from the stimulative effect of revenue reductions.

S. 1483

At the request of Mr. KYL, the names of the Senator from Colorado [Mr. BROWN], the Senator from New Hampshire [Mr. SMITH], the Senator from New Hampshire [Mr. GREGG], and the Senator from Kentucky [Mr. MCCONNELL] were added as cosponsors of S. 1483, a bill to control crime, and for other purposes.

S. 1491

At the request of Mr. GRAMS, the names of the Senator from Indiana [Mr. COATS], the Senator from Michigan [Mr. ABRAHAM], and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of S. 1491, a bill to reform antimicrobial pesticide registration, and for other purposes.

S. 1524

At the request of Mr. LAUTENBERG, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 1524, a bill to amend title 49, United States Code, to prohibit smoking on any scheduled airline flight segment in intrastate, interstate, or foreign air transportation.

S. 1554

At the request of Mr. COCHRAN, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 1554, a bill to amend the Fair Labor Standards Act of 1938 to clarify the exemption for houseparents from the minimum wage and maximum hours requirements of that act, and for other purposes.

S. 1563

At the request of Mr. SIMPSON, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 1563, a bill to amend title 38, United States Code, to revise and improve eligibility for medical care and services under that title, and for other purposes.

S. 1567

At the request of Mr. LEAHY, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 1567, a bill to amend the Communications Act of 1934 to repeal the amendments relating to obscene and harassing use of telecommunications facilities made by the Communications Decency Act of 1995.

SENATE JOINT RESOLUTION 50

At the request of Mr. D'AMATO, the names of the Senator from North Carolina [Mr. HELMS], the Senator from Kentucky [Mr. MCCONNELL], and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of Senate Joint Resolution 50, a joint resolution to disapprove the certification of the President under section 490(b) of the Foreign Assistance Act of 1961 regarding foreign assistance for Mexico during fiscal year 1996.

SENATE RESOLUTION 226

At the request of Mr. NUNN, the names of the Senator from North Carolina [Mr. HELMS] and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of Senate Resolution 226, a resolution to proclaim the week of October 13 through October 19, 1996, as "National Character Counts Week."

At the request of Mr. DOMENICI, the names of the Senator from Alaska [Mr. STEVENS] and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of Senate Resolution 226, supra.

SENATE CONCURRENT RESOLUTION 43—RELATIVE TO THE PEOPLE'S REPUBLIC OF CHINA

Mr. THOMAS (for himself, Mr. HELMS, Mr. MURKOWSKI, Mr. SIMON, and Mr. MACK) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 43

Whereas the People's Republic of China, in a clear attempt to intimidate the people and Government of Taiwan, has over the past 8 months conducted a series of military exercises, including missile tests, within alarmingly close proximity to Taiwan;

Whereas on March 5, 1996, the Xinhua News Agency announced that the People's Republic of China will conduct missile tests from March 8 through March 15, 1996, within 25 to 35 miles of the 2 principal northern and southern ports of Taiwan, Kaohsiung and Keelung;

Whereas the proximity of these tests to the ports and the accompanying warnings for ships and aircraft to avoid the test areas will result in the effective blockading of the ports, and the probable disruption of international shipping, for the duration of the tests;

Whereas these tests are a clear escalation of the attempts by the People's Republic of China to intimidate Taiwan and influence the outcome of the upcoming democratic presidential election in Taiwan;

Whereas the decision of the United States to establish diplomatic relations with the Peoples' Republic of China rested upon the expectation that the future of Taiwan would be settled solely by peaceful means;

Whereas the strong interest of the United States in the peaceful settlement of the Taiwan question is one of the central premises of the three United States-China Joint Communiqués and was codified in the Taiwan Relations Act;

Whereas the Taiwan Relations Act states that peace and stability in the western Pacific "are in the political, security, and economic interests of the United States, and are matters of international concern";

Whereas the Taiwan Relations Act states that the United States considers "any effort to determine the future of Taiwan by other than peaceful means, including by boycotts, or embargoes, a threat to the peace and security of the western Pacific area and of grave concern to the United States";

Whereas the Taiwan Relations Act directs the President to "inform Congress promptly of any threat to the security or the social or economic system of the people on Taiwan and any danger to the interests of the United States arising therefrom";

Whereas the Taiwan Relations Act further directs that "the President and the Congress shall determine, in accordance with constitutional process, appropriate action by the United States in response to any such danger";

Whereas the United States, the People's Republic of China, and the Government of Taiwan have each previously expressed their commitment to the resolution of the Taiwan question through peaceful means; and

Whereas these missile tests and accompanying statements made by the Government of the People's Republic of China call into serious question the commitment of China to the peaceful resolution of the Taiwan question: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) the United States deplores the missile tests that the People's Republic of China will conduct from March 8 through March 15, 1996, and views them as a threat to the peace, security, and stability of Taiwan and not in the spirit of the three United States Joint Communiqués;

(2) the Government of the People's Republic of China should cease it bellicose actions directed at Taiwan and instead enter into meaningful dialogue with the Government of Taiwan at the highest levels, such as through the Straits Exchange Foundation in Taiwan and the Association for Relations Across the Taiwan Straits in Beijing, with an eye towards decreasing tensions and resolving the issue of the future of Taiwan;

(3) the President, consistent with section 3(c) of the Taiwan Relations Act (22 U.S.C. 3302(c)), should immediately consult with Congress on an appropriate United States response to the tests; and

(4) the President should, consistent with the Taiwan Relations Act (22 U.S.C. 3301 et seq.), reexamine the nature and quantity of defense articles and services that may be necessary to enable Taiwan to maintain a sufficient self-defense capability in light of the heightened threat.

Mr. THOMAS. Mr. President, I rise today as the chairman of the Subcommittee on East Asian and Pacific Affairs to submit Senate Concurrent Resolution 43, expressing the sense of the Congress regarding proposed missile tests in the Taiwan Straits.

Yesterday, the People's Republic of China announced that it would conduct a series of missile tests from March 8 through March 15, 1996, off the coast of Taiwan. While the Chinese have conducted other tests within close proximity to Taiwan in the past 8 months, these are especially provocative. The

People's Republic of China has announced that it will conduct these tests within between 25 and 35 miles of the Taiwan port cities of Kaohsiung and Keelung. The effect will be that, for a week, a wide corridor of ocean both immediately north and south of Taiwan will be unsafe for commercial traffic. Thus, the People's Republic of China has knowingly created what is in effect a blockade of these two ports—through which flows more than 70 percent of Taiwan's ship-borne trade—for the duration of the tests. In addition, the tests come just a week before Taiwan's first fully democratic Presidential elections on March 23. Clearly, the tests are part of the People's Republic of China's ongoing attempts to intimidate Taiwan and influence the upcoming elections.

It is both the proximity to Taiwan and the timing that make these tests especially troubling to me, and the signal they send.

When we normalized relations with the People's Republic of China in 1978 and 1979, we did so on the expectation that the future of Taiwan would be settled solely by peaceful means. That expectation underlies the three United States-People's Republic of China joint communiqués, and is codified in the Taiwan Relations Act, the statute that governs our relationship with Taiwan.

However, these tests and accompanying statements made at the highest levels of the Chinese Government in my mind call into serious question the People's Republic of China's commitment to settle the Taiwan issue by peaceful means. As such, they are of grave concern to me and, I believe, to the United States.

I hope that the People's Republic of China would move to diffuse the escalating problems in the straits and refrain from further provocations. At the same time, I hope that the Taiwan Government would do its part to reduce tensions. Both sides need to sit down with each other, and discuss the issue in a considered and rational manner, without threats and without the need to continually draw the United States into what is a matter solely for the Chinese on both sides of the straits—and Mr. President, I emphasize both sides—to decide. It is not an issue for the People's Republic of China to decide unilaterally at the barrel of a gun.

Mr. President, the resolution is fairly self explanatory.

Mr. President, in closing, let me note that I am pleased to be joined by Senator HELMS, the distinguished chairman of the Foreign Relations Committee, Senators MURKOWSKI and SIMON, two longstanding leaders on the issue of Taiwan in the Senate, and Senator MACK, in submitting this legislation today; I thank them for their support. I hope the rest of our colleagues will join us so that we can move this resolution quickly through the Senate and on the House.

Mr. MURKOWSKI. Mr. President, I am pleased to join Senator CRAIG THOMAS, chairman of the East Asia and the Pacific Subcommittee of the Foreign Relations Committee in offering this resolution that reaffirms the Taiwan Relations Act and condemns the People's Republic of China for their attempts to influence the upcoming Presidential election in Taiwan through threats and coercion.

The resolution has been submitted to the Chair previously by Senator THOMAS. This resolution makes four important points.

First, the United States deplores the missile test scheduled for March 8 to 15. It appears that these tests will impose a virtual blockade of Taiwan's two major ports and threaten international shipping lanes in the Taiwan Straits.

Second, the Congress calls on the People's Republic of China to cease its threats, and instead enter into a constructive dialog with the Republic of China, perhaps through their respective informal organizations: the Straits Exchange Foundation in Taiwan and the Association for Relations Across the Taiwan Straits in Beijing.

Third, the resolution directs the President of the United States to consult with the Congress, as required by the Taiwan Relations Act, because there is a threat to the security and the social and economic system of the people of Taiwan.

Fourth, the President and the Congress should reexamine the nature and quantity of the defense articles and services that may be necessary to enable Taiwan to maintain a sufficient self-defense capability in light of the heightened threat.

Mr. President, I suggest that President Nixon must be simply spinning in his grave tonight. When Richard Nixon first opened relations with Beijing some 20 years ago he believed that Asia could not progress if China remained isolated. His actions promised to help that country enter into a new and constructive relationship with the rest of the modern world. But in recent months, the leaders of Beijing have taken a number of self-defeating actions that can only turn back the pages of history and cripple China's economic progress.

Over the past 8 months, the People's Republic of China has conducted a series of military exercises, including missile tests, in close proximity to Taiwan. Now, we hear reports of the largest and closest military exercise to take place next week, just 1 week before the first democratic Presidential elections on Taiwan. What is more, Beijing has reportedly included veiled threats against the United States for supporting the process of free elections. One news report indicated that during an interview, a Chinese leader scoffed at the notion that the United States would defend Taiwan by saying the United States cares more about "Los Angeles than Taiwan." China, of course, produces missiles capable of launching nuclear warheads against both Taiwan and Los Angeles, and certainly against my home State of Alaska.

I feel confident that these reports, of course, are false, but China's most recent announcement that it intends to conduct massive tests near Taiwan, in effect imposing a miniblockade of Taiwan's two major ports prior to the Taiwan Presidential elections, does little to inspire confidence.

Some China watchers are inclined to rationalize Beijing's behavior. Apologists have blamed China's belligerence on the firm stand taken by this Congress. Today it is clear that China, not the Congress, is to blame for the current state of United States-China relations. Time and time again, before and after the 1989 Tiananmen Square attack on student protesters, China's rulers have shown themselves to be almost oblivious to the fact that a larger world—a world sensitive to human rights concerns, one that believes in religious and political freedom, and free and fair trade—exists beyond the People's Republic of China's borders.

People's Republic of China's President Jiang Zemin and his lieutenants must understand that this is why the United States finds China's ballistic missile diplomacy unacceptable. We support the peaceful settlement of differences between China and Taiwan and cannot idly watch a peaceful, democratic ally—which Taiwan is—be threatened.

Therefore, it is time for Congress, as set forth in this Senate resolution, to recommit the United States to the Taiwan Relations Act of 1979, which clearly states that America believes that peace and stability in the area are in the political, security and economic interests of the United States.

Further, the law of the land, the Taiwan Relations Act, commits the United States to resist any resort to force or other forms of coercion that would jeopardize the security or the social or economic system of the people of Taiwan.

We must remind Beijing that the decision of the United States to establish diplomatic relations with the People's Republic of China in 1979 was based upon the expectation that the future of Taiwan will be determined by peaceful means.

We also must continue selling Taiwan defensive weapons to help counter any thoughts China may have of using military force against the island. Along with these weapons, we must let the leaders in Beijing know that threats are useless as tools of foreign policy and are the rusted relics of diplomacy from a bygone and dangerous era.

China's leaders must know economic gains will evaporate if continued military threats—or worse—create havoc in East Asia. Beijing's officials must understand they cannot conduct business as usual with the world if missiles start falling in the Straits of Taiwan. They also need to know that the fear of war is often every bit as chilling to investment as the real thing.

Mr. President, I also want to add that Congress should congratulate the people of Taiwan for their continued advancement toward democracy. Congress should also state our support for the people of Taiwan to become involved in international organizations. Taiwan has emerged as a force for democracy and stability in Asia, and its people should be represented. The United States must also continue at the same time to encourage a true dialog between Beijing and Taipei that will lead to understanding and conciliation, rather than threats and confrontation.

With this latest round of threats against Taiwan—and the United States—it simply is time to step back and gather forces to support reason and dialog rather than the rumblings of hostility and war.

President Nixon was certainly correct in seeing the vast potential importance of China as a world economic power. But 25 years later the world still waits for Beijing to abandon its totalitarian ways and behave consistently as a civilized nation.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 9:30 a.m. on Wednesday, March 6, 1996, in open session, to receive testimony on the 1996 ballistic missile defense update review.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 2 p.m. on Wednesday, March 6, 1996, in open session, to receive testimony on the Department of Energy Environmental Management Program [EM], and on the Defense Nuclear Facilities Safety Board [DNFSB] activities.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, March 6, 1996, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this oversight hearing is to receive testimony on the issue of competitive change in the electric power industry.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, March 6, for a joint hearing with the House Government Reform and Oversight Committee at 9:30 a.m., for a hearing on the Oversight of the Government Performance and Results Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, March 6, 1996, at 10 a.m. in SD–226 to hold a hearing on "Interstate Transportation of Human Pathogens."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on the Reauthorization of National Institutes of Health, during the session of the Senate on Wednesday, March 6, 1996, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate on Wednesday, March 6, 1996, at 10 a.m., in room SR–428A, to mark up legislation pending in the committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, March 6, 1996, at 9 a.m., in SH–216, to hold an open hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. HATCH. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on Wednesday, March 6, at 9:30 a.m., to hold a hearing to discuss telemarketing fraud against the elderly.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NEAR EASTERN AND SOUTH ASIA AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Near Eastern and South Asia Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 6, 1996, at 2 p.m., to hold hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TERRORISTS IN ISRAEL

• Ms. MIKULSKI. Mr. President, once again, terrorists have targeted the heart of Israel. My prayers are with the people of Israel as they mourn the latest victims. Over 60 people have died in the terror of the last 10 days, and the peace process may die as well.

We cannot understand the kind of evil and cowardice that kills children as they walk to a party; families as they walk down the street on a holiday; ordinary and innocent people on their way to work. They time their attacks to kill as many civilians as possible. They load their bombs with nails—to make sure that all injuries are serious. Their goal is to kill Jews and to strike a death knell on the peace process.

Israelis are angry and afraid. Their confidence in the peace process is badly shaken—and I don't blame them. They have given up land and security in exchange for peace. Yet they still live under constant threat.

We must stand by Israel as a friend and ally. I support the President's plan to provide immediate assistance to Israel. The United States will use our intelligence agencies to help them route out these terrorists. We will provide specialized explosive detection equipment and technical experts. And America will lead an international effort to better coordinate the war against terrorism. Only an international effort will track down these killers and those who bankroll them. The international community must also condemn these acts of terrorism—and ensure that no country provides a sanctuary for these killers.

The Palestinian Authority can and must do more to stop Hamas. If they don't show the will to confront terrorism, the chance for peace will be lost.

I hope that the peace process can continue. But friends do not tell friends what to do. As Americans, we cannot tell Israel what risks are worth taking for peace. We can only imagine what it is to live in a country that is less than 9 miles wide at its narrowest point—and still surrounded by enemies.

Israel has defended itself in five wars for survival. But in this war against terrorism, all ordinary citizens are on the front lines. The international community must stand with Israel. We must ensure that the fanatics do not prevail.•

HONORING THE U.S. TAP TEAM

• Mr. LIEBERMAN. Mr. President, I rise today to honor Gloria Jean Cuming and the United States Tap Team, recent winners of the Annual World TapDance Championships, which were held in Dresden, Germany.

Not only is this victory prestigious and respected around the world, but the victory was a special one for the team and our country. This is the first time in the history of the competition that the U.S. team won the coveted title. In addition to the sterling team performance, two individuals, Linda Provo and Stacy Eastman, advanced to the finals of the individual competition, the only 2 women among the 12 semi-finalists to do so.

All 22 dancers are from the New Haven area in my State of Connecticut, and they all study at Ms. Cuming's dance studios. Ms. Cuming not only selected the team, but was their choreographer and assistant technical director as well.

Mr. President, I know that you and the entire Senate joins me in congratulating these fine performers, who represent their art and their country with the greatest of skill and pride.•

MARY BETH BLEGEN, MINNESOTA TEACHER OF THE YEAR

• Mr. WELLSTONE. Mr. President, with great pleasure and enthusiasm I would like to recognize Mary Beth Blegen as the Minnesota Teacher of the Year. Not only has Ms. Blegen been awarded the 1995 Minnesota Teacher of the Year, but she has also been selected as one of the four distinguished finalists for the National Teacher of the Year program. Ms. Blegen arrived in Washington Sunday and has been giving a presentation sharing her dedication to the youth of Minnesota, attending press conferences, and giving interviews for the National Teacher of the Year Award. Despite her rigorous schedule I was delighted to meet with Ms. Blegen to give her my support and of course wish her the best in the competition.

Mary Beth Blegen a dedicated educator for 30 years, is a teacher of English, writing, and humanities at Worthington Senior High School. Ms. Blegen illustrates the dedication Minnesotans have to providing quality education for our children. It is also my honor to note that three previous National Teachers of the Year have been from Minnesota and only California has contributed more teachers to this national award.

I'd also like to recognize Minnesota's biggest education organization, the Minnesota Education Association [MEA], and it's 48,000 members, who represent over 80 percent of Minnesota's public school teachers. MEA has sponsored the Minnesota Teacher of the Year program for 33 years.•

TAX RELIEF FOR UNITED STATES TROOPS SERVING IN BOSNIA

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2778, just received from the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2778) to provide that members of the Armed Forces performing services for the peacekeeping efforts in Bosnia and Herzegovina, Croatia and Macedonia, shall be entitled to tax benefits in the same manner as if such services were performed in a combat zone, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. ROTH. Mr. President, the House recently passed legislation to provide much needed tax relief for American troops who are performing peacekeeping services in Bosnia and Herzegovina, Croatia and Macedonia.

When our young men and women wear our uniform in these war-torn regions, I want them to know that they have my unqualified support. I want them to know that they are there for a reason. They are on important missions—missions to help free these war-torn areas from their undemocratic pasts.

While I would have preferred to limit our involvement to strategic and tactical air and sea support, we must now give our full support to our troops. This legislation provides much needed tax relief for our troops in Bosnia and Herzegovina, Croatia, and Macedonia.

Let me briefly outline the major aspects of this legislation. First, the bill exempts from Federal income tax military pay received by enlisted personnel while performing peacekeeping services in Bosnia and Herzegovina, Croatia, and Macedonia.

Second, the bill exempts military pay received by commissioned officers while serving in those areas in an amount equal to the highest monthly pay for enlisted personnel which is currently $4,104.80 per month.

Third, military pay received by those hospitalized as a result of injuries incurred while performing peacekeeping services would be exempt from Federal income tax for up to 2 years after termination of peacekeeping activities in the hazardous duty area.

Fourth, the bill extends the time for filing tax returns, paying tax and other deadlines to allow our troops to focus on their dangerous task rather than on tax deadlines.

Fifth, the bill reduces Federal estate taxes and forgives Federal income taxes for those whose lives are taken while performing the peacekeeping mission. Let me just say that I am deeply troubled that similar relief was not provided to Americans killed while serving in Somalia.

Sixth, the bill eliminates tax withholding on military pay earned tax-free in these hazardous duty areas.

Seventh, the bill provides special rules for surviving spouses and couples who file joint tax returns, as well as an exemption from the telephone excise tax for calls made from the hazardous duty area.

Finally, in addition to the tax relief for military personnel in the hazardous duty areas, the bill also postpones various tax deadlines for support personnel. To be eligible for such tax relief, the individual must be deployed away from such individual's regular duty station and performing services outside the United States as part of Operation Joint Endeavor. Such relief would be available to Department of Defense employees.

I fully support this legislation and encourage the Senate to pass it quickly to ease the tax burden and tax filing requirements on our courageous American troops who are serving in these hazardous duty areas.

• Mr. DOLE. Mr. President, today is a significant day for our troops in Bosnia and Herzegovina, Croatia, and Macedonia. Today the Senate will pass important legislation that will provide tax relief to our military forces deployed in the former Yugoslavia.

This relief is essential to ensure that the Internal Revenue Service does not make life more difficult for our soldiers than the rigors of their Bosnian duty has already. Speaker GINGRICH and I announced in December our intention to send to the President tax filing and other relief for our soldiers. Earlier this week the House passed the legislation and I am pleased that the Senate is doing so today.

I believe that it is critical for Congress to continue demonstrating its unequivocal support for our men and women in uniform involved in Operation Joint Endeavor and Operation Able Sentry. Our troops have more important things to focus on than compiling records, meeting paperwork deadlines, or computing their tax liability. And they should receive income and estate tax relief for participating in the operations.

I thank my colleagues for voting with me to pass this critical legislation.•

Mr. MCCAIN. Mr. President, I am pleased to rise in support of H.R. 2778, a bill designed to provide tax relief for our service men and women participating in Operation Joint Endeavor in Bosnia. This bill is very similar to S. 1553, a bill I introduced in the Senate on February 1, 1996, mirroring the efforts of our colleague in the House, Congressman BUNNING.

I want to convey my thanks to the House for their quick action in approving this bill. The amendments of the

House incorporated certain modifications and additional provisions which will improve the beneficial impact of the bill for our men and women in uniform.

Whether or not we supported the deployment of United States troops to Bosnia, all Americans are considered for the safety and security of our fellow countrymen who are deployed as part of Operation Joint Endeavor. Although this is a peacekeeping mission, it is clearly not without risk. Land mines and sniper fire will continue to threaten our troops throughout the duration of this operation. As long as our service men and women are on the ground, they may come into harm's way.

Sadly, we have already experienced the first American casualty in Bosnia, and we probably have not seen the last. Let us not forget the family of Sfc. Donald Dugan. While enactment of this legislation will not return him to his family, it contains provisions which will alleviate some of the financial hardships his family may be experiencing as a result of his death.

Because this is a peacekeeping mission and not a war, the President has not declared the area of operation to be a combat zone. Therefore, existing law does not permit our service members in Bosnia to receive any of the tax benefits and relief normally provided to those deployed to combat zones. This legislation will extend to American military personnel in Bosnia and their families the same benefits available to service members who were deployed to the Persian Gulf war.

The more than 20,000 United States military personnel deployed to Bosnia are performing their duties in service to their country. On a recent trip to Bosnia, I had the opportunity to personally visit with many of our men and women, and I let them know what a fantastic job they were doing.

This bill is a small gesture to show our troops they are not forgotten. Its provisions will alleviate their worries about financial hardships experienced by their families left at home. It is an import expression of our support for their professionalism and patriotism.

I understand the President has indicated he supports this bill. I urge my colleagues to support adoption of this legislation, and I hope the President will act promptly to sign it into law.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the bill be deemed read the third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 2778) was deemed read the third time, and passed.

GREEK INDEPENDENCE DAY

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar item No. 340, Senate Resolution 219.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 219) designating March 25, 1996, as "Greek Independence Day: a national day of celebration of Greek and American Democracy."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolution (S. Res. 219) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 219

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was invested in the people;

Whereas the Founding Fathers of the United States of America drew heavily upon the political experience and philosophy of ancient Greece in forming our representative democracy;

Whereas the founders of the modern Greek state modeled their government after that of the United States in an effort to best imitate their ancient democracy;

Whereas Greece is one of only three nations in the world, beyond the former British Empire, that has been allied with the United States in every major international conflict this century;

Whereas 1996 will mark the historic first official state visit to the United States of an elected head of state of Greece;

Whereas these and other ideals have forged a close bond between our two nations and their peoples;

Whereas March 25, 1996 marks the 175th anniversary of the beginning of the revolution which freed the Greek people from the Ottoman Empire; and

Whereas it is proper and desirable to celebrate with the Greek people, and to reaffirm the democratic principles from which our two great nations were born: Now, therefore, be it

Resolved, That March 25, 1996 is designated as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy". The President is requested to issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities.

MEASURE READ THE FIRST TIME—H.R. 497

Mr. D'AMATO. Mr. President, I would inquire of the Chair if H.R. 497 has arrived from the House of Representatives.

The PRESIDING OFFICER. The bill is at the desk.

Mr. D'AMATO. Therefore, I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (H.R. 497) to create the National Gambling Impact and Policy Commission.

Mr. D'AMATO. Mr. President, I now ask for its second reading.

Mr. SARBANES. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The bill will remain on the calendar.

ORDERS FOR THURSDAY, MARCH 7, 1996

Mr. D'AMATO. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:30 a.m., Thursday, March 7, that immediately following the prayer, the Journal of the proceedings be deemed approved to date, the time for the two leaders be reserved, and there then be a period for morning business until the hour of 11 a.m., with Senators permitted to speak therein for up to 5 minutes each, with the following exceptions: Senator FEINSTEIN, 15 minutes; Senator REID, 15 minutes; Senator DORGAN, 20 minutes; Senator BAUCUS, 10 minutes, Senator THOMAS, 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. D'AMATO. For the information of all Senators, tomorrow the Senate will resume the pending motion to proceed to Senate Resolution 227, the Whitewater legislation. It is also possible that the Senate will begin consideration of S. 942, the small business regulatory reform bill. Rollcall votes are therefore possible during Thursday's session of the Senate.

Mr. SARBANES. Mr. President, before the distinguished Senator puts the proposal to recess, Senator PELL has been on the floor for quite a period of time today. We would like for him to be able to make his statement before the Senate goes out this evening.

ORDER FOR RECESS

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Senate stand in recess following the remarks of Senator PELL and Senator MURKOWSKI.

The PRESIDING OFFICER. Without objection, it is so ordered.

WHITEWATER

Mr. PELL. Mr. President, we should not be asked to consider this resolution. Senate Resolution 227 is, to my mind, simply a license to continue a wild goose chase, and to do so at the expenditure of public funds which could well be spent for true public needs.

When the Whitewater matter first came before us 2 years ago, I said that it involved distant dealings with marginal involvement of Federal interests, and that it simply did not rise to the level of scrutiny appropriate for Senate inquiry.

Nothing has happened since to change my initial judgment one iota. The Senate investigation has dragged on for 294 days at a cost of $1.34 million and has not yielded a single result worthy of further action.

This investigation in my view is an exercise in political harassment. Its indefinite continuance would be an embarrassment to the Senate. And I might add that continuance of the investigation holds little promise of benefit to the majority party, given the widespread public indifference to the matter.

In short, Mr. President, we are being asked to approve not just the use of Senate funds but indeed the exploitation of the full constitutional authority of the Senate to continue a so-called inquiry into matters of little consequence, and to do so for clearly partisan purposes.

(The remarks of Mr. MURKOWSKI pertaining to the submission of Senate Concurrent Resolution 43 are printed in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

RECESS UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate now stands in recess until 9:30 a.m. tomorrow, Thursday, March 7, 1996.

Thereupon, the Senate, at 7:04 p.m., recessed until Thursday, March 7, 1996, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 6, 1996:

THE JUDICIARY

ERIC L. CLAY, OF MICHIGAN, TO BE U.S. CIRCUIT JUDGE FOR THE SIXTH CIRCUIT, VICE RALPH B. GUY, JR., RETIRED.

JOSEPH F. BATAILLON, OF NEBRASKA, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF NEBRASKA VICE LYLE E. STROM, RETIRED.

DEPARTMENT OF STATE

HAROLD WALTER GEISEL, OF ILLINOIS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MAURITIUS AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL AND ISLAMIC REPUBLIC OF THE COMOROS.

AUBREY HOOKS, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE CONGO.

ROBERT KRUEGER, OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BOTSWANA.

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

SUZANNE K. HALE, OF VIRGINIA
FRANK J. PIASON, OF NEW JERSEY

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

LLOYD J. FLECK, OF TENNESSEE
JAMES D. GRUEFF, OF MARYLAND
THOMAS A. HAMBY, OF TENNESSEE
PETER O. KURZ, OF MARYLAND
KENNETH J. ROBERTS, OF MINNESOTA
ROBERT J. WICKS, OF VIRGINIA

HOUSE OF REPRESENTATIVES—*Wednesday, March 6, 1996*

The House met at 11 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Your goodness to us, O God, is beyond our measure and Your grace to us is not restrained. In spite of missing the mark and seeing too much our own way, You allow your blessings to flow and Your mercies never to cease. We pray that this day we will open our hearts and minds to the daily gifts of faith and hope and love and pray that these gifts will brighten our day and make us faithful in Your service. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. BONILLA. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the speaker announced that the ayes appeared to have it.

Mr. BONILLA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 5 of rule I, further proceedings on this question are postponed.

The point or order is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Ohio [Mr. TRAFICANT] come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 927), an act to seek international sanctions against the Castro government in Cuba, to plan for support of a transition government leading to a democratically elected government in Cuba, and for other purposes.

THE MIDDLE EAST

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, Patrick Henry said "Gentlemen may cry peace, peace. But there is no peace." In quick succession, four blasts have extinguished 54 lives and scarred another 210.

Hamas has demonstrated again that it is a murderous group of fanatics who are so poisoned with hate—so obsessed with slaughter—that no innocent life is safe.

Terrorism experts have stated that Hamas and its allies will attempt to inflict this sort of horror on Americans. We must work together with the Israelis in stopping these madmen.

Arafat must also shoulder his share of the blame for this situation. He has failed to prevent the uses of territory under his administration from being used as a staging area for these plots.

He has failed to comply with the conditions of the Oslo peace accords that required that he remove those sections of the Palestine National Covenant which call for the destruction of Israel.

Until such time as Arafat lives up to those agreements he has signed and eliminates Hamas from areas for which he bears responsibility, the United States should know that there is little good in negotiating with him.

HEALTH INSURANCE COVERAGE

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, Democrats are uniting behind a proposal that would make modest but important improvements in America's health insurance. This is a bill that was sponsored by the gentlewoman from New Jersey [Mrs. ROUKEMA] that would basically guarantee that insurance companies could not deny health insurance coverage for preexisting conditions and also would improve what we call portability, the ability to take your insurance with you or to guarantee that your insurance is renewed even if you lose group coverage.

Today we have over 150 House Democrats who are cosponsoring the Roukema measure, including myself. We are challenging the House Republican leadership to let this bill come to the floor without loading it up with all kinds of other proposals that would make it less possible for the bill to pass. This is something that President Clinton endorsed in his State of the Union Address.

The time has come now for bipartisan support for this health security and health insurance reform for all Americans. I call upon the House leadership to bring this bill to the floor so that we can see better guarantees that preexisting conditions would not prevent someone from getting health insurance and that someone who loses their health insurance on the job can still get it in the individual market.

CONGRATULATIONS TO CONGRESSMAN JIM BUNNING

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, a great, great honor befell one of our colleagues yesterday. JIM BUNNING from Kentucky, a very good friend of mine. Everybody here in the front row was elected to the Baseball Hall of Fame. This is an honor that very few baseball players ever achieve. JIM pitched no-hitters in both the American and National Leagues. He did extraordinary things and it is high time he was recognized.

I remember when I was about 6 years old, and he was in the majors, how much I admired JIM BUNNING. Maybe I was a little bit older, but anyhow let me just say that JIM deserves this honor. I hope all of my colleagues will take the opportunity today to congratulate him. It is a great honor for JIM BUNNING and a great honor for the State of Kentucky.

DISTRICT'S FEDERAL PAYMENT

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, education is the motherhood and apple pie of Congress, yet the divergent ideology on education is punishing 80,000 schoolchildren in the Nation's Capital. Six months into the appropriation year, a third of the District's Federal payment is still here, yes, it is still here, and the District is going to run out of money at the end of the month.

The issue is not the District but whether tuition should go to private and religious schools. We passed it here with a compromise. There is very little money involved, yet nationally of course there is a proposal to cut a billion dollars and a million kids from the title I education and disadvantaged program.

The House is free to argue the point. It is a fair point to argue, as to whether vouchers should obtain or whether we should cut large amounts of money from public schoolchildren. I ask my colleagues, however, to care about the District's schoolchildren and about the survival of the Nation's Capital itself. Do not allow us to run out of money at the end of March because money you owe us is stuck here.

FOCUS ON RESULTS

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, I appreciate the words of the delegate from the District of Columbia.

While we may have some philosophical differences that should be debated on this floor and while we may have problems from time to time, when I returned to the Sixth District of Arizona, one message was given to me overwhelmingly by liberals and conservatives, Democrats and Republicans. They said, Congressman, focus on results and what works.

Therefore, our mission is clear. To do, in the words of President Clinton, what he said he wanted to do, to end welfare as we know it, to find a way to cut into the bureaucracy so $32 billion is not spent on the bureaucracy of education but instead put on the frontlines helping children learn and ultimately to allow the American people to hang onto more of their hard-earned money to decide how to spend that on their children instead of sending it here to Washington bureaucrats.

Those three broadly defined goals deal with results. Let us work together to see those results brought to fruition.

A MESSAGE FROM SARA LEE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Sara Lee is closing their Virginia apparel factory; 42 workers lose their jobs. Sara Lee is also closing a T-shirt factory in North Carolina; another 370 workers lose their jobs.

But Sara Lee says there is a lot of good news here. They are going to keep open their distribution center in Martinsville, VA. Distributing center. They will not make the products here. They will distribute them so America can buy them but Americans cannot work in the factory.

My colleagues, America does not build a TV, a VCR, a typewriter, or a telephone, but they are distributing them all over our Nation. With NAFTA and GATT, this is not even trade anymore. This is a takeover. America is becoming a distribution center for foreign made imports.

Think about it, Congress. There is a serious message in there.

ARE MORE PROGRAMS THE ANSWER

(Mr. JONES asked and was given permission to address the House for 1 minute.)

Mr. JONES. Mr. Speaker, despite large increases in Federal spending, test scores for students in the United States continue to fall. In fact, according to a recent study, United States students scored far below Japanese and British students in all subjects for which there were comparisons. In some subjects, Japanese students came very close to doubling scores of United States students. So, what is the President's answer to this problem? More spending and more programs.

This is not the answer. Last week, Chairman GOODLING held a press conference to discuss his committee's finding that there are 760 Federal education programs scattered throughout 39 separate departments, agencies, and commissions. This web of Federal programs costs over $120 billion per year to educate citizens on everything from the disposal of boat sewage to citizenship. Each of these programs has its own application process, and each requires large amounts of staff time to administer—on the Federal, State, and local levels. Money spent on redundant programs is money not spent on our children.

This must change.

PULLING THE RUG OUT FROM UNDER AMERICAN STUDENTS

(Mr. BALDACCI asked and was given permission to address the House for 1 minute.)

Mr. BALDACCI. Mr. Speaker, as March 15 draws closer, we are reminded that Congress has failed to enact the fiscal year 1996 appropriation for education. Five months of uncertainty about Federal funding has had a devastating impact on schools in Maine and throughout the country.

I am concerned about the effect of this uncertainty, combined with deep spending cuts, on our schools. Schools are having to make plans for the next school year without even knowing what resources they will have available.

I visited a number of schools in my district over the February recess. I was so impressed with the students I saw who were eager to ask questions and to learn. The message I received is that we must invest more in our students, to help them grow and develop to their fullest potential.

Unfortunately, some of our majority colleagues seem determined to pull the rug out from under America's future by pushing cuts in education funding. That's moving in the wrong direction, and I urge my colleagues to oppose these efforts.

ELECTION YEAR POLITICS WITH THE WAR ON DRUGS

(Mr. DOOLITTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOOLITTLE. Mr. Speaker, today's Washington Post contains the following headline, "About Face, Clinton To Restore Staff He Cut From Antidrug Office."

First paragraph reads:

> Moving full circle in this election year, President Clinton plans an ambitious upgrading of White House drug control policy office, 3 years after virtually wiping out that office.

Mr. Speaker, a recent survey shows huge increases in drug use amongst our children. Not only is there increasing drug use, but the average age at which children first use drugs is now age 13.

Mr. Speaker, the President has pursued a policy of appeasement in the war on drugs. He has cut drug enforcement programs. As Members heard, he has, in fact, been AWOL in the war on drugs. And now, in an election year, he has decided to do something about it.

Mr. Speaker, it is truly tragic that our children have been allowed to suffer for 3 years while the President was pursuing his true priorities.

□ 1115

PASS THE BIPARTISAN HEALTH CARE BILL

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, my Republican colleagues are trying to come to terms with the failure of their agenda. They are instead trying to repackage their image. They would have us believe that they are on the side of working Americans. But let me tell my colleagues that their agenda in fact would hurt working Americans.

Just take a look at the issue of health care. There is today in this body a bipartisan bill to improve the health security for average working Americans. The bill would prevent the insurance companies from denying health coverage because of preexisting medical conditions. It would increase health care availability for all. And this bill has the support of Republicans and Democrats in the House and Senate, but they will not bring it up for a vote. There has been no action and no activity on this bill, and they are trying to load it down with controversial proposals in order to try to defeat it.

I will quote from the Wall Street Journal this morning that says, "But passing the provisions that the House suggests, passing the provisions in the House, may set up a confrontation with the Senate" and the bill would not pass.

Mr. Speaker, if we are serious about helping working Americans, let us talk about health care security, bring up the bill.

WE NEED TO ENCOURAGE OIL AND GAS PRODUCTION AT HOME

(Mr. CALVERT asked and was given permission to address the House for 1 minute.)

Mr. CALVERT. Mr. Speaker, a strong domestic oil and gas industry not only means more jobs and a better economic future, but is essential for our Nation's national security.

Throughout the last decade America's oil and gas industry has lost a staggering number of jobs to sunnier business climates.

My Energy and Mineral Resources Subcommittee has been conducting hearings to highlight the need for a Federal energy policy that encourages domestic exploration and production.

This policy must allow our oil and gas producers to have greater public land access while reducing the regulatory burden on doing business at home.

I have no doubt that this Congress will reverse recent trends and move toward a policy that encourages exploration and production to ensure a vibrant healthy economy.

CONDEMNING BOMBING ATTACKS IN ISRAEL

(Mr. NEAL of Massachusetts asked and was given permission to address the House for 1 minute.)

Mr. NEAL of Massachusetts. Mr. Speaker, I rise this morning to condemn in the strongest possible terms the deadly bombings that have terrorized the people of Israel for the past 9 days. In Jerusalem, in Ashkelon, and most recently in Tel Aviv, suicide bombers representing the Islamic fundamentalist group Hamas have taken more than 50 innocent lives, injured hundreds, and placed the mideast peace process in jeopardy. In this time of mourning and reflection in Israel, I extend my own personal condolences to the families of those killed in these senseless acts of violence.

Just 2 years ago, Yitzhak Rabin and Yasser Arafat stood on the south lawn of the White House and signed the declaration of principles which set the historic peace process in motion. This morning, in the wake of the bombings, that peace seems as distant and elusive as ever.

At this critical hour, we in the United States Congress must reaffirm our commitment to the goal of bringing peace to the Middle East, and pledge to vigorously support efforts that will swiftly bring to justice those who seek to undermine that peace through cowardly acts of violence.

RECOGNIZING THE FIFTH ANNIVERSARY OF THE END OF THE PERSIAN GULF WAR

(Mr. BONILLA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONILLA. Mr. Speaker, I rise today to remember the sacrifice and achievement of our Persian Gulf war veterans.

This month marks the fifth anniversary of the end of the war which liberated the small country of Kuwait and ensured access to the region's energy supplies.

Unfortunately, we have done little to reduce the threat of energy dependence.

Five years later the U.S. dependence on foreign oil has grown; America now imports 52 percent of its annual oil supply.

We import 9 million barrels of oil a day to satisfy demand.

For a country that in on the cutting edge of technology, there is no excuse for a lack of energy preparedness which places American lives at risk. U.S. producers have the capability to tap into an estimated 60-year supply of oil and natural gas that lies undiscovered in America. And they can do this without threatening the environment. Five years ago we learned a lesson—we need to open the doors to energy independence to ensure our freedom from foreign tyrants' threats.

CUTS IN EDUCATION PROGRAMS

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, it is inconsistent to talk about building for the future, while tearing down the present.

Yet, Members of this House seem ready to abandon education by making the largest cuts in our history, with overall funding for the Department of Education likely to be reduced by 25 percent.

In fiscal year 1949, 9 percent of the Federal budget was spent on education. This year it is about 1.4 percent. On education spending, we are headed in the wrong direction.

We talk about restoring families and helping our young people.

Yet, we take away the very key to their ability to have useful and productive lives—the opportunity for an education.

Recent national polls show that Americans overwhelmingly support education and believe that it should be a top priority of Congress. Instead of a tax cut for the wealthy, we should put more money into education for our children and for the future.

We must restore these cuts. We must invest in America's families, America's children, America's future workers. We must be prepared to meet the challenges of the changing global economy.

Stop the education cuts and secure America's economic future.

WE MUST SHIFT EDUCATION DECISIONS FROM WASHINGTON TO LOCAL SCHOOL BOARDS

(Mr. HUTCHINSON asked and was given permission to address the House for 1 minute.)

Mr. HUTCHINSON. Mr. Speaker, President Clinton in his recent State of the Union Address proposed one more Federal education program, this one to provide merit-based scholarships to the top 5 percent of high school graduates, but the fact is there are already 47 scholarship and fellowship programs operated by the Federal Government, and this highlights a point made by the gentleman from Pennsylvania [Mr. GOODLING] at a press conference last week. He pointed out that our committee has discovered over 760 Federal education programs spanning 39 different agencies and departments. Many of these programs were designed to meet exactly the same goals, they overlap, they duplicate, and each has its own application process and its own set of regulations.

So why does President Clinton propose one more education program, program 761? Is it to improve the education of our children or merely to make us feel like we are educating our children by spending more money on more programs?

What we must do is shift education decisions from Washington bureaucrats to parents and local school boards. We can and we must do better.

REPUBLICAN-CONTROLLED CONGRESS MAKING GOALS IN EDUCATION AND HEALTH CARE UNATTAINABLE

(Mr. GEJDENSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEJDENSON. Mr. Speaker, as I have been meeting in my district with working people and men and women who run small businesses, the two needs that turn out to be the most prevalent are the needs of a good education and training for the workers and good health care for all of them as well. Both of these goals are fast becoming unattainable. By the action of the Republican-controlled Congress it will be more difficult in the next year for kids to go to college, to get training and education. It is becoming more and more difficult between HMO's and the inaction, the lack of action, by the Federal Government in health care. Small businesses cannot afford to buy health care even for their top managers, as the price of these programs continue to climb and the benefits continue to shrink. HMO's are endangering people's health and survival in the way many of them are being managed, and what we are doing is we are crippling the future of this country unless we are ready to make sure that our workers are the best trained and the best educated in the world.

We compete globally. The reality is there are a billion-two Chinese and Indians, another billion, that are going to compete with us. Unless we are well trained we are going to lose the economic battle. The decisions made here will determine who will win and who will lose.

STOP THE DUPLICATION OF GOVERNMENT PROGRAMS

(Mr. CHRYSLER asked and was given permission to address the House for 1 minute.)

Mr. CHRYSLER. Mr. Speaker, as my colleagues know, continuing on with the gentleman from Arkansas [Mr. HUTCHINSON], his comments on the duplicative nature of the Federal Government programs where 760 Federal programs spanning 39 separate agencies and departments and commissions; we also when we got here found that we had 163 job training programs, and now, with the Careers Act, we only have 4. The trade programs in this country; we had 115 trade programs and 19 different agencies. With my legislation to dismantle the Department of Commerce, we consolidated that into one trade office. The economic development programs; there were 315 economic development programs in the Federal Government. We need two, one for the private sector and one for the public sector.

We need to stop the duplication of the Government programs and get rid of this Government-knows-best attitude here in Washington, DC, because the American people cannot afford it any longer.

HOW TO AFFORD TO GIVE TAX RELIEF TO MIDDLE-INCOME PEOPLE

(Mr. DUNCAN asked and was given permission to address the House for 1 minute.)

Mr. DUNCAN. Mr. Speaker, a few weeks ago it was announced that AT&T was laying off 40,000 employees.

Then, several days ago, it was reported that Robert Allen, the head of AT&T, had made over $16 million last year.

Mr. Speaker, this is almost obscene. There is no way that Mr. Allen could really have earned $16 million for 1 year of work.

And to take this much money at the same time that thousands in his company are losing their jobs is really too cruel for words.

This excessive and exorbitant compensation was criticized even a columnist in yesterday's Wall Street Journal.

Also yesterday, most publications reported that average compensation for CEO's at 35 of our largest corporations averaged $4.3 million and had gone up 23 percent since the year before.

I have said many times that the average person pays almost half of his or her income in taxes, counting taxes of all types, Federal, State, and local.

I do not favor higher taxes, but we need to give tax relief to middle-income people, and one way to help pay for it would be to raise the taxes on all these CEO's and athletes and others making over $1 million a year.

TRIBUTE TO CHARLES COOK

(Mr. BARR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARR. Mr. Speaker, 54 years ago, in 1942, the security of liberty was not as certain as it is today. The flame of freedom was in danger of being completely snuffed out by those who sought to enslave the world.

Thankfully, freedom was preserved for us by a generation of patriotic benefactors who left the safety of their homes and traveled thousands of miles to rid the world of the despots who started World War II.

One of those patriots was Charles Cook. Cookie, as his friends knew him, passed away earlier this month, a half century after he was freed from a Japanese POW camp. You see, Charles Cook was a survivor of the infamous 1942 Bataan death march. Those who survived the Bataan death march and remained prisoners of the Japanese imperial army suffered more than most people living today could even imagine. But Charles Cook did not suffer in vain. He gave us a priceless legacy. Along with others of that great generation, he left the legacy of freedom for America and the rest of the world. It is for us now to preserve that gift.

We must recognize our inherited obligation, and be zealous custodians of Charles Cook's gift of liberty, which he purchased so dearly.

AMERICA CANNOT AFFORD ANOTHER 4 YEARS OF PRESIDENT CLINTON

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, in my hometown, if they had found you in a dark alley with 75 pounds of cocaine and 4 pounds of heroin in the trunk of your car, there is a general consensus that you have done something wrong. But a Clinton appointed judge, Judge Herold Bear, who freed drug smugglers because he deemed it normal for suspects to run from the police turned these drug runners free. The public outcry over this brand of justice has been astounding, and President Clinton ought to demand the resignation of this judge immediately.

But what bothers me most about this case is we see yet another example where President Clinton's words do not match his actions. He may talk like a law and order conservative, but he appoints liberal judges who let criminals walk. If it had been up to this judge, these cops in New York City would not have been able to arrest a woman who was smuggling 4 million dollars' worth of drugs to Michigan, enough drugs to push on every kid in the city's school system, push drugs on each one of them.

America cannot afford these liberal judges and America cannot afford another 4 years of President Clinton.

□ 1130

THE CLINTON ADMINISTRATION HAS GONE FROM JUST SAY NO TO JUST SAY NOTHING REGARDING DRUGS

(Mrs. CUBIN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CUBIN. Mr. Speaker, President Clinton and his administration have turned a blind eye to the alarming rise in youth drug abuse.

Marijuana use among 12- to 17-year-olds rose from 1.6 million in 1992 to 2.9 million in 1994. Between 1992 and 1994 the number of juveniles testing positive for marijuana more than doubled across the country in cities like Birmingham, Cleveland, Indianapolis, Phoenix, Portland, St. Louis, and San Francisco.

What was President Clinton doing during that time? Less than 1 month after he took office, in February 1993, he cut the staff at the office of drug control policy by 83 percent. Then he eliminated drug testing for the White House staff.

This administration has gone from just say no to just say nothing and it has got to change to save our young people.

CORPORATE WELFARE

(Ms. McKINNEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. McKINNEY. Mr. Speaker, yesterday the Cato Institute issued this news release which said, "huge amounts in corporate welfare remain untouched."

Now, everyone in Washington knows that the Cato Institute is the furthest thing from a liberal think tank. Yet, even they understand that the corporate welfare state is about the only thing that is not being cut in order to balance the budget.

In fact, the Republican majority wants to cut Pell grants for 280,000 students while preserving subsidies for companies like McDonald's and Campbell's soup to advertise overseas. That Mr. Speaker, is a perverse set of priorities.

In this changing economy when workers are being axed in favor of cheap labor overseas or worker-replacing technologies, the last thing we should be doing is undermining educational opportunities of our future work force.

Mr. Speaker, the Republican majority needs to understand that what is good for our children's education, is good for America.

CUTTING STUDENT LOANS AND EDUCATION FUNDING PROGRAMS DOES NOT MAKE SENSE

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, earlier this week I spoke in Wadsworth, OH, at the Wadsworth public library, to a group of young people and their parents who are looking in the next couple of years to attend college. It was mostly made up of sophomores and juniors in Wadsworth High School and Highland High School and other high schools in Medina County.

Mr. Speaker, before I spoke to this seminar, a young person and her father came up to me and said, "How come Republicans, how come NEWT GINGRICH wants to cut student loans? It simply does not make sense." The Gingrich budget wants to cut student loans $4 billion, wants to make other cuts in the safe and drug free school program, Head Start, title I, Goals 2000, other education funding programs, another $3 billion. It simply does not make sense.

If we are ever going to be as globally competitive as we need to be in this country, we do not cut education. We do not cut student loans to middle-class families. We do not cut programs that help combat drug abuse in the schools. We do not cut title I. We do not cut school-to-work programs. Mr. Speaker, it simply does not make sense.

WE MUST PREVENT THE SHORT-CHANGING OF OUR CHILDREN'S EDUCATION

(Mr. LEVIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN. Mr. Speaker, on Monday night I went to a school board meeting in one of my districts in suburban Detroit and talked with the school board that is working hard to make good things happen. There was real consternation about the cuts in education proposed by the majority here.

Then, yesterday morning, I was at an elementary school, Pattengill, in my old hometown of Berkley, MI, and I met with kids there in grades 1 through 3, and talked to their teachers. That program is supported by title I funds. There is a teacher with partial funding.

I read to and with the children, and I saw the results of an effective title I program. The test scores have gone up. The children are reading and beginning to learn basic math skills. What is being proposed on the majority side here to very much diminish the funding for those programs is only going to shortchange the children of America. We have to prevent that shortchanging.

WE CANNOT SHORTCHANGE OUR CHILDREN BY MAKING CUTS IN EDUCATION

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I believe that when someone shows you their leader, they are showing you a part of their soul. I must say, our soul around here is pretty sick. I am one of the few people who voted against the last continuing resolution because it was a 20 percent cut from education.

In my district in Denver, they were laying off Head Start workers because of this cut. Can you imagine our doing that to 3-year-olds, 4-year-olds, and 5-year-olds? That is wrong. What kind of a soul does it take to do that? I certainly hope that a lot of us wake up and find out that when we continue to have this little window to our soul by how we vote, people are going to get more and more alienated by what is going on in this town.

If we do not care about our children, if we do not prepare for our future, this country is really on the wrong course. We must put our children first, We cannot shortchange them on education.

THE JOURNAL

The SPEAKER pro tempore (Mr. EWING). Pursuant to clause 5 of rule I, the pending business is the question de novo of agreeing to the Speaker's approval of the Journal.

The question is on the Speaker's approval of the Journal of the last day's proceedings.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. TIAHRT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 346, nays 65, answered "present" 2, not voting 18, as follows:

[Roll No. 45]

YEAS—346

Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brown (FL)
Brownback
Bryant (TN)
Bunn
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Chrysler
Clayton
Clement
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Conyers
Cooley
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Evans
Ewing
Farr
Fattah
Fawell
Fields (LA)
Fields (TX)
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Geren
Gilchrest
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefner
Herger
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston

Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Lantos
Largent
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Martini
Matsui
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Metcalf
Meyers
Mica
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Norwood
Nussle
Oberstar
Obey
Orton
Owens
Oxley
Packard
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schumer
Scott
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torres
Torricelli
Upton
Vucanovich
Walker
Walsh
Wamp
Ward
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Williams
Wilson
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—65

Abercrombie
Bonior
Borski
Brown (CA)
Brown (OH)
Clay
Collins (IL)
Costello
DeFazio
DeLauro
Dornan
Ensign
Everett
Fazio
Filner
Franks (CT)
Frost
Gephardt
Gillmor
Green
Gutierrez
Gutknecht
Hefley
Heineman
Hilleary
Hilliard
Hinchey
Jacobs
Kim
Latham
Levin
Lewis (GA)
Longley
Markey
Martinez
Mascara
McDermott
Meek
Menendez
Miller (CA)
Ney
Olver
Ortiz
Pallone
Pickett
Pombo
Rush
Sabo
Schroeder
Serrano
Taylor (MS)
Tejeda
Thompson
Torkildsen
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt (NC)
Wicker
Wise
Zimmer

ANSWERED "PRESENT"—2

Gibbons
Harman

NOT VOTING—18

Bryant (TX)
Bunning
Chapman
Christensen
Clinger
Collins (MI)
DeLay
Dickey
Dixon
Durbin
Gilman
Houghton
LaFalce
Lipinski
McCarthy
Stokes
Waldholtz
Zeliff

□ 1155

Mr. JOHNSON of South Dakota changed his vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GILMAN. Mr. Speaker, on rollcall No. 45, a journal vote, I was inadvertently absent. Had I been present, I would have voted "yea."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 359

Mr. BONO. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the bill, H.R. 359.

The SPEAKER pro tempore (Mr. EWING). Is there objection to the request of the gentleman from California?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1963

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the bill, H.R. 1963.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

CONFERENCE REPORT ON H.R. 927, CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY [LIBERTAD] ACT OF 1996

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 370 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 370

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 927) to seek international sanctions against the Castro government in Cuba, to plan for support of a transition government leading to a democratically elected government in Cuba, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from Florida [Mr. DIAZ-BALART] is recognized for 1 hour.

□ 1200

Mr. DIAZ-BALART. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. BEILENSON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

Mr. Speaker, House Resolution 370 provides for the consideration of the conference report for H.R. 927, the Cuban Liberty and Democratic Solidarity Act of 1996, usually referred to as the Helms-Burton bill, and waive all points of order against the conference report and against its consideration.

The House rules allow for 1 hour of general debate to be equally divided between the chairman and ranking minority member of the Committee on International Relations.

This conference report is the response of the United States, of the Congress, and the President, to the murder of three American citizens and another U.S. resident by Castro over international waters on February 24.

Helms-Burton is also premised upon the firm conviction that an accelerated end to the Stalinist dictatorship in Cuba is not only something that we need to strive for because of elemental notions of solidarity with the terrorized and oppressed people of Cuba—but also because the establishment of democracy in Cuba is in the national interest of the United States.

The Castro regime is, to its core, a gangster regime. It is a regime that answered a request, last month, by 130 dissident groups for permission to meet peacefully, by arresting 186 dissident leaders and independent journalists—as of last Thursday.

This is a regime that, to further intensify its latest Stalinist crackdown on its internal opposition, felt the need to shoot down two American civilian planes, killing three U.S. citizens and another U.S. resident, over international waters a few days ago.

The message Castro sent the Cuban people by those murders of Americans was clear: If I can murder Americans over international waters and get away with it, imagine what I can do to you. It's important to note that before the murderous pilots of those MiG's visually identified the unarmed Cessnas that they had been ordered to shoot down, the radar that was guiding them had locked on to a cruise ship with hundreds aboard.

And how does the supreme gangster himself defend the murders. Read this week's Time magazine. Castro says:

> They dropped leaflets on Havana. It was a real provocation * * * we had been patient, but there are limits * * * in addition to these flights, there was also interference by the U.S. interests section in our internal affairs. What these people were doing was intolerable. They were giving money and paying the bills of dissidents * * * it was intolerable.

This is a regime that, according to the respected British publication Jane's Defence Weekly, has been sending special forces to be trained at the Hoa Binh Military Base in Communist Vietnam, since 1990, in preparation for strikes inside the United States in case of war. According to Jane's Defence

Weekly the purpose of those special forces in Castro's army, training in Vietnam, is to "Take the reality of war to the American people, in order to create internal pressures on Washington."

Let me briefly quote from a statement a few days ago by Senator DOLE: "U.S. policy toward Cuba has consequences around the globe. The world is still a dangerous place." Adversaries are watching our response to the murder of American citizens. Our response is being noted—by Russian hardliners, by North Korean generals, by state sponsors of terrorism in Teheran and Tripoli, by Serbian leaders, by the Chinese military eyeing Taiwan. Timidity only emboldens our enemies.

This conference report is the response of the Congress and the President to the murder of American citizens.

The conference report codifies, it puts into law, the existing embargo against Cuba, much of which exists only in regulations and miscellaneous executive orders. It will now take an act of Congress to modify the embargo, and no President will be able to weaken the embargo unless a democratic transition is underway in Cuba.

President Clinton is urged to seek international sanctions against the Cuban dictatorship.

The President is authorized to furnish assistance to democratic opposition and human rights groups in Cuba. The President is also asked to develop a plan to assist the Cuban people once a democratically-elected government is in place and to terminate the embargo once a democratic government—without Castro or his brother Raul—is in power.

The conference report calls for the denial of entry into the United States of any individual who trafficks in property stolen from Americans by Castro. American citizens will be able to sue, in American courts, those who traffick in property stolen from them by Castro. This provision will protect the property rights of American citizens, deter foreign investment in Cuba, and make it much more difficult for the Castro regime to obtain hard currency.

The conference report reduces foreign aid to those countries that provide assistance in support of the extraordinarily dangerous Cuban nuclear facility Castro is trying to complete at Juragua. It also allows the President to cut aid to Russia, dollar for dollar, for its support of the intelligence facility to spy on the United States that the Russians still maintain in Cuba.

Just by filing Helms-Burton a year ago, foreign investment was cut in half in 1995 in comparison to 1994. When potential investors confirm that dealing in property stolen by Castro from Americans will expose them to the possibility of being excluded from the United States, no matter how unethical they may be, they will choose not to invest in Castro's slave economy.

By saying that we will not look kindly upon foreign interests dealing in property stolen from Americans, we are not acting in an extraterritorial fashion; we are protecting the property rights of American citizens, and in that way, also deterring foreign investment in Castro's apartheid economy.

The importance of codifying—putting into law—the embargo, cannot be overemphasized.

No democratic transition from a long-term dictatorship in recent decades has been possible without some important form of external pressure.

Franco's Spain and the European Community; Trujillo's Dominican Republic and the OAS; Pinochet's Chile; apartheid South Africa; the Greece of the colonels.

Where there has been no external pressure, such as in China, there has been no democratic transition and human rights violations have increased. The Washington Post confirms today in page A10, that in the State Department's annual report on human rights, to be released today, the fundamental premise of United States policy toward China, that expanding trade will lead to greater individual freedoms for Chinese citizens, is simply invalid.

We will be able, by the measures in this conference report, including codification of the embargo, to maintain sufficient pressure not only to accelerate Castro's collapse, but also to see to it that his demise will lead to an independent Cuba with full political liberties and human rights for the now suffering Cuban people.

The Senate passed this conference report yesterday, 74 to 22. The President supports it. I urge my colleagues to support this rule and the conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, I thank our friend, the gentleman from Florida [Mr. DIAZ-BALART], for yielding the customary one-half hour of debate time to me. I yield myself such time as I may consume.

Mr. Speaker, we do not oppose the rule providing for the consideration of the conference report for the Cuban Liberty and Democratic Solidarity Act.

As the gentleman from Florida has explained, the rule waives all points of order against the conference report and, although we ought always to be cautious in providing blanket waivers for legislation, the granting of these waivers for this conference report is in accordance with our usual procedures when we consider conference reports in the House.

The chairman of the International Relations Committee, the gentleman from New York [Mr. GILMAN], in requesting the rule waiving all points of order, specifically referred to the scope of matters committed to the conference. So Members should be aware that the conference agreement on this sweeping legislation includes provisions that were in neither the House nor the Senate bill.

Many of us, moreover, are deeply concerned about the provisions of the conference report itself and about its effect on U.S. policy.

Mr. Speaker, for many of our colleagues, this bill will be easy to support—it tightens the U.S. embargo on one of the world's most despised dictators. Yet, it is not likely that Fidel Castro will be hurt by this legislation. Ironically, the Helms-Burton Act—a radical departure from current United States policy—will actually weaken our ability to encourage democracy in Cuba.

The fall of communism in Eastern Europe should have taught us an important lesson: the enemy of a closed society, such as Cuba, is not increased isolation—it is greater contact with the outside world. The Soviet Union did not disintegrate because of an economic blockade—it was exposure to Western ideas, freedoms and prosperity that hastened the end to the cold war. In marked contrast, 37 years of economic embargo against Cuba has failed utterly to topple the Castro government.

The dubious premise behind this legislation is that the Cuban economy is on the brink of collapse, and that by tightening our notoriously porous embargo, the demise of the Castro regime can be achieved with one final push.

The reality is more complex. The Cuban economy has been showing signs of recovery, brought about by limited reforms and new trade relationships with the rest of the world. And just as domestic opposition groups inside Cuba—the only real threat to the Castro government—have been invigorated by widening contacts with the outside world, this legislation will turn back the clock by imposing further isolation and hardship on the Cuban people.

Moreover, by codifying the Executive orders that have maintained the Cuban embargo since 1959, this legislation locks the United States into a failed policy, and denies the President the flexibility needed to respond to any future democratic transition in Cuba.

Many of us are disappointed that the President has dropped his opposition to this bill. Nevertheless, Congress has consistently recognized that the President's hands should not be tied in matters of foreign affairs—that a wide variety of tools should be available to the President to act in the national interest abroad. But, this bill mandates intransigency. As changes occur in Cuba—and they will occur—the President—this President, or some future President—will be restricted from acting in the carefully calibrated fashion that has marked our response to other dictators, and other emerging democracies.

The United States is the only country in the world that maintains an economic embargo against Cuba—a fact that the Helms-Burton Act, somewhat fatuously, tries to change. Many of our closest allies, moreover, are greatly offended—as they well should be—by this legislation's attempt to coerce them into joining the embargo.

Countries such as Canada, and our allies in Western Europe, warn that provisions in this legislation violate international law, abrogate several treaties, abandon our commitment to international financial institutions and could lead to retaliation against United States interests elsewhere in the world. Moreover, the arrogance of this bill is striking—by following the mandates of this legislation, the United States will be imposing its own political agenda on countries—mostly friendly countries—throughout the world whose businesses are acting in full compliance with their own laws.

Finally, we are concerned by the manner in which the legislation seemingly subverts our national interest for the interests of a select few. The Helms-Burton Act gives unprecedented benefits to a few very wealthy former Cuban property owners—those who owned property in pre-Castro Cuba valued at more than $50,000 when it was seized in 1959—by giving these individuals and corporations the unprecedented right to sue, in United States Federal courts, foreign companies doing business on land they once owned.

This right is not available to anyone who has lost property anywhere else in the world—not in Germany, Vietnam, Eastern Europe, or Russia—and it will obviously create a legal nightmare in our already overburdened Federal courts. But more troubling is the manner in which the legislation will allow a few individuals and companies to profit from the economic activity in Cuba this legislation condemns. By allowing wealthy former Cuban landowners to settle out of court with companies doing business in Cuba, these individuals can now share in the profits to ongoing Cuban investment. Thus, the Helms-Burton bill succeeds, in effect, in lifting the embargo for a select few, and perversely creates an incentive for increased economic development in Cuba, from which only a small minority of Cuban-Americans will benefit.

Let me be clear and end it here. This debate is not about our opinion of Fidel Castro—he is one of the more abhorrent dictators of this century. We uniformly condemn Cuba's recent downing of civilian aircraft in clear violation of international law, and our hearts go out to the families of the pilots who perished.

But this bill is rash, extreme and misguided—it runs contrary to our experience of dealing with repressive regimes elsewhere in the world, and it is not in our own national interest. In the words of Louis Desloge, a conservative Cuban-American:

> Implementing an aggressive engagement policy to transmit our values to the Cuban people and to accelerate the burgeoning process of reform occurring on the island has a far better chance of ending Castro's rule than the machinations of [the] Helms-Burton [Act].

Mr. Speaker, I urge my colleagues to vote against the conference report.

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Mr. Speaker, I reserve the balance of our time.

Mr. DIAZ-BALART. Mr. Speaker, the imagination of our opponents is truly amazing, as is the gentleman who was cited and called a conservative, that very well-known anti-embargo activist.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], the distinguished chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Miami, FL, for yielding me time.

Mr. Speaker, we just heard the previous speaker say we, the United States of America, are the only country that has levied sanctions against Cuba. Yes, is that not a shame? That is going to change come the next election, my friends. With 250 million consuming Americans with the highest buying power in the world, it is about time that we told some of our allies that we do not like standing alone. That is what Ronald Reagan did back in 1981 when he pulled them all together and we stopped communism dead in its tracks. No more spread of communism. Democracy is breaking out all over the world.

If we have to stand alone, we will. But these sanctions are going to stand until atheistic, deadly communism is dead in this hemisphere.

Needless to say, I rise in strong support of this legislation. I really commend the gentleman from Miami, FL [Mr. DIAZ-BALART], as well as the gentlewoman from Florida [Ms. ROS-LEHTINEN], who have been so valiant in bringing this legislation, along with the gentleman from New York [Mr. GILMAN], the chairman of the Committee on International Relations, and the gentleman from Indiana [Mr. BURTON], the chairman of the subcommittee. They are all to be highly commended to be here in this timely manner.

Last week's incident under which Castro killed four Americans, and they were Americans, underscores the need to start taking the situation seriously. For over 30 years we have tolerated Castro with a half-hearted embargo. The holes in the embargo, plus billions of dollars, $6 billion a year from the former Soviet Union, has allowed this dictator to survive and spread this atheistic communism.

Although I do not know it, Mr. Speaker, there may have been a good reason for not pushing Castro harder during the cold war, but certainly not now. It is time to get serious, and this legislation does get serious. That is why Castro is so upset about it. That is why the Russians are so upset about it, the Russians that we are giving billions of dollars to in aid. And they turn around and aid and abet this dictator? And that is why so many of our allies are upset, too. This legislation will hit them where it hurts, in their pocketbooks.

Regarding our allies, Mr. Speaker, there is no stronger supporter of this treaty organization called NATO than this Member of Congress. I do not take lightly the fact that many of them are concerned about this legislation. But let us be blunt: It is time for them to understand that we will not go merrily along while they provide a lifeline to this Communist just off our coast who is in fact a mortal enemy of the United States.

Our allies, especially Canada, to the north, and my district depends on a lot of that trade with Canada, but they should be put on notice we will not subjugate our national interests to their financial interests. Human decency and human rights come first before any dollar. Nor should we continue to grant them open access to our huge market—as I said before, 250 million Americans, they lick their chops to do business with the United States—if they insist on supporting Castro. I call on the President to drive home those points with them.

Mr. Speaker, Castro is teetering on the brink. Cuba's economy is in a meltdown. Communism does not work. Take away the $6 billion propping them up, and it is going down, down, down. It is only a matter of time before communism is dead in Cuba, as long as we enact legislation like this.

Castro has threatened renewed terrorism against the United States of America. The latest bombings in Israel show just how easily that can be done. We are so vulnerable. That could happen so easily right here in the United States of America.

With Russia's help Castro is constructing a dangerous nuclear power facility based on old faulty designs. Not only does this facility potentially subject us to a Chernobyl style disaster, but we can surely expect Castro to do what North Korea is doing, and that is to try to exploit the technology for the purposes of building nuclear weapons. And that cannot happen in this hemisphere.

We have had enough of this tyrant. It is time to bring this awful era of Fidel Castro to a close. Adoption of this conference report today will accelerate the arrival of that great day for both the Cuban people and the American people. Please come over here and vote for this rule and vote for this bill.

Mr. BEILENSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. MOAKLEY], the ranking member of the Committee on Rules.

Mr. MOAKLEY. Mr. Speaker, I thank my colleague from California for yielding time to me. He made a very eloquent statement yesterday in the Rules Committee and I agreed with him entirely.

Mr. Speaker, this rule provides for the consideration of a very bad bill that I worry will have some very bad consequences.

Make no mistake about it the shootdown by the Cuban Government of two unarmed Cessnas nearly 2 weeks ago was an unconscionable act. President Clinton was right in rallying the international community to denounce this terrible overreaction and I believe the President was right in proposing additional sanctions against Cuba.

But I believe it would be wrong for this Congress and this President to embrace the Helms-Burton legislation because of this terrible act.

Helms-Burton is a bad bill, plain and simple.

Even though the White House has recently reversed its position on this bill, I would suggest that my colleagues read the letter the White House wrote us last fall when they very eloquently and persuasively made the case against Helms-Burton.

In fact, Secretary of State Warren Christopher expressed his concern that the bill would actually damage prospects for a peaceful transition in Cuba.

He further indicated that the inflexible standards mandated in the bill would make it difficult to respond to a rapidly evolving situation should it occur in Cuba.

Mr. Speaker, the Secretary was absolutely right Helms-Burton would put United States foreign policy toward Cuba in a statutory straitjacket.

And while passions are running understandably high and outrage is certainly justified the fact remains that Helms-Burton was bad policy a few months ago and it is bad policy today.

Our allies have expressed deep concern over the bill's provisions as they relate to foreign companies. Yesterday all of us received the statement by the European Union indicating strong opposition to the Helms-Burton bill.

Similar statements of opposition have come from Canada's Foreign Minister and leading diplomats around the world.

Mr. Speaker, my strongest objection to this legislation is that it will not encourage the departure of Fidel Castro and it will only make the lives of average Cubans more miserable—especially Cuban children economically strangling the island only hurt the most vulnerable—and I'm not sure that's what this Congress really wants to do.

I believe this bill is exactly what Castro wants at a time when communism has crumbled around the globe; at a time when the Cuban economy is in disarray; and at a time when the internal opposition in Cuba seems to be getting stronger. This bill only gives Castro an excuse to be more repressive and to justify his failed system.

So, I say to my colleagues, if you want to get at Fidel Castro, come up with a different approach. Helms-Burton will only breathe new life into his dictatorship.

Mr. Speaker, I submit for the RECORD editorials, which have recently appeared in the New York Times, the Boston Globe, the Chicago Tribune, the Washington Post, the Detroit News, the Philadelphia Inquirer, the Los Angeles Times, and the Baltimore Sun, all opposing Helms-Burton. I would also like to submit an article from the Washington Post exposing a little known loophole in the embargo and the statement by the European Union in opposition to the legislation. And I would like to submit a statement by Alfredo Duran, who fought at the Bay of Pigs and was imprisoned for over a year, the President of the Cuban Committee for Democracy, and a statement by Eloy Guitierrez Menoyo, who was a political prisoner for 22 years in Cuba.

Finally, Mr. Speaker, let me express again my strong opposition to the bill for which this rule provides consideration. I know the authors have the very best of intentions—but I firmly believe that by passing this bill we are making a big mistake.

Mr. Speaker, I include the following material for the RECORD:

[From the New York Times, Mar. 2, 1996]

A BAD BILL ON CUBA

The Clinton Administration has done many things right and one thing terribly wrong in response to Cuba's shootdown of two unarmed planes flown by Miami-based exiles.

Providing a Coast Guard escort to accompany an exile flotilla to the site of the downing today registers American determination to protect the security of international waters and airspace. Equally important, it minimizes the risk of either the exiles' or Havana's provoking a new incident. The Administration's decision earlier this week to suspend charter flights to Cuba and to impose travel restrictions on Cuban diplomats in this country made clear that Havana had attacked not just anti-Castro activists but international law itself.

However, the Administration is about to make a huge mistake by signing into law a bill, sponsored by Senator Jesse Helms and Representative Dan Burton, that aims to coerce other countries into joining the American embargo of Cuba. By dropping his opposition to the bill, Mr. Clinton junks his own balanced policy for encouraging democracy in Cuba and signs on to an approach that will inevitably slow the opening of Cuban society and pick a pointless quarrel with American allies.

The bill threatens foreign companies with lawsuits and their executives with exclusion from American soil if they use any property in Cuba ever confiscated from anyone who is now a United States citizen. Some of its provisions appear to violate international law and trade treaties, and the Administration had been saying since last summer that it would veto the measure unless these provisions were removed.

The United States is the only country that maintains an economic embargo against Cuba, an outdated policy that has failed in 35 years to topple the Castro Government. Trying to coerce other countries to join the embargo is offensive to American allies and unlikely to succeed.

Backers of the Helms-Burton bill believe the Cuban economy has been so enfeebled by the loss of subsidized Soviet trade that the Castro regime can be brought down with one final shove. But Cuba's economy, though hurting, has already revived from the depths of the early 1990's. Its recovery has been built on austerity, limited reforms and new trade relationships with the rest of the world. It is unrealistic to think that a reinforced American embargo would bring Mr. Castro down.

What Havana really worries about is the resurgence of opposition in Cuba itself. Opposition groups have been invigorated by Cuba's widened contacts with the outside world. They are also encouraged by a more supportive attitude on the part of Miami-based exile organizations. These used to view all Cubans who remained on the island, even opposition activists, with suspicion. Now groups like Brothers to the Rescue, the organization whose planes were shot down last week, see opposition groups on the island as a key to political change.

The Castro regime is alarmed by this potential link between domestic opponents and outside support groups, heralded by Brothers to the Resuce's previous airborne leafletting of Havana. Indeed, Havana's concern over this prospect may have been a factor in last week's missile attack against the exiles' planes. Washington should be doing everything it can to promote opposition within Cuba by encouraging more human interchange between the island and the outside world, not less.

The Helms-Burton Act is not an appropriate response to Cuba's murderous deed. It is a wholesale policy reversal that weakens America's ability to encourage democracy in Cuba. Mr. Clinton should return to his original sound position.

[From the Washington Post, Mar. 3, 1996]

THE GREAT CUBAN EMBARGO SCAM

(By Louis F. Desloge)

Virtually everyone agrees that President Clinton should retaliate forcefully against Cuba's tragic and murderous downing of two civilian aircraft last weekend. But the least effective and most counterproductive punishment is Clinton's acquiescence to the Helms-Burton bill to tighten the U.S. embargo of Cuba. This legislation, which the White House endorsed last week, albeit with reservations, will only play into Castro's hands by creating an expansive loophole for property claimants, especially wealthy Cuban Americans, to circumvent the embargo.

Jesse Helms and Dan Burton, conservatives whom I admire, are no doubt sincere in their motivation to subvert Castro's rule by applying economic pressure on his regime. However, they may very well achieve just the opposite of what they seek by buttressing, not undermining, Castro's support at home and weakening, not strengthening, the embargo's prohibition on trade with Cuba.

The Helms-Burton bill is a slick stratagem. Its stated purpose is to tighten the embargo by allowing Cuban Americans to have the unprecedented right to sue, in U.S. federal courts, foreign companies doing business on land once owned by these exiles. The idea is to discourage foreign business investment in Cuba, thus undermining the island's financial recovery which, the bill's supporters naively hope, will result in a collapse of the Castro regime. The bill's practical consequences are a different story.

A little-noticed provision in the Helms-Burton measure will enable a small group of Cuban Americans to profit from the economic activity occurring in Cuba.

To understand this provision, one must first know who helped write it. As the Baltimore Sun reported last May, the bill was drafted with the advice of Nick Gutierrez, an attorney who represents the National Association of Sugar Mill Owners of Cuba and the Cuban Association for the Tobacco Industry. Gutierrez acknowledges his involvement, as does Ignacio Sanchez, an attorney whose firm represents the Bacardi rum company. Sanchez told the Sun that he worked on the bill in his capacity as a member of the American Bar Association's Cuban Property Rights Task Force and not as representative of the rum company.

It is not hard to surmise what these former sugar, tobacco and rum interests will do if and when the law takes effect: sue their competitors who are now doing business in Cuba.

Gutierrez told the Miami Herald last fall as saying that he (and his clients) are eyeing a Kentucky subsidiary of British-American Tobacco (B.A.T.) that produces Lucky Strike cigarettes. B.A.T. has a Cuban joint venture with the Brazilian firm Souza Cruz to produce tobacco on land confiscated from his clients, Gutierrez claims.

Bacardi would be able to sue Pernod Ricard, the French spirits distributor, currently marketing Havana Club rum worldwide. Bacardi claims that Pernod Ricard's rum is being produced in the old Bacardi distillery in the city of Santiago de Cuba.

Here is how this vexatious scheme will work if Helms-Burton becomes law. The former landowner of a tobacco farm files a suit in federal court against British-American Tobacco and seeks damages. If both sides want to avoid prolonged litigation they can reach an out-of-court settlement whereby the former tobacco grower can now share in the profits of the ongoing B.A.T.-Brazilian joint venture in Cuba. Likewise, Bacardi could reach a settlement to get a share of Pernod Ricard's profits from sales of Havana Club internationally.

These agreements do not need the blessing of the U.S. government. This is the million dollar loophole in Helms-Burton. The bill states: "an action [lawsuit] . . . may be brought and may be settled, and a judgment rendered in such action may be enforced, without the necessity of obtaining any license or permission from any agency of the United States."

What will be the practical result? Foreign companies like Pernod Ricard and British-American Tobacco are unlikely to abandon viable operations in Cuba because of a lawsuit. More likely, these foreign businessmen will agree, reluctantly, to pay off Cuban exiles suing under Helms-Burton. Given the choice of forfeiting millions of dollars invested in Cuba or their financial interests in the United States, the practical business solution might be to give the exiles a cut of the action. Far better to have 90 percent of something than 100 percent of nothing, these businessmen will reason. Allowing Cuban Americans a share of their profits will just be factored in as another cost of doing business.

Indeed, Helms-Burton gives the Cuban exile community a strong financial stake in Castro's Cuba. If the foreign businesses simply withdrew in the face of Helms-Burton, the exiled tobacco, sugar and rum interests would get nothing. But if British-American Tobacco or Pernod Ricard or any other foreign firm now doing business with the Castro regime offers an out-of-court settlement to Cuban American exiles, who is going to turn them down? Given the option, at least some people are going to choose personal enrichment over the principle of not doing business with Fidel. After all, Fidel has been in power for 37 years, and the exiles are not getting any younger.

The Clinton White House is not unaware of the scam at the heart of the bill. Before the shooting down of the plane, the president had objected to the provisions allowing U.S. nationals to sue companies doing business in Cuba. During last week's conference with Congress, the president's men surrendered and asked for a face-saving compromise: a provision giving the president the right to block such deals later on if they do not advance the cause of democracy in Cuba. But how likely is Clinton to block Cuban Americans in Florida, a key election state, from suing Castro's foreign collaborators later in the final months of an election year? Not very.

The bottom line is that Clinton, in the name of getting tough with Castro, has endorsed a bill that allows the embargo to be evaded and protects Cuban Americans who want to legally cut deals to exploit their former properties in Cuba while the rest of the American business community must watch from the sidelines.

In fact, the legislation could encourage a massive influx of new foreign investment in Cuba. Armed with the extortionist powers conferred by the legislation, former property holders could shop around the world for prospective investors in Cuba and offer them a full release on their property claim in exchange for a "sweetheart" lawsuit settlement entitling them to a piece of the economic action. Thus, the embargo is legally bypassed and everyone laughs all the way to the bank.

Actually, not everyone would benefit. The Clinton-endorsed version of Helms-Burton only exempts the wealthiest cabal of Cuba's former elites from the embargo's restraints. The bill will only allow those whose former property is worth a minimum value of $50,000 (sans interest) to file suits. And you had to be very rich to have owned anything of that value in Cuba in 1959. If you were a Cuban butcher, baker or candlestick maker, too bad. This bill is not for you.

What could be more useful to Castro in his efforts to shore up his standing with the Cuban people? The spectacle of the U.S. Congress kowtowing to these Batista-era plantation owners and distillers provides Fidel his most effective propaganda weapon since the Bay of Pigs debacle. Castro surely knows that the overwhelming majority of the Cuban people—60 percent of whom were born after 1959—would deeply resent what can be characterized, not unfairly, as an attempt to confiscate their properties and revert control over Cuba's economy to people who symbolize the corrupt rule of the 1950s. Rather than undermining Castro's rule, this bill would drive the people into his camp.

Where is the logic in denying the vast majority of the American people the right to become economically engaged in Cuba if it is extended to only a select, wealthy few? Is the concept of "equal protection under the law" served if non-Cuban Americans are now relegated to the status of second-class citizens? Or is the real intent of this bill to allow rich Cuban exiles the opportunity to get a jump start and thereby head off the "gringo" business invasion certain to follow the demise of the embargo and the inevitable passing of Castro.

Let us put an end to this special interest subterfuge. Whatever obligation the United States had to my fellow Cuban Americans has been more than fulfilled by providing us safe haven and the opportunity to prosper and flourish in a free society. Providing us, once again, another special exemption which makes a mockery of the American Constitution, laws and courts, not to mention making a farce of U.S.-Cuba policy, is an insult to both the American and Cuban people.

If we are going to lift the embargo for a few wealthy exiles then, fine, let us lift it for all Americans. To be fair and consistent, why not liberate the entire American community to bring the full weight if its influence to bear upon Cuban people? Implementing an aggressive engagement policy to transmit our values to the Cuban people and to accelerate the burgeoning process of reform occurring on the island has a far better chance of ending Castro's rule then the machinations of Helms-Burton.

[From the Boston Globe, Feb. 27, 1996]

MISSTEPS ON CUBA

When Fidel Castro sent his MIG fighters up against two alleged intruders last weekend, he not only shot down two unarmed civilian aircraft and killed American citizens, he shot himself in the foot as well.

In the last few months there had been signs that relations between Cuba and the United States—frozen for more than 30 years—might be beginning to thaw. In October President Clinton eased some of the travel and financial restrictions on Cuba in the interests of greater "people to people" contact. This year there has been a steady stream of congressmen visiting the island, each receiving the obligatory audience with "the bearded one."

American businessmen are becoming receptive to potential opportunities in Cuba. Some say that more Americans visited Cuba in January than in any month since Castro came to power in 1959.

Seeing his economy crash and burn after the end of support from the Communist bloc earlier this decade, Castro desperately needs foreign investments; an end to the American economic embargo of his island would ease the poverty of his people.

An even more Draconian twist to the embargo, in the form of the Helms-Burton bill, is waiting in the wings. Passed by both houses but still awaiting action in conference committee, Helms-Burton would not only tighten existing restrictions, but would punish our allies who trade with Cuba. The House version, for example, could "restrict" entry into the United States of corporate officers, even shareholders, of companies doing business in Cuba, a measure which might be in violation of our trade agreements with Canada in particular.

Some congressmen, such as Joseph Moakley, told Castro last month that the United States and Cuba had reached a "crossroads." If Helms-Burton were signed into law it would "end any possibility for improved relations anytime in the near future." He told Castro that there "must be more movement in Cuba in regard to human rights * * *"

Only last week, however, Castro arrested 100 dissidents and human-rights activists who were seeking a peaceful dialogue with the Cuban regime. This upset the European Union, which is trying to work out an economic-cooperation treaty with Cuba, and made it all the more difficult for those who are working to defeat Helms-Burton in this country.

Last weekend Castro made their task next to impossible. With large Cuban-American communities in swing states such as New Jersey and Florida, seeming soft on Cuba in an election year is not something politicians want.

But the Helms-Burton bill is bad law. It was bad law before Castro's stupid overreaction to the admittedly provocative flights, and it is bad law now. It is to be hoped that cool heads in Congress and the White House will realize that in time.

[From the Chicago Tribune, Mar. 1, 1996]

SURRENDERING U.S. POLICY ON CUBA

After more than 30 years of them, it should be clear that trade sanctions against Cuba will not force Fidel Castro to surrender. What a shame, then, that a great power like the United States has surrendered its foreign policy to a tiny population of hard-line anti-Castro Cubans. What an embarrassment!

By agreeing this week to impose new economic penalties against Cuba, President Clinton and the Republican-controlled Congress have proven that, given a choice between sound foreign policy and pandering to the rabid anti-Castro crowd in a critical electoral state, they'll pander.

In no way do we defend Castro's dictatorship or the outrageous disregard for human life represented by Cuba's downing last weekend of two small civilian aircraft. But in that regard, an old American adage is instructive: Don't go looking for trouble, it cautions, 'cause it'll find you anyway.

Brothers to the Rescue, an exile group, went looking for trouble by violating Cuba's sovereign air space to drop leaflets and by playing hide-and-seek with Cuban jets along its periphery.

By law, private citizens may not make foreign policy. Yet the Cuban exiles invited this "crisis," if they didn't actually manufacture it, and suckered both a Democratic president and a Republican Congress into making policy to suit their purposes.

Ironically, the new sanctions, while aimed at isolating Castro and weakening his power, are certain only to complicate trade relations with key U.S. allies and commercial partners such as Canada, Mexico and France.

Under the sanctions, U.S. visas will be denied to foreign corporate executives—and their stockholders—if these firms are among those that have invested billions of dollars in Cuban property. (The U.S. is the only nation that observes the absurd embargo of Cuba.)

Another provision would allow U.S. citizens to file suit against foreign firms utilizing property that was seized by Castro. But in a cynical provision designed to neuter that very same proposal, the president is granted power to waive the rule every six months to throw out the backlog of anticipated cases.

Like all dictators, Castro shows unwavering patience in allowing his people to suffer. But if America wants to influence Cuba to liberalize, then more ties—not a trade embargo—is the answer.

[From the Washington Post, Feb. 27, 1996]

CUBA'S BRUTALITY

No one concerned for regional stability and air safety can fail to condemn Cuba's brutal downing of two small unarmed civilian planes on Saturday. In this latest mission by Brothers to the Rescue, the two planes and a third that made it back to Miami had in fact ignored Cuban warnings as well as official American cautions not to penetrate Cuban air-space. Nor was it clear whether their purpose was the stated humanitarian one of rescuing fleeing rafters or the alleged political one of overflying Havana. But this is no excuse for the attack. In such circumstances, international law requires warning off the approaching aircraft. Instead, the Castro government, having considered for months how to react to these flights, ignored American urgings to stay on a peaceful and legal path and shot to kill.

The Cuban attack caught President Clinton at a difficult time and place. He does not wish to be outflanked politically in a potential swing state, Florida, with a large Cuban-exile population and a presidential primary coming up two weeks from today. Nor does he want, in expressing the prevailing and justified outrage, to let it overwhelm his previous efforts to open up certain avenues of communication and relief for the Cuban people, or to interfere with agreed procedures of legal emigration. Hence the measures he announced yesterday to notch up pressure on the Communist regime, including suspending Havana-Miami charter flights and working with Congress to selectively tighten an already tight embargo.

Given the tensions Fidel Castro churns on the American scene, the Clinton proposals were bound to be attacked not only by Republicans campaigning for their party's presidential nomination in Florida but also by harder-line factions among the state's million Cuban Americans. From these sources now come calls for a military response—an air patrol to knock down rising Cuban MiGs or a blockade to keep Fidel Castro from either receiving foreign ships or expelling a new flood of refugees to Florida.

These measures would be counterproductive. If put into effect, they would leave the United States largely isolated among other nations. The better course remains to keep international diplomatic and private influence focused—in discussions on ending the embargo, for instance—on opening political space for human rights advocates, independent social and professional organizations, and democrats. As the recent crackdown on Concilo Cubano demonstrates, this isn't easy. But over time it offers hope.

[From the Detroit News, Feb. 29, 1996]

CUBA INCIDENT: CORRECT RESPONSE

The downing late last week of two unarmed civilian planes by Cuban military jets off the coast of Cuba was a brutal and cowardly act. But President Bill Clinton properly resisted the temptation in a political season to overreact. The administration's response was reasonably measured, even as it sought to condemn Cuba in the United Nations.

President Clinton has suspended all air charter transportation to Cuba, vowed to reach an agreement on tightened trade sanctions against Cuba, asked Congress to divert funds from Cuba's $100 million in frozen assets to compensate the families of the downed pilots and restricted travel to Cuba by Americans.

But the president didn't end travel to Cuba; he proposed requiring visitors to go through a third country to reach the island nation. Government officials estimate that about 120,000 to 130,000 people travel from the United States to Cuba each year. If the requirement that they route themselves through a third country slows the flow, Cuba will suffer from a loss of revenue in hard currency.

The proposed sanctions are in line with this country's 30-year-old policy of enforcing a trade embargo on Cuba. Its economy was propped up by the Soviet Union, but the dissolution of the old Soviet empire has thrust the regime of Fidel Castro on hard times.

The shootings necessitated punishment from Washington, but stiffer trade sanctions and restricted travel are not the best long-term solution for inducing change in Cuba. Mr. Clinton last fall moved to ease relations with Fidel Castro's regime. The administration then was right to do so. Commercial and cultural relations with Cuba ultimately will serve to weaken the grip of the aging communist dictator, whose misrule has given his countrymen decades of economic ruin.

The administration's two-prong policy on the shootings is also well-judged. To complement its own reprisals, it moved to obtain a condemnation of Cuba's action in the United Nations. The UN instead "deplored" Cuba's action, which is taken as a sign that it will not adopt its own trade sanctions.

But in all of its actions, the Clinton administration has moved to maintain control of this country's Cuba policy. The flights near the Cuban coast by a Cuban emigre group were clearly meant to provoke the Cuban government. The Cubans in the last several weeks had issued warnings that the flights should cease. Whether or not the civilian pilots actually violated Cuban air space remains in dispute.

Given the ambiguity of the situation, the Clinton administration is right not to let the Cuban emigre group get it into a confrontation. The group responsible for the flights has promised to continue them this week. But the new flights should be at their own risk. Washington, not Miami, should be the focus of U.S.-Cuba policy. And if the group files phony flight plans, the administration should consider grounding its aircraft.

The president's response drew criticism from some of his Republican challengers, but this smacks of the criticism he dealt former President George Bush on Bosnia. It is easy to talk tough when one is out of office.

For now, the Castro regime should feel the pain resulting from American displeasure over the shooting incident. But the long-term policy for breaking up the Castro regime should be more contacts and more commerce.

[From the Philadelphia Inquirer, Feb. 27, 1996]

HOLD THE BLOCKADE

THOSE CRYING FOR MILITARY ACTION AGAINST CUBA OUGHT TO PUT SATURDAY'S ATTACKS INTO CONTEXT.

Let's have a little perspective, please, on the Cuban downing of two civilian planes last Saturday.

To hear GOP candidates (and some Cuban exile groups) tell it, this is the most heinous international crime since Hitler's invasions, and should be fought as fiercely. Send U.S. warplanes, says Pat Buchanan. Amateur hour in the White House, scoffs Bob Dole.

Fortunately, President Clinton has been level-headed enough not to blow this incident out of all proportion. His call for U.N. Security Council condemnation of Cuba, and Cuban payment of compensation to the families of the downed pilots, is about what the sorry episode merits.

Those who want tougher action should examine the facts.

The two downed Cessnas were piloted by Cuban Americans belonging to a group called Brothers to the Rescue, which is supposed to aid Cubans trying to escape by sea to America. But the flow of refugees has mostly stopped since Washington began repatriating in August 1994.

So what were the planes doing? This Cuban American group has frequently overflown Cuban airspace, illegally, and last January dropped anti-Castro leaflets on, Havana. On Saturday's flight, the pilots were warned by Havana air controllers not to enter Cuban airspace. They replied that they would do so anyway, adding, "we are aware we are in peril."

U.S. officials say a third plane that escaped did enter Cuban airspace, while the two downed planes were shot by a Cuban MIG–29 in international waters. They also say, rightly, that no country has the legal right to shoot down unarmed planes that don't threaten national security; Cuban air controllers should have issued warnings.

But there is no question that Brothers to the Rescue was trying to provoke a Cuban reaction by repeatedly violating Cuban airspace to pursue their anti-Castro cause. No matter how one admires the pilots' bravery, or despises the Castro regime, that fact is clear.

Cuba is now nothing more than a historic leftover whose communist regime is bound to dissolve soon. To further isolate the population—by cutting phone contacts or family remittances from America—would only slow the foreign contacts that help undermine the regime.

Mounting a full-scale naval blockade would put America at odds with all its allies. Similarly, the Helms Burton bill in Congress—which the President has opposed but now promises to work on—would also make international mischief unless it is rewritten. As it now stands, the bill would legitimize suits by Americans against many third-country firms that trade with Cuba. Do we want to start trade wars with our allies over their commerce with Cuba?

That, not Mr. Clinton's reasoned response, sounds like amateur hour.

[From the Los Angeles Times, Feb. 27, 1996]

WEIGHING THE RESPONSE TO CUBA'S BRUTAL ATTACKS

CLINTON'S TASK IS TO PUNISH CASTRO, NOT THE CUBAN PEOPLE

The Cuban air force downing of two civilian aircraft last weekend, and the resultant deaths of four Cuban Americans aboard, was a blatantly illegal and needless act of provocation by Fidel Castro's government. President Clinton is right to condemn it in the strongest terms.

But Clinton must not allow Castro's latest act of brutality to push him too far, and he sensibly appears to have a hard but well-measured course in mind. To be provoked into a short-sighted overreaction could damage U.S.-Cuban long-term relations even further. The Administration's strategy may not please some of Castro's most ardent enemies in this country, but it will make it easier for Washington and Havana to resume normal relations in that not-too-distant future when Castro is gone and the long communist dictatorship comes to its inevitable end.

Clinton has announced that he will seek legislation to compensate the families of the four missing and presumed dead fliers from Cuban assets that have been impounded in this country. He also announced there will be new restrictions on the movement and number of Cuban diplomats in the United States and the suspension of charter air travel to Cuba. Lastly, he will expand the reach of Radio Marti, the U.S. government broadcast service into Cuba, a long-time burr under Castro's saddle. These are all reasonable responses.

Less reasonable, and possibly counterproductive, is Clinton's willingness to discuss with Congress possible administration support for the so-called Burton-Helms bill, legislation that would tighten the existing U.S. economic embargo on Cuba. While bills like Burton-Helms reflect an understandable U.S. frustration with the Castro regime, that legislation, like the embargo itself, would cause ancillary problems in Washington's relationship with other nations, including important allies and trading partners like Canada and Spain. Unless the State Department can help Congress rewrite Burton-Helms so that it aims toward the normalcy of key international trade agreements like NAFTA—a prospect that seems highly unlikely—it is best tossed in the congressional trash bin.

It is expected that the United Nations will soon join the United States in condemning the irrational order to set Cuba's MIG warplanes upon the small civilian craft flown by the anti-Castro pilots. Perhaps U.N. debate will bring out more facts about this incident than are now publicly known. For instance, what were the exact whereabouts of the planes at the moment they were attacked? The U.S. and Cuban government versions differ enormously. The Cubans say that the planes were inside their territory, while Washington and Brothers to the Rescue, the Cuban American organization to which the planes belonged, maintain that the aircraft were flying over international waters. It is, in fact, illegal to shoot at any unarmed civilian aircraft, according to international civil air agreements. Havana will have a lot of explaining to do if it hopes to come close to justifying the deaths of these four people.

At least some of the blame for this tragedy may lie with Brothers to the Rescue. Since 1991, the organization of Cuban American pilots has flown 1,700 missions in the skies around Cuba. At least twice, Brothers to the Rescue pilots have flown all the way to Havana to drop anti-Castro leaflets. Were the Brothers trying to provoke an incident with Cuba on the eve of Congress' consideration of the Burton-Helms bill? Possibly, but even if they were, and no matter how provocative those flights might seem, they cannot justify Saturday's brutal response.

Is Castro trying to send a message to Miami and Washington, not to mention the Cuban people, with this bloody incident? Is he trying to prove, yet again, that he will tolerate no political dissent from his aging and increasingly weak regime? Perhaps, but ultimately his attempts to hang onto power are futile. Someday, the sooner the better, the aging dictator will be gone and a new era of relations between Havana and Washington will begin. As Clinton ponders how to react to this lastest outrage, the president must keep in mind those long-term prospects. Exact payment, squeeze Castro, but don't derail the future relationship between the two peoples.

[From the Baltimore Sun, Feb. 27, 1996]

CUBAN JETS VS. UNARMED CESSNAS

CASTRO'S LATEST BLUNDER: CLINTON TIGHTENS EMBARGO, SHUNS MILITARY ACTION

President Clinton's substantive response to Cuba's latest outrage—the shooting down of two unarmed civilian planes whose only "bombs" were leaflets calling for freedom—was more restrained than his rhetoric. He ordered no military action, imposed no naval blockade, kept telephone lines open and did not shut off the money sent by exiles to families in Cuba.

Yet some action was imperative. No self-respecting country can permit the blatant murder of four of its citizens to go unpunished. No self-respecting leader can permit himself to be shown without recourse.

Fidel Castro's latest crime, when combined with his recent crackdown on dissenters, erases what had been a favorable trend in U.S.-Cuban relations. It also could short-circuit some of his efforts to replace the loss of Soviet-era economic aid with increasing trade ties with Europe.

It is true enough that those involved in Saturday's incident were provocateurs in the business of pulling Fidel's beard. They were members of Brothers to the Rescue, a Miami-based organization formed to rescue boat people fleeing Cuba. But since Mr. Clinton's policy of forced repatriation stopped much of that exodus, the group has violated Cuban air space several times to drop freedom leaflets despite U.S. pleas to desist. This evidently was the intent when they flew toward Havana during their ill-fated mission.

The Cuban retaliation was far out of proportion to the provocation and in clear violation of international strictures against firing at unarmed aircraft. As a result, Mr. Clinton rightly reversed his order of last October easing travel restrictions between the U.S. and Cuba. He will stop U.S. charter flights. He will compensate the families of those killed by Cuban jet fighters out of frozen Cuban assets in the U.S. He will expand the reach of Radio Marti. And he even will work with Congress to see if some version of the Helms-Burton bill tightening the economic embargo on Cuba can be passed.

One provision in that measure permitting Cuban-Americans and others to flood federal courts with suits seeking compensation from third-country investors who have purchased properties confiscated by the Castro regime should remain veto-bait. It would serve only to increase the impatience of other nations with the U.S. obsession with Cuba. Yet some tightening of the embargo now seems a political necessity, even though the more prudent long-range course would be to create the personal and economic ties needed for the inevitable transition to a post-Castro era.

STATEMENT OF THE EUROPEAN UNION, DELEGATION OF THE EUROPEAN COMMISSION, TO THE DEPARTMENT OF STATE

The Presidency of the Council of the European Union and the European Commission present their compliments to the Department of State and wish to refer to the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996.

The European Union (EU) has consistently expressed its opposition, as a matter of law and policy, to extraterritorial applications of US jurisdiction which would also restrict EU trade in goods and services with Cuba, as already stated in various diplomatic demarches made in Washington last year, including a letter from Sir Leon Brittan to Secretary of State Warren Christopher. Although the EU is fully supportive of a peaceful transition in Cuba, it cannot accept that the US unilaterally determine and restrict EU economic and commercial relations with third countries.

The EU is consequently extremely concerned by the latest developments in the House-Senate Conference in relation to this legislation, including the position now apparently taken by the US Administration. The legislation contains several objectionable elements. In addition, provisions relating to trafficking in confiscated property and those concerning denial of visas to executives or shareholders of companies involved in transactions concerning confiscated properties in Cuba, which had been removed during the adoption procedure by the Senate last 19 October 1995, have now been reintroduced by the House-Senate Conference. These provisions, if enacted and implemented, risk leading to legal chaos.

The EU cannot accept the prohibition for US-owned or controlled firms from financing other firms that might be involved in certain economic transactions with Cuba. The EU has stated on many occasions that such an extraterritorial extension of US jurisdiction is unacceptable as a matter of law and policy. Therefore, the EU takes the position that the United States has no basis in international law to claim the right to regulate in any way transactions taking place outside the United States with Cuba undertaken by subsidiaries of US companies incorporated outside the US.

Nor can the EU we accept the immediate impact of the legislation on the trade interests of the EU by prohibiting the entry of its sugars, syrups and molasses into the US, unless the former certifies that it will not import such products from Cuba. The EU considers such requests, designed to enforce a US policy which is not applied by the EU, as illegitimate. Such measures would appear unjustifiable under GATT 1994 and would appear to violate the general principles of international law and sovereignty on independent states.

In these circumstances, the EU would appreciate it if you would inform Congress that the EU is currently examining the compatibility of this legislation with WTO rules and that the EU will react to protect all its legitimate rights.

The EU is also worried by the provisions that would lead the US to unilaterally reduce payments to international institutions, such as the IMF. This measure would run counter to collectively agreed upon obligations via-a-vis those institutions and would represent an attempt to influence improperly their internal decision-making processes.

The EU also finds most worrying the reduction of US assistance to the Russian Federation as a possible consequence of this legislation. Such a measure would not only weaken Western leverage in favour of reforms, but comes at a critical junction in time.

Finally the EU objects, as a matter of principle, to those provisions that seek to assert extraterritorial jurisdiction of US Federal courts over disputes between the US and foreign companies regarding expropriated property located overseas. This measure would risk complicating not only third country economic relations with Cuba, but also any transitional process in Cuba itself. Furthermore, these provisions offer the possibility to US firms for legal harassment against foreign competitors that choose to do business in Cuba. The threat of denial of a US visa for corporate officers and shareholders accentuates this concern.

The EU considers that the collective effects of these provisions have the potential to cause grave damage to bilateral EU-US relations. For these reasons, the EU urges the US Administration to use its influence to seek appropriate modifications to the proposed legislation, or if this should not be feasible, to prevent it from being enacted.

Should the legislation be adopted, the European Union intends to defend its legitimate interests in the appropriate international fora.

The Presidency of the Council of the European Union and the European Commission avail themselves of this opportunity to renew to the Department of State the assurances of their highest consideration.

STATEMENT BY ALFREDO DURAN, PRESIDENT OF CUBAN COMMITTEE FOR DEMOCRACY

The recent shooting of two civilian planes which ended tragically with the loss of four lives was unquestionably an overreaction—once again—by the Government of Cuba. While President Clinton was correct in criticizing and imposing certain sanctions for the Cuban Government's disregard for international law, he should seriously ponder whether he is not now overreacting with his own endorsement of the Helms-Burton bill.

The Helms-Burton bill, with echoes of the Platt amendment, will, among other consequences, seriously affect the relations between the United States and Cuba for many years to come; violate the spirit, if not also the laws, of free trade and irritate major allies of the United States; deviate the attention of the world from Cuba's own excesses to the United States embargo, a policy which most nations have consistently criticized; and crippled the United States President's ability to act with flexibility to changes in Cuba.

Mr. Chairman, it will also further weaken the United States' leverage with the Government of Cuba in the future; slow down the mutually beneficial contacts between the people of Cuba and the United States; and exacerbate the divisions already existing between Cubans in the island and Cuban Americans.

Those of us who wish for a peaceful transition within Cuba appeal both to the Cuban Government to rethink their disregard for international norms and to the United States Government not to fall into the trap of overreacting to an overreaction.

STATEMENT OF ELOY GUTIERREZ MENOYO, PRESIDENT OF CAMBIO CUBANO/CUBAN CHANGE, TO THE U.S. CONGRESS

At a very early age, I learned about war. My brother Jose Antonio was killed fighting against fascism at age 16 in Spain. I was only five years old. My other brother, Carlos, was killed at the age of 31 in Cuba while trying to overthrow the Batista dictatorship. The tender age of the downed pilots makes me think of my dead brothers. The scars from premature death are painful to bear.

Nothing can excuse Cuba's bravado in downing the two Cessnas in which four young Cubans perished. However, this is a time for restraint and reason on both sides. US foreign policy relations must not be held hostage by extremists who seek to provoke and intensify an already tense atmosphere between both countries.

The time has come to engage Cuba in negotiations. If the US has understood, accepted, and promoted democratization in other countries, it is incomprehensible to now continue to treat Cuba with rigidity and inflexibility.

This is the moment to put into practice more creative and pragmatic policies which are truly conducive to a peaceful solution to the Cuban situation.

After twenty-two years in a Cuban prison, I was exiled abroad. Last year, I returned to Havana and called for civil and political liberties, for my right to return and continue my political work there, including my right to establish an office of Cambio Cubano in my country.

These objectives are possible only through a national reconciliation, rather than through a failed policy of confrontation. The peace for which we yearn is not easy. Most good things are as difficult as they are rare.

I urge the US Congress to defeat the Helms-Burton legislation.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. MOAKLEY. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, I would just like to ask the gentleman, aside from killing Fidel Castro with some kind of a paper resolution, what would the gentleman do over this latest incident?

Mr. MOAKLEY. Mr. Speaker, reclaiming my time, I would put the strongest sanctions I could. Helms-Burton is not the answer.

Mr. BURTON of Indiana. Mr. Speaker, what sanctions would the gentleman impose?

Mr. MOAKLEY. Anything else, but Helms-Burton is not the answer. Let me tell the gentleman, every Member who votes for Helms-Burton, I bet within a couple of months would say, why did I do it?

Mr. DIAZ-BALART. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana [Mr. LIVINGSTON], the distinguished chairman of the Committee on Appropriations.

Mr. LIVINGSTON. Mr. Speaker, I thank my friend from Florida for yielding me time.

Mr. Speaker, I rise in strong support of the rule and on the conference report on the Cuban Liberty and Democratic Solidarity Act. I commend Chairman SOLOMON, Chairman GILMAN, and Chairman BURTON for all their hard work on this important bill and welcome President Clinton's newfound support.

I would like to take this opportunity and offer my condolences to the families of the murdered pilots. They should know that their loved one's efforts in helping those seeking freedom was an inspiration to us all. Their dedication and bravery will not be forgotten.

This latest incident, once again, illustrates Castro's disregard for human rights and disrespect for international law. Along with repressing basic freedoms, Castro routinely and unmercifully persecutes anyone who speaks out against his barbaric practices. Now is the time to tighten the sanctions. Only by ending Castro's access to foreign capital will we bring about positive change in Cuba.

Since the cutoff of Soviet assistance in 1991, Castro has launched a desperate campaign to lure foreign investment in Cuba. This allows him to generate hard currency—the means necessary to sustain his repressive apparatus. We must not allow Castro to prop up his failed government with foreign investment in properties—many of which were confiscated from U.S. citizens.

The conference report permits American citizens to recover damages from foreign investors who are profiting from their stolen property in Cuba. This will block the foreign investment lifeline which keeps Castro's regime alive.

The conference report also creates a right for U.S. citizens to sue parties that knowingly and intentionally traffic in confiscated property of U.S. nationals. Moreover, it denies entry into the United States of any such individual. These are logical steps which will compel international companies to make a fundamental choice: ignore U.S. property rights and engage in business as usual with Castro or maintain access to the world's largest market.

While I strongly support increased economic sanctions to force Castro from power, I also support efforts to help any new effort which enhances the self-determination of the Cuban people.

The conference report requires the President to develop a plan to provide economic assistance to both a transitional government and a duly elected Government in Cuba. These provisions send a clear signal to the Cuban people that the United States is prepared to assist in the revival of Cuba's economy and to build a mutually beneficial bilateral relationship.

Cuba is at a crossroads. This report tightens the economic noose around Castro and focuses our country's energies on bringing fundamental change in Cuba.

I urge my colleagues to support this important legislation.

☐ 1230

Mr. BEILENSON. Mr. Speaker, I yield 4 minutes to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Speaker, I find it rather strange that we are taking up this legislation today in the manner in which we are. I will attempt to answer the gentleman from Indiana [Mr. BURTON] as well. I think his question is a good one: What would you do in place of this legislation?

Let me say what I think we should do. I think we should get rid of the embargo entirely, open it up. We are dealing with a nation here who shares western values. I think if we dropped the embargo entirely, Mr. BURTON is shaking his head, I wish we had more time. We could have an exchange at some later point, perhaps in special orders or something of that nature. I do not associate the people of Cuba with the government any more than the people around the world do necessarily with the government officials that we have here. I think that the way to end the dictatorship in Cuba is to open up our trade completely. I think the regime would fall very, very quickly under that kind of circumstance.

But, because my time is limited, unfortunately, I am trying in good faith to give an answer to Mr. BURTON on that. If we go with the legislation that is before us and allow the suing to take place, who are going to bring into the suit? Will Meyer Lansky come back then and the Mafia? Is that who we want to put back in charge?

I come from an island people. We understand what colonial domination is all about. I can tell my colleagues how my interest in Cuba first started because the oligarchs in Cuba that controlled sugar and slave labor there, which competed with our free collective bargaining individuals in Hawaii that produced sugar. We understand completely what was involved in the 1950s. I do not want to hear crocodile tears at this stage about dictatorships. I understand exactly what is taking place in Cuba there.

If my colleagues want to bring the Mafia back in and they want to bring the people who supported those kinds of people back into power, that is up to them. They can do that. But do not try and sell us at this particular time that somehow our allies, then, in Mexico and Canada are going to be subject to some kind of sanction. If we want to get rid of NAFTA, it is OK with me. I voted against it. But if that is going to be the case, it seems to me that to bring the kind of pressure that at least one of the individuals speaking in favor of the legislation brought to bear today, then I think that we are going to have to abrogate the NAFTA agreement as well. I mean, this may be the vehicle for doing it. I do not know. I had not thought about it previously.

So when Senator DOLE indicates, as previous discussant related to us, that U.S. policy has consequences around the world, I would say that is true. And I think our relationship with Canada and Mexico is a case in point.

I think that if we are talking about whether or not we are in control of our own foreign policy, I think we have to take into account whether or not these provocations do occur and whether or not we are going to sanction it. If it is the policy of the United States to allow these flights to take place, then we should say so. I think we should say so up front.

We are meeting in the Committee on National Security today, and we have had a discussion already in terms of our authorization as to what our policy should be or not be with respect to Cuba. And if it is our idea to have a provocation of the Cuban Government at this time, then I think we need to say so. And if that is what we want to do, go to war with Cuba, I think we ought to talk about whether or not we are going to go to war with Beijing. Are we going to encourage the same kind of approach from Taiwan toward the mainland of China? I think we have to be very, very careful here with respect to whether we allow the emotion of the moment to rule the legislation which comes before us in the wake of it.

With that, Mr. Speaker, I close my remarks and indicate that at some time in the future, I would be delighted to discuss what we should do. And I do not think, unfortunately, the legislation before us today allows that kind of discussion.

Mr. DIAZ-BALART. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New York [Mr. GILMAN], chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, the Cuban Liberty and Democratic Solidarity [Libertad] Act of 1996 has three constructive objectives: to bring an early end to the Castro regime by cutting off capital that keeps it afloat; to start planning now for United States support to a democratic transition in Cuba; and, to protect property confiscated from United States citizens that is being exploited today by foreign companies that are profiting at the expense of the Cuban people.

This legislation charts a course for responsible normalization of United States-Cuba relations under specific conditions. And, in the meantime, it helps protect the property of U.S. citizens until they can reclaim it under a democratic government.

Mr. Speaker, "libertad" means "freedom" for the Cuban people, literally and figuratively.

By approving this Libertad Act with wide bipartisan support, Congress will demonstrate our solidarity with the Cuban people who are struggling to be free.

We are sending an unambiguous response to Castro in the wake of his murderous attack on February 24 that cost the lives of four innocent Americans. And we express our condolences to their families.

Mr. BURTON and I have worked with a strong bipartisan coalition that has reached out to the administration in crafting this conference report.

We are pleased that the administration has publicly agreed to back the Burton-Helms bill. And, I ask that President Clinton's March 5 letter to Speaker GINGRICH endorsing this measure be made part of the RECORD today.

With the tireless work of Representative ROS-LEHTINEN, Representative DIAZ-BALART, Representative MENENDEZ, and Representative TORRICELLI, we have fashioned a sound piece of legislation that advances one of our most critical foreign policy objectives in this hemisphere.

Accordingly, I urge my colleagues to support the rule and this worthy bill.

Mr. BEILENSON. Mr. Speaker, I yield 5 minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Speaker, this legislation comes to the floor today propelled by our collective outrage over the recent murderous attack by the Castro regime on two defenseless and clearly marked civilian aircraft. Civilized people everywhere are rightly outraged by this brutal act and by the disregard that the Castro regime has shown for human life and human rights.

It is long past time for Castro and his paranoid regime to follow Brezhnev, Honeker, Ceausescu, and all the other failed Marxist dictators into the dustbin of history. There can be no disagreement about that.

But does it follow that there should be no disagreement about this bill? Emphatically, it does not. In fact, this legislation is a product of outdated dogma about how to fight Communist dictators, just as much as Castro is an outdated Communist dictator.

A vote for this bill is a vote to ratchet up the already tight Cuban embargo. That may be popular as a way to register our moral outrage at Castro's latest actions. Some may even believe it will help push his regime over the edge.

To the contrary, passing this bill is exactly the wrong thing to do right now.

What is our self-interest here? What should be our objective? It should be the peaceful transition to a Cuba with an open economic system and a democratic political system.

What is the best way to get there? I think our recent experience is instructive, our experience with the Soviet Union, with Eastern Europe, with China and Vietnam.

That experience is one of modest success achieved through a policy of tough-minded engagement: Engagement economically with trade and investment, showing the virtues of our economic system on the ground, in person, in their face. Engagement ideologically, promoting the free exchange of information and people with unimpeded travel. And, engagement culturally, through cultural exchange and humanitarian involvement. That's the policy that ultimately contributed to the undoing of the repressive regimes of the old Soviet empire and to economic reforms—admittedly incomplete—underway in China and Vietnam.

In contrast, this bill is just another iteration of an outmoded ideology: mindless isolation, the same failed approach that has been applied to Cuba for more than 30 by years.

What are we afraid of here? A small island nation with no stragegic allies and a failed economic and political system?

This Congress chose a policy of engagement with China even though China poses much a greater risk to us than Cuba. We did this precisely because we know that political, economic, and cultural engagement holds out the best hope of avoiding those very risks, whether economic or military.

This bill takes United States policy in Cuba in the wrong direction. It is absolutely contrary to the long-term interests of the United States. It will increase the prospect of a violent convulsion in Cuba that would be a real security and immigration crisis for the United States.

I do not agree with the President that this isolationist bill is an acceptable measure, even in response to such an offensive provocation by the Cuban Government as occurred last week. Tightening the embargo will only play into Castro's hands, helping him to keep his people in a state of repression and deprivation.

As in the case of our other former, and hold-over adversaries from the cold war era, the best policy for the United States to follow for its own self-interest, and to encourage reform of China's political and economic system, is a policy of tough-minded engagement.

Let us learn from recent history, Mr. Speaker. Let us have the courage to say "no" to narrow ideology, to say "no" to special-interest group domination of United States policy toward Cuba, and "no" to this bill.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. GOSS], my distinguished colleague on the Committee on Rules.

Mr. GOSS. Mr. Speaker, I thank my distinguished colleague from Florida for yielding time to me, and I rise today in strong support of this rule and the conference report on the Helms-Burton Libertad bill.

Today, at long last, we discuss this bipartisan legislation knowing that the President has agreed to sign it when it reaches his desk—unlike too many other important measures that have run into his veto pen. Today's vote culminates a long effort to educate the administration about the true nature of the Castro dictatorship. I must point out with some wonderment that it took the brutal tragic death of innocent American citizens to finally convince the Clinton administration that Fidel Castro really does not operate by rules of civilized conduct and he is never to be trusted. The Clinton administration, it seems, had to find this out the hard way—having toyed with a misguided policy of appeasement right up until those humanitarian relief planes were shot out of the sky. It is my hope that those who oppose this bill will soon come to the same realization that President Clinton has: That our only policy option is to clamp down on Fidel Castro once and for all. He is the problem.

Mr. Speaker, this legislation will put U.S. policy with Castro back on track—back to being tough with concrete action designed to restore democracy and encourage Castro's departure from power. We know from what happened in Haiti under the Clinton administration's policy of misery that properly run and fully supported embargoes can have serious impact. In Haiti, the Clinton administration's policy did damage that Haiti will be trying to recover from—and United States taxpayers will probably be paying for—for decades. But the Haiti experience should have taught us that, once and embargo is made the policy of choice, it has to be enforced with a clear focus on the enemy target and a firm commitment to seeing it through to its desired end. We ask our allies help. This legislation is designed to achieve that goal. I urge my colleagues to support the Libertad conference report and I look forward to the day when the United States can once again embrace a free and democratic Cuba.

☐ 1245

Mr. BEILENSON. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New York [Mr. RANGEL].

Mr. RANGEL. Mr. Speaker, I appreciate this opportunity to address the House, and I guess, since this is an emotional issue votes will not be changed, but I am in opposition to this rule, and most of what I am saying I hope I am saying for the RECORD as opposed to being against the deep feelings of my friends and colleagues that are in support of the rule as well as the bill.

A couple of weeks ago the President of the United States reviewed this bill, and he had indicated that he had serious reservations about this bill interfering with our foreign policy, our trade policy, about it abusing our court system, in that he said in its present form he would veto it. A couple of weeks ago the Helms-Burton bill was, I think politically speaking, put on the back burner in this body. A couple of weeks ago all the Republican candidates were dealing with the issues that they thought were important, but democracy in Cuba never got on anybody's agenda. What happened between that time and this political legislative rush to do this as fast as we can for democracy? What happened?

Four dedicated Americans, loving democracy enough to risk their lives, continued on a mission that went beyond just searching for those who may be lost in the ocean trying to reach the United States, few as they may be in recent days. They were determined to make certain that the issue of the overthrow of Castro and the restoration of democracy in Cuba would not be forgotten. I do not care what my colleagues' beliefs are; if they believe that was sincere and they did these things, we have to pray for their souls and their families and not ignore the courage that they had in doing these things, not once, but many times, in order to focus attention on the injustices, that were being committed in Cuba.

Did they believe that they would be shot down as civilian planes with no weapons? I would hope that no one would believe that in this world that we have people who would say, "Because you have provoked us, because you have made us angry, that we are prepared to blow up your planes and to murder you," and so the United States leads the world in terms of outrage in saying whether those planes were over Cuba, within 12 miles, outside of 12 miles, we just do not do this to people.

If one wakes up in the middle of the night and they think there is a burglar that intruded in their house, and they pick up a gun, and they go, and then they see it is a child that is fleeing without an arm, they may have the legal right, they may have the emotional feeling, but they do not shoot down a defenseless child no matter how much that child provoked them. No matter how we measure the patriotism, the dedication, of these pilots, nobody can make the accusation that they were a threat to the security of the people in Cuba.

So we all have to do the best we can to show not just Castro but anyone that thinks this way it is an outrageous thing to do, but how do we respond as a civilized nation? Do we run there, and grab Castro, and shake him, and say never again? No, our response is that we are going to enact this bill. We are going to show him how tough we are.

And what do we do in this bill? We say that we are going to not only tighten the trade embargo against Cuba, but we are going to take it out of the hands of the President. Who can trust the President? We have got to make it statutory. We have got to say when it comes to embargoes in foreign countries we know best, not Presidents know what is best. And what else are we going to do? We are going to say that our embargo was so effective that once we tightened the screws on our so-called friends, they will capitulate to this United States pressure and join in with us, as they did in South Africa and Haiti, and say this is the moral and the right thing to do and then collapse goes Castro.

Give me a break. This bill has nothing to do with Castro. It has everything to do with our friends and our voters in Florida.

Do my colleagues think for 1 minute that the Organization of American States is going to say I was outraged, too; please let me break every agreement that I have with Cuba? Do my colleagues think that the World Trade Organization is going to say since we have a murderer as a dictator, all the investments we have in Cuba, we got to tell them to forget it. Do my colleagues think the United Nations is going to do anything except condemn the United States in trying to perpetuate our domestic and, indeed, to stretch the word, our foreign policy, to include them? No. The truth of the matter is that we do not care what they believe. We are doing this because we feel good about doing it, and do my colleagues know why we are doing it? Because we got the votes to do it. And do my colleagues know why the President is doing it? Because he wants the votes to continue to be President.

I tell my colleagues this: The people who want democracy in Cuba, do not change those ways, do what feels good, but let some of us who want democracy and freedom at least try some different way to do it. I just do not believe that they are doing anything except saying to the poor people in Cuba who are homeless, who are jobless, who are suffering, who are in misery, who need food, who need medicine; do my colleagues think for 1 minute that they are marching up and down the streets of Havana saying, "My God, Castro, you made it worse for us, now the whole world is condemning us"? No, Castro is saying their misery and their pain is due to Americans who singularly have an embargo against them. Is he blaming himself for the failures that he has had in the socialistic communistic government? No.

So who is supposed to be responsible for everything that is going bad? The embargo. And what do we say? Forget what you see, what you hear, it is working, man; it is working, man. And it is working so well, all we have to do is tighten this, and then all of the Cubans will be in such misery and pain and hunger.

Do my colleagues know what they are going to do? No. What will they do? They are going to organize and revolt. Oh, my God. Meaning they are going to overthrow the government? Oh, yes, hungry and sick and tired, without rifles, they are going to this fat, overtrained, overfed army and say, "Oh, thank God, the Americans have made life miserable for me, we are getting rid of you."

I tell my colleagues one thing: If we do reach these people, we will get rid of them, and they will be on the rafts, and they will be on the boats, and they will be in Miami, but they will not be fighting that Communist Cuban Army in Havana. My colleagues can believe that.

But I say this: As we bleed for the families of those heroic pilots, I see something new happening here, too. We are, indeed, encouraging other people that, if they do not like our foreign policy, they just get themselves an airplane, buddy. Just put in for a flight plan. Just go where they want to go. And when they say the jets are coming, then say, hey, forget it, I am dedicated.

Let us see what is happening in Ireland. As my colleagues know, let us put out some pamphlets there. Let us go to the Middle East and see whether or not they are really prepared to really move the peace process. Let us check out Korea, North and South, and Vietnam, and let us legislate it, do not let the President with his flip-flop self determine 1 day what is good and what is bad. The Congress knows, and who knows better than the Republican majority here about everything?

So this is not a contract for America. This is a contract for the world. If you are for democracy, squeeze the people that are hungry, stop the food and medicine from going, tell American businessmen not in Cuba will you invest, and at the same time support trade in NAFTA, support it in GATT, support it all over the world, but do not support it in Cuba.

I suggest to my colleagues I have the same outrage for murderers that they do, but I hope this country does not embark on having this in concrete and firmed up as what we do as a nation and as a Congress when we are outraged.

Mr. DIAZ-BALART. Mr. Speaker, I yield 5 minutes to the gentlewoman from Florida [Ms. ROS-LEHTINEN], my distinguished friend and colleague.

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman for yielding time to me, as well as for his strong leadership role in the passing of this legislation.

Mr. Speaker, I rise in support of the rule for H.R. 927. This legislation is designed to hasten the demise of the Castro dictatorship, the last undemocratic regime in our hemisphere, which for over three decades has subjected the Cuban people to untold repression and misery.

Over the past month, we have observed the voices of those calling for a softer policy with Castro fall strangely silent as the dictatorship increases its repression against the people of the island. Not only has the regime increased its harassment and intimidation against the growing independent movements in journalism and in other dissident sectors inside Cuba, but the regime's brutal shoot down last week of two civilian unarmed aircraft with U.S. citizens aboard showed us that after three decades the Castro tyranny remains as bloody and ruthless as it ever has been.

The Helms-Burton bill will penalize those who have become Castro's new patron saviors-foreign investors who callously traffick in American confiscated properties in Cuba to profit from the misery of the Cuban worker. These investors care little that they are dealing with a tyrant who promotes terrorism, drug trafficking, and denies the most basic of human liberties to the people of Cuba.

This legislation takes a strong stance against those immoral investors by denying them participation in our United

States markets, if they decide to invest in Cuba and prop up the dictator in this way.

Mr. Speaker, I urge my colleagues to join us today in supporting this legislation, thus helping Cubans in their struggle for freedom. This bill will hurt Castro, it will help the Cuban people, and it will send a strong message to those immoral foreign investors. Stop helping the dictator by trafficking in confiscated United States property.

The Helms-Burton bill goes to the heart of the means by which the Cuban tyrant is now financing his repression of the Cuban people; namely, immoral foreign investment. After the millions of dollars in Soviet subsidies to Castro ended, the Cuban dictator and his Communist thugs have tried to obtain the hard currency necessary to keep themselves in power. Foreigners are allowed to invest in Cuba, and many do, in properties which are illegally stolen from American citizens.

In this new slave-like economy, designed by the Castro regime, the Cuban people are not able to participate. Instead they are pawns of tne regime and of the foreign investors who are attracted to invest in Cuba because of the low wages and the repression against the Cuban worker. The foreign investors pay Castro in dollars. Castro pays the Cuban worker in devalued Cuban pesos at a small percentage of what was given to the communist dictator.

Mr. Speaker, it is for those four murdered pilots, Armando Alejandre, Mario de la Pena, Pablo Morales, and Carlos Costa, as well as for the thousands and thousands of unknown Cubans who have given their lives to bring liberty to their island that we will pass this legislation today.

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Mr. Speaker, it is not only the correct policy to follow, but a moral imperative to assure that the ultimate sacrifice paid by these thousands of freedom fighters will not be in vain.

At times it seems unreal and implausible that only 90 miles from the shores of this great democracy lies an enslaved nation ruled by a ruthless Communist dictatorship, a nation whose citizens are denied the most basic human, civil, and political rights. In my native homeland of Cuba, no one but the dictator has any rights at all, an island which once had the highest standard of living in Latin America but where its citizens today struggle day to day for the bare necessities needed to survive.

Mr. Speaker, it might seem unreal that such a state could exist a few miles from our shores, but of course, unfortunately, it does. The thousands of Cuban rafters who have risked their lives in the Florida Straits to escape the Castro dictatorship are a vivid reminder of this sad reality. The thousands of dissidents who have been harassed, imprisoned, and indeed killed are testament to the lack of respect for human rights by the Castro regime.

Most recently, the premeditated cold-blooded murder over international waters of four pilots in a humanitarian mission, three of them American citizens, one a Vietnam veteran who served two tours of duty, has awakened the world that in Cuba, the rule of death and fear prevailed over the rule of democratic law and order.

Mr. Speaker, the legislation we are now considering will go a long way toward helping the Cuban people reestablish the rule of democracy and law for which they have battled for 37 years to achieve. I thank the gentleman once again for his strong leadership role in making this legislation possible as well as many of our colleagues on the Democratic side of the aisle.

Mr. DIAZ-BALART. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. CHABOT], a distinguished new Member of the House.

Mr. CHABOT. Mr. Speaker, I rise in strong support of the conference report and the rule, and I commend the leadership shown by the chairman of the committee, the gentleman from New York [Mr. GILMAN], the chairman of the subcommittee, the gentleman from Indiana [Mr. BURTON], the gentleman from Florida [Mr. DIAZ-BALART], the gentlewoman from Florida [Ms. ROS-LEHTINEN], and the gentleman from New Jersey [Mr. MENENDEZ].

I also want to applaud President Clinton for finally having voiced support for the Cuban Liberty and Domestic Solidarity Act. It is unfortunate that it took the cold-blooded murder of unarmed American citizens to awaken the President to the harsh reality of the morally reprehensible Castro regime.

Fidel Castro is a thug, an international outlaw. His 37-year reign has been noteworthy for its brutality and its unrelenting resistance to individual liberty and freedom. The misery that has been suffered by the Cuban people at the hands of Fidel Castro is one of the world's great tragedies. This legislation will tighten the existing United States embargo against Cuba, and it protects the rights of United States citizens and businesses whose property has been confiscated unlawfully by the Castro regime. It is a good bill and it is long overdue. I urge passage.

Mr. DIAZ-BALART. Mr. Speaker, I yield 5 minutes to my good friend, the gentleman from New Jersey [Mr. MENENDEZ].

Mr. MENENDEZ. Mr. Speaker, I thank the distinguished gentleman from Florida for yielding time to me.

Mr. Speaker, I am happy that I got some time from the Republican side, since I have been told today we cannot get any time from the Democratic side to speak in favor of the bill, despite the fact that a third of the Democratic Caucus voted for this bill last fall.

Mr. Speaker, I rise not to apologize for Fidel Castro, not to coddle him, not to rationalize or justify whatever he has done. The fact of the matter is that I am really offended when I hear my colleagues refer to this issue as "This is about voters in Florida." To say that is to say that seeking peace in Ireland or giving a visa to Gerry Adams is about Irish voters, or that our collective outrage against the barbaric acts that have taken place in Israel is about Jewish voters, or, for that matter, to say that our movements to end apartheid in South Africa, to bring democracy to Haiti, and our efforts to give relief in Somalia were about African-American voters. It is an insult to this community.

This is about democracy. It is about promoting human rights. It is not about votes of some group in some State or States. That is why we had a strong bipartisan vote. That is why yesterday in the Senate, 74 Senators joined in favor of creating democracy in Cuba. That is why 294 Members of this House last fall voted for it, with a third of the Democratic Caucus joining an overwhelming number of the Republican Party because they understand the realities.

Mr. Speaker, let me say that in fact when we hear about creating peaceful change, we are all for peaceful change. That is our goal. But what has Castro's response been to peaceful efforts within Cuba, like those of the Concilio Cubano, a group of 120 organizations who promote peaceful democratic change in Cuba? Our Members go there and visit Cuba. They have a cigar with Fidel. They enjoy some time there. And as soon as they leave, these people get arrested.

What happened in the week preceding the killing of the four American citizens? What happened? These people who seek peaceful democratic change by Cubans in Cuba, not about some bygone era that people like to allude to, the response to their request which they made to the regime for a national meeting, what we enjoy here in the United States, to simply sit down and say, "How do we move towards democratic change within Cuba," what was the response? One hundred of them were arrested and imprisoned. Dozens of others are under house arrest. Women were strip-searched so they would be intimidated from participating in the organization. That is the answer to peaceful democratic change in Cuba.

For those who believe in some romanticism, that when the people go and say, Please, we want to move towards democracy, Fidel is going to act the right way, they have seen it. For those who keep saying that this is after the cold war, I agree, it is after the cold war, but nobody told Mr. Castro.

The fact of the matter is he has shown us what he is willing to do with the third largest military in the entire Western Hemisphere. He represses his people who ask for peaceful democratic change, and we are silent for the most part. Those who say they are for democracy in Cuba, peaceful democratic change, why are they not speaking out on behalf of the Concilio Cubano?

What is the response to four U.S. citizens flying in international airspace, unquestioned by our Government through all of their intelligence that they were in international airspace? This is the response, Mr. Speaker. Let me read the transcript that Madeleine Albright presented to the United Nations: "Cuban fighters, a small white and blue Cessna that they were tracking, and their excitement was clearly palpable * * * 'The target is in sight, the target is in sight,' the small aircraft, the MiG pilot radioed back to his ground controller. 'It is flying at a low altitude. Give me instructions,' said the pilot. The answer was 'Fire. Authorized to destroy;'" not to warn, not to try to seek under international law to move them, but, even though they were not in Cuban airspace, no, to destroy.

Thirty-three seconds later, the response from the MiG 29 pilot was "We took out his * * *" and I will not add the expletive. "That one won't mess around with us anymore." Two and one-half minutes later another pilot sighting the second Cessna said, "Give me the authority." He was responded, "You are authorized to destroy it," and it was destroyed. "Fatherland or death, the other is down also." These are the transcripts that our U.S. Ambassador to the United Nations presented to the world.

Mr. Speaker, the fact of the matter is this bill is bipartisan. It has the support of the President. President Clinton sent a letter to the Speaker of this House saying that he supports the bill, and urges all Members to vote on behalf of it.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

Just in the last century, Mr. Speaker, after the Cuban people were fighting almost 100 years for their freedom from Spanish colonialism, it was the United States that stood by their side and helped them achieve freedom and independence. History has a way of repeating itself. Now it is the American people through their Government, and today speaking through their Congress and the President, standing with the Cuban people against the worst oppressor in the history of this hemisphere.

So we think of the hundreds of political prisoners now imprisoned, the thousands who have been killed, including the American citizens just a few days ago. We dedicate this legislation to them. It is going to be a great sign of solidarity with the Cuban people. I would ask my colleagues to support the rule and support the conference report.

The SPEAKER pro tempore. Without objection, the previous question is ordered, on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DIAZ-BALART. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 347, nays 67, not voting 17, as follows:

[Roll No. 46]

YEAS—347

Ackerman
Allard
Andrews
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Beilenson
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Borski
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Chrysler
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Coyne
Cramer
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Luther
Manton
Manzullo
Martinez
Martini
Mascara
Matsui
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Minge
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quinn
Radanovich
Rahall
Ramstad
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—67

Abercrombie
Becerra
Berman
Bonior
Boucher
Clay
Collins (IL)
Conyers
DeFazio
DeLauro
Dellums
Evans
Fattah
Flake
Foglietta
Frank (MA)
Furse
Gejdenson
Gibbons
Gonzalez
Hall (OH)
Harman
Hilliard
Hinchey
Jackson (IL)
Johnston
Lewis (GA)
Lincoln
Lofgren
Lowey
Maloney
Markey
McDermott
McHale
McKinney
Miller (CA)
Mink
Moran
Nadler
Oberstar
Obey
Olver
Owens
Payne (NJ)
Pelosi
Rangel
Roybal-Allard
Rush
Sabo
Sanders
Schroeder
Schumer
Scott
Serrano
Skaggs
Stark
Studds
Torres
Towns
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Woolsey
Yates

NOT VOTING—17

Archer
Bryant (TX)
Chapman
Christensen
Collins (MI)
Crane
Durbin
Frelinghuysen
Hayes
Hunter
LaFalce
McCarthy
Quillen
Sisisky
Spence
Stokes
Waldholtz

☐ 1334

The Clerk announced the following pair:

On this vote:

Ms. McCarthy for, with Mrs. Collins of Illinois against.

Mr. FLAKE, Mr. SCHUMER, and Mrs. MALONEY changed their vote from "yea" to "nay."

Mrs. CLAYTON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CLYBURN, and Mr. FIELDS of Louisiana changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. LAFALCE. Mr. Speaker, on Wednesday, March 6, I was unavoidably absent for rollcalls 45 and 46. Had I been present, I would have voted "aye" and "no" respectively.

Mr. GILMAN. Mr. Speaker, pursuant to House Resolution 370, I call up the conference report on the bill (H.R. 927) to seek international sanctions against the Castro government in Cuba, to plan for support of a transition government leading to a democratically elected government in Cuba, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. EWING). Pursuant to House Resolution 370, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Monday, March 4, 1996, page 3546.)

The SPEAKER pro tempore. The gentleman from New York [Mr. GILMAN] will be recognized for 30 minutes, and the gentleman from Indiana, [Mr. HAMILTON] will be recognized for 30 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. SKELTON. Mr. Speaker, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Speaker, I wish to associate myself with the position of the gentleman from New York in relation to this measure.

Mr. Speaker, I strongly support this measure, and I compliment the committee and the sponsors on bringing it to this Chamber for a vote.

We all know what Castro has brought to the land of Cuba. This measure send a firm message that we, in this body, stand for freedom and democracy in Cuba. There are so many violations of human rights and rules of decency inflicted on the Cuban people by Castro. Further, we abhor the tragedy he caused regarding the American airplanes just a few days ago.

Let us Americans stand together, let us vote for this bill and send an unequivocal message that we stand for democracy and freedom for the Cuban people.

Mr. GILMAN. Mr. Speaker, I urge my colleagues to join me in supporting the conference report Cuban Liberty and Democratic Solidarity [LIBERTAD] Act of 1996.

This legislation advocates a responsible course to encourage and support genuine, fundamental reforms in Cuba.

And, in the interim, it helps protect the property of U.S. citizens until they can reclaim it under a democratic government.

Mr. BURTON has worked with a strong bipartisan coalition. With the help of Ms. ROS-LEHTINEN, Mr. DIAZ-BALART, Mr. MENENDEZ, and Mr. TORRICELLI, he has fashioned a sound piece of legislation.

Recently, President Clinton expressed his full support for this bill, which he has described as "a strong, bipartisan response that tightens the economic embargo against the Cuban regime and permits us to continue to promote democratic change in Cuba."

Mr. Speaker, allow me to address several of the concerns raised by the few remaining critics of this legislation.

First, the only companies that will run afoul of this new law are those that are knowingly and intentionally trafficking in the stolen property of U.S. citizens.

International law and comity were not conceived to protect the corporate scavengers who are profiting at the expense of the Cuban people, pilfering the purloined assets of American citizens, and propping up a bandit regime.

To the extent that this act holds us all to higher standards and defends universally recognized property rights, international law and the rules of the corporate game are improved for the better.

Second, this act does much more than stiffen sanctions. It outlines a reasonable course for normalizing relations with a democratic Cuba. And, it offers the Cuban people an early helping hand in making a peaceful transition.

When inevitable change comes to, I am convinced that no country in the world will do more than ours to help the Cuban people—and they will know that we never sold them out.

Third, this legislation authorizes immediate United States support for Cuban prodemocracy groups and for the immediate deployment of international human rights observers and election-monitors in Cuba.

We simply ask our neighbors in this hemisphere to hold Fidel Castro to the same standards that they hold themselves.

My friends, the day unfettered human rights monitors are allowed to inspect Castro's prisons will be one of Castro's last.

Let us not pass up this historic opportunity to bring about a peaceful change in Cuba. I urge my colleagues to support this conference report on H.R. 927.

Mr. Speaker, I am including at this point in the RECORD the March 5, 1996, letter from President Clinton and the March 5, 1996, letter from the distinguished chairman of the Committee on Ways and Means, the gentleman from Texas [Mr. ARCHER], regarding this conference report.

THE WHITE HOUSE,
Washington, DC, March 5, 1996.

Hon. NEWT GINGRICH,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: The Cuban regime's decision on February 24 to shoot down two U.S. civilian planes, causing the deaths of three American citizens and one U.S. resident, demanded a firm, immediate response.

Beginning on Sunday, February 25, I ordered a series of steps. As a result of U.S. efforts, the United Nations Security Council unanimously adopted a Presidential Statement strongly deploring Cuba's actions. We will seek further condemnation by the international community in the days and weeks ahead. In addition, the United States is taking a number of unilateral measures to obtain justice from the Cuban government, as well as its agreement to abide by international law in the future.

As part of these measures, I asked my Administration to work vigorously with the Congress to set aside our remaining differences and reach rapid agreement on the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act. Last week, we achieved that objective. The conference report is a strong, bipartisan response that tightens the economic embargo against the Cuban regime and permits us to continue to promote democratic change in Cuba.

I urge the Congress to pass the LIBERTAD bill in order to send Cuba a powerful message that the United States will not tolerate further loss of American life.

Sincerely,

BILL CLINTON.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, March 5, 1996.

Hon. NEWT GINGRICH,
The Speaker, The Capitol, Washington, DC.

DEAR MR. SPEAKER: I am writing to you regarding Section 102 of the Conference Report on H.R. 927, the Cuban Liberty and Democratic Solidarity Act of 1996, in which the Committee on Ways and Means has a jurisdictional interest.

Specifically, Section 102 codifies existing Executive Orders and regulations on the Cuban embargo. This provision falls within this Committee's jurisdiction over trade laws affecting imports and revenues. This provision was not included in the version of H.R. 927 that was passed by the House on September 21, 1995, but rather was added in conference.

In order to expedite the consideration of the conference report, I will not object to the inclusion of Section 102. However, this is being done with the understanding that the Committee will be treated without prejudice as to its jurisdictional prerogatives on such or similar provisions in the future, and it should not be considered as precedent for consideration of matters of jurisdictional interest to the Committee on Ways and Means in the future.

Thank you for your consideration of this matter. With warm personal regards,

Sincerely,

BILL ARCHER,
Chairman.

Mr. GILMAN. Mr. Speaker, I ask unanimous consent to yield the balance of my time to the gentleman from

Indiana [Mr. BURTON], our able chairman of the Subcommittee on the Western Hemisphere, and the principal House sponsor of this measure, and that he be permitted to manage the balance of the debate on this side.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I reserve the balance of my time.

Mr. HAMILTON. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from California [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Speaker, we must have an effective policy to respond to what Fidel Castro did to four American citizens—killing them in international airspace—in contravention of international law. That is the first and most important point I have to share with my colleagues today.

In order to have an effective policy, we must have the support of our allies, and my objection to this bill is because I am convinced it will alienate, instead of bring together, our allies. It will divide, instead of uniting them, and the reason it will do that is because this bill—in a manner unprecedented in American law—extends the extraterritorial reach of the United States's jurisdiction.

As we go around the world, and I trust that all of my colleagues would agree with this, there are very few countries where people say, "You know we admire the American civil justice system. We would like to have class actions, plaintiffs' attorneys' fees, we would like to have all of that system in place for our country." And the reason is that we have a rather extensive and what most foreign countries consider onerous rules in our civil justice system.

What this bill does is to extend for the first time the right for a private citizen, not the Government of the United States, but a private citizen to bring the full crushing weight of the American civil justice system, with discovery, with delays, with attorneys' fees to bear upon a private party of another country.

Now, normally, other country's citizens and corporations follow the rule of international law, which is very important for international commerce. And if you know the law of your own country and you know the law of the country where the investment is located, you are all right. You will abide by your own country's law. You will abide by the law of the country where your investment is.

But in this bill today, a person who in good faith accepted title to property under the laws of the nation where that property was located will have to check not only the laws of that country, his or her own laws, but the laws of the United States as well. And I note particularly to my colleagues on the majority that we do today what we generally abhor: We create a statutory right for a new legal action, and we give attorneys' fees only to the prevailing plaintiff. We do not give attorneys' fees to the other side. And many of us, I am sure, have spoken about the burden of one-sided fee shifting, the ability to haul somebody into court, put them to a huge expense, and then say, "If I am wrong, I am sorry. You are still stuck with your legal fees." That is in this bill, one-sided plaintiff-only litigation, attorneys' fees.

□ 1345

Now, the problem is that this comes at a time when we need Canada, we need Australia, we need Western Europe. The only time sanctions have worked, economic effective sanctions have worked, is when we are joined by our allies. For over 30 years we have attempted to isolate Cuba, and our efforts at economic sanctions have failed because they have been only ours and not engaged our allies. In title III of this bill, what we do is guarantee we will not have the support of our allies in any action that we intend to bring pressure upon the Castro regime.

What is most critical here is to unite and to present to the Cuban Government, the Castro regime, a Europe, North America, a Latin America, and an Asia that say that we will no longer trade in your goods. Instead, what we have is a direct affront to rules of international law on jurisdiction.

I repeat, there is no precedent for extending American law to investments made in another country pursuant to laws of that country. Indeed, in 1964, the Supreme Court of the United States ruled in Banco Nacional de Cuba versus Sabbatino that American courts could not inquire into the legality of the expropriation acts of the Cuban Government when done in Cuba.

Lastly, what we embark upon today has the most serious ramifications for our hope to infuse investment in Eastern Europe. Think about it for a moment. If today's law becomes law, if title III stays in this law, then anyone who invests in Poland, the Czech Republic, or Slovakia, regimes that were formerly Communist, will have to worry that at some point the United States will call into question those investments, because under the exact same pattern as this law, we extend extraterritorially a right of action against someone who traffics or profits in property located in another regime, even if it was legal at the time.

I conclude with a plea: We must unite in opposition all countries that respect civilized behavior. What happened over the Strait of Florida was not civilized behavior. This bill divides. It does not unite. I urge a no on this bill.

Mr. BURTON of Indiana. Mr. Speaker, I yield 2 minutes to the gentleman from Florida, Mr. LINCOLN DIAZ-BALART, my distinguished colleague and great helper and supporter of this bill.

Mr. DIAZ-BALART. Mr. Speaker, it is really a shame my erudite and learned legal scholar colleague, the gentleman from California [Mr. CAMPBELL], is so incorrect in his interpretation of this legislation. First of all, and I heard him before the Committee on Rules yesterday where he pointed out that there was unfair treatment of some of the parties, I want to point out that on page 35 in title III, the provisions of title 28 of the United States Code and the Rules of Courts, they apply under this section to the same extent as those provisions with regard to any other action.

The point I am trying to make is this is not an extraterritorial law, and when we say we will protect the property of American citizens that was stolen by a dictatorship, we are protecting the rights of American citizens' property, and not the rights of other citizens from other countries. So this is not an extraterritorial piece of legislation.

Now, the essence of what we are trying to do is to shatter the arguments of the opponents of this legislation, that despite the fact that they supported embargoes against South Africa and Haiti, they now say that we should have a policy of helping the regime through trade and through investment in Cuba. It is a double standard that has been rejected by this Congress before and that is going to be rejected again. It has been rejected by the administration as well.

The statement that is going to go out today, a bipartisan statement, is that with regard to Cuba, just as in the 19th century, the American people are standing with the Cuban people against oppression, and are not going to stand with the oppressors of the Cuban people. Those people will be free. They will remember who their friends were, and they will remember who stood ignoring them and using double standards in this Congress, like our opponents time and time again, despite even murders of American citizens in international waters continue.

I think it is shameful that people, even after the murder of American citizens, still find excuses for Castro, still find pretenses for Castro, and get up here and find excuse after excuse after excuse.

There is no more excuse for murder, that is no more excuse for that tyranny. It is time that the American people show their unity, as they are going to today in this Congress.

Mr. MORAN. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, from a political standpoint, this makes compelling sense, but from a substantive foreign policy standpoint, it is nonsense.

Mr. Speaker, this is not the way we won the cold war. This is not the way we tore down the Iron Curtain. We are going to be punishing the Cuban people, when what we really want to do is punish an antiquated despot.

But there are worse things about this that need to be brought to light. In the Baltimore Sun last May, it was reported that this bill was largely written by Nick Gutierrez, who represents the sugar mill owners and the tobacco industry, and Mr. Ignacio Sanchez, who represents the Barcardi Rum Co. Their competitors operate in Cuba, specifically the British American Tobacco Co. [BAT] and Perrot Ricard rum distillery.

What is going to happen here is we are not going to shut down these industries. What is going to happen is these Cuban-American lawyers are going to make settlements out of court so they can get equity participation in these competitor firms.

Now, in the first place, the bill limits legal recourse in American courts to people who had property in Cuba during the Batista dictatorship that was valued over $50,000 in 1960. There were not many Cubans who had property worth more than $50,000 back in 1960 before the revolution. You had to be a member of the Batista regime and in good standing to do so. But what this does is to enable people who owned large property to be able to settle out of court to get a large share, or at least a significant share, of the profits of these rum companies and tobacco firms currently operating in Cuba. They know they are not going to shut down these plants. They don't necessarily want to shut them down. They want to own them. They know it is cheaper for these Cuban operations to make an out-of-court settlement to comply with this new bill. In fact this bill specifically states that "a lawsuit may be brought and settled without the necessity of obtaining any license or permission from any agency of the United States."

That is what this is all about. What we are going to be doing is propping up many of the people who created the environment which caused Castro to be able to bring forth the revolution and has enabled him to sustain that revolution.

That is not what we want. We want to enact legislation that will help the real people of Cuba, the butchers and the bakers and the candlestick makers and all the laborers and farmers. The people who were brutally exploited by the Batista regime. Those are the people we ought to help, and those people are excluded from this legislation.

This legislation prevents the United States President from effectively helping in a transition to democracy and shuts out America's values and its people from exposure to the Cuban people and their thirst for the same principles and values.

This is not good foreign policy. It ought to be defeated on its merits.

Mr. BURTON of Indiana. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, just to respond to my colleague, I would say that the opponents of this bill asked for the $50,000 threshold. We granted it to you and to the administration so we could keep a flood of litigation from going into the courts. So we did what you asked. Then you go to the well and say we are doing the wrong thing. We just tried to accommodate you.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman for yielding me time and I thank him for all the help he has given to this cause for freedom for the Cuban people.

Mr. Speaker, as the previous speakers have pointed out, those same allies who stood with us against undemocratic regimes in Haiti and South Africa and Iraq and many other places have decided to turn their backs on Cuba, preferring to gain a quick and easy dollar from the repression against the people on the island.

Thankfully, America, a land which has given a second chance to many people like myself who escaped Communist tyranny, will once again live up to its reputation as the defender of freedom and human rights in the world.

Mr. Speaker, this legislation reasserts our commitment to the Cuban people that this Nation will not engage the Castro dictatorship economically or politically. It recognizes that such an unlawful regime deserves our rejection, and it further emphasizes our support for the Cuban people by outlining a framework to assist a free and democratic transitional government in my native homeland.

Mr. Speaker, the Committee on International Relations recently had the opportunity to listen to some of the relatives of the four murdered pilots, innocent civilians who were brutally attacked and murdered by the Castro regime. They strongly support even tougher sanctions against the tyrant. This legislation will help reduce the immoral investments by sending a clear message to these foreign investors: If you traffic in confiscated American property in Cuba, you will not be able to do business as usual in the United States.

Simply stated, those investors who wish to invest in Cuba have to make a choice between becoming accomplices to Castro's dictatorship or participating in the United States market. It is unfortunate that many of our allies have opposed this legislation, but to them I ask: How many more have to be harrassed, arrested or killed before you stop helping the Cuban tyrant? Again, to our allies: How many more have to give their lives to free their homeland before you desist in engaging in commerce and financing Castro's communist dictatorship? To our allies, join with us in helping to establish freedom and democracy to the enslaved and oppressed people of Cuba.

Mr. MORAN. Mr. Speaker, I yield 4 minutes to the gentleman from New York [Mr. SERRANO].

Mr. SERRANO. Mr. Speaker, it is very troubling when you come to the well and speak and have the full realization that nothing you say will finally sway the vote. This bill will pass and the President will sign it, because the President has been advised that Miami has votes that he can pick up. I will support him in New York, and he has a lot of votes in New York. But he has no votes in Miami, and that is the travesty of this situation.

What we have here is more of the same. It is more of a policy that has not worked. It has not worked for those of us who feel that the Cubans should be left alone to determine their own destiny, and it has not worked for those who wanted to get the Cuban Government to throw out Fidel Castro and hang him by his toenails.

Except that this time, Mr. Speaker, as has been stated on this floor, it goes further. It goes deeper. Now we are telling our allies that we have no respect for their own sovereignty. Not only do we not have any respect for the Cuban sovereignty, but now we are going to tell Canada, Mexico, and everyone else that they must behave the way we behave.

When the embargo was the simple embargo, as some people would like to think it is, no one in the world supported us. Now that it will try to include even our allies, we think that Canada and everyone will jump up and say this is a great bill, and HELMS and BURTON were correct; they can save the world for democracy.

Well, our arrogance is such that we do not care what some of our allies say, especially those that used to be our enemies a few years ago. But it is interesting to note that the Yeltsin government this morning, or last night, said you cannot do this, and we will continue to deal with Cuba regardless of what you say, because this is wrong.

The part that no one wants to mention here, because it is very delicate, is the fact that we are not reacting here to the issue in general. We are reacting to the downing of two airplanes. And I have stood on this floor on various occasions and said that that was an act that we should all condemn. But our Government knew those planes were flying over on 25 different occasions, and we did nothing. And our Government knew that the person who was heading that group flew without a license on a couple of occasions, including this last one, where they had to turn back.

We had removed that person's license because we confirmed that that group flew over Cuba last July, buzzed the Capitol building, and dropped half a million leaflets. That is why we are here today. We are not here today and the President is not on board because our desire to bring down the Castro government has changed. We are here today because the Florida primaries are coming soon, and because people have to play up to that whole situation.

That is sad, Mr. Speaker. For these kinds of comments people like me take a lot of heat. But it has to be said, because the truth shall set everybody free, and maybe we need to be free as much as other people in the Caribbean need to be free.

Tonight we will stand up and say we are tough. We will continue to deal with China, but we are tough on Cuba. We will deal with Vietnam, but we will be tough on Cuba. We are going to meet with North Korea, but we are tough on Cuba.

If you really wanted to make a change in the Cuban Government from afar, which I think it is none of our business, all you have done is taken the leader of that country and wrapped him up in the Cuban flag once again as a nationalist hero. Why? Because you are pounding on that little island once again.

So where is the victory? There is no victory. I stand here today more than ever saying we are wrong. Instead of doing this, what we should do is tomorrow begin to find a way to speak to the Cuban Government. And if not on all issues, then why not be fair?

□ 1400

When there was an immigration problem we spoke about immigration. Let us talk about air space now. Let us find out who is telling the truth. It might save us from future tragedies.

Mr. BURTON of Indiana. Mr. Speaker, I yield 1 minute to my distinguished colleague, the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Speaker, this debate would be interesting, and the gentleman who just spoke his remarks would have resonance if we were not dealing with a first degree murderer. In 1974, at a seminar in Virginia, a former ambassador, now long gone to heaven, told me that Castro personally executed in the parking lot of a movie theater with gunshots, himself pulling the trigger, the young man who had beaten him for student union president in the late forties. I could not believe my ears. I checked it out with the State Department, Library of Congress. It appears to be a fact. Again, he has killed people in cold blooded murder.

I am just back from Bosnia. I do not care what the Europeans do. They traded with Haiphong while we were dying for freedom in all of Southeast Asia. I do not care what anybody does. Our country has to do what is right, and Castro is a first degree murderer. If we want to hand him a baseball bat like Dan Rather of CBS and an elite party in Manhattan, then you are an accessory in encouraging this first degree murderer. He has ordered people beaten to death with baseball bats.

What an absurd debate.

Mr. MORAN. Mr. Speaker, I yield 4 minutes to the gentleman from New York [Mr. RANGEL].

Mr. RANGEL. Mr. Speaker, I hate to say this is a political piece of legislation for fear of offending my friends, so please look into the Federal Election Commission, and ignore all of these campaign contributions that are pouring in here to Members that have taken the position that now is the time to get the murderer through locking up the people in Cuba. For those people that are offended because someone suggests that it might be political, let me make it clear. The fact that the only Democratic opponent I had in a primary in the last 25 years, that 85 percent of his campaign funds came out of Miami, hey, that is not political, and I challenge people who would even think that.

But let us get down to the merits. We are outraged at murder. The Speaker is gone; he was here. What do we do about it? Hold the people of Cuba American hostage and tell them that they have to fly over Cuba and put pamphlets down there in order to get Americans' attention? Cut off food, cut off trade, cut off relationships with the people in Cuba because we do not like the bum that is running it? Are we in love with whoever runs China? As my colleagues know, what are we going to do there; put an embargo on China, on North Vietnam or North Korea? No. There are no votes in the United States for those people. My colleagues know it and I know it.

They sure got my President's attention; let us see what we can do now with these Republican candidates. Let us get it on their agenda, and let me congratulate the authors of this historic piece of legislation. I thought it was born dead. But the courage of four Americans out of Miami has not only given it new life, it has shattered reason and common sense as relates to trade and foreign policy.

Let me say this. This is a done deal. We cannot do anything about it. But do me a favor. Tell our brave Cuban Americans in Miami do not risk any more lives, mission accomplished, they were brave enough to take the gamble, they won, they won, the bill is here, no one challenges it, the President. Everything that was bad about this bill, four murderers now have corrected it. Wow, is that a legislative history.

But if people are breaking our laws, breaking international law, flying over a country, and we would know it, and we condone it, and we do not stop them from saving their own lives, that is morally wrong. Are we saying that if these pilots want to go off in a storm against their best interests that we cannot stop them? Let us hope that these courageous acts of these people who were shot out of the sky are not mimicked by other people who believe we have to take it one step further.

Oh, I know there are some of my colleagues waiting for the invasion, and if we send that signal that we are ready to go in like Haiti and we are ready to do whatever we can do, we may have 4 more pilots saying let us do it at least between now and the general election. We made mistakes; we will make others.

I am not nearly as concerned as I appear to be because this law is written so poorly we cannot even enforce it.

They are not going to be angry with us, my colleague, the gentleman from California [Mr. CAMPBELL], not our allies. They are going to feel sorry for us. No great Nation like ours can have the arrogance to tell some other country what they can do with their foreign trade. And the whole idea that this is going to be something to bring down Castro is one that I do not think the authors believe.

After the Democratic victories in November, come, can we not talk together?

Mr. BURTON of Indiana. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. TORRICELLI], my colleague who has done so much work in this area.

Mr. TORRICELLI. Mr. Speaker, I want to thank my colleague, the gentleman from Indiana, Chairman BURTON, for yielding me time on what should be the proudest day of his congressional career. The gentleman has done great service to the United States and to the people of Cuba by bringing this legislation forward, and he has my congratulations.

I never thought, however, Mr. Speaker, that I would hear a day when Members of Congress would come to the floor while the bodies of four Americans are still lost in the Straits of Florida, having been murdered by Fidel Castro, talking about consideration for Canadian investors, worrying about European corporations while there are still hundreds of American corporations whose property was stolen from them and is being resold; consideration for the Canadian investors, worrying about the Spanish companies, extraterritoriality.

People are going to American courts under this bill, I would say to the gentleman from California [Mr. Campbell], because the Cuban courts are unavailable. If they could get their grievances redressed in Cuban courts for the last 30 years, they would have gone there. They would have gone there. They cannot. So we are opening ours up.

Consideration for our European allies? If this were an island in the Mediterranean, 35 years later, hundreds of people in jail, planes being shot down off our coast, do my colleagues think we would be silent? As allies, we would have been there demanding elections and freedom and taking a stand. Now we are asked to have consideration for our European allies.

If America stands alone for freedom in Cuba, for the rights of our own citizens against the jails and the torture, then America has never been in better company.

This legislation is the final in a series of acts in uniting this Congress on a bipartisan basis and making clear to the people of Cuba there is no reconciliation with Fidel Castro, there is no compromise, it is time to bring the dictatorship to a close, and we do this as we did against South Africa with apartheid, as we do today against Libya and Iraq, by using our economic leverage.

Mr. Speaker, I am proud to be a cosponsor of this bill. I congratulate my bipartisan colleagues and the President of the United States for offering his signature, and to the gentleman from Indiana [Mr. BURTON], on this good day.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida [Mr. GIBBONS].

Mr. GIBBONS. Mr. Speaker, I reluctantly get up here and oppose most of my Florida colleagues and people who I think mean to be right but, unfortunately, their solution is wrong. Let me put it in some perspective.

If my colleagues had come here 34 years ago, as I was privileged to do, and listened on this floor and in this well, my colleagues would have heard the same speeches made then as we do now. Every day more than half of the 1-minute speeches were devoted to trashing Castro and the Cuban Government, and in that same session of Congress we passed every looney law that one can think of, and most of them are still on the books. In fact, they are all still on the books.

I tried to isolate Cuba and tried to bring down Castro through American law. I made those speeches, I voted for those laws, I have come to the conclusion that they were a mistake.

What has happened is that we have empowered Castro to make a villain out of the United States, and by villainizing us he has been able to acquire the political clout that he needs to keep the kind of control he has had in Cuba. We would have been far wiser and much more successful had we not isolated Cuba and the Cuban people, and we continued to work with them, to listen to them, to trade with them, and to have commerce with them. The tourism that we enjoyed with each other, the fruits and vegetables that came from the island, all of those things; we would have been better off, and the Cubans would have been better off, and Castro would have long been gone from power had we done that.

This law, as well-intended as it is, is not going to work. There is a good chance that it will boomerang on us. The mistakes we made, mistakes that we made here in law, are copied over and over again, and this could hurt us more than it will ever hurt Castro. Please vote no.

Mr. BURTON of Indiana. Mr. Speaker, I yield 1 minute to the gentleman from South Carolina [Mr. SANFORD].

Mr. SANFORD. Mr. Speaker, during this discussion we have heard a lot of debate, and the problem with that debate is that it has been filled with Washington voices. If there is anything that we have learned, it is that Washington does not know best. So I think the missing ingredient in this discussion is, what is it the Cuban people living in Cuba think? And in testimony after testimony with the gentleman from Indiana, Chairman BURTON, what we have heard is that the people at home in Cuba think that the way that we solve this problem is not by sending tourist dollars to prop up Fidel Castro, not by allowing investment dollars to go in and prop up Fidel Castro, but rather by tightening the embargo.

In this case I think we should listen to those voices.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, the Cuban Government committed a reprehensible and tragic act when it decided to shoot down two civilian airplanes flown by the Cuban-American organization Brothers to the Rescue last month. And I send my condolences to the families of the victims.

The shootdown was a tragedy in so many ways. It could and should have been avoided.

The Cubans could have taken alternate steps. But they specifically had warned the United States and Brothers that this would happen. The group and the administration did not heed those warnings. The United States failed to prevent the group from continuing its flights of fancy and I believe the group deliberately ventured into hostile territory to provoke a U.S. reaction.

The shootdown was a tragedy as well because but for that tragic action this legislation would not have won the last support that it needed. And the legislation is wrong. Instead, we should continue to open United States policy toward Cuba—for the benefit of Cuban-Americans, for American businesses, and for regional peace, and, yes, democracy.

But now Congress is poised to leap backward today as it considers the so-called Cuban Liberty Act.

We should not do that.

Mr. Speaker, this legislation was wrong before the shootdown happened and it remains wrong today.

The shootdown has not provided a single justification for a policy that even the administration that now embraces it had just recently denounced.

It is extremely likely that America will be cited for trade violations over this act.

And Fidel Castro, after having outlived over 35 years of U.S. embargo, surely will not back down in his remaining years because of additional embargoes. United States hostility to Cuba in fact has been his political savior.

Do not listen to those who say that a vote against this bill is a vote for Fidel Castro. That is McCarthyism.

Denounce Cuba in the United Nations, yes. But summon the courage to vote against this bill.

Vote against this bill because it is bad policy. Vote against this bill because it violates international trade law and will be an international embarrassment for the United States. Vote against this bill, my colleagues, because it is contrary to our best interests.

□ 1415

Mr. BURTON of Indiana. Mr. Speaker, I am happy to yield 1 minute to my colleague, the gentleman from New Jersey [Mr. ZIMMER].

Mr. ZIMMER. Mr. Speaker, I thank my colleague for yielding time to me.

Mr. Speaker, some who are opposed to this legislation argue, against all evidence, that conciliation and appeasement will liberalize the Castro regime, when 35 years of history has proved exactly the opposite. The downing of those airplanes shows that Fidel Castro cares only about his power and only about the maintenance of his corrupt regime. It was the pretext he was looking for to crack down on Concilio Cubano and other democratic organizations that were beginning to flower within Cuba. It was not the fault of the U.S. Government. It was not the fault of the Americans who flew those planes. It was the fault of Fidel Castro, who insisted on perpetuating his dictatorship.

Mr. Speaker, I am pleased that the President has agreed to sign this legislation, but I am disappointed that he has asked for the power to waive its key provisions. I urge the President, do not waive these provisions. The time has come to be tough with Fidel Castro. We know appeasement does not work. We know only firmness will.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, I would like to know where the outrage of some of my colleagues was when the United

States supported the Khmer Rouge and when the Khmer Rouge killed 1.2 million Cambodians. I guess the Cambodians do not vote in large numbers in this country.

Mr. Speaker, I rise in opposition today to this bill. I oppose this bill, even though I know that it has support in this Congress. I oppose this bill even though I strongly condemn the Castro government's brutal murder of civilian Americans in the Florida Straits. I oppose this bill even though I strongly support freedom and democracy for the Cuban people.

I oppose this bill because it is an unworkable solution to an intractable problem. The legislation would clog our Nation's courts with unenforceable new claims against foreign governments, companies, and individuals. It creates a quagmire of inflexibility which we will come to regret when needed change comes to Cuba. It would harm America's important relationships with our sister democracies abroad. It sets a dangerous precedent of rash action instead of reasoned and deliberate progress.

Let us not do serious damage to our own national interest in response to atrocities which we universally abhor and condemn. Vote against this conference report.

Mr. BURTON of Indiana. Mr. Speaker, I am happy to yield 2 minutes to my colleague, the gentleman from Florida [Mr. DEUTSCH].

Mr. DEUTSCH. Mr. Speaker, I rise in support of this bipartisan effort to change the direction of the dictatorship in Cuba. My district represents the Florida Keys, and when I stand in Key West, FL, I am closer to Havana than I am to Miami. I live about 40 miles north of Miami.

This is not an esoteric philosophical issue in south Florida. This truly is a local issue, because we have a better sense, I think, than most of this country, unfortunately, of what is going on in an evil empire 90 miles from our shore, an empire that really is in the world's Hall of Fame of atrocities today, not yesterday, not just killing four Americans and planes, but torturing and killing the civilians that live in their own country. That is the empire that is 90 miles from our shore.

What does this bill do? This bill specifically gives a legal right of action to Americans whose property was taken illegally. That is the substance of this bill. The thrust behind it is to prevent other people, other nationals in other countries, from investing in Cuba, to try to end the empire that exists today. The investments of Canadians, of Spaniards, have not changed the empire, the evil empire in Cuba. It goes on today with their investments.

What we need to do is we need to strangle those investments. We need to end those investments, and let the people of Cuba know that there is hope, that the dictatorship, that the Castro dictatorship which is holding on by its fingernails is going to end, and that this Congress, the center of hope and democracy and freedom in the world, is part of that effort.

Mr. Speaker, I am sure that my colleagues in a short time will join me, both Democrats and Republicans throughout the country, in acknowledging that we want freedom in Cuba, we want a free society, a free economy, a freedom of thought, a freedom of action that this bill will be part of creating.

I can think of nothing that I am prouder of as part of my legislative career than to have been part of the adoption, the drafting, and hopefully now, very shortly, the passage of this bill.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from New York [Ms. VELÁZQUEZ].

Ms. VELAZQUEZ. Mr. Speaker, I rise today to express my strong opposition to the conference report, not just because this is the wrong bill, but it is the wrong bill at the wrong time. No one will deny that last week's tragedy is truly regrettable, but I will urge my colleagues to respond in a level-headed manner, not with a reflex policy for the moment.

Tightening a 35-year embargo will only cause more pain to these innocent people. Under the current embargo the human cost has already been too high. Cubans cannot even get basic necessities like food and medicine. How much more pain do we have to inflict on these people before it is enough? After more than 3 decades, we should be ready to admit that this embargo has failed miserably. The Castro government has survived the storm. The average Cuban looks at Fidel as a hero, and the United States Government as the enemy. Nobody wants a repeat of last week, but today's action will further isolate and deprive the Cuban people, increasing tensions and setting the stage for another violent crisis.

As world leaders, we should extend a peaceful hand and keep dialog between our two countries open. It is time we live by our humanitarian ideals and stop playing the bully. If we are serious about democracy, then more dialog, not an embargo, is the answer.

Mr. Speaker, we must not allow heated passion to blind us. This bill leads us down the same wrong path we have followed for 3 decades. I urge my colleagues to vote "no" on this conference report. We must learn to look before we legislate.

Mr. BURTON of Indiana. Mr. Speaker, I am very happy to yield 1 minute to our colleague, the gentleman from Rhode Island [Mr. KENNEDY], who has been a big help on this bill.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I would like to take a little exception with talk that has been heard around here a lot about "let us not act in heated passion." Why should we not react in heated passion when human rights abuses are being seen in Cuba, 90 miles off our shore? Why should we not react in passion when Fidel Castro knowingly gives the military orders for two civilian aircraft with American citizens on board to be shot down over international waters?

I am passionate about that, and I am passionate about human rights abuse in Cuba. A lot of people have said that the embargo that was first instituted by President Kennedy has not worked. There is a good explanation for that. The Soviet Union used to subsidize Castro's regime for the last 30-odd years. That is no longer the case. That is why Fidel Castro is looking for foreign investment to help prop up his dictatorial regime and further oppress the people. Make no mistake about it, the reason why this bill is so important right now is because he needs foreign investment now more than he did before.

Mr. Speaker, I ask my colleagues to support this bill. It is bipartisan. The President supported it. I am in strong support of this bill.

Mr. HAMILTON. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Washington [Mr. MCDERMOTT].

Mr. MCDERMOTT. Mr. Speaker, on Sunday, February 25, most of us picked up our morning paper to read that two planes, piloted by Cuban-Americans, had been shot down near Cuba. This unfortunate incident was appropriately denounced by both President Clinton and the U.N. Security Council.

In addition to this initial response, the President quickly imposed several restrictions on Cuba and ensured that the families of those killed would be compensated.

The downing of the planes was an inexcusable action by the Cuban authorities, and I believe that President Clinton was right to initiate an immediate and direct response.

This is a very emotional situation and the immediate reaction is to strike back, but that is the wrong reaction. It is wrong to define our long-term relationship on the basis of this tragic incident. Passage of the Helms-Burton bill is a shortsighted, irrational response to this international incident.

This legislation will not topple Castro, this legislation will only tie the hands of President Clinton and increase the pain and suffering of the Cuban people.

In my opinion, this legislation not only violates international law, it punishes our international allies by attempting to force them to comply with our 34-year-old embargo. An embargo that has not worked. This legislation will allow Cuban-Americans to use United States courts to sue foreign companies who invest in properties that were confiscated by the Castro government. While emotionally justifiable, it infringes upon our allies' sovereignty, and possibly violates our trade agreements.

Helms-Burton would limit the authority of the President to alter or lift parts of the embargo—even for strict humanitarian purposes—by Executive decree. The Executive orders which make up our policy on Cuba become frozen into law. If the President sought to ease restrictions on Cuba in response to democratic changes, he would only be able to do so with congressional approval.

We all know that the Cuban economy is suffering. Cuba is forced to pay a premium for importing staple foods for its people. Medicines are in short supply, causing health care delivery to crumble. Is this what we really want for the Cuban people? Is this how our democracy should operate?

Engaging Cuba, increasing dialog, and pressuring for increased human rights and democratic reform is the best way to genuinely democratize Cuba and improve relations with one of our closest neighbors.

Passage of Helms-Burton will only deepen the rift between our two countries and cause further suffering of the very people we are trying to help.

Mr. BURTON of Indiana. Mr. Speaker, I yield 3 minutes to my colleague, the gentleman from New Jersey [Mr. MENENDEZ], who has been a tremendous help on this bill.

Mr. MENENDEZ. Mr. Speaker, I thank the distinguished chairman of the subcommittee, and congratulate him on his bill, which I have helped coauthor.

Mr. Speaker, let me thank my 347 fellow Members of this House, including 121 Democrats who have joined with us and the President in striking a blow for democracy and striking a blow against the Castro regime. I want to answer some of the issues. This question of extraterritoriality, under the Cuban Democracy Act everybody acknowledges that, and many people voted for it in this House who oppose this today. The fact of the matter is that under that act we heard all these issues from Canada and Mexico and everybody else, that in fact this was extraterritorial. What is the relationship today? We entered into the most significant trade agreement with Canada and Mexico, and they are trading with us, and so much, I think, for the comment.

This is not about trade. Someone said this is about trade. No, this is about trafficking intentionally in illegally confiscated properties of U.S. citizens and U.S. companies. Canadians are arguing for their citizens and their interests and their rights. I am coming here to argue for American citizens and American businesses and their rights. I am not going to get up here and start arguing for other countries.

The fact of the matter is that if you know that that property was not legally yours, and you are willing to buy it even though you know it was stolen from somebody else, you are in receipt of stolen property. If you want to do that, fine, then take the risk. And we do this prospectively, so you know that you are going to have to continue to traffic in the property or purchase properties in the future.

Title III has a suspension authority for the President of all the hobgoblins we have heard about come to reality. The President, in his letter to all of us, said, he asked the administration to work vigorously with the Congress to set aside our remaining differences and reach rapid agreement on the Libertad Act. Last week we achieved that objective. The conference report is "* * * a strong bipartisan response that tightens the economic embargo against the Cuban regime and permits us to continue to promote democratic change in Cuba."

Last, let me just say that if Members are proud of China's record of prison camps, slave labor, dissident jailings, 20 years later after our relationships and our investments, if they are proud of the Canadian and Mexican and Spanish investments in Cuba over the last several years that have produced no democracy, that have produced greater repression, and that have kept the regime afloat, then they should vote against the bill.

But if in fact what Members want to do is what I believe the overwhelming Members of this House already by the rule vote and in past votes want to do, to strike a blow for democracy and strike, in fact, a blow on behalf of the Cuban people and against the Castro regime, they will be voting with us on this bill.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, first let us all agree that what happened a week ago that took the lives of several Americans was regrettable and should not have happened, but it is always bad policy when you try to achieve political ends through economic means, especially when they are indirect economic means.

The actual three and one-half-decade-old embargo against Cuba is a perfect example of why we cannot achieve that through an economic embargo. The Castro government remains, and the only people who have been hurt are the people of Cuba, the women and children of Cuba. What we are doing through this bill is using our economic might to bully our international allies and friends to do what we think is best, even though the entire international community has spoken against this type of embargo.

□ 1430

Indeed, even Canada, our northern neighbor, our great friend, has said it will take us to international court to say that this is a means, a barrier against free trade throughout the world. This is not the way to do things.

Let us address what happened last week in the taking of several American lives, but let us not try to mix the things up that we have here today and say that because some people died, regrettably, that now we should institute a policy that will ultimately take the lives of many people in a country called Cuba though politically we may disagree with what is going on with the government. This is not the way to do it. We should focus where we should. Let us not create bad policy because a bad situation occurred.

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the reason I waited until near the end of the debate to take my time is because, as is always the case, there is a lot of misinformation that takes place in this debate and I wanted to make sure I clarified these arguments.

First of all, a lot of my colleagues have said we are going to hurt the people of Cuba. When Castro has a foreign investor invest in Cuba, the money that is paid by the employees of that firm goes to Castro. Let us say that they get $400 a month. Castro gets the $400 a month and then he pays them in the local currency, $400 of that local currency. But the exchange rate is 700 to 1, which means the average Cuban is making less than $5 a month.

We cannot hurt those poor people much worse than Castro has hurt them. The embargo is not going to hurt the Cuban people. Castro has murdered the Cuban people economically, and literally in many cases.

And I would like to say to my colleagues who opposed the embargo, when we talked about these same issues when we had the embargo against South Africa, they took a different position. There is no consistency in their arguments.

When Castro took power, Cuba had the highest standard of living in Latin America. Today it is the lowest, not because of the United States embargo, because for the past 35 years they have been propped up by the Soviet Union, but because of Castro's Communist government control policies that do not work. He is the one that has been hurting the Cuban people, not the United States and not the embargo, because the embargo had no teeth in it until 3 years ago.

Somebody said that the OAS was not with us on this. The fact of the matter is Castro has been excommunicated from the Organization of American States because of his actions, because of his exporting of revolution.

My colleagues have said, you know, we are going to penalize people who invest in Cuba and have invested in Cuba. This is a prospective bill. People who have already bought confiscated U.S. property will not be penalized unless they buy more American property. So if they have already got property down there, they are not going to fall under this bill.

But people who buy confiscated American property in the future are going to be penalized because there will be a cause of action in U.S. courts unless suspended by the President. And, No. 2, anybody that traffics in confiscated U.S. property will not be able to get a visa to come to the United States.

They know full well, the Canadians, the Spanish and everybody else, they know that this bill takes effect on the date of enactment, and if they buy property that is taken away from Americans, stolen from Americans by Fidel Castro, they know what they are getting into. So I have no sympathy for those people who want to buy confiscated, stolen American property to give Castro the hard currency that he needs to stay in power.

Now, a lot of my colleagues say, you know, we ought to do business with this guy, especially since Boris Yeltsin says we should. Well, Russia and the Soviet Union have been supporting Castro all along, so that does not surprise me, but the facts of the matter are these: Castro has exported communist revolution in Africa, in Central America, in South Africa where Che Guevara was killed. He has exported communism wherever he could. He is a committed revolutionary and he still believes.

That Castro has killed innocent human beings. He has put thousands and thousands of people in his Communist gulags. If you want to know how they are treated, read Armando Valderas' book "Against All Hope" and it will tell you very clearly how he treats people who disagree with him.

My colleague, the gentleman from California [Mr. DORNAN], talked about a fellow who defeated him in a college race for student body president, and Castro shot him to death. That is the kind of guy we are talking about. He is a horrible human being, one that should not be in power, especially not for 35 years.

Two years ago, on the high seas, he had his Cuban Navy pull up alongside a tugboat with people on it who were fleeing to freedom. Women were holding their babies above their heads, and he ordered his Navy to wash them off the decks with power hoses. The women took the babies, the children, into the hold of the tugboat, and Castro brought his navy ship alongside. They directed the hoses into the hold and they sunk that ship, that tugboat, and killed those women and children like rats.

This is the kind of government you guys want to do business with, and my colleagues' answer is, well, the way to work with Castro is to open up trade and do business with him, that will solve the problem. Really? Do you really believe that? We have opened up trade with Communist China. It has not changed the Communist regime over there. We have opened up trade with Communist Vietnam. That has not changed anything.

And here we are, 90 miles from our border they are shooting down planes with innocent Americans in them, in international air space, and we are supposed to say we are going to solve this problem by doing business with him. Baloney. The way you deal with Fidel Castro, since he is on his last legs, is do not let him have the hard dollars that he needs to stay in power, and that is what this bill does.

This bill will force him from power, I really believe that, in the next 2 or 3 years, and then the people of Cuba will have freedom, democracy, and human rights because there is going to be about $3 or $4 billion invested very quickly, and they will have the freedom that they wanted all these years.

Get out of here, Castro. We want you gone. We want freedom, democracy, and human rights throughout this hemisphere, and you are the last holdout.

Mr. Speaker, I reserve the balance of my time.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Speaker, whenever an economic sanction has worked in our history, whether it be South Africa, Haiti, Iraq, or even worked in part, it is because our allies have agreed with it. What we do today alienates our allies at a time when we need them most.

It is not out of any concern for investors in Canada or investors in Spain that I rise in opposition to title III of this bill. It is precisely because I want to put pressure on Fidel Castro's Cuba. But I know that the only way to put effective pressure, whether it be a sugar embargo, a tobacco embargo, limited sanctions or a total quarantine, is when we have our trading partners and our allies with us.

Today, for the first time in the history of American jurisprudence, we are applying a law not to goods that come into our country, not to acts that happen within our country, but to goods and acts that are outside of our country. However great our outrage, that is not American jurisprudence. That is extraterritoriality. It drives our allies away at a time we need them most.

Mr. HAMILTON. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I rise in opposition to the conference report. I think there should be no doubt that after the reprehensible actions by Mr. Castro and the regime, there is no disagreement among us here. We condemn that.

The difference here is the best way to respond and how best to bring an end to his regime. We knew that Fidel Castro was a reprehensible thug 3 weeks ago. We knew that he was 30 years ago. There is no change in that. He remains so today, but his recent actions should not change how we define or pursue the U.S. national interest.

I think this bill that is before us is a huge mistake, and I believe that for several reasons. First of all, as a matter of policy, it picks isolation over engagement. By increasing Cuba's isolation and by squeezing the Cuban people, the conference report risks a violent upheaval in Cuba and increases the risk of a massive flow of refugees.

I understand that now is not the time to lift the embargo. Bad deeds should not be rewarded. But ultimately the engagement of the Cuban people in trade and contacts with Cuba will open the door to a free Cuba. I say to my friend on the other side of the aisle that the most distinguished foreign policy spokesman of the Republican Party in the last generation was President Richard Nixon, and he believed that the isolation policy of the Cuban people was the wrong policy.

I also believe that this conference report is going to tie the hands of the President in knots. I understand that he accepts this bill but I think that is a mistake. The conference report restricts the ability of the United States to respond to changing conditions in Cuba. The transition from a Communist government to a free government is not going to be easy. We have learned that time and time again. What this bill does is, it freezes us out of the action at the very time that we want to be engaged, when we want to influence events in Cuba.

With regard to title III, the gentleman from California [Mr. CAMPBELL] has explained that very well, but let me just make this observation. My friends who are proponents of this bill have said over and over again, title III is the heart of the bill. But you know what they did? They gave it away. They gave away title III with the waiver to the President. If in fact title III is so important, if it is the heart of the bill, then why just give it away with a waiver to the President of the United States?

Incidentally, that title III defends only the interests of the rich, only the fellow who has a very large claim. The poor small claim holder is not going to get any remedy from this bill. This bill is going to shore up Castro, not bring him down. It enables him to do what he has done so effectively for 30 years, and that is to fan the flames of nationalism, to put all of the blame for the mess he has made of Cuba onto the

United States, so it plays into his hands.

We ought to be targeting our policy not at Castro and what is bad for Castro. The policy of the United States should be aimed at what is good for the Cuban people. This bill, this conference report, puts us at odds with all of our friends and allies, and it deeply offends them. The conference report departs from the proven and sound U.S. policies that we have used in other areas of the world.

Mr. Speaker, let me conclude, the conference report is going to increase the isolation of Cuba and its people. It is going to skew U.S. policy from the present course of promoting peaceful change. It is going to put the United States on the sidelines when this transition is underway in Cuba. It creates an unprecedented right for those who had property confiscated in Cuba to sue in United States courts. It hands Castro a deck of nationalist cards that he will play with consummate skill, and it contravenes U.S. international commitments and antagonizes our closest allies and trading partners.

This conference report is a mistake. It is a huge mistake for this country to make because it locks in the President of the United States in the conduct of American policy towards Cuba. I urge a vote against it.

Mr. BROWN of Indiana. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, Castro is in trouble. He just rounded up the human rights activists and the people who oppose him. He put hundreds of them in prison just recently.

My colleague said that there is no guts in this bill except for title III. Title IV prohibits people who traffic in confiscated American property from getting visas to come to the United States of America, so they are going to have to choose: Do they want to do business with Castro or the United States? I believe they are going to want to do business with the United States. That is going to dry up hard currency for Castro.

You folk on that side of the aisle, the people who oppose this bill, wanted that $50,000 limit to make sure that we would not have the courts flooded with litigation. The fact of the matter is, you asked for it, you got it, now you are complaining about it.

And, finally, when there is a transition, when democracy starts to come to Cuba and Castro is gone, there are provisions in the bill for the United States to help aid in the transition to democracy. So we are not going to be on the sidelines, Mr. Hamilton. We are going to be in there helping the Cuban people.

Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. TORRES].

Mr. TORRES. Mr. Speaker, I rise to oppose the conference report on H.R. 927.

I am grateful to my colleague, the gentleman from Indiana [Mr. BURTON] for this opportunity to explain why the passage of H.R. 927 would be, in my opinion, not only a grave policy mistake by this body, but, would set in motion actions which would deliberately inflict upon the Cuban people suffering and deprivation. Yes, we all deplore the incident of the downing of Americans flying provocative flights over Cuban airspace but, they were warned countless times to desist. This legislation will not correct that situation.

At worst, this legislation is a cruel attempt by Members in both bodies—who are still fighting the cold war—to provoke civil disorder in Cuba. Today we need to send a wake-up call to those cold warriors in our midst—the cold war has ended. We won—remember.

What threat does the Government of Cuba present to the territory or people of the United States which would justify unleashing further pain and suffering and, I would warn, possible bloodshed, among the people of Cuba.

The United States is the only world superpower. Our military might dwarfs that of the combined armies and navies of Europe and certainly of the Americas. We maintain an armed, military presence, on the Island of Cuba—how many of you appreciate this reality.

This country maintains an armed, military base on Cuba's southern coast. The United States controls 45 square miles of southern Cuba, including a harbor, naval docking and ship repair facilities ordinance, supplies and administrative facilities—we even have two water distillation plants.

This U.S. military base includes both a naval and an air station. Over all—the United States military has a base right inside of Cuba which is three-quarter the total land area of the District of Columbia. One of the stated military missions for our base in Cuba is to serve as beachhead in case the United States decides to invade the Island.

It costs the American taxpayer over $45 million a year to maintain this military base. Now, it looks to me like the military threat is reversed—it appears to me that this Island presents no military or strategic threat to the territory of the United States.

Why then are we considering legislation which appears to some to be designed to make economic and social conditions in Cuba so difficult for the average citizens, that these difficulties would create civic disorder, which would then provoke the Castro government to take measures against its population, which will result in increased violence and disorder on the Island, which will be used as a pretext for US military intervention.

At best, this legislation will have no effect upon the Cuban Government's hold on power, but will reveal to the international community the mindset of United States elected officials—who are so trapped, by old ways of thinking and by false pride, that they would act against a foreign government which poses no threat or danger to the national security of the United States of America.

□ 1445

Mr. BURTON of Indiana. Mr. Speaker, I yield 30 seconds to my colleague, the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK of Florida. Mr. Speaker, I am one of the cosponsors of the Helms-Burton bill, and I have every strong rationale to do so. I know what the Cuban people have experienced. I have seen them from 1960 to 1961.

Mr. Speaker, I rise in strong support of the conference agreement on the Libertad bill—the Cuban Liberty and Democratic Solidarity Act—which will tighten the embargo against Castro and his barbaric regime.

I am an original cosponsor of this bill, and I am pleased that President Clinton will sign it into law when it reaches his desk.

From time to time, we are called upon to take strong action against evil in the world.

We took strong action against apartheid in South Africa. We took strong action against a murderous dictatorship in Haiti. Today, Mr. Speaker, we have the opportunity to take strong and decisive action against the evil of Fidel Castro.

By now, every American knows of the murderous attack by Cuban Mig fighters only 11 days ago. Two U.S. civilian aircraft were destroyed, and four U.S. citizens were killed in this unjustified and unwarranted terrorist attack against unarmed civilians.

Brothers to the Rescue is a peaceful, humanitarian group responsible for saving over 6,000 lives. It is perfectly in character that Castro chose to viciously attack the members of this caring, dedicated group.

But in Miami, FL, which I represent in Congress, this senseless, brutal attack is the latest in a long list of murders, firing squads, imprisonments, harassments, human rights abuses, and political oppression perpetrated by Castro against the Cuban people.

Many of my constituents know Castro's ruthlessness first hand. Many fled from Castro's prisons. Many of my constituents still have relatives—mothers and fathers, brothers and sisters, nephews and cousins—who must endure the daily hardship and oppression of this cruel regime.

Is there any wonder why so many people were willing to leave everything they ever worked for and everything they ever owned to come to this country—just for the chance to live in freedom and raise their children without fear.

The Cuban Liberty and Democratic Solidarity Act will put new international pressure on the Castro regime. Under its provisions:

The embargo against Cuba will be enacted into law. Up until now, the embargo has been enforced via an Executive order and subject to change by every new administration;

The owners of illegally confiscated properties in Cuba will be allowed to pursue legal action in United States District Court against those corporations and individuals who currently occupy and profit from those properties;

Corporate executives who purchase confiscated U.S. properties will have their visas to the United States revoked. Foreign business executives who invest in Cuba after the passage of this legislation will be subject to the same punitive action; and

To encourage democratic change, humanitarian and military transition assistance will be provide to a future Cuban Government that is committed to democracy.

Mr. Speaker, just as we helped the people of South Africa, and the people of Haiti, we must help the people of Cuba in the time of their greatest need.

Castro is desperately clinging to power. He must be cut off, not thrown a lifetime. I believe that the Cuban Liberty and Democratic Solidarity Act will greatly hasten the fall of Fidel Castro's dictatorship.

And Mr. Speaker, I look forward to the time—in the near future—when I can greet—here in this Capitol—the democratically elected President of a free Cuba, as I have the democratically elected Presidents of a free South Africa and a free Haiti.

I strongly urge my colleagues to support this bill.

Mr. BURTON of Indiana. Mr. Speaker, I yield the balance of my time to the distinguished Speaker, the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Speaker, I thank my friend, the gentleman from Indiana, for yielding to me.

I am delighted to have a chance to share with the House some thoughts on the conference report on H.R. 927, which I really see as a freedom contract with the Cuban people.

I found it interesting that the very distinguished ranking member of the committee, the gentleman from Indiana [Mr. HAMILTON], did not seem to think this bill would be effective. I would just want to start by quoting from a letter from President Clinton, who said,

> The conference report is a strong bipartisan response that tightens the economic embargo against the Cuban regime and permits us to continue to promote democratic change in Cuba. I urge the Congress to pass the Libertad bill in order to send Cuba a powerful message that the United States will not tolerate further loss of American life.

I am delighted that the President is now supporting this. But I must say even more decisive than the tragedy of the last few weeks has been a commitment which the gentleman from Indiana [Mr. BURTON] led as chairman of the subcommittee, a commitment which the gentlewoman from Florida [Ms. ROS-LEHTINEN] led, a commitment which the gentleman from Florida [Mr. DIAZ-BALART] led and others in both the House and Senate, that said for a long time, we are committed to freedom for Cuba.

Let me remind my colleagues of the game that has been played. No dictator on the planet has been better than Fidel Castro at managing to create a sense that somehow he will always survive no matter what. No one has been better than Fidel at playing off various parts of the world and somehow magically appearing, bearded, in uniform, and prepared to talk about baseball, just a wonderfully pleasant, interesting person standing in the church pulpit, and, oh, by the way, forget the prisons, forget the secret police, forget the torture, forget the murders, forget the dictatorship, forget the poverty, forget the willingness to take on anyone and drive them out of Cuba, because after all he is such an interesting, charismatic figure. And so, for the last couple years, life has gotten harder because with the fall of the Berlin Wall, with the collapse of the Soviet Empire, the subsidies are gone. The money is not there. The military protection is not there.

Suddenly, the Castro dictatorship was beginning to weaken. And now Fidel had a new line. He said to the younger Cuban bureaucracy, "Stick with me. I will manipulate the Americans. I will manage the transition. I will manipulate the European Union. I will find the money. And in the end I am still going to be here." And sadly, from the Clinton administration and from others, there were signals that maybe Fidel could pull it off. There were signals that maybe America was going to cave.

Business leaders went down to Cuba and began to praise the great opportunities the dictatorship offered. Oh, you might have to build that hotel near a prison camp, but what the heck, there will be profits. We began do have Members of Congress go down, because after all, the dictatorship was getting a more human face.

Those who studied knew it was not true. Chairman BURTON knew it was not true. The gentlewoman from Florida [Ms. ROS-LEHTINEN] knew it was not true. The gentleman from Florida [Mr. DIAZ-BALART] knew it was not true. People across America who studied Cuba said, "Wait a second, this is the same dictatorship, these are the same lies, these are the same false promises." And for a long time the Clinton administration opposed this bill.

And then a tragedy occurred, a tragedy that was unnecessary, a tragedy that should have been avoided, a tragedy which I believe strong representation from our State Department might well have avoided by saying to the Castro dictatorship, "We will not tolerate your shooting down innocent civilian aircraft. It violates every international rule."

The United Nations had what I thought was a pathetically weak response. They did not condemn. They did not censure. They deeply deplored. Kill a few people, we deeply deplore it.

Well, the U.S. Congress is doing something vastly beyond deplore. This bill says no one in Cuba and no one in the rest of the world should expect this embargo to be lifted until there is democracy in Cuba. There is no future for the Castro dictatorship. There are no deals. There is no special business investment. There is no loophole. There is no sweetheart agreement.

This also says the Congress will be involved unless the President certifies that the transition to a democratic regime is under way in a measurable, real way. It says one other; maybe it is shocking to some of our friends; it says if Castro has confiscated the property of Americans, we are going to defend the property right of Americans, and, yes, if you come from Canada or you come from France or you come from some other country and you have purchased the confiscated property of Americans, we are going to take steps to protect American citizens against those who would exploit what a dictatorship has done to hurt Americans.

Maybe some of our friends think it is too much for the American Government to protect Americans. Maybe some people think the Cuban market is so huge and so profitable that you ought to cut yourself off from the American market to make sure you can trade in Havana. Well, I am perfectly happy to have companies make that decision. If a European company or a Canadian company wants to say, we will prove our commitment to Fidel, we are going to ship our goods to Havana, and that means we are not going to be in the United States market, I somehow think somewhere on the planet there will be a competitor willing to come to America or there will be an American company willing to provide the goods and service, and we will survive.

It is perfectly fair for us to say to the world we are going to defend Americans, we are going to defend American property rights, we are going to oppose the Castro dictatorship.

And it is even more important, and I want to close this because I think it is vital to understand, we have a history that goes back 98 years from this year, a history that said just about this point a century ago, as the Spanish continued to oppress Cuba and the Cuban people were in a long and bloody and terrible insurrection, just about literally 100 years ago, people began to stand in this well and talk about our obligation to help the Cuban people liberate themselves from Spain.

Fidel Castro has been a tragic detour on what was a long period of the natural friendship between the American people, who have sympathized and supported the Cuban people, and we are prepared to say in this House, with our vote this afternoon, just as you wanted Cuba to be free of the dictatorship of Spain, we want the Cuban people to be free of the dictatorship of Fidel, and we are by this act and by this law committing ourselves to a freedom contract with the people of Cuba and we are saying to every young Cuban leader in Cuba and every younger Cuban bureaucrat, your future is not with Fidel and decay. Your future is with freedom and prosperity. If you will simply help us, we will work with you for the transition, and together we will establish the right to be free once again in our neighbor to the south.

I urge every Member, the President urges a "yes" vote, we urge a "yes" vote, the Cuban people want a "yes" vote, and I think the future of freedom demands a "yes" vote.

Mr. FARR of California. Mr. Speaker, I rise today to speak in strong opposition to H.R. 927, the Cuban Liberty Act. This legislation would, in the name of ending the rule of Castro, cause even greater harm to the Cuban people and jeopardize our relations with many of our important allies.

As were all Americans, I was outraged by the February 24 shootdown of two American Cessnas near Cuba. Simply put, there is no excuse for sending two MiG fighters against unarmed passenger planes.

H.R. 927, however, is the wrong way to respond. The bill would not have prevented the tragic events of 2 weeks ago, nor would it significantly improve upon the additional sanctions already taken by the President as a result of the attack.

We should not forget that we already impose a comprehensive travel and trade embargo against Cuba. Virtually no exports are permitted to Cuba, and travel is strictly limited. And American businesses are prohibited from conducting virtually any economic activity in Cuba.

Economic indicators have shown that the embargo has had a dramatic effect on the Cuban economy. Sadly, however, virtually all of the suffering has been felt by the Cuban people. They have faced serious food shortages, as well as a lack of needed medicine and medical supplies, threatening their health and welfare.

Presumably because this embargo has not let to a change in Cuba's leadership—even though it has hurt the people of Cuba—Congress has decided to take the embargo even further: to try to prevent any country from trading with Cuba. Specifically, provisions in this bill would permit Cuban-Americans to sue foreign companies if they use, or profit from, confiscated property from Cuba.

This provision has been strongly opposed by many of our important trading allies, including Canada, Great Britain, France, and Mexico. They rightly see this as a violation of international law, and a violation of their sovereignty—an attempt by one country to force their foreign policy on another.

Mr. Speaker, is it worth risking our relationship with our allies to try to strangle Cuba even further? I don't think so.

If these provisions actually succeed in cutting off additional investment in Cuba, it seems unlikely that the results will benefit the Cuban people. Our embargo has already hurt Cuba's economy severely, yet has only caused more pain for the Cuban people with no change in Cuba's leadership. Given the results of this policy to date, expanding the embargo even more would seem unwise and ineffective, if not downright cruel.

Interestingly, some have suggested that the provision will have no effect on foreign investment in Cuba. Why? Because the bill allows individuals to settle their cases against foreign companies out of court. Thus, foreign companies could still invest in Cuba. However, those few Cuban-Americans who held large amounts of property in Cuba could realize large financial gains from these settlements. The possibility that a few could be enriched by this bill, even as the people of Cuba suffer from the current embargo, concerns me even more.

In any event, I cannot support legislation which, at the very least, threatens the future of our trading relationships, hurts our own economic security, and does nothing to alleviate the suffering of the Cuban people. Let us pursue a policy of more openness and greater engagement with Cuba, not less, if we truly wish to bring about greater change and help the people of Cuba.

Mr. DEUTSCH. Mr. Speaker, I am proud to be standing in front of this body as we get ready to vote on the Helms-Burton bill. This piece of legislation will send a clear message to Castro and other petty dictators around the world that America will not stand for political persecution. We will not put our heads in the sand while this tyrant, only 90 miles from our shores, oppresses his own innocent citizens.

It is a tragedy that it took the recent shooting down of two unarmed, civilian humanitarian planes by Cuban fighters to help bring the Helms-Burton bill to the floor. Fidel Castro has been committing atrocities against the Cuban people for decades and these recent repugnant acts only serve to confirm a conclusion that we already know. Castro will never change. He still has political prisoners, including women and children, languishing in his jails. He still murders his own people as they attempt to flee political persecution. He still is planning to construct a nuclear power plant that can only be considered a humanitarian disaster. There can be no compromise. Castro is an absolute dictator that needs to be taken down absolutely.

The Helms-Burton bill will force Castro from power and put an end to these acts of oppression. It will strangle Castro by cutting off a large segment of foreign investment that is currently propping up his regime. Some of my colleagues feel that lessening our grip on Cuba would be the best way to help the Cuban people. I passionately disagree. Castro's acts over the last several weeks only proves the urgent necessity for this bill and the need to strengthen our resolve against this rogue dictator, rather than weaken it. Mr. Castro, we will not compromise on this issue. The U.S. Congress will not lower our support to ending the Castro regime. We will fight to the end to free the noose that currently surrounds the Cuban people, I urge my colleagues to join with me in voting in support of Helms-Burton, in support of freedom and democracy.

Mr. BERMAN. I rise to oppose this bill. I do this reluctantly. There is much in this legislation that I support and have supported in the past.

I am not, for example, opposed to codifying the embargo on Cuba. There is no doubt that Castro is a dictator and murderer whose rule should be vigorously resisted.

Nor am I opposed to the extraterritorial nature of this legislation although I wish such unilateral American action was not necessary. I would greatly welcome international cooperation in dealing with the world's dictators as well as with other threats to international stability.

However, I must vote against this bill. When this bill was marked up in the International Relations Committee, I introduced an amendment which carved out an exception for some penalties for certain activities. My amendment was accepted by all sides—including proponents of this legislation, but then, unfortunately, it was dropped in conference.

I do not understand why my amendment was dropped. It was not contrary to the intent of the sponsors of this legislation.

My amendment retained due process protection already contained in the Trading With the Enemy Act [TWEA] and kept exceptions for news gathering, research, and clearly defined educational, religious, and human rights activities.

In 1992, when we passed similar legislation, we added substantial civil penalties to Treasury's enforcement arsenal to prevent a surge of business or tourist travel to Cuba.

We all agreed and continue to agree that trips to acquire a winter suntan or make a quick buck should be discouraged.

However, we wanted to make sure of a couple of things before we broadened Treasury's authority to punish such travelers. First, we ensured that due process protection was given to individuals or firms, including an agency hearing and we also ensured that there would be a couple of categories of travel that would be off limits to civil fines.

We agreed that visits by journalists, researchers, human rights, and religious organizations—visits in other words whose legal tender was information, not hard currency—were in our national interest, since they undermined rather than buttressed the Castro regime.

Now this bill omits all exceptions to civil penalties in the Trading With the Enemy Act and removes the administrative due process provision we wrote into the TWEA, undermining the fairness and credibility of civil sanctions.

I believe the Government should err on the side of liberally interpreting American's right to travel abroad, particularly when it serves our national interests. This legislation does not serve those interests and therefore I cannot support this bill.

Mr. SERRANO. Mr. Speaker, today we will be taking a final vote on the conference report for the so-called Cuban Liberty and Democratic Solidarity Act. Unfortunately, our consideration of this legislation is occurring after the tragic shooting down of the two Brothers to the Rescue aircraft. Although the content of this legislation and this recent tragedy should not be linked, we are today creating a false linkage between the two. This prevents us from carefully weighing the negative impact that passage of this legislation will have on our foreign policy and on the Cuban people—who will only suffer more with the tightening of the economic embargo. Passage of this legislation today is not the correct response to this tragedy.

The United States should not permit the reckless acts of private citizens to dictate our foreign policy. Earlier concerns expressed by this administration should not be ignored simply because this tragedy occurred. The Helms-Burton legislation is an extreme bill that continues and strengthens diplomatic policies that have never been successful. The existing Cuban embargo has failed to cause any change in Cuba's government. Passage of even stricter sanctions against Cuba will not move Cuba any further toward a change in government.

This conference report retains the troubling provisions that make liable for damages in U.S. courts individuals or companies, including those from third countries, who knowingly traffic in property that was owned by a U.S. national and was confiscated by the Cuban Government. Although a provision was included permitting the President to delay implementation of this provision for unlimited 6-month periods, in its September 1995 statement of administration policy, the administration stated that this title should be deleted. "Applying U.S. law extra-territorially in this fashion would create friction with our allies, be difficult to defend under international law, and would create a precedent that would increase litigation risks for U.S. companies abroad." This provision which the administration considered seriously objectionable is still a part of this conference report.

In fact, an article in the Washington Post on March 3, 1996, suggests that this provision, which would allow Cuban-Americans to sue foreign companies in U.S. Federal courts, creates a massive loophole that would permit the wealthiest Cuban-Americans to profit from settling lawsuits brought under this section. The article explains how these settlements may occur without the need to obtain any license or permission from the U.S. Government.

I would also like to reiterate once again, as I have so often in the past, that we have no moral grounds that would allow us to single out Cuba for this trade embargo. We continue to have trade relations with North Vietnam, China, and North Korea, countries with political systems different than ours.

The current United States policy toward Cuba does not have the support of the world community. The majority of our allies do not believe the trade embargo is an effective or wise vehicle for dealing with Cuba, and tightening the embargo will only further damage our relationships with our allies. Specifically, permitting suits against foreign companies that invest in Cuba will infringe on the sovereignty of other countries, and interfere with their trade decisions.

Finally, and most importantly, any tightening of the embargo will increase the suffering of the Cuban people. We all recognize that a terrible tragedy in the shooting of the Brothers to the Rescue aircraft has occurred, but we need to move forward in developing a constructive relationship with Cuba. Passage of this conference report will move our country's foreign policy even further in the wrong direction. We should instead vote against this bill and begin the process of building a peaceful and productive relationship with Cuba.

Mr. MANTON. Mr. Speaker, I rise in strong support for the conference report on H.R. 927, the Cuban Liberty and Democratic Solidarity Act.

Mr. Speaker, on February 24 Castro ordered the downing of unarmed aircraft flying over international waters, murdering all those aboard, including three United States citizens who were committed to promoting peace and freedom in Cuba. This blatant violation of international law and wanton disregard for human life only reaffirms that Castro will stop at nothing to cling to power and suppress freedom in Cuba.

All across Eastern Europe, we have witnessed the dramatic collapse of communism. The seeds of democracy are taking hold, and a people long oppressed by totalitarian rule are awakening to the promise of freedom and self-determination. Yet just 90 miles from the shores of the greatest and oldest democracy in the world, Castro continues to rule with an iron fist.

The conference report on H.R. 927 is designed to force Castro from power by tightening economic sanctions on the Cuban Government. I commend President Clinton for expressing his strong support for this tough legislation.

It is time to stop negotiating with Castro. It is time to force him from power. There can be no just totalitarian state. The only cure for communism and totalitarianism is freedom and democracy. The Cuban people deserve no less.

Specifically, the measure would codify the existing United States trade embargo against Cuba while increasing the protection for the rights of United States nationals whose property has been illegally confiscated in Cuba. Furthermore, the bill directs the President to encourage foreign countries to restrict trade with Cuba and to work for an international embargo against the Cuban Government.

Castro's reign of terror and suppression in Cuba is nearing an end. His ruthless Communist regime is on life support. Let us pull the plug by passing this legislation.

Mr. MARTINI. Mr. Speaker, I rise today to support the conference report to H.R. 927, the Cuban Liberty and Democratic Solidarity Act of 1995. We must stand tough on Castro.

His recent reprehensible act is a testament to his madness. On February 25, 1996, he gave orders to shoot down two Cessna planes operated by the American humanitarian group, Brothers to the Rescue. His orders were successfully carried out and four Americans were killed. These men could not have defended themselves against a hostile aggressor even if they had wanted to. Castro's ignoble action was as pathetic as it was wrong. This senseless act of violence must be condemned in the strongest possible terms. The Cuban Liberty and Solidarity Act is in fact a condemnation of the Castro regime.

We must call on the President to organize an international embargo on Cuba and we must tighten our current embargo. This bill also protects the rights of U.S. citizens and businesses by allowing them to sue parties who knowingly and intentionally traffic in confiscated U.S. property. We cannot allow Castro to infringe on the rights of U.S. citizens, or on the rights of his own people.

The most heartwrenching example of his control is the state of affairs of the people of Cuba. Their aspirations and cries for freedom and democracy remain unacknowledged and as follows, unanswered.

Cuba's liberalization is an impossibility with Castro controlling the reins. He is a despot with little to do but punish men and women who have tenaciously championed the cause for freedom through vigilant, assertive, nonviolent actions. Not only has he killed four American citizens but in the process he has also ignored the will of his people. The people of Cuba do not possess the means to hold Castro responsible for his actions, so we must do what they cannot. We must hold Castro accountable for his actions.

Mr. ACKERMAN. Mr. Speaker, I rise in strong support of the conference report to accompany H.R. 927, the Cuban Liberty and Democratic Solidarity Act.

The shooting down of unarmed U.S. civilian aircraft over the Florida Straits is the heinous and unforgivable act of a rouge regime that ignores international law. Such wanton disregard for human life cannot go unanswered.

Today, Congress is responding in the form of the Cuban Liberty and Democratic Solidarity Act. The bill sends a clear signal to Cuba by strengthening the United States embargo of Cuba, authorizing assistance for democratic elements within Cuba, directing the President to prepare to support a transition to democratic government in Cuba, and increasing protection for the rights of United States nationals whose property has been illegally confiscated in Cuba.

Mr. Speaker, some have raised objections that this bill will impinge on our allies' ability to trade with Cuba and that it will only strengthen Fidel Castro's ability to retain power. I do not believe that we should reward the murderer of four American citizens by relaxing the current embargo. We should, and we will, strengthen the embargo and strangle the Castro regime.

Mr. Speaker, I urge my colleagues to support H.R. 927 and strike a blow for the freedom of Cuba.

Mr. FUNDERBURK. Mr. Speaker, there can be no compromise in dealing with Fidel Castro. We must make sure that the Helms-Burton Cuban liberty bill passes as soon as possible so we can tighten the embargo on Cuba. We can have no sympathy for those who would be inconvenienced because they choose to make a profit over conscience. We must penalize those who would traffic in stolen American property. If the Helms-Burton Cuban liberty bill is a violation of NAFTA as claimed by the Canadian Foreign Minister, maybe it is time for the United States to withdraw from that and any other organization that prevents the United States from pursuing its national interests.

Mr. Speaker, we must demand the Castro's Cuba abide by international law that stipulates that a national air space be set at 12 miles. We must not allow Castro's armed thugs to grossly expand their national air space to the 24th parallel. We must make the Castro regime realize that any attack on civilian aircraft outside Cuba's 12 mile borders would be met with military force. To make this point clear, we should start by flying combat air patrols well south of the 24th parallel. Maybe we can teach Castro's armed thugs the same lesson that we taught Kadafi a few years back.

Mr. RICHARDSON. Mr. Speaker, after much consideration, I find that I must vote against this bill. My decision is based primarily on my belief that this is an intrusion on the President's prerogative to conduct foreign policy. This bill restricts Presidential authority and flexibility by codifying the embargo into law. The Helms-Burton conference report contains a provision requiring the President to seek approval of both the House and Senate before changing any aspect of the current embargo. This is an unacceptable infringement on Presidential authority.

Further, this bill will interfere with the principles of free trade, exemplified by the North American Free Trade Agreement, an issue dear to my heart. Canada, Mexico, and Caribbean nations have already expressed their concerns for this infringement of their sovereignty.

I must convey however, that I did strongly consider voting for this bill as a sign of protest against the downing of the two Hermanos al Rescate planes. That was an indefensible act, and I feel sadness for the people who were killed and their families. In addition, this is an emotional, and enormously important issue for my Cuban-American friends, and I have deep respect for their views, particularly BOB MENENDEZ, LINCOLN DIAZ-BALART, AND ILEANA ROS-LEHTINEN.

Accordingly, my decision to vote "no" is a difficult one given the support to have always given President Clinton and the Cuban-American community.

Mr. KIM. Mr. Speaker, I rise today in strong support of the conference report to H.R. 927, the Cuban Liberty and Democratic Solidarity [Libertad] Act of 1995. The recent shoot down of two unarmed civilian planes by Cuban Air Force MiG's clearly underscores the continued hostile focus of the Castro dictatorship and the need for stronger pressure to bring it down. Castro's irresponsible and unnecessary violations of international law must be dealt with in the strongest terms possible. H.R. 927 does just that.

As a strong supporter of former-President Reagan's foreign policy creed—"peace through strength"—I am constantly surprised by the lack of vision this administration has in the foreign policy arena and how frequently American military and civilian lives are put in harm's way. The concessions given to North Korea in the agreed framework and the ill-advised involvement of United States forces in Haiti and Bosnia are just a few of the examples of foreign policy decisions with which I have serious concerns. This is not peace through strength—it's danger through appeasement. The administration's recent kowtowing to Cuba and the resulting aggression by Castro's military further underscores my concern about this administration's lack of direction.

Ironically, since the beginning of his term in office, President Clinton has attempted to weaken the U.S. embargo on Fidel Castro's Communist government. This dramatic shift in policy has turned on its head the longstanding efforts of six previous, bipartisan administration policies of standing firm against the 36-year old dictatorship in Cuba. H.R. 927 responsibly reverses President Clinton's ill-advised appeasement policy by codifying the existing embargo against Cuba. It also strengthens efforts to achieve international sanctions, provides assistance to democratic opposition and human rights groups and protects U.S. interests in illegally confiscated property. By passing H.R. 927, Congress ensures that the United States continues the longstanding "peace through strength" approach in dealing with the Castro dictatorship. This policy has proved the most reliable when facing such rogue regimes. It is for these reasons that I strongly support H.R. 927 and commend President Clinton for finally recognizing the importance of this legislation. I am only sorry that it took the lives of four innocent civilians to do so.

Mr. DEFAZIO. Mr. Speaker, I certainly deplore the Cuban Government's decision to shoot down unarmed civilian aircraft. It was unconscionable and outrageous. However, our Government bears some blame for failing to fulfill its obligation to keep U.S. civilian aircraft from conducting harassing raids into foreign airspace from U.S. soil. But that's not the issue here. The issue is what kind of policy will bring Cuba into the fold of democratic nations.

In this case, United States foreign policy has been hijacked by a small population of right-wing Cuban exiles in Miami. The bill before us represents a complete surrender to these extremists by the President and congressional leaders. I urge my colleagues to reject it, though I know they will not.

This bill will do nothing to encourage Cuba's transition to democracy. In fact, the opposite will be the case. By continuing and tightening the fruitless embargo against Cuba, we are strengthening the Castro regime's only remaining claim to legitimacy. The losers are the Cuban people. The winners are Castro and his henchmen—who will remain in power not only in spite of but because of the embargo—and United States politicians eager to pander to the Cuban exile vote in Florida.

The contrast between United States policy toward Cuba and our Government's stance toward the brutal and geriatric communist leaders of China is stark. Despite China's well-documented human rights abuses, its unfair trade practices and its policy of exporting dangerous arms to terrorist regimes around the world, this Congress and the President insist on giving China favored nation trade status. Chinese belligerence and intransigence is not only tolerated by our Government, but rewarded. Yet the impoverished nation of Cuba is deemed to be such a threat to our shores that the most punitive sanctions are justified.

This bill is hypocrisy and pandering at its worst. It should be rejected.

Mr. COYNE. Mr. Speaker, I rise today in opposition to the Cuban Liberty and Democratic Solidarity Act.

I strongly condemn Cuba and Castro's reprehensible and inexcusable actions in shooting down two unarmed American civilian aircraft recently. This was an unacceptable act that no civilized nation can condone. It was a clear and blatant violation of international law. Our hearts go out to the families and friends of the victims of this tragedy.

Nevertheless, while I abhor Cuba's action, I oppose this bill because I believe that enactment of the Cuban Liberty and Democratic Solidarity Act is not in the United States's national interest, and that our national interest and our efforts to promote democracy and human rights in Cuba must take precedence over our anger and revulsion at this cowardly act.

The Cuban Liberty and Democratic Solidarity Act of 1995 is intended to increase the economic pressure on Cuba in the belief that additional hardships imposed on the Cuban people will produce additional dissatisfaction with the Castro regime and accelerate its downfall. The problem with this reasoning is that in many ways it plays into Castro's hands by allowing him to blame the Cuban people's suffering on foreign enemies—namely, the United States. Sanctions like these provide Castro with a convenient scapegoat for the failings of his unsustainable regime.

The best way to replace Castro's dictatorship with a democratic form of self-government and a market economy is though engagement, not isolation. The United States should be engaging the Cuban people. This legislation will alienate them. It will shore up Castro by allowing him to fan the flames of Cuban nationalism against the United States. I believe that the most effective tool for fostering democracy and human rights and economic development in Cuba is exposure of the citizens of Cuba to free democratic societies. I urge my colleagues to reconsider this action and vote no on the conference report.

Mr. REED. Mr. Speaker, today the House is considering legislation in the wake of the recent attack by the Cuban Air Force on two unarmed civilian aircraft. This outrageous, unprovoked act resulted in the tragic loss of four American lives. I, like most Americans, believe the United States must strongly condemn this act and work to promote a democratic Cuba. Unfortunately, I do not believe that H.R. 927 will accomplish this goal.

This attack clearly illustrates the breakdown of the Cuban Government and the desperation that Fidel Castro faces in trying to hold onto power. The question we must answer is: How best to hasten the end of the Castro regime? Regrettably, the bill before us is not the answer. Isolation has not been successful in bringing down Castro. It is contrary to the policy we pursued in ending the cold war, and, indeed, it was not the course of action which resulted in the peaceful transition to democracy and market economies in Eastern Europe.

H.R. 927 will also worsen conditions in Cuba and result in greater suffering by the Cuban people who remain hostages of Castro's government. By increasing the hardships of the Cuban people, we are running the risk of increased violence in this already volatile nation, as well as the potential outflow of refugees. In addition, this legislation would allow United States citizens to sue foreign companies which traffic in property confiscated in Cuba. I believe such a provision will swamp already overburdened U.S. courts, and I submit for the record an article from the Washington Post which further details the adverse effects of this measure.

The Cuban Government's action which resulted in the deaths of United States citizens cannot be justified, and I believe it is necessary to put pressure on the Cuban Government to recognize this serious breach of international law, to pay reparations, and to punish those responsible for this heinous act. The President took the necessary initial steps in response. However, H.R. 927 is contrary to our ultimate foreign policy goals. By tightening the embargo, this legislation will only succeed in further isolating the Cuban people, raising tensions, and endangering a peaceful transition to democracy. I voted against the bill last September, I will do so again today. I urge my colleagues to oppose H.R. 927.

[From the Washington Post, Mar. 3, 1996]

THE GREAT CUBAN EMBARGO SCAM—A LITTLE-KNOWN LOOPHOLE WILL ALLOW THE RICHEST EXILES TO CASH IN

(By Louis F. Desloge)

Virtually everyone agrees that President Clinton should retaliate forcefully against

Cuba's tragic and murderous downing of two civilian aircraft last weekend. But the least effective and most counterproductive punishment is Clinton's acquiescence to the Helms-Burton bill to tighten the U.S. embargo of Cuba. This legislation, which the White House endorsed last week, albeit with reservations, will only play into Castro's hands by creating an expansive loophole for property claimants, especially wealthy Cuban Americans, to circumvent the embargo.

Jesse Helms and Dan Burton, conservatives whom I admire, are no doubt sincere in their motivation to subvert Castro's rule by applying economic pressure on his regime. However, they may very well achieve just the opposite of what they seek by buttressing, not undermining, Castro's support at home and weakening, not strengthening, the embargo's prohibition on trade with Cuba.

The Helms-Burton bill is a slick stratagem. Its stated purpose is to tighten the embargo by allowing Cuban Americans to have the unprecedented right to sue, in U.S. federal courts, foreign companies doing business on land once owned by these exiles. The idea is to discourage foreign business investment in Cuba, thus undermining the island's financial recovery which, the bill's supporters naively hope, will result in a collapse of the Castro regime. The bill's practical consequences are a different story.

A little-noticed provision in the Helms-Burton measure will enable a small group of Cuban Americans to profit from the economic activity occurring in Cuba.

To understand this provision, one must first know who helped write it. As the Baltimore Sun reported last May, the bill was drafted with the advice of Nick Gutierrez, an attorney who represents the National Association of Sugar Mill Owners of Cuba and the Cuban Association for the Tobacco Industry. Gutierrez acknowledges his involvement, as does Ignacio Sanchez, an attorney whose firm represents the Bacardi rum company. Sanchez told the Sun that he worked on the bill in his capacity as a member of the American Bar Association's Cuban Property Rights Task Force and not as a representative of the rum company.

It is not hard to surmise what these former sugar, tobacco and rum interests will do if and when the law takes effect; sue their competitors who are now doing business in Cuba.

Gutierrez told the Miami Herald last fall as saying that he (and his clients) are eyeing a Kentucky subsidiary of British-American Tobacco (B.A.T.) that produces Lucky Strike cigarettes. B.A.T. has a Cuban joint venture with the Brazilian firm Souza Cruz to produce tobacco on land confiscated from his clients, Gutierrez claims.

Bacardi would be able to sue Pernod Ricard, the French spirits distributor, currently marketing Havana Club rum worldwide. Bacardi claims that Pernod Ricard's rum is being produced in the old Bacardi distillery in the city of Santiago de Cuba.

Here is how this vexatious scheme will work if Helms-Burton becomes law. The former landowner of a tobacco farm files a suit in federal court against British-American Tobacco and seeks damages. If both sides want to avoid prolonged litigation they can reach an out-of-court settlement whereby the former tobacco grower can now share in the profits of the ongoing B.A.T.-Brazilian joint venture in Cuba. Likewise, Bacardi could reach a settlement to get a share of Pernod Ricard's profits from sales of Havana Club internationally.

These agreements do not need the blessing of the U.S. Government. This is the million dollar loophole in Helms-Burton. The bill states: "an action [lawsuit] . . . may be brought and may be settled, and a judgment rendered in such action may be enforced, without the necessity of obtaining any license or permission from any agency of the United States."

What will be the practical result? Foreign companies like Pernod Ricard and British-American Tobacco are unlikely to abandon viable operations in Cuba because of a lawsuit. More likely, these foreign businessmen will agree, reluctantly, to pay off Cuban exiles suing under Helms-Burton. Given the choice of forfeiting millions of dollars invested in Cuba or their financial interests in the United States, the practical business solution might be to give the exiles a cut of the action. Far better to have 90 percent of something than 100 percent of nothing, these businessmen will reason. Allowing Cuban Americans a share of their profits will just be factored in as another cost of doing business.

Indeed, Helms-Burton gives the Cuban exile community a strong financial stake in Castro's Cuba. If the foreign businesses simply withdrew in the face of Helms-Burton, the exiled tobacco, sugar and rum interests would get nothing. But if British-American Tobacco or Pernod Ricard or any other foreign firm now doing business with the Castro regime offers an out-of-court settlement to Cuban American exiles, who is going to turn them down? Given the option, at least some people are going to choose personal enrichment over the principle of not doing business with Fidel. After all, Fidel has been in power for 37 years, and the exiles are not getting any younger.

The Clinton White House is not unaware of the scam at the heart of the bill. Before the shooting down of the plane, the President had objected to the provisions allowing U.S. nationals to sue companies doing business in Cuba. During last week's conference with Congress, the President's men surrendered and asked for a face-saving compromise: a provision giving the President the right to block such deals later on if they do not advance the cause of democracy in Cuba. But how likely is Clinton to block Cuban Americans in Florida, a key election state, from suing Castro's foreign collaborators later in the final months of an election year? Not very.

The bottom line is that Clinton, in the name of getting tough with Castro, has endorsed a bill that allows the embargo to be evaded and protects Cuban Americans who want to legally cut deals to exploit their former properties in Cuba while the rest of the American business community must watch from the sidelines.

In fact, the legislation could encourage a massive influx of new foreign investment in Cuba. Armed with the extortionist powers conferred by the legislation, former property holders could shop around the world for prospective investors in Cuba and offer them a full release on their property claim in exchange for a "sweetheart" lawsuit settlement entitling them to a piece of the economic action. Thus, the embargo is legally bypassed and everyone laughs all the way to the bank.

Actually, not everyone would benefit. The Clinton-endorsed version of Helms-Burton only exempts the wealthiest cabal of Cuba's former elites from the embargo's restraints. The bill will only allow those whose former property is worth a minimum value of $50,000 (sans interest) to file suits. And you had to be very rich to have owned anything of that value in Cuba in 1959. If you were a Cuban butcher, baker or candlestick maker, too bad. This bill is not for you.

What could be more useful to Castro in his efforts to shore up his standing with the Cuban people? The spectacle of the U.S. Congress kowtowing to these Batista-era plantation owners and distillers provides Fidel his most effective propaganda weapon since the Bay of Pigs debacle. Castro surely knows that the overwhelming majority of the Cuban people—60 percent of whom were born after 1959—would deeply resent what can be characterized, not unfairly, as an attempt to confiscate their properties and revert control over Cuba's economy to people who symbolize the corrupt rule of the 1950s. Rather than undermining Castro's rule, this bill would drive the people into his camp.

Where is the logic in denying the vast majority of the American people the right to become economically engaged in Cuba if it is extended to only a select, wealthy few? Is the concept of "equal protection under the law" served if non-Cuban Americans are now relegated to the status of second-class citizens? Or is the real intent of this bill to allow rich Cuban exiles the opportunity to get a jump start and thereby head off the "gringo" business invasion certain to follow the demise of the embargo and the inevitable passing of Castro.

Let us put an end to this special interest subterfuge. Whatever obligation the United States had to my fellow Cuban Americans has been more than fulfilled by providing us safe haven and the opportunity to prosper and flourish in a free society. Providing us, once again, another special exemption which makes a mockery of the American Constitution, laws and courts, not to mention making a farce of U.S.-Cuba policy, is an insult to both the American and Cuban people.

If we are going to lift the embargo for a few wealthy exiles then, fine, let us lift it for all Americans. To be fair and consistent, why not liberate the entire American community to bring the full weight if its influence to bear upon Cuban people? Implementing an aggressive engagement policy to transmit our values to the Cuban people and to accelerate the burgeoning process of reform occurring on the island has a far better chance of ending Castro's rule than the machinations of Helms-Burton.

The SPEAKER pro tempore (Mr. EWING). Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BURTON of Indiana. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 336, nays 86, answered "present" 1, not voting 9, as follows:

[Roll No. 47]

YEAS—336

Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Borski
Brewster
Browder
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Chrysler
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Everett
Ewing
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Hoke
Holden
Horn
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Luther
Maloney
Manton
Manzullo
Martinez
Martini
Mascara
Matsui
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Paxon
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Schumer
Scott
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—86

Abercrombie
Barrett (WI)
Becerra
Beilenson
Berman
Bonior
Boucher
Brown (CA)
Campbell
Clay
Conyers
Coyne
DeFazio
DeLauro
Dellums
Dixon
Dooley
Eshoo
Evans
Farr
Fattah
Flake
Foglietta
Frank (MA)
Furse
Gejdenson
Gibbons
Hall (OH)
Hamilton
Harman
Hinchey
Hostettler
Houghton
Jackson (IL)
Johnson (CT)
Johnson, E. B.
Johnston
Kennedy (MA)
Kleczka
LaFalce
Lewis (GA)
Lincoln
Lofgren
Lowey
Markey
McDermott
McHale
McKinney
Miller (CA)
Minge
Mink
Moakley
Moran
Morella
Nadler
Oberstar
Obey
Olver
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Rangel
Reed
Richardson
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Serrano
Skaggs
Stark
Studds
Torres
Towns
Velazquez
Vento
Waters
Watt (NC)
Waxman
Williams
Woolsey
Wynn
Yates

ANSWERED "PRESENT"—1

Owens

NOT VOTING—9

Bryant (TX)
Chapman
Christensen
Clayton
Collins (IL)
Collins (MI)
McCarthy
Slaughter
Stokes

□ 1513

Mr. WYNN and Ms. FURSE changed their vote from "yea" to "nay."

Ms. RIVERS changed her vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. CLAYTON. Mr. Speaker, during rollcall vote No. 47 on H.R. 927 I was unavoidably detained. Had I been present, I would have voted "no."

PERSONAL EXPLANATION

Mrs. COLLINS of Illinois. Mr. Speaker, this afternoon, March 6, 1996, I was unavoidably absent for rollcall vote 47, on final passage of H.R. 927, the Cuban Liberty Act conference report, because I had to go to my ophthalmologist for an emergency procedure.

Had I been present, I would have voted "no."

Mr. CHRISTENSEN. Mr. Speaker, due to a family emergency back in Nebraska, I was not present for three rollcall votes. Had I been present, I would have voted: rollcall vote No. 45, "yes;" rollcall vote No. 46, "yes;" and rollcall vote No. 47, "yes."

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present for rollcall vote No. 47 taken on March 6, 1996. Had I been present, I would have voted "no."

□ 1515

GENERAL LEAVE

Mr. HAYWORTH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the conference report just adopted.

The SPEAKER pro tempore (Mr. EWING). Is there objection to the request of the gentleman from Arizona?

There was no objection.

REPORT ON RESOLUTION PROVIDING SPECIAL AUTHORITIES TO COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT TO OBTAIN TESTIMONY ON THE WHITE HOUSE TRAVEL OFFICE MATTER

Mrs. WALDHOLTZ, from the Committee on Rules, submitted a privileged report (Rept. No. 104–472) on the resolution (H. Res. 369) to provide to the Committee on Government Reform and Oversight special authorities to obtain testimony for purposes of investigation and study of the White House Travel Office matter, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. EVERETT). Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

WE ARE NOT ADDRESSING THE ISSUES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, I just came to the floor because my calendar says it is March 6.

My whole problem is I cannot figure out when we are going to get our work done.

It seems to me, if it is March 6, that means we are almost halfway through this fiscal year, we still have four bills that have not been signed, we still have the debt ceiling issue, we still have the fact that we can shut Government down at any moment, and what we are hearing from the primaries out there, where the people are really being able to speak, is they think we have missed the whole boat, that this issue is really about the average American family and how they keep the middle-class American working standard.

So, Mr. Speaker, let us talk about that, what that is and how we have not done anything for that.

Mr. Speaker, the American people feel we have really missed the boat, we have missed the core challenge, and that is helping America's working families, the ones who work, the ones who get up every morning, the ones who are struggling like mad, the ones who feel like one of those hamsters in a wheel where they run faster and faster every year, their tongues are hanging out, and yet they feel they do not get out of the bottom of that wheel.

Now one of the things that we have not done that would help, we are going to see a lot of photo ops with these people, but these people really do not care about photo ops. They really care about some policy that would help them. Let us start with the minimum wage.

The minimum wage is the lowest it has been in 40 years. When I went to college, I was able to work my way through college. College tuition has gone way, way up, and the minimum wage has stayed way down here. It is almost impossible for a young person today to work their way through college and finish before they are 80 years old. So the minimum wage is terribly important to try and help people to be able to support themselves better.

Let us look at medical care. Medical care is very critical. We have got the Kennedy-Kassebaum bill moving in the Senate, but we do not see it moving over here. I am the proud cosponsor. I hope many more people become cosponsors. But that, too, helps working families to try and hold that pillar of medical care underneath them and their families as they feel it crumbling.

There is another whole area; that is student loans. People would like to see that pillar be held up because everyone knows their young folks are only going to go as far as their education takes them, and getting an education is terribly costly, especially in this day and age. So doing anything to the student loans is very unfair, and it makes it topple.

When you look at Medicare and Medicaid, those are two other areas that really harm the average working family because especially if the average working family has a child that is handicapped or whatever, they need to be depending on Medicaid to make up the difference. They may have elderly parents who desperately need Medicare, and without Medicare and Medicaid then the families got to dig deeper in their pockets to make this all work.

You know, part of the stress on these young families and part of their frustrations with this body is rather than having pictures they would like a minimum wage increase, they would like an insurance bill, they would like the guarantee that their pensions are not going to be played with. Several times this year we have seen bills saying that corporations could do with their pensions what Orange County, CA, did with their funds. That does not make you sleep very well at night. They want to be sure education is guaranteed in the future, and they want to know there is a future.

I think we really need to roll up our shirtsleeves and get to work here. I mean here we are. Yesterday we were out early; here we are today, we are out early. I do not know what we are doing. We have not gotten the budget done, we have not gotten our work done, and we are not addressing the issues that voters all over America, in State after State as these primaries roll through, say are front and center. They are saying please listen to us. We are the ones that support the Government; why does the Government not support the policies we want?

You know we are going to lose their support of the Government. That is one of the things that feeds the cynicism so much. We will lose their support of the Government if we are not listening to them and providing those policies.

So I just want to say I am sure where everybody lives there will soon be a photo op near them with politicians running around trying to have pictures taken with little kids, with working people, in front of a hospital deploring hospital costs, whatever. But when you see that photo op, think about how does it translate into policy, how does that person vote, what do they cosponsor? That is the reality. The picture is not the reality, the record is the reality, and I think working men and women are going to be looking for those records, Mr. Speaker.

□ 1530

THE GOVERNMENTS OF SAUDI ARABIA, KUWAIT, JAPAN, AND EUROPE OWE THE UNITED STATES A RESPONSE

The SPEAKER pro tempore (Mr. EVERETT). Under a previous order of the House, the gentleman from Connecticut [Mr. GEJDENSON] is recognized for 5 minutes.

Mr. GEJDENSON. Mr. Speaker, the tragedies in Israel over the last several weeks are something that all of us have to pay close attention to. I am proud that the American Government and President Clinton have led the effort to try to build a real and lasting peace in the Middle East. But many of our friends in countries who have benefited from America's generosity and America's courage have not only not helped us in this struggle for peace, but have actually supported the opponents of peace in the Middle East.

Mr. Speaker, today I will be sending letters to the Governments of Saudi Arabia and Kuwait to ask them what they are doing to try to stop the attacks on innocent Israeli civilians by Hamas. I will be sending the same letter, virtually, to the Governments of France, England, Germany, and Japan. Their continuing trade with Iran, dealing with Iran as if it was one of the civilized nations of the world, continues to provide for them the wherewithal to continue their support for the terrorists in Hamas.

In Jordan and Egypt we see different kinds of governments. They, along with the Israelis and the leaders of the PLO, Mr. Arafat and others, have struggled to build a peace in a region of the world that has seldom seen peace. We should also remember and applaud their efforts: The courage of King Hussein, the leadership and the courage of President Mubarak and his predecessor, Anwar Sadat.

In Israel, the Israelis have lost so much in their leadership, in their citizenry, in the wars and terrorism. Their courage in continuing in this peace process is truly remarkable. But the question has to be asked, the Saudis and Kuwaitis are regulars in this capital asking for assistance and protection, but what have they done to assist the peace process? What have the Saudis and Kuwaitis done to try to stop Hamas and its violence on innocent civilians?

These governments, these feudalistic governments, cannot buy their security by financing the fundamentalists who will attack women and children with bombs in schools and marketplaces and bus stops. The governments of the Western World, France, England, Germany, and Japan, they cannot hold their head high in the international community while they continue to do business with Iran, the country that is singly most responsible for the terrorism in the Middle East.

Syria wants to be included in the family of nations. It needs to end its support for Hamas, and the operation of Hamas within its borders. We as Americans are happy to lead. We are happy to take on more than our share of responsibility. But again, I cannot emphasize enough, Saudi Arabia and Kuwait are there today solely because of American courage, solely because of American action, and solely because of American guarantees for their freedom.

The Saudis and the Kuwaitis do nothing to stop the financing of this terrorist organization. Their governments need to respond with actions that show they can be trusted as friends and allies, not just as those who need our assistance. France, England, Germany, and Japan want to be leaders of the world. They want to be the kind of partners that America looks for in running this world, in leading the world toward a better place for all the people of the world. They continue to provide the financial support for Iran that enables Iran to support and subsidize terrorism globally.

We in America must demand from these countries some action. We must demand more than just rhetoric and rhetorical responses to this kind of savagery. The Government of Saudi Arabia and the Government of Kuwait owe the Americans a response. They owe the world a response, the world that turned to their rescue to end the terrorism of Hamas in the Middle East.

France, England, Germany, and Japan are wealthy enough nations that they could join with us in isolating the Government of Iran until they are ready to act like a civilized and responsible nation. Nations do not kill children. Nations do not finance an organization that places bombs in civilian areas. We need to lead and we need these countries to join us. I will await their responses.

RUBY RIDGE: JUSTICE UNSERVED

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Idaho [Mrs. CHENOWETH] is recognized for 5 minutes.

Mrs. CHENOWETH. Mr. Speaker, as we all know, the issue of values seems to be paramount in everybody's mind, values with regard to those held dear by our country, by individuals, and by families. But values really come from where we place the value on human life and how we appropriate the protection of life, liberty, and the pursuit of happiness from government. Today those values seem to be misappropriated, so I am going to speak to you today, Mr. Speaker, with regard to an incident that occurred in my district, and the serving up by the Government of an award for that incident.

Mr. Speaker, I come to the floor today to publicly address a growing concern that I am hearing more and more of from my constituents, and from people all around the country—the continuing misappropriation of values by our Federal Government. I am not talking necessarily about the values, as typically described by the media, but the most basic value of how we as a government regard the individual's ability to safely live his life in an atmosphere of freedom and liberty, with mutual respect as each individual peaceably pursues happiness.

My most recent concern arises out of what appears to another poor decision made by a Federal law enforcement agency in the wake of what has come to be known the tragedy at Ruby Ridge, ID. I am talking about the recent issuing of the highest awards of valor to Federal marshals involved in a shootout on August 21, 1992 that ended up with the deaths of 14-year-old Sammy Weaver, and deputy marshal Bill Degan.

Mr. Speaker, I find it incomprehensible that after years of investigations by both Congress and the Justice Department about significant questions regarding the conduct of Federal agents involved in the Ruby Ridge disaster, the U.S. Marshals Service has chosen instead to hand out awards rather than sort out their mistakes and punish wrongdoing to ensure that such deadly mishaps don't happen again.

Mr. Speaker, I attended much of the hearing in the Senate Subcommittee on Terrorism, Technology, and Government Information that was chaired by Senator SPECTER. I listened very attentively to the testimony of Randy Weaver, and the U.S. marshals on their take of the events leading up to that fateful day of August 21, 1992. The committee listened to Randy's description of how agents from the U.S. Federal Marshals Service for a 16-month period executed an extensive surveillance of his home that included hundreds of hours of filming the everyday proceedings of his family with satellite powered cameras, setting up command centers in the homes of neighbors, and sending many undercover agents posing as supporters to the Weaver home.

In addition, the U.S. Marshal's Service initiated military reconnaissance like missions to determine what would be the best way to invade the Weaver home. U.S. marshals on one of these missions excited the family dog by throwing rocks at it.

The committee listened to Randy's agonizing unscripted depiction of how he made the most regrettable decision of his life when he sent his 14-year-old son Sammy down the road with a rifle to see what the dog was barking at—and how those agents shot a young boy's dog at his feet, and how a Federal marshal, dressed in a terrifying paramilitary uniform, jumped out of the bushes and yelled "Halt"—and how these events led to a gun battle that ended with the tragic death of Federal Marshal Degan, and of the young boy Sammy—shot in the arm and in the back—as he ran frantically up the road yelling "I'm coming home Dad!" Randy and his wife Vicki, no longer caring if they were fired at, went down the hill to retrieve the small body of their son.

While a Justice Department investigation did find evidence that U.S. marshal Larry Cooper fired the shot that killed 14-year-old Sammy Weaver, the report failed to determine who actually fired the first shot. Kevin Harris, a friend of the Weavers, who was involved in the gunfight, testified before the committee that U.S. marshal Arthur Roderick fired the first shot, which killed Weaver's dog. The marshals claimed that Harris fired the first shot, which mortally wounded U.S. deputy marshal Bill Degan.

Mr. Speaker, the Senate committee determined in their report that Harris' testimony was more plausible because Dean had fired seven rounds before he died. For the marshals' testimony to be true, Degan would have had to fire all seven shots after he was mortally wounded. The Senate committee also found it hard to understand why, if Kevin Harris had actually fired the first shot, the other marshals had not shot him dead in his tracks for killing Degan.

Mr. Speaker, what was even more disconcerting was hearing U.S. marshals Roderick and Cooper propose during the Senate hearing that Randy Weaver was responsible for shooting his own son. This suggestion contradicts all of the facts and evidence which point to Cooper as being the only one who could have shot Sammy. Even the Government's position during the July 1993 trial was that Cooper had shot Sammy Weaver. The committee has actually retained several experts to study the matter further.

Mr. Speaker, at the same time there is an ongoing investigation into their sworn testimonies regarding their role at Ruby Ridge, Roderick and Cooper were among the five marshals honored last week.

Mr. Speaker, in addition, several places in the Justice Department report deal with the possibility of a Government cover-up. After the gunfight, the surviving marshals were taken away to recuperate. The authors of the report stated that:

> We question the wisdom of keeping the marshals together for several hours while awaiting interviews with the FBI. Isolating them in that manner created the appearance and generated allegations that they were fabricating stories and colluding to cover-up the true circumstances of the shootings.

Those are the Justice Department's words, not mine.

But the Marshals Service does not appear concerned with answering the Justice Department's concerns or learning from this tragedy. Marshals Service Director Eduardo Gonzalez said when asked why the service waited so long after the siege to announce the awards that he "didn't think it was appropriate" to hold such a ceremony while the Senate was holding formal hearings into the incident. This tells me that the director blatantly overlooked the fact the Senate, like the Justice Department, found fault with the actions of at least two of the marshals he honored.

The bottom line is, Randy Weaver faced his accusers, stood trial, and answered for the only crime he was convicted of: failure to appear in court. While the Justice Department and Congress determined through extensive investigations that all the agencies involved were guilty of some level of wrong-doing at Ruby Ridge, precious little has been done to ensure such massive errors in judgment do not occur again.

Mr. Speaker, how our Government has acted with regard to the tragedy at Ruby Ridge, and in other similar instances has had, and will continually have significant ramifications on how our people view our Government, and how Federal law enforcement will respond to the constitutional rights of citizens in the future.

Mr. Speaker, the issue of how our Government is maltreating its citizens while ignoring the effects of its own unjust actions is very much on the minds of millions of Americans. They are asking how can it be possible that people such as John Poszgai, a Hungarian freedom fighter who escaped with his life and settled in Pennsylvania, can end up being sentenced to serve 6 years in a Federal penitentiary because his cleaning up of an old dump was considered a crime because it filled in a wetland. They are wondering just where our Government is placing its values when it gives the highest commendation possible to an individual for shooting a child in the back as he is running to the comforting arms of his father.

CUTS IN EDUCATION PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, we talk much about education, but we do not do very much. Consider these facts. In 1949, for every $10 the Federal Government spent, $1 was spent for education. For every $10 in 1949 that we spent for education, $1 was spent for education. Now, today, for every $10 that the Federal Government spends, a little more than 1 dime—from 1949, from $1 we have moved to 1 dime—is spent for education.

Where are our priorities in education? In 1949 America led the world in educational achievement. Today America trails nations like Europe and Asia. We are behind those nations now, perhaps because we failed to heed the words of T.S. Eliot then. Eliot said in 1935, "Time present and time past are both perhaps present in time future, and time future is contained in time past." Let me repeat those profound words of Eliot's. "Time present and time past are both perhaps present in time future, and time future is contained in time past."

What did Eliot mean by that statement? Let us examine the statement in the context of education. It is inconsistent to talk about building the future while tearing down the present. Yet, Members in this House seem ready to abandon education by making the largest cut in American history, cuts amounting to one-third of education spending, cuts that are three times as much as other cuts in their discretionary budget, cuts with overall funding for the Department of Education likely to be reduced by 25 percent.

In essence, for time present, in this blind march, blind march to a balanced budget, we want us to ignore time past. But they are ignoring, as Eliot points out, both times, present time and past, and also they are ignoring our future. More importantly, they are ignoring Eliot's conclusion that time future is certainly contained in time past.

If we truly want to preserve the future, we must, we must, first, not forget the past; and second, take care of the present. That is what Eliot meant. But we forget the past when we disregard how much of our budget we spent to make us a world power in education: 10 percent in 1949, and now only 1.4 percent today. And we do not take care in the present when we are preparing to further slice education so deeply. We will also interfere with the future of this Nation's prosperity.

Instead of cutting the education budget with regard to the impact of those cuts, I would urge my colleagues to go out from the comfort of these halls and visit American schools. Go see how those schools are. Many of them are in disrepair. I have students visiting me who have just left out of the gallery who are in private schools, and many of them have found that our public schools do not give them the opportunity. We are not investing in our education. Visit any of those schools in your district and see if you do not see a need that we are failing to assist our communities in meeting.

What will be the impact of these massive education cuts on the future of education for our young people? More importantly, what will be the future of this country if we continue to not invest in education? What will these working families do if their children are not educated?

We say we believe in families, yet we do not give them the very tools they need. How will these students learn when even more teachers are terminated under the pressures of these severe cuts? Already schools are receiving pink slips because they do not know what their budgets will be. How can they plan under the circumstances of this continued resolution?

We talk about restoring family values. We talk about helping young people. Yet, our actions are inconsistent with what our words are. Recent national polls show that Americans overwhelmingly support education and believe it should be the top priority of this country.

The American people agree with Eliot. Instead of a big tax cut for the wealthy, we should put more money in education for our children and for this Nation's prosperity. We must heed the words of Eliot, as true today as they were in 1935, and understand that the present and past shape the future. There can be no bright future without a brilliant past and a clear present.

Mr. Speaker, we must stop these education cuts and make sure that we secure America's future and our children's prosperity.

□ 1545

INTRODUCTION OF BILLS IMPLEMENTING IMPARTIALITY IN REVIEW OF COMPLAINTS AGAINST JUDGES AND REASONABLE ATTORNEY'S FEES IN CAPITAL CASES

The SPEAKER pro tempore (Mr. LATOURETTE). Under a previous order of the House, the gentleman from Tennessee [Mr. BRYANT] is recognized for 5 minutes.

Mr. BRYANT of Tennessee. Mr. Speaker, I rise today in order to explain two bills I introduced today and ask my colleagues for their support of this legislation.

Both bills relate to judicial procedure and are intended to help restore the public's confidence in that branch of our Federal Government. Today, when citizens distrust their government to the degree that we are seeing, it is imperative that we take reasonable steps to promote public confidence in our form of Government that is set forth in the Constitution.

We must always remember that we do not legislate in a vacuum. The laws we pass have consequences. Our Government processes have consequences. At this very time, the country needs legislation that has positive consequences with respect to the long-term health of our Republic.

In that regard, I would like to explain my bills. The first bill deals with the handling of ethical complaints filed against Federal judges. The complaint process currently works like this: The ethical complaint is made in writing to the circuit court clerk, and this complaint is accompanied by a brief statement of the facts behind the complaint. Alternatively, the chief justice of the circuit may also initiate a complaint if he is aware of a set of facts that warrant review.

The clerk gives the complaint to the chief judge of the circuit, and this chief judge reviews the complaint and enters a dismissal or refers it to a special committee of judges from within that same circuit. In other words, the complaint is completely adjudicated within the circuit of the judge subject to that particular complaint.

While most of the complaints filed against Federal judges are frivolous, the process itself, the procedure, should not give the appearance of a lack of impartiality or lack of fairness, or an appearance of possible bias, or at worst, a possible biased review. That is, these complaints against a judge are now reviewed by his close colleagues. They all serve together in the same circuit, some in the same district. They work together professionally, they meet at conferences, and interact on a personal and social basis.

Human nature leads to the likelihood of a less than dispassionate review in this type of situation. The situation at a minimum presents an appearance of partiality. Couple that appearance with the loss of public confidence in our Government institutions that we are seeing, and we have a crisis in the making.

The bill I am introducing will remedy this situation whereby judges within the same circuit review ethical complaints filed against one of their fellow judges. My intent is to introduce a greater degree of impartiality and fairness to this process. My legislation will have the clerk of the circuit in which a complaint originates automatically forward that complaint to another circuit for adjudication.

This legislation builds on the current complaint review process. It calls for the creation of a method by which complaints received against judges and magistrates within one circuit are sent to another circuit for review.

The second bill pertains to the amount paid to lawyers and lawyers' fees and expenses that a Federal judge may award in a capital case, a Federal death case, if you will. Currently title 18, United States Code allows compensation at a rate of $60 per hour for court time and $40 for out-of-court time to be paid to lawyers that are appointed to handle Federal criminal cases. These are standard fees. I note that title 18 provides a means for raising compensation levels to a higher limit than what I have just described. This process has not been used yet.

In capital cases, again death penalty cases, judges may go outside this range of $40 to $60 per hour and set even higher rates, at their complete discretion. Under our code, if it involves a death penalty case, the Federal judges can set this compensation to be whatever they deem is reasonably necessary. In other words, again complete discretion on the part of that judge.

Now I understand the need to pay people for their time rendered, for their services given, but these payments that are made in these situations are being made at taxpayer expense. In certain habeas cases, certain death penalty cases in my home State of Tennessee, I am aware of a Federal judge awarding the lawyer fees of up to $250 an hour. Not many Tennessee lawyers command $250 an hour, much less a court-appointed lawyer in a criminal case.

My bill would set lawyers' compensation rates under title 21 in the recommended range of $75 to $125 across the Nation, and thereby stop the judges from awarding huge amounts, far in excess of the going rate in that particular marketplace. Furthermore, my legislation would require that these amounts paid in attorneys' fees and expenses would be publicly disclosed for all of us to see.

I hope that my colleagues can support these two bills. I think it is time we move toward restoring the public's confidence in the judiciary. We can move in that direction by implementing impartially in the review of complaints filed against Federal judges, and by having reasonable attorneys' fees that are responsible to the taxpayer, who ultimately gets the bill.

MICA EXPRESSES OUTRAGE AT OUT-OF-CONTROL EPA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MICA] is recognized for 5 minutes.

Mr. MICA. Mr. Speaker, I come before the House this afternoon really in a sense of outrage about our out-of-control Environmental Protection Agency. We have heard EPA talking about how the new majority and Members of Congress on both sides of the aisle were going to gut their budget and hurt the environment and do away with any regulations. That, Mr. Speaker, is all bunk.

We have seen EPA use public resources in the past to continue their mission of misinformation of untruths and distortions. Today I received a copy of EPA Watch dated January 31, 1996. This, Mr. Speaker, really takes the cake. It says, "EPA Enlists PTA To Battle Congress Over Budget Cuts."

This story tells how the EPA's Office of Enforcement and Compliance has a memo dated January 19 that states that their staff, from no fewer than 11 offices, are working in this mission of lies and distortion and now trying to drag the children, parents and teachers of this Nation into this campaign against much-needed reform.

First of all, let me tell the parents and teachers and my colleagues that EPA was a Republican idea. It started in 1972. It was an idea to do a better job in cleaning up the environment. It was a Republican proposal to set some national standards and we have done that. We have begun to clean up. We have had 20 some years of experience and we have seen where mistakes have been made and we need to draw on that.

When President Clinton came into office in 1993, in January, and I quote from the New York Times, it said, "in January, mayors from 114 cities and 49 States opened a campaign by sending the President a letter urging the White House to focus on how environmental policymaking had, in their view, gone awry."

That is what started the debate. The cities, the counties, the special districts, the Governors, the State associations came to us and said, "Some of what you're doing, some of what you're imposing makes no sense, it's a great cost on us, and we pass it on to the taxpayer in higher, unwarranted costs in many cases." So they gave us the responsibility of trying to make some sense out of this.

Mr. Speaker, I served on the committee that conducted oversight of EPA from 1992–94. What I saw was a horror story and the children and the parents and teachers should know, not just the misinformation that they are being fed by this compliance office to lobby Congress for more money but they should know what is really going on.

Let me cite, for example, a memo dated March 31, 1993, from the inspector general for audit of that agency. He is talking about the Environmental Research Laboratory, one of the operations of EPA. He said for over a period of up to 7 years the audit concluded that ERLA management had avoided or circumvented laws, regulations, and agency procedures in the award and funding of certain contracts and had misused or abused the use of contracts, and it goes on and on and on about the misuse.

Mr. Speaker, this is how taxpayer dollars are being expanded. When I served on the committee, we looked at Superfund, a multibillion-dollar project that was to clean up the hazardous waste sites. What we found in this report from GAO in 1994 said although one of EPA's key policy objectives is to address the worst sites first, relative risk plays little role in the agency's determination of priorities.

This study by GAO finds in fact that they choose cleanup sites on the basis of political pressure, not the risk to children and safety. That is something our American children, our teachers, and the Congress should know.

What about polluters? Do polluters pay? Not with EPA. They let them off the hook. Look at this headline, "EPA Lets Polluters Off the Hook," $4.8 billion in noncollected funds.

Mr. Speaker, I have just about had it with EPA. I am calling on the Speaker, and I am calling on Chairman McINTOSH of the oversight committee to conduct an investigation of what they are doing. Rather than going out and enforcing environmental laws, they are using taxpayer funds to start a campaign against Congress, and this action must stop.

ECONOMIC SECURITY IS A BIPARTISAN ISSUE

THE SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, many of us have had an opportunity to visit more extensively over the last 2 or 3 weeks with our constituents at home. It is interesting, I rose just earlier this week to indicate really what has captured the minds and the emotions of many Americans as we have watched the Republican primary proceed before our very eyes. It is not that the debate is unique, it is that maybe it is being raised when all of us happen to be focused in that direction, for the questions dealing with economic security, the well-being of this country, have been troubling many of our constituents for a number of years.

And it is not a partisan issue. It is in fact a bipartisan issue, and it calls to question the quality of life that we expect as Americans. What it does is, it should pit us toward each other and not against each other. It involves the assessment of affirmative action as a valuable tool in which we can extend, to those who have not had an opportunity, an even playing field.

It calls into question the attack on the earned income tax credit which rewards working people, working people who in essence are poor, to continue to work and not to seek welfare and dependence for them and their children. The earned income tax credit that is under assault by this Congress and by this budget process in fact enhances opportunities and does not take away from opportunities in both urban and rural America.

It helps the more than blue collar worker, the hourly worker who has not had an opportunity to salt away dollars. By them working, they then get a credit back from the Federal Government which gives them a continuing incentive to continue to work. Why should we undermine that incentive for the working poor?

Then there has been a big debate on those who would want to raise the minimum wage and those who would not, merely over a dollar at this point that is being proposed, all of the rancor, that this would destroy small businesses or that this would eliminate jobs. Do we really understand who is working in some of these places where we used to think teenagers worked? Fast food places? They are individuals who are attempting to support their family, some of them with four and five children.

□ 1600

I was told by a Member that he had a family in his district, many families, in fact, four members of the family, four children, excuse me, making a living on $15,000. Now, you wonder how those people make it. I applaud them. I applaud them for working, for keeping their family together, for striking out on their own.

But if we are to uphold the quality of life for all America, then we must fight for the economic security of our citizens. We must go to corporate America and address the question that everything is not profit and dividend, although I respect those who have had the privileges of life and have invested. I want you to be successful. But we must also reinvest in the creation of jobs.

We have been told that the telecommunications bill that has just been passed will create 6 million jobs. Some of those jobs, most of them, will be very technical positions. We must ensure that the least Americans who have tried their best with the education that they have will, in fact, seek the appropriate opportunities for work. Corporate America must reinvest back into work. It is not that jobs are leaving this country. It is that we must take a stand to create jobs and create viable work that has us making items again as we built ships, as we built items in World War II. We must be manufacturers again, and we must create opportunities for those individuals who want to hold their families together.

As I stand before you, as well as I think of economic security and opportunity, I am challenged because this month, March, is the month that we celebrate women, the historic contributions of women, when Susan B. Anthony began to talk about taking advantage of the political process and voting and standing up for what you believe in.

Well, this has not been a very good year for women, for we have found that women have become unequal both in the workplace but as well as far as constitutional and privilege and rights of privacy. For example, whatever your position is, how can you be equal with Medicare for women as opposed to men? So that women in the military would not be allowed to have abortions of their choice if paid for, so that the House banned coverage of most abortions by Federal employees health coverage, again intruding on the privacy right of women.

The House and Senate voted to prohibit the use of Federal funds to pay for abortions for Peace Corps volunteers, and so we go on and on with the onslaught and the attack on women in this Congress.

We also saw fit to provide bonus grants to States that reduce the number of abortions, not among children, and we are not talking about that question, but we are talking about adults, adult women who have the opportunity to make a choice.

One of the most egregious pieces of legislation is when a tragedy comes upon a family who desires a child and they are required to abort because of the threat of that mother. Partial abortion now has become illegal both on the physician and as well would challenge the mother to get proper medical care.

Mr. Speaker, I would say to you we need economic security for all Americans, and in respecting women, in saluting women, we need fairness for women in this legislative agenda.

OUT OF SIGHT BUT NOT FORGOTTEN

The SPEAKER pro tempore (Mr. LATOURETTE.) Under a previous order of the House, the gentleman from Indiana [Mr. MCINTOSH] is recognized for 5 minutes.

Mr. MCINTOSH. Mr. Speaker, out of sight, out of mind.

There is a human tendency to forget those things or people that are not immediate to us. The media feeds this tendency—where stories of heroism or tragedy receive 30 seconds of air time on the evening news—and then they are forgotten.

Mr. Speaker, I rise to give my report from Indiana.

Today I commend the brave men and women serving the cause of peace in Bosnia—they may be out of sight, but they are not forgotten.

They are in Ruthie's and my prayers and in the daily prayers of the good people of Indiana's Second District, especially the school children.

Last December, right before Christmas Ruthie and I were fortunate enough to visit with some of the soldiers of the 21st TAACOM Army Reserve unit which was being deployed as part of Operation Determined Effort to help our troops in Bosnia.

During the course of my visit, Ruthie and I presented some of the soldiers with cards and letters of encouragement from school children at both Rushville Elementary School and Muncie Northside Middle School.

Two weeks ago, I visited Rushville Elementary School thanks to Scott Bowers of my district staff and his sister Stephanie Bowers, who teaches at the elementary school.

I was able to meet those school children who wrote the letter and have not forgotten our men and women serving in Bosnia. Their words speak volumes as to what America is all about.

The first letter that I want to share with you is from Heather Paugh, a fifth grader at Rushville Elementary, who said:

> DEAR SERVICEMEN: Good luck on your mission to Bosnia. I hope that every one of you come back. I'm behind you all of the way.

Next is a letter from Jeremy Allison. Jeremy writes,

> DEAR TROOPS: I wish you did not have to go to Bosnia. I hope you get all of the medicine safely to the moms and dads and the kids that are sick and need it.
>
> My name is Jeremy Allison. My uncle is in the Air Force. I'm 10 years old and in the 4th grade. I go to Rushville Elementary School.
>
> I hope you get back safe. If you do you will be a hero.
>
> Remember God is with you.
>
> Your friend, Jeremy.

The last letter I want to share with you conveys the uncertainty one of the children has toward the whole mission. He writes:

> I am very surprised that you would risk your life to save another. I don't think it's fair that you have to go. I wish that Bosnia would have peace and nobody would have to do what you're doing.
>
> I have been studying in school about all of the people who have lost their families. I am

very sorry that happens almost everyday. I hope you do not have to shoot anybody. I'm a 10 year old boy in Rushville.

Graig Weily.

We are all proud to know that America has dedicated service men and women ready to give up their lives to protect freedom. And most importantly, children back home that believe in them.

Grownups may disagree over the policy and the deployment of troops to Bosnia, but I think most grownups, including myself, agree with Jeremy Allison: "I hope you get back safe and if you do you will be a hero. Remember God is with you."

To the brave men and women serving in Bosnia—you may be out of sight, but you are not out of mind, you are in our prayers daily.

And that is my report from Indiana this week.

JOBS IN AMERICA AND THE TRADE DEFICIT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I rise tonight on the topic of jobs in America and the trade deficit, an issue which, after 10 years of very hard work, has finally made it into the headlines during this Presidential primary season, and it could not have come too soon.

Last week, in our local newspaper, the Toledo Blade, one of the headlines read, "Trade Deficit Highest in 7 Years." In fact, last year, 1995, the amount of imports coming into this country versus exports going out ballooned to over $111 billion, the worst performance of this economy since 1987, and, in fact, last year's goods deficit, that means the part of the trade deficit that deals with hard merchandise, grew to $175 billion, an increase of over 5 percent from the prior year. That means we are digging ourselves deeper in the hole.

Trade deficits like these have turned our country from being the largest creditor in the world, that means that people borrowed from us, rather we have become the largest debtor nation in the world, importing much more than we export and having to monetize, pay for those imports with our hard-earned dollars. Is it any surprise that the kind of lingering trade deficit has served to act as a downward push on wages in this country, contributing as well to the loss of millions of jobs across our country as we see not just low-skilled jobs but high-skilled jobs moving abroad and a general decline in our own living standards?

And if you think about that for a second, with interest rates even at the level that they are today, is it not harder for you to afford a car than it was for your parents? That is because goods cost more here now.

I just want to show you a chart, I will put it up here, which in the red, which is the part I want to reference here, shows what has been happening for the last 20 years in our country. We have not had a year where we have had more exports going out of our country than imports coming in here. In fact it has been getting worse and worse. Last year, 1995, will be worse than the year of 1994. In fact, if you look at our entire balance of payments, the measure of all of the inflows and outflows of capital, goods and services to and from our country, our position has been deteriorating, as this chart indicates, since the 1970's, largely as a result of a lack of domestic savings and investment here at home, but more important, the rising penetration of foreign imports into this country and the literal displacement of jobs in our country.

I cannot tell you how many Members have come up to me on this floor since NAFTA's passage, which we fought so hard against. They said, "Marcy, we lost 3,000 jobs in northern Alabama. We have lost 2,000 jobs in east Tennessee. We have lost 14,000 jobs in Florida," and the automotive parts companies of my State of Ohio, 1,000 jobs gone already just as a result of that one trade agreement and as well as the lack of access we have into other closed markets in the world.

Much attention has been put on the impact of a long-term budget deficit in our country, and that is important. However, very little has been said about this structural trade deficit, the other pillar of the twin deficits on which our economic house and our futures stand. And I am very happy this has become a Presidential issue. It is being talked about in the Republican Party. It is being talked about in the Democratic Party.

I guess it just goes to show that when you run for President, probably the most important power you have is to focus attention on something important.

The trends are not encouraging. Since 1990, even though we cut our budget deficit by 23 percent and further cuts are expected in the coming years, our trade deficit has grown by 54 percent. At this rate, the trade deficit will overtake the budget deficit within the next 2 years, and, in fact, it already has.

The same logic that is used to support cutting the budget deficit could be equally applied to the argument for cutting this trade deficit. Any borrower or buyer of a foreign good knows that debt has a price. The U.S. trade deficit technically represents a liability on our national balance sheet, a loan from a foreign seller or creditor that must be financed.

As noted economist Wynne Godley has stated, the main causes for concern are the financial constraints that occur when countries become heavily indebted and the loss of national income that results from rising interest payments.

In the past, even though you may go and buy a car and it may come from another country, you purchase it with your credit card, when you make those interest payments, those go to the foreign manufacturer. This is what I talk about when I say monetizing that debt.

In the past, increased flows of foreign investments into our country as well as their purchases of our securities, our Treasury bills, were necessary to pay for our trade deficit. Now the willingness and capability of these foreign creditors, especially Japan, to continue these investments and purchases is on the wane. As foreign direct investment and purchases of our securities decrease, the United States will still need to attract foreign capital to pay for this deficit.

If the trade deficit remains at the same level, by the year 2010 we will be paying the equivalent of 2.5 percent of the entire amount of goods and services produced in this country and interest payments and capital outflows to foreign countries.

Now, the 2.5 might not sound like a lot, but it represents the amount by which this economy is growing. It is not enough to catapult us into the high standard of living we would hope for our people.

Only with the goal of cutting our exploding trade deficit and making sure it remains a part of the Presidential race this year will we be able to cure the other part of the twin deficit that is causing the downward pressure on wages and living standards in this country.

INCREASING THE PUBLIC DEBT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. SMITH] is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, I would like to talk about the fact that tomorrow this Chamber is going to increase the borrowing authority to the U.S. Department of Treasury, or we presume the votes will be there to increase the debt.

The public debt of this country is now $4.9 trillion. I brought a chart with me to explain the roughly $1.6 trillion budget that this Federal Government spends every year. If we look at the growth of the U.S. budget, back in the 1970's, the U.S. budget used up a much smaller portion of our total gross domestic product.

□ 1615

In fact, in 1948 it represented 12 percent of GDP. Now it is up to 21 percent of GDP. This Government, this overbloated bureaucracy, is growing bigger and bigger, and how are we going to stop the overspending? How are we going to stop more and more borrowing, that means that we are taking the money that our kids and grandkids have not even earned yet to pay for what we consider today's problems?

Everybody in the generation under 40 years old had better sit up and take note about what Government is doing to their future. This pie chart represents how Government spends its money. The bottom blue part represents half of the Federal budget, and it is spent for welfare and so-called entitlement spending.

The little white part represents interest. Interest is now becoming the largest single item in the Federal budget. This year, this represents net interest. Gross interest, if we include the interest that is paid on the money that we borrow from Social Security and the other trust funds, was over $300 billion this part year, larger than any single expense item in the budget.

The red section represents 12 appropriation bills. Those 12 appropriation bills are controlled by Congress. Article I of the Constitution says Congress is responsible for the purse strings. This is about all we have left, is that little red piece of pie that represents 18 percent of the budget that represents the 12 appropriation bills. Why I say Congress has control of that appropriation spending is because if the President vetoes that particular bill, then there is no money there.

The green part is defense spending, and I have separated that out as the 13th appropriation bill, because the hawks and doves, the conservatives and liberals, almost never have disagreed more than a plus or minus 10-percent deviation. Everybody agrees that there should be a certain amount of our budget spent for national defense, so that is pretty much on automatic pilot.

The blue is on automatic pilot on the welfare programs, because those welfare and entitlement programs, we cannot reduce the spending for those programs unless the President signs the bill to do it.

What we have done is we have given away congressional authority over the years and said that the money is automatically going to be there if individuals meet this certain criteria of entitlement. There is a certain level of poverty, so therefore they are eligible for food stamps, or they are poor and have kids and are eligible for AFDC, or reach a certain age so you can have Medicare, or a certain level of poverty so you can have Medicaid. This cannot be changed. This is the part of the budget that is causing us to increase the national debt more than any other part of the budget.

What a lot of us think is that it is reasonable, Mr. Speaker, to say to the President, look, if we are going to increase this debt over the $4.9 trillion that we now have, then we want to tie to it some reforms in the welfare programs, the entitlement programs, that are causing the greatest need for increasing that debt.

Let us be fair to our kids, let us be encouraging to the economy, let us balance the budget. The only way you can balance the budget is to change the entitlement programs. That means the President has to sign that bill.

We tried it once. We got a balanced budget through the House and the Senate. The President vetoed it. We are going to try again, Mr. Speaker.

HEALTH CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from New Jersey [Mr. PALLONE] is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, the reason I am here today is because Democrats as a party in the House of Representatives, basically over 170 democratic Members of the House of Representatives, are uniting behind a proposal that would make modest but important improvements in America's health insurance. Basically it would provide access to more Americans so that they can have health insurance, and guaranteeing also that if they lose their job or change jobs, that they can carry their insurance with them.

The bill that we are all uniting behind and cosponsoring is sponsored in the House of Representatives by the gentlewoman from New Jersey, Mrs. MARGE ROUKEMA, a Republican and a colleague of mine, and her bill is basically the same as the one that is sponsored in the Senate by Senators KASSEBAUM and TED KENNEDY. So this is a bipartisan effort.

Basically, it is a bipartisan effort to try to bring very modest health insurance reform to the American people. I should also point out that in his State of the Union Address, President Clinton said that he would sign this bill if it was passed by the Senate and the House and brought to his desk.

The problem that we face right now is that there are strong indications that the House Republican leadership, Speaker NEWT GINGRICH and the Republican leadership in the House, are not willing to bring the bill to the floor in its existing form, and, in fact, are talking about loading up the legislation with many other provisions which we think we make it more difficult for this bill to pass.

I want to introduce to talk a little bit about the bill, the gentlewoman from California [Ms. ESHOO]. Before I do that though, I just wanted to say very briefly, that, as I said, there are 170 Democrat Members of the House that have signed on as cosponsors to this bill, and there are numerous organizations, most notably the American Medical Association and a list of probably about 100 different health care specialty groups, as well as some insurers, who are not saying that they also support the bill.

in addition to that, there has been a commitment by the Republican leadership in the Senate to bring the bill to the floor the second or third week in April. So, again, the only thing that is holding up action on this legislation at this point is the House Republican leadership, which so far has been unwilling to bring it to the floor.

Mr. Speaker, I would like to introduce my colleague, the gentlewoman from California [Ms. ESHOO], who has been a strong leader on this issue.

Ms. ESHOO. I thank the gentleman from New Jersey [Mr. PALLONE].

Mr. Speaker, I would like to return the compliment with a multiplier, because the gentleman has been at the forefront in support of the changes that need to be made for the American people on health care. He has been an eloquent voice in the committee that we both serve on, the Committee on Commerce, when it has come to Medicare and the protection of the elderly in our Nation. He has spoken not only eloquently but very sensibly. Sometimes I think the most uncommon of the senses is common sense. He does not lack that.

I am delighted to join with my colleague today during this special order to talk about this bill on health insurance. I ran for Congress in 1992, and one of the issues that motivated me the most, because it was something that I concentrated on and gave 10 years of legislative time and sweat and sometimes some tears, but it was all worth it, when I served in local government, was on the issue of health care.

I recognized back in 1982 that, if there was an issue that was driving our economy that needed to be reshaped and reformed, it was health care. I guess I was not only right then, I was dead right. That was back in 1982, and we went on to make some wonderful reforms and changes in the county where I served on the board of supervisors.

Then running for Congress, of course, it was what we talked about and promised. I think it is about time that we keep, at least, some of our promises to the American people. Even though there was not sweeping health care reform legislation in the 103d Congress, some cheered that. But the American people have been left without solutions that they need to bring to their day-to-day lives.

So this legislation, which is bipartisan, which was shaped in the Senate by both the Republican and Democratic Senator, has now attracted support, important support from both sides of the aisle. It is not all things to all people. It is not a Christmas tree with many decorations on it. But quite simply it strikes at the heart of two issues that we can address in the 104th Congress.

First is portability. Portability, what does that mean? It means that where you work and you are insured with a policy, that if you move to another job or if you lose your job, you can continue that health care coverage. How? By individuals being willing to pay for it. So this is not a government program, as important as some of them are to those in other circumstances in our society, this is a piece of legislation that acknowledges and will give to people what they want, and that is portability.

Some say that they experience job lock. They will not leave their jobs for another because they do not want to leave this benefit behind. Certainly on the threshold of the 21st century, the Congress of the United States would be forward looking and say, We are more than willing to catch up with what is going on in society and allow our citizens to take with them the benefit that they already enjoy and that they themselves are willing to pay for.

So I think that is not only a very important principle to set down, but it really is responding to what people want. If the Congress itself wants to distinguish itself to the American people, I think we better be about their business and to respond to what they talk to us about every day.

I am a Californian, and I do not stay in Washington on the weekend. As soon as the bells go off, I race off to Dulles Airport to fly home to be with my constituents. This issue of portability has been spoken to and about tens of thousands of times just in my congressional district alone.

This is not a Democratic issue, it is not a Republican issue. This is the people's issue. So this legislation which we are so proud to support contains this provisions.

The other provision is something that people have spoken, I think, to every single Member of Congress about in our respective congressional districts. That is those that have a preexisting condition are redlined by the insurance companies.

Now, let us back up for a minute and understand why we all buy insurance to begin with. I know that I buy and pay for my automobile insurance in the eventuality that something happens and I am involved in an automobile accident, that I am covered. I do not do that so that, when the accident happens, the insurance company drops me. We buy it to be covered at the time that we need the coverage.

So there are tens of millions of Americans today that on the basis of a preexisting condition, which is part of health care, everyone's body is not perfect. Every human body does not remain perfect from birth until God calls us. So we need to make these provisions for the people in our country.

I think that it is one of the real unfairnesses of the insurance industry. So we need to make these provisions. There is a great deal that is written today, everything that we pick up, from the New York Times to all of the weekly magazine publications, about the anxiety that is underlying the American public today.

Mr. Speaker, I think that we can take a quantum leap on their behalf if in fact we speak to those things that help to make a family secure. I do not think any one of us in cosponsoring this bill is making the promise that it cures everything, that it takes care of everything. It does not. But, again, it does strike to the heart of two very major, important provisions that need to be made by law by this Congress. I think that there will be a grateful Nation that will acknowledge the work of the people in the 104th Congress if in fact we produce this for them.

Now, for those that are listening in, they are probably thinking, This sounds so simple. It sounds so sensible. What could ever stand in the way of this? There are always interests that weigh in, certainly the health insurers in the country.

I think it is time that the Congress look at the interests of the American people. Certainly we can listen to what people's concerns are, about what they like or dislike about a bill. But then we must move on. We are here for the people of America. The Speaker sits in the chair with the American flag behind him. Over that it says, "In God we trust."

I would like to think that the American people will say at the end of this process and this bill that we know the President will sign, not as a Christmas tree, not diluted to be less than what it is now, but that the American people will say, "in the Congress we trust," because they responded to what we need, to what the families need, to what individuals need, to add to the security that they really deserve.

□ 1630

So I would like to again salute my colleague, Mr. PALLONE, for the leadership that he has provided with the health care task force that has certainly been in operation on the Democratic side of the aisle to help bring forward the sensible reforms, not a Rube Goldberg plan that no one can understand.

No one can charge that this is Big Government on any individual's back. This is for the people. They are willing to pay for these provisions, but the law must change in order for them to enjoy them.

So "thank you" to you, Mr. PALLONE, for your leadership. It is ongoing. You are tenacious. I think that you were absolutely terrific. I look forward to gathering round the desk of the President on a bipartisan basis when he signs this bill into law, hopefully this year, and that we can conclude the 104th Congress in keeping the promise that we made to the American people that we would indeed try to lift them up and that there will be sensible health care reform, and I think that this bill, H.R. 2893, is it.

Thank you for sharing some of this special order time. I think that this is special, and I think that it is in order.

Mr. PALLONE. I want to thank my colleague from California, Ms. ESHOO, for explaining the bill and basically why those two principles of portability and limitations on preexisting conditions as the basis for getting health insurance are so important.

As you indicated, it seems like this is apple pie. In other words, why would anybody oppose it? But as we know, that is not the case. In fact, without getting into all the bureaucracy of it, what we are trying to press and challenge the Republican leadership to do is to simply bring up this bill in what we call a clean form, exactly the way you described it and the way it was introduced, and not load onto it all kinds of other things that may create controversy and make it difficult to pass.

One of the things that we have heard is that in the Senate, Senators KASSEBAUM and KENNEDY seem to have a commitment from the Republican and the Democratic leadership to do exactly that. When the bill comes up, as I said, in mid-April or possibly late April, they already have a commitment that there will not be any amendments. Somebody might offer an amendment, but there is not going to be any effort to allow those amendments to succeed, not because you and I or others do not think that we should go further and do more for health insurance reform, because we do, but because we just know that these things are basic and we do not want them cluttered up.

Now, on the other hand, if I could just come back to the House for a minute, what we are hearing in the House from the Republican leadership is very different. Just to give you some information, this was from yesterday's New York Times, and just to read a little bit, it says that the House Republican leaders said today they would soon take up this bill, but they intend to add provisions that are likely to generate bitter, prolonged disputes in Congress.

For example, they are talking about adding provisions dealing with medical malpractice, antitrust law, special savings accounts for medical expenses, and tax deductions for the health insurance costs of people who are self-employed. Again, we may or may not agree with those points, but they are, as you know being in the Commerce Committee, tremendously controversial.

It says, in fact, in the article that the decision to add these provisions essentially is made to placate conservative House Republicans or to satisfy committee chairmen keenly interested in one provision or another. I honestly believe, though, that the real motivation is to sabotage the bill because they know, the House Republican leadership knows, as you and I know, that these provisions are very controversial. Many of them were hotly contested during the Medicaid, Medicare budget battle that we had for a year that was never resolved, and I think it is important for us to keep pointing out we want a clean bill.

We do not want, for the sake of those who are more conservative or those who are more liberal, to sort of muck up this bill, because it is so important that it move forward.

Ms. ESHOO. Would the gentleman yield for just a moment?

Mr. PALLONE. Sure.

Ms. ESHOO. I think as people are tuned in and hopefully listening and finding this, our conversation, enlightening, the reason why we point out, excuse the expression, the ying and yang of this, is that what has taken place in the Senate around this bipartisan bill and the promise to keep it clean is to keep it uncomplicated.

With the ingredients that are already there, they are winning ingredients. We know that a souffle only rises once, and so we want to capture that opportunity. For that set of ingredients that has been agreed to and I think will breed the success that we are looking for, these two major, important health care reforms for the people of America, that we duplicate that recipe and those ingredients in the House.

If in fact other ingredients are thrown into this so that the souffle does not rise, then I do not think it is difficult to predict. We will lumber toward the end of the 104th Congress, I think, with egg on the face, most frankly, because the American people are exhausted with the partisanship that comes around these life issues and what secures their family.

They do not want to hear these kind of debates. They want us to stand next to them, pay attention to what they are saying, and at least incrementally come out with the two things that this very sensible bipartisan bill represents.

So thanks again to my colleague. I think you are exactly what people sent you here to do, that you are sensible, that you are caring, and that we want to be effective and produce for the American people. After all, this is the House of the people, this Chamber that we are standing in.

Some of the greatest Americans have come and gone from this floor, have addressed the Nation from that podium, and I think that we are their political descendents and we would do well to remind ourselves of the greatness of individuals of the past.

The reason that they were great was because they were good. Why were they good? Because they were effective. Why were they effective? It is because they produced things for the American people, and they are long in the American people's memory for what they accomplished on their behalf.

I think that we can do the same thing, and I would call on the Speaker and anyone else that is thinking of, excuse the expression, mucking up the bill or placing on it those things that will make it cave in, instead of shepherding it across the finish line and producing a great touchdown for America.

Thank you.

Mr. PALLONE. Thank you. I just wanted to continue, if I could, to talk about some of the efforts, if you will, that are taking place even today to try to avoid Mrs. ROUKEMA's bill from coming to the floor in the clean form that we just talked about.

First of all, in the Committee on Economic and Educational Opportunities today a bill was reported out by Mr. FAWELL of Illinois instead of the Roukema bill that we just discussed. In fact, there was an effort by the Democrats on the committee to simply pose an amendment that would move the Roukema bill or take up the Roukema bill, and that was defeated along partisan lines, the Democrats voting for it, the Republicans against it.

The Fawell bill, if you will, that was actually reported out of the Committee on Economic and Educational Opportunities does not include the Roukema bill's protections for individuals who have been laid off or retired and are trying to purchase health insurance for themselves. It also contains weaker provisions with respect to protecting individuals against being denied health care due to preexisting conditions.

Another shortcoming, if you will, of the Fawell bill includes provisions that would threaten State reform initiatives designed to increase access and affordability in the health insurance market. Basically this deals with the whole issue of ERISA, where the Federal Government essentially preempts any State efforts to improve access or to do more, if you will, in terms of health insurance reform than the Federal Government might do.

So already, getting back to the point that myself and the gentlewoman from California made before, already there are efforts on the part of the Republican leadership in the House to sort of muck up this bill and not bring the clean bill to the floor that would simply address the issues of portability and limitations on preexisting conditions.

We also understand that in another House committee, the House Ways and Means Committee, there may be an effort to bring up a bill, H.R. 1610, by Mr. THOMAS. That again is a much weaker reform measure than the Roukema bill. What we are seeing here essentially is the leadership in the House moving to try to enact provisions that are much less reform-minded, if you will, than the legislation that we have talked about today.

I wanted to go back briefly to just explain in a little more detail what this legislation that was sponsored by Mrs. ROUKEMA would do and how important it is to the average American. Essentially what it is is a minimum guarantee for all citizens with employment-based health coverage, in other words, these are people that are buying insurance on the job or essentially getting insurance through their employer, that as long as they pay their premiums, their health insurance can never be taken away from them, whether they change jobs, lose their jobs, or get sick.

That is essentially what we are trying to do. Exclusions for preexisting conditions would be limited. They cannot be reimposed on those with current coverage who change jobs or whose employers change insurance companies.

No employers who want to buy a policy for their employees can be turned down because of the health of their employees. No employees can be excluded from an employer's policy because they have higher than average health care costs, and cancellation of policies will be prohibited for those who continue to pay their premiums. Any employee losing group coverage because they leave their job or for any other reason would be guaranteed the right to buy an individual policy.

Now, again, the Roukema bill, H.R. 2893, to get a little more specific, would prohibit insurers and employers from limiting or denying coverage under group plans for more than 12 months for a medical condition that was diagnosed or treated during the previous 6 months. So, in other words, if you have coverage now, I will use the example of a cancer patient.

If you are working, for example, for General Motors and when you are there working you discover that you have cancer and you have to have treatment, be treated for cancer, and 6 months later you were to change jobs and while you are still undergoing treatment and move to, for example, to Ford Motor Co. and start working there, well, essentially the new company would only be allowed to exclude you from coverage at most over a lifetime of 12 months. So that maybe for the first 6 months, there would not be the guarantee of health coverage once you change jobs, but there would be after those 6 months.

Now, again, those of us who believe that there should be universal coverage and that you should not be able to exclude anybody at any time would say that even that is not enough. But at least to guarantee that, that a person for the most can be excluded for only 12 months, is a significant change in the law from what you are guaranteed right now.

Also, denial of individual coverage to workers losing group coverage that have had it for at least 18 months would also be prohibited. I do not want to get into all the specific details, but essentially it is a significant improvement from the way the law now reads.

The other thing that I wanted to point out today is that our Democratic caucus health care task force, which is supportive of the Roukema bill and which has sort of spearheaded the effort to try to get the many Democratic cosponsors that we now have for the bill, about 171, we developed about 6 months ago a set of principles on health care reform which is essentially guiding what we do in this Congress. The two goals that we set forth in our Democratic principles of health care reform that are really most important are, first, that Democrats remain committed to universal coverage for all Americans and, second, that Democrats remain committed to assure that high quality health care is affordable for all.

So essentially what our task force principles say is that we will support any proposals which move the Nation closer to these goals of universal coverage and high quality health care that is affordable for all, and we will oppose proposals which move the Nation further away from those goals. For that reason we have been very much opposed to the cuts and changes in Medicare and Medicaid that the Republican leadership has proposed as part of its budget recommendations in 1995 and that continue into 1996.

At the same time, though, the principles that are incorporated in the Roukema bill which we talked about on the floor today, the principles that basically limit exclusion for preexisting conditions and the principles that allow you to carry your health insurance with you from one job to the other, so to speak, these are principles that move us in the direction, if you will, of universal coverage and more high quality coverage that is affordable.

☐ 1645

That is not to say that these are the answers and that these are going to necessarily achieve universal coverage or affordable health care, but at least they move us in that direction, and that is why our health care task force is very much supportive of the Roukema bill.

What we are saying essentially, and I cannot reiterate it enough, is that in this Congress so far nothing really has been accomplished to move us toward health care reform, and even with the battle over Medicare and Medicaid and the budget battles that continue, it is not likely that there is going to be much resolution of those issues and those programs. But at least, if we can achieve modest health insurance reform on the issues of portability and on the issue of preexisting conditions, then we will have accomplished something, and there is a need for bipartisan cooperation to at least achieve those modest goals as we continue to work toward the ultimate goal of universal coverage and affordable quality health care for all.

So with that, I would just like to conclude this special order today, but point out that we are going to continue to press that the Roukema bill be brought to the floor as a clean bill and oppose any efforts to try to prevent its adoption in this Congress and its ultimately being signed into law by President Clinton who has repeatedly stated that he will sign the bill and that he supports this very modest health care insurance reform.

BALANCING THE BUDGET

The SPEAKER pro tempore (Mr. LATOURETTE). Under the Speaker's announced policy of May 12, 1995, the gentleman from Maine [Mr. LONGLEY] is recognized for 60 minutes as the designee of the majority leader.

Mr. LONGLEY. Mr. Speaker, it is a privilege to be here in the House this afternoon, and I would like to discuss one of the aspects of the budget debate that I think we have not been paying enough attention to, and that is that, and I know that there is a great deal of concern amongst the public in terms of what is really happening in Washington, and I guess I have got some reassuring news.

The reassuring news in that I think this Congress has succeeded in stopping the spending train in Washington dead in its tracks, and in all honesty I wish that we could have done it in, perhaps, a cleaner and a more polished manner.

But I would like to offer a little bit of historical perspective on some of the difficulties that we have been facing, and what this Congress really means, particularly in comparison to prior Congresses, and what prior Congresses have attempted to do to control spending, and I would like to go back to 1975.

1975 was the year that my father was elected Governor of Maine, Governor Longley. He was an independent, and I had just graduated from college, was doing some volunteer work, not only in his campaign, but later in his term of office, and at that point first became personally aware and met many of the members of the Maine congressional delegation, which at that point, in 1975, included Senator Muskie as well as Senator Hathaway, both very well respected Members of the U.S. Senate, also Congressman Emery and Congressman OLYMPIA SNOWE of Maine who were representing the State of Maine in the House of Representatives. And knowing and having met these individuals on a personal basis was, of course, a very special experience for myself as a recent graduate of college and as a law student, and I took particular notice of the fact that at that time the Congress was grappling with the issue of the Federal budget.

In fact I believe it was 1975; it was very significant in the sense that Congress passed the Budget Reform Act which was attempting to address what was then viewed as a systemic problem in the Congress, in the U.S. Government, in terms of how we really dealt with managing the spending of the Federal Government, and in that year we created the House Committee on the Budget in the House of Representatives, in this Chamber, and we also created the Senate Budget Committee, and 1975 also marked the establishment of the Congressional Budget Office which was to be a special office of the Congress that was going to be geared to address fiscal issues in this country and provide honest advice, nonpartisan advice, to those of us here in Washington who were attempting to deal with the issue of how to control Federal spending.

I mention that because at that point the Federal debt was somewhere below a trillion, possibly about a half a trillion dollars, and yet is was still viewed, the national debt was still viewed, as a serious potential crisis, and the level of federal spending and the deficits were also viewed as a crisis.

Now mind you that was almost 20 years ago, but as a country we had accumulated a record of unbalanced budgets, of running deficits, that were exceeding the prior 30 or 40 years.

I believe that presently, here in 1996, I have been advised that we have only balanced our Federal budget in 9 or 10 of the last 60 years, and clearly we have almost 50 years, going back 60 years where we did not balance the budget, and so 20 years ago, to put this in context, we had acquired a record of unbalanced budgets, felt it was a serious crisis, needed to act on it. And again I need to underscore that that was 20 years ago.

I had another personal connection in this issue, and that was that the following year, in 1976, Governor Longley was appointed as one of the first national cochairmen of the Committee for a Balanced Budget Amendment, and so against a member of my family, somebody that I love very much was given this responsibility of calling the country's attention to the crisis that our budget deficits represented.

Now I mention that as backdrop to the fact that I asked Greg Winter of my staff to go back and look at the major congressional actions taken to deal with the budget crisis and give me a breakdown of the different acts and what they might represent, and I am stunned to discover that going back just to 1980 there have been 16 major pieces of legislation designed to deal with the Federal budget crisis.

In 1980 we passed, the Congress passed, the Omnibus Reconciliation Act. 1981, we passed the Omnibus Budget Reconciliation Act. In fact that title became so popular that we later passed six additional acts with that same title over the last 15 years. And of course in 1982 we had the Tax Equity and Fiscal Responsibility Act. It is famously known as TEFRA to nearly every accountant in the United States. 1983, we passed Social Security amendments again designed to deal with controlling the growth of spending particularly in the Social Security System and to bring the revenues at that point which were under threat based on the increasing payments, it was felt 12 years ago that we needed to act to protect the integrity of Social Security. 1984, we had the Deficit Reduction Act, and then in 1985 we had the Balanced Budget and Emergency Deficit Control Act. In fact some of these titles actually become somewhat ridiculous. We have the Omnibus Reconciliation Act of 1986, and then the following year, in 1987, the Balanced Budget and Emergency Deficit Control Reaffirmation Act.

In fact in audiences, as I have spoken to audiences in my district, I have joked that the only thing that we have missed in the last 18 years is the words really, really, really serious about balancing the budget act, and the underscores, I think, a great concern that many of us have, and I know that the public and certainly this Member feels very strongly that we need to work together, Democrats and Republicans, to deal with this important issue. Balancing the budget should not be a partisan political issue.

But I also have to say that there comes a time when you must focus on what your objectives are, and unfortunately partisan fights do arise and occur, and maybe sometimes for good reason, but I would point out that in looking at these 16 pieces of legislation that were passed that each of the parties at different times supported 12 of the 16 acts, and on 8 instances majorities of each party in this Congress supported the acts, which basically means that both majorities, of both the Democrats in the Congress and Republicans in the Congress, passed or supported 8 of the 16 acts, and, as I indicated, the Republican Party per se supported 12 of the 16 pieces of legislation, and the Democrats supported, again also supported, 12 of the 16, and in 8 of those years they were in agreement in passing these bills.

Now what was the problem? Well, I think, first of all, the focus was on the deficit, and when you get right down to it, I think that one of the lessons that we have learned in the last 2 years is that the deficit per se is not the issue. The deficit is the symptom; spending is the issue. And controlling spending has become, I think, a priority in this Congress.

But something else is important to understand. Many of these pieces of legislation contain fiscal notes that called for in some cases revenue increases, in many cases spending cuts. But when you look at the actual numbers, the fact of the matter is that in no single year over the last 16 years has the Federal Government ever reduced spending, and by that I mean actually spent less money in 1 year than it had spent in the prior year.

And the message is clear, that spending has continued to increase unabated for the last 16 years, despite the fact that we have had 16 major pieces of legislation designed to deal with reducing spending so that we could get spending in line with revenues and work towards balancing the budget.

The point that I would like to make, and I see that Representative NEUMAN has come into the Chamber, and I would just end with this one comment and then perhaps ask for some comments from the gentleman from Wisconsin, Mr. NEUMANN. But the point that I would make is this:

I think many of us who were just elected to this body realize in hindsight that this Congress, albeit well intentioned, was focusing on the wrong aspects of the problem and was attempting to deal with the symptom; i.e., the deficits, and not the fundamental problem which was overspending; and the second recognition that we all have is that what we have seen truly is a failure of will, a failure of Congress to insist on the measures that were necessary to actually bring revenues in line with expenditures, and I would suggest that one of the major mistakes that we want to avoid, that this Congress wants to avoid, is that it would be very easy for us to enter into a look good, feel good agreement with the administration on a budget, and we could all hold news conferences and pat each other on the back. But unlike prior congresses, none of us wants to be in a position where in 10 or 20 years we find out that our children are really paying the bill.

And I notice that the gentleman from Wisconsin, Mr. NEUMAN is here, and, MARK, welcome to this special order.

Mr. NEUMANN. I will just carry on a little bit on just what you were just saying here, that when I go home to our district, and I turn on my TV set, and I hear about cut, cut, cut, cut, and then I come back out here to Washington, and I take a look at the numbers, and the numbers are not going down, they are going up in spending; spending today is about $1530 billion or about $1.530 trillion, and by the year 2002 that spending is slated to go all the way up to 1.8 or $1,835 billion.

So when people talk about these spending cuts, I think it is important to note that they are not cuts in spending. What they are is reductions in the amounts of increases, and in fact, as you can see looking at these numbers in the spending line, we have got spending increases of $350 billion from the year 1995 to the year 2002. Spending is continuing to go up. And you are right on the money with what you are talking about, that the real goal here needs to be to get the net revenues into line with the amount of spending that we are doing. That is how you get to a balanced budget.

□ 1700

The way to get a balanced budget is to control the amount of money that you were spending out here. In fact, that is what the Republican plan would have done had it been signed into law by the President. Of course, it was most recently vetoed. I think it is real important to know that that spending and bringing that spending into line is what is absolutely essential.

Again, when we look at this chart, we see revenues of 1.356 or $1,356 billion today, going all the way to 1,841. The problem with charts like this one I have in my hand here is there are so many numbers in my charts that we lose sight of what this really means. What this really means, it is not about these numbers. It is about the next generation of Americans. It is about our children, it is about our grandchildren.

If we do not accomplish this, the picture is not very bright for our children. But if we manage to bring this about, it opens all kinds of opportunities for our children that absolutely were not there before. Balancing the budget, according to Alan Greenspan, means a 2-percent reduction in the interest rates. That means our children, that means young Americans, get to buy homes and get to buy cars.

Mr. Speaker, what a lot of people forget when they go down this road of discussion is that when these young people buy homes and when they buy cars, somebody is going to be building those homes and somebody is going to be putting those cars together and building those automobiles. That means jobs. So we are not only talking about the ability for them to live the American dream, to own their own home, we are really talking about them being able to live the American dream and have a job that allows them to work and provide for their families. This is truly the opportunity to achieve the American dream.

This is absolutely essential. These numbers are nice, but it is not about numbers. It is about our children and the opportunities they have here in America. It is about keeping our jobs here at home instead of watching them to overseas. It is about the job opportunities and the opportunities to live the American dream. That is what this chart is really all about.

Mr. LONGLEY. That is very important.

Mr. Speaker, I yield to the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. I thank the gentleman for making sure we kept this time.

Mr. Speaker, this is an extraordinary opportunity that we have to just really clarify certain issues and just make sure that we are all focused on our ultimate objectives. We want to get our financial house in order and balance the budget, and we want to save our trust funds, particularly Medicare, from bankruptcy. We thought they were going to start to go insolvent and be bankrupt in the year 2002, if we did not do anything. Now we learn it started to go insolvent last year, and will be bankrupt just at the turn of the century, so we have some heavy lifting to do to save our Medicare plan for seniors, even present-day seniors.

Then that third issue, and it all relates, we want to transform this caretaking social, corporate, even farming welfare state into what we would call a caring opportunity society. We want to help people kind of grow the seeds instead of just hand them the food.

Mr. Speaker, the gentleman related it so well to our children. It is amazing to me that in the last 22 years we have allowed the national debt to increase 10 times, from about $430 billion in 1974 to about $4,900 billion; just 22 years in a time of relative peace. There it is. It is growth out of control. In that case you are doing it from 1960. But if we notice the number of 1975, down there, it just starts to go up at an alarming rate.

I think former Prime Minister Rabin, who was assassinated, he was a politician, and he used to enjoy telling people and reminding all politicians around the world that elected officials are elected by adults to represent the children. We are going to be judged on our success on what kind of world we leave our kids. The kind of world we are leaving our kids is not a hopeful one unless we get this incredible runaway debt in line.

I thank you for letting me share this time with you which you have claimed, and I am grateful you have.

Mr. LONGLEY. Mr. Speaker, I would just add to that particularly with reference to the chart of the gentleman from Wisconsin, [Mr. NEUMANN,] that what we do not hear our attackers saying, and we hear an awful lot about, for instance, how much money we are going to be spending on medical care for our senior citizens, and believe me, that is a very important priority; but what our attackers do not acknowledge is that there is one program for which we will pay more money in the next 7 years than we will spend on medical care for our seniors. That is interest on the Federal debt.

I think that the public would be absolutely amazed to learn that we will spend more money on interest on the Federal debt in the next 7 years under any of the programs being discussed than we will spend on medical care for our seniors. That is how critical the issue has become.

Mr. Speaker, I notice the gentleman from Georgia. [Mr. KINGSTON], has arrived, and I yield to him.

Mr. KINGSTON. I think it is important to follow up that comment, Mr. Speaker, in saying that that interest does not pay down one dime of the principal, that people will still continue to pay all the other taxes involved in it. The gentleman from Wisconsin [Mr. NEUMANN], has said that two reasons, real quickly, to balance the budget is it saves America from economic disaster. We are paying almost $20 billion each month in the interest on the debt already. Nations cannot survive with that much debt service.

No. 2, the gentleman had said that there is a great interest or dividend in terms of the homeowner. If you have a 30-year home mortgage for a $75,000 house, a 2-percent drop in interest rates, which is what the Federal Reserve would estimate balancing the budget would bring permanently, bringing lower interest rates permanently, that would mean $37,000 less that American homeowners would pay on that mortgage. If it is a $15,000 car loan, American consumers would pay $900 less.

One thing that the gentleman from Wisconsin [Mr. NEUMANN] did not mention, a third reason you want to balance the budget is because it will lower your taxes. Middle-class America right now has gone from paying about 5 percent Federal income tax in the 1950's to, currently, 24 percent. In all State, local, and Federal taxes, middle income, it is about 45 percent for Americans now. If President Clinton had not vetoed our bill this April, this April, 6 weeks from now, Americans who have children would have $500 in their wallet.

Mr. SHAYS. Per child.

Mr. KINGSTON. In their wallet, right here. I do not know how many American families would benefit from that in Maine or the other States, but I can promise you, in Georgia it would mean a tremendous amount. That is real money. The gentleman from Wisconsin [Mr. NEUMANN] said let us get off the chart. That is what we are talking about, a $500 per child tax credit in your wallet today.

Mr. SHAYS. If you had three children you would get $1,500. It is important to point out, we did not just have a tax cut without paying for it. The way we pay for it is cut government spending or slow the growth of some programs in order to afford to reduce taxes by probably about $180 billion by the time we ultimately have an agreement with the President. If we do, it is in that range, we want it about $240.

That $140 billion was paid for by reducing government more so we could afford that tax cut.

The thing that just simply amazes me is we have some of our colleagues who say, "I want to balance the budget, but I do not want a tax cut for the wealthy," quote unquote. The irony of that is that our $500 tax credit is going to families who make less than $75,000. That is the bulk of our tax cut. They are hardly wealthy people.

But they say they do not want that, as if they want to balance the budget. The crazy thing is they want to still balance the budget in 7 years without a tax cut, so it means that they are going to spend the money that we save for a tax cut, they are going to take and spend it for more government. So they are not balancing the budget any sooner. They are just making government larger than we would make it.

Mr. NEUMANN. Mr. Speaker, if the gentleman will yield, I think that point is so important. I have found that to be such a big misconception, talking to folks here in Washington versus talking to folks at our town hall meetings back in Wisconsin. The people back in Wisconsin think if we do not do the tax cuts, that means we will borrow less of our children's money and get to a balanced budget sooner. If that were the case, I would sure listen to that argument.

But that is not what is being talked about here in Washington. That is Wisconsin. Out here in Washington what we want to do or what is being discussed is getting rid of the tax cuts and spending the money on more bureaucratic programs here in Washington. That I am opposed to.

If we talk about what the Wisconsin people think we maybe ought to be thinking about doing, and that is getting to a balanced budget sooner and borrowing less of our children's money, that is a good discussion. But that is absolutely not the discussion going on out here in Washington. The discussion out here is totally centered around if we do not do the tax cuts, then we get to spend more money, like somehow that money belongs to us. That is not our money. That is the American taxpayers' money. It is our children's money that we are borrowing here. It is not our money to spend.

Mr. KINGSTON. Mr. Speaker, if the gentleman will yield, one thing that is very important for us to remember, and I believe all four of us here worked for that lockbox provision in an appropriations bill that said when you reduce spending by x amount of dollars, that money goes to deficit reduction, rather than just being unearmarked and open for the general budget to spend any way you want.

What is so important about that is the Washington liberals and the administration fought that lockbox provision, and now we have been unable to pass that. It passed out of the House, but we cannot get it out of the Senate because of the Washington liberals fighting it.

That is the very thing people in Wisconsin are saying. If you are going to put that $500 directly into deficit reduction, that is one thing, but we know what it is going to do is to feather the bed of another bureaucracy, and another bureaucrat is going to spend it.

Mr. LONGLEY. Mr. Speaker, this goes back to a point that I attempted to make before each of the Members arrived on the floor.

Mr. SHAYS. You mean while we were running to get over here, when you took over the floor?

Mr. LONGLEY. I had gone back, actually, and I had mentioned 1975 and Senator Muskie's appointment as chairman of the Senate Committee on the Budget, and that was the year the House Committee on the Budget was established and the Congressional Budget Office was established, because 20 years ago we viewed the debt and spending as a serious problem, and we created special committees to deal with it. Yet, 20 years later, we are still struggling with the same issue.

Mr. SHAYS. In fact, it has gotten much worse.

Mr. LONGLEY. What has been amazing to me is, as I mentioned, from 1980 forward, there have been 16 major pieces of legislation. Most of this legislation passed on a strong bipartisan basis. I do not say this to be critical.

Mr. SHAYS. What was this legislation intended to do?

Mr. LONGLEY. To reconcile spending.

Mr. SHAYS. It is more process-oriented?

Mr. LONGLEY. The Omnibus Reconciliation Act. There were seven omnibus budget reconciliation acts. We had a Balanced Budget and Emergency Deficit and Control Act. Then we later had a Balanced Budget and Emergency Deficit Control Reaffirmation Act. We literally had everything except the we are really, really, really serious about controlling spending act.

I just checked this afternoon the yearly rates of increase in Federal spending in the 1980's. I say this, whether we are Republican or Democrat, let us deal with the facts. The facts are that spending increased at tremendous rates during the 1980's. Yet, at the same time, we had Congress working together on a bipartisan basis, probably everyone believing they were trying to do the right thing, but what they were trying to do is, frankly, nibble around the edges of the problem. We were tinkering with Social Security, we were tinkering with retirement programs, we were tinkering with details of the bureaucracy. We were talking about spending cuts, but yet, my research tells me there is not a single year in the last 20 years, if any even in the history of this country, where the Federal Government has spent less in 1 year than it has spent in the prior year.

Mr. SHAYS. Really what the gentleman is describing, if the gentleman will yield, he is describing a situation where people think we have a revenue problem, and we know that we have a spending problem. Revenue keeps going up every year. It is just that our spending is going up by a greater amount.

Mr. KINGSTON. I think it is also important, Mr. Speaker, that as an outsider, I am relatively new to Congress, but it looks to me that every time Congress has made a deal in a bipartisan fashion, the tax increase came at the beginning of the deal and the savings or the cuts came later, and then that was the time for a new Congress to come in, and the cuts never happened.

Mr. LONGLEY. It is even worse than that, I would say to the gentleman. The revenue increases always happen. The spending cuts, reductions, never happen. There had never been a cut in Federal spending in the last 15 years. The Federal Government has consistently spent more money each year than it did in the prior year. All of the talk about spending cuts or spending reductions was part of the hypothetical wherein you created an artificial level of increase, then said you were going to reduce the artificial increase, but you did not tell people that you were not cutting, you were still increasing spending.

Mr. SHAYS. If the gentleman will yield, this is just an exact circumstance. When I was first elected in 1987 I kept hearing that we were cutting spending, and we actually had bills that said we were cutting spending. I would go back to my district and say, "We cut so much." At one community meeting someone said, "Young man," and I was younger then, "how come the budget keeps going up?" A good question.

I went back to my office, and we learned about this amazing thing that started to happen in 1974, which was called baseline budgeting. We spent $100 billion this year, and then they said it would cost to run the same level of service $105 billion and Congress spent $103 billion, and they would call that a $2 billion cut, even though we were spending $3 billion more.

One of the things I hope we do in this special order is to really just talk about where are we cutting, where are we freezing, and where are we allowing growth to continue to grow, quite frankly, at a significant rate.

I know our colleague from Michigan, Mr. SMITH, is here. I don't know if he wants to be on theme. If he is going to be on theme, we would welcome him to participate.

Mr. KINGSTON. He is always on theme.

Mr. SMITH of Michigan. Mr. Speaker, if the gentleman from Maine will yield, I think the theme is to remind ourselves how bad it is for not only making our kids and our grandkids pay all this overspending and what we borrow back, but it is also tremendously negative on the economy. So what we have said is such things as a child born today is going to have to pay $187,000 in their lifetime just to pay their share of the interest on the national debt.

Mr. SHAYS. Not to pay back the national debt, just to pay the carrying charge.

Mr. SMITH of Michigan. Just to pay their share of the interest. It is time everybody, that is, however you want to put it, you are a young man relatively, I would say to the gentleman from Connecticut [Mr. SHAYS], but everybody had better start looking at what this Government is doing to their lives and the lives of their children.

Not only is it immoral to make our kids and grandkids pay our bills today, like they are not going to have their own problems when they grow up, but it is tremendously negative on the economy, because our demand for money, for more borrowing, has driven up interest rates by 2 percent.

Mr. KINGSTON. One of the things I wanted to point out is that on the chart that the gentleman from Wisconsin [Mr. NEUMANN] showed us earlier, there is an urgency. When you have a Federal budget that has been going like this, or excuse me, a deficit, and then it goes like that, people have said particularly to the freshmen, "You are going too far too fast." I disagree. When it is the third largest expenditure in the national budget, the national debt——

Mr. SHAYS. If you can clarify.

Mr. KINGSTON. I am trying to turn this thing around. If you are trying to balance this budget and bring down that orange peak line, what you are trying to do is do it in 7 years. The folks back home, the business people I know say, "Why can't you do it in 1 year?" President Clinton as a candidate on June 4, 1992, promised to do it in 4 years.

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I believe we should be arguing, is 7 years not waiting too long? Should we not try to balance it in 3 or years? Indeed I supported the balance that the gentleman from Wisconsin [Mr. NEUMANN] had, which was a 5-year.

Mr. NEUMANN. I would just add on that, it is possible to do this even faster than 7. Seven is a compromise that is putting off how long it takes us before we start this line going back in the other direction.

Again, this line shows the growth in the Federal debt over the past years, and we are on a steep incline. I told my folks back home at the town hall meetings that my goal was to someday stand before them, my dream for the future of this country, and say, yes, here is what we have done in Congress. We have stopped that growth and we have started it back down again so that our children have a future in this country of ours. That is my goal for my service here.

Mr. LONGLEY. If the gentleman would yield, if I could add to what he is saying, and I do not have a chart to go with it, but I also added up the, quote, "Tax increases that were called for in these 16 pieces of legislation."

Mr. SHAYS. Does the gentleman mean since 1984?

Mr. LONGLEY. Since 1980. Theoretically Congress has only raised taxes by just about $500 billion over the last 16 years. The reality is we have increased spending somewhere in the vicinity, in other words, if one took the baseline approach which was at $590 billion a year in 1980 and carried that forward, despite officially raising taxes only by $500 billion, there has been over $5 trillion of increased spending.

What is going on? What has really happened is because much of the tax system is on a percentage basis, we have built in automatic tax increases into the Tax Code that generate more and more revenue every year, whether or not the tax increases were legislated. Then on top of those increases, we have added additional increases in taxes in a manner that has always protected the Government, always made the Government look as if we were the innocent party.

Mr. SHAYS. The bottom line to this issue, though, is that revenues are increasing significantly, and the challenge is that expenses are increasing even at a greater amount. We need to start to slow the growth of spending.

I am seeing where the gentleman from Michigan [Mr. SMITH] is, and basically the minority has accused us of, say, cutting the earned income tax credit, which is a tax credit that was designed to help working poor, transition them to a point where they are actually making enough to not be poor. They do not pay any taxes, they actually get a credit back from the Government.

We are expanding that program. But this is what we are being told. We are being told that we are cutting the earned income tax credit, that we are cutting the School Lunch Program, that we are cutting the student loan program, that we are cutting Medicaid and Medicare. That is what we are being told, and they call it a cut.

This is what is happening. Our bill increases the earned income tax credit from $19 to $25 billion. It increases the School Lunch Program from $5.2 to $6.8 billion in the seventh year. The student loan program, and that is the one that really gets me, is going from $24 to $36 billion. Only in this place and in this city when you spend 50 percent more, it is $24 billion now, we are going to add $12 billion to be $36 billion in the seventh year, do people call it a cut.

Mr. NEUMANN. If the gentleman will yield, I would like to ask the gentleman a question, again, that I ask at all the townhall meetings. You talked about the student loans, you used the $24 billion and $36 billion numbers. I would like to ask how many of the American people would be willing to accept a pay cut from $2,400 a month to $3,600 a month. Let me ask that question again. How many would like a pay cut from $2,400 to $3,600?

Mr. SHAYS. In other words, a 50-percent increase. I think we would all like it, especially if we could get away with calling it a cut.

I am not proud that there are certain parts of the Government that are going up. I would like to be able to get a better handle on spending. It is just that I think if you tell the American people the truth, they will tell you to do the right thing. If you kind of obfuscate it and you distort it, they are going to give you a mixed signal back.

The fact is the earned income tax credit is going up, the School Lunch Program is, the student loan, and Medicaid. Medicaid is going from $89 billion, which it was last year, to $127 billion.

Medicare is growing from last year, $178 billion to $289 billion. We are going to spend 7 percent more each year on Medicare, we are going to spend 60 percent more in the seventh year than we did now. And on a per beneficiary, because everybody says we have more seniors, you have more seniors, but even if we take all the seniors, we are going from $4,800 to $7,100 in the seventh year, $7,100 per senior, a 49 percent increase in the seventh year over now. Hardly a cut.

Mr. SMITH of Michigan. If the gentleman will yield, when I go to my town hall meetings, and you can picture that group of people out there that are having a hard time with their own budgets, they start saying when we hear what the gentleman from Connecticut [Mr. SHAYS] has just said: "Well, why aren't you cutting faster? Why don't you cut more? Why are you spreading it out so long?"

Then they hear that even with the Republican plan we are still borrowing $100 billion a year, even at the end of 7 years, from Social Security and the other trust funds.

Mr. SHAYS. We will still be borrowing from the trust funds, the gentleman is right.

Mr. SMITH of Michigan. They say, "Look, you've got to do better than this."

Is it not sad that we cannot get some of the liberals, the President of the United States, to say, Yes, we are going to do the right thing for the future and we are going to stop playing political games? It is so frustrating that we cannot cut some of this spending and make this economy stronger, and leave our kids a paid-off mortgage rather than the big debt.

Mr. LONGLEY. Just to pick up on one example, I think if someone asked me what has bothered me the most perhaps since I came to Washington, I have to say the lack of honesty, the lack of directness, being candid about the difficult issues that we are confronting.

Mr. SHAYS. The gentleman likes that Maine honesty. You want people in here to speak like the people in Maine.

Mr. LONGLEY. It is hard, I think, for people across the United States to recognize the extent to which people in this body frankly can become so clever with language and words that they have made an art form out of disguising the truth. As an example, let us just take the Medicare situation.

I campaigned 2 years ago on the fact that the Social Security trustees, and this was in 1994, actually 1993 and 1994, that the Social Security trustees had reported that the system was in serious difficulty, and in 1994 they projected that the three major Social Security funds, the disability fund, the Medicare fund, and the Social Security retirement income fund were all going broke. Specifically they projected that the disability fund was going to be broke last year, that the Medicare fund would be broke in 2002, and when I say broke, there would not be a nickel left in it, and that the general trust fund for Social Security would be broke as early as 2029.

I have a number of insurance and financial companies in my district. I checked with some of the professional economists and they said that the private projections are that Social Security could be broke as early as 2010.

I say to people, when you have an official report, signed by the Secretary of Treasury, the Secretary of Health and Human Services, and the Secretary of Labor telling you that three major Social Security trust funds that the public depends on, particularly the Medicare fund, which right now is a very critical program for our senior citizens, when you are told by your Government that the program is going bankrupt, what do you do?

Then I told people that when I came to Washington, I had people seriously tell me, "Don't worry about it, they say that every year." When I go back to my district, they are astounded.

But I go one step further. It turns out, in the middle of this budget crisis, that as early as November, that the Medicare trust fund went into deficit a year earlier than it was projected because spending was almost $5.5 billion more than the trustees had estimated, and we did not even hear about it.

I have to question who is in control and why are they not being truthful with us about the nature of the problem we are trying to confront?

Then I say to my audiences, particularly in my district, young and old alike, a lot of business people, individuals, I say, Now what do you do if you are in that situation? Let me tell you the piece that is not being talked about when it relates to Medicare reform.

We are hearing all the attack ads about Medicare and we are being accused of just the most cold-blooded actions that anyone could conceive of, putting our seniors on the street, et cetera. Nonsense. Clear scare tactics designed to prey on a very vulnerable population.

I say, put those attacks aside. Who is talking about what our alternatives are? What happens if we do not do what we are trying to do? Let me tell you the options. I say this to an audience, Anybody here in favor of cutting benefits? Nobody responds.

How about doubling or tripling payroll taxes? And have we forgotten that barely 2 years ago the administration had a request on the table in the Committee on Ways and Means to increase payroll taxes by 10 cents a dollar of wages? I say, Anybody here think that increasing payroll taxes or doubling or tripling them is going to solve the problem?

That would just be wonderful for employment, because what also happened in the middle of this debate is AT&T laid off 40,000 workers, and across the country it has become an epidemic for large companies and small companies to realize they cannot afford to pay the tax burden and the liability burden that Government is imposing on them for the workers they are hiring.

Mr. SHAYS. So what is the bottom line?

Mr. LONGLEY. First let me tell what the third option is. We ruled out cutting benefits, we ruled out increasing payroll taxes. If anything, we said, we need to reduce payroll taxes and lower the tax burden, particularly on working people.

The third option is, we will borrow the money. We will borrow our way out of the crisis. Then I tell them that do you know that we are going to be spending more money on interest on the Federal debt in the next 7 years than anyone is going to spend on Medicare?

Of course we reject those three options out of hand because not a single one of them deals with the real problem. In fact, every single one of those measures creates more problems than it solves.

I say we settle on the one choice that made the most sense, which is make the tough decisions to reform the program, create options for senior citizens, protect those who want Medicare but give other choices, and that if we give more power—and this is a radical idea for this city—if we give senior citizens the right to make choices about their own health care, I mean, the very idea that we are going to give the beneficiaries of a program the right to make choices, and I describe to people in Maine that in Washington that is sacrilege.

Mr. SHAYS. If the gentleman will yield, the bottom line is we did the heavy lifting with a lot of programs, but in some cases, and particularly with Medicare, we have a better program and yet we save about $240 billion. We do it by not increasing the copayment, not increasing the deductible, not increasing the premium for Medicare Part B. The seniors should have still paid 31.5 percent, which is what they paid last year. That is what we said, just keep it at that rate.

We did say that the very wealthy in our society would pay more for Medicare. If you make more than $125,000 of taxable income, you would pay more for Medicare Part B.

Then we get into how are we able to make the savings? By, as the gentleman has pointed out, giving seniors choice. They are allowed to go into a variety of private health care plans. We still keep Medicare. No one has to leave. But we allow seniors to get private care, and the private care has to be as good or better, otherwise they are not allowed to participate. They cannot offer seniors less service and charge them less. They have to provide equal to or better, and the way they are going to attract them is by providing eye care or dental care, prescription drugs, allow copayment rebate or deductible rebate or even give MidiGap.

Mr. LONGLEY. If the gentleman will yield, more astounding, we are actually increasing spending on the program, in that the average payment per beneficiary this year is $4,800 a year and within 7 years it is going to exceed $7,000 a year. That is actually a healthier rate of increase than the administration itself proposed.

What we are going to be doing, and this is what will save the program, is that we will be running it more efficiently, managing it better, giving more people control over their health care and eliminating a lot of fraud and waste, particularly as it relates to unduly burdensome regulatory structures. We are going to run a better program, we are going to be providing more money for the beneficiaries, they are going to have more choices and, frankly, we will be able to do it in a manner that will bring revenues in line with expenses.

Mr. SHAYS. Before the gentleman yields to my colleague, I just want to make sure that we cover this, because we do not want any senior to think that they have to participate in choice. They can keep their traditional fee-for-service, their 1960 Blue Cross/Blue Shield model. If they choose to get into private care and they do not like it, they have 24 months, each and every month within these next 2 years, they can get out of the private care and right back under the system they had.

I know my colleague wanted to speak.

Mr. NEUMANN. Just a couple of things on this. I think all of this discussion about what is happening in Medicare, I just reemphasize that if our seniors do nothing, they keep Medicare as they know it today.

A lot of times people forget that our friends and our own parents are on Medicare, and they forget how concerned we are about the senior citizens we know. When I jog with George, a good friend of mine, he talks to me about his mother. When I ride to basketball games with Tom, where our kids play on the same team, we talk about his parents and we talk about the meaning of Medicare to these senior citizens.

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Somehow in this whole discussion we lose the fact that we care a lot. We have a responsibility. It is like this with Medicare today. They are writing out checks for more money than they have in their checkbook. We all know they cannot keep doing that.

We have a responsibility to George's parents and to Tom's parents and to George and Tom and our responsibility to these people, to the people we represent, is to make sure we do not allow this system to go bankrupt so their parents can continue to receive these benefits.

We would be totally out of line to allow the Medicare system just to continue down the road it is going down right now. I care too much about Tom's parents and George's parents and the other parents like them across our district.

Mr. LONGLEY. Not only that, it is clear that we have people in this city who have made a career out of taking more and more and more money from the public for their purposes, not for the public's purposes.

Mr. SMITH of Michigan. Mr. Speaker, I think there are a lot of people watching maybe that are saying, well, look, you are the Congress of the United States. You have the majority. Why do you not do it? What has happened is Congress has given away the ability to control spending over the last 40 years. We have, in effect, passed into law so-called entitlement programs that say the money is going to be there automatically without being appropriated on a yearly basis from Congress, and so into these laws of food stamps and AFDC——

Mr. SHAYS. Basically, it is half the budget.

Mr. SMITH of Michigan. The blue part represents these welfare entitlement programs. A majority of Congress cannot reduce these programs and change spending without the consent of the President, and the President has now vetoed changes in the Food Stamp Program. The President has now vetoed changes in the work requirement in the welfare program.

Mr. NEUMANN. Just to comment on that, it is very important for the American people to know that on that half where we do not get to vote on it, spending went this year from last year to this year, went up by $46 billion. That money is spent and it is gone. We have no control over that, no vote over that. It went up $46 billion. Contrast that to the part that we do have control over, about $500 billion out of a $1.6 trillion; that went down by $14 billion.

Mr. SMITH of Michigan. Let me show you where that is on this little pie chart. That is the little red section on this pie chart that represents the 12 appropriation bills other than the defense appropriation bills. This is where Congress has control. If we do not pass the appropriation, if the President vetoes it, there is no money there, so we have been unsuccessful here, and by the year 2002, we are going to see the welfare entitlement portion of this budget grow to almost 60 percent, and then you have got the interest on the national debt. The service, paying the interest on the national debt, is also on automatic pilot unless we follow what these gentleman have been saying and we started reducing the rate of increase in spending.

Mr. SHAYS. If the gentleman will yield, the bottom line is this: As you point out, the gentleman from Wisconsin [Mr. NEUMANN], 50 percent of the budget is on automatic pilot. It is entitlement. We do get to vote on it, but if we do not vote on it, it stays the same, and so Congress simply never voted on it.

I have been in Congress since 1987. I never got to vote on changes. The majority party never wanted to change the entitlements and to control their growth. So I never had an opportunity to vote.

Mr. SMITH of Michigan. Up until now, in the Balanced Budget Act.

Mr. SHAYS. Up until now, with the balanced budget, for the first time, this is the Congress that is willing to take on the heavy lifting of controlling 50 percent of the budget that is basically on automatic pilot. We voted on a third, as the gentleman pointed out so well, those appropriation items, defense and nondefense, that come out of appropriations. There is the 15 to 16 percent of interest on the national debt which we do not vote on. We have been voting since I have been here on a third of the budget, trying to control it. For the first time, we are trying to control the entitlements. All we are trying to do is slow their growth to 5, 6, 7 percent a year. We are not cutting them. We are allowing them to increase. That is just bottom-line issue.

You know, I would love to just get into this issue. I would like your reaction, I have been here now for about 9 years, and I am seeing good men and women not run again, and some of them have very real personal reasons. I just want to express my concern about some of them.

I happen to think of myself as a moderate Republican. I think of myself as a centrist in terms of my ideology. I like to think of myself as passionately moderate. I am in the center. I am seeing some of my fellow moderates quit. They say this is not a fun place anymore. I am thinking to myself, with all due respect, when has it ever really been a fun place? I get up in the morning and say I have one of the best jobs in the world. To call it a fun place, I have never known it to be a fun place.

Now, to listen to them further, you know, people are getting nasty with each other. I see that. I mean, to the public this must look like a food fight when really what it is about is some very heavy lifting about whether we end those obscene debts and annual deficits that we have, whether we stop adding to the national debt, and this is what my colleagues are saying. I think the Senator from New Jersey, even your own Senator, with all respect; in my judgment, they have participated in our getting deeper and deeper and deeper in debt by their silence, in some cases, by their willingness not to step and stand out and say no more, we are going to call the question.

So now that we are deeper in debt and we are clawing our way to get out of this means, people are quitting, and then some, not your Senator, but some Senators have said, "You know, now I can be honest with the American people. I can tell them now, since I am not running again." And I am thinking, why did you not just be honest with them when you were a candidate? Tell the American people the truth. They will have you do the right thing.

So I just wanted to express some disappointment with some very good people who are leaving, and my take on it is they are leaving now that we have got to do heavy lifting, now that we have got ton confront seniors, young people and everyone else and say, you know, we have got to address this issue. Some things you may not like, but we have got to do it for the sake of our country. I do not know if any of you have had that same reaction.

Has this place been a fun place? No. Is it going to be a fun place? No. Do we have heavy lifting? Yes. Are we deep in the hole? You darn right, and we are clawing our way to get out of the hole.

Mr. LONGLEY. I think you are making an outstanding point. This is one of the reasons I went back and looked back over these 16 years of legislation. Literally, of these 16 acts, at different times the Democratic Party supported 12 of the 16 acts, and the Republican Party supported 12.

Mr. SHAYS. Both parties, not just one.

Mr. LONGLEY. That is exactly it.

Now, you look in the early 1980's in spending, 1981, spending went up almost 15 percent; 1982, 10 percent; 1983.

Mr. SHAYS. The point is we are not blaming parties. But now we have a chance.

Mr. LONGLEY. Not only, this is particularly with respect to the current debate and the impasse between the administration and the Congress, and clearly, as the gentleman from Michigan [Mr. SMITH] pointed out, the President has vetoed welfare reform. He has vetoed a balanced budget. He has vetoed literally every significant initiative that we are trying to bring to the table to deal with this crisis, and the easiest thing in the world for us to do would be to pretend the crisis does not exist, to just cook up some, come to some agreement even though philosophically we are miles apart on some issues, we come to some common ground, and we have editorial writers across the country hailing our bipartisanship, the television crews showing up and just we are all standing there smiling at each other and patting each other on the back.

But the bottom line is, when we leave here, our kids are paying the bill. I am not willing to do that.

Mr. NEUMANN. That is really the point. We keep talking about the debt and deficit. It is not about the debt and the deficit. It is about a moral and ethical responsibility that our generation has to stop doing what has been going on for the last 15 or 20 years. This is a moral, ethical, it is a values problem in our country. What kind of a society would be willing to spend their children's money? Ask yourself, what kind of society would do that? It is a moral and ethical responsibility to stop the growth of this debt.

Mr. SMITH of Michigan. If the gentleman will yield, I would suggest this borrowing obscures the true size of Government. You know, if people have to pay their taxes to afford this huge bureaucracy, they would be saying, wait a minute, but we have somehow, politicians have discovered if they borrow this money and say somehow, well, we will pay this back later, our kids and our grandkids are going to have to do it, but what we have done is we have had a Government become larger and larger, and the bureaucracy so big now that almost half my time as a congressman is spent being an ombudsman to help people move through this political maze of this huge overbloated Government. If we stop borrowing and people have to start digging into their pockets for this size of a Government, they will say, no, wait a minute.

Mr. LONGLEY. We cannot even go, to go just one step beyond what you are saying, most people cannot even afford the tax burden now, even though we are not even paying for the entire Government. That is the difficulty we are trying to confront.

Mr. NEUMANN. I would just add, if you would be interested, I have one more chart left.

Mr. SMITH of Michigan. We like your charts.

Mr. NEUMANN. Would you like to know how much more an American family of four would have had to pay in taxes over the last 15 years in taxes in order to pay their share of what the Government spent? If the Government were to break even over the last 15 to 20 years, an average family of four in America would have had to spend or pay to the Federal Government $76,000 more in taxes over that period of time if our generation had paid for what they bought through this.

Mr. SHAYS. That is a great illustration of why it did not happen. There is no way a family of four would have tolerated paying $76,000.

Mr. SMITH of Michigan. Now, the little young tots in that family of four are going to be obligated to account for that money later on in their lives. No. 1, it is immoral. No. 2, balancing the budget is going to strengthen the economy.

Mr. NEUMANN. That is what this chart is showing. This is showing our total debt as of right now. This is the amount they borrowed per person, $19,100 for every man, woman and child in America, which has been borrowed basically over the last 15 years. The kicker on this chart is really the bottom line. The bottom line is our family of four today has to pay $440 a month just to pay the interest on the Federal debt. It is not for any goods or services, not for Medicare, Medicaid, or any of the rest. The family of four today has to pay $440 a month just to pay interest on the Federal debt.

I always like to reduce it down to what the actual impact is on my friends and our constituents across our districts, and that really is what it translates into. A lot of times they say, "I don't pay that much in taxes." I would like to remind, every time we walk in the store and buy a loaf of bread, that store owner makes a small profit on the loaf of bread bought in the store. When the store owner makes a small profit on it, some of that profit comes in here to the Federal Government in the form of taxes. When it is all added up, they are paying, in fact, paying that $440 a month.

Mr. LONGLEY. This comes back to the point the gentleman from Connecticut [Mr. SHAYS] made so well several minutes ago, that the easiest thing in the world any of us can do is say, well, we are going to create a program. Sure, we will give you more money, even though you are getting increases and spending, we will double the rate of increase. We can all look like heroes until the American public has got to show up with the tax dollars to pay for it or to deal with the mess that we have created.

Mr. SHAYS. One reason I like my community meetings, I call it my community test, if I have got to go to my community in a community meeting, I have got to tell them what we are doing, and if it does not pass, you know, if I cannot pass it through my constituents in a community meeting, I do not vote for it. There is no way I can justify seeing what has happened in the last 22 years, and my constituents have told me almost to a person, "You get a handle on this Federal budget. You stop the obscene annual deficits." Revenue is here, spending is here, at the end of that year the deficit is added to the national debt; they want us to end it. That is what we are going to do.

I mean we have three objectives. We want to get our financial house in order and balance the Federal budget. We want to save our trust funds, particularly Medicare, from bankruptcy, and we want to transform this social and corporate welfare state into a true caring opportunity society. We are not going to give up.

I noticed, you know, I just am in awe of my freshmen. I mean, I wish I could be an honorary freshman. I know you all have taken some criticism, but my take on what you have done is you basically watched what we have done and said, "I can't believe it." Men and women have run and owned businesses, and you said, "You know I am going to end this." You do not care if you get reelected, and that is your strength. If you do not care whether you get reelected, you are going to do the right thing, and I tell my people, thank God for the freshmen.

Mr. NEUMANN. If the gentleman will yield, we are nearing the end of the time. I want to close my part by reminding us all this is still the greatest country in the world. Sure, we have got some problems. As a country, we have had problems before. What is going on out here right now is a new era in America, and we have started down the right path here toward restoring this great country of ours.

I have 100 percent confidence that we together, the people that are here, along with the American people out there, are going to restore this great Nation of ours. I have a lot of faith in the future of this country. I know we are going to make a great country to pass on to our children and to our grandchildren.

Mr. SHAYS. I just would like to thank both of you. You claimed the time, and I thank the gentleman from Maine for doing that and just say that we do live in the greatest country in the world, and we are going to save it. I mean, we are not going to listen to polls. The polls are not going to guide us. We are going to do the right thing. If Abraham Lincoln had listened to polls, we would not be one Nation under God, indivisible. We would be two nations very much divided. We are going to stay one Nation, and we are going to pursue this.

Mr. LONGLEY. Just to end on that note, I think it is easy to forget we as a country have faced greater crises in the past. We are going to face greater crises in the future. What we have learned as a country, and particularly I know the senior population understands this, the generation that confronted the depression, that confronted World War II, that put an end to the world fascism and another generation that put an end to world communism, yes, we have had some big crises to deal with. We have identified the problem. We have looked at the options. We have acted to get the problem dealt with, and we move on.

I am very confident that we are going to deal with the issues we need to deal with and that the public realize that it is in their best interests, and we are going to move forward.

I thank the gentleman from Wisconsin [Mr. NEUMANN], the gentleman from Connecticut [Mr. SHAYS], and the gentleman from Michigan [Mr. SMITH] for your participation tonight.

□ 1745

INTERNATIONAL WOMEN'S DAY

The SPEAKER pro tempore (Mr. HUTCHINSON). Under the Speaker's announced policy of May 12, 1995, the gentlewoman from New York [Mrs. MALONEY] is recognized for 60 minutes as the designee of the minority leader.

Mrs. MALONEY. Mr. Speaker, today I am honored to rise with some of my colleagues in this special order to celebrate International Women's Day. This day is a celebration borne out of the fighting spirit of the women's labor movement in the great city that I am honored to represent, New York City.

International Women's Day was born in 1857 when women from the garment and textile industry in New York City staged a demonstration protesting low wages, 12 hour workdays, and increasing workloads. It is the perfect day to call for equal rights for women, equal pay for women, equal representation for women, equal treatment for women, and expanded health care for women and all Americans.

I have called this special order today to pay tribute to women, past and present, who fight every day for improved working conditions and equal rights and treatment for women.

Mr. Speaker, with this in mind, we come together today to celebrate our gains. Already this year we have celebrated the 75th anniversary of women gaining the right to vote, the 23d anniversary of Roe versus Wade, the coming together of over 30,000 women from 190 different countries at the fourth U.N. World Conference for Women in Beijing, and the first Women's Expo held here in Washington, DC.

We celebrate these successes at a time when we face the most hostile, antiwoman Congress that I can remember, a Congress more antifamily, antichoice, antiurban, antiworker, and antienvironment, than any in recent history. In short, this Congress is a disaster for women.

In the first 6 months, we voted in this House of Representatives and passed 12 antichoice bills. But the impact of these actions in this Congress really came home in a very personal way recently. I received a notice from the Government in the mail. It said that abortion services are no longer covered under my health insurance plan. It was one small notice in the mail, but one giant step back for reproductive freedom in the United States. The letter, marked in a very personal way for hundreds and thousands of employees the first widespread practical impact of the 104th Congress' multifaceted assault on a woman's right to choose. Thanks to extremists in the 104th Congress, U.S. military hospitals, both here and overseas, are now prohibited by law from performing abortions. In other words, women who are stationed here and overseas busily protecting our rights, while in this Congress we have been busily removing theirs.

The House also passed an amendment denying Medicaid-funded abortions for victims of rape and incest. For poor women, this would make fathers out of rapists. If that were not enough, on March 15, when the current continuing resolution will expire, we will effectively zero out funding for international family planning programs, denying hundreds of thousands of women around the world their only source of health care.

Conservative estimates show that this reduction is much more than a loss of money. It means that over 7 million couples will lost access to modern contraceptive methods, and, for many, health care services.

In other actions, the new majority suspended Federal responsibility for the women, infants, and children nutrition program, and eliminated $2 billion in school lunches and Aid to Families with Dependent Children programs.

Tomorrow, this Congress will be marking up, or marching backward, the affirmative action bill, which has opened tightly held doors to so many women and minorities. They will be attempting to roll back affirmative action.

When we consider the losses I have listed and those in our scorecard on women's issues, which we will release tomorrow, we might feel better served with a wake today instead of a celebration. Today we celebrate to remind each other that the obstacles we face are real, but we will succeed in enacting legislation which will counter the antiwoman actions of the 104th Congress. We will introduce shortly and hopefully pass the Women's Health Equity Act and the Economic Equity Act. We will restore funding to International Family Planning and the Children programs. We will succeed, because we have the power of the vote. Women in this country will use their vote in the upcoming elections to turn around this antiwoman Congress' actions.

We do have winning strategies to build on. We need to look back to the energy and promise of the 1995 U.N. Fourth World Conference on Women in Beijing. Over 6,000 Americans and 30,000 women attended this conference—190 countries ratified the platform for action. Although it was not legally binding, it is certainly politically binding and important that so many governments spoke in support of women's rights and a specific plan to achieve equality.

Along with 53 of my colleagues, I have introduced House Resolution 119, which supports the seven United States commitments as introduced by Ambassador Madeleine Albright. The time has come to mobilize and energize. We must enact the U.S. commitments and the platform for action into law to put women in the winning column.

Included in the commitments are initiatives which would launch a powerful program to end domestic violence and crimes against women with full funding, and an all-out assault on the threats to the health and well-being of women. Today we introduced H.R. 2893, the Kennedy-Kassebaum-Roukema bill, which represents the minimum that can be done to provide additional health security to all American people. It would cover preexisting conditions and provide for portability of health care, making increased availability of health care to all Americans. Today we gained 170 cosponsors for the legislation, and we are hopeful that it will pass.

Third, a strong commitment to protecting women's reproductive health and the right to choose; grassroots programs to assure that women make much more than the 72 cents to every dollar a man earns today by fighting for equal pay and assistance in balancing family and work; plans to enhance economic empowerment and economic equality for women; and, finally, enforcement of women's legal rights and a drive to increase women's political participation.

I must say that in this Congress we have heard a lot of talk about quotas and the need to end affirmative action, but I would like to talk about one quota, and that is the representation of women. Although we are well over 50 percent of the population, we are still only 10 percent of this elected body and only 6 percent of management positions in the private industry. This needs to be changed.

In response to the Beijing conference, President Clinton established the Interagency Task Force on Women, which, along with other advocacy groups, including Bella Abzug's group, WEDO, are working hard to implement the platform for action. The 12 planks in the platform for action, combined with the seven U.S. commitments, could succeed in counteracting the new majority's all-out assault on American women. The platform for action was agreed to by 190 countries, and it is a strong statement when 190 countries and their governments endorse this platform.

The platform will unify women at all levels and move forward with positive change. The platform goes further than the U.S. commitments by calling for the empowerment of women, sharing of family responsibilities, ending the burden of poverty for women and children, high-quality affordable health care, sexual and reproductive rights, workplace rights, educational equity, ending violence, protecting a healthy environment, women as peacemakers, ratifying the convention to end all forms of discrimination against women, and a long-term platform for achieving equality.

Mr. Speaker, today we commemorate the International Women's Day. We celebrate because the same thing the new majority fears, women's potential power, will help us to succeed. In honor of International Women's Day, we will reintroduce and reissue the scorecard on women's issues tomorrow to inform the public on how people have voted in this Congress on women's issues and family issues and children issues, and we must hold those in power more accountable for their antiwomen actions.

We intend to have score cards produced and given out on every single Member of Congress on how they have voted on women and children issues. We stand together tonight and we will come together tomorrow, and we will work each and every day to remind the extremist majority that women are neither marginal nor a minority. The rights we have gained are significant, but they are only steps in a long march toward equality of rights for all women.

Today we celebrate International Women's Day. I would like to end with the words of Eleanor Roosevelt when she talked about change, when she talked about getting things done for women, children, and families. She said, "It is up to the women."

Mr. Speaker, I recognize the gentlewoman from California [Ms. WOOLSEY], who is the author of many important bills in the Women's Equity Act and the Women's Empowerment Act, and many other areas we have been working on.

Ms. WOOLSEY. Mr. Speaker, I would like to thank my colleague for yielding this time and for organizing this special order. She has done a wonderful job in supporting women internationally, and will continue to speak out around the globe and here in our own country.

Mr. Speaker, I thank my colleague, CAROLYN MALONEY, for yielding time.

Mr. Speaker, this Friday is "International Women's Day." I come before you today to celebrate one-half of the world's population. I come to pay tribute to women of every nation who care for their families, contribute to their work places, and make their communities stronger. They are true heroes, and deserve our recognition.

Mr. Speaker, it has been over 6 months since the U.N. Sixth World Conference on Women took place in Beijing. At this conference, leaders from around the globe laid out a plan of action for improving the economic, social, educational, health, and political status of women worldwide.

A key plank of that document is ratification of the United Nations' Convention on the Elimination of All Forms of Discrimination Against Women, or CEDAW, as this treaty is commonly known.

CEDAW, which was drafted at the first women's conference in Mexico City in 1975, holds governments responsible for working to eliminate all forms of discrimination against all women.

To date, CEDAW has been ratified by 144 countries, with one notable exception—the United States. Can you believe it?

The United States, the world's greatest superpower and staunchest defender of human rights, continues to represent the only industrialized democracy failing to take this important stand for women's rights.

On behalf of all women around the world—in Africa, Europe, Asia, and in the Americas—I invite my colleagues to join over 60 other Members of the House in support of House Resolution 220, which urges the Senate to pass CEDAW this Congress.

Let's make the 21st century the first century free from state sanctioned discrimination against women. Let's make International Women's Day meaningful. Let's pass CEDAW now.

☐ 1800

Mrs. MALONEY. Mr. Speaker, I would like to recognize one of our Nation's leading experts on constitutional rights, the gentlewoman from the District of Columbia, Ms. ELEANOR HOLMES NORTON.

Ms. NORTON. I thank the gentlewoman from New York [Mrs. MALONEY] for her kind words. I especially thank her for her leadership in calling our attention and summoning us to the floor this evening in celebration of Women's History Month and of International Women's Day on Friday.

We are obligated, Mr. Speaker, I believe, to use these occasions not just as opportunities to talk. We need, I think, to use them to re-energize ourselves about issues that are important to us that can be solved and that, at least in the 104th Congress, have been stalled. There is still time to keep the 104th Congress from being known as the unfeminist Congress or the antifeminist Congress where the losses will be recorded by history over the wins.

More than 30 years after women's consciousness took hold in this country, I continue to believe on either side of the aisle that is where Members want to be. Yet if we look closely, we will find what I call take-backs, because they certainly aren't give-backs, losses from where we had come and where we must head.

I am very appreciative that so many Members have signed onto the omnibus bill to carry out the seven U.S. commitments at the Beijing conference and that so many have signed onto the individual bills sponsored by individual Members. This tradition now in the House from among women especially of combining women's legislation into a single bill has the advantage of focusing us on where the greatest need is and offering Members and the public an opportunity to see what we must do and what legislation is most pressing at a given moment in time.

I am pleased that in this country we celebrate International Women's Day, as well. There must be solidarity among women across the world. In every country, women occupy the second place, not the equal place, even in this country where women have made tremendous strides for more than 30 years. We take note of those strides, even as we note also that there is real backsliding today and that women simply must halt it, must reestablish the momentum that is associated with women's rights in this country.

Only 33 years ago, we got the first women's rights legislation in the 20th century, the Equal Pay Act. As a former chair of the Equal Employment Opportunity Commission, I have seen in great detail how the law has worked to the advantage of women in the United States. I note that the law has had less, a lesser effect in other countries, because the law is not as often associated with vehicles to bring progress. Yet, we are grateful for what has happened with affirmative action, with title VII of the 1964 Civil Rights Act, with the interpretation of courts. We are still living in the period when the courts for the first time have indicated that the 14th amendment requirement of equal protection of the law applies to women.

If you were alive in the 1960's, you lived to see or were a part of a country that for the first time indicated that women had to be treated equally under law. We are still living, therefore, in a breakthrough era for women in this country. There have been big, big take-backs in this Congress. Some of the worst have been in an area that is most vital to women, their personal reproductive rights.

I mourn what we have done in the area of abortion. I can only mourn it. I will not chronicle it, because it is a long list, indeed.

I regret that women in the military lose the protection of their country if they become pregnant and desire to have an abortion at the hand of the 104th Congress. Surely we must regret it, as well, for women who are serving their country. I regret that women in prisons at the hand of the 104th Congress, may not have an abortion unless they have funds to pay for it. I regret the withholding of funds for international family planning, which has virtually destroyed those programs. I regret the criminalizing of partial birth abortions and what a huge step that measures from where we had come on choice.

I regret the proposal that the States no longer provide Medicaid for victims of rape and incest. These seem to me to be unusually cruel provisions, and I hope they are an indication in this Women's History month that no right acquired is permanent without permanent vigilance. These are rights we will reacquire, but surely International Women's Day and Women's History Month must energize us so that we are not left at the end of the 104th Congress with less than we came in with.

Included in the omnibus bill is one of my bills, the Fair Pay Act. This bill could not be more germane today. Indeed, I invite Members to note that on March 13, I am conducting a special order on women's wages. There has been a focus on angry white men and, indeed, on angry men because of what has happened to men's wages in an era when manufacturing has shifted offshore, where men are increasingly outside of the labor force, and where women are at work not only because many desire to work, but because they are either critical to the family income or the only family income.

We would do well then, as well, to focus on what has happened to the income of women. We note with pride that there is a narrowing of the gap in wages between men and women until we look closely at how that gap has narrowed. We find that the gap has narrowed largely for professional women and women who are highly skilled, at the entry level, and at the entry level only. As we go up the ranks, the gap widens and reappears, and we note that the average woman is right where she was. A very large part of the gap has narrowed because men have fallen, not because women have risen, because men have lost income, because men are outside of the labor force. Women do not want to narrow the gap in that way.

It is interesting to note that the Equal Pay Act itself, which requires that women doing the same or similar work be paid the same as men, does not allow an employer to equalize men and women's wages by bringing down men's wages. So if one goes into a business and finds that there is unequal pay of men and women doing the same job, the employer has to bring up the pay of women, rather than bring down the pay of men.

Mr. Speaker, I say to my colleagues, the way in which women have gained over the last 30 years has been in very large part because the pay of men has come down, not by operation of law but by operation of the economy. What that means for the average woman in the work force is that the gap is right where it was and that the Equal Pay Act has done just about all it can do. The rest will require a sharper remedy.

In my Fair Pay Act, I offer that sharper remedy where a woman doing comparable work would have to be paid the same as a man doing comparable work. The burden would be on the woman to demonstrate that the difference in wage between her and the man is due to discrimination and not to ordinary market forces. That is a heavy burden. But the burden of proving discrimination is always on the complainant, and here it must be on the complainant as well.

My colleagues will note that the fact that the woman has to establish that the wage differences between herself and a man doing comparable work is because of discriminations and not because of market forces means that my bill will not interfere with the ordinary operation of the market. I discuss my bill only as the one I know best and as one of the many excellent bills in our omnibus bill.

While there is still time, while the 104th Congress is still making history, I call upon my colleagues to make sure that it does not make negative history; to make sure that women and men and families will not remember the 104th for take-backs but for gains; to make sure that the 104th has something positive to say to American families about half of the family, or in the very many instances, the family itself that has a wage earner that is a woman.

Even where there has been consensus among us on women's issues, we often have not made the progress that I believe all of us surely intended, for example, on domestic violence. There is a consensus on both sides of the aisle that this ancient issue finally is ripe for mitigation and elimination. While indeed we were able to get an appropriation that is respectable, the fact is that all of us who have worked hard on this issue are saddened that we have not made the great leap forward, that this most basic of issues requires.

So in this Women's History Month and the year 1996, the year of the 104th Congress, may we leave it with more to celebrate than we find on March 8, International Women's Day. May we remember that we have days only for issues or almost only or largely for issues that need special exposure because of special problems that obtain that we, therefore, dedicate this International Woman's Day to women all over the world and to the forward gains and momentum promised in Beijing and our own country. We who are Members of this body use this day and this month to move forward women's issues at a time when we still can make the 104th Congress truly memorable and truly bipartisan on women's issues.

I very much thank the gentlewoman for her leadership and for yielding to me.

Mrs. MALONEY. Mr. Speaker, I would now like to recognize the former Governor of Puerto Rico, the gentleman from Puerto Rico [Mr. ROMERO-BARCELÓ].

□ 1815

Mr. ROMERO-BARCELÓ. Mr. Speaker, I take this opportunity to salute women as we commemorate the International Women's Day and the Women's History Month.

Since the United Nations held the first world conference on women 20 years ago, significant progress has been made towards achieving equality between women and men. Women's access to education and proper health care has increased, their participation in the paid labor force has grown and legislation that promises equal opportunities for women and respect for their human rights has been adopted in more countries. All these endeavors contributed to the improvement of women's rights and important changes have occurred in the relationship between women and men.

Yet, despite these efforts, the discrimination women have suffered solely because of their gender has been pervasive. Violence against women remains a global problem. Women's equal access to resources is still restricted and their opportunities for higher education and training are concentrated in limited fields. Decisions that affect women continue to be made largely by men.

Unfortunately, in some instances, our legal system has entrenched the subordinate status of women. These attitudes have contributed to the perpetuation of stereotypes which must be eliminated for they only contribute to all types of violence against women. Today I invite you to join women in their request to live in peace and to be recognized as equal citizens with equal rights and opportunities.

As we all know, women fought a long and difficult battle to achieve universal suffrage; a basic tenet of democracy. For the past 97 years, Puerto Rico has been and still is a territory, or a colony, of the United States. The island is home to 3.7 million U.S. citizens, of whom more than half are women, who are disenfranchised and deprived of participating in the democratic process of this Nation. Universal suffrage does not exist in Puerto Rico. While we preach the virtues of democracy throughout the world, the United States still maintains the largest colony in the world. U.S. citizens who are excluded from our Nation's democratic process and who are denied the right to vote and the right to representation.

The Beijing Declaration and Platform for Action, adopted unanimously at the Fourth World Conference on Women by representatives from 189 countries, reflects a new international commitment to the goals of equality, development and peace for all women everywhere.

As a result, the world now has a comprehensive action plan to enhance the social, economic and political empowerment of women, improve their education and training.

The platform for action, a 362-paragraph document that recommends actions on 12 critical areas of concern considered the main obstacles to women's advancement and builds on the accomplishments made since the first U.N. Conference on Women.

Today, I exhort women to rise and demand equality. Today I urge Congress to sustain our commitment to women. Today, I remind nations of the world to keep on struggling to build a gender respectful society.

Mrs. MALONEY. Mr. Speaker, I would now like to yield to the gentlewoman from Ohio, Ms. MARCY KAPTUR, who has been a strong fighter for increased wages, increased job opportunities for all working women and men.

Ms. KAPTUR. Mr. Speaker, I want to thank the gentlewoman from New York [Mrs. MALONEY] for taking the leadership today in commemoration of International Women's Day, which is March 8, this Friday, and also during this month of March, Women's History Month.

So often, I guess, I have to think back to the whole history of the country. There have only been about 165 women that have ever served in the Congress of the United States out of over 11,700 persons that have been elected to the Congress of the United States. So it has not been but until very recently that women have been able to discuss not just the plight of men in this country and children but also of themselves, the issues of concern to working women here in our country, which is the vast majority of women of all ages, as well as women around the world.

I want to thank the Congresswoman from the great city of New York for taking the leadership on this and helping us put on the record on behalf of women everywhere helping us be a voice for them. I must begin with entering into the RECORD an article from the New York Times of February 21 of this year called Squeezing the Textile Workers. It is just an excellent story by John Holusha, and it is situated in Pisgah, AL, P-I-S-G-A-H. I have never visited there.

It talks and it has a magnificent picture, compelling picture of two women, Martha Smith, saying goodbye to her fellow coworker in that town at a plant called Andover Togs, where she and approximately 100 other workers, largely women, lost their jobs sewing children's clothing.

If I could describe this picture to you, I am sure that most Americans who have gone through this understand. They were saying goodbye to one another and facing a very unknown future. She was quoted as saying, "There are no more textile jobs around here, they are all going to Mexico and overseas." Ms. Smith, who has lost 3 jobs due to plant closings, seems to have the evidence on her side. Two other sewing mills in this region of northern Alabama closed at about the same time, sending 550 people, mostly women, into the local labor market.

In many of these towns, there just are not any other jobs to go to. So often we hear, these jobs are low skill jobs; these are not the high technology jobs of the future. If anyone has ever made a dress or have done it by hand or if you have done it with a machine or if you have ever sewn pearls on a wedding dress in a pattern, I would like to see the President of the United States do that. I would like to see most of the Members of this body do that. There is not any job that takes more skill, more concentration, more attention to detail than the sewing arts, because in fact they are the arts.

And for those people that work on machines, which many of these women do, the speed at which they have to work with piece work in order to get paid is a speed beyond which most people in this society have never had to work. And they work very, very hard for a living. Many of them get carpel tunnel just in that one industry because they work so hard. Many of them being immigrants, many women it is their first job that they have really had after high school or after going through school. And many of them are the sole support of their families.

So tonight we pay tribute to them and we say to them that we know who you are. And we understand the important jobs that you have done for the people of this country, and we think it is very wrong that those jobs are being outsourced elsewhere by corporations that do not value you as much as we value you in this country. And really, it is not your fault. A lot of women go home at the end of the day and think, gee, I lost my job because I did not try hard enough. Yet they have very good work records. Many of them have children at home. They have husbands. They have houses to keep. And yet they go to work every day, many times when they do not feel well, and they have done this throughout the history of this country.

If you look at what has been happening over the last 20 years, what has been happening to them is so unfair, so unfair. The last 20 years, the entry level wages of women with high school educations has gone down 20 percent. That means the harder they work, the fact that they are providing many times the income that makes the difference between that family being able to survive or not survive, they are getting paid less for it. And even women who have gone to college are now earning 7 percent less than their counterparts did 20 years ago.

So the stress that families feel and particularly women who still largely have the child rearing responsibilities, taking care of the home when they get home from work, even though that responsibility is more shared now, there is just a great deal of pressure on them.

If it had not been for women going into the workplace, even though many of them do not want to be there today but they have to be, family incomes would have gone right through the floor. And now they are barely treading water just keeping even. If you look at where women have had the most pressure on them, where they have been losing jobs to international trade because of unfair trade laws, they are in fields like electrical machinery and electronics, apparel, which I have just talked about, the food processing industry like the women workers in Watsonville, CA, who worked so very hard for Green Giant. They then put all those women out of work and replaced them with very cheap labor in Mexico, where the women do not earn enough to buy the frozen foods that they manufacture. And in fact they cannot even afford a small refrigerator in their homes. Many of them do not have electricity. Yet those women are being exploited in Mexico while our women lose their jobs here in this country.

If you look at NAFTA, since the passage of NAFTA, of the hundreds and hundreds of thousands of jobs lost in our country, about a third of those were held by women, many in the apparel industries.

We know, just because of GATT and NAFTA, we have had upwards of 85,000 women lost their jobs in apparel and 30,000 women in textiles. And it is not because people in this country are not working hard. Americans work harder than any other people in the world, including overtime. We have the fewest vacation days. I think only one other nation, the Japanese, work a few more hours a week than we do. So it is not that people here are not trying very hard.

I want to thank Congresswoman MALONEY. I just will end with this statement: That among the laws of our country that are so important in giving women equal pay for equal work and the wage and hour laws that control overtime compensation and how many hours people can work, those laws were passed during the 1930's. There was a great women Congresswoman from New Jersey, from Jersey City, NJ, Mary Norton, who served here was responsible.

She actually chaired what was then called the Education and Labor Committee. So it was a woman from your part of the country, who grew up in very humble circumstances, who was responsible during those years for coming here to Congress, waiting her turn to serve as committee chair, and responsible for the most important labor laws that have helped working women and working men across this country for the better part of the century. So we owe a lot to the east coast. We owe a lot to the Manhattan-Jersey City nexus and to the great Congresswoman from Jersey City, Mary Norton, for helping us build a middle class in this country.

Congresswoman MALONEY, you walk in her footsteps, and I thank you tonight for allowing me to participate in this special order.

Mrs. MALONEY. I thank the gentlewoman very much. I would like to bring to your attention that Congresswoman NYDIA VELÁZQUEZ is working on many of the issues that you raised and in fact will be hosting a public hearing on March 11 in New York City with Secretary of Labor Robert Reich. I hope that you will be able to attend, as well as other Members of Congress, as we explore ways to protect jobs in the textile industry and expand wages for workers in America.

Ms. KAPTUR. I would very much like to be there. I want to compliment the First Lady, Hillary Clinton. I understand today she was in New York City somewhere sewing on a label, I hope it was a made in the USA label, to a garment in New York City. And we look forward to welcoming Secretary Reich to that very important hearing on sweatshops and what is happening to women workers in New York City who sew so many of the garments still made in this country that are worn by women across this country.

Thank you so very much for being a part of that and for the kind invitation.

Mr. Speaker, I include for the RECORD the article to which I referred.

[From the New York Times, Feb. 21, 1996]

SQUEEZING THE TEXTILE WORKER

(By John Holusha)

PISGAH, AL.—Martha Smith cried as she left the Dover Mills plant of Andover Togs Inc. on a Wednesday afternoon late in January. Along with approximately 100 other people, she had lost her job sewing children's clothing.

Now she is enrolled in a state-sponsored program to learn clerical skills. "There's no more textile jobs around here," she said. "They are all going to Mexico and overseas."

Ms. Smith, who has lost three jobs due to plant closings, seems to have the evidence on her side. Two other sewing mills in this region of northern Alabama closed at about the same time, sending 550 people, most of them women, into the local labor market.

The layoffs are not just a regional phenomenon. After four years of stability, employment in the apparel industry took a sudden plunge last year, falling by more than 10 percent, to 846,000, from 945,000 at the end of 1994. An additional 42,000 jobs vanished in the fabrics industry, which produces the raw material to make clothing, for a total shrinkage of 141,000 jobs—40 percent of all manufacturing jobs lost in the United States last year.

Job losses like these provide grist to politicians with protectionist messages, especially in an election year. So while dismantling trade barriers benefits most consumers by lowering prices, it also deepens blue-collar anxieties in industries that are vulnerable to foreign competition.

The new wave of job losses in the apparel industry, coming as they did soon after the passage of the North American Free Trade Agreement and the latest global trade accord, benefits candidates who say they want to save jobs and protect workers. Four years ago it was Ross Perot railing against free trade accords, and this year, the Republican populist, Patrick J. Buchanan, has enjoyed a surge in the polls with his attacks on free trade as a sellout of American labor.

And while textile-plant closings have been a fixture of the economic scene in the small towns of the South and Northeast for nearly a quarter-century, the recent hemorrhage of jobs, though predicted by many economists, is devastating some areas. It is driven by two forces—government policy, which encourages free trade with low-cost apparel exporters like Mexico and Malaysia, and high technology, which helps big, profitable textile companies produce more cloth with fewer workers.

"We have lost on the order of 500,000 jobs in apparel in the past 23 years and we will probably lose another 40,000 to 50,000 this year," said Carl Priestland, an economist with the American Apparel Manufacturers Association.

Most of the pain will be felt in small towns like Pisgah, named after the mountain that Moses climbed to get his first glimpse of the Promised Land. Locals fear that Andover Togs, Pisgah's biggest employer, will shut down its remaining operations, including lithography and engineering, in addition to the sewing plant it just closed. If that happens, 400 more jobs will disappear—and with them, the town's hopes for an economic recovery.

"I do a good business with people at the mill, so this is going to slow down the economy big time," said R.D. Mitchell, a former mayor who runs a Chevron service station that is one of the town's unofficial gathering spots. "There are a lot of people being pushed out of jobs within a 20-mile radius of here," he added. "People can't spend money they don't have."

For all the financial turmoil in textile workers' lives these days, the industry itself remains a huge and profitable sector of the American economy. Output has grown steadily, from $32.8 billion in 1974, to $56.3 billion in 1984 and to $74.2 billion in 1994, the last year for which figures are available. Even after adjusting for inflation, the increase over the last two decades has been more than 33 percent. Profits in 1994 totaled $1.74 billion, or 2.7 percent of sales, half the 5.4 profit margin for all manufacturing.

Broadly speaking, the textile trade consists of three sectors. Fiber manufacturers, the smallest of the three, spin cotton and other raw materials into threads for the fabric makers, which weave the threads into cloth for apparel producers to make into clothing.

While it is profitable, the continued prosperity of the industry hinges in large part on its ability to squeeze out as many American jobs as possible from the production process. The two main sectors—raw fabrics and finished clothing—achieve that goal in two very different ways, cutting labor costs and automation. And industry experts say that outside attempts to stanch the bleeding may do more harm than good.

Clothing manufacturers, swamped by a flood of cheap imports from Asia and elsewhere that have grabbed 50 percent of the American market, up from 20 percent two decades ago, stay profitable by exporting jobs to low-wage Latin American countries like Mexico and the Dominican Republic.

These companies have been unable to exploit America's vaunted technological superiority to offset their foreign rivals' wage advantage because no one has been able to develop an economical alternative to the old-fashioned sewing machine. Automated machines have a hard time handling soft, floppy cloth, and the vision-recognition systems needed to match patterns at seams, collars and cuffs are far too expensive for the low-margin apparel business.

In an integrated apparel factory, one that converts raw fabric to finished clothes, 50 percent of the jobs are sewing machine operators, 86 percent of whom are women. "You can automate design, you can automate pattern setting and cutting, but sooner or later you have to push fabric through a sewing machine," Mr. Priestland said. "That's still the bottleneck."

And that is where governmental policy comes in. Congressional approval of the North American and world trade accords in 1994 and 1995 made it much easier for American corporations to bring in goods from factories in third world countries, notably Mexico, by moving to eliminate quotas on imported apparel.

The search for cheap labor is nothing new. Many of the mills that are closing now migrated to impoverished regions of the rural South decades ago from the relatively prosperous Northeast. Even today, says David Thornell, director of the economic development authority of Jackson County, an economically depressed region that includes Pisgah, many of the factory workers here till the fields part time to make ends meet.

But with the factory idle, farming alone will not pay all the bills, and residents are bitter. "They pay those people down there a dollar and a nickel an hour," said Jim Mabry, another Pisgah resident. "Then they ship the clothes back here for finishing so they can call them American-made.

Andover Togs, which is based in New York, says it had little choice but to open its factory in the Dominican Republic. "I don't think we have ever seen a retail environment this sour," said Alan Kanis, the company's chief financial officer. He added that the company's major customers, discount chains like Wal-Mart and Kmart, were major importers, forcing the company to keep a tight rein on its costs.

David Buchanan, associate dean of the college of textiles at North Carolina State University, predicted more mills would shut down. The trend could turn out-of-the-way places like Pisgah into ghost towns, just as many farms villages in the upper Midwest faded into history when farming became mechanized.

"Historically, the role of the textile and apparel industry has been to provide employment for the otherwise unemployable," Mr. Buchanan said. "But that has been changing. If there is no work, the sons and daughters will move away, the way they did in farming. If there is no reason for a town to exist, it will go away."

If American apparel makers are surviving by hiring cheap labor overseas, the other big component of the textile industry, the companies that weave the cloth and fabric, is thriving by applying the latest technology at home.

A visit to the Cone Mills Corporation plant in Greensboro, N.C., shows the strides in productivity that American fabric makers have made in recent years. In the weaving room, a total of 416 looms pump out 12,000 square yards of denim every hour, nearly 50 percent more than the 1,000 older machines that they replaced. Yet they are so much easier to operate that only about 20 workers are needed to tend them, about one for every 21 looms and a tiny fraction of the 400 or so workers that handled the previous generation.

Not only that, but weaving technology is about to take a major step forward. The projectile looms in use now can insert 258 threads a minute; new air-jet machines just now coming onto factory floors can process 745 a minute, nearly three times as many.

Cone plans to replace its older machines with the more advanced models but will not increase its production capacity, since little growth is seen in the American market. "We'll just have fewer looms and fewer people," said Patrick Danahy, Cone's president.

The combination of faster machines and fewer people explains the decline in employment in the fabric industry from more than 700,000 in the late 1980's to 625,700 in January, even as fabric output increased.

Although the people in Pisgah are unhappy when their jobs depart for Caribbean nations like the Dominican Republic, the location is good news for the American fabric industry because the new factories there are more likely to buy cloth from them rather than their Asian competitors.

"Eighty percent of clothing imports from Mexico and the Caribbean are made of American fabric," Carlos Moore, executive vice president of the American Textile Manufacturers institute, said. "That explains why we have been able to supply a lot of fabric in the face of slow growth and imports."

And though the recent liberalization of world trade seems to be accelerating the exodus of apparel jobs from the United States, Mr. Moore said it might also provide an opportunity to increase American raw-textile exports. "Most countries have traditionally protected their textile industries, but now they may be forced to open up," he said.

Moreover, some people question whether the North American Free Trade Agreement and other trade pacts should be blamed for the flight of jobs abroad. Without the trade agreement, Mr. Danahy of Cone Mills said, "Both the apparel and textile jobs would have gone to Bangladesh and elsewhere in the Far East.

"With NAFTA in place," he added, "the textile complex on this continent is more competitive."

Mrs. MALONEY. Mr. Speaker, I would like to recognize one of our newly elected Members of Congress from Texas, SHEILA JACKSON-LEE, who has been a strong advocate on so many important issues for this body.

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me thank the gentlewoman for her leadership and also her diligence on a myriad of issues that have added to the enhancement of women and their lives and their families in this Nation and how important it is. And we thank you for your organization of this special order to pay tribute to women both in terms of honoring them for this month and as well as recognizing the International Women's Day which will be celebrated on March 8, 1996.

It is interesting, I would imagine that there might be those who would be listening to this special order and argue that we are all one family, one America. And I applaud that, and I certainly encourage the recognition that we are one Nation under God. But it is important, as we recognize the oneness of this country, that we celebrate African-American history month and Asian-American history month and Hispanic-American history month, and in my community, Fiestis Patris, as we also celebrate Women's History Month along with many of the myriad of wonderful ethnic groups throughout this Nation.

We happen this month to be celebrating and commemorating the importance of women, and certainly it is important to recognize women internationally.

Mr. Speaker, this month we are celebrating Women's History Month and this Friday we will celebrate International Women's Day. In 1910, the German labor leader Clara Zetkin proposed that March 8 be proclaimed International Women's Day in memory of those earlier struggles of women to better their lives. Working women in the home and work place have fought to make a difference. In recent years, it has become a widely celebrated day for many women's organizations and groups. Rallies, forums, panels, conferences, demonstrations, radio programs, media shows, and school programs have become a part of these celebrations of women's contributions to the history and culture of the world.

I rise today, however, not in celebration but with great concern for women everywhere, overseas and here at home. With the January 26 enactment of the current Continuing Resolution [CR], a handful of antichoice lawmakers in the house scored a far-reaching victory against women's reproductive health and rights—they have effectively eliminated all funding for the U.S. International Family Planning Program.

The legislation passed by the House and Senate will decrease by 35 percent the amount of money available to spend on international family-planning programs—that is, it will cut the budget by nearly $200 million.The Agency for International Development [AID] will not be permitted to spend any of its appropriation for family planning until July 1, 1996, 9 months after the start of the fiscal year. Since AID has been unable to release any population funds since October 1995, the beginning of the fiscal year, this means that the program will be deprived of support, altogether, for three quarters of fiscal 1996. For the remainder of this fiscal year, and for fiscal 1997 in its entirety, the funds can only be allocated month by month and on an equal-amount basis. The net effect is a reduction in the family planning/reproductive health budget from $547 million in 1995 to $72 million in 1996.

Most of the campaign against family planning has been carried out under the guise of preventing U.S. foreign aid funds from paying for abortions, a practice that has been banned since 1973. Ironically, the effots of my antichoice colleagues will lead to even more abortions. Nils Daulaire, deputy assistant administrator for policy at the U.S. Agency for International Development, has said that an additional 200,000 illegal and unsafe abortions will result from this action. Daulaire projects that as many as 5,000 more women will die over the next year as a result of unsafe abortions and mistimed pregnancies, and that roughly 500,000 additional births will result, putting further stress on already strained child-survival programs. By gutting funds for family planning, which enables women to avoid abortion in the first place, this Congress has sentenced women in the developing world to more unwanted pregnancies and consequently, more abortions.

This assault on family planning is an attack on women everywhere, at home and overseas. In the most fundamental way, it seeks to undermine women's ability to take charge of their own lives, their families, and their health care needs.

Enabling couples to plan when to have children and how many is at the very core of promoting personal responsibility and family values. By enacting deep cuts in the program, my antichoice, and so-called pro-family, colleagues have increased the likelihood that more families will experience the tragedy of maternal of infant death due to a lack of reproductive health care.

I would like to quote Senate Appropriations Chairman MARK HATFIELD, a pro-life Senator, who has expressed his outrage over the gutting of international family planning.

> What we did is bar access to family planning services to approximately 17 million couples, most of them living in unimaginable poverty. We opened the door to the probability of at least 14 million unintended pregnancies every year, tens of thousands of deaths among women * * * and the probability of at least 4 million more abortions that could have been averted if access to voluntary family planning services had been maintained.

Senator HATFIELD is correct in saying that,

> The family planning language in [the CR] is not pro-life, it is not pro-woman, it is not pro-child, it is not pro-health, and it is not pro-family planning. It inflicts the harm of a profound misconception on very poor families oversees who only ask for help in spacing their children through contraception, not abortion.

My colleagues, I urge you, in honor of International Women's Day and Women's History Month, to help reverse this policy. Please, let us not turn back the clock on women's rights, let us not return to the days when women did not have the freedom to choose what they would or would not do with their own bodies and when couples could not determine what was best for their families.

□ 1830

Mrs. MALONEY. Thank you very much. I would now recognize the gentlewoman from California [Ms. WATERS], a leader on women's issues and the newly elected ranking member on the Committee on Banking and Financial Services for Oversight. Thank you for joining us.

Ms. WATERS. Thank you very much. I would like to thank you for providing leadership for all of us as we join together to recognize International Women's Day, which is Friday, March 8. I thank you for providing leadership for us of focus and give some attention to who we are, what we are doing, what we are accomplishing and what we must do to further the cause of women, not only in this country, but in this Nation. We have held a powerful and highly successful World Conference on Women in Beijing, and I suppose we discovered something maybe others knew, but not all of us. We discovered that women all over the world are struggling for freedom, struggling for justice and equality, and while we have made some serious and profound advancements, we still have a long way to go.

Mr. Speaker, we have a long way to go because there are those in this Nation, some in very high places, who simply refuse to see us as equals, who will deny us the opportunity to serve in the many diverse ways that men serve in this Nation and in this world, and because we have those who would deny us opportunity, those who will fight very hard to ensure that we do not get a chance to realize our full potential, we must continue to struggle.

We do not like the idea that we have to be here this evening even, talking about the struggle that women are still involved with in this world to ensure justice, equality, and freedom, but we must do that.

One of the things that we all recognize, most women, and most women who are elected to the House of Representatives recognize, that until and unless we are free to determine what happens with our bodies, we are not free. It is the most basic of those freedoms that we are able to say what we want in relationship to our health concerns. We must be able to say without equivocation, without fear, without concern for what anybody else thinks, we must be able to say and make decisions about our bodies.

We have been in this struggle for a long time. It has been a long time since Roe versus Wade. But we find ourselves having to defend our right to make decisions about our own bodies right here in this House because there are those, men for the most part, who will take every opportunity to try and take back the rights that we have garnered through the courts in this country.

And so we struggle month in and month out, year in and year out, and we are still confronted with those obstacles that are created by some of the men in this House, even as we look toward our work over the next few months, and so I say to all of those who are listening that this is a struggle that we may have to be in for some time to come. But I think that if women really do believe and they really do understand that this is the most basic of all freedoms, the right to determine what happens to your body, then we will rise to the level that we must rise to in order to ensure that we have such a freedom.

This evening I would like, in addition to talking about the freedom of choice, to talk about an issue that really concerns me, and that is women's economic empowerment.

□ 1845

Women throughout the world continue to struggle to raise and provide for their families. We have fought hard for the right to work, the opportunity to participate in government, the ability to access capital, to start our own businesses, and the right to attain a higher education and reliable child care.

All of our strides toward affirmative advancement are halted when our own leaders talk about dismantling programs under affirmative action that help women establish a level playing field with men. I come from a State where we must be involved in the struggle to try and save opportunities for women because there has been advanced something called the California Civil Rights Initiative, that would eliminate affirmative action programs in public employment, education, and public contracting.

Women have only begun to climb the corporate ladder and to shake up the glass ceiling. While women account for 52 percent of all Americans, yet we still comprise only 3 to 5 percent of senior level positions in major companies. We represent only 11.8 percent of college presidents, 10 percent of the House of Representatives, and only 8 percent of the U.S. Senate. Even with affirmative action, women are still paid less for the same work. Women make only 72 cents to a man's dollar.

In 1993, female managers earned 33 percent less than male managers. Female college professors earned 23 percent less than male professors, and female elementary school teachers earned 22 percent less than male elementary teachers.

I cannot continue to give you all of the dismal statistics. All I can say is, as we focus this evening, let us recognize that we are not near the equality that this country and this Nation and this world deserves.

Mr. TORRES. When I step onto the House floor every day, I am never certain what I will face: Will the agenda promote progress and growth? Or will the House encourage policies that deliver an America of inequality?

Unfortunately, inequality is often the answer and women are often the targets. Whether the issue is opportunity on the corporate ladder or the freedom to make choices, this Congress has sought to strip away and demolish the rights of women.

At the top of the hit list is: limiting access to abortion and abolishing affirmative action. But what worries me most is the theme of these efforts: These themes are not about helping women.

If helping women was the intent, we would acknowledge the fact that women earn only 72 cents for every man's dollar, and we would enforce equal pay for equal work.

We would not question a woman's judgment when she needs a medically necessary procedure; we would work toward perfecting the safest method.

If this Congress is serious about women's issues, let's focus on what we can do for women, not what we can take away.

Mr. ABERCROMBIE. Mr. Speaker, I rise today to share the experiences of Pamela Ferguson-Brey. She is the Honolulu League of Women Voters Human Resource chair and she atteded the U.N. Fourth World Conference on Women in Beijing, China.

In September, 1995, I joined women from around the world at the United Nations Fourth World Conference in China. The Non-Governmental Organization (NGO) conference provided a platform for community organizations from around the world to influence their governments to move more quickly toward equal rights and human rights for women and girls. The NGO forum also provided women from around the world with a forum to highlight issues from their neighborhood, town, city, region, and country and brought participants together to discuss local, national, international solutions to these issues.

The NGO conference was an overwhelming experience. From the moment that I first boarded the plane to China and during the conference there was an unspoken acknowledgment, a bond and an excitement between the conference participants. Tens of thousands of women from around the world together for one purpose—to accelerate the movement of governments toward equal human rights for women and girls. While we were strangers and did not all speak the same language or have the same customs, we all shared a unique understanding about our status as women. As women, we know what it means to be denied human rights because of our gender status. As women, we know what is means to be afraid of violence because we are not safe in our streets or in our homes. We know what is means to be denied equal access to reproductive and medical care. We know what is means to be denied a seat at the table when policy decisions are being made about our lives and rights. And we know that in over a dozen counties, through infanticide and dowry deaths, women and girls are killed because of their gender.

The bond between women at the conference was also a reflection of the commitment that these thousands of women had to make to realize the changes that are necessary at the local, national and international level to assure that women have equal human rights.

At the opening ceremony to the NGO conference NGO participants sang "I'm going to fight for women's freedom, never turning back, never turning back." I think of these words and the conference and I am recommitted and energized to help my own community move forward more quickly toward equal human rights for women and girls.

GENERAL LEAVE

Mrs. MALONEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous matter on the subject of my special order tonight.

The SPEAKER pro tempore (Mr. HUTCHINSON). Is there objection to the request of the gentlewoman from New York?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the House will stand in recess subject to the call of the Chair.

Accordingly (at 6 o'clock and 46 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1910

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 7 o'clock and 10 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3021, GUARANTEEING CONTINUING FULL INVESTMENT OF SOCIAL SECURITY AND OTHER FEDERAL FUNDS IN OBLIGATIONS OF THE UNITED STATES

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 104–473) on the resolution (H. Res. 371) providing for consideration of the bill (H.R. 3021) to guarantee the continuing full investment of Social Security and other Federal funds in obligations of the United States, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3019, THE BALANCED BUDGET DOWNPAYMENT ACT, II

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 104–474) on the resolution (H. Res. 372) providing for the consideration of the bill (H.R. 3019) making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PERMISSION FOR MEMBER TO SUBMIT AMENDMENT TO H.R. 3019, THE BALANCED BUDGET DOWNPAYMENT ACT, II

Mr. LINDER. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. OBEY] may have until midnight tonight to submit an amendment to H.R. 3019 for printing in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

APPOINTMENT OF MEMBERS TO ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 3(a) of Public Law 86–380, the Chair announces the Speaker's appointment to the Advisory Commission on Intergovernmental Relations the following Members of the House: Mr. SHAYS of Connecticut and Mr. PORTMAN of Ohio.

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. MCCARTHY (at the request of Mr. GEPHARDT), for yesterday, March 5, and today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. JACKSON-LEE of Texas) to revise and extend their remarks and include extraneous material:

Mrs. MALONEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. POMEROY, for 5 minutes, today.

Mr. TOWNS, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Mrs. SCHROEDER, for 5 minutes, today.

Mr. GEJDENSON, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. TATE) to revise and extend their remarks and include extraneous material:)

Mr. WELDON of Pennsylvania, for 5 minutes, today.

Mr. MCINTOSH, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

Mrs. CUBIN, for 5 minutes, today.

Mr. TIAHRT, for 5 minutes, today.

Mrs. CHENOWETH, for 5 minutes, today.

Mr. MICA, for 5 minutes, today.

Mr. BRYANT of Tennessee, for 5 minutes, today.

Mr. FUNDERBURK, for 5 minutes, today.

Mr. SMITH of Michigan, for 5 minutes, today.

Mr. HUNTER, for 5 minutes, today.

Mr. FOX of Pennsylvania, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Ms. JACKSON-LEE of Texas and to include extraneous matter:)

Mrs. THURMAN.

Mr. HAMILTON.

Mr. BARCIA.

Mr. STUDDS in two instances.

Mr. DEUTSCH.

Mr. RAHALL.

Mr. KLECZKA.

Mr. JACOBS.

Mr. MILLER of California.

Mr. CLAY.

Mrs. MINK of Hawaii.

Mr. CONYERS.

Mr. MARKEY.

Ms. BROWN of Florida.

Mrs. MALONEY.

(The following Members (at the request of Mr. TATE) and to include extraneous matter:)

Mr. LEWIS of California.

Mr. SOLOMON.

Mr. BARCIA.

Mr. FOX of Pennsylvania.

Mr. STEARNS.

(The following Members (at the request of Mr. LINDER) and to include extraneous matter:)

Mr. BUNN of Oregon.

Mr. FUNDERBURK.

Mr. KENNEDY of Rhode Island.

Mr. POMEROY in two instances.

Mr. DELLUMS.

Mr. STEARNS.

Mr. WELDON of Pennsylvania.

Mr. SHAW.

Mr. SANDERS.

Mr. FRANK of Massachusetts in two instances.

Ms. NORTON.

Mr. GILMAN.

Mr. HANSEN.

Mr. YOUNG of Alaska.

Mrs. MEEK of Florida.

Mr. KENNEDY of Massachusetts.

ADJOURNMENT

Mr. LINDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 12 minutes p.m.), the House adjourned until tomorrow, Thursday, March 7, 1996, at 10 a.m.

NOTICE OF PROPOSED RULEMAKING

Office of Compliance Notice:

Notice of Proposed Rulemaking: Rulemaking regarding the application of chapter 71 of title 5, United States Code, relating to Federal service labor-management relations; procedures for remedy of violations, see page S1547–50 of the RECORD dated March 6, 1996. The 30-day period for public comment on these proposed regulations ends April 6, 1996.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

[Omitted from the Record on March 5, 1996]

2191. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the President's March 1, 1996, determination regarding certification of the 31 major illicit narcotics producing and transit countries, pursuant to 22 U.S.C. 2291; to the Committee on International Relations.

[Submitted March 6, 1996]

2192. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the 1996 International Narcotics Control Strategy Report, pursuant to 22 U.S.C. 2291(b)(2); to the Committee on International Relations.

2193. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report on PLO compliance, pursuant to Public Law 101–246, section 804(b) (104 Stat. 78); to the Committee on International Relations.

2194. A letter from the Administrator and CEO, Bonneville Power Administration, transmitting the 1995 annual report of the Bonneville Power Administration, also other reports pursuant to the Chief Financial Officers Act that relate to the Administration, pursuant to Public Law 89–448, section 3(a) (80 Stat. 201); to the Committee on Government Reform and Oversight.

2195. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–215, "Equal Opportunity for Local, Small, and Disadvantaged Business Enterprises Temporary Amendment Act of 1996," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

2196. A letter from the Attorney General, Department of Justice, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1995, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

2197. A letter from the General Counsel, Federal Emergency Management Agency, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

2198. A letter from the Director, Administration and Management, Department of Defense, transmitting the annual report of cross-servicing and acquisition actions undertaken pursuant to acquisition and cross-servicing agreements with countries that are not part of the North Atlantic Treaty Organization [NATO] or its subsidiary bodies, pursuant to 10 U.S.C. 2349; jointly, to the Committees on National Security and International Relations.

2199. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 96-11: Presidential Determination on Military Drawdown for Jordan, pursuant to section 572 of the Foreign Operations, Export Financing and Related Programs Appropriation Act, 1996; jointly, to the Committees on International Relations and Appropriations.

2200. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report regarding the economic policy and trade practices of each country with which the United States has an economic or trade relationship, pursuant to 15 U.S.C. 4711; jointly, to the Committees on International Relations and Ways and Means.

2201. A letter from the Chair of the Board, Office of Compliance, transmitting advance notice of proposed rulemaking for publication in the CONGRESSIONAL RECORD, pursuant to Public Law 104-1, section 304(b)(1) (109 Stat. 29); jointly, to the Committees on House Oversight and Economic and Educational Opportunities.

REPORT OF COMMITTEE ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SOLOMON: Committee on Rules. House Resolution 369. Resolution to provide the Committee on Government Reform and Oversight special authorities to obtain testimony for purposes of investigation and study of the White House Travel Office matter (Rept. 104-472). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 371. Resolution providing for consideration of the bill (H.R. 3021) to guarantee the continuing full investment of Social Security and other Federal funds in obligations of the United States (Rept. 104-473). Referred to the House Calendar.

Mr. DREIER: Committee on Rules. House Resolution 372. Resolution providing for consideration of the bill (H.R. 3019) making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes (Rept. 104-474). Referred to the House Calendar.

BILLS PLACED ON THE CORRECTIONS CALENDAR

Under clause 4 of rule XIII, the Speaker filed with the Clerk a notice requesting that the following bills be placed upon the Corrections Calendar:

H.R. 2685. A bill to repeal the Medicare and Medicaid Coverage Data Bank.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 2969. Referral to the Committee on Commerce extended for a period ending not later than March 11, 1996.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GUTIERREZ (for himself, Ms. VELAZQUEZ, and Mr. SERRANO):

H.R. 3020. A bill to exclude voyages to or from Puerto Rico from laws applicable to coastwise trade; to the Committee on National Security.

By Mr. ARCHER:

H.R. 3021. A bill to guarantee the continuing full investment of Social Security and other Federal funds in obligations of the United States; to the Committee on Ways and Means.

By Mr. STUDDS (for himself, Mr. MCDERMOTT, Mr. ENGEL, Mr. WAXMAN, Mr. BEILENSON, Mr. FROST, Mr. EVANS, Mrs. COLLINS of Illinois, Mr. RANGEL, Mr. DELLUMS, Mr. GUTIERREZ, Mr. MORAN, and Mr. LIPINSKI):

H.R. 3022. A bill to amend the Public Health Service Act to establish a program regarding training in lifesaving first aid, including training in the use of automated external defibrillators to assist individuals experiencing cardiac arrest; to the Committee on Commerce.

By Mr. SHAW (for himself, Mr. GILMAN, Mr. HAMILTON, and Mr. SOUDER):

H.R. 3023. A bill to require the imposition of certain trade sanctions on countries which threaten the national security of the United States and the health and safety of U.S. citizens by failing to take effective action against the production of and trafficking in illicit narcotic, and psychotropic substances, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Transportation and Infrastructure, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska (for himself, Mr. GALLEGLY, Mr. GINGRICH, Mr. SERRANO, Mr. KENNEDY of Rhode Island, Mr. RAHALL, Mr. ROMERO-BARCELO, Mr. GILMAN, Mr. BURTON of Indiana, Mr. UNDERWOOD, Mr. CALVERT, Mr. LONGLEY, Mr. GENE GREEN of Texas, Mr. DEUTSCH, and Mr. KLINK):

H.R. 3024. A bill to provide a process leading to full self-government for Puerto Rico; to the Committee on Resources, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAKER of Louisiana:

H.R. 3025. A bill to suspend until January 1, 1999, the duty on 2,2-Dichlorophenylacetic Acid Ethel Ester [DCPAE]; to the Committee on Ways and Means.

By Mr. BRYANT of Tennessee (for himself, Mr. BARR, Mr. BONO, Mr. DUNCAN, Mr. GEKAS, Mr. GOODLATTE, Mr. HEINEMAN, Mr. HOSTETTLER, Mr. MCCOLLUM, Mr. SCHUMER, Mr. SENSENBRENNER, and Mr. SMITH of Texas):

H.R. 3026. A bill to amend section 372 of title 28, United States Code, to provide that proceedings on complaints filed with respect to conduct of a judge or magistrate judge of a court be held by a circuit other than the circuit within which the judge serves, and for other purposes; to the Committee on the Judiciary.

By Mr. BRYANT of Tennessee (for himself, Mr. BARR, Mr. DUNCAN, Mr. GEKAS, Mr. GOODLATTE, Mr. HEINEMAN, Mr. HOSTETTLER, Mr. MCCOLLUM, Mr. SENSENBRENNER, and Mr. SMITH of Texas):

H.R. 3027. A bill to amend title 18, United States Code, and the Controlled Substances Act, with respect to the payment of the costs of court-appointed attorneys in certain criminal cases; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONYERS:

H.R. 3028. A bill to secure the voting rights of former felons who have been released from incarceration; to the Committee on the Judiciary.

By Mr. DAVIS (for himself and Ms. NORTON):

H.R. 3029. A bill to designate the United States courthouse in Washington, District of Columbia, as the "E. Barrett Prettyman United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Ms. ESHOO:

H.R. 3030. A bill to establish a minimum amount that maybe applied as an aggregate lifetime limit with respect to coverage under an employee health benefits plan or a group health plan; to the Committee on Economic and Educational Opportunities, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HANSEN:

H.R. 3031. A bill to amend the act of October 15, 1966 (80 Stat. 915), as amended, establishing a program for the preservation of additional historic property throughout the Nation, and for other purposes; to the Committee on Resources.

By Mr. KANJORSKI (for himself, Mr. MCDADE, Mr. MURTHA, Mr. COYNE, Mr. GEKAS, Mr. HOLDEN, Mr. MCHALE, Mr. GREENWOOD, Mr. MASCARA, and Mr. DOYLE):

H.R. 3032. A bill to assist State and local governments in recovering from recent disasters; to the Committee on Banking and Financial Services.

By Mr. MARKEY (for himself, Mr. KASICH, Mr. KENNEDY of Massachusetts, Mr. FROST, and Mr. JOHNSTON of Florida):

H.R. 3033. A bill to control the transfer within the United States of infectious agents which have the potential to pose a severe threat to the public health and safety, and for other purposes; to the Committee on Commerce.

By Mr. MILLER of California:

H.R. 3034. A bill to amend the Indian Self-Determination and Education Assistance Act to extend for 2 months the authority for promulgating regulations under the act; to the Committee on Resources.

By Mrs. MINK of Hawaii:

H.R. 3035. A bill to provide for a special application of section 1034 of the Internal Revenue Code of 1986; to the Committee on Ways and Means.

By Mr. MONTGOMERY (for himself, Mr. STUMP, Mr. BUYER, and Ms. WATERS):

H.R. 3036. A bill to amend title 38, United States Code, to require that the offices for management, policy, and other functions associated with the educational assistance programs of the Education Service of the Department of Veterans Affairs be in the District of Columbia; to the Committee on Veterans' Affairs.

By Mr. POMEROY:

H.R. 3037. A bill to amend title 49, United States Code, to provide funding for the essential air service program; and for other purposes; to the Committee on Transportation and Infrastructure.

H.R. 3038. A bill to reauthorize and amend title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act"), and for other purposes; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHAEFER (for himself, Mr. TAUZIN, Mr. CHRYSLER, Mr. BONO, Mr. HEFLEY, Mr LINDER, and Mr. STUMP):

H.R. 3039. A bill to promote freedom, fairness, and economic opportunity for families by repealing the income tax, abolishing the Internal Revenue Service and enacting a national retail sales tax to be administered primarily by the States; to the Committee on Ways and Means.

By Mrs. SMITH of Washington (for herself, Mr. SHAYS, and Mr. MEEHAN):

H. Res. 373. Resolution providing for the consideration of the bill (H.R. 2566) to reform the financing of Federal elections, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. PETERSON of Florida introduced a bill (H.R. 3040) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Two Can;* to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 833: Mr. MCHALE and Ms. PELOSI.

H.R. 835: Ms. WATERS.

H.R. 911: Mr. BILBRAY, Mr. CRAMER, and Mr. BILIRAKIS.

H.R. 957: Mr. FRANKS of Connecticut.

H.R. 969: Mr. KENNEDY of Massachusetts.

H.R. 1000: Mr. FRANKS of New Jersey and Mr. BROWN of Ohio.

H.R. 1462: Mr. BENTSEN and Mr. SKEEN.

H.R. 1496: Mr. QUINN.

H.R. 1646: Mr. MCHALE, Mr. WAMP, Mrs. MORELLA, Mr. EWING, Mr. BARCIA of Michigan, Mr. STUPAK, Mr. FAZIO of California, Mr. BATEMAN, Mr. BISHOP, Mr. HILLEARY, and Mr. SAM JOHNSON.

H.R. 1684: Mr. SMITH of Texas, Mr. HOKE, Mr. PETE GEREN of Texas, Mr. TEJEDA, and Mr. BONO.

H.R. 1733: Mr. NEAL of Massachusetts, Mr. SCOTT, and Mr. MOAKLEY.

H.R. 1757: Mr. NADLER.

H.R. 1758: Mr. BONIOR and Mr. PAYNE of Virginia.

H.R. 1771: Mrs. LOWEY.

H.R. 1776: Mr. THORNBERRY, Mr. WATT of North Carolina, Mr. NEUMANN, Mr. TALENT, Mr. FRANKS of Connecticut, Mr. BATEMAN, Mr. BOEHLERT, and Mrs. FOWLER.

H.R. 1791: Mr. BARRETT of Wisconsin.

H.R. 1828: Mr. ORTIZ.

H.R. 2019: Mr. ABERCROMBIE and Mr. CLEMENT.

H.R. 2026: Mr. TALENT, Mr. FRANKS of New Jersey, and Mr. SANFORD.

H.R. 2090: Mr. SCHAEFER.

H.R. 2098: Mr. ROYCE.

H.R. 2182: Mr. TRAFICANT.

H.R. 2202: Mr. CREMEANS, Mr. BATEMAN, and Mr. MARTINI.

H.R. 2228: Mr. EHLERS.

H.R. 2247: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WATT of North Carolina, and Mr. YATES.

H.R. 2270: Mr. ALLARD and Mr. WHITE.

H.R. 2333: Mr. NEAL of Massachusetts, Mr. HAYES, and Mr. RANGEL.

H.R. 2342: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2401: Mr. STUPAK.

H.R. 2421: Mr. SHAYS, Mr. SAXTON, Mrs. KELLY, Mr. BLUTE, Mr. FORBES, Mrs. JOHNSON of Connecticut, Mr. GEJDENSON, Mr. MARKEY, Ms. SLAUGHTER, Mr. STUDDS, Mr. ACKERMAN, and Mr. MCNULTY.

H.R. 2452: Mr. HOKE.

H.R. 2500: Mr. HUTCHINSON and Mr. MARTINEZ.

H.R. 2509: Mr. COOLEY and Mr. KINGSTON.

H.R. 2535: Mr. CHAMBLISS.

H.R. 2551: Mr. NEY.

H.R. 2651: Mr. BONO.

H.R. 2682: Mr. GILMAN.

H.R. 2701: Mr. MINGE, Ms. MOLINARI, Mr. HASTINGS of Florida, Mr. QUILLEN, Ms. DELAURO, Mrs. KENNELLY, Mr. ORTIZ, Mrs. LOWEY, and Mr. SKEEN.

H.R. 2741: Mr. BARR, Mr. ARMEY, Mr. DELAY, Mr. BOEHNER, and Mr. TAUZIN.

H.R. 2745: Mr. LUTHER, Mr. FOX, Mr. WALSH, Mr. RANGEL, Mrs. MEYERS of Kansas, Mr. LEVIN, and Mrs. ROUKEMA.

H.R. 2802: Ms. FURSE, Mr. RIGGS, Mr. TAYLOR of Mississippi, Mr. OBERSTAR, Mr. BISHOP, Mr. CALLAHAN, Mr. DEFAZIO, Mr. TRAFICANT, Mr. NORWOOD, and Mr. HUTCHINSON.

H.R. 2864: Mr. FATTAH, Mr. THOMPSON, and Mr. FRANK of Massachusetts.

H.R. 2898: Mrs. MEYERS of Kansas, Mr. CUNNINGHAM, and Mrs. ROUKEMA.

H.R. 2919: Mr. EHLERS.

H.R. 2928: Mr. CHRYSLER, Mr. TIAHRT, Mr. SHADEGG, and Mr. FOX.

H.R. 2930: Mr. LAZIO of New York.

H.R. 2931: Mr. FRAZER, Mrs. LINCOLN, Mr. FROST, and Mr. FATTAH.

H.R. 2945: Mr. FARR, Mr. ABERCROMBIE, Mr. CONDIT, Mr. TOWNS, Ms. KAPTUR, Mr. THOMPSON, Mr. TAYLOR of North Carolina, Mrs. COLLINS of Illinois, and Mr. HINCHEY.

H.R. 2946: Mr. FARR, Mr. ABERCROMBIE, Mr. CONDIT, Mr. TOWNS, Ms. KAPTUR, Mr. THOMPSON, Mr. TAYLOR of North Carolina, and Mrs. COLLINS of Illinois.

H.R. 2959: Mr. FRELINGHUYSEN, Mr. WATT of North Carolina, Mr. GIBBONS, Mr. MENENDEZ, Mr. WILLIAMS, and Mr. CLYBURN.

H.R. 2972: Mr. RUSH.

H.R. 2974: Mr. CHRISTENSEN, Mr. BAKER of Louisiana, Mr. SKEEN, Mr. LATOURETTE, Mr. SMITH of New Jersey, Mr. ACKERMAN, and Mr. GENE GREEN of Texas.

H.R. 2991: Mr. FRAZER and Mr. FORD.

H.J. Res. 159: Mr. LAHOOD and Mr. BONO.

H. Con. Res. 47: Mr. THOMAS.

H. Con. Res. 83: Mr. MCHALE.

H. Con. Res. 124: Mr. SENSENBRENNER.

H. Con. Res. 144: Mr. ANDREWS, Mr. FOGLIETTA, Mr. GILMAN, Mr. SCHUMER, and Mr. THORNTON.

H. Res. 286: Mr. TORRES.

H. Res. 348: Mr. PORTER, Mr. SCHAEFER, Mr. SKEEN, Mr. RADANOVICH, Mr. CRANE, Mr. CHRYSLER, Mr. GOODLATTE, Mr. SOLOMON, Mr. WELLER, Mr. INGLIS of South Carolina, Mr. TIAHRT, Mrs. MEYERS of Kansas, and Mr. SPRATT.

H. Res. 362: Mr. FARR, Mr. ABERCROMBIE, Mr. CONDIT, Mr. TOWNS, Ms. KAPTUR, Mr. THOMPSON, Mr. TAYLOR of North Carolina, and Mrs. COLLINS of Illinois.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 359: Mr. BONO.

H.R. 1963: Mr. SAXTON.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

66. By the SPEAKER: Petition of the city of Miami, FL, Commission relative to the downing of two unarmed civilian planes on February 24, 1996, by the Cuban Government; to the Committee on International Relations.

67. Also, petition of the Council of the District of Columbia, relative to Council Resolution 11–251, "Sense of the Council Federal Payment Emergency Resolution of 1996"; to the Committee on Government Reform and Oversight.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3019

OFFERED BY: MR. MCINTOSH

AMENDMENT NO. 1: At the end, add the following:

SEC. . EXEMPT ORGANIZATIONS.

Section 18 of the Lobbying Disclosure Act of 1995 is amended—

(1) by inserting "(a) ORGANIZATION.—before "An";

(2) by striking "section 501(c)(4)" and inserting "section 501(c)(4) or 501(c)(5)";

(3) by inserting after "1986" the following: "or affiliated organizations"; and

(4) by adding at the end the following:

"(b) DEFINITION.—For purposes of subsection (a), any 2 organizations shall be considered to be affiliated organizations if the organizations meet any one or more of the following criteria:

"(1) The governing instrument of one such organization requires it to be bound by decisions of the other organization on legislative issues.

"(2) The governing board of one such organization includes persons who—

"(A) are specifically designated representatives of the other such organization or are members of the governing board, officers, or paid executive staff members of such other organization; and

"(B) by aggregating their votes, have sufficient voting power to cause or prevent action on political advocacy issues by the other such organization.

"(3) The organizations—

"(A) either use the same name or trademark, or represent themselves as being affiliated; and

"(B) coordinate their lobbying activities or political advocacy.".

EXTENSIONS OF REMARKS

THE DEATH OF HIS EMINENCE, JOHN CARDINAL KROL, D.D., J.D.C., ARCHBISHOP EMERITUS OF PHILADELPHIA, 1910-96

HON. JON D. FOX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1996

Mr. FOX of Pennsylvania. Mr. Speaker, I rise today to share my thoughts about a great spiritual leader who led the archdiocese of Philadelphia for nearly 30 years.

This week, the city of Philadelphia, the entire Delaware Valley region, the United States, and people throughout the world are mourning the death of one of the great spiritual leaders of our time, John Cardinal Krol, archbishop emeritus of the archdiocese of Philadelphia. He was 85. He came to Philadelphia an unknown bishop from Cleveland. He leaves with friends in the city, the Nation, and around the world.

In my capacity of public service, I have had the great opportunity to know His Eminence. Through my contacts with members of his flock, I have come to appreciate the spirit, dedication, and integrity of a man who was unwavering in his faith in God, his commitment to his church and its people, and his dedication to the Greater Philadelphia area he served. He was a prince of the church who never lost touch with the common man and woman. He was a doctrinal conservative who had compassion for workers and the poor. He was, at once, a man who moved in powerful worldwide circles which dictated the course of Roman Catholicism and international politics and a shepherd whose humble service to God and His people made him a role model for those of all faiths. He served his people and his church with strong, steady, and effective leadership and with great distinction.

The cardinal was born in Cleveland in 1910, the fourth of eight children of John and Anne Krol, Polish immigrants. One day, the cardinal liked to remember, a coworker asked him four questions about Catholicism that he couldn't answer. Annoyed, he began poking around in theology books. Instead of answers, he found more questions. That search for answers led him, at age 21, to the door of St. Mary's Seminary in Cleveland where he enrolled in 1931 as a candidate for the priesthood. There he developed a reputation for scholastic brilliance and was ordained a priest in 1937.

His obvious intelligence and his devotion to God led him to Rome where he studied canon law. He arrived in a Europe restless under the shadow of Adolph Hitler. He visited Poland in 1939 to seek out the birthplace of his parents and managed to flee just before Nazi troops overran the country. Father Krol returned to this country and began further law studies at Catholic University here in Washington. He obtained his doctorate in canon law in 1942.

A year later, he was named vice chancellor of the Cleveland diocese and, in 1951, he became chancellor. In 1953, he was named auxiliary bishop of Cleveland and, later that year, vicar general of the diocese.

It was from this position he was named archbishop of Philadelphia in 1961.

As a public figure in Philadelphia, Cardinal Krol often moved among the wealthy and powerful in public life. Still, those who know him well described the cardinal as shy, compassionate, caring, and most at ease with children and the disabled.

It was at the Second Vatican Council in1962 that Bishop Krol became friendly with Karol Jozef Wojtyla, the Polish priest who would later become Pope John Paul II. The future pope had been born in a town less than 50 miles from where Bishop Krol's parents hailed, and the two could lapse easily into a local Polish dialect that no one around them could understand.

Bishop Krol had been the only American named the year before to serve on a commission preparing for the Vatican Council. His Holiness, Pope John XXIII, called the meeting of all the world's Catholic bishops in an effort to renew the church for life in modern times. It was to be only the 21st such council in the church's history and the first in a century.

It was amid these preparations that Pope John named Bishop Krol to be archbishop of Philadelphia. He succeeded John Cardinal O'Hara, who had died the previous summer. Then the youngest Catholic archbishop in the United States, Krol approached his new job with trepidation. Still, he later recalled that he was given a warm welcome by the priest, religious, and the people of Philadelphia.

A talented administrator, he kept the archdiocese financially secure at a time when even the Vatican was experiencing monetary problems. He ran the five-county archdiocese like a business and responsibly provided for the 1.5 million Catholics who live there. He maintained the Catholic school system, one of the best in the Nation, despite severe economic pressures and a decline in teaching nuns.

At the same time he was administering the archdiocese with great skill, his stature rose in Rome. During the Vatican Council, Pope John made him one of the five under secretaries. In 1967, Pope Paul VI named Archbishop Krol a cardinal, a prince of the church.

In 1971, the cardinal's fellow bishops elected him to a 3-year term as president of the National Conference of Catholic Bishops, solidifying his position as a premier prelate of the Catholic Church in America.

It is widely believed that Cardinal Krol played a key role in the 1978 conclave that elected Wojtyla, then the archbishop of Krakow, Poland, to the papacy. The two remained close friends and Cardinal Krol was one of the few people in the world who could get through to His Holiness on the telephone, giving him unique input to the decisionmaking process of the Roman Catholic Church.

Poland was always an important cause in Cardinal Krol's life. He made radio broadcasts in Polish to his ancestral land for more than 25 years and headed relief efforts during the economic crises of the 1980's when his friend Lech Walesa and the Solidarity movement were challenging Communist rule.

In this country, he offered advice and direction to several American Presidents including Richard Nixon who asked him to deliver sermons in the White House during his Presidency. He offered prayers at two Republican national conventions and traveled extensively to Israel, Egypt, India, Ireland, Jordan, Lebanon, and Poland. He called for Catholics and Protestants to lay down their arms in Northern Ireland and urged both sides to share the language of peace in the Middle East.

In 1972, he concelebrated Mass with Pope John Paul II, then a cardinal, in a field at Auschwitz honoring the Polish priest and martyr St. Maximilian Kolbe, who volunteered to die in place of a Polish Army sergeant.

When the Vatican was faced with staggering deficits in the early 1980's, Cardinal Krol was appointed to a council of 15 cardinals and helped rescue the Holy See's finances. In 1985, Pope John Paul II appointed Cardinal Krol one of three copresidents over the Extraordinary Synod of Bishops, a special conference summoned by the Pope to evaluate the condition of the church 20 years after the close of Vatican II.

Cardinal Krol submitted his resignation to the Pope on his 75th birthday as required by church law. But its acceptance was delayed out of a reluctance to see him step down. Finally, 2 years later, after the cardinal had become seriously ill, the Pope named Cardinal Anthony Bevilacqua, then bishop of Pittsburgh, to succeed him.

On the occasion of his 75th birthday, the cardinal listed among the high points of his tenure in Philadelphia the canonization in 1977 of his 19th-century predecessor, St. John Neumann, the fourth bishop of Philadelphia; the meeting in Philadelphia in 1976 of the 41st International Eucharistic Congress, a major gathering of Catholics from around the world; Pope John Paul II's visit to Philadelphia in 1979 during His Holiness' first trip to the United States; and the development of the new parishes and the construction of new churches.

When many Catholics fled the city of Philadelphia for the suburbs, Cardinal Krol adopted a policy of keeping as many churches and schools open as possible in innercity neighborhoods despite the fact that the majority of the people served by the churches and schools there were not Catholic.

Cardinal Krol also took satisfaction in the establishment in 1981 of Business Leaders Organized for Catholic Schools [BLOCS], an organization of local corporate executives, Catholic and non-Catholic, that raised millions of dollars for Catholic schools.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Cardinal Krol stayed on the job longer after reaching retirement age than any other American bishop.

The Cardinal, whose name in Polish means king, was uncomfortable with the trappings of his office. He disliked pomp and was happiest when he was with the children of his archdiocese or helping the poor.

Over the years, honors have been showered on the prelate. A score of colleges and universities, including all the Philadelphia-area ones, conferred honorary degrees upon him. His biography lists 45 awards, including ones from Poland, Italy, and the Republic of Chad. He received the Philadelphia Freedom Medal, the city's most prestigious award, in 1978.

The last award listed, and perhaps the most revered by Cardinal Krol, was the Commandery with the Star of the Order of Merit, presented by Polish President Lech Walesa in March 1991. Poland's highest award for people of other nations who are not heads of state, it had not been awarded in 52 years.

The health of Cardinal Krol has not been good for years, Mr. Speaker, but he never lost his sense of humor. "You get tired and you get into a rocking chair and you can't get it started," he quipped. But even when his health was not good, Cardinal Krol kept working on behalf of his church and its people. He traveled to Rome to celebrate the elevation of his successor, Anthony Bevilacqua, to the College of Cardinals in June 1991. And last October, he was at Giants Stadium to welcome his dear friend, the Pope, to America.

Cardinal John Krol died on the Feast of Katherine Drexel, the Philadelphia heiress and nun who he sought to elevate to the status of saint.

The woman, known as Mother Drexel, was beatified November 20, 1988, in a ceremony at the Vatican. Beatification is the second-highest honor the Catholic Church can confer, the next-to-last step in the long process toward granting sainthood to a member.

Cardinal Krol, then a retired archbishop, said at the time that the honor was a dream come true.

The quest to honor Mother Drexel began in 1964 when Cardinal Krol approved a request by the Sisters of the Blessed Sacrament that the church consider the possibility of declaring Mother Drexel a saint.

An heiress who lived in poverty as a nun, Mother Drexel gave $20 million to support the church's work among black people and native Americans. I think it is fitting that Cardinal Krol chose such a person to champion. Her spirit was reflected in his life. Her compassion for those in need was mirrored by his own. Her rejection of wealth and status in favor of a life of service was matched by his rejection of earthly trappings in favor of unfailing spirituality.

Unfortunately, Cardinal Krol's friend, Pope John Paul II, will be unable to attend the funeral services in Philadelphia because of security restrictions but he was saddened by the news of his friend's death. His Holiness said, "I have received news of the death of Cardinal John Krol, with a sense of great loss. With immense gratitude for his fruitful and untiring cooperation with the Holy See from the time of the Second Vatican Council and with me personally throughout my pontificate, I am certain that his memory will live on in the community he so faithfully served."

Mr. Speaker, the death of John Cardinal Krol was a loss to the archdiocese of Philadelphia and the entire Nation as well as to the Catholic Church, both here in the United States and throughout the world. Cardinal Krol was a quiet, graceful man in life and he was graceful in death. He chose to return home where he died, in his own bed, surrounded by friends, family, and colleagues. By extension, Mr. Speaker, all of us who ever knew him, who ever benefited by his leadership and faith, who ever felt the grace of this man were there as well. He will be missed but his spirit will live on in the lives of all he touched.

H.R. 1645 AND THE FLOODING IN OREGON

HON. JIM BUNN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1996

Mr. BUNN of Oregon. Mr. Speaker, with the recent floods in the Pacific Northwest, one of the things that became clear to me is that there are times when neighbors doing everything they can to help their neighbors just is not enough. These are the times where people need help that only the State and Federal governments can provide, whether that be through the Federal Emergency Management Agency [FEMA] or the National Guard, or any other Government program designed to help those in the most need. In this case, I was lucky enough to witness first-hand the National Guard in Oregon and the important role in saving lives and property. I am very thankful for having that opportunity.

Immediately after the rains, I observed the flood-damaged areas while riding in a National Guard helicopter. During that ride, we found a family stranded. The National Guard used the helicopter to rescue the family and take them to safety. It is actions like this, that happened all across the flooded area, that show how important the Oregon National Guard is to our State. At this time, I would like to submit for the Record comments provided by Major General Rees of the Oregon National Guard which further illustrate the need for the National Guard.

Headquarters, Oregon National Guard, Office of the Adjutant General,
Salem, OR, February 26, 1996.

Maj. Gen. Edward J. Philbin,
Executive Director, National Guard Association of the United States, Washington, DC.

Dear Ed: Knowing the keen interest you and the leadership of the NGAUS have shown in regard to H.R. 1646, I have decided to write this letter to inform you of our experiences in the recent traumatic flooding in Oregon.

I am proud to say that the men and women of the Oregon National guard, Army and Air, responded magnificently. A total of over 1,200 individuals responded, reaching a peak of 750 on duty at one time.

In a similar flooding in 1964 over 70 lives were lost. In 1996, only 4 perished. Technological improvements such as satellite weather, cell phones, et al, played a significant part. However, a modernized National Guard played a huge role in that "golden" 24 hours when everyone must get it right or fail. Mud slides and high water made our highway system a shambles. National Guardsmen in many different modes but primarily in modernized aircraft or aircraft with aircrews equipped with night vision devices and thermal imagers evacuated 68 persons from extremely perilous circumstances.

To those who say that the Guard is in too many communities and needs to reduce, let me say that we would have failed if we had been concentrated only in mega-armories in metropolitan areas. To those who say that we can share resources with other components, let me say thank you, but I need dual-missioned and highly functional units available at a moment's notice and under the Governor's control.

Geographic dispersal, community involvement, familiarity with municipal government, the right mix of modernized capabilities, and unity of command is what the people of Oregon needed and got in their time or peril.

Only the National Guard can deliver that support. I fear that H.R. 1646 may create some false sense that the Army Reserve will ride to the rescue in a dire local emergency in lieu of a diminished National Guard.

Additionally, I must tell you of the support I received from fellow TAG's and the National Guard Bureau. In the response process, the California National Guard put a C–130 with 240,000 sand bags in to Portland Air National Guard base within 6 hours of the request. In the recovery phase, California, Utah, and Washington put units on stand-by (primarily ribbon-bridge companies and water purification units). This was all done without an interstate compact because we made it work without a compact. However, please do not diminish your advocacy of the national compact. Many important questions such as liability and insurance need to be addressed systematically and not on the tarmac with each event.

Finally, I can say that the foresight shown by previous Oregon Adjutants General in selecting force structure paid great dividends. At the heart of our operation was the 41st Brigade and 116th Brigade combat units with their inherent command, control, and communications. Their Table of Organization and Equipment support units of engineer, medical, and MP's were supplemented by force multipliers from echelon above division ARNG aviation, engineers, and transportation units and ANG support units. (I am also pleased to tell you that critical parts for our CH–47D aircraft were delivered "just in time" by our OSA ANG C–26.) A truly balanced force of combat, combat support, and combat service support units made the day.

Keep up the fight, we need an informed approach on this issue, not a quick legislative enactment based on an anecdote.

Best regards,

Raymond F. Rees,
Major General, OR NG,
Adjutant General.

AFFIRMATIVE STEPS OF THE ST. LOUIS FIRE DEPARTMENT

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1996

Mr. CLAY. Mr. Speaker, it is a well-known fact that in spite of the many gains women have made in the workplace, there are still employers who have yet to recognize their talents and reward them accordingly. This is especially true in law enforcement. I am proud to say that St. Louis officials have taken affirmative steps to resolve this problem. Recently, St. Louis Fire Department chief, Neil Svetanics, appointed the department's first woman captain, Gail Simmons, to the busiest engine company in the city.

I want to share the following editorial regarding the St. Louis Fire Department's effort to recruit and hire women. Entitled "Climbing The Fire Department's Ladder," the editorial appeared in the February 2, 1996, edition of the St. Louis Post-Dispatch. It is my hope that the account will enlighten my colleagues who have questions regarding employment politics that target qualified and deserving women and other minorities.

[From the St. Louis Post-Dispatch, Feb. 29, 1996]

CLIMBING THE FIRE DEPARTMENT'S LADDER

With the elevation of women to the ranks of captain in both the city's Fire and Police departments, it now seems rather ludicrous that society used to ask whether females were capable of becoming police officers and firefighters.

Eventually the question became why so few of them held such jobs. That was the issue the Department of Justice raised during the 1970s to prod fire and police departments across the country to hire more women.

Just recently, the city's Fire Department reached a milestone of sorts by appointing the first woman captain in 139 years. She is Gail Simmons.

Capt. Simmons is one of 118 captains; she's assigned to the city's busiest engine company, No. 28, at 4810 Enright Avenue. Chief Neil Svetanics wants to go further. His goal, he says, is the appointment of the city's first female batallion chief. Whereas a captain commands a fire truck, a batallion chief supervises five firehouses within a district. Reaching that goal will necessarily mean the department will have to accelerate it's recruitment and hiring of women. They now number 10 in a city firefighting force of about 700.

Police Board President Anne-Marie Clarke adds that recruitment of more women is a priority. The department already is way ahead of the Fire Department when it comes to hiring women.

They make up roughly 12 percent of the city's police force, and the board already has promoted a woman, Antoinette "Toni" Filla, to the rank of captain. A 21-year veteran, she commands the Eighth District and formerly headed the internal affairs division.

Capts. Simmons and Filla don't regard their achievements as all that special. But they are special in one important sense. As trailblazers, these two have opened the doors for others who will be less stigmatized by the old question of whether women are physically capable of being cops and firefighters.

A TRIBUTE TO LOUISE ST. JEAN

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1996

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and outstanding public service of Louise St. Jean. Louise, the department of economic and community development's executive secretary, is retiring at the end of March after 23 years of exemplary service with the County of San Bernardino in California.

Louise was born in San Bernardino at St. Bernardine Hospital. As the youngest of eight children, she was raised on a 100-acre farm in Bloomington where her dad grew boysenberries. Her mother, who is 91, still lives in Bloomington.

Louise began her professional work with San Bernardino County in 1973 as a clerk with the transportation/flood control department. She was promoted in 1975 and served with the county surveyor's office. A short time later, Louise returned to the county and in 1985 was promoted to executive secretary to the director of Economic and Community Development.

Louise was recognized as the department's County Employee of the Year in 1994 by the board of supervisors. She was particularly instrumental in facilitating the public sector approval process for the issuance of over $800 million in tax-exempt housing and industrial development bonds to finance new homes, apartments, and commerce in San Bernardino County.

Louise is also well known for her versatility and professionalism which has allowed her to assume many diverse responsibilities. While she has served primarily as the secretary to the ECD director, she was also the secretary for the county's appointed economic and community development commission and secretary to the Agua Mansa Growth Association comprised of elected officials from the cities of Colton, Riverside and Rialto and the Counties of San Bernardino and Riverside.

Mr. Speaker, I ask that you join me, our colleagues, Louise's husband Ed, their family, and many friends in wishing her many more years of happiness and success in writing that book she has always wanted to write. It is only appropriate that the House recognize Louise St. Jean today for her many years of dedicated service to San Bernardino County.

TRIBUTE TO JIM ELLIOTT

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1996

Mr. KLECZKA. Mr. Speaker, I rise today in tribute to Jim Elliott of Milwaukee, who after 39 years in the labor movement, 22 of them as president of the Milwaukee Building and Construction Trades Council, AFL–CIO, recently retired.

After serving his country in the Air Force, Jim returned to Milwaukee and began working at Otis Elevator, where he joined the Elevator Constructors Local 15. Five years later, while still at Otis, following his parent's examples of union activism and involvement, he was elected full-time business manager for the union, a post he held for 18 years. In 1974, Jim put his years of union experience to work once again and was elected president of the Milwaukee Building and Construction Trades Council, the post he held until his retirement just last month.

During his distinguished career, Jim has served his union brothers and sisters well in various capacities, including the United Way of Greater Milwaukee; the Greater Milwaukee Committee; the Wisconsin Board of Vocational, Technical and Adult Education; the Milwaukee County Labor Council, AFL–CIO; and the University of Wisconsin Board of Regents.

Best wishes, Jim, to you and Sandy, and to your children and grandchildren. Enjoy your well-deserved retirement and thanks for everything over the years. God bless.

HEALTH INSURANCE REFORM BILL

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1996

Ms. WOOLSEY. Mr. Speaker, I rise today in strong support of the Kennedy-Kassebaum-Roukema health insurance reform bill. Of the more than 43 million Americans who still have no health insurance, 21 million lack coverage because of preexisting conditions. An additional 4 million must stay in their jobs because they fear losing coverage if they leave.

The Roukema bill will expand the availability of health insurance by eliminating preexisting condition restrictions and guaranteeing portability. Americans who want to change jobs will no longer be locked into their current jobs because they fear they will lose their health insurance.

Of course, we should continue our efforts to enact comprehensive health care reform legislation that will control costs and ensure universal coverage. While the Roukema bill is by no means the solution to our Nation's health care crisis, it is a good start.

In his State of the Union Address, President Clinton said he would sign the Kennedy-Kassebaum-Roukema bill, and he urged Congress to take quick action on this legislation. The House of Representatives has an opportunity to move the Roukema health care reform bill one step closer to the President's desk by passing it as soon as possible. Unfortunately, some Members of this body want to delay enactment of these much-needed reforms by loading the Roukema bill down with controversial provisions.

Mr. Speaker, we can't afford to let this modest, but essential health care reform plan fall by the wayside. The American people need this health care reform bill, and they need it now. I urge my colleagues to support the Roukema health care reform bill.

A TRIBUTE TO PHYLLIS L. PETERSON

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1996

Mr. MILLER of California. Mr. Speaker, I rise today to pay tribute to Phyllis L. Peterson, who is retiring after 12 distinguished years as president of Diablo Valley College in Concord, CA.

Dr. Peterson's career began 37 years ago as a high school French teacher. She later was recruited into community college administration at De Anza College in Cupertino, CA, and later at Cuyamaca College in San Diego County.

In 1984, Dr. Peterson became the fourth president of Diablo Valley College. During her illustrious career at DVC, she helped develop the Center for Higher Education at DVC's satellite center in San Ramon, CA, and led the college to its highest enrollment of 23,000 students. She guided the college's faculty and staff into an era of shared governance and provided the vision for DVC's nationally acclaimed instructional program.

Dr. Peterson has proven herself a leader in higher education. In 1993, she served as head of the Chief Executive Officers of the California Community Colleges. The University of Texas Community College Leadership Program recognized her as an outstanding community college president and the Association of California Community College Administrators honored her with the Harry Buttimer Distinguished Administrator Award.

Through her accomplishments as a teacher and administrator, Dr. Peterson embodies the very best in our educational leadership. I personally want to thank her for her years of dedicated service to the education community and wish her the very best in the future.

RECOGNITION OF NATIONAL SPORTSMANSHIP DAY

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1996

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise today in support of National Sportsmanship Day, March 7, 1996. Since 1991, student athletes from across the country have come together to celebrate sportsmanship, and the importance of fairness, character, and ethics in athletics at all levels. Parents, teachers, coaches, and students of all ages will spend this day participating in creative activities that will emphasize the rewards of being a good sport. Teamwork, cooperation, honesty, and integrity are the themes of the life lessons that are learned by the young people who take part in this day.

For the past 6 years, the Institute for International Sport, located at the University of Rhode Island, has worked hard to help establish greater awareness in the area of physical fitness. In addition to National Sportsmanship Day, the institute works all year to promote initiatives like the Student-Athlete Outreach Program, where student-athletes from high schools and colleges travel to local elementary and middle schools to serve as positive role models and promote good sportsmanship.

I am proud to offer my support to programs like this that provide students of all ages the opportunity to develop the skills that will help them through life. I would like to acknowledge the parents, teachers, coaches, participants, and especially those individuals who have committed their time and efforts to broaden participation in the arena of friendly competition and sportsmanship.

THE CARDIAC ARREST SURVIVAL ACT OF 1995

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1996

Mr. STUDDS. Mr. Speaker, today I rise to introduce the Cardiac Arrest Survival Act of 1995. This legislation would encourage greater training of citizens and professionals who respond first to victims whose heart suddenly stops, known as cardiac arrest, or other cases of serious trauma injury. It would expand the number of health professionals and members of the lay public who are trained to perform life savings techniques, such as cardio-pulmonary resuscitation [CPR], rescue breathing, relieving airway obstruction, and other first aid techniques.

Each year, approximately 350,000 people die when they suffer cardiac arrest. Less than 5 percent of people suffering cardiac arrest outside of a hospital survive, according to the American Heart Association.

I know we can do better than this. We owe it to ourselves and our loved ones to try. For instance, in Seattle, where CPR training is required for high school students, cab drivers, and Seattle sports arena vendors, and is offered free to anyone who wants it, a person is five times more likely to survive a cardiac arrest than in most other parts of the country. In Seattle, the average survival rate for cardiac arrest is 29 percent and rises to 40 percent for victims who receive the quickest emergency response.

As a member of the Health Subcommittee, I have received evidence that strongly suggests that we should be training more people to learn CPR. Merely eight States currently require elementary and secondary school teachers to be trained in CPR and first aid before receiving a teaching certificate. Only 15 States demand that athletic coaches know CPR, while 16 States require students to learn CPR.

But even if we expand these programs, we must ask, "Are we training the right people?" A recent study of CPR training courses by Dr. Nisha Chandra, a Johns Hopkins researcher and member of the American Heart Association's Emergency Cardiac Care Committee, found that three out of four of those participating in an American Red Cross CPR training course were under age 40. However, the people most likely to be called on to use CPR in the home, where 70 percent of cardiac arrests occur, are those between 50 and 70. We should be training more older Americans to perform CPR.

The need for CPR training is particularly acute in the 10th Congressional District of Massachusetts where there is a high proportion of elderly residents. I believe it is essential to increase public awareness of this issue. In fact, many of my congressional staff have received CPR training.

But, according to the American Heart Association, CPR training is not enough. To increase survival after cardiac arrest, a sequence of events needs to occur, including early CPR response—within 4 minutes—opening airways and providing oxygen, administering electric shock, known as defibrillation—to restore heart rhythm—and medication. Each of these activities must be successfully linked in a chain of survival. Any weak link in this chain undermines the likelihood of success.

This legislation I am introducing today would encourage States to increase CPR and life saving first aid training for anyone likely to be in frequent contact with people at high risk of cardiac arrest, such as health professional, police and fire personnel, athletic coaches, and lifeguards. In addition, States would be encouraged to train members of the lay public, such as school teachers, high school students, licensed professionals, and even anyone applying for a driver's license.

The Secretary of the Department of Health and Human Services would be directed to develop recommendations to States regarding how to increase training in CPR and other life saving techniques and who should be trained. The Secretary would make recommendations regarding how to increase the availability of automatic external defibrillators on ambulances, in large public buildings, and at large public gatherings, such as sports events.

The Secretary would also recommend approaches to reduce the cost of liability insurance associated with defibrillators to make them more affordable and available. The Secretary would study options for self-insurance by the Federal Government for defibrillators it buys and consider the advisability of establishing an industry funded compensation fund to pay claims arising from devices purchased by private entities.

Finally, the Secretary would monitor the frequency of cardiac arrest and survival and report to the Congress regarding improvement in these areas.

This legislation would not mandate any State or local actions and would authorize only the funds necessary to carry out authorized Federal activities.

I urge my colleagues to join the American Heart Association, the American Red Cross, the American Association of Critical Care Nurses, and the National Association of EMS Physicians in support of this potentially life saving legislation.

COMBATING TERRORISM

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1996

Mr. SOLOMON. Mr. Speaker, I would like to take this opportunity to condemn in the harshest terms the recent wave of cowardly suicide-bomb attacks in Israel. These cowardly attacks, carried out by Hamas, indiscriminately maimed and killed hundreds of innocent civilians and must be stopped. How many times must Israel watch her children be butchered in the street while she stands by idly in the name of peace? How long would the United States tolerate this level of terror if these scenes were played out in the streets of New York or Washington?

The time has come for Chairman Arafat and the Palestinian Authority [PA] take action against the perpetrators. If Chairman Arafat is serious about achieving a lasting peace in the

Mideast and Palestinian self-determination, then he must step forward and honor his commitment to combat terrorism in areas under controlled of the PA. It is time to start disarming Hamas and apprehending the perpetrators of these heinous crimes. If Chairman Arafat and the PA hope to further appeal to the United States and international community for financial assistance they must send a clear and unmistakable message to Hamas and other terrorist groups that they are not welcome and further attacks on Israel will not be tolerated.

In closing let me send my heartfelt condolences to the friends and families of victims of these horrible bombings and assure the people of Israel that the United States of America is firmly committed to combating terrorism and its roots abroad.

A TRIBUTE TO DR. LEONARD BAILEY

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1996

Mr. LEWIS. Mr. Speaker, I would like to bring to your attention the fine work and outstanding public service of Dr. Leonard Bailey of Loma Linda, CA. On March 12, Dr. Bailey, a pioneer in infant heart transplants, will be appropriately honored for his contributions to the health of children, with the dedication of a 10-acre park named in his honor in Loma Linda.

Dr. Bailey is a world famous authority on infant cardiac transplantation and his education, training, and professional accomplishments are very well known. In 1984, Dr. Bailey first received attention with the transplantation of a baboon heart into a 12-day-old girl. While the infant, known around the world as Baby Faye, died 3 weeks later, she was the first of many infant heart transplants. Eddie Anguiano—who was known as Baby Moses when he was given a human heart transplant as a four-day-old baby in 1984—is today a healthy, active youngster as a result of Dr. Bailey's work.

Dr. Bailey is chairman of the department of surgery and surgeon-in-chief of the Loma Linda University Children's Hospital. He is professor of surgery in the School of Medicine of Loma Linda University and directs surgical training programs at the University Medical Center.

In 1989, the city of Loma Linda purchased a 10-acre parcel of land adjacent to the Bryn Mawr Elementary School. Elmer Digneo, then mayor of Loma Linda, suggested that because the park was adjacent to an elementary school, it be named after Dr. Bailey for his lifelong dedication to the health of children. On February 13, 1990, the local city council officially named the park the Leonard Bailey Park. Work is now underway to provide diverse recreational use—a baseball diamond, tennis courts, a full-sized soccer field, facilities for little league baseball, and others—at the park. Dr. Bailey joins Mayor Digneo and Hulda Crooks as two local citizens distinguished by parks named in their honor.

Mr. Speaker, I have known Dr. Bailey and have admired his work for a great many years. A photograph of Dr. Bailey and many of the children he has provided with a second chance, hangs proudly in my office. I ask that you join me, our colleagues, and many of Dr. Bailey's friends and colleagues in recognizing his remarkable achievements at the official dedication of the Leonard Bailey Park in Loma Linda.

SALUTE TO MARGARET BUSH WILSON

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1996

Mr. CLAY. Mr. Speaker, in keeping with this year's Black History Month theme, "African-American Women: Yesterday, Today and Tomorrow" I would like to pay tribute to an outstanding St. Louisan who exemplifies the highest values and qualities of leadership in the African-American community, Mrs. Margaret Bush Wilson.

Mrs. Wilson is a St. Louis native who graduated from Sumner High School and received a B.A. degree in economics, cum laude, from Talladega College. She went on to earn her LL.B. from Lincoln University School of Law. Mrs. Wilson has been a highly respected jurist in St. Louis for many years and is admitted to practice before the U.S. Supreme Court. She has also taught at the CLEO Institute and St. Louis University School of Law.

Margaret Bush Wilson has dedicated her life to the fight for civil rights and racial equality, carrying on a family tradition of community service. Mrs. Wilson's mother, Berenice Casey, served on the executive committee of the St. Louis NAACP in the 1920's and 1930's and her father, James T. Bush, Sr., a pioneer real estate broker in St. Louis was the moving force behind the Shelley vs. Kraemer case which led to the landmark U.S. Supreme Court decision outlawing racial restrictive housing convenants.

In addition to being a prominent St. Louis leader, Margaret Bush Wilson has served in many national positions. She was national chairperson of the NAACP Board of Directors from 1975 to 1984. She has also served in the following Federal, State, and local posts: U.S. attorney, legal division, the Rural Electrification Administration of the U.S. Department of Agriculture, assistant attorney-general of Missouri, legal services specialist, State Technical assistance Office, War on Poverty; administrator, Community Services and Continuing Education Programs, title I, Higher Education Act of 1965 in Missouri, and acting director, St. Louis Lawyers for Housing.

Mrs. Wilson actively serves in numerous organizations committed to education and social justice. She is a member of Alpha Kappa Alpha Sorority and is the recipient of many civic and professional awards including honorary degrees from St. Paul's College, Smith College, Washington University, Kenyon College, Talladega College, Boston University, and the University of Missouri-St. Louis.

Margaret Bush Wilson is a cherished member of the St. Louis community and a distinguished black woman. She has demonstrated a deep understanding of the history of the black community and displayed the highest level of compassion for equal justice. She has truly dedicated her life to improving the future of the black community.

Mr. Speaker, I am honored to salute Mrs. Margaret Bush Wilson, a force for good in our society who has helped change the course of African-American history.

TECHNOLOGY FOR EDUCATION AND TRAINING

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1996

Mr. HAMILTON. Mr. Speaker, I am inserting my Washington Report for Wednesday, March 6, 1996 into the CONGRESSIONAL RECORD.

TECHNOLOGY FOR EDUCATION AND TRAINING

Although the Indiana economy has shown some strengths in past months, I sense a great deal of unease as I travel around the 9th District. People are concerned about the economy and job security, and worry about their future and their children's future. And this is not just in Indiana. Many people across the country are uneasy about their economic future in the new global economy that means stronger competition and rapidly advancing technology. Hoosiers are interested in what it will take to better prepare themselves in this new global job market. One idea getting increased attention—especially for rural areas—is distance learning through sophisticated computer links.

OPPORTUNITIES

We often hear of the cyberspace revolution, the Internet, the Web, and going on-line. Behind the new and often confusing terminology is the potential to significantly upgrade the skills of Hoosier students and workers. The economy increasingly demands a workforce that is well-educated, particularly in math and science, and has important communication and computer skills. Rural areas, such as in southern Indiana, often do not have the resources to build new training or education facilities, but can get the latest information and expertise through telecommunications and computer technologies.

"Distance learning" means using a variety of technologies to reach learners hundreds of miles away. Instead of traditional, instructor-led classroom teaching, people could learn through self-directed and interactive courses run through multi-media computers. Thus, for example, teachers in elementary and secondary schools could bring the vast resources available on the Internet to our students, such as accessing the latest news stories or taking them on a "virtual field trip" through the Amazon rain forest without ever learning their class-room. College students could tap into courses being taught at distant campuses in areas such as life sciences, business management or engineering technology. Someone working during the day could spend some time at a business or industry site to improve skills in everything from speech communication to computer-aided design.

FEDERAL GOVERNMENT EFFORTS

The federal government helped lay the groundwork for the Internet, the worldwide connection of computers at libraries, universities, governments, and businesses. It is also helping to build the Information Superhighway—including Indiana's version, Access Indiana—which will make access to the Internet much easier.

The National Science Foundation recently funded the Rural Datafication Project, a nineties version that brought electricity to rural areas some sixty years ago. This project is to determine how rural communities spread over large areas can be given access to the Internet. The federal government also helps promote distance learning and rural student access to previously unavailable courses.

President Clinton recently announced an initiative that makes upgrading the technological literacy of our young people a high priority for his administration. He has proposed creating a $2 billion seed money fund that would help connect all U.S. schools and libraries to the Internet.

INDIANA EFFORTS

In Indiana, Governor Bayh has undertaken several initiatives to improve distance learning and computer use in the schools.

Indiana now ranks among the top ten states in the ratio of students to computer. Indiana is also among those states which have state-supported telecomputing networks for K-12 instruction, and several K-12 schools in the 9th District have already made their debut on the World Wide Web with their own Home Pages posting a variety of information on school activities and educational material.

The Indiana Higher Education Telecommunications System (IHETS) operates a satellite-based TV network that delivers its programs to 300 sites across the state, including 100 K-12 schools, 48 business and industry sites, and 33 hospitals. Most of the programming allows for "live interaction" of students off-campus.

The Indiana Partnership for Statewide Education (IPSE), a consortium of Indiana's independent and public higher educational institutions, is developing programs to bring higher education courses via satellite, cable TV, and computers to citizens wherever they may live. It is already offering 300 degree and non-degree courses throughout Indiana. The offerings include undergraduate and graduate, continuing education, professional development, and independent study courses.

Indiana is also active in the Rural Datafication Project, with a site in Moores Hill hosted by the Southeastern Indiana Rural Telephone Cooperative providing an Internet access program. Another project initiated by the Wilson Education Centers in Jeffersonville has connected to the Internet 180 school buildings in 12 counties in the southeastern corner of our state. Various state grants are available to help schools and communities hook up to the Internet.

ASSESSMENT

The solution to the challenge of upgrading the education of our children and the skills of our workers cannot be found in technology alone. But there is no doubt in my mind that we must take advantage of what technology has to offer. Indiana is taking some important steps to improve its distance learning programs, and these need our support, especially for the rural areas of our state. We cannot afford to have another two-tiered population—those who have access to the information highway and those who do not.

But we need more than technology and hookups. We also need a sustained dialogue among students, teachers, businesses, and community leaders to formulate a workforce development policy that is best suited for the particular needs of our region. Businesses interested in expanding their operations in southern Indiana have to play a role in defining the skills they expect from potential employees. Similarly, teachers know our strengths as well as weaknesses, and are crucial in defending curriculum and teacher training in the new technology so it becomes an integral part of instruction. Combining these recommendations with inputs from the community, we can build on and enhance the various programs already in the works.

Few things are more important to me than the education of our children and good jobs for our communities. Distance learning and improved computer links will play an increasingly important role in our efforts to upgrade our students' and workers' skills. It is an investment in our future worth making.

SALUTE TO THE FEDERATION OF DODECANESE SOCIETIES

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1996

Mrs. MALONEY. Mr. Speaker, I rise today to bring to the attention of my colleagues a philanthropic organization that traces its roots back to the Dodecanese Islands of Greece. The Dodecanese Islands include Rhodes, Kos, Patmos, Kasos, Symi, Kalymnos, Haiki, Tilos, Astypalea, Kastelorizo, Nisyros, Karpathos, and Leros. These historic islands housed the Colossus of Rhodes and are where Hippocrates, the father of medicine, founded the first western medical school. These islands are prominently mentioned in Greek history and legend.

When migrating to the United States, the Dodecanese Greeks brought with them their love of Hellenic culture and Democracy. They were the first to form an antifascist movement, in New York City, after Mussolini's ascension to power in Italy. The movement's members played a major role in the liberation of the islands from Italy and Turkey. The Dodecanesians who love democracy and freedom, not only fought in Greece, they served in the armies of Abysinnia, Spain, and the American military on all fronts in the Second World War.

On March 7, 1996, the members of the Dodecanese Societies in my district together with all the members and friends of the society will celebrate the 48th anniversary of the unification of the islands with Greece. The members of the Dodecanese Societies are unique individuals who love their Greek heritage and the United States. They take the best of both worlds, to create a true cultural blend, that is better than the individual.

Today, the society continues its positive role. The Federation serves as a link to the Hellenic past and a springboard to the future. Under the presidency of Professor Christopher I. Koronieos, the organization is concentrating on its young since those individuals will play an important role in the growth and success of the United States. But, they do not forget their heritage and will always fight for freedom and human rights, be it in New York or Imia.

So I ask my colleagues to join me in congratulating the Federation of Dodecanese Societies for their past accomplishments and future endeavors.

CELESTIAL ECONOMICS

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1996

Mr. JACOBS. Mr. Speaker, the great Sid Taylor of the National Taxpayers Union Foundation takes pen in hand once more, and hits the bull's eye.

CELESTIAL ECONOMICS

(By Sid Taylor, Fiscal Poet)

We had a bitter standoff
But, the controversy is through.
We're going to balance the budget
In the fiscal year of 2002.
So, now there's no need to worry,
Our national debt is fine,
The White House and Congress
Agree on a $5 trillion credit line.
The deficits don't really matter,
They're just a little more red ink,
So, like the sinking of the Titanic
$164 billion won't put us in the drink.
Now, about those interest payments
To finance our national debt,
They're only $333 billion a year
So, there's no need to get upset.

SCHOOL PRAYER

HON. DAVID FUNDERBURK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1996

Mr. FUNDERBURK. Mr. Speaker, I believe our leadership should express its concern about the despicable act of an Atlanta TV station toward one of our Presidential candidates. I, for one, regret the way Alan Keyes was treated by being handcuffed and shoved in a parking lot. While I have made no endorsement in this primary, the profamily and provalues message of Alan Keyes deserved to be heard in the Georgia debate.

The 104th Congress has spent its first year addressing economic issues. While these issues are of vital importance to American businesses and families, let us not forget the contract with American families. Especially in the absence of White House leadership, it is now time for us in the second session of the 104th Congress to address the moral and spiritual crisis facing America. The breakdown of families and the disregard of moral values are at the very root of our economic woes.

Many Federal programs may have contributed to increased drug use, promiscuity, breakup of the traditional family unit, alternative lifestyles, and reliance on Government rather than work and individual responsibility. It's time the Federal Government sends our young people and families a clear message regarding values such as hard work, discipline, respect for human life, individual responsibility, and the sanctity of marriage. And since we can still begin each day with prayer in the U.S. House, it's time we return prayer to our schools.

TRIBUTE TO CARDINAL JOHN KROL

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1996

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to pay tribute and honor Cardinal John Krol. One of the Philadelphia region's dearest religious leaders, Cardinal Krol passed away early Sunday morning at his home in Pennsylvania.

Born on October 26, 1910, in Cleveland, OH, Cardinal Krol's beginnings were humble and his aspirations never lofty. All that he ever wanted was to be a priest so that he could better serve God and people. During his 27 years as Archbishop of Philadelphia, the Nation's sixth largest archdiocese, Cardinal Krol accomplished that goal, helping to create a better life for the residents of the Delaware Valley and everyone whose lives he touched.

As Archbishop, his accomplishments in the Archdiocese of Philadelphia were great. During his tenure, over 100 new churches were built, the Catholic school system was extended far into the suburbs, and services for refugees, the elderly, youth, and the hungry were expanded.

Best known for his strict conservatism on matters of Church doctrine, such as his opposition to the ordination of women and his strong stand against abortion, Cardinal Krol was steadfast in his beliefs. However, he also pursued a social policy that championed the rights of workers and the poor. Additionally, Cardinal Krol reformed the confusing and cumbersome annulment process in the archdiocese for Catholics who were trapped in marriages without love.

Cardinal Krol is also well known as being a close friend of Pope John Paul II, and by some accounts was instrumental in his election as the first Polish pope by the Cardinal College in 1978. While Pope John Paul II is credited by some as playing a pivotal role in freeing Poland and Eastern Europe from communism, Cardinal Krol also worked to achieve those same goals. Of Polish ancestry himself, Cardinal Krol often made Polish-language broadcasts on Radio Free Europe. Additionally, Cardinal Krol, like Pope John Paul II, supported Lech Walsea and Solidarity in their ultimately successful anti-Communist activities.

A great religious and spiritual leader, Cardinal Krol will be remembered in the hearts of the people of Delaware Valley for many years to come. Mr. Speaker, at this time, I ask my colleagues to join me in paying tribute to the late Cardinal John Krol. He will be greatly missed by his family, friends, and all of the people of the Philadelphia area.

LEGISLATION TO REAUTHORIZE THE SAFE DRINKING WATER ACT

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1996

Mr. POMEROY. Mr. Speaker, I rise today to discuss a bill I introduced to reform the Safe Drinking Water Act [SDWA]. This bill, which is identical to legislation passed unanimously by the Senate, would cut burdensome regulations, eliminate unnecessary testing requirements, and assist communities in making sure their drinking water is clean and safe.

Since I was elected to Congress, I have been working to pass legislation to reauthorize and reform the Safe Drinking Water Act. During the 103d Congress, I joined Congressman Slattery and others in introducing H.R. 3392 which passed the House and was the main bill around which negotiations centered. Unfortunately, Congress adjourned before final action could be completed. I am hopeful that with the overwhelming support this bill received in the Senate, swift action will be taken in the House in the near future.

Over the past 3 years, I have visited several small water systems in North Dakota. Through my visits and conversations with system operators, I have become very familiar with the workings of this law. Many small and rural water systems simply cannot comply with these mandates—they don't have the technology and they don't have the resources. This law has driven many North Dakota communities to the edge of bankruptcy, while others have had to ignore the law in order to survive financially.

I firmly believe the rules of SDWA should fit the communities it is designed to serve. The original law was based on large water systems and subscribes to a one-size-fits-all approach to the problem. I believe a more prudent approach is to take the actual threat to public health into consideration and allow communities to target scarce resources to those needs.

This bill does just that. It reduces the regulatory burden imposed on States and public water systems, increase State authority and flexibility, provides financial assistance for unfunded mandates, and directs the Environmental Protection Agency to consider costs and benefits when setting new standards. Importantly, small systems are given special consideration under the legislation. The bill requires the EPA to consider system size when determining the best available technology to address a risk, permits States to issue variances, and provides for technical assistance grants.

Of particular concern to me regarding the current law are the arbitrary numbers of specific contaminants that must be regulated—without regard to the risk they present. Currently, communities must monitor for 83 contaminants and the EPA will require monitoring for 25 more contaminants every 3 years. The bill passed by the Senate and which I have introduced eliminates this requirement and establishes a process for EPA to select and list contaminants for regulatory consideration based on occurrence and health effects.

I am hopeful that the House of Representatives will follow the Senate's lead and take swift action to move this bill.

SPECIAL APPLICATION OF SECTION 1034 OF THE INTERNAL REVENUE CODE

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1996

Mrs. MINK of Hawaii. Mr. Speaker, today I introduced a bill to provide for a special application of section 1034 of the Internal Revenue Code of 1986.

According to section 1034 of the Internal Revenue Code: If a property used by the taxpayer as his principal residence is sold by him and, within a period beginning 2 years before the date of such sale and ending 2 years after such date, property is purchased and used by the taxpayer as his principal residence, gain from such sale shall be recognized only to the extent that the taxpayer's adjusted sales price of the old residence exceeds the taxpayer's cost of purchasing the new residence.

When Hurricane Iniki hit on September 11, 1992, the island of Kauai was totally devastated. Thousands lost their homes along with all of their possessions. The hurricane destroyed documents and caused numerous other problems. The crisis left the County of Kauai unable to process claims already in progress in the usual timely fashion. As a result, the 24 month IRS rollover period permitting nonrecognition of gain, on Ms. Rita Bennington's sale of her old principal residence, expired. The delays caused by the disaster are well documented, however the IRS code has no leniency for such unforeseen circumstances.

My constituent, Ms. Rita Bennington, purchased her new residence within the meaning of section 1034, however was unable to meet its requirements with respect to the sale of her old principal residence, due to the delays caused by Hurricane Iniki. This bill would allow her 2.5 years, instead of 2 years, to complete the transaction thereby allowing her to apply nonrecognition of gain provisions to the sale of her old principal residence.

Natural disasters are truly unfortunate. Nevertheless, individuals who suffer as a direct result of such destruction should not be additionally penalized with the denial of an expected tax deduction. Such circumstances should be given legislative relief.

Mr. Speaker, I urge the immediate consideration of this legislation.

IT IS TIME TO STOP THE FLOW OF ILLICIT DRUGS IN THE UNITED STATES

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1996

Mr. SHAW. Mr. Speaker, I rise today to introduce legislation that will authorize the imposition of trade sanctions on countries which threaten the health and safety of U.S. citizens by failing to cooperate fully with the United States regarding the reduction and interdiction of illicit drugs.

The United States has been saturated by a flood of illegal drugs which has resulted in our national security being seriously threatened. Startling new statistics reflect a resurgent drug crisis and a sharp increase in the use of heroin, cocaine, and crack cocaine, LSD, and marijuana by our children—usually between the ages of 12 and 17. We have attempted to fight the drug war by creating joint Federal-State-local task forces and with the Department of Justice's Weed and Seed sites, and by passing strict sentencing laws for drug traffickers.

Now it is clear, however, that we must not only have a tough domestic drug policy, such as by enforcing minimum mandatory sentences for drug traffickers, we must also take our fight across our borders into other countries. We need to send a strong signal to all foreign governments that we are serious about our war on drugs.

Despite the increase of drug use this past year, the administration continues to grant significant trade benefits to countries whose governments have failed to cooperate with the United States in drug interdiction efforts. Clearly, Members of Congress must now assume this responsibility and ban together to protect our country and children from these drugs.

My bill authorizes the imposition of trade sanctions on countries that fail to cooperate fully with us to stop the flow of illicit drugs. Reducing U.S. trade benefits will make foreign governments that willingly allow these drugs to end up on American streets and in American schools to think twice before they look the other way while drug kingpins in their country cultivate and or transport cocaine right before their eyes.

I urge my colleagues to cosponsor this important legislation and send a strong message to foreign countries that the United States is serious about halting the flow of illicit drugs.

EXTENSION OF AGENCY RULEMAKING PERIOD UNDER TITLE I OF THE INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1996

Mr. MILLER of California. Mr. Speaker, today I am introducing a simple bill that amends title I of the Indian Self-Determination and Education Assistance Act. The act, which was enacted in 1975, empowers tribes and tribal organizations to take over the operation of Federal programs that directly benefit American Indian and Alaska Native tribes. In giving tribes greater control of the programs which affect their lives on a daily basis, we sought to foster true Indian self-determination as well as to limit the growth of the attendant Federal bureaucracy which had sprung up around the Federal Indian programs.

In the 103d Congress, we amended the Indian Self-Determination Act in response to the 6-year refusal of the Departments of the Interior and Health and Human Services to promulgate rules to carry out certain provisions in the act. Through the Indian Self-Determination Act Amendments of 1994, we streamlined the contracting process, curbed the Departments' rulemaking authority, and required the Departments to negotiate new regulations with the Indian tribes.

In order to prevent any further agency intransigence in promulgating regulations pursuant to the Departments' remaining rulemaking authority, the 1994 amendments contained a sunset provision which terminates the Departments' ability to issue regulations if they fail to do so within 18 months of the date of enactment. The Departments' rulemaking authority is set to expire on April 25, 1996.

Since enactment of the 1994 amendments, the tribes and the Departments have proceeded to negotiate a draft set of regulations to carry out the terms of the act. Although the tribes and the Departments finished work on the draft regulations by the end of October 1995, the two Government shutdowns and a spate of bad weather prevented the agencies from publishing the proposed regulations until January 24, 1996. The 60-day public comment period runs until March 25. The tribes and the Departments have both committed to a final meeting prior to publication of the final regulations in order to review, discuss, and reach a consensus regarding the comments received by the Departments.

The tribes and the Departments both fear that there will not be enough time to conduct a final meeting and allow for adequate agency review and integration of tribal comments into the final regulations by April 25. The tribes and agencies are in agreement that they are better off with the negotiated regulations than with no regulations at all. Thus, the tribes and the Departments have asked Congress to amend section 107(a)(2)(B) of the Indian Self-Determination Act to extend the sunset provision by 2 months.

Mr. Speaker, that is what this bill does. I would like to note that not only does this bill have the support of the Indian tribes and the administration, but it enjoys bipartisan support in the Congress. I urge my colleagues to support its swift passage.

THE RICKY RAY HEMOPHILIA RELIEF FUND ACT: HELPING THE VICTIMS OF HEMOPHILIA-ASSOCIATED AIDS

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1996

Mr. STUDDS. Mr. Speaker, I would ask each of my colleagues to imagine that you are the parent of three fine sons, each of whom has inherited the gene for hemophilia. Then imagine, if you can, that each of your sons acquires the AIDS virus through a contaminated blood transfusion. Your first son dies at age 40; the second, at 37, and your surviving son is very sick. Among them, they have nine children—your grandchildren—all of whom will be left fatherless.

At least one family in my congressional district does not have to imagine what that would be like. They know, because it is precisely what has happened to them. The heartbreaking story of the family of Joseph and Jacqueline Savoie is movingly told in an article by Liz Kowalczyk of the Patriot Ledger, published January 6–7, 1996, which I ask to have inserted in the RECORD.

Nor is their story unique. I have received letters from people throughout New England who have lost family members to hemophilia-associated AIDS. At least 8,000 people with hemophilia and other blood-clotting disorders contracted HIV/AIDS from transfusions of contaminated antihemophilic factor [AHF] between 1980 and 1987. This means that as many as half of all individuals who suffer from blood-clotting disorders were exposed to HIV through the use of AHF.

Every death from AIDS is a tragedy that touches many lives. Yet who can fathom the sheer devastation inflicted on families such as these? The enormity of their experience becomes still more compelling when one learns that the Government could have acted to prevent it.

In 1980, when the first gay men began falling ill from the mysterious ailment that would ultimately be called AIDS, the technology became available to pasteurize blood-clotting agents. Yet for 7 years the Reagan administration failed to require the blood products industry to make use of this technology. Nor did the Government require the industry to inform the public about the risks of contamination with blood-borne pathogens such as HIV.

The failures of our public health system that contributed to this catastrophe are documented in a report by the Institute of Medicine of the National Academy of Sciences, commissioned by Secretary Shalala and published last year. The report recommends a series of steps that will help ensure the safety of the blood supply so that future tragedies can be prevented.

Such forward-looking measures are essential. But we also have a responsibility as a society to make restitution to those for whom these steps have come too late. That is why I have joined with Congressman PORTER GOSS of Florida in introducing bipartisan legislation to provide partial compensation to these individuals and their families. The bill, H.R. 1023, is known as the Ricky Ray Hemophilia Relief Fund Act. It is named for a young man from Florida with hemophilia-associated AIDS, who died in 1992, at the age of 15.

The bill would establish a Federal trust fund to provide $125,000 in compensation to victims or their survivors. This may seem like a substantial amount of money in these budget-cutting days. In fact, it will not even cover the annual medical costs incurred by many of these families. As Steve Savoie wrote to me last year, "I have been stripped of my dignity and can no longer support my family. * * * The financial stress is a big part of our lives. * * * There are days I can just barely make it through the day, only to get bill collectors calling the house looking for payment."

The compensation this legislation would provide cannot undo the terrible harm that has been done to Ricky Ray, Joe, Phil, and Steve Savoie, and the thousands like them. But it is the very least we can and must do. I commend Congressman GOSS for introducing this bill, and urge my colleagues to join us and our 181 current cosponsors in supporting it.

[From the Patriot Ledger, Jan. 6–7, 1996]

ANGER, TEARS REVEAL FAMILY'S TRAGEDY

(By Liz Kowalczyk)

For the past five years, Joseph and Jacqueline Savoie have watched life slip away from their three youngest sons. But they couldn't bring themselves to tell people why.

When the boys were born with hemophilia in the 1950s, the Savoies thought that was the worst they would have to face.

Each time Joseph Jr., Steven and Philip hurt themselves playing baseball or climbing a tree, they were guaranteed a series of transfusions and weeks in the hospital.

So when drug companies started selling a blood-clotting solution that their sons could inject at home, the Savoies were thankful.

Then their gratitude turned to outrage.

The same product that granted Joe, Steve and Phil such freedom became a death sentence.

Sometime during the early to mid-1980's each of the three brothers contracted the AIDS virus from contaminated blood used in the clotting solution.

Joe was the first to die of AIDS-related lung cancer in January 1992. He was 40.

Phil, the baby of the family, died June 6 of AIDS-related illnesses, including pneumonia. He was one week short of his 38th birthday.

Steve, 41, is the sole survivor.

"I'm really scared," he said. "Since Thanksgiving, I've had problems with my throat. I'm afraid it's the beginning of things."

His weight has dropped from 200 to 176 pounds, and his tonsils have become so swollen in the last few days he just eats Cream of Wheat.

Steve's mother lies awake at night and prays.

"We prayed for a miracle, we prayed for drugs, we prayed to every saint, and finally you give up," she said. "You feel like you're sitting on railroad tracks and you know the train is coming but there is nothing you can do to stop it."

Kathy Savoie, Steve's wife, interjected: "We're still praying."

The Savoies told no one but a few close friends and their extended family what was killing their sons. Not their coworkers and not their neighbors in Weymouth and Abington. They worried that people in their suburban communities would ostracize them or ask too many painful questions.

But Steve convinced his family that talking about their very personal tragedy will help ease their frustration.

Steve and Kathy live in Weymouth with their two teenagers, Steven Jr., 14, and Kelly, 17. Kathy and the children have tested negative for HIV, the virus that causes AIDS.

He decided to tell his story after the Supreme Court declined in October to consider a class-action lawsuit, which was brought by AIDS-infected hemophiliacs against four drug companies and the National Hemophilia Foundation.

He and the rest of the family are also frustrated that legislation giving $125,000 to anyone with hemophilia-related AIDS, or to their survivors, has been stalled in Congress for months. Supporters say the money would compensate victims for the Food and Drug Administration's failure to pull the contaminated products off the market sooner.

"It makes me so awful damn mad to think we lost two boys and they sit back and act like it's nothing," said Joseph Savoie, a retired Weymouth firefighter who now lives in Abington with his wife.

The Centers for Disease Control estimates that 10,000 hemophiliacs—half of all those in the United States—contracted the AIDS virus before the mid-1980s. That's when drug companies started heat-treating the blood products used in the clotting solution, a procedure that usually kills the virus.

About 2,000 hemophiliacs nation-wide have died of AIDS. In Massachusetts, 358 people are known to have contracted HIV from blood products. Two-thirds of those people have died. Activists estimate that in the suburbs south of Boston about two dozen families have children who are infected.

The numbers haunt Steve Savoie.

"The last time I was in the hospital, I was looking out the window," he said. "I imagined I saw Joe's and Phil's faces. They were asking me to do something. I'm the only one left."

"WE WERE HELLIONS"

During the 1950s and 1960s, when Joe, Steve and Phil were children, hemophiliacs had to go to the hospital for blood-clotting transfusions.

Hemophiliacs—who are almost always boys who inherit the condition from their mothers—lack clotting proteins in their blood. Some needed weekly transfusions. Less severe hemophiliacs, like the Savoie brothers, have some clotting power in their blood, and need transfusions only when they get hurt.

"The doctors said not to climb trees, but we did. They said not to ice skate, but we did," he said. "We were hellions."

Steve ended up in the hospital every couple of months for the little accidents that almost every kid stumbles into. Once, he absentmindedly stuck his tongue to an iced-over porch railing and pulled off the skin. Another time, he tripped over some bricks in a yard while delivering newspapers. The sprained ankle caused internal bleeding.

So in 1968, when the FDA approved the first clotting powder that hemophiliacs could mix with sterile water and inject at home, it seemed like a gift.

But there was a problem. By the late 1970s, the clotting medicine was manufactured from the blood of tens of thousands of donors, many of them intravenous drug users who were paid for their blood.

The collection centers did not screen them for HIV, and just one infected donor could contaminate the entire pool of blood.

Steve said he had no idea how big a risk he was taking each time he injected the solution until one night in 1985 or 1986 when he turned on the national news.

He was shocked by what he heard: There was evidence that the blood products were contaminated with the AIDS virus, and hemophiliacs should order heat-treated blood products. Steve said he immediately called his brothers to warn them.

The next morning, Kathy Savoie called the New England Hemophilia Center at Worcester Memorial Hospital, from which the Savoies ordered their clotting medicine.

"They said we could not get a new supply until ours was gone," she said. "I hung up, we took everything out of the refrigerator and put it all in a big garbage bag. I called them back and said 'We're out of it, so send us the heat-treated stuff.'"

But it was too late.

Jacqueline Savoie said tests later showed that Joe, an electrician, was infected sometime in the spring of 1984. She's not sure when Phil, a carpenter, contracted the virus.

Steve was so afraid that he waited six months to get tested for HIV, and then he waited another six months to call for the results.

Steve said he doesn't know exactly when he was infected. AIDS first started appearing in the United States in 1981, and the drug companies did not start exclusively selling heat-treated blood products until 1985. His infection was probably sometime in between.

During that period, Steve worked as a carpenter, and as is often the case in his line of work, he was injured several times. He could have contracted the virus in July 1984, the month that he replaced the roof on his house. When the wooden planks he was standing on collapsed from their metal staging, he fell to the ground.

LIVING WITH ANGER

One day last month, Joseph, Jacqueline, Steve and Kathy gathered to talk around the kitchen table at the younger couple's home in Weymouth.

Joseph Savoie retired in 1983 after 30 years as a Weymouth firefighter, and built a house in Abington. All of the couple's other children—Rhona Barone, David Savoie, Joann Dunbar and Dan Savoie—have stuck close to home, settling in either Weymouth or Abington. Another child, also named Joseph, died of meningitis as an infant many years ago.

But these days many of the family's traditionally boisterous birthday and Christmas parties end in tears, so they just don't get together as often. Joseph and Jacqueline have 27 grandchildren, four great-grandchildren and two more great-grandchildren on the way.

"I had everyone over for Christmas, and I tried to be strong," Steve said. "I didn't want to show my sadness. But it was a terrible night for me."

Steve is one of the quieter members of the family, and his parents and wife express many of the emotions one would expect him to show. He holds it in.

His wife is hopeful that he will live a long time. His father is sad, and his tears come easily. When his parents talk about the past 10 years, they both have have spurts of anger.

Everyone seems numb.

"There's no sudden impact," Joseph Savoie said. "It's not like you open the door and there it is. We live with each new pain, day to day."

What makes Joseph and Jacqueline so mad is that all three of their sons were born with mild cases of hemophilia, so mild that if they'd known about the risk of contracting AIDS, they would not have used the clotting product. They would have waited out the pain of an internal injury, or checked into a hospital for a transfusion, which would have greatly lessened the chance of HIV infection.

The more they've found out, the angrier they've become.

Steve said the drug companies should have been purifying their products with heat treatment long before AIDS became a problem. There was suspicion as early as the 1970s that hemophiliacs were contracting hepatitis from the blood products.

He said the National Hemophilia Foundation did not advise members against injecting the products in the early 1980s because it received financial support from the drug companies, Rhone-Poulenc Rorer; Armour Pharmaceutical; Miles, Baxter Healthcare; and Alpha Therapeutic.

The manufacturers have said they acted as quickly as possible, and that little was known about how AIDS was transmitted.

A recent report from the non-profit Institute of Medicine said the FDA depended too heavily on company officials for advice on whether to pull the products off the market.

And even after the companies started the heat treatments in 1983, the companies kept selling the old product for two years, according to Wendy Selig, assistant to Rep. Porter Goss, the Florida Republican who proposed the compensation legislation.

Today many AIDS-infected hemophiliacs are pursuing individual lawsuits. But in many states they are running into obstacles, such as a statute of limitations.

A few people are suing Worcester Memorial Hospital, and Dr. Peter Levine, the former medical director of the hemophilia clinic and now chief executive officer of the hospital. Levine declined to comment.

TOUGH TO KEEP GOING

Before he died, Phil Savoie served on the board of directors of the Committee of Ten Thousand, which spearheaded the class-action lawsuit against the drug companies.

Steve used to ignore his brother's pleas for help with his work.

"I was running from it," Steve said. "I used to take the documents he'd give me and just file them away. They made me too upset."

Today he wishes he had done more then, and could do more now. He would like people to pressure Congress to pass the compensation bill.

The family recently contacted one lawyer, but was told they might not be able to sue successfully because of the state's statute of limitations in such cases. The family plans to investigate this further.

And while Steve says he'd like to be more active in the fight for compensation, it's become harder to maintain his energy.

He stopped working as a carpenter three years ago when he came down with shingles. He remained fairly healthy until November, when he had to check into Quincy Hospital twice for bleeding in his esophagus. But mostly, he is just exhausted.

"I don't go out much anymore," he said. "There are a lot of lousy moments."

Steve and Kathy, an auto claims supervisor for a local insurance company, don't have the physical relationship they used to have. To feel close, they sit by a fire and talk. A good day is like the one they spent in Hyannis in October, visiting craft shops and stopping for lunch.

While Kathy is working, Steve does laundry and housework—if he feels well enough.

"He'd rather remodel the entire house than do laundry," Kathy said. The last few times he's felt energetic, Steve built rollers for the kitchen drawers and put down a new basement floor.

He gives Kathy pop quizzes about what to do if something goes wrong in the house.

"He's so afraid that I might not be able to keep things going," she said. "He's tried to pick out his funeral plot and I won't. I hate all the planning. I don't want to throw in the towel."

Sometimes they just sit and cry for hours.

Steve tries to spend as much time as he can with his children. He let them miss a day of school to go sledding. On Thanksgiving eve, he baked nine pumpkin, squash and mincemeat pies with the two teenagers, an effort that left him exhausted and in bed the next day.

"We tell them I'm feeling good and doing all the right things," he said. "We just have to enjoy our time together."

LEGISLATION INTRODUCED BY REPRESENTATIVE ED MARKEY ON BIOLOGICAL WEAPONS

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1996

Mr. KENNEDY of Massachusetts. Mr. Speaker, I rise in strong support of legislation introduced by Representatives MARKEY, KASICH, and myself addressing problems associated with biological and chemical weapons and the potential threat to the American public.

Together, we have developed two pieces of legislation: first, the measure deals with access to etiological agents, also commonly referred to as pathogens, toxins, or disease organisms, and second, a measure, which I will introduce in the very near future, deals with the appropriate criminal punishments when these agents are used as a weapon of mass destruction to cause death or inflict harm or damage.

JOHN KASICH, ED MARKEY, and I intend to offer amendments to the comprehensive antiterrorism legislation scheduled for consideration before the House of Representatives next week.

The Kennedy-Kasich-Markey Biological Weapons Restrictions Act of 1996 would add provisions recommended by the Federal Bureau of Investigation, the Justice Department, and the Centers for Disease Control [CDC] to current law on weapons of mass destruction and biological and chemical weapons by making the criminal misuse of such biological organisms a Federal crime.

On the surface, the bipartisan Kennedy-Kasich-Markey legislation is very basic. But it represents some very fundamental and necessary changes to current law to fill some very clear gaps identified by the FBI and Justice Departments.

Specifically, the Kennedy-Kasich-Markey bill and amendment would amend the Federal criminal statute to impose mandatory penalties.

First, against anyone who knowingly develops, produces, stockpiles, transfers, acquires, or attempts to acquire under false pretenses any biological agent, toxin or delivery system for use as weapons, or knowingly assists a foreign or any organization to deliver a weapon of mass destruction intended to kill, injure or otherwise harm any persons living in the United States; and

Second, against anyone who knowingly attempts, conspires, or threatens to use any biological agent, toxin or delivery system for use as a weapon, or knowingly assists a foreign state or any organization to do so.

The legislation would also add the term "recombinant DNA material" to the definitions of what constitutes a potential biological weapon if used improperly or as a weapon of mass destruction.

Finally, the legislation would expand the current definition of what constitutes a criminal offense to include those who threaten to use a biological weapon to kill or injure another.

This gap in current law was evident last year, on Good Friday, when, in the weeks following the terrorist incidents in Japan involving the toxin Sarin, an anonymous threat was lodged against Disneyland and its thousands of visitors. The threat demanded a ransom note be paid, or the toxic substance would be released in the Disneyland amusement park. Fortunately, that incident did not result in the threat being carried out, but clearly there is a need to address cases where such threats or other acts of extortion would occur.

In summary, there are two important issues facing this Congress when considering biological or chemical weapons legislation.

The first is how best we can limit access to biological organisms that can be used by a domestic terrorist to make a weapon of mass destruction without inhibiting the very legitimate research of the scientific community in this area. The other issue is how best and how swiftly we will address some very glaring gaps in the current weapons of mass destruction Federal law.

The legislation I have developed, the Kennedy-Kasich-Markey legislation, addresses issues involving the Federal criminal code, title 18 of the United States Code.

The FBI and the CIA have both testified before Congress that terrorism in the form of biological and chemical weapons is the greatest law enforcement challenge of the next decade.

These bills respond to several recent incidents in Ohio, Minnesota, and Mississippi where fringe groups were able to acquire dangerous viruses, pathogens, and toxins but, fortunately, were stopped before a domestic terrorism incident occurred.

In closing, I'd also restate my support for the approach developed by Representative MARKEY, myself, and others.

Congressman MARKEY'S legislation would allow the Centers for Disease Control to develop regulations limiting the relative easy access to these dangerous biological agents to those individuals with insincere motives and illegitimate intentions, while also protecting the very sincere and legitimate scientific research involving pathogenic or etiological material.

There is obviously legitimate day-to-day research involving these dangerous viruses, such as efforts to find an antidote to the Ebola virus, ongoing at dozens, if not hundreds of academic laboratories. This research is ongoing at both Harvard University and Massachusetts Institute of Technology [MIT] in my congressional district. We must take the appropriate steps to protect this legitimate research, and I believe the Markey-Kennedy-Kasich bill is a reasonable step in this direction.

NARCOTICS TRADE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1996

Mr. GILMAN. Mr. Speaker, I am pleased to join my good friends and colleagues, Mr. SHAW of Florida and Mr. HAMILTON of Indiana, in announcing this new and tougher approach in the battle against the international narcotics trade. Our bill, further linking foreign trade to the deadly narcotics business from abroad, is long overdue.

Vice President GORE said not long ago that the annual cost to our society here at home from drug abuse is a staggering $67 billion each and every year. Most of those drugs come from abroad. While the Vice President's estimate is very low in my opinion, it makes amply clear the seriousness of the threat that illicit drugs from abroad pose for our society here at home. For example, the FBI Director attributes about 90 percent of our crime to drugs.

No nation can and should tolerate such destruction coming from abroad, and not take drastic and dramatic action. If we were to add this $67 billion annual cost from drug abuse to any yearly trade picture with the major drug producing or transit nations—who want easy access to our markets—we would see an overwhelming and staggering U.S. trade deficit each and every year with these same nations.

The American people know something must be done. Just recently, a survey of public opinion on U.S. foreign policy indicated that 85 percent of the U.S. public believes stopping the flow of illegal drugs to our Nation is the most important foreign policy issue, topping even the concern for protecting U.S. jobs. Our bill responds to that justifiable public concern of the American people.

Mr. SHAW'S bill, which I am pleased to be an original cosponsor of, will require the imposition of trade sanctions on countries failing to cooperate fully with U.S. efforts against the production and sale of narcotics as evidenced by 2 consecutive years of decertification.

Under our bill, on the recommendation of the U.S. Trade Representative and the Secretary of State, one or more of these trade sanctions must and should be applied. This will provide the administration with yet another vital weapon against the flow of deadly drugs into our Nation.

I want to compliment Mr. SHAW and Mr. HAMILTON for their leadership in this effort. We are and will continue to be very serious about drugs, and the American people's deep concerns, as this effort being announced today clearly reflects.

TRIBUTE TO GREATER BETHEL A.M.E. CHURCH, MIAMI, FL

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1996

Mrs. MEEK of Florida. Mr. Speaker, I rise to pay tribute to Greater Bethel A.M.E. Church, the oldest African-American congregation in the city of Miami.

Since its founding on March 12, 1896, in the home of Mr. A.C. Lightburn, Greater Bethel A.M.E. has been at the center of Miami's spiritual and community development.

Today, in fulfillment of its founder's vision, Greater Bethel A.M.E. Church still nurtures the spirit of its congregation and the entire Miami community.

Standing on the word, under the cross, in its 100 years of existence, 13 men have served as pastor: Rev. W.G. Fields, Rev. W.A. Jackson, Rev. S.J. Johnson, Rev. A.P. Postell, Rev. R.B. Sutton, Rev. H.B. Barkley, Rev. H.W. Fayson, Rev. W.F. Ball, Rev. J.B. Blacknell, Rev. S.A. Cousin, Rev. T.S. Johnson, Rev. Ira D. Hinson, and Rev. John F. White.

As it begins its second century, Greater Bethel A.M.E. Church is responding to many new challenges. Greater Bethel A.M.E. Church provides programs for children and senior citizens. The church provides counseling to drug and alcohol abusers, shelters and clothes the homeless, as well as gives support to people infected with HIV.

A solid rock in Miami's African-American community, Greater Bethel A.M.E. Church continues to uplift and nurture the human spirit while reinforcing the fabric of the community's social and economic well-being.

Greater Bethel A.M.E. Church recognizes that salvation and service go hand in hand. Church members realize, all too well, that you can't speak to someone about God if they are hungry; and that if you're going to save souls, you have to save their bodies too.

Mr. Speaker, I congratulate Greater Bethel A.M.E. Church on the first 100 years and I wish them much success as they carry on their mission through the next 100 years of service and dedication to God and mankind.

LEGISLATION TO REAUTHORIZE THE ADVISORY COUNCIL ON HISTORIC PRESERVATION

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1996

Mr. HANSEN. Mr. Speaker, today I am introducing, by request, legislation to reauthorize the Advisory Council on Historic Preservation for an additional 5 years. The Advisory Council on Historic Preservation, established by statute in 1966, is charged with a variety of responsibilities in carrying out the National Historic Preservation Act. The authorization for the Advisory Council on Historic Preservation is scheduled to expire at the end of the current calendar year.

On March 20, the National Parks, Forest and Lands Subcommittee has scheduled a hearing to conduct oversight of the process for listing resources on the National Register of Historic Places and the section 106 review process for analyzing impacts to National Register properties, as well as several historic preservation measures currently before the subcommittee. It is my intend to consider this legislation at this hearing. Therefore, I encourage all Members who have an interest in this topic to make their views known to the subcommittee so they can be fully considered.

ADVISORY COUNCIL ON
HISTORIC PRESERVATION,
Washington, DC, February 26, 1996.

Hon. NEWT GINGRICH,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Enclosed is a bill amending the National Historic Preservation Act of 1966, as amended, that will continue the appropriations authorization for the Advisory Council on Historic Preservation. Established in 1966, the Council is an independent Federal agency responsible for advising the President and the Congress on historic preservation matters and commenting to Federal agencies on the effects of their activities upon significant historic properties.

In 1992, the Council requested the President and the Congress to amend Section 212 of the National Historic Preservation Act of 1966 (16 U.S.C. Section 470t) to continue the appropriations authorization for the Council at a level of $5 million from FY 1993 through FY 1996. That amendment was subsequently enacted as Public Law 102-575 on October 30, 1992.

Because the Council's appropriations authorization expires with the current fiscal year, we are now requesting that legislation be passed to continue the necessary authorization. We recommend that the enclosed bill be referred to the appropriate committee for consideration, and that it be enacted. The draft bill would coordinate the Council's reauthorization with current budgetary planning, which attains a balanced budget in FY 2002, by providing appropriations authority from FY 1997 through FY 2002.

Sincerely,

CATHRYN BUFORD SLATER,
Chairman.

A POINT-OF-LIGHT FOR ALL AMERICANS: MARY ELLEN PHIFER-KIRTON

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1996

Mr. OWENS. Mr. Speaker, I rise to join thousands of my constituents and friends in Brooklyn and New York in saluting Mary Ellen Phifer-Kirton as a point-of-light for all Americans.

"First Lady of Brooklyn CORE" is the title we assigned Mary Phifer in the turbulent sixties, when Brooklyn's chapter of the CORE movement was on the cutting edge of the boldest actions. More than 800 people were arrested challenging discrimination in the construction industry at Downstate Medical Center. We dumped garbage on the steps of Borough Hall to demand better collection in Bedford Stuyvesant. We organized over 100 buildings with rent strikes. Through it all Mary Phifer was our inspiration in Brooklyn CORE.

Mary Phifer moved to Brooklyn from Kannapolis, NC, in 1948. As a single parent she has raised four sons—John, Willis, Bernard, and Quentin—a daughter Teresa, plus several nieces and nephews. In 1975 she married Randolph Kirton. During the entire period of her residency in New York, Mary has always resided in Brooklyn. This adopted daughter of Brooklyn obtained an AA in public administration from Kingsborough Community College and a BS in public administration from Medgar Evers College.

A very special person, Mary Ellen Phifer-Kirton is retiring after 28 years of dedicated service with the New York City Community Development Agency. Mary has been a committed community advocate and volunteer. She serves on the boards of the Association of Community Organizations for Reform Now [ACORN], the Brooklyn chapter of the American Civil Liberties Union, Fort Greene Senior Citizens Council, the Mutual Housing Association of New York, and the United Communities

Democratic Club. She is also a member of the Greater Bibleway Temple, 100 Women for Major Owens, and the League of Women Voters, Midwood chapter.

In addition to her lifetime of activism in the world community, Mrs. Phifer-Kirton has devoted 28 years of her civil service career to community action at the New York City Community Development Agency [CDA]. During the 6 years that I served as commissioner of the CDA, Mary was a staff member. Mary has been in the field since April 1967 when she began her first assignment at CDA monitoring the neighborhood summer programs. By May 1981, she was the district officer of all of the CDA funded agencies in the borough of Brooklyn.

Individuals like Mary are all too rare. She cares deeply about the community, so much that she has devoted over two decades of struggle in the fight to improve the lives of others. At a time when voluntarism and community involvement is decreasing, it is appropriate that we join with Mary's friends and family in celebrating this point-of-light in the 11th Congressional District. Before she relocates to Kannapolis, NC, friends and followers of Mary Phifer are assembling for a special tribute to Mary Phifer on Friday, March 8, 1996. We all welcome this opportunity to show how much we appreciate Mary's life of service in New York. She will always be "First Lady" in our hearts. And for the people of the Nation Mary Ellen Phifer-Kirton is a great point-of-light.

MELISSA CORNELL NAMED TO CARRY OLYMPIC TORCH

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1996

Mr. FRANK of Massachusetts. Mr. Speaker, one of the few positive issues on which much of the world unites these days is support for the Olympic games. For most Americans, the fact that the games will be held in the United States makes this year's games especially important. And for these reasons, the people of southeastern Massachusetts, and especially the people of the town of Freetown, are proud that Melissa Cornell of Freetown has been named as one of those who will carry the Olympic torch. As the accompanying article from the New Bedford Standard Times shows, Melissa Cornell is an extremely impressive young woman, and I congratulate Lisa Devlin of the I.H. Schwartz Center for nominating her and the U.S. Olympic Committee for selecting her for this honor. Mr. Speaker, the story of this young woman is an inspiring one and I ask that the article from the New Bedford Standard Times about Melissa Cornell and her selection as an Olympic torch bearer be printed here.

[From the New Bedford Standard Times]

COMMUNITY HERO CHOSEN TO CARRY OLYMPIC TORCH

(By Elizabeth Lawton)

In July, the Olympics will be coming to Atlanta. For lifelong resident Melissa Cornell, the festivities have already begun.

Thanks to a nomination sent in to the U.S. Olympic Committee by Lisa Devlin of the I.H. Schwartz Center in New Bedford, stating Melissa's kindness, generosity and willingness to always help others, a package arrived at her Chipaway Lane home via UPS, informing her of being selected to carry the Olympic torch on June 15 in Boston.

"I'm wicked excited, but I didn't really believe it," said Melissa.

The road that brought Melissa here has not been without pain and struggles.

Melissa, daughter of Steven and Alice Cornell, was 4 years old when a brain tumor was discovered. She endured three operations that left her partially paralyzed. She was a student at the I.H. Schwartz Center before going on to graduate in 1983 from Apponequet Regional High School in Lakeville.

She has since given freely of her time at the center, and to Easter Seals and many other charitable organizations that she feels she can help.

Melissa's philosophy for life is one of giving back to those who have helped her along the journey. Some might look at Melissa and see her as physically challenged; I had the privilege of spending a recent snowy afternoon watching her teach an 8-year-old to tie shoes, do origami and zipper, all with the use of only her left hand. It was I who felt challenged.

Melissa doesn't allow much to slow her down. "I like to get up every day and do things," she says.

On Feb. 21, Melissa, along with 67 other Massachusetts residents, was honored as a community hero in a reception at Boston City Hall, with the Boston Mayor Thomas Menino welcoming his guests, along with Marion Heard, president of the United Way of Massachusetts Bay, and respresentatives of Coca-Cola Bottlers of New England.

Melissa will receive an official Olympic running uniform that she will wear June 15 as she carries the 3½-pound torch and runs her half mile toward yet another goal: representing Freetown in this official Olympic event.

We all need heroes to help us remember the goodness in all people.

Melissa, we are proud to know you and have you as our hometown hero. We will be with you—if not in body, in spirit—on June 15 as you continue on your journey.

The Olympic Search Committee lists a community hero as someone who performs outstanding volunteer work, serves as a community leader, role model or mentor, performs acts of generosity or kindness; and performs extraordinary feats locally or nationally.

The statement of purpose of the U.S. Olympic Committee in Atlanta says: "The committee for the Olympic Games seeks to honor America's community heroes, people whose service to others embraces the Olympic Spirit. For 84 days and 15,000 miles across America, Community Hero Torchbearers will bring the glow of the Olympic Flame to their communities along the route of the 1996 Olympic Torch Relay."

RURAL AIR SERVICE SURVIVAL ACT

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1996

Mr. POMEROY. Mr. Speaker, today I am introducing legislation to ensure the future of commercial airline service in rural America.

When Congress passed the Airline Deregulation Act in 1978, it was understood that rural air service would deteriorate as airlines raced to compete in high-volume markets. Therefore, to preserve an integrated national air service network, Congress created Essential Air Service, a program to support air carriers that maintain routes in smaller, rural markets. For the last 15 years, EAS has continued to achieve this objective and has received bipartisan support in Congress.

A link to the national air transportation system must be maintained for rural states to foster economic development. The fact is that without reliable air service, it is difficult to retain existing businesses and industries, and even more difficult to attract new ones. As farming operations continue to mechanize and consolidate, rural America must aggressively pursue efforts to diversify its economy.

Key to that diversification is access to the national network of air transportation. With the air service supported by the EAS Program, small cities from North Dakota to Texas and Maine to California can market themselves to investors around the country and indeed around the world. However, if the EAS Program were discontinued and rural air service allowed to evaporate, it would be nearly impossible for communities in rural America to attract new business opportunities.

But EAS is about more than just rural economic development. Air travelers around the country, whether urban or rural, benefit from an interconnected, national air service network. In fact, the majority of passengers on EAS routes are not residents of EAS cities but people from around the country who are able to reach rural destinations thanks to this program.

In recent years, the EAS Program has been under increasing assault in the appropriations process. In fact, the fiscal year 1996 Transportation Appropriations Act reduced the program by over 30 percent, forcing airlines to sharply reduce the number of round trips in small cities across the country, threatening the viability of rural air service. The legislation I am introducing today will extract EAS from the annual appropriations battle and give rural communities and air carriers a greater degree of certainty about the future of their air service.

The Rural Air Service Survival Act would transform EAS, placing the program on solid fiscal grounds by creating a required expenditure within the FAA budget. Funding for the program would be provided by a user fee assessed to foreign carriers that utilize U.S. air traffic control services. As a result, the legislation will have no impact on overall Federal spending. I should also point out that almost every major U.S. competitor nation levies similar overflight fees on foreign carriers.

Senator DORGAN introduced similar legislation in the Senate which was adopted by unanimous vote in the Commerce Committee as an amendment to the FAA reform legislation. I am hopeful that this proposal will be enacted as part of FAA reform when the House and Senate consider this legislation in the coming weeks.

Mr. Speaker, I urge all Members to cosponsor and support the Rural Air Service Survival Act.

WILLIAM V. "BILL" MOORE, PHOTOJOURNALIST EXTRAORDINAIRE

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1996

Mr. DELLUMS. Mr. Speaker, I rise today to celebrate and chronicle the 28 year career of Mr. William V. "Bill" Moore, a photojournalist, who was honored on March 3, 1996. He is the first African-American full-time staff news cameraman on television in the State of California. He has been affiliated with KTVU Channel 2 in Oakland, CA, and for the past 5 years serving as chief photographer.

Bill is a native of Oakland and graduated from Oakland Technical High School. He attended Laney College and the California College of the Arts and Crafts, majoring in photography. Bill was a freelance photographer for the Associated Press before joining what was then a tiny news staff at KTVU Channel 2.

Bill's assignments ranged from the San Francisco Police Department Press for 5 years to U.S. Presidents since Richard Nixon. In between, he covered and recorded on film and tape the events related to the assassination of San Francisco Mayor George Mascone and the trial of his accused killer, Dan White, the antiwar and civil rights demonstrations of the 1970's; the Oakland-Berkeley hills fire storm of 1991; the 1989 and 1993 earthquakes in the San Francisco Bay Area and Los Angeles as well as the Nicaraguan earthquake in 1988; the O.J. Simpson murder trial; the training camps and opening season games of the Oakland A's, San Francisco Giants, and the San Francisco 49'ers. Bill did films for television on location in Haiti, Italy, and Brazil. His skill with the camera is as legendary as his good natured way of dealing with his fellow workers.

He is married to Belva Davis, an established and accomplished TV news personality, and has 2 children, Steven and Darolyn. Bill is fondly known as Belva's husband. Let the record state that Bill is an all-around-nice-guy, and an accomplished professional.

William V. "Bill" Moore, photojournalist extraordinaire, and his contribution in documenting historic domestic and international news are a treasure of human events shaping the development and future of our world.

TRIBUTE TO PLATO (BUDDY) MATHIS

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1996

Mr. STEARNS. Mr. Speaker, I rise today to pay tribute to an outstanding employee who has worked at Munroe Regional Medical Center in my home town of Ocala, FL. Munroe's longest serving employee and his name is Plato "Buddy" Mathis. He will be soon retiring.

Mr. Buddy Mathis' loyalty and dedication to Munroe spans over 50 years. He first came to work at the hospital in 1946 as a young boy. In fact, back then he had to stand on a wooden box to perform many of his chores.

Munroe Regional has seen many changes both in its physical makeup, not to mention changes in personnel. But, one thing that did not change over the years at Munroe was Buddy Mathis. He remained a constant in the lives of the people who worked in the medical center and a constant in the community.

Buddy should serve as a role model to all of us. He is the exemplification of the true work ethic. He started working at Munroe when he could barely reach the counter tops without standing on a box. And through the years he moved up, performing a variety of duties, including putting away stock and gathering vegetables from a small garden on the north side of the building. He also assisted fellow employees such as Felicia Stevens—head cook—Mrs. Annie Lee Stroud, and Mrs. Luella Strupp, among others.

In 1951, he joined the military to serve in the Korean war and served for several years. After the war, he returned to Munroe as a cook and was also in charge of inventory. He then attended night school under the GI bill and finished his education.

During the last 10 years, he and Jim Ruth have worked as a team, running the dietary department. Buddy has seen many changes take place in the building and operations of the hospital.

Everybody who has or is still working at the hospital loved working with Buddy and I'm sure they will all hate to see him go. Buddy is respected by all. I am pleased to be able to join with his many, many friends and colleagues in paying tribute to Plato "Buddy" Mathis for his hard work through the years and his kindness and generosity over the years.

I sincerely wish him the best in his retirement and congratulate him on his outstanding service to my hometown hospital, Munroe Regional Medical Center.

INTRODUCTION OF A BILL TO DESIGNATE THE UNITED STATES COURTHOUSE IN WASHINGTON, DC, AS THE "E. BARRETT PRETTYMAN UNITED STATES COURTHOUSE"

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1996

Ms. NORTON. Mr. Speaker, I am pleased to introduce a bill to name the U.S. district courts and circuit court of appeals building for the District of Columbia Circuit after the late chief judge E. Barrett Prettyman. I am very pleased that the Chair of the District of Columbia Subcommittee is an original cosponsor. Senator JOHN WARNER has introduced an identical bill in the Senate.

Judge Prettyman was born in Virginia, where he graduated from Randolph-Macon College in Ashland. He then graduated from Georgetown University School of Law.

Judge Prettyman served on the Federal bench for 26 years. He was the chief judge of the U.S. Circuit Court from 1953 to 1960. He was widely regarded as one of America's leading legal scholars and a pioneer for judicial reform. He sought the advice of his colleagues to better understand the issues to help improve the efficiency of the judiciary. He also testified many times before Congress as a strong advocate for increasing the number of judges on the District's juvenile court.

As a jurist, Judge Prettyman was known for his centrist positions and his thorough opinions. His most notable opinion concluded that the State Department had the authority to bar U.S. citizens from entering certain areas of the world. He wrote: "While travel is a right, it can be restrained like any other right." The Supreme Court ultimately upheld the decision.

Judge Prettyman also championed the cause of the indigent. At Georgetown University, he established a program where lawyers were trained to better assist indigent defendants.

Naming the courts after Judge Prettyman would be a fitting tribute to an outstanding jurist and legal scholar. I strongly urge my colleagues to support this measure.

GIVING CREDIT FOR THE MISSING SERVICE PERSONNEL ACT OF 1995

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1996

Mr. SANDERS. Mr. Speaker, on Saturday, February 10, in signing the National Defense Authorization Act for Fiscal Year 1996, the President signed into law the Missing Service Personnel Act of 1995, which had been incorporated into the authorization bill. The passage of the provisions of the Missing Service Personnel Act is a significant milestone for veterans and for the families of our MIA's, and I rise today to give credit to some of the people, including some of my fellow Vermonters, who worked hard for the passage of these provisions.

Their dedication, commitment, and persistence in the face of overwhelming odds has finally brought to fruition a matter that has been their primary concern for over 13 years. And I am very proud that my fellow Vermonters have played such a significant role in this effort.

I cosponsored the Missing Service Personnel Act of 1995 after being convinced by Patricia Sheerin, Don Amorosi, Sean McGuirl, Walt Handy, and Al Diacetis of the desperate need for this law. The act is the culmination of years of effort on the part of my fellow Vermonters—Tom Cook, Bob Jones, and Brian Lindner, the president, vice president, and chief of research, respectively, of the Northeast POW/MIA Network; and Jim Howley—and the veterans organizations who have supported it, including Vietnam Veterans of America, the American Legion, the Veterans of Foreign Wars, and the Disabled American Veterans. Most notable were the contributions of the family members of the missing and prisoners: Tom Cook, Sharon Roraback, and Sarah Pendris.

Were it not for a special conference held in 1993 by the Northeast POW/MIA Network, we would not today have a law to protect missing service persons, to protect their families from exploitation, and to grant basic human rights to the missing as well as their families. Under the guidance of a former POW, Lt. Col. Orson Swindle, participants in that conference were able to clarify the goals of the proposed Missing Service Personnel Act as originally authored by John Holland. Mr. Swindle pointed a new direction: That while we cannot solve all the problems of the past, we can protect missing service persons in the future, based on what we have learned from past mistakes.

Through her courage and intuition, Vermonter Patricia Sheerin, policy analyst for the Northeast POW/MIA Network, convinced the National Vietnam Veterans Coalition to support the legislation and work for its passage. She also formed a plan and policy uniting veterans organizations and veterans advocates with the sole purpose of correcting and updating the outdated Missing Service Persons Act of 1942.

Crucial to passage of this new law was the support of citizens who were informed about its benefits. Joe and Paula Donaldson of Fair Haven, VT, deserve credit for organizing a weekly vigil as part of this educational effort. Nationwide distribution of information on the progress of the legislation, a responsibility of Bob Necci, helped pave the way to passage of this important act. Education is often the key to success, and such was the case with the Missing Service Personnel Act of 1995.

I commend the supporters of this bill for their loyalty and devotion to the men and women who wear the uniform of the U.S. Armed Forces. These Vietnam veterans and family members of those missing and captured in Vietnam have left a legacy of justice and fair treatment for future soldiers who become missing while fighting to defend our country and our freedom.

THE ABORTION PROVISION IN THE TELECOMMUNICATIONS BILL

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1996

Ms. BROWN of Florida. Mr. Speaker, the telecommunications bill has been signed into law. It is a bill that I supported and I am pleased to see this important legislation become law.

However, I am outraged at the way in which this extreme Republican leadership snuck a little-known provision into the conference report. In the attempt to eliminate "obscene" material from the Internet, this provision included an old, outdated definition of the word "obscene." Known as the Comstock Act, it included as part of the definition of obscene materials "any drug, medicine, article, or thing * * * intended for producing abortion." This obscure, never enforced law dates back to the early 1900's and is clearly an unconstitutional violation of free speech. If enforced, this outdated law would prohibit the discussion of abortion over the telephone, on the computer, or through the mail.

The new telecommunication law makes it a felony, punishable by 5 years for the first offense and 10 years for each subsequent offense, for anyone to discuss abortion on the Internet. I believe that it would be unconstitutional to ban citizens from speaking freely on the issue of abortion.

Women's rights have continually been challenged by this Congress. This is just the latest attempt to silence those who advocate a woman's right to choose. I believe that Congress should act immediately to ensure that free speech is not violated by this law.

I lived through the era before Roe versus Wade. I know what poor women went through in the back alleys when abortion was not legal. Any attempt to restrict this medical procedure is just one more way this Congress is throwing away a woman's right to choose.

Mr. Speaker, It is outrageous that this extreme anti-choice movement would use the new telecommunications law to threaten a person's rights to discuss abortion. Choosing abortion is the most heartwrenching and personal decision a woman may ever make. But it is a decision that should be made between a woman, her doctor, her family, and her spiritual conscience. This Congress should not be meddling with our ability to freely discuss a woman's most personal medical decision.

INTRODUCTION OF THE INFECTIOUS AGENTS CONTROL ACT OF 1996

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1996

Mr. MARKEY. Mr. Speaker, I am introducing today the Infectious Agents Control Act of 1996, which will address the need to keep infectious agents that could pose a serious threat to the public health and safety out of the hands of dangerous people while ensuring that these substances remain available to scientists with a legitimate research need for them.

By now, most of Members of this body have probably read news reports about Larry Wayne Harris, the Ohio white-supremacist who ordered bubonic plague through the mail last summer. It is frightening to think that just about anybody with a 32-cent stamp and a little chutzpah could get a hold of any number of potentially dangerous infectious substances. The Ohio case may be an isolated incident or it may not be—we really don't know. Why? Because the Federal Government has no system in place today to regulate the transfer of these agents within the United States. I think that's a situation that needs to be corrected, and I am introducing legislation today to do so.

Why worry about the flow of potentially dangerous infectious agents within our borders? Let me read you a few lines from an article on the threat posed by these agents when they are converted into biological weapons, written by U.S. Navy Commander Stephen Rose for the Naval War College Review. Cmdr. Rose writes that:

> Science can now reshuffle the genetic deck of micro-organisms to produce a theoretically unlimited number of combinations, each with its own unique blend of toxicity, hardness, incubation period, etc. In short, it is becoming possible to synthesize biological agents to military specifications. Thus, the world lies on the threshold of a dangerous era of designer bugs as well as designer drugs.

Biological weapons have been called the poor man's atomic bomb. They are relatively cheap to produce, and you get an appallingly big bang for your buck. In fact, experts report that some of the supertoxins that have been developed in recent years are ten thousand times more potent than the nerve gases we are more accustomed to, which have been described as mere perfume in comparison to some of their biological competitors. The Office of Technology Assessment reports that some 15 nations, including Libya, North Korea, and Iraq, are suspected of having biological weapons development programs.

Clearly, the potential of biological weapons to rain devastation down upon their victims should give those charged with preventing international terrorist attacks on our Nation cause for serious concern. However, the lesson we learned from the tragedy at Oklahoma City is that we cannot be satisfied to only look outward for terrorist threats. We must also be vigilant against home-grown threats from paramilitary groups within our borders, which could use biological or chemical weapons against their fellow Americans to further their radical anti-government agendas.

On the morning of March 20, 1995, the Japanese Government was faced with just such a situation. A home-grown Armageddon-group called Aum Shinrikyo released sarin gas—a deadly nerve agent that is 500 times more toxic than cyanide gas—in the Tokyo subway system, killing 12 people and injuring thousands more. According to a staff report on the incident prepared by the Senate Permanent Subcommittee on Investigations, the Aum sect had its own chemical weapons manufacturing plant, for the production of sarin gas, and was trying to develop biological weapons, including botulism and anthrax. To get a sense of power of those weapons, consider this: 3 billionths of an ounce of botulism toxin would be enough to kill me.

Incidentally, the staff report concluded that the Aum sect was "a clear danger to not only the Japanese Government but also to the security interests of the United States," which was the target of much of the Aum leader's rhetoric.

In an effort to reduce the risk of a similar attack in the United States, I am introducing legislation directing the Centers for Disease Control to develop a regulatory regime to control access to those infectious agents that could pose the greatest threat to public health if they fell into the wrong hands. It is my understanding that a working group including representatives of CDC, the Department of Justice, and other relevant Federal agencies already has begun to develop such a regime. My bill would ensure that that work is completed and the system is in place within 1 year of its enactment. I am pleased to be joined in this effort by Budget Chairman JOHN KASICH and Representative JOSEPH P. KENNEDY II.

I am hopeful that this legislation will be given the swift attention that the issue it addresses demands in the House, and that the Senate will take up similar legislation soon.

NATION'S TRUE ECONOMIC PICTURE

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1996

Mr. STEARNS. Mr. Speaker, who said this? "Washington has abandoned working families. Millions of Americans are running harder and harder just to stay in place. Wages are flat * * *"

On February 20, 1996 the Labor Department released its employment cost index, showing the smallest gain in wages and benefits since the Government began keeping statistics in 1982.

A far more disturbing figure was given about the median family income. Under Ronald Reagan's watch, 1982–89, real income increased an average of 2 percent annually. President Clinton declared in his 1996 State of the Union "Our economy is the healthiest it has been in three decades."

How does the current rate of recovery compare to other periods of recovery over the past 35 years? In 1961 through 1969 the increased real gross domestic product was 23.5 percent from the low point of the recession. The 1975–80 figure increased by 20 percent. The 1982–90 recovery saw an increase of 17.9 percent. I wonder how President Clinton could make such a claim about the state of our Nation's economy since the recovery from the recession in March 1991 has only been 13.1 percent so far.

A major factor in the 1992 Presidential election was the economy. "It's the economy, stupid" was the hue and cry of the Clinton campaign. Just as President Bush was reminded over and over again during the 1992 campaign about the promise he made: "Read my lips, no new taxes." President Clinton may also come to realize just how salty his words may become. No doubt he will be haunted by "it's the economy, stupid" during his campaign for reelection. President Bush took his lickings about his tax promise; President Clinton will be subjected to the same standard of scrutiny and criticism. After all, he did run on improving the economy. He stated that he believed America should come first. That he would make the U.S. economy vibrant and he would be known for his domestic policy, not just his foreign policy. He said America will come first.

Well here we are 4 years later. Guess what? The economy does not seem to be improving, rather it is stagnating. Edward Yardeni, chief economist at Deutsche Morgan Grenfell, has stated: "The U.S. is already in recession," "even though we haven't had two straight quarters of negative growth in gross domestic product." He believes that GDP will shrink at a 1.5 percent annual rate during the first half of 1996. How did he draw this conclusion? Since the Commodity Research Bureau's price index of raw industrial materials fell 6 percent for the 12 months in January, this was the signal that led him to make this conclusion.

Let's be clear about one very important fact. In the third quarter of 1992, the economy grew 5.8 percent—the Commerce Department announced this number after the 1992 election. President Bush tried in vain to get this message across but neither the press nor the media seemed the least bit interested. Why give the American public the facts? For the record, the growth rate for the fourth quarter was an outstanding 8.6 percent. So, President Clinton could claim that under his administration the average annual rate of growth was 2.5 percent since 1993.

Let's examine what happened in 1995, the first year President Clinton's economic policies were fully in effect. Growth that year was a dismal 1.4 percent. How does this compare to other administrations? From 1982 to 1989, the average rate of growth was 3.9 percent. During that same period the annual median family income rose about 2 percent yearly. How does the Clinton administration compare with the Reagan administration? Unfortunately, for all of us the family income has only risen 0.25 percent per annum.

You might say to yourself that all might be true but President Clinton fulfilled his promise and created almost 8 million new jobs. OK, let's take a look at his claim. The Bureau of Labor Statistics backs up the President's numbers. He has lived up to his promise and created 7.5 million new jobs since taking office in January 1993. What is deceptive about these numbers is that the Bureau of Labor Statistics counts people, not the number of hours they work. For instance, two 20 hour per week part-timers are counted as two jobs. If you look at the number of hours worked, then only 758,000 new jobs have been created annually since 1993.

The Wall Street Journal reported on January 24, 1996 that during a Democrat focus group, a pollster announced that thanks to Clinton 8 million new jobs had been created. At that point, one woman yelled out: "Yeah, I know, I have three of them." This response reinforces what the Bureau of Labor Statistics found during its review of the number and types of jobs that were actually created under the Clinton administration.

It has become very apparent, especially in the last few months, that people are feeling insecure and anxious. Many have expressed the fear that if they lose their job they will not be able to find a new job that will provide them with the salary that will allow them to have the same standard of living. What has caused American workers to think this way? There are several factors which account for this negative outlook. Corporate downsizing has had the greatest impact upon middle managers. The statistics bear out the fact that many of these people trying to reenter the market must accept lower pay. Between 1990 and 1992, on average, these workers were forced to take a pay cut of 20 percent. You might find it hard to believe but the median income is less now than it was in 1986.

There is compelling evidence to show that reaching middle class earnings has been on the decline since 1980. According to the University of Michigan's Panel Study on Dynamics, which has tracked the same families since 1968, they found that 65 percent of white American men who turned 21 before 1980 were earning middle class wages—twice the poverty level—by the age of 30. By comparison, only 47 percent of those who reached the age of 21 after 1980 were able to reach this same level of earning power. Blacks do not fare half as well, reaching 29 and 19 percent, respectively.

Since there are more people without a college education than people with the benefit of a higher education, these workers tend to be far more insecure and anxious.

Education can be an influential factor as to how successful an individual will be in securing a well-paid job. Education is becoming a much more important factor in finding good job opportunities than ever before. As a result, the gap in income distribution is increasing, and this is adding to blue collar anxiety.

We must find ways to encourage our workers to get the necessary jobs skills to compete in this high tech global economy. We must also find a way to provide this training to retrain our workers.

We must expand our technological base and find creative and innovative methods to create new industries. In the past, we have been able to transfer a worker's knowledge and ability into learning new skills to allow them to participate in a new job market. A good example of this is when Henry Ford created the automobile and displaced the horse and buggy trade.

What happened is a lesson that we should all try to emulate. These same workers started working in the Ford factories that had displaced them. The telecommunications bill passed by Congress and signed into law by the President will provide the same type of opportunities by creating millions of new jobs.

So far, President Clinton hasn't delivered. If we balance the budget, we will be well on our way to jump starting.

Why is a 7-year balanced budget so important? Many leading economists believe that a balanced budget would result in a drop in interest rates of up to 2 percent. For a 30-year,

$75,000 mortgage, that's $37,000 saved over the life of the loan. Americans will have more take home pay because our budget includes a $500 per child tax credit. We also have true welfare reform, which is a No. 1 priority for most Americans.

TRIBUTE TO WALTER W. KRUEGER, A DISTINGUISHED AMERICAN WHO SERVED IN WORLD WAR II AND FOUGHT FOR VETERANS' RIGHTS

HON. FRANK TEJEDA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1996

Mr. TEJEDA. Mr. Speaker, I rise today to pay tribute to the memory of an American soldier, a man who dedicated his life to the defense of the freedoms that we enjoy and to the veterans who paid for those freedoms with their sacrifice. I respectfully request that the U.S. House of Representatives join me in mourning the passage of Walter W. Krueger, a man of both vision and action. Having served this Nation for so long, Walter Krueger understood the problems of our noncommissioned officers. So after his service to this Nation was over, at a time when many hang up their uniforms, salute the flag, and retire, Walter Krueger went to work for the noncommissioned officers of this Nation. And when Walter Krueger went to work, good things happened.

Mr. Krueger served this Nation honorably in the U.S. Army for 33 years. When he retired, he was serving as Command Sergeant Major of the U.S. Army, Europe [ASAREUR]. He served this Nation all over the world, including assignments in Panama, Korea, Europe, and Vietnam. During his long and very honorable career, he earned the Combat Infantryman's Badge and the Distinguished Service Medal.

While still serving this Nation in Europe, Mr. Krueger was appointed to the board of directors of the Noncommissioned Officers Association. Upon retirement, he was elected vice president of the association. A year later, he became president.

Walter Krueger's accomplishments as president of the association are legendary. The Organization received a Federal Charter from this U.S. Congress. The association began its medical trust, which awards funds each year to military families who need the assistance. It significantly raised the funding for and number of scholarships awarded to deserving young people. The NCOA operation appreciation program raised funds for equipment to be used by veterans in hospitals. Under his leadership, the organization began the NCOA national defense foundation, which works to ensure that active duty military enjoy their full right to participate in the democracy which they defend. Mr. Krueger received every award offered by the association, as is fitting for a man who led this organization so well and for so long, a man who fought for the rights and benefits due our noncommissioned officers, and who took every opportunity to honor and fight for our veterans.

I respectfully ask that this U.S. House of Representatives note the passage of this singular and distinguished American, and that we send our deepest condolences to Walter Krueger's wife, Betty Krueger, to his mother, Ruth Droes, to his five daughters, Kathy Logan, Karen Pagel, Judy Shaw, Pam Salada, and Patty Krueger, to his eight grandchildren, and to both his sisters. Walter Krueger was a strong family man, who loved this Nation and all that it stands for, who served all of the citizens of this country, first as a member of our armed services and then as an unparalleled advocate for our veterans. I am proud to call him my friend, and I am proud to ask that the House of Representatives of the Nation he loved so much take a moment to return to him a little of the honor and respect he showed us throughout his life.

TRIBUTE TO CAROL JENIFER

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1996

Mr. CONYERS. Mr. Speaker, given that we are so frequently confronted with the troubles and the travails of the Immigration and Naturalization Service, I would like to have the following uplifting article from the May 1995 issue of Management Review inserted into the RECORD. The article, by Anita Lienert, profiles Carol Jenifer, the first African-American woman to manage day-to-day operations in an INS district office. Ms. Jenifer is the District Director of the INS district office at the United States-Canada border located in my hometown of Detroit, MI. I hope and expect that the INS will continue to attract and promote individuals of Ms. Jenifer's caliber.

Carol Jenifer does not look like a huggable person. She wears her hair in a Marine Corps-style buzz cut and shuns makeup and jewelry. Although she's six feet tall, she seems even taller, carrying herself with a military bearing that reflects her years as a police officer in Washington, D.C. She carries a gold badge that says "District Director" and has just ordered a Glock handgun to keep in her desk. To get inside her office at the U.S.-Canada border in Detroit, you need to get by a metal detector and armed employees.

So when one of her clients leaps out of a seat in the waiting room at the Detroit branch of the U.S. Immigration and Naturalization Service and gives Jenifer a big hug, it seems somewhat out of place.

"Oh, Miss Jenifer," says Chadia Haidous, a Lebanese immigrant "I just got sworn in today! I'm an American citizen! And now I don't have to worry about my daughter."

Jenifer, 45, the first African-American woman to manage day-to-day operations at one of the 33 INS district offices in the United States, hugs her back and rejoices with the Haidous family.

Moments later, loping up the back steps to her office that overlooks the Detroit River, Jenifer explains that little Alica Haidous, 11, who was born in Senegal, could have faced deportation because her mother was not a U.S. citizen.

"The family was afraid the daughter would have to go back to Senegal unescorted," Jenifer explains. "I could have stuck to the book, but why? I made a heart decision and I made it in the name of family unity. I could have sent her back and had them petition for her, but I didn't. And now it won't happen because we don't treat our citizens like that."

Jenifer, who oversees a hectic operation with a $14 million annual budget, considers herself one of the new breed of INS managers. While the southern bormost of the media attention, INS officials say the northern border has its share of illegal immigrants—they just don't talk about how many.

Therefore, it's her mission to walk a tightrope to satisfy a number of different constituents, from American taxpayers who are disturbed by the lare disturbed by the large number of illegal aliens entering the country, to immigrants who complain about long lines and insensitive treatment at INS offices.

One of Jenifer's first management decisions was to improve the atmosphere by installing brighter lights in the crowded waiting room. She is considering hiring a customer-service representative to handle complaints generated by the 48 million people who pass through INS checkpoints in her jurisdiction each year, including the Detroit-Windsor Tunnel, the Ambassador Bridge and Detroit Metropolitan Airport. She is also determined to hire an inspector who is fluent in Arabic because her client base is 50 percent Middle Eastern and no one in the office is fluent in that language.

Jenifer has made it a point to get to know the names—and personal details—of the 254 employees and one drug-sniffing dog who work with her in patrolling eight ports of entry along 804 miles of water boundary between the United States and Canada.

So far, one of Jenfier's "employee" relations challenges has been communicating with the German shepherd: Gitta only responds to commands in German. Even so, Jenifer still knows how to work a room—whether it's full of customers or employees—in a charismatic style reminiscent of Ronald Reagan. She stops often to ask about sick wives or new husbands. But don't confuse her familiarity and warm-and-fuzzy approach with wimpiness. In reality, her management style is much closer to the tenets of Tough Love.

After all, her office deported 1,249 people in 1994. And shortly after the heartwarming scene with the Haidous family, Jenifer stands firm on a $15,000 bond set by her deputy director earlier in the afternoon on a Jordanian immigrant whose wife had blurted out during his naturalization interview that she had been "paid to marry him." He also had prior felony convictions and there was an outstanding warrant for his arrest.

But to get a real feel for Jenifer, you need to see her in action at 7:30 a.m., as a single parent in Detroit getting her two daughters, Eboni and Kia, both 13, off to school, Jenifer skips breakfast and barks orders like "Kia, did you finish those dishes?" and "Eboni, give me that assignment notebook to sign."

While her girls scurry around, Jenifer straightens her simple black dress, snaps on a beeper and bundles up in a coat and scarf, stopping only to grab her ever-present black leather organizer.

Outside, it's 20 degrees and still dark, with a light snowfall. Sounding like a typical mother, Jenifer grumbles that she can't get the girls to wear their ski caps to school and that they keep pestering her to buy a dog.

"When I applied for the job a year ago, I told my supervisors that the girls were a huge part of my life," Jenifer says in the car on the way to work. "I told them I would have to limit travel because I attend games, go to parent conferences and pick them up after school. It didn't seem to hurt, because I think they wanted someone who could humanize the office."

At work, her office is decorated with striking paintings of "buffalo soldiers"—the all-black cavalry who fought and resettled the West. Jenifer explains that since taking the job last spring, she has been worried about every little detail, including whether or not she should have hung the artwork.

"I almost took the pictures down," she says. "I didn't want to overwhelm people who couldn't relate to something like that. But after I thought about it, I realized I needed those men (in the pictures) to watch my back. Management has some pitfalls."

In private, Jenifer admits that "being a tall, black female has had its problems."

Testifying before a congressional committee last fall on equal employment opportunity protection and employment practices at the INS, she described the low points of her career, beginning with her job interview 12 years ago for an INS analyst position.

"The interviewer seemed more surprised that I was articulate and a product of the D.C. public school system than in other qualifying factors," Jenifer told the committee. "It was quite obvious that I did not fit whatever image this manager had regarding African-Americans. He later remarked that one day I would be his 'boss' . . . There remains a perception that my advancement was due to connections and not based on merit."

She says she had to struggle for every promotion at the federal agency, at one point hiring an attorney to present her concerns about lack of advancement to INS personnel officials.

Despite those early challenges, Jenifer says the transition to her new $88,000-a-year position has been relatively smooth, due in part to her long INS experience that ranges from working as an officer in the detention-and-deportation branch to holding the post of second-in-command in Detroit before she got the director's job. Her boss, Carol Chasse, INS eastern region director, describes Jenifer as "a shining star."

"She's got it," Chasse says. "She's a practitioner of good human relations. Leadership in the '90s is about people skills and that's critical here because we deal with huge volumes of people."

Although Jenifer grew up in Washington, D.C., she never dreamed of working for the INS. The daughter of a bookbinder at the Federal Bureau of Engraving wanted to be a firefighter. "But back in those days, women didn't get to be firefighters," she says. "I had to settle for police work." Her time on the D.C. force included a stint undercover on the prostitution detail.

Jenifer later earned two master's degrees, one in counseling from the University of the District of Columbia and one in public administration for Southeastern University. She said the degrees helped her develop the discipline to manage efficiently.

The first order of almost ever day is meeting with her top managers. Six out of seven of Jenifer's managers are women, which is notable considering there are no female border patrol chiefs in the United States and there are only two female district directors. On the day of the interview, Jenifer seems to be running later for her daily briefing, until she explains that she sets her office clock 15 minutes fast on purpose. She grabs a piece of hard candy from the jar on her desk and heads out right on time.

The meeting is fast-paced and informal, and covers topics ranging from the need for air fresheners in the office bathrooms to a video for employees about avoiding sexual harassment. Jenifer insists that her managers keep their remarks to a minimum, and they give their daily reports in a sort of verbal shorthand that takes a total of 21 minutes.

"E-mail is negative," begins administrative officer Judy McCormack.

"No arrests yesterday," pipes up James Wellman, acting assistant district director for investigations.

The issue of bathroom air fresheners prompts some discussion. "I don't care what you get, as long as we get them in there," she says to her staff, slightly annoyed after being questioned about what type should be ordered.

Jenifer is anxious to end the meeting and get down into the public waiting room for her daily "walkaround" with people who are here to take citizenships tests, file paperwork contesting deportations or apply for green cards. Although she speaks English only, she communicates well, sometimes with gestures or hand-holding or by repeating phrases over and over.

Today, about 75 people are assembled by 9:30 a.m., under disconcerting signs that say things like Fingerprinting—Now Serving #823. Jenifer later explains that the signs record the number of people from January 1 to the present. Still, the signs just seems to magnify the "Waiting for Godot" atmosphere in the room. The Detroit office serves about 350 people a day and conducts about 1,300 naturalization interviews a month.

Jenifer doesn't identify herself, but plunges into the crowd, smiling and joking.

"Where are you from?" she asks one man.

"Nigeria," he replies tersely.

"What part?" Jenifer continues.

"Africa," he says.

"I know it's Africa, silly," she chides him, laughing. "I've been there. What part?"

By this time, the man and his companions are smiling. Everyone in the room is staring.

"Lagos," he says. "Have you been there?"

She has been accused of working the crowd, but "this is some of the most important work I do," she explains afterward. "I got a real feel for front-line work when I worked for the INS processing refugees in Kenya a couple of years ago. It sure gives you a different perspective on naturalization. It makes you realize that these are peoples' lives you're making decisions about."

Back in her office around 10:15 a.m., Jenifer sucks on another hard candy and meets with Harold Carter, an INS examiner who chairs a committee representing minorities in the Detroit district.

"Come on Harold, get comfortable," Jenifer coos as she scrabbles around on her desk looking for a pen. After Carter settles into a chair, she launches into her concerns: "There are no Hispanics in investigations . . . We don't have any representative [minority] groups at Sault Ste. Marie. We have to show we've tried to reach parity. Can we get people to work up there?

Carter laughs, noting it's pretty cold at the Soo, which is an INS port-of-entry located in Michigan's Upper Peninsula. But they get serious again quickly. After all, there is a class-action suit in Los Angeles about lack of advancement among black INS officers.

After the meeting, she's off to the Detroit-Windsor Tunnel, which runs underneath the Detroit River, but first stops to order Girl Scout cookies from a coworker. "I should have ordered more," she muses. "My kids know I hide them under my bed."

Jenifer needs to see how work is progressing at the tunnel and Detroit's Ambassador Bridge—the largest commercial-vehicle entry port in the United States—on the "Portpass" program. Portpass allows pre-qualified drivers to use express lanes, which will speed up the flow of traffic.

"Traffic can be my worst nightmare," Jenifer says. "We have a federal mandate to get people inspected here in less than 20 minutes—and we have to keep it moving or the complaints start backing up." The INS inspects people crossing the border, while U.S. Customs agents inspect things, but the two cross-train and work together. To the public, they are virtually indistinguishable.

Touring the new tunnel Portpass office, Jenifer is complimentary about the countertops that will separate staff and customers. "Good," she notes, "I like them wide so nobody can reach across and grab our people."

She's less sanguine, however, about the Portpass signs in the traffic lanes at the tunnel. "The signs are too little," she complains. "I don't know if people will be able to see them."

At the bridge at noon, Jenifer is still obsessed with signage. She tells Norman Byron, port director for the bridge, that she's worried that people won't be able to see the express lane signs at night. He assures her that they will be well-lit.

The two tour a trailer-type office set up at the foot of the bridge to accommodate the new program and staff. Jenifer checks out every closet and toilet and pushes back part of the wall paneling that has bowed out. She nearly slips coming down the steps in the snow and asks when skid strips will be put in.

"The skid strip for steps costs $3,000 a roll," Byron says. "Some things we can't do until the weather gets warmer."

Back in Byron's office, Jenifer banters with several INS agents and asks for their recommendations on good places to eat nearby. They direct her to a restaurant in Detroit's nearby Mexican Village that looks like a dive, but turns out to have decent food.

Jenifer orders the quesadillas and chicken enchiladas and ends up taking home a doggie bag of most of the food for her kids. "I'm a horrendous cook, so I love leftovers," She admits.

By 1 p.m., she's on her way to Detroit's Metro airport to check on a request for more INS inspectors to accommodate a 60 percent increase in international passengers since 1993 due to airline mergers. It's a 45-minute drive to the airport, and on the way she talks about the mundane, yet important issues that face single parents, such as getting the laundry done and whether it's wise to hire a housekeeper.

Stuck in rush-hour traffic with Jenifer, you find yourself sharing the problems of raising teenagers and getting along with men. She seems more like an old friend by mid-afternoon than an interview subject. But then, her staff has warned you that Jenifer often "pulls an Oprah," or gets people to tell all unwittingly.

At the INS section of the airport, Michael Freeman, the supervisory immigration inspector at the airport, prints up a computer list of how passengers have increased on each airline since 1989. Jenifer studies the printout and tells him she'll consider hiring 10 or 11 new inspectors to ease the crunch. Jenifer asks Freeman if he's lost weight. It's clear

Freeman's busting to tell her something else and he finally does.

"I just found out my wife is having a baby," he says. They chat about children and health concerns. If Jenifer ever tires of the INS, she could probably have her own talk show.

She makes it a point to shake hands with or speak to all 12 of the INS inspectors on duty that afternoon before heading back to her office. The new hires, whose desks are piled with books like *The Art of Cross-Examination*, stiffen when Jenifer walks in the room. But within minutes they are relaxed.

Back at the office, Jenifer goes through the paperwork that has sprouted on her desk over the last few hours. Her secretary puts the most urgent notes on her chair. There are employee identification cards to sign, a quarterly meeting with immigration lawyers to arrange and an application for a bowling tournament with the heads of other federal agencies in Detroit, from the Secret Service to the FBI.

"Oh," Jenifer groans, "I need a coach to help me bowl better. I bowled an 80 last time and have yet to live down the shame."

By 4:45 p.m., Jenifer is walking out the door to pick up the girls. They are waiting for her in the school library, complaining about their eight-grade class pictures.

Jenifer studies the photos as closely as she's looked at any paperwork today. "Yes, I'm keeping these for blackmail purposes," she says. The three of them burst out laughing.

By 5:15 p.m., the INS manager who insists that "fair management and families" are the cornerstones of her personal and professional life, is walking in the side door of her house holding the leftover chicken enchiladas in her free hand.

UNITED STATES-PUERTO RICO POLITICAL STATUS ACT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1996

Mr. YOUNG of Alaska. Mr. Speaker, today, the introduction of the United States-Puerto Rico Political Status Act will, for the first time in nearly a century of U.S. administration, provide a congressionally recognized framework for the inhabitants of Puerto Rico to freely express their wishes regarding the options for full self-government. I want to acknowledge the insightful leadership of Speaker NEWT GINGRICH in working with the committee to formulate a process to advance the United States-Puerto Rico relationship toward a conclusive one of full self-government. A number of Members have been supportive and instrumental in the development of the legislation, including ELTON GALLEGLY, chairman of the Subcommittee on Native American and Insular Affairs of the Committee on Resources, BEN GILMAN, chairman of the Committee on International Relations, and DAN BURTON, chairman of the Subcommittee on the Western Hemisphere who cochaired with Mr. GALLEGLY the October 17, 1995, joint hearing on the 1993 Puerto Rico status plebiscite. There also has been substantial input from Members on the other side of the aisle.

This matter of tremendous importance to the United States and the nearly 4 million United States citizens in Puerto Rico can only be resolved by adhering to constitutionally and internationally based principles and standards for full self-government. While many may misconstrue this legislation to be designed to benefit one local Puerto Rico political party over another, it is, in fact, a serious bipartisan effort to enact into law a pragmatic process with the long-term objective of resolving the Puerto Rico status dilemma. The legislation divides the process into three manageable stages which follow historical precedent set by the Congress in providing for final political statuses of territories and trust territories during this century.

The first step in the process is the initial decision stage in which voters are asked which fundamental relationship they prefer with the United States—one of separate sovereignty leading to independence or free association or under United States sovereignty leading to statehood.

The second and final steps are the transition and implementation stages which follow the historical patterns of enabling and admission acts for territories becoming States and similar measures for insular areas becoming separate sovereigns.

If this self-determination process does not result in voter approval of one of the rcognized options for full self-government, then by democratic choice of the voters—instead of by Federal mandate—the status quo will continue and Puerto Rico will remain a locally self-governing unincorporated territory under congressional administration.

Under the U.S. Constitution and applicable principles of international law, the three recognized options for full self-government are independence, separate sovereignty in free association with the United States, and full integration into the United States leading to statehood. In order for Congress to determine how to respond to the aspirations of the people of Puerto Rico regarding a permanent, future political status in a manner which promotes and preserves the U.S. long-term national interest, we need to address the status question based on clearly defined principles and standards. This is precisely what the bill does.

Locally conducted plebiscites have been inconclusive, and were unduly influenced by vested interests exploiting the status quo. It is time for the U.S. Congress to meet its responsibility under the Constitution to provide for a self-determination procedure in which the U.S. national interest in resolving the status issue is taken into account, rather than allowing the issue to be dominated by local political rivalries and interference from those who thrive opportunistically on the present territorial status. The United States also has a right of self-determination and this process requires action by both the United States and Puerto Rico in order to advance toward a full self-government relationship.

After 400 years of colonial rule by Spain ended in 1898, it should not have taken another 100 years of American administration for the U.S. Congress to define the options for full and permanent self-government. The United States-Puerto Rico Status Act permits full self-government to be realized in Puerto Rico in definitive steps, with a smooth transition to whatever form of full self-government the people choose: independence, separate sovereignty in free association with the United States, or statehood.

There is an important event which took place recently which is relevant to the introduction of this legislation. On February 29, 1996, I joined three other House committee and subcommittee chairmen from the Committees on Resources and International Relations in responding to Concurrent Resolution 62 of the Puerto Rico Legislature.

In the Concurrent Resolution the legislature asks the 104th Congress to respond to the results of the November 14, 1993, status plebiscite in Puerto Rico, wherein the Commonwealth ballot proposition received a plurality of 48.6 percent votes cast, and to indicate the next steps in resolving Puerto Rico's political status. After extensive research, oversight, and a joint hearing, a substantial record was developed enabling a concise response to Concurrent Resolution 62.

Following is the text of the response to the President of the Senate and Speaker of the House of the Puerto Rico Legislature:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, February 29, 1996.

Hon. ROBERTO REXACH-BENITEZ,
President of the Senate.
Hon. ZAIDA HERNANDEZ-TORRES,
Speaker of the House of Commonwealth of Puerto Rico, San Juan, Puerto Rico.

DEAR MR. REXACH-BENITEZ AND MS. HERNANDEZ-TORRES: The Committee on Resources and the Committee on International Relations are working cooperatively to establish an official record which we believe will enable to House to address the subject-matter of Concurrent Resolution 62, adopted by the Legislature of Puerto Rico on December 14, 1994. While the specific measures addressing Puerto Rico's status which the 104th Congress will consider are still being developed, we believe the history of the self-determination process in Puerto Rico, as well as the record of the Joint Hearing conducted on October 17, 1995 by the Subcommittee on Native American and Insular Affairs and the Subcommittee on Western Hemisphere, lead to the following conclusions with respect to the plebiscite conducted in Pertro Rico on November 14, 1993:

1. The plebiscite was conducted under local law by local authorities, and the voting process appears to have been orderly and consistent with recognized standards for lawful and democratic elections. This locally organized self-determination process was undertaken within the authority of the constitutional government of Puerto Rico, and is consistent with the right of the people of Puerto Rico freely to express their wishes regarding their political status and the form of government under which they live. The United States recognizes the right of the people of Puerto Rico to self-determination, including the right to approve any permanent political status which will be established upon termination of the current unincorporated territory status. Congress will take cognizance of the 1993 plebiscite results in determining future Federal policy toward Puerto Rico.

2. The content of each of the three status options on the ballot was determined by the three major political parties in Puerto Rico identified with those options, respectively. The U.S. Congress did not adopt a formal position as to the feasibility of any of the options prior to presentation to the voters. Consequently, the results of the vote necessarily must be viewed as a an expression of

the preferences of those who voted as between the proposals and advocacy of the three major political parties for the status option espoused by each such party.

3. None of the status options presented on the ballot received a majority of the votes cast. While the commonwealth option on the ballot received a plurality of votes, this result is difficult to interpret because that option contained proposals to profoundly change rather than continue the current Commonwealth of Puerto Rico government structure. Certain elements of the commonwealth option, including permanent union with the United States and guaranteed U.S. citizenship, can only be achieved through full integration into the U.S. leading to statehood. Other elements of the commonwealth option on the ballot, including a government-to-government bilateral pact which cannot be altered, either are not possible or could only be partially accomplished through treaty arrangements based on separate sovereignty. While the statehood and independence options are more clearly defined, neither of these options can be fully understood on the merits, unless viewed in the context of clear Congressional policy regarding the terms under which either option could be implemented if approved in a future plebiscite recognized by the federal government. Thus, there is a need for Congress to define the real options for change and the true legal and political nature of the status quo, so that the people can know what the actual choices will be in the future.

4. Although there is a history of confusion and ambiguity on the part of some in the U.S. and Puerto Rico regarding the legal and political nature of the current "commonwealth" local government structure and territorial status, it is incontrovertible that Puerto Rico's present status is that of an unincorporated territory subject in all respects to the authority of the United States Congress under the Territorial Clause of the U.S. Constitution. As such, the current status does not provide guaranteed permanent union or guaranteed citizenship to the inhabitants of the territory of Puerto Rico, nor does the current status provide the basis for recognition of a separate Puerto Rican sovereignty or a binding government-to-government status pact.

5. In light of the foregoing, the results the November 14, 1993 vote indicates that it is the preference of those who cast ballots to change the present impermanent status in favor of a permanent political status based on full self-government. The only options for a permanent and fully self-governing status are: (1) separate sovereignty and full national independence, (2) separate sovereignty in free association with the United States; (3) full integration into the United States political system ending unincorporated territory status and leading to statehood.

6. Because each ballot option in the 1993 plebiscite addressed citizenship, we want to clarify this issue. First, under separate sovereignty Puerto Ricans will have their own nationality and citizenship. The U.S. political status, nationality, and citizenship provided by Congress under statutes implementing the Treaty of Paris during the unincorporated territory period will be replaced by the new Puerto Rican nationhood and citizenship status that comes with separate sovereignty. To prevent hardship or unfairness in individual cases, the U.S. Congress may determine the requirements for eligible persons to continue U.S. nationality and citizenship, or be naturalized, and this will be governed by U.S. law, not Puerto Rican law. If the voters freely choose separate sovereignty, only those born in Puerto Rico who have acquired U.S. citizenship on some other legal basis outside the scope of the Treaty of Paris citizenship statutes enacted by Congress during the territorial period will not be affected. Thus, the automatic combined Puerto Rican and U.S. citizenship described under the definition of independence on the 1993 plebiscite ballot was a proposal which is misleading and inconsistent with the fundamental principles of separate nationality and non-interference by two sovereign countries in each other's internal affairs, which includes regulation of citizenship. Under statehood, guaranteed equal U.S. citizenship status will become a permanent right. Under the present Commonwealth of Puerto Rico government structure, the current limited U.S. citizenship status and rights will be continued under Federal law enacted under the Territorial Clause and the Treaty of Paris, protected to the extent of partial application of the U.S. Constitution during the period in which Puerto Rico remains an unincorporated territory.

7. The alternative to full integration into the United States or a status based on separate sovereignty is continuation of the current unincorporated territory status. In that event, the present status quo, including the Commonwealth of Puerto Rico structure for local self-government, presumably could continue for some period of time, until Congress in its discretion otherwise determines the permanent disposition of the territory of Puerto Rico and the status of its inhabitants through the exercise of its authority under the Territorial Clause and the provisions of the Treaty of Paris. Congress may consider proposals regarding changes in the current local government structure, including those set forth in the "Definition of Commonwealth" on the 1993 plebiscite ballot. However, in our view serious consideration of proposals for equal treatment for residents of Puerto Rico under Federal programs will not be provided unless there is an end to certain exemptions from federal tax laws and other non-taxation in Puerto Rico, so that individuals and corporations in Puerto Rico have the same responsibilities and obligations in this regard as the states. Since the "commonwealth" option on the 1993 plebiscite ballot called for "fiscal autonomy," which is understood to mean, among other things, continuation of the current exemptions from federal taxation for the territory, this constitutes another major political, legal and economic obstacle to implementing the changes in Federal law and policy required to fulfill the terms of the "Definition of Commonwealth."

8. In addition, it is important to recognize that the existing Commonwealth of Puerto Rico structure for local self-government, and any other measures which Congress may approve while Puerto Rico remains an unincorporated territory, are not unalterable in a sense that is constitutionally binding upon a future Congress. Any provision, agreement or pact to the contrary is legally unenforceable. Thus, the current Federal laws and policies applicable to Puerto Rico are not unalterable, nor can they be made unalterable, and the current status of the inhabitants is not irrevocable, as proposed under the "commonwealth" option on the 1993 plebiscite ballot. Congress will continue to respect the principle of self-determination in its exercise of Territorial Clause powers, but that authority must be exercised within the framework of the U.S. Constitution and in a manner deemed by Congress to best serve the U.S. national interest. In our view, promoting the goal of full self-government for the people of Puerto Rico, rather than remaining in a separate and unequal status, is in the best interests of the United States. This is particularly true due to the large population of Puerto Rico, the approach of a new century in which a protracted status debate will interfere with Puerto Rico's economic and social development, and the domestic and international interest in determining a path to full self-government for all territories with a colonial history before the end of this century.

9. The record of the October 17, 1995 hearing referred to above makes it clear that the realities regarding constitutional, legal and political obstacles to implementing the changes required to fulfill the core elements of the "commonwealth" option on the ballot were not made clear and understandable in the public discussion and political debate leading up to the vote. Consequently, Congress must determine what steps the Federal government should take in order to help move the self-determination process to the next stage, so that the political status aspirations of the people can be ascertained through a truly informed vote in which the wishes of the people are freely expressed within a framework approved by Congress. Only through such a process will Congress then have a clear basis for determining and resolving the question of Puerto Rico's future political status in a manner consistent with the national interest.

Ultimately, Congress alone can determine Federal policy with respect to self-government and self-determination for the residents of Puerto Rico. It will not be possible for the local government or the people to advance further in the self-determination process until the U.S. Congress meets its moral and governmental responsibility to clarify Federal requirements regarding termination of the present unincorporated territory status of Puerto Rico in favor of one of the options for full self-government.

The results of the locally administered 1993 vote are useful in this regard, but in our view are not definitive beyond what has been stated above. The question of Puerto Rico's political status remains open and unresolved.

Sincerely,

DON YOUNG,
Chairman, Committee on Resources.
ELTON GALLEGLY,
Chairman, Subcommittee on Native American and Insular Affairs.
BEN GILMAN,
Chairman, Committee on International Relations.
DAN BURTON,
Chairman, Subcommittee on the Western Hemisphere.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily

Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 7, 1996, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 8

9:00 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings to review the status of the reorganization of the Veterans Health Administration and related initiatives to improve VA health care delivery methods.

SD–192

9:30 a.m.

Governmental Affairs

Oversight of Government Management and The District of Columbia Subcommittee

To hold hearings to examine the oversight of government-wide travel management.

SD–342

Labor and Human Resources

To hold hearings on S. 553, to amend the Age Discrimination in Employment Act of 1967 to reinstate an exemption for certain bona fide hiring and retirement plans applicable to State and local firefighters and law enforcement officers.

SD–430

Joint Economic

To hold hearings to examine the employment-unemployment situation for February.

334 Cannon Building

MARCH 11

10:00 a.m.

Finance

Social Security and Family Policy Subcommittee

To hold hearings to examine the Social Security program in relation to future retirees, focusing on the original intent of the program, expectations of different generations, and changes necessary to ensure that retirees born after 1946 will be treated fairly relative to current and past retirees.

SD–215

MARCH 12

9:30 a.m.

Armed Services

To resume hearings on proposed legislation authorizing funds for fiscal year 1997 for the Department of Defense, and the future years defense plan.

SR–222

10:00 a.m.

Budget

To hold hearings to examine immigration and public welfare benefits.

SD–608

Foreign Relations

To hold hearings on the Convention on Chemical Weapons (Treaty Doc. 103–21).

SD–419

Judiciary

Youth Violence Subcommittee

To hold hearings to examine how youth violence programs should be funded in the future.

SD–226

2:00 p.m.

Foreign Relations

African Affairs Subcommittee

To hold hearings to examine the prospects for peace and democracy in Angola.

SD–419

MARCH 13

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD–366

Governmental Affairs

Permanent Subcommittee on Investigations

To resume hearings to examine global proliferation of weapons of mass destruction.

SD–342

10:00 a.m.

Armed Services

Personnel Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1997 for the Department of Defense and the future years defense program, focusing on manpower, personnel, and compensation programs.

SR–222

Veterans' Affairs

To hold hearings to examine the reform of health care priorities.

SR–418

10:30 a.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings to examine recent developments in the Space Station program.

SR–253

2:00 p.m.

Armed Services

To resume hearings on proposed legislation authorizing funds for fiscal year 1997 for the Department of Defense and the future years defense plan.

SR–222

MARCH 14

9:30 a.m.

Energy and Natural Resources

To hold hearings on S. 1425, to recognize the validity of rights-of-way granted under section 2477 of the Revised Statutes.

SD–366

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Paralyzed Veterans of America, the Jewish War Veterans, the Retired Officers Association, the Association of the U.S. Army, the Non-Commissioned Officers Association, and the Blinded Veterans Association.

345 Cannon Building

2:00 p.m.

Armed Services

Readiness Subcommittee

To hold hearings on current and future military readiness as the armed forces prepare for the 21st century.

SR–232A

MARCH 19

9:30 a.m.

Commerce, Science, and Transportation

To hold oversight hearings on activities of the Federal Communications Commission.

SR–253

10:00 a.m.

Budget

To hold hearings on the President's fiscal year 1997 budget proposals.

SD–608

Governmental Affairs

Permanent Subcommittee on Investigations

To hold hearings to examine the asset forfeiture program, focusing on issues relating to the Bicycle Club Casino.

SD–342

MARCH 20

9:30 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1997 for the Department of Defense, focusing on the ballistic missile defense program.

SD–192

Governmental Affairs

Permanent Subcommittee on Investigations

To resume hearings to examine global proliferation of weapons of mass destruction.

SD–342

10:00 a.m.

Veterans' Affairs

To resume hearings to examine the reform of health care priorities.

SR–418

2:00 p.m.

Energy and Natural Resources

Energy Research and Development Subcommittee

To hold hearings on S. 1077, to authorize research, development, and demonstration of hydrogen as an energy carrier, S. 1153, to authorize research, development, and demonstration of hydrogen as an energy carrier, and a demonstration-commercialization project which produces hydrogen as an energy source produced from solid and complex waste for on-site use fuel cells, and H.R. 655, to authorize the hydrogen research, development, and demonstration programs of the Department of Energy.

SD–366

MARCH 26

2:00 p.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings on the proposed budget request for fiscal year 1997 for the National Aeronautics and Space Administration (NASA).

SR–253

MARCH 27

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine Spectrum's use and management.

SR–253

Governmental Affairs

Permanent Subcommittee on Investigations

To resume hearings to examine global proliferation of weapons of mass destruction.

SD–342

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Veterans of World War I, AMVETS, the American Ex-Prisoners of War, the Vietnam Veterans of America, and the Military Order of the Purple Heart.

345 Cannon Building

APRIL 18

9:30 a.m.

Commerce, Science, and Transportation

To resume hearings to examine Spectrum's use and management.

SR–253

SEPTEMBER 17

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.

335 Cannon Building

CANCELLATIONS

MARCH 7

10:00 a.m.

Foreign Relations

To hold hearings on the Convention on Chemical Weapons.

SD–419

2:00 p.m.

Select on Intelligence

To hold a closed briefing on intelligence matters.

SH–219

SENATE—*Thursday, March 7, 1996*

(Legislative day of Wednesday, March 6, 1996)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Sovereign Lord, guide the vital page in history that will be written today. As we begin this new day, we declare our dependence and interdependence. We confess with humility that we are totally dependent on You, dear God. We could not breathe a breath, think a thought, or exercise dynamic leadership without Your constant and consistent blessing. We praise You for the gifts of intellect, education, and experience. All You have done in us has been in preparation for what You want to do through us now.

And yet, we know we could not achieve the excellence You desire without the tireless efforts of others. We thank You for our families and friends, the faithful and loyal staffs that make it possible for the Senators to function so effectively, and for all who make the work of this Senate run smoothly. Help us express our gratitude by singing our appreciation for the unsung heroes and heroines who do ordinary tasks with extraordinary diligence. We praise You for the gift of life and those who make work a joy. In the name of Him who taught us the greatness of being servant leaders. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. LOTT. Mr. President, today, there will be a period for morning business until the hour of 11 a.m., with Senators permitted to speak for up to 5 minutes each with the following exceptions: Senator FEINSTEIN for 15 minutes; Senator REID for 15 minutes; Senator DORGAN for 20 minutes; Senator BAUCUS for 10 minutes; and Senator THOMAS for 30 minutes.

At the hour of 11 a.m., the Senate will resume consideration of the pending motion to proceed to Senate Resolution 227 regarding the extension of the Whitewater Committee. It is also our intent for the Senate to begin consideration of S. 942, a small business regulatory relief bill. This is legislation, I believe, that will enjoy overwhelming bipartisan support. I believe it was reported out of the Small Business Committee unanimously, and we hope that we can get an early agreement to proceed on that legislation.

It is also possible that a bill to temporarily extend the debt ceiling will be brought up. If so, rollcall votes will occur during today, and Members should expect that to happen.

Again, I want to emphasize that we hope to get that debt ceiling legislation up and considered. If not, it could conceivably be brought up on Friday. So I hope we can get cooperation in bringing up both the small business regulatory relief bill and the debt ceiling.

Mr. President, I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for morning business.

Mr. REID addressed the Chair.

The PRESIDENT pro tempore. The able Senator from Nevada.

Mr. REID. Mr. President, under the previous order, I request the Chair notify the Senator when he has 3 minutes remaining.

The PRESIDING OFFICER (Mr. GREGG). The Senator from Nevada.

ENDANGERED SPECIES ACT LISTING MORATORIUM

Mr. REID. Mr. President, about 11 months ago, I stood on this floor and indicated to this body that it was about to make a crucial mistake, a critical mistake. At that time the U.S. Senate was considering a moratorium on the listing of endangered species. Those people at that time who were calling for a so-called time out in the listing of endangered species, I do not think, or I hope, did not understand the consequences. They did not want to wait for reauthorization of this list. They did not want to wait for the reauthorization to take place through the legislative process. They said they could not wait for reforms to be deliberated and drafted by the committees of jurisdiction. In fact, Mr. President, they could not even wait for the Environment and Public Works Committee to consider the moratorium.

It was brought to the floor without a single hearing. There was nothing done in the way of a deliberative process to point out the inherent weaknesses of what was about to be done. In sum, they started, without justification, a piecemeal dismantling of the act, which is to jeopardize forever the existence of various species of plants and animals.

My colleagues reacted by giving pieces of history where the Endangered Species Act did not work well, and thereafter imposed the moratorium on any further listing of endangered species. One Member of the House of Representatives claimed at that time that "we must put regulators on a leash."

Mr. President, there are a number of ways to control regulators, but the path taken was, in my opinion, the worst path. The path taken was to cause damaging and unreasonable requirements. In fact, we had to simply stand by and watch extinction take its toll. No doubt that Member of the other body overlooked the only real impact, which is the increased risk to plants and animals in an endangered state.

Mr. President, now, not a single plant or animal has been added to the list since before April of last year. So, what good is this list? It initiates the recovery through a planning process and provides the benefit of State protections, and it affords restraint on Federal activities which jeopardize listed species, and that is the need for listing, to protect that which cannot protect itself.

What is it that we achieve by removing the protection? Everything the critics hate—the process, the definitions, the mission of the Endangered Species Act—they all remain the same. We have not changed anything of that.

Mr. President, I think there are problems with the Endangered Species Act, things that need to be changed. The moratorium does not change a single thing. It did not touch the definitions, the process, the mission of the Endangered Species Act. They all are just like they were before April 10 of last year. Instead, my colleagues simply waged a war on the variety of species that truly need protection. If reform of the listing process had been intended, anyone could have talked to this Senator, who is the ranking member on the subcommittee with jurisdiction, or my colleague, the esteemed, distinguished Senator from Idaho, the junior Senator, Senator KEMPTHORNE, who is chairman of this subcommittee, to talk about substantive reform. If the act was to be made more efficient, then my colleagues could have addressed the many proposals that were brought forth by various coalitions throughout the last session.

But, if my colleagues were honest with themselves and would recognize that this moratorium sought neither to reform nor to protect but to prohibit protection of species, then I think we see the picture.

When the moratorium was passed in April of last year, there were about 80 species that had been proposed for listing. Today, there are more than 250 species listing decisions from the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. In 1 year, because of our inactivity, we have three times more than we had then.

We were also told that there are another 270 candidate species which need to be evaluated for either cooperative conservation agreements or proposed listings.

This has had a tremendous impact—the action taken by this body and the other body last year. It has had a tremendous impact on individual species. Once the Florida black bear roamed throughout Florida, southern Georgia, and most all of Alabama. Thousands of these bears roamed this part of the country. Today, if we are lucky, there are 1,200 to 1,500 bears remaining, and they are scattered and isolated.

The black bear, interestingly, Mr. President, is more important than just being a bear. It is known as an umbrella threshold species, whose own population well-being is reflective of the health of the rest of the habitat area and the other species in that same ecosystem.

Currently, there are insufficient conservation areas in Florida to adequately protect the habitat base needed for long-term survival of the State's black bear population.

This unique species, the Florida black bear, was scheduled to be listed by 1996. But now because of the moratorium, the very future of the black bear is bleak and really uncertain. Many scientists say the black bear is finished.

The west coast steelhead of the Northwest has also steadily lost its habitat and consequently consistently declined in population. This fish, which runs from California through Oregon and Washington and Idaho, is a game fish. The annual revenues from this sport fishery is valued at about $32 million. It is in danger because of activities now being carried out because there is no protection under the Endangered Species Act.

Logging, urbanization, agricultural water diversion, dams, and effects of hatchery fish on native populations are all happening without any restraint, without any concern for species conservation, and are now being carried out because there is no protection of the Endangered Species Act.

The bog turtle of the Northeastern United States was proposed for listing last year. Its protection was delayed because of the listing moratorium, and biologists are now wondering if the remaining populations will be viable once the moratorium is lifted. Probably not is the order. The bog turtle survives in wetlands which are separated by development. Consequently, the bog turtle has a difficult time finding others of the species to mate with.

While the moratorium is in effect and the budget cuts deny execution of the act's mandate, the Fish and Wildlife Service is prohibited from conducting any research or taking actions to prevent further decline of the bog turtle species.

The real tragedy is that there are countless others for which we have no current data and no concept of the welfare of the species. Extinction is forever. But we know there are some in trouble:

The swift fox;

There is a plant in New Jersey called the bog asphodel, a plant found only in the State lands of New Jersey;

The Topeka shiner was to be protected by an agreement of private landowners, but because more information needed to be collected, the agreement was not signed due to the moratorium.

All of these species which I have just talked about will be unmonitored and unprotected if the moratorium remains in place.

The moratorium, Mr. President, inherently costs time, effort, and species. I repeat that extinction is forever.

When we do resolve the reform issues for the Endangered Species Act, we will have to do a great deal of research over again. We will be playing catchup, and ultimately the moratorium will end up costing the taxpayers more to recover a species that is further down the road to extinction.

Mr. President, the moratorium does not benefit the landowners or the regulated interests. On the contrary, the future of species on their land is as uncertain as it ever was. When the landowners throughout the country come to my office, they do not ask that we stop trying to preserve species. I have never heard anyone say that. They say they want certainty in the process.

More importantly, the moratorium fails to acknowledge the permanency of extinction. We are spending time trying to come up with a reasonable approach to the Endangered Species Act. I have worked with Senator KEMPTHORNE, and I think we can come up with something. But I want to alert everyone here, Mr. President, as I did in the Appropriations Committee yesterday, that when the appropriations bills—this bill, which is going to have five bills wrapped into one, the so-called continuing resolution—comes up in next few days, I am going to offer an amendment to do away with the moratorium. That is the right thing to do.

What is needed is substantive reform. We need a more efficient listing process with a deadline, with peer review, and with State and local participation in the process, making recovery plans practical with such measures as deadlines, multispecies priorities, and cooperative efforts. That is essential to any substantive reform.

We need to bring non-Federal parties such as State and local governments and affected parties to the table to work cooperatively in a teamwork approach that is vital to bringing balance to the delisting and recovering process.

We need to establish a relationship with private landowners, and it must be changed to include voluntary conservation agreements, safe-harbor provisions providing the landowner protection for unforeseeable species habitat on their land, or private land, and we also need a short-form habitat conservation plan from minimal impact landowners.

In effect, we should not have one program for all. We need to have various programs to meet the circumstances. We can do that.

But this moratorium, in my opinion, is cruel, it is unusual, and it is unnecessary.

Mr. President, I have said on other occasions, and I say today, that we need to protect species of plant and animals. Extinction is forever.

Some within the sound of my voice may say, "What difference does it make? Why should we be concerned about an animal becoming extinct and losing it forever?" If we do not care about animals, why in the world should we care about plants?

I have a friend with whom I went to high school. He was one class ahead of me. We played ball together. He had a son. His oldest boy hit a home run in the Little League. He could not make it around the third base. When he got to home, the parents were a little concerned that maybe he was lazy. The fact of the matter was this little boy had leukemia. In those days, when children got leukemia, 20- or 25-years-ago, they died. They did not survive. Childhood leukemia was fatal. My friend's little boy died, and he died quickly.

Mr. President, as a result of a plant called the periwinkle plant, scientists found that the substances from that plant allow children to live. Children with leukemia now live because of the plant called periwinkle. Childhood leukemia is no longer fatal, because of this plant.

About 40 percent of the curative substances we take come from plants, many of them from the rain forests and other areas that are going out of business because of population density. I urge my colleagues who recognize the need for substantive reform of the Endangered Species Act, who understand the devastating effect of this moratorium, will support an immediate repeal of this devastating moratorium and allow us to move forward with a sound, substantive, bipartisan reform of the Endangered Species Act.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

THE MAYR BROTHERS

Mr. GORTON. Mr. President, last weekend 170 employees of the Mayr Bros. sawmill in Hoquim, WA, were notified that they were about to be laid off. One-hundred and seventy individual workers is not a particularly large number in connection with all of the layoffs that have taken place across the Nation during the course of the last year. But this is almost the last 170 workers for this particular mill. They are in addition to several thousand others in the area who have lost their jobs during the course of the last 4 or 5 years.

Hoquim, WA, the location of the mill, is a small city of about 9,000 people. The Mayr Bros. mill is one of the few that remain in that city. It has been a mainstay of this community for 63 years at this point in its history. Hoquim, Mr. President, to put it mildly, is not a destination tourist resort by any stretch of the imagination. It is a working-class community that has provided wood and fiber and paper products for the people of the United States for the entire length and breadth of the 20th century.

These layoffs, however, are from a different cause than simply the dynamics of a constantly changing economy. They are taking place because of deliberate policies imposed by the Congress and by the administration with respect to the harvest of timber in our national forests and on the lands managed by the Bureau of Land Management of the United States.

It is particularly ironic in the light of these layoffs that the junior Senator from the State of Washington the day before yesterday introduced a bill that would effectively cancel all of the harvest on Federal lands all across the country that were authorized by a rescissions bill signed as recently as last July by the President of the United States, after extensive negotiations involving his office, my office, and that of the distinguished Senator from Oregon [Mr. HATFIELD].

The owner and operator of Mayr Bros. mill, Tom Mayr, has left four Federal timber sales. They are commonly referred to as section 318 sales, named after that section of the fiscal year 1990 Interior Appropriations Act sponsored by then Senator Adams and Senator HATFIELD to provide some interim relief while we determined the future management of our national forests. But even those sales specifically authorized by a fairly recent statute here have been held up for more than 5 years just while a study respecting the marbled murrelet has gone on in the timber area.

Now, Tom Mayr is not the only person who is affected by those provisions or by the Rescission Act provisions. Roughly 600 million board feet of Federal timber contracts have been held up by the Government. In each case they have one feature in common. They represent contracts which were signed by the Federal Government authorizing the harvest about which the Federal Government had second thoughts at some later period of time. As a consequence, if they are not carried out, the Federal Government will have very considerable contractual liabilities, at least $100 million—perhaps more than that.

Included in the Rescissions Act was language directing that the administration release these timber sales unless one of these marbled murrelets was known actually to be nested in the area. So they are sales in which there is no known nesting habitat for that particular species.

When President Clinton signed the bill, sale owners began to see some light at the end of a very long tunnel but then the administration changed its mind. Despite the fact that the language in the provision was very clear and was discussed with representatives of the White House before it was passed and signed, it has literally taken court orders to get the Clinton administration to implement the provision. As a consequence, fewer than one-half of the sales covered by the provision have been released and only those as a result of a court order.

Much has been made of these so-called salvage timber provisions in the rescissions bill, so an outline of precisely what they contain should be included in the RECORD at this point. First, the only one of the three areas covered by the rescissions bill language on timber harvesting contracts is section 2001(k). Two other provisions, one on timber salvage and one on the administration's own option 9 provisions, were designed simply to help the administration carry out its own promises. They required the administration to do nothing at all. If it wished to repudiate its promises with respect to salvage timber or with respect to the option 9 commitments of the President of the United States to the people of the Pacific Northwest, it is entirely free to do so unaffected by the provisions of the rescissions bill.

The areas that are covered by the bill on a mandatory basis involve less than 10,000 acres out of the 30 million acres of Federal forestland in Oregon and Washington, fewer than 1 acre out of 3,000. Let us put it in a slightly different fashion. If this provision were a permanent provision ordering this amount of harvest every year rather than a one-time provision to honor past contracts, in 1,000 years fewer than half of the acres in the national forests in these two States would have been harvested once. In 1,000 years, fewer than half of the acres would have been harvested one time. The 600 million board feet represents one-tenth of the historic harvest level in the forests of the Pacific Northwest and far, far less than the natural regeneration rate of those forests. We are talking about a tiny degree of relief, a very modest degree of relief both for the people of timber country and for that matter in connection with the demand of the people of the United States for forest products for paper production, for fiber production, for wood for the building of houses, and the like.

Even so, when the administration began to have second thoughts about this provision, Senator HATFIELD and I listened quite carefully to its views, and in the bill passed by the Appropriations Committee yesterday to gather together all of the remaining appropriations bills in one omnibus proposal we have proposed two changes. We have made it much easier for the administration to exchange particular sale areas that it thinks are especially sensitive for others that are less sensitive assuming that the contractor goes along. We have also made it possible for the administration to buy out certain sales if it can gain the consent of the contracting party, and it can. We know of areas, including Mr. Mayr's areas, in which it can do so. But it is required to use the money already appropriated to it and not simply to do as the administration wishes, to come up with another $100 million unaccounted for, to be added to the deficit to be sent as a bill to our children and grandchildren. If it can find other ways in which to come up with presently appropriated money to purchase these sales or can find other areas in which to make exchanges of such sales, it can do so.

I think it would be especially ironic if the legislation to repeal the rescissions bill were to pass in the immediate aftermath of this most recent set of layoffs. It shows a tremendous indifference to the faith of hard-working people who have paid their taxes and built their communities over the better part of this century.

There are those who claim to be offended by this law, so offended that they call for its repeal. I am offended; I am offended by their complete and total lack of compassion that this proposal shows to these hard-working people and to the American economy and to the countless others before them who have lost their timber-related jobs as a result of similar policies.

I am offended by the total indifference to the cost of the repudiation of legal contracts entered into by the Government, shrugging them off on the proposition that someone else can pay for them sometime in the future and that we will simply add another bill to the taxpayers of the United States.

Mr. President, we will be debating this issue during the course of the next several days. I will have some charts demonstrating graphically the statistics I have outlined, that we are talking about an extremely modest proposal. We are speaking of far less harvest than the President's own promises as recently as 2 years ago to the people of the Pacific Northwest. We are simply enabling the President to keep the promises that he made, that he now, in an election year, desires to ignore.

MEASURE PLACED ON CALENDAR—H.R. 497

Mr. GORTON. Mr. President, I understand there is a bill due for its second reading.

The PRESIDING OFFICER (Mr. SHELBY). The clerk will read the bill by title.

The assistant legislative clerk read as follows:

> A bill (H.R. 497) to create the National Gambling Impact and Policy Commission.

Mr. GORTON. Mr. President, I will object to the further consideration of this bill at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

A BALANCE IN SALVAGE SALES IN TIMBER

Mr. BAUCUS. Mr. President, I first want to make a general observation with respect to the previous Senator's statement on the salvage sales. I think we all agree that we are striving for balance here; namely, we want to assure that dead, diseased, dying timber, that is, salvaged timber, is harvested appropriately. That means there is a role to speed up salvage sales, but we also want to make sure we do not abuse our environmental statutes, abuse environmental protections.

I know the Senator, as all Senators are, is hoping to try to find the correct balance between those two extremes. One extreme is to go in and cut timber, dead, diseased, dying timber, and also green timber, as we do not want to abuse the salvage sale provision, but at the same time we want to make sure that our environmental statutes are adequately protected, because all Americans want balance and they want to make sure our forests are protected and want to make sure that they are also properly managed.

THE FUTURE OF MEDICARE

Mr. BAUCUS. Mr. President, it is all too easy for people in Washington to lose sight of what really matters. What really matters is how decisions made here in Washington actually affect average American families. The Medicare Program is a good example.

As the future of Medicare is debated, we are going to hear a lot of fancy words, a lot of concepts thrown around by both sides. But let us not forget that premiums, deductibles, copayments, and managed care mean nothing in and of themselves. Let us not lose sight of the bottom line. The bottom line is how the Medicare Program helps people, average, hard-working, descent people in my home State of Montana and across the Nation.

Are the proposed changes in Medicare going to actually help seniors live in dignity and security? Will they actually help average working families begin to plan for a secure retirement? Will they actually give these same families the peace of mind of knowing that they will not be forced to shoulder the costs of their parents' medical expenses?

Not long ago I was going through my mail from home and I came across a letter that helped drive these points home. It came from Mrs. Ethel Ostheller in Libby, MT. Libby, you might know, is a small town in the northwest corner of our State.

Mrs. Ostheller is 85 years old. She is widowed and lives off Social Security. She has had some serious health problems. She had a heart attack. She still owes a little over $700 to the hospital, and she now pays about $150 each month for prescription drugs, none of which is covered by Medicare.

She writes to me about these problems. Let me just read to you the closure of her letter which reflects her concern, but yet the optimism which is so typical of people across our country.

> So with all of this, I'm worried [she writes]. I wonder what more can happen. But I'm not as bad off as lots of others. I'm trusting in God, living one day at a time, and I keep busy.

I think that typifies and represents the decency and the goodness and the basic common goodness of Americans.

How will any changes in Medicare affect people like Ethel Ostheller? That is what this debate is about. For her and thousands of other Montanans, Medicare is a health issue but also a pocketbook issue. It helps them plan for a secure retirement and to make ends meet. That is why we must work to assure that Medicare remains solvent and that the Medicare trust fund is not raided, not raided in order to pay for other programs or to pay for tax breaks for the very wealthy, as was the case in Speaker GINGRICH's budget last year. That is also why we must work to assure that the Medicare Program is run as efficiently as possible. Unfortunately, that is not the case for either Medicare or Medicaid today.

The General Accounting Office estimates that about 10 percent of Medicare's total costs result from waste, from fraud, from abuse. That is about $18 billion this year; 10 percent wasted or lost through fraud or abuse.

We all know that $18 billion is a lot of money, but let me put this in perspective: $18 billion is enough money to run the government of the entire State of Montana for 6 years.

More to the point, $18 billion is enough money to reduce the health care costs of every Medicare recipient by $500 each year. That is $500 each year Medicare patients now pay because of Government waste, fraud, and abuse in the Medicare Program. That drives up—that fraud and abuse—Medicare costs. It is robbing our seniors, robbing people like Ethel Ostheller, of hundreds of dollars each year.

How does this happen? Typically, it involves fraudulent billing practices by a Medicare or Medicaid provider; that is, a doctor or a hospital, one of the various providers. It occurs in every State in the Nation and in every segment of our health care industry. There have been abuses in ambulance services, clinical laboratories, medical equipment suppliers, home health care, nursing homes, physician and psychiatric services, and rehabilitation.

Let me cite some examples. These were uncovered by the General Accounting Office and also by the Senate Special Committee on Aging.

A medical equipment company in California billed Medicaid half a million dollars for merchandise they said they delivered to needy patients. What happened? It was a ruse. The patients did not need the equipment; the company never made delivery of the equipment, but they sent the taxpayers the bill anyway.

Another example: Medicare paid $7.4 million to a company for surgical bandages that were never used.

And still another case in Great Falls, MT—unfortunately, my home State: An ophthalmologist overbilled Medicare by $200,000. He was prosecuted and convicted by our U.S. attorney in Billings.

While these incidents may be extreme, they are not isolated. Frankly, I am disappointed with the Federal agencies that are supposed to have jurisdiction over all this. They have let this go unchecked for too long and have only recently begun to take action. I must say they are not alone.

A tough approach to fraud and abuse is almost completely lacking in the Gingrich plan that Congress is considering. The $270 billion in cuts, which was so harsh on beneficiaries and hospitals, contained a pathetically low amount for fighting fraud and abuse.

We must have zero tolerance for those who willfully cheat the Medicare system—zero. Ultimately, they are stealing money from ordinary Americans, average American families. They are stealing money away from seniors, people like Ethel Ostheller, who depend upon Medicare to help make ends meet.

They are also stealing money from millions of Americans who are working today and deserve to know that Medicare will be there when it is time for all of them to retire.

In the weeks ahead, I intend to come forward with proposals to get tough on Medicare fraud. I look forward to working with a number of my colleagues, both Democrats and Republicans, to find commonsense solutions to this very serious problem.

Thank you, Mr. President.

ACTION TAKEN ON H.R. 497 VITIATED

Mr. BAUCUS. Mr. President, I ask unanimous consent that the action just taken on the second reading of H.R. 497 be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota is recognized.

Mr. DORGAN. I thank the Chair.

(The remarks of Mr. DORGAN pertaining to the introduction of S. 1597 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

SEARCHING FOR PROSPERITY

Mr. GRAMS. Mr. President, when Minnesotans gather to talk about the issues that matter to them most, as they did on Tuesday at their precinct caucuses, there is a common theme that weaves between nearly all of them, especially when they are speaking directly from their hearts.

They are looking for a better life.

They want a good job that pays a decent wage. They want to put enough food on the table. They want a strong roof over their heads, for many, a place they can call their own.

And after the bills have been paid, they would like a little extra at the end of the month to squirrel away in a savings account.

The most striking truth about seeking that better life is that most folks aren't doing it just for themselves. They are pursuing it for their children, too, in the hopes of offering them the best opportunities for success.

In other words, they are searching for prosperity.

It is interesting that prosperity and the struggle to achieve it has spread across the Nation to become a major theme of the 1996 presidential campaigns. The media have just begun to focus on the troubles facing working people, and the stagnating wages and high taxes that have pushed prosperity out of reach for many middle-class families.

But where have the media been? Working families have been feeling the pinch for a long time.

"Our economy is the healthiest is has been in three decades," announced President Clinton in his State of the Union Address.

Is it really? There is plenty of evidence to the contrary—and four areas are especially troublesome:

First, the economy itself has dropped to a sluggish pace. The Federal Government released new numbers just last week confirming that economic growth has slowed to a trickle, up by only nine-tenths of a percent during the last 3 months of 1995.

Second, job growth has slowed as well, to about half the rate we'd expect to see in a normal recovery.

The U.S. Labor Department says that pay and benefit increases last year saw their lowest climb in about 14 years, since the Government first began tracking these statistics.

They could, in fact, be the leanest increases since before World War II, an unfortunate trend analysts say could easily continue.

Third, wages continue to slip as Americans take home fewer and fewer dollars.

Real weekly earnings for an average worker dropped three-tenths of a percent in 1995. That means families are taking home almost $800 a year less than they did before President Clinton was elected in 1992.

That is $800 they no longer have to spend on necessities such as groceries, medical expenses, or insurance.

Fourth, while the economy is slowing down, taxes have accelerated.

Americans have never paid a higher percentage of their income in taxes than they are paying today.

In 1950, an average worker paid about 2 percent of his earnings to support our Federal Government. Today, an average family sends 25 percent or more of its earnings to Washington, and that does not include the additional tax burden once State and local taxes are heaped on top of that.

Now if the economy itself was not blocking the road toward prosperity, the record high taxes alone would have done it. Together, they have proven to be a lethal combination for American families and American workers.

None of this will come as any surprise to middle-class, working Americans.

After all, they are the ones paying the taxes at the same time they watch their paychecks shrink.

But they can find some comfort in the fact that it is their anxieties—that is, the anxieties of parents hoping to eke out a better life for themselves and their children in the face of tremendous obstacles—that will perhaps become the defining issues of the 1996 elections.

It all comes down to economic growth, income, and jobs.

We know what is blocking the way, but how did the roadblock get there in the first place?

Do you remember the prank we used to pull when we were kids, when we would attach a dollar bill to the end of a fishing line and plant it in the middle of a sidewalk?

As soon as someone spied the bill and reached down to grab it, we would yank on the string, moving that dollar out of reach and leaving the poor victim embarrassed and empty-handed.

That is what the Clinton administration is doing to the middle class. They tempt working Americans with a dollar bill and the prosperity it represents, but they yank it away just as soon as somebody begins to get close to it.

Rather than offering opportunities for success, the Government has allowed working people to become trapped between falling incomes and rising taxes. Whatever you call it—the "middle-class squeeze" or the "Clinton crunch"—it is cheating the middle class out of their hard-earned dollars.

Just look at your paycheck, look at your tax forms, look at what you are paying for government, who is spending your money, and how they are spending it. In most cases, the bureaucrats have your credit card and are spending it, I believe, without any real accountability.

It should make Americans angry that much of the money they work so hard for is being wasted on programs that do not work, or plainly just cost too much.

Unfortunately, past discussions about issues like wage stagnation and economic growth have too often centered around the minimum wage or corporate profits, and that is not what working men and women care about, though.

They are interested in their net income—what is left after you take out Federal taxes, State taxes, payroll taxes. And under the Clinton administration, there has been less and less left over in your pay envelope, thanks in part to the President's tax increases and the Federal mandates that are sapping the precious resources of our job providers, businesses have been forced to keep wages lower.

They would like to invest their dollars improving salaries and benefits, but any additional dollars that might have been available to improve the lives of employees have been confiscated by the Federal Government.

Even when job providers find the means to offer wage and benefit increases, tax hikes mean families do not see much of a difference in their paychecks after it is done.

And so family incomes—the amount of dollars they have left to spend on food, transportation, clothing, housing, et cetera—have actually dropped every year of the Clinton Presidency.

A Government-mandated increase in the minimum wage is not the only solution—although many argue that is all we have to do and many problems would be cured—because low wages alone are not the problem.

The Clinton administration simply cannot stop spending, and requiring more and more tax dollars to feed that spending, taking away most of the money that could be used for better salaries, or new jobs.

If the Government would reform itself, if it would curb its spending and cut taxes, middle-class families would not need a hike in the minimum wage or risk losing their jobs because of it.

In our current economic climate, it is the working folks who have the most to lose. The wealthy do not need our help. The poor already have the safety net of welfare and the hundreds of Federal programs it opens up to them. But who is watching out for the working people? They are the ones being squeezed.

Yet the Clinton administration just does not get it, despite all the talk from the White House about the need to reform Government and balance the budget.

Just last week, President Clinton requested an additional $8 billion from Congress for increased domestic discretionary spending.

How can you go on national television one week to declare that "the era of big Government is over," and then come to Congress just a few weeks later, hat in hand, asking for another 8 billion dollars' worth of even bigger Federal Government?

Where do we get the money—higher taxes, or borrow it and make our kids pay?

My colleagues on the other side of the aisle still do not get it, either.

They staked out a new agenda of their own last week as part of a campaign to portray themselves as the soul of the working class. Incredibly, their proposal includes more job-killing taxes on the Nation's job providers.

That, of course, comes after they spent months trying to delay and derail our efforts to balance the budget and offer meaningful tax relief to American families.

Republicans have put on the table a balanced budget, welfare reform and Medicare reform. But who has stood in the way of getting that passed so the American people can begin to enjoy the benefits? It has been the Democratic leaders in this Congress and the President who have kept that from happening.

Mr. President, too many years of big Government have proven it: more taxes, more spending, more regulations, and more Government programs will not lead to more jobs and higher pay. We will never tax our way to prosperity or spend our way to economic success.

Unlike those Johnny-come-latelys in the White House and here on Capitol Hill who talk a good game about serving the middle class but never step up to the plate on their behalf, the taxpayers' agenda Republicans are fighting for has always been focused on the working class.

We have heard their calls for tax relief—and we delivered.

We have heard their calls for opening the economy to more jobs, better paying jobs—and we delivered.

We have heard their calls for balancing the budget and putting an end to the legacy of debt we have imposed on our children and grandchildren—and we delivered.

We have heard the pleas of working Americans who ask for nothing more than a chance to reach prosperity—and again we delivered.

In the name of America's working class, we shipped each one of those proposals to the White House—and the President sent each of them back stamped "Return to Sender."

Mr. President, the balanced budget passed by this Congress, with its tax cuts and incentives to help stimulate growth and create jobs, is the best way we can help average Americans troubled by an economy that is heading down.

We agree that the key to creating economic prosperity and good jobs is a healthy business climate.

We understand that those jobs can help instill independence and dignity, and create more opportunities for anyone trying to get ahead.

And we know that the key to empowering families to reach that better life, however they may define it, is to cut taxes and let them keep more of their own dollars.

Mr. President, for the working-class people of this Nation who have built their own success and today lead the lives they have always wanted, prosperity is not defined by the size of their last Federal handout or how much something they got for nothing.

It is oftentimes about building something out of nothing, which, after all, is the definition of the American dream.

I urge the President to put aside the election-year politicking and take a real stand on the side of the working class by working with Congress to right the economic wrongs created by his administration.

It is not too late to give prosperity a chance, but it would be irresponsible to make Americans wait until the November elections have come and gone before we really try.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized to speak for up to 30 minutes.

FRESHMAN FOCUS

Mr. THOMAS. Mr. President, you will be relieved to know I will not take 30 minutes. I have shared it with my friend from Minnesota.

Mr. President, the freshman focus has been in here now for a couple of days, talking about the economy and talking about ways that we can strengthen American families, strengthen the economy, strengthen wages, strengthen jobs. The interesting part of it is that is what we have been talking about here for the last year. That is what we have been talking about when we talk about balancing the budget, when we talk about regulatory reform, when we talk about tax relief. Unfortunately, I think in our communications too often the perception is that we are talking about those things because they are what is in our mind—tax relief and balancing the budget. We really ought to be talking about the benefits of those things. That is why we are doing it.

We are balancing the budget for a result, and one of the results, of course, is the fiscal and moral responsibility to pay for what we are using and not to put onto our children and grandchildren a $5 trillion debt, $260-billion-a-year interest payment, a lifetime interest payment for a youngster born today of $180,000. We really ought to be talking about that.

Our friends on the other side of the aisle stood up yesterday and said, "We want to start talking about the economy. We want to start the conversation."

Excuse me? That is what we have been talking about for a year. That is the very thing that the Democrats have blocked all year long—a balanced budget, help to create jobs, tax reform, so that people will invest money in the economy and create jobs so families have more money in their pockets to spend. That is what we are talking about, jobs and wages and an economy that grows.

Unfortunately, we have not always had the information. The President, I think, maybe this year, has said our economy has been the healthiest it has been in three decades. I am sorry, Mr. President, but maybe you need to look at some of the information that comes from your agencies.

Employment data: Unemployment rose from 5.6 to 5.8 in January. The healthiest economy in 30 years? Not for workers. Increases in workers' wages and benefits are the lowest in 14 years. After accounting for inflation, the rise in wages is an abysmal 0.3 percent. At least part of it is the fact that the economy has grown more slowly in the last 4 years than it has grown in the previous 15.

This year's growth was 1.8, I believe. The last quarter was .9 when we were more accustomed to 3.5, or 4.5 growth.

Why is that? There is a great argument about why that is, of course. The

Senator from New Mexico yesterday talked about a program in which the Government would decide which are class A corporations. We would have more regulation and seek to have the Government more involved. That is a point of view, and not one that I agree with.

On the contrary, it seems to me that what we need to do to spark the economy is to have tax relief so that there is more money in the private sector to invest in job creation and to do something about regulatory reform.

I come from a background of small business, and I have some idea of how costly it is to meet the requirements of the regulations. Nobody is saying do away with all regulations, but we are saying that there are ways to do it that are less expensive, that are more efficient, and that will encourage small business.

I do not know how many people have heard of small businesses who say, "I am not going to fight it anymore. It is not worth it. I have put in all of this effort and really take home very little."

So, Mr. President, that is what it is about, and we have an opportunity to do that. We have an opportunity—starting last year. And, frankly, we have had opposition from the White House. We have had opposition from the minority Democrats. They do not want regulatory reform. That is available. We can do that. Balance the budget—we are still in the process of that. What is so magic about balancing the budget, for Heaven's sake? We have not done it for 30 years. Everyone else has done it. You have to do it in your family. You have to do it in your business. It is a constitutional requirement in Wyoming. The legislature is meeting now. When they came, they knew. "Here is the revenue we have, and here is the expenditure that we are allowed to make."

They do not do as we have done in the Congress for 30 years and say, "Here is the revenue. Here is the expenditure. Put it on the kids' credit cards."

That is what we need to do in order to do something about the economy, Mr. President. I hope that we will do that.

SENATOR HENRY SCHWARTZ

Mr. THOMAS. Mr. President, I would like to acknowledge today one of my State's—Wyoming's—unsung heroes, Senator Henry Schwartz, who served our great State from 1936 to 1942.

Senator Schwartz did much for Wyoming. But today I would like to focus on his efforts during the 76th session of Congress when he had amended the National Defense Act to establish a school specifically for the training of black pilots.

While military opportunities for minorities increased after the Civil War—like the establishment of the famed Buffalo Soldiers who fought and died for our country on the western frontier—there were very few, if any, opportunities available in the Air Force, at that time, the Air Corps.

To challenge that trend, in 1939 representatives of the African-American community asked Congress to consider allowing blacks to be military pilots. The matter had been given little consideration until Senator Schwartz submitted an amendment to the National Defense Act which established a training school specifically for African Americans. The amendment passed with a vote of 77 to 8, and history was made.

With the help of the Senator from Wyoming, legends like Benjamin O. Davis, Jr., America's first black Air Force general and commander of the 99th Pursuit Squadron—also known as The Tuskegee Airmen—was given a chance to serve this country.

Past and future aviators, from astronauts to fighter pilots, will continue to rise in the defense of America because of Henry Schwartz's work.

So today I rise to acknowledge the work of Senator Henry Schwartz and sincerely thank him. His genuine belief in affording all Americans the opportunity to achieve is his legacy to this Nation.

Thank you, Mr. President. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

WHITEWATER DEVELOPMENT CORP. AND RELATED MATTERS—MOTION TO PROCEED

The PRESIDING OFFICER. The clerk will report the motion to proceed to Senate Resolution 227.

The assistant legislative clerk read as follows:

Motion to proceed to consider a resolution (S. Res. 227) to authorize the use of additional funds for salaries and expenses of the Special Committee to Investigate Whitewater Development Corporation and related matters, and for other purposes.

The Senate resumed consideration of the motion.

Mr. D'AMATO. Mr. President, I believe that we have a constitutional obligation to get the facts as it relates to the Whitewater Committee and its work, which is incomplete. It is not nearly complete. It is not complete for a variety of reasons. The fact of the matter is that just this past Saturday—actually late on a Friday—this committee received a letter from a very prominent lawyer. That lawyer represents Bruce Lindsey. Bruce Lindsey is President Clinton's close friend, confidant, and assistant.

For months and months and months, Mr. Lindsey and his attorney were aware of the fact that we were seeking all notes and all relevant material that he may have had in connection with Whitewater. We know that he was part of this Whitewater strategic team. We know that. Mr. Lindsey testified that he did not take notes. We were concerned and we had reason to believe that he did take notes.

Mr. Lindsey's attorney sends us a letter, very interestingly, dated March 1. That is after the deadline for our committee's work or the appropriation for our committee. He sends us the notes that we had asked him about, which he had first denied ever having taken. There are two pages, all about Whitewater and various questions—like who made telephone calls in connection with it to Bill Kennedy, Randy Coleman, Hale, and other people involved in it. And then he tells us in his concluding sentence that he has additional documents, and he claims a privilege—not a privilege between himself, being Mr. Lindsey's lawyer—but he raises a privilege between himself and these documents being sent, that they are attorney-client discussions and communications with the President's counsel.

Now, first, we have the White House saying they would not raise the issue of privilege. Second, we have no way of knowing if this information falls within that domain. Third, in order to keep his client from obviously thwarting the will of the committee and its subpoena, he cloaks this. Understand, if anybody can simply say that these are documents or information that I shared with the President's counsel, that would automatically thwart us from getting information. That is what this is about. This is a way of keeping information from us and not, obviously, being in a position where he is in contempt of a duly authorized, issued subpoena. That is what is going on. It is incredible.

Now, our attorneys have written to him. Our attorneys have written and we have asked to see the so-called privilege log that would exist, and we have been denied that. We have been given no response to this. Here we have people who want to cut off this investigation. They want to cut it off. Well, I have to tell you that when we get information that comes in after the work of the committee, that we hoped had been concluded, and get information from key White House officials, I have to suggest that that is why it becomes very difficult and dangerous to set a time certain for the conclusion of an investigation.

Indeed, in the book "Men of Zeal," the former Democratic leader, Senator George Mitchell, said exactly that. He said this about when you set time lines:

> The committee's deadline provided a convenient stratagem for those who were determined not to cooperate. Bureaucrats in some agencies appeared to be attempting to thwart the investigative process by delivering documents at an extraordinary slow pace. The deadline provided critical leverage for attorneys of witnesses in dealing with the committee on whether their clients would appear without immunity, and when in the process they might be called.

This is exactly what is taking place—holding back documents and documentation until the critical moment. Wait until the committee goes out of existence and then say, "Oh, by the way, I was culling my files * * *" Look, that is preposterous. This is the second major player to do this, the other being Mr. Ickes and his lawyer. Guess what his lawyer found? Mr. Ickes is deputy chief of the White House. His lawyer found the same kind of information. Guess what? In the same way. He culled his files and found them. Why would you not undertake this when we issued subpoenas months and months and months ago?

There have been more editorials than this Senator cares to go through. Almost by a 5-to-1 ratio, the editorials say the Whitewater work should continue. Even though they did not say it should continue without a deadline, they indicate that, obviously, the work and the investigation has to be conducted in a way not to unduly politicize this investigation. We understand that there are political ramifications. We understand that on both sides.

I think it is instructive to look at two articles. One is the New York Times. I do not deprecate any source of editorials. They have a right to think what they do. I think it is instructive when they say, "The Senate's duty cannot be truncated because of the campaign calendar." That is the New York Times, not Senator D'AMATO. That is not a partisan vehicle for Republican or conservative policies. Very clearly, the question then is: What are my friends afraid of? What is the White House afraid of? What are they hiding? What are they hiding?

Now, it has been said that, "You will never end this." Look, I will put forth now that we are willing to say we will conclude this in 4 months. We think the trial will take 6 to 8 weeks, maybe a little longer. That would give us 6 to 8 weeks, depending on when the trial in Little Rock ends. Why do I say trial? There are key witnesses, who have been unavailable, that this committee would like to examine. We would like to examine them and find out what they know or what they do not know. By the way, some of them may be unwilling to come in.

I do not know how much more generous we can be. Certainly, to set a time deadline of April 5 is silly and would guarantee that we could not bring in these witnesses. It would guarantee, I think, the kind of thing that we got in that letter that was sent to us, in which the lawyer, in a very artful way, claims attorney-client privileged communications with the private counsel for the President.

What we will do is have all of these witnesses that we seek to get documents from simply talking to the President's lawyer, and then you have automatic attorney-client privilege raised. That is wrong. We may have to fight that out, and we may have to take it to the floor of the Senate and ask for enforcement of the subpoena, and we will do it. We will do it.

I do not know if those documents or that information will give us new information, information that we are not aware of. But I have to ask, "why would you hold this back?"

Why would you not let us see the so-called privileged log so we could determine whether or not this was noted as something that was privileged earlier on, or is this just a convenient way to keep the committee from getting information and the American people from getting facts they are entitled to.

I had a radio commentator who said, "I am sick of this Whitewater." I have to tell you, ours is not to be an extraordinary, wonderful show. That is not the job of this committee. Ours is not to be entertaining. Ours is to get the facts. That is what we are attempting to do. But we have been thwarted every inch of the way.

Again, here is the New York Times. What do they say? "The Senate's duty cannot be canceled or truncated because of the campaign calendar." Then it goes on to say something very illuminating: "Any certain date for terminating the hearings would encourage even more delay in producing subpoenaed documents that the committee has endorsed since it started last July. The committee has been forced to await such events as the criminal trial next week of James McDougal, a Clinton business partner in the failed Whitewater land venture."

Now, these are facts. Facts. We have not had the factual information we have required and we are entitled to. We have been dealt with, I believe, disingenuously by many of the witnesses through their counsels in holding back information. I cannot believe a lawyer, in terms of searching for information, would not have revealed the facts and information repeatedly. If one were to look at the transcripts of the testimony, we will see witnesses who cannot remember, who forget over and over and over again.

Officer O'Neill, the uniformed officer who was on duty at the White House the night of Vincent Foster's death, testified he was about to secure Foster's office. He saw Maggie Williams. Who is Maggie Williams? She is the assistant chief of staff to the First Lady, Hillary Clinton. He saw her carrying records out of Foster's office and place them in her office.

Now, his testimony is very detailed. Williams and other White House insiders present at the same time, deny the records were removed. Williams testified that she did not remove documents from his office.

The fact of the matter is we found documents, billing records that we know were in the possession of Mr. Foster. We know that; we have his own personal handwriting affixed to the billing documents. Guess where they show up? Upstairs in the residence of the White House.

Now, how do you think they got there? How do you think they got there? By the way, Officer O'Neill has no reason to make up a story. He is not going to make a story up.

We have another young man by the name of Castleton. Officer O'Neill says, "I saw Evelyn Lieberman walk out of the counsel suite; she stood in front of the doorway, and I looked at her." Again, locking the office was mentioned.

> A few seconds later, I saw her come out with Mr. Nussbaum, come out behind her, and I saw Maggie Williams come out and turn to the direction I was standing and carrying what I would describe as folders, and she had them down in front of her as she walked down in the direction of where I was standing. She started to enter her office. She had to brace the folders on her arm, on a cabinet, and then she entered the office and came out within a few more seconds and locked the door.

How did he know that this was Maggie Williams? He says, "When Maggie Williams did walk out of the office and walked in my direction, Miss Lieberman said, 'That is Maggie Williams. She is the First Lady's chief of staff.'"

He goes on.

> Question. A lot of questions have been asked about the fact you indicated some uncertainty whether there was a box on top of the folders. Are you in any doubt that Maggie Williams was carrying folders as she walked out of the White House counsel's office and walked past you into her own office?
>
> Answer. I am not in any doubt about it at all, sir.
>
> Question. Were you not sure, right?
>
> Answer. I was, yes, sir.
>
> Question. You are not playing games with us and not going to tell us you are certain about something if you are not?
>
> Answer. No, sir.

Let me continue here. There is a young man by the name of Castleton, a White House intern who worked on the Clinton 1992 campaign; this is not a person who is out to get President Clinton. He testified that at Maggie William's request, he carried a box of documents that had been removed from

Vincent Foster's office. This box was moved from Maggie William's office to the First Lady's personal residence. During the trip to the First Lady's office, Castleton testifies that Williams told him that the First Lady wanted to review these records.

Now, Maggie Williams, she does not remember. She did not remember. She says that she would never tell him that. Why would she tell this fellow this? That is what she testifies to.

Why would Castleton make up a story like that? How do you think realistically the billing files turned up in the personal residence—the billing files of the Rose Law Firm; the billing files that really point to critical times and dates; the billing files that demonstrate that indeed the Rose Law Firm and Mrs. Clinton in particular had numerous calls with Seth Ward, Seth Ward being the eventual purchaser, one of the purchasers of the Castle Grande property. I think there were 14 to 15 conversations, meetings and/or calls, during a relatively short period of time, during a matter of 4 or 5 months. This is not inconsequential. This is Seth Ward, Webb Hubble's father-in-law.

One would ask, why would Webb Hubble not have been doing that work? One would have to come to the conclusion, given the nature of those transactions—and those transactions wound up costing the American taxpayers, ultimately, $3.8 million, taxpayers' money—that those transactions were not bona fide. As a matter of fact, Federal officials have characterized them as "sham transactions" that really were the kind of thing that led to the looting of the bank.

"Let me ask you, when Mr. Chertoff raised the question to Mr. Castleton, did you understand that the box you were taking was a box of files that originated in Mr. Foster's office?"

"I did understand that, sir." This is Mr. Castleton, a young man that worked on the Clinton campaign; he still works at the White House.

Mr. CHERTOFF. You heard that from Maggie Williams?

Mr. CASTLETON. Yes.

Mr. CHERTOFF. Let me ask you, Mr. Castleton, on the way to the residence after you picked up the box, you were walking up with Maggie Williams on the way to your residence. What were you told by Maggie Williams about the box being taken up to the residence?

Mr. CASTLETON. I was told that the contents of the box needed to be reviewed.

Mr. CHERTOFF. Reviewed by whom?

This is a young man that worked on the Clinton campaign in 1992, a young man who was working in the White House, a young man who still works in the White House.

Mr. CASTLETON. By the First Lady.

Mr. CHERTOFF. And is this something that Margaret Williams told you as you were walking up?

Mr. CASTLETON. As we were walking from the place where I originally picked up the boxes to the residence.

Now, counsel goes on further. This young man is unequivocal. I have to ask a question: Why would he lie? Why would Officer O'Neill lie? Why would he lie? He had no reason to make this up. Why would somebody who, as a partisan, has every right to be for one or the other—he went out and worked for the President—why would he would deliberately just make this up out of his head?

And then, do not forget there were intervening times. They could have said, "I imagined; I heard." He did not do that. It was unequivocal.

Counsel says, "Now, what did Margaret Williams say to you?"

"Miss Huber, she called."

Miss Huber is a longtime Clinton aide who eventually found the billing records. Where? In the personal residence of the First Lady and the President.

Miss HUBER. She called and said that Mrs. Clinton had asked her to call me to take her up to the residence to put this box in our third floor office. We call it an office.

Mr. CHERTOFF. Had Margaret Williams, on an earlier occasion, talked to you about storing records in the residence?

Miss HUBER. No.

Mr. CHERTOFF. This was first time you had ever done that?

Ms. HUBER. Yes, sir.

And you specifically recall that the First Lady had made that request?

Yes.

Now, look, is Ms. Huber lying? Is Officer O'Neill lying? Ms. Huber has spent 20 years with the Clintons. Do you think she lied? She did not lie. She told the truth.

Listen to this. It is very instructive. It is very instructive. This woman, Ms. Huber, is the person who stores personal documents and puts them away for the Clintons.

Mr. Chertoff says, "Had Margaret Williams on any earlier occasion ever talked to you about ever storing records in the residence?"

And Ms. Huber says, "No."

Again, I think this is rather interesting. This is the first time. So Mr. Chertoff says:

This the first time she ever had done this?

Yes, sir.

And she told you specifically the First Lady had made this request?

Yes.

Now, let me tell you something. Here we are talking about three people, three people. Officer O'Neill, who says that he actually saw Maggie Williams removing documents from Vince Foster's office. She denies it.

Here is the second young man, Mr. Castleton. He worked for President Clinton in the campaign. He still works for the White House; he obviously has an affinity for the President and First Lady. He has no reason to make up an adverse story. What does he say? He says Maggie Williams told him, "We are bringing these documents up to the First Lady." And, "The First Lady wants to review them." Wants to review them.

He did not equivocate.

"Are you sure," we said.

"Yes."

"Are you sure?"

"Yes."

And then we take Ms. Huber, a woman who ran the Rose Law Firm. She was the office manager there. She was in charge of the Governor's Mansion. She is a special assistant at the White House, a close confidant of the Clintons. She is the woman who stores their various papers, such as, I think she testified, income tax records and other papers, deeds of their homes, et cetera. We are talking about a trusted confidant, a friend of the Clintons.

And get this. You must understand how unusual this set of transactions were. Mrs. Clinton, again, gives an order, an order that Maggie Williams relays to this young man. She says, "We have to take these documents upstairs because Mrs. Clinton wants to review them."

When we asked Maggie Williams about that she denies it. "Why would I tell him?" Of course she told him. He did not make that up.

But are we going to say that Officer O'Neill was wrong? That this young man made up this story? And that Ms. Huber, Carolyn Huber, who has been with the Clintons for years and years and years and years, that she would dream this up? Listen to what Mr. Chertoff, our counsel, asked. He said:

"Had Maggie Williams on any earlier occasion talked to you about ever storing records in the residence?"

Ms. Huber said, "No, no."

"Mr. Chertoff. This was the first time she asked you that you had done that?"

"Yes, sir."

"And she told you specifically that the First Lady had made these requests?"

She says, "Yes."

Are we really saying here that Ms. Huber made this story up? That she lied? Listen to the question:

Had she told you specifically that the First Lady had made this request?

Yes.

Had you ever been asked to do this before by Maggie Williams?

No.

These are the kinds of things that we find. They may be embarrassing. I have not brought these out before but, I tell you, it demonstrates the need to continue and to get the facts. And then we have the mysterious—I call it the miraculous appearance of these documents.

Let me ask you, how do you think the documents got there, given the testimony of Officer O'Neill? Given the testimony of Tom Castleton, a young assistant who works in the White House, who said he was instructed to take the documents there and that

Mrs. Clinton wanted to review these files? That is what he was told by Maggie Williams. Given the fact that Carolyn Huber had never been asked by the chief of staff for the First Lady to take files upstairs? She had been asked by the First Lady, had been asked by the President. Indeed she was their confidant. Never been asked before, but, more specifically, had been told that these instructions came by way of the First Lady.

And then where do the files, the billing records, show up? Do you really wonder how they got there? Do we really believe the butler brought them there? How could the butler get his hands on them? Did he go into Vince Foster's office, unseen by anybody and everybody? Do we really want to be serious about this? Or do we want to trivialize it and say, "Well, it is political."

We can do that. That is fine. I am used to that. That is fine. What the heck, they have a file over there on me at the White House that their staff has been directed to compile, that they sent over to the DNC. I did not know that was the kind of thing that our Government was involved in. I did not think that the White House should be doing that kind of thing. I have heard about enemies' lists in the past. Is that the kind of business we are in? We want to stop the investigation? This is what we are going to do and we do not care who we slander and how we do it? And do we really use Government employees to become engaged in this kind of thing?

It is bad enough if you are going to do that out of a political party. Let them do it. I do not say it is good. I do not say it is bad. It takes place. But, I mean, are we going to have Federal employees at the White House engage in that kind of thing? Are we going to have them be instructed by their counsel, by one of their counsels, who tells them: Let us get a file. Give us all the dirt you have on the Senator and send it over to the Democratic National Committee so we can get one of their guys to go out and continue to make regular attacks.

It is not going to keep me from calling them as I see them. Let me tell you something, if there are facts that are exculpatory and there is nothing wrong, then, fine. This is just one little, tiny area.

If we want to talk about this for days and days on the floor of the Senate we can do that and we will continue to do that. And let me serve notice, you may block this by way of a rollcall, a party rollcall. People have a right to vote any way they want. We will continue this work. And if we have to do it through the Banking Committee, we will do it.

Let me tell you, I have not asked to go beyond the scope of that resolution and I have resisted calls to get into other areas. I have resisted them. But my inclination will not be to do that if we are forced to go through a very circuitous process, in which ours is to get the facts.

When the New York Times—you can quote 32 others and you can quote letters to the editors, et cetera, that say this is a political witch hunt, this or that—when they say that we should continue the work and gather the facts, do not truncate this, I do not think there can be a clearer call.

Let me go on. Here is Mr. Chertoff, in discussing some events with Miss Williams. He says, "The fellow that helped you take the box, the papers, up to the residence?" She is talking about this young Castleton, Mr. Chertoff is. Miss Williams says, "Yes."

Mr. Chertoff, the counsel said, "Did you tell him that the reason that documents had to go to the residence was so that the President or the First Lady could review their contents?

"No," she says. "I do not recall saying that to Tom Castleton."

Mr. Chertoff then goes on, "When you say you don't recall, are you telling us affirmatively that you didn't say it or are you just saying that you don't have a recollection one way or the other?"

"Miss Williams. Well, I would like to say—" now listen to this—"affirmatively I did not say it, because I cannot imagine why I would have that discussion with an intern about the files, going to the President and the First Lady. I know that I told them we were going to the residence because I figured he needed to know where he was going. But I cannot imagine that I said more than that. So I do not recall having the discussion with him."

Mr. Chertoff later on goes on:

> Well, let me read you—that this intern testified in his deposition, starting at line 7, page 139, and he said, "And, what did she tell you? Answer: She told me that they were taking the boxes into the residence." That part you agree with?

Ms. Williams says, "Yes."

Mr. Chertoff then says:

> And, did she say where in the residence? Answer. No. Question. Did she say why you were taking them there?

Here is Mr. Castleton:

> She says "yes."
>
> Question. "What was her statement? She says that the President, or the First Lady, had to review the contents of the boxes to determine what was in them. You disagree with that?"
>
> Ms. Williams. "Yes. I do."
>
> Mr. Chertoff. "And you also do not agree with Mr. Nussbaum's testimony that in his discussion with you he indicated that the documents would go to the residence and the Clintons would be there and they would make a decision where they go? You disagree with that?"
>
> Ms. Williams. "No. That is not what I recall."
>
> Mr. Chertoff. "You disagree with both of those?"
>
> Ms. Williams. "That is not what I recall."

Mr. President, here we have a Secret Service officer, Officer O'Neill, who testifies that on the night of Vince Foster's death, that he sees Maggie Williams moving these documents—and he testifies with particular clarity. Maggie Williams denies that and takes polygraph tests. They sustain her contention that she did not do that. In fairness to her we have to say that.

I think we also have to understand and note that we do not know how many polygraph tests she may have taken. There is also a very real question with respect to the reliability of them given the manner and the circumstances in which they are administered. But there is no reason, no earthly reason, for Officer O'Neill, who has been on the security detail of the Secret Service for some 17 years, to have conjured up his testimony or to have made that up or to create or to fabricate.

No. 2, this is just one little part. But I focus in on it because I think it answers the question as to how the documents got into the residence—the documents being the billing records that just came to light in January, months and months and months after—2 years after the special counsel had subpoenaed them.

So people knew. I mean, the White House lawyers knew. Everyone knew that these documents were requested and were sought for 2 years. They were covered by a subpoena. They were covered by our request and subsequent subpoena in October.

(Mr. COVERDELL assumed the chair.)

Mr. D'AMATO. Mr. President, let us take a look at this. So we have the officer. He sees files being removed. We then have the testimony of Mr. Castleton, the young White House intern who is now working at the White House and worked for the President in his election campaign in 1992 and probably will be working on this one. So he has no reason, no hostility, no animus to try to create a story. He says that Maggie Williams told him they were taking these documents up to the White House because "Mrs. Clinton wants to review them."

Then we add to that Mrs. Huber, Carolyn Huber—who worked for the Clintons for 20 years, was really in charge of their personal day-to-day matters, the archiving of important documents, their deeds, their tax records, et cetera. She is the person who says that when she initially found these billing records back in August of last year—and I believe her—she thought they were being left there because things were generally left on the table, the Clintons would leave things on the table to be filed by her, and that is what she did.

She took these and put them into a box and carried them downstairs to her office where she would review eventually that and other materials to decide where they should be placed. It was not until January 4 that she discovered what these were.

How did these documents get there? Who had them? Who had control over them? Who deliberately withheld them from the special counsel, from the RTC, and from others? How do you think they got there? Do you think Officer O'Neill dreamed up the fact that Maggie Williams took documents out of Vince Foster's office? Do we think this young man, Tom Castleton, dreamed up the fact that it was said that indeed Mrs. Clinton wanted to review these files, and they were carried up, she asked to have carried up these boxes of documents. And what about Mrs. Huber, a Clinton confidant for 20 years, who ran the Governor's mansion in Little Rock, was office manager in the Rose Law Firm and is an assistant now in the White House, who is in charge of archiving all of the most personal of their documents? Do you think she made up the story when she said, for the first time—never before, you have to understand—she passed an assignment to carry documents up by the chief of staff, Maggie Williams, to the First Lady? This is the first time the First Lady asked her. She was specific in saying that this took place and Mrs. Clinton wanted to look at these papers.

Is there any wonder why? This is not something that you could easily lose—a slip of paper, a scrap of paper inadvertently in the bottom of a desk drawer or in a file that one would not come up with, you know, the general file. These are the records.

Why do you think the records were discovered in August? That was the very time when the RTC was raising questions with respect to the various transactions.

What is illuminating about this is that there are a number of times, occasions, when the Rose Law Firm—in particular, one of its partners—had conversations with Seth Ward about a transaction that was characterized by Federal banking regulators as a "sham." This is a transaction that would eventually lead to the loss of $3.8 million of taxpayers' money and, obviously, one with which Webb Hubbell did not want to have his name associated because the deal maker in that case was his father-in-law, Seth Ward. His father-in-law. That is why he had another partner on that deal. I do not know what they were going to do. But eventually Seth Ward had to pay back $335,000 when the bank collapsed and the RTC said, "You are going to give us back this money." He had a big lawsuit between McDougal and the bank. He won that lawsuit because lots of the facts that probably should have been presented at trial—the fact that it was an inside, cozy deal—really did not come out. There was $335,000 in commissions that Ward got for not doing a darned thing. Why give that money for not a thing? There was a 10-percent commission for land that was sold by this fellow McDougal, partner to the Clintons, from one bank to the other.

Now, look, the pattern continues. Documents are produced because they fall into the hands of the people who cannot nor will allow themselves to be placed in a position of obstructing justice. When Mrs. Huber eventually realized what these documents were and that they were subpoenaed materials, when she saw them on January 4, she did what she was supposed to do; she called this attorney, called White House counsel. They came over and made copies. The committee got them.

So how do you think the documents got there? Do you think they were in that box that young man carried up there? If they were in that box, then how is it, as maintained by the White House, that everything was sent over, that nobody looked at this. I think that is the most unreasonable, incredible story I have heard.

Let me tell you why. You had a lawyer, a trusted confident and lawyer, who met an untimely, tragic death and he had some of your most sensitive papers in terms of your tax treatment and liability in terms of a variety of issues that could be certainly embarrassing and certainly important to you. And he died, and you ask someone either at his office, a coworker, a secretary, "Please get me those documents because I want to have them transferred over to my new lawyer." If you wanted them to be transferred directly, would you not ask them to transfer them directly?

But would it not be more reasonable, and perfectly appropriate, to say I wish to look at these documents before I send them over to my lawyer? There may be things that are relevant or irrelevant, pertinent or not. There may be documents in there that have nothing to do with us.

And, indeed, very interestingly, there was a document that apparently made its way up to the White House. It made its way up to the White House and somehow mysteriously got kicked back because it was not germane. Now, the Clinton lawyers did not send that back. We have not found out how it got back. That is the mysterious document that travels in reverse. We do not know how that document got back.

But the point of the matter is, it would not be unreasonable for anyone, anyone, least of all the First Family, to want to review these. And so it becomes very, very difficult for us to understand, some of us, how it is that the billing records show up. And, indeed, if no one reviewed the documents, you would have suspected or imagined that they would have been there. These were documents that Vince Foster was working on. He has notations all over them, his own personal hand. So how do you think the documents got there? You do not think that they were transported there?

And what about the documents that Tom Castleton transported? Wouldn't most people want to see what documents concerning your own life were being sent to a new lawyer? I think it is absolutely extraordinary to believe that you would have no interest in checking this out, that you would leave it to someone else, that you would leave it to a new lawyer. It is very difficult to believe.

So what would the conclusion be if one were to say it would be difficult to believe? It means that somebody did look at these. But, you see, once you take a stand and put out a story as the White House did—because I think they were embarrassed when it was discovered that these documents were secreted away in this closet for a period of time—they had to come out and say, yeah, they were, instead of saying, sure, the Clintons looked at them. It would be natural. But, see, they already denied that: No, never looked at them, never.

I think that would be one of the most unnatural things, illogical things, not to look at your own papers, not to look at your own papers, not to say, well, what is there? At least I know what we sent over to our new lawyer, after their lawyer, their friend, had died in such a way.

But, see, once you make a story up, you have to stick to it. And so the mystery of the disappearing, then the appearing, billing records, I think becomes rather logical. They were in possession of the White House, the First Family, right since the day that young Mr. Castleton brought those files, all of those files up there to be reviewed.

Now, for the life of me, I cannot understand why they did not say, of course, we looked at them. What would I say? Would I say it was wrong or evil for the First Family to look at their own personal papers? Of course not. It would be illogical to suggest that they should not or would not or could not. And I know when I have heard colleagues say, oh, well, they would be accused of all kinds of conspiratorial things if they looked at them. Come on. That is nonsense. People have a right to look at their own documents, the President, Vice President, anybody.

So here we are at this point in time. The record is replete with these kinds of inconsistencies, and I think they are more than inconsistencies. I believe that Maggie Williams did not give us testimony that provided all the facts to us. I believe that she did not accurately relate the facts, particularly with respect to the instructions she received about moving these documents and who they were there for, and I think that helps answer the question of the mysteriously reappearing documents.

Let me cite again the New York Times:

> The Senate's duty cannot be truncated nor canceled because of the campaign calendar. Any certain date for terminating of the hearings would encourage even more delay in producing subpoenaed documents than the committee has endured. The committee has been forced to await such events as the criminal trial of the McDougals.

I am ready and willing to do the work of the committee as expeditiously as possible. Notwithstanding, we should not set arbitrary time limits. Why? Because that provides an opportunity, as has been stated before, for purposeful delay that I believe has occurred before this committee. And I do not know of anyone who can say that we have received all of the documents. How can you say that? I got a letter from a lawyer on behalf of one of President Clinton's closest aides that says he is not turning over documents to us, and he is raising a privilege that the President said they would not. We are going to cooperate. So I know for certain that there are documents that we are entitled to that are being withheld deliberately—deliberately.

I say that I would be willing, and I ask my colleagues on the other side, to consider putting a time limit of 10 weeks after the Little Rock trial concludes, no longer than 4 months from this point, because, as my colleagues have pointed out, the trial could go on indefinitely. There has to be an end at some point because there are other important considerations, and situations that we want to attempt to avoid. And it was my intention to attempt to avoid right from the inception. I thought we could have had our work completed. We ran into the problems of not getting witnesses and documents heretofore. But I recognize that there are some on the Democratic side who feel very strongly that this should not continue. So with that in mind, I am willing to put forth that we have a 4-month extension or any combination of 8 to 10 weeks after the trial, whichever is less, whichever is less, as a finite time.

I recognize also that if indeed there are matters of great consequences that come forth, then obviously it will behoove all of us to say that we have to continue. But if indeed there are still unanswered questions, and it is just a matter of us not being able to continue, then we have to act accordingly.

I hope that my colleagues on the other side would consider this. By next week, we will get into the testimony of Susan Thomases, unbelievable testimony, testimony that is not credible, of this brilliant lawyer, a close friend of Mrs. Clinton, who cannot remember key dates even though they are logged in her files. And we will get into the extraordinary things we had to do in order the get documents from her. If this is the kind of thing that they want, then we will have to do it.

I say, last but not least, that I will spell this out with specificity. And if indeed we fail in cloture the first time, we will take it to cloture again and again. I guess the White House will look at the polls to determine the impact of attempting to keep us from going forward and, I think, holding back facts.

So we will make a determination. If we cannot come to a resolution we will have to use whatever resources we have at our disposal to do the best we can—and it may not be as easy and may be more cumbersome—so that we can to get the facts. We will do that. I will use the jurisdiction of the Banking Committee. And I will spell that out in further detail. So we will not be without resources. It will be more difficult. It will place a greater strain. We may have to meet a lot more.

But I have put forth the basis by which we could resolve this matter without one side saying, "What are you hiding?" and the other side saying, "It's nothing but politics." We will raise the question, what is the White House afraid of? What are they hiding? My colleagues on the other side will say this is nothing more than politics in an attempt to embarrass the President. No one gains by that. No one gains by that. So I put this offer forth, and I hope we can work this out and resolve our differences.

I yield the floor.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Louisiana.

Mr. JOHNSTON. Mr. President, politics or policy, that is the question. Mr. President, if there was ever anything that is clear as the noonday Sun on a cloudless day, anything that is obvious, it is that Whitewater is politics, pure and simple, and has nothing to do with policy. And the Senate should not continue this charade any longer.

Mr. President, we have had 121 witnesses. We have had 40 days. We have had over 200 depositions. We have had 45,000 pages of documents that have been produced. We have had blah, blah, blah, blah, full of sound and fury, and absolutely signifying nothing.

Mr. President, the distinguished chairman of the Whitewater Committee, the last time he spoke—and I wanted to ask him some questions, and he did not yield for that purpose—spoke about the comparison of Whitewater with Iran-Contra. I wanted to draw with him the comparisons between the two. I think the comparison of these two hearings really draws in sharp focus, in sharp contrast, the difference between policy and politics.

In the case of Iran-Contra, Mr. President, we had a matter of grave national concern, national issues involving a terrorist state, Iran, and involving the action of the administration, as an administration while in office, that involved the President of the United States, involved the National Security Adviser while he was National Security Adviser, involved employees of the White House and of the Government, involved in some of the most critical issues then before this Nation. They were issues as to which the Congress needed the information in order to make policy, in which the administration needed the information in order to make policy.

With all of those important issues, Mr. President, Iran-Contra took half the time that the Whitewater hearing is taking. Mr. President, I confess I voted for this Whitewater investigation. Frankly, I search my mind as to why in the world I ever voted for it in the first place.

What are we doing with Whitewater? Does that involve the President of the United States as President? Oh, no. Does it involve a recent event? Oh, no. This is more than 10 years ago. Does it involve a matter as to which the Congress needs information to make policy? Oh, no.

I mean, look, whether Whitewater was a good development or whether the McDougals embezzled money from the RTC or whatever are not matters as to which we need to make policy. If they are, they have been fully brought out with 121 witnesses and 45,000 pages of information.

By the way, we have a special prosecutor that has spent over $25 million and has a huge team down in Arkansas as we speak, looking into any lawbreaking. So it is not lawbreaking. It is not policy. It is not recent. Just what is it, Mr. President? What are all these things about, all these witnesses?

I must confess to you, Mr. President, I hear all this stuff and it goes in one ear and out the other. I am a lawyer by training, as are many of my colleagues. You just cannot keep up with it because it is all, we know, irrelevant to anything except politics, this political season.

We are told now that we need to go on for another 4 months or 10 weeks or whatever it is. For what? We have already had the First Lady come down and testify. We have already had these very broad subpoenas that have subpoenaed everything in the Western World. They wanted all the e-mail that has come out of the White House. They tell me it will cost $200,000 just to comply with their request for e-mail.

Undoubtedly they will, among that $200,000 worth of e-mail, they will be able to bring up somebody from the White House and say, did you say such and such in an e-mail? They will say, no, I do not remember that. They will be able to produce it, and it will be another one of these great revelations. These great revelations about, "Can you remember something you did 10 years ago?" And maybe they cannot. I hope people will not pull me up before a witness stand in some way and ask me about things that happened 10 years ago, and "Did you make these notes or not?"

The question is, are the notes significant? What do the billing records signify? Not much. And whatever they signify, it has already been brought out. The distinguished Senator from New York is free to argue all of these things. You know, did Susan Thomases—did Ms. Williams—did this person do this or that? It is all out there to the extent it has any relevance to anything.

I submit it is not relevant to anything except the Presidential race. It is an attempt to get President Bill Clinton and the First Lady of this country to be put in an embarrassing position. That is all this is about. Everybody knows that, Mr. President. Everybody knows that. Give me a break.

Are we trying to make policy here? Just what law is it that we will be able to amend or change or propose by virtue of Whitewater? Is the President charged with any wrongdoing, any violation of law? No, he is not. Is the First Lady charged with any violation of law? No, she is not. How about an ethical violation? No, they are not. But if they are, and if the evidence is there, we have a very partisan special prosecutor who has over $25 million already spent in a bottomless pit of money in order to be able to pursue that.

That is a legitimate purpose. It may be illegitimately or partisanly pursued by the special prosecutor, but it is certainly legitimate and within the ambit of the law, and it is not going to be stopped by what we do here in the Congress. So if there is lawbreaking which has not been either charged or revealed so far, that special prosecutor can do it.

What the special prosecutor cannot do is to have these hearings with all these accusatory looks and tones and dredging up pieces of paper, throwing them out with a flourish as if they signify anything. And, Mr. President, we know they have no significance beyond the political race that is presently occurring.

We know that if Bill Clinton were not President of the United States, there would be no thought of going into this kind of thing, wasting these kinds of resources, wasting this much time of the Congress on this issue. It is politics, pure and simple, unvarnished, obvious and clear, and I hope we do not give another nickel to this boondoggle—not another nickel.

I think my colleagues are proposing giving some more money to pursue it further. I hope they do not give a nickel. Whatever there is here—and there is nothing of legitimate concern for us, because it does not involve the President as President—it does not involve policy that we need to know about, it does not involve charges of wrongdoing against the President and the First Lady. It involves innuendoes that can be useful only as political fodder in a political campaign, and that is all. I hope we do not continue it at all.

I must say, the distinguished Senator from Maryland is a lot closer to this than I am. I trust his judgment. If he would say we have to continue for 2 days or 5 days or whatever, I may reluctantly vote for it. But, Mr. President, I am so sorry that I voted for this resolution in the first place. I do not know what we were thinking when we commissioned this Whitewater boondoggle investigation. I do not know what we were thinking, and I hope we will terminate it as soon as we can. I wish we would set a precedent that we do not do this kind of thing.

Look, if the other party gains the White House this year—I will not be around here as a Member of the Senate, but I hope our side does not try to do that to their side when they get in office. It is a waste of time, it is a waste of resources, it is a diversion from the purposes of this country and of this Senate and of this Government. We ought to get about the business of running the Government as set forth in the Constitution and let the candidates run the campaigns. Enough is enough, and we have already had too much.

I yield the floor.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island.

Mr. PELL. Mr. President, I ask unanimous consent that I be permitted to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

LONGEVITY IN THE SENATE: RECOLLECTIONS OF T.F. GREEN

Mr. PELL. Mr. President, today the number 93 symbolizes a notable milestone in Senate history. It is the 93d day after Senator STROM THURMOND's 93d birthday, which was the same span of days and years reached by my venerable predecessor Senator Theodore Francis Green on the day of his retirement on January 3, 1961. Tomorrow, Senator THURMOND will be 93 years and 94 days old and he will assume Senator Green's mantle as the oldest sitting Senator in history.

I join in extending hearty congratulations to Senator THURMOND on his remarkable durability and I wish him well in years to come. But I do hope we will not lose sight of the extraordinary long and distinguished career of the previous record holder.

The career of Theodore Francis Green will always be an inspiration and a model for productive senior citizenship. He was a classic late bloomer whose political career did not really begin until he was 65 years old. And his most prolific years were in the two and a half decades that followed.

Born in Providence in 1867—a year before Ulysses Grant was elected President—Senator Green was descended from a distinguished line of forebears dating back to the founding of colonial Rhode Island. Five of them served in Congress. He began his own public life when he raised and outfitted his own company in the Spanish-American War.

He served a single term in the Rhode Island General Assembly in 1907, but then endured 25 years of political rejection and disappointment. He ran for Governor three times without success, in 1912, 1928, and 1930—counted out he said by the opposition—and he lost a race for Congress in 1920. And then in 1932, at an age when his contemporaries were contemplating retirement, he was elected Governor of Rhode Island, swept in on the New Deal tide.

Reelected to the governorship in 1934, he engineered on inauguration day the so-called Bloodless Revolution which in a single afternoon ended Republican dominance of the State government and earned him the pejorative of "Kingfish Green" in some circles. The coup was never successfully challenged and he went serenely ahead with his reform agenda.

In 1936, Theodore Francis Green was elected to the U.S. Senate, beginning 24 years of continuous service during which he became a colorful and beloved fixture of Washington life. He was a strong supporter of the New Deal and of social legislation in the post-war era. A dedicated internationalist and a tireless world traveler, he ascended to the chairmanship of the Senate Foreign Relations Committee at the age of 89 in 1957.

He was not particularly impressed by his own longevity. "My age is nothing to be proud of," he said. "It's just an interesting incident." But the secret of longevity, he said is moderation. "I don't get worried and don't get excited. It would take more or less of a bomb to upset me."

There was, however, another factor that kept him going and that was his almost ceaseless thirst for physical activity. It can hardly be coincidental that Theodore Green and STROM THURMOND—both devotees of physical fitness—should be the record holders for Senate seniority.

Green's prowess was legendary and he was sometimes referred to as Tarzan, notwithstanding his modest 150-pound physique. He was a wrestler and a mountain climber and a handball player. He continued high diving until he was 82 when he was finally convinced by doctors and friends to give it up. And he continued to play tennis until he was 87, and then quit only because he could not find time in his busy schedule to play.

But to the end he continued to work out and swim several times a week in the Senate gymnasium or at the YMCA. And most of all he walked, daily—except in the worst weather, from his bachelor quarters at the University Club to his office in the Russell Building. Every morning at about 8:35 he would start out on the 2-mile walk, a familiar stooped figure with his pince-nez eye glasses, usually proceeding down through Lafayette Park and up Pennsylvania Avenue. It usually took about 45 minutes.

The daily walk was prompted as much by an aversion to automobiles as it was by a love for exercise. The only car he ever owned was acquired for ceremonial purposes and it spent most of its days on blocks in his Providence garage. He never learned to drive. But he loved trolleys and legend has it that he once showed up, impeccably attired in top hat, white tie and tails, to take a society matron to a concert, traveling by street car.

Like the new holder of the longevity record, Senator Green had great appreciation for women. He often liked to joke that he looked forward to every leap year in hopes that some lovely lady would claim him. Even as he approached 90, he was regarded as one of the better dancers among Washington bachelors. And Supreme Court Justice Felix Frankfurter once said that Theodore Green was "the most charming dinner partner your wife could have."

When Senator Green claimed the longevity title in 1956, Senators Lyndon Johnson and William Knowland, the majority and minority leaders, presented him with a gavel supposedly made from the oldest tree on the Capitol grounds and proclaimed he had outlived all the surrounding flora. Senator Green often spoke of serving till he would be 100, but in 1960, aware of failing eyesight and hearing, he decided to step down. He died 6 years later, in his 99th year, in the house where he had lived all his life in Providence.

As I said at the time of his death, I was then and have always been greatly in his debt. I benefited by his wise advice and counsel and gained by following his example. He truly was my role model. And I shall always appreciate his willingness to serve as chairman of my campaign committee when I ran in 1960 to succeed him. He was truly a great gentleman and statesman and his legend lies on in affectionate memory of the people of Rhode Island. And, Mr. Speaker, for myself as the longest serving Senator from Rhode Island, I know I share in this memory.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island.

Mr. CHAFEE. Mr. President, as many of my colleagues are aware, tomorrow our friend and colleague, Senator THURMOND, will become the oldest sitting Senator in the history of the U.S. Senate. This is a remarkable achievement. In so doing, he surpasses the late Theodore Francis Green of Rhode Island who retired in January 1961 to be succeeded by Senator PELL. He retired at the age of 93 years and 93 days.

Senator THURMOND will be 93 years and 94 days old tomorrow, so he will exceed the record of the oldest Senator to serve, which was set by Theodore Francis Green.

I congratulate Senator THURMOND on the great things he has done in his 40-plus years of Senate service, and I congratulate him on achieving this milestone.

On the last day before he breaks this impressive record set by Senator Green, I would like to take a few minutes to talk about Senator Green's exemplary Senate career.

Theodore Francis Green, as Senator PELL has mentioned, came to the Senate in 1937. Previously, he served one term in the Rhode Island State Legislature, the house of representatives, and two terms—we had 2-year terms in those days—as Governor, for a total of 4 years. He was a strong supporter of President Roosevelt's New Deal programs, and he was an advocate of important farm and unemployment relief legislation, and he fought vigorously for increased Federal aid for education.

He did his level best to ensure that Rhode Island got its fair share of Federal funds. And most significant in achieving Federal funds was when he secured President Roosevelt's support for a new naval base in our State constructed at Quonset Point. This was the site of 1 of 12 new Navy bases that were built in the late thirties and early forties. Knowing that the Senators from New York and Massachusetts were just as anxious to land a new base for their home State, Senator Green pressed his successor Governor and the State legislators to cede land to the Federal Government as quickly as possible. Once Congress began its consideration of the matter, Senator Green took the lead in shepherding the necessary authorization and appropriations bills through the Senate.

It was in foreign affairs that Senator Green truly made his mark. He joined the Foreign Relations Committee just as the United States was turning away from its isolationist policies and toward taking its place as the greatest military power the world had ever seen. In those days, the Senate Foreign Relations Committee was where a good deal of the action took place.

Senator Green demonstrated his spirited efforts to implement the lend-lease plan, and his early support for the Selective Service Act was up to the challenge.

While many of his colleagues called for the United States to retreat into isolationism once World War II drew to a close, Senator Green was adamant that the United States should participate in creating a workable, collective security arrangement to avoid future global conflicts. He worked diligently to ensure that American assistance to war-torn nations—the so-called Marshall plan—was implemented, and he worked hard for the establishment of the U.N. Relief and Rehabilitation Administration.

As Senator Green's influence in the Foreign Relations Committee increased, he provided key support for the chief foreign policy initiatives of the Truman administration, particularly with regard to Greece and Korea. But his internationalism was not limited to Democratic administrations. On the contrary. Senator Green argued just as firmly against proposals to curb the President's power to conduct foreign policy during the Eisenhower administration. In 1957, as the new chairman of the Foreign Relations Committee, he led congressional support for Eisenhower's request to use American troops to combat communism in the Middle East—the so-called Eisenhower doctrine.

Now, much like Senator THURMOND, Senator Green attributed his longevity to two things: A healthy diet and regular exercise. As Senator PELL just mentioned, he walked every morning from the University Club on 16th Street to the Capitol—every day, up until his retirement. Here he was in his nineties, getting up toward 95, 96, and the New York Times heralded him as the Senate's undisputed champion diver, swimmer, and handball player. I am not sure how much competition he had as a diver, but nonetheless he was a champion.

Although Senator Green will no longer hold the distinction to have been the oldest person to have served in this body, he will long be remembered for his accomplishments, his compassion, his loyalty, his honesty, and his good humor.

Upon hearing of Senator Green's intention not to run for reelection, Senator Fulbright said of him, "I had hoped and expected that he would stay until he reached 100 years of age." On the eve of this historic day, I wish the same to the very distinguished Senator from South Carolina. I would hope and expect that he will stay until he reaches the age of 100. Indeed, we have said to Senator THURMOND that we hope we are here when he reaches 100. He said, "If you get exercise and eat right, you will be here."

I look forward to many more years of serving with our distinguished Senator from South Carolina, and I congratulate him on breaking the record set by a Rhode Islander for being the oldest Senator to serve in this body.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—H.R. 3021

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate begins consideration of a bill regarding the temporary suspension of the debt limit, it be considered under the following limitation: the bill be limited to 30 minutes of debate to be equally divided between the two managers; there be only one amendment in order to the bill to be offered by Senator Daschle; that amendment be limited to an additional 30 minutes of debate; and following the expiration or yielding back of all debate time the Senate immediately proceed to a vote on or in relation to the Daschle amendment to be followed by a vote on passage of the debt limit extension, as amended, if amended, with no intervening action or debate.

It is my understanding this has been cleared with the Democratic leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

TEMPORARY DEBT LIMIT EXTENSION

Mr. LOTT. Therefore, Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of H.R. 3021 just received from the House.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (H.R. 3021) to guarantee the continuing full investment of Social Security and other Federal funds in obligations of the United States.

The Senate proceeded to consider the bill.

Mr. LOTT. Therefore, Mr. President, I announce there will be two votes, then, at approximately 5 minutes before 2 o'clock. We hope to begin on time. I believe the managers of the bill are in the area and are prepared to begin immediately. We will have the votes starting at 5 minutes before 2 o'clock.

While we wait on the managers to come to the floor, I want to say that I think this is a good agreement under the circumstances. This would provide for a short-term debt ceiling extension to March 29. The purpose of this short-term extension is so that we can continue to work, as requested by the bipartisan Governors, with the leaders in Congress and with the administration to see if we can come to a broader bipartisan agreement on the budget or, in the alternative, come to some agreement on the entitlement reform that we would like to be able to include in this debt ceiling legislation, which would be for the longer period of time.

I am pleased we have reached this point. I am delighted to yield the floor so the managers can begin consideration of this bill.

Mr. MOYNIHAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURNS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, as best I understand, we have a 30-minute time period running. Inasmuch as the Senator from New York suggested the absence of a quorum, I fear that in 4 minutes time our opportunity to debate the matter will have expired. I wonder if I might ask unanimous consent—I am sure my esteemed friend from Delaware would not mind—if I could ask that the next 10 minutes be charged to the majority.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, I rise to ask my colleagues to join me in supporting H.R. 3021, a bill to extend the current debt ceiling until March 30, 1996. Under current law, the debt ceiling would be reached on March 15. This bill is intended to give the Secretary of the Treasury ample authority to ensure the full investment of all Federal funds and trust funds, including the Social Security trust fund, until March 30, 1996.

Mr. President, I am told that the Secretary of the Treasury, Robert Rubin, supports this legislation and that President Clinton intends to sign it.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter received from Secretary Rubin.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE TREASURY,
Washington, DC, March 7, 1996.

Hon. ROBERT DOLE,
Majority Leader, U.S. Senate, Washington, DC.

DEAR MR. LEADER: Over the past several days, Treasury and Congressional staff have had constructive discussions regarding new legislation to raise the ceiling on the Nation's debt. The resulting bill, H.R. 3021, is up for consideration in the House today. The Administration continues to believe that a long-term straightforward debt ceiling increase should be enacted as soon as possible. Clearly, this is the preferable course of action. Nevertheless, at this juncture, I urge that this interim bill be approved by Congress this week.

As a reminder of the events that would transpire without Congressional action, I have attached a letter from Under Secretary Hawke. In it he states that the lack of prompt action by Congress could result in non-investment of incoming trust fund receipts and could hamper our ability to auction and settle securities later in the month, thereby prompting a default.

We also continue to believe the commitment you articulated together with Speaker Gingrich and Majority Leader Armey in your February 1 letter is the right one. We should resolve the debt limit impasse by enacting legislation that is "acceptable to both [the President] and the Congress in order to guarantee the government does not default on its obligations."

We look forward to working with you to achieve enactment of a long-term straightforward debt ceiling bill.

Sincerely,

ROBERT E. RUBIN.

Mr. ROTH. Mr. President, therefore, I believe that we must act swiftly in passing this critical bill.

Let me reiterate my position regarding the debt limit issue. It is this Senator's intention to work toward passage of a long-term debt limit extension later this month. We will not default on our debts. What this legislation does is simply allow a few more weeks to work out a few unresolved issues with the Governors proposals on Medicaid and welfare.

Let me just take a few moments to summarize the bill for my colleagues. Section 1(a) of the bill provides the Secretary with the authority to invest receipts received by a trust fund or other Federal fund until March 30, 1996. Obligations issued under this authority shall not count toward the public debt limit. This is to ensure the full establishment and maintenance of income to Social Security and other Federal funds that by law are authorized to invest in Federal obligations and securities.

Section 1(b) defines the term Federal fund as a trust fund or account to which the Secretary of the Treasury is authorized to issue Federal obligations for investment purposes.

Section 1(c) extends the current authority—Public Law 104–103—to incur debt, not subject to the public debt limit for purposes of guaranteeing timely payment of Social Security and other Federal payments, from March 15, 1996 until March 30, 1996.

Mr. President, I hope that the Senate expeditiously enacts this critically important piece of legislation to preserve the full faith and credit of the U.S. Government.

Mr. President, I yield back the floor.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. I wish to join my esteemed chairman, the Senator from

Delaware, in stating that, indeed, this legislation is necessary. It is in fact urgent, a fact which in and of itself speaks to the awkwardness with which Congress has approached the most elemental of duties, which is to ensure the full faith and credit of the U.S. Government. Here we are in a fiscal year that began October 1. We can look out the Senate doors and there in the park between here and the Supreme Court we see spring rains; we see spring buds; the daffodils are all but upon us; and we still have not extended the debt ceiling, which we will have to do.

We are now in an extraordinary pattern of putting in jeopardy the world's primary currency, the world's largest economy but also the world's largest debtor nation. The full faith and credit of the United States is of interest not just to Americans but to the world itself.

I hope we will, indeed, make this extension.

I believe my esteemed chairman placed Mr. Rubin's letter in the RECORD. Mr. Rubin's letter was accompanied by a letter from the Honorable John D. Hawke, Jr., who is the Under Secretary of the Treasury for Domestic Finance, explaining in detail why this particular extension is urgent and must not be put off. I ask unanimous consent that the letter be printed in the RECORD so that it will be seen out in the rest of the world that at least the Treasury Department knows what the problem is.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE TREASURY,
Washington, DC, February 26, 1996.

Hon. ROBERT DOLE,
Majority Leader, U.S. Senate, Washington, DC.

DEAR MR. LEADER: Because the Congress will shortly be considering legislation to increase the public debt ceiling, Secretary Rubin has asked me to provide you with information concerning the Treasury's expected cash and debt positions for the next several weeks. We share the view expressed in the Leadership's February 1 letter to the President that it is of great importance for Congress to resolve the uncertainties surrounding the debt limit by promptly enacting an increase acceptable to both Congress and the President.

In his letter to you of January 22, Secretary Rubin described the remaining three actions that he believed to be legal and prudent, and that would provide funds with which to pay the country's financial obligations. He estimated at that time that these actions would be sufficient to carry us through February 29 or March 1. On February 1, Congress passed H.R. 2924, which was signed into law on February 8 as Public Law 104–103, granting authority to Treasury to issue an additional $29 billion in debt that would be temporarily exempt from the debt limit. The debt limit exemption for these securities expires on the earlier of March 15 or the enactment of a new debt limit increase by the Congress. As the Secretary informed you on February 20, on Friday we issued $29 billion in bills under this new authority, and with this action, and the auctions scheduled for this week, the payment of all benefits and other disbursements scheduled for March 1 has been assured.

In addressing our expected future cash and debt positions in the light of these recent actions, I must caution that there are inherent uncertainties in such predictions. Our projections are revised every day to reflect the actual volume of receipts and disbursements we experience, and the results that are ultimately realized three to four weeks hence may well vary by several billion dollars in either direction from the numbers we currently estimate.

On March 5, Treasury is scheduled to announce the amount of 13- and 26-week bills that will be auctioned on March 11 and issued in exchange for payment on March 14. Treasury sells 13- and 26-week bills every week, and this schedule follows the normal pattern. While we project that there will just be room under the debt limit on March 14 to issue these securities, we currently estimate that the cash balance on March 14, after the securities are issued, will be less than the $5 billion that we consider a prudent minimum. Moreover, because we estimate that the debt limit leeway remaining after the bills are issued will be less than $1 billion, we see no room to increase the size of the bill auction to improve the cash balance, and because of our cash needs we will not be able to decrease the size of the auction significantly to preserve debt limit leeway.

Similarly, on March 12, Treasury is scheduled to announce the amount of 13- and 26-week bills to be auctioned on March 18 and issued in exchange for payment on March 21. If there is no debt limit increase, or assurance of a debt limit increase, by March 12, that announcement will have to be conditional: that is, it will state that the March 18 auction will be held only if Treasury has assurance of its ability to issue the bills on March 21 without exceeding the debt limit. We strongly prefer not to make such a conditional announcement because the effect is to prevent "when-issued" trading in the securities until the final announcement is made. Secondary market trading usually begins on a when-issued basis immediately after the announcement of an auction, and is important because it affords precaution price discovery. Truncating the when-issued trading period tends to increase the Government's cost of borrowing.

By March 13 or 14, if there is no debt limit increase, we project that our cash balances will be below our prudent minimum of $5 billion and that there will be less than $1 billion in leeway under the debt limit. If the actual debt level on March 13 or 14 is $1 billion more than we currently forecast, Treasury would be out of debt limit room and would not be able to issue sufficient securities to the trust funds to enable all trust fund receipts to be invested on those dates.

On March 15, under the terms of Public Law 104–103, the $29 billion of securities we issued Friday will become subject to the debt limit, if no debt limit increase is enacted prior to that date. As a consequence, the amount of Treasury debt outstanding would then be well over the limit. Of course, all the outstanding debt will have been validly issued, and no action to reduce debt will be mandated. Nevertheless, Treasury will immediately be disabled from issuing any new securities, since outstanding debt already will be in excess of the debt limit. Therefore, Treasury would be unable to issue securities to any trust funds either to invest their incoming receipts or to roll over maturing investments. We estimate that on March 15 this would leave approximately $9.8 billion of trust fund assets uninvested, including approximately $2.0 billion of assets of the Social Security and Medicare trust funds—a result I am sure we all want to avoid.

These trust funds, unlike the Civil Service Retirement and Disability Fund and the so-called G Fund, do not have statutory protection in the form of an automatic restoration of interest not earned during a period in which new debt cannot be issued. Thus, a subsequent Act of Congress would be required to restore that lost interest. Based on past experience in similar situations, we expect that Congress would act to restore lost interest.

In addition, because savings bonds count against the debt limit, new sales of savings bonds would have to be suspended on March 15. This would affect approximately 45,000 banks and payroll offices that act as issuing agents, and would disrupt the savings programs of millions of individual investors.

Because March 15 is a tax payment date, cash balances will improve through March 20. However, on March 21 a total of $16.6 billion of trust fund assets, including $8.8 billion of Social Security and Medicare receipts, would remain uninvested. Moreover, on March 21 Treasury bills totaling $25.5 billion will mature. If the debt limit has not been increased before that time, it is unlikely, based on current estimates, that the Treasury will be able to issue enough new securities to raise the cash needed to pay these bills. It is conceivable that our cash balance on March 21 might be as much as the amount by which outstanding debt exceeds the debt limit, and that we could use the cash, plus a small bill auction, on that date to pay the maturing bills. However, our most recent projections do not show this occurring. In any event, such an action would exhaust Treasury's cash on that date, and we project that on March 22 cash flow will be negative.

As I cautioned, these projections reflect current estimates only and are all subject to changes—which could be favorable or unfavorable—to reflect our actual day-to-day experience with receipts and disbursements. The Secretary has asked that I continue to keep you informed if and as changes in the projections affect the sequence of events I have set forth.

Sincerely,

JOHN D. HAWKE, Jr.,
Under Secretary of the Treasury for Domestic Finance.

Mr. MOYNIHAN. With that, Mr. President, I would simply say I feel that while the 2-week extension is urgent and absolutely indispensable, we ought to do more. And with the conclusion of this part of our debate, I will proceed, when the chairman is ready, to offer an amendment that would in fact extend us to the spring of 1997 when we have a new cycle in American Government and a new fiscal year.

The PRESIDING OFFICER. All time on the bill has now expired.

AMENDMENT NO. 3465

(Purpose: To increase the public debt limit)

Mr. MOYNIHAN. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. MOYNIHAN] proposes an amendment numbered 3465:

Strike all matter after the enactment clause and insert the following:

TITLE —PUBLIC DEBT LIMIT

SEC. 01. INCREASE IN PUBLIC DEBT LIMIT.

Subsection (b) of section 3101 of title 31, United States Code, is amended by striking the dollar amount contained in the first sentence and inserting "$5,400,000,000,000".

Mr. MOYNIHAN. I thank the Chair. And as you have observed, this is a succinct matter. We are simply taking the debt ceiling now at $4.9 trillion and raising it to $5.4 trillion. The statutory limit on the total outstanding public debt of the United States subject to that limit will be reached on March 15, 1996 or shortly thereafter.

Might I make the point here that when we speak of the public debt, we include here all the debt owed to the various trust funds of the Federal Government as, for example, Social Security trust funds which are really internal financing arrangements that do not represent debt held by private investors.

Today is the third time in this fiscal year that I have offered an amendment to extend the permanent debt ceiling. On November 9, I proposed simply raising it to $4.967 trillion in order to provide time to complete action on the budget reconciliation bill. The amendment was tabled 49 to 47. On January 26, I offered an amendment to raise the debt ceiling to $5.4 trillion, which would have taken us beyond the November elections to about May of next year. And that amendment was also tabled by a very close vote, Mr. President, 46 to 45. And the amendment I have just sent does the same thing. It would bring us to about May 31, 1997. Anything sooner than that gets us involved with a Presidential election which will have occurred, a State of the Union Message, a February recess. It seems to me that taking this issue up next May is an orderly way to do it, a way to tell financial markets that this country is not in jeopardy of default.

The very idea of default has not existed in the vocabulary of American politics.

I made the point, Mr. President, that in 1814 the British invaded Washington, burned the White House, burned the Treasury Building, burned the Capitol; but the interest on the national debt continued to be paid out of the sub-Treasury in Manhattan. The thought of default never occurred to us. Here we are, talking about 3 weeks until doomsday. Three weeks until doomsday? That is no way for a grownup, mature, solvent nation to behave.

The General Accounting Office has produced a report, "Information on Debt Ceiling Limitations and Increases," which was prepared at my request, and reports that we are in the 21st debt ceiling crisis or debt issuance suspension period since 1946. All these crises, save four, have occurred since 1980— 17 since 1980. And it is, therefore, no coincidence that we have closed down the Federal Government 11 times since 1981—something unthinkable in previous years. But we do it.

The current debt ceiling crisis, which began on November 15, has already lasted 114 days. Prior to this crisis, the longest one was 100 days; that was 1985.

So, Mr. President, I ask unanimous consent that the General Accounting Office report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. GENERAL ACCOUNTING OFFICE,
ACCOUNTING AND INFORMATION MANAGEMENT DIVISION,
Washington, DC, February 23, 1996.

Hon. DANIEL PATRICK MOYNIHAN,
U.S. Senate.

DEAR SENATOR MOYNIHAN: Your January 16, 1996, letter requested information on past debt ceiling limitations and actions that the Department of the Treasury (Treasury) has taken to avoid defaulting on government obligations. In our January 26, 1996, letter to you, we discussed actions taken by Treasury during debt ceiling crises since September 30, 1984.[1] As agreed with your office, the enclosure to this letter provides information on (1) when the outstanding debt subject to the statutory debt limit was within $25 million[2] of the public debt limit between July 1, 1954, and September 30, 1984, (2) the debt ceiling crises occurring between September 30, 1984, and February 15, 1996, and (3) when the statutory debt ceiling has been revised since June 26, 1946.

CHANGES IN THE DEBT CEILING

The federal government began with a public debt of about $78 million in 1789 and since then the Congress has attempted to control the size of the debt by imposing ceilings on the amount of public debt that can be issued. Until 1941, the Congress set ceilings on the various types of Treasury securities that could be issued. In February 1941, the Congress set an overall ceiling of $65 billion on all types of Treasury securities that could be outstanding at any one time. This ceiling was raised several times between February 1941 and June 1946 when a ceiling of $275 billion was set and remained in effect until August 1954. At that time, the Congress imposed the first temporary debt ceiling which added $6 billion to the $275 billion permanent ceiling. Since that time, the Congress has enacted numerous temporary and permanent increases in the debt ceiling which currently stands at $4.9 trillion.

RELATIONSHIP OF THE DEBT CEILING TO THE OUTSTANDING DEBT

As shown in the following chart, the relationship between the public debt limit and the amount of outstanding debt is very close.[3]

(Chart not reproducible in RECORD.)

In order to determine when a debt ceiling crisis may have arisen, we reviewed historical Treasury documents for the period July 1, 1954, through February 15, 1996, and identified 21 periods when the outstanding debt subject to the statutory debt limit was within $25 million of the debt ceiling.

If you have any questions regarding the information in this letter, please call me at (202) 512-9510, or Gary Engel, Assistant Director, at (202) 512-8815.

Sincerely yours,

GREGORY M. HOLLOWAY,
Director, Governmentwide Audits.

Enclosure.

Information on when the outstanding debt was within $25 million of the debt ceiling, debt ceiling crises, and debt ceiling changes

Dates	*Situation or event*
June 26, 1946	Debt ceiling set at $275 billion.
Aug. 28, 1954	Debt ceiling raised to $281 billion.
July 9, 1956	Debt ceiling lowered to $278 billion.
Feb. 26, 1958	Debt ceiling raised to $280 billion.
Sept. 2, 1958	Debt ceiling raised to $288 billion.
July 1, 1959	Debt ceiling raised to $295 billion.
July 1, 1960	Debt ceiling lowered to $293 billion.
July 1, 1961	Debt ceiling raised to $298 billion.
Mar. 13, 1962	Debt ceiling raised to $300 billion.
July 1, 1962	Debt ceiling raised to $308 billion.
Apr. 1, 1963	Debt ceiling lowered to $305 billion.
May 29, 1963	Debt ceiling raised to $307 billion.
July 1, 1963	Debt ceiling raised to $309 billion.
Nov. 27, 1963	Debt ceiling raised to $315 billion.
June 29, 1964	Debt ceiling raised to $324 billion.
July 1, 1965	Debt ceiling raised to $328 billion.
July 1, 1966	Debt ceiling raised to $330 billion.
Mar. 3, 1967	Debt ceiling raised to $336 billion.
June 30, 1967	Debt ceiling raised to $358 billion.
July 1, 1968	Debt ceiling raised to $365 billion.
Apr. 7, 1969	Debt ceiling raised to $377 billion.
June 30, 1970	Debt ceiling raised to $395 billion.
Mar. 17, 1971	Debt ceiling raised to $430 billion.
Mar. 15, 1972	Debt ceiling raised to $450 billion.
Oct. 27, 1972	Debt ceiling raised to $465 billion.
Dec. 1–2, 1973	Outstanding debt within $25 million of ceiling.
Dec. 3, 1973	Debt ceiling raised to $475.7 billion.
June 30, 1974	Debt ceiling raised to $495 billion.
Feb. 19, 1975	Debt ceiling raised to $531 billion.
June 30, 1975	Debt ceiling raised to $577 billion.
Nov. 14, 1975	Debt ceiling raised to $595 billion.
Feb. 27–Mar. 14, 1976[1].	Outstanding debt within $25 million of ceiling.
Mar. 15, 1976	Debt ceiling raised to $627 billion.
June 30, 1976	Debt ceiling raised to $636 billion.

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[1] Debt Ceiling Limitations and Treasury Actions (GAO/AIMD-96-38R, January 26, 1996).

[2] During the current crisis, Treasury has maintained a $25 million difference between the outstanding debt and the debt limit.

[3] These figures are nominal dollars. They are not adjusted for inflation or for growth in the economy.

Information on when the outstanding debt was within $25 million of the debt ceiling, debt ceiling crises, and debt ceiling changes—Continued

Dates	*Situation or event*
Oct. 1, 1976	Debt ceiling raised to $682 billion.
Apr. 1, 1977	Debt ceiling raised to $700 billion.
Oct. 1–3, 1977	Outstanding debt within $25 million of ceiling.
Oct. 4, 1977	Debt ceiling raised to $752 billion.
Aug. 1–2, 1978[2] ..	Outstanding debt within $25 million of ceiling.
Aug. 3, 1978	Debt ceiling raised to $798 billion.
Apr. 2, 1979[2]	Debt ceiling raised to $830 billion.
Sept. 29, 1979	Debt ceiling raised to $879 billion.
May 30–June 11, 1980[1].	Outstanding debt within $25 million of ceiling.
June 28, 1980	Debt ceiling raised to $925 billion.
Dec. 19, 1980	Debt ceiling raised to $935.1 billion.
Jan. 30–Feb. 2, 1981.	Outstanding debt within $25 million of ceiling.
Feb. 7, 1981	Debt ceiling raised to $985 billion.
Sept. 30, 1981	Debt ceiling raised to $1,079.8 billion.
June 3–6, 1982 ...	Outstanding debt within $25 million of ceiling.
June 28, 1982	Debt ceiling raised to $1,143.1 billion.
Sept. 30, 1982	Debt ceiling raised to $1,290.2 billion.
May 26, 1983	Debt ceiling raised to $1,389 billion.
Nov. 21, 1983	Debt ceiling raised to $1,490 billion.
Apr. 4, 1984	Outstanding debt within $25 million of ceiling.
May 1–16, 1984[1]	Outstanding debt within $25 million of ceiling.
May 25, 1984	Debt ceiling raised to $1,520 billion.
June 4–July 5, 1984[1].	Outstanding debt within $25 million of ceiling.
July 6, 1984	Debt ceiling raised to $1,573 billion.
Sept. 4–Oct. 12, 1984[1, 3].	Debt ceiling crisis.
Oct. 13, 1984	Debt ceiling raised to $1,823.8 billion.
Sept. 3–Dec. 11, 1985[1, 3].	Debt ceiling crisis.
Nov. 14, 1985	Debt ceiling raised to $1,903.8 billion.
Dec. 12, 1985	Debt ceiling raised to $2,078.7 billion.
Aug. 1–20, 1986[1]	Debt ceiling crisis.
Aug. 21, 1986	Debt ceiling raised to $2,111 billion.
Sept. 30–Oct. 20, 1986.	Debt ceiling crisis.
Oct. 21, 1986	Debt ceiling raised to $2,300 billion.
May 15, 1987	Debt ceiling raised to $2,320 billion.
July 18–29, 1987	Debt ceiling crisis.
Aug. 7–9, 1987	Debt ceiling crisis.
Aug. 10, 1987	Debt ceiling raised to $2,352 billion.
Sept. 24–28, 1987	Debt ceiling crisis.
Sept. 29, 1987	Debt ceiling raised to $2,800 billion.
Aug. 1–6, 1989[1] ..	Debt ceiling crisis.
Aug. 7, 1989	Debt ceiling raised to $2,870 billion.
Nov. 1–7, 1989	Debt ceiling crisis.
Nov. 8, 1989	Debt ceiling raised to $3,122.7 billion.
Aug. 9, 1990	Debt ceiling raised to $3,195 billion.
Oct. 19–27, 1990[1]	Debt ceiling crisis.
Oct. 28, 1990	Debt ceiling raised to $3,230 billion.
Nov. 5, 1990	Debt ceiling raised to $4,145 billion.
Apr. 6, 1993	Debt ceiling raised to $4,370 billion.
Aug. 10, 1993	Debt ceiling raised to $4,900 billion.
Nov. 15, 1995–Feb. 15, 1996.	Debt ceiling crisis.

[1] On one or more days during this period, the difference between the amount of debt subject to the limit and the debt limit was greater than $25 million. As noted in the letter, we were unable to specifically identify the debt ceiling crisis prior to September 30, 1984. Therefore, in order to better estimate the periods when Treasury may have had difficulty in performing its normal financing operations, we assumed that Treasury's difficulties continued if the following occurred: the outstanding debt subject to the limit fell below the $25 million threshold and then rose to the $25 million threshold during a 14-day period.

[2] Specific actions taken by Treasury during these periods are discussed in the following GAO report: A New Approach to the Public Debt Legislation Should Be Considered (FGMSD–79–58, September 7, 1979).

[3] Specific actions taken by Treasury during these debt ceiling crisis are discussed in the following GAO reports: Civil Service Fund: Improved Controls Needed Over Investments (GAO/AFMD–87–17, May 7, 1987) and *Treasury's Management of Social Security Trust Funds During the Debt Ceiling Crisis* (GAO/HRD–86–45, December 5, 1985).

Mr. MOYNIHAN. I thank the Chair.

Again to say, a default by the Treasury would have disastrous consequences for the domestic economy of the United States and for global financial markets. I make the point that during the 1980's, we became a debtor nation, the world's largest debtor nation. To jeopardize the full faith and credit of that debt is to jeopardize the well-being of the Nation.

I have, Mr. President, one last thing to say, a point to make, a positive point. I know that there are many persons who legitimately feel that in extending the debt ceiling we are only somehow extending the tendency to spend more than we have in the way of income, to be excessive and improvident and, in consequence, debt ridden.

Mr. President, this is not the case. Owing in large measure—or so I choose to believe—to the budget measures, tax and spending measures we took in 1993, we are now in a very solid cash-flow situation for the first time since the late 1960's. We are seeing the legacy of debt but also the consequence of legitimate behavior.

In this period, 1994–97, for the first time since the administrations of John F. Kennedy and Lyndon Johnson, the Federal Government will have more revenue than expenditure on programs and procurement. This also went through to the first years of President Nixon. We had a very small surplus, tiny, $3.1 billion in the first half of the decade; $2.3 billion in the second half. Then there was the period of the Nixon administration when matters were just even, properly so.

Then with the onset of President Ford's administration, then President Carter's, with the great increase in oil prices, inflation, things of that kind, we began to borrow money to pay for ongoing programs, $22 billion, then $13 billion.

The first years of the Reagan administration we borrowed $80 billion to pay for ongoing programs. Some of it is investment, but it was ongoing. Then in the administration of the latter years of Mr. Reagan, it dropped to $21 billion.

Then Mr. Bush had the misfortune of a recession, which reduced revenues, and in some ways raised outlays, and you have a big deficit, back to a $64.8 billion shortfall between revenues and outlays.

Mr. President, we are now at a $56.7 billion surplus. That means what we call the deficit is entirely accounted for by interest on the debt we accumulated in this period. We have our budget in balance, save for what we borrowed in the 1980's.

There were those who had in mind that is what we should do—that deficits would end up choking the life out of the Federal Government and its programs. They had a phrase for it called "starve the beast." They were not wrong. It was the idea that you could not argue this program out of existence and that program out of existence; just starve the Government of revenues. And you are then forced to do things you would have never dreamed of previously. For example, the present administration proposed a 7-year balanced budget glidepath which had enormous reductions in discretionary spending. Now you seem to have no alternative because of the debt service.

But I do say, Mr. President, we can see our way out of this. We have cut our outlays. Our revenues are solid. If we stay on this path, we will get to the point where the debt begins to decline. Then it can be a very rapid event.

I say this to those Members of the House, really, who themselves had the good sense in 1979 to make the debt ceiling extension automatic. Passage of the budget resolution automatically increased the debt ceiling by the necessary amount. I say to them that, if they see an increase in the debt ceiling as being an invitation to spend moneys you do not have, that you have been forced to borrow—that may indeed have been the case in the 1980's; it is not the case today. We are beginning to act in a mature and open and defensible way.

Let us put this debt ceiling behind us. Let us not have 3 weeks of saying, my God, in 3 weeks it is doomsday. No. Let us not put this off and let us do the right thing—pay our bills until next

May. In the interval there will be a Presidential election. We will hear a lot about this subject. We will have a new administration. I hope we will have the same President, but he will be in his second term. If we do not, we will have the distinguished majority leader, one-time chairman of the Finance Committee, a man who will know what to do. We are on the right path. Let us do the right thing.

With that, Mr. President, reserving the remainder of my time, I yield the floor. Mr. President, I suggest the absence of a quorum and ask that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. MURKOWSKI. Mr. President, I would like to speak with regard to the proposed debt increase issue for 3 or 4 minutes.

Mr. ROTH. Mr. President, how much time remains?

The PRESIDING OFFICER. The Chair informs the Senator from Delaware that he has 13 minutes remaining, and the Senator from New York has 1 minute, 26 seconds.

Mr. ROTH. I yield the Senator 3 minutes.

Mr. MURKOWSKI. I thank the floor manager.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 3 minutes.

Mr. MURKOWSKI. Mr. President, I have grave concerns about the proposal to increase the debt without having a mandate in place to address a balanced budget. For this body to vote to increase the debt without having a budget that can be achievably balanced is irresponsible.

What we are doing here, I think, is extraordinarily irresponsible. We are losing the leverage that we have—and the leverage that we have is the ability to affect just how much spending occurs. Mr. President, this body cannot face an authorization to increase the debt unless this body has found a way to ensure that the debt is not going to continue uncontrolled. This is the realization that we must not be afraid to face: the Government simply does not have the discipline to control its spending; the Government does not have the discipline and constraints to control its spending as is dictated in the private sector.

What should this body be doing? Well, Mr. President, this body should be doing the only responsible thing to do when one incurs too much debt—and that is decrease expenses. It is not responsible to the debt without taking corrective action.

The greatest concern this country has is too much debt, and now we are being asked to accumulate that debt further by increasing the debt ceiling from $4.9 trillion to somewhere in the area of $5.4 trillion. What is the rationale for this? The argument is that we simply have to. I am not arguing with the reality that we have to pay our bills, but to suggest that we go ahead with this authorization without first having addressed a mandatory balanced budget is absolutely irresponsible.

To suggest that we are up against some time frame of tomorrow or the next day is not necessarily true. We know that the Secretary of the Treasury has continued to borrow from funds, and likely can do so for a limited period of time. So, why not take this opportunity—when there is a need now that is greater than it has ever been before—to establish a methodology to achieve a balanced budget?

Mr. President, interest currently is about 16 percent of our total expenditure. Mr. President, that is a cost that we have absolutely no control over; it is an automatic cost that continues to grow and does not disappear. It's like having a horse—and the Senator from Montana knows about horses. You may feed a horse and watch him eat, but that horse continues to eat when you're not around—that horse eats while you sleep. A horse's eating cannot be controlled and neither can this country's interest expenditures. In Canada, 20 percent of the budget is interest on the debt. They cannot afford their health care. If you look at Central America countries, South America countries, what put them under was too much debt.

Currently our interest costs are more than our annual deficit. We are broke, yet we just keep spending. And to suggest that we are on the right track without having mandatory discipline is absolutely unrealistic.

Some may suggest the problem will fix itself—the economy will expand or the tax base will increase, and so forth. Those are all fine. But we have not addressed a responsible method to curtail this runaway debt, and here we are today prepared to increase the debt ceiling without having taken the corrective action, and this Senator from Alaska is going to vote against it.

The rationale is obvious: We have to be disciplined. We better face up to it because we are going to be right back here again in a year, 18 months, more or less, increasing the debt ceiling again. Will we have the leverage then? Well, we have the leverage now, and that leverage is to enact a mandatory balanced budget. Only then will I vote for the debt ceiling, but not until. I appreciate the floor manager allowing me this time.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I respectfully rise in opposition to the Moynihan amendment. I am sure he recalls, as I do, that when George Mitchell was the distinguished majority leader of this Senate, he often said the perfect is the enemy of the good when Republicans offered amendments from time to time.

I just want to reiterate that, as I stated earlier, it is this Senator's intention, hopefully upon the successful enactment of the legislation before us, without the Moynihan amendment, it is this Senator's intention to work toward passage of a long-term debt ceiling extension later this month. As I have said, we cannot and will not default on our debts, and I know that is a matter with which the distinguished Senator from New York agrees.

Mr. MOYNIHAN. There is no disagreement.

Mr. ROTH. Let me suggest that the problem with the Moynihan amendment is that I think we do make it possible for there to be a default if we do not move successfully on the legislation before us. The House, I just want to point out, passed the legislation, H.R. 3021, by a vote of 362 to 51. Most of the "no" votes came from Republicans. The House leadership says that the Moynihan amendment would not pass on the House side. So it is unlikely that a straightforward debt limit bill will pass. The House wishes, as you know, to combine that with entitlement reform, and we intend to vote on that later this month.

The point I want to emphasize is that we are running the risk that, if the Moynihan amendment should be adopted, it will not be agreed upon on the House side, and time is not on our side.

As I said earlier, the amendment before us really jeopardizes the ability of Treasury to manage the public debt. We may not have until March 21 or even March 15, as I understand the situation. Treasury has informed us that next week, cash levels will be imprudently low, something under $1 billion. I think that is the first time that situation has arisen where we are running that kind of a risk.

The distinguished Senator, my good friend and colleague, asked for the letter from John D. Hawke, Jr., the Under Secretary of the Treasury for Domestic Finance, to be printed as part of the RECORD.

I want to read one paragraph from that letter where the Under Secretary says:

> By March 13 or 14, if there is no debt limit increase, we project that our cash balances will be below our prudent minimum of $5 billion and that there will be less than $1 billion in leeway under the debt limit.
>
> If the actual debt level on March 13 or 14 is $1 billion more than we currently forecast, Treasury would be out of debt limit room

and would not be able to issue sufficient securities to the trust funds to enable all trust fund receipts to be invested on those dates.

So that, in my judgment, is why we wish and need to enact H.R. 3021 now, unamended, so that this danger of running out of funds can be averted.

Mr. President, I strongly urge my friends and colleagues on both sides of the aisle to reject the so-called Moynihan amendment.

The PRESIDING OFFICER. Who yields time?

Mr. ROTH. I yield 3 minutes to my colleague from Minnesota.

Mr. GRAMS. Mr. President, I want to make a few remarks to go along with Senator MURKOWSKI's remarks on a lot of reservations some of us have about extending the debt limit without tying it to a responsible balanced budget amendment, so that we do not literally give Congress an open checkbook to go ahead and spend and spend and spend.

I wanted to clarify that we are here today to consider a short-term extension to this debt ceiling, to give us time for 2 weeks to work out a further extension of this. What are we asking today? We are asking to be able to borrow more money. For what? To pay interest.

I tell people back home, it is like if you go to one banker to borrow money so you could pay interest to another banker you owe on another loan. If you get into that position, you are in financial trouble. That is what we are doing here, borrowing more money year after year, and it does nothing but cover up a history of mismanaging this country's finances. This is without going back and addressing the problem.

We have to get our finances in order. We have to agree on a balanced budget within the next 7 years. This should not be viewed as a political excuse to put off balancing this budget. The debt ceiling should only be passed, and I will only vote for it, if it has some specific instructions on how we are going to achieve a balanced budget and not to just say, well, we are going to borrow some more and add to the debt, which is going to put our children even deeper into their financial problems, so we can go on and continue business as usual here in Washington. We cannot do that any longer.

We need to have some real reforms when it comes to the problems of the entitlements, welfare, Medicare, and Medicaid. We have been working toward this, and, hopefully, within the next couple of weeks, we can work out something that will put us on that glidepath.

I am going to propose what I call the "taxpayer protection lockbox," which means that if revenues exceed even our spending forecasts, those extra dollars will not be given to Congress to spend on even a larger Government. But if there are additional revenues available, they will be returned to either the taxpayer in the form of tax relief, or they can only be spent to reduce the debt. But once we set this spending level, we want to make sure that, if additional revenues do come in, Congress does not have an open checkbook to spend even more.

So I wanted to respectfully ask that we examine this problem and make sure that any extension in the debt limit is tied to a balanced budget.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from New York has 1 minute 24 seconds.

Mr. MOYNIHAN. Mr. President, first, let me say to my friend from Minnesota that he is quite right that we spent moneys we did not have. We spent them in the 1980's. This is clear and inexorable. This table shows it in these bar charts. We have finally gotten to the point where we have revenues above the levels of outlays. We did this in 1993 with a vote on which not a single vote was found on the other side of the aisle to do so. But we did it. Now, can we not put this argument aside, resolve our remaining legislative matters, and get on with the Presidential election, rather than holding the full faith and credit of the United States at jeopardy?

I want to thank my esteemed chairman for the clarity and tone of his remarks. Whichever way this vote will go, we will manage to get through this. But that we are doing this for the 17th time since 1980 suggests that we better look to our procedures in the future.

Mr. President, with thanks to the chairman, I yield back the remainder of my time.

Mr. ROTH. Will the Senator yield me 1 minute?

Mr. MOYNIHAN. I ask unanimous consent that Senator ROTH may have 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, I thank the distinguished Senator from New York for his remarks. I must, once again, urge the defeat of the so-called Moynihan amendment. If it should carry, I think it is critically important that it be recognized that we would be jeopardizing the ability of the Treasury to manage the public debt.

As I said earlier, we may not have until March 21, or even March 15. Treasury, again, has informed us that next week cash levels will be imprudently low and under $1 billion. That is the reason it is critically important that we enact H.R. 3021 without amendment. As I have assured the distinguished Senator from New York, then we will look at the longer term and work together.

I yield the floor.

Mr. MOYNIHAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. GORTON (after having voted in the affirmative). Mr. President, on this vote I have a pair with the distinguished Senator from Kansas [Mr. DOLE]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. LOTT. I announce that the Senator from Missouri [Mr. ASHCROFT], the Senator from Colorado [Mr. CAMPBELL], the Senator from New York [Mr. D'AMATO], the Senator from Kansas [Mr. DOLE], the Senator from Florida [Mr. MACK], and the Senator from Arizona [Mr. MCCAIN] are necessarily absent.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE], the Senator from California [Mrs. BOXER], and the Senator from Illinois [Ms. MOSELEY-BRAUN] are necessarily absent.

The PRESIDING OFFICER (Mr. SANTORUM). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 47, as follows:

[Rollcall Vote No. 24 Leg.]

YEAS—43

Akaka
Baucus
Biden
Bingaman
Bradley
Breaux
Bryan
Bumpers
Byrd
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Heflin
Hollings
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Wellstone
Wyden

NAYS—47

Abraham
Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
DeWine
Domenici
Faircloth
Frist
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Helms
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kyl
Lott
Lugar
McConnell
Murkowski
Nickles
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Gorton, for

NOT VOTING—9

Ashcroft
Boxer
Campbell
D'Amato
Dole
Inouye
Mack
McCain
Moseley-Braun

So the amendment (No. 3465) was rejected.

Mr. EXON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the third reading and passage of the bill.

The bill (H.R. 3021) was ordered to a third reading, was read the third time, and passed.

Mr. ROTH. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MURKOWSKI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. LOTT. Mr. President, for the information of all Senators, there will be no more recorded votes today. However, I think it should be noted that we had hoped to move forward on the small business deregulation bill. There has been basically an objection to bringing that up at this time by one of the Democratic Members, perhaps other Members about bringing it up at this time. We are attempting though to reach an agreement on when that bill will be considered. It is one that passed overwhelmingly, unanimously, bipartisan, a good bill. I think everybody understands that. We have agreement on it. We should go ahead and move that legislation. I have discussed this with the distinguished Democratic leader. We are now trying to get an agreement on making sure that we get it up in a very short, reasonable period of time.

We will begin the omnibus appropriations bill on Monday morning. Amendments will be started on Monday with the votes to occur on Tuesday, and we will have some further specific announcement on the time of those votes. Also, we are expecting Members to have amendments ready on Monday on this omnibus appropriations bill. Again, I have discussed this with the Democratic leader. We do know already at least one amendment that will be ready on Monday is the Daschle omnibus amendment. We are working now, we are hoping maybe even here in the next few minutes to get some of the amendments, a list of the amendments that would be available on Monday.

I do want to emphasize also it is important that we get a reasonable agreement on time for handling this legislation because it will call for a conference with the House because there clearly will be differences between the two bodies' versions of the omnibus appropriations bill. We need to get it done in time so there can be a conference, an agreement in conference, and get this matter hopefully concluded by Thursday of next week.

There will be no votes on Friday and no votes on Monday, but I emphasize again we will begin debate on this omnibus appropriations bill with amendments to be offered. I hope Members will not try to hold their amendments to the second day. We just will not physically be able to accommodate that. We are going to work across the aisle to get an agreement on that at the appropriate time.

I do want to inform Members that later there will be a cloture motion laid down on Whitewater, and in all probability on the D.C. appropriations conference report.

MORNING BUSINESS

Mr. LOTT. I notice the Democratic leader is here. Just one final point. I now ask unanimous consent we have a period for morning business to 3:30 p.m. with Members permitted to speak for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. With that, I yield the floor, Mr. President.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

CURTIS BALDWIN MEMORIAL

Mr. COVERDELL. Mr. President, on behalf of Majority Leader DOLE and myself, I would like to address the Senate on the death of Curtis Baldwin. I wish to take a moment to recognize a Senate staffer who made a meaningful contribution both to the Senate and his community.

Curtis Baldwin unexpectedly passed away this week at the young age of 36. He was born in Richland, GA, and graduated from Clark College in Atlanta.

For the past 7 years, Curtis was a Sergeant at Arms employee who was well known among his coworkers and the Senate staff as a goodhearted, dedicated, and loyal individual. Curtis will always be remembered as having a positive effect on people with his joyful disposition and contagious laugh.

In addition, he was an active and faithful member of the Congress Heights Methodist Church in Washington, DC, where he was a youth minister, a member of the board of trustees, and an assistant treasurer. Curtis found deep fulfillment in being a member of both the T.J. Horne Ensemble and the church choir. He celebrated life each day by being close to the Lord and his family.

Curtis will always be remembered in the hearts of those who knew him.

Mr. President, I thank you and I yield the floor.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

JOINT STANDARDS ON VIOLENCE

Mr. SIMON. Mr. President, last week the major leaders of the television and movie industries in the United States met with President Clinton, Vice President GORE, and in separate meetings with several of us in Congress to address the issues of glamorized violence and sexual exploitation.

President Clinton and the industry leaders are to be congratulated for coming together, an indication that both the leaders of Government and the industry take this issue seriously.

Second, while I opposed the Federal Government mandating the V-chip and the ratings system that goes with it, the fact that the industry has decided to address the pressure in the telecommunications bill for them to voluntarily set up a system rather than oppose the proposal in the courts will do some good. It is a signal to the American people that the industry is willing to show self-restraint and that good citizenship can prevail over the profits-at-any-cost philosophy.

My experience with this issue suggests that progress can continue to be made without Government entering the constitutionally dangerous field of regulating content and without the industry impairing either its profits or its effectiveness. But because this field that is entered is new in the United States for the industry, there will be some stumbling along the way. The path of real progress is rarely easy in any type of endeavor.

The television-movie leaders deserve our congratulations not only for the step just announced but for a series of positive actions that have been taken over the past few years. The industry initially moved in a more conservative direction somewhat reluctantly, but as more and more leaders started self-examination and found pride and satisfaction in the good they were doing, the progress has become more measurable.

In 1986, when I began talking about violence on television, I was a lonely voice. The entertainment industry responded to my calls for a reduction in gratuitous and glamorized violence on television with almost universal denials of any link between violence on television and violence in our society. For even suggesting such a link, I was loudly and enthusiastically denounced by some.

When I asked that they work together to establish joint standards on violence, the networks told me that antitrust laws precluded them from doing so. When I introduced and Congress passed an antitrust exemption in 1990, signed into law by President Bush, to allow them to discuss this issue, they spent the first year and a half of the exemption doing nothing. Finally, halfway through the exemption, I took to the Senate floor to call the Nation's attention to this issue and the industry's inaction. Public hearings were held in the House and the Senate.

In response to this public pressure, the networks announced joint standards on violence in 1992. The broadcast networks led the way on this, followed by cable and the independents. The standards they developed were not as strong as I would have liked, not as strong as the British standards, for example, but a positive step forward.

In the summer of 1993, the networks established a parental advisory system. They took significant nonpublic actions to change the shape of things. The president of one of the broadcast networks told me that he viewed a film they had paid $1.5 million for, and after viewing it he decided the network should take a loss and not show it because of its violence.

When the officials of one network met, initially, one or two sharply criticized what I was doing. Then one of the officers asked the question, "Do you let your children watch what we are producing?" He reported that question changed the whole tone of the meeting and what they would produce in the future.

Jack Valenti, head of the Motion Picture Association, and others, arranged for me to meet with the Writers Guild and the Directors Guild, the creative people who help to shape what we view. A few of them were hostile, some reluctant, and others clearly welcomed a slightly different thrust.

In August 1993, the first-ever industrywide conference on the issue of gratuitous television violence was held. At that conference, I urged the industry to select independent monitors, not censors, to make any reports to the public about television programming. In early 1994, both the broadcast and cable networks announced they would do it and announced their selection for independent monitors.

These monitors, the UCLA Center for Communication Policy and Mediadiscretionary-scope, have now each issued their first annual reports. Many critics dismissed these monitors as pawns of the industry because the industry is paying for their work.

These first reports clearly belie that suspicion. They are solid, critical examinations of television programming. They make concrete suggestions for ways to improve. The reports exceeded my greatest hopes.

These studies show that television violence is still a problem, but the very existence of the reports should encourage everyone concerned about this issue. The networks invested significant sums to fund this, and they have respected the independence of the monitors' work.

The industry has proposed a voluntary rating system to provide the public with more information about their programming. I applaud this voluntary effort. The question is where we go from here.

Laudable as the most recent step by the industry is—though I voted against that V-chip in the version that passed the Senate as an unwise and probably unconstitutional intrusion of the Federal Government in the field of content—I have concerns that some in industry and Government are looking to this as the answer to the question of gratuitous violence. It will help concerned parents. Perhaps of greater influence, it will affect advertising for those who accept that form of sustenance.

I have these concerns:

First, it will take years before the V-chip is in most American homes.

Second, the recent report on television by Mediascope suggests that while ratings help parents and are helpful with young children, boys between the ages of 11 and 14 are attracted by an R rating, not repelled by it. If the study had included young people between the ages of 15 and 19, my instinct is that the R rating would prove to be even more of a magnet.

Third, teenagers are mechanically very adept. Many will find their way around the V-chip, if by no other means, by going to a friend's home.

Fourth, and most important, the homes that most need to use the V-chip will not use it. Children in high-crime areas watch half again as much television as in areas where crime is less prevalent. Too often, the children of those parents are desperately just trying to get by, and if watching more violence on television keeps the children off the streets, it will strike many parents as a reasonable tradeoff.

So I welcome the industry's considerable effort to assist the American public with ratings and the V-chip, but I view it as a mixed blessing.

Let me close by issuing a challenge to the industry and to my colleagues. To the leaders of television, I applaud the progress you are making. Broadcast entertainment TV is measurably less violent than 5 years ago and cable TV is slightly less violent. If this progress continues, 10 years from now people will look back on today's television as we now look back on old movies that have the heroes and heroines smoking and drinking heavily. Moving away from that stereotype did not hurt the movies and television, and it helped the American public.

I urge all industry leaders to read the two fine monitoring reports that the broadcast and cable industries authorized. I particularly call your attention to the statistic in the more recent report that 73 percent of violence in entertainment television has no immediate adverse consequences for the perpetrators of the violence.

The message to children and adults from that: Violence pays. The same report notes that only 4 percent of violent programs emphasize an anti-violence theme. It should not be difficult for television executives to tell their writers and directors and other creative people to shift this emphasis. We do not need to wait for a V-chip for that.

To my colleagues in Government, I urge patience. As one of the harshest critics of the industry, let us acknowledge that progress has been made even before this latest announcement and congratulate the industry for it. It is no accident that the top five in the network ratings on television today are not violent shows.

Let us applaud the progress that has been made, and let the dust settle a little, viewing carefully and not emotionally where we are, and not pass more legislation at this time. President Clinton and Senator BOB DOLE deserve some of the credit for the progress that has been made, as do many other of my colleagues of both parties in the House and the Senate. Periodic hearings should be held to determine what is happening, but let us not derail a train that is now headed in a better direction.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMPSON). Without objection, it is so ordered.

SMALL BUSINESS REGULATORY ENFORCEMENT FAIRNESS ACT

Mr. BOND. Mr. President, it is with regret, I tell my colleagues today, that we are not able to proceed at this time with the Small Business Regulatory Enforcement Fairness Act, S. 942, which was marked up by the Small Business Committee yesterday. We had hoped to be able to go forward on what is a very sound, bipartisan bill that responds to the major regulatory reform requests of the delegates to the White House Conference on Small Business. At this time, there is an objection on the other side of the aisle to calling that measure up for consideration today.

Frankly, I am very disappointed that we are not able to go forward, because this is something that we in the Small Business Committee, with the help of others in this body who are concerned about small business, have worked on for a long time.

I want to pay a very special thanks to my ranking member, Senator BUMPERS, and his staff who worked with us and the other members of the committee to get what I think is a good bill. It was passed out of the committee on a 17 to 0 vote. It was one which I had hoped we would be able to move quickly.

We are coming up very shortly on the 1-year anniversary of the White House Conference on Small Business. A number of small businesses do not understand how slowly this place moves. Sometimes I do not understand how slowly this place moves.

It would seem to many that the time has come to respond to their requests. There are several simple requests.

One of them is to put some teeth in the measure that is supposed to give small businesses an opportunity to be heard in the regulatory process. Congress passed, and the President signed about 16 years ago, a measure called the Regulatory Flexibility Act. The objective of that act was to make sure that Government regulations which affected small business took a look at the impact on small businesses and choose a means of minimizing the hassle, the red tape, the wasted energy, the wasted effort that a regulation might impose on a small entity. I say small entity because that is only small business. It has a small profit. We have had people from colleges and universities who wring their hands and tell us that the same hassles the small businesses face affect them. I cannot tell you the number of county and city officials in my State who say, I wish we had the ear of some of the regulators in Washington because they do not take into account what some of these regulations that might be perfectly workable for a large corporation, or even a State government, do when it comes down to the local level to a small business.

Well, for years, the White House conference delegates and other small business groups have said that if you want to make regulatory flexibility work, you have to put some teeth into it. When the reg flex bill was passed initially, there was an exclusion of judicial enforcement. In other words, you could not go to court and say a Federal regulatory agency failed to take into account the impact on small business. Well, we have, by a bipartisan effort, a measure which provides judicial enforcement for regulatory flexibility. The President has called for it, the Administrator of the Small Business Administration has called for it, leading Members of both sides of the aisle in this body have called for it. We would make regulatory flexibility subject to the judicial enforcement. Why? Because, quite frankly, right now, when the Small Business Council for Advocacy goes to a Federal agency and says, "You did not take into account how this is really going to tie up small business, and you are putting a tremendous recordkeeping burden on them, putting them through a tremendous hassle," too often those agencies say, "Tough luck."

So what are you going to do about it? The answer is nothing. He cannot do anything about it. Under this bill, he could do something about it. Under this bill, a small entity could do something about it. Well, that is what is being held up today. That is what we had hoped to bring to the floor this afternoon, to do what the small businesses of America have asked us to do, and that is let their voice be heard in Washington. Let them have an opportunity to express their concerns and their complaints to the agencies that are driving them nuts.

I might add, parenthetically, that even the Small Business Administration itself came out with a bunch of regulations, some of them in its loan programs, and others, which we think might make it more difficult for small businesses. It would not be a bad idea for the Small Business Administration to take a look at how its own regulations impact small business. We can give them some help. Well, we cannot do it until we have S. 942, or the contents of that bill, passed by both Houses and signed by the President.

This measure also does some other things that are very important. It says when you write a regulation, you have to tell, in plain English, commonsense language, how an entity can comply with it, what you are really getting at in a regulation. We are saying that if you do not do that, if a regulatory agency wants to bring an enforcement action against a small entity, the small entity can look and say, here are your guidelines; or, if you do not have any guidelines, you can publish guidelines. Sometimes the simplifying guidelines a Federal agency puts out are very thick. For a small business with one, two, or three employees, not many of them have the time to read through hundreds of pages of directions. That is not simple language. I think that is a tool the small businesses need.

Senator DOMENICI, as a result of small business hearings we had in New Mexico, had a good idea, one that we need to try out, which is included in this bill. It would give small businesses an opportunity to participate in making the regulations in the first place. Let them be heard. Bring them in and let them have a crack at it. Let them have an opportunity to say how the goals of the legislation—that is, what the regulations are supposed to do to help achieve the goals of legislation—how those goals can better be achieved as they affect small business. That is also included in it.

And then we have a final provision that also came from the hearings that we held around the country, from Georgia to Alaska, Tennessee, and Missouri. We have had hearings in Minnesota, all around the country, and we have heard a lot of small businesses say that it is not just the regulations; sometimes it is the regulators themselves. Sometimes the regulators themselves come in and act like they have been sent by the king rather than by a popularly elected Government. They act like they represent a monarch, and they tread on the rights of the people who do not have the resources to fight them.

So we would set up an ombudsman, who would be available for a small business or a farmer, or other small operators, to raise an objection as to how an inspector operates. I asked the small businesses before, "Why do you not object if OSHA sends in an inspector who is overreaching, who does not listen to your side of the story, who says it is his way or the highway? Why do you not just object to the agency?" They say, "If we object to the agency, that same guy is going to come here next month, and instead of fining us $4,000 for not having a label on some dish-washing soap, he could increase the fine, or it could get even worse."

So we set up a means where an affected small business or entity that gets stepped on by these enforcers could register a complaint. We set up regional regulatory fairness boards to hear these complaints. I think it will help the agencies themselves to root out a bad apple, or to bring in an inspector, examiner, or representative who is out of hand and say, "We have had complaints about you. You are not helping the citizens we are supposed to serve and represent to comply with the laws and with the regulations. You need to shape up the way you are acting."

Well, that ombudsman provision, the regulatory fairness provision, is also included in S. 942.

Finally, equal access for justice. We want to make it easier if you are a small business and the Federal Government comes in and says, "We need a million dollars in penalties," and you say, "That would put me out of business. It is not a willful violation, and I did not cause serious harm. It is the first time I have done it." That is totally out of whack. If they proceed against you and get a $10,000 fine, then you ought to be able to get your attorney's fees from the agency that tried to run over you. It makes them accountable. It makes sure that the agency comes in with demands that are not out of reason. That, too, is in S. 942.

Unfortunately, at this point, there is an objection on the other side. I know that we have very strong support, particularly from the members of the Small Business Committee, on both Republican and Democratic side. We would like to move this bill. We have time set up on the floor. This is valuable time that we are wasting that we are not moving forward on this bill. This is the time that we could be doing something that would respond to the concerns that the small businesses of America have about how the Federal Government acts.

Unfortunately, as long as there is that objection, it will take us some time to bring it up. We will bring it up. I know everybody seemed to be ready for it. The people who were involved in crafting it were ready to come to the floor.

I say by way of explanation to our other colleagues that I truly regret we cannot pass this measure. It is one I know had total bipartisan support in the committee. I think it will have strong bipartisan support on the floor. The President has already indicated his support for the basic principle of judicial enforcement of regulatory flexibility.

Mr. President, I only say we are still ready to do business if the Members on the other side change their mind. It is too bad we have valuable time set aside on the floor and we are not able to move.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order of the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SMALL BUSINESS REGULATORY FLEXIBILITY ACT

Mr. DASCHLE. Mr. President, I understand that someone from the majority will be coming to the floor to offer a unanimous-consent request that has to do with a number of matters pertaining to our schedule for next week. While he is on his way, let me simply explain the dilemma that requires our objection to moving at this time to the Small Business Regulatory Flexibility Act.

We have no objection to the substance of this particular bill, with the understanding that some technical details remain to be resolved. I am quite confident that if all we had to do was to consider the bill, after only a short period of time for debate and adoption of a managers' amendment to clarify some technical questions with the bill, we would then be in a position to vote, I would suspect unanimously, for that particular legislation.

The dilemma is that the bill will very likely be used as the vehicle for another very big debate, unlimited debate, over the whole issue of comprehensive regulatory reform. That issue has been before the Senate for weeks already during this Congress. Several attempts to invoke cloture were made and failed. We could thus find ourselves in much the same set of circumstances again next week were comprehensive regulatory reform legislation offered as an amendment to this bill.

My concern is that the Senate has many important and timely issues facing it. We have a debt limit extension bill, the continuing resolution, the Whitewater resolution and a number of other issues pending. I would be very concerned if this body found itself mired once more in an impasse over comprehensive regulatory reform, with no real hope of coming to some consensus, some compromise.

We are getting closer. I think at some point there may be an opportunity to bring a bill to the floor. But we are not there yet. I think that rejoining this debate at this time on this bill would most likely undermine what possibilities there are for regulatory reform.

So bringing regulatory reform to the floor under those circumstances would not be what I view to be a very constructive exercise. But it is not my objection this afternoon that will cause the bill not to be scheduled. There are objections within our caucus, and I respect those objections. They are being made for legitimate reasons.

So we will continue to try to resolve these outstanding difficulties and come to some resolution at some point in the future. But until the broader issues relating to this particular bill are resolved, we would not be in a position to go to the bill.

Mr. President, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE FULBRIGHT SCHOLARSHIPS STAMP

Mr. PRYOR. Mr. President, on February 28, the Postal Service recognized 50 years of Fulbright scholarships by issuing a commemorative stamp in honor of this outstanding program. Fittingly, the unveiling ceremony was held at the University of Arkansas, where Senator J. William Fulbright served as president.

The Fulbright scholarships were established by the Congress in 1946 under legislation proposed by Senator Fulbright. They were intended to increase mutual understanding between the United States and countries worldwide. By anyone's measure, this program has been a great success.

Each year, nearly 5,000 individuals are given the opportunity to broaden their professional or academic knowledge by studying or lecturing at renowned international universities, or conducting collaborative research with foreign countries. Since its inception, nearly a quarter million people have participated in the Fulbright program.

The design of the stamp itself emphasizes the international exchange of students, scholars, artists, and other professionals that the scholarships facilitate. A compass laid over top of a human head symbolizes the power of the mind applied to all areas, while a decorative bookbinding paper background represents academics and the arts.

Mr. President, J. William Fulbright of Arkansas served the public with great distinction for more than 30 years. He gave great thought and care to America's role in the world, and it is most fitting that the Postal Service has chosen to pay tribute to the international exchange program which bears his name.

I know this stamp is a source of great pride not only to Senator Fulbright's family, but to all who have been associated with this special program. I hope the issuance of this commemorative stamp will help ensure another 50 years of Fulbright scholarships.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, the impression will not go away: The $5 trillion Federal debt stands today as an increasingly grotesque parallel to the energizer bunny that keeps moving and moving and moving on television—precisely in the same manner and to the same extent that the President is allowing the Federal debt to keep going up and up and up into the stratosphere.

A lot of politicians like to talk a good game—and talk is the operative word—about cutting Federal spending and thereby bringing the Federal debt under control. But watch how they vote on spending bills.

Mr. President, as of the close of business yesterday, March 6, the exact Federal debt stood at $5,016,347,467,901.57 or $19,040.48 per every man, woman, and child in America on a per capita basis.

COMMEMORATION OF NATIONAL SPORTSMANSHIP DAY

Mr. PELL. Mr. President, it is with great pride that I bring to the attention of my colleagues National Sportsmanship Day which was celebrated on

March 5, 1996. This event was celebrated in nearly 6,000 schools in all 50 States and 61 countries.

My pride stems from the fact that this celebration, which is recognized by the President's Council on Physical Fitness and Sports, was established by the Institute for International Sport in 1991. The Institute, housed at the University of Rhode Island, has brought us the hugely successful World Scholar-Athlete Games, which will be held again in 1997, as well as the Rhode Island scholar-athlete games. Now in its sixth year, National Sportsmanship Day has grown not only into a national movement, but an international one as well.

National Sportsmanship Day was conceived to create an awareness among the students of this country—from grade school to university level—of the importance of ethics, fair play, and sportsmanship in all facets of athletics as well as society as a whole. The need to periodically refocus our young people on sportsmanship and fair play is sadly evident on the playing field in these days of taunting, fighting, winning at all costs mentality, and the lure of huge sums of money for athletes hardly ready to cope with life's normal challenges.

To commemorate National Sportsmanship Day, the Institute for International Sport sends to all participating schools packets of information with instructional materials on the themes surrounding the issue of sportsmanship. Throughout the country, students are involved in discussions, writing essays, creating art work, and in other creative ways engaging each other on the subject.

Mr. President, as it has in past years, the President's Council on Physical Fitness and Sports has recognized National Sportsmanship Day. I ask unanimous consent that the letter signed by the council's cochairs Florence Griffith Joyner and former congressman Tom McMillen be inserted in the RECORD following my remarks. Mr. President, I would also commend and urge my colleagues to encourage students to focus on National Sportsmanship Day and the lessons contained therein.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE PRESIDENT'S COUNCIL ON
PHYSICAL FITNESS AND SPORTS,
Washington DC, March 1996.

The President's Council on Physical Fitness and Sports is pleased to recognize March 5, 1996, as National Sportsmanship Day. The valuable life skills and lessons that are learned by youth and adults through participation in sports cannot be overestimated.

Participation in sports contributes to all aspects of our lives, such as heightened awareness of the value of fair play, ethics, integrity, honesty and sportsmanship, as well as improving levels of physical fitness and health.

The President's Council congratulates the Institute for International Sport for its continued leadership in organizing this important day. We wish you every success in your efforts to broaden participation in and awareness of National Sportsmanship Day.

FLORENCE GRIFFITH
JOYNER,
Cochair.
TOM MCMILLEN,
Cochair.

Mr. PELL. Mr. President, I yield the floor. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHINA, TAIWAN, AND THE UNITED STATES

Mr. SIMON. Mr. President, shortly after I announced that I would be retiring from the Senate, President Clinton called and suggested that from time to time, I should give a report on some issue facing the Nation, and today I am again doing that—this time with a few observations about the relationship between China, Taiwan, and the United States.

My interest in this subject is more than a sudden thrust caused by recent developments. My parents were Lutheran missionaries in China and had returned to the United States 1 month when I was born. I tell Chinese-American audiences that I was "made in China." I grew up in a home that had Chinese art, guests, and influence. That gives me no more expertise than others, but I mention it because my interest has been longstanding.

Before the Shanghai communique that recognized the People's Republic of China, I favored recognizing the mainland Chinese Government, as well as the Government on Taiwan. It would have been somewhat similar to our recognizing both West Germany and East Germany as two separate governments. Neither Germany was particularly happy with that, but it acknowledged reality, and it did not prevent the two governments from eventually merging into one Germany.

Following that course with China and Taiwan would have been a wiser policy, and it would have acknowledged what is a reality: There are two separate governments.

But that did not happen, and hindsight is an easy luxury.

The situation now is confusing and could turn dangerous. Our colleague Senator DIANNE FEINSTEIN has described United States policy toward China as one of zig-zagging, and that, unfortunately, is an apt description.

Let me outline where we are and why I believe a firm and consistent U.S. policy is desirable for all parties.

China has moved generally in a constructive direction since the emergence of Deng Ziaoping's leadership following the death of Mao. All of us who have been visitors there are impressed by the economic gains, and with those gains has come some greater openness—within tight constraints—even on political expression, particularly in the southern part of China near Hong Kong. But the violent suppression of those who demonstrated peacefully for human rights at Tiananmen Square shocked Americans and all democratic nations, as well as the thousands of Chinese students in the United States. I remember speaking to a large gathering of Chinese students at Grant Park in Chicago. All of us were stunned by the Chinese Government's action. I also joined those peacefully protesting outside the Chinese Embassy here in Washington. The benign face of the Government of China many had come to expect, suddenly turned malevolent.

After none-too-swiftly denouncing the Government violence at Tiananmen Square, President Bush sent two of our top officials to Beijing to meet with their leaders, and whatever the content of the talks, the pictures that came back to us on the wire services were of two highly placed Americans, toasting the Chinese leadership that had just squelched, in a bloody fashion, the yearning for freedom of many of their people.

In the meantime, the nearby island of Taiwan has moved more and more toward the human rights we profess to support. Taiwan now has a multiparty system, a free press, and freedoms that are comparable to those we enjoy. Its Parliament is at least as confrontational as is our Congress, and on March 23, there will be an election for President with the incumbent President, Lee Teng-hui, ahead in the polls. It is significant that he is a native Taiwanese. Taiwan has been our seventh-leading trading partner and is No. 2 in the world in holding foreign currency reserves.

Here is where our zip-zagging comes in. At least on paper, we applaud democracies and say we will support them, and we frown upon dictatorships. But the Shanghai communique states that the United States will recognize only one China. And so we have turned a diplomatic cold shoulder to Taiwan, showing greater sensitivity to a dictatorship than to a democracy.

In terms of power, it is not a choice of two equals. For the same reasons that many in the State Department and Defense Department did not want to recognize Israel, which had significantly more-numerous Arabs as neighbors, and have had a tilt toward Turkey in her difficulties with less-numerous and less-powerful neighbors in Greece and Armenia, so there are many in key positions who say—once again—that the choices should not be made on the merits but on the numbers and the potential power of the two governments. China has 1.2 billion people, and Taiwan has 21 million.

However, there is something that makes many of us uncomfortable when the cold calculations of population and power are used as the overriding criteria in deciding whom we befriend. When we said, as we did for a period, that President Lee, the chief executive of a democracy, could not come to Cornell University for a reunion of his class because it might offend China, it showed weakness and lack of support for our ideals. Eventually, President Clinton reversed that decision, and I applaud him for it.

With an election in Taiwan coming soon, the Chinese Government, which certainly must be a top contestant in the bad public relations field, has been making military noises that cause apprehension in Asia and concern everywhere—apparently in a heavy-handed attempt to influence the Taiwanese elections.

Complicating the Chinese situation is that they face a transition in leadership, and no potential leader wants to look weak on the issue of absorbing Taiwan into the mainland. So leaders and potential leaders try to one-up each other in sounding tough on Taiwan. The irony is that tough talk makes an eventual peaceful reunion of the two governments less likely.

While it is probable that China will not invade Taiwan in the near future, or launch a missile attack, people struggling for leadership power sometimes do irrational things. And public officials are risk-takers. No one becomes a United States Senator without taking risks, and no one moves into leadership in China without taking risks. What has to be demonstrated to China is that their belligerent talk and actions are creating hostility around the world and that an invasion or missile strike would be a disaster for the Chinese leadership and the Chinese people.

The position of the United States should be one of firmness and patience as China goes through this leadership change, evidencing our strong desire for friendship, but also our determined opposition to the use of force to achieve change. The lesson of history is that dictators who seize territory and receive praise for it from their own controlled media are not likely to have their appetite satisfied with one bite of land. If China should turn militaristic and seize Taiwan, that would be only the first acquisition. Mongolia to the north is a likely next target, and as we should have learned from Hitler, dictators can always find some historic justification for further actions.

Editorial voices from the New York Times to the Washington Post to the Chicago Tribune to the Los Angeles Times—all newspapers that have been friendly to China—have denounced that nation's belligerent noises. And the sentiment in the Senate and House is equally clear.

What should we be doing?

Our policy should be clear and firm, friendly but not patronizing, toward both governments.

The United States should enunciate a defense policy—joined in, ideally, by other governments—that military actions such as an invasion or missile strike would evoke a military response from us. I personally would favor a strong response with air power by the United States and other nations, if an attempt were made to invade Taiwan or an appropriate military response if they launch a missile attack, but the means of responding militarily do not need to be spelled out. I do not believe an invasion or an air or missile attack are likely in 1996, but any future leaders who may emerge in China should be put on notice. Secretary of Defense William Perry has hinted at that possibility, and the presence of a United States aircraft carrier in the international waters between China and Taiwan is a good signal. But hints are not enough. The Los Angeles Times editorially praised Perry for his statement as "the strongest indication that the United States might intervene if China attacked Taiwan." The best way of preventing military action is to move beyond "might." We should state our posture unequivocally. No military leader should even consider gambling on our hesitancy. Our able Ambassador to China, James Sasser—who I once encouraged to run for President—should quietly meet with their leaders and tell them we are serious about that message and that the belligerent noises are hurting the Chinese image around the world.

Another reason for doing this is that other Asian nations have serious questions about our military resolve, not our military capability. They see a few terrorists chasing us out of Somalia; they note that until recently, we were long on talk and short on action in Bosnia; and they see us quake when the Chinese Government growls. If our policy in this situation is not more clear and more firm, inevitably, Japan and other nations will invest significantly more in weapons and defense personnel, and an arms race in Asia will be accelerated. That is in no one's interests, other than the arms manufacturers. The United States has assured Japan and other Asian nations that we would come to their defense if attacked—but we also once gave that assurance to Taiwan. The nations of Asia are asking a fundamental question: Can they count on the United States?

Defense Secretary Perry has suggested that the top security officials of Asia should get together regularly in order to reduce tensions and increase understanding, an idea somewhat similar to Senator SAM NUNN's suggestions some years ago about Soviet and United States military leaders exchanging visits. The Nunn initiative produced some lessening of tensions. If China declines such a suggestion, nothing will have been lost. But anxieties among the nations of that area will diminish if China accepts such an invitation.

If China continues a policy of sending missiles to Pakistan and conducting military exercises near Taiwan, the United States should reexamine our trade policies, which now are heavily weighted in China's direction. China has a huge $34 billion trade surplus with the United States. We can ask organizations like the World Bank, which in 1994 made a $925 million, interest-free loan to China through the International Development Association, to act with greater prudence toward China. IDA loans generally go to poor nations; the average recipient country's per capita income is $382 a year. China's average of $530 is well above that, and China has foreign reserves of approximately $70 billion. When China's bellicosity toward Taiwan is combined with human rights abuses, the picture painted is not good. Our relationship should be correct but not condescending or cowering. When China sells nuclear weapons technology to Pakistan our response should be clear, not quavering. Tough nonmilitary means of sending a message to China's leadership may need to be used.

If China's leaders will lighten up a bit, and see their present foreign policy orientation as self-defeating, there is no reason China and the United States cannot have a good, healthy, and fruitful relationship that will help the people of both of our countries. If China reaches out with a friendly hand toward Taiwan, rather than with a fist, China will make gains economically and politically.

In the meantime, we should welcome visits by Taiwan's leaders to the United States and by our leaders to that Government. We should stop playing games, and stop treating Taiwan as if it is a relative with a social disease. Because of past policy errors on our part, formal recognition in the immediate future is not advisable, at least until the Chinese leadership situation is sealed. But we should encourage Taiwanese participation in international organizations, and do whatever else we might do to encourage a friendly Government that is both a healthy trading partner and democracy.

And when areas of uncertainty arise, as they inevitably will, the United States should remember our ideals, and do what we can to further the cause of human rights and democracy, not as a nation that has achieved perfection—we obviously have not—but as a country that wants to give opportunity to people everywhere to select their governments. When we stray from our ideals, everyone loses.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST—S. 942

Mr. BOND. I thank the Chair. Mr. President, as I said earlier today, we are trying to move to Calendar No. 342, S. 942, the small business regulatory reform bill. I understand, if I ask unanimous consent to move to consideration of the bill at this moment, there will be an objection; so I ask.

Mr. SIMON. Yes. Mr. President, in behalf of Senator DASCHLE, for reasons he has outlined earlier, I will object.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I have heard some concern expressed that this measure may become a broad measure and involve many other items, such as controversial items that are included in the major regulatory reform bill, S. 343, which I personally hope is moving toward resolution.

There are a significant number of Members on both sides moving forward on that, but in order to assure my colleagues that we want to keep the focus on small business, we have a consent decree which would, I think, narrow it.

I want to read this consent request carefully so that other Members can listen to it, so they can think about it and see whether this would be the format under which we could bring the bill up.

Mr. President, I ask unanimous consent that on Tuesday, March 12, at 11 a.m., the Senate proceed to the consideration of Calendar No. 342, S. 942, the small business regulatory reform bill, and it be considered under the following limitation:

Ninety minutes of total debate, equally divided between the two managers; that the only amendments in order to the bill be the following:

A managers' amendment to be offered by Senators BOND and BUMPERS; an amendment to be offered by Senator NICKLES regarding congressional review; and one additional amendment, if agreed to by both leaders, after consultation with the two managers.

Further, that following the expiration or yielding back of all time, any pending amendments and the bill be temporarily set aside; further, that immediately following any ordered cloture votes on Tuesday, March 12, the Senate resume consideration of the bill, the Senate immediately vote on any pending amendments to the bill; and, further, following disposition of all pending amendments, the bill be read a third time, the Senate proceed to a vote on final passage, all without any intervening debate or action.

Mr. SIMON. Mr. President, as the Senator from Missouri knows, I happen to be on the floor. I do not know the details of all this. I object on behalf of Senator DASCHLE to what appears to be a reasonable request. I think he should take it up with Senator DASCHLE.

The PRESIDING OFFICER. Objection is heard.

Mr. BOND. Mr. President, I thank the Chair, and I appreciate the position of my colleague and neighbor from Illinois. I realize there is objection on the other side.

Let me suggest what the framework of the debate itself is. We will continue to discuss additional items to be brought up. I discussed with my ranking member, Senator BUMPERS, the objectives of keeping this bill narrow. I believe we are in agreement. Whenever we can get the agreement of the minority to proceed, I will propose that we enter into an agreement on this basis so that we keep the amendments limited, and so that we can come to closure on this very important matter.

Mr. President, since my good friend and neighbor from Arkansas is here, let us lay out some of the reasons that this bill is important. I have talked briefly about it before.

Last June, almost 2,000 delegates to the White House Conference on Small Business came to Washington to give their best advice and counsel to the President and Congress. They voted on an agenda of the top concerns of small business. The Washington conference came after a year-long grassroots effort, where over 20,000 small business people sifted through more than 3,000 policy recommendations, some 59 conferences at the State level, and six regional hearings.

Over 400 of the most important policy recommendations were voted on by delegates to the White House conference. The top 60 recommendations were published by the conference last September as a report to the President and Congress, entitled "Foundation for a New Century." Not surprising, this gathering echoed the findings that we in the Small Business Committee have heard as we have held hearings in Washington and around the country. Three of the top findings of the White House Small Business Conference were calling for reforms in the way that Government regulations are developed, the way they are enforced, and reforming Government paperwork requirements.

The common theme of all three recommendations is the need to change the culture of Government agencies, the need to provide an ear—a responsive ear—and a responsive attitude toward the small business and small entities that are the backbone of this country, the dynamic engine driving the growth of this economy.

The Vice President said to the conference delegates last year, "Government regulators need to stop treating small business as potential suspects and start treating small business like a partner sharing in a common goal." The Vice President also noted that this change in the culture of Government may take years of effort to accomplish. Mr. President, I would say, parenthetically, that if we cannot even bring the bill up, it is going to take more than years.

I am extremely disappointed that we cannot even get an agreement to bring the bill up next week. We have here before us a measure that is designed to deal with one particular area of great importance to small businesses all across the country.

One of the measures included in this bill is the Small Business Advocacy Act, recommended by Senator DOMENICI, filed in the form of S. 917, which focused on the early involvement by small business in the development of new regulations. The bill was referred to the Small Business Committee, as was S. 942, the Small Business Regulatory Fairness Act, which I introduced. We have been working to combine elements of both bills in legislation that already had been considered on the Senate floor, which was the measure to provide judicial review and enforcement of the Regulatory Flexibility Act, which says, quite simply, that Federal agencies have to take into consideration the impact on small business of the regulations they issue.

We had hearings before the Small Business Committee which confirm the importance of having this kind of reform. The SBA chief counsel for advocacy released a report that said that small businesses bear a disproportionate share of the regulatory burden. When you take a look at regulations as they affect large businesses and as they affect the smaller businesses with up to 50 employees, the cost for a small business is some 50 to 80 percent more per employee. Small business is put at a disadvantage not only in making a profit, but in competing with a larger business.

Throughout our efforts in the Small Business Committee, I am proud to say that we have worked very closely and had the greatest cooperation from my ranking member, Senator BUMPERS of Arkansas, and his staff. We have had great input from members of the committee, who have taken a very active role in holding hearings in their States and coming back with recommendations to give to us on how we can flesh out this bill and make it work better for small businesses in our States and across the country.

This bill, S. 942, came out of the committee without any opposition, and the more people have talked about it, the more offers we have had to cosponsor it. I think the bill delivers on the legitimate regulatory concerns of small business, as well as the major recommendations of the White House Conference on Small Business, and it really does do something to address the disproportionately heavy impact that these regulations have on small business and on the paperwork burdens of small business.

This legislation is narrowly focused on small business. It does not go into the big debates over more expansive and, I think, needed broader regulatory reform. These efforts need to go forward, but I think we have something we can deliver here now, today, and, if not today, for Heaven's sake, let us deliver it next week so small business in America can begin to see that somebody is listening.

If there is one plaintive comment I have heard, both in my State of Missouri, at other hearings, and at the hearings up here, it is small business asking: "Is anybody listening? Does anybody really care what the burdens the Federal Government places on small business are doing to the small businesses?" I think it is time we answered the question, and I think it is time we answered, "Yes, we are willing to listen and do something about it." I do not think that we can abandon these efforts.

We need to move forward with regulatory relief this year. I think, as I said in my remarks earlier today, judicial review of reg flex, the 1980 provision that said regulatory agencies are supposed to consider small business, that has to be implemented, and there has to be teeth put in it. They have not done so. Regulatory agencies have routinely ignored the impact on small business. We need to give them some enforcement powers so that they will be heard.

Equally important, we need to give enforcement reform some outlet to change the culture of regulators when they deal with small business so that somebody who has examples of regulators that have been overreaching can get a fair hearing and a fair shake from the regulators. These measures would level the playing field and bring some accountability into small business.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the National Federation of Independent Business from the Vice President of Federal Government Relations.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL FEDERATION
OF INDEPENDENT BUSINESS,
Washington, DC, March 7, 1996.

Hon. CHRISTOPHER BOND,
Chairman, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the more than 600,000 small business owners of the National Federation of Independent Business (NFIB), I urge all your colleagues to support S. 942, the Small Business Regulatory Enforcement Fairness Act of 1996. The Bond-Bumpers legislation includes important provisions that have been top priorities for NFIB members for many years. It also includes provisions that were recommended by small business owners at the 1995 White House Conference on Small Business. The bill has these important elements:

Strengthening the Regulatory Flexibility Act.

Provisions that would encourage a more cooperative regulatory enforcement environment regulation.

Updating the Equal Access to Justice Act.

Providing for the judicial review of the Regulatory Flexibility Act of 1980 is of particular concern to the small business community because it has the potential to fulfill the promise of that 16 year old law. the purpose of "reg.flex." was to fit regulations to the scale and resources of the regulated entity. A strong "reg.flex." process will provide a substantial measure of the regulatory reform that small business owners have wanted for years.

The vote on S. 942 will be a "Key Small Business Vote" of the 104th Congress.

Sincerely,

DONALD A. DANNER,
Vice President,
Federal Government Relations.

Mr. BOND. Mr. President, it says, in part:

> On behalf of the more than 600,000 small business owners of the National Federation of Independent Business, I urge all your colleagues to support S. 942, the Small Business Regulatory Enforcement Fairness Act of 1996. The Bond-Bumpers legislation includes important provisions that have been top priorities for NFIB members for many years. It also includes provisions that were recommended by small business owners at the 1995 White House conference on small business.

It then goes on to describe it. It says, in closing, "The vote on S. 942 will be a key small business vote of the 104th Congress."

I see my colleague from Arkansas is on the floor so I yield the floor.

Mr. BUMPERS. Mr. President, first, I want to express my sincere appreciation to the chairman of the Small Business Committee, my distinguished colleague, Senator BOND, who has spoken very eloquently about this whole issue.

Second, I want to say that all the concerns I had about this bill—and we had some—he has very graciously accommodated. I think the bill is to the point now that if it were permitted to be brought up it would sail through this Chamber by a vote of 100–zip.

In 1980, Congress passed what we know as the Regulatory Flexibility Act. It was designed to lighten the regulatory burden on small businesses. What is wrong? It has not worked. The small business community feels that they have been taken because the bill simply did not provide the relief that was represented to them. Every White House conference for small business that has been held has put regulatory flexibility as one of the very top issues that concern them. In 1992 it was one of their top issues.

Now here is an opportunity for Congress, for the first time, to keep faith with the small business community on something they say is just about the highest item on the agenda. There is absolutely no sense in anybody delaying the taking up or the passing of this bill.

To those who are working on a much broader regulatory reform bill, I say, "amen." You have my blessing. Stay with it. I hope some regulatory reform bill on a comprehensive basis is offered that I can support. Until that happy day, this bill ought to pass now. It is not related to the broader regulatory reform bill. This bill says very simple things, but they are dramatic and they are helpful.

First, the Small Business Administration will have a small business ombudsman. Some guy comes into your office and says, "Your fire extinguisher is 56 inches off the floor and it ought to only be 54 inches off the floor, therefore I am fining you $100," they can write a letter or call the ombudsman and say, "This is ridiculous. Not only is he trying to fine me $100, he is arrogant. He is abusive." We are trying to comply with the law out here and make a living and the ombudsman can record it, sort of keep a report card on some of these people who come in with an abusive attitude. What is wrong with that?

Second, we say and this is the most important part of the bill, henceforth and forevermore when you draft a regulation you will have to accompany it with an explanation in the mother tongue—which is English—and say in clear, plain, written English what this regulation does and what it takes to comply with it. It would not be a bad idea to let the IRS in on that, too. Why is the IRS perhaps the most detested of all Federal agencies? Because everything they do is subject to 18 interpretations.

Third, there is a broader equal access to justice provision in this bill which says small business is entitled to attorney fees in certain instances where they are sued and have to resist a regulation that is found to be outside the intent of Congress. What is wrong with that?

We already have a rule that says a regulation that is found to be arbitrary and capricious can be stricken; but we do not have a bill that says if the courts find that OSHA or EPA or anybody else who tries to impose a regulation on you to be arbitrary and capricious, you win, but you lose because you do not get your attorney fees. Under this bill in such a case you would almost always get your attorney fees. That is the way it ought to be.

Finally, we have a provision that is mildly controversial called judicial review. That is, if you do not like a regulation and you believe that it goes beyond the intent of Congress and that

Congress did not intend this nonsense to be imposed on you, you challenge it. Haul them into court—why not? Congress passes a one-sentence law and the regulators will draft 1,000 regulations to enforce it, and then say those regulations are sacred even though the small business community had no input. Congress goes home, beats itself on the chest, gives itself the good government award and says, "Well, we passed a law, we thought it would be OK." But nobody rode herd on the regulators.

So here there are 1,000 regulations out there and they are saying, "We will impose these on you and you do not have the right to appeal." That is downright un-American. I do not care what anybody says.

I do not think I have ever voted to disallow judicial review. So here is a chance to say to the small business community, we have heard your complaints, we are doing everything we can, not only to lighten the regulatory burden but make the regulators pay if they unfairly and arbitrarily abuse you with their regulations.

Let me just repeat one thing. It is a real tragedy. This bill has nothing to do with this giant so-called Dole-Johnston or Johnston-Dole regulatory reform bill. I will tell you something else. I do not want it part of that bill. I do not want somebody trying to attach this bill to that bill as an amendment. I want to pass this bill and say to the small business community: Here is something for you, whether this other mess ever passes or not.

So, the minute the request of the distinguished Senator from Missouri to bring that bill up under the terms he requested, which are eminently reasonable—the minute that bill hits this floor and we spend an hour and a half debating it, it will be out of here 100-zip.

We cast 23 votes this year. Last year at this time we cast over 90 votes. In short, we are not doing anything, and, in addition to that, here we are with an opportunity to do something that really amounts to something and we cannot get that done.

So the Senator from Missouri and I are going to persevere with this. We are going to get this bill passed one way or the other, because it makes too much sense not to.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

THE OMNIBUS APPROPRIATIONS ACT

Mr. HATFIELD. Mr. President, yesterday I received a letter from Dr. Alice Rivlin, Director of the Office of Management and Budget, concerning the omnibus appropriations bill our Appropriations Committee reported yesterday.

As our colleagues know, the Appropriations Committee reported that measure to provide funding beyond the March 15 deadline of the current resolution for the programs and activities of the Federal Government and agencies funded in the five appropriations bills not yet signed into law, to respond to the President's supplemental request for Bosnia operations and disaster relief and to respond to his request for additional funding for certain programs he believes to be of a priority nature.

Dr. Rivlin's letter is disappointing to say the least. She concludes by declaring, and I quote directly from the letter: "Regrettably, I must advise you that if the bill were presented to the President in its current form, he would veto it." "Veto" is the word. I do not think anybody needs to go to Webster to find out that veto is no, negative, cut off, closed issue.

By the way, may I say parenthetically, I received this letter yesterday afternoon, within a matter of an hour or two after the committee had completed its work and during which time the committee made amendments to the so-called chairman's mark. I defy anybody to go through that complex document in a matter of an hour or two and know precisely what it means and what it says.

The Appropriations Committee has gone to considerable lengths for many months to address the concerns of the administration. In the bill reported yesterday, our committee went a very long way, in my judgment, toward the administration's position on many issues. That the administration would ignore that progress and still threaten to veto before the process is even completed—because, as everyone knows we are still in the process of having the full floor consider this bill as well—indicates to me that they are more interested in the politics of the moment than the responsibility of governing.

Let me be specific. The President has made the so-called COPS Program, cops on the beat, a top priority. The bill reported yesterday provides $1 billion for that purpose. Mr. President, $1 billion is significant money.

The President vetoed the VA/HUD bill, in part because it did not provide funding for the National Service Program. Our reported bill carries Senator BOND's recommendation, as the subcommittee chairman, of $383 million for that program. The committee also agreed with his recommendation to add $240 million in funding for the environmental protection programs and $50 million for community development financial institutions, both priorities of the administration, identified as such in the President's veto message of the VA/HUD bill.

In the Interior bill, the committee concurred with Senator GORTON's recommendation that we want to refine the language on the Tongass National Forest and the salvage timber provisions of last year's rescissions bill, both in response to the President's objections listed in his veto message. We also recommended greater funding for the Park Service.

In addition, we adjusted funding levels in the Labor-HHS bill to provide for $6.5 billion for title I of that bill, compensatory education; $3.245 billion for education for the handicapped; $200 million for drug free schools. These are ample sums and all have been identified as priority programs of the administration.

Mr. President, let me underscore this sentence. All of this was done within existing constraints. In other words, it was done within the constraints of the budget resolution passed by the Congress.

But, in addition to these—in addition—our committee recommended $4.7 billion in additional money—add-on, increase—for an array of programs that the President had requested and that the committee believes should be funded if—if—the additional resources can be found.

In total, the committee provides about $6.2 billion in response to a request of the administration for about $8 billion for programs of interest to the President. We went to $6.2 billion of the $8 billion request level, contingent upon finding additional resources. There are many different ways in which you can do that. We are not prescribing how it can be done or should be done. That is not in the Appropriations Committee's role of authority.

In this context, it is utterly perplexing to me that the administration would threaten a veto when the process is just underway. I hope the President's advisers understand they cannot compel Congress to appropriate $1 of money. That is exclusively, constitutionally the jurisdiction of the Congress. I hope they realize that rejection of good-faith efforts to reach compromise and maintain the essential operations of Government will harden positions and polarize and drive some in Congress to argue for no compromise at all.

The omnibus appropriations bill reported yesterday is not the only way to maintain Government operations beyond March 15. Other vehicles that may be drafted should this proposal fail or be vetoed may not be so responsive to the administration's programs. I do not wish to pursue that course. I believe the bill reported by our Appropriations Committee yesterday is the way we should proceed; to be accommodating, as we are the only authority that can appropriate money. It is the President's check and balance to either sign or veto a bill, including an appropriations bill, but we can take those rigid positions and polarized positions and continue the stalemate.

Mind you, the Appropriations Committee of the Senate has made a long movement, serious movement, sincere movement to try to be accommodating, recognizing the President has a role in the legislative process and has his priorities. But we also have ours. It is not going to be the President's way or no way any more than we are suggesting it should be the Congress' way or no way. We have made our move. We have made the gesture of trying to accommodate in a very real way. I only hope the President's advisers realize this may be our last and best offer. If they are more interested in the substance of governing than the politics of the moment, I hope they will work with us toward a successful conclusion of our efforts.

The PRESIDING OFFICER. The Senator from Oklahoma.

A VETO OF THE OMNIBUS APPROPRIATIONS ACT

Mr. NICKLES. Mr. President, I wish to compliment my friend and colleague, Senator HATFIELD, chairman of the Appropriations Committee, for his statement. I hope the administration was listening. I just jotted down a few of the figures that Senator HATFIELD alluded to. He mentioned the committee had moved $6.2 billion out of the $8 billion the administration had requested. If I understand his statement correctly, they are still saying they will veto the bill because we are not spending enough.

If they veto this bill or maybe if their threatened veto means this bill does not go forward, therefore the net result of what they are looking at, if I think ahead of this scenario, is then they are going to be looking at a continuing resolution, one that will continue funding at the lower of the House or Senate level, maybe even less a percentage of that. So the administration, while trying to get more money in spending for a variety of programs, may well end up getting less, because, as Senator HATFIELD just stated, they cannot make Congress appropriate money. It may well be that some of the President's pet programs, if they follow through on this veto threat of what sounds to me to be a very generous, maybe even overly generous bill reported out of the Senate Appropriations Committee—if they are going to threaten to veto that bill, maybe we should just look at the continuing resolution and/or maybe we should look at zero funding for programs such as national service.

Maybe we should look at zero funding for some other programs which the President feels very strongly about. He cannot make us appropriate the money. If he wants to shut down the entire Agency because he does not get the money for want of his new programs, that would be his decision, and it would also be his responsibility. And maybe he thinks he will gain politically by doing so. I doubt it. Maybe we will have to find out.

Again, I think Senator HATFIELD has something very good for the administration. It is very premature, in my opinion, as he stated on the floor of the Senate, for the administration to be issuing veto threats just when a bill is passed out of the Appropriations Committee. Usually that is not done until bills are passed and reported out of both Houses, and then possibly a conference report.

So I am disappointed to hear of the President's veto message, or veto threat, as explained by Senator HATFIELD.

SMALL BUSINESS REGULATORY FAIRNESS ACT

Mr. NICKLES. Mr. President, I rise on the floor this evening because I want to compliment Senator BOND from Missouri, the chairman of the Small Business Committee, and also Senator BUMPERS from Arkansas for the legislation they reported out which is now pending, or we wish to have pending before the Senate.

Also, I wish to express my displeasure at those on the Democrat side—Senator DASCHLE, or whoever he is—for objecting to consider this bill. This is a bill that was reported out unanimously by the Small Business Committee. It has overwhelming support, as Senator BUMPERS mentioned and as Senator BOND alluded to as well. This is a bill that is going to pass overwhelmingly in the Senate. To object to even considering it—and I looked at the unanimous-consent request. It even said let us consider it next week. To object to consider this bill today, or next week, I think flies in the face of common sense. It is well-known. Yes, part of the unanimous-consent request is that the bill would have an amendment offered by myself and Senator REID from Nevada, a bill almost identical to the one we passed through the Senate last year unanimously. It had a 100-to-nothing vote, a bill that would say Congress should review regulations. We would have an expedited procedure to do so. If Congress did not like it, we could kill it. If we passed a joint list of disapproval, the President would have an option to veto that resolution.

So we would restore checks and balances and restore congressional accountability—because many times Congress will pass laws and tell the agencies or the regulatory agency to implement it, and then we turn the agencies loose. And then we find out the regulations are far too expensive, maybe do not make sense, and have unintended consequences.

Congress should be in play. Congress should still have exercising oversight. This is going to make Congress responsible. It is going to make Congress look at the rules that come out of legislation as a result of executive action.

So, again, this is legislation that is supported by the President. So why in the world will our colleagues on the Democrat side of the aisle not let us bring up legislation such as this that is supported very strongly by the small business community all across the United States?

I used to be in small business prior to coming to the Senate. Small businesses are strangling with the mountains and mountains of paperwork. So we are trying to give small business at least some regulatory relief. We have a chance to do it.

My colleague from Missouri passed a good bill out of committee, and it was a bipartisan bill. We do not have many bipartisan bills. We need more. We need more bipartisan work. Senator BOND and Senator BUMPERS have done it in this bill. Senator REID and I did it in the congressional review. We need more examples of that.

So then when we try to take it up and pass it either this week or next week, by a time certain, unfortunately it is objected to. Those objections will not stand. Those objections will not last. They will not prevail.

I have heard other colleagues say that maybe we want to do a more comprehensive bill. I want to do a comprehensive bill. I want a significant comprehensive regulatory bill. It does not have to be on this. We can pass two bills this year.

It is part of the frustration of being in the Senate and Congress with people thinking, "Well, there is only one bill. Therefore, we had to put everything in the world that remotely is related to it on that one piece of legislation." It does not have to happen. It should not happen. If we can put together a bipartisan coalition and pass comprehensive regulatory reform, let us do it. I will be happy to help in any way I can.

I worked with Senator DOLE to put together a good piece of legislation. Senator JOHNSTON worked with us. But we only had four Democrat votes. We had four cloture votes on that major comprehensive piece of legislation. That goes all the way back to last summer. We spent hours and hours trying to negotiate a comprehensive package.

I hope we can. I hear Members say maybe we can do it. I hope we can. I am willing to spend more hours to make that happen. But while we are here, while we are looking for legislative action, let us pass some good legislation. Let us pass legislation that makes Congress more responsible. Let us give small business regulatory relief now. If we can pass more comprehensive legislation that says the benefits must justify the cost of the regulation or the regulation does not happen, that makes sense. Let us do that, too. But it does not have to be on this piece of legislation.

So I urge my colleagues that are now obstructing this piece of legislation—not even allowing us to consider the legislation—to reconsider. I think they are making a mistake. I think small business people across the country, if they found out the Democrats are obstructing and blocking this piece of legislation, would be upset.

So I hope that they will reconsider. I hope they will allow us to pass this legislation in a bipartisan fashion as soon as possible. It will be, in my opinion, a real, positive, good piece of legislation for business all across the country.

Mr. President, I yield the floor.

Mr. COVERDELL. Mr. President, I rise to express a certain amount of indignation over the charade being played out in the U.S. Senate this afternoon.

Yesterday, I was, as a member of the Small Business Committee of the Senate, in attendance when the Small Business Regulatory Enforcement Fairness Act of 1996 was unanimously passed to the floor. I listened to the ranking member, the Senator from Arkansas, the Senator from Minnesota, the Senator from Connecticut, and the Senator from Massachusetts all heap praise on the committee chairman, Senator BOND, from Missouri for his bipartisan efforts to produce a bill that could receive unanimous consent and come to the floor and be rapidly attended to.

It is stunning, in light of those comments, that the leadership, the minority leadership, the President's leadership, would come to this floor and throw obstacle after obstacle in front of the consideration of this bipartisan piece of legislation. What it says to me is that they are bringing the President's campaign onto the floor of the Senate, and the 1996 campaign for President of the United States is at work here today on the Senate floor. The administration, the President, responding to the hue and cry across the land—which is that we have to be more attentive to small business in America. Small business produces over half the jobs, and all the new jobs—virtually 90 percent of the new jobs—are coming to small business.

Everybody admits all across the land to the regulatory burden on small business, and I wish to point out that small business means like 4 employees; 60 percent of the American businesses today have 4 employees or less; 90 percent have 25 or less. They cannot keep up with the burdens that this Government has heaped on small business, many of them family businesses. They cannot keep up with the pages and pages of regulation. They have been intimidated by regulatory bullies. Everybody—governments across the land, State governments, the Federal Government, both parties—has said we have to do something about it, including the President of the United States, who says he supports this legislation, whose members on the small business committee voted for this legislation, who said this is a true bipartisan effort, who acknowledged the chairman's work. And here we come to the floor and we run into this political wall.

This objection can only be a part of a partisan strategy. That is all it can be. And it leaves the President in a very unattractive light. This is the light. It leaves him in the position of saying, "I support the bill; I am for this," and then backhandedly going to his leadership and saying, "Do what you can to stop it."

That is a pattern, I would suggest, Mr. President, that we are seeing all too often. Remember the "I am going to lower your taxes," but then they got raised, or remember "I'm for welfare reform," but he vetoed it at midnight. And now we have "I'm for relief for the small businessman."

I am for this piece of legislation that gets at some of the fundamental changes that need to occur to help small business prosper, to help them grow, to help them hire somebody, to help create a shorter unemployment line, and here they all are, here they all are doing everything they know to do to block the consideration of that which they say they are for.

If the strategy is to say, well, the Congress is not doing anything, I can only assure them that this is going to backfire. The American people are alert. They will know who is standing in front of this. They will know who the obstacle was and is.

Mr. President, I have a letter from the National Association of Towns and Townships dated March 7, 1996 to Senator BOND thanking him for his "leadership in developing legislation to strengthen the Regulatory Flexibility Act of 1980," which this piece of legislation does. And they endorse it and strongly recommend its passage. I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF
TOWNS AND TOWNSHIPS,
Washington, DC, March 7, 1996.

Hon. KIT BOND,
Chairman, Small Business Committee,
U.S. Senate, Washington, DC.

DEAR SENATOR BOND: The National Association of Towns and Townships (NATaT) would like to thank you for your leadership in developing legislation to strengthen the Regulatory Flexibility Act of 1980 (RFA). NATaT strongly supports S. 942, the Small Business Regulatory Enforcement Fairness Act of 1996. NATaT has long supported judicial review of the Regulatory Flexibility Act (RFA), which is a major component of S. 942.

NATaT represents approximately 13,000 of the nation's 39,000 general purpose units of local governments. Most of our member local governments are small and rural and have fewer than 10,000 residents. These small communities simply do not have the resources to comply with many mandates and regulations in the same fashion that larger localities are able. The impact of federal regulations on small localities was understood by the authors of the RFA and small localities were therefore included under the definition of small entities in that act.

NATaT has long recognized the failings of the RFA and has fought to strengthen it over the years. We have concluded that the only way to get federal agencies to take notice of their responsibilities under the RFA is to allow small entities to take an agency to court for failure to follow the provisions of the RFA. Strong judicial review language would do just that. NATaT strongly supports the judicial review language and would oppose any efforts to weaken it.

Sincerely,

TOM HALICKI,
Executive Director.

Mr. COVERDELL. Mr. President, I am going to yield the floor. I just want to reiterate that the President's own men looked right at this Senator in front of me and said, "Thank you. You have done an outstanding job. You have demonstrated true bipartisanship." And everyone voted to bring this to the floor for judicious handling and management. The President has said publicly he supports it, and their leadership on that side of the aisle is blocking it. The truth will be known as to who is for it and who is against it. This is one for which the 1996 Presidential campaign ought to have waited in the name of the Americans who are waiting for this relief.

I yield the floor.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. The White House Conference on Small Business which was concluded about a month ago took a look at a number of issues that are faced every day in small business, or maybe just the business world faces every day in doing business—the number and scope of Federal regulations and the cost of compliance. They took a look at penalties, the lack of cooperation, and as far as the Government entities are concerned that are charged with compliance or enforcement.

We got that report from the President's conference on small business. I know my friend from Missouri spent hour after hour combing through the report after that conference was over. It was pretty comprehensive on what areas we could deal with and what areas maybe that we could not deal with. But it was pretty obvious that we had a lot of work to do in this piece of legislation. It is truly bipartisan. We marked it up the other day, after Senator BOND's work, and then the years that the ranking member, Senator BUMPERS of Arkansas, spent in trying to find middle ground or to craft a piece of legislation that could pass this Congress. He has a vital interest in this and he has been a vital part of this, to bring this piece of legislation to the floor.

I believe the measure does strike the right balance. It strikes a balance between business and the burdensome regulatory and enforcement nature of the Federal Government. Business owners who deal with these regulations every day are telling us "give us some flexibility, give us some relief," not maybe to change a law but get the regulatory agencies in a position that they can be an advocate for business, put them in a support role, not just to go out and levy fines or find something wrong.

There is probably not a business in the world where you cannot go out and find something wrong or some violation of some rule or regulation. The regulatory agencies should be an advocate of that business and help them to put their house in order. Just give us a little help. Tell us what we are doing wrong and then turn around and help us fix it.

I think we can find that relationship between the regulators and, of course, people who are trying to make a living in this country.

This measure incorporates several provisions that will greatly help entities which are defined as small business, small nonprofits and, of course, that is what we find in our small towns. When you are a 98 percent small business State, as Montana is, this happens to be a very important issue. After all, all the new jobs are being created by the young entrepreneurs who are starting out in business and they are hiring one, two, three, four, five people to get started in hopes of growing to something larger. It even encompasses our people who work on our farms and ranches.

I am very concerned about the changing attitude that has been occurring in probably one of the most helpful, the most knowledgeable agencies in the U.S. Department of Agriculture, and that is the Soil Conservation Service. They have taken a support group of actually great people and know what they are talking about when it comes to soil science, soil conservation, water management, water conservation, what to do about erosion—the farmers and ranchers across this land really placed a lot of confidence in the know-how of the Soil Conservation Service—and turned them into a regulatory unit which maybe a farmer or rancher does not want to come back on their farm or their ranch anymore. That is a relationship that has been destroyed because of the nature of the bureaucracy in this day and age.

I think this law creates a cooperative relationship between regulators and small business entities, one that is less punitive and much more solution oriented.

It adds a trigger to the Regulatory Flexibility Act when a rule is likely to have a significant economic impact on the substantial number of small entities, and the agency would then have to show they have taken steps to minimize the impact of the rule on small businesses available within the agency's discretion.

The RFA would also be applicable to the IRS rules and substantive interpretive rulemaking, for the first time. I just went down through some of the things that it does. It struck me in the compliance guides, it means, write the rules and regulations in plain English so all of us can understand it, and gets away from these legalees or gets away from the language that, no matter which way you go, you are going to be out of compliance as far as a businessman is concerned. Just keep it simple. That is not asking too much.

It asks for more input from the small businesses during the rulemaking process. We had a hearing in my State of Montana on the new rules and regulations on safety in the workplace in the woods, logging, requiring that an employer enforce a rule to make loggers wear a specific kind of logging boot. It is a caulk boot. You know what? The boot is not even out on the market yet. They cannot even buy it at any price. They cannot get it. The logging operation is shut down because the rule called for the boot, and it is not available.

There, again, you are asking for some flexibility. Not a bad idea. Weigh first-time penalties for small infractions. Quit going out there and beating up on people.

It makes Government more cooperative, and it even makes the businesses more cooperative, also. Those are just some things that happened in this act. I find that if you come forward with a piece of legislation which has strong bipartisan support—and I mean everybody on that Small Business Committee had an opportunity for input in crafting this legislation—and then we bring it to the floor in hopes of giving small business some relief, and it is filibustered by the other side of the aisle—make no doubt about it, they will not let this piece of legislation come up for a vote. They always told me, the price of a filibuster is a few political chips. Somebody better be paying it, and somebody better be kicking some into the pot, because along with everything else, we do not want to get into a situation, especially in a year like 1996, where the only thing we do is get into the business of name-calling and not really looking at this piece of legislation and what it does for us.

Small business is where it is at. We do not even pick up the business section in the paper that we do not see large corporations downsizing, spinning off small parts of their own industry. You know what? That is not all bad because some of those little spinoffs, they go out, they hire smaller, they become lean and mean, and you know what? Pretty soon they become very profitable.

So when you look at S. 942, it is something that I think the Small Business Committee can be very, very proud of. It has new compliance guidelines, informal small-entity guidance services to small business development centers, even enforcement on ombudsman and regional boards that creates some kind of a relationship between those people who do business with the Small Business Administration in trying to get their businesses off the ground. It levels the playing field. It allows small business to do business on the same level as big business.

So I congratulate Senator BOND and Senator BUMPERS for working on this, working it out the way it should be done. I mean, we have been part of the criticism, too, that we are too partisan. But this one really was not. This was a bill that was worked on and was worked on, and it was fine-tuned before it was ever allowed to come to a vote in the committee. Everybody had an opportunity to be a part of this Small Business Regulatory Enforcement Fairness Act of 1996.

We cannot talk one way and act another, because I think the information and the availability of how we act and what we say is too open to the world to then go home and tell the folks that we have done something else. I do not think we are in that kind of a position.

So I hope and I suggest that the other side of the aisle—let us get this on the floor. If you have some complaints about it, let us bring them out and let us try to work them out. That is the way legislation moves. I do not think there is anybody on this committee that is not amenable to suggestions as far as this piece of legislation is concerned, because as far as small business is concerned, this could be the biggest piece of legislation that we move this year. So I thank my chairman and the ranking member, and I hope that we can pass this posthaste. I yield the floor.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Missouri.

Mr. BOND. Mr. President, I want to express my sincere thanks both to Senator BURNS and to Senator COVERDELL, two members of the Small Business Committee who have been very active participants. They have held hearings in their own States. They have brought us good ideas from their States that we have incorporated in S. 942.

I share the sentiments expressed by Senator BURNS. We have had great cooperation, as mentioned before, from Senator BUMPERS, all of the Democratic members of the Small Business Committee, and their staffs. I think we have a good piece of legislation. Senator COVERDELL, at my request, introduced a letter of endorsement from the National Association of Towns and Townships. They, too, are going to be affected and benefited. This is not for small profitmaking corporations only or individuals; this affects small entities like not for profits and small local units of government.

So we have made an offer for a very tight unanimous consent request to move forward on this bill. We asked to do it today. That was objected to. We asked to do it Tuesday. That was objected to.

My plea is, small business, small entities want some relief. They have given us good ideas. We worked on it in the committee. Let us go forward. I ask the Members on the other side who are objecting, let us go forward and get on with this, because small business deserves to have an answer. So do the other small entities affected. I hope that we will be able to move forward early next week. But right now it still depends upon whether the objections will be raised on the other side.

Mr. President, I yield the floor, and I thank the Chair.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

THE OMNIBUS APPROPRIATIONS ACT

Mr. GORTON. Mr. President, I hope that my distinguished friend from Missouri and my friend from Montana will attend my remarks for just a moment, and perhaps comment on them, just as they have on one another's with respect to the bill that they have been so eloquently attempting to move to passage.

Just a few moments ago, the distinguished chairman of the Appropriations Committee, Senator HATFIELD, appeared on the floor with the extraordinary news that the administration had expressed its unwavering intention to veto the omnibus appropriations bill that was reported by the Senate Appropriations Committee just yesterday.

The Senator from Oregon pointed out that appropriations, the spending authorization for the spending of money, is the prerogative of Congress. That is perhaps the most fundamental of all the prerogatives of Congress, that no President of the United States has ever been able to or can now or will be able to in the future force the Congress to pass an appropriation at a level that the President wishes.

But my distinguished chairman and friend from Oregon, I do not think, reached the true depths of the arrogance of this veto threat. So while he was speaking, I got out our publication, our committee report, on the subject. I discovered that the total amount of money that we proposed to allow the President of the United States to spend during the current fiscal year in that bill, for five different agencies, is $164 billion, approximately $164 billion, approximately $164 billion, of which a little less than $5 billion is restricted and cannot be spent unless the President reaches an agreement with Congress on a balanced budget at some time in the future.

The President of the United States has said that he will veto this bill unless we allow him to spend $166 billion instead of $164 billion without any restrictions, without any commitment on his part, without any agreement with the Congress with respect to a balanced budget in the future.

I must say that I find this to be absolutely extraordinary and without precedent, that a President of the United States should, once again, threaten to close down five major units of our Government because we propose to allow him to spend $164 billion and he wants to spend $166 billion.

I know that each of my colleagues here on the floor is a chairman of a subcommittee on the Appropriations Committee, as am I. The Senator from Missouri and I are chairmen of subcommittees whose bills are a part of this overall bill. But I just wonder whether they agree with me or not that it is practically beyond belief that a President of the United States should threaten this whole range of programs in all of our areas on which we are willing to spend $164 billion just as he is willing to commit himself at some point or another to a balanced budget, and the great bulk of that, $159 billion anyway, whether he agrees or not, just because we will not spend $2 billion more than he wants.

Mr. BURNS. If the Senator from Washington will yield.

Mr. GORTON. I will yield.

Mr. BURNS. I do not know where he wants to spend the $2 billion. He was not specific about that, I ask?

Mr. GORTON. I believe he was specific about it. Perhaps a few hundred million were in the field of the Senator from Missouri. Others were in social and health services.

My own responsibility for the Department of Interior and related agencies, where we are willing to spend $12.5 billion, is maybe $200 million more than he wants to spend over and above $12.5 billion; in other words, 1 or 2 percent more money than we are authorizing for him, and yet he threatens to veto this entire bill because he cannot spend every dime that he wishes to spend.

Mr. BURNS. I congratulate the Senator from Washington, because I know we had to look at the Indian schools, we had to look at the Indian Health Service. Those areas suffered cuts last year, and we tried to add some money back and were successful in doing that, and we get this close.

I am wondering, though, if we are not sort of lapping over into the political world rather than the world of reality or this world of trying to finance the Government and make it work.

Mr. GORTON. It seems to me that is the most apt comment on the subject.

Mr. BOND. Mr. President, if the Senator from Washington will yield.

Mr. GORTON. He will.

Mr. BOND. The thing that is striking to me is that we have been working on these bills for many months. I have been working on the title which funds veterans, housing, environment, Federal emergency management, and as I think my distinguished colleague knows, we have been trying to find out from the administration what they want.

I remember when our son was 2 or 3 years old, he would come in and say he wants more. From a 2- or 3-year-old maybe more is a reasonable request, but when you get it from a Budget Director who is supposedly supporting a President who now recognizes the need for a balanced budget, when the President and the Budget Director refuse to give you any specifics, it, to me, is amazing that they can get by with doing nothing but issuing veto threats.

I ask the Senator, maybe he has heard, because I have not heard, from the White House, the Office of Management and Budget, of any changes that they wish to see so that they can utilize the funds better?

It is a great gimmick. It is a great political campaign to say, "I am going to spend more on everything. Of course, I'm for a balanced budget. Of course, I'm for a balanced budget, but I want to spend more on everything."

Do they tell you where they want to make any cuts, I ask the Senator? Did they tell you where they want to save money?

Mr. GORTON. For almost a year, this Senator has suggested that within the frame of reference of the amount of money available to use for the Department of the Interior and related agencies, if the administration wanted to shift priorities, then we would be happy, seriously, to consider those shifts. None have been proposed.

Mr. BOND. You have not heard from them either. I thought I was the only one who was completely stiffed by them. In November, I put in requests. I asked the Agency heads, the Department heads whose budgets we fund, "If there is an adult in supervisory authority, please have them contact us and say what changes they want to make."

I had a conversation with the Vice President. I said, "This is a process in which the executive and the legislative branches need to sit down and compromise."

Every government I have ever served in, and I served at the State level where I was a Republican chief executive with a Democratically controlled legislature, we always sat down and worked together, and the people expected us to do that.

How can the people of the United States expect us to negotiate a budget or appropriations bills when one side will not even talk to us and all they do is send veto threats? I ask my colleague, how do you compromise? How do you work with, how do you negotiate with somebody who will not talk with you?

Mr. GORTON. Well, you do not. I must say, I found particularly striking the analogy of the Senator from Missouri to a 2- or 3-year-old child who simply says, "More."

In this case, what we have is an administration that only says, "More. We want more spending, we do not want any setoffs, but we want to send the bill to somebody else, to our children and our grandchildren. We really do not want a serious proposal that will lead us to a balanced budget, except maybe after the end of the next Presidential term. We will think about binding someone in the future, but we don't want to bind ourselves."

So we have now in front of us the proposition that $164 billion is not enough money to spend, and the President will veto a bill that only spends $164 billion, of which $5 billion is fenced, as it were. "We've got to have $166 billion to spend the way we want without any conditions imposed on that spending."

Again, I think the Senator from Oregon was too polite to say so, but I believe that if that is the proposition with which we are faced, it is pointless to spend a week or so of this body's time debating the details of a proposal which will be vetoed in any event.

Regrettably, we will perhaps have to approach the President with another of these notorious continuing resolutions; that is to say, short-term appropriations bills, which—and I think I can speak for my colleagues on this side of the aisle—when I say they will be for smaller amounts of money, they will be markedly smaller amounts of money in authorizations for the administration than is the bill that was arrived at working with both Republicans and Democrats in an attempt to reach a common ground somewhere between the last set of appropriations proposed by this body and those originally asked for by the President.

It is too bad, but here we are with a veto threat over the proposition that we are not going to spend $166 billion in exactly the way the President wishes but only $164 billion, with $5 billion of it contingent upon the President agreeing to a balanced budget at some reasonable future time.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

STATEMENTS OF THOMAS JEFFERSON ARE RELEVANT TODAY

Mr. SIMPSON. Mr. President, I recently came upon some statements offered by Thomas Jefferson, which, I think, appear to bear some remarkable relevance to our current predicament. To quote from one of them from 1816, in a letter to Governor Plumer, he said: "I place economy among the first and most important of republican virtues, and public debt as the greatest of the dangers to be feared."

On another occasion, he made the same point, perhaps even more dramatically, in a letter to Samuel Kerchival, also in 1816: "We must make our election between economy and liberty, or profusion and servitude."

It is when we are having the most difficulty attending to and resolving the most vexing issues of the day that we can profit most from such reminders and that much of what confronts us today has been dealt with by so many of our greatest public servants who came before us.

One simply cannot read many of the statements of our third President, Thomas Jefferson, without coming upon repeated, potent references to the necessity of eliminating public debt. I suggest that he would be horrified to learn that we would ever consider allowing our current impasse to stand and to leave deficits and mandatory spending to spiral upward unabated.

It is all very well, politically, to say that we will—our two parties—take our respective cases to the electorate in November to "let the people decide" as to who failed who in the realm of public responsibility. But, in the meantime, I think we do a tremendous disservice to our citizens for as long as we leave this situation unresolved.

Here is another quote from Thomas Jefferson, stated to Thomas Cooper in 1802, which says it perhaps more vividly and relevantly even than the others: "If we can prevent the government from wasting the labors of the people, under the pretense of taking care of them, they must become happy."

Well, I think that is the nub of it. "If we can prevent the government from wasting the labors of the people, under the pretense of taking care of them, they must become happy."

I certainly agree with that. I can think of few things more dangerous and more cruelly deceptive than to suggest that we must continue to pile debt and misery upon our children's heads because we dare not slow down, in any way, the current engines of spending growth, which churn out funding for various beneficiaries of Government largess. We do not "take care of" anybody when we do this. We do not take care of anyone's children by forcing tomorrow's children to pay lifetime tax rates of 80 percent. That will, I assure my colleagues, lead to more misery, more poverty, more hunger and need and deprivation, and more intergenerational hostility than anything ever contemplated in any balanced budget agreement.

Mr. Jefferson was fully acquainted with the dangers of mounting public debt. Indeed, one might say that the principal challenge of the young republic was how to discharge the massive debts compiled by the individual States in the course of the American Revolution.

Alexander Hamilton was, of course, instrumental in diagnosing the severity and nationality of this problem, arguing that the Federal Government must bear the burden of lifting the national debt burden because we would all collapse together anyway if this was not properly done.

That brings to mind Daniel Webster's remark about Alexander Hamilton. If you think of rhetoric today and the emotion and passion of speech, Webster said this about Hamilton: "He smote the rock of the national resources, and abundant streams of revenue gushed forth. He touched the dead corpse of Public Credit, and it sprung upon his feet." Now, you can see that quote etched at the base of the Hamilton statue at the Department of the Treasury, if you so desire to check it.

Mr. Jefferson, again in a letter to Governor Plumer, stated his recognition of the necessity of reducing public indebtedness. Mr. Jefferson did not always agree with Alexander Hamilton's solutions and methods, to be sure. But they were certainly in agreement as to the necessity of eliminating the poison of mounting public debt.

To Governor Plumer, Jefferson wrote: "We see in England the consequences of the want of economy; their laborers reduced to live on a penny in the shilling of their earnings, to give up bread, and resort to oatmeal and potatoes for food; and their landholders exiling themselves to live in penury and obscurity abroad, because at home the government must have all the clear profits of their land."

That sounds like a pretty fair description of what is going to happen to us. Our own Government continues to increase its share of the Nation's "profits"—the savings and investment—which it must absorb in order to finance the massive spending increases we have programmed into our laws. Indeed, the burden of paying for that irresponsibility falls ultimately on the taxpayers, our taxpayers, our citizens, and cuts into the share of their own pay, which they would otherwise be able to use to provide for themselves.

I fully recognize there are many Senators here on both sides of the aisle who are equally committed to confronting and resolving these woes resulting from our debt. There are sincere disagreements as to how to accomplish that goal. I do believe there is now widespread recognition that the goal must be met.

I, therefore, close by reiterating my belief that we must not give up on this process. We must not give up on coming to agreement merely because of the disagreements which have divided us to this point. I do not find any reason to "give up" to be a convincing one. Give up because we believe we might hold political advantage if the impasse persists, or because we cannot agree on the size of a tax cut? When "our cause" is the elimination of increases in the public debt, these are simply not sufficient reasons.

As a member of the bipartisan Senate group headed by Senators CHAFEE and BREAUX, I have joined approximately two dozen Senators, from both sides of the aisle, in putting forward our best hope of "splitting the difference" between the two sides in order to get this job done. It might not be the only way and might not be the magic formula which produces an agreement, but it is certainly better than "packing it in" and, instead, morosely retreating to consult with our political advisers as to how best to cope with the public anger in the wake of our failure to complete our work—sitting with our gurus saying, "How do we get around this if we do not do anything?" Well, you do this and do that. We all know what that is.

So I suggest to my colleagues that they pay heed to these words of Thomas Jefferson and be reminded that we are truly facing a choice between "liberty" and "servitude" when we choose between a balanced budget and mounting debt. That is very much the choice that confronts our children and grandchildren, and we have now to make the choice for them. I do hope and pray that recognition of this will spur all of us on to renewed efforts to reach an agreement and to defer any further thoughts of simply extracting political advantage from failure. That would be terrible.

Mr. SIMPSON. Mr. President, I have a comment on a rather elusive matter. We work in an arena where truth is always a rather elusive entity. Many statements in this place seem to be repeated ad hominem and ad nauseam, however inadvertently, without regard to any basis in fact. A mischievous speaker may do this because he or she believes that, as has often been said, "A falsehood repeated often enough will be believed." Equally often, this happens because this is simply what the individual has been told, perhaps several times, and thus the rash assumption is made that a statement made so often "must be true." Thus, often, in good faith, speakers perpetuate ideas and statements which are simply and totally at complete variance with the facts.

To cite one specific case, I wish I could count how many times it has been stated as an article of pure faith by those on the other side that we have had however many hours of hearings on Whitewater and Travelgate, but only one, or none, on Medicare. The Democratic policy channel on the televisions in our offices also plays this old and tired tune. Many speakers on the other side of the aisle have repeated it in old and tired phrases. The only problem is, it is just simply not true. It is not even close to being true. It is one of those myths which has developed, somehow directly, in the teeth of the facts. I did a little checking of the record. I know that is not what we are supposed to do. I did a little checking of the record on this matter. I ask unanimous consent to have printed in the RECORD a listing of all of the hearings held in the last year in the Senate Finance Committee alone on the subject of reforming Medicare, Medicaid, welfare, the Consumer Price Index, and any number of other related matters.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE FINANCE COMMITTEE HEARINGS & MEETINGS 104TH CONGRESS (ORGANIZED BY ISSUE)

TOTAL HEARINGS & MEETINGS: 101

Full Committee Hearings: 62.

Subcommittee Hearings: 13.

Total Hearings: 75.

Executive Sessions including 3 Conferences: 22.

Private Meetings: 4.

Total Meetings: 26.

CONSUMER PRICE INDEX—3 FULL COMMITTEE HEARINGS

3/13/95—Consumer Price Index.

4/6/95—Consumer Price Index.

6/6/95—Overstatement of Consumer Price Index.

MEDICAID—6 HEARINGS (5 FULL COMMITTEE, 1 SUBCOMMITTEE)

3/23/95—Medicaid Subcommittee—1115 waivers.

6/28/95—Medicaid, Opinions of the Governors.

6/29/95—Medicaid, Historical Background.

7/12/95—Medicaid, State Flexibility.

7/13/95—Medicaid, Interest Groups.

7/27/95—Medicaid, Formula Calculation.

MEDICARE—10 FULL COMMITTEE HEARINGS

2/28/95—Medicare Perspectives.

5/11/95—Medicare Solvency, part 1.

5/16/95—Medicare Solvency, part 2.

5/17/95—Medicare Solvency, part 3.

7/19/95—Medicare Payment Policies, part 1.

7/20/95—Medicare Payment Policies, part 2.

7/25/95—New Directions in Medicare, part 1.

7/26/95—New Directions in Medicare, part 2.

7/31/95—Medicare Fraud and Abuse.

8/30/95—Medicare: The Next Thirty Years.

MISCELLANEOUS—5 HEARINGS (2 FULL COMMITTEE, 3 SUBCOMMITTEE)

5/4/95—Vaccines for Children Program.

6/13/95—SS Subcommittee—AARP, part 1.

6/20/95—SS Subcommittee—AARP, part 2.

7/20/95—SS Subcommittee—Population Control.

7/28/95—Debt Limit.

NOMINATIONS—7 FULL COMMITTEE HEARINGS

1/10/95—Rubin Confirmation Hearing.

2/16/95—Chater, Vasquez, Foley Confirmation Hearing.

5/10/95—Lang Confirmation Hearing.

6/8/95—Shapiro, Hawke, Robertson, Moon, Kellison Confirmation Hearing.

7/21/95—Callahan, Schloss, and Summers Confirmation Hearing.

11/30/95—Bradbury, Gale, Lipton, Skolfield, Shafer and Williams Confirmation Hearing.

12/5/95—Gotbaum Confirmation Hearing.

SOCIAL SECURITY—7 HEARINGS (3 FULL COMMITTEE, 4 SUBCOMMITTEE)

3/1/95—Social Security Earnings Limit.

3/22/95—SS Subcommittee—Social Security Costs.

4/7/95—SS Subcommittee—Annual Report of Trustees.

5/9/95—1995 Annual Report of Trustees, part 1.

6/6/95—1995 Annual Report of Trustees, part 2.

6/27/95—SS Subcommittee—Solvency of the Trust Funds.

8/2/95—SS Subcommittee—Social Security privatization.

TAX—22 HEARINGS (19 FULL COMMITTEE, 3 SUBCOMMITTEE)

1/24/95—Estimating Revenue.

1/25/95—Economic Outlook.

1/26/95—Federal Budget Outlook.

1/31/95—Savings in our Economy.

2/2/95—Savings as Incentives.

2/8/95—FY 1996 Budget with Secretary Rubin.

2/9/95—IRAs 401K's & Savings.

2/15/95—Capital Gains.

2/16/95—Indexation of Assets.

3/2/95—Middle Income Tax Proposal.

3/7/95—FCC Tax Certificates.

3/21/95—Tax Subcommittee—Expatriation.

4/3/95—Tax Subcommittee—Research tax.

4/5/95—Flat Tax, hearing 1.

5/3/95—Alternative Minimum Tax.

5/18/95—Flat Tax, hearing 2.

6/7/95—Small Business issues.

6/8/95—Earned Income Tax Credit.

6/19/95—Tax Subcommittee—S corp reform.

7/11/95—Expatriation Tax.

7/18/95—Deficit Reduction Fuel Tax.

7/21/95—Foreign Tax Issues.

TRADE—5 HEARINGS (3 FULL COMMITTEE, 2 SUBCOMMITTEE)

4/4/95—Trade Policy Agenda.

5/10/95—World Trade Organization.

5/15/95—Caribbean Basin Initiative.

8/1/95—Trade Subcommittee—various issues.

12/5/95—OECD Shipbuilding Subsidies Agreement.

WELFARE—10 FULL COMMITTEE HEARINGS

3/8/95—Welfare Reform—States Perspective.

3/9/95—Broad Goals of Welfare.

3/10/95—Administration's Views on Welfare.

3/14/95—Teen Parents & Welfare.

3/20/95—Welfare to Work Programs.

3/27/95—SSI Program.

3/28/95—Child Support Programs.

3/29/95—Welfare, Views of Interested Organizations.

4/26/95—Child Welfare Programs.

4/27/95—Welfare Reform Wrap Up.

EXEC SESSIONS—21 MEETINGS INCLUDING 3 CONFERENCES

1/10/95—Organization Meeting & Vote on Rubin Nomination.

2/2/95—Executive Session appointing Joint Tax Members.

2/8/95—Executive Session appointing Subcommittees.

3/8/95—Vote on Foley & Vasquez Nominations.

3/15/95—Tax Markup on HR 831.

3/28/95—Conference on HR 831.

5/10/95—Vote on Lang Nomination.

5/24/95—Welfare Markup.

5/26/95—Welfare Markup.

6/8/95—Vote on Shapiro, Hawke, Robertson, Moon & Kellison nominations.

6/22/95—Conference on H.R. 483—Medicare Select.

7/21/95—Vote on Callahan, Schloss and Summers Nominations.

9/26/95—Medicare/Medicaid Markup.

9/27/95—Medicare/Medicaid Markup.

9/28/95—Medicare/Medicaid Markup.

9/29/95—Medicare/Medicaid Markup.

10/18/95—Tax Markup.

10/19/95—Tax Markup.

10/24/95—Conference on H.R. 4—Welfare.

11/2/95—Markup on revenue provisions of S. 1318.

11/30/95—Vote on Bradbury, Gale, Lipton, Skolfield and Williams Nominations.

12/14/95—Mark up of Social Security Earnings Limit Legislation and vote on the Gotbaum and Shafer nominations.

PRIVATE MEETINGS—4 MEETINGS

5/4/95—Meeting with Secretary Shalala.

8/2/95—Meeting on the Budget.

8/4/95—Meeting on the Budget.

8/10/95—Meeting on the Budget.

Mr. SIMPSON. Mr. President, I am now a member of that committee and I sat in on those hearings. They were often held at 9:30, 10 o'clock in the morning. Had I been chairman I might also have sought to have them in the afternoon. I was there for almost all of them, usually arriving after some haste ill-attained in getting through the D.C.'s fabled rush hour traffic from my home in Virginia.

We held 10 full Finance Committee hearings last year on Medicare alone—10. They were not about abstract, philosophical topics, but subjects directly related to the solutions presented in our budget proposal. On May 11, 16 and 17 we had hearings specifically on the question of how to restore solvency to the Medicare Program. We tackled the issue of payment policies in hearings on July 19 and 20. We explored more comprehensive reforms on July 25 and July 26. On August 30 we dealt with the subject which I personally think requires much more, much more attention—the 30-year future of Medicare. That is when the real problems all coalesce. This is only part of the list, as the record will show.

We also had multiple hearings on Medicaid. The proposals which we made in the course of budget reconciliation were all explored in depth at those hearings. The opinions of the Governors regarding our plan was heard on June 28. The importance of flexibility for the State Governments in administering Medicaid was explored July 12. The proper way to calculate the distribution of funds under the Medicaid formula was explored on July 27. Again this is only a partial list.

Even the issue of the Consumer Price Index reform, which so many have said we should "not rush to do," especially not rush to do in budget reconciliation, the CPI reform was the subject of several full committee hearings on March 16, April 6, and June 6. When somebody tells you we have not done anything—and looked into CPI; we do not want to rush into it—cite those, please. Having been right there personally I can tell you few experts believe we are acting with any sense at all on either side of the aisle in allowing the expensive errors in the CPI calculation to persist. That is absurd. It is out of whack either .5 or up to 2.2. Everybody that testified said that. If you dealt with it, knocked off a half percent or full percent in the outyears, in 10 years, at 1 percent, it is $680 billion bucks—billion bucks—and we do not even play with it.

The senior groups all seem to flunk the saliva test when we begin to talk about the CPI. "Oh, break the contract, break the contract." I am telling you, they will break America. We are not talking about them or to them. None of them will be hurt in anything we are doing. No one over 60 is even affected by the things we have in mind, but people between 18 and 40 will indeed be on a destructive path.

Mr. President, I do not know what to make of these assertions that we have not had hearings on Medicare or Medicaid. We have had many. The record speaks clearly. On Medicare alone, 10 full committee hearings. It seems to me be a trend in Washington saying that what has happened has not happened and vice versa. The media plays that well in their recountings of these things. Perhaps the assertions will be revised to state that we only had a minimal look at Medicare. That would probably be the result of the response to my remarks.

I do not know how many dozens of hours were needed to spend on that to escape the application of that term. I also note that this work continues on in the current year. We had another remarkable hearing on Medicaid last week with six of our Nation's Governors testifying—three Republicans, three Democrats—in describing the desires of the State governments with regard to Medicaid.

So I ask these items be printed, and I ask my colleagues to perhaps refrain from repeating the charge that we have not thoroughly explored Medicare in committee hearings. The facts are exactly otherwise, and I wish my good colleagues to know that.

INTERNATIONAL FAMILY PLANNING FUNDING

Mr. SIMPSON. Finally, a comment on family planning funding. I want to express my serious concerns about the severe restrictions this Congress has imposed on U.S. funding for international family planning assistance.

My colleagues will recall that the Senate successfully avoided a partial Government shutdown on January 26 by passing H.R. 2880 on a bipartisan vote of 82–8. At the time we faced a midnight deadline for passing legislation to avoid yet another Government shutdown. Because no one in this Chamber wanted another shutdown to occur, we passed this measure in the exact form it came to us from the House without amending or striking any provisions which we considered to be objectionable. We had no choice in the matter. It was a frustrating and vexing experience for many of us.

I was and continue to be deeply troubled by a provision of H.R. 2880 that prohibits funding for international family planning assistance programs until July 1 unless a foreign aid reauthorization bill is enacted prior to that date. After July 1, funds will be provided at only 65 percent of the fiscal year 1995 level, with a requirement they be spent in equal amounts over the following 15 months.

I believe that policy to be very shortsighted. It is preventing the U.S. Agency for International Development [AID] from increasing access to family planning services for millions of citizens in the developing countries around the world. The ultimate result will be more unwanted pregnancy and even higher population growth in the poorest, most heavily populated nations of the globe.

Ironically, this policy, if it is not corrected, will also inevitably lead to more abortions, many of which will be performed under unsafe conditions that will surely result in infection, infertility, and death. This outcome deeply concerns me.

The people who so often resist these programs are talking continually about abortion, unwanted pregnancy, population and so on. I strongly urge all of my colleagues, whether they be pro-choice, pro-life, Democrat, Republican, conservative, liberal, moderate, to consider the tragic consequences of what we have done. Restricting access to family planning services—I did not say "abortion," and it is not there, either—restricting access to family planning services will assuredly result in more abortion. If anyone can refute this I welcome them to do so and come forward.

The harsh reality is that this misguided policy is contributing to a scenario where abortions are or will be the only form of birth control in some of the most impoverished places on Earth. This outcome sharply collides with the stated views of the very people who support it. Of all the issues the religious groups may consider when they compile their scorecards—I know where my scorecard is because I happen to be pro-choice, and I have always been pro-choice; always. In fact, I do not even think men should vote on the issue. So mine is rather clear and has been. So when they are compiling their scorecards on the performance of Members of Congress, I think this is surely one of the most important because it might be that they would show that these people somehow were in favor of abortion because of the misguided way they try to distort the issue.

The abortion issue alone offers a compelling reason for the Congress to reconsider the current restrictions on international family planning funding.

But we should also contemplate the consequences of unrestrained worldwide population growth. One study by the United Nations Population Division has estimated that if the world population trends of 1990 continue indefinitely into the future, worldwide population will increase to 694 billion by the year 2150. This is the equivalent of 12,100 people for every square mile of land on the Earth's surface. The possibility of this occurring is self-evident. The real issue is whether we will take thoughtful, rational steps to prevent this scenario or will we do nothing and simply allow nature to prevent this outcome in its own less civilized way?

Since the beginning of mankind to the year 1940 was a segment of population growth, and since 1940 to this day it has doubled. The population of Earth has doubled since 1940. It is now 5.5 billion, and this study shows in the year 2150 it will increase to 694 billion. And where is the most rapid population growth occurring? Desperately poor countries that have to cope with poverty and malnutrition and ill health and lack of education and environmental damage and famine.

These countries simply do not have the resources to effectively solve all of these problems on their own, or maybe any of them, any more than they are able to stabilize their population growth. It continues to compound and exacerbate so many of the other difficulties. Fertility rates, lack of education for women, these things lead to grievous problems.

I am not suggesting the United States bear the sole responsibility for addressing this problem. Nor is the rest of the world suggesting this. In September 1994, I and Senator JOHN KERRY attended the International Conference on Population and Development in Cairo. Mr. President, 179 nations participated in that conference, and the final "programme of action," which was adopted by acclamation, estimated that the nations of the world would have to spend $17 billion annually by the year 2000 in order to meet the needs of developing countries for basic reproductive health services, including family planning and the prevention of sexually transmitted diseases.

This "programme of action" estimated that up to two-thirds of these costs would be met by developing countries themselves—two-thirds; self-determination—with the other one-third coming from "external sources." To put that in perspective, consider the United States Government's expenditures on international family planning in fiscal year 1995 represented less than 10 percent of what is needed from these external sources by the year 2000. To retreat from this modest commitment would be a grave mistake.

So, as this legislative session continues, I believe we should restore a more appropriate level of funding for international family planning programs. Senator HATFIELD has previously advised the Senate of his desire to rectify this situation, and here is a man who holds a view different than mine on abortion, but a very sensitive, sensible human being. I richly commend my friend MARK HATFIELD for his commitment to this cause, and I stand ready to assist him in any way possible. He does his tasks so very well, and we should not impede him.

It is not too late for us to reverse our course and embrace a more sane, rational and sensible policy.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, may I inquire of the chair if we are in morning business?

The PRESIDING OFFICER. The Senate is technically still on a motion to proceed with the Whitewater investigation, but we have been proceeding, in essence, as if in morning business.

Mr. EXON. I thank the Chair. I ask unanimous consent I be allowed to proceed as in morning business for a brief period of time on another matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE COMMUNICATIONS DECENCY ACT

Mr. EXON. Mr. President, I have just had one of the most remarkable and rewarding meetings of my career with a 10-year-old girl and her mother from the Washington, DC, area. I will only use her first name. She and her mother called and asked to see me today.

Lea is a sweet girl, 10 years of age, who was preparing for a computer project to earn a Girl Scout merit badge this week. In preparation for that project, Lea and her mother signed on to the Prodigy computer service and logged on to a so-called chat room for children, where kids from around the country can play checkers and do other such things that kids do with each other. It was Lea's very first time on the Internet.

Within minutes—I emphasize, Mr. President—within minutes, someone was attempting to engage young Lea, a 10-year-old, in conversations of a sexual nature. Needless to say, she was shocked and screamed. Lea and her mother were upset and very angry.

If I can be allowed a personal comment, this really brought this problem that I and others have been trying to do something about, home, because my wife and I have been blessed with two 10-year-old granddaughters of our own. When Lea came in to see me, it was life as it exists and life as I know it.

At the time of this most unfortunate event, Prodigy did not provide the supposedly child-safe space with an alert button, which notifies the system operator that children's checkers room was being misused. A similar service was available for adults, in the adult chat room, but not for children, as strange as that might seem.

Together, the mother and the daughter contacted Prodigy and the news media. Within hours, Prodigy agreed to make the alert button available and the alarm available to those on these children's areas.

I heard this story on the news this morning, on the radio, and met with the mother and the daughter at their request this afternoon. I bring this story to the attention of the U.S. Senate because, since the passage of the Communications Decency Act as part of the Telecommunications Act of 1996, there has been a great deal of attention placed on this new law. With that attention, some have also continued their campaign of misinformation about the new law in the press and now in the courts.

Mr. President, Lea's story demonstrates and illustrates better than anything else that I know of that there are, indeed, real dangers on the Internet, especially for children and especially with the interactive computer services that are available. But more important, the very quick response from Prodigy to this problem illustrates that the new law is starting to work.

Opponents of the new law use harsh language like "censorship" to describe the Communications Decency Act that was jointly sponsored by myself and Senator COATS from Indiana and overwhelmingly passed in the U.S. Senate and in the House of Representatives and made part of the telecommunications bill. Those who cry censorship hide behind the first amendment to make defense of those who would give pornography to children and engage children in sexual conversations. What a travesty.

I hope more adults, whether they have children or grandchildren or not, will come to realize and recognize and see that the law is operational.

In respect to the first amendment, Mr. President, it is almost a sacred text with this Senator.

That is why I worked so closely—even with the new law's opponents—to assure that our legislation was constitutional. The final legislation was the product of nearly 3 years of investigation, research, negotiation, and compromise.

The Communications Decency Act makes it a crime to send indecent communications to children by means of a computer service or telecommunications device, to make indecent communications available to children on an open electronic bulletin board, to use a computer to make the equivalent of an obscene phone call to another computer user, and to use a computer or facility of interstate commerce to lure a child into illegal sexual activities.

The law makes computer services responsible for what is on their system. To comply with the new law, a computer service must take reasonable, effective and appropriate measures to restrict child access to indecent communications.

While it is fair to wonder why the alert button service has not been made available earlier, Prodigy is to be recognized for their quick response when this problem was brought to their attention. This is the type of response, that the Communications Decency Act sought to encourage and help prevent in the first place.

What the ACLU and their fellow travelers and the computer service companies have difficulty dealing with is that it is wrong—desperately wrong—for an adult to electronically molest or corrupt a child.

And thinking people en masse want to do something about it.

The Communications Decency Act is not a cure-all. But, at a minimum, children and families deserve to have a law on their side notwithstanding the protests from the profiteers of child pornography that are rampant on the Internet today.

The heart and soul of the new law is its protections for children. It is not censorship. It is not prudishness. The new law does not prohibit consenting adults from engaging in constitutionally protected speech.

Published reports indicate that Penthouse and Hustler have removed indecent material from their publicly available bulletinboards in response to the new law and their material are now only available only to adults through credit card access.

That is another step in the right direction.

I count this action as a success for the new law. In these two cases, free samples of pornography are no longer given to children. We are making progress.

If the Internet and other computer services are to be a place of commerce, community, and communication, then it must be a place which is friendly to families. Indeed, the technology necessary to comply with the Communications Decency Act is the same technology which can tell a computer service whether a user is old enough to enter into a binding contract or not.

Before the passage of the Communications Decency Act, the Internet had been described as the Wild West. At last, there is now some degree of law and order. In effect, the new law is a zoning measure. Adults are free to engage in otherwise legal indecent activities and communications, just not with, or in the knowing presence, of children.

Mr. President, later this month, a three-judge panel will hear arguments on the constitutionality of the Communications Decency Act. An initial review by a Federal judge in Philadelphia protected the heart and soul of the new law from a temporary restraining order as had been requested by the ACLU. Only a small portion of the act was enjoined pending further court review. Ultimately, as we all know, Mr. President, this matter will come before a majority of the Supreme Court. And I hope that they will find—and believe that they will—the Communications Decency Act fully constitutional.

Although the U.S. Department of Justice has agreed not to file cases under the new law until the three-judge panel has an opportunity to review the statute, the action by Prodigy, and others indicates that the Communications Decency Act can and is working.

I thank all of my colleagues in the Senate and all of my colleagues in the House who have been up front in the support of this measure.

I now thank President Clinton and his Justice Department for entering into the fray on the side of the kids to begin to make further advances in correcting this terrible wrong.

I thank the Chair. I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I thank the Chair.

Mr. President, let me commend my colleague from Nebraska for his diligence in bringing to our attention a very, very important matter that affects the youth of our Nation. I commend him.

Mr. EXON. I thank my friend and colleague from Alaska, very much.

REGULATORY ENFORCEMENT FAIRNESS ACT

Mr. MURKOWSKI. Mr. President, an extraordinary thing happened today in the forum in the sense of the effort to try to bring the Small Business Regulatory Enforcement Fairness Act before this body as Senate bill 942.

The fact is that here we are 6 o'clock, Thursday, and the information of the Senator from Alaska is that the Democratic minority has refused to allow this vital piece of legislation to come before this body for a vote. The realization, as evidenced by my good friend, Senator BUMPERS from Arkansas, is that, if it came up, it would pass 100 to nothing.

We are talking about trying to assist the small business community relative to employment, encourage those that are willing to take a risk in the highest area of fallout of any activity, and that is the small business community. We are talking about trying to get some regulatory reform that will assist them.

This has been a top priority of this Congress. It has been a top priority of the Senate. We cannot even get it up for a vote.

What are we trying to do with this? Some people would say we are trying to unwind the environmental laws, or the labor oversight responsibilities that we have. What we are trying to do is bring some logic into the equation, some cost-benefit, and risk analysis. What does it mean?

Mr. President, I live in Alaska. It snows in Alaska. When the snow comes down, either leave it or move it. In the case of the city of Fairbanks, where I live, the snow falls on the area where they park the buses. So what do they do? They move the snow back to the back lot. But that is classified as a wetlands. You cannot put snow in a wetland.

Is that a rational reality? You cannot dump the excess snow in the river. Why cannot you dump it in the river? Because it may have picked up something along the way that somehow would be inappropriate to dump in the river. But when it snows in Washington, DC, where do you dump the snow? You dump it wherever. Nobody gets too excited because snow here is a calamity. The city is tied up. It cannot move. You dump it in the Potomac River.

Anchorage, AK, the State's largest city, probably has the cleanest water in the world. When it rains it drops down in the street, and goes down the gutter. The gutters go out into Cook Inlet. There is a 30-foot tide twice a day. The water goes out. This is not sewage. This is water that goes into your drain from the rain. It goes out.

They did not have any problem until the Environmental Protection Agency came down with a mandate that said you have to remove 30 percent of the organic matter from the water before you can dump it without treatment. And the EPA said to the city of Anchorage, you are in violation of the law.

Well, the assembly met. Somebody came up with the idea. "Let us put a few fish guts in the drains so we would have something to recover and remove the organic matter and, therefore, comply."

When they appealed to the highest level of the Environmental Protection Agency, they said we are not going to make exceptions. This is uniform throughout the United States.

What we are trying to do here, Mr. President, is get some balance, some logic into a situation that has run amok with bureaucracy and the inability of our administrators to address clear decisions that should be made relative to the areas of responsibility the administrators have. You cannot mandate uniformity on things like this. You have to bring in common sense. You bring in the analysis of cost-benefit. You bring in what the risk to the public is. You give the administrators the authority, and you hold them accountable.

Many Senators on both sides of the aisle today have worked hard to try to pass regulatory reform legislation. My good friend from Louisiana, Senator JOHNSTON, has labored in the vineyards for an extraordinary amount of time. But for reasons unknown, today the other side of the aisle said, we are not going to bring it up; we are going to object. I do not know whether this is connected with an election year. We have a lot of political issues around here.

Everybody is committed to assisting small business by reducing redundant regulatory oversight, and here is a chance to do it. Politics is not an overarching excuse, in my opinion, and getting the American public energized so that we can address the relief needed from some of the ill-founded, erroneous, duplicative regulations is a bipartisan responsibility. We seem to agree on it, but we cannot move. We are stuck. No explanation.

Today a constituent of mine came in. He brought me a chart. He is in the business of transporting oil. He has to have five permits. He has to have a Coast Guard operating regulation permit. He has to have a Coast Guard OPA 90 regulatory permit. He has to have an Environmental Protection Agency OPA 90 regulatory permit. He has to have an Environmental Protection Agency spill prevention regulatory permit, and he has to have a State permit, plus the local permits.

You have created a whole new industry out there of consultants that are hired to do these permits, do this evaluation, at a great cost to the public. And the justification for this really is questionable, given the lack of cost-benefit and risk analysis that should be associated with the process and unfortunately is not.

If you want to go into the logging business in my State, at the last count you have to get some 41 permits. You have to have a radio operator's license to run your camp. You have to have a Corps of Engineers permit to run your camp, and on and on and on and on.

There can be no argument that reforming the way we do regulatory business in this country is of paramount importance. We cannot seem to get that reform.

We are not ready to give up by any means. We are going to keep going at it. But in the meantime, there is no reason why we should not move with this particular bill, the small business relief that Senator BOND and Senator BUMPERS have developed in the Small Business Regulatory Enforcement Fairness Act. I commend them for their efforts. There is a consensus on the need for the bill. There is a consensus on the content of the bill. There is a consensus on the relief that this bill would provide to the small business community—stimulate employment, stimulate investment, stimulate inventory buildup—and yet we cannot get the consensus we need to bring it up in the Chamber.

The question the Senator from Alaska has to ask the Chair is, why? There are so many positive benefits to this legislation—teeth for the 16-year-old Regulatory Flexibility Act to allow judicial review of adverse impacts regulations have on small businesses. It includes penalty waivers and reductions for small business violations that are of little if any significance, recovery of attorney's fees when small business is forced into defensive litigation due to enforcement excesses, and, finally, small business participation in rulemaking.

We cannot keep missing the opportunity to pass positive, helpful legislation for important segments of America's small business industry. We should not miss the opportunity to pass this bill. Obviously, the weekend is going to go by. We are going to take this up again next week. But I would encourage my colleagues to allow this bipartisan bill to come before the floor to get it passed. We owe that much to the American people.

I think we ought to be asking our friends on the other side of the aisle why they see fit to hold up this important legislation. I encourage America's small business community to demand an answer, because we are ready to go with it on our side, and I think those people out there who are frustrated are waiting and certainly deserve an answer.

Mr. President, that concludes my statement. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GRAMS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WHITEWATER DEVELOPMENT CORPORATION AND RELATED MATTERS—MOTION TO PROCEED

CLOTURE MOTION

Mr. LOTT. Mr. President, I now move to proceed to Senate Resolution 227, the Whitewater legislation, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. Res. 227, regarding the Whitewater extension:

ALFONSE D'AMATO, TRENT LOTT, JESSE HELMS, PHIL GRAMM, JUDD GREGG, DIRK KEMPTHORNE, STROM THURMOND, JIM JEFFORDS, OLYMPIA SNOWE, BOB SMITH, DAN COATS, LARRY E. CRAIG, JOHN ASHCROFT, THAD COCHRAN, JON KYL, ROBERT F. BENNETT.

Mr. LOTT. Mr. President, I ask unanimous consent that the cloture vote occur immediately following the 2:15 p.m., vote on Tuesday, March 12, and that the live quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1996—CONFERENCE REPORT

Mr. LOTT. Mr. President, I now ask that the Senate turn to the conference report for the D.C. appropriations bill.

The PRESIDING OFFICER. The clerk will report the conference report.

The legislative clerk read as follows:

Conference report to accompany H.R. 2546, a bill making appropriations for the Government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1996, and for other purposes.

The Senate resumed the consideration of the conference report.

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the conference report to accompany H.R. 2546, the D.C. Appropriations bill.

BOB DOLE, TRENT LOTT, JESSE HELMS, PHIL GRAMM, JUDD GREGG, DIRK KEMPTHORNE, STROM THURMOND, OLYMPIA SNOWE, BOB SMITH, DAN COATS, LARRY E. CRAIG, JOHN ASHCROFT, THAD COCHRAN, JON KYL, MARK HATFIELD, ROBERT F. BENNETT.

Mr. LOTT. Mr. President, I ask unanimous consent that the cloture vote occur at 2:15 p.m., on Tuesday, March 12, and the live quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPORT ON THE U.S. NATIONAL SECURITY STRATEGY—MESSAGE FROM THE PRESIDENT—PM 128

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services.

To the Congress of the United States:

As required by section 603 of the Goldwater-Nichols Department of Defense Reorganization Act of 1986, I am transmitting a report on the National Security Strategy of the United States.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 7, 1996.*

MESSAGES FROM THE HOUSE

At 11:19 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker appoints the following Members on the part of the House to the Advisory Commission on Intergovernmental Relations: Mr. SHAYS of Connecticut and Mr. PORTMAN of Ohio.

At 12:22 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3021. An act to guarantee the continuing full investment of Social Security and other Federal funds in obligations of the United States.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1934. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, the report entitled "The National Study of Water Management During Drought"; to the Committee on Environment and Public Works.

EC–1935. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the report under the Architectural Barriers Act for fiscal year 1995; to the Committee on Environment and Public Works.

EC–1936. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the report on abnormal occurrences for the period July 1 through September 30, 1995; to the Committee on Environment and Public Works.

EC–1937. A communication from the Chairman of the Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission, transmitting, pursuant to law, the report on the Safety Research Program; to the Committee on Environment and Public Works.

EC–1938. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on a demonstration project; to the Committee on Environment and Public Works.

EC–1939. A communication from the Chairman of the Migratory Bird Conservation Commission, transmitting, pursuant to law, the annual report for fiscal year 1995; to the Committee on Environment and Public Works.

EC–1940. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report of the 20-year Tanker Size/Capacity Trend Analysis study; to the Committee on Environment and Public Works.

EC–1941. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the final report on the Information, Counseling and Assistance [ICA] Grants Program; to the Committee on Finance.

EC–1942. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report on the Drug Utilization Review [DUR] Demonstration projects for 1995; to the Committee on Finance.

EC–1943. A communication from the Fiscal Assistant Secretary of the Treasury, transmitting, pursuant to law, the report of the December 1995 issue of the Treasury Bulletin; to the Committee on Finance.

EC–1944. A communication from the Director of the Trade and Development Agency, transmitting, pursuant to law, the 1995 annual report; to the Committee on Finance.

EC–1945. A communication from the Chairman of the Prospective Payment Assessment Commission, transmitting, pursuant to law, a report on health care spending; to the Committee on Finance.

EC–1946. A communication from the Chairman of the International Trade Commission, transmitting, pursuant to law, the report on trade between the United States and China for the period July 1 through September 30, 1995; to the Committee on Finance.

EC–1947. A communication from the Administrator of the U.S. Agency For International Development, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act for fiscal year 1995; to the Committee on Foreign Relations.

EC–1948. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a Presidential Determination relative to Serbia and Montenegro; to the Committee on Foreign Relations.

EC–1949. A communication from the President and Chief Executive Officer of the Overseas Private Investment Corporation, transmitting, pursuant to law, the annual report for calendar year 1995; to the Committee on Foreign Relations.

EC–1950. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC–1951. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MURKOWSKI (for himself and Mr. JOHNSTON): S. 1596. A bill to direct a property conveyance in the State of California; to the Committee on Energy and Natural Resources.

By Mr. DORGAN:

S. 1597. A bill to amend the Internal Revenue Code of 1986 to discourage American businesses from moving jobs overseas and to encourage the creation of new jobs in the United States, and for other purposes; to the Committee on Finance.

By Mr. GLENN:

S. 1598. A bill to provide that professional sports teams relocating to different communities shall lose trademark protection with respect to team names, and for other purposes; to the Committee on the Judiciary.

By Mr. BREAUX:

S. 1599. A bill for the relief of Tarek Elagamy; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself and Mr. MACK):

S. 1600. A bill to establish limitations on health plans with respect to genetic information, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. LEVIN (for himself, Mr. GLENN, Mr. DEWINE, and Mr. KOHL):

S. 1601. A bill to amend the Federal Water Pollution Control Act to extend the deadline for and clarify the contents of the Great Lakes health research report, and for other purposes; to the Committee on Environment and Public Works.

STATEMENT ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MURKOWSKI (for himself and Mr. JOHNSTON):

S. 1596, A bill to direct a property conveyance in the State of California; to the Committee on Energy and Natural Resources.

THE WARD VALLEY LAND TRANSFER ACT

Mr. MURKOWSKI. Mr. President, today I am introducing legislation with my colleague, Senator JOHNSTON, directing a land conveyance for the purpose of siting a low level radioactive waste facility at Ward Valley, CA. This measure is virtually identical to language the Senate previously agreed to in the reconciliation bill conference report, with the exception that we have added an additional condition that California must provide its written commitment to carry out environmental monitoring and protection measures based on recommendations of the National Academy of Sciences, subject to Federal oversight by the Nuclear Regulatory Commission.

Mr. President, the Congress—in 1980 and again in 1985—gave States the responsibility for low level radioactive waste disposal. After an 8 year licensing process costing more than $45 million, the State of California awarded a license for a waste disposal site at Ward Valley, in the Mojave Desert. California is the host State for the Southwestern low level radioactive waste compact which includes the States of Arizona, North Dakota, South Dakota, and California.

The Ward Valley site has withstood the scrutiny of two environmental impact statements, two biological opinions under the Endangered Species Act, and a variety of court challenges. Ward Valley was given a clean bill of health by the National Academy of Sciences in a special report issued in May 1995. No low level radioactive site has received greater scrutiny than this one. It's a safe site, and anyone who reviews the facts with the tools of science rather than the rhetoric of emotion comes to that conclusion.

With the license issued, the court challenges exhausted, and the science settled, all that remains is a simple, administrative land sale from the Bureau of Land Management to the State of California. This is the kind of routine conveyance that would normally be handled at a BLM field office. But the Secretary of the Interior has intervened, and effectively kept the land sale from proceeding for more than 2 years by ordering a supplemental EIS, and later, a review by the National Academy of Sciences. Both the supplemental EIS and the Academy review turned out to be highly favorable to the Ward Valley site, and at the conclusion of each we have hoped that any remaining excuse for further delay would evaporate. Unfortunately, Ward Valley opponents hope to delay this forever, suggesting at each juncture a new study, a new hurdle, a new obstacle.

The latest hurdle was erected on February 15, when Interior Deputy Secretary John Garamendi announced yet another round of follow up studies to include tritium tests. California is not opposed to tritium tests, and the State is willing to conduct them. The problem, Mr. President, is that Interior wants the tests concluded prior to the land transfer. The National Academy of Sciences did not say this was necessary or desirable. In fact, the Academy suggests ongoing testing should be undertaken in conjunction with the operation of the facility. The Interior Department's actions, in my opinion, are merely a tactic to delay the commencement of operations at Ward Valley until after the next election.

If we do nothing, Mr. President, and allow this land conveyance to be delayed, I can guarantee that there will be some new obstacle erected after the tritium tests are complete. As the National Academy of Sciences pointed out, tritium tests are difficult and often inconclusive. That's why they should not be rushed, they should not precede the conveyance, they should continue along with all of the other monitoring and protection measures that will be undertaken during the site's operation. If we proceed with rushed tritium testing, we will likely end up with an inclusive result, providing project opponents with yet another excuse for delay. At the very least, the project opponents will ask for another supplemental EIS to consider any new information. A new basis for further litigation or new strategies for delay would be fabricated. The delays would just go on and on.

What we have, Mr. President, is a Department of the Interior—lacking expertise or responsibility in matters relate to the regulation of radioactive materials—that aspires to get into the business of nuclear regulation. Even worse, the Secretary of the Interior is acting to usurp the statutory authority of the State of California to protect the radiological health and safety of its citizens through the State management and oversight of low-level radioactive waste disposal.

Some of my colleagues may recall that we made low-level radioactive waste management a State responsibility in the 1980 and 1985 act in response to heavy lobbying by the National Governors' Association. At the time, Arizona Gov. Bruce Babbitt and Arkansas Gov. Bill Clinton were prominent leaders in the National Governors' Association. Governor Babbitt even served on a special NGA task force recommending that low level radioactive waste management become a State responsibility. Today, Interior Secretary Babbitt is working to usurp and erode the very State authority he lobbied Congress for as Governor. I find that most ironic.

The irony is not lost on the Governor of California. He has asked us for this legislation. He is concerned about the health, safety, and welfare of Californians. He is aware that low-level radioactive waste is being stored in hospitals, in residential neighborhoods, in businesses, and in universities at 2,254 sites in 800 locations across California, and that the waste in these temporary sites are subject to fires, floods, and earthquakes.

If you oppose this bill, then you are by necessity arguing for the continued storage of these materials all over California, or the transport of these materials across the United States to the only facility currently open to California—Barnwell, SC. Meanwhile, some hospitals in California are running out of room. Will this result in the curtailment of cancer treatment or AIDS research that uses radioactive materials? Will this result in an accidental release at one of these dispersed locations as a consequence of a fire, flood or earthquake? We can only hope and pray that it will not.

To summarize, Mr. President: This is a simple directed land sale that does what the administration should have done long ago. If we fail to do this, we not only create problems for California and Arizona, North Dakota, South Dakota as Southwestern Interstate Compact States, we challenge the viability of the Low Level Radioactive Waste Policy Act and the policy of State responsibility upon which it is based.

A June 16 editorial in Science magazine perhaps says it best: "The risks stemming from one carefully monitored Ward Valley LLRW site are trivial in comparison with those from 800 urban accumulations. Enough of groundless fears and litigation."

Mr. President, we have, indeed, had enough of groundless fears and litigation. The time has come to act.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1596

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SHORT TITLE.

This Act may be cited as the "Ward Valley Land Transfer Act".

SEC. 2. CONVEYANCE OF PROPERTY.

Effective upon the tendering to the Secretary of the Treasury of $500,100 on behalf of the State of California and the tendering to the Chairman of the Nuclear Regulatory Commission of a written commitment by the State to carry out environmental monitoring and protection measures based on recommendations of the National Academy of Sciences subject to federal oversight by the Nuclear Regulatory Commission pursuant to 42 U.S.C. 2021, as amended, all right, title and interest of the United States in the property depicted on a map designated USGS 7.5 minute quadrangle, west of Flattop Mtn, CA 1984 entitled "Location Map for Ward Valley Site", located in San Bernardino Meridian, Township 9 North, Range 19 East, and improvements thereon, together with all necessary easements for utilities and ingress and egress to such property, including, but not limited to, the right to improve those easements, are conveyed by operation of law to the Department of Health Services of the State of California. Upon the request of the State of California, the Secretary of the Interior shall provide evidence of title transfer.

By Mr. DORGAN:

S. 1597. A bill to amend the Internal Revenue Code of 1986 to discourage American businesses from moving jobs overseas and to encourage the creation of new jobs in the United States, and for other purposes; to the Committee on Finance.

THE AMERICAN JOBS ACT OF 1996

Mr. DORGAN. Mr. President, today I intend to introduce legislation called the American Jobs Act, and I simply wanted to come to the floor and describe it. I also intend in the coming weeks to try to convince as many Members of the Senate as possible to cosponsor this, because I think it does relate to a lot of the issues that the American people are very concerned about.

I spoke yesterday on the floor of the Senate about the issue of trade and jobs and the economy. I know some people get tired of hearing that. It is probably the same song with 10 different verses that I come and talk about from time to time.

But I think it is central to the question of where are we headed as a country? Who are we and where are we going? We are a country that is a wonderful country with enormous challenges ahead of us, but a country still filled with substantial strength and opportunity in the future.

I mentioned yesterday how interesting it is to me that at a time when people talk about how awful this country is, we have people suggesting we ought to put fences down across the border down south to keep people out. Why would we want to keep people from coming to this country? We have an immigration problem. Why do people want to come here? Because they think this is a remarkable place. Most people around the world think this is a wonderful place to live and a wonderful place to be.

What is happening in our country? Well, we are a country that survived the Civil War and came out as one country. We survived the depression and went on to build the strongest economy in the world. We defeated Hitler, cured polio, and we put a person on the Moon. When you think of all the wonderful things we have done in this country and then understand there is a kind of mood in America that is a mood of dissatisfaction and concern, not about what is past because all of us understand that what we have done has been quite remarkable in the history of humankind, but the concern is about the future. Where are we headed? Where are we going? What kind of a country will we be in the future?

There are several levels of that concern. One is about the declining standards and values in our country that people see. One is about crime and the increase in violence in our country and the concern about why that exists. But the other is about the issue of jobs. Will we have good jobs in our country? Under what circumstance will we have good jobs? There is not a social program in America—none that we talk about in the Senate or the House ever during the year—that is as important or as useful as a good job to an able-bodied person that wants to have a good job.

A good job is the best social program in our country—a good job with good income. My ancestors came here from other countries because they saw that beacon of hope and opportunity in our country. They wanted to take advantage of it. They wanted a good job. They got good jobs and were able to give their children an education. That is what people in America want today. They are concerned because so many jobs in America seem to be moving elsewhere, and because the jobs that exist here seem to pay less money than they used to and have less security than they used to have.

We do not have wages spiking up in America, except for the wages of CEO's. Yesterday there was a report in the newspaper in town that says the average CEO salary of the large corporations of the country was up 23 percent in 1 year—an average $4 million salary. But that is unusual because blue-collar workers are not keeping pace with inflation. In fact, 60 percent of the American families sit around the dinner table and talk about their lot in life, and they discover that after 20 years they are working harder and they have less income. If you adjust it for inflation, they have less income now than 20 years ago.

Why is that the case? Why is it the case that we have jobs with lower income, with less security, and jobs that are moving from our country overseas?

The chart behind me shows America's trade deficit. I am not going to speak about that today. That is for another time. I have already given that speech, in any event. But the trade deficit. The merchandise trade deficit last year was over $170 billion. What does that mean? It means we are buying more from other countries than they are buying from us. And we have a very substantial deficit. What it means is jobs that used to be here now are somewhere else. It means jobs are moving from America, from our country, to other countries. In fact, this chart shows foreign imports now take over one-half of U.S. manufacturing gross domestic product.

Said another way, if you evaluate what it is we produce, manufacture in our country, and measure that to what we import from other countries, foreign imports now take one-half of U.S. manufacturing GDP. A fair portion of these foreign imports are goods made by American corporations in foreign countries to be shipped back for purchase by American consumers. Or said another way, there are American jobs that are now gone overseas somewhere, making the same products to ship back to Pittsburgh, Denver, Fargo, and Sacramento, to be bought by American consumers. They think it is a good deal. If you can get somebody working for 14 cents an hour in some foreign land to make your shoes, shirts, or pants, think of how cheap that is going to be for American consumers—not understanding, of course, that the jobs that used to exist here to produce those products for our people are now gone.

This chart depicts jobs that used to be in America. To pick a few countries, U.S. jobs now in foreign affiliates of U.S. firms were nearly 70,000 in 1992; 53,000 in Hong Kong; 14,000 in Costa Rica; 40,000 in Ireland, and it goes on and on.

I pointed out yesterday that there are a lot of reasons for all of this, like global economics, in which corporations are redefining the economic model and saying, "We want to produce where it is cheap and sell into an established market." That might be fine for them because, for them, that is profits. For the rest of the American people it is translated into lost jobs.

The initiative I am offering in the Senate today has two purposes, one of which I have already introduced in a separate smaller piece of legislation. The first provision is to say let us start by stopping the bleeding. Let us decide we will not reward a tax break to companies which decide to shut their American plants down and move their U.S. jobs overseas. How do we do that? Here is an example: If we have two companies on the same street making the same product, owned by two Americans, in any American city in the country, and they are the same kind of company, make the same product, they may have the same profitability; the only difference is that one of them, on a Monday, decides, I am out of here, I am done, I am tired of having to pay a living wage to an American worker. I am tired of having to comply with air and water pollution laws. I am sick and tired of not being able to hire kids. I am tired of having to comply with these regulations that require my workplace to be safe. So I am escaping. I am shutting my door, getting rid of my workers, taking my equipment and capital and moving to a foreign country where I do not have to bother about pollution laws. I can dump whatever I want into the streams and air. I can hire 14-year-olds if I choose. I do not have to care about an investment in safety in the workplace. Most importantly, I can pay 14 cents an hour, 25 cents an hour, or 50 cents an hour and increase my profitability.

When that person, on a Monday, decides he is going to do that, and his plant closes, and the other person on the other end of the block making the same product stays here, what is the difference? The person that left our country to produce the same product and ship it back into our country and compete with the person that stayed gets a tax break.

Our tax law says that if you leave this country, shut your plant down, move your jobs overseas, we will give you a deal. You get something called "deferral." You can defer your income tax obligation on the profits you earned. In fact, you can defer them permanently, if you wish, and never pay taxes on that profit. You can invest those proceeds overseas and use profits to build more plants and create more jobs overseas. We will give you a deal. The American taxpayer tells you that you can get a big fat tax break.

Well, no more. In fact, I tried to close that little thing last year, and 52 Members of the Senate cast a vote to say, "No, we want to keep that tax break." I do not have the foggiest idea why they would think that. But I am going to give them a chance to think about it at least a dozen more times this year because we are going to vote and vote and vote on this provision until we decide to do the right thing. The right thing is to have a Tax Code that is at least neutral on the question of whether you ought to have your jobs in America or overseas.

I am really flat tired of seeing a Tax Code that subsidizes the movement of American jobs abroad. Are there conditions under which people would move jobs abroad? Yes. Should we stop it? I do not think we can because we have a global economy. But should we subsidize it? No! It is totally ridiculous.

Title I of my bill says let us stop this insidious tax loophole, stop the break that says we will reward you if you simply shut down your American plant and move your jobs to Mexico, Singapore, Sri Lanka, Bangladesh, China, or you name it.

Title II is also very simple: It says for those that create net new jobs in America, for those American companies that stay in America and create net new jobs in America, you get a 20 percent payroll tax credit on your income taxes for the first 2 years of that new job. Why am I doing that? Because I want to close the loophole that allows them to move their jobs overseas and get paid for doing it, and I want to create an incentive for people to create jobs here in this country.

These people in this town who have this global notion that it does not matter where manufacturing exists, it does not matter where jobs are, are not thinking about the well-being of this country. This country does not exist by consumption figures alone. Every single month you drive to work, turn the radio on, guess what? There is some commentator telling us about our economic health. How do they describe our economic health? They say we consumed so much last month, we bought so much, sales were so high. So we measure now the economic health of America by what we consume. That is not what describes the economic health of my hometown or the economic health of my State or this country.

Economic health in this country is described by what we produce—manufacture, production. The genesis and source of wealth in this country is what does this country produce. Those who believe America will remain a long-term economic world power without a strong vibrant manufacturing economy have not studied the British disease of long, slow economic decline at the turn of the century when they decided it did not matter where manufacturing existed. This country had better start caring again about whether we have a productive sector, whether we have a strong manufacturing base, and whether we retain a broad network of good paying jobs in this country. That comes from the manufacturing sector.

We spend our time in the Congress talking about almost everything except that which matters most to American families—jobs. Jobs and opportunity. You ask most people what they care about. They care about whether or not they have a decent job and they have an opportunity to make a living and support their family. Then they care about whether their kids are going to be able to find a decent job. Yes, along the way, whether they can get a good education for their kids. Yes, whether their families are safe. Yes, whether they get decent health care. Those are the central issues for families. All of it is driven by do you have an opportunity to get a decent job.

It ought not escape anybody's notice that as those who describe our economic circumstances in our country, these economists—and I guess I should make clear with truth in labeling that I taught economics in college for a couple of years part-time; I was able to overcome that and go on and do other things in life. The economists who have described for us an economic model in which they talk about how wonderfully healthy America's economy is because it is growing and it is moving ahead. Why? Because they talk about how much we are consuming—a fair amount, incidentally with debt, debt-assisted consumption, as opposed to manufacturing assisted by good investment. That is the difference.

If we do not start moving to debate the central issue of what moves our economy ahead and what provides economic strength and vitality for American families, we are always, it seems to me, going to be on the end of a disconnection from the average American voter. They want us to be dealing with things that matter most in their lives. There is not much that is more important than the issue of will this economy of ours produce decent jobs in the future? Now, we can, as we have in the past, just hang around here and talk about all the other ancillary issues that do not matter very much, but if we do not decide that jobs matter and that our Tax Code that actually encourages people to move their jobs overseas, if we do not decide that desperately needs changes, we do not deserve to belong in this Chamber. We have to decide what the central issues for our country are.

I think everybody in this country knows that we have lost some 3 million manufacturing jobs in about a 5-to 8-year-period, at a time when we have increased by tens of millions the number of American citizens who live here. A good job base in the manufacturing sector is shrinking, our population is increasing. Opportunity is moving away. It is not too late. I think that what most of the American people would like us to do is put America's Tax Code on the side of America's workers and America's taxpayers, and not on the side of big corporations that will milk the Tax Code by moving jobs overseas instead of keeping jobs here at home.

Mr. President, I will be introducing the legislation in the Senate today. I hope that some of my colleagues will join me. Again, I indicate that I fully intend that we will have repeated votes on this kind of legislation this year because I think it is central to the issue of what we ought to be doing.

By Mr. GLENN:

S. 1598. A bill to provide that professional sports teams relocating to different communities shall lose trademark protection with respect to team names, and for other purposes; to the Committee on the Judiciary.

THE SPORTS HERITAGE ACT

Mr. GLENN. Mr. President, I rise today to introduce the Sports Heritage Act of 1996. This legislation addresses a problem faced by many communities after the loss of a professional sports team and is a companion to a bill I introduced in November, the Fans Rights Act.

Simply, the Sports Heritage Act would allow a community to keep a professional team's name and colors in the event of a relocation. The only condition is that the team must have played at least 10 years in the community. The bill also says that the elected officials of a community can waive this right.

Mr. President, relocation fever is sweeping American professional sports. At a record number, professional sports teams are abandoning—or attempting to abandon—their host communities, often with little regard for the historical legacy of the team in its home city.

The Sports Heritage Act gives communities some protection over that historical tradition. For example, the proposed team relocation which has truly shocked sports fans across the country is the Cleveland Browns' decision to move to Baltimore.

Mr. President, I am not going to get into the specifics of that move or why it has shocked sports fans. But let me tell you a bit about the tradition of the Browns in Cleveland.

The Cleveland Browns have been a symbol of undying and unwavering fan support for half-a-century. During the football season, Lakefront Municipal Stadium is packed to the rafters with Browns' fans rooting on their team. There have been glorious Browns' seasons and their have been not-so-glorious seasons. But one constant has been the fan support. And that support has been passed on from generation to generation.

I am pleased that the deal between the city and the NFL will maintain the Browns' name and colors in Cleveland for a future team. Let's be honest, did anyone really think Baltimore Browns sounded right? Not only doesn't it sound right, it flies in the face of sports history in Cleveland, in Ohio, and the rest of America. The name Browns belongs to the rich sports tradition of northern Ohio and its right that the name and colors will stay.

Another example is the Oakland Raiders. How many of us spent the last decade referring to the team as the Oakland Raiders instead of the Los Angeles Raiders? Or could you imagine other situations, such as the Orlando Yankees or the New Orleans Cubs? I'm not suggesting these two storied franchises are going to move, but I use the examples to stress how a team name can be woven into the fabric of a community's traditions.

The Sports Heritage Act would permit communities that have long-standing ties to a sports franchise, 10 or more years, to retain the team name for any future franchises. I think that's only fair.

The current relocation fever in professional sports has brought about a great deal of attention in Congress. Fans and communities need more protection and I believe the Fans Rights Act will accomplish that. The Sports Heritage Act will help strengthen that protection and I urge all Senators to support this bill.

By Mrs. FEINSTEIN (for herself and Mr. MACK):

S. 1600. A bill to establish limitations on health plans with respect to genetic information, and for other purposes; to the Committee on Labor and Human Resources.

THE GENETIC FAIRNESS ACT OF 1996

• Mrs. FEINSTEIN. Madam President, today, Senator MACK and I are introducing a bill to do two things. It would—

First, prohibit health insurers from conditioning the sale or terms of health insurance on genetic information of the insured or applicant for insurances; and

Second, prohibit health insurers from requiring an applicant for insurance or an individual or family member presently covered to take a genetic test or to be subjected to questions relating to genetic history.

Under this bill, an insurer could not engage in the following actions on the basis of any genetic information of an individual or family member or on the basis of an individual's or family member's request for or receipt of genetic services:

Terminate, restrict, limit, or otherwise apply conditions to coverage of an individual or family member;

Cancel or refuse to renew the coverage of an individual or family member;

Deny coverage or exclude an individual or family member from coverage;

Impose a rider that excludes coverage for certain benefits and services under the plan;

Establish differentials in premium rates or cost sharing for coverage under the plan; or otherwise discriminate against an individual or family member in the provision of health care.

Last fall, as cochairs of the Senate Cancer Coalition, Senator MACK and I held a hearing on the status and use of genetic tests. Witnesses testified about the great promise of genetic testing in predicting and managing a range of diseases. A considerable portion of illness derives from defects in one or more genes or the interplay of environmental and genetic factors.

For example, approximately 3 percent of all children are born with a severe condition that is primarily genetic in origin. By age 24, genetic disease strikes 5 percent of Americans. Genetic disorders account for one-fifth of adult hospital occupancy, two-thirds of childhood hospital occupancy, one-third of pregnancy loss, and one-third of mental retardation.

About 15 million people are affected by one or more of the over 4,000 currently identified genetic disorders. An even larger number are carriers of genetic disease. J. Rennie in the June 1994 Scientific American estimated that every person has between 5 and 10 defective genes though they often are not manifested. Indeed, we are all carrying around between 50,000 and 100,000 genes scattered on 23 pairs of chromosomes.

In the past 5 years, there has been a virtual explosion of knowledge about genes. Scientists, including those at the Federal Human Genome Project, are decoding the basic units of heredity. We know that certain diseases have genetic links, including cancer, Alzheimer's disease, Huntington's disease, cystic fibrosis, neurofibromatosis, and Lou Gehrig's disease. Altered genes play a part in heart disease, diabetes, and many other more common disease.

While these important understandings hold great potential, they also present some serious problems. Witness after witness at our hearing discussed the potential and the reality of health insurance discrimination. They told us about insurers denying coverage, refusing to renew coverage, or denying coverage of a particular condition.

In a 1992 study, the Office of Technology Assessment found that 17 of 29 insurers would not sell insurance to individuals when presymptomatic testing revealed the likelihood of a serious, chronic future disease. Fifteen of 37 commercial insurers that cover groups said they would decline the applicant. Underwriters at 11 of 25 Blue Cross-Blue Shield plans said they would turn down an applicant if presymptomatic testing revealed the likelihood of disease. The study also found that insurers price plans higher—or even out of reach—based on genetic information. Another study conducted by Dr. Paul Billings at the California Pacific Medical Center, reached similar conclusions.

Here are a few examples, real-life cases:

An individual with hereditary hemochromatosis (excessive iron), who runs 10K races regularly, but who had no symptoms of the disease, could not get insurance because of the disease.

An 8-year-old girl was diagnosed at 14 days of age with PKU (phenylketonuria), a rare inherited disease, which if left untreated, leads to retardation. Most States require testing for this disease at birth. Her growth and development proceeded normally and she was healthy. She was insured on her father's employment-based policy, but when he changed jobs, the insurer at the new job told him that his daughter was considered to be a high risk patient and uninsurable.

The mother of an elementary school student had her son tested for a learning disability. The tests revealed that the son had fragile X syndrome, an inherited form of mental retardation. Her insurer dropped her son's coverage. After searching unsuccessfully for a company that would be willing to insure her son, the mother quit her job so she could impoverish herself and become eligible for Medicaid as insurance for her son.

Another man worked as a financial officer for a large national company. His son had a genetic condition which left him severely disabled. The father was tested and found to be an asymptomatic carrier of the gene which caused his son's illness. His wife and other sons were healthy. His insurer initially disputed claims filed for the son's care, then paid them, but then refused to renew the employer's group coverage. The company then offered two plans. All employees except this father were offered a choice of the two. He was allowed only the managed care plan.

A woman was denied health insurance because her nephew had been diagnosed as having cystic fibrosis and she inquired whether she should be tested to see if she was a carrier. After she was found to carry the gene that causes the disease, the insurer told her that neither she nor any children she might have would be covered unless her husband was determined not to carry the CF gene. She went for several months without health insurance because she sought genetic information about herself.

These practices deny people health insurance. In the United States, 40 million people or 15 percent have no health insurance. In California, it is 23 percent, translating to between 6 and 7 million people. If people with genetic conditions or predispositions cannot buy health insurance on the private market, they usually have nowhere to turn. To qualify for Medicaid, the primary public health insurance program for the nonelderly, families have to spend down or impoverish themselves. Having more uninsured people means that we all pay more, both for the public programs and for uninsured people arriving in hospital emergency rooms at the last minute with exacerbated conditions.

Not only do these denials deprive Americans of health insurance, the fear of discrimination can have adverse health effects. For example, if people fear retaliation by their insurer, they may be less likely to provide their physician with full information. They may be reluctant to be tested. This reluctance means that physicians might not have all the information they need to make a solid diagnosis or decide a course of treatment.

I hope Congress will begin to address this unfair insurance practice. After all, we are all just a bundle of genes. We are all at risk of disease and illness. This bill can help make health insurance available to many who need it and who want to buy it. I hope my colleagues will join me today in enacting this bill. •

By Mr. LEVIN (for himself, Mr. GLENN, Mr. DEWINE and Mr. KOHL):

S. 1601. A bill to amend the Federal Water Pollution Control Act to extend the deadline for and clarify the contents of the Great Lakes health research report, and for other purposes; to the Committee on Environment and Public Works.

THE AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY REAUTHORIZATION ACT OF 1996

Mr. LEVIN. Mr. President, today I am introducing a bill with Senators GLENN, DEWINE, and KOHL, to reauthorize and extend an ongoing research effort examining human health effects of consuming Great Lakes fish that have been exposed to pollutants. Extensive, careful research is critical to sensible and cost-effective decisions on the steps needed to protect the Great Lakes environment.

This research effort was originally authorized in the Great Lakes Critical Programs Act of 1990, which I authored. The effort is being led by the Agency for Toxic Substances and Disease Registry and is intended to help provide information on the human and ecological health effects of environmental contamination, particularly in the Great Lakes.

Studies have indicated that humans are the final biological receptors for many toxic substances. One of the most obvious pathways of human exposure is fish consumption, since it is well documented that some pollutants of concern accumulate in fish, and fishing is a very popular pastime in the Great Lakes.

Preliminary results from the first phase of this research indicate an association between consumption of contaminated fish and human body burdens of persistent toxic substances, including PCB's, organochlorines, and heavy metals such as mercury and lead. One ongoing study component of the overall project suggests that there is a positive connection between the amount of Lake Ontario fish consumed by mothers and adverse neurobehavioral effects in their children.

The information being gathered through this research is crucial to making well-informed decisions about environmental protection in the Great Lakes. Its findings are extremely useful in the development of a uniform fish advisory for the entire Great Lakes, rather than the confusing system currently in place where each State warns anglers and consumers of slightly different hazards to health. This uniform approach's key components have received the endorsement of the Michigan Environmental Science Board. And, the data being gathered will help guide policymakers in addressing possibly one of the most challenging issues facing the Great Lakes region—contaminated sediments.

As my colleagues may know, there are many areas of concern in the Great Lakes. These areas are frequently harbors or watersheds drainage areas that have experienced significant industrial activity. The sediment in these areas has become contaminated with any number of persistent pollutants. Despite reductions in point source discharges, and projected decreasing emissions from air sources that deposit toxics in the Great Lakes, the reservoir of contaminants already in sediments will continue to degrade water quality and therefore increase opportunities for human exposure. We must continue our efforts to remove or treat these sediments, but we will need guidance from well-conducted, peer-reviewed scientific work like that provided by the ATSDR to prioritize our efforts. Also, I would like to once again strongly urge the U.S. Environmental Protection Agency to submit its very tardy report to Congress providing the results of a comprehensive national survey of aquatic sediment quality. This too is important data we need to attack the problem of contaminated sediments.

Extending this research effort is necessary to help track the long-term effects of pollutants on human health. This bill authorizes an extension until 1999 and requires an additional report to Congress at the conclusion of the research. Also, the bill clarifies the purpose of the research consistent with scientific recommendations and the preliminary study results.

Mr. President, I am hopeful that all my colleagues from the Great Lakes region and Senators representing other areas that suffer from water quality problems will join me in cosponsoring this bill. We need more means and data by which we can measure our environmental protection progress and efficiently target our limited resources. This research program is a small, but very important part of that effort. We cannot afford to make decisions without the information that is coming out of the ATSDR research. Our children's future depends on it.

Mr. GLENN. Mr. President, I rise today in support for the reauthorization of the Agency for Toxic Substances and Disease Registry's [ATSDR] study examining the connection between consumption of contaminated fish and human health.

I am honored to join my colleagues, Senators LEVIN, KOHL, and DEWINE, in the reauthorization of this study of immense importance to the people of the Great Lakes basin. I am also pleased that my Ohio colleague, Congressman LATOURETTE, and Congressman OBERSTAR have introduced companion legislation in the House of Representatives. That bill was successfully included in the House-passed Clean Water Act Reauthorization.

As you may know, the Great Lakes States have fish advisories warning the public against consumption of certain fish at particular levels due to contamination. This bill would continue a research program designed to investigate and characterize the association between the consumption of contaminated Great Lakes fish and short- and long-term harmful human health effects. The ATSDR study develops a body of knowledge on exposure pathways, body burdens, and associated human health effects in defined at-risk populations. These populations include sport anglers, the urban poor, pregnant women and their children, native Americans, and elderly.

This body of knowledge has a variety of potential and beneficial uses. Perhaps most importantly, it may be used to assist State and local agencies in developing fish advisories, remedial action plans, and lake-wide management plans. The study's findings may also increase general public awareness of the health implications of the toxic pollution in the lakes, and provide a study model for other human health research.

Congress has recognized the merits of this human health effects research in the past. I thank my Great Lakes colleagues for their continued support in the effort to understand the impacts of consuming contaminated fish and hope others will recognize the merits of reauthorizing the ATSDR human health effects research.

ADDITIONAL COSPONSORS

S. 704

At the request of Mr. SIMON, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 704, a bill to establish the Gambling Impact Study Commission.

S. 837

At the request of Mr. WARNER, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 837, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 250th anniversary of the birth of James Madison.

S. 942

At the request of Mr. BOND, the names of the Senator from Virginia [Mr. ROBB), the Senator from South Dakota [Mr. PRESSLER], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Ohio [Mr. DEWINE), the Senator from Alaska [Mr. STEVENS], and the Senator from North Carolina [Mr. FAIRCLOTH] were added as cosponsors of S. 942, a bill to promote increased understanding of Federal regulations and increased voluntary compliance with such regulations by small entities, to provide for the designation of regional ombudsmen and oversight boards to monitor the enforcement practices of certain Federal agencies with respect to small business concerns, to provide relief from excessive and arbitrary regulatory enforcement actions against small entities, and for other purposes.

S. 1028

At the request of Mrs. KASSEBAUM, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 1028, a bill to provide increased access to health care benefits, to provide increased portability of health care benefits, to provide increased security of health care benefits, to increase the purchasing power of individuals and small employers, and for other purposes.

S. 1183

At the request of Mr. HATFIELD, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 1183, a bill to amend the Act of March 3, 1931 (known as the Davis-Bacon Act), to revise the standards for coverage under the Act, and for other purposes.

S. 1344

At the request of Mr. HEFLIN, the names of the Senator from New Mexico [Mr. BINGAMAN] and the Senator from Georgia [Mr. NUNN] were added as cosponsors of S. 1344, a bill to repeal the requirement relating to specific statutory authorization for increases in judicial salaries, to provide for automatic annual increases for judicial salaries, and for other purposes.

S. 1360

At the request of Mr. BENNETT, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 1360, a bill to ensure personal privacy with respect to medical records and health care-related information, and for other purposes.

S. 1416

At the request of Mr. HATFIELD, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 1416, a bill to establish limitation with respect to the disclosure and use of genetic information, and for other purposes.

S. 1553

At the request of Mr. HARKIN, his name was added as a cosponsor of S. 1553, a bill to provide that members of the Armed Forces performing services for the peacekeeping effort in the Republic of Bosnia and Herzegovina shall be entitled to certain tax benefits in the same manner as if such services were performed in a combat zone.

S. 1560

At the request of Mr. GRASSLEY, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 1560, a bill to require Colombia to meet anti-narcotics performance standards for continued assistance and to require a report on the counter-narcotics efforts of Colombia.

S. 1568

At the request of Mr. HATCH, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 1568, a bill to amend the Internal Revenue Code of 1986 to provide for the extension of certain expiring provisions.

SENATE CONCURRENT RESOLUTION 43

At the request of Mr. THOMAS, the names of the Senator from Minnesota [Mr. GRAMS], and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of Senate Concurrent Resolution 43, a concurrent resolution expressing the sense of the Congress regarding proposed missile tests by the People's Republic of China.

SENATE RESOLUTION 215

At the request of Mr. LAUTENBERG, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of Senate Resolution 215, A resolution to designate June 19, 1996, as "National Baseball Day".

SENATE RESOLUTION 217

At the request of Mrs. KASSEBAUM, the names of the Senator from Georgia [Mr. NUNN], the Senator from Massachusetts [Mr. KERRY], the Senator from Rhode Island [Mr. CHAFEE], the Senator from New York [Mr. MOYNIHAN], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of Senate Resolution 217, a resolution to designate the first Friday in May 1996, as "American Foreign Service Day" in recognition of the men and women who have served or are presently serving in the American Foreign Service, and to honor those in the American Foreign Service who have given their lives in the line of duty.

SENATE RESOLUTION 224

At the request of Mr. D'AMATO, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of Senate Resolution 224, a resolution to designate September 23, 1996, as "National Baseball Heritage Day."

SENATE RESOLUTION 226

At the request of Mr. DOMENICI, the name of the Senator from California [Mrs. BOXER) was added as a cosponsor of Senate Resolution 226, a resolution to proclaim the week of October 13 through October 19, 1996, as "National Character Counts Week."

AMENDMENTS SUBMITTED

THE FEDERAL FUNDS FULL INVESTMENT ACT OF 1996

MOYNIHAN AMENDMENT NO. 3465

Mr. MOYNIHAN proposed an amendment to the bill (H.R. 3021) to guarantee the continuing full investment of Social Security and other Federal funds in obligations of the United States; as follows:

Strike all matter after the enactment clause and insert the following:

TITLE —PUBLIC DEBT LIMIT

SEC. 01. INCREASE IN PUBLIC DEBT LIMIT.

Subsection (b) of section 3101 of title 31, United States Code, is amended by striking the dollar amount contained in the first sentence and inserting "$5,400,000,000,000".

NOTICE OF HEARING

SUBCOMMITTEE ON PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. CAMPBELL. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, March 21, 1996, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to review S. 305, a bill to establish the Shenandoah Valley National Battlefields and Commission in the Commonwealth of Virginia; H.R. 1091, a bill to improve the National Park System in the Commonwealth of Virginia; S. 1225, a bill to require the Secretary of the Interior to conduct an inventory of historic sites, buildings, and artifacts in the Champlain Valley and the upper Hudson River Valley; S. 1226, a bill to require the Secretary of the Interior to prepare a study of battlefields of the Revolutionary War and the War of 1812, to establish an American Battlefield Protection Program; and Senate Joint Resolution 42, a joint resolution designating the Civil War Center at Louisiana State University as the "United States Civil War Center," making the center the flagship institution for planning the sesquicentennial commemoration of the Civil War.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Parks, Historic Preservation, and Recreation, Committee on Energy and Natural Resources, U.S. Senate, 364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole of the subcommittee staff at (202) 224–5161.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 9:30 a.m. on Thursday, March 7, 1996, in executive session, to consider pending military nominations, to be immediately followed by an open session at 10 a.m. to consider the nomination of Mr. Kenneth H. Bacon to be Assistant Secretary of Defense for Public Affairs, Mr. Franklin D. Kramer to be Assistant Secretary of Defense for International Affairs, and Mr. Alvin L. Alm to be Assistant Secretary of Energy for Environmental Management.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Thursday, March 7, 1996, session of the Senate for the purpose of conducting a hearing on air bag safety.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Thursday, March 7, 1996, at 9:30 a.m., for a hearing on S. 356, Language of Government Act of 1995.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Thursday, March 7, 1996, at 10 a.m., in SD-106.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on the Reauthorization of National Institutes of Health, during the session of the Senate on Thursday, March 7, 1996, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, March 7, 1996, at 3:00 p.m., in SH-219 to hold a closed briefing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on East Asian and Pacific Affairs of the Committee on Foreign Relations be authorized to hold a joint meeting with the House Subcommittee on Asia and the Pacific of the Committee on International Relations meet during the session of the Senate on Thursday, March 7, 1996, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on forests and Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, March 7, 1996, for the purposes of conducting a subcommittee hearing which is scheduled to begin at 1 p.m. The purpose of this oversight hearing is to receive testimony on S. 393 and H.R. 924, the Angeles National Forest Land.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, March 7, 1996, for purposes of conducting a subcommittee hearing which is scheduled to begin at 9:30 a.m. The purpose of this oversight hearing is to review S. 745, a bill to require the National Park Service to eradicate brucellosis afflicting the bison in Yellowstone National Park; S. 796 and H.R. 238, a bill to provide for the protection of wild horses within the Ozark National Scenic Riverways, MO, and prohibit the removal of such horses; and S. 1451, a bill to authorize an agreement between the Secretary of the Interior and a State providing for the continued operation by State employees of national parks in the State during any period in which the National Park Service is unable to maintain the normal level of park operations.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

FAITH IN ACTION

• Mr. COHEN. Mr. President, I rise today to take a moment to praise a worthy nonprofit organization that is having a real impact on four communities in my home State of Maine. The organization is Faith in Action, a national program of the Robert Wood Johnson Foundation that in 1993 began providing technical assistance and startup grants to help develop interfaith volunteer projects that focus on helping those in need of care from the community.

During the first 2 years of the program, Faith in Action limited its grants to faith coalitions—churches, temples, and synagogues—that wanted to begin volunteer care giving projects within their community A total of 800 such projects will be funded over 4 years of this initiative. In 1995, Faith In Action expanded its criteria, and now encourages health and social service agencies to join with congregations to develop new projects. Each approved coalition is awarded a $25,000 grant to assist people in the community of all ages who have special needs.

Over the last year, these grants have helped fund important projects in four communities in Maine: Portland, Bangor, Richmond, and Lubec. In Bangor, two Faith in Action programs are up and running, providing the frail elderly residents in and around that city with a variety of assistance. Developed by St. Joseph Healthcare, in conjunction with area churches and synagogues, the project assesses the needs of elderly residents, particularly improving their access to quality health care. Volunteers provide transportation, home visits, help in meal preparation, light housekeeping or repairs in the home, and other services to assist the elderly who want to maintain some independence, but cannot do everything for themselves.

A similar project is starting up in the small town of Richmond, where the grant money is being used to assist the homebound elderly with transportation, companionship, and other services. A new facility has opened in that town for those elderly residents who need some living assistance, but do not qualify for a nursing home. Some of the Faith in Action funds went toward the purchase of a van to help these residents get to and from the grocery store, pharmacy, and other errands. A grant in Portland is targeted for persons who have acquired brain injuries and will go toward meeting the special needs of that population. And far up the coast, in the town of Lubec, a Faith in Action grant is being used to help meet the needs of children, adults, and seniors who are receiving hospice care.

The common link between all these projects, of course, is the members of the community reaching out to help those within their city or town who need their help. Faith in Action grants are rooted in voluntarism, and in linking the different religious communities within a city or town to work together to better serve the community. Only by working together can we solve some of the many problems within our cities and towns.

As chairman of the Senate Special Committee on Aging, I am extremely aware of the daunting demographics that we face in the coming decades.

More than 33 million Americans are over the age of 65 today—a number that will double in the coming three decades. We need to prepare now to meet the needs of today's aging population. Faith in Action is an organization with the vision to meet that goal, by encouraging the diverse members of a community to work with one another to address the special needs of individuals within that community. We need to encourage more and more people to get involved in Faith in Action volunteer projects, or in any volunteer project at all. We can do so much for each other, even if it is only for a few hours each month.

I congratulate the organizations in Maine that have already received Faith in Action grants and are putting them to such important use. I encourage other churches, synagogues, and temples in Maine and around the country to contact their local health and social service agencies and see if they can come up with a project that might serve the needs of the elderly or disabled in their community. Finally, I salute Faith in Action and the Robert Wood Johnson Foundation for their dedication to these projects—keep up the good work.•

REFORM IN RUSSIA

• Mr. FEINGOLD. Mr. President, on February 5, Russia's Commission on Human Rights of the Russian Federation issued its report, "On the Observance of the Rights of Man and the Citizen in the Russian Federation." The report covers the years 1994–1995 and its conclusion is troubling: "the human rights situation in the Russian Federation has remained extremely unsatisfactory." The commission observed that constitutional guarantees for human rights and civil liberties "remain largely rhetorical" and that "in many aspects of civil and political rights and liberties there has been a distinct retreat from democratic achievements."

In support of its finding, the commission noted, inter alia: an increasing militarization of society; growth in the jurisdiction and powers of the security forces; the use of force to resolve domestic affairs, as in Chechnya; aggravation of racial and ethnic intolerance and discrimination; and the termination of state support for human rights organizations and offices. "Political expediency," the commission charges, "increasingly takes precedence over fundamental principles of law and respect for human rights and dignity," a cause "for grave concern."

Mr. President, only this past week the former head of the commission, Sergei Kovalev, was in Washington to testify before the Commission on Security and Cooperation in Europe [CSCE], also known as the Helsinki Commission and on which I have recently been appointed to serve. Mr. Kovalev was president of Russia's Commission on Human Rights from its inception in October 1993 until he submitted his resignation on January 23 of this year. The commission's report bears his stamp. His resignation was in protest over the very matters I have just noted: the fear that Russia's leaders are paying only lip service to democratic and economic reform and contemplating a return to the worst features of Soviet-era authoritarian rule.

Mr. Kovalev's testimony last week focused on the fighting in Chechnya, about which I will comment further below, but he has a long history of fighting for human rights, including as a political prisoner in the former Soviet Union. His voice is among the most respected in Russia; he maintained his seat in Russia's State Duma despite the resurgence of the Communists in December's parliamentary elections.

In his letter of resignation to President Yeltsin, Mr. Kovalev wrote:

> Even though you continue to proclaim your undying devotion to democratic ideals, you have at first slowly, and then more and more abruptly, changed the course of your government policy. Now your government is trying to turn the country in a direction completely contrary to the one proclaimed in August 1991.

He then goes on to analyze President Yeltsin's swing toward authoritarianism. Mr. Kovalev questions President Yeltsin's commitment to the basic hallmarks of democracy, when he has "virtually halted judicial reform", and thwarted transparency and accountability with the creation of secret institutions and constant issuing of secret decrees.

Mr. President, in the past 6 years, we have witnessed amazing democratic and economic transformations in Russia. While these radical changes have borne some difficult and unfortunate challenges both in Russia and the international arena, Russia had been on a course of reform that we embraced. We counted on President Yeltsin, whose own personal metamorphosis had apparently paralleled his nation's, to lead Russia through these challenges. But now there are troubling signs of erosion of Yeltsin's genuine commitment to reform which, if continued, could have detrimental consequences for the U.S. national interest. Our interest lies in the continuation of reform in Russia—whether led by President Yeltsin or not.

As we wait for more reform in Russia, President Yeltsin has tried to reassure the international community with positive words and uplifting promises. But some of the actions we have seen in recent weeks, including the sacking of his respected economic advisor and other Cabinet-level reformers, lend pause. The replacements have been Soviet-era hardliners resistant to reform and internationalism. Many people have voiced reservations about President Yeltsin's authoritarian tendencies, and hope that it may just be election year posturing, a response to the decidedly antireform results of last month's parliamentary elections in Russia. The question we must ask is how far on the slippery slope do we go with President Yeltsin? When do his attempts to appease hardline critics leave Russia in the same boat he claims to want to avoid?

Mr. Kovalev testified about the excessive use of force in Chechnya and I join in his condemnation of practices repugnant to human dignity. It is clear that the fighting in Chechnya is war; the combatants on both sides are committed to a cause. But even in war, there are standards of respect for human rights and for civilized conduct. These have been violated on both sides of the conflict and both deserve condemnation.

But Russia, as a sovereign state, and as a member of the Organization for Security and Cooperation in Europe, has a special obligation to avoid civilian casualties during hostilities on its own territory. The practice of calling in indiscriminate airstrikes on Chechnyan villages must end, just as surely as the Chechnyan practice of terrorism must stop.

The overall slowing and, in fact, apparent retreat by Russia's leadership in human rights and reform brings into question the future direction of United States-Russia relations, as well as Russia's place in post-cold war alliances, in doubt. President Clinton and Secretary Christopher are right to do all they can to work with the new Russian officials and offer constructive support wherever we can to advance the cause of reform. But we must keep our eye on the ball: our goal is reform—democratic, economic, and military reform—and support for President Yeltsin to the extent that he will deliver those reforms.

I conclude by quoting from Mr. Kovalev's March 6 testimony to the CSCE in which he, in turn, drew on the wisdom of one of Russia's leading proponents of democracy and human rights, Andrei Sakharov:

> The West should have a two-track policy (towards Russia): assistance and pressure. Assist, and effectively assist—the growing civil society and democratic movement in (our) country. Exert pressure, and strong pressure—on those forces that oppose peace, human rights and progress.•

DISAPPROVAL OF ADMINISTRATION'S CERTIFICATION OF MEXICO

• Mr. D'AMATO. Mr. President, I rise today to further comment on a joint resolution introduced on March 5, 1996, that disapproves of the administration's certification of Mexico. I am joined by my colleagues Senator HELMS, Senator MCCONNELL, and Senator PRESSLER who are original cosponsors of Senate Joint Resolution 50, but were inadvertently omitted as original cosponsors upon introduction. I also urge its immediate passage.

In order to determine if a country has cooperated fully with the United States, the President must evaluate the country's efforts in several areas: their efforts to reduce cultivation of illegal drugs, their interdiction efforts, the swift, decisive action by the Government against corruption within its ranks and their extradition of drug traffickers. The results of the Government's efforts are the true indication of success. These same standards should also be used when Congress measures the accomplishments of foreign governments.

As required under the Foreign Assistance Act, the President released his list on March 1 and granted Mexico full certification. That designation is completely unacceptable, and undeserved. And for that reason, my colleagues and I are introducing this joint resolution of disapproval of Mexico's certification.

Mexico is a sieve. For the President to certify that Mexico is complying with antinarcotics efforts and curbing the export of drugs across the border is simply not supported by the facts.

Our own Drug Enforcement Agency [DEA] estimates that up to 70 percent of all illegal drugs found in the United States come from Mexico. Seventy-five percent of the cocaine in the United States is said to have come from Mexico. Virtually all of the heroin produced in Mexico is trafficked in the United States. These numbers certainly do not sound like full cooperation to me. From these numbers alone, it seems as though the Mexican Government has failed horribly in its efforts to curb the flow of drugs into the United States. Even the International Narcotics Control Strategy Report just released by the State Department states that "no country in the world poses a more immediate narcotics threat to the United States than Mexico." Our own State Department says this.

Even efforts to end police corruption have failed because the drug trade has infiltrated the Mexican law enforcement community. Robert Gelbard, Assistant Secretary of State for International Narcotics and Law Enforcement Affairs in a congressional hearing, stated that "we have always been aware—and acknowledge—that law enforcement corruption in Mexico is a deeply entrenched, serious obstacle to bilateral antinarcotics cooperation." The State Department, in their 1996 Strategy Report, while acknowledging some efforts by the Mexican Government, indicates the continuation of official corruption by stating that, "endemic corruption continued to undermine both policy initiatives and law enforcement operations."

It is time that the Mexican Government takes aggressive action against drug traffickers. Promises are no longer adequate. Among other steps that should be taken, Mexico should be arresting and extraditing more of its cartel leaders. Mexico must comply with the 165 outstanding requests for extradition by the United States. That would be real cooperation.

The Mexican Government should also swiftly enact legislation stemming the growing problem of money laundering and enforce its anticorruption laws. There are no reporting requirements if an individual walks up to an exchange center with suitcases filled with cash. This should be adequate evidence that Mexico needs reporting requirements of large cash transactions. Action to identify and prosecute officials that interfere with the investigation, prosecution, or have assisted in the drug trade, must occur with greater frequency if government officials are to be trusted.

For the President to claim that Mexico has been fully cooperating to end the scourge of drugs is beyond belief. I hope that the Senate will now closely analyze and debate the extent of Mexico's participation in the illegal drug trade. Then we should ask ourselves, "Is the Mexican Government taking actions that actually slows the flow of drugs?" It seems as though it has not.

The Mexican Government must do more to fight the narcotics industry that has permeated the lives of the Mexican people and the economy of Mexico. The drug trade is worth tens of billion of dollars to Mexico. No wonder Mexico is having difficulty decreasing the flow of drugs from their country into ours. There is too much money involved.

Mexico is now being used to store cocaine from Colombia for shipment into the United States. The cartels may be storing as much as 70 to 100 tons of cocaine in Mexico at any one time. With a developing narcotics infrastructure and its close proximity to the United States, Mexico has proven to be an asset that the cartels do not want to lose. And now there are reports that the Mexican gangs may soon take over the drug trafficking from the Cali cartel. It is ironic then that Colombia, the source country, was decertified while Mexico was fully certified.

I must also add that I have heard that some foreign officials believe our certification process is illegitimate. This is the height of arrogance. What is illegitimate about placing conditions on our foreign aid and requiring the recipient to curb the flow of drugs?

The certification process has the net effect of bringing the drug problem to the forefront, not only for the United States but also for Mexico. It seems as though only when a government is forced to confront the problem as difficult as the drug trade will a solution be found.

As a result of the amount of drugs that are found to have come into the United States through Mexico, we know that Mexico has failed to stem the international drug trade. If this administration does not want to recognize Mexico's failure, then it is up to Congress to do so. Again, I encourage my colleagues to join us in this effort.•

RECOGNIZING THE ODELSON FAMILY

• Mr. SIMON. Mr. President, the late Sam and Rose Odelson of Chicago had 13 children, 8 of whom served in the U.S. Armed Forces during World War II. Their contributions should be recognized.

Four sons served in Europe, three in the Pacific, and one in the States. Two were injured in combat, and altogether, they earned 20 battle stars.

Oscar served in the U.S. Army in Italy. Sidney, an Army veteran who landed at Omaha Beach served in France and Germany. Joe was also in the Army, serving near the tail end of the war in southern France. Julius was 89th Airborne, Roy was in the Army Air Corps, Ben served with the 13th Air Force in the South Pacific for over 2 years, and Mike was an MP in the Philippines.

All the eight Odelson boys returned home after the war. A few stayed in Chicago, the others moved out to sunny California to work in the insurance, furniture, or restaurant business.

With the recent commemoration of the 50th anniversary of World War II, it is fitting to recognize the achievements of this family. I salute these brothers and their family for their selfless commitment to our country.•

CONDEMNING THE CAMPAIGN OF TERROR AGAINST ISRAEL

• Mr. BIDEN. Mr. President, in a statement last week I condemned two terrorist bombings which took place in Jerusalem and Ashkelon 12 days ago. I did not think that it would be so soon that events would bring me once again to this floor to condemn another pair of cowardly attacks against innocent people, including young children.

Today, Israelis are justifiably shocked, disgusted, and angry. To bring home just what Israel is experiencing, let me provide a vivid comparison. On a proportional basis, the number of people killed by terrorists in Israel over the past 12 days would be equivalent to over 3,000 Americans killed. Imagine what our reaction would be if over 3,000 Americans were murdered in terrorist attacks in such a short period.

I dare say that our fundamental sense of stability and security as a nation would be shaken to its very core. That is what Israelis are feeling today.

As difficult as it is in this moment of grief and anger, we have to recognize the motive of those behind these dastardly attacks. Their single-minded aim is to end the peace process cold.

We cannot let them have the satisfaction of that kind of victory. We must resist the urge of our raw emotions in the wake of these outrageous attacks. We must not discard the remarkable achievements of the past 3 years, for that would play directly into the hands of the terrorists.

Last week, I urged that the peace process continue. I believe that even more firmly now.

The terrorists can be defeated through a two-pronged strategy. First, there must be intensified efforts to destroy the infrastructure and network that are ultimately behind terrorist actions. In that regard, I commend President Clinton for offering technical assistance to the Israelis and Palestinians in the war against terror. Second, we must prove to the terrorists that their actions are not producing the desired results. That means moving forward undaunted with the peace process.

Last week, I appealed to the Palestinian majority that supports peace to join the battle against terror with renewed vigor because it is their future that is most at stake. I renew that call today. If these attacks continue, then the Palestinian experience with self-government could become a fleeting memory.

Mr. President, in my remarks today I have used the term "war"—the same term Prime Minister Shimon Peres has used to describe the state of affairs between Israel and Hamas. It is an appropriate term to use, and unlike many wars this one is a clear-cut conflict between good and evil.

A victory by the pro-peace majority of Israelis and Palestinians could lead the way to a thriving, vibrant, and cooperative Middle East. A victory by Hamas and its extremist allies on both sides will mean conflict, bloodshed, and division long into the future.

In this war, as in all of Israel's wars, the United States will stand by Israel and do whatever it takes to ensure victory.

Mr. President, Israel has endured much suffering in its short history, and it has shown remarkable fortitude in the face of terrorism and other attempts to destroy it. The Israeli people have always thwarted the designs of those who have tried every means to eliminate their country. I have no doubt that they will prevail in their present struggle against those who have declared war against Israel, the peace process, and, indeed civilization itself.•

REPORT OF SENATE DELEGATION'S TRIP TO THE MIDDLE EAST

• Mr. PELL. Mr. President, in February, I led a congressional delegation on a trip to Jordan, Syria, Israel, and Cyprus. I was pleased to be joined on this trip by the distinguished Senators from Virginia and Oklahoma—Senators ROBB and INHOFE.

On our trip, Senator INHOFE, Senator ROBB, and I focused primarily on the Middle East peace process, including prospects for a peace treaty between Israel and Syria, as well as the implementation of Israel's peace agreements with Jordan and the Palestinians. During our stop in Cyprus, we examined the conflict between the Greek and Turkish Cypriots and the likelihood of a peaceful, negotiated settlement.

Since our return, the Middle East—and specifically Israel—has been wracked by an unimaginable wave of violence and terror. The murder of scores of innocent Israelis, as well as Palestinians, Americans, and other civilians, has cast an unmistakable pall over the peace process. To be frank, I am not sure that any supporter of the peace process, be they in Israel, the Palestinian autonomous zone, or the United States, has a clear idea of what the future holds.

My own hope is that the process can survive this unspeakable assault. Our recent trip reaffirmed for me the clear fact that the terrorists are the enemies of peace. If the terrorists succeed in destroying the peace process, then they will be rewarded for their depravity. I do not think such an outcome would be right or fair.

Mr. President, the Senate already has responded to some of the terrorist bombings in Israel. Scarcely a week ago, the Senate passed a resolution to condemn the perpetrators, to commiserate with the victims, to express continued support for our ally, Israel. In a shocking indication of how frequent these incidents have become, however, the Senate will soon consider yet another resolution that condemns two more bombings that have occurred since the passage of the last resolution.

Above and beyond these resolutions, I would expect that there may be some deep soul searching in both the Congress and the administration about the American role in coordinating the peace process. In this regard, I thought it might be useful to share with my colleagues the report that our Senate delegation made on its recent trip to the Middle East. As I said a moment ago, our trip preceded the recent wave of terror, but I think that our observations, conclusions, and recommendations remain timely and important.

Mr. President, I ask that our delegation's executive summary be printed in the RECORD.

The summary follows:

LETTER OF TRANSMITTAL,

FEBRUARY 23, 1996.

Hon. JESSE HELMS,
Chairman, Senate Committee on Foreign Relations, Washington, DC.

DEAR MR. CHAIRMAN: From February 7-14, 1996, our Senate delegation traveled to the Eastern Mediterranean, visiting Jordan, Syria, Israel, and Cyprus. The delegation, led by Senator Claiborne Pell, Democrat from Rhode Island and Ranking Minority Member of the Senate Committee on Foreign Relations, included Senator Charles S. Robb, Democrat from Virginia and a Member of the Senate Committees on Foreign Relations, Armed Services and Intelligence; and Senator James Inhofe, Republican from Oklahoma and a Member of the Senate Committees on Armed Services and Intelligence. We were accompanied by Senate Foreign Relations Committee staff members Edwin K. Hall (Minority Staff Director and Chief Counsel), George A. Pickart (Minority Professional Staff Member for the Near East and South Asia), and Peter M. Cleveland (Minority Professional Staff Member for East Asia and the Pacific) and by Jay C. Ghazal (Legislative Assistant to Senator Pell for Defense Issues).

The purpose of the trip was to focus on the Middle East peace process, including prospects for a successful conclusion to the bilateral negotiations between Israel and Syria, and the status of the implementation of Israel's peace agreements with Jordan and the Palestinians. We also examined the potential for a peaceful and negotiated settlement to the conflict on Cyprus.

In Jordan the delegation met with His Majesty King Hussein bin Talal, Her Majesty Queen Noor, and with newly-appointed Foreign Minister Abdal Karim al-Kabariti; in Syria with Foreign Minister Farouq al-Shara and Vice President Abdal Halim Khaddam; in Israel with Prime Minister Shimon Peres and with representatives of the Israel Defense Forces on the Golan Heights; in Gaza with PLO Chairman Yasser Arafat and newly elected Palestinian Council members Haider Abdel Shafi, Ziyad Abu Amer, and Riyad Zanoun; and in Cyprus with President Glafcos Clerides, House President Alexis Galanos, and Turkish Cypriot leader Rauf Denktash. In addition, Senators Robb and Inhofe, both members of the Senate Select Committee on Intelligence, met separately with U.S. intelligence officials on matters pertaining to the region.

Our visit to the region coincided with a period of intense activity with regard to the peace process and other matters:

On the day of our arrival in Israel, Prime Minister Shimon Peres called for early elections in an effort to secure a mandate for his peace negotiations with Syria;

Syria and Israel, fresh from a scheduled break in their negotiations at Wye Plantation in Maryland, had just hosted a shuttle visit by U.S. Secretary of State Warren Christopher;

The Palestinians had just concluded elections for a chief executive—a vote won overwhelmingly by PLO Chairman Yasser Arafat—and an 88 member council;

On the day we traveled to Gaza, Israel had sealed its borders with the Palestinian autonomous area for security reasons, one of many closures since the onset of self-rule;

Israel and Jordan continued to work out arrangements to implement their recent peace treaty, at the same time that King Hussein exhibited a more aggressive posture towards Iraq;

As Ankara grappled with forming a new government and as Athens installed new leadership, tensions flared between Turkey and Greece over an uninhabited Dodecanese islet, and a visit by a high-level U.S. envoy to mediate over Cyprus was cancelled.

We would like to commend the dedicated U.S. Foreign Service personnel at the American Embassies in Jordan, Syria, Israel and Cyprus, and at the U.S. Consulate General in

Jerusalem, for their assistance and support during our trip. In particular, we would like to express our deep appreciation to Ambassador Wesley W. Egan, Jr. and Deputy Political Counselor Margot Sullivan in Amman; Ambassador Christopher W.S. Ross and Political Officer Laurence Silverman in Damascus; Ambassador Martin S. Indyk and Political Officer John Hall in Tel Aviv; Consul General Edward G. Abington, Jr. and Political Officer Gina Abercrombie-Winstanley in Jerusalem; and Ambassador Richard A. Boucher and Political Officer John Lister in Nicosia, for their special efforts to make our trip a success.

We would also like to thank our military escort, Commander Sean Fogarty (USN), as well as Commander Joe Malone (USN), and YN1 Dwight Brisbane (USN) for their exceptional work in support of the delegation.

This report attempts to present a snapshot of the circumstances at the time of our visit. Our visit, it should be noted, preceded the recent wave of terrorist bombings in Israel, so the report does not address the bombings or their potential impact—which undoubtedly will be quite significant on the region and the prospects for peace. The views expressed are our own, and do not necessarily reflect those of the Senate Committees on Foreign Relations and Armed Services, or the individual members thereof.

Sincerely,

CLAIBORNE PELL.
CHARLES S. ROBB.
JAMES M. INHOFE.

EXECUTIVE SUMMARY

ISRAEL-SYRIA PEACE NEGOTIATIONS

Peace talks between Israel and Syria resumed late last year and showed signs of progress. Syrian and Israeli officials report that serious discussions have taken place under U.S. auspices at Wye Plantation in Maryland, and that the new informal setting helped to produce greater flexibility from both sides.

The parties may become distracted by early elections in Israel and the presidential campaign in the United States, which in turn may prevent them from reaching quick agreement on a peace treaty. But officials from Israel and Syria say substantive negotiations will continue for the foreseeable future and assert that an agreement remains possible.

Notwithstanding the improvements in atmosphere, Syria and Israel still have a tough road ahead in the negotiations:

The relationship between the two countries is plagued by instinctual mistrust;

Difficult decisions remain to be made on security arrangements on the Golan Heights (including the extent of Israel s withdrawal, the dimensions of demilitarized zones, and the possible presence of an international monitoring force including U.S. troops) and on the fabric of the future Israeli-Syrian relationship.

Syrians accept the inevitability of peace with Israel, but appear uncertain of the terms, ill-prepared for a normal relationship and reluctant to accept the concept of a warm peace.

ISRAELI-PALESTINIAN PEACE AGREEMENTS

Assuming the recent terrorist bombings in Israel do not cause the peace process to unravel completely, the "Oslo II" agreement between Israel and the Palestinians will set the stage for the emergence of a permanent Palestinian entity—which Palestinians see as their own state with East Jerusalem as its capital, and which Israelis see as something far short of that.

Palestinian officials, including PLO Chairman Yasser Arafat, bristle at what they perceive to be "unequal" U.S. treatment of Israel and the Palestinians, but acknowledge the importance of their own commitments on security and wish to be seen as working hard to prevent acts of violence and terror against Israelis.

The Palestine National Council will have to decide whether and how to amend the PLO Covenant, which still refers to the destruction of Israel. Arafat clearly recognizes the need to address the issue, but is not yet fully committed to changes that will be as forthcoming and precise as Israel and others would expect.

The Palestinians must develop and refine the institutional basis for their experiment with self-rule. Recent elections succeeded in creating an 88 member council, but council members have yet to meet and seem to lack confidence about their role in Palestinian society and their relationship with Arafat—their powerful chief executive.

ISRAEL-JORDAN PEACE TREATY

Jordan and Israel are implementing their October 1994 peace treaty with vigor and in good faith. As King Hussein stated, "The peace process is over. It's peace building now."

In recent months, King Hussein has taken a new and aggressive posture towards Iraq, granting asylum to two highly-placed Iraqi defectors (who willingly returned to Iraq after our visit and were subsequently murdered), calling for greater coordination among Iraq's fractured opposition, and talking about a federated Iraq. The King's statements and actions present a challenge to Saddam Hussein and have sparked the interest—not all positive—of other regional powers such as Syria.

CYPRUS CONFLICT

The situation in Cyprus, which is closely connected to the relationship between Greece and Turkey, remains jittery and uncertain. The recent escalation of tensions between Ankara and Athens over a small Dodecanese island underscores the acute need to resolve differences between the Greek and Turkish Cypriot leaders.

While some in the Greek and Turkish Cypriot communities appear willing to seek reconciliation, and even with the broad outlines of a solution apparent for some time, a recent attempt by the U.S. Administration to initiate a high-level mission on Cyprus failed to take hold.

The United States stands ready to devote considerable resources and energy to the problem, but the parties offer few prescriptions for improving the current hostile climate. The tendency of the Turkish Cypriot leadership to rehash old grievances when discussing current problems suggests that the impasse may remain for some time.•

PRESIDENT'S DAY

• Mr. NUNN. Mr. President, I rise today to bring to the Senate's attention a practice that has crept into our popular culture with little notice. This practice relates to the Federal holiday we observe every year on the third Monday in February. According to current Federal law, this holiday is "Washington's Birthday" in honor of our great first President. In its de facto observance, however, this holiday has become known as "President's Day" because of its proximity to the birthday of our 16th President, Abraham Lincoln.

This matter was recently brought to my attention by the President of the Society of the Cincinnati. The Society's concern is that by combining the two holidays in popular observance, we dilute the remembrances of the gravity and importance of the achievements of both men—one who fought to found our Nation and one who fought to preserve it. According to law, President Lincoln's birthday is observed on February 12.•

DRUGS AND YOUTH: THE CHALLENGES AHEAD

• Mr. FEINGOLD. Mr. President, last week retired Army General Barry McCaffrey was confirmed by the U.S. Senate to be this Nation's fifth drug czar. Perhaps the biggest, and most important, challenge facing General McCaffrey is the emerging trend of increasing drug use among young people. A recent survey of students in the 8th, 10th and 12th grades yielded some troubling results. According to the annual Monitoring the Future survey, drug use among secondary school students, particularly marijuana, is on the increase. The nationwide study also found that the use of LSD, stimulants, inhalants and hallucinogens also increased, albeit not to the extent of marijuana use.

As a parent, perhaps the most troubling of the study's findings was that which gauged the attitudes of young people regarding the risks of drug use. The proportion of secondary school students who see drug use as dangerous continued to decline in 1995. The significance of this should not be overlooked. In regard to the risk of drug use, the Department of Health and Human Services found that 9 out of 10 adult cocaine users started using drugs as a teenager. The potential problem increases when one considers that there are currently 39 million Americans under the age of 10. Given these demographics, the actual number of teens using drugs will increase when these children reach their late teens and twenties, even if the percentage of users remains the same as it is today. Failure to address these emerging attitudes, in addition to leading to increased youth drug use, may also lead to increased crime and violence which often accompanies drug abuse.

In an effort to learn from the experiences of communities all across the Nation and raise awareness about youth drug use and the violence, President Clinton has invited concerned individuals from all across the Nation to a national summit which is taking place today in Greenbelt, MD. In addition several cities, including Milwaukee, will be joining the summit by video teleconference. Wisconsin will be well represented both in Greenbelt and Milwaukee.

Among those representing Wisconsin in Greenbelt is Capt. Charles Tubbs of the Beloit Police Department. As head of the department's community relations division, Captain Tubbs has gained national recognition for his efforts in regard to gangs and school related violence. His leadership has led to the development of many community based initiatives which deal directly with the problems associated with young people.

Coordinating the Milwaukee site will be James Mosely, director of the Milwaukee-based, Fighting Back Initiative. This program draws upon many resources from throughout the community to deal directly with the problems associated with drug and alcohol abuse in Milwaukee's north and southside communities.

The national summit presents an opportunity to learn about these community based antidrug efforts as well as others from all across this Nation. A great deal can be learned from the people in our cities and towns who deal with these problems on a daily basis. A comprehensive antidrug policy must develop partnerships which build on the experiences and needs of local communities.

One such partnership involving the Drug Enforcement Agency and law enforcement in northeastern Wisconsin recently resulted in a drug bust garnering 40 pounds of marijuana with an estimated street value of $250,000. The officers of the Brown County Sheriff's Department, as well as the DEA agents who lent a helping hand, deserve our respect and admiration for their willingness to identify a problem and work together to solve it. We should learn from their example, and seek more cooperative efforts of this nature. I am pleased that General McCaffrey has indicated that he intends to do just that.

In closing, Mr. President, Capt. Tubbs and James Mosely are just a few examples of the hundreds of dedicated people all across our State who are committed to helping young people lead better lives and in the process, making our communities better places to live. There can be little doubt that drug use, particularly among our young people, presents a danger and that finding the solution will require the dedication of each of us. As General McCaffrey acknowledged, solving the drug problem will not occur overnight, it will take a determined and consistent effort over a number of years. Building on the good work and experiences of people like Charles Tubbs and James Mosely is a good place to start.•

TRIBUTE TO BRIAN KLINEFELTER, SLAIN POLICE OFFICER

• Mr. WELLSTONE. Mr. President, I rise to pay tribute to a very brave man, to police officer Brian Klinefelter who sacrificed his life on January 29, 1996, in the line of duty. He was shot to death when he approached three robbery suspects whom he had pulled over on a dark county road. Backup was only 2 minutes away, and his shift had ended about 15 minutes before the incident occurred.

It is a tragedy when any policeman falls in the line of duty. However, this occurred in St. Joseph, a small town were officer Brian Klinefelter was known by most on a first-name basis. Admired by young and old, his untimely death had an immediate impact on this close-knit, central Minnesota community.

As a small boy, Brian Klinefelter had always dreamed of becoming a police officer. He was a 1988 graduate of Apollo High School where he played football and he received his police training at Alexandria Technical College. He had been a policeman with the six member St. Joseph Police for 2½ years, and he had proudly built his career on dedication and commitment. At the age of 25 he was nominated for the top award of Officer of the Year after talking an armed gunman into surrendering in August, 1995.

Brian's death was especially hard for the citizens of St. Joseph because it was the first death of a policeman and the first in the St. Cloud area in more than 57 years. His slaying marked the 178th death of a peace officer in the line of duty in Minnesota in the past 114 years. Over 2,200 people attended his funeral, including over 1,600 law officers with a stream of more than 500 squad cars from the Midwest and Canada.

Friends and colleagues remember Brian as a very caring person with a big heart who loved being a law enforcement officer. He was a devoted and loving husband, a wonderful father, a caring and beloved son, a generous and loving brother, a loyal friend, and a fine policeman who dedicated his life to defending the peace. As we honor him, I want to share with you a part of his family's memories, "Brian's love and dedication to his profession should serve as a model for everyone in their lives."

I extend my deepest, heartfelt sympathy to his devoted wife, Wendy and his baby daughter Katelyn, and his parents, siblings, and fellow officers. Officer Brian Klinefelter leaves a rich legacy of protecting the lives and property of his fellow citizens, and we will never forget this gallant man.•

ORDERS FOR MONDAY, MARCH 11, 1996

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 noon, Monday, March 11, further, that immediately following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day, and the Senate begin a period for the transaction of routine morning business, with Senators permitted to speak for up to 10 minutes each, with the following exception: Senator MURKOWSKI for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I further ask unanimous consent that at 1 p.m., on Monday, the Senate immediately turn to the continuing resolution, H.R. 3019.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. Mr. President, for the information of all Senators, the Senate will begin consideration of the continuing resolution at 1 p.m., on Monday. Several amendments are expected to be offered. However, any votes with respect to those amendments will be postponed to occur on Tuesday, at a time to be determined by the two leaders. Therefore, there will be no rollcall votes during Monday's session of the Senate.

In addition, Mr. President, a cloture motion was filed on both the D.C. appropriations conference report and the legislation with respect to Whitewater. Under a previous order, those two cloture votes will occur beginning at 2:15 p.m., Tuesday, and they will be back-to-back votes. Additional amendments and votes will occur on Tuesday with respect to the continuing resolution. It is the hope of the leadership that the continuing resolution can be completed by the close of business Tuesday.

ADJOURNMENT UNTIL MONDAY, MARCH 11, 1996

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:17 p.m., adjourned until Monday, March 11, 1996, at 12 noon.

HOUSE OF REPRESENTATIVES—*Thursday, March 7, 1996*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. GILLMOR].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 7, 1996.

I hereby designate the Honorable PAUL E. GILLMOR to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Reverend Charles Sineath, First United Methodist Church, Marietta, GA, offered the following prayer:

O Lord, we acknowledge You as the giver of every good and perfect gift, and the source of all our blessings. We thank You for Your goodness, and especially for the privilege of living in this good and noble land. This morning, I want to thank You for these who serve You by serving our Nation as Members of the Congress and leaders in our Nation. Grant them wisdom, courage, compassion, and patience as they fulfill their awesome responsibilities and work for the achievement of a nation and world where justice and mercy roll down like a river and righteousness and truth is like a never-failing stream. This prayer we offer with eternal gratitude and praise to Your holy name. Through Jesus Christ our Lord. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Georgia [Mr. COLLINS] come forward and lead the House in the Pledge of Allegiance.

Mr. COLLINS of Georgia led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate passed with amendment a bill of the House of the following title:

H.R. 2778. An act to provide that members of the Armed Forces performing services for the peacekeeping efforts in Bosnia and Herzegovina, Croatia, and Macedonia shall be entitled to tax benefits in the same manner as if such services were performed in a combat zone, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain fifteen 1-minutes from each side.

WELCOME TO REV. CHARLES SINEATH

(Mr. BARR of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARR of Georgia. Mr. Speaker, in an age when for many years it seems as if our courts and many of our public institutions have been engaged in a direct and deliberate effort to eradicate religion and recognition of God from whom all our powers and sense of right and wrong derive from the face of our public Earth, from the face of our public service and our institutions, it is, indeed, gratifying and something to me that is daily important to me to recognize that we in this House as Representatives of the people of the United States of America begin each and every day that we are in session doing their work and doing the Lord's work with a moment of prayer.

I am very happy today to have before us today to deliver the prayer for the opening of this session of the Congress this day the Reverend Charles Sineath, Methodist minister from First United Methodist Church where we have the privilege of serving, I and my family, with he and his wife, Ann, today.

It is, indeed, an honor to welcome him and his wife, Ann, to this House, the people's House of the United States of America, today.

JOBS IN AMERICA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, United Technologies eliminated 35 percent of their American jobs, created 15,000 jobs overseas. General Motors is building a new $1 billion auto plant, my colleagues, in Shanghai. Blue Cross moved 2,000 jobs that paid $10 an hour in America to Jamaica where they will pay $1 an hour. AT&T got rid of 50,000 American workers but gave their boss, Robert Allen, a record $16 million paycheck. But yesterday's event I think tells the whole story.

As Eleanor Roosevelt had done in the 1930's, Mrs. Clinton repeated history by sewing in a union label into a garment in New York. The big difference is, Members of Congress, Eleanor Roosevelt used a Singer sewing machine made in America. Mrs. Clinton used a sewing machine made in Japan.

Beam me up, Mr. Speaker. Nobody can even see what is happening to our country.

CRIMES AGAINST CHILDREN AND ELDERLY INCREASED PUNISHMENT ACT

(Mr. CHRYSLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHRYSLER. Mr. Speaker, day after day, we see news accounts of criminals committing violent acts throughout our communities, only to walk away with little or no punishment. We only need to watch the evening news on any given night to see the havoc criminals wreak in our neighborhoods. Recently, I authored and introduced the Crimes Against Children and Elderly Increased Punishment Act, legislation that will provide for an automatic increase in the length of sentences for such criminals. This legislation amends the Violent Crime Control Act of 1994 to increase punishment for Federal crimes committed against youth ages 12 years and under and seniors ages 65 years and older.

The bill aims to send a clear signal to those who would prey upon the vulnerable in that their criminal actions will not be tolerated and will result in certain and severe punishment. Our children are the seeds of our Nation's future. Our seniors are the roots of our heritage. Increasing the penalties on those who would hurt our children and elderly will give them the protection they need and give the criminals the punishment they deserve.

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

THE BUDGET AND FISCAL RESPONSIBILITY

(Mr. VENTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VENTO. Mr. Speaker, today, I rise to speak for American families and for the failure of this Congress to come to grips with dealing with the budget and fiscal responsibility. The fact is that the answer that was brought to us by this Republican Congress is the wrong answer. Cutting Medicare, cutting Medicaid, cutting our education and health programs, and assaulting the environment is not the answer. What our families need are the tools to take care of one another.

They need the health care. They need sound education and retirement programs. They need their rights on the job so that they can receive a living wage. The fact is that families in this country are going to continue to suffer. We are going to continue to see the income disparity without some change to empower workers. This Congress has to wake up and smell the coffee in terms of where the American people are and what they want and what we need to do as a Congress, to get on and pass our necessary appropriation bills, to make the types of compromises that provide for meaningful welfare reform and provide for a sound fiscal policy for the next 7 years, not the Republican majority walking away from the task because they cannot get there way on tax breaks for those that are well off.

That is what is happening in this country and in this Congress today. These issues ought to be the subject of congressional and Presidential debates. They ought to be the subject of this Congress. We ought to get to work and get the peoples' work done right and stop the Republican pea and shell game that is being presented as a budget solution.

THE 5-YEAR ANNIVERSARY OF PERSIAN GULF WAR

(Mr. COBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBURN. Mr. Speaker, 5 years ago this month, this country put the lives of thousands of young Americans at risk in the Persian Gulf war. The war with Iraq was fought to restore Kuwait's independence, but it was also fought to preserve and protect the energy security of this country.

Five years later, we are still dependent on foreign oil for our energy needs—in fact far more dependent than we were 5 years ago.

Last year, for the first time in our Nation's history, we imported more than 50 percent of the oil consumed in this country. Meanwhile, I have domestic producers in my home State of Oklahoma who are capping marginal wells every day—burying oil and gas that will never again be recovered. It is putting Americans out of work and it is threatening our national security.

What can this Congress do to revive our domestic oil and gas industry? The first step is to allow domestic producers to compete on a level playing field. In a few days, we will be voting on this floor on a bill to reform the regulatory process in this country. Excessive regulations have strangled domestic oil and gas producers, raising their cost of production and diminishing their chances to compete. A vote for regulatory reform is a vote for the health of our domestic oil and gas industry.

I urge this Congress to release the domestic oil and gas industry from the excessive taxes and regulations that threaten our domestic energy supply and our national security.

REPUBLICAN BUDGET CUTS

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Mr. Speaker, these followers of Speaker GINGRICH have threatened the health care security of millions of seniors in America with Medicare cuts. They demonstrated, as Gingrichites, such indifference to the job insecurity of American working families that now they are even being criticized within their own party.

But to top it all off, they come to this Congress today proposing to place more hurdles in the way of our youngest Americans with reference to educational opportunities. Yes, the cuts that they propose in education are very real.

In my home town of Austin, the school district is contemplating having to cut the opportunity in half for 2,200 young Austinites with reference to their prekindergarten program, just slashing it in half solely as a result of these Federal cuts.

As one AISD official, Gloria Williams, said, if the pots gets smaller and the number of kids gets larger, we will not be able to support a full day prekindergarten program. There is no doubt we have an education deficit in this country because these followers of NEWT GINGRICH just cannot seem to learn.

AWOL CLINTON ADMINISTRATION

(Mr. RIGGS asked and was given permission to address the House for 1 minute.)

Mr. RIGGS. Mr. Speaker, just allow me to point out that the liberal House Democrats just do not get it. As we have spent more and more money on public education, test scores have dropped in America, but they do not see the correlation.

Mr. Speaker, the Clinton administration is AWOL in the war on drugs. Recent surveys have shown that drug use among teenagers has skyrocketed. In fact, the age of first use of drugs has gone down to age 13 and in some cases even younger than that. That really hits home with me, because I have a 14-year-old son.

Mr. Speaker, there is a reason for this though. The Clinton administration has slashed enforcement and interdiction programs and they have appointed liberal judges. The President has appointed liberal judges who care more about criminals than basic justice.

Case in point: One judge in New York, a Clinton appointee by the name of Baer, recently released an admitted drug dealer who was caught red-handed with 75 pounds of cocaine and 4 pounds of heroin.

Mr. Speaker, the President claims he never inhaled. But our children are inhaling and it is destroying their lives. The answer to our youth drug problem is not fancy press conferences. It is a President willing to institute real drug enforcement, real drug interdiction and real punishment of drug dealers.

ON EDUCATION CUTS

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, I wanted to follow up on these education cuts.

As was stated previously, today the Republican leadership is putting forth a continuing resolution that would fund education programs for the rest of this year. But the bill is the largest cut in education in the history of this Nation, 13 percent below last year's level, $3.3 billion less in education funding.

Do my colleagues know what that means? It means higher taxes in the municipalities that we represent around the country. In my home town, the school budget, they are talking about an increase of 9 cents per 100-dollar assessment. If this level of Federal education cuts continues, the only ones that are going to suffer are the local property taxes or the children in the schools, because the local school boards will have the choice of either cutting the programs, increasing the class size, decreasing the quality of education, or increasing local taxes to pay for it.

This notion that somehow if the Federal Government cuts back that that is something that is not going to have an impact locally, it does have an impact locally. It has an impact in every one of the municipalities that we represent around this country, either taxes are going to go up or the quality of education will decrease.

PRESIDENT CLINTON AND THE WAR ON DRUGS

(Mrs. CUBIN asked and was given permission to address the House for 1 minute.)

Mrs. CUBIN. Mr. Speaker, while President Clinton claims that he is doing everything he can do to fight the war on drugs, I would like to respectfully give some examples refuting that claim.

If President Clinton was doing all he could, he would not have issued the executive order reducing military interdiction efforts including the elimination of 1,000 antidrug positions.

If President Clinton was doing all he could, he would not have cut interdiction funds for the Customs Service and the Drug Enforcement Administration. If he was doing all he could, he would not have shortened minimum mandatory sentences for drug traffickers.

If President Clinton was doing all he could, he would not have disbanded Operation Snow Cap which helps foreign countries with DEA agents in cocaine-producing countries. If he was doing all he could, he would not have dropped the drug issue from the top to the bottom of the 229 priorities of the National Security Council.

Obviously, the President is not doing all that he can do, even though it was his promise when he ran for President.

☐ 1015

THE IMPORTANCE OF A HEALTHY DOMESTIC ENERGY INDUSTRY

(Mr. POSHARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POSHARD. Mr. Speaker, the question this morning is, Do we think it is smart to import over half the oil which fuels the economy of this Nation? Is it smart not only economically, but militarily, to be that dependent on foreign oil? And is it smart to continue doing that when we have domestic oil producers such as the hundreds of small companies operating in my district and across Illinois, across this Nation, who could help balance the budget with increased domestic production?

I am joining my colleagues in the bipartisan Oil and Gas Forum to ask some of these questions over the next few weeks as we try to focus on a sound energy policy for this Nation which recognize the resources we have here at home, recognizing the importance of jobs created by a healthy domestic energy industry.

We are talking about Main Street America, from Casey to Carmi in my district, from Pennsylvania to California in this country, small businesses employing a dozen or so people who want to do business in an environmentally responsible way to help our economy, not making it more dependent on forces outside our control.

HOW ABOUT UNIFORMS FOR DRUG DEALERS?

(Mr. CHRISTENSEN asked and was given permission to address the House for 1 minute.)

Mr. CHRISTENSEN. Mr. Speaker, this week, Bill Clinton will be holding a forum on youth, crime, and drugs. My hometown of Omaha, NE, saw juvenile arrests for major crimes spike by 20 percent last year. In fact, by last year alone juveniles accounted for almost half of all the major crimes. In Omaha, there were 41 killings, 8 more than in 1994. We even lost one of our police officers to this tide of crime.

Unfortunately, President Clinton is AWOL on the war on drugs. He passed a hug-a-thug crime bill with funding for dance lessons for criminals, and then he cut funding for his own drug czar by 84 percent. His top public health official once suggested that we should legalize illicit drugs.

Instead the liberals are focused on another reform: uniforms for students. Mr. Speaker, I think that is a great idea, but I fully support it at the local level, not the Federal Department of Education level.

But I support another uniform as well: orange prison jump suits for those drug dealers and violent felons terrorizing our communities; as my colleagues know, the drug dealers and violent felons that get off on technicalities because of slick criminal trial lawyers. Hopefully, we can come together with this Youth Crime Violence League and we can come up with a bipartisan answer to solve America's problems together.

THE GINGRICH SOLUTION IS WRONG

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, Scott Paper lays off 11,000 workers; their top executive gets millions of dollars in stock options. AT&T lays off 40,000 employees; its top management gets huge bonuses. Revco Drugstore in Twinsburg, OH, lays off 1,100 people; 4 of their executives get $1 million each.

The Newt Gingrich response: Cut education by $3 billion, cut Medicare by tens of billions of dollars, cut student loans by $4 billion. Why? Just to give tax breaks to the wealthiest people in this country.

Mr. Speaker, the Gingrich solution is wrong.

CLINTON'S WAR ON DRUGS A FAILURE

(Mrs. SEASTRAND asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SEASTRAND. Mr. Speaker, a month after taking office, President Clinton eliminated 83 percent of the staff at the Office of National Drug Policy. Now, in an apparent campaign year move, the President announced he is doing a complete about-face and will increase staff in that office.

Even though he is 3 years late, I'm glad the President has finally recognized the importance of a strong national drug office. But let us look at what has happened in the years that the President sat on the sidelines and watched the drug world go by.

Drug use among teens has skyrocketed. According to the household survey on drug use, marijuana use by 12- to 17-year-olds has gone from 1.6 million in 1992 to 2.9 million in 1994. The survey also found a 137-percent increase in marijuana use among 12- to 13-year-olds.

Mr. Speaker, actions speak louder than words. President Clinton may be saying a lot now that he is on the campaign trail, but his actions show he has failed in the war on drugs.

STOP PLAYING BUDGET GAMES

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, today the House will consider yet another temporary spending bill to fund the Government. While the Republican congressional majority is operating the Government in fits and starts, they have been consistent in the targets of their cuts. Their agenda hurts working families.

Just take a look at education. The bill on the House floor today will cut $3.1 billion from education. That is a $1.2 billion cut in training for basic reading and math skills.

How does this help our children to succeed? It does not. It hurts our kids. In my State of Connecticut it means that over 9,000 Connecticut school kids may not get the help that they need in order to compete in the 21st century.

The bill cuts assistance for college loans. That does not help working families.

My colleague prior to me getting up here this morning talked about drugs. They are going to cut the money for safe and drug-free schools. My colleagues bet, actions speak louder than words.

Vocational education and training cut, so that young people cannot get the opportunity to work.

Let us not cheat our children out of their future. Let us try to do something that helps working families.

EXAMINING CORPORATE WELFARE

(Mr. BASS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BASS. Mr. Speaker, in about an hour the House Committee on the Budget will begin its process of developing a new budget for fiscal year 1997. The hearings this morning will focus on the subject of so-called corporate subsidies or corporate welfare. One of our witnesses defines corporate welfare as the use of Government authority to confer special benefits to specific firms or industries where there is no corresponding societal benefit. I am pleased to say that in the balanced budget or in the budget resolution, 1995, the Committee on the Budget identified over $95 billion worth of unnecessary spending on corporations.

Mr. Speaker, I am going to be releasing today a GAO report to the Committee on the Budget which will outline over 25 different projects that we could undertake to reduce corporate spending or Government spending, unnecessary Government spending, on corporations. It is time, as we face the 1997 budget cycle, to look to individual responsibility, but also corporate responsibility, and I commend the Committee on the Budget for taking the lead in this process.

PLAYING POLITICS WITH THE NATION'S FINANCIAL STANDING

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, the Republican majority today will make sure we have more uncertainty with a limited debt limit extension and more gridlock with a sure-to-be vetoed continuing resolution. No wonder the Congress has a negative rating of over 60 percent. We have even surpassed used car salesmen in lack of confidence.

On the debt limit, again we are playing games with the Nation's financial standing, giving a debt limit extension just 2 more weeks simply to gain leverage for the majority's agenda. The continuing resolution cuts education by $3 billion, 20 percent over the last year, and decimates veterans' programs by $200 million. In fact, this bill unfairly targets VA Secretary Jesse Brown, who is doing his job with major cuts in his office; pettiness, politics. They do not like his pointing out that VA programs are being cut dramatically. On the chopping block today, student loans, basic reading and math skills, Head Start, safe and drug free schools, vocational education.

Mr. Speaker, let us end this gridlock.

CUT CORPORATE WELFARE AND MILITARY SPENDING TO BALANCE THE BUDGET, NOT THE MIDDLE-CLASS SAFETY NET

(Ms. MCKINNEY asked and was given permission to address the House for 1 minute.)

Ms. MCKINNEY Mr. Speaker, in April of last year, the General Accounting office released a report showing that 73 percent of all foreign corporations operating in the United States paid no income taxes in 1991.

These multinational corporations had sales of $359 billion in that year, yet 73 percent of them paid no taxes. Imagine that.

Mr. Speaker, it is no wonder we have a $4.9 trillion debt when profitable corporations get away with paying no income taxes.

Yet, my Republican colleagues insist on slashing Medicare, Medicaid, education, and the environment to balance the budget. Now I ask you, is that fair?

The American people work hard and pay their taxes. All they ask for in return is a little security in their old age, some fairness in the tax code, and a second chance if they fall through the cracks in our changing economy.

Let us cut corporate welfare and military spending to balance the budget, not the middle-class safety net.

THIS FROM THE PEOPLE WHO ARE GOING TO CUT REDTAPE AND REDUCE BURDENSOME PAPERWORK

(Mr. SKAGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKAGGS. Mr. Speaker, they are back. The Istook amendment, in a somewhat watered-down form, but still a red-tape-filled, bureaucratic reporting nightmare, is back, made in order as we debate the continuing resolution later today.

Is this aimed at some of the bad guys in this country? No. It is aimed at the Red Cross, the YMCA, our local college or university, even small businesses that may be going through a hard time after a disaster and getting SBA help.

And what will be required? Mr. Speaker, again, as we have seen before, annual reports to the Federal Government about any effort to influence a decision even at the city or county level.

So, the local Y trying to get the city council to help out with the child care effort will have to report that to the Federal Government. The chapter of MADD trying to get a tougher DUI bill through the State legislature is going to have to report about that to the Federal Government. And the small business that got the SBA loan and makes a contribution to a local referendum will have to report that.

Mr. Speaker, this is from the people that were going to lighten the paperwork and reporting burdens from Washington.

CUTTING EDUCATION IS NOT CUTTING THE BUDGET

(Mr. WISE asked and was given permission to address the House for 1 minute.)

Mr. WISE. Mr. Speaker, if my colleagues want to know why I am voting today against the temporary spending bill, look no further than Rock Branch grade school and over 500 grade schools across West Virginia. This week at Rock Branch I met with parents, teachers, and students to hear firsthand what the cutbacks in education and title I will mean. This is a program that permits 38,000 West Virginia grade school children to have help in upgrading math and reading skills. Parents took time off from work to tell me how their children were not succeeding in school. I wish every Member here could have heard Melissa's mom as she choked back tears talking about how her daughter had moved from failing to passing with honors, or hear Brooke as she showed me how to work a computer, or hear Miss Gibson and Miss Evans, their eyes shining with pride as they talked about the students' progress.

On April 1, Mr. Speaker, West Virginia boards of education though will have to lay off hundreds of teachers and aides across the State of West Virginia, possibly deny 6,500 West Virginia grade schoolers this important learning opportunity, cutting almost $11 million from West Virginia's most important education program. Cutting grade school education is not cutting the deficit. There is nothing more expensive than ignorance, both individually and to our society.

HELPING WORKING FAMILIES

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, real wages are down. Thousands of workers have lost their jobs. Families are having a hard time finding the money to send their children to college, to save for retirement, to make ends meet.

Finally, Republicans are taking note. They sound like Democrats talking about the middle class.

Mr. Speaker, actions speak louder than words. Democrats raise the minimum wage, Republicans cut taxes for rich friends. Democrats vote for education and job training, Republicans raise taxes on working families.

Republicans help the rich and hurt the rest of us. They voted against Social Security, against Medicare. Senator DOLE even brags about voting against Medicare.

Republicans have started to talk about helping the middle class. It is time to do something about it.

Raise the minimum wage. Invest in education. Protect the pensions of working families.

Republicans have started to talk the talk. It is time for them to walk the walk.

□ 1030

VOTE NO ON THE TEMPORARY FUNDING BILL

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Mr. Speaker, today we will do a temporary funding billing that will cut environmental enforcement programs for the Clean Water Act, the safe drinking water program. We will cut out the COPS Program and replace it with a block grant program that does not guarantee one more police officer on the streets of America. But the biggest cuts are in education, $3.3 billion in education.

In my district of northern Michigan, some of my counties, such as Antrim County, will lose $100,000; Cheboygan, $130,000; Grand Traverse County, over $200,000. What about college student loans? Over $4 billion in cuts in college student loans.

Mr. Speaker, we need programs that will support an increasing of wages for our workers. We need a program that will assure them good benefits and a secure retirement. We should be investing in education and training and not cutting it. Therefore, I will vote no on this temporary funding bill today.

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING 5-MINUTE RULE

Mr. LINDER. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule: the Committee on Banking and Financial Services; the Committee on Commerce; the Committee on Economic and Educational Opportunities; the Committee on Government Reform and Oversight; the Committee on International Relations; the Committee on the Judiciary; the Committee on National Security; the Committee on Resources; the Committee on Science; the Committee on Small Business; the Committee on Transportation and Infrastructure; the Committee on Veterans' Affairs; and the Permanent Select Committee on Intelligence.

It is my understanding that the minority has been consulted and that there is no objection to these questions.

The SPEAKER pro tempore (Mr. GILLMOR). Is there objection to the request of the gentleman from Georgia?

There was no objection.

GUARANTEEING CONTINUING FULL INVESTMENT OF SOCIAL SECURITY AND OTHER FEDERAL FUNDS IN OBLIGATIONS OF THE UNITED STATES

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 371 and ask for its immediate consideration.

The Clerk read as follows:

H. RES. 371

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3021) to guarantee the continuing full investment of Social Security and other Federal funds in obligations of the United States. The amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The bill, as amended, shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except one motion to recommit. The motion to recommit may include instructions only if offered by the minority leader or his designee.

The SPEAKER pro tempore. The gentleman from Georgia [Mr. LINDER] is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas [Mr. FROST], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

Mr. Speaker, this is a simple rule providing for the consideration of H.R. 3021. House Resolution 371 provides for 1 hour of general debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means.

Following the hour of general debate, this resolution provides one motion to recommit as is the right of the minority. The motion to recommit may include instructions only if offered by the minority leader or his designee.

Mr. Speaker, this bill is intended to provide the Treasury Secretary with the authority to invest trust fund receipts or other Federal funds from the date of enactment of this bill through March 29, 1996. H.R. 3021 also extends the current authority to incur debt, not subject to the public debt limit, for the purpose of guaranteeing the timely payment of Social Security payments and other Federal disbursements. We must not jeopardize the full faith and credit of the United States, and this bill assures that Social Security payments and other Federal disbursements are available to the American people who have paid into these funds.

This is a very straightforward rule. This short term legislation not only protects those who have paid into Federal trust funds but also represents a good faith effort to allow the Governors sufficient time to work with the Congress and the administration on welfare and Medicaid reform.

The Governors who are involved in efforts to reform entitlements have requested more time to finalize the details of a bipartisan welfare and Medicaid reform proposal. This bill will give us some additional time to work out an agreement that may help salvage the economic future of our Nation.

Mr. Speaker, this is not business as usual. It is about our commitment to save our country from a crisis of crushing debt. The current Federal debt is approximately $4.9 trillion and interest on the debt is $235 billion per year. Over the next 15 years—if current patterns continue—this Nation will pay as much on interest on the debt each year as we pay for national defense beginning as early as 1997. Absent some fiscally responsible action by this Congress and the President, the interest on the debt and the spending on entitlement programs will soon strangle our economy and rob our children and grandchildren of the American dream. It is immoral to leave this mountain of debt to future generations.

It is important to note that this bleak scenario only becomes reality if current spending patterns continue. This Congress has already begun to make a difference by passing reduced appropriations bills and by passing the Balanced Budget Down Payment Act, which will save a combined $30 billion this year.

We know, however, that it is the uncontrolled growth of mandatory entitlement spending that will be the greatest contributor to the increasing debt. The massive spending associated with these programs is linked to the condition and magnitude of the debt. It is for this reason that we should pass this short-term debt limit increase while we continue to negotiate entitlement reform proposals that may be completed by the end of the month.

This rule and the accompanying legislation will surely pass with overwhelming support, serving as a solid sign that the House remains optimistic about the chances for responsible reforms. Given the administration's statements criticizing the Governor's reform proposals, we remain concerned that an agreement may prove elusive. However, the Governors have requested more time to work on a bipartisan reform agreement, and I remain hopeful a resolution is still attainable.

With additional time, it is possible that elements of the Governor's recommendations could be among the cost-saving provisions attached to long-term legislation.

This resolution was unanimously reported out of the Rules Committee yesterday. I urge my colleagues to support the rule so that we may proceed with consideration of this legislation.

Mr. Speaker, I include for the RECORD the following material regarding House rules and the amendment process.

The material referred to is as follows:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of March 6, 1996]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open[2]	46	44	59	63
Modified Closed[3]	49	47	22	23
Closed[4]	9	9	13	14
Total	104	100	94	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of March 6, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps	A: 242–190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps	PQ: 236–194 A: 234–192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95).
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255–156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323–104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414–0 (9/13/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388–2 (9/19/95).
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241–173 A: 375–39–1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304–118 (9/20/95).
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	A: 344–66–1 (9/27/95).
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	A: voice vote (9/28/95).
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	A: voice vote (9/27/95).
H. Res. 230 (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	A: voice vote (9/28/95).
H. Res. 234 (9/29/95)	O	H.R. 2405	Omnibus Science Auth	A: voice vote (10/11/95).
H. Res. 237 (10/17/95)	MC	H.R. 2259	Disapprove Sentencing Guidelines	A: voice vote (10/18/95).
H. Res. 238 (10/18/95)	MC	H.R. 2425	Medicare Preservation Act	PQ: 231–194 A: 227–192 (10/19/95).
H. Res. 239 (10/19/95)	C	H.R. 2492	Leg. Branch Approps	PQ: 235–184 A: voice vote (10/31/95).
H. Res. 245 (10/25/95)	MC	H. Con. Res. 109	Social Security Earnings Reform	PQ: 228–191 A: 235–185 (10/26/95).
		H.R. 2491	Seven-Year Balanced Budget	

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of March 6, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 251 (10/31/95)	C	H.R. 1833	Partial Birth Abortion Ban	A: 237–190 (11/1/95).
H. Res. 252 (10/31/95)	MO	H.R. 2546	D.C. Approps.	A: 241–181 (11/1/95).
H. Res. 257 (11/7/95)	C	H.J. Res. 115	Cont. Res. FY 1996	A: 216–210 (11/8/95).
H. Res. 258 (11/8/95)	MC	H.R. 2586	Debt Limit	A: 220–200 (11/10/95).
H. Res. 259 (11/9/95)	O	H.R. 2539	ICC Termination Act	A: voice vote (11/14/95).
H. Res. 261 (11/9/95)	C	H.J. Res. 115	Cont. Resolution	A: 223–182 (11/10/95).
H. Res. 262 (11/9/95)	C	H.R. 2586	Increase Debt Limit	A: 220–185 (11/10/95).
H. Res. 269 (11/15/95)	O	H.R. 2564	Lobbying Reform	A: voice vote (11/16/95).
H. Res. 270 (11/15/95)	C	H.J. Res. 122	Further Cont. Resolution	A: 229–176 (11/15/95).
H. Res. 273 (11/16/95)	MC	H.R. 2606	Prohibition on Funds for Bosnia	A: 239–181 (11/17/95).
H. Res. 284 (11/29/95)	O	H.R. 1788	Amtrak Reform	A: voice vote (11/30/95).
H. Res. 287 (11/30/95)	O	H.R. 1350	Maritime Security Act	A: voice vote (12/6/95).
H. Res. 293 (12/7/95)	C	H.R. 2621	Protect Federal Trust Funds	PQ: 223–183 A: 228–184 (12/14/95).
H. Res. 303 (12/13/95)	O	H.R. 1745	Utah Public Lands.	
H. Res. 309 (12/18/95)	C	H.Con. Res. 122	Budget Res. W/President	PQ: 230–188 A: 229–189 (12/19/95).
H. Res. 313 (12/19/95)	O	H.R. 558	Texas Low-Level Radioactive	A: voice vote (12/20/95).
H. Res. 323 (12/21/95)	C	H.R. 2677	Natl. Parks & Wildlife Refuge	Tabled (2/28/96).
H. Res. 366 (2/27/96)	MC	H.R. 2854	Farm Bill	PQ: 228–182 A: 244–168 (2/28/96).
H. Res. 368 (2/28/96)	O	H.R. 994	Small Business Growth	
H. Res. 371 (3/6/96)	C	H.R. 3021	Debt Limit Increase	
H. Res. 372 (3/6/96)	MC	H.R. 3019	Cont. Approps. FY 1996	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am going to support passage of this rule and this bill even though it provides only a temporary remedy to our current fiscal dilemma. Mr. Speaker, I support this proposal because it is the responsible thing to do.

But, Mr. Speaker, I believe that the majority is teetering on the edge of irresponsibility by not living up to the promise made before we took a 3-week recess in February. And that promise was, of course, to pass an increase in the debt ceiling the week we returned from the break. The House has now been back in business since February 27 and all the majority leadership seems able to produce to avert financial crisis is a temporary measure that will only take us through March 29.

Mr. Speaker, I urge the majority to do its job and get on with the people's business. While we are waiting for that to happen, it is incumbent upon us to support this proposal and ensure that the United States does not default on its obligations for the first time in its history.

Mr. Speaker, I include for the RECORD the following information regarding floor procedure in the 104th Congress.

The material referred to is as follows:

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1*	Compliance	H. Res. 6	Closed	None.
H. Res. 6	Opening Day Rules Package	H. Res. 5	Closed; contained a closed rule on H.R. 1 within the closed rule	None.
H.R. 5*	Unfunded Mandates	H. Res. 38	Restrictive; Motion adopted over Democratic objection in the Committee of the Whole to limit debate on section 4; Pre-printing gets preference.	N/A.
H.J. Res. 2*	Balanced Budget	H. Res. 44	Restrictive; only certain substitutes	2R; 4D.
H. Res. 43	Committee Hearings Scheduling	H. Res. 43 (OJ)	Restrictive; considered in House no amendments	N/A.
H.R. 2*	Line Item Veto	H. Res. 55	Open; Pre-printing gets preference	N/A.
H.R. 665*	Victim Restitution Act of 1995	H. Res. 61	Open; Pre-printing gets preference	N/A.
H.R. 666*	Exclusionary Rule Reform Act of 1995	H. Res. 60	Open; Pre-printing gets preference	N/A.
H.R. 667*	Violent Criminal Incarceration Act of 1995	H. Res. 63	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 668*	The Criminal Alien Deportation Improvement Act	H. Res. 69	Open; Pre-printing gets preference; Contains self-executing provision	N/A.
H.R. 728*	Local Government Law Enforcement Block Grants	H. Res. 79	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 7*	National Security Revitalization Act	H. Res. 83	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 729*	Death Penalty/Habeas	N/A	Restrictive; brought up under UC with a 6 hr. time cap on amendments	N/A.
S. 2	Senate Compliance	N/A	Closed; Put on Suspension Calendar over Democratic objection	None.
H.R. 831	To Permanently Extend the Health Insurance Deduction for the Self-Employed.	H. Res. 88	Restrictive; makes in order only the Gibbons amendment; Waives all points of order; Contains self-executing provision.	1D.
H.R. 830*	The Paperwork Reduction Act	H. Res. 91	Open	N/A.
H.R. 889	Emergency Supplemental/Rescinding Certain Budget Authority	H. Res. 92	Restrictive; makes in order only the Obey substitute	1D.
H.R. 450*	Regulatory Moratorium	H. Res. 93	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 1022*	Risk Assessment	H. Res. 96	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 926*	Regulatory Flexibility	H. Res. 100	Open	N/A.
H.R. 925*	Private Property Protection Act	H. Res. 101	Restrictive; 12 hr. time cap on amendments; Requires Members to pre-print their amendments in the Record prior to the bill's consideration for amendment, waives germaneness and budget act points of order as well as points of order concerning appropriating on a legislative bill against the committee substitute used as base text.	1D.
H.R. 1058*	Securities Litigation Reform Act	H. Res. 105	Restrictive; 8 hr. time cap on amendments; Pre-printing gets preference; Makes in order the Wyden amendment and waives germaneness against it.	1D.
H.R. 988*	The Attorney Accountability Act of 1995	H. Res. 104	Restrictive; 7 hr. time cap on amendments; Pre-printing gets preference	N/A.
H.R. 956*	Product Liability and Legal Reform Act	H. Res. 109	Restrictive; makes in order only 15 germane amendments and denies 64 germane amendments from being considered.	8D; 7R.
H.R. 1158	Making Emergency Supplemental Appropriations and Rescissions	H. Res. 115	Restrictive; Combines emergency H.R. 1158 & nonemergency 1159 and strikes the abortion provision; makes in order only pre-printed amendments that include offsets within the same chapter (deeper cuts in programs already cut); waives points of order against three amendments; waives cl 2 of rule XXI against the bill, cl 2, XXI and cl 7 of rule XVI against the substitute; waives cl 2(e) od rule XXI against the amendments in the Record; 10 hr time cap on amendments. 30 minutes debate on each amendment.	N/A.
H.J. Res. 73*	Term Limits	H. Res. 116	Restrictive; Makes in order only 4 amendments considered under a "Queen of the Hill" procedure and denies 21 germane amendments from being considered.	1D; 3R
H.R. 4*	Welfare Reform	H. Res. 119	Restrictive; Makes in order only 31 perfecting amendments and two substitutes; Denies 130 germane amendments from being considered; The substitutes are to be considered under a "Queen of the Hill" procedure; All points of order are waived against the amendments.	5D; 26R.
H.R. 1271*	Family Privacy Act	H. Res. 125	Open	N/A.
H.R. 660*	Housing for Older Persons Act	H. Res. 126	Open	N/A.
H.R. 1215*	The Contract With America Tax Relief Act of 1995	H. Res. 129	Restrictive; Self Executes language that makes tax cuts contingent on the adoption of a balanced budget plan and strikes section 3006. Makes in order only one substitute. Waives all points of order against the bill, substitute made in order as original text and Gephardt substitute.	1D.
H.R. 483	Medicare Select Extension	H. Res. 130	Restrictive; waives cl 2(1)(6) of rule XI against the bill; makes H.R. 1391 in order as original text; makes in order only the Dingell substitute; allows Commerce Committee to file a report on the bill at any time.	1D.
H.R. 655	Hydrogen Future Act	H. Res. 136	Open	N/A.
H.R. 1361	Coast Guard Authorization	H. Res. 139	Open; waives sections 302(f) and 308(a) of the Congressional Budget Act against the bill's consideration and the committee substitute; waives cl 5(a) of rule XXI against the committee substitute.	N/A.

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 961	Clean Water Act	H. Res. 140	Open; pre-printing gets preference; waives sections 302(f) and 602(b) of the Budget Act against the bill's consideration; waives cl 7 of rule XVI, cl 5(a) of rule XXI and section 302(f) of the Budget Act against the committee substitute. Makes in order Shuster substitute as first order of business.	N/A.
H.R. 535	Corning National Fish Hatchery Conveyance Act	H. Res. 144	Open	N/A.
H.R. 584	Conveyance of the Fairport National Fish Hatchery to the State of Iowa.	H. Res. 145	Open	N/A.
H.R. 614	Conveyance of the New London National Fish Hatchery Production Facility.	H. Res. 146	Open	N/A.
H. Con. Res. 67	Budget Resolution	H. Res. 149	Restrictive; Makes in order 4 substitutes under regular order; Gephardt, Neumann/Solomon, Payne/Owens, President's Budget if printed in Record on 5/17/95; waives all points of order against substitutes and concurrent resolution; suspends application of Rule XLIX with respect to the resolution; self-executes Agriculture language.	3D; 1R.
H.R. 1561	American Overseas Interests Act of 1995	H. Res. 155	Restrictive; Requires amendments to be printed in the Record prior to their consideration; 10 hr. time cap; waives cl 2(1)(6) of rule XI against the bill's consideration; Also waives sections 302(f), 303(a), 308(a) and 402(a) against the bill's consideration and the committee amendment in order as original text; waives cl 5(a) of rule XXI against the amendment; amendment consideration is closed at 2:30 p.m. on May 25, 1995. Self-executes provision which removes section 2210 from the bill. This was done at the request of the Budget Committee.	N/A.
H.R. 1530	National Defense Authorization Act FY 1996	H. Res. 164	Restrictive; Makes in order only the amendments printed in the report; waives all points of order against the bill, substitute and amendments printed in the report. Gives the Chairman en bloc authority. Self-executes a provision which strikes section 807 of the bill; provides for an additional 30 min. of debate on Nunn-Lugar section; Allows Mr. Clinger to offer a modification of his amendment with the concurrence of Ms. Collins.	36R; 18D; 2 Bipartisan.
H.R. 1817	Military Construction Appropriations; FY 1996	H. Res. 167	Open; waives cl. 2 and cl. 6 of rule XXI against the bill; 1 hr. general debate; Uses House passed budget numbers as threshold for spending amounts pending passage of Budget.	N/A.
H.R. 1854	Legislative Branch Appropriations	H. Res. 169	Restrictive; Makes in order only 11 amendments; waives sections 302(f) and 308(a) of the Budget Act against the bill and cl. 2 and cl. 6 of rule XXI against the bill. All points of order are waived against the amendments.	5R; 4D; 2 Bipartisan.
H.R. 1868	Foreign Operations Appropriations	H. Res. 170	Open; waives cl. 2, cl. 5(b), and cl. 6 of rule XXI against the bill; makes in order the Gilman amendments as first order of business; waives all points of order against the amendments; if adopted they will be considered as original text; waives cl. 2 of rule XXI against the amendments printed in the report. Pre-printing gets priority (Hall) (Menendez) (Goss) (Smith, NJ).	N/A.
H.R. 1905	Energy & Water Appropriations	H. Res. 171	Open; waives cl. 2 and cl. 6 of rule XXI against the bill; makes in order the Shuster amendment as the first order of business; waives all points of order against the amendment; if adopted it will be considered as original text. Pre-printing gets priority.	N/A.
H.J. Res. 79	Constitutional Amendment to Permit Congress and States to Prohibit the Physical Desecration of the American Flag.	H. Res. 173	Closed; provides one hour of general debate and one motion to recommit with or without instructions; if there are instructions, the MO is debatable for 1 hr.	N/A.
H.R. 1944	Recissions Bill	H. Res. 175	Restrictive; Provides for consideration of the bill in the House; Permits the Chairman of the Appropriations Committee to offer one amendment which is unamendable; waives all points of order against the amendment.	N/A.
H.R. 1868 (2nd rule)	Foreign Operations Appropriations	H. Res. 177	Restrictive; Provides for further consideration of the bill; makes in order only the four amendments printed in the rules report (20 min. each). Waives all points of order against the amendments; Prohibits intervening motions in the Committee of the Whole; Provides for an automatic rise and report following the disposition of the amendments.	N/A.
H.R. 1977 *Rule Defeated*	Interior Appropriations	H. Res. 185	Open; waives sections 302(f) and 308(a) of the Budget Act and cl 2 and cl 6 of rule XXI; provides that the bill be read by title; waives all points of order against the Tauzin amendment; self-executes Budget Committee amendment; waives cl 2(e) of rule XXI against amendments to the bill; Pre-printing gets priority.	N/A.
H.R. 1977	Interior Appropriations	H.Res. 187	Open; waives sections 302(f), 306 and 308(a) of the Budget Act; waives clauses 2 and 6 of rule XXI against provisions in the bill; waives all points of order against the Tauzin amendment; provides that the bill be read by title; self-executes Budget Committee amendment and makes NEA funding subject to House passed authorization; waives cl 2(e) of rule XXI against the amendments to the bill; Pre-printing gets priority.	N/A.
H.R. 1976	Agriculture Appropriations	H. Res. 188	Open; waives clauses 2 and 6 of rule XXI against provisions in the bill; provides that the bill be read by title; Makes Skeen amendment first order of business, if adopted the amendment will be considered as base text (10 min.); Pre-printing gets priority.	N/A.
H.R. 1977 (3rd rule)	Interior Appropriations	H. Res. 189	Restrictive; provides for the further consideration of the bill; allows only amendments pre-printed before July 14th to be considered; limits motions to rise.	N/A.
H.R. 2020	Treasury Postal Appropriations	H. Res. 190	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; provides the bill be read by title; Pre-printing gets priority.	N/A.
H.J. Res. 96	Disapproving MFN for China	H. Res. 193	Restrictive; provides for consideration in the House of H.R. 2058 (90 min.) And H.J. Res. 96 (1 hr). Waives certain provisions of the Trade Act.	N/A.
H.R. 2002	Transportation Appropriations	H. Res. 194	Open; waives cl. 3 Of rule XIII and section 401 (a) of the CBA against consideration of the bill; waives cl. 6 and cl. 2 of rule XXI against provisions in the bill; Makes in order the Clinger/Solomon amendment waives all points of order against the amendment (Line Item Veto); provides the bill be read by title; Pre-printing gets priority. ***RULE AMENDED***.	N/A.
H.R. 70	Exports of Alaskan North Slope Oil	H. Res. 197	Open; Makes in order the Resources Committee amendment in the nature of a substitute as original text; Pre-printing gets priority; Provides a Senate hook-up with S. 395.	N/A.
H.R. 2076	Commerce, Justice Appropriations	H. Res. 198	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; Pre-printing gets priority; provides the bill be read by title..	N/A.
H.R. 2099	VA/HUD Appropriations	H. Res. 201	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; Provides that the amendment in part 1 of the report is the first business, if adopted it will be considered as base text (30 min.); waives all points of order against the Klug and Davis amendments; Pre-printing gets priority; Provides that the bill be read by title.	N/A.
S. 21	Termination of U.S. Arms Embargo on Bosnia	H. Res. 204	Restrictive; 3 hours of general debate; Makes in order an amendment to be offered by the Minority Leader or a designee (1 hr); If motion to recommit has instructions it can only be offered by the Minority Leader or a designee.	1D.
H.R. 2126	Defense Appropriations	H. Res. 205	Open; waives cl. 2(l)(6) of rule XI and section 306 of the Congressional Budget Act against consideration of the bill; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; self-executes a strike of sections 8021 and 8024 of the bill as requested by the Budget Committee; Pre-printing gets priority; Provides the bill be read by title.	N/A.
H.R. 1555	Communications Act of 1995	H. Res. 207	Restrictive; waives sec. 302(f) of the Budget Act against consideration of the bill; Makes in order the Commerce Committee amendment as original text and waives sec. 302(f) of the Budget Act and cl. 5(a) of rule XXI against the amendment; Makes in order the Bliely amendment (30 min.) as the first order of business, if adopted it will be original text; makes in order only the amendments printed in the report and waives all points of order against the amendments; provides a Senate hook-up with S. 652.	2R/3D/3 Bipartisan.
H.R. 2127	Labor/HHS Appropriations Act	H. Res. 208	Open; Provides that the first order of business will be the managers amendments (10 min.), if adopted they will be considered as base text; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; waives all points of order against certain amendments printed in the report; Pre-printing gets priority; Provides the bill be read by title.	N/A.
H.R. 1594	Economically Targeted Investments	H. Res. 215	Open; 2 hr of gen. debate. makes in order the committee substitute as original text	N/A.
H.R. 1655	Intelligence Authorization	H. Res. 216	Restrictive; waives sections 302(f), 308(a) and 401(b) of the Budget Act. Makes in order the committee substitute as modified by Govt. Reform amend (striking sec. 505) and an amendment striking title VII. Cl 7 of rule XVI and cl 5(a) of rule XXI are waived against the substitute. Sections 302(f) and 401(b) of the CBA are also waived against the substitute. Amendments must also be pre-printed in the Congressional record.	N/A.
H.R. 1162	Deficit Reduction Lock Box	H. Res. 218	Open; waives cl 7 of rule XVI against the committee substitute made in order as original text; Pre-printing gets priority.	N/A.
H.R. 1670	Federal Acquisition Reform Act of 1995	H. Res. 219	Open; waives sections 302(f) and 308(a) of the Budget Act against consideration of the bill; bill will be read by title; waives cl 5(a) of rule XXI and section 302(f) of the Budget Act against the committee substitute. Pre-printing gets priority.	N/A.

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1617	To Consolidate and Reform Workforce Development and Literacy Programs Act (CAREERS).	H. Res. 222	Open; waives section 302(f) and 401(b) of the Budget Act against the substitute made in order as original text (H.R. 2332), cl. 5(a) of rule XXI is also waived against the substitute. provides for consideration of the managers amendment (10 min.) If adopted, it is considered as base text.	N/A.
H.R. 2274	National Highway System Designation Act of 1995	H. Res. 224	Open; waives section 302(f) of the Budget Act against consideration of the bill; Makes H.R. 2349 in order as original text; waives section 302(f) of the Budget Act against the substitute; provides for the consideration of a managers amendment (10 min.) If adopted, it is considered as base text; Pre-printing gets priority.	N/A.
H.R. 927	Cuban Liberty and Democratic Solidarity Act of 1995	H. Res. 225	Restrictive; waives cl 2(L)(2)(B) of rule XI against consideration of the bill; makes in order H.R. 2347 as base text; waives cl 7 of rule XVI against the substitute; Makes Hamilton amendment the first amendment to be considered (1 hr). Makes in order only amendments printed in the report.	2R/2D
H.R. 743	The Teamwork for Employees and managers Act of 1995	H. Res. 226	Open; waives cl 2(l)(2)(b) of rule XI against consideration of the bill; makes in order the committee amendment as original text; Pre-printing get priority.	N/A.
H.R. 1170	3-Judge Court for Certain Injunctions	H. Res. 227	Open; makes in order a committee amendment as original text; Pre-printing gets priority	N/A.
H.R. 1601	International Space Station Authorization Act of 1995	H. Res. 228	Open; makes in order a committee amendment as original text; pre-printing gets priority	N/A.
H.J. Res. 108	Making Continuing Appropriations for FY 1996	H. Res. 230	Closed; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee.	
H.R. 2405	Omnibus Civilian Science Authorization Act of 1995	H. Res. 234	Open; self-executes a provision striking section 304(b)(3) of the bill (Commerce Committee request); Pre-printing gets priority.	N/A.
H.R. 2259	To Disapprove Certain Sentencing Guideline Amendments	H. Res. 237	Restrictive; waives cl 2(l)(2)(B) of rule XI against the bill's consideration; makes in order the text of the Senate bill S. 1254 as original text; Makes in order only a Conyers substitute; provides a senate hook-up after adoption.	1D
H.R. 2425	Medicare Preservation Act	H. Res. 238	Restrictive; waives all points of order against the bill's consideration; makes in order the text of H.R. 2485 as original text; waives all points of order against H.R. 2485; makes in order only an amendment offered by the Minority Leader or a designee; waives all points of order against the amendment; waives cl 5© of rule XXI (⅗ requirement on votes raising taxes).	1D
H.R. 2492	Legislative Branch Appropriations Bill	H. Res. 239	Restrictive; provides for consideration of the bill in the House	N/A.
H.R. 2491 H. Con. Res. 109	7 Year Balanced Budget Reconciliation Social Security Earnings Test Reform.	H. Res. 245	Restrictive; makes in order H.R. 2517 as original text; waives all pints of order against the bill; Makes in order only H.R. 2530 as an amendment only if offered by the Minority Leader or a designee; waives all points of order against the amendment; waives cl 5© of rule XXI (⅗ requirement on votes raising taxes).	1D
H.R. 1833	Partial Birth Abortion Ban Act of 1995	H. Res. 251	Closed	N/A.
H.R. 2546	D.C. Appropriations FY 1996	H. Res. 252	Restrictive; waives all points of order against the bill's consideration; Makes in order the Walsh amendment as the first order of business (10 min.); if adopted it is considered as base text; waives cl 2 and 6 of rule XXI against the bill; makes in order the Bonilla, Gunderson and Hostettler amendments (30 min.); waives all points of order against the amendments; debate on any further amendments is limited to 30 min. each.	N/A
H.J. Res. 115	Further Continuing Appropriations for FY 1996	H. Res. 257	Closed; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee.	N/A
H.R. 2586	Temporary Increase in the Statutory Debt Limit	H. Res. 258	Restrictive; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee; self-executes 4 amendments in the rule; Solomon, Medicare Coverage of Certain Anti-Cancer Drug Treatments, Habeas Corpus Reform, Chrysler (MI); makes in order the Walker amend (40 min.) on regulatory reform.	5R
H.R. 2539	ICC Termination	H. Res. 259	Open; waives section 302(f) and section 308(a)	
H.J. Res. 115	Further Continuing Appropriations for FY 1996	H. Res. 261	Closed; provides for the immediate consideration of a motion by the Majority Leader or his designees to dispose of the Senate amendments (1hr).	N/A.
H.R. 2586	Temporary Increase in the Statutory Limit on the Public Debt	H. Res. 262	Closed; provides for the immediate consideration of a motion by the Majority Leader or his designees to dispose of the Senate amendments (1hr).	N/A.
H. Res. 250	House Gift Rule Reform	H. Res. 268	Closed; provides for consideration of the bill in the House; 30 min. of debate; makes in order the Burton amendment and the Gingrich en bloc amendment (30 min. each); waives all points of order against the amendments; Gingrich is only in order if Burton fails or is not offered.	2R
H.R. 2564	Lobbying Disclosure Act of 1995	H. Res. 269	Open; waives cl. 2(l)(6) of rule XI against the bill's consideration; waives all points of order against the Istook and McIntosh amendments.	N/A.
H.R. 2606	Prohibition on Funds for Bosnia Deployment	H. Res. 273	Restrictive; waives all points of order against the bill's consideration; provides one motion to amend if offered by the Minority Leader or designee (1 hr non-amendable); motion to recommit which may have instructions only if offered by Minority Leader or his designee; if Minority Leader motion is not offered debate time will be extended by 1 hr.	N/A.
H.R. 1788	Amtrak Reform and Privatization Act of 1995	H. Res. 289	Open; waives all points of order against the bill's consideration; makes in order the Transportation substitute modified by the amend in the report; Bill read by title; waives all points of order against the substitute; makes in order a managers amend as the first order of business, if adopted it is considered base text (10 min.); waives all points of order against the amendment; Pre-printing gets priority.	N/A.
H.R. 1350	Maritime Security Act of 1995	H. Res. 287	Open; makes in order the committee substitute as original text; makes in order a managers amendment which if adopted is considered as original text (20 min.) unamendable; pre-printing gets priority.	N/A.
H.R. 2621	To Protect Federal Trust Funds	H. Res. 293	Closed; provides for the adoption of the Ways & Means amendment printed in the report. 1 hr. of general debate.	N/A.
H.R. 1745	Utah Public Lands Management Act of 1995	H. Res. 303	Open; waives cl 2(l)(6) of rule XI and sections 302(f) and 311(a) of the Budget Act against the bill's consideration. Makes in order the Resources substitute as base text and waives cl 7 of rule XVI and sections 302(f) and 308(a) of the Budget Act; makes in order a managers' amend as the first order of business, if adopted it is considered base text (10 min)..	N/A.
H.Res. 304	Providing for Debate and Consideration of Three Measures Relating to U.S. Troop Deployments in Bosnia.	N/A	Closed; makes in order three resolutions; H.R. 2770 (Dorman), H.Res. 302 (Buyer), and H.Res. 306 (Gephardt); 1 hour of debate on each..	1D; 2R
H.Res. 309	Revised Budget Resolution	H. Res. 309	Closed; provides 2 hours of general debate in the House	N/A.
H.R. 558	Texas Low-Level Radioactive Waste Disposal Compact Consent Act	H. Res. 313	Open; pre-printing gets priority	N/A.
H.R. 2677	The National Parks and National Wildlife Refuge Systems Freedom Act of 1995.	H. Res. 323	Closed; consideration in the House; self-executes Young amendment	N/A.
PROCEDURE IN THE 104TH CONGRESS 2D SESSION				
H.R. 1643	To authorize the extension of nondiscriminatory treatment (MFN) to the products of Bulgaria.	H. Res. 334	Closed; provides to take the bill from the Speaker's table with the Senate amendment, and consider in the House the motion printed in the Rules Committee report; 1 hr. of general debate; previous question is considered as ordered.	N/A.
H.J. Res. 134 H. Con. Res. 131	Making continuing appropriations/establishing procedures making the transmission of the continuing resolution H.J. Res. 134.	H. Res. 336	Closed; provides to take from the Speaker's table H.J. Res. 134 with the Senate amendment and concur with the Senate amendment with an amendment (H. Con. Res. 131) which is self-executed in the rule. The rule provides further that the bill shall not be sent back to the Senate until the Senate agrees to the provisions of H. Con. Res. 131.	N/A.
H.R. 1358	Conveyance of National Marine Fisheries Service Laboratory at Gloucester, Massachusetts.	H. Res. 338	Closed; provides to take the bill from the Speakers table with the Senate amendment, and consider in the house the motion printed in the Rules Committee report; 1 hr. of general debate; previous quesetion is considered as ordered.	N/A.
H.R. 2924	Social Security Guarantee Act	H. Res. 355	Closed	N/A.
H.R. 2854	The Agricultural Market Transition Program	H. Res. 366	Restrictive; waives all points of order against the bill; 2 hrs of general debate; makes in order a committee substitute as original text and waives all points of order against the substitute; makes in order only the 16 amends printed in the report and waives all points of order against the amendments; circumvents unfunded mandates law; Chairman has en bloc authority for amends in report (20 min.) on each en bloc.	5D; 9R; 2 Bipartisan.
H.R. 994	Regulatory Sunset & Review Act of 1995	H. Res. 368	Open rule; makes in order the Hyde substitute printed in the Record as original text; waives cl 7 of rule XVI against the substitute; Pre-printing gets priority; vacates the House action on S. 219 and provides to take the bill from the Speakers table and consider the Senate bill; allows Chrmn. Clinger a motion to strike all after the enacting clause of the Senate bill and insert the text of H.R. 994 as passed by the House (1 hr) debate; waives germaneness against the motion; provides if the motion is adopted that it is in order for the House to insist on its amendments and request a conference.	N/A

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 3021	To Guarantee the Continuing Full Investment of Social security and Other Federal Funds in Obligations of the United States.	H. Res. 371	Closed rule; gives one motion to recommit, which if it contains instructions, may only if offered by the Minority Leader or his designee.	N/A
H.R. 3019	A Further Downpayment Toward a Balanced Budget	H. Res. 372	Restrictive; self-executes CBO language regarding contingency funds in section 2 of the rule; makes in order only the amendments printed in the report; Lowey (20 min), Istook (20 min), Crapo (20 min), Obey (1 hr); waives all points of order against the amendments; give one motion to recommit, which if contains instructions, may only if offered by the Minority Leader or his designee.	2D/2R

*Contract Bills, 67% restrictive; 33% open. **All legislation 1st Session, 53% restrictive; 47% open. ***Legislation 2d Session, 88% restrictive; 12% open. ****All legislation 104th Congress 59% restrictive; 41% open. *****Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules as well as completely closed rules and rules providing for consideration in the House as opposed to the Committee of the Whole. This definition of restrictive rule is taken from the Republican chart of resolutions reported from the Rules Committee in the 103d Congress. N/A means not available.

Mr. FROST. Mr. Speaker, I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, for purposes of debate only, I yield such time as he may consume to my friend, the gentleman from Florida [Mr. GOSS], a member of the committee.

Mr. GOSS. Mr. Speaker, I thank the distinguished gentleman from Georgia [Mr. LINDER] for yielding me this time.

Mr. Speaker, I rise in support of this rule and this bill—which simply ensures responsible management of the Nation's trust funds so that the United States can make good on its obligations for the next 22 days. The purpose of this clean debt ceiling measure is not to increase the limit on the Federal Government's credit card. In fact, the bill is written to ensure that all we get from those 22 days is a useful window of time during which to tie ourselves firmly to the glidepath toward a balanced budget. If we don't accomplish that, at the end of this window we will find ourselves right back where we are today, very deep in the hole. That should be a strong incentive to keep us focused on the ultimate goal: Eliminating our annual budget deficits by eradicating excessive spending and starting to pay down our crushing national debt. I have always been loathe to support increases—even temporary ones—in the debt ceiling because I believe the trend on our borrowing should be toward less, not more. Still, I will support this measure because it provides a clear opportunity to lock us in on the glidepath toward balance.

Mr. Speaker, that is something that everybody in this country wants. This is an opportunity. If we fail to take it and do the job properly, I suspect that we will be hearing a lot about it as the months go forward, and I am reminded that November is, indeed, an election month. I think that is an appropriate time for us to have this problem solved by.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, promises made, promises broken. That is, after all, the recurrent theme of this Gingrich revolution. There is no better example than what is occurring right here today.

I have a letter here dated February 1, 1996. It is addressed to the President of the United States at the White House. It says, in part, and it is a very short letter, "You emphasized that authority to raise the debt limit is needed by the beginning of March. Your administration has communicated to use that action must be taken by February 29 to ensure there is not default. Congressional Republicans are committed to act by this date in a manner acceptable to both you and the Congress in order to guarantee the Government does not default on its obligations," and it is signed by the gentleman from Georgia, NEWT GINGRICH, by the gentleman from Texas, DICK ARMEY, and by BOB DOLE.

What happened on February 29? Yes, it was leap day and leap year, and our Republican colleagues leaped right over their pledge, because February 29 came and went and there was no permanent extension with reference to this matter of the full faith and credit of the United States. This is not some trivial matter. This is the creditworthiness of our entire country that is being messed with and meddled with in 2-week spurts.

Why is that? Because our Republican colleagues cannot agree among themselves. They cannot figure out which part of their extremist agenda to tack onto the debt limit, now that they have that hostage. They are over there saying, "Well, should we use it to restrict the health care choices of American families?" And then they have another group that says, "Oh, no, this is a good opportunity to have unilateral disarmament with reference to law enforcement on environmental matters, clean air and clean water." Then they have another group that says, "No, we could use this as hostage to place more obstacles in the way of public education." They cannot agree among themselves, so they need another 2 weeks to figure out what part of their extremist agenda to tack on and hold hostage the creditworthiness of the United States.

Let us reject that kind of extremism, as the American people have done. For once, we ask our Republican colleagues to keep their word.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would point out that we are responding to the Democrat as well as Republican Governors, to give them time to try to come up with a compromise, a bipartisan solution to Medicaid and welfare. They have asked for this extension. Hopefully, their cost savings can be part of the entire debt ceiling extension.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut, [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, I would respond to my colleague who just spoke about what we need the 2 weeks for. We all know what that 2 weeks is for. That is to see how we can in fact continue to try to hold this Government, this country, and the President of the United States hostage with regard to the debt limit. That has been the program all along in extending this debt limit in 2-week periods of time.

Let me just say that I am going to support the proposal this morning because I believe it is the right thing to do, to have a clean debt limit to be extended. But this is an irresponsible action on the part of my Republican colleagues. This is a temporary measure. Everyone should understand that. This is for a 2-week period of time. Do not take the word "debt limit," use and substitute for that "credit rating." What we are discussing and talking about here today is the credit rating of the United States of America.

Let me tell the Members, if the Congress or the Republican majority does not understand credit rating, working men and women in this Nation know what that is all about. When your credit rating gets muddied, you are in a bad, bad situation and you cannot get a credit in the future. That stays with you for the remainder of your life.

What we are talking about here, what we are saying to Wall Street, what we are saying to Main Street, what we say to the international community, is that the United States of America will only honor its financial obligations for a 2-week period of time. After that, we will have another charade on this issue about what they might want to try to pile on, and then try, as I say, to hold the Government hostage and the President hostage.

Let me just say this, that my colleagues on the other side of the aisle talk about trying to run Government as a business. How many businesses do we know that start for 2 weeks, close down for 2 weeks, tell their vendors they will only pay them in the next 2 weeks, and after that they are on their own? Is this a way to run a business? It is not a way to run a business. It is not the way we provide trust and faith in what the American Government is all about. This is wrong.

□ 1045

Mr. LINDER. Mr. Speaker, I include the letter from the Governors for the RECORD, as follows:

WASHINGTON, DC, *March 6, 1996.*

Hon. ROBERT DOLE,
Majority Leader, U.S. Senate, Washington, DC
Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR BOB AND NEWT: I am writing to request that the Congress not attach Medicaid and welfare reforms to a short-term debt ceiling increase. As a governor deeply involved in efforts to reform Medicaid and welfare, I believe that a short-term extension will enable the governors to complete our work in developing the merits of our bipartisan plan in greater detail. The governors welcome the opportunity to return to Washington, roll up our sleeves and work out the details of the bipartisan plan.

I understand that no member of Congress wants to increase the debt ceiling, even for such a short period, but those of us who have worked so diligently to reform the Medicaid and welfare systems believe that we are close to a workable solution. The governors are committed to working with Congress to send the President a bipartisan bill this year. It is imperative that we make this last push.

Thank you for all of your hard work. I look forward to a productive two weeks.

Sincerely,

MICHAEL O. LEAVITT,
Governor, State of Utah.

Mr. FROST. Mr. Speaker, I urge adoption of this rule, and I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. ARCHER. Mr. Speaker, pursuant to House Resolution 371, I call up the bill (H.R. 3021) to guarantee the continuing full investment of Social Security and other Federal funds in obligations of the United States, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. GILLMOR). Pursuant to House Resolution 371, the amendment printed in House Report 104–473 is adopted.

The text of H.R. 3021, as amended pursuant to House Resolution 371, is as follows:

H.R. 3021

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF CERTAIN OBLIGATIONS OF THE UNITED STATES.

(a) IN GENERAL.—In addition to any other authority provided by law, the Secretary of the Treasury may issue to each Federal fund obligations of the United States under chapter 31 of title 31, United States Code, before March 30, 1996, in an amount not to exceed the sum of—

(1) the amounts deposited in such fund on or after the earlier of—(A) the date on which such Secretary would not otherwise be able to issue such obligation to such fund, or (B) March 15, 1996, and before March 30, 1996, and

(2) the face amount of obligations held by such fund which mature during such period.

(b) OBLIGATIONS EXEMPT FROM PUBLIC DEBT LIMIT.—

(1) IN GENERAL.—Obligations issued under subsection (a) shall not be taken into account in applying the limitation in section 3101(b) of title 31, United States Code.

(2) TERMINATION OF EXEMPTION.—Paragraph (1) shall cease to apply on the earlier of—

(A) the date of the enactment of the first increase in the limitation in section 3101(b) of title 31, United States Code, after the date of the enactment of this Act, or

(B) March 30, 1996.

(c) FEDERAL FUND.—For purposes of this section, the term "Federal fund" means any Federal trust fund or Government account established pursuant to Federal law to which the Secretary of the Treasury has issued or is expressly authorized by law directly to issue obligations under chapter 31 of title 31, United States Code, in respect of public money, money otherwise required to be deposited in the Treasury, or amounts appropriated.

(d) EXTENSION OF EXISTING AUTHORITY.—Subparagraph (B) of section 1(c)(2) of Public Law 104–103 is amended by striking "March 15, 1996" and inserting "March 30, 1996".

The SPEAKER pro tempore. The gentleman from Texas [Mr. ARCHER] and the gentleman from Florida [Mr. GIBBONS] will each be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. ARCHER].

GENERAL LEAVE

Mr. ARCHER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3021, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 3021, a bill to guarantee the full investment of Social Security and other Federal funds through March 29, 1996. Members may remember that on February 1 the Congress granted the Treasury the necessary borrowing authority to guarantee the full and timely payments of Social Security benefits in March.

Because that authority expires next Friday, March 15, it is necessary to provide the Treasury with additional authority until the end of March to continue to invest receipts of Federal funds in debt obligations to the United States. These obligations will not be counted toward the debt limit, just as we exempted the obligations for Social Security payments in the February legislation.

In addition, H.R. 3021 extends the authority granted for paying Social Security benefits through March 29. If this authority is not provided, Federal trust funds such as Social Security will suffer because they will not receive the proper investment income they are due as required by current law.

I do not want to see any disruption of investments, particularly to Social Security. It is simply unnecessary to let that happen. Therefore, we need to act quickly on this legislation.

This temporary measure is being taken until the end of March in order to create a 2-week window of opportunity for the White House to join with the Congress in enacting entitlement reforms for welfare and Medicaid. The Nation's governors, in a bipartisan action, have paved the way for the Congress and the White House to forge agreements on these major issues, and by using this window of opportunity to reach an agreement, we can later this month pass a permanent debt limit extension that achieves real savings and reduces the level of debt we send to our children in the future.

Since the bill was introduced, Treasury has suggested a purely technical modification concerning the effective date of the bill, and we have incorporated it in the legislation. I understand they now concur with the legislative language of this bill. I also anticipate that the Senate will pass the bill quickly and the President will sign it. I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill needs to be adopted. I am not opposed to it. It is equivalent of a $62 billion debt increase for a period of only 2 weeks.

Unfortunately, 28 percent of all the debt, Mr. Speaker, that we are talking about here is held by foreigners. That is not a good way to treat those the you want to encourage to buy your bonds. It is obvious that they cannot predict what is going to happen here in this Congress, and there are other places for them to invest their capital rather than the U.S. obligations. After all, we pay the lowest interest rates in the world. So any time we destabilize this market, we are going to cost ourselves money. I hope we will all remember that.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, the bill before us today, H.R. 3021, would move the debt ceiling snapback date from March 15 to March 29. It would also assure that trust fund receipts, including Social Security, would be properly invested, and clearly it is before us to avert default.

We certainly should make sure that Social Security receipts are properly invested. I, too, intend to vote for the bill before us today, but I do it, Mr. Speaker, with great reluctance.

We are a country that is looked upon as the world leader for a number of reasons, and one of the most important reasons is because were are economically sound. Yes, we have a budget of $1.3 billion. Yes, in the month of January this country invested in the stock market $33 billion.

We are looked upon, when we sell bonds, that these bonds are secure. You can invest in them, you can put the money in the bank. We are a country that truly has always paid its debts. There has never been any thought of default, even when we faced war, even when we have had a depression. Full faith and credit of the United States of America really has always meant something.

So the reason I rise in reluctant support of this bill is, we are treating the debt limit like another piece of legislation. What the debt limit is is money spent, money owed. It should not even be discussed. The debt ceiling should have been raised November 1. It was not. We have been looking at it, we have been talking about it. The financial markets are thinking about it at all times.

So today we come to the floor with a 2-week debt limit extension. I really am embarrassed by this. I think we as a country stand for an awful lot more than playing politics with our debt ceiling. And so I say today, yes, of course we are going to not default, of course we are going to extend the debt ceiling for 2 weeks, but I think this is an opportunity or we will have an opportunity in 2 weeks to show the American people we know how to govern.

In 2 weeks, Mr. Speaker, I certainly hope we have before us what we should have had before us in November, a debt ceiling extension for the rest of the year so people will know across this country and around the world that we are serious, that we have full faith and credit, and we know how to run a government.

Mr. ARCHER. Mr. Speaker, I reserve the balance of my time.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think this is an appropriate time for we Americans to stand up, or maybe to sit back and examine ourselves. We are talking about $5 trillion worth of investment in the United States, extending just temporarily for 2 weeks that $5 trillion before it all comes down and this place goes chaotic. It is so gargantuan that most of us can think it is going to be that.

But 28 percent or almost 30 percent of all of this investment in America is made by foreigners, and they do it not out of love for the United States and not out of the interest rate we pay them, but this is a safe place to put your investment. This is the safest place in the world.

Unfortunately, as we use this debt ceiling legislation as a hostage for other goals, we are destabilizing people's interest in investing in our America. Yesterday in a fit of emotion rather than reason, we declared war on the rest of the world by saying our laws are so strong and we are so strong and we are so important, even though we are only 5 percent of the Earth's population, that we can tell other sovereign nations what they cannot do outside of our borders.

Well, you know, we are dreaming when we do that and we are dreaming when we extend this debt ceiling in this temporary fashion for just 2 weeks. Now, I am not going to throw barbs at any political party. We Democrats did it, and it was a mistake, and it is just as much a mistake if the Republicans do it.

I would urge all of our Members to profit by reason and by good example and not by bad example. We have that. We owe that to all Americans. So I would say, Mr. Speaker, that we ought to extend this debt ceiling for much longer than 2 weeks. We ought to let everyone know that this is a soundly governed as well as an economically sound country, and we ought to examine our own role in the world.

We brag about our military might, but we do not possess all of the mental might in the world and we are only 5 percent of the Earth's population. We are blessed with 35 percent of its wealth. We must act responsibly, and a responsible thing to do at this time would be to make a permanent extension, a clean permanent extension of this debt ceiling. Take away the doubt that haunts people's minds about this.

Remember, 28 percent or almost 30 percent of this $5 trillion comes from offshore, from foreign investors who are putting their money here, not because they love us, not because of the interest rate they pay us, but because we are sound and stable. In order to keep earning that kind of quality rating, we have got to act in a quality manner.

Mr. Speaker, I reserve the balance of my time.

Mr. ARCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Speaker, I am sorry the gentleman from Florida [Mr. GIBBONS] is leaving.

Mr. Speaker, we need some good common sense on how Congress regains control over spending, and I brought this chart this morning to sort of portray what the almost crisis is as Congress, over the last 30 or 40 years, has lost control of spending. Spending for most of the Federal budget of $1.6 trillion almost is now, if you will, on automatic pilot.

The blue part of this pie chart represents the welfare entitlement programs. That means the money is automatically there. It does not go through the annual appropriation process, so as we look at the interest that is increasing, last year the gross interest was over $300 billion. If you include the interest paid on Social Security and the other trust funds, that means that we have now on automatic pilot 65 percent of the spending of the Federal Government.

The question is, how do we get a President that has found it to his advantage not to cut spending and to demagog the issue to change some of the welfare entitlement programs in the U.S. Congress?

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This legislation frankly is the last one I am going to support that does not try to move us in the direction of eventually getting onto a glide path to a balanced budget. I mean, everybody has heard the arguments of how terrible it is to pass on today's debts to our kids and grandkids. That is immoral.

The other part is the economic negative effects as government's demand for money in borrowing, and government last year borrowed 42 percent of all the money lent out in the United States. You do not have to be an expert in economics to understand that drives interest rates up.

Alan Greenspan, the Chairman of the Fed, says interest rates would come down up to 2 percent if we could end up balancing the budget. Everybody is saying it. Now we can do it. Let us pass this bill today. Let us not do it again unless we move toward the glide path toward a balanced budget.

Mr. GIBBONS. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I am just amazed that we are talking again today about a short-term 2-week extension of the debt ceiling. Again, I think it is totally irresponsible on the part of the Republican leadership.

Essentially, what I understand is they do not know what to do. In other words, rather than just pass a clean debt ceiling for the rest of the year, which makes sense from the point of view of any kind of economic theory, they are waiting around to see what they might want to attach to this debt ceiling in an effort again to hold the Government hostage just as they did with the Government shutdown and just as they have done with the debt ceiling all along, to see what they can attach to it to move forward with their extreme agenda. I think it is really the height of irresponsibility to legislate in this fashion.

We know that there is always the possibility out there that the threat of default will send the economy of the country, the markets, into turmoil. I think once again it shows to me that the Republican leadership is not really concerned about what happens to the economy, what the impact is on the

American people. All they want to do is sit around here for a few more weeks and see what they can load onto this debt ceiling in order to try to move their agenda.

Again, it is irresponsible. It is not fair. I hope, I hope that at the end of this 2-week period there will be some common sense that once again comes to the floor of this House of Representatives and that we see the Speaker and Republican leadership moving ahead with a clean debt ceiling for the remainder of this year. That is the only way to go. It is the only way to go if you want to act responsibly for this country.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. ENGLISH], a respected member of the Committee on Ways and Means.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I rise in support of the legislation, which would create a debt ceiling opportunity, a 2-week window of opportunity so that we can bring real change to Washington. I believe that this is a responsible initiative. It allows us to continue to fund the Federal Government, but it also sets the stage so that we can use this window of opportunity to reach an agreement under which we can later this month pass a permanent debt limit bill that achieves real savings, reduces the debt and particularly reduces the debt, that we pass on to our children.

In my view, this is the responsible way to go. It gives us an opportunity to put together a coalition to get some things done as part of a permanent debt ceiling increase.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. BENTSEN].

Mr. BENTSEN. Mr. Speaker, I thank my colleague, the ranking Democrat on the Committee on Ways and Means, for yielding to me.

Mr. Speaker and my colleagues, before the House decided to take a vacation during the month of February, before the budget talks lapsed, the leadership on the other side, the Senate majority leader, the Speaker of the House, the House majority leader sent a letter to the President. In that letter they said that,

> Your Administration has communicated to us that action must be taken by February 29 to ensure that there is no default and no delay in social security payments. Congressional Republicans are committed to act by this date in a manner acceptable to both you and the Congress in order to guarantee the government does not default on its obligations.

Of course, today is not February 29. Today is March 7, and the fact is that the Republican leadership has once again failed to stand up to the test of leadership and address what needs to be addressed.

What we are talking about here is the creditworthiness of the United States, the greatest creditworthiness of any nation in the history of the world, and yet they continue to want to play with it with a failed policy that they do not even know was what it is now. One day we hear we are going to attach some welfare reform. We do not know what that is going to be. Then we hear we are not going to attach it. Now we hear let us extend it another 2 weeks; maybe we can figure something out in the interim.

Let us remember a couple of things, let us remember the debt from 1981 to 1994 increased by $4 trillion at a time when we had 12 years of Republican Presidents who never once submitted a balanced budget to the Congress.

Give President Clinton his due that he is the first President in 17 years to submit a balanced budget to the Congress. You may not agree with everything in it, but at least we can start debating it.

Keep in mind the Republican budget that was proposed this year would have added $1 trillion to the national debt, and keep in mind, keep in mind that what this measure does is to pay for money that was already spent, including when we had a Republican-controlled Senate that added $4 trillion to the debt. Let us not ruin the Nation's creditworthiness. Let us get on with the Nation's business. Let us put this issue aside, increase the debt limit to where the President and the Republicans in their budget wanted to put it.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Speaker, there has been a lot of talk about default. Default is not going to happen. Let me explain why.

In addition to the money already allocated to pay the interest on the national debt, and if you consider credibility, the creditworthiness of the United States to be jeopardized if we do not have timely payment of interest and principal, and principal is rolled over, we reissue principal, then the question becomes on timely payment of interest.

Look at this pie chart. Interest represents 15 percent of the money spent in our budget. In addition to the money already allocated to pay timely interest, if we were to take 1.5 percent additional from incoming revenues already coming into the Federal Government, interest would be paid. Treasury can do that.

Default is a red herring. It is not going to happen. It is ridiculous to talk about default if you are talking about default in terms of the creditworthiness of the United States, in terms of timely payment of interest and principal.

DEBT CEILING UPDATE NO. 5

On March 6, H.R. 3021 was sent to the House. This bill would temporarily allow Treasury to borrow outside the debt limit for the purposes of investing trust fund revenues into the trust funds until March 30.[1] Along with a refunding provision, this would allow for approximately $23 billion in additional debt authority. It also extends the provisions of H.R. 2924, now due to expire March 15, to March 30. H.R. 2924 effectively allowed additional borrowing of $29 billion outside the limit. The rationale for H.R. 3021 is that it will allow time for further refinement and drafting of proposals which may be attached to a longer debt increase.

RECENT EVENTS AND IMPENDING BORROWING REQUIREMENTS

On February 1, the House passed H.R. 2924, which allowed Treasury to issue approximately $29 billion in marketable debt outside the debt limit. By doing this, Congress blunted the threat by the Secretary of Treasury that failure to pass a debt ceiling increase by the end of January would result in failure to make timely Social Security payments. While there was considerable suspicion about the reality of the Secretary's threat, passage of the bill took care of a timing issue with regard to trust fund payments.

On March 15, the debt allowed under H.R. 2924 would count against the $4.9 trillion limit. The original March 15 date allowed Treasury to rollover the $27.6 billion of bills that mature March 14. On March 21, $25.5 billion of 13 week and 26 week bills come due. There is a possibility that Treasury could meet its March 21 obligations even if the debt limit exemption is not extended. On March 28, however, another $24.7 billion of bills comes due, and this could not be refunded without some form of increased borrowing authority, such as that included in H.R. 3021, or further Treasury use of options that were outlined in Debt Ceiling Update #4.

INCREASE IN THE DEBT LIMIT

Much discussion has taken place over what other types of legislation might be added to the debt limit bill, e.g., tax provisions, welfare and entitlement reform. However, there has been much less discussion of the form any increase might take.

The 160 members of the Debt Limit Coalition in the House, and 9 Senators, signed a letter to the President last June stating that they would require legislation be enacted to ensure we are on a glide path to a balanced budget by the year 2002. One way to accomplish this is to provide in the debt limit increase that increases shall not exceed the amount that would have been necessary under the vetoed Balanced Budget Act of 1995, along with no sale of marketable debt to the public, other than for refunding and cash management purposes, after the year 2002.

STAIR-STEP TO A BALANCED BUDGET

According to CBO estimates, the following would be the debt subject to limit at the end of the fiscal years leading to 2002: Fiscal year—debt subject to limit (trillions of dollars) 1996, 5.155; 1997, 5.432; 1998, 5.682; 1999, 5.908; 2000, 6.116; and 2001, 6.289.

The debt ceiling increase bill would state that debt ceiling increases in excess of these amounts are not valid. Senators Kyl and Mack have suggested that the legislation provide for actual increases in the limit according to this schedule, however, we have introduced and support legislation which would disallow increases in excess of the amount, but would not provide for actual increases. What is important is for Congress to make clear the path of debt over the next seven years, a beginning step to reasserting its constitutional power over borrowing.

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[1] The bill also allows for maturing debt obligations.

NO NET MARKETABLE DEBT TO THE PUBLIC

A key provision would be to not allow Treasury to issue marketable debt to the public after the year 2002. This would ensure a balanced budget in fiscal year 2002, as Treasury could not borrow from the public in order to finance deficits.

Treasury would still be able to issue debt to trust funds. Since several of the trust funds may still be accumulating surpluses over time, it will be necessary to issue debt to keep them fully invested. This debt could be non-marketable government agency securities, such as is currently the case, or it could be marketable securities.

One may also want to provide for short term cash flow. There are at least two ways to handle cash management requirements. One is to take the position that Treasury will have several years notice of the requirement and expect Treasury to accumulate the extra $50 billion in cash it may need to smooth over any mismatch between the timing of receipts and outlays. The other is to exempt from the limit up to $50 billion of cash management notes of 120 days maturity or less, with all such notes maturing prior to the end of the each fiscal year.

PHILOSOPHY OF STAIR-STEP/NO NEW PUBLIC DEBT

As noted in several prior Debt Ceiling Updates, one of Congress' enumerated powers is to borrow money. The approach of detailing the maximum debt limit increases and no new public debt sales after the year 2002 would establish Congress' plan for borrowing and its position that the budget will be balanced in the year 2002. This is in contrast to the ad hoc debt limit increases which have been the pattern since 1940.

HOUSE TASK FORCE REPORT

On February 12, the House Task Force Debt Limit and Misuse of the Trust Funds released its report. Copies of the report are available from my office. The report covered four aspects: (1) a history of the federal debt and its effects on public choice and the economy; (2) whether the Secretary of the Treasury exceeded his authority when he disinvested the Civil Service Retirement and Disability Trust Fund (CSRDF); (3) whether the Secretary was misleading in his statements regarding the consequences of congressional failure to pass a debt ceiling increase; and (4) what congressional response is appropriate given the recent circumstances surrounding the debt limit.

The first conclusion of this report is that the choice of a debt suspension period of twelve months was outside the scope of the law. While the Secretary is given clear authority to disinvest the CSRDF, the law was intended to protect the trust fund, not provide an outlet for the Treasury to fund general fund expenditures. The language of the law would allow the Secretary to sequentially determine its ability to meet pension fund payments. It does not allow an unspecified lengthy declaration in order to generate enough cash to bypass congressional authority over the amount of debt that the U.S. Government can issue.

The second conclusion is that the Secretary clearly could have been more forthcoming in his statements regarding the likely outcome of not passing an increase in the debt limit. An enumerated power of Congress under Article I of the Constitution is to borrow money on the credit of the United States. Congress determined that the debt limit increase should be linked to legislation which put into place policy changes consistent with the debt increase. The Secretary argued for a debt limit increase not linked to any policy related to the budget. In the debate over the budget, the Secretary did not specify either to Congress or the public that failure to increase the debt limit would lead to disinvestment of certain trust funds, rather than a cataclysmic default. The Treasury, months prior to the date when the debt ceiling was reached had planned for the actions they took to ensure interest payments were made. The failure of Treasury officials to be forthcoming on this issue needlessly clouded the debate over a balanced budget and the linkage between debt and spending.

The third issue addressed by the report is congressional response to Treasury's actions of disinvestment of trust funds and sale of certain assets. While Congress has raised the debt limit 77 times since 1940, the recent experience demonstrates that clarification of the law is needed, as is specific congressional direction. The options which have been discussed during the debt limit debate, including disinvestment of trust funds, sale of assets, and delaying income tax refunds, should be directly addressed by the Congress, rather than left open to interpretation. Establishment of a bright line debt limit, through closure of options, should consider what flexibility should be given to the executive branch to manage cash during a period where the debt is at the limit established by Congress.

Mr. GIBBONS. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. BENTSEN].

Mr. BENTSEN. Mr. Speaker, I thank the gentleman for yielding me this time.

Let me respond to my colleague from Michigan. If you do not pay your debt when it is due, if you do not pay the interest and principal when it is due, that is a default. And once you do that, that is when you have things like Moody's Investor Service, who say that the creditworthiness is in question. The U.S. creditworthiness would be brought into question. It already has been brought into question by the games this Congress is playing with the national debt if we do not pay our principal and interest.

Second of all, if you do what you say and you roll over the interest and, therefore, turn it into principal by not paying it, you add to the national debt. So you do two things: You lower the creditworthiness, you raise the cost of capital, and you raise the debt.

Mrs. KENNELLY. Mr. Speaker, will the gentleman yield?

Mr. BENTSEN. I yield to the gentlewoman from Connecticut.

Mrs. KENNELLY. Mr. Speaker, I just looked at that chart quickly, but my understanding is the reason we raised the debt ceiling the last time is so we could pay the March 1 Social Security checks, which is billions and billions of dollars. That plan may look good on a chart, but I would say, in the name of all the Social Security recipients, it is not a good thing to even toy with. Forget the charts, raise the debt ceiling.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume, simply to assure this body that it is our intention not to see our Government default on its debt. There is no greater desire on the part of the administration nor minority to see that we do not default on our debt. We are not going to default on our debt, and that is one of the reasons why we have this bill before us.

Mr. Speaker, I reserve the balance of my time.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. I thank the gentleman for yielding me this time.

Mr. Speaker, this process is outrageous. None of us wants to default on the obligations of this country. But we are now 6 months into the new year, and we still do not have a clean debt extension brought to the floor to get us through this year.

The last time we took this up a couple weeks ago we were promised by the Republican leadership that this issue would be resolved, that they would make sure that we had a debt extension passed that was acceptable to the President, and that is why they asked for the short-term extension.

Now we are back again with another short-term extension. Enough is enough. Let us pass a clean debt extension bill for the remainder of the year, and let us work together, Democrats and Republicans, in order to work out the budget issues.

But do not hold hostage the creditworthiness of this Nation. That is what you are doing by another temporary extension for another 2-week extension. How much longer are we going to go through this? We are 6 months into the year.

It is time to pass a debt extension for the remainder of this term. Then we can get together and work it out, and we should have done this earlier also, Democrats and Republicans, working together.

Has there been any effort made in the last couple of weeks to bring us together? There has not been.

But why are we holding the debtworthiness of this Nation hostage? Obviously, we have to support this legislation. It is the only thing before us, closed rule, cannot offer any alternatives.

Is this the open process we were promised by the Republicans? I do not think so. I know my constituents do not think so. This is not the way that we should be doing business, Mr. Speaker.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

I was under the impression that what we are doing today is a responsible thing to do. I was under the impression it was noncontroversial. The rule passed without a record vote.

But now there seems to be a degree of controversy that is being inserted into this debate, and I cannot let pass without response the fact that there is nothing clean about sending more debt to our children and to their children. That to me is one of the most soiled activities that this Congress can enter into.

We are talking about trying to do something in conjunction ultimately with the debt ceiling that will reduce that burden in the years to come. I believe that is very responsible, and we intend to do that.

There are those who would try to take political advantage of the fact that we are now assuring that we will not default on the debt. I regret that.

Mr. Speaker, I reserve the balance of my time.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. NEAL].

Mr. NEAL of Massachusetts. Mr. Speaker, I have stood at this same place for the last few minutes and essentially talked about the same thing.

There is a question of responsibility in this institution and the manner in which we should have acted some time ago by sending a clean debt extension to the President.

In a legislative institution, there must be an element of goodwill. There has to be some give and take. There really has not been a lot of give and take over this issue during the last many months.

I think that this opportunity, while it is not enough, is a signal that we ought to stop playing games with this issue of the debt ceiling.

I have had a chance to discuss the debate in front of the Committee on Banking and Financial Services this issue with Members of the other side. But the truth is we are still here again 6 months late acting upon an issue that we should have acted upon months ago, and now what are we doing? We are extending the debt ceiling from March 15 to March 29.

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So we are doing something even less than putting a Band-Aid on this problem. One of the most essential elements in a democratic society is confidence. With this issue, we are not providing any degree of certainty. We are not offering a clean debt extension in the manner that we should. We are playing a game with a serious issue.

Mr. Speaker, in just a few weeks, we are going to consider a long-term debt increase. I would ask today that that be offered in the manner in which we have requested, and it be a clean piece of legislation. I would hope with some accommodation the President would be able to sign it.

But the point today is we are not sending a clean debt ceiling issue to the President that will establish long-term confidence. Everybody in this institution knows it. We have discussed this issue for a long time. It is time to act, and not on simply a 2-week basis.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

It is fascinating to me to hear the arguments from the other side of the aisle, particularly in light of the fact that on March 25, 1993, Leon Panetta said, "It is important to tie the debt limit to other disciplines that people would like to put in place."

Clearly this type of action has been sanctioned by the White House.

I might also say to my friend on the other side of the aisle that we have passed a long-term increase in the debt ceiling as a part of the Balanced Budget Act. It was sent to the President, and he vetoed it. That is the reason why we are here today.

Mr. Speaker, I reserve the balance of my time.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me assure my friend, the gentleman from Texas [Mr. ARCHER], who I honor for his integrity, his intellect and his honesty, as well as his position, that this is not controversial, this is educational.

I think all of us on this side will support this. We know it is the responsible thing to do.

Mr. Speaker, I yield 2½ minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I thank the gentleman for yielding me time.

I think this is one of the saddest hours that I have been here in this body, certainly one of the saddest economic hours from the point of fiscal responsibility. It is utterly amazing, with all the sturm and drang, that the other side cannot find the will, the ability, the votes, the coherence, to bring a permanent debt ceiling extension to the floor after all these months. They know it is wrong not to extend the debt ceiling without all these riders attached. They know it roils the markets. They know it hurts them politically.

What is utterly amazing to me is that a small group toward the right end of the Republican Party is able to hold up everything, that my guess is the good gentleman from Texas knows, who is, as the gentleman from Florida [Mr. GIBBONS] said, a man of integrity, and the Speaker knows, it is not only wrong, but idiotic. Yet the politics govern.

As a Democrat, this is good. The people on Wall Street, who tend to be Republican, are scratching their heads and saying, "What is going on over there?" But as an American, it is awful, and I care more about that. Not to be able to pay our bills? The lesson the other side believes it has been teaching America is that we must pay our bills. We cannot be irresponsible, and then when it comes to bringing a debt ceiling bill to the floor, they act irresponsibly.

Yes, it is true, as the gentleman from Texas [Mr. ARCHER] has stated, that there have been times when the debt ceiling had other things added to it. But never has a group of Members threatened default unless they get their way, and never, and even worse, has the leadership of that party gone along with them and let them play with it.

Where is the leadership? Where is doing what we know is right? Where is the strength to say to people who have no idea what the financial markets are about, enough already?

We should be fighting on the budget, no question. But to use the creditworthiness of this Nation as a hammer, as a club, as a tool, as a hostage, is one of the most ridiculous and God-awful ideas I have seen. We should be passing a long-term, clean debt ceiling, get this issue out of the way, and go back to debating the budget issues, which indeed we have legitimate disagreements over.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would simply say there are so many things that could be said in this so-called educational process, as my friend from Florida described it. One must wonder listening to this debate whether it is intended to be educational or an effort to get some type of political rhetoric into the RECORD or political advantage. But I will restrain myself.

Mr. Speaker, I reserve the balance of my time.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think the most interesting thing that we ought to be discussing here is how do you measure this debt and what impact does it have upon our society and our economy?

I think the best measure of this debt is the ratio of the debt to the gross domestic product of this country. If you look at this debt on a historical basis, in 1940 it was about at the same place it is today as far as its ratio to gross domestic product. During World War II it rose to about 125 percent of gross domestic product. Truly a remarkable feat, considering the size of the war effort, to keep it at that low a growth.

From 1945 until 1981, under Republican or Democratic Presidents, the debt to gross domestic product came down in almost a straight line fashion until it hit its low point in 1981, when it was at about 31 percent of gross domestic product. Since that time, and I throw no stones because I have been here in that time and participated in all of this, the debt has risen from 31 percent to around 70 percent of our gross domestic product. That measures our ability to repay it.

Obviously, from 1981 until today, we have not been paying off our debts as we had so soundly agreed to after World War II. I hope we will return to that and our gross domestic product will continue to increase, as will our dedication to paying off this debt. But we should not be making political hay out of it.

Mr. Speaker, I intend to vote for this resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume in order to close on the bill, and I will be brief.

Mr. Speaker, this is a responsible thing for us to do. It not only prevents the possibility of default on the national debt, but it also assures that all of the funds that rightly belong in the trust funds, including the Social Security trust fund, will be invested in a timely fashion, so that those trust funds may benefit by the income generated by the investment.

I would also say that we must stop the process in this Congress of simply rubber-stamping increases in debt by saying, ‘‘Oh, let's simply have a clean debt ceiling.’’

Let us recognize that Leon Panetta was right in March 1993 when he said, ‘‘It is appropriate to put a discipline on any increase in the debt ceiling so that we reduce the need for a further increase in the future.’’

That is what we should be about, and that is what we will ultimately do, to assure that at the time we increase the debt ceiling, we at least are assuring our children and their children that there will be less debt and less interest on that debt to pay in the future.

Mr. Speaker, I urge the adoption of the resolution.

Mr. STOKES. Mr. Speaker, I rise in support of H.R. 3021, the short-term debt limit extension legislation. The current measure allows the Government to pay its bills through March 15, while H.R. 3021 makes it possible for the Government to meet its financial obligations through March 29. I am pleased that H.R. 3021 is a clean bill—and it not burdened down with nongermane provisions.

The bill authorizes the Secretary of the Treasury to make the necessary investments of receipts received from trust funds and other Federal funds as well. As such, the Government would be able to pay Social Security checks, Medicare payments, veteran's benefit checks, and Federal workers, businesses, and individuals who provide goods and services to the Government through March 29.

While I appreciate that this measure postpones the Governments' potential default on the Nation's credit, I am outraged at this continuing and escalating piecemeal approach to operating the Government.

The American people have been patient—while there lives have been needlessly disrupted—with two extensive politically contrived Government shutdowns—which cost the Nation $1.5 billion. This did not reduce the deficit, it increased it. Such waste must not be tolerated.

Mr. Speaker, we are more than 5 months into the 1996 fiscal year, yet action is still pending on a regular debt ceiling measure, and five fiscal year 1996 major appropriations bills are yet to be enacted. As such, a number of major Federal Government agencies are in a holding pattern—awaiting passage of their respective appropriations bill.

These funds are desperately needed to keep them operating for the rest of the current fiscal year. Among the agencies adversely impacted are the Departments of Labor, Health and Human Services, Education, Veterans Affairs, and Housing and Urban Development.

However, rather than completing action on the remaining appropriations bills, the Republican majority is seeking passage of a 10th continuing resolution.

The American people must not continue to be held hostage by stopgap continuing resolutions, and short-term debt limit extensions. Let's put an end to this irresponsible and piecemeal approach to managing the Nation's Government.

Mr. Speaker, the American people deserve a fully operating Government. While I urge my colleagues to vote "yes" to the short-term debt limit extension bill, H.R. 3021, I also strongly urge them to go back and draft a clean regular-term debt ceiling bill, and to complete action on the remaining appropriations bills.

Ms. ESHOO. Mr. Speaker, today the House will consider legislation to extend the debt ceiling, allowing the U.S. Government to avoid default on its financial obligations. Unfortunately, the bill before us extends borrowing authority only through March 29. Further, I understand attempts may be made to attach controversial proposals to subsequent debt ceiling extensions. I urge my colleagues to exercise restraint and pass a clean, long-term debt ceiling extension bill.

Mr. Speaker, it's time to quit playing games with the full faith and credit of the United States. We are playing with the funds of every citizen who invests in U.S. securities markets.

In fact, one out of every three Americans invests in the U.S. securities markets, either directly or through mutual funds. In 1995, investors bought nearly $120 billion worth of funds that invest primarily in U.S. stock. Funds that invest primarily in American stocks had over $1.07 trillion in assets at year-end 1995.

This is not an arcane technical issue affecting only a few major investors—it affects every citizen of the United States.

The word of the U.S. Government is respected around the world and by every market—now, our credit-worthiness is at stake. I urge my colleagues to support an extension of the debt ceiling without controversial provisions that could endanger its enactment.

Mr. ARCHER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GILLMOR). Pursuant to House Resolution 371, the previous question is ordered on the amendment and on the bill.

Pursuant to House Resolution 371, the amendment is adopted.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. KENNELLY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 362, nays 51, not voting 18, as follows:

[Roll No. 48]

YEAS—362

Abercrombie
Ackerman
Andrews
Archer
Armey
Bachus
Baesler
Baker (LA)
Baldacci
Ballenger
Barrett (NE)
Barrett (WI)
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chambliss
Chrysler
Clayton
Clement
Clinger
Clyburn
Coble
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Costello
Coyne
Cramer
Crane
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hastings (WA)
Hayes
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy

McCollum
McCrery
McDade
McDermott
McHale
McHugh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pomeroy
Porter
Poshard
Pryce
Quillen
Quinn
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Rose
Roth
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Saxton
Schiff
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shaw
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (NC)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Upton
Velazquez
Vento
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—51

Allard
Baker (CA)
Barr
Bartlett
Barton
Bunn
Burr
Chabot
Chenoweth
Christensen
Coburn
Coleman
Cooley
Cox
Crapo
Dickey
Doolittle
Dornan
Ensign
Forbes
Hancock
Hansen
Hayworth
Hefley
Istook
Largent
McInnis
McIntosh
Metcalf
Mica
Norwood
Nussle
Pelosi
Pombo
Radanovich
Royce
Salmon
Scarborough
Schaefer
Schroeder
Shadegg
Shays
Souder
Stockman
Taylor (MS)
Thomas
Thornberry
Tiahrt
Traficant
Visclosky
Watts (OK)

NOT VOTING—18

Barcia
Bryant (TX)
Chapman
Clay
Collins (MI)
Diaz-Balart
Dicks
Green
Hastert
Houghton
Hoyer
Jones
Myers
Portman
Ros-Lehtinen
Stokes
Waters
Wynn

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Messrs. HEFLEY, ALLARD, and ENSIGN changed their vote from "yea" to "nay."

Mr. DEFAZIO and Mrs. VUCANOVICH changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. PORTMAN. Mr. Speaker, because of an unforeseen scheduling conflict, I was not in attendance for one recorded vote, rollcall vote No. 48.

Had I been in attendance, I would have voted "yea" on rollcall vote No. 48.

PERSONAL EXPLANATION

Mr. HASTERT. Mr. Speaker, on rollcall No. 48, I was unavoidably detained in committee. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. HOYER. Mr. Speaker, I rise to ask that immediately following rollcall vote No. 48 a statement be included therein indicating that because the President of the United States was in my district this morning, and I was with him, I was unable to vote on rollcall No. 48, which extended the debt limit. Had I been here I would have voted "aye."

PERSONAL EXPLANATION

Ms. WATERS. Mr. Speaker, earlier today, I was unavoidably detained during rollcall vote No. 48, to temporarily extend the debt ceiling. Had I been present, I would have voted "aye."

PROVIDING FOR CONSIDERATION OF H.R. 3019, BALANCED BUDGET DOWNPAYMENT ACT, II

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 372 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 372

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 3019) making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The amendment printed in section 2 of this resolution shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment. This bill, as amended, shall be considered as read. No further amendment shall be in order except those specified in the report of the Committee on Rules accompanying this resolution. Each further amendment may be considered only in the order specified in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments specified in the report are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. The motion to recommit may include instructions only if offered by the minority leader or his designee.

SEC. 2. The amendment considered as adopted in the House and in the Committee of the Whole is as follows:

Page 539, line 16, strike "specifically addresses the availability of" and insert in lieu thereof "expressly makes available for obligation".

The SPEAKER pro tempore. The gentleman from California [Mr. DREIER] is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from South Boston, Massachusetts [Mr. MOAKLEY], and pending that I yield myself such time as I may consume. All time yielded is for the purpose of debate only.

Mr. Speaker, this rule provides for consideration of H.R. 3019, the second Balanced Budget Down Payment Act, under a modified closed rule, providing 1 hour of general debate divided equally between the chairman and ranking minority member of the Committee on Appropriations.

The rule further provides for adoption in the House and in the Committee of the Whole for a technical amendment printed in section 2 of the resolution.

Only amendments specified in the Committee on Rules report are in order.

The rule makes in order four amendments: An amendment by the gentlewoman from New York [Mrs. LOWEY] to strike language in the bill giving States authority to determine if Medicaid shall fund abortions other than to save the life of a mother within that State; an amendment by the gentleman from Oklahoma [Mr. ISTOOK] to require organizations that receive Federal grants to disclose their lobbying activities; an amendment by the gentleman from Idaho, [Mr. CRAPO] to establish a deficit reduction lockbox; and a substitute that may be offered by the gentleman from Wisconsin, [Mr. OBEY].

Mr. Speaker, the substitute amendment shall be debatable for 60 minutes. The other amendments shall be debatable for 20 minutes each. Time for each amendment shall be equally divided and controlled by an opponent and a proponent. All points of order against the amendments are waived. Each amendment shall be considered as read and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

Finally, the rule provides that the previous question shall be considered as ordered on the bill to final passage without intervening motion except one motion to recommit which, if containing instructions, may only be offered by the minority leader or his designee.

Mr. Speaker, less than 6 weeks ago, the President stood right here in this Chamber and declared to the Congress and the American people that the era of big government is over. He also closed that State of the Union Message with a plea, a plea to all of us. He said, "I challenge all of you in this Chamber. Let us never, ever, shut the Federal Government down again."

Now, Mr. Speaker, this bill will prevent a partial Government shutdown on March 15. The bill essentially completes the fiscal year 1996 appropriations process so that this House can get down to the business of dealing with the fiscal year 1997. Most importantly, this bill continues the process of trimming Federal spending so that we can proceed to a balanced budget by 2002. It is critical that America's children wake up on January 1, 2000, and can see that we are on the verge of ending the annual deficits that are mortgaging their chance for a bright future.

Regrettably, it appears that the era of big government has returned down at 1600 Pennsylvania Avenue. In order to increase Federal spending in his favored programs, the President is now threatening to, and listen to this carefully, Mr. Speaker, he is threatening to close down the Federal Government. He will again shut down the Government with his veto pen if we do not add another $8 billion in deficit spending to this bill.

The crocodile tears are flooding out onto Pennsylvania Avenue, and the rhetoric is right from their pollsters and focus groups. The President will shut down the Federal Government again rather than sign a bill that does not spend more on Federal education, environment, and worker training programs.

Mr. Speaker, there is no substance behind the White House charges. Just look at the issue of education, for example. Local communities and States carry the load on education, not the Federal Government. The President claims that we propose to cut spending by $3.3 billion. Now to put that into perspective, the United States spends over one-half trillion dollars a year, over $500 billion a year, on education.

This Congress, the new majority, is strongly committed to improving education. The President, on the other hand, would not raise a finger to stand in the way of the powerful teachers unions that are strangling real education reforms in cities and towns all across this country, but he will shut down the Federal Government over a .6 of 1 percent cut in Federal spending.

If he insists on threatening to shut down the Federal Government again, I wish he would at least threaten to shut down the Government if we did not pass a tax cut on families and a reduction in the capital gains tax to get wages moving up. That would finally address the Clinton crunch that is squeezing working families.

Mr. Speaker, we have a moral obligation to our children to end the decades of deficits and debt. We must put families ahead of Government bureaucracies. This is a very tough job because the majority in Congress supports a smaller Government while the President wants the Government to solve more and more problems.

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Nevertheless, this Congress remains committed to proceeding down the road to a balanced budget, and this bill closes out the fiscal year 1996 appropriations process, consistent with that goal.

The challenge that I would offer, Mr. Speaker, to our President is that he should never, never, ever shut the Federal Government down again. I also challenge my colleagues on both sides of the aisle to support this rule and support the bill so we can work with the Senate and the White House to reduce the deficit and avoid a Federal Government shutdown.

Mr. Speaker, I include the following information on the amendment process:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of March 7, 1996]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open [2]	46	44	59	63
Modified Closed [3]	49	47	22	23
Closed [4]	9	9	13	14
Total	104	100	94	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of March 7, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps	A: 242–190 (3/15/95).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of March 7, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	0	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	0	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	0	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	0	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	0	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	0	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	0	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	0	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95).
H. Res. 167 (6/15/95)	0	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95).
H. Res. 170 (6/20/95)	0	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95).
H. Res. 171 (6/22/95)	0	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps	PQ: 236–194 A: 234–192 (6/29/95).
H. Res. 185 (7/11/95)	0	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95).
H. Res. 187 (7/12/95)	0	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95).
H. Res. 188 (7/12/95)	0	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	0	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	0	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95).
H. Res. 197 (7/21/95)	0	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	0	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 201 (7/25/95)	0	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95).
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	0	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255–156 (8/2/95).
H. Res. 208 (8/1/95)	0	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323–104 (8/2/95).
H. Res. 215 (9/7/95)	0	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	0	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	0	H.R. 1670	Federal Acquisition Reform Act	A: 414–0 (9/13/95).
H. Res. 222 (9/18/95)	0	H.R. 1617	CAREERS Act	A: 388–2 (9/19/95).
H. Res. 224 (9/19/95)	0	H.R. 2274	Natl. Highway System	PQ: 241–173 A: 375–39–1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304–118 (9/20/95).
H. Res. 226 (9/21/95)	0	H.R. 743	Team Act	A: 344–66–1 (9/27/95).
H. Res. 227 (9/21/95)	0	H.R. 1170	3-Judge Court	A: voice vote (9/28/95).
H. Res. 228 (9/21/95)	0	H.R. 1601	Internatl. Space Station	A: voice vote (9/27/95).
H. Res. 230 (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	A: voice vote (9/28/95).
H. Res. 234 (9/29/95)	0	H.R. 2405	Omnibus Science Auth	A: voice vote (10/11/95).
H. Res. 237 (10/17/95)	MC	H.R. 2259	Disapprove Sentencing Guidelines	A: voice vote (10/18/95).
H. Res. 238 (10/18/95)	MC	H.R. 2425	Medicare Preservation Act	PQ: 231–194 A: 227–192 (10/19/95).
H. Res. 239 (10/19/95)	C	H.R. 2492	Leg. Branch Approps	PQ: 235–184 A: voice vote (10/31/95).
H. Res. 245 (10/25/95)	MC	H. Con. Res. 109 H.R. 2491	Social Security Earnings Reform Seven-Year Balanced Budget	PQ: 228–191 A: 235–185 (10/26/95).
H. Res. 251 (10/31/95)	C	H.R. 1833	Partial Birth Abortion Ban	A: 237–190 (11/1/95).
H. Res. 252 (10/31/95)	MO	H.R. 2546	D.C. Approps.	A: 241–181 (11/1/95).
H. Res. 257 (11/7/95)	C	H.J. Res. 115	Cont. Res. FY 1996	A: 216–210 (11/8/95).
H. Res. 258 (11/8/95)	MC	H.R. 2586	Debt Limit	A: 220–200 (11/10/95).
H. Res. 259 (11/9/95)	0	H.R. 2539	ICC Termination Act	A: voice vote (11/14/95).
H. Res. 261 (11/9/95)	C	H.J. Res. 115	Cont. Resolution	A: 223–182 (11/10/95).
H. Res. 262 (11/9/95)	C	H.R. 2586	Increase Debt Limit	A: 220–185 (11/10/95).
H. Res. 269 (11/15/95)	0	H.R. 2564	Lobbying Reform	A: voice vote (11/16/95).
H. Res. 270 (11/15/95)	C	H.J. Res. 122	Further Cont. Resolution	A: 229–176 (11/15/95).
H. Res. 273 (11/16/95)	MC	H.R. 2606	Prohibition on Funds for Bosnia	A: 239–181 (11/17/95).
H. Res. 284 (11/29/95)	0	H.R. 1788	Amtrak Reform	A: voice vote (11/30/95).
H. Res. 287 (11/30/95)	0	H.R. 1350	Maritime Security Act	A: voice vote (12/6/95).
H. Res. 293 (12/7/95)	C	H.R. 2621	Protect Federal Trust Funds	PQ: 223–183 A: 228–184 (12/14/95).
H. Res. 303 (12/13/95)	0	H.R. 1745	Utah Public Lands.	
H. Res. 309 (12/18/95)	C	H.Con. Res. 122	Budget Res. W/President	PQ: 230–188 A: 229–189 (12/19/95).
H. Res. 313 (12/19/95)	0	H.R. 558	Texas Low-Level Radioactive	A: voice vote (12/20/95).
H. Res. 323 (12/21/95)	C	H.R. 2677	Natl. Parks & Wildlife Refuge	Tabled (2/28/96).
H. Res. 366 (2/27/96)	MC	H.R. 2854	Farm Bill	PQ: 228–182 A: 244–168 (2/28/96).
H. Res. 368 (2/28/96)	0	H.R. 994	Small Business Growth	
H. Res. 371 (3/6/96)	C	H.R. 3021	Debt Limit Increase	A: voice vote (3/7/96).
H. Res. 372 (3/6/96)	MC	H.R. 3019	Cont. Approps. FY 1996	

Codes: 0-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill we are considering today is the 11th continuing resolution this fiscal year. That means that we have had to vote on temporary spending measures 10 times in order to keep the Government going while my Republican colleagues fiddle with the appropriations bills.

Those bills, Mr. Speaker, were supposed to be finished October 1—6 months ago. Since they were not the U.S. Government has closed twice and is now operating thanks only to these continuing resolutions. I will insert in the RECORD a list of the first 10 continuing resolutions at this point.

CONTINUING RESOLUTIONS—104TH CONGRESS

Bill	Rule	Disposition
H.J. Res. 108.	(H. Res. 230, 9/28/95)	Bill passed House 9/29/95; signed 9/30/95.
H.J. Res. 115.	(H. Res. 257, 11/8/95, 216–210).	Bill passed House 11/8/95 (230–197).
	(H. Res. 261, 11/10/95, 223–182).	House amendment to Senate amendment passed House 11/10/95 (224–172) (CR to continue 11 appropriation bills through 12/1/95); vetoed 11/13/95.
H.J. Res. 121.	(H. Res. 270, 11/15/95, 249–176).	Bill passed House 11/16/95 (277–151) (CR through Dec. 5); signed 11/20/95.
H.J. Res. 123.	(Suspension 11/18/95)	Bill passed House 11/18/95 (416–0) (CR for Medicare, SS employees and veterans benefits through end of year); signed 11/19/95.
H.J. Res. 136.	(UC 12/22/95)	Bill passed House 12/22/95 (targeted benefits to AFDC, foster care, adoption asst. through 1/3/96); signed 12/22/95.
H.J. Res. 153.	(UC 1/3/96)	Bill passed House 1/3/96 (CR for D.C.), signed 1/4/96.
H.J. Res. 134.	(H. Res. 317, 12/20/95; H. Res. 336, 1/5/96).	Bill passed House 12/20/95 (411–1) House amendment to Senate amendment passed House 1/5/96 (CR contingent on 7-year budget), signed 1/6/96.
H.J. Res. 1643.	(H. Res. 334, 1/5/96)	Bill passed House 1/5/96 (401–17) (CR for targeted programs); signed 1/6/96.
H.J. Res. 1358.	(H. Res. 338, 1/5/96)	House amendment to Senate amendment passed House 1/5/96 (CR for additional targeted programs); signed 1/6/96.
H.J. Res. 2880.	(UC 1/25)	Passed House 1/25/96 (371–42) (CR—"Balanced Budget Downpayment Act" for targeted appropriations through 3/15/96); signed 1/26/96.

If my Republican colleagues had done their job and passed the appropriations bills instead of wasting time cutting Medicare and school lunches to pay for tax breaks for the rich—the Government would not be relying on these continuing resolutions to keep operating.

And, to make matters worse, this continuing resolution makes such horrible cuts in education and the environment that the President will veto it. So, once again, Mr. Speaker, the Republicans will put our Government at risk of shutting down.

Mr. Speaker, and my Republican colleagues, the American people are sick and tired of these political games. They expect their Government to remain open and they deserve it. They are having a hard enough time with college loans thanks to the last shutdown for heaven's sake—don't do it to them again.

Furthermore, do not attach these enormous education and environmental cuts to the continuing resolution. They have no place on a bill designed to keep the Government open, in fact they belong in the trash can.

The sole reason for a continuing resolution should be to keep the Government going, while Congress works to pass the appropriations bills. It should not be used to further a political agenda, particularly one that hurts the American people as much as this one does.

Mr. Speaker, this bill takes over 3 billion dollars from the education of American children. It is the single largest education cut in history, and Mr. Speaker, that is wrong.

In the Commonwealth of Massachusetts, and around the entire country, education is probably more important than just about anything else. American children deserve the best education we can give them, and under no circumstances whatsoever should this Congress be trifling with their future.

Anyone who votes for this bill is voting to limit access to Head Start, a good elementary school education, and college.

Mr. Speaker, I urge my colleagues to defeat this rule, and I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Glens Falls, NY [Mr. SOLOMON], chairman of the Committee on Rules to counter those arguments that we want to jeopardize people from getting college degrees and some of the other crazy things we have just heard.

Mr. SOLOMON Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I have a prepared statement here, but I think I will just throw it away and say I have just heard the greatest speech on this floor about continuing the status quo, the failed status quo on welfare and all of these other programs, that I have ever heard on this floor. I commend my counterpart, the ranking member of the Committee on Rules.

(Mr. SOLOMON asked and was given permission to speak out of order.)

ANNOUNCEMENT REGARDING SCHEDULE AND SUBMISSION OF AMENDMENTS

Mr. SOLOMON. Mr. Speaker, let me interrupt that just for a minute to make an announcement, if I might, because it concerns the membership and tomorrow's schedule.

Mr. Speaker, the majority leader, the gentleman from Texas [Mr. ARMEY], because of the bad weather reports that are coming in, has agreed to cancel the session for tomorrow as far as floor action is concerned. The Committee on Rules was scheduled to meet tomorrow on two very important bills, the conference report on the State Department operations, and the death penalty and terrorism bill.

What we are going to do today, with the cooperation of the minority, the gentleman from Massachusetts [Mr. MOAKLEY], is that the Committee on Rules is going to meet today at 2 o'clock. We will consider the conference report rule to be brought to the floor next Tuesday. We will also consider, for general debate only, the death penalty and terrorism bill. We will not be taking testimony from those Members that want to ask for amendments to be made in order. We will only take testimony from the chairman and the ranking member. Then on Tuesday at 2 o'clock, the Committee on Rules will meet and we will take testimony from any Member that has timely filed his amendments at that time.

If Members are concerned about this, if they call the Committee on Rules we will enlighten them, but I would alert Members that we will have a Committee on Rules meeting at 2 o'clock this afternoon.

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. Mr. Speaker, does the chairman of the committee agree that Tuesday noontime is still the cutoff for amendments?

Mr. SOLOMON. Yes. That time has passed now, so no further amendments can be received.

Mr. MOAKLEY. I thank the gentleman.

Mr. SOLOMON. However, any that were prefiled about a month ago and as recently as this week would be considered by the Committee on Rules.

Mr. Speaker, I rise in strong support of this rule on the Balanced Budget Down Payment Act, II. This rule provides for expeditious consideration of the bill, while at the same time allowing the House to vote on some of the most significant issues raised in this legislation.

There are a total of four amendments made in order by this rule—two of them are offered by Democrats and two of them are offered by Republicans.

Mr. Speaker, this rule provides a fair process, and a balanced process for the consideration of the bill to fund the Federal Governments for the rest of this fiscal year.

Because there are time limits set on each amendment, the House can complete this job in a predictable amount of time.

Mr. Speaker, I would also like to take this opportunity to commend the chairman of the Appropriations Committee, Mr. LIVINGSTON, for the way he has handled the difficult job of putting this bill together.

He has wrapped all four unfinished appropriations into one package and has funded them at levels under the fiscal year 1996 budget resolution for the remainder of the fiscal year.

Chairman LIVINGSTON has also managed to pay for important emergency funding for disaster relief, Bosnia and Jordan.

In past Congresses funds for such purposes were taken off budget, which added to the deficit. This time the emergency funding is being paid for right up front. This is a large step in the right direction.

Mr. Speaker, I would also like to note that the budget resolution called for a $21 billion cut in discretionary spending from last year's levels. And to this date, the Appropriations Committee has cut $22 billion.

While larger budget negotiations remain on hold, the Appropriations Committee has been doing its job the right way.

Mr. Speaker, I would also like to note that President Clinton, who in his recent state of the Union speech bragged about downsizing the Federal Government, has now requested $8 billion in additional social spending.

This bill contains a contingency title, which will give the President $3.3 billion of that extra spending, but only if he comes up with cuts somewhere else to pay for it. And those cuts will have to be acceptable to this Congress.

In summary, this bill provides a fiscally responsible way to fund the Government for the rest of the fiscal year, and this rule provides a fair and balanced way to consider the bill.

Vote "yes" on the previous question and "yes" on the rule.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS. Mr. Speaker, this rule is unfair to America's veterans. Let me repeat, this rule is unfair to America's veterans. Do not take my word for it, listen to what national veterans leaders have to say about language in this bill that the Committee on Rules did not let us even vote on to take out in regard to restricting the Department of Veterans Affairs.

The National Commander of the Disabled American Veterans, Thomas McMasters, said "* * * if enacted, would have a devastating impact on the office of the VA secretary * * *" and he referred to the language as "* * * unreasonable and seemingly punitive limitations * * * if not deleted, these spending restrictions will send a chilling message to disabled veterans."

Do not listen to me, listen to the words of Steve Robertson, Director of the National Legislative Commission of the American Legion: "This language would adversely impact the personal lives of 172 career employees and programs specifically designed for women and minority veterans. This is not a request for increased funding, but rather for fairness to those destined to bear the brunt of the hardship."

Listen to the words of Richard Grant, with the Paralyzed Veterans of America: "These cuts are an attempt to restrict the activities of the Secretary of Veterans Affairs and reduce the effectiveness of the other affected Offices * * * in reality, the cuts will solely prove to be detrimental to veterans," detrimental.

Listen to AmVets, their National Commander, Kenneth Wolford: "As a result of this resolution we may expect that services to our Nation's veterans will suffer."

Mr. Speaker, I never thought I would see this House vote to gag a combat-wounded veteran, Secretary Jesse Brown, who has had the courage to stand up and fight for our Nation's veterans. I am disappointed the Committee on Rules turned its back on every national veterans organization in America that wanted us to simply be able to have a right to vote to take that language out.

Mr. Speaker, our veterans fought and gave their lives to give us the right to vote. The Committee on Rules said no to that very essential right. Oppose this rule.

Mr. Speaker, I include for the Record letters from the officials of the veterans' organizations to which I referred:

The material referred to is as follows:

Paralyzed Veterans of America,
March 5, 1996.

Hon. Mark O. Hatfield,
U.S. Senate,
Washington, DC.

Dear Senator Hatfield: On behalf of the members of Paralyzed Veterans of America (PVA), I request your opposition to efforts which target spending cuts in the proposed Continuing Resolution for the Office of the Secretary, Department of Veterans Affairs and for the VA's Offices of Public and Intergovernmental Affairs, Congressional Affairs, and Policy and Planning. These cuts save the government no money at all and are restrictive artifices contained within the funding for VA General Operating Expenses (GOE).

These cuts are an attempt to restrict the activities of the Secretary of Veterans Affairs and reduce the effectiveness of the other affected Offices, but, in reality the cuts will solely prove to be detrimental to veterans. By restricting funding, as proposed in the Continuing Resolution, VA will be less able to communicate with veterans and the public. These cuts will minimize or preclude VA's ability to effectively participate in programs such as the National Veterans Wheelchair Games, which has been, historically, co-presented by VA and PVA.

Of additional concern is the fact that the cuts will directly affect career federal employees, many of whom are veterans, not political appointees, who have demonstrated their dedication to serving veterans. The prospects of furloughs, loss of compensation and the uncertainties for future employment will all compound the already fragile morale within the VA.

Again, on behalf of the members of PVA and all veterans, I request that you oppose the restrictive cuts contained within the VA GOE account of the proposed Continuing Resolution and afford the Secretary of Veterans Affairs and his staff the ability to adequately address the needs of veterans.

Sincerely,
Richard Grant.

AMVETS,
March 5, 1996.

Hon. Mark O. Hatfield,
U.S. Senate,
Washington, DC.

Dear Senator Hatfield: AMVETS is greatly concerned about the FY96 Continuing Resolutions as it pertains to the Department of Veterans Affairs.

The constraints proposed will not only strongly affect the Secretary's personnel and travel, but will have a negative impact on three other supporting offices. Additionally, there is a real human resources impact which will affect the jobs of 172 hard-working long-term career employees. Severely challenged by two needless furloughs, their loyalty and enthusiasm may not survive this targeted budget action.

As a result of this resolution we may expect that services to our nations' veterans will suffer. Information that is vital to veterans service organizations, whether obtained in written form or from face-to-face sharing at conferences and conventions, will be severely hampered. Progress gained in reaching minority and women veterans will be sacrificed.

Let reason prevail. Do not target areas of the VA for the purpose of punishing the actions of the Secretary, which some may view as engaging in partisan politics, and others as the championing of veterans' interests.

Sincerely,
Kenneth E. Wolford,
National Commander.

Disabled American Veterans,
Washington, DC, March 6, 1996.

To: All Members of Senate Appropriations Committee

One behalf of the more than one million members of the Disabled American Veterans (DAV), I take this opportunity to contact you about an issue of utmost importance to the DAV—the Fiscal Year 1996 Department of Veterans Affairs (VA) Appropriation. In particular, I wish to express our grave concern about a provision of VA's Appropriation bill which, if enacted, would have a devastating impact on the office of the VA Secretary.

As we understand it, the overall funding level for VA's General Administration account, which is contained in the Fiscal Year 1996 VA continuing resolution bill now being considered by Congress, is not in dispute. Rather, the objectionable provisions of this measure are the unreasonable, and seemingly punitive limitations being placed on the personnel and travel budgets for the office of the VA Secretary as well as three other of its supporting offices.

It appears that the proposed cuts contained in this measure would require furloughing a significant number of very dedicated career VA employees, costing these individuals and their families an average of $10,360 in lost salary over the next six months. In addition, because of these cuts, activities of the Center for Minority Affairs and the Center for Women Veterans will be significantly curtailed. Obviously, should this happen, these offices will not be able to fulfill their Congressionally-mandated missions of assisting deserving minority and women veterans who faithfully served this nation.

Further, should these proposed spending restrictions be implemented, not only will the Secretary of Veterans Affairs be unable to execute his duties to oversee VA operations, the Secretary will be forced to curtail other activities which directly support our nation's sick and disabled veterans. Specifically, these spending restrictions will have an adverse effect upon the ability of the Office of Public Affairs to assist with and participate in direct patient care activities such as the Disabled Veterans Winter Sports Clinic, National Veterans Wheelchair Games, Golden Age Games, and Creative Arts Festival. These events, individually and collectively, represent a true therapeutic and rehabilitative milieu unmatched in the traditional medical setting.

If not deleted, these spending restrictions will send a chilling message to disabled veterans and others whose foremost concern is the welfare of America's veterans. The message, quite simply, will be: the department charged with the responsibility of advocating for the interests of disabled veterans and their families will be unable to do so because of partisan disagreements between Congress and the Secretary of Veterans Affairs.

Senator, we urge you to sponsor and support an amendment to VA's Fiscal Year 1996 Appropriation bill that would remove these unwarranted spending restrictions. By setting aside partisan political disagreements with the Secretary of the VA, Congress can send a positive message to America's veterans and their families that their sacrifices in defense of this nation are indeed truly appreciated by a grateful nation.

We thank you for your courteous attention to this correspondence and look forward to your early reply.

Sincerely,
Thomas A. McMasters, III,
National Commander.

The American Legion,
Washington, DC, March 5, 1996.

Hon. Mark O. Hatfield,
Chairman,
Committee on Appropriations, U.S. Senate,
S-128 The Capitol, Washington, DC.

Dear Mr. Chairman: As you and your colleagues take up the FY 1996 Continuing Resolution, The American Legion directs your attention to language that sets specific limitations on personnel and travel costs for the Secretary of Veterans Affairs and three of his supporting offices. This language would adversely impact the personal lives of 172 career employees and programs specially designed for women and minority veterans.

The American Legion believes the overall funding level for the General Operating Expenses and its subaccount, General Administration, will force the Secretary to significantly alter his managerial and leadership styles. Lifting the specific limitations would not penalize the career employees. This is not a request for increased funding, but rather for fairness to those destined to bear the brunt of the hardship. These innocent victims do their jobs, day-in and day-out, without regard to partisan politics and most of them have served under several administrations. Their common goal is service to America's veterans and their families.

Thank you for taking the views of The American Legion under serious consideration as you lead the Appropriations Committee in finalizing the FY 1996 Continuing Resolution.

Sincerely,

STEVE ROBERTSON,
Director,
National Legislative Commission.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

I would simply respond, Mr. Speaker, to my friend, the gentleman from Texas, and say that it is absolutely preposterous to make that claim. Jesse Brown has moved throughout this country attacking this new majority, which is strongly committed to our Nation's veterans. We, to this day, are committed to ensuring that our veterans are in no way jeopardized. I hope that that message will get through.

Mr. Speaker, I yield 5 minutes to my friend, the gentleman from Sanibel, FL [Mr. GOSS], chairman of the Subcommittee on Legislative and Budget Process of the Committee on Rules.

Mr. GOSS. Mr. Speaker, I thank the distinguished gentleman from greater downtown San Dimas, CA [Mr. DREIER], vice chairman of the Committee on Rules, for yielding me this time. Mr. Speaker, I agree with his the gentleman's comments about veterans. We have many in south Florida, and we have tried very hard to look out for them and make sure they were properly attended to, but I do not think that trying to take out the administrative expenses that are being used or misused for propaganda is exactly the same area of expenditure that the gentleman from Texas was speaking to.

Mr. Speaker, the battle over the fiscal year 1996 budget is coming to an end. It is time. After two partial Government shutdowns, three continuing resolutions, and a lot of stonewalling by the White House, we are prepared to close the books on this fiscal year and move on.

I am pleased that the rule before us is a fair rule in that it makes two Democratic amendments and two Republican amendments in order, including the lockbox amendment, which I care about, and many of us have worked on for a long time. This is going to allow the House to consider a fiscally responsible bill that will keep the Government running through the end of the fiscal year.

I make that statement, Mr. Speaker, in the full anticipation that this bill is a fiscally responsible bill, we believe it is, and that it will in fact keep the Government running through the end of the year, the end of the fiscal year. But I have to point out that that only happens with the cooperation of the President of the United States.

So we are prepared to go forward, get the country on track, and get into the next year and look at the next step. If the President does not want to do that and does not want to cooperate, he has that option as the President of the United States, but of course, that would end up in a Government shutdown, which we all want to avoid.

Looking on the bright side of the budget debate, Congress has been able to trim several billions of dollars from the deficit by our efforts so far, an amount that is not going to be added to the $5 trillion debt, or in fact not going to be passed on to our children and grandchildren.

Despite our earnest efforts, the President and his administration have resisted all attempts to make desperately needed reforms to Medicare, Medicaid, welfare, and a whole bunch of other programs that we are going to talk about. Particularly upsetting is the fact, revealed in recent news reports, in fact, that the administration may well have been holding back on the true depth of the crisis facing the Medicare part A account. Of course, this matters a great deal in my district, where I have many senior citizens relying on part A.

For over a year we have been operating under the assumption that this program would go broke in the year 2002 if we did not do something to reform it. In fact, the Republicans and fiscal conservatives and others interested have been trying to come up with a program that will in fact make those repairs. We knew about this in the Carey Commission report, so we have proceeded.

Regrettably, the President has vetoed that offering as well. Now we are learning that we may be in trouble before 2002, and apparently the Clinton White House has known this but has not seen fit to share that information with us. The problem is worse than we knew. So this is a problem that is not going to go away simply because the administration wants to ignore it.

We are going to continue to work to enact a responsible plan to save the Medicare Program and to bring greater choice in health care to seniors, and we are going to do it, and we are going to add to the benefits and the expenditures in health care, but we are going to do it responsibly. There will not be any cuts in Medicare.

Mr. Speaker, as we begin to work for the spending bills for fiscal year 1997, it makes sense for Congress, of course, to wrap up what we were supposed to have been doing in 1996, and we have done that in these appropriations measures before us, in this continuing resolution.

I think that the damage done by the President's shutdown of our national parks, service centers, and other areas of Government is well known. We certainly do not want that to happen now and we do not want another budget crisis. In fact, I have to say on a personal note, and I thank the gentleman from California for yielding me the time to say it, that the damage to small businesses which operate in the Everglades National Park, down in my part of the world, was of such significance that today I am introducing a bill to make those businesses eligible for emergency loans through the Small Business Administration.

Had President Clinton not vetoed the fiscally responsible legislation we gave him to keep the Government running, that would not have been necessary, and those people would not have the pain and suffering they are going through.

If the era of big Government is truly over, as the gentleman from California says, then this bill we have before us paves the way for the newer era of smaller Government that spends less and is less intrusive. I certainly think that is a good proposition to pursue.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume. I would like to continue with what my friend opened with, and that is responding to this preposterous claim that came from the well by my friend, the gentleman from Texas [Mr. EDWARDS], on this issue of medical funding for veterans.

I have just been given by the staff of the Committee on Appropriations the following statement:

> Funding in this bill, H.R. 3019, at the conference report level of the regular bill, H.R. 2099, is $16,654,000,000. This amount is approximately $400 million above the fiscal year 1995 post-rescission level, and is the only increase of any significance in the fiscal year 1996 VA-HUD appropriation, and in fact, this level is $400 million below the fiscal year 1996 request.

□ 1215

The claim that somehow Jesse Brown is being victimized by this, their administration requested $400 million less, so they should not claim that we are not doing anything other than trying to improve the challenges that our veterans face.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I was just handed a note. Under this bill, the Commonwealth of Massachusetts will lose $33 million of Federal education funding, so the statement I made about losing educational college grants and other things is a factual matter.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker. I could not help listening to my colleagues on the other side of the aisle talk with sugar-coated platitudes about what realisms they think are in this continuing resolution.

I simply listen to the real people in my district, and clearly we are facing a shutdown of many programs in our veterans' hospitals in the Houston area. As I look at this litany of injustice that we are calling a continuing resolution, and I might add, maybe the yellow paper is appropriate, because this is a cowardice act.

This is to take to us the end of the year, and what you find in this list of injustices is no money for the police on the beat program that the Harris County Sheriff's Department has used, that the Houston Police Department has used. We see little money for legal services for the indigent through cuts in funds to the Legal Services Corp. We see no money dealing with crime prevention, the DARE Program, the safe and drug free programs.

Then we come, as we move into the 21st century, this is suppose to be a visionary Congress, what do we say about education? We cut over $3.3 billion. We begin to tell those individuals in Harris County who have the Goals 2000 Program that, first of all, they will lose $29 million out of the State of Texas, $13.8 million out of Harris County. We will then begin to tell our school boards, having met with many of our school leaders while I was home in the district, that out of the 40,000 teachers that will lose their jobs across the Nation, that we will begin to be giving pink slips in the month of March in the State of Texas to some of our own teachers.

Then I hear my Republican colleagues talking about the veterans' program. We are gutting programs under this continuing resolution and undermining the leadership of Secretary Brown. We meet with disabled veterans in the district this coming Saturday. My heart pains for what I will have to tell them, that this continuing resolution cuts funds and guts some veterans' programs. But their message is getting after Secretary Brown because he has simply used his first amendment right, I did not know that was an appropriate role for an appropriations' committee.

Let me also add that I rise to support the Lowey amendment, even though this rule is one that I oppose because it shuts down the opportunity for other Members to provide reasoned response to this continuing resolution. The Lowey amendment, of course, will provide the opportunity to treat indigent women as fair as we treat other women with Medicaid funding for medical procedures with regard to abortion.

The Istook amendment, how tragic that we come again to tell the Boy Scouts, the United Way, MECA in my community, an Hispanic organization, the Houston Symphony and the Houston Grand Opera that you cannot come and constitutionally press your point before the U.S. Congress.

Mr. Speaker, this appropriation's bill, as I indicated to you, is a tragedy and a litany of injustice. It is a cowardice act. Until we face the fact that none of us disagree with a balanced budget, I am here today standing on a record of voting for a balanced budget. But what my Democratic colleagues do stand for in this appropriations bill is educating our children for the 21st century. Those of us who oppose this bill recognize that economic security is important to Americans. This bill does nothing but create injustices in this country for all America, particularly working America.

Mr. Speaker, I rise opposed to this rule and opposed to this continuing resolution.

Mr. Speaker, I rise in opposition to the rule on H.R. 3019. The Members of the House have not had sufficient time to review this bill. It is too important and affects too many Americans for us to give it only a cursory review.

My concerns with this bill include the following:

While the bill does provide additional funding—$681 million—for veterans compensation benefits and pensions, this additional funding may be released only upon enactment of separate legislation providing offsetting budgetary savings. This is unconscionable.

The bill provides only $1.2 billion in funding for Superfund cleanup, which is 19 percent less than fiscal year 1995 funding.

The bill appropriates only $23.6 billion for the Department of Education, which is 12 percent less than the fiscal year 1995 level.

Title 1 educational programs are cut 17 percent over the 1995 level, educational reform programs are cut by 81 percent over the 1995 level, safe and drug-free schools programs are cut by 57 percent, or $266 million, bilingual and immigrant education programs are cut by 28 percent, or $57 million, vocational and adult education programs are cut by 9 percent, or $125 million, and student financial assistance programs are cut by 13 percent, or $974 million.

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I rise in strong opposition to this rule. The Republican leadership again is keeping up its attack on the environment.

Mr. Speaker, this bill, H.R. 3019, is the same old antienvironmental legislation that the President has vetoed twice before. It contains the same environmental riders, anemic funding levels and special interest give-aways, just like the previous conference report.

Last night I asked the Rules Committee for permission to offer an amendment that would restore a sensible level of funding for the EPA, and of course I was denied. Therefore, there will be no opportunity today to provide adequate funding for the environment.

My amendment would have increased the level of funding to the EPA for the remainder of this fiscal year to a level that is commensurate with the last fiscal year, funding levels identical to those recently recommended by the President.

Mr. Speaker, my amendment also would have provided the funding levels that EPA needs to be able to set environmental and public health standards for air pollution, pesticides, and clean and safe water, and to make the Superfund Program faster and more efficient. It would also restore the funds needed to keep the environmental cop on the beat, to ensure that once these safety standards are set, that they are properly adhered to. My amendment would also strip out all the antienvironmental riders which once again are in this bill.

Mr. Speaker, this bill, like the previous interior conference report, includes riders that stop the Secretary from listing endangered species and increase logging in national forests. It contains a 40 percent cut in the endangered species funding.

The bill, like the previous VA conference report, includes riders that prohibit the EPA from protecting wetlands, limit enforcement of the Clean Air Act, prohibit new drinking water standards for radon, and stop the agency from moving ahead to clean up toxic waste. It contains funding levels that are 22 percent below the President's fiscal 1996 request.

Mr. Speaker, make no mistake about it, this bill is a bad bill for the environment. The rhetoric that we received from the Republican leadership that they were no longer going to try to hurt the environment, that they were not going to try to turn back the clock any more, that 1996 was going to be different from 1995 with regard to environmental measures, it is simply not true. They are back at the same old game. We have to vote down this rule.

Mr. DREIER. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Metairie, LA [Mr. LIVINGSTON], the chairman of the Committee on Appropriations.

Mr. LIVINGSTON. Mr. Speaker, I applaud what the Rules Committee has done on this rule, and I urge the adoption of the rule.

Mr. Speaker, a few weeks ago I paraphrased the great saying of the wonderful humorist, Will Rogers, in referring to the Democrats. Let me reparaphrase it. Basically, they never say a program they did not want to enact, and they never saw a U.S. taxpayer's dollar that they did not want to tax and spend, and here we go again.

I just heard a few minutes ago this bill is an act of cowardice, the bill is riddled with sugar-coated platitudes, the bill is a litany of injustice. My goodness.

Mr. Speaker, we have been working on fiscal year 1996 bills for a very long time. There will be some attacks against us because it has taken so long. This bill wraps up what has been left undone in fiscal year 1996 because the President vetoed three bills and because the liberals in the other body filibustered the fourth bill. We have taken those bills, and we put them together, and we have addressed the spending needs encompassed in those bills.

We have given the President the funding that he has requested for Bosnia and other foreign adventures where he had deployed our troops. We have given the President what he wants in disaster relief for the people who are devastated in the far Northwest and other parts of the country and in the Virgin Islands.

We have attempted to provide extra funding for the President. He said 2 months ago he wanted $6 billion in additional spending. Now he says he needs $8 billion in additional spending, and just yesterday he sent a letter to Chairman HATFIELD, through Alice Rivlin, his director of OMB, saying they would veto even the Senate bill which provided $4.7 billion in extra spending, saying they still needed an additional $7 billion.

Then by my math it is close to $12 billion that they are now asking for in additional spending. Basically the President, who said that the era of big Government is now over, the President, who signed on to the balanced budget by the year 2002 agreement, is now saying, "Well, we like your bills, but you got to spend another $6 to $8 to $12 billion."

Because we are not spending that money, or we are approaching it in some fashion because we are doing it contingently, many Members on the Democratic side of the aisle get up and rail against sugar-coated platitudes, litanies of injustice and acts of cowardice.

Mr. Speaker, they simple will never be satisfied with enough programs or enough of Government's reaching into the pockets of the taxpaying citizens of this country, taking it out and spreading it all over the place.

In this bill, there is $14.6 billion to fight crime, for law enforcement, which is a 20-percent increase over last year, including a 25-percent increase for immigration initiatives, 57-percent increase for State and local law enforcement, 285-percent increase for State criminal alien assistance, 573-percent increase for violence against women programs. That is in this bill.

Second, we heard we don't have enough for education, not enough for Head Start Program. The Head Start Program has been growing. In 1989, $1.2 billion; 1991, $1.5; 1991, $1.9; all the way up, and in 1995 it hit $3.57 billion. We trimmed off $100 million, so it is now $3.4 billion, and with this we are destroying the children of America, to hear the statements that have been made on this floor.

No, we are not. In fact we are spending $23.6 billion for education for youngsters all around America including Head Start, $23.6 billion taxpayers dollars, and by the recent count of the chairman of the Committee on Economic and Educational Opportunities, in something like 736 separate programs.

I really believe that this Government could operate with fewer than 100 education programs. Probably we could operate with about 50 education programs. We have got 730 some odd education programs and they say that that is an act of cowardice. I am just overwhelmed by the arguments against this bill.

For veterans, they say we are cutting veterans. The American taxpayer is paying $38.4 billion on veterans' programs, which includes $16.9 billion on veterans' health care. That is not hurting the veteran. That is helping the veteran.

We are spending $19.3 billion on housing. We are spending $5.7 billion on the environmental through EPA alone, the Environmental Protection Agency, $5.7 billion just on that agency, and it is not enough, they say. "It is not enough, we want to spend more," they say. We are spending $5.1 billion on parks and refuges and forests for the environment, in addition to the $5.7 billion spent on EPA.

The point is, Mr. Speaker, when ever is enough enough for these people? They will never be satisfied. You have got to spend more or else you are guilty of an act of cowardice, you are guilty of sugar-coated platitudes, and you are guilty of a litany of injustices. I beg to differ, and I think that the vast majority of the American people agree with me.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I rise in opposition to this bill, and I would be happy to have that blue chart just stay there for 1 minute, if I might, the real crime bill. I was talking to the gentleman from Michigan. It is true that it is blue, but that is about it.

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It does not have a badge, it does not have a gun, it does not have a nightstick, it does not have handcuffs, it does not have any of that. You know, what is missing in that crime bill, cops, police officers. It is just what the good gentleman from Louisiana rails against: program after program that does nothing.

On our side, we are pointing out programs that have worked, whether it be Head Start or clean water or cops, and saying, "Why are you cutting those?" We would love to join with the other side in finding programs that are too well funded. But this is a meat ax approach, and in the area I know best, ask the average citizens, ask the experts, the best way to fight crime is get cops on the street. There is not one cop in that $14.6 billion. That is what the crime is.

So, to call it a real crime bill, I would say to the gentleman from Louisiana, to call it a real crime bill because it has more money is wrong. It is just what he says is wrong about so many other programs.

We do not just want more money. We want money aimed at crime fighting. We want cops.

Mr. LIVINGSTON. Mr. Speaker, will the gentleman yield?

Mr. SCHUMER. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. So the gentleman wants cops. It is the President's favorite program. The point is we put $1.9 billion in the block grant. If the communities want to use it for the Cops on the Street, they can do it. They also have flexibility to use it for other things.

Mr. SCHUMER. We did that under LEAA. The gentleman was here. LEAA gave the local communities, local politicians, money to spend. LEAA gave the local politicians money to spend as they wished, and they wasted it. We have learned from LEAA.

We have learned, put the money into cops, or we will never see more cops. And so I say to my colleagues that is no real crime bill. That bill is a real crime in terms of crime fighting because it does not have money going to fighting the crime. It has the money going to the local politicians and the Governors, who will use it for their own purposes, and the people of America will be no more safe, and, in fact, a great deal less safe, if the cops bill is repealed, as they attempt to do.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Mr. Speaker, I thank the gentleman for yielding this time to me.

We are talking about the COPS Program. The last speaker from the other side, the gentleman from Louisiana [Mr. LIVINGSTON], mentioned the COPS Program, and it is the President's program.

Let me just say what they are saying in New Orleans about the COPS Program, that since they have implemented the COPS Program there has been a 15-percent decline in homicides. When the police department, through the COPS Program, opened 24-hour substations in some of the toughest housing projects, murders dropped 74 percent, or maybe even one of the constituents of the gentleman from Louisiana [Mr. LIVINGSTON] said, Deborah Davis, a mother of four, who has lived in these places, projects, all of her life she said that this is what community should be like. Instead of a killing place, it is now a place where we can see the light of hope.

So why would the new majority want to kill the COPS Program? Understand, this program has not one police officer there. Eighty-seven percent of the American public will be served by over 33,000 police officers authorized underneath the COPS Program to date. COPS will fund small towns in rural areas, where I live, like northern Michigan. Half of all funding goes to areas serving jurisdictions under 150,000.

The block grant program would go to population centers at the expense of our smaller rural areas. COPS per State minimum is twice what is even fashioned or thought of underneath the block grant program, because it not only funds the hiring of police officers but also is used to purchase equipment and technology, the hiring of civilian officers, civilian dispatchers, and the payment of overtime. The program, the bureaucratic program that they rail against, is a 1-page form, a 1-page application form.

So what the COPS Program does is it responds directly to the flexibility of the local needs. Block grants would only allocate money on a very strict, complex mathematical program. The block grant proposal provides far less funding for fighting crime and prevention than the COPS Program.

Mr. Speaker, I would hope that my colleagues throughout this Nation will look at the COPS Program, the success we have had, and vote "no" on this bill and not to gut the COPS Program. It is a good program. It is a successful program. And I am pleased to be an advocate for the program on behalf of the President.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Speaker, first of all, I want to thank my friend, the gentleman from Massachusetts [Mr. MOAKLEY], for the efforts that he has made in this bill to try and make certain that the interests of the working families of our country are looked out after. I know that, as a veteran, he is particularly concerned about the treatment that the Veterans' Affairs Department receives in the CR.

Mr. Speaker, I rise in opposition to the rule on H.R. 3019. This bill will unfairly target cuts in funding for the Office of the Secretary of Veterans Affairs. It imposes these deep cuts in an attempt to punish the Secretary, Jesse Brown.

But I have to ask—what is Secretary Brown being punished for? For his strong advocacy for adequate funding for VA programs? For his hard work in ensuring that the veterans of this country get what was promised to them? For his efforts to ensure a quality health care system for all veterans?

Congress created the Department of Veterans Affairs as a Cabinet Department to insure that the Secretary would be an effective advocate for veterans. Now Secretary Brown is being punished for fulfilling his duties.

Congressional rhetoric citing support for veterans is meaningless if the country's leading veterans' advocate is to be muzzled. The national commander of the Veterans of Foreign Wars testified recently, "We all fought for freedom. It is intolerable that Congress would consider denying Jesse Brown the freedom to be an advocate for veterans."

This closed rule for H.R. 3019 does not permit an amendment to bring veterans' funding to an acceptable level. This continuing resolution provides $900 million less for veterans' programs than the President requested. Funding for VA health care is $400 million below the President's request, and $200 million below the House-passed number.

Mr. Speaker, we must not jeopardize Federal programs which benefit the veterans of this country. These men and women have made great sacrifices for us and for our country. They deserve our unending support.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, this continuing resolution is another chapter in the sad story that began when NEWT GINGRICH and his Republican colleagues took over the people's House. Their agenda hurts working families, and this bill that we are voting on today is no exception. It continues to assault on working families by cutting education by over $3 billion, the largest education cuts in the history of this country. It cuts funds to improve kids' basic reading and math skills by over a billion dollars. It slashes more than half of the funds from the Safe and Drug Free Schools Program 57 percent. That program includes the DARE Program, which is, in combination, a program with the COPS and with kids to Say No to Drugs.

It also cuts college loans by almost a billion dollars. The school-to-work program that says to kids who want to go on to work and not to a 4-year liberal arts college, we recognize your aspirations and your dreams, and we want to give you a hand. This program is cut by 23 percent.

Mr. Speaker, at a time when Americans are rightly anxious about their job security, at a time when we all know a good education is a key to a good job, the congressional Republicans are launching an assault on American education.

In my State, these cuts are a disaster. I met with parents and educators at a school in my district. They are concerned about what these cuts will mean. Under this proposal, funding for basic skills training will be cut $8.6 million in Connecticut; $1.5 million under the Safe and Drug Free Schools will be cut as well.

Let me quote a parent that I met with at the beginning of the week, Carolyn Jackson. "The proposed cuts would eliminate students' chances of being competitive they won't make it. They won't be trained. They won't be able to go on to a trade school or to college," she said. These after-school programs that would be cut keep the kids off the streets. It keeps them occupied. It gives them something positive to do.

If they cut that off, the only place that they will have left to go is the street.

Mr. Speaker, these cuts are wrongheaded. The American dream is about education. Do not cut it off for our children.

Mr. DREIER. Mr. Speaker, I yield 4 minutes to my friend, the gentleman from Oregon [Mr. BUNN].

Mr. BUNN of Oregon. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in strong support of this appropriations package and would like to thank the distinguished chairman of the committee, the gentleman from Louisiana, for all the hard work that he has put into these appropriations bills over the past year.

Included in this omnibus appropriations bill is a natural disaster title, which is extremely important to the constituents of my district in Oregon, which was recently overrun by the worst flooding in three decades. Of the many programs funded by this title, one I am appreciative the chairman has included at my request, to fund the emergency livestock feed program at a level of $10 million, $6 million of which is intended to go to the Tillamook County area of Oregon.

I know the chairman is aware of the desperate situation that most of the dairy farmers in my district find themselves. In many areas of my district, which I visited, the silt is more than a foot thick, smothering any chance that the dairy cows will have feed through this summer, let alone next winter. The $6 million for the emergency livestock feed program in this bill that is intended for Tillamook County will literally help keep dozens of small farms from going under.

Mr. Speaker, I would like also to thank the gentleman for increasing the funding for the strengthening institutions program, section A. The $55 million for this program will ensure that no school will lose their grant this year.

SECTION 2001(K) OF THE 1995 RESCISSIONS ACT AMENDMENT

Mr. Speaker, I would also like to thank the chairman of the committee and the chairman of the Interior Subcommittee for including two provisions relating to section 2001(k) of the 1995 Rescissions Act in this bill.

The first provision will give the administration the additional flexibility that it has requested to offer alternative timber volume for either all, or part of, timber sales that they deem to be in an environmentally sensitive area.

After signing the 1995 Rescissions Act, the President, in a letter to the Speaker of the House, promised that his administration would "carry out [the timber provisions of the bill] with its full resources and a strong commitment to achieving the goals of the program." Unfortunately the President, contradictory to his promise, spent all of last year in court trying to alter the agreement which he said he was strongly committed to. This has created a problem in that, instead of having 2 years to harvest the timber released in section 2001(k), the time available for harvest has been reduced to only 1 year.

To address this issue, the committee has also included a provision which will extend the authority contained in section 2001(k) for the life of the timber sale contract instead of the end of calendar year 1996. This provision will likely keep the total harvest allowed under section 2001(k) to less than 250 million board feet per year. The option 9 timber volume has yet to exceed 500 million board feet in any year, so even with the addition of section 2001(k) timber it is unlikely that timber harvests in the option 9 region will meet the President's goal of 1.1 billion board feet per year in any given year. Make no mistake, if we do not extend the length of the authority for these sales, the companies holding these contracts will rush to harvest all of the 650 million board feet of timber in one summer. So, the right thing to do for public safety, environmental responsibility, and to assist the President in reaching his option 9 goals is to extend the authority for the life of the timber sale contracts. We have done that in this bill.

Mr. Chairman, the other body's companion omnibus appropriations bill contains provisions introduced by the senior Senators from Oregon and Washington which are similar to the two which I have just outlined. The Senators' language also contains a provision relating to buy-out authority which we have not included in our bill. I am very concerned about this buy-out provision and somewhat disturbed that the President would request something which would cost the taxpayers of the Nation millions of dollars and would only serve to put money in the pockets of the timber-sale owners. It will do nothing to get timber workers back in the forests. It never ceases to amaze me the lengths to which this administration goes in their attempts to keep the family wage earners of Oregon and the Pacific Northwest idle. In the end, if this provision must move forward in order to keep the remainder of the program intact I may be willing to accept it, but I remain extremely concerned about the provision. I would like to one again thank the chairman of the committee for his hard work on this bill and I look forward to working with him on fiscal year 1997 funding.

Mr. LIVINGSTON. Mr. Speaker, will the gentleman yield?

Mr. BUNN of Oregon. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. I appreciate the gentleman yielding the time to me. I am glad we were able to help him out with some of his requests. We want to make sure people who are devastated by natural disasters who can be helped by the Federal Government are helped by the Federal Government. That has been implicit throughout this process.

I have to point out it had just come to my attention, since funding for Head Start has been an issue here, from somebody in Fort Wayne, IN, funding for Head Start in Fort Wayne, IN, has increased 183 percent while enrollment has increased 56 percent. There are 80 administrators and 26 teachers in their Head Start Program.

Mr. BUNN of Oregon. I would like to voice my concern regarding the funding of several higher education programs in our bill, however, in particular the State student incentive grant program, which helps support the Oregon State need grant program for low-income students in my State. The capital contributions to the Perkins loan program, which also helps low-income students to go forward to college through the loan program, and also the minimum grants under the Pell grant.

While I thank the Chair for increasing the Pell grant maximum, which will allow low-income students to keep up with inflation and the rising cost of tuition, eliminating the minimum Pell grants will be felt mostly by the community college students who depend upon those minimum grants. While this bill is a good starting point for higher education, I hope that we might be able to move toward the Senate funding levels for these specific programs during conference.

I thank the chairman and look forward to working with him for the funding of these programs.

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Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. OBEY], the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, let me try to put this proposal in context. Bills which have gone through the Congress this year have cut $33 billion in the nondefense area. They have also added $7 billion above the President's request for the defense budget.

All the President has wanted to do is to add back $7 billion of the $33 billion in domestic cuts, about 20 percent of the cuts that Congress has made this year, because the President feels, and I agree with him, that we ought not to cut back on education efforts, that we ought not to cut back on environmental enforcement efforts, especially given all the problems we have in both of those areas.

Now, this bill comes to the floor and adds $1 billion back out of the $33 billion which had been cut in nondefense spending. It adds $1 billion back, principally for the LIHEAP program. Other than that, there is no real change in dollar terms from the bills as they were constituted when the President vetoed them originally.

Mr. Speaker, in fact this bill in some ways goes further away from a compromise than the continuing resolution under which we are now operating. For example, with the COPS Program, under the continuing resolution, the White House was allowed to continue to spend out at a 75-percent rate for the COPS Program, to help local communities add police on the beat. This wipes out that program. What this does is, I think, self-evident.

In addition to that, what this bill does is add $3.3 billion in "funny money." It says, in essence: "We would like to add some money back for education, we would like to add some money back for some other items, but, by the way, that really cannot happen until we pass another piece of legislation." And that piece of legislation is not in existence.

So it is a way for politicians to pretend that they are embracing programs which in fact they are providing no real money for. As a result, this bill is still $3.3 billion, or 13 percent, below last year's funding for education, it is still $1.5 billion below last year's funding for EPA enforcement, it is $213 million below the amount that was in the original House bill for veterans medical care, even though that bill had $1.5 billion more to play with in conference than the original House bill.

So for all of those reasons, I, for one, intend to vote against the bill. This is not a real bill. This is not a real operation. What this is, is simply an effort to demonstrate movement, when in fact there is none.

I think what we need, rather than having a meaningless bill on the floor, I think what we need is to have serious negotiations between the White House and the top leadership of this Congress, so that we can get these issues resolved. We are simply spinning our wheels on this, and I think it serves no one's interest.

I would take note of one additional item. I would at the proper time be asking unanimous consent to amend the rule to allow the language to be added that the White House requested on the C–17. That is a fine plane, the White House wants to buy more of them, the Pentagon agrees. The White House would like to enter into a multiyear contract on the C–17. If they do that, they can save about $900 million off what it would otherwise cost the Government to build those planes. I think we ought to do that.

So I will be offering a unanimous-consent request at the proper time. I would like to think it would be accepted, but that is really up to the majority party to determine whether it will be or not.

Mr. Speaker, very simply, I am going to vote against this rule and this bill simply because I think this is a meaningless exercise, which tries to give the appearance of movement, when in fact there is no real movement, and in some cases there is actually movement in the wrong direction. I think this bill does not take us any closer to a compromise. Sooner or later we have to finish action on the fiscal 1996 bills. This bill is not going to contribute to that process.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to ask the gentleman from California [Mr. DREIER] if he would kindly explain the amendment that is going to be forthcoming from their side. I would like to know if the kind gentleman from California would explain the amendment I understand that is going to be offered by his side of the aisle.

Mr. DREIER. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. WALKER], the distinguished chairman of the Committee on Science and the vice chairman of the Committee on the Budget, for an explanation of that.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding me time. I am doing this talking primarily as vice chairman of the Committee on the Budget.

Mr. Speaker, the idea was our understanding of the reason for the language in title IV was that this was a contingent spending based upon the potential for a broad budget deal that would in fact include entitlement savings. The concern was that the language, as written, was not specific, that this was to be part of a broader deal. In fact, by adding the term "reconciliation" to it, it does assure that is what we are doing in the legislation that would come pursuant to this rule.

I would say that there have been questions raised about what if we have something that happens as part of the debt limit. The feeling is this bill will be in conference at that point, and the deal can be made then to make certain everything matches up at that point. At least as the bill leaves the House, we are certain we are not going to break budget caps, which is part of the language of title IV, which is you can exceed some of the caps, depending on what comes down the line in terms of the offsets.

All we are trying to do is say if you are going to do that, it has to be a part of a broad budget negotiation that includes broad-based entitlement savings. We think this language, it is a fairly modest change, accomplishes that objective. That is the purpose behind it.

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. Mr. Speaker, the gentleman is not using the word "reconciliation" as it is used in the Budget Act?

Mr. WALKER. Mr. Speaker, reclaiming my time, it seems to me by doing that, it would probably have to follow at least the reconciliation rules, yes.

Mr. MOAKLEY. Mr. Speaker, the gentleman is using the word "reconciliation" in this amendment as it is used in the Budget Act?

Mr. WALKER. Yes, because what part of the effort here is, I would say to the gentleman, is to allow entitlement money to offset discretionary money. The only way you can do that is as part of a broader package. We are trying to assure all the rules are followed as you do those kinds of trade-offs by putting that language in. That is what we are trying to accomplish.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, the architects of this appropriation bill have been sipping Potomac water entirely too long. They are out of touch with what the real problems are in America and the real challenges facing working families.

One can judge the priorities of the Republican leadership by their choices in spending. Let me tell you what they think are lower priorities, things that we should cut in today's America: They want to cut the School to Work Program, a program to give high school graduates adequate skills and training so that they can get good paying jobs; they want to cut programs like the Safe and Drug Free Schools Act. Did I miss the headline that said America is now in control of the drug problem, that we no longer have to worry about violence in our schools? I think to the contrary, American families know this is still a serious challenge. Our government and our people need to make a commitment to solving this problem. The Republican appropriation bill runs away from it.

They freeze the Head Start Program, a program which takes kids 3, 4, and 5 years old, and gives them a chance, and they turn around and make deep cuts in environmental protection, programs that we count on to make sure that the water we drink is safe and the air we breathe is clean.

These are the priorities of the Republican leadership, cutting work training, cutting education, cutting the environment, cutting back on programs that really help America's working families.

The unkindest cut of all is cuts in college student loans. How many young men and women from working families will be denied a chance for higher education because of these Republican cuts in college student loans?

This is not what America bargained for in the 1994 election. The Republican spending priorities reflect their values, but not the values of the working families in this country.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is the 59th restrictive rule, and I know this really shocks my dear friend from California, but this is the 59th restrictive rule reported out of the Committee on Rules this Congress so far this session; 88 percent of the rules reported have been restricted.

Mr. Speaker, at this point, I include for the RECORD the following extraneous material.

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1*	Compliance	H. Res. 6	Closed	None.
H. Res. 6	Opening Day Rules Package	H. Res. 5	Closed; contained a closed rule on H.R. 1 within the closed rule	None.
H.R. 5*	Unfunded Mandates	H. Res. 38	Restrictive; Motion adopted over Democratic objection in the Committee of the Whole to limit debate on section 4; Pre-printing gets preference.	N/A.
H.J. Res. 2*	Balanced Budget	H. Res. 44	Restrictive; only certain substitutes	2R; 4D.
H. Res. 43	Committee Hearings Scheduling	H. Res. 43 (OJ)	Restrictive; considered in House no amendments	N/A.
H.R. 2*	Line Item Veto	H. Res. 55	Open; Pre-printing gets preference	N/A.
H.R. 665*	Victim Restitution Act of 1995	H. Res. 61	Open; Pre-printing gets preference	N/A.
H.R. 666*	Exclusionary Rule Reform Act of 1995	H. Res. 60	Open; Pre-printing gets preference	N/A.
H.R. 667*	Violent Criminal Incarceration Act of 1995	H. Res. 63	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 668*	The Criminal Alien Deportation Improvement Act	H. Res. 69	Open; Pre-printing gets preference; Contains self-executing provision	N/A.
H.R. 728*	Local Government Law Enforcement Block Grants	H. Res. 79	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 7*	National Security Revitalization Act	H. Res. 83	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 729*	Death Penalty/Habeas	N/A	Restrictive; brought up under UC with a 6 hr. time cap on amendments	N/A.
S. 2	Senate Compliance	N/A	Closed; Put on Suspension Calendar over Democratic objection	None.

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 831	To Permanently Extend the Health Insurance Deduction for the Self-Employed.	H. Res. 88	Restrictive; makes in order only the Gibbons amendment; Waives all points of order; Contains self-executing provision.	1D.
H.R. 830*	The Paperwork Reduction Act	H. Res. 91	Open	N/A.
H.R. 889	Emergency Supplemental/Rescinding Certain Budget Authority	H. Res. 92	Restrictive; makes in order only the Obey substitute	1D.
H.R. 450*	Regulatory Moratorium	H. Res. 93	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 1022*	Risk Assessment	H. Res. 96	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 926*	Regulatory Flexibility	H. Res. 100	Open	N/A.
H.R. 925*	Private Property Protection Act	H. Res. 101	Restrictive; 12 hr. time cap on amendments; Requires Members to pre-print their amendments in the Record prior to the bill's consideration for amendment, waives germaneness and budget act points of order as well as points of order concerning appropriating on a legislative bill against the committee substitute used as base text.	1D.
H.R. 1058*	Securities Litigation Reform Act	H. Res. 105	Restrictive; 8 hr. time cap on amendments; Pre-printing gets preference; Makes in order the Wyden amendment and waives germaneness against it.	1D.
H.R. 988*	The Attorney Accountability Act of 1995	H. Res. 104	Restrictive; 7 hr. time cap on amendments; Pre-printing gets preference	N/A.
H.R. 956*	Product Liability and Legal Reform Act	H. Res. 109	Restrictive; makes in order only 15 germane amendments and denies 64 germane amendments from being considered.	8D; 7R.
H.R. 1158	Making Emergency Supplemental Appropriations and Rescissions	H. Res. 115	Restrictive; Combines emergency H.R. 1158 & nonemergency 1159 and strikes the abortion provision; makes in order only pre-printed amendments that include offsets within the same chapter (deeper cuts in programs already cut); waives points of order against three amendments; waives cl 2 of rule XXI against the bill, cl 2, XXI and cl 7 of rule XVI against the substitute; waives cl 2(e) od rule XXI against the amendments in the Record; 10 hr time cap on amendments. 30 minutes debate on each amendment.	N/A.
H.J. Res. 73*	Term Limits	H. Res. 116	Restrictive; Makes in order only 4 amendments considered under a "Queen of the Hill" procedure and denies 21 germane amendments from being considered.	1D; 3R
H.R. 4*	Welfare Reform	H. Res. 119	Restrictive; Makes in order only 31 perfecting amendments and two substitutes; Denies 130 germane amendments from being considered; The substitutes are to be considered under a "Queen of the Hill" procedure; All points of order are waived against the amendments.	5D; 26R.
H.R. 1271*	Family Privacy Act	H. Res. 125	Open	N/A.
H.R. 660*	Housing for Older Persons Act	H. Res. 126	Open	N/A.
H.R. 1215*	The Contract With America Tax Relief Act of 1995	H. Res. 129	Restrictive; Self Executes language that makes tax cuts contingent on the adoption of a balanced budget plan and strikes section 3006. Makes in order only one substitute. Waives all points of order against the bill, substitute made in order as original text and Gephardt substitute.	1D.
H.R. 483	Medicare Select Extension	H. Res. 130	Restrictive; waives cl 2(1)(6) of rule XI against the bill; makes H.R. 1391 in order as original text; makes in order only the Dingell substitute; allows Commerce Committee to file a report on the bill at any time.	1D.
H.R. 655	Hydrogen Future Act	H. Res. 136	Open	N/A.
H.R. 1361	Coast Guard Authorization	H. Res. 139	Open; waives sections 302(f) and 308(a) of the Congressional Budget Act against the bill's consideration and the committee substitute; waives cl 5(a) of rule XXI against the committee substitute.	N/A.
H.R. 961	Clean Water Act	H. Res. 140	Open; pre-printing gets preference; waives sections 302(f) and 602(b) of the Budget Act against the bill's consideration; waives cl 7 of rule XVI, cl 5(a) of rule XXI and section 302(f) of the Budget Act against the committee substitute. Makes in order Shuster substitute as first order of business.	N/A.
H.R. 535	Corning National Fish Hatchery Conveyance Act	H. Res. 144	Open	N/A.
H.R. 584	Conveyance of the Fairport National Fish Hatchery to the State of Iowa.	H. Res. 145	Open	N/A.
H.R. 614	Conveyance of the New London National Fish Hatchery Production Facility.	H. Res. 146	Open	N/A.
H. Con. Res. 67	Budget Resolution	H. Res. 149	Restrictive; Makes in order 4 substitutes under regular order; Gephardt, Neumann/Solomon, Payne/Owens, President's Budget if printed in Record on 5/17/95; waives all points of order against substitutes and concurrent resolution; suspends application of Rule XLIX with respect to the resolution; self-executes Agriculture language.	3D; 1R.
H.R. 1561	American Overseas Interests Act of 1995	H. Res. 155	Restrictive; Requires amendments to be printed in the Record prior to their consideration; 10 hr. time cap; waives cl 2(1)(6) of rule XI against the bill's consideration; Also waives sections 302(f), 303(a), 308(a) and 402(a) against the bill's consideration and the committee amendment in order as original text; waives cl 5(a) of rule XXI against the amendment; amendment consideration is closed at 2:30 p.m. on May 25, 1995. Self-executes provision which removes section 2210 from the bill. This was done at the request of the Budget Committee.	N/A.
H.R. 1530	National Defense Authorization Act FY 1996	H. Res. 164	Restrictive; Makes in order only the amendments printed in the report; waives all points of order against the bill, substitute and amendments printed in the report. Gives the Chairman en bloc authority. Self-executes a provision which strikes section 807 of the bill; provides for an additional 30 min. of debate on Nunn-Lugar section; Allows Mr. Clinger to offer a modification of his amendment with the concurrence of Ms. Collins.	36R; 18D; 2 Bipartisan.
H.R. 1817	Military Construction Appropriations; FY 1996	H. Res. 167	Open; waives cl. 2 and cl. 6 of rule XXI against the bill; 1 hr. general debate; Uses House passed budget numbers as threshold for spending amounts pending passage of Budget.	N/A.
H.R. 1854	Legislative Branch Appropriations	H. Res. 169	Restrictive; Makes in order only 11 amendments; waives sections 302(f) and 308(a) of the Budget Act against the bill and cl. 2 and cl. 6 of rule XXI against the bill. All points of order are waived against the amendments.	5R; 4D; 2 Bipartisan.
H.R. 1868	Foreign Operations Appropriations	H. Res. 170	Open; waives cl. 2, cl. 5(b), and cl. 6 of rule XXI against the bill; makes in order the Gilman amendments as first order of business; waives all points of order against the amendments; if adopted they will be considered as original text; waives cl. 2 of rule XXI against the amendments printed in the report. Pre-printing gets priority (Hall) (Menendez) (Goss) (Smith, NJ).	N/A.
H.R. 1905	Energy & Water Appropriations	H. Res. 171	Open; waives cl. 2 and cl. 6 of rule XXI against the bill; makes in order the Shuster amendment as the first order of business; waives all points of order against the amendment; if adopted it will be considered as original text. Pre-printing gets priority.	N/A.
H.J. Res. 79	Constitutional Amendment to Permit Congress and States to Prohibit the Physical Desecration of the American Flag.	H. Res. 173	Closed; provides one hour of general debate and one motion to recommit with or without instructions; if there are instructions, the MO is debatable for 1 hr.	N/A.
H.R. 1944	Recissions Bill	H. Res. 175	Restrictive; Provides for consideration of the bill in the House; Permits the Chairman of the Appropriations Committee to offer one amendment which is unamendable; waives all points of order against the amendment.	N/A.
H.R. 1868 (2nd rule)	Foreign Operations Appropriations	H. Res. 177	Restrictive; Provides for further consideration of the bill; makes in order only the four amendments printed in the rules report (20 min. each). Waives all points of order against the amendments; Prohibits intervening motions in the Committee of the Whole; Provides for an automatic rise and report following the disposition of the amendments.	N/A.
H.R. 1977 *Rule Defeated*	Interior Appropriations	H. Res. 185	Open; waives sections 302(f) and 308(a) of the Budget Act and cl 2 and cl 6 of rule XXI; provides that the bill be read by title; waives all points of order against the Tauzin amendment; self-executes Budget Committee amendment; waives cl 2(e) of rule XXI against amendments to the bill; Pre-printing gets priority.	N/A.
H.R. 1977	Interior Appropriations	H. Res. 187	Open; waives sections 302(f), 306 and 308(a) of the Budget Act; waives clauses 2 and 6 of rule XXI against provisions in the bill; waives all points of order against the Tauzin amendment; provides that the bill be read by title; self-executes Budget Committee amendment and makes NEA funding subject to House passed authorization; waives cl 2(e) of rule XXI against the amendments to the bill; Pre-printing gets priority.	N/A.
H.R. 1976	Agriculture Appropriations	H. Res. 188	Open; waives clauses 2 and 6 of rule XXI against provisions in the bill; provides that the bill be read by title; Makes Skeen amendment first order of business, if adopted the amendment will be considered as base text (10 min.); Pre-printing gets priority.	N/A.
H.R. 1977 (3rd rule)	Interior Appropriations	H. Res. 189	Restrictive; provides for the further consideration of the bill; allows only amendments pre-printed before July 14th to be considered; limits motions to rise.	N/A.
H.R. 2020	Treasury Postal Appropriations	H. Res. 190	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; provides the bill be read by title; Pre-printing gets priority.	N/A.
H.J. Res. 96	Disapproving MFN for China	H. Res. 193	Restrictive; provides for consideration in the House of H.R. 2058 (90 min.) And H.J. Res. 96 (1 hr). Waives certain provisions of the Trade Act.	N/A.

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 2002	Transportation Appropriations	H. Res. 194	Open; waives cl. 3 Of rule XIII and section 401 (a) of the CBA against consideration of the bill; waives cl. 6 and cl. 2 of rule XXI against provisions in the bill; Makes in order the Clinger/Solomon amendment waives all points of order against the amendment (Line Item Veto); provides the bill be read by title; Pre-printing gets priority. ***RULE AMENDED***.	N/A.
H.R. 70	Exports of Alaskan North Slope Oil	H. Res. 197	Open; Makes in order the Resources Committee amendment in the nature of a substitute as original text; Pre-printing gets priority; Provides a Senate hook-up with S. 395.	N/A.
H.R. 2076	Commerce, Justice Appropriations	H. Res. 198	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; Pre-printing gets priority; provides the bill be read by title.	N/A.
H.R. 2099	VA/HUD Appropriations	H. Res. 201	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; Provides that the amendment in part 1 of the report is the first business, if adopted it will be considered as base text (30 min.); waives all points of order against the Klug and Davis amendments; Pre-printing gets priority; Provides that the bill be read by title.	N/A.
S. 21	Termination of U.S. Arms Embargo on Bosnia	H. Res. 204	Restrictive; 3 hours of general debate; Makes in order an amendment to be offered by the Minority Leader or a designee (1 hr); If motion to recommit has instructions it can only be offered by the Minority Leader or a designee.	ID.
H.R. 2126	Defense Appropriations	H. Res. 205	Open; waives cl. 2(l)(6) of rule XI and section 306 of the Congressional Budget Act against consideration of the bill; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; self-executes a strike of sections 8021 and 8024 of the bill as requested by the Budget Committee; Pre-printing gets priority; Provides the bill be read by title.	N/A.
H.R. 1555	Communications Act of 1995	H. Res. 207	Restrictive; waives sec. 302(f) of the Budget Act against consideration of the bill; Makes in order the Commerce Committee amendment as original text and waives sec. 302(f) of the Budget Act and cl. 5(a) of rule XXI against the amendment; Makes in order the Bliely amendment (30 min.) as the first order of business, if adopted it will be original text; makes in order only the amendments printed in the report and waives all points of order against the amendments; provides a Senate hook-up with S. 652.	2R/3D/3 Bipartisan.
H.R. 2127	Labor/HHS Appropriations Act	H. Res. 208	Open; Provides that the first order of business will be the managers amendments (10 min.), if adopted they will be considered as base text; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; waives all points of order against certain amendments printed in the report; Pre-printing gets priority; Provides the bill be read by title.	N/A.
H.R. 1594	Economically Targeted Investments	H. Res. 215	Open; 2 hr of gen. debate. makes in order the committee substitute as original text	N/A.
H.R. 1655	Intelligence Authorization	H. Res. 216	Restrictive; waives sections 302(f), 308(a) and 401(b) of the Budget Act. Makes in order the committee substitute as modified by Govt. Reform amend (striking sec. 505) and an amendment striking title VII. Cl 7 of rule XVI and cl 5(a) of rule XXI are waived against the substitute. Sections 302(f) and 401(b) of the CBA are also waived against the substitute. Amendments must also be pre-printed in the Congressional record.	N/A.
H.R. 1162	Deficit Reduction Lock Box	H. Res. 218	Open; waives cl 7 of rule XVI against the committee substitute made in order as original text; Pre-printing gets priority.	N/A.
H.R. 1670	Federal Acquisition Reform Act of 1995	H. Res. 219	Open; waives sections 302(f) and 308(a) of the Budget Act against consideration of the bill; bill will be read by title; waives cl 5(a) of rule XXI and section 302(f) of the Budget Act against the committee substitute. Pre-printing gets priority.	N/A.
H.R. 1617	To Consolidate and Reform Workforce Development and Literacy Programs Act (CAREERS).	H. Res. 222	Open; waives section 302(f) and 401(b) of the Budget Act against the substitute made in order as original text (H.R. 2332), cl. 5(a) of rule XXI is also waived against the substitute. provides for consideration of the managers amendment (10 min.) If adopted, it is considered as base text.	N/A.
H.R. 2274	National Highway System Designation Act of 1995	H. Res. 224	Open; waives section 302(f) of the Budget Act against consideration of the bill; Makes H.R. 2349 in order as original text; waives section 302(f) of the Budget Act against the substitute; provides for the consideration of a managers amendment (10 min.) If adopted, it is considered as base text; Pre-printing gets priority.	N/A.
H.R. 927	Cuban Liberty and Democratic Solidarity Act of 1995	H. Res. 225	Restrictive; waives cl 2(L)(2)(B) of rule XI against consideration of the bill; makes in order H.R. 2347 as base text; waives cl 7 of rule XVI against the substitute; Makes Hamilton amendment the first amendment to be considered (1 hr). Makes in order only amendments printed in the report.	2R/2D
H.R. 743	The Teamwork for Employees and managers Act of 1995	H. Res. 226	Open; waives cl 2(l)(2)(b) of rule XI against consideration of the bill; makes in order the committee amendment as original text; Pre-printing get priority.	N/A.
H.R. 1170	3-Judge Court for Certain Injunctions	H. Res. 227	Open; makes in order a committee amendment as original text; Pre-printing gets priority	N/A.
H.R. 1601	International Space Station Authorization Act of 1995	H. Res. 228	Open; makes in order a committee amendment as original text; pre-printing gets priority	N/A.
H.J. Res. 108	Making Continuing Appropriations for FY 1996	H. Res. 230	Closed; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee.	
H.R. 2405	Omnibus Civilian Science Authorization Act of 1995	H. Res. 234	Open; self-executes a provision striking section 304(b)(3) of the bill (Commerce Committee request); Pre-printing gets priority.	N/A.
H.R. 2259	To Disapprove Certain Sentencing Guideline Amendments	H. Res. 237	Restrictive; waives cl 2(l)(2)(B) of rule XI against the bill's consideration; makes in order the text of the Senate bill S. 1254 as original text; Makes in order only a Conyers substitute; provides a senate hook-up after adoption.	1D
H.R. 2425	Medicare Preservation Act	H. Res. 238	Restrictive; waives all points of order against the bill's consideration; makes in order the text of H.R. 2485 as original text; waives all points of order against H.R. 2485; makes in order only an amendment offered by the Minority Leader or a designee; waives all points of order against the amendment; waives cl 5© of rule XXI (⅗ requirement on votes raising taxes).	1D
H.R. 2492	Legislative Branch Appropriations Bill	H. Res. 239	Restrictive; provides for consideration of the bill in the House	N/A.
H.R. 2491 H. Con. Res. 109	7 Year Balanced Budget Reconciliation Social Security Earnings Test Reform.	H. Res. 245	Restrictive; makes in order H.R. 2517 as original text; waives all pints of order against the bill; Makes in order only H.R. 2530 as an amendment only if offered by the Minority Leader or a designee; waives all points of order against the amendment; waives cl 5© of rule XXI (⅗ requirement on votes raising taxes).	1D
H.R. 1833	Partial Birth Abortion Ban Act of 1995	H. Res. 251	Closed	N/A.
H.R. 2546	D.C. Appropriations FY 1996	H. Res. 252	Restrictive; waives all points of order against the bill's consideration; Makes in order the Walsh amendment as the first order of business (10 min.); if adopted it is considered as base text; waives cl 2 and 6 of rule XXI against the bill; makes in order the Bonilla, Gunderson and Hostettler amendments (30 min.); waives all points of order against the amendments; debate on any further amendments is limited to 30 min. each.	N/A
H.J. Res. 115	Further Continuing Appropriations for FY 1996	H. Res. 257	Closed; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee.	N/A
H.R. 2586	Temporary Increase in the Statutory Debt Limit	H. Res. 258	Restrictive; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee; self-executes 4 amendments in the rule; Solomon, Medicare Coverage of Certain Anti-Cancer Drug Treatments, Habeas Corpus Reform, Chrysler (MI); makes in order the Walker amend (40 min.) on regulatory reform.	5R
H.R. 2539	ICC Termination	H. Res. 259	Open; waives section 302(f) and section 308(a)	
H.J. Res. 115	Further Continuing Appropriations for FY 1996	H. Res. 261	Closed; provides for the immediate consideration of a motion by the Majority Leader or his designees to dispose of the Senate amendments (1hr).	N/A.
H.R. 2586	Temporary Increase in the Statutory Limit on the Public Debt	H. Res. 262	Closed; provides for the immediate consideration of a motion by the Majority Leader or his designees to dispose of the Senate amendments (1hr).	N/A.
H. Res. 250	House Gift Rule Reform	H. Res. 268	Closed; provides for consideration of the bill in the House; 30 min. of debate; makes in order the Burton amendment and the Gingrich en bloc amendment (30 min. each); waives all points of order against the amendments; Gingrich is only in order if Burton fails or is not offered.	2R
H.R. 2564	Lobbying Disclosure Act of 1995	H. Res. 269	Open; waives cl. 2(l)(6) of rule XI against the bill's consideration; waives all points of order against the Istook and McIntosh amendments.	N/A.
H.R. 2606	Prohibition on Funds for Bosnia Deployment	H. Res. 273	Restrictive; waives all points of order against the bill's consideration; provides one motion to amend if offered by the Minority Leader or designee (1 hr non-amendable); motion to recommit which may have instructions only if offered by Minority Leader or his designee; if Minority Leader motion is not offered debate time will be extended by 1 hr.	N/A.
H.R. 1788	Amtrak Reform and Privatization Act of 1995	H. Res. 289	Open; waives all points of order against the bill's consideration; makes in order the Transportation substitute modified by the amend in the report; Bill read by title; waives all points of order against the substitute; makes in order a managers amend as the first order of business, if adopted it is considered base text (10 min.); waives all points of order against the amendment; Pre-printing gets priority.	N/A.

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1350	Maritime Security Act of 1995	H. Res. 287	Open; makes in order the committee substitute as original text; makes in order a managers amendment which if adopted is considered as original text (20 min.) unamendable; pre-printing gets priority.	N/A.
H.R. 2621	To Protect Federal Trust Funds	H. Res.	Closed; provides for the adoption of the Ways & Means amendment printed in the report. 1 hr. of general debate.	N/A.
H.R. 1745	Utah Public Lands Management Act of 1995	H.Res. 303	Open; waives cl 2(l)(6) of rule XI and sections 302(f) and 311(a) of the Budget Act against the bill's consideration. Makes in order the Resources substitute as base text and waives cl 7 of rule XVI and sections 302(f) and 308(a) of the Budget Act; makes in order a managers' amend as the first order of business, if adopted it is considered base text (10 min).	N/A.
H.Res. 304	Providing for Debate and Consideration of Three Measures Relating to U.S. Troop Deployments in Bosnia.	N/A	Closed; makes in order three resolutions; H.R. 2770 (Dorman), H.Res. 302 (Buyer), and H.Res. 306 (Gephardt); 1 hour of debate on each..	1D; 2R
H.Res. 309	Revised Budget Resolution	H.Res. 309	Closed; provides 2 hours of general debate in the House.	N/A.
H.R. 558	Texas Low-Level Radioactive Waste Disposal Compact Consent Act	H.Res. 313	Open; pre-printing gets priority	N/A.
H.R. 2677	The National Parks and National Wildlife Refuge Systems Freedom Act of 1995.	H. Res. 323	Closed; consideration in the House; self-executes Young amendment	N/A.
PROCEDURE IN THE 104TH CONGRESS 2D SESSION				
H.R. 1643	To authorize the extension of nondiscriminatory treatment (MFN) to the products of Bulgaria.	H. Res. 334	Closed; provides to take the bill from the Speaker's table with the Senate amendment, and consider in the House the motion printed in the Rules Committee report; 1 hr. of general debate; previous question is considered as ordered.	N/A.
H.J. Res. 134 H. Con. Res. 131	Making continuing appropriations/establishing procedures making the transmission of the continuing resolution H.J. Res. 134.	H. Res. 336	Closed; provides to take from the Speaker's table H.J. Res. 134 with the Senate amendment and concur with the Senate amendment with an amendment (H. Con. Res. 131) which is self-executed in the rule. The rule provides further that the bill shall not be sent back to the Senate until the Senate agrees to the provisions of H. Con. Res. 131.	N/A.
H. R. 1358	Conveyance of National Marine Fisheries Service Laboratory at Gloucester, Massachusetts.	H. Res. 338	Closed; provides to take the bill from the Speakers table with the Senate amendment, and consider in the house the motion printed in the Rules Committee report; 1 hr. of general debate; previous quesetion is considered as ordered.	N/A.
H.R. 2924	Social Security Guarantee Act	H. Res. 355	Closed	N/A.
H.R. 2854	The Agricultural Market Transition Program	H. Res. 366	Restrictive; waives all points of order against the bill; 2 hrs of general debate; makes in order a committee substitute as original text and waives all points of order against the substitute; makes in order only the 16 amends printed in the report and waives all points of order against the amendments; circumvents unfunded mandates law; Chairman has en bloc authority for amends in report (20 min.) on each en bloc.	5D; 9R; 2 Bipartisan.
H.R. 994	Regulatory Sunset & Review Act of 1995	H. Res. 368	Open rule; makes in order the Hyde substitute printed in the Record as original text; waives cl 7 of rule XVI against the substitute; Pre-printing gets priority; vacates the House action on S. 219 and provides to take the bill from the Speakers table and consider the Senate bill; allows Chrmn. Clinger a motion to strike all after the enacting clause of the Senate bill and insert the text of H.R. 994 as passed by the House (1 hr) debate; waives germaneness against the motion; provides if the motion is adopted that it is in order for the House to insist on its amendments and request a conference.	N/A
H.R. 3021	To Guarantee the Continuing Full Investment of Social Security and Other Federal Funds in Obligations of the United States.	H. Res. 371	Closed rule; gives one motion to recommit, which if it contains instructions, may only if offered by the Minority Leader or his designee.	N/A
H.R. 3019	A Further Downpayment Toward a Balanced Budget	H.Res. 372	Restrictive; self-executes CBO language regarding contingency funds in section 2 of the rule; makes in order only the amendments printed in the report; Lowey (20 min), Istook (20 min), Crapo (20 min), Obey (1 hr); waives all points of order against the amendments; give one motion to recommit, which if contains instructions, may only if offered by the Minority Leader or his designee.	2D/2R

*Contract Bills, 67% restrictive; 33% open. **All legislation 1st Session, 53% restrictive; 47% open. ***Legislation 2d Session. 88% restrictive; 12% open. ****All legislation 104th Congress 59% restrictive; 41% open. *****Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules as well as completely closed rules and rules providing for consideration in the House as opposed to the Committee of the Whole. This definition of restrictive rule is taken from the Republican chart of resolutions reported from the Rules Committee in the 103d Congress. N/A means not available.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the rule is in the eye of the beholder, and we have a slightly different perspective on the structure of these rules. At this point I include in the RECORD the following chart that will go along with that from the gentleman from Massachusetts [Mr. MOAKLEY].

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of March 7, 1996]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open [2]	46	44	59	63
Modified Closed [3]	49	47	22	23
Closed [4]	9	9	13	14
Total	104	100	94	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of March 7, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of March 7, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps	A: 242–190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps	PQ: 236–194 A: 234–192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95).
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255–156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323–104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414–0 (9/13/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388–2 (9/19/95).
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241–173 A: 375–39–1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304–118 (9/20/95).
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	A: 344–66–1 (9/27/95).
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	A: voice vote (9/28/95).
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	A: voice vote (9/27/95).
H. Res. 230 (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	A: voice vote (9/28/95).
H. Res. 234 (9/29/95)	O	H.R. 2405	Omnibus Science Auth	A: voice vote (10/11/95).
H. Res. 237 (10/17/95)	MC	H.R. 2259	Disapprove Sentencing Guidelines	A: voice vote (10/18/95).
H. Res. 238 (10/18/95)	MC	H.R. 2425	Medicare Preservation Act	PQ: 231–194 A: 227–192 (10/19/95).
H. Res. 239 (10/19/95)	C	H.R. 2492	Leg. Branch Approps	PQ: 235–184 A: voice vote (10/31/95).
H. Res. 245 (10/25/95)	MC	H. Con. Res. 109	Social Security Earnings Reform	PQ: 228–191 A: 235–185 (10/26/95).
		H.R. 2491	Seven-Year Balanced Budget	
H. Res. 251 (10/31/95)	C	H.R. 1833	Partial Birth Abortion Ban	A: 237–190 (11/1/95).
H. Res. 252 (10/31/95)	MO	H.R. 2546	D.C. Approps.	A: 241–181 (11/1/95).
H. Res. 257 (11/7/95)	C	H.J. Res. 115	Cont. Res. FY 1996	A: 216–210 (11/8/95).
H. Res. 258 (11/8/95)	MC	H.R. 2586	Debt Limit	A: 220–200 (11/10/95).
H. Res. 259 (11/9/95)	O	H.R. 2539	ICC Termination Act	A: voice vote (11/14/95).
H. Res. 261 (11/9/95)	C	H.J. Res. 115	Cont. Resolution	A: 223–182 (11/10/95).
H. Res. 262 (11/9/95)	C	H.R. 2586	Increase Debt Limit	A: 220–185 (11/10/95).
H. Res. 269 (11/15/95)	O	H.R. 2564	Lobbying Reform	A: voice vote (11/16/95).
H. Res. 270 (11/15/95)	C	H.J. Res. 122	Further Cont. Resolution	A: 229–176 (11/15/95).
H. Res. 273 (11/16/95)	MC	H.R. 2606	Prohibition on Funds for Bosnia	A: 239–181 (11/17/95).
H. Res. 284 (11/29/95)	O	H.R. 1788	Amtrak Reform	A: voice vote (11/30/95).
H. Res. 287 (11/30/95)	O	H.R. 1350	Maritime Security Act	A: voice vote (12/6/95).
H. Res. 293 (12/7/95)	C	H.R. 2621	Protect Federal Trust Funds	PQ: 223–183 A: 228–184 (12/14/95).
H. Res. 303 (12/13/95)	O	H.R. 1745	Utah Public Lands.	
H. Res. 309 (12/18/95)	C	H.Con. Res. 122	Budget Res. W/President	PQ: 230–188 A: 229–189 (12/19/95).
H. Res. 313 (12/19/95)	O	H.R. 558	Texas Low-Level Radioactive	A: voice vote (12/20/95).
H. Res. 323 (12/21/95)	C	H.R. 2677	Natl. Parks & Wildlife Refuge	Tabled (2/28/96).
H. Res. 366 (2/27/96)	MC	H.R. 2854	Farm Bill	PQ: 228–182 A: 244–168 (2/28/96).
H. Res. 368 (2/28/96)	O	H.R. 994	Small Business Growth	
H. Res. 371 (3/6/96)	C	H.R. 3021	Debt Limit Increase	A: voice vote (3/7/96).
H. Res. 372 (3/6/96)	MC	H.R. 3019	Cont. Approps. FY 1996	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. Mr. Speaker, I am using the same perspective we used last Congress.

Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, let me simply ask with respect to the recent comments of the gentleman from Pennsylvania [Mr. WALKER] with respect to section 4002, does that mean in essence that what the gentleman is saying is that none of the funds in this bill will be provided unless we in fact go through an entire new budget process, an entire new reconciliation process?

I think the gentleman from Pennsylvania indicated the answer was yes. If that is the case, I would like to know how this legislation is supposed to speed us to a compromise on these issues that are already almost 6 months overdue.

Mr. DREIER. Mr. Speaker, we are looking for the gentleman from Pennsylvania [Mr. WALKER] to respond. I am sorry, I do not have a response for my friend.

Mr. OBEY. I thank the chairman anyway. I think the gentleman from Pennsylvania [Mr. WALKER] has made clear that what they evidently intend is an entirely new budget resolution and reconciliation process. This is no way to speed things up.

Mr. MOAKLEY. Mr. Speaker, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. DREIER

Mr. DREIER. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DREIER: Page 3, after 12, add the following:

"Page 539, line 15, strike 'legislation' and insert in lieu thereof 'reconciliation legislation'.".

Mr. DREIER. Mr. Speaker, I move the previous question on the amendment and the resolution.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from California [Mr. DREIER].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Without objection, the Chair will reduce to 5 minutes the vote on the resolution, if ordered.

There was no objection.

The vote was taken by electronic device, and there were—yeas 228, nays 183, not voting 20, as follows:

[Roll No. 49]

YEAS—228

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—183

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Miller (CA)
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wynn
Yates

NOT VOTING—20

Barr
Becerra
Bryant (TX)
Chapman
Clay
Collins (MI)
Cox
Diaz-Balart
Gilman
Green
Hayes
Herger
Myers
Peterson (MN)
Pomeroy
Ros-Lehtinen
Scarborough
Stokes
Weldon (PA)
Wilson

☐ 1318

The Clerk announced the following pair:

On this vote:

Ms. Ros-Lehtinen for, with Mr. Stokes against.

Mr. ZELIFF changed his vote from "nay" to "yea."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GILMAN. Mr. Speaker, on rollcall No. 49, I was inadvertently delayed. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. POMEROY. Mr. Speaker, I was unavoidably detained and missed rollcall vote No. 49. I would like the RECORD to reflect that I would have voted "nay" on that rollcall vote.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MOAKLEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 235, noes 175, not voting 21, as follows:

[Roll No. 50]

AYES—235

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Borski
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Christensen
Chrysler
Clinger
Coble
Collins (GA)
Combest
Cooley
Crane
Crapo
Cremeans
Cubin
Cunningham
Deal
DeLay
Dickey
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Furse
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook

Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
LoBiondo
Longley
Lucas
Manzullo
Martini
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Mollohan
Moorhead
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Roukema
Royce
Salmon
Sanford
Saxton
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff

NOES—175

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Barrett (WI)
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Clayton
Clement
Clyburn
Coburn
Coleman
Collins (IL)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Miller (CA)
Minge
Mink
Moakley
Montgomery
Moran
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Studds
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wynn
Yates
Zimmer

NOT VOTING—21

Becerra
Bryant (TX)
Chapman
Chenoweth
Clay
Collins (MI)
Cox
Davis
Diaz-Balart
Flanagan
Goodling
Green
Hayes
Livingston
Myers
Ros-Lehtinen
Roth
Scarborough
Stokes
Weldon (PA)
Wilson

□ 1326

The Clerk announced the following pair:

On this vote:

Ms. Ros-Lehtinen for, with Mr. Stokes against.

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GOODLING. Mr. Speaker, on Rollcall No. 50, I was unavoidably detained. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. FLANAGAN. Mr. Speaker, on Rollcall No. 50, I was unavoidably detained. Had I been present, I would have voted "no."

PERSONAL EXPLANATION

Ms. ROS-LEHTINEN. Mr. Speaker, I was unable to vote on three items from March 7. I would have voted "yes" on H.R. 3021 on final passage of the extension of the debt ceiling, "yes" on the Dreier amendment to the amendment to the rule on H.R. 3019 the Balanced Budget Act, regarding title IV contingency funding being subject to reconciliation legislation, and "yes" on the adoption of the rule to H.R. 3019 the Balanced Budget Act.

REQUEST FOR CONSIDERATION OF AMENDMENT IN LIEU OF AMENDMENT TO H.R. 3019, BALANCED BUDGET DOWN PAYMENT ACT, II

Mr. OBEY. Mr. Speaker, I had indicated earlier that I would be making this request in order to try to save $900 million by providing for multiyear funding for the C–17.

Mr. Speaker, I ask unanimous consent that during consideration of H.R. 3019, pursuant to House Resolution 372, it may be in order to consider the amendment relating to the C–17 aircraft that I have placed at the desk as though it were the amendment specified as No. 4 in House Report 104–474, except that the time for debate be limited to 20 minutes.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. OBEY: Add the following title to the end of the bill:

"TITLE V—C–17 MULTI-YEAR CONTRACT

Funds appropriated under the heading, "Aircraft Procurement, Air Force," in Public Laws 104–61, 103–335, and 103–139 that are or remain available for C–17 airframes, C–17 aircraft engines, and complementary widebody aircraft/NDAA may be used for multiyear procurement contracts for C–17 aircrafts: *Provided*, That the duration of multiyear contracts awarded under the authority of this section may be for a period not to exceed seven program years, notwithstanding section 2306b(1) of title 10, United States Code."

□ 1330

The SPEAKER pro tempore. (Mr. LAHOOD). Is there objection to the request of the gentleman from Wisconsin?

Mr. YOUNG of Florida. Mr. Speaker, reserving the right to object, I would point out to the gentleman who offered the request that the Appropriations Subcommittee on National Security strongly supports the C–17 aircraft and also strongly supports multiyear contracting as a way to save, get more for the dollar.

In this case the President's request is somewhat unique. Normally multiyear contracting is for a 5-year period. In this case it is for 7, and normally we are guaranteed at least a 10-percent savings because of going to multiyear. In this case we are only guaranteed 5 percent.

We will be addressing this issue, and it will be addressed in conference since the other body will include it in their bill.

Mr. Speaker, I will object.

Mr. OBEY. Mr. Speaker, will the gentleman yield under his reservation before he does object?

Mr. YOUNG of Florida. Further reserving the right to object, I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I would simply point out that nothing in my language in any way prevents us from getting any deal that we want to get out of the contractor. But the fact is that, as the gentleman knows, items are often lost in conference because of trades. This is an opportunity for us to nail down at least $900 million in savings right now.

Mr. YOUNG of Florida. Mr. Speaker, I would respond simply by saying we think we might be able to do better than the $900 million. That is certainly what we intend to do.

As far as this amendment getting lost in conference, I do not think that is a serious problem at all. If we agree to it here today, then there is no conference on this item and there is no further opportunity for us to try to get more for the dollar.

Mr. Speaker, I must restate my objection.

The SPEAKER pro tempore. Objection is heard.

BALANCED BUDGET DOWN PAYMENT ACT, II

The SPEAKER pro tempore. Pursuant to House Resolution 372 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3019.

☐ 1332

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3019) making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes, with Mr. DREIER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Wisconsin [Mr. OBEY], each will be recognized for 30 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as we are aware, the 1996 appropriations cycle has extended longer than normal, primarily because the President vetoed three bills, the Commerce, Justice, State and Judiciary bill, the Interior bill, and the VA–HUD bill, and because the other body was engaged in a filibuster on the Labor, Health and Human Services and Education bill.

Those bills are encompassed in this wrap-up bill. We have various names for it. Some people call it a continuing resolution. People call it other things. But I will call it the wrap-up bill, for the purposes of our discussion at this time, because indeed it intends to wrap up what is left on the table for fiscal year 1996.

There is a fifth bill not covered by this effort which is facing another filibuster in the Senate. That is the District of Columbia bill, which hinges on the resolution of a small $3 million pilot program involving sending poor kids to private schools, and for some reason the liberals are against that. We will let them deal with that one. The House has worked its will, and that bill should go to the President, I hope within the next few days.

The bill before us deals with the remaining four bills that I have already named. It is a fiscally responsible bill. It maintains a commitment to the balanced budget, and in fact with respect to the nondefense discretionary portion, saves the American taxpayer ongoing money which throughout 1996 will accumulate to some $23 billion. Added to the $20 billion in discretionary savings from 1995, this means that since we took over in the 104th Congress we have saved the taxpayer approximately $43 billion.

Everything in this bill is either within our 602 available allocations or is paid for by some current or future offsets within our discretionary accounts. Excuse me, it is paid for within our offsets of the discretionary accounts. In a subsequent title of the bill we talk about contingent spending that may be paid for in some other fashion in title IV of the bill, which addresses issues beyond the current funding allocations for fiscal year 1996 for Commerce, Justice, State, Interior, VA–HUD and Labor-Health.

We have a title encompassing the peacekeeping initiatives by the President and his request for supplemental spending by the Congress on issues such as Bosnia and other foreign operations accounts. This bill will provide $820 million for Bosnia in defense, paid for from money previously allocated and appropriated to the defense of the Nation. It would take it out of various accounts in the Defense budget and apply it to the Bosnian effort.

Likewise the bill would apply another $200 million for infrastructure in Bosnia paid out of the foreign operations account. This money is said by Admiral Smith, the head of the United States NATO effort in Bosnia, to be essential to make sure that our troops are taken care of, that their mission which ends at the end of the year will not be for naught, and that people scattered throughout the region of Bosnia will have jobs and opportunity to do things other than fight each other and kill one another.

This title, the second title of this bill also provides $70 million rather than $140 million requested by the President for Jordan for the purchase of F–16 aircraft.

The third title of the bill is for natural disaster assistance. It is, again, requested by the President. We do not dispute his assertions that the people in the Northwest were tragically devastated by the flooding there, and certain other parts of the country have been afflicted with tremendous adversity because of other natural disasters. Likewise, a couple of hurricanes ran over the Virgin Islands. There is some money in here to assist in the recovery from that.

Altogether there is about $989 million in funding, again all paid for, for natural disaster assistance.

Finally, the fourth title of the bill includes contingent appropriations. Mr. Chairman, the President a couple of months ago stood before a joint session of Congress and said to the Members of Congress and to the American people, in his State of the Union speech, that the era of big Government is now over. That followed his agreement a month or two before that in which he asserted that he was in favor of a balanced budget by the year 2002, acknowledging that we have been spending $100 billion a year, $200 billion a year and even as high as $300 billion a year in excess of what we have raised in revenues, and that the aggregate debt laid on the shoulders of the American people comes down to $5 trillion or $20,000 for every man, woman, and child in this country, and that the interest on that debt is compounding at such a rate that this year it will exceed what we spend on the defense of the Nation.

It is such a grave problem that we must start working our way toward a balanced budget. The President acknowledged that, and then said the era of big Government is over, and immediately said he needs $4 or $6 billion more in additional spending for the programs covered by the bills that are in this wrap-up package.

That is what he said about a month ago. Then over the last few weeks he said, "No, I need $8 billion more than you are providing in these bills." In fact, just yesterday Alice Rivlin, the Director of the Office of Management and Budget, wrote Chairman HATFIELD, my counterpart, the chairman of the Senate Appropriations Committee, and told Chairman HATFIELD,

> Look, it's nice that you in the Senate have comprised a bill that is much like the one we're doing here in the House. It is nice that you are doing that. It is nice that you have actually provided a contingent appropriation of $4.7 billion in the Senate. Our package is about $3.4 billion but we still need $7 billion on top of that.

By my account, what they are saying now they need instead of $6 billion or $8 billion, now they are saying they need $12 billion. I am still scratching my head about it because they said if they do not get it, they are going to veto the bill.

That concerns me because we have tried to accommodate the President on disaster relief. We have accommodated the President on national assistance on the mission in Bosnia, to make sure that our troops are doing a great job and are adequately supported. We have accommodated the President on billions and billions of dollars in spending, including $14.6 billion in law enforcement, $23.6 billion in education, $38.4 billion on veterans benefits, inclusive of $16.9 billion in health benefits for veterans, $19.3 billion in housing, $5.7 billion for EPA, the Environmental Protection Agency, $5.1 billion in parks, refuges, and forests, and the list goes on and on and on. Yet he tells us, "I have got to have $6 or $8 or $12 billion more."

What we have done is scrub the President's list. We have taken what the President says he would spend more money on and we have identified those issues that we acknowledge maybe you could spend some more money, but we are said, "Mr. President, we are bumping up against our budget caps. With our bills, we have gone as far as we can go and still keep on the approach to a balanced budget by the year 2002."

Our Budget Committee has worked in conjunction with the Budget Committee in the Senate, and even though the President has not signed, in fact he has vetoed the congressional effort to balance the budget, he has vetoed welfare reform, he has vetoed Medicaid reform, he has vetoed Medicare reform, he has vetoed an attempt by the Congress to get spending in line with our outflow, even though he has done that, well, the fact is that he says he still needs more money, needs more, $8 or $12 billion more.

We are saying, "OK, Mr. President, we will even meet you halfway there. We will give you $3.5 billion in this bill, but it has to be paid for." He can pay for it somehow—in my own opinion, this is me speaking, the chairman of the Appropriations Committee—by designating programs he wants to cut on the discretionary side, if he can designate mandatory spending cuts, fine. I do not know where he gets it, but he has to pay for it, and we have got to still be on that glide path toward a balanced budget by the year 2002.

If we do that, we will give him another $3.5 billion. The Senate wants to give him another $4.7 billion. Somewhere down the line in the conference next week, if this passes today, we will meet and we will reach an agreement, I hope with the President represented at the table.

I do not know if that will happen but, Mr. Chairman, I am here to state that the Appropriations Committee and the Members of this House are prepared to meet the President halfway. We do not want to shut the Government down. We want to give him a package that meets him halfway. If he wants to meet us halfway, we will have an agreement, but if he insists on language such as appears in that letter to Chairman HATFIELD last night signed by Alice Rivlin, it looks like he wants to shut the Government down, he wants to foist a crisis on the American people, and he wants to blame Congress for his indolence or inactivity.

I hope that does not come to pass. I am going to do everything I can toward forming an agreement with the Senate, forming an agreement with the White House, and keep operations going and end the action on fiscal year 1996 funding so that we can go on to work on fiscal year 1997 funding.

☐ 1345

But the President needs to meet us halfway.

Mr. Speaker, at this point in the RECORD, I would like to insert several tables reflecting the amounts in this bill.

FY 1996 DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019)

	FY 1995 Enacted	FY 1996 Estimate	Conference (H.R. 2076)	H.R. 3019	H.R. 3019 compared with Enacted
TITLE I - DEPARTMENT OF JUSTICE					
General Administration					
Salaries and expense: 1/					
Direct appropriation	119,643,000	73,229,000	74,282,000	74,282,000	-45,361,000
(By transfer)	....	....	....	....	....
Crime trust fund	17,400,000	15,500,000	....	....	-17,400,000
Total, Salaries and expenses	137,043,000	88,729,000	74,282,000	74,282,000	-62,761,000
Working capital fund (rescission)	-5,500,000	....	....	....	+5,500,000
Police Corps (Crime trust fund)	....	....	....	....	....
Counterterrorism fund	34,220,000	26,398,000	16,898,000	16,898,000	-17,322,000
Administrative review and appeals: 1/					
Direct appropriation	....	54,336,000	38,886,000	38,886,000	+38,886,000
Crime trust fund	....	33,180,000	47,780,000	47,780,000	+47,780,000
Total, Administrative review and appeals	....	87,516,000	86,666,000	86,666,000	+86,666,000
Office of Inspector General	30,484,000	36,744,000	28,960,000	28,960,000	-1,524,000
Total, General administration	196,247,000	239,387,000	206,806,000	206,806,000	+10,559,000
Appropriations	(184,347,000)	(190,707,000)	(159,026,000)	(159,026,000)	(-25,321,000)
Crime trust fund	(17,400,000)	(48,680,000)	(47,780,000)	(47,780,000)	(+30,380,000)
United States Parole Commission					
Salaries and expenses	7,450,000	6,781,000	5,446,000	5,446,000	-2,004,000
Legal Activities					
General legal activities:					
Direct appropriation	416,834,000	437,060,000	401,929,000	401,929,000	-14,905,000
(By transfer)	....	....	(12,000,000)	(12,000,000)	(+12,000,000)
Crime trust fund	4,600,000	7,591,000	7,591,000	7,591,000	+2,991,000
Total, General legal activities	(421,434,000)	(444,651,000)	(421,520,000)	(421,520,000)	(+86,000)
Vaccine injury compensation trust fund	2,500,000	4,028,000	4,028,000	4,028,000	+1,528,000
Independent counsel (permanent, indefinite)	4,000,000	2,884,000	2,884,000	2,884,000	-1,116,000
Civil liberties public education fund	5,000,000	5,000,000	....	....	-5,000,000
Antitrust Division	85,143,000	91,752,000	85,143,000	85,143,000	....
Offsetting fee collections - carryover	-4,500,000	....	-19,360,000	-19,360,000	-14,860,000
Offsetting fee collections - current year	-39,640,000	-48,262,000	-48,262,000	-48,262,000	-8,622,000
Direct appropriation	41,003,000	43,490,000	17,521,000	17,521,000	-23,482,000
United States Attorneys:					
Direct appropriation	829,024,000	909,463,000	895,509,000	895,509,000	+66,485,000
Emergency appropriations (P.L. 104-19)	2,000,000	....	....	....	-2,000,000
Violent crime task force	15,000,000	15,000,000	....	....	-15,000,000
Crime trust fund	6,800,000	14,731,000	30,000,000	30,000,000	+23,200,000
Total, United States Attorneys	852,824,000	939,194,000	925,509,000	925,509,000	+72,685,000
United States Trustee System Fund	103,183,000	109,245,000	102,390,000	102,390,000	-793,000
Offsetting fee collections	-40,597,000	-44,191,000	-44,191,000	-44,191,000	-3,594,000
Direct appropriation	62,586,000	65,054,000	58,199,000	58,199,000	-4,387,000
Foreign Claims Settlement Commission	830,000	905,000	830,000	830,000	....
United States Marshals Service:					
Direct appropriation	396,782,000	446,887,000	423,248,000	423,248,000	+26,466,000
Crime trust fund	....	16,500,000	25,000,000	25,000,000	+25,000,000
Total, United States Marshals Service	396,782,000	463,387,000	448,248,000	448,248,000	+51,466,000
Federal Prisoner Detention	296,753,000	295,331,000	252,820,000	252,820,000	-43,933,000
(Prior year carryover)	....	....	(33,511,000)	(33,511,000)	(+33,511,000)
(By transfer)	....	....	(9,000,000)	(9,000,000)	(+9,000,000)
Total, Federal prisoner detention	(296,753,000)	(295,331,000)	(295,331,000)	(295,331,000)	(-1,422,000)
Fees and expenses of witnesses	77,982,000	85,000,000	85,000,000	85,000,000	+7,018,000
Community Relations Service 2/	20,379,000	20,695,000	5,319,000	5,319,000	-15,060,000
Assets forfeiture fund	50,000,000	55,000,000	30,000,000	30,000,000	-20,000,000
Total, Legal activities	2,232,073,000	2,424,619,000	2,239,878,000	2,239,878,000	+7,805,000
Appropriations	(2,220,673,000)	(2,385,797,000)	(2,177,287,000)	(2,177,287,000)	(-43,386,000)
Crime trust fund	(11,400,000)	(38,822,000)	(62,591,000)	(62,591,000)	(+51,191,000)

FY 1996 DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019) — Continued

	FY 1995 Enacted	FY 1996 Estimate	Conference (H.R. 2076)	H.R. 3019	H.R. 3019 compared with Enacted
Radiation Exposure Compensation					
Administrative expenses	2,655,000	2,655,000	2,655,000	2,655,000	
Advance appropriation		2,655,000			
Payment to radiation exposure compensation trust fund		16,264,000			
Advance appropriation		30,000,000	16,264,000	16,264,000	+16,264,000
Total, Radiation Exposure Compensation	2,655,000	51,574,000	18,919,000	18,919,000	+16,264,000
Interagency Law Enforcement					
Interagency crime and drug enforcement	374,943,000	378,473,000	359,843,000	359,843,000	-15,100,000
Federal Bureau of Investigation					
Salaries and expenses	2,038,774,000	2,305,387,000	2,002,438,000	2,002,438,000	-36,336,000
(By transfer)			(22,000,000)	(22,000,000)	(+22,000,000)
Emergency appropriations (P.L. 104-19)	77,140,000				-77,140,000
Counterintelligence and national security	80,421,000	82,224,000	102,345,000	102,345,000	+21,924,000
FBI Fingerprint identification	84,400,000	84,400,000	84,400,000	84,400,000	
Digital telephony (crime trust fund)		33,400,000	33,400,000	33,400,000	+33,400,000
Other initiatives (crime trust fund)		13,100,000	184,900,000	184,900,000	+184,900,000
Construction		99,259,000	97,589,000	97,589,000	+97,589,000
Total, Federal Bureau of Investigation	2,280,735,000	2,617,770,000	2,505,072,000	2,505,072,000	+224,337,000
Appropriations	(2,280,735,000)	(2,571,270,000)	(2,286,772,000)	(2,286,772,000)	(+6,037,000)
Crime trust fund		(46,500,000)	(218,300,000)	(218,300,000)	(+218,300,000)
Drug Enforcement Administration					
Salaries and expenses	799,944,000	845,409,000	792,909,000	792,909,000	-7,035,000
Diversion control fund	-43,431,000	-47,241,000	-47,241,000	-47,241,000	-3,810,000
Direct appropriation	756,513,000	798,168,000	745,668,000	745,668,000	-10,845,000
Crime trust fund		12,000,000	60,000,000	60,000,000	+60,000,000
Total, Drug Enforcement Administration	756,513,000	810,168,000	805,668,000	805,668,000	+49,155,000
Immigration and Naturalization Service					
Salaries and expenses:					
Direct appropriation	1,101,475,000	1,453,471,000	1,394,825,000	1,394,825,000	+293,350,000
Border Patrol:					
Direct appropriation			(506,800,000)	(506,800,000)	
Crime trust fund			(78,000,000)	(75,765,000)	
New offsetting fees					
Subtotal, Border patrol					
Immigration initiative (crime trust fund)	100,600,000	335,498,000	162,628,000	162,628,000	+62,028,000
Border control system modernization (crime trust fund)	154,600,000		153,570,000	153,570,000	-1,030,000
Subtotal, Direct and crime trust fund	(1,356,675,000)	(1,788,969,000)	(1,711,023,000)	(1,711,023,000)	(+354,348,000)
Fee accounts:					
Immigration legalization fund	(3,482,000)	(1,823,000)	(1,823,000)	(1,823,000)	(-1,659,000)
Immigration user fee	(330,952,000)	(357,084,000)	(357,084,000)	(357,084,000)	(+26,132,000)
Land border inspection fund	(1,584,000)	(5,965,000)	(5,965,000)	(5,965,000)	(+4,381,000)
Immigration examinations fund	(291,097,000)	(304,572,000)	(440,160,000)	(440,160,000)	(+149,063,000)
Cuban/Haitian resettlement (examinations fund)			(10,057,000)	(10,057,000)	(+10,057,000)
Breached bond fund	(6,200,000)	(6,358,000)	(6,358,000)	(6,358,000)	(+158,000)
Subtotal, Fee accounts	(633,315,000)	(675,802,000)	(821,447,000)	(821,447,000)	(+188,132,000)
Construction	50,000,000		25,000,000	25,000,000	-25,000,000
Immigration Emergency Fund	30,000,000				-30,000,000
Total, Immigration and Naturalization Service	(2,069,990,000)	(2,464,771,000)	(2,557,470,000)	(2,557,470,000)	(+487,480,000)
Appropriations	(1,181,475,000)	(1,453,471,000)	(1,419,825,000)	(1,419,825,000)	(+238,350,000)
Crime trust fund	(255,200,000)	(335,498,000)	(316,198,000)	(316,198,000)	(+60,998,000)
(Fee accounts)	(633,315,000)	(675,802,000)	(821,447,000)	(821,447,000)	(+188,132,000)
Federal Prison System					
Salaries and expenses	2,353,597,000	2,630,259,000	2,614,578,000	2,614,578,000	+260,981,000
Prior year carryover	-30,000,000		-47,000,000	-47,000,000	-17,000,000
Direct appropriation	2,323,597,000	2,630,259,000	2,567,578,000	2,567,578,000	+243,981,000
Crime trust fund		13,500,000	13,500,000	13,500,000	+13,500,000
Total, Salaries and expenses	2,323,597,000	2,643,759,000	2,581,078,000	2,581,078,000	+257,481,000
National Institute of Corrections	10,302,000	10,158,000			-10,302,000
Buildings and facilities	276,301,000	323,728,000	334,728,000	334,728,000	+58,427,000

FY 1996 DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019) — Continued

	FY 1995 Enacted	FY 1996 Estimate	Conference (H.R. 2076)	H.R. 3019	H.R. 3019 compared with Enacted
Federal Prison Industries, Incorporated (limitation on administrative expenses)	(3,463,000)	(3,559,000)	(3,559,000)	(3,559,000)	(+96,000)
Total, Federal Prison System	2,610,200,000	2,977,645,000	2,915,806,000	2,915,806,000	+305,606,000
Office of Justice Programs					
Justice Assistance:					
Direct appropriation	97,977,000	102,345,000	99,977,000	99,977,000	+2,000,000
Crime trust fund:					
Violence Against Women Grants	26,000,000	174,900,000	174,500,000	174,500,000	+148,500,000
Rural law enforcement	....	10,252,000	....	....	....
Crime prevention	....	30,000,000	....	....	....
Model intensive prevention	....	48,216,000	....	....	....
State prison drug treatment	....	27,000,000	27,000,000	27,000,000	+27,000,000
Other crime control programs	....	4,426,000	900,000	900,000	+900,000
Subtotal, Crime trust fund	26,000,000	294,794,000	202,400,000	202,400,000	+176,400,000
Total, Justice Assistance	123,977,000	397,139,000	302,377,000	302,377,000	+178,400,000
State and local law enforcement assistance:					
Direct appropriations:					
Byrne grants (discretionary)	62,000,000	50,000,000	60,000,000	60,000,000	-2,000,000
Byrne grants (formula)	....	190,000,000	328,000,000	328,000,000	+328,000,000
State identification grants	....	....	....	....	....
Weed and seed fund	13,456,000	5,000,000	(28,500,000)	(28,500,000)	-13,456,000
Subtotal, Direct appropriations	75,456,000	245,000,000	388,000,000	388,000,000	+312,544,000
Crime trust fund:					
State and local block grants:					
Byrne grants (discretionary)	....	....	....	....	....
Byrne grants (formula)	450,000,000	260,000,000	147,000,000	147,000,000	-303,000,000
Community policing	1,300,000,000	1,902,964,000	....	....	-1,300,000,000
Local law enforcement block grant	....	....	1,903,000,000	1,903,000,000	+1,903,000,000
Subtotal, State and local block grants	1,750,000,000	2,162,964,000	2,050,000,000	2,050,000,000	+300,000,000
Upgrade criminal history records	100,000,000	25,000,000	25,000,000	25,000,000	-75,000,000
State prison grants	24,500,000	500,000,000	617,500,000	617,500,000	+593,000,000
State criminal alien assistance program	130,000,000	300,000,000	300,000,000	300,000,000	+170,000,000
Youthful offender incarceration	....	9,643,000	....	....	....
Drug Courts	11,900,000	150,000,000	....	....	-11,900,000
Ounce of Prevention Council	1,500,000	....	....	....	-1,500,000
Other crime control programs	....	26,799,000	12,700,000	12,700,000	+12,700,000
Subtotal, Crime trust fund	2,017,900,000	3,174,406,000	3,005,200,000	3,005,200,000	+987,300,000
Total, State and local law enforcement	2,093,356,000	3,419,406,000	3,393,200,000	3,393,200,000	+1,299,844,000
Juvenile justice programs	155,250,000	148,500,000	148,500,000	148,500,000	-6,750,000
Crime trust fund	....	....	....	....	....
Total, Juvenile justice programs	(155,250,000)	(148,500,000)	(148,500,000)	(148,500,000)	(-6,750,000)
Public safety officers benefits program:					
Death benefits	27,645,000	28,474,000	28,474,000	28,474,000	+829,000
Disability benefits	2,072,000	2,134,000	2,134,000	2,134,000	+62,000
Total, Office of Justice Programs	2,402,300,000	3,995,653,000	3,874,685,000	3,874,685,000	+1,472,385,000
Appropriations	(358,400,000)	(526,453,000)	(667,085,000)	(667,085,000)	(+308,685,000)
Crime trust fund	(2,043,900,000)	(3,469,200,000)	(3,207,600,000)	(3,207,600,000)	(+1,163,700,000)
Total, title I, Department of Justice	12,299,791,000	15,291,039,000	14,668,146,000	14,668,146,000	+2,368,355,000
Appropriations	(9,977,391,000)	(11,326,839,000)	(10,742,177,000)	(10,742,177,000)	(+764,786,000)
Crime trust fund	(2,327,900,000)	(3,964,200,000)	(3,925,969,000)	(3,925,969,000)	(+1,598,069,000)
(Limitation on administrative expenses)	(3,463,000)	(3,559,000)	(3,559,000)	(3,559,000)	(+96,000)
TITLE II - DEPARTMENT OF COMMERCE AND RELATED AGENCIES					
TRADE AND INFRASTRUCTURE DEVELOPMENT					
Office of the United States Trade Representative					
Salaries and expenses	20,949,000	20,949,000	20,889,000	20,889,000	-60,000
International Trade Commission					
Salaries and expenses	42,500,000	47,177,000	40,000,000	40,000,000	-2,500,000
Total, Related agencies	63,449,000	68,126,000	60,889,000	60,889,000	-2,560,000

FY 1996 DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019) — Continued

	FY 1995 Enacted	FY 1996 Estimate	Conference (H.R. 2076)	H.R. 3019	H.R. 3019 compared with Enacted
International Trade Administration					
Operations and administration	266,093,000	279,558,000	264,885,000	264,885,000	-1,208,000
Export Administration					
Operations and administration	38,644,000	48,441,000	38,604,000	38,604,000	-40,000
Economic Development Administration					
Economic development assistance programs	382,783,000	407,783,000	328,500,000	328,500,000	-54,283,000
Emergency rescission (P.L. 104-19)	-5,250,000	....	....	....	+5,250,000
Salaries and expenses	32,144,000	31,183,000	20,000,000	20,000,000	-12,144,000
Total, Economic Development Administration	409,677,000	438,966,000	348,500,000	348,500,000	-61,177,000
Minority Business Development Agency					
Minority business development	43,789,000	47,921,000	32,000,000	32,000,000	-11,789,000
United States Travel and Tourism Administration					
Salaries and expenses (P.L. 104-99)	16,328,000	16,303,000	2,000,000	2,000,000	-14,328,000
Total, Trade and Infrastructure Development	837,980,000	899,315,000	746,878,000	746,878,000	-91,102,000
ECONOMIC AND INFORMATION INFRASTRUCTURE					
Economic and Statistical Analysis					
Salaries and expenses	46,896,000	57,220,000	45,900,000	45,900,000	-996,000
Economics and statistics administration revolving fund	1,677,000	....	....	....	-1,677,000
Bureau of the Census					
Salaries and expenses	136,000,000	144,812,000	133,812,000	133,812,000	-2,188,000
Periodic censuses and programs	142,083,000	193,450,000	150,300,000	150,300,000	+8,217,000
Total, Bureau of the Census	278,083,000	338,262,000	284,112,000	284,112,000	+6,029,000
National Telecommunications and Information Administration					
Salaries and expenses	20,961,000	22,932,000	17,000,000	17,000,000	-3,961,000
(By transfer)	....	....	....	....	....
Public broadcasting facilities, planning and construction	28,983,000	7,959,000	15,500,000	15,500,000	-13,483,000
Endowment for Children's Educational Television	2,499,000	2,502,000	....	....	-2,499,000
Information infrastructure grants	44,962,000	99,912,000	21,500,000	21,500,000	-23,462,000
Total, National Telecommunications and Information Administration	97,405,000	133,305,000	54,000,000	54,000,000	-43,405,000
Patent and Trademark Office					
Salaries and expenses	82,324,000	110,868,000	82,324,000	82,324,000	....
Total, Economic and Information Infrastructure	506,385,000	639,655,000	466,336,000	466,336,000	-40,049,000
SCIENCE AND TECHNOLOGY					
National Institute of Standards and Technology					
Scientific and technical research and services	247,486,000	310,679,000	259,000,000	259,000,000	+11,514,000
Industrial technology services	418,373,000	642,458,000	80,000,000	80,000,000	-338,373,000
Construction of research facilities	34,639,000	69,913,000	60,000,000	60,000,000	+25,361,000
Total, National Institute of Standards and Technology	700,498,000	1,023,050,000	399,000,000	399,000,000	-301,498,000
National Oceanic and Atmospheric Administration					
Operations, research and facilities 3/	1,805,092,000	2,021,135,000	1,795,677,000	1,795,677,000	-9,415,000
Offsetting collections - fees	-6,000,000	-3,000,000	-3,000,000	-3,000,000	+3,000,000
Direct appropriation	1,799,092,000	2,018,135,000	1,792,677,000	1,792,677,000	-6,415,000
(By transfer from Promote and Develop Fund)	(55,500,000)	(55,500,000)	(63,000,000)	(63,000,000)	(+7,500,000)
(By transfer from Damage assessment and restoration revolving fund, permanent)	8,500,000	3,900,000	3,900,000	3,900,000	-4,600,000
(Damage assessment and restoration revolving fund)	-1,500,000	-3,900,000	-3,900,000	-3,900,000	-2,400,000
Total, Operations, research and facilities	1,806,092,000	2,018,135,000	1,792,677,000	1,792,677,000	-13,415,000
Coastal zone management fund	(7,800,000)	(7,800,000)	(7,800,000)	(7,800,000)	....
Mandatory offset	(-7,800,000)	(-7,800,000)	(-7,800,000)	(-7,800,000)	....
Construction	82,254,000	52,299,000	50,000,000	50,000,000	-32,254,000
Fleet modernization, shipbuilding and conversion	22,936,000	23,347,000	8,000,000	8,000,000	-14,936,000
GOES satellite contingency fund (rescission)	-2,500,000	....	....	....	+2,500,000
Fishing vessel and gear damage fund	1,273,000	1,282,000	1,032,000	1,032,000	-241,000
Fishermen's contingency fund	999,000	1,000,000	999,000	999,000	....

FY 1996 DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019) — Continued

	FY 1995 Enacted	FY 1996 Estimate	Conference (H.R. 2076)	H.R. 3019	H.R. 3019 compared with Enacted
Foreign fishing observer fund	400,000	396,000	196,000	196,000	-204,000
Fishing vessel obligations guarantees	250,000	250,000	250,000	250,000	....
Total, National Oceanic and Atmospheric Administration	1,911,704,000	2,096,709,000	1,853,154,000	1,853,154,000	-58,550,000
Technology Administration					
Salaries and expenses	8,242,000	13,906,000	5,000,000	5,000,000	-3,242,000
National Technical Information Service					
NTIS revolving fund	7,000,000	....	....	....	-7,000,000
Total, Science and Technology	2,627,444,000	3,133,665,000	2,257,154,000	2,257,154,000	-370,290,000
General Administration					
Salaries and expenses	36,471,000	35,826,000	29,100,000	29,100,000	-7,371,000
Office of Inspector General	16,887,000	22,249,000	19,849,000	19,849,000	+2,962,000
Total, General administration	53,358,000	58,075,000	48,949,000	48,949,000	-4,409,000
Transition fund	....	....	....	....	....
National Institute of Standards and Technology					
Construction of research facilities (rescission)	....	....	-75,000,000	-75,000,000	-75,000,000
Total, Department of Commerce	3,961,718,000	4,662,584,000	3,383,428,000	3,383,428,000	-578,290,000
Total, title II, Department of Commerce and related agencies	4,025,167,000	4,730,710,000	3,444,317,000	3,444,317,000	-580,850,000
(By transfer)	(55,500,000)	(55,500,000)	(63,000,000)	(63,000,000)	(+7,500,000)
TITLE III - THE JUDICIARY					
Supreme Court of the United States					
Salaries and expenses:					
Salaries of justices	1,657,000	1,662,000	1,662,000	1,662,000	+5,000
Other salaries and expenses	22,583,000	24,172,000	24,172,000	24,172,000	+1,589,000
Total, Salaries and expenses	24,240,000	25,834,000	25,834,000	25,834,000	+1,594,000
Care of the building and grounds	3,000,000	4,003,000	3,313,000	3,313,000	+313,000
Total, Supreme Court of the United States	27,240,000	29,837,000	29,147,000	29,147,000	+1,907,000
United States Court of Appeals for the Federal Circuit					
Salaries and expenses:					
Salaries of judges	1,758,000	1,892,000	1,892,000	1,892,000	+134,000
Other salaries and expenses	11,680,000	13,603,000	12,396,000	12,396,000	+716,000
Total, Salaries and expenses	13,438,000	15,495,000	14,288,000	14,288,000	+850,000
United States Court of International Trade					
Salaries and expenses:					
Salaries of judges	1,385,000	1,413,000	1,413,000	1,413,000	+28,000
Other salaries and expenses	9,300,000	9,446,000	9,446,000	9,446,000	+146,000
Total, Salaries and expenses	10,685,000	10,859,000	10,859,000	10,859,000	+174,000
Courts of Appeals, District Courts, and Other Judicial Services					
Salaries and expenses:					
Salaries of judges and bankruptcy judges	220,428,000	226,024,000	226,024,000	226,024,000	+5,596,000
Other salaries and expenses	2,119,699,000	2,419,941,000	2,207,117,000	2,207,117,000	+87,418,000
Direct appropriation	2,340,127,000	2,645,965,000	2,433,141,000	2,433,141,000	+93,014,000
Crime trust fund	....	30,700,000	30,000,000	30,000,000	+30,000,000
Total, Salaries and expenses	2,340,127,000	2,676,665,000	2,463,141,000	2,463,141,000	+123,014,000
Vaccine Injury Compensation Trust Fund	2,250,000	2,320,000	2,318,000	2,318,000	+68,000
Defender services	240,500,000	295,761,000	267,217,000	267,217,000	+26,717,000
Fees of jurors and commissioners	54,346,000	72,008,000	59,028,000	59,028,000	+4,682,000
Court security	97,000,000	116,433,000	102,000,000	102,000,000	+5,000,000
Emergency appropriations (P.L. 104-19)	16,640,000	....	....	....	-16,640,000
Total, Courts of Appeals, District Courts, and Other Judicial Services	2,750,863,000	3,163,187,000	2,893,704,000	2,893,704,000	+142,841,000

FY 1996 DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019) — Continued

	FY 1995 Enacted	FY 1996 Estimate	Conference (H.R. 2076)	H.R. 3019	H.R. 3019 compared with Enacted
Administrative Office of the United States Courts					
Salaries and expenses	47,500,000	53,445,000	47,500,000	47,500,000	....
Federal Judicial Center					
Salaries and expenses	18,828,000	20,771,000	17,914,000	17,914,000	-914,000
Judicial Retirement Funds					
Payment to Judiciary Trust Funds	28,475,000	32,900,000	32,900,000	32,900,000	+4,425,000
United States Sentencing Commission					
Salaries and expenses	8,800,000	9,500,000	8,500,000	8,500,000	-300,000
Total, title III, the Judiciary	2,905,829,000	3,335,994,000	3,054,812,000	3,054,812,000	+148,983,000
Appropriations	(2,905,829,000)	(3,305,294,000)	(3,024,812,000)	(3,024,812,000)	(+118,983,000)
Crime trust fund	....	(30,700,000)	(30,000,000)	(30,000,000)	(+30,000,000)
TITLE IV - DEPARTMENT OF STATE					
Administration of Foreign Affairs					
Diplomatic and consular programs	1,724,628,000	1,748,438,000	1,708,800,000	1,708,800,000	-15,828,000
Security enhancements	....	9,720,000	9,720,000	9,720,000	+9,720,000
Registration fees	700,000	700,000	700,000	700,000	....
Total, Diplomatic and consular programs	1,725,328,000	1,758,858,000	1,719,220,000	1,719,220,000	-6,108,000
Salaries and expenses	383,972,000	372,480,000	363,276,000	363,276,000	-20,696,000
Security enhancements	....	1,870,000	1,870,000	1,870,000	+1,870,000
Total, Salaries and expenses	383,972,000	374,350,000	365,146,000	365,146,000	-18,826,000
Transition fund	....	....	....	....	....
Capital investment fund	....	32,800,000	16,400,000	16,400,000	+16,400,000
Office of Inspector General	23,850,000	24,250,000	27,369,000	27,369,000	+3,519,000
Representation allowances	4,780,000	4,800,000	4,500,000	4,500,000	-280,000
Protection of foreign missions and officials	9,579,000	8,579,000	8,579,000	8,579,000	-1,000,000
Security and maintenance of United States missions	391,760,000	421,760,000	385,760,000	385,760,000	-6,000,000
Emergencies in the diplomatic and consular service	6,500,000	6,000,000	6,000,000	6,000,000	-500,000
Repatriation Loans Program Account:					
Direct loans subsidy	593,000	593,000	593,000	593,000	....
(Limitation on direct loans)	(741,000)	(741,000)	(741,000)	(741,000)	....
Administrative expenses	183,000	183,000	183,000	183,000	....
Total, Repatriation loans program account	776,000	776,000	776,000	776,000	....
Payment to the American Institute in Taiwan	15,465,000	15,465,000	15,165,000	15,165,000	-300,000
Payment to the Foreign Service Retirement and Disability Fund	129,321,000	125,402,000	125,402,000	125,402,000	-3,919,000
Total, Administration of Foreign Affairs	2,691,331,000	2,773,040,000	2,674,317,000	2,674,317,000	-17,014,000
International Organizations and Conferences					
Contributions to international organizations, current year assessment	872,661,000	923,057,000	700,000,000	700,000,000	-172,661,000
Contributions for international peacekeeping activities, current year assessment	518,687,000	445,000,000	225,000,000	225,000,000	-293,687,000
International conferences and contingencies	6,000,000	6,000,000	3,000,000	3,000,000	-3,000,000
Total, International Organizations and Conferences	1,397,348,000	1,374,057,000	928,000,000	928,000,000	-469,348,000
International Commissions					
International Boundary and Water Commission, United States and Mexico:					
Salaries and expenses	12,858,000	13,858,000	12,058,000	12,058,000	-800,000
Construction	6,644,000	10,398,000	6,644,000	6,644,000	....
American sections, international commissions	5,800,000	6,290,000	5,800,000	5,800,000	....
International fisheries commissions	14,669,000	14,669,000	14,669,000	14,669,000	....
Total, International commissions	39,971,000	45,215,000	39,171,000	39,171,000	-800,000
Other					
Payment to the Asia Foundation	10,000,000	10,000,000	5,000,000	5,000,000	-5,000,000
Appropriation (FY 1995 Defense Bill, P.L. 103-335)	5,000,000	....	....	....	-5,000,000
Total, Department of State	4,143,650,000	4,202,312,000	3,646,488,000	3,646,488,000	-497,162,000
RELATED AGENCIES					
Arms Control and Disarmament Agency					
Arms control and disarmament activities	50,378,000	76,300,000	35,700,000	32,700,000	-17,678,000

FY 1996 DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019) — Continued

	FY 1995 Enacted	FY 1996 Estimate	Conference (H.R. 2076)	H.R. 3019	H.R. 3019 compared with Enacted
Board for International Broadcasting					
Israel Relay Station (rescission)	-2,000,000				+2,000,000
United States Information Agency					
Salaries and expenses	475,645,000	496,002,000	445,645,000	445,645,000	-30,000,000
Technology fund		10,100,000	5,050,000	5,050,000	+5,050,000
Office of Inspector General	4,300,000	4,593,000			-4,300,000
Educational and cultural exchange programs	233,279,000	252,676,000	200,000,000	200,000,000	-33,279,000
Transfer (FY 1995 Foreign Ops Bill, P.L. 103-336)	42,000,000				-42,000,000
Subtotal	275,279,000	252,676,000	200,000,000	200,000,000	-75,279,000
Eisenhower Exchange Fellowship Program, trust fund	2,800,000	300,000	300,000	509,000	-2,291,000
Israeli Arab scholarship program	397,000	397,000	397,000	397,000	
International Broadcasting Operations	475,363,000	395,340,000	325,191,000	325,191,000	-150,172,000
Radio Free Asia: Operations	5,000,000	(10,000,000)	(5,000,000)	(5,000,000)	-5,000,000
Broadcasting to Cuba	24,809,000	(26,063,000)	24,809,000	24,809,000	
Radio construction	69,314,000	85,919,000	40,000,000	40,000,000	-29,314,000
East-West Center	24,500,000	20,000,000	11,750,000	11,750,000	-12,750,000
North/South Center	4,000,000	1,000,000	2,000,000	2,000,000	-2,000,000
Tenth Paralympiad					
National Endowment for Democracy	34,000,000	34,000,000	30,000,000	30,000,000	-4,000,000
Total, United States Information Agency	1,395,407,000	1,300,327,000	1,085,142,000	1,085,351,000	-310,056,000
Total, related agencies	1,443,785,000	1,376,627,000	1,120,842,000	1,118,051,000	-325,734,000
Total, title IV, Department of State	5,587,435,000	5,578,939,000	4,767,330,000	4,764,539,000	-822,896,000
TITLE V - RELATED AGENCIES					
DEPARTMENT OF TRANSPORTATION					
Maritime Administration					
Operating-differential subsidies (liquidation of contract authority)	(214,356,000)	(162,610,000)	(162,610,000)	(162,610,000)	(-51,746,000)
Maritime National Security Program		175,000,000	46,000,000	46,000,000	+46,000,000
Operations and training	76,087,000	81,650,000	66,600,000	66,600,000	-9,487,000
Ready reserve force:					
Maintenance, operations and facilities	149,653,000				-149,653,000
Rescission	-158,000,000				+158,000,000
Total, Ready reserve force	-8,347,000				+8,347,000
Maritime Guaranteed Loan Program Account:					
Guaranteed loans subsidy	25,000,000	48,000,000	40,000,000	40,000,000	+15,000,000
(Limitation on guaranteed loans)	(250,000,000)	(1,000,000,000)	(1,000,000,000)	(1,000,000,000)	(+750,000,000)
Administrative expenses	2,000,000	4,000,000	3,500,000	3,500,000	+1,500,000
Total, Maritime guaranteed loan program account	27,000,000	52,000,000	43,500,000	43,500,000	+16,500,000
Total, Maritime Administration	94,740,000	308,650,000	156,100,000	156,100,000	+61,360,000
Commission for the Preservation of America's Heritage Abroad					
Salaries and expenses	206,000	212,000	206,000	206,000	
Commission on Civil Rights					
Salaries and expenses	9,000,000	11,400,000	8,750,000	8,750,000	-250,000
Commission on Immigration Reform					
Salaries and expenses	1,894,000	2,877,000	1,894,000	1,894,000	
Commission on Security and Cooperation in Europe					
Salaries and expenses	1,090,000	1,122,000	1,090,000	1,090,000	
Competitiveness Policy Council					
Salaries and expenses	1,000,000	503,000			-1,000,000
Equal Employment Opportunity Commission					
Salaries and expenses	233,000,000	268,000,000	233,000,000	233,000,000	
Federal Communications Commission					
Salaries and expenses	185,232,000	223,600,000	175,709,000	175,709,000	-9,523,000
Offsetting fee collections - current year	-116,400,000	-116,400,000	-116,400,000	-116,400,000	
Direct appropriation	68,832,000	107,200,000	59,309,000	59,309,000	-9,523,000

FY 1996 DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019) — Continued

	FY 1995 Enacted	FY 1996 Estimate	Conference (H.R. 2076)	H.R. 3019	H.R. 3019 compared with Enacted
Federal Maritime Commission					
Salaries and expenses	18,569,000	18,947,000	14,855,000	14,855,000	-3,714,000
Offsetting fee collections		-2,228,000			
Direct appropriation	18,569,000	16,719,000	14,855,000	14,855,000	-3,714,000
Federal Trade Commission					
Salaries and expenses	98,928,000	107,873,000	98,928,000	98,928,000	
Offsetting fee collections - carryover	-4,500,000		-19,360,000	-19,360,000	-14,860,000
Offsetting fee collections - current year	-39,640,000	-48,262,000	-48,262,000	-48,262,000	-8,622,000
Direct appropriation	54,788,000	59,611,000	31,306,000	31,306,000	-23,482,000
Japan - United States Friendship Commission					
Japan - United States Friendship Trust Fund	1,247,000	1,250,000	1,247,000	1,247,000	
(Foreign currency appropriation)	(1,420,000)	(1,420,000)	(1,420,000)	(1,420,000)	
Legal Services Corporation					
Payment to the Legal Services Corporation	400,000,000	440,000,000	278,000,000	278,000,000	-122,000,000
Marine Mammal Commission					
Salaries and expenses	1,384,000	1,425,000	1,190,000	1,190,000	-194,000
Martin Luther King, Jr. Federal Holiday Commission					
Salaries and expenses	300,000	350,000	350,000	350,000	+50,000
National Bankruptcy Review Commission					
Salaries and expenses (by transfer)	(1,000,000)				(-1,000,000)
Ounce of Prevention Council					
Crime trust fund 4/		14,700,000			
Securities and Exchange Commission					
Salaries and expenses	297,405,000	342,922,000	297,405,000	297,405,000	
Offsetting fee collections	-192,000,000		-184,293,000	-184,293,000	+7,707,000
Offsetting fee collections - carryover	-30,549,000		-9,667,000	-9,667,000	+20,882,000
Investment adviser fee - offsetting collection	(-8,595,000)				(+8,595,000)
Direct appropriation	74,856,000	342,922,000	103,445,000	103,445,000	+28,589,000
Small Business Administration					
Salaries and expenses	251,504,000	242,831,000	222,490,000	222,490,000	-29,014,000
Offsetting fee collections	-9,350,000	-3,300,000	-3,300,000	-3,300,000	+6,050,000
Direct appropriation	242,154,000	239,531,000	219,190,000	219,190,000	-22,964,000
Office of Inspector General	8,500,000	9,200,000	8,500,000	8,500,000	
Business Loans Program Account:					
Direct loans subsidy	3,596,000	12,428,000	4,500,000	4,500,000	+904,000
Guaranteed loans subsidy 5/	274,439,000	50,835,000	155,010,000	155,010,000	-119,429,000
Micro loan guarantees	1,216,000	1,700,000	1,216,000	1,216,000	
Section 503. prepayment	30,000,000				-30,000,000
Administrative expenses	97,000,000	99,910,000	92,622,000	92,622,000	-4,378,000
Total, Business loans program account	406,251,000	164,873,000	253,348,000	253,348,000	-152,903,000
Disaster Loans Program Account:					
Direct loans subsidy 5/	52,153,000	34,432,000	34,432,000	34,432,000	-17,721,000
Administrative expenses	78,000,000	80,340,000	71,578,000	71,578,000	-6,422,000
Contingency fund (emergency)	125,000,000	100,000,000			-125,000,000
Total, Disaster loans program account	255,153,000	214,772,000	106,010,000	106,010,000	-149,143,000
Surety bond guarantees revolving fund	5,369,000	2,530,000	2,530,000	2,530,000	-2,839,000
Total, Small Business Administration	917,427,000	630,906,000	589,578,000	589,578,000	-327,849,000
State Justice Institute					
Salaries and expenses 6/	13,550,000	13,550,000	5,000,000	5,000,000	-8,550,000
Crime trust fund		600,000			
Total, State Justice Institute	13,550,000	14,150,000	5,000,000	5,000,000	-8,550,000
Total, title V, Related agencies	1,891,883,000	2,221,997,000	1,485,320,000	1,485,320,000	-406,563,000
Appropriations	(2,049,883,000)	(2,206,697,000)	(1,485,320,000)	(1,485,320,000)	(-564,563,000)
Rescission	(-158,000,000)				(+158,000,000)
Crime trust fund		(15,300,000)			
(Liquidation of contract authority)	(214,356,000)	(162,610,000)	(162,610,000)	(162,610,000)	(-51,746,000)

FY 1996 DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019) — Continued

	FY 1995 Enacted	FY 1996 Estimate	Conference (H.R. 2076)	H.R. 3019	H.R. 3019 compared with Enacted
TITLE VI - GENERAL PROVISIONS					
Procurement: General provisions 7/	-11,769,000				+11,769,000
Total, title VI, general provisions	-11,769,000				+11,769,000
TITLE VII - RESCISSIONS					
DEPARTMENT OF JUSTICE					
General Administration					
Working capital fund (rescission)			-65,000,000	-65,000,000	-65,000,000
DEPARTMENT OF COMMERCE					
National Telecommunications and Information Administration					
Information infrastructure grants (rescission)					
DEPARTMENT OF STATE					
Administration of Foreign Affairs					
Acquisition and maintenance of buildings abroad (rescission)			-60,000,000	-60,000,000	-60,000,000
RELATED AGENCIES					
United States Information Agency					
Radio construction (rescission)			-7,400,000	-7,400,000	-7,400,000
Total, title VII, Rescissions			-132,400,000	-132,400,000	-132,400,000
Scorekeeping adjustments	-387,694,000	-132,655,000	-16,264,000	-16,264,000	+371,430,000
Grand total:					
New budget (obligational) authority	26,310,642,000	31,026,024,000	27,271,261,000	27,268,470,000	+957,828,000
Appropriations	(24,153,992,000)	(27,015,824,000)	(23,522,692,000)	(23,519,901,000)	(-634,091,000)
Rescissions	(-171,250,000)		(-207,400,000)	(-207,400,000)	(-36,150,000)
Crime trust fund	(2,327,900,000)	(4,010,200,000)	(3,955,969,000)	(3,955,969,000)	(+1,628,069,000)
(By transfer)	(56,500,000)	(55,500,000)	(106,000,000)	(106,000,000)	(+49,500,000)
(Limitation on administrative expenses)	(3,463,000)	(3,559,000)	(3,559,000)	(3,559,000)	(+96,000)
(Limitation on direct loans)	(741,000)	(741,000)	(741,000)	(741,000)	
(Liquidation of contract authority)	(214,356,000)	(162,610,000)	(162,610,000)	(162,610,000)	(-51,746,000)
(Foreign currency appropriation)	(1,420,000)	(1,420,000)	(1,420,000)	(1,420,000)	

1/ 1995 "Salaries and expenses" funds were used for "Administrative review and appeals".

2/ Doesn't reflect transfers to INS and GLA.

3/ Includes budget amendment of -$3,265,000 related to privatization of portions of the National Weather Service. Legislation will be proposed to offset this account from the Marine Navigation Trust Fund.

4/ Funding of $1,500,000 was provided under Office of Justice Programs in FY 1995.

5/ Assumes legislation to lower the subsidy for these accounts through new fees and increases in interest rates.

6/ The State Justice Institute is authorized to submit its budget directly to Congress. The President's request includes $7,000,000 for the Institute.

7/ The FY 1995 budget authority amount reflects the unspread balance.

FY 1996 DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019)

	FY 1995 Enacted	FY 1996 Estimate	Conference (H.R. 1977)	H.R. 3019	H.R. 3019 compared with Enacted
TITLE I - DEPARTMENT OF THE INTERIOR					
Bureau of Land Management					
Management of lands and resources	597,236,000	616,547,000	568,062,000	567,152,000	-30,084,000
Fire protection	114,748,000	114,763,000			-114,748,000
Emergency Department of the Interior firefighting fund	121,176,000	131,482,000			-121,176,000
Wildland fire management			235,924,000	235,924,000	+235,924,000
Central hazmat account	13,409,000	14,024,000	10,000,000	10,000,000	-3,409,000
Construction and access	12,068,000	3,019,000	3,115,000	3,115,000	-8,953,000
Payments in lieu of taxes	101,409,000	113,911,000	101,500,000	101,500,000	+91,000
Land acquisition	14,757,000	24,473,000	12,800,000	12,800,000	-1,957,000
Oregon and California grant lands	97,364,000	112,752,000	93,379,000	93,379,000	-3,985,000
Range improvements (indefinite)	10,350,000	9,113,000	9,113,000	9,113,000	-1,237,000
Service charges, deposits, and forfeitures (indefinite)	8,883,000	8,993,000	8,993,000	8,993,000	+110,000
Miscellaneous trust funds (indefinite)	7,605,000	7,605,000	7,605,000	7,605,000	
Total, Bureau of Land Management	1,099,005,000	1,156,682,000	1,050,491,000	1,049,581,000	-49,424,000
United States Fish and Wildlife Service					
Resource management	511,334,000	535,018,000	497,943,000	497,670,000	-13,664,000
Construction	53,768,000	34,095,000	37,655,000	37,655,000	-16,113,000
Natural resource damage assessment and restoration fund	6,687,000	6,700,000	4,000,000	4,000,000	-2,687,000
Land acquisition	67,141,000	62,912,000	36,900,000	45,400,000	-21,741,000
Cooperative endangered species conservation fund	8,983,000	38,000,000	8,085,000	8,085,000	-898,000
National wildlife refuge fund	11,977,000	11,371,000	10,779,000	10,779,000	-1,198,000
Rewards and operations	1,167,000	1,169,000	600,000	600,000	-567,000
North American wetlands conservation fund	8,983,000	12,000,000	6,750,000	6,750,000	-2,233,000
Lahonton Valley and Pyramid Lake fish and wildlife fund		152,000	152,000	152,000	+152,000
Rhinoceros and tiger conservation fund		400,000	200,000	200,000	+200,000
Wildlife conservation and appreciation fund	998,000	1,000,000	800,000	800,000	-198,000
Total, United States Fish and Wildlife Service	671,038,000	702,817,000	603,864,000	612,091,000	-58,947,000
Natural Resources Science Agency					
Research, inventories, and surveys	162,041,000	172,696,000			-162,041,000
National Park Service					
Operation of the national park system	1,077,900,000	1,157,738,000	1,083,151,000	1,086,014,000	+8,114,000
National recreation and preservation	42,941,000	39,305,000	37,649,000	37,649,000	-5,292,000
Historic preservation fund	41,421,000	43,000,000	36,212,000	36,212,000	-5,209,000
Construction	167,688,000	179,883,000	143,225,000	143,225,000	-24,463,000
C&O Canal (P.L. 104-99)				2,000,000	+2,000,000
Urban park and recreation fund	6,000	2,300,000			-6,000
Land and water conservation fund (rescission of contract authority)	-30,000,000	-30,000,000	-30,000,000	-30,000,000	
Land acquisition and state assistance	87,373,000	82,696,000	49,100,000	57,600,000	-29,773,000
Crime Trust Fund		15,200,000			
Total, National Park Service (net)	1,387,329,000	1,490,122,000	1,319,337,000	1,332,700,000	-54,629,000
United States Geological Survey					
Surveys, investigations, and research	571,462,000	586,369,000	730,503,000	729,995,000	+158,533,000
Minerals Management Service					
Royalty and offshore minerals management	188,181,000	193,348,000	182,994,000	182,339,000	-5,842,000
Oil spill research	6,440,000	7,892,000	6,440,000	6,440,000	
Total, Minerals Management Service	194,621,000	201,240,000	189,434,000	188,779,000	-5,842,000
Bureau of Mines					
Mines and minerals	152,427,000	132,507,000	64,000,000	64,000,000	-88,427,000
Office of Surface Mining Reclamation and Enforcement					
Regulation and technology	109,795,000	107,152,000	95,470,000	95,470,000	-14,325,000
Receipts from performance bond forfeitures (indefinite)	1,189,000	501,000	500,000	500,000	-689,000
Subtotal	110,984,000	107,653,000	95,970,000	95,970,000	-15,014,000
Abandoned mine reclamation fund (definite, trust fund)	182,423,000	185,120,000	173,887,000	173,887,000	-8,536,000
Total, Office of Surface Mining Reclamation and Enforcement	293,407,000	292,773,000	269,857,000	269,857,000	-23,550,000

FY 1996 DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019) — Continued

	FY 1995 Enacted	FY 1996 Estimate	Conference (H.R. 1977)	H.R. 3019	H.R. 3019 compared with Enacted
Bureau of Indian Affairs					
Operation of Indian programs	1,519,012,000	1,609,842,000	1,384,434,000	1,384,434,000	-134,578,000
Construction	120,450,000	125,424,000	100,833,000	100,833,000	-19,617,000
Indian land and water claim settlements and miscellaneous payments to Indians	77,096,000	151,025,000	80,645,000	80,645,000	+3,549,000
Navajo rehabilitation trust fund	1,996,000				-1,996,000
Technical assistance of Indian enterprises	1,966,000	1,966,000	500,000	500,000	-1,466,000
Indian direct loan program account	779,000				-779,000
(Limitation on direct loans)	(10,890,000)				(-10,890,000)
Indian guaranteed loan program account	9,671,000	9,684,000	5,000,000	5,000,000	-4,671,000
(Limitation on guaranteed loans)	(46,900,000)	(70,100,000)	(35,914,000)	(35,914,000)	(-10,986,000)
Total, Bureau of Indian Affairs	1,730,970,000	1,897,941,000	1,571,412,000	1,571,412,000	-159,558,000
Territorial and International Affairs					
Assistance to territories	50,481,000	41,512,000	37,468,000	37,468,000	-13,013,000
Northern Mariana Islands Covenant	27,720,000	27,720,000	27,720,000	27,720,000	
Subtotal	78,201,000	69,232,000	65,188,000	65,188,000	-13,013,000
Trust Territory of the Pacific Islands	19,800,000				-19,800,000
Compact of Free Association	13,574,000	10,038,000	10,038,000	10,038,000	-3,536,000
Mandatory payments	10,000,000	14,900,000	14,900,000	14,900,000	+4,900,000
Subtotal	23,574,000	24,938,000	24,938,000	24,938,000	+1,364,000
Total, Territorial and International Affairs	121,575,000	94,170,000	90,126,000	90,126,000	-31,449,000
Departmental Offices					
Departmental management	62,479,000	64,772,000	57,796,000	56,456,000	-6,023,000
Office of the Solicitor	34,608,000	35,361,000	34,608,000	34,337,000	-271,000
Office of Inspector General	23,939,000	25,485,000	23,939,000	23,939,000	
Construction Management	1,996,000	2,000,000	500,000	500,000	-1,496,000
National Indian Gaming Commission	1,000,000	1,000,000	1,000,000	1,000,000	
Office of Special Trustee for American Indians			16,338,000	16,338,000	+16,338,000
Total, Departmental Offices	124,022,000	128,618,000	134,181,000	132,570,000	+8,548,000
Total, title I, Department of the Interior:					
New budget (obligational) authority (net)	6,507,897,000	6,855,935,000	6,023,205,000	6,041,111,000	-466,786,000
Appropriations	(6,537,897,000)	(6,870,735,000)	(6,053,205,000)	(6,071,111,000)	(-466,786,000)
Rescission	(-30,000,000)	(-30,000,000)	(-30,000,000)	(-30,000,000)	
Crime trust fund		(15,200,000)			
(Limitation on direct loans)	(10,890,000)				(-10,890,000)
(Limitation on guaranteed loans)	(46,900,000)	(70,100,000)	(35,914,000)	(35,914,000)	(-10,986,000)
TITLE II - RELATED AGENCIES					
DEPARTMENT OF AGRICULTURE					
Forest Service					
Forest research	193,748,000	203,796,000	178,000,000	178,000,000	-15,748,000
State and private forestry	154,268,000	187,459,000	136,794,000	136,794,000	-17,474,000
Emergency pest suppression fund	17,000,000				-17,000,000
International forestry	4,987,000	10,000,000			-4,987,000
National forest system	1,328,893,000	1,348,755,000	1,256,253,000	1,256,253,000	-72,640,000
Forest Service fire protection	159,285,000	164,285,000			-159,285,000
Emergency Forest Service firefighting fund	226,200,000	239,000,000			-226,200,000
Emergency appropriations	450,000,000				-450,000,000
Wildland Fire Management			385,485,000	385,485,000	+385,485,000
Construction	199,215,000	192,338,000	163,500,000	163,500,000	-35,715,000
Timber receipts transfer to general fund (indefinite)	(-44,769,000)	(-44,548,000)	(-44,548,000)	(-44,548,000)	(+221,000)
Timber purchaser credits	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	
Land acquisition	63,882,000	65,311,000	41,200,000	24,200,000	-39,682,000
Acquisition of lands for national forests, special acts	1,250,000	1,317,000	1,069,000	1,069,000	-181,000
Acquisition of lands to complete land exchanges (indefinite)	210,000	210,000	210,000	210,000	
Range betterment fund (indefinite)	4,575,000	3,976,000	3,976,000	3,976,000	-599,000
Gifts, donations and bequests for forest and rangeland research	89,000	92,000	92,000	92,000	+3,000
Total, Forest Service	2,803,602,000	2,416,539,000	2,166,579,000	2,149,579,000	-654,023,000
DEPARTMENT OF ENERGY					
Clean coal technology	-337,879,000	-155,019,000			+337,879,000
Fossil energy research and development	423,701,000	436,508,000	417,169,000	416,943,000	-6,758,000
(By transfer)	(17,000,000)				(-17,000,000)
Alternative fuels production (indefinite)	-3,900,000	-2,400,000	-2,400,000	-2,400,000	+1,500,000
Naval petroleum and oil shale reserves	187,048,000	101,028,000	148,786,000	148,786,000	-38,262,000
Energy conservation	755,751,000	923,561,000	553,293,000	553,137,000	-202,614,000
Biomass Energy Development (transfer)		-16,000,000	-16,000,000	-16,000,000	-16,000,000

FY 1996 DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019) — Continued

	FY 1995 Enacted	FY 1996 Estimate	Conference (H.R. 1977)	H.R. 3019	H.R. 3019 compared with Enacted
Economic regulation	12,413,000	10,500,000	6,297,000	6,297,000	-6,116,000
Emergency preparedness	8,233,000	8,219,000			-8,233,000
Strategic Petroleum Reserve	135,954,000	25,689,000			-135,954,000
(By transfer)	(90,764,000)	(187,000,000)	(187,000,000)	(187,000,000)	(+96,236,000)
Energy Information Administration	84,566,000	84,689,000	72,266,000	72,266,000	-12,300,000
Total, Department of Energy	1,265,887,000	1,416,775,000	1,179,411,000	1,179,029,000	-86,858,000
DEPARTMENT OF HEALTH AND HUMAN SERVICES					
Indian Health Service					
Indian health services	1,709,780,000	1,816,350,000	1,747,842,000	1,747,842,000	+38,062,000
Indian health facilities	253,282,000	242,672,000	238,958,000	238,958,000	-14,324,000
Total, Indian Health Service	1,963,062,000	2,059,022,000	1,986,800,000	1,986,800,000	+23,738,000
DEPARTMENT OF EDUCATION					
Office of Elementary and Secondary Education					
Indian education	81,341,000	84,785,000	52,500,000	52,500,000	-28,841,000
OTHER RELATED AGENCIES					
Office of Navajo and Hopi Indian Relocation					
Salaries and expenses	24,888,000	26,345,000	20,345,000	20,345,000	-4,543,000
Institute of American Indian and Alaska Native Culture and Arts Development					
Payment to the Institute	11,213,000	19,846,000	5,500,000	5,500,000	-5,713,000
Smithsonian Institution					
Salaries and expenses	313,853,000	329,800,000	308,188,000	308,188,000	-5,665,000
Construction and improvements, National Zoological Park	3,042,000	4,950,000	3,250,000	3,250,000	+208,000
Repair and restoration of buildings	23,954,000	34,000,000	33,954,000	33,954,000	+10,000,000
Construction	21,857,000	38,700,000	27,700,000	27,700,000	+5,843,000
Total, Smithsonian Institution	362,706,000	407,450,000	373,092,000	373,092,000	+10,386,000
National Gallery of Art					
Salaries and expenses	52,902,000	54,566,000	51,844,000	51,844,000	-1,058,000
Repair, restoration and renovation of buildings	4,016,000	9,885,000	6,442,000	6,442,000	+2,426,000
Total, National Gallery of Art	56,918,000	64,451,000	58,286,000	58,286,000	+1,368,000
John F. Kennedy Center for the Performing Arts					
Operations and maintenance	10,323,000	10,373,000	10,323,000	10,323,000	
Construction	8,983,000	9,000,000	8,983,000	8,983,000	
Total, John F. Kennedy Center for the Performing Arts	19,306,000	19,373,000	19,306,000	19,306,000	
Woodrow Wilson International Center for Scholars					
Salaries and expenses	8,878,000	10,070,000	5,840,000	5,840,000	-3,038,000
National Foundation on the Arts and the Humanities					
National Endowment for the Arts					
Grants and administration	133,846,000	143,675,000	82,259,000	82,259,000	-51,587,000
Matching grants	28,512,000	28,725,000	17,235,000	17,235,000	-11,277,000
Total, National Endowment for the Arts	162,358,000	172,400,000	99,494,000	99,494,000	-62,864,000
National Endowment for the Humanities					
Grants and administration	146,131,000	156,087,000	94,000,000	94,000,000	-52,131,000
Matching grants	25,913,000	25,913,000	16,000,000	16,000,000	-9,913,000
Total, National Endowment for the Humanities	172,044,000	182,000,000	110,000,000	110,000,000	-62,044,000
Institute of Museum Services					
Grants and administration	28,715,000	29,800,000	21,000,000	21,000,000	-7,715,000
Total, National Foundation on the Arts and the Humanities	363,117,000	384,200,000	230,494,000	230,494,000	-132,623,000
Commission of Fine Arts					
Salaries and expenses	834,000	879,000	834,000	834,000	
National Capital Arts and Cultural Affairs					
Grants	7,500,000	6,941,000	6,000,000	6,000,000	-1,500,000
Advisory Council on Historic Preservation					
Salaries and expenses	2,947,000	3,063,000	2,500,000	2,500,000	-447,000

FY 1996 DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019) — Continued

	FY 1995 Enacted	FY 1996 Estimate	Conference (H.R. 1977)	H.R. 3019	H.R. 3019 compared with Enacted
National Capital Planning Commission					
Salaries and expenses	5,655,000	6,000,000	5,090,000	5,090,000	-565,000
Franklin Delano Roosevelt Memorial Commission					
Salaries and expenses	48,000	147,000	147,000	147,000	+99,000
Pennsylvania Avenue Development Corporation					
Salaries and expenses	2,738,000	3,043,000			-2,738,000
Public development	4,084,000	2,445,000			-4,084,000
Land acquisition and development fund		1,388,000			
Total, Pennsylvania Avenue Development Corporation	6,822,000	6,876,000			-6,822,000
United States Holocaust Memorial Council					
Holocaust Memorial Council	26,609,000	28,707,000	28,707,000	28,707,000	+2,098,000
Total, title II, Related Agencies	7,011,333,000	6,961,469,000	6,141,431,000	6,124,049,000	-887,284,000
(Timber receipts transfer to general fund, indefinite)	(-44,769,000)	(-44,548,000)	(-44,548,000)	(-44,548,000)	(+221,000)
(Timber purchaser credits)	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	
Grand total:					
New budget (obligational) authority (net)	13,519,230,000	13,817,404,000	12,164,636,000	12,165,160,000	-1,354,070,000
Appropriations	(13,549,230,000)	(13,832,204,000)	(12,194,636,000)	(12,195,160,000)	(-1,354,070,000)
Rescission	(-30,000,000)	(-30,000,000)	(-30,000,000)	(-30,000,000)	
Crime trust fund		(15,200,000)			
(Timber receipts transfer to general fund, indefinite)	(-44,769,000)	(-44,548,000)	(-44,548,000)	(-44,548,000)	(+221,000)
(Timber purchaser credits)	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	
(By transfer)	(107,764,000)	(187,000,000)	(187,000,000)	(187,000,000)	(+79,236,000)
TITLE I - DEPARTMENT OF THE INTERIOR					
Bureau of Land Management	1,099,005,000	1,156,682,000	1,050,491,000	1,049,581,000	-49,424,000
United States Fish and Wildlife Service	671,038,000	702,817,000	603,864,000	612,091,000	-58,947,000
National Biological Service	162,041,000	172,696,000			-162,041,000
National Park Service	1,387,329,000	1,490,122,000	1,319,337,000	1,332,700,000	-54,629,000
United States Geological Survey	571,462,000	586,369,000	730,503,000	729,995,000	+158,533,000
Minerals Management Service	194,621,000	201,240,000	189,434,000	188,779,000	-5,842,000
Bureau of Mines	152,427,000	132,507,000	64,000,000	64,000,000	-88,427,000
Office of Surface Mining Reclamation and Enforcement	293,407,000	292,773,000	269,857,000	269,857,000	-23,550,000
Bureau of Indian Affairs	1,730,970,000	1,897,941,000	1,571,412,000	1,571,412,000	-159,558,000
Territorial and International Affairs	121,575,000	94,170,000	90,126,000	90,126,000	-31,449,000
Departmental Offices	124,022,000	128,618,000	134,181,000	132,570,000	+8,548,000
Total, Title I - Department of the Interior	6,507,897,000	6,855,935,000	6,023,205,000	6,041,111,000	-466,786,000
TITLE II - RELATED AGENCIES					
Forest Service	2,803,602,000	2,416,539,000	2,166,579,000	2,149,579,000	-654,023,000
Department of Energy	1,265,887,000	1,416,775,000	1,179,411,000	1,179,029,000	-86,858,000
Indian Health Service	1,963,062,000	2,059,022,000	1,986,800,000	1,986,800,000	+23,738,000
Indian Education	81,341,000	84,785,000	52,500,000	52,500,000	-28,841,000
Office of Navajo and Hopi Indian Relocation	24,888,000	26,345,000	20,345,000	20,345,000	-4,543,000
Institute of American Indian and Alaska Native Culture and Arts Development	11,213,000	19,846,000	5,500,000	5,500,000	-5,713,000
Smithsonian Institution	362,706,000	407,450,000	373,092,000	373,092,000	+10,386,000
National Gallery of Art	56,918,000	64,451,000	58,286,000	58,286,000	+1,368,000
John F. Kennedy Center for the Performing Arts	19,306,000	19,373,000	19,306,000	19,306,000	
Woodrow Wilson International Center for Scholars	8,878,000	10,070,000	5,840,000	5,840,000	-3,038,000
National Endowment for the Arts	162,358,000	172,400,000	99,494,000	99,494,000	-62,864,000
National Endowment for the Humanities	172,044,000	182,000,000	110,000,000	110,000,000	-62,044,000
Institute of Museum Services	28,715,000	29,800,000	21,000,000	21,000,000	-7,715,000
Commission of Fine Arts	834,000	879,000	834,000	834,000	
National Capital Arts and Cultural Affairs	7,500,000	6,941,000	6,000,000	6,000,000	-1,500,000
Advisory Council on Historic Preservation	2,947,000	3,063,000	2,500,000	2,500,000	-447,000
National Capital Planning Commission	5,655,000	6,000,000	5,090,000	5,090,000	-565,000
Franklin Delano Roosevelt Memorial Commission	48,000	147,000	147,000	147,000	+99,000
Pennsylvania Avenue Development Corporation	6,822,000	6,876,000			-6,822,000
Holocaust Memorial Council	26,609,000	28,707,000	28,707,000	28,707,000	+2,098,000
Total, Title II - Related Agencies	7,011,333,000	6,961,469,000	6,141,431,000	6,124,049,000	-887,284,000
Grand total	13,519,230,000	13,817,404,000	12,164,636,000	12,165,160,000	-1,354,070,000

FY 1996 DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019)

	FY 1995 Enacted	FY 1996 Estimate	House (H.R. 2127)	H.R. 3019	H.R. 3019 compared with Enacted
TITLE I - DEPARTMENT OF LABOR					
Employment and Training Administration					
Training and employment services	3,956,532,000	5,464,484,000	3,180,441,000	3,108,978,000	-847,554,000
Community service employment for older Americans	396,060,000	410,500,000	350,000,000	350,000,000	-46,060,000
Federal unemployment benefits and allowances	274,400,000	346,100,000	346,100,000	346,100,000	+71,700,000
State unemployment insurance and employment service operations	127,188,000	226,111,000	125,328,000	117,328,000	-9,860,000
(Limitation on trust fund transfer)	(3,201,362,000)	(3,315,872,000)	(3,107,404,000)	(3,104,194,000)	(-97,168,000)
(Limitation on trust fund transfer - contingency)	(812,000)	....	....	....	(-812,000)
Subtotal, trust funds	(3,202,174,000)	(3,315,872,000)	(3,107,404,000)	(3,104,194,000)	(-97,980,000)
Advances to the Unemployment Trust Fund and other funds	1,004,485,000	369,000,000	369,000,000	369,000,000	-635,485,000
Advances to the ESA account of the Unemployment trust fund	....	....	....	-56,300,000	-56,300,000
Payments to UI trust fund and other funds	....	....	....	-250,000,000	-250,000,000
Program administration	89,919,000	95,513,000	83,505,000	83,054,000	-6,865,000
(Limitation on trust fund transfer)	(44,152,000)	(51,902,000)	(40,974,000)	(40,793,000)	(-3,359,000)
Total	5,848,584,000	6,911,708,000	4,454,374,000	4,068,160,000	-1,780,424,000
Office of the American Workplace					
Salaries and expenses	7,082,000	10,770,000	....	....	-7,082,000
Pension and Welfare Benefits Administration					
Salaries and expenses	68,931,000	81,182,000	64,113,000	65,198,000	-3,733,000
Pension Benefit Guaranty Corporation					
Pension Benefit Guaranty Corporation fund:					
(Limitation of trust funds)	(11,463,000)	(12,043,000)	(10,603,000)	(10,603,000)	(-860,000)
Employment Standards Administration					
Salaries and expenses	271,340,000	306,476,000	246,967,000	254,756,000	-16,584,000
(Limitation on trust fund transfer)	(1,057,000)	(1,669,000)	(978,000)	(978,000)	(-79,000)
Special benefits: Direct appropriation	258,000,000	218,000,000	218,000,000	218,000,000	-40,000,000
Black Lung Disability Trust Fund:					
Definite	974,301,000	998,080,000	995,447,000	995,447,000	+21,146,000
Indefinite	756,000	756,000	756,000	756,000	....
Total	975,057,000	998,836,000	996,203,000	996,203,000	+21,146,000
Total, Employment Standards Administration	1,504,397,000	1,523,312,000	1,461,170,000	1,468,959,000	-35,438,000
Occupational Safety and Health Administration					
Salaries and expenses	311,660,000	346,503,000	263,985,000	280,000,000	-31,660,000
Mine Safety and Health Administration					
Salaries and expenses	200,135,000	212,106,000	185,154,000	196,673,000	-3,462,000
Bureau of Labor Statistics					
Salaries and expenses	296,436,000	320,331,000	296,993,000	292,462,000	-3,974,000
(Limitation on trust fund transfer)	(53,206,000)	(56,350,000)	(50,220,000)	(49,997,000)	(-3,209,000)
Departmental Management					
Salaries and expenses	154,175,000	172,747,000	134,220,000	135,997,000	-18,178,000
(Limitation on trust fund transfer)	(328,000)	(342,000)	(303,000)	(303,000)	(-25,000)
Assistant Secretary for Veterans Employment & Training (limitation on trust fund transfer)	(185,123,000)	(187,114,000)	(175,883,000)	(170,390,000)	(-14,733,000)
Reinvention investment fund	....	3,900,000	....	....	....
Office of Inspector General	47,873,000	49,252,000	44,426,000	44,426,000	-3,447,000
(Limitation on trust fund transfer)	(3,895,000)	(4,055,000)	(3,615,000)	(3,615,000)	(-280,000)
Total	202,048,000	225,899,000	178,646,000	180,423,000	-21,625,000
Total, title I, Department of Labor	8,439,273,000	9,631,811,000	6,904,435,000	6,551,875,000	-1,887,398,000
(Limitation on trust funds)	(3,501,398,000)	(3,629,347,000)	(3,389,980,000)	(3,380,873,000)	(-120,525,000)

FY 1996 DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019)—Continued

	FY 1995 Enacted	FY 1996 Estimate	House (H.R. 2127)	H.R. 3019	H.R. 3019 compared with Enacted
TITLE II - DEPARTMENT OF HEALTH AND HUMAN SERVICES					
Health Resources and Services Administration					
Health resources and services	3,028,179,000	3,154,395,000	2,927,122,000	3,052,752,000	+24,573,000
Medical facilities guarantee and loan fund: Interest subsidies for medical facilities	9,000,000	8,000,000	8,000,000	8,000,000	-1,000,000
Health professions graduate student loan fund (HEAL)	22,050,000	18,044,000	13,500,000	13,500,000	-8,550,000
Program management, discretionary	2,922,000	2,922,000	2,703,000	2,688,000	-234,000
Total	24,972,000	20,966,000	16,203,000	16,188,000	-8,784,000
Vaccine injury compensation	167,476,000	169,721,000	169,721,000	169,721,000	+2,245,000
Total, Health Resources and Services Administration	3,229,627,000	3,353,082,000	3,121,046,000	3,246,661,000	+17,034,000
Centers for Disease Control					
Disease control, research, and training	2,083,342,000	2,183,560,000	2,085,831,000	2,083,051,000	-291,000
Crime reduction program	....	39,100,000	39,100,000	31,642,000	+31,642,000
Rescission (outlay only)	....	....	....	(-53,000,000)	(-53,000,000)
Total, CDC	2,083,342,000	2,222,660,000	2,124,931,000	2,114,693,000	+31,351,000
National Institutes of Health					
National Cancer Institute	1,913,167,000	1,994,007,000	2,251,084,000	2,251,084,000	+337,917,000
National Heart, Lung, and Blood Institute	1,242,574,000	1,279,096,000	1,355,866,000	1,355,866,000	+113,292,000
National Institute of Dental Research	163,112,000	168,341,000	183,196,000	183,196,000	+20,084,000
National Institute of Diabetes and Digestive and Kidney Diseases	724,974,000	748,798,000	771,252,000	771,252,000	+46,278,000
National Institute of Neurological Disorders and Stroke	628,247,000	648,255,000	681,534,000	681,534,000	+53,287,000
National Institute of Allergy and Infectious Diseases	536,940,000	557,354,000	1,169,628,000	1,169,628,000	+632,688,000
National Institute of General Medical Sciences	880,233,000	907,674,000	946,971,000	946,971,000	+66,738,000
National Institute of Child Health and Human Development	509,031,000	526,177,000	595,162,000	595,162,000	+86,131,000
National Eye Institute	291,464,000	300,693,000	314,185,000	314,185,000	+22,721,000
National Institute of Environmental Health Sciences	266,337,000	278,832,000	288,898,000	288,898,000	+22,561,000
National Institute on Aging	432,164,000	445,823,000	453,917,000	453,917,000	+21,753,000
National Institute of Arthritis and Musculoskeletal and Skin Diseases	228,122,000	235,428,000	241,828,000	241,828,000	+13,706,000
National Institute on Deafness and Other Communication Disorders	167,138,000	172,399,000	176,502,000	176,502,000	+9,364,000
National Center for Nursing Research	48,123,000	50,159,000	55,831,000	55,831,000	+7,708,000
National Institute on Alcoholism and Alcohol Abuse	180,064,000	185,712,000	198,607,000	198,607,000	+18,543,000
National Institute on Drug Abuse	289,581,000	298,738,000	458,441,000	458,441,000	+168,860,000
National Institute of Mental Health	541,376,000	558,580,000	661,328,000	661,328,000	+119,952,000
National Center for Research Resources	287,341,000	307,544,000	390,339,000	390,339,000	+102,998,000
National Center for Human Genome Research	152,906,000	166,678,000	170,041,000	170,041,000	+17,135,000
John E. Fogarty International Center	14,633,000	15,267,000	25,313,000	25,313,000	+10,680,000
National Library of Medicine	125,195,000	136,311,000	141,439,000	141,439,000	+16,244,000
Office of the Director	214,234,000	230,256,000	261,488,000	261,488,000	+47,254,000
Buildings and facilities	114,120,000	144,120,000	146,151,000	146,151,000	+32,031,000
Office of AIDS Research	1,333,086,000	1,407,824,000	....	....	-1,333,086,000
Total	11,284,162,000	11,764,066,000	11,939,001,000	11,939,001,000	+654,839,000
Substance Abuse and Mental Health Services Administration					
Substance abuse and mental health services	2,180,668,000	2,247,392,000	1,788,946,000	1,883,715,000	-296,953,000
Assistant Secretary for Health					
Office of the Assistant Secretary for Health	65,752,000	66,206,000	....	....	-65,752,000
Retirement pay and medical benefits for commissioned officers (indefinite)	159,321,000	166,925,000	166,925,000	166,925,000	+7,604,000
Total	225,073,000	233,131,000	166,925,000	166,925,000	-58,148,000
Agency for Health Care Policy and Research					
Health care policy and research	135,290,000	142,424,000	31,219,000	94,186,000	-41,104,000
(Limitation on trust fund transfer)	(5,796,000)	(5,796,000)	....	....	(-5,796,000)
Total, Public Health Service	19,138,162,000	19,962,755,000	19,172,068,000	19,445,181,000	+307,019,000
(Limitation on trust funds)	(5,796,000)	(5,796,000)	....	....	(-5,796,000)
Health Care Financing Administration					
Grants to States for Medicaid	96,390,849,000	95,977,200,000	95,977,200,000	95,977,200,000	-413,649,000
Carryover balance	-7,150,074,000	-13,835,128,000	-13,835,128,000	-13,835,128,000	-6,685,054,000
Appropriation available from prior year advance	-26,600,000,000	-27,047,717,000	-27,047,717,000	-27,047,717,000	-447,717,000
Total, adjusted appropriation	62,640,775,000	55,094,355,000	55,094,355,000	55,094,355,000	-7,546,420,000
New advance, 1st quarter, FY 1997	27,047,717,000	26,155,350,000	26,155,350,000	26,155,350,000	-892,367,000
Total, grants to States for Medicaid	89,688,492,000	81,249,705,000	81,249,705,000	81,249,705,000	-8,438,787,000

FY 1996 DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019)—Continued

	FY 1995 Enacted	FY 1996 Estimate	House (H.R. 2127)	H.R. 3019	H.R. 3019 compared with Enacted
Payments to health care trust funds	37,546,758,000	63,313,000,000	63,313,000,000	63,313,000,000	+25,766,242,000
Program management (limitation on trust fund transfer)	(2,178,024,000)	(2,253,794,000)	(2,134,533,000)	(2,130,810,000)	(-47,214,000)
Health Maintenance Organization loan and loan guarantee fund	15,000,000				-15,000,000
Total, Health Care Financing Administration	127,250,250,000	144,562,705,000	144,562,705,000	144,562,705,000	+17,312,455,000
Appropriations, fiscal year 1996	(100,202,533,000)	(118,407,355,000)	(118,407,355,000)	(118,407,355,000)	(+18,204,822,000)
Advance appropriations, FY 1997	(27,047,717,000)	(26,155,350,000)	(26,155,350,000)	(26,155,350,000)	(-892,367,000)
(Limitation on trust funds)	(2,178,024,000)	(2,253,794,000)	(2,134,533,000)	(2,130,810,000)	(-47,214,000)
Administration for Children and Families					
Family support payments to States:					
Direct appropriation	17,360,697,000	18,014,307,000	18,014,307,000	18,014,307,000	+653,610,000
Appropriation available from prior year advance	-4,200,000,000	-4,400,000,000	-4,400,000,000	-4,400,000,000	-200,000,000
Total, fiscal year 1996 appropriation	13,160,697,000	13,614,307,000	13,614,307,000	13,614,307,000	+453,610,000
New advance, 1st quarter, FY 1997	4,400,000,000	4,800,000,000	4,800,000,000	4,800,000,000	+400,000,000
Total, family support payments	17,560,697,000	18,414,307,000	18,414,307,000	18,414,307,000	+853,610,000
Job opportunities and basic skills (JOBS)	970,000,000	1,000,000,000	1,000,000,000	1,000,000,000	+30,000,000
Low income home energy assistance (rescission)	-474,998,000		-1,000,000,000	-100,000,000	+374,998,000
Advance appropriation, FY 1997	1,000,000,000	1,319,204,000			-1,000,000,000
Total (net)	525,002,000	1,319,204,000	-1,000,000,000	-100,000,000	-625,002,000
Refugee and entrant assistance	399,772,000	414,199,000	411,781,000	397,872,000	-1,900,000
State legalization impact assistance grants:					
Rescission	-75,000,000				+75,000,000
Appropriation, current year	4,000,000				-4,000,000
Child care and development block grant	934,642,000	1,048,825,000	934,642,000	934,642,000	
Social Services Block Grant	2,800,000,000	2,800,000,000	2,800,000,000	2,520,000,000	-280,000,000
Children and families service programs	4,874,333,000	5,234,256,000	4,544,643,000	4,694,222,000	-180,111,000
Crime reduction program	11,000,000	105,300,000	800,000	21,358,000	+10,358,000
Total	4,885,333,000	5,339,556,000	4,545,443,000	4,715,580,000	-169,753,000
Family support and preservation	150,000,000	225,000,000	225,000,000	225,000,000	+75,000,000
Payments to States for foster care and adoption assistance	3,597,371,000	4,307,842,000	4,307,842,000	4,322,238,000	+724,867,000
Total, Administration for Children and Families (net)	31,751,817,000	34,868,933,000	31,639,015,000	32,429,639,000	+677,822,000
Administration on aging	876,007,000	897,148,000	778,246,000	801,232,000	-74,775,000
Office of the Secretary					
General departmental management	88,150,000	86,162,000	116,826,000	136,499,000	+48,349,000
(Limitation on trust fund transfer)	(18,977,000)	(7,204,000)	(6,813,000)	(6,628,000)	(-12,349,000)
Office of the Inspector General	60,748,000	58,889,000	56,333,000	56,333,000	-4,415,000
(Limitation on trust fund transfer)	(28,708,000)	(21,048,000)	(17,623,000)	(17,623,000)	(-11,085,000)
Office for Civil Rights	18,195,000	17,558,000	10,249,000	16,153,000	-2,042,000
(Limitation on trust fund transfer)	(3,780,000)	(3,602,000)	(3,251,000)	(3,314,000)	(-466,000)
Policy research	9,403,000	12,278,000	9,000,000	9,000,000	-403,000
Total, Office of the Secretary	176,496,000	174,887,000	192,408,000	217,985,000	+41,489,000
(Limitation on trust funds)	(51,465,000)	(31,854,000)	(27,687,000)	(27,565,000)	(-23,900,000)
Public Health and Social Emergency Fund	35,000,000	9,000,000			-35,000,000
Total, title II, Department of Health and Human Services (net)	179,227,732,000	200,475,428,000	196,344,442,000	197,456,742,000	+18,229,010,000
Appropriations, fiscal year 1996	(147,330,013,000)	(168,200,874,000)	(166,389,092,000)	(166,601,392,000)	(+19,271,379,000)
Rescission	(-549,998,000)		(-1,000,000,000)	(-100,000,000)	(+449,998,000)
Advance appropriations, fiscal year 1997	(32,447,717,000)	(32,274,554,000)	(30,955,350,000)	(30,955,350,000)	(-1,492,367,000)
(Limitation on trust funds)	(2,235,285,000)	(2,291,444,000)	(2,162,220,000)	(2,158,375,000)	(-76,910,000)
TITLE III - DEPARTMENT OF EDUCATION					
Education reform	494,370,000	950,000,000	95,000,000	95,000,000	-399,370,000
Compensatory education for the disadvantaged	7,228,116,000	7,441,292,000	6,014,499,000	6,049,113,000	-1,179,003,000
Impact aid	728,000,000	619,000,000	645,000,000	693,000,000	-35,000,000
School improvement programs	1,328,037,000	1,554,331,000	892,000,000	946,227,000	-381,810,000
Crime reduction program		31,000,000			
Bilingual and immigrant education	206,700,000	300,000,000	103,000,000	150,000,000	-56,700,000
Special education	3,252,846,000	3,342,126,000	3,092,491,000	3,245,447,000	-7,399,000
Rehabilitation services and disability research	2,354,103,000	2,416,511,000	2,416,511,000	2,416,511,000	+62,408,000
Discretionary, technology assistance	39,249,000	40,426,000	39,249,000	36,109,000	-3,140,000
Special Institutions for Persons With Disabilities:					
American Printing House for the Blind	6,680,000	6,680,000	4,000,000	6,680,000	
National Technical Institute for the Deaf	43,191,000	43,041,000	39,737,000	42,180,000	-1,011,000
Gallaudet University	80,030,000	80,030,000	72,028,000	77,629,000	-2,401,000
Total	129,901,000	129,751,000	115,765,000	126,489,000	-3,412,000

FY 1996 DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019)—Continued

	FY 1995 Enacted	FY 1996 Estimate	House (H.R. 2127)	H.R. 3019	H.R. 3019 compared with Enacted
Vocational and adult education	1,382,561,000	1,668,575,000	1,162,788,000	1,257,134,000	-125,427,000
Student financial assistance	7,617,970,000	7,651,415,000	6,916,915,000	6,643,246,000	-974,724,000
Federal family education loans program: Federal administration...	62,096,000	30,066,000	30,066,000	30,066,000	-32,030,000
Federal direct student loan program (direct loan administration permanent authority) (rescission)	-61,000,000				+61,000,000
Higher education	919,370,000	820,772,000	757,700,000	836,964,000	-82,406,000
Howard University	204,663,000	195,963,000	170,366,000	174,671,000	-29,992,000
College housing and academic facilities program: Federal admin..	757,000	1,027,000	700,000	700,000	-57,000
HBCU capital financing	346,000	166,000	166,000	166,000	-180,000
Education research, statistics, and improvement	323,962,000	433,064,000	250,238,000	328,268,000	+4,306,000
Libraries	144,161,000	106,927,000	101,227,000	131,505,000	-12,656,000
Departmental Management:					
Program administration	355,476,000	370,844,000	327,319,000	327,319,000	-28,157,000
Headquarters renovation		20,000,000		7,000,000	+7,000,000
Office for Civil Rights	58,236,000	62,784,000	53,951,000	55,451,000	-2,785,000
Office of the Inspector General	30,390,000	34,066,000	28,154,000	28,654,000	-1,736,000
Total	444,102,000	487,694,000	409,424,000	418,424,000	-25,678,000
Total, title III, Department of Education	26,800,310,000	28,220,106,000	23,213,105,000	23,579,040,000	-3,221,270,000
TITLE IV - RELATED AGENCIES					
Armed Forces Retirement Home:					
Operation and maintenance (trust fund limitation):					
Soldiers' and Airmen's Home	45,248,000	45,090,000	45,090,000		-45,248,000
United States Naval Home	11,015,000	11,979,000	11,045,000		-11,015,000
Consolidated account				54,017,000	+54,107,000
Subtotal, O & M	56,263,000	57,069,000	56,135,000	54,017,000	-2,246,000
Capital program (trust fund limitation):					
Soldiers' and Airmen's Home	2,500,000	1,483,000	1,483,000		-2,500,000
United States Naval Home	406,000	568,000	568,000		-406,000
Consolidated account				1,954,000	+1,954,000
Subtotal, capital	2,906,000	2,051,000	2,051,000	1,954,000	-952,000
Total, AFSH	59,169,000	59,120,000	58,186,000	55,971,000	-3,198,000
Domestic Volunteer Service Programs (formerly Action)	214,624,000	262,900,000	182,767,000	196,270,000	-18,354,000
Corporation for Public Broadcasting:					
Advance appropriation, fiscal year 1998	260,000,000	296,400,000	240,000,000	250,000,000	-10,000,000
Rescission, fiscal year 1995	-7,000,000				+7,000,000
Rescission, fiscal year 1996 funding (non-add)	(-37,000,000)				(+37,000,000)
Rescission, fiscal year 1997 funding (non-add)	(-55,000,000)				(+55,000,000)
Federal Mediation and Conciliation Service	31,344,000	33,290,000	31,896,000	32,896,000	+1,552,000
Federal Mine Safety and Health Review Commission	6,200,000	6,467,000	6,467,000	6,200,000	
National Commission on Libraries and Information Science	901,000	962,000	450,000	829,000	-72,000
National Council on Disability	1,793,000	1,830,000	1,397,000	1,793,000	
National Education Goals Panel		2,785,000		1,000,000	+1,000,000
National Education Standards and Improvement Council		3,000,000			
National Labor Relations Board	176,047,000	181,134,000	123,233,000	167,245,000	-8,802,000
National Mediation Board	8,519,000	8,933,000	8,000,000	7,837,000	-682,000
Occupational Safety and Health Review Commission	7,595,000	8,127,000	8,200,000	8,100,000	+505,000
Physician Payment Review Commission (trust funds)	(4,176,000)	(4,100,000)	(2,923,000)	(2,923,000)	(-1,253,000)
Prospective Payment Assessment Commission (trust funds)	(4,667,000)	(4,656,000)	(3,267,000)	(3,267,000)	(-1,400,000)
Social Security Administration					
Payments to social security trust funds	25,094,000	32,641,000	32,641,000	32,641,000	+7,547,000
Special benefits for disabled coal miners:					
Direct appropriation	717,874,000	665,396,000	665,396,000	665,396,000	-52,478,000
Appropriation available from prior year advance	-190,000,000	-180,000,000	-180,000,000	-180,000,000	+10,000,000
Total, fiscal year 1996 appropriation	527,874,000	485,396,000	485,396,000	485,396,000	-42,478,000
New advance, 1st quarter, fiscal year 1997	180,000,000	170,000,000	170,000,000	170,000,000	-10,000,000
Total, special benefits for disabled coal miners	707,874,000	655,396,000	655,396,000	655,396,000	-52,478,000
Supplemental security income program:					
Mandatory	25,606,839,000	23,731,736,000	23,731,736,000	23,731,736,000	-1,875,103,000
Discretionary	2,042,781,000	1,727,098,000	1,727,098,000	1,727,098,000	-315,683,000
Investment proposals	347,000,000	405,159,000	355,000,000	355,000,000	+8,000,000
Subtotal	27,996,620,000	25,863,993,000	25,813,834,000	25,813,834,000	-2,182,786,000
Appropriation available from prior year advance	-6,770,000,000	-7,060,000,000	-7,060,000,000	-7,060,000,000	-290,000,000
Total, fiscal year 1996 appropriation	21,226,620,000	18,803,993,000	18,753,834,000	18,753,834,000	-2,472,786,000
New advance, 1st quarter, fiscal year 1997	7,060,000,000	9,260,000,000	9,260,000,000	9,260,000,000	+2,200,000,000
Total, supplemental security income program	28,286,620,000	28,063,993,000	28,013,834,000	28,013,834,000	-272,786,000

FY 1996 DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019)—Continued

	FY 1995 Enacted	FY 1996 Estimate	House (H.R. 2127)	H.R. 3019	H.R. 3019 compared with Enacted
Limitation on administrative expenses: Trust funds	(5,544,103,000)	(6,209,402,000)	(5,910,268,000)	(5,910,268,000)	(+366,165,000)
Office of the Inspector General	2,408,000	6,964,000	4,816,000	4,816,000	+2,408,000
(Limitation on trust fund transfer)	(8,038,000)	(20,253,000)	(21,076,000)	(21,076,000)	(+13,038,000)
Total, Social Security Administration	29,021,996,000	28,758,994,000	28,706,687,000	28,706,687,000	-315,309,000
Appropriations, fiscal year 1996	(21,781,996,000)	(19,328,994,000)	(19,276,687,000)	(19,276,687,000)	(-2,505,309,000)
Advance appropriations, fiscal year 1997	7,240,000,000	9,430,000,000	9,430,000,000	9,430,000,000	+2,190,000,000
(Limitation on trust funds)	(5,552,141,000)	(6,229,655,000)	(5,931,344,000)	(5,931,344,000)	(+379,203,000)
Railroad Retirement Board:					
Dual benefits payments account	235,000,000	222,000,000	222,000,000	222,000,000	-13,000,000
Federal payments to Railroad Retirement Account	300,000	300,000	300,000	300,000	
Limitation on administrative expenses, trust funds:					
Consolidated account		(92,700,000)	(90,912,000)	(90,816,000)	(+90,816,000)
Retirement	(73,803,000)				(-73,803,000)
Administration	(17,013,000)				(-17,013,000)
Special Management Improvement Fund	(1,638,000)	(659,000)	(659,000)	(659,000)	(-979,000)
Review activity	(6,675,000)	(6,700,000)	(5,100,000)	(5,673,000)	(-1,002,000)
Total	235,300,000	222,300,000	222,300,000	222,300,000	-13,000,000
United States Institute of Peace: Operating expenses	11,500,000	11,500,000	6,500,000	11,500,000	
Total, title IV, related agencies	30,027,988,000	29,857,742,000	29,596,083,000	29,868,628,000	-359,360,000
Appropriations, fiscal year 1996	(22,527,988,000)	(20,131,342,000)	(19,926,083,000)	(19,988,628,000)	(-2,539,360,000)
Advance appropriations, fiscal year 1997	(7,240,000,000)	(9,430,000,000)	(9,430,000,000)	(9,430,000,000)	(+2,190,000,000)
Advance appropriations, fiscal year 1998	(260,000,000)	(296,400,000)	(240,000,000)	(250,000,000)	(-10,000,000)
(Limitation on trust funds)	(5,660,113,000)	(6,338,470,000)	(6,034,205,000)	(6,034,682,000)	(+374,569,000)
Grand total (net)	244,495,303,000	268,185,087,000	256,058,065,000	257,256,285,000	+12,760,982,000
Appropriations, fiscal year 1996	(205,165,584,000)	(226,184,133,000)	(216,432,715,000)	(216,720,935,000)	(+11,555,351,000)
Rescission	(-617,998,000)		(-1,000,000,000)	(-100,000,000)	(+517,998,000)
Advance appropriations, fiscal year 1997	(39,687,717,000)	(41,704,554,000)	(40,385,350,000)	(40,385,350,000)	(+697,633,000)
Advance appropriations, fiscal year 1998	(260,000,000)	(296,400,000)	(240,000,000)	(250,000,000)	(-10,000,000)
(Limitation on trust funds)	(11,396,796,000)	(12,259,261,000)	(11,586,405,000)	(11,573,930,000)	(+177,134,000)
CONGRESSIONAL BUDGET RECAP					
Total appropriations in bill	244,495,303,000	268,185,087,000	256,058,065,000	257,256,285,000	+12,760,982,000
Mandatory, total in bill	184,182,317,000	202,641,064,000	202,633,887,000	202,368,283,000	+18,185,966,000
Less advances for subsequent years	-38,687,717,000	-40,385,350,000	-40,385,350,000	-40,385,350,000	-1,697,633,000
Plus advances provided in prior years	37,760,000,000	38,687,717,000	38,687,717,000	38,687,717,000	+927,717,000
Adjustment for leg cap Title XX SSBGs				280,000,000	+280,000,000
TOTAL MANDATORY	183,254,600,000	200,943,431,000	200,936,254,000	200,950,650,000	+17,696,050,000
Discretionary, total in bill	60,312,986,000	65,544,023,000	53,424,178,000	54,888,002,000	-5,424,984,000
Less advances for subsequent years	-1,260,000,000	-1,615,604,000	-240,000,000	-250,000,000	+1,010,000,000
Plus advances provided in prior years	1,767,638,000	1,275,000,000	1,275,000,000	1,275,000,000	-492,638,000
Scorekeeping adjustments:					
Trust funds considered budget authority	6,552,420,000	6,928,676,000	6,518,556,000	6,506,081,000	-46,339,000
Black lung benefits	12,900,000				-12,900,000
Adjustment to balance with FY95 bill	-52,590,000				+52,590,000
Pell grants resc of FY94 funds (PL 104-6)	-35,000,000				+35,000,000
Youth training rescission (FY 1994)	-50,000,000				+50,000,000
NIH buildings & facilities resc (FY 1994)	-60,000,000				+60,000,000
Emergency funding	-35,000,000				+35,000,000
Retirement fraud	-410,000				+410,000
HEAL loan limitation			-6,983,000	-6,983,000	-6,983,000
Federal student direct loans				-118,000,000	-118,000,000
Direct loan 40% cap				-55,000,000	-55,000,000
Dept of Labor working capital fund			3,900,000	3,900,000	+3,900,000
Adjustment for leg cap Title XX SSBGs				-280,000,000	-280,000,000
TOTAL DISCRETIONARY	67,152,944,000	72,132,095,000	60,974,651,000	61,963,000,000	-5,189,944,000
CRIME TRUST FUND	11,000,000	175,400,000	39,900,000	53,000,000	+42,000,000
GENERAL PURPOSES	67,141,944,000	71,956,695,000	60,934,751,000	61,910,000,000	-5,231,944,000

NOTE: Appropriations for the Centers for Disease Control and the National Institutes of Health were enacted in P.L. 104-91 and are not included in H.R. 3019. Appropriations for these accounts are displayed in this table for descriptive purposes only.

FY 1996 DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS BILL (H.R. 3019)

	FY 1995 Enacted	FY 1996 Estimate	Conference (H.R. 2099)	H.R. 3019	H.R. 3019 compared with Enacted
TITLE I					
DEPARTMENT OF VETERANS AFFAIRS					
Veterans Benefits Administration					
Compensation and pensions	17,626,892,000	18,331,561,000	17,649,972,000	18,331,561,000	+704,669,000
Readjustment benefits	1,286,600,000	1,345,300,000	1,345,300,000	1,345,300,000	+58,700,000
Veterans insurance and indemnities	24,760,000	24,890,000	24,890,000	24,890,000	+130,000
Guaranty and indemnity program account (indefinite)	507,095,000	504,122,000	504,122,000	504,122,000	-2,973,000
Negative subsidy for guaranteed loans		-185,500,000	-185,500,000	-185,500,000	-185,500,000
Administrative expenses	65,226,000	78,085,000	65,226,000	65,226,000	
Loan guaranty program account (indefinite)	43,939,000	22,950,000	22,950,000	22,950,000	-20,989,000
Administrative expenses	59,371,000	52,138,000	52,138,000	52,138,000	-7,233,000
(By transfer)			(6,000,000)	(6,000,000)	(+6,000,000)
Direct loan program account (indefinite)	25,000	28,000	28,000	28,000	+3,000
(Limitation on direct loans)	(1,000,000)	(300,000)	(300,000)	(300,000)	(-700,000)
Administrative expenses	1,020,000	459,000	459,000	459,000	-561,000
(Loan level)	(97,000)	(99,000)	(99,000)	(99,000)	(+2,000)
Education loan fund program account	1,061	1,093	1,000	1,000	-61
(Limitation on direct loans)	(4,034)	(4,120)	(4,000)	(4,000)	(-34)
Administrative expenses	195,000	203,000	195,000	195,000	
Vocational rehabilitation loans program account	54,000	56,000	54,000	54,000	
(Limitation on direct loans)	(1,964,000)	(2,022,000)	(1,964,000)	(1,964,000)	
Administrative expenses	767,000	377,000	377,000	377,000	-390,000
Native American Veteran Housing Loan Program Account	218,000	455,000	205,000	205,000	-13,000
Total, Veterans Benefits Administration	19,616,163,061	20,175,125,093	19,480,417,000	20,162,006,000	+545,842,939
Veterans Health Administration					
Medical care	16,214,684,000	16,961,487,000	16,564,000,000	16,564,000,000	+349,316,000
(Transfer out)			(-4,500,000)	(-4,500,000)	(-4,500,000)
Medical and prosthetic research	251,743,000	257,000,000	257,000,000	257,000,000	+5,257,000
Health professional scholarship program	10,386,000	10,386,000			-10,386,000
Medical administration and miscellaneous operating expenses	69,789,000	72,262,000	63,602,000	63,602,000	-6,187,000
(By transfer)			(4,500,000)	(4,500,000)	(+4,500,000)
Grants to the Republic of the Philippines	500,000				-500,000
Transitional housing loan program:					
Loan program account (by transfer)	(7,000)	(7,000)	(7,000)	(7,000)	
Administrative expenses (by transfer)	(54,000)	(56,000)	(54,000)	(54,000)	
(Limitation on direct loans)	(70,000)	(70,000)	(70,000)	(70,000)	
General post fund (transfer out)	(-61,000)	(-63,000)	(-61,000)	(-61,000)	
Total, Veterans Health Administration	16,547,102,000	17,301,135,000	16,884,602,000	16,884,602,000	+337,500,000
Departmental Administration					
General operating expenses	890,193,000	915,643,000	848,143,000	848,143,000	-42,050,000
Offsetting receipts			(32,000,000)	(32,000,000)	(+32,000,000)
(Transfer out)			(-6,000,000)	(-6,000,000)	(-6,000,000)
Total, Program Level	(890,193,000)	(915,643,000)	(874,143,000)	(874,143,000)	(-16,050,000)
National Cemetery System	72,604,000	75,308,000	72,604,000	72,604,000	
Office of Inspector General	31,815,000	33,500,000	30,900,000	30,900,000	-915,000
Construction, major projects	354,294,000	513,755,000	136,155,000	136,155,000	-218,139,000
(Transfer out)			(-7,000,000)	(-7,000,000)	(-7,000,000)
Construction, minor projects	152,934,000	229,145,000	190,000,000	190,000,000	+37,066,000
Parking revolving fund	16,300,000				-16,300,000
(By transfer)			(7,000,000)	(7,000,000)	(+7,000,000)
Grants for construction of state extended care facilities	47,397,000	43,740,000	47,397,000	47,397,000	
Grants for the construction of state veterans cemeteries	5,378,000	1,000,000	1,000,000	1,000,000	-4,378,000
Total, Departmental Administration	1,570,915,000	1,812,091,000	1,326,199,000	1,326,199,000	-244,716,000
Total, title I, Department of Veterans Affairs	37,734,180,061	39,288,351,093	37,691,218,000	38,372,807,000	+638,626,939
(By transfer)	(61,000)	(63,000)	(17,561,000)	(17,561,000)	(+17,500,000)
(Limitation on direct loans)	(3,135,034)	(2,495,120)	(2,437,000)	(2,437,000)	(-698,034)
Consisting of:					
Mandatory	(19,489,311,000)	(20,043,351,000)	(19,361,762,000)	(20,043,351,000)	(+554,040,000)
Discretionary	(18,244,869,061)	(19,245,000,093)	(18,329,456,000)	(18,329,456,000)	(+84,586,939)

FY 1996 DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS BILL (H.R. 3019)—Continued

	FY 1995 Enacted	FY 1996 Estimate	Conference (H.R. 2099)	H.R. 3019	H.R. 3019 compared with Enacted
TITLE II					
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT					
Selected Housing Programs					
Housing certificates for families and individuals performance funds		6,509,955,000			
Public and Indian housing capital performance funds		4,884,000,000			
Annual contributions for assisted housing	11,083,000,000		10,155,795,000	10,155,795,000	-927,205,000
Prepayment authority			4,000,000	4,000,000	+4,000,000
Transfer from UDAG	(100,000,000)				(-100,000,000)
Severely distressed public housing	500,000,000		280,000,000	280,000,000	-220,000,000
Assistance for the renewal of expiring section 8 subsidy contracts	2,536,000,000				-2,536,000,000
Flexible subsidy fund	50,000,000				-50,000,000
Housing opportunities for persons with AIDS		186,000,000			
Congregate services	25,000,000				-25,000,000
Rental housing assistance:					
Rescission of budget authority, indefinite	-38,000,000	-35,119,000	-35,119,000	-35,119,000	+2,881,000
(Limitation on annual contract authority, indefinite)	(-2,000,000)	(-2,000,000)	(-2,000,000)	(-2,000,000)	
Rescission of prepayment recaptures	-66,000,000	-163,000,000	-163,000,000	-163,000,000	-97,000,000
Homeownership assistance	6,875,000				-6,875,000
Rescission of budget authority, indefinite	-184,000,000				+184,000,000
Public and Indian housing operation performance funds		3,220,000,000			
Payments for operation of low-income housing projects	2,900,000,000		2,800,000,000	2,800,000,000	-100,000,000
Drug elimination grants for low-income housing	290,000,000		290,000,000	290,000,000	
Affordable housing performance funds		3,339,000,000			
HOME investment partnerships program	1,400,000,000		1,400,000,000	1,400,000,000	
Homeownership and opportunity for people everywhere grants (HOPE grants)	50,000,000				-50,000,000
National homeownership trust demonstration program	50,000,000				-50,000,000
Youthbuild program	50,000,000				-50,000,000
Housing counseling assistance	50,000,000				-50,000,000
Indian housing loan guarantee fund program account	3,000,000	3,000,000	3,000,000	3,000,000	
(Limitation on guarantee loans)	(22,388,000)	(36,900,000)	(36,900,000)	(36,900,000)	(+14,512,000)
Violent crime reduction program		3,000,000			
Total, Selected housing programs (net)	18,705,875,000	17,946,836,000	14,734,676,000	14,734,676,000	-3,971,199,000
Homeless Assistance					
Homeless assistance fund		1,120,000,000			
Homeless assistance grants	1,120,000,000		823,000,000	823,000,000	-297,000,000
Community Planning and Development					
Community opportunity fund		4,850,000,000			
Community opportunity performance program account		21,000,000			
Administrative expenses		900,000			
Community development grants	4,600,000,000		4,600,000,000	4,600,000,000	
Section 108 loan guarantees:					
(Limitation on guaranteed loans)	(2,054,000,000)		(1,500,000,000)	(1,500,000,000)	(-554,000,000)
Credit subsidy			31,750,000	31,750,000	+31,750,000
Administrative expenses			675,000	675,000	+675,000
Policy Development and Research					
Research and technology	42,000,000	42,000,000	34,000,000	34,000,000	-8,000,000
Fair Housing and Equal Opportunity					
Fair housing activities	33,375,000	45,000,000	30,000,000	30,000,000	-3,375,000
Management and Administration					
Salaries and expenses	451,219,000	479,479,000	420,000,000	420,000,000	-31,219,000
(By transfer, limitation on FHA corporate funds)	(495,355,000)	(527,782,000)	(532,782,000)	(532,782,000)	(+37,427,000)
(By transfer, GNMA)	(8,824,000)	(9,101,000)	(9,101,000)	(9,101,000)	(+277,000)
(By transfer, Community Planning & Development)		(900,000)	(675,000)	(675,000)	(+675,000)
Total, Salaries and expenses	(955,398,000)	(1,017,262,000)	(962,558,000)	(962,558,000)	(+7,160,000)
Office of Inspector General	36,427,000	36,968,000	36,567,000	36,567,000	+140,000
(By transfer, limitation on FHA corporate funds)	(10,961,000)	(11,283,000)	(11,283,000)	(11,283,000)	(+322,000)
Total, Office of Inspector General	(47,388,000)	(48,251,000)	(47,850,000)	(47,850,000)	(+462,000)
Office of federal housing enterprise oversight	15,451,000	14,895,000	14,895,000	14,895,000	-556,000
Offsetting receipts	-15,451,000	-14,895,000	-14,895,000	-14,895,000	+556,000
Federal Housing Administration					
FHA - Mutual mortgage insurance program account:					
(Limitation on guaranteed loans)	(100,000,000,000)	(110,000,000,000)	(110,000,000,000)	(110,000,000,000)	(+10,000,000,000)
(Limitation on direct loans)	(180,000,000)	(200,000,000)	(200,000,000)	(200,000,000)	(+20,000,000)
Administrative expenses	308,846,000	341,595,000	341,595,000	341,595,000	+32,749,000
Offsetting receipts	-308,846,000	-341,595,000	-341,595,000	-341,595,000	-32,749,000

FY 1996 DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS BILL (H.R. 3019)—Continued

	FY 1995 Enacted	FY 1996 Estimate	Conference (H.R. 2099)	H.R. 3019	H.R. 3019 compared with Enacted
FHA - General and special risk program account:					
(Limitation on guaranteed loans)	(20,885,072,000)	(17,400,000,000)	(17,400,000,000)	(17,400,000,000)	(-3,485,072,000)
(Limitation on direct loans)	(220,000,000)	(120,000,000)	(120,000,000)	(120,000,000)	(-100,000,000)
Administrative expenses	197,470,000	197,470,000	202,470,000	202,470,000	+5,000,000
Program costs	188,395,000	188,395,000	85,000,000	85,000,000	-103,395,000
Subsidy - multifamily	-134,096,000	-37,996,000	-37,996,000	-37,996,000	+96,100,000
Subsidy - single family	-81,673,000	-27,044,000	-27,044,000	-27,044,000	+54,629,000
Subsidy - Title I	-24,460,000	-23,777,000	-23,777,000	-23,777,000	+683,000
Total, Federal Housing Administration	145,636,000	297,048,000	198,653,000	198,653,000	+53,017,000
Government National Mortgage Association					
Guarantees of mortgage-backed securities loan guarantee program account:					
(Limitation on guaranteed loans)	(142,000,000,000)	(110,000,000,000)	(110,000,000,000)	(110,000,000,000)	(-32,000,000,000)
Administrative expenses	8,824,000	9,101,000	9,101,000	9,101,000	+277,000
Offsetting receipts	-262,700,000	-508,300,000	-508,300,000	-508,300,000	-245,600,000
Administrative Provisions					
Procurement savings	-3,538,000	....	....	....	+3,538,000
Debt forgiveness	....	....	....	10,000,000	+10,000,000
FHA mortgage insurance limits	-3,000,000	....	....	....	+3,000,000
GNMA REMICs	-180,000,000	....	....	....	+180,000,000
GNMA REMICs II	-30,600,000	....	....	....	+30,600,000
1-year extension of HECM's demonstration	....	....	-8,000,000	-7,000,000	-7,000,000
FHA Assignment Reform	....	....	-1,078,000,000	-1,066,000,000	-1,066,000,000
Non-judicial foreclosure	-10,000,000	....	....	....	+10,000,000
Multi-family property disposition - FHA fund	....	....	-40,000,000	-40,000,000	-40,000,000
Sec. 213 - demonstration	....	....	30,000,000	30,000,000	+30,000,000
Sec. 224 - FHA fund	....	....	34,000,000	33,000,000	+33,000,000
Total, title II, Department of Housing & Urban Development (net)	24,653,518,000	24,340,032,000	19,348,122,000	19,370,122,000	-5,283,396,000
Appropriations	(24,941,518,000)	(24,538,151,000)	(19,546,241,000)	(19,568,241,000)	(-5,373,277,000)
Rescissions	(-288,000,000)	(-198,119,000)	(-198,119,000)	(-198,119,000)	(+89,881,000)
(Limitation on annual contract authority, indefinite)	(-2,000,000)	(-2,000,000)	(-2,000,000)	(-2,000,000)	....
(Limitation on guaranteed loans)	(264,939,072,000)	(237,400,000,000)	(238,900,000,000)	(238,900,000,000)	(-26,039,072,000)
(Limitation on corporate funds)	(515,140,000)	(549,066,000)	(553,841,000)	(553,841,000)	(+38,701,000)
Consisting of:					
Advance appropriation available	800,000,000	....	....	....	-800,000,000
Appropriations available from this bill	24,653,518,000	24,340,032,000	19,348,122,000	19,370,122,000	-5,283,396,000
Total, title II	25,453,518,000	24,340,032,000	19,348,122,000	19,370,122,000	-6,083,396,000
TITLE III					
INDEPENDENT AGENCIES					
American Battle Monuments Commission					
Salaries and expenses	20,265,000	20,265,000	20,265,000	20,265,000	....
Chemical Safety and Hazard Investigation Board					
Salaries and expenses	500,000	....	....	....	-500,000
Community Development Financial Institutions					
Community development financial institutions fund program account	125,000,000	123,650,000	....	....	-125,000,000
Loan subsidy	....	20,000,000	....	....	....
Office of Inspector General	....	350,000	....	....	....
Consumer Product Safety Commission					
Salaries and expenses	42,509,000	44,000,000	40,000,000	40,000,000	-2,509,000
Corporation for National and Community Service					
National and community service programs operating expenses	575,000,000	817,476,000	15,000,000	15,000,000	-560,000,000
Office of Inspector General	2,000,000	2,000,000	....	....	-2,000,000
Total	577,000,000	819,476,000	15,000,000	15,000,000	-562,000,000
Court of Veterans Appeals					
Salaries and expenses	9,429,000	9,820,000	9,000,000	9,000,000	-429,000
Department of Defense - Civil					
Cemeterial Expenses, Army					
Salaries and expenses	12,017,000	14,134,000	11,946,000	11,946,000	-71,000

FY 1996 DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS BILL (H.R. 3019)—Continued

	FY 1995 Enacted	FY 1996 Estimate	Conference (H.R. 2099)	H.R. 3019	H.R. 3019 compared with Enacted
Environmental Protection Agency					
Research and development	350,000,000	426,661,000			-350,000,000
Science and Technology			525,000,000	525,000,000	+525,000,000
Environmental programs and compliance					
Abatement, control, and compliance	1,417,000,000	1,748,823,000			-1,417,000,000
(Limitation on administrative expenses)	(296,722,500)				(-296,722,500)
Program and research operations	922,000,000	1,017,298,000			-922,000,000
Program Administration and Management			1,550,300,000	1,550,300,000	+1,550,300,000
Office of Inspector General	28,542,000	33,050,000	28,500,000	28,500,000	-42,000
Transfer from Hazardous Substance Superfund	15,384,000	14,078,000	11,000,000	11,000,000	-4,384,000
Transfer from Leaking Underground Storage Tanks	669,000	710,000	500,000	500,000	-169,000
Subtotal, OIG	44,595,000	47,838,000	40,000,000	40,000,000	-4,595,000
Buildings and facilities	43,870,000	112,820,000	60,000,000	60,000,000	+16,130,000
Hazardous substance superfund	1,435,000,000	1,507,937,000	1,163,400,000	1,163,400,000	-271,600,000
Legislative proposals - reforms		55,000,000			
Transfer to OIG	-15,384,000	-14,078,000	-11,000,000	-11,000,000	+4,384,000
(Limitation on administrative expenses)	(308,000,000)				(-308,000,000)
Subtotal, Hazardous substance superfund	1,419,616,000	1,548,859,000	1,152,400,000	1,152,400,000	-267,216,000
Leaking underground storage tank trust fund	70,000,000	77,273,000	45,827,000	45,827,000	-24,173,000
Transfer to OIG	-669,000	-710,000	-500,000	-500,000	+169,000
(Limitation on administrative expenses)	(8,150,000)		(7,000,000)	(7,000,000)	(-1,150,000)
Subtotal, LUST	69,331,000	76,563,000	45,327,000	45,327,000	-24,004,000
Oil spill response	20,000,000	23,047,000	15,000,000	15,000,000	-5,000,000
(Limitation on administrative expenses)	(8,420,000)		(8,000,000)	(8,000,000)	(-420,000)
Water infrastructure / State revolving fund	2,262,000,000	1,865,000,000			-2,262,000,000
Safe drinking water State revolving fund	700,000,000	500,000,000			-700,000,000
State and Tribal Assistance Grants			2,323,000,000	2,323,000,000	+2,323,000,000
Environmental services - user fees		-7,500,000			
Procurement savings	-7,525,000				+7,525,000
Total, EPA	7,240,887,000	7,359,409,000	5,711,027,000	5,711,027,000	-1,529,860,000
Executive Office of the President					
Office of Science and Technology Policy	4,981,000	4,981,000	4,981,000	4,981,000	
Council on Environmental Quality and Office of Environmental Quality	997,000	2,188,000	1,000,000	1,500,000	+503,000
Total	5,978,000	7,169,000	5,981,000	6,481,000	+503,000
Federal Emergency Management Agency					
Disaster relief	320,000,000	320,000,000	222,000,000	222,000,000	-98,000,000
Disaster assistance direct loan program account:					
State share loan	2,418,000	2,155,000	2,155,000	2,155,000	-263,000
(Limitation on direct loans)	(175,000,000)	(25,000,000)	(25,000,000)	(25,000,000)	(-150,000,000)
Administrative expenses	95,000	95,000	95,000	95,000	
Salaries and expenses	162,000,000	172,331,000	168,900,000	168,900,000	+6,900,000
Office of the Inspector General	4,400,000	4,673,000	4,673,000	4,673,000	+273,000
Emergency management planning and assistance	215,960,000	210,122,000	203,044,000	203,044,000	-12,916,000
Emergency food and shelter program	130,000,000	130,000,000	100,000,000	100,000,000	-30,000,000
Administrative provision REP savings	-11,525,000	-12,257,000	-12,257,000	-12,257,000	-732,000
Procurement savings	-1,441,000				+1,441,000
Equipment sales (sec. 519)		-30,000,000	-10,000,000	-10,000,000	-10,000,000
National Flood Insurance:					
Salaries and expenses		(20,562,000)	(20,562,000)	(20,562,000)	(+20,562,000)
Flood mitigation		(70,464,000)	(70,464,000)	(70,464,000)	(+70,464,000)
Premium increase		-21,000,000			
Total, Federal Emergency Management Agency	821,907,000	776,119,000	678,610,000	678,610,000	-143,297,000
General Services Administration					
Consumer Information Center	2,004,000	2,061,000	2,061,000	2,061,000	+57,000
(Limitation on administrative expenses)	(2,454,000)	(2,502,000)	(2,602,000)	(2,602,000)	(+148,000)
Department of Health and Human Services					
Office of Consumer Affairs	2,166,000	1,811,000			-2,166,000
National Aeronautics and Space Administration					
Human space flight	5,514,897,000	5,509,600,000	5,456,600,000	5,456,600,000	-58,297,000
Science, aeronautics and technology	5,901,200,000	6,006,900,000	5,845,900,000	5,845,900,000	-55,300,000
Rescission	-10,000,000				+10,000,000
National aeronautical facilities	400,000,000				-400,000,000
Mission support	2,554,587,000	2,726,200,000	2,502,200,000	2,502,200,000	-52,387,000
Office of Inspector General	16,000,000	17,300,000	16,000,000	16,000,000	
Administrative provision: Transfer authority			(50,000,000)	(50,000,000)	(+50,000,000)
Total, NASA (net)	14,376,684,000	14,260,000,000	13,820,700,000	13,820,700,000	-555,984,000

FY 1996 DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS BILL (H.R. 3019)—Continued

	FY 1995 Enacted	FY 1996 Estimate	Conference (H.R. 2099)	H.R. 3019	H.R. 3019 compared with Enacted
National Credit Union Administration					
Central liquidity facility:					
(Limitation on direct loans)	(600,000,000)	(600,000,000)	(600,000,000)	(600,000,000)	
(Limitation on administrative expenses, corporate funds)	(901,000)	(560,000)	(560,000)	(560,000)	(-341,000)
National Science Foundation					
Research and related activities	2,280,000,000	2,454,000,000	2,274,000,000	2,274,000,000	-6,000,000
Rescission	-35,000,000				+35,000,000
Major research equipment	126,000,000	70,000,000	70,000,000	70,000,000	-56,000,000
Academic research infrastructure	250,000,000	100,000,000	100,000,000	100,000,000	-150,000,000
Education and human resources	605,974,000	599,000,000	599,000,000	599,000,000	-6,974,000
Salaries and expenses	123,966,000	127,310,000	127,310,000	127,310,000	+3,344,000
Office of Inspector General	4,380,000	4,490,000	4,490,000	4,490,000	+110,000
National Science Foundation headquarters relocation	5,200,000	5,200,000	5,200,000	5,200,000	
Total, NSF (net)	3,360,520,000	3,360,000,000	3,180,000,000	3,180,000,000	-180,520,000
Neighborhood Reinvestment Corporation					
Payment to the Neighborhood Reinvestment Corporation	38,667,000	55,000,000	38,667,000	38,667,000	
Selective Service System					
Salaries and expenses	22,930,000	23,304,000	22,930,000	22,930,000	
Total, title III, Independent agencies (net)	26,658,463,000	26,896,568,000	23,556,187,000	23,556,687,000	-3,101,776,000
Appropriations	(26,710,988,000)	(26,896,568,000)	(23,556,187,000)	(23,556,687,000)	(-3,154,301,000)
Rescissions	(-45,000,000)				(+45,000,000)
(Limitation on administrative expenses)	(623,746,500)	(2,502,000)	(17,602,000)	(17,602,000)	(-606,144,500)
(Limitation on direct loans)	(775,000,000)	(716,026,000)	(716,026,000)	(716,026,000)	(-58,974,000)
(Limitation on corporate funds)	(901,000)	(560,000)	(560,000)	(560,000)	(-341,000)
TITLE IV					
CORPORATIONS					
Federal Deposit Insurance Corporation:					
FSLIC Resolution Fund	827,000,000				-827,000,000
FDIC affordable housing program	15,000,000	15,000,000			-15,000,000
Total	842,000,000	15,000,000			-842,000,000
Resolution Trust Corporation: Office of Inspector General	32,000,000	11,400,000	11,400,000	11,400,000	-20,600,000
Total, title IV, Corporations	874,000,000	26,400,000	11,400,000	11,400,000	-862,600,000
Grand total (net)	89,920,161,061	90,551,351,093	80,606,927,000	81,311,016,000	-8,609,145,061
Appropriations	(90,260,686,061)	(90,749,470,093)	(80,805,046,000)	(81,509,135,000)	(-8,751,551,061)
Rescissions	(-333,000,000)	(-198,119,000)	(-198,119,000)	(-198,119,000)	(+134,881,000)
(By transfer)	(100,061,000)	(63,000)	(17,561,000)	(17,561,000)	(-82,500,000)
(Limitation on administrative expenses)	(623,746,500)	(2,502,000)	(17,602,000)	(17,602,000)	(-606,144,500)
(Limitation on annual contract authority, indefinite)	(-2,000,000)	(-2,000,000)	(-2,000,000)	(-2,000,000)	
(Limitation on direct loans)	(1,200,523,034)	(1,075,421,120)	(1,075,363,000)	(1,075,363,000)	(-125,160,034)
(Limitation on guaranteed loans)	(264,939,072,000)	(237,400,000,000)	(238,900,000,000)	(238,900,000,000)	(-26,039,072,000)
(Limitation on corporate funds)	(516,041,000)	(549,626,000)	(554,401,000)	(554,401,000)	(+38,360,000)
CONGRESSIONAL BUDGET RECAP					
Grand total	89,920,161,061	90,551,351,093	80,606,927,000	81,311,016,000	-8,609,145,061
Scorekeeping adjustments	-7,987,944,000		21,000,000	22,000,000	+8,009,944,000
Total mandatory and discretionary	81,932,217,061	90,551,351,093	80,627,927,000	81,333,016,000	-599,201,061
Mandatory	20,316,311,000	20,043,351,000	19,361,762,000	20,043,351,000	-272,960,000
Discretionary:					
Crime trust fund		3,000,000			
General purposes:					
Defense	222,488,000	153,935,000	153,429,000	153,429,000	-69,059,000
Nondefense	61,393,418,061	70,351,065,093	61,112,736,000	61,136,236,000	-257,182,061
Total, General purposes	61,615,906,061	70,505,000,093	61,266,165,000	61,289,665,000	-326,241,061
Total, Discretionary	61,615,906,061	70,508,000,093	61,266,165,000	61,289,665,000	-326,241,061

TITLES II, III, AND IV (H.R. 3019)

Doc No.		Supplemental Request	Recommendation	Recommendation compared with request
	TITLE II - EMERGENCY PEACEKEEPING APPROPRIATIONS			
	CHAPTER I			
	DEPARTMENT OF STATE			
	Administration of Foreign Affairs			
	Diplomatic and consular programs		2,000,000	+2,000,000
104-179	(By transfer)	(2,000,000)		(-2,000,000)
	RELATED AGENCY			
	United States Information Agency			
	Salaries and expenses		1,000,000	+1,000,000
104-179	(By transfer)	(1,000,000)		(-1,000,000)
	Total, Chapter I:			
	New budget (obligational) authority		3,000,000	+3,000,000
	(By transfer)	(3,000,000)		(-3,000,000)
	CHAPTER II			
	EXPORT-IMPORT BANK OF THE UNITED STATES			
	Limitation of program activity (rescission)		-41,000,000	-41,000,000
	BILATERAL ECONOMIC ASSISTANCE			
	FUNDS APPROPRIATED TO THE PRESIDENT			
	Agency for International Development			
104-179	Debt restructuring (by transfer)	(5,000,000)	(5,000,000)	
104-179	Operating expenses of the Agency for International Development (by transfer)	(2,000,000)	(2,000,000)	
104-179	Assistance for Eastern Europe and the Baltic States	200,000,000	197,000,000	-3,000,000
	Total, Bilateral Economic Assistance	200,000,000	197,000,000	-3,000,000
	MILITARY ASSISTANCE			
	FUNDS APPROPRIATED TO THE PRESIDENT			
104-178	Foreign Military Assistance Program: Grants	140,000,000	70,000,000	-70,000,000
	(By transfer)		(5,000,000)	(+5,000,000)
	Total, Chapter II:			
	New budget (obligational) authority	340,000,000	226,000,000	-114,000,000
	(By transfer)	(7,000,000)	(12,000,000)	(+5,000,000)
	CHAPTER III			
	DEPARTMENT OF DEFENSE			
104-179	North Atlantic Treaty Organization Infrastructure	37,500,000	37,500,000	
	CHAPTER IV			
	DEPARTMENT OF DEFENSE			
	Military Personnel			
104-179	Military Personnel, Army	244,400,000	262,200,000	+17,800,000
104-179	Military Personnel, Navy	11,700,000	11,800,000	+100,000
104-179	Military Personnel, Marine Corps	2,600,000	2,700,000	+100,000
104-179	Military Personnel, Air Force	27,300,000	33,700,000	+6,400,000
	Total, Military Personnel	286,000,000	310,400,000	+24,400,000
	Operation and Maintenance			
104-179	Operation and Maintenance, Army	48,200,000	235,200,000	+187,000,000
104-179	Operation and Maintenance, Marine Corps	900,000	900,000	
104-179	Operation and Maintenance, Air Force	141,600,000	130,200,000	-11,400,000
104-179	Operation and Maintenance, Defense-Wide	79,800,000	79,800,000	
	Total, Operation and Maintenance	270,500,000	446,100,000	+175,600,000
	Procurement			
104-179	Missile Procurement, Air Force (rescission)	-310,000,000	-310,000,000	
104-179	Other Procurement, Air Force	26,000,000	26,000,000	
104-179	Other Procurement, Air Force (rescission)	-265,000,000	-265,000,000	
	Total, Procurement	-549,000,000	-549,000,000	

TITLES II, III, AND IV (H.R. 3019) — Continued

Doc No.		Supplemental Request	Recommendation	Recommendation compared with request
	Research, Development, Test and Evaluation			
104-178	Research, Development, Test and Evaluation, Army (rescission)	-19,500,000	-9,750,000	+9,750,000
104-178	Research, Development, Test and Evaluation, Navy (rescission)	-35,000,000	-17,500,000	+17,500,000
104-178				
104-179	Research, Development, Test and Evaluation, Air Force (rescission)	-289,900,000	-267,450,000	+22,450,000
104-178	Research, Development, Test and Evaluation, Defense-Wide (rescission)	-40,600,000	-20,300,000	+20,300,000
	Total, Research, Development, Test and Evaluation	-385,000,000	-315,000,000	+70,000,000
	General Provisions			
104-179	Additional transfer authority (sec. 8005)	(1,000,000,000)	(1,000,000,000)	
	Total, Chapter IV:			
	New budget (obligational) authority	-377,500,000	-107,500,000	+270,000,000
	Appropriations	(582,500,000)	(782,500,000)	(+200,000,000)
	Rescissions	(-960,000,000)	(-890,000,000)	(+70,000,000)
	Total, title II:			
	New budget (obligational) authority		159,000,000	+159,000,000
	Appropriations	(960,000,000)	(1,090,000,000)	(+130,000,000)
	Rescissions	(-960,000,000)	(-931,000,000)	(+29,000,000)
	(By transfer)	(10,000,000)	(12,000,000)	(+2,000,000)
	TITLE III - EMERGENCY SUPPLEMENTAL APPROPRIATIONS			
	CHAPTER I			
	DEPARTMENT OF AGRICULTURE			
	Natural Resources Conservation Service			
104-183	Watershed and flood prevention operations	60,000,000	73,200,000	+13,200,000
104-183	Contingency appropriations	40,000,000		-40,000,000
	Consolidated Farm Service Agency			
104-183	Emergency conservation program	30,000,000	24,800,000	-5,200,000
	Commodity Credit Corporation			
	Emergency livestock feed assistance program		7,500,000	+7,500,000
	(1997 carryover)		(2,500,000)	(+2,500,000)
	Rural Housing and Community Development Service			
	Rural Housing Insurance Fund Program Account:			
	Low-income housing (sec. 502):			
104-183	Loan subsidy	5,000,000	5,000,000	
104-183	Loan authorization	(34,965,000)	(34,965,000)	
	Housing repair (sec. 504):			
104-183	Loan subsidy	1,500,000	1,500,000	
104-183	Loan authorization	(3,995,000)	(3,995,000)	
	Total, Rural Housing Insurance Fund	6,500,000	6,500,000	
104-183	Very low-income housing repair grants	1,100,000	1,100,000	
	Total, Rural Housing and Community Development Service	7,600,000	7,600,000	
	Rural Utilities Service			
104-183	Emergency community water assistance program	5,000,000	5,000,000	
104-183	Rural utilities assistance program	6,000,000	6,000,000	
	Total, Rural Utilities Service	11,000,000	11,000,000	
	Total, Chapter I:			
	New budget (obligational) authority	148,600,000	126,600,000	-22,000,000
	CHAPTER II			
	DEPARTMENT OF COMMERCE			
	National Oceanic and Atmospheric Administration			
104-183	Construction	10,000,000		-10,000,000

TITLES II, III, AND IV (H.R. 3019) — Continued

Doc No.		Supplemental Request	Recommendation	Recommendation compared with request
	RELATED AGENCY			
	Small Business Administration			
	Disaster Loans Program Account:			
104-183	Direct loans subsidy	69,700,000	72,300,000	+2,600,000
104-183	Administrative expenses	30,300,000	27,700,000	-2,600,000
	Total, Small Business Administration	100,000,000	100,000,000	
	Total, Chapter II:			
	New budget (obligational) authority	110,000,000	100,000,000	-10,000,000
	CHAPTER III			
	DEPARTMENT OF DEFENSE - CIVIL			
	Corps of Engineers - Civil			
104-183	Operation and maintenance, general	30,000,000	30,000,000	
104-183	Flood control and coastal emergencies	135,000,000	135,000,000	
	Total, Department of Defense - Civil	165,000,000	165,000,000	
	DEPARTMENT OF THE INTERIOR			
	Bureau of Reclamation			
104-183	Construction program	9,000,000	9,000,000	
104-183	Contingency appropriations	9,000,000		-9,000,000
	DEPARTMENT OF ENERGY			
	Power Marketing Administrations			
104-183	Operation and maintenance, Alaska Power Administration (by transfer)	(5,500,000)	(5,500,000)	
	Total, Chapter III:			
	New budget (obligational) authority	183,000,000	174,000,000	-9,000,000
	(By transfer)	(5,500,000)	(5,500,000)	
	CHAPTER IV			
	DEPARTMENT OF THE INTERIOR			
	Bureau of Land Management			
104-183	Construction and access	4,242,000	4,242,000	
104-183	Oregon and California grant lands	19,548,000	19,548,000	
	Total, Bureau of Land Management	23,790,000	23,790,000	
	United States Fish and Wildlife Service			
104-183	Construction	20,505,000	20,505,000	
	National Park Service			
104-183	Construction	33,601,000	33,601,000	
	United States Geological Survey			
104-183	Surveys, investigations, and research	1,176,000	1,176,000	
	Bureau of Indian Affairs			
104-183	Operation of Indian programs	500,000	500,000	
104-183	Construction	9,428,000	9,428,000	
	Total, Bureau of Indian Affairs	9,928,000	9,928,000	
	Territorial and International Affairs			
104-183	Assistance to territories	2,000,000	2,000,000	
	Total, Department of the Interior	91,000,000	91,000,000	
	DEPARTMENT OF AGRICULTURE			
	Forest Service			
104-183	National forest system	20,000,000	20,000,000	
104-183	Construction	40,000,000	40,000,000	
104-183	Contingency appropriations	20,000,000	20,000,000	
	Total, Forest Service	80,000,000	80,000,000	
	Total, Chapter IV:			
	New budget (obligational) authority	171,000,000	171,000,000	

TITLES II, III, AND IV (H.R. 3019) — Continued

Doc No.		Supplemental Request	Recommendation	Recommendation compared with request
	CHAPTER V			
	DEPARTMENT OF TRANSPORTATION			
	Federal Highway Administration			
104-183	Federal-aid highways (Highway Trust Fund)	267,000,000	267,000,000	
	Federal Transit Administration			
104-183	Mass transit capital fund (Highway Trust Fund) (liquidation of contract authorization)	(375,000,000)	(375,000,000)	
	RELATED AGENCY			
	Panama Canal Commission			
104-183	Panama Canal revolving fund (administrative expenses)	(2,000,000)	(2,000,000)	
	CHAPTER VI			
	OTHER INDEPENDENT AGENCIES			
	Federal Emergency Management Agency			
	Disaster relief		150,000,000	+150,000,000
	Disaster Assistance Direct Loan Program Account:			
104-183	Loan subsidy	103,729,000		-103,729,000
	(By transfer)		(103,729,000)	(+103,729,000)
104-183	(Loan authorization)	(118,874,000)		(-118,874,000)
	Total, title III:			
	New budget (obligational) authority	983,329,000	988,600,000	+5,271,000
	Appropriations	(914,329,000)	(968,600,000)	(+54,271,000)
	Contingency appropriations	(69,000,000)	(20,000,000)	(-49,000,000)
	(By transfer)	(5,500,000)	(109,229,000)	(+103,729,000)
	TITLE IV - CONTINGENT SUPPLEMENTAL			
	CHAPTER I			
	DEPARTMENT OF COMMERCE			
	National Institute of Standards and Technology			
	Industrial technology services		100,000,000	+100,000,000
	DEPARTMENT OF STATE			
	International Organizations and Conferences			
	Contributions to international organizations, current year assessment		158,000,000	+158,000,000
	Contributions for international peacekeeping activities, current year assessment		200,000,000	+200,000,000
	Total, Department of State		358,000,000	+358,000,000
	Total, Chapter I:			
	New budget (obligational) authority		458,000,000	+458,000,000
	CHAPTER II			
	DEPARTMENT OF LABOR			
	Employment and Training Administration			
	Training and employment services		111,800,000	+111,800,000
	State unemployment insurance and employment service operations		33,000,000	+33,000,000
	Total, Department of Labor		144,800,000	+144,800,000
	DEPARTMENT OF HEALTH AND HUMAN SERVICES			
	Substance Abuse and Mental Health Services Administration			
	Substance abuse and mental health services		100,000,000	+100,000,000
	DEPARTMENT OF EDUCATION			
	Education reform		389,500,000	+389,500,000
	Compensation education for the disadvantaged		961,000,000	+961,000,000
	School improvement programs		12,000,000	+12,000,000
	Education research, statistics, and improvement		23,000,000	+23,000,000
	Total, Department of Education		1,385,500,000	+1,385,500,000
	Total, Chapter II:			
	New budget (obligational) authority		1,630,300,000	+1,630,300,000

TITLES II, III, AND IV (H.R. 3019) — Continued

Doc No.		Supplemental Request	Recommendation	Recommendation compared with request
	CHAPTER III			
	DEPARTMENT OF VETERANS AFFAIRS			
	Departmental Administration			
	Construction, major projects		70,100,000	+70,100,000
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
	Selected Housing Programs			
	Annual contributions for assisted housing		150,000,000	+150,000,000
	Severely distressed public housing		220,000,000	+220,000,000
	Payments for operation of low-income housing		50,000,000	+50,000,000
	Total, Department of Housing and Urban Development		420,000,000	+420,000,000
	INDEPENDENT AGENCIES			
	Community Development Financial Institutions			
	Community development financial institutions fund program account		25,000,000	+25,000,000
	Corporation for National and Community Service			
	National and community service programs operating expenses		383,500,000	+383,500,000
	Office of Inspector General		2,000,000	+2,000,000
	Total, Corporation for National and Community Service		385,500,000	+385,500,000
	Environmental Protection Agency			
	Environmental programs and management		150,000,000	+150,000,000
	Buildings and facilities		50,000,000	+50,000,000
	Hazardous substance superfund		100,000,000	+100,000,000
	State and tribal assistance grants		3,500,000	+3,500,000
	Total, Environmental Protection Agency		303,500,000	+303,500,000
	Executive Office of the President			
	Council on Environmental Quality and Office of Environmental Quality		500,000	+500,000
	National Science Foundation			
	Research and related activities		40,000,000	+40,000,000
	Total, Chapter III:			
	New budget (obligational) authority		1,244,600,000	+1,244,600,000
	Total, title IV:			
	New budget (obligational) authority		3,332,900,000	+3,332,900,000
	Grand total, all titles:			
	New budget (obligational) authority	983,329,000	4,480,500,000	+3,497,171,000
	Appropriations	(1,874,329,000)	(2,058,600,000)	(+184,271,000)
	Contingency appropriations	(69,000,000)	(3,352,900,000)	(+3,283,900,000)
	Rescissions	(-960,000,000)	(-931,000,000)	(+29,000,000)
	(By transfer)	(15,500,000)	(121,229,000)	(+105,729,000)

Mr. LIVINGSTON. Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, we have long passed 1984, but we have just heard another example of 1984 doublespeak. We hear this talk about how the Republican side of the aisle does not want to shut the Government down, and then they proceed to go on and say, "But if the President insists on the language that he has in his letter, then he will be shutting the Government down."

What you are telling us and what I really believe as I watch you march through this useless bill is that you are once again taking actions which are making it much more likely that the Government will shut down, and that is the last thing we ought to allow to happen.

Let me put this in perspective: We have seen this Congress add $7 billion in spending to the defense appropriation bill above the amount requested by the President. We have also seen you then make cuts on the domestic side of the ledger totaling $33 billion. The President has asked that $7 billion of those domestic reductions be restored in the education, environment, and crime areas, principally.

The committee's response is to provide $1 billion in additional funding in real money for LIHEAP, the low-income heating assistance program, very largely. I am happy about that. I am the original House sponsor of the program.

But then they go on and say that we will provide $3.3 billion in funny money. Now, the funny money never gets down to the local communities because under the conditions of this bill, none of that funding ever becomes real until we pass another piece of legislation. And then because of the brilliance of the amendment just adopted to the rule just a few minutes ago, you are also saying that it is not just enough to find funding sources and pass them in another piece of legislation, we now also have to go through another reconciliation process. That means our local school districts are going to get the money they need about the year 2001.

This bill is as much science fiction as that movie was.

Now, the problem with this bill is that it still leaves us with $3.3 billion in cuts below last year for education. It still leaves us some $200 million for veterans' medical care below the original House bill. It still leaves us $1.5 billion below last year for environmental cleanup efforts at EPA. That is 21 percent.

I think we ought to face reality. We can talk all the inside-the-Beltway language we want. The fact is, in the real world you have school districts who are about to have to send letters out to their teachers letting them know they are not going to be rehired for next year because the education funding is clunking along at about almost a one-third cut from last year's level. This Congress should not be doing that.

We are going to be moving into the 21st century. We ought to be providing more support for education, not less. We ought to be making it easier for kids to go to college, not harder. We ought to be making it easier for people to get job training, not harder. And we certainly should not be making it harder for this society to clean up its Superfund sites and to provide the other actions that we need to protect the environment.

This legislation should not be here at all. It is going nowhere. The President has already indicated that in its current form he will veto it. And so all this bill is, is an effort to create the impression that there is movement when, in fact, there is none.

The rhetoric is sweet, but the actions are useless. That is what we are seeing here today.

It seems to me if you want real progress, what has to happen is that the very top leadership of this Congress, and I do not mean the leadership of this committee, because this is frankly above our pay grade, the very top leadership of this Congress is going to have to sit down and in good faith and earnestness negotiate with the White House and agree to an arrangement which will allow us to restore this funding for education and for environmental protection and for veterans and the like. Merely acting as though we are passing real legislation today does nothing to contribute to that end.

This is another dead end, and especially with the amendment just adopted at the insistence of the gentleman from Pennsylvania [Mr. WALKER], we guarantee that under the process as laid out under this bill it will be a long, long time before anybody sees any money in this bill.

So I would suggest this is a very sad waste of time, and I would urge Members to oppose the bill. It is not a real legislative action today. It, in fact, will add to the likelihood of a Government shutdown, and that is the last thing we should be doing.

Mr. LIVINGSTON. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM], a distinguished gentleman and educator, to shed a little light on the truth about education.

Mr. CUNNINGHAM. Mr. Chairman, I heard smoke and mirrors. Let me tell you what smoke and mirrors, or a difference of opinion, at least, is in this impact aid that the President cut all of part B out of. We have restored. As a matter of fact, the bipartisan impact, and there is support on both sides of the aisle for impact aid, we have increased it $2 million more than even requested in the bipartisan. Ninety percent of the impact aid funding, it is in there.

Let me tell you where, yes, we did cut in education. We cut your Federal bureaucracy once again. Ask the head of your own budget agreement, and party, about the President's direct lending program. We capped it at 10 percent. That saves $1 billion just in administrative fees, $1 billion, and GAO says we do not even know what it is going to cost to collect it, about $3 to $5 billion, we capped it at 10 percent, took those savings, we increased student loans by 50 percent. We increased Pell grants the highest level ever. Stafford loans, idea, which is for special education, is level funded. When you say we are cutting education, yes, we are cutting your bureaucracy.

I go back to the fact when you take a look at title I, look at the studies that the Department of Education has made on title I. We reduced the spending there. Why? Because it has not been effective, and we are spending $1 billion.

The same study by the Department of Education, not Republicans said that Head Start is mismanaged.

There are 760 programs in education. We only pay for 6 percent. Ninety-four percent of education is paid for out of State and local, and in that 6 percent we are trying to spread that over 760 programs. It is inefficient. It is not working.

We are reducing the areas that do not work, like the President's direct lending program, which he wants to make the Government responsible for all student loans. That would make the Department of Education the largest lending institution in the United States. Inefficient.

No, we are not cutting education. We are getting more dollars back down to the students and to the schools.

Mr. OBEY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, the fact is, this bill allows the continuation of a $10 billion squeeze on student loans, people who have to pay $10 billion more to get their student loans under this bill.

Under chapter 1, you are going to have 1 million kids who are going to be squeezed out. You have almost 40,000 chapter 1 teachers who may lose their jobs under Head Start. You are going to have 30,000 kids who will not be allowed into the program.

Now, you can call that an increase if you want. But that really is twisting the king's English.

Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I want to get up and say, as my chairman did, that it is unfortunate that this bill is on the floor.

I am a strong supporter of three strikes and you are out. Very frankly, this is about the third strike.

We say to those who break our laws, do it once, we are going to penalize you; do it twice, we are going to give you a long prison sentence; do it the third time, we are going to throw away the key because you are not learning.

You are on the brink of shutting down the Government for the third time, putting people out on the street who want to work, who are doing good service for America, out on the street.

Why? Because this bill is not real, and you know it. Some of my reasonable friends on that side of the aisle unfortunately, in my opinion, are not in control, because what we ought to do is sit down with the President, say you are a coequal branch of Government, we are a co-equal branch of Government, let us make it work. That is what the American people want.

Have you not heard their anger? Some of your Presidential candidates have heard their anger. They are not talking about your contract. They are not talking about your shutdown of Government. They are not talking about risking the credit of the United States of America.

My friend from California, who talks about a $1 billion cut in chapter 1 as if, "Oh, well, it is just administrative," that is not true at all, categorically, unequivocally incorrect. That billion dollars is from kids, has nothing to do with administration, and it is from the neediest kids in America who are educationally, culturally, and economically deprived.

We need them big time to compete in the global economy. We need to invest in those kids.

My chairman knows that this bill is not for real. Perhaps to his credit, he argues strenuously that this is real. Maybe that is what he has to do. Maybe the Speaker has given him that assignment.

Members of the House, we ought to reject this continuing resolution. We ought to say to the American public we know this is not real. We know that to make democracy work we have got to work with the President and we have got to invest in America's future.

Reject this bill.

Mr. LIVINGSTON. Mr. Chairman, I yield 1½ minutes to the gentleman from Ohio [Mr. REGULA], the distinguished chairman of the Subcommittee on Interior Appropriations for an opportunity to discuss his section of this real bill.

Mr. REGULA. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. MORAN. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Virginia.

Mr. MORAN. Mr. Chairman, I thank the chairman very much. I'm going to try to make this as quick as possible because it is a distraction from the major issues we have been discussing. But back in 1988, in the Interior Appropriations Committee report, we required that an environmental impact statement be done of an interchange just on the George Washington Memorial Parkway just south of National Airport. This EIS was done, and the report also said it would be shielded from subsequent judicial review.

The fact is they did not build the interchange. Now they want to do a small thing, a right-in, right-out access to the land undeveloped by the parkway. The only question we want to clarify, Mr. Chairman, is: Is it your understanding that the language that was in the original 1988 Interior Appropriations Committee would likewise protect any subsequent judicial review if they do a supplemental EIS, or an environmental assessment?

Mr. REGULA. Reclaiming my time, yes, I believe the language is clear. It states that, "Notwithstanding any other provision of law, no court shall have jurisdiction to consider questions regarding the factual and legal sufficiency of the environmental impact statement."

This language shielding the EIS from judicial review continues to be in effect and would similarly shield any supplemental EIS, or environmental assessment.

Mr. MORAN. I thank the gentleman very much. It is a gateway to the city. I appreciate the clarification. I thank the chairman.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan [Mr. BONIOR], the distinguished minority whip.

Mr. BONIOR. Mr. Chairman, today's vote comes down to one very simple and very basic question: Do we want our kids' education to be a top priority, or do we cut it? Do we want to invest in our kids' future, or do we make the biggest cut, the biggest cut in education in the history of America? That is what this is about. That is what this vote is about today.

Mr. Chairman, the value of education has always been embedded in America's national soul. There used to be a time in this country when mothers would pour honey on the books of their children so that the children would understand that education is sweet. There used to be a time when brave parents who had their kids out in the field in the West, when they saw a teacher come along, would yank their kids out of the field because they understood the importance of that teacher and the importance of education. That is our heritage.

But this resolution today asks us to turn our back on that.

Mr. Chairman, we are living in a time when 70 percent of our kids will never finish college, a time when what you earn depends upon what you learn, and we are competing in a world today where 93 percent of the Japanese students have studied calculus, where 100 percent of German students have technical training by the time they are 16 years of age.

Yet this bill responds by making the biggest cuts in education in American history. It cuts, among other things, Safe and Drug Free Schools by 57 percent. Can you imagine cutting drug-free schools and safe schools by that much, 23 percent in cuts to the school to work program?

□ 1400

It cuts title I funding, as my friend from Wisconsin said, by $1 billion a year, which will force 40,000 teachers to be laid off and will kick 1 million kids off math and reading programs. At a time when few working families can afford to pay $15,000 a year to send their son or daughter to college, this bill completely eliminates the Perkins loan program, leaving 200,000 kids out in the cold.

So do not tell us you are making these cuts to give our kids a better life, because this bill will deny millions of students the skills they need to lead a better life. All over America today, communities are being devastated by the short-term and shortsighted stop-and-go strategy of this Republican operation. Now is the time for teacher contracts to be signed, now is the time for cities to submit their school budgets, now is the time for kids to make decisions about what colleges they want to go to. But they cannot do that, because you are messing around with their funding and messing around with their lives.

Now, we all know that the President is not going to accept these extreme cuts. He understands that education needs to be a top priority. In order to force through your extreme agenda, you are willing to hang American schools, families and communities out to dry.

I say the American people deserve better. At a time when paychecks are falling, parents across this country are working hard, sometimes two, three jobs, to give their kids a better life. They understand that the key to that, the key to mobility and progression to a better life is a good education. They deserve a break, they deserve a government that is on their side, they do not need a Congress to stand in their way.

That is exactly what this bill does. I urge my colleagues, vote no on this bill, work with us to fully fund education, and help us give the kids the opportunity they need to be successful today in this competitive economy of ours.

Mr. LIVINGSTON. Mr. Chairman, I am delighted to yield 4 minutes to the gentleman from Illinois [Mr. PORTER], the chairman of the Subcommittee on Labor, Health and Human Services, and Education.

Mr. PORTER. Mr. Chairman, I thank my chairman for yielding me time.

Mr. Chairman, this system of ours requires us to find common ground if we are to get anything done. Obviously from the very beginning, we have understood that there are priorities on this side of the aisle and priorities on that side of the aisle that would not necessarily agree. But we have said from the very beginning and understand the need to accommodate the President's and the minority's priorities, and we have only said that all we require of them is that they do that within a framework of fiscal responsibility where we work together over the next 7 years with real figures toward a balanced budget, and that we do it without tax increases. That is not too much to ask of the President or the minority.

We stand here today with this legislation and say to the minority and to the President, we are willing to accommodate your priorities in this bill. We are willing to make increases in discretionary spending, if only you will tell us where you want to get the money from. Not from tax increases, not from phony accounts or from phony numbers, but from real accounts and real numbers, and we will accommodate it.

The President has steadfastly refused to responsibly come forward with any suggestion in that regard that is worth anything, and what he has most refused to do is to come to grips with the reality that we will never get the budget into balance unless we restrain the rate of increase, not cut, restrain the rate of increase in the entitlement program. If the President will come forward now and will say to the Congress that he is willing to do that in a responsible manner, then we will obviously accommodate his priorities in the spending.

We have done a better job I think in the Labor-HHS section of this bill, in this rendition, because we do have $1 billion more to work with. We have put some of that money toward helping AIDS patients by putting $52 million in support of the provisions for new drugs for low-income patients. We believe that is a priority and it ought to be funded, and we are doing so.

We have put in more money for Head Start, the level funded to the 1995 funding level. We have not, however, put in any money for Goals 2000. Why? Because while this is an important initiative, there is no reason whatsoever in the world to spend over $1 billion a year on it to bribe States to do what they are already doing with their own funds. It is not money that gives a better education to kids. It is merely money to encourage States to do something they are already doing. It is unnecessary spending.

The gentleman from Michigan [Mr. BONIOR] talked about title I, education for the disadvantaged. There is no evidence whatsoever that the program is doing anything to help low income kids achieve better, and, in fact, there is some evidence that it is actually retrogressive.

Why would we want to pour more money into a failed program? It is time to reinvent the program and make it work. It is time to do that with all the spending for our Government, to make Government work better for people. Let me tell you, there are many, many programs that have failed. Title I is one. Welfare is another. It is time we reinvent them and make them work better for people.

It is time also we get rid of the heavy hand of bureaucracy. Two hundred forty programs in the Department of Education, 760 education programs spread all across the Government, each with their own director and each with their own staff wasting taxpayer money, is not the idea. We have to make this Government work better for people. This bill aims us in the right direction.

Mr. Chairman, I am proud today to support the Balanced Budget Downpayment Act, part 2 and specifically the provisions relating to the jurisdiction of the Subcommittee on Labor, Health and Human Services, Education and Related Agencies which I chair. This section achieves two important—and seemingly contradictory—goals. First, it continues our commitment to setting priorities: To increasing funding programs which work, which represent a national commitment or advance a national interest while, at the same time, carrying out our goal of a balanced budget. Second, and I want to make this point very clear, it also represents a substantial movement toward the President in many areas and represents a very real attempt to begin the process of negotiation that will hopefully result in a final compromise.

As man of you know, Chairman SPECTER and I have been meeting since soon after the Senate bill was reported and the vast majority of the provisions of the Labor-HHS sections reflect the agreements made between us. I want to commend Senator SPECTER and his find staff for the many hours of work that are reflected in the provisions of this bill. I also want to thank the members of the subcommittee for their patience during this extraordinary process that has lasted for so long. Of course, there remain a number of outstanding issues that will need to be reconciled in conference.

THE LABOR-HHS PROVISIONS

This provision continues our commitment to funding high-priority programs while reducing or eliminating failed programs or those that serve only a narrow constituency. Some 128 programs are terminated in our section of the bill and, overall, this section reduces discretionary funding for the programs within our jurisdiction by $5.2 billion.

DEPARTMENT OF LABOR

The Department of Labor provisions in this bill include a total of $8 billion for discretionary spending.

No funds are included for the summer youth jobs program. No funds were included in the original House bill or in the Senate committee bill. Let me remind my fellow Members that if we are in the business of providing a general subsidy for employing young people, then this is a good program. If the purpose is to help improve the long-term employability of young people, then the program has failed by the Department's own admission, and we should not fund it.

For OSHA total funding is $280 million; this is a 10-percent cut from fiscal year 1995. The House originally had a 15-percent cut. The funding continues our emphasis on moving the agency toward assisting companies in complying with worker safety requirements. Compliance assistance is increased by 19 percent while enforcement is curtailed by 21 percent.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

The Labor-HHS provisions include a total discretionary amount for HHS of $28.9 billion; the original House bill was $27.8 billion. The fiscal year 1995 amount was $29.2 billion.

I know the Ryan White Program is important to many Members. We continued funding for title I, which provides grants to cities for the care and treatment of AIDS patients at the same levels as passed the House.

I know that many members have been concerned by the inability of the Health Care Financing Administration to carry out initial certifications of new health care facilities. The result was new facilities standing idle. This bill makes small changes in the survey and certification requirements to free up funds to allow HCFA to begin these certifications. In this regard, I would like to thank Chairman ARCHER and BLILEY and Chairman THOMAS and BILIRAKIS for their cooperation and support in allowing us to carry this provision on H.R. 3019.

The Labor-HHS provisions include an increase of $14 million over the House bill for rural health including funding for the Office of Rural Health Care Policy.

Head Start funding is increased to last year's level of $3.5 billion. Here, too, I would caution Members that next year will be a very difficult year. This program, while enjoying broad support, can provide precious little in the way of evaluations that show that Head Start actually improves educational success. It will be difficult to continue funding at these levels without such proof.

DEPARTMENT OF EDUCATION

The Labor-HHS section includes a total discretionary amount for the Department of Education of $23.6 billion; the original House bill was $23.2 billion.

The Labor HHS title includes no funding for Goals 2000. A survey by the Council of State Chief School Officers conducted just after the passage of Goals indicated most States already had curriculim content and pupil performance standards under development.

Since this program is a high priority for the President and Secretary Riley, we have provided funding at last year's level in the contingency funding title.

Education for the Disadvantaged, title I, remains at the House levels. I know that there has been much discussion over funding of Education for the Disadvantaged with the administration circulating information on the reductions in funding projected for each State and district. Let me remind Members that title I is most definitely not a general subsidy for disadvantaged schools. Its primary purpose is not to increase spending, hire teachers, or buy equipment. Its purpose is to improve the performance of disadvantaged students and there is no evidence that it is successful. The most recent national assessment—published by the Department of Education—indicated that the program ". . . Does not appear to be helping close the learning gap."

I am also concerned that this program sends funds to over 90 percent of the school districts in America. In fact, almost one-half billion dollars is distributed to the 100 richest counties with per-capita income of $24,000 to $49,000.

In spite of my concerns, in order to accommodate the President, we have included an additional $961 million in the contingency funding title with over half of the additional funds focused on the most disadvantaged districts.

The bill assures that Impact Aid will receive the same level of funding this year as in fiscal year 1995. This title provides $693 million for the program. When combined with the $35 million for Impact Aid in the Defense bill, a total of $728 million will be available the same as last year.

For Special Education, the State grants portion is funded at last year's level and all of the discretionary programs are funded at levels included in the Senate reported version of the Labor-HHS bill.

The Pell Grant maximum remains at $2,440, the highest level ever and the largest single year increase.

Safe and Drug Free Schools is funded at the House level based on the many other funding sources for drug abuse prevention and treatment. Again, this is a program that distributes funds to over 96 percent of school districts, independent of need or wealth, with many small school districts receiving only a few hundred dollars—hardly enough to impact on drug abuse. For those who would decry the decrease in funding I would ask, Why has there been no national evaluation during the history of the program? Why should we spend several hundred million dollars in education for drug abuse treatment when the bill also provides $1.2 billion on a substance abuse block grant in HHS, $145 million in the Preventive Health Block Grant.

Does each institution get its own drug abuse program or are we going to force administrators to focus on the most effective programs serving the most needy populations?

TITLE IV, RELATED AGENCIES

CPB—The omnibus bill contains a $250 million advance appropriation for 1998, a $10 million reduction from the 1997 level and is the same as the authorized level contained in the Public Broadcasting Self-Sufficiency Act.

In closing, Mr. Chairman, I am including in the RECORD a table reflecting the program level funding detail in the bill and a second chart indicating the amounts made available in the contingency title.

Finally, I want to make it clear to the departments and agencies covered by the Labor-HHS-Education bill that it is the intent of the committee that the original House committee report on H.R. 2127—House Report No. 104–209—is still applicable to the bill that we are considering today—H.R. 3019. With certain obvious exceptions where numbers have changed, that report still represents the position of the committee and we fully expect the departments and agencies to comply with the directions and guidance contained in it. In addition, any House floor colloquies that were conducted with respect to H.R. 2127 on August 2 and 3, 1995, are also still applicable to funds provided in this bill today. I am also including additional guidance for the departments and agencies as part of my extended remarks.

STATEMENT OF CHAIRMAN JOHN PORTER, SUBCOMMITTEE ON LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES—ADDITIONAL VIEWS AND CLARIFICATIONS

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

With respect to the Occupational Safety and Health Administration, the bill includes $280,000,000; this is a reduction of $31,660,000, or 10 percent, below the FY 1995 level. The Federal enforcement activity has been reduced by 21 percent below last year. This funding strategy attempts to redirect OSHA's emphasis from enforcement by the book to a compliance assistance mode and I am encouraged that the Assistant Secretary for OSHA, Joe Dear, is attempting to move the OSHA bureaucracy in a common sense direction. I am trying to help him by rearranging the budget to shift funds from enforcement to compliance assistance. The funding for compliance assistance activities has been increased by 19 percent over last year and I encourage him to continue and intensify his agency reinvention efforts. These efforts will become especially important as the agency is downsized. Increased emphasis should be place on the Voluntary Protection Program which seems to be an effective initiative that deserves to be expanded.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Relating to the funds provided to the Health Resources and Services Administration, I am supportive of the efforts of the Departments of Education and Health and Human Services (in the Maternal and Child Health Bureau) to achieve the year 2000 goal of being able to universally screen newborns for hearing impairments. However, there is concern that the Departments' efforts to date in pursuing this goal have been focused on the use and development of only one available screening technology. The Department is encouraged to award future grants in a balanced fashion intended to evaluate and incorporate use of all existing, proven technologies.

National Institutes of Health

With regard to the funds that were provided for the National Institutes of Health in P.L. 104-91, for the National Cancer Institute (NCI), translational research in moving research advances from the bench to the bedside is an important initiative. NCI is encouraged to enhance existing translational research opportunities, such as the current leukemia and related cancers translational research initiative, in order to speed the development and delivery of more effective treatments for patients. I continue to support clinical trials at NCI designated clinical centers.

National Institutes of Health

With regard to the Office of the Director of the National Institutes of Health, I concur with the Senate recommendation that the Director consider developing an initiative for basic and clinical research on neurodegenerative diseases, among them Alzheimer's and Parkinson's diseases.

Substance Abuse and Mental Health Administration

Pursuant to previously enacted authorizing statutes, the bill provides funding for three consolidated demonstration programs of mental health, substance abuse prevention and substance abuse treatment. For substance abuse treatment demonstrations, the bill provides $90 million as opposed to the $141,889,000 provided for consolidated mental health and substance abuse demonstrations provided in the House version of H.R. 2127. Any grant issued under this appropriation should contain the following elements: (1) demonstration of grantee's ability and intention to sustain programs, if demonstrated to be successful, following termination of the federal grant, and (2) a plan to measure and publicly report outcomes relating to the grantee's stated goals including the incidence of substance abuse among individuals served.

The bill also provides $90 million for substance abuse prevention demonstrations. Any grant issued under this appropriation should contain the following elements: (1) a commitment to develop and implement a coordinated plan for reducing substance abuse through prevention, treatment, public awareness and law enforcement that involves schools, parents, law enforcement, treatment, business, and community organizations, (2) a commitment to match a substantial percentage of federal funds, whether in cash or in kind, from nonfederal sources, (3) demonstration of grantee's ability and intention to sustain services, if demonstrated to be successful, following termination of the federal grant, and (4) a plan to measure and publicly report outcomes relating to the grantees' stated goals and the incidence of substance abuse and criminal activity in the communities served, according to common national indicators and evaluation prototol.

Health Care Financing Administration

The Health Care Financing Administration should review and, if necessary, revise its current regulations pertaining to rescreening of cytology slides under the quality control procedures established in the Clinical Laboratory Improvement Act to clarify that automated cytology devices approved by the Food and Drug Administration satisfy the requirements of the Act.

Refugee and Entrant Assistance

The bill contains $397,872,000 for Refugee and Entrant Assistance programs including $258,273,000 for transitional and medical assistance sufficient to continue the current policy of paying 8 months of benefits and $2,700,000 for preventive health activities. Preventive health funding for overseas health screening activities have not been included in the bill. The remaining funding can be expended for local preventive health activities to be administered in accord with the Department's recently promulgated protocol for newly arriving refugees. It is not the intention of these funding strategies to limit the Secretary's discretion to determine which Departmental agency should administer this program.

General Departmental Management

The bill includes $143,127,000 for the General Department Management account in the Office of the Secretary; this is a reduction of $29,752,000 from the comparable appropriation for FY 1995. The reduction is accounted for by the fact that the Office of the Assistant Secretary for Health is not funded separately in FY 1996; it has been eliminated as a separate office and some of the funds and personnel transferred to the Office of the Secretary.

The Office of Public Health and Science should be a very lean operation. This Office contains the remnants of the old OASH. Although the Office of Research integrity and the Office of Emergency Preparedness are not funded as line items, they should be continued within the Department. There is concern about possible duplication and overlap between the immediate Office of the Assistant Secretary for Health and the Office of the Assistant Secretary for Planning and Evaluation. The Secetary should exercise careful oversight of these two offices to ensure that there is no duplication of effort.

DEPARTMENT OF EDUCATION

Impact Aid

The bill provides $693,000,000 for the Impact Aid Account, an increase of $48,000,000 above the amount provided in H.R. 2127. This amount, in combination with the $35,000,000 provided for Impact Aid in the 1996 Defense Appropriation, provides the same level of funding for Impact Aid in 1996 as was provided in 1995.

National Technical Institute for the Deaf

The National Technical Institute for the Deaf is to be complimented for the many difficult decisions it has taken to reduce operating costs and increase efficiency, and we commend NTID's example to the attention of other federally-supported postsecondary institutions.

Pell Grants

The bill provides $5,423,331,000 for the Pell Grant program. When combined with $1,304,000,000 in previously appropriated carryover funding, the bill provides an increase of $571,982,000 over the amount appropriated in 1995. In addition, the bill establishes a maximum grant of $2,440, the highest maximum grant ever and a $100 increase over the 1995 maximum grant.

Office of Special Education and Rehabilitative Technology

While I am very supportive of the efforts of the Departments of Education and Health and Human Services to achieve the year 2000 goal of being able to provide universal screening of newborns for hearing impairments, there is significant concern that the Departments' efforts in pursuing this goal have been focused on the use and development of only one available screening technology. The Departments should assure that funds are awarded in a balanced fashion intended to evaluate and incorporate all existing, proven technologies, with particular emphasis placed on American made and developed technologies.

Office of Educational Research and Improvement

Funds are specifically included in the Fund for the Improvement of Education within the Office of Educational Research and Improvement to support field testing of the Third International Mathematics and Science Study (TIMSS).

Office of Educational Research and Improvement

Funds are included in the Fund for the Improvement of Education for model programs involving public-private partnerships between cultural institutions, institutions of higher learning, and local educational agencies for the improvement of music education in public school systems and the infusion of music into traditional curricula. Priority should be given to existing partnerships with demonstrated ability to improve music education.

Office of Educational Research and Improvement

Within the funds provided to the Office of Educational Research and Improvement are funds to support the National Mentoring Coalition's Research and Demonstration Agenda and the Office should give this program a high priority.

National Institute of Disability and Rehabilitation Research

Funds are made available for the Regional Head Injury Center Programs within this account. These centers have been extremely productive and have served as a launching pad for many fine programs. These centers stimulate the development of comprehensive programs for the brain injured including a prevention aspect, acute care, acute rehabilitation care, vocational rehabilitation, and a follow-up medical care system. These centers are extremely valuable, perhaps the most valuable program that the federal government has sponsored in rehabilitation in sometime. The Administration should award funds for this program on a fair and competitive basis so that the most appropriate institution(s) are able to maximize the impact of this program.

General provisions

For purposes of Section 305 of the bill, direct administrative expenses of the William D. Ford Direct Loan Program under Part D of the Higher Education Act means the cost of (i) activities related to credit extension, loan origination, loan servicing, management of contractors, and payments to contractors, other government entities, and program participants, (ii) collection of delinquent loans, and (iii) write-off and close-out of loans.

FY 1996 DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019) ($000)

	FY 1995 Enacted	FY 1996 Estimate	House (H.R. 2127)	H.R. 3019	H.R. 3019 compared with Enacted
SUMMARY					
Title I - Department of Labor:					
Federal Funds	8,439,273	9,631,811	6,904,435	6,551,875	-1,841,338
Trust Funds	(3,501,398)	(3,629,347)	(3,389,980)	(3,380,873)	(-110,275)
Title II - Department of Health and Human Services:					
Federal Funds	179,227,732	200,475,428	196,344,442	197,456,742	+18,555,721
Current year	(146,780,015)	(168,200,874)	(165,389,092)	(166,501,392)	(+20,048,088)
1997 advance	(32,447,717)	(32,274,554)	(30,955,350)	(30,955,350)	(-1,492,367)
Trust Funds	(2,235,285)	(2,291,444)	(2,162,220)	(2,158,375)	(-71,114)
Title III - Department of Education:					
Federal Funds	26,800,310	28,220,106	23,213,105	23,579,040	-3,204,146
Title IV - Related Agencies:					
Federal Funds	30,027,988	29,857,742	29,596,083	29,668,628	-349,360
Current year	(22,527,988)	(20,131,342)	(19,926,083)	(19,988,628)	(-2,539,360)
1997 advance	(7,240,000)	(9,430,000)	(9,430,000)	(9,430,000)	(+2,190,000)
1998 advance	(260,000)	(296,400)	(240,000)	(250,000)	....
Trust Funds	(5,660,113)	(6,338,470)	(6,034,205)	(6,034,682)	(+374,569)
Total, all titles:					
Federal Funds	244,495,303	268,185,087	256,058,065	257,256,285	+13,160,877
Current year	(204,547,586)	(226,184,133)	(215,432,715)	(216,620,935)	(+12,463,244)
1997 advance	(39,687,717)	(41,704,554)	(40,385,350)	(40,385,350)	(+697,633)
1998 advance	(260,000)	(296,400)	(240,000)	(250,000)	....
Trust Funds	(11,396,796)	(12,259,261)	(11,586,405)	(11,573,930)	(+193,180)
BUDGET ENFORCEMENT ACT RECAP					
Federal Funds (all years)	244,495,303	268,185,087	256,058,065	257,256,285	+13,160,877
Mandatory, total in bill	184,182,317	202,641,064	202,633,887	202,368,283	+18,185,966
Less advances for subsequent years	-38,687,717	-40,385,350	-40,385,350	-40,385,350	-1,697,633
Plus advances provided in prior years 1/	37,760,000	38,687,717	38,687,717	38,687,717	+927,717
Adjustment for leg cap on Title XX SSBGs	....	....	....	280,000	+280,000
Total, mandatory, current year	183,254,800	200,943,431	200,936,254	200,950,650	+17,696,050
Discretionary, total in bill (incl rescissions)	60,312,986	65,544,023	53,424,178	54,888,002	-5,025,069
Less advances for subsequent years	-1,260,000	-1,615,604	-240,000	-250,000	+1,000,000
Plus advances provided in prior years 1/	1,767,638	1,275,000	1,275,000	1,275,000	-492,638
Scorekeeping adjustments:					
Trust funds considered budget authority	6,552,420	6,928,676	6,518,556	6,506,081	-30,293
Black lung benefit cola	12,900	....	....	....	-12,900
Adjustment to balance with FY95 bill	-52,590	....	....	....	+52,590
Pell grants, rescission of FY94 funds	-35,000	....	....	....	+35,000
Youth training rescission (FY 1994)	-50,000	....	....	....	+50,000
NIH buildings & facilities resc (FY 1994)	-60,000	....	....	....	+60,000
Emergency funding	-35,000	....	....	....	+35,000
Retirement fraud	-410	....	....	....	+410
HEAL loan limitation	....	....	-6,983	-6,983	-6,983
Direct loan administration limitation	....	....	....	-118,000	-118,000
Direct loan 40% cap	....	....	....	-55,000	-55,000
Dept of Labor working capital fund	....	....	3,900	3,900	+3,900
Adjustment for leg cap on Title XX SSBGs	....	....	....	-280,000	-280,000
Total, discretionary, current year	67,152,944	72,132,095	60,974,651	61,963,000	-4,784,003
Crime trust fund	11,000	175,400	39,900	53,000	+42,000
General purposes	67,141,944	71,956,695	60,934,751	61,910,000	-4,826,003
Grand total, current year	250,407,544	273,075,526	261,910,905	262,913,650	+12,912,047

1/ Fiscal year 1995 comparable reflects level before rescission of advance funding. Fiscal year 1996 amounts reflect level after rescission.

NOTE: Appropriations for the Centers for Disease Control and the National Institutes of Health were enacted in P.L. 104-91 and are not included in H.R. 3019. Appropriations for these accounts are displayed in this table for descriptive purposes only.

FY 1996 DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019) ($000)—Continued

	FY 1995 Enacted	FY 1996 Estimate	House (H.R. 2127)	H.R. 3019	H.R. 3019 compared with Enacted
TITLE I - DEPARTMENT OF LABOR					
EMPLOYMENT AND TRAINING ADMINISTRATION					
TRAINING AND EMPLOYMENT SERVICES 1/					
Grants to States:					
Adult training	996,813	1,054,813	830,000	745,700	-251,113
Youth training	126,672	288,979	126,672	126,672	
Summer youth employment and training program	184,788	958,540			-184,788
(Summer of 1995) (non-add)	(184,788)				(-184,788)
Dislocated worker assistance	1,228,550	1,396,000	850,000	867,000	-361,550
Proposed leg: Dislocated workers (non-add)		(660,000)			
Proposed leg: Adult Training (non-add) transfer to Department of Education (Adult Literacy)		(-84,161)			
Proposed leg: Skill Grants (Pell transfer) (non-add)	(1,827,102)	(2,129,366)			(-1,827,102)
Federally administered programs:					
Native Americans	59,787	61,871	50,000	52,502	-7,285
Migrants and seasonal farmworkers	79,967	78,303	65,000	69,285	-10,682
Job Corps:					
Operations	957,193	1,029,632	972,475	972,475	+15,282
Construction and renovation	132,029	198,082	148,535	121,467	-10,562
Subtotal, Job Corps	1,089,222	1,227,714	1,121,010	1,093,942	+4,720
Youth Fair Chance		49,785			
Veterans' employment	8,880	8,880	7,300	7,300	-1,580
National activities:					
Pilots and demonstrations	33,186	35,522	19,022	27,140	-6,046
Research, demonstration and evaluation	9,196	12,596	6,196	6,196	-3,000
Other	10,989	73,584	5,489	13,489	+2,500
Subtotal, National activities	53,371	121,702	30,707	46,825	-6,546
Subtotal, Federal activities	1,291,227	1,548,255	1,274,017	1,269,854	-21,373
Total, Job Training Partnership Act	3,828,050	5,246,587	3,080,689	3,009,226	-818,824
Veterans homeless program 2/		5,011			
Glass Ceiling Commission 2/	738	142	142	142	-596
Women in apprenticeship 2/	744	744	610	610	-134
National Center for the Workplace 2/					
Skills Standards	4,500	12,000	4,000	4,000	-500
Total, National activities, TES (non-add)	(59,353)	(139,599)	(35,459)	(51,577)	(-7,776)
School-to-work	122,500	200,000	95,000	95,000	-27,500
Total, Training and Employment Services	3,956,532	5,464,484	3,180,441	3,108,978	-847,554
Subtotal, forward funded	(3,955,050)	(5,458,587)	(3,179,689)	(3,108,226)	(-846,824)
COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS	396,060	410,500	350,000	350,000	
FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES					
Trade adjustment	274,400	279,600	279,600	279,600	+5,200
NAFTA activities		66,500	66,500	66,500	+66,500
Total	274,400	346,100	346,100	346,100	+71,700
STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS					
Unemployment Compensation (Trust Funds):					
State Operations	(1,756,626)	(2,206,136)	(2,080,520)	(2,080,520)	(+323,894)
State integrity activities	(367,169)				(-367,169)
National Activities	(17,328)	(17,824)	(10,000)	(10,000)	(-7,328)
Contingency	(172,137)	(245,983)	(216,333)	(216,333)	(+44,196)
Contingency bill language (OMB estimate)	(67,900)				(-67,900)
Portion treated as budget authority	(812)				(-812)
Subtotal, Unemployment Comp (trust funds)	(2,314,072)	(2,469,943)	(2,306,853)	(2,306,853)	(-7,219)
Employment Service:					
Allotments to States:					
Federal funds	25,254	24,177	23,452	23,452	-1,802
Trust funds	(813,658)	(781,735)	(738,283)	(738,283)	(-75,375)
Subtotal	838,912	805,912	761,735	761,735	-77,177

1/ Forward funded except where noted.

2/ Current funded.

FY 1996 DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019) ($000)—Continued

	FY 1995 Enacted	FY 1996 Estimate	House (H.R. 2127)	H.R. 3019	H.R. 3019 compared with Enacted
National Activities:					
Federal funds	1,934	1,934	1,876	1,876	-58
Trust funds	(64,194)	(64,194)	(62,268)	(59,058)	(-5,136)
Targeted jobs tax credit	(10,250)				
Subtotal, Emp. Serv., National Activities	76,378	66,128	64,144	60,934	-5,194
Subtotal, Employment Service	915,290	872,040	825,879	822,669	-82,371
Federal funds	27,188	26,111	25,328	25,328	-1,860
Trust funds	(888,102)	(845,929)	(800,551)	(797,341)	(-80,511)
One-stop Career Centers	100,000	200,000	100,000	92,000	-8,000
Total, State Unemployment	3,329,362	3,541,983	3,232,732	3,221,522	-97,590
Federal Funds	127,188	226,111	125,328	117,328	-9,860
Trust Funds	(3,202,174)	(3,315,872)	(3,107,404)	(3,104,194)	(-87,730)
ADVANCES TO UNEMPLOYMENT TRUST FUND AND OTHER FUNDS	1,004,485	369,000	369,000	369,000	-635,485
ADVANCES TO THE ESA ACCOUNT OF THE UNEMPLOYMENT TRUST FUND				-56,300	-56,300
PAYMENTS TO UI TRUST FUND AND OTHER FUNDS				-250,000	-250,000
PROGRAM ADMINISTRATION					
Adult employment and training	27,754	31,144	25,758	25,619	-2,135
Trust funds	(2,467)	(2,637)	(2,295)	(2,283)	(-184)
Youth employment and training	31,815	35,170	29,601	29,441	-2,374
Employment security	6,584	3,913	6,090	6,057	-527
Trust funds	(40,271)	(47,378)	(37,369)	(37,167)	(-3,104)
Apprenticeship services	17,460	18,681	16,216	16,129	-1,331
Executive direction	6,306	6,605	5,840	5,808	-498
Trust funds	(1,414)	(1,887)	(1,310)	(1,343)	(-71)
Total, Program Administration	134,071	147,415	124,479	123,847	-10,224
Federal funds	89,919	95,513	83,505	83,054	-6,865
Trust funds	(44,152)	(51,902)	(40,974)	(40,793)	(-3,359)
Total, Employment and Training Administration	9,094,910	10,279,482	7,602,752	7,213,147	-1,825,453
Federal funds	5,848,584	6,911,708	4,454,374	4,068,160	-1,734,364
Trust funds	(3,246,326)	(3,367,774)	(3,148,378)	(3,144,987)	(-91,089)
OFFICE OF THE AMERICAN WORKPLACE					
SALARIES AND EXPENSES					
Office of the Workplace Programs	7,082	10,770			-7,082
PENSION AND WELFARE BENEFITS ADMINISTRATION					
SALARIES AND EXPENSES					
Enforcement and compliance	53,492	65,163	49,647	50,750	-2,742
Policy, regulation and public service	12,054	12,412	11,242	11,242	-812
Program oversight	3,385	3,607	3,224	3,206	-179
Total, PWBA	68,931	81,182	64,113	65,198	-3,733
PENSION BENEFIT GUARANTY CORPORATION					
Program Administration subject to limitation (Trust Funds)	(11,463)	(12,043)	(10,603)	(10,603)	(-860)
Services related to terminations not subject to limitations (non-add)	(126,032)	(128,496)	(128,496)	(128,496)	(+2,464)
Total, PBGC	(137,495)	(140,539)	(139,099)	(139,099)	(+1,604)
EMPLOYMENT STANDARDS ADMINISTRATION					
SALARIES AND EXPENSES					
Enforcement of wage and hour standards	100,725	116,943	88,921	94,169	-6,556
Office of Labor-Management Standards	23,997	31,075	22,197	23,097	-900
Federal contractor EEO standards enforcement	58,725	63,831	54,508	55,245	-3,480
Federal programs for workers' compensation	76,403	82,937	70,693	71,648	-4,755
Trust funds	(1,057)	(1,669)	(978)	(978)	(-79)
Program direction and support	11,490	11,690	10,648	10,597	-893
Total, salaries and expenses	272,397	308,145	247,945	255,734	-16,663
Federal funds	271,340	306,476	246,967	254,756	-16,584
Trust funds	(1,057)	(1,669)	(978)	(978)	(-79)
SPECIAL BENEFITS					
Federal employees compensation benefits	254,000	214,000	214,000	214,000	-40,000
Longshore and harbor workers' benefits	4,000	4,000	4,000	4,000	
Total, Special Benefits	258,000	218,000	218,000	218,000	-40,000

FY 1996 DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019) ($000)—Continued

	FY 1995 Enacted	FY 1996 Estimate	House (H.R. 2127)	H.R. 3019	H.R. 3019 compared with Enacted
BLACK LUNG DISABILITY TRUST FUND					
Benefit payments and interest on advances	923,005	949,494	949,494	949,494	+26,489
Employment Standards Admin., salaries & expenses	27,799	28,655	26,045	26,045	-1,754
Departmental Management, salaries and expenses	23,188	19,621	19,621	19,621	-3,567
Departmental Management, inspector general	309	310	287	287	-22
Subtotal, Black Lung Disability. Trust Fund, appm	974,301	998,080	995,447	995,447	+21,146
Treasury administrative costs (indefinite)	756	756	756	756	
Total, Black Lung Disability Trust Fund	975,057	998,836	996,203	996,203	+21,146
Total, Employment Standards Administration	1,505,454	1,524,981	1,462,148	1,469,937	-35,517
Federal funds	1,504,397	1,523,312	1,461,170	1,468,959	-35,438
Trust funds	(1,057)	(1,669)	(978)	(978)	(-79)
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION					
SALARIES AND EXPENSES					
Safety and health standards	8,906	9,471	8,354	8,354	-552
Enforcement:					
Federal Enforcement	145,289	155,854	98,000	114,015	-31,274
State programs	70,615	75,915	65,319	65,319	-5,296
Technical Support	18,883	21,668	17,467	17,467	-1,416
Compliance Assistance	44,974	55,332	53,601		-44,974
Federal Assistance				18,248	+18,248
State Consultation Grants				35,353	+35,353
Safety and health statistics	15,730	20,669	14,707	14,707	-1,023
Executive direction and administration	7,263	7,594	6,537	6,537	-726
Total, OSHA	311,660	346,503	263,985	280,000	-31,660
MINE SAFETY AND HEALTH ADMINISTRATION					
SALARIES AND EXPENSES					
Enforcement:					
Coal	107,039	112,957	99,484	107,039	
Metal/nonmetal	42,296	46,862	39,124	41,412	-884
Standards development	1,339	1,008	1,008	1,008	-331
Assessments	3,781	3,712	3,497	3,497	-284
Educational policy and development	15,064	14,865	13,934	14,782	-282
Technical support	22,097	23,575	20,440	21,268	-829
Program administration	8,519	9,127	7,667	7,667	-852
Total, Mine Safety and Health Administration	200,135	212,106	185,154	196,673	-3,462
BUREAU OF LABOR STATISTICS					
SALARIES AND EXPENSES					
Employment and Unemployment Statistics	99,421	107,955	102,885	100,000	+579
Labor Market Information (Trust Funds)	(53,206)	(56,350)	(50,220)	(49,997)	(-3,209)
Prices and cost of living	93,001	99,224	93,956	93,956	+955
Compensation and working conditions	61,188	63,855	54,625	54,625	-6,563
Productivity and technology	6,970	7,419	7,419	6,413	-557
Economic growth and employment projections	4,006	4,487	4,487	3,847	-159
Executive direction and staff services	26,723	25,842	22,072	22,072	-4,651
Consumer Price Index Revision	5,127	11,549	11,549	11,549	+6,422
Total, Bureau of Labor Statistics	349,642	376,681	347,213	342,459	-7,183
Federal Funds	296,436	320,331	296,993	292,462	-3,974
Trust Funds	(53,206)	(56,350)	(50,220)	(49,997)	(-3,209)
DEPARTMENTAL MANAGEMENT					
SALARIES AND EXPENSES					
Executive direction	20,934	26,232	17,931	18,641	-2,293
Legal services	61,844	69,570	57,307	58,072	-3,772
Trust funds	(328)	(342)	(303)	(303)	(-25)
International labor affairs	12,198	12,950	5,850	5,850	-6,348
Administration and management	14,963	15,503	13,904	13,904	-1,059
Adjudication	19,926	24,589	18,500	18,500	-1,426
Promoting employment of people with disabilities	4,358	4,772	4,056	4,358	
Women's Bureau	8,326	8,973	7,743	7,743	-583
Civil Rights Activities	4,888	5,038	4,535	4,535	-353
Chief Financial Officer	4,738	5,120	4,394	4,394	-344
Enforcement Automation	2,000				-2,000
Total, Salaries and expenses	154,503	173,089	134,523	136,300	-18,203
Federal funds	154,175	172,747	134,220	135,997	-18,178
Trust funds	(328)	(342)	(303)	(303)	(-25)

FY 1996 DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019) ($000)—Continued

	FY 1995 Enacted	FY 1996 Estimate	House (H.R. 2127)	H.R. 3019	H.R. 3019 compared with Enacted
VETERANS EMPLOYMENT AND TRAINING					
State Administration:					
Disabled Veterans Outreach Program	(83,601)	(83,643)	(79,682)	(76,913)	(-6,688)
Local Veterans Employment Program	(77,583)	(77,632)	(73,854)	(71,386)	(-6,207)
Subtotal, State Administration	(161,194)	(161,275)	(153,536)	(148,299)	(-12,895)
Federal Administration	(21,025)	(23,017)	(19,525)	(19,419)	(-1,606)
National Veterans Training Institute	(2,904)	(2,822)	(2,822)	(2,672)	(-232)
Total, Trust Funds	(185,123)	(187,114)	(175,883)	(170,390)	(-14,733)
REINVENTION INVESTMENT FUND	....	3,900	....	....	....
OFFICE OF THE INSPECTOR GENERAL					
Program activities	40,517	41,657	37,622	37,622	-2,895
Trust funds	(3,895)	(4,055)	(3,615)	(3,615)	(-280)
Executive Direction and Management	7,356	7,595	6,804	6,804	-552
Total, Office of the Inspector General	51,768	53,307	48,041	48,041	-3,727
Federal funds	47,873	49,252	44,426	44,426	-3,447
Trust funds	(3,895)	(4,055)	(3,615)	(3,615)	(-280)
Total, Departmental Management	391,394	417,410	358,447	354,731	-36,663
Federal funds	202,048	225,899	178,646	180,423	-21,625
Trust funds	(189,346)	(191,511)	(179,801)	(174,308)	(-15,038)
Total, Labor Department 1/	11,940,671	13,261,158	10,294,415	9,932,748	-1,951,613
Federal funds	8,439,273	9,631,811	6,904,435	6,551,875	-1,841,338
Trust funds	(3,501,398)	(3,629,347)	(3,389,980)	(3,380,873)	(-110,275)
TITLE II - DEPARTMENT OF HEALTH AND HUMAN SERVICES					
HEALTH RESOURCES AND SERVICES ADMINISTRATION					
HEALTH RESOURCES AND SERVICES					
Consolidated health centers	....	....	756,518	756,518	....
Community health centers	616,555	....	....	....	....
Migrant health centers	65,000	....	....	....	....
Health care for the homeless	65,445	....	....	....	....
Public housing health service grants	9,518	....	....	....	....
Health Centers Cluster (proposed legislation)	....	756,399	....	....	....
Subtotal, Health Centers Activities	756,518	756,399	756,518	756,518	....
National Health Service Corps:					
Field placements	41,979	....	41,979	41,979	....
Recruitment	78,206	....	78,206	78,206	....
Subtotal, National Health Service Corps	120,185	....	120,185	120,185	....
Health Professions					
Consolidated Health Professions Education & Training	....	....	278,977	278,977	....
Grants to communities for scholarships	474	....	....	....	....
Health professions data system	548	....	....	....	-548
Nurse loan repayment for shortage area service	2,044	....	....	....	....
Research on health professions issues	600	....	....	....	....
Workforce Development Cluster (proposed leg)	....	127,218	....	....	....
Centers of excellence	23,040	....	....	....	....
Health careers opportunity program	25,350	....	....	....	....
Exceptional financial need scholarships	10,542	....	....	....	....
Faculty loan repayment	955	....	....	....	....
Fin assistance for disadvantaged HP students	5,895	....	....	....	....
HPSL recapitalization	8,017	....	....	....	....
Scholarships for disadvantaged students	17,376	....	....	....	....
Minority / Disadvantaged Cluster (proposed leg)	....	89,450	....	....	....
Family medicine training / departments	46,057	....	....	....	....
General internal medicine and pediatrics	16,503	....	....	....	....
Physician assistants	5,964	....	....	....	....
Public health and preventive medicine	7,546	....	....	....	....
Health administration traineeships / projects	978	....	....	....	....
Primary Care Medicine and Public Health Cluster (proposed leg)	....	76,055	....	....	....
Area health education centers	24,125	....	....	....	....
Border health training centers	3,509	....	....	....	....
General dentistry residencies	3,530	....	....	....	....
Allied health special projects	3,580	....	....	....	....

1/ Includes Federal and Trust funds.

Note: All HHS accounts are current funded unless otherwise noted.

FY 1996 DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019) ($000)—Continued

	FY 1995 Enacted	FY 1996 Estimate	House (H.R. 2127)	H.R. 3019	H.R. 3019 compared with Enacted
Geriatric education centers and training	8,273				
Interdisciplinary traineeships	3,880				
Podiatric medicine	615				
Chiropractic demonstration grants	936				
Enhanced Area Health Education Cluster (proposed legislation)		38,783			
Advanced nurse education	11,642				
Nurse practitioners / nurse midwives	16,140				
Special projects	9,848				
Nurse disadvantaged assistance	3,606				
Professional nurse traineeships	14,830				
Nurse anesthetists	2,574				
Nurse Education / Practice Initiatives Cluster (proposed legislation)		56,750			
Subtotal, Health professions	278,977	388,256	278,977	278,977	-548
Other HRSA Programs:					
Hansen's disease services	20,826	20,826	17,500	17,500	-3,326
Maternal & child health block grant	683,950	678,866	683,950	678,866	-5,084
Healthy start	104,220	100,000	50,000	93,000	-11,220
Organ transplantation	2,629	2,629	2,400	2,400	
Health teaching facilities interest subsidies	411	411	411	411	
Bone marrow program	15,360	15,360	15,360	15,360	
Rural outreach grants	26,091		26,091	27,898	+1,807
State Offices of Rural Health					
Rural Health Cluster (proposed legislation)		29,029			
Trauma care	293				-293
Emergency medical services for children	10,000		10,000	11,000	+1,000
Emergency Medical Services (EMS) Cluster (proposed leg)		14,784			
Black lung clinics	4,142			3,811	-331
Alzheimers demonstration grants	4,959		4,000	4,000	
Payment to Hawaii, treatment of Hansen's Disease	2,976			2,045	-931
Pacific Basin initiative	1,500			1,200	
Native Hawaiian health care	4,336				-4,336
Special Populations Cluster (proposed legislation)		17,259			
Acquired Immune Deficiency Syndrome (AIDS):					
Education and training centers	16,287	16,287		6,000	
AIDS dental services	6,937	6,937	6,937	6,937	
Ryan White AIDS Programs:					
Emergency assistance	356,500	407,000	379,500	379,500	
Comprehensive care programs	198,147	273,897	198,147	250,147	
Early intervention program	52,318	62,568	52,318	52,318	
Pediatric demonstrations	26,000	32,000	26,000	26,500	
Subtotal, Ryan White AIDS programs	632,965	775,465	655,965	708,465	
Subtotal, AIDS	656,189	798,689	662,902	721,402	
Family planning	193,349	198,982	193,349	193,349	
Rural health research	9,426	9,426		9,426	
Health care facilities	10,000	2,000		10,000	
Buildings and facilities	933	933	933	858	-75
National practitioner data bank	9,000	6,000	6,000	6,000	-3,000
User fees	-9,000	-6,000	-6,000	-6,000	+3,000
Program management	120,909	120,546	120,546	120,546	-363
Savings attributable to legislative proposal		(6,000)	(6,000)		
Undistributed administrative reduction			-16,000	-16,000	-16,000
Total, Health resources and services	3,028,179	3,154,395	2,927,122	3,052,752	-39,700
MEDICAL FACILITIES GUARANTEE AND LOAN FUND:					
Interest subsidy program	9,000	8,000	8,000	8,000	-1,000
HEALTH EDUCATION ASSISTANCE LOANS PROGRAM (HEAL):					
New loan subsidies	22,050	18,044	13,500	13,500	-8,550
Liquidating account (non-add)	(17,990)	(42,000)	(42,000)	(42,000)	(+24,010)
HEAL loan limitation (non-add)	(375,000)	(280,000)	(210,000)	(210,000)	
Program management	2,922	2,922	2,703	2,688	-234
Total, HEAL	24,972	20,966	16,203	16,188	-8,784
VACCINE INJURY COMPENSATION PROGRAM TRUST FUND:					
Post - FY88 claims (trust fund)	54,476	56,721	56,721	56,721	+2,245
HRSA administration (trust fund)	3,000	3,000	3,000	3,000	
Subtotal, Vaccine injury compensation trust fund	57,476	59,721	59,721	59,721	+2,245
VACCINE INJURY COMPENSATION:					
Pre - FY89 claims (appropriation)	110,000	110,000	110,000	110,000	
Total, Vaccine injury	167,476	169,721	169,721	169,721	+2,245
Total, Health Resources and Services Administration	3,229,627	3,353,082	3,121,046	3,248,661	-47,239

FY 1996 DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019) ($000)—Continued

	FY 1995 Enacted	FY 1996 Estimate	House (H.R. 2127)	H.R. 3019	H.R. 3019 compared with Enacted
CENTERS FOR DISEASE CONTROL					
DISEASE CONTROL, RESEARCH AND TRAINING					
Preventive Health Services Block Grant	157,916	154,338	157,918	145,418	-12,498
Prevention centers	7,724	7,724	7,724	8,099	+375
Data initiative		6,000			
1% evaluation funds (non-add)		(14,000)			
Immunization partnership grant (proposed legislation)		502,818			
CDC/HCFA vaccine program:					
Proposed legislation: Vaccine tax cut (non-add)		-25,000			
Childhood immunization	463,734		475,497	470,497	
HCFA vaccine purchase (non-add)	(376,000)	(408,307)	(408,307)	(408,307)	(+32,307)
Subtotal, CDC/HCFA vaccine program level	(839,734)	(383,307)	(883,804)	(878,804)	(+32,307)
1995 Vaccine rescission (non-add)				(-53,000)	(-53,000)
Communicable diseases:					
HIV/STD/TB partnership grant (proposed legislation		848,331			
Acquired Immune Deficiency Syndrome (AIDS)	589,831		589,962	589,962	+131
Tuberculosis	119,573		119,582	119,582	
Sexually transmitted diseases	105,164		110,242	108,242	+3,078
Subtotal, Communicable diseases	814,568	848,331	819,786	817,786	+3,209
Chronic diseases:					
Chronic diseases partnership grant (proposed leg)		243,498			
Chronic and environmental disease prevention	139,664		150,000	147,439	+7,775
Breast and cervical cancer screening	100,000		125,000	125,000	+25,000
Subtotal, Chronic diseases	239,664	243,498	275,000	272,439	+32,775
Infectious disease	54,340	63,191	67,276	65,057	+10,717
Lead poisoning prevention	36,404	36,391	36,409	36,409	+5
Injury control	43,669	44,661	43,679	43,679	+10
Occupational Safety and Health (NIOSH):					
Research	119,086	124,186	99,222	124,186	+5,100
Training	12,898	12,898		9,673	-3,225
Subtotal, NIOSH	131,984	137,084	99,222	133,859	+1,875
Epidemic services	73,198	73,318	73,325	73,325	+127
National Center for Health Statistics:					
Program operations	53,508	53,564	53,575	40,063	-13,445
1% evaluation funds (non-add)	(27,862)	(27,862)	(27,862)	(40,063)	(+12,201)
Subtotal, health statistics	53,508	53,564	53,575	40,063	-13,445
Buildings and facilities	3,575	3,575	4,353	4,353	+778
Program management	3,058	3,067	3,067	3,067	+9
Savings attributable to legislative proposal		6,000			
Undistributed administrative reduction			-31,000	-31,000	-31,000
Subtotal, Centers for Disease Control	2,083,342	2,183,560	2,085,831	2,083,051	-7,063
Crime Bill Activities:					
Rape prevention and education		35,000	35,000	28,542	+28,542
Domestic violence community demonstrations		4,000	4,000	3,000	+3,000
Crime victim study		100	100	100	+100
Subtotal, Crime bill activities		39,100	39,100	31,642	+31,642
Total, Disease Control	2,083,342	2,222,660	2,124,931	2,114,693	+24,579
NATIONAL INSTITUTES OF HEALTH					
National Cancer Institute	1,913,167	1,994,007	2,251,084	2,251,084	+337,917
Transfer, Office of AIDS Research	(217,735)	(225,790)			(-217,735)
Subtotal	(2,130,902)	(2,219,797)	(2,251,084)	(2,251,084)	(+120,182)
National Heart, Lung, and Blood Institute	1,242,574	1,279,096	1,355,866	1,355,866	+113,292
Transfer, Office of AIDS Research	(55,485)	(57,925)			(-55,485)
Subtotal	(1,298,059)	(1,337,021)	(1,355,866)	(1,355,866)	(+57,807)
National Institute of Dental Research	163,112	168,341	183,196	183,196	+20,084
Transfer, Office of AIDS Research	(11,733)	(12,309)			(-11,733)
Subtotal	(174,845)	(180,650)	(183,196)	(183,196)	(+8,351)
National Institute of Diabetes and Digestive and Kidney Diseases	724,974	748,798	771,252	771,252	+46,278
Transfer, Office of AIDS Research	(10,752)	(11,735)			(-10,752)
Subtotal	(735,726)	(760,533)	(771,252)	(771,252)	(+35,526)

FY 1996 DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019) ($000)—Continued

	FY 1995 Enacted	FY 1996 Estimate	House (H.R. 2127)	H.R. 3019	H.R. 3019 compared with Enacted
National Institute of Neurological Disorders and Stroke	628,247	648,255	681,534	681,534	+53,287
Transfer, Office of AIDS Research	(22,741)	(23,807)	....	....	(-22,741)
Subtotal	(650,988)	(672,062)	(681,534)	(681,534)	(+30,546)
National Institute of Allergy and Infectious Diseases	536,940	557,354	1,169,628	1,169,628	+632,688
Transfer, Office of AIDS Research	(557,766)	(596,018)	....	....	(-557,766)
Subtotal	(1,094,706)	(1,153,372)	(1,169,628)	(1,169,628)	(+74,922)
National Institute of General Medical Sciences	880,233	907,674	946,971	946,971	+66,738
Transfer, Office of AIDS Research	(24,664)	(26,135)	....	....	(-24,664)
Subtotal	(904,897)	(933,809)	(946,971)	(946,971)	(+42,074)
National Institute of Child Health and Human Development	509,031	526,177	595,162	595,162	+86,131
Transfer, Office of AIDS Research	(58,667)	(60,713)	....	....	(-58,667)
Subtotal	(567,698)	(586,890)	(595,162)	(595,162)	(+27,464)
National Eye Institute	291,464	300,693	314,185	314,185	+22,721
Transfer, Office of AIDS Research	(8,606)	(9,125)	....	....	(-8,606)
Subtotal	(300,070)	(309,818)	(314,185)	(314,185)	(+14,115)
National Institute of Environmental Health Sciences	266,337	278,832	288,898	288,898	+22,561
Transfer, Office of AIDS Research	(5,745)	(6,051)	....	....	(-5,745)
Subtotal	(272,082)	(284,883)	(288,898)	(288,898)	(+16,816)
National Institute on Aging	432,164	445,823	453,917	453,917	+21,753
Transfer, Office of AIDS Research	(1,715)	(1,785)	....	....	(-1,715)
Subtotal	(433,879)	(447,608)	(453,917)	(453,917)	(+20,038)
National Institute of Arthritis and Musculoskeletal and Skin Diseases	228,122	235,428	241,828	241,828	+13,706
Transfer, Office of AIDS Research	(2,879)	(3,039)	....	....	(-2,879)
Subtotal	(231,001)	(238,467)	(241,828)	(241,828)	(+10,827)
National Institute on Deafness and Other Communication Disorders	167,138	172,399	176,502	176,502	+9,364
Transfer, Office of AIDS Research	(1,552)	(1,650)	....	....	(-1,552)
Subtotal	(168,690)	(174,049)	(176,502)	(176,502)	(+7,812)
National Institute of Nursing Research	48,123	50,159	55,831	55,831	+7,708
Transfer, Office of AIDS Research	(4,577)	(4,896)	....	....	(-4,577)
Subtotal	(52,700)	(55,055)	(55,831)	(55,831)	(+3,131)
National Institute on Alcohol Abuse and Alcoholism	180,064	185,712	198,607	198,607	+18,543
Transfer, Office of AIDS Research	(9,741)	(10,135)	....	....	(-9,741)
Subtotal	(189,805)	(195,847)	(198,607)	(198,607)	(+8,802)
National Institute on Drug Abuse	289,581	298,738	458,441	458,441	+168,860
Transfer, Office of AIDS Research	(147,347)	(153,331)	....	....	(-147,347)
Subtotal	(436,928)	(452,069)	(458,441)	(458,441)	(+21,513)
National Institute of Mental Health	541,376	558,580	661,328	661,328	+119,952
Transfer, Office of AIDS Research	(88,562)	(93,556)	....	....	(-88,562)
Subtotal	(629,938)	(652,136)	(661,328)	(661,328)	(+31,390)
National Center for Research Resources	287,341	307,544	390,339	390,339	+102,998
Transfer, Office of AIDS Research	(64,630)	(68,370)	....	....	(-64,630)
Subtotal	(351,971)	(375,914)	(390,339)	(390,339)	(+38,368)
National Center for Human Genome Research	152,906	166,678	170,041	170,041	+17,135
Transfer, Office of AIDS Research	(993)	(1,000)	....	....	(-993)
Subtotal	(153,899)	(167,678)	(170,041)	(170,041)	(+16,142)
John E. Fogarty International Center	14,633	15,267	25,313	25,313	+10,680
Transfer, Office of AIDS Research	(9,108)	(9,694)	....	....	(-9,108)
Subtotal	(23,741)	(24,961)	(25,313)	(25,313)	(+1,572)
National Library of Medicine	125,195	136,311	141,439	141,439	+16,244
Transfer, Office of AIDS Research	(2,694)	(3,162)	....	....	(-2,694)
Subtotal	(127,889)	(139,473)	(141,439)	(141,439)	(+13,550)
Office of the Director	214,234	230,256	261,488	261,488	+47,254
Transfer, Office of AIDS Research	(25,394)	(27,598)	....	....	(-25,394)
Subtotal	(239,628)	(257,854)	(261,488)	(261,488)	(+21,860)

FY 1996 DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019) ($000)—Continued

	FY 1995 Enacted	FY 1996 Estimate	House (H.R. 2127)	H.R. 3019	H.R. 3019 compared with Enacted
Buildings and facilities	114,120	144,120	146,151	146,151	+32,031
Office of AIDS Research	1,333,086	1,407,824			-1,333,086
Total N.I.H	11,284,162	11,764,066	11,939,001	11,939,001	+654,839
SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION					
Consolidated mental health & substance abuse demos			141,889		
Center for Mental Health Services:					
Consolidated Mental Health Demonstrations		53,092		38,100	
Mental Health Block Grant	275,420	304,617	275,420	275,420	
Children's mental health	59,958	60,000	60,000	60,000	
Clinical training / AIDS training	5,379				-5,379
Community support demonstrations	24,147				
Grants to States for the homeless (PATH)	29,462			20,000	
Homeless services demonstrations	21,205				
Protection and advocacy	21,957	21,760	19,500	19,850	
AIDS demonstrations	1,485		1,487		
Subtotal, mental health	439,013	439,469	356,407	413,370	-5,379
Center for Substance Abuse Treatment:					
Consolidated Treatment Demonstrations		236,694		90,000	
Substance abuse block grant	1,234,107	1,294,107	1,234,107	1,234,107	
Treatment grants to crisis areas	35,520				
Treatment improvement demos:					
Pregnant/post partum women and children	54,228				
Transfer from forfeiture fund (non-add)	(10,000)				
Criminal justice program	37,502				
Designated populations	23,561				
Comprehensive community treatment program	27,073				
Transfer from forfeiture fund (non-add)	(4,000)				
Training	5,590				
AIDS demonstration & training:					
Training	2,787				
Linkage	7,739				
Outreach	7,500				
Treatment capacity expansion program	6,701				
Subtotal, Substance Abuse Treatment	1,442,308	1,530,801	1,234,107	1,324,107	
Center for Substance Abuse Prevention:					
Consolidated Prevention Demonstrations		216,080		90,000	
Prevention demonstrations:					
High risk youth	65,160				
Pregnant women & infants	22,501				-22,501
Other programs	6,318				-6,318
Community partnership	114,741				
Prevention education/dissemination	13,465				-13,465
Training	16,049				-16,049
Subtotal, Substance Abuse Prevention	238,234	216,080		90,000	-58,333
Program management	61,113	58,042	56,543	56,238	-4,875
Savings attributable to legislative proposal		3,000			
Total, Substance Abuse and Mental Health	2,180,668	2,247,392	1,788,946	1,883,715	-68,587
ASSISTANT SECRETARY FOR HEALTH					
OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH					
Population affairs: Adolescent family life	6,678	6,144			
Health Initiatives:					
Office of Disease Prevention and Health Promotion	4,558	4,601			-4,558
Physical fitness and sports	1,407	1,406			-1,407
Minority health	20,540	20,592			
National vaccine program	988	995			-988
Office of research integrity	3,853	3,858			-3,853
Office of women's health	2,542	2,552			-2,542
Emergency preparedness	2,180	2,374			-2,180
Health care reform data analysis	1,344				-1,344
Data development program		3,856			
Health Service Management	18,432	17,304			-18,432
Streamlining costs	1,500	785			-1,500
National AIDS program office	1,730	1,739			-1,730
Total, OASH	65,752	66,206			-38,534

FY 1996 DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019) ($000)—Continued

	FY 1995 Enacted	FY 1996 Estimate	House (H.R. 2127)	H.R. 3019	H.R. 3019 compared with Enacted
RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS					
Retirement payments	124,213	129,808	129,808	129,808	+5,595
Survivors benefits	8,826	9,208	9,208	9,208	+382
Dependent's medical care	23,844	25,108	25,108	25,108	+1,264
Military Services Credits	2,438	2,801	2,801	2,801	+363
Total, Retirement pay and medical benefits	159,321	166,925	166,925	166,925	+7,604
AGENCY FOR HEALTH CARE POLICY AND RESEARCH					
Health services research:					
Research	58,919	63,433	12,681	38,160	
1% evaluation funding (non-add)	(18,300)	(39,284)	(34,284)	(31,124)	
Subtotal including trust funds & 1% funds	(77,219)	(102,717)	(46,965)	(69,284)	
Medical treatment effectiveness:					
Federal funds	73,947	76,568	18,115	55,796	
Trust funds	(5,796)	(5,796)			
1% evaluation funding (non-add)		(6,000)			
Subtotal, Medical treatment effectiveness	(79,743)	(88,364)	(18,115)	(55,796)	
Program support	2,424	2,423	2,423	2,230	-194
Undistributed administrative reduction			-2,000	-2,000	-2,000
Total, Health Care Policy and Research:					
Federal Funds	135,290	142,424	31,219	94,186	-2,194
Trust funds	(5,796)	(5,796)			
Total, 1% evaluation funding (non-add)	(18,300)	(45,284)	(34,284)	(31,124)	
Total, Health Care Policy & Research (non-add)	(159,386)	(193,504)	(65,503)	(125,310)	(-2,194)
Total, Public Health Service:					
Federal Funds	19,138,162	19,962,755	19,172,068	19,445,181	+530,468
Trust funds	(5,796)	(5,796)			
HEALTH CARE FINANCING ADMINISTRATION					
GRANTS TO STATES FOR MEDICAID					
Medicaid current law benefits	84,835,700	92,235,200	92,235,200	92,235,200	+7,399,500
Excess benefit budget authority	7,657,598				-7,657,598
State and local administration	3,602,660	3,742,000	3,742,000	3,742,000	+139,340
Excess admin budget authority	294,891				-294,891
Proposed legislation: Vaccine tax cut (non-add)		(-46,800)			
Subtotal, Medicaid program level, FY 1996	96,390,849	95,977,200	95,977,200	95,977,200	-413,649
Carryover balance	-7,150,074	-13,835,128	-13,835,128	-13,835,128	-6,685,054
Less funds advanced in prior year	-26,600,000	-27,047,717	-27,047,717	-27,047,717	-447,717
Total, request, FY 1996	62,640,775	55,094,355	55,094,355	55,094,355	-7,546,420
New advance, 1st quarter, FY 1997	27,047,717	26,155,350	26,155,350	26,155,350	-892,367
PAYMENTS TO HEALTH CARE TRUST FUNDS					
Supplemental medical insurance	36,955,000	55,385,000	55,385,000	55,385,000	+18,430,000
Hospital insurance for the uninsured	406,000	358,000	358,000	358,000	-48,000
Federal uninsured payment	56,000	63,000	63,000	63,000	+7,000
DOD adjustment		625,000	625,000	625,000	+625,000
SMI lapses		6,737,000	6,737,000	6,737,000	+6,737,000
Program management	129,758	145,000	145,000	145,000	+15,242
Total, Payment to Trust Funds, current law	37,546,758	63,313,000	63,313,000	63,313,000	+25,766,242
PROGRAM MANAGEMENT					
Research, demonstration, and evaluation:					
Regular program, trust funds	(45,146)	(58,000)	(40,000)	(40,000)	(-5,146)
Counseling program	(10,036)	(4,500)			(-10,036)
Rural hospital transition demonstrations, trust funds	(17,621)		(10,000)	(13,089)	(-4,532)
Essential access community hospitals, trust funds	(2,000)				(-2,000)
New rural health grants		(2,000)			
Subtotal, research, demonstration, & evaluation	(74,803)	(64,500)	(50,000)	(53,089)	(-21,714)
Medicare Contractors (Trust Funds)	(1,604,171)	(1,631,100)	(1,604,767)	(1,604,171)	
State Survey and Certification:					
Medicare certification, trust funds	(145,800)	(162,100)	(152,000)	(147,625)	(+1,825)
Proposed legislation		(-8,800)			

FY 1996 DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019) ($000)—Continued

	FY 1995 Enacted	FY 1996 Estimate	House (H.R. 2127)	H.R. 3019	H.R. 3019 compared with Enacted
Federal Administration:					
Trust funds	(353,374)	(396,222)	(327,894)	(326,053)	(-27,321)
Less current law user fees	(-124)	(-128)	(-128)	(-128)	(-4)
Subtotal, Federal Administration	(353,250)	(396,094)	(327,766)	(325,925)	(-27,325)
Total, Program management	(2,178,024)	(2,253,794)	(2,134,533)	(2,130,810)	(-47,214)
PROPOSED LEG: UNDOCUMENTED ALIENS ASSISTANCE (NON-ADD)	....	(150,000)	....	....	....
HMO LOAN AND LOAN GUARANTEE FUND	15,000	....	....	....	-15,000
Total, Health Care Financing Administration:					
Federal funds	127,250,250	144,562,705	144,562,705	144,562,705	+17,312,455
Current year, FY 1995 / 1996	(100,202,533)	(118,407,355)	(118,407,355)	(118,407,355)	(+18,204,822)
New advance, 1st quarter, FY 1996 / 1997	(27,047,717)	(26,155,350)	(26,155,350)	(26,155,350)	(-892,367)
Trust funds	(2,178,024)	(2,253,794)	(2,134,533)	(2,130,810)	(-47,214)
ADMINISTRATION FOR CHILDREN AND FAMILIES					
FAMILY SUPPORT PAYMENTS TO STATES					
Aid to Families with Dependent Children (AFDC)	12,424,136	12,999,000	12,999,000	12,999,000	+574,864
Quality control liabilities	-40,867	-71,121	-71,121	-71,121	-30,254
Payments to territories	19,428	19,428	19,428	19,428	....
Emergency assistance	864,000	974,000	974,000	974,000	+110,000
Repatriation	1,000	1,000	1,000	1,000	....
Demonstrations (AFDC Benefit Payment)	....	....	....	....	....
State and local welfare administration	1,716,000	1,770,000	1,770,000	1,770,000	+54,000
Work activities child care	666,000	734,000	734,000	734,000	+68,000
Transitional child care	199,000	220,000	220,000	220,000	+21,000
At risk child care	357,000	300,000	300,000	300,000	-57,000
Subtotal, Welfare payments	16,205,697	16,946,307	16,946,307	16,946,307	+740,610
Child Support Enforcement:					
State and local administration	1,966,000	1,943,000	1,943,000	1,943,000	-23,000
Federal incentive payments	402,000	439,000	439,000	439,000	+37,000
Less federal share collections	-1,213,000	-1,314,000	-1,314,000	-1,314,000	-101,000
Subtotal, Child support	1,155,000	1,068,000	1,068,000	1,068,000	-87,000
Total, Payments, FY 1995 / 1996 program level	17,360,697	18,014,307	18,014,307	18,014,307	+653,610
Less funds advanced in previous years	-4,200,000	-4,400,000	-4,400,000	-4,400,000	-200,000
Total, Payments, current request, FY 1995 /1996	13,160,697	13,614,307	13,614,307	13,614,307	+453,610
New advance, 1st quarter, FY 1996 /1997	4,400,000	4,800,000	4,800,000	4,800,000	+400,000
JOB OPPORTUNITIES AND BASIC SKILLS (JOBS)	970,000	1,000,000	1,000,000	1,000,000	+30,000
LOW INCOME HOME ENERGY ASSISTANCE					
Advance from prior year (non-add)	(1,474,998)	(1,000,000)	(1,000,000)	(1,000,000)	(-474,998)
Rescission	-474,998	....	-1,000,000	-100,000	+374,998
FY 1996 program level	(1,000,000)	(1,000,000)	....	(900,000)	(-100,000)
Emergency allocation (non-add)	(600,000)	....	....	....	(-600,000)
Advance funding (FY 1996 / 1997)	1,000,000	1,319,204	....	....	-1,000,000
REFUGEE AND ENTRANT ASSISTANCE					
Transitional and medical services	258,273	278,529	278,882	263,273	+5,000
Social services	80,802	80,802	80,802	80,802	....
Preventive health	5,300	5,471	2,700	2,700	-2,600
Targeted assistance	55,397	49,397	49,397	51,097	-4,300
Carryover (non-add)	(7,000)	....	(10,590)	(10,590)	(+3,590)
Total, Refugee and entrant assistance	399,772	414,199	411,781	397,872	-1,900
STATE LEGALIZATION IMPACT ASSISTANCE GRANTS:					
SLIAG rescission	-75,000	....	....	....	+75,000
Civics and English education grants	4,000	....	....	....	-4,000
Total, SLIAG	-71,000	....	....	....	+71,000
CHILD CARE AND DEVELOPMENT BLOCK GRANT (delay obligation until Sept. 30, 1996)	934,642	1,048,825	934,642	934,642	....
SOCIAL SERVICES BLOCK GRANT (TITLE XX)	2,800,000	2,800,000	2,800,000	2,520,000	-280,000

FY 1996 DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019) ($000)—Continued

	FY 1995 Enacted	FY 1996 Estimate	House (H.R. 2127)	H.R. 3019	H.R. 3019 compared with Enacted
CHILDREN AND FAMILIES SERVICES PROGRAMS					
Programs for Children, Youth, and Families:					
Head start	3,534,129	3,934,728	3,397,429	3,534,429	+300
Child development associate scholarships	1,360				
Consolidated runaway, homeless youth program		68,572			
Runaway and homeless youth	40,458		40,458	43,653	+3,195
Runaway youth - transitional living	13,649		14,949	14,949	+1,300
Runaway youth activities - drugs	14,466				
Subtotal, runaway	68,573	68,572	55,407	58,602	+4,495
Youth gang substance abuse	10,420	10,520			
Child abuse state grants	22,854	22,854	22,854	21,026	-1,828
Child abuse discretionary activities	15,385	15,385	15,385	14,154	-1,231
ABCAN	288	288			-288
Temporary childcare/crisis nurseries	11,835	11,835	9,835	9,835	
Abandoned infants assistance	14,406	14,406	12,406	12,406	
Dependent care planning and development	12,823				
Child welfare services	291,989	291,989	291,989	277,389	-14,600
Child welfare training	4,398	4,398	2,000	2,000	-2,398
Child welfare research	6,395	6,395			-6,395
Adoption opportunities	13,000	13,000	11,000	11,000	-2,000
Family violence	32,619	32,645	32,645	32,645	+26
Social services research	14,961	14,961			-14,961
Family support centers	7,371				
Community Based Resource Centers	31,363	38,734		23,000	
Developmental disabilities program:					
State councils	70,438	70,438	40,438	40,438	-30,000
Protection and advocacy	26,718	26,718	26,718	26,718	
Developmental disabilities special projects	5,715	5,715			-5,715
Developmental disabilities university affiliated programs	18,979	18,979	10,000	10,000	-8,979
Subtotal, Developmental disabilities	121,850	121,850	77,156	77,156	-44,694
Native American Programs	38,382	38,461	35,000	35,000	
Community services: 1/					
Community Services Block Grants	389,600	391,500	389,600	389,600	
Homeless services grants	19,752	19,752			-19,752
Discretionary funds:					
Community initiative program:					
Economic development	23,733		23,733	27,334	+3,601
Rural community facilities	3,271		3,271	3,009	-262
Subtotal, discretionary funds	27,004		27,004	30,343	+3,339
National youth sports	12,000		12,000	11,520	-480
Demonstration Partnerships	601				-601
Community Food and Nutrition	8,676	6,000		4,000	-4,676
Subtotal, Community services	457,633	417,252	428,604	435,463	-22,170
Program direction	162,299	173,983	150,933	150,117	-12,182
EBT task force 2/		2,000	2,000		
Total, Children and Families Services Programs	4,874,333	5,234,256	4,544,843	4,694,222	-117,926
VIOLENT CRIME REDUCTION PROGRAMS:					
Community schools	10,000	72,500			-10,000
Community economic partnership		10,000			
Runaway Youth Prevention		7,000		5,558	+5,558
Domestic violence hotline	1,000	400	400	400	-600
Battered women's shelters		15,000		15,000	+15,000
Youth education demonstration		400	400	400	+400
Total, Violent crime reduction programs	11,000	105,300	800	21,358	+10,358
FAMILY SUPPORT AND PRESERVATION	150,000	225,000	225,000	225,000	+75,000

1/ The Senate bill creates a separate account for Community Services programs which are not included in the total figures for the Administration on Children and Families.

2/ House bill contains lang prohibiting expenditure of these funds for the EBT task force.

FY 1996 DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019) ($000)—Continued

	FY 1995 Enacted	FY 1996 Estimate	House (H.R. 2127)	H.R. 3019	H.R. 3019 compared with Enacted
PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE					
Foster care	3,128,023	3,749,825	3,749,825	3,742,338	+614,315
Adoption assistance	399,348	488,017	488,017	509,900	+110,552
Independent living	70,000	70,000	70,000	70,000	
Total, Payment to States	3,597,371	4,307,842	4,307,842	4,322,238	+724,867
Total, Administration for Children and Families	31,751,817	34,868,933	31,639,015	32,429,639	+740,007
Current year, FY 1995 / 1996	(26,351,817)	(28,749,729)	(26,839,015)	(27,629,639)	(+1,340,007)
FY 1996 / 1997	(5,400,000)	(6,119,204)	(4,800,000)	(4,800,000)	(-600,000)
ADMINISTRATION ON AGING					
AGING SERVICES PROGRAMS					
Grants to States:					
Supportive services and centers	306,711	306,711	291,375	291,375	
Ombudsman services	4,449	4,449			
Prevention of elder abuse	4,732	6,232			
Pension counseling	1,976	1,976			
Preventive health	16,982	16,982			
Nutrition:					
Congregate meals	375,809	375,809	357,019	364,535	
Home-delivered meals	94,065	94,065	89,362	105,339	
Frail elderly in-home services	9,263	9,263	9,263	9,263	
Grants to Indians	16,902	18,402	16,057	15,550	
Aging research, training and special projects	25,630	45,134			
Federal Council on Aging	176	226			
White House Conference on Aging	3,000	500			
Program administration	16,312	17,399	15,170	15,170	
Total, Administration on Aging	876,007	897,148	778,246	801,232	
OFFICE OF THE SECRETARY					
GENERAL DEPARTMENTAL MANAGEMENT:					
Federal funds	88,150	86,162	82,439	96,439	+8,289
Trust funds	(11,611)				(-11,611)
Portion treated as budget authority	(7,366)	(7,204)	(6,813)	(6,628)	(-738)
Population affairs: Adolescent family life			6,698	6,698	
Physical fitness and sports			1,000	1,000	+1,000
Minority health			20,631	27,000	
Office of research integrity			3,858		
Office of women's health			2,200	5,362	+5,362
Total, General Departmental Management:					
Federal funds	88,150	86,162	116,826	136,499	+14,651
Trust funds	(18,977)	(7,204)	(6,813)	(6,628)	(-12,349)
Total	(107,127)	(93,366)	(123,639)	(143,127)	(+2,302)
OFFICE OF THE INSPECTOR GENERAL:					
Federal funds	60,748	58,889	56,333	56,333	-4,415
Trust funds	(7,862)				(-7,862)
Portion treated as budget authority	(20,846)	(21,048)	(17,623)	(17,623)	(-3,223)
Total, Office of the Inspector General:					
Federal funds	60,748	58,889	56,333	56,333	-4,415
Trust funds	(28,708)	(21,048)	(17,623)	(17,623)	(-11,085)
Total	(89,456)	(79,937)	(73,956)	(73,956)	(-15,500)
OFFICE FOR CIVIL RIGHTS:					
Federal funds	18,195	17,558	10,249	16,153	-2,042
Trust funds	(4)				(-4)
Portion treated as budget authority	(3,776)	(3,602)	(3,251)	(3,314)	(-462)
Total, Office for Civil Rights:					
Federal funds	18,195	17,558	10,249	16,153	-2,042
Trust funds	(3,780)	(3,602)	(3,251)	(3,314)	(-466)
Total	(21,975)	(21,160)	(13,500)	(19,467)	(-2,508)
POLICY RESEARCH	9,403	12,278	9,000	9,000	-403
Total, Office of the Secretary:					
Federal funds	176,496	174,887	192,408	217,985	+7,791
Trust funds	(51,465)	(31,854)	(27,687)	(27,565)	(-23,900)
Total	(227,961)	(206,741)	(220,095)	(245,550)	(-16,109)

FY 1996 DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019) ($000)—Continued

	FY 1995 Enacted	FY 1996 Estimate	House (H.R. 2127)	H.R. 3019	H.R. 3019 compared with Enacted
PUBLIC HEALTH & SOCIAL SERVICES EMERGENCY FUND	35,000	9,000			-35,000
Total, Department of Health and Human Services:					
Federal Funds	179,227,732	200,475,428	196,344,442	197,456,742	+18,555,721
Current year, FY 1995 / 1996	(146,780,015)	(168,200,874)	(165,389,092)	(166,501,392)	(+20,048,088)
FY 1996 / 1997	(32,447,717)	(32,274,554)	(30,955,350)	(30,955,350)	(-1,492,367)
Trust funds	(2,235,285)	(2,291,444)	(2,162,220)	(2,158,375)	(-71,114)
TITLE III - DEPARTMENT OF EDUCATION					
EDUCATION REFORM 1/					
Goals 2000: Educate America Act:					
State & local educ systemic improvement grants	361,870	693,500			-361,870
National programs		46,500			
Parental assistance	10,000	10,000			-10,000
Subtotal, Goals 2000	371,870	750,000			-371,870
School-to-work opportunities:					
State grants and local partnerships	115,625	185,000	95,000	95,000	-20,625
National programs	6,875	15,000			-6,875
Subtotal	122,500	200,000	95,000	95,000	-27,500
Total	494,370	950,000	95,000	95,000	-399,370
EDUCATION FOR THE DISADVANTAGED 2/					
Grants to local education agencies:					
Basic grants, forward funded	5,968,235	5,263,363	4,946,005	4,946,005	-1,022,230
Basic grants, current funded		3,500	3,500	3,500	+3,500
Subtotal, Basic grants	5,968,235	5,266,863	4,949,505	4,949,505	-1,018,730
Concentration grants	663,137	663,137	549,945	549,945	-113,192
Targeted grants		1,000,000			
Setaside for BIA/outlying areas	66,984	70,000	55,550	55,550	-11,434
Subtotal	6,698,356	7,000,000	5,555,000	5,555,000	-1,143,356
Capital expenses for private school children	41,434	20,000	20,000	38,119	-3,315
Even start	102,024		102,024	102,024	
State agency programs:					
Migrant	305,475	310,000	305,475	305,475	
Neglected and delinquent / high risk youth	39,311	40,000	32,000	35,656	-3,655
State school improvement	27,560	35,146			-27,560
Demonstration of innovative practices		25,146			
Evaluation	3,664	11,000		3,370	-294
Total, ESEA	7,217,824	7,441,292	6,014,499	6,039,644	-1,178,180
Migrant education:					
High school equivalency program	8,088			7,441	-647
College assistance migrant program	2,204			2,028	-176
Subtotal, migrant education	10,292			9,469	-823
Total, Compensatory education programs	7,228,116	7,441,292	6,014,499	6,049,113	-1,179,003
Subtotal, forward funded	(7,214,160)	(7,426,792)	(6,010,999)	(6,032,774)	(-1,181,386)
IMPACT AID 3/					
Basic support payments	631,707	550,000	550,000	583,011	-48,696
Payments for children with disabilities	40,000	40,000	40,000	40,000	
Payments for heavily impacted districts (sec. f)	40,000	20,000	50,000	50,000	+10,000
Subtotal	711,707	610,000	640,000	673,011	-38,696
Facilities maintenance (sec. 8008)		2,000			
Payments for increases in military dep (sec. 8006)		2,000			
Construction (sec. 8007)		5,000	5,000	5,000	+5,000
Payments for Federal property (Sec. 8002)	16,293			14,989	-1,304
Total, Impact aid	728,000	619,000	645,000	693,000	-35,000

1/ Forward funded.

2/ All programs in this account are forward funded with the exception of current funded basic grants, Title I evaluation, High School Equivalency Program and the College Assistance Migrant Program.

3/ Figures do not include $35,000,000 provided for Impact Aid basic support payments in the 1996 House National Security Appropriations Bill.

NOTE: All Education accounts are current funded unless otherwise noted.

FY 1996 DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019) ($000)—Continued

	FY 1995 Enacted	FY 1996 Estimate	House (H.R. 2127)	H.R. 3019	H.R. 3019 compared with Enacted
SCHOOL IMPROVEMENT PROGRAMS					
Professional development/program innovation and innovation education program strategies 1/	598,548	735,000	550,000	550,000	-48,548
Professional development 1/				(275,000)	(+275,000)
Program innovation 1/				(275,000)	(+275,000)
Safe and drug-free schools and communities:					
State grants 1/	440,981	465,000	200,000	200,000	-240,981
National programs	25,000	35,000			-25,000
Subtotal, Safe & drug-free schools & communities	465,981	500,000	200,000	200,000	-265,981
Education infrastructure 1/		35,000			
Inexpensive book distribution (RIF)	10,300	10,300	9,000	10,300	
Arts in education	10,500	10,000	9,000	9,000	-1,500
Law-Related Education	4,500				-4,500
Christa McAuliffe fellowships	1,946				-1,946
Other school improvement programs:					
Magnet schools assistance	111,519	111,519	95,000	95,000	-16,519
Educational support services for homeless children & youth 1/	28,811	30,000	23,000	23,000	-5,811
Women's educational equity	3,967	4,000			-3,967
Training and advisory services (Civil Rights IV-A)	21,412	14,000		7,334	-14,078
Dropout prevention demonstrations	12,000				-12,000
Ellender fellowships/Close up 1/	3,000				-3,000
Education for Native Hawaiians	9,000	9,000		12,000	+3,000
Foreign language assistance	10,912	10,912		10,039	-873
Training in early childhood education and violence counseling (HEA V-F)		9,600			
Charter schools	6,000	20,000	6,000	8,000	+2,000
Subtotal, other school improvement programs	206,621	209,031	124,000	155,373	-51,248
Technical assistance for improving ESEA programs:					
Comprehensive regional assistance centers	29,641	55,000		21,554	-8,087
Total, School improvement programs	1,328,037	1,554,331	892,000	946,227	-381,810
Subtotal, forward funded	(1,071,340)	(1,265,000)	(773,000)	(773,000)	(-298,340)
VIOLENT CRIME REDUCTION PROGRAM FAMILY AND COMMUNITY ENDEAVOR SCHOOLS		31,000			
BILINGUAL AND IMMIGRANT EDUCATION					
Bilingual education:					
Instructional services	117,190	155,690	53,000	100,000	-17,190
Support services	14,330	15,330			-14,330
Professional development	25,180	28,980			-25,180
Immigrant education	50,000	100,000	50,000	50,000	
Total	206,700	300,000	103,000	150,000	-56,700
SPECIAL EDUCATION					
State grants: 1/					
Proposed legis: Grants for Special Education		2,772,460			
Grants to States part "b"	2,322,915		2,323,837	2,323,837	+922
Preschool grants	360,265		360,409	360,409	
Grants for infants and families	315,632	315,632	315,754	315,754	
Subtotal, State grants	2,998,812	3,088,092	3,000,000	3,000,000	+922
Proposed legis: Program Support and Improvement:					
Research and demonstrations		63,000			
Technical assistance and systems change		50,000			
Professional development		97,000			
Parent training		14,534			
Technology development and support		29,500			
Subtotal, Proposed legislation		254,034			
Special purpose funds:					
Deaf-blindness	12,832		12,832	12,832	
Serious emotional disturbance	4,147		4,147	4,147	
Severe disabilities	10,030		10,030	10,030	
Early childhood education	25,167			25,167	
Secondary and transitional services	23,966		23,966	23,966	
Postsecondary education	8,839		8,839	8,839	
Innovation and development	20,635			14,000	
Media and captioning services	19,142		19,142	19,142	
Technology applications	10,862			9,993	
Special studies	4,160			3,827	
Personnel development	91,339			91,339	
Parent training	13,535		13,535	13,535	

1/ Forward funded.

FY 1996 DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019) ($000)—Continued

	FY 1995 Enacted	FY 1996 Estimate	House (H.R. 2127)	H.R. 3019	H.R. 3019 compared with Enacted
Clearinghouses	2,162			1,989	
Regional resource centers	7,218			6,641	
Subtotal, Special purpose funds	254,034		92,491	245,447	
Total, Special education	3,252,846	3,342,126	3,092,491	3,245,447	+922
REHABILITATION SERVICES AND DISABILITY RESEARCH					
Vocational rehabilitation State grants	2,054,145	2,118,834	2,118,834	2,118,834	+64,689
Tech assistance to States		1,000	1,000	1,000	+1,000
Client assistance State grants	9,824	10,119	10,119	10,119	+295
Training	39,629	39,629	39,629	39,629	
Special demonstration programs	30,558	23,942	23,942	23,942	-6,616
Migratory workers	1,421	1,421	1,421	1,421	
Recreational programs	2,596	2,596	2,596	2,596	
Protection and advocacy of individual rights	7,456	7,456	7,456	7,456	
Projects with industry	22,071	22,071	22,071	22,071	
Supported employment State grants	36,536	38,152	38,152	38,152	+1,616
Independent living:					
State grants	21,859	21,859	21,859	21,859	
Centers	40,533	41,749	41,749	41,749	+1,216
Services for older blind individuals	8,952	8,952	8,952	8,952	
Subtotal, Independent living	71,344	72,560	72,560	72,560	+1,216
Evaluation	1,587	1,587	1,587	1,587	
Helen Keller National Center for Deaf-Blind Youth and Adults	6,936	7,144	7,144	7,144	+208
National Institute on Disability and Rehabilitation Research	70,000	70,000	70,000	70,000	
Subtotal, mandatory programs	2,354,103	2,416,511	2,416,511	2,416,511	+62,408
Assistive technology	39,249	40,426	39,249	36,109	-3,140
Total, Rehabilitation services	2,393,352	2,456,937	2,455,760	2,452,620	+59,268
SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES					
AMERICAN PRINTING HOUSE FOR THE BLIND	6,680	6,680	4,000	6,680	
NATIONAL TECHNICAL INSTITUTE FOR THE DEAF:					
Consolidated account		43,041	39,737	42,180	+42,180
Operations	42,705				-42,705
Endowment grant	336				-336
Construction	150				-150
Subtotal	43,191	43,041	39,737	42,180	-1,011
GALLAUDET UNIVERSITY:					
Consolidated account		80,030	72,028	55,321	+55,321
University programs	54,244				-54,244
Elementary and secondary education programs	24,786			22,308	-2,478
Endowment grant	1,000				-1,000
Subtotal	80,030	80,030	72,028	77,629	-2,401
Total, Special institutions for persons with disabilities	129,901	129,751	115,765	126,489	-3,412
VOCATIONAL AND ADULT EDUCATION 1/					
Vocational education:					
Proposed legis: State grants		1,141,088			
Basic State grants	972,750		800,000	890,000	-82,750
Community - based organizations					
Consumer and homemaking education					
Tech-Prep education	108,000		100,000	100,000	-8,000
Tribally controlled postsecondary vocational institutions	2,919		2,919	2,919	
State councils	8,848				-8,848
National programs:					
Proposed legis: National programs		37,000			
Research	6,851		1,000	5,000	-1,851
Demonstrations					
National occupational information coordinating committee	4,250				-4,250
Subtotal, national programs	11,101	37,000	1,000	5,000	-6,101
Subtotal, Vocational education	1,103,618	1,178,088	903,919	997,919	-105,699

1/ All programs are forward funded with the exception of Tribally Controlled Postsecondary Vocational Institutions.

FY 1996 DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019) ($000)—Continued

	FY 1995 Enacted	FY 1996 Estimate	House (H.R. 2127)	H.R. 3019	H.R. 3019 compared with Enacted
Adult education:					
State activities:					
Proposed legislation: State grants		479,487			
State programs	252,345		250,000	250,000	-2,345
Subtotal, State activities	252,345	479,487	250,000	250,000	-2,345
National programs:					
Proposed legislation: National programs		11,000			
Evaluation and technical assistance	3,900				-3,900
National Institute for Literacy	4,862		4,869	4,869	+7
Subtotal, National programs	8,762	11,000	4,869	4,869	-3,893
State literacy resource centers					
Workplace literacy partnerships	12,736				-12,736
Literacy programs for prisoners	5,100		4,000	4,346	-754
Subtotal, adult education	278,943	490,487	258,869	259,215	-19,728
Total, Vocational and adult education	1,382,561	1,668,575	1,162,788	1,257,134	-125,427
STUDENT FINANCIAL ASSISTANCE					
Federal Pell Grants: Regular program	6,178,680	6,217,125	5,697,000	5,423,331	-755,349
Carryover funding		(372,025)	(715,000)	(715,000)	(+715,000)
Total, funding available for Pell Grants	6,178,680	6,589,150	6,412,000	6,138,331	-40,349
Memo (non-add): Maximum grant	(2,340)	(2,500)	(2,440)	(2,440)	(+100)
Benefits for participants in Operation Desert Storm (non-add)	(3,165)				(-3,165)
Subtotal, Pell Grants - New BA Current law	6,178,680	6,217,125	5,697,000	5,423,331	-755,349
Proposed legislation: Pell Grants (non-add):					
Base grants, degree candidates	(4,351,578)	(4,087,759)			(-4,351,578)
Increment for increase in max from $2500 to $2620		(384,378)			
Skill grants, non-degree candidates	(1,827,102)	(2,129,366)			(-1,827,102)
Subtotal, Proposed legis (non-add)	(6,178,680)	(6,601,503)			(-6,178,680)
Federal supplemental educational opportunity grants	583,407	583,407	583,407	583,407	
Federal work-study	616,508	616,508	616,508	616,508	
Federal Perkins loans:					
Capital contributions	158,000	158,000			-158,000
Loan cancellations	18,000	20,000	20,000	20,000	+2,000
Subtotal, Federal Perkins loans	176,000	178,000	20,000	20,000	-156,000
State student incentive grants	63,375	31,375			-63,375
State postsecondary review program		25,000			
Total, Student financial assistance	7,617,970	7,651,415	6,916,915	6,643,246	-974,724
FEDERAL FAMILY EDUCATION LOANS PROGRAM					
(EXISTING GUARANTEED STUDENT LOANS PROGRAM)					
Federal education loans: Federal administration	62,096	30,066	30,066	30,066	-32,030
Total Outstanding Loan Volume (Current Law) (non-add)	(85,274,999)	(89,413,915)	(85,274,999)	(85,274,999)	
Total Outstanding Loan Volume (Adm Proposal) (non-add)	(85,274,999)	(85,928,408)	(89,413,915)	(89,413,915)	(+4,138,916)
FEDERAL DIRECT STUDENT LOAN PROGRAM					
Mandatory administrative costs (indefinite)	(283,565)	(550,000)	(320,000)	(320,000)	(+36,435)
Permanent authority (direct loan administration)	-61,000				+61,000
Total Outstanding Loan Volume (Current Law) (non-add)	(5,385,699)	(17,710,285)	(17,710,285)	(17,710,285)	(+12,324,586)
Total Outstanding Loan Volume (Adm Proposal) (non-add)	(5,385,699)	(21,195,791)			(-5,385,699)
HIGHER EDUCATION					
Aid for institutional development:					
Strengthening institutions	80,000	40,000	32,590	55,450	-24,550
Hispanic serving institutions	12,000	12,000	10,800	10,800	-1,200
Strengthening historically black colleges & univ	108,990	108,990	108,990	108,990	
Strengthening historically black grad institutions	19,606	19,606	19,606	19,606	
Endowment challenge grants:					
Endowment grants	6,045				-6,045
HBCU set-aside	2,015	2,015			-2,015
Evaluation	1,000				-1,000
Subtotal, Institutional development	229,656	182,611	171,986	194,846	-34,810
Program development:					
Fund for the Improvement of Postsecondary Educ	17,543	17,543	15,000	15,000	-2,543
Native Hawaiian and Alaska Native Culture Arts Development	500				-500
Eisenhower leadership program	1,080				-1,080
Minority teacher recruitment	2,458	3,000	2,212	2,212	-246
Minority science improvement	5,839	5,839	5,255	5,255	-584
Community service projects	1,423				-1,423

FY 1996 DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019) ($000)—Continued

	FY 1995 Enacted	FY 1996 Estimate	House (H.R. 2127)	H.R. 3019	H.R. 3019 compared with Enacted
International education and foreign language studies:					
Domestic programs	52,283	52,283	52,283	50,481	-1,802
Overseas programs	5,790	5,790	4,000	4,750	-1,040
Institute for International Public Policy	1,000	1,000		920	-80
Subtotal, International education	59,073	59,073	56,283	56,151	-2,922
Cooperative education	6,927				-6,927
Law school clinical experience	13,222			5,500	-7,722
Urban community service	10,000			9,200	-800
Subtotal, Program development	118,065	85,455	78,750	93,318	-24,747
Construction: Interest subsidy grants, prior year construction	17,512	16,712	16,712	16,712	-800
Special grants:					
Bethune Cookman College Fine Arts Center	4,000			3,680	-320
Federal TRIO programs	463,000	463,000	463,000	463,000	
Early intervention scholarships and partnerships	3,108			3,108	
Scholarships:					
Byrd honors scholarships	29,117	38,117		29,117	
National science scholars	3,303				
Douglas teacher scholarships	299				-299
Subtotal, Scholarships	32,719	38,117		29,117	-299
Graduate fellowships:					
Harris fellowships	10,144				-10,144
Javits fellowships	6,845			5,931	-914
Graduate assistance in areas of national need	27,252	27,252	27,252	27,252	
Faculty development fellowships	212	3,732			-212
Subtotal, Graduate fellowships	44,453	30,984	27,252	33,183	-11,270
School, college & university partnerships	3,893	3,893			-3,893
Legal training for the disadvantaged (CLEO)	2,964				-2,964
Total, Higher education	919,370	820,772	757,700	836,964	-79,103
HOWARD UNIVERSITY					
Academic program	156,530	158,330	140,877	145,182	-11,348
Endowment program:					
Regular program	3,530	3,530			-3,530
Clinical law center (includes construction)	5,500				
Research	4,614	4,614			-4,614
Howard University Hospital	29,489	29,489	29,489	29,489	
Construction	5,000				-5,000
Total, Howard University	204,663	195,963	170,366	174,671	-24,492
COLLEGE HOUSING & ACADEMIC FACILITIES LOANS PROGRAM:					
Federal administration	757	1,027	700	700	-57
HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM					
Federal administration	346	166	166	166	-180
EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT					
Research and statistics:					
Research	86,200	97,600	101,578	107,600	+21,400
Statistics	48,153	57,000	48,153	46,227	-1,926
Assessment:					
National assessment	29,757	34,500	29,757	29,757	
National assessment governing board	2,995	3,500	3,000	2,880	-115
Subtotal, Assesment	32,752	38,000	32,757	32,637	-115
Subtotal, Research and statistics	167,105	192,600	182,488	186,464	+19,359
Fund for the Improvement of Education	36,750	36,750	36,750	37,624	+874
International education exchange (title VI)	3,000	3,000		5,000	+2,000
21st century community learning centers	750			750	
Civic Education	4,463	4,463	3,000	4,000	-463
Eisenhower professional development national activities	21,356	35,000		18,000	-3,356
Eisenhower regional mathematics & science education consortia	15,000	15,000		15,000	
Javits gifted and talented education	4,921	9,521	3,000	3,000	-1,921
National writing project	3,212			2,955	-257
National Diffusion Network	11,780	14,480			-11,780
Education technology:					
Technology for education:					
K-12 technology learning challenge	9,500	50,000	25,000	25,000	+15,500
Adult technology learning challenge		20,000			
National activities	13,000	13,000			-13,000
Subtotal, Technology for education	22,500	83,000	25,000	25,000	+2,500

FY 1996 DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019) ($000)—Continued

	FY 1995 Enacted	FY 1996 Estimate	House (H.R. 2127)	H.R. 3019	H.R. 3019 compared with Enacted
Star schools	25,000	30,000		23,000	-2,000
Ready to learn television	7,000	7,000		6,440	-560
Telecommunications demo project for mathematics	1,125	2,250		1,035	-90
Subtotal, Education technology	55,625	122,250	25,000	55,475	-150
Total, ERSI	323,962	433,064	250,238	328,268	+4,306
LIBRARIES					
Public libraries:					
Services	83,227	89,135	83,227	92,636	+9,409
Construction	17,792	17,792		16,369	-1,423
Interlibrary cooperation	23,700		18,000	18,000	-5,700
Library literacy programs	8,026				-8,026
Library education and training	4,916			2,500	-2,416
Research and demonstrations	6,500			2,000	-4,500
Total, Libraries	144,161	106,927	101,227	131,505	-12,656
DEPARTMENTAL MANAGEMENT					
PROGRAM ADMINISTRATION	355,476	370,844	327,319	327,319	-28,157
HEADQUARTERS RENOVATION 1/		20,000		7,000	+7,000
Proposed leg: GI Bill savings (non-add)		(-1,729)			
OFFICE FOR CIVIL RIGHTS	58,236	62,784	53,951	55,451	-2,785
OFFICE OF THE INSPECTOR GENERAL	30,390	34,066	28,154	28,654	-1,736
Total, Departmental management	444,102	487,694	409,424	418,424	-25,678
Total, Department of Education	26,800,310	28,220,106	23,213,105	23,579,040	-3,204,146
TITLE IV - RELATED AGENCIES					
ARMED FORCES RETIREMENT HOME					
Operation and maintenance (trust fund limitation):					
Soldiers' and Airmen's Home	45,248	45,090	45,090		-45,248
United States Naval Home	11,015	11,979	11,045		-11,015
Consolidated account				54,017	+54,017
Subtotal, O & M	56,263	57,069	56,135	54,017	-2,246
Capital program (trust fund limitation):					
Soldiers' and Airmen's Home	2,500	1,483	1,483		-2,500
United States Naval Home	406	568	568		-406
Consolidated account				1,954	+1,954
Subtotal, capital	2,906	2,051	2,051	1,954	-952
Total, AFRH	59,169	59,120	58,186	55,971	-3,198
CORPORATION FOR NATIONAL AND COMMUNITY SERVICE					
Domestic Volunteer service Programs (formerly Action):					
Volunteers in Service to America:					
VISTA operations	42,676	53,800	25,603	39,262	-3,414
VISTA Literacy Corps	5,024	6,200			-5,024
Subtotal, VISTA	47,700	60,000	25,603	39,262	-8,438
National Senior Volunteer Corps:					
Foster Grandparents Program	67,812	78,810	62,237	62,237	-5,575
Senior Companion Program	31,244	43,090	31,155	31,155	-89
Retired Senior Volunteer Program	35,708	44,500	34,949	34,949	-759
Senior Demonstration Programs	1,000	2,000			-1,000
Subtotal, Senior Volunteers	135,764	168,400	128,341	128,341	-7,423
Program Administration	31,160	34,500	28,823	28,667	-2,493
Total, Domestic Volunteer Service Programs	214,624	262,900	182,767	196,270	-18,354
Corporation for Public Broadcasting: FY98 (current request) with FY97 comparable	260,000	296,400	240,000	250,000	
1997 advance (non-add) with FY96 comparable	(275,000)	(315,000)	(260,000)	(260,000)	(-15,000)
1996 advance (non-add) with FY95 comparable	(285,640)	(275,000)	(275,000)	(275,000)	(-10,640)
Rescissions:					
1995 funding	-7,000				+7,000
1996 advance funding (non-add)	(-37,000)				(+37,000)
1997 advance funding (non-add)	(-55,000)				(+55,000)

1/ Funds available for 3 years.

FY 1996 DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019) ($000)—Continued

	FY 1995 Enacted	FY 1996 Estimate	House (H.R. 2127)	H.R. 3019	H.R. 3019 compared with Enacted
Federal Mediation and Conciliation Service	31,344	33,290	31,896	32,896	+1,552
Federal Mine Safety and Health Review Commission	6,200	6,467	6,467	6,200	....
National Commission on Libraries and Information Science	901	962	450	829	-72
National Council on Disability	1,793	1,830	1,397	1,793	....
National Education Goals Panel	....	2,785	....	1,000	+1,000
National Education Standards & Improvement Council	....	3,000	....	....	....
National Labor Relations Board	176,047	181,134	123,233	167,245	-8,802
National Mediation Board	8,519	8,933	8,000	7,837	-682
Occupational Safety and Health Review Commission	7,595	8,127	8,200	8,100	+505
Physician Payment Review Commission (trust funds)	(4,176)	(4,100)	(2,923)	(2,923)	(-1,253)
Propective payment Assessment Commission (trust funds)	(4,667)	(4,656)	(3,267)	(3,267)	(-1,400)
SOCIAL SECURITY ADMINISTRATION					
PAYMENTS TO SOCIAL SECURITY TRUST FUNDS	25,094	22,641	22,641	22,641	-2,453
ADDITIONAL ADMINISTRATIVE EXPENSES 1/	....	10,000	10,000	10,000	+10,000
SPECIAL BENEFITS FOR DISABLED COAL MINERS					
Benefit payments	712,693	660,215	660,215	660,215	-52,478
Administration	5,181	5,181	5,181	5,181	....
Subtotal, Black Lung, FY 1996 program level	717,874	665,396	665,396	665,396	-52,478
Less funds advanced in prior year	-190,000	-180,000	-180,000	-180,000	+10,000
Total, Black Lung, current request, FY 1996	527,874	485,396	485,396	485,396	-42,478
New advances, 1st quarter FY 1996 / 1997	180,000	170,000	170,000	170,000	-10,000
SUPPLEMENTAL SECURITY INCOME					
Federal benefit payments	25,435,739	23,548,636	23,548,636	23,548,636	-1,887,103
Beneficiary services	143,400	176,400	176,400	176,400	+33,000
Research and demonstration	27,700	6,700	6,700	6,700	-21,000
Administration	2,042,781	1,727,098	1,727,098	1,727,098	-315,683
Investment proposals:					
Automation investment initiative	67,000	138,159	103,000	103,000	+36,000
Disability investment initiative	280,000	267,000	252,000	252,000	-28,000
Subtotal, SSI FY 1996 program level	27,996,620	25,863,993	25,813,834	25,813,834	-2,182,786
Less funds advanced in prior year	-6,770,000	-7,060,000	-7,060,000	-7,060,000	-290,000
Total, SSI, current request, FY 1995 / 1996	21,226,620	18,803,993	18,753,834	18,753,834	-2,472,786
New advance, 1st quarter, FY 1996 / 1997	7,060,000	9,260,000	9,260,000	9,260,000	+2,200,000
LIMITATION ON ADMINISTRATIVE EXPENSES					
OASDI trust funds	(2,357,464)	(2,689,071)	(2,684,071)	(2,684,071)	(+326,607)
HI/SMI trust funds	(735,575)	(902,233)	(864,099)	(864,099)	(+128,524)
SSI	(2,042,781)	(1,727,098)	(1,727,098)	(1,727,098)	(-315,683)
Subtotal, regular LAE	(5,135,820)	(5,318,402)	(5,275,268)	(5,275,268)	(+139,448)
DI disability initiative	(40,000)	(267,000)	(155,000)	(155,000)	(+115,000)
SSI disability initiative	(280,000)	(267,000)	(252,000)	(252,000)	(-28,000)
Subtotal, Disability initiative	(320,000)	(534,000)	(407,000)	(407,000)	(+87,000)
OASDI automation	(21,283)	(218,841)	(125,000)	(125,000)	(+103,717)
SSI automation	(67,000)	(138,159)	(103,000)	(103,000)	(+36,000)
Subtotal, automation initative	(88,283)	(357,000)	(228,000)	(228,000)	(+139,717)
TOTAL, LAE	(5,544,103)	(6,209,402)	(5,910,268)	(5,910,268)	(+366,165)
OFFICE OF INSPECTOR GENERAL					
Federal funds	2,408	6,964	4,816	4,816	+2,408
Trust funds	(3,851)	(9,704)	(10,099)	(10,099)	(+6,248)
Portion treated as budget authority	(4,187)	(10,549)	(10,977)	(10,977)	(+6,790)
Total, Office of the Inspector General:					
Federal funds	2,408	6,964	4,816	4,816	+2,408
Trust funds	(8,038)	(20,253)	(21,076)	(21,076)	(+13,038)
Total	(10,446)	(27,217)	(25,892)	(25,892)	(+15,446)
Total, Social Security Administration:					
Federal funds	29,021,996	28,758,994	28,706,687	28,706,687	-315,309
Current year FY 1995 / 1996	(21,781,996)	(19,328,994)	(19,276,687)	(19,276,687)	(-2,505,309)
New advances, 1st quarter FY 1996 / 1997	(7,240,000)	(9,430,000)	(9,430,000)	(9,430,000)	(+2,190,000)
Trust funds	(5,552,141)	(6,229,655)	(5,931,344)	(5,931,344)	(+379,203)

1/ No-year availability for these funds related to sections 9704 & 9706 of the Internal Revenue Code of 1986.

FY 1996 DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019) ($000)—Continued

	FY 1995 Enacted	FY 1996 Estimate	House (H.R. 2127)	H.R. 3019	H.R. 3019 compared with Enacted
RAILROAD RETIREMENT BOARD					
Dual benefits payments account	254,000	239,000	239,000	239,000	-15,000
Less income tax receipts on dual benefits	-19,000	-17,000	-17,000	-17,000	+2,000
Subtotal, Dual Benefits	235,000	222,000	222,000	222,000	-13,000
Federal payment to the Railroad Retirement Account	300	300	300	300	
Limitation on administration:					
Consolidated account		(92,700)	(90,912)	(90,816)	(+90,816)
Retirement	(73,803)				(-73,803)
Unemployment	(17,013)				(-17,013)
Subtotal, administration	(90,816)	(92,700)	(90,912)	(90,816)	
Special management improvement fund	(1,638)	(659)	(659)	(659)	(-979)
Total, limitation on administration	(92,454)	(93,359)	(91,571)	(91,475)	(-979)
Inspector General	(6,675)	(6,700)	(5,100)	(5,673)	(-1,002)
United States Institute of Peace	11,500	11,500	6,500	11,500	
Total, Title IV, Related Agencies:					
Federal Funds (all years)	30,027,988	29,857,742	29,596,083	29,668,628	-349,360
Current year, FY 1995 / 1996	(22,527,988)	(20,131,342)	(19,926,083)	(19,988,628)	(-2,539,360)
FY 1996 / 1997	(7,240,000)	(9,430,000)	(9,430,000)	(9,430,000)	(+2,190,000)
FY 1997 / 1998	(260,000)	(296,400)	(240,000)	(250,000)	
Trust funds	(5,660,113)	(6,338,470)	(6,034,205)	(6,034,682)	(+374,569)
SUMMARY					
Title I - Department of Labor:					
Federal Funds	8,439,273	9,631,811	6,904,435	6,551,875	-1,841,338
Trust Funds	(3,501,398)	(3,629,347)	(3,389,980)	(3,380,873)	(-110,275)
Title II - Department of Health and Human Services:					
Federal Funds	179,227,732	200,475,428	196,344,442	197,456,742	+18,555,721
Current year	(146,780,015)	(168,200,874)	(165,389,092)	(166,501,392)	(+20,048,088)
1997 advance	(32,447,717)	(32,274,554)	(30,955,350)	(30,955,350)	(-1,492,367)
Trust Funds	(2,235,285)	(2,291,444)	(2,162,220)	(2,158,375)	(-71,114)
Title III - Department of Education:					
Federal Funds	26,800,310	28,220,106	23,213,105	23,579,040	-3,204,146
Title IV - Related Agencies:					
Federal Funds	30,027,988	29,857,742	29,596,083	29,668,628	-349,360
Current year	(22,527,988)	(20,131,342)	(19,926,083)	(19,988,628)	(-2,539,360)
1997 advance	(7,240,000)	(9,430,000)	(9,430,000)	(9,430,000)	(+2,190,000)
1998 advance	(260,000)	(296,400)	(240,000)	(250,000)	
Trust Funds	(5,660,113)	(6,338,470)	(6,034,205)	(6,034,682)	(+374,569)
Total, all titles:					
Federal Funds	244,495,303	268,185,087	256,058,065	257,256,285	+13,160,877
Current year	(204,547,586)	(226,184,133)	(215,432,715)	(216,620,935)	(+12,463,244)
1997 advance	(39,687,717)	(41,704,554)	(40,385,350)	(40,385,350)	(+697,633)
1998 advance	(260,000)	(296,400)	(240,000)	(250,000)	
Trust Funds	(11,396,796)	(12,259,261)	(11,586,405)	(11,573,930)	(+193,180)
BUDGET ENFORCEMENT ACT RECAP					
Federal Funds (all years)	244,495,303	268,185,087	256,058,065	257,256,285	+13,160,877
Mandatory, total in bill	184,182,317	202,641,064	202,633,887	202,368,283	+18,185,966
Less advances for subsequent years	-38,687,717	-40,385,350	-40,385,350	-40,385,350	-1,697,633
Plus advances provided in prior years 1/	37,760,000	38,687,717	38,687,717	38,687,717	+927,717
Adjustment for leg cap on Title XX SSBGs				280,000	+280,000
Total, mandatory, current year	183,254,600	200,943,431	200,936,254	200,950,650	+17,696,050

1/ FY95 comparable reflects level before rescission of advance funding. FY96 amounts reflect level after rescission.

FY 1996 DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019) ($000)—Continued

	FY 1995 Enacted	FY 1996 Estimate	House (H.R. 2127)	H.R. 3019	H.R. 3019 compared with Enacted
Discretionary, total in bill (incl rescissions)	60,312,986	65,544,023	53,424,178	54,888,002	-5,025,089
Less advances for subsequent years	-1,260,000	-1,615,604	-240,000	-250,000	+1,000,000
Plus advances provided in prior years 1/	1,767,638	1,275,000	1,275,000	1,275,000	-492,638
Scorekeeping adjustments:					
Trust funds considered budget authority	6,552,420	6,928,676	6,518,556	6,506,081	-30,293
Black lung benefit cola	12,900				-12,900
Adjustment to balance with FY95 bill	-52,590				+52,590
Pell grants, rescission of FY94 funds	-35,000				+35,000
Youth training rescission (FY 1994)	-50,000				+50,000
NIH buildings & facilities resc (FY 1994)	-60,000				+60,000
Emergency funding	-35,000				+35,000
Retirement fraud	-410				+410
HEAL loan limitation			-6,983	-6,983	-6,983
Direct loan administration limitation				-118,000	-118,000
Direct loan 40% cap				-55,000	-55,000
Dept of Labor working capital fund			3,900	3,900	+3,900
Adjustment for leg cap on Title XX SSBGs				-280,000	-280,000
Total, discretionary, current year	67,152,944	72,132,095	60,974,651	61,963,000	-4,784,003
Crime trust fund	11,000	175,400	39,900	53,000	+42,000
General purposes	67,141,944	71,956,695	60,934,751	61,910,000	-4,826,003
Grand total, current year	250,407,544	273,075,526	261,910,905	262,913,650	+12,912,047

1/ FY95 comparable reflects level before rescission of advance funding. FY96 amounts reflect level after rescission.

NOTE: Appropriations for the Centers for Disease Control and the National Institutes of Health were enacted in P.L. 104-91 and are not included in H.R. 3019. Appropriations for these accounts are displayed in this table for descriptive purposes only.

FISCAL YEAR 1996 LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES
CONTINGENCY FUNDING LEVELS

	CR #10 L-HHS Title ($000)	Contingency Amount ($000)	Total ($000)
TITLE I - DEPARTMENT OF LABOR			
Employment and Training Administration			
Training and Employment Services			
Adult Job Training	745,700	84,300	830,000
School-to-Work (ED & Labor Dep'ts.)	190,000	55,000	245,000
State Unemployment Insurance and Employment Service Operations			
One-Stop Career Centers	92,000	33,000	125,000
TITLE II - DEPT. OF HEALTH & HUMAN SERVICES			
Substance Abuse and Mental Health Services Administration			
Substance Abuse and Mental Health Services			
Substance Abuse Block Grant	1,234,107	100,000	1,334,107
TITLE III - DEPARTMENT OF EDUCATION			
Education Reform			
Goals 2000	0	362,000	362,000
Education for the Disadvantaged			
Education for the Disadvantaged (Title I)	5,555,000	961,000	6,516,000
School Improvement Programs			
Charter Schools	8,000	12,000	20,000
Education, Research, Statistics, and Improvement			
Eduation Technology			
K-12 Technology Learning Challenge	25,000	23,000	48,000
TOTAL	**7,849,807**	**1,630,300**	**9,480,107**

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Mr. OBEY. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, the previous speaker indicated the President has not indicted any way to pay for his restorations. That is flatly not true. I was in a room with the President's staff director. He presented us a list of programs, of reductions that would fully pay for everything he is asking for. If you do not like his list, produce your own, but do not say he has not produced his own list. He has. If you do not know it, you ought to.

Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I address my remarks to the Interior Department part of this bill. This bill contains the same unacceptable provisions that the first Interior bill contained. My good friend from Louisiana, the chairman of the committee, Mr. LIVINGSTON, spoke about meeting the President halfway with this bill. This bill does not meet the President halfway. It does not even get off the starting blocks.

With respect to the Interior bill, this is the same bill that the House twice rejected by recommitting it. It is the same bill that the President wisely vetoed. This bill calls for the continuing destruction of the Tongass National Forest in Alaska. It mandates increased logging. It slashes funds for Native American programs by $325 million. It increases the poverty of the Indian community.

It cuts the Low-Income Weatherization Assistance Programs. It contains a moratorium on adding new plants and animals to the endangered species list, no matter that some of the animals are on the verge of extinction. It still removes the Mojave National Preserve in California from the Park Service and gives it to the Bureau of Land Management, where it will not receive the same quality of review and care. It cuts the National Endowment for the Arts. It cuts our Nation's culture to the bone. And it still treats native Americans like second class citizens by denying them their legal rights and by desecrating their sacred land.

My good friends in the majority may claim this is a new bill, but the fact of the matter is that while some of the deck chairs are being rearranged, this bill is still like a sinking ship. I say this bill is a terrible bill. It is not even acceptable to the other body, which is in the process of passing its own bill.

Mr. Chairman, it is time that we gave up the ghost. The fiscal 1996 Interior bill the Republicans tried to ram through is dead. It will not pass. It cannot be brought back to life. Instead of trying to revive this antienvironment bill, the Nation would be better served if we simply passed a clean CR for the rest of the year, free of extraneous riders, and turned our attention to the 1997 budget.

Mr. Chairman, I urge my colleagues to vote against this bill.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. Chairman, the chairman of the committee called this a wrap-up bill. I am afraid in certain respects it is closer to a meltdown bill.

Let me say a word about title I. When it was last reauthorized, problems in that program were addressed. I was at a title I program on Monday. The teachers, everybody involved, said what a wonderful asset title I was to the children in that classroom, a very middle-America kind of classroom. Kids were getting help with reading and with math.

There is talk here about economic insecurity, but what this bill does is to cut training and retraining programs. There is talk about physical security for our citizens. This cuts community policing programs and also veterans programs.

The era of big government is over, but the answer is not an era of extremism. We must balance the budget in the right way. This bill does it in the wrong way.

Mr. OBEY. Mr. Chairman, I yield myself 1¼ minutes.

Mr. Chairman, again this bill is being offered as a bill which is trying to move the process forward and help resolve remaining differences between the White House and the Congress. I have already described why that is not so, but I have another example.

I have just been handed a 5 page set of instructions which evidently the subcommittee chair for the Labor, Health and Education bill plans to insert in the RECORD, providing detailed instructions on how the money that is supposedly in this bill is supposed to be spent.

We have never seen this until just a few moments ago. It makes some policy changes. It redirects funds and creates greater likelihood that they will go to some contractors rather than others. It just seems to me that if they are trying to minimize the differences between the White House and themselves on this issue, this is a mighty strange process to go through in that effort.

Mr. LIVINGSTON. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. YOUNG], the distinguished chairman of the Subcommittee on National Security.

Mr. YOUNG of Florida. Mr. Chairman, let me take just a few minutes to discuss chapter 4 of title II, which is the defense supplemental to pay for the Bosnia deployment. As all of us are aware, many Members in this House disagreed with the President and the administration when they decided to send United States troops to Bosnia. We voted several times on the House floor giving that indication to the White House, that we did not want American troops to go to Bosnia.

Nevertheless, the President made the decision, the troops were deployed, and they are serving in Bosnia today, and they are serving with great distinction, as they always do.

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But now that the deployment has been made, we have to pay for it, and we are here with a strong commitment to make the necessary payments to provide our troops with whatever it is they need to do their mission and to give themselves some protection at the same time.

In the beginning it was estimated the Bosnia deployment would cost the taxpayers about $1½ billion. Now we are talking about $2½ billion, and in the opinion of this Member it is even going to be higher than that, but nevertheless we are going to deal with those costs.

We have already dealt with phase one of a three-phase program to pay for the Bosnia deployment. That was a major reprogramming, which our committee approved last month.

Today we deal with phase two, this supplemental we have recommended more than the President asked for because we determine that he actually needed more at this point in order to pay for what is going on in Bosnia. The gentleman from Louisiana [Mr. LIVINGSTON] said that we were meeting the President halfway on this bill. In the area of national defense and the Bosnia deployment, we are meeting him 125 percent of the way because we increased his request for $620 million to $820 million. I will submit a detailed statement as to exactly what those funds are to be used for.

Now, Mr. Chairman, we are very committed to providing our troops, wherever they might be, whatever they need to accomplish their mission and to protect themselves while they are doing it. But we want to deliver another message as strongly as we can. The Department of Defense funding, money appropriated to provide for our national defense, is not going to become a bank for other agencies' operations, although we may support those operations. I say that because part of the President's request was to have the Department of Defense provide an additional $200 million in offsets for what I would describe briefly as a foreign aid program for Bosnia after U.S. troops leave. We resisted that strongly, and we were successful, and that $200 million will not come from Department of Defense funds.

Mr. Chairman, the chairman of the committee will ask in the House for permission to revise and extend and include tabular material, and I would like to insert a detailed explanation of how these funds will be used and tabular material following my comments at this point in the RECORD. The chairman will ask for that permission when we go back into the House.

With that, let me say God bless our troops in Bosnia. We will do everything we can to provide them what they need.

Mr. Chairman, I rise to provide a brief explanation of those items under the jurisdiction of the Subcommittee on National Security in H.R. 3019.

Title II of this bill contains funding for a number of programs related to international peacekeeping activities. Chapter IV of this title provides a total of $782.5 million in emergency supplemental appropriations for the Department of Defense to finance unfunded costs resulting from the NATO-led Bosnia Peace Implementation Force [IFOR] and Operation Deny Flight. In conjunction with $37.5 million provided to the Department for Bosnia-related military construction costs in chapter III, H.R. 3019 contains a total of $820 million for Department of Defense costs stemming from the Bosnia operation. These supplemental appropriations are totally offset by $820 rescissions of previously appropriated Department of Defense funds identified by the Secretary of Defense as excess to requirements. Additional rescissions of $70 million have been included to offset funding in chapter II associated with the transfer of F–16 aircraft to the Government of Jordan.

The President has requested supplemental funding to replenish the Military Services' military personnel and operation and maintenance accounts for costs incurred due to the Bosnia deployment. Without these funds the Services will be forced to absorb the costs, forcing steps which will degrade military readiness and quality of life programs such as delaying promotions and personnel moves and canceling exercises and training operations.

This supplemental represents the second phase of the Department of Defense's plan to finance the cost of the Bosnia deployment. On January 21, 1996, the Department submitted a reprogramming request to the congressional defense committees for other Bosnia-related costs in the amount of $991 million, offset by an equal amount available due to revised inflation assumptions regarding programs in the fiscal year 1996 Department of Defense Appropriations Act. The Committee on Appropriations has been advised the Department will submit a second reprogramming action in the near future to cover any remaining incremental fiscal year 1996 costs from the Bosnia deployment and other unfunded contingency operations.

The President requested a total of $620 million in supplemental appropriations for Bosnia-related defense costs. The additional $200 million provided in this bill is for military personnel and logistics support costs identified subsequent to the President's submission.

The following table provides details of the appropriations in Chapters III and IV:

FISCAL YEAR 1996 DEPARTMENT OF DEFENSE, SUPPLEMENTAL APPROPRIATIONS REQUEST

[In thousands of dollars]

Appropriations	Request	House recommendation	Change
MILITARY PERSONNEL			
Military Personnel, Army	244,400	262,200	+17,800
Military Personnel, Navy	11,700	11,800	+100
Military Personnel, Marine Corps	2,600	2,700	+100
Military Personnel, Air Force	27,300	33,700	+6,400
Total, military personnel	286,000	310,400	+24,400
OPERATION AND MAINTENANCE			
Operation and maintenance, Army	48,200	235,200	+187,000
Operation and maintenance, Marine Corps	900	900	
Operation and maintenance, Air Force	141,600	130,200	−11,400
Operation and maintenance, Defense-wide	79,800	79,800	
Total, operation and maintenance,	270,500	446,100	+175,600
Procurement: Other Procurement, Air Force	26,000	26,000	
Military Construction: NATO Security Investment	37,500	37,500	
Grand Total	620,000	820,000	+200,000

Mr. YOUNG of Florida. The total of $310 million for military personnel includes additional incremental costs for pay and allowances for active duty and reserve personnel deployed in support of the Bosnia operation. Such costs include basic allowance for subsistence, imminent danger pay, family separation allowance and foreign duty pay.

The total of $446.1 million for operation and maintenance is for additional incremental costs for unit operations, transportation, logistics, consumable supplies, fuel and spare parts in support of IFOR and operation deny flight.

The committee notes with concern emerging trends associated with the expenses of logistical and other support for U.S. ground forces in the IFOR area of operations, particularly in the area of contractor-provided logistics support [LOGCAP]. These costs have risen considerably beyond initial estimates. While recognizing the need to provide essential resources to U.S. troops in support of IFOR, the committee expects the Department of Defense to live up to its recent commitment to controlling any further cost growth.

Mr. OBEY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, let me simply make one point in response to what the gentleman said with respect to the troops in Bosnia. I certainly want to join in the salute to them. The chairman of the committee, Mr. LIVINGSTON, and I accompanied the President to Bosnia to review the troops just a very short period of time ago, and I must say that I was deeply impressed by the degree of commitment that those young people have. They feel that they have a job to do, and they are proud of it, and they are proud of the way they are doing it. They have every right to be proud of it. They are working in some places in very tough conditions and very tough working circumstances, but they feel that they are doing something that is going to benefit the region and this country, and we owe each and every one of them our thanks and congratulations.

Mr. Chairman, I yield 6 minutes to the gentleman from West Virginia [Mr. MOLLOHAN].

Mr. MOLLOHAN. Mr. Chairman, here we go again, I rise today to speak to that portion of the bill that deals with appropriations for the Departments of Commerce, State, Justice, Judiciary, and related agencies. I can only imagine, as I rise, that the Republican leadership is a bit uneasy about this, if not embarrassed, to still be dealing with last year's legislative business. This appropriations measure is 159 days late. That is, it has been 159 days since the beginning of fiscal year 1996, and the majority still has not passed all of the appropriation bills. This Congress has not yet gotten last year's business completed.

We have got to get on with last year's appropriations bills, Mr. Chairman, or we are going to be another year behind.

This, my colleagues, is a process gone awry and clearly shows bad process impacting substance. It is no way to run a railroad, let alone a legislative body.

Specifically, this bill falls short of providing the resources for the United States to maintain its competitive and technological edge. If we are to remain competitive in the new world economy, we must be at the forefront in technological research and development. This bill slashes nondefense technological investment by eliminating funds for the Advanced Technology Program. In case my colleagues did not know it, Japan is very close to spending more money than the United States in absolute terms on research and development. Now that is a scary thought.

Additionally, this bill forces the United States to renege, to renege on its international commitments, including peacekeeping commitments. This is irresponsible international citizenship. Last year the gentleman from Kentucky [Mr. ROGERS] was instrumental in providing leadership in the area of the United Nations reform and improvement. We all agreed that that had to be done. Because of Chairman Mr. ROGERS' efforts an inspector general position is in place in the United Nations.

Real progress is being made. Let us not impede the gains we have already made in this area, let us not be a piker. The United States made in this area, let us not be a piker. The United States must pay its bills. Let us fund peacekeeping.

Lastly, Mr. Chairman, this continuing resolution kills the Cops on the Beat Program, kills the Cops on the Beat Program. President Clinton told the American people that he would help communities fight crime. He fulfilled that commitment. He proposed the COPS Program. It started in October 1994. In that short time period over 33,000 federally funded police officers are out in our communities serving 87 percent of the American public. The COPS Program is working both in urban and rural communities. Chicago, Atlantic City, Tampa, New Orleans, San Antonio, Las Vegas are just a few of the places where crime rates are down. Numerous police organizations and civic groups support the COPS Program, and so do communities all across this Nation. Proof lies in the fact that from 47 States, Mr. Chairman, representing 2,332 jurisdictions, are currently pending applications for COPS Program participation. Another 7,765 officers could be on the beat now if this legislation did not kill the COPS Program, and we could be adding another 30,000 cops to the beat in this next year. But the COPS Program under this legislation is killed.

Mr. Chairman, we have got to ask why, why kill a program that is clearly working and that is clearly in demand. Is it because the COPS Program was brought to fruition by President Clinton? Is it because the majority did not create the COPS Program? Mr. Chairman, I do not know the answer to that, I do not know the reason, but I do know that the program is working all over this Nation, and I do know that the majority is trying to destroy it, and I do know that they have sought to replace it with an unfocused program called Local Law Enforcement Block Grant Program.

Knowing, that, how can our colleagues expect the President to sign this bill? We know he cannot. He is committed to helping local communities fight crime. The COPS Program works. Our colleagues kill it in this legislation; he cannot fund it.

In summary, let us get down to business. Let us keep the politics out of this bill.

Mr. LIVINGSTON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman, I was not going to speak until my colleague on the subcommittee brought up some very touchy points. Now there is money in this bill for the Advanced Technology Program, as the gentleman well knows. There is money in title IV, $100 million for the Advanced Technology Program. All they've got to do is find offsets in other spending to pay for it, and it is there. The President can have the money just like that by signing this bill and finding the offsets.

No. 2, this Congress has said heretofore under our leadership, that we are going to reduce the rate of U.N. peacekeeping assessment from 31 percent of the total that the United States has to pay to 25 percent. Unilaterally, we said that. There is-money in this bill for that as well, to pay practically the 25 percent that we obligated ourselves to pay, provided the President finds offsets so there is not a deficit spending situation. That is all he has to do. The money is in this bill in title IV for that very purpose.

Now COPS. We have debated this thing how many times this year? I think this is the fifth or sixth time we will have voted on this issue. Every time the Congress says it is a waste of money, and instead, let us fund the block grants to the local communities so they can have a say-so about how the money is spent, and yet they simply will not go along down at the White House. This is not a debate over putting more police on the streets. We have $1.9 billion in this bill for cops on the beat or other purposes that the local communities may want to put in.

I will tell my colleagues what is wrong. According to the GAO, half the localities in America cannot afford the 25 percent match that is required. We do not require that in our program. Why does the President not understand that? These communities cannot afford to match this local share. In our bill, in our program, we provide $1.9 billion, and communities just do not have the 25-percent local match—it is 10 percent. Next year the COPS Program costs 50 percent, and the fourth year 100 percent. We charge 10 percent.

This is a good bill; I urge its support.

Mr. OBEY. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I rise in strong opposition to this legislation. The interior appropriations language alone is reason enough for the President to again use his veto pen.

I could, and do, criticize the Republican leadership for failing to provide the House with adequate time to review this bill, which contains many drastic policy changes in our historic approach to protecting the environment and managing natural resources. I could, and do, object, as the senior Democrat on the Resources Committee, to nearly half the Committee being excluded from the bill-writing process, even though much of the bill affects our jurisdiction.

But this bill really presents a problem of substance, not process. With a few superficial changes, this is the same Interior bill that the President was right to veto last December. This bill, as Yogi Berra once said, is deja vu all over again.

A flawed management plan is still imposed on the Tongass National Forest, but for 1 year instead of 2. The bill still interferes with the judicial process, waiving environmental laws which were violated in past timber sales, despite a negotiated settlement pending before the court. Other offensive legislative riders remain as well, such as the one gutting the Mojave Desert National Preserve.

The bill is riddled with punitive provisions which have little or nothing to do with the budget and everything to do with antienvironmental policies.

While the people and programs which are dedicated to protecting and preserving the environment are made to protecting and preserving the environment are made to suffer disproportionate cuts, the special interests who want to profit at taxpayer expense, like the timber companies, get what they want from the Republicans.

If the extreme, antienvironmental Republican leadership persists in forcing this legislation through the Congress, they will produce yet another shutdown of the Federal Government. We saw what happened the last time the Republicans chose to inflict the pain of Government shutdown on the American people. The Democratic task force just held a hearing at which we heard the devastating impact of the past Republican-inspired shutdowns on our ability to enforce the laws protecting our environment and to prosecute those who blatantly ignore the laws on clear air, clean water, toxics, and natural resources. Do we want a repeat of that debacle?

Mr. OBEY. Mr. Chairman, I yield 1 minute to the distinguished gentleman from West Virginia [Mr. MOLLOHAN].

Mr. MOLLOHAN. Mr. Chairman, I thank the ranking minority member for giving me an additional minute. I simply want to respond to my distinguished chairman, who I have great admiration for, a point about saying that there is money in this bill for the Advanced Technology Program, that there is money in this bill for peacekeeping. If there is money in this bill, it is funny money, it is more worthless than monopoly money. We cannot put money in an appropriations bill. The purpose is to appropriate money; it is an action activity; and make it contingent upon finding the money. We either have it in the appropriations bill or we do not. This appropriations bill does not fund peacekeeping, it does not fund the Advanced Technology Program, and it does not fund the COPS Program. That kills the COPS Program, and that is terribly regrettable and, I think, will guarantee its veto, as the majority knows, by the President of the United States.

Mr. LIVINGSTON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Alabama [Mr. CALLAHAN].

Mr. CALLAHAN. Mr. Chairman, a delegation of this House went to Bosnia last weekend, and we met with the American military leaders in that war torn country, and it was unanimous from Admiral Smith to General Nash to the head of the 1st Army. Every single military man we talked to, who incidentally are doing a magnificent job and who, in my opinion, have accomplished the initial part of our mission, and that is to create a peace and a division of the warring factions in Bosnia.

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But each and every one of them told us that the only way we are going to be successful in withdrawing our troops in a timely fashion is that reconstruction moneys be immediately sent. We met with Carl Bildt, the Ambassador who is going to handle the civilian side of reconstruction. I told Carl Bildt that it is not the responsibility of the United States of America to rebuild Bosnia. It is a European problem, and we are not going to bear a majority of that load.

So we are going to put up $200 million or thereabouts in this bill. We have insisted that Carl Bildt raise another 80 percent, or $1.2 billion, from European and other nations. If, indeed, we are going to come out of Bosnia successful, and I was one of the ones who encouraged the President not to go there, but we did go there and our mission is successful so far, and it can be successful to the nth degree if we can begin immediately the reconstruction project.

This is a very small part of this bill that is before us today, but it is a very important part of this mission in Bosnia. I urge Members to support the bill to include the $197 million that we are going to put up as seed money for the $1.5 billion.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentlewoman from New York, [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, frankly, I do not even understand why we are voting on this bill today. It is the same legislation that the President has vetoed before. What this legislation does to our schools is completely unacceptable. If enacted, this legislation would make the largest education cut in the history of our Nation. Let me repeat that. This legislation makes the largest education cut in the history of our Nation.

My State of New York will lose $300 million, or 15 percent of its Federal education funding, if this legislation is enacted. New York City will lose over $67 million in Title I funds alone. In New York City, 60,000 schoolchildren will lose basic math and reading instruction, 2,700 teaching jobs will be eliminated.

This bill also, unbelievably, eliminates the summer jobs program. In New York City, some 24,000 teens will be left without any meaningful employment or the opportunity to earn money. There are simply no State or local funds to make up for these cuts in Federal aid without increasing property taxes.

Mr. Chairman, frankly, I do not understand why we are even voting on this bill. It's the same legislation that the President has vetoed before. What this legislation does to our schools is completely unacceptable. If enacted, this legislation would make the largest education cut in the history of our Nation. Let me repeat that—this legislation makes the largest education cut in the history of our Nation.

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This bill also eliminates the summer jobs program. In New York City this summer, 24,000 teens will be left without any meaningful employment or the opportunity to earn money.

There are simply no State or local funds to make up for these cuts in Federal aid without increasing property taxes. Is that the Republican agenda—to force cities and States to pick up more of the tab? to increase local property taxes?

Mr. Chairman, we should not be considering this legislation today. It is an insult to our students, their families, our teachers and our schools.

Mr. LIVINGSTON. Mr. Chairman, I yield 1 minute to the gentleman from Alabama [Mr. BACHUS].

Mr. BACHUS. Mr. Chairman, I rise on behalf of myself and my colleagues, Mr. BEVILL of Alabama and Mrs. PRYCE and Mr. HOBSON of Ohio. Head injuries constitute a very serious public health problem. They are the most common cause of death and disability among people under the age of 44. Very often, even mild and moderate brain traumas can seriously disrupt the academic careers of our young people.

For several years the Rehabilitation Services Administration has supported the activities of six regional head injury centers all of which were selected competitively by the Department of Education. At this time, two remain active—the Ohio Valley Center based at Ohio State University and the Southeastern Regional Center based at the University of Alabama at Birmingham.

These centers help ensure that the latest information and knowledge about how to treat and rehabilitate head injuries are translated into services that reach victims. They upgrade and coordinate the efforts of emergency medical technicians, physicians, vocational rehabilitation and other rehabilitation agencies, victims' families, volunteer organizations, and others concerned with head injury.

The Labor, Health and Human Services and Education Subcommittee recognized their excellent work in its report, and we are grateful for this support.

I am pleased to report that the Senate made available $1 million to enable these two centers to serve as national resources so that the progress made by the regional centers would be continued. It is our hope that the committee would support this initiative in conference.

At this time, I would like to address the distinguished chairman of the subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations in a brief colloquy.

Mr. Chairman, head injuries are the leading cause of death and injury to people under the age of 44. I am pleased to report that the Senate has made available, and I would like to engage the chairman of the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations in a brief colloquy.

Mr. Chairman, I am pleased to report that the Senate made available $1 million to enable these two centers to serve as national resources so that the progress made by regional head injury centers could continue. It is my hope that our committee would support this initiative in conference.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. BACHUS. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I thank the gentleman for his remarks. I can assure him and his colleagues in the Senate that I am fully supportive of the Senate recommendation. I support the funding of the regional head injury centers, subject, of course, to full competition to ensure that the most qualified centers are funded.

Mr. LIVINGSTON. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Michigan [Mr. KNOLLENGERG], a member of the Committee on Appropriations.

Mr. KNOLLENBERG. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, the President announced this morning that he would veto the bill in its current form. Apparently it falls, still, $8 billion, some say $12 billion, short of quenching his appetite for Government spending. The message of the White House seems to be, "Ignore what we said 6 weeks ago. We want the era of big government to continue just a little bit longer." In fact, the President has indicated that if we try to hold him to his State of the Union address and the promise, he is going to shut down, I repeat, he is going to shut down government again.

I think it is important that the media and the public understand what is happening here. The President wants to spend billions more on Government programs. If he does not get it, he will shut down government again. It is the same old broken record that we have been hearing since the beginning of this debate. I would warn the President, shutting down the Government will not reap him political gain, so let us stop playing chicken. Instead, let us move forward. We must pass this bill and go to conference. The President needs to stop threatening a shutdown and start bargaining in good faith.

Mr. LIVINGSTON. Mr. Chairman, I yield 1 minute to the distinguished gentleman from North Carolina [Mr. HEINEMAN].

Mr. HEINEMAN. Mr. Chairman, I would like to take this time to thank the chairman of the committee, the gentleman from Louisiana [Mr. LIVINGSTON], and the gentleman from California [Mr. LEWIS], for including in this appropriations funding for a new EPA facility in Research Triangle Park. With this bill, the EPA can finally consolidate into one facility 11 buildings, 11 rundown buildings that they have been operating out of for the past 20 years. These old facilities will cost the taxpayers more money than a new building in Research Triangle Park. This building is state-of-the-art, and it is the top priority for the EPA as far as building is concerned. Critical new research on clean air technology will be possible with this facility.

Let me say to my colleagues, a vote for this bill is a vote for cost-effective, state-of-the-art environmental research. This is the future for our community, our commitment to the environment in America. I thank the gentleman, and the people of the United States thank him.

Mr. LIVINGSTON. Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 50 seconds to simply note that despite the comment of the previous speaker, the President has never threatened a shutdown of the Government. That has come over from their side of the aisle. It has come from time to time from the very top levels of their side of the aisle. The record is pretty clear; the President has done everything humanly possible to avoid it.

I would suggest that the Congress this year has done virtually nothing while we are in session, it has done virtually nothing, except to take time off to allow Mr. DOLE to campaign. Then when we finally do come back to work, it passes this let's-pretend bill, which is going nowhere and is already facing a Presidential veto. That is not my idea of a Congress that is serious about its business.

Mr. Chairman, I yield the balance of my time to the distinguished minority leader, the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Chairman, I urge Members to vote against this legislation. There is a famous illusionist in America, his name is David Copperfield. He would be proud of this bill. This bill is an example of illusion. It acts like it is providing funds for education and for the environment and lots of other efforts that are needed in our country, and desired by people, but it is an illusion, because when we read the whole bill we find, and especially with the amendment that passed on the floor here today, that these moneys are never going to be provided.

Let us leave the discussion, for the moment, of the bill. Let us talk about people in the country. I was in a school in my district last week. When I walked in the front door I was surrounded by parents, teachers, the principal, and students. They wanted to know why I had voted for the last continuing resolution that cut Head Start by 25 percent and cut chapter I by 25 to 30 percent.

It is not the program that was important, it was the people that are important. They took me in classrooms of their hard-to-teach youngsters who could not learn in a setting of 30 children in the traditional style, but when they were set in front of a computer with a CD ROM with earphones, they turned on and they began to learn. The funding for that program was in part, in significant part, put together by chapter I.

We are talking here today about flesh-and-blood human beings. Look, people in the country know the most significant challenge to this society is a standard of living, an economic pie in this country, that is no longer growing the way it used to grow. We all know that is the problem. It was brought out in the Republican Presidential primaries, it is brought out to each of us as we meet our constituents every day.

What people do not want is for us to take away helps and proposals that will help them meet this challenge. Every American knows that educating our children to be productive citizens in this great international marketplace that we are all competitors in today is the most important help that the Federal Government can give to local and State government and to families and to people.

So I beg Members today, refuse this legislation. The President is going to veto it, for the right reasons, not because he does not want to have an appropriation in place, but because it will hurt flesh-and-blood people, children of this country, that we need to be educating and helping the local and private sector work to educate these children to be private citizens.

We can do better than this. Let us turn this piece of legislation down. Let us get into the negotiation with the President, as we should have been in it months ago, to find an answer to this appropriation that he can sign and would be a consensus between the Republican party and the Democrat Party to move this country in a positive direction. Vote this bill down. Let us get a bill on the floor the President will sign and is good for the American people.

Mr. LIVINGSTON. Mr. Chairman, I yield 15 seconds to the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Chairman, I just wanted to point out to the minority whip that the recent problem with processing for free applications for student financial aid had nothing to do with the Congress of the United States. Simply, the Department did not print or distribute the applications in a timely manner, because they were sending all of their staff all over the place selling direct lending, rather than taking care of their business that they should have been.

Mr. LIVINGSTON. Mr. Chairman, I yield myself such time as I may consume

Mr. Chairman, the minority leader said this is a matter about people. I agree, and people pay taxes, and they expect the United States of America to spend the money they entrust to us wisely. What this is about is a misuse of their taxpayers' dollars. We are spending more than we receive, and we are attempting to get things under control.

We are succeeding, but the President is not satisfied with what we are doing. He wants to continue to hand out taxpayers' money, spend more than we receive and we will not let him do it. We are downscaling the Government, and we are still providing $14 billion for law enforcement, $23 billion for education, $38 billion for veterans' benefits, et cetera, et cetera, et cetera.

Mr. Chairman, this may not be a bill that gives the President as much money as he wants, but it gives the American people the benefits they need, and at a reasonable price. It is a start. We must complete the process by passing this bill, sending it to conference, and sending it to the President of the United States, and let him explain to the American people why, if we have not given him the $8 billion more over the hundreds of billions of dollars that we are giving him, why that is not enough. He said, "This is the era where Big Government ceases to exist." Let him prove it. Let him sign this bill. I urge Members to pass this bill and send it to the Senate and to the conference.

Mr. CASTLE. Mr. Chairman, reluctantly, I must vote against passage of H.R. 3019, the omnibus appropriations bill for fiscal year 1996. I support the bill's goal to provide funding for Federal agencies for the remainder of fiscal year 1996 at a level consistent with the goal of achieving a balanced budget. However, I have several concerns regarding the bill and I'd like to elaborate on them.

First, I object to the inclusion of abortion riders in appropriations bills. The rider in this bill, in particular, was grossly unfair to poor women who are the victims of rape or incest. Each year, thousands of American women are brutally raped, or are the tragic victims of incest. Their emotional and physical burdens are compounded when they find themselves pregnant as a result. I do not believe that the rights of States outweigh the rights of poor, Medicaid-eligible women who are pregnant as a result of heinous crimes committed against them, and I strongly oppose the language in the bill which would deny a woman the right to choose in these instances.

I oppose the inclusion of the provision to require nonprofit Federal grant recipients to report their lobbying expenditures because it is unclear whether this will be a burdensome regulatory requirement for charities, which typically do not have the personnel resources to devote to this. At a time when we are expecting charities to meet additional demands, and we are trying to reduce regulatory redtape on all sectors of our society, I felt this amendment was contradictory to these goals. While there are certainly organizations whose lobbying activities should be questioned, this amendment is still too broad and would unfairly impact many legitimate charities.

I also object to the level of funding provided for education. Education should be one of our Nation's top priorities, and that simply was not reflected in this bill. Education programs would have received a $3.3 billion reduction in funding, which is simply too high. I voted against the fiscal year 1996 Labor-HHS-Education appropriations bill because of the education reductions as well as the abortion language I mentioned above. Mr. Chairman, I agree that education programs need to be reformed and consolidated, and I emphatically agree every program needs to be on the table for spending reductions. But drastically cutting funding is neither education reform now an equitable way to stay on track for a balance budget.

Finally, I support the goals of our major environmental laws in this country. For example, I believe that we must ensure that the air we breathe and the water we drink and swim in is clean. And, although this agency is far from perfect, I believe we must fund the Environmental Protection Agency [EPA] at a level that enables it to enforce these and many other important environmental laws. Like I mentioned above, no agency or program can be devoid of reductions. But we must work to ensure that these reductions are fair and equitable—and this bill made absolutely no improvements to the original VA–HUD appropriations bill that I voted against for the same reasons.

In conclusion, to achieve a balanced Federal budget, all areas, including education and EPA will have to contribute to this effort. However, I could not support House levels of funding or the legislative riders. Lets fund these necessary programs at an appropriate level without adding controversial issues to an already difficult process.

Mr. WAXMAN. Mr. Chairman, I rise in opposition to this bill. By bringing this proposal to the floor in a form that we know the President will veto, the majority continues to hold necessary Government programs and innocent Federal employees hostage to their agenda.

This bill continues totally unacceptable cuts in education spending, it provides greatly inadequate funding for our environmental protection programs, and it gratuitously brings abortion issues into this spending bill. It contains provision after provision which clearly will result in a veto of this effort.

Many of my colleagues have spoken eloquently on these issues.

But I also want to draw my colleagues' attention to another part of this bill—provisions amending FDA law concerning the export of unapproved drugs. While I know the sponsor of this legislation is well-meaning in his intent—and indeed in another context I believe I could find much common ground with him on this effort—it is unnecessary and inappropriate to include this measure in this legislation.

The regular committee process is the right way to develop and refine legislation on these issues. And that is the way this bill should be handled. We are not at the end of this session. We are not running out of time on a measure that has been agreed to on both sides of the aisle and both Houses of the Congress. There is no time-sensitive crisis situation which would require an unusual procedure for consideration. It should not be done in this way.

Not only is this inappropriate, but this kind of process lends itself to errors and misjudgments. I am concerned, for example, that a number of provisions that evidently were intended by the sponsor to be included to address FDA concerns with the bill were not in fact included because of the rush of the drafting and consideration process. To mention only one example, the provision before us does not include the necessary protections requested by the FDA to restrict importation of blood and tissue products for future export to assure that there is no diversion or cross-contamination into our own blood supply.

There are additional areas that at least deserve careful consideration before this bill is rushed forward.

Under this proposal, if a drug is approved in any one of a number of listed countries, it can then be exported from the United States for export into any country that does not have a legal barrier to such import. But it does not require that the drug be labeled for use in a way similar to what was approved. It does not require that promotion in the recipient country be consistent with the indications and contraindications. Nor does it require suspension of export if the FDA finds the drug presents an imminent hazard in the recipient country.

Again, I want to make clear that I personally am receptive to some revision in our FDA law on the export of unapproved drugs. I consider this a likely candidate for the development of a bipartisan consensus if it is considered in the normal process.

But action in this way increases the likelihood of error. This FDA section does not belong in this bill.

Mr. CLAY. Mr. Chairman, I oppose H.R. 3019.

This bill would make the largest cuts in education funding in the Nation's history. Its cuts are worse than the cuts found in the current continuing resolution it would replace.

The bill causes local school districts even more uncertainty than the existing CR because the bill promises to restore some funds, but only upon the passage of separate legislation at some uncertain date. The local planning and budgeting process will be turned on its head by this foolish provision.

The bill includes huge funding cuts in title I, Safe and Drug Free School, Summer Jobs Program, job training, and school improvement programs.

The education cuts proposed by the Republicans place our Nation and our future at a grave risk.

Earlier this week, Democrats on the Committee on Economic and Educational Opportunities heard from people on the education frontline: parents, teachers, and students. They described for us, in vivid detail, the potential damage of Republican budget cuts on education at the local level. We explored what would happen if the defunding of education is not stopped. If the continuing resolution is extended through the fiscal year, our Nation will face the largest cut in education funding in its history. We will have stolen $3.3 billion from America's schoolchildren.

They are a national treasure; we must protect them from idiotic, antieducation budget cuts.

The legislative provisions in the bill demonstrate conclusively that this is not a serious proposal. Controversial legislative riders have no place in an appropriations bills 5 months into the fiscal year. Here are a few examples:

The bill caps the direct lending program. That has nothing to do with appropriations—it is a direct spending program. The bill would cap the program at 30 percent of total student loan borrowing. So hundreds of thousands of young people and their parents will be denied the service, flexible terms, and economy of the popular direct loans program.

The bill would make the Secretary of Education go begging to the Republican Congress to be able to recover taxpayer funds from special interest guaranty agencies.

The bill would make one of the most prevalent and expensive types of workplace injuries—repetitive motion injuries—off limits for the Nation's workplace safety agency. The Federal Government can neither issue standards nor record the incidence of injuries.

Finally, the bill would restrict the ability of the National Labor Relations Board to enforce the Nation's labor laws and protect the rights of both workers and employers.

I urge my colleagues to vote against this bill.

Mr. STOKES. Mr. Chairman, I rise in opposition to H.R. 3019, the omnibus appropriations bill for fiscal year 1996. It is hard to believe that this body stands here today, 5 months into this fiscal year, without having resolved the remaining appropriations bills for so many critical Federal agencies.

What is even more incredulous is the fact that our colleagues on the other side of the aisle have failed to get the message conveyed to us by the American people after the last Republican-provoked budget crisis. That message was clear—do not risk a shutdown of the Federal Government by promoting an extreme set of budget priorities. Unfortunately, it appears this advice has gone unheeded and once again, we have a misguided proposal up for consideration.

Mr. Chairman, this bill continues to gut the very basic quality of life programs upon which millions of working Americans depend. From the dawn to the twilight of life, programs supporting our Nation's children, families, the elderly, and veterans in the areas of education, health care, the environment, housing, and crime prevention are all threatened.

The continuing resolution will cause needless suffering for our Nation's veterans. There are still no addbacks for medical care funding to reach the House-passed level. And despite appeals from the veterans community at large, limitations on personnel and travel for the office of the secretary of Veterans Affairs are still included in this measure. This provision can only harm our ability to efficiently and effectively serve our veterans.

In the housing area, funding for public and low-income housing is drastically cut. Local Public authorities are, and will continue to be, faced with reduced security, maintenance, and administration. Housing for the elderly and disabled is reduced, placing these vulnerable populations at risk for becoming homeless. Furthermore, this bill includes a provision to transfer the HUD Office of Fair Housing to the Department of Justice. This one action imperils nearly three decades of efforts to end segregation and discrimination in housing.

Mr. Chairman, environmental safety is also severely compromised under this measure, from superfund clean up delays, to the inability of tracking hazardous waste, to the postponement or cancellation of environmental inspections. In my own city of Cleveland, this means that EPA may not be able to provide requested assistance to the toxic sweep task force with regard to difficult toxic properties, or provide community-based environmental protection and compliance assistance to certain needy communities.

This bill funds Americorps, the President's stellar initiative to promote community service nationwide, at only three-fourths of the fiscal year 1995 level. Americorps is of the highest priority to the administration and needs to be funded at a sufficient level to carry out its important charge.

One million children across the country will suffer from the GOP's $1.1 billion cut in title I. These disadvantaged children will be denied the teaching assistance they need in basic reading and math. The $266 million cut in safe and drug-free schools will jeopardize children's safety in classrooms across the country. Teachers and principals will be denied the critical resources they need to provide children a safe, crime-free and drug-free environment in which to learn.

Funding for summer jobs and employment training is also gutted. Where will our Nation's youth—who need and want to work—turn for summer jobs when the bill eliminates funding for the summer jobs program? Over 600,000 young people will not have the opportunity to gain the work experience they need to prepare them for the job market. This drastic step coupled with the dramatic cuts in employment training, dislocated worker assistance, school-to-work, OSHA, and the national labor relations board will reduce workers' employment opportunities, and will seriously threaten workers' safety.

These cuts, coupled with those in other major quality-of-life programs, including low-income home energy assistance, health care, meals for the elderly, healthy start, and numerous other essential health and human services-related initiatives, will devastate the quality of life for millions of Americans.

Mr. Chairman, crime prevention for our communities, industry development and State affairs are compromised by the 12 percent reduction in funds requested by the Clinton administration for the appropriation for the Departments of Commerce, Justice, and State, the judiciary and related programs. This reduction terminates funding for many governmental programs that have proven to be excellent investments of Federal dollars.

The bill eliminated the advanced technology program that has created thousands of jobs across this Nation. H.R. 3019 also hampers economic opportunities for women and minorities by substantially curtailing funding for the minority business development agency by over 33 percent. This irresponsible and unjust slashing of the budget for this important agency will lead to the foreclosing of economic opportunities for thousands of Americans who have also encountered discrimination.

In the justice portion of the measure, the committee has failed to follow through with the President's unprecedented efforts to fight crime. The bill would slash funding for the highly successful and popular COPS Program that responds to the public's desire for an increased police presence in our communities. As a result of the cuts in this legislation, the hiring of new police officers under the COPS Grant Program would be ended. Instead, a Republican local law enforcement block grant program would replace mechanisms set up in the 1994 crime bill to fund local crime fighting. And for those persons needing legal aid, the legal services corporation that provides vital legal assistance to poor Americans who cannot afford an attorney has also been targeted for substantial cuts.

Mr. Chairman, H.R. 3019 is so replete with misguided priorities that there is insufficient time to address all of my concerns. My constituents have made it clear to me that they oppose the short-sighted and extreme position this omnibus appropriations legislation represents. I know that my position on this bill has been the right one, and I urge my colleagues to oppose this measure.

Mr. BORSKI. Mr. Speaker, I rise today in opposition to H.R. 3019, the Republican omnibus appropriations bill. This legislation continues the assault on working and retired Americans. It targets the programs which are most important to them, including education, crime, energy assistance, and job training. It's time for Republicans to stop playing games and start facing up to their responsibilities. The House should defeat this bill and instead pass a clean appropriations bill that funds these programs at adequate levels.

H.R. 3019 is the eleventh funding bill proposed by Republicans this fiscal year and it is even more irresponsible that the last. Mr. Chairman, it was bad enough to slash these vital programs in the first place. Now, adding insult to injury, the Republicans are promising to restore some of the cuts only if there are future unidentified cuts in other entitlement programs. Where are these future cuts going to come from? We all know where they looked for savings last time—Medicare and Medicaid. Mr. Speaker, it is not right to balance the budget on the backs of senior citizens and children.

Education should be a priority in this country. Denying children a good education is unjustifiable and irresponsible. The Republican majority wants to cut $3.2 billion from 1995 education funding levels—$4.7 billion less than the administration's request. H.R. 3019 would cut over $1.2 billion from the Title I Compensatory Education Program. This program directly funds the most disadvantaged schools across the country, providing important Federal dollars for greatly needed educational material necessary for a good education. Last year, the city of Philadelphia received over $78 million in title I funding. Should this legislation be approved, Philadelphia schools alone would lose over $13 million in title I funding, resulting in a significantly reduced number of children receiving the necessary educational skills needed to compete in the modern world.

H.R. 3019 would eliminate $900 million from financial assistance to students. This legislation robs this Nation's neediest kids, by cutting into the Pell Grant and Perkins Loan Programs. The Pell Grant Program would be slashed $756 million, denying America's working-class families the opportunity to further their education in undergraduate and graduate studies. This bill also would eliminate entirely the funding for capital contributions to the Perkins Loan Program. Mr. Speaker, this legislation would slam the door of educational opportunities in the faces of America's children.

H.R. 3019 would also slash necessary funding for employment and job training. The bill appropriates $848 million less than the 1995 level and $2.4 billion less than the President's requested level. It is irresponsible in this time of limited job opportunities to restrict workers' ability to gain valuable training and experience necessary in obtaining higher paying jobs.

In addition, H.R. 3019 would rescind $100 million from the fiscal year 1996 appropriation for the Low Income Home Energy Assistance Program [LIHEAP], as well as provide no advance funding for the upcoming winter of 1996–1997. As a result, should Congress fail to appropriate funding in the upcoming Budget for the 1997 fiscal year, the LIHEAP program would be effectively eliminated. LIHEAP provides cooling and heating assistance to elderly and disabled people who can not afford to pay the energy bills on their own.

H.R. 3019 would also drastically undermine previous congressional efforts to effectively fight crime across the country, including the Safe and Drug Free School Program. It would eliminate the highly successful Cops on the Beat Program—one of the strongest crime fighting weapons in the Nation. The City of Philadelphia has been able to hire 250 additional police officers over the past 2 years. However, the program would be replaced with a local block grant containing no guarantee that one additional police officer would ever be hired.

Mr. Chairman, H.R. 3019 would enact the largest education cuts in this country's history. A vote for H.R. 3019 is a vote against good schools, safe streets, basic job skills for workers, and energy assistance for the elderly and disabled.

Again, Mr. Chairman, I oppose H.R. 3019 and I urge this Congress to vote against this legislation.

Mr. UNDERWOOD. Mr. Chairman, H.R. 3019, the Balanced Budget Downpayment Act II/Omnibus Appropriations for fiscal year 1996, includes funding for territorial programs as part of the Department of the Interior appropriations.

I am pleased that the majority and the minority have been able to include the same funding and program changes in H.R. 3019 that were included in the conference report on H.R. 1977, the Interior appropriations bill. The compromises worked out by the House and Senate for H.R. 1977 are important to Guam, and I commend the House and Senate conferees for their work. Unfortunately, for reasons unrelated to the territorial funding provisions, the Interior appropriations bill had been vetoed by the president.

I would like to reiterate the legislative history of certain provisions applicable to the compact-impact reimbursement to Guam. First, it is important to note that the amount appropriated, $4.58 million for fiscal years 1996 through 2001, was included in H.R. 1977 as the Underwood amendment. This was the amount requested in the president's fiscal year 1996 budget, although the president's budget proposal required a change in law. The Underwood amendment was adopted by voice vote on the floor, and was intended as a reimbursement to Guam for the educational and social costs incurred as a result of immigration to Guam from citizens of the Freely Associated States. Public Law 99–239, which implemented the Compact of Free Association, also authorized such reimbursement to Guam and other United States areas impacted by the compact.

The Senate passed version of H.R. 1977 did not include the funding for Guam's Compact-impact reimbursement, and the committee report again cited the fact that the president's budget required a change in law. The House-Senate conference committee adopted a compromise that funded all the important territorial programs, and created a new Office of Insular Affairs. While the compromise language funded compact-impact reimbursement, it also required that the $4.58 million be utilized for capital improvement projects [CIPs]. It is important to note that, in Guam's case, the conference report language designated the CIP projects as those determined by the Government of Guam.

It is my understanding that the conference committee intended the capital improvement funding for Guam of $4.58 million as a compact-impact reimbursement. I expect the Secretary of the Interior to honor the conference committee's legislative intent, and to allow GovGuam to determine CIP projects as offsets for the $4.58 million reimbursement—in this manner, the fungible amounts in H.R. 3019—and previously in H.R. 1977—and Guam's designated CIPs can meet the reimbursement obligations that Congress intended.

Mr. LAZIO. Mr. Chairman, I rise today in support of this bill because it rightfully protects the housing needs of our most vulnerable populations.

When the House first passed H.R. 2099, the VA–HUD appropriations bill, my friend and colleague from California, the distinguished chairman of the VA–HUD Appropriations Subcommittee, and I made it clear that protecting seniors and persons with disabilities are among the highest priorities for housing assistance of this House. H.R. 3019 recognizes this priority by providing an additional $75 million for both the section 202 program for seniors and section 811 program for the disabled to the VA–HUD Conference funding levels.

This bill is yet another step by this Congress to balance the budget by the year 2002 and release our children and grandchildren from the burden of a trillion-dollar debt. This funding for the section 202 and 811 programs reaffirms our commitment to provide assistance to needy seniors and others who cannot fully participate in the housing market. We have proven that even in reducing the growth in Federal programs, we are able to provide the necessary levels of funding for proven programs that address a variety of our country's needs.

I would also like to take this opportunity to address another area in which this House can protect the housing needs of our most vulnerable populations. As I have told my colleagues before, the ill-advised combination of section 8 project-based contracts on properties with FHA mortgage insurance has created an untenable funding situation. We are not against renewal per se; we are against renewals at unsustainable levels. If not effectively addressed, the renewal costs will swallow the entire HUD budget for housing assistance. Resolving this issue is one of the Housing Subcommittee's top priorities for this Congress.

H.R. 2880, the Balanced Budget Downpayment Act already enacted into law, allows the Secretary to renew the contracts for 1 year for a very simple reason: we will not jeopardize the housing assistance of those tenants living in section 8 projects, especially the very significant number of seniors who depend on those programs to keep a roof over their heads. I believe we can find a solution that allows us to cut back the rapid growth of spending, bring market discipline to these projects, and protect the deserving tenants who have benefited from the current program.

Mr. SOLOMON. Mr. Chairman, I thank the gentlelady from Utah for yielding me this time and commend her on her explanation of this resolution.

I wanted to take this brief time to commend Chairman CLINGER and ranking minority member COLLINS on the spirit of cooperation in which they have brought this to us and have developed further understandings and rules to carry out this special testimony authority.

This is something which the Rules Committee and the House have granted in only very special circumstances when we create a select committee to conduct an investigation or where a standing committee has indicated a compelling need for this authority.

As we have made clear in our committee report on this resolution, we do not intend for this to be a precedent for granting this type of authority on a blanket basis to any committee for any pending or further investigations, as some would like. Moreover, we have established three criteria for measuring any future requests from a standing committee for such authority.

First, the request must be specific to a particular investigation a committee is conducting. It should not be a request for such authority to apply to all pending or future investigations.

Second, there must be shown a compelling need for such authority, such as in this instance where there is a clear case of witnesses refusing to cooperate in staff interviews preliminary to a hearing.

Third, there must be assurances from the committee chairman that full protection will be afforded to witnesses and to the committee's minority members, similar to the protections currently afforded in House rules for committee hearings.

For instance, there should be opportunity for minority participation in any depositions. And there should be the right of witnesses to have counsel.

The Rules Committee was given all of these assurances in connection with Chairman CLINGER'S request to us for action on this resolution. And those assurances were further confirmed by ranking minority member CARDISS COLLINS when she appeared before our committee in support of this resolution.

While we did not adopt three amendments offered in our committee's markup by the Rules Committee minority members, we do think the concerns raised in those amendments will be adequately addressed by the Government Reform and Oversight Committee in its understandings, agreements, and special rules adopted in concert with the minority on that committee.

We did not think it was necessary for the Rules Committee to impose more detailed procedures on another committee in this resolution, since such procedures are being negotiated in good faith by that committee.

I therefore urge the adoption of this resolution so that the Committee on Government Reform and Oversight can expedite its hearing process with this special testimony authority and complete its investigation with the fullest information and evidence possible. I thank the gentlelady for yielding me this time and yield back the balance of my time.

H. RES. 369—PROVIDING SPECIAL AUTHORITIES TO THE COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT TO OBTAIN TESTIMONY ON THE WHITE HOUSE TRAVEL OFFICE MATTER

Purpose: The purpose of H. Res. 369 is to provide the Government Reform and Oversight Committee with special authorities to obtain testimony in connection with its investigation and study of the White House Travel Office matter.

Background and Legislative History: On the morning of May 19, 1993, all seven members of the White House Travel Office were fired and told to vacate their offices in two hours. They were immediately replaced by employees of the Clinton campaign's Arkansas travel agency, World Wide Travel. And, later that same day, the White House announced the launching of an FBI criminal investigation of the former employees.

While the travel office employees served at the pleasure of President, their precipitous dismissals, their replacement by the campaign's primary travel agency, and the manner in which the FBI was called into the matter, all raised an immediate storm of criticism. A subsequent White House "management review" of the travel office resulted in the reprimand of four White House staffers on July 2, 1993. That same day, a supplemental appropriations bill was enacted that included a required review of the Travel Office matter by the General Accounting Office. At least three other inquiries were conducted into various aspects of the Travel Office incident, resulting in reports by the Justice Department's Office of Professional Responsibility, the FBI, and the Treasury Department's Inspector General.

Although the various reports answered some questions, they also had the effect of raising even more questions that were left unanswered. Consequently, in October of 1994, then Government Operations Committee ranking-minority member Bill Clinger renewed an earlier request for hearings into the Travel Office matter, at the same time releasing a 71-page minority analysis of the issues unaddressed by the five reports. However, no hearings into the Travel Office affair were held in the House during the 103rd Congress.

Following the November elections, chairman-designate Clinger of the newly named Government Reform and Oversight Committee promised that his committee would further investigate the whole matter in the 104th Congress. Following months of staff interviews and document collection, the committee began its hearings on October 26, 1995, into the seven major issues raised and left unanswered by the five reports. And, following the acquittal of Travel Office Director Billy Dale on both charges brought against him, Chairman Clinger requested that the Public Integrity Section of the Justice Department turn over to the committee all documents related to the criminal prosecution for review by the committee. Beginning in January of 1996, the committee proceeded with further hearings into the seven issues raised.

The committee has often had great difficulty in obtaining necessary information from current and former Administration officials and private citizens linked to the

Travel Office incident. To date the committee has issued numerous subpoenas to obtain critical documents and testimony. Moreover, significant new information has only come to light in recent weeks with the belated disclosure of the memorandum of David Watkins, former Special Assistant to the President for Management and Administration.

Because of the reluctance and even refusal of certain potential witnesses to cooperate in voluntarily submitting to committee staff interviews in preparation for committee hearings, Chairman Clinger on February 29, 1996, introduced H. Res. 369 to give the committee special authorities to obtain sworn testimony through Member or staff depositions, affidavits and interrogatories. Under existing House rules, sworn testimony may only be received for purposes of a formal hearing record at a duly constituted committee hearing at which at least two Members must be present. In the absence of preliminary staff interviews of key witnesses, such hearings are difficult if not impossible to adequately prepare for and therefore leave a committee with the trying task of attempting to ascertain the most basic background information while simultaneously devising a line of questioning from scratch during the course of a hearing.

H. Res. 369 is based on special testimony authority language contained in resolutions authorizing past House investigations of such matters as Koreagate, ABSCAM, Iran-Contra, and October Surprise.

Major Provisions: H. Res. 369 would—

Authorize the chairman of the Committee on Government Reform and Oversight, for purposes of its investigation and study of the Travel Office matter, upon consultation with the ranking minority member of the committee, to authorize the taking of affidavits, and of depositions, pursuant to notice or subpoena, by a member or staff of the committee designated by the chairman, or require the furnishing of information by interrogatory, under oath administered by a person otherwise authorized by law to administer oaths;

Deem all such testimony to be taken in executive session of the committee in Washington D.C.; and

Require such testimony to be considered as non-public until received by the committee, but permit it to be used by members of the committee in open session unless otherwise directed by the committee.

Rule Request: H. Res. 369 has been referred to the Committee on Rules as a matter of original jurisdiction and therefore is privileged for House floor consideration once reported, without the need for a special rule providing for its consideration.

On March 1, 1996, Chairman Clinger wrote to Chairman Solomon requesting that the Rules Committee "hold a hearing and report the resolution to the House at the earliest possible date so that we can expedite our hearings and complete our investigation."

PREVIOUS HOUSE RESOLUTIONS GRANTING SPECIAL DEPOSITION AUTHORITY

(Compiled by Rules Committee Majority Staff)

Examples of Special Deposition Authority: Some examples of investigation authorization resolutions that have included special deposition authority are the following:

President Nixon Impeachment Proceedings (93rd Congress, 1974, H. Res. 803)—This resolution gave the Judiciary Committee full authorization to conduct an impeachment inquiry into allegations against President Nixon. Among other things it permitted the committee to require by subpoena or otherwise the attendance and testimony of any person, including the taking of depositions by counsel to the committee.

Assassinations Investigation (95th Congress, 1977, H. Res. 222)—This resolution created the Select Committee on Assassinations, and provided it with various procedural authorities, including the authority to take testimony under oath anywhere in the United States or abroad and authorized designated staff of the select committee to obtain statements from any witness who is placed under oath by an authority who is authorized to administer oaths in accordance with the applicable laws of the U.S.

Koreagate (95th Congress, 1977, H. Res. 252 & H. Res. 752)—The first resolution gave broadened the authority House Standards Committee to investigate whether family members or associates of House Members, officers or employees had accepted anything of value from the Koreans. The resolution also gave joint subpoena authority to the chairman and ranking minority member of the committee but permitted appeal to the committee if one objected. It also gave special counsel the right to intervene in any judicial proceeding relating to the inquiry. The second resolution authorized committee employees to take depositions, but required that an objection by a witness to answer a question could only be ruled on by a member of the committee.

Abscam (97th Congress, 1981, H. Res. 67)—The resolution gave certain special authorities to the Standards Committee, though the investigation was confirned to Members, officers and employees. Included in the resolution was a provision permitting any single member of the committee to take depositions.

Iran-Contra (100th Congress, 1987, H. Res. 12)—The resolution authorized the creation of a select committee to investigate the covert arms transactions with Iran and any diversion of funds from the sales. Among other things, the resolution gave the chairman, in consultation with the ranking minority member, the authority to authorize any member or designated staff to take depositions or affidavits pursuant to notice or subpoena, which were to be deemed to have been taken in executive session, but available for use by members of the select committee in open session. (See applicable text of resolution below)

Judge Hastings Impeachment Proceedings (100th Congress, 1987, H. Res. 320)—This resolution authorized counsel to the Judiciary Committee or its Subcommittee on Criminal Justice to take affidavits and depositions pursuant to notice or subpoena.

Judge Nixon Impeachment Proceedings (100th Congress, 1988, H. Res. 562)—This resolution authorized Judiciary Committee counsel to take depositions and affidavits pursuant to notice and subpoena.

October Surprise (102nd Congress, 1991, H. Res. 258)—This resolution established a special task force to investigate certain allegations regarding the holding of American hostages by Iran in 1980. Among other things the resolution authorized the chairman, in consultation with the ranking minority member, to authorize subpoenas and to authorize the taking of affidavits and depositions by any member or by designated staff, which were to be deemed to have been taken in Washington, D.C. in executive session.

Example of text of special authority from Iran-Contra Committee resolution, H. Res. 12, 100th Congress (adopted by a vote of 416 to 2, Jan. 7, 1987):

"(6) Unless otherwise determined by the select committee, the chairman, upon consultation with the ranking minority member, or the select committee, may authorize the taking of affidavits, and of depositions pursuant to notice or subpoena, by a Member or by designated staff, under oath administered by a Member or a person otherwise authorized by law to administer oaths. Deposition and affidavit testimony shall be deemed to have been taken in Washington, D.C. before the select committee once filed there with the clerk of the committee for the committee's use. Unless otherwise directed by the committee, all depositions, affidavits, and other materials received in the investigation shall be considered nonpublic until received by the select committee, except that all such material shall, unless otherwise directed by the select committee, be available for use by the select committee in open session."

DEFINITIONS (FROM BARRON'S LAW DICTIONARY)

AFFIDAVIT a written, ex parte statement made or taken under oath before an officer of the court or a notary public or other person who has been duly authorized so to act.

DEPOSITION a method of pre-trial discovery which consists of "a statement of a witness under oath, taken in question and answer form as it would be in court, with opportunity given to the adversary to be present and cross examine, with all this reported and transcribed stenographically."

INTERROGATORIES in civil actions, a pretrial discovery tool in which written questions are propounded by one party and served on the adversary, who must answer by written replies made under oath.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT,
Washington, DC, March 1, 1996.

Hon. GERALD B. SOLOMON,
Chairman, Committee on Rules, Washington, DC.

DEAR MR. CHAIRMAN: On February 29, 1996, I introduced H. Res. 369, providing the Committee on Government Reform and Oversight with special authorities to take testimony in the White House Travel Office matter. I am writing to request that your committee hold a hearing and report the resolution to the House at the earliest possible date so that we can expedite our hearings and complete our investigation.

Under the resolution as chairman of the committee I would be authorized to permit a member or designated staff of our committee to take affidavits and depositions, and I would be authorized to require the furnishing of information. All such testimony taken would be under oath and received by the committee as in executive session in Washington. However, the testimony could be used by any member of the committee in open session unless the committee determines otherwise.

While ordinarily it should not be necessary for a committee to seek such special investigative authority, we have been faced with the reluctance and even refusal of certain potential witnesses to voluntarily submit to staff interviews preliminary to a hearing. This has made it extremely difficult to adequately prepare for a hearing and requires considerably more time during the course of a hearing to develop the same information we would otherwise obtain prior to the hearing. It is there necessary for me to request the authority to permit any member or designated staff to take such deposition testimony preliminary to the hearing stage. I will be working closely with the minority prior to the adoption of the resolution to develop special committee rules that will ensure fully minority access and participation in this special testimony process.

I look forward to testifying before you in support of H. Res. 369 at your earliest convenience.

Sincerely,
WILLIAM F. CLINGER, Jr.
Chairman.

Ms. DUNN of Washington. Mr. Chairman, today I want to express my strong support of the Balanced Budget Downpayment Act II and to urge the President to sign this legislation as soon as it comes before him.

This legislation makes a critical and significant downpayment toward finally achieving a balanced budget. Additionally, the bill includes emergency funds that Washington State needs in the worst way.

In December of 1995 and again in February of 1996 the Pacific Northwest was hit by devastating floods. Roads and bridges and homes that were constructed above the 100-year flood plain were totally washed out. Many of our residents living in both rural and urban areas had their lives shattered.

The National Oceanic and Atmospheric Administration called the November storm the "most significant storm affecting the Western United States during 1995" and compared it to the Columbus Day storm of October of 1962, which was the most destructive wind storm to ever hit the Pacific Northwest.

While Federal Emergency Management Agency in conjunction with other agencies was scrambling trying to help counties, States, businesses, and individuals put their lives back together after the December storm, Mother Nature dealt us another devastating blow in February.

Washington State's office of Financial Management has stated that the February storm will go down in history as the State's costliest. Preliminary figures estimate $319 million in uninsured and underinsured damage.

The President toured both Washington and Oregon immediately after the worst storm damage had occurred and immediately promised his full support for maximum aid for our beleaguered region. I urge the President to not back out of his commitment to the people of Washington State—he must sign this bill.

Mr. Chairman, this bill includes almost $1 billion dollars in natural disaster assistance—exactly as the President requested.

I urge my colleagues and the President to support this legislation and expedite the help needed to the communities in the Pacific Northwest.

Mr. GOODLING. Mr. Chairman, I rise to support H.R. 3019, the Balanced Budget Downpayment Act II and to commend my colleagues on the Appropriations Committee for funding important education and job training programs while maintaining our goal to reach a balanced budget over the next 7 years. Balancing the budget requires us to make choices and to set priorities and this bill does that by funding key education and job training programs. While reforms in many of these programs are being sought by members of the Opportunities Committee, I believe we must place a priority on education in order for our children and grandchildren to enter the 21st century ready to learn and to be qualified to pursue high skilled job opportunities.

This House has passed the CAREERS Act which consolidates over 120 education and job training programs into three block grants to States and I am pleased that this legislation recognizes the CAREERS Act as a priority. I congratulate you for holding $172.3 million for adult and youth job training progams in title IV of this bill contingent on finding real offsets to fund these programs.

I am also glad to see that this legislation ensures funding for the Innovative Education Program Strategies Program, formerly the Chapter 2 Program. This is the only Federal education block grant currently in existence that provides true local flexibility to school districts allowing them to use Federal funds for education reform activities based on the unique needs of their students. By clearly providing $275 million for this program, we ensure that the Chapter 2 Program continues.

I also want to make special note that sufficient funds have been made available to fund Pell grants at the highest maximum ever without any changes to the eligibility rules. When combined with the level funding for college work study and supplemental educational opportunity grants, all students nationwide will continue to have access to a higher education and the promise of a better life.

In addition, I want to thank Chairman PORTER for including a limit of the Direct Student Loan Program. Many of us believe that a limit of 40 percent is still too great for testing a new program with no proven track record. But we also appreciate that with the next academic year beginning on July 1, it would be too disruptive to ask schools to leave at this point in time. A compromise that allows schools currently in the program to serve as the test group seems reasonable to me. No school will be asked to leave the program and no student will be denied a student loan, so let's not have that debate again. The most recent information we have from GAO indicates that direct loan volume is close to 31 percent. A 40 percent pilot allows plenty of growth if volume increases at the participating schools while still saving some money which can be spent on other education programs.

I think that it is important for the Department to focus it's attention on the total student aid picture and stop spending all it's staff time and resources on promoting the direct loan program. The recent problem with the processing of the free application for student financial aid is a perfect example. Instead of having staff working on the application forms for printing and distribution on a timely basis, staff is out promoting direct loans coast to coast. At least one conference held in San Antonio was attended by more than 100 Department of Education personnel. Maybe some of those people should have been here in Washington working on the form so it would have gotten to the printer on time.

In August, the Advisory Committee on Student Financial Assistance noted in it's report to Congress, and I quote "The Committee found that ED has the capacity to manage the student aid programs effectively; however, ED is primarily focusing its resources on the implementation of the direct loan program, thus ED is ignoring the necessary reform of the Federal Family Education Loan Program and failing to adequately address program integrity issues in the delivery of ALL Title IV programs." If the Department is no longer pressured by the White House to sell direct lending to all the schools in the country, maybe they will focus their energies on all the student aid programs and avoid the kinds of application processing problems currently facing schools and students across the country.

Finally, I commend Chairman LIVINGSTON for agreeing to work with President Clinton to restore $961 million to title I program if real spending offsets can be found to meet this education priority. I want to work with the administration and my colleagues on the Appropriations Committee to find these offsets as soon as possible so that school districts can plan their budgets for the upcoming school year.

I believe this bill continues Republican goals to focus on quality by returning control to local communities and schools, encouraging high academic expectations and emphasizing parental involvement and commitment. I look forward to working with Congressmen LIVINGSTON and PORTER in the future to ensure that education and training programs that meet these goals receive adequate funding in the fiscal year 1997 appropriations bill.

Ms. FURSE. Mr. Chairman, people in my district have suffered greatly as a result of the flooding in the Pacific Northwest. Over the past few weeks, my staff and I have spent days and nights throughout my district, working with citizens and local community groups to begin the long, slow process of recovery. We have been doing everything from helping constituents wade through the maze of available Federal assistance, to helping get tons of alfalfa to some hungry cows. One portion of the bill before us today contains disaster relief funding for my constituents, relief that is sorely needed. As a result I will vote in favor of this bill today. People in Oregon are hurting, and we need to get them relief as soon as possible.

At the same time, I am very troubled by this bill. It is an exercise in irresponsibility. We would not be in this situation today if Congress had passed the fiscal year 1996 appropriations bills on time, not waiting 6 extra months. Moreover, we would not be in the situation if Congress had not turned almost every appropriation bill into a Christmas tree, adding unnecessary and unrelated riders. The lawless logging rider is an example of this approach to governing, when it was tacked on to the Oklahoma City bombing relief funding. The bill before us today is more of this haphazard, irresponsible approach.

Last night I asked the Rules Committee to allow me the opportunity to offer my bill to repeal the emergency timber salvage rider, H.R. 2745, as an amendment to this bill. I was denied this opportunity. Since its passage, the so-called emergency salvage rider has escalated into one of the top environmental controversies in the country. Although touted as an emergency measure to cut dead and dying timber, the rider is being used to cut green trees and clearcut old growth forests, some as old as 500 years. It is damaging the property rights of private timberland owners by driving down timber prices and will cost American taxpayers millions dollars by mandating below cost timber sales. Additionally, a Federal judge has greatly expanded the rider beyond congressional intent to require the immediate logging of every timber sale offered in Washington or Oregon since 1990—with no modifications to meet basic environmental standards.

The Republican leadership has chosen to address this huge problem by including a cosmetic fix in this bill. This fix is nothing more than a sham. Nothing more than a superficial attempt to fool Americans into thinking they've fixed the problem when they haven't. Nothing more than lipstick on a corpse. The only thing the bill before us today would do is give the Forest Service and BLM 45 days to try and find replacement timber for some of the worst old growth sales—but only if the timber purchasers agree to all the terms.

This sham language does nothing to restore environmental laws in our national forests or ensure that logging is done in a manner that won't harm endangered salmon and other important natural resources. This sham language does nothing to restore American resources. This sham language does nothing to restore American citizens' right to have input into the management of their national forests or to hold agencies accountable to the letter of the law. Yet, we are denied the opportunity to vote on this vital issue.

I urge you my colleagues not to be confused by this sham salvage rider fix. Don't be fooled into thinking this will solve the many unintended consequences of the salvage rider. If you want a real solution to this problem, join me and 126 of your colleagues in cosponsoring my bill H.R. 2745 to repeal the rider and vote "no" on this bill.

With the exception of the sorely needed disaster relief provisions of this bill, I disagree with many other provisions of this bill, particularly in terms of the environment and education. I will vote in favor of this bill, although it is my hope that the Senate will make this a better bill and we will send the President a disaster relief package for Oregon as soon as possible.

Mr. McDADE. Mr. Chairman, I rise in support of H.R. 3019, the legislation to fund four remaining fiscal year 1996 appropriations bills. This bill represents a commitment by the Congress to both fund the necessary functions of the Federal Government for the remainder of the current fiscal year and to control the cost of Government.

I want to comment specifically on the impact of title III of the legislation dealing with natural disaster assistance. As my colleagues know, the Commonwealth of Pennsylvania was hit hard earlier this year with a combination of flooding and blizzards which resulted in the loss of life, heavy property damage, and the disruption of families, businesses, and local governments.

The thousands of people who have been victimized by these natural disasters have had their lives, homes, and businesses devastated. Pennsylvanians have united in the effort to help their neighbors cope with the flood and storms, and they properly expect the Federal Government to assist them ~~in~~ the efforts to recover from the natural disaster. Gov. Tom Ridge has been in the forefront of the efforts to direct assistance to the victims of the flood, and I will continue to work with him to direct Federal resources to the people of our State.

The bill before us today helps with the Federal Government response to the extraordinary needs in Pennsylvania and other regions of the country created by flooding and blizzards.

Title III provides $100 million to the Small Business Administration to fund needed personal assistance loans for flood victims. The Federal Highway Administration is appropriated $70 million to repair damages to Federal highways and bridges in Pennsylvania. In Pennsylvania's 10th District, there is a need for over $17 million in repairs to Commonwealth roads and bridges.

The Army Corps of Engineers is provided with $165 million for its operations and maintenance and flood control and coastal emergencies programs. It is expected that $16.5 million will go toward repair and rehab of non-Federal levees throughout the Commonwealth. Assessment teams are continuing to evaluate the damage.

The bill provides $34 million to the National Park Service, including $1 million for structural damage repair and debris cleanup caused at the Delaware Water Gap National Recreation Area by the 1996 flood and blizzards.

Pennsylvania will benefit from the $73 million appropriated in the bill for the Emergency Watershed and Protection Program which cleans debris from streams and stabilizes stream banks. Of that amount, $3.4 million will ensure that all 102 sites in Pennsylvania will be funded.

Mr. Chairman, more work remains to be done to help flood victims as they attempt to restore their lives and property. The natural disaster assistance in title III of this bill will help in that effort. Clearly, more Federal resources need to be marshaled to help the safety, health, and property of our citizens whose lives have been torn apart by these devastating disasters.

I urge passage of the legislation.

Mr. OWENS. Mr. Chairman, I rise in strong opposition to the second, so-called Balanced Budget Downpayment Act (H.R. 3019). This bill represents a Republican charade; Republicans have still not acted in good faith to restore devastating cuts made to education, housing, and environmental programs. After spending half of last year debating contract legislation, and debating 11 continuing resolutions, the Republican-controlled 104th Congress has become the most inefficient, ineffective, inconsequential Congress in the history of the United States since the Depression. H.R. 3019 is a phony new deal that embodies the saying, "the more things change, the more things stay the same."

In classic Republican tradition, this new budget offer would still assault families, children, and the American worker. On the surface, H.R. 3019 appears laudable in that it provides an extra $4.3 billion for four of the five appropriations bills that have not passed by last year's deadline of October 1. But upon closer scrutiny of the bill's provisions, $3 billion of these new funds will only be provided when offsetting funds are determined by cutting welfare and Medicaid. In other words, this bill is a blatant Robin Hood in reverse where the poor are being robbed to pay for the Republican tax cut which has generated a situation of phony scarcity.

The more fair and sensible approach would be to attack the more than $80 billion in annual corporate tax loopholes and corporate welfare to restore funds to significant programs. It appears that Republicans are saying we cannot afford the programs that are so vital to the future of our Nation's children, but we can afford the corporate pork which is clogging the arteries of our democracy. We cannot afford to ensure that our children receive a healthy, productive, head start, but we can afford to entertain proposals that would shield some of our most prosperous American companies from paying any taxes at all.

How dare the Republicans use this transparent approach to continue the course of dismantling vital social programs. H.R. 3019 would pit programs of significance to America's social and fiscal security against one another. Republicans insist that Congress must first agree to abolish the safety net for our most vulnerable; Congress must then agree to deny health care coverage to the most needy. If Congress supports these measures, then, and only then, will $420 million be released to fund housing programs, $961 million to title I compensatory education and $390 million to the goals 2000 National Educational Standards Program. This is a crude form of fiscal blackmail.

Even more ominous to this approach is the fact that even if Federal protections are removed from welfare and Medicaid, draconian cuts would still take effect. For example, LIHEAP, the program that provides heat to our senior citizens would be terminated after this fiscal year. The Summer Youth Employment Program would be eliminated, whether or not entitlement reform becomes law. The Legal Services Corporation would be cut by more than 30 percent; any listing of new species under the Endangered Species Act would be barred; the successful Cops-on-the-Beat Program would be replaced with a newly created law enforcement block grant; and no funds would be provided to create or renovate additional units of affordable housing for the more than 20 million Americans who already lack such housing.

I strongly urge my colleagues to vote against this Republican ambush of much-needed safety-net programs. I further challenge my colleagues to join me and others to ensure that, at the very least, funding for education and training is restored to its current level.

I call upon my colleagues on both sides of the aisle to seriously consider one painless action which would help to resolve this situation. Let us demand that the recently discovered $2 billion in unspent funds at the Central Intelligence Agency be utilized for more positive purposes. Transfer $1.1 billion in CIA funds to title I, $300 million to HeadStart and $600 million to the Summer Youth Employment Program; and vote "no" on the second Balanced Budget Downpayment Act.

Mr. DEFAZIO. Mr. Chairman, the Republican leadership is wrong to make the continuing resolution a Christmas tree bill. They have done Americans a tremendous disservice by dressing up bad legislation by attaching emergency flood assistance and other necessary pieces of legislative business.

As a member of the delegation from Oregon, I take personal offense at this underhanded parliamentary maneuver. Parts of my

State were devastated by floodwaters. Tens of thousands of people were evacuated from their homes. I flew by helicopter over towns that were completely ravaged by flood waters. The administration and northwest Democrats and Republicans have worked to put together a package of flood assistance for these people. I receive calls from Oregonians on a daily basis who are depending on this flood assistance to rebuild homes and businesses, fix washed-out highways, and clean drinking water.

I have to vote "no" on this legislation, however, because it is a bad bill that hurts working Americans. The Republican leadership is trying to accomplish by stealth what it couldn't accomplish by shutting down the Government. This bill takes a knife to school funding, heating assistance for senior citizens, veterans programs, affordable housing, job-training and dislocated worker assistance, and worker safety protection. This bill is evidence that the so-called Republican revolution is still about helping the wealthy and large corporations at the expense of working and middle-class Americans.

I am particularly concerned about the Republican leadership's continued attack on the environment. Today's measure deeply cuts funding for the Environmental Protection Agency—cuts that will result in less teeth in the enforcement of environmental laws in every community in the country. According to the EPA, these cuts have already had an impact in the Northwest by shutting down work at Superfund sites, halting efforts to bring safe water supplies to rural communities with contaminated water sources, ending measures keep pollutants away from salmon habitat, and halting a host of other ongoing environmental protection efforts. This is an antienvironment bill written by an antienvironment Republican leadership that jeopardizes the clean air and clean water that all Americans take for granted.

And as if misplaced cuts and attacks on the environment weren't enough, the antichoice forces in Congress have once again hijacked legislation in Congress to suit their own agenda. Hidden within this government-funding bill are provisions that would deny lower income women the right to choose. It's shameful that those whose views on choice are at odds with the overwhelming majority of the American people have now lowered themselves to legislative trickery to advance their cause.

Mr. Chairman, the legislative process was not meant to work this way. I urge the majority to let the emergency flood assistance be voted on separately—apart from the continuing resolution—so that Oregonians affected by the flood can be given a fair shot at rebuilding their lives and communities.

Mrs. SMITH of Washington. Mr. Chairman, I rise in strong support of this legislation.

The primary objective of this Congress is to balance the budget, but if there is an appropriate way to spend taxpayer money—it should be on people who have suffered through a natural disaster.

The flooding in the Pacific Northwest last month devastated communities throughout the Northwest.

I recently walked the streets in these small towns with the President and I can tell you that in many cases, homes and businesses are completely destroyed.

It's going to be months before we can rebuild our communities. In Washington State alone over 10,000 people have called the Federal Emergency Management Agency asking for help.

The emergency funding contained in this bill for disaster relief will go a long way toward rebuilding the infrastructure and making sure people can restart their business.

For my colleagues who haven't had the opportunity to look at the damage, I want to make sure that everyone understands what kind of projects this money will be used for:

The funding for the Small Business Administration will help small businesses in places like Woodland get their operations back up and running.

The funding for the Forest Service will help open access to National Forests like the Gifford Pinchot, where most of the roads and bridges are completely washed out, hurting the tourism economy in many areas in southwestern Washington.

The money for the Fish and Wildlife Service will help repair our wildlife refuges that provide habitat for endangered species like the Columbia white-tailed deer in Wahkiakum County.

The funds for the Corps of Engineers will help repair critical dikes and levees that protect our communities so we won't have to go through another flood disaster like this again.

I want to assure my colleagues that this money will be well-spent.

This legislation demonstrates that we can pass a fiscally responsible appropriations bill that still shows compassion for the people who truly need our help.

I want to thank Chairman LIVINGSTON for his work on this bill and I urge my colleagues to support this legislation.

Ms. PRYCE. Mr. Chairman, I rise today in strong support of this rule, and H.R. 3019, the second installment in our downpayment toward a balanced Federal budget.

While my colleagues on the other side of the aisle may argue against this rule, I believe this is a fair and reasonable rule given the situation we are in. The current CR will expire in just over a week, and Federal employees are once again left to wonder if another Government shutdown will take place. Well, Mr. Chairman, I would say to those Federal workers in my district and around the country whose jobs may be at stake that President Clinton could end the speculation very quickly by agreeing to the responsible spending priorities contained in this legislation.

This second balanced budget downpayment reflects our continued commitment to real deficit reduction. The bill, if enacted, will fund the four remaining unsigned spending bills at levels which keep us on the glidepath to a balanced budget. Even the emergency funds that are included for disaster relief and continued activities in Bosnia are actually paid for, and not simply taken off-budget to hide their true costs or their impact on the budget deficit. And, in keeping with our goal of reducing the size and scope of Government, the bill eliminates some 175 different Federal programs.

While we in the Congress are making the real cuts necessary to keep us on track to balance the Federal budget, the Clinton administration sadly continues to threaten a veto of this important legislation unless additional spending is made available to fund their priorities. I am amazed that the same President who came to this Chamber 2 months ago and declared that the era of big Government is over, is now asking for upwards of $8 billion in additional spending. Agreeing to that request would be irresponsible without a firm commitment on the part of the administration to pay for these additional Government programs with offsetting cuts in spending.

Mr. Chairman, I commend Chairman LIVINGSTON for trying to respond to the administration's concerns in a way that maintains our commitment to a balanced budget. I urge my colleagues to support the contingency title in this legislation to ensure that funding for these extra priorities is not used unless Congress and the President agree to separate legislation that actually pays for them. We can never hope to achieve a balanced budget in our lifetime if we subscribe to the convenient policy of buy now, pay later. If we do, then our children and grandchildren will surely pay a much higher price for our lack of spending discipline.

Mr. Chairman, despite the administration's threatened veto, I am hopeful that the approach this legislation takes will send a clear signal to our constituents and to our friends in the White House that we are serious about getting Government spending under control. In the next week, I am sure we will all see just how serious the President is about bringing the era of big Government to a close.

I urge my colleagues to support this fair and balanced rule, and to pass this responsible continuing resolution. Thank you, Mr. Chairman. I yield back the balance of my time.

Mr. GUTIERREZ. Mr. Chairman, the Republicans believe they have a great plan to put a downpayment on a balanced budget.

They believe they have found a perfect method to cut what they consider to be excessive "social spending."

They have proposed legislation that slashes funding by $900 million for veterans health care, veterans employment programs, and the construction of new veterans psychiatric care facilities. They have said "No" to needed VA hospitals and outpatient clinics which would have served up to 700,000 veterans. These cuts are far below President Clinton's budget request and are even below the House-passed level with regard to health care issues.

On top of all that, they have now given themselves a safety mechanism. They have invented a sure-fire way to guard their plan from criticism.

How?

By removing these indefensible provisions? By realizing the errors of their huge budget cuts?

No. Instead they choose to silence someone who has the courage and the expertise to point out the flaws in their budget plan, our Secretary of Veterans Affairs, Jesse Brown.

If the Republicans believe their plan is such a marvelous solution to our budget woes, why then are they trying to muzzle the Secretary of Veterans Affairs from during his job, advocating for adequate funding for VA programs? Why else would the Republicans aim their funding cuts at the Secretary of Veterans Affairs travel budget and staff support?

I think I know the answer.

Maybe the Republicans themselves don't believe their plan is so wise. Maybe they know their downpayment unfairly cuts funding for those men and women who served under our Nation's flag. Maybe they fear that veterans will be informed of these cuts and will vote their concerns at the ballot box next November. Maybe they are worried that the next time they drape themselves in the flag the American people won't buy it.

They know that Secretary Brown is speaking the truth. They know that he is a strong and knowledgeable advocate for veterans.

I can find no other explanation.

The Republicans must doubt their own commitment to veterans. They must fear that Jesse Brown will expose their budget for what they know it is. Why else would they prevent the Secretary of Veterans Affairs from speaking out on the issues that he knows best?

I urge my colleagues to oppose the rule for this continuing resolution. It prevents those who really care about our Nation's veterans from striking punitive language aimed at silencing the Secretary of Veterans Affairs.

It attacks the independence of a cabinet level agency and silences the best voice America's veterans have. It compromises Congress' commitment that the Secretary of Veterans Affairs would be an effective advocate for the millions of men and women who served in our military. This rule is bad for veterans and bad for the United States.

Mr. SMITH of New Jersey. Mr. Chairman, the bill we are voting on today represents a sensible, humane path to a balanced budget. This bill preserves vital Federal programs, but also cuts unnecessary Federal spending.

The purpose of balancing the budget is not to make accountants sleep easier at night. Holding the line on spending is about getting our priorities straightened out. And it also keeps our commitment to create jobs and increase opportunities. The whole point of cutting the budget deficit is about creating economic opportunity and a better future. It's about lowering interest rates, spurring investment, and securing and creating more, better paying jobs.

This bill protects the Federal role and pledge to those who truly need help, and makes sure that their needs will not be ignored. It keeps our commitment to our veterans, $400 million in additional funds for health care; to children in Heathy Start, $93 million; and education programs for the disadvantaged, $7.2 billion; it boosts funding to $738 million for the Ryan White CARE Act to help people suffering from AIDS; and includes $1.34 billion for job and vocational training programs. It also keeps our commitment to seniors, especially older workers in Older Americans Act jobs programs, $373 million.

Equally important, this bill pares back spending by $23 billion. It eliminates some 200 separate programs, many of them wasteful or duplicative. In the era of a $5 trillion dollar debt, we simply cannot afford to spend $18.4 million on the Office of Technology Assessment, $12.5 million for cattle tick eradication programs, and $850,000 for historical society calendars for Members of Congress.

This bill has shown that even in the absence of a comprehensive agreement over how best to reform Medicare and Medicaid, we can still make progress on the budget.

What is not highlighted in the media is that fact that below the surface of these highly visible budget battles, Congress has been able to cut these duplicative and unnecessary Government programs and regulations through the annual appropriations process. Our progress since 1994 has been to cut $43 billion from the deficit.

The Congressional Budget Office's latest fiscal year 1996 deficit estimates are lower than expected—down to $144 billion, from a level almost $200 billion in 1994. And that decline is in large measure the result of Republican votes to put our Government on a diet.

Through careful and judicious cuts, we have changed the entire debate in Washington. When President Clinton submitted his 1993 budget, taxes were *raised* retroactively. The question now is not if we should balance the budget, but how and when.

Of course, the devil is the details. Raising taxes may be a favorite of the President's, but I am committed to holding the line on spending and taxes, setting firm priorities in spending, and keeping the commitments we made to our constituents.

I think it is worth noting here that H.R. 3019 leaves H.R. 2099—the VA/HUD appropriations bill which Mr. Clinton vetoed on December 8, 1995—virtually unchanged.

Keep in mind that this is the same congressional budget which the VA Secretary called "mean spirited". Now we find that this so-called mean spirited budget—which includes a nearly $400,000,000 increase in VA health spending over fiscal year 1995 levels—was really perfectly acceptable to the President all along. After 7 months of leaving the VA without an appropriation, we find that the President had no major problem with what Congress originally passed.

I think, however, that in the end, all sides of the budget debate can hopefully draw some useful lessons from the bill. Here we have a bill that lowers the deficit and puts us ahead of schedule on discretionary spending. And it was done without the Government shutting down, but by rolling up our sleeves and making the tough choices.

The CHAIRMAN. All time for general debate has expired.

For what purpose does the gentleman from Wisconsin [Mr. OBEY] rise?

□ 1445

Mr. OBEY. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. OBEY. Mr. Chairman, I do so so that the gentleman from Illinois [Mr. PORTER], the subcommittee chairman, and I may make a few comments about a departing staff member for the Labor-HHS and Education Appropriations Subcommittee.

Mike Stephens served this committee for a long, long time, beginning in 1976, and served as the subcommittee clerk and staff director for the Labor-HHS and Education Subcommittee from 1990 to 1994. He then served as the chief minority staffer for that subcommittee from January 1995 until he retired from his job in January 1996.

I think anyone who knows Mike Stephens knows that most of what the Congress has done in support of biomedical research through the years, it has done because of his knowledge and his guidance. No one who has served this committee, and I would certainly say no Member, knows more about the needs of biomedical research in this country or the inner workings of the National Institutes of Health than does Mike Stephens, and no one on Capitol Hill has been more responsible for the funding levels that we have provided for biomedical research through the years than has Mike Stephens.

I must say as a person who came to cherish his friendship, his personal friendship, as well as his professional knowledge, I think the Congress has experienced a great loss with his decision to leave us. I know that feeling is shared by the distinguished chairman of the subcommittee.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Illinois.

Mr. PORTER. I thank the ranking member for yielding.

Mr. Chairman, I want to tell the House how much we are all going to miss Mike Stephens. Mike served on the Labor-HHS Appropriations Subcommittee for over 20 years, 5 as clerk, and was enormously helpful to all members of the subcommittee, including those of us in the minority, throughout that time. I want to personally thank him for his honesty and professionalism in dealing with me during the 15 years I served in the minority on the subcommittee. He served with great skill under three chairmen—the flamboyant Dan Flood, the gentleman's gentleman Bill Natcher, and the doggedly determined Neal Smith. And he served all three with equal expertise and sensitivity. We sometimes felt he was an extension of the chairman himself. But he remained the consummate staffer at all times—quietly in the background, building consensus and brokering compromises, indispensable to the smooth functioning of the subcommittee. His dedication to the subcommittee, his devotion to the Congress as an institution, and his commitment to serving its Members and the public set the standard for those who follow him. Mike's retirement from the House is a great loss to our subcommittee and to the Congress. We wish him nothing but the best in his new ventures.

Mr. OBEY. Mr. Chairman, I thank the gentleman.

Mr. Chairman, let me simply say that none of Mike's service would have been possible without the dedicated willingness of his wife, Sharman, and his children, David, Julie, and Sarah and we wish them all well as Mike enters a new stage of his professional life.

Mr. LIVINGSTON. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Chairman, I thank the gentleman for yielding and I too want to join with the gentleman and with the gentleman from Illinois [Mr. PORTER] for expressing our best wishes for lots of success and happiness to Mike Stephens in the time that he spends apart from Government and apart from this committee. He has rendered yeoman service to the United States of America, both to us in the Congress and to his former colleagues in the Marine Corps and he is an outstanding American citizen. We are proud to have worked with him here in the Congress. We do wish him well.

The CHAIRMAN. Pursuant to the rule, the amendment printed in section 2 of House Resolution 372 is adopted and the bill, as amended, is considered as an original bill for further amendment.

The text of H.R. 3019, as amended pursuant to House Resolution 372, is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for the fiscal year 1996, and for other purposes, namely:

TITLE I

CONTINUING APPROPRIATIONS

SEC. 101. (a) Such amounts as may be necessary for programs, projects or activities provided for in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996, at a rate of operations and to the extent and in the manner provided for, the provisions of such Act to be effective as if it had been enacted into law as the regular appropriations Act, as follows:

AN ACT

Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes.

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $74,282,000; including not to exceed $3,317,000 for the Facilities Program 2000, and including $5,000,000 for management and oversight of Immigration and Naturalization Service activities, both sums to remain available until expended: *Provided,* That not to exceed 45 permanent positions and 51 full-time equivalent workyears and $7,477,000 shall be expended for the Department Leadership Program only for the Offices of the Attorney General and the Deputy Attorney General, exclusive of augmentation that occurred in these offices in fiscal year 1995: *Provided further,* That not to exceed 76 permanent positions and 90 full-time equivalent workyears and $9,487,000 shall be expended for the Offices of Legislative Affairs, Public Affairs and Policy Development: *Provided further,* That the latter three aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or non-reimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Attorney General, $16,898,000, to remain available until expended, to reimburse any Department of Justice organization for (1) the costs incurred in reestablishing the operational capability of an office or facility which has been damaged or destroyed as a result of the bombing of the Alfred P. Murrah Federal Building in Oklahoma City or any domestic or international terrorist incident, (2) the costs of providing support to counter, investigate or prosecute domestic or international terrorism, including payment of rewards in connection with these activities, and (3) the costs of conducting a terrorism threat assessment of Federal agencies and their facilities: *Provided,* That funds provided under this section shall be available only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration related activities, $38,886,000: *Provided,* That the obligated and unobligated balances of funds previously appropriated to the General Administration, Salaries and Expenses appropriation for the Executive Office for Immigration Review and the Office of the Pardon Attorney shall be merged with this appropriation.

VIOLENT CRIME REDUCTION PROGRAMS, ADMINISTRATIVE REVIEW AND APPEALS

For activities authorized by sections 130005 and 130007 of Public Law 103–322, $47,780,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund: *Provided,* That the obligated and unobligated balances of funds previously appropriated to the General Administration, Salaries and Expenses appropriation under title VIII of Public Law 103–317 for the Executive Office for Immigration Review shall be merged with this appropriation.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $28,960,000; including not to exceed $10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and for the acquisition, lease, maintenance and operation of motor vehicles without regard to the general purchase price limitation.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized by law, $5,446,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia; $401,929,000; of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended: *Provided,* That of the funds available in this appropriation, not to exceed $22,618,000 shall remain available until expended for office automation systems for the legal divisions covered by this appropriation, and for the United States Attorneys, the Antitrust Division, and offices funded through "Salaries and Expenses", General Administration: *Provided further,* That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: *Provided further,* That notwithstanding 31 U.S.C. 1342, the Attorney General may accept on behalf of the United States and credit to this appropriation, gifts of money, personal property and services, for the purpose of hosting the International Criminal Police Organization's (INTERPOL) American Regional Conference in the United States during fiscal year 1996.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $4,028,000, to be appropriated from the Vaccine Injury Compensation Trust Fund, as authorized by section 6601 of the Omnibus Budget Reconciliation Act, 1989, as amended by Public Law 101–512 (104 Stat. 1289).

In addition, for Salaries and Expenses, General Legal Activities, $12,000,000 shall be made available to be derived by transfer from unobligated balances of the Working Capital Fund in the Department of Justice.

VIOLENT CRIME REDUCTION PROGRAMS, GENERAL LEGAL ACTIVITIES

For the expeditious deportation of denied asylum applicants, as authorized by section 130005 of Public Law 103–322, $7,591,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $65,783,000: *Provided,* That notwithstanding any other provision of law, not to exceed $48,262,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further,* That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 1996, so as to result in a final fiscal year 1996 appropriation from the General Fund estimated at not more than $17,521,000: *Provided further,* That any fees received in excess of $48,262,000 in fiscal year 1996, shall remain available until expended, but shall not be available for obligation until October 1, 1996.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Office of the United States Attorneys, including intergovernmental agreements, $895,509,000, of which not to exceed $2,500,000 shall be available until September 30, 1997 for the purposes of (1) providing training of personnel of the Department of Justice in debt collection, (2) providing services to the Department of Justice related to locating debtors and their property, such as title searches, debtor skiptracing, asset searches, credit reports and other investigations, (3) paying the costs of the Department of Justice for the sale of property not covered by the sale proceeds, such as auctioneers' fees and expenses, maintenance and protection of property and businesses, advertising and title search and surveying costs, and (4) paying the costs of processing and tracking debts owed to the United States Government: *Provided*, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $10,000,000 of those funds available for automated litigation support contracts and $4,000,000 for security equipment shall remain available until expended: *Provided further*, That in addition to reimbursable full-time equivalent workyears available to the Office of the United States Attorneys, not to exceed 8,595 positions and 8,862 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Attorneys.

VIOLENT CRIME REDUCTION PROGRAMS, UNITED STATES ATTORNEYS

For activities authorized by sections 190001(d), 40114 and 130005 of Public Law 103–322, $30,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, of which $20,269,000 shall be available to help meet increased demands for litigation and related activities, $500,000 to implement a program to appoint additional Federal Victim's Counselors, and $9,231,000 for expeditious deportation of denied asylum applicants.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, $102,390,000, as authorized by 28 U.S.C. 589a(a), to remain available until expended, for activities authorized by section 115 of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (Public Law 99–554), which shall be derived from the United States Trustee System Fund: *Provided*, That deposits to the Fund are available in such amounts as may be necessary to pay refunds due depositors: *Provided further*, That, notwithstanding any other provision of law, not to exceed $44,191,000 of offsetting collections derived from fees collected pursuant to section 589a(f) of title 28, United States Code, as amended, shall be retained and used for necessary expenses in this appropriation: *Provided further*, That the $102,390,000 herein appropriated from the United States Trustee System Fund shall be reduced as such offsetting collections are received during fiscal year 1996, so as to result in a final fiscal year 1996 appropriation from such Fund estimated at not more than $58,199,000: *Provided further*, That any of the aforementioned fees collected in excess of $44,191,000 in fiscal year 1996 shall remain available until expended, but shall not be available for obligation until October 1, 1996.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, $830,000.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service; including the acquisition, lease, maintenance, and operation of vehicles and aircraft, and the purchase of passenger motor vehicles for police-type use without regard to the general purchase price limitation for the current fiscal year; $423,248,000, as authorized by 28 U.S.C. 561(i), of which not to exceed $6,000 shall be available for official reception and representation expenses.

VIOLENT CRIME REDUCTION PROGRAMS, UNITED STATES MARSHALS SERVICE

For activities authorized by section 190001(b) of Public Law 103–322, $25,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

FEDERAL PRISONER DETENTION

(INCLUDING TRANSFER OF FUNDS)

For expenses related to United States prisoners in the custody of the United States Marshals Service as authorized in 18 U.S.C. 4013, but not including expenses otherwise provided for in appropriations available to the Attorney General; $252,820,000, as authorized by 28 U.S.C. 561(i), to remain available until expended.

In addition, for Federal Prisoner Detention, $9,000,000 shall be made available until expended to be derived by transfer from unobligated balances of the Working Capital Fund in the Department of Justice.

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances, $85,000,000, to remain available until expended; of which not to exceed $4,750,000 may be made available for planning, construction, renovations, maintenance, remodeling, and repair of buildings and the purchase of equipment incident thereto for protected witness safesites; of which not to exceed $1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses; and of which not to exceed $4,000,000 may be made available for the purchase, installation and maintenance of a secure automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, established by title X of the Civil Rights Act of 1964, $5,319,000.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(A)(ii), (B), (C), (F), and (G), as amended, $30,000,000 to be derived from the Department of Justice Assets Forfeiture Fund.

RADIATION EXPOSURE COMPENSATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses in accordance with the Radiation Exposure Compensation Act, $2,655,000.

PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST FUND

For payments to the Radiation Exposure Compensation Trust Fund, $16,264,000, to become available on October 1, 1996.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, to include intergovernmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $359,843,000, of which $50,000,000 shall remain available until expended: *Provided*, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: *Provided further*, That any unobligated balances remaining available at the end of the fiscal year shall revert to the Attorney General for reallocation among participating organizations in succeeding fiscal years, subject to the reprogramming procedures described in section 605 of this Act.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 1,815 passenger motor vehicles of which 1,300 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; $2,189,183,000, of which not to exceed $50,000,000 for automated data processing and telecommunications and technical investigative equipment and $1,000,000 for undercover operations shall remain available until September 30, 1997; of which not less than $102,345,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security; of which not to exceed $98,400,000 shall remain available until expended; of which not to exceed $10,000,000 is authorized to be made available for making payments or advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, and drug investigations; and of which $1,500,000 shall be available to maintain an independent program office dedicated solely to the relocation of the Criminal Justice Information Services Division and the automation of fingerprint identification services: *Provided*, That not to exceed $45,000 shall be available for official reception and representation expenses: *Provided further*, That $58,000,000 shall be made available for NCIC 2000, of which not less than $35,000,000 shall be derived from ADP and Telecommunications unobligated balances, and of which $22,000,000 shall be derived by transfer and available until expended from unobligated balances in the Working Capital Fund of the Department of Justice.

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by Public Law 103–322, $218,300,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, of which $208,800,000 shall be for activities authorized by section 190001(c); $4,000,000 for

Training and Investigative Assistance authorized by section 210501(c)(2); and $5,500,000 for establishing DNA quality assurance and proficiency testing standards, establishing an index to facilitate law enforcement exchange of DNA identification information, and related activities authorized by section 210306.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; $97,589,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed 1,208 passenger motor vehicles, of which 1,178 will be for replacement only, for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft; $745,668,000, of which not to exceed $1,800,000 for research and $15,000,000 for transfer to the Drug Diversion Control Fee Account for operating expenses shall remain available until expended, and of which not to exceed $4,000,000 for purchase of evidence and payments for information, not to exceed $4,000,000 for contracting for ADP and telecommunications equipment, and not to exceed $2,000,000 for technical and laboratory equipment shall remain available until September 30, 1997, and of which not to exceed $50,000 shall be available for official reception and representation expenses.

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by sections 180104 and 190001(b) of Public Law 103–322, $60,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed $50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; purchase for police-type use (not to exceed 813 of which 177 are for replacement only) without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and research related to immigration enforcement; $1,394,825,000, of which $36,300,000 shall remain available until September 30, 1997; of which $506,800,000 is available for the Border Patrol; of which not to exceed $400,000 for research shall remain available until expended; and of which not to exceed $10,000,000 shall be available for costs associated with the training program for basic officer training: *Provided*, That none of the funds available to the Immigration and Naturalization Service shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of $25,000 during the calendar year beginning January 1, 1996: *Provided further*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That not to exceed $5,000 shall be available for official reception and representation expenses: *Provided further*, That the Attorney General may transfer to the Department of Labor and the Social Security Administration not to exceed $10,000,000 for programs to verify the immigration status of persons seeking employment in the United States: *Provided further*, That none of the funds provided in this or any other Act shall be used for the continued operation of the San Clemente and Temecula checkpoints unless: (1) the checkpoints are open and traffic is being checked on a continuous 24-hour basis and (2) the Immigration and Naturalization Service undertakes a commuter lane facilitation pilot program at the San Clemente checkpoint within 90 days of enactment of this Act: *Provided further*, That the Immigration and Naturalization Service shall undertake the renovation and improvement of the San Clemente checkpoint, to include the addition of two to four lanes, and which shall be exempt from Federal procurement regulations for contract formation, from within existing balances in the Immigration and Naturalization Service Construction account: *Provided further*, That if renovation of the San Clemente checkpoint is not completed by July 1, 1996, the San Clemente checkpoint will close until such time as the renovations and improvements are completed unless funds for the continued operation of the checkpoint are provided and made available for obligation and expenditure in accordance with procedures set forth in section 605 of this Act, as the result of certification by the Attorney General that exigent circumstances require the checkpoint to be open and delays in completion of the renovations are not the result of any actions that are or have been in the control of the Department of Justice: *Provided further*, That the Office of Public Affairs at the Immigration and Naturalization Service shall conduct its business in areas only relating to its central mission, including: research, analysis, and dissemination of information, through the media and other communications outlets, relating to the activities of the Immigration and Naturalization Service: *Provided further*, That the Office of Congressional Relations at the Immigration and Naturalization Service shall conduct business in areas only relating to its central mission, including: providing services to Members of Congress relating to constituent inquiries and requests for information; and working with the relevant congressional committees on proposed legislation affecting immigration matters: *Provided further*, That in addition to amounts otherwise made available in this title to the Attorney General, the Attorney General is authorized to accept and utilize, on behalf of the United States, the $100,000 Innovation in American Government Award for 1995 from the Ford Foundation for the Immigration and Naturalization Service's Operation Jobs program.

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by sections 130005, 130006, and 130007 of Public Law 103–322, $316,198,000, to remain available until expended, which will be derived from the Violent Crime Reduction Trust Fund, of which $38,704,000 shall be for expeditious deportation of denied asylum applicants, $231,570,000 for improving border controls, and $45,924,000 for expanded special deportation proceedings: *Provided*, That of the amounts made available, $75,765,000 shall be for the Border Patrol.

CONSTRUCTION

For planning, construction, renovation, equipping and maintenance of buildings and facilities necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, not otherwise provided for, $25,000,000, to remain available until expended.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 853, of which 559 are for replacement only) and hire of law enforcement and passenger motor vehicles; and for the provision of technical assistance and advice on corrections related issues to foreign governments; $2,567,578,000: *Provided*, That there may be transferred to the Health Resources and Services Administration such amounts as may be necessary, in the discretion of the Attorney General, for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That the Director of the Federal Prison System (FPS), where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the FPS, furnish health services to individuals committed to the custody of the FPS: *Provided further*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That not to exceed $6,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $50,000,000 for the activation of new facilities shall remain available until September 30, 1997: *Provided further*, That of the amounts provided for Contract Confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980 for the care and security in the United States of Cuban and Haitian entrants: *Provided further*, That no funds appropriated in this Act shall be used to privatize any Federal prison facilities located in Forrest City, Arkansas, and Yazoo City, Mississippi: *Provided further*, That obligations incurred for the National Institute of Corrections through March 15, 1996 shall be charged to the amount made available under this heading.

VIOLENT CRIME REDUCTION PROGRAMS

For substance abuse treatment in Federal prisons as authorized by section 32001(e) of Public Law 103–322, $13,500,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; leasing the Oklahoma City Airport Trust Facility; purchase and acquisition of facilities and remodeling and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account; $334,728,000, to remain available until expended, of which not to exceed $14,074,000 shall be available to construct areas for inmate work programs: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation: *Provided further*, That not to exceed 10 percent of the funds appropriated to "Buildings and Facilities" in this Act or any other Act may be transferred to "Salaries and Expenses", Federal Prison System upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 605 of this Act: *Provided further*, That of the total amount appropriated, not to exceed $22,351,000 shall be available for the renovation and construction of United States Marshals Service prisoner holding facilities.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $3,559,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the Missing Children's Assistance Act, as amended, including salaries and expenses in connection therewith, and with the Victims of Crime Act of 1984, as amended, $99,977,000, to remain available until expended, as authorized by section 1001 of title I of the Omnibus Crime Control and Safe Streets Act, as amended by Public Law 102–534 (106 Stat. 3524).

VIOLENT CRIME REDUCTION PROGRAMS, JUSTICE ASSISTANCE

For assistance (including amounts for administrative costs for management and administration, which amounts shall be transferred to and merged with the "Justice Assistance" account) authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322 ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968, as amended ("the 1968 Act"); and the Victims of Child Abuse Act of 1990, as amended ("the 1990 Act"); $202,400,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; of which $6,000,000 shall be for the Court Appointed Special Advocate Program, as authorized by section 218 of the 1990 Act; $750,000 for Child Abuse Training Programs for Judicial Personnel and Practitioners, as authorized by section 224 of the 1990 Act; $130,000,000 for Grants to Combat Violence Against Women to States, units of local governments and Indian tribal governments, as authorized by section 1001(a)(18) of the 1968 Act; $28,000,000 for Grants to Encourage Arrest Policies to States, units of local governments and Indian tribal governments, as authorized by section 1001(a)(19) of the 1968 Act; $7,000,000 for Rural Domestic Violence and Child Abuse Enforcement Assistance Grants, as authorized by section 40295 of the 1994 Act; $1,000,000 for training programs to assist probation and parole officers who work with released sex offenders, as authorized by section 40152(c) of the Violent Crime Control and Law Enforcement Act of 1994; $50,000 for grants for televised testimony, as authorized by section 1001(a)(7) of the Omnibus Crime Control and Safe Streets Act of 1968; $200,000 for the study of State databases on the incidence of sexual and domestic violence, as authorized by section 40292 of the Violent Crime Control and Law Enforcement Act of 1994; $1,500,000 for national stalker and domestic violence reduction, as authorized by section 40603 of the 1994 Act; $27,000,000 for grants for residential substance abuse treatment for State prisoners authorized by section 1001(a)(17) of the 1968 Act; and $900,000 for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(d) of the 1994 Act: *Provided*, That any balances for these programs shall be transferred to and merged with this appropriation.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, for State and Local Narcotics Control and Justice Assistance Improvements, notwithstanding the provisions of section 511 of said Act, $388,000,000, to remain available until expended, as authorized by section 1001 of title I of said Act, as amended by Public Law 102–534 (106 Stat. 3524), of which $60,000,000 shall be available to carry out the provisions of chapter A of subpart 2 of part E of title I of said Act, for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs: *Provided*, That balances of amounts appropriated prior to fiscal year 1995 under the authorities of this account shall be transferred to and merged with this account.

VIOLENT CRIME REDUCTION PROGRAMS, STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For assistance (including amounts for administrative costs for management and administration, which amounts shall be transferred to and merged with the "Justice Assistance" account) authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322 ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968, as amended ("the 1968 Act"); and the Victims of Child Abuse Act of 1990, as amended ("the 1990 Act"); $3,005,200,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; of which $1,903,000,000 shall be for Local Law Enforcement Block Grants, pursuant to H.R. 728 as passed by the House of Representatives on February 14, 1995 for the purposes set forth in paragraphs (A), (B), (D), (F), and (I) of section 101(a)(2) of H.R. 728 and for establishing crime prevention programs involving cooperation between community residents and law enforcement personnel in order to control, detect, or investigate crime or the prosecution of criminals: *Provided*, That recipients are encouraged to use these funds to hire additional law enforcement officers: *Provided further*, That funds may also be used to defray the costs of indemnification insurance for law enforcement officers: *Provided further*, That $10,000,000 of this amount shall be available for educational expenses as set forth in section 200103 of the 1994 Act; $25,000,000 for grants to upgrade criminal records, as authorized by section 106(b) of the Brady Handgun Violence Prevention Act of 1993, as amended, and section 4(b) of the National Child Protection Act of 1993; $147,000,000 as authorized by section 1001 of title I of the 1968 Act, which shall be available to carry out the provisions of subpart 1, part E of title I of the 1968 Act, notwithstanding section 511 of said Act, for the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs; $300,000,000 for the State Criminal Alien Assistance Program, as authorized by section 242(j) of the Immigration and Nationality Act, as amended; $617,500,000 for Violent Offender Incarceration and Truth in Sentencing Incentive Grants pursuant to subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 (as amended by section 114 of this Act), of which $200,000,000 shall be available for payments to States for incarceration of criminal aliens, and of which $12,500,000 shall be available for the Cooperative Agreement Program; $1,000,000 for grants to States and units of local government for projects to improve DNA analysis, as authorized by section 1001(a)(22) of the 1968 Act; $9,000,000 for Improved Training and Technical Automation Grants, as authorized by section 210501(c)(1) of the 1994 Act; $1,000,000 for Law Enforcement Family Support Programs, as authorized by section 1001(a)(21) of the 1968 Act; $500,000 for Motor Vehicle Theft Prevention Programs, as authorized by section 220002(h) of the 1994 Act; $1,000,000 for Gang Investigation Coordination and Information Collection, as authorized by section 150006 of the 1994 Act; $200,000 for grants as authorized by section 32201(c)(3) of the 1994 Act: *Provided further*, That funds made available in fiscal year 1996 under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions: *Provided further*, That any 1995 balances for these programs shall be transferred to and merged with this appropriation: *Provided further*, That if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service: *Provided further*, That obligations incurred for Drug Courts through March 15, 1996 shall be charged to the amount made available under this heading for Local Law Enforcement Block Grants.

WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement "Weed and Seed" program activities, $28,500,000, which shall be derived from discretionary grants provided under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, to remain available until expended for intergovernmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies engaged in the investigation and prosecution of violent crimes and drug offenses in "Weed and Seed" designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the "Weed and Seed" program strategy: *Provided*, That funds designated by Congress through language for other Department of Justice appropriation accounts for "Weed and Seed" program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: *Provided further*, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of "Weed and Seed" program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, $144,000,000, to remain available until expended, as authorized by section 299 of part I of title II and section 506 of title V of the Act, as amended by Public Law 102-586, of which: (1) $100,000,000 shall be available for expenses authorized by parts A, B, and C of title II of the Act; (2) $10,000,000 shall be available for expenses authorized by sections 281 and 282 of part D of title II of the Act for prevention and treatment programs relating to juvenile gangs; (3) $10,000,000 shall be available for expenses authorized by section 285 of part E of title II of the Act; (4) $4,000,000 shall be available for expenses authorized by part G of title II of the Act for juvenile mentoring programs; and (5) $20,000,000 shall be available for expenses authorized by title V of the Act for incentive grants for local delinquency prevention programs.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by the Victims of Child Abuse Act of 1990, as amended, $4,500,000, to remain available until expended, as authorized by section 214B, of the Act: *Provided*, That balances of amounts appropriated prior to fiscal year 1995 under the authorities of this account shall be transferred to and merged with this account.

PUBLIC SAFETY OFFICERS BENEFITS

For payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, such sums as are necessary, to remain available until expended, as authorized by section 6093 of Public Law 100-690 (102 Stat. 4339-4340), and, in addition, $2,134,000, to remain available until expended, for payments as authorized by section 1201(b) of said Act.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 114. (a) GRANT PROGRAM.—Subtitle A of title II of the Violent Crime and Law Enforcement Act of 1994 is amended to read as follows:

"Subtitle A—Violent Offender Incarceration and Truth-in-Sentencing Incentive Grants

"SEC. 20101. DEFINITIONS.

"As used in this subtitle—

"(1) the term "indeterminate sentencing' means a system by which—

"(A) the court may impose a sentence of a range defined by statute; and

"(B) an administrative agency, generally the parole board, or the court, controls release within the statutory range;

"(2) the term 'part 1 violent crime' means murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports; and

"(3) the term 'State' means a State of the United States, the District of Columbia, or any commonwealth, territory, or possession of the United States.

"SEC. 20102. AUTHORIZATION OF GRANTS.

"(a) IN GENERAL.—The Attorney General shall provide grants to eligible States—

"(1) to build or expand correctional facilities to increase the prison bed capacity for the confinement of persons convicted of a part 1 violent crime or adjudicated delinquent for an act which if committed by an adult, would a part 1 violent crime;

"(2) to build or expand temporary or permanent correctional facilities, including facilities on military bases, prison barges, and boot camps, for the confinement of convicted nonviolent offenders and criminal aliens, for the purpose of freeing suitable existing prison space for the confinement of persons convicted of a part 1 violent crime; and

"(3) to build or expand jails.

"(b) REGIONAL COMPACTS.—

"(1) IN GENERAL.—Subject to paragraph (2), States may enter into regional compacts to carry out this subtitle. Such compacts shall be treated as States under this subtitle.

"(2) REQUIREMENT.—To be recognized as a regional compact for eligibility for a grant under section 20103 or 20104, each member State must be eligible individually.

"(3) LIMITATION ON RECEIPT OF FUNDS.—No State may receive a grant under this subtitle both individually and as part of a compact.

"(c) LIMITATIONS.—

"(1) Except as provided in paragraph (2), an eligible State may receive either a general grant under section 20103 or a truth-in-sentencing incentive grant under section 20104.

"(2) EXCEPTION.—An eligible State may receive a grant under both sections 20103 and 20104 if the amount that such State is eligible to receive under section 20103 in a year equals or exceeds the amount that such State is eligible to receive under section 20104 for that year.

"(d) APPLICABILITY.—Notwithstanding the eligibility requirements of sections 20103 and 20104, a State that certifies to the Attorney General that, as of the date of enactment of the Department of Justice Appropriations Act, 1996, such State has enacted legislation in reliance on subtitle A of title II of the Violent Crime Control and Law Enforcement Act, as enacted on September 13, 1994, and would in fact qualify under those provisions, shall be eligible to receive a grant for fiscal year 1996 as though such State qualifies under sections 20103 or 20104 of this subtitle.

"SEC. 20103. GENERAL GRANTS.

"(a) IN GENERAL.—To be eligible to receive a grant under this section, a State shall submit an application to the Attorney General that provides assurances that such State has, since 1993—

"(1) increased the percentage of persons convicted of a part 1 violent crime sentenced to prison;

"(2) increased the average prison time actually to be served in prison by persons convicted of a part 1 violent crime sentenced to prison; and

"(3) increased the average percentage of time of the sentence to be actually served in prison by persons convicted of a part 1 violent crime and sentenced to prison.

"(b) INDETERMINATE SENTENCING EXCEPTION.—Notwithstanding subsection (a), a State shall be eligible for a grant under this section if such State submits an application to the Attorney General that provides assurances that the State on the date of the enactment of the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 1996—

"(1) practices indeterminate sentencing with regard to any part 1 violent crime; and

"(2) since 1993 the State has increased—

"(A) the percentage of persons convicted of a part 1 violent crime sentenced to prison; and

"(B) the average time served in the State for the offenses of murder, rape, and robbery under the State's sentencing and release guidelines for such offenses.

"SEC. 20104. TRUTH-IN-SENTENCING INCENTIVE GRANTS.

"(a) ELIGIBILITY.—To be eligible to receive a grant under this section, a State shall submit an application to the Attorney General that provides assurances that—

"(1) such State has implemented truth-in-sentencing laws that require persons convicted of a part 1 violent crime to serve not less than 85 percent of the sentence imposed (not counting time not actually served, such as administrative or statutory incentives for good behavior);

"(2) such State has truth-in-sentencing laws that have been enacted, but not yet implemented, that require such State, not later than 3 years after such State submits an application to the Attorney General, to provide that persons convicted of a part 1 violent crime serve not less than 85 percent of the sentence imposed; or

"(3) if, in the case of a State that on the date of enactment of the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 1996, practices indeterminate sentencing with regard to any part 1 violent crime, such State demonstrates that the average time served for part 1 violent crimes in the State equals at least 85 percent of the sentences established for such crimes under the State's sentencing and release guidelines (not counting time not actually served, such as administrative or statutory incentives for good behavior).

"(b) EXCEPTION.—Notwithstanding subsection (a), a State may provide that the Governor of the State may allow for the earlier release of—

"(1) a geriatric prisoner; or

"(2) a prisoner whose medical condition precludes the prisoner from posing a threat to the public, but only after a public hearing in which representatives of the public and the prisoner's victims have had an opportunity to be heard regarding a proposed release.

"SEC. 20105. SPECIAL RULES.

"(a) Sharing of Funds With Counties and Other Units of Local Government.—

"(1) Reservation.—Each State shall reserve not more than 15 percent of the amount of funds allocated in a fiscal year pursuant to section 20106 for counties and units of local government to construct, develop, expand, modify, or improve jails and other correctional facilities.

"(2) Factors for determination of amount.—To determine the amount of funds to be reserved under this subsection, a State shall consider the burden placed on a county or unit of local government that results from the implementation of policies adopted by the State to carry out sections 20103 and 20104.

"(b) Additional Requirement.—To be eligible to receive a grant under section 20103 or 20104, a State shall provide assurances to the Attorney General that the State has implemented or will implement not later than 18 months after the date of the enactment of this subtitle policies that provide for the recognition of the rights and needs of crime victims.

"(c) Funds for Juvenile Offenders.—Notwithstanding any other provision of this subtitle, if a State, or unit of local government located in a State that otherwise meets the requirements of sections 20103 or 20104, certifies to the Attorney General that exigent circumstances exist that require the State to expend funds to confine juvenile offenders, the State may use funds received under this subtitle to build or expand juvenile correctional facilities or pretrial detention facilities for juvenile offenders.

"(d) Private Facilities.—A State may use funds received under this subtitle for the privatization of facilities to carry out the purposes of section 20102.

"SEC. 20106. FORMULA FOR GRANTS.

"In determining the amount of funds that may be granted to each State eligible to receive a grant under section 20103 or 20104, the Attorney General shall apply the following formula:

"(1) Minimum amount for grants under section 20103.—Of the amount set aside for grants for section 20103, 0.6 percent shall be allocated to each eligible State, except that the United States Virgin Islands, American Samoa, Guam, and the Commonwealths of Puerto Rico and the Northern Mariana Islands shall each be allocated 0.05 percent.

"(2) Minimum amount for grants under section 20104.—Of the amount set aside for grants for section 20104—

"(A) if less than 20 States are awarded grants under section 20104, 2.5 percent of the amounts paid shall be allocated to each eligible State, except that the United States Virgin Islands, American Samoa, Guam, and the Commonwealths of Puerto Rico and the Northern Mariana Islands shall each be allocated 0.05 percent; and

"(B) if 20 or more States are awarded grants under section 20104, 2.0 percent of the amounts awarded shall be allocated to each eligible State in a fiscal year for a grant under section 20104, except that the United States Virgin Islands, American Samoa, Guam, and the Commonwealths of Puerto Rico and the Northern Mariana Islands shall each be allocated 0.04 percent.

"(3) Additional amounts based on number of part 1 violent crimes.—

"(A) Distribution of remaining amounts.—The amounts remaining after the application of paragraph (1) or (2) shall be allocated to each eligible State in the Nation that the average annual number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made bears to the average annual number of part 1 violent crimes reported by all such States to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made.

"(B) Unavailable data.—If data regarding part 1 violent crimes in any State is unavailable for the 3 years preceding the year in which the determination is made or substantially inaccurate, the Attorney General shall utilize the best available comparable data regarding the number of violent crimes for the previous year for the State for the purposes of allocation of funds under this subtitle.

"(4) Regional compacts.—In determining the funds that States organized as a regional compact may receive, the Attorney General shall first apply the formula in either paragraph (1) or (2) and (3) of this section to each member State of the compact. The States organized as a regional compact may receive the sum of the amounts so determined.

"SEC. 20107. ACCOUNTABILITY.

"(a) Fiscal Requirements.—A State that receives funds under this subtitle shall use accounting, audit, and fiscal procedures that conform to guidelines prescribed by the Attorney General, and shall ensure that any funds used to carry out the programs under section 20102(a) shall represent the best value for the State governments at the lowest possible cost and employ the best available technology.

"(b) Administrative Provisions.—The administrative provisions of sections 801 and 802 of the Omnibus Crime Control and Safe Streets Act of 1968 shall apply to the Attorney General under this subtitle in the same manner that such provisions apply to the officials listed in such sections.

"SEC. 20108. AUTHORIZATION OF APPROPRIATIONS.

"(a) In General.—

"(1) Authorizations.—There are authorized to be appropriated to carry out this subtitle—

"(A) $997,500,000 for fiscal year 1996;

"(B) $1,330,000,000 for fiscal year 1997;

"(C) $2,527,999,000 for fiscal year 1998;

"(D) $2,660,000,000 for fiscal year 1999; and

"(E) $2,753,100,000 for fiscal year 2000.

"(2) Distribution.—

"(A) In general.—Subject to section 20109, and except as provided in subparagraph (B), of the amount appropriated pursuant to paragraph (1)—

"(i) one-third of such amount shall be allocated pursuant to section 20106 to eligible states under section 20103; and

"(ii) two-thirds of such amount shall be allocated pursuant to section 20106 to eligible states under section 20104.

"(B) Additional funds.—Subject to section 20109, if the amount appropriated pursuant to paragraph (1) exceeds $750,000,000—

"(i) half of such amount shall be allocated pursuant to section 20106 to eligible States under section 20103; and

"(ii) half of such amount shall be allocated pursuant to section 20106 to eligible States under section 20104.

"(b) Limitations on Funds.—

"(1) Uses of funds.—Except as provided in section 20111, funds made available pursuant to this section shall be used only to carry out the purposes described in section 20102(a).

"(2) Nonsupplanting requirement.—Funds made available pursuant to this section shall not be used to supplant State funds, but shall be used to increase the amount of funds that would, in the absence of Federal funds, be made available from State sources.

"(3) Administrative costs.—Not more than 3 percent of the funds made available pursuant to this section shall be used for administrative costs.

"(4) Carryover of appropriations.—Funds appropriated pursuant to this section during any fiscal year shall remain available until expended.

"(5) Matching funds.—The Federal share of a grant received under this subtitle may not exceed 90 percent of the costs of a proposal as described in an application approved under this subtitle.

"SEC. 20109. PAYMENTS FOR INCARCERATION ON TRIBAL LANDS.

"(a) Reservation of Funds.—Notwithstanding any other provision of this subtitle, from amounts appropriated under section 20108 to carry out sections 20103 and 20104, the Attorney General shall reserve, to carry out this section—

"(1) 0.3 percent in each of fiscal years 1996 and 1997; and

"(2) 0.2 percent in each of fiscal years 1998, 1999, and 2000.

"(b) Grants to Indian Tribes.—From the amounts reserved under subsection (a), the Attorney General may make grants to Indian tribes for the purposes of constructing jails on tribal lands for the incarceration of offenders subject to tribal jurisdiction.

"(c) Applications.—To be eligible to receive a grant under this section, an Indian tribe shall submit to the Attorney General an application in such form and containing such information as the Attorney General may by regulation require.

"SEC. 20110. PAYMENTS TO ELIGIBLE STATES FOR INCARCERATION OF CRIMINAL ALIENS.

"(a) In General.—The Attorney General shall make a payment to each State which is eligible under section 242(j) of the Immigration and Nationality Act and which meets the eligibility requirements of section 20104, in such amount as is determined under section 242(j) and for which payment is not made to such State for such fiscal year under such section.

"(b) Authorization of Appropriations.—Notwithstanding any other provision of this subtitle, there are authorized to be appropriated to carry out this section from amounts authorized under section 20108, an amount which when added to amounts appropriated to carry out section 242(j) of the Immigration and Nationality Act for fiscal year 1996 equals $500,000,000 and for each of the fiscal years 1997 through 2000 does not exceed $650,000,000.

"(c) Report to Congress.—Not later than May 15, 1999, the Attorney General shall submit a report to the Congress which contains the recommendation of the Attorney General concerning the extension of the program under this section.

"SEC. 20111. SUPPORT OF FEDERAL PRISONERS IN NON-FEDERAL INSTITUTIONS.

"(a) In General.—The Attorney General may make payments to States and units of local government for the purposes authorized in section 4013 of title 18, United States Code.

"(b) Authorization of Appropriations.—Notwithstanding any other provision of this subtitle, there are authorized to be appropriated from amounts authorized under section 20108 for each fiscal years 1996 through 2000 such sums as may be necessary to carry out this section.

"SEC. 20112. REPORT BY THE ATTORNEY GENERAL.

"Beginning on July 1, 1996, and each July 1 thereafter, the Attorney General shall report to the Congress on the implementation of this subtitle, including a report on the eligibility of the States under sections 20103 and 20104, and the distribution and use of funds under this subtitle.".

(b) PREFERENCE IN PAYMENTS.—Section 242(j)(4) of the Immigration and Nationality Act (8 U.S.C. 1252(j)(4)) is amended by adding at the end the following:

"(C) in carrying out paragraph (1)(A), the Attorney General shall give preference in making payments to States and political subdivisions of States which are ineligible for payments under section 20110 of the Violent Crime Control and Law Enforcement Act of 1994.".

(c) CONFORMING AMENDMENTS.—

(1) OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.—

(A) PART V.—Part V of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is repealed.

(B) FUNDING.—

(i) Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking paragraph (20).

(ii) Notwithstanding the provisions of subparagraph (A), any funds that remain available to an applicant under paragraph (20) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 shall be used in accordance with part V of such Act as if such Act was in effect on the day preceding the date of enactment of this Act.

(2) VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994.—

(A) TABLE OF CONTENTS.—The table of contents of the Violent Crime Control and Law Enforcement Act of 1994 is amended by striking the matter relating to title V.

(B) COMPLIANCE.—Notwithstanding the provisions of paragraph (1), any funds that remain available to an applicant under title V of the Violent Crime Control and Law Enforcement Act of 1994 shall be used in accordance with such subtitle as if such subtitle was in effect on the day preceding the date of enactment of this Act.

(C) TRUTH-IN-SENTENCING.—The table of contents of the Violent Crime Control and Law Enforcement Act of 1994 is amended by striking the matter relating to subtitle A of title II and inserting the following:

"SUBTITLE A—TRUTH-IN-SENTENCING GRANTS

"Sec. 20101. Definitions.
"Sec. 20102. Authorization of Grants.
"Sec. 20103. General Grants.
"Sec. 20104. Truth-in-sentencing incentive grants.
"Sec. 20105. Special rules.
"Sec. 20106. Formula for grants.
"Sec. 20107. Accountability.
"Sec. 20108. Authorization of appropriations.
"Sec. 20109. Payments for Incarceration on Tribal Lands.
"Sec. 20110. Payments to States for Incarceration of Criminal Aliens.
"Sec. 20111. Support of Federal Prisoners in Non-Federal Institutions.
"Sec. 20112. Report by the Attorney General.".

This title may be cited as the "Department of Justice Appropriations Act, 1996".

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT

RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $20,889,000, of which $2,500,000 shall remain available until expended: *Provided*, That not to exceed $98,000 shall be available for official reception and representation expenses.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $40,000,000, to remain available until expended.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $30,000 per vehicle; obtain insurance on official motor vehicles; and rent tie lines and teletype equipment; $264,885,000, to remain available until expended: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to 15 U.S.C. 4912; and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment for assessments for services provided as part of these activities.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law; $38,604,000, to remain available until expended: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: *Provided further*, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, Public Law 91–304, and such laws that were in effect immediately before September 30, 1982, and for trade adjustment assistance, $328,500,000: *Provided*, That none of the funds appropriated or otherwise made available under this heading may be used directly or indirectly for attorneys' or consultants' fees in connection with securing grants and contracts made by the Economic Development Administration: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Commerce may provide financial assistance for projects to be located on military installations closed or scheduled for closure or realignment to grantees eligible for assistance under the Public Works and Economic Development Act of 1965, as amended, without it being required that the grantee have title or ability to obtain a lease for the property, for the useful life of the project, when in the opinion of the Secretary of Commerce, such financial assistance is necessary for the economic development of the area: *Provided further*, That the Secretary of Commerce may, as the Secretary considers appropriate, consult with the Secretary of Defense regarding the title to land on military installations closed or scheduled for closure or realignment.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $20,000,000: *Provided*, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $32,000,000.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $45,900,000, to remain available until September 30, 1997.

ECONOMICS AND STATISTICS ADMINISTRATION

REVOLVING FUND

The Secretary of Commerce is authorized to disseminate economic and statistical data products as authorized by 15 U.S.C. 1525–1527 and, notwithstanding 15 U.S.C. 4912, charge fees necessary to recover the full costs incurred in their production. Notwithstanding 31 U.S.C. 3302, receipts received from these data dissemination activities shall be credited to this account, to be available for carrying out these purposes without further appropriation.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $133,812,000.

PERIODIC CENSUSES AND PROGRAMS

For expenses necessary to collect and publish statistics for periodic censuses and programs provided for by law, $150,300,000, to remain available until expended.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration, $17,000,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for spectrum management, analysis, and operations and for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of the NTIA in furtherance of its assigned functions under this paragraph and such funds received from other Government agencies shall remain available until expended.

PUBLIC BROADCASTING FACILITIES, PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, $15,500,000, to remain available until expended as authorized by section 391 of the Act, as amended: *Provided*, That not to exceed $2,200,000 shall be available for program administration as authorized by section 391 of the Act: *Provided further*, That notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, as amended, $21,500,000, to remain available until expended as authorized by section 391 of the Act, as amended: *Provided*, That not to exceed $3,000,000 shall be available for program administration and other support activities as authorized by section 391 of the Act including support of the Advisory Council on National Information Infrastructure: *Provided further*, That of the funds appropriated herein, not to exceed 5 percent may be available for telecommunications research activities for projects related directly to the development of a national information infrastructure: *Provided further*, That notwithstanding the requirements of section 392(a) and 392(c) of the Act, these funds may be used for the planning and construction of telecommunications networks for the provision of educational, cultural, health care, public information, public safety or other social services.

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Patent and Trademark Office provided for by law, including defense of suits instituted against the Commissioner of Patents and Trademarks; $82,324,000, to remain available until expended: *Provided*, That the funds made available under this heading are to be derived from deposits in the Patent and Trademark Office Fee Surcharge Fund as authorized by law: *Provided further*, That the amounts made available under the Fund shall not exceed amounts deposited; and such fees as shall be collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376, shall remain available until expended.

SCIENCE AND TECHNOLOGY

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $259,000,000, to remain available until expended, of which not to exceed $8,500,000 may be transferred to the "Working Capital Fund".

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership of the National Institute of Standards and Technology, $80,000,000, to remain available until expended, of which not to exceed $500,000 may be transferred to the "Working Capital Fund": *Provided*, That none of the funds made available under this heading in this or any other Act may be used for the purposes of carrying out additional program competitions under the Advanced Technology Program: *Provided further*, That any unobligated balances available from carryover of prior year appropriations under the Advanced Technology Program may be used only for the purposes of providing continuation grants.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $60,000,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including acquisition, maintenance, operation, and hire of aircraft; not to exceed 358 commissioned officers on the active list; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and alteration, modernization, and relocation of facilities as authorized by 33 U.S.C. 883i; $1,795,677,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302 but consistent with other existing law, fees shall be assessed, collected, and credited to this appropriation as offsetting collections to be available until expended, to recover the costs of administering aeronautical charting programs: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such additional fees are received during fiscal year 1996, so as to result in a final general fund appropriation estimated at not more than $1,792,677,000: *Provided further*, That any such additional fees received in excess of $3,000,000 in fiscal year 1996 shall not be available for obligation until October 1, 1996: *Provided further*, That fees and donations received by the National Ocean Service for the management of the national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: *Provided further*, That in addition, $63,000,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": *Provided further*, That grants to States pursuant to sections 306 and 306(a) of the Coastal Zone Management Act, as amended, shall not exceed $2,000,000.

COASTAL ZONE MANAGEMENT FUND

Of amounts collected pursuant to 16 U.S.C. 1456a, not to exceed $7,800,000, for purposes set forth in 16 U.S.C. 1456a(b)(2)(A), 16 U.S.C. 1456a(b)(2)(B)(v), and 16 U.S.C. 1461(e).

CONSTRUCTION

For repair and modification of, and additions to, existing facilities and construction of new facilities, and for facility planning and design and land acquisition not otherwise provided for the National Oceanic and Atmospheric Administration, $50,000,000, to remain available until expended.

FLEET MODERNIZATION, SHIPBUILDING AND CONVERSION

For expenses necessary for the repair, acquisition, leasing, or conversion of vessels, including related equipment to maintain and modernize the existing fleet and to continue planning the modernization of the fleet, for the National Oceanic and Atmospheric Administration, $8,000,000, to remain available until expended.

FISHING VESSEL AND GEAR DAMAGE COMPENSATION FUND

For carrying out the provisions of section 3 of Public Law 95–376, not to exceed $1,032,000, to be derived from receipts collected pursuant to 22 U.S.C. 1980 (b) and (f), to remain available until expended.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95–372, not to exceed $999,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96–339), the Magnuson Fishery Conservation and Management Act of 1976, as amended (Public Law 100–627) and the American Fisheries Promotion Act (Public Law 96–561), there are appropriated from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed $196,000, to remain available until expended.

FISHING VESSEL OBLIGATIONS GUARANTEES

For the cost, as defined in section 502 of the Federal Credit Reform Act of 1990, of guaranteed loans authorized by the Merchant Marine Act of 1936, as amended, $250,000: *Provided*, That none of the funds made available under this heading may be used to guarantee loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

SALARIES AND EXPENSES

For necessary expenses for the Under Secretary for Technology/Office of Technology Policy, $5,000,000.

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce provided for by law, including not to exceed $3,000 for official entertainment, $29,100,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1–11 as amended by Public Law 100–504), $19,849,000.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

CONSTRUCTION OF RESEARCH FACILITIES

(RESCISSION)

Of the unobligated balances available under this heading, $75,000,000 are rescinded.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 203. None of the funds made available by this Act may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.

SEC. 204. None of the funds provided in this or any previous Act, or hereinafter made available to the Department of Commerce shall be available to reimburse the Unemployment Trust Fund or any other fund or account of the Treasury to pay for any expenses paid before October 1, 1992, as authorized by section 8501 of title 5, United States Code, for services performed after April 20, 1990, by individuals appointed to temporary positions within the Bureau of the Census for purposes relating to the 1990 decennial census of population.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 206. (a) Should legislation be enacted to dismantle or reorganize the Department of Commerce, the Secretary of Commerce, no later than 90 days thereafter, shall submit to the Committees on Appropriations of the House and the Senate a plan for transferring funds provided in this Act to the appropriate successor organizations: *Provided*, That the plan shall include a proposal for transferring or rescinding funds appropriated herein for agencies or programs terminated under such legislation: *Provided further*, That such plan shall be transmitted in accordance with section 605 of this Act.

(b) The Secretary of Commerce or the appropriate head of any successor organization(s) may use any available funds to carry out legislation dismantling or reorganizing the Department of Commerce to cover the costs of actions relating to the abolishment, reorganization or transfer of functions and any related personnel action, including voluntary separation incentives if authorized by such legislation: *Provided*, That the authority to transfer funds between appropriations accounts that may be necessary to carry out this section is provided in addition to authorities included under section 205 of this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 207. Notwithstanding any other provision of law (including any regulation and including the Public Works and Economic Development Act of 1965), the transfer of title to the Rutland City Industrial Complex to Hilinex, Vermont (as related to Economic Development Administration Project Number 01-11-01742) shall not require compensation to the Federal Government for the fair share of the Federal Government of that real property.

SEC. 208. (a) IN GENERAL.—The Secretary of Commerce, acting through the Assistant Secretary for Economic Development of the Department of Commerce, shall—

(1) not later than January 1, 1996, commence the demolition of the structures on, and the cleanup and environmental remediation on, the parcel of land described in subsection (b);

(2) not later than March 31, 1996, complete the demolition, cleanup, and environmental remediation under paragraph (1); and

(3) not later than April 1, 1996, convey the parcel of land described in subsection (b), in accordance with the requirements of section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)), to the Tuscaloosa County Industrial Development Authority, on receipt of payment of the fair market value for the parcel by the Authority, as agreed on by the Secretary and the Authority.

(b) LAND PARCEL.—The parcel of land referred to in subsection (a) is the parcel of land consisting of approximately 41 acres in Holt, Alabama (in Tuscaloosa County), that is generally known as the "Central Foundry Property", as depicted on a map, and as described in a legal description, that the Secretary, acting through the Assistant Secretary for Economic Development, determines to be satisfactory.

SEC. 209. Any costs incurred by a Department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title shall be absorbed within the total budgetary resources available to such Department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this provision is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 210. None of the funds appropriated under this Act may be used to develop new fishery management plans or amendments which create new individual transferable quota programs, or to implement any such plans or amendments approved by a Regional Fishery Management Council or the Secretary of Commerce after January 4, 1995, until offsetting fees to pay for the cost of administering such plans or amendments are expressly authorized under the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

This title may be cited as the "Department of Commerce and Related Agencies Appropriations Act, 1996".

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, $25,834,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by the Act approved May 7, 1934 (40 U.S.C. 13a–13b), $3,313,000, of which $500,000 shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $14,288,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services as authorized by 5 U.S.C. 3109, and necessary expenses of the court, as authorized by law, $10,859,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $2,433,141,000 (including the purchase of firearms and ammunition); of which not to exceed $13,454,000 shall remain available until expended for space alteration projects; of which not to exceed $10,000,000 shall remain available until expended for furniture and furnishings related to new space alteration and construction projects; and of which $500,000 is to remain available until expended for acquisition of books, periodicals, and newspapers, and all other legal reference materials, including subscriptions.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $2,318,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

VIOLENT CRIME REDUCTION PROGRAMS

For activities of the Federal Judiciary as authorized by law, $30,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, as authorized by section 190001(a) of Public Law 103–322.

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations, the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended, the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act (18 U.S.C. 3006A(e)), the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel, the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences, and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d), $267,217,000, to remain available until expended as authorized by 18 U.S.C. 3006A(i): *Provided*, That none of the funds provided in this Act shall be available for Death Penalty Resource Centers or Post-Conviction Defender Organizations after April 1, 1996.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)); $59,028,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to the procurement, installation, and maintenance of security equipment and protective services for the United States Courts in courtrooms and adjacent areas, including building ingress-egress control, inspection of packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702); $102,000,000, to be expended directly or transferred to the United States Marshals Service which shall be responsible for administering elements of the Judicial Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $47,500,000, of which not to exceed $7,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, $17,914,000; of which $1,800,000 shall remain available through September 30, 1997, to provide education and training to Federal court personnel; and of which not to exceed $1,000 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), $24,000,000, to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), $7,000,000, and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $1,900,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $8,500,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

GENERAL PROVISIONS—THE JUDICIARY

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Appropriations made in this title shall be available for salaries and expenses of the Special Court established under the Regional Rail Reorganization Act of 1973, Public Law 93–236.

SEC. 303. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except "Courts of Appeals, District Courts, and other Judicial Services, Defender Services", shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 304. Notwithstanding any other provision of law, the salaries and expenses appropriation for district courts, courts of appeals, and other judicial services shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided*, That such available funds shall not exceed $10,000 and shall be administered by the Director of the Administrative Office of the United States Courts in his capacity as Secretary of the Judicial Conference.

SEC. 305. Section 333 of title 28, United States Code, is amended—

(1) in the first paragraph by striking "shall" the first, second, and fourth place it appears and inserting "may"; and

(2) in the second paragraph—

(A) by striking "shall" the first place it appears and inserting "may"; and

(B) by striking ", and unless excused by the chief judge, shall remain throughout the conference".

This title may be cited as "The Judiciary Appropriations Act, 1996".

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCIES

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including expenses authorized by the State Department Basic Authorities Act of 1956, as amended; representation to certain international organizations in which the United States participates pursuant to treaties, ratified pursuant to the advice and consent of the Senate, or specific Acts of Congress; acquisition by exchange or purchase of passenger motor vehicles as authorized by 31 U.S.C. 1343, 40 U.S.C. 481(c) and 22 U.S.C. 2674; and for expenses of general administration, $1,708,800,000: *Provided*, That notwithstanding section 140(a)(5), and the second sentence of section 140(a)(3) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), not to exceed $125,000,000 of fees may be collected during fiscal year 1996 under the authority of section 140(a)(1) of that Act: *Provided further*, That all fees collected under the preceding proviso shall be deposited in fiscal year 1996 as an offsetting collection to appropriations made under this heading to recover the costs of providing consular services and shall remain available until expended: *Provided further*, That starting in fiscal year 1997, a system shall be in place that allocates to each department and agency the full cost of its presence outside of the United States.

Of the funds provided under this heading, $24,856,000 shall be available only for the Diplomatic Telecommunications Service for operation of existing base services and not to exceed $17,144,000 shall be available only for the enhancement of the Diplomatic Telecommunications Service and shall remain available until expended. Of the latter amount, $9,600,000 shall not be made available until expiration of the 15 day period beginning on the date when the Secretary of State and the Director of the Diplomatic Telecommunications Service submit the pilot program report required by section 507 of Public Law 103–317.

In addition, not to exceed $700,000 in registration fees collected pursuant to section 38 of the Arms Export Control Act, as amended, may be used in accordance with section 45 of the State Department Basic Authorities Act of 1956, 22 U.S.C. 2717; and in addition not to exceed $1,223,000 shall be derived from fees from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act (Public Law 90–553, as amended by section 120 of Public Law 101–246); and in addition not to exceed $15,000 which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities in accordance with section 46 of the State of Department Basic Authorities Act of 1956 (22 U.S.C. 2718(a)).

Notwithstanding section 402 of this Act, not to exceed 20 percent of the amounts made available in this Act in the appropriation accounts, "Diplomatic and Consular Programs" and "Salaries and Expenses" under the heading "Administration of Foreign Affairs" may be transferred between such appropriation accounts: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

For an additional amount for security enhancements to counter the threat of terrorism, $9,720,000, to remain available until expended.

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of State and the Foreign Service, provided for by law, including expenses authorized by section 9 of the Act of August 31, 1964, as amended (31 U.S.C. 3721), and the State Department Basic Authorities Act of 1956, as amended, $363,276,000.

For an additional amount for security enhancements to counter the threat of terrorism, $1,870,000, to remain available until expended.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $16,400,000, to remain available until expended, as authorized in Public Law 103–236: *Provided*, That section 135(e) of Public Law 103–236 shall not apply to funds appropriated under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App.), $27,369,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980 (Public Law 96–465), as it relates to post inspections: *Provided*, That notwithstanding any other provision of law, (1) the Office of the Inspector General of the United States Information Agency is hereby merged with the Office of the Inspector General of the Department of State; (2) the functions exercised and assigned to the Office of the Inspector General of the United States Information Agency before the effective date of this Act (including all related functions) are transferred to the Office of the Inspector General of the Department of State; and (3) the Inspector General of the Department of State shall also serve as the Inspector General of the United States Information Agency.

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085), $4,500,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services in accordance with the provisions of section 214 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4314) and 3 U.S.C. 208, $8,579,000.

SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292–300), and the Diplomatic Security Construction Program as authorized by title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851), $385,760,000, to remain available until expended as authorized by 22 U.S.C. 2696(c): *Provided*, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture and furnishings and generators for other departments and agencies.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service pursuant to the requirement of 31 U.S.C. 3526(e), $6,000,000, to remain available until expended as authorized by 22 U.S.C. 2696(c), of which not to exceed $1,000,000 may be transferred to and merged with the Repatriation Loans Program Account, subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $593,000, as authorized by 22 U.S.C. 2671: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, $183,000 which may be transferred to and merged with the Salaries and Expenses account under Administration of Foreign Affairs.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96–8 (93 Stat. 14), $15,165,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $125,402,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $700,000,000: *Provided*, That any payment of arrearages shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: *Provided further*, That 20 percent of the funds appropriated in this paragraph for the assessed contribution of the United States to the United Nations shall be withheld from obligation and expenditure until a certification is made under section 401(b) of Public Law 103–236 for fiscal year 1996: *Provided further*, That certification under section 401(b) of Public Law 103–236 for fiscal year 1996 may only be made if the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives are notified of the steps taken, and anticipated, to meet the requirements of section 401(b) of Public Law 103–236 at least 15 days in advance of the proposed certification: *Provided further*, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, $225,000,000: *Provided*, That none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least fifteen days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency, as far in advance as is practicable), (1) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate Committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; and (2) a reprogramming of funds pursuant to section 605 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: *Provided further*, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers.

INTERNATIONAL CONFERENCES AND CONTINGENCIES

For necessary expenses authorized by section 5 of the State Department Basic Authorities Act of 1956, in addition to funds otherwise available for these purposes, contributions for the United States share of general expenses of international organizations and conferences and representation to such organizations and conferences as provided for by 22 U.S.C. 2656 and 2672 and personal services without regard to civil service and classification laws as authorized by 5 U.S.C. 5102, $3,000,000, to remain available until expended as authorized by 22 U.S.C. 2696(c), of which not to exceed $200,000 may be expended for representation as authorized by 22 U.S.C. 4085.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $12,058,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $6,644,000, to remain available until expended as authorized by 22 U.S.C. 2696(c).

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103–182; $5,800,000, of which not to exceed $9,000 shall be available for representation expenses incurred by the International Joint Commission.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $14,669,000: *Provided*, That the United States share of such expenses may be advanced to the respective commissions, pursuant to 31 U.S.C. 3324.

OTHER

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by section 501 of Public Law 101–246, $5,000,000, to remain available until expended as authorized by 22 U.S.C. 2696(c).

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

For necessary expenses not otherwise provided, for arms control, nonproliferation, and disarmament activities, $32,700,000, of which not to exceed $50,000 shall be for official reception and representation expenses as authorized by the Act of September 26, 1961, as amended (22 U.S.C. 2551 et seq.).

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary to enable the United States Information Agency, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.) and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), to carry out international communication, educational and cultural activities; and to carry out related activities authorized by law, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000 of this appropriation), as authorized by 22 U.S.C. 1471, and entertainment, including official receptions, within the United States, not to exceed $25,000 as authorized by 22 U.S.C. 1474(3); $445,645,000: *Provided*, That not to exceed $1,400,000 may be used for representation abroad as authorized by 22 U.S.C. 1452 and 4085: *Provided further*, That not to exceed $7,615,000 to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, library, motion pictures, and publication programs as authorized by section 810 of the United States Information and Educational Exchange Act of 1948, as amended: *Provided further*, That not to exceed $1,700,000 to remain available until expended may be used to carry out projects involving security construction and related improvements for agency facilities not physically located together with Department of State facilities abroad.

TECHNOLOGY FUND

For expenses necessary to enable the United States Information Agency to provide for the procurement of information technology improvements, as authorized by the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.), the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), $5,050,000, to remain available until expended.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), $200,000,000, to remain available until expended as authorized by 22 U.S.C. 2455.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–05), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 1996, to remain available until expended: *Provided*, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 1996, to remain available until expended.

AMERICAN STUDIES COLLECTIONS ENDOWMENT FUND

For necessary expenses of American Studies Collections as authorized by section 235 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, all interest and earnings accruing to the American Studies Collections Endowment Fund on or before September 30, 1996, to remain available until expended.

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the United States Information Agency, as authorized by the United States Information and Educational Exchange Act of 1948, as amended, the United States International Broadcasting Act of 1994, as amended, and Reorganization Plan No. 2 of 1977, to carry out international communication activities; $325,191,000, of which $5,000,000 shall remain available until expended, not to exceed $16,000 may be used for official receptions within the United States as authorized by 22 U.S.C. 1474(3), not to exceed $35,000 may be used for representation abroad as authorized by 22 U.S.C. 1452 and 4085, and not to exceed $39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, not to exceed $250,000 from fees as authorized by section 810 of the United States Information and Educational Exchange Act of 1948, as amended, to remain available until expended for carrying out authorized purposes; and in addition, notwithstanding any other provision of law, not to exceed $1,000,000 in monies received (including receipts from advertising, if any) by or for the use of the United States Information Agency from or in connection with broadcasting resources owned by or on behalf of the Agency, to be available until expended for carrying out authorized purposes.

BROADCASTING TO CUBA

For expenses necessary to enable the United States Information Agency to carry out the Radio Broadcasting to Cuba Act, as amended, the Television Broadcasting to Cuba Act, and the International Broadcasting Act of 1994, including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception, $24,809,000 to remain available until expended: *Provided*, That not later than April 1, 1996, the headquarters of the Office of Cuba Broadcasting shall be relocated from Washington, D.C. to south Florida, and that any funds available under the headings "International Broadcasting Operations", "Broadcasting to Cuba", and "Radio Construction" may be available to carry out this relocation.

RADIO CONSTRUCTION

For an additional amount for the purchase, rent, construction, and improvement of facilities for radio transmission and reception and purchase and installation of necessary equipment for radio and television transmission and reception as authorized by 22 U.S.C. 1471, $40,000,000, to remain available until expended as authorized by 22 U.S.C. 1477b(a).

EAST-WEST CENTER

To enable the Director of the United States Information Agency to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960 (22 U.S.C. 2054–2057), by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, $11,750,000: *Provided*, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

NORTH/SOUTH CENTER

To enable the Director of the United States Information Agency to provide for carrying out the provisions of the North/South Center Act of 1991 (22 U.S.C. 2075), by grant to an educational institution in Florida known as the North/South Center, $2,000,000, to remain available until expended.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the United States Information Agency to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $30,000,000, to remain available until expended.

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCIES

SEC. 401. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of 5 U.S.C.; for services as authorized by 5 U.S.C. 3109; and hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the United States Information Agency in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided further*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 403. Funds appropriated or otherwise made available under this Act or any other Act may be expended for compensation of the United States Commissioner of the International Boundary Commission, United States and Canada, only for actual hours worked by such Commissioner.

SEC. 404. (a) No later than 90 days after enactment of legislation consolidating, reorganizing or downsizing the functions of the Department of State, the United States Information Agency, and the Arms Control and Disarmament Agency, the Secretary of State, the Director of the United States Information Agency and the Director of the Arms Control and Disarmament Agency shall submit to the Committees on Appropriations of the House and the Senate a proposal for transferring or rescinding funds appropriated herein for functions that are consolidated, reorganized or downsized under such legislation: *Provided*, That such plan shall be transmitted in accordance with section 605 of this Act.

(b) The Secretary of State, the Director of the United States Information Agency, and the Director of the Arms Control and Disarmament Agency, as appropriate, may use any available funds to cover the costs of actions to consolidate, reorganize or downsize the functions under their authority required by such legislation, and of any related personnel action, including voluntary separation incentives if authorized by such legislation: *Provided*, That the authority to transfer funds between appropriations accounts that may be necessary to carry out this section is provided in addition to authorities included under section 402 of this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 405. (a) Funds appropriated by this Act for the United States Information Agency, the Arms Control and Disarmament Agency, and the Department of State may be obligated and expended notwithstanding section 701 of the United States Information and Educational Exchange Act of 1948 and section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, section 53 of the Arms Control and Disarmament Act, and section 15 of the State Department Basic Authorities Act of 1956.

(b) Subsection (a) shall cease to be in effect after April 1, 1996.

SEC. 406. Section 36(a)(1) of the State Department Authorities Act of 1956, as amended (22 U.S.C. 2708), is amended to delete "may pay a reward" and insert in lieu thereof "shall establish and publicize a program under which rewards may be paid".

SEC. 407. Sections 6(a) and 6(b) of Public Law 101–454 are repealed. In addition, notwithstanding any other provision of law, Eisenhower Exchange Fellowships, Incorporated, may use one-third of any earned but unused trust income from the period 1992 through 1995 for Fellowship purposes in each of fiscal years 1996 through 1998.

SEC. 408. It is the sense of the Senate that none of the funds appropriated or otherwise made available pursuant to this Act should be used for the deployment of combat-equipped forces of the Armed Forces of the United States for any ground operations in Bosnia and Herzegovina unless—

(1) Congress approves in advance the deployment of such forces of the Armed Forces; or

(2) the temporary deployment of such forces of the Armed Forces of the United States into Bosnia and Herzegovina is necessary to evacuate United Nations peacekeeping forces from a situation of imminent danger, to undertake emergency air rescue operations, or to provide for the airborne delivery of humanitarian supplies, and the President reports as soon as practicable to Congress after the initiation of the temporary deployment, but in no case later than 48 hours after the initiation of the deployment.

SEC. 409. Any costs incurred by a Department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title shall be absorbed within the total budgetary resources available to such Department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this provision is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

This title may be cited as the "Department of State and Related Agencies Appropriations Act, 1996".

TITLE V—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

OPERATING-DIFFERENTIAL SUBSIDIES

(LIQUIDATION OF CONTRACT AUTHORITY)

For the payment of obligations incurred for operating-differential subsidies as authorized by the Merchant Marine Act, 1936, as amended, $162,610,000, to remain available until expended.

MARITIME NATIONAL SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States as determined by the Secretary of Defense in consultation with the Secretary of Transportation, $46,000,000, to remain available until expended: *Provided*, That these funds will be available only upon enactment of an authorization for this program.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $66,600,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, the Secretary of Transportation may use proceeds derived from the sale or disposal of National Defense Reserve Fleet vessels that are currently collected and retained by the Maritime Administration, to be used for facility and ship maintenance, modernization and repair, conversion, acquisition of equipment, and fuel costs necessary to maintain training at the United States Merchant Marine Academy and State maritime academies and may be transferred to the Secretary of the Interior for use as provided in the National Maritime Heritage Act (Public Law 103–451): *Provided further*, That reimbursements may be made to this appropriation from receipts to the "Federal Ship Financing Fund" for administrative expenses in support of that program in addition to any amount heretofore appropriated.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by the Merchant Marine Act of 1936, $40,000,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $1,000,000,000.

In addition, for administrative expenses to carry out the guaranteed loan program, not to exceed $3,500,000, which shall be transferred to and merged with the appropriation for Operations and Training.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefor shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriation Act, and all receipts which otherwise would be deposited to the credit of said fund shall be covered into the Treasury as miscellaneous receipts.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, $206,000, as authorized by Public Law 99–83, section 1303.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $8,750,000: *Provided*, That not to exceed $50,000 may be used to employ consultants: *Provided further*, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the Chairperson who is permitted 125 billable days.

COMMISSION ON IMMIGRATION REFORM

SALARIES AND EXPENSES

For necessary expenses of the Commission on Immigration Reform pursuant to section 141(f) of the Immigration Act of 1990, $1,894,000, to remain available until expended.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, $1,090,000, to remain available until expended as authorized by section 3 of Public Law 99–7.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621–634), the Americans with Disabilities Act of 1990 and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); nonmonetary awards to private citizens; not to exceed $26,500,000, for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, as amended, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991; $233,000,000: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–02; not to exceed $600,000 for land and structure; not to exceed $500,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses; purchase (not to exceed sixteen) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109; $175,709,000, of which not to exceed $300,000 shall remain available until September 30, 1997, for research and policy studies: *Provided*, That $116,400,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, as amended, and shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 1996 so as to result in a final fiscal year 1996 appropriation estimated at $59,309,000: *Provided further*, That any offsetting collections received in excess of $116,400,000 in fiscal year 1996 shall remain available until expended, but shall not be available for obligation until October 1, 1996.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act of 1936, as amended (46 App. U.S.C. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–02; $14,855,000: *Provided*, That not to exceed $2,000 shall be available for official reception and representation expenses.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses; $79,568,000: *Provided*, That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718, as amended: *Provided further*, That notwithstanding any other provision of law, not to exceed $48,262,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 1996, so as to result in a final fiscal year 1996 appropriation from the General Fund estimated at not more than $31,306,000, to remain available until expended: *Provided further*, That any fees received in excess of $48,262,000 in fiscal year 1996 shall remain available until expended, but shall not be available for obligation until October 1, 1996: *Provided further*, That none of the funds made available to the Federal Trade Commission shall be available for obligation for expenses authorized by section 151 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102–242, 105 Stat. 2282–2285).

JAPAN-UNITED STATES FRIENDSHIP COMMISSION

JAPAN-UNITED STATES FRIENDSHIP TRUST FUND

For expenses of the Japan-United States Friendship Commission, as authorized by Public Law 94–118, as amended, from the interest earned on the Japan-United States Friendship Trust Fund, $1,247,000; and an amount of Japanese currency not to exceed the equivalent of $1,420,000 based on exchange rates at the time of payment of such amounts as authorized by Public Law 94–118.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $278,000,000, of which $266,000,000 is for basic field programs; $7,000,000 is for the Office of the Inspector General, of which $5,500,000 shall remain available until expended and be used to contract with independent public accountants for financial audits of all recipients in accordance with the requirements of section 509 of this Act; and $5,000,000 is for management and administration: *Provided*, That $198,750,000 of the total amount provided under this heading for basic field programs shall not be available except for the competitive award of grants and contracts under section 503 of this Act.

ADMINISTRATIVE PROVISIONS—LEGAL SERVICES CORPORATION

SEC. 501. (a) Funds appropriated under this Act to the Legal Services Corporation for basic field programs shall be distributed as follows:

(1) The Corporation shall define geographic areas and make the funds available for each geographic area on a per capita basis relative to the number of individuals in poverty determined by the Bureau of the Census to be within the geographic area, except as provided in paragraph (2)(B). Funds for such a geographic area may be distributed by the Corporation to 1 or more persons or entities eligible for funding under section 1006(a)(1)(A) of the Legal Services Corporation Act (42 U.S.C. 2996e(a)(1)(A)), subject to sections 502 and 504.

(2) Funds for grants from the Corporation, and contracts entered into by the Corporation for basic field programs, shall be allocated so as to provide—

(A) except as provided in subparagraph (B), an equal figure per individual in poverty for all geographic areas, as determined on the basis of the most recent decennial census of population conducted pursuant to section 141 of title 13, United States Code (or, in the case of the Republic of Palau, the Federated States of Micronesia, the Republic of the Marshall Islands, Alaska, Hawaii, and the United States Virgin Islands, on the basis of the adjusted population counts historically used as the basis for such determinations); and

(B) an additional amount for Native American communities that received assistance under the Legal Services Corporation Act for fiscal year 1995, so that the proportion of the funds appropriated to the Legal Services Corporation for basic field programs for fiscal year 1996 that is received by the Native American communities shall be not less than the proportion of such funds appropriated for fiscal year 1995 that was received by the Native American communities.

(b) As used in this section:

(1) The term "individual in poverty" means an individual who is a member of a family (of 1 or more members) with an income at or below the poverty line.

(2) The term "poverty line" means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

SEC. 502. None of the funds appropriated in this Act to the Legal Services Corporation shall be used by the Corporation to make a grant, or enter into a contract, for the provision of legal assistance unless the Corporation ensures that the person or entity receiving funding to provide such legal assistance is—

(1) a private attorney admitted to practice in a State or the District of Columbia;

(2) a qualified nonprofit organization, chartered under the laws of a State or the District of Columbia, that—

(A) furnishes legal assistance to eligible clients; and

(B) is governed by a board of directors or other governing body, the majority of which is comprised of attorneys who—

(i) are admitted to practice in a State or the District of Columbia; and

(ii) are appointed to terms of office on such board or body by the governing body of a State, county, or municipal bar association, the membership of which represents a majority of the attorneys practicing law in the locality in which the organization is to provide legal assistance;

(3) a State or local government (without regard to section 1006(a)(1)(A)(ii)) of the

Legal Services Corporation Act (42 U.S.C. 2996e(a)(1)(A)(ii)); or

(4) a substate regional planning or coordination agency that serves a substate area and whose governing board is controlled by locally elected officials.

SEC. 503. (a)(1) Not later than April 1, 1996, the Legal Services Corporation shall implement a system of competitive awards of grants and contracts for all basic field programs, which shall apply to all such grants and contracts awarded by the Corporation after March 31, 1996, from funds appropriated in this Act.

(2) Any grant or contract awarded before April 1, 1996, by the Legal Services Corporation to a basic field program for 1996—

(A) shall not be for an amount greater than the amount required for the period ending March 31, 1996;

(B) shall terminate at the end of such period; and

(C) shall not be renewable except in accordance with the system implemented under paragraph (1).

(3) The amount of grants and contracts awarded before April 1, 1996, by the Legal Services Corporation for basic field programs for 1996 in any geographic area described in section 501 shall not exceed an amount equal to $\frac{3}{12}$ of the total amount to be distributed for such programs for 1996 in such area.

(b) Not later than 60 days after the date of enactment of this Act, the Legal Services Corporation shall promulgate regulations to implement a competitive selection process for the recipients of such grants and contracts.

(c) Such regulations shall specify selection criteria for the recipients, which shall include—

(1) a demonstration of a full understanding of the basic legal needs of the eligible clients to be served and a demonstration of the capability of serving the needs;

(2) the quality, feasibility, and cost effectiveness of a plan submitted by an applicant for the delivery of legal assistance to the eligible clients to be served; and

(3) the experience of the Legal Services Corporation with the applicant, if the applicant has previously received financial assistance from the Corporation, including the record of the applicant of past compliance with Corporation policies, practices, and restrictions.

(d) Such regulations shall ensure that timely notice regarding an opportunity to submit an application for such an award is published in periodicals of local and State bar associations and in at least 1 daily newspaper of general circulation in the area to be served by the person or entity receiving the award.

(e) No person or entity that was previously awarded a grant or contract by the Legal Services Corporation for the provision of legal assistance may be given any preference in the competitive selection process.

(f) For the purposes of the funding provided in this Act, rights under sections 1007(a)(9) and 1011 of the Legal Services Corporation Act (42 U.S.C. 2996f(a)(9) and 42 U.S.C. 2996j) shall not apply.

SEC. 504. (a) None of the funds appropriated in this Act to the Legal Services Corporation may be used to provide financial assistance to any person or entity (which may be referred to in this section as a "recipient")—

(1) that makes available any funds, personnel, or equipment for use in advocating or opposing any plan or proposal, or represents any party or participates in any other way in litigation, that is intended to or has the effect of altering, revising, or reapportioning a legislative, judicial, or elective district at any level of government, including influencing the timing or manner of the taking of a census;

(2) that attempts to influence the issuance, amendment, or revocation of any executive order, regulation, or other statement of general applicability and future effect by any Federal, State, or local agency;

(3) that attempts to influence any part of any adjudicatory proceeding of any Federal, State, or local agency if such part of the proceeding is designed for the formulation or modification of any agency policy of general applicability and future effect;

(4) that attempts to influence the passage or defeat of any legislation, constitutional amendment, referendum, initiative, or any similar procedure of the Congress or a State or local legislative body;

(5) that attempts to influence the conduct of oversight proceedings of the Corporation or any person or entity receiving financial assistance provided by the Corporation;

(6) that pays for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, administrative expense, or related expense, associated with an activity prohibited in this section;

(7) that initiates or participates in a class action suit;

(8) that files a complaint or otherwise initiates or participates in litigation against a defendant, or engages in a precomplaint settlement negotiation with a prospective defendant, unless—

(A) each plaintiff has been specifically identified, by name, in any complaint filed for purposes of such litigation or prior to the precomplaint settlement negotiation; and

(B) a statement or statements of facts written in English and, if necessary, in a language that the plaintiffs understand, that enumerate the particular facts known to the plaintiffs on which the complaint is based, have been signed by the plaintiffs, are kept on file by the recipient, and are made available to any Federal department or agency that is auditing or monitoring the activities of the Corporation or of the recipient, and to any auditor or monitor receiving Federal funds to conduct such auditing or monitoring, including any auditor or monitor of the Corporation:

Provided, That upon establishment of reasonable cause that an injunction is necessary to prevent probable, serious harm to such potential plaintiff, a court of competent jurisdiction may enjoin the disclosure of the identity of any potential plaintiff pending the outcome of such litigation or negotiations after notice and an opportunity for a hearing is provided to potential parties to the litigation or the negotiations: *Provided further*, That other parties to the litigation or negotiation shall have access to the statement of facts referred to in subparagraph (B) only through the discovery process after litigation has begun;

(9) unless—

(A) prior to the provision of financial assistance—

(i) if the person or entity is a nonprofit organization, the governing board of the person or entity has set specific priorities in writing, pursuant to section 1007(a)(2)(C)(i) of the Legal Services Corporation Act (42 U.S.C. 2996f(a)(2)(C)(i)), of the types of matters and cases to which the staff of the nonprofit organization shall devote time and resources; and

(ii) the staff of such person or entity has signed a written agreement not to undertake cases or matters other than in accordance with the specific priorities set by such governing board, except in emergency situations defined by such board and in accordance with the written procedures of such board for such situations; and

(B) the staff of such person or entity provides to the governing board on a quarterly basis, and to the Corporation on an annual basis, information on all cases or matters undertaken other than cases or matters undertaken in accordance with such priorities;

(10) unless—

(A) prior to receiving the financial assistance, such person or entity agrees to maintain records of time spent on each case or matter with respect to which the person or entity is engaged;

(B) any funds, including Interest on Lawyers Trust Account funds, received from a source other than the Corporation by the person or entity, and disbursements of such funds, are accounted for and reported as receipts and disbursements, respectively, separate and distinct from Corporation funds; and

(C) the person or entity agrees (notwithstanding section 1009(d) of the Legal Services Corporation Act (42 U.S.C. 2996h(d)) to make the records described in this paragraph available to any Federal department or agency that is auditing or monitoring the activities of the Corporation or of the recipient, and to any independent auditor or monitor receiving Federal funds to conduct such auditing or monitoring, including any auditor or monitor of the Corporation;

(11) that provides legal assistance for or on behalf of any alien, unless the alien is present in the United States and is—

(A) an alien lawfully admitted for permanent residence as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20));

(B) an alien who—

(i) is married to a United States citizen or is a parent or an unmarried child under the age of 21 years of such a citizen; and

(ii) has filed an application to adjust the status of the alien to the status of a lawful permanent resident under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), which application has not been rejected;

(C) an alien who is lawfully present in the United States pursuant to an admission under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) (relating to refugee admission) or who has been granted asylum by the Attorney General under such Act;

(D) an alien who is lawfully present in the United States as a result of withholding of deportation by the Attorney General pursuant to section 243(h) of the Immigration and Nationality Act (8 U.S.C. 1253(h));

(E) an alien to whom section 305 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1101 note) applies, but only to the extent that the legal assistance provided is the legal assistance described in such section; or

(F) an alien who is lawfully present in the United States as a result of being granted conditional entry to the United States before April 1, 1980, pursuant to section 203(a)(7) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(7)), as in effect on March 31, 1980, because of persecution or fear of persecution on account of race, religion, or political calamity;

(12) that supports or conducts a training program for the purpose of advocating a particular public policy or encouraging a political activity, a labor or antilabor activity, a

boycott, picketing, a strike, or a demonstration, including the dissemination of information about such a policy or activity, except that this paragraph shall not be construed to prohibit the provision of training to an attorney or a paralegal to prepare the attorney or paralegal to provide—

(A) adequate legal assistance to eligible clients; or

(B) advice to any eligible client as to the legal rights of the client;

(13) that claims (or whose employee claims), or collects and retains, attorneys' fees pursuant to any Federal or State law permitting or requiring the awarding of such fees;

(14) that participates in any litigation with respect to abortion;

(15) that participates in any litigation on behalf of a person incarcerated in a Federal, State, or local prison;

(16) that initiates legal representation or participates in any other way, in litigation, lobbying, or rulemaking, involving an effort to reform a Federal or State welfare system, except that this paragraph shall not be construed to preclude a recipient from representing an individual eligible client who is seeking specific relief from a welfare agency if such relief does not involve an effort to amend or otherwise challenge existing law in effect on the date of the initiation of the representation;

(17) that defends a person in a proceeding to evict the person from a public housing project if—

(A) the person has been charged with the illegal sale or distribution of a controlled substance; and

(B) the eviction proceeding is brought by a public housing agency because the illegal drug activity of the person threatens the health or safety of another tenant residing in the public housing project or employee of the public housing agency;

(18) unless such person or entity agrees that the person or entity, and the employees of the person or entity, will not accept employment resulting from in-person unsolicited advice to a nonattorney that such nonattorney should obtain counsel or take legal action, and will not refer such nonattorney to another person or entity or an employee of the person or entity, that is receiving financial assistance provided by the Corporation; or

(19) unless such person or entity enters into a contractual agreement to be subject to all provisions of Federal law relating to the proper use of Federal funds, the violation of which shall render any grant or contractual agreement to provide funding null and void, and, for such purposes, the Corporation shall be considered to be a Federal agency and all funds provided by the Corporation shall be considered to be Federal funds provided by grant or contract.

(b) Nothing in this section shall be construed to prohibit a recipient from using funds from a source other than the Legal Services Corporation for the purpose of contacting, communicating with, or responding to a request from, a State or local government agency, a State or local legislative body or committee, or a member thereof, regarding funding for the recipient, including a pending or proposed legislative or agency proposal to fund such recipient.

(c) Not later than 30 days after the date of enactment of this Act, the Legal Services Corporation shall promulgate a suggested list of priorities that boards of directors may use in setting priorities under subsection (a)(9).

(d)(1) The Legal Services Corporation shall not accept any non-Federal funds, and no recipient shall accept funds from any source other than the Corporation, unless the Corporation or the recipient, as the case may be, notifies in writing the source of the funds that the funds may not be expended for any purpose prohibited by the Legal Services Corporation Act or this title.

(2) Paragraph (1) shall not prevent a recipient from—

(A) receiving Indian tribal funds (including funds from private nonprofit organizations for the benefit of Indians or Indian tribes) and expending the tribal funds in accordance with the specific purposes for which the tribal funds are provided; or

(B) using funds received from a source other than the Legal Services Corporation to provide legal assistance to a covered individual if such funds are used for the specific purposes for which such funds were received, except that such funds may not be expended by recipients for any purpose prohibited by this Act or by the Legal Services Corporation Act.

(e) As used in this section:

(1) The term "controlled substance" has the meaning given the term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(2) The term "covered individual" means any person who—

(A) except as provided in subparagraph (B), meets the requirements of this Act and the Legal Services Corporation Act relating to eligibility for legal assistance; and

(B) may or may not be financially unable to afford legal assistance.

(3) The term "public housing project" has the meaning as used within, and the term "public housing agency" has the meaning given the term, in section 3 of the United States Housing Act of 1937 (42 U.S.C. 1437a).

SEC. 505. None of the funds appropriated in this Act to the Legal Services Corporation or provided by the Corporation to any entity or person may be used to pay membership dues to any private or nonprofit organization.

SEC. 506. None of the funds appropriated in this Act to the Legal Services Corporation may be used by any person or entity receiving financial assistance from the Corporation to file or pursue a lawsuit against the Corporation.

SEC. 507. None of the funds appropriated in this Act to the Legal Services Corporation may be used for any purpose prohibited or contrary to any of the provisions of authorization legislation for fiscal year 1996 for the Legal Services Corporation that is enacted into law. Upon the enactment of such Legal Services Corporation reauthorization legislation, funding provided in this Act shall from that date be subject to the provisions of that legislation and any provisions in this Act that are inconsistent with that legislation shall no longer have effect.

SEC. 508. (a) The requirements of section 504 shall apply to the activities of a recipient described in section 504, or an employee of such a recipient, during the provision of legal assistance for a case or matter, if the recipient or employee begins to provide the legal assistance on or after the date of enactment of this Act.

(b) If the recipient or employee began to provide legal assistance for the case or matter prior to the date of enactment of this Act—

(1) each of the requirements of section 504 (other than paragraphs (7), (11), and (15) of subsection (a) of such section) shall, beginning on the date of enactment of this Act, apply to the activities of the recipient or employee during the provision of legal assistance for the case or matter; and

(2) the requirements of paragraphs (7), (11), and (15) of section 504(a) shall apply—

(A) beginning on the date of enactment of this Act, to the activities of the recipient or employee during the provision of legal assistance for any additional related claim for which the recipient or employee begins to provide legal assistance on or after such date; and

(B) beginning July 1, 1996, to all other activities of the recipient or employee during the provision of legal assistance for the case or matter.

(c) The Legal Services Corporation shall, every 60 days, submit to the Committees on Appropriations of the Senate and House of Representatives a report setting forth the status of cases and matters referred to in subsection (b)(2).

SEC. 509. (a) An audit of each person or entity receiving financial assistance from the Legal Services Corporation under this Act (referred to in this section as a "recipient") shall be conducted in accordance with generally accepted government auditing standards and shall report whether—

(1) the financial statements of the recipient present fairly its financial position and the results of its financial operations in accordance with generally accepted accounting principles;

(2) the recipient has internal control systems to provide reasonable assurance that it is managing funds, regardless of source, in compliance with Federal laws and regulations; and

(3) the recipient has complied with Federal laws and regulations applicable to funds received, regardless of source.

(b) In carrying out the requirements of subsection (a)(3), the auditor shall select and test a representative number of transactions. Any noncompliance found by the auditor during the audit under this section shall be reported within 30 days to the Office of the Inspector General.

(c) Audits conducted in accordance with this section shall be in lieu of the financial audits otherwise required by section 1009(c) of the Legal Services Corporation Act (42 U.S.C. 2996h(c)).

(d) Notwithstanding section 1006(b)(3) of the Legal Services Corporation Act (42 U.S.C. 2996e(b)(3)), the Legal Services Corporation shall have access to financial records, time records, retainer agreements, client trust fund and eligibility records, and client names, for each recipient, except for reports or records subject to the attorney-client privilege.

(e) The Legal Services Corporation shall not disclose any name or document referred to in subsection (d), except to—

(1) a Federal, State, or local law enforcement official; or

(2) an official of an appropriate bar association for the purpose of enabling the official to conduct an investigation of a rule of professional conduct.

(f) The requirements of this section shall apply to a recipient for its first fiscal year beginning on or after January 1, 1996.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92-522, as amended, $1,190,000.

MARTIN LUTHER KING, JR. FEDERAL HOLIDAY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Martin Luther King, Jr. Federal Holiday Commission, as authorized by Public Law 98–399, as amended, $350,000: *Provided*, That this shall be the final Federal payment to the Martin Luther King, Jr. Federal Holiday Commission for operations and necessary closing costs.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $287,738,000, of which $3,000,000 is for the Office of Economic Analysis, to be headed by the Chief Economist of the Commission, and of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions, and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (i) such incidental expenses as meals taken in the course of such attendance, (ii) any travel and transportation to or from such meetings, and (iii) any other related lodging or subsistence: *Provided*, That immediately upon enactment of this Act, the rate of fees under section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)) shall increase from one-fiftieth of one percentum to one-twenty-ninth of one percentum, and such increase shall be deposited as an offsetting collection to this appropriation, to remain available until expended, to recover costs of services of the securities registration process: *Provided further*, That the total amount appropriated for fiscal year 1996 under this heading shall be reduced as such fees are deposited to this appropriation so as to result in a final total fiscal year 1996 appropriation from the General Fund estimated at not more than $103,445,000: *Provided further*, That any such fees collected in excess of $184,293,000 shall remain available until expended but shall not be available for obligation until October 1, 1996: *Provided further*, That $1,000,000 of the funds appropriated for the Commission shall be available for the enforcement of the Investment Advisers Act of 1940 in addition to any other appropriated funds designated by the Commission for enforcement of such Act.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 103–403, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $219,190,000: *Provided*, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: *Provided further*, That notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1–11 as amended by Public Law 100–504), $8,500,000.

BUSINESS LOANS PROGRAM ACCOUNT

For the cost of direct loans, $4,500,000, and for the cost of guaranteed loans, $156,226,000, as authorized by 15 U.S.C. 631 note, of which $1,216,000, to be available until expended, shall be for the Microloan Guarantee Program, and of which $40,510,000 shall remain available until September 30, 1997: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That during fiscal year 1996, commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, as amended, shall not exceed the amount of financings authorized under section 20(n)(2)(B) of the Small Business Act, as amended.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $92,622,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans authorized by section 7(b) of the Small Business Act, as amended, $34,432,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct loan program, $71,578,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the "Surety Bond Guarantees Revolving Fund", authorized by the Small Business Investment Act, as amended, $2,530,000, to remain available without fiscal year limitation as authorized by 15 U.S.C. 631 note.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

SEC. 510. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by The State Justice Institute Authorization Act of 1992 (Public Law 102–572 (106 Stat. 4515–4516)), $5,000,000 to remain available until expended: *Provided*, That not to exceed $2,500 shall be available for official reception and representation expenses.

TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 605 (a) None of the funds provided under this Act, or provided under previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 1996, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 1996, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

SEC. 606. None of the funds made available in this Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.

SEC. 607. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 608. None of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 609. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to pay for any cost incurred for (1) opening or operating any United States diplomatic or consular post in the Socialist Republic of Vietnam that was not operating on July 11, 1995; (2) expanding any United States diplomatic or consular post in the Socialist Republic of Vietnam that was operating on July 11, 1995; or (3) increasing the total number of personnel assigned to United States diplomatic or consular posts in the Socialist Republic of Vietnam above the levels existing on July 11, 1995, unless the President certifies within 60 days, based upon all information available to the United States Government that the Government of the Socialist Republic of Vietnam is fully cooperating with the United States in the following four areas:

(1) Resolving discrepancy cases, live sightings and field activities,

(2) Recovering and repatriating American remains,

(3) Accelerating efforts to provide documents that will help lead to fullest possible accounting of POW/MIA's,

(4) Providing further assistance in implementing trilateral investigations with Laos.

SEC. 610. None of the funds made available by this Act may be used for any United Nations undertaking when it is made known to the Federal official having authority to obligate or expend such funds (1) that the United Nations undertaking is a peacekeeping mission, (2) that such undertaking will involve United States Armed Forces under the command or operational control of a foreign national, and (3) that the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

SEC. 611. None of the funds made available in this Act shall be used to provide the following amenities or personal comforts in the Federal prison system—

(1) in-cell television viewing except for prisoners who are segregated from the general prison population for their own safety;

(2) the viewing of R, X, and NC-17 rated movies, through whatever medium presented;

(3) any instruction (live or through broadcasts) or training equipment for boxing, wrestling, judo, karate, or other martial art, or any bodybuilding or weightlifting equipment of any sort;

(4) possession of in-cell coffee pots, hot plates, or heating elements; or

(5) the use or possession of any electric or electronic musical instrument.

SEC. 612. None of the funds made available in title II for the National Oceanic and Atmospheric Administration under the heading "Fleet Modernization, Shipbuilding and Conversion" may be used to implement sections 603, 604, and 605 of Public Law 102-567.

SEC. 613. None of the funds made available in this Act may be used for "USIA Television Marti Program" under the Television Broadcasting to Cuba Act or any other program of United States Government television broadcasts to Cuba, when it is made known to the Federal official having authority to obligate or expend such funds that such use would be inconsistent with the applicable provisions of the March 1995 Office of Cuba Broadcasting Reinventing Plan of the United States Information Agency.

SEC. 614. (a)(1) Section 5002 of title 18, United States Code, is repealed.

(2) The table of sections for chapter 401 of title 18, United States Code, is amended by striking out the item relating to the Advisory Corrections Council.

(b) This section shall take effect 30 days after the date of the enactment of this Act.

SEC. 615. Any costs incurred by a Department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such Department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this provision is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

TITLE VII—RESCISSIONS

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

Of the unobligated balances available under this heading, $65,000,000 are rescinded.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

(RESCISSION)

Of the unobligated balances available under this heading, $60,000,000 are rescinded.

RELATED AGENCIES

UNITED STATES INFORMATION AGENCY

RADIO CONSTRUCTION

(RESCISSION)

Of the unobligated balances available under this heading, $7,400,000 are rescinded.

TITLE VIII—PRISON LITIGATION REFORM

SEC. 801. SHORT TITLE.

This title may be cited as the "Prison Litigation Reform Act of 1995".

SEC. 802. APPROPRIATE REMEDIES FOR PRISON CONDITIONS.

(a) IN GENERAL.—Section 3626 of title 18, United States Code, is amended to read as follows:

"§ 3626. Appropriate remedies with respect to prison conditions

"(a) REQUIREMENTS FOR RELIEF.—

"(1) PROSPECTIVE RELIEF.—(A) Prospective relief in any civil action with respect to prison conditions shall extend no further than necessary to correct the violation of the Federal right of a particular plaintiff or plaintiffs. The court shall not grant or approve any prospective relief unless the court finds that such relief is narrowly drawn, extends no further than necessary to correct the violation of the Federal right, and is the least intrusive means necessary to correct the violation of the Federal right. The court shall give substantial weight to any adverse impact on public safety or the operation of a criminal justice system caused by the relief.

"(B) The court shall not order any prospective relief that requires or permits a government official to exceed his or her authority under State or local law or otherwise violates State or local law, unless—

"(i) Federal law permits such relief to be ordered in violation of State or local law;

"(ii) the relief is necessary to correct the violation of a Federal right; and

"(iii) no other relief will correct the violation of the Federal right.

"(C) Nothing in this section shall be construed to authorize the courts, in exercising their remedial powers, to order the construction of prisons or the raising of taxes, or to repeal or detract from otherwise applicable limitations on the remedial powers of the courts.

"(2) PRELIMINARY INJUNCTIVE RELIEF.—In any civil action with respect to prison conditions, to the extent otherwise authorized by law, the court may enter a temporary restraining order or an order for preliminary injunctive relief. Preliminary injunctive relief must be narrowly drawn, extend no further than necessary to correct the harm the court finds requires preliminary relief, and be the least intrusive means necessary to correct that harm. The court shall give substantial weight to any adverse impact on public safety or the operation of a criminal justice system caused by the preliminary relief and shall respect the principles of comity set out in paragraph (1)(B) in tailoring any preliminary relief. Preliminary injunctive relief shall automatically expire on the date that is 90 days after its entry, unless the court makes the findings required under subsection (a)(1) for the entry of prospective relief and makes the order final before the expiration of the 90-day period.

"(3) PRISONER RELEASE ORDER.—(A) In any civil action with respect to prison conditions, no prisoner release order shall be entered unless—

"(i) a court has previously entered an order for less intrusive relief that has failed to remedy the deprivation of the Federal right sought to be remedied through the prisoner release order; and

"(ii) the defendant has had a reasonable amount of time to comply with the previous court orders.

"(B) In any civil action in Federal court with respect to prison conditions, a prisoner release order shall be entered only by a three-judge court in accordance with section 2284 of title 28, if the requirements of subparagraph (E) have been met.

"(C) A party seeking a prisoner release order in Federal court shall file with any request for such relief, a request for a three-judge court and materials sufficient to demonstrate that the requirements of subparagraph (A) have been met.

"(D) If the requirements under subparagraph (A) have been met, a Federal judge before whom a civil action with respect to prison conditions is pending who believes that a prison release order should be considered may sua sponte request the convening of a three-judge court to determine whether a prisoner release order should be entered.

"(E) The three-judge court shall enter a prisoner release order only if the court finds by clear and convincing evidence that—

"(i) crowding is the primary cause of the violation of a Federal right; and

"(ii) no other relief will remedy the violation of the Federal right.

"(F) Any State or local official or unit of government whose jurisdiction or function includes the appropriation of funds for the construction, operation, or maintenance of program facilities, or the prosecution or custody of persons who may be released from, or not admitted to, a prison as a result of a prisoner release order shall have standing to oppose the imposition or continuation in effect of such relief and to seek termination of such relief, and shall have the right to intervene in any proceeding relating to such relief.

"(b) TERMINATION OF RELIEF.—

"(1) TERMINATION OF PROSPECTIVE RELIEF.—(A) In any civil action with respect to prison conditions in which prospective relief is ordered, such relief shall be terminable upon the motion of any party or intervener—

"(i) 2 years after the date the court granted or approved the prospective relief;

"(ii) 1 year after the date the court has entered an order denying termination of prospective relief under this paragraph; or

"(iii) in the case of an order issued on or before the date of enactment of the Prison Litigation Reform Act, 2 years after such date of enactment.

"(B) Nothing in this section shall prevent the parties from agreeing to terminate or modify relief before the relief is terminated under subparagraph (A).

"(2) IMMEDIATE TERMINATION OF PROSPECTIVE RELIEF.—In any civil action with respect to prison conditions, a defendant or intervener shall be entitled to the immediate termination of any prospective relief if the relief was approved or granted in the absence of a finding by the court that the relief is narrowly drawn, extends no further than necessary to correct the violation of the Federal right, and is the least intrusive means necessary to correct the violation of the Federal right.

"(3) LIMITATION.—Prospective relief shall not terminate if the court makes written findings based on the record that prospective relief remains necessary to correct a current or ongoing violation of the Federal right, extends no further than necessary to correct the violation of the Federal right, and that the prospective relief is narrowly drawn and the least intrusive means to correct the violation.

"(4) TERMINATION OR MODIFICATION OF RELIEF.—Nothing in this section shall prevent any party or intervener from seeking modification or termination before the relief is terminable under paragraph (1) or (2), to the extent that modification or termination would otherwise be legally permissible.

"(c) SETTLEMENTS.—

"(1) CONSENT DECREES.—In any civil action with respect to prison conditions, the court shall not enter or approve a consent decree unless it complies with the limitations on relief set forth in subsection (a).

"(2) PRIVATE SETTLEMENT AGREEMENTS.—(A) Nothing in this section shall preclude parties from entering into a private settlement agreement that does not comply with the limitations on relief set forth in subsection (a), if the terms of that agreement are not subject to court enforcement other than the reinstatement of the civil proceeding that the agreement settled.

"(B) Nothing in this section shall preclude any party claiming that a private settlement agreement has been breached from seeking in State court any remedy available under State law.

"(d) STATE LAW REMEDIES.—The limitations on remedies in this section shall not apply to relief entered by a State court based solely upon claims arising under State law.

"(e) PROCEDURE FOR MOTIONS AFFECTING PROSPECTIVE RELIEF.—

"(1) GENERALLY.—The court shall promptly rule on any motion to modify or terminate prospective relief in a civil action with respect to prison conditions.

"(2) AUTOMATIC STAY.—Any prospective relief subject to a pending motion shall be automatically stayed during the period—

"(A)(i) beginning on the 30th day after such motion is filed, in the case of a motion made under paragraph (1) or (2) of subsection (b); or

"(ii) beginning on the 180th day after such motion is filed, in the case of a motion made under any other law; and

"(B) ending on the date the court enters a final order ruling on the motion.

"(f) SPECIAL MASTERS.—

"(1) IN GENERAL.—(A) In any civil action in a Federal court with respect to prison conditions, the court may appoint a special master who shall be disinterested and objective and who will give due regard to the public safety, to conduct hearings on the record and prepare proposed findings of fact.

"(B) The court shall appoint a special master under this subsection during the remedial phase of the action only upon a finding that the remedial phase will be sufficiently complex to warrant the appointment.

"(2) APPOINTMENT.—(A) If the court determines that the appointment of a special master is necessary, the court shall request that the defendant institution and the plaintiff each submit a list of not more than 5 persons to serve as a special master.

"(B) Each party shall have the opportunity to remove up to 3 persons from the opposing party's list.

"(C) The court shall select the master from the persons remaining on the list after the operation of subparagraph (B).

"(3) INTERLOCUTORY APPEAL.—Any party shall have the right to an interlocutory appeal of the judge's selection of the special master under this subsection, on the ground of partiality.

"(4) COMPENSATION.—The compensation to be allowed to a special master under this section shall be based on an hourly rate not greater than the hourly rate established under section 3006A for payment of court-appointed counsel, plus costs reasonably incurred by the special master. Such compensation and costs shall be paid with funds appropriated to the Judiciary.

"(5) REGULAR REVIEW OF APPOINTMENT.—In any civil action with respect to prison conditions in which a special master is appointed under this subsection, the court shall review the appointment of the special master every 6 months to determine whether the services of the special master continue to be required under paragraph (1). In no event shall the appointment of a special master extend beyond the termination of the relief.

"(6) LIMITATIONS ON POWERS AND DUTIES.—A special master appointed under this subsection—

"(A) may be authorized by a court to conduct hearings and prepare proposed findings of fact, which shall be made on the record;

"(B) shall not make any findings or communications ex parte;

"(C) may be authorized by a court to assist in the development of remedial plans; and

"(D) may be removed at any time, but shall be relieved of the appointment upon the termination of relief.

"(g) DEFINITIONS.—As used in this section—

"(1) the term 'consent decree' means any relief entered by the court that is based in whole or in part upon the consent or acquiescence of the parties but does not include private settlements;

"(2) the term 'civil action with respect to prison conditions' means any civil proceeding arising under Federal law with respect to the conditions of confinement or the effects of actions by government officials on the lives of persons confined in prison, but does not include habeas corpus proceedings challenging the fact or duration of confinement in prison;

"(3) the term 'prisoner' means any person subject to incarceration, detention, or admission to any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program;

"(4) the term 'prisoner release order' includes any order, including a temporary restraining order or preliminary injunctive relief, that has the purpose or effect of reducing or limiting the prison population, or that directs the release from or nonadmission of prisoners to a prison;

"(5) the term 'prison' means any Federal, State, or local facility that incarcerates or detains juveniles or adults accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law;

"(6) the term 'private settlement agreement' means an agreement entered into among the parties that is not subject to judicial enforcement other than the reinstatement of the civil proceeding that the agreement settled;

"(7) the term 'prospective relief' means all relief other than compensatory monetary damages;

"(8) the term 'special master' means any person appointed by a Federal court pursuant to Rule 53 of the Federal Rules of Civil Procedure or pursuant to any inherent power of the court to exercise the powers of a master, regardless of the title or description given by the court; and

"(9) the term 'relief' means all relief in any form that may be granted or approved by the court, and includes consent decrees but does not include private settlement agreements.".

(b) APPLICATION OF AMENDMENT.—

(1) IN GENERAL.—Section 3626 of title 18, United States Code, as amended by this section, shall apply with respect to all prospective relief whether such relief was originally granted or approved before, on, or after the date of the enactment of this title.

(2) TECHNICAL AMENDMENT.—Subsections (b) and (d) of section 20409 of the Violent Crime Control and Law Enforcement Act of 1994 are repealed.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter C of chapter 229 of title 18, United States Code, is amended to read as follows:

"3626. Appropriate remedies with respect to prison conditions.".

SEC. 803. AMENDMENTS TO CIVIL RIGHTS OF INSTITUTIONALIZED PERSONS ACT.

(a) INITIATION OF CIVIL ACTIONS.—Section 3(c) of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997a(c)) (referred to in this section as the "Act") is amended to read as follows:

"(c) The Attorney General shall personally sign any complaint filed pursuant to this section.".

(b) CERTIFICATION REQUIREMENTS.—Section 4 of the Act (42 U.S.C. 1997b) is amended—

(1) in subsection (a)—

(A) by striking "he" each place it appears and inserting "the Attorney General"; and

(B) by striking "his" and inserting "the Attorney General's"; and

(2) by amending subsection (b) to read as follows:

"(b) The Attorney General shall personally sign any certification made pursuant to this section.".

(c) INTERVENTION IN ACTIONS.—Section 5 of the Act (42 U.S.C. 1997c) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "he" each place it appears and inserting "the Attorney General"; and

(B) by amending paragraph (2) to read as follows:

"(2) The Attorney General shall personally sign any certification made pursuant to this section."; and

(2) by amending subsection (c) to read as follows:

"(c) The Attorney General shall personally sign any motion to intervene made pursuant to this section.".

(d) SUITS BY PRISONERS.—Section 7 of the Act (42 U.S.C. 1997e) is amended to read as follows:

"SEC. 7. SUITS BY PRISONERS.

"(a) APPLICABILITY OF ADMINISTRATIVE REMEDIES.—No action shall be brought with respect to prison conditions under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983), or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted.

"(b) FAILURE OF STATE TO ADOPT OR ADHERE TO ADMINISTRATIVE GRIEVANCE PROCEDURE.—The failure of a State to adopt or adhere to an administrative grievance procedure shall not constitute the basis for an action under section 3 or 5 of this Act.

"(c) DISMISSAL.—(1) The court shall on its own motion or on the motion of a party dismiss any action brought with respect to prison conditions under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983), or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility if the court is satisfied that the action is frivolous, malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief from a defendant who is immune from such relief.

"(2) In the event that a claim is, on its face, frivolous, malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief from a defendant who is immune from such relief, the court may dismiss the underlying claim without first requiring the exhaustion of administrative remedies.

"(d) ATTORNEY'S FEES.—(1) In any action brought by a prisoner who is confined to any jail, prison, or other correctional facility, in which attorney's fees are authorized under section 2 of the Revised Statutes of the United States (42 U.S.C. 1988), such fees shall not be awarded, except to the extent that—

"(A) the fee was directly and reasonably incurred in proving an actual violation of the plaintiff's rights protected by a statute pursuant to which a fee may be awarded under section 2 of the Revised Statutes; and

"(B)(i) the amount of the fee is proportionately related to the court ordered relief for the violation; or

"(ii) the fee was directly and reasonably incurred in enforcing the relief ordered for the violation.

"(2) Whenever a monetary judgment is awarded in an action described in paragraph (1), a portion of the judgment (not to exceed 25 percent) shall be applied to satisfy the amount of attorney's fees awarded against the defendant. If the award of attorney's fees is not greater than 150 percent of the judgment, the excess shall be paid by the defendant.

"(3) No award of attorney's fees in an action described in paragraph (1) shall be based on an hourly rate greater than 150 percent of the hourly rate established under section 3006A of title 18, United States Code, for payment of court-appointed counsel.

"(4) Nothing in this subsection shall prohibit a prisoner from entering into an agreement to pay an attorney's fee in an amount greater than the amount authorized under this subsection, if the fee is paid by the individual rather than by the defendant pursuant to section 2 of the Revised Statutes of the United States (42 U.S.C. 1988).

"(e) LIMITATION ON RECOVERY.—No Federal civil action may be brought by a prisoner confined in a jail, prison, or other correctional facility, for mental or emotional injury suffered while in custody without a prior showing of physical injury.

"(f) HEARINGS.—(1) To the extent practicable, in any action brought with respect to prison conditions in Federal court pursuant to section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983), or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility, pretrial proceedings in which the prisoner's participation is required or permitted shall be conducted by telephone, video conference, or other telecommunications technology without removing the prisoner from the facility in which the prisoner is confined.

"(2) Subject to the agreement of the official of the Federal, State, or local unit of government with custody over the prisoner, hearings may be conducted at the facility in which the prisoner is confined. To the extent practicable, the court shall allow counsel to participate by telephone, video conference, or other communications technology in any hearing held at the facility.

"(g) WAIVER OF REPLY.—(1) Any defendant may waive the right to reply to any action brought by a prisoner confined in any jail, prison, or other correctional facility under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983) or any other Federal law. Notwithstanding any other law or rule of procedure, such waiver shall not constitute an admission of the allegations contained in the complaint. No relief shall be granted to the plaintiff unless a reply has been filed.

"(2) The court may require any defendant to reply to a complaint brought under this section if it finds that the plaintiff has a reasonable opportunity to prevail on the merits.

"(h) DEFINITION.—As used in this section, the term 'prisoner' means any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program.".

(e) REPORT TO CONGRESS.—Section 8 of the Act (42 U.S.C. 1997f) is amended by striking "his report" and inserting "the report".

(f) NOTICE TO FEDERAL DEPARTMENTS.—Section 10 of the Act (42 U.S.C. 1997h) is amended—

(1) by striking "his action" and inserting "the action"; and

(2) by striking "he is satisfied" and inserting "the Attorney General is satisfied".

SEC. 804. PROCEEDINGS IN FORMA PAUPERIS.

(a) FILING FEES.—Section 1915 of title 28, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "(a) Any" and inserting "(a)(1) Subject to subsection (b), any";

(B) by striking "and costs";

(C) by striking "makes affidavit" and inserting "submits an affidavit that includes a statement of all assets such prisoner possesses";

(D) by striking "such costs" and inserting "such fees";

(E) by striking "he" each place it appears and inserting "the person";

(F) by adding immediately after paragraph (1), the following new paragraph:

"(2) A prisoner seeking to bring a civil action or appeal a judgment in a civil action or proceeding without prepayment of fees or security therefor, in addition to filing the affidavit filed under paragraph (1), shall submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint or notice of appeal, obtained from the appropriate official of each prison at which the prisoner is or was confined."; and

(G) by striking "An appeal" and inserting "(3) An appeal";

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively;

(3) by inserting after subsection (a) the following new subsection:

"(b)(1) Notwithstanding subsection (a), if a prisoner brings a civil action or files an appeal in forma pauperis, the prisoner shall be required to pay the full amount of a filing fee. The court shall assess and, when funds exist, collect, as a partial payment of any court fees required by law, an initial partial filing fee of 20 percent of the greater of—

"(A) the average monthly deposits to the prisoner's account; or

"(B) the average monthly balance in the prisoner's account for the 6-month period immediately preceding the filing of the complaint or notice of appeal.

"(2) After payment of the initial partial filing fee, the prisoner shall be required to make monthly payments of 20 percent of the preceding month's income credited to the prisoner's account. The agency having custody of the prisoner shall forward payments from the prisoner's account to the clerk of the court each time the amount in the account exceeds $10 until the filing fees are paid.

"(3) In no event shall the filing fee collected exceed the amount of fees permitted by statute for the commencement of a civil action or an appeal of a civil action or criminal judgment.

"(4) In no event shall a prisoner be prohibited from bringing a civil action or appealing a civil or criminal judgment for the reason that the prisoner has no assets and no means by which to pay the initial partial filing fee.";

(4) in subsection (c), as redesignated by paragraph (2), by striking "subsection (a) of this section" and inserting "subsections (a) and (b) and the prepayment of any partial filing fee as may be required under subsection (b)"; and

(5) by amending subsection (e), as redesignated by paragraph (2), to read as follows:

"(e)(1) The court may request an attorney to represent any person unable to afford counsel.

"(2) Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that—

"(A) the allegation of poverty is untrue; or

"(B) the action or appeal—

"(i) is frivolous or malicious;

"(ii) fails to state a claim on which relief may be granted; or

"(iii) seeks monetary relief against a defendant who is immune from such relief.".

(b) Exception to Discharge of Debt in Bankruptcy Proceeding.—Section 523(a) of title 11, United States Code, is amended—

(1) in paragraph (16), by striking the period at the end and inserting "; or"; and

(2) by adding at the end the following new paragraph:

"(17) for a fee imposed by a court for the filing of a case, motion, complaint, or appeal, or for other costs and expenses assessed with respect to such filing, regardless of an assertion of poverty by the debtor under section 1915 (b) or (f) of title 28, or the debtor's status as a prisoner, as defined in section 1915(h) of title 28.".

(c) Costs.—Section 1915(f) of title 28, United States Code (as redesignated by subsection (a)(2)), is amended—

(1) by striking "(f) Judgment" and inserting "(f)(1) Judgment";

(2) by striking "cases" and inserting "proceedings"; and

(3) by adding at the end the following new paragraph:

"(2)(A) If the judgment against a prisoner includes the payment of costs under this subsection, the prisoner shall be required to pay the full amount of the costs ordered.

"(B) The prisoner shall be required to make payments for costs under this subsection in the same manner as is provided for filing fees under subsection (a)(2).

"(C) In no event shall the costs collected exceed the amount of the costs ordered by the court.".

(d) Successive Claims.—Section 1915 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(g) In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.".

(e) Definition.—Section 1915 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(h) As used in this section, the term 'prisoner' means any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program.".

SEC. 805. JUDICIAL SCREENING.

(a) In General.—Chapter 123 of title 28, United States Code, is amended by inserting after section 1915 the following new section:

"§ 1915A. Screening

"(a) Screening.—The court shall review, before docketing, if feasible or, in any event, as soon as practicable after docketing, a complaint in a civil action in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity.

"(b) Grounds for Dismissal.—On review, the court shall identify cognizable claims or dismiss the complaint, or any portion of the complaint, if the complaint—

"(1) is frivolous, malicious, or fails to state a claim upon which relief may be granted; or

"(2) seeks monetary relief from a defendant who is immune from such relief.

"(c) Definition.—As used in this section, the term 'prisoner' means any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program.".

(b) Technical Amendment.—The analysis for chapter 123 of title 28, United States Code, is amended by inserting after the item relating to section 1915 the following new item:

"1915A. Screening.".

SEC. 806. FEDERAL TORT CLAIMS.

Section 1346(b) of title 28, United States Code, is amended—

(1) by striking "(b)" and inserting "(b)(1)"; and

(2) by adding at the end the following:

"(2) No person convicted of a felony who is incarcerated while awaiting sentencing or while serving a sentence may bring a civil action against the United States or an agency, officer, or employee of the Government, for mental or emotional injury suffered while in custody without a prior showing of physical injury.".

SEC. 807. PAYMENT OF DAMAGE AWARD IN SATISFACTION OF PENDING RESTITUTION ORDERS.

Any compensatory damages awarded to a prisoner in connection with a civil action brought against any Federal, State, or local jail, prison, or correctional facility or against any official or agent of such jail, prison, or correctional facility, shall be paid directly to satisfy any outstanding restitution orders pending against the prisoner. The remainder of any such award after full payment of all pending restitution orders shall be forwarded to the prisoner.

SEC. 808. NOTICE TO CRIME VICTIMS OF PENDING DAMAGE AWARD.

Prior to payment of any compensatory damages awarded to a prisoner in connection with a civil action brought against any Federal, State, or local jail, prison, or correctional facility or against any official or agent of such jail, prison, or correctional facility, reasonable efforts shall be made to notify the victims of the crime for which the prisoner was convicted and incarcerated concerning the pending payment of any such compensatory damages.

SEC. 809. EARNED RELEASE CREDIT OR GOOD TIME CREDIT REVOCATION.

(a) In General.—Chapter 123 of title 28, United States Code, is amended by adding at the end the following new section:

"§ 1932. Revocation of earned release credit

"In any civil action brought by an adult convicted of a crime and confined in a Federal correctional facility, the court may order the revocation of such earned good time credit under section 3624(b) of title 18, United States Code, that has not yet vested, if, on its own motion or the motion of any party, the court finds that—

"(1) the claim was filed for a malicious purpose;

"(2) the claim was filed solely to harass the party against which it was filed; or

"(3) the claimant testifies falsely or otherwise knowingly presents false evidence or information to the court.".

(b) Technical Amendment.—The analysis for chapter 123 of title 28, United States Code, is amended by inserting after the item relating to section 1931 the following:

"1932. Revocation of earned release credit.".

(c) Amendment of Section 3624 of Title 18.—Section 3624(b) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking the first sentence;

(B) in the second sentence—

(i) by striking "A prisoner" and inserting "Subject to paragraph (2), a prisoner";

(ii) by striking "for a crime of violence,"; and

(iii) by striking "such";

(C) in the third sentence, by striking "If the Bureau" and inserting "Subject to paragraph (2), if the Bureau";

(D) by striking the fourth sentence and inserting the following: "In awarding credit under this section, the Bureau shall consider whether the prisoner, during the relevant period, has earned, or is making satisfactory progress toward earning, a high school diploma or an equivalent degree."; and

(E) in the sixth sentence, by striking "Credit for the last" and inserting "Subject to paragraph (2), credit for the last"; and

(2) by amending paragraph (2) to read as follows:

"(2) Notwithstanding any other law, credit awarded under this subsection after the date of enactment of the Prison Litigation Reform Act shall vest on the date the prisoner is released from custody.".

SEC. 810. SEVERABILITY.

If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title, the amendments made by this title, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

This Act may be cited as the "Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996.".

(b) Such amounts as may be necessary for programs, projects or activities provided for in the Department of the Interior and Related Agencies Appropriations Act, 1996, at a rate of operations and to the extent and in the manner provided for, the provisions of such Act to be effective as if it had been enacted into law as the regular appropriations Act, as follows:

AN ACT

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes.

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96-487 (16 U.S.C. 3150(a)), $567,152,000, to remain available until expended, of which $2,000,000 shall be available for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96-487 (16 U.S.C. 3150), and of which not more than $599,999 shall be available to the Needles Resources Area for the management of the East Mojave

National Scenic Area, as defined by the Bureau of Land Management prior to October 1, 1994, in the California Desert District of the Bureau of Land Management, and of which $4,000,000 shall be derived from the special receipt account established by section 4 of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–6a(i)): *Provided*, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors; and in addition, $27,650,000 for Mining Law Administration program operations, to remain available until expended, to be reduced by amounts collected by the Bureau of Land Management and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $567,152,000: *Provided further*, That in addition to funds otherwise available, and to remain available until expended, not to exceed $5,000,000 from annual mining claim fees shall be credited to this account for the costs of administering the mining claim fee program, and $2,000,000 from communication site rental fees established by the Bureau.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire use and management, fire preparedness, emergency presuppression, suppression operations, emergency rehabilitation, and renovation or construction of fire facilities in the Department of the Interior, $235,924,000, to remain available until expended, of which not to exceed $5,025,000, shall be available for the renovation or construction of fire facilities: *Provided*, That notwithstanding any other provision of law, persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: *Provided further*, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further*, That unobligated balances of amounts previously appropriated to the Fire Protection and Emergency Department of the Interior Firefighting Fund may be transferred or merged with this appropriation.

CENTRAL HAZARDOUS MATERIALS FUND

For expenses necessary for use by the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended (42 U.S.C. 9601 et seq.), $10,000,000, to remain available until expended: *Provided*, That, notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to sections 107 or 113(f) of the Comprehensive Environmental Response, Compensation and Liability Act, as amended (42 U.S.C. 9607 or 9613(f)), shall be credited to this account and shall be available without further appropriation and shall remain available until expended: *Provided further*, That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary of the Interior and which shall be credited to this account.

CONSTRUCTION AND ACCESS

For acquisition of lands and interests therein, and construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $3,115,000, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901–07), $101,500,000, of which not to exceed $400,000 shall be available for administrative expenses.

LAND ACQUISITION

For expenses necessary to carry out the provisions of sections 205, 206, and 318(d) of Public Law 94–579 including administrative expenses and acquisition of lands or waters, or interests therein, $12,800,000 to be derived from the Land and Water Conservation Fund, to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; $93,379,000, to remain available until expended: *Provided*, That 25 per centum of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the provisions of the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 per centum of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $9,113,000, to remain available until expended: *Provided*, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under sections 209(b), 304(a), 304(b), 305(a), and 504(g) of the Act approved October 21, 1976 (43 U.S.C. 1701), and sections 101 and 203 of Public Law 93–153, to be immediately available until expended: *Provided*, That notwithstanding any provision to the contrary of section 305(a) of the Act of October 21, 1976 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this or subsequent appropriations Acts by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such forfeiture, compromise, or settlement are used on the exact lands damage to which led to the forfeiture, compromise, or settlement: *Provided further*, That such moneys are in excess of amounts needed to repair damage to the exact land for which collected.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing law, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau of Land Management; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed $10,000: *Provided*, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly-produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For expenses necessary for scientific and economic studies, conservation, management, investigations, protection, and utilization of fishery and wildlife resources, except whales, seals, and sea lions, and for the performance of other authorized functions related to such resources; for the general administration of the United States Fish and Wildlife Service; and for maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge; and not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended by Public Law 93–408, $497,670,000, to remain available for obligation until September 30, 1997, of which $11,557,000 shall be available until expended for operation and maintenance of fishery mitigation facilities constructed by the Corps of Engineers under the Lower Snake River Compensation Plan, authorized by the Water Resources Development Act of 1976 (90 Stat. 2921), to compensate for loss of fishery resources from water development projects on the Lower Snake River: *Provided*, That unobligated and unexpended balances in the Resource Management account at the end of fiscal year 1995, shall be merged with and made a part of the fiscal year 1996 Resource Management appropriation, and shall remain available for obligation until September 30, 1997: *Provided further*, That no monies appropriated under this Act or any other law shall be used to implement subsections (a), (b), (c), (e), (g), or (i) of section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533), until such time as legislation reauthorizing the Act is enacted or until the end of fiscal year 1996, whichever is earlier, except that monies appropriated under this Act may be used to delist or reclassify species pursuant to subsections 4(a)(2)(B), 4(c)(2)(B)(i), and 4(c)(2)(B)(ii) of the Act.

CONSTRUCTION

For construction and acquisition of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $37,655,000, to remain available until expended.

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601, et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq.), the Oil Pollution Act of 1990 (Public Law 101–380), and the Act of July 27, 1990 (Public Law 101–337); $4,000,000, to remain available until expended: *Provided*, That sums provided by any party in fiscal year 1996 and thereafter are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated or otherwise disposed of by the Secretary and such sums or properties shall be utilized for the restoration of injured resources, and to conduct new damage assessment activities.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4–11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $45,400,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), as amended by Public Law 100–478, $8,085,000 for grants to States, to be derived from the Cooperative Endangered Species Conservation Fund, and to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $10,779,000.

REWARDS AND OPERATIONS

For expenses necessary to carry out the provisions of the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), $600,000, to remain available until expended.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, $6,750,000, to remain available until expended.

LAHONTAN VALLEY AND PYRAMID LAKE FISH AND WILDLIFE FUND

For carrying out section 206(f) of Public Law 101–618, such sums as have previously been credited or may be credited hereafter to the Lahontan Valley and Pyramid Lake Fish and Wildlife Fund, to be available until expended without further appropriation.

RHINOCEROS AND TIGER CONSERVATION FUND

For deposit to the Rhinoceros and Tiger Conservation Fund, $200,000, to remain available until expended, to be available to carry out the provisions of the Rhinoceros and Tiger Conservation Act of 1994 (Public Law 103–391).

WILDLIFE CONSERVATION AND APPRECIATION FUND

For deposit to the Wildlife Conservation and Appreciation Fund, $800,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 113 passenger motor vehicles; not to exceed $400,000 for payment, at the discretion of the Secretary, for information, rewards, or evidence concerning violations of laws administered by the United States Fish and Wildlife Service, and miscellaneous and emergency expenses of enforcement activities, authorized or approved by the Secretary and to be accounted for solely on his certificate; repair of damage to public roads within and adjacent to reservation areas caused by operations of the United States Fish and Wildlife Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the United States Fish and Wildlife Service and to which the United States has title, and which are utilized pursuant to law in connection with management and investigation of fish and wildlife resources: *Provided*, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly-produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That the United States Fish and Wildlife Service may accept donated aircraft as replacements for existing aircraft: *Provided further*, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 103–551: *Provided further*, That none of the funds made available in this Act may be used by the U.S. Fish and Wildlife Service to impede or delay the issuance of a wetlands permit by the U.S. Army Corps of Engineers to the City of Lake Jackson, Texas, for the development of a public golf course west of Buffalo Camp Bayou between the Brazos River and Highway 332: *Provided further*, That the Director of the Fish and Wildlife Service may charge reasonable fees for expenses to the Federal Government for providing training by the National Education and Training Center: *Provided further*, That all training fees collected shall be available to the Director, until expended, without further appropriation, to be used for the costs of training and education provided by the National Education and Training Center: *Provided further*, That with respect to lands leased for farming pursuant to Public Law 88–567, if for any reason the Secretary disapproves for use in 1996 or does not finally approve for use in 1996 any pesticide or chemical which was approved for use in 1995 or had been requested for use in 1996 by the submission of a pesticide use proposal as of September 19, 1995, none of the funds in this Act may be used to develop, implement, or enforce regulations or policies (including pesticide use proposals) related to the use of chemicals and pest management that are more restrictive than the requirements of applicable State and Federal laws related to the use of chemicals and pest management practices on non-Federal lands.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, including not to exceed $1,593,000 for the Volunteers-in-Parks program, and not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended by Public Law 93–408, $1,086,014,000, without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451), of which not to exceed $72,000,000, to remain available until expended is to be derived from the special fee account established pursuant to title V, section 5201, of Public Law 100–203, and of which not more than $500,000 shall be available for development of the National Park Service's management plan for the Mojave National Preserve: *Provided*, That these funds shall be strictly limited to the development activities for the Preserve's management plan.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $37,649,000: *Provided*, That $236,000 of the funds provided herein are for the William O. Douglas Outdoor Education Center, subject to authorization.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the provisions of the Historic Preservation Act of 1966 (80 Stat. 915), as amended (16 U.S.C. 470), $36,212,000, to be derived from the Historic Preservation Fund, established by section 108 of that Act, as amended, to remain available for obligation until September 30, 1997.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, $143,225,000, to remain available until expended: *Provided*, That not to exceed $4,500,000 of the funds provided herein shall be paid to the Army Corps of Engineers for modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989: *Provided further*, That funds provided under this head, derived from the Historic Preservation Fund, established by the Historic Preservation Act of 1966 (80 Stat. 915), as amended (16 U.S.C. 470), may be available until expended to render sites safe for visitors and for building stabilization.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 1996 by 16 U.S.C. 460l–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4–11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with statutory authority applicable to the National Park Service, $57,600,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and of which $1,500,000 is to administer the State assistance program: *Provided*, That any funds made available for the purpose of acquisition of the Elwha and Glines dams shall be used solely for acquisition, and shall not be expended until the full purchase amount has been appropriated by the Congress.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 518 passenger motor vehicles, of which 323 shall be for replacement only, including not to exceed 411 for police-type use, 12 buses, and 5 ambulances: *Provided*, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further*, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may enter into cooperative agreements that involve the transfer of National Park Service appropriated funds to State, local and tribal governments, other public entities, educational institutions, and private nonprofit organizations for the public purpose of carrying out National Park Service programs.

The National Park Service shall, within existing funds, conduct a Feasibility Study for a northern access route into Denali National Park and Preserve in Alaska, to be completed within one year of the enactment of this Act and submitted to the House and Senate Committees on Appropriations and to the Senate Committee on Energy and Natural Resources and the House Committee on Resources. The Feasibility Study shall ensure that resource impacts from any plan to create such access route are evaluated with accurate information and according to a process that takes into consideration park values, visitor needs, a full range of alternatives, the viewpoints of all interested parties, including the tourism industry and the State of Alaska, and potential needs for compliance with the National Environmental Policy Act. The Study shall also address the time required for development of alternatives and identify all associated costs.

This Feasibility Study shall be conducted solely by the National Park Service planning personnel permanently assigned to National Park Service offices located in the State of Alaska in consultation with the State of Alaska Department of Transportation.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, and the mineral and water resources of the United States, its Territories and possessions, and other areas as authorized by law (43 U.S.C. 31, 1332 and 1340); classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; $729,995,000, of which $62,130,000 shall be available for cooperation with States or municipalities for water resources investigations, and of which $137,000,000 for resource research and the operations of Cooperative Research Units shall remain available until September 30, 1997, and of which $16,000,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries: *Provided*, That no part of this appropriation shall be used to pay more than one-half the cost of any topographic mapping or water resources investigations carried on in cooperation with any State or municipality: *Provided further*, That funds available herein for resource research may be used for the purchase of not to exceed 61 passenger motor vehicles, of which 55 are for replacement only: *Provided further*, That none of the funds available under this head for resource research shall be used to conduct new surveys on private property, including new aerial surveys for the designation of habitat under the Endangered Species Act, except when it is made known to the Federal official having authority to obligate or expend such funds that the survey or research has been requested and authorized in writing by the property owner or the owner's authorized representative: *Provided further*, That none of the funds provided herein for resource research may be used to administer a volunteer program when it is made known to the Federal official having authority to obligate or expend such funds that the volunteers are not properly trained or that information gathered by the volunteers is not carefully verified: *Provided further*, That no later than April 1, 1996, the Director of the United States Geological Survey shall issue agency guidelines for resource research that ensure that scientific and technical peer review is utilized as fully as possible in selection of projects for funding and ensure the validity and reliability of research and data collection on Federal lands: *Provided further*, That no funds available for resource research may be used for any activity that was not authorized prior to the establishment of the National Biological Survey: *Provided further*, That once every five years the National Academy of Sciences shall review and report on the resource research activities of the Survey: *Provided further*, That if specific authorizing legislation is enacted during or before the start of fiscal year 1996, the resource research component of the Survey should comply with the provisions of that legislation: *Provided further*, That unobligated and unexpended balances in the National Biological Survey, Research, inventories and surveys account at the end of fiscal year 1995, shall be merged with and made a part of the United States Geological Survey, Surveys, investigations, and research account and shall remain available for obligation until September 30, 1996: *Provided further*, That the authority granted to the United States Bureau of Mines to conduct mineral surveys and to determine mineral values by section 603 of Public Law 94–579 is hereby transferred to, and vested in, the Director of the United States Geological Survey.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geological Survey shall be available for purchase of not to exceed 22 passenger motor vehicles, for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the United States Geological Survey appointed, as authorized by law, to represent the United States in the negotiation and administration of interstate compacts: *Provided*, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302, et seq.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only; $182,339,000, of which not less than $70,105,000 shall be available for royalty management activities; and an amount not to exceed $15,400,000 for the Technical Information Management System and Related Activities of the Outer Continental Shelf (OCS) Lands Activity, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for OCS administrative activities performed by the Minerals Management Service over and above the rates in effect on September 30, 1993, and from additional fees for OCS administrative activities established after September 30, 1993: *Provided*, That beginning in fiscal year 1996 and thereafter, fees for royalty rate relief applications shall be established (and revised as needed) in Notices to Lessees, and shall be credited to this account in the program areas performing the function, and remain available until expended for the costs of administering the royalty rate relief authorized by 43 U.S.C. 1337(a)(3): *Provided further*, That $1,500,000 for computer acquisitions shall remain available until September 30, 1997: *Provided further*, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721 (b) and (d): *Provided further*, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: *Provided further*, That notwithstanding any other provision of law, $15,000 under this head shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of the Minerals Management Service concurred with the claimed refund due, to pay amounts owed to Indian allottees or Tribes, or to correct prior unrecoverable erroneous payments: *Provided further*, That beginning in fiscal year 1996 and thereafter, the Secretary shall take appropriate action to collect unpaid and underpaid royalties and late payment interest owed by Federal and Indian mineral lessees and other royalty payors on amounts received in settlement or other resolution of disputes under, and for partial or complete termination of, sales agreements for minerals from Federal and Indian leases.

OIL SPILL RESEARCH

For necessary expenses to carry out the purposes of title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $6,440,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

BUREAU OF MINES

MINES AND MINERALS

For expenses necessary for, and incidental to, the closure of the United States Bureau of Mines, $64,000,000, to remain available until expended, of which not to exceed $5,000,000 may be used for the completion and/or transfer of certain ongoing projects within the United States Bureau of Mines, such projects to be identified by the Secretary of the Interior within 90 days of enactment of this Act: *Provided*, That there hereby are transferred to, and vested in, the Secretary of Energy: (1) the functions pertaining to the promotion of health and safety in mines and the mineral industry through research vested by law in the Secretary of the Interior or the United States Bureau of Mines and performed in fiscal year 1995 by the United States Bureau of Mines at its Pittsburgh Research Center in Pennsylvania, and at its Spokane Research Center in Washington; (2) the functions pertaining to the conduct of inquiries, technological investigations and research concerning the extraction, processing, use and disposal of mineral substances vested by law in the Secretary of the Interior or the United States Bureau of Mines and performed in fiscal year 1995 by the United States Bureau of Mines under the minerals and materials science programs at its Pittsburgh Research Center in Pennsylvania, and at its Albany Research Center in Oregon; and (3) the functions pertaining to mineral reclamation industries and the development of methods for the disposal, control, prevention, and reclamation of mineral waste products vested by law in the Secretary of the Interior or the United States Bureau of Mines and performed in fiscal year 1995 by the United States Bureau of Mines at its Pittsburgh Research Center in Pennsylvania: *Provided further*, That, if any of the same functions were performed in fiscal year 1995 at locations other than those listed above, such functions shall not be transferred to the Secretary of Energy from those other locations: *Provided further*, That the Director of the Office of Management and Budget, in consultation with the Secretary of Energy and the Secretary of the Interior, is authorized to make such determinations as may be necessary with regard to the transfer of functions which relate to or are used by the Department of the Interior, or component thereof affected by this transfer of functions, and to make such dispositions of personnel, facilities, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to or to be made available in connection with, the functions transferred herein as are deemed necessary to accomplish the purposes of this transfer: *Provided further*, That all reductions in personnel complements resulting from the provisions of this Act shall, as to the functions transferred to the Secretary of Energy, be done by the Secretary of the Interior as though these transfers had not taken place but had been required of the Department of the Interior by all other provisions of this Act before the transfers of function became effective: *Provided further*, That the transfers of function to the Secretary of Energy shall become effective on the date specified by the Director of the Office of Management and Budget, but in no event later than 90 days after enactment into law of this Act: *Provided further*, That the reference to "function" includes, but is not limited to, any duty, obligation, power, authority, responsibility, right, privilege, and activity, or the plural thereof, as the case may be.

ADMINISTRATIVE PROVISIONS

The Secretary is authorized to accept lands, buildings, equipment, other contributions, and fees from public and private sources, and to prosecute projects using such contributions and fees in cooperation with other Federal, State or private agencies: *Provided*, That the Bureau of Mines is authorized, during the current fiscal year, to sell directly or through any Government agency, including corporations, any metal or mineral products that may be manufactured in pilot plants operated by the Bureau of Mines, and the proceeds of such sales shall be covered into the Treasury as miscellaneous receipts: *Provided further*, That notwithstanding any other provision of law, the Secretary is authorized to convey, without reimbursement, title and all interest of the United States in property and facilities of the United States Bureau of Mines in Juneau, Alaska, to the City and Borough of Juneau, Alaska; in Tuscaloosa, Alabama, to the University of Alabama; in Rolla, Missouri, to the University of Missouri-Rolla; and in other localities to such university or government entities as the Secretary deems appropriate.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not to exceed 15 passenger motor vehicles for replacement only; $95,470,000, and notwithstanding 31 U.S.C. 3302, an additional amount shall be credited to this account, to remain available until expended, from performance bond forfeitures in fiscal year 1996: *Provided*, That notwithstanding any other provision of law, the Secretary of the Interior, pursuant to regulations, may utilize directly or through grants to States, moneys collected in fiscal year 1996 pursuant to the assessment of civil penalties under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: *Provided further*, That notwithstanding any other provision of law, appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out the provisions of title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not more than 22 passenger motor vehicles for replacement only, $173,887,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended: *Provided*, That grants to minimum program States will be $1,500,000 per State in fiscal year 1996: *Provided further*, That of the funds herein provided up to $18,000,000 may be used for the emergency program authorized by section 410 of Public Law 95–87, as amended, of which no more than 25 per centum shall be used for emergency reclamation projects in any one State and funds for Federally-administered emergency reclamation projects under this proviso shall not exceed $11,000,000: *Provided further*, That prior year unobligated funds appropriated for the emergency reclamation program shall not be subject to the 25 per centum limitation per State and may be used without fiscal year limitation for emergency projects: *Provided further*, That pursuant to Public Law 97–365, the Department of the Interior is authorized to utilize up to 20 per centum from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further*, That funds made available to States under title IV of Public Law 95–87 may be used, at their discretion, for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: *Provided further*, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts, and grants including expenses necessary to provide education and welfare services for Indians, either directly or in cooperation with States and other organizations, including payment of care, tuition, assistance, and other expenses of Indians in boarding homes, or institutions, or schools; grants and other assistance to needy Indians; maintenance of law and order; management, development, improvement, and protection of resources and appurtenant facilities under the jurisdiction of the Bureau of Indian Affairs, including payment of irrigation assessments and charges; acquisition of water rights; advances for Indian industrial and business enterprises; operation of Indian arts and crafts shops and museums; development of Indian arts and crafts, as authorized by law; for the general administration of the Bureau of Indian Affairs, including such expenses in field offices; maintaining of Indian reservation roads as defined in section 101 of title 23, United States Code; and construction, repair, and improvement of Indian housing, $1,384,434,000, of which not to exceed $100,255,000 shall be for welfare assistance grants and not to exceed $104,626,000 shall be for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts or grants or compacts entered into with the Bureau of Indian Affairs prior to fiscal year 1996, as authorized by the Indian Self-Determination Act of 1975, as amended, and up to $5,000,000 shall be for the Indian Self-Determination Fund, which shall be available for the transitional cost of initial or expanded tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act; and of which not to exceed $330,711,000 for school operations costs of Bureau-funded schools and other education programs shall become available for obligation on July 1, 1996, and shall remain available for obligation until September 30, 1997; and of which not to exceed $68,209,000 for higher education scholarships, adult vocational training, and assistance to public schools under the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.), shall remain available for obligation until September 30, 1997; and of which not to exceed $71,854,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, self-governance grants, the Indian Self-Determination Fund, and the Navajo-Hopi Settlement Program: *Provided*, That tribes and tribal contractors may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants or compact agreements: *Provided further*, That funds made available to tribes and tribal organizations through contracts or grants obligated during fiscal year 1996, as authorized by the Indian Self-Determination Act of 1975 (88 Stat. 2203; 25 U.S.C. 450 et seq.), or grants authorized by the Indian Education Amendments of 1988 (25 U.S.C. 2001 and 2008A) shall remain available until expended by the contractor or grantee: *Provided further*, That to provide funding uniformity within a Self-Governance Compact, any funds provided in this Act with availability for more than one year may be reprogrammed to one year availability but shall remain available within the Compact until expended: *Provided further*, That notwithstanding any other provision of law, Indian tribal governments may, by appropriate changes in eligibility criteria or by other means, change eligibility for general assistance or change the amount of general assistance payments for individuals within the service area of such tribe who are otherwise deemed eligible for general assistance payments so long as such changes are applied in a consistent manner to individuals similarly situated: *Provided further*, That any savings realized by such changes shall be available for use in meeting other priorities of the tribes: *Provided further*, That any net increase in costs to the Federal Government which result solely from tribally increased payment levels for general assistance shall be met exclusively from funds available to the tribe from within its tribal priority allocation: *Provided further*, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 1996, may be transferred during fiscal year 1997 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: *Provided further*, That any such unobligated balances not so transferred shall expire on September 30, 1997: *Provided further*, That notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs, other than the amounts provided herein for assistance to public schools under the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.), shall be available to support the operation of any elementary or secondary school in the State of Alaska in fiscal year 1996: *Provided further*, That funds made available in this or any other Act for expenditure through September 30, 1997 for schools funded by the Bureau of Indian Affairs shall be available only to the schools which are in the Bureau of Indian Affairs school system as of September 1, 1995: *Provided further*, That no funds available to the Bureau of Indian Affairs shall be used to support expanded grades for any school beyond the grade structure in place at each school in the Bureau of Indian Affairs school system as of October 1, 1995: *Provided further*, That notwithstanding the provisions of 25 U.S.C. 2011(h)(1) (B) and (C), upon the recommendation of a local school board for a Bureau of Indian Affairs operated school, the Secretary shall establish rates of basic compensation or annual salary rates for the positions of teachers and counselors (including dormitory and homeliving counselors) at the school at a level not less than that for comparable positions in public school districts in the same geographic area, to become effective on July 1, 1997: *Provided further*, That of the funds available only through September 30, 1995, not to exceed $8,000,000 in unobligated and unexpended balances in the Operation of Indian Programs account shall be merged with and made a part of the fiscal year 1996 Operation of Indian Programs appropriation, and shall remain available for obligation for employee severance, relocation, and related expenses, until March 31, 1996.

CONSTRUCTION

For construction, major repair, and improvement of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands and interests in lands; and preparation of lands for farming, $100,833,000, to remain available until expended: *Provided*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project and for other water resource development activities related to the Southern Arizona Water Rights Settlement Act may be transferred to the Bureau of Reclamation: *Provided further*, That not to exceed 6 per centum of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau of Indian Affairs: *Provided further*, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a non-reimbursable basis: *Provided further*, That for the fiscal year ending September 30, 1996, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: *Provided further*, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: *Provided further*, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(a), with respect to organizational and financial management capabilities: *Provided further*, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2505(f): *Provided further*, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e).

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, $80,645,000, to remain available until expended; of which $78,600,000 shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 87–483, 97–293, 101–618, 102–374, 102–441, 102–575, and 103–116, and for implementation of other enacted water rights settlements, including not to exceed $8,000,000, which shall be for the Federal share of the Catawba Indian Tribe of South Carolina Claims Settlement, as authorized by section 5(a) of Public Law 103–116; and of which $1,045,000 shall be available pursuant to Public Laws 98–500, 99–264, and 100–580; and of which $1,000,000 shall be available (1) to liquidate obligations owed tribal and individual Indian payees of any checks canceled pursuant to section 1003 of the Competitive Equality Banking Act of 1987 (Public Law 100–86 (101 Stat. 659)), 31 U.S.C. 3334(b), (2) to restore to Individual Indian Monies trust funds, Indian Irrigation Systems, and Indian Power Systems accounts amounts invested in credit unions or defaulted savings and loan associations and which were not Federally insured, and (3) to reimburse Indian trust fund account holders for losses to their respective accounts where the claim for said loss(es) has been reduced to a judgment or settlement agreement approved by the Department of Justice.

TECHNICAL ASSISTANCE OF INDIAN ENTERPRISES

For payment of management and technical assistance requests associated with loans and grants approved under the Indian Financing Act of 1974, as amended, $500,000.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans $4,500,000, as authorized by the Indian Financing Act of 1974, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $35,914,000.

In addition, for administrative expenses necessary to carry out the guaranteed loan program, $500,000.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Indian Affairs shall be available for expenses of exhibits, and purchase of not to exceed 275 passenger carrying motor vehicles, of which not to exceed 215 shall be for replacement only.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $65,188,000, of which (1) $61,661,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94-241; 90 Stat. 272); and (2) $3,527,000 shall be available for salaries and expenses of the Office of Insular Affairs: *Provided*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or utilized by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 99-396, or any subsequent legislation related to Commonwealth of the Northern Mariana Islands Covenant grant funding: *Provided further*, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: *Provided further*, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance of capital infrastructure in American Samoa, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia through assessments of long-range operations and maintenance needs, improved capability of local operations and maintenance institutions and agencies (including management and vocational education training), and project-specific maintenance (with territorial participation and cost sharing to be determined by the Secretary based on the individual territory's commitment to timely maintenance of its capital assets): *Provided further*, That any appropriation for disaster assistance under this head in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 122, 221, 223, 232, and 233 of the Compacts of Free Association, and for economic assistance and necessary expenses for the Republic of Palau as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, $24,938,000, to remain available until expended, as authorized by Public Law 99-239 and Public Law 99-658: *Provided*, That notwithstanding section 112 of Public Law 101-219 (103 Stat. 1873), the Secretary of the Interior may agree to technical changes in the specifications for the project described in the subsidiary agreement negotiated under section 212(a) of the Compact of Free Association, Public Law 99-658, or its annex, if the changes do not result in increased costs to the United States.

DEPARTMENTAL OFFICES

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $56,456,000, of which not to exceed $7,500 may be for official reception and representation expenses.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $34,337,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $23,939,000.

CONSTRUCTION MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Construction Management, $500,000.

NATIONAL INDIAN GAMING COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the National Indian Gaming Commission, pursuant to Public Law 100-497, $1,000,000: *Provided*, That on March 1, 1996, the Chairman shall submit to the Secretary a report detailing those Indian tribes or tribal organizations with gaming operations that are in full compliance, partial compliance, or non-compliance with the provisions of the Indian Gaming Regulatory Act (25 U.S.C. 2701, et seq.): *Provided further*, That the information contained in the report shall be updated on a continuing basis.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $16,338,000, of which $15,891,000 shall remain available until expended for trust funds management: *Provided*, That funds made available to tribes and tribal organizations through contracts or grants obligated during fiscal year 1996, as authorized by the Indian Self-Determination Act of 1975 (88 Stat. 2203; 25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: *Provided further*, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with the accounting of such funds from which the beneficiary can determine whether there has been a loss: *Provided further*, That obligated and unobligated balances provided for trust funds management within "Operation of Indian programs", Bureau of Indian Affairs are hereby transferred to and merged with this appropriation.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided*, That notwithstanding any other provision of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: *Provided further*, That no programs funded with appropriated funds in "Departmental Management", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund or the Consolidated Working Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oilspills; response and natural resource damage assessment activities related to actual oilspills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99-198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95-87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That for emergency rehabilitation and wildfire suppression activities, no funds shall be made available under this authority until funds appropriated to the "Emergency Department of the Interior Firefighting Fund" shall have been exhausted: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 and must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further*, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: *Provided*, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902 and D.C. Code 4–204).

SEC. 106. Appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of twelve months beginning at any time during the fiscal year.

SEC. 107. Appropriations made in this title from the Land and Water Conservation Fund for acquisition of lands and waters, or interests therein, shall be available for transfer, with the approval of the Secretary, between the following accounts: Bureau of Land Management, Land acquisition, United States Fish and Wildlife Service, Land acquisition, and National Park Service, Land acquisition and State assistance. Use of such funds are subject to the reprogramming guidelines of the House and Senate Committees on Appropriations.

SEC. 108. Prior to the transfer of Presidio properties to the Presidio Trust, when authorized, the Secretary may not obligate in any calendar month more than 1/12 of the fiscal year 1996 appropriation for operation of the Presidio: *Provided*, That this section shall expire on December 31, 1995.

SEC. 109. Section 6003 of Public Law 101–380 is hereby repealed.

SEC. 110. None of the funds appropriated or otherwise made available by this Act may be obligated or expended by the Secretary of the Interior for developing, promulgating, and thereafter implementing a rule concerning rights-of-way under section 2477 of the Revised Statutes.

SEC. 111. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore leasing and related activities placed under restriction in the President's moratorium statement of June 26, 1990, in the areas of Northern, Central, and Southern California; the North Atlantic; Washington and Oregon; and the Eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 112. No funds provided in this title may be expended by the Department of the Interior for the conduct of leasing, or the approval or permitting of any drilling or other exploration activity, on lands within the North Aleutian Basin planning area.

SEC. 113. No funds provided in this title may be expended by the Department of the Interior for the conduct of preleasing and leasing activities in the Eastern Gulf of Mexico for Outer Continental Shelf Lease Sale 151 in the Outer Continental Shelf Natural Gas and Oil Resource Management Comprehensive Program, 1992–1997.

SEC. 114. No funds provided in this title may be expended by the Department of the Interior for the conduct of preleasing and leasing activities in the Atlantic for Outer Continental Shelf Lease Sale 164 in the Outer Continental Shelf Natural Gas and Oil Resource Management Comprehensive Program, 1992–1997.

SEC. 115. (a) Of the funds appropriated by this Act or any subsequent Act providing for appropriations in fiscal years 1996 and 1997, not more than 50 percent of any self-governance funds that would otherwise be allocated to each Indian tribe in the State of Washington shall actually be paid to or on account of such Indian tribe from and after the time at which such tribe shall—

(1) take unilateral action that adversely impacts the existing rights to and/or customary uses of, nontribal member owners of fee simple land within the exterior boundary of the tribe's reservation to water, electricity, or any other similar utility or necessity for the nontribal members' residential use of such land; or

(2) restrict or threaten to restrict said owners use of or access to publicly maintained rights-of-way necessary or desirable in carrying the utilities or necessities described above.

(b) Such penalty shall not attach to the initiation of any legal actions with respect to such rights or the enforcement of any final judgments, appeals from which have been exhausted, with respect thereto.

SEC. 116. Within 30 days after the enactment of this Act, the Department of the Interior shall issue a specific schedule for the completion of the Lake Cushman Land Exchange Act (Public Law 102–436) and shall complete the exchange not later than September 30, 1996.

SEC. 117. Notwithstanding Public Law 90–544, as amended, the National Park Service is authorized to expend appropriated funds for maintenance and repair of the Company Creek Road in the Lake Chelan National Recreation Area: *Provided*, That appropriated funds shall not be expended for the purpose of improving the property of private individuals unless specifically authorized by law.

SEC. 118. Section 4(b) of Public Law 94–241 (90 Stat. 263) as added by section 10 of Public Law 99–396 is amended by deleting "until Congress otherwise provides by law." and inserting in lieu thereof: "except that, for fiscal years 1996 through 2002, payments to the Commonwealth of the Northern Mariana Islands pursuant to the multi-year funding agreements contemplated under the Covenant shall be $11,000,000 annually, subject to an equal local match and all other requirements set forth in the Agreement of the Special Representatives on Future Federal Financial Assistance of the Northern Mariana Islands, executed on December 17, 1992 between the special representative of the President of the United States and special representatives of the Governor of the Northern Mariana Islands with any additional amounts otherwise made available under this section in any fiscal year and not required to meet the schedule of payments in this subsection to be provided as set forth in subsection (c) until Congress otherwise provides by law.

"(c) The additional amounts referred to in subsection (b) shall be made available to the Secretary for obligation as follows:

"(1) for fiscal years 1996 through 2001, $4,580,000 annually for capital infrastructure projects as Impact Aid for Guam under section 104(c)(6) of Public Law 99–239;

"(2) for fiscal year 1996, $7,700,000 shall be provided for capital infrastructure projects in American Samoa; $4,420,000 for resettlement of Rongelap Atoll; and

"(3) for fiscal years 1997 and thereafter, all such amounts shall be available solely for capital infrastructure projects in Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Federated States of Micronesia and the Republic of the Marshall Islands: *Provided*, That, in fiscal year 1997, $3,000,000 of such amounts shall be made available to the College of the Northern Marianas and beginning in fiscal year 1997, and in each year thereafter, not to exceed $3,000,000 may be allocated, as provided in appropriations Acts, to the Secretary of the Interior for use by Federal agencies or the Commonwealth of the Northern Mariana Islands to address immigration, labor, and law enforcement issues in the Northern Mariana Islands. The specific projects to be funded in American Samoa shall be set forth in a five-year plan for infrastructure assistance developed by the Secretary of the Interior in consultation with the American Samoa Government and updated annually and submitted to the Congress concurrent with the budget justifications for the Department of the Interior. In developing budget recommendations for capital infrastructure funding, the Secretary shall indicate the highest priority projects, consider the extent to which particular projects are part of an overall master plan, whether such project has been reviewed by the Corps of Engineers and any recommendations made as a result of such review, the extent to which a set-aside for maintenance would enhance the life of the project, the degree to which a local cost-share requirement would be consistent with local economic and fiscal capabilities, and may propose an incremental set-aside, not to exceed $2,000,000 per year, to remain available without fiscal year limitation, as an emergency fund in the event of natural or other disasters to supplement other assistance in the repair, replacement, or hardening of essential facilities: *Provided further*, That the cumulative amount set aside for such emergency fund may not exceed $10,000,000 at any time.

"(d) Within the amounts allocated for infrastructure pursuant to this section, and subject to the specific allocations made in subsection (c), additional contributions may be made, as set forth in appropriations Acts, to assist in the resettlement of Rongelap

Atoll: *Provided*, That the total of all contributions from any Federal source after enactment of this Act may not exceed $32,000,000 and shall be contingent upon an agreement, satisfactory to the President, that such contributions are a full and final settlement of all obligations of the United States to assist in the resettlement of Rongelop Atoll and that such funds will be expended solely on resettlement activities and will be properly audited and accounted for. In order to provide such contributions in a timely manner, each Federal agency providing assistance or services, or conducting activities, in the Republic of the Marshall Islands, is authorized to make funds available through the Secretary of the Interior, to assist in the resettlement of Rongelap. Nothing in this subsection shall be construed to limit the provision of ex gratia assistance pursuant to section 105(c)(2) of the Compact of Free Association Act of 1985 (Public Law 99–239, 99 Stat. 1770, 1792) including for individuals choosing not to resettle at Rongelap, except that no such assistance for such individuals may be provided until the Secretary notifies the Congress that the full amount of all funds necessary for resettlement at Rongelap has been provided.".

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST RESEARCH

For necessary expenses of forest research as authorized by law, $178,000,000, to remain available until September 30, 1997.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with, and providing technical and financial assistance to States, Territories, possessions, and others and for forest pest management activities, cooperative forestry and education and land conservation activities, $136,794,000, to remain available until expended, as authorized by law.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, for ecosystem planning, inventory, and monitoring, and for administrative expenses associated with the management of funds provided under the heads "Forest Research", "State and Private Forestry", "National Forest System", "Construction", "Fire Protection and Emergency Suppression", and "Land Acquisition", $1,256,253,000, to remain available for obligation until September 30, 1997, and including 65 per centum of all monies received during the prior fiscal year as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 4601–6a(i)): *Provided*, That unobligated and unexpended balances in the National Forest System account at the end of fiscal year 1995, shall be merged with and made a part of the fiscal year 1996 National Forest System appropriation, and shall remain available for obligation until September 30, 1997: *Provided further*, That up to $5,000,000 of the funds provided herein for road maintenance shall be available for the planned obliteration of roads which are no longer needed.

WILDLAND FIRE MANAGEMENT

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to National Forest System lands or other lands under fire protection agreement, and for emergency rehabilitation of burned over National Forest System lands, $385,485,000, to remain available until expended: *Provided*, That unexpended balances of amounts previously appropriated under any other headings for Forest Service fire activities may be transferred to and merged with this appropriation: *Provided further*, That such funds are available for repayment of advances from other appropriations accounts previously transferred for such purposes.

CONSTRUCTION

For necessary expenses of the Forest Service, not otherwise provided for, $163,500,000, to remain available until expended, for construction and acquisition of buildings and other facilities, and for construction and repair of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: *Provided*, That funds becoming available in fiscal year 1996 under the Act of March 4, 1913 (16 U.S.C. 501) shall be transferred to the General Fund of the Treasury of the United States: *Provided further*, That not to exceed $50,000,000, to remain available until expended, may be obligated for the construction of forest roads by timber purchasers: *Provided further*, That $2,500,000 of the funds appropriated herein shall be available for a grant to the "Non-Profit Citizens for the Columbia Gorge Discovery Center" for the construction of the Columbia Gorge Discovery Center: *Provided further*, That the Forest Service is authorized to grant the unobligated balance of funds appropriated in fiscal year 1995 for the construction of the Columbia Gorge Discovery Center to the "Non-Profit Citizens for the Columbia Gorge Discovery Center" to be used for the same purpose: *Provided further*, That the Forest Service is authorized to convey the land needed for the construction of the Columbia Gorge Discovery Center without cost to the "Non-Profit Citizens for the Columbia Gorge Discovery Center": *Provided further*, That notwithstanding any other provision of law, funds originally appropriated under this head in Public Law 101–512 for the Forest Service share of a new research facility at the University of Missouri, Columbia, shall be available for a grant to the University of Missouri, as the Federal share in the construction of the new facility: *Provided further*, That agreed upon lease of space in the new facility shall be provided to the Forest Service without charge for the life of the building.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4–11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $24,200,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,069,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 per centum of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the sixteen Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 per centum shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $92,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (a) purchase of not to exceed 183 passenger motor vehicles of which 32 will be used primarily for law enforcement purposes and of which 151 shall be for replacement; acquisition of 22 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed two for replacement only, and acquisition of 20 aircraft from excess sources; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (b) services pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $100,000 for employment under 5 U.S.C. 3109; (c) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (d) acquisition of land, waters, and interests therein, pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); (e) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, 558a note); and (f) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to change the boundaries of any region, to abolish any region, to move or close any regional office for research, State and private forestry, or National Forest System administration of the Forest Service, Department of Agriculture, or to implement any reorganization, "reinvention" or other type of organizational restructuring of the Forest Service, other than the relocation of the Regional Office for Region 5 of the Forest Service from San Francisco to excess military property at Mare Island, Vallejo, California, without the consent of the House and Senate Committees on Appropriations and the Committee on Agriculture, Nutrition, and Forestry and the Committee on Energy and Natural Resources in the United States Senate and the Committee on Agriculture and the Committee on Resources in the United States House of Representatives.

Any appropriations or funds available to the Forest Service may be advanced to the Fire and Emergency Suppression appropriation and may be used for forest firefighting and the emergency rehabilitation of burned-over lands under its jurisdiction: *Provided*, That no funds shall be made available under this authority until funds appropriated to the "Emergency Forest Service Firefighting Fund" shall have been exhausted.

Any funds available to the Forest Service may be used for retrofitting Mare Island facilities to accommodate the relocation: *Provided*, That funds for the move must come from funds otherwise available to Region 5: *Provided further*, That any funds to be provided for such purposes shall only be available upon approval of the House and Senate Committees on Appropriations.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 103–551.

No funds appropriated to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture without the approval of the Chief of the Forest Service.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service may be used to disseminate program information to private and public individuals and organizations through the use of nonmonetary items of nominal value and to provide nonmonetary awards of nominal value and to incur necessary expenses for the nonmonetary recognition of private individuals and organizations that make contributions to Forest Service programs.

Notwithstanding any other provision of law, money collected, in advance or otherwise, by the Forest Service under authority of section 101 of Public Law 93–153 (30 U.S.C. 185(1)) as reimbursement of administrative and other costs incurred in processing pipeline right-of-way or permit applications and for costs incurred in monitoring the construction, operation, maintenance, and termination of any pipeline and related facilities, may be used to reimburse the applicable appropriation to which such costs were originally charged.

Funds available to the Forest Service shall be available to conduct a program of not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended by Public Law 93–408.

None of the funds available in this Act shall be used for timber sale preparation using clearcutting in hardwood stands in excess of 25 percent of the fiscal year 1989 harvested volume in the Wayne National Forest, Ohio: *Provided*, That this limitation shall not apply to hardwood stands damaged by natural disaster: *Provided further*, That landscape architects shall be used to maintain a visually pleasing forest.

Any money collected from the States for fire suppression assistance rendered by the Forest Service on non-Federal lands not in the vicinity of National Forest System lands shall be used to reimburse the applicable appropriation and shall remain available until expended as the Secretary may direct in conducting activities authorized by 16 U.S.C. 2101 (note), 2101–2110, 1606, and 2111.

Of the funds available to the Forest Service, $1,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Notwithstanding any other provision of law, the Forest Service is authorized to employ or otherwise contract with persons at regular rates of pay, as determined by the Service, to perform work occasioned by emergencies such as fires, storms, floods, earthquakes or any other unavoidable cause without regard to Sundays, Federal holidays, and the regular workweek.

To the greatest extent possible, and in accordance with the Final Amendment to the Shawnee National Forest Plan, none of the funds available in this Act shall be used for preparation of timber sales using clearcutting or other forms of even aged management in hardwood stands in the Shawnee National Forest, Illinois.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Notwithstanding any other provision of law, eighty percent of the funds appropriated to the Forest Service in the National Forest System and Construction accounts and planned to be allocated to activities under the "Jobs in the Woods" program for projects on National Forest land in the State of Washington may be granted directly to the Washington State Department of Fish and Wildlife for accomplishment of planned projects. Twenty percent of said funds shall be retained by the Forest Service for planning and administering projects. Project selection and prioritization shall be accomplished by the Forest Service with such consultation with the State of Washington as the Forest Service deems appropriate.

For one year after enactment of this Act, the Secretary shall continue the current Tongass Land Management Plan (TLMP) and may accommodate commercial tourism (if an agreement is signed between the Forest Service and the Alaska Visitors' Association) except that during this period, the Secretary shall maintain at least the number of acres of suitable available and suitable scheduled timber lands, and Allowable Sale Quantity, as identified in the Preferred Alternative (Alternative P) in the Tongass Land and Resources Management Plan and Final Environmental Impact Statement (dated October 1992) as selected in the Record of Decision Review Draft #3–2/93.

Nothing in this section shall be interpreted to mandate clear-cutting or require the sale of timber and nothing in this section, including the ASQ identified in Alternative P, shall be construed to limit the Secretary's consideration of new information or prejudice future revision, amendment or modification of TLMP based upon sound, verifiable scientific data.

If the Forest Service determines in a Supplemental Evaluation to an Environmental Impact Statement that no additional analysis under the National Environmental Policy Act or section 810 of the Alaska National Interest Lands Conservation Act is necessary for any timber sale or offering which has been prepared for acceptance by, or award to, a purchaser after December 31, 1988, that has been subsequently determined by the Forest Service to be available for sale or offering to one or more other purchaser, the change of purchasers for whatever reason shall not be considered a significant new circumstance, and the Forest Service may offer or award such timber sale or offering to a different purchaser or offeree, notwithstanding any other provision of law. A determination by the Forest Service pursuant to this paragraph shall not be subject to judicial review.

None of the funds appropriated under this Act for the Forest Service shall be made available for the purpose of applying paint to rocks, or rock colorization: *Provided*, That notwithstanding any other provision of law, the Forest Service shall not require of any individual or entity, as part of any permitting process under its authority, or as a requirement of compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4231 et seq.), the painting or colorization of rocks.

DEPARTMENT OF ENERGY

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for promoting health and safety in mines and the mineral industry through research (30 U.S.C. 3, 861(b), and 951(a)), for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), and for the development of methods for the disposal, control, prevention, and reclamation of waste products in the mining, minerals, metal, and mineral reclamation industries (30 U.S.C. 3 and 21a), $416,943,000, to remain available until expended: *Provided*, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas.

ALTERNATIVE FUELS PRODUCTION

(INCLUDING TRANSFER OF FUNDS)

Monies received as investment income on the principal amount in the Great Plains Project Trust at the Norwest Bank of North Dakota, in such sums as are earned as of October 1, 1995, shall be deposited in this account and immediately transferred to the General Fund of the Treasury. Monies received as revenue sharing from the operation of the Great Plains Gasification Plant shall be immediately transferred to the General Fund of the Treasury.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For necessary expenses in carrying out naval petroleum and oil shale reserve activities, $148,786,000, to remain available until expended: *Provided*, That the requirements of 10 U.S.C. 7430(b)(2)(B) shall not apply to fiscal year 1996: *Provided further*, That section 501 of Public Law 101–45 is hereby repealed.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, $553,137,000, to remain available until expended, including, notwithstanding any other provision of law, the excess amount for fiscal year 1996 determined under the provisions of section 3003(d) of Public Law 99–509 (15 U.S.C. 4502), and of which $16,000,000 shall be derived from available unobligated balances in the Biomass Energy Development account: *Provided*, That

$140,696,000 shall be for use in energy conservation programs as defined in section 3008(3) of Public Law 99–509 (15 U.S.C. 4507) and shall not be available until excess amounts are determined under the provisions of section 3003(d) of Public Law 99–509 (15 U.S.C. 4502): *Provided further*, That notwithstanding section 3003(d)(2) of Public Law 99–509 such sums shall be allocated to the eligible programs as follows: $114,196,000 for the weatherization assistance program and $26,500,000 for the State energy conservation program.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Economic Regulatory Administration and the Office of Hearings and Appeals, $6,297,000, to remain available until expended.

STRATEGIC PETROLEUM RESERVE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $287,000,000, to remain available until expended, of which $187,000,000 shall be derived by transfer of unobligated balances from the "SPR petroleum account" and $100,000,000 shall be derived by transfer from the "SPR Decommissioning Fund": *Provided*, That notwithstanding section 161 of the Energy Policy and Conservation Act, the Secretary shall draw down and sell up to seven million barrels of oil from the Strategic Petroleum Reserve: *Provided further*, That the proceeds from the sale shall be deposited into a special account in the Treasury, to be established and known as the "SPR Decommissioning Fund", and shall be available for the purpose of removal of oil from and decommissioning of the Weeks Island site and for other purposes related to the operations of the Strategic Petroleum Reserve.

SPR PETROLEUM ACCOUNT

Notwithstanding 42 U.S.C. 6240(d) the United States share of crude oil in Naval Petroleum Reserve Numbered 1 (Elk Hills) may be sold or otherwise disposed of to other than the Strategic Petroleum Reserve: *Provided*, That outlays in fiscal year 1996 resulting from the use of funds in this account shall not exceed $5,000,000.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $72,266,000, to remain available until expended: *Provided*, That notwithstanding section 4(d) of the Service Contract Act of 1965 (41 U.S.C. 353(d)) or any other provision of law, funds appropriated under this heading hereafter may be used to enter into a contract for end use consumption surveys for a term not to exceed eight years: *Provided further*, That notwithstanding any other provision of law, hereafter the Manufacturing Energy Consumption Survey shall be conducted on a triennial basis.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private, or foreign: *Provided*, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: *Provided further*, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: *Provided further*, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $1,747,842,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 300aaa–2 for services furnished by the Indian Health Service: *Provided*, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That $12,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: *Provided further*, That $350,564,000 for contract medical care shall remain available for obligation until September 30, 1997: *Provided further*, That of the funds provided, not less than $11,306,000 shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act, as amended: *Provided further*, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall be available for two fiscal years after the fiscal year in which they were collected, for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): *Provided further*, That of the funds provided, $7,500,000 shall remain available until expended, for the Indian Self-Determination Fund, which shall be available for the transitional costs of initial or expanded tribal contracts, grants or cooperative agreements with the Indian Health Service under the provisions of the Indian Self-Determination Act: *Provided further*, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available for obligation until September 30, 1997: *Provided further*, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act, as amended, shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act and the Indian Health Care Improvement Act, and for expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $238,958,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902); and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities: *Provided*, That in accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–53) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation: *Provided further*, That notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121 (the Indian Sanitation Facilities Act) and Public Law 93–638, as amended: *Provided further*, That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: *Provided further*, That the Indian Health Service shall neither bill nor charge those Indians who may have the economic means to pay unless and until such time as Congress has agreed upon a specific policy to do so and has directed the Indian Health Service to implement such a policy: *Provided further*, That, notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant or agreement authorized by title I of the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450), may be deobligated and reobligated to a self-governance funding agreement under title III of the Indian Self-Determination and Education Assistance Act of 1975 and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That none of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law: *Provided further*, That funds made available in this Act are to be apportioned to the Indian Health Service as appropriated in this Act, and accounted for in the appropriation structure set forth in this Act: *Provided further*, That the appropriation structure for the Indian Health Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

For necessary expenses to carry out, to the extent not otherwise provided, title IX, part A, subpart 1 of the Elementary and Secondary Education Act of 1965, as amended, and section 215 of the Department of Education Organization Act, $52,500,000.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $20,345,000, to remain available until expended: *Provided*, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further*, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further*, That no relocatee will be provided with more than one new or replacement home: *Provided further*, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498 (20 U.S.C. 4401 et seq.), $5,500,000.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed thirty years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to 5 replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees; $308,188,000, of which not to exceed $30,472,000 for the instrumentation program, collections acquisition, Museum Support Center equipment and move, exhibition reinstallation, the National Museum of the American Indian, the repatriation of skeletal remains program, research equipment, information management, and Latino programming shall remain available until expended and, including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: *Provided*, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

For necessary expenses of planning, construction, remodeling, and equipping of buildings and facilities at the National Zoological Park, by contract or otherwise, $3,250,000, to remain available until expended.

REPAIR AND RESTORATION OF BUILDINGS

For necessary expenses of repair and restoration of buildings owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed $10,000 for services as authorized by 5 U.S.C. 3109, $33,954,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or restoration of buildings of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

CONSTRUCTION

For necessary expenses for construction, $27,700,000, to remain available until expended.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $51,844,000, of which not to exceed $3,026,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $6,442,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $10,323,000: *Provided*, That 40 U.S.C. 193n is hereby amended by striking the word "and" after the word "Institution" and inserting in lieu thereof a comma, and by inserting "and the Trustees of the John F. Kennedy Center for the Performing Arts," after the word "Art,".

CONSTRUCTION

For necessary expenses of capital repair and rehabilitation of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $8,983,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $5,840,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $82,259,000, shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to groups and individuals pursuant to section 5(c) of the Act, and for administering the functions of the Act, to remain available until September 30, 1997.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $17,235,000, to remain available until September 30, 1997, to the National Endowment for the Arts, of which $7,500,000 shall be available for purposes of section 5(p)(1): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of section 10(a)(2), subsections 11(a)(2)(A) and 11(a)(3)(A) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $94,000,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until September 30, 1997.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $16,000,000, to remain available until September 30, 1997, of which $10,000,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

INSTITUTE OF MUSEUM SERVICES

GRANTS AND ADMINISTRATION

For carrying out title II of the Arts, Humanities, and Cultural Affairs Act of 1976, as amended, $21,000,000, to remain available until September 30, 1997.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $834,000.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (99 Stat. 1261; 20 U.S.C. 956(a)), as amended, $6,000,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For expenses necessary for the Advisory Council on Historic Preservation, $2,500,000.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $5,090,000: *Provided*, That all appointed members will be compensated at a rate not to exceed the rate for Executive Schedule Level IV.

FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Franklin Delano Roosevelt Memorial Commission, established by the Act of August 11, 1955 (69 Stat. 694), as amended by Public Law 92–332 (86 Stat. 401), $147,000, to remain available until September 30, 1997.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

PUBLIC DEVELOPMENT

Funds made available under this heading in prior years shall be available for operating and administrative expenses and for the orderly closure of the Corporation, as well as operating and administrative expenses for the functions transferred to the General Services Administration.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

For expenses of the Holocaust Memorial Council, as authorized by Public Law 96–388, as amended, $28,707,000; of which $1,575,000 for the Museum's repair and rehabilitation program and $1,264,000 for the Museum's exhibition program shall remain available until expended.

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 302. No part of any appropriation under this Act shall be available to the Secretary of the Interior or the Secretary of Agriculture for the leasing of oil and natural gas by noncompetitive bidding on publicly owned lands within the boundaries of the Shawnee National Forest, Illinois: *Provided*, That nothing herein is intended to inhibit or otherwise affect the sale, lease, or right to access to minerals owned by private individuals.

SEC. 303. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 304. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 305. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 306. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such Committees.

SEC. 307. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c; popularly known as the "Buy American Act").

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 308. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 1995.

SEC. 309. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 310. Where the actual costs of construction projects under self-determination contracts, compacts, or grants, pursuant to Public Laws 93-638, 103-413, or 100-297, are less than the estimated costs thereof, use of the resulting excess funds shall be determined by the appropriate Secretary after consultation with the tribes.

SEC. 311. Notwithstanding Public Law 103-413, quarterly payments of funds to tribes and tribal organizations under annual funding agreements pursuant to section 108 of Public Law 93-638, as amended, may be made on the first business day following the first day of a fiscal quarter.

SEC. 312. None of the funds appropriated or otherwise made available by this Act may be used for the AmeriCorps program, unless the relevant agencies of the Department of the Interior and/or Agriculture follow appropriate reprogramming guidelines: *Provided*, That if no funds are provided for the AmeriCorps program by the VA-HUD and Independent Agencies fiscal year 1996 appropriations bill, then none of the funds appropriated or otherwise made available by this Act may be used for the AmeriCorps programs.

SEC. 313. (a) On or before April 1, 1996, the Pennsylvania Avenue Development Corporation shall—

(1) transfer and assign in accordance with this section all of its rights, title, and interest in and to all of the leases, covenants, agreements, and easements it has executed or will execute by March 31, 1996, in carrying out its powers and duties under the Pennsylvania Avenue Development Corporation Act (40 U.S.C. 871-885) and the Federal Triangle Development Act (40 U.S.C. 1101-1109) to the General Services Administration, National Capital Planning Commission, or the National Park Service; and

(2) except as provided by subsection (d), transfer all rights, title, and interest in and to all property, both real and personal, held in the name of the Pennsylvania Avenue Development Corporation to the General Services Administration.

(b) The responsibilities of the Pennsylvania Avenue Development Corporation transferred to the General Services Administration under subsection (a) include, but are not limited to, the following:

(1) Collection of revenue owed the Federal Government as a result of real estate sales or lease agreements entered into by the Pennsylvania Avenue Development Corporation and private parties, including, at a minimum, with respect to the following projects:

(A) The Willard Hotel property on Square 225.

(B) The Gallery Row project on Square 457.

(C) The Lansburgh's project on Square 431.

(D) The Market Square North project on Square 407.

(2) Collection of sale or lease revenue owed the Federal Government (if any) in the event two undeveloped sites owned by the Pennsylvania Avenue Development Corporation on Squares 457 and 406 are sold or leased prior to April 1, 1996.

(3) Application of collected revenue to repay United States Treasury debt incurred by the Pennsylvania Avenue Development Corporation in the course of acquiring real estate.

(4) Performing financial audits for projects in which the Pennsylvania Avenue Development Corporation has actual or potential revenue expectation, as identified in paragraphs (1) and (2), in accordance with procedures described in applicable sale or lease agreements.

(5) Disposition of real estate properties which are or become available for sale and lease or other uses.

(6) Payment of benefits in accordance with the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970 to which persons in the project area squares are entitled as a result of the Pennsylvania Avenue Development Corporation's acquisition of real estate.

(7) Carrying out the responsibilities of the Pennsylvania Avenue Development Corporation under the Federal Triangle Development Act (40 U.S.C. 1101-1109), including responsibilities for managing assets and liabilities of the Corporation under such Act.

(c) In carrying out the responsibilities of the Pennsylvania Avenue Development Corporation transferred under this section, the Administrator of the General Services Administration shall have the following powers:

(1) To acquire lands, improvements, and properties by purchase, lease or exchange, and to sell, lease, or otherwise dispose of real or personal property as necessary to complete the development plan developed under section 5 of the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 874) if a notice of intention to carry out such acquisition or disposal is first transmitted to the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives and the Committee on Environment and Public Works and the Committee on Appropriations of the Senate and at least 60 days elapse after the date of such transmission.

(2) To modify from time to time the plan referred to in paragraph (1) if such modification is first transmitted to the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives and the Committee on Environment and Public Works and the Committee on Appropriations of the Senate and at least 60 days elapse after the date of such transmission.

(3) To maintain any existing Pennsylvania Avenue Development Corporation insurance programs.

(4) To enter into and perform such leases, contracts, or other transactions with any agency or instrumentality of the United States, the several States, or the District of Columbia or with any person, firm, association, or corporation as may be necessary to carry out the responsibilities of the Pennsylvania Avenue Development Corporation under the Federal Triangle Development Act (40 U.S.C. 1101-1109).

(5) To request the Council of the District of Columbia to close any alleys necessary for the completion of development in Square 457.

(6) To use all of the funds transferred from the Pennsylvania Avenue Development Corporation or income earned on Pennsylvania Avenue Development Corporation property to complete any pending development projects.

(d)(1)(A) On or before April 1, 1996, the Pennsylvania Avenue Development Corporation shall transfer all its right, title, and interest in and to the property described in subparagraph (B) to the National Park Service, Department of the Interior.

(B) The property referred to in subparagraph (A) is the property located within the Pennsylvania Avenue National Historic Site depicted on a map entitled "Pennsylvania Avenue National Historic Park", dated June 1, 1995, and numbered 840-82441, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Pennsylvania Avenue National Historic Site includes the parks, plazas, sidewalks, special lighting, trees, sculpture, and memorials.

(2) Jurisdiction of Pennsylvania Avenue and all other roadways from curb to curb shall remain with the District of Columbia but vendors shall not be permitted to occupy street space except during temporary special events.

(3) The National Park Service shall be responsible for management, administration, maintenance, law enforcement, visitor services, resource protection, interpretation, and historic preservation at the Pennsylvania Avenue National Historic Site.

(4) The National Park Service may enter into contracts, cooperative agreements, or other transactions with any agency or instrumentality of the United States, the several States, or the District of Columbia or with any person, firm, association, or corporation as may be deemed necessary or appropriate for the conduct of special events, festivals, concerts, or other art and cultural programs at the Pennsylvania Avenue National Historic Site or may establish a nonprofit foundation to solicit funds for such activities.

(e) Notwithstanding any other provision of law, the responsibility for ensuring that development or redevelopment in the Pennsylvania Avenue area is carried out in accordance with the Pennsylvania Avenue Development Corporation Plan—1974, as amended, is transferred to the National Capital Planning Commission or its successor commencing April 1, 1996.

(f) SAVINGS PROVISIONS.—

(1) REGULATIONS.—Any regulations prescribed by the Corporation in connection with the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 871-885) and the Federal Triangle Development Act (40 U.S.C. 1101-1109) shall continue in effect until suspended by regulations prescribed by the Administrator of the General Services Administration.

(2) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Subsection (a) shall not be construed as affecting the validity of any right, duty, or obligation of the United States or any other person arising under or pursuant to any contract, loan, or other instrument or agreement which was in effect on the day before the date of the transfers under subsection (a).

(3) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against the Corporation in connection with administration of the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 871-885) and the Federal Triangle Development Act (40 U.S.C. 1101-1109) shall abate by reason of enactment and implementation of this Act, except that the General Services Administration shall be substituted for the Corporation as a party to any such action or proceeding.

(g) Section 3(b) of the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 872(b)) is amended as follows:

"(b) The Corporation shall be dissolved on or before April 1, 1996. Upon dissolution, assets, obligations, indebtedness, and all unobligated and unexpended balances of the Corporation shall be transferred in accordance with the Department of the Interior and Related Agencies Appropriations Act, 1996.".

SEC. 314. (a) Except as provided in subsection (b), no part of any appropriation contained in this Act or any other Act shall be obligated or expended for the operation or implementation of the Interior Columbia

Basin Ecosystem Management Project (hereinafter "Project").

(b) From the funds appropriated to the Forest Service and Bureau of Land Management: a sum of $4,000,000 is made available for the Executive Steering Committee of the Project to publish, and submit to the Congress, by May 31, 1996, an assessment of the National Forest System lands and lands administered by the Bureau of Land Management within the area encompassed by the Project. The assessment shall be accompanied by two draft Environmental Impact Statements that: are not decisional and not subject to judicial review; contain a range of alternatives, without the identification of a preferred alternative or management recommendation; and provide a methodology for conducting any cumulative effects analysis required by section 102(2) of the National Environmental Policy Act (42 U.S.C. 433(2)) in the preparation of amendments to resource management plans pursuant to subsection (c). The assessment shall incorporate all existing relevant scientific information including, but not limited to, information on landscape dynamics, forest and rangeland health conditions, fisheries, and watersheds and the implications of each as they relate to federal forest and rangeland health. The assessment and draft Environmental Impact Statements shall not be: the subject of consultation or conferencing pursuant to section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536); accompanied by any record of decision or other National Environmental Policy Act documentation; or applied or used to regulate non-federal lands. The Executive Steering Committee shall release the draft Environmental Impact Statements for a ninety day public comment period and include a summary of the public comments received in the Submission to Congress.

(c)(1) From the funds appropriated to the Forest Service and the Bureau of Land Management, based on the documents prepared pursuant to subsection (b) and any other guidance or policy issued prior to the date of enactment of this section, and in consultation with the affected Governor, and county commissioners, each Forest Supervisor and District Manager with responsibility for a national forest or a unit of land administered by the Bureau of Land Management (hereinafter "forest") within the area encompassed by the Project shall review the resource management plan (hereinafter "plan") for such forest and develop, by an amendment to such plan, a modification of or alternative to any policy which is applicable to such plan upon the date of enactment of this section (whether or not such policy has been added to such plan by amendment), including any policy which is, or is intended to be, of limited duration, and which the Project addresses, to meet the specific conditions of such forest. Each amendment shall: contain the modified or alternative policy developed pursuant to this paragraph, be directed solely to and affect only such plan; address the specific conditions of the forest to which the plan applies and the relationship of the modified or alternative policy to such conditions; and, to the maximum extent practicable, establish site-specific standards in lieu of imposing general standards applicable to multiple sites.

(2)(A) Each amendment prepared pursuant to paragraph (1) shall comply with any applicable requirements of section 102(2) of the National Environmental Policy Act, except that any cumulative effects analysis conducted in accordance with the methodology provided pursuant to subsection (b) shall be deemed to meet any requirements of such Act for such analysis.

(B) Any policy adopted in an amendment prepared pursuant to paragraph (1) which is a modification of or alternative to a policy referred to in paragraph (1) upon which consultation or conferencing has occurred pursuant to section 7 of the Endangered Species Act of 1973 shall not again be subject to the consultation or conferencing provisions of such section 7. Any other consultation or conferencing required by such section 7 shall be conducted separately on each amendment prepared pursuant to paragraph (1): *Provided*, That, except as provided in this subparagraph, no other consultation shall be undertaken on such amendments, or any project or activity which is consistent with an applicable amendment, on any policy referred to in paragraph (1), or on any portion of any plan related to such policy or the species to which such policy applies.

(3) Each amendment prepared pursuant to paragraph (1) shall be adopted on or before March 31, 1997, and no policy referred to in paragraph (1), or any provision of a plan or other planning document incorporating such policy, shall be effective in any forest subject to the Project on or after such date, or after an amendment to the plan which applies to such forest is adopted pursuant to this subsection, whichever occurs first.

(4) On the signing of a record of decision or equivalent document making an amendment for the Clearwater National Forest pursuant to paragraph (1), the requirement for revision referred to in this Stipulation of Dismissal dated September 13, 1993, applicable to such forest is deemed to be satisfied, and the interim management direction provisions contained in the Stipulation of Dismissal shall be of no further effect with respect to such forest.

SEC. 315. RECREATIONAL FEE DEMONSTRATION PROGRAM.—(a) The Secretary of the Interior (acting through the Bureau of Land Management, the National Park Service and the United States Fish and Wildlife Service) and the Secretary of Agriculture (acting through the Forest Service) shall each implement a fee program to demonstrate the feasibility of user-generated cost recovery for the operation and maintenance of recreation areas or sites and habitat enhancement projects on Federal lands.

(b) In carrying out the pilot program established pursuant to this section, the appropriate Secretary shall select from areas under the jurisdiction of each of the four agencies referred to in subsection (a) no fewer than 10, but as many as 50, areas, sites or projects for fee demonstration. For each such demonstration, the Secretary, notwithstanding any other provision of law—

(1) shall charge and collect fees for admission to the area or for the use of outdoor recreation sites, facilities, visitor centers, equipment, and services by individuals and groups, or any combination thereof;

(2) shall establish fees under this section based upon a variety of cost recovery and fair market valuation methods to provide a broad basis for feasibility testing;

(3) may contract, including provisions for reasonable commissions, with any public or private entity to provide visitor services, including reservations and information, and may accept services of volunteers to collect fees charged pursuant to paragraph (1);

(4) may encourage private investment and partnerships to enhance the delivery of quality customer services and resource enhancement, and provide appropriate recognition to such partners or investors; and

(5) may assess a fine of not more than $100 for any violation of the authority to collect fees for admission to the area or for the use of outdoor recreation sites, facilities, visitor centers, equipment, and services.

(c)(1) Amounts collected at each fee demonstration area, site or project shall be distributed as follows:

(A) Of the amount in excess of 104% of the amount collected in fiscal year 1995, and thereafter annually adjusted upward by 4%, eighty percent to a special account in the Treasury for use without further appropriation, by the agency which administers the site, to remain available for expenditures in accordance with paragraph (2)(A).

(B) Of the amount in excess of 104% of the amount collected in fiscal year 1995, and thereafter annually adjusted upward by 4%, twenty percent to a special account in the Treasury for use without further appropriation, by the agency which administers the site, to remain available for expenditure in accordance with paragraph (2)(B).

(C) For agencies other than the Fish and Wildlife Service, up to 15% of current year collections of each agency, but not greater than fee collection costs for that fiscal year, to remain available for expenditure without further appropriation in accordance with paragraph (2)(C).

(D) For agencies other than the Fish and Wildlife Service, the balance to the special account established pursuant to subparagraph (A) of section 4(i)(1) of the Land and Water Conservation Fund Act, as amended.

(E) For the Fish and Wildlife Service, the balance shall be distributed in accordance with section 201(c) of the Emergency Wetlands Resources Act.

(2)(A) Expenditures from site specific special funds shall be for further activities of the area, site or project from which funds are collected, and shall be accounted for separately.

(B) Expenditures from agency specific special funds shall be for use on an agency-wide basis and shall be accounted for separately.

(C) Expenditures from the fee collection support fund shall be used to cover fee collection costs in accordance with section 4(i)(1)(B) of the Land and Water Conservation Fund Act, as amended: *Provided*, That funds unexpended and unobligated at the end of the fiscal year shall not be deposited into the special account established pursuant to section 4(i)(1)(A) of said Act and shall remain available for expenditure without further appropriation.

(3) In order to increase the quality of the visitor experience at public recreational areas and enhance the protection of resources, amounts available for expenditure under this section may only be used for the area, site or project concerned, for backlogged repair and maintenance projects (including projects relating to health and safety) and for interpretation, signage, habitat or facility enhancement, resource preservation, annual operation (including fee collection), maintenance, and law enforcement relating to public use. The agencywide accounts may be used for the same purposes set forth in the preceding sentence, but for areas, sites or projects selected at the discretion of the respective agency head.

(d)(1) Amounts collected under this section shall not be taken into account for the purposes of the Act of May 23, 1908 and the Act of March 1, 1911 (16 U.S.C. 500), the Act of March 4, 1913 (16 U.S.C. 501), the Act of July 22, 1937 (7 U.S.C. 1012), the Act of August 8, 1937 and the Act of May 24, 1939 (43 U.S.C. 1181f et seq.), the Act of June 14, 1926 (43

U.S.C. 869-4), chapter 69 of title 31, United States Code, section 401 of the Act of June 15, 1935 (16 U.S.C. 715s), the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l), and any other provision of law relating to revenue allocation.

(2) Fees charged pursuant to this section shall be in lieu of fees charged under any other provision of law.

(e) The Secretary of the Interior and the Secretary of Agriculture shall carry out this section without promulgating regulations.

(f) The authority to collect fees under this section shall commence on October 1, 1995, and end on September 30, 1998. Funds in accounts established shall remain available through September 30, 2001.

SEC. 316. Section 2001(a)(2) of Public Law 104-19 is amended as follows: Strike "September 30, 1997" and insert in lieu thereof "December 31, 1996".

SEC. 317. None of the funds made available in this Act may be used for any program, project, or activity when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any applicable Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 318. None of the funds provided in this Act may be made available for the Mississippi River Corridor Heritage Commission.

SEC. 319. GREAT BASIN NATIONAL PARK.—Section 3 of the Great Basin National Park Act of 1986 (16 U.S.C. 410mm-1) is amended—

(1) in the first sentence of subsection (e) by striking "shall" and inserting "may"; and

(2) in subsection (f)—

(A) by striking "At the request" and inserting the following:

"(1) EXCHANGES.—At the request";

(B) by striking "grazing permits" and inserting "grazing permits and grazing leases"; and

(C) by adding after "Federal lands." the following:

"(2) ACQUISITION BY DONATION.—

(A) IN GENERAL.—The Secretary may acquire by donation valid existing permits and grazing leases authorizing grazing on land in the park.

(B) TERMINATION.—The Secretary shall terminate a grazing permit or grazing lease acquired under subparagraph (A) so as to end grazing previously authorized by the permit or lease.".

SEC. 320. None of the funds made available in this Act shall be used by the Department of Energy in implementing the Codes and Standards Program to propose, issue, or prescribe any new or amended standard: *Provided*, That this section shall expire on September 30, 1996: *Provided further*, That nothing in this section shall preclude the Federal Government from promulgating rules concerning energy efficiency standards for the construction of new federally-owned commercial and residential buildings.

SEC. 321. None of the funds made available in this Act may be used (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when it is made known to the Federal official having authority to obligate or expend such funds that such pedestrian use is consistent with generally accepted safety standards.

SEC. 322. (a) None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994, and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) PROCESSING SCHEDULE.—For those applications for patents pursuant to subsection (b) which were filed with the Secretary of the Interior, prior to September 30, 1994, the Secretary of the Interior shall—

(1) Within three months of the enactment of this Act, file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a plan which details how the Department of the Interior will make a final determination as to whether or not an applicant is entitled to a patent under the general mining laws on at least 90 percent of such applications within five years of the enactment of this Act and file reports annually thereafter with the same committees detailing actions taken by the Department of the Interior to carry out such plan; and

(2) Take such actions as may be necessary to carry out such plan.

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 323. None of the funds appropriated or otherwise made available by this Act may be used for the purposes of acquiring lands in the counties of Lawrence, Monroe, or Washington, Ohio, for the Wayne National Forest.

SEC. 324. No part of any appropriation contained in this Act or any other Act shall be expended or obligated to fund the activities of the Office of Forestry and Economic Development after December 31, 1995.

SEC. 325. Amend section 2001(k) of Public Law 104-19 by striking "in fiscal years 1995 and 1996" in paragraph (1) and adding paragraph (4) to read:

"(4) TIMING AND CONDITIONS OF ALTERNATIVE VOLUME.—For any sale subject to paragraph (2) of this subsection, the Secretary concerned shall, and for any other sale subject to this subsection, the Secretary concerned may, within 45 days of the date of enactment of this paragraph, reach agreement with the purchaser to provide by a date agreed to by the purchaser, a volume, value and kind of timber satisfactory to the purchaser to substitute for all or a portion of the timber subject to the sale, which shall be subject to the original terms of the contract except as otherwise agreed, and shall be subject to paragraph (1). After the agreed date for providing alternative timber the purchaser may operate the original sale under the terms of paragraph (1) until the Secretary concerned designates and the purchaser accepts alternative timber under this paragraph. Any sale subject to this subsection shall be awarded and released and may be operated under the terms of paragraph (1) until completed and shall not count against current allowable sale quantities or timber sales to be offered under subsection (b) and (d)."

SEC. 326. (a) LAND EXCHANGE.—The Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to convey to the Boise Cascade Corporation (hereinafter referred to as the "Corporation"), a corporation formed under the statutes of the State of Delaware, with its principal place of business at Boise, Idaho, title to approximately seven acres of land, more or less, located in sections 14 and 23, township 36 north, range 37 east, Willamette Meridian, Stevens County, Washington, further identified in the records of the Bureau of Reclamation, Department of the Interior, as Tract No. GC-19860, and to accept from the Corporation in exchange therefor, title to approximately one hundred and thirty-six acres of land located in section 19, township 37 north, range 38 east and section 33, township 38 north, range 37 east, Willamette Meridian, Stevens County, Washington, and further identified in the records of the Bureau of Reclamation, Department of the Interior, as Tract No. GC-19858 and Tract No. GC-19859, respectively.

(b) APPRAISAL.—The properties so exchanged either shall be approximately equal in fair market value or if they are not approximately equal, shall be equalized by the payment of cash to the Corporation or to the Secretary as required or in the event the value of the Corporation's lands is greater, the acreage may be reduced so that the fair market value is approximately equal: *Provided*, That the Secretary shall order appraisals made of the fair market value of each tract of land included in the exchange without consideration for improvements thereon: *Provided further*, That any cash payment received by the Secretary shall be covered in the Reclamation Fund and credited to the Columbia Basin project.

(c) ADMINISTRATIVE COSTS.—Costs of conducting the necessary land surveys, preparing the legal descriptions of the lands to be conveyed, performing the appraisals, and administrative costs incurred in completing the exchange shall be borne by the Corporation.

(d) LIABILITY FOR HAZARDOUS SUBSTANCES.—(1) The Secretary shall not acquire any lands under this Act if the Secretary determines that such lands, or any portion thereof, have become contaminated with hazardous substances (as defined in the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601)).

(2) Notwithstanding any other provision of law, the United States shall have no responsibility or liability with respect to any hazardous wastes or other substances placed on any of the lands covered by this Act after their transfer to the ownership of any party, but nothing in this Act shall be construed as either diminishing or increasing any responsibility or liability of the United States based on the condition of such lands on the date of their transfer to the ownership of another party. The Corporation shall indemnify the United States for liabilities arising under the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601), and the Resource Conservation Recovery Act (42 U.S.C. 6901 et seq.).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

SEC. 327. TIMBER SALES PIPELINE RESTORATION FUNDS.—(a) The Secretary of Agriculture and the Secretary of the Interior shall each establish a Timber Sales Pipeline Restoration Fund (hereinafter "Agriculture Fund" and "Interior Fund" or "Funds"). Any revenues received from sales released under section 2001(k) of the fiscal year 1995 Supplemental Appropriations for Disaster Assistance and Rescissions Act, minus the funds necessary to make payments to States or local governments under other law concerning the distribution of revenues derived from the affected lands, which are in excess of $37,500,000 (hereinafter "excess revenues") shall be deposited into the Funds. The distribution of excess revenues between the Agriculture Fund and Interior Fund shall be calculated by multiplying the total of excess revenues times a fraction with a denominator of the total revenues received from all sales released under such section 2001(k) and numerators of the total revenues received from such sales on lands within the National Forest System and the total revenues received from such sales on lands administered by the Bureau of Land Management, respectively: *Provided*, That revenues or portions thereof from sales released under such section 2001(k), minus the amounts necessary for State and local government payments and other necessary deposits, may be deposited into the Funds immediately upon receipt thereof and subsequently redistributed between the Funds or paid into the United States Treasury as miscellaneous receipts as may be required when the calculation of excess revenues is made.

(b)(1) From the funds deposited into the Agriculture Fund and into the Interior Fund pursuant to subsection (a)—

(A) seventy-five percent shall be available, without fiscal year limitation or further appropriation, for preparation of timber sales, other than salvage sales as defined in section 2001(a)(3) of the fiscal year 1995 Supplemental Appropriations for Disaster Assistance and Rescissions Act, which—

(i) are situated on lands within the National Forest System and lands administered by the Bureau of Land Management, respectively; and

(ii) are in addition to timber sales for which funds are otherwise available in this Act or other appropriations Acts; and

(B) twenty-five percent shall be available, without fiscal year limitation or further appropriation, to expend on the backlog of recreation projects on lands within the National Forest System and lands administered by the Bureau of Land Management, respectively.

(2) Expenditures under this subsection for preparation of timber sales may include expenditures for Forest Service activities within the forest land management budget line item and associated timber roads, and Bureau of Land Management activities within the Oregon and California grant lands account and the forestry management area account, as determined by the Secretary concerned.

(c) Revenues received from any timber sale prepared under subsection (b) or under this subsection, minus the amounts necessary for State and local government payments and other necessary deposits, shall be deposited into the Fund from which funds were expended on such sale. Such deposited revenues shall be available for preparation of additional timber sales and completion of additional recreation projects in accordance with the requirements set forth in subsection (b).

(d) The Secretary concerned shall terminate all payments into the Agriculture Fund or the Interior Fund, and pay any unobligated funds in the affected Fund into the United States Treasury as miscellaneous receipts, whenever the Secretary concerned makes a finding, published in the Federal Register, that sales sufficient to achieve the total allowable sales quantity of the National Forest System for the Forest Service or the allowable sales level for the Oregon and California grant lands for the Bureau of Land Management, respectively, have been prepared.

(e) Any timber sales prepared and recreation projects completed under this section shall comply with all applicable environmental and natural resource laws and regulations.

(f) The Secretary concerned shall report annually to the Committees on Appropriations of the United States Senate and the House of Representatives on expenditures made from the Fund for timber sales and recreation projects, revenues received into the Fund from timber sales, and timber sale preparation and recreation project work undertaken during the previous year and projected for the next year under the Fund. Such information shall be provided for each Forest Service region and Bureau of Land Management State office.

(g) The authority of this section shall terminate upon the termination of both Funds in accordance with the provisions of subsection (d).

SEC. 328. Of the funds provided to the National Endowment for the Arts:

(a) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(b) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(c) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

SEC. 329. DELAY IN IMPLEMENTATION OF THE ADMINISTRATION'S RANGELAND REFORM PROGRAM.—None of the funds made available under this or any other Act may be used to implement or enforce the final rule published by the Secretary of the Interior on February 22, 1995 (60 Fed. Reg. 9894), making amendments to parts 4, 1780, and 4100 of title 43, Code of Federal Regulations, to take effect August 21, 1995, until November 21, 1995. None of the funds made available under this or any other Act may be used to publish proposed or enforce final regulations governing the management of livestock grazing on lands administered by the Forest Service until November 21, 1995.

SEC. 330. Section 1864 of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking "twenty" and inserting "40";

(B) in paragraph (3), by striking "ten" and inserting "20";

(C) in paragraph (4), by striking "if damage exceeding $10,000 to the property of any individual results," and inserting "if damage to the property of any individual results or if avoidance costs have been incurred exceeding $10,000, in the aggregate,"; and

(D) in paragraph (4), by striking "ten" and inserting "20";

(2) in subsection (c) by striking "ten" and inserting "20";

(3) in subsection (d), by—

(A) striking "and" at the end of paragraph (2);

(B) striking the period at the end of paragraph (3) and inserting "; and"; and

(C) adding at the end the following:

"(4) the term 'avoidance costs' means costs incurred by any individual for the purpose of—

"(A) detecting a hazardous or injurious device; or

"(B) preventing death, serious bodily injury, bodily injury, or property damage likely to result from the use of a hazardous or injurious device in violation of subsection (a)."; and

(4) by adding at the end thereof the following:

"(e) Any person injured as the result of a violation of subsection (a) may commence a civil action on his own behalf against any person who is alleged to be in violation of subsection (a). The district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, in such civil actions. The court may award, in addition to monetary damages for any injury resulting from an alleged violation of subsection (a), costs of litigation, including reasonable attorney and expert witness fees, to any prevailing or substantially prevailing party, whenever the court determines such award is appropriate.".

SEC. 331. (a) PURPOSES OF NATIONAL ENDOWMENT FOR THE ARTS.—Section 2 of the National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 951), sets out findings and purposes for which the National Endowment for the Arts was established, among which are—

(1) "The arts and humanities belong to all the people of the United States";

(2) "The arts and humanities reflect the high place accorded by the American people . . . to the fostering of mutual respect for the diverse beliefs and values of all persons and groups";

(3) "Public funding of the arts and humanities is subject to the conditions that traditionally govern the use of public money [and] such funding should contribute to public support and confidence in the use of taxpayer funds"; and

(4) "Public funds provided by the Federal Government must ultimately serve public purposes the Congress defines".

(b) ADDITIONAL CONGRESSIONAL FINDINGS.—Congress further finds and declares that the use of scarce funds, which have been taken from all taxpayers of the United States, to promote, disseminate, sponsor, or produce any material or performance that—

(1) denigrates the religious objects or religious beliefs of the adherents of a particular religion, or

(2) depicts or describes, in a patently offensive way, sexual or excretory activities or organs,

is contrary to the express purposes of the National Foundation on the Arts and the Humanities Act of 1965, as amended.

(c) PROHIBITION ON FUNDING THAT IS NOT CONSISTENT WITH THE PURPOSES OF THE ACT.—Notwithstanding any other provision of law, none of the scarce funds which have been taken from all taxpayers of the United

States and made available under this Act to the National Endowment for the Arts may be used to promote, disseminate, sponsor, or produce any material or performance that—

(1) denigrates the religious objects or religious beliefs of the adherents of a particular religion, or

(2) depicts or describes, in a patently offensive way, sexual or excretory activities or organs,

and this prohibition shall be strictly applied without regard to the content or viewpoint of the material or performance.

(d) SECTION NOT TO AFFECT OTHER WORKS.—Nothing in this section shall be construed to affect in any way the freedom of any artist or performer to create any material or performance using funds which have not been made available under this Act to the National Endowment for the Arts.

SEC. 332. For purposes related to the closure of the Bureau of Mines, funds made available to the United States Geological Survey, the United States Bureau of Mines, and the Bureau of Land Management shall be available for transfer, with the approval of the Secretary of the Interior, among the following accounts: United States Geological Survey, Surveys, investigations, and research; Bureau of Mines, Mines and minerals; and Bureau of Land Management, Management of lands and resources. The Secretary of Energy shall reimburse the Secretary of the Interior, in an amount to be determined by the Director of the Office of Management and Budget, for the expenses of the transferred functions between October 1, 1995 and the effective date of the transfers of function. Such transfers shall be subject to the reprogramming guidelines of the House and Senate Committees on Appropriations.

SEC. 333. No funds appropriated under this or any other Act shall be used to review or modify sourcing areas previously approved under section 490(c)(3) of the Forest Resources Conservation and Shortage Relief Act of 1990 (Public Law 101-382) or to enforce or implement Federal regulations 36 CFR part 223 promulgated on September 8, 1995. The regulations and interim rules in effect prior to September 8, 1995 (36 CFR 223.48, 36 CFR 223.87, 36 CFR 223 Subpart D, 36 CFR 223 Subpart F, and 36 CFR 261.6) shall remain in effect. The Secretary of Agriculture or the Secretary of the Interior shall not adopt any policies concerning Public Law 101-382 or existing regulations that would restrain domestic transportation or processing of timber from private lands or impose additional accountability requirements on any timber. The Secretary of Commerce shall extend until September 30, 1996, the order issued under section 491(b)(2)(A) of Public Law 101-382 and shall issue an order under section 491(b)(2)(B) of such law that will be effective October 1, 1996.

SEC. 334. The National Park Service, in accordance with the Memorandum of Agreement between the United States National Park Service and the City of Vancouver dated November 4, 1994, shall permit general aviation on its portion of Pearson Field in Vancouver, Washington until the year 2022, during which time a plan and method for transitioning from general aviation aircraft to historic aircraft shall be completed; such transition to be accomplished by that date. This action shall not be construed to limit the authority of the Federal Aviation Administration over air traffic control or aviation activities at Pearson Field or limit operations and airspace of Portland International Airport.

SEC. 335. The United States Forest Service approval of Alternative site 2 (ALT 2), issued on December 6, 1993, is hereby authorized and approved and shall be deemed to be consistent with, and permissible under, the terms of Public Law 100-696 (the Arizona-Idaho Conservation Act of 1988).

SEC. 336. Obligations for travel expenses in fiscal year 1996, for each appropriation account in this Act, may not exceed 90 percentum of fiscal year 1995 obligations for administrative travel and for travel by supervisory and non-career personnel and may not exceed 100 percentum of fiscal year 1995 obligations for program-essential travel.

SEC. 337. The number of employees detailed to and within Departmental Management in the Department of the Interior may not exceed the number of employees detailed to and within the Office of the Secretary in fiscal year 1995.

SEC. 338. Upon enactment of this Act, all funds obligated in fiscal year 1996 under "Salaries and expenses", Pennsylvania Avenue Development Corporation are to be offset by unobligated balances made available under this Act under the account "Public development", Pennsylvania Avenue Development Corporation and all funds obligated in fiscal year 1996 under "International forestry", Forest Service are to be offset by funds made available under this Act under the account "National forest system", Forest Service.

SEC. 339. (a) Notwithstanding any other provision of law, in order to avoid or minimize the need for involuntary separations due to a reduction in force, reorganizations, transfer of function, or other similar action, the Secretary of the Smithsonian Institution may pay, or authorize the payment of, voluntary separation incentive payments to Smithsonian Institution employees who separate from Federal service voluntarily during fiscal years 1996 and 1997 (whether by retirement or resignation).

(b) A voluntary separation incentive payment—

(1) shall be paid in a lump sum after the employee's separation in an amount to be determined by the Secretary, but shall not exceed $25,000;

(2) shall not be a basis for payment, and shall not be included in the computation, of any other type of benefit; and

(3) shall be paid from appropriations available for the payment of the basic pay of the employee.

(c)(1) An employee who has received a voluntary separation incentive payment under this section and accepts employment with any agency or instrumentality of the United States within 5 years after the date of the separation on which the payment is based shall be required to repay the entire amount of the incentive payment to the Smithsonian Institution.

(2) The repayment required by paragraph (1) may be waived only by the Secretary.

(3) For purposes of paragraph (1) (but not paragraph (2)), the term "employment" includes employment under a personal services contract with the United States.

(d) In addition to any other payments which it is required to make under subchapter III of chapter 83 of title 5, United States Code, the Smithsonian shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 15 percent of the final basic pay of each employee of the Smithsonian to whom a voluntary separation incentive payment has been paid.

This Act may be cited as the "Department of the Interior and Related Agencies Appropriations Act, 1996".

(c) Such amounts as may be necessary for programs, projects or activities provided for in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1996, at a rate of operations and to the extent and in the manner provided for, the provisions of such Act to be effective as if it had been enacted into law as the regular appropriations Act, as follows:

AN ACT

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1996, and for other purposes.

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For expenses necessary to carry into effect the Job Training Partnership Act, as amended, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Job Training Partnership Act; title II of the Civil Rights Act of 1991; the Women in Apprenticeship and Nontraditional Occupations Act; National Skill Standards Act of 1994; and the School-to-Work Opportunities Act; $3,108,978,000 plus reimbursements, of which $2,891,759,000 is available for obligation for the period July 1, 1996 through June 30, 1997; of which $121,467,000 is available for the period July 1, 1996 through June 30, 1999 for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers; and of which $95,000,000 shall be available from July 1, 1996 through September 30, 1997, for carrying out activities of the School-to-Work Opportunities Act: *Provided*, That $52,502,000 shall be for carrying out section 401 of the Job Training Partnership Act, $69,285,000 shall be for carrying out section 402 of such Act, $7,300,000 shall be for carrying out section 441 of such Act, $8,000,000 shall be for all activities conducted by and through the National Occupational Information Coordinating Committee under such Act, $745,700,000 shall be for carrying out title II, part A of such Act, $126,672,000 shall be for carrying out title II, part C of such Act and $5,000,000 shall be for employment-related activities of the 1996 Paralympic Games: *Provided further*, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers: *Provided further*, That notwithstanding any other provision of law, the Secretary of Labor may waive any of the requirements contained in sections 4, 104, 105, 107, 108, 121, 164, 204, 253, 254, 264, 301, 311, 313, 314, and 315 of the Job Training Partnership Act in order to assist States in improving State workforce development systems, pursuant to a request submitted by a State that has prior to the date of enactment of this Act executed a Memorandum of Understanding with the United States requiring such State to meet agreed upon outcomes: *Provided further*, That funds used from this Act to carry out title III of the Job Training Partnership Act shall not be subject to the limitation contained in subsection (b) of section 315 of such Act; that the waiver allowing a reduction in the cost limitation relating to retraining services described in subsection (a)(2) of such section 315 may be granted with respect to funds from this Act if a substate grantee demonstrates to the Governor that such waiver is appropriate due to the availability of low-cost retraining services, is necessary to facilitate the provision of needs-related payments to accompany long-term training, or is necessary to facilitate the provision of appropriate basic readjustment services and that funds used from this Act to carry out the Secretary's discretionary grants under part B of such title III may be used to provide needs-related payments to participants who, in lieu of meeting the requirements relating to enrollment in training under section 314(e) of such Act, are enrolled in training by the end of the sixth week after funds have been awarded: *Provided further*, That service delivery areas may transfer funding provided herein under authority of title II–C of the Job Training Partnership Act to the program authorized by title II–B of that Act, if such transfer is approved by the Governor: *Provided further*, That service delivery areas and substate areas may transfer funding provided herein under authority of title II and title III of the Job Training Partnership Act between the programs authorized by those titles of the Act, if such transfer is approved by the Governor: *Provided further*, That, notwithstanding any other provision of law, any proceeds from the sale of Job Corps Center facilities shall be retained by the Secretary of Labor to carry out the Job Corps program.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out the activities for national grants or contracts with public agencies and public or private nonprofit organizations under paragraph (1)(A) of section 506(a) of title V of the Older Americans Act of 1965, as amended, or to carry out older worker activities as subsequently authorized, $227,500,000.

To carry out the activities for grants to States under paragraph (3) of section 506(a) of title V of the Older Americans Act of 1965, as amended, or to carry out older worker activities as subsequently authorized, $122,500,000.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of trade adjustment benefit payments and allowances under part I, and for training, for allowances for job search and relocation, and for related State administrative expenses under part II, subchapters B and D, chapter 2, title II of the Trade Act of 1974, as amended, $346,100,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For activities authorized by the Act of June 6, 1933, as amended (29 U.S.C. 49–491–1; 39 U.S.C. 3202(a)(1)(E)); title III of the Social Security Act, as amended (42 U.S.C. 502–504); necessary administrative expenses for carrying out 5 U.S.C. 8501–8523, and sections 225, 231–235, 243–244, and 250(d)(1), 250(d)(3), title II of the Trade Act of 1974, as amended; as authorized by section 7c of the Act of June 6, 1933, as amended, necessary administrative expenses under sections 101(a)(15)(H), 212(a)(5)(A), (m) (2) and (3), (n)(1), and 218(g) (1), (2), and (3), and 258(c) of the Immigration and Nationality Act, as amended (8 U.S.C. 1101 et seq.); necessary administrative expenses to carry out section 221(a) of the Immigration Act of 1990, $117,328,000, together with not to exceed $3,104,194,000 (including not to exceed $1,653,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980, and including not to exceed $2,000,000 which may be obligated in contracts with non-State entities for activities such as occupational and test research activities which benefit the Federal-State Employment Service System), which may be expended from the Employment Security Administration account in the Unemployment Trust Fund, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502–504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501–8523, shall be available for obligation by the States through December 31, 1996, except that funds used for automation acquisitions shall be available for obligation by States through September 30, 1998; and of which $115,452,000, together with not to exceed $738,283,000 of the amount which may be expended from said trust fund shall be available for obligation for the period July 1, 1996, through June 30, 1997, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail made available to States in lieu of allotments for such purpose, and of which $216,333,000 shall be available only to the extent necessary for additional State allocations to administer unemployment compensation laws to finance increases in the number of unemployment insurance claims filed and claims paid or changes in a State law: *Provided*, That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 1996 is projected by the Department of Labor to exceed 2.785 million, an additional $28,600,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund: *Provided further*, That funds appropriated in this Act which are used to establish a national one-stop career center network may be obligated in contracts, grants or agreements with non-State entities: *Provided further*, That funds appropriated under this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A–87.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and section 104(d) of Public Law 102–164, and section 5 of Public Law 103–6, and to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 1997, $369,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 1996, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

ADVANCES TO THE EMPLOYMENT SECURITY ADMINISTRATION ACCOUNT OF THE UNEMPLOYMENT TRUST FUND

(RESCISSION)

Amounts remaining unobligated under this heading as of September 30, 1995, are hereby rescinded.

PAYMENTS TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

(RESCISSION)

Of the amounts remaining unobligated under this heading as of September 30, 1995, $250,000,000 are hereby rescinded.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs and for carrying out section 908 of the Social Security Act, $83,054,000, together with not to exceed $40,793,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

PENSION AND WELFARE BENEFITS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for Pension and Welfare Benefits Administration, $65,198,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96–364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program through September 30, 1996, for such Corporation: *Provided*, That not to exceed $10,603,000 shall be available for administrative expenses of the Corporation: *Provided further*, That expenses of such Corporation in connection with the collection of premiums, the termination of pension plans, for the acquisition, protection or management, and investment of trust assets, and for benefits administration services shall be considered as non-administrative expenses for the purposes hereof, and excluded from the above limitation.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $254,756,000, together with $978,000 which may be expended from the Special Fund in accordance with sections 39(c) and 44(j) of the Longshore and Harbor Workers' Compensation Act: *Provided*, That the Secretary of Labor is authorized to accept, retain, and spend, until expended, in the name of the Department of Labor, all sums of money ordered to be paid to the Secretary of Labor, in accordance with the terms of the Consent Judgment in Civil Action No. 91–0027 of the United States District Court for the District of the Northern Mariana Islands (May 21, 1992): *Provided further*, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under Title I of the Migrant and Seasonal Agricultural Worker Protection Act, 29 U.S.C. 1801 et seq.

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the head "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; and sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 per centum of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, $218,000,000 together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: *Provided*, That such sums as are necessary may be used under section 8104 of title 5, United States Code, by the Secretary to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: *Provided further*, That balances of reimbursements unobligated on September 30, 1995, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further*, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary of Labor determines to be the cost of administration for employees of such fair share entities through September 30, 1996: *Provided further*, That of those funds transferred to this account from the fair share entities to pay the cost of administration, $19,383,000 shall be made available to the Secretary of Labor for expenditures relating to capital improvements in support of Federal Employees' Compensation Act administration, and the balance of such funds shall be paid into the Treasury as miscellaneous receipts: *Provided further*, That the Secretary may require that any person filing a notice of injury or a claim for benefits under Subchapter 5, U.S.C., chapter 81, or under subchapter 33, U.S.C. 901, et seq. (the Longshore and Harbor Workers' Compensation Act, as amended), provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For payments from the Black Lung Disability Trust Fund, $996,763,000, of which $949,494,000 shall be available until September 30, 1997, for payment of all benefits as authorized by section 9501(d) (1), (2), (4), and (7), of the Internal Revenue Code of 1954, as amended, and interest on advances as authorized by section 9501(c)(2) of that Act, and of which $27,350,000 shall be available for transfer to Employment Standards Administration, Salaries and Expenses, and $19,621,000 for transfer to Departmental Management, Salaries and Expenses, and $298,000 for transfer to Departmental Management, Office of Inspector General, for expenses of operation and administration of the Black Lung Benefits program as authorized by section 9501(d)(5)(A) of that Act: *Provided*, That in addition, such amounts as may be necessary may be charged to the subsequent year appropriation for the payment of compensation, interest, or other benefits for any period subsequent to August 15 of the current year: *Provided further*, That in addition such amounts shall be paid from this fund into miscellaneous receipts as the Secretary of the Treasury determines to be the administrative expenses of the Department of the Treasury for administering the fund during the current fiscal year, as authorized by section 9501(d)(5)(B) of that Act.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $280,000,000 including not to exceed $65,319,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act, which grants shall be no less than fifty percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Occupational Safety and Health Act of 1970; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: *Provided*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 with respect to any employer of ten or fewer employees who is included within a category having an occupational injury lost workday case rate, at the most precise Standard Industrial Classification Code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $196,673,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the Department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster: *Provided*, That none of the funds appropriated under this paragraph shall be obligated or expended to carry out section 115 of the Federal Mine Safety and Health Act of 1977 or to carry out that portion of section 104(g)(1) of such Act relating to the enforcement of any training requirements, with respect to shell dredging, or with respect to any sand, gravel, surface stone, surface clay, colloidal phosphate, or surface limestone mine.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $292,462,000, of which $11,549,000 shall be for expenses of revising the Consumer Price Index and shall remain available until September 30, 1997, together with not to exceed $49,997,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, and including up to $4,358,000 for the President's Committee on Employment of People With Disabilities, $135,997,000; together with not to exceed $303,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

WORKING CAPITAL FUND

The language under this heading in Public Law 85–67, as amended, is further amended by adding the following before the last period: ": *Provided further*, That within the Working Capital Fund, there is established an Investment in Reinvention Fund (IRF), which shall be available to invest in projects of the Department designed to produce measurable improvements in agency efficiency and significant taxpayer savings. Notwithstanding any other provision of law, the Secretary of Labor may retain up to $3,900,000 of the unobligated balances in the Department's annual Salaries and Expenses accounts as of September 30, 1995, and transfer those amounts to the IRF to provide the initial capital for the IRF, to remain available until expended, to make loans to agencies of the Department for projects designed to enhance productivity and generate cost savings. Such loans shall be repaid to the IRF no later than September 30 of the fiscal year following the fiscal year in which the project is completed. Such repayments shall be deposited in the IRF, to be available without further appropriation action."

ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT AND TRAINING

Not to exceed $170,390,000 may be derived from the Employment Security Administration account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4110A and 4321–4327, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 1996.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $44,426,000, together with not to exceed $3,615,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this title for the Job Corps shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of $125,000.

SEC. 102. Section 427(c) of the Job Training Partnership Act, as amended, is repealed.

(TRANSFER OF FUNDS)

SEC. 103. Not to exceed 1 percent of any appropriation made available for the current fiscal year for the Department of Labor in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfers: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least fifteen days in advance of any transfers.

SEC. 104. None of the funds made available in this Act may be used by the Occupational Safety and Health Administration directly or through section 23(g) of the Occupational Safety and Health Act for the development, promulgation or issuance of any proposed or final standard or guideline regarding ergonomic protection or recording and reporting occupational injuries and illnesses directly related thereto.

This title may be cited as the "Department of Labor Appropriations Act, 1996".

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, VII, VIII, X, XVI, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, and Public Law 101–527, $3,052,752,000, of which $379,500,000 shall be for part A of title XXVI of the Public Health Service Act and $250,147,000 shall be for part B of title XXVI (including $52,000,000 which shall be available only for section 2616) of the Public Health Service Act, and of which $411,000 shall remain available until expended for interest subsidies on loan guarantees made prior to fiscal year 1981 under part B of title VII of the Public Health Service Act: *Provided*, That the Division of Federal Occupational Health may utilize personal services contracting to employ professional management/administrative, and occupational health professionals: *Provided further*, That of the funds made available under this heading, $858,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: *Provided further*, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: *Provided further*, That no more than $5,000,000 is available for carrying out the provisions of Public Law 102–501, as amended: *Provided further*, That of the funds made available under this heading, $193,349,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: *Provided further*, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: *Provided further*, That notwithstanding any other provision of law, funds made available under this heading may be used to continue operating the Council on Graduate Medical Education established by section 301 of Public Law 102–408: *Provided further*, That funds made available under this heading for activities authorized by part A of title XXVI of the Public Health Service Act are available only for those metropolitan areas previously funded under Public Law 103–333 or with a cumulative total of more than 2,000 cases of AIDS, as reported to the Centers for Disease Control and Prevention as of March 31, 1995, and have a population of 500,000 or more.

MEDICAL FACILITIES GUARANTEE AND LOAN FUND

FEDERAL INTEREST SUBSIDIES FOR MEDICAL FACILITIES

For carrying out subsections (d) and (e) of section 1602 of the Public Health Service Act, $8,000,000, together with any amounts received by the Secretary in connection with loans and loan guarantees under title VI of the Public Health Service Act, to be available without fiscal year limitation for the payment of interest subsidies. During the fiscal year, no commitments for direct loans or loan guarantees shall be made.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

For the cost of guaranteed loans, such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the total loan principal any part of which is to be guaranteed at not to exceed $210,000,000. In addition, for administrative expenses to carry out the guaranteed loan program, $2,688,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: *Provided*, That for necessary administrative expenses, not to exceed $3,000,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

VACCINE INJURY COMPENSATION

For payment of claims resolved by the United States Court of Federal Claims related to the administration of vaccines before October 1, 1988, $110,000,000, to remain available until expended.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

(RESCISSION)

Of the amounts made available under this heading in Public Law 103–333, Public Law 103–112, and Public Law 102–394 for immunization activities, $53,000,000 are hereby rescinded: *Provided*, That the Director may redirect the total amount made available under authority of Public Law 101–502, dated November 3, 1990, to activities the Director may so designate: *Provided further*, That the Congress is to be notified promptly of any such transfer.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles V and XIX of the Public Health Service Act with respect to substance abuse and mental health services, the Protection and Advocacy for Mentally Ill Individuals Act of 1986, and section 301 of the Public Health Service Act with respect to program management, $1,883,715,000.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, and for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan and for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55), and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), such amounts as may be required during the current fiscal year.

AGENCY FOR HEALTH CARE POLICY AND RESEARCH

HEALTH CARE POLICY AND RESEARCH

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, $94,186,000; in addition, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data tapes shall be credited to this appropriation and shall remain available until expended: *Provided*, That the amount made available pursuant to section 926(b) of the Public Health Service Act shall not exceed $31,124,000.

HEALTH CARE FINANCING ADMINISTRATION

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $55,094,355,000, to remain available until expended.

For making, after May 31, 1996, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 1996 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States under title XIX of the Social Security Act for the first quarter of fiscal year 1997, $26,155,350,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary

Medical Insurance Trust Funds, as provided under sections 217(g) and 1844 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $63,313,000,000.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, and XIX of the Social Security Act, and title XIII of the Public Health Service Act, the Clinical Laboratory Improvement Amendments of 1988, and section 4005(e) of Public Law 100–203, not to exceed $1,734,810,000, together with all funds collected in accordance with section 353 of the Public Health Service Act, the latter funds to remain available until expended; together with such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended; the $1,734,810,000, to be transferred to this appropriation as authorized by section 201(g) of the Social Security Act, from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds: *Provided*, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act are to be credited to this appropriation.

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the payment of outstanding obligations. During fiscal year 1996, no commitments for direct loans or loan guarantees shall be made.

ADMINISTRATION FOR CHILDREN AND FAMILIES

FAMILY SUPPORT PAYMENTS TO STATES

For making payments to States or other non-Federal entities, except as otherwise provided, under titles I, IV–A (other than section 402(g)(6)) and D, X, XI, XIV, and XVI of the Social Security Act, and the Act of July 5, 1960 (24 U.S.C. ch. 9), $13,614,307,000, to remain available until expended.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–A and D, X, XI, XIV, and XVI of the Social Security Act, for the last three months of the current year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or other non-Federal entities under titles I, IV–A (other than section 402(g)(6)) and D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9) for the first quarter of fiscal year 1997, $4,800,000,000, to remain available until expended.

JOB OPPORTUNITIES AND BASIC SKILLS

For carrying out aid to families with dependent children work programs, as authorized by part F of title IV of the Social Security Act, $1,000,000,000.

LOW INCOME HOME ENERGY ASSISTANCE

(RESCISSION)

Of the funds made available beginning on October 1, 1995 under this heading in Public Law 103–333, $100,000,000 are hereby rescinded.

REFUGEE AND ENTRANT ASSISTANCE

For making payments for refugee and entrant assistance activities authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96–422), $397,872,000: *Provided*, That funds appropriated pursuant to section 414(a) of the Immigration and Nationality Act under Public Law 103–112 for fiscal year 1994 shall be available for the costs of assistance provided and other activities conducted in such year and in fiscal years 1995 and 1996.

CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), $934,642,000, which shall be available for obligation under the same statutory terms and conditions applicable in the prior fiscal year.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $2,520,000,000: *Provided*, That notwithstanding section 2003(c) of such Act, the amount specified for allocation under such section for fiscal year 1996 shall be $2,520,000,000.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, the Family Violence Prevention and Services Act, the Native American Programs Act of 1974, title II of Public Law 95–266 (adoption opportunities), the Temporary Child Care for Children with Disabilities and Crisis Nurseries Act of 1986, the Abandoned Infants Assistance Act of 1988, and part B(1) of title IV of the Social Security Act; for making payments under the Community Services Block Grant Act ($435,463,000); and for necessary administrative expenses to carry out said Acts and titles I, IV, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and section 126 and titles IV and V of Public Law 100–485, $4,694,222,000: *Provided*, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes.

In addition, $21,358,000, to be derived from the Violent Crime Reduction Trust Fund, for carrying out sections 40155, 40211, 40241, and 40251 of Public Law 103–322.

FAMILY PRESERVATION AND SUPPORT

For carrying out section 430 of the Social Security Act, $225,000,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities, under title IV–E of the Social Security Act, $4,322,238,000.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, $801,232,000.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six medium sedans, and for carrying out titles III, XVII, and XX of the Public Health Service Act, $136,499,000, together with $6,628,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund: *Provided*, That of the funds made available under this heading for carrying out title XVII of the Public Health Service Act, $7,500,000 shall be available until expended for extramural construction.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $29,956,000, together with not to exceed $1,000,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $16,153,000, together with not to exceed $3,314,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act, $9,000,000.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $37,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated under this Act may be used to implement section 399L(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103–43.

SEC. 204. None of the funds made available by this Act may be used to withhold payment to any State under the Child Abuse Prevention and Treatment Act by reason of a determination that the State is not in compliance with section 1340.2(d)(2)(ii) of title 45 of the Code of Federal Regulations. This provision expires upon the date of enactment of the reauthorization of the Child Abuse Prevention and Treatment Act or upon September 30, 1996, whichever occurs first.

SEC. 205. None of the funds appropriated in this or any other Act for the National Institutes of Health and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of $125,000 per year.

SEC. 206. Taps and other assessments made by any office located in the Department of Health and Human Services shall be treated as a reprogramming of funds except that this provision shall not apply to assessments required by authorizing legislation, or related to working capital funds or other fee-for-service activities. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, prior to the Secretary's preparation and submission of a report to the Committee on Appropriations of the Senate and of the House detailing the planned uses of such funds.

(TRANSFER OF FUNDS)

SEC. 207. Of the funds appropriated or otherwise made available for the Department of Health and Human Services, General Departmental Management, for fiscal year 1996, the Secretary of Health and Human Services shall transfer to the Office of the Inspector General such sums as may be necessary for any expenses with respect to the provision of security protection for the Secretary of Health and Human Services.

SEC. 208. None of the funds appropriated in this Act may be obligated or expended for the Federal Council on Aging under the Older Americans Act or the Advisory Board on Child Abuse and Neglect under the Child Abuse Prevention and Treatment Act.

(TRANSFER OF FUNDS)

SEC. 209. Not to exceed 1 percent of any appropriation made available for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfers: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least fifteen days in advance of any transfers.

SEC. 210. Of the funds provided for the account heading "Disease Control, Research, and Training" in Public Law 104-91, $31,642,000, to be derived from the Violent Crime Reduction Trust Fund, is hereby available for carrying out sections 40151, 40261, and 40293 of Public Law 103-322 notwithstanding any provision of Public Law 104-91.

(TRANSFER OF FUNDS)

SEC. 211. The Director of the National Institutes of Health may transfer funds made available for the National Institutes of Health under Public Law 104-91 between the Institutes, Centers, and the National Library of Medicine to carry out the purposes of part D of title XXIII of the Public Health Service Act, provided that no appropriation may be decreased by more than 2 percent by any such transfers and that the Congress is promptly notified of the transfer.

SEC. 212. In fiscal year 1996, the National Library of Medicine may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health.

SEC. 213. Notwithstanding section 106 of Public Law 104-91, appropriations for the National Institutes of Health and the Centers for Disease Control and Prevention shall be available for fiscal year 1996 as specified in section 101 of Public Law 104-91.

This title may be cited as the "Department of Health and Human Services Appropriations Act, 1996".

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION REFORM

For carrying out activities authorized by titles II and III of the School-to-Work Opportunities Act, $95,000,000 which shall become available on July 1, 1996, and remain available through September 30, 1997.

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965, and section 418A of the Higher Education Act, $6,049,113,000, of which $6,032,774,000 shall become available on July 1, 1996 and shall remain available through September 30, 1997: *Provided*, That $4,949,505,000 shall be available for basic grants under section 1124, which shall be allocated without regard to section 1124(d): *Provided further*, That up to $3,500,000 of these funds shall be available to the Secretary on October 1, 1995 and shall remain available through September 30, 1997, to obtain updated local-educational-agency-level census poverty data from the Bureau of the Census: *Provided further*, That $549,945,000 shall be available for concentration grants under section 1124(A) and $3,370,000 shall be available for evaluations under section 1501: *Provided further*, That no funds shall be reserved under section 1003(a) of said Act.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, $693,000,000, of which $583,011,000 shall be for basic support payments under section 8003(b), $40,000,000 shall be for payments for children with disabilities under section 8003(d), $50,000,000, to remain available until expended, shall be for payments under section 8003(f), $5,000,000 shall be for construction under section 8007, and $14,989,000 shall be for Federal property payments under section 8002.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by titles II, IV-A-1, V-A, VI, section 7203, and titles IX, X and XIII of the Elementary and Secondary Education Act of 1965; the Stewart B. McKinney Homeless Assistance Act; and the Civil Rights Act of 1964; $946,227,000 of which $773,000,000 shall become available on July 1, 1996, and remain available through September 30, 1997: *Provided*, That of the amount appropriated, $275,000,000 shall be for Eisenhower professional development State grants under title II-B and $275,000,000 shall be for innovative education program strategies State grants under title VI-A: *Provided further*, That not less than $3,000,000 shall be for innovative programs under section 5111.

BILINGUAL AND IMMIGRANT EDUCATION

For carrying out, to the extent not otherwise provided, bilingual and immigrant education activities authorized by title VII of the Elementary and Secondary Education Act, $150,000,000 of which $50,000,000 shall be for immigrant education programs authorized by part C: *Provided*, That State educational agencies may use all, or any part of, their part C allocation for competitive grants to local educational agencies: *Provided further*, That the Department of Education should only support instructional programs which ensure that students completely master English in a timely fashion (a period of three to five years) while meeting rigorous achievement standards in the academic content areas: *Provided further*, That no funds shall be available for subpart 3 of part A.

SPECIAL EDUCATION

For carrying out parts B, C, D, E, F, G, and H and section 610(j)(2)(C) of the Individuals with Disabilities Education Act, $3,245,447,000, of which $3,000,000,000 shall become available for obligation on July 1, 1996, and shall remain available through September 30, 1997.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Technology-Related Assistance for Individuals with Disabilities Act, and the Helen Keller National Center Act, as amended, $2,452,620,000, of which $4,500,000 shall be for employment-related activities of the 1996 Paralympic Games.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), $6,680,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $42,180,000: *Provided*, That from the amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $77,629,000: *Provided*, That from the amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Applied Technology Education Act, the Adult Education Act, and the National Literacy Act of 1991, $1,257,134,000, of which $4,869,000 shall be for the National Institute for Literacy; and of which $1,254,215,000 shall become available on July 1, 1996 and shall remain available through September 30, 1997: *Provided*, That of the amounts made available under the Carl D. Perkins Vocational and Applied Technology Education Act, $5,000,000 shall be for national programs under title IV without regard to section 451 and $350,000 shall be for evaluations under section 346(b) of the Act.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1 and 3 of part A, part C, and part E of title IV of the Higher Education Act of 1965, as amended, $6,643,246,000, which shall remain available through September 30, 1997: *Provided*, That notwithstanding section 401(a)(1) of the Act, there shall be not to exceed 3,650,000 Pell Grant recipients in award year 1995-1996.

The maximum Pell Grant for which a student shall be eligible during award year 1996-1997 shall be $2,440: *Provided*, That notwithstanding section 401(g) of the Act, as amended, if the Secretary determines, prior to publication of the payment schedule for award year 1996-1997, that the $5,423,331,000 included within this appropriation for Pell Grant awards for award year 1996-1997, and any funds available from the fiscal year 1995 appropriation for Pell Grant awards, are insufficient to satisfy fully all such awards for which students are eligible, as calculated under section 401(b) of the Act, the amount paid for each such award shall be reduced by either a fixed or variable percentage, or by a fixed dollar amount, as determined in accordance with a schedule of reductions established by the Secretary for this purpose.

FEDERAL FAMILY EDUCATION LOAN PROGRAM ACCOUNT

For Federal administrative expenses to carry out guaranteed student loans authorized by title IV, part B, of the Higher Education Act, as amended, $30,066,000.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, parts A and B of title III, without regard to section 360(a)(1)(B)(ii), and part A of title IV, part E of title V, parts A, B, and C of title VI, title VII, title IX, part A and subpart 1 of part B of title X, part A of title XI of the Higher Education Act of 1965, as amended, Public Law 102–423 and the Mutual Educational and Cultural Exchange Act of 1961; $836,964,000, of which $16,712,000 for interest subsidies under title VII of the Higher Education Act, as amended, shall remain available until expended.

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), $174,671,000.

HIGHER EDUCATION FACILITIES LOANS

The Secretary is hereby authorized to make such expenditures, within the limits of funds available under this heading and in accord with law, and to make such contracts and commitments without regard to fiscal year limitation, as provided by section 104 of the Government Corporation Control Act (31 U.S.C. 9104), as may be necessary in carrying out the program for the current fiscal year.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For administrative expenses to carry out the existing direct loan program of college housing and academic facilities loans entered into pursuant to title VII, part C, of the Higher Education Act, as amended, $700,000.

COLLEGE HOUSING LOANS

Pursuant to title VII, part C of the Higher Education Act, as amended, for necessary expenses of the college housing loans program, previously carried out under title IV of the Housing Act of 1950, the Secretary shall make expenditures and enter into contracts without regard to fiscal year limitation using loan repayments and other resources available to this account. Any unobligated balances becoming available from fixed fees paid into this account pursuant to 12 U.S.C. 1749d, relating to payment of costs for inspections and site visits, shall be available for the operating expenses of this account.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING, PROGRAM ACCOUNT

The total amount of bonds insured pursuant to section 724 of title VII, part B of the Higher Education Act shall not exceed $357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title VII, part B of the Higher Education Act, as amended, $166,000.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

For carrying out activities authorized by the Educational Research, Development, Dissemination, and Improvement Act; the National Education Statistics Act; section 2102, parts A, B, C, and D of title III, parts A, B, I, K, and section 10601 of title X, part C of title XIII of the Elementary and Secondary Education Act of 1965, as amended, and section 601 of Public Law 103–227, $328,268,000: *Provided*, That $4,000,000 shall be for section 10601 of the Elementary and Secondary Education Act: *Provided further*, That $25,000,000 shall be for section 3136 (K–12 technology learning challenges) of the Elementary and Secondary Education Act: *Provided further*, That none of the funds appropriated in this paragraph may be obligated or expended for the Goals 2000 Community Partnerships Program.

LIBRARIES

For carrying out, to the extent not otherwise provided, titles I, II, and III of the Library Services and Construction Act, and title II–B of the Higher Education Act, $131,505,000, of which $16,369,000 shall be used to carry out the provisions of title II of the Library Services and Construction Act and shall remain available until expended.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of two passenger motor vehicles, $327,319,000.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $55,451,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $28,654,000.

HEADQUARTERS RENOVATION

For necessary expenses for the renovation of the Department of Education headquarters building, $7,000,000, to remain available until September 30, 1998.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

SEC. 304. No funds appropriated under this Act shall be made available for opportunity to learn standards or strategies.

SEC. 305. Notwithstanding any other provision of law, funds available under section 458 of the Higher Education Act shall not exceed $260,000,000 for fiscal year 1996. The Department of Education shall use such funds as follows: (i) $100,000,000 for the indirect administrative expenses of the loan programs under part B and part D of the Higher Education Act; (ii) $95,000,000 for administrative cost allowances owed to guaranty agencies for fiscal year 1995 estimated at $95,000,000; and (iii) administrative cost allowances to guaranty agencies, to be paid quarterly, calculated on the basis of 0.85 percent of the total principal amount of loans upon which insurance was issued on or after October 1, 1995 by such guaranty agency. Receipt of such funds and uses of such funds by guaranty agencies shall be in accordance with section 428(f) of the Higher Education Act.

Notwithstanding any other provision of law, for fiscal year 1996 there shall be available to the Secretary from funds not otherwise appropriated, funds to be obligated for subsidy costs for the William D. Ford Direct Loan Program which represent the estimated long-term cost to the Federal Government of direct administrative expenses calculated on a net present value basis.

Notwithstanding section 458 of the Higher Education Act, the Secretary may not use funds available under that section or any other section for subsequent fiscal years for administrative expenses of the William D. Ford Direct Loan Program. The Secretary may not require the return of guaranty agency reserve funds during fiscal year 1996, except after consultation with both the chairman and ranking member of the House Economic and Educational Opportunities Committee and the Senate Labor and Human Resources Committee. Any reserve funds recovered by the Secretary shall be returned to the Treasury of the United States for purposes of reducing the Federal debt.

No funds available to the Secretary may be used for (1) marketing, advertising or promotion of the William D. Ford Direct Loan Program, or for the hiring of advertising agencies or other third parties to provide advertising services, or (2) payment of administrative fees relating to the William D. Ford Direct Loan Program to institutions of higher education, or (3) for purposes of conducting an evaluation of the William D. Ford Direct Loan Program except as administered by the Advisory Committee on Student Financial Assistance.

Notwithstanding any other provision of law, for academic year 1996–1997 and for each succeeding academic year, loans made under part D of the Higher Education Act, including Federal Direct Consolidation Loans, shall represent not more than 40 percent of the new student loan volume for such year, except that the Secretary shall not enter into an agreement with an eligible institution that has not applied and been accepted for participation in the direct loan program on or before September 30, 1995.

SEC. 306. None of the funds appropriated in this Act may be obligated or expended to carry out sections 727, 932, and 1002 of the Higher Education Act of 1965, section 621(b) of Public Law 101–589, the President's Advisory Commission on Educational Excellence for Hispanic Americans, and the President's Board of Advisors on Historically Black Colleges and Universities.

(TRANSFER OF FUNDS)

SEC. 307. Not to exceed 1 percent of any appropriation made available for the current fiscal year for the Department of Education in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfers: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least fifteen days in advance of any transfers.

This title may be cited as the "Department of Education Appropriations Act, 1996".

TITLE IV—RELATED AGENCIES

ARMED FORCES RETIREMENT HOME

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the United States Soldiers' and Airmen's Home and the United States Naval Home, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $55,971,000, of which $1,954,000 shall remain available until expended for construction and renovation of the physical plants at the United States Soldiers' and Airmen's Home and the United States Naval Home: *Provided*, That this appropriation shall not be available for the payment of hospitalization of members of the Soldiers' and Airmen's Home in United States Army hospitals at rates in excess of those prescribed by the Secretary of the Army upon recommendation of the Board of Commissioners and the Surgeon General of the Army.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, $196,270,000.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 1998, $250,000,000: *Provided*, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171–180, 182–183), including hire of passenger motor vehicles; and for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95–454 (5 U.S.C. chapter 71), $32,896,000 including $1,500,000, to remain available through September 30, 1997, for activities authorized by the Labor Management Cooperation Act of 1978 (29 U.S.C. 175a): *Provided*, That notwithstanding 31 U.S.C. 3302, fees charged for special training activities up to full-cost recovery shall be credited to and merged with this account, and shall remain available until expended: *Provided further*, That the Director of the Service is authorized to accept on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $6,200,000.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91–345, as amended by Public Law 102–95), $829,000.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, $1,793,000.

NATIONAL EDUCATION GOALS PANEL

For expenses necessary for the National Education Goals Panel, as authorized by title II, part A of the Goals 2000: Educate America Act, $1,000,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141–167), and other laws, $167,245,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 per centum of the water stored or supplied thereby is used for farming purposes: *Provided further*, That no part of this appropriation may be used by the National Labor Relations Board to petition a United States district court for temporary relief or a restraining order as described under section 10(j) of the National Labor Relations Act unless there is a reasonable likelihood of success on the merits of the complaint that an unfair labor practice has occurred, there is a possibility of irreparable harm if such relief is not granted, a balancing of hardships favors injunctive relief, and harm to the public interest stemming from injunctive relief is tolerable in light of the benefits achieved by such relief.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188), including emergency boards appointed by the President, $7,837,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $8,100,000.

PHYSICIAN PAYMENT REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1845(a) of the Social Security Act, $2,923,000, to be transferred to this appropriation from the Federal Supplementary Medical Insurance Trust Fund.

PROSPECTIVE PAYMENT ASSESSMENT COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1886(e) of the Social Security Act, $3,267,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, $22,641,000.

In addition, to reimburse these trust funds for administrative expenses to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986, $10,000,000, to remain available until expended.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, $485,396,000, to remain available until expended.

For making, after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Federal Mine Safety and Health Act of 1977, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV of the Federal Mine Safety and Health Act of 1977 for the first quarter of fiscal year 1997, $170,000,000, to remain available until expended.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $18,753,834,000, to remain available until expended: *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For carrying out title XVI of the Social Security Act for the first quarter of fiscal year 1997, $9,260,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two medium size passenger motor vehicles, and not to exceed $10,000 for official reception and representation expenses, not more than $5,164,268,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act or as necessary to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986 from any one or all of the trust funds referred to therein: *Provided*, That reimbursement to the trust funds under this heading for administrative expenses to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986 shall be made, with interest, not later than September 30, 1997.

In addition to funding already available under this heading, and subject to the same terms and conditions, $407,000,000, for disability caseload processing.

In addition to funding already available under this heading, and subject to the same terms and conditions, $228,000,000, which shall remain available until expended, to invest in a state-of-the-art computing network, including related equipment and administrative expenses associated solely with this network, for the Social Security Administration and the State Disability Determination Services, may be expended from any or all of the trust funds as authorized by section 201(g)(1) of the Social Security Act.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $4,816,000, together with not to exceed $21,076,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $239,000,000, which shall include amounts becoming available in fiscal year 1996 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds $239,000,000: *Provided*, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $300,000, to remain available through September 30, 1997, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board, $73,561,000, to be derived from the railroad retirement accounts.

LIMITATION ON RAILROAD UNEMPLOYMENT INSURANCE ADMINISTRATION FUND

For further expenses necessary for the Railroad Retirement Board, for administration of the Railroad Unemployment Insurance Act, not less than $17,255,000 shall be apportioned for fiscal year 1996 from moneys credited to the railroad unemployment insurance administration fund.

SPECIAL MANAGEMENT IMPROVEMENT FUND

To effect management improvements, including the reduction of backlogs, accuracy of taxation accounting, and debt collection, $659,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: *Provided*, That these funds shall supplement, not supplant, existing resources devoted to such operations and improvements.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than $5,673,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $11,500,000.

TITLE V—GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided*, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress.

SEC. 504. The Secretaries of Labor and Education are each authorized to make available not to exceed $15,000 from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $2,500 from the funds available for "Salaries and expenses, Federal Mediation and Conciliation Service"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $2,500 from funds available for "Salaries and expenses, National Mediation Board".

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles for the hypodermic injection of any illegal drug unless the Secretary of Health and Human Services determines that such programs are effective in preventing the spread of HIV and do not encourage the use of illegal drugs.

SEC. 506. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 507. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state (1) the percentage of the total costs of the program or project which will be financed with Federal money, (2) the dollar amount of Federal funds for the project or program, and (3) percentage and dollar amount of the total costs of the project or program that will be financed by nongovernmental sources.

SEC. 508. None of the funds appropriated under this Act shall be expended for any abortion except when it is made known to the Federal entity or official to which funds are appropriated under this Act that such procedure is necessary to save the life of the mother or that the pregnancy is the result of an act of rape or incest.

SEC. 509. Effective October 1, 1993, and applicable thereafter, and notwithstanding any other law, each State is and remains free not to fund abortions to the extent that the State in its sole discretion deems appropriate, except where the life of the mother would be endangered if the fetus were carried to term.

SEC. 510. Notwithstanding any other provision of law—

(1) no amount may be transferred from an appropriation account for the Departments of Labor, Health and Human Services, and Education except as authorized in this or any subsequent appropriation act, or in the Act establishing the program or activity for which funds are contained in this Act;

(2) no department, agency, or other entity, other than the one responsible for administering the program or activity for which an appropriation is made in this Act, may exercise authority for the timing of the obligation and expenditure of such appropriation, or for the purposes for which it is obligated and expended, except to the extent and in the manner otherwise provided in sections 1512 and 1513 of title 31, United States Code; and

(3) no funds provided under this Act shall be available for the salary (or any part thereof) of an employee who is reassigned on a temporary detail basis to another position in the employing agency or department or in any other agency or department, unless the detail is independently approved by the head of the employing department or agency.

SEC. 511. LIMITATION ON USE OF FUNDS.—None of the funds made available in this Act may be used for the expenses of an electronic benefit transfer (EBT) task force.

SEC. 512. None of the funds made available in this Act may be used to enforce the requirements of section 428(b)(1)(U)(iii) of the Higher Education Act of 1965 with respect to any lender when it is made known to the Federal official having authority to obligate or expend such funds that the lender has a loan portfolio under part B of title IV of such Act that is equal to or less than $5,000,000.

SEC. 513. None of the funds made available in this Act may be used for Pell Grants under subpart 1 of part A of title IV of the Higher Education Act of 1965 to students attending an institution of higher education that is ineligible to participate in a loan program under such title as a result of a default determination under section 435(a)(2) of such Act, unless such institution has a participation rate index (as defined at 34 CFR 668.17) that is less than or equal to 0.0375.

SEC. 514. (a) HIGH COST TRAINING EXCEPTION.—Section 428H(d)(2) of the Higher Education Act of 1965 (20 U.S.C. 1078–8(d)(2)) is amended by striking out the period at the end thereof and inserting in lieu thereof a semicolon and the following: "except in cases where the Secretary determines that a higher amount is warranted in order to carry out the purpose of this part with respect to students engaged in specialized training requiring exceptionally high costs of education, but the annual insurable limit per student shall not be deemed to be exceeded by a line of credit under which actual payments by the lender to the borrower will not be made in any years in excess of the annual limit.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective for loans made to cover the cost of instruction for periods of enrollment beginning on or after July 1, 1996.

SEC. 515. None of the funds made available in this Act may be used to carry out any Federal program, or to provide financial assistance to any State, when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) such Federal program or State subject any health care entity to discrimination on the basis that—

(A) the entity refuses to undergo training in the performance of induced abortions, to provide such training, to perform such abortions, or to provide referrals for such abortions;

(B) the entity refuses to make arrangements for any of the activities specified in subparagraph (A); or

(C) the entity attends (or attended) a postgraduate physician training program, or any other program of training in the health professions, that does not (or did not) require or provide training in the performance of induced abortions, or make arrangements for the provision of such training; or

(2) in granting a legal status to a health care entity (including a license or certificate), or in providing to the entity financial assistance, a service, or another benefit, such Federal program or State require that the entity be an accredited postgraduate physician training program, or that the entity have completed or be attending such a program, if the applicable standards for accreditation of the program include the standard that the program must require or provide training in the performance of induced abortions, or make arrangements for the provision of such training.

EXTENSION OF PERIOD OF HOME HEALTH AGENCY RECERTIFICATION SURVEYS

SEC. 516. Section 1891(c)(2)(A) of the Social Security Act (42 U.S.C. 1395bbb(c)(2)(A)) is amended—

(1) by striking "15 months" and inserting "36 months", and

(2) by striking the second sentence and inserting the following: "The Secretary shall establish a frequency for surveys of home health agencies within this 36-month interval commensurate with the need to assure the delivery of quality home health services.".

TITLE VI—ADDITIONAL APPROPRIATIONS

SEC. 601. In addition to amounts otherwise provided in this Act, the following amounts are hereby appropriated as specified for the following appropriation accounts: Health Care Financing Administration, "Program Management", $396,000,000; Office of the Secretary, "Office of Inspector General", $43,000,000; and Social Security Administration, "Limitation on Administrative Expenses", $111,000,000.

SEC. 602. Appropriations and funds made available pursuant to section 601 of this Act shall be available until enactment into law of a subsequent appropriation for fiscal year 1996 for any project or activity provided for in section 601.

This Act may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1996".

(d) Such amounts as may be necessary for programs, projects or activities provided for in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996, at a rate of operations and to the extent and in the manner provided for, the provisions of such Act to be effective as if it had been enacted into law as the regular appropriations Act, as follows:

AN ACT

Making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1996, and for other purposes.

TITLE I

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans as authorized by law (38 U.S.C. 107, chapters 11, 13, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540–548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198); $18,331,561,000, to remain available until expended: *Provided*, That not to exceed $25,180,000 of the amount appropriated shall be reimbursed to "General operating expenses" and "Medical care" for necessary expenses in implementing those provisions authorized in the Omnibus Budget Reconciliation Act of 1990, and in the Veterans' Benefits Act of 1992 (38 U.S.C. chapters 51, 53, and 55), the funding source for which is specifically provided as the "Compensation and pensions" appropriation: *Provided further*, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to "Medical facilities revolving fund" to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized by the Veterans' Benefits Act of 1992 (38 U.S.C. chapter 55): *Provided further*, That $12,000,000 previously transferred from "Compensation and pensions" to "Medical facilities revolving fund" shall be transferred to this heading.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61), $1,345,300,000, to remain available until expended: *Provided*, That funds shall be available to pay any court order, court award or any compromise settlement arising from litigation involving the vocational training program authorized by section 18 of Public Law 98–77, as amended.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by law (38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487), $24,890,000, to remain available until expended.

GUARANTY AND INDEMNITY PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the purpose of the program, as authorized by 38 U.S.C. chapter 37, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $65,226,000, which may be transferred to and merged with the appropriation for "General operating expenses".

LOAN GUARANTY PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the purpose of the program, as authorized by 38 U.S.C. chapter 37, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $52,138,000, which may be transferred to and merged with the appropriation for "General operating expenses".

DIRECT LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, such sums as may be necessary to carry out the purpose of the program, as authorized by 38 U.S.C. chapter 37, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That during 1996, within the resources available, not to exceed $300,000 in gross obligations for direct loans are authorized for specially adapted housing loans (38 U.S.C. chapter 37).

In addition, for administrative expenses to carry out the direct loan program, $459,000, which may be transferred to and merged with the appropriation for "General operating expenses".

EDUCATION LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $1,000, as authorized by 38 U.S.C. 3698, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $4,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $195,000, which may be transferred to and merged with the appropriation for "General operating expenses".

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $54,000, as authorized by 38 U.S.C. chapter 31, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $1,964,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $377,000, which may be transferred to and merged with the appropriation for "General operating expenses".

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by 38 U.S.C. chapter 37, subchapter V, as amended, $205,000, which may be transferred to and merged with the appropriation for "General operating expenses".

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the Department of Veterans Affairs, and furnishing recreational facilities, supplies, and equipment; funeral, burial, and other expenses incidental thereto for beneficiaries receiving care in Department of Veterans Affairs facilities; administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the Department of Veterans Affairs; oversight, engineering and architectural activities not charged to project cost; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Department of Veterans Affairs, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); aid to State homes as authorized by law (38 U.S.C. 1741); and not to exceed $8,000,000 to fund cost comparison studies as referred to in 38 U.S.C. 8110(a)(5); $16,564,000,000, plus reimbursements: *Provided*, That of the funds made available under this heading, $789,000,000 is for the equipment and land and structures object classifications only, which amount shall not become available for obligation until August 1, 1996, and shall remain available for obligation until September 30, 1997.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by law (38 U.S.C. chapter 73), to remain available until September 30, 1997, $257,000,000, plus reimbursements.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of planning, design, project management, architectural, engineering, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the Department of Veterans Affairs, including site acquisition; engineering and architectural activities not charged to project cost; and research and development in building construction technology; $63,602,000, plus reimbursements.

TRANSITIONAL HOUSING LOAN PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $7,000, as authorized by Public Law 102–54, section 8, which shall be transferred from the "General post fund": *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $70,000. In addition, for administrative expenses to carry out the direct loan program, $54,000, which shall be transferred from the "General post fund", as authorized by Public Law 102–54, section 8.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including uniforms or allowances therefor, as authorized by law; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail; $848,143,000: *Provided*, That of the amount appropriated and any other funds made available from any other source for activities funded under this heading, except reimbursements, not to exceed $214,109,000 shall be available for General Administration; including not to exceed (1) $2,766,000 for personnel compensation and benefits and $50,000 for travel in the Office of the Secretary, (2) $4,397,000 for personnel compensation and benefits and $75,000 for travel in the Office of the Assistant Secretary for Policy and Planning, (3) $1,980,000 for personnel compensation and benefits and $33,000 for travel in the Office of the Assistant Secretary for Congressional Affairs, and (4) $3,740,000 for personnel compensation and benefits and $100,000 for travel in the Office of Assistant Secretary for Public and Intergovernmental Affairs: *Provided further*, That during fiscal year 1996, notwithstanding any other provision of law, the number of individuals employed by the Department of Veterans Affairs (1) in other than "career appointee" positions in the Senior Executive Service shall not exceed 6, and (2) in schedule C positions shall not exceed 11: *Provided further*, That not to exceed $6,000,000 of the amount appropriated shall be available for administrative expenses to carry out the direct and guaranteed loan programs under the Loan Guaranty Program Account: *Provided further*, That funds under this heading shall be available to administer the Service Members Occupational Conversion and Training Act: *Provided further*, That none of the funds under this heading may be obligated or expended for the acquisition of automated data processing equipment and services for Department of Veterans Affairs regional offices to support Stage III of the automated data equipment modernization program of the Veterans Benefits Administration.

NATIONAL CEMETERY SYSTEM

For necessary expenses for the maintenance and operation of the National Cemetery System not otherwise provided for, including uniforms or allowances therefor, as authorized by law; cemeterial expenses as authorized by law; purchase of three passenger motor vehicles, for use in cemeterial operations; and hire of passenger motor vehicles, $72,604,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $30,900,000.

CONSTRUCTION, MAJOR PROJECTS

(INCLUDING TRANSFER OF FUNDS)

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is $3,000,000 or more or where funds for a project were made available in a previous major project appropriation, $136,155,000, to remain available until expended: *Provided*, That except for advance planning of projects funded through the advance planning fund and the design of projects funded through the design fund, none of these funds shall be used for any project which has not been considered and approved by the Congress in the budgetary process: *Provided further*, That funds provided in this appropriation for fiscal year 1996, for each approved project shall be obligated (1) by the awarding of a construction documents contract bv September 30, 1996, and (2) by the awarding of a construction contract by September 30, 1997: *Provided further*, That the Secretary shall promptly report in writing to the Comptroller General and to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above; and the Comptroller General shall review the report in accordance with the procedures established by section 1015 of the Impoundment Control Act of 1974 (title X of Public Law 93–344): *Provided further*, That no funds from any other account except the "Parking revolving fund", may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until one year after substantial completion and beneficial occupancy by the Department of Veterans Affairs of the project or any part thereof with respect to that part only: *Provided further*, That of the funds made available under this heading in Public Law 103–327, $7,000,000 shall be transferred to the "Parking revolving fund".

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, where the estimated cost of a project is less than $3,000,000, $190,000,000, to remain available until expended, along with unobligated balances of previous "Construction, minor projects" appropriations which are hereby made available for any project where the estimated cost is less than $3,000,000: *Provided*, That funds in this account shall be available for (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department of Veterans Affairs which are necessary because of loss or damage caused by any natural disaster or catastrophe, and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

PARKING REVOLVING FUND

For the parking revolving fund as authorized by law (38 U.S.C. 8109), income from fees collected, to remain available until expended. Resources of this fund shall be available for all expenses authorized by 38 U.S.C. 8109 except operations and maintenance costs which will be funded from "Medical care".

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist the several States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by law (38 U.S.C. 8131–8137), $47,397,000, to remain available until expended.

GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding, or improving State veteran cemeteries as authorized by law (38 U.S.C. 2408), $1,000,000, to remain available until September 30, 1998.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. Any appropriation for 1996 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred to any other of the mentioned appropriations.

SEC. 102. Appropriations available to the Department of Veterans Affairs for 1996 for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 103. No part of the appropriations in this Act for the Department of Veterans Affairs (except the appropriations for "Construction, major projects", "Construction, minor projects", and the "Parking revolving fund") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 104. No part of the foregoing appropriations shall be available for hospitalization or examination of any persons except beneficiaries entitled under the laws bestowing such benefits to veterans, unless reimbursement of cost is made to the appropriation at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 105. Appropriations available to the Department of Veterans Affairs for fiscal year 1996 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 1995.

SEC. 106. Appropriations accounts available to the Department of Veterans Affairs for fiscal year 1996 shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from title X of the Competitive Equality Banking Act, Public Law 100–86, except that if such obligations are from trust fund accounts they shall be payable from "Compensation and pensions".

SEC. 107. Notwithstanding any other provision of law, the Secretary of Veterans Affairs is authorized to transfer, without compensation or reimbursement, the jurisdiction and control of a parcel of land consisting of approximately 6.3 acres, located on the south edge of the Department of Veterans Affairs Medical and Regional Office Center, Wichita, Kansas, including buildings Nos. 8 and 30 and other improvements thereon, to the Secretary of Transportation for the purpose of expanding and modernizing United States Highway 54: *Provided*, That if necessary, the exact acreage and legal description of the real property transferred shall be determined by a survey satisfactory to the Secretary of Veterans Affairs and the Secretary of Transportation shall bear the cost of such survey: *Provided further*, That the Secretary of Transportation shall be responsible for all costs associated with the transferred land and improvements thereon, and compliance with all existing statutes and regulations: *Provided further*, That the Secretary of Veterans Affairs and the Secretary of Transportation may require such additional terms and conditions as each Secretary considers appropriate to effectuate this transfer of land.

TITLE II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

For assistance under the United States Housing Act of 1937, as amended ("the Act" herein) (42 U.S.C. 1437), not otherwise provided for, $10,155,795,000, to remain available until expended: *Provided*, That of the total amount provided under this head, $160,000,000 shall be for the development or acquisition cost of public housing for Indian families, including amounts for housing under the mutual help homeownership opportunity program under section 202 of the Act (42 U.S.C. 1437bb): *Provided further*, That of the total amount provided under this head, $2,500,000,000 shall be for modernization of existing public housing projects pursuant to section 14 of the Act (42 U.S.C. 14371), including up to $20,000,000 for the inspection of public housing units, contract expertise, and training and technical assistance, directly or indirectly, under grants, contracts, or cooperative agreements, to assist in the oversight and management of public and Indian housing (whether or not the housing is being modernized with assistance under this proviso) or tenant-based assistance, including, but not limited to, an annual resident survey, data collection and analysis, training and technical assistance by or to officials and employees of the Department and of public housing agencies and to residents in connection with the public and Indian housing program: *Provided further*, That of the total amount provided under this head, $400,000,000 shall be for rental subsidy contracts under the section 8 existing housing certificate program and the housing voucher program under section 8 of the Act, except that such amounts shall be used only for units necessary to provide housing assistance for residents to be relocated from existing federally subsidized or assisted housing, for replacement housing for units demolished or disposed of (including units to be disposed of pursuant to a homeownership program under section 5(h) or title III of the United States Housing Act of 1937) from the public housing inventory, for funds related to litigation settlements, for the conversion of section 23 projects to assistance under section 8, for public housing agencies to implement allocation plans approved by the Secretary for designated housing, for funds to carry out the family unification program, and for the relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency: *Provided further*, That of the total amount provided under this head, $4,350,862,000 shall be for assistance under the United States Housing Act of 1937 (42 U.S.C. 1437) for use in connection with expiring or terminating section 8 subsidy contracts, such amounts shall be merged with all remaining obligated and unobligated balances heretofore appropriated under the heading "Renewal of expiring section 8 subsidy contracts": *Provided further*, That notwithstanding any other provision of law, assistance reserved under the two preceding provisos may be used in connection with any provision of Federal law enacted in this Act or after the enactment of this Act that authorizes the use of rental assistance amounts in connection with such terminated or expired contracts: *Provided further*, That the Secretary may determine not to apply section 8(o)(6)(B) of the Act to housing vouchers during fiscal year 1996: *Provided further*, That of the total amount provided under this head, $610,575,000 shall be for amendments to section 8 contracts other than contracts for projects developed under section 202 of the Housing Act of 1959, as amended; and $261,000,000 shall be for section 8 assistance and rehabilitation grants for property disposition: *Provided further*, That 50 per centum of the amounts of budget authority, or in lieu thereof 50 per centum of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Public Law 100–628, 102 Stat. 3224, 3268) shall be rescinded, or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section: *Provided further*, That of the total amount provided under this head, $171,000,000 shall be for housing opportunities for persons with AIDS under title VIII, subtitle D of the Cranston-Gonzalez National Affordable Housing Act; and $65,000,000 shall be for the lead-based paint hazard reduction program as authorized under sections 1011 and 1053 of the Residential Lead-Based Hazard Reduction Act of 1992: *Provided further*, That the Secretary may make up to $5,000,000 of any amount recaptured in this account available for the development of performance and financial systems.

Of the total amount provided under this head, $624,000,000, plus amounts recaptured from interest reduction payment contracts for section 236 projects whose owners prepay their mortgages during fiscal year 1996 (which amounts shall be transferred and merged with this account), shall be for use in conjunction with properties that are eligible for assistance under the Low Income Housing Preservation and Resident Homeownership Act of 1990 (LIHPRHA) or the Emergency Low-Income Housing Preservation Act of 1987 (ELIHPA): *Provided*, That prior to July 1, 1996, funding to carry out plans of action shall be limited to sales of projects to non-profit organizations, tenant-sponsored organizations, and other priority purchasers: *Provided further*, That of the amount made available by this paragraph, up to $10,000,000 shall be available for preservation technical assistance grants pursuant to section 253 of the Housing and Community Development

Act of 1987, as amended: *Provided further*, That with respect to amounts made available by this paragraph, after July 1, 1996, if the Secretary determines that the demand for funding may exceed amounts available for such funding, the Secretary (1) may determine priorities for distributing available funds, including giving priority funding to tenants displaced due to mortgage prepayment and to projects that have not yet been funded but which have approved plans of action; and (2) may impose a temporary moratorium on applications by potential recipients of such funding: *Provided further*, That an owner of eligible low-income housing may prepay the mortgage or request voluntary terminaton of a mortgage insurance contract, so long as said owner agrees not to raise rents for sixty days after such prepayment: *Provided further*, That an owner of eligible low-income housing who has not timely filed a second notice under section 216(d) prior to the effective date of this Act may file such notice by March 1, 1996: *Provided further*, That such developments have been determined to have preservation equity at least equal to the lesser of $5,000 per unit or $500,000 per project or the equivalent of eight times the most recently published fair market rent for the area in which the project is located as the appropriate unit size for all of the units in the eligible project: *Provided further*, That the Secretary may modify the regulatory agreement to permit owners and priority purchasers to retain rental income in excess of the basic rental charge in projects assisted under section 236 of the National Housing Act, for the purpose of preserving the low and moderate income character of the housing: *Provided further*, That the Secretary may give priority to funding and processing the following projects provided that the funding is obligated not later than August 1, 1996: (1) projects with approved plans of action to retain the housing that file a modified plan of action no later than July 1, 1996 to transfer the housing; (2) projects with approved plans of action that are subject to a repayment or settlement agreement that was executed between the owner and the Secretary prior to September 1, 1995; (3) projects for which submissions were delayed as a result of their location in areas that were designated as a Federal disaster area in a Presidential Disaster Declaration; and (4) projects whose processing was, in fact or in practical effect, suspended, deferred, or interrupted for a period of twelve months or more because of differing interpretations, by the Secretary and an owner or by the Secretary and a State or local rent regulatory agency, concerning the timing of filing eligibility or the effect of a presumptively applicable State or local rent control law or regulation on the determination of preservation value under section 213 of LIHPRHA, as amended, if the owner of such project filed notice of intent to extend the low-income affordability restrictions of the housing, or transfer to a qualified purchaser who would extend such restrictions, on or before November 1, 1993: *Provided further*, That eligible low-income housing shall include properties meeting the requirements of this paragraph with mortgages that are held by a State agency as a result of a sale by the Secretary without insurance, which immediately before the sale would have been eligible low-income housing under LIHPRHA: *Provided further*, That notwithstanding any other provision of law, subject to the availability of appropriated funds, each unassisted low-income family residing in the housing on the date of prepayment or voluntary termination, and whose rent, as a result of a rent increase occurring no later than one year after the date of the prepayment, exceeds 30 percent of adjusted income, shall be offered tenant-based assistance in accordance with section 8 or any successor program, under which the family shall pay no less for rent than it paid on such date: *Provided further*, That any family receiving tenant-based assistance under the preceding proviso may elect (1) to remain in the unit of the housing and if the rent exceeds the fair market rent or payment standard, as applicable, the rent shall be deemed to be the applicable standard, so long as the administering public housing agency finds that the rent is reasonable in comparison with rents charged for comparable unassisted housing units in the market or (2) to move from the housing and the rent will be subject to the fair market rent of the payment standard, as applicable, under existing program rules and procedures: *Provided further*, That up to $10,000,000 of the amount made available by this paragraph may be used at the discretion of the Secretary to reimburse owners of eligible properties for which plans of action were submitted prior to the effective date of this Act, but were not executed for lack of available funds, with such reimbursement available only for documented costs directly applicable to the preparation of the plan of action as determined by the Secretary, and shall be made available on terms and conditions to be established by the Secretary: *Provided further*, That, notwithstanding any other provision of law, effective October 1, 1996, the Secretary shall suspend further processing of preservation applications which do not have approved plans of action.

Of the total amount provided under this head, $780,190,000 shall be for capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance, and amendments to contracts for project rental assistance, for supportive housing for the elderly under section 202(c)(2) of the Housing Act of 1959; and $233,168,000 shall be for capital advances, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act; and for project rental assistance, and amendments to contracts for project rental assistance, for supportive housing for persons with disabilities as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act: *Provided*, That the Secretary may designate up to 25 percent of the amounts earmarked under this paragraph for section 811 of the Cranston-Gonzalez National Affordable Housing Act for tenant-based assistance, as authorized under that section, which assistance is five-years in duration: *Provided further*, That the Secretary may waive any provision of section 202 of the Housing Act of 1959 and section 811 of the National Affordable Housing Act (including the provisions governing the terms and conditions of project rental assistance) that the Secretary determines is not necessary to achieve the objectives of these programs, or that otherwise impedes the ability to develop, operate or administer projects assisted under these programs, and may make provision for alternative conditions or terms where appropriate.

PUBLIC HOUSING DEMOLITION, SITE REVITALIZATION, AND REPLACEMENT HOUSING GRANTS

For grants to public housing agencies for the purposes of enabling the demolition of obsolete public housing projects or portions thereof, the revitalization (where appropriate) of sites (including remaining public housing units) on which such projects are located, replacement housing which will avoid or lessen concentrations of very low-income families, and tenant-based assistance in accordance with section 8 of the United States Housing Act of 1937 for the purpose of providing replacement housing and assisting tenants to be displaced by the demolition, $280,000,000, to remain available until expended: *Provided*, That the Secretary of Housing and Urban Development shall award such funds to public housing agencies by a competition which includes among other relevant criteria the local and national impact of the proposed demolition and revitalization activities and the extent to which the public housing agency could undertake such activities without the additional assistance to be provided hereunder: *Provided further*, That eligible expenditures hereunder shall be those expenditures eligible under section 8 and section 14 of the United States Housing Act of 1937 (42 U.S.C. 1437f and l): *Provided further*, That the Secretary may impose such conditions and requirements as the Secretary deems appropriate to effectuate the purposes of this paragraph: *Provided further*, That the Secretary may require an agency selected to receive funding to make arrangements satisfactory to the Secretary for use of an entity other than the agency to carry out this program where the Secretary determines that such action will help to effectuate the purpose of this paragraph: *Provided further*, That in the event an agency selected to receive funding does not proceed expeditiously as determined by the Secretary, the Secretary shall withdraw any funding made available pursuant to this paragraph that has not been obligated by the agency and distribute such funds to one or more other eligible agencies, or to other entities capable of proceeding expeditiously in the same locality with the original program: *Provided further*, That of the foregoing $280,000,000, the Secretary may use up to .67 per centum for technical assistance, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the Department and of public housing agencies and to residents: *Provided further*, That any replacement housing provided with assistance under this head shall be subject to section 18(f) of the United States Housing Act of 1937, as amended by section 201(b)(2) of this Act.

FLEXIBLE SUBSIDY FUND

(INCLUDING TRANSFER OF FUNDS)

From the fund established by section 236(g) of the National Housing Act, as amended, all uncommitted balances of excess rental charges as of September 30, 1995, and any collections during fiscal year 1996 shall be transferred, as authorized under such section, to the fund authorized under section 201(j) of the Housing and Community Development Amendments of 1978, as amended.

RENTAL HOUSING ASSISTANCE

(RESCISSION)

The limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under section 236 of the National Housing Act (12 U.S.C. 1715z–1) is reduced in fiscal year 1996 by not more than $2,000,000 in uncommitted balances of authorizations provided for this purpose in appropriations Acts: *Provided*, That up to $163,000,000 of recaptured section 236 budget authority resulting from the prepayment of mortgages subsidized under section 236 of the National Housing Act (12 U.S.C. 1715z–1) shall be rescinded in fiscal year 1996.

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

For payments to public housing agencies and Indian housing authorities for operating subsidies for low-income housing projects as authorized by section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g), $2,800,000,000.

DRUG ELIMINATION GRANTS FOR LOW-INCOME HOUSING

For grants to public and Indian housing agencies for use in eliminating crime in public housing projects authorized by 42 U.S.C. 11901–11908, for grants for federally assisted low-income housing authorized by 42 U.S.C. 11909, and for drug information clearinghouse services authorized by 42 U.S.C. 11921–11925, $290,000,000, to remain available until expended, of which $10,000,000 shall be for grants, technical assistance, contracts and other assistance training, program assessment, and execution for or on behalf of public housing agencies and resident organizations (including the cost of necessary travel for participants in such training) and of which $2,500,000 shall be used in connection with efforts to combat violent crime in public and assisted housing under the Operation Safe Home program administered by the Inspector General of the Department of Housing and Urban Development: *Provided*, That the term "drug-related crime", as defined in 42 U.S.C. 11905(2), shall also include other types of crime as determined by the Secretary.

HOME INVESTMENT PARTNERSHIPS PROGRAM

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625), as amended, $1,400,000,000, to remain available until expended.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, $3,000,000, as authorized by section 184 of the Housing and Community Development Act of 1992 (106 Stat. 3739): *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $36,900,000.

HOMELESS ASSISTANCE

HOMELESS ASSISTANCE GRANTS

For the emergency shelter grants program (as authorized under subtitle B of title IV of the Stewart B. McKinney Homeless Assistance Act (Public Law 100–77), as amended); the supportive housing program (as authorized under subtitle C of title IV of such Act); the section 8 moderate rehabilitation single room occupancy program (as authorized under the United States Housing Act of 1937, as amended) to assist homeless individuals pursuant to section 441 of the Stewart B. McKinney Homeless Assistance Act; and the shelter plus care program (as authorized under subtitle F of title IV of such Act), $823,000,000, to remain available until expended.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

(INCLUDING TRANSFER OF FUNDS)

For grants to States and units of general local government and for related expenses, not otherwise provided for, necessary for carrying out a community development grants program as authorized by title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), $4,600,000,000, to remain available until September 30, 1998: *Provided*, That $50,000,000 shall be available for grants to Indian tribes pursuant to section 106(a)(1) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), $2,000,000 shall be available as a grant to the Housing Assistance Council, $1,000,000 shall be available as a grant to the National American Indian Housing Council, and $27,000,000 shall be available for "special purpose grants" pursuant to section 107 of such Act: *Provided further*, That not to exceed 20 per centum of any grant made with funds appropriated herein (other than a grant made available under the preceding proviso to the Housing Assistance Council or the National American Indian Housing Council, or a grant using funds under section 107(b)(3) of the Housing and Community Development Act of 1974) shall be expended for "Planning and Management Development" and "Administration" as defined in regulations promulgated by the Department of Housing and Urban Development: *Provided further*, That section 105(a)(25) of such Act, as added by section 907(b)(1) of the Cranston-Gonzalez National Affordable Housing Act, shall continue to be effective after September 30, 1995, notwithstanding section 907(b)(2) of such Act: *Provided further*, That section 916 of the Cranston-Gonzalez National Affordable Housing Act shall apply with respect to fiscal year 1996, notwithstanding section 916(f) of that Act.

Of the amount provided under this heading, the Secretary of Housing and Urban Development may use up to $53,000,000 for grants to public housing agencies (including Indian housing authorities), nonprofit corporations, and other appropriate entities for a supportive services program to assist residents of public and assisted housing, former residents of such housing receiving tenant-based assistance under section 8 of such Act (42 U.S.C. 1437f), and other low-income families and individuals to become self-sufficient: *Provided*, That the program shall provide supportive services, principally for the benefit of public housing residents, to the elderly and the disabled, and to families with children where the head of the household would benefit from the receipt of supportive services and is working, seeking work, or is preparing for work by participating in job training or educational programs: *Provided further*, That the supportive services shall include congregate services for the elderly and disabled, service coordinators, and coordinated educational, training, and other supportive services, including academic skills training, job search assistance, assistance related to retaining employment, vocational and entrepreneurship development and support programs, transportation, and child care: *Provided further*, That the Secretary shall require applicants to demonstrate firm commitments of funding or services from other sources: *Provided further*, That the Secretary shall select public and Indian housing agencies to receive assistance under this head on a competitive basis, taking into account the quality of the proposed program (including any innovative approaches), the extent of the proposed coordination of supportive services, the extent of commitments of funding or services from other sources, the extent to which the proposed program includes reasonably achievable, quantifiable goals for measuring performance under the program over a three-year period, the extent of success an agency has had in carrying out other comparable initiatives, and other appropriate criteria established by the Secretary.

Of the amount made available under this heading, notwithstanding any other provision of law, $12,000,000 shall be available for contracts, grants, and other assistance, other than loans, not otherwise provided for, for providing counseling and advice to tenants and homeowners both current and prospective, with respect to property maintenance, financial management, and such other matters as may be appropriate to assist them in improving their housing conditions and meeting the responsibilities of tenancy or homeownership, including provisions for training and for support of voluntary agencies and services as authorized by section 106 of the Housing and Urban Development Act of 1968, as amended, notwithstanding section 106(c)(9) and section 106(d)(13) of such Act.

Of the amount made available under this heading, notwithstanding any other provision of law, $15,000,000 shall be available for the tenant opportunity program.

Of the amount made available under this heading, notwithstanding any other provision of law, $20,000,000 shall be available for youthbuild program activities authorized by subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, as amended, and such activities shall be an eligible activity with respect to any funds made available under this heading.

For the cost of guaranteed loans, $31,750,000, as authorized by section 108 of the Housing and Community Development Act of 1974: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $1,500,000,000: *Provided further*, That the Secretary of Housing and Urban Development may make guarantees not to exceed the immediately foregoing amount notwithstanding the aggregate limitation on guarantees set forth in section 108(k) of the Housing and Community Development Act of 1974. In addition, for administrative expenses to carry out the guaranteed loan program, $675,000 which shall be transferred to and merged with the appropriation for departmental salaries and expenses.

The amount made available for fiscal year 1995 for a special purpose grant for the renovation of the central terminal in Buffalo, New York, shall be made available for the central terminal and for other public facilities in Buffalo, New York.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $34,000,000, to remain available until September 30, 1997.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing

Amendments Act of 1988, and for contracts with qualified fair housing enforcement organizations, as authorized by section 561 of the Housing and Community Development Act of 1987, as amended by the Housing and Community Development Act of 1992, $30,000,000, to remain available until September 30, 1997.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary administrative and nonadministrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including not to exceed $7,000 for official reception and representation expenses, $962,558,000, of which $532,782,000 shall be provided from the various funds of the Federal Housing Administration, and $9,101,000 shall be provided from funds of the Government National Mortgage Association, and $675,000 shall be provided from the Community Development Grants Program account.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $47,850,000, of which $11,283,000 shall be transferred from the various funds of the Federal Housing Administration.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For carrying out the Federal Housing Enterprise Financial Safety and Soundness Act of 1992, $14,895,000, to remain available until expended, from the Federal Housing Enterprise Oversight Fund: *Provided*, That such amounts shall be collected by the Director as authorized by section 1316 (a) and (b) of such Act, and deposited in the Fund under section 1316(f) of such Act.

FEDERAL HOUSING ADMINISTRATION

FHA—MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 1996, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, shall not exceed a loan principal of $110,000,000,000: *Provided*, That during fiscal year 1996, the Secretary shall sell assigned mortgage notes having an unpaid principal balance of up to $4,000,000,000, which notes were originally insured under section 203(b) of the National Housing Act: *Provided further*, That the Secretary may use any negative subsidy amounts from the sale of such assigned mortgage notes during fiscal year 1996 for the disposition of properties or notes under this heading.

During fiscal year 1996, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $200,000,000: *Provided*, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under section 203 of such Act.

For administrative expenses necessary to carry out the guaranteed and direct loan program, $341,595,000, to be derived from the FHA-mutual mortgage insurance guaranteed loans receipt account, of which not to exceed $334,483,000 shall be transferred to the appropriation for departmental salaries and expenses; and of which not to exceed $7,112,000 shall be transferred to the appropriation for the Office of Inspector General.

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z-3 and 1735c), including the cost of modifying such loans, $85,000,000, to remain available until expended: *Provided*, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal any part of which is to be guaranteed of not to exceed $17,400,000,000: *Provided further*, That during fiscal year 1996, the Secretary shall sell assigned notes having an unpaid principal balance of up to $4,000,000,000, which notes were originally obligations of the funds established under sections 238 and 519 of the National Housing Act: *Provided further*, That the Secretary may use any negative subsidy amounts from the sale of such assigned mortgage notes during fiscal year 1996, in addition to amounts otherwise provided, for the disposition of properties or notes under this heading (including the credit subsidy for the guarantee of loans or the reduction of positive credit subsidy amounts that would otherwise be required for the sale of such properties or notes), and for any other purpose under this heading: *Provided further*, That any amounts made available in any prior appropriation Act for the cost (as such term is defined in section 502 of the Congressional Budget Act of 1974) of guaranteed loans that are obligations of the funds established under section 238 or 519 of the National Housing Act that have not been obligated or that are deobligated shall be available to the Secretary of Housing and Urban Development in connection with the making of such guarantees and shall remain available until expended, notwithstanding the expiration of any period of availability otherwise applicable to such amounts.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238(a), and 519(a) of the National Housing Act, shall not exceed $120,000,000; of which not to exceed $100,000,000 shall be for bridge financing in connection with the sale of multifamily real properties owned by the Secretary and formerly insured under such Act; and of which not to exceed $20,000,000 shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act.

In addition, for administrative expenses necessary to carry out the guaranteed and direct loan programs, $202,470,000, of which $198,299,000 shall be transferred to the appropriation for departmental salaries and expenses; and of which $4,171,000 shall be transferred to the appropriation for the Office of Inspector General.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

(INCLUDES TRANSFER OF FUNDS)

During fiscal year 1996, new commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $110,000,000,000.

For administrative expenses necessary to carry out the guaranteed mortgage-backed securities program, $9,101,000, to be derived from the GNMA—guarantees of mortgage-backed securities guaranteed loan receipt account, of which not to exceed $9,101,000 shall be transferred to the appropriation for departmental salaries and expenses.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

EXTEND ADMINISTRATIVE PROVISIONS FROM THE RESCISSION ACT

SEC. 201. (a) PUBLIC AND INDIAN HOUSING MODERNIZATION.—

(1) EXPANSION OF USE OF MODERNIZATION FUNDING.—Subsection 14(q) of the United States Housing Act of 1937 is amended to read as follows:

"(q)(1) In addition to the purposes enumerated in subsections (a) and (b), a public housing agency may use modernization assistance provided under section 14, and development assistance provided under section 5(a) that was not allocated, as determined by the Secretary, for priority replacement housing, for any eligible activity authorized by this section, by section 5, or by applicable Appropriations Acts for a public housing agency, including the demolition, rehabilitation, revitalization, and replacement of existing units and projects and, for up to 10 percent of its allocation of such funds in any fiscal year, for any operating subsidy purpose authorized in section 9. Except for assistance used for operating subsidy purposes under the preceding sentence, assistance provided to a public housing agency under this section shall principally be used for the physical improvement or replacement of public housing and for associated management improvements, except as otherwise approved by the Secretary. Public housing units assisted under this paragraph shall be eligible for operating subsidies, unless the Secretary determines that such units or projects have not received sufficient assistance under this Act or do not meet other requirements of this Act.

"(2) A public housing agency may provide assistance to developments that include units for other than very low-income families ('mixed income developments'), in the form of a grant, loan, operating assistance, or other form of investment which may be made to—

"(A) a partnership, a limited liability company, or other legal entity in which the public housing agency or its affiliate is a general partner, managing member, or otherwise participates in the activities of such entity; or

"(B) any entity which grants to the public housing agency the option to purchase the development within 20 years after initial occupancy in accordance with section 42(i)(7) of the Internal Revenue Code of 1986, as amended. Units shall be made available in such developments for periods of not less than 20 years, by master contract or by individual lease, for occupancy by low-income families referred from time to time by the public housing agency. The number of such units shall be:

"(i) in the same proportion to the total number of units in such development that the total financial commitment provided by the public housing agency bears to the value of the total financial commitment in the development, or

"(ii) not be less than the number of units that could have been developed under the conventional public housing program with the assistance involved, or

"(iii) as may otherwise be approved by the Secretary.

"(3) A mixed income development may elect to have all units subject only to the applicable local real estate taxes, notwithstanding that the low-income units assisted by public housing funds would otherwise be subject to section 6(d) of the Housing Act of 1937.

"(4) If an entity that owns or operates a mixed-income project under this subsection enters into a contract with a public housing agency, the terms of which obligate the entity to operate and maintain a specified number of units in the project as public housing units in accordance with the requirements of this Act for the period required by law, such contractual terms may provide that, if, as a result of a reduction in appropriations under section 9, or any other change in applicable law, the public housing agency is unable to fulfill its contractual obligations with respect to those public housing units, that entity may deviate, under procedures and requirements developed through regulations by the Secretary, from otherwise applicable restrictions under this Act regarding rents, income eligibility, and other areas of public housing management with respect to a portion or all of those public housing units, to the extent necessary to preserve the viability of those units while maintaining the low-income character of the units, to the maximum extent practicable.".

(2) APPLICABILITY.—Section 14(q) of the United States Housing Act of 1937, as amended by subsection (a) of this section, shall be effective only with respect to assistance provided from funds made available for fiscal year 1996 or any preceding fiscal year.

(3) APPLICABILITY TO IHAS.—In accordance with section 201(b)(2) of the United States Housing Act of 1937, the amendment made by this subsection shall apply to public housing developed or operated pursuant to a contract between the Secretary of Housing and Urban Development and an Indian housing authority.

(b) ONE-FOR-ONE REPLACEMENT OF PUBLIC AND INDIAN HOUSING.—

(1) EXTENDED AUTHORITY.—Section 1002(d) of Public Law 104–19 is amended to read as follows:

"(d) Subsections (a), (b), and (c) shall be effective for applications for the demolition, disposition, or conversion to homeownership of public housing approved by the Secretary, and other consolidation and relocation activities of public housing agencies undertaken, on, before, or after September 30, 1995 and before September 30, 1996.".

(2) Section 18(f) of the United States Housing Act of 1937 is amended by adding at the end the following new sentence:

"No one may rely on the preceding sentence as the basis for reconsidering a final order of a court issued, or a settlement approved by, a court.".

(3) APPLICABILITY.—In accordance with section 201(b)(2) of the United States Housing Act of 1937, the amendments made by this subsection and by sections 1002 (a), (b), and (c) of Public Law 104–19 shall apply to public housing developed or operated pursuant to a contract between the Secretary of Housing and Urban Development and an Indian housing authority.

CONVERSION OF CERTAIN PUBLIC HOUSING TO VOUCHERS

SEC. 202. (a) IDENTIFICATION OF UNITS.—Each public housing agency shall identify any public housing developments—

(1) that are on the same or contiguous sites;

(2) that total more than—

(A) 300 dwelling units; or

(B) in the case of high-rise family buildings or substantially vacant buildings; 300 dwelling units;

(3) that have a vacancy rate of at least 10 percent for dwelling units not in funded, on schedule modernization programs;

(4) identified as distressed housing that the public housing agency cannot assure the long-term viability as public housing through reasonable revitalization, density reduction, or achievement of a broader range of household income; and

(5) for which the estimated cost of continued operation and modernization of the developments as public housing exceeds the cost of providing tenant-based assistance under section 8 of the United States Housing Act of 1937 for all families in occupancy, based on appropriate indicators of cost (such as the percentage of total development cost required for modernization).

(b) IMPLEMENTATION AND ENFORCEMENT.—

(1) STANDARDS FOR IMPLEMENTATION.—The Secretary shall establish standards to permit implementation of this section in fiscal year 1996.

(2) CONSULTATION.—Each public housing agency shall consult with the applicable public housing tenants and the unit of general local government in identifying any public housing developments under subsection (a).

(3) FAILURE OF PHAS TO COMPLY WITH SUBSECTION (a).—Where the Secretary determines that—

(A) a public housing agency has failed under subsection (a) to identify public housing developments for removal from the inventory of the agency in a timely manner;

(B) a public housing agency has failed to identify one or more public housing developments which the Secretary determines should have been identified under subsection (a); or

(C) one or more of the developments identified by the public housing agency pursuant to subsection (a) should not, in the determination of the Secretary, have been identified under that subsection;

the Secretary may designate the developments to be removed from the inventory of the public housing agency pursuant to this section.

(c) REMOVAL OF UNITS FROM THE INVENTORIES OF PUBLIC HOUSING AGENCIES.—

(1) Each public housing agency shall develop and carry out a plan in conjunction with the Secretary for the removal of public housing units identified under subsection (a) or subsection (b)(3), over a period of up to five years, from the inventory of the public housing agency and the annual contributions contract. The plan shall be approved by the relevant local official as not inconsistent with the Comprehensive Housing Affordability Strategy under title I of the Housing and Community Development Act of 1992, including a description of any disposition and demolition plan for the public housing units.

(2) The Secretary may extend the deadline in paragraph (1) for up to an additional five years where the Secretary makes a determination that the deadline is impracticable.

(3) The Secretary shall take appropriate actions to ensure removal of developments identified under subsection (a) or subsection (b)(3) from the inventory of a public housing agency, if the public housing agency fails to adequately develop a plan under paragraph (1), or fails to adequately implement such plan in accordance with the terms of the plan.

(4) To the extent approved in appropriations Acts, the Secretary may establish requirements and provide funding under the Urban Revitalization Demonstration program for demolition and disposition of public housing under this section.

(5) Notwithstanding any other provision of law, if a development is removed from the inventory of a public housing agency and the annual contributions contract pursuant to paragraph (1), the Secretary may authorize or direct the transfer of—

(A) in the case of an agency receiving assistance under the comprehensive improvement assistance program, any amounts obligated by the Secretary for the modernization of such development pursuant to section 14 of the United States Housing Act of 1937;

(B) in the case of an agency receiving public and Indian housing modernization assistance by formula pursuant to section 14 of the United States Housing Act of 1937, any amounts provided to the agency which are attributable pursuant to the formula for allocating such assistance to the development removed from the inventory of that agency; and

(C) in the case of an agency receiving assistance for the major reconstruction of obsolete projects, any amounts obligated by the Secretary for the major reconstruction of the development pursuant to section 5 of such Act,

to the tenant-based assistance program or appropriate site revitalization of such agency.

(6) CESSATION OF UNNECESSARY SPENDING.—Notwithstanding any other provision of law, if, in the determination of the Secretary, a development meets or is likely to meet the criteria set forth in subsection (a), the Secretary may direct the public housing agency to cease additional spending in connection with the development, except to the extent that additional spending is necessary to ensure decent, safe, and sanitary housing until the Secretary determines or approves an appropriate course of action with respect to such development under this section.

(d) CONVERSION TO TENANT-BASED ASSISTANCE.—

(1) The Secretary shall make authority available to a public housing agency to provide tenant-based assistance pursuant to section 8 to families residing in any development that is removed from the inventory of the public housing agency and the annual contributions contract pursuant to subsection (b).

(2) Each conversion plan under subsection (c) shall—

(A) require the agency to notify families residing in the development, consistent with any guidelines issued by the Secretary governing such notifications, that the development shall be removed from the inventory of the public housing agency and the families shall receive tenant-based or project-based assistance, and to provide any necessary counseling for families; and

(B) ensure that all tenants affected by a determination under this section that a development shall be removed from the inventory of a public housing agency shall be offered tenant-based or project-based assistance and shall be relocated, as necessary, to other decent, safe, sanitary, and affordable housing which is, to the maximum extent practicable, housing of their choice.

(e) IN GENERAL.—

(1) The Secretary may require a public housing agency to provide such information as the Secretary considers necessary for the administration of this section.

(2) As used in this section, the term "development" shall refer to a project or projects,

or to portions of a project or projects, as appropriate.

(3) Section 18 of the United States Housing Act of 1937 shall not apply to the demolition of developments removed from the inventory of the public housing agency under this section.

STREAMLINING SECTION 8 TENANT-BASED ASSISTANCE

SEC. 203. (a) "TAKE-ONE, TAKE-ALL".—Section 8(t) of the United States Housing Act of 1937 is hereby repealed.

(b) EXEMPTION FROM NOTICE REQUIREMENTS FOR THE CERTIFICATE AND VOUCHER PROGRAMS.—Section 8(c) of such Act is amended—

(1) in paragraph (8), by inserting after "section" the following: "(other than a contract for assistance under the certificate or voucher program)"; and

(2) in the first sentence of paragraph (9), by striking "(but not less than 90 days in the case of housing certificates or vouchers under subsection (b) or (o))" and inserting ", other than a contract under the certificate or voucher program".

(c) ENDLESS LEASE.—Section 8(d)(1)(B) of such Act is amended—

(1) in clause (ii), by inserting "during the term of the lease," after "(ii)"; and

(2) in clause (iii), by striking "provide that" and inserting "during the term of the lease,".

(d) APPLICABILITY.—The provisions of this section shall be effective for fiscal year 1996 only.

PUBLIC HOUSING/SECTION 8 MOVING TO WORK DEMONSTRATION

SEC. 204. (a) PURPOSE.—The purpose of this demonstration is to give public housing agencies and the Secretary of Housing and Urban Development the flexibility to design and test various approaches for providing and administering housing assistance that: reduce cost and achieve greater cost effectiveness in Federal expenditures; give incentives to families with children where the head of household is working, seeking work, or is preparing for work by participating in job training, educational programs, or programs that assist people to obtain employment and become economically self-sufficient; and increase housing choices for low-income families.

(b) PROGRAM AUTHORITY.—The Secretary of Housing and Urban Development shall conduct a demonstration program under this section beginning in fiscal year 1996 under which up to 30 public housing agencies (including Indian housing authorities) administering the public or Indian housing program and the section 8 housing assistance payments program, administering a total number of public housing units not in excess of 25,000, may be selected by the Secretary to participate. The Secretary shall provide training and technical assistance during the demonstration and conduct detailed evaluations of up to 15 such agencies in an effort to identify replicable program models promoting the purpose of the demonstration. Under the demonstration, notwithstanding any provision of the United States Housing Act of 1937 except as provided in subsection (e), an agency may combine operating assistance provided under section 9 of the United States Housing Act of 1937, modernization assistance provided under section 14 of such Act, and assistance provided under section 8 of such Act for the certificate and voucher programs, to provide housing assistance for low-income families, as defined in section 3(b)(2) of the United States Housing Act of 1937, and services to facilitate the transition to work on such terms and conditions as the agency may propose and the Secretary may approve.

(c) APPLICATION.—An application to participate in the demonstration—

(1) shall request authority to combine assistance under sections 8, 9, and 14 of the United States Housing Act of 1937;

(2) shall be submitted only after the public housing agency provides for citizen participation through a public hearing and, if appropriate, other means;

(3) shall include a plan developed by the agency that takes into account comments from the public hearing and any other public comments on the proposed program, and comments from current and prospective residents who would be affected, and that includes criteria for—

(A) families to be assisted, which shall require that at least 75 percent of the families assisted by participating demonstration public housing authorities shall be very low-income families, as defined in section 3(b)(2) of the United States Housing Act of 1937, and at least 50 percent of the families selected shall have incomes that do not exceed 30 percent of the median family income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 30 percent of the median for the area on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family income;

(B) establishing a reasonable rent policy, which shall be designed to encourage employment and self-sufficiency by participating families, consistent with the purpose of this demonstration, such as by excluding some or all of a family's earned income for purposes of determining rent;

(C) continuing to assist substantially the same total number of eligible low-income families as would have been served had the amounts not been combined;

(D) maintaining a comparable mix of families (by family size) as would have been provided had the amounts not been used under the demonstration; and

(E) assuring that housing assisted under the demonstration program meets housing quality standards established or approved by the Secretary; and

(4) may request assistance for training and technical assistance to assist with design of the demonstration and to participate in a detailed evaluation.

(d) SELECTION.—In selecting among applications, the Secretary shall take into account the potential of each agency to plan and carry out a program under the demonstration, the relative performance by an agency under the public housing management assessment program under section 6(j) of the United States Housing Act of 1937, and other appropriate factors as determined by the Secretary.

(e) APPLICABILITY OF 1937 ACT PROVISIONS.—

(1) Section 18 of the United States Housing Act of 1937 shall continue to apply to public housing notwithstanding any use of the housing under this demonstration.

(2) Section 12 of such Act shall apply to housing assisted under the demonstration, other than housing assisted solely due to occupancy by families receiving tenant-based assistance.

(f) EFFECT ON SECTION 8, OPERATING SUBSIDIES, AND COMPREHENSIVE GRANT PROGRAM ALLOCATIONS.—The amount of assistance received under section 8, section 9, or pursuant to section 14 by a public housing agency participating in the demonstration under this part shall not be diminished by its participation.

(g) RECORDS, REPORTS, AND AUDITS.—

(1) KEEPING OF RECORDS.—Each agency shall keep such records as the Secretary may prescribe as reasonably necessary to disclose the amounts and the disposition of amounts under this demonstration, to ensure compliance with the requirements of this section, and to measure performance.

(2) REPORTS.—Each agency shall submit to the Secretary a report, or series of reports, in a form and at a time specified by the Secretary. Each report shall—

(A) document the use of funds made available under this section;

(B) provide such data as the Secretary may request to assist the Secretary in assessing the demonstration; and

(C) describe and analyze the effect of assisted activities in addressing the objectives of this part.

(3) ACCESS TO DOCUMENTS BY THE SECRETARY.—The Secretary shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to assistance in connection with, and the requirements of, this section.

(4) ACCESS TO DOCUMENTS BY THE COMPTROLLER GENERAL.—The Comptroller General of the United States, or any of the duly authorized representatives of the Comptroller General, shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to assistance in connection with, and the requirements of, this section.

(h) EVALUATION AND REPORT.—

(1) CONSULTATION WITH PHA AND FAMILY REPRESENTATIVES.—In making assessments throughout the demonstration, the Secretary shall consult with representatives of public housing agencies and residents.

(2) REPORT TO CONGRESS.—Not later than 180 days after the end of the third year of the demonstration, the Secretary shall submit to the Congress a report evaluating the programs carried out under the demonstration. The report shall also include findings and recommendations for any appropriate legislative action.

(i) FUNDING FOR TECHNICAL ASSISTANCE AND EVALUATION.—From amounts appropriated for assistance under section 14 of the United States Housing Act of 1937 for fiscal years 1996, 1997, and 1998, the Secretary may use up to a total of $5,000,000—

(1) to provide, directly or by contract, training and technical assistance—

(A) to public housing agencies that express an interest to apply for training and technical assistance pursuant to subsection (c)(4), to assist them in designing programs to be proposed for the demonstration; and

(B) to up to 10 agencies selected to receive training and technical assistance pursuant to subsection (c)(4), to assist them in implementing the approved program; and

(2) to conduct detailed evaluations of the activities of the public housing agencies under paragraph (1)(B), directly or by contract.

EXTENSION OF MULTIFAMILY HOUSING FINANCE PROGRAM

SEC. 205. (a) The first sentence of section 542(b)(5) of the Housing and Community Development Act of 1992 (12 U.S.C. 1707 note) is amended by striking "on not more than 15,000 units over fiscal years 1993 and 1994" and inserting "on not more than 7,500 units during fiscal year 1996".

(b) The first sentence of section 542(c)(4) of the Housing and Community Development

Act of 1992 (12 U.S.C. 1707 note) is amended by striking "on not to exceed 30,000 units over fiscal years 1993, 1994, and 1995" and inserting "on not more than 10,000 units during fiscal year 1996".

FORECLOSURE OF HUD-HELD MORTGAGES THROUGH THIRD PARTIES

SEC. 206. During fiscal year 1996, the Secretary of Housing and Urban Development may delegate to one or more entities the authority to carry out some or all of the functions and responsibilities of the Secretary in connection with the foreclosure of mortgages held by the Secretary under the National Housing Act.

RESTRUCTURING OF THE HUD MULTIFAMILY MORTGAGE PORTFOLIO THROUGH STATE HOUSING FINANCE AGENCIES.

SEC. 207. During fiscal year 1996, the Secretary of Housing and Urban Development may sell or otherwise transfer multifamily mortgages held by the Secretary under the National Housing Act to a State housing finance agency in connection with a program authorized under section 542 (b) or (c) of the Housing and Community Development Act of 1992 without regard to the unit limitations in section 542(b)(5) or 542(c)(4) of such Act.

TRANSFER OF SECTION 8 AUTHORITY

SEC. 208. Section 8 of the United States Housing Act of 1937 is amended by adding the following new subsection at the end:

"(bb) TRANSFER OF BUDGET AUTHORITY.—If an assistance contract under this section, other than a contract for tenant-based assistance, is terminated or is not renewed, or if the contract expires, the Secretary shall, in order to provide continued assistance to eligible families, including eligible families receiving the benefit of the project-based assistance at the time of the termination, transfer any budget authority remaining in the contract to another contract. The transfer shall be under such terms as the Secretary may prescribe.".

DOCUMENTATION OF MULTIFAMILY REFINANCINGS

SEC. 209. Notwithstanding the 16th paragraph under the item relating to "administrative provisions" in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1995 (Public Law 103-327; 108 Stat. 2316), the amendments to section 223(a)(7) of the National Housing Act made by the 15th paragraph of such Act shall be effective during fiscal year 1996 and thereafter.

FHA MULTIFAMILY DEMONSTRATION AUTHORITY

SEC. 210. (a) On and after October 1, 1995, and before October 1, 1997, the Secretary of Housing and Urban Development shall initiate a demonstration program with respect to multifamily projects whose owners agree to participate and whose mortgages are insured under the National Housing Act and that are assisted under section 8 of the United States Housing Act of 1937 and whose present section 8 rents are, in the aggregate, in excess of the fair market rent of the locality in which the project is located. These programs shall be designed to test the feasibility and desirability of the goal of ensuring, to the maximum extent practicable, that the debt service and operating expenses, including adequate reserves, attributable to such multifamily projects can be supported with or without mortgage insurance under the National Housing Act and with or without above-market rents and utilizing project-based assistance or, with the consent of the property owner, tenant-based assistance, while taking into account the need for assistance of low- and very low-income families in such projects. In carrying out this demonstration, the Secretary may use arrangements with third parties, under which the Secretary may provide for the assumption by the third parties (by delegation, contract, or otherwise) of some or all of the functions, obligations, and benefits of the Secretary.

(1) GOALS.—The Secretary of Housing and Urban Development shall carry out the demonstration programs under this section in a manner that—

(A) will protect the financial interests of the Federal Government;

(B) will result in significant discretionary cost savings through debt restructuring and subsidy reduction; and

(C) will, in the least costly fashion, address the goals of—

(i) maintaining existing housing stock in a decent, safe, and sanitary condition;

(ii) minimizing the involuntary displacement of tenants;

(iii) restructuring the mortgages of such projects in a manner that is consistent with local housing market conditions;

(iv) supporting fair housing strategies;

(v) minimizing any adverse income tax impact on property owners; and

(vi) minimizing any adverse impact on residential neighborhoods.

In determining the manner in which a mortgage is to be restructured or the subsidy reduced, the Secretary may balance competing goals relating to individual projects in a manner that will further the purposes of this section.

(2) DEMONSTRATION APPROACHES.—In carrying out the demonstration programs, subject to the appropriation in subsection (f), the Secretary may use one or more of the following approaches:

(A) Joint venture arrangements with third parties, under which the Secretary may provide for the assumption by the third parties (by delegation, contract, or otherwise) of some or all of the functions, obligations, and benefits of the Secretary.

(B) Subsidization of the debt service of the project to a level that can be paid by an owner receiving an unsubsidized market rent.

(C) Renewal of existing project-based assistance contracts where the Secretary shall approve proposed initial rent levels that do not exceed the greater of 120 percent of fair market rents or comparable market rents for the relevant metropolitan market area or at rent levels under a budget-based approach.

(D) Nonrenewal of expiring existing project-based assistance contracts and providing tenant-based assistance to previously assisted households.

(b) For purposes of carrying out demonstration programs under subsection (a)—

(1) the Secretary may manage and dispose of multifamily properties owned by the Secretary as of October 1, 1995 and multifamily mortgages held by the Secretary as of October 1, 1995 for properties assisted under section 8 with rents above 110 percent of fair market rents without regard to any other provision of law; and

(2) the Secretary may delegate to one or more entities the authority to carry out some or all of the functions and responsibilities of the Secretary in connection with the foreclosure of mortgages held by the Secretary under the National Housing Act.

(c) For purposes of carrying out demonstration programs under subsection (a), subject to such third party consents (if any) as are necessary including but not limited to (i) consent by the Government National Mortgage Association where it owns a mortgage insured by the Secretary; (ii) consent by an issuer under the mortgage-backed securities program of the Association, subject to the responsibilities of the issuer to its security holders and the Association under such program; and (iii) parties to any contractual agreement which the Secretary proposes to modify or discontinue, and subject to the appropriation in subsection (c), the Secretary or one or more third parties designated by the Secretary may take the following actions:

(1) Notwithstanding any other provision of law, and subject to the agreement of the project owner, the Secretary or third party may remove, relinquish, extinguish, modify, or agree to the removal of any mortgage, regulatory agreement, project-based assistance contract, use agreement, or restriction that had been imposed or required by the Secretary, including restrictions on distributions of income which the Secretary or third party determines would interfere with the ability of the project to operate without above market rents. The Secretary or third party may require an owner of a property assisted under the section 8 new construction/substantial rehabilitation program to apply any accumulated residual receipts toward effecting the purposes of this section.

(2) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development may enter into contracts to purchase reinsurance, or enter into participations or otherwise transfer economic interest in contracts of insurance or in the premiums paid, or due to be paid, on such insurance to third parties, on such terms and conditions as the Secretary may determine.

(3) The Secretary may offer project-based assistance with rents at or below fair market rents for the locality in which the project is located and may negotiate such other terms as are acceptable to the Secretary and the project owner.

(4) The Secretary may offer to pay all or a portion of the project's debt service, including payments monthly from the appropriate Insurance Fund, for the full remaining term of the insured mortgage.

(5) Notwithstanding any other provision of law, the Secretary may forgive and cancel any FHA-insured mortgage debt that a demonstration program property cannot carry at market rents while bearing full operating costs.

(6) For demonstration program properties that cannot carry full operating costs (excluding debt service) at market rents, the Secretary may approve project-based rents sufficient to carry such full operating costs and may offer to pay the full debt service in the manner provided in paragraph (4).

(d) COMMUNITY AND TENANT INPUT.—In carrying out this section, the Secretary shall develop procedures to provide appropriate and timely notice to officials of the unit of general local government affected, the community in which the project is situated, and the tenants of the project.

(e) LIMITATION ON DEMONSTRATION AUTHORITY.—The Secretary may carry out demonstration programs under this section with respect to mortgages not to exceed 15,000 units. The demonstration authorized under this section shall not be expanded until the reports required under subsection (g) are submitted to the Congress.

(f) APPROPRIATION.—For the cost of modifying loans held or guaranteed by the Federal Housing Administration, as authorized by this subsection (a)(2) and subsection (c), $30,000,000, to remain available until September 30, 1997: *Provided*, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

(g) REPORT TO CONGRESS.—The Secretary shall submit to the Congress every six months after the date of enactment of this Act a report describing and assessing the programs carried out under the demonstrations. The Secretary shall also submit a final report to the Congress not later than six months after the end of the demonstrations. The reports shall include findings and recommendations for any legislative action appropriate. The reports shall also include a description of the status of each multifamily housing project selected for the demonstrations under this section. The final report may include—

(1) the size of the projects;

(2) the geographic locations of the projects, by State and region;

(3) the physical and financial condition of the projects;

(4) the occupancy profile of the projects, including the income, family size, race, and ethnic origin of current tenants, and the rents paid by such tenants;

(5) a description of actions undertaken pursuant to this section, including a description of the effectiveness of such actions and any impediments to the transfer or sale of multifamily housing projects;

(6) a description of the extent to which the demonstrations under this section have displaced tenants of multifamily housing projects;

(7) a description of any of the functions performed in connection with this section that are transferred or contracted out to public or private entities or to States;

(8) a description of the impact to which the demonstrations under this section have affected the localities and communities where the selected multifamily housing projects are located; and

(9) a description of the extent to which the demonstrations under this section have affected the owners of multifamily housing projects.

ASSESSMENT COLLECTION DATES FOR OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SEC. 211. Section 1316(b) of the Housing and Community Development Act of 1992 (12 U.S.C. 4516(b)) is amended by striking paragraph (2) and inserting the following new paragraph:

"(2) TIMING OF PAYMENT.—The annual assessment shall be payable semiannually for each fiscal year, on October 1 and April 1.".

MERGER LANGUAGE FOR ASSISTANCE FOR THE RENEWAL OF EXPIRING SECTION 8 SUBSIDY CONTRACTS AND ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

SEC. 212. All remaining obligated and unobligated balances in the Renewal of Expiring Section 8 Subsidy Contracts account on September 30, 1995, shall immediately thereafter be transferred to and merged with the obligated and unobligated balances, respectively, of the Annual Contributions for Assisted Housing account.

DEBT FORGIVENESS

SEC. 213. (a) The Secretary of Housing and Urban Development shall cancel the indebtedness of the Hubbard Hospital Authority of Hubbard, Texas, relating to the public facilities loan for Project Number PFL–TEX–215, issued under title II of the Housing Amendments of 1955. Such hospital authority is relieved of all liability to the Government for the outstanding principal balance on such loan, for the amount of accrued interest on such loan, and for any fees and charges payable in connection with such loan.

(b) The Secretary of Housing and Urban Development shall cancel the indebtedness of the Groveton Texas Hospital Authority relating to the public facilities loan for Project Number TEX–41–PFL0162, issued under title II of the Housing Amendments of 1955. Such hospital authority is relieved of all liability to the Government for the outstanding principal balance on such loan, for the amount of accrued interest on such loan, and for any fees and charges payable in connection with such loan.

(c) The Secretary of Housing and Urban Development shall cancel the indebtedness of the Hepzibah Public Service District of Hepzibah, West Virginia, relating to the public facilities loan for Project Number WV–46–PFL0031, issued under title II of the Housing Amendments of 1955. Such public service district is relieved of all liability to the Government for the outstanding principal balance on such loan, for the amount of accrued interest on such loan, and for any fees and charges payable in connection with such loan.

(d) The Secretary of Housing and Urban Development shall cancel indebtedness of Sheehan Memorial Hospital of Buffalo, New York, relating to the Federal Housing Administration insurance for Project Number 014–13002 issued under section 242 of the National Housing Act. Such hospital is relieved of all liability to the Government for the outstanding principal balance on such loan, for the amount of accrued interest on such loan, and for any fees and charges payable in connection with such loan.

CLARIFICATIONS

SEC. 214. For purposes of Federal law, the Paul Mirabile Center in San Diego, California, including areas within such Center that are devoted to the delivery of supportive services, has been determined to satisfy the "continuum of care" requirements of the Department of Housing and Urban Development, and shall be treated as—

(a) consisting solely of residential units that (i) contain sleeping accommodations and kitchen and bathroom facilities, (ii) are located in a building that is used exclusively to facilitate the transition of homeless individuals (within the meaning of section 103 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302), as in effect on December 19, 1989) to independent living within 24 months, (iii) are suitable for occupancy, with each cubicle constituting a separate bedroom and residential unit, (iv) are used on other than a transient basis, and (v) shall be originally placed in service on November 1, 1995; and

(b) property that is entirely residential rental property, namely, a project for residential rental property.

EMPLOYMENT LIMITATIONS

SEC. 215. (a) By the end of fiscal year 1996 the Department of Housing and Urban Development shall employ no more than seven Assistant Secretaries, notwithstanding section 4(a) of the Department of Housing and Urban Development Act.

(b) By the end of fiscal year 1996 the Department of Housing and Urban Development shall employ no more than 77 schedule C and 20 non-career senior executive service employees.

USE OF FUNDS

SEC. 216. (a) Of the $93,400,000 earmarked in Public Law 101–144 (103 Stat. 850), as amended by Public Law 101–302 (104 Stat. 237), for special projects and purposes, any amounts remaining of the $500,000 made available to Bethlehem House in Highland, California, for site planning and loan acquisition shall instead be made available to the County of San Bernardino in California to assist with the expansion of the Los Padrinos Gang Intervention Program and the Unity Home Domestic Violence Shelter.

(b) The amount made available for fiscal year 1995 for the removal of asbestos from an abandoned public school building in Toledo, Ohio shall be made available for the renovation and rehabilitation of an industrial building at the University of Toledo in Toledo, Ohio.

LEAD-BASED PAINT ABATEMENT

SEC. 217. (a) Section 1011 of Title X—Residential Lead-Based Paint Hazard Reduction Act of 1992 is amended as follows: Strike "priority housing" wherever it appears in said section and insert "housing".

(b) Section 1011(a) shall be amended as follows: At the end of the subsection after the period, insert: "Grants shall only be made under this section to provide assistance for housing which meets the following criteria—

"(1) for grants made to assist rental housing, at least 50 percent of the units must be occupied by or made available to families with incomes at or below 50 percent of the area median income level and the remaining units shall be occupied or made available to families with incomes at or below 80 percent of the area median income level, and in all cases the landlord shall give priority in renting units assisted under this section, for not less than 3 years following the completion of lead abatement activities, to families with a child under the age of six years, except that buildings with five or more units may have 20 percent of the units occupied by families with incomes above 80 percent of area median income level;

"(2) for grants made to assist housing owned by owner-occupants, all units assisted with grants under this section shall be the principal residence of families with income at or below 80 percent of the area median income level, and not less than 90 percent of the units assisted with grants under this section shall be occupied by a child under the age of six years or shall be units where a child under the age of six years spends a significant amount of time visiting; and

"(3) notwithstanding paragraphs (1) and (2), Round II grantees who receive assistance under this section may use such assistance for priority housing.".

EXTENSION PERIOD FOR SHARING UTILITY COST SAVINGS WITH PHAS

SEC. 218. Section 9(a)(3)(B)(i) of the United States Housing Act of 1937 is amended by striking "for a period not to exceed 6 years".

MORTGAGE NOTE SALES

SEC. 219. The first sentence of section 221(g)(4)(C)(viii) of the National Housing Act is amended by striking "September 30, 1995" and inserting in lieu thereof "September 30, 1996".

REPEAL OF FROST-LELAND

SEC. 220. Section 415 of the Department of Housing and Urban Development—Independent Agencies Appropriations Act, 1988 (Public Law 100–202; 101 Stat. 1329–213) is repealed.

FHA SINGLE-FAMILY ASSIGNMENT PROGRAM REFORM

SEC. 221. Section 230(d) of the National Housing Act is amended by striking "the Departments" and all that follows through "1996" and inserting "The Balanced Budget Downpayment Act, I".

SPENDING LIMITATIONS

SEC. 222. (a) None of the funds in this Act may be used by the Secretary to impose any sanction, or penalty because of the enactment of any State or local law or regulation declaring English as the official language.

(b) No part of any appropriation contained in this Act shall be used for lobbying activities as prohibited by law.

TRANSFER OF FUNCTIONS TO THE DEPARTMENT OF JUSTICE

SEC. 223. All functions, activities and responsibilities of the Secretary of Housing and Urban Development relating to title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and the Fair Housing Act, including any rights guaranteed under the Fair Housing Act (including any functions relating to the Fair Housing Initiatives program under section 561 of the Housing and Community Development Act of 1987), are hereby transferred to the Attorney General of the United States effective April 1, 1997: *Provided*, That none of the aforementioned authority or responsibility for enforcement of the Fair Housing Act shall be transferred to the Attorney General until adequate personnel and resources allocated to such activity at the Department of Housing and Urban Development are transferred to the Department of Justice.

SEC. 224. None of the funds provided in this Act may be used during fiscal year 1996 to investigate or prosecute under the Fair Housing Act (42 U.S.C. 3601, et seq.) any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of non-frivolous legal action, that is engaged in solely for the purposes of achieving or preventing action by a Government official, entity, or court of competent jurisdiction.

SEC. 225. None of the funds provided in this Act many be used to take any enforcement action with respect to a complaint of discrimination under the Fair Housing Act (42 U.S.C. 3601, et seq.) on the basis of familial status and which involves an occupancy standard established by the housing provider except to the extent that it is found that there has been discrimination in contravention of the standards provided in the March 20, 1991 Memorandum from the General Counsel of the Department of Housing and Urban Development to all Regional Counsel or until such time that HUD issues a final rule in accordance with section 553 of title 5, United States Code.

CDBG ELIGIBLE ACTIVITIES

SEC. 226. Section 105(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)) is amended—

(1) in paragraph (4)—

(A) by inserting "reconstruction," after "removal,"; and

(B) by striking "acquisition for rehabilitation, and rehabilitation" and inserting "acquisition for reconstruction or rehabilitation, and reconstruction or rehabilitation";

(2) in paragraph (13), by striking "and" at the end;

(3) by striking paragraph (19);

(4) in paragraph (24), by striking "and" at the end;

(5) in paragraph (25), by striking the period at the end and inserting "; and";

(6) by redesignating paragraphs (20) through (25) as paragraphs (19) through (24), respectively; and

(7) by redesignating paragraph (21) (as added by section 1012(f)(3) of the Housing and Community Development Act of 1992) as paragraph (25).

TITLE III

INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries, when required by law of such countries; $20,265,000, to remain available until expended: *Provided*, That where station allowance has been authorized by the Department of the Army for officers of the Army serving the Army at certain foreign stations, the same allowance shall be authorized for officers of the Armed Forces assigned to the Commission while serving at the same foreign stations, and this appropriation is hereby made available for the payment of such allowance: *Provided further*, That when traveling on business of the Commission, officers of the Armed Forces serving as members or as Secretary of the Commission may be reimbursed for expenses as provided for civilian members of the Commission: *Provided further*, That the Commission shall reimburse other Government agencies, including the Armed Forces, for salary, pay, and allowances of personnel assigned to it.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $500 for official reception and representation expenses, $40,000,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES

For necessary expenses for the Corporation for National and Community Service in carrying out the orderly termination of programs, activities, and initiatives under the National and Community Service Act of 1990, as amended (Public Law 103-82), $15,000,000: *Provided*, That such amount shall be utilized to resolve all responsibilities and obligations in connection with said Corporation and the Corporation's Office of Inspector General: *Provided further*, That such amount shall cease to be available for obligation upon the date of implementation of title IV of this Act, and any portion of such amount obligated before such date shall be charged against the appropriation made under this heading in title IV of this Act.

COURT OF VETERANS APPEALS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Veterans Appeals as authorized by 38 U.S.C. sections 7251-7292, $9,000,000, of which not to exceed $678,000, to remain available until September 30, 1997, shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this head in Public Law 102-229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, and not to exceed $1,000 for official reception and representation expenses; $11,946,000, to remain available until expended.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended; necessary expenses for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18; procurement of laboratory equipment and supplies; other operating expenses in support of research and development; construction, alteration, repair, rehabilitation and renovation of facilities, not to exceed $75,000 per project; $525,000,000, which shall remain available until September 30, 1997.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; and not to exceed $6,000 for official reception and representation expenses; $1,550,300,000, which shall remain available until September 30, 1997: *Provided*, That, notwithstanding any other provision of law, for this fiscal year and hereafter, an industrial discharger that is a pharmaceutical manufacturing facility and discharged to the Kalamazoo Water Reclamation Plant (an advanced wastewater treatment plant with activated carbon) prior to the date of enactment of this Act may be exempted from categorical pretreatment standards under section 307(b) of the Federal Water Pollution Control Act, as amended, if the following conditions are met:

(1) The owner or operator of the Kalamazoo Water Reclamation Plant applies to the State of Michigan for an exemption for such industrial discharger.

(2) The State or Administrator, as applicable, approves such exemption request based upon a determination that the Kalamazoo Water Reclamation Plant will provide treatment and pollution removal equivalent to or better than that which would be required through a combination of pretreatment by such industrial discharger and treatment by the Kalamazoo Water Reclamation Plant in the absence of the exemption.

(3) Compliance with paragraph (2) is addressed by the provisions and conditions of a

permit issued to the Kalamazoo Water Reclamation Plant under section 402 of such Act, and there exists an operative financial contract between the City of Kalamazoo and the industrial user and an approved local pretreatment program, including a joint monitoring program and local controls to prevent against interference and pass through.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $28,500,000.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or use by, the Environmental Protection Agency, $60,000,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, the Environmental Protection Agency (EPA) shall: (1) transfer all real property acquired in Bay City, Michigan, for the creation of the Center for Ecology, Research and Training (CERT) to the City of Bay City or other local public or municipal entity; and (2) make a grant in fiscal year 1996 to the recipient of the property of not less than $3,000,000 from funds previously appropriated for the CERT project for the purposes of environmental remediation and rehabilitation of real property included in the boundaries of the CERT project: *Provided further*, That the disposition of property shall be by donation or no-cost transfer and shall be made to the City of Bay City, Michigan or other local public or municipal entity: *Provided further*, That notwithstanding any other provision of law, EPA shall have the authority to demolish or dispose of any improvements on such real property, or to donate, sell, or transfer any personal property or improvements on such real property to members of the general public, by auction or public sale, and to apply any funds received to costs related to the transfer of the real property authorized hereunder.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended, including sections 111 (c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; not to exceed $1,163,400,000, to remain available until expended, consisting of $913,400,000 as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended by Public Law 101–508, and $250,000,000 as a payment from general revenues to the Hazardous Substance Superfund as authorized by section 517(b) of SARA, as amended by Public Law 101–508: *Provided*, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: *Provided further*, That $11,000,000 of the funds appropriated under this heading shall be transferred to the Office of Inspector General appropriation to remain available until September 30, 1996: *Provided further*, That notwithstanding section 111(m) of CERCLA or any other provision of law, not to exceed $59,000,000 of the funds appropriated under this heading shall be available to the Agency for Toxic Substances and Disease Registry to carry out activities described in sections 104(i), 111(c)(4), and 111(c)(14) of CERCLA and section 118(f) of the Superfund Amendments and Reauthorization Act of 1986: *Provided further*, That none of the funds appropriated under this heading shall be available for the Agency for Toxic Substances and Disease Registry to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 1996: *Provided further*, That none of the funds made available under this heading may be used by the Environmental Protection Agency to propose for listing or to list any additional facilities on the National Priorities List established by section 105 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended (42 U.S.C. 9605), unless the Administrator receives a written request to propose for listing or to list a facility from the Governor of the State in which the facility is located, or unless legislation to reauthorize CERCLA is enacted.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $45,827,000, to remain available until expended: *Provided*, That no more than $7,000,000 shall be available for administrative expenses: *Provided further*, That $500,000 shall be transferred to the Office of Inspector General appropriation to remain available until September 30, 1996.

OIL SPILL RESPONSE

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $15,000,000, to be derived from the Oil Spill Liability trust fund, and to remain available until expended: *Provided*, That not more than $8,000,000 of these funds shall be available for administrative expenses.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $2,323,000,000, to remain available until expended, of which $1,400,000,000 shall be for making capitalization grants for State revolving funds to support water infrastructure financing; $100,000,000 for architectural, engineering, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; $50,000,000 for grants to the State of Texas, which shall be matched by an equal amount of State funds from State resources, for the purpose of improving wastewater treatment for colonias; $15,000,000 for grants to the State of Alaska, subject to an appropriate cost share as determined by the Administrator, to address wastewater infrastructure needs of rural and Alaska Native villages; and $100,000,000 for making grants for the construction of wastewater treatment facilities and the development of groundwater in accordance with the terms and conditions specified for such grants in the Conference Report accompanying this Act (H.R. 2099): *Provided*, That beginning in fiscal year 1996 and each fiscal year thereafter, and notwithstanding any other provision of law, the Administrator is authorized to make grants annually from funds appropriated under this heading, subject to such terms and conditions as the Administrator shall establish, to any State or federally recognized Indian tribe for multimedia or single media pollution prevention, control and abatement and related environmental activities at the request of the Governor or other appropriate State official or the tribe: *Provided further*, That from funds appropriated under this heading, the Administrator may make grants to federally recognized Indian governments for the development of multimedia environmental programs: *Provided further*, That of the $1,400,000,000 for capitalization grants for State revolving funds to support water infrastructure financing, $275,000,000 shall be for drinking water State revolving funds, but if no drinking water State revolving fund legislation is enacted by June 1, 1996, these funds shall immediately be available for making capitalization grants under title VI of the Federal Water Pollution Control Act, as amended: *Provided further*, That of the funds made available in Public Law 103–327 and in Public Law 103–124 for capitalization grants for State revolving funds to support water infrastructure financing, $225,000,000 shall be made available for capitalization grants for State revolving funds under title VI of the Federal Water Pollution Control Act, as amended, if no drinking water State revolving fund legislation is enacted by June 1, 1996: *Provided further*, That of the funds made available under this heading for capitalization grants for State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended, $50,000,000 shall be for wastewater treatment in impoverished communities pursuant to section 102(d) of H.R. 961 as approved by the United States House of Representatives on May 16, 1995: *Provided further*, That of the funds appropriated in the Construction Grants and Water Infrastructure/State Revolving Funds accounts since the appropriation for the fiscal year ending September 30, 1992, and hereafter, for making grants for wastewater treatment works construction projects, portions may be provided by the recipients to States for managing construction grant activities, on condition that the States agree to reimburse the recipients from State funding sources: *Provided further*, That the funds made available in Public Law 103–327 for a grant to the City of Mt. Arlington, New Jersey, in accordance with House Report 103–715, shall be available for a grant to that city for water and sewer improvements.

ADMINISTRATIVE PROVISIONS

SEC. 301. None of the funds provided in this Act may be used within the Environmental Protection Agency for any final action by the Administrator or her delegate for signing and publishing for promulgation of a rule concerning any new standard for radon in drinking water.

SEC. 302. None of the funds provided in this Act may be used during fiscal year 1996 to sign, promulgate, implement or enforce the requirement proposed as "Regulation of Fuels and Fuel Additives: Individual Foreign Refinery Baseline Requirements for Reformulated Gasoline" at volume 59 of the Federal Register at pages 22800 through 22814.

SEC. 303. None of the funds appropriated to the Environmental Protection Agency for fiscal year 1996 may be used to implement section 404(c) of the Federal Water Pollution Control Act, as amended. No pending action by the Environmental Protection Agency to implement section 404(c) with respect to an individual permit shall remain in effect after the date of enactment of this Act.

SEC. 304. None of the funds appropriated under this Act may be used to implement the requirements of section 186(b)(2), section 187(b) or section 211(m) of the Clean Air Act (42 U.S.C. 7512(b)(2), 7512a(b), or 7545(m)) with respect to any moderate nonattainment area in which the average daily winter temperature is below 0 degrees Fahrenheit. The preceding sentence shall not be interpreted to preclude assistance from the Environmental Protection Agency to the State of Alaska to make progress toward meeting the carbon monoxide standard in such areas and to resolve remaining issues regarding the use of oxygenated fuels in such areas.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $4,981,000: *Provided*, That the Office of Science and Technology Policy shall reimburse other agencies for not less than one-half of the personnel compensation costs of individuals detailed to it.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Improvement Act of 1970 and Reorganization Plan No. 1 of 1977, $1,500,000.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $222,000,000, to remain available until expended.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For the cost of direct loans, $2,155,000, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $25,000,000.

In addition, for administrative expenses to carry out the direct loan program, $95,000.

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire and purchase of motor vehicles (31 U.S.C. 1343); uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18; expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency preparedness; transportation in connection with the continuity of Government programs to the same extent and in the same manner as permitted the Secretary of a Military Department under 10 U.S.C. 2632; and not to exceed $2,500 for official reception and representation expenses; $168,900,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $4,673,000.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For necessary expenses, not otherwise provided for, to carry out activities under the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947, as amended (50 U.S.C. 404–405), and Reorganization Plan No. 3 of 1978, $203,044,000.

EMERGENCY FOOD AND SHELTER PROGRAM

There is hereby appropriated $100,000,000 to the Federal Emergency Management Agency to carry out an emergency food and shelter program pursuant to title III of Public Law 100–77, as amended: *Provided*, That total administrative costs shall not exceed three and one-half per centum of the total appropriation.

NATIONAL FLOOD INSURANCE FUND

For activities under the National Flood Insurance Act of 1968, the Flood Disaster Protection Act of 1973, and the National Flood Insurance Reform Act of 1994, not to exceed $20,562,000 for salaries and expenses associated with flood mitigation and flood insurance operations, and not to exceed $70,464,000 for flood mitigation, including up to $12,000,000 for expenses under section 1366 of the National Flood Insurance Act of 1968, as amended, which amount shall be available until September 30, 1997. In fiscal year 1996, no funds in excess of (1) $47,000,000 for operating expenses, (2) $292,526,000 for agents' commissions and taxes, and (3) $3,500,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund without prior notice to the Committees on Appropriations.

ADMINISTRATIVE PROVISION

The Director of the Federal Emergency Management Agency shall promulgate through rulemaking a methodology for assessment and collection of fees to be assessed and collected beginning in fiscal year 1996 applicable to persons subject to the Federal Emergency Management Agency's radiological emergency preparedness regulations. The aggregate charges assessed pursuant to this section during fiscal year 1996 shall approximate, but not be less than, 100 per centum of the amounts anticipated by the Federal Emergency Management Agency to be obligated for its radiological emergency preparedness program for such fiscal year. The methodology for assessment and collection of fees shall be fair and equitable, and shall reflect the full amount of costs of providing radiological emergency planning, preparedness, response and associated services. Such fees will be assessed in a manner that reflects the use of agency resources for classes of regulated persons and the administrative costs of collecting such fees. Fees received pursuant to this section shall be deposited in the general fund of the Treasury as offsetting receipts. Assessment and collection of such fees are only authorized during fiscal year 1996.

GENERAL SERVICES ADMINISTRATION

CONSUMER INFORMATION CENTER

For necessary expenses of the Consumer Information Center, including services authorized by 5 U.S.C. 3109, $2,061,000, to be deposited into the Consumer Information Center Fund: *Provided*, That the appropriations, revenues and collections deposited into the fund shall be available for necessary expenses of Consumer Information Center activities in the aggregate amount of $7,500,000. Administrative expenses of the Consumer Information Center in fiscal year 1996 shall not exceed $2,602,000. Appropriations, revenues, and collections accruing to this fund during fiscal year 1996 in excess of $7,500,000 shall remain in the fund and shall not be available for expenditure except as authorized in appropriations Acts.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

HUMAN SPACE FLIGHT

For necessary expenses, not otherwise provided for, in the conduct and support of human space flight research and development activities, including research; development; operations; services; maintenance; construction of facilities including repair, rehabilitation, and modification of real and personal property, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft; $5,456,600,000, to remain available until September 30, 1997.

SCIENCE, AERONAUTICS AND TECHNOLOGY

For necessary expenses, not otherwise provided for, for the conduct and support of science, aeronautics, and technology research and development activities, including research; development; operations; services; maintenance; construction of facilities including repair, rehabilitation and modification of real and personal property, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft; $5,845,900,000, to remain available until September 30, 1997.

MISSION SUPPORT

For necessary expenses, not otherwise provided for, in carrying out mission support for human space flight programs and science, aeronautical, and technology programs, including research operations and support; space communications activities including operations, production, and services; maintenance; construction of facilities including repair, rehabilitation, and modification of facilities, minor construction of new facilities and additions to existing facilities, facility planning and design, environmental compliance and restoration, and acquisition or condemnation of real property, as authorized by law; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); travel expenses; purchase, lease, charter, maintenance, and operation of mission and administrative aircraft; not to exceed $35,000 for official reception and representation expenses; and purchase (not to exceed thirty-three for replacement only) and hire of passenger motor vehicles; $2,502,200,000, to remain available until September 30, 1997.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $16,000,000.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

Notwithstanding the limitation on the availability of funds appropriated for "Human space flight", "Science, aeronautics and technology", or "Mission support" by this appropriations Act, when any activity has been initiated by the incurrence of obligations for construction of facilities as authorized by law, the amount available for such activity shall remain available until expended. This provision does not apply to the amounts appropriated in "Mission support" pursuant to the authorization for repair, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and facility planning and design.

Notwithstanding the limitation on the availability of funds appropriated for "Human space flight", "Science, aeronautics and technology", or "Mission support" by this appropriations Act, the amounts appropriated for construction of facilities shall remain available until September 30, 1998.

Notwithstanding the limitation on the availability of funds appropriated for "Mission support" and "Office of Inspector General", amounts made available by this Act for personnel and related costs and travel expenses of the National Aeronautics and Space Administration shall remain available until September 30, 1996 and may be used to enter into contracts for training, investigations, cost associated with personnel relocation, and for other services, to be provided during the next fiscal year.

The unexpired balances of prior appropriations to NASA for activities for which funds are provided under this Act may be transferred to the new account established for the appropriation that provides funds for such activity under this Act. Balances so transferred may be merged with funds in the newly established account and thereafter may be accounted for as one fund to be available for the same purposes and under the same terms and conditions.

Upon the determination by the Administrator that such action is necessary, the Administrator may, with the approval of the Office of Management and Budget, transfer not to exceed $50,000,000 of funds made available in this Act to the National Aeronautics and Space Administration between such appropriations or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen requirements, than those for which originally appropriated: *Provided further*, That the Administrator of the National Aeronautics and Space Administration shall notify the Congress promptly of all transfers made pursuant to this authority.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

During fiscal year 1996, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions as authorized by the National Credit Union Central Liquidity Facility Act (12 U.S.C. 1795) shall not exceed $600,000,000: *Provided*, That administrative expenses of the Central Liquidity Facility in fiscal year 1996 shall not exceed $560,000.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; $2,274,000,000, of which not to exceed $235,000,000 shall remain available until expended for Polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program; the balance to remain available until September 30, 1997: *Provided*, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: *Provided further*, That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

MAJOR RESEARCH EQUIPMENT

For necessary expenses in carrying out major construction projects, and related expenses, pursuant to the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), $70,000,000, to remain available until expended.

ACADEMIC RESEARCH INFRASTRUCTURE

For necessary expenses in carrying out an academic research infrastructure program pursuant to the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109 and rental of conference rooms in the District of Columbia, $100,000,000, to remain available until September 30, 1997.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109 and rental of conference rooms in the District of Columbia, $599,000,000, to remain available until September 30, 1997: *Provided*, That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

SALARIES AND EXPENSES

For necessary salaries and expenses in carrying out the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); rental of conference rooms in the District of Columbia; reimbursement of the General Services Administration for security guard services; $127,310,000: *Provided*, That contracts may be entered into under salaries and expenses in fiscal year 1996 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $4,490,000, to remain available until September 30, 1997.

NATIONAL SCIENCE FOUNDATION HEADQUARTERS RELOCATION

For necessary support of the relocation of the National Science Foundation, $5,200,000: *Provided*, That these funds shall be used to reimburse the General Services Administration for services and related acquisitions in support of relocating the National Science Foundation.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $38,667,000.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by law (5 U.S.C. 4101–4118) for civilian employees; and not to exceed $1,000 for official reception and representation expenses; $22,930,000: *Provided*, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever he deems such action to be necessary in the interest of national defense: *Provided further*, That none of the funds appropriated by the Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

TITLE IV

CORPORATIONS

Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Act as may be necessary in carrying out the programs set forth in the budget for 1996 for such corporation or agency except as hereinafter provided: *Provided*, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

RESOLUTION TRUST CORPORATION

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $11,400,000.

TITLE V
GENERAL PROVISIONS

SEC. 501. Where appropriations in titles I, II, and III of this Act are expendable for travel expenses and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefor in the budget estimates submitted for the appropriations: *Provided*, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Department of Veterans Affairs; to travel performed in connection with major disasters or emergencies declared or determined by the President under the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to travel performed by the Offices of Inspector General in connection with audits and investigations; or to payments to interagency motor pools where separately set forth in the budget schedules: *Provided further*, That if appropriations in titles I, II, and III exceed the amounts set forth in budget estimates initially submitted for such appropriations, the expenditures for travel may correspondingly exceed the amounts therefor set forth in the estimates in the same proportion.

SEC. 502. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development and the Selective Service System shall be available in the current fiscal year for purchase of uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

SEC. 503. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Resolution Trust Corporation, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1831).

SEC. 504. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 505. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made, or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such audit.

SEC. 506. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between his domicile and his place of employment, with the exception of any officer or employee authorized such transportation under title 31, United States Code, section 1344.

SEC. 507. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government: *Provided*, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

SEC. 508. None of the funds provided in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the rate paid for Level IV of the Executive Schedule, unless specifically authorized by law.

SEC. 509. None of the funds in this Act shall be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

SEC. 510. Except as otherwise provided under existing law or under an existing Executive order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are (1) a matter of public record and available for public inspection, and (2) thereafter included in a publicly available list of all contracts entered into within twenty-four months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

SEC. 511. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) for a contract for services unless such executive agency (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder, and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain information concerning (A) the contract pursuant to which the report was prepared, and (B) the contractor who prepared the report pursuant to such contract.

SEC. 512. Except as otherwise provided in section 506, none of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

SEC. 513. None of the funds provided in this Act to any department or agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

SEC. 514. Such sums as may be necessary for fiscal year 1996 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 515. None of the funds appropriated in title I of this Act shall be used to enter into any new lease of real property if the estimated annual rental is more than $300,000 unless the Secretary submits, in writing, a report to the Committees on Appropriations of the Congress and a period of 30 days has expired following the date on which the report is received by the Committees on Appropriations.

SEC. 516. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 517. None of the funds appropriated in this Act may be used to implement any cap on reimbursements to grantees for indirect costs, except as published in Office of Management and Budget Circular A–21.

SEC. 518. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 519. In fiscal year 1996, the Director of the Federal Emergency Management Agency shall sell the disaster housing inventory of mobile homes and trailers, and the proceeds thereof shall be deposited in the Treasury.

SEC. 520. Such funds as may be necessary to carry out the orderly termination of the Office of Consumer Affairs shall be made available from funds appropriated to the Department of Health and Human Services for fiscal year 1996.

This Act may be cited as the "Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996".

SEC. 102. Unless otherwise provided for in this title of this Act or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this title of this Act shall be available until (a) the enactment into law of an appropriation for any project or activity provided for in this title of this Act, or (b) the enactment into law of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) September 30, 1996, whichever first occurs.

SEC. 103. Appropriations made and authority granted pursuant to this title of this Act shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or authority for such project or activity are available under this title of this Act.

SEC. 104. Expenditures made pursuant to this title of this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 105. Upon enactment of this Act, the following provisions of Public Law 104–99, Public Law 104–92, and Public Law 104–91 that would continue to have effect after

March 15, 1996, are superseded: section 101 of Public Law 104-92; section 101(a) of Public Law 104-91, as amended, except the paragraphs dealing with funding of National Institutes of Health activities and Centers for Disease Control and Prevention activities, and except for the general provisions enacted in the amendment to Public Law 104-91 included in Public Law 104-99; and sections 123, 124, and 201 of Public Law 104-99.

SEC. 106. Section 119 of Public Law 104-99 is hereby repealed.

SEC. 107. Title I of Public Law 104-52 is hereby amended by deleting ", not to exceed $1,406,000," under the heading "CUSTOMS SERVICES AT SMALL AIRPORTS".

SEC. 108. Title I of Public Law 104-52 is hereby amended by adding the following new section under the heading "ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE":

"SEC. 3. The funds provided in this Act shall be used to provide a level of service, staffing, and funding for Taxpayer Services Division operations which is not less than that provided in fiscal year 1995.".

SEC. 109. Title III of Public Law 104-52 is hereby amended by adding the following proviso before the last period under the heading "OFFICE OF NATIONAL DRUG CONTROL POLICY, SALARIES AND EXPENSES": ": *Provided*, That of the amounts available to the Counter-Drug Technology Assessment Center no less than $1,000,000 shall be dedicated to conferences on model state drug laws".

SEC. 110. Subsection (b) of section 347 of Public Law 104-50 is hereby amended by inserting after "(4) section 7204, relating to antidiscrimination;" the following: "(5) chapter 71, relating to labor-management relations;" and by renumbering items (5), (6), and (7) as items (6), (7), and (8) respectively.

SEC. 111. EXPORTATION OF DRUGS AND DEVICES.

(a) REFERENCE.—Whenever in this section (other than subsection (f)) an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act.

(b) SECTION 801(d).—Section 801(d) (21 U.S.C. 381(d)) is amended by adding at the end the following:

"(3) No component, part, or accessory of a drug (including a biological product or a drug in bulk form), device, food, or food additive shall be excluded from importation into the United States under subsection (a), if such component, part, or accessory will be incorporated into the drug, device, food, or food additive that will be exported from the United States in accordance with subsection (e)(1) or section 802 or section 351(h) of the Public Health Service Act. A person shall maintain a record of the import and export of such drug, device, food, or food additive.".

(c) SECTION 801(e)(1).—Section 801(e)(1) (21 U.S.C. 381(e)(1)) is amended—

(1) by amending the matter preceding subparagraph (A) to read as follows:

"(e)(1) A food, drug (including a biological product), device, or cosmetic intended for export shall not be deemed to be adulterated or misbranded, to be in violation of section 404, 505, or 512, or to be an unlicensed biological product under section 351 of the Public Health Service Act if—"; and

(2) by striking the second sentence.

(d) SECTION 801(e)(2).—Section 801(e)(2) (21 U.S.C. 381(e)(2)) is amended to read as follows:

"(2) Any person who exports a drug or device under this subsection or section 802 may request that the Secretary certify in writing that the export is legal upon a showing that the requirements for the export of such drug or device have been satisfied. The Secretary shall issue such a written export certification within 10 days of the receipt of a request for such certification. A fee for such certification may be charged but shall not exceed $100 for each. The fees shall be retained by the agency to be used to cover expenses.

(e) SECTION 802.—Section 802 (21 U.S.C. 382) is amended to read as follows:

"SEC. 802. (a) A drug (including a biological product) intended for human or animal use or a device intended for human use—

"(1) which, in the case of a drug—

"(A)(i) requires approval by the Secretary under section 505 or section 512 before it may be introduced or delivered for introduction into interstate commerce; or

"(ii) requires licensing by the Secretary under section 351 of the Public Health Service Act or by the Secretary of Agriculture under the Act of March 4, 1913 (known as the Virus-Serum Toxin Act) before it may be introduced or delivered for introduction into interstate commerce; and

"(B) does not have such approval or license, which is not exempt from such sections or Act, and which is introduced or delivered for introduction into interstate commerce, or

"(2) which, in the case of a device—

"(A) does not comply with an applicable requirement under section 514 or 515,

"(B) is exempt from section 514 or 515 under section 520(g), or

"(C) is a banned device under section 516,

may only be exported under subsection (b) or (c).

"(b) Except as otherwise provided in this section, a drug (including a biological product) or device, referred to in subsection (a), may be exported to any country, if the drug or device complies with the laws in any of the following—

"(1) Australia, Canada, Israel, Japan, New Zealand, Switzerland, or South Africa; or

"(2) a country in the European Union or a country in the European Economic Area (the countries in the European Union and the European Free Trade Association and where such drug, device, food or food additive is exported for the purpose of marketing, the drug, device, food or food additive has valid marketing authorization by the appropriate approval authority from the country in which it shall be marketed.

"(c)(1) A person who intends to export an unapproved drug (including a biological product) or device not eligible for export under subsection (b) shall submit to the Secretary a notification of intent to export which shall—

"(A) identify the drug or device to be exported and the intended use of the product in the county to which it is to be exported; and

"(B) contain a certification by such person that such person will export the drug or device only to a country where the drug or device is permitted for general use, investigational research, or non-clinical experimental research.

"(2) Within 45 days of the receipt under paragraph (1) of a notification of an intent to export, the Secretary shall issue to the person who submitted such notice an order denying the request for export if—

"(A) the notification does not meet the requirements of paragraph (1); or

"(B) the proposed intended use of the exported drug or device poses an imminent hazard to the health of individuals, taking into account the risks of not using the product in diagnosis or treatment, and the finding of such hazard is based upon credible scientific evidence.

If the Secretary does not respond to such a notice within 45 days of its receipt, the person who submitted such notice may proceed with the export of the drug or device covered by such notice.

"(3) if the Secretary denies a request for export of a drug or device under paragraph (2), the Secretary shall immediately prohibit the export of the drug or device and afford such person an opportunity for an informal hearing on the denial. If the denial is based upon a finding of imminent hazard, such informal hearing shall be before the Commissioner and the Secretary may not delegate the authority of the Commissioner.

"(d) A drug or device intended for formulation, filling, packaging, labeling, or other processing in anticipation of market authorization in any country described in subsection (b) may be exported in accordance with the laws of that country.".

(f) PARTIALLY PROCESSED BIOLOGICAL PRODUCTS.—Subsection (h) of section 351 of the Public Health Service Act (42 U.S.C. 262) is amended to read as follows:

"(h) A partially-processed biological product which—

"(1) is not in a form applicable to the prevention, treatment, or cure of diseases or injuries of man;

"(2) is not intended for sale in the United States; and

"(3) is intended for further manufacture into final dosage form outside the United States,

shall be subject to no restriction on the export of the product under this Act or the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq.) if the product meets the requirements of section 801(e)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(e)(1)).".

TITLE II

EMERGENCY PEACEKEEPING APPROPRIATIONS

CHAPTER I

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for "Diplomatic and Consular Programs" to provide for administrative expenses related to activities in Bosnia and Herzegovina, $2,000,000, notwithstanding section 15 of the State Department Basic Authorities Act of 1956: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RELATED AGENCIES

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $1,000,000, to remain available until expended, to be used for United States Information Agency activities in Bosnia and Herzegovina, notwithstanding section 701 of the United States Information and Educational Exchange Act of 1948: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER II

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Assistance for Eastern Europe and the Baltic States" for Bosnia and Herzegovina, including demining assistance, $197,000,000, to remain available until December 31, 1996: *Provided*, That of the funds appropriated under this heading by this Act that are made available for the economic revitalization program in Bosnia and Herzegovina, not less than 75 percent shall be obligated and expended for programs, projects, and activities, within the sector assigned to American forces of the military Implementation Force (IFOR) established by the North Atlantic Council pursuant to the General Framework Agreement for Peace in Bosnia and Herzegovina: *Provided further*, That none of the funds appropriated under this heading by this Act shall be made available for the construction of new housing or residences in Bosnia and Herzegovina: *Provided further*, That not to exceed $5,000,000 of the funds appropriated under this heading in Public Law 104–107 may be transferred to "Debt Restructuring" to be made available only for the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and loan guarantees, notwithstanding any other provision of law: *Provided further*, That $5,000,000 shall be transferred to "Foreign Military Financing Program" for demining activities for Bosnia and Herzegovina: *Provided further*, That $2,000,000 of the funds appropriated under this heading in Public Law 104–107 shall be transferred to "Operating Expenses of the Agency for International Development" for administrative expenses: *Provided further*, That the additional amount appropriated herein is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That, notwithstanding any other provision of law including any provision of Public Law 104–107, funds appropriated under this heading by this Act that are made available for economic revitalization shall not be available for obligation and expenditure unless the President determines and certifies to the Congress that the Government of the Federation of Bosnia and Herzegovina has substantially complied with article III of Annex 1–A of the General Framework Agreement for Peace in Bosnia and Herzegovina concerning the withdrawal of foreign forces, including advisers, freedom fighters, trainers, volunteers, and personnel from neighboring and other nations: *Provided further*, That with regard to funds appropriated under this heading by this Act (and local currencies generated by such funds) that are made available for economic revitalization, the Administrator of the Agency for International Development shall provide written approval for grants and loans prior to the obligation and expenditure of funds for such purposes: *Provided further*, That with regard to funds appropriated under this heading by this Act (and local currencies generated by such funds) that are made available for economic revitalization, the Administrator of the Agency for International Development shall provide written approval for the use of funds that have been returned or repaid to any lending facility and grantee under the economic revitalization program prior to the use of such returned or repaid funds.

MILITARY ASSISTANCE

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for "Foreign Military Financing Program" for grants for Jordan pursuant to section 23 of the Arms Export Control Act, $70,000,000: *Provided*, That such funds may be used for Jordan to finance transfers by lease of defense articles under chapter 6 of such Act.

EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

SUBSIDY APPROPRIATION

(RESCISSION)

Of the unobligated balances available under this heading, $41,000,000 are rescinded.

CHAPTER III

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

For an additional amount for "North Atlantic Treaty Organization Security Investment Program", $37,500,000 to remain available until expended: *Provided*, That the Secretary of Defense may make additional contributions for the North Atlantic Treaty Organization as provided in section 2806 of title 10, United States Code: *Provided further*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER IV

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $262,200,000, *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $11,800,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $2,700,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $33,700,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $235,200,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $900,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $130,200,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $79,800,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

PROCUREMENT

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $26,000,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RESCISSIONS

PROCUREMENT

MISSILE PROCUREMENT, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $310,000,000 are rescinded.

OTHER PROCUREMENT, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $265,000,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 104–61, $9,750,000 are rescinded: *Provided*, That this reduction shall be applied proportionally to each budget activity, activity group and subactivity group and each program, project, and activity within this appropriation account.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 104–61, $17,500,000 are rescinded: *Provided*, That this reduction shall be applied proportionally to each budget activity, activity group and subactivity group and each program, project, and activity within this appropriation account.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $245,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104–61, $22,450,000 are rescinded: *Provided*, That this reduction shall be applied proportionally to each budget activity, activity group and subactivity group and each program, project, and activity within this appropriation account.

Research, Development, Test and Evaluation, Defense-Wide

(RESCISSION)

Of the funds made available under this heading in Public Law 104-61, $20,300,000 are rescinded: *Provided*, That this reduction shall be applied proportionally to each budget activity, activity group and subactivity group and each program, project, and activity within this appropriation account: *Provided further*, That no reduction may be taken against the funds made available to the Department of Defense for Ballistic Missile Defense.

GENERAL PROVISIONS—THIS CHAPTER

(TRANSFER OF FUNDS)

SEC. 2001. Section 8005 of the Department of Defense Appropriations Act, 1996 (Public Law 104-61), is amended by striking out "$2,400,000,000" and inserting in lieu thereof "$3,400,000,000".

CHAPTER V

GENERAL PROVISIONS—THIS TITLE

SEC. 2002. No part of any appropriation contained in this title shall remain available for obligation beyond the current fiscal years unless expressly so provided herein.

TITLE III

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

CHAPTER I

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Watershed and flood prevention operations" to repair damage to waterways and watersheds resulting from flooding in the Pacific Northwest, Northeast blizzards and floods, and other natural disasters, $73,200,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Consolidated Farm Service Agency

EMERGENCY CONSERVATION PROGRAM

For an additional amount for "Emergency conservation program" for expenses resulting from flooding in the Pacific Northwest, Northeast blizzards and floods, and other natural disasters, $24,800,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Emergency Livestock Feed Assistance Program

Notwithstanding any other provision of law, for expenses resulting from flooding in the Pacific Northwest and other natural disasters, not to exceed $10,000,000 of Commodity Credit Corporation funds shall be available until expended for implementation of cost sharing under provisions consistent with the Emergency Livestock Feed Assistance Program: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Rural Housing and Community Development Service

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for "Rural housing insurance fund program account" for the additional cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, for emergency expenses resulting from flooding in the Pacific Northwest, Northeast blizzards and floods, Hurricane Marilyn, and other natural disasters, to be available from funds in the rural housing insurance fund as follows: $6,500,000 for section 502 direct loans and section 504 housing repair loans, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

VERY LOW-INCOME HOUSING REPAIR GRANTS

For an additional amount for "Very low-income housing repair grants" under section 504 of the Housing Act of 1949, as amended, for emergency expenses resulting from flooding in the Pacific Northwest, Northeast blizzards and floods, Hurricane Marilyn, and other natural disasters, $1,100,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Rural Utilities Service

EMERGENCY COMMUNITY WATER ASSISTANCE PROGRAM

For an additional amount for "Emergency community water assistance program" for emergency expenses resulting from flooding in the Pacific Northwest, Northeast blizzards and floods, and other natural disasters, $5,000,000, to remain available until expended, for the cost of emergency community water assistance grants, as authorized by 7 U.S.C. 1926b: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RURAL UTILITIES ASSISTANCE PROGRAM

For an additional amount for "Rural utilities assistance program" for the additional cost of direct loans and grants, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, for emergency expenses resulting from flooding in the Pacific Northwest, Northeast blizzards and floods, and other natural disasters, $6,000,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER II

Small Business Administration

DISASTER LOANS PROGRAM ACCOUNT

For an additional amount for "Disaster Loans Program Account" for the cost of direct loans authorized by section 7(b) of the Small Business Act, as amended, $72,300,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

For an additional amount for administrative expenses directly related to carrying out the disaster loan program, $27,700,000, to remain available until expended: *Provided*, That these funds shall be available only upon notification to the Committees on Appropriations of the House of Representatives and the Senate in accordance with standard reprogramming procedures: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER III

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

Corps of Engineers—Civil

OPERATION AND MAINTENANCE, GENERAL

For an additional amount for "Operation and Maintenance, General", for the Northeast and Northwest floods of 1996, $30,000,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies", for the Northeast and Northwest floods of 1996 and other disasters, and to replenish funds transferred pursuant to Public Law 84-99, $135,000,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(D)(2)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

CONSTRUCTION PROGRAM

For an additional amount for "Construction Program", $9,000,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(D)(2)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF ENERGY

POWER MARKETING ADMINISTRATIONS

Construction, Rehabilitation, Operation and Maintenance, Western Area Power Administration

(TRANSFER OF FUNDS)

$5,500,000 of funds appropriated under this heading in the Energy and Water Development Appropriations Act, 1995 (Public Law 103-316), shall be transferred to the appropriation account "Operation and Maintenance, Alaska Power Administration", to remain available until expended, only for necessary termination expenses.

CHAPTER IV

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CONSTRUCTION AND ACCESS

For an additional amount for "Construction and Access", $4,242,000, to remain available until expended, to repair roads, culverts, bridges, facilities, fish and wildlife protective structures, and recreation sites damaged by the Pacific Northwest floods and other natural disasters: *Provided*, That Congress hereby designates this amount as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OREGON AND CALIFORNIA GRANT LANDS

For an additional amount for "Oregon and California Grant Lands", $19,548,000, to remain available until expended, to repair roads, culverts, bridges, facilities, fish and wildlife protective structures, and recreation sites damaged by the Pacific Northwest floods and other natural disasters: *Provided*, That Congress hereby designates this amount as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

UNITED STATES FISH AND WILDLIFE SERVICE

CONSTRUCTION

For an additional amount for "Construction", $20,505,000, to remain available until expended, to make repairs necessitated by hurricanes, floods and other natural disasters: *Provided*, That Congress hereby designates this amount as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL PARK SERVICE

CONSTRUCTION

For an additional amount for "Construction", $33,601,000, to remain available until expended, to make repairs necessitated by hurricanes, floods and other natural disasters: *Provided*, That Congress hereby designates this amount as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, Investigations, and Research", $1,176,000, to remain available until September 30, 1997, for expenses necessitated by hurricanes, floods and other natural disasters: *Provided*, That Congress hereby designates this amount as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For an additional amount for "Operation of Indian Programs", $500,000, to remain available until September 30, 1997, for emergency operations and repairs necessitated by winter floods: *Provided*, That Congress hereby designates this amount as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION

For an additional amount for "Construction", $9,428,000, to remain available until expended, for emergency repairs necessitated by floods in the Pacific Northwest and other natural disasters: *Provided*, That Congress hereby designates this amount as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ASSISTANCE TO TERRITORIES

For an additional amount for "Assistance to Territories", $2,000,000, to remain available until expended, for recovery efforts necessitated by Hurricane Marilyn: *Provided*, That Congress hereby designates this amount as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

For an additional amount for "National Forest System", $20,000,000, to remain available until September 30, 1997, for expenses necessitated by floods and other natural disasters: *Provided*, That Congress hereby designates this amount as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION

For an additional amount for "Construction", $60,000,000, to remain available until expended, for expenses necessitated by floods and other natural disasters: *Provided*, That Congress hereby designates this amount as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That $20,000,000 of this amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

CHAPTER V

DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

(HIGHWAY TRUST FUND)

For the Emergency Fund authorized by section 125 of title 23, United States Code, to cover expenses arising from the January 1996 flooding in the Mid-Atlantic, Northeast, and Northwest States, and other disasters, $267,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF TRANSPORTATION

FEDERAL TRANSIT ADMINISTRATION

MASS TRANSIT CAPITAL ACCOUNT

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For an additional amount for payment of obligations incurred in carrying out 49 U.S.C. 5338(b) administered by the Federal Transit Administration, $375,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

OTHER INDEPENDENT AGENCIES

PANAMA CANAL COMMISSION

PANAMA CANAL REVOLVING FUND

For an additional amount for administrative expenses, $2,000,000, to be derived from the Panama Canal Revolving Fund.

CHAPTER VI

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Disaster Relief", $150,000,000, to remain available until expended, which, in whole or in part, may be transferred to the Disaster Assistance Direct Loan Program Account for the cost of direct loans as authorized under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided further*, That such transfer may be made to subsidize gross obligations for the principal amount of direct loans not to exceed $170,000,000 under section 417 of the Stafford Act: *Provided further*, That any such transfer of funds shall be made only upon certification by the Director of the Federal Emergency Management Agency that all requirements of section 417 of the Stafford Act will be complied with: *Provided further*, That the entire amount of this appropriation shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER VII

GENERAL PROVISIONS—THIS TITLE

SEC. 3002. No part of any appropriation contained in this title shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

TITLE IV

CONTINGENT SUPPLEMENTAL APPROPRIATIONS

CHAPTER I

DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

INDUSTRIAL TECHNOLOGY SERVICES

For an additional amount for the Advanced Technology Program, $100,000,000, to remain available until expended: *Provided*, That amounts made available under this heading may be used only for the purpose of providing continuation grants for projects awarded in fiscal year 1994 and prior years and related administrative expenses: *Provided further*, That none of the funds made available under this heading may be used for the purpose of carrying out additional program competitions under the Advanced Technology Program.

DEPARTMENT OF STATE

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for "Contributions to International Organizations", $158,000,000, subject to the same terms and conditions as provided in the Department of State and Related Agencies Appropriations Act, 1996: *Provided*, That 50 percent of the funds appropriated in this paragraph shall be withheld from obligation and expenditure unless the Secretary of State certifies that the United Nations has taken no action that would cause the United Nations to exceed its no-growth budget for the biennium 1996–1997 adopted in December, 1995.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for "Contributions for International Peacekeeping Activities", $200,000,000, subject to the same terms and conditions as provided in the Department of State and Related Agencies Appropriations Act, 1996.

CHAPTER II

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For an additional amount for "Training and Employment Services", $111,800,000, of which $84,300,000 for title II, part A, of the Job Training Partnership Act shall be available for obligation for the period July 1, 1996 through June 30, 1997 and $27,500,000 for the School-to-Work Opportunities Act shall be available for obligation for the period July 1, 1996, through September 30, 1997.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For an additional amount for "State Unemployment Insurance and Employment Service Operations", $33,000,000 to be available for obligation for the period July 1, 1996 through June 30, 1997.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For an additional amount for "Substance Abuse and Mental Health Services", $100,000,000 for carrying out title XIX of the Public Health Service Act with respect to substance abuse services.

DEPARTMENT OF EDUCATION

EDUCATION REFORM

For an additional amount for "Education Reform", $389,500,000 for carrying out activities authorized by the Goals 2000: Educate America Act and titles II and III of the School-to-Work Opportunities Act which shall become available on July 1, 1996 and remain available through September 30, 1997: *Provided*, That none of the funds appropriated under this heading shall be obligated or expended to carry out section 304(a)(2)(A) of the Goals 2000: Educate America Act.

EDUCATION FOR THE DISADVANTAGED

For an additional amount for "Education for the Disadvantaged", $961,000,000 for carrying out title I of the Elementary and Secondary Education Act of 1965 which shall become available on July 1, 1996 and remain available through September 30, 1997: *Provided*, That $461,000,000 shall be available for basic grants under section 1124, which shall be allocated without regard to section 1124(d): *Provided further*, That $500,000,000 shall be available for concentration grants under section 1124(A): *Provided further*, That no funds shall be reserved under section 1003(a).

SCHOOL IMPROVEMENT PROGRAMS

For an additional amount for "School Improvement Programs", $12,000,000 for carrying out title X of the Elementary and Secondary Education Act of 1965.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

For an additional amount for "Education Research, Statistics, and Improvement", $23,000,000 for carrying out section 3136 (K–12 technology learning challenges) of the Elementary and Secondary Education Act of 1965.

CHAPTER III

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

CONSTRUCTION, MAJOR PROJECTS

For an additional amount for "Construction, Major Projects", $70,100,000, to remain available until expended.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

For an additional amount for "Annual Contributions for Assisted Housing", $150,000,000, to remain available until expended: *Provided*, That of the total amount provided, $75,000,000 shall be made available, as authorized by section 202 of the Housing Act of 1959; and $75,000,000 shall be for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act.

PUBLIC HOUSING DEMOLITION, SITE REVITALIZATION, AND REPLACEMENT HOUSING GRANTS

For an additional amount for "Public Housing Demolition, Site Revitalization, and Replacement Housing Grants", $220,000,000, to remain available until expended.

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

For an additional amount for "Payments for Operation of Low-Income Housing Projects", $50,000,000.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

Of the amount provided under this heading in title I of this Act, $80,000,000 shall be available for Economic Development Initiative grants as authorized by section 108(q) of the Housing and Community Development Act of 1974, as amended, on a competitive basis.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

Upon the implementation of title IV of this Act, notwithstanding the language under this heading in title I of this Act or any other provision of law, effective October 1, 1995, and throughout the remainder of fiscal year 1996, appropriations made available to the Corporation for National and Community Services are in toto as provided for in title IV of this Act as follows:

For necessary expenses for the Corporation for National and Community Service (referred to in the matter under this heading as the "Corporation") in carrying out programs, activities, and initiatives under the National and Community Service Act of 1990 (referred to in the matter under this heading as the "Act") (42 U.S.C. 12501 et seq.), $383,500,000, of which $234,000,000 shall be available for obligation from September 1, 1996, through September 30, 1997: *Provided*, That not more than $25,000,000 shall be available for administrative expenses authorized under section 501(a)(4) of the Act (42 U.S.C. 12681(a)(4)): *Provided further*, That not more than $2,500 shall be for official reception and representation expenses: *Provided further*, That not more than $59,000,000, to remain available without fiscal year limitation, shall be transferred to the National Service Trust account for educational awards authorized under subtitle D of title I of the Act (42 U.S.C. 12601 et seq.): *Provided further*, That not more than $175,000,000 of the amount provided under this heading shall be available for grants under the National Service Trust program authorized under subtitle C of title I of the Act (42 U.S.C. 12571 et seq.) (relating to activities including the AmeriCorps program): *Provided further*, That not more than $3,500,000 of the funds made available under this heading shall be made available for the Points of Light Foundation for activities authorized under title III of the Act (42 U.S.C. 12661 et seq.): *Provided further*, That not more than $40,000,000 of the funds made available under this heading may be used to administer, reimburse, or support any national service program authorized under section 121(d)(2) of such Act (42 U.S.C. 12581(d)(2)), and none of such funds shall be available for national service programs run by Federal agencies authorized under section 121(b) of such Act (42 U.S.C. 12581(b)): *Provided further*, That, to the maximum extent feasible, funds appropriated in the preceding proviso shall be provided in a manner that is consistent with the recommendations of peer review panels in order to assure that priority is given to programs that demonstrate quality, innovation, replicability, and sustainability: *Provided further*, That not more than $18,000,000 of the funds made available under this heading shall be available for the National Civilian Community Corps authorized under subtitle E of title I of the Act (42 U.S.C. 12611 et seq.): *Provided further*, That not more than $43,000,000 shall be available for school-based and community-based service-learning programs authorized under subtitle B of title I of the Act (42 U.S.C. 12521 et seq.): *Provided further*, That not more than $15,000,000 shall be available for quality and innovation activities authorized under subtitle H of title I of the Act (42 U.S.C. 12653 et seq.): *Provided further*, That not more than $5,000,000 shall be available for audits and other evaluations authorized under section 179 of the Act (42 U.S.C. 12639), of which up to $500,000 shall be available for a study by the National Academy of Public Administration on the structure, organization, and management of the Corporation and activities supported by the Corporation, including an assessment of the quality, innovation, replicability and sustainability without Federal funds of such activities, and the Federal and non-Federal cost of supporting participants in community service activities: *Provided further*, That no funds from any other appropriation, or from funds otherwise made available to the Corporation, shall be used to pay for personnel compensation and benefits, travel, or any other administrative expense for the Board of Directors, the Office of the Chief Executive Officer, the Office of the Managing Director, the Office of the Chief Financial Officer, the Office of National and Community Service Programs, the Civilian Community Corps, or any field office or staff of the Corporation working on the National and Community Service or National Civilian Community Corps programs: *Provided further*, That to the maximum extent practicable, the Corporation shall increase significantly the level of matching funds and in-kind contributions provided by the private sector, shall expand significantly the number of educational awards provided under subtitle D of title I, and shall reduce the total Federal cost per participant in all programs.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out provisions of the Inspector General Act of 1978, $2,000,000.

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For an additional amount for "Environmental Programs and Management",

$150,000,000, to remain available until September 30, 1997: *Provided*, That up to $40,000,000 of this amount shall be available for enforcement activities under this heading.

BUILDING AND FACILITIES

For an additional amount for "Buildings and Facilities", $50,000,000 for the construction of a new consolidated research facility at Research Triangle Park, North Carolina, to remain available until expended: *Provided*, That notwithstanding any other provision of law, the Environmental Protection Agency is authorized to establish and construct a consolidated research facility at Research Triangle Park, North Carolina, at a maximum total construction cost of $232,000,000, and to obligate such monies as are made available by this Act, and hereafter, for this purpose.

HAZARDOUS SUBSTANCE SUPERFUND

For an additional amount for "Hazardous Substance Superfund", $100,000,000, to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

For an additional amount for "State and Tribal Assistance Grants", $3,500,000, to remain available until expended for a grant for water distribution systems in the South Buffalo/Kittaning, Pennsylvania area.

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For an additional amount for "Council on Environmental Quality and Office of Environmental Quality", $500,000, subject to the same terms and conditions as provided under this heading in title I of this Act.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For an additional amount for "Research and Related Activities", $40,000,000, to remain available until September 30, 1997.

DEPARTMENT OF THE TREASURY

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND

PROGRAM ACCOUNT

For grants, loans, and technical assistance to qualifying community development financial institutions, and administrative expenses of the Fund, $25,000,000, to remain available until September 30, 1997: *Provided*, That of the funds made available under this heading not to exceed $4,000,000 may be used for the cost of direct loans, and not to exceed $400,000 may be used for administrative expenses to carry out the direct loan program: *Provided further*, That the cost of direct loans, including the cost of modifying such loans, shall be defined as in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such funds are available to subsidize gross obligation of the principal amount of direct loans not to exceed $15,800,000: *Provided further*, That none of these funds shall be used to supplement existing resources provided to the Department for activities such as external affairs, general counsel, administration, finance, or office of inspector general: *Provided further*, That none of these funds shall be available for expenses of an Administrator as defined in section 104 of the Community Development Banking and Financial Institutions Act of 1994 (CDBFI Act): *Provided further*, That the number of staff funded under this heading shall not exceed 10 full-time equivalents: *Provided further*, That notwithstanding any other provision of law, for purposes of administering the Community Development Financial Institutions Fund, the Secretary of the Treasury shall have all powers and rights of the Administrator of the CDBFI Act and the Fund shall be within the Department of the Treasury.

CHAPTER IV

GENERAL PROVISIONS—THIS TITLE

SEC. 4001. No part of any appropriation contained in this title shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 4002. Amounts appropriated in this title are available for obligation only if and when reconciliation legislation is enacted that expressly makes available for obligation these amounts and that (1) makes available or causes to be made available to the Committees on Appropriations of the House and Senate increased budget authority and outlays for fiscal year 1996 under the provisions of section 302(a) or 602(a) of the Congressional Budget Act of 1974 in at least the amounts included in this title, (2) credits to or causes to be credited to the budget authority and outlays for fiscal year 1996 of the Committees on Appropriations of the House and Senate under the provisions of section 302(a) or 602(a) of the Congressional Budget Act of 1974 offsetting savings or receipts in at least the amounts included in this title, or (3) includes any combination of increased budget authority and outlays or crediting of offsetting savings or receipts to the spending authority for fiscal year 1996 of the Committees on Appropriations of the House and Senate under the provisions of section 302(a) or 602(a) of the Congressional Budget Act of 1974 in at least the amounts included in this title. Any amounts appropriated in this title that have not been made available for obligation by the end of the fiscal year 1996 are hereby rescinded.

This Act may be cited as the "Balanced Budget Down Payment Act, II."

The CHAIRMAN. No further amendment is in order except the amendments printed in House Report 104-474 which may be offered only in the order printed in the report and by the Member designated in the report, shall be considered as read, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question. Debate time for each amendment shall be equally divided and controlled by the proponent and an opponent of the amendment.

It is now in order to consider amendment No. 1 printed in House Report 104-474.

AMENDMENT OFFERED BY MRS. LOWEY

Mrs. LOWEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. LOWEY:

Page 372, strike section 509 (relating to State discretion to not fund abortions under Medicaid).

The CHAIRMAN. Pursuant to the rule, the gentlewoman from New York [Mrs. LOWEY] and a Member opposed each will be recognized for 10 minutes.

The Chair recognizes the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, I ask unanimous consent to divide my time equally with the gentleman from Pennsylvania [Mr. GREENWOOD], and that he be permitted to control that time.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. LOWEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to strike the extreme provision in this bill that would allow States to deny Medicaid-funded abortions to victims of rape and incest. I understand that there may be some confusion about what this amendment does, so let me be very clear. This amendment preserves current law by leaving the underlying Hyde amendment in place.

It is this bill that changes current law by giving States the right not to fund abortions in the case of rape and incest. Quite simply, this bill gives States the green light to eliminate Medicaid funding of abortions for the most vulnerable members of our society, impoverished victims of rape and incest. This provision callously victimizes victims and subjects women who have been raped to further indignity. It is draconian and it is unfair.

Let me be very clear, this provision has nothing to do with States' rights. The States right argument is just a smoke screen. This is not about the rights of States. It is about the rights of women, the right to choose.

The Medicaid statute does not give States the right to pick and choose which procedures they will cover and which they will not. A State's participation in Medicaid is voluntary, but once a State chooses to participate, it must comply with Federal statutory and regulatory requirements.

Time after time, in case after case, the Federal courts have ruled that States must fund abortions in cases of rape and incest. Since 1993, Federal courts in 13 States have rejected challenges brought by States that did not want to comply with the rape and incest language. There is not a single case in which a court has sided with States that did not want to comply.

It is very simple. Under current law, States must fund Medicaid abortion in the case of rape, incest, and life of the pregnant woman. Just so we are clear, this is not just the way the Clinton administration has interpreted the law, it is the law, and it has been interpreted by the courts.

This provision does not clarify existing law as its proponents claim. It overturns existing law. Mr. Chairman, American women have watched in horror as this extreme Congress has eroded their rights. This will be the 22d vote we have taken on the abortion issue, a new record, and of all these votes, of all the restrictions this Congress has imposed on American women, this one is the most cruel.

This bill says to rape victims, you must have your rapist's child. It tells incest victims, you must have your father's child.

This Congress must not turn its back on American women in their hour of greatest need. Let us have the decency to ensure that impoverished victims of rape and incest will have the right to choose. I urge support for the Lowey-Greenwood-Morella amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Is there a Member in opposition to the amendment?

Mr. ISTOOK. Mr. Chairman, I am opposed to the amendment.

The CHAIRMAN. The gentleman from Oklahoma [Mr. ISTOOK] is recognized for 10 minutes.

Mr. ISTOOK. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, I was surprised to hear the statements of Bill Clinton and AL GORE attacked as extremist. For when Bill Clinton was Governor of Arkansas, he sent this letter in which he said he supported a constitutional amendment for the people of Arkansas to say abortion should not be funded with public money unless the life of the mother were at risk, and he wrote in the letter, "I am opposed to abortion and to government funding of abortions."

AL GORE voted repeatedly for the same type of amendment that is in the bill that the gentlewoman from New York [Mrs. LOWEY] seeks to strike. When he was a Senator in 1987, he wrote, "During my 11 years in Congress, I have consistently opposed Federal funding for abortion."

Why is this now being attacked as extremist? We have had this vote before. We voted on this identical issue, this identical language, in August. Some people are not willing to abide by that decision and they are out here to try again.

But 36 States have had their State laws overturned by a Clinton administration directive misinterpreting what Congress has done, and there is no other remedy to uphold the States which have provisions in their statutes and their constitutions against using public money for abortion except to save the life of the mother.

The language which we desire to keep in the bill is the language that simply says if they wish to fund those rape and incest abortions, they may do so. If they do not wish to do so, they are not compelled to do so. I ask a "no" vote on the motion to strike.

Mr. GREENWOOD. Mr. Chairman, I yield 1 minute to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I urge my colleagues to vote for our amendment.

Let me clarify just what we are doing here—we are simply confirming the interpretation of the 1993 Hyde language regarding Medicaid funding for rape and incest only. That language requires States to provide Medicaid abortion coverage in rape and incest cases. This interpretation has been upheld in each and every Federal court that has considered the issue—including Federal courts in 13 States.

The States rights plank is a facade; make no mistake about it. This is about Medicaid funding in cases of rape and incest only—in 1994, Federal funding covered only two abortions. These circumstances are very tragic and rare—but they are the result of violent, brutal crimes against women.

We cannot all call for an end to violence against women in one breath and then in the next breath, vote to prevent victims of rape and incest, brutally violent crimes, to lose their rights to end such pregnancies.

I urge my colleagues to vote for the Lowey-Greenwood-Morella amendment.

Mrs. LOWEY. Mr. Chairman, I yield 30 seconds to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, the crimes of rape and incest are not about abortion, they are about violence and brutality. The language in this continuing resolution is cruel and it is senseless punishment for thousands of women who are victims of rape and incest.

I only wish that this body would spend as much time working to prevent sexual assault, domestic violence, and tougher criminal prosecution of rapists as they do on the issue of choice. We should consider ways in which we can heal young girls and women who fall victim to these horrifying acts with the same ferociousness and vigilance as this body attacks a woman's right to choose.

Mr. ISTOOK. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in strong opposition to the Lowey amendment, which strikes language in the bill that protects States from being forced to alter their State laws or constitutions to pay for abortions. We defeated this motion last August and I urge defeat of it again today.

At least 12 States have been sued by the abortionists because of the administration's twisted interpretations of the 1993 Hyde amendment, which Members should recall allowed but did not require taxpayer funding for abortions in cases of rape and incest. A dozen more States acquiesced rather than face litigation from the abortion industry.

The Clinton order has had some disastrous consequences in some States. For example, in Arkansas the people voted and approved a State constitutional amendment endorsed by then Gov. Bill Clinton to prohibit State funding of abortion except to save the life of the mother. A Federal judge, however, has set aside the entire constitutional amendment because in the view of the judge it conflicts with Federal law, thus ordering that State to pay for abortions on demand.

I do not think anybody wants to be part of that, having that State being forced to underwrite and subsidize the cost for all abortions. The Clinton order has also invalidated the State laws of Iowa, Minnesota, Pennsylvania, Virginia, Wisconsin, and Wyoming that contained a requirement that rape or incest be reported to a law enforcement agency. I happen to believe that that is a modest request when the death of the baby is being procured. We should be trying to apprehend and hopefully prosecute these people who commit these heinous crimes of rape, rather than let them get off the hook in terms of the reporting requirement.

□ 1500

I would hope all States that have any kind of rape or incest would have that kind of requirement. These have been nullified by the Clinton order.

Mr. GREENWOOD. Mr. Chairman, I yield 1 minute to the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Chairman, it has been argued this is not an abortion issue, and it is true that the law today allows for abortion in cases of rape or incest. People argue it is a States rights issue. Let us take a look at that. If you are poor, a very poor woman in the middle of a large State, let us say Oklahoma, and you have a State law which does not allow you to get an abortion, if you have gone through rape or incest, it means that individual must live with having that child, having to raise that child in that society. If you are in another State, say Kansas, which does allow for that abortion to take place in cases of rape or incest, it means that they would be allowed to have an abortion. Is that fair to that poor woman in the first State, in the State of Oklahoma, in that particular instance? I think the answer is no.

This is not a matter of States rights. This is a matter of the rights of the individual woman, the poor defenseless woman, to be able to live her life as she pleases, and I believe we need to support this amendment. It comes down to the issue of fairness.

I urge everyone to support the amendment.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Chairman, to force a woman who has been raped, violated, brutalized, to carry a pregnancy to term is unconscionable.

This amendment is consistent with Hyde. To punish a poor woman simply because she is poor is absolutely the kind of public policy that we do not want to support.

I would urge my colleagues in the name of fairness to support this amendment. It is only fair that we say to the States, do not make a woman suffer more, do not make a woman who has been violated in the worst way suffer more by carrying a pregnancy to term.

I ask for an "aye" vote on this amendment.

Mr. ISTOOK. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH], a very respected Member of this House.

Mrs. VUCANOVICH. Mr. Chairman, I wish to address the issue of State sovereignty. The Hyde amendment of 1993 allowed Federal reimbursement for Medicaid abortions in cases of rape and incest. The Clinton administration, however, has twisted the original intent of this amendment by forcing States to use Medicaid funds to pay for such procedures. In many cases, States are forced to violate their own constitutions or lose Federal Medicaid funding. We in the 104th Congress have labored mightily to restrain the power of the Federal Government and return power to the States. Let us not stand idly by while one of the most basic principles of State sovereignty is threatened.

I call upon the President of the United States to respect the wishes of millions of Americans who oppose the use of their tax dollars to destroy innocent human life. I urge my fellow Members of Congress to support the omnibus appropriations bill and oppose the Lowey amendment. Colleagues, you are to decide the important questions upon which rest the happiness and liberty of millions yet unborn. Act worthy of yourselves.

Mr. GREENWOOD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is not about States rights. This is about State funds.

We offered an amendment to this provision that would have, in fact, provided 100 percent Federal funds to take care of this small handful of abortions, and that offer was rejected by the proponents of this measure.

What this is about is what becomes of young girls after they are sexually abused by their fathers and their stepfathers and become pregnant. What this is about is what becomes of women after they are brutally raped and become pregnant.

Now, the authors of this provision do not believe that abortion is an appropriate response to becoming pregnant as a result of rape or incest, and I respect their right to hold that view.

I also suspect, though, that the decision comes more easily to the authors because they are not the victims of these unspeakable crimes and it is not they who are forced to give birth to the children of their assailants.

This vote is about who makes the decision in these tragic circumstances, the politicians or the victims. Eighty-four percent of Americans believe that this decision belongs in the hands of the victims and not the politicians.

I would submit that any of us who put the term "Representative" before our names in this body have a duty to represent the 84 percent of the Americans who hold that view and support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. ISTOOK. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. ALLARD], which, because its people have twice voted not to fund abortions except in the case of life of the mother, may have to lose $700 million a year in Federal funding unless we defeat this motion and keep this language in the bill.

Mr. ALLARD. Mr. Chairman, I oppose the Lowey amendment and rise in support of the Istook language guaranteeing States the right to determine appropriate restrictions on the use of Medicaid funds for abortion.

Recently, the State of Colorado was denied this right in Federal court, presenting a substantial problem for our State. The Colorado Constitution prohibits the use of public funds for abortions, unless the life of the mother is threatened. Therefore, the State is put in the position of violating our State constitution or discontinuing the use of Medicaid funds.

At a time when we are shifting power back to the States, we should guarantee States the right to place restrictions on the use of Medicaid funds for abortion. This is particularly appropriate in light of the Federal-State matching grant nature of Medicaid. The Istook language simply reiterates Congress' intent in the Hyde amendment.

Colorado is not the only State that challenges the Clinton administration's interpretation of the Hyde amendment. The States of Alabama, Arizona, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Ohio, Oklahoma, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, and Utah also prohibit the use of Medicaid funds for abortion in all cases except when the life of the mother is endangered.

The funds involved are taxpayer dollars, and the people of Colorado and other States should determine whether Federal abortion funding restrictions are adequate or need to be strengthened.

Mrs. LOWEY. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Chairman, I call on colleagues to support the Lowey amendment.

This amendment attempts to correct ruthless public policy contained in this bill.

For poor women, this bill would make fathers out of rapists.

If this is the new majority's idea of family values, then count me out.

I think an overwhelming majority of the American people believe our government should help crime victims, not leave them to their own devices, especially with such horrible crimes as rape and incest.

My Republican colleagues bristle when we use the word "extreme."

But there is no other word to describe this policy.

Support the Lowey amendment.

Mr. ISTOOK. Mr. Chairman, I yield 20 seconds to the gentleman from Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Chairman, it is interesting, back on March 30, 1993, George Stephanopolos, said the President's proposal would try to preserve flexibility of the States to make these tough decisions, but, in fact, they issued an Executive order that resulted in the striking of a constitutional provision in our Arkansas Constitution, voted on by the people of the State of Arkansas, stripped because of a bureaucrat's order out of Washington, DC. That is wrong. That is why we need this provision.

Mr. ISTOOK. Mr. Chairman, I yield 20 seconds to the gentleman from Arkansas [Mr. DICKEY].

Mr. DICKEY. Mr. Chairman, lives are at stake. There is no question about it. We in Arkansas have approved a constitutional amendment where we said we could not use Federal funds or State funds to take the lives of innocent children who are not represented in this discussion and who we need to protect.

Mr. ISTOOK. Mr. Chairman, I yield 45 seconds to the gentleman from Florida [Mr. WELDON], a freshman Member.

Mr. WELDON of Florida. Mr. Chairman, we are debating a continuing resolution that will keep the Government open through the rest of the year.

Unfortunately, some have chosen to complicate this bill by offering an amendment to strike the Istook language. The Istook language allows States to make the decision as to whether they will use the State portion of their Medicare funding to pay for abortions in the case of rape or incest.

Mr. Chairman, not only does the Istook amendment protect States rights, but specifically a particular State. We have already heard today the impact this will have on the State of Colorado.

I strongly urge all of my colleagues to vote "no" on this Lowey amendment and support the original Istook language.

Mr. ISTOOK. Mr. Chairman, I yield 30 seconds to my fellow colleague, the gentleman from Oklahoma [Mr. LARGENT], from the First Congressional District.

Mr. LARGENT. Mr. Chairman, I thank the gentleman for yielding this time to me.

I listened to the passionate but wrongheaded arguments for this Lowey amendment, and I rise in strong opposition to that argument. It is not a compelling argument.

Folks, understand that the children that are being destroyed through the funding of abortions are not the perpetrators of the crime of rape and incest. They are the innocent, and by voting against this amendment we provide the protection that they need in the sanctity the womb.

I urge a "no" vote on the Lowey amendment.

Mr. ISTOOK. Mr. Chairman, I yield 1½ minutes to the great gentleman from, Illinois [Mr. HYDE], well known and esteemed in this body.

Mr. HYDE. Mr. Chairman, we have just been called extremists, and list me in the front ranks of the extreme, if by earning that appellation I can defend the innocent unborn.

It seems to me 1½ million abortions every year is pretty extreme. The U.S. Supreme Court has held in a Georgia case that you may not execute the rapist. The words of the court were that is a disproportionate penalty for the crime; disproportionate, do not execute the rapist, but you can execute the unborn in the womb.

Nobody says a rape victim has an easy matter of it. That is tragic, and it is heart-rending.

But why visit on the innocent unborn life execution that the court will not let you do to the rapist? That is a tragedy, and it calls for love and compassion and help, and we ought to provide that, but do not add insult to injury by executing the most innocent of human beings, an unborn child.

I do not think we should be proud of the fact that we have a million and a half abortions. But most of the people arguing for the Lowey amendment I find supported the partial-birth abortion process. That is what is extreme. That is the edge of the envelope.

If you want to protect human life, if you think abortions ought to be safe, legal, and rare, as the President says, how are you making them rare by forcing States to pay for them when the States do not want to and their laws do not want them to and even their constitution forbids it? That is extreme.

□ 1515

Mr. GREENWOOD. Mr. Chairman, I yield the balance of my time to the gentleman from Massachusetts [Mr. TORKILDSEN].

The CHAIRMAN. The gentleman from Massachusetts [Mr. TORKILDSEN] is recognized for 1½ minutes.

Mr. TORKILDSEN. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding me time.

Mr. Chairman, I rise in strong support of the Lowey-Greenwood-Morella motion to strike. As Yogi Berra said, it is deja vu all over again. This House is once again debating one of the most personal decisions any woman could ever have to make in this country, and this House really should not be interfering in that process.

The Medicaid statute is crystal clear on the issue. Once a State elects to participate in the Medicaid Program, all necessary medical services must be covered. That is very clear and to the point.

A rape is reported in our country every 5 minutes. It is a very sad statistic. Fortunately, most of these rapes do not result in pregnancies. But on the times that they do, when the woman is a victim of a crime, why make things worse with the adoption of the language that is in this bill?

We should be voting to strike. We should be voting to keep our own motto of keeping government out of people's lives, and allowing people to make decisions that affect them more than any other individual.

I urge all Members to vote for the motion to strike, and vote to put some sanity back in this most personal of decisions.

Mrs. LOWEY. Mr. Chairman, I yield 45 seconds to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, I wish those who take this floor and so casually dismiss the rights of victims of rape and incest could have sat with me across a table at a home for abused children to meet two 17-year-old young women who had been victims of rape and incest, their young lives shattered by the violent and vicious crimes they had been subjected to.

I pray to God that a young woman in that situation would have the strength to carry her baby and put it up for adoption. But neither the gentleman from Oklahoma [Mr. ISTOOK] nor any member of the Republican majority has the right to say that she must do so under all circumstances. That is mean, it is extreme, it is wrong. We must be sensitive to the fact that many people, young women in particular, face shattering experiences because of these violent, vicious crimes. To take away their right to terminate that pregnancy early on, their right to choose, is wrong. This a decision for a woman, her doctor, and her conscience.

The CHAIRMAN. The Chair wishes to inform the gentleman from Pennsylvania [Mr. GREENWOOD] that he has 15 seconds remaining.

Mr. GREENWOOD. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me just close by asking the Members of this body to consider what weighs in the balance: The fertilized egg on the one hand, and, on the other hand, the lives of victims of the most unspeakable crimes. Who should make the decision in this instance? A Solomonic decision should be made by the victim.

The CHAIRMAN. The gentleman from Oklahoma [Mr. ISTOOK] has 1½ minutes remaining, and is entitled to close.

Mr. ISTOOK. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we are not here to talk about whether someone, no matter where they live, will have the ability to obtain an abortion under any circumstances. We are here solely on the question of whether taxpayers in different States will be compelled to use taxpayers' money to pay for abortions or whether the States can decide for themselves in a case of rape or incest if taxpayer money is to be used.

Thirty-six States, through their people, many through public votes, have made the decision they do not wish taxpayer money to be used in those circumstances. I stand here on behalf of the people of those 36 States that do not want to be dictated to from Washington, that want to be able to make those decisions.

So, Mr. Chairman, the people in the States of Alabama, Arizona, Arkansas, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Ohio, Oklahoma, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Iowa, Minnesota, Pennsylvania, Virginia, Wisconsin, and Wyoming, say they should not be dictated to from Washington. If you are from one of those States and you vote for this motion to strike, you have voted to overturn the decision of your State. You have voted against the decision made by your people. If you are from any other State, it does not matter; this amendment does not affect you. But Members from those States should vote against the amendment, against the motion to strike, and uphold the authority of their people to determine where their tax money will be spent.

Mr. FAZIO of California. Mr. Chairman, I rise in support of the Lowey amendment that deletes the Istook abortion riders that are included in this continuing resolution. These riders would not allow State to fund abortions via Medicaid in cases of rape and incest. In addition, the riders contain a provision that will reverse the policy that resident training programs for OB–GYN's include education about abortion techniques.

Policies that force rape and incest victims to continue a resulting pregnancy to term threaten the health of the most vulnerable women. A Medicaid-eligible woman facing a pregnancy caused by rape and incest must be permitted to protect her health and to exercise her fundamental right to choose in whatever State she calls home.

Under the guise of State's rights, the callous and discriminatory effect of the Istook riders will cause additional suffering for women who must already overcome poverty and sexual violence.

In States that have funded coverage for abortion under the extreme circumstances of rape or incest, very few abortions have been funded.

Women who have been raped often face additional victimization caused by the insensitivity of the police, medical personnel, and the criminal justice system. Now the sponsors of this rider want to allow States to force these women to continue these pregnancies and bear children against the will of the affected women.

These riders are another example of legislation that, if considered on its own merits, would not pass muster. We should send a clean CR to the President, not one loaded down with questionable public policy like this. These policy riders are bad public policy. I urge my colleagues to support the Lowey amendment to strike the Istook riders.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of the Lowey amendment to H.R. 3019 that would delete the provision of the bill that allows States to eliminate Medicaid funding of abortions for victims of rape and incest.

The proponents of the provision argue that it gives the States the right to choose which abortion procedures it will fund, when this issue has already been settled by the Federal courts. The courts have held that the States participating in Medicaid must provide funding for abortions in case of rape and incest. I support this amendment because States should not be given the options of providing coverage of these services under the guise of States rights.

As a woman, a mother, and Member of Congress, I strongly believe that anyone faced with making the decision to abort a fetus conceived during rape or incest has a tremendous burden to bear—but it is the woman's decision that must be made solely by her and in consultation with her family and physician. The Federal Government should have nothing to do with it.

Consider the story of an 18-year-old high school senior from St. Paul, MN. Kristine G. became pregnant for the first time as a result of a date rape, which she did not report because the family of the man who raped her threatened her life. In addition, her attacker was a gang member and she feared for her life. Should she be denied the opportunity to get an abortion?

To be a poor woman in America is difficult enough, to be raped and then denied access to medical services to end an unwanted pregnancy is the greatest injustice I can imagine. The majority of the American people believe that Medicaid funding of abortions for victims of rape and incest is appropriate.

In 1993 Congress revised the Hyde amendment to title XIX funding for Medicaid Program making their intention clear that it should cover all "medically necessary services." I cannot imagine a service more necessary than an abortion for a victim of rape or incest.

I urge my colleagues to stand up for American women. I urge my colleagues to do the right thing and vote in favor of this amendment.

Mr. BEREUTER. Mr. Chairman, this Member rises today in opposition to the amendment by the gentlewoman from New York [Mrs. LOWEY] that would strike the language in the bill that clarifies the congressional intent regarding the interpretation of the Hyde amendment.

This Member was one of the first Members of Congress to speak against the 1993 Clinton administration directive that required States to fund Medicaid abortions in cases of rape or incest. This directive is an unjustified and incorrect interpretation of the law and of congressional intent. It is certainly not the intent of Congress to mandate States to fund Medicaid abortions in the case of rape or incest, regardless of State law. The 1993 Hyde amendment to public law is clearly not a mandate, but an enlargement on the limitation on the use of Federal funds, allowing States to use Medicaid funds to finance abortions in the case of rape or incest and of course to save the life on an indigent mother. The language in the bill we are considering today, once and for all, clarifies the original congressional intent in statute.

Mr. Chairman, this Member urges his colleagues to oppose the Lowey amendment.

Ms. PELOSI. Mr. Speaker, I rise today in strong support of the Lowey amendment, which deletes the provision in this legislation permitting States to decide whether to use Medicaid funds for abortions in the case of rape or incest.

This provision is cruel, unfair, and has no place in any legislation, but most particularly not in this already troubled omnibus appropriations bill.

States should not be given the option of providing coverage of these services under the guise of States' rights. States have the choice whether or not to participate in the Medicaid Program—they do not and should not have the option to pick and choose which procedures they will cover.

The provision in this bill clearly discriminates against victims of crime. It blames the victim and forces her to accept the responsibility and consequences resulting from the violent crime perpetrated against her. Indigent women who are victims of rape or incest have already been brutally assaulted once by their attacker—this provision will make them victims of a second brutal assault, this time by the Government that pledges to assist and protect them.

I urge my colleagues to protect the rights of poor and vulnerable victims and vote "yes" on the Lowey amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York [Ms. LOWEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mrs. LOWEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 198, noes 222, not voting 11, as follows:

[Roll No. 51]

AYES—198

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barrett (WI)
Bass
Becerra
Beilenson
Bentsen
Berman
Bilbray
Bishop
Blute
Boehlert
Bono
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Cardin
Castle
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Condit
Conyers
Coyne
Cramer
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Dunn
Durbin
Edwards
Ehrlich
Engel
Eshoo
Evans
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Foglietta
Foley
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frost
Furse
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Gordon
Greenwood
Gunderson
Gutierrez
Harman
Hefner
Hilliard
Hinchey
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson, E. B.
Johnston
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kleczka
Klug
Kolbe
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lincoln
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Markey
Martinez
Martini
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Miller (CA)
Minge
Mink
Moakley
Molinari
Moran
Morella
Nadler
Neal
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Porter
Pryce
Ramstad
Rangel
Reed
Richardson
Rivers
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Saxton
Schroeder
Schumer
Scott
Serrano
Shaw
Shays
Sisisky
Skaggs
Slaughter
Spratt
Stark
Studds
Tanner
Thomas
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
White
Williams
Wilson
Wise
Woolsey
Wynn
Yates
Zeliff
Zimmer

NOES—222

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bevill
Bilirakis
Bliley
Boehner
Bonilla
Bonior
Borski
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Costello
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Doyle
Dreier
Duncan
Ehlers
Emerson
English
Ensign
Everett

Fields (TX)
Flanagan
Forbes
Frisa
Funderburk
Gallegly
Gekas
Geren
Gillmor
Goodlatte
Goodling
Goss
Graham
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kanjorski
Kasich
Kildee
Kim
King
Kingston
Klink
Knollenberg
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lucas
Manton
Manzullo
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Mollohan
Montgomery
Moorhead
Murtha
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pombo
Portman
Poshard
Quillen
Quinn
Radanovich
Rahall
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thornberry
Tiahrt
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Bryant (TX)
Chapman
Clay
Collins (MI)
Ewing
Ford
Green
Hayes
Johnson (SD)
Myers
Stokes

□ 1538

Mr. COOLEY changed his vote from "aye" to "no."

Messrs. THORNTON, MOAKLEY, CRAMER, and LONGLEY changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. EWING. Mr. Chairman, on Rollcall No. 51, I was unavoidably detained. Had I been present, I would have voted "no."

PERSONAL EXPLANATION

Mr. HASTINGS of Florida. Mr. Speaker, on Thursday, March 7, 1996, during consideration of H.R. 3019, the Balanced Budget Downpayment Act, I mistakenly voted "nay" on the Lowey amendment.

This amendment would have deleted the bill's provision permitting States to decide whether to use Medicaid funds to pay for an abortion in the case of rape or incest. Had the amendment passed, it would have retained the current law which requires that States fund abortions in cases of rape, incest, or to save the life of the woman.

My vote against the Lowey amendment was purely accidental. I have always been and will continue to be 100 percent supportive of a woman's right to choose.

The CHAIRMAN. The Committee will rise informally in order that the House may receive a message.

MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore [Mr. LINDER] assumed the chair.

The SPEAKER pro tempore. The Chair will receive a message.

SUNDRY MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Mr. Edwin Thomas, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

BALANCED BUDGET DOWN PAYMENT ACT, II

The Committee resumed its sitting.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 104–1474.

AMENDMENT OFFERED BY MR. ISTOOK

Mr. ISTOOK. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ISTOOK: At the end of the bill (preceding the short title), add the following new title:

TITLE V—DISCLOSURE OF LOBBYING ACTIVITIES BY FEDERAL GRANTEES

DISCLOSURE OF LOBBYING ACTIVITIES BY FEDERAL GRANTEES

SEC. 5001. (a) DISCLOSURE REQUIREMENTS.—Not later than December 31 of each year, each organization receiving a Federal grant shall provide (via either electronic or paper medium) to each Federal entity that awarded or administered its grant an annual report for the previous Federal fiscal year, certified by the organization's chief executive officer of equivalent person of authority, setting forth—

(1) the organization's name and grantee identification number;

(2) the amount or value of each grant (including all administrative and overhead costs awarded), and the description of each such grant and the name of the Federal agency awarding such grant; and

(3) a good faith estimate of the organization's actual expenses on lobbying activities in the most recent taxable year.

(b) EXEMPTIONS.—This section shall not apply to an individual or a State, local, or Indian tribal government.

(c) DEFINITIONS.—For purposes of this section:

(1) FEDERAL GRANT.—The term "Federal grant" means money or real property that is paid or provided by the Federal Government to any organization. Such term does not include (A) any assistance described in section 6302(2) of title 31, United States Code; (B) any amount paid under a procurement contract described in section 6303(1) of such title; or (C) and payment or assistance described in clause (ii), (iii), (iv), or (vii) of section 6501(4)(C) of such title.

(2) LOBBYING ACTIVITY.—The term "lobbying activity" means any activity that is either (A) a lobbying activity within the meaning of section 3 of the Lobbying Disclosure Act of 1995; or (B) an activity influencing legislation within the meaning of section 4911 of the Internal Revenue Code of 1986. Such term shall also include advocating the election or defeat of any candidate for public office, or the passage or non-passage of any ballot proposition.

(D) PUBLIC ACCOUNTABILITY.—

(1) PUBLIC AVAILABILITY OF LOBBYING DISCLOSURE FORMS.—Each Federal entity awarding a Federal grant shall make publicly available the grant application, and any annual report provided under subsection (a) by the organization receiving the grant.

(2) ACCESSIBILITY TO PUBLIC.—The public's access to the documents identified in paragraph (1) shall be facilitated by the Federal entity by—

(A) placement of such documents in the Federal entity's public document reading room;

(B) expediting any requests under section 552 of title 5, United States Code (the Freedom of Information Act), ahead of any requests for other information pending at such Federal entity; and

(C) submitting to the Bureau of the Census a report (standardized by the Office of Management and Budget) setting forth the information provided in such documents, which the Bureau of the Census shall make available to the public through the Internet.

(3) WITHHOLDING PROHIBITED.—Records described in paragraph (1) shall not be subject to withholding, except under the exemption set forth in subsection (b)(7)(A) of section 552 of title 5, United States Code.

(4) FEES PROHIBITED.—No fees for searching for or copying such documents shall be charged to the public.

(e) CONSTRUCTION.—No provision of this section may be construed to affect whether any organization is exempt from, or subject to, tax under the Internal Revenue Code of 1986.

(f) REGULATIONS.—The Director of the Office of Management and Budget shall issue any regulations necessary to carry out this section.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—This section shall take effect January 1, 1996, and apply thereafter.

(2) PRIOR ACTIVITIES NOT TAKEN INTO ACCOUNT.—In applying this section, only expenditures made after December 31, 1995, in taxable years ending after such date shall be taken into account.

(3) ANNUALIZATION FOR PARTIAL TAXABLE YEARS.—in the case of a taxable year that ends after December 31, 1995, and begins before January 1, 1996, each of the dollar amounts applicable under this section shall be proportionally reduced to reflect the portion of such taxable year after December 31, 1995.

The CHAIRMAN. Pursuant to the rule, the gentleman from Oklahoma [Mr. ISTOOK] is recognized for 10 minutes, and a Member opposed, the gentleman from Colorado [Mr. SKAGGS], is recognized for 10 minutes.

The Chair recognizes the gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, the amendment that is at the desk is a very simple disclosure amendment. It specifies that recipients of grants from the taxpayers, groups that have asked for and received taxpayers' money in the form of grants, should simply make an annual disclosure of the total amount that they have spent in that year on lobbying. It is not a detailed disclosure, it is not a restriction of any sort on how their money is spent, it is not a restriction of any sort on eligibility. It simply says that once a year they shall disclose the total amount they have spent on lobbying.

POINT OF ORDER

Mr. TAYLOR of Mississippi. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. TAYLOR of Mississippi. Mr. Chairman, I do not even know what the gentleman's lapel button reads, but there is a House rule against speaking while wearing a button other than a Member's button.

The CHAIRMAN. The gentleman from Oklahoma [Mr. ISTOOK] is responding by taking his button off, and the Chair thanks the gentleman from Mississippi for raising the point of order.

□ 1545

Mr. ISTOOK. Mr. Chairman, we have had debate previously in this Chamber about the activity of different groups that receive Federal taxpayer's money, sometimes in hundreds of millions or tens of millions of dollars, and their lobbying activity. Previously this body voted, on two different occasions, passing legislation that would put some commonsense limitations on the scope of lobbying by groups dependent upon the taxpayer's money. The Senate also had a similar vote, adopting that in principle as well.

This amendment, however, Mr. Chairman, does not go that far. It simply says that groups that are recipients of taxpayers' money will make a disclosure of the total amount once a year that they have spent on lobbying. That will certainly help both sides in that debate, Mr. Chairman. Some have said oh, they are not doing big time lobbying. Others have said, yes, they are. But the problem is we have never required them to report that, along with the other information grant recipients report. This will give us the information so that both sides may consider this issue based upon the facts. I urge its adoption.

Mr. SKAGGS. Mr. Chairman, I yield myself 2¼ minutes.

Mr. Chairman, I will stipulate at the outset this particular rendition of this redtape-filled, burdensome, bureaucratic reporting requirement on America's charities is less bad than the last time we had this debate, but it does not make it good. To the contrary, this will impose a scheme that will force charities and nonprofit and many businesses, small businesses included, to keep a whole new set of records about the activities of their employees and volunteers and their expenditures in order to file a whole new set of annual reports to the Federal Government, to Washington, letting us know what they may be doing to try to influence legislation by their city councils, by their county commissions, by their State legislatures, if they happen to get some Federal money by way of a grant.

What in the world are we doing, Mr. Chairman? What is the evil here? Who are the bad guys? What is the problem? It is already illegal to use Federal grant moneys to lobby. That law works very well. There have been no demonstrated problems. What is this amendment about? What will the impacts be? Let me just give a couple of examples.

The Red Cross of America, trying to get the county that it may be operating in to develop an emergency preparedness plan, will have to keep track of the activities involved with that, so it can be part of this report. The YMCA in your local community that gets a child care grant, that is trying to get a citizen council to pass an ordinance about child care, will have to keep track of its activities in order to be accounted for in the reports required under this amendment.

The State chapter of Mothers Against Drunk Driving, trying to toughen DUI laws, will have to keep track of all of that so as to be able to report under this amendment. Even, if Members can believe it, the local electrical contractor getting an SBA technical grant will have to keep track of its donations in connection with a referendum about a local recreation district in order to be able to report under the requirements imposed under this amendment.

What in the world are we doing? The current law works just fine. We have a hard time figuring out why the folks that want to bring us less burdensome regulation from Washington, less paperwork, would indulge in this kind of activity.

Mrs. ROUKEMA. Mr. Chairman, will the gentleman yield?

Mr. SKAGGS. I yield to the gentlewoman from New Jersey.

Mrs. ROUKEMA. Mr. Chairman, I thank the gentleman. I just want to echo the gentleman's comments and associate myself with the gentleman's remarks. I would say, For heaven's sakes, I thought we had a bipartisan agreement, led by my Republican Party, that said the era of big government was over. Here we have not a simple disclosure; it is a Big Brother regulatory morass, and it does not even pass the commonsense test.

This puts mindless bureaucracy in a position to demand reports from the YMCA, your local church, the Red Cross, the charity groups helping provide meals for senior citizens.

This is also completely contradictory to our stated and loudly proclaimed purpose of encouraging the private sector and the charities to shoulder a great share of welfare costs.

Again lets get back to reality and vote "no" on this senseless bureaucratic, big government intrusion.

Mr. ISTOOK. Mr. Chairman, I yield myself 20 seconds.

Mr. Chairman, I would certainly invite anyone that has been misled that somehow this is some sort of regulatory scheme, frankly, to read the bill. The only thing it requires is a listing of a good faith estimate of the total amount they spent on lobbying that year. I think it is kind of silly if somebody is thinking that this is a regulatory scheme. It is very plain and simple disclosure.

Mr. Chairman, I yield 1½ minutes to the gentleman from Minnesota [Mr. GUTKNECHT].

Mr. GUTKNECHT. Mr. Chairman, I thank the gentleman for yielding time to me.

First of all, I want to respond to the gentleman from Colorado [Mr. SKAGGS]. He has said that the law that we have today is working fine. As far as we know, Mr. Chairman, there has never been enforcement under this law. As a matter of fact, in testimony before our subcommittee, we heard of examples of groups receiving as much as 96 percent of their money from the Federal Government in various grants. And what do they do with most of that money? They turn right around, come back here, and lobby for more.

This is pernicious, Mr. Chairman. It needs to stop. As a matter of fact, our estimates are, it could be as little as $200 million. It could be into the billions of dollars.

All this little amendment does is require disclosure. This is a sunshine amendment. Members have probably heard this said before, that the single most important antiseptic sometimes is just a little sunshine. Only those who have something to hide fear sunshine. This is a good amendment. It ought to have unanimous support. We ought to find out exactly how much taxpayer money is flowing through some of these special interest groups and being used to lobby for more taxpayer money. It is a good amendment. We ought to have unanimous support.

Mr. SKAGGS. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, I have noticed a very consistent lack of consistency on the Republican side. This bill carries it out. We are worried that people will get Federal money and use it to lobby us, so we have to ask them to report it, except we exempt the vast majority of recipients. Contractors are exempted from this.

Members will remember that the U.S. Senate, in a rare demonstration of an ability to pass legislation, made a mistake last year, because they passed a version of this and they included contractors, and Blue Cross went into cardiac arrest. Fortunately, they waived their own rules so they could be treated. But they then got into the CR, in a very inappropriate legislative way, an amendment to that bill, and contractors are not covered, and they are not covered here.

If people want to lobby us to build a B-2 and get more money, this bill does not touch them. If people want to lobby us to build the space station or to raise provider payments or do anything like that, this bill does not touch them. Apparently, the new Republican view is if you are engaged in charity, you are suspect.

We hear a lot on that side about how the private, voluntary sector should do more, but they are treated as suspects, because if you are in the private, voluntary sector and you get Federal funds lawfully to carry out a program, we are going to check up on you. But if you are a contractor and you are going to get money and then lobby for more, if you are a housing developer, if you are an aircraft contractor, if you are a medical provider, if you are an HMO, you will get money and not be reporting. What is the difference? The difference is that the people who do not report get an enormously greater amount of money than the people who do report.

This looks at the gnats and ignores the camels. By the way, the tobacco companies are probably also included in the exemption, while we are at it. So you penalize the voluntary sector, who you otherwise like. When it comes to shifting important jobs from the Federal Government, you are all for the voluntary sector. But here you discriminate against them, because if this were not a problem, you would not have given it to Blue Cross when they came for an exemption and you would not continue to exempt the private contractors.

Mr. ISTOOK. Mr. Chairman, I yield 1 minute to the gentlewoman from Idaho [Mrs. CHENOWETH].

Mrs. CHENOWETH. Mr. Chairman, I want to say that the gentleman from Massachusetts [Mr. FRANK] is a great debater, but he is greatly wrong on one point. That is that on Federal contractors, the rules governing Federal contractors are about a foot thick. So they exist under their own special rules.

Mr. Chairman, I do rise in strong support of the Istook amendment. This amendment, Mr. Chairman, is a simple disclosure requirement. In a free society, the people have the right to know that their tax dollars may be going to organizations that then lobby the Federal Government. The amendment offered by the gentleman from Oklahoma would go a long way in extending that basic right. I urge my colleagues to vote yes on the Istook amendment.

Mr. SKAGGS. Mr. Chairman, I yield 30 seconds to the gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER. Mr. Chairman, if the purpose for this amendment today is to find out how much Federal money is being used to lobby by nonprofit groups, I can give the answer right now. Zero. It has been against the law here for years. The IRS has never had a single complaint. We brought this up at committee meeting after committee meeting, because we debate this thing once a week, almost.

The truth of the matter is that the only thing anybody could ever come up with even a hint of a notion that somebody had misused money, was that the beer wholesalers were mad at the Mother Against Drunk Driving. This amendment tries to demonize the Girl Scouts, the Boy Scouts, the Salvation Army, the Red Cross, Catholic charities, and all other groups out there who are doing work for the Federal Government. It is absolutely nonsense that we waste our time on this.

Mr. ISTOOK. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, contrary to what may have been represented to the gentlewoman from New York, many nonprofit groups are major lobbyists. They are required to make a disclosure of that through an IRS regulation, which is adopted here. Many of their disclosures reveal that they spend substantial funds. But this is talking about Federal grantees, what they spend on lobbying.

Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. EHRLICH].

Mr. EHRLICH. Mr. Chairman, it is always interesting to hear the spin on this one. We hear so much spin on this one, Mr. Chairman. When you are acting in your capacity as a Federal grantee, you are covered under this amendment. When you are not, regardless of your profit or nonprofit status, everybody knows that. We have debated that on the floor may times.

Mr. Chairman, this is full disclosure. Full disclosure is good government. It is very interesting to hear arguments against full disclosure and good government coming from the other side. This just makes common sense. It is the first step in the right direction. I rise in enthusiastic support for the Istook amendment.

Mr. SKAGGS. Mr. Chairman, I yield one-half minute to the gentleman from New York [Mr. HOUGHTON].

Mr. HOUGHTON. Mr. Chairman, I would like to talk against this amendment. I have been in the foundation field all my life. I frankly feel this is a smokescreen to curtail their activities. There is not a single shred of evidence from the GAO, the Inspector General, any of the accounting offices, or the IRS to say that any Federal money has been used for lobbying, period.

Mr. ISTOOK. Mr. Chairman, I yield 1 minute to the gentleman from Arizona, Mr. J.D. HAYWORTH.

Mr. HAYWORTH. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of this amendment. It is interesting, as my colleague, the gentleman from Maryland, noted, the juxtaposition that has gone on here. In previous days when we have debated this issue, statements from the other side have been that this was an effort to restrict free speech.

Mr. Chairman, free speech is not free when you and I are paying for it, when the taxpayers of this country repeatedly are called upon to let folks come up here and lobby, and take that money and lobby for more and more money. The fact is, this is a very simple requirement, simply calling for disclosure; not itemization not red tape nothing of the sort.

The fact is we know this lobbying has gone on. We know taxpayers' dollars have gone for this, and this must stop, or at the very least, as this amendment says, it should be accounted for and simply disclosed. My colleague, the gentleman from Minnesota, said it eloquently. Sunshine is the best disinfectant. Let us let the sunshine in and have disclosure of these funds.

Mr. SKAGGS. Mr. Chairman, I yield ½ minute to the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK of Florida. Mr. Chairman, I rise in strong opposition to this amendment. As I have told my good friend, the gentleman from Oklahoma [Mr. ISTOOK], this amendment discriminates against charities. It puts the reporting burden on charities getting Federal grants, but it does not put the same burden on businesses getting Federal grants. From that, you can make your decision on that.

Why should one group, the charities, which help so many people, be hurt by this amendment, and the other people who are getting Federal contracts are not? It is not fair. Vote against it.

Mr. Chairman, this amendment discriminates against charities. It puts a reporting burden on charities getting Federal grants but does not put the same burden on businesses getting Federal contracts.

In his "Dear Colleague," Mr. ISTOOK says we should support his amendment because, "there is no data kept that covers all federal grantees' lobbying." I ask the gentleman from Oklahoma whether there are data on lobbying by those who receive Federal contracts?

He knows the answer is "no." If he is really interested in sunshine, why not have it fall on everyone.

Stop picking on our charities.

☐ 1600

Mr. ISTOOK. Mr. Chairman, I would like to inquire as to remaining time.

The CHAIRMAN. The gentleman from Oklahoma [Mr. ISTOOK] has 3¾ minutes remaining, and the gentleman from Colorado [Mr. SKAGGS] has 4¼ minutes remaining.

The Chair informs the Members that the gentleman from Colorado, Mr. STAGGS, representing the committee's position, is entitled to close debate.

Mr. ISTOOK. Mr. Chairman, I reserve the balance of my time.

Mr. SKAGGS. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. OBEY], the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Chairman, I would simply say again, you cannot now use Federal dollars to lobby the Federal Government. That is existing law. All the Istook proposition says is that to the Red Cross, the Boy Scouts, the Farmers' Union, Alzheimer's Association, Girl Scouts, the Epilepsy Foundation, churches and charities, you have got to go through this paperwork joke. It says to the giant contractors who spend billions of dollars in contracts with the Federal Government, no Washington ink is exempt. You do not have to worry about it, big boys.

Mr. Chairman, I think the selectivity of this amendment is pernicious and it is cynical. It just seems to me that the best way to deal with this is to keep an even playing field, turn down this amendment. I think every Member of this House is a big enough boy or a big enough girl to handle a tough lobbying job from the Boy Scouts without having this kind of wasteful proposition intervene.

Mr. ISTOOK. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, there are always people that do not want to reveal to the public how Washington works or how much people spend on trying to lobby in Washington or anyplace else, especially groups that are dependent upon the taxpayers for their money.

Contrary to what several speakers have claimed, there is no distinction made in this simple disclosure legislation between a business and a charity, none whatsoever. It says any organization that receives a Federal grant will make the disclosure. The only exceptions are for individuals and for entities of State, local and tribal government.

There is no exemption for big business. There is no exemption for big charity. There is no exemption for big anybody except for government itself. Any group whatsoever, what are they afraid of? What is it they are trying to conceal when they come to us and say, We want the taxpayers' money but we just do not want to tell you how much we spent on lobbying?

Mr. SKAGGS. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, I just would inquire of the sponsor of this amendment, what business is it of the Federal Government whether Regis College in Denver, CO spends some of its funds lobbying Denver city council over a land-use matter? Why should they have to report to Washington that kind of activity?

Mr. ISTOOK. Mr. Chairman, will the gentleman yield?

Mr. SKAGGS. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. Mr. Chairman, I say to the gentleman, if a group does not ask for taxpayers' money, this legislation does not mean beans to them. It is only groups that ask to get in the taxpayers' pocket.

Mr. SKAGGS. Mr. Chairman, why should a local college have to report to Washington their local activities with their city council?

Mr. Chairman, I yield 10 seconds to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, the gentleman is wrong. The gentleman indicates we do not want people to know how Washington works. I quite disagree. I think the gentleman is a perfect example, and so is his amendment, of exactly how Washington works: Protect the big boys and go after the little people.

Mr. ISTOOK. Mr. Chairman, I yield 1½ minutes to the gentleman from Indiana [Mr. MCINTOSH].

Mr. MCINTOSH. Mr. Chairman, I want to praise the gentleman from Oklahoma for bringing forth this disclosure amendment. In fact, the amendment does not provide additional requirements for information to be disclosed, but consolidates a lot of disclosure requirements that are already there for these grant recipients in various current legislation. The more important issue in this debate, I think, is what direction do we want to go in?

Are we going to continue to have the taxpayers subsidizing large lobbying outfits here in Washington, or are we going to build a record and continue the progress that we started last fall in protecting the taxpayer interest, in saying if you want to be a lobbying organization, you can lobby, that is your right, but do it with your own dime and on your own time.

This amendment moves in that direction. There are many other things that should be done to strengthen that, to say lobbying groups cannot use loopholes in the lobbying bill to allow affiliates to take the money and then come in and lobby on their own. These matters are not covered here today in this amendment. Those we will have to do in future legislative activity.

This amendment today begins that process of saying let us fully disclose so that the American taxpayer knows groups who are receiving taxpayer money, how much lobbying they do, when they do it, what they do with that money, so that the taxpayer can hold them accountable.

Mr. Chairman, I commend the gentleman from Oklahoma.

Mr. SKAGGS. Mr. Chairman, I reserve the balance of my time.

Mr. ISTOOK. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this amendment is simple. It is straightforward. It is plain vanilla. It affects one group of organizations and only one: groups that have made up their mind that they want financing from the taxpayers. If they do not want taxpayers' money, this amendment does not affect anyone. If they want taxpayers' money, it simply says give us the bottom line. The details are not even covered here. Just give us the bottom line once a year, how much did you spend on lobbying?

Mr. Chairman, they are already required to keep records of this. If they were, for example, a 501(c)(3), they are already required by the IRS to keep records of it. They are already subject to auditing. They do not want people to know. There are groups that receive tens of millions and hundreds of millions of dollars from the taxpayers, that are some of the major lobbying groups in Washington, and they try to claim we are letting the big boys off.

If the group is a big boy, it does not matter if it is a charity or business. This amendment treats it the same. It says, If you want taxpayers' money, tell us one simple thing: How much are you spending on lobbying?

Then if the gentleman from Colorado [Mr. SKAGGS] thinks the results show that it is not a problem, he can use that as his evidence. If it shows more things with problems, that too can be evidence. Let us get simple and to the facts.

Mr. SKAGGS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this is no trivial matter. Contrary to the representations made by the proponents of this, it will require all affected organizations, large and small, charitable and for-profit, to set up a new system of recordkeeping in order to be able to make that good faith estimate, because without accounting for the time and money spent by both paid and volunteer staff, things that now are not covered by any Federal requirement, they will not be able to make that report, however simply it may be.

I again ask my colleagues, why in the world is it the business of the U.S. Government to require a private university getting an NSF grant to report to us, to Washington, about their efforts to work with the local county commissioners over a matter involving transportation in their area? Why is it of concern to Washington if a veterans' group that happens to be getting a job training grant wants to lobby their State legislature for a veterans' cemetery? Why should we require them to keep track of those activities and report to us?

This amendment would create a paperwork burden, tons of redtape in addition to filing the report that would be required, again, because these organizations would have to account for the time spent by their employees and volunteers beyond what is now required under the Internal Revenue Code. It will bring tens of thousands of businesses, charities, and schools under new reporting requirements. Forty-seven thousand grants go to businesses, 43,000 grants to private colleges and universities. Again, what business is it of ours what they do at the State and local level?

This is just the first step, as the gentleman from Maryland's comments suggested, in the ongoing assault that the advocates of this amendment wish to make on the free-speech rights of many Americans and their organizations. The original amendment offered by the gentleman from Oklahoma has been divided into parts, and this happens to be the first part. But we should say no to this part lest we have to deal with the others.

This proposal comes to us from the folk who promised to lighten the regulatory burdens, imposed from Washington, to reduce Federal paperwork. This amendment comes to us from the people who expect private charity to try to pick up the slack as the Federal Government does less.

Mr. Chairman, give me a break. More importantly, give them a break and vote "no."

Ms. JACKSON-LEE of Texas. Mr. Chairman, I must rise in opposition to the Istook amendment to H.R. 3019. This amendment is designed to send a chilling effect to groups who are attempting to express their opinions on the important issues confronting our Nation. While some proponents of this amendment argue that it is just a disclosure requirement. Many of us know the real motivation of this amendment.

The amendment requires organizations to list each Federal grant that they receive, a description of each grant, the name of the agency awarding the grant, and an estimate of lobbying expenses. Why is this information necessary? Mr. Chairman, I urge my colleagues to vote against this amendment and stand up for the true meaning of our democratic principles which encourages free speech, encourages citizens to participate in government, and the right to impact public policy.

This amendment is a bad amendment. It is also mean spirited. I urge my colleagues to defeat this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. ISTOOK].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SKAGGS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 211, noes 209, not voting 12, as follows:

[Roll No. 52]

AYES—211

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilirakis
Bliley
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Franks (CT)
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Graham
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam.
Jones
Kasich
Kelly
Kim
King
Kingston
Knollenberg
Kolbe
Largent
Latham
LaTourette
Laughlin
Lazio
Lewis (KY)
Lightfoot
Linder
Livingston
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Radanovich
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Upton
Vucanovich
Waldholtz
Walker
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—209

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bilbray
Bishop
Blute
Boehlert
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bunn
Campbell
Canady
Cardin
Castle
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Conyers
Costello
Coyne
Cramer
Danner
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Gordon
Greenwood
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
Klug
LaFalce
LaHood
Lantos
Leach
Levin
Lewis (CA)
Lewis (GA)
Lincoln
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Quinn
Rahall
Ramstad
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Saxton
Schiff
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Studds
Stupak
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Walsh
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wynn
Yates

NOT VOTING—12

Bevill
Bryant (TX)
Chapman
Clay
Collins (MI)
de la Garza
Durbin
Green
Hayes
Johnson (SD)
Myers
Stokes

□ 1629

Mr. LOBIONDO and Mr. LIPINSKY; changed their vote from "aye" to "no."

Messrs. PORTER, LONGLEY, and EVERETT changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1630

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 104-474.

AMENDMENT OFFERED BY MR. CRAPO

Mr. CRAPO. Mr. Speaker, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CRAPO: At the end of the bill (before the short title), add the following new title:

TITLE V—DEFICIT REDUCTION LOCK-BOX

SEC. 501. SHORT TITLE.

This title may be cited as the "Deficit Reduction Lock-box Act of 1996".

SEC. 502. DEFICIT REDUCTION LOCK-BOX LEDGER.

(a) ESTABLISHMENT OF LEDGER.—Title III of the Congressional Budget Act of 1974 is amended by adding at the end the following new section:

"DEFICIT REDUCTION LOCK-BOX LEDGER

"SEC. 314. (a) ESTABLISHMENT OF LEDGER.—The Director of the Congressional Budget Office (hereinafter in this section referred to as the "Director") shall maintain a ledger to be known as the "Deficit Reduction Lock-box Ledger". The Ledger shall be divided into entries corresponding to the subcommittees of the Committees on Appropriations. Each entry shall consist of three parts: the 'House Lock-box Balance'; the 'Senate Lock-box Balance'; and the 'Joint House-Senate Lock-box Balance'.

"(b) COMPONENTS OF LEDGER.—Each component in an entry shall consist only of amounts credited to it under subsection (c). No entry of a negative amount shall be made.

"(c) CREDIT OF AMOUNTS TO LEDGER.—(1) The Director shall, upon the engrossment of any appropriation bill by the House of Representatives and upon the engrossment of that bill by the Senate, credit to the applicable entry balance of that House amounts of new budget authority and outlays equal to the net amounts of reductions in new budget authority and in outlays resulting from amendments agreed to by that House to that bill.

"(2) The Director shall, upon the engrossment of Senate amendments to any appropriation bill, credit to the applicable Joint House-Senate Lock-box Balance the amounts of new budget authority and outlays equal to—

"(A) an amount equal to one-half of the sum of (i) the amount of new budget authority in the House Lock-box Balance plus (ii) the amount of new budget authority in the Senate Lock-box Balance for that bill; and

"(B) an amount equal to one-half of the sum of (i) the amount of outlays in the House Lock-box Balance plus (ii) the amount of outlays in the Senate Lock-box Balance for that bill.

"(3) CALCULATION OF LOCK-BOX SAVINGS IN SENATE.—For purposes of calculating under this section the net amounts of reductions in new budget authority and in outlays resulting from amendments agreed to by the Senate on an appropriation bill, the amendments reported to the Senate by its Committee on Appropriations shall be considered to be part of the original text of the bill.

"(d) DEFINITION.—As used in this section, the term 'appropriation bill' means any general or special appropriation bill, and any bill or joint resolution making supplemental, deficiency, or continuing appropriations through the end of a fiscal year.".

(b) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 313 the following new item:

"Sec. 314. Deficit reduction lock-box ledger.".

SEC. 503. TALLY DURING HOUSE CONSIDERATION.

There shall be available to Members in the House of Representatives during consideration of any appropriations bill by the House a running tally of the amendments adopted reflecting increases and decreases of budget authority in the bill as reported.

SEC. 504. DOWNWARD ADJUSTMENT OF 602(a) ALLOCATIONS AND SECTION 602(b) SUBALLOCATIONS.

(a) ALLOCATIONS.—Section 602(a) of the Congressional Budget Act of 1974 is amended by adding at the end the following new paragraph:

"(5) Upon the engrossment of Senate amendments to any appropriation bill (as defined in section 314(d)) for a fiscal year, the amounts allocated under paragraph (1) or (2) to the Committee on Appropriations of each House upon the adoption of the most recent concurrent resolution on the budget for that fiscal year shall be adjusted downward by the amounts credited to the applicable Joint House-Senate Lock-box Balance under section 314(c)(2). The revised levels of budget authority and outlays shall be submitted to each House by the chairman of the Committee on the Budget of that House and shall be printed in the Congressional Record.".

(b) SUBALLOCATIONS.—Section 602(b)(1) of the Congressional Budget Act of 1974 is amended by adding at the end the following new sentence: "Whenever an adjustment is made under subsection (a)(5) to an allocation under that subsection, the chairman of the Committee on Appropriations of each House shall make downward adjustments in the most recent suballocations of new budget authority and outlays under subparagraph (A) to the appropriate subcommittees of that committee in the total amounts of those adjustments under section 314(c)(2). The revised suballocations shall be submitted to each House by the chairman of the Committee on Appropriations of that House and shall be printed in the Congressional Record.".

SEC. 505. PERIODIC REPORTING OF LEDGER STATEMENTS.

Section 308(b)(1) of the Congressional Budget Act of 1974 is amended by adding at the end the following new sentence: "Such reports shall also include an up-to-date tabulation of the amounts contained in the ledger and each entry established by section 314(a).".

SEC. 506. DOWNWARD ADJUSTMENT OF DISCRETIONARY SPENDING LIMITS.

The discretionary spending limits for new budget authority and outlays for any fiscal year set forth in section 601(a)(2) of the Congressional Budget Act of 1974, as adjusted in strict conformance with section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985, shall be reduced by the amounts set forth in the final regular appropriation bill for that fiscal year or joint resolution making continuing appropriations through the end of that fiscal year. Those amounts shall be the sums of the Joint House-Senate Lock-box Balances for that fiscal year, as calculated under section 602(a)(5) of the Congressional Budget Act of 1974. That bill or joint resolution shall contain the following statement of law: "As required by section 6 of the Deficit Reduction Lock-box Act of 1995, for fiscal year [insert appropriate fiscal year] and each out-year, the adjusted discretionary spending limit for new budget authority shall be reduced by $ [insert appropriate amount of reduction] and the adjusted discretionary limit for outlays shall be reduced by $ [insert appropriate amount of reduction] for the budget year and each out-year." Notwithstanding section 904(c) of the Congressional Budget Act of 1974, section 306 of that Act as it applies to this statement shall be waived. This adjustment shall be reflected in reports under sections 254(g) and 254(h) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 507. EFFECTIVE DATE.

(a) IN GENERAL.—This title shall apply to all appropriation bills making appropriations for fiscal year 1996 or any subsequent fiscal year.

(b) FY96 APPLICATION.—In the case of any appropriation bill for fiscal year 1996 engrossed by the House of Representatives after August 4, 1995 and before the date of enactment of this bill, the Director of the Congressional Budget Office, the Director of the Office of Management and Budget, and the Committees on Appropriations and the Committees on the Budget of the House of Representatives and of the Senate shall, within 10 calendar days after that date of enactment of this Act, carry out the duties required by this title and amendments made by it that occur after the date this Act was engrossed by the House of Representatives.

(c) FY96 ALLOCATIONS.—The duties of the Director of the Congressional Budget Office and of the Committees on the Budget and on Appropriations of the House of Representatives pursuant to this title and the amendments made by it regarding appropriation bills for fiscal year 1996 shall be based upon the revised section 602(a) allocations in effect on August 4, 1995.

(d) DEFINITION.—As used in this section, the term "appropriation bill" means any general or special appropriation bill, and any bill or joint resolution making supplemental, deficiency, or continuing appropriations through the end of a fiscal year.

The CHAIRMAN. Pursuant to the rule, the gentleman from Idaho [Mr. CRAPO] is recognized for 10 minutes, and a Member in opposition will be recognized for 10 minutes.

Mr. CRAPO. Mr. Chairman, before we begin the debate, I ask unanimous consent to modify the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Idaho?

Mr. OBEY. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Chair recognizes the gentleman from Idaho [Mr. CRAPO].

Mr. CRAPO. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, this is the third time that we will have had the lockbox provision before us. It is one of the most critical reform issues with regard to the budget that will face in this Congress. It makes sure that when we make cuts on the floor of this House to the discretionary budget, that those cuts are real and that they are not then shifted into other spending programs.

Mr. Chairman, we have debated this many times. I suspect that we will continue debating it until it becomes law. I encourage Members to stay the course on the lockbox. We are going to have a lot of people here in support of it today, but the point that must be recognized is we will stick with this amendment.

The CHAIRMAN. Is there a Member opposed to the amendment?

Mr. LIVINGSTON. Mr. Chairman, I am opposed to the amendment.

The CHAIRMAN. The gentleman from Louisiana [Mr. LIVINGSTON] is recognized for 10 minutes.

Mr. LIVINGSTON. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. BEILENSON].

Mr. BEILENSON. Mr. Chairman, I thank the gentleman from Louisiana for yielding me time.

Mr. Chairman, I rise in opposition to the gentleman's amendment. On the face of it, the lockbox proposal is an appealing idea. As proponents describe it, it is a way to ensure that the savings produced in spending cut amendments to appropriations bills are used to reduce the deficit, not to increase spending for other purposes.

But what the procedure actually does is to reduce the amount of funds available to the Committee on Appropriations by the amount saved by spending cut amendments adopted on the House and Senate floor. Thus, it is a tool to force total discretionary spending below the level that Congress has already decided through its budget resolution and through statutory caps as the appropriate level for the coming fiscal year.

So the question we should be considering is do we need to adopt an additional budget procedure to force deeper cuts in discretionary spending than we are already on the path toward achieving?

For those of us who think that we are already making more than enough cuts in discretionary spending, for those of us who oppose the substantial cuts in education and environmental protection that would result from this bill, and for those of us who are worried about future cuts in those areas, as well as cuts in transportation, housing, science and health research, national parks, crime control and many of the other programs that comprise the discretionary spending category that will be imposed if we eventually agree to a plan to balance the budget, it makes little sense to endorse a procedure that will likely lead to even deeper cuts and fewer opportunities to restore funds to these very programs.

Even Members who do wish to cut discretionary spending further cannot dispute the fact we already have an extremely effective process in place for controlling that kind of spending. Those controls have enabled Congress to restrain the growth of discretionary spending to such an extent that its share of GDP has declined from 10.5 percent in 1980, to 8.2 percent in 1994, and if the Congress complies with the current discretionary spending caps that are in the budget resolution that was adopted last year, that spending will decline to just 6.8 percent in 1998. Domestic discretionary spending will decline from 5.1 percent of GDP in 1980, down to 3.1 percent in 1998.

Last, Mr. Chairman, if our goal is to establish procedures that will help us to reduce the deficit, this measure obviously aims at the wrong target. Like other procedures Congress has considered in recent years to apply further controls to discretionary spending, such as expedited rescission, line-item veto, separation of emergency and nonemergency appropriations, the lockbox proposal addresses the one part of the budget that is already the most strictly controlled.

If our budget process is inadequate in any way, it is that it provides comparatively little control for the mandatory spending, the entitlement programs, that are driving the growth of the Federal budget deficit.

If we are ever to succeed in eliminating deficit spending, Congress has got to change its focus with respect to budget process matters. Rather than devoting our time and effort to devising ways to apply more controls to the part of the budget that is already strictly controlled, we should devote that same kind of effort to addressing other parts of the budget that are under less effective control.

In addition, the Appropriations Committee will have to operate under a significantly more complicated process for figuring out how much funding they have to work with. And, this new procedure is likely to generate more conflict between the Senate and the House, and between Congress and the President, toward the end of each year's appropriations season when new, reduced allocations of spending are parcelled out to the appropriations subcommittees to accommodate whatever lockbox savings are finally achieved.

Popular as the lockbox proposal is, I urge my colleagues to consider carefully whether Congress needs a new procedure that increases the complexity of the budget process, and the difficulty of reaching final agreement on appropriations bills, and that focuses our deficit-reduction efforts on an area of the budget that is already contributing more than its fair share to the cause.

Mr. Chairman, I urge members to vote "no" on the Crapo amendment.

Mr. CRAPO. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. SOLOMON], the distinguished chairman of the Committee on Rules, who has been so gracious to be a strong supporter of this measure and bring the amendment forward.

Mr. SOLOMON. Mr. Chairman, in spite of my great admiration and respect and friendship for the greatest chairman of the Committee on Appropriations that this body has ever known, I rise in the strongest possible support for this legislation.

Do my colleagues know why? I have been here for 18 years, not quite as long as the gentleman who is the chairman. In those 18 years, except for perhaps the retiring gentleman from Pennsylvania [Mr. WALKER], I guess I have offered more amendments on this floor successfully passed than any other Member. Most of them were cutting amendments, even cutting sacrosanct things like foreign aid, which was unheard of. And lo and behold, over the 18-year career, all of the money was reprogrammed and respent.

This puts a stop to it today. This means when JERRY SOLOMON, or the gentleman from Florida, Mr. FOLEY, or the gentleman from Idaho, Mr. CRAPO, or any others, offer an amendment, if we do not offset it with other spending, that means that money is going to deficit deduction.

We are going to get this deficit under control one way or another. This is the best possible way to do it. I urge all Members to get over here and vote for this. We will make sure the Senate passes it, and, by golly, we will have some fiscal responsibility around here.

Mr. Chairman, this amendment will make the budget process more user friendly for Members who wish to offer spending cut amendments on the floor of the House and Senate. When a spending cut amendment is adopted, savings from that amendment will be credited to deficit reduction.

This amendment is identical to the bill H.R. 1162 which passed the House under an open rule on September 13, 1995 by a bipartisan vote of 364 to 59. A similar amendment was also adopted on August 2, 1995 as an amendment to the Labor, HHS and Education Appropriations bill for fiscal year 1996 with 373 Members supporting that amendment. With such vast support for the amendment last year it follows that it should once again be included with these funding bills.

This bill reported by the Rules Committee represents a truly bipartisan effort culminating only after extensive consultation with CBO, OMB, CRS, the Government Reform and Oversight, Appropriations and Budget Committees.

The Crapo amendment contains a process flexible enough for both the Appropriations Committees to set spending priorities and for individual Members to debate substantive policy and spending issues during floor consideration of appropriation measures.

Members will now truly be able to go to the floor and offer spending cut amendments and actually be reducing the deficit.

I strongly urge my colleagues to once again support this bill by passing the Crapo amendment.

Mr. CRAPO. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. HARMAN], who has also been a strong supporter and worked with us from the outset on this matter.

Ms. HARMAN. Mr. Chairman, as the mother of lockbox, I rise in strong support of the Crapo lockbox amendment. I hope it will be enacted into law before I become a grandmother.

As we have heard from the gentleman from Idaho [Mr. CRAPO], the lockbox has passed three times by overwhelming margins, and yet it languishes in the other body. During last year's appropriations debates, the House passed floor amendments totaling more than

$350 billion, and those dollars did not go to deficit reduction, they were reprogrammed.

I commend Mr. CRAPO for including in his amendment the language offered by my colleague from Texas, Mr. STENHOLM, and myself to the House-passed lockbox bill that captured outyear savings.

Our amendment was supported by the Concord Coalition and the National Taxpayer Union, among others. It ensured that spending cuts in multiyear programs result in a reduction in the outyear discretionary spending caps, as well as the present year spending caps.

Let me explain why such a provision is critical. On average, 95 percent of an agency's personnel funds are outlayed in the first fiscal year. By contrast, only 3.1 percent of funds for constructing military housing are outlayed in the first year. In the case of the Army, 12 percent is outlayed in year 2, 37 percent in year 3, and 24 percent in year 4.

Thus, without an outyear savings provision, cutting $100 million out of fast-spending program like personnel may translate into a discretionary spending cut of $95 million. But a successful floor amendment cutting $100 million from a slow-spending program like Army family housing construction only reduces discretionary spending by $3.1 million in the first year. The remaining $96.9 million is not captured and, under our current House procedures, remains available for other spending programs.

Lockbox ensures that a cut is a cut. And, the language identical to the Harman-Stenholm amendment ensures that a cut is a full cut, not a cut based on a program's outlay spending rate for the first fiscal year.

Mr. Chairman, the time has come. Deficit hawks, please vote for the bipartisan Crapo, Brewster, Foley, Harman, Largent, Schumer, Stenholm, et al, amendment. There is no more time for delay.

Mr. CRAPO. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. FOLEY], who is one of the strong fighters in the freshman class.

Mr. FOLEY. Mr. Chairman, first congratulations to the gentleman from Idaho [Mr. CRAPO], in advance, because this will be successful. For the first time, Congress is going to face the fact that, when we cut spending from programs, it is not going to be siphoned off and sent over to other spending programs. Much like Americans all across our land have Christmas club accounts, vacation accounts, savings accounts, the lockbox will truly give us a mechanism by which when we cut wasteful spending on the floor or in committee, that wasteful spending will actually go for deficit reduction.

I applaud my colleagues on both sides of the aisle. This has been a great opportunity for us to work, Republicans and Democrats, for fiscal responsibility. Again I applaud the gentleman from Idaho [Mr. CRAPO] for his leadership on this initiative and to the gentleman from New York [Mr. SOLOMON] for strong words of encouragement all the way.

Mr. CRAPO. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. LARGENT], another of the freshmen so strong in support of this matter.

Mr. LARGENT. Mr. Chairman, let me start by saying that I believe we have a moral imperative to balance the budget for the future of our children, and I believe that every spending reduction we can make is a positive step in that direction.

When Members go to the floor and cast votes for cutting amendments, they believe they are doing just that, cutting spending. In fact, as many of the newer Members of Congress have recently discovered, these cuts do not really go for deficit reduction but are reprogrammed and spent on other projects. This is outrageous. When 200 Members of the House of Representatives vote to cut spending, spending should be cut, not reprogrammed. That is why the lockbox is so important. To lock in the savings that the House passes and ensure that the savings go to deficit reduction, we must enact the lockbox now and not a day later.

Mr. CRAPO. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. SCHUMER].

□ 1645

Mr. SCHUMER. Mr. Chairman, I rise in support of the amendment. I mean many of the reasons have been enumerated, and that is when a cut is made, the cut should go to cutting. I have been against many of the very draconian measures that cut the budget, but this one makes rational sense. It allows us to, when we get up there and say we are cutting money, make sure that that money stays cut. It has had broad bipartisan support over the years, and I would hope that this body adopts it.

Mr. LIVINGSTON. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. OBEY], the distinguished ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Chairman, I feel like the actor Bill Murray in that movie "Groundhog Day"; we keep doing this again and again and again and again. We are 5 months into the fiscal year. We are supposed to have the appropriations bills done. Yet we have a huge portion of the budget still stuck, and this bill represents, in fact, the 10th continuing resolution, the 10th. We tried to do this 10 times to keep the Government open, and a couple of times the Congress has failed and the Government has closed.

Mr. Chairman, I have voted for some versions of the lockbox, I have even sponsored some of the versions. But the fact is today that our highest priority ought to be to finally, halfway through the fiscal year, get last year's fiscal business passed. We already have three versions of this amendment sitting in the Senate deader than door nails. Why is it necessary to add a fourth when our principal purpose is simply to get the Government continued for the rest of the fiscal year?

I have a very pragmatic reason to suggest my colleagues not vote for this amendment. It is just another item that slows down the process, makes it less likely that this bill is ever going to become law, makes it less likely that we are going to get out of the way and see to it that the local school districts do not have to lay off teachers, that Superfund sites, which are shut down now because of lack of funding, do not continue to stay shut down.

We need to get on with the principal business of the public, which is to get this business out of the way so we can turn to new issues. That is what we ought to be doing. And yet we keep chewing the cud over and over and over again. It seems to me this is just one additional item that makes it more difficult for the bill to pass.

If my colleagues want to pass lockbox, do it someplace else where it is not going to slow down our basic purpose.

Mr. CRAPO. Mr. Chairman, I yield 30 seconds to the gentleman from Kansas [Mr. BROWNBACK].

Mr. BROWNBACK. Mr. Chairman, I rise in strong support of the lockbox amendment that can save the dollars. We should lock it away and not spend it somewhere else, and I would like to hook onto what the gentleman from Wisconsin [Mr. OBEY] was just mentioning, that it seems to me that ultimately what this is really about is making it more likely that we will ultimately balance the budget, which is what this whole exercise is all about.

That is why I am in strong support of this amendment.

Mr. CRAPO. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. BREWSTER], who has also been one of our strong supporters from the outset.

Mr. BREWSTER. Mr. Chairman, I rise today in strong support of the Crapo lockbox amendment.

As we all know, getting a majority of this House to vote for a cut in Federal spending is not easy. Then, it becomes even more frustrating when that so-called cut is later spent on another program in an appropriations bill.

This amendment would make our cuts count by directing these savings to deficit reduction—not additional spending. I consider this one of the most substantive changes to how Congress manages its money in decades.

This House voted more than six to one last fall to accept the lockbox. Let us be honest, and make sure that a cut is really a cut.

I urge my colleagues to vote for the Crapo lockbox amendment.

Mr. CRAPO. Mr. Chairman, may I inquire how much time remains?

The CHAIRMAN. The gentleman from Idaho [Mr. CRAPO] has 4 minutes remaining, and the gentleman from Louisiana [Mr. LIVINGSTON] has 5 minutes remaining.

Mr. CRAPO. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I think it is important, as we conduct this debate, that we understand exactly what the lockbox does because there has been a lot of discussion about whether we need it or whether we do not. The way this bill works is that when we vote on the floor of the House to cut any program or project, in the current law that money, the program or project is cut, but the money allocated for spending in the budget for that program or project remains allocated, and it is simply respent on other measures, measures which are obviously of a lower priority or they would have been put in place of the spending in the first place.

So all we see is a reshuffling of the spending, but never a reduction of the actual spending so that we get deficit reduction, and those who watch across this country on C-Span or in any other capacity and listen to the debates on this floor day after day as we talk about the need to balance the budget, hear us discuss that every day, they see us vote on amendments that would cut spending every day, but when we are all done, the spending is not reduced because of the budget system in which we now operate.

This lockbox would create a mechanism whereby when we vote to cut spending on any particular program or project, if the majority of this Congress says that spending should be cut, then in reality that spending is allocated to deficit reduction rather than being shifted into new funds. Now if someone wants to bring an amendment and say I do not want deficit reduction, I simply want to cut spending from this program and put it into that program, that is perfectly allowed. This simply says that when we debate here on the floor and tell the American people that we are cutting spending in order to protect our budget, that when we are done with the day that is what happens.

Mr. Chairman, it is a very simple and straightforward principle. It is one when American people understand it they cannot quite see why the Congress has to even have this kind of a system because it does not make sense that we could debate to cut spending and then, after we were done, have the spending simply shifted over into other spending priorities.

Mr. Chairman, I have no additional speakers, and I yield back the balance of my time.

Mr. LIVINGSTON. Mr. Chairman, I yield myself the balance of my time.

Mr. CHAIRMAN. The gentleman from Louisiana [Mr. LIVINGSTON] is recognized for 5 minutes.

Mr. LIVINGSTON. Mr. Chairman, in the last 14 months, as chairman of the Committee on Appropriations, I have been fighting these budget battles, and I have great sympathy for what the gentleman is trying to accomplish with his amendment. He wants to cut down on the amount of discretionary spending from the U.S. Congress. He is right, and we agree, and we have been working with him and jointly with the other body to do exactly that, and we have had enormous success.

The fact is nondefense discretionary spending over the years under Democrat control has just gone up, up, up, up, and up. In fiscal year 1994, it was up to $237 billion, in fiscal year 1995, they had it up to $246 billion, and had they retained control, it would have kept going on up. But we have scaled it back.

We had the rescission bill, and, no, I will not yield now. I will be happy to yield at the end of my statement.

We had the rescission bill that cut back fiscal year 1995 to $230 billion. In 1996, right now, we are down to $223 billion. In 1997, according to the budget agreement that passed the House and Senate, we will be down to $219 billion.

We are making inroads in spending. We are attempting to accomplish what the gentleman is trying to do. But what I am concerned about is that if the gentleman's amendment passes, and I am sure it probably will pass because it is such an easy vote for so many Members, it will tie our hands and make us incapable of negotiating with the Senate or with the White House to reach agreements on bills that should pass in the interests of the American people.

In fact, in this bill there is funding for Bosnia, there is funding for flood relief in the Northwest, and some of the very constituents that are going to be tremendously benefited by programs in this bill might not have been had the lockbox been invoked on this bill because we might not have been able to include this funding.

Now, I know that Members say, well, it is important that we cut spending, that we reduce it. I have made that argument ad nauseam for the last 14 months. But, my colleagues, the problem is not in the discretionary budget because we are getting the discretionary budget under control. The discretionary budget, however, is only one-third of the $1.6 trillion that the U.S. Government spends every year. Two-thirds is interest on the debt, Social Security, welfare, Medicare, Medicaid, and all the other entitlements, and unless we get control on the entitlements, we are never going to balance the budget. We can talk about a balanced budget by the year 2002, but if we do not get an agreement between the House and the Senate and the President of the United States to tackle that two-thirds of the budget, we are never going to accomplish anything.

Now, I find it ironic that two Members who took the well, at least two, possibly three; no, there are three that I can identify, and I am not going to embarrass them; three Members that took the well actually voted last week to increase entitlements. Now if discretionary spending is not the problem, and yet our colleagues want to shackle our hands to negotiate and reach an agreement that benefits the American people, and if mandatory spending is the problem, one would think Members would want to be consistent, and I know the gentleman who sponsors this amendment is consistent because be voted against those entitlements last week. But other Members who have spoken here did not. What they did was to take two programs which are funded by discretionary spending and say there is not enough money going into those programs. We have got to make them mandatory. We have got to make them entitlements, and they converted them, and the aggregate cost of those two programs in the farm bill, passed on Thursday last, is $4 billion over 7 years.

Now, my colleagues, if we are going to vote for the lockbox, fine. But think about what we did last week. If my colleagues voted for that farm bill, if my colleagues voted to convert discretionary spending to mandatory, in effect they have contributed to the real problem of the deficit, and they are doing absolutely nothing but screwing the system up with the lockbox.

Now, I happen to think that the lockbox is well intentioned, but as chairman of the Committee on Appropriations I will tell my colleagues it is very difficult to satisfy the many Members of the far left, the far right, and the people in the middle in this House, let alone work with the people in those same spectrums on the Senate side and negotiate with the White House, who does not like anything we want to do and wants to veto this bill. We have got a tough problem, and the lockbox only makes it tougher. It restricts our ability to negotiate with these other varying factors and, in essence, says we cannot do anything.

Now, our function in Government is not to sit around and do nothing. The gentleman from Maryland, and, if I have time, I will yield to him, he represents a lot of Federal employees. If this bill does not pass, we do not come to negotiated agreement with the Senate and the White House, we are going to shut down Government.

Do not make it worse. Let us defeat this.

Mr. GOSS. Mr. Chairman, they say three times can be the charm. Well, today the House will, for the third time this Congress, approve an important budget tool to make sure that spending cuts we agree to actually translate into savings for the American people. We hope this action will be the charm in getting this budget reform done. As Members knew, this House voted for the deficit reduction lockbox by a huge margin of 373 to 52 on August 4, 1995, as an amendment to the Labor-HHS spending bill. We voted for the lockbox once again, as a freestanding bill, by a vote of 364 to 59 on September 13, 1995. There is no doubt that if it were up to the clear majority of this House, lockbox would be the law of the land today. Of course we know that we must also convince our friends in the other body to concur—and that's where the holdup has been. And so, in sending them lockbox legislation as part of this omnibus spending bill, we will affirm for a third time that we really do mean business in getting lockbox in place for the upcoming appropriations cycle. While I know some of our colleagues on the Appropriations Committees still have concerns about this lockbox, I remind them that this measure has been thoroughly vetted through subcommittee and full committee hearings, the Rules Committee markup, and careful consultation with Appropriations and Budget Committee staff. We believe that we have an effective product that still allows enough flexibility for the appropriators to do the enormously difficult job we ask of them. I commend Mr. CRAPO for his efforts to reach the goal of ensuring that a cut is really a cut; that when we say we are saving money by spending less in appropriations bills we follow through on that commitment. I hope my colleagues will join me once again in supporting this deficit reduction tool.

□ 1700

The CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho [Mr. CRAPO].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. CRAPO. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 329, noes 89, not voting 13, as follows:

[Roll No. 53]

AYES—329

Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bentsen
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bono
Boucher
Brewster
Browder
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klug
Kolbe
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
LoBiondo
Lofgren
Longley
Lucas
Luther
Maloney
Manton
Manzullo
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Menendez
Metcalf
Meyers
Mica
Miller (CA)
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Morella
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Pallone
Parker
Pastor
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Ramstad
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Sawyer
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Visclosky
Volkmer
Waldholtz
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—89

Abercrombie
Baker (CA)
Bateman
Becerra
Beilenson
Berman
Bonilla
Bonior
Borski
Brown (CA)
Brown (FL)
Callahan
Clayton
Collins (IL)
Conyers
Coyne
Dellums
Dicks
Dingell
Dixon
Engel
Evans
Fattah
Foglietta
Ford
Frank (MA)
Frelinghuysen
Gibbons
Gillmor
Gonzalez
Gutierrez
Hastings (FL)
Hinchey
Hoyer
Jackson (IL)
Johnston
Klink
Knollenberg
LaFalce
Lewis (CA)
Lewis (GA)
Livingston
Lowey
Markey
McCrery
McDade
McDermott
McKinney
Meek
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Oberstar
Obey
Olver
Owens
Packard
Payne (NJ)
Pelosi
Rahall
Rangel
Rogers
Rose
Roybal-Allard
Rush
Sabo
Sanders
Saxton
Skaggs
Skeen
Stark
Studds
Thompson
Torres
Towns
Velazquez
Vento
Vucanovich
Walker
Waters
Watt (NC)
Waxman
Williams
Wilson
Woolsey
Yates

NOT VOTING—13

Bevill
Bryant (TX)
Chapman
Clay
Collins (MI)
Durbin
Green
Hayes
Johnson (SD)
Myers
Radanovich
Stockman
Stokes

□ 1718

Messrs. LEWIS of California, KNOLLENBERG, FRANK of Massachusetts, and GUTIERREZ changed their vote from "aye" to "no."

Ms. LOFGREN, and Messrs. MOORHEAD, PASTOR, FIELDS of Louisiana, MARTINEZ, and PICKETT changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. DREIER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3019) making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes, pursuant to House Resolution 372, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The amendment printed in section 2 of House Resolution 372 is adopted.

Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. OBEY. Mr. Speaker, I think that is safe to say.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. OBEY moves to recommit the bill H.R. 3019 to the Committee on Appropriations with the instruction that the Committee report the bill back to the House forthwith with the following amendment.

On page 386, line 15, strike all after "tion" through "11" on page 387, line 5.

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. OBEY] is recognized for 5 minutes.

Mr. OBEY. Mr. Speaker, as everyone knows, we have already indicated the problems in this bill for education and for environmental cleanup. The focus of this motion to recommit is quite different.

Mr. Speaker, after passage of the Veterans' Administration appropriation bill through the House, the Secretary of Veterans Affairs was not exactly bashful in indicating his displeasure with some of the funding cuts and policy recommendations adopted by the House. As a citizen of a free country and a congressionally confirmed member of the President's Cabinet, he was completely within his rights and was simply executing part of his duties as the administration's principal advocate for veterans.

But apparently that demonstration of free speech was too much for those who did not agree with his statements. The result in conference was language sharply limiting the Secretary's travel budget and reducing a number of personnel positions available to the Secretary. This bill contains those provisions.

The message is apparently very clear: Disagree with the majority who run this house on a veterans' issue and you will pay the price.

I might add this is not an isolated incident. The Secretary of the Interior has also been treated in a similar manner. He too has been very vocal in expressing his concerns about some of the provisions in the appropriation bill for Interior. His punishment was to see his office budget reduced by an additional 10 percent because he spoke out.

This motion is very simple and it applies only to the Secretary of Veterans Affairs. It takes the gag off the Secretary of Veterans Affairs by restoring his office budget and restoring his travel budget. He has a right to talk to the country about his concerns about some of the cuts that were provided in this bill or any other bill that affect veterans and veterans' health care.

Now, I want to make clear the objection to the Secretary of Veterans Affairs is not based on the amount of money he spent. His predecessor, Mr. Derwinski, a good friend of ours, his highest travel budget was $198,000 in any one year. His lowest travel budget was $131,000. Secretary Brown's today, his highest travel budget is $131,000, equal to Mr. Derwinski's lowest, and his lowest travel budget was $105,000. The bill before us would cut that travel budget to $50,000.

Now, there is absolutely no reason why the Secretary should not be able to move around the country. There is no reason why he should not be able to move around the country doing his job.

I want to point out that the intent of this amendment is supported by the veterans' service organizations like the Disabled American Veterans, the American Legion and the VFW. I will read one paragraph from the DAV letter:

The Secretary will be forced to curtail other activities which directly support our Nation's sick and disabled veterans. Specifically, these spending restrictions will have an adverse effect upon the ability of the Office of Public Affairs to assist with the participation in direct patient care activities such as disabled veterans winter sports clinic, national veterans wheelchair games, golden age games and the creative art festival. These events, individually and collectively, represent a true therapeutic and rehabilitative milieu unmatched in the traditional medical setting.

I would urge support for the amendment. Take the gag off the Secretary of Veterans Affairs.

The SPEAKER pro tempore. The gentleman from Louisiana [Mr. LIVINGSTON] is recognized for 5 minutes.

Mr. LIVINGSTON. Mr. Speaker, I urge all my colleagues to vote "no" on this very procedural motion to recommit. It raises really a phony issue. The White House does not care a whit about this, never talked to us, never raised it, does not care.

Mr. Chairman, veterans are much better off than they were before. They got a $400 million increase in health benefits over what they had last year. They are getting $38.4 billion out of this package, $16.9 billion of which goes to health care, so the veterans are doing well.

You know what the other side is upset about? They are upset because, yes, we have cut the Office of the Secretary, Office of the Assistant Secretary for Policy Planning, and some administrative expenses because Jesse Brown put veterans' benefit paychecks in envelopes, sent them to the veterans themselves with a notice, with a political message in it.

□ 1730

Now, free speech is not free if it is paid for by the taxpayer, and it is put in an envelope by the Secretary that included veterans benefits checks and sent out as a political speech to the American people. That has got to stop.

This is a phony issue. Vote "no" against the motion to recommit and vote for the bill. Let us not close the Government. This is a good process.

Mr. Speaker, I yield to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Speaker, I appreciate the gentleman yielding to me.

I know a number of my colleagues have angst about the idea of voting for this bill, and I frankly, at least for those who voted for the Republican plan to balance the budget, have a little bit of difficulty understanding that angst, because this omnibus proposal keeps us on track. It moves to terminate 175 programs, most of which under the stewardship of the gentleman from Illinois [Mr. PORTER], who did an outstanding job, along with the gentleman from California [Mr. LEWIS].

In addition, I think there was some concern about the contingency funds, which, frankly, I had concern about. The contingency funding is taken care of.

In an effort to be reasonable with the administration, if, in fact, we can achieve a major reconciliation bill, then we give some additional flexibility to the administration, but it is no program that allows them to willy-nilly go out and spend more money. The simple fact of the matter is——

POINT OF ORDER

Mr. OBEY. Mr. Speaker, I have a point of order.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman will state his point of order.

Mr. OBEY. The matter before us is the motion to recommit. Is the gentleman not required to confine his remarks to that motion?

The SPEAKER pro tempore. The gentleman is correct.

Mr. KASICH. Mr. Speaker, they did not tell me that.

I would just say the gentleman from Wisconsin obviously has a well-thought-out proposal but, in fact, does not get to the heart of the matter and distracts us from the need to stay on course in our effort to balance the budget and to keep this portion of the budget on track, and I would say to the gentleman from Wisconsin, he always does a fine job here on the floor. He has done a lot of research, but he fundamentally does not support the idea that we should terminate 175 programs and live under the cap.

So I would say to my Republican colleagues this is a chance to keep the momentum going. Let us come to the floor. Let us reject the well-thought-out motion from the gentleman of Wisconsin, get on with passing the bill and keep the revolution alive.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 182, noes 228, not voting 21, as follows:

[Roll No 54]

AYES—182

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Miller (CA)
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Wilson
Wise
Woolsey
Wynn
Yates

NOES—228

Allard
Archer
Armey
Bachus
Baker (CA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Beilenson
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—21

Baker (LA)
Bevill
Bryant (TX)
Chabot
Chapman
Clay
Collins (MI)
Dornan
Durbin
Ford
Green
Harman
Hayes
Hoke
Johnson (SD)
McCrery
McDade
Myers
Stockman
Stokes
Williams

□ 1749

Mr. ENSIGN changed his vote from "aye" to "no."

Mr. GIBBONS changed his vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the passage of the bill.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were yeas 209, nays 206, not voting 17, as follows:

[Roll No. 55]

YEAS—209

Allard
Archer
Armey
Bachus
Baker (CA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fawell
Fields (TX)
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Furse
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Longley
Lucas
Manzullo
McCollum
McDade
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moorhead
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Pombo
Porter
Portman
Pryce
Quillen
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Spence
Stearns
Stump
Talent
Tate
Tauzin
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff

NAYS—206

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bilbray
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Cardin
Castle
Clayton
Clement
Clyburn
Coburn
Coleman
Collins (IL)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Ensign
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Ford
Frank (MA)
Franks (CT)
Frost
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
Klug
LaFalce
Lantos
Largent
Levin
Lewis (GA)
Lincoln
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney

Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDermott
McHale
McHugh
McIntosh
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Miller (CA)
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pomeroy
Poshard
Quinn
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Scarborough
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Souder
Spratt
Stark
Stenholm
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Wamp
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wynn
Yates
Zimmer

NOT VOTING—17

Baker (LA)
Bevill
Bryant (TX)
Chabot
Chapman
Clay
Collins (MI)
Duncan
Durbin
Green
Hayes
Johnson (SD)
McCrery
Myers
Stockman
Stokes
Taylor (NC)

□ 1806

Mrs. MEEK of Florida changed her vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3019, and that they may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 1561, THE AMERICAN OVERSEAS INTERESTS ACT OF 1996

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. 104–476) on the resolution (H. Res. 375) waiving points of order against the conference report to accompany the bill (H.R. 1561) to consolidate the foreign affairs agencies of the United States; to authorize appropriations for the Department of State and related agencies for fiscal years 1996 and 1997; to responsibly reduce the authorizations of appropriations for United States foreign assistance programs for fiscal years 1996 and 1997, and for other purposes which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2703, THE EFFECTIVE DEATH PENALTY AND PUBLIC SAFETY ACT OF 1996

Mr. GOSS, for the Committee on Rules, submitted a privileged report (Rept. No. 104–191) on the resolution (H. Res. 376) providing for the consideration of the bill (H.R. 2703) to combat terrorism, which was referred to the House Calender and ordered to be printed.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 3021. An act to guarantee the continuing full investment of Social Security and other Federal funds in obligations of the United States.

PROVIDING SPECIAL AUTHORITIES TO COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT TO OBTAIN TESTIMONY ON THE WHITE HOUSE TRAVEL OFFICE MATTER

Mrs. WALDHOLTZ. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 369 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 369

Resolved, That—

(a) The Chairman of the Committee on Government Reform and Oversight, for purposes of the committee's investigation and study of the White House Travel Office matter, may, upon consultation with the ranking minority member of the committee, authorize the taking of affidavits, and of depositions pursuant to notice or subpoena, by a member or staff of the committee designated by the chairman, or require the furnishing of information by interrogatory, under oath administered by a person otherwise authorized by law to administer oaths.

(b) Deposition and affidavit testimony, and information received by interrogatory, shall be deemed to have been taken in executive session of the committee in Washington, District of Columbia. All deposition and affidavit testimony and information received by interrogatory shall be considered nonpublic until received by the committee, except that all such testimony and information shall, unless otherwise directed by the committee, be available for use by members of the committee in open session of the committee.

The SPEAKER pro tempore. The gentlewoman from Utah [Mrs. WALDHOLTZ] is recognized for 1 hour.

Mrs. WALDHOLTZ. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. HALL], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, let me announce at the outset, in the interest of time, that the bipartisan leadership has agreed to limit debate on this resolution to two speakers on each side.

GENERAL LEAVE

Mrs. WALDHOLTZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Resolution 369.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Utah?

There was no objection.

Mrs. WALDHOLTZ. Mr. Speaker, House Resolution 369 is a resolution providing special authorities to the Committee on Government Reform and Oversight to take testimony in the matter of the White House Travel Office. Under the terms of the resolution the chairman of the Committee on Government Reform and Oversight, upon consulting with the ranking minority member, may authorize any member or designated staff of the committee to take sworn affidavits and depositions pursuant to notice or subpoena and could require furnishing of information by written interrogatories under oath. Any such testimony received would be considered to have been received in executive session by the committee in Washington, DC, would be considered as nonpublic until received by the committee and, thereafter, could be used by any member of the committee in open session related to the investigation of the White House Travel Office matter unless the committee directs otherwise.

The reason this authority requires the approval of the House is because it departs from the standing House rule, clause 2(h), rule XI, that requires a quorum of at least two members of a committee to take testimony.

□ 1815

This resolution differs from the House rule in that it would permit the chairman to authorize any member or staff of the committee to take testimony by sworn deposition or affidavit.

Mr. Speaker, on May 19, 1993, seven White House Travel Office staffers, after years, and in some cases decades, of faithful service, were summarily fired and told to vacate their offices in 2 hours. Later the same day, the White House announced the launching of an FBI criminal investigation of the former employees, which ended in Office Director Billy Dale's indictment on two embezzlement charges—charges proved utterly meritless when a Federal jury acquitted him after less than 2 hours of deliberation.

Mr. Speaker, before his complete exoneration, Billy Dale endured 2½ years of investigation, prosecution, and humiliation. One of Mr. Dale's daughters was forced to account for every penny spent on her wedding and honeymoon, and the other was asked by an interrogator whether she wasn't worried about letting her father handle her money. Mr. Dale's father died without ever seeing his son exonerated. Mr. Dale's legal bills amounted to over $500,000. Billy Dale—an innocent man—felt the full weight of the FBI, the IRS, the Justice Department, and the White House arrayed against him. The public deserves to know the truth. Billy Dale deserves to have this story told.

I commend Chairman CLINGER for his efforts in this matter. He has brought home to the American people the enormity of the wrong committed against these seven people.

Chairman CLINGER has indicated that the special authority is needed because of the reluctance and even refusal of certain potential witnesses to cooperate voluntarily in submitting to staff interviews preliminary to a hearing. This makes it extremely difficult, if not impossible, for a committee to adequately prepare background information and questions for a hearing.

Absent such important background information prior to a formal hearing, the committee is left to elicit the same information during the course of the hearing—something that can greatly prolong a hearing and reduce members to searching for the appropriate questions to ask of a witness.

Mr. Speaker, I want to emphasize that the special authority proposed in the resolution before us today is something that the Rules Committee and the House have granted only in extraordinary circumstances where there is a compelling need for such authority and it is investigation-specific. This is not a grant of blanket authority for all investigations of the Government Reform and Oversight Committee or any other committee.

But this body has granted such authority in the past. Examples of investigation authorization resolutions that have contained special deposition authority include: the President Nixon impeachment proceedings, Koreagate, Abscam, and Iran-Contra.

Moreover, the committee has made it clear that the granting of this special authority should be accompanied by assurances that the minority will not only be consulted prior to the noticing of any special testimony, but guaranteed participation and access in the process, just as it would in a committee hearing.

Chairman CLINGER has assured both us and the committee minority that this was his clear and unequivocal commitment and intent from the start. And it is my understanding that Chairman CLINGER, a man of his word, has worked with the minority, led by the distinguished gentlewoman from Illinois, Mrs. COLLINS, in crafting this resolution and the limits that have been placed on its scope. In fact, the committee met early this morning and passed the resolution by a bipartisan voice vote.

Finally, I would note that the special testimony authority language of House Resolution 369 is nearly identical to that contained in House Resolution 12 in the 100th Congress, creating the House Select Committee on Iran-Contra.

That resolution was drafted on a bipartisan basis and overwhelmingly adopted by the House on January 7, 1987, by a vote of 416 to 2.

I urge my colleagues to give this resolution the same measure of bipartisan support that the Iran-Contra resolution had in the 100th Congress so that the Government Reform and Oversight Committee can expedite its hearings process and complete its investigation.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as my colleague, the gentlewoman from Utah [Mrs. WALDHOLTZ], explained, House Resolution 369 is a resolution that will allow the Committee on Government Reform and Oversight staff to take depositions in the White House travel office matter. I have strong concerns about this resolution because it does not contain sufficient safeguards to protect the integrity of the investigation process and of the House.

House Resolution 369 conveys a heavy authority to the Government Reform Committee and its staff. This kind of authority has only sparingly been granted by the House in the past. Recent examples include investigations into the matters of Iran-Contra, Abscam, and Koreagate.

The standing House rule, which this resolution supersedes for this investigation, does not specifically authorize staff depositions and it requires two members to be present when testimony is taken. This rule was enacted in 1955 in response to the abuses of the McCarthy era.

During Rules Committee consideration of this resolution, Democrats offered three small, but significant amendments intended to ensure that the authority granted by this resolution would meet the highest standards of integrity. All three amendments were defeated along straight or near-straight party line votes.

One amendment would establish a time limit of June 30, 1996, on the authority granted by the resolution. There are House precedents for placing such a restriction. A time limit expresses the will of the House that this investigation be conducted to expose the facts as quickly as possible.

The Government Reform Committee has been looking into the Travel Office matter for some time, and it is unlikely that new, unexpected leads will develop that will require an excessive amount of time. If it turns out that the time limit is too short for a full investigation, then the House by resolution, can extend the authority.

The second amendment offered by the Democrats would require agreement with the ranking minority member of the Government Reform Committee, or a vote of the full committee, in order to issue a subpoena. Again, there are House precedents for this provision.

Had the amendment passed, it would not have prevented the committee majority from exercising the authority established by this resolution. Rather, the intention was only to ensure accountability of the majority and to protect the right of the minority to participate publicly in the process.

The third amendment was intended to establish that this resolution does not challenge longstanding House precedent that witnesses subpoenaed for staff depositions who refuse to cooperate may not automatically be cited for contempt of Congress unless they also refuse to appear before the full Government Reform Committee in a public hearing. This is a key right of witnesses who are subpoenaed by Congress.

I want to stress that I support the authority of this House to conduct a thorough investigation into the White House Travel Office—or any matter involving the expenditure of public funds. I have no objection to giving this House the tools it needs to bring out the truth.

Moreover, my concern for this resolution does not in any way diminish my confidence in the Government Reform Committee to conduct a complete and fair investigation that protects the rights of the minority and of witnesses.

However, especially in times like these when the Government is being accused of overstepping its bounds, and when the authority of Congress is being challenged more than ever, we cannot be too cautious. Let us not forget that the standing House rule is an attempt to erase the shame of earlier excesses in taking testimony.

Mr. Speaker, I reserve the balance of my time.

Mrs. WALDHOLTZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. CLINGER], the chairman of the committee.

Mr. CLINGER. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, I rise in strong support of House Resolution 369. It is essential in order to move forward on the White House Travel Office investigation and bring closure to this matter once and for all and complete this investigation in a thorough and timely manner.

House Resolution 369 is—quite deliberately—a carefully limited solution to a unique situation. It simply grants this specific authority to the Government Reform and Oversight Committee during the conduct of the White House Travel Office investigation. It grants the committee the authority to draft rules which will dictate how those depositions and affidavits are carried out. We have worked closely with the minority in developing a new committee rule to provide for the implementation of the affidavit and deposition authorities provided in House Resolution 369. We have ensured that the minority will be equal players as the depositions proceed and that this authority will not be abused in any way.

I appreciate that the House does not grant the authority requested in this resolution routinely and we have worked with the minority to assure that witnesses rights will be protected. I would like to thank the ranking minority member of the committee, Congresswoman COLLINS and her staff who made considerable efforts with my staff in drafting the committee rule that we adopted this morning in our committee business meeting.

We are asking for this limited resolution so that the committee can conclude this matter in a timely fashion and resolve the many conflicting accounts surrounding these events. The need for this authority is compelling. A number of key witnesses have refused requests by our committee to be interviewed. A number of other witnesses have refused to interview voluntarily with the committee under oath. Given already identified contradictions in statements and accounts regarding this matter, it is vital that the committee interview under oath key witnesses and have assurances that these accounts are provided under circumstances imposing a premium on truth-telling.

It would be extremely impractical to expect this committee to hold enough hearings to place all of the necessary witnesses under oath publicly. This resolution will allow the committee to wrap up this investigation without bringing to a halt all of the other productive and important work that this committee performs. With this authority, it is my hope to wrap up this investigation with only a few more public hearings.

The White House Travel Office matter was investigated first by the White House itself, then by the GAO, the Justice Department's Office of Professional Responsibility, the Treasury Inspector General, the IRS Inspection Division and finally the Justice Department Public Integrity Criminal Division. Unfortunately none of these investigations was provided with all or indeed most of the information which my committee now has obtained. Therefore these prior investigations were incomplete. We now know that some individuals may have misrepresented events and omitted significant information as a result. Several weeks ago, a criminal referral on David Watkins' statements was made by GAO to the U.S. attorney for the District of Columbia.

This resolution will allow the committee to conduct and conclude this investigation without bringing to a halt all of the other productive and important work that this committee oversees. It would be extremely impractical for this committee to hold enough hearings to place all of the necessary witnesses under oath publicly. With this authority, it is my hope that we will be able to have a limited number of additional hearings.

This resolution will allow the committee to conduct depositions and submit interrogatories under oath regarding events leading up to the firings of the entire staff of the White House Travel Office in May 1993, the related events surrounding the firings, the individuals prompting these firings, the appropriateness of actions taken, possible conflicts or ethical violations that occurred, the subsequent investigations of these matters and the levels of candor and cooperation by those involved in both responding to the investigations and conducting the investigations.

By allowing depositions and the submission of interrogatories by the committee, we can hope to clear up many of the conflicting statements and questionable accounts that have been provided to previous investigators. Clearly, voluntary interviews that are not under oath are not feasible in a situation such as this where there have already been conflicting accounts and many witnesses are reluctant to speak to the issues at all.

I have pursued this investigation for some time now because I was concerned with the wholly unjustified conduct in sacking the career travel office staff. Seven people had their lives turned upside down. We owe it to these seven men to find out what the real facts are behind all of the stonewalling. We owe it to the many Government civil and criminal investigators, many of whom tried to responsibly investigate this matter in prior investigations but were thwarted in conducting the investigations they were originally tasked with doing.

Allowing for this limited solution to provide for depositions and interrogatories under oath in the Travelgate matter will permit this long thwarted investigation to move to a more thorough and expeditious conclusion.

Mr. LATOURETTE. Mr. Speaker, will the gentleman yield?

Mr. CLINGER. I yield to the gentleman from Ohio.

Mr. LATOURETTE. Mr. Speaker, I rise in support of House Resolution 369.

Mr. Speaker, I want to thank Chairman SOLOMON and Chairman CLINGER for brining this resolution to the floor today.

I also want to commend and applaud Chairman Clinger for his continued efforts to get to the bottom of the travel office investigation in a fair and bipartisan manner. Although the minority hasn't been crazy about the fact that the committee is investigating the firing of seven long-time civil servants, there have been no complaints that I can recall about the fairness Chairman CLINGER has demonstrated in conducting these hearings. Like many in this House, I will greatly miss the chairman's leadership and would suggest that there would be no need for a civility pledge in this body if we all took a cue from BILL CLINGER.

In urging Members to support H.R. 369 I would ask that they answer, for themselves, three questions:

First, is there precedence in the House for such a resolution?

Second, is there a need for this special request? and

Third, will it fairly expedite the committee's work to the benefit of all concerned?

The answer to all three questions is a definite—yes.

First, similar resolutions have been adopted by the House, at the request of the then majority in the 93d, 95th, 97th, 100th, and 103d Congresses. The language proposed by H.R. 369 is identical to the text adopted by a vote of 416 to 2 on Jan. 7, 1987, relating to the Select Committee on Iran-Contra.

Second, there is unfortunately, as Chairman CLINGER noted, a need for this legislation.

Over a 2½ year period, requested documents have trickled into the committee drip by drip. Molasses flows faster in January than the document production in this matter.

Sadly, the record before the committee reveals that statements, reports, and documents are at variance with one another. The report authors and investigative agencies were hamstrung by either a lack of information being provided by witnesses or documents; or pertinent information was deliberately left out of reports because the authors possessed the attitude—"If it doesn't fit, you must omit."

And, a number of key witnesses have declined, refused or evaded staff interviews and document requests.

Third, this resolution will provide what those of us with courtroom experience term "judicial economy."

The over 50 potential witnesses can be deposed at the staff level and will permit the chairman, in consultation with the minority, to determine which witnesses should appear before the full committee. This procedure will allow the investigation to move to conclusion more quickly; will eliminate duplicative or valueless witnesses; and will save time.

As the depositions will be conducted under oath, the witnesses will be encouraged to provide a truthful account the first time rather than conflicting accounts in documents, staff interviews and testimony.

The expedited procedure of H.R. 369 will ensure that criticism which has been leveled against the other body's probe of Whitewater—too many hearings; too many witnesses; taking too long; and designed to embarrass the White House in an election year, will be avoided and the committee's legitimate oversight responsibilities may conclude.

For all the aforementioned reasons, I again commend Chairman CLINGER's work, and would urge the adoption of this resolution.

Mr. HALL of Ohio. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Illinois [Mrs. COLLINS], the ranking minority member of the Committee on Government Reform and Oversight.

Mrs. COLLINS of Illinois. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, while I support our committee's efforts to obtain all of the relevant information regarding the Travel Office firings, I do not believe that this resolution, which grants authority to staff to conduct sworn depositions, is necessary.

Let me add, however, that earlier today the Committee on Government Reform and Oversight adopted procedures to implement the resolution which accord full rights to the minority and the witnesses, and I supported these procedures.

The authority granted under this resolution is unnecessary and unwarranted. House Resolution 369 is an unprecedented grant of authority to the staff of a standing committee during the course of an ongoing investigation on the eve of a Presidential election. Under such troubling circumstances, there is a heavy burden on the proponents of the resolution to show a compelling need for such authority. We should not act just for the convenience of the staff, or because of an isolated case of a reluctant witness. There must be a convincing case that without this authority, the committee cannot complete its investigation. I do not believe that this threshold has been met.

According to Chairman CLINGER's letter to the Rules Committee, the stated reason for the Resolution is that—I'm quoting—"we have been faced with the reluctance and even refusal of certain potential witnesses to voluntarily submit to staff interviews preliminary to a hearing."

I am aware of no evidence that witnesses have refused to cooperate with the committee during the course of this investigation. Nor have I seen any letters from witnesses refusing to provide information to the committee. Further, I know of no witness who has refused to provide testimony to the committee under oath. The Rules Committee received no documentation nor testimony demonstrating a compelling need for this extraordinary authority.

To the contrary, the record suggests that witnesses agreed to cooperate with the committee, except when unwarranted conditions have been demanded by the majority staff. To the extent that witnesses have been reluctant to submit to interviews, it has only been after demands by the majority staff that minority staff not be present, or that interviews be taken under an oath administered by a staff that lacked such authority.

Mr. Speaker, both the Parliamentarians and the American Law Division of the Congressional Research Service has told majority staff that there was no authority for staff to take sworn depositions absent a resolution by the House. Yet, knowing full well that they lacked both the authority to require a sworn deposition and the ability to administer an oath to witnesses, the majority staff repeatedly threatened witnesses in an effort to force them to comply.

As evidence of this behavior by the majority staff, let me read from a letter to Chairman CLINGER dated December 4 of last year, from David H. Williams, the attorney representing Patsy Thomasson: It says in part:

I called Ms. Brasher [a member of the Republican staff] back and told her that Patsy would still appear for a voluntary interview (provided that Democratic staff be allowed to attend, and) that I needed a commitment from her to confirm her agreement to this condition. Instead, what I got, was a series of threats that she would subpoena Patsy to a sworn deposition and that Patsy could be in a lot of trouble in refusing to do this interview privately as she had demanded.

Mr. Speaker, I include this letter for the RECORD at this point:

DAVID H. WILLIAMS,
ATTORNEY AT LAW,
Little Rock, AR, December 4, 1995.

Representative WILLIAM F. CLINGER, Jr.,
Committee on Government Reform and Oversight, Rayburn House Office Building, Washington, DC.

Re Patsy Thomasson Interview.

DEAR CHAIRMAN CLINGER: I have been trying to accommodate a request from Barbara Cornstock to interview my client, Patsy Thomasson. All I have ever asked her is that Ms. Thomasson be able to do this interview one time with both majority/minority parties being present and being represented. All I want for my client is a fair interview and I think that having both Republican and Democratic staff counsel present is the best way to insure that this takes place.

After explaining this to Barbara Cornstock, she offered to allow Don Goldberg to interview Patsy, privately, first, and then for her to interview Patsy afterwards. I called back this morning to speak to Barbara Cornstock and spoke to Barbara Brasher instead. She explained to me that she was concerned over leaks and that keeping Don Goldberg out of the interview room would be a way to protect against leaks. She didn't accuse Mr. Goldberg, but implied that leaks had to be coming from the other side. I told Ms. Brasher that I really didn't see how this proposal would help, nor did I see how she could guarantee confidentiality because leaks in matters such as this are a known historical fact. There are just too many people involved in the political process to avoid leaks or have any control over them. Secondly, I told Ms. Brasher that my concern was with the fairness of the interview. She told me that if Patsy didn't agree to the interview being conducted privately with Republican Counsel, then she would have her subpoenaed for a sworn deposition. I told her I would consult with Patsy about this and call her back.

I did consult with my client and told her that nothing had really changed to persuade me that it was in her best interest to conduct two private interviews where the Democratic Counsel was excluded from one and the Republican Counsel was excluded from the other. I told her that this arrangement seemed to me to promote partisanship, antagonism, and unfairness. I called Ms. Brasher back and told her that Patsy would still appear for a voluntary interview but since my plane left at 1:20 p.m. cst, today that I needed a commitment from her to confirm her agreement to this condition. Instead, what I got, was a series of threats that she would subpoena Patsy to a sworn deposition, which Ms. Brasher said would not be in Patsy's best interest, and that she hoped that I was making an informed decision because Patsy could be in a lot of trouble in refusing to do this interview privately as she had demanded, and could only exacerbate Patsy's situation. I told Ms. Brasher that if she was trying to be persuasive, that she was not doing a very good job, and that her attitude was convincing me that I had very little reason to expose Patsy to any kind of an interview or deposition. I have been practicing law for twenty years and I still cannot understand why lawyers threaten other lawyers. It never works and it only makes the lawyer on the other side dig in his or her heels.

In any event, this is not an issue that I can, or need to solve. This is a matter for the Committee to solve between the majority and minority members. The rules for the conduct of these interviews should be the result of an agreement between the ranking members. I am not going to get myself caught in a trap, nor am I going to allow my client to get whipsawed into the middle of a political battle over who gets to take the first bite out of her.

Therefore, I respectfully declined Ms. Brasher's demands and canceled my flight when she refused to agree to this sole condition for Patsy to be interviewed. I hope that you and Congresswoman Collins are able to resolve this problem and someone will let me know that the interview is going to be conducted with both sides present. Patsy remains willing and able to cooperate and has no intention of being difficult or obstructive.

Thank you very much for your kind consideration and cooperation.

Very truly yours,
DAVID H. WILLIAMS.

I also include a February 20, 1996, letter from Stephen L. Braga, the attorney representing Catherine Cornelius to Chairman CLINGER'S staff for the RECORD. In it, the attorney for Ms. Cornelius agreed to make her available for transcribed interview provided that both majority and minority staff were present. The majority staff turned him down, however, because he would not agree to swearing in his client, even though, as I have stated, the majority staff knew it had no legal authority to do so.

The letter is as follows:

MILLER, CASSIDY,
LARROCA & LEWIN, L.L.P.
Washington, DC, February 20, 1996.

Re Catherine Cornelius.

BARBARA COMSTOCK,
Committee on Government Reform and Oversight, Rayburn House Office Building, Washington, DC.

DEAR BARBARA: I write with respect to the "deposition" of my above-referenced client that we have scheduled for tomorrow in your office. Although we have not discussed any "ground rules" for this "deposition," I think that there are a number of process-related points that we should agree upon up front before any questioning of the witness is undertaken. I believe that those points are as follows:

1. While Ms. Cornelius' testimony will be recorded verbatim by a court reporter in deposition-like fashion, there will be no oath administered to Ms. Cornelius at the outset of the questioning.[1] In this regard, the "deposition" will simply be like a voluntary interview that is being stenographically recorded.

2. After it is concluded, transcripts of Ms. Cornelius' testimony will be made available for review by the witness and/or her council—in addition to the Majority and Minority staff—with an opportunity to submit any written corrections they might have to the text of the testimony as so transcribed.

3. The transcripts of Ms. Cornelius' testimony will be kept confidential by the Committee unless and until they are first used in any public hearing by the Committee, and the confidentiality of those transcripts will then be waived only to the extent that they are actually used in such a hearing.

4. No non-Committee staff members, other than the court reporter, will be present during the questioning of Ms. Cornelius.

5. The questioning of Ms. Cornelius will conclude by 5:30 P.M. on February 21st.

If you have any questions regarding the foregoing, please do not hesitate to call. Otherwise, I will expect to put our agreement to the foregoing points on the record at the outset of the interview session tomorrow morning.

Best regards,

STEPHEN L. BRAGA.

Mr. Speaker, if the majority staff conducts itself in a professional and non-partisan manner and in keeping with the decorum of the House. I believe they will find no resistance to timely informal interviews. In those cases where there is reluctance, are brought to my attention I will work with the chairman in urging complete cooperation. I sincerely hope and expect that the authority granted by this resolution will be reserved for those few cases where it is absolutely necessary, and not routinely exercised as a substitute for the regular practices of the House.

Let me turn to another issue concerning the rights of witnesses. Following discussions with the Parliamentarian, I am aware of no precedent of a witness who has objected to a question or failed to appear for a staff deposition being cited for contempt without an opportunity to explain his actions before the entire committee. This resolution does not supplant existing House rules regarding contempt of Congress and the rights accorded to witnesses. Nothing in this resolution would require a contempt citation simply because a witness under subpoena refuses to appear before or answer questions in a staff deposition. Prior to any action, the committee should give the witness an opportunity to respond fully at a duly called hearing of the committee, with a proper quorum of members present.

In closing, let me thank Chairman CLINGER for his cooperation earlier today in adopting committee implementing rules which accord full rights to the minority and the witnesses. I have also received a letter from Chairman CLINGER further clarifying how he intends to interpret these rules. I include the committee rules and the chairman's letter for the RECORD, as follows:

To: Members of the Government Reform and Oversight Committee
From: William F. Clinger, Jr., Chairman
Date: March 6, 1996
Re House Resolution 369 to provide for deposition authority in the White House Travel Office investigation and committee rules to implement such authority.

On Thursday, March 7, 1996, the Committee will vote on adopting a new Committee Rule to allow for special affidavits and depositions. The Rule will be voted on in anticipation of passage of House Resolution 369, which is expected to have floor consideration on Thursday, March 7 or Friday, March 8, 1996. (See attached copy of Draft Rule.)

House Resolution 369 will provide authority to the Committee on Government Reform and Oversight to conduct depositions and submit interrogatories under oath in the process of conducting the ongoing White House Travel Office investigation. The Resolution only applies to the White House Travel Office investigation. Rules to conduct the depositions and interrogatories have been developed in consultation with the minority ranking member of the Committee.

Deposition authority is sought to obtain testimony in a timely and efficient manner and curtail the need for extensive hearings. Such depositions will help resolve the numerous discrepancies that have arisen in the course of civil and criminal investigations into the White House Travel Office matter over the past two and a half years.

RULE 19.—SPECIAL AFFIDAVITS AND DEPOSITIONS

If the House provides the committee with authority to take affidavits and depositions, the following rules apply:

(a) The Chairman, upon consultation with the ranking minority member or the committee, may authorize the taking of affidavits, and of depositions pursuant to notice or subpoena. Such authorization may occur on a case-by-case basis, or by instructions to take a series of affidavits or depositions. Notices for the taking of depositions shall specify a time and place for examination. Affidavits and depositions shall be taken under oath administered by a member or a person otherwise authorized by law to administer oaths. Consultation with the ranking minority member will include three (3) business days written notice before any deposition is taken, unless otherwise agreed to by the ranking minority member or committee.

(b) The committee shall not initiate procedures leading to contempt proceedings in the event a witness fails to appear at a deposition unless the deposition notice was accompanied by a committee subpoena authorized and issued by the chairman. Notwithstanding committee Rule 18(d), the chairman shall not authorize and issue a subpoena for a deposition without the concurrence of the ranking minority member or the committee.

(c) Witnesses may be accompanied at a deposition by counsel to advise them of their constitutional rights. Absent special permission or instructions from the chairman, no one may be present in depositions except members, staff designated by the chairman or ranking minority member, an official reporter, the witness and any counsel; observers or counsel for other persons or for the agencies under investigation may not attend.

(d) A deposition will be conducted by members or jointly by

(1) No more than two staff members of the committee, of whom—

(1.a) One will be designated by the chairman of the committee, and

(2.b) One will be designated by the ranking minority party member of the committee, unless such member elects not to designate a staff member.

(2) Any member designated by the chairman.

Other staff designated by the chairman or ranking minority members may attend, but are not permitted to pose questions to the witness.

(e) Questions in the deposition will be propounded in rounds. A round will include as much time as necessary to ask all pending questions, but not more than one hour. In each round, the member or staff member designated by the chairman will ask questions first, and the member or staff member designated by the ranking minority member will ask questions second.

(f) Objections by the witness as to the form of questions shall be noted for the record. If a witness objects to a question and refuses to answer, the members or staff may proceed with the deposition, or may obtain, at that time or at a subsequent time, a ruling on the objection by telephone or otherwise from the chairman or his designee. The committee shall not initiate procedures leading to contempt for refusals to answer questions at a deposition unless the witness refuses to testify after his objection has been overruled and after he has been ordered and directed to answer by the chairman or his designee upon a good faith attempt to consult with the ranking minority member or her designee.

(g) The committee staff shall insure that the testimony is either transcribed or electronically recorded, or both. If a witness' testimony is transcribed, he shall be furnished with an opportunity to review a copy. No later than five days thereafter, the staff shall enter the changes, if any, requested by the witness, with a statement of the witness' reasons for the changes, and the witness shall be instructed to sign the transcript. The individual administering the oath, if other than a member, shall certify on the transcript that the witness was duly sworn in his presence, the transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall be filed, together with any electronic recording, with the clerk of the committee in Washington, D.C. Affidavits and depositions shall be deemed to have been taken in Washington, D.C. once filed there with the clerk of the committee for the committee's use. The ranking minority member will be provided a copy of the transcripts of the deposition once the procedures provided above have been completed.

(h) Unless otherwise directed by the committee, all depositions and affidavits received in the investigation shall be considered nonpublic until received by the committee. Once received by the committee, use of such materials shall be governed by the committee rules. All such material shall unless otherwise directed by the committee, be available for use by the members of the committee in open session.

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[1] I know of no authority authorizing or requiring the administration of such an oath in the circumstances of your staff investigation. If you are aware of any authority to the contrary, please let me know as soon as possible.

(i) A witness shall not be required to testify if they have not been provided a copy of the House Resolution and the amended Committee Rules.

(j) Committee Rule 19 expires on July 8, 1996

HOUSE OF REPRESENTATIVES, COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT,
Washington, DC, March 6, 1996.

Hon. CARDISS COLLINS,
Ranking Minority Member, Committee on Government Reform and Oversight, U.S. House of Representatives, Washington, DC.

DEAR MS. COLLINS: Thank you and your staff for working with my office to develop a new committee rule to provide for the implementation of the affidavit and deposition authorities provided in H. Res. 369. Your office has asked that I provide you with the supplemental information regarding how I interpret some provisions of the proposed committee rule.

19(a). Regarding the right of the minority to recommend witnesses to be deposed, it is my intention that for any witness you would recommend, I will either agree to issue a subpoena or place the question before the full committee for a vote.

19(b). The proposed rule requires that if a subpoena is required in the case of an affidavit or deposition in the Travel Office matter, I shall not authorize such subpoena without your concurrence or the vote of the committee. I believe that this new rule memorializes the longstanding practice of this committee to seek a consensus on the issuance of a subpoena.

19(c). The question has arisen as to whether a witness may be represented by counsel employed by the same government agency as the witness. I further understand that the White House Counsel's office has indicated that it will not seek to personally represent any White House employee during the course of this investigation. It is my intention to discuss with you on a case by case basis the ability of Justice Department attorneys to represent Justice Department witnesses. I respect the ability of a witness to have an attorney of their choice, but I also must avoid any conflict of interest between an agency under investigation and a witness' individual rights.

19(d). The proposed committee rule is draft under the assumption that most, if not all, depositions will be conducted by staff. Any members who wish to participate in a deposition should notify me before the scheduled day of the deposition. I will, of course, designate the minority member of your choice. However, in no way are the proposed committee rules intended to limit the ability of a member to participate and ask questions.

19(f). The term "designee" is intended to imply a member, and not staff. Furthermore, let me confirm to you my strongest intention to consult with you before ruling on an objection raised by a witness. In the instance that you are uncontrollably indisposed, I will certainly listen to any concerns expressed by your senior staff.

19(h). The depositions will be assumed to be received in executive session. Members and their staff will not be permitted to release a copy or excerpt of the deposition until such time that is entered into the official record of the committee, under penalty of House sanction. Witnesses will be given the opportunity to edit their transcript but will not be given a copy.

Finally, a question has arisen regarding what steps occur if a witness fails to appear for a deposition under subpoena or fails to respond to a question notwithstanding the chairman's ruling. It will be my intent, under such circumstances, to subpoena the witness before the full Committee to explain why he/she should not be held in contempt of Congress. The scope of such a hearing would not extend to the factual questions of the Travel Office matter, but would be limited to the question of contempt of the prior contempt.

I hope that this answers any outstanding questions you may have. Please feel free to discuss this matter with me further. And, again, thank you for your kind cooperation.

Sincerely,
WILLIAM F. CLINGER, JR.,
Chairman.

□ 1830

PARLIAMENTARY INQUIRY

Mr. ABERCROMBIE. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The gentleman will state it.

Mr. ABERCROMBIE. Mr. Speaker, is my understanding correct that an hour was allotted to the discussion on the pros and cons of the resolution, one-half hour to each side, and further is my understanding correct that there was a limitation on the speakers announced?

The SPEAKER pro tempore. Under the 1-hour rule, the time is controlled by the manager of the resolution, in this case the gentlewoman from Utah [Mrs. WALDHOLTZ], who has yielded one-half of her time to the gentleman from Ohio [Mr. HALL], for purposes of debate only. There is no rule requiring debate to be allocated under the 1-hour rule to an opponent.

Mr. ABERCROMBIE. Mr. Speaker, I want to make sure I understood. If the inquiry is for debate only, parliamentary inquiry further through the Chair, may I inquire through the Chair as to whether any speaker in opposition will be allowed?

The SPEAKER pro tempore. It occurs to the Chair that the gentleman should make his inquiry to the manager on the minority side, the gentleman from Ohio [Mr. HALL].

Mr. ABERCROMBIE. Mr. Speaker, am I entitled to do that? Can I make an inquiry?

The SPEAKER pro tempore. The gentleman from Ohio controls the time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just say that there was an agreement between the leadership on the debate of this particular resolution and I had agreed that there would only be two speakers on both sides. That was agreed by both sides, and I am trying to keep my word and stick by that.

Mrs. WALDHOLTZ. Mr. Speaker, will the gentleman yield?

Mr. HALL of Ohio. I yield to the gentlewoman from Utah.

Mrs. WALDHOLTZ. Mr. Speaker, if the gentleman from Ohio would like to yield on his time a few minutes to the gentleman from Hawaii and allow him to raise his concerns about this matter, we would not see that in any way contravening the agreement that we have reached.

Mr. HALL of Ohio. Mr. Speaker I thank the gentlewoman for that.

Mr. Speaker, I yield 3 minutes to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Speaker, I thank very much the gentlewoman from Utah [Mrs. WALDHOLTZ] for the opportunity to speak in opposition. I want to indicate to the gentlewoman and to the Speaker and Members that this was not planned in any other way. I was not aware that there were not to be speakers allowed. I thought there was an hour and that this could be undertaken, so I am grateful for the opportunity.

Mr. Speaker, I rise to speak in opposition to House Resolution 369. Allusions were made to Iran-Contra. I was here, however briefly, when that issue was first being raised in the mid 1980's, I do not see that this is comparable in any way, shape, or form.

As far as I know, the fifth amendment is still alive and well in the Constitution of the United States, and if there are people who refuse to testify for whatever reason, they are entitled to do so. If I understand correctly the gentlewoman's comments that preceded me, that the existing House rules with respect to contempt and subpoenas cover the situation adequately, there is no need.

If I understood correctly the gentlewoman's comments, as well, there is no need for this extraordinary authority. My question then becomes, to what end is this resolution being put forward?

If the rules of the House already adequately cover it, if the rules of the committee already adequately cover the situation with respect to subpoenas, contempt, et cetera, if all the rules and regulations and the admonitions incumbent upon us in the Constitution are still in place, then why are we going ahead with it? If sworn depositions are not in order except under the rules and regulations as provided by the House, well, then, I think we should abide by that.

I do not understand why we are having this resolution brought forward in this manner without reasons being given as to why the resolution is necessary in the form that it takes. The title here says "to provide the Committee on Government Reform and Oversight special authorities to obtain testimony for purposes of investigation in study of the White House travel office matter,'' but there has been no presentation that I am aware of that indicates why special authorities are required to obtain testimonies for the purposes of investigation and study.

Therefore, Mr. Speaker, I would urge a ''no'' vote on this, at least pending some kind of sufficient explanation as to why these special authorities should be granted.

Mrs. WALDHOLTZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is an extraordinary grant of authority but these are extraordinary circumstances involving questions as to the possible abuse of power at the highest levels of our Government against an American citizen who took 2½ years to clear his name.

Mr. Speaker, I urge my colleagues to support this resolution.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PARLIAMENTARY INQUIRY

Mr. ABERCROMBIE. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ABERCROMBIE. Can the Speaker indicate what he heard on the floor in terms of the ''ayes'' or the ''nays''?

The SPEAKER pro tempore. The ayes have it. That was indicated as the result of the voice vote.

The resolution was agreed to.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, I yield to the distinguished majority leader, the gentleman from Texas [Mr. ARMEY], for the purpose of ascertaining the schedule for the rest of the week and next week.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am happy to announce that we have concluded our legislative business for the week.

On Monday, March 11, the House will not be in session. On Tuesday, March 12, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business. Members should be advised that there will not be any recorded votes before 5 p.m.

As our first order of business on Tuesday, the House will consider a bill on the corrections day-calendar: H.R. 2685, to repeal the Medicaid and Medicare coverage data bank.

We will then take up three bills on the suspension calendar: H.R. 2972, the Securities and Exchange Commission reauthorization; H.R. 2276, the Federal Aviation Administration Revitalization Act of 1995; and House Joint Resolution 78, Bi-State Development Agency by the States of Missouri and Illinois.

After consideration of the suspensions, the House will turn to the conference report for H.R. 1561, the American Overseas Interests Act, which is subject to a rule. We also hope to begin consideration of H.R. 2703, the Effective Death Penalty and Public Safety Act, which is also subject to a rule. It is our hope to get through the rule and general debate before adjourning for the evening around 7 or 8 p.m.

On Wednesday, March 13, the House will meet at 11 a.m. to finish consideration of the crime bill.

On Thursday, March 14, the House will meet at 10 a.m. It is our hope that conference reports for the debt limit and Second Balanced Budget Downpayment Act will be ready for floor consideration by then.

□ 1845

We should finish business and have Members on their way home to their families by 6 p.m. on Thursday March 14, and I thank the gentleman for yielding me this time.

Mr. BONIOR. Mr. Speaker, I would ask my friend from Texas this question, or make this comment to him just so that he understands the concerns that we have in our Caucus over the retreat that we were scheduled to have on January 25, which had to be cancelled after votes on the continuing resolution for Government spending were scheduled. We then asked for a retreat date of March 8, which is today, and we were refused on that date, saying that the majority, noting that the calendar had been set in advance and could not be altered. I would just note that March 8 is not today, it is tomorrow, and I would just tell my colleague from Texas we could have had our retreat tomorrow, and in light of the fact that the schedule indeed was altered, and we hope we could work together on these things in the future. We have had to cancel it twice, and we hope that this would not happen a third time.

With that, I thank my colleague for giving us an insight into the schedule for tomorrow, or the lack of schedule for tomorrow, and the schedule for next week.

ADJOURNMENT FROM FRIDAY, MARCH 8, TO TUESDAY, MARCH 12, 1996

Mr. ARMEY. Madam Speaker, I ask unanimous consent that when the House adjourns tomorrow, Friday, March 8, 1996 it adjourn to meet at 12:30 p.m. on Tuesday, March 12, 1996, for morning hour debates.

The SPEAKER pro tempore (Mrs. WALDHOLTZ). Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Madam Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

LAND DISPOSAL PROGRAM FLEXIBILITY ACT OF 1995

Mr. OXLEY. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2036) to amend the Solid Waste Disposal Act to make certain adjustments in the land disposal program to provide needed flexibility, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments:

Page 2, line 3, strike out ''1995'' and insert ''1996''.

Page 2, strike out all after line 3 over to and including line 15 on page 4 and insert:

SEC. 2. LAND DISPOSAL RESTRICTIONS.

Section 3004(g) of the Solid Waste Disposal Act is amended by adding after paragraph (6) the following:

''(7) Solid waste identified as hazardous based solely on one or more characteristics shall not be subject to this subsection, any prohibitions under subsection (d), (e), or (f), or any requirement promulgated under subsection (m) (other than any applicable specific methods of treatment, as provided in paragraph (8)) if the waste—

''(A) is treated in a treatment system that subsequently discharges to waters of the United States pursuant to a permit issued under section 402 of the Federal Water Pollution Control Act (commonly known as the ''Clean Water Act'') (33 U.S.C. 1342), treated for the purposes of the pretreatment requirements of section 307 of the Clean Water Act (33 U.S.C. 1317), or treated in a zero discharge system that, prior to any permanent land disposal, engages in treatment that is equivalent to treatment required under section 402 of the Clean Water Act (33 U.S.C. 1342) for discharges to waters of the United States, as determined by the Administrator; and

''(B) no longer exhibits a hazardous characteristic prior to management in any land-based solid waste management unit.

''(8) Solid waste that otherwise qualifies under paragraph (7) shall nevertheless be required to meet any applicable specific methods of treatment specified for such waste by the Administrator under subsection (m), including those specified in the rule promulgated by the Administrator June 1, 1990, prior to management in a land-based unit as part of a treatment system specified in paragraph (7)(A). No solid waste may qualify under paragraph (7) that would generate toxic gases, vapors, or fumes due to the presence of cyanide when exposed to pH conditions between 2.0 and 12.5.

"(9) Solid waste identified as hazardous based on one or more characteristics alone shall not be subject to this subsection, any prohibitions under subsection (d), (e), or (f), or any requirement promulgated under subsection (m) if the waste no longer exhibits a hazardous characteristic at the point of injection in any Class I injection well permitted under section 1422 of title XIV of the Public Health Service Act (42 U.S.C. 300h-1).

"(10) Not later than five years after the date of enactment of this paragraph, the Administration shall complete a study of hazardous waste managed pursuant to paragraph (7) or (9) to characterize the risks to human health or the environment associated with such management. In conducting this study, the Administrator shall evaluate the extent to which risks are adequately addressed under existing State or Federal programs and whether unaddressed risks could be better addressed under such laws or programs. Upon receipt of additional information or upon completion of such study and as necessary to protect human health and the environment, the Administrator may impose additional requirements under existing Federal laws, including subsection (m)(1), or rely on other State or Federal programs or authorities to address such risks. In promulgating any treatment standards pursuant to subsection (m)(1) under the previous sentence, the Administrator shall take into account the extent to which treatment is occurring in land-based units as part of a treatment system specified in paragraph (7)(A).

"(11) Nothing in paragraph (7) or (9) shall be interpreted or applied to restrict any inspection or enforcement authority under the provisions of this Act.".

Page 7, line 12, strike out "paragraph."." and insert: "paragraph."

Page 7, after line 12 insert:

"(5) ALASKA NATIVE VILLAGES.—Upon certification by the Governor of the State of Alaska that application of the requirements described in paragraph (1) to a solid waste landfill unit of a Native village (as defined in section 3 of the Alaska Native Claims Settlement Act (16 U.S.C. 1602)) or unit that is located in or near a small, remote Alaska village would be infeasible, or would not be cost-effective, or is otherwise inappropriate because of the remote location of the unit, the State may exempt the unit from some or all of these requirements. This paragraph shall apply only to solid waste landfill units that dispose of less than 20 tons of municipal solid waste daily, based on an annual average.

"(6) FURTHER REVISIONS OF GUIDELINES AND CRITERIA.—Recognizing the unique circumstances of small communities, the Administrator shall, not later than two years after enactment of this provision promulgate revisions to the guidelines and criteria promulgated under this subtitle to provide additional flexibility to approved States to allow landfills that receive 20 tons or less of municipal solid waste per day, based on an annual average, to use alternative frequencies of daily cover application, frequencies of methane gas monitoring, infiltration layers for final cover; and means for demonstrating financial assurance: Provided, That such alternative requirements take into account climatic and hydrogeologic conditions and are protective of human health and environment.".

Mr. OXLEY (during the reading). Madam Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Ohio?

Mrs. LINCOLN. Madam Speaker, reserving the right to object, and I will not object, but I yield to the gentleman from Ohio [Mr. OXLEY] to explain the bill that we are considering.

Mr. OXLEY. Madam Speaker, as the gentlewoman is aware, the bill as passed by the House addresses two rulemakings in which EPA tried to use principles of sound risk management but were prevented by the courts from doing so. Unfortunately, the current law, as interpreted by the courts, does not allow EPA to develop a reasonable set of regulations.

Two weeks ago, the other body adopted, by voice vote, several amendments to the bill. The Senate amendments add underground injections wells to the 5-year study agreed to during the Commerce Committee's markup of the bill. The Senate amendments also address ground water monitoring concerns in Alaskan Native villages.

Senator CHAFEE, chairman of the Senate Committee on Environment and Public Works, has asked me to place into the RECORD a point of clarification consistent with the language of the House-passed bill. Specifically, it should be clear that the legislation does not modify, supplement, or otherwise affect the application or authority of any other Federal law or the standards applicable under any other Federal law, including the Clean Water Act. I would like to submit this letter for the RECORD.

I am pleased to say H.R. 2036 has the strong support of the administration, the Ground Water Protection Council, the Association of State and Territorial Solid Waste Management Officials, and representatives of the industrial community. I commend Chairman BLILEY for his leadership on this issue and the bipartisan cooperation from Mr. DINGELL, Mrs. LINCOLN, and the administration.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, March 5, 1996.
Hon. JOHN H. CHAFEE,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR CHAIRMAN CHAFFEE: Thank you for your letter of this date clarifying the scope of H.R. 2036, the Land Disposal Flexibility Act of 1996. Your letter correctly indicates that this legislation only modifies provisions of the Solid Waste Disposal Act, a statutory program wholly within the jurisdiction of the House Committee on Commerce. The legislation does not modify, supplement, or otherwise affect the authority of any other Federal law or the standards applicable under any other Federal law, including the Federal Water Pollution Control Act. The language which was included in the House bill, but inadvertently deleted by the Senate amendments, was intended to make clear that the bill does not amend any statute other than the Solid Waste Disposal Act.

Thank you again for your clarification.

Sincerely,

THOMAS J. BLILEY, JR.,
Chairman.

U.S. SENATE, COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, DC, March 5, 1996.
Hon. THOMAS J. BLILEY,
House of Representatives,
Washington, DC.

DEAR CHAIRMAN BLILEY: It has come to my attention that in amending H.R. 2036, the Land Disposal Program Flexibility Act of 1996, the Senate did not incorporate a House provision that was inserted during your Committee's consideration of this legislation. The provision stated that "[n]othing in this paragraph shall be construed to modify, supplement, or otherwise affect the application or authority of any other Federal law or the standards applicable under any other Federal law."

The exclusion of this language from the Senate passed bill should not be viewed as implying a contrary policy on this issue. The legislation passed by the Senate does not modify, supplement, or otherwise affect the application or authority of any other Federal law or the standards applicable under any other Federal law, including the Federal Water Pollution Control Act. I understand this clarification is important to both you and the Chairman of the House Transportation and Infrastructure Committee.

H.R. 2036 and its Senate companion, S. 1497, provide a model for moving targeted, commonsense legislation that maintains protection of human health and the environment while removing duplicative or overlapping layers of regulation. It has been a pleasure to work with you and your colleagues in the House to move this legislation expeditiously.

Sincerely,

JOHN H. CHAFEE.

Mrs. LINCOLN. Madam Speaker, further reserving the right to object, and I will not object, I want to thank the gentleman for his explanation and certainly commend him for his bipartisan fashion in which this bill has been handled.

The chairman and the subcommittee chairman here, the gentleman from Ohio [Mr. OXLEY], are certainly to be congratulated for shepherding the bill through the process it has gone through. I, too, believe this bill represents a great bipartisan solution to problems identified under RCRA's existing land disposal restrictions.

As we all know, under the current regulatory regime, industries will be required to put in place over $800 million a year to install new equipment without corresponding benefits to the environmental health. This is something neither the industrial community nor the Environmental Protection Agency wants. H.R. 2036 resolves this needless investment by incorporating commonsense solutions.

Industries will avoid duplicative regulations under this bill. If their surface impoundments are in compliance with the Clean Water Act or their underground injection wells are in compliance with the Safe Drinking Water

Act, industries will not need further treatment technologies to comply with RCRA.

I believe it is an excellent bill. Again I applaud Chairman OXLEY for his hard work. It is a bill that should serve as an example for future environmental legislation as we work together.

It has Republican support, Democratic support, administration support, and the industry support. We have all worked wholeheartedly together.

Again I thank Chairman BLILEY, Chairman OXLEY, and the gentleman from Michigan, Mr. DINGELL, for working with me on this very important issue.

Madam Speaker, I see no other speakers on this side, and the bill has been cleared from our side.

Mr. SHUSTER. Madam Speaker, I rise to address provisions in H.R. 2036, the Land Disposal Program Flexibility Act.

This is important legislation that will eliminate a mandate that the Environmental Protection Agency [EPA] promulgate under the Solid Waste Disposal Act stringent and costly treatment standards for low-risk wastes that are already being treated to meet standards applicable under the Clean Water Act, simply because the Clean Water Act treatment system uses surface impoundments. In 1990, EPA issued regulations that took the approach adopted by this bill and exempted such wastes from Solid Waste Disposal Act land disposal restrictions and treatment standards. In 1992, however, the U.S. Circuit Court of Appeals for the D.C. Circuit overturned EPA's regulations. In compliance with the court's order, EPA has issued new regulations that would impose these unnecessary and costly requirements. These regulations will go into effect shortly so it is important for Congress to act expeditiously on this legislation.

Recognizing this urgency, I did not seek a formal referral of H.R. 2036 when it moved through the House. Instead, I worked cooperatively with Chairman BLILEY of the Commerce Committee on any potential Clean Water Act issues raised by the bill. To address my concerns, Chairman BLILEY added language to the bill that specifically states that H.R., 2036 provides no grant of authority to address the wastes managed in surface impoundments that are part of the Clean Water Act treatment systems, beyond the authorities provided under existing law.

Unfortunately, through inadvertent oversight, this language was not included in the Senate amendment to H.R. 2036. However, Senator CHAFEE, chairman of the Senate Committee on Environment and Public Works has assured me in a letter dated March 5, 1996, that the legislation passed by the Senate also does not modify, supplement, or otherwise affect the application or authority of any other Federal law, or the standards applicable under any other Federal law, including the Clean Water Act.

Because of the urgency of this issue, I will not offer an amendment to H.R. 2036 today to expressly state this intent. Instead, I ask unanimous consent that Senator CHAFEE'S March 5, 1996, letter to me be printed in the RECORD.

U.S. SENATE, COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, DC, March 5, 1996.

Hon. BUD SHUSTER,
U.S. House of Representatives,
Washington, DC.

DEAR CHAIRMAN SHUSTER: It has come to my attention that in amending H.R. 2036, the Land Disposal Program Flexibility Act of 1996, the Senate did not incorporate a House provision that was inserted during the Commerce Committee's consideration of this legislation at your request. The provision stated that "[n]othing in this paragraph shall be construed to modify, supplement, or otherwise affect the application or authority of any other Federal law or the standards applicable under any other Federal law."

The elusion of this language from the Senate passed bill should not be viewed as implying a contrary policy in this issue. The legislation passed by the Senate does not modify, supplement, or otherwise affect the application of authority of any other federal law or the standards applicable under any other Federal law, including the Federal Water Pollution Control Act.

H.R. 2036 and its Senate companion, S. 1497, provide a model for moving targeted, commonsense legislation that maintains protection of human health and the environment while removing duplicative or overlapping layers of regulation. It has been a pleasure to work with you and your colleagues in the House to move this legislation expeditiously.

Sincerely,

JOHN H. CHAFEE.

Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Ohio?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. OXLEY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to insert extraneous material on H.R. 2036, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

REPORT ON NATIONAL SECURITY STRATEGY OF THE UNITED STATES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on National Security:

To the Congress of the United States:

As required by section 603 of the Goldwater-Nichols Department of Defense Reorganization Act of 1986, I am transmitting a report on the National Security Strategy of the United States.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 7, 1996.*

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

EXPRESSING OUTRAGE AND CONDEMNATION OF MURDEROUS TERRORIST ATTACKS IN ISRAEL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York [Mrs. MALONEY] is recognized for 5 minutes.

Mrs. MALONEY. Mr. Speaker, before we get to the substance of our special order, I want to express my outrage and condemnation for the wave of murderous terrorist attacks that have struck Israel in the last 2 weeks.

I extend my condolences to all the families of the victims, including the two American young people who had studied in New York City and were killed in Jerusalem.

CONFLICT OVER THE ISLAND OF IMIA

I want to thank my good friend from Florida, Mr. BILIRAKIS, for joining me in these special orders to bring attention to the recent conflict over the Island of Imia.

The gentleman from Florida has always been a good friend of Greece and Cyprus, and it has been my great honor and pleasure to work closely with him on many issues of concern to Greek- and Cypriot-Americans.

In fact, just this week, the gentleman and I announced the formation of the new Congressional Caucus on Hellenic Issues.

As such, I know that Mr. BILIRAKIS shares my outrage over the recent comments of Mr. Denktash, the Turkish-Cypriot leader, who has admitted that many of the 1,619 Americans and Greek Cypriots who are missing from the Turkish invasion of 1974 were in fact murdered by Turkish forces.

The fact that he waited 22 years to admit to these atrocities is itself a crime against humanity.

As the gentleman knows, the families of several of the missing live in my district in Astoria. Mr. Denktash's admission points to the need for an accurate accounting for each and every one of the Americans and Cypriots whose plights are still unknown.

Mr. Speaker, we could talk about this tragedy all evening, but we rise tonight to discuss a different outrage—the conflict in the Aegean.

For those Members who may not know, the island of Imia is one of the Dodecanese islands that were formally returned to Greece by Italy as part of the 1947 Paris Agreement.

It has been Greek for almost 4,000 years.

Last Christmas, a Turkish cargo boat ran aground near Imia.

Even though the accident occurred in Greek territorial waters, the captain of the cargo boat refused assistance from Greek authorities, claiming he was in Turkish waters.

The incident escalated swiftly.

The Greek mayor of the nearby island Kalolimnos rightfully put a Greek flag on Imia, which was then torn down and replaced by a Turkish flag by so-called Turkish journalists.

Troops and ships from both Greece and Turkey quickly came to the area and a major confrontation developed.

Only through the swift intervention of the United States was violence avoided.

President Clinton deserves enormous credit for working hard to diffuse this dispute.

However, Turkey's challenge of established international boundaries in an attempt to expand its Aegean borders is totally unacceptable.

This confrontation over Imia would never have happened if Turkey abided by international law.

The real issue here is not the status of a small, uninhabited islet in the Aegean.

Rather it is the much more fundamental one of a challenge to Greek sovereignty.

Greek sovereignty over Imia is well established and, until this incident, unchallenged by anyone, including Turkey.

In 1932 Italy and Turkey concluded an agreement clearly stating that the Greek island of Imia belonged to Italy.

At the conclusion of World War II, Italy ceded the Dodecanese islands—including Imia—back to Greece with the Paris Peace Treaty of 1947.

By international law, the successor state automatically assumes all rights and obligations established by international treaty.

But Turkey has challenged the international status quo in order to create a destabilizing situation in the Aegean.

Violations of international law are, unfortunately, nothing new for Turkey.

The list includes: massive human rights violations against the Kurds; the illegal 1974 invasion and occupation of Cyprus; the blockade of Armenia, which prevented United States humanitarian assistance from reaching that country; and religious restrictions for the Eastern Orthodox Ecumenical Patriarchate in Istanbul.

Clearly, Turkey is the main cause of instability in the eastern Mediterranean.

Last June, the United States House of Representatives sent a clear signal to Turkey that we find these actions unacceptable by voting to cut aid to Turkey by 25 percent.

Turkey must be made to pay a real price for defying the will of the international community. If Turkey continues to ignore this message, our sanctions should only increase.

Turkey must understand that future actions of this kind will bring about an even greater reduction in United States aid.

Maybe Turkey will then realize that there are serious consequences for its behavior.

Once again, I thank the gentleman from Florida for joining me on the House floor this evening.

THE SOVEREIGNTY OF IMIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. BILIRAKIS] is recognized for 5 minutes.

Mr. BILIRAKIS. Madam Speaker, we are Americans, and this is the United States of America. Let us say one of our protectorates, if you will, Samoa, Guam, the Virgin Islands, all of a sudden a claim was made upon them by country X. What would we do? Certainly I would like to think what we would not do is to decide to sit across the table with country X and negotiate the rights to those particular territories. It is ridiculous, because everyone knows, the entire world knows, the world community knows these territories are part of the United States of America, if you will.

On December 25, as the gentlewoman from New York [Mrs. MALONEY] certainly has already shared with us, and she does such a great job at this, and it is such an honor really to be tied in with her in these special orders, on December 25, 1995, a Turkish cargo ship ran aground on Imia. The ship's captain refused assistance from the Greek Coast Guard because the captain said the islet was Turkish. Tensions began to mount and by January 29, 1996, both Greece and Turkey had dispatched naval vessels to the area. On January 31, through U.S. mediation, both sides agreed to withdraw.

I am certainly thankful and I think the world is thankful that this incident did not lead to an armed confrontation. But I am disappointed that at no time during the United States mediation did the President, Secretary of State Christopher, Defense Secretary Perry or then Assistant Secretary of State Holbrook, who has generally done a wonderful job on this issue, at no time did they recognize the sovereignty of Greece over the islet.

Is is my sincere hope this latest incident will not deter the administrations efforts to resolve the Cyprus problem, but rather strengthen the administration's commitment to finding a solution this year of 1996.

As you may know, and I do not suppose many people do, my parents were born on the island of Kalymnos, which I guess the rocks Simi are a part of that particular island chain, and only just a few miles away from the island of Kalymnos. The island has always been considered Greek territory. At no previous time has Turkey questioned Imia's territorial ownership. Indeed, Greek Foreign Minister Theodore Pangalos stated, "This is the first time that Turkey has actually laid claim to Greek territory."

The European parliament overwhelmingly approved a resolution which states, "The Islet of Imia belongs to the Dodecanese group of islands, on the basis of the Lausanne Treaty of 1923, the protocol between Italy and Turkey of 1932, the Paris Treaty of 1947, and whereas even on Turkish maps from the 1960's the islets are shown as Greek territory."

Moreover, the Governments of Italy and France have publicly stated their support of Greek sovereignty over Imia, as provided by international law.

So Madam Speaker, given Turkey's breaches of international law, its continued illegal, and I underline that, illegal occupation of Northern Cyprus, its restrictions on religious freedom from the Eastern Orthodox Ecumenical Patriarchate, which represents over 250 million Orthodox Christians worldwide, its refusal to recognize the human rights of its 15 million Kurdish citizens, and its illegal blockade of Armenia, I have serious concerns about this most recent example of Turkish provocation.

Although Turkey is an ally, Madam Speaker, its actions must not go unquestioned. In fact, European Commission President Jacques Santer stated in reference to Turkey, "We cannot tolerate a state with which we have just entered into a customs union developing territorial demands on a European union member state."

Turkey must respect and abide by international law. As President Eisenhower once stated, "There can be no peace without law. And there can be no law if we were to invoke one code of international conduct for those who oppose us, and another for our friends."

Madam Speaker, I would say in closing, enough is enough.

PERMISSION FOR COMMITTEE ON AGRICULTURE TO FILE SUPPLEMENTAL REPORT ON H.R. 2202, IMMIGRATION AND THE NATIONAL INTEREST ACT OF 1995

Mr. BILIRAKIS. Madam Speaker, I ask unanimous consent that the Committee on Agriculture be permitted to file a supplemental report on the bill (H.R. 2202) to improve deterrence of illegal immigration to the United States by increasing border patrol and investigative personnel, by increasing penalties for alien smuggling and for document fraud, by reforming exclusion and deportation law and procedures, by improving the verification system for eligibility for employment, and through other measures, to reform the legal immigration system and facilitate legal entries into the United States, and for other purposes to include a cost estimate as required under clause 2(l)(3) of rule XI.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

THE NEW CONTINUING RESOLUTION IS BAD FOR AMERICAN INDIANS, RELIGIOUS FREEDOM, AND SELF-GOVERNANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa [Mr. FALEOMAVAEGA] is recognized for 5 minutes.

Mr. FALEOMAVAEGA. Madam Speaker, I want to make sure that the American public is aware of two very dangerous provisions in H.R. 3019, a continuing resolution which would fund, among other things, Interior spending for the remainder of the fiscal year. Though these two majority sponsored provisions primarily affect American Indians, I believe they have far reaching implications for the rest of the country as well. Why should we care? Because as the great jurist Felix Cohen observed,

> The Indian plays much the same role in our American society, that the Jews played in Germany. Like the miner's canary, the Indian marks the shift from fresh air to poison gas in our political atmosphere; and our treatment of Indians, even more than our treatment of other minorities, reflects the rise and fall in our democratic faith.

This country was founded on two great principles—the inalienable right of a people to govern themselves and the solemn right of a people to freely practice their religion. Yet there are two provisions in this spending bill that are an affront to those principles and the rights of our people. I am afraid to think what our Founding Fathers would think of these measures. Had this bill been brought up under an open rule, I would have offered an amendment to strike both of them.

The first provision that deeply concerns me is the Mt. Graham rider contained in section 335 of the general provisions of the Interior portion of the bill which would waive applicable law, reverse three court decisions and permit immediate construction of an observatory on Mt. Graham in Arizona. This is a measure of the worse sort that should be stricken as soon as possible.

First, this rider approves the destruction and mechanized desecration of the single-most sacred site of the San Carlos Apache Tribe. Can you imagine waiving the law to approve the clearing of part of the Wailing Wall in Jerusalem or the Vatican in Rome? Well that is what this provision does, not to mention the fact the telescope's owners plan to charge rent to other users even though it lies on public land. This rider ignores the rights of those who prayed and worshiped on the mountain for centuries and is an assault on religion.

Second, this rider is wrong because it waives the very laws and procedures designed to ensure that we respect cultural and religious traditions. It circumvents the American Indian Religious Freedom Act and the National Historic Preservation Act which charge the Federal agencies to protect against harm to such sites. The rider does this over the repeated opposition expressed in tribal council resolutions and now in the resolutions of the National Congress of American Indians.

Third, this rider has never been properly considered by Congress. It surfaced mysteriously in the third Interior conference committee without having been included in either of the House or Senate appropriations bills. But to add insult to injury, its sponsors took out a provision of far greater importance in order to get it in—a report on American Indian HIV/AIDS prevention needs. The only hearing ever held on this matter was a joint hearing of two House authorizing committees in 1990 at which the General Accounting Office reported that the irregularities involved in granting the original permit were so great that it would not have withstood judicial scrutiny except for the waiver provided in the last days of the 100th Congress. The official who signed the original permit admitted at that hearing that he had exceeded his legal authority in granting it.

Finally, this rider is bad for the environment because it waives the requirements of the Endangered Species Act and the National Environmental Policy Act. All these laws ask is that the agencies examine alternatives to see whether less harmful means are available to achieve the same end. Even if the ESA might preclude the project as proposed, exemptions are available for regionally significant projects. It seems that given the fact that the observatory sits on a world class ecological site left behind by the glaciers that is the home of numerous species of animals and plants, some of medicinal value, and several that are virtually unknown anywhere else, we should at least weigh the alternatives and ask the developers to begin the permit application process. This rider sets a dangerous precedent for further site-specific waivers when the laws of this country get in the way of development.

Since the President vetoed the last Interior appropriations measure in December, Mt. Graham has become a cause celebre. Grammy award-winning rock musicians Pearl Jam have featured it in a new Website for citizenship and the Indian band Red Thunder has also spoken out against the project in their tours and radio appearances. I am proud that this Nation's youth is involved in today's issues, so I would ask that this Congress set a better example for them. We should return to a higher standard of substantive discussion, procedural honesty, and simple justice by striking the Mt. Graham rider.

The second provision which gravely concerns me is the so-called "Lummi" provision contained in section 115 of the general provisions of Interior portion of bill. Under the guise of "property rights", the measure that would penalize any self-governance tribe in the State of Washington, but particularly the Lummi Nation, for exercising its sovereign on-reservation rights. This provision is dangerous because it sets a precedent for fiscally punitive actions against any tribe in any State, self-governance or not, that tries to exercise its legitimate governmental powers. This act of intimidation flies in the face of the longstanding congressional policy of self-determination and the fiduciary relationship between the United States and the 557 American Indian and Alaska Native tribes in this nation.

This unwarranted and unprecedented intrusion into tribal matters goes against the grain of every anti-Washington, antibureaucracy sentiment embodied in the Contract With America. This provision is unnecessary because it is an extraordinary attempt to unduly influence ongoing and fruitful negotiations between the tribe and local on-reservation property owners. This is a local issue that can and should be resolved through negotiations without the heavy hand of big brother. The Lummi provision is unprecedented in its attack on Indian sovereignty and the ability of tribes to manage their own natural resources.

My history tells me that the tribe acquired its senior water rights more than 140 years ago in the Treaty of Point Elliot in which the tribe reserved enough water to sustain the reservation as a homeland and to support the fisheries resource of the Nooksack Basin. But by penalizing the tribe's funding—up to 50 percent of its self-governance funding which are used to fund education, social services, natural resources, and law and order—for exercising the tribe's senior water rights, the sponsors are doing nothing short of rewriting federal western water law to suit their own purposes.

I would also point out that I am not alone in my assessment because the President in his December 18, 1995 veto message specifically identified the same provision as a reason for his veto. The President rightly noted that in penalizing "these tribes financially for using legal remedies in disputes with non-tribal owners of land on their reservations" this provision does not serve the interests of our nation and its citizens.

Madam Speaker, this action has an unblemished record when it comes to breaking Indian treaties—we have broken every one—so perhaps it should come as no surprise that we are trying to break another. But I for one, and my Democratic colleagues agree, that it is time for us to stop. If we can override federal treaties and laws simply because we do not happen to agree with the claims of one party in a dispute, what does that mean for the rest of us, not to mention any of the other 556 tribes in this country? I have always been proud of the fact that we are a nation of laws, and of our rich history of justice. But this provision, Mr. Speaker, this provision is not justice.

Madam Speaker, in closing, I'd just like to say that if we as Americans take our rights seriously, if we cherish those principals which made our country great such as the freedom to practice our religion and the freedom of self-determination, then we need to really think about our treatment of Native Americans, and ask ourselves if we can do better. We can start by eliminating the Mt. Graham and Lummi provisions. I urge the White House and the Senate to reject these measures.

THE ALAN KEYES INCIDENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. GEKAS] is recognized for 5 minutes.

Mr. GEKAS. Madam Speaker, last week the whole world was horrified by the spectacle of Ambassador Alan Keyes being handcuffed or otherwise restrained and forcibly prevented from entering into a television area for a debate among candidates.

I feel personally outraged by that entire incident. I feel the insult that Ambassador Keyes must have felt. I feel the dismay that must have flowed through his veins at that time. Then not only was he prevented from entering into the premises, but then carried off like he himself was a criminal and taken to a remote part of the territory there and dumped off like an unwanted citizen. Double outrage, double affront, as it were, more of an insult.

Now, I think that everyone in America has shared that feeling of insult along with Ambassador Keyes, and I suppose many have expressed their regrets. I did and sent a personal note to him expressing my regrets and expressing that I felt with him the range of insults that he must have felt.

But I must tell my colleagues that I have even more reason to associate myself with that insult, because I experienced almost exactly the same thing in the year 1966 in my first venture into politics when I myself was blockaded by constables, as it was at that time, from entering into a public political meeting place where I should not have been excluded, but I was.

So I, in viewing the Keyes incident, of course had flashes in front of me of what had happened to me many years ago. There is no way to express this indignation which we are attempting to do here this evening, but I must tell my colleagues I am going to write a letter to the FEC, to the FCC, to the television station in question, to the law enforcement community of that area, to find out exactly what happened and why.

Madam Speaker, I am not sure that Federal laws were violated by those people who strong-armed Mr. Keyes, but equal time always enters into these dimensions of public broadcast, especially about political debates. I want to see whether he was unfairly kept from the debate even. After all, he had participated in several debates before, television debates. As I recall, he was given very high ratings by the viewing public and by commentators and by pollsters and others who would evaluate those debates. He was given high marks.

☐ 1915

So I want to find out did equal time apply? I want to find out did Federal election laws come into play? How about Federal communications laws? And I am going to compile the answers here and see whether or not my committee, the Subcommittee on Administrative and Commercial Law of the Committee of the Judiciary, whether my committee has jurisdiction to further look into this outrage or whether some other committee might be invited to review the events of that evening.

But no matter what the outcome, I now know that the CONGRESSIONAL RECORD at least records the feelings of the Members of the House of Representatives, and, as I said in my note to Ambassador Keyes, we hope that this will not deter him one moment, as apparently it is the case that it is not deterring him, not one moment from pursuing his goals, from uttering his message and from registering his rights to speak out on any issue at any time.

"RUSH LIMBAUGH IS A BIG, FAT IDIOT"

The SPEAKER pro tempore (Mrs. WALDHOLTZ). Under a previous order of the House, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 5 minutes.

Mrs. SCHROEDER. Madam Speaker, humorist Al Franken, in his book "Rush Limbaugh Is a Big, Fat Idiot," I think was absolutely right. He points out how Rush plays so fast and loose with the facts, and, believe me, he did it again this week.

For those of you who saw his show, he took my comments on this floor that I was talking about as we celebrate Woman's History Week, or History Month this month, and he was saying that it was all a bunch of poppycock.

Well, I am here to set the record straight, and I think it is time every woman in America straightened her back and say enough of this nonsense.

The first thing he took me to task for was saying that there was a revolutionary soldier, who was a woman, who was buried in West Point. Well, Rush has been chortling, "Ho, ho, ho, Mrs. SCHROEDER is absolutely wrong, that can't be true."

Well, Rush you are wrong, and I am right. Let me tell you why.

We were both referring to a woman named Molly Corbin. Molly Corbin indeed was in the Revolutionary War. She was a recipient of the first female veterans pension in American history, and, yes, she was reburied in West Point.

That is what he keeps saying, "Oh, but she wasn't even buried there, way after it, so it could not possibly have happened." But she was buried there in 1926 at the request of the Daughters of the American Revolution. Now, if he wants to pick a fight with them, go ahead, but I think they are going to win.

I would like to put in the RECORD at this time, Madam Speaker, a letter from the Department of the Army, the U.S. Military Academy at West Point, verifying this fact.

The letter referred to is as follows:

DEPARTMENT OF THE ARMY,
U.S. MILITARY ACADEMY,
West Point, NY, November 8, 1989.

Mr. DANIEL BUCK,
Office of the Honorable Patricia Schroeder,
Rayburn Building, Washington, DC.

DEAR MR. BUCK: The enclosed information may be helpful in answering the question of Revolutionary War soldiers buried at West Point.

A news release from the Information Office of the United States Military Academy in 1968, mentions the relocation of graves of soldiers to the cemetery during the 1800's. The grave of Ensign Dominick Trant is identified as the oldest grave in the cemetery.

A listing copied from a Walking Tour of the West Point Cemetery identifies Trant as a member of the 9th Massachusetts Regiment.

Molly Corbin's remains were disinterred from the Old Cemetery at Highlands Falls in 1926, and reburied at the West Point Cemetery.

Please do not hesitate to contact the Library if the enclosed material does not sufficiently answer your question.

Sincerely,

JUDITH A. SIBLEY,
West Point Manuscript Librarian.

Madam Speaker, the next item that he took me to task for was the issue about Martha Washington and the fact that George Washington had asked to have her expenses reimbursed while she had spent all three winters with the Revolutionary Army in winter camp.

You see, at that time, as commander in chief, he had no money, no uniforms. Things were very, very tough. No one knew if they were going to win or not, and Martha Washington came in holding the troops together He felt that

that was worth repayment and submitted this following bill. I have a copy of the bill that George Washington submitted to have Martha Washington reimbursed. It is for her expenses from 1775 through 1782.

Madam Speaker, I include in the RECORD an article from the Washington Post talking about Margaret Corbin and an article from the World Book Encyclopedia talking about Margaret Corbin, who was the soldier in the Revolutionary Army.

The articles referred to are as follows:

REMEMBERING MARGARET CORBIN, DAUGHTER OF THE AMERICAN REVOLUTION

(By Chadwick Allen Harp)

They may be barred by law from combat roles today, but American women have a long tradition of fighting on the battlefield that goes back to the Revolutionary War and a young woman named Margaret Corbin.

On Nov. 16, 1776, Hessians under British command attacked Fort Washington on Manhattan Island, but encountered such vigorous resistance and such rapid artillery volleys that some remarked the Americans seemed possessed by demons. A ridge later known as Fort Tyron was defended by the First Company of Pennsylvania Artillery, and among the artillerists was a young private named John Corbin. Beside him, handling ammunition to feed the hungry cannon, was his wife, Margaret, the daughter of a Scotch-Irish pioneer.

Suddenly a Hessian ball or shell smashed into John Corbin, fatally wounding him. But Margaret had no time to grieve; the enemy's relentless siege continued, and the men of the Pennsylvania company needed her help in the ranks more than her wounded husband required her care and comfort. Margaret immediately accepted the call to duty and stepped into John's position at his cannon. Soldiers remarked later that Margaret served "with skill and vigor"—until Hessian grapeshot tore into her, ripping away part of her breast and nearly severing an arm.

After the battle her comrades took their "Captain Molly" across the Hudson River to Fort Lee, N.J., where she received further medical care that ensured her recuperation. When she finally was well enough to travel, Margaret relocated to the Philadelphia area, continued her long-term recovery and became one of the original members of the Invalid Regiment created by Congress to care for disabled and crippled soldiers.

On June 29, 1779, the Supreme Executive Council of Pennsylvania, the decision-making body of the executive branch, allocated Margaret a $30 stipend "to relieve her present necessities" and recommended that the Board of War give her a pension. Barely a week later, Congress received a letter from the Board of War supporting the Executive Council's recommendation. Congress immediately authorized that Margaret receive, for life, one-half of the monthly pay allotted soldiers and, as a one-time allocation, a complete outfit of clothing. By this act Congress pensioned the first female veteran in American history.

Margaret died near Hudson Highlands, N.Y., in 1800. In 1909, more than a century later, a tablet was put in place at Fort Washington Avenue and Corbin Place in New York City recognizing Margaret Corbin as the "first woman to take a soldier's part in the war for liberty."

Many other American women have since seen hostilities—among them Mary Ludwig Hays McCauley ("Molly Pitcher"), who also stepped into her husband's position in the Revolutionary War at the Battle of Monmouth in 1778; Civil War scout and spy "General" Harriet Tubman; the more than 200 women killed by enemy fire in World War II; the eight women whose names are chiseled into the stone of the Vietnam Veterans Memorial; and Capt. Linda Bray, who commanded a platoon of military police in a 1989 Panama firefight.

In a sense, Margaret Corbin honors them all. On March 16, 1926, the Daughters of the American Revolution arranged to have Corbin's remains removed from Highland Falls, N.Y., to the post cemetery at the United States Military Academy at West Point. Next to the grave stands a memorial to the only Revolutionary War soldier buried on academy grounds—an artillery gunner, a hero and a woman.

[From the World Book Encyclopedia]

Corbin, Margaret Cochran (1751–1800), became a heroine at the Battle of Fort Washington in 1776, during the Revolutionary War in America (1775–1783). She was born in Franklin County, Pennsylvania. In 1756, Indians killed her father and captured her mother. An uncle raised her.

In 1775, Margaret's husband, John Corbin, enlisted in the Continental Army, and he served as a gunner in the Revolutionary War. Like many other soldiers' wives at the time, Margaret joined her husband in camp to cook, wash, and do other chores for the troops. At Fort Washington, on the site of present-day New York City, John Corbin was killed. Margaret replaced him at his cannon and fought until she was seriously wounded.

Corbin's wounds left her disabled. In 1779, the Continental Congress awarded her a military pension, making her one of the first women in the United States to receive such aid. Corbin is buried in the military cemetery at West Point, N.Y.

Madam Speaker, I also would like to refer Mr. Limbaugh to many other things. First of all, the mini page which is in most newspapers in America. The Mini Page came out last year and had a very, very extensive thing about women in the military through the years. I am very sorry he did not read this. I would hope he would try and get it from the library. But it pointed out there have been American women in the military, through today, the Revolutionary War and the Civil War. He might find this interesting reading.

I would also point out that there is a 1996 calendar, as there have been others, done by women veterans, and this is pointed out through the years of all the different women throughout here. There is one for each month. Again, this might be a very good thing for his office. It might inform him that women did indeed contribute to this country.

Now, there are other things that I would like to recommend he look at. There is a coloring book from the National Women's Hall of Fame, and maybe this would be simple enough. It could be a beginning point for him. He could start with this to find out that indeed there have been some women who have done some things.

If he can get through that, then there is a little more detailed book that lists all sorts of women, where they were from, when they were born, what they accomplished, women scientists, women in the military, women aviators, women everything. It would absolutely break his little heart, and so I hope he works through that.

Now, if he really gets to the big time, there is a little bit bigger book here that points out even more things about women in American history that I think are terribly, terribly important.

I guess the real thing that we would like to point out to Mr. Limbaugh, the gentleman that they have called the big, fat idiot, I would like to quote to him from Clara Barton. Clara Barton said, "From the storm lashed decks of the *Mayflower* to the present hour women have stood like a rock for the welfare of this country."

They have, and it is time we recognize it, and that is what we are trying to do. Rush Limbaugh, tune in.

CALLING ON THE PEOPLE'S REPUBLIC OF CHINA TO CONDUCT ITS RELATIONS WITH TAIWAN BY PEACEFUL MEANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. COX] is recognized for 5 minutes.

Mr. COX of California. Madam Speaker, just in reply to the remarks of my colleague from Colorado I have to say I agree completely, that women have been leaders in every field of human endeavor, including conservative politics, and for that reason there are women all over America who cheerfully disagree with the gentlewoman from Colorado on many subjects.

Let me talk about something that I think all of us here in the House can agree with, and that is the importance of a united U.S. foreign policy in Asia at this moment.

In just 2 weeks Taiwan will have its first direct presidential election, the first fully free and democratic election of a head of state in nearly 5,000 years, in 4,700 years, of Chinese civilization. This is a remarkable achievement, and Americans should be enormously proud of Taiwan's democracy. The thriving democracy on Taiwan stands in marked contrast to the continuation of communism across the Taiwan Strait and the People's Republic of China.

Madam Speaker, Taiwan is America's seventh largest trading partner. The People's Republic of China is the sixth largest trading partner of America, and yet the People's Republic of China has 250 times the territory of Taiwan, it has 60 times its population. Consider then that Taiwan, and its people, and its economy actually buy more goods and services from America than does the People's Republic of China. The People's Republic of China is our sixth largest trading partner as compared to Taiwan, our seventh, only because they have an enormous trade deficit, in fact the largest in the world, with us.

We have, from a trade standpoint, a very strong interest in being friendly to both the People's Republic of China and to Taiwan. But because the Communist government in Beijing believes that democracy on Taiwan threatens its continued existence, they have been intimidating, through military brute force, the voters on Taiwan.

Today the People's Republic of China began launching missiles over the Taiwan Strait. It will do so, we are told, for 8 days, between now and March 15, in particular in 2 target areas 20 miles east of Keeling, a port city in the northeastern part of Taiwan, and 30 miles west of Kaohsiung, a port city in the southwestern part of Taiwan.

I want to underscore as we meet here tonight that Communist China has already begun firing these missiles.

Over 70 percent of commercial shipping enters Taiwan through these two port cities that I mentioned. Already military actions undertaken by the Communist government in Beijing have amounted effectively to a partial blockade of Taiwan. They have disrupted already commercial shipping in the Taiwan Strait. They have even disrupted airline traffic which has had to be rerouted around the island.

This is not the first time in the runup to these elections that Communist China has sought to intimidate freedom and democracy in Taiwan. The People's Republic of China has conducted large scale military maneuvers to intimidate Taiwan before its legislative elections in December. The latest round of intimidation, just recently, includes amassing 150,000 Chinese troops and 220 fighter aircraft just miles from Taiwan. And China, when the People's Republic of China sought to intimidate voters as they went to legislative elections, they fired nuclear capable missiles about 100 miles north of Taiwan last July.

The People's Republic of China has officially and unofficially told the United States that they have developed plans for a 30-day missile attack of Taiwan. People's Republic of China officials told former Assistant Secretary of Defense for Asia, Chas Freeman, that they have developed such plans. They told a Stanford scholar, John Lewis, who is close to our Defense Secretary Perry, that they have developed plans for a sustained 30-day missile assault on Taiwan. These same military leaders have even made a thinly veiled threat against the United States, communicating again with Chas Freeman, that they might attack the United State with nuclear weapons should we concern ourselves with the preservation of democracy and freedom on Taiwan in the face of a Communist Chinese military assault.

Madam Speaker, it is outrageous that Communist China is planning and threatening a military invasion of Taiwan. Nothing in law or nature gives the communists the right to launch a military attack on millions of innocent civilians there. It is doubly outrageous that they are doing so to intimidate democracy, and for this reason today a bipartisan group of House Members has introduced a resolution. It is numbered House Concurrent Resolution 148.

I just note that it is House Concurrent Resolution 148, sponsored by every Member of the House leadership and bipartisan leaders, particularly of the Human Rights Caucus, the Democratic and Republican membership of the House of Representatives, and I urge all of my colleagues to sponsor this very important resolution.

INTRODUCTION OF THE CHRISTOPHER REEVE HEALTH INSURANCE REFORM ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Ms. ESHOO] is recognized for 5 minutes.

Ms. ESHOO. Madam Speaker, today I introduced a bill in the House of Representatives, H.R. 3030, and it is entitled the Christopher Reeve Health Insurance Reform Act. I think that that name, rather than the number 3030, is a name that Americans know and respect. Christopher Reeve is an accomplished actor, someone that has appeared both on stage and screen in our Nation and, I believe, now is playing one of the great roles of his life as he advocates for the reforms that are necessary to our health system. And so I am very pleased that he would lend his name to this piece of legislation that seeks to reform a very, very important part of our health insurance system in our country.

□ 1930

What this bill would do would be to lift the lifetime cap limit that exists in health insurance policies today. People that own life insurance policies may not be, and most are not, aware of the fine print that exists within that policy.

Back in the 1970's, a $1 million cap was placed on the usage or the ceiling for health insurance policies. One million dollars in 1970 was a lot of money. Today $1 million, when a catastrophic incident happens in an individual's life, as it did and came into Christopher Reeves' life, $1 million will be used up very, very quickly. So I think it is important that that standard lifetime cap on individual health insurance policies be raised. That is what this bill accomplishes.

Specifically, the legislation would prohibit insurers from placing limits on health insurance policies of less than $10 million, so those that insure themselves, their policy would have a ceiling of not $1 million, but $10 million. I think this is an important and necessary reform measure that needs to be accomplished.

Last year, Madam Speaker, in our great Nation, 1,500 individuals exhausted their lifetime caps under their health insurance plans. Price Waterhouse estimates that between 1995 and the year 2000, an additional 10,000 Americans will reach their lifetime caps because they require continual medical care. This legislation will protect frequent users of health insurance from being stranded, because a $10 million limit better reflects today's medical inflation.

The $1 million cap, as I said, was adopted in the early 1970's. That reflected very much the times. But that has never been adjusted with inflationary figures, and we know if there is anything that has inflated, that is the cost of health care. Lifting the lifetime caps, Madam Speaker, would also save the Federal Government money.

Price Waterhouse estimates that removing lifetime caps would save the Medicaid Program $7 billion over 5 years. The American Academy of Actuaries estimates that lifting the lifetime caps will cause only a slight increase in premiums, about 1 percent to 2 percent, for employers. I think we can all agree that the $1 million lifetime cap is something that has outlived itself. That is to say that it does not fit with the times. This bill, H.R. 3030, will accomplish that.

Let me close, Madam Speaker, by paying tribute to Christopher Reeves. As I said earlier, he is a recognized name by Americans because of how he distinguished himself on stage and screen. He has been a great advocate for the arts and the humanities, and now, today, he is moving into a new role, and that is being an advocate for the necessary, important reforms that we can bring to the health care system. His eloquent voice, I hope, will be matched by the eloquent act of this Congress.

That is what I urge my colleagues to support and to cosponsor, so we can correct this in the law, and recognize that Americans will be helped, and that with that, we help move America forward. I salute Christopher Reeves for his courage, and I hope Members of Congress will try to match what he has exhibited by supporting this legislation, and indeed, making it the law.

IT IS THE ECONOMY THAT IS A PRIORITY TO MOST AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

Mrs. CLAYTON. Madam Speaker, after two Government shutdowns and a near default on our obligations, today this House has passed a short-term bill to raise the debt ceiling and to pass a continuing resolution for the work we have not done on four major appropriation bills, bills that contain important funding for domestic programs.

It is important that America pay its bills and meet its obligations. It is also important that we do all that we can to keep the Government running. We do not need a third Government shutdown, but we are now almost halfway through the fiscal year and we have done nothing to bring relief from the daily struggles to make ends meet for working families of America.

Today, once again, the continuing resolution cuts education funding. We want to lead the world in education, but we do not want to provide the resources to do so. Because of what Congress did today, there will be fewer teachers, more crowded classrooms, less money for equipment and supplies, and not as much help for those who need a healthy start or a head start.

The answer Congress has been giving to the working families who are working just as hard as ever before is that inflation is low, economic indicators are good, the stock market is rallying, and jobs are on the rise. All of that means nothing to the unemployed father or to the single mother or to the family of four with children in college, or to senior citizens who are now being told their lifetime work has no value.

The fact of the matter is that the quality of life for most Americans is not getting better. The fact of the matter is that most of our citizens have little confidence in the economy, and less confidence in government. The fact of the matter is that while Congress is fighting over balanced budgets and spending limits, the public is losing faith in the American dream. The reason the public is losing faith is because more people have less money, while less people have more money. The rich are getting richer and the working families are suffering more of the losses that we are suffering.

It is by now widely known that the income gap between those with a lot of money and those without much money is growing faster, and is very troubling. This Congress must not ignore these harsh realities, and heed the cries for help coming from all quarters of working America.

It should concern us that the industries that have led this Nation over the last 5 years in job production are temporary employment agencies. It should claim our immediate attention that bankruptcies are skyrocketing and bad credit is more and more common.

What can we do to restore faith in our economy and our Government and recapture the American dream? What can we do to bring some relief to our citizens? We can start by passing the modest minimum wage increase bill that has been languishing in Congress for months and months now. We can go further by treating ordinary citizens with respect and the care with which we treat corporate America. We can do it best by passing a fair tax reform legislation aimed at working Americans and not always only at wealthy Americans. We can move America forward by ensuring quality health care, especially for our seniors, by protecting our environment and preserving education.

According to the Bureau of Labor Statistics, college graduates earn 24 percent more than workers with high school degrees. Why, then, are we cutting education and claiming these cuts are necessary for progress?

High-wage jobs are needed to close the income gap. High-wage jobs require more education, not less education. Why do we think China and Japan and other countries in Asia and other parts of the world are concentrating on sending their young people to America to get educated? They know what Congress seems to ignore, that the key to a better quality of life is through our schoolhouse doors.

Madam Speaker, if Congress does not pass an acceptable continuing resolution, the Government will shut down a third time. If Congress does not raise the debt ceiling permanently by March 29, America will default on its debt. If Congress does not wake up and realize that working America needs this help now, the American dream will drift away.

It is still the economy that means important things to America. It is the economy that is a priority to most Americans.

CRIME OF THE RISE UNDER THE CLINTON ADMINISTRATION

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Kansas [Mr. TIAHRT] is recognized for 60 minutes as the designee of the majority leader.

Mr. TIAHRT. Madam Speaker, this country is facing an increasing problem with youth violence and drug abuse. After 3 years of reducing the effectiveness of fighting against drug abuse, Mr. Clinton is trying to salvage his image by appointing a new drug czar. Despite the rhetoric, President Clinton has been unable to win the war on drugs.

When President Clinton swore in his new drug czar, he said a lot of positive things against the country's battle against drugs. But let us not be fooled by President Clinton's claim to have made a sizeable dent in the war on drugs. If he had, we would not have such an increase in drug use and a decrease in drug arrests.

According to Investors Business Daily, two articles, one by Matthew Robinson on September 11, 1995, and John Barnes, June 6, 1995, "President Clinton has failed to properly fight the war on drugs." DEA, our Drug Enforcement Agency, their arrests fell from 7,878 the last full year under the Bush administration to 5,279 in 1994 under the Clinton administration.

Drug-related arrests, made in cooperation with overseas law enforcement agencies, fell from 1,856 in 1992 to 1,522 in 1994. Although 140 new DEA intelligence specialists were trained in 1992, zero were trained in 1994. President Clinton slashed the Office of National Drug Control Policy by 84 percent, cutting the staff from 116 to just 25. He eliminated 355 DEA agents and 102 personnel from the Justice Department's organized crime enforcement task force.

President Clinton dropped the drug issue from the top to the bottom of the National Security Council's list of 29 priorities.

In a household survey on drug abuse, as shown on this chart, it was published in September 1995, the estimated number of 12- to 17-year-olds who have reportedly smoked marijuana grew from 1992, 1.6 million, to 1994, 2.9 million. In the 14- and 15-year-old age group, it saw a 200-percent increase in the use of marijuana.

I have another chart that talks about how drug enforcement has been down under the Clinton administration. This depicts the number of Federal marijuana defendants, which has dropped 18.6 percent, in 1993 it was 5,500, to 4,100 by 1995.

Also, the prison time is getting shorter. In this chart, the average prison sentence for marijuana defendants is down 13 percent. In 1992, the sentence was 50 months. By 1995, it has dropped down to 43 months.

It is not just confined to drug abuse, either, Madam Speaker. We have a problem with violent juvenile crime. The juvenile crime clock, which is published by Crime Strike, says that a juvenile is arrested for murder every 2 hours and 10 minutes; for rape, every 51 minutes; for robbery, every 13 minutes; and an aggravated assault, every 8 minutes.

Juveniles are not tried as adults as often. Despite the increasingly violent nature of juvenile crime, as well as the increased number of juveniles involved, the percentage of juvenile cases referred to adult courts has actually declined. In 1984 it was 5.2 percent, approximately 54,000 cases out of 1 million. By 1993, a decade later, the adult court referrals had grown to 61,000, approximately, but it was just 4.8 percent of the 1.29 million offenders taken into custody.

I believe the liberal Clinton administration is part of the basic problem. In our war on crime, the liberals have become soft on criminals, and it is making it hard for the rest of us. I think this is why many Americans are losing faith in our court system. One of the most recent examples is an appointee by President Clinton, Judge Harold Baer, a liberal judge in New York City.

I have two articles I would like to refer to. One is in the Columbus Dispatch. It was published on February 5. It is entitled "Outrage in New York." To give you kind of a background, I will just take some excerpts from this article.

> Judges routinely make close calls in dispersing justice. Sometimes, though, a judge makes a decision so mind-boggling, so dumb, that it makes people wonder what planet he is living on.

Such has been the case in New York City, where on January 24, U.S. District Court Judge Harold Baer, Junior, let a confessed drug courier walk free after police officers observed 80 pounds of cocaine and heroin being loaded into the trunk of her car. The mayor, the police commissioner, and nearly everyone else in New York is up in arms over this nonsensical ruling.

I have a chart here that just kind of depicts how many drugs were in the trunk of that car when the arrest was made. There was 75 pounds of cocaine, and actually 4 pounds of heroin.

□ 1945

That was heading toward Michigan, according to the confession of Carol Bayless, who was at the wheel of the car. That is enough so that every school child in Detroit would have one dose of cocaine. This appeared to be an open-and-shut case, but in a bit of twisted reasoning, Judge Baer said that the officer had no reasonable suspicion to pull over Bayless. He excluded the drugs and the confession, a videotaped confession where Bayless admitted that she was paid $20,000 to take the drugs to Detroit, something she had done at least 20 times before, either for her son or for other dealers. But this evidence was thrown out. No drugs, no case.

Bayless was facing the possibility of life in prison. She whooped in celebration. If this was not bad enough, Judge Baer's written decision reeked with contempt for the police, particularly Officer Carroll who made the arrest, who has 10 years of experience on the street and a spotless record.

Senator DANIEL PATRICK MOYNIHAN, who got President Clinton to appoint Baer to the bench, has had some buyer's remorse, according to the article. He suggested Baer be sentenced to live in that neighborhood for a year to see if that would change his mind.

Federal prosecutors are pondering appeal. They hate to overturn a judgment based on a subjective matter like reasonable suspicion, but in this case prosecutors should appeal, and the courts should overturn Baer's judgment and put Bayless on trial because justice demands it.

On "ABC World News Tonight" at 6:30, February 8, eastern time, there was an article run. Part of it was talking about this same ruling. Part of the report said: "Last month Federal Judge Harold Baer ruled that neither the woman's confession nor the drugs found in her car could be used in court because police lacked sufficient reason to stop her or search her car."

Here the police saw four men dumping duffle bags into the woman's car at around 5:00 in the morning and when the men saw the police, they ran away. This was not sufficient suspicion for Judge Baer, who wrote that in Washington Heights residents regard police officers as corrupt, abusive, and violent. Had they not run when the cops began to stare at them, it would have been unusual.

Well, in Wichita, KS, the fourth district of Kansas, I think that type of behavior would have been reason to stop someone, and I think that the abuse that has occurred from the excessive amount of drugs in our society justifies having this ruling overturned.

Mr. SHADEGG. Would the gentleman yield?

Mr. TIAHRT. I would be glad to yield to the gentleman from Arizona.

Mr. SHADEGG. I just listened to this story, and it kind of amazes me. If you would be willing to, I would like to enter into a little colloquy to see if I really understand this and see if we can flesh this out a little bit.

You are telling me that the essence of this judge's ruling was that the search, the stop made by the police and the search which led to the evidence which showed enough cocaine to give every single child in Detroit one administration or one dose of cocaine, the search led to that, they found that much cocaine and the judge threw it out. And the reason he threw it out is because for people to run from the police is normal conduct in that neighborhood, and does not justify the police in having suspicion that some criminal activity has gone on?

Mr. TIAHRT. Yes, the judge felt that that was not reasonable suspicion. Let me just read through the facts of this case.

Mr. SHADEGG. This is a city in America, and this is a judge now appointed by the Clinton administration to the Federal bench, and his decision is that when police look at somebody engaged in what they believe is strange activity, those people decide to cut and run, the police are not entitled to determine that there is something suspicious going on and make a stop?

Mr. TIAHRT. Let us go over the facts of the case and then you can make a judgment yourself.

Early in the morning on April 21st, I assume this is 1995, Officer Richard Carroll sat in his unmarked car staking out a street in Washington Heights known as a prime location for drug dealers. At 5:00 a.m., it was early in the morning, he observed a double-parked rental car with Michigan plates.

Four men walked up to the car without speaking to the driver. They put two black duffelbags into the trunk of this car. When they spotted the officer, they all ran off in different directions.

Officer Carroll then pulled over the driver, Carol Bayless, again, searched the car, finding the cocaine and the heroin with a street value of at least $4 million.

Subsequently, there was a videotaped confession where she said, yes, she knew what she was doing. She has done this 20 times before. It goes back to most people would probably consider running from the police some type of reason for suspicion. I think that is the way it is viewed in Wichita, KS, and I am sure it is probably viewed that same way in Arizona.

I think it is just cause, and it probably shows why we have lost some faith in our judicial system when we have liberal judges turning loose criminals, confessed criminals, on what has been termed a technicality, or his term was, not enough reasonable suspicion to make this arrest. It is, I think, a poor excuse for why we are having problems turning criminals loose.

Mr. SHADEGG. If the gentleman would yield, I would be happy to talk about some other points on this particular topic. And I do want to address this issue of illegal drugs and what has gone on in America since the beginning of the Clinton administration, but I just want to bring this one point home.

At least in Phoenix, AZ, we have told the police in my district that if you have a reasonable suspicion, you can stop someone and inquire into their activity. That is in fact the law in America.

In Phoenix, AZ, if police see some group of individuals at 5:00 in the morning or midnight or practically any time of day, and upon those individuals recognizing them as police the individuals scatter and run in six different directions, that certainly would be for any judge in Arizona articulable suspicion and reasonable grounds for them to stop those individuals, to make an inquiry, to require them to produce some identification, and to find out whether or not criminal activity is going on.

I, myself, signed a letter today calling for Judge Baer to immediately resign from the Federal bench.

If you contemplate the society which he is calling for, it is a society in which the norm is citizens may run from police, and when police see them run, they are to assume, well, there is nothing wrong. I guess if we have understood what he said, he said, well, in this particular community the norm would be that it would have been strange if they had stood silent.

I guess the standard Judge Baer is calling for is that if the citizens of that community see a policeman and they stand still or they continue what they are doing, then the police have the rights to come up to them and say, "This is awfully strange. Judge Baer tells us that normal conduct would require that you run away from us, but we will require you to stay here. He thinks it's odd only if you do not run. Therefore, since you didn't run, we're going to ask you for identification and determine whether or not illegal activity is going on."

It is hard for me to believe that that is the standard set by a judge in America. It is hard for me, even further more difficult for me to believe that that judge has now been appointed by this administration to the Federal bench, and I can see why the good Senator would have had perhaps some buyer's remorse on this recommendation.

Mr. TIAHRT. If we take a practical application of what Clinton's appointee, Judge Baer, would view, his view of America as you have expressed, suppose you are a common citizen and you are driving your automobile, and for some reason a policeman acknowledges that they are behind you by putting on their lights. The normal behavior, according to the Clinton appointee, would be for you to speed off and try to elude the police. I cannot imagine how dangerous our highway system would be every time a police officer attempted to stop someone for perhaps having a headlight burned out or an unsafe condition ahead where they would speed ahead.

I think that Judge Baer here is exactly wrong. I think this exemplifies what is wrong with liberals in our judicial system, and it exemplifies why many people are concerned and frustrated by our current court system.

There is another program that was thwarted by the Clinton administration, and it was a successful program. It was put in an article in the Policy Review written by Charles Molony Condon, who is the attorney general of South Carolina.

While he was working as a circuit solicitor in South Carolina, he became aware of the problem that this Nation is having with crack babies, and he became aware of it through the Charleston Medical University of South Carolina's hospital. He said that he found out that about 1 in 10 children born nationwide has been exposed to cocaine in the womb, and this affects approximately 350,000 babies every year.

The hospital, MUSC, the Medical University of South Carolina, said that they have seen bills reach $750,000 from crack babies, for one crack child. Most are born to welfare mothers, so Medicaid and the hospital end up picking up the bill. In one instance, the General Accounting Office had found that a single cocaine baby can run up a lifetime tab of $1 million in medical costs and educational costs.

Mr. Condon decided that he would try to do something about it, and working with the hospital, they aggressively confronted pregnant women, talking to them about the consequences of their drug abuse. They were having trouble getting women to voluntarily seek help, but in this program they were given a choice: either seek drug treatment or face arrest and jail time.

They did this over a 25-year period, and over that 25-year period they were able to see crack babies in this hospital going from approximately 24 per month down to about 5 to 6 per month. It was called an amnesty program and it had a very positive effect.

But then in came the Clinton administration with allegations of discrimination and accusing the hospital of violating privacy rights. The Clinton administration, along with the ACLU, threatened to cut off the $54 million in Federal assistance that MUSC was receiving, which was about 60 percent of their annual budget. This boiled down to, according to the article, the Clinton administration protecting not the children but the right of the mothers to escape the consequences of their neglect.

As reported by Health and Human Services Secretary Donna Shalala, South Carolina's crack baby program was discriminatory. But according to Charleston Police Chief Rubin Greenberg, he said the program benefited the black community most of all.

I want to quote from the end of this article. It says:

> One of the most basic responsibilities a mother has is to her child. If a mother injected cocaine into the tiny arm of her infant, causing permanent brain damage or death, certainly that mother would be arrested and prosecuted. Yet that is exactly what addicted mothers do when they consume cocaine throughout their pregnancy. In South Carolina, we tried to do something about it. The program we created was working. Now it is no more. And as long as the powerful Federal bureaucrats continue to manipulate Federal funding to serve a bizarre agenda that is deaf to the cries of damaged babies, there is nothing more we can do. Why is the Clinton administration stopping us from protecting our children?"

Here we have an effective program that was dealing with some of the core issues, some of the heart-rending problems that we are having in our society, unborn children being abused by drug abuse. They developed a program. It was being studied and sought out by other States, other States were looking at it as a model, and yet it was effectively shut down by the Clinton administration.

I think that this program and others leave us puzzled. Why do the liberals in the Clinton administration oppose getting good sentences, allow criminals to be released, and when an effective program is in place, they move in with a force, with a vengeance, and shut down a program that has been successful.

Even though we have drug abuse, especially through teenagers, it is not doing enough. I think we have not gone far enough. Overall drug abuse seems to be waning or being leveled off, but teenage drug abuse is up while enforcement is down.

I think President Clinton has not only ignored the drug problem but he has actively hampered the efforts of drug control agencies. In February 1993, less than 1 month in office, President Clinton eliminated 83 percent of the staff at the Office of National Drug Control Policy. Continuing the abdication of leadership, the President also eliminated the drug testing program for the White House staff.

Mr. SHADEGG. Would the gentleman yield?

Mr. TIAHRT. I would be glad to yield.

Mr. SHADEGG. I would like to make a few points here. I come to this Chamber as former assistant attorney general. I spent 7 years in the Arizona attorney general's office, in the fight against crime and in the fight against drugs.

I think there are some points that need to be made that I am gravely concerned about. I am concerned about them because I am the father of a 14-year-old daughter who is in junior high this year and next year will begin high school, and I am told that drug use will be prevalent and drugs will be available in every high school she can go to, no matter whether we select a private high school or a public high school.

Today I want to compliment the chairman of the Government Reform and Oversight Subcommittee on National Security, International Affairs, and Criminal Justice, the gentleman from New Hampshire, WILLIAM ZELIFF. Today they released, and it will be made public 5 days from now, their "National Drug Policy: A Review of the Status of the Drug War in America."

Now, many people listening tonight might say, "Well, we can really win the drug war in America," and they would make that argument. What this report shows and what is of grave concern to me is that one thing is clear. We may not be able to win the war against drugs, but when we surrender any effort to stop drugs, when we give up on that war, there are consequences, and I would like to talk about some of those consequences.

□ 2000

First let me talk about Arizona. In Arizona we are a border State. Seventy percent of all of the illegal drugs which come into this country come across the Mexican border. The efforts of Chairman ZELIFF and of his subcommittee on which I serve could not be more timely in terms of Arizona.

Let me talk about what is going on in my home State. Current use of all illicit drugs is up among public school students at both high school and junior high levels. The 1995 Substance Abuse in Public Schools Survey put out by the Arizona Criminal Justice Commission says that current use of methamphetamines, hallucinogens, and marijuana amongst high schoolers is at the highest level it has been since 1988: 21.8 percent of all Arizona high school students reported using marijuana in the last 30 days; 16.8 percent of those students reported using marijuana within the last 10 days.

Equally frightening, as the gentleman from Kansas has pointed out, is the link between this drug use and crime. The crime rate in Arizona has doubled, from roughly 19,000 in 1985 to more than 28,000 violent crimes by 1995.

Ask yourself why. Why do we have this surge in violent crime? Why do we have this dramatic surge in juvenile drug use? Let me recite the record of the Clinton administration.

First, upon taking office, President Clinton gutted 80 percent of the staff of the Office of National Drug Control Policy. He took the staff from 146 at the level when he acquired office to 25, an 80 percent reduction.

One of the first announced goals of Attorney General Janet Reno was to reduce the mandatory minimum sentence for drug trafficking and related Federal crimes.

The Clinton administration national security policy subsequently passed and the President signed a new directive ordering a massive reduction in Defense Department support for interdiction efforts.

And, as we all recall, President Clinton's Surgeon General called repeatedly for serious consideration of drug legalization.

We have a problem in this Nation. It is a serious one. It is one where we have abandoned the war on drugs. My friend the gentleman from Kansas pointed out early on that the President was AWOL in this fight. I think he indeed is AWOL in this fight.

Almost a year ago, former First Lady Nancy Reagan came before our subcommittee and asked a very telling question. How could it be that we had gone from winning and making serious progress in the war to stop, at least to stop the ever increasing use of drugs by more and more of our children and the use of dangerous drugs? How could it be that we had in a span of just 3 years dropped so dramatically from significant success in that area to significant failure?

Chairman ZELIFF'S subcommittee in the writing of this report held 5 oversight hearings during 1995 to assess the status of the Nation's drug control strategy. While I will not belabor each of the points, some are worth making note of.

First of all on March 9, 1995, Bill Bennett, a respected scholar in this area, a respected leader in this Nation, and the former drug czar and former Office of National Drug Control Policy Chief of Staff John Walters both testified, and I quote, if the drug use trends continue, by 1996 the Clinton administration will have presided over the greatest increase in drug use in modern American history.

What has that led to? Let me cite just some of the sad statistics. I note that the President today has convened a conference to address this issue. I applaud him for that effort but I am concerned that it is only an election year effort.

Casual drug use in America is dramatically up in virtually every age group and for every illicit drug, including heroin, crack cocaine, hydrochloride, LSD, non-LSD hallucinogens, methamphetamines, inhalants, stimulants and marijuana.

Ask yourself why. For one reason, the nationwide street price for most illicit drugs is lower than at any time in recent history. It is because this administration reduced its efforts to interdict the flow of drugs into this country. It has also dramatically reduced its efforts to cut off source production.

The potency of the drugs, the same drugs, particularly heroin and crack, is higher according to the nationwide survey than any time in recent history and nationwide drug-related emergency room admissions are also at an all-time high.

It is a situation which has gone unnoticed by the press and which must not go unaddressed by our Nation. We are at risk of losing a generation of Americans and we must do something about it.

I could cite a great deal of statistics. I am sure the gentleman has them of his own. For example, the nationwide Pride survey of 200,000 students showed that 1 in 3 American high school seniors now smokes marijuana. There has been a 36-percent increase in cocaine use among students in grades 9 through 12 just since 1991 and 1992. Hallucinogen use by high school students has risen by 75 percent since the 1988–1989 reporting period. Cocaine-related episodes in 1994 reached their all-time high in U.S. history, a 15-percent increase from 1993 and a 40-percent increase from 1988.

These statistics cannot be ignored. It is time that the President address this issue. it is critical that the Nation do something about this. I think the statement of the gentleman from Kansas that the President has been AWOL, absent without leave, on this issue are exactly right. It is time that he did appoint a tough drug czar, it is time that we went back to working interdiction, it is time that we went back to examining the transit zone, it is time that we made a serious effort to go at source production in the source-producing countries. We know those countries. We had effective efforts before them to begin with.

But more than any of that, it is time for this President to lead nationally, to set an example. He has to take the bully pulpit and talk about this scourge or he will be responsible for the loss of a generation of Americans to illegal drugs and their corrupting influence.

Mr. TIAHRT. I could not agree more with the gentleman from Arizona.

We have fundamentally three problems in the United States today:

One is economic and that is where we are struggling to balance the budget. If nothing else we would create more jobs, and I think that is very important for people who are trying to rise out of poverty and get out of the situation where drug abuse is so prevalent.

The second major problem is kind of our social structure, how we deal with people truly in need. Our welfare system needs to have the work ethic put back into it. Many people are trapped into a system that is hopeless. They cannot see a way of dealing with it. And so they resort to drugs to escape temporarily.

One thing that we could do in our legislative process is get the work ethic back into the welfare system so that people can have hope. We have heard so much about self-esteem. But we cannot have self-esteem without accomplishment, and we cannot have accomplishment without work. It is so important that we get our work ethic back into our system.

We also have got to provide opportunities for people as they rise out of poverty. That is why this Congress has supported increasing college loans. It is very important for the future of this country. But we must also, in order to effectively progress in education, eliminate the deadwood, like programs of Goals 2000, which has been largely ineffective. We spend hundreds of millions of dollars in the bureaucracy here inside the Beltway and do not educate one child. it is wasted money. That money would be more effectively spent by States directly in the classroom.

But we also must look at our criminal justice system and how we deal with those who by their very violent acts and by their total excessive abuse and by pushing drugs on minors and young people, that we deal with them quickly and harshly.

We must enforce the hot stove principle. When someone puts their hand on a hot stove, it does not take long to figure out that that is not the type of action that we want to follow up on or do again. So should our crime system be. That when someone commits an act that is not acceptable to our society, like pushing drugs to minors, like violent acts of criminals, then they should have quick and just punishment and not let it linger on. That is the second major problem and it is part of the social structure that we can deal with in some part through legislation.

But the third problem in our society is a crisis of the soul, a problem of the heart. This is a problem, and this is not going to go away by spending more money on social programs. This country has spent since the 1960s $5 trillion on our social programs. Yet every social indicator that we have, drug abuse, violence, divorce, domestic violence, child abuse, is all getting worse. We have spent a tremendous amount of money.

In order to make $1 trillion, one would have to make about $1 million dollars a day for 2,000 years just to get $1 trillion. It is a tremendous amount of money. People do not realize how much money that is. But yet we have spent it trying to increase the lot for people who are truly in need and it has been wasted. We must change the system.

But in dealing with the crisis of the soul, the money is not going to be solving the problem. Instead, we are going to have to each take ownership of the problem and it is going to have to start with individual responsibility, inside our home.

If we want a better family, we must be better spouses, better parents, spend more time with our children. If we want to have a better church, it is important that we be involved in the church, through attendance and through helping with classes like Sunday School. If we want a better neighborhood or a better community, we have to be a better neighbor. It is this type of ownership that is going to change the problem.

There is a gentleman who owns a machine shop in Wellington, KS, just north of Wellington, KS. In about the mid 1960s, he grew tired of driving back and forth to Wichita, KS, where he had a job as a machinist at Boeing Company and he started his own machine shop. He had 4 employees to start with. Now he is up to 200 employees.

Last August I was in his brand new building which sits across the street from his original facility. In that building he has a machine that is 30 feet wide and 200 feet long. It sits on 21 tons of concrete. The surface which is stainless steel is totally flat. You can drop a marble or a ball bearing on it anywhere on that surface and it will not roll. It is a 3-spindle 5-axis machine, and it cost $7 million for him to procure the machine and get it placed in this building.

As I looked at this machine, having come out of the aerospace industry, I asked him what parts was he going to manufacture on this machine. Bill Meredith is his name.

He said, "You know, I don't know at this point. I'm looking at several different things."

I was astounded. I thought, how is it that this man is successful when he does not even know what parts he is going to be running across this machine which costs $7 million?

So I asked him, "Bill, why is it you're so successful? Is it because you're willing to take the risk, to borrow $7 million and employ additional people? Or is it because you're on the leading edge of technology?"

Bill said, "It's really neither of that. It's not because I have borrowed the money or because I'm willing to take the risk. The reason I'm successful is because I have good people working for me."

I thought, that is probably the solution to our problems. We need to get good people involved in the process, to take ownership in the problems that we have in this country.

In a book written by Marvin Olasky, who is a history professor at the University of Texas, called the Tragedy of American Compassion, he talks historically how we dealt with people who were truly in need over the years and how we used to require something from the people as they received benefits. The men would chop wood in the time when wood was used as a source of energy and women would sew or take care of other children and they learned to read and they got involved back in the system and it helped them rise out of their temporary position of poverty into successfully participating in society.

What we have now too often is a situation where people have relied on the Government to provide for those truly in need. We pay taxes. It is the Government's problem. We have lost that ownership in solving the problems. Mostly it was charitable organizations that dealt with people who were truly in need. Now we have moved it to the Government and it has not worked effectively.

In order for us to make that transition back to successfully moving people out of temporarily being poor as opposed to being caught in the welfare cycle, second and third generation being caught, get them involved in moving into a productive time, Marvin Olasky advocates each of us being involved, good people being involved.

I think that that is what this country is going to have to do. We cannot rely on the Federal Government to solve our problems. We have a 30-year history after spending $5 trillion proving that the system does not work. It is broke, it is anti-family, it is anti-work, it is anti-property accumulation. It teaches the wrong example for a system of free enterprise. Each of us must answer the call and take ownership in the problem. If we do, I think that we will have a much better country.

□ 2015

DEBT, DEFICITS, AND BALANCED BUDGETS: THE TRUE DEBT

The SPEAKER pro tempore (Mrs. WALDHOLTZ). The gentleman from California [Mr. HORN] is recognized for 60 minutes.

Mr. HORN. Madam Speaker, today I want to continue the discussion of the debt, deficits, and balanced budgets. This is a true debt speech. Some of the debt you hear about is only part of the debt. We are going to get into the unfunded liabilities again and what is really out there for ourselves, our children, and our grandchildren.

"Blessed are the young, for they shall inherit the national debt," said President Herbert Hoover in a statement made in jest over six decades ago. Today the young, the old, and those of us in between have a significantly lower standard of living than we should have.

Why is that? Federal deficits and unfunded promises have eaten away at the investment capital, the seed capital, if you will, that America needs to grow.

In the first chart here, we look at family income with and without deficits between 1980 and 1996.

If Congress and the President for the last 26 years had run the country as most of us have run our family finances—matching what we earn to what we spend—an average family would have had at least $5,000 more to spend each year; that is, roughly $100 per week. Or they could also have paid a lower rate of interest on their home and their car. With 2 percent savings in interest, a $100,000 mortgage payment on a house would be $2,000 less each year, or nearly $200 per month, and greatly improved family job opportunities would have resulted from that.

The Federal Government deficits as well as unfunded promises, including the loan and credit guarantee losses experienced by the Federal Housing Administration, education loans, farm ownership, rural development loans and guarantees, insurance programs, including deposit insurance, the Pension Benefit Guaranty Corporation, the Federal Emergency Management Agency and its flood insurance, and potential losses from the government-sponsored enterprises have contributed to reducing our standard of living even though a lot of good is done by all of these programs.

The intent of many Federal promises is good, but the overall result has been that Uncle Sam has made over $50 trillion, that is a "t" for trillion, in promises that we might not be able to afford, including a $4.9 trillion national debt, which is what we are grappling with this month, plus farm subsidy payments, inadequately funded civil service and military retirement, Medicare, Medicaid, an ever-widening variety of programs and other unfunded entitlements.

New Federal promises have often produced costs adding to the debt and potential liabilities, and those costs have risen beyond their authors' wildest dreams.

During the next several minutes I will explore the issues surrounding Federal debt, including the yearly Federal budget deficits, unfunded Federal promises, which together create the yearly deficits, and Uncle Sam's potential bankruptcy.

Let us look a little bit at history. Ancient Athens, the world's first democracy, it prospered during the sixth century before Christ. Athenians had no notion of deficit budgeting or of a national debt. In brief, budgets had to be balanced. If expenditure exceeded income, then either revenue had to be increased or spending reduced.

"Prudent provision might build up reserves against rainy days," said Professor David Stockton, in his book "The Classical Athenian Democracy," that was published by the Oxford University Press in 1990.

Athens eventually fell to Sparta, but it was not because of any debt. Even though there was no notion of deficit budgeting or of a national debt in part of the ancient world, Rome briefly resorted to forced loans to the state during the Punic Wars. Coins, worth their content in precious metal, were the currency of ancient Rome and Greece. Printing of currency to finance governmental activities would be centuries away.

In the modern era, government debt has achieved its full potential. As the economists noted, ever since King Edward III of England defaulted on his debt to the Italian bankers in 1335, international investors have fretted about the high levels of government indebtedness.

A recurring theme throughout the history of the United States is that the Federal debt should be avoided. Thomas Jefferson, Andrew Jackson, the populists, Dwight Eisenhower, Ross Perot, and numerous others have decried excess Government spending.

For instance, President Dwight D. Eisenhower, in his 1955 budget message, noted that "one of the first problems of this Administration was to bring the budget under control." Jefferson, our third President, warned that the "public debt is the greatest of dangers to be feared," and that "debt and taxes were public evils of the first magnitude. They drained capital away * * * diverted it from productive enterprise, and supported a system of coercion, corruption and privilege that was the bane of every government and necessarily fatal to a free one."

Andrew Jackson believed that the national debt diverted funds from productive private uses into the unproductive ones of providing Government services, and taking from the poor to the rich. During the Jackson administration in 1835 and 1836, the Federal debt was actually paid off.

President Martin Van Buren, Jackson's successor, found that the creation in time of peace and a debt likely to become permanent is an evil for which there is no equal.

Even Franklin Delano Roosevelt, who led us out of the Depression of the 1930's, warned us about peacetime debt. Said Roosevelt, "Let us have the courage to stop borrowing to meet continuing deficits. * * * Any government, like any family, can for a year spend a little more than it earns. But you and I know that a continuation of that habit means the poor house."

Our effort in this Congress is to stop big Federal deficits, and that effort has been supported for years and during most of his Presidency, by Ronald Reagan. He warned in his 1981 inaugural address that "You and I, as individuals, can, by borrowing, live beyond our means, but only for a limited period of time. Why then do we think that collectively, as a Nation, we are not bound by that same limitation? For decades, we have piled deficit upon deficit, mortgaging our future and our children's future for the temporary convenience of the present. To continue this long trend is to guarantee tremendous social, political and economic upheavals."

What is past is prologue is chiseled on the front of the National Archives, located between Constitution and Pennsylvania Avenues in Washington. Ignoring our forefathers' warnings about debt and deficits is done at our own peril. What is past is prologue is a good guide. I recall one taxi driver who had an elderly lady he was touring around to see the sights of Washington. When she wondered what was meant by what is past is prologue, the driver translated it. He said, "Lady, it means you ain't seen nothing yet." And that seems to be the situation we are in. How right that taxi driver was.

The much complained about national debt under Franklin Roosevelt is minimal compared to the deficits run up based on 40 straight years of control of the House of Representatives by the Democratic majority. Balancing the budget, reducing debt and ending government deficits are part and parcel of the same economic theme. This theme has been played out within Congress and the White House every year regardless of party.

In the 208 years since the adoption of the Constitution, the Federal Government has balanced the budget 105 times, a slight majority. Unfortunately, in this century, the budget has only been balanced 27 times out of 96, and the last balanced budget was in 1969.

Large budget deficits in the 1980's, and the 1990's have resulted in a soaring national debt. The debt will continue to rise precipitously even with the balanced budget initiatives recently enacted by Congress despite the veto of the Balanced Budget Act initiative by President Clinton.

No matter how much of a spender the President is, he can not expend funds if we do not appropriate them. That is the difference between the Democratic and a Republican Congress.

Federal debt, despite our efforts, will approach $6.7 trillion by the year 2002 when, if we reach final agreement with the President, we will have a budget with no annual deficit, and that equivalency of going from the $5 trillion national debt now to the $1.7 trillion more to reach $6.7 trillion by the year 2002 will cost over $25,000 for every man, woman, and child in the United States.

The Federal debt will continue to grow even after the budget is balanced in the year 2002, with the elimination of the annual deficit.

And why is that? Because through accounting manipulation only part of the debt increases are recorded in either the President's recommendations, in his submitted budget, and the budget as finally approved by the Congress. Interest on Government trust funds, for example, is not included in the current budgets. That amounts to nearly $100 billion a year paid to the trust fund because the trust funds have been borrowed by Presidents, both Republican and Democratic, to give the illusion of reducing the annual deficit. Thus, the President's budget recommendation and the congressional budget hide the Federal trust fund yearly increase, and between 1991 and the year 2000, this will amount to over $1 trillion addition to our national debt.

In 2002, after the so-called balanced no-deficit budget has been achieved, assuming the President signs off on it in the next few months, budgetary surpluses using the current checkbook budgeting mechanism will have to exceed $100 billion each year to end the increases in the national debt.

Current debt management procedures are akin to a homeowner not recognizing the interest expenses on the home mortgage. After 30 years, the heirs will discover that accumulated interest expenses exceed by many times the home's purchase price.

If we are going to continue our imprudent policies, then your grandchildren will have to pay for them. Imagine, your grandchild in the year 2050, which might seem a long way away for many, but it is right around the corner once you hit your 20's and the world goes faster and faster; let us say the grandchild in 2050 is ready to retire, and instead he is told, "Your grandfather and others left this debt for you to pay. You cannot retire now. In fact, you owe over $200,000 in interest and other liabilities."

Since 1970, the massive runup of the Federal debt has had no precedent in peacetime America. Major increases in Federal debt occurred during the Revolutionary War, during the War of 1812, during the Civil War, and certainly during the First World War and the Second World War, and of course the cold war which followed.

As the Constitution took effect in 1788, the debt had risen to $73 million for the cost of fighting the American Revolution. Just before the War of 1812, the debt had actually decreased to $45 million. Deficits during that war resulted in the debt increasing to $127 million by 1815. In 1835, a Federal debt was paid off with a surplus, and with a surplus, an extensive debate occurred as to how that surplus might be returned to the people and to the States.

□ 2030

The Civil War saw the end of that talk. The debt increased from $65 million in 1860 to over $2.7 billion by 1866 to fight the bloodiest war in our history.

The debt declined to $1.2 billion just before the First World War. In only 2 years during that war—America's first real entry into an international conflict—the Federal debt rose by almost a factor of 10, to $25.5 billion.

Between 1932 and 1940, during the presidency of Franklin Roosevelt, the Federal Government ran annual deficits between $2 billion and $4.3 billion. With the start of the Second World War, deficits increased dramatically to approximately $50 billion per year between 1943 and 1945 as the war grew to a peak in the production of armaments. By 1946, the national debt had reached $270 billion.

In the 1950's, the budget was balanced three times, and in the 1960's, it was in balance only once. Our budget has not been in balance, as I mentioned earlier, since 1969, the last year of the Johnson administration, the first year of the Nixon administration. Large deficits were run up in 1959 at the end of the Eisenhower period, almost $13 billion. In 1968, the end of the Johnson period, we had $25 billion.

During the 1970's, the early 1980's, large deficits in the $20 billion to $80 billion range were experienced annually. From 1982 to today, deficits have averaged over $200 billion per year.

Now the bad news. The yearly deficits as reported in the recommended presidential and ultimately enacted in the congressional budgets are only a part of the story. The total debt increase each year nears $400 billion, when you include the interest paid on those Federal trust funds which I mentioned earlier. That is a cost per family of almost $4,000 per year.

Our national debt is a Federal liability or a promise to pay to the people that hold the bonds that are needed to be issued to manage that debt. It is the link between Federal liabilities and budget spending and revenues. Other Federal promises or liabilities often reflect Government spending decisions, but the debt is the single-most important link between governmental decisions to spend and governmental reluctance to collect needed revenues, taxes, to cover the expenditures.

The arithmetic of Federal deficits is very simple. Regretfully, it is an easily understood subtraction. Each year since 1969, the last year the budget was balanced, the Federal Government has spent more than it has received in revenues. Thus, yearly revenues minus spending equals a surplus, or, if spending has exceeded revenues, a deficit. The excess spending has obviously resulted in an annual deficit. So we have the yearly deficit plus last year's debt, plus the interest on the trust funds, equal what is really the national debt of the United States.

Congress in its budget resolution projects that the debt will reach approximately $6.7 trillion by the end of fiscal year 2002. At that rate, interest will consume over 20 percent of the Federal budget by 2002, up from 3 percent in 1955.

As I recall, the first time we had a $100-billion, operational budget was 1965, the height of the Vietnam war during the Johnson administration, the beginning of the domestic Great Society. Now, that $100 billion ran the whole government and ran a war abroad that was a very difficult war. And yet that is what we willy-nilly provide as interest on the debt. Essentially what we pay for interest today is 2 Johnson administration years at their height. That is our cost to manage the national debt of today.

The debt has increased 600 percent since 1980. It will go up another $1.7 trillion between 1996 and the year 2002. Since the founding of the Republic, few issues have received the continuing attention that the annual Federal deficit and increasing national debt have attracted. Until this century, Federal deficits have been scrupulously avoided in peacetime. It has only been since the 1930's that Federal deficits have become commonplace.

Some blame the English economist John Maynard Keynes. Keynes stressed that in order to revive a depressed economy government should spend more than it received in revenue in time of unemployment. When the economy was prospering, however, the debt added to regain prosperity would be reduced by increased taxation during that now new prosperity.

President Franklin Roosevelt understood very well the first part of the Keynes theory of unemployment, the spending part, that would reduce unemployment. But he failed to adhere to the second part—the recoupment part—of recouping what you spend to get the economy moving again in better time.

When the economy was booming and there was full employment stimulated by the Second World War, Government should have financed our armaments through increased taxation on individuals and corporations. Instead, the Government took the easy way out; it issued Government bonds. Those are the bonds on which we pay interest and which we use to manage the national debt.

Most legislators obviously do not want to raise taxes. That is not a popular thing to do. So your only other choice is to cut spending. Most Presidents do not want to recommend new taxes. So both the Congress and the President, since the Great Depression of 1929, have to accept blame for the current $5 trillion national debt. But mostly the Congress over the last 40 years has to accept it because, very frankly, the President cannot spend a dime unless Congress appropriates it or by back-door spending authorizes a blank check which the President can use any time of night or day.

Federal deficits and debt run counter to American thriftiness. The "penny saved is a penny earned" ethic is a vital part of our American heritage. Most of the children's stories of the 19th century stressed that work ethic, that ethic of a penny saved is a penny earned. We all know the children's story about the wise ant who prepared for winter by storing up on food and doing one's duty to one's family, and the grasshopper that blithely played and played and did not work and simply did not save a thing. Of course, the grasshopper had problems. The grasshopper froze during winter. If the grasshopper did not starve to death, perhaps the ant was charitable enough to provide food through the bad times of the storms.

Thrift has guided our day-to-day living for many generations. Today Americans are demanding that the Federal Government practice thrift as we practice it in our families, in our businesses, in our schools, in our religious institutions. It is clear to most Americans that we must stop spending more than we take in. We must reduce taxes, and we must keep Federal programs that work and get rid of those that do not work.

When will we see Federal budget makers practicing good old American thrift? Not until Congress and the President have the will to cut more spending, reduce taxes, and, thus, balance the Federal budget.

This Congress has the will. A majority of us have the will. It remains to be seen if the President has the will.

There is both good and bad news about America's debt and deficits. The good news is that this Republican Congress has turned away from deficit spending. By our votes in committee and in the full House of Representatives, we have cut spending and reallocated funds among programs. We have eliminated programs.

The President claims he wants to cut spending, but he has vetoed several appropriations bills that did cut spending. Republicans, through our continuing resolutions, CR's, as they are called, have continued on the path to a balanced budget by the year 2002 or sooner.

We have done that without passing a balanced budget amendment to the Constitution. We passed it in this

House. We had the two-thirds vote. We had a number of Democrats join us on that. We could not pass it in the Senate by one vote because about eight members of the Democratic Party who promised their constituents they would vote for that constitutional amendment did not vote for the balanced budget amendment.

The Congressional budget for the fiscal year 1996 requires that the Federal budget be balanced in 7 years. In his preliminary year fiscal year 1997 budget, President Clinton has jettisoned budget deficits of $200 billion for a budget surplus by 2002.

The bad news is that waiting until 2002 to end the deficits by balancing the budget will add $1.7 trillion to the national debt. That will ensure, at a 5-percent interest rate, $85 billion in additional yearly interest payments. In order to manage the national debt, which is steadily rising from $5 trillion to nearly $7 trillion over the next few years, we must engage in hard choices and we must set priorities. We cannot do all the things we have been doing. It is simply not prudent.

The test of our political system will be whether it will jettison the debt and the deficit strategy of the past 50 years and adopt an economic growth strategy that will ensure our children and our grandchildren's economic future.

Why is it better to balance the budget sooner rather than later? The sooner the rise in the debt is stopped, the better is the chance that America will enjoy healthy economic and social growth. Family incomes would increase by many thousands of dollars if the budget is balanced sooner rather than later.

Our Nation's economic health is at stake. Our Federal Government's health and the economy will depend on how well we manage our debt and the potential liabilities and promises, such as those in welfare, Medicare, Medicaid, and Social Security, among others.

The members of the Social Security System deserve better than they have received. They deserve a better investment strategy than has been used for the last few decades.

Growing Federal debt is like a fever. The higher it gets, the sicker the patient.

Let us take a look at a chart that reflects the economic fever of a number of countries. In Europe, an economically healthy government is defined as having a government's debt to the gross domestic product—some of us grew up calling that the gross national product—ratio of no more than 30 percent of debt to GDP. The national debt of the United States to gross national product ratio is 70. Belgium and Italy have the highest debt to GDP ratio in Europe, namely 142 and 125. They have a very bad fever.

As the fever debt to GDP ratio goes up, a nation's output goes down. Economists estimate that doubling the current fever level of the United States would reduce our country's output by 6 to 12 percent. But, more important, as the fever rises, investor confidence falls. There is a limit to how much debt investors are willing to hold in Federal bills, notes and bonds. As the debt goes up, the risk of default goes up.

At some point, domestic and foreign purchasers of our debt will begin liquidating their holdings. Disaster could strike with interest rates skyrocketing and the stock market falling in a panic. That will not be the first time or the last.

The economic psychology could mean depressed investment, reduced output, declining family wages, with parallel reductions in household spending.

In addition, the exchange rate declines as investors sell dollars. Widespread bankruptcies would occur. Even a Government default could be possible.

With all this, we would be in the middle of a financial and economic disaster.

Looking around the world, those nations—a few of them called the little and big tigers, as you know—that are economically the healthiest, have very low economic fevers. Let us name a few: Singapore, Chile in Latin America, the Republic of China on Taiwan, Korea, Hong Kong, Thailand, Indonesia, Malaysia. They all have low debt to gross domestic product ratios.

□ 2045

And guess what, these are the countries that over the last quarter of a century have had deficits which were less than half of those in other countries. The net result of budget surpluses is a stable well-valued currency, interest rate stability, and single digit inflation.

Let us look at the weaker dollar and what that means for this country.

Over the last few decades the dollar has crashed against the German mark and the Japanese yen, as foreign exchange traders around the world, continue to show their concern about governments with large debts including Mexico, Italy, France, and even Orange County, CA. The foreign exchange traders are shifting their anxiety to the United States as a whole.

We are being taken to the woodshed by the world's foreign exchange managers for excessive debt and excessive promises. Historically this is surprising. As noted earlier, throughout most of America's history our political leaders have clearly opposed an increase in peacetime debt.

Economists for the most part agree that Federal borrowing, over the last 25 years, has led to higher interest rates. Higher interest rates cost consumers dollars, dollars that they could have used to advance the good of themselves, their families, to provide for education and to provide for better housing whatever. For instance, a 1-percent increase in interest rates costs a family obviously $1,000 each year for every $100,000 in mortgage payments.

If the Federal Government had balanced the budget each year since 1980, the debt would be one-fifth of what it is today, or $1 trillion, not the $5 trillion that faces us during this month as we seek to raise the debt ceiling to manage that debt. That level of debt would have left trillions of dollars available for productive private sector investment. Balanced budgets would have meant more business investment, thus more jobs and more personal savings. The result would have been more revenue for Government since the economy would have been in good health and productive, and Government could have pursued relevant taxes on that economy, and the fever would be very low.

Americans have over $12 trillion in corporate and individual debt outstanding. Just a 2-percent reduction in interest rates means a savings of roughly $240 billion or nearly $2,600 on average, for every American family. Alan Greenspan, Chairman of the Federal Reserve, has told congressional committees that a balanced budget—or assurance that we are on a glide path to a no deficit budget which would be credible—would mean if done by 2002, a drop of 2 points in interest for the citizen. If you had an 8 percent mortgage, it would be a 6 percent mortgage. If you had a 10 percent interest on your consumer debt, it would become an 8 percent interest rate. If you had a student loan, you would save money and so on. Federal deficits mean lower investment, consumption, and savings.

Personal savings are vital for citizens' retirement, for home purchases, for education, for health care expenses, as well as for the Nation's economic growth and development. Excessive Federal debt is cheating our citizens, it is cheating our children and our grandchildren out of a higher living standard by providing them with less money to save, less money to consume, less money to invest.

Today, a rising Federal deficit has cheated the average citizen out of the opportunity to save, to consume, or to invest thousands of dollars since 1969. It is much more desirable for the average family to be able to choose among alternative goods, or to choose to save or not to save as they might desire. Business investment has suffered the same consequences—less money to save has led to less money for business investment. What does this mean? It means fewer jobs and lower profits.

Now let us talk about hot money.

The Federal debt and the unfunded promises are mostly hot money. As noted above, hot money are the dollars stolen from future generations. It is the benefits that Members of Congress and the President have often agreed upon in order to assure their reelection.

This hot money expended over 25 years has significantly lowered each American family's standard of living. Hot money not only breeds intergenerational inequity, it also is simply reckless money in that it encourages those types of political programs and political payoffs. It is unjust by cheating taxpayers with higher interest rates, and it has immoral consequences in that it cheats the poor and the middle class out of jobs.

Let us talk about the lower standard of living that results. According to Martin Feldstein, the President of the National Bureau of Economic Research, the costs of the last 16 years of deficits to an average American family has been a loss of $500 per month. With this $500 loss each month, you family could have bought a nice car, could have bought a house perhaps worth $50,000 more than the one you live in, could have paid for your children's college education, could have paid a lot of hospital bills.

For each of the last 26 years of Federal deficits, which has led to a weaker dollar, which has led to higher interest rates, it has led to lower investment and lower savings. The result is a lower standard of living for the average American family.

Trade deficits and the Federal debt are increasing. Federal debt and international trade deficits are the two major constraints limiting private investment. Thus, economic prosperity is closely tied to the Federal debt. Government surpluses are a key factor in increasing prosperity and raising the standard of living.

When does Government debt become excessive? Well, debt by itself is only a partial measure of whether Government fiscal policy is sustainable.

After the Second World War the United States and Great Britain had debt to gross domestic product ratios of 114 and 260 percent respectively. Winning the Second World War was absolutely crucial for democracy. By 1974, the United States had an economic fever, a debt to GDP ratio, reduced to roughly 34 percent for the gross Federal debt and 25 percent for the publicly held debt. What really counts is keeping the peacetime debt, the economic fever, very low. A high debt growth rate, a rising fever, foreshadows fiscal difficulty.

Today, besides the United States, Sweden, Italy, and Canada, several other so-called developed countries have rapidly growing national debts. Italy has one of the world's largest debts. Financial markets have penalized Italy for its growing debt by demanding a 5 percent premium on Government bonds, and this is just the beginning. The economic penalties for large debts can include insolvency, hyper inflation, illiquidity, depression, broken promises to pensioners and tax rate increases, and, needless to say, when you sum it up, it is a greatly reduced standard of living for all concerned.

When I talk to my constituents back home in the Long Beach to Downey area about the Federal budget, they often wonder why we here in Congress cannot balance the Federal budget this year. They reason that their family, their business and their State and local government with which they are familiar in a similar position would be able to balance the budget in a year or maybe two at the longest.

Let us look at the Federal deficit as an average American family might look at it if it was their deficit. If the Federal Government were an average American family, it would be earning $40,000 a year and spending $44,000, running a 10 percent of $4,000 yearly deficit. Cutting back spending by $4,000 or $350 per month could be accomplished with some minimal financial pain by most families.

For instance, a family might decide to vacation at a local beach instead of at Disneyland or family members may decide to reduce their premium cable channels and their lottery ticket purchases. A new car purchase might be delayed for a year.

The point here is that a 10-percent cutback in spending is not inconsequential, but it would have only a short-term impact on lifestyle. If it were the average family, the Federal Government would run about a 10-percent deficit of this year's congressional budget resolution.

This same budget resolution balanced the budget over 7 years. This seems like a long time to me and many others and certainly to most of my constituents. The Federal dollar chain, as you look at it, and it gets a little complicated, it has several links which, as in many chains, are interrelated. The Federal dollar chain is 75 years long. It begins with today's taxes paid by each citizen; that is the purple part of the chart, and ends with social security promises to the 18 year old just entering today's work force. That 18 year old will probably live to be a 93 year old. These links also relate to what the Government owns. Those are the assets, the Federal revenues, income received by the Federal Government and over 1,300 Federal spending programs and accounts. Like all chains it is only as strong as its weakest link.

The Federal dollar chain links are very critical to each other. Weak links limit the capability of the Federal Government to meet the needs, pay for the promises and perform at peak efficiency. At the top of the Federal dollar chain is the U.S. net worth, the black link. Attached to this link are assets in green and promises liabilities in red and the last promise in red, the link, is to the national debt.

The debt, as I noted earlier, is the result of very simple arithmetic. Revenues in purple minus spending in yellow. Revenues in purple and spending in yellow are what we often focus on here in Congress. Today the link between net worth, national assets and promises or fiscal liabilities to spending and revenues is critical in our examination of what is the true national debt. Our true national debt, the sum of all Federal promises, including our yearly deficits, is overwhelming us. It is time that Government starts using a balance sheet to track its long-term promises. These promises must be matched with assets. Government's ability to pay for promises can be predicted by how they match up with various Government assets.

Now most of these assets you obviously cannot sell and you do not want to sell. We do not want to sell any national parks or anything like that. But we have to take a very careful look at public land and other aspects and see if it is not of recreational cultural historical heritage value, could there be some investment there that helps us reduce the debt. It might be minimal, but it is more than we are doing now.

Today the Federal Government's elected Representatives and the President focus almost exclusively on this year's income, the revenues from the taxes, and its expenses, the outlays. Little consideration is given to long-term promises and how they will be paid. Promises have been made to fund entitlements; that is, mandatory spending such as Social Security, Government workers' retirement benefits, veterans' pensions, black lung programs, Federal workers' compensation, and welfare and unemployment benefits. Over a 25-year period these promises are estimated to total nearly $25 trillion according to a study completed by citizens for budget reform drawing on data from the Department of the Treasury's financial management service and other Federal and credible private sources. These entitlement programs are nearly 49 percent of the Federal Government's long-term liability. What about the other 51 percent?

Other promises include Federal insurance, deposit insurance for banks, flood insurance administered by FEMA, the Federal Pension Benefit Guaranty Corporation. That amounts to about $5 trillion; those and similar comparable entities total 11 percent. Health includes Medicare which is roughly $10 trillion in financial liabilities. That totals 19 percent. Government-sponsored enterprises such as Fannie Mae, Fannie Mac, all the Federal home loan banks total $1 trillion or 2 percent. Loans and guarantees in general amount to another trillion dollars or 2 percent.

□ 2100

The national debt is the direct link between the long-term promises, the liabilities, and income and expenses. Every year since 1969, the last year we had a balanced budget, Federal expenses have exceeded Federal income, the revenues.

Fiscal discipline, balancing budgets, reducing promises, are key features for restoring our Nation's economic health and assuring our Nation's future prosperity. Typically, Government budget deficits reduce savings. Lower individual and corporate savings are a prelude to less investments and falling exports. Investment falls because reduced savings and the limits of them limits the amount of loanable funds, pushing the interest rates up. Exports are reduced because rising interest rates cause the dollar to rise in value. In the end, trade deficits lead to money being taken out of the United States.

Over the long haul, the Nation's capital stock declines with lower investment. The net result here is less productive capacity, and the Nation's output declines. As investment and capital are crowded out, productivity grows slower and slower, and real wages decline more and more. The bottom line is very simple: The people earn less. A most disturbing trend occurs as assets are reclaimed by foreigners.

Each of us has less and is left with less as foreigners earn our interest, collect our rents, earn our profits. Balancing the Federal budget must be combined with policies that simplify and reduce both individual and corporate taxes, establish adequate currency reserves, provide for an open economy, allow imports and foreign competition, strongly support American exports, provide domestic economic stability, and reform Federal insurance programs, the retirement security system, and the various health systems.

When the Federal Government makes a promise, it should be kept. Promises made, promises kept. We have heard a lot of people make promises. They have not kept them. Many of us have tried to keep them, and have kept them.

Through our oversight program in Congress, we must review every single program for not only its economy and its efficiency, but we also must assure that our customer, you, we, the taxpayers, secure what was promised. This is a very tall order. It is clear that for the United States to remain the world's major economic, military, and political leader, it must lead with fiscal policies that provide for a balanced budget. It must adopt policies that encourage economic growth and opportunity for all of our citizens. The Federal Government should not spend more than the sum of what it has, and what it can raise from future generations.

The benefits of deficit reduction are in the long-term. The currency of the United States is strengthened. Domestic interest rates are reduced. Federal bond rates decrease. The standard of living for all American families will rise. Savings increase. Investment increases. Foreign trade deficits over the long-term decrease. More and better jobs are created.

What must really be done to ensure that these benefits result from a prudent fiscal policy approved by Congress, and hopefully by the President? We need to balance the budget as soon as possible. If it is 2002, fine.

Some of think we should have balance the budget faster. We need to reduce the Federal interest payments as a percentage of the gross domestic product. We need to decrease Federal spending, keeping high priority programs, getting rid of low priority programs. In this, the average citizen, the consumer of Government services, the taxpayer, ought to be involved in telling us which programs are working satisfactorily and which ones are not working satisfactorily.

We need to give tax reductions as the budget surplus kicks in. We need to match long-term promises to what the Federal revenues will be. Balanced budgets, reduced debt, should be sought with the following outcomes in mind. These outcomes should include increased levels of personal consumption, higher savings rates, reduced Federal Government spending as a percent of gross domestic product; in brief, more money in the pockets of the average American citizen, the American middle class, the working people of this country.

We need to greatly reduce unemployment rates, with a special emphasis on young and minority populations. That is the proper investment policy, where the individual citizen can invest, where corporations, business—small and large—can invest. It is investment which stimulates the economy. We will hire more people. The result will be productive economy.

I was tremendously impressed in listening to Governor Engler of Michigan delivered his State of the State address. He said that if every Michigan business hired one more individual, then the unemployment roll in the State of Michigan would be eliminated. That is probably also true for the State of California. But first we must have incentives to encourage entrepreneurship.

Significant increases in economic growth throughout the Nation and throughout urban and rural America are absolutely essential. That will be one of the results of a prudent fiscal policy that balances the budget. We will also have poverty reduction with an emphasis on children—especially in the preventive health—when we balance the budget and provide economic opportunity.

We will be more cost-effective, we will have higher quality health care, education, and housing. There will be a greatly increased growth in economic productivity. After these various accomplishments, and trimming the national debt, President Hoover could change his paragraph from jest to truth and say, "Blessed are the young, for they shall inherit prosperity." That should be the new goal. No longer would the young inherit the national debt; that goal must be not only the guide for those of us in positions of responsibility and trust, but also the goal for all Americans.

Deficit and debt reduction are a central part of insuring economic growth and individual and family prosperity. We are on the road to ending Federal deficits and paying down the debt. We must maintain the course. Our future and the future of our children and our grandchildren are at stake.

Madam Speaker, I do hope that this Congress will be the first one to balance the budget for the 28th time, in this century. It is about time.

RESIGNATION AS MEMBER AND APPOINTMENT AS MEMBER OF JOINT ECONOMIC COMMITTEE

The SPEAKER pro tempore (Mrs. WALDHOLTZ) laid before the House the following resignation as a member of the Joint Economic Committee:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 7, 1996.

Hon. NEWT GINGRICH,
Speaker of the House of Representatives.

MR. SPEAKER: This letter constitutes my official resignation from the Joint Economic Committee.

Sincerely,

DAVID R. OBEY,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of 15 United States Code 1024(a), the Chair announces the Speaker's appointment to the Joint Economic Committee of the following Members of the House:

Mr. HINCHEY of New York and
Mrs. MALONEY of New York.

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GENE GREEN of Texas (at the request of Mr. GEPHARDT) for today, on account of a death in the family.

Mr. MYERS of Indiana (at the request of Mr. ARMEY) for today, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. MALONEY) to revise and extend their remarks and include extraneous material:)

Mrs. MALONEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. LEWIS of Georgia, for 5 minutes, today.

Mr. BROWDER, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

Mrs. SCHROEDER, for 5 minutes, today.

Mr. GEJDENSON, for 5 minutes, today.

Mr. TOWNS, for 5 minutes, today.

Ms. ESHOO, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

(The following Members (at the request of Mr. COX of California) to revise and extend their remarks and include extraneous material:)

Mr. CHRISTENSEN, for 5 minutes, today.

Mr. HANSEN, for 5 minutes, today.

Mr. RIGGS, for 5 minutes, today.

Mr. GEKAS, for 5 minutes, today.

Mr. COX of California, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. MALONEY) and to include extraneous matter:)

Mr. RANGEL.
Mr. BORSKI.
Mr. ANDREWS.
Mr. ABERCROMBIE.
Mr. POSHARD.
Mr. KILDEE.
Mr. DE LA GARZA.
Mr. TOWNS in two instances.
Mr. MARTINEZ.
Mr. LAFALCE.
Mr. MENENDEZ in two instances.
Mr. WAXMAN.
Mr. DEUTSCH.
Mr. STARK.
Mrs. MALONEY.
Mr. LANTOS.
Mr. POMEROY.
Mr. COYNE.
Mr. JOHNSON of South Dakota.

(The following Members (at the request of Mr. COX of California) and to include extraneous matter:).

Mr. PORTMAN.
Mr. GINGRICH.
Mr. NORWOOD.
Mr. GOODLING, in two instances.
Mr. COLLINS of Georgia.
Mr. CHRISTENSEN.

(The following Member (at the request of Mr. HORN) and to include extraneous matter:)

Mr. UNDERWOOD.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2778. An act to provide that members of the Armed Forces performing services for the peacekeeping efforts in Bosnia and Herzegovina, Croatia, and Macedonia shall be entitled to tax benefits in the same manner as if such services were performed in a combat zone, and for other purposes.

H.R. 3021. An act to guarantee the continuing full investment of Social Security and other funds in obligations of the United States.

BILLS AND JOINT RESOLUTIONS APPROVED PRIOR TO SINE DIE ADJOURNMENT OF THE FIRST SESSION OF THE 104TH CONGRESS

The President notified the Clerk of the House that, prior to the sine die adjournment of the first session of the 104th Congress, he approved and signed on the following dates bills and joint resolutions of the House of the following titles:

April 10, 1995:

H.R. 889. An act making emergency supplemental appropriations and recissions to preserve and enhance the military readiness of the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes.

April 11, 1995:

H.R. 831. An act to amend the Internal Revenue Code of 1986 to permanently extend the deduction for the health insurance costs of self-employed individuals, to repeal the provision permitting nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commission, and for other purposes.

April 17, 1995:

H.R. 1345. An act to eliminate budget deficits and management inefficiencies in the government of the District of Columbia through the establishment of the District of Columbia Financial Responsibility and Management Assistance Authority, and for other purposes.

May 18, 1995:

H.R 421. An act to amend the Alaska Native Claims Settlement Act to provide for the purchase of common stock of Cook Inlet Region, and for other purposes.

H.R. 517. An act to amend title V of Public Law 96-550, designating the Chaco Culture Archeological Protection Sites, and for other purposes.

H.R. 1380. An act to provide a moratorium on certain class action lawsuits relating to the Truth in Lending Act.

June 3, 1995:

H.R. 1421. An act to provide that references in the statutes of the United States to any committee or officer of the House of Representatives the name or jurisdiction of which was changed as part of the reorganization of the House of Representatives at the beginning of the One Hundred Fourth Congress shall be treated as referring to the currently applicable committee or officer of the House of Representatives.

July 7, 1995:

H.R. 483. An act to amend the Omnibus Budget Reconciliation Act of 1990 to permit Medicare select policies to be offered in all States.

July 27, 1995:

H.R. 1944. An act making emergency supplemental appropriations for additional disaster assistance, for anti-terrorism initiatives, for assistance in the recovery from the tragedy that occurred at Oklahoma City, and making rescissions for the fiscal year ending September 30, 1995, and for other purposes.

August 4, 1995:

H.R. 2017. An act to authorize an increased Federal share of the costs of certain projects in the District of Columbia for fiscal years 1995 and 1996, and for other purposes.

August 14, 1995:

H.R. 2161. An act to extend authorities under the Middle East Peace Facilitation Act of 1994 until October 1, 1995, and for other purposes.

September 6, 1995:

H.R. 535. An act to direct the Secretary of the Interior to convey the Corning National Fish Hatchery to the State of Arkansas.

H.R. 584. An act to direct the Secretary of the Interior to convey a fish hatchery to the State of Iowa.

September 6, 1995:

H.R. 614. An act to direct the Secretary of the Interior to convey to the State of Minnesota the New London National Fish Hatchery production facility.

H.R. 1225. An act to amend the Fair Labor Standards Act of 1938 to exempt employees who perform certain court reporting duties from the compensatory time requirements applicable to certain public agencies, and for other purposes.

H.R. 2077. An act to designate the United States Post Office building located at 33 College Avenue in Waterville, Maine, as the "George J. Mitchell Post Office Building".

H.R. 2108. An act to permit the Washington Convention Center Authority to expend revenues for the operation and maintenance of the existing Washington Convention Center and for preconstruction activities relating to a new convention center in the District of Columbia, to permit a designated authority of the District of Columbia to borrow funds for the preconstruction activities relating to a sports arena in the District of Columbia and to permit certain revenues to be pledged as security for the borrowing of such funds, and for other purposes.

September 30, 1995:

H.J. Res. 108. Joint resolution making continuing appropriations for the fiscal year 1996, and for other purposes.

H.R. 2399. An act to amend the Truth in Lending Act to clarify the intent of such Act and to reduce burdensome regulatory requirements on creditors.

H.R. 2404. An act to extend authorities under the Middle East Peace Facilitation Act of 1994 until November 1, 1995, and for other purposes.

October 3, 1995:

H.R. 1817. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes.

October 12, 1995:

H.R. 2288. An act to amend part D of title IV of the Social Security Act to extend for 2 years the deadline by which States are required to have in effect an automated data processing and information retrieval system for use in the administration of State plans for child and spousal support.

October 21, 1995:

H.R. 1976. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1996, and for other purposes.

November 2, 1995:

H.R. 402. An act to amend the Alaska Native Claims Settlement Act, and for other purposes.

November 3, 1995:

H.R. 716. An act to amend the Fishermen's Protective Act.

H.R. 1026. An act to designate the United States Post Office building located at 201 East Pikes Peak Avenue in Colorado Springs, Colorado, as the "Winfield Scott Stratton Post Office".

November 13, 1995:

H.R. 1905. An act making appropriations for energy and water development for the fiscal year ending September 30, 1996, and for other purposes.

H.R. 2589. An act to extend authorities under the Middle East Peace Facilitation Act of 1994 until December 31, 1995, and for other purposes.

November 15, 1995:

H.R. 1103. An act to amend the Perishable Agricultural Commodities Act, 1930, to modernize, streamline, and strengthen the operation of the act.

H.R. 1715. An act respecting the relationship between workers' compensation benefits and the benefits available under the Migrant and Seasonal Agricultural Worker Protection Act.

H.R. 2002. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1996, and for other purposes.

November 19, 1995:

H.J. Res. 123. Joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes.

H.R. 2020. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1996, and for other purposes.

H.R. 2492. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 1996, and for other purposes.

November 20, 1995:

H.J. Res. 122. Joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes.

H.R. 436. An act to require the head of any Federal agency to differentiate between fats, oils, and greases of animal, marine, or vegetable origin, and other oils and greases, in issuing certain regulations, and for other purposes.

November 22, 1995:

H.R. 2394. An act to increase, effective as of December 1, 1995, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

December 8, 1995:

H.R. 2519. An act to facilitate contributions to charitable organizations by codifying certain exemptions from the Federal securities laws, and for other purposes.

H.R. 2525. An act to modify the operation of the antitrust laws, and of State laws similar to the antitrust laws, with respect to charitable gift annuities.

December 18, 1995:

H.R. 2204. An act to extend and reauthorize the Defense Production act of 1950, and for other purposes.

December 22, 1995:

H.J. Res. 136. Joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes.

H.R. 2481. An act to designate the Federal Traingle Project under construction at 14th Street and Pennsylvania Avenue, Northwest, in the District of Columbia, as the "Ronald Reagan Building and International Trade Center".

December 23, 1995:

H.R. 325. An act to amend the Clean Air Act to provide for an optional provision for the reduction of work-related vehicle trips and miles traveled in ozone nonattainment areas designated as severe, and for other purposes.

H.R. 1240. An act to combat crime by enhancing the penalties for certain sexual crimes against children.

December 26, 1995:

H.R. 1747. An act to amend the Public Health Service Act to permanently extend and clarify malpractice coverage for health centers, and for other purposes.

H.R. 2336. An act to amend the Doug Barnard, Jr.—1996 Atlanta Centennial Olympic Games Commemorative Coin Act, and for other purposes.

December 28, 1995:

H.J. Res. 69. Joint resolution providing for the reappointment of Homer Alfred Neal as a citizen regent of the Board of Regents of the Smithsonian Institution.

H.J. Res. 110. Joint resolution providing for the appointment of Howard H. Baker, Jr. as a citizen regent of the Board of Regents of the Smithsonian Institution.

H.J. Res. 111. Joint resolution providing for the appointment of Anne D'Harnoncourt as a citizen regent of the Board of Regents of the Smithsonian Institution.

H.J. Res. 112. Joint resolution providing for the appointment of Louis Gerstner as a citizen regent of the Board of Regents of the Smithsonian Institution.

H.R. 395. An act to designate the United States courthouse and Federal building to be constructed at the southeastern corner of Liberty and South Virginia Streets in Reno, Nevada, as the "Bruce R. Thompson United States Courthouse and Federal Building".

H.R. 660. An act to amend the Fair Housing Act to modify the exemption from certain familial status discrimination prohibitions granted to housing for older persons.

H.R. 965. An act to designate the Federal building located at 600 Martin Luther King, Jr. Place in Louisville, Kentucky, as the "Romano L. Mazzoli Federal Building".

H.R. 1253. An act to rename the San Francisco Bay National Wildlife Refuge as the Don Edwards San Francisco Bay National Wildlife Refuge.

H.R. 2527. An act to amend the Federal Election Campaign Act of 1971 to improve the electoral process by permitting electronic filing and preservation of Federal Election Commission reports, and for other purposes.

H.R. 2547. An act to designate the United States courthouse located at 800 Market Street in Knoxville, Tennessee, as the "Howard H. Baker, Jr. United States Courthouse".

December 29, 1995:

H.R. 1878. An act to extend for 4 years the period of applicability of enrollment mix requirement to certain health maintenance organizations providing services under Dayton Area Health Plan.

H.R. 2539. An act to abolish the Interstate Commerce Commission, to amend subtitle IV of title 49, United States Code, to reform economic regulation of transportation, and for other purposes.

SENATE BILLS APPROVED PRIOR TO SINE DIE ADJOURNMENT OF THE FIRST SESSION OF THE 104TH CONGRESS

The President notified the Clerk of the House that, prior to the sine die adjournment of the first session of the 104th Congress, he approved and signed on the following dates bills of the Senate of the following titles:

January 23, 1995:

S. 2. An act to make certain laws applicable to the legislative branch of the Federal Government.

February 9, 1995:

S. 273. An act to amend section 61h-6 of title 2, United States Code.

March 7, 1995:

S. 257. An act to amend the charter of the Veterans of Foreign Wars to make eligible for membership those veterans that have served within the territorial limits of South Korea.

March 22, 1995:

S. 1. An act to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations; and for other purposes.

March 23, 1995:

S. 377. An act to amend a provision of part A of title IX of the Elementary and Secondary Education Act of 1965, relating to Indian education, to provide a technical amendment, and for other purposes.

April 21, 1995:

S. 178. An act to amend the Commodity Exchange Act to extend the authorization for the Commodity Futures Trading Commission, and for other purposes.

May 22, 1995:

S. 244. An act to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes.

June 21, 1995:

S. 349. An act to reauthorize appropriations for the Navajo-Hopi Relocation Housing Program.

S. 441. An act to reauthorize appropriations for certain programs under the Indian Child Protection and Family Violence Prevention Act, and for other purposes.

July 2, 1995:

S. 962. An act to extend authorities under the Middle East Peace Facilitation Act of 1994 until August 15, 1995.

July 28, 1995:

S. 523. An act to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner, and for other purposes.

October 3, 1995:

S. 464. An act to make the reporting deadlines for studies conducted in Federal court demonstration districts consistent with the deadlines for pilot districts, and for other purposes.

S. 532. An act to clarify the rules governing venue, and for other purposes.

October 12, 1995:

S. 895. An act to amend the Small Business Act and the Small Business Investment Act of 1958 to reduce the cost to the Federal Government of guaranteeing certain loans and debentures, and for other purposes.

October 30, 1995:

S. 1254. An act to disapprove of amendments to the Federal Sentencing Guidelines relating to lowering of crack sentences and sentences for money laundering and transactions in property derived from unlawful activity.

November 1, 1995:

S. 227. An act to amend title 17, United States Code, to provide an exclusive right to perform sound recordings publicly by means of digital transmissions, and for other purposes.

S. 268. An act to authorize the collection of fees for expenses for triploid grass carp certification inspections, and for other purposes.

S. 1111. An act to amend title 35, United States Code, with respect to patents on biotechnological processes.

November 15, 1995:

S. 457. An act to amend the Immigration and Nationality Act to update references in the classification of children for purposes of United States immigration laws.

November 28, 1995:

S. 395. An act to authorize and direct the Secretary of Energy to sell the Alaska Power Administration, and to authorize the export of Alaska North Slope crude oil, and for other purposes.

S. 440. An act to amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes.

S. 1328. An act to amend the commencement dates of certain temporary Federal judgeships.

December 19, 1995:

S. 1060. An act to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes.

December 21, 1995:

S. 790. An act to provide for the modification or elimination of Federal reporting requirements.

December 23, 1995:

S. 1465. An act to extend au pair programs.

December 28, 1995:

S. 369. An act to designate the Federal Courthouse in Decator, Alabama, as the "Seybourn H. Lynn Federal Courthouse", and for other purposes.

S. 965. An act to designate the United States Courthouse for the Eastern District of Virginia in Alexandria, Virginia, as the Albert V. Bryan United States Courthouse.

ADJOURNMENT

Mr. HORN. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 7 minutes p.m.), the House adjourned until tomorrow, Friday, March 8, 1996, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2202. A letter from the Under Secretary of Defense, transmitting a report of violation of the Anti-Deficiency Act which occurred when the 114th Fighter Group, South Dakota Air National Guard improperly expended Federal funds to purchase clothing items for firefighters employed by the State of South Dakota, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

2203. A letter from the Secretary of Health and Human Services, transmitting the Department's report entitled "Medicaid Drug Use Review Demonstration Projects," pursuant to Public Law 101–508, section 4401(c)(2)(B) (104 Stat. 1388–160); to the Committee on Commerce.

2204. A communication from the President of the United States, transmitting the bimonthly report on progress toward a negotiated settlement of the Cyprus question, including any relevant reports from the Secretary General of the United Nations, pursuant to 22 U.S.C. 2737(c); to the Committee on International Relations.

2205. A communication from the President of the United States, transmitting a report on international agreements transmitted to Congress after the deadline for their submission, with reasons, pursuant to 1 U.S.C. 112b(b); to the Committee on International Relations.

2206. A letter from the Secretary of the Treasury, transmitting the semiannual report of activities of the inspector general for the period April 1, 1995, through September 30, 1995, and the Secretary's semiannual report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

2207. A letter from the Register of Copyrights of the United States of America, transmitting the office's report entitled "Waiver of Moral Rights in Visual Artworks" March 1, 1996, final report to the Congress, pursuant to Public Law 101–650, section 608(a)(2) (104 Stat. 5132); to the Committee on the Judiciary.

2208. A letter from the Assistant Secretary of the Army (Civil Works), transmitting the Department's reports entitled "National Study of Water Management During Drought" and "Managing Water for Drought," pursuant to sections 707 and 729 of the Water Resources Development Act of 1986; to the Committee on Transportation and Infrastructure.

2209. A letter from the Secretary of Transportation, transmitting the Department's report on the implementation of the National Intelligent Transportation Systems Program, pursuant to Public Law 102–240, section 6054(c)(1) (105 Stat. 2191); to the Committee on Transportation and Infrastructure.

2210. A letter from the Chairman, Prospective Payment Assessment Commission, transmitting the Commission's report on issues affecting health care delivery in the United States, pursuant to Public Law 101–508, section 4002(g)(1)(B) (104 Stat. 1388–36); to the Committee on Ways and Means.

2211. A letter from the Administrator, General Services Administration, transmitting the annual report regarding the accessibility standards issued, revised, amended, or repealed under the Architectural Barriers Act of 1968, as amended, pursuant to 42 U.S.C. 4151; jointly, to the Committee on Transportation and Infrastructure and Economic and Educational Opportunities.

2212. A letter from the Secretary of Health and Human Services, transmitting the Department's report on Medicaid drug rebate program best price changes and rebates claimed for 4th quarter calendar year 1992 through 2d quarter calendar year 1994, pursuant to Public Law 102–585, section 602(b)(2) (106 Stat. 4970); jointly, to the Committees on Commerce, National Security, and Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CLINGER: Committee on Government Reform and Oversight. H.R. 2202. A bill to amend the Immigration and Nationality Act to improve deterrence of illegal immigration to the United States by increasing border patrol and investigative personnel, by increasing penalties for alien smuggling and for document fraud, by reforming exclusion and deportation law and procedures, by improving the verification system for eligibility for employment, and through other measures, to reform the legal immigration system and facilitate legal entries into the United States, and for other purposes; with amendments (Rept. 104–469 Pt. 2). Ordered to be printed.

Mr. SCHUSTER: Committee on Transportation and Infrastructure. H.R. 2276. A bill to establish the Federal Aviation Administration as an independent establishment in the executive branch, and for other purposes; with an amendment (Rept. 104–475, Pt. 1). Ordered to be printed.

Mr. GOSS: Committee on Rules. House Resolution 375. Resolution waiving points of order against the conference report to accompany the bill (H.R. 1561) to consolidate the foreign affairs agencies of the United States; to authorize appropriations for the Department of State and related agencies for fiscal years 1996 and 1997; to responsibly reduce the authorizations of appropriations for United States foreign assistance programs for fiscal years 1996 and 1997, and for other purposes (Rept. 104–476). Referred to the House Calendar.

Ms. PRYCE: Committee on Rules. House Resolution 376. Resolution providing for consideration of the bill (H.R. 2703) to combat terrorism (Rept. 104–477). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 2276. Referral to the Committees on Government Reform and Oversight and the Budget extended for a period ending not later than March 11, 1996.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CALVERT:

H.R. 3041. A bill to supplement the Small Reclamation Projects Act of 1956 and to supplement the Federal Reclamation Laws by providing for Federal cooperation in nonfederal projects and for participation by nonfederal agencies in Federal projects; to the Committee on Resources.

By Mr. FIELDS of Louisiana:

H.R. 3042. A bill to amend the Internal Revenue Code of 1986 to allow individuals an exclusion from gross income for certain amounts of unearned income; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut:

H.R. 3043. A bill to amend the Internal Revenue Code of 1986 to promote the continuity and portability of health insurance coverage by restricting discrimination based on health status, limiting use of preexisting condition exclusions, and making COBRA continuation coverage more affordable; to the Committee on Ways and Means.

By Mr. GOSS:

H.R. 3044. A bill to amend the Small Business Act to provide disaster assistance loans for small businesses that operate within a unit of the National Park System or the National Wildlife Refuge System, and have suffered substantial economic injury as a result of a partial shutdown of the Federal Government during the period beginning December 15, 1995, and ending January 5, 1996; to the Committee on Small Business.

By Mr. ABERCROMBIE (for himself and Mrs. Mink of Hawaii):

H.R. 3045. A bill to amend chapter 3 of title 28, United States Code, to provide for the appointment in each Federal judicial circuit court of appeals, of at least one resident of each State in such circuit, and for other purposes; to the Committee on the Judiciary.

By Mr. BAKER of Louisiana:

H.R. 3046. A bill to provide for one additional Federal judge for the middle district of Louisiana; to the Committee on the Judiciary.

By Mr. ENSIGN (for himself and Mrs. Vucanovich):

H.R. 3047. A bill to amend the Internal Revenue Code of 1986 to permit individual retirement accounts and certain individually directed accounts to acquire gold, silver, platinum, or palladium bullion without treating the acquisition as a distribution; to the Committee on Ways and Means.

By Mr. EWING:

H.R. 3048. A bill to authorize small entities to seek judicial review of agency certifications of the economic impacts of rules on small entities, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODLING (for himself and Mr. Kildee):

H.R. 3049. A bill to amend section 1505 of the Higher Education Act of 1965 to provide for the continunity of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development; to the Committee on Economic and Educational Opportunities.

By Mr. JOHNSON of South Dakota (for himself, Mr. Pomeroy, and Mr. Allard):

H.R. 3050. A bill to prohibit imports into the United States of meat products from the European Union until certain unfair trade barriers are removed, and for other purposes; to the Committee on Ways and Means.

By Mr. KENNEDY of Massachusetts (for himself, Mr. Kasich, and Mr. Markey):

H.R. 3051. A bill to amend title 18, United States Code, to further restrict certain activities relating to biological weapons, and for other purposes; to the Committee on the Judiciary.

By Mrs. KENNELLY:

H.R. 3052. A bill to amend title XVIII of the Social Security Act to provide annual screening mammography and waive deductibles and coinsurance for screening mammography under the Medicare Program; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY:

H.R. 3053. A bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and benefits for congressional election campaigns, and for other purposes; to the Committee on House Oversight, and in addition to the Committees on Commerce, the Judiciary, Ways and Means, and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MYRICK:

H.R. 3054. A bill to amend the Fair Labor Standards Act of 1938 to permit State and local government workers to perform volunteer services for their employer or community organization or purpose without requiring the employer to pay them compensation; to the Committee on Economic and Educational Opportunities.

By Mr. NORWOOD (for himself, Mr. Goodling, and Mr. Clay):

H.R. 3055. A bill to amend section 326 of the Higher Education Act of 1965 to permit continued participation by historically black graduate professional schools in the grant program authorized by that section; to the Committee on Economic and Educational Opportunities.

By Mr. RIGGS

H.R. 3056. A bill to permit a county-operated health insuring organization to qualify as an organization exempt from certain requirements otherwise applicable to health insuring organizations under the Medicaid Program notwithstanding that the organization enrolls Medicaid beneficiaries residing in another county; to the Committee on Commerce.

By Mrs. SCHROEDER (for herself, Mrs. Meyers of Kansas, Mr. Waxman, Mr. Stark, Mr. Matsui, Mr. Conyers, Mr. Ackerman, Mr. Fattah, Mr. Frank of Massachusetts, Ms. Norton, Ms. Lofgren, Ms. Velazquez, Mr. Wilson, Ms. Jackson-Lee, Mrs. Maloney, Mr. McDermott, Mr. Torkildsen, Mr. Thompson, Ms. Woolsey, Mr. Fazio of California, Mr. Olver, Mrs. Morella, Mr. Berman, Mrs. Mink of Hawaii, Mr. Hinchey, Mr. Zimmer, Mr. Abercrombie, Mr. DeFazio, Mr. Farr, Mr. Skaggs, Mr. Boucher, Mr. Baldacci, Mr. Meehan, Mrs. Lowey, Mr. Yates, Mr. Greenwood, Ms. Pelosi, Mr. Hastings of Florida, Ms. Brown of Florida, Mr. Coleman, Ms. Rivers, Mr. Bentsen, Mr. Dellums, Mr. Filner, Mr. Bryant of Texas, Mr. Gejdenson, Mrs. Roukema, Mr. Miller of California, Mr. Sanders, and Mr. Watt of North Carolina):

H.R. 3057. A bill to amend title 18, United States Code, to eliminate the prohibitions on the transmission of abortion related matters, and for other purposes; to the Committee on the Judiciary.

By Mr. COX (for himself, Mr. Gilman, Mr. Spence, Mr. Gingrich, Mr. Armey, Mr. DeLay, Mr. Boehner, Ms. Molinari, Mrs. Vucanovich, Mr. Nussle, Mr. Lantos, Mr. Solomon, Mr. Torricelli, Mr. Deutsch, Mr. Andrews, Mr. Baker of California, Mr. Ballenger, Mr. Barton of Texas, Mr. Bereuter, Mr. Boehlert, Mr. Bono, Mr. Brewster, Ms. Brown of Florida, Mr. Brown of Ohio, Mr. Bunning of Kentucky, Mr. Burton of Indiana, Mr. Buyer, Mr. Calvert, Mr. Campbell, Mr. Chabot, Mr. Chambliss, Mrs. Chenoweth, Mr. Clinger, Mr. Collins of Georgia, Mr. Condit, Mr. Diaz-Balart, Mr. Doolittle, Mr. Dornan, Mr. English of Pennsylvania, Ms. Eshoo, Mr. Ewing, Mr. Faleomavaega, Mr. Foley, Mr. Frelinghuysen, Mr. Funderburk, Mr. Pete Geren of Texas, Mr. Gillmor, Mr. Goodling, Mr. Goss, Mr. Greenwood, Mr. Gutknecht, Mr. Hastert, Mr. Hastings of Washington, Mr. Hyde, Mr. Sam Johnson, Mr. Kingston, Mr. Knollenberg, Mr. Kolbe, Mr. Levin, Mr. McInnis, Mr. McIntosh, Mr. McKeon, Mr. Metcalf, Mr. Miller of Florida, Mr. Payne of New Jersey, Ms. Pelosi, Mr. Porter, Mr. Rohrabacher, Ms. Ros-Lehtinen, Mr. Royce, Mr. Salmon, Mr. Scarborough, Mrs. Seastrand, Mr. Smith of New Jersey, Mr. Souder, Mr. Stearns, Mr. Talent, Mr. Torkildsen, Mr. Underwood, Mr. Walker, Mr. Weldon of Florida, Mr. Weller, and Mr. Zimmer):

H. Con. Res. 148. Concurrent resolution expressing the sense of the Congress that the United States is committed to the military stability of the Taiwan Straits and United States military forces should defend Taiwan in the event of invasion, missile attack, or blockade by the People's Republic of China; to the Committee on International Relations.

By Mr. GILMAN (for himself, Mr. Lantos, Mr. Abercrombie, Mr. Barrett of Wisconsin, Mr. Bateman, Mr. Beilenson, Mr. Berman, Mr. Bereuter, Mr. Bilbray, Mr. Bliley, Mr. Boehlert, Mr. Borski, Mr. Brown of Ohio, Mr. Canady, Mr. Coyne, Mr. Deutsch, Mr. Doyle, Mr. Diaz-Balart, Mr. Dornan, Ms. Dunn of Washington, Mr. Durbin, Mr. Engel, Mr. English of Pennsylvania, Mr. Forbes, Mr. Fox, Mr. Franks of Connecticut, Mr. Frelinghuysen, Mr. Frisa, Mr. Frost, Mr. Gordon, Mr. Greenwood, Mr. Gunderson, Ms. Harman, Mr. Hastings of Florida, Mr. Holden, Mr. Hostettler, Mr. Hoyer, Mr. Hutchinson, Mrs. Kennelly, Mr. King, Mr. Kleczka, Mr. Klug, Mr. Lazio of New York, Mr. LoBiondo, Mr. Longley, Mrs. Lowey, Mr. Matsui, Mr. McCollum, Mr. McDade, Mr. McInnis, Mr. Meehan, Mr. Metcalf, Mrs. Meyers of Kansas, Mrs. Morella, Mr. Neal of Massachusetts, Mr. Nethercutt, Mr. Olver, Mr. Orton, Mr. Payne of Virginia, Ms. Pryce, Mr. Ramstad, Mrs. Roukema, Mr. Salmon, Mr. Sanford, Mr. Saxton, Mr. Sawyer, Mrs. Schroeder, Mr. Schumer, Mr. Shaw, Mr. Smith of Texas, Mr. Souder, Mr. Tejeda, Mr. Underwood, Mr. Chabot, Mrs. Meek of Florida, Mr. Ackerman, Mr. Bunn of Oregon, Mr. Kim, Mr. Knollenberg, Mr. Torkildsen, and Mr. Torricelli):

H. Con. Res. 149. Concurrent resolution condemning terror attacks in Israel; to the Committee on International Relations.

By Mr. CHRYSLER:

H. Con. Res. 150. Concurrent resolution authorizing the use of the Capitol Grounds for an event sponsored by the Specialty Equipment Market Association; to the Committee on Transportation and Infrastructure.

By Mr. LANTOS (for himself, Mr. King, Mr. Armey, Mr. Gilman, Mr. Hamilton, Mr. Frost, Mr. Ackerman, Mr. Baker of California, Mr. Ballenger, Mr. Barr, Mr. Bartlett of Maryland, Mr. Bass, Mr. Bateman, Mr.

BEREUTER, Mr. BERMAN, Mr. BLILEY, Mr. BLUTE, Mr. BONO, Mr. CAMPBELL, Mr. COX, Mr. DOOLITTLE, Mr. DORNAN, Mr. EMERSON, Mr. EVERETT, Mr. FOLEY, Mr. FRANKS of Connecticut, Mr. FRISA, Mr. FUNDERBURK, Mr. GEJDENSON, Mr. GILLMOR, Mr. HALL of Texas, Ms. HARMAN, Mr. HEINEMAN, Mr. HOLDEN, Mr. HOSTETTLER, Ms. LOFGREN, Mrs. LOWEY, Ms. MOLINARI, Mr. SAXTON, Mr. SKELTON, Mr. SMITH of New Jersey, Mr. STOCKMAN, Mr. TORRICELLI, Mrs. VUCANOVICH, Mr. WATTS of Oklahoma, Mr. WELLER, and Mr. ZIMMER):

H. Res. 374. Resolution condemning the visit of Louis Farrakhan to Libya, Iran, and Iraq and urging the President to take appropriate action to determine if such visits and actions resulting from agreements or understandings reached during these visits violate Federal law; to the Committee on International Relations.

By Mrs. JOHNSON of Connecticut (for herself and Mr. MCDERMOTT):

H. Res. 377. Resolution providing amounts for further expenses of the Committee on Standards of Official Conduct in the second session of the 104th Congress; to the Committee on House Oversight.

ADDITIONAL SPONSORS

Under clause 4 of the rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 103: Mr. MICA.

H.R. 109: Mr. BROWN of California.

H.R. 499: Mr. STOCKMAN and Mr. CRAMER.

H.R. 519: Mr. HOKE.

H.R. 580: Mr. COMBEST and Ms. MCKINNEY.

H.R. 708: Mrs. KELLY.

H.R. 713: Mr. CHAPMAN.

H.R. 789: Mr. HANCOCK.

H.R. 820: Mr. OBERSTAR, Mr. OBEY, Mr. LEWIS of Kentucky, Mr. OWENS, and Mr. MINGE.

H.R. 833: Mr. MOLINARI and Mrs. ROUKEMA.

H.R. 858: Mr. SAXTON.

H.R. 1023: Mr. GUTIERREZ, Mr. QUINN, and Mr. ARCHER.

H.R. 1073: Mr. PAYNE of Virginia.

H.R. 1074: Mr. PAYNE of Virginia.

H.R. 1179: Mr. MILLER of California, Mr. KILDEE, Mr. FORD, Mr. QUILLEN, MR. FLAKE, Mr. HASTINGS of Florida, Mr. BISHOP, Ms. MCKINNEY, Mr. HILLIARD, Mr. WATT of North Carolina, Mr. GORDON, and Mr. FRAZER.

H.R. 1389: Mr. GEJDENSON.

H.R. 1406: Mr. VOLKMER, Mrs. THURMAN, Ms. ESHOO, and Mr. SAWYER.

H.R. 1547: Mr. GUTIERREZ.

H.R. 1656: Mr. MOAKLEY.

H.R. 1661: Mr. WISE, Mr. CAMP, Ms. DUNN of Washington, Mr. STENHOLM, Mr. NETHERCUTT, Mr. HYDE, and Mr. BLILEY.

H.R. 1662: Mr. LEWIS of Georgia.

H.R. 1687: Mr. NADLER, Mrs. MALONEY, Ms. MOLINARI, and Mr. CARDIN.

H.R. 1711: Mr. TIAHRT, Mr. MILLER of Florida, and Mr. RAMSTAD.

H.R. 1828: Mr. PICKETT.

H.R. 2011: Mr. HAYES.

H.R. 2178: Mr. CLAY.

H.R. 2200: Mr. HILLEARY, Mr. BARTLETT of Maryland, and Mr. MOORHEAD.

H.R. 2230: Mr. STEARNS, Mr. PAYNE of Virginia, Mr. PETERSON of Florida, Mr. SOLOMON, Mr. HEFNER, Mr. FUNDERBURK, and Mr. LEWIS of Kentucky.

H.R. 2240: Mr. CAMPBELL, Ms. MCKINNEY, and Mr. CUNNINGHAM.

H.R. 2272: Mr. DAVIS, Mr. THOMPSON, Ms. NORTON, Mr. RAHALL, Mr. ACKERMAN, and Mr. FILNER.

H.R. 2276: Mr. STUPAK, Mr. CUNNINGHAM, Mr. FILNER, and Mr. BURTON of Indiana.

H.R. 2508: Mr. NEY, Mr. CRAMER, Mr. JONES, and Mr. JEFFERSON.

H.R. 2521: Mr. MCHUGH, Mr. SHAYS, Mr. BAKER of Louisiana, Mr. MICA, Mr. MARTINI, Mr. SCARBOROUGH, and Mr. SOUDER.

H.R. 2548: Mr. JONES.

H.R. 2579: Ms. PELOSI, Mr. MICA, Mr. JONES, Mr. MEEHAN, Mr. STENHOLM, Mr. BUNNING of Kentucky, Mr. DICKS, Mr. GILCHREST, Mr. KING, Mr. PALLONE, Mr. MCDERMOTT, Mr. TRAFICANT, Mr. HOLDEN, and Mr. DEFAZIO.

H.R. 2607: Mr. DEUTSCH, Mr. NEY, and Mr. KENNEDY of Massachusetts.

H.R. 2740: Mr. FRISA.

H.R. 2741: Mr. BUNNING of Kentucky, Mr. COBLE, Mr. EHRLICH, Mr. FAWELL, Mr. GOSS, Mr. GUNDERSON, Mr. HANSEN, Mr. HASTERT, Mr. HOEKSTRA, Mr. HUTCHINSON, Mr. RAMSTAD, Mr. ROBERTS, Mr. SOLOMON, and Mr. ZELIFF.

H.R. 2748: Mr. MCNULTY, Mr. MARKEY, and Mr. ABERCROMBIE.

H.R. 2757: Mr. QUINN, Mr. JONES, Mr. HEINEMAN, Mr. OLVER, Mr. DEAL of Georgia, and Mr. PALLONE.

H.R. 2764: Mr. GENE GREEN of Texas, Mr. STOCKMAN, Mr. FALEOMAVAEGA, Mr. SHADEGG, Mr. MANTON, and Mr. MCCOLLUM.

H.R. 2777: Mr. PAYNE of Virginia, Mr. BRYANT of Texas, and Mr. OLVER.

H.R. 2798: Mr. GENE GREEN of Texas, Mr. SHADEGG, Mr. HALL of Texas, and Mr. RIGGS.

H.R. 2807: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2820: Mr. BROWNBACK, Mr. NEUMANN, and Mr. SAM JOHNSON.

H.R. 2822: Mr. HANCOCK, Mr. KOLBE, Mr. DREIER, Mr. FIELDS of Texas, and Mr. PETERSON of Florida

H.R. 2846: Mr. RANGEL, Mr. STARK, Mr. MOAKLEY, Mr. LIPINSKI, and Ms. NORTON.

H.R. 2875: Mr. HASTINGS of Florida, Mr. GENE GREEN of Texas, and Mr. MANTON.

H.R. 2912: Mr. WARD, Mr. PAYNE of New Jersey, Mr. BRYANT of Texas, Mr. KENNEDY of Massachusetts, and Mr. WELDON of Pennsylvania.

H.R. 2922: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2955: Mr. SALMON.

H.R. 2969: Mr. GILLMOR and Mr. BARRETT of Wisconsin.

H.R. 2992: Mr. ROYCE.

H.R. 2994: Mr. RANGEL, Mr. PAYNE of Virginia, Mr. GREENWOOD, Mrs. CLAYTON, and Mr. SCHIFF.

H.R. 3002: Mr. LIPINSKI.

H.R. 3004: Mr. SCHAEFER, Mr. BARTON of Texas, and Mr. BRYANT of Texas.

H.R. 3006: Mr. MATSUI.

H.R. 3023: Mr. BURTON of Indiana.

H.J. Res. 159: Mr. ZIMMER.

H.J. Res. 162: Mr. ENGLISH of Pennsylvania, Mr. SOUDER, Mr. BONO, and Mr. BURTON of Indiana.

H. Con. Res. 8: Mr. DOYLE.

H. Con. Res. 47: Mr. FUNDERBURK and Mr. SMITH of Michigan.

H. Con. Res. 125: Mr. HOKE.

H. Con. Res. 134: Mr. CHRYSLER and Mr. WELLER.

H. Con. Res. 135: Mr. EVANS.

H. Res. 347: Mr. DEFAZIO, Mr. TALENT, Mr. PAYNE of New Jersey, Mr. EVANS, Mr. KLUG, Mr. MILLER of California, Mr. CUNNINGHAM, Mrs. MORELLA, and Mr. LANTOS.

EXTENSIONS OF REMARKS

SWING INTO SPRING: A HARLEM TRIBUTE TO LIONEL HAMPTON

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1996

Mr. RANGEL. Mr. Speaker and Members of this great body, It is said, "give me my flowers now while I am still around to enjoy them".

I rise to pay tribute once again to an individual who really needs no introduction * * * to one who certainly in his lifetime has made an impact on the world as a great American, an ambassador of goodwill, a musical genius, and without a doubt, a living legend. If you have not guessed by now, the person of whom I speak is none other than Lionel Hampton.

On Tuesday, March 19, I, as chairman of the board of the Apollo Theatre Foundation, Inc., and executive producers Grace Blake and Bill Titone, will present "Swing Into Spring"—A Harlem Tribute to Lionel Hampton.

This star-studded musical tribute marks an opportunity to celebrate the life and accomplishments of Lionel Hampton by his many friends, admirers, and those who have benefited from his work and musical greatness.

Whether you are familiar with his musical accomplishments or not, over the years, Lionel Hampton has known no status where he was not eagerly accepted, as he has been well received the world over by Presidents, politicians, kings, and queens. His very music has caused the walls of Communist nations to come tumbling down.

However, it is not only for his music that Lionel Hampton is well known for he is also a staunch leader in the community. His fame has not let him forget the homeless and the hopeless. A long supporter of public housing, he developed the Lionel Hampton Houses in the early 1970's and upon completion, built the Gladys Hampton Houses, named for his late wife. To this day, those projects are considered among the best in the Nation.

The Lionel Hampton Community Development Corp. has built more than 500 low and moderate income apartments in my congressional district of Harlem alone.

Lionel Hampton holds more than 15 honorary doctorates and received the gold medal of Paris, its highest cultural award, from its Mayor, Jacques Chirac. He was appointed to the Board of Trustees of the Kennedy Center in 1991 by President George Bush, and in December 1992, he was awarded a prestigious Kennedy Center honor for his lifetime career achievements as a musician and teacher. Since then, he continues to produce educational events and considers the real highlight of his career as having the music school at the University of Idaho named for him—the Lionel Hampton School of Jazz.

Whether you are black or white, rich or poor, Democrat or Republican, I am sure you would agree that Lionel Hampton represents the very best of America. It is in this instance that March 19 will be proclaimed "Lionel Hampton Day" in New York City and New York State.

TRIBUTE TO REV. DR. GRANVILLE A. SEWARD

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1996

Mr. PAYNE of New Jersey. Mr. Speaker, I would like to bring to the attention of my colleagues a dedicated leader and servant of the people, Rev. Dr. Granville A. Seward. Rev. Dr. Seward is celebrating his 28th anniversary as pastor of the Mt. Zion Baptist Church in Newark, NJ.

Rev. Dr. Granville A. Seward was licensed to preach at the age of 17. He accepted the pastorate at the First Baptist Church of Rendville, OH, when he was 22. He is a graduate of Ohio State University. He received the master of divinity and doctor of divinity degrees from the Colgate Rochester Divinity School. Rev. Dr. Seward is a member of the board of trustees at the Colgate Rochester/Bexley Hall/Crozer Theological Seminary.

For many years Rev. Dr. Seward diligently prepared for his place in a changing society. His education and life experiences have been used to focus on the topic of his doctoral thesis, "The New Creation and the Emergence of a New Humanity." He has pragmatically looked at his church and our community and has developed programs that address the burgeoning needs of a diverse congregation and community. He has taken an active role in our community by serving as a member of the Newark Board of Education. He is also the dean of the Open Forum Baptist Ministers Conference of Newark and Vicinity.

Rev. Dr. Seward is the first pastor of Newark's Mt. Zion Baptist Church to ordain women deacons. He instituted prayer services at nontraditional times to better serve our population. He has developed feeding and clothing programs for the less fortunate. He implemented various types of ministries within Mt. Zion, where "every member is a minister" is emphasized.

Mr. Speaker, when we look at the shepherd who is tending his flock well, Rev. Dr. Granville A. Seward is among the chosen. I am sure my colleagues will join me as I extend my congratulations and best wishes to Rev. Dr. Seward, his wife, four children, and two grandchildren.

A BILL TO AMEND SECTION 1505 OF THE HIGHER EDUCATION AMENDMENTS OF 1986

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1996

Mr. GOODLING. Mr. Speaker, today, I, along with our colleague from Michigan, Mr. KILDEE, am introducing legislation to correct a board of trustees appointment problem for the Institute of American Indian Arts. This simple fix will help maintain the continuity of that board.

The Institute of American Indian Arts is a federally created institution of higher education. It's primary purposes are to provide scholarly study of and instruction in Indian art and culture, and to establish programs which culminate in the awarding of degrees in the various fields of Indian art and culture. The institute is authorized under title XV of the Higher Education Amendments of 1986, and policy for the institute is set by a board of trustees which includes 13 voting members appointed by the President with the advice and consent of the other body.

Unfortunately, the board appointment process has proven to be overly cumbersome and this has resulted in a number of board members serving additional terms, sometimes beyond the time they wished to serve, in order to ensure that the board could maintain a quorum.

The legislation we are introducing today would simply amend section 1505 of the Higher Education Amendments of 1986 to allow the board to recommend successors for board members whose terms are expiring and who do not wish to serve additional terms. The President would have the prerogative to act on these recommendations, or to appoint another qualified individual of his choosing subject to the confirmation of the other body.

However, should the President fail to act within 2 months of the expiration of the sitting member's term, and should that member not wish to serve an additional term, then the individual recommended for appointment by the board would be automatically seated.

This legislation makes a simple correction to the institute's board appointment process. It was requested of us by the interim president of the institute, who is concerned that without this fix the board may not be able to maintain a quorum and the institute might suffer.

This legislation is bipartisan and revenue neutral. It does not limit the options of the President in making appointments to the board, but merely streamlines the appointment process for this one institute.

This is common sense legislation, and I urge its support.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

IN SUPPORT OF H.R. 2778

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1996

Mr. COSTELLO, Mr. Speaker, I rise today in support of H.R. 2778, providing for relief for members of the Armed Forces currently serving on peacekeeping missions in Bosnia.

This bill will provide benefits to those peacekeeping troops currently in Bosnia as part of Operation Joint Endeavor. For these military personnel, there should be no penalty for delays or tax on pay related to their service overseas.

Specifically, the troops would receive an extension for filing income tax returns without penalty, exclusion of combat pay for taxation, forgiveness of income tax, and a reduction in estate taxes for those who die or are injured during the mission.

In addition, military personnel in the combat zone also would be able to make long distance phone calls without being subject to the 3 percent excise tax. Tax benefits would be retroactive to December 4, 1995, and in effect until substantial U.S. involvement in the peacekeeping mission came to an end.

Mr. Speaker, it is important that Congress try to alleviate as much of the burden as possible on our troops in Bosnia, and this small step will help those families trying to make ends meet while their loved ones are keeping the peace overseas. I urge my colleagues to join me in supporting this important legislation.

INTRODUCTION OF AMENDMENT TO THE HIGHER EDUCATION ACT OF 1965

HON. CHARLIE NORWOOD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1996

Mr. NORWOOD. Mr. Speaker, this legislation would allow five historically black graduate schools to continue to compete for Federal grant funds under section 326 of title III of the Higher Education Act. Morehouse School of Medicine, Meharry Medical College, Clark-Atlanta University, Charles R. Drew Postgraduate Medical School, and Tuskegee University School of Medicine are all in danger of becoming ineligible for grant funds. These funds support the purchase of laboratory equipment, improvements to classrooms, libraries and laboratories, faculty development, and academic instruction. It is important that this Congress reaffirm its commitment to high quality graduate level education for young African-Americans in this country. This amendment allows us to continue that tradition.

Historically black graduate schools train half of this country's African-American physicians, pharmacists, and dentists, as well as three quarters of all African-American veterinarians. For the most part, these individuals practice in poor urban and rural areas, where they serve large portions of disadvantaged Americans. These schools and individuals are providing a valuable service to this country by meeting one of the major challenges currently facing our health care system. They deserve our appreciation and our support whenever possible.

This piece of legislation will continue these schools' grant eligibility, without any fiscal implications for the Federal Government. Passage of this legislation allows these fine graduate institutions to continue to provide top quality education and training to their students.

The other 11 historically black graduate programs have no opposition to the continued eligibility of these 5 schools, and the decision to fund this particular section remains in the hands of the Appropriations Committee. There is no reason to restrict access to these funds.

TRIBUTE TO DANIEL J. CADY

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1996

Mr. KILDEE. Mr. Speaker, I stand before you today to ask that you and my colleagues in the U.S. House of Representatives join me in paying tribute to Mr. Daniel J. Cady of my hometown Flint, MI.

Mr. Cady is being honored today by his many family members and friends for 36 years of service to the Flint Community School District. Mr. Cady began his career with the Flint Community Schools in 1960, and has held numerous positions to include Community School director; coordinator instructor—Associate Community School Director Program; director of the Mott Program leadership training; consultant for staff development and leadership training; coordinator for staff development and leadership training; and director of Community Education Programs and Services; a position which he held until his retirement on January 31, 1996.

Mr. Cady's dedication to his profession has been much more than just doing a job. Over the 36 years that he has worked in the field of community education his leadership has been an inspiration for others at the local level, and also the State and national levels where he served as the president of both the Michigan Association of Community and Adult Education and the National Community Education Association. Additionally, he traveled throughout the United States assisting others as they learned the power of involving the people of their community in both education and Government.

During the 1930's, Charles Stewart Mott and Frank Manley began this program of opening school buildings to the community, and from there the formation of the community education concept. Over the years there have been a number of different individuals who have been leaders in this movement; Dan Cady is one who has carried on the responsibility of those before him by serving as a role model for many. Mr. Cady now is moving on to a new challenge as the director of the National Center for Community Education. I know he will provide the same dedication and commitment to his new position as he has to all previous.

Mr. Speaker, I ask you and all my colleagues in the U.S. House of Representatives to join me in congratulating Daniel J. Cady on his retirement from 36 years with the Flint Community Schools and also wish him well in his new position as director of the National Center for Community Education.

HAPPY 50TH ANNIVERSARY TO MR. AND MRS. ELBERT TEFFERTILLER

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1996

Mr. POSHARD. Mr. Speaker, I rise today to celebrate an occasion that is becoming an extremely rare event. Elbert "Bert" Teffertiller and his wife Alice will celebrate their 50th wedding anniversary on March 12. It is with great respect and admiration that I offer them my congratulations on reaching this glorious milestone.

The Teffertiller's were married shortly after Bert returned from over 3 years of service in the Army during World War II. The couple settle in McLeansboro in 1947 and have resided in Hamilton County ever since. They raised their two children there, and have since been blessed with five grandchildren. In and of itself, 50 years in the institution of marriage is a remarkable achievement. The commitment to spouse and family is truly momentous, and this kind of devotion often means there is less time for outside activities. This is certainly not the case with the Teffertillers.

Since they opened their first clothing store in McLeansboro the year of their marriage, Bert and Alice have gradually expanded their businesses to include shoes, furniture, cars, and homes, all the while helping to improve the local economy. Their devotion to their customers is legendary in the region, as they are known for their fantastic promotions featuring carnival rides, beauty queens, and television stars, refreshments, and a fair and honest deal. In 49 years of proprietorship, the Teffertillers have never forced payment, which speaks to another kind of commitment, to their community. Bert has served on numerous boards and associations, including as president of the McLeansboro Merchant's Association and president of the Hamilton County Chamber of Commerce. Also, both the Teffertillers are active members of their church.

Mr. Speaker, Bert Teffertiller has said he has tried to give back to the community more than he received, and it seems this family has accomplished that worthy goal. Their dedicated service to each other, to their family, and to their fellow citizens has set a tremendous example for the entire Nation. I wish them many more happy years of marriage, and it is my great pleasure to represent them in the U.S. Congress.

TRIBUTE TO HISPANAS ORGANIZED FOR POLITICAL EQUITY (HOPE)

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1996

Ms. ROYBAL-ALLARD. Mr. Speaker, on Friday, March 8, 1996, Hispanas Organized for Political Equity [Hope] Education and Leadership Fund's Fifth Annual Symposium is taking place in California's 33d Congressional District in honor of the past and future accomplishments of Latinas.

This year's theme, "A Proud Past * * * A Powerful Tomorrow," is certainly appropriate. As Latinas, we are at a crossroads. Today, we are prouder than ever to be rooted in our cultural traditions. At the same time, we are breaking the glass ceiling and pioneering into areas our mothers never would have dreamed possible. Latinas own major businesses, serve as executives in our Nation's largest corporations, and are being elected to public office in increasing numbers throughout all levels of government. As our accomplishments grow, we continue to fulfill our rule as the nurturers and educators of our children.

I am extremely optimistic about our future. In 25 years, it is estimated that Latinos will become the majority population group in California. Our new role tomorrow demands that Latinas continue to tackle new challenges and responsibilities today. HOPE will play a crucial role in preparing Latinas to lead California into the future.

I salute the HOPE Education and Leadership Fund for their commitment to Latinas and our children and, in their honor, proclaim March 8, 1996, as Latina History Day.

TRIBUTE TO DANIEL WILLIAMS

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1996

Mr. PAYNE of New Jersey. Mr. Speaker, I would like to bring to the attention of my colleagues one of the tireless soldiers in the army of justice and equality—Daniel Williams.

Danny, as he is affectionately known, was honored by the Giblin Association on Sunday, February 18, 1996. Tribute was paid to him for his dedication to a number of communities—labor, civic, and social. Over the years, Danny has taken his place amongst a variety of individuals to ensure that everyone has equal opportunity to live, learn, and succeed.

Most of his work has been done in conjunction with the labor movement. A strong labor activist, Danny has used his experience and opportunities to draw attention to matters that affect the very fiber of our community. He is active with the International Union of Operating Engineers Local 68–68A–68B. He serves this organization as director of community relations. He uses this position to interact with the national organizations of the NAACP, the Urban League, the A. Philip Randolph Institute, as well as other civil rights organizations.

Danny is also active in his local community. He is a member of the Executive Board of the Vailsburg Block Association and the Reynolds Place Block Association. He is a district leader representing the 36th district of Newark's west ward for the Essex County Democratic Committee. Always willing to serve, he is the sergeant-at-arms for the executive board of the Essex County Democratic Committee.

I am proud to have this dedicated citizen in my district. I offer my congratulations and best wishes to Danny and his wife, Bernice.

A BILL TO AMEND THE HIGHER EDUCATION ACT OF 1965

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1996

Mr. GOODLING. Mr. Speaker, today, I am cosponsoring a bill introduced by Mr. NORWOOD and Mr. CLAY, to amend the Higher Education Act of 1965 to allow five historically black graduate professional schools to remain eligible for grant funding under section 326 of title III of that act.

These institutions compete for grant funds made available through the appropriations process. The Secretary of Education selects recipients who are making a substantial contribution to the legal, medical, dental, veterinary or other graduate opportunity for African Americans. The five original institutions, including Morehouse School of Medicine, Meharry Medical College, Clark-Atlanta University, Charles R. Drew Postgraduate Medical School, and Tuskegee University School of Medicine will become ineligible for grant funding after the next appropriations cycle. Although these institutions may still need grant funds and may be making the substantial contribution required under the statute, they will be ineligible simply due to the fact that they have received two 5-year grants.

This bill simply allows these institutions to continue to compete for funds along with other eligible institutions. Rather than terminating their eligibility solely due to timing, the decision will be based on meeting the requirements of the Secretary in determining substantial contributions to the fields outlined above.

The schools which compete for funds under section 326 of title III train 50 percent of the African American physicians, pharmacists and dentists in this country, as well as, 75 percent of African American veterinarians. Many of the medical schools serve large numbers of disadvantaged individuals who have no health insurance and are in dire need of quality health care. In light of the current health care problems facing this country, I believe that Congress should continue to support the important role of historically black graduate professional schools in helping to address this key issue.

TRIBUTE TO GWEN TOWNS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1996

Mr. TOWNS. Mr. Speaker, Mrs. Gwen Towns attended college in her home State of North Carolina where she received a bachelor of science in early childhood education from North Carolina Agricultural and Technical State University. Later, she earned a master's degree in guidance and counseling from Brooklyn College, and obtained post master credits from Pace University.

As an advocate for quality education for children and adults, she has taught in New York for several organizations, including the Women's House of Detention and the board of education. In addition, Mrs. Towns has served as a member of various national and local education committees.

Mrs. Towns has been recognized on numerous occasions for her commitment and leadership on issues related to education and her efforts as a community activist. Also, she serves on the board of directors for the Brooklyn Children's Museum, St. Joseph's Home for Children, and president of the Interfaith Medical Auxiliary. She is a member of the NYC chapter of Jack and Jill of America, Inc., Conerned Women of Brooklyn, and an active member of Berean Missionary Baptist Church.

Most importantly, she and Congressman ED TOWNS are the proud parents of two children, Assemblyman Darryl Towns and Deidra Towns, and the grandparents of Kiara Towns and Jasmine Towns.

IN HONOR OF MAYOR DENNIS P. COLLINS

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1996

Mr. MENENDEZ. Mr. Speaker, I rise today to honor a very distinguished and outstanding citizen from my district. Dennis P. Collins, former mayor of Bayonne, has long understood the importance of community development and service. In recognition of his altruistic efforts, Mayor Collins will be honored by the Bayonne Family YMCA on March 10, 1996, at the 4th Annual Distinguished Service Award Brunch at the Hi-Hat Restaurant in Bayonne.

Tradition and experience are key words when speaking of this truly dedicated citizen. Mayor Collins has been a life-long resident of the city of Bayonne. After proudly serving in the U.S. Armed Forces during World War II, he returned to complete his post-secondary education at St. Peter's College and the State University of New Jersey. His educational accomplishments allowed him to further develop his career in various arenas.

Mayor Collins' successful political career began in 1962 when he was elected the first ward councilman. Four years later, he was elected councilman at large. His leadership, influence, and commitment to the community led the residents of Bayonne to elect him mayor in 1974. As a result of his work and dedication, Mayor Collins was reelected to three terms.

Bayonne and its citizens benefited from the hard work and dedication of Mayor Collins. As mayor, he developed a strong economic policy at a time when the country and State were in recession. He dramatically improved public services and was directly involved in the process of refurbishing many of the city's public parks and facilities.

In his community, Mayor Collins has also played an active role and dedicated many hours of service to various institutions. He has taken part in veterans group activities and is a faithful parishioner at Our Lady Star of the Sea Parish. He has had the pleasure of working with the Knights of Columbus and was a standard bearer of the New Frontier Democrats.

Mayor Collins has worked endlessly to promote a sense of community in Bayonne, and he serves as a role model for our public officials. I am proud to have him as a congressional staff member, and it is with great pleasure that I honor such a special constituent and leader.

BILL REQUESTING FAIR REPRESENTATION ON FEDERAL JUDICIAL CIRCUIT COURT OF APPEALS

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1996

Mr. ABERCROMBIE. Mr. Speaker, today I am introducing legislation which calls for fair representation on all Federal Judicial Circuit Courts of Appeals.

Currently, only two States, West Virginia and Hawaii do not have representation on their circuit Court of Appeals. In fact, it's been 12 years since Judge Herbert Choy of Honolulu retired from the Ninth Circuit Court of Appeals. Some States like Montana, have only recently had a resident granted a judgeship. My bill would require that each State have at least one judge appointed to their circuit Court of Appeals. That way, all States would always have representation on the bench. The bill does not affect the President's historic power to appoint Federal judges.

Having each State represented on its respective circuit courts, helps to ensure that justice is blind and impartial. A report entitled The Long Range Plans For Federal Courts, completed by the Judicial Conference of the United States in December 1995, noted, "Federal judicial credibility and accountability are fostered when appellate judges are drawn primarily from the region they will serve." This bill would add to the judicial credibility of the courts because each State would have at least one judge representing and understanding its State law, business, and customs.

This is not another law to add to the books. This legislation is about continuing the integrity of our third branch of Government, fairness and representation. I strongly urge my colleagues to support and pass this bill.

THE COST OF OUR NATIONAL DEBT

HON. WILLIAM M. "MAC" THORNBERRY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1996

Mr. THORNBERRY. Mr. Speaker, as we continue in our struggle to balance the budget and return government power to the States and local communities, I thought it would be a good time to remember what one of America's greatest patriots had to say about the cost of our national debt and the burden it places on current and future generations:

> I place economy among the first and most important virtues, and public debt as the greatest of dangers to be feared. To preserve our independence, we must not let our rulers load us with perpetual debt. We must make our choice between economy and liberty, or profusion and servitude. If we run into such debts, we must be taxed in our meat and drink, in our necessities, and in our labors and in our amusements. If we prevent the Government from wasting the labors of the people, under the pretense of caring for them, they will be happy.

These words are drawn from a speech given by Thomas Jefferson shortly after the birth of our country. This speech, sent to me last week by one of my constituents, Mrs. Louis Seewald of Amarillo, TX, should remind us all that we cannot continue the business as usual practice of spending more than we take in.

As Jefferson foresaw, running up a debt serves to enslave the entire Nation. The last 25 years have proven him right. Despite movement toward a plan to balance the budget, the fact of the matter is that we still face a national debt of nearly $5 trillion. A child born today will have to pay $187,000 in taxes over his or her lifetime just to pay off interest on the national debt.

If unchecked, the national debt will soon consume nearly 75 percent of our entire budget. This will leave virtually no funds for critical areas such as education, the environment, and crime prevention, and could possibly lead to a tax rate of over 50 percent.

This is not what Jefferson would have wanted from the Government he helped create more than 200 years ago, and it is not what the American people want from the leaders they elect today.

PEPPY MAYER, RECIPIENT OF CALIFORNIA DISTINGUISHED REALTOR AWARD

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1996

Mr. STARK. Mr. Speaker, I would like to take this opportunity to recognize the exceptional achievement of Ms. Alberta "Peppy" Mayer, a resident of Fremont in California's 13th Congressional District. Peppy was recently awarded the California Distinguished Realtor Award, which is the highest honor that the California Association of Realtors [CAR] can bestow upon one of its members.

To receive this award, one must have been a California realtor for at least 20 years, demonstrated outstanding service to the CAR for at least 15 of those 20 years, be a CAR honorary director for life, and be a current, active CAR member in good standing. Peppy is all these things and more—she is one of the most committed, talented, tenacious, and energetic people I know.

Peppy Mayer was born in Chicago and lived in both San Francisco and Alameda before settling in Fremont with her husband, Edward Mayer, and their three young daughters. Although she had studied to be a teacher at San Francisco State University, when the family moved to Fremont, she began to look for another career and enrolled in a course in Real Estate. There were few women real estate agents at that time but she soon won a prize for closing the most escrows in the Tri-City area. She has not looked back since.

Peppy has been a member of the California Association of Realtors since 1967 and has served the association in almost every capacity since then. She has been a director of the association for 29 years. In 1976, she became the first woman to serve as board president. In 1981, she became the first woman to chair the legislative committee, and in 1985, she became district 6 regional vice president. In 1980, she was appointed as honorary director for life. She has also been a director of the National Association of Realtors for the last 12 years.

Peppy is the author of numerous publications for both the California Association of Realtors and the National Association of Realtors. She has also received many awards including: Salesman of the Year in 1967, Realtor of the Year in 1977, the CAR's 1980 designation as Honorary Director for Life, the Recognition Award for "A Lifetime of Outstanding Dedication and Service to the Real Estate Industry" in 1991, and she became a life member of the Million Dollar Club in 1973.

As Peppy's business flourished, she still managed to find time to be an active member of the community. She has been the director of the Fremont Chamber of Commerce, making her the first woman to hold this position. She has been a long time member of the fund raising committee for the Fremont Boys Club, and a founding member of the Ohlone College Foundation.

Mr. Speaker, I ask you and my colleagues to join me in recognizing Ms. Alberta "Peppy" Mayer for her exceptional professional accomplishments and to congratulate her on being the recipient of the 1995 California Distinguished Realtor Award.

ISRAELI BOMBINGS

HON. SCOTT L. KLUG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1996

Mr. KLUG. Mr. Speaker, 60 people have been killed over the last 9 days in four suicide-bomb attacks in Israel. We all mourn the loss of nearly 200 people, including 5 Americans, who have died in terrorist incidents since the signing of the Israel-PLO peace agreement at the White House on September 13, 1993. Clearly, the Middle East peace process is now hanging by a thread.

There are some countries whose only interest is in derailing the peace process. The State Department continues to include Syria on its list of countries accused of sponsoring terrorism. Israel is asking the United States to focus on Syria'a connection to the terrorist attacks. Yesterday, Israel's Prime Minister Shimon Peres asked the United States to make clear to Syria that Israel has had enough of guerrilla attacks.

While Syria has expressed the desire to enter into peaceful negotiations with Israel, terrorist groups such as Hamas, continue to keep their headquarters in Damascus. Syria continues to allow weapons and funds from Iran to be used against Israel. If Syria expects to establish a working relationship with the United States, it must cease involvement with terrorist groups and condemn the Israeli bombings.

Syria is not the only external State whose role in the terrorist attacks we should question. Iran, Iraq, and Libya all play a part in the process of working toward peace and their actions should also be closely examined. The peace process cannot progress with countries throughout the Middle East sponsoring terrorism.

Through the Middle East Peace Facilitation Act [MEPFA], the United States is providing $500 million over 5 years in assistance to the Palestinians. Americans have the right to know what the PLO and Chairman Arafat are doing or not doing to discourage these terrorist activities. We need to know that he is truly committed to peace. He shook hands on the White House lawn 2 years ago pledging his commitment, but now he must prove he is a man of his word. He must root up the terrorism that threatens not only the Israeli people, but innocent victims around the world.

I rise today, Mr. Speaker, not only to condemn the horrific acts of terrorism against Israel, but to urge the administration to send a clear, decisive message to those countries that continue to sponsor terrorism. Their permissive behavior on behalf of the terrorist groups Hamas, Jihad, and others, will not be tolerated.

I'm pleased that chairman GILMAN has scheduled hearings on this issue in the International Relations Committee. Now, more than ever, it is crucial for the United States to stand shoulder to shoulder with Israel as we demonstrate our shared commitment to peace.

TRIBUTE TO ARELIS FIGUEROA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1996

Mr. TOWNS. Mr. Speaker, I am truly honored to recognize the perseverance of Arelis Figueroa. She has overcome tremendous odds to pursue self-improvement, and in turn has assisted her family members to realize their innate potential.

Arelis migrated to the United States from Puerto Rico at a very early age, along with her five older sisters. Life was not easy for her family, but despite difficulties, she began her odyssey of self-improvement. Her three children, Arelis, Eric, and Nicole have been tremendous sources of inspiration and pride for her. Arelis, the eldest, is the first to receive a 4 year college degree; Eric is a member of the New York City Police Department, and Nicole, although afflicted with Downs's Syndrome, has distinguished herself in Special Olympic gymnastic events.

Nicole's condition prompted Arelis to learn everything she could about the disease. She decided that learning about the disease and helping others similarly affected would be her calling. As a result, Arelis secured a position with the New York City Board of Education, working with students with special needs at P.S. 72 in Brooklyn.

Through vision, tenacity and a sense of love, Arelis Figueroa has made her world, and the World around her a better place. I am profoundly inspired by her actions and accomplishments, and wish her much success in the future.

INTERNATIONAL TRADE AND PATENT AND ROYALTY ENFORCEMENT

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1996

Mr. MENENDEZ. Mr. Speaker, in the din of the battle over balancing the budget, reality can be lost in the shouting. If one accepts as an article of faith that it is of utmost importance that the Federal budget must be balanced, then it must follow that the monumental trade deficits must per force of the exact same logic have the same priority.

Upholding the standard of free markets and free trade is not license to do nothing. The price of freedom is not without cost for either personal liberties or economic freedom. It is a constitutional right under the first amendment that our citizens may petition the Government for redress of grievances. It is also a constitutional prerogative under article 1, section 8, clause 8 "To promote the progress of science and useful arts, by securing for limited times to authors and inventors, the exclusive right of their respective writings and discoveries." With this as a backdrop, I would like to explore a problem that a constituent of mine, Salvatore Monte has raised. Mr. Monte's problems involve fundamental questions about the role of our Federal Government in protecting the constitutional rights of our citizens in the context of international trade.

Sal Monte is the president of Kenrich Petrochemical Inc., a family owned business founded after World War II and operating in Bayonne, NJ, since 1961. Sal Monte is an inventor in the proud New Jersey tradition of Thomas Edison and holds numerous patents. Mr. Monte's firm makes organo-metallic compounds. Organo-metallic compounds act as the molecular glue between organic and inorganic materials in the fabrication of complex substances. These chemical compounds are used in everything from rocket fuels, to ammunition, to tires, to cars, to multilayered printed circuit boards, to photocopiers. Mr. Monte's invention is responsible for the durability of videotape and audio tape used in our homes. Some of these chemicals make products biodegradable, others increase electrical conductivity, still others make steel more anticorrosive, plastics stronger, and tires safer. Toy manufacturers use them because they make thermoplastic processing significantly more energy efficient. There is even a national security concern, since Mr. Monte's chemicals are used to increase the effectiveness and safe handling by our Armed Forces personnel of new generation insensitive ammunition designed to prevent unplanned detonation in Army tanks and aboard Navy ships.

Shortly after his products were introduced in the United States market in 1974, Mr. Monte was approached by officials of Ajinomoto Co. [Ajico] through a trading company named Nitto Shoji, LTD., about licensing his products in Japan. They signed a distributorship agreement on July 30, 1976 to import 46 different patented organometallics manufactured by Kenrich in the United States of America. Nitto Shoji claimed that it was imperative that the products be approved as environmentally safe, and had started the process for the environmental approval of the first Kenrich product to be sold in Japan, Ken-React KR TTS, on July 1, 1976. The KR TTS approval cost Kenrich $125,000. In accordance with the usual Japanese trade position, Ajinomoto officials impressed upon Mr. Monte the need to have a Japanese manufacturing partner to facilitate the environmental approvals, comply with extraordinarily difficult Japanese quality standards, and gain acceptance by Japanese keiretsu, industrial consumers of the product. Ajinomoto is a $20 plus billion food processing and fine chemical firm most noted in southeast Asia as the No. 1 producer of MSG—monosodium glutamate. As a result, on January 28, 1980, 15 Kenrich chemicals were licensed for manufacture by the Ajinomoto Co. for exclusive sale in Japan, Taiwan, and South Korea.

For the next 8 years, the Montes were given polite and respectful treatment. By 1984, they had transferred all of Kenrich's technology to Japanese licensing interests. Mr. Monte began to suspect that Ajinomoto was selling vast quantities of the Kenrich licensed product and underreporting sales to avoid paying royalties. Mr. Monte repeatedly requested sales reports, but only received a carefully contrived semiannual report which diminished in detail with each passing year. There are now over 900 patent applications issued to Japanese companies using the Kenrich products—almost 40 to Canon alone for copier toner, yet the sales are supposedly still under $1,000,000—even though the yen has doubled in value against the dollar during the contract period. After two decades of doing business in Japan, Kenrich is still receiving only a contract minimum of $50,000 a year in royalties.

The coordinated assault on Kenrich would sound like paranoid Japan bashing were there not for the painstaking documentation filling dozens of file boxes, indicating the systematic, elaborate, and devious methods employed to deprive Mr. Monte of his intellectual property rights. Among the many efforts against Kenrich include:

The development of knock-off titanate technology based on Kenrich technology by Ajinomoto, Nippon Soda Inc., Tokuyama Soda Ltd., Mitsui Mining and Smelting Ltd., and Kawaken Fine Chemcial Co., Ltd. The Japanese have used patent flooding as a technique to obfuscate original patented technology, thus making it difficult for the non-Japanese inventor to defend his/her patent rights. Nippon Soda even copied Kenrich's detailed technical literature to explain their Titecoat knock-off product.

An elaborate international exchange of bank securities resulted in the commercial paper of Kenrich being held by Dai-Ichi Kangyo Bank [DKB]. The DKB through CIT, promptly called in Kenrich's loans to precipitate a bankruptcy and gain control of Kenrich's patents used as collateral against the loan.

Extraordinary measures have been taken by Ajinomoto to stack an arbitration panel as required under the 1952 United States-Japanese Arbitration. Moreover, it will require the case to be argued in Japan where patent laws are highly favorable to knock-off products.

Improper recordkeeping and unauthorized sub-licensing by Ajinomoto for the manufacture of the chemicals to companies, such as Junsei Chemical Co., Ltd., and Kawaken Fine Chemicals Co., Ltd., made it impossible for Arthur Andersen Co. to conduct a proper audit under license agreement to determine royalties due Kenrich. The Andersen audit, initiated in October 1992, took 2 years and cost Kenrich $63,252. Andersen was stonewalled by Anjinomoto and hence, the audit was unusable.

Ajinomoto withheld knowledge of patents filed by Japanese companies such as Sony Corp., on such products as videotape, prior to the 1980 license agreement with Kenrich. This concealed the extensive value of Kenrich's technology to Japan's high technology industries.

Patents were filed in 1995 by Mitsubishi Rayon for high performance carbon fiber advanced composites used in aerospace that contained one of Kenrich's chemicals not licensed to Ajinomoto. Kenrich had discontinued manufacturing this product 15 years ago. Who supplied the pirated chemical? It wasn't Kenrich.

I do not believe that Mr. Monte's case is unusual. It shows how defenseless American small business is in international trade and how little the Federal Government does to protect fair trade. We should not resent the coordinated actions of the Japanese Government, banks, and industry, but we should learn from them. Predatory practices are actionable under American law and we must require that the rights of American citizens are freely and fairly insured in the arena of international trade. I intend to ask the U.S. Trade Representative and the U.S. International Trade Commission to launch an official investigation of this matter.

MOBLEY MOURNS HIS NAVY COMMANDER

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1996

Mr. KINGSTON. Mr. Speaker, I submit the following story for the CONGRESSIONAL RECORD. This story ran in the Glennville Sentinel on January 11, 1996.

MOBLEY MOURNS HIS NAVY COMMANDER

(By Clinton Oliver)

While flags flew at half-mast in honor of Admiral Arleigh Burke, who died last week at 94 in Bethesda Naval Hospital in Maryland, one Glennville resident was particularly saddened by the passing of this distinguished naval officer. Petty Officer Thurman O. Mobley served with Admiral Burke aboard the U.S.S. Charles Ausburne in the South Pacific during World War II and remembers Burke as a courageous, feisty, and sometimes blustery commander who was highly respected by his men. "This ship is built to fight," Burke once barked to the crew of the Ausburne, "you'd better know how."

The U.S.S. Charles Ausburne was built by Consolidated Steel Corporation of Orange, Texas, and was commissioned November 24, 1942. Mobley boarded the Ausburne in Norfolk, Virginia, in April of 1943, and the next month the ship joined the Pacific Fleet, after passing through the Panama Canal, according to Pentagon records. Mobley and his shipmates of the Ausburne were commended by Admiral William "Bull" Halsey, Commander of Allied Naval Forces in the South Pacific; by Admiral Chester W. Nimitz, Commander-in-Chief of the U.S. Pacific Fleet, and by General Douglas MacArthur, Commander of Allied Forces in the Pacific, for action in that theater. They were cited by President Harry S. Truman for action from November 1943 to February 1944.

The Ausburne was Admiral Burk's flagship, and although a number of sailors from Georgia served under Burke on other ships, "I was the only Georgia boy to serve on the same ship with him," Mobley declared. The Ausburne destroyed nine enemy ships and shot down nine aircraft. Mobley and the crew rescued ten survivors of planes forced down at sea and picked up 31 Japanese prisoners from the water, according to Navy records.

Mobley stated that all crew members had two jobs to perform, depending on whether or not the ship was engaged with the enemy—one "combat" job and one "work-a-day" routine job.

Petty Officer Mobley was triggerman on a 20 millimeter artillery piece during combat and a baker at other times. The gun crew had trained by firing at aerial targets on a Pacific island, and once just before an air battle with the Japanese, Mobley was summoned to the bridge of the Ausburne. The officer on the bridge had observed that the Glennville sailor consistently had more hits on aerial targets than any other triggerman. "Mobley," the officer demanded, "we're about to engage the enemy. How do you account for the fact that you have consistently hit more air targets than any triggerman on board?" Mobley quickly recalled his dove-shooting days with a shotgun near Glennville.

"Sir," he retorted, "I keep telling you fellers you're not leading 'em enough." Mr. Mobley was referring to the practice of a hunter aiming slightly ahead of a moving quarry to allow time for the projectile to reach the mark. The officer ordered an appropriate adjustment to the aim-and-fire routine and the change improved the accuracy of the entire crew, Mobley said.

As the ship's baker, Seaman Mobley learned of Admiral Burke's favorite dessert. "About once a month, I baked an apple pie and carried it to his quarters," he said.

After President Eisenhower appointed Admiral Burke Chief of Naval Operations (the top post for a Navy officer), Mobley called his old commander at the Pentagon. "It took me about half a day to get to him," Mobley said, "but they finally put me through." Mobley stated who was calling and congratulated the officer on his high appointment.

"Mobley, Mobley," the admiral mused. "I seem to remember the name, but I can't quite place you."

"I used to be your baker," Mobley informed him.

"APPLE PIE!" the admiral exploded. "You used to bake my apple pies." The two old sailors enjoyed a lengthy visit by telephone. Thereafter, Admiral Burke wrote a short note about once a year to his ex-baker, and always addressed him as "apple pie." The periodic messages ceased about two years ago. Age finally claimed Thurman Mobley's cherished and salty old friend.

During air battles, Japanese pilots routinely held back the last bomb on their aircraft for a suicide dive into allied war ships, slamming into them at about the waterline. "We always made sure we shot down those suicide divers," Mobley said. "We knew if we didn't get them, we were goners for sure." Sometimes downed suicide craft slammed into the ocean so near the Ausburne and with such force that the crash caused a surge of water across the deck that nearly knocked the sailors off their feet, Mobley declared.

At the end of World War II, the U.S.S. Charles Ausburne had steamed a total of 207,000 nautical miles, consumed 10,686,305 gallons of fuel, and visited four continents, and eight ports in the United States. Mobley and his shipmates crossed the International Date Line four times and the equator 16 times. The Ausburne had conducted 32 fueling operations at sea, had gone to General Quarters (complete readiness for battle) 780 times, and had been in three typhoons. Mobley and the Ausburne crew conducted 22 battles against the Japanese Navy in four months.

Petty Officer Thurman O. Mobley was discharged from the U.S. Navy on Thanksgiving Day, 1945. He is retired from the U.S. Postal Service and lives with his wife, Lilla, on Howard Street in Glennville.

PERSONAL EXPLANATION

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1996

Ms. McCARTHY. Mr. Speaker, due to official business in my district, I was unable to cast votes on Tuesday March 5, and Wednesday March 6. Had I been here, I would have voted as follows: "Yes" on rollcall vote No. 44—H.R. 2778, to provide tax benefits for U.S. troops in Bosnia; "yes" on rollcall vote No. 45—Approval of the Journal; "yes" on rollcall vote No. 46—H.R. 270, the rule for consideration of H.R. 927; "yes" on rollcall note No. 47—H.R. 927, the conference report on the Cuban Liberty and Democratic Solidarity Act.

LEGISLATION TO PROHIBIT IMPORTS INTO THE UNITED STATES OF MEAT PRODUCTS FROM THE EUROPEAN UNION UNTIL CERTAIN UNFAIR TRADE BARRIERS ARE REMOVED

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1996

Mr. POMEROY. Mr. Speaker, today I am introducing legislation that will put American livestock producers on an equal footing with their European counterparts when it comes to illegal trade barriers. The European Union currently blocks United States beef imports simply because U.S. producers use hormones in the production of the beef. The E.U. also continues to block U.S. pork imports under their so called Third Country Meat Directive claiming that U.S. processing plants do not meet European standards.

These non-tariff trade barriers are in clear violation of the phytosanitary agreements which are part of the GATT. Scientists from around the world have determined that the use of these hormones poses no risk to human health. In 1992, through an exchange of letters, the Europeans agreed that U.S. and E.U. slaughter and processing procedures were essentially identical. The only reason for these bans is to keep U.S. meat out of European markets.

Since 1989, when the hormone ban went into effect, the Europeans have sent over $2 billion worth of meat products to the United States. During the same period. U.S. exports to the E.U. totaled only $342 million. Clearly the Europeans have little incentive to expedite the negotiations to end this unreasonable trade barrier.

The GATT agreement should be an effective tool to remove the hormone ban, but the Europeans have shown little commitment to working out these issues. On January 26 of this year, U.S. Trade Representative Kantor initiated formal action in the World Trade Organization against the E.U. on this issue. The European Parliament responded by voting to keep the ban in place. WTO action may take up to 18 months and the only beneficiaries of this delay are the Europeans.

The USDA has estimated that the loss of these markets costs our cattle producers $100 million per year and our hog producers $60 million. Clearly at a time when U.S. cattle producers are facing rising feed costs and the lowest prices in recent memory these unfair and trade barriers cannot be tolerated.

Just last week North Dakota hog farmers told me that access to the Asian markets following GATT has helped keep the price of pork stable over the last year. Clearly GATT can work to the benefit of American farmers. However, we need to send a strong message to the Europeans that further delay in opening their markets will not be tolerated.

This legislation is simple. It says that as long as the Europeans keep our meat from their markets they will not have access to U.S. markets. They are taking the resolve of their Parliament to the negotiations. The United States should be taking the resolve of Congress to those same meetings. This legislation sends the message that the U.S. Congress is serious about GATT working to open European markets. I urge my colleagues to join me in giving our trade representatives a valuable tool to meet the Europeans on equal footing.

LEGISLATION TO PROHIBIT IMPORTS INTO THE UNITED STATES OF MEAT PRODUCTS FROM THE EUROPEAN UNION UNTIL CERTAIN UNFAIR TRADE BARRIERS ARE REMOVED

HON. TIM JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1996

Mr. JOHNSON of South Dakota. Mr. Speaker, I am pleased today to introduce legislation that will prohibit all meat imports from the European Union [EU] unless and until the EU lifts its ban on American beef and eliminates the nontariff trade barrier imposed by their "Third Country Meat Directive [TCD]. The EU ban on beef from cattle treated with hormones was put in place on January 1, 1989. Scientists throughout Europe and the world have repeatedly concluded there is no scientific basis for this ban. In fact, after legal challenges by the British Government in 1987 and the European animal health industry association in 1990, the EU admitted that the ban was introduced for political and economic reasons—to curb the growth of Europe's beef supply rather than to protect public health. The EU ban has resulted in lost American beef sales of nearly $1 billion.

The TCD imposes meat inspection standards on U.S. meat exporting facilities that a wide majority of EU plants do not themselves meet. The United States has the most comprehensive and effective system of food safety management in the world. The TCD is designed and administered strictly to function as trade protection for higher cost, less competitive EU pork production.

The failure of the EU to live up to the 1992 bilateral meat agreement and re-list U.S. beef and pork plants is deeply disturbing. Prior to 1988, over 400 beef and pork plants were certified to export to the EU. Because of the TCD, only a handful of beef and pork plants are currently able to export to the EU. In 1985, the EU was the destination of over 20 percent of U.S. pork exports. Today, U.S. exports to the EU are negligible. The U.S. pork industry conservatively estimates that U.S. producers will lose $60 million in export revenues during 1996 with losses jumping to approximately $157 million per year by the year 2000 as EU tariff rate quotas on pork are phased in. Since January 1, 1989, America has allowed meat imports of $2.1 billion from the EU while U.S. meat exports to the EU totaled only $342 million. At a time when our cattle producers are struggling with the lowest cattle prices in recent memory and beef and pork producers are becoming more reliant on export markets, it is unconscionable to allow stubborn European bureaucrats to insult our cattle and hog producers with these barriers to American beef and pork.

We applaud Secretary Glickman and U.S.T.R. Kantor for initiating action against the EU hormone ban under WTO dispute settlement provisions and for their efforts to open export markets around the world for U.S. meat. However, EU Agriculture Commissioner Fischler has clearly indicated that even if the EU loses the WTO case, which might not be resolved until late 1997, the hormone ban will remain in place.

Although reasonable and prudent negotiation would clearly be preferred to address these trade disputes, our Nation's livestock producers need access to EU markets now. They are demanding a much stronger negotiating tool. My bill will provide a clear and unequivocal message to the EU that further delay will no longer be tolerated. Unless the EU eliminates these unscientific sanitary trade barriers, this legislation will prohibit the entry of all EU meat within 15 days of enactment. Please join me in providing a simple, but very effective negotiating tool to Secretary Glickman and U.S.T.R. Kantor.

BRING BART TO THE AIRPORT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1996

Mr. LANTOS. Mr. Speaker, last week the House Appropriations Subcommittee on Transportation heard testimony regarding funding of mass transit projects across the country. The subcommittee heard from the united bipartisan Bay Area congressional delegation which supports funding the San Francisco Bar Area Rapid Transit [BART] extension to San Francisco International Airport. As you know, this Congress has supported this project over the years, and I am happy to report that BART is now ready to move forward on construction to provide tens of thousands of travelers quick, convenient, and reliable access to the nation's fifth busiest airport.

The BART extension to San Francisco International Airport is a longstanding regional priority with overwhelming and broad support from the public. Voters in San Mateo County have twice approved ballot measures directing local funds and taxes to be used for the airport extension and all but one of the cities impacted by the project have passed resolutions in support of this project. We have fought the hard battles at the local level. We have reached a regional consensus. We are ready to move forward on the most important and necessary transportation link in the San Francisco Bay area.

Mr. Speaker, local officials and residents in the bay area have made the tough choices in planning and providing local financing for the BART extension to SFO Airport. These decisions were made in an open and public access process at the local level and should be supported here in Washington. I would like to urge my colleagues to continue their support of the BART extension to the San Francisco International Airport.

A recent editorial in the San Francisco Chronicle summed up this issue brilliantly. I respectfully request that this editorial be placed in the RECORD for the benefit of my colleagues.

DON'T STOP THIS TRAIN

Bart's plans to reach San Francisco International Airport by the year 2000 have run into two potentially significant adversaries in the nation's capital. One is the airline industry, which has been concerned that the airport might try to raise landing fees or slap on a ticket surcharge to cover its $200 million share.

Although the airline industry carries clout on Capitol Hill, we are confident that Congress will not be swayed by a selfish pitch against a project of such importance. Besides, the industry may eventually realize that this huge step in convenience to its passengers is well worth a relatively modest investment.

A more unsettling development is the effort of a handful of peninsula naysayers to resurrect the battle they clearly lost at the local level. Their testimony before the House Appropriations Transportation subcommittee last week may have given some legislators the impression that the Bay Area is still debating how to best provide mass-transit service to the airport.

And Congress may be reluctant to commit $700 million when the issue remains unsettled.

Well, the matter is settled.

After years of torturous deliberation, there now is an overwhelming consensus on a plan that would put a BART station just outside the International Terminal. It would get at least half the passengers within a five-minute walk to a ticket counter and it would have a light-rail connection to other terminals. It is a good compromise.

It's time to get on with it. Opponents of the airport BART station are living in a dream world if they think that derailing the project will suddenly lead Congress to shift the money over to Cal-Train. The proposed $87 million fiscal 1997 federal contribution to the BART project would almost surely be scooped up by another legislator for another region.

We trust that the subcommittee members, having seen the strong support of six Bay Area members of Congress, will realize that the fighting is finished. This train is on the move.

FIRST ANNIVERSARY OF THE GREEK AMERICAN MONTHLY

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1996

Mr. COYNE. Mr. Speaker, I rise today to pay tribute to The Greek American Monthly on the occasion of the first anniversary of this outstanding publication, and to congratulate my colleague from southwestern Pennsylvania, Congressman RON KLINK, who has been awarded The Greek American Monthly's first annual Hermes Award.

The Greek American Monthly is a periodical dedicated to promoting, preserving, and perpetuating Greek culture, history, and heritage. It also serves as a timely source of information on issues of importance to people of Greek ancestry throughout the world. I am proud to say that The Greek American Monthly is based in Pittsburgh, PA, which is part of my congressional district.

The Greek American Monthly has accomplished a great deal in its first year. In just 1 short year its readership has grown from 2,000 to nearly 30,000, and it has attracted readers from all over the world. It is linking members of the Greek community around the world in a new way. Its focus on content has resulted in a journal filled with important world news and cultural events from around the globe. I anticipate only continued and greater success for The Greek American Monthly in the future as more and more members of the Greek community—and other people in the United States and abroad—become acquainted with this excellent publication. The publisher and staff have produced an outstanding publication.

I also want to congratulate Congressman RON KLINK, who has been awarded The Greek American Monthly's first annual Hermes Award for his promotion of Greek culture and of issues of interest to the Greek-American community. Congressman KLINK, who has Greek forebearers, was chosen for the Hermes Award because he has introduced legislation of great interest to the Greek-American community, and because he has been tireless in his advocacy for issues before Congress that are important to the Greek-American community—issues like the partition of Cyprus and the treatment of ethnic Greeks in Albania.

In closing, I want to congratulate Mr. Gregory C. Pappas, editor and publisher of The Greek American Monthly, and the staff of this fine publication on the first anniversary of its founding, and I want to commend them for selecting Congressman RON KLINK as the first recipient of The Greek American Monthly's annual Hermes Award.

MARIETTA'S "MIRACLE"

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1996

Mr. GINGRICH. Mr. Speaker, I encourage my fellow colleagues to read the following editorial from the Marietta Daily Journal which describes the wonderful opportunities Habitat for Humanity has offered many of my constituents. I have volunteered for Habitat in my district and can attest that it is a very rewarding experience to see future homeowners alongside public-spirited citizens. Furthermore, it is a program that combines prayer with practical help.

American-style volunteerism is proven every day by those noble individuals who are willing to give their time to make others' lives better. In the American tradition of volunteerism and charity, I would encourage all of my friends and colleagues in the House to get involved with Habitat in their own communities, as well.

[From the Marietta Daily Journal, Feb. 28, 1996]

MARIETTA'S "MIRACLE"

Many people lament the plight of the homeless, but leave to others the hard work of housing the less fortunate. Not so those involved with Habitat for Humanity.

Since the establishment of its first Cobb County branch in 1986, Cobb Habitat has built or rehabilitated 54 homes: 22 in Power Springs, 16 in Marietta, nine in Acworth, four in Kennesaw, two in Smyrna and one in Austell.

Now the group is in the process of acquiring 11 properties in one of Cobb's most drug- and crime-ridden neighborhoods. The project has been christened "The Marietta Miracle: Roosevelt Circle Renewal," and is focused on the Roosevelt area, where drug dealers, prostitutes and vacant houses have blighted what was once a fairly typical working-class community and where law-abiding residents sometimes are afraid to leave their houses.

The targeted properties consist of a variety of vacant lots and dilapidated duplexes. Habitat will buy the properties, refurbish the duplexes and build single-family homes on the vacant lots. The upshot is that when the project is complete, up to 18 families will have new homes.

As with all Habitat projects, the new owners will be picked from a pool of qualified families based on need, their willingness to work in a partnership and their ability to repay the 15-year loans used to finance a house. Only those with incomes are considered as prospective owners. Those chosen also must undergo a rigorous interview process and put in 300 hours of "sweat equity" on Habitat construction projects.

"It'll be a big leap of faith for the families that will move into the homes," said Craig Satterlee, Cobb Habitat's executive director. "Our mission is to eliminate poverty housing in Cobb by building new homes and rehabilitating existing homes. There is no place more in need than Roosevelt Circle."

The project is expected to cost $730,000, of which $400,000 already has been pledged by local churches and businesses, including eight Catholic churches, St. Catherine's Episcopal, St. James Episcopal, Home Depot, Crawford & Co., the Cobb Board of Realtors, and students at Kennesaw State College.

"Far more important than the economics is the spirit of giving of yourselves. That's what makes a good community," said U.S. House Speaker Newt Gingrich, R-east Cobb, at Saturday's kickoff for the "Marietta Miracle" at First Baptist Church of Marietta, "Habitat doesn't give to the poor—it involves the poor in creating a better life for themselves."

And as Marietta Ward 5 Councilman James Dodd put it: "Other people in the [Roosevelt Circle] community will see these homes and will use them as a model to upgrade theirs."

Hopefully, the Habitat project will have a ripple effect in the community, as its others have so many times before. And hopefully, those ripples will continue to widen.

CITIZEN REPRESENTATIVE ACT OF 1996

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1996

Mr. MARKEY. Mr. Speaker, I rise today to introduce the Citizen Representative Act of 1996.

For years, it has been widely recognized that deep flaws and gaping loopholes in the way campaigns are paid for in America have amplified the importance of well-heeled special interest groups, reduced the clout of small individual contributors, and favored wealthy candidates while effectively silencing the voices of citizens unable to raise the large sums of money needed to mount a campaign for Congress.

Citizens across the country and many here in Congress understand that our system for financing campaigns in this country is broken and needs to be fixed. Skyrocketing campaign costs discourage everyday Americans from running for public office. Small, individual campaign contributions are crowded out by big money contributions from political action committees [PAC's]

I believe the best way to accomplish meaningful campaign finance reform and make Congress more accountable to the public is to encourage congressional candidates to raise more of their campaign funds from small contributions from individual donors.

The bill I am introducing today motivates candidates to rely on small contributions in two primary ways: funds from a voluntary checkoff of Federal tax returns will go toward a Citizen Representative Fund established at the Treasury Department to finance voter communications vouchers for candidates agreeing to observe the bills spending limits; and ceilings imposed on campaign spending from PAC's and large contributions will increase the importance of small donations.

Enacting lobby reform legislation and tightening gift rules have generated momentum we now should harness to pass real, comprehensive campaign finance reform. We have a unique opportunity to invigorate our democratic process, return power to voters across the country, and restore faith in the Congress. We must not let this moment pass.

If we fail to act, we will be preserving a system stacked in favor of wealthy individuals while preventing many potential candidates from getting a seat at the campaign table. Last month, press reports indicated that 11 House candidates each have used at least $100,000 of their own money to finance their 1996 campaigns, and 26 candidates have put at least $50,000 of their personal funds toward their races.

A hefty bank account should not be a prerequisite for running for Congress. That's why the bill I am introducing today restricts to $25,000 personal contributions a candidate can make to his own campaign if the candidate wants to be eligible to receive the benefits provided in the bill.

The bill also tames the powerful influence of PAC's. Last summer, the public interest watchdog group Common Cause released a study indicating that in the first half of the 1995 contributions from PAC's accounted for large chunks of House candidates' total campaign funds. The legislation I am introducing today requires candidates agreeing to the bill's spending caps to limit their expenditures from PAC's to 15 percent of their total spending. That's a maximum of $90,000 from PAC's.

To ensure that voters get the facts about candidates running for House seats, the bill makes participation in two nonpartisan debates a requirement for receiving communications vouchers. Our democracy is fueled by full and open discussions of the important issues facing our Nation, and all candidates should communicate their positions to the voters so that well-informed decisions can be made.

I have long believed that individual citizens should have more of a voice in campaigns for Congress. My bill expands the participation of everyday Americans in political campaigns through the voluntary checkoff and the emphasis on small contributions. I am hopeful that the House Oversight Committee will act on this legislation.

As people around the world strive to build democracies in States where ballots once listed only one choice for seats in a bureaucracy unconcerned with the needs of its own citizens, we need to increase participation in the electoral process here at home to maintain a healthy democratic system that is responsive to all Americans.

HONORING THE LIFE OF ABE LEBEWOHL

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1996

Mrs. MALONEY. Mr. Speaker, I rise today to pay tribute to one of my constituents and to mourn his tragic and premature death.

New York truly suffered a devastating loss this week with the death of Abe Lebewohl. On Monday, March 4, his life was cut short when a robber shot him twice as he went to the bank to make the daily deposit for his deli.

Mr. Lebewohl founded and owned the Second Avenue Deli where he will always be remembered as a hard worker, a brilliant businessman, an enlightened employer, and a distinguished community leader. A Holocaust survivor, he started the deli in 1954 as a 12-seat diner. After 42 years of hard work, Mr. Lebewohl built it to the current 250-seat restaurant that is know all over the world. Not only did the community lose a wonderful man and a great entrepreneur, but also one of the last links to the historic old Jewish neighborhood of the Lower East Side.

Abe Lebewohl greeted people by name, gave free sandwiches to homeless people or to anyone out of work, and supplies nourishment to workers on strike. He made everyone feel like family, never hesitating to give a helping hand when they were down on their luck.

The Second Avenue Deli has become one of their most popular landmarks in New York City. Almost every day, famous people come to eat and tourists often line up around the block in order to taste one of Abe's sandwiches or his soup. But more than anything, Abe's deli was a part of his community. It was his neighbors, employees, and family who stood outside of the deli on Monday to mourn his passing.

Mr. Speaker, I would ask that my colleagues join me in sending our deepest condolences to Abe's wife, Eleanor, his daughters, his grandchildren, his employees, and his friends on this most devastating loss.

HATRED MARKS PAPER TRAIL

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1996

Mr. DEUTSCH. Mr. Speaker, during these political primaries, it is important that the American public has as much information on the candidates as possible. In pursuit of that goal, I am submitting for the CONGRESSIONAL RECORD an article written for the Jerusalem Post on past statements made by Pat Buchanan.

[From The Jerusalem Post, Feb. 23, 1996]

HATRED MARKS PAPER TRAIL

Pat Buchanan has toned down his comments, but hasn't backed down, Elli Wohlgelernter reports.

Pat Buchanan's upset victory in the New Hampshire primary on Tuesday has once again focused heightened attention on the man and his words, and on the people surrounding him in his campaign.

When two staffers in two days last week had to step down for questions that were raised over their ties to white supremacists, it came as no surprise to Jews here and in the US who remembered what Buchanan used to say and write, before he toned down his rhetoric when he began running for president in 1992.

It goes back to the 1970s, when what began as a trickle—a snide comment here, a hardline position advocated there—soon started snowballing until, on the eve of the Gulf war in 1990, a mini-war broke out over flagrant and vicious antisemitic comments made by Buchanan.

To recap a few: In 1976, when the Ford administration proposed selling arms to Egypt, Buchanan urged Congress not to "hearken * * * to the counsel of the Jewish lobby and its Washington representative Henry Jackson."

In 1977, when president Jimmy Carter endorsed legislation against the Arab boycott of Israel, Buchanan objected and warned that Israel would be blamed as a result when Americans lost their jobs.

He later maintained that Americans were asking "why the U.S. is siding with three million Israelis instead of 100 million Arabs who have oil."

In 1981, he wrote, "Many Americans are growing bone-weary with carrying the diplomatic, economic and military cost of underwriting Menachem Begin's policies."

Throughout the 1980s, Buchanan exhibited a fiery and indignant pose in a campaign to defend former Nazis, whomever they were and however evil their prior deeds.

As early as 1977 he wrote of Hitler: "Though Hitler was indeed racist and antisemitic to the core, a man who without compunction could commit murder and genocide, he was also an individual of great courage, a soldier's soldier in the Great War, a political organizer of the first rank, a leader steeped in the history of Europe, who possessed oratorical powers that could awe even those who despised him."

From this followed his strong defense of Nazi criminals, and his denunciation of the U.S. Justice Department's Office of Special Investigations, which pursues Nazi criminals: "You've got a great atrocity that occurred 35, 40 years ago * * * Why put millions of dollars [into] investigating that?"

There were other remarks he made about targets of war-crimes allegations, including:

When the U.S. apologized to France for sheltering Klaus Barbie, the "Butcher of Lyon," Buchanan complained: "To what end all this wallowing in the atrocities of a dead regime."

He campaigned against the deportation to the Soviet Union of Karl Linnas, who ran a Nazi death camp in Estonia, when the US Court of Appeals ruled that there was overwhelming evidence of his guilt.

On the isolating of Kurt Waldheim: "The ostracism of Kurt Waldheim [has] an aspect of moral bullying and the singular stench of selective indignation."

And of course, there was his spirited defense of Ivan Demjanjuk and his statement that he could never get a fair trial in Israel.

Alan Ryan Jr., former head of OSI at the Justice Department, said then that "Pat Buchanan is going to bat for any Nazi war criminal in the US," and called him "the spokesman for Nazi war criminals in America. His campaign on behalf of these people is so infused with distortions and misrepresentations of the facts that it's almost impossible to engage in any sort of response. He simply piles lie upon inaccuracy upon surmise up personal attack."

Not content to defend Nazis, Buchanan shifted to questioning aspects of the Holocaust. Gas chambers could not have killed human beings, he wrote, because "in 1988, 97 kids, trapped 400 feet underground in a Washington, DC, tunnel while two locomotives spewed diesel exhaust into the car, emerged unharmed."

And finally, an attempt was made to discredit survivors themselves. "Since the war, 1,600 medical papers have been written on 'The Psychological and Medical Effects of the Concentration Camps on Holocaust Survivors.' This so-called 'Holocaust Survivor Syndrome' involves 'group fantasies of martyrdom and heroics.'"

Writing in the January 1991 issue of Commentary, Joshua Muravchik responded: "What can Buchanan possibly be talking about here? Can be furnish a bibliography of, say, the first 100 of these '1,600 medical papers'? And do quotation marks diminish the sewer-level bigotry of the reference to 'fantasies and martyrdom'?"

His antisemitic and anti-Israel statements continued to build over the years.

He called the Democratic Party the "diapered poodle of * * * the Israeli lobby";

Called Capitol Hill in Washington "Israeli-occupied territory";

Called the massacre of Palestinians by Lebanese Christians in Sabra and Shatilla the "Rosh Hashana Massacre," and the "the Israel army is looking toward a blackening of its name to rival what happened to the French army in the Dreyfus affair";

Said of the Vietnamese "Boat People": "Can one imagine what a cauldron of boiling rage the Senate would be if—instead of Vietnamese—there were Jews in those boats?"

In protesting the alleged blasphemy of the film "The Last Temptation of Christ," asked: "Would [Jack] Valenti, [chief executive officer of the Motion Picture Association of America] employ his eloquence to defend a film portraying Anne Frank as an oversexed teenager fantasizing at Auschwitz on romancing some SS guards?"

He also chided the New York Times for not criticizing the film strongly enough: "We have a 'newspaper of record' that can sniff out antisemitism in some guy turning down a kosher hot dog at the ballpark."

In the protest over the Catholic convent at Auschwitz, Buchanan wrote on September 24, 1989: "The slumbering giant of Catholicism may be about to awaken. * * * When Cardinal John O'Connor seeks to soothe the always irate Elie Wiesel by reassuring him that 'there are many Catholics who are antisemitic. * * * It's deep within them,' when he declares this 'is not a fight between Catholics and Jews,' he speaks for himself. But not afraid, your eminence; just steps aside, there are bishops and priests ready to assume the role of defender of the faith."

When president George Bush asked Congress to delay for four months the $10 billion in loan guarantees, Buchanan wrote on September 18, 1991: "Even if his veto of the guarantees is overridden, he will have won high marks for courage and exposed Congress for what it has become, a Parliament of Whores incapable of standing up for US national interests, if [the American-Israel Public Affairs Committee] is on the other end of the line."

Perhaps his most outrageous statement came shortly after Iraq's Saddam Hussein invaded Kuwait. On the CNN show "The McLaughlin Group" of August 26, 1990, two months after he made the comment on the same program about Congress being "Israeli-occupied territory," Buchanan made this infamous remark:

"There are only two groups that are beating the drums for war in the Middle East: the Israeli Defense Ministry and its amen corner in the US."

The remark generated an outpouring of condemnation from Jewish groups across America. It was a new kind of charge from Buchanan, one that Anti-Defamation League national director Abraham Foxman said lifted Buchanan's "characteristic anti-Israel rhetoric to new and graver heights."

Later in the program, Buchanan said: "The Israelis want this war desperately because they want the US to destroy the Iraq war machine. They want us to finish them off. They don't care about our relationship with the Arab world."

Refuting the charge of antisemitism, Buchanan said: "Were I expressing such views * * * I wouldn't have lasted 10 minutes in a profession where I have reveled, on and off, for 30 years. The newspapers that carry the Buchanan column don't print hate literature."

The charge of antisemitism, he wrote, "is used to frighten, intimidate, censor and silence; to cut off debate; to so smear men's reputations that no one will listen to them again without saying, 'Say, isn't he an antisemite?'"

Buchanan confessed in that column that, "yes, a change has taken place" in his attitude toward Israel as compared with the time "from June of '67 * * * until I went back into the White House in 1985," a time he claimed to be "an uncritical apologist for Israel, a Begin man all the way, defending everything from the attack on the Iraqi reactor to the invasion of Lebanon. I thought they were terrific friends.

"And yes, a change has taken place. For many reasons.

"Among them: The manipulation of the traitor Jonathan Pollard to systematically loot the secrets of the most generous friend Israel will ever have. The gratuitous brutality against Palestinian old men, women, teenagers and children. The Good Friday land grab at the Church of the Holy Sepulcher in Jerusalem. The shipment of cluster bombs to the Stalinist Mengistu regime in Ethiopia. The caustic cutting cracks about my church and the popes from both Israel and its amen corner in the US."

Foxman issued a statement saying, "While Buchanan's attack on Jews and Israel are nothing new, they appear to be an obsession. He is obsessed with Jonathan Pollard, but not with the Walker spy ring. Obsessed with the deaths of Palestinians who are waging war on the Jewish state, but not with the cold-blooded mustard-gas massacre of 5,000 Iraqi Kurds by Saddam Hussein. He dismisses the murder of millions of Jews during the Holocaust but derides the Office of Special Investigations for pursuing Nazi war criminals.

"He claims that the newspapers that carry his column 'do not print hate literature.' True, they rarely do. But today, every newspaper which ran Pat Buchanan crossed that boundary."

Among the papers carrying his column that day was the New York Post. In an unprecedented display of criticism, an editorial by editorial editor Eric Breindel, appearing opposite Buchanan's column, cited his previous antisemitic remarks and innuendos, and explained why the paper felt it had to publicly distance itself from one of its own regular columnists:

"What concerns us is Buchanan's attitude toward Jews as a group. When homosexual activists demonstrated against John Cardinal O'Connor at St. Patrick's Cathedral, desecrating that sacred place, Buchanan wrote a blistering column denouncing the demonstration. Indeed, the condemnation, in this instance, was widespread.

"But only Buchanan managed, somehow, to drag Jews into the discussion. He chided the New York Times for relegating its news story on the St. Patrick's incident to Page B3. And he asked rhetorically whether the Times would have been so restrained 'had a synagogue been so desecrated.'

"How did synagogues enter the picture? Was it impossible for Buchanan to write a column about the sacrilege at St. Patrick's Cathedral without a snide reference to synagogues?"

It concluded: "When it comes to Jews as a group—not Israel, not US-Israeli relations, not individual Jews—Buchanan betrays an all-too-familiar-hostility." A month later on "the McLaughlin Group," Buchanan lashed back at the ADL, saying the organization, in a "pre-planned, orchestrated smear campaign," was calling newspapers around the country and "threatening them" if they didn't cease publications of his columns, which was being carried by 180 newspapers.

The ADL denied calling "a single editor to request the removal of Buchanan's column, nor would we. Buchanan knows that, and he knows that league is against censorship of any kind." Buchanan, Foxman said, "employed the same 'big lie' tactics perfected by the Nazis during World War II."

Buchanan continued his Israel-bashing after the Gulf war. On March 13, 1991, he wrote: "Israel is not Syria, she is not Iraq, she is not Iran. But she is not our 'strategic asset' either.

"As the Gulf war demonstrated, she is a strategic albatross draped around the neck of the US."

The New Republic, on October 15, 1990, wrote: "The virulence of Buchanan's comments on the Jews, the indifference to evidence, the inflamed rhetoric, the rich conspiratorial imagination, the mystical certainty of rightness, the appetite for enemies, are not characteristic only of his opinions about Israel and the Jews. He is a connoisseur of intolerance. It is proof of the tolerance of America, if proof is needed, that this disgraceful man ranges through the corridors of power and lives in our midst as a star."

When his campaign for the 1992 election got under way, Buchanan's rhetoric softened, and continued in that manner while he waited to run again this year.

"He's a different person today in terms of what he's saying," Foxman said yesterday. "The language is a lot different. He used to speak of Christian values, Christian America. Now it's Judaio-Christian values. But the baggage of the past is still with him. He has not apologized for his anti-Israel, antisemitic and Holocaust-denial statements, he has not retracted them and he has not repudiated them."

The Jewish community, Foxman said, "is concerned, and will be concerned, but there is no panic yet."

He said he didn't think "a racist will be able to maintain the support of the mainstream," but the problem so far has been that "the media has not asked the questions yet. He has not been challenged. If he moves into the mainstream, the media will seriously challenge him, and then will see the response of the American public."

GEORGIA HOUSE OF REPRESENTATIVES PASSES H.R. 850

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1996

Mr. COLLINS of Georgia. Mr. Speaker, the Georgia House of Representatives passed a resolution asking the United States Congress to reevaluate the sale of the Southeastern Power Administration [SEPA].

I submit Georgia house resolution 850 for the Congress' careful consideration.

GEORGIA HOUSE OF REPRESENTATIVES RESOLUTION 850

H.R. No. 850—By: Representatives McCall of the 90th, Powell of the 23rd, Hanner of the 159th, Reaves of the 178th, Channell of the 111th and others

A RESOLUTION

Urging the United States Congress to reject the proposal to sell the facilities used to generate electric power marketed by the Southeastern Power Administration; and for other purposes.

WHEREAS, a proposal has been made to the United States Congress to sell facilities used by the Southeastern Power Administration (SEPA) which is headquartered in Elbert County, Georgia; and

WHEREAS, these facilities, which include nine hydroelectric dams, provide electric power and reservoirs for Georgia; and

WHEREAS, all of these facilities, operated by the United States Army Corps of Engineers, also provide the public and needed fish and wildlife resources, municipal, industrial, and agricultural water supplies, flood control, reservoir, and downstream recreational uses, and river water level regulation; and

WHEREAS, such proposed sale would give too little assurance that these assets will be administered with due consideration to the purposes of the facilities not related to power production, such as water supply, flood control, navigation, recreation, and environmental protection; and

WHEREAS, the revenue from the electricity generated by the hydroelectric dams exceeds the retirement obligations of the construction bonds and costs of operation and maintenance for these facilities; and

WHEREAS, many Georgians served by these facilities could likely experience significant rate increases in electricity and water as a result of this sale.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that the members of this body urge the United States Congress to reevaluate the negative impacts of this proposal and avoid any transfer of federal dams, resources, turbines, generators, transmission lines, and related power marketing association facilities.

BE IT FURTHER RESOLVED that the Clerk of the House of Representatives is authorized and directed to transmit an appropriate copy of this resolution to the Speaker of the United States House of Representatives, the presiding officer of the United States Senate, and members of the Georgia congressional delegation.

IN HOUSE, Read and Adopted February 2, 1996.

ROBERT E. RIVERS, JR.,
Clerk.

TRIBUTE TO RABBI MORTON F. YOLKUT

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1996

Mr. BORSKI. Mr. Speaker, I rise today to pay tribute to Morton F. Yolkut, who will become the new rabbi of the Shaare Shamayim-Beth Judah synagogue in northeast Philadelphia.

Rabbi Morton Yolkut was born in St. Louis, MO, and was ordained by the Hebrew Theological College of Skokie, IL. He holds a Bachelor of Arts cum laude degree from Roosevelt University in Chicago and a Master of Arts in American history from Northwestern University.

Prior to coming to Shaare Shamayin-Beth Judah, Rabbi Yolkut served as rabbi of Congregation B'nai David in Southfield, MI for 18 years. He also served as rabbi of Congregation Anshe Kanasses Israel in Chicago for 5 years. In Michigan, he served as vice president of the Michigan Board of Rabbis and was the Orthodox columnist for the Detroit Jewish News. Rabbi Yolkut also served on the Chaplaincy Commission of Sinai Hospital in Detroit and delivered papers on Jewish medical ethics to physicians and staff at local hospitals and conferences.

On a national level, Rabbi Yolkut is a member of the Rabbinical Council of America and an active member of the Federation of Traditional Rabbis. He serves on the national Rabbinic Cabinets of State of Israel Bonds, the United Jewish Appeal, the ORT Committee and the Jewish National Fund.

I am pleased to join the more than 700 families that comprise the Shaare Shamayim-Beth Judah congregation in welcoming Rabbi Yolkut to the Northeast Philadelphia Jewish community. I am sure he will serve his synagogue and his community with honor and distinction.

HONORING BOYS AND GIRLS CLUBS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1996

Mr. HOYER. Mr. Speaker, I rise today to honor the Boys and Girls Clubs of America, an organization which for years has been instrumental in the development of America's youth.

Through an array of programs, an expert staff, and a dedicated corps of volunteers, boys and girls clubs provide services to over 2 million children throughout this country. In doing so, boys and girls clubs instill in our Nation's children sound character and superior values. They provide a foundation from which the youth of today may become the leaders of tomorrow.

The future of America's children, however, remains precarious. In our society, children are confronted with the difficult task of overcoming many obstacles which threaten their development. Drugs and alcohol are ever present. Crime and violence are tragically abundant. Yet, Boys and Girls Clubs of America continued to steer children along the path of opportunity, hope, and success. For this I commend them. Their work is indeed a testament to what's right with America.

On September 20, 1995, Mr. Arnold Burns delivered remarks before a congressional breakfast which honored the Boys and Girls Clubs' Youth of the Year finalist. His comments were clearly indicative of the boys and girls clubs' commitment to serving our country's children. In recognition of this outstanding service, I respectfully submit that his remarks be entered into the RECORD.

1995 CONGRESSIONAL BREAKFAST

(By Senator Thurmond)

Representative Steny Hoyer, Mr. George Grune, the Chairman of the Board, Mr. Robbie Callaway, the Senior Vice President, Melvin Laird, Arnold Burns, one of the outstanding lawyers of this nation, Judge Freeh, all of the distinguished guests, and ladies and gentlemen, I'm very honored to be here on this occasion. Now, as a Senator, there are a lot of events you are asked to attend. I'm always pleased to attend this breakfast. It's the twelfth year.

I'm a strong believer in the Boys & Girls Clubs of America. There's no more important resource than our children. Boys & Girls Clubs of America work to help protect and promote that resource. This is an organization that is making a difference in the lives of tens of thousands of at risk teens. It provides parks and recreational activities, a safe haven from the mean streets, teaches kids the importance of work and responsibility, works to get kids into schools, into jobs, off welfare roles, out of public housing and away from the temptations of a life of crime.

The Boys & Girls Clubs of America is an organization on the move, serving more children each year. Thirteen years ago, they served approximately one million kids. This year, they are serving more than 2.2 million boys and girls. More than 1,700 clubs are in the United States. Last year, they averaged an opening of one new club every three days. This is a group that seeks continued growth. By the year 2001, the Boys & Girls Clubs of America aims to have 1,000 new clubs, 1 million new members, over 3 million kids involved in productive activities.

The Boys & Girls Clubs of America is one of the most effective organizations in the nation for supporting our children. It is an organization worthy of the support of everyone in this room. As members of Congress, we are in the position to help the Boys & Girls Clubs and our children. We can support legislation that is beneficial to the Boys & Girls Clubs. One example is the current crime bill. The Boys & Girls Clubs of America is seeking 100 million dollars out of the crime bill over the next five years. The Board of Directors of the Boys & Girls Clubs will match that 100 million from the crime bill. That is 200 million dollars pumped directly into the future of our nation's children.

By attending this breakfast, each of you is demonstrating your support for a worthwhile cause. I urge you to continue to help the Boys & Girls Clubs of America. You can do nothing more worthy. We are proud of the Boys & Girls Clubs of America and we're going to keep on working to make it bigger and stronger every year. Good luck, God bless you and God bless the Boys & Girls Clubs of America and God bless our country.

CONGRESSMAN STENY HOYER

One problem with the Strom and Steny show is that I have to follow Strom Thurmond. Thurmond and Hoyer, that sounds like a good name for a firm at some point in time. Strom's show has been running a lot longer than mine, as you know, but I'm always amazed at the energy, his commitment and the verve that he brings to life and the endeavors which he undertakes. And Senator, I want you to know what an honor and privilege it is to co-chair this breakfast on a continuing basis with you. George Grune, your leadership is critically important. General Burns, you've seen General Burns up here, he looks a lot like Colin Powell. I asked him if he was running for President. He's got those four stars on his lapel, here. I'm sure it's got to have something to do with that. He is outranked, of course, at his table by Secretary Laird and the Secretary is keeping him in line, luckily, so they'll be peaceful. Pete Silas, thank you for all you've done and your leadership. We look forward to working with you on a continuing basis. My friend, Robbie Callaway. I think we ought to give Robbie Callaway a big round of applause for the outstanding leadership he brings to this effort on a regular basis. Ken Gordon is here today, too.

Six or seven of the top law enforcement officials in our nation are here. We have Louis Freeh and a group of his distinguished colleagues. They're the ones who lock up and help convict those who break the laws in our country, to keep our communities and streets and schools safe. That's their job. We ask them to do that. They're people that sometimes themselves risk their life and limb to do so. They're here this morning and I reflect on why and what message that brings us. They're here because unless parents and Boys & Girls Clubs leaders and other youth leaders all over this country do their job, they know they can't lock up enough people. God bless them and you ladies and gentlemen of the Boys & Girls Club, God bless you. Senator Thurmond is correct because you do God's work.

This is the first line of defense. This is the first line in a battle we all must wage if we are to stop the crime and the violence and the drugs from taking over our streets—our children. And that, ladies and gentlemen is what it's all about.

I am very, very proud to be here with two people who symbolize what is the first line and the best line and ultimately the line that will get us to where we need to be—two parents who all America, and indeed all the world applauded just a few days ago.

Lou Gehrig had the kind of character that all the world would admire. Let us thank God that his record was equaled and surpassed by another individual who had the character of which we can all be proud and say, "He was worthy of Lou Gehrig". But, why was it so? It was so because Vi and Cal Ripken Sr. gave him the leadership and the character and the understanding that gave him the will and the strength of character to persevere in the face of pain, the face of frustration, the face of being tired. We all get tired. Cal Ripken, Jr. rose and he said, effectively, "My Dad and Mom said to go to work every day and do the best you can." Is there a more powerful, potent message to be given to young people than that message? God bless Vi and Cal Ripken, Sr. We're proud of you and proud of what you've done. By the way, they're from Maryland.

I know if you'll allow me four more minutes, I will close with this. I hope all of you have read the books left for you. There is a young woman sitting at my table who is typical of all of the young people we come here today to honor. She's a success story. Not just the kind of success story we read about every day, but also a success story of the Boys & Girls Clubs of America. She's from Dallas. She's a young woman. She's an African American woman and a true success story. Read her quote. She says, "I am proud to tell my story. One of struggle and hardship, but also one of triumph and achievement." LaWanda Jones, that's what it's all about because, there are a lot of young people who don't have a Vi and Cal to lift them up, to nurture them, to protect them, to give them the kind of internal mechanism and compass that they need to succeed.

And so, as Todd Green said, one word came to mind when he thinks of Boys & Girls Clubs, and that's "family * * * family". All of us are extended family for an awful lot of young people who need the kind of nurturing and caring and courage given by Cal and Vi to Cal, Jr. Each of you in this room is a part of that caring family of America that ultimately will be the difference. Not the government, it won't happen in government. Government can help. I am one who believes that government needs to be a partner. I'm one who believes that we need to marshall our resources in the form of, yes, paying taxes and applying those to good efforts. But, in the final analysis, we will not solve the problems of making sure America's future is secure and the security of our young people is assured if it's not through our families and through us, individually, caring for our young people. That's what Boys & Girls Clubs of America do. Brooke Kersey said, "In good times and bad times, the Boys & Girls Clubs have been my life line." You do God's work. I am proud to be a part of all of you. Thank you.

"CAPTAIN" ARNOLD I. BURNS

Good morning. Thank you very much for your kind invitation. I'm delighted to be here with the distinguished members of law enforcement community mentioned by Congressman Hoyer.

I've come today to make some important arrests. I've come to arrest crime and I've come to arrest violence, to arrest the drug epidemic, to arrest teenage pregnancies, to arrest alcoholism, to arrest youth gangs. One thing responsible people in the law enforcement business have come to know, and know very well, and Steny made this point, and that is that law enforcement alone cannot solve our societal problems. We have come to believe it and to espouse the old adage that an ounce of prevention is worth a pound of cure. We know that in order to make our streets safer and more secure, we must work with organizations such as Boys & Girls Clubs of America.

We need more programs for the young people of this nation of ours—programs like the tried and proven initiatives that have earned Boys & Girls Clubs the reputation as the positive place for kids. These programs help young people to resist the peer and other pressures that lead to substance abuse, to say "no" to drugs, "no" to alcohol, to say "no" to teenage premature sex and to say "no" to gangs.

We need more Boys & Girls Clubs which keep kids coming back day after day and year after year under professional, adult supervision to learn how to get up in the morning, to show up on time for an interview, to find employment, to develop good work habits and to become a reliable and important part of the work force. Boys & Girls Clubs of America programs literally save hundreds of thousands of kids from harm and destruction each year. It is these programs that keep kids from harm and destruction each year. It is these programs that keep kids out of our courtrooms and out of jail. It is these programs that prepare kids to become productive and participating citizens in the mainstream of our society. It is these programs which makes our kids producers of tax dollars and not consumers of tax dollars as wards of the State or as welfare participants. Boys & Girls Clubs of America save billions of dollars, multi-billions of dollars of our tax dollars, because the cost of prevention pales beside the cost of cure, particularly as the cure rehabilitation so rarely works.

So, my department, today, is issuing an APB—an all points bulletin—to the 1680 boys & girls clubs facilities across our nation—reach out—reach out for more kids. Ten years ago, boys & girls clubs served 1,000,000 kids. Today, over 2,220,000 kids. Tomorrow—within the next few years—3,000,000 kids. No alibis.

We in law enforcement will continue to investigate, apprehend, prosecute, convict and incarcerate those who slip through the prevention net. We would like—no, we need, no, we must have your help—your continued top flight work, to cut potential miscreants off at the pass and bypass the criminal justice process entirely by opting for good and productive citizenship early. I close by congratulating our "Youth of the Year" finalists: Jason Reese, Russell Roberson, Fernando Pantoja, Michael Smith and Michael Lampkins. Each of them personifies the success boys and girls clubs can achieve in providing youngsters with a real alternative to life on the streets.

We will continue our work, you continue yours—ours must be a partnership, a collaboration. Together, we can make America a better place for all.

THE PLO MUST TAKE ACTION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1996

Mr. ANDREWS. Mr. Speaker, as a country, we can express nothing but outrage at the recent events in Israel. The cowardice of the Hamas terrorists, who attack children dressed in costume for the Purim holiday, is hard for any sane individual to grasp. The United States cannot let such blatantly evil acts against humanity go unanswered.

During Purim, Jews throughout the world celebrate freedom from the tyranny and oppression imposed by Haman, a villain of the worst magnitude. Jewish tradition suggests that joyous holidays be celebrated even during difficult and trying times. These are indeed trying times for the people of Israel, and people who support freedom and democracy throughout the world. While Jews celebrate ancient freedom from Haman's oppression, they know that such terror lives on in the form of Hamas.

Under the Gaza-Jericho agreement of 1994, signed by the late Prime Minister Yitzhak Rabin and PLO chairman Yasser Arafat, Israel and the PLO must take all measures necessary in order to prevent acts of terrorism, crime, and hostilities directed against each other, and shall take legal measures against offenders. However, while Yasser Arafat has promised to outlaw Hamas, he has failed to shut down their training camps or confiscate their weapons. His lack of action raise serious questions about Mr. Arafat's commitment to peace.

It is unrealistic to expect the peace efforts to go forward, or for the United States to continue with its support, without Yasser Arafat and the PLO taking concrete steps toward bringing the perpetrators of these crimes to justice. The United States has a vital interest in stability in the Mideast, as well as in the protection of Americans in the area. Last year Alisa Flatow, a student from New Jersey was killed in a terrorist attack. In the past week, Matt Eisenfeld from New Jersey and his fiancée, Sara Duker, were also killed. We must use every available resource and avenue of influence to protect our citizens and ensure that the killing stops. Likewise, the Israeli Government must use any necessary force to stop and prevent any future attacks. No peace will ever be achieved until both sides are committed to it. The PLO must eliminate Hamas, and turn over the perpetrators of these crimes, if they are to live up to that commitment.

12-YEAR-OLD HAS POEM PUBLISHED

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1996

Mr. DE LA GARZA. Mr. Speaker, I would like to share with you and all of my House colleagues a poem written by Ericka L. Williams, the 12-year-old daughter of one of my constituents. Ericka's poem has been selected for inclusion in the latest edition of the Anthology of Poetry by Young Americans.

It is indeed quite an honor, and I want to take this occasion to congratulate her on this achievement.

LIFE

Life doesn't always go the way you wish it would, It goes the way God thinks it should.
Some people have everything. Some people have nothing.
Some people live in mansions way up in the hills, some people lie in trash cans way down in the city.
Some people sit around wondering what to do with their money,
Some people sit around worrying where to get money.
Some people stand around on street corners begging for money to get food so they won't starve.
Some people sit at a table for two at a very expensive Chinese restaurant.
Some people sit about wondering what life is all about,
While some people just don't care.

DR. HAING S. NGOR, A CAMBODIAN HERO WHOSE SPIRIT AND DEVOTION LIVE ON

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1996

Mr. HORN. Mr. Speaker, I rise today to pay tribute to a fallen hero who exemplified the true meaning of courage and devotion: Dr. Haing S. Ngor (1940–96)—whose time, money, fame, and heart were dedicated to serving the people of Cambodia.

The world knows Dr. Ngor for his brilliant acting success. But his Academy Award for his stirring portrayal of photojournalist Dith Pran in "The Killing Fields," was eclipsed by his commitment to his fellow Cambodians, here and in Southeast Asia.

Dr. Ngor escaped from the horrors of Pol Pot and the Khmer Rouge with a strong sense of duty toward his fellow Cambodians. He knew it was his responsibility to tell the world of the tragedies that had befallen his country during the war and to support those who had survived. Dr. Ngor made this the focus of his life.

Dr. Ngor's quiet beginnings did not foretell of the worldwide respect he would achieve in later life. He was born in Samrong Young, a small village south of Phnom Penh where his father owned the local lumber mill, and his mother ran a small store. His parents instilled in him the devotion to family, nation, and justice that he carried to his death.

In Cambodia, Dr. Ngor attended medical school and became a physician. Then the horrors of the Pol Pot regime began. Before his escape to Los Angeles, he was to lose his loved ones, including his pregnant wife, and to suffer starvation and mutilation at the hands of the Khmer Rouge.

In Los Angeles, he dedicated himself to the support of the Cambodian people. He raised funds, opened two orphanages in Cambodia, and frequently traveled to his homeland to bring supplies and food to the refugees there. Dr. Ngor lobbied hard to bring Pol Pot and the Khmer Rouge to justice in an international tribunal.

An assassin's bullet may have ended Dr. Ngor's life, but it will not kill his spirit. He will remain in our hearts as an inspiration in the fight against oppression and injustice. We will continue Dr. Ngor's fight.

HOUSE OF REPRESENTATIVES—*Friday, March 8, 1996*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. NETHERCUTT].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 8, 1996.

I hereby designate the Honorable GEORGE R. NETHERCUTT, Jr., to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

With thanksgiving for the bounteous gifts that touch our lives and for the grace and peace with which You enhance our very beings, we pause in their brief moment to laud Your name and offer gratitude for Your benevolence. May Your abiding spirit, O God, be with us and every person in the good times and bad, in our laughter and in our tears, in our joy and in our sorrows, in our public ambitions and in our private petitions, so that we will be Your people and be known as good stewards of the gift of life. Amen.

THE JOURNAL

The SPEAKER pro tempore (Mr. NETHERCUTT). The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Mississippi [Mr. MONTGOMERY] come forward and lead the House in the Pledge of Allegiance.

Mr. MONTGOMERY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

CONFERENCE REPORT ON H.R. 1561, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1996 AND 1997

Mr. SMITH of New Jersey submitted the following conference report and statement on the bill (H.R. 1561) to consolidate the foreign affairs agencies of the United States; to authorize appropriations for the Department of State and related agencies for fiscal years 1996 and 1997; to responsibly reduce the authorizations of appropriations for United States foreign assistance programs for fiscal years 1996 and 1997, and for other purposes:

CONFERENCE REPORT (H. REPT. 104-478)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1561), to consolidate the foreign affairs agencies of the United States; to authorize appropriations for the Department of State and related agencies for fiscal years 1996 and 1997; to responsibly reduce the authorizations of appropriations for United States foreign assistance programs for fiscal years 1996 and 1997, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Foreign Relations Authorization Act, Fiscal Years 1996 and 1997".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

DIVISION A—CONSOLIDATION OF FOREIGN AFFAIRS AGENCIES

TITLE I—GENERAL PROVISIONS

Sec. 101. Short title.
Sec. 102. Congressional findings.
Sec. 103. Purposes.
Sec. 104. Definitions.

TITLE II—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

CHAPTER 1—GENERAL PROVISIONS

Sec. 201. Effective date.

CHAPTER 2—ABOLITION OF UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY AND TRANSFER OF FUNCTIONS

Sec. 211. Abolition of United States Arms Control and Disarmament Agency.
Sec. 212. Transfer of functions to Secretary of State.
Sec. 213. Coordinator for Arms Control and Disarmament.

CHAPTER 3—CONFORMING AMENDMENTS

Sec. 221. References.
Sec. 222. Repeal of establishment of ACDA.
Sec. 223. Repeal of positions and offices.
Sec. 224. Authorities of Secretary of State.
Sec. 225. Conforming amendments.

TITLE III—UNITED STATES INFORMATION AGENCY

CHAPTER 1—GENERAL PROVISIONS

Sec. 301. Effective date.

CHAPTER 2—ABOLITION OF UNITED STATES INFORMATION AGENCY AND TRANSFER OF FUNCTIONS

Sec. 311. Abolition of United States Information Agency.
Sec. 312. Transfer of functions.
Sec. 313. Under Secretary of State for Public Diplomacy.

CHAPTER 3—CONFORMING AMENDMENTS

Sec. 321. References in law.
Sec. 322. Amendments to title 5, United States Code.
Sec. 323. Amendments to United States Information and Educational Exchange Act of 1948.
Sec. 324. Amendments to Mutual Educational and Cultural Exchange Act of 1961 (Fulbright-Hays Act).
Sec. 325. International broadcasting activities.
Sec. 326. Television broadcasting to Cuba.
Sec. 327. Radio broadcasting to Cuba.
Sec. 328. National Endowment for Democracy.
Sec. 329. United States scholarship program for developing countries.
Sec. 330. Fascell Fellowship Board.
Sec. 331. National Security Education Board.
Sec. 332. Center for Cultural and Technical Interchange Between North and South.
Sec. 333. Center for Cultural and Technical Interchange Between East and West.
Sec. 334. Mission of Department of State.
Sec. 335. Consolidation of administrative services.
Sec. 336. Grants.
Sec. 337. Ban on domestic activities.
Sec. 338. Conforming repeal to Arms Control and Disarmament Act.
Sec. 339. Repeal relating to procurement of legal services.
Sec. 340. Repeal relating to payment of subsistence expenses.
Sec. 341. Conforming amendment to SEED Act.
Sec. 342. International Cultural and Trade Center Commission.
Sec. 343. Other laws referenced in Reorganization Plan No. 2 of 1977.
Sec. 344. Exchange program with countries in transition from totalitarianism to democracy.
Sec. 345. Edmund S. Muskie Fellowship Program.
Sec. 346. Implementation of Convention on Cultural Property.
Sec. 347. Mike Mansfield Fellowships.
Sec. 348. United States Advisory Committee for Public Diplomacy.

TITLE IV—AGENCY FOR INTERNATIONAL DEVELOPMENT

CHAPTER 1—GENERAL PROVISIONS

Sec. 401. Effective date.

CHAPTER 2—ABOLITION OF AGENCY FOR INTERNATIONAL DEVELOPMENT AND TRANSFER OF FUNCTIONS

Sec. 411. Abolition of Agency for International Development and United States International Development Cooperation Agency.
Sec. 412. Transfer of functions.
Sec. 413. Under Secretary of State for Development and for Economic and Commercial Affairs.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Sec. 414. Abolition of Office of Inspector General of Agency for International Development and transfer of functions.
Sec. 415. Abolition of Office of Chief Financial Officer of Agency for International Development and transfer of functions.

CHAPTER 3—CONFORMING AMENDMENTS

Sec. 421. References.
Sec. 422. Exercise of functions by Secretary of State.
Sec. 423. Repeal of positions; employment and contracting authorities.
Sec. 424. Development Loan Committee.
Sec. 425. Development Coordination Committee.
Sec. 426. Public Law 83-480 program.
Sec. 427. Conforming amendments to title 5, United States Code.
Sec. 428. Trade Promotion Coordinating Committee.
Sec. 429. Additional conforming amendments.

TITLE V—OFFICES OF INSPECTORS GENERAL

Sec. 501. Repeal relating to Inspector General for United States Arms Control and Disarmament Agency.
Sec. 502. Abolition of Office of Inspector General of United States Information Agency and transfer of functions.

TITLE VI—TRANSITION

CHAPTER 1—REORGANIZATION PLAN AND WAIVER

Sec. 601. Reorganization plan.
Sec. 602. Waiver.

CHAPTER 2—REORGANIZATION AUTHORITY

Sec. 611. Reorganization authority.
Sec. 612. Transfer and allocation of appropriations and personnel.
Sec. 613. Incidental transfers.
Sec. 614. Effect on personnel.
Sec. 615. Transition fund.
Sec. 616. Savings provisions.
Sec. 617. Property and facilities.
Sec. 618. Authority of Secretary of State to facilitate transition.
Sec. 619. Recommendations for additional conforming amendments.
Sec. 620. Final report.
Sec. 621. Transfer of function.
Sec. 622. Severability.

DIVISION B—FOREIGN RELATIONS AUTHORIZATIONS

TITLE X—GENERAL PROVISIONS

Sec. 1001. Short title.
Sec. 1002. Definitions.

TITLE XI—AUTHORIZATION OF APPROPRIATIONS FOR DEPARTMENT OF STATE AND CERTAIN INTERNATIONAL AFFAIRS FUNCTIONS AND ACTIVITIES

Sec. 1101. Administration of foreign affairs.
Sec. 1102. International organizations, programs, and conferences.
Sec. 1103. International commissions.
Sec. 1104. Migration and refugee assistance.
Sec. 1105. Asia Foundation.
Sec. 1106. United States informational, educational, and cultural programs.
Sec. 1107. United States arms control and disarmament.
Sec. 1108. Administration of foreign assistance.
Sec. 1109. Narcotics control assistance.
Sec. 1110. Peace Corps.
Sec. 1111. Housing guarantee program.

TITLE XII—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

CHAPTER 1—AUTHORITIES AND ACTIVITIES

Sec. 1201. Revision of Department of State rewards program.
Sec. 1202. Buying power maintenance account.
Sec. 1203. Expenses relating to certain international claims and proceedings.
Sec. 1204. Denial of passports to noncustodial parents subject to State arrest warrants in cases of nonpayment of child support.
Sec. 1205. Training.
Sec. 1206. Capital Investment Fund.
Sec. 1207. Lease-purchase of overseas property.
Sec. 1208. Fees for commercial services.
Sec. 1209. Reduction of reporting requirements.
Sec. 1210. Fee for use of diplomatic reception rooms.
Sec. 1211. International Center reserve funds.
Sec. 1212. Joint funds under agreements for cooperation in environmental, scientific, cultural, and related areas.
Sec. 1213. Efficiency in procurement.
Sec. 1214. Concerning the use of funds to further normalize relations with Vietnam.
Sec. 1215. Diplomatic Telecommunications Service.

CHAPTER 2—CONSULAR AUTHORITIES OF THE DEPARTMENT OF STATE

Sec. 1231. Fees for machine readable visas.
Sec. 1232. Fingerprint check requirement.
Sec. 1233. Use of certain passport processing fees for enhanced passport services.
Sec. 1234. Consular officers.
Sec. 1235. Fee for diversity immigrant lottery.
Sec. 1236. Fee for execution of passport applications.
Sec. 1237. Exclusion from the United States for membership in a terrorist organization.
Sec. 1238. Terrorist Lookout Committees.
Sec. 1239. Incitement as a basis for exclusion from the United States.

CHAPTER 3—REFUGEES AND MIGRATION

Sec. 1251. Report to Congress concerning Cuban emigration policies.
Sec. 1252. Extension of certain adjudication provisions.
Sec. 1253. United States policy regarding the involuntary return of refugees.
Sec. 1254. Report on Iraqi refugees.
Sec. 1255. Persecution for resistance to coercive population control methods.
Sec. 1256. United States policy with respect to the involuntary return of persons in danger of subjection to torture.

TITLE XIII—ORGANIZATION OF THE DEPARTMENT OF STATE; DEPARTMENT OF STATE PERSONNEL; THE FOREIGN SERVICE

CHAPTER 1—ORGANIZATION OF THE DEPARTMENT OF STATE

Sec. 1301. Coordinator for Counterterrorism.
Sec. 1302. Authority of United States Permanent Representative to the United Nations.
Sec. 1303. Special Envoy for Tibet.
Sec. 1304. Responsibilities of bureau charged with migration and refugee assistance.
Sec. 1305. Elimination of statutory establishment of certain positions of the Department of State.
Sec. 1306. Management of the human resources of the Department of State.

CHAPTER 2—PERSONNEL OF THE DEPARTMENT OF STATE; THE FOREIGN SERVICE

Sec. 1351. Authorized strength of the Foreign Service.
Sec. 1352. Restriction on lobbying activities of former United States chiefs of mission.
Sec. 1353. Limitations on management assignments.
Sec. 1354. Nonovertime differential pay.
Sec. 1355. Recovery of costs of health care services.
Sec. 1356. Report on promotion and retention of personnel.
Sec. 1357. Foreign Service reform.

TITLE XIV—UNITED STATES PUBLIC DIPLOMACY: AUTHORITIES AND ACTIVITIES FOR UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS

Sec. 1401. Availability of Voice of America and Radio Marti multilingual computer readable text and voice recordings.
Sec. 1402. Center for Cultural and Technical Interchange Between North and South.
Sec. 1403. Expansion of Muskie Fellowship Program.
Sec. 1404. Mansfield Fellowship Program requirements.
Sec. 1405. Pilot program on advertising on USIA television and radio broadcasts.
Sec. 1406. Changes in administrative authorities.
Sec. 1407. Retention of interest.
Sec. 1408. Conduct of certain educational and cultural exchange programs.
Sec. 1409. Extension of Au Pair programs.
Sec. 1410. Educational and cultural exchanges and scholarships for Tibetans and Burmese.
Sec. 1411. Initiation of broadcasts by Radio Free Asia.
Sec. 1412. Distribution within the United States of the United States Information Agency film entitled "The Fragile Ring of Life".

TITLE XV—INTERNATIONAL ORGANIZATIONS AND COMMISSIONS

CHAPTER 1—GENERAL PROVISIONS

Sec. 1501. Termination of United States participation in certain international organizations.
Sec. 1502. International Boundary and Water Commission.
Sec. 1503. Prohibition on assistance to international organizations espousing world government.
Sec. 1504. International Covenant on Civil and Political Rights.
Sec. 1505. United States participation in single commodity international organizations.

CHAPTER 2—UNITED NATIONS AND AFFILIATED AGENCIES AND ORGANIZATIONS

Sec. 1521. Reform in budget decisionmaking procedures of the United Nations and its specialized agencies.
Sec. 1522. Report on UNICEF.
Sec. 1523. United Nations budgetary and management reform.
Sec. 1524. Limitation on assessment percentage for peacekeeping activities.
Sec. 1525. Annual report on United States contributions to United Nations peacekeeping activities.
Sec. 1526. Prior congressional notification of Security Council votes on United Nations peacekeeping activities.
Sec. 1527. Codification of required notice to Congress of proposed United Nations peacekeeping activities.
Sec. 1528. Restrictions on intelligence sharing with the United Nations.

TITLE XVI—FOREIGN POLICY PROVISIONS

Sec. 1601. Applicability of Taiwan Relations Act.
Sec. 1602. Report on occupied Tibet.
Sec. 1603. Taipei Representative Office.
Sec. 1604. Efforts against emerging infectious diseases.
Sec. 1605. Statutory construction.
Sec. 1606. Reports regarding Hong Kong.

Sec. 1607. The United States-North Korea Agreed Framework of October 21, 1994, and the Korean Peninsula Energy Development Organization (KEDO).
Sec. 1608. International criminal court participation.
Sec. 1609. Prohibition on the transfer of arms to Indonesia.
Sec. 1610. Bosnia and Herzegovina Self-Defense Fund.
Sec. 1611. Reports to Congress on aspects of implementation of the General Framework Agreement.
Sec. 1612. Verification of Missile Technology Control Regime.
Sec. 1613. Repeal of termination of provisions of the Nuclear Proliferation Prevention Act of 1994.
Sec. 1614. Payment of Iraqi claims.
Sec. 1615. International Fund for Ireland.
Sec. 1616. Deobligation of certain unexpended economic assistance funds.
Sec. 1617. Limitation on assistance to countries that restrict the transport or delivery of United States humanitarian assistance.

TITLE XVII—CONGRESSIONAL STATEMENTS

Sec. 1701. The Laogai system of political prisons.
Sec. 1702. Declaration of Congress regarding United States Government human rights policy toward China.
Sec. 1703. United States relations with the Former Yugoslav Republic of Macedonia (FYROM).
Sec. 1704. Displaced persons.
Sec. 1705. Sense of Congress on border crossing fees.
Sec. 1706. Inter-American organizations.
Sec. 1707. Escalating costs for international peacekeeping activities.
Sec. 1708. Visit of the President of the Republic of China on Taiwan.
Sec. 1709. Republic of China on Taiwan's participation in GATT and WTO.
Sec. 1710. Industrial park for Gaza or the West Bank.

DIVISION A—CONSOLIDATION OF FOREIGN AFFAIRS AGENCIES

TITLE I—GENERAL PROVISIONS

SEC. 101. SHORT TITLE.

This division may be cited as the "Foreign Affairs Agencies Consolidation Act of 1996".

SEC. 102. CONGRESSIONAL FINDINGS.

Congress makes the following findings:

(1) With the end of the Cold War, the international challenges facing the United States have changed, but the fundamental national interests of the United States have not. The security, economic, and humanitarian interests of the United States require continued United States engagement in international affairs. The leading role of the United States in world affairs will be as important in the twenty-first century as it has been in the twentieth.

(2) The United States budget deficit requires that the foreign as well as the domestic programs and activities of the United States be carefully reviewed for potential savings. Wherever possible, foreign programs and activities must be streamlined, managed more efficiently, and adapted to the requirements of the post-Cold War era.

(3) In order to downsize the foreign programs and activities of the United States without jeopardizing United States interests, strong and effective leadership will be required. As the official principally responsible for the conduct of foreign policy, the Secretary of State must have the authority to allocate efficiently the resources within the international affairs budget. As a first step in the downsizing process, the proliferation of foreign affairs agencies that occurred during the Cold War must be reversed, and the functions of these agencies must be restored to the Secretary of State.

(4) A streamlined and reorganized foreign affairs structure under the strengthened leadership of the Secretary of State can more effectively promote the international interests of the United States in the next century than the existing structure.

SEC. 103. PURPOSES.

The purposes of this division are—

(1) to consolidate and reinvent the foreign affairs agencies of the United States within the Department of State;

(2) to assist congressional efforts to balance the Federal budget and reduce the Federal debt;

(3) to provide for the reorganization of the Department of State to maximize the efficient use of resources, eliminate redundancy in functions, effect budget savings, and improve the management of the Department of State;

(4) to ensure that the United States maintains adequate representation abroad within budgetary restraints;

(5) to ensure that programs critical to the promotion of United States national interests be maintained;

(6) to encourage United States foreign affairs agencies to maintain a high percentage of the best qualified, most competent United States citizens serving in the United States Government while downsizing significantly the total number of people employed by such agencies;

(7) to strengthen—

(A) the coordination of United States foreign policy; and

(B) the leading role of the Secretary of State in the formulation and articulation of United States foreign policy; and

(8) to abolish, not later than March 1, 1997, the United States Arms Control and Disarmament Agency, the United States Information Agency, the United States International Development Cooperation Agency, and the Agency for International Development.

SEC. 104. DEFINITIONS.

The following terms have the following meanings for the purposes of this division:

(1) The term "ACDA" means the United States Arms Control and Disarmament Agency.

(2) The term "AID" means the Agency for International Development.

(3) The term "appropriate congressional committees" means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(4) The term "Department" means the Department of State.

(5) The term "Federal agency" has the meaning given to the term "agency" by section 551(1) of title 5, United States Code.

(6) The term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

(7) The term "office" includes any office, administration, agency, institute, unit, organizational entity, or component thereof.

(8) The term "Secretary" means the Secretary of State.

(9) The term "USIA" means the United States Information Agency.

TITLE II—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

CHAPTER 1—GENERAL PROVISIONS

SEC. 201. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this title, and the amendments made by this title, shall take effect on the earlier of—

(1) March 1, 1997; or

(2) the date of abolition of the United States Arms Control and Disarmament Agency pursuant to the reorganization plan described in section 601.

(b) EXCEPTION.—This title shall not take effect if the President waives the applicability of this title pursuant to section 602.

CHAPTER 2—ABOLITION OF UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY AND TRANSFER OF FUNCTIONS

SEC. 211. ABOLITION OF UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY.

The United States Arms Control and Disarmament Agency is abolished.

SEC. 212. TRANSFER OF FUNCTIONS TO SECRETARY OF STATE.

There are transferred to the Secretary of State all functions of the Director of the United States Arms Control and Disarmament Agency and all functions of the United States Arms Control and Disarmament Agency and any office or component of such agency under any statute, reorganization plan, Executive order, or other provision of law as of the day before the effective date of this title, except as otherwise provided in this division.

SEC. 213. COORDINATOR FOR ARMS CONTROL AND DISARMAMENT.

(a) ESTABLISHMENT OF COORDINATOR FOR ARMS CONTROL AND DISARMAMENT.—Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

"(e) COORDINATOR FOR ARMS CONTROL AND DISARMAMENT.—(1) There shall be within the office of the Secretary of State a Coordinator for Arms Control and Disarmament (hereafter in this subsection referred to as the 'Coordinator)' who shall be appointed by the President, by and with the advice and consent of the Senate. The Coordinator shall report directly to the Secretary of State.

"(2)(A) The Coordinator shall perform such duties and exercise such power as the Secretary of State shall prescribe.

"(B) The Coordinator shall be responsible for arms control and disarmament matters. The Coordinator shall head the Bureau of Arms Control and Disarmament.

"(3) The Coordinator shall have the rank and status of Ambassador-at-Large. The Coordinator shall be compensated at the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5314 of title 5, United States Code, or, if the Coordinator is appointed from the Foreign Service, the annual rate of pay which the individual last received under the Foreign Service Schedule, whichever is greater.".

(b) PARTICIPATION IN MEETINGS OF NATIONAL SECURITY COUNCIL.—Section 101 of the National Security Act of 1947 (50 U.S.C. 402) is amended by adding at the end the following new subsection:

"(i) The Coordinator for Arms Control and Disarmament may, in the role of advisor to the National Security Council on arms control and disarmament matters, and subject to the direction of the President, attend and participate in meetings of the National Security Council.".

CHAPTER 3—CONFORMING AMENDMENTS

SEC. 221. REFERENCES.

Any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to—

(1) the Director of the United States Arms Control and Disarmament Agency, or any other officer or employee of the United States Arms Control and Disarmament Agency, shall be deemed to refer to the Secretary of State; and

(2) the United States Arms Control and Disarmament Agency shall be deemed to refer to the Department of State.

SEC. 222. REPEAL OF ESTABLISHMENT OF ACDA.

Section 21 of the Arms Control and Disarmament Act (22 U.S.C. 2561; relating to the establishment of ACDA) is repealed.

SEC. 223. REPEAL OF POSITIONS AND OFFICES.

The following sections of the Arms Control and Disarmament Act are repealed:

(1) Section 22 (22 U.S.C. 2562; relating to the Director).

(2) Section 23 (22 U.S.C. 2563; relating to the Deputy Director).

(3) Section 24 (22 U.S.C. 2564; relating to Assistant Directors).

(4) Section 25 (22 U.S.C. 2565; relating to bureaus, offices, and divisions).

SEC. 224. AUTHORITIES OF SECRETARY OF STATE.

(a) IN GENERAL.—(1) Except as provided in paragraph (2), the Arms Control and Disarmament Act (22 U.S.C. 2551 et seq.) is amended by striking "Agency" and "Director" each place it appears and inserting "Department" and "Secretary", respectively.

(2) No amendment shall be made under paragraph (1) to references to the On-Site Inspection Agency or to the Director of Central Intelligence.

(b) PURPOSE.—Section 2 of such Act (22 U.S.C. 2551) is amended—

(1) by striking the second, fourth, fifth, and sixth sentences; and

(2) in the seventh sentence—

(A) by striking "It" and all that follows through "State," and inserting "The Department of State shall have the authority"; and

(B) by striking "primary".

(c) DEFINITIONS.—Section 3 of such Act (22 U.S.C. 2552) is amended by striking paragraph (c) and inserting the following:

"(c) The term 'Department' means the Department of State.

"(d) The term 'Secretary' means the Secretary of State.".

(d) SCIENTIFIC AND POLICY ADVISORY COMMITTEE.—Section 26(b) of such Act (22 U.S.C. 2566(b)) is amended by striking ", the Secretary of State, and the Director" and inserting "and the Secretary of State".

(e) PRESIDENTIAL SPECIAL REPRESENTATIVES.—Section 27 of such Act (22 U.S.C. 2567) is amended by striking ", acting through the Director".

(f) PROGRAM FOR VISITING SCHOLARS.—Section 28 of such Act (22 U.S.C. 2568) is amended—

(1) in the second sentence, by striking "Agency's activities" and inserting "Department's arms control, nonproliferation, and disarmament activities"; and

(2) in the fourth sentence, by striking ", and all former Directors of the Agency".

(g) POLICY FORMULATION.—Section 33(a) of such Act (22 U.S.C. 2573(a)) is amended by striking "shall prepare for the President, the Secretary of State," and inserting "shall prepare for the President".

(h) NEGOTIATION MANAGEMENT.—Section 34 of such Act (22 U.S.C. 2574) is amended—

(1) in subsection (a), by striking "the President and the Secretary of State" and inserting "the President"; and

(2) by striking subsection (b).

(i) VERIFICATION OF COMPLIANCE.—Section 37(d) of such Act (22 U.S.C. 2577(d)) is amended by striking "Director's designee" and inserting "Secretary's designee".

(j) GENERAL AUTHORITY.—Section 41 of such Act (22 U.S.C. 2581) is repealed.

(k) SECURITY REQUIREMENTS.—Section 45 of such Act (22 U.S.C. 2585) is amended—

(1) by striking subsections (a), (b), and (d); and

(2) by striking "(c)" before "The Atomic Energy Commission".

(l) USE OF FUNDS.—Section 48 of such Act (22 U.S.C. 2588) is repealed.

(m) ANNUAL REPORT.—Section 51(a) of such Act (22 U.S.C. 2593a(a)) is amended by striking "the Secretary of State,".

(n) REQUIREMENT FOR AUTHORIZATION OF APPROPRIATIONS.—Section 53 of such Act (22 U.S.C. 2593c) is repealed.

(o) ON-SITE INSPECTION AGENCY.—Section 61 of such Act (22 U.S.C. 2595) is amended—

(1) in paragraph (1), by striking "United States Arms Control and Disarmament Agency is" and inserting "Department of State and the Department of Defense are respectively"; and

(2) in paragraph (7), by striking "the United States Arms Control and Disarmament Agency and".

SEC. 225. CONFORMING AMENDMENTS.

(a) ARMS EXPORT CONTROL ACT.—The Arms Export Control Act is amended—

(1) in section 36(b)(1)(D) (22 U.S.C. 2776(b)(1)(D)), by striking "Director of the Arms Control and Disarmament Agency in consultation with the Secretary of State and" and inserting "Secretary of State in consultation with";

(2) in section 38(a)(2) (22 U.S.C. 2778(a)(2))—

(A) in the first sentence, by striking "Director of the United States Arms Control and Disarmament Agency, taking into account the Director's" and inserting "Secretary of State, taking into account the Secretary's"; and

(B) in the second sentence, by striking "The Director of the Arms Control and Disarmament Agency is authorized, whenever the Director" and inserting "The Secretary of State is authorized, whenever the Secretary";

(3) in section 42(a) (22 U.S.C. 2791(a))—

(A) in paragraph (1)(C), by striking "Director of the United States Arms Control and Disarmament Agency" and inserting "Secretary of State"; and

(B) in paragraph (2)—

(i) in the first sentence, by striking "Director of the United States Arms Control and Disarmament Agency" and inserting "Secretary of State"; and

(ii) in the second sentence, by striking "Director of the Arms Control and Disarmament Agency is authorized, whenever the Director" and inserting "Secretary of State is authorized, whenever the Secretary";

(4) in section 71(a) (22 U.S.C. 2797(a)), by striking ", the Director of the Arms Control and Disarmament Agency," and inserting "Secretary of State";

(5) in section 71(b)(1) (22 U.S.C. 2797(b)(1)), by striking "Director of the United States Arms Control and Disarmament Agency" and inserting "Secretary of State";

(6) in section 71(b)(2) (22 U.S.C. 2797(b)(2))—

(A) by striking "Director of the United States Arms Control and Disarmament Agency" and inserting "Secretary of State"; and

(B) by striking "or the Director";

(7) in section 71(c) (22 U.S.C. 2797(c)), by striking "Director of the United States Arms Control and Disarmament Agency," and inserting "Secretary of State"; and

(8) in section 73(d) (22 U.S.C. 2797b(d)), by striking ", the Secretary of Commerce, and the Director of the United States Arms Control and Disarmament Agency" and inserting "and the Secretary of Commerce".

(b) UNITED STATES INSTITUTE OF PEACE ACT.—Section 1706(b) of the United States Institute of Peace Act (22 U.S.C. 4605(b)) is amended—

(1) by striking out paragraph (3);

(2) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively; and

(3) in paragraph (4) (as redesignated by paragraph (2)), by striking "Eleven" and inserting "Twelve".

(c) ATOMIC ENERGY ACT OF 1954.—The Atomic Energy Act of 1954 is amended—

(1) in section 57 b. (42 U.S.C. 2077(b))—

(A) in the first sentence, by striking "the Arms Control and Disarmament Agency,"; and

(B) in the second sentence, by striking "the Director of the Arms Control and Disarmament Agency,"; and

(2) in section 123 (42 U.S.C. 2153)—

(A) in subsection a. (in the text below paragraph (9)—

(i) by striking "and in consultation with the Director of the Arms Control and Disarmament Agency ('the Director')"; and

(ii) by striking "and the Director" and inserting "and the Secretary of Defense";

(B) in subsection d., in the first proviso, by striking "Director of the Arms Control and Disarmament Agency" and inserting "Secretary of Defense"; and

(C) in the first undesignated paragraph following subsection d., by striking "the Arms Control and Disarmament Agency,".

(d) NUCLEAR NON-PROLIFERATION ACT OF 1978.—The Nuclear Non-Proliferation Act of 1978 is amended—

(1) in section 4, by striking paragraph (2);

(2) in section 102, by striking "the Secretary of State, and the Director of the Arms Control and Disarmament Agency" and inserting "and the Secretary of State"; and

(3) in section 602(c), by striking "the Arms Control and Disarmament Agency,".

(e) TITLE 5, UNITED STATES CODE.—Title 5, United States Code, is amended—

(1) in section 5313, by striking "Director of the United States Arms Control and Disarmament Agency.";

(2) in section 5314, by striking "Deputy Director of the United States Arms Control and Disarmament Agency.";

(3) in section 5315—

(A) by striking "Assistant Directors, United States Arms Control and Disarmament Agency (4)."; and

(B) by striking "Special Representatives of the President for arms control, nonproliferation, and disarmament matters, United States Arms Control and Disarmament Agency", and inserting "Special Representatives of the President for arms control, nonproliferation, and disarmament matters, Department of State"; and

(4) in section 5316, by striking "General Counsel of the United States Arms Control and Disarmament Agency.".

TITLE III—UNITED STATES INFORMATION AGENCY

CHAPTER 1—GENERAL PROVISIONS

SEC. 301. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this title, and the amendments made by this title, shall take effect on the earlier of—

(1) March 1, 1997; or

(2) the date of abolition of the United States Information Agency pursuant to the reorganization plan described in section 601.

(b) EXCEPTION.—This title shall not take effect if the President waives the applicability of this title pursuant to section 602.

CHAPTER 2—ABOLITION OF UNITED STATES INFORMATION AGENCY AND TRANSFER OF FUNCTIONS

SEC. 311. ABOLITION OF UNITED STATES INFORMATION AGENCY.

The United States Information Agency is abolished.

SEC. 312. TRANSFER OF FUNCTIONS.

(a) TRANSFER TO SECRETARY OF STATE.—There are transferred to the Secretary of State all functions of the Director of the United States Information Agency and all functions of the United States Information Agency and any office or component of such agency under any

statute, reorganization plan, Executive order, or other provision of law as of the day before the effective date of this title, except as otherwise provided in this division.

(b) TRANSFER TO BROADCASTING BOARD OF GOVERNORS.—There are transferred to the Broadcasting Board of Governors of the Department of State under title III of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), as amended by this Act, all functions of the Broadcasting Board of Governors of the United States Information Agency as of the day before the effective date of this title.

SEC. 313. UNDER SECRETARY OF STATE FOR PUBLIC DIPLOMACY.

Section 1(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(b) is amended—

(1) by striking "There" and inserting the following:

"(1) IN GENERAL.—There"; and

(2) by adding at the end the following:

"(2) UNDER SECRETARY FOR PUBLIC DIPLOMACY.—There shall be in the Department of State, among the Under Secretaries authorized by paragraph (1), an Under Secretary for Public Diplomacy who shall have responsibility to assist the Secretary and the Deputy Secretary in the formation and implementation of United States public diplomacy policies and activities, including international educational and cultural exchange programs, information, and international broadcasting.".

CHAPTER 3—CONFORMING AMENDMENTS

SEC. 321. REFERENCES IN LAW.

Any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to—

(1) the Director of the United States Information Agency or the Director of the International Communication Agency shall be deemed to refer to the Secretary of State; and

(2) the United States Information Agency, USIA, or the International Communication Agency shall be deemed to refer to the Department of State.

SEC. 322. AMENDMENTS TO TITLE 5, UNITED STATES CODE.

Title 5, United States Code, is amended—

(1) in section 5313, by striking "Director of the United States Information Agency.";

(2) in section 5315, by striking "Deputy Director of the United States Information Agency."; and

(3) in section 5316, by striking "Deputy Director, Policy and Plans, United States Information Agency." and striking "Associate Director (Policy and Plans), United States Information Agency.".

SEC. 323. AMENDMENTS TO UNITED STATES INFORMATION AND EDUCATIONAL EXCHANGE ACT OF 1948.

(a) REFERENCES IN SECTION.—Except as specifically provided in this section, whenever in this section an amendment or repeal is expressed as an amendment or repeal of a provision, the reference shall be deemed to be made to the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1431 et seq.).

(b) IN GENERAL.—Except as otherwise provided in this section, the Act (other than section 604 and subsections (a) and (c) of section 701) is amended—

(1) by striking "United States Information Agency" each place it appears and inserting "Department of State";

(2) by striking "Director of the United States Information Agency" each place it appears and inserting "Secretary of State";

(3) by striking "Director" each place it appears and inserting "Secretary of State";

(4) by striking "USIA" each place it appears and inserting "Department of State"; and

(5) by striking "Agency" each place it appears and inserting "Department of State".

(c) SATELLITE AND TELEVISION BROADCASTS.—Section 505 (22 U.S.C. 1464a) is amended—

(1) by striking "Director of the United States Information Agency" each of the three places it appears and inserting "Secretary of State";

(2) in subsection (b), by striking "To be effective, the United States Information Agency" and inserting "To be effective in carrying out this subsection, the Department of State";

(3) by striking "USIA–TV" each place it appears and inserting "DEPARTMENT OF STATE–TV"; and

(4) by striking subsection (e).

(d) NONDISCRETIONARY PERSONNEL COSTS AND CURRENCY FLUCTUATIONS.—Section 704 (22 U.S.C. 1477b) is amended—

(1) in subsection (b), by inserting after "authorized by law" the following: "in connection with carrying out the informational and educational exchange functions of the Department"; and

(2) in subsection (c), by striking "United States Information Agency" each place it appears and inserting "Department of State in carrying out the informational and educational exchange functions of the Department".

(e) REPROGRAMMING NOTIFICATIONS.—Section 705 (22 U.S.C. 1477c) is amended by striking "United States Information Agency" each place it appears and inserting "Department of State in carrying out its informational and educational exchange functions".

(f) AUTHORITIES OF THE SECRETARY.—Section 801(3) (22 U.S.C. 1471(3)) is amended by striking all "if the sufficiency" and all that follows and inserting "if the Secretary determines that title to such real property or interests is sufficient;".

(g) REPEAL OF THE USIA SEAL.—Section 807 (22 U.S.C. 1475b) is repealed.

(h) ACTING ASSOCIATE DIRECTORS.—Section 808 (22 U.S.C. 1475c) is repealed.

(i) DEBT COLLECTION.—Section 811 (22 U.S.C. 1475f) is amended by inserting "informational and educational exchange" before "activities" each place it appears.

(j) OVERSEAS POSTS.—Section 812 (22 U.S.C. 1475g) is amended by striking "United States Information Agency post" each place it appears and inserting "informational and educational exchange post of the Department of State".

(k) DEFINITION.—Section 4 (22 U.S.C. 1433) is amended by adding at the end the following:

"(4) 'informational and educational exchange functions', with respect to the Department of State, refers to functions exercised by the United States Information Agency before the effective date of title III of the Foreign Affairs Agencies Consolidation Act of 1996.".

SEC. 324. AMENDMENTS TO MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE ACT OF 1961 (FULBRIGHT-HAYS ACT).

(a) REFERENCES IN SECTION.—Except as specifically provided in this section, whenever in this section an amendment or repeal is expressed as an amendment or repeal of a provision, the reference shall be deemed to be made to the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.).

(b) IN GENERAL.—The Act (22 U.S.C. 2451 et seq.) is amended by striking "Director of the International Communication Agency" each place it appears and inserting "Secretary of State".

(c) PROGRAM AUTHORITIES.—(1) Section 102(a) (22 U.S.C. 2452(a)) is amended by striking "President" each place it appears and inserting "Secretary of State".

(2) Section 102(b) (22 U.S.C. 2452(b)) is amended by striking "President" and inserting "Secretary of State (except, in the case of paragraphs (6) and (10), the President)".

(d) INTERNATIONAL AGREEMENTS.—Section 103 (22 U.S.C. 2453) is amended by striking "President" each place it appears and inserting "Secretary of State".

(e) PERSONNEL BENEFITS.—Section 104(d) (22 U.S.C. 2454(d)) is amended by striking "President" each place it appears and inserting "Secretary of State".

(f) FOREIGN STUDENT COUNSELING.—Section 104(e)(3) (22 U.S.C. 2454(e)(3)) is amended by striking "President" and inserting "Secretary of State".

(g) PUBLICITY AND PROMOTION OVERSEAS.—Section 104(e)(4) (22 U.S.C. 2454(e)(4)) is amended by striking "President" and inserting "Secretary of State".

(h) USE OF FUNDS.—Section 105(e) (22 U.S.C. 2455(e)) is amended by striking "President" each place it appears and inserting "Secretary of State".

(i) REPEAL OF AUTHORITY FOR ABOLISHED ADVISORY COMMITTEE.—Section 106(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2456(c)) is repealed.

(j) BUREAU OF EDUCATIONAL AND CULTURAL AFFAIRS.—

(1) IN GENERAL.—Section 112(a) (22 U.S.C. 2460(a)) is amended by striking the first sentence and inserting the following: "In order to carry out the purposes of this Act, there is established in the Department of State a Bureau for International Exchange Activities (in this section referred to as the 'Bureau').".

(2) IMPLEMENTATION OF PROGRAMS.—Section 112(c) (22 U.S.C. 2460(c)) is amended by striking "President" each place it appears and inserting "Secretary of State".

SEC. 325. INTERNATIONAL BROADCASTING ACTIVITIES.

(a) IN GENERAL.—(1) Except as otherwise provided in paragraph (2), title III of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is amended—

(A) by striking "Director of the United States Information Agency" or "Director" each place it appears and inserting "Under Secretary of State for Public Diplomacy";

(B) by striking all references to "United States Information Agency" that were not stricken in subparagraph (A) and inserting "Department of State";

(C) in section 305(a)(1), by inserting "(including activities of the Voice of America previously carried out by the United States Information Agency)" after "this title";

(D) in section 305(b), by striking "Agency's" each place it appears and inserting "Department's"; and

(E) by striking "Bureau" each place it appears and inserting "Office".

(2) Title III of such Act is amended—

(A) in section 304(c)—

(i) by striking "Director's" and inserting "Under Secretary's"; and

(ii) in the fifth sentence, by striking "Director of the United States Information Agency, the acting Director of the agency" and inserting "Under Secretary of State for Public Diplomacy, the acting Under Secretary";

(B) in sections 305(b) and 307(b)(1), by striking "Director of the Bureau" each place it appears and inserting "Director of the Office"; and

(C) in section 310(d), by striking "Director on the date of enactment of this Act, to the extent that the Director" and inserting "Under Secretary on the effective date of title III of the Foreign Affairs Agencies Consolidation Act of 1996, to the extent that the Under Secretary".

(b) CONFORMING AMENDMENT TO TITLE 5.—Section 5315 of title 5, United States Code, is amended by striking "Director of the International Broadcasting Bureau, the United States Information Agency" and inserting "Director of the International Broadcasting Office, the Department of State".

SEC. 326. TELEVISION BROADCASTING TO CUBA.

(a) AUTHORITY.—Section 243(a) of the Television Broadcasting to Cuba Act (as contained in part D of title II of Public Law 101–246) (22 U.S.C. 1465bb(a)) is amended by striking "United States Information Agency (hereafter in this part referred to as the 'Agency')" and inserting "Department of State (hereafter in this title referred to as the 'Department')".

(b) TELEVISION MARTI SERVICE.—Section 244 of such Act (22 U.S.C. 1465cc) is amended—

(1) in subsection (a)—

(A) by amending the first sentence to read as follows: "The Secretary of State shall administer within the Voice of America the Television Marti Service."; and

(B) in the third sentence, by striking "Director of the United States Information Agency" and inserting "Secretary of State";

(2) in subsection (b)—

(A) in the subsection heading, by striking "USIA" and inserting "Department of State";

(B) by striking "Agency facilities" and inserting "Department facilities"; and

(C) by striking "United States Information Agency Television Service" and inserting "Department of State Television Service"; and

(3) in subsection (c)—

(A) by striking "USIA AUTHORITY.—The Agency" and inserting "SECRETARY OF STATE AUTHORITY.—The Secretary of State"; and

(B) by striking "Agency" the second place it appears and inserting "Secretary of State".

(c) ASSISTANCE FROM OTHER GOVERNMENT AGENCIES.—Section 246 of such Act (22 U.S.C. 1465dd) is amended—

(1) by striking "United States Information Agency" and inserting "Department of State"; and

(2) by striking "the Agency" and inserting "the Department".

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 247(a) of such Act (22 U.S.C. 1465ee(a)) is repealed.

SEC. 327. RADIO BROADCASTING TO CUBA.

(a) FUNCTIONS OF THE DEPARTMENT OF STATE.—Section 3 of the Radio Broadcasting to Cuba Act (22 U.S.C. 1465a) is amended—

(1) in the section heading, by striking "UNITED STATES INFORMATION AGENCY" and inserting "DEPARTMENT OF STATE";

(2) in subsection (a), by striking "United States Information Agency (hereafter in this Act referred to as the 'Agency')" and inserting "Department of State (hereafter in this Act referred to as the 'Department')";

(3) by striking subsection (d); and

(4) in subsection (f), by striking "Director of the United States Information Agency" and inserting "Secretary of State".

(b) CUBA SERVICE.—Section 4 of such Act (22 U.S.C. 1465b) is amended—

(1) by amending the first sentence to read as follows: "The Secretary of State shall administer within the Voice of America the Cuba Service (hereafter in this section referred to as the 'Service')."; and

(2) in the third sentence, by striking "Director of the United States Information Agency" and inserting "Secretary of State".

(c) ASSISTANCE FROM OTHER GOVERNMENT AGENCIES.—Section 6 of such Act (22 U.S.C. 1465d) is amended—

(1) in subsection (a)—

(A) by striking "United States Information Agency" and inserting "Department of State"; and

(B) by striking "the Agency" and inserting "the Department"; and

(2) in subsection (b)—

(A) by striking "The Agency" and inserting "The Department"; and

(B) by striking "the Agency" and inserting "the Secretary of State".

(d) FACILITY COMPENSATION.—Section 7 of such Act (22 U.S.C. 1465e) is amended—

(1) in subsection (b), by striking "the Agency" and inserting "the Department"; and

(2) in subsection (d), by striking "Agency" and inserting "Department".

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 8 of such Act (22 U.S.C. 1465f) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

"(a) The amount obligated by the Department of State each fiscal year to carry out this Act shall be sufficient to maintain broadcasts to Cuba under this Act at rates no less than the fiscal year 1985 level of obligations by the former United States Information Agency for such broadcasts."; and

(2) by redesignating subsection (c) as subsection (b).

SEC. 328. NATIONAL ENDOWMENT FOR DEMOCRACY.

(a) GRANTS.—Section 503 of Public Law 98–164, as amended (22 U.S.C. 4412) is amended—

(1) in subsection (a)—

(A) by striking "Director of the United States Information Agency" and inserting "Secretary of State";

(B) by striking "the Agency" and inserting "the Department of State"; and

(C) by striking "the Director" and inserting "the Secretary of State"; and

(2) in subsection (b), by striking "United States Information Agency" and inserting "Department of State".

(b) AUDITS.—Section 504(g) of such Act (22 U.S.C. 4413(g)) is amended by striking "United States Information Agency" and inserting "Department of State".

(c) FREEDOM OF INFORMATION.—Section 506 of such Act (22 U.S.C. 4415) is amended—

(1) in subsection (b)—

(A) by striking "Director" each of the three places it appears and inserting "Secretary"; and

(B) by striking "of the United States Information Agency" and inserting "of State"; and

(2) in subsection (c)—

(A) in the subsection heading by striking "USIA" and inserting "DEPARTMENT OF STATE";

(B) by striking "Director" each of the three places it appears and inserting "Secretary";

(C) by striking "of the United States Information Agency" and inserting "of State"; and

(D) by striking "United States Information Agency" and inserting "Department of State".

SEC. 329. UNITED STATES SCHOLARSHIP PROGRAM FOR DEVELOPING COUNTRIES.

(a) PROGRAM AUTHORITY.—Section 603 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 4703) is amended by striking "United States Information Agency" and inserting "Department of State".

(b) GUIDELINES.—Section 604(11) of such Act (22 U.S.C. 4704(11)) is amended by striking "United States Information Agency" and inserting "Department of State".

(c) POLICY REGARDING OTHER INTERNATIONAL EDUCATIONAL PROGRAMS.—Section 606(b) of such Act (22 U.S.C. 4706(b)) is amended—

(1) in the subsection heading, by striking "USIA" and inserting "STATE DEPARTMENT"; and

(2) by striking "Director of the United States Information Agency" and inserting "Secretary of State".

(d) GENERAL AUTHORITIES.—Section 609(e) of such Act (22 U.S.C. 4709(e)) is amended by striking "United States Information Agency" and inserting "Department of State".

SEC. 330. FASCELL FELLOWSHIP BOARD.

Section 1003(b) of the Fascell Fellowship Act (22 U.S.C. 4902(b)) is amended—

(1) in the text above paragraph (1), by striking "9 members" and inserting "8 members";

(2) by striking paragraph (3); and

(3) by redesignating paragraph (4) as paragraph (3).

SEC. 331. NATIONAL SECURITY EDUCATION BOARD.

Section 803 of the Intelligence Authorization Act, Fiscal Year 1992 (50 U.S.C. 1903(b)) is amended—

(1) in subsection (b)—

(A) by striking paragraph (6); and

(B) by redesignating paragraph (7) as paragraph (6); and

(2) in subsection (c), by striking "subsection (b)(7)" and inserting "subsection (b)(6)".

SEC. 332. CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN NORTH AND SOUTH.

Section 208 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2075) is amended by striking "Director of the United States Information Agency" each place it appears and inserting "Secretary of State".

SEC. 333. CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.

(a) DUTIES.—Section 703 of the Mutual Security Act of 1960 (22 U.S.C. 2055) is amended—

(1) in the text above paragraph (1), by striking "Director of the United States Information Agency" (hereinafter referred to as the 'Director')" and inserting "Secretary of State (hereinafter referred to as the 'Secretary')"; and

(2) in paragraph (1), by striking "establishment and".

(b) ADMINISTRATION.—Section 704 of such Act (22 U.S.C. 2056) is amended—

(1) by striking "Director of the United States Information Agency" and inserting "Secretary of State"; and

(2) by striking "Director" each place it appears and inserting "Secretary".

SEC. 334. MISSION OF DEPARTMENT OF STATE.

Section 202 of the Foreign Relations Authorization Act, Fiscal Year 1979 (22 U.S.C. 1461–1) is amended—

(1) in the first sentence, by striking "mission of the United States Information Agency" and inserting "mission of the Department of State in carrying out its information, educational, and cultural functions";

(2) in the second sentence, in the text above paragraph (1), by striking "United States Information Agency" and inserting "Department of State";

(3) in paragraph (1)(B), by striking "Agency" and inserting "Department"; and

(4) in paragraph (5), by striking "mission of the Agency" and inserting "mission described in this section".

SEC. 335. CONSOLIDATION OF ADMINISTRATIVE SERVICES.

Section 23(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2695(a)) is amended—

(1) by striking "(including" and all that follows through "Agency)"; and

(2) by striking "other such agencies" and inserting "other Federal agencies".

SEC. 336. GRANTS.

Section 212 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 1475h) is amended—

(1) in subsection (a), by striking "United States Information Agency" and inserting "Department of State, in carrying out its international information, educational, and cultural functions,";

(2) in subsection (b), by striking "United States Information Agency" and inserting "Department of State";

(3) in subsection (c)—

(A) in paragraph (1), by striking "United States Information Agency shall substantially comply with United States Information Agency" and inserting "Department of State, in carrying out its international information, educational, *and cultural functions, shall substantially comply with Department of State"; and*

(B) in paragraph (2), by striking "United States Information Agency" and inserting "Department of State"; and

(C) in paragraphs (2) and (3), by striking "Agency" each of the two places it appears and inserting "Department"; and

(4) by striking subsection (d).

SEC. 337. BAN ON DOMESTIC ACTIVITIES.

Section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461–1a) is amended—

(1) by striking out "United States Information Agency" each of the two places it appears and inserting "Department of State"; and

(2) by inserting "in carrying out international information, educational, and cultural activities comparable to those previously administered by the United States Information Agency" before "shall be distributed".

SEC. 338. CONFORMING REPEAL TO ARMS CONTROL AND DISARMAMENT ACT.

Section 34(b) of the Arms Control and Disarmament Act (22 U.S.C. 2574(b)) is repealed.

SEC. 339. REPEAL RELATING TO PROCUREMENT OF LEGAL SERVICES.

Section 26(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2698(b)) is repealed.

SEC. 340. REPEAL RELATING TO PAYMENT OF SUBSISTENCE EXPENSES.

Section 32 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2704) is amended by striking the second sentence.

SEC. 341. CONFORMING AMENDMENT TO SEED ACT.

Section 2(c) of the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5401(c)) is amended in paragraph (17) by striking "United States Information Agency" and inserting "Department of State".

SEC. 342. INTERNATIONAL CULTURAL AND TRADE CENTER COMMISSION.

Section 7(c)(1) of the Federal Triangle Development Act (40 U.S.C. 1106(c)(1)) is amended—

(1) in the text above subparagraph (A), by striking "15 members" and inserting "14 members";

(2) by striking subparagraph (F); and

(3) by redesignating subparagraphs (G) through (J) as subparagraphs (F) through (I), respectively.

SEC. 343. OTHER LAWS REFERENCED IN REORGANIZATION PLAN NO. 2 OF 1977.

(a) IMMIGRATION AND NATIONALITY ACT.—(1) Section 101(a)(15)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(J)) is amended by striking "Director of the United States Information Agency" and inserting "Secretary of State".

(2) Section 212(e) of such Act (8 U.S.C. 1182(e)) is amended—

(A) by striking "Director of the United States Information Agency" and inserting "Secretary of State"; and

(B) by striking "Director" each place it appears and inserting "Secretary".

(b) ARTS AND ARTIFACTS INDEMNITY ACT.—Section 3(a) of the Arts and Artifacts Indemnity Act (20 U.S.C. 972(a)) is amended by striking out "Director of the United States Information Agency" and inserting in lieu thereof "Secretary of State".

(c) NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES ACT OF 1965.—Section 9(b) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 958(b)) is amended by striking out "a member designated by the Director of the United States Information Agency," and inserting in lieu thereof "a member designated by the Secretary of State,".

(d) WOODROW WILSON MEMORIAL ACT OF 1968.—Section 3(b) of the Woodrow Wilson Memorial Act of 1968 (20 U.S.C. 80f(b)) is amended—

(1) in the matter preceding paragraph (1), by striking out "19 members" and inserting in lieu thereof "18 members";

(2) by striking out paragraph (7); and

(3) by redesignating paragraphs (8), (9), and (10) as paragraphs (7), (8), and (9), respectively.

(e) PUBLIC LAW 95–86.—Title V of the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriations Act, 1978 (Public Law 95–86) is amended in the third proviso of the paragraph "SALARIES AND EXPENSES" under the heading "UNITED STATES INFORMATION AGENCY" (22 U.S.C. 1461b) by striking out "the United States Information Agency is authorized," and inserting in lieu thereof "the Secretary of State may,".

(f) ACT OF JULY 9, 1949.—The Act of July 9, 1949 (63 Stat. 408; chapter 301; 22 U.S.C. 2681 et seq.) is repealed.

SEC. 344. EXCHANGE PROGRAM WITH COUNTRIES IN TRANSITION FROM TOTALITARIANISM TO DEMOCRACY.

Section 602 of the National and Community Service Act of 1990 (22 U.S.C. 2452a) is amended—

(1) in the second sentence of subsection (a), by striking "United States Information Agency" and inserting "Department of State"; and

(2) in subsection (b)—

(A) by striking "appropriations account of the United States Information Agency" and inserting "appropriate appropriations account of the Department of State"; and

(B) by striking "and the United States Information Agency".

SEC. 345. EDMUND S. MUSKIE FELLOWSHIP PROGRAM.

Section 227 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452 note) is amended—

(1) in subsection (b), by striking "United States Information Agency" and inserting "Department of State"; and

(2) by striking subsection (d).

SEC. 346. IMPLEMENTATION OF CONVENTION ON CULTURAL PROPERTY.

Title III of the Convention on Cultural Property Implementation Act (19 U.S.C. 2601 et seq.) is amended by striking "Director of the United States Information Agency" each place it appears and inserting "Secretary of State".

SEC. 347. MIKE MANSFIELD FELLOWSHIPS.

Part C of title II of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6101 et seq.) is amended—

(1) by striking "Director of the United States Information Agency" each place it appears and inserting "Secretary of State"; and

(2) by striking "United States Information Agency" each place it appears and inserting "Department of State".

SEC. 348. UNITED STATES ADVISORY COMMITTEE FOR PUBLIC DIPLOMACY.

Section 604 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469) is amended—

(1) in subsection (c)(1)—

(A) by striking "the Director of the United States Information Agency,"; and

(B) by striking "Director or the Agency, and shall appraise the effectiveness of policies and programs of the Agency" and inserting "Secretary of State or the Department of State, and shall appraise the effectiveness of the information, educational, and cultural policies and programs of the Department";

(2) in subsection (c)(2), in the first sentence—

(A) by striking "the Secretary of State, and the Director of the United States Information Agency" and inserting ", and the Secretary of State";

(B) by striking "Agency" the first place it appears and inserting "Department of State"; and

(C) by striking "Director for effectuating the purposes of the Agency" and inserting "Secretary for effectuating the information, educational, and cultural functions of the Department";

(3) in subsection (c)(3), by striking "programs conducted by the Agency" and inserting "information, educational, and cultural programs conducted by the Department of State"; and

(4) in subsection (c)(4), by striking "Director of the United States Information Agency" and inserting "Secretary of State".

TITLE IV—AGENCY FOR INTERNATIONAL DEVELOPMENT

CHAPTER 1—GENERAL PROVISIONS

SEC. 401. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this title, and the amendments made by this title, shall take effect on the earlier of—

(1) March 1, 1997; or

(2) the date of abolition of the Agency for International Development and the United States International Development Cooperation Agency pursuant to the reorganization plan described in section 601.

(b) EXCEPTION.—This title shall not take effect if the President waives the applicability of this title pursuant to section 602.

CHAPTER 2—ABOLITION OF AGENCY FOR INTERNATIONAL DEVELOPMENT AND TRANSFER OF FUNCTIONS

SEC. 411. ABOLITION OF AGENCY FOR INTERNATIONAL DEVELOPMENT AND UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY.

(a) IN GENERAL.—The Agency for International Development and the United States International Development Cooperation Agency are abolished.

(b) OPIC.—Subsection (a) shall not be interpreted to apply to the Overseas Private Investment Corporation.

SEC. 412. TRANSFER OF FUNCTIONS.

There are transferred to the Secretary of State all functions of the Administrator of the Agency for International Development and the Director of the United States International Development Cooperation Agency and all functions of the Agency for International Development and the United States International Development Cooperation Agency (other than the functions with respect to the Overseas Private Investment Corporation) and any office or component of such agencies under any statute, reorganization plan, Executive order, or other provision of law before the effective date of this title, except as otherwise provided in this division.

SEC. 413. UNDER SECRETARY OF STATE FOR DEVELOPMENT AND FOR ECONOMIC AND COMMERCIAL AFFAIRS.

Section 1(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(b)) is amended by adding after paragraph (2), as added by section 313 of this Act, the following new paragraph:

"(3) UNDER SECRETARY FOR DEVELOPMENT AND FOR ECONOMIC AND COMMERCIAL AFFAIRS.—There shall be in the Department of State, among the Under Secretaries authorized by paragraph (1), an Under Secretary for Development and for Economic and Commercial Affairs who shall assist the Secretary and the Deputy Secretary in the formation and implementation of United States policies and activities concerning international development and economic and commercial affairs.".

SEC. 414. ABOLITION OF OFFICE OF INSPECTOR GENERAL OF AGENCY FOR INTERNATIONAL DEVELOPMENT AND TRANSFER OF FUNCTIONS.

(a) ABOLITION OF OFFICE.—The Office of Inspector General of the Agency for International Development is abolished.

(b) AMENDMENTS TO THE INSPECTOR GENERAL ACT OF 1978.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended as follows:

(1) Section 8A is repealed.

(2) Section 11(1) is amended by striking "the Administrator of the Agency for International Development,".

(3) Section 11(2) is amended by striking "the Agency for International Development,".

(c) EXECUTIVE SCHEDULE.—Section 5315 of title 5, United States Code, is amended by striking the following: "Inspector General, Agency for International Development.".

(d) CONFORMING AMENDMENTS.—(1) Section 239(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2199(e)) is amended by striking "Inspector General of the Agency for International Development" and inserting "Inspector General of the Department of State".

(2) Sections 805, 806, and 812 of the Foreign Service Act of 1980 (22 U.S.C. 4045, 4046, 4052) are amended by striking "Office of the Inspector General, Agency for International Development" each place it appears and inserting "Office of the Inspector General, Department of State".

(3) Section 205(b)(3) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1725(b)(3)) is amended by striking "Inspector General of the Agency for International Development" and inserting "Inspector General of the Department of State".

(e) TRANSFER OF FUNCTIONS.—

(1) TRANSFER TO INSPECTOR GENERAL OF DEPARTMENT OF STATE.—Except as provided in paragraph (2), there are transferred to the Office of Inspector General of the Department of State the functions that the Office of Inspector General of the Agency for International Development exercised before the effective date of this title (including all related functions of the Inspector General of the Agency for International Development).

(2) TRANSFER TO SECRETARY OF STATE.—There are transferred to the Secretary of State all security functions exercised by the Office of Inspector General of the Agency for International Development exercised before the effective date of this title (including all related functions of the Inspector General of the Agency for International Development).

(f) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.—The Secretary and the Inspector General of the Department of State, are authorized to make such incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this section.

SEC. 415. ABOLITION OF OFFICE OF CHIEF FINANCIAL OFFICER OF AGENCY FOR INTERNATIONAL DEVELOPMENT AND TRANSFER OF FUNCTIONS.

(a) ABOLITION OF OFFICE.—The Office of Chief Financial Officer of the Agency for International Development is abolished.

(b) AMENDMENT TO TITLE 31, UNITED STATES CODE.—Section 901(b)(2) of title 31, United States Code, is amended by striking subparagraph (A).

(c) TRANSFER OF FUNCTIONS.—There are transferred to the Office of Chief Financial Officer of the Department of State the functions that the Office of Chief Financial Officer of the Agency for International Development exercised before the effective date of this title (including all related functions of the Chief Financial Officer of the Agency for International Development).

(d) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.—The Director of the Office of Management and Budget, in consultation with the Secretary of State, is authorized to make such incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this section.

CHAPTER 3—CONFORMING AMENDMENTS

SEC. 421. REFERENCES.

Any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to—

(1) the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961, the Administrator of the Agency for International Development, or any other officer or employee of the Agency for International Development, shall be deemed to refer to the Secretary of State;

(2) the Director or any other officer or employee of the United States International Development Cooperation Agency (IDCA) shall be deemed to refer to the Secretary of State; or

(3) the Agency for International Development, AID, the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961, or the United States International Development Cooperation Agency (IDCA) shall be deemed to refer to the Department of State.

SEC. 422. EXERCISE OF FUNCTIONS BY SECRETARY OF STATE.

Section 621(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2381(a)) is amended—

(1) in the first sentence, by inserting before the period the following: ", except that functions conferred upon the President in part I of this Act may be exercised by the Secretary of State"; and

(2) in the second and third sentences, by striking "head of any such agency" each place it appears and inserting "Secretary of State and any other head of any such agency".

SEC. 423. REPEAL OF POSITIONS; EMPLOYMENT AND CONTRACTING AUTHORITIES.

The following sections of the Foreign Assistance Act of 1961 are repealed:

(1) Section 624 (a), (b), (c), and (e) (22 U.S.C. 2384 (a), (b), (c), and (e); relating to statutory officers).

(2) Section 626 (a) and (b) (22 U.S.C. 2386 (a) and (b); relating to experts and consultants).

SEC. 424. DEVELOPMENT LOAN COMMITTEE.

Section 122(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151t(e)) is amended by inserting after the first sentence the following new sentence: "The Secretary of State shall serve as Chairman of the Committee.".

SEC. 425. DEVELOPMENT COORDINATION COMMITTEE.

(a) ANNUAL REPORT.—Section 634(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2394(a)) is amended in the text above paragraph (1)(A) by striking "Chairman of the Development Coordination Committee" and inserting "Secretary of State".

(b) COORDINATION.—Section 640B(a) of such Act (22 U.S.C. 2399(a)) is amended by striking "head of the agency primarily responsible for administering part I, Chairman, and representatives of the Departments of State," and inserting "Secretary of State,".

SEC. 426. PUBLIC LAW 83–480 PROGRAM.

The Agricultural Trade Development and Assistance Act of 1954 (Public Law 83–480; 7 U.S.C. 1691 et seq.) is amended—

(1) by striking "Administrator" each place it appears and inserting "Secretary of State"; and

(2) in section 402 (7 U.S.C. 1732)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (8) as paragraphs (1) through (7), respectively.

SEC. 427. CONFORMING AMENDMENTS TO TITLE 5, UNITED STATES CODE.

(a) ADMINISTRATOR.—Section 5313 of title 5, United States Code, is amended by striking "Administrator, Agency for International Development.".

(b) DEPUTY ADMINISTRATOR.—Section 5314 of title 5, United States Code, is amended by striking "Deputy Administrator, Agency for International Development.".

(c) ASSISTANT ADMINISTRATORS.—Section 5315 of title 5, United States Code, is amended by striking "Assistant Administrators, Agency for International Development (6).".

(d) REGIONAL ASSISTANT ADMINISTRATORS.—Section 5315 of title 5, United States Code, is amended by striking "Regional Assistant Administrators, Agency for International Development (4).".

(e) GENERAL COUNSEL.—Section 5316 of title 5, United States Code, is amended by striking "General Counsel of the Agency for International Development.".

SEC. 428. TRADE PROMOTION COORDINATING COMMITTEE.

Section 2312 of the Export Enhancement Act of 1988 (15 U.S.C. 4727) is amended—

(1) in subsection (d)(1)—

(A) by striking subparagraph (I); and

(B) by redesignating subparagraphs (J) through (M) as subparagraphs (I) through (L), respectively; and

(2) in subsection (f)—

(A) by inserting "the Committee on Foreign Relations and" after "submit to"; and

(B) by striking "Foreign Affairs" and inserting "International Relations".

SEC. 429. ADDITIONAL CONFORMING AMENDMENTS.

(a) FAA AUTHORITIES.—The Foreign Assistance Act of 1961 is amended—

(1) in section 118 (22 U.S.C. 2151p–1)—

(A) by striking "Agency for International Development" each place it appears and inserting "Department of State"; and

(B) by striking "Agency" each place it appears and inserting "Department";

(2) in section 119 (22 U.S.C. 2151q)—

(A) by striking "Agency for International Development" each place it appears and inserting "Department of State";

(B) by striking "Agency" each place it appears and inserting "Department"; and

(C) in subsection (g)—

(i) by striking "ACTIONS BY AID" and inserting "ACTIONS BY THE DEPARTMENT OF STATE"; and

(ii) by striking "Agency's" and inserting "Department's";

(3) in section 123(b) (22 U.S.C. 2151u), by striking "Agency for International Development" and inserting "Department of State";

(4) in section 225 (22 U.S.C. 2185)—

(A) by striking "Administrator" each place it appears (other than in subsection (m)(2)) and inserting "Secretary"; and

(B) in subsection (m)—

(i) by striking "Agency for International Development" and inserting "Department of State"; and

(ii) by striking "'Administrator' means the Administrator of the Agency for International Development" and inserting "'Secretary' means the Secretary of State";

(5) in section 233(b), by striking "Administrator of the Agency for International Development" and inserting "Secretary of State";

(6) in section 239 (22 U.S.C. 2199) in subsection (h), by striking "Agency for International Development" and inserting "Department of State";

(7) in section 296 (22 U.S.C. 2220a), by striking subsection (e);

(8) in sections 462 through 466 (22 U.S.C. 2282–2286), by striking "Administrator of the Agency for International Development" each place it appears and inserting "Secretary of State";

(9) in section 495K(b)(3), by striking "'Operating Expenses of the Agency for International Development' account" and inserting "appropriate administrative account of the Department of State";

(10) in section 496, by striking "Agency for International Development" each place it appears and inserting "Department of State";

(11) in section 498C(b)(1), by striking "'Operating Expenses of the Agency for International Development'" and inserting "the appropriate administrative account of the Department of State";

(12) in section 601—

(A) except as provided in subparagraph (B), by striking "Administrator" each place it appears and inserting "Secretary of State";

(B) in subsection (c)(1), by striking "Administrator of the Agency for International Development" and inserting "Secretary of State"; and

(C) by striking "Agency for International Development" and inserting "Secretary of State";

(13) in section 607(a), by striking "Agency for International Development" and inserting "Department of State";

(14) in section 634(a)(2)(F), by striking "Agency for International Development" and inserting "Department of State"; and

(15) in section 635(c), by striking "Agency for International Development" and inserting "Department of State".

(b) ADDITIONAL FAA REFERENCES.—(1) Except as provided in paragraphs (2) and (3), the Foreign Assistance Act of 1961 is amended by striking "agency primarily responsible for administering this part", "agency primarily responsible for administering part I", "agency primarily responsible for administering part I of this Act" each place such phrase appears and inserting "Department of State".

(2) The Foreign Assistance Act of 1961 is amended by striking "administrator of the agency primarily responsible for administering part I of this Act", "Administrator of the agency primarily responsible for administering this part", and the "Administrator of the agency primarily responsible for administering part I of this Act" each place it appears and inserting "Secretary of State".

(3) The Foreign Assistance Act of 1961 is amended—

(A) in section 101(b), by striking "Under the policy guidance of the Secretary of State, the agency primarily responsible for administering this part" and inserting "The Department of State";

(B) in section 116(b), by striking "Administrator primarily responsible for administering part I of this Act" and inserting "Secretary of State";

(C) in section 224(a), by striking "Agency" each place it appears and inserting "Department";

(D) in section 464(d), as added by section 701 of Public Law 99–83, is amended by striking ", under the supervision and direction of the Secretary of State,";

(E) in section 604(f), by striking "agency primarily responsible for administering such part I" and inserting "Department of State";

(F) in section 611(e), by striking "head of the agency primarily responsible for administering part I of the Act" and inserting "Secretary of State"; and

(G) in paragraphs (5) and (6) of section 636(a), by striking "head of the agency primarily responsible for administering part I" each place it appears and inserting "Secretary of State".

(c) SEED ACT.—(1) Section 201(e) of the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5421(e)) is amended by striking "Agency for International Development" and inserting "Department of State".

(2) Section 203 of such Act (22 U.S.C. 5423) is amended by striking "Agency for International Development" each place it appears and inserting "Department of State".

(3)(A) Section 402(a) of such Act (22 U.S.C. 5442(a)) is amended by striking "Administrator of the Agency for International Development" and inserting "Secretary of State".

(B) Except as provided in subparagraph (A), section 402 is further amended by striking "Administrator" each place it appears and inserting "Secretary".

(4) Section 803 of such Act (22 U.S.C. 5493) is amended—

(A) by striking "Agency for International Development" each place it appears and inserting "Department of State"; and

(B) by striking "to the Agency" and inserting "to the Department".

(d) COOPERATION THREAT REDUCTION WITH STATES OF FORMER SOVIET UNION.—Section 1204(h) of the Cooperation Threat Reduction Act of 1993 (22 U.S.C. 5953(h)) is amended by striking "and the Administrator of the Agency for International Development".

(e) PEACE CORPS NATIONAL ADVISORY COUNCIL.—Section 12(c)(3) of Peace Corps Act (22 U.S.C. 2511(c)(3)) is amended in subsection (c)(3) by striking "and the Administrator of the Agency for International Development, or their designees," and inserting "or his designee".

(f) DEMOCRACY CORPS.—Section 401 of the FREEDOM Support Act (22 U.S.C. 5841) is amended—

(1) by striking "Administrator" each place it appears and inserting "Secretary";

(2) in subsection (h)(3)—

(A) by striking "AID REVIEW" and inserting "STATE DEPARTMENT REVIEW"; and

(B) by striking "Agency for International Development" and inserting "Department of State"; and

(3) by striking subsection (l)(1).

(g) ENVIRONMENTAL PERFORMANCE OF MULTILATERAL DEVELOPMENT BANKS.—(1) Section 1302 of the International Financial Institutions Act (22 U.S.C. 262m–1) is amended by striking ", in cooperation with the Administrator of the Agency for International Development,".

(2) Section 1303 of such Act (22 U.S.C. 262m–2) is amended—

(A) in subsection (a)(1), by striking "missions of the Agency for International Development" and inserting "economic assistance missions of the Department of State"; and

(B) by striking "Administrator of the Agency for International Development, in consultation with the Secretary of the Treasury and the Secretary of State," each place it appears and inserting "Secretary of State, in consultation with the Secretary of the Treasury,".

(h) COOPERATIVE INFORMATION EXCHANGE SYSTEM.—Section 1304 of the International Financial Institutions Act (22 U.S.C. 262m–3) is amended by striking "and the Administrator of the Agency for International Development".

(i) ENVIRONMENTAL IMPACT OF PROPOSED MULTILATERAL DEVELOPMENT BANK ACTIONS.—Section 1307(e) of the International Financial Institutions Act (22 U.S.C. 262m–7(e)) is amended by striking "the Administrator of the Agency for International Development,".

(j) ANNUAL REPORT BY CHAIRMAN OF NATIONAL ADVISORY COUNCIL ON INTERNATIONAL MONETARY AND FINANCIAL POLICIES.—Section 1701(b)(10) of the International Financial Institutions Act (22 U.S.C. 262r(b)(10)) is amended by striking "and the Administrator of the Agency for International Development".

(k) COMBINED REPORT.—Section 1703 of the International Financial Institutions Act (22 U.S.C. 262r–2) is amended by striking "Administrator of the Agency for International Development, in consultation with the Secretary of the Treasury and the Secretary of State" and inserting "Secretary of State, in consultation with the Secretary of the Treasury,".

(l) PROPERTY MANAGEMENT FUND.—Section 585 of Public Law 101–513 (22 U.S.C. 2369a) is amended—

(1) by striking "Agency for International Development" each place it appears and inserting "Department of State"; and

(2) by striking "Administrator of the Agency for International Development" and inserting "Secretary of State".

(m) CAPITAL PROJECTS.—(1) Section 302 of the Aid, Trade, and Competitiveness Act of 1992 (22 U.S.C. 2421a) is amended—

(A) by striking "Administrator of AID" each place it appears and inserting "Secretary of State"; and

(B) in all references not covered by subparagraph (A), by striking "AID" and inserting "Department of State".

(2) Section 303 of such Act (22 U.S.C. 2421b) is amended—

(A) by striking "Administrator of AID" each place it appears and inserting "Secretary of State"; and

(B) by striking "AID" each place it appears (except as provided in subparagraph (A)) and inserting "Department of State".

(3) Section 308(1) of such Act is repealed.

(n) FOREIGN CONTRACTS.—Section 121 of the Foreign Relations Authorization Act, Fiscal Year 1977 (22 U.S.C. 2661a) is amended by striking "(including the Agency for International Development)".

(o) ADMINISTRATIVE SERVICES.—Section 23 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2695) is amended by striking "the Agency for International Development,".

(p) ENERGY DEVELOPMENT PROGRAMS.—Section 502(c) of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3262(c)) is amended by striking "Agency for International Development and".

(q) AGRICULTURAL COMMODITIES.—Section 416(b)(8)(C)(i) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)(8)(C)(i)) is amended by striking "Agency for International Development office" and inserting "Department of State".

(r) LOCAL CURRENCY PROCEEDS.—Section 305(c) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1727d(c)) is amended—

(1) by striking "Administrator" and inserting "Secretary"; and

(2) by striking "Agency for International Development" and inserting "Department of State".

(s) SPECIAL ASSISTANT FOR AGRICULTURAL TRADE AND FOOD ASSISTANCE.—Section 1113(c)(3) of the Food Security Act of 1985 (7 U.S.C. 1736–1(c)(3)) is amended by striking "Agency for International Development" and inserting "Department of State".

(t) AVOIDANCE OF CONFLICT OF INTEREST.—Section 407(d)(3) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736a(d)(3)) is amended by striking "Agency for International Development" and inserting "Department of State".

(u) INTERNATIONAL AGRICULTURAL RESEARCH AND EXTENSION.—Section 1458 of the National Agricultural Extension and Policy Act (7 U.S.C. 3291) is amended by striking "Agency for International Development" each place it appears and inserting "Department of State".

(v) TIED AID CREDIT PROGRAM.—(1) Section 645(d) of the Trade and Development Enhancement Act of 1983 (12 U.S.C. 635r(d)) is amended by striking "in cooperation with the Administrator of the Agency for International Development".

(2) Section 647(2) of such Act (12 U.S.C. 635t(2)) is amended by striking "Agency for International Development" and inserting "Department of State".

(w) RESEARCH AND DEVELOPMENT.—Section 9(e)(1) of the Small Business Act (15 U.S.C 638(e)(1)) is amended by striking "Agency for International Development" and inserting "Department of State (insofar as it carries out functions previously administered by the Agency for International Development)".

(x) CENTRAL EUROPEAN SMALL BUSINESS DEVELOPMENT COMMISSION.—Section 25(b)(1) of the Small Business Act (15 U.S.C 652(b)(1)) is amended by striking "Agency for International Development" and inserting "Department of State (insofar as it carries out functions previously administered by the Agency for International Development)".

(y) INTERAGENCY AQUACULTURE COORDINATING GROUP.—Section 6(a)(9) of the National Aquaculture Act of 1980 (42 U.S.C. 6601 note) is amended by striking "Administrator of the Agency for International Development" and inserting "Secretary of State".

(z) FORESTRY AND RELATED NATURAL RESOURCE ASSISTANCE.—Section 602(c) of the International Forestry Cooperation Act of 1990 (16 U.S.C. 4501(c)) is amended—

(1) by striking "Administrator of the Agency for International Development" and inserting "Secretary of State"; and

(2) by striking "Agency for International Development" and inserting "Department of State".

(aa) CARIBBEAN AND CENTRAL AMERICAN SCHOLARSHIP PROGRAM.—Section 231 of the Customs and Trade Act of 1990 (20 U.S.C. 226) is amended—

(1) in subsection (b), by striking "Administrator of the Agency for International Development" and inserting "Secretary of State"; and

(2) in subsections (c) and (d), by striking "Administrator" each place it appears and inserting "Secretary of State".

(bb) USE OF RENEWABLE RESOURCES FOR ENERGY PRODUCTION.—Section 602(a)(7) of Public Law 96–259 (22 U.S.C. 262j(a)(7)) is amended by striking "Agency for International Development" and inserting "Department of State".

(cc) PUBLIC HEALTH ACTIVITIES.—(1) Section 2102 of the Act of July 1, 1944, chapter 373, as amended, is amended by striking "Agency for International Development" each place it appears and inserting "Department of State".

(2) Section 2315(b) of such Act is amended by striking "Administrator of the Agency for International Development" and inserting "Secretary of State".

(dd) ENERGY AUTHORITIES.—Section 256 of Public Law 94–163, as amended (42 U.S.C. 6276), is amended in subsection (d)(1)(C) by striking "Administrator of the Agency for International Development" and inserting "Secretary of State".

(ee) TRANSPORTATION EXPENSES.—Section 706 of the Foreign Relations Authorization Act, Fiscal Year 1979 (49 U.S.C. 1518) is amended by striking "Agency for International Development".

TITLE V—OFFICES OF INSPECTORS GENERAL

SEC. 501. REPEAL RELATING TO INSPECTOR GENERAL FOR UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY.

Section 50 of the Arms Control and Disarmament Act (22 U.S.C. 2593a), relating to the ACDA Inspector General, is repealed.

SEC. 502. ABOLITION OF OFFICE OF INSPECTOR GENERAL OF UNITED STATES INFORMATION AGENCY AND TRANSFER OF FUNCTIONS.

(a) ABOLITION OF OFFICE.—The Office of Inspector General of the United States Information Agency is abolished.

(b) AMENDMENTS TO INSPECTOR GENERAL ACT OF 1978.—Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1), by striking ", the Office of Personnel Management or the United States Information Agency" and inserting "or the Office of Personnel Management"; and

(2) in paragraph (2), by striking "the United States Information Agency,".

(c) EXECUTIVE SCHEDULE.—Section 5315 of title 5, United States Code, is amended by striking the following:

"Inspector General, United States Information Agency.".

(d) AMENDMENTS TO PUBLIC LAW 103–236.—Subsections (i) and (j) of section 308 of Public Law 103–236 are amended by striking "Inspector General of the United States Information Agency" each place it appears and inserting "Inspector General for the Department of State".

(e) TRANSFER OF FUNCTIONS.—There are transferred to the Office of the Inspector General of the Department of State the functions that the Office of Inspector General of the United States Information Agency exercised before the effective date of this title (including all related functions of the Inspector General of the United States Information Agency).

(f) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.—The Director of the Office of Management and Budget, in consultation with the Secretary of State, is authorized to make such incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this section.

(g) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect on the earlier of—

(1) March 1, 1997; or

(2) the date of the abolition of the United States Information Agency pursuant to the reorganization plan described in section 601.

TITLE VI—TRANSITION

CHAPTER 1—REORGANIZATION PLAN AND WAIVER

SEC. 601. REORGANIZATION PLAN.

(a) SUBMISSION OF PLAN.—Not later than October 1, 1996, the President shall, in consultation with the Secretary and the heads of the agencies covered under subsection (b), transmit to the appropriate congressional committees a reorganization plan providing for—

(1) the abolition of each such agency in accordance with this division not later than March 1, 1997;

(2) the termination of functions of each such agency that would be redundant if transferred to the Department, and the separation from service of employees of each such agency not otherwise provided for in the plan;

(3) the transfer to the Department of the functions and personnel of each such agency consistent with the provisions of this division; and

(4) the consolidation, reorganization, and streamlining of the Department upon the transfer of such functions and personnel in order to carry out such functions.

(b) COVERED AGENCIES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the agencies covered under this subsection are the following:

(A) The United States Arms Control and Disarmament Agency.

(B) The United States Information Agency.

(C) The Agency for International Development (including the United States International Development Cooperation Agency).

(2) EXCEPTION.—The President may exclude up to two of the agencies set forth in paragraph (1) from consideration as agencies covered under this subsection. The President shall exclude such agency or agencies by submitting a waiver with respect to such agencies in accordance with section 602.

(c) PLAN ELEMENTS.—The plan transmitted under subsection (a) shall—

(1) identify the functions of each covered agency that will be transferred to the Department under the plan;

(2) identify the personnel and positions of each such agency (including civil service personnel, Foreign Service personnel, and detailees) that will be transferred to the Department, separated from service with such agency, or eliminated under the plan, and set forth a schedule for such transfers, separations, and terminations;

(3) identify the personnel and positions of the Department (including civil service personnel, Foreign Service personnel, and detailees) that will be transferred within the Department, separated from service with the Department, or eliminated under the plan, and set forth a schedule for such transfers, separations, and terminations;

(4) specify the consolidations and reorganization of functions of the Department that will be required under the plan in order to permit the Department to carry out the functions transferred to the Department under the plan;

(5) specify the funds available to each such agency that will be transferred to the Department as a result of the transfer of functions of such agency to the Department;

(6) specify the proposed allocations within the Department of unexpended funds transferred in connection with the transfer of functions under the plan; and

(7) specify the proposed disposition of the property, facilities, contracts, records, and other assets and liabilities of each such agency in connection with the transfer of the functions of the agency to the Department.

(d) MODIFICATION OF PLAN.—The President may, on the basis of consultations with the appropriate congressional committees, modify or revise the plan transmitted under subsection (a).

(e) EFFECTIVE DATE.—(1) The reorganization plan described in this section, including any modifications or revisions of the plan under subsection (d), shall become effective on the earlier of March 1, 1997, or such date as the President shall determine to be appropriate and announce by notice published in the Federal Register, which date may be not earlier than 60 calendar days (excluding any day on which either House of Congress is not in session because of an adjournment sine die or because of an adjournment of more than 3 days to a day certain) after the President has transmitted the reorganization plan to the appropriate congressional committees pursuant to subsection (a).

(2) Paragraph (1) shall apply notwithstanding section 905(b) of title 5, United States Code.

SEC. 602. WAIVER.

(a) IN GENERAL.—(1) The President may waive the applicability of title II, III, or IV of this division to the agency otherwise covered by such title only if—

(A) the President includes in the reorganization plan transmitted under section 601 the certification described in subsection (b); and

(B) the certification is transmitted with the reorganization plan not later than October 1, 1996.

(2) The President may exercise such waiver authority with respect to not more than two such titles.

(b) CERTIFICATION.—In order to waive the applicability of a title referred to in subsection (a), the President shall certify that—

(1) the reorganization plan submitted under section 601—

(A) will achieve savings of $1,700,000,000 in budget authority during fiscal years 1996 through 1999 (not more than 30 percent of which may be realized from reductions in program levels); and

(B) will conform to the authorizations of appropriations during such fiscal years in division B; and

(2) the preservation of the agency that would otherwise be abolished pursuant to the title is important to the national interest of the United States.

(c) REORGANIZATION OF AGENCY COVERED BY WAIVER.—

(1) IN GENERAL.—Notwithstanding the waiver of the applicability of a title of this division, the President, in consultation with the Secretary and the head of the agency otherwise abolished pursuant to the title—

(A) shall provide in the reorganization plan transmitted under section 601 for the transfer to and consolidation within the Department of the functions of the agency set forth in paragraph (2); and

(B) may provide in the reorganization plan for additional consolidation, reorganization, and streamlining of the agency, including—

(i) the termination of functions and reductions in personnel of the agency;

(ii) the transfer of functions of the agency (including personnel operations other than personnel management, financial operations, public affairs aimed primarily at domestic audiences, legislative affairs, and legal affairs), and the personnel associated with such functions, to the Department; and

(iii) the consolidation, reorganization, and streamlining of the Department upon the transfer of such functions and personnel in order to carry out the functions transferred.

(2) FUNCTIONS TO BE TRANSFERRED.—The functions to be transferred under paragraph (1) are the functions relating to the following:

(A) Non-specialized procurement.

(B) Travel and transportation.

(C) Facilities management.

(D) Security operations.

CHAPTER 2—REORGANIZATION AUTHORITY

SEC. 611. REORGANIZATION AUTHORITY.

(a) IN GENERAL.—The Secretary is authorized, subject to the requirements of this division, to allocate or reallocate any function transferred to the Department under any title of this division among the officers of the Department, and to establish, consolidate, alter, or discontinue such organizational entities within the Department as may be necessary or appropriate to carry out any reorganization under this division, but the authority of the Secretary under this section does not extend to—

(1) the abolition of organizational entities or officers established by this Act or any other Act; or

(2) the alteration of the delegation of functions to any specific organizational entity or officer required by this Act or any other Act.

(b) REQUIREMENTS AND LIMITATIONS ON REORGANIZATION PLAN.—The reorganization plan under section 601 may not have the effect of—

(1) creating a new executive department;

(2) continuing a function beyond the period authorized by law for its exercise or beyond the time when it would have terminated if the reorganization had not been made;

(3) authorizing an agency to exercise a function which is not authorized by law at the time the plan is transmitted to Congress;

(4) creating a new agency which is not a component or part of an existing executive department or independent agency; or

(5) increasing the term of an office beyond that provided by law for the office.

SEC. 612. TRANSFER AND ALLOCATION OF APPROPRIATIONS AND PERSONNEL.

(a) IN GENERAL.—Except as otherwise provided in this Act, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the functions and offices, or portions thereof transferred by any title of this division, subject to section 1531 of title 31, United States Code, shall be transferred to the Secretary for appropriate allocation.

(b) LIMITATION ON USE OF TRANSFERRED FUNDS.—Unexpended and unobligated funds transferred pursuant to any title of this division shall be used only for the purposes for which the funds were originally authorized and appropriated.

(c) AUTHORIZED STRENGTH OF THE FOREIGN SERVICE.—When an agency is abolished under this division, the limitations for fiscal years 1996 and 1997 under section 1351 of this Act on the members of the Foreign Service authorized to be employed by such agency shall be added to the limitations under such section which apply to the Department.

SEC. 613. INCIDENTAL TRANSFERS.

The Director of the Office of Management and Budget, in consultation with the Secretary, is authorized to make such incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of any title of this division. The Director of the Office of Management and Budget, in consultation with the Secretary, shall provide for the termination of the affairs of all entities terminated by this division and for such further measures and dispositions as may be necessary to effectuate the purposes of any title of this division.

SEC. 614. EFFECT ON PERSONNEL.

(a) EXECUTIVE SCHEDULE POSITIONS.—Except as otherwise provided in this division, any person who, on the day preceding the date of the abolition of an agency the functions of which are transferred under any title of this division, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Department to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

(b) TREATMENT OF APPOINTED POSITIONS.—(1) Positions whose incumbents are appointed by the President, by and with the advice and consent of the Senate, the functions of which are transferred by any title of this division, shall terminate on the effective date of that title.

(2) An individual holding an office immediately prior to the abolition or transfer of the office by a title of this division—

(A) who was appointed to the office by the President, by and with the advice and consent of the Senate; and

(B) who performs duties substantially similar to the duties of an office proposed to be created under the reorganization plan submitted under section 601,

may, in the discretion of the Secretary, assume the duties of such new office, and shall not be required to be reappointed by reason of the abolition or transfer of the individual's previous office.

(c) EXCEPTED SERVICE.—(1) Subject to paragraph (2), in the case of employees occupying positions in the excepted service or the Senior Executive Service, any appointment authority established pursuant to law or regulations of the Office of Personnel Management for filling such positions shall be transferred.

(2) The Department may decline a transfer of authority under paragraph (1) (and the employees appointed pursuant thereto) to the extent that such authority relates to positions excepted from the competitive service because of their confidential, policy-making, policy-determining, or policy-advocating character, and noncareer positions in the Senior Executive Service (within the meaning of section 3132(a)(7) of title 5, United States Code).

(d) EMPLOYEE BENEFIT PROGRAMS.—(1) Any employee accepting employment with the Department as a result of a transfer pursuant to any title of this division may retain for 1 year after the date such transfer occurs membership in any employee benefit program of the former agency, including insurance, to which such employee belongs on the date of the enactment of this Act if—

(A) the employee does not elect to give up the benefit or membership in the program; and

(B) the benefit or program is continued by the Secretary.

(2) The difference in the costs between the benefits which would have been provided by such agency or entity and those provided by this section shall be paid by the Secretary. If any employee elects to give up membership in a health insurance program or the health insurance program is not continued by the Secretary, the employee shall be permitted to select an alternate Federal health insurance program within 30 days of such election or notice, without regard to any other regularly scheduled open season.

(e) SENIOR EXECUTIVE SERVICE.—Any employee in the career Senior Executive Service who is transferred pursuant to any title of this division shall be placed in a position at the Department which is comparable to the position the employee held in the agency.

(f) ASSIGNMENTS.—(1) Transferring employees shall be provided reasonable notice of new positions and assignments prior to their transfer pursuant to any title of this division.

(2) Foreign Service personnel transferred to the Department pursuant to any title of this division shall be eligible for any assignment open to Foreign Service personnel within the Department for which such transferred personnel are qualified.

(g) TREATMENT OF PERSONNEL EMPLOYED IN TERMINATED FUNCTIONS.—The provisions of this subsection shall apply with respect to officers and employees in the competitive service, or employed under an established merit system in the excepted service, whose employment is terminated as a result of the abolition of the agency or the reorganization and consolidation of functions of the Department under any title of this division:

(1) Under such regulations as the Office of Personnel Management may prescribe, the head of any agency in the executive branch may appoint in the competitive service any person who is certified by the head of the former agency as having served satisfactorily in the competitive service in the former agency and who passes such examination as the Office of Personnel Management may prescribe. Any person so appointed shall, upon completion of the prescribed probationary period, acquire a competitive status.

(2) The head of any agency in the executive branch having an established merit system in the excepted service may appoint in such service any person who is certified by the head of the

former agency as having served satisfactorily in the former agency and who passes such examination as the head of such agency in the executive branch may prescribe.

(3) Any appointment under this subsection shall be made within a period of one year after completion of the appointee's service.

(4) Any law, Executive order, or regulation which would disqualify an applicant for appointment in the competitive service or in the excepted service concerned shall also disqualify an applicant for appointment under this subsection.

(5) Any rights or benefits created by this subsection are in addition to rights and benefits otherwise provided by law.

SEC. 615. TRANSITION FUND.

(a) ESTABLISHMENT.—There is hereby established on the books of the Treasury an account to be known as the "Foreign Affairs Reorganization Transition Fund".

(b) PURPOSE.—The purpose of the account is to provide funds for the orderly transfer of functions and personnel to the Department as a result of the implementation of this division and for payment of other costs associated with the consolidation of foreign affairs agencies under this division.

(c) DEPOSITS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), there shall be deposited into the account the following:

(A) Funds appropriated to the account.

(B) Funds transferred to the account by the Secretary from funds that are transferred to the Secretary by the head of an agency under subsection (d).

(C) Funds transferred to the account by the Secretary from funds that are transferred to the Department together with the transfer of functions to the Department under this division and that are not required by the Secretary in order to carry out the functions.

(D) Funds transferred to the account by the Secretary from any unobligated funds that are appropriated or otherwise made available to the Department.

(2) LIMITATION ON TRANSFER OF CERTAIN DEPARTMENT FUNDS.—The Secretary may transfer funds to the account under subparagraph (C) of paragraph (1) only if the Secretary determines that the amount of funds deposited in the account pursuant to subparagraphs (A) and (B) of that paragraph is inadequate to pay the costs of carrying out this division.

(3) LIMITATION ON TRANSFER OF UNOBLIGATED FUNDS OF DEPARTMENT.—The Secretary may transfer funds to the account under subparagraph (D) of paragraph (1) only if the Secretary determines that the amount of funds deposited in the account pursuant to subparagraphs (A), (B), and (C) of that paragraph is inadequate to pay the costs of carrying out this division.

(d) TRANSFER OF FUNDS TO SECRETARY.—The head of an agency abolished under this division shall transfer to the Secretary the amount, if any, of the unobligated funds appropriated or otherwise made available to the agency for functions of the agency that are abolished under this division which funds are not required to carry out the functions of the agency as a result of the abolishment of the functions under this division.

(e) USE OF FUNDS.—

(1) IN GENERAL.—Notwithstanding any other provision of law and subject to paragraph (2), the Secretary shall use sums in the account for payment of the costs of carrying out this division, including costs relating to the consolidation of functions of the Department and the termination of employees of the Department.

(2) LIMITATION ON USE OF FUNDS.—

(A) Except as provided in subparagraph (B), the Secretary may not use sums in the account for payment of the costs described in paragraph (1) unless the appropriate congressional committees are notified 15 days in advance of such use in accordance with procedures applicable to reprogramming notifications under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706).

(B) EXCEPTION.—Subparagraph (A) does not apply to the following uses of sums in the account:

(i) For payment of the cost of any severance payments required to be paid by the Secretary to employees of the Department, but only if the cost of such payments is less than $10,000,000.

(ii) For transfer to the head of an agency to be abolished under this division for payment of the cost of any severance payments required to be paid to employees of the agency, but only if the total amount transferred with respect to the agency is less than $40,000,000.

(iii) For payment of the cost of any improvements of the information management systems of the Department that are carried out as a result of the abolishment of agencies under this division, but only if the cost of such improvements is less than $15,000,000.

(iv) For payment of the cost of the physical relocation of fixtures, materials, and other resources from an agency to be abolished under this division to the Department or of such relocation within the Department, but only if the cost of such relocation is less than $10,000,000.

(3) AVAILABILITY WITHOUT FISCAL YEAR LIMITATION.—Funds in the account shall be available for the payment of costs under paragraph (1) without fiscal year limitation.

(f) TREATMENT OF UNOBLIGATED BALANCES.—

(1) IN GENERAL.—Subject to paragraph (2), unobligated funds, if any, which remain in the account after the payment of the costs described in subsection (e)(1) shall be transferred to the Department and shall be available to the Secretary for purposes of carrying out the functions of the Department.

(2) NOTIFICATION.—The Secretary may not transfer funds in the account to the Department under paragraph (1) unless the appropriate congressional committees are notified in advance of such transfer in accordance with the procedures applicable to reprogramming notifications under section 34 of the State Department Basic Authorities Act of 1956.

(g) REPORT ON ACCOUNT.—Not later than October 1, 1998, the Secretary shall transmit to the appropriate congressional committees a report containing an accounting of—

(1) the expenditures from the account established under this section; and

(2) in the event of any transfer of funds to the Department under subsection (f), the functions for which the funds so transferred were expended.

(h) TERMINATION OF AUTHORITY TO USE ACCOUNT.—The Secretary may not obligate funds in the account after September 30, 1999.

SEC. 616. SAVINGS PROVISIONS.

(a) CONTINUING LEGAL FORCE AND EFFECT.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) that have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions that are transferred under any title of this division; and

(2) that are in effect at the time such title takes effect, or were final before the effective date of such title and are to become effective on or after the effective date of such title,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary, or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) PENDING PROCEEDINGS.—(1) The provisions of any title of this division shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending on the effective date of any title of this division before any department, agency, commission, or component thereof, functions of which are transferred by any title of this division. Such proceedings and applications, to the extent that they relate to functions so transferred, shall be continued.

(2) Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this division had not been enacted. Orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by the Secretary, by a court of competent jurisdiction, or by operation of law.

(3) Nothing in this division shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this division had not been enacted.

(4) The Secretary is authorized to promulgate regulations providing for the orderly transfer of proceedings continued under this subsection to the Department.

(c) NO EFFECT ON JUDICIAL PROCEEDINGS.—Except as provided in subsection (e)—

(1) the provisions of this division shall not affect suits commenced prior to the effective date of this Act, and

(2) in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this division had not been enacted.

(d) NON-ABATEMENT OF PROCEEDINGS.—No suit, action, or other proceeding commenced by or against any officer in the official capacity of such individual as an officer of any department or agency, functions of which are transferred by any title of this division, shall abate by reason of the enactment of this division. No cause of action by or against any department or agency, functions of which are transferred by any title of this division, or by or against any officer thereof in the official capacity of such officer shall abate by reason of the enactment of this division.

(e) CONTINUATION OF PROCEEDING WITH SUBSTITUTION OF PARTIES.—If, before the date on which any title of this division takes effect, any department or agency, or officer thereof in the official capacity of such officer, is a party to a suit, and under this division any function of such department, agency, or officer is transferred to the Secretary or any other official of the Department, then such suit shall be continued with the Secretary or other appropriate official of the Department substituted or added as a party.

(f) REVIEWABILITY OF ORDERS AND ACTIONS UNDER TRANSFERRED FUNCTIONS.—Orders and actions of the Secretary in the exercise of functions transferred under any title of this division shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the agency or office, or part thereof, exercising such functions immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by any title of this division shall apply to the exercise of such function by the Secretary.

SEC. 617. PROPERTY AND FACILITIES.

The Secretary shall review the property and facilities transferred to the Department under *this division to determine whether such property and facilities are required by the Department.*

SEC. 618. AUTHORITY OF SECRETARY OF STATE TO FACILITATE TRANSITION.

Prior to, or after, any transfer of a function under any title of this division, the Secretary is authorized to utilize—

(1) the services of such officers, employees, and other personnel of an agency with respect to functions that will be or have been transferred to the Department by any title of this division; and

(2) funds appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of any title of this division.

SEC. 619. RECOMMENDATIONS FOR ADDITIONAL CONFORMING AMENDMENTS.

Congress urges the President, in consultation with the Secretary and the heads of other appropriate agencies, to develop and submit to Congress recommendations for such additional technical and conforming amendments to the laws of the United States as may be appropriate to reflect the changes made by this division.

SEC. 620. FINAL REPORT.

Not later than October 1, 1998, the President, in consultation with the Secretary of the Treasury and the Director of the Office of Management and Budget shall submit to the appropriate congressional committees a report which provides a final accounting of the finances and operations of the agencies abolished under this division.

SEC. 621. TRANSFER OF FUNCTION.

Any determination as to whether a transfer of function, carried out under this Act, constitutes a transfer of function for purposes of subchapter I of chapter 35 of title 5, United States Code, shall be made without regard to whether or not the function involved is identical to functions already being performed by the receiving agency.

SEC. 622. SEVERABILITY.

If a provision of this division or its application to any person or circumstance is held invalid, neither the remainder of this division nor the application of the provision to other persons or circumstances shall be affected.

DIVISION B—FOREIGN RELATIONS AUTHORIZATIONS

TITLE X—GENERAL PROVISIONS

SEC. 1001. SHORT TITLE.

This division may be cited as the "Department of State and Related Agencies Authorization Act, Fiscal Years 1996 and 1997".

SEC. 1002. DEFINITIONS.

The following terms have the following meaning for the purposes of this division:

(1) The term "AID" means the Agency for International Development.

(2) The term "ACDA" means the United States Arms Control and Disarmament Agency.

(3) The term "appropriate congressional committees" means the Committee on International Relations of the House of Representatives and the Committee of Foreign Relations of the Senate.

(4) The term "Department" means the Department of State.

(5) The term "Federal agency" has the meaning given to the term "agency" by section 551(1) of title 5, United States Code.

(6) The term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

(7) The term "office" includes any office, administration, agency, institute, unit, organizational entity, or component thereof.

(8) The term "Secretary" means the Secretary of State.

(9) The term "USIA" means the United States Information Agency.

TITLE XI—AUTHORIZATION OF APPROPRIATIONS FOR DEPARTMENT OF STATE AND CERTAIN INTERNATIONAL AFFAIRS FUNCTIONS AND ACTIVITIES

SEC. 1101. ADMINISTRATION OF FOREIGN AFFAIRS.

The following amounts are authorized to be appropriated for the Department of State under "Administration of Foreign Affairs" to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law, including the diplomatic security program:

(1) DIPLOMATIC AND CONSULAR PROGRAMS.—For "Diplomatic and Consular Programs" of the Department of State, $1,719,220,000 for the fiscal year 1996, $1,710,000,000 for the fiscal year 1997, $1,708,800,000 for the fiscal year 1998, and $1,700,000,000 for the fiscal year 1999.

(2) SALARIES AND EXPENSES.—

(A) AUTHORIZATION OF APPROPRIATIONS.—For "Salaries and Expenses" of the Department of State, $365,146,000 for the fiscal year 1996, $357,000,000 for the fiscal year 1997, $355,000,000 for the fiscal year 1998, and $355,000,000 for the fiscal year 1999.

(B) LIMITATION.—Of the amount authorized to be appropriated by subparagraph (A), $11,900,000 for fiscal year 1997 is authorized to be appropriated for salaries and expenses of the Bureau of Refugee and Migration Assistance.

(3) CAPITAL INVESTMENT FUND.—For "Capital Investment Fund" of the Department of State, $16,400,000 for the fiscal year 1996 and $16,400,000 for the fiscal year 1997.

(4) SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS.—For "Security and Maintenance of United States Missions", $385,760,000 for the fiscal year 1996 and $380,000,000 for the fiscal year 1997.

(5) REPRESENTATION ALLOWANCES.—For "Representation Allowances", $4,500,000 for the fiscal year 1996 and $4,500,000 for the fiscal year 1997.

(6) EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.—For "Emergencies in the Diplomatic and Consular Service", $6,000,000 for the fiscal year 1996 and $6,000,000 for the fiscal year 1997.

(7) OFFICE OF THE INSPECTOR GENERAL.—For "Office of the Inspector General", $27,369,000 for the fiscal year 1996, $27,000,000 for the fiscal year 1997, $27,000,000 for the fiscal year 1998, and $27,000,000 for the fiscal year 1999.

(8) PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN.—For "Payment to the American Institute in Taiwan", $15,165,000 for the fiscal year 1996 and $14,165,000 for the fiscal year 1997.

(9) PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—For "Protection of Foreign Missions and Officials", $8,579,000 for the fiscal year 1996 and $10,000,000 for the fiscal year 1997.

(10) REPATRIATION LOANS.—For "Repatriation Loans", $776,000 for the fiscal year 1996 and $776,000 for the fiscal year 1997, for administrative expenses.

SEC. 1102. INTERNATIONAL ORGANIZATIONS, PROGRAMS, AND CONFERENCES.

(a) ASSESSED CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.—There are authorized to be appropriated for "Contributions to International Organizations", $850,000,000 for the fiscal year 1996 and $840,000,000 for the fiscal year 1997 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international organizations and to carry out other authorities in law consistent with such purposes.

(b) ASSESSED CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES.—There are authorized to be appropriated for "Contributions for International Peacekeeping Activities", $445,000,000 for the fiscal year 1996 and $375,000,000 for the fiscal year 1997 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international peacekeeping activities and to carry out other authorities in law consistent with such purposes.

(c) INTERNATIONAL CONFERENCES AND CONTINGENCIES.—There are authorized to be appropriated for "International Conferences and Contingencies", $3,000,000 for the fiscal year 1996 and $3,000,000 for the fiscal year 1997 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international conferences and contingencies and to carry out other authorities in law consistent with such purposes.

(d) FOREIGN CURRENCY EXCHANGE RATES.—In addition to amounts otherwise authorized to be appropriated by subsections (a) and (b), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1996 and 1997 to offset adverse fluctuations in foreign currency exchange rates. Amounts appropriated under this subsection shall be available for obligation and expenditure only to the extent that the Director of the Office of Management and Budget determines and certifies to Congress that such amounts are necessary due to such fluctuations.

(e) LIMITATION ON UNITED STATES VOLUNTARY CONTRIBUTIONS TO UNITED NATIONS DEVELOPMENT PROGRAM.—

(1) Of the amounts made available for fiscal years 1996 and 1997 for United States voluntary contributions to the United Nations Development Program—

(A) not more than $51,800,000 shall be made available for fiscal year 1996 unless, during fiscal year 1996, the President submits to the appropriate committees of Congress the certification described in paragraph (2), and

(B) not more than $51,800,000 shall be available for fiscal year 1997 unless, during fiscal year 1997, the President submits to the appropriate committees of Congress the certification described in paragraph (2).

(2) The certification referred to in paragraph (1) is a certification by the President that all programs and activities of the United Nations Development Program (including United Nations Development Program—Administered Funds) in Burma—

(A) are focused on eliminating human suffering and addressing the needs of the poor;

(B) are undertaken only through international or private voluntary organizations that have been deemed independent of the State Law and Order Restoration Council (SLORC) by the leadership of the National League for Democracy and the leadership of the National Coalition Government of the Union of Burma;

(C) provide no financial, political, or military benefit to the SLORC; and

(D) are supported by the leadership of the National League for Democracy and the leadership of the National Coalition Government of the Union of Burma.

SEC. 1103. INTERNATIONAL COMMISSIONS.

The following amounts are authorized to be appropriated under "International Commissions" for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law:

(1) INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO.—For "International Boundary and Water Commission, United States and Mexico"—

(A) for "Salaries and Expenses" $12,058,000 for the fiscal year 1996 and $19,372,000 for the fiscal year 1997; and

(B) for "Construction" $6,644,000 for the fiscal year 1996 and $9,000,000 for the fiscal year 1997.

(2) INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND CANADA.—For "International Boundary Commission, United States and Canada", $640,000 for the fiscal year 1996 and $666,000 for the fiscal year 1997.

(3) INTERNATIONAL JOINT COMMISSION.—For "International Joint Commission", $3,360,000 for the fiscal year 1996 and $3,195,000 for the fiscal year 1997.

(4) INTERNATIONAL FISHERIES COMMISSIONS.—For "International Fisheries Commissions", $14,669,000 for the fiscal year 1996 and $13,202,000 for the fiscal year 1997.

SEC. 1104. MIGRATION AND REFUGEE ASSISTANCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) MIGRATION AND REFUGEE ASSISTANCE.—

(A) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for "Migration and Refugee Assistance" for authorized activities, $590,000,000 for the fiscal year 1996 and $590,000,00 for the fiscal year 1997.

(B) LIMITATION.—None of the funds authorized to be appropriated by this section for fiscal year 1997 are authorized to be appropriated for salaries and administrative expenses of the Bureau of Migration and Refugee Assistance.

(2) REFUGEES RESETTLING IN ISRAEL.—There are authorized to be appropriated $80,000,000 for the fiscal year 1996 and $80,000,000 for the fiscal year 1997 for assistance for refugees resettling in Israel from other countries.

(3) HUMANITARIAN ASSISTANCE FOR DISPLACED BURMESE.—There are authorized to be appropriated $1,500,000 for the fiscal year 1996 and $1,500,000 for the fiscal year 1997 for humanitarian assistance, including but not limited to food, medicine, clothing, and medical and vocational training to persons displaced as a result of civil conflict in Burma, including persons still within Burma.

(4) RESETTLEMENT OF VIETNAMESE, LAOTIANS, AND CAMBODIANS.—Of the amounts authorized to be appropriated for fiscal year 1996 under paragraph (1), there are authorized to be appropriated such amounts as are necessary for the admission and resettlement, within numerical limitations provided by law for refugee admissions, of persons who—

(A) are or were nationals and residents of Vietnam, Laos, or Cambodia and are or were at any time after July 1, 1995, residents of refugee camps in Hong Kong, the Philippines, Indonesia, Malaysia, or Thailand; and

(B)(i) are determined by a United States immigration officer to be within a category of aliens referred to in section 599D(b)(2)(C) of the Foreign Operations Export Financing and Related Programs Appropriations Act, 1990 (Public Law 101–167); or

(ii) are otherwise determined by a United States immigration officer to be refugees within the meaning of section 101(a)(42) of the Immigration and Nationality Act.

(b) GENERAL LIMITATIONS.—None of the funds authorized to be appropriated by subsection (a) are authorized to be available for any program or activity that provides for, promotes, or assists in the repatriation of any person to Vietnam, Laos, or Cambodia, unless the President has certified to the appropriate congressional committees that—

(1) all persons described in subsection (a)(4)(A) have been or will be offered an interview by a United States immigration officer in a refugee camp or elsewhere in the host country in which such a camp is located (or, if the government of such a country has declined a request by the United States to permit such interviews to take place within such country, in their country of origin) for the purpose of determining whether they are persons described in subsection (a)(4)(B); and

(2) all persons described in subsection (a)(4)(B) have been or will be offered resettlement outside their countries of nationality.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to subsection (a) are authorized to be available until expended.

(d) REFUGEE CAMP DEFINED.—For the purposes of this section, the term "refugee camp" means any place in which people who left Vietnam, Cambodia, or Laos are housed or held by a government or international organization, regardless of the designation of such place by such government or organization.

(e) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to require or permit an increase in the number of refugee admissions for fiscal year 1996 from the numerical limitation for refugee admissions for fiscal year 1995.

SEC. 1105. ASIA FOUNDATION.

There are authorized to be appropriated for the Department of State $5,000,000 for the fiscal year 1996 and $10,000,000 for the fiscal year 1997 for "Asia Foundation".

SEC. 1106. UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS.

The following amounts are authorized to be appropriated to carry out international information activities and educational and cultural exchange programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, Reorganization Plan Number 2 of 1977, the United States International Broadcasting Act of 1994, the Radio Broadcasting to Cuba Act, the Television Broadcasting to Cuba Act, the Board for International Broadcasting Act, the Inspector General Act of 1978, the North/South Center Act of 1991, the National Endowment for Democracy Act, and to carry out other authorities in law consistent with such purposes:

(1) SALARIES AND EXPENSES.—For "Salaries and Expenses", $445,645,000 for the fiscal year 1996, $440,000,000 for the fiscal year 1997, $410,000,000 for the fiscal year 1998, and $399,000,000 for the fiscal year 1999.

(2) TECHNOLOGY FUND.—For "Technology Fund" for the United States Information Agency, $5,050,000 for the fiscal year 1996 and $5,050,000 for the fiscal year 1997.

(3) EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—

(A) FULBRIGHT ACADEMIC EXCHANGE PROGRAMS.—For the "Fulbright Academic Exchange Programs", $102,500,000 for the fiscal year 1996 and $98,000,000 for the fiscal year 1997.

(B) OTHER PROGRAMS.—For "Hubert H. Humphrey Fellowship Program", "Edmund S. Muskie Fellowship Program", "International Visitors Program", "Mike Mansfield Fellowship Program", "Claude and Mildred Pepper Scholarship Program of the Washington Workshops Foundation", "Citizen Exchange Programs", "Congress-Bundestag Exchange Program", "Newly Independent States and Eastern Europe Training", "Institute for Representative Government", "Arts America", "South Pacific Exchanges", "East Timorese Scholarships", "Cambodian Scholarships", and "Educational and Cultural Exchanges with Tibet", $97,500,000 for the fiscal year 1996 and $85,000,000 for the fiscal year 1997.

(4) INTERNATIONAL BROADCASTING ACTIVITIES.—

(A) AUTHORIZATION OF APPROPRIATIONS.—For "International Broadcasting Activities", $325,191,000 for the fiscal year 1996, $330,000,000 for the fiscal year 1997, $320,000,000 for the fiscal year 1998, and $315,000,000 for the fiscal year 1999.

(B) ALLOCATION.—Of the amounts authorized to be appropriated under subparagraph (A), the Director of the United States Information Agency and the Board of Broadcasting Governors shall seek to ensure that the amounts made available for broadcasting to nations whose people do not fully enjoy freedom of expression do not decline in proportion to the amounts made available for broadcasting to other nations.

(5) RADIO CONSTRUCTION.—For "Radio Construction", $40,000,000 for the fiscal year 1996, and $35,000,000 for the fiscal year 1997.

(6) RADIO FREE ASIA.—For "Radio Free Asia", $10,000,000 for the fiscal year 1996 and $10,000,000 for the fiscal year 1997.

(7) BROADCASTING TO CUBA.—For "Broadcasting to Cuba", $24,809,000 for the fiscal year 1996 and $24,809,000 for the fiscal year 1997.

(8) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.—For "Center for Cultural and Technical Interchange between East and West", $11,750,000 for the fiscal year 1996 and $11,750,000 for the fiscal year 1997.

(9) NATIONAL ENDOWMENT FOR DEMOCRACY.—

(A) AUTHORIZATION OF APPROPRIATIONS.—For "National Endowment for Democracy", $32,000,000 for the fiscal year 1996 and $30,000,000 for the fiscal year 1997.

(B) LIMITATION.—Of the amounts authorized to be appropriated under subparagraph (A) for each fiscal year, not more than 55 percent shall be available only for the following organizations, in equal allotments:

(i) The International Republican Institute (IRI).

(ii) The National Democratic Institute (NDI).

(iii) The Free Trade Union Institute (FTUI).

(iv) The Center for International Private Enterprise (CIPE).

(10) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN NORTH AND SOUTH.—For "Center for Cultural and Technical Interchange between North and South" $2,000,000 for the fiscal year 1996 and $3,000,000 for the fiscal year 1997.

SEC. 1107. UNITED STATES ARMS CONTROL AND DISARMAMENT.

There are authorized to be appropriated to carry out the purposes of the Arms Control and Disarmament Act—

(1) $35,700,000 for the fiscal year 1996, $30,000,000 for the fiscal year 1997, $28,000,000 for the fiscal year 1998, and $25,000,000 for the fiscal year 1999; and

(2) such sums as may be necessary for each of the fiscal years 1996 and 1997 for increases in salary, pay, retirement, other employee benefits authorized by law, and to offset adverse fluctuations in foreign currency exchange rates.

SEC. 1108. ADMINISTRATION OF FOREIGN ASSISTANCE.

(a) OPERATING EXPENSES GENERALLY.—Section 667(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2427(a)(1)) is amended to read as follows:

"(1) $465,000,000 for each of the fiscal years 1996 and 1997, $445,000,000 for fiscal year 1998, and $435,000,000 for fiscal year 1999 for necessary operating expenses of the agency primarily responsible for administering part I of this Act (other than the office of the inspector general of such agency); and".

(b) OPERATING EXPENSES OF THE OFFICE OF THE INSPECTOR GENERAL OF AID.—Section 667(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2427(a)) is further amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by striking "and" at the end of paragraph (1); and

(3) by inserting after paragraph (1) the following:

"(2) $30,200,000 for fiscal year 1996, $27,000,000 for fiscal year 1997, $25,000,000 for fiscal year 1998, and $19,000,000 for fiscal year 1999 for necessary operating expenses of the office of the inspector general of such agency; and".

SEC. 1109. NARCOTICS CONTROL ASSISTANCE.

(a) IN GENERAL.—There are authorized to be appropriated $115,000,000 for fiscal year 1996 and $213,000,000 for fiscal year 1997 to carry out chapter 8 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2291 et seq.).

(b) AVAILABILITY OF AMOUNTS.—Amounts authorized to be appropriated under subsection (a) are authorized to remain available until expended.

SEC. 1110. PEACE CORPS.

Section 3(b) of the Peace Corps Act (22 U.S.C. 2502(b)) is amended to read as follows:

"(b)(1) There are authorized to be appropriated to carry out the purposes of this Act $210,000,000 for fiscal year 1996 and $234,000,000 for fiscal year 1997.

"(2) Amounts authorized to be appropriated under paragraph (1)—

"(A) with respect to fiscal year 1996 are authorized to remain available until September 30, 1997; and

"(B) with respect to fiscal year 1997 are authorized to remain available until September 30, 1998.".

SEC. 1111. HOUSING GUARANTEE PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS FOR ADMINISTRATIVE EXPENSES.—

(1) IN GENERAL.—(A) Subject to subparagraph (B), there are authorized to be appropriated $7,000,000 for fiscal year 1996 and $6,000,000 for fiscal year 1997 for administrative expenses to carry out guaranteed loan programs under sections 221 and 222 of the Foreign Assistance Act of 1961 (22 U.S.C. 2181 and 2182).

(B) Amounts authorized to be appropriated under subparagraph (A) may be made available only for—

(i) administrative expenses incurred with respect to guaranties issued before the date of the enactment of this Act; or

(ii) expenses incurred with respect to activities related to the collection of amounts paid by the United States in the discharge of liabilities under guaranties issued under section 222 of the Foreign Assistance Act of 1961 (22 U.S.C. 2182).

(2) AVAILABILITY.—Amounts authorized to be appropriated under paragraph (1) are authorized to remain available until expended.

(b) ADDITIONAL REQUIREMENTS.—

(1) EXPIRATION OF AUTHORITY.—Section 222(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2182(a)) is amended by striking the third sentence and inserting the following: "No guaranties may be issued under this section on or after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 1996 and 1997.".

(2) CANCELLATION OF CERTAIN EXISTING GUARANTIES.—Section 222 of such Act (22 U.S.C. 2182) is amended—

(A) by redesignating subsection (k) as subsection (d); and

(B) by adding at the end the following new subsection:

"(e) The President shall cancel all guaranties issued under this section with respect to which eligible investors have not (before the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 1996 and 1997) applied such guaranties to loans for projects under this title. The provisions of this subsection shall not apply to guaranties which have been issued for the benefit of the Republic of South Africa.".

(3) PROHIBITION ON ASSISTANCE FOR ENTITIES IN DEFAULT AND CERTAIN OTHER ENTITIES.—Section 620 of such Act (22 U.S.C. 2370) is amended by inserting after subsection (u) the following new subsection:

"(v)(1) Subject to paragraph (2), no assistance shall be furnished under this Act to any entity that—

"(A) fails to make timely payments on loans with respect to which guaranties have been issued under title III of chapter 2 of part I of this Act (relating to housing and other credit guaranty programs); or

"(B) causes amounts (including amounts for administrative expenses) to be paid by the United States in the discharge of liabilities under guaranties issued under such title, unless such entity has reimbursed the United States for such amounts.

"(2) The President may waive the prohibition in paragraph (1) with respect to an entity if the President determines that it is in the national interest of the United States to furnish assistance under this Act to such entity.".

TITLE XII—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

CHAPTER 1—AUTHORITIES AND ACTIVITIES

SEC. 1201. REVISION OF DEPARTMENT OF STATE REWARDS PROGRAM.

(a) IN GENERAL.—Section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended to read as follows:

"SEC. 36. DEPARTMENT OF STATE REWARDS PROGRAM.

"(a) ESTABLISHMENT.—(1) There is established a program for the payment of rewards to carry out the purposes of this section.

"(2) The rewards program established by this section shall be administered by the Secretary of State, in consultation, where appropriate, with the Attorney General.

"(b) PURPOSE.—(1) The rewards program established by this section shall be designed to assist in the prevention of acts of international terrorism, international narcotics trafficking, and other related criminal acts.

"(2) At the sole discretion of the Secretary of State and in consultation, as appropriate, with the Attorney General, the Secretary of State may pay a reward to any individual who furnishes information leading to—

"(A) the arrest or conviction in any country of any individual for the commission of an act of international terrorism against a United States person or United States property;

"(B) the arrest or conviction in any country of any individual conspiring or attempting to commit an act of international terrorism against a United States person or United States property;

"(C) the arrest or conviction in any country of any individual for committing, primarily outside the territorial jurisdiction of the United States, any narcotics-related offense if that offense involves or is a significant part of conduct that involves—

"(i) a violation of United States narcotics laws and which is such that the individual would be a major violator of such laws;

"(ii) the killing or kidnapping of—

"(I) any officer, employee, or contract employee of the United States Government while such individual is engaged in official duties, or on account of that individual's official duties, in connection with the enforcement of United States narcotics laws or the implementing of United States narcotics control objectives; or

"(II) a member of the immediate family of any such individual on account of that individual's official duties in connection with the enforcement of United States narcotics laws or the implementing of United States narcotics control objectives; or

"(iii) an attempt or conspiracy to commit any of the acts described in clause (i) or (ii);

"(D) the arrest or conviction in any country of any individual aiding or abetting in the commission of an act described in subparagraphs (A) through (C); or

"(E) the prevention, frustration, or favorable resolution of an act described in subparagraphs (A) through (C).

"(c) COORDINATION.—(1) To ensure that the payment of rewards pursuant to this section does not duplicate or interfere with the payment of informants or the obtaining of evidence or information, as authorized to the Department of Justice, the offering, administration, and payment of rewards under this section, including procedures for—

"(A) identifying individuals, organizations, and offenses with respect to which rewards will be offered;

"(B) the publication of rewards;

"(C) offering of joint rewards with foreign governments;

"(D) the receipt and analysis of data; and

"(E) the payment and approval of payment,

shall be governed by procedures developed by the Secretary of State, in consultation with the Attorney General.

"(2) Before making a reward under this section in a matter over which there is Federal criminal jurisdiction, the Secretary of State shall advise and consult with the Attorney General.

"(d) FUNDING.—(1) There are authorized to be appropriated to the Department of State from time to time such amounts as may be necessary to carry out the purposes of this section, notwithstanding section 102 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99-93).

"(2) No amount of funds may be appropriated which, when added to the amounts previously appropriated but not yet obligated, would cause such amounts to exceed $15,000,000.

"(3) To the maximum extent practicable, funds made available to carry out this section should be distributed equally for the purpose of preventing acts of international terrorism and for the purpose of preventing international narcotics trafficking.

"(4) Amounts appropriated to carry out the purposes of this section shall remain available until expended.

"(e) LIMITATION AND CERTIFICATION.—(1) A reward under this section may not exceed $2,000,000.

"(2) A reward under this section of more than $100,000 may not be made without the approval of the President or the Secretary of State.

"(3) Any reward granted under this section shall be approved and certified for payment by the Secretary of State.

"(4) The authority of paragraph (2) may not be delegated to any other officer or employee of the United States Government.

"(5) If the Secretary determines that the identity of the recipient of a reward or of the members of the recipient's immediate family must be protected, the Secretary may take such measures in connection with the payment of the reward as he considers necessary to effect such protection.

"(f) INELIGIBILITY.—An officer or employee of any governmental entity who, while in the performance of his or her official duties, furnishes information described in subsection (b) shall not be eligible for a reward under this section.

"(g) REPORTS.—(1) Not later than 30 days after the payment of any reward under this section, the Secretary of State shall submit a report to the appropriate congressional committees with respect to such reward. The report, which may be submitted on a classified basis if necessary, shall specify the amount of the reward paid, to whom the reward was paid, and the acts with respect to which the reward was paid. The report shall also discuss the significance of the information for which the reward was paid in dealing with those acts.

"(2) Not later than 60 days after the end of each fiscal year, the Secretary of State shall

submit an annual report to the appropriate congressional committees with respect to the operation of the rewards program authorized by this section. Such report shall provide information on the total amounts expended during such fiscal year to carry out the purposes of this section, including amounts spent to publicize the availability of rewards. Such report shall also include information on all requests for the payment of rewards under this section, including the reasons for the denial of any such requests.

"(h) DEFINITIONS.—As used in this section—

"(1) the term 'appropriate congressional committees' means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate;

"(2) the term 'act of international terrorism' includes, but is not limited to—

"(A) any act substantially contributing to the acquisition of unsafeguarded special nuclear material (as defined in section 830(8) of the Nuclear Proliferation Prevention Act of 1994) or any nuclear explosive device (as defined in section 830(4) of that Act) by an individual, group, or non-nuclear weapon state (as defined in section 830(5) of that Act); and

"(B) any act, as determined by the Secretary of State, which materially supports the conduct of international terrorism, including the counterfeiting of United States currency or the illegal use of other monetary instruments by an individual, group, or country supporting international terrorism as determined for purposes of section 6(j) of the Export Administration Act of 1979;

"(3) the term 'United States narcotics laws' means the laws of the United States for the prevention and control of illicit traffic in controlled substances (as such term is defined for purposes of the Controlled Substances Act); and

"(4) the term 'member of the immediate family' includes—

"(A) a spouse, parent, brother, sister, or child of the individual;

"(B) a person to whom the individual stands in loco parentis; and

"(C) any other person living in the individual's household and related to the individual by blood or marriage.

"(i) JUDICIAL REVIEW.—A determination made by the Secretary of State as to whether to authorize a reward under this section or as to the amount of a reward shall not be subject to judicial review.".

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the Secretary of State should pursue additional means of funding the program established by section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708), including the authority to seize and dispose of assets used in the commission of any offense under sections 1028, 1541 through 1544, and 1546 of title 18, United States Code, and to retain the proceeds derived from the disposition of such assets; to participate in asset sharing programs conducted by the Department of Justice; and to retain earnings accruing on all assets of foreign countries blocked by the President pursuant to the International Emergency Powers Act (50 U.S.C. 1701 and following) to carry out the purposes of section 36 of the State Department Basic Authorities Act of 1956.

SEC. 1202. BUYING POWER MAINTENANCE ACCOUNT.

Section 24(b)(7) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(b)(7)) is amended by striking subparagraph (D).

SEC. 1203. EXPENSES RELATING TO CERTAIN INTERNATIONAL CLAIMS AND PROCEEDINGS.

(a) RECOVERY OF CERTAIN EXPENSES.—The Department of State Appropriation Act, 1937 (49 Stat. 1321, 22 U.S.C. 2661, as amended by section 142(b) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100–204)) is amended in the fifth undesignated paragraph under the heading entitled "INTERNATIONAL FISHERIES COMMISSION" by striking "extraordinary".

(b) PROCUREMENT OF SERVICES.—Section 38(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2710(c)) is amended in the first sentence by inserting "personal and" before "other support services".

SEC. 1204. DENIAL OF PASSPORTS TO NONCUSTODIAL PARENTS SUBJECT TO STATE ARREST WARRANTS IN CASES OF NONPAYMENT OF CHILD SUPPORT.

The Secretary of State is authorized to refuse to issue a passport or to revoke, restrict, or limit a passport in any case in which the Secretary of State determines or is informed by competent authority that the applicant or passport holder is a noncustodial parent who is the subject of an outstanding State warrant of arrest for nonpayment of child support, where the amount in controversy is not less than $10,000.

SEC. 1205. TRAINING.

Section 701 of the Foreign Service Act of 1980 (22 U.S.C. 4021) is amended—

(1) by redesignating subsection (d)(4) as subsection (g); and

(2) by inserting after subsection (d) the following new subsections:

"(e)(1) The Secretary of State is authorized to provide appropriate training through the institution to employees of any United States company engaged in business abroad, and to the families of such employees, when such training is in the national interest of the United States.

"(2) In the case of any company under contract to provide services to the Department of State, the Secretary of State is authorized to provide job-related training to any company employee who is performing such services.

"(3) Training under this subsection shall be on a reimbursable or advance-of-funds basis. Such reimbursements or advances shall be credited to the currently applicable appropriation account.

"(4) Training under this subsection is authorized only to the extent that it will not interfere with the institution's primary mission of training employees of the Department and of other agencies in the field of foreign relations.

"(f)(1) The Secretary of State is authorized to provide on a reimbursable basis foreign language training programs to Members of Congress and officers and employees of Congress.

"(2) Reimbursements under this subsection, to the extent practicable, should be equivalent to the rate of reimbursement charged other agencies of the United States Government for comparable training.

"(3) Reimbursements collected under this subsection shall be credited to the currently available applicable appropriation account.

"(4) Training under this subsection is authorized only to the extent that it will not interfere with the institution's primary mission of training employees of the Department and of other agencies in the field of foreign relations.".

SEC. 1206. CAPITAL INVESTMENT FUND.

Section 135 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 2684a) is amended—

(1) in subsection (a), by inserting "and upgrade" after "procurement";

(2) in subsection (c), by striking "are authorized to" and inserting "shall";

(3) in subsection (d), by striking all that follows "available" and inserting "for the purposes of subsection (a)."; and

(4) in subsection (e), by striking all that follows "(22 U.S.C. 2710)" before the period at the end.

SEC. 1207. LEASE-PURCHASE OF OVERSEAS PROPERTY.

(a) AUTHORITY FOR LEASE-PURCHASE.—Subject to subsections (b) and (c), the Secretary is authorized to acquire by lease-purchase such properties as are described in subsection (b), if—

(1) the Secretary of State, and

(2) the Director of the Office of Management and Budget,

certify and notify the appropriate committees of Congress that the lease-purchase arrangement will result in a net cost savings to the Federal Government when compared to a lease, a direct purchase, or direct construction of comparable property.

(b) LOCATIONS AND LIMITATIONS.—The authority granted in subsection (a) may be exercised only—

(1) to acquire appropriate housing for Department of State personnel stationed abroad and for the acquisition of other facilities, in locations in which the United States has a diplomatic mission; and

(2) during fiscal years 1996 and 1997.

(c) AUTHORIZATION OF FUNDING.—Funds for lease-purchase arrangements made pursuant to subsection (a) shall be available from amounts appropriated under the authority of section 1101(4) (relating to the "Security and Maintenance of United States Missions" account). Such funds shall be available only to such extent or in such amounts as are provided in advance in an appropriation Act.

SEC. 1208. FEES FOR COMMERCIAL SERVICES.

Section 52 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2724) is amended in subsection (b) by adding at the end the following: "Such fees shall remain available for obligation until expended. Deposited funds may be obligated and expended only in such amounts as are provided in advance in an appropriation Act.".

SEC. 1209. REDUCTION OF REPORTING REQUIREMENTS.

Section 488(a)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291g) is amended by striking "quarter of the".

SEC. 1210. FEE FOR USE OF DIPLOMATIC RECEPTION ROOMS.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by adding at the end the following new section:

"SEC. 53. FEE FOR USE OF DIPLOMATIC RECEPTION ROOMS.

"The Secretary of State is authorized to charge a fee for use of the Department of State diplomatic reception rooms. Fees collected under the authority of this section shall be deposited as an offsetting collection to any Department of State appropriation to recover the costs of such use and shall remain available for obligation until expended. Amounts deposited may be obligated and expended only to the extent and in such amounts as are provided in advance in an appropriation Act.".

SEC. 1211. INTERNATIONAL CENTER RESERVE FUNDS.

Section 5 of the International Center Act (Public Law 90–533) is amended by inserting before the last sentence the following: "Amounts in the reserve may be deposited in interest bearing accounts, and the Secretary may retain for the purposes of the reserve any interest earned on such deposits without returning such interest to the Treasury of the United States.".

SEC. 1212. JOINT FUNDS UNDER AGREEMENTS FOR COOPERATION IN ENVIRONMENTAL, SCIENTIFIC, CULTURAL, AND RELATED AREAS.

In order to promote the maximum benefits from continued participation in international agreements in effect as of the date of enactment of this Act for cooperation in environmental, *scientific, cultural, and related areas, appropriated funds that have been made available in fiscal year 1995 and prior fiscal years under the Department of State's program of international environmental, scientific, and cultural cooperation to joint funds or accounts under such agreements may, to the extent specified within the agreement, be deposited in interest bearing accounts prior to disbursement of such funds for the purposes of the program. Interest earned may be retained for use under such agreements for program or administrative purposes, without returning such interest to the Treasury of the United States. Such retained interest amounts shall be available for obligation and expenditure only to such extent and in such amounts as are provided in advance in appropriation Acts.*

SEC. 1213. EFFICIENCY IN PROCUREMENT.

(a) In General.—To the maximum extent practicable, United States Government agencies performing functions at diplomatic and consular posts abroad shall avoid duplicative acquisition actions.

(b) Authority.—Notwithstanding any other provision of law, a contract awarded in accordance with the Competition in Contracting Act by an agency of the United States Government performing functions at diplomatic and consular posts abroad may be amended without competition to permit other such United States Government agencies to obtain goods or services under such contract, if unit prices are not increased as a result of any such amendment.

SEC. 1214. CONCERNING THE USE OF FUNDS TO FURTHER NORMALIZE RELATIONS WITH VIETNAM.

None of the funds authorized to be appropriated or otherwise made available by this Act may be obligated or expended to pay for any cost incurred for (1) opening or operating any United States diplomatic or consular post in the Socialist Republic of Vietnam that was not operating on July 11, 1995; (2) expanding any United States diplomatic or consular post in the Socialist Republic of Vietnam that was operating on July 11, 1995; or (3) increasing the total number of personnel assigned to United States diplomatic or consular posts in the Socialist Republic of Vietnam above the levels existing on July 11, 1995, unless not less than 60 days prior to any such obligation or expenditure the President certifies to the Congress that based upon all information available to the United States Government that the Government of the Socialist Republic of Vietnam is fully cooperating with the United States in the following 4 areas:

(A) Resolving discrepancy cases, live sightings, and field activities.

(B) Recovering and repatriating American remains.

(C) Accelerating efforts to provide documents that will help lead to fullest possible accounting of POW/MIA's.

(D) Providing further assistance in implementing trilateral investigations with Laos.

SEC. 1215. DIPLOMATIC TELECOMMUNICATIONS SERVICE.

Section 507 of the Department of State and Related Agencies Appropriations Act, 1995 (Public Law 103–317) is amended in subsections (a) and (b) by striking "and each succeeding fiscal year" each place it appears.

CHAPTER 2—CONSULAR AUTHORITIES OF THE DEPARTMENT OF STATE

SEC. 1231. FEES FOR MACHINE READABLE VISAS.

Section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is amended—

(1) by striking paragraphs (2) and (3) and inserting the following:

"(2) For fiscal years 1996 and 1997, not more than $150,000,000 in fees collected under the authority of paragraph (1) for each fiscal year shall be deposited as an offsetting collection to any Department of State appropriation to recover the costs of the Department of State's border security program, including the costs of—

"(A) installation and operation of the machine readable visa and automated name-check process;

"(B) improving the quality and security of the United States passport;

"(C) passport and visa fraud investigations; and

"(D) the technological infrastructure to support and operate the programs referred to in subparagraphs (A) through (C).

Such fees shall remain available for obligation until expended.

"(3) For any fiscal year, fees collected under the authority of paragraph (1) in excess of the amount specified for such fiscal year under paragraph (2) shall be deposited in the general fund of the Treasury as miscellaneous receipts."; and

(2) by striking paragraph (5).

SEC. 1232. FINGERPRINT CHECK REQUIREMENT.

Section 140(e)(1) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236; 8 U.S.C. 1182 note) as amended by section 505 of the Department of State and Related Agencies Appropriation Act, Fiscal Year 1995 (Public Law 103–317) is amended to read as follows:

"(1) The Secretary of State shall in the 10 countries with the highest volume of immigrant visa issuance for the most recent fiscal year for which data are available require applicants for immigrant visas to provide a fingerprint record for submission with the application, at no cost to the Department of State, if such an applicant—

"(A) has been determined to have a criminal history record under subsection (d)(1);

"(B) has been physically present in the United States; and

"(C) is more than 16 years of age.

The Department of State shall submit such fingerprint records to the Federal Bureau of Investigation for analysis to determine whether the applicant has been convicted of a felony under State or Federal law in the United States.".

SEC. 1233. USE OF CERTAIN PASSPORT PROCESSING FEES FOR ENHANCED PASSPORT SERVICES.

For each of the fiscal years 1996 and 1997, of the fees collected for expedited passport processing and deposited to an offsetting collection pursuant to the Department of State and Related Agencies Appropriations Act for Fiscal Year 1995 (Public Law 103–317; 22 U.S.C. 214), 10 percent shall be available only for enhancing passport services for United States citizens, improving the integrity and efficiency of the passport issuance process, improving the secure nature of the United States passport, investigating passport fraud, and preventing entry into the United States by terrorists, drug traffickers, or other criminals.

SEC. 1234. CONSULAR OFFICERS.

(a) Persons Authorized To Issue Reports of Births Abroad.—Section 33 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2705) is amended in paragraph (2) by adding at the end the following: "For purposes of this paragraph, a consular officer shall include any United States citizen employee of the Department of State designated by the Secretary of State to adjudicate nationality abroad pursuant to such regulations as the Secretary may prescribe.".

(b) Provisions Applicable to Consular Officers.—Section 31 of the Act of August 18, 1856 (Rev. Stat. 1689; 22 U.S.C. 4191), is amended by inserting after "such officers" the following: "and to such other United States citizen employees of the Department of State as may be designated by the Secretary of State pursuant to such regulations as the Secretary may prescribe".

(c) Persons Authorized To Authenticate Foreign Documents.—Section 3492(c) of title 18 of the United States Code is amended by adding at the end the following: "For purposes of this section and sections 3493 through 3496 of this title, a consular officer shall include any United States citizen employee of the Department of State designated to perform notarial functions pursuant to section 24 of the Act of August 18, 1856 (Rev. Stat. 1750; 22 U.S.C. 4221).".

(d) Persons Authorized To Administer Oaths.—Section 115 of title 35 of the United States Code is amended by adding at the end the following: "For purposes of this section, a consular officer shall include any United States citizen employee of the Department of State designated to perform notarial functions pursuant to section 24 of the Act of August 18, 1856 (Rev. Stat. 1750; 22 U.S.C. 4221).".

(e) Definition of Consular Officer.—Section 101(a)(9) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(9)) is amended by adding at the end the following new sentence: "As used in title III, the term "consular officer" includes any United States citizen employee of the Department of State designated by the Secretary of State to adjudicate nationality abroad pursuant to such regulations as the Secretary may prescribe.".

SEC. 1235. FEE FOR DIVERSITY IMMIGRANT LOTTERY.

The Secretary of State may establish a fee to be paid by each alien who applies for an immigrant visa on the basis of an approved petition filed under section 204(a)(1)(G) of the Immigration and Nationality Act. Such fee may be set at a level so as to recover the full cost to the Department of State of administering subsection (c) of section 203 of the Immigration and Nationality Act, including the cost of processing all petitions thereunder. All such fees collected shall be deposited as an offsetting collection to any Department of State appropriation and shall remain available for obligation until expended. The provisions of the Act of August 18, 1856 (Rev. Stat. 1726–28; 22 U.S.C. 4212–14), concerning accounting for consular fees, shall not apply to fees collected pursuant to this section. Amounts deposited shall be available for obligation and expenditure only in such amounts as are provided in advance in appropriation Acts.

SEC. 1236. FEE FOR EXECUTION OF PASSPORT APPLICATIONS.

Section 1 of the Act of June 4, 1920 (41 Stat. 750; 22 U.S.C. 214) is amended by—

(1) inserting before the period at the end of the first sentence the following: "; except that the Secretary of State may by regulation authorize State officials or the United States Postal Service to collect and retain the execution fee for each application for a passport accepted by such officials or by that Service"; and

(2) striking the second sentence.

SEC. 1237. EXCLUSION FROM THE UNITED STATES FOR MEMBERSHIP IN A TERRORIST ORGANIZATION.

Section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)) is amended—

(1) by striking "or" at the end of clause (i)(I);

(2) by inserting "or" at the end of clause (i)(II);

(3) by inserting after clause (i)(II) the following new subclause:

"(III) is a member of a terrorist organization or who actively supports or advocates terrorist activity,"; and

(4) by adding at the end the following new clause:

"(iv) Terrorist Organization Defined.—As used in this subparagraph, the term 'terrorist

organization' means an organization that engages in, or has engaged in, terrorist activity as determined by the Attorney General, in consultation with the Secretary of State.".

SEC. 1238. TERRORIST LOOKOUT COMMITTEES.

(a) ESTABLISHMENT.—

(1) Not later than 30 days after the date of enactment of this Act, the Secretary of State shall establish within each United States Embassy a Terrorist Lookout Committee, which shall include the head of the political section and senior representatives of all United States law enforcement agencies and all elements of the intelligence community under the authority of the chief of mission.

(2) Each Committee shall be chaired by the respective deputy chief of mission, with the head of the consular section as vice chair.

(b) MEETINGS.—Each Terrorist Lookout Committee established under subsection (a) shall meet at least monthly and shall maintain records of its meetings. Upon the completion of each meeting, each Committee shall report to the Department of State all names submitted for inclusion in the visa lookout system.

(c) REPORTS.—

(1) The Secretary of State shall submit a report to the appropriate congressional committees within 90 days after the date of the enactment of this Act on the status of establishing Terrorist Lookout Committees under this section and evaluating interagency cooperation in the process.

(2) Not later than April 1, 1997, the Secretary of State shall submit a follow-up report to the appropriate congressional committees detailing progress on submitting names for inclusion in the visa lookout system and evaluating cooperation among agencies and embassy sections in maintaining lists of such names.

SEC. 1239. INCITEMENT AS A BASIS FOR EXCLUSION FROM THE UNITED STATES.

(a) IN GENERAL.—Section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)), as amended by this Act, is further amended—

(1) by striking "or" at the end of clause (i)(II);

(2) in clause (i)(III) by inserting "or" at the end; and

(3) by inserting after clause (i)(III) the following new subclause:

"(IV) has, under circumstances indicating an intention to cause death or serious bodily harm, incited terrorism, engaged in targeted racial vilification, or advocated the overthrow of the United States Government or death or serious bodily harm to any United States citizen or United States Government official,".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to aliens seeking to enter the United States on or after the date of enactment of this Act.

CHAPTER 3—REFUGEES AND MIGRATION

SEC. 1251. REPORT TO CONGRESS CONCERNING CUBAN EMIGRATION POLICIES.

Beginning 3 months after the date of the enactment of this Act and every subsequent 6 months, the President shall submit a report to the appropriate congressional committees concerning the methods employed by the Government of Cuba to enforce the United States-Cuba agreement of September 1994 to restrict the emigration of the Cuban people from Cuba to the United States, and the treatment by the Government of Cuba of persons who have been returned to Cuba pursuant to the United States-Cuba agreement of May 1995. Each report transmitted pursuant to this section shall include a detailed account of United States efforts to monitor such enforcement and treatment.

SEC. 1252. EXTENSION OF CERTAIN ADJUDICATION PROVISIONS.

The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking "and 1996" and inserting "1996, and 1997"; and

(B) in subsection (e), by striking out "October 1, 1996" each place it appears and inserting "October 1, 1997"; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking out "September 30, 1996" and inserting "September 30, 1997".

SEC. 1253. UNITED STATES POLICY REGARDING THE INVOLUNTARY RETURN OF REFUGEES.

(a) IN GENERAL.—No funds authorized to be appropriated by section 1104 of this Act or by section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(c)) shall be available to effect the involuntary return of any person to a country in which the person has a well founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.

(b) INVOLUNTARY RETURN DEFINED.—As used in this section, the term "effect the involuntary return" means to take action by which it is reasonably foreseeable that a person will be required to return to a country against the person's will, regardless of whether such return is induced by physical force and regardless of whether the person is physically present in the United States.

SEC. 1254. REPORT ON IRAQI REFUGEES.

(a) REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report describing in detail the procedures for determining eligibility for resettlement of Iraqi nationals from Saudi Arabia and Turkey to the United States.

(b) REPORT.—The report under subsection (a) shall include the following:

(1) The history of the United States resettlement program for Iraqi refugees, including the number of such refugees resettled in the United States and in other countries during each year since fiscal year 1991, as well as activities of the United States Government, other governments, and international organizations with respect to temporary protection for Iraqi refugees in Saudi Arabia, Turkey, and other countries.

(2) An evaluation and explanation of the continuing need for the program, including an evaluation of the prospects for future resettlement of Iraqi refugees in countries other than the United States and the impact of United States activities on resettlement commitments by such countries and on the actions of countries providing temporary protection.

(3) A detailed analysis of the basis for claims of persecution of Iraqi refugees approved for resettlement in the United States.

(4) A detailed description and evaluation of procedures employed by United States personnel to ensure the denial of fraudulent applications and the application of all grounds of exclusion provided by United States law.

(5) A detailed description of the acculturation program for Iraqi refugees selected for admission to the United States, with particular reference to any differences between this program and similar programs for other refugees, and an evaluation of the continuing need for such program and for improvements therein.

SEC. 1255. PERSECUTION FOR RESISTANCE TO COERCIVE POPULATION CONTROL METHODS.

Section 101(a)(42) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(42)) is amended by adding at the end the following: "For purposes of determinations under this Act, a person who has been forced to abort a pregnancy or to undergo involuntary sterilization, or who has been persecuted for failure or refusal to undergo such a procedure or for other resistance to a coercive population control program, shall be deemed to have been persecuted on account of political opinion, and a person who has a well founded fear that he or she will be forced to undergo such a procedure or subjected to persecution for such failure, refusal, or resistance shall be deemed to have a well founded fear of persecution on account of political opinion.".

SEC. 1256. UNITED STATES POLICY WITH RESPECT TO THE INVOLUNTARY RETURN OF PERSONS IN DANGER OF SUBJECTION TO TORTURE.

(a) IN GENERAL.—No funds authorized to be appropriated by this Act, or by section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(c)), shall be available to expel, extradite, or otherwise effect the involuntary return of any person to a country in which there are substantial grounds for believing the person would be in danger of being subjected to torture.

(b) DEFINITIONS.—

(1) IN GENERAL.—Except as otherwise provided, terms used in this section have the meanings assigned under the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, subject to any reservations, understandings, declarations and provisos contained in the United States resolution of advice and consent to ratification to such Convention.

(2) INVOLUNTARY RETURN.—As used in this section, the term "effect the involuntary return" means to take action by which it is reasonably foreseeable that a person will be required to return to a country against the person's will, regardless of whether such return is induced by physical force and regardless of whether the person is physically present in the United States.

TITLE XIII—ORGANIZATION OF THE DEPARTMENT OF STATE; DEPARTMENT OF STATE PERSONNEL; THE FOREIGN SERVICE

CHAPTER 1—ORGANIZATION OF THE DEPARTMENT OF STATE

SEC. 1301. COORDINATOR FOR COUNTERTERRORISM.

(a) ESTABLISHMENT.—Section 1(f) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(f)) (as amended by section 213 of this Act) is amended—

(1) by striking "In" and inserting the following:

"(1) In"; and

(2) by inserting at the end the following:

"(2) COORDINATOR FOR COUNTERTERRORISM.—

"(A) There shall be within the office of the Secretary of State a Coordinator for Counterterrorism (hereafter in this paragraph referred to as the 'Coordinator') who shall be appointed by the President, by and with the advice and consent of the Senate.

"(B)(i) The Coordinator shall perform such duties and exercise such power as the Secretary of State shall prescribe.

"(ii) The principal duty of the Coordinator shall be the overall supervision (including policy oversight of resources) of international counterterrorism activities. The Coordinator shall be the principal advisor to the Secretary of State on international counterterrorism matters. The Coordinator shall be the principal counterterrorism official within the senior management of the Department of State and shall report directly to the Secretary of State.

"(C) The Coordinator shall have the rank and status of Ambassador-at-Large. The Coordinator shall be compensated at the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5314 of title 5,

United States Code, or, if the Coordinator is appointed from the Foreign Service, the annual rate of pay which the individual last received under the Foreign Service Schedule, whichever is greater.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 161 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is amended by striking subsection (e).

(c) TRANSITION PROVISION.—The individual serving as Coordinator for Counterterrorism of the Department of State on the day before the effective date of this division may continue to serve in that position.

SEC. 1302. AUTHORITY OF UNITED STATES PERMANENT REPRESENTATIVE TO THE UNITED NATIONS.

Section 2(a) of the United Nations Participation Act of 1945 (22 U.S.C. 287(a)) is amended by striking "hold office at the pleasure of the President" and inserting "serve at the pleasure of the President and subject to the direction of the Secretary of State".

SEC. 1303. SPECIAL ENVOY FOR TIBET.

(a) UNITED STATES SPECIAL ENVOY FOR TIBET.—The President should appoint within the Department of State a United States Special Envoy for Tibet, who shall hold office at the pleasure of the President.

(b) RANK.—A United States Special Envoy for Tibet appointed under subsection (a) shall have the personal rank of ambassador and shall be appointed by and with the advice and consent of the Senate.

(c) SPECIAL FUNCTIONS.—The United States Special Envoy for Tibet should be authorized and encouraged—

(1) to promote substantive negotiations between the Dalai Lama or his representatives and senior members of the Government of the People's Republic of China;

(2) to promote good relations between the Dalai Lama and his representatives and the United States Government, including meeting with members or representatives of the Tibetan government-in-exile; and

(3) to travel regularly throughout Tibet and Tibetan refugee settlements.

(d) DUTIES AND RESPONSIBILITIES.—The United States Special Envoy for Tibet should—

(1) consult with the Congress on policies relevant to Tibet and the future and welfare of all Tibetan people;

(2) coordinate United States Government policies, programs, and projects concerning Tibet; and

(3) report to the Secretary of State regarding the matters described in section 536(a)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236).

SEC. 1304. RESPONSIBILITIES OF BUREAU CHARGED WITH MIGRATION AND REFUGEE ASSISTANCE.

The Bureau of Migration and Refugee Assistance shall be the bureau within the Department of State with principal responsibility for assisting the Secretary in carrying out the Migration and Refugee Assistance Act of 1962 and shall not be charged with responsibility for assisting the Secretary in matters relating to family planning or population policy.

SEC. 1305. ELIMINATION OF STATUTORY ESTABLISHMENT OF CERTAIN POSITIONS OF THE DEPARTMENT OF STATE.

(a) ASSISTANT SECRETARY OF STATE FOR SOUTH ASIAN AFFAIRS.—Section 122 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2652b) is repealed.

(b) DEPUTY ASSISTANT SECRETARY OF STATE FOR BURDENSHARING.—Section 161 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 2651a note) is amended by striking subsection (f).

(c) ASSISTANT SECRETARY FOR OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS.—Section 9 of the Department of State Appropriations Authorization Act of 1973 (22 U.S.C. 2655a) is repealed.

SEC. 1306. MANAGEMENT OF THE HUMAN RESOURCES OF THE DEPARTMENT OF STATE.

(a) POSITION.—Either the head or next most senior person of the bureau or office within the Department of State with principal responsibility for management of human resources and personnel policies of the Department shall have substantial professional qualifications in the field of human resource policy and management.

(b) DEFINITION.—For purposes of this section, the term "substantial professional qualifications in the field of human resources policy and management" means in excess of 15 years experience as a human resources management professional of which at least 5 years shall have been gained in the private sector or in government service outside the Foreign Service.

CHAPTER 2—PERSONNEL OF THE DEPARTMENT OF STATE; THE FOREIGN SERVICE

SEC. 1351. AUTHORIZED STRENGTH OF THE FOREIGN SERVICE.

(a) END FISCAL YEAR 1996 LEVELS.—The number of members of the Foreign Service authorized to be employed as of September 30, 1996—

(1) for the Department of State, shall not exceed 9,000, of whom not more than 660 shall be members of the Senior Foreign Service;

(2) for the United States Information Agency, shall not exceed 1,150, of whom not more than 160 shall be members of the Senior Foreign Service; and

(3) for the Agency for International Development, not to exceed 1,800, of whom not more than 225 shall be members of the Senior Foreign Service.

(b) END FISCAL YEAR 1997 LEVELS.—The number of members of the Foreign Service authorized to be employed as of September 30, 1997—

(1) for the Department of State, shall not exceed 8,800, of whom not more than 660 shall be members of the Senior Foreign Service;

(2) for the United States Information Agency, not to exceed 1,100 of whom not more than 160 shall be members of the Senior Foreign Service; and

(3) for the Agency for International Development, not to exceed 1,775 of whom not more than 225 shall be members of the Senior Foreign Service.

(c) DEFINITION.—For the purposes of this section, the term "members of the Foreign Service" is used within the meaning of such term under section 103 of the Foreign Service Act of 1980 (22 U.S.C 3903), except that such term does not include—

(1) members of the Service under paragraphs (6) and (7) of such section;

(2) members of the Service serving under temporary resident appointments abroad;

(3) members of the Service employed on less than a full-time basis;

(4) members of the Service subject to involuntary separation in cases in which such separation has been suspended pursuant to section 1106(8) of the Foreign Service Act of 1980; and

(5) members of the Service serving under noncareer limited appointments.

(d) WAIVER AUTHORITY.—(1) Subject to paragraph (2), the President may waive any limitation under subsection (a) or (b) to the extent that such waiver is necessary to carry on the foreign affairs functions of the United States.

(2) Not less than 15 days before the President exercises a waiver under paragraph (1), such agency head shall notify the Chairman of the Committee on Foreign Relations of the Senate and the Chairman of the Committee on International Relations of the House of Representatives of the President's intention to exercise the waiver authority. Such notice shall include an explanation of the circumstances and necessity for such waiver.

SEC. 1352. RESTRICTION ON LOBBYING ACTIVITIES OF FORMER UNITED STATES CHIEFS OF MISSION.

Section 207(d)(1) of title 18, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (B);

(2) in subparagraph (C), by inserting "or" after "title 3,"; and

(3) by inserting after subparagraph (C) the following new subparagraph:

"(D) serves in the position of chief of mission (as defined in section 102(3) of the Foreign Service Act of 1980),".

SEC. 1353. LIMITATIONS ON MANAGEMENT ASSIGNMENTS.

Section 1017(e)(2) of the Foreign Service Act of 1980 (22 U.S.C. 4117(e)(2)) is amended to read as follows:

"(2) For the purposes of paragraph (1)(A)(ii) and paragraph (1)(B), the term 'management official' does not include chiefs of mission, principal officers or their deputies, administrative and personnel officers abroad, or individuals described in section 1002(12) (B), (C), and (D) who are not involved in the administration of this chapter or in the formulation of the personnel policies and programs of the Department.".

SEC. 1354. NONOVERTIME DIFFERENTIAL PAY.

Title 5 of the United States Code is amended—

(1) in section 5544(a), by inserting after the fourth sentence the following new sentence: "For employees serving outside the United States in areas where Sunday is a routine workday and another day of the week is officially recognized as the day of rest and worship, the Secretary of State may designate the officially recognized day of rest and worship as the day with respect to which additional pay is authorized by the preceding sentence."; and

(2) at the end of section 5546(a), by adding the following new sentence: "For employees serving outside the United States in areas where Sunday is a routine workday and another day of the week is officially recognized as the day of rest and worship, the Secretary of State may designate the officially recognized day of rest and worship as the day with respect to which additional pay is authorized by the preceding sentence.".

SEC. 1355. RECOVERY OF COSTS OF HEALTH CARE SERVICES.

(a) AUTHORITIES.—Section 904 of the Foreign Service Act of 1980 (22 U.S.C. 4084) is amended—

(1) in subsection (a)—

(A) by striking "and" before "members of the families of such members and employees"; and

(B) by inserting immediately before the period ", and for care provided abroad) such other persons as are designated by the Secretary of State, except that such persons shall be considered persons other than covered beneficiaries for purposes of subsections (g) and (h)";

(2) in subsection (d), by inserting ", subject to the provisions of subsections (g) and (h)" after "treatment"; and

(3) by adding the following new subsections:

"(g)(1) In the case of a person who is a covered beneficiary, the Secretary of State is authorized to collect from a third-party payer the reasonable costs incurred by the Department of State on behalf of such person for health care services to the same extent that the covered beneficiary would be eligible to receive reimbursement or indemnification from the third-party payer for such costs.

"(2) If the insurance policy, plan, contract, or similar agreement of that third-party payer includes a requirement for a deductible or copayment by the beneficiary of the plan, then the

Secretary of State may collect from the third-party payer only the reasonable costs of the care provided less the deductible or copayment amount.

"(3) A covered beneficiary shall not be required to pay any deductible or copayment for health care services under this subsection.

"(4) No provision of any insurance, medical service, or health plan contract or agreement having the effect of excluding from coverage or limiting payment of charges for care in the following circumstances shall operate to prevent collection by the Secretary of State under paragraph (1) for—

"(A) care provided directly or indirectly by a governmental entity;

"(B) care provided to an individual who has not paid a required deductible or copayment; or

"(C) care provided by a provider with which the third-party payer has no participation agreement.

"(5) No law of any State, or of any political subdivision of a State, and no provision of any contract or agreement shall operate to prevent or hinder recovery or collection by the United States under this section.

"(6) As to the authority provided in paragraph (1) of this subsection—

"(A) the United States shall be subrogated to any right or claim that the covered beneficiary may have against a third-party payer;

"(B) the United States may institute and prosecute legal proceedings against a third-party payer to enforce a right of the United States under this subsection; and

"(C) the Secretary may compromise, settle, or waive a claim of the United States under this subsection.

"(7) The Secretary shall prescribe regulations for the administration of this subsection and subsection (h). Such regulations shall provide for computation of the reasonable cost of health care services.

"(8) Regulations prescribed under this subsection shall provide that medical records of a covered beneficiary receiving health care under this subsection shall be made available for inspection and review by representatives of the payer from which collection by the United States is sought for the sole purpose of permitting the third party to verify—

"(A) that the care or services for which recovery or collection is sought were furnished to the covered beneficiary; and

"(B) that the provisions of such care or services to the covered beneficiary meets criteria generally applicable under the health plan contract involved, except that this paragraph shall be subject to the provisions of paragraphs (2) and (4).

"(9) Amounts collected under this subsection or under subsection (h) from a third-party payer or from any other payer shall be deposited as an offsetting collection to any Department of State appropriation and shall remain available until expended. Amounts deposited shall be obligated and expended only to the extent and in such amounts as are provided in advance in an appropriation Act.

"(10) For purposes of this section—

"(A) the term 'covered beneficiary' means an individual eligible to receive health care under this section whose health care costs are to be paid by a third-party payer under a contractual agreement with such payer;

"(B) the term 'services', as used in 'health care services' includes products; and

"(C) the term 'third-party payer' means an entity that provides a fee-for-service insurance policy, contract, or similar agreement through the Federal Employees Health Benefit program, under which the expenses of health care services for individuals are paid.

"(h) In the case of a person, other than a covered beneficiary, who receives health care services pursuant to this section, the Secretary of State is authorized to collect from such person the reasonable costs of health care services incurred by the Department of State on behalf of such person. The United States shall have the same rights against persons subject to the provisions of this subsection as against third-party payers covered by subsection (g).".

(b) EFFECTIVE DATE.—Subsection (a) shall take effect October 1, 1996.

SEC. 1356. REPORT ON PROMOTION AND RETENTION OF PERSONNEL.

Section 601(c)(4) of the Foreign Service Act of 1980 (22 U.S.C. 4001(c)(4)) is amended—

(1) by striking "and" at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(D) include on a biennual basis the comments of the Inspector General for Foreign Affairs with respect to the adequacy of the reports on the matters described in this paragraph.".

SEC. 1357. FOREIGN SERVICE REFORM.

(a) APPOINTMENTS BY THE PRESIDENT.—Section 302(b) of the Foreign Service Act of 1980 (22 U.S.C. 3942(b)) is amended in the second sentence—

(1) by striking "may elect to" and inserting "shall"; and

(2) by striking "Service," and all that follows and inserting "Service.".

(b) PERFORMANCE PAY.—Section 405 of the Foreign Service Act of 1980 (22 U.S.C. 3965) is amended—

(1) in subsection (a), by striking "Members" and inserting "Subject to subsection (e), members"; and

(2) by adding at the end the following new subsection:

"(e) Notwithstanding any other provision of law, the Secretary of State may provide for recognition of the meritorious or distinguished service of a member of the Foreign Service described in subsection (a) (including members of the Senior Foreign Service) by means other than an award of performance pay in lieu of making such an award under this section.".

(c) EXPEDITED SEPARATION OUT.—Not later than 90 days after the date of enactment of this Act, the Secretary of State shall develop and implement procedures to identify, and recommend for separation, members of the Foreign Service ranked by promotion boards in the bottom five percent of their class for any two of the five preceding years.

TITLE XIV—UNITED STATES PUBLIC DIPLOMACY: AUTHORITIES AND ACTIVITIES FOR UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS

SEC. 1401. AVAILABILITY OF VOICE OF AMERICA AND RADIO MARTI MULTILINGUAL COMPUTER READABLE TEXT AND VOICE RECORDINGS.

(a) IN GENERAL.—Notwithstanding section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461-1a) and the second sentence of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461), the Director of the United States Information Agency is authorized to make available, upon request, to the Linguistic Data Consortium of the University of Pennsylvania computer readable multilingual text and recorded speech in various languages. The Consortium shall, directly or indirectly as appropriate, reimburse the Director for any expenses involved in making such materials available.

(b) TERMINATION.—Subsection (a) shall cease to have effect 5 years after the date of the enactment of this Act.

SEC. 1402. CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN NORTH AND SOUTH.

Section 208(e) of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2075(e)) is amended by striking "$10,000,000" and inserting "$4,000,000".

SEC. 1403. EXPANSION OF MUSKIE FELLOWSHIP PROGRAM.

Section 227 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452 note) is amended—

(1) in subsection (a), by striking "Soviet Union, Lithuania, Latvia, and Estonia" and inserting "former Soviet Union, Lithuania, Latvia, Estonia, Albania, Bulgaria, Croatia, Czech Republic, Hungary, Poland, Romania, Slovenia, and the Former Yugoslav Republic of Macedonia";

(2) in subsection (c)(5), by striking "law," in the first sentence and all that follows through the end of paragraph (5) and inserting "journalism, law, library and information science, public administration, and public policy.";

(3) in subsection (b), by striking "Soviet Union, Lithuania, Latvia, and Estonia" and inserting "countries specified in subsection (a)";

(4) in subsection (c)(11), by striking "Soviet republics, Lithuania, Latvia, and Estonia" and inserting "countries specified in subsection (a)"; and

(5) in the section heading, by striking ***"THE SOVIET UNION, LITHUANIA, LATVIA, AND ESTONIA"*** *and inserting* ***"CERTAIN EURASIAN COUNTRIES"***.

SEC. 1404. MANSFIELD FELLOWSHIP PROGRAM REQUIREMENTS.

Section 253(4)(B) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6102(4)(B)) is amended by striking "certain" and inserting the following: ", under criteria established by the Mansfield Center for Pacific Affairs, certain allowances and benefits not to exceed the amount of equivalent".

SEC. 1405. PILOT PROGRAM ON ADVERTISING ON USIA TELEVISION AND RADIO BROADCASTS.

(a) IN GENERAL.—(1) The Director of the United States Information Agency shall carry out a pilot program to determine the feasibility and advisability of permitting advertisements on the television broadcasts and radio broadcasts of the USIA , including broadcasts of the Voice of America, Radio Marti/TV Marti, Worldnet, Radio Free Europe/Radio Liberty, and Radio Free Asia.

(2) The Director shall commence carrying out the pilot program not later than 90 days after the date of the transmittal to Congress of the plan required under subsection (b).

(3) The Director shall carry out the pilot program for 12 months.

(b) PROGRAM PLAN.—(1) Not later than 120 days after the date of the enactment of this Act, the Director shall prepare and transmit to Congress a plan for carrying out the pilot program required under subsection (a).

(2) In preparing the plan, the Director shall solicit and take into account the comments of other broadcasting entities funded by the United States Government on the experiences of and advantages and disadvantages to public television and radio broadcast stations of permitting advertisements on the broadcasts of such stations.

(c) TREATMENT OF REVENUES.—Notwithstanding any other provision of law, the Director may use any revenues received by the USIA under the pilot program to pay for the cost of the radio and television broadcasting activities of the USIA. Such funds shall be available for that purpose without fiscal year limitation.

(d) PROGRAM REPORT.—Not later than 60 days after the date of the completion of the pilot program, the Director shall submit to Congress a report on the pilot program. The report shall include the following:

(1) A description of the pilot program, including the number and type of advertisements aired under the pilot program and the revenues received as a result of the advertisements.

(2) An estimate of the number and type of advertisements that would be carried on the television broadcasts and radio broadcasts of the USIA on an annual basis after the completion of the pilot program if the USIA were authorized to continue to carry such advertisements, and the revenues that the USIA would receive as a result of carrying such advertisements.

(3) An assessment of the feasibility and advisability of permitting advertisements on the television broadcasts and radio broadcasts of the USIA, including a discussion of the advisability of permitting such advertisements by—

(A) United States entities;

(B) foreign governments;

(C) foreign individuals or entities; and

(D) a combination of such entities, governments, and individuals.

(e) REGULATIONS.—The Director may prescribe regulations to carry out the pilot program.

SEC. 1406. CHANGES IN ADMINISTRATIVE AUTHORITIES.

(a) CONTRACT AUTHORITY FOR VOICE OF AMERICA RADIO FACILITY.—Section 235 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101–246) is amended by inserting "Tinian," after "Sao Tome,".

(b) AVAILABILITY OF APPROPRIATIONS.—Section 701(f)(4) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1476(f)) is amended by striking "September 30, 1995" and inserting "March 1, 1997".

(c) TECHNICAL CORRECTION.—Section 314(2)(B) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6213(2)(B)) is amended by striking "section 307(e)" and inserting "section 308(d)".

(d) RADIO BROADCASTING TO CUBA.—Section 4 of the Radio Broadcasting to Cuba Act (22 U.S.C. 1465b) is amended by striking "Director of the Voice of America" and inserting "Director of the International Broadcasting Bureau".

(e) TELEVISION BROADCASTING TO CUBA.—Section 244(a) of the Television Broadcasting to Cuba Act (22 U.S.C. 1465cc(a)) is amended in the third sentence by striking "Voice of America" and inserting "International Broadcasting Bureau".

(f) INTERNATIONAL BROADCASTING BUREAU.—Section 307 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is amended by adding at the end the following new subsection:

"(c) CONSOLIDATION OF ENGINEERING FUNCTION.—For the purpose of achieving economies and eliminating duplication, the Director of the United States Information Agency is authorized to appoint, during 1996, up to 5 otherwise qualified United States citizens employed in the Office of the Vice President for Engineering and Technical Operations of RFE/RL, Incorporated, to the competitive service or the career Foreign Service of the United States Information Agency in accordance with the provisions of title 5 of the United States Code, and without regard to section 301(b) or 306 of the Foreign Service Act of 1980, governing appointments in the Foreign Service. Prior service with RFE/RL, Incorporated, by an individual appointed under this subsection shall be credited in determining the length of service of the individual for reduction in force purposes and toward establishing the career tenure of the individual.".

(g) USE OF FEES FROM EDUCATIONAL ADVISING.—Section 810 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1475e) is amended by inserting ", educational advising," after "English-teaching".

SEC. 1407. RETENTION OF INTEREST.

Notwithstanding any other provision of law, with the approval of the National Endowment for Democracy, grant funds made available by the National Endowment for Democracy may be deposited in interest-bearing accounts pending disbursement and any interest which accrues may be retained by the grantee and used for the purposes for which the grant was made.

SEC. 1408. CONDUCT OF CERTAIN EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.

In carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy (including but not limited to China, Vietnam, Cambodia, Tibet, and Burma), the Director of the United States Information Agency shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries.

SEC. 1409. EXTENSION OF AU PAIR PROGRAMS.

(a) REPEAL.—Section 581 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996 (Public Law 104–107) is repealed.

(b) AUTHORITY FOR AU PAIR PROGRAMS.—The Director of the United States Information Agency is authorized to continue to administer an au pair program, operating on a world-wide basis, through fiscal year 1999.

(c) REPORT.—Not later than October 1, 1998, the Director of the United States Information Agency shall submit a report regarding the continued extension of au pair programs to the appropriate congressional committees. This report shall specifically detail the compliance of all au pair organizations with regulations governing au pair programs as published on February 15, 1995.

SEC. 1410. EDUCATIONAL AND CULTURAL EXCHANGES AND SCHOLARSHIPS FOR TIBETANS AND BURMESE.

(a) ESTABLISHMENT OF EDUCATIONAL AND CULTURAL EXCHANGE FOR TIBETANS.—The Director of the United States Information Agency shall establish programs of educational and cultural exchange between the United States and the people of Tibet. Such programs shall include opportunities for training and, as the Director considers appropriate, may include the assignment of personnel and resources abroad.

(b) SCHOLARSHIPS FOR TIBETANS AND BURMESE.—

(1) For each of the fiscal years 1996 and 1997, at least 30 scholarships shall be made available to Tibetan students and professionals who are outside Tibet, and at least 15 scholarships shall be made available to Burmese students and professionals who are outside Burma.

(2) WAIVER.—Paragraph (1) shall not apply to the extent that the Director of the United States Information Agency determines that there are not enough qualified students to fulfill such allocation requirement.

(3) SCHOLARSHIP DEFINED.—For the purposes of this section, the term "scholarship" means an amount to be used for full or partial support of tuition and fees to attend an educational institution, and may include fees, books, and supplies, equipment required for courses at an educational institution, living expenses at a United States educational institution, and travel expenses to and from, and within, the United States.

SEC. 1411. INITIATION OF BROADCASTS BY RADIO FREE ASIA.

Section 309 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6208) is amended by adding at the end the following new subsection:

"(j) Not later than 180 days after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 1996 and 1997, Radio Free Asia shall initiate regular broadcasts to the People's Republic of China, Burma, Cambodia, Laos, North Korea, Tibet, and Vietnam. Such broadcasts shall be conducted under the name 'Radio Free Asia' and shall provide accurate and timely information, news, and commentary about events in the respective countries of Asia and elsewhere, and shall be a forum for a variety of opinions and voices from within Asian nations whose people do not fully enjoy freedom of expression.".

SEC. 1412. DISTRIBUTION WITHIN THE UNITED STATES OF THE UNITED STATES INFORMATION AGENCY FILM ENTITLED "THE FRAGILE RING OF LIFE".

Notwithstanding section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461–1(a)) and the second sentence of section 501 of the United States Information and Education Act of 1948 (22 U.S.C. 1461), the Director of the United States Information Agency may make available for distribution within the United States the documentary entitled "The Fragile Ring of Life", a film about coral reefs around the world.

TITLE XV—INTERNATIONAL ORGANIZATIONS AND COMMISSIONS

CHAPTER 1—GENERAL PROVISIONS

SEC. 1501. TERMINATION OF UNITED STATES PARTICIPATION IN CERTAIN INTERNATIONAL ORGANIZATIONS.

(a) IN GENERAL.—Subject to subsection (b) and notwithstanding any other provision of law, none of the funds authorized to be appropriated by this Act or any other provision of law may be used for payment of United States membership in any of the following organizations:

(1) The United Nations Industrial Development Organization.

(2) Pan American Railway Congress Association.

(3) The International Cotton Advisory Committee.

(4) The World Tourism Organization.

(5) The Inter-American Indian Institute.

(6) International Tropical Timber Organization.

(b) EXPENSES PENDING TERMINATION OF UNITED STATES MEMBERSHIP.—Notwithstanding the requirements of subsection (a), funds authorized to be appropriated under this Act, to the extent required under any treaty to which the United States is a party, may be used to make payments to the organizations identified in subsection (a) during the period beginning on the date that the United States gives notice pursuant to such treaty of the intent to terminate United States membership in the organization as promptly as permitted by such treaty and ending on the date that the termination of United States membership takes effect.

SEC. 1502. INTERNATIONAL BOUNDARY AND WATER COMMISSION.

The Act of May 13, 1924 (49 Stat. 660, 22 U.S.C. 277–277f), is amended in section 3 (22 U.S.C. 277b) by adding at the end the following new subsection:

"(d) Pursuant to the authority of subsection (a) and in order to facilitate further compliance with the terms of the Convention for Equitable Distribution of the Waters of the Rio Grande, May 21, 1906, United States-Mexico, the Secretary of State, acting through the United States Commissioner of the International Boundary and Water Commission, may make improvements to the Rio Grande Canalization Project, originally authorized by the Act of August 29, 1935 (49 Stat. 961). Such improvements may include all such works as may be needed to stabilize the Rio Grande in the reach between the Percha Diversion Dam in New Mexico and the American Diversion Dam in El Paso.".

SEC. 1503. PROHIBITION ON ASSISTANCE TO INTERNATIONAL ORGANIZATIONS ESPOUSING WORLD GOVERNMENT.

None of the funds authorized to be made available by this Act shall be used—

(1) to pay the United States contribution to any international organization which engages in the direct or indirect promotion of the principle or doctrine of one world government or one world citizenship; or

(2) for the promotion, direct or indirect, of the principle or doctrine of one world government or one world citizenship.

SEC. 1504. INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS.

(a) FINDINGS.—The Congress makes the following findings:

(1) On April 2, 1992, the Senate approved a resolution of advice and consent to ratification of the International Covenant on Civil and Political Rights, subject to reservations, understandings, declarations, and a proviso intended, inter alia, to protect the First Amendment rights of American citizens and other United States constitutional rights and practices.

(2) In accordance with the action of the Senate, the President deposited the United States instrument of ratification of the International Covenant on Civil and Political Rights on June 8, 1992, and the Covenant entered into force for the United States on September 8, 1992.

(3) On November 2, 1994, the Human Rights Committee, established under the Covenant to interpret the Covenant and to receive complaints of noncompliance, adopted General Comment No. 24 regarding reservations to the Covenant.

(4) In General Comment No. 24, the Human Rights Committee claimed for itself the power to judge the validity under international law of reservations to the Covenant, and in the purported exercise of this power asserted that reservations of the type included in the Senate resolution of ratification are invalid, and further asserted that invalid reservations will be read out of instruments of ratification, "in the sense that the Covenant will be operative for the reserving party without benefit of the reservation".

(5) The purpose and effect of General Comment No. 24 is to seek to nullify as a matter of international law the reservations, understandings, declarations, and proviso contained in the Senate resolution of ratification, thereby purporting to impose legal obligations on the United States never accepted by the United States.

(6) General Comment No. 24 threatens not only the Supremacy Clause of the United States Constitution and the constitutional authority of the Senate with respect to the approval of treaties, but also the First Amendment rights of American citizens and the other United States constitutional rights and practices protected by the reservations, understandings, declarations, and proviso contained in the Senate resolution of ratification.

(b) RESTRICTION ON OBLIGATION OR EXPENDITURE OF FUNDS.—

(1) RESTRICTION.—Effective two years after the date of enactment of this Act, no funds authorized to be appropriated by this Act or any other Act, or otherwise made available, may be obligated or expended for the conduct of any activity which has the purpose or effect of—

(A) reporting to the Human Rights Committee in accordance with Article 40 of the International Covenant on Civil and Political Rights, or

(B) responding to any effort by the Human Rights Committee to use the procedures of Articles 41 and 42 of the International Covenant on Civil and Political Rights to resolve claims by other parties to the Covenant that the United States is not fulfilling its obligations under the Covenant, until the President has submitted to the Congress the certification described in paragraph (2).

(2) CERTIFICATION.—The certification referred to in paragraph (1) is a certification by the President to the Congress that the Human Rights Committee established under the International Covenant on Civil and Political Rights has—

(A) revoked its General Comment No. 24 adopted on November 2, 1994; and

(B) expressly recognized the validity as a matter of international law of the reservations, understandings, and declarations contained in the United States instrument of ratification of the International Covenant on Civil and Political Rights.

SEC. 1505. UNITED STATES PARTICIPATION IN SINGLE COMMODITY INTERNATIONAL ORGANIZATIONS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report that—

(1) identifies the national interests, if any, that are served by continuing United States participation in single-commodity international organizations;

(2) assesses the current and projected costs of continuing United States participation in such organizations in light of the increasingly limited funds available to fund United States participation in all international organizations;

(3) assesses the feasibility and desirability of the privatization of United States representation in such organizations; and

(4) sets forth options for achieving the privatization of the organizations if the Secretary determines that the privatization is feasible and desirable.

CHAPTER 2—UNITED NATIONS AND AFFILIATED AGENCIES AND ORGANIZATIONS

SEC. 1521. REFORM IN BUDGET DECISIONMAKING PROCEDURES OF THE UNITED NATIONS AND ITS SPECIALIZED AGENCIES.

(a) ASSESSED CONTRIBUTIONS.—Of amounts authorized to be appropriated for "Assessed Contributions to International Organizations" by this Act, the President may withhold 20 percent of the funds appropriated for the United States assessed contribution to the United Nations or to any of its specialized agencies for any calendar year if the United Nations or any such agency has failed to implement or to continue to implement consensus-based decisionmaking procedures on budgetary matters which assure that sufficient attention is paid to the views of the United States and other member states that are the major financial contributors to such assessed budgets.

(b) NOTICE TO CONGRESS.—The President shall notify the Congress when a decision is made to withhold any share of the United States assessed contribution to the United Nations or its specialized agencies pursuant to subsection (a) and shall notify the Congress when the decision is made to pay any previously withheld assessed contribution. A notification under this subsection shall include appropriate consultation between the President (or the President's representative) and the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(c) CONTRIBUTIONS FOR PRIOR YEARS.—Subject to the availability of appropriations, payment of assessed contributions for prior years may be made to the United Nations or any of its specialized agencies notwithstanding subsection (a) if such payment would further United States interests in that organization.

(d) REPORT TO CONGRESS.—Not later than February 1 of each year, the President shall submit to the appropriate congressional committees a report concerning the amount of United States assessed contributions paid to the United Nations and each of its specialized agencies during the preceding calendar year.

SEC. 1522. REPORT ON UNICEF.

Not later than December 31, 1996, the Secretary of State shall submit to the appropriate congressional committees a report on (1) the progress of UNICEF toward effective financial, program, and personnel management; (2) the progress of UNICEF in shifting its health, child survival, and maternal survival programs toward efficient and low-overhead contractors, with particular emphasis on nongovernmental organizations; and (3) the extent to which UNICEF has demonstrated its commitment to its traditional mission of child health and welfare and resisted pressure to become involved in functions performed by other United Nations agencies.

SEC. 1523. UNITED NATIONS BUDGETARY AND MANAGEMENT REFORM.

(a) IN GENERAL.—(1) The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.) is amended by adding at the end the following new section:

"SEC. 10. UNITED NATIONS BUDGETARY AND MANAGEMENT REFORM.

"(a) WITHHOLDING OF CONTRIBUTIONS.—

"(1) ASSESSED CONTRIBUTIONS FOR REGULAR UNITED NATIONS BUDGET.—At the beginning of each fiscal year, 20 percent of the amount of funds made available for that fiscal year for United States assessed contributions for the regular United Nations budget shall be withheld from obligation and expenditure unless a certification for that fiscal year has been made under subsection (b).

"(2) ASSESSED CONTRIBUTIONS FOR UNITED NATIONS PEACEKEEPING.—At the beginning of each fiscal year, 50 percent of the amount of funds made available for that fiscal year for United States assessed contributions for United Nations peacekeeping activities shall be withheld from obligation and expenditure unless a certification for that fiscal year has been made under subsection (b).

"(3) VOLUNTARY CONTRIBUTIONS FOR UNITED NATIONS PEACEKEEPING.—The United States may not during any fiscal year pay any voluntary contribution to the United Nations for international peacekeeping activities unless a certification for that fiscal year has been made under subsection (b).

"(b) CERTIFICATION.—The certification referred to in subsection (a) for any fiscal year is a certification by the President to the Congress, submitted on or after the beginning of that fiscal year, of each of the following:

"(1) The United Nations has an independent office of Inspector General to conduct and supervise objective audits, inspections, and investigations relating to programs and operations of the United Nations.

"(2) The United Nations has an Inspector General who was appointed by the Secretary General with the approval of the General Assembly and whose appointment was made principally on the basis of the appointee's integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigation.

"(3) The Inspector General is authorized to—

"(A) make investigations and reports relating to the administration of the programs and operations of the United Nations;

"(B) have access to all relevant records, documents, and other available materials relating to those programs and operations; and

"(C) have direct and prompt access to any official of the United Nations.

"(4) The United Nations has fully implemented, and made available to all member *states, procedures designed to protect the identity of, and prevent reprisals against, any staff member of the United Nations making a complaint or disclosing information to, or cooperating in any investigation or inspection by, the United Nations Inspector General.*

"(5) The United Nations has fully implemented procedures designed to ensure compliance with recommendations of the United Nations Inspector General.

"(6) The United Nations has required the United Nations Inspector General to issue an annual report and has ensured that the annual report and all other relevant reports of the Inspector General are made available to the General Assembly without modification.

"(7) The United Nations is committed to providing, sufficient budgetary resources to ensure the effective operation of the United Nations Inspector General.".

(2) Section 10 of the United Nations Participation Act of 1945, as added by paragraph (1), shall apply only with respect to fiscal years after fiscal year 1996.

(b) WITHHOLDING OF CONTRIBUTIONS RELATED TO CONTRACTING OF THE UNITED NATIONS.—The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.) is further amended by adding at the end the following new section:

"SEC. 11. WITHHOLDING OF CONTRIBUTIONS.

"(a) WITHHOLDING OF CONTRIBUTIONS RELATED TO TIMELY NOTICE OF CONTRACT OPPORTUNITIES AND CONTRACT AWARDS.—

"(1) WITHHOLDING OF ASSESSED CONTRIBUTIONS FOR REGULAR UNITED NATIONS BUDGET.—For fiscal year 1997 and for each subsequent fiscal year, 3 percent of the amount of funds made available for that fiscal year for United States assessed contributions for the regular United Nations budget shall be withheld from obligation and expenditure unless a certification for that fiscal year has been made under paragraph (2).

"(2) CERTIFICATION.—The certification referred to in paragraph (1) for any fiscal year is a certification by the President to the Congress, submitted on or after the beginning of that fiscal year, that the United Nations has implemented a system requiring (A) prior notification for the submission of all qualified bid proposals on all United Nations procurement opportunities of more than $100,000, and (B) a public announcement of the award of any contract of more than $100,000. To the extent practicable, notifications shall be made in a widely available business-related publication.

"(b) WITHHOLDING OF CONTRIBUTIONS RELATED TO DISCRIMINATION AGAINST COMPANIES WHICH CHALLENGE CONTRACT AWARDS.—

"(1) WITHHOLDING OF ASSESSED CONTRIBUTIONS FOR REGULAR UNITED NATIONS BUDGET.—For fiscal year 1997 and for each subsequent fiscal year, 3 percent of the amount of funds made available for that fiscal year for United States assessed contributions for the regular United Nations budget shall be withheld from obligation and expenditure unless a certification for that fiscal year has been made under paragraph (2).

"(2) CERTIFICATION.—The certification referred to in paragraph (1) for any fiscal year is a certification by the President to the Congress, submitted on or after the beginning of that fiscal year, that the procurement regulations of the United Nations prohibit punitive actions such as the suspension of contract eligibility for contractors who challenge contract awards or complain about delayed payments.

"(c) WITHHOLDING OF CONTRIBUTIONS RELATED TO ESTABLISHMENT OF A UNITED NATIONS CONTRACT REVIEW PROCESS.—

"(1) WITHHOLDING OF ASSESSED CONTRIBUTIONS FOR REGULAR UNITED NATIONS BUDGET.—For fiscal year 1998 and for each subsequent fiscal year, 3 percent of the amount of funds made available for that fiscal year for United States assessed contributions for the regular United Nations budget shall be withheld from obligation and expenditure unless a certification for that fiscal year has been made under paragraph (2).

"(2) CERTIFICATION.—The certification referred to in paragraph (1) for any fiscal year is a certification by the President to the Congress, submitted on or after the beginning of that fiscal year, that the United Nations has established a contract review process for contracts of more than $100,000 and a process to assure unsuccessful bidders a timely opportunity to challenge awards for contracts of more than $100,000 that such bidders consider to have been made improperly.".

(c) PROCUREMENT INFORMATION.—Section 4(d) of the United Nations Participation Act of 1945 (22 U.S.C. 287b(d)), as amended by section 407 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is amended in paragraph (2)(B) by inserting before the period ", including local procurement contracts".

SEC. 1524. LIMITATION ON ASSESSMENT PERCENTAGE FOR PEACEKEEPING ACTIVITIES.

(a) AMENDMENT TO THE UNPA.—The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.), as amended by this Act, is further amended by adding at the end the following new section:

"SEC. 12. CONTRIBUTIONS FOR PEACEKEEPING ACTIVITIES.

"(a) REASSESSMENT OF CONTRIBUTION PERCENTAGES.—The Permanent Representative of the United States to the United Nations should make every effort to ensure that the United Nations completes an overall review and reassessment of each nation's assessed contributions for United Nations peacekeeping operations. As part of the overall review and assessment, the Permanent Representative should make every effort to advance the concept that, when appropriate, host governments and other governments in the region where a United Nations peacekeeping operation is carried out should bear a greater burden of its financial cost.

"(b) LIMITATION ON ASSESSED CONTRIBUTION WITH RESPECT TO A PEACEKEEPING OPERATION.—(1) Funds authorized to be appropriated for 'Contributions for International Peacekeeping Activities' for any fiscal year shall not be available for the payment of the United States assessed contribution for a United Nations peacekeeping operation in an amount which is greater than 25 percent of the total amount of all assessed contributions for that operation, and any arrearages that accumulate as a result of assessments in excess of 25 percent of the total amount of all assessed contributions for any United Nations peacekeeping operation shall not be recognized or paid by the United States.

"(2) Any penalties, interest, or other charges imposed on the United States in connection with such contributions shall be credited as a part of the percentage limitation contained in the preceding sentence.".

(b) EFFECTIVE DATE.—The limitation contained in section 12(b) of the United Nations Participation Act of 1945, as added by subsection (a), shall apply only with respect to funds authorized to be appropriated for "Contributions for International Peacekeeping Activities" for fiscal years after fiscal year 1995.

(c) CONFORMING REPEAL.—Section 404 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, is repealed.

SEC. 1525. ANNUAL REPORT ON UNITED STATES CONTRIBUTIONS TO UNITED NATIONS PEACEKEEPING ACTIVITIES.

Section 4(d)(1) of the United Nations Participation Act of 1945 (22 U.S.C. 287b(d)(1)) is amended—

(1) by redesignating subparagraph (D) as subparagraph (E); and

(2) by inserting after subparagraph (C) the following new subparagraph:

"(D) A description of the anticipated budget for the next fiscal year for United States participation in United Nations peacekeeping activities, including a statement of the aggregate amount of funds (from all accounts) and the aggregate costs of in-kind contributions that the United States proposes to make available to the United Nations for that fiscal year for United Nations peacekeeping activities.".

SEC. 1526. PRIOR CONGRESSIONAL NOTIFICATION OF SECURITY COUNCIL VOTES ON UNITED NATIONS PEACEKEEPING ACTIVITIES.

Section 4 of the United Nations Participation Act of 1945 (22 U.S.C. 287b) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

"(e) NOTICE TO CONGRESS OF PROPOSED UNITED NATIONS PEACEKEEPING ACTIVITIES.—(1) Except as provided in paragraph (2), at least 5 days before any vote in the Security Council to initiate, expand, or modify any United Nations peacekeeping activity or any other action under the Charter of the United Nations which would involve the use of United States Armed Forces, the President shall submit to the designated congressional committees a notification with respect to the proposed action. The notification shall include the following:

"(A) A cost assessment of such action (including the total estimated cost and the United States share of such cost).

"(B) Identification of the source of funding for the United States share of the costs of the action (whether in an annual budget request, reprogramming notification, a rescission of funds, a budget amendment, or a supplemental budget request).

"(2)(A) If the President determines that an emergency exists which prevents submission of the 5-day advance notification specified in paragraph (1) and that the proposed action is in the national security interests of the United States, the notification described in paragraph (1) shall be provided in a timely manner but no later than 48 hours after the vote by the Security Council.

"(B) Determinations made under subparagraph (A) may not be delegated.".

SEC. 1527. CODIFICATION OF REQUIRED NOTICE TO CONGRESS OF PROPOSED UNITED NATIONS PEACEKEEPING ACTIVITIES.

(a) REQUIRED NOTICE.—Section 4 of the United Nations Participation Act of 1945 (22 U.S.C. 287b) is amended—

(1) by striking the second sentence of subsection (a);

(2) by redesignating subsections (e) and (f) (as redesignated by the preceding section) as subsections (f) and (g), respectively; and

(3) by inserting after subsection (d) a new subsection (e) consisting of the text of subsection (a) of section 407 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), revised—

(A) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by inserting "in written form not later than the 10th day of" after "shall be provided";

(ii) in subparagraph (A)(iv), by inserting "(including facilities, training, transportation, communication, and logistical support, but not including intelligence activities reportable under

title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.))" after "covered by the resolution"; and

(iii) in subparagraph (B), by adding at the end the following new clause:

"(iv) A description of any other United States assistance to or support for the operation (including facilities, training, transportation, communication, and logistical support, but not including intelligence activities reportable under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.)), and an estimate of the cost to the United States of such assistance or support.";

(B) by striking paragraph (3);

(C) by redesignating paragraph (4) as paragraph (3) and in the last sentence of subparagraph (A) of that paragraph by striking "and (ii)" and inserting "through (iv)";

(D) by inserting after paragraph (3) (as so redesignated) the following new paragraph:

"(4) NEW UNITED NATIONS PEACEKEEPING OPERATION DEFINED.—As used in paragraphs (2)(B) and (3), the term 'new United Nations peacekeeping operation' includes any existing or otherwise ongoing United Nations peacekeeping operation—

"(A) that is to be expanded by more than 25 percent during the period covered by the Security Council resolution, as measured by either the number of personnel participating (or authorized to participate) in the operation or the budget of the operation; or

"(B) that is to be authorized to operate in a country in which it was not previously authorized to operate."; and

(E) in paragraph (5)—

(i) by striking "(5) NOTIFICATION" and all that follows through "(B) The President" and inserting "(5) QUARTERLY REPORTS.—The President"; and

(ii) by striking "section 4(d)" and all that follows through "of this section)" and inserting "subsection (d)".

(b) CONFORMING REPEAL.—Subsection (a) of section 407 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), is repealed.

(c) DESIGNATED CONGRESSIONAL COMMITTEES.—Subsection (g) of section 4 of the United Nations Participation Act of 1945 (22 U.S.C. 287b(g)), as redesignated by subsection (a), is amended to read as follows:

"(g) DESIGNATED CONGRESSIONAL COMMITTEES.—As used in this section, the term 'designated congressional committees' means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives.".

SEC. 1528. RESTRICTIONS ON INTELLIGENCE SHARING WITH THE UNITED NATIONS.

The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.) is amended by adding at the end the following new section:

"SEC. 13. RESTRICTIONS ON INTELLIGENCE SHARING WITH THE UNITED NATIONS.

"(a) PROVISION OF INTELLIGENCE INFORMATION TO THE UNITED NATIONS.—(1) No United States intelligence information may be provided to the United Nations or any organization affiliated with the United Nations, or to any official or employee thereof, unless the President certifies to the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate and the Committee on International Relations and the Permanent Select Committee on Intelligence of the House of Representatives that the Director of Central Intelligence (in this section referred to as the 'DCI'), in consultation with the Secretary of State and the Secretary of Defense, has required, and such organization has established and implemented, procedures for protecting intelligence sources and methods (including protection from release to nations and foreign nationals that are otherwise not eligible to receive such information) no less stringent than procedures maintained by nations with which the United States regularly shares similar types of intelligence information. Such certification shall include a description of the procedures in effect at such organization.

"(2) Paragraph (1) may be waived upon written certification by the President to the appropriate committees of Congress that providing such information to the United Nations or an organization affiliated with the United Nations, or to any official or employee thereof, is in the national security interest of the United States and that all possible measures protecting such information have been taken, except that such waiver must be made for each instance such information is provided, or for each such document provided.

"(b) PERIODIC AND SPECIAL REPORTS.—(1) The President shall periodically report, but not less frequently than quarterly, to the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate and the Committee on International Relations and the Permanent Select Committee on Intelligence of the House of Representatives on the types and volume of intelligence provided to the United Nations and the purposes for which it was provided during the period covered by the report. Such periodic reports shall be submitted to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives with an annex containing a counterintelligence and security assessment of all risks, including an evaluation of any potential adverse impact on national collection systems, of providing intelligence to the United Nations, together with information on how such risks have been addressed.

"(2) The President shall submit a special report to the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate and the Committee on International Relations and the Permanent Select Committee on Intelligence of the House of Representatives within 15 days after the United States Government becomes aware of any unauthorized disclosure of intelligence provided to the United Nations by the United States.

"(c) LIMITATION.—The restrictions of subsection (a) and the requirement for periodic reports under paragraph (1) of subsection (a) shall not apply to the provision of intelligence that is provided only to, and for the use of, appropriately cleared United States Government personnel serving with the United Nations.

"(d) DELEGATION OF DUTIES.—The President may not delegate or assign the duties of the President under subsection (a).

"(e) RELATIONSHIP TO EXISTING LAW.—Nothing in this section shall be construed to—

"(1) impair or otherwise affect the authority of the Director of Central Intelligence to protect intelligence sources and methods from unauthorized disclosure pursuant to section 103(c)(5) of the National Security Act of 1947 (50 U.S.C. 403–3(c)(5)); or

"(2) supersede or otherwise affect the provisions of title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).".

TITLE XVI—FOREIGN POLICY PROVISIONS

SEC. 1601. APPLICABILITY OF TAIWAN RELATIONS ACT.

Section 3 of the Taiwan Relations Act (22 U.S.C. 3302) is amended by adding at the end the following new subsection:

"(d) The provisions of subsections (a) and (b) supersede any provision of the Joint Communique of the United States and China of August 17, 1982.".

SEC. 1602. REPORT ON OCCUPIED TIBET.

(a) REPORT ON UNITED STATES-TIBET RELATIONS.—Not later than 6 months after the date of enactment of this Act, and every 12 months thereafter, the Secretary of State shall submit to the Chairman of the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives a report on the state of relations between the United States and those recognized by Congress as the true representatives of the Tibetan people, the Dalai Lama, his representatives, and the Tibetan Government in exile, and on conditions in Tibet.

(b) SEPARATE TIBET REPORTS.—

(1) It is the sense of the Congress that whenever an executive branch report is transmitted to the Congress on a country-by-country basis there should be included in such report, where applicable, a separate report on Tibet listed alphabetically with its own state heading.

(2) The reports referred to in paragraph (1) include, but are not limited to, reports transmitted under sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 (relating to human rights).

SEC. 1603. TAIPEI REPRESENTATIVE OFFICE.

For purposes of carrying out its activities in the United States, the instrumentality known as the Taipei Economic and Cultural Representative Office as of the date of enactment of this Act shall, on and after such date, be permitted to operate under the name "Taipei Representative Office".

SEC. 1604. EFFORTS AGAINST EMERGING INFECTIOUS DISEASES.

(a) PRIORITIZATION.—The President shall give urgent priority to the strengthening of efforts against emerging infectious diseases through the development of appropriate United States Government strategies and response mechanisms.

(b) STRATEGIC PLAN.—Not later than 6 months after the date of the enactment of this Act, the President shall submit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate a report outlining a United States strategic plan, in cooperation with the international public health infrastructure, to identify and respond to the threat of emerging infectious diseases to the health of the people of the United States.

SEC. 1605. STATUTORY CONSTRUCTION.

Section 33 of the Arms Control and Disarmament Act (22 U.S.C. 2573) is amended by adding at the end the following new subsection:

"(c) STATUTORY CONSTRUCTION.—Nothing contained in this chapter shall be construed to authorize any policy or action by any Government agency which would interfere with, restrict, or prohibit the acquisition, possession, or use of firearms by an individual for the lawful purpose of personal defense, sport, recreation, education, or training.".

SEC. 1606. REPORTS REGARDING HONG KONG.

(a) EXTENSION OF REPORTING REQUIREMENT.—Section 301 of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5731) is amended in the text above paragraph (1) by striking "and March 31, 2000," and inserting "March 31, 2000, and every year thereafter,".

(b) ADDITIONAL REQUIREMENTS.—In light of deficiencies in reports submitted to the Congress pursuant to section 301 of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5731), reports required to be submitted under that section on or after the date of enactment of this Act shall include detailed information on the status of, and other developments affecting, implementation of the Sino-British Joint Declaration on the Question of Hong Kong, including—

(1) the Basic Law and its consistency with the Joint Declaration;

(2) the openness and fairness of elections to the legislature;

(3) the openness and fairness of the election of the chief executive and the executive's accountability to the legislature;

(4) the treatment of political parties;

(5) the independence of the judiciary and its ability to exercise the power of final judgment over Hong Kong law;

(6) the Bill of Rights;

(7) a list of all treaties and international agreements (including multilateral conventions) in force as of July 1, 1997, between the United States and Hong Kong, or between the United States and the United Kingdom which apply to Hong Kong; and

(8) a short description of the extent to which Hong Kong is carrying out and has the capacity to carry out its commitments and obligations under each treaty or international agreement under paragraph (7).

SEC. 1607. THE UNITED STATES-NORTH KOREA AGREED FRAMEWORK OF OCTOBER 21, 1994, AND THE KOREAN PENINSULA ENERGY DEVELOPMENT ORGANIZATION (KEDO).

(a) CLARIFICATION OF NUCLEAR NON-PROLIFERATION OBLIGATIONS OF NORTH KOREA UNDER THE AGREED FRAMEWORK.—It is the sense of the Congress that in discussions or negotiations with the Government of North Korea pursuant to the implementation of the United States-Democratic People's Republic of Korea Agreed Framework entered into on October 21, 1994, the President should uphold the following minimum conditions relating to nuclear nonproliferation:

(1) All spent fuel from the graphite-moderated nuclear reactors and related facilities of North Korea should be removed from the territory of North Korea as is consistent with the Agreed Framework.

(2) The International Atomic Energy Agency should have the freedom to conduct any and all inspections that it deems necessary to fully account for the stocks of plutonium and other nuclear materials in North Korea, including special inspections of suspected nuclear waste sites, before any nuclear components controlled by the Nuclear Supplier Group Guidelines are delivered for a light water reactor for North Korea.

(3) The dismantlement of all declared graphite-based nuclear reactors and related facilities in North Korea, including reprocessing units, should be completed in accordance with the Agreed Framework and in a manner that effectively bars in perpetuity any reactivation of such reactors and facilities.

(4) The United States should suspend actions described in the Agreed Framework if North Korea reloads its existing 5 megawatt nuclear reactor or resumes construction of nuclear facilities other than those permitted to be built under the Agreed Framework.

(b) ROLE OF THE REPUBLIC OF KOREA UNDER THE AGREED FRAMEWORK.—It is further the sense of the Congress that the Republic of Korea should play the central role in the project to provide light water reactors to North Korea under the Agreed Framework.

(c) FURTHER STEPS TO PROMOTE UNITED STATES SECURITY AND POLITICAL INTERESTS WITH RESPECT TO NORTH KOREA.—It is further the sense of the Congress that, after the date of the enactment of this Act, the President should not take further steps toward upgrading diplomatic relations with North Korea beyond opening liaison offices or relaxing trade and investment barriers imposed against North Korea without—

(1) consistent and sustained efforts by the Government of North Korea to engage in a substantive North-South dialogue with the Government of the Republic of Korea;

(2) significant progress toward implementation of the North-South Joint Declaration on the Denuclearization of the Korean Peninsula; and

(3) progress toward the achievement of several long-standing United States policy objectives regarding North Korea and the Korean Peninsula, including—

(A) reducing the number of military forces of North Korea along the Demilitarized Zone and relocating such military forces away from the Demilitarized Zone;

(B) prohibiting any movement by North Korea toward the deployment of an intermediate range ballistic missile system;

(C) prohibiting the export by North Korea of missiles and other weapons of mass destruction, including related technology and components;

(D) obtaining positive and productive cooperation from North Korea on the recovery of remains of Americans missing in action from the Korean War without consenting to exorbitant demands by North Korea for financial compensation; and

(E) achieving credible assurances and intelligence confirmation that North Korea has ended its participation in and support of international terrorism.

(d) RESTRICTIONS ON ASSISTANCE TO NORTH KOREA AND THE KOREAN PENINSULA ENERGY DEVELOPMENT ORGANIZATION.—

(1) IN GENERAL.—Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2370 et seq.) is amended by adding at the end the following new section:

"SEC. 620G. ASSISTANCE TO NORTH KOREA AND THE KOREAN PENINSULA ENERGY DEVELOPMENT ORGANIZATION.

"(a) LIMITATION.—No assistance may be provided under this Act or any other provision of law to North Korea or the Korean Peninsula Energy Development Organization unless—

"(1) such assistance is provided in accordance with all requirements, limitations, and procedures otherwise applicable to the provision of such assistance for such purposes; and

"(2) the President—

"(A) notifies the congressional committees specified in section 634A(a) of this Act prior to the obligation of such assistance in accordance with the procedures applicable to reprogramming notifications under that section, irrespective of the amount of the proposed obligation of such assistance; and

"(B) determines and reports to such committees that the provision of such assistance is vital to the national security of the United States.

"(b) EXCEPTION.—The requirement of subsection (a)(2)(B) shall not apply with respect to assistance authorized to be appropriated and appropriated for North Korea or the Korean Peninsula Energy Development Organization.".

(2) EFFECTIVE DATE.—Section 620G of the Foreign Assistance Act of 1961, as added by subsection (a), applies with respect to assistance provided to North Korea or the Korean Peninsula Energy Development Organization on or after the date of the enactment of this Act.

SEC. 1608. INTERNATIONAL CRIMINAL COURT PARTICIPATION.

(a) IN GENERAL.—The United States may not participate in an international criminal court with jurisdiction over crimes of an international character except to the extent and in the manner authorized—

(1) by a treaty entered into in accordance with Article II, section 2, clause 2 of the Constitution; or

(2) by a law enacted in accordance with Article I, section 7 of the Constitution.

(b) DEFINITIONS.—As used in subsection (a)—

(1) the term "participate" means consent to the jurisdiction of, recognize the validity of the decisions of, or extradite or otherwise render suspects to, an international criminal court with jurisdiction over crimes of an international character; and

(2) the term "international criminal court with jurisdiction over crimes of an international character" does not include any international war crimes tribunal established prior to the date of enactment of this Act.

SEC. 1609. PROHIBITION ON THE TRANSFER OF ARMS TO INDONESIA.

Consistent with section 582 of the Foreign Operations Export Financing and Related Programs Appropriations Act, 1995 (Public Law 103–306), the United States is prohibited from selling or licensing for export to the Government of Indonesia light arms, small weapons, and crowd control ordnances, including helicopter-mounted equipment, until the Secretary of State determines and reports to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives that there has been significant progress made on human rights in East Timor and elsewhere in Indonesia, including—

(1) compliance with the recommendations in the United Nations Special Rapporteur's January 1992 report and the March 1993 recommendations of the United Nations Human Rights Commission;

(2) significant reduction in Indonesia's troop presence in East Timor;

(3) thorough and impartial investigation of gangs and violent civilian groups operating in East Timor;

(4) improved access to East Timor for Indonesian and international human rights and humanitarian organizations and journalists, including the deployment of United Nations human rights monitors if so requested;

(5) constructive participation in the United Nations Secretary General's efforts to resolve the status of East Timor; and

(6) greater local control over political, economic, and cultural affairs, with an aim toward resolving the future status of East Timor.

SEC. 1610. BOSNIA AND HERZEGOVINA SELF-DEFENSE FUND.

(a) AUTHORITY FOR ESTABLISHMENT.—

(1) Subject to the other provisions of this section, the President is authorized to enter into an international agreement with eligible countries for the establishment of a fund to assist the self-defense of Bosnia and Herzegovina, which may be known as the "Multilateral Bosnia and Herzegovina Self-Defense Fund".

(2) The Secretary of State is authorized to transfer to the custody of the international board having responsibility for the Fund defense articles from the stocks of the Department of Defense and defense services of the Department of Defense transferred or available for transfer pursuant to section 540 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996 (Public Law 104–107), or pursuant to any similar provision of law.

(b) PURPOSE.—The purpose of the Fund shall be to provide an international mechanism for the procurement of military equipment and training for transfer to the Government of Bosnia and Herzegovina for the exercise of its right to self-defense under Article 51 of the United Nations Charter, and to facilitate the achievement of a lasting peace by enabling the Government of Bosnia and Herzegovina to protect its population and territory.

(c) REQUIREMENTS.—An agreement referred to in subsection (a) shall meet the following requirements:

(1) UNITED STATES REPRESENTATION.—The United States will chair any international board having responsibility for the Fund.

(2) CONTROL OF MILITARY EQUIPMENT.—The agreement will provide procedures for the control of military equipment received by the international board having responsibility for the Fund.

(3) COMMITMENT BY THE GOVERNMENT OF BOSNIA AND HERZEGOVINA.—Before any military

equipment or training purchased or otherwise acquired through the Fund, or held by the international board responsible for the Fund, may be transferred to the Government of Bosnia and Herzegovina, that Government will provide written assurances that the equipment or training will not be used to take reprisals against any civilians.

(d) REPORT ON EFFORTS TO ENABLE THE FEDERATION OF BOSNIA AND HERZEGOVINA TO PROVIDE FOR ITS OWN DEFENSE.—Within 30 days after the date of the enactment of this Act, the President shall submit a detailed report to the Congress on the administration's plan to assist the Federation of Bosnia to provide for its own defense, including the role of the United States and other countries in providing such assistance. Such report shall include an evaluation of the defense needs of the Federation of Bosnia and Herzegovina, including, to the maximum extent possible—

(1) the types and quantities of arms, spare parts, and logistics support required to establish a stable military balance prior to the withdrawal of United States Armed Forces;

(2) the nature and scope of training to be provided;

(3) a detailed description of the past, present, and future United States role in ensuring that the Federation of Bosnia and Herzegovina is provided as rapidly as possible with equipment, training, arms, and related logistic assistance of the highest possible quality;

(4) administration plans to use existing military drawdown authority and other assistance authorities pursuant to this section; and

(5) specific or anticipated commitments by third countries to provide arms, equipment, or training to the Federation of Bosnia and Herzegovina.

The report shall be submitted in unclassified form, but may contain a classified annex.

(e) DEFINITIONS.—As used in this section:

(1) ELIGIBLE COUNTRIES.—The term "eligible countries" includes any foreign country other than a country the government of which the Secretary of State has determined, in accordance with section 6(j)(1)(A) of the Export Administration Act of 1979, repeatedly provides support for acts of international terrorism.

(2) FUND.—The term "Fund" means the fund established as provided in subsection (a).

(3) GOVERNMENT OF BOSNIA AND HERZEGOVINA.—The term "Government of Bosnia and Herzegovina" includes any agency, instrumentality, or forces of the Government of Bosnia and Herzegovina.

(f) STATUTORY CONSTRUCTION.—Nothing in this section shall be interpreted as authorization for the deployment of United States forces in the territory of Bosnia and Herzegovina for any purpose, including training, support, or delivery of military equipment.

SEC. 1611. REPORTS TO CONGRESS ON ASPECTS OF IMPLEMENTATION OF THE GENERAL FRAMEWORK AGREEMENT.

(a) MILITARY ASPECTS.—Thirty days after the date of the enactment of this Act, and at least once every 60 days thereafter until all United States Armed Forces are withdrawn from Bosnia and Herzegovina, the President shall submit to the Congress a report on the status of the deployment of United States Armed Forces in Bosnia and Herzegovina, including a detailed description of the following:

(1) Criteria for determining success for the deployment.

(2) The military mission and objectives.

(3) Milestones for measuring progress in achieving the mission and objectives.

(4) Command arrangements for United States Armed Forces.

(5) The rules of engagement for United States Armed Forces.

(6) The multilateral composition of forces in Bosnia and Herzegovina.

(7) The status of compliance by all parties with the General Framework Agreement and associated Annexes, including Article III of Annex 1–A concerning the withdrawal of foreign forces from Bosnia and Herzegovina.

(8) All incremental costs of the Department of Defense and any costs incurred by other Federal agencies, for the deployment of United States Armed Forces in Bosnia and Herzegovina, including support for the NATO Implementation Force.

(9) The exit strategy to provide for complete withdrawal of United States Armed Forces in the NATO Implementation Force, including an estimated date of completion.

(10) A description of progress toward enabling the Federation of Bosnia and Herzegovina to provide for its own defense.

Reports under this section shall include a description of any changes in the areas listed in paragraphs (1) through (10) since the previous report, if applicable. Reports shall be submitted in unclassified form, but may contain a classified annex.

(b) NONMILITARY ASPECTS.—Thirty days after the date of the enactment of this Act, and at least once every 60 days thereafter, until all United States Armed Forces withdraw from Bosnia and Herzegovina, the President shall submit to the Congress a report on the following:

(1) The status of implementation of nonmilitary aspects of the General Framework Agreement and associated Annexes, especially Annex 10 on Civilian Implementation, and of efforts, which are separate from the Implementation Force, by the United States and other countries to support implementation of the nonmilitary aspects. Such report shall include a detailed description of—

(A) progress toward conducting of elections;

(B) the status of refugees and displaced persons;

(C) humanitarian and reconstruction efforts;

(D) police training and related civilian security efforts, including the status of the implementation of Annex 11 regarding an international police task force; and

(E) implementation of Article XIII of Annex 6 concerning cooperation with the International Tribunal for the former Yugoslavia and other appropriate organizations in the investigation and prosecution of war crimes and other violations of international humanitarian law.

(2) The status of coordination between the High Representative and the Implementation Force Commander.

(3) The status of plans and preparation for the continuation of civilian activities after the withdrawal of the Implementation Force.

(4) All costs incurred by all United States Government agencies for reconstruction, refugee, humanitarian, and all other nonmilitary bilateral and multilateral assistance in Bosnia and Herzegovina.

(5) United States and international diplomatic efforts to contain and end conflict in the former Yugoslavia, including efforts to resolve the status of Kosova and halt violations of internationally recognized human rights of its majority Albanian population.

(6) The progress of efforts to establish a United States Information Agency facility in Pristina, Kosova.

Reports under this subsection shall be submitted in unclassified form, but may contain a classified annex.

SEC. 1612. VERIFICATION OF MISSILE TECHNOLOGY CONTROL REGIME.

Not later than 6 months after the date of the enactment of this Act, the Director of the Arms Control and Disarmament Agency shall submit to the Congress a report on the capability of the United States to verify the Missile Technology Control Regime, including any applicable United States policy statements, pursuant to section 37 of the Arms Control and Disarmament Act.

SEC. 1613. REPEAL OF TERMINATION OF PROVISIONS OF THE NUCLEAR PROLIFERATION PREVENTION ACT OF 1994.

(a) REPEAL.—Part D of the Nuclear Proliferation Prevention Act of 1994 (part D of title VIII of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995; Public Law 103–236; 108 Stat. 525) is hereby repealed.

(b) JUDICIAL REVIEW.—Section 824 of the Nuclear Proliferation Prevention Act of 1994 is amended by striking subsection (e).

SEC. 1614. PAYMENT OF IRAQI CLAIMS.

(a) VESTING OF ASSETS.—All nondiplomatic accounts of the Government of Iraq in the United States that have been blocked pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) shall vest in the President and the President, not later than 30 days after the date of the enactment of this Act, shall liquidate such accounts. Amounts from such liquidation shall be transferred into the Iraq Claims Fund established under subsection (b).

(b) IRAQ CLAIMS FUND.—Upon the vesting of accounts under subsection (a), the Secretary of the Treasury shall establish in the Treasury of the United States a fund to be known as the Iraq Claims Fund (hereafter in this section referred to as the "Fund") for payment of private claims or United States Government claims in accordance with subsection (c).

(c) PAYMENTS.—

(1) PAYMENTS ON PRIVATE CLAIMS.—Not later than 2 years after the date of the enactment of this Act, the Secretary of the Treasury shall make payment out of the Fund in ratable proportions on private claims certified under subsection (e) according to the proportions which the total amount of the private claims so certified bear to the total amount in the Fund that is available for distribution at the time such payments are made.

(2) PAYMENTS ON U.S. GOVERNMENT CLAIMS.—After payment has been made in full out of the Fund on all private claims certified under subsection (e), any funds remaining in the Fund shall be made available to satisfy claims of the United States Government against the Government of Iraq determined under subsection (d).

(d) DETERMINATION OF VALIDITY OF U.S. GOVERNMENT CLAIMS.—The President shall determine the validity and amounts of claims of the Government of the United States against the Government of Iraq which the Secretary of State has determined are outside the jurisdiction of the United Nations Commission, and, to the extent that such claims are not satisfied from funds made available by the Fund, the President is authorized and requested to enter into a settlement agreement with the Government of Iraq which would provide for the payment of such unsatisfied claims.

(e) DETERMINATION OF PRIVATE CLAIMS.—

(1) AUTHORITY OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION.—The Foreign Claims Settlement Commission of the United States is authorized to receive and determine, in accordance with substantive law, including international law, the validity and amounts of private claims. The Commission shall complete its affairs in connection with the determination of private claims under this section within such time as is necessary to allow the payment of the claims under subsection (c)(1).

(2) APPLICABILITY.—Except to the extent inconsistent with the provisions of this section, the provisions of title I of the International Claims Settlement Act of 1949 (22 U.S.C. 1621 et seq.) shall apply with respect to private claims

under this section. Any reference in such provisions to "this title" shall be deemed to refer to those provisions and to this section.

(3) CERTIFICATION.—The Foreign Claims Settlement Commission shall certify to the Secretary of the Treasury the awards made in favor of each private claim under paragraph (1).

(f) UNSATISFIED CLAIMS.—Payment of any award made pursuant to this section shall not extinguish any unsatisfied claim, or be construed to have divested any claimant, or the United States on his or her behalf, of any rights against the Government of Iraq with respect to any unsatisfied claim.

(g) DEFINITIONS.—As used in this section—

(1) the term "Government of Iraq" includes agencies, instrumentalities, and controlled entities (including public sector enterprises) of that government;

(2) the term "private claims" mean claims of United States persons against the Government of Iraq that are determined by the Secretary of State to be outside the jurisdiction of the United Nations Commission;

(3) the term "United Nations Commission" means the United Nations Compensation Commission established pursuant to United Nations Security Council Resolution 687, adopted in 1991; and

(4) the term "United States person"—

(A) includes—

(i) any person, wherever located, who is a citizen of the United States;

(ii) any corporation, partnership, association, or other legal entity organized under the laws of the United States or of any State, the District of Columbia, or any commonwealth, territory, or possession of the United States; and

(iii) any corporation, partnership, association, or other organization, wherever organized or doing business, which is owned or controlled by persons described in clause (i) or (ii); and

(B) does not include the United States Government or any officer or employee of the United States Government acting in an official capacity.

SEC. 1615. INTERNATIONAL FUND FOR IRELAND.

(a) FUNDING.—

(1) IN GENERAL.—Of the amounts made available for fiscal years 1996 and 1997 for assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relating to the economic support fund), not more than $19,600,000 for each of the fiscal years 1996 and 1997 shall be available for the United States contribution to the International Fund for Ireland in accordance with the Anglo-Irish Agreement Support Act of 1986 (Public Law 99–415).

(2) AVAILABILITY.—Amounts made available under paragraph (1) are authorized to remain available until expended.

(b) ADDITIONAL REQUIREMENTS.—

(1) PURPOSES.—Section 2(b) of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99–415; 100 Stat. 947) is amended by adding at the end the following new sentences: "United States contributions should be used in a manner that effectively increases employment opportunities in communities with rates of unemployment higher than the local or urban average of unemployment in Northern Ireland. In addition, such contributions should be used to benefit individuals residing in such communities.".

(2) CONDITIONS AND UNDERSTANDINGS.—Section 5(a) of such Act is amended—

(A) in the first sentence—

(i) by striking "The United States" and inserting the following:

"(1) IN GENERAL.—The United States";

(ii) by striking "in this Act may be used" and inserting the following: "in this Act—

"(A) may be used";

(iii) by striking the period and inserting "; and"; and

(iv) by adding at the end the following:

"(B) should be provided to individuals or entities in Northern Ireland which employ practices consistent with the principles of economic justice."; and

(B) in the second sentence, by striking "The restrictions" and inserting the following:

"(2) ADDITIONAL REQUIREMENTS.—The restrictions".

(3) PRIOR CERTIFICATIONS.—Section 5(c)(2) of such Act is amended—

(A) in subparagraph (A), by striking "in accordance with the principle of equality" and all that follows and inserting "to individuals and entities whose practices are consistent with principles of economic justice; and"; and

(B) in subparagraph (B), by inserting before the period at the end the following: "and will create employment opportunities in regions and communities of Northern Ireland suffering from high rates of unemployment".

(4) ANNUAL REPORTS.—Section 6 of such Act is amended—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(4) the extent to which the practices of each individual or entity receiving assistance from United States contributions to the International Fund has been consistent with the principles of economic justice.".

(5) REQUIREMENTS RELATING TO FUNDS.—Section 7 of such Act is amended by adding at the end the following:

"(c) PROHIBITION.—Nothing included herein shall require quotas or reverse discrimination or mandate their use.".

(6) DEFINITIONS.—Section 8 of such Act is amended—

(A) in paragraph (1), by striking "and" at the end;

(B) in paragraph (2), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(3) the term 'principles of economic justice' means the following principles:

"(A) Increasing the representation of individuals from underrepresented religious groups in the workforce, including managerial, supervisory, administrative, clerical, and technical jobs.

"(B) Providing adequate security for the protection of minority employees at the workplace.

"(C) Banning provocative sectarian or political emblems from the workplace.

"(D) Providing that all job openings be advertised publicly and providing that special recruitment efforts be made to attract applicants from underrepresented religious groups.

"(E) Providing that layoff, recall, and termination procedures do not favor a particular religious group.

"(F) Abolishing job reservations, apprenticeship restrictions, and differential employment criteria which discriminate on the basis of religion.

"(G) Providing for the development of training programs that will prepare substantial numbers of minority employees for skilled jobs, including the expansion of existing programs and the creation of new programs to train, upgrade, and improve the skills of minority employees.

"(H) Establishing procedures to assess, identify, and actively recruit minority employees with the potential for further advancement.

"(I) Providing for the appointment of a senior management staff member to be responsible for the employment efforts of the entity and, within a reasonable period of time, the implementation of the principles described in subparagraphs (A) through (H).".

SEC. 1616. DEOBLIGATION OF CERTAIN UNEXPENDED ECONOMIC ASSISTANCE FUNDS.

Chapter 3 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2401 et seq.) is amended by adding at the end the following:

"SEC. 668. DEOBLIGATION OF CERTAIN UNEXPENDED ECONOMIC ASSISTANCE FUNDS.

"(a) REQUIREMENT TO DEOBLIGATE.—

"(1) IN GENERAL.—Except as provided in subsection (b) of this section and in paragraphs (1) and (3) of section 617(a) of this Act, at the beginning of each fiscal year the President shall deobligate and return to the Treasury, any funds described in paragraph (2) that, as of the end of the preceding fiscal year, have been obligated for a project or activity for a period of more than 3 years but have not been expended.

"(2) FUNDS.—Paragraph (1) applies to funds made available for—

"(A) assistance under chapter 1 of part I of this Act (relating to development assistance), chapter 10 of part I of this Act (relating to the Development Fund for Africa), or chapter 4 of part II of this Act (relating to the economic support fund);

"(B) assistance under the 'Multilateral Assistance Initiative for the Philippines';

"(C) assistance under the Support for East European Democracy (SEED) Act of 1989; and

"(D) economic assistance for the independent states of the former Soviet Union under this Act or under any other Act authorizing economic assistance for such independent states.

"(b) EXCEPTIONS.—The President, on a case-by-case basis, may waive the requirement of subsection (a)(1) if the President determines, and reports to the appropriate congressional committees, that—

"(1) the funds are being used for a construction project that requires more than 3 years to complete; or

"(2) the funds have not been expended because of unforeseen circumstances, and those circumstances could not have been reasonably foreseen.

"(c) COMMENTS BY INSPECTOR GENERAL.—As soon as possible after the submission of a report pursuant to subsection (b), the Inspector General of the agency primarily responsible for administering part I of this Act shall submit to the appropriate congressional committees such comments as the Inspector General considers appropriate with regard to the determination described in that report.

"(d) APPROPRIATE CONGRESSIONAL COMMITTEES.—As used in this section, the term 'appropriate congressional committees' means the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.".

SEC. 1617. LIMITATION ON ASSISTANCE TO COUNTRIES THAT RESTRICT THE TRANSPORT OR DELIVERY OF UNITED STATES HUMANITARIAN ASSISTANCE.

(a) FINDINGS.—The Congress makes the following findings:

(1) The United States Federal budget deficit and spending constraints require the maximum efficiency in the usage of United States foreign assistance.

(2) The delivery of humanitarian assistance to people in need is consistent with the fundamental values of our Nation and is an important component of United States foreign policy.

(3) As a matter of principle and in furtherance of fiscal prudence, the United States should seek to promote the delivery of humanitarian assistance to people in need in a manner that is both timely and cost effective.

(4) Recipients of United States assistance should not hinder or delay the transport or delivery of United States humanitarian assistance to other countries.

(b) PROHIBITION ON ASSISTANCE.—Section 620 of the Foreign Assistance Act of 1961 (22 U.S.C. 2370), as amended by this Act, is further amended by inserting after subsection (v) (as added by this Act) the following new subsection:

"(w)(1) Notwithstanding any other provision of law, United States assistance may not be made available for any country whose government prohibits or otherwise restricts, directly or indirectly, the transport or delivery of United States humanitarian assistance.

"(2) The prohibition on United States assistance contained in paragraph (1) shall not apply if the President determines and notifies the Congress in writing that providing such assistance to a country is in the national security interest of the United States.

"(3) A suspension or termination of United States assistance for any country under paragraph (1) shall cease to be effective when the President certifies in writing to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate that such country is no longer prohibiting or otherwise restricting, either directly or indirectly, the transport or delivery of United States humanitarian assistance.

"(4)(A) At the time of the annual budget submission to Congress, the President shall submit a report to the Congress describing any information available to the President concerning prohibitions or restrictions, direct or indirect, on the transport or delivery of United States humanitarian assistance by the government of any country receiving or eligible to receive United States foreign assistance during the current or preceding fiscal year.

"(B) The President shall include in the report required by subparagraph (A) a statement as to whether the prohibition in paragraph (1) is being applied to each country for which the President has information available to him concerning prohibitions or restrictions, direct or indirect, on the transport or delivery of United States humanitarian assistance.

"(5) As used in this subsection, the term 'United States assistance' has the same meaning given that term in section 481(e)(4) of this Act.".

TITLE XVII—CONGRESSIONAL STATEMENTS

SEC. 1701. THE LAOGAI SYSTEM OF POLITICAL PRISONS.

It is the sense of the Congress that the President should—

(1) publicly condemn the continued existence of the Chinese gulag, known as the Laogai, and call upon the Government of the People's Republic of China to dismantle it and release all of its political prisoners; and

(2) instruct the appropriate diplomatic representatives of the United States to cause a resolution condemning the Laogai to be put before the United Nations Human Rights Commission and work for its passage.

SEC. 1702. DECLARATION OF CONGRESS REGARDING UNITED STATES GOVERNMENT HUMAN RIGHTS POLICY TOWARD CHINA.

(a) FINDINGS.—The Congress makes the following findings:

(1) According to the 1994 State Department Country Reports on Human Rights Practices, there continue to be "widespread and well-documented human rights abuses in China, in violation of internationally accepted norms . . . (including) arbitrary and lengthy incommunicado detention, torture, and mistreatment of prisoners. The regime continued severe restrictions on freedoms of speech, press assembly and association, and tightened controls on the exercise of these rights during 1994. Serious human rights abuses persisted in Tibet and other areas populated by ethnic minorities".

(2) The President, in announcing his decision on Most Favored Nation trading status for China in May 1994 stated that, "China continues to commit very serious human rights abuses. Even as we engage the Chinese on military, political, and economic issues, we intend to stay engaged with those in China who suffer from human rights abuses. The United States must remain a champion of their liberties".

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the President should take the following actions:

(1) Decline the invitation to visit China until and unless there is dramatic overall progress on human rights in China and Tibet and communicate to the Government of China that such a visit cannot take place without such progress. Indications of overall progress would include the release of hundreds of political, religious, and labor activists; an agreement to allow unhindered confidential access to prisoners by international humanitarian agencies; enactment of major legal reforms such as an end to all restrictions on the exercise of freedom of religion, revocation of the 1993 state security law, and the abolition of all so-called "counter-revolutionary" crimes; an end to forced abortion, forced sterilization, and the provision by government facilities of human fetal remains for consumption as food; and a decision to allow unrestricted access to Tibet by foreign media and international human rights monitors.

(2) Seek to develop an agreement on a multilateral strategy to promote human rights in China. Such an agreement should include efforts to encourage greater cooperation by the Government of China with the human rights rapporteurs and working groups of the United Nations Human Rights Commission, as well as bilateral and multilateral initiatives to secure the unconditional release of imprisoned peaceful pro-democracy advocates such as Wei Jingsheng.

(3) Extend an invitation to the Dalai Lama to visit Washington, District of Columbia, in 1996.

(c) UNITED STATES GOVERNMENT HUMAN RIGHTS POLICY TOWARD CHINA.—It shall be the policy of the United States Government to continue to promote internationally recognized human rights and worker rights in China and Tibet. The President shall submit the following reports on the formulation and implementation of United States human rights policy toward China and the results of that policy to the appropriate congressional committees:

(1) Not later than 90 days after the date of enactment of this Act, the President shall report on the status of the "new United States Human Rights Policy for China" announced by the President on May 26, 1994, including an assessment of the implementation and effectiveness of the policy in bringing about human rights improvements in China and Tibet, with reference to the following specific initiatives announced on that date:

(A) High-level dialogue on human rights.

(B) Voluntary principles in the area of human rights for United States businesses operating in China.

(C) Increased contact with and support for groups and individuals in China promoting law reform and human rights.

(D) Increased exchanges to support human rights law reform in China.

(E) The practice of all United States officials who visit China to meet with the broadest possible spectrum of Chinese citizens.

(F) Increased efforts to press United States views on human rights in China at the United Nations, the United Nations Human Rights Commission, and other international organizations.

(G) A plan of international actions to address Tibet's human rights problems and to promote substantive discussions between the Dalai Lama and the Chinese Government.

(H) An information strategy for promoting human rights by expanding Chinese and Tibetan language broadcasts on the Voice of America and establishing Radio Free Asia.

(I) Encouraging the Chinese Government to permit international human rights groups to operate in and visit China.

The report required by this paragraph shall also assess the progress, if any, of the People's Republic of China toward ending forced abortion, forced sterilization, and other coercive population control practices.

(2) Not later than 120 days after the date of enactment of this Act, the President shall report on the status of Chinese Government compliance with United States laws prohibiting the importation into the United States of forced labor products, including (but not limited to) a complete assessment and report on the implementation of the Memorandum of Understanding signed by the United States and China in 1992. The report shall include (but not be limited to) the following:

(A) All efforts made by the United States Customs Service from 1992 until the date of the report to investigate forced labor exports and to conduct unannounced unrestricted inspections of suspected forced labor sites in China, and the extent to which Chinese authorities cooperated with such investigations.

(B) Recommendations of what further steps might be taken to enhance United States effectiveness in prohibiting forced labor exports to the United States from China.

SEC. 1703. UNITED STATES RELATIONS WITH THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA (FYROM).

It is the sense of the Congress that the Former Yugoslav Republic of Macedonia (FYROM) should be eligible for all United States foreign assistance programs, including programs of the Export-Import Bank and the Overseas Private Investment Corporation, if the government continues to respect the rights of all ethnic minorities.

SEC. 1704. DISPLACED PERSONS.

It is the sense of the Congress that of the amounts made available to the United Nations Development Program (and United Nations Development Program-Administered Funds), at least $20,000,000 for fiscal year 1996 and $20,000,000 for fiscal year 1997 should be available for programs and services conducted in cooperation with the International Organization for Migration, the International Committee for the Red Cross, and nongovernmental organizations, for persons who are displaced within their countries of nationality.

SEC. 1705. SENSE OF CONGRESS ON BORDER CROSSING FEES.

It is the sense of the Congress that the United States Government should not impose or collect a border crossing fee along its borders with Canada and Mexico.

SEC. 1706. INTER-AMERICAN ORGANIZATIONS.

Taking into consideration the long-term commitment by the United States to the affairs of this Hemisphere and the need to build further upon the linkages between the United States and its neighbors, the Secretary of State, in allocating the level of resources for international organizations, should make every effort to pay the full United States assessed funding levels for the Organization of American States and the Pan American Health Organization so that these two entities, which are uniquely dependent on United States contributions, have adequate resources to contribute effectively to United States foreign policy initiatives.

SEC. 1707. ESCALATING COSTS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES.

It is the sense of the Congress that the executive branch should cease obligating the United States to pay for international peacekeeping operations in excess of funds specifically authorized and appropriated for this purpose.

SEC. 1708. VISIT OF THE PRESIDENT OF THE REPUBLIC OF CHINA ON TAIWAN.

It is the sense of the Congress that the President of the Republic of China on Taiwan should be admitted to the United States for a visit in 1996 with all appropriate courtesies.

SEC. 1709. REPUBLIC OF CHINA ON TAIWAN'S PARTICIPATION IN GATT AND WTO.

It is the sense of the Congress that—

(1) the United States should separate the Republic of China on Taiwan's application for membership in the General Agreement on Tariffs and Trade (GATT) and the World Trade Organization (WTO) from the People's Republic of China's application for membership in such organizations;

(2) the United States should support the Republic of China on Taiwan's earliest membership in the GATT and the WTO if it meets full and legitimate membership criteria, including the elimination of inappropriate tariff levels and nontariff barriers;

(3) the United States should support the membership of the People's Republic of China in the GATT and the WTO only if a sound bilateral commercial agreement is reached between the United States and the People's Republic of China, and that the People's Republic of China makes significant progress in making its economic system compatible with GATT and WTO principles; and

(4) the People's Republic of China's application for membership in the GATT and the WTO should be reviewed strictly in accordance with the rules, guidelines, principles, precedents, and practices of the GATT and the WTO.

SEC. 1710. INDUSTRIAL PARK FOR GAZA OR THE WEST BANK.

(a) SENSE OF THE CONGRESS.—It is the sense of Congress that—

(1) the United States should take prompt, visible action before the coming elections in Gaza and Jericho that promises hope and jobs to Palestinians;

(2) the rapid development of an industrial park in Gaza or the West Bank, closely coordinated with private sector investors, will provide a clear sign of opportunity resulting from peace with Israel;

(3) the decision to site the industrial park should give special consideration to the extremely difficult economic conditions in Gaza and the West Bank;

(4) the President should appoint a special coordinator to coordinate the rapid development of an industrial park in Gaza or the West Bank and to begin the recruitment of United States investors; and

(5) the Secretary of State should direct a short-term review and implementation of United States assistance plans to assist in speeding the flow of goods and services between Israel and Gaza and the West Bank while increasing security among those areas.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall prepare and transmit to the Congress a report detailing the following:

(1) All actions taken by the President to establish an industrial park in Gaza or the West Bank.

(2) Funds planned for expenditure to develop such industrial park.

And the Senate agree to the same.

BENJAMIN A. GILMAN,
BILL GOODLING,
HENRY J. HYDE,
TOBY ROTH,
DOUG BEREUTER,
CHRISTOPHER H. SMITH,
DAN BURTON,
ILEANA ROS-LEHTINEN,
Managers on the Part of the House.

JESSE HELMS,
OLYMPIA SNOWE,
HANK BROWN,
PAUL COVERDELL,
JOHN ASHCROFT,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1561) to authorize appropriations for the Department of State, the United States Information Agency, and related agencies, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

DIVISION A

TITLE I—GENERAL PROVISIONS

Short title

The House bill (sec. 101) provides a short title for this Division, the "Foreign Affairs Agencies Consolidation Act of 1995."

The Senate amendment (sec. 1001) provides a short title for this Division, the "Foreign Affairs Reinvention Act of 1995."

The conference substitute provides a short title for this Division, the "Foreign Affairs Agencies Consolidation Act of 1996."

Congressional findings

The House bill (sec. 102) sets forth congressional findings that the United States must remain engaged in international affairs; that the U.S. budget deficit requires streamlining of government programs and activities, including foreign programs and activities; and that, as part of the downsizing of the international affairs budget, the proliferation of foreign affairs agencies that occurred during the Cold War must be reversed and the leadership of the Secretary of State strengthened.

The Senate amendment contains no comparable provision.

The conference substitute is identical to the House bill.

Purposes

The House bill (sec. 103) states that the purposes of the Division are to consolidate and reinvent the foreign affairs agencies of the United States within the Department of State; provide for the reorganization of the Department of State; strengthen the coordination of U.S. foreign policy; and to abolish not later than March 1, 1997, the United States Arms Control and Disarmament Agency (ACDA), the United States Information Agency (USIA), the International Development Cooperation Agency, and the Agency for International Development (AID).

The Senate amendment (sec. 1002) states that the purposes of the Division are, inter alia, to reorganize and reinvent the foreign affairs agencies of the United States within the Department of State, to assist in congressional efforts to balance the Federal budget, to ensure that the United States maintains adequate representation abroad within budgetary constraints, and to encourage United States foreign affairs agencies to maintain a high percentage of the best qualified United States Government employees while downsizing significantly the total number of employees of such agencies.

The conference substitute (sec. 103) contains a combination of the purposes set forth in the House bill and the Senate amendment.

Definitions

The House bill (sec. 104) defines terms used within this Division of the House bill.

The Senate amendment (sec. 1624) defines terms used within this Division of the Senate bill.

The conference substitute (sec. 104) is substantially identical to the House bill.

Office of the Secretary of State

The Senate amendment (sec. 1101) amends the State Department Basic Authorities Act to provide that the Secretary of State shall be the principal foreign policy adviser to the President and shall be responsible for the overall direction, coordination, and supervision of the interdepartmental activities of the Government abroad.

The House bill contains no comparable provision.

The conference substitute is identical to the House bill.

Assumption of duties by incumbent employees

The Senate amendment (sec. 1102) provides that individuals appointed by and with the advice and consent of the Senate and performing duties substantially similar to the duties of a new office to be created pursuant to this Division may, in the discretion of the Secretary of State, assume the duties of such new office and shall not be required to be reappointed.

The House bill (secs. 222(c), 322(a)(2), 322(b)(2), and 422(b)) provides that officials appointed by and with the advice and consent of the Senate may be appointed in an acting capacity to new offices created pursuant to this Division until the President nominates and the Senate confirms a permanent appointee.

The conference substitute (sec. 614(b)) is similar to the Senate amendment.

Procedures for coordination of Government personnel at overseas posts

The Senate amendment (sec. 1104) amends the Foreign Service Act of 1980 to require heads of Executive departments and agencies to obtain the approval of chiefs of mission regarding changes in the size, composition, or mandate of employees of such departments and agencies in foreign countries, and to require compliance with the procedures of National Security Decision Directive 38.

The House bill contains no comparable provision.

The conference substitute (sec. 102) is identical to the House bill.

TITLE II—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

Effective date

The House bill (sec. 201) provides that this title and the amendments made by this title (other than section 221) shall take effect on

March 1, 1997, or on an earlier date announced by the President in the Federal Register, which date may be not earlier than 60 calendar days (excluding any days on which either House of Congress is not in session because of a sine die adjournment) after the President has submitted a reorganization plan to the appropriate committees of Congress pursuant to section 221. Section 221 shall take effect on the date of enactment.

The Senate amendment (sec. 1207) provides that this title and the amendments made by this title shall take effect in the event that the President does not transmit to Congress within six months of the date of enactment a reorganization plan meeting the objectives of section 1501(a)(2) of the Senate bill.

The conference substitute (sec. 201) is similar to the House bill.

References in title

The House bill (sec. 202) states that, except as otherwise provided, the references in this title to provisions of law shall be considered references to the Arms Control and Disarmament Act.

The Senate amendment (sec. 1201(c)) is similar to the House bill.

The conference substitute contains no comparable provision.

Abolition of United States Arms Control and Disarmament Agency

The House bill (sec. 211) abolishes ACDA.

The Senate amendment (sec. 1201(a)) is similar to the House bill.

The conference substitute (sec. 211) is identical to the House bill.

Transfer of functions to Secretary of State

The House bill (sec. 212) transfers to the Secretary of State all functions of the Director of ACDA and of ACDA.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 212) is identical to the House bill.

Reorganization plan

The House bill (sec. 221) provides that, not later than March 1, 1996, the President, in consultation with the Secretary of State and the Director of ACDA, shall submit a reorganization plan to the appropriate committees of Congress. The plan is to provide for the abolition of ACDA; the transfer of ACDA's functions and personnel to the Department of State; and the consolidation, reorganization, and streamlining of the Department of State upon the transfer in order to carry out the transferred functions. The plan is to identify the functions of ACDA that are to be transferred; the personnel and positions of ACDA and the Department that are to be transferred, separated, or eliminated; specify the consolidations and reorganizations within the Department that will be required; specify the funds available to ACDA that will be transferred; specify the proposed allocations within the Department of unexpended funds that are to be transferred from ACDA; and specify the proposed disposition of the property, facilities, contracts, records, and other assets and liabilities of ACDA.

The Senate amendment (sec. 1603) provides that, in the event that the President does not transmit to Congress within six months of the date of enactment a reorganization plan meeting the objectives of section 1501(a)(2) of the Senate amendment, the President shall, in consultation with the Secretary of State, transmit a reorganization plan with respect to ACDA to the appropriate committees of Congress. The plan is to provide for substantially the same matters as the plan submitted under the House bill. A plan transmitted under this section shall become effective after 90 calendar days of continuous session of Congress, unless Congress enacts a joint resolution disapproving the plan. The Senate amendment further requires a reduction in employees and in funds available for salaries and expenses in the event that a plan transmitted under this section takes effect.

The conference substitute (sec. 601) is similar to the House bill, except that the plan is to be submitted not later than October 1, 1996. In addition, the requirement for submission of the plan shall not apply if the President exercises the waiver authority of section 602 of the conference substitute with respect to ACDA. A plan submitted pursuant to this section may be modified by the President on the basis of consultations with the appropriate congressional committees. A plan submitted pursuant to this section shall become effective on the earlier of March 1, 1997, or such date as the President shall determine to be appropriate and announce by notice published in the Federal Register.

The Committee notes that ACDA's single-mission focus has permitted the agency to develop over the years unique expertise and experience among its personnel in arms control matters. The Department of State has needed to develop similar expertise within the Bureau of Political-Military Affairs and elsewhere. However, the personnel system of the Department, which emphasizes the development of broad expertise among the Department's employees so as to equip them to effectively carry out the Department's many missions, has necessarily limited the Department's ability to match the training and experience in arms control matters that is found within ACDA.

The Committee believes that it would be detrimental to the interests of the United States for the expertise and experience of ACDA personnel to be lost as a result of the consolidation of ACDA with the Department of State. Accordingly, the Committee would expect any reorganization plan applicable to ACDA submitted pursuant to section 601 of the conference substitute to be designed, to the maximum extent feasible, to ensure that the unique expertise and experience of ACDA personnel is not lost to the United States Government as a result of the consolidation.

Principal officers

The House bill (sec. 222) amends the State Department Basic Authorities Act to establish the new position within the Department of State of Coordinator for Arms Control and Disarmament, with the rank and status of Ambassador-at-Large. The Coordinator heads the Bureau of Arms Control and Disarmament and reports directly to the Secretary of State. In addition, an amendment to the National Security Act of 1947 provides that the Coordinator shall serve as a statutory advisor to the National Security Council.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 213) is substantially identical to the House bill.

References

The House bill (sec. 244) provides that any reference in any statute or other official document or proceeding to the Director of ACDA shall be deemed to refer to the Secretary of State, and any reference to ACDA shall be deemed to refer to the Department of State.

The Senate amendment (sec. 1206) is virtually identical.

The conference substitute (sec. 221) is identical to the House bill.

Repeal of establishment of Agency

The House bill (sec. 242) repeals section 21 of the Arms Control and Disarmament Act (relating to the establishment of ACDA).

The Senate amendment (sec. 1201(b)) is substantially identical.

The conference substitute (sec. 222) is identical to the House bill.

Repeal of positions and offices

The House bill (sec. 243) repeals provisions of the Arms Control and Disarmament Act establishing positions and offices within ACDA.

The Senate amendment (sec. 1202) is substantially identical, except that the provision establishing the ACDA Inspector General is not repealed.

The conference substitute (secs. 223 and 501) is similar to the House bill.

Transfer of authorities and functions under the Arms Control and Disarmament Act to the Secretary of State

The House bill (sec. 244) transfers authorities and functions of ACDA and the Director of ACDA to the Department of State and to the Secretary of State.

The Senate amendment (sec. 1203) is similar.

The conference substitute (sec. 224) is based on the House bill.

Conforming amendments

The House bill (sec. 225) makes conforming amendments to other provisions of the Arms Control and Disarmament Act.

The Senate amendment (sec. 1205) is similar.

The conference substitute (sec. 225) is based on the House bill.

Authorization of appropriations

The Senate amendment (sec. 1204) makes a conforming amendment to the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

The House bill has no comparable provision.

The conference substitute is identical to the House bill.

TITLE III—UNITED STATES INFORMATION AGENCY

Effective date

The House bill (sec. 301) provides that this title and the amendments made by this title (other than section 321) shall take effect on March 1, 1997, or on an earlier date announced by the President in the Federal Register, which date may be not earlier than 60 calendar days (excluding any days on which either House of Congress is not in session because of a sine die adjournment) after the President has submitted a reorganization plan to the appropriate committees of Congress pursuant to section 321. Section 321 shall take effect on the date of enactment.

The Senate amendment (sec. 1329) provides that this title and the amendments made by this title shall take effect in the event that the President does not transmit to Congress within six months of the date of enactment a reorganization plan meeting the objectives of section 1501(a)(2) of the Senate bill.

The conference substitute (sec. 301) is similar to the House bill.

Abolition of United States Information Agency

The House bill (sec. 311) abolishes USIA.

The Senate amendment (sec. 1301) is substantially identical.

The conference substitute (sec. 311) is identical to the House bill.

Transfer of functions to Secretary of State

The House bill (sec. 312) transfers to the Secretary of State all functions of the Director of USIA and of USIA.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 312) is similar to the House bill, but includes a special provision governing transfer of the Broadcasting Board of Governors to the Department of State.

Reorganization plan

The House bill (sec 321) provides that, not later than March 1, 1996, the President, in consultation with the Secretary of State and the Director of USIA, shall submit a reorganization plan to the appropriate committees of Congress. The plan is to provide for the abolition of USIA; the transfer of USIA's functions and personnel to the Department of State; and the consolidation, reorganization, and streamlining of the Department of State upon the transfer in order to carry out the transferred functions. The plan is to identify the functions of USIA that are to be transferred; the personnel and positions of USIA and the Department that are to be transferred, separated, or eliminated; specify the consolidations and reorganizations within the Department that will be required; specify the funds available to USIA that will be transferred; specify the proposed allocations within the Department of unexpended funds that are to be transferred from USIA; and specify the proposed disposition of the property, facilities, contracts, records, and other assets and liabilities of USIA.

The Senate amendment (sec. 1604) provides that, in the event that the President does not transmit to Congress within six months of the date of enactment a reorganization plan meeting the objectives of section 1501(a)(2) of the Senate amendment, the President shall, in consultation with the Secretary of State, transmit a reorganization plan with respect to USIA to the appropriate committees of Congress. The plan is to provide for substantially the same matters as the plan submitted under the House bill. A plan transmitted under this section shall become effective after 90 calendar days of continuous session of Congress, unless Congress enacts a joint resolution disapproving the plan. The Senate amendment further requires a reduction in employees and in funds available for salaries and expenses in the event that a plan transmitted under this section takes effect.

The conference substitute (sec. 601) is similar to the House bill, except that the plan is to be submitted not later than October 1, 1996. In addition, the requirement for submission of the plan shall not apply if the President exercises the waiver authority of section 602 of the conference substitute with respect to USIA. A plan submitted pursuant to this section may be modified by the President on the basis of consultations with the appropriate congressional committees. A plan submitted pursuant to this section shall become effective on the earlier of March 1, 1997, or such date as the President shall determine to be appropriate and announce by notice published in the Federal Register.

Principal officers

The House bill (sec. 322) amends the State Department Basic Authorities Act to establish the new positions within the Department of State of Under Secretary for Public Diplomacy, Assistant Secretary for Academic Programs and Cultural Exchanges, and Assistant Secretary for Information, Policy, and Programs. Both assistant secretaries shall report to the under secretary.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 313) amends the State Department Basic Authorities Act to establish within the Department of State the position of Under Secretary for Public Diplomacy, but does not establish any assistant secretary positions.

References

The House bill (sec. 341) provides that any reference in any statute or other official document or proceeding to the Director of USIA shall be deemed to refer to the Secretary of State, and any reference to USIA shall be deemed to refer to the Department of State.

The Senate amendment (sec. 1302) is virtually identical.

The conference substitute is identical to the Senate amendment.

Abolition of Office of Inspector General of the United States Information Agency and transfer of functions to Office of Inspector General of the Department of State

The House bill (sec. 342) abolishes the Office of Inspector General of USIA, and transfers the functions of that Office to the Office of Inspector General of the Department of State.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 502) is virtually identical to the House bill.

Amendments to title 5

The House bill (sec. 343) makes conforming amendments to title 5 of the United States Code.

The Senate amendment (sec. 1303) is identical.

The conference substitute (sec. 322) is identical.

Amendments to United States Information and Educational Exchange Act of 1948

The House bill (sec. 344) makes conforming amendments to the United States Information and Educational Exchange Act of 1948.

The Senate amendment (sec. 1304) is similar.

The conference substitute (sec. 323) is similar.

Amendments to the Mutual Educational and Cultural Exchange Act of 1961 (Fulbright-Hays Act)

The House bill (sec. 345) makes conforming amendments to the Mutual Educational and Cultural Exchange Act of 1961.

The Senate amendment (sec. 1305) is similar.

The conference substitute (sec. 324) is similar.

International broadcasting activities

The House bill (sec. 346) makes conforming amendments to the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, and to title 5 of the United States Code.

The Senate amendment (sec. 1306) is similar.

The conference substitute (sec. 325) is similar.

Television broadcasting to Cuba

The House bill (sec. 347) makes conforming amendments to the Television Broadcasting to Cuba Act.

The Senate amendment (sec. 1307) is similar.

The conference substitute (sec. 326) is similar.

Radio broadcasting to Cuba

The House bill (sec. 348) makes conforming amendments to the Radio Broadcasting to Cuba Act.

The Senate amendment (sec. 1308) is similar.

The conference substitute (sec. 327) is similar.

National Endowment for Democracy

The House bill (sec. 349) makes conforming amendments to Public Law 98-164.

The Senate amendment (sec. 1309) is similar.

The conference substitute (sec. 328) is similar.

United States Scholarship Program for Developing Countries

The House bill (sec. 350) makes conforming amendments to the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987.

The Senate amendment (sec. 1310) is similar.

The conference substitute (sec. 329) is similar.

Fascell Fellowship Board

The House bill (sec. 351) makes conforming amendments to the Fascell Fellowship Act.

The Senate bill contains no comparable provision.

The conference substitute (sec. 330) is identical to the House bill.

National Security Education Board

The House bill (sec. 352) makes conforming amendments to the Intelligence Authorization Act, Fiscal Year 1992.

The Senate amendment (sec. 1311) is similar.

The conference substitute (sec. 331) is identical to the Senate amendment.

Center for Cultural and Technical Interchange Between North and South

The House bill (sec. 353) makes conforming amendments to the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993.

The Senate amendment (sec. 1312) is identical.

The conference substitute (sec. 332) is identical.

East-West Center

The House bill (sec. 354) makes conforming amendments to the Mutual Security Act of 1960.

The Senate amendment (sec. 1313) is identical.

The conference substitute (sec. 333) is identical.

Mission of the Department of State

The House bill (sec. 334) makes conforming amendments to the Foreign Relations Authorization Act, Fiscal Year 1979.

The Senate amendment (sec. 1314) is similar.

The conference substitute (sec. 334) is similar.

Consolidation of administrative services

The House bill (sec. 356) makes conforming amendments to the State Department Basic Authorities Act.

The Senate amendment (sec. 1315) is similar.

The conference substitute (sec. 335) is similar.

Grants

The House bill (sec. 357) makes conforming amendments to the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993.

The Senate amendment (sec. 1316) is similar.

The conference substitute (sec. 336) is similar.

Ban on domestic activities

The House bill (sec. 358) makes conforming amendments to the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987.

The Senate amendment (sec. 1317) is similar.

The conference substitute (sec. 337) is similar.

Conforming repeal to the Arms Control and Disarmament Act

The House bill (sec. 359) makes a conforming amendment to the Arms Control and Disarmament Act.

The Senate amendment (sec. 1318) is identical.

The conference substitute (sec. 338) is identical.

Repeal relating to procurement of legal services

The House bill (sec. 360) makes a conforming amendment to the State Department Basic Authorities Act.

The Senate amendment (sec. 1319) is identical.

The conference substitute (sec. 339) is identical.

Repeal relating to payment of subsistence expenses

The House bill (sec. 361) makes a conforming amendment to the State Department Basic Authorities Act.

The Senate amendment (sec. 1320) is identical.

The conference substitute (sec. 340) is identical.

Conforming amendment to the SEED Act

The House bill (sec. 362) makes a conforming amendment to the Support for East European Democracies Act of 1989.

The Senate amendment (sec. 1321) is identical.

The conference substitute (sec. 341) is identical.

International Cultural and Trade Center Commission

The House bill (sec. 363) makes conforming amendments to the Federal Triangle Development Act.

The Senate amendment (sec. 1322) is similar.

The conference substitute (sec. 342) is similar.

Foreign Service Act of 1980

The House bill (sec. 364) makes conforming amendments to the Foreign Service Act of 1980.

The Senate amendment contains no comparable provision.

The conference substitute is identical to the Senate amendment.

Au Pair programs

The House bill (sec. 365) makes a conforming amendment to the Eisenhower Exchange Fellowship Act of 1990.

The Senate amendment contains no comparable provision.

The conference substitute is identical to the Senate amendment.

Exchange program with countries in transition from totalitarianism to democracy

The House bill (sec. 366) makes conforming amendments to the National and Community Service Act of 1990.

The Senate amendment (sec. 1324) is identical.

The conference substitute (sec. 344) is identical.

Edmund S. Muskie Fellowship Program

The House bill (sec. 367) makes conforming amendments to the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993.

The Senate amendment (sec. 1324) is similar.

The conference substitute (sec. 345) is similar.

Implementation of Convention on Cultural Property

The House bill (sec. 368) makes conforming amendments to the Convention on Cultural Property Implementation Act.

The Senate amendment (sec. 1326) is identical.

The conference substitute (sec. 346) is identical.

Mike Mansfield Fellowships

The House bill (sec. 369) makes conforming a amendment to the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

The Senate amendment (sec. 1327) is similar.

The conference substitute (sec. 347) is similar.

Other laws referenced in Reorganization Plan No. 2 of 1977

The Senate amendment (sec. 1323) makes conforming amendments to various public laws referenced in Reorganization Plan No. 2 of 1977.

The House bill contains no comparable provision.

The conference substitute (sec. 343) is identical to the Senate amendment.

United States Advisory Committee for Public Diplomacy

The Senate amendment (sec. 1328) makes conforming amendments to the United States Information and Educational Exchange Act of 1948.

The House bill contains no comparable provision.

The conference substitute (sec. 348) is identical to the Senate amendment.

TITLE IV—AGENCY FOR INTERNATIONAL DEVELOPMENT

Effective date

The House bill (sec. 401) provides that this title and the amendments made by this title (other than section 421) shall take effect on March 1, 1997, or on an earlier date announced by the President in the Federal Register, which date may be not earlier than 60 calendar days (excluding any days on which either House of Congress is not in session because of a sine die adjournment) after the President has submitted a reorganization plan to the appropriate committees of Congress pursuant to section 421. Section 421 shall take effect on the date of enactment.

The Senate amendment (sec. 1412) provides that this title and the amendments made by this title shall take effect in the event that the President does not transmit to Congress within six months of the date of enactment a reorganization plan meeting the objectives of section 1501(a)(2) of the Senate bill.

The conference substitute (sec. 401) is similar to the House bill.

References in title

The House bill (sec. 402) states that, except as otherwise provided, the references in this title to provisions of law shall be considered references to the Foreign Assistance Act of 1961.

The Senate amendment (sec. 1401(b)) is similar to the House bill.

The conference substitute contains no comparable provision.

Abolition of Agency for International Development

The House bill (sec. 411) abolishes AID and the United States International Development Cooperation Agency.

The Senate amendment (sec. 1401(a)) is similar to the House bill.

The conference substitute (sec. 411) is similar to the House bill, but states that the abolition of AID shall not be interpreted to apply to the Overseas Private Investment Corporation.

Transfer of functions to Secretary of State

The House bill (sec. 412) transfers to the Secretary of State all functions of the Administrator of AID and of AID.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 412) is identical to the House bill.

Reorganization plan

The House bill (sec 421) provides that, not later than March 1, 1996, the President, in consultation with the Secretary of State and the Director of AID, shall submit a reorganization plan to the appropriate committees of Congress. The plan is to provide for the abolition of AID; the transfer of AID's functions and personnel to the Department of State; and the consolidation, reorganization, and streamlining of the Department of State upon the transfer in order to carry out the transferred functions. The plan is to identify the functions of AID that are to be transferred; the personnel and positions of AID and the Department that are to be transferred, separated, or eliminated; specify the consolidations and reorganizations within the Department that will be required; specify the funds available to AID that will be transferred; specify the proposed allocations within the Department of unexpended funds that are to be transferred from AID; and specify the proposed disposition of the property, facilities, contracts, records, and other assets and liabilities of AID.

The Senate amendment (sec. 1605) provides that, in the event that the President does not transmit to Congress within six months of the date of enactment a reorganization plan meeting the objectives of section 1501(a)(2) of the Senate amendment, the President shall, in consultation with the Secretary of State, transmit a reorganization plan with respect to AID to the appropriate committees of Congress. The plan is to provide for substantially the same matters as the plan submitted under the House bill. A plan transmitted under this section shall become effective after 90 calendar days of continuous session of Congress, unless Congress enacts a joint resolution disapproving the plan. The Senate amendment further requires a reduction in employees and in funds available for salaries and expenses in the event that a plan transmitted under this section takes effect.

The conference substitute (sec. 601) is similar to the House bill, except that the plan is to be submitted not later than October 1, 1996. In addition, the requirement for submission of the plan shall not apply if the President exercise the waiver authority of section 602 of the conference substitute with respect to AID. A plan submitted pursuant to this section may be modified by the President on the basis of consultations with the appropriate congressional committees. A plan submitted pursuant to this section shall become effective on the earlier of March 1, 1997, or such date as the President shall determine to be appropriate and announce by notice published in the Federal Register.

Principal officers

The House bill (sec. 422) amends the State Department Basic Authorities Act to establish the new position within the Department of State of Under Secretary for Development and Economic Affairs.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 413) is similar to the House bill, but designates the new under secretary as the Under Secretary for Development and for Economic and Commercial Affairs.

The committee of conference intends the Under Secretary for Development and for Economic and Commercial Affairs to be responsible for, inter alia, the administration of funds under the Sustainable Development, Development Fund for Africa, SEED, FREEDOM Support, ESF, Disaster, Housing Guarantee, Small and Micro-enterprise, PL-480 Titles II & III, American Schools and Hospitals Abroad, and International Fund for Ireland accounts. The committee of conference intends this list of accounts to be the minimum number of accounts administered by the Under Secretary. Should the Administration wish, the committee of conference would welcome the movement of other foreign assistance programs under the Under Secretary's administration.

References

The House bill (sec. 441) provides that any reference in any statute or other official document or proceeding to the Administrator of AID shall be deemed to refer to the Secretary of State, and any reference to AID shall be deemed to refer to the Department of State.

The Senate amendment (secs. 1402 and 1411) is similar.

The conference substitute (sec. 421) is similar.

Abolition of Office of Inspector General of the Agency for International Development and transfer of functions to Office of Inspector General of the Department of State

The House bill (sec. 442) abolishes the Office of Inspector General of AID, and transfers the functions of that Office to the Office of Inspector General of the Department of State.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 414) is similar to the House bill.

Abolition of Chief Financial Officer of the Agency for International Development and transfer of functions to Chief Financial Officer Department of State

The House bill (sec. 443) abolishes the Office of Chief Financial Officer of AID, and transfers the functions of that Office to the Office of Chief Financial Officer of the Department of State.

The Senate bill (sec. 1410) abolishes the Office of Chief Financial Officer of AID.

The conference substitute (sec. 415) is similar to the House bill.

Amendments to title 5, United States Code

The House bill (sec. 444) makes conforming amendments to title 5 of the United States Code.

The Senate bill (sec. 1408) is similar.

The conference substitute (sec. 427) is similar.

Public Law 480 Program

The House bill (sec. 445) makes conforming amendments to the Agricultural Trade Development and Assistance Act of 1954.

The Senate substitute (sec. 1407) is similar.

The conference substitute (sec. 426) is similar.

Exercise of functions by the Secretary of State

The Senate amendment (sec. 1403) makes conforming amendments to the Foreign Assistance Act.

The House bill contains no comparable provision.

The conference substitute (sec. 422) is similar to the Senate amendment.

Repeal of positions; employment and contracting authorities

Development Loan Committee

The Senate amendment (sec. 1405) makes conforming amendments to the Foreign Assistance Act.

The House bill contains no comparable provision.

The conference substitute (sec. 424) is identical to the Senate amendment.

Development Coordination Committee

The Senate amendment (sec. 1406) makes conforming amendments to the Foreign Assistance Act.

The House bill contains no comparable provision.

The conference substitute (sec. 425) is identical to the Senate amendment.

Trade Promotion Coordinating Committee

The Senate amendment (sec. 1409) makes conforming amendments to the Export Enhancement Act of 1988.

The House bill contains no comparable provision.

The conference substitute (sec. 428) is identical to the Senate amendment.

Additional conforming amendments

The conference substitute (sec. 429) contains additional conforming amendments to various public laws.

The House bill and the Senate amendment do not contain similar provisions.

TITLE V—TRANSITION

Reorganization of the Department of State and the Independent Foreign Affairs Agencies

The Senate amendment (sec. 1501) provides that if the President does not submit to Congress a reorganization plan meeting specified objectives within six months of the date of enactment, ACDA, USIA, and AID are to be abolished in accordance with titles II, III, and IV of this Division. If the President in fact submits such a plan in a timely fashion, titles II, III, and IV do not come into effect. The specified objectives of such a reorganization plan include the streamlining and reorganization of the foreign affairs agencies, and the achievement of $1.7 billion in savings over five years calculated from an FY 1995 baseline. Not more than 30 percent of the savings is to be realized from reductions in program levels, and not more than 15 percent may come from the administrative expenses of the Department of State. A reorganization plan transmitted pursuant to this section shall take effect after 90 calendar days of continuous session of Congress, unless Congress enacts a joint resolution disapproving the plan.

The House bill contains no comparable provision.

The conference substitute (sec. 602) permits the President to waive the applicability of two of the following three titles of this Division: titles II, III, and IV. In order to exercise this waiver, the President must include a certification to the Congress in the reorganization plan that is required by section 601 to be submitted to Congress no later than October 1, 1996. In this certification, the President must affirm that the reorganization plan he has submitted pursuant to section 601 will achieve savings of $1.7 billion in budget authority over the four-year period of 1996–1999, with not more than 30 percent of the savings realized from reductions in program levels. The President must also certify that the plan conforms to the authorization levels for agency operating expenses for the years 1996–1999 set forth in Division B. Inasmuch as the authorization levels for agency operating expenses for those years dictate approximately $1.3 billion in savings from the 1995 level, and the remaining $500 million of the required $1.7 billion in savings can come from program cuts, the first two elements of the President's certification are intended to be complementary. Finally, the President must certify that preservation of any agency that otherwise would be abolished is important to the national interest of the United States.

Reorganization authority

The House bill (sec. 501) authorizes the Secretary of State to allocate or reallocate functions transferred to the Department among the officers of the Department, and to establish, consolidate, alter, or discontinue organizational entities within the Department as necessary to carry out any reorganization under this Division. This authority does not extend to the abolition of organizational entities or offices established by law, or to the alteration of any delegation of functions required by law. A reorganization plan prepared pursuant to this Division may not have the effect of creating a new department or agency, continuing functions beyond the period authorized by law, authorizing the exercise of functions not otherwise authorized by law, or increasing the term of an office beyond that provided by law. Any such reorganization plan shall provide for a twenty-percent reduction applicable to each of the first two fiscal years after implementation of such plan in the total level of expenditures for the functions transferred to the Department of State from the amounts appropriated for such transferred functions for fiscal year 1995.

The Senate amendment (sec. 1606) specifies requirements and limitations applicable to reorganization plans transmitted pursuant to this Division.

The conference substitute (sec. 611) is similar to the House bill, but omits the requirement that a reorganization plan transmitted pursuant to this Division provide for a twenty-percent reduction in expenditures following the transfer of functions to the Department of State.

Transfer and allocation of appropriations and personnel

The House bill (sec. 502) provides that personnel, assets, liabilities, contracts, property, records, and unexpended appropriations balances of abolished agencies shall be transferred to the Secretary of State. Unexpended and unobligated funds that are so transferred shall be used only for the purposes for which they were originally authorized and appropriated. When an agency is abolished, the limit on the number of members of the foreign service that may be employed by that agency shall be added to the limit for the Department of State.

The Senate amendment (sec. 1612) is similar.

The conference substitute (sec. 612) is identical to the House bill.

Incidental transfers

The House bill (sec. 503) provides that the Director of the Office of Management and Budget, in consultation with the Secretary of State, is authorized to make such incidental dispositions of personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations as may be necessary to carry out this Division.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 613) is identical to the House bill.

Effect on personnel

The House bill (sec. 504) provides that personnel holding Executive Schedule positions who are transferred to the Department of State shall continue to be compensated at a rate not less than that of their previous position. Positions whose incumbents are appointed by the President and confirmed by the Senate, the functions of which are transferred, shall terminate upon the transfer.

Employees in the career Senior Executive Service transferred pursuant to any title of this Division shall be placed a position at the Department of State comparable to the position previously held by the employee. Transferring employees shall be provided reasonable notice of new positions and assignments prior to their transfer pursuant to any title of this Division. Foreign service personnel transferred to the Department of State pursuant to any title of this Division shall be eligible for any assignment open to foreign service personnel within the Department for which they are qualified.

The Senate amendment (sec. 1611) is similar.

The conference substitute (sec. 614) is based on the House bill.

Savings provisions

The House bill (sec. 505) provides that all orders, rules, regulations, agreements, contracts, and other administrative actions of the agencies abolished under this Division shall remain in effect according to their terms. Pending proceedings shall not be affected by the transfer of functions of the abolished agencies to the Department of State.

The Senate amendment (sec. 1619) is similar.

The conference substitute (sec. 616) is identical to the House bill.

Property and facilities

The House bill (sec. 506) provides that the Secretary of State shall review the property and facilities transferred to the Department to determine whether they are required by the Department.

The Senate amendment (sec. 1614) is similar.

The conference substitute (sec. 617) is based on the House bill.

Authority of Secretary to facilitate transition

The House bill (sec. 507) authorizes the Secretary of State to utilize the services of employees and the funds of the agencies that are to be abolished pursuant to this Division in order to facilitate the transfer of functions to the Department.

The Senate amendment (sec. 1621) is similar.

The conference substitute (sec. 618) is based on the House bill.

Recommendations for additional conforming amendments

The House bill (sec. 508) urges the President to submit recommendations for additional technical and conforming amendments to reflect the changes made by this Division.

The Senate amendment (sec. 1622) is similar.

The conference substitute (sec. 619) is based on the House bill.

Final report

The House bill (sec. 509) provides that, not later than October 1, 1998, the President, in consultation with the Secretary of the Treasury and the Director of the Office of Management and Budget, shall submit to the appropriate congressional committees a final accounting of the finances of the abolished agencies.

The Senate amendment (sec. 1623) is similar.

The conference substitute (sec. 620) is based on the House bill.

Transfer of function

The House bill (sec. 510) provides that any determination as to whether a transfer of function carried out under this Division constitutes a transfer of function for purposes of subchapter I of chapter 35 of title 5 of the United States Code shall be made without regard to whether the function transferred is identical to functions already performed by the receiving agency.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 621) is identical to the House bill.

Severability

The House bill (sec. 511) provides that if any provision of this Division is held invalid, the remainder of the Division shall not be affected.

The Senate bill (sec. 1620) is similar.

The conference substitute (sec. 622) is identical to the House bill.

Amendments or modification to reorganization plans

The Senate amendment (sec. 1607) permits the President to submit to Congress amendments to reorganization plans previously submitted pursuant to this Division.

The House bill contains no comparable provision.

The conference substitute (sec. 601(d)) permits the President to modify or revise a reorganization plan transmitted to the Congress.

Procedures for congressional consideration of reorganization plans

The Senate amendment (sec. 1608) establishes procedures for expedited congressional consideration of a reorganization plan transmitted pursuant to this Division. Under these procedures, if a joint resolution were enacted disapproving a reorganization plan, that plan would not take effect.

The House bill contains no comparable provision.

The conference substitute is identical to the House bill. The committee of conference concluded that expedited procedures for congressional resolutions to disapprove reorganization plans are unnecessary for two reasons. First, the timetable under section 601 for submission by the President to Congress of a reorganization plan ensures that Congress will have ample time to consider and comment on the plan. The committee of conference is confident that the President will not seek to implement any portions of a reorganization plan that are strongly opposed by the committees of jurisdiction. Second, no provision of this Division is intended to render inapplicable to a reorganization pursuant to this Division the existing requirements for notice to Congress of program changes. The availability of the reprogramming procedures will, in the judgment of the committee of conference, provide ample insurance against ill-advised reorganization decisions. The mechanism provided by section 601(d) of the conference substitute, which permits the President to modify a reorganization plan after its submission and before its implementation, is intended to enable the President to respond to congressional comments on such plans and congressional holds placed on reprogramming notifications submitted in connection with such plans.

Transition fund

The Senate amendment (sec. 1609) establishes a transition fund to assist in meeting costs associated with reorganization pursuant to this Division.

The House bill contains no comparable provision.

The conference substitute (sec. 615) is similar to the Senate amendment.

Voluntary separation incentives

The Senate amendment (sec. 1610) authorizes the payment of voluntary separation incentives to employees of the foreign affairs agencies in order to avoid or minimize the need for involuntary separations.

The House bill contains no comparable provision.

The conference substitute is identical to the House bill.

Effect on contracts and grants

The Senate amendment (sec. 1618) imposes significant restrictions on the ability of ACDA, USIA, and AID to enter new contracts, extend existing contracts, or make grants that will extend past the date of abolition of the agency.

The House bill contains no comparable provision.

The conference substitute is identical to the House bill.

TITLE VI—REORGANIZATION OF UNITED STATES EXPORT PROMOTION AND TRADE ACTIVITIES

Plan for reorganization of United States export promotion and trade activities

The House bill (sec. 601) provides that the Trade Policy Coordinating Committee shall submit a report to the Committee on International Relations of the House and the Committee on Foreign Relations of the Senate not later than March 1, 1996, detailing what steps are being taken and what steps should be taken to improve accessibility and coordination among the trade promotion agencies of the U.S. Government. The report shall identify such matters as the function and budget of all U.S. Government agencies with some responsibility for trade promotion, the amount of exports directly generated by each such agency, and areas where greater interoperability and efficiencies could be achieved. The report shall include a plan to reorganize the trade and export promotion agencies, with any necessary legislative changes, in order to more efficiently promote trade and reduce costs.

The Senate amendment contains no comparable provision.

The conference substitute is identical to the Senate amendment.

FOREIGN RELATIONS AUTHORIZATIONS

TITLE XI—AUTHORIZATION OF APPROPRIATIONS

Of the House bill sections included in the final conference report, the House bill authorizes a total of $6,716,742,000 for fiscal year 1996 and $6,157,431,000 for fiscal year 1997, for the Department of State, AID, USIA, and ACDA.

Of the Senate amendment sections included in the final conference report, the Senate amendment authorizes a total of $6,301,796,000 for fiscal year 1996 and $5,970,429,000 for fiscal year 1997.

The conference substitute authorizes a total of $6,524,131,000 for fiscal year 1996 and $6,518,385,000 for fiscal year 1997. The conference substitute incorporates the following sub-authorizations:

(1) $11,900,000 for fiscal year 1997 for administrative expenses of the bureau charged with carrying out refugee programs.

(2) $80,000,000 for each fiscal year for refugees resettling in Israel.

(3) $1,500,000 for each fiscal year for Burmese refugees.

While this bill includes four year authorizations for certain operating accounts of the foreign affairs agencies, this conference report in most respects is a two-year authorization bill. The authorizing Committees plan to pass another authorization bill for fiscal years 1998 and 1999.

The committee of conference do not intend that any provision in this bill could be used as an authorization of foreign assistance in the meaning of Section 518(a) of P.L. 104–107, the Foreign Operations Appropriations Act for Fiscal Year 1996.

Merged accounts. The conference substitute authorizes the merger of the Inspector General of the Department of State and the Inspector General of the U.S. Information Agency. This merger should be completed in fiscal year 1996 and accordingly, the conference substitute merges the two separate authorization of appropriations under the Inspector General for the Department of State.

Exchange programs. The committee of conference did not include soft earmarks as in previous years for South Pacific Exchanges, East Timorese exchanges, Cambodian scholarships, and Tibetan exchanges. However, the committee of conference lists these programs under the category of "Other Exchanges" and recommends that funds be allocated to support each of these specific exchange programs. The inclusion of these programs under "Other Programs" should not be construed as an indication of a diminution in support for these programs, or a justification for funding levels disproportionately lower than the House-passed authorizations.

South Pacific exchanges. The committee of conference recognizes the unique and important function fulfilled by the South Pacific Exchange program. It is a relatively small program funded at $900,000 in the fiscal years 1994 and 1995, which promotes better understanding with the people of a region that has not always been given the attention it deserves in the implementation of U.S. foreign policy.

Fulbright. The committee of conference believes that USIA should require open competitions for the Administration of the Fulbright program and other scholar exchange programs. Such competitions encourage cost savings and remove unnecessary bureaucratization of scholar recruitment, selection, and placement.

Section 1101(2)(b) requires that $11.9 million in fiscal year 1997 authorized for salaries and expenses must be available for the salaries and expenses of the bureau that administers Refugee and Migration Assistance. This restores, effective in fiscal year 1997, a provision of the Foreign Relations Authorization Act for Fiscal Years 1994 and 1995 (P.L. 103–236).

The House bill (sec. 1101 (1)) authorized $5 million for visa processing outside the countries of origin of persons who would have a credible fear of persecution in such countries. The committee of conference agreed to drop this limitation in deference to a suggestion by the Department of State that $5 million may be more than the amount necessary to process such applications.

The committee of conference notes that a number of persons who have been determined to be currently eligible to apply for immigrant visas have been displaced and uprooted from their homes as a result of war, violent civil disturbance or systematic abuse of human rights in their native countries. The committee of conference expects that the Department will process the immigrant visa applications of such persons in the country in which they are physically present so long as they expect to remain in that country for the period required to process those applications. Processing of such displaced applicants outside their native lands is in accordance with the original intent of the framers of 8 U.S.C. §1152, who took "cognizance of the unprecedented number of persons who have been uprooted and dislocated during World War II or due to events subsequent thereto. The amendment is designed to alleviate hardship which might be caused by a rigid requirement that visa applications "shall be filed only with the consular officer in whose district the applicant shall have established his residence." H.R. Rep. No. 1365, 2d Sess. (1952), reprinted in 1952 U.S.C.C.A.N. 1663, 1708–09. The conferees share the view that a requirement that a displaced person return to his or her country of origin in such circumstances would constitute an undue burden on the issuance of his or her immigrant visa. In this connection, the conferees note that the United States Court of Appeals for the District of Columbia Circuit has recently held that the State Department's refusal to process the immigrant visa applications of Vietnamese asylum seekers in Hong Kong violates the provision of 8 U.S.C. §1152(a) that "[n]o person shall * * * be discriminated against in the issuance of an immigrant visa because of his * * * nationality." *Legal Assistance for Vietnamese Asylum-Seekers* v. *United States Department of State*, 45 F.3d 469 (D.C. Cir. 1995).

UNDP Activities in Burma. The House bill (sec 2102(a)(2)(I)) provides that any United States voluntary contribution to the United Nations Development Program (UNDP) would be limited in each fiscal year to $70 million, minus the amount UNDP has announced that it plans to spend on programs and activities in or for Burma ($18,200,000 for fiscal year 1996 and $25,480,000 for fiscal year 1997), unless UNDP discontinued all of its activities in and for Burma.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1102 (e)) is similar to the House provision, except that the limitation for fiscal year 1997 is identical to the limitation in fiscal year 1996. Also, the limitation in each fiscal year may be waived if the President certifies that all UNDP programs and activities in and for Burma are focused on the needs of the poor; are undertaken only through private voluntary organizations independent of the State Law and Order Restoration Council (SLORC); provide no benefit to the SLORC; and are supported by the democratic leadership of Burma.

Section 431 of the Foreign Relations Authorization Act for Fiscal Years 1994 and 1995 provided that $27.6 million of the funds made available for UNDP for FY 1995 would be available only in certain strictly defined circumstances. The Department of State, acting on behalf of the President, released the $27.6 million pursuant to a certification that UNDP had met the statutory test of having "initiated no new programs and no new funding for existing programs" in and for Burma since the 1993 meeting of the UNDP Governing Council. The Memorandum of Justification accompanying the certification stated that UNDP had not initiated or approved any new programs "beyond those *contemplated* in the June 1993 [UNDP] Governing Council decision." The language of section 431, however, made no reference to projects "contemplated" in the 1993 decision. Rather, it required a finding of no new programs or funding "since the [1993] meeting." The Memorandum also seemed to interpret section 431 as prohibiting release of the money only if UNDP had initiated or funded new "types" of projects.

The present provision is intended to clarify and give effect to the purpose of the fiscal 1995 limitation.

Refugees and migration. Section 1104(a)(4) authorizes funds for fiscal year 1996 for admission and resettlement of certain Southeast Asian refugees who are in the high-risk categories identified by the "Lautenberg Amendment". These categories include those who served with U.S. forces in Vietnam or were in the former government of South Vietnam, or are considered to be religious refugees, or who are members of the Hmong ethnic minority from Laos.

Subsection (b) prohibits expenditures on programs involving repatriation to Vietnam, Laos, or Cambodia unless the remaining asylum seekers have been or will be interviewed by U.S. immigration officers, and unless resettlement offers have been or will be made to those found to be refugees under U.S. immigration standards under current law. The House-passed provision was modified in conference to make it clear that the refugee status interviews can, under certain circumstances, be held in the asylum seeker's country of origin. The committee of conference expects that interviews in the country of origin would take place only if diligent efforts to secure permission from first asylum countries for interviews in such countries had proved unavailing, and that arrangements would be made to ensure the safety of returnees pending the completion of the interview and resettlement process.

The committee of conference notes that the authorization of $1.5 million for each fiscal year for humanitarian assistance for persons displaced by civil conflict in Burma is directed at both those displaced within Burma and those persons now outside of Burma. During the past year, the refugee population along the Thai/Burma border has increased from approximately 77,000 to over 93,000, representing one of the largest influxes in any period since relief efforts began in 1984. Due primarily to the attack on Manerplaw, the headquarters of the Karen National Union and the seat of the exiled democracy movement, which occurred in early 1995, this increase illustrates the uncertainty of the current situation.

On the one hand, SLORC has negotiated, or is in the process of negotiating, cease-fire agreements with nearly all the ethnic groups. A large portion of the Mon refugee population has repatriated over the past few months. On the other hand, the situation on the ground does not seem to have improved. Attacks on the Karen and Karenni go on today despite cease-fire agreements and negotiations. New refugees continue to arrive with reports of human rights abuses, forced labor and relocation and hundreds of thousands remain displaced within Burma.

In this unstable and unpredictable climate, humanitarian assistance to the over 93,000 along the border remains critical. Whether people stay in Thailand or go back to Burma they will be in need of support. Assistance in the form of food, health services and education should continue to be made available to refugees and displaced inside Burma and along the border. Further, funds should be provided to NGOs operating in the border areas in order to conduct assessments of the project planning and management capacity of the ethnic leadership and to develop and implement capacity-building and vocational training courses for appropriate refugee community members. Funds should also be made available for the subsistence and education of Burmese students in Thailand, regardless of their place of residence.

Broadcasting. Section 1106(4)(B) of the conference substitute is designed to ensure that U.S. non-military international broadcasting resources are deployed where they are most needed. In recent years, for instance, the broadcasts to Iran carried out by the Voice of America Farsi Service have declined, despite the continued prohibition within Iran of objective news and the free expression of opinions. In contrast, broadcasting services to countries that do enjoy wide and diverse sources of news and opinion, such as the Voice of America broadcasts into Ethiopia, may have outlived their usefulness and should be considered for elimination.

AUTHORITIES AND ACTIVITIES

Department of State Rewards Program

The House bill (sec. 2201) rewrites the Department of State rewards program to update this important tool used for capturing fugitives abroad in cases of terrorism and narcotics related offenses.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1201) is similar to the House bill but deletes the use of fees collected from issuing machine readable visas as a possible source of funds to pay rewards. It suggests that foreign assets frozen in the U.S. and controlled by the Department of Treasury could be used as an additional means by which to fund the rewards program.

Buying power maintenance account

The House bill (sec. 2203) permits the transfer of expired, unobligated balances into no-year Buying Power Maintenance Account, subject to compliance with congressional reprogramming requirements. The Department maintains that paragraph (D), which makes such transfers subject to advance appropriations, is unnecessary and has made the transfer authority unworkable. Striking paragraph (D) enables the Department to transfer expiring balances with greater flexibility.

The Senate amendment (sec. 125) is virtually identical except for drafting differences.

The conference substitute (sec. 1202) is the same as the House provision.

Expenses relating to certain international claims and proceedings

The House bill (sec. 2204) allows the Department to accept, in certain cases, reimbursement from private sector claimants for tribunal expenses, salaries, and other ordinary expenses.

The Senate amendment (sec. 130) is virtually identical.

The conference substitute (sec. 1203) is the same as the House provision.

Consolidation of U.S. diplomatic missions and consular posts

The House bill (sec. 2205) requires the Secretary of State to prepare a world wide plan for the consolidation on a regional or area wide basis of U.S. missions and consular posts abroad.

The Senate amendment (sec. 1103) is similar but it also includes expedited procedures for Congressional disapproval of the Secretary's plan to consolidate diplomatic posts abroad.

The conference substitute omits the House and Senate provisions.

Denial of passports to noncustodial parents subject to State arrest warrants in cases of nonpayment of child support.

The House bill (sec. 2206) allows the Secretary to refuse to issue a passport, or to revoke, restrict or limit a passport in any case in which the Secretary of State determines, or is informed by a competent authority, that the applicant or passport holder is a noncustodial parent who is the subject of an outstanding arrest for non payment of child support.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1204) is identical to the House provision.

Capital investment fund

The House bill (sec. 2207) amends section 135 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 2684a) to allow the Capital Investment Fund to be used for the procurement and upgrade of information technology and other related capital investments for the Department of State and to ensure the efficient management, coordination, operation, and utilization of such resources. This amendment would allow the Department to pay for upgrades of existing systems and purchase hardware or software to ensure interoperability of State Department information systems. This amendment also provides that the amounts deposited into the Fund will remain available until expended and that such amounts will be available for the purposes defined in this section.

Section 135(e) is amended to eliminate as duplicative the requirement that subjects money in the Fund to Congressional reprogramming requirements before it is obligated. The Department will follow reprogramming procedures when it proposes to transfer monies into the Fund and will explain potential uses of the Fund in its Congressional Presentation Documents.

The Senate amendment (sec. 126) is similar but is drafted differently.

The conference substitute (sec. 1206) is identical to the Senate provision.

Efficiency in procurement

The House bill (sec. 2208) allows US agencies operating overseas to participate in existing contracts rather than being required to let new contracts for services.

The Senate amendment (sec. 129) is similar.

The conference substitute (sec. 1208) is identical to the House provision.

Training

The House bill (sec. 2209) allows the Department of State to provide training for employees of U.S. companies operating overseas on a reimbursable basis. In addition, this section allows the Department to provide foreign language training, on a reimbursable basis to Members, officials and employees of the U.S. Congress.

The Senate amendment (sec. 151) is similar but allows for training of non-executive branch staff members on a reimbursable, space available basis.

The conference substitute (sec. 1205) is identical to the Senate provision.

Lease-purchase agreements

The Senate amendment (sec. 121) provides that when the Department of State enters into lease-purchase agreements involving property in foreign countries pursuant to section 1 of the Foreign Service Buildings Act (22 U.S.C. 292), budget authority should be assessed on an annual basis over the period of the lease in an amount equal to the annual lease payments.

The House bill contains no comparable provision.

The conference substitute (sec. 1207) is identical to the Senate provision.

U.S. Embassy building in Berlin, Germany

The Senate amendment (sec. 122) expresses a sense of Congress that the Secretary of State should utilize the U.S. government property in the vicinity of the Brandenburg Gate in Berlin, Germany, as a site to build the U.S. embassy.

The House bill contains no comparable provision.

The conference substitute is identical to the House bill.

Fees for commercial services

The Senate amendment (sec. 123) allows fees collected for commercial services provided to businesses to remain available for obligation until expended. This authority will ensure the Department does not lose funds collected late in a fiscal year and that are not obligated by the end of that year. This authority is subject to the availability of appropriations.

The House bill contains no comparable provision.

The conference substitute (sec. 1208) is identical to the Senate amendment.

Reporting requirements

The Senate amendment (sec. 124) amends a reporting requirement and repeals one reporting requirement.

The House bill contains no comparable provision.

The conference substitute (sec. 1209) retains subsection (a) to require the Secretary of State to provide a report on all leases entered into for the acquisition of real property to be submitted within 30 days after the end of each fiscal year rather than after the end of each quarter of the fiscal year. Subsection (b), the repeal of the reporting requirement under 503(b) of the Foreign Relations Authorization Act (P.L. 95-426), was enacted in P.L. 104-66 and therefore dropped in the substitute.

Administrative expenses

The Senate amendment (sec. 127) allows funds to be available directly to other personnel assigned to bureaus charged with carrying out the Migration and Refugee Assistance Act of 1962.

The House bill contains no comparable provision.

The conference substitute is identical to the House bill.

Fee for use of diplomatic reception rooms

The Senate amendment (sec. 128) authorizes the Secretary of State to charge a fee for use of the Department of State diplomatic reception rooms. Such fees are deposited as an offsetting collection to recover the costs of such use and should remain available for obligation until expended. This authority is subject to the availability of appropriations.

The House bill contains no comparable provision.

The conference substitute (sec. 1210) is identical to the Senate amendment.

Diplomatic Telecommunications Service

The Senate amendment (sec. 131) amends section 507 of the Department of State and Related Agencies Appropriations Act (P.L. 103-317) to require the Secretary to provide funding for the Diplomatic Telecommunications Service to sustain current levels of support services for each succeeding fiscal year. This amendment further prohibits any reprogramming or transfers from such amounts in future years, and specifies the current and future makeup of the Diplomatic Telecommunications Service Program Office Board.

The House bill contains no comparable provision.

The conference substitute (sec. 1215) is identical to the Senate amendment.

Diplomatic Telecommunications Service Program Office

The Senate amendment (sec. 132) designates the officials that will comprise the

Diplomatic Telecommunications Service Policy Board, the management structure, and sets forth the responsibilities of the officials on the Board.

The House bill contains no comparable provision.

The conference substitute is identical to the House bill. The committee of conference notes that the provision was determined not to be necessary given that the agencies have made progress toward establishing the management, leadership and objectives of this interagency Board. Furthermore, the respective committees intend to continue oversight over this important activity and urge cooperation and not competition in designing the future communications systems for U.S. international facilities.

International center reserve funds

The Senate amendment (sec. 133) amends current law to allow the Secretary of State to accrue and retain the interest collected on the International Chancery Center reserve account to be used to pay for maintenance and security costs, subject to the availability of appropriated funds.

The House bill contains no comparable amendment.

The conference substitute (sec. 1211) is identical to the Senate amendment.

Joint funds under agreements for cooperation in environmental, scientific, cultural and related areas

The Senate amendment (sec. 134) authorizes the use of interest on funds held under bilateral agreements for scientific, cultural and technical cooperation to pay the administrative and programmatic expenses of the funds, subject to appropriations.

The House bill contains no comparable provision.

The conference substitute (sec. 1212) is identical to the Senate amendment.

Antibribery study

The Senate amendment (sec. 136) requires the Secretary of State, in consultation with other government officials, to develop proposals to combat bribery in international business transactions.

The House bill contains no comparable provision.

The conference substitute is identical to the House bill.

Budget Act compliance

The Senate amendment (sec. 137) makes the authorities in Senate sections 121, 123, 125, 128, 130, 133, 134, 148, 161, and 163 subject appropriations.

The House bill contains no comparable provision.

The conference substitute is identical to the House bill. The "subject to appropriations" language was added to each of the Senate sections listed in the Senate amendment.

Fees for machine readable visas

The Senate amendment (sec. 163) authorizes the collection and retention of fees not to exceed $150 million for each of the fiscal years 1996, 1997, 1998, and 1999.

The House bill (sec. 2231) authorizes collection and retention of not more than $250 million in fiscal years 1996 and 1997 to recover the costs of the border security program. It also permits all countries to be subject to the fee.

The conference substitute (sec. 1231) authorizes the collection and retention of not more than $150 million for each fiscal 1996 and 1997 for the border security program as defined in the House provision.

Fingerprint check requirement

The House bill (sec. 2232) modifies the fingerprint requirement for immigrant visa applicants established in Sec. 505 of P.L. 103-317. The revision requires the fingerprinting only of individuals 16 years or older who have at some time been in the U.S. and have been determined to have a criminal history.

The Senate amendment contained no comparable provision.

The conference substitute (sec. 1232) is similar to the House bill with drafting changes. This provision is intended to modify the current program to be more cost effective and efficient by targeting those that would likely have a criminal record in the U.S. The committee of conference continues to have strong concerns about the cost-benefit of the pilot program.

Use of passport processing fees for enhanced passport services

The House bill (sec. 2233) requires 10% of funds generated by the expedited passport fee be dedicated exclusively to enhance passport services for U.S. citizens, improve efficiency of the issuing process, improve the secure nature of the document, investigate passport fraud, and deter entry into the U.S. by criminal elements.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1233) is identical to the House bill.

Consular officers

The Senate amendment (sec. 165) permits U.S. citizen employees abroad who are not consular officers to perform additional consular functions, including the issuance of certificates of birth abroad, the authentications of foreign documents, the administration of nationality provisions in Title III of the Immigration and Nationality Act, and the administration of oaths for patent purposes.

Section 127 of the Foreign Relations Authorization Act for Fiscal Years 1994 and 1995, as amended by section (1)(mm)(2) of P.L. 103-415, authorized the Secretary of State to designate U.S. citizen employees abroad, other than consular officers, to perform notarial and passport services, thereby permitting more effective use of both consular officers and non-consular officer employees abroad and creating the opportunity to improve service to the public in the face of consular officer staffing shortfalls. This provision will further improve the efficiency of consular operations abroad.

The House bill (sec. 2234) is virtually identical.

The conference substitute (sec. 1234) is identical to the Senate amendment.

Fee for diversity immigrant lottery

The Senate amendment (sec. 161) allows the Secretary of State to collect and retain a fee to be paid by each immigrant issued a visa under the diversity lottery program. Fees are available for obligation until expended, and the authority is subject to the availability of appropriations.

The House bill contains no comparable provision.

The conference substitute (sec. 1235) is similar to the Senate amendment with a change made at the Administration's request to clarify that all those who apply for immigrant visas based on the diversity lottery selection pay a fee.

Fee for execution of passport applications

The Senate amendment (sec. 162) permits the Secretary of State to authorize the U.S. Postal Service to retain passport execution fees directly rather than being sent through the Department of State to the U.S. Treasury. This will save the Department of State (and the Postal Service) significant resources required by the reconciliation procedures connected with multiple transfer of these funds.

The House bill contains no comparable provision.

The conference substitute (sec. 1236) is identical to the Senate amendment.

Children adopted abroad

The Senate amendment (sec. 164) expedites the processing of an adoption of a foreign child by replacing in the Immigration and Nationality Act the "legitimate/illegitimate" distinction with "wedlock/out of wedlock."

The House bill contains no comparable provision.

The conference substitute is identical to the House bill. The committee of conference notes this provision was passed in P.L. 104-51.

Exclusion from the United States for membership in a terrorist organization

The Senate amendment (sec. 166) amends the Immigration and Nationality Act to deny a U.S. visa to a member of a terrorist organization or who actively supports or advocates terrorist activity. A terrorist organization is defined as an organization that engages in or has engaged in terrorist activity as determined by the Attorney General in consultation with the Department of State.

The House bill contains no comparable provision.

The conference substitute (sec. 1237) is identical to the Senate amendment.

Incitement as a Basis for Exclusion from the United States

The Senate amendment (sec. 167) amends the Immigration and Nationality Act by adding a new ground for exclusion for those who have advocated terrorism, incited targeted racial vilification, or advocated the death or destruction of U.S. citizens, or U.S. government officials, or the overthrow of the U.S. government.

The House bill contains no comparable provision.

The conference substitute (sec. 1239) is similar to the Senate amendment but has been clarified to ensure that it comports with its purpose. The Senate provision would have required the exclusion of non-U.S. citizens wishing to enter the U.S. who have advocated terrorism or engaged in related practices. Non-citizens seeking admission to the U.S. have been held not to enjoy the full measure of constitutional protection afforded citizens and others who are lawfully present in the U.S. Nevertheless, in an effort to accommodate concerns about the potential scope of the Senate provision, it has been narrowed to comport with U.S. Supreme Court cases construing the First Amendment.

Visit of the President of the Republic of China on Taiwan

The Senate Amendment (sec. 168) states that the President of the Republic of China on Taiwan shall be admitted to the U.S. for a visit in 1995 with all appropriate courtesies.

The House bill contains no comparable provision.

The conference substitute (sec. 1708) expresses the sense of Congress that the President of the Republic of China on Taiwan should be admitted to the U.S. for a visit in 1996 with all appropriate courtesies.

Terrorist Lookout Committees

The Senate amendment (sec. 169) codifies existing embassy visa terrorist lookout committees created under the "Visas Viper Program". The provision establishes the Deputy

Chief of Mission as the chair of the committee and requires representatives of the embassy's political section, law enforcement and intelligence agencies to be members of the committee. The purpose of the committee is to overcome the serious deficiencies in the current system to preclude known terrorists from gaining visas for entry into the U.S. Certification procedures and reporting requirements are established.

The House bill contains no comparable provision.

The conference substitute (sec. 1238) eliminates the certification requirements and reduces the reporting requirements to two. Within 90 days of enactment, the Secretary of State is required to report to Congress on the status of establishing the committees at posts around the world. The second report, due in April 1997, will evaluate the success of the program and the extent of interagency cooperation.

Sense of Congress on Border Crossing Fees

The Senate amendment (sec. 170) expresses a sense of Congress that the U.S. should not impose a border crossing fee along the Mexican or Canadian border.

The House bill had no comparable provision.

The conference substitute (sec. 1705) retains the sense of Congress provision.

(a) FINDINGS—The committee of conference finds that—

(1) in the budget of the United States for fiscal year 1996 that was submitted to Congress, the President proposed to impose and collect a border crossing fee for individuals and vehicles entering the United States;

(2) both the Canadian and Mexican governments have expressed opposition to the imposition and collection of such a fee and have raised the possibility of imposing retaliatory border crossing fees of their own;

(3) the imposition and collection of such a fee would have adverse effects on tourism and commerce that depend on travel across the borders of the United States;

(4) the imposition and collection of such a fee would have such effects without addressing illegal immigration in a meaningful way;

(5) on February 22, 1995, the President modified his proposal making the imposition of the new fees voluntary on United States border States (but tied the availability of Federal funds to improve border crossing infrastructure on their willingness to impose such fees); and

(6) on May 4, 1995, the President further modified the border crossing fee proposal in immigration control legislation he submitted to Congress setting a $1.50 per car and $.75 per pedestrian fee structure.

U.S. Emergency Refugee and Migration Assistance Fund

The House bill (sec. 2251) amends the Migration and Refugee Assistance Act (P.L. 87-510) to specify Congressional notification requirements for use of funds under the Act. This provision requires a 15-day notification to Congress of the drawdown of funds from the Emergency Refugee and Migration Account. A waiver of this notification is permitted under emergency situations.

The Senate amendment contains no comparable provision.

The conference substitute is identical to the Senate amendment. The committee of conference remains concerned about the Department of State's lack of consultation on the use of these funds. We strongly encourage the Department to use the emergency funds for the intended purpose and use alternative sources of funding when available.

Persecution for resistance to coercive population control methods

The House bill (sec. 2252) provides that forced abortion, forced sterilization or persecution for resistance to such measures are "persecution on account of political opinion" within the meaning of the refugee definition of the Immigration and Nationality Act. It is intended to overrule administrative law decisions holding that subjection to such measures is not ordinarily persecution on account of a political opinion. This section reinstates the interpretation of the law that was reversed by an Immigration and Naturalization Service order on August 5, 1994.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1255) is identical to the House bill.

Report to Congress concerning Cuban emigration policies

The House bill (sec. 2253) requires periodic reports on the Cuban government's methods of enforcing its 1994 and 1995 anti-immigration agreements with the U.S. on treatment of persons returned to Cuba under the 1995 agreement and on the methods used by the U.S. to monitor such treatment.

The Senate amendment (sec. 611) is identical.

The conference substitute (sec. 1251) is identical to the House bill.

U.S. policy regarding the involuntary return of refugees

The House bill (sec. 2254) provides that no funds authorized by this Act be used for the involuntary return of any person to a country in which he or she has a well-founded fear of persecution.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1256) states that no funds authorized for refugee and migration assistance be used for the involuntary return of any person to a country in which he or she has a well-founded fear of persecution. It would not prohibit funding for the return of people who had been found to be non-refugees by any process genuinely calculated to detect a well-founded fear of persecution.

Extension of certain adjudication provisions

The House bill (sec. 2255) extends the "Lautenberg Amendment" which identifies certain high-risk refugee categories and provides that applicants in these categories are presumed to be refugees if they assert both a fear of persecution and a credible basis for their fear of persecution. This standard is somewhat more generous than the general "well-founded fear" status. The high-risk categories include nationals or residents of an independent state of the former Soviet Union or Estonia, Latvia, or Lithuania who are Jews or evangelical Christians, as well as certain Southeast Asians. (See the discussion of section 2104 of the House bill, above.) The provision would also extend until Oct. 1, 1997 the Attorney General's ability to adjust the status of aliens who are nationals of an independent state of the former Soviet Union, Estonia, Latvia, Lithuania, Vietnam, Laos, or Cambodia and were granted parole into the U.S. after August 14, 1988, to the status of aliens lawfully admitted for permanent residence.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1252) is identical to the House bill.

Vietnam POW/MIA Asylum Program

The House bill (sec. 2256) gives the Attorney General the authority to grant asylum to a national of Vietnam, Cambodia, or Laos if he presents a live American POW/MIA.

The Senate amendment contains no comparable provision.

The conference substitute is identical to the Senate amendment.

Korea POW/MIA Asylum Program

The House bill (sec. 2257) gives the Attorney General the authority to grant asylum to a national of North Korea, South Korea, or China if he presents a live American POW/MIA.

The Senate amendment contains no comparable provision.

The conference substitute is identical to the Senate amendment.

Coordinator for counterterrorism

The House bill (sec. 2301) makes permanent the office of the Coordinator for Counterterrorism and retains a reporting line directly to the Secretary of State.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1301) is identical to the House bill, except that subsection (D) is deleted.

Special Envoy for Tibet

The House bill (sec. 2302) requires the establishment of a special envoy to Tibet within the State Department. The Special Envoy is authorized to promote substantive negotiations between the Dalai Lama or his representatives and senior members of the Chinese government.

Through this special envoy, the U.S. demonstrates its continued support for His Holiness the Dalai Lama in his quest for a peaceful resolution to the situation in Tibet through negotiations with the Chinese government.

The Senate amendment (sec. 608) is virtually identical.

The conference substitute (sec. 1303) permits the Secretary to establish a Special Envoy to Tibet. Following are committee of conference findings on this issue.

FINDINGS.—(1) The Government of the People's Republic of China withholds meaningful participation in the government of Tibet from Tibetans and has failed to abide by its own constitutional guarantee of autonomy for Tibetans.

(2) The Government of the People's Republic of China is responsible for the destruction of much of Tibet's cultural and religious heritage since 1959 and continues to threaten the survival of Tibetan culture and religion.

(3) The Government of the People's Republic of China, through direct and indirect incentives, has established discriminatory development programs which have resulted in an overwhelming flow of Chinese immigrants into Tibet, including those areas incorporated into the Chinese provinces of Sichuan, Yunnan, Gansu, and Quinghai in recent years, and have excluded Tibetans from participation in important policy decisions, further threatening traditional Tibetan life.

(4) The Government of the People's Republic of China denies Tibetans their fundamental human rights, as reported in the Department of State's Country Reports on Human Rights Practices for 1995.

(5) The President and the Congress have determined that the promotion of human rights in Tibet and the protection of Tibet's religion and culture are important elements in United States-China relations and have urged senior members of the Government of the People's Republic of China to enter into substantive negotiations on these matters with Dalai Lama or his representative.

(6) The Dalai Lama has repeatedly stated his willingness to begin substantive negotiations without preconditions.

(7) The Government of the People's Republic of China has failed to respond in a good faith manner by reciprocating a willingness to begin negotiations without preconditions, and no substantive negotiations have begun.

Responsibilities of bureau charged with migration and refugee assistance

The House bill (sec. 2303) establishes a Coordinator for Human Rights and Refugees within the Office of the Secretary of State. It also establishes a statutory bureau of Refugee and Migration Assistance.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1304) is designed to ensure that the bureau with responsibility for refugee and migration assistance be independent of the bureau charged with the substantially unrelated responsibility for population policy. The Department may, of course, still maintain a population office in another bureau as it did prior to 1993.

Elimination of statutory establishment of certain positions of the Department of State.

The House bill (sec. 2304) eliminates the statutory requirements for the Assistant Secretary for South Asia, the Assistant Secretary for Oceans, Environment, and Science, and the Deputy Assistant Secretary for Burdensharing.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1305) is identical to the House bill.

Establishment of an Assistant Secretary of State for Human Resources

The House bill (sec. 2305) establishes an Assistant Secretary for Human Resources and requires that the position be occupied by a professional in the field of personnel and human resources management.

The Senate amendment has no comparable provision.

The conference substitute (sec. 1306) requires that either the head or the next most senior person of the bureau or office within the Department of State with responsibility for human resources and personnel policies shall have substantial professional qualifications in the field of human resources. This is a modification of the suggestion in the "State Team" For the Future, Personnel Commission Report of October 1992, that strongly recommended that the Department establish an Assistant Secretary for Human Resources with proper qualifications.

Authority of the Permanent Representative to the United Nations

The House bill (sec. 2306) clarifies that the U.S. Permanent Representative to the United Nations shall be subject to the direction of the Secretary of State.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1302) is identical to the House bill.

Authorized strength of the Foreign Service

The House bill (sec. 2351) imposes limits on the number of members of the Foreign Service authorized to be employed in fiscal years 1996 and 1997 as follows: for the Department of State not more than 9,000 in fiscal year 1996 and 8,800 in fiscal year 1997, of whom not more than 720 in fiscal year 1996 and 680 in fiscal year 1997 shall be members of the Senior Foreign Service; for the United States Information Agency (USIA) not more than 1,150 in fiscal year 1996 and 1,100 for fiscal year 1997, of whom not more than 165 in fiscal year 1996 and 160 in fiscal year 1997 shall be members of the Senior Foreign Service; and for the Agency for International Development (AID) not more than 1,800 members of the Foreign Service in fiscal years 1996 and 1,775 for fiscal year 1997, of whom not more than 240 in fiscal year 1996 and 230 in fiscal year 1997 shall be members of the Senior Foreign Service.

The Senate amendment (sec. 141) contains a similar provision with overall lower numbers.

The conference substitute (sec. 1351) sets the end strength levels as follows: for the Department of State not more than 9,000 in fiscal year 1996 and 8,800 in fiscal year 1997, of whom not more than 660 in fiscal year 1996 and 660 in fiscal year 1997 shall be members of the Senior Foreign Service; for the United States Information Agency (USIA) not more than 1,150 in fiscal year 1996 and 1,100 for fiscal year 1997, of whom not more than 160 in fiscal year 1996 and 160 in fiscal year 1997 shall be members of the Senior Foreign Service; and for the Agency for International Development (AID) not more than 1,800 members of the Foreign Service in fiscal years 1996 and 1,775 for fiscal year 1997, of whom not more than 225 in fiscal year 1996 and 225 in fiscal year 1997 shall be members of the Senior Foreign Service.

The committee of conference notes that this provision was included pursuant to a recommendation of the Commission on the Foreign Service Personnel System (the "Thomas Commission"), the establishment of which was mandated by the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989.

Repeal of authority for Senior Foreign Service performance pay

The House bill (sec. 2352) repeals section 405 of the Foreign Service Act that provides for payment of performance pay.

The Senate amendment (sec. 145) requires that Foreign Service Officers commissioned by the President receive in all instances their regular salaries based on rank and service.

It also amends section 405 to allow recognition by the President even if funds are not available to pay for such an award. It requires the Secretary of State to develop and implement a plan to identify officers who are ranked by promotion boards in the bottom 5% of their class for two years and recommend that separation from the Foreign Service. In addition, it amends the Foreign Service Act to establish a single Foreign Service under the direction of the Director General of the Foreign Service. Agencies using the Foreign Service Act must conform with common standards set by the Director General.

The conference substitute (sec. 1357) omits the provision relating to a single Foreign Service. The section on expedited separation out is amended in line with the Administration's suggestions to provide that separation be recommended for members of the Foreign Service ranked by promotion boards in the bottom 5% of their class for any two of the five preceding years.

Recovery of costs of health care services

The House bill (sec. 2353) authorizes the Department of State to recover and retain the costs incurred by the Department of health care services provided to eligible employees and their families. The provision permits the recovery and retention of such costs from third-party payers and to recover directly from the employee if the employee chooses to be uninsured.

The Senate amendment (sec. 148) is virtually identical.

The conference substitute (sec. 1355) is identical to the House bill.

Restrictions on lobbying activities of former U.S. Chiefs of Mission

The Senate amendment (sec. 142) amends Title 18 by adding the Chief of Mission to the list of executive branch personnel who are restricted for one year after they leave the Chief of Mission position from representing someone with an interest in a matter that is before any officer or employee of the Department or agency in which they served.

The House bill contains no comparable provision.

The conference substitute (sec. 1352) is identical to the Senate amendment.

Foreign service grounding in U.S. business

The Senate amendment (sec. 143) expresses the sense of Congress that the National Foreign Affairs Training Institute should increase its emphasis on commercial activity, export promotion, and trade in carrying out its core programs and should offer additional classes in such subjects.

The House bill contains no comparable amendment.

The conference substitute is identical to the House bill.

Foreign affairs administrative support

The Senate amendment (sec. 144) authorizes the Secretary of State to establish a financial system to manage reimbursements to the Department from other agencies. The President is required to establish an interagency committee for the purpose of developing the financial management system.

The House bill contains no comparable provision.

The conference substitute is identical to the House bill.

Limitation on management assignments

The Senate bill (sec. 146) amends current law dealing with the movement of Foreign Service personnel between certain American Foreign Service Association positions and management jobs. This narrows the definition of "management official" by exempting Chiefs of Mission and their deputies, administrative and personnel officers abroad and other individuals not involved in labor-management relations.

The House bill contains no comparable provision.

The conference substitute (sec. 1353) is identical to the Senate amendment.

Report on promotion and retention of personnel

The Senate amendment (sec. 147) requires the Inspector General to comment biannually on the adequacy of the Secretary's annual report on foreign service work force planning and personnel policies.

The House bill contains no comparable provision.

The conference substitute (sec. 1356) requires the Inspector General to comment with respect to the adequacy of the reports every other year.

Non-overtime differential pay

The Senate amendment (sec. 149) allows the Secretary of State to substitute another day in lieu of Sunday for purposes of Sunday premium pay in countries where the normal workweek includes Sunday.

The House bill contains no comparable provision.

The conference substitute (sec. 1354) is identical to the Senate amendment.

Access to records

The Senate amendment (sec. 150) allows the Inspector General to furnish records or information as requested by the Grievance

Board only if the IG decides that there is no confidentiality requirements which would bar release.

The House bill contains no comparable provision.

The conference substitute is identical to the House bill.

Redesignation of the National Foreign Affairs Training Center

The Senate amendment (sec. 152) redesignates the National Foreign Affairs Training Institute as the National Center for Humanities, Education, Languages, and Management Studies.

The House bill contains no comparable provision.

The conference substitute is identical to the House bill.

Extension of the Au Pair Program

The Senate amendment (sec. 412) provides for a four-year extension of the Au Pair Program, lifts restrictions to make the program world-wide and requires a one-time report on the program.

The House bill (sec. 2402) provides for a two-year extension.

The conference substitute (sec. 1409) is identical to the Senate amendment with the addition of a repeal of section 581 of the Foreign Operations Appropriations Act (P.L. 104-107) which authorized a one-year extension of the Au Pair Program.

Educational and cultural exchanges with Hong Kong

The House bill (sec. 2403) requires USIA to conduct exchange programs with Hong Kong.

The Senate amendment contains no comparable provision.

The conference substitute is identical to the Senate amendment.

Conduct of certain educational and cultural exchange programs

The House bill (sec. 2404) directs USIA to provide opportunities for participation in exchange programs for human rights and democracy leaders of Asian countries to persons who are nationals but not residents of such countries.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1408) is similar to the House bill. It is designed to ensure that exchange programs are effective in promoting a commitment to human rights, freedom, and democracy. In addition to helping future leaders get to know the U.S., it is hoped that these programs will also be a source of information about the situation in the named countries, and will signal to the rulers of those countries that in order to obtain American training for their promising students, they will have to accept the risk that American notions of democracy and open government will be brought home.

Educational and cultural exchange and scholarships for Tibetans and Burmese

The House bill (sec. 2405) requires USIA to provide 30 scholarships for Tibetans and 15 scholarships for Burmese. It also requires USIA to establish exchange programs for Tibetans and Burmese.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1410) is identical to the House bill. Having been impoverished by the corrupt mismanagement of a military dictatorship that has ruled the country since 1962, Burma needs educators, engineers, entrepreneurs, environmental and public health specialists—professionals in virtually all fields. It is anticipated that the great majority of Burmese who are now in exile would gladly return home if and when conditions in Burma have changed for the better. The scholarships provide a way to prepare these individuals to play a future role in rebuilding their country.

This exchange program also targets exiled Tibetans living in India and Nepal. Thirty percent of the program's costs are met by private organizations. In accepting the scholarship, all of the Tibetans agree to return to India or Nepal to work toward improving the conditions and future opportunities for their fellow refugees.

Availability of VOA and Radio Marti multilingual computer readable text and voice recordings

The House bill (sec. 2406) permits university level linguistic researchers to use VOA and Radio Marti transcripts for the purposes of research. This authority sunsets five years from date of enactment.

The Senate amendment (sec. 414) is virtually identical.

The conference substitute (sec. 1401) is identical to the House bill.

Retention of interest

The House bill (sec. 2407) authorizes grantees of NED to deposit their grant money in interest bearing accounts and use the interest for the purposes of the grant.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1407) is identical to the House bill.

USIA office in Pristina, Kosova

The House bill (sec. 2408) states that the USIA shall seek to establish an office in Pristina.

The Senate amendment contains no comparable provision.

The conference substitute is identical to the Senate amendment.

U.S. diplomatic facilities in Kosova

The Senate amendment (sec. 135) authorizes the Secretary of State to establish a diplomatic office and residence in Pristina.

The House bill contains no comparable amendment.

The conference substitute is identical to the House bill.

Participation in international fairs and expositions

The Senate amendment (sec. 411) provides that none of the funds available in this Act can be used by a government agency to participate in an international fair or pavilion in excess of amounts authorized to be appropriated.

The House bill contains no comparable provision.

The conference substitute is identical to the House bill. The committee of conference notes that the Senate provision restated current law.

Expansion of Muskie Fellowship Program

The Senate amendment (sec. 416) expands the Muskie program to include Albania, Bulgaria, Croatia, Czech Republic, Hungary, Poland, Romania, Slovenia, and Macedonia. It also amends the guidelines for participation by adding to the fields of study the following subjects: law, library, and information science and public policy to the fields of study of the program.

The House bill contains no comparable provision.

The conference substitute (sec. 1403) is identical to the Senate amendment.

GAO study of duplication among international affairs grantees

The Senate amendment (sec. 418) requires the GAO to report on the purposes and activities of the North/South Center, East-West Center, the Asia Foundation, and NED to identify the extent to which their activities duplicate activities conducted elsewhere in the U.S. government.

The House bill contains no comparable provision.

The conference substitute is identical to the House bill.

GAO study of activities of the North/South Center in support of NAFTA

The Senate amendment (sec. 419) requires the GAO to report on whether the North/South Center used U.S. funds to engage in improper lobbying efforts advocating NAFTA.

The House bill contains no comparable provision.

The conference substitute is identical to the House bill.

Mansfield Fellowship Program requirements

The Senate amendment (sec. 420) allows the Mansfield Board to refigure the housing allowance so fellows are placed in comparable housing. This is a cost saving measure.

The House bill contains no comparable provision.

The conference substitute (sec. 1404) is identical to the Senate amendment.

Distribution within the United States of the USIA film "The Fragile Ring of Life"

The Senate amendment (sec. 421) waives the Smith-Mundt Act which prohibits domestic dissemination of products produced by USIA with respect to the film "The Fragile Ring of Life."

The House bill contains no comparable provision. The House passed this provision as a separate bill.

The conference substitute (sec. 1412) is identical to the Senate amendment.

Expansion of the Board of Broadcasting Governors

The House bill (sec. 2431) expands the current Broadcasting Board of Governors from 9 to 11.

The Senate amendment contains no comparable provision.

The conference substitute is identical to the Senate provision.

Radio Free Asia

The House bill (sec. 2432) requires the Director of USIA to submit a plan to Congress to establish Radio Free Asia within 90 days of the enactment of this Act.

The Senate amendment (sec. 415) contains a similar provision with drafting differences.

The conference substitute (sec. 1411) requires that within 180 days of enactment, Radio Free Asia shall initiate regular broadcasts to the People's Republic of China, Burma, Cambodia, Laos, North Korea, Tibet and Vietnam. The broadcasts will be conducted under the name of Radio Free Asia.

The conferees expect that in considering applications for employment, contracts, and similar arrangements in the establishment and operation of Radio Free Asia, USIA will give strong preference to those which will allow Radio Free Asia to (1) take advantage of the expertise of political and religious dissidents and pro-democracy and human rights activists from within the countries to whom broadcasting is directed, including exiles from these countries; and (2) take advantage of contracts and similar arrangements with existing broadcast facilities so as to provide immediate broadcast coverage with low overhead.

Pilot project for freedom broadcasting

The House bill (sec. 2433) requires USIA to make grants for broadcasting to Asian countries. In reviewing the grants, USIA is to give preference to organizations with expertise in the pro-democracy and human rights movements in Asia.

The Senate amendment contains no comparable provision.

The conference substitute is identical to the Senate amendment.

Pilot program on advertising on USIA television and radio

The Senate amendment (sec. 413) requires the Director of USIA to submit a plan within 120 days for a pilot program to determine the feasibility of permitting advertising on USIA television and radio broadcasts.

The House bill contains no comparable provision.

The conference substitute (sec. 1405) is the same as the Senate amendment except that the length of the pilot project was extended from 6 to 12 months.

Changes in administrative authorities

The Senate amendment (sec. 417) provides contract authority for the Tinian transmitter project; allows the authorization of appropriations for USIA to be available until March 1, 1997; includes technical amendments to direct that the heads of the Cuba Service and TV Marti report directly to the Director of the International Broadcasting Bureau; authorizes the Director of USIA to appoint up to 15 engineers employed by RFE/RL to the competitive service or career Foreign Service of USIA, and it authorizes fees to be collected at posts for educational advising services.

The House bill contains no comparable provision.

The conference substitute (sec. 1406) is the same as the Senate amendment except the number of engineers that can be appointed is reduced from 15 to 5 upon the recommendation of USIA.

International Boundary and Water Commission

The House bill (sec. 2501) clarifies the authority of the U.S. section of the IBWC with regard to the reach of the Rio Grande from the Percha Diversion Dam in New Mexico to the American Diversion Dam in El Paso, Texas. This provision permits the U.S. Section to stabilize the river channel within the Rio Grande Canalization Project. This authorization will facilitate further compliance with the terms of the Convention for Equitable Distribution of the Waters of the Rio Grande, May 21, 1906, United States-Mexico.

The Senate amendment (sec. 303) is virtually identical to the House bill.

The conference substitute (sec. 1502) is identical to the House bill.

Repeal of authority for participation by the United States in the Interparliamentary Union

The House bill (sec. 2502) repeals the permanent authority for the Congressional participation in the IPU.

The Senate amendment (sec. 601) repeals U.S. participation in several of the interparliamentary groups.

The conference substitute deletes both provisions.

Termination of U.S. participation in certain international organizations

The Senate amendment (sec. 313) provides that no funds are available for U.S. membership in the following: U.N. Industrial Development Organization, the Inter-American Indian Institute, the Pan American Railway Congress Association, and the Interparliamentary Union.

The House bill has no comparable provision.

The conference substitute (sec. 1501) provides that no funds are available for U.S. membership in the following: U.N. Industrial Development Organization, the Inter-American Indian Institute, the Pan American Railway Congress Association, the International Cotton Advisory Committee, the World Tourism Organization, and the International Tropical Timber Organization.

International Criminal Court participation

The Senate amendment (sec. 311) prohibits the U.S. from participating in an international criminal court with jurisdiction over crimes of an international character.

The House bill contains no comparable provision.

The conference substitute (sec. 1608) includes a definition of the term "participate" in order to clarify that War Crimes Tribunals for specific countries would not be affected by this provision.

Prohibition on assistance to international organizations espousing one world government

The Senate amendment (sec. 312) prohibits the use of funds to pay for the U.S. contribution to any international organization which engages in direct or indirect promotion of the principle or doctrine of one world government or one world citizenship, or for the promotion of the principle of one world government or one world government.

The House bill contains no comparable provision.

The conference substitute (sec. 1503) is identical to the Senate amendment.

International covenant on civil and political rights

The Senate amendment (sec. 314) includes findings and an expression of the sense of the Senate that the Human Rights Committee should revoke its General Comment No. 24.

The House bill contains no comparable provision.

The conference substitute (sec. 1504) is similar to the Senate amendment, and includes a restriction that, effective two years after the date of enactment, no funds authorized to be appropriated by this or any other Act may be obligated or expended to report to the U.N. Human Rights Committee established by the International Covenant on Civil and Political Rights, or to respond to certain inquiries from the Committee. This restriction will cease to apply when the President certifies to the Congress that the Human Rights Committee has revoked its General comment No. 24 and expressly recognized the validity as a matter of international law of the reservations, understanding, and declarations contained in the U.S. instrument of ratification of the Covenant.

The committee of conference agreed to delay the effective date of the restriction for two years in order to afford the Human Rights Committee up to one year to reconsider and revoke its General Comment No. 24. If by the end of this one-year period the Human Rights Committee has not revoked General Comment No. 24 and expressly recognized the validity as a matter of international law of the reservations, understanding, and declarations contained in the U.S. instrument of ratification, the committee of conference expects the United States to provide notice in accordance with Article 56 of the Vienna Convention on the Law of Treaties of its intention to withdraw from the Covenant effective twelve months from the date of such notice. Adherence to this procedure will ensure that the United States remains in compliance with its international legal obligations as understood by the United States while at the same time insisting upon the primacy of the U.S. Constitution.

U.S participation in single commodity international organizations

The Senate amendment (sec. 315) requires the Secretary of State to report within 180 days of enactment on U.S. interests served by participation in single-commodity IO's and to assess the feasibility of privatization of U.S. representation in such organizations.

The House bill contains no comparable provision.

The conference substitute (sec. 1505) is the same as the Senate amendment with the added requirement that the report assess the current and projected costs of continuing U.S. participation in such organizations.

Prohibition on contributions to the International Natural Rubber Organization

The Senate amendment (sec. 316) prohibits U.S. contributions to the International Natural Rubber Organization.

The House bill contains no comparable provision.

The conference substitute is identical to the House provision.

Prohibition on contributions to the International Tropical Timber Organization

The Senate amendment (sec. 317) prohibits U.S. contributions to the International Tropical Timber Organization.

The House bill contains no comparable provision.

The conference substitute is identical to the Senate amendment. This provision has been included in section 1501, terminating U.S. participation in certain international organizations.

Sense of Congress on the U.N. Fourth World Conference on Women in Beijing

The Senate amendment (sec. 319) is a sense of Congress that the U.N. Fourth World Conference on Women should promote a representative American perspective on issues of equality, peace and development and other issues.

The House bill contains no comparable provision.

The conference substitute is identical to the House provision.

Reform in budget decisionmaking procedures of the U.N. and its specialized agencies

The House bill (sec. 2521) extends current law allowing the President to withhold 20% of appropriated funds for the U.N. or any of its specialized agencies if the U.N. or the agency fails to implement consensus-based budget decisionmaking procedures. This is to ensure that the U.S. and other major contributors to U.N. agency budgets have an appropriate influence in the budget decisionmaking processes of international organizations. The President is directed to notify Congress of any decisions to withhold our share of an assessed contribution to the U.N.

The Senate amendment (sec. 204) is virtually identical to the House bill with minor drafting differences.

The conference substitute (sec. 1521) is identical to the House bill.

Limitation on contributions to the U.N. or U.N. affiliated organizations

The House bill (sec. 2522) prohibits U.S. contributions to the U.N. or affiliated organizations that grant full membership to any organization that does not have the internationally recognized attributes of statehood.

The Senate amendment contains no comparable provision.

The conference substitute is identical to the Senate amendment.

Report on UNICEF

The House bill (sec. 2523) requires the Secretary of State to report on aspects of UNICEF's progress in implementing management reforms and ensuring a greater commitment to its traditional mission of child health and welfare. It further directs UNICEF to resist pressure to become involved in activities within the scope of responsibility of other U.N. agencies.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1522) is identical to the House bill.

U.N. budgetary and management reform

The House bill (sec. 2524) requires a 20% withholding of amounts for assessed contributions to the regular U.N. budget, a 50% withholding for assessed contributions to U.N. peacekeeping and no voluntary contributions to U.N. peacekeeping until the President certifies a series of management reforms. Withholding begins in FY 97 and each subsequent year. The House bill also requires further withholdings unless U.N. procurement reforms are implemented. These include the withholding of 10% of the amount of funds available for U.S. assessed contributions for the regular U.N. budget unless the President certifies that there is timely notice of contract awards or opportunities over $100,000. It also requires a similar percentage withholding unless there is a certification of no discrimination against companies challenging contract awards and unless a U.N. contract review process is established.

The Senate amendment (sec. 205) amends the U.N. Participation Act of 1945 directing the President to certify, to Congress that the U.N. has fully achieved the management reforms in the House bill. If the President cannot make such a certification, there are similar withholding provisions as in the House provision.

The conference substitute (sec. 1523) is the same as the Senate amendment except that it includes the withholdings of 3% of U.S. assessed contributions for the regular U.N. budget unless the President makes the U.N. procurement certifications in the House bill relating to U.N. procurement opportunities, punitive actions on certain contractors and procedures for challenging the awarding of U.N. contracts.

Calculations of assessed contributions

The Senate amendment (sec. 203) expresses the sense of Congress that the U.N. General Assembly should reformulate the rates of assessment to reflect each member's share of the total world GNP.

The House bill contains no comparable provision.

The conference substitute is identical to the House bill.

Whistleblower provision

The Senate amendment (sec. 206) requires the President to withhold 10 percent of fiscal year 1996 assessed contributions to the U.N. until the Secretary of State certifies that the U.N. has implemented policies to protect adequately employees who allege fraud or mismanagement.

The House bill contains no comparable provision.

The conference substitute is identical to the House bill.

Annual report on U.S. contributions to U.N. peacekeeping activities

The Senate amendment (sec. 211) requires the President to submit a report of the budget expected for the next fiscal year for all U.N. peacekeeping activities and for U.S. participation in all U.N. peacekeeping activities.

The House bill contains no comparable provision.

The conference substitute (sec. 1525) is the same as the Senate amendment except that the provision requiring a statement of the aggregate amount of funds available to the U.N. for the upcoming fiscal year is deleted.

Prior congressional notification of security council votes on U.N. peacekeeping activities

The Senate amendment (sec. 212) requires the President to notify Congress 5 days before casting a vote in the Security Council authorizing a U.N. peacekeeping operation that would involve the use of U.S. forces or funds. The President may waive this requirement if he determines that an emergency exists. In this case, he must provide notification to Congress within 48 hours after the adoption of any such authorization.

The House bill contains no comparable provision.

The conference substitute (sec. 1526) is the same as the Senate amendment except that the notification requirement is deleted in regard to the expenditure of U.S. funds.

Codification of required notice to Congress of proposed U.N. peacekeeping activities

The Senate amendment (sec. 213) requires the President to report monthly in writing on U.S. assistance for United Nations peacekeeping operations with regard to facilities, training, transportation, communication and logistical support to certain Congressional committees.

The House bill contains no comparable provision.

The conference substitute (sec. 1527) is identical to the Senate amendment.

Limitation on assessment percentage for peacekeeping activities

The Senate amendment (sec. 214) amends the U.N. Participation Act of 1945 to urge the U.N. Permanent Representative to work for a review of U.N. peacekeeping assessments. As part of this effort, the U.S. Ambassador should seek to employ the concept that a greater proportionate share of the burden of a peacekeeping operations should fall on the host government and other nearby states. It also limits the use of appropriated funds for peacekeeping to no more than 25% of the total assessed cost of an operation, regardless of any penalties or interest charges the U.N. may levy on the U.S. One intent of this provision is to discourage the U.N. from any attempt to charge member states, including the U.S., a late charge or fee for past-due assessments, as some have recommended.

The House bill contains no comparable provision.

The conference substitute (sec. 1524) is identical to the Senate amendment.

Buy America requirement

The Senate amendment (sec. 215) conditions U.S. payments for U.N. peacekeeping on fair treatment of U.S. companies in U.N. procurement activities.

The House bill contains no comparable provision.

The conference substitute is identical to the House bill.

Restrictions on intelligence sharing with the United Nations

The Senate amendment (sec. 216) requires that before sharing U.S. intelligence information with the U.N., the President must certify that security procedures have been implemented at the U.N. to protect unauthorized disclosure of U.S. intelligence sources or methods. The Senate amendment specifies that the requirement may be waived upon written certification by the President that providing such information is in our national interest. It also provides for special reports regarding unauthorized disclosure of intelligence to the Select Committee on Intelligence and the Committee on Foreign Relations of the Senate and the Permanent Select Committee on Intelligence and the Committee on International Relations of the House of Representatives. It finally provides for semi-annual reports to the same committees on the types and volumes of intelligence provided to the U.N.

The House bill contains no comparable provision.

The conference substitute (sec. 1528) is the same as the Senate amendment except that no intelligence may be provided to the U.N. unless the President certifies that the U.N. has implemented procedures no less stringent than procedures maintained by nation with which the U.S. regularly shares similar types of information. Periodic and special reports shall be provided as well except that the periodic report shall be no less frequently than quarterly and it shall be submitted to the Select Committee and the Permanent Select Committee with an annex containing a counter-intelligence and security assessment of the risks providing intelligence to the U.N.

UNPROFOR funding restrictions

The Senate amendment (sec. 217) states that none of the funds authorized by this act may be made available for contributions to the U.N. Protection Force unless the President certifies and reports to the Congress during the calendar years in which the funds are to be provided.

The House bill contains no comparable provision.

The conference substitute is identical to the House bill.

Escalating costs for international peacekeeping

The Senate amendment (sec. 218) is a sense of Congress that the Executive branch should stop obligating funds for peacekeeping operations in excess of authorized and appropriated funds.

The House bill contains no comparable provision.

The conference substitute (sec. 1707) retains the sense of Congress provision.

(a) Findings.—The Congress finds that—

(1) in fiscal year 1989 the United States provided $29,000,000 to the United Nations for assessed United States contributions for international peacekeeping activities, compared to $485,000,000 paid for combined assessed contributions for all other international organizations, including the United Nations, all United Nations specialized agencies and the Organization for American States and all other pan American international organizations;

(2) in fiscal year 1994 United States assessed contributions to the United Nations for international peacekeeping activities had grown to $1,072,000,000, compared to $860,000,000 for combined assessed contributions for all other international organizations;

(3) for fiscal year 1995 the President requested a $672,000,000 United Nations peacekeeping supplemental appropriation which, if approved, would have been a direct increase in the Federal budget deficit and would have brought fiscal year 1995 total appropriations for assessed contributions for United Nations peacekeeping activities to $1,025,000,000;

(4) for fiscal year 1995 the President also requested supplemental appropriations of $1,900,000,000 to cover the Department of Defense's unbudgeted costs for humanitarian and peacekeeping missions in Haiti, Kuwait and Bosnia, which are in addition to regular United States assessed contributions to the United Nations for peacekeeping activities; and

(5) for fiscal year 1996 the President requested $445,000,000 for assessed contributions to the United Nations for international peacekeeping activities, a funding level most observers believe to be a significant understatement of actual peacekeeping obligations the Administration has committed the United States to support and which, if accurate, would lead to the third year in a row in which the Administration requests supplemental appropriations for assessed contributions to international peacekeeping in excess of $600,000,000 outside of the regular budget process.

Peacekeeping definition

The Senate amendment (sec. 219) amends the U.N. Participation Act of 1945 by adding a definition of peacekeeping activities.

The House bill contains no comparable provision.

The conference substitute is identical to the House bill.

Taiwan Relations Act

The House bill (sec. 2601) amends the Taiwan Relations Act to add a new subsection (d) to section 3 of the Act. This new subsection reasserts the primacy of sections 3(a) and 3(b) of the Taiwan Relations Act with regard to U.S. arms sales to Taiwan. Sections 3(a) and 3(b) provide in pertinent part that "the U.S. will make available to Taiwan such defense articles and defense services in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability", and that "[t]he President and the Congress shall determine the nature and quantity of such defense articles and services based solely upon their judgment of the needs of Taiwan."

The Senate amendment (sec. 605) is virtually identical.

The conference substitute (sec. 1601) amends the Taiwan Relations Act to add a new subsection (d) to section 3 of the Act. This new subsection reasserts the primacy of sections 3(a) and 3(b) of the Taiwan Relations Act with regard to United States arms sales to Taiwan. Sections 3(a) and 3(b) provide in pertinent part that "the United States will make available to Taiwan such defense articles and defense services in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability", and that "[t]he President and the Congress shall determine the nature of quantity of such defense articles and services based solely upon their judgement of the needs of Taiwan."

Subsequent to the enactment of the Taiwan Relations Act, and without the approval of the Congress, the Executive branch issued a "Joint Communique of the United States and China" on August 17, 1982, which purported to commit the United States "to reduce gradually its sales of arms to Taiwan, leading over a period of time to a final solution." Insofar as this policy statement is inconsistent with sections 3(a) and 3(b) of the Act, it is contrary to law and cannot be the policy of the United States. The new section 3(d) of the Act is intended to underscore this fact.

The new section 3(d) of the Act does not change United States law; it reaffirms it. It merely states that the Taiwan Relations Act, a law passed by the Congress, has primacy over a policy statement issued by the Executive branch. Any policy statement which, contrary to sections 3(a) and 3(b) of the Act, does not take into account Taiwan's defense needs or the role of the Congress and the President in determining such needs is invalid as a matter of law.

Reports to Congress on aspects of implementation of the General Framework Agreement

The House bill (sec. 2602) is a sense of Congress that the President should bring to justice persons responsible for genocide, war crimes, and other serious violations of international human rights law committed in the territory of the former Yugoslavia since 1991.

The Senate amendment contains no comparable amendment.

The conference substitute (sec. 1611) merges two House provisions, sec. 2602 Bosnia Genocide Act and sec. 2702 Territorial Integrity of Bosnia and Herzegovina. This revised section provides for periodic reports from the President on the military aspects of implementation of the Dayton Agreement, including the conduct of United States Armed Forces deployed in Bosnia-Herzegovina as part of Operation Joint Endeavor and the costs associated with their participation as well as plan for the timely withdrawal of U.S. military personnel. In addition, the President would report on progress in implementing civilian aspects of the Agreement including: preparations for elections to be supervised by the Organization for Security and Cooperation in Europe (OSCE); steps taken to uphold the right of refugees and displaced persons to return home safely and regain lost property, or to obtain just compensation (or, where return would be unsafe and/or unjust, to be resettled elsewhere); progress in international humanitarian and reconstruction efforts; and cooperation with the ongoing work of the International Tribunal for the Former Yugoslavia to investigate and prosecute war criminals, as well as efforts of the OSCE and other international and non-governmental organizations to protect and promote human rights. In addition, the section would require regular reporting on efforts by the United States and others to address the plight of the ethnic Albanian majority in Kosova and steps to establish a USIA office in Pristina.

USIA Office in Pristina: Kosovo's ethnic Albanian majority has been, and continues to be, the subject of brutal repression involving harassment, detention, and intimidation including beatings by police. Nearly half of the region's Albanian work-force was summarily fired in 1990 and replaced by Serbian workers. Albanian cultural identity remains under siege. The suppression of free media continues. Kosovar Albanians have felt increasingly isolated, particularly since OSCE observers were expelled from the region in 1993. A USIA office in Pristina will help to ease the current dire situation by disseminating information about the United States; promoting discussions on human rights, democracy, rule of law, and conflict resolution; facilitating U.S. private sector involvement in educational and cultural activities in Kosova; and advising the U.S. Government with respect to public opinion in Kosova. Opening an office in Pristina will send a strong signal to the Albanian population of Kosova that they have not been forgotten. The conferees have been informed that plans for such an office are underway. The reporting requirement is designed to ensure that they are implemented as soon as possible.

Territorial Integrity. The Dayton Peace Agreement on Bosnia-Herzegovina commits the signatories to "conduct their relations in accordance with the principles set forth in the United Nations Charter, as well as the Helsinki Final Act and other documents of the Organization for Security and Cooperation in Europe" (OSCE), including the principle of territorial integrity. The House-passed bill, which was adopted prior to the Dayton accords, included specific language on territorial integrity in recognition of the centrality of this principle to the conflict in Bosnia and the implications of its violation in the former Yugoslavia and beyond. For nearly four years the people of Bosnia-Herzegovina fought, at significant disadvantage, to preserve their country in the face of armed aggression and genocide. The widespread illegal use of armed force in Bosnia-Herzegovina, including the targeting of unarmed civilian populations, has had devastating consequences for the people of that country. Against that backdrop, any moves to recognize the incorporation of any of the territory of Bosnia-Herzegovina into the territory of any neighboring state or the creation of any new state or states within the borders of Bosnia-Herzegovina would violate the principle of territorial integrity as reflected in the Charter and the Final Act. The conferees note the importance attached to this fundamental principle in Article 1 of the Dayton Agreement and will closely monitor implementation of this provision by all parties to the accord.

Expansion of the Commission for Security and Cooperation in Europe

The House bill (sec. 2603) expands the CSCE by 8 commissioners, 4 from the House and 4 from the Senate.

The Senate amendment contains no comparable amendment.

The conference substitute is identical to the Senate amendment.

Repeal of the executive branch membership in the Commission for Security and Cooperation in Europe

The Senate amendment (sec. 602) repeals the membership of the three executive branch representatives from the CSCE.

The House bill contains no comparable provision.

The conference substitute is identical to the House bill.

Repeal of termination of provisions of the Nuclear Proliferation Prevention Act of 1994

The House bill (sec. 2604) repeals a sunset provision in P.L. 103–236 thereby making permanent law the Nuclear Proliferation Prevention Act. The NPPA establishes a wide ranging nuclear non-proliferation sanctions regime similar to the Chemical and Biological Weapons and Missile Technology Control Regime sanctions laws.

The Senate amendment contains no comparable amendment.

The conference substitute (sec. 1613) is identical to the House with the addition of the repeal of the judicial review provisions contained in the original provision. This change reflects the concerns of the Administration.

Annual assessment

The House bill (sec. 2605) requires the Secretary of State to provide annually an assessment of the impact of foreign policy on the ability of U.S. entities to compete in foreign markets.

The Senate amendment contains no comparable provision.

The conference substitute is identical to the Senate amendment.

Verification of Missile Technology Control Regime

The House bill (sec. 2606) requires the Director of the Arms Control and Disarmament Agency to transmit a report on the capability of the U.S. to verify the Missile Technology Control Regime.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1612) is identical to the House bill.

Bosnia and Herzegovnia Self-Defense Fund

The House bill (sec. 2607) provided for terminating the U.S. arms embargo against the government of Bosnia and Herzegovnia.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 2610) substantially revises this provision. Sec. 2610 (a) of the Conference Report provides the President with the authority to enter an agreement with other eligible countries to establish a fund to assist in the self defense of Bosnia and Herzegovina. The fund may be known as the "Multilateral Bosnia and Herzegovina Self Defense Fund." The United States contribution to this fund will be pursuant to the defense articles and services provided for in section 540 of the Foreign Operations and, Export Financing and Related Programs Appropriations Act, 1996 (Public Law 104-107). In order to maximize the amount of equipment provided under this authority, it is the intention of the Conference Committee that, as the Administration utilizes the referenced authority for the Government of Bosnia and Herzegovina, the price of transferred equipment shall not exceed the lowest level at which the same or similar equipment has been transferred to any other country under any other U.S. government program.

The Conference Committee notes that credible reports indicate that Iranian nationals remain in Bosnia and Herzegovina in violation of the Dayton General Framework Agreement to end the war in the former Yugoslavia. The Committee encourages the Administration to use its continued efforts to arm and train the forces of the Federation of Bosnia and Herzegovina as leverage to ensure full compliance with the expulsion of all disallowed Iranian nationals. The Committee further notes that the Government of Bosnia and Herzegovina should curtail all military and intelligence relations with the Government of Iran.

Section 2610(b) identifies the purpose of the Fund as a means to coordinate the procurement of military equipment and training for transfer to the Government of Bosnia and Herzegovina for the exercise of its right to self-defense under Article 51 of the United Nations Charter and to enable the Government of Bosnia and Herzegovina to protect its population and territory.

Section 2610(c) requires United States leadership of the Fund. This provision is consistent with the text of a December 12, 1995 letter from President Clinton to the Honorable Robert Dole, Republican Leader of the Senate, in which the President wrote: ". . . the United States will take a leadership role in coordinating an international effort to ensure that the Bosnian Federation receives the assistance necessary to achieve an adequate military balance when IFOR leaves. This subsection directs the Fund to provide procedures for administering donations of military equipment and training, and requires written assurance from the Government of Bosnia and Herzegovina that such donations will not be used to take reprisals against civilians.

Section 2610(d) requires the President to prepare and transmit to Congress a detailed report on the Administration's plan to assist the Federation of Bosnia and Herzegovina to provide for its own defense.

Section 2610(e) provides definitions for relevant terms in this section.

Section 2610(f) states unambiguously that nothing in this section shall be interpreted as authorization for deployment of United States forces in the territory of Bosnia and Herzegovina for any purpose, including training, support, or delivery of military equipment.

Annex 1 of the Dayton General Framework Agreement to end the war in the former Yugoslavia addresses the military aspects of the peace settlement, including the establishment of a NATO-led multinational force called the Implementation Force (IFOR). This annex also continues the cessation of hostilities agreement (as previously agreed by the warring parties on October 5, 1995), details a process for the separation of belligerent forces within 30 days of signing, establishes a process for notification by the parties of the type and location of military equipment within their control, and outlines the mission of the IFOR.

Annex 1 includes a second part establishing confidence building measures between the parties and laying out a process to create a military balance through arms reductions. In the event that negotiations do not achieve arms reductions, the agreement establishes a process to create military parity based on a maximum ratio of heavy weaponry (as defined in the agreement) of 5:2:2 for Serbia, Croatia and Bosnia respectively (the Bosnian ratio is to be split 2:1 between the Federation and Republic of Srpska, respectively). The baseline for creating this ration would be the total amount of heavy weapons held by Serbia after a mandatory twenty-five percent reduction.

The Conference Committee views the arms reduction provisions of the Agreement to be a positive feature. The Committee is concerned, however, that the Agreement contains little detail on how the arms reductions would be implemented, nor is there any mention in the Agreement of a plan for arming or training the Bosnian government forces should that be determined as a preferable option. Regardless of whether arms control measures are implemented successfully in the former Yugoslavia, the Conference Committee considers the creation of a military balance between the Federation of Bosnia and Herzegovina and its potential adversaries through the provision of military assistance to the Federation as a fundamental step in creating the conditions for the successful withdrawal of United States forces, serving as part of the Implementation Force (IFOR) in Bosnia and Herzegovina.

The United Nations arms embargo imposed upon the former Yugoslavia in September 1991, and extended without action in the United Nations Security Council to the sovereign nation of Bosnia and Herzegovina in April 1992, served to enforce an imbalance in forces between the Government of Bosnia and Herzegovina and its adversaries in the former Yugoslavia. This imbalance led to disproportionate losses of civilians and soldiers in Bosnia, and prevented the Government of Bosnia and Herzegovina from exercising its fundamental right of self-defense as provided for in Article 51 of the United Nations Charter.

It is the view of the Conference Committee that the improved military capabilities of the Bosnian government forces was a factor in creating a measure of military stability—and an environment for negotiations—which led to signing of the Dayton Agreement. The improvement in the military capabilities of the Bosnian government forces is, however, still insufficient to effectively deter further aggression. By creating a real military balance in the region it is the view of the Committee that the environment in which negotiations took place can be further enhanced to become an environment in which a stable peace can occur between the warring parties in the former Yugoslavia. The Conference Committee is particularly emphatic in its support of this initiative because the creation of such an environment is also a critical element of the Clinton Administration's pledge to remove United States forces from Bosnia and Herzegovina by the end of 1996.

United States-North Korea Agreed Framework

The House bill (sec. 2641) summarizes the findings of Congress regarding the salient features of the Agreed Framework and its inadequacies in regard to specific Congressional concerns.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1607) merges House bill sections 2641, 2642, 2643, 2644, and 2645 into one provision. The conference substitute expresses the sense of Congress regarding the minimum conditions for participation in the Agreed Framework, and lays out conditions under which additional progress may occur in U.S.-North Korean bilateral relations. Areas where progress is expected before upgrading bilateral relations include: 1) dialogue in North-South dialogue; 2) progress implementation of the North-South Joint declaration on Denuclearization of the Korean Peninsula; 3) reduction in the number of North Korean military forces along the Demilitarized Zone; and, 4) prohibiting deployment of North Korean ballistic missiles and weapons of mass destruction. At the Senate's request, a fifth and sixth category of expected progress on the part of the North Koreans. These included cooperation on the recovery of remains of American MIAs, and confirmation that North Korea has ceased its support of international terrorism.

The conference substitute seeks to ensure that any assistance provided to North Korea or the Koran Peninsula Energy Development Organization (KEDO), regardless of the agency or account from which they are derived will be provided in accordance with the reprogramming notification procedures contained in section 634A of the Foreign Assistance Act.

U.S. policy concerning the dictatorship in Burma

The House bill, (sec. 2651) is a sense of Congress that the U.N. Security Council should impose an international arms embargo on Burma, affirm human rights, and reduce U.N. organizations' presence in Burma, except to the UNDCP.

The Senate amendment contains no comparable provision.

The conference substitute is identical to the Senate amendment.

U.S. policy with respect to the involuntary return of persons subjected to torture

The House bill (secs. 2661, 2662) prohibits the use of funds for the involuntary return of any person to a place in which he/she is in serious danger of torture. A definition of torture is included.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1256) prohibits the use of funds authorized by this

Act, or funds authorized for emergency refugee and migration assistance, to be used for the involuntary return of any person to a country in which he or she is in serious danger of being subjected to torture. The provision will partly implement the international obligations of the United States under the Convention Against Torture and Other Cruel, Inhuman, and Degrading Treatment or Punishment.

Inter American organizations

The House bill (sec. 2701) states that the Secretary of State should take into account the long-term commitment of the U.S. to the affairs of the Western Hemisphere insetting funding levels for Inter-American organizations.

The Senate amendment (sec. 304) is virtually identical.

The conference substitute (sec. 1706) specifies that the Secretary of State should make every effort to pay the full U.S. assessment for two Inter-American organizations, the Organization of American States and the Pan American Health Organization.

Territorial integrity of Bosnia and Herzegovina

The House bill (sec. 2702) expresses the sense of Congress that the U.S. should refuse to recognize the incorporation of any of the territory of Bosnia-Herzegovina into the territory of a neighboring state.

The Senate amendment contains no comparable provision.

The conference substitute refers to sec. 1611.

The Laogai system of political prisons

The House bill (sec. 2703) expresses a sense of Congress that the President should condemn the continued existence of the Laogai and calls upon the Government of China to dismantle it.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1701) expresses the sense of Congress as contained in the House bill.

(a) FINDINGS—The committee of conference makes the following findings:

(1) The Chinese gulag, known as the Laogai, was created as a primary means of political repression and control when the Communists assumed power in China in 1949.

(2) The Laogai has caused millions of people to suffer grave human rights abuses over the past 46 years, including countless deaths.

(3) The Laogai continues to be used to incarcerate unknown numbers of ordinary citizens for political reasons, including workers, students, intellectuals, religious believers, and Tibetans.

(4) So-called "thought reform" is a standard practice of Laogai officials, and reports of torture are routinely received by human rights organizations from Laogai prisoners and survivors.

(5) Negotiations about unfettered access to Laogai prisoners between the Chinese Government and the International Red Cross have ceased.

(6) The Laogai is in reality a huge system of forced labor camps in which political and penal criminals are slave laborers producing an array of products for export throughout the world, including the United States.

(7) The Chinese Government continues to maintain, as part of its official propaganda and in defiance of significant evidence to the contrary gathered by many human rights organizations, that the Laogai is a prison system like any other in the world.

(8) Testimony delivered before the Subcommittee on International Operations and Human Rights of the Committee on International Relations of the House of Representatives has documented human rights abuses in the Laogai which continue to this day.

(9) The American people have repeatedly expressed their abhorrence of forced labor camps for persons convicted of political crimes, whether they be operated by the Nazis, Soviet Communists, or any other political ideology.

Use of funds to further normalize relations with Vietnam

The House bill (sec. 2704) expresses a sense of Congress that funds should not be obligated to further normalize relations with Vietnam until the government of Vietnam holds free elections, respects human rights and accounts for remaining POW/MIA cases.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1214) provides that none of the funds authorized to be appropriated under this Act may be obligated or expended for costs incurred for opening or operating any U.S. diplomatic or consular post in Vietnam that was not operating on July 11, 1995, for expanding any U.S. diplomatic or consular post in Vietnam that was not operating on July 11, 1995, or increasing the total number of personnel assigned to the U.S. diplomatic or consular posts in Vietnam above the levels existing on July 11, 1995 unless 60 days prior to the obligation of funds, the President certifies to Congress that based upon all information available to the U.S. government that the Government of Vietnam is fully cooperating in four areas of POW/MIA investigations and research. This substitute is consistent with the provision contained in the Commerce, Justice, State and Related Agencies Appropriations bill for Fiscal Year 1996.

Declaration of Congress regarding U.S. Government human rights policy toward China

The House bill (sec. 2705) expresses a sense of Congress that the People's Republic of China continues to violate human rights, and requires within 90 days, reports on the President's successes with his China human rights policy and the status of coercive population control programs and on prison labor conditions.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1702) is similar to the House bill with modifications to update the provision.

Concerning the U.N. Voluntary Fund for Victims of Torture

The House bill (sec. 2706) expresses a sense of Congress that the Voluntary Fund should develop and support treatment centers for torture victims and that the U.S. should support the work of the Special Rapporteur on Torture and the Convention Against Torture.

The Senate amendment contains no comparable provision.

The conference substitute is identical to the Senate amendment. The committee of conference suggest that the President acting through the U.S. Permanent Representative to the U.N., should request the U.N. Voluntary Fund for Victims of Torture to find new ways to support and protect treatment centers that are carrying out rehabilitative services for victims of torture.

Recommendations of the President for reform of the War Powers Resolution

The House bill (sec. 2707) expresses a sense of Congress that the President should transmit to Congress recommendations for reform of the War Powers Resolution.

The Senate amendment contains no comparable provision.

The conference substitute is identical to the Senate amendment.

Conflict in Kashmir

The House bill (sec. 2708) expresses a sense of Congress that the U.S. should reiterate the need for parties to the conflict in Kashmir to enter into negotiations.

The Senate amendment contains no comparable provision.

The conference substitute is identical to the Senate amendment.

U.S. relations with the former Yugoslav Republic of Macedonia

The House bill (sec. 2709) expresses a sense of Congress that the Former Yugoslav Republic of Macedonia should be eligible for all U.S. foreign assistance programs.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1703) is identical to the House bill.

Displaced persons

The House bill (sec. 2711) expresses a sense of Congress that $20 million of U.N. Development Program funds should be used for programs for displaced person within their own countries of nationality, in cooperation with the International Organization for Migration, the International Committee for the Red Cross, and other non-governmental organizations.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1704) is the same as the House bill with a technical modification.

Policy toward Iran

The House bill (sec. 2712) expresses a series of findings and Congressional declarations regarding U.S. policy toward Iran.

The Senate amendment contains no comparable provision.

The conference substitute is identical to the Senate amendment.

Conflict in Chechnya

The House bill (sec. 2713) expresses a series of findings and Congressional declarations urging the President to repeat the call to end the war in Chechnya.

The Senate amendment contains no comparable provision.

The conference substitute is identical to the Senate amendment. The Committee of Conference still considers this provision to be important.

(a) FINDINGS—The committee of conference finds the following:

(1) Russian troops advanced into Chechnya on December 10, 1994, and were met with strong resistance from Chechen rebels who have now moved to the Caucasus mountains where they are engaging in what even the most optimistic Russian military officers predict will be a drawn-out guerrilla war.

(2) The cost of the Chechen battle is estimated to cost the Government of Russia at least $2,000,000,000 and could exacerbate the budget deficit of the Government of Russia.

(3) The United States has approved over $2,400,000,000 in loan guarantees through the Export-Import Bank of the United States and the Overseas Private Investment Corporation.

(4) The United States has provided Russia with significant direct assistance to promote a free market economy, support democracy, meet humanitarian needs, and dismantle nuclear weapons.

(b) DECLARATION OF POLICY—The committee of conference declares the following:

(1) United States investment in Russia has been significant in promoting democracy and stabilizing the economy of Russia and this progress could be imperiled by Russia's continued war in Chechnya.

(2) The inability to negotiate an end to this crisis and the resulting economic implications could adversely affect the ability of Russia to fulfill its commitments to the International Monetary Fund, the Export-Import Bank of the United States, and the Overseas Private Investment Corporation.

(3) In further contacts with President Yeltsin, it is imperative that President Clinton repeat his call for an immediate end to the war in Chechnya.

U.S. Delegation to the Fourth World Conference on Women in Beijing

The House bill (sec. 2714) expresses a sense of Congress that the U.S. delegation to the Fourth World Conference on Women, should include a Tibetan representative.

The Senate amendment contains no comparable provision.

The conference substitute is identical to the Senate amendment.

Female genital mutilation

The House bill (sec. 2715) expresses a sense of Congress that the President should seek to end the practice of female genital mutilation worldwide through the active cooperation and participation of governments in countries where female genital mutilation takes place.

The Senate amendment contains no comparable provision.

The conference substitute is identical to the Senate amendment.

Sense of Congress regarding Syrian occupation of Lebanon

The House bill (sec. 2716) expresses a sense of Congress that the Government of Syria should comply with the Taif Agreement and withdraw all of its troops from Lebanon and the Secretary of State should report to Congress on the actions the U.S. has taken to encourage withdrawal of all Syrian troops from Lebanon.

The Senate amendment contains no comparable provision.

The conference substitute is identical to the Senate amendment.

Statutory construction

The Senate amendment (sec. 502) clarifies that the Arms Control and Disarmament Agency cannot authorize policies which would interfere with the acquisition, possession or use of firearms by an individual for the purpose of personal defense, sport, education or training.

The House bill contains no comparable provision.

The conference substitute (sec. 1605) is identical to the Senate amendment.

Payments of Iraq claims

The Senate amendment (sec. 603) requires the Secretary of the Treasury to approve all applications for licenses that meet the criteria of section 575.510 of title 31, Code of Federal Regulations, even though such applications may have failed to meet the requirement that the letter of credit be issued or confirmed by a U.S. bank or that the letter of credit reimbursement be confirmed by a U.S. bank. Licenses pursuant to this section shall be issued within 30 days of the date of enactment of this Act.

The House bill contains no comparable provision.

The conference substitute (sec. 1614) vests in the President all blocked non-diplomatic accounts or assets of the Government of Iraq and would direct the President to liquidate such accounts not later than 30 days after enactment.

Upon the vesting of these accounts, the Secretary of the Treasury is directed to establish in the Treasury an Iraq Claims Fund for payment of private claims or U.S. Government claims. The Foreign Claims Settlement Commission of the United States is authorized to determine the validity and amounts of private claims and certify to the Treasury the awards made in favor of each private claim.

Not later than two years after the date of enactment, the Secretary shall make payment out of the Fund on certified private claims according to the proportions which the total amount of certified private claims bear to the total amount in the Fund that is available for distribution at the time payments are made. After payments have been made in full on private claims out of the Fund, any funds remaining can be made to satisfy U.S. Government claims against the Government of Iraq.

The President is directed to determine the validity of government claims which the Secretary of State has determined are outside the jurisdiction of the United Nations Commission. To the extent that there are enough funds available to satisfy these claims, the President is authorized and requested to enter into a settlement with the Government of Iraq providing payment for these claims.

The conference substitute embraces the pre-existing procedures of the Foreign Claims Settlement Commission to ensure uniformity of process with previous claim adjudications such as Iran and Vietnam.

Paying private claims first out of blocked Iraqi assets recognizes that many U.S. companies cannot wait over six years to receive the proceeds from their legitimate commercial transactions. When the President freezes assets of hostile foreign countries, U.S. exporters and businesses should not be forced to shoulder a disproportionate burden of the costs.

Private American claimants cannot readily negotiate with the Government of Iraq for satisfaction of their claims. This legislation does nothing to prohibit the United States Government from fully collecting on the American taxpayer claims through continued negotiations with the Government of Iraq or with the United Nations Compensation Commission.

Reports regarding Hong Kong

The Senate Amendment (sec. 604) amends the Hong Kong Policy Act of 1992 (22 U.S.C. 5731) to extend the requirement in the Hong Kong Policy Act for the Secretary of State to transmit a report on conditions in Hong Kong of interest to the U.S. by March 31, 1995 and every year thereafter.

The provision requires this report to detail information on the status of and other developments affecting: implementation of the Sino-British Joint Declaration on the Question of Hong Kong, including the Basic Law and its consistency with the Joint Declaration; the openness and fairness of the election of the chief executive and the executive's accountability to the legislature; the treatment of political parties; the independence of the judiciary and its ability to exercise the power of final judgement over Hong Kong law; and the Bill of Rights.

The House bill contains no comparable amendment.

Taipei Representative Office

The Senate amendment (sec. 606) redesignates the Taipei Economic and Cultural Representative Office as the "Taipei Representative Office".

The House bill contains no comparable provision.

The conference substitute (sec. 1603) permits the Taipei Economic and Cultural Representative Office to operate under the name of the "Taipei Representative Office".

Prohibition on the use of funds to facilitate Iraqi refugee admissions into the United States

The Senate amendment (sec. 609) prohibits funding for admission into the U.S. of Iraqi refugees currently residing in Turkey and Saudi Arabia.

The House bill contains no comparable provision.

The conference substitute (sec. 1254) requires a report on various aspects of the Iraqi refugee resettlement program. The main purpose of the report is to ensure that the resettlement of Iraqi refugees from Turkey or Saudi Arabia to the United States comports with all applicable immigration and refugee laws and policies.

Special envoy for Nagorno-Karabakh

The Senate amendment (sec. 610) expresses a sense of Congress that the President should appoint a special envoy to settle the conflict in Nagorno-Karabakh.

The House bill contains no comparable provision.

The conference substitute is identical to the House bill.

Efforts against emerging infectious diseases

The Senate amendment (sec. 612) directs the President to develop strategies to combat emerging infectious diseases. It requires the submission to Congress of a strategic plan, in cooperation with the international public health infrastructure, to identify and respond to the threat of emerging infectious diseases which pose a danger to the health of the people of the U.S.

The House bill contains no comparable provision.

The conference substitute (sec. 1604) is identical to the Senate amendment except the reporting date is changed to six months after enactment.

Report on firms engaged in export of dual-use items

The Senate amendment (sec. 613) requires the Secretary of State to issue a report every 180 days until 1998 discussing measures taken to prevent future lapses in the screening process and to coordinate government agencies involved in exports.

The House bill contains no comparable provision.

The conference substitute is identical to the House bill.

Middle East Peace Facilitation Act

The Senate amendment (sec. 615)

The House bill contains no comparable provision.

The conference substitute is identical to the House bill.

Housing Guarantee Program

The House bill (sec. 3251 & 3252) provides close-down funding for the Housing Investment Guarantee Program in accordance with GAO's recommendation. Loan losses and management problems have plagued this program. Sec. 3252, prohibits the issuance of any new guarantees under the HIG program after the date of enactment of this bill. Existing guarantees which have not been applied to loans are cancelled upon enactment of the bill.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1111) includes the two above-referenced House provisions that would terminate the AID Housing Guarantee Program and impose new penalties to forestall defaults on existing guarantees and increase collection on bad loans. Under these sections, no new guarantees would be issued. Existing guarantees which have not been used would be cancelled, except in South Africa. Borrowers which fall into arrears on a guaranteed loan will have AID assistance suspended until the borrower becomes current on the guaranteed loan, whereupon assistance is restored.

These provisions address the findings by the General Accounting Office that the U.S. has paid $542 million to cover the failure of 23 foreign governments to make payments on guaranteed loans and that another $600 million will have to be paid out to cover future defaults on the existing $2.7 billion in outstanding guarantees. That is a total projected loss of $1 billion, or 40 percent. Further, the GAO found that of the $542 million in claims paid, the U.S. government has failed to recover $409 million from the borrowers who failed to make payments on guaranteed loans.

Deobligation of certain AID funds

The House bill (sec. 3286) requires the deobligation of certain categories of economic assistance funds which have remained unexpended for more than three years after being appropriated. Deobligated funds are returned to the Treasury.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1616) is identical to the House provision which would de-obligate certain AID funds left over from prior years which have remained unspent. Under the provision, AID funds remaining unspent after 3 fiscal years would be de-obligated and returned to the Treasury. Exceptions are incorporated for funds devoted to long-term construction projects and projects delayed due to unforeseen circumstances.

This provision addresses a long-standing recommendation by the General Accounting Office that the AID "pipeline" be curtailed. In 1991 when GAO first made its recommendation, AID had $8.8 billion in funds left over from prior years. At the end of FY 1995, 5 years later, the amount was $8.5 billion, of which approximately $1 billion dated back more than 3 years. GAO found that although AID has authority to re-program funds when priorities change, AID has made very little use of this administrative flexibility. GAO further found that leaving AID funds unspent for many years leads to waste.

Limitation on assistance to countries that restrict the transport or delivery of United States humanitarian assistance

The House bill (sec. 3418) prohibits assistance to any country that impedes or prohibits the transport or delivery of U.S. humanitarian assistance. The ban on U.S. aid to countries impeding delivery of U.S. humanitarian aid to third countries would be waived if the President issued Congress a waiver stating the continued aid would be in the U.S. national security interest.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1617) is identical to the House bill.

Industrial park for Gaza or the West Bank

The conference substitute (sec. 1710) requires the President to report to the Appropriate Congressional Committees not later than 180 days after enactment of this bill detailing all actions taken by the U.S. government to establish an industrial park in Gaza or the West Bank and identifying all U.S. government funds intended for the development of such an industrial park.

The Congress finds that (1) extremists in Hamas and Islamic Jihad who reject the gains made since the signing of the Declaration of Principles have used terrorist tactics to force the closing of the territories; (2) these terrorists acts have exacerbated existing problems in Gaza is now experiencing staggering unemployment nearing fifty percent, increasing chaos and a downward spiral of dashed hopes and deepening poverty; (3) Israel's legitimate security concerns necessitate creative new methods of ensuring continued economic opportunity for the Palestinians; and (4) the development of industrial parks along the border between Gaza, the West Bank and Israel sponsored by individual nations provides an important means of providing both development for Palestinians while maintaining border security.

International Fund for Ireland

The House bill (sec. 3204) provided a funding cap from Economic Support Funds of $29.6 million in FY 1996 and $19.6 million in FY 1997 for the U.S. contribution to the International Fund for Ireland (IFI). The amounts made available are authorized to remain available until expended.

The House section also amended the Anglo-Irish Agreement Support Act of 1986 (P.L. 99–415) to require that U.S. contributions "shall" be used in a manner that effectively increases employment opportunities in communities with rates of unemployment "significantly" higher that the local or urban average of unemployment in Northern Ireland (defined as the counties of Antrim, Armagh, Derry, Down, Tyrone, and Fermanagh).

Under this section funding could be provided by the IFI only if individuals or entities receiving such funds are in compliance with the "principles of economic justice." The principles of economic justice are defined as the "MacBride Principles" as modified, include:

(1) Increasing the representation of individuals, from underrepresented religious groups in the workforce, including managerial, supervisory, administrative, clerical, and technical jobs,

(2) Providing adequate security for the protection of minority employees at the workplace,

(3) Banning provocative sectarian or political emblems from the workplace,

(4) Providing that all job openings be advertised publicly and providing that special recruitment efforts be made to attract applicants from underrepresented religious groups,

(5) Providing that layoff, recall and termination procedures do not favor a particular religious group,

(6) Abolishing job reservations, apprenticeship restrictions and differential employment criteria which discriminate on the basis of religion,

(7) Providing for the development of training programs that will prepare substantial numbers of minority employees for skilled jobs, including the expansion of existing programs and the creation of new programs to train, upgrade and improve the skills of minority employees,

(8) Establishing procedures to assess, identify and actively recruit minority employees with the potential for further advancement, and

(9) Proving for the appointment of a senior management staff member to be responsible for the employment efforts of the entity and, within a reasonable period of time, the implementation of the principles described above.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1615) reduces the funding cap from $29.6 million to $19.6 million for fiscal year 1996. The committee of conference also inserted "should" for "shall" in the Anglo-Irish Agreement Act amendment to provide the Administration with more discretion in implementing this section. The term significantly was determined to be redundant and was deleted from the referenced areas of high unemployment.

The section also includes the principles of economic justice to insure that these principles should be applied by those individuals or entities who receive any portion of the U.S. contribution to the International Fund for Ireland.

In addition a new provision was added to insure nothing shall require quotas or reverse discrimination, which is consistent with the intent and purpose of the MacBride principles.

Republic of China Taiwan participation in GATT and WTO

The committee of conference (sec. 1709) agreed to this provision (sec. 2709) expressing a sense of Congress on The Republic of Taiwan's membership in the General Agreement on Tariffs and Trade and the World Trade Organization.

BENJAMIN A. GILMAN,
BILL GOODLING,
HENRY J. HYDE,
TOBY ROTH,
DOUG BEREUTER,
CHRISTOPHER H. SMITH,
DAN BURTON,
ILEANA ROS-LEHTINEN,
Managers on the Part of the House.

JESSE HELMS,
OLYMPIA SNOWE,
HANK BROWN,
PAUL COVERDELL,
JOHN ASHCROFT,
Managers on the Part of the Senate.

PEACE AND SECURITY IN TAIWAN MUST BE MAINTAINED

(Mr. FUNDERBURK asked and was given permission to address the House for 1 minute.)

Mr. FUNDERBURK. Mr. Speaker, the absence of effective American leadership in East Asia is a major contributing factor to the current heightened crisis in the Taiwan Strait. For the past 25 years our relationship with the Communist People's Republic of China has been contingent upon a peaceful resolution of the Taiwan issue. Before the United States Congress enacted the Taiwan Relations Act, the executive branch of all administrations, from Nixon to the present, committed to the peaceful resolution on the future of Taiwan.

The current crisis in the Taiwan Straits seriously jeopardizes this understanding and the condition of the diplomatic relations between the United States and the People's Republic of China. We must send an unambiguous message to Beijing that the

United States will not stand by idly while the future of Taiwan is threatened. To this end the United States must stand ready to defend Taiwan against any resort of force or other forms of coercion that would jeopardize Taiwan's security.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members are recognized for 5 minutes each.

COMMENDING PRESIDENT CLINTON FOR SUSPENDING USE OF RACE- AND GENDER-BASED SET-ASIDES IN AWARDING OF FEDERAL CONTRACTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut [Mr. FRANKS] is recognized for 5 minutes.

Mr. FRANKS of Connecticut. Mr. Speaker, I commend President Clinton for suspending the use of race- and gender-based set-asides for the awarding of Federal contracts. These preferences are the most onerous aspect of affirmative action.

Last year I fought hard with an amendment to the defense appropriations bill to accomplish this same objective. However, that was not possible.

In October, President Clinton reviewed and quietly ended that practice for defense contracts. But today's broader executive branch decision marks the true beginning of the end for race- and gender-based set-asides.

Mr. Speaker, like all Americans, I want my children, Azia, Jessica, and Gary, Jr., to have an equal opportunity to succeed in this great country of ours. I want to them to know that, when selected, they are not just the best black person for the job, but that they are the best person for the job.

It has to be the goal of this Nation to have more blacks, Hispanics, Asians, and women of all hues on the playing field of economic opportunity and growth. We want to see more bids on Government contracts for minorities and women, not fewer than the handful received today. That will truly enhance the likelihood of more Government contracts going to minorities and women.

Mr. Speaker, outreach programs are essential. The are critical. Cabinet members and other high-level Federal officials must be held accountable for their outreach efforts. Once again, the Government should seek as many bids for minorities and women as possible, but once the bids are opened in the small business category, low bids should prevail regardless of one's gender or one's race.

I thank the President for his actions.

MEMBERS OF CONGRESS DO NOT HAVE TO SPEND TAXPAYER DOLLARS JUST BECAUSE THEY HAVE A TAXPAYER-FUNDED EXPENSE ALLOWANCE

The SPEAKER pro tempore. Under the previous order of the House, the gentleman from Alabama [Mr. BROWDER] is recognized for 5 minutes.

Mr. BROWDER. Mr. Speaker, today is, for me, personally, one of my finest moments on the floor of Congress since my 1989 special election.

Today, I become the founder, president, and only member of my self-declared "Million Dollar Turnback Club."

Just yesterday, I received notice from the Committee on House Oversight that the unspent balance from my representational allowance for 1995 is $198,990.30.

These 1995 savings, or unspent allowance, bring my total turnback to $1.2 million since I entered Congress in 1989.

As many people know, congressional offices are allowed approximately $838,000 a year for office expenses, staff, and postage. The amount when I first came to Congress was about $500,000. So, my total turnback amount means that I saved, or did not spend, about a quarter out of every dollar that I could have spent during that time.

When I first came to Congress, the political consultants told me to spend every dime of my representational allowance—send out mass mailings, hire all the staff you can, anything to boost your name identification and get you reelected. But, I did not want to do it that way.

I have always remembered that the money we use is taxpayers' money and they expect us to use it wisely and frugally. I made it a practice to watch my office expenses and provide the best service possible at the lowest cost possible.

Mr. Speaker, I would like to enter into the RECORD a letter from the National Taxpayers Union, which says, in part:

> DEAR REPRESENTATIVE BROWDER: I have just learned of your most recent effort to save taxpayer dollars through the frugal use of your congressional office account. Returning over $200,000, about 25 percent of your allotted budget, is certainly worthy of our thanks and praise. Your efforts are especially rewarding for taxpayers because the money returned must, for the first time, be used for deficit reduction.
>
> Your wise use of funds over which you have direct control has resulted in, as I understand it, the return of over $1 million to the U.S. Treasury in the last 5 years. That's a fine record that your constituents can reflect on with pride.

So, today I am going to sign this facsimile check for $1 million to the American taxpayer.

Clearly, not every Member of Congress can take the approach that I have taken because of their own philosophy of representation or the nature of their districts. And taxpayers know that I am not Ed McMahon and they are not going to be receiving this check in the mail.

But I want to dramatize this moment to demonstrate that we do not have to spend taxpayer dollars just because we have a taxpayer-funded expense allowance. And I also want our taxpayers to know that many of us do put public service above our own political careers.

NATIONAL TAXPAYERS UNION,
February 9, 1996.

HON. GLEN BROWDER,
U.S. House of Representatives,
Rayburn House Office Building,
Washington, DC.

DEAR REPRESENTATIVE BROWDER: I have just learned of your most recent effort to save taxpayer dollars through the frugal use of your Congressional office account. Returning over $200,000, about 25 percent of your allotted budget, is certainly worthy of our thanks and praise. Your efforts are especially rewarding for taxpayers because the money returned must, for the first time, be used for deficit reduction.

Your wise use of funds over which you have direct control has resulted in, as I understand it, the return of over $1 million to the U.S. Treasury in the last 5 years. That's a fine record that your constituents can reflect on with pride.

As you know, the National Taxpayers Union has for several years supported legislation by Representatives Tim Roemer and Dick Zimmer to ensure that any and all unused office funds returned by thrifty Members go only to reduce our annual deficits. You have contributed greatly to further that drive and we are most appreciative.

Again, please accept our thanks and compliments for your frugal management efforts as well as for your legislative leadership on this issue.

Sincerely,

AL CORS, Jr.,
Director, Government Relations.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BROWDER) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

Mr. BROWDER, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. FRANKS of Connecticut, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BROWDER) and to include extraneous matter:)

Mr. ANDREWS.

Mr. LANTOS.

Mr. DURBIN.
Mr. RAHALL.
Mr. HILLEARY.
Mr. COBLE.

ADJOURNMENT

Mr. BROWDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 14 minutes a.m.), under its previous order, the House adjourned until Tuesday, March 12, 1996, at 12:30 p.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2213. A letter from the Assistant Administrator, Environmental Protection Agency, transmitting a final rule under the Federal Insecticide, Fungicide, and Rodenticide Act [FIFRA], pursuant to 7 U.S.C. 136w(a)(4); to the Committee on Agriculture.

2214. A letter from the Secretary of the Army, transmitting notification that certain major defense acquisition programs have breached the unit cost by more than 15 percent, pursuant to 10 U.S.C. 2431(b)(3)(A); to the Committee on National Security.

2215. A letter from the Secretary of Defense, transmitting certification that certain officers currently serving in the Armed Forces of the United States have served satisfactorily in their current grades, therefore the Secretary has approved their retirements in the grades listed below: Leon E. Salomon, general, U.S. Army; Howard D. Graves, lieutenant general, U.S. Army; Robert J. Spane, vice admiral, U.S. Navy; and Richard M. Scofield, lieutenant general, U.S. Air Force, pursuant to 10 U.S.C. 1370(c); to the Committee on National Security.

2216. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report entitled "Country Reports on Human Rights Practices for 1995," pursuant to sections 116(d)(1) and 502B(b) of the Foreign Assistance Act of 1961, as amended, and section 505(c) of the Trade Act of 1974, as amended; to the Committee on International Relations.

2217. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a memorandum of justification for drawdown under sections 552(c)(2) and 506(A)(1) of the Foreign Assistance Act to support the provision of emergency antiterrorism assistance to the Government of Israel, pursuant to sections 506(b) and 652 of the Foreign Assistance Act of 1961, as amended; to the Committee on International Relations.

2218. A letter from the Vice President (Government and Public Affairs), National Railroad Passenger Corporation [Amtrak], transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2219. A letter from the Special Counsel, Office of Special Counsel, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2220. A letter from the Administrator, Panama Canal Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

2221. A letter from the Attorney General of the United States, transmitting the Attorney General's report entitled "Report on State Domestic and Sexual Violence Data Collection," pursuant to 42 U.S.C. 13962; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports on committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLILEY: Committee on Commerce. H.R. 2969. A bill to eliminate the Board of Tea Experts by repealing the Tea Importation Act of 1897 (Rept. 104-467, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROBERTS: Committee on Agriculture. H.R. 2202. A bill to amend the Immigration and Nationality Act to improve deterrence of illegal immigration to the United States by increasing border patrol and investigative personnel, by increasing penalties for alien smuggling and for document fraud, by reforming exclusion and deportation law and procedures, by improving the verification system for eligibility for employment, and through other measures, to reform the legal immigration system and facilitate legal entries into the United States, and for other purposes; with amendments (Rept. 104-469, Pt. 3). Referred to the Committee of the Whole House on the State of the Union.

Mr. GILMAN: Committee of Conference. Conference report on H.R. 1561. A bill to consolidate the foreign affairs agencies of the United States; to authorize appropriations for the Department of State and related agencies for fiscal years 1996 and 1997; to responsibly reduce the authorizations of appropriations for United States foreign assistance programs for fiscal years 1996 and 1997, and for other purposes (Rept. 104-478). Ordered to be printed.

DISCHARGE OF COMMITTEES

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 2202. The Committees on Banking and Financial Services, Economic and Educational Opportunities National Security, and Ways and Means, discharged from further consideration. Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. THOMAS (for himself and Mr. FAZIO of California):

H.R. 3058. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to extend the period for receipt of absentee ballots, and for other purposes; to the Committee on House Oversight.

By Mr. DURBIN:

H.R. 3059. A bill to direct the Secretary of Health and Human Services to prepare and publish annually a consumer guide to prescription drug prices; to the Committee on Commerce.

MEMORIALS

Under clause 4 of rule XXII,

204. The SPEAKER presented a memorial of the House of Representatives of the State of Georgia, relative to urging the Congress of the United States to reject the proposal to sell facilities used to generate electric power marketed by the Southeastern Power Administration; to the Committee on Resources.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H. Con. Res. 127: Mr. METCALF, Mr. LIPINSKI, Mr. RUSH, and Mrs. MEYERS of Kansas.

H. Con. Res. 144: Mr. RICHARDSON, Mr. SISISKY, and Mr. TEJEDA.

DISCHARGE PETITIONS

Under clause 3 of rule XXVII, the following discharge petitions were filed:

Petition 10, March 7, 1996, by Mr. STOCKMAN on House Resolution 210, was signed by the following Member: Steve Stockman.

Petition 11, March 7, 1996, by Mr. BARR on House Resolution 364, was signed by the following member: Bob Barr.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 9 by Mr. CONDIT on House Resolution 333: John S. Tanner.

EXTENSIONS OF REMARKS

LEDFORD HIGH SCHOOL VARSITY CHEERLEADING TEAM

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 8, 1996

Mr. COBLE. Mr. Speaker, as the college and high school basketball seasons move into high gear, we pause for a moment to give praise to one group closely associated with the sport of round ball which is often overlooked, namely the cheerleaders. These dedicated young people contribute much to the joy and enthusiasm which exists at our Nation's high school and college basketball games, as well as many other sporting events.

Of course, everyone knows that North Carolina is a basketball hotbed. We are proud of the level of basketball skills exhibited at the high school and college levels and that includes our cheerleaders. We think they are the best. Now, we have proof that the Sixth District of North Carolina is home to the best cheerleaders in our State.

The members of the Ledford High School varsity cheerleading team were declared State champs recently in the North Carolina State 2A cheerleading championships. The Davidson County high school squad, coached by Debbie Pope, won the State title which was sponsored by the North Carolina Cheerleading Coaches Association and recognized by the North Carolina High School Athletic Association.

The Panthers' cheerleading squad is comprised of team captains Heather Pitts and Courtney Troutman, as well as Shannon Montgomery, Chrissy Ayers, Lauren Garner, Leslie Varner, Kellie Jackson, Ashley Craven, April Kindred, Brittany Yountz, Mellisa Quinn, and Alicia Belle.

The most recent State championship is not the only trophy captured by the Ledford cheerleaders. The squad won the varsity dance/pom championship at UCA summer camp and the ECA regional championship in the varsity division. Ledford was also invited to the ECA Nationals. Three team members were selected as all-stars at UCA summer camp, and Chrissy Ayers was chosen to be a member of the West squad for the N.C. East/West All-State Cheerleading Team.

For winning this title, we offer our congratulations to Ledford principal Max Cole, athletic director Gary Hinkle, Coach Debbie Pope, the faculty, staff, students and families of Ledford High School. We are certain that the whole community is sharing in the excitement.

So, if you attend a sporting event at Ledford High School anytime soon, take special notice of the cheerleaders because they are State champions. From the citizens of the Sixth District of North Carolina, three cheers to the Ledford High School Varsity Cheerleading Team.

HOME EDUCATION

HON. VAN HILLEARY

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, March 8, 1996

Mr. HILLEARY. Mr. Speaker, I would like to insert Gov. Don Sundquist's proclamation declaring this week, March 4–10, 1996, "Tennessee Home Education Week," into the CONGRESSIONAL RECORD. I fully support this worthy proclamation, and I will continue to work to allow America's parents to have more control over their children's education.

STATE OF TENNESSEE—PROCLAMATION BY THE GOVERNOR

Whereas, Tennessee is committed to excellence in education and to public policy that strengthens the family; and

Whereas, Tennessee recognizes parental choice in pursuit of that excellence and the importance of parental involvement in education; and

Whereas, Tennessee appropriately and statutorily authorizes home education as an educational alternative, as well as recognizes the rights of parents to teach and train their children because of their religious beliefs; and

Whereas, home schools can afford families the opportunity to develop positive character qualities and instill desired values in their children; and

Whereas, parents rightfully have the final authority and responsibility for the care, upbringing and choice of education for their children; and

Whereas, home education was a predominant form of education in the early years of America, and many Americans such as George Washington, Patrick Henry, John Marshall, Robert E. Lee, Booker T. Washington, Benjamin Franklin, John Quincy Adams, Thomas Edison, Douglas MacArthur, Pearl S. Buck and Franklin Roosevelt were primarily educated at home; as well as many other diverse and creative Americans; and

Whereas, studies continue to confirm that children who are home educated score well on national achievement tests, exhibit self-confidence, and are fully prepared to meet the challenges of today's society; and

Whereas, it is appropriate that Tennessee home educators and home-educated children be recognized for their contribution to the diversity and quality of education in this great state,

Now Therefore, I, Don Sundquist, Governor of the State of Tennessee, do hereby proclaim the week of March 4-10, 1996, as Tennessee Home Education Week in Tennessee and I call this observance to the attention of all our citizens.

In Witness Whereof, I hereunto set my hand and caused the official seal of the State of Tennessee to be affixed at Nashville on this 30th day of June, 1995.

DON SUNDQUIST,
Governor.
RILEY C. DARNELL,
Secretary of State.

THE PRESCRIPTION DRUG CONSUMER INFORMATION ACT WILL HELP SENIORS REDUCE THEIR HEALTH CARE COSTS

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 8, 1996

Mr. DURBIN. Mr. Speaker, as the price of health care continues to rise, spending on prescription drugs becomes an ever-increasing burden for millions of Americans. A recent study by the PRIME Institute at the University of Minnesota College of Pharmacy shows that producer list prices for the 500 most prescribed drugs climbed an average of 4.6 percent in 1995. This 4.6 percent increase exceeds the 2.6 percent increase in Social Security benefits over the past year. Furthermore, the increase in prescription drug prices is more than twice the increase in the 1995 producer price index. As the prices of prescription drugs continue to outpace the general cost of living for seniors, these Americans on fixed incomes often face the choice between food and medicine.

Consumers and their doctors need comparative information about prescription drug prices to help them reduce spending on prescription drugs without compromising quality. But comparative information is not readily available. Prescription drugs do not sit on grocery shelves with separate price tags under each item. Even doctors often do not know the prices of medications and whether a less expensive but equally effective alternative is available.

The Prescription Drug Consumer Information Act of 1996 will make this essential information more available by directing the Secretary of Health and Human Services [HHS] to publish annually an easy-to-understand consumer guide to prescription drug prices that presents price and cost-effectiveness information by therapeutic category for easy comparison to other drugs and to other therapies.

The guide will provide consumers with the information they need to intelligently discuss the cost effectiveness of various prescription drug options with their doctors and pharmacists. The guide will also provide doctors with information that will help them determine the most cost-effective therapies for their patients. This information is not available anywhere else at this time. The increased availability of price information could also unleash free market forces to help reduce the cost of medications that are excessively priced.

This legislation directs the Secretary of HHS to publish a consumer guide to prescription drug prices annually, beginning no later than 2 years after the legislation is enacted. The guide will be made available electronically—that is, through computer networks—and in print. The Secretary may publish periodic bulletins that reflect changes in the prices in the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

consumer guide between the dates of annual publication of the guide. The consumer guide will be provided to public libraries free of charge. The Secretary will also provide the guide to individuals and other organizations for a reasonable fee which is not to exceed the cost of printing and distributing the guide. Organizations representing consumers, seniors, and health professionals will be encouraged to make the consumers guide widely available.

This legislation offers consumers a new tool to help them manage their prescription drug costs. Armed with price information, they will be in a better position to save money without cutting corners on their health care.

I strongly urge my colleagues on both sides of the aisle to join me in cosponsoring this legislation to help Americans fight the rising cost of health care.

TRIBUTE TO SENATOR JENNINGS RANDOLPH OF WEST VIRGINIA

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 8, 1996

Mr. RAHALL. Mr. Speaker, retired U.S. Senator Jennings Randolph of West Virginia will be 94 years old on March 8, 1996.

On this occasion, on behalf of myself and all West Virginians, I wish a happy 94th birthday to Senator Randolph, and we wish him many happy returns of the day.

Senator Randolph served the great State of West Virginia for 40 years, beginning in 1933—during Franklin Roosevelt's first 100 days as a Member of the U.S. House of Representatives.

Senator Randolph served in the House of Representatives from 1933 to 1947, and then, served in the U.S. Senate from 1958 until his retirement in 1984.

Known for his courtly manner and as the epitome of a southern gentleman, Senator Randolph could also be tenacious and unyielding as a proponent of the working men and women of West Virginia and the Nation. As a strong supporter of President Franklin Roosevelt's depression-era legislative remedies, he also followed another Roosevelt's maxim. It was Teddy Roosevelt who cautioned: Speaker softly, but carry a big stick. Even though Senator Randolph had a true orator's voice when he spoke on the floor, during meetings, or in public speeches to his constituents, it was during his one-on-one dealings with his colleagues that he used his softest voice, folded his massive hands into a supplicant's gesture, his words while gentle conveying that he said what he meant and meant what he said.

This philosophy that a soft voice turneth away wrath was especially evident when it came to legislation that addressed the needs of the coal miners in his State and throughout the country, and when he spoke for all blue collar workers everywhere whose rights he protected with every fiber of his being.

He never backed away from a fight over spending priorities either in the House, the Senate, or when confronted by one of the 10 Presidents under whom he served during his 40-year tenure of service to West Virginia.

Senator Randolph loved the House and the Senate, serving 14 and 26 years respectively in both bodies, and he did so with distinction. He was a legislator of integrity and style. He deserves the respect and admiration of all of us for the outstanding job that he did and the many contributions he made to both institutions.

If he were here today, he would be out in front, leading all those who can be heard calling for an end to name calling and for complete civility between and among Members of both the House and the Senate as they conduct the people's business. Senator Randolph was a stickler for correct demeanor at all times, and for keeping the House and the Senate in proper order. On the Senate floor he was often heard to call for order in the Senate. He strongly believed that Members of the Senate should come to the floor and vote from their seats—calmly and quietly—rather than milling about on the floor and in the well. And, of course, they seldom did so.

I am as much in awe of Senator Randolph's life of public service as I was when, in 1976, I was about to be sworn in as the then-youngest Member of the House of Representatives, and my respect for his achievements has but grown over the years.

More than anything else, I am proud to be associated as a West Virginian and as a Member of this House, with his record of leadership. The record will show that he acted always with clarity of thought; that he believed deeply in the inherent abilities and talents that lie within every American.

Senator Randolph was able to lead others, never through outrageous or revolting words or deeds, or through bellicosity or belligerence, but simply with an honest expression of confidence made quietly, a silent gesture or salute, or a humorous anecdote. And, if absolutely necessary, a gentle rebuke.

Senator Randolph treated each of us with the characteristic wit and wisdom of a true gentleman, embodying the finest traditions of the House and the Senate, and of this great country, which he loved dearly.

Senator Randolph now lives in a personal care home in St. Louis, MO near his eldest son Jay Randolph, and his grandchildren.

Again, Senator Jennings Randolph, happy 94th birthday.

NEW JERSEY'S PUBLIC PENSION FUND SHORTFALL

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, March 8, 1996

Mr. ANDREWS. Mr. Speaker, yesterday the Star-Ledger of New Jersey reported on the troubling situation of pension funds for New Jersey's public employees. Governor Christine Todd Whitman has used these workers' investments to pay for her campaign promises from 1993, which the State could not afford. When Governor Whitman ran short on money to pay for important programs like Medicaid and education, she either tried to cut them, or she simply stopped paying the government's full share of the State employees' pensions.

The result is a massive shortfall in State pensions, including a $2.5 billion unfunded liability in the teachers' fund alone. What allowed this to happen is a legal system that lets the Governor use inaccurate economic estimates, and a State legislature that proved willing to comply. Governor Whitman is balancing the New Jersey budget on the backs of the State's workers, who are seeing their retirement funds placed in the greatest of danger.

I have proposed a solution to this problem. In May of last year, I introduced legislation to grant State public employee pension beneficiaries the right to sue the State in a Federal court. My bill, H.R. 1683, does not stop a State from changing its contribution to retirement funds. Rather, it encourages the State to obtain the approval of a review board first. The board's primary responsibility will be the fund's economic health, not a political agenda. If a State uses such a panel, then any lawsuit filed by pension beneficiaries will be held to a much higher standard of proof.

My bill will put the fate of State employees not in the hands of political opportunists, but of people who know how to make a pension fund work for the benefit and security of its members.

LEONID KUCHMA, PRESIDENT OF UKRAINE, RECEIVES FREEDOM HOUSE 1996 FREEDOM AWARD

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 8, 1996

Mr. LANTOS. Mr. Speaker, I rise today to join Freedom House in paying tribute to His Excellency Leonid Kuchma, President of Ukraine. Recently he was the honored recipient of the Freedom Award for his contributions to regional stability and ethnic relations in the Ukraine. The award is given periodically by Freedom House, one of our country's oldest human rights groups. It was established in 1941 to encourage American public support for the struggle against Fascism, and through the years it has been a leading voice for tolerance, human dignity, human rights, and freedom.

Previous recipients of this distinguished award include Dwight Eisenhower in 1945, Edward R. Morrow in 1954, Winston Churchill in 1955, 15 Soviet dissidents in 1973, the Dalai Lama in 1991, and Czech President Vaclav Havel in 1991.

President Kuchma was honored at a gala dinner at the Mayflower Hotel in Washington attended by some 500 Government and congressional leaders, members of the diplomatic corps, corporate and business executives, leaders of the nongovernment organizations, and leaders of the Ukrainian-American community.

President Kuchma has served as President of Ukraine since July 9, 1994. His election marked the first democratic Presidential transition in the Republics of the former Soviet Union. His policy priorities have included initiating a program of market reforms, securing Western financial assistance to his country, normalizing relations with Russia, facilitating the passage by the Ukrainian Parliament of the Nuclear Non-Proliferation Treaty, promoting interethnic harmony, and strengthening Ukrainian statehood and security.

President Kuchma is an engineer by profession. He served as technical director of rocket testing at the Soviet Baikonur Space Center and as general director of the Southern Machine-Building Plant in Dnipropetrovsk, Ukraine. After serving 1½ years as a deputy in the Ukrainian Parliament, Mr. Kuchma became Prime Minister and served in that post from October 1992 until September 1993.

After leaving the post of Prime Minister, Mr. Kuchma became president of the Ukrainian Association of Industrialists and Entrepreneurs, which brought together top business leaders and managers from over 14,000 enterprises and workplaces throughout Ukraine. He also led the Interregional Block for Reform, a centrist faction in Parliament, until his election as President of Ukraine.

In his opening remarks at the gala dinner honoring President Kuchma, Ambassador Mark Palmer, former United States envoy to Hungary, praised the Freedom House democracy-building programs in Ukraine—a strategically important country of 52 million people which covers an area the size of France which lies in the very heart of Europe. He praised President Kuchma for his determined commitment to democracy and economic reform.

United States Ambassador at Large for the Newly Independent States, James Collins, underlined Ukraine's strategic importance in Europe, and cited President Kuchma for his contribution to regional stability and peace. He reiterated American material and moral support for Ukraine's efforts to preserve its national identity and build a truly pluralistic and free society while maintaining good relations with the West, and abiding international agreements on nuclear weapons and troop strengths in Europe.

Dr. Zbigniew Brzezinski, former National Security Advisor, the President and Freedom House Trustee, praised President Kuchma for moving firmly in the right direction and making his country a constructive partner in the international community. He also praised the courage and determination of the Ukrainian people who tenaciously maintained their language, customs, and history through centuries of foreign and Communist domination.

Following Ukraine's achievement of freedom at long last, it has demonstrated remarkable political stability. Dr. Brzezinski called attention to the fact that the transition to President Kuchma from his predecessor was a peaceful change carried out through free and fair elections—the first such transition in among all of the former Republics of the Soviet Union. The countries of Central and Eastern Europe and the former Soviet Union could earn much from Ukraine, Dr. Brzezinski noted. Ukraine has achieved relative ethnic stability, with Ukrainians, Russians, Jews, Poles, and Crimean Tatars living in relative harmony.

In his address accepting the award, President Kuchma assured American leaders that Ukraine wants to remain a part of Europe, and he pledged continued cooperation with NATO, the European Community, and other economic and regional organizations. The President said, however, that if Ukraine is to be successful in becoming an integral part of Europe, then the countries of Europe and their leaders must be willing to move toward Ukraine through economic cooperation, trade, and closer political links.

Mr. Speaker, I invite my colleagues in the Congress to join me in extending congratulations to President Kuchma personally—as well as to the Government of Ukraine and to the Ukrainian people—for this well-deserved and most appropriate honor. I also invite my colleagues to join me in paying tribute to Freedom House and to its leaders who played key roles in honoring President Kuchma—Vice Chairman of the Board Mark Palmer, Trustee Zbigniew Brzezinksi, and President Adrian Karatnycky.

HOUSING OPPORTUNITY PROGRAM EXTENSION ACT

HON. MICHAEL PATRICK FLANAGAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 8, 1996

Mr. FLANAGAN. Mr. Speaker, I rise today to commend the House on its passage of S. 1494, the Housing Opportunity Program Extension Act. This is an excellent bill which includes language from several bills passed by the House previously, including H.R. 117, the Senior Citizens Housing Safety Act of 1995.

The safety of America's seniors is important to each and everyone of us. S. 1494, like H.R. 117 ensures the safety of America's seniors living in public housing complexes. It toughens placement and eviction policies in order to protect residents of public and assisted housing programs from substance abusers. These provisions are the key reasons I cosponsored H.R. 117 and am in full support of S. 1494.

SENATE—*Monday, March 11, 1996*

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THUMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Divine Sovereign of this land, and Lord of our lives, You have blessed us in each period of our Nation's history with great leaders who trust in You and seek Your guidance. You have told us in the Scriptures that, "Righteousness exalts a Nation"—Proverbs 14:34; and "When the righteous are in authority, the people rejoice"—Proverbs 29:2. We thank You for all the women and men of both parties who have been called by You to lead our Nation here in this Senate. Each one is here by Your sovereign appointment to glorify You by seeking to know and do Your will.

Today we thank You for STROM THURMOND and the 42 years of faithful service here in the Senate. At this special time of recognition of his outstanding record of service to You and our Nation, we praise You for his leadership, wisdom, and strength. You have blessed him to be a blessing to his beloved South Carolina and to the Nation as a whole. We cherish our friendship with him and admire his patriotism. And now we press on to the work of this day seeking to glorify You in all we say and do. In Your holy name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator LOTT, is recognized.

SCHEDULE

Mr. LOTT. Mr. President, today there will be a period for morning business until the hour of 1 p.m., with Senators permitted to speak for up to 10 minutes each, with the exception of Senator MURKOWSKI of Alaska who has 15 minutes under his control.

At 1 p.m. today, the Senate will begin consideration of H.R. 3019, the continuing resolution appropriations bill. No rollcall votes will occur during today's session. However, amendments are expected to be offered today during the consideration of the bill. Senators should be reminded that there will be at least two rollcall votes beginning at 2:15 tomorrow afternoon. The first vote will be on invoking cloture on the D.C. appropriations conference report, to be followed by a vote on invoking cloture on the motion to proceed to the Whitewater resolution.

Mr. President, I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. MCCONNELL). There will now be a period for the transaction of morning business, with Senators permitted to speak for 10 minutes each. The Senator from Alaska is recognized to speak for up to 15 minutes.

Mr. MURKOWSKI. Mr. President, good morning.

CALIFORNIA LOW-LEVEL RADIOACTIVE WASTE FACILITY

Mr. MURKOWSKI. Mr. President, last Thursday, as chairman of the Senate Energy and Natural Resources Committee, I introduced legislation, along with my colleague, Senator JOHNSTON, the ranking member of that committee, to sell 1,000 acres of Federal excess land out in a California desert at a fair market value in order that Californians may finally begin to work for their low-level radioactive waste facility at a place called Ward Valley.

This is a step that the Governor of California, Gov. Pete Wilson, had asked us to take after the State of California has suffered from some 2 years of frustration at the hands of the Department of Interior.

The measure that Senator JOHNSTON and I have introduced to end this stalemate is virtually identical to the language the Senate previously agreed to in the reconciliation bill conference report. But there is an important difference, Mr. President. That important difference is that we want to remove the latest excuse of the Secretary of the Interior, Secretary Babbitt, who has voiced refusal to convey that land, and the rationale for that is pretty hard to explain at this time. Perhaps we will have some justification from the Secretary, but we certainly do not have it now.

What we have done is we have added an additional condition, and that is that California must provide its written comment and commitment to carry out additional environmental monitoring and protection measures based on recommendations of the National Academy of Sciences before the land transfer can be made. This should satisfy the Department of the Interior's objection. Indeed, if the Department of the Interior objects to this bill, it will be obvious that it is merely playing games and promoting delays.

With this bill, we are calling the Secretary's hand in a sense, and we will soon know if the dispute is about health and safety or whether it is about something else; perhaps raw politics.

For the sake of the other Senators who are listening, let me review a little history.

Back in 1980 and 1985, Congress gave to each State the steps necessary for the responsibility for low-level radioactive waste disposal. Let me say that again so there is no misunderstanding.

Low-level waste disposal is a State responsibility as deemed by Congress. There is, of course, appropriate Federal oversight in various ways, including congressional approval of interstate compacts, the oversight of the Nuclear Regulatory Commission, the oversight of the Environmental Protection Agency, and the application of all NEPA and other relevant statutes, including the Endangered Species Act.

But subject to compliance with all of those Federal requirements, States license their low-level facilities. The States are still responsible and are still accountable.

So having studied the rules of procedure some years ago, the State of California began the long process to site a low-level facility for the waste generated in California and its other compact States, including Arizona, North Dakota, and South Dakota.

Some 8 years went by, Mr. President, during the licensing process, costing more than $45 million. The State of California finally completed its task and awarded a license for a waste facility at Ward Valley out in the Mojave Desert.

We have seen opponents of the project ranging from the antinuclear activists to some of the West Hollywood movie stars who continue to oppose Ward Valley at seemingly every opportunity.

Obviously, California leads in advanced cancer treatment. They have biotechnology capabilities in various companies, and making new advancements. So there are sources of low-level radioactive waste falling off from these activities. Some in California do not believe that California should have to keep any of its radioactive waste. Some say, "Send it elsewhere," yet they want the jobs. They do not want the waste. So they continue to oppose, continue to litigate, continue to delay.

Where will we put the waste, Mr. President? It is not in the interest of California to leave it where it is, scattered all over the State.

Those in opposition, as I indicated, went to court. In many cases, the court challenges were virtually all but exhausted. All that remained was a simple administrative land sale from the Bureau of Land Management to the State of California, the kind of routine conveyance that would be normally handled by a BLM office.

California had met all the requirements of law and more and had passed every test, met virtually every challenge. Then suddenly we see the Secretary of the Interior—some have suggested on the behest of the White House—change the rules of the game. The Secretary of the Interior simply intervened and effectively kept the land sale from proceeding for more than 2 years, first, by considering new rounds of administrative hearings—that is always a handy dodge for decision—and then by ordering a review by the National Academy of Sciences on seven different issues of convention.

Mr. President, that plan backfired. The American Academy of Sciences' review turned out to be highly favorable to the Ward Valley site, much to their chagrin. At the conclusion of the Academy review, we had hoped that any remaining excuse for further delay would have evaporated. Unfortunately, that was not the case. The Ward Valley opponents continued their efforts to delay this, almost indefinitely it seems, like suggesting at each juncture a new study, a new hurdle, a new obstacle, and a new administrative roadblock of some kind.

The latest hurdle was directed on February 15 when Interior Deputy Secretary John Garamendi announced yet another round of followup studies to include tritium tests. California is not opposed to the tritium tests. The State is willing to conduct those tests. The problem, Mr. President, is that Interior wants the tests concluded prior to the land transfer.

The National Academy of Sciences did not say this was necessary or desirable. In fact, the Academy suggests ongoing testing should be undertaken in conjunction with the operation of the facility. There is a distinct difference here, Mr. President. The Academy suggests ongoing tests should occur in conjunction with operations. The Interior Department's actions, in my opinion, are merely a tactic to delay the commencement of operations at Ward Valley until after, well after perhaps, the next election, if one can believe that.

If we do nothing, Mr. President, and allow this land conveyance to be delayed, I can guarantee that there will be some new obstacle erected after the tritium tests are complete. As the National Academy of Sciences pointed out, tritium tests are difficult, tritium tests are often inconclusive. That is why they should not be rushed, they should not precede the conveyance. They should continue along with all other monitoring and testing measures that will be undertaken during the site's operation.

If we proceed with rushed tritium testing, we will likely end up with an inclusive result providing project opponents with yet another excuse for delay. At the very least, the project opponents will ask for another supplemental EIS to consider any new information. A new basis for further litigation or new strategies for delay would certainly be fabricated. These delays would simply just go on and on and on.

So what we have, Mr. President, is the Department of the Interior, lacking expertise or responsibility in matters related to the regulation of radioactive materials, aspiring to get in the business of nuclear regulation.

Even worse, the Secretary of the Interior is acting to usurp the statutory authority of the State of California to protect the radiological health and safety of its citizens through the State management and oversight of low-level radioactive waste disposal.

Quite often, Mr. President, the mere mention of the words "radioactive" or "nuclear" rouse public fear and emotion. It is bad enough when activists manipulate public fears to advance an antinuclear agenda, but when the Secretary of the Interior joins in, we simply have to put a stop to that kind of nonsense.

Some of my Senate friends may recall that we made low-level radioactive waste management a State responsibility in the 1980 and 1985 act, which was mandated in response to heavy lobbying by one group, the National Governors' Association.

It is interesting to note that at that time Arizona Governor Bruce Babbitt and Arkansas Governor Bill Clinton were prominent leaders in the National Governors' Association. Governor Babbitt even served on a special NGA task force recommending that low-level radioactive waste management become a State responsibility. Today, the Secretary of the Interior, Secretary Babbitt, is working to usurp and erode the very State authority he lobbied Congress for as a Governor. I find that most ironic.

The irony is not lost on the Governor of California, I might add. He has asked us for this legislation. Governor Wilson is concerned about the health, safety and welfare of Californians as a consequence of this low-level waste being spread out throughout California in a temporary type of storage until such time as a permanent low-level waste site can be opened.

Governor Wilson is aware that low-level radioactive waste is stored in hospitals, residential neighborhoods, in businesses and universities, at 2,254 sites in 800 locations across California, and the waste in these temporary sites are subject to accident, fires, floods, perhaps earthquakes as well.

If you oppose this bill, then you are, by necessity, arguing for the continued storage of these materials all over the State of California or the transportation of these materials across the United States to the only facility currently open to California, or any other State for that matter, and that is Barnwell, SC. That is the only site in the country we have for low-level waste.

Meanwhile, some hospitals in California are running out of room. Will this result in the curtailment of some cancer treatment or AIDS research that uses radioactive materials? Perhaps. Will this result in an accidental release at one of these disposal locations as a consequence of fire, flood, or earthquake? Perhaps. We can only hope, of course, and pray that that will not happen. But that is our exposure, Mr. President.

To summarize, this is a simple, directed land sale that does what this administration should have done a long time ago. If we fail to do this, we not only create problems for California, Arizona, North Dakota, South Dakota, and others in the Southwestern Interstate Compact; we also challenge the viability of the Low-Level Radioactive Waste Policy Act and the policy of State responsibility on which it was based.

A June 16 editorial in Science magazine, published by the American Association for the Advancement of Science, a prestigious and respected scientific organization, perhaps said it best. And I quote:

> The risks stemming from one carefully monitored Ward Valley low-level retrievable waste site are trivial in comparison with those from 800 urban accumulations. Enough of groundless fears and litigation.

Mr. President, we have indeed had enough of groundless fears and certainly enough litigation. This is almost a full-employment act for some of the attorneys that specialize in nuclear waste.

The time has come to act. We as leaders must decide whether we want to base our actions in this area on the professional judgments of respected scientists whom we can hold accountable, or whether we want to take our advice about radioactivity from Hollywood entertainers and activists who host fund-raisers in their Beverly Hills mansions or Malibu beach houses.

Mr. President, it is time to recognize that this decision should be made, as it has been to date, by the best science and technology available. Certainly, the National Academy of Sciences in its recommendation simply says that this site is adequate.

Additional monitoring should occur, but let us get on and make the decision and stop the rhetoric. We have had enough antiscientific rhetoric. Let us stand up to those who would manipulate, who would inflame public fears, and fail to recognize their obligation. That is, if they are going to criticize the best advice from the experts that we have, then they better come up with an alternative. These people not only are fearful but absolutely refuse to accept that responsibility.

So, Mr. President, I urge my colleagues to work for the passage of this bill. Let California have the responsibilities and prerogatives it was promised when this Congress passed the Low-Level Radioactive Waste Policy Act. It is now time to move.

I thank the Chair and I yield the floor.

Mr. HATCH. Mr. President, I yield, without losing my right to the floor, to the distinguished Senator from Vermont.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont.

TRIBUTE TO MORTON GOULD

Mr. LEAHY. Mr. President, almost exactly a year ago in April, I was traveling outside the country and was able to get hold of a copy of the New York Times. In it was a list of the Pulitzer Prize winners. Under "Music" was listed Morton Gould, "Stringmusic."

> Morton Gould, an 81-year-old composer who lives in Great Neck, NY, won for a 30-minute work that was commissioned by the National Symphony Orchestra and given its premier by that ensemble, conducted by Mstislav Rostropovich, at the Kennedy Center in Washington on March 10, 1994.

It then goes on and describes the music. That small piece could not describe what an unbelievable talent Morton Gould had. That is why I and so many others were saddened when he recently died suddenly at the age of 82. Even then, though working actively, he was about to address a group in Orlando and continued to be the prolific and talented musician he had been throughout his life.

I was able to meet him and get to know him over the years. In customary form, after I wrote him to congratulate him on the Pulitzer Prize, he wrote back a long, hand written note in which he joked about what he knew was a great honor and sort of minimized it, although one could tell how pleased he was. This is a man who was accustomed to honors but was not swayed by them, a man who knew he had the gratitude and the esteem of his peers, but did not revel in it, but rather worked with his peers constantly.

I find it a matter of great personal pride to have known him, as I said, for years, since the days my friend Ben Palumbo first introduced us up to the time of his death. Like so many Americans, we will continue to know him through his music. This is music that is truly timeless.

I ask unanimous consent a report sent out regarding his death be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

KEN SUNSHINE CONSULTANTS, INC.,
New York, NY, Feb. 21, 1996.

COMPOSER/CONDUCTOR MORTON GOULD DIES AT 82

Former ASCAP President Morton Gould, one of the century's most celebrated American composers and conductors, died suddenly this morning in Orlando, FL at the age of 82. Gould was visiting the Disney Institute in Orlando as an artist-in-residence. Last evening, the Institute honored him with an all-Gould program performed by the U.S. Military Academy Band. Gould attended the concert and received a standing ovation. According to the Institute, a second all-Gould concert scheduled for this evening will go on as planned.

Gould received the Kennedy Center Honor in 1994 and the Pulitzer Prize in Music in 1995. He was elected to the American Academy of Arts and Letters in 1986. In addition, Gould was an Award winning recording artist, with 12 Grammy nominations and a Grammy award in 1966. Gould served on ASCAP's Board of Directors for over 36 years, and led the Society as President from 1986 to 1994.

Gould's contributions spanned eight decades and included significant works for orchestra, chamber ensemble, band, chorus and soloists, as well as scores composed for film, television, Broadway and ballet. Throughout his career, Gould's work was particularly "American," making use of such "roots music" styles as jazz, blues, spirituals and folk music.

His music has been performed by every major American orchestra under the direction of such eminent conductors as Fritz Mahler, Arturo Toscanini, Leopold Stokowski, Sir Georg Solti, Andre Previn, Leonard Slatkin, Eugene Ormandy and Arthur Fiedler. As a conductor, Gould led countless orchestras throughout the world and recorded over 100 albums.

Among his major compositions are *Latin American Symphonette, Derivations for Clarinet and Band* (commissioned by Benny Goodman), *American Salute, Spirituals for Orchestra,* "Boogie Woogie Etude" and "Pavane." His collaborations with top choreographers include *Clarinade* and *Audobon* (George Balanchine); *Interplay* and *I'm Old-Fashioned* (Jerome Robbins); *Halftime* and *Santa Fe Sage* (Elliot Feld); and *Fall River Legend* (Agnes DeMille). His film scores include *Delightfully Dangerous, Windjammer* and *Cinerama Holiday*. Notable Gould TV scores include *Holocaust, F. Scott Fitzgerald in Hollywood* and CBS' *World War I Documentary*. Gould composed two Broadway scores, *Arms and the Girl,* with lyrics by Dorothy Fields, and *Billion Dollar Baby,* with lyrics by Betty Comden and Adolph Green. More recent works include three major commissions celebrating the 1976 Bicentennial, *Symphony of Spirituals, American Ballads* and *Something To Do*. In 1992, he was commissioned by the Pittsburgh Symphony Association to compose *The Jogger and the Dinosaur,* a concert piece for rapper and orchestra.

Morton Gould was born on December 10, 1913 in Richmond Hill, New York. A child prodigy, he composed and published his first work, "Just Six," at the age of six. Growing up during the worst years of the Great Depression, Gould's music studies were curtailed by his need to help support his family. He found work as a vaudeville pianist, backing the famous ballroom dance team, Renee and Tony DeMarco, and was part of a piano duo with Bert Shefter.

As a teenager, Gould was house pianist for the 1932 opening of Radio City Music Hall. He was a pioneer of live radio broadcasts as the star, host and conductor of long-running national music programs on the Mutual and CBS Radio Networks. His radio shows featured leading figures from the symphonic and popular music worlds, including Frank Sinatra, Benny Goodman, Lauritz Melchior and Duke Ellington. His Cresta Blanca theme was among broadcasting's first major commercial jingles.

Gould joined ASCAP in 1935 and was long active in many ASCAP and ASCAP FOoundation programs. A tireless advocate for new American composers, he was constantly seeking opportunities to help expose their work. He also served with distinction on the Board of the American Symphony Orchestra League and on the National Endowment for the Arts Music Panel.

Commenting on Gould's passing, ASCAP President and Chairman Marilyn Bergman said: "America has lost one of its most distinguished composers and conductors, and the creative community has lost one of its great leaders. No one I know was more respected and loved here at ASCAP and throughout the world for both his musicianship and his great humanity. His vigor, his wit and his spirit led us to believe he would live forever. And in fact, through his music and the legacy he left us, he will."

Gould, who resided in Great Neck, NY is survived by two daughters, Deborah Gould of Brooklyn, and Abby Burton of Plainview; two sons, Eric of Great Neck and David of Port Washington; and eight grandchildren.

Funeral services will be private. A memorial is being planned by ASCAP; the date will be announced shortly.

Mr. LEAHY. Mr. President, I must repeat what a great privilege it has been to have known Morton Gould over these years.

Mr. HATCH. I join in the remarks of my distinguished friend and colleague from Vermont. Morton Gould, was a very, very important and fine person in my life, as well. He actually went out of his way to be friends with me. Although I believe Morton is a strong liberal Democrat, he went out of his way to show kindness to this conservative Republican Senator through many of the years as we have worked on patents, copyrights, and trademarks.

As the Senator from Vermont, Senator LEAHY, and I have known together, Morton Gould was not only one of the greatest musicians and writers who ever lived in this country, he was a person of immeasurable charm, kindness, diplomacy and ability—not just in music, but in working for the best interests of music. He literally became one of the stalwart people in the history of this country in the field of music.

I want to personally pay my deep and utmost respects to him and to his family, wish them well, and express my sympathy to them. This was a very, very great man. He not only was great in one genre but he was great in all musical genres and deserves the respect and the remembrance of every American, many of whom do not even realize they benefited immensely from the beautiful music Morton Gould has written, and music he has collaborated with others to write. I would feel badly if I did not join with the distinguished Senator from Vermont in paying tribute to this wonderful man and the tremendous life he lived.

Mr. LEAHY. Will the Senator yield?

Mr. HATCH. I am happy to yield to the Senator.

Mr. LEAHY. I think, Mr. President, my friend from Utah would agree with me that the various times he and I were with Morton Gould and talking about these copyrights and other issues, not only did we find that a pleasant chore, but we usually left the meetings still chuckling and smiling over things that he had said to us, and just from the pleasure of his company.

Mr. HATCH. I agree with my distinguished colleague. Morton Gould was a scintillating person to be around. Everybody who came in his presence was lifted one way or the other—not just by music but by his very fine personality and deep felt kindness he showed to people as a whole in this country.

I want to express my deepest regard for him and my sympathy to his family, his associates and others who worked with him through the years. I thank my colleague for his kind remarks with regard to Morton Gould.

TEENAGE DRUG USE

Mr. HATCH. Mr. President, the Senate recently confirmed Gen. Barry McCaffrey to be the Nation's new drug czar. He had to leave the military service to take this position. He has a tough job. I have high hopes for him and I compliment him for accepting this job and accepting this challenge, because he could have gone even higher in the military than he was, and it was pretty difficult to go much higher than Barry McCaffrey already was. He was willing to do this. His father told him he should do this in the best interests of our Nation and our young people.

I have to say, during the last few years I have been critical of President Clinton's lack of leadership on the drug issue. On September 29, 1993, I called upon editorialists and columnists to draw attention to the drug issue and the need for Presidential leadership. At an October 20, 1993, Judiciary Committee hearing, I said, "Thus far, this administration has been sending a terrible signal to our country: drug control is no longer a national priority."

I quoted A.M. Rosenthal's observation that President Clinton's interest in fighting drugs can be summed up as, "No leadership. No role. No alerting. No policy." I cited a University of Michigan study that even then showed that the decline in drug use among our Nation's young people, which began during the Reagan-Bush years, had virtually halted and marijuana and LSD use were even then on the rise, and that was back in 1993. I have repeated these warnings—often with support from Members on the other side of the aisle, especially the Senator from Delaware, Senator BIDEN.

President Clinton has let the country down because of his failure to lead on the drug issue. Americans expect moral leadership from their President on an issue like this. We have gone from a Just Say No Program under President Reagan, to pleading with President Clinton to just say something. If the President is finally beginning to speak out more because it is a political year—I know he just held a conference on some aspects of this problem—then I say it is better late than never. I commend him for it. We need him to use the bully pulpit to speak out against drugs and to set an example for our youth of this Nation.

Others agree with me. Last month, Diane Barry, communications director of Join Together, a national resource clearinghouse of more than 3,000 substance abuse organizations, said that, until recently, President Clinton "hasn't used the bully pulpit to keep attention on this issue." Incidentally, after slashing the drug czar's office in 1993 from 147 positions to 25 positions, President Clinton, in this campaign year, now wishes to beef up that office. For whatever motivation, for whatever reason, I am pleased that he is willing to do so. I commend him for it.

The February 16–18, 1996, USA Weekend, contains an article entitled, "The New Pot Culture," by Monika Guttman, which notes that, "Marijuana is back, more available and acceptable than before. * * * Today, marijuana is openly promoted at concerts, on CD's, even on clothes—sending teens a message of social acceptance that alarms many experts."

The February 20, 1996, New York Times reports on a nationwide survey by the Partnership for a Drug-Free America. That survey found that the use of marijuana by adolescents is "bound[ing] back after years of decline * * *" The survey noted, "A profound reversal in adolescent drug trends is continuing with teen-agers more tolerant about marijuana and drugs in general. * * * Today's teens are less likely to consider drug use harmful and risky, more likely to believe that drug use is widespread and tolerated, and feel more pressure to try illegal drugs than teens did just 2 years ago." Mr. President, this is a disaster for our country.

According to the New York Times article, the survey attributed this reversal "in part to a glamorization of drugs in pop music, movies and television shows and to an absence of national and community leadership in discouraging experimentation with drugs."

The Times article goes on:

> . . . specialists in drug use like James E. Burke, chairman of the Partnership for a Drug-Free America, and Dr. Lloyd D. Johnston, a social psychologist at the University of Michigan's Institute for Social Research, see a link between the increase in the use of marijuana by teen-agers and fewer warnings by politicians, the press, and the entertainment industry. Nancy Reagan's admonition to "just say no," while ridiculed by her critics, presaged a fall in illegal drug use by adolescents in the 1980's, specialists say.

Regrettably, as the USA Weekend article notes, after 13 years of decline, pot use is rising again. Between 1992 and 1994, marijuana use among teenagers nearly doubled. The percentage of high school seniors who think occasional pot smoking puts them at "great risk" declined from 40.6 percent in 1991 to only 25.6 percent in 1995. In fact, so many studies show teen pot use climbing rapidly that Steve Dnistrian of the Partnership for a Drug-Free America contends "we face a possible epidemic."

This is happening on President Clinton's watch.

Drug use during the teen years, notes John Schowalter, clinical director of the Yale Child Study Center,

> . . . can have lifelong consequences. In the teen years, . . . social, educational and physical development is taking place at the fastest rate ever except for a child's first year. [Pot] will completely mess up their reality testing. Besides, regular pot use makes kids less interested in school, sports and other activities, adds Schowalter . . .

The USA Weekend article continued:

> Why, then, after more than a decade of decreasing interest, are more teens toking? The most-cited explanation points to a generation of adults for whom pot was almost a rite of passage. Many parents "had an experience with marijuana and don't consider it as serious as other drugs," says U.S. Health and Human Services Secretary Donna Shalala. Susie Williams Manning, director of an adolescent alcohol and drug program in Lexington, S.C., says she often sees that dynamic at work with client families: "I've had parents tell me they'd rather see their child smoke dope at home than go out and use alcohol."

That is abominable.

When I raised this very point a few weeks ago, and I suggested that the Clinton administration's lack of leadership in speaking out against this menace stems in part from the fact that some in the administration may have grown up experimenting with marijuana, it was suggested on behalf of the administration, perhaps facetiously, that this was a canard. Just listen to this:

> "One of the things we learned in the '80s [when marijuana use declined] is [that] when all sectors of society speak in unison, it's heard," says Lloyd Johnston, author of the University of Michigan's respected annual teen drug study. "Now we've seen an erosion of that single voice, and [teens get] either no voice in some quarters or conflicting voices in others."—USA Weekend.

We have to get parents talking to their children about this. Grandparents, aunts, uncles, and everyone should be impressing upon our young people not to damage themselves with drugs, marijuana or otherwise. If parents experimented with marijuana or other drugs in their youth and might feel hypocritical about telling their kids not to do so today, then, for your kids' sake, please get over it. Some experts advise that parents tell their children that if they had it to do over again, they wouldn't have used the stuff. Do not glamorize or wax nostalgic about your past drug use in front of your kids. Make it clear to your kids you do not want them to use pot or other drugs. Tell them about the other things in life—art, literature, sports, and so much else—that they should turn to for stimulation.

For those adults who do not think marijuana use is as troublesome as I make it out to be, let me quote from the USA Weekend article again:

> Age is down. Users are starting younger. In the 1992 Adolescent Drug Survey, the average age of first-time users dropped to between 13 and 15, from 14-17 the year before. Treatment centers report 12- and 13-year-olds enrolling, formerly a rare event.
>
> The effects now are clear. Unlike the drug experimentation days of the 1960s and '70s, the effects pot use now have been studied extensively. Among the conclusions: Marijuana reduces coordination; slows reflexes; interferes with the ability to measure distance, speed and time; and disrupts concentration and short-term memory. According to Donald Tashkin at the UCLA Medical School, there are also cancer risks: A marijuana smoker is exposed to six times as many carcinogens as a tobacco smoker.
>
> Quantity is up. Kids today smoke larger amounts than their elders did, thanks to innovations such as "blunts": short cigars hollowed out and restuffed with pot or a pot-and-tobacco mix. Marijuana is now often laced with other drugs, as in "primos," with cocaine and "illies," with formaldehyde, making the smoker ill. Result: In 1994, 50 percent more 12- to 17-year-olds ended up in emergency rooms for smoking pot as in 1993.
>
> Potency is up. The pot teens smoke today is not their parents' cannabis. The U.S. Drug Enforcement Administration says the THC, or primary psychoactive chemical, of pot on the street has doubled in the past decade, thanks to sophisticated cloning and genetic manipulation . . . Sample review in High Times magazine: "three hits and you're absolutely, totally and righteously screwed up for hours."
>
> And it's now understood that pot serves as a "gateway" drug. A 1994 study by the Center on Addiction and Substance Abuse found 43 percent of teens who use pot by age 18 move on to cocaine.

Everybody ought to read this article.

The article notes that a variety of cultural factors have helped contribute to this very disturbing trend of increased teenage use of marijuana, a point I recently made on the Senate floor. One factor is permissive references to pot use on television, citing an example I used, the Roseanne and Dan Conner characters smoking pot in the bathroom on "Roseanne". Similar references in the movies contribute to the problem. No one is talking about censorship, but greater responsibility among producers, studios, directors, actors, and musicians, would be helpful.

> Merchandise and clothing with marijuana symbols are popular items nationwide in stores frequented by teens. "Some people are influenced by images," [said one teenager] . . . "You see it on TV all the time."

Part of the problem may well be, on the one hand, a reaction to the materialism some teenagers may see around them, or to what appear to be limited prospects for their future that other teens feel confront them on the other.

I do not have all the answers, but I do know political, religious, civic, sports, and entertainment figures must all speak out more vigorously, more vigorously than they are doing today.

Our teenagers have to hear that there is more to life than the immediate gratification they may think they will get from pot or other drug use. They need to know what can really happen to a drug user, such as some of the things I mentioned earlier. With Elaine and I, and 6 children and 15 grandchildren, I know that it can be difficult to get across a message without sounding preachy. It is not so easy to tell a grade schooled or a junior high school youngster about life's vast possibilities and make it seem very real. We should not underestimate the influence we can have on our children, our nephews and nieces, and our grandchildren. We must talk to them.

Moreover, the adults in our children's lives can do more than talk about it. We can take our kids to the local library and open up all of the worlds one can find there. We can read with our children when they are young. We can take them to sporting events or museums. We can show them local historical sites. We can interest them not only in our country's history, but in their own cultural heritage. We can help them get involved in sports, scouting, or other recreational activities. If religion is a part of your life, as I hope it is, perhaps you can help make it a part of your children's lives. Our children can be a part of something of interest to them that they must understand will be destroyed by the use of drugs. By helping our young people be involved in wholesome activities, the antidrug message becomes more than just plain talk.

For those young people whose social or economic circumstances, or immediate prospects, cause them to doubt that their future is going to be worthwhile, we have to try very hard to reach them. This feeling of despair can afflict children of any race or ethnic background, and it can occur in an inner city, an affluent suburb, or a rural town. And I know that exhortations alone are not enough if people are trapped in violent, drug-infested neighborhoods. The kind of needed public and private policies, involving a wide range of community resources, to provide greater opportunity for youngsters are really beyond the scope of these remarks. But such policies are part of what we need to do as a society to combat the drug scourge. And, adults must lend a hand.

But if I could speak to those of our young people who feel such despair, I would urge them to start with their most precious resource of all—themselves. I would say to them, Mr. President: your dignity as a human being, regardless of color, ethnicity, religion, or gender, is your birthright. And drugs are not going to help you go anywhere but down.

Another point must be made to children and young adults. No one can take away your reputation, your good name—you can only give it away. Do not let the drug dealer take away your chances for success or your dignity. Do not let a friend sway you from what you know is right.

Mr. President, we all must do more to help our young people avoid drug use. We must help show them the way. And we need strong moral leadership from our country's leaders. The very future of our country is at stake.

We need strong examples from our country's sports figures, our country's business leaders, our country's entertainment leaders, and our country's political leaders—in fact, from leaders of every type and variety. And we need more of our religious institutions speaking out against the illicit use of illegal drugs in the best interests of our children and our young people today. But really it is society as a whole.

So I hope that we will all continue to work harder. I intend to help General McCaffrey as much as I can to do his job, and I believe he will be a great drug czar. And I am going to give everything I can to assist him and help him to be able to accomplish that work in a way that will be beneficial to everybody in America.

Mr. President, I appreciate this opportunity to mention some of these things. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LUGAR). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JEREMY ROYAL: NATIONAL HIGH SCHOOL HEISMAN AWARD WINNER

Mr. HEFLIN. Mr. President, I am proud to announce that Alabama's own Jeremy Royal is the recent recipient of Wendy's High School Heisman Trophy. Young Jeremy is a senior at Altamont High School in Birmingham, where he is valedictorian of the class of 1996. This is a truly remarkable honor, since Jeremy was one of over 8,000 nominees for the national award.

The High School Heisman Trophy recognizes not only athletic achievement, but also all-around scholarship and citizenship, all of which Jeremy possesses in huge quantities. He is truly one of the leaders of his generation as we head into the next century.

I ask unanimous consent that an article from the school paper, the Altamont News, be printed in the RECORD following my remarks. It tells of the remarkable achievements of Jeremy Royal which led to his selection as the High School Heisman Trophy winner. I join his family, friends, teachers, coaches, and school officials in congratulating him and wishing him all the best for what appears to be a bright and limitless future.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Altamont News, Winter 1996]

JEREMY ROYAL WINS HIGH SCHOOL HEISMAN

(By Sarah Whiteside)

The philosopher Socrates believed that physical and mental fitness were a duty both to oneself and to the polis. Jeremy Royal, valedictorian of the class of '96 and winner of the Wendy's High School Heisman Trophy, exemplifies this Socratic ideal. This award, which emphasizes scholarship, athletics, and citizenship, recognizes Jeremy's contributions both to the Altamont community and to the community at large. The committee of judges, after rigorous competition from a field of over 8,000 nominees, selected Jeremy for this national honor.

Among Jeremy's academic honors are the Yale Book Award, which is given annually by the faculty to an outstanding junior; the Smiley Award, which recognizes the most outstanding sophomore; and the Scholastic Award, which he has earned each year. In addition, he was named a National Merit Semi-Finalist. Jeremy has achieved these notable academic honors while maintaining a rigorous athletic program in tennis, basketball, and soccer. His skill, dedication, and determination have resulted in outstanding personal and team records in all three sports, as well as in his serving as team captain and in receiving Most Valuable Player awards.

Jeremy's commitment to community is just as strong as his commitment to academics and athletics. Within the Altamont community he has served each year as student council representative, as director of the Forum for Cultural diversity, as a member of the Honor Society, and as Latin Club president. His contributions to the larger community include serving as Make-a-Change volunteer for the National Council of Christians and Jews and as a delegate to Anytown, participating in the Birmingham Youth Leadership Forum, and volunteering as a counselor at a camp for pediatric cancer patients.

Jeremy's classmates and teachers were delighted and thrilled with the national recognition of his accomplishments and dedication. But we were not surprised, for we knew that there could be no other student in the country so deserving of the Heisman Trophy.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, a vast percentage of Americans don't have the slightest idea about the enormity of the Federal debt. Ever so often, I ask groups of friends: How many millions of dollars are there in a trillion? They think about it, voice some estimates, most of them wrong.

One thing that they do know is that it is the U.S. Congress that ran up the enormous Federal debt that now exceeds $5 trillion. To be exact, as of the close of business Friday, March 8, the total Federal debt stood at $5,017,686,664,137.86. On a per capita basis, every man, woman, and child in America owes $19,045.56 of this debt.

CHINA'S AGGRESSION AGAINST TAIWAN

Mr. FORD. Mr. President, it has been said that freedom always entails danger. So perhaps we here, in a country that has seen our share of battles on behalf of liberty and democracy, should not be surprised by China's latest action against Taiwan.

It is no coincidence that China has planned to hold missile tests off of Taiwan's coast during that country's first democratic Presidential elections. But despite China's predictable behavior, it is no less a violation of all that we hold dear to us here in this freedom-loving country.

China's latest act of coercion will accomplish nothing more than to further tarnish her image as a country whose human rights abuses seem to know no borders and no boundaries.

This latest action comes at a time when Taiwan is about to embark on what democratic countries as our own often take for granted—the free and open elections of our leaders.

By conducting missile tests off the shores of Taiwan—the third testing since Taiwan's President Lee Teng-hut visited the United States last June—China is not only effectively shutting down the two largest commercial ports in Taiwan, it is sending a message to the people of that country that their liberty is constantly in jeopardy.

I want my colleagues to be aware that these tests not only will affect Taiwan's exports and imports in the short term, but are bound to have long-term effects as well. Some analysts put the loss at as much as 20 percent for both imports and exports.

Those are losses that will be felt around the world, including my home State of Kentucky here exports to Taiwan ran close to $73 million in 1994.

This does not even begin to touch on the repercussions for the financial markets from the predicted selling of the Taiwan dollar to driving share prices into a further slump. These financial backlashes will be long felt both in Taiwan and around the world.

And yet, these fiscal concerns probably are not foremost on the minds of a nation who fears first for the safety of her people. One account I have read says that nobody trusts the accuracy of Beijing's weapons, and that even the slightest misfire could hit inhabited areas. Even if these weapons are unarmed, the impact would be enormous if smashed into Taiwan.

Mr. President, let me close by asking my colleagues to remain ever alert to China's actions against this fledgling democracy. They have made their coercive intentions abundantly clear and we should not waver in our belief that nations must adhere to a certain international code of conduct.

I would also call on the administration to continue to monitor the People's Republic of China and to take the necessary steps toward assuring that China understands, in no uncertain terms, that Taiwan must be afforded its due respect in accordance with that international code.

As the leader of the free world, we can do no less than send a clear message of how this behavior is simply unacceptable.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

BALANCED BUDGET DOWNPAYMENT ACT, II

The PRESIDING OFFICER. Under the previous order, the clerk will report H.R. 3019.

The bill clerk read as follows:

A bill (H.R. 3019) making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, this afternoon, the Senate begins consideration of H.R. 3019, the omnibus appropriations bill, providing funding for the departments and agencies normally covered for the five regular fiscal year 1996 appropriations bills. These are appropriations bills that have not yet become law, and this legislation is necessary because the existing funding authority under the provisions of Public Law 104-99 expires this Friday, March 15.

After I have concluded my opening remarks, I will offer a substitute amendment on behalf of the Appropriations Committee incorporating the text of S. 1594, as reported from our committee last Wednesday. Senate report 104-236 explains the committee's recommendations on the measure. We are taking the unusual step of reporting an original bill to be offered as a substitute to the House to expedite the Senate's consideration of this necessary legislation.

Mr. President, the committee substitute provides funding that would normally be included in the five regular fiscal year 1996 appropriations bills that have not become law. These are Commerce, District of Columbia, Interior, Labor-HHS, and VA-HUD. Three of those five—Commerce, Interior, and VA-HUD—were vetoed by the President. The committee has attempted to respond to the President's objections listed in his veto message and to modify objectionable language in the two bills remaining before the Congress in hopes of clearing procedural roadblocks and earning the President's approval, finally bringing an end to our fiscal year 1996 appropriations process.

For example, in the Commerce portion of our committee substitute, we have responded to the President's concern about the Cops on the Beat Program by earmarking $975 million, within the $1.9 billion block grant, exclusively for that program. An additional $25 million was earmarked for drug courts. Additional funding was also provided for the Legal Services Corporation, the Ounce of Prevention Council, and the GLOBE Program in NOAA, all in response to objections raised by the President in his veto of the Commerce bill.

In the Interior bill, the committee recommends modifying the timber salvage language and the language concerning the Tongass National Forest in Alaska, attempting to, again, address the President's concerns in those areas.

And for the VA-HUD bill, we have recommended additional funding for National Service, the Environmental Protection Agency, the Council on Environmental Quality, and the Community Development Financial Institutions Program, all in specific response to objections raised in the President's veto message.

All of these adjustments have been made within the constraints of our existing funding allocations under the budget resolution. I might say, Mr. President, that the funding reductions achieved in discretionary appropriations for nondefense programs constitute the only deficit reduction achievement in the 104th Congress. Our committee has more than done its share.

In addition to these funding adjustments, the committee recommends contingent appropriations for certain programs if, and only if, a subsequent agreement is reached between the President and the Congress with respect to Federal expenditures for fiscal year 1996 and future years.

For some months now, there has been discussion on both sides of the aisle in both Houses of Congress about providing additional funding for certain discretionary programs in the context of a larger agreement on the budget. Republican budget negotiators offered an estimated $10 billion in budget authority and $5 billion in outlays last December. The administration has come forward recently with $8.1 billion in budget authority and an estimated $3.5 billion in outlays.

Title IV of our committee substitute would provide $4.7 billion in budget authority and something in the neighborhood of $2 billion in outlays in additional funding beyond that provided in title I of the bill if—that two-letter word—if agreement can be reached on how to provide those additional resources.

Let me add parenthetically that we are the Appropriations Committee and we are not the negotiating committee on the long-term budget solution. So we have not, in any way, attempted to prescribe how that agreement should be reached. That is not in our jurisdiction.

Our committee did not view its responsibility to come up with those additional resources with offsets derived from programs within the jurisdiction of other committees. It is not for us to decide whether to extend the ticket tax or impose a new banking fee or require the formation of a new uranium enrichment corporation, nor is it our proper role to stipulate the specifics of a potential agreement between the President and the Congress. That is the leadership responsibility.

It is our responsibility, however, to recommend what we believe to be appropriate levels of funding for programs within our jurisdiction, and we have done so.

If an agreement can be reached, our committee recommends additional funding for the Advanced Technology Program, contributions to international organizations and peacekeeping efforts, for energy conservation, the National Park Service, the Bureau of Indian Affairs, for job training, education and health programs, and for several housing programs. These recommendations are detailed in an explanatory statement that I ask unanimous consent to be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HATFIELD. Mr. President, all of these changes and new recommendations represent the committee's best effort to respond to the legitimate concerns of the administration, changing circumstances, and the view of our colleagues so that we can bring fiscal year 1996 to a close at last and begin our work on fiscal year 1997.

Despite the absence of enthusiastic support from the administration and its comments on our efforts to date, I remain hopeful that the President and his advisers will look favorably upon our recommendations. We have made a sincere effort to respond to the President's concerns. I believe we have gone about as far as we can. If there are the votes to do more, we will, but it is imperative that we move on and, I must add, stay within the budget resolution parameters.

Whatever additions over and above have to be, obviously, offset. If those offsets can be found, that will be the requirement on any amendment that would be offered to expand beyond the scope of this bill.

Finally, Mr. President, I should not overlook the supplementals provided in the bill our committee recommends to the Senate today. Slightly over $2 billion is recommended in supplementals for disaster relief and for United States operations in Bosnia. Approximately $1.2 billion is provided for disaster relief, all recommended with an emergency declaration under the terms of the Budget Act and subject to a subsequent request from the President.

Funding in the amount of approximately $1 billion is provided for Bosnia operations, partially offset by $820 million in defense rescissions.

In addition, $70 million is recommended in response to the President's request for aid to Jordan.

This is a major piece of legislation, and like all omnibus packages, it contains many things that various Senators will support and a number of various Senators will oppose. I do not ordinarily support such measures in the appropriations process, but I do believe the committee substitute represents the best option available to us at the time. I hope the Senate will proceed expeditiously and adopt the committee substitute in the earliest possible time.

EXHIBIT 1

TITLE I AND TITLE IV ADD-BACKS

(and list of dropped/modified legislative riders)

In addition to the $4.7 billion contingency funding contained in *Title IV*, the Committee proposes increased funding from conference levels in *Title* I of the FY 1996 Omnibus Appropriations bill in efforts to address concerns and priorities expressed by the Administration.

We are trying to come up with a package that we can all agree upon. It is critical that an Omnibus bill is signed—provisions must be made for these agencies that have been in limbo for the last six months so that they can do their jobs and we can move on to the FY 97 cycle. That is why we are so earnest about working with the Administration to devise a plan that can be cleared by Congress and that the President will sign. This is our last, best effort. Failure to enact this bill will likely result in an extension of the current C.R. until September 30th. No one likes this prospect.

We must not lose sight of efforts to balance the budget, and that is why some increases are contingent upon a balanced budget agreement with the President. However, in *Title I*, we are recommending increases in response to the President's concerns; we have augmented dozens of conference funding levels with absolutely no strings attached. We are making a good-faith effort to accommodate the President's requests.

Programs whose conference levels that have been increased in response to the Administration's requests for add-backs include: Community Oriented Policing [COPS] Program (Violent Crime Reduction Programs, State and Local Law Enforcement Assistance): $975,000,000. This program received no direct funding in the conference report to accompany H.R. 2076, the fiscal year

1996 Commerce, Justice, State and the Judiciary Appropriations bill.

Drug Courts: $25,000,000 for Drug Courts, which also did not receive funding in the conference report to accompany H.R. 2076.

Legal Services Corporation: $300,000,000, an increase of $22,000,000 over the level in the conference report to H.R. 2076.

Global Learning to Benefit the Environment Program [GLOBE] (NOAA): $7,000,000. This program received no funding in H.R. 2076's conference report.

National Parks Service: $1,322,000,000, which exceeds by $38,000,000 the level in the conference report to H.R. 1977, the fiscal year 1996 Interior and Related Agencies Appropriations bill.

Substance Abuse and Mental Health Services Administration: $1,380,000,000, an increase of $270,000,000 over the conference level for H.R. 2127, the fiscal year 1996 Labor, HHS, Education and Related Agencies Appropriations bill.

Agency for Health Care Policy and Research: $128,000,000, which exceeds the H.R. 2127 conference report level by $1,000,000.

Developmental Disabilities: $112,000,000, an increase of $2,000,000 over the conference report (H.R. 2127) level.

The overall EPA level is increased to $5,951,000,000, which is $340,000,000 more than was included in the conference report to accompany H.R. 2099, the fiscal year 1996 VA, HUD and Independent Agencies Appropriations bill.

Under EPA, $490,000,000 was provided for enforcement, $40,000,000 more than was included in the conference report.

Superfund receives an additional appropriation of $100,000,000, bringing its total to $1,252,000,000.

Clean Water: $1,225,000,000 under title I, an increase of $100,000,000 over the conference level.

Council on Environmental Quality; $2,000,000, which is double the CEQ conference level.

Community Development Financial Institutions; $50,000,000. No funding was provided for the CDFI program in the conference report to accompany H.R. 2099.

Economic Development Initiatives: $80,000,000. No funding was provided for EDI in the conference report to accompany H.R. 2099.

Severely Distressed Public Housing: $380,000,000, an increase of $100,000,000 over the H.R. 2099 conference report level.

Title IV Contingency funding programs, that is, programs which will receive additional funding in the event the President and Congress are able to reach a balanced budget agreement, include: National Institutes of Standards and Technology (NIST)'s Manufacturing Extension Program: $235,000,000, which received no funding in the conference report to accompany H.R. 2076, the fiscal year 1996 Commerce, Justice, State and the Judiciary Appropriations bill.

Department of Commerce's contributions to International Peacekeeping: $215,000,000 on top of an original conference report level of $700,000,000.

Department of Labor's School to Work program: $91,000,000 in addition to $95,000,000 in the level in the conference report to H.R. 2127, the fiscal year 1996 Labor, HHS, Education and Related Agencies Appropriations bill.

Dislocated Workers program, Department of Labor: $333,000,000 in addition to an original appropriation of $867,000,000 in the Omnibus bill's title I.

Summer Youth Jobs, Department of Labor: $635,000,000. This program received no funding in the conference to accompany H.R. 2127, the fiscal year 1996, Labor, HHS, Education and Related Agencies Appropriations bill.

Head Start, Department of Health and Human Services: $137,000,000 in addition to an appropriation of $3,397,000,000 in title I of the Omnibus bill.

Substance Abuse and Mental Health Services Administration: $134,000,000 on top of an appropriation of $1,380,000,000 in title I of the Omnibus bill.

Goals 2000, Department of Education: $1,278,000,000 in addition to $6,514,000,000 in title I of the Omnibus bill.

Drug-Free Schools program: $200,000,000, a matching amount to the level appropriated under title I of the Omnibus bill.

Charter Schools: $8,000,000, a matching amount to the level appropriated under title I of the Omnibus bill.

Education Technology: $10,000,000, in addition to $25,000,000 in title I of the Omnibus bill.

Environmental Protection Agency, Overall Enforcement, $162,000,000 in addition to $5,951,000,000 in title I of the Omnibus bill.

Economic Development Initiatives, Housing for the Elderly: $150,000,000 in addition to $780,000,000 in title I of the Omnibus bill.

These represent some of the programs that would receive funding. In addition, the Committee has modified the Tongass language; dropped Mojave language; dropped most of the riders contained in the Labor, HHS and Education bill; modified the Timber Salvage amendment contained in last year's Rescission bill; and eliminated objectionable environmental riders in the House VA, HUD and Independent Agencies bill.

AMENDMENT NO. 3466

(Purpose: Making omnibus consolidated rescissions and appropriations for the fiscal year ending September 30, 1996, and for other purposes)

Mr. HATFIELD. Mr. President, I send the substitute amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Oregon [Mr. HATFIELD] proposes an amendment numbered 3466.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. BYRD. Mr. President, S. 1594 is a comprehensive attempt by the Senate Appropriations Committee to bring before the Senate, in a timely manner, all of the pending fiscal year 1996 appropriation issues. By that, I mean that this bill not only would fund the five remaining fiscal year 1996 appropriation bills, which are funded in Title I through the end of the fiscal year, but the bill also contains the President's requests for emergency disaster assistance for thousands of victims of floods and other recent disasters throughout the country. These disaster assistance payments amount to a little over $1 billion and are contained in Title II of the bill. Title II also contains $820 million in defense spending relating to Bosnia. These appropriations are fully offset by rescissions from the committee's defense (050) allocation. Finally, Title II contains non-military assistance for Bosnia totaling $200 million. Rather than offset this non-DoD spending for Bosnia with DoD offsets, as requested by the President, the committee chose not to offset this $200 million and, instead, to declare it emergency spending under the appropriate section of the Budget Enforcement Act.

Mr. President, as all Senators are aware, the administration has vetoed three of the five fiscal year 1996 appropriation bills contained in Title I of the pending measure—namely, the Commerce-Justice-State bill; the VA-HUD and Independent Agencies bill; and the Interior bill. In all three instances, the President felt that these bills contained too little funding for what he considered critical public investments. In addition, each of these vetoed bills contained at least one objectionable legislative rider. So, the President vetoed these three bills and, in each instance, his veto was sustained. Similarly, the Labor-HHS bill has insufficient funding and riders unacceptable to the administration and the District of Columbia bill, as well, has unacceptable provisions. In an attempt to resolve these funding and legislative objections of the administration, the committee-reported bill has stricken most, but not all, objectionable legislative riders and, importantly, the committee has included additional appropriations in Title IV of the bill, subject to enactment into law of a subsequent Act entitled "An Act Incorporating an Agreement Between the President and Congress Relative to Federal Expenditures in Fiscal Year 1996 and Future Fiscal Years."

In other words, these additional appropriations contained in Title IV and totaling $4.8 billion, are beyond the committee's present 602(a) allocation. Therefore, the chairman chose, and the committee agreed, to report these additional appropriations and to set forth where the committee agrees with the President that additional funding should be provided, but at the same time, to do so in a way which did not exceed the committee's 602(a) allocation.

Pages 251–253 of the committee report (104–236), which is on each Senator's desk, contain a table which sets forth each of the individual appropriations for the departments and agencies that would receive the additional funding, subject to enactment of a future deficit reduction act.

I anticipate a number of amendments on this side of the aisle which will attempt to fully offset portions, if not all, of the addbacks included in the committee-reported bill and, consequently, make the funds available immediately upon enactment in a deficit-neutral way.

In conclusion, Mr. President, we have a long way to go in completing congressional action on this bill in a very short time. As Senators are aware, the current continuing resolution expires on midnight this Friday, March 15th. If Congress has not completed action and the President has not signed the conference version of the pending measure by that time, we face another Government shutdown. Therefore, I urge my colleagues to work with the managers of the bill so that we may schedule appropriate amendments in a timely way and complete action on them expeditiously so that we may get to conference with the House and complete that conference prior to midnight, March 15th.

Mr. President, I yield the floor.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GRASSLEY). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MODIFICATION TO AMENDMENT NO. 3466

Mr. HATFIELD. Mr. President, I send a modification of the amendment numbered 3466 to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The modification is as follows:

Insert on page 771, after line 17 of the amendment.

SEC. 3006. LAND CONVEYANCE, ARMY RESERVE CENTER, GREENSBORO, ALABAMA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to Hale County, Alabama, all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 5.17 acres and located at the Army Reserve Center, Greensboro, Alabama, that was conveyed by Hale County, Alabama, to the United States by warranty deed dated September 12, 1988.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under subsection (a) shall be as described in the deed referred to in that subsection.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 3007. Notwithstanding any other provision of law, $15,000,000 made available for "Operations and Maintenance, Army" in P.L. 104-61 shall be obligated for the remediation of environmental contamination at the National Presto Industries, Inc. site in Eau Claire, Wisconsin. These funds shall be obligated only for the implementation and execution of the 1988 agreement between the Department of the Army and National Presto Industries, Inc.

Mr. COCHRAN. Mr. President, there is an error on page 213 of Senate Report 104-236, which accompanies S. 1594, that I would like to correct. Chapter 1 of title II of the bill pertains to the U.S. Department of Agriculture, which is under the jurisdiction of the appropriations subcommittee which I chair. In this chapter, the committee notes that for fiscal year 1996, the Food Safety and Inspection Service received a 5.5-percent increase over the amount appropriated to it for fiscal year 1995. However, this percentage does not include the supplemental appropriation which the agency received for fiscal year 1995, and should instead be 3.6 percent.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3467 TO AMENDMENT NO. 3466

(Purpose: To provide funding for important education initiatives with an offset)

Mr. DASCHLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. DEWINE). The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE], for Mr. HARKIN for himself, Mr. WELLSTONE, Mr. KERRY, Mr. LEVIN, Mr. KENNEDY, Mr. DODD, Mr. KOHL, Mr. DASCHLE, and Mr. LAUTENBERG, proposes an amendment numbered 3467 to amendment No. 3466.

Mr. DASCHLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. DASCHLE. Mr. President, today we resume debate on the five remaining fiscal 1996 appropriations bills. We are halfway through the fiscal year. We have had two Government shutdowns. Our country's priorities have suffered greatly. Education, in particular, has suffered a series of extraordinarily difficult circumstances. Last week, the Appropriations Committee reported the Labor-HHS-Education bill that again cuts education by more than $3 billion.

Many Republicans, once again, are attempting to pass a bill that continues these very devastating cuts in education—cuts that include $679 million from math and reading programs, denying services to 700,000 children; cuts in Head Start of $137 million, depriving 20,000 3- and 4-year-olds of early help that can lead to a lifetime of achievement; cuts of $266 million in the safe and drug-free school program, currently serving 23 million children.

In the Republican bill, which passed in the Appropriations Committee, all funding for the Summer Youth Jobs Program is eliminated. More than 500,000 young people would otherwise benefit from that program.

Spending levels in South Dakota and every other State are affected. In my State, schools face $5.3 million in reductions in the availability of education funding for fiscal 1996 and 1997. All this adds up to the fact that students will not receive the services they need. We simply cannot allow that to happen if there is any prospect of avoiding that kind of a disaster in education in the coming year.

This crisis in education is a true emergency. This is not just rhetoric. This is not something we can wish away. All of these, and many other programs directly affecting thousands and thousands of students, will be very directly affected if we cannot address our country's education needs in a more thoughtful and comprehensive way than does the bill now before us.

The cuts in education we have experienced over the last several months represent the single largest reduction in education in history—a 25-percent cut—at a time when, I remind my colleagues, there is record enrollment in the public schools. Not only are we seeing increases in enrollment and a demand for more services, but we are asking our schools to meet that demand at a time when we are asking them to absorb a cut of record proportions.

One quarter of every dollar that was available in 1995 has not been available this year. Next year, nearly 52 million children will be seeking educational services across the country. That breaks the 1971 baby boom generation record.

Schools and colleges across the country are reporting that they are unable to plan their budgets and provide the services at the elementary, secondary, and higher educational levels because of the extraordinary cuts this bill and the past continuing resolutions require them to make.

Schools are already planning to lay off teachers and scale back services as a result of the budget we are contemplating. Not long ago, the mayors of most of our big cities were in Washington to share their concerns about the impact these cuts will have on their school districts. I thought that Detroit Mayor Dennis Archer probably said it as succinctly and eloquently as any I have heard as he discussed the impact this 25-percent cut in education will have on the Detroit school system. "Which 25 percent," he asked, "of my students should I not educate?"

We ask, which 25 percent of America's children should be denied help with math and reading? Which 25 percent of preschoolers should lose their chance to go to Head Start? Which 25 percent of children who attend schools where drugs and violence are problems should be forced to face those problems alone?

Mr. President, we should not even be asking these questions. We would not be if Congress had done its job and passed an educational funding bill over 5 months ago when this fiscal year began. The Republican failure to fulfill this basic function of Government, causing chaos in classrooms around the country, is becoming increasingly clear. But the time has come to end the chaos and to address this problem in a more forthright manner. The time has come for us to stand up and recognize that unless we deal with these issues more directly, we will find ourselves in a situation that continues to increase in seriousness and increase exponentially in terms of the difficulties it presents for school districts, as well as for the students themselves.

Throughout the budget process our Republican colleagues have said that their agenda is about protecting our children's future. The question we have is, "How can you protect their future, or ours, if we deprive children of the education they need to succeed?" The time to solve this problem is now. We cannot afford simply to pay lipservice to it.

The contingency fund that has been incorporated into this bill is, in my view, an attempt on the part of some Republicans to have it both ways—to pretend they are funding education but to do so without releasing any of the money. The so-called addback that we see in this bill is not real. Enacting this bill into law would not produce one dime of this contingent funding. If we believe education is important, we have to ensure that funding is there regardless of contingencies—regardless of what may or may not occur as a result of additional action this Congress may take at some point in the future.

Mr. President, that is why every Democrat believes as strongly as we do that, of all the amendments we are offering, this one holds our greatest priority. This one says as clearly and as unequivocally as we can that we cannot mess around with education. We can have our policy differences throughout the year, and throughout this Congress, but when it comes to the crunch, when it comes to really dealing with the issue that we recognize is as important as anything to our future, we have to ensure that the investment is there.

So this amendment will restore the $3.1 billion in educational cuts represented in this bill. And when I say "restore," I use that word very intentionally. We are simply restoring the funding necessary to bring us to the level schools had the last time we appropriated funds for education in 1995. This is real money with a real offset. It restores real funding to the 1995 level without adding one dime to the deficit. We are willing to consider other offsets. We do not feel necessarily wedded to these particular ones. If there are others that are more acceptable, we will certainly take a look at them. But we wanted to find a dollar-for-dollar offset that allows us to fully restore the funding in education that we believe to be so critical.

There are two nonnegotiable principles. First, education must be adequately funded; and, second, education must be fully paid for.

Siphoning off money from education consigns American children to second-class futures and opportunities that are simply unacceptable.

Democrats are united in opposition and offer this amendment to reverse the failed policies that got us to the position we are in today. The chance for all of us to cast a vote for the future of our country's children lies with this amendment.

Children learn by example. We have an opportunity to set one by educating them properly and showing them how important they really are, that their future is our highest priority.

A lot of my colleagues have had a great deal to do with the fact that we are offering this amendment this afternoon. I applaud them—each and every one—for their effort. No one has put more effort into education and the priority it deserves than my colleague from Rhode Island, Senator PELL. And Senator HARKIN, Senator KERRY, Senator WELLSTONE, Senator LEVIN, and certainly Senator KENNEDY—who has devoted his entire public career to the priorities that we argue today must be included in this bill—they, along with Senator DODD, Senator KOHL, and Senator LAUTENBERG have all indicated how strongly they feel about this amendment. I applaud them, and thank them for their leadership in bringing us to this point this afternoon.

Other colleagues are on the floor who seek recognition to speak in support of this amendment. I yield the floor to allow them to be recognized.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island.

Mr. PELL. Mr. President, I rise merely to congratulate the minority leader on his speech, and to join him in his emphasis about the importance of education. It is important for the future of our children, our young people, and our country.

I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I rise in support of the amendment offered by Senator DASCHLE, the minority leader. We are talking about the subject of education.

There is a lot of discussion in this country about where our country is headed and what kind of economic future we will have. Will we have jobs? Will we have opportunity? All of this begins with the first step, which is education.

Thomas Jefferson once said that anyone who believes that a country can be both ignorant and free believes something that never was and never can be. Our economic progress in this country starts with education. That is what the Senator from South Dakota is saying with this amendment.

Mr. President, I have told this story on the floor a couple of times, but it is worth repeating. The first week I came to Congress, I walked into the office of the oldest man in Congress, Claude Pepper, and I saw something I have not forgotten. Claude Pepper was the oldest man serving in Congress at the time that I was elected to the Congress. I walked in, and met him. And he had behind his chair on his wall two autographed pictures that I have never forgotten. One was an autographed picture of Orville and Wilbur Wright making the first airplane flight. And it was autographed "To Congressman Claude Pepper" by Orville Wright before Orville Wright died. Then hanging just above that was a picture of Neil Armstrong setting his foot on the Moon autographed "To Congressman Claude Pepper."

And I thought about what lies between going from the ground to the air in the first airplane flight, and then from the ground to the air to the Moon. What is it that connects that vast difference in technological achievement? The answer is education.

It struck me when I saw those two pictures that in this one person's lifetime Claude Pepper had the autographed picture of the first person to fly and then the first person to go to the Moon. And what did it all come down to? In this country, a massive investment in education made possible technological breakthroughs—breakthroughs in virtually every area—that not only have allowed us to go to the Moon but to cure polio, and to do so many things in just this century.

Anyone who believes that this country can move ahead by deciding that education is somehow less important than many other things in our country just does not understand the value of and the role of education in building our country's opportunities and our country's future.

I have, I suppose, on a half-dozen occasions in recent months come to the floor of the Senate and lamented the juxtaposition of two programs that seem to me to demonstrate the misplaced priorities these days. A little program which I understand is now funded in this omnibus appropriations bill—a program called Star Schools that was designed to try to create Star Schools in the maths and the sciences through the use of technology—was cut by 40 percent in an earlier continuing resolution. That little program suffered a 40-percent funding cut—which I understand has now been reversed—but a 40-percent funding cut in Star Schools at the same time that a 115-percent funding increase was provided for star wars; a much, much larger program. And it occurred to me that those who think that we will advance this country's interests by cutting a Star Schools program while at the same time increasing a star wars program really do not understand the genesis of progress and the rewards from the investment in education that have given this country the kind of economic strength and the kind of glorious past it has had, and the kind of glorious future it will have if we continue to make the right decisions in this Congress. The Senator from South Dakota has offered an amendment that tries to restore some of the funding for some education programs. There are some who would perhaps like to go further than the Senator from South Dakota goes. But, for certain, there are many of us in this Congress who believe that we can and should provide the kind of funding that is necessary for the education programs that the Federal Government is involved in without at all deviating from our goal of balancing the budget. This is not a question of anything other than selecting the right priorities.

Those of us who have spent time in classrooms in recent years understand that there are a number of elements that must be present in our schools in order for education to work in our country. First, there must be a young student who is interested in learning. Second, there needs to be a teacher who understands how to teach. And third, parents who want to be involved in their children's education.

All of those elements are necessary for education to work. But education also cannot and will not work unless we have funding for training good teachers, for funding school facilities, unless we make a commitment to have the best education system in the world.

Aside from this amendment, I hope and I wish that in the Presidential contest in 1996 and in the political discussions between our two parties not only in this year but beyond that we will have a thoughtful and thorough discussion about what role education should play in this country. Is education a discipline that establishes for us a goal that we want to have the finest education system in the world? Do we want America to have an education system that we can say is the best in the world? Is that our goal? And if so, then how do we reach that goal? It ought to be our goal. And that is what the Senator from South Dakota is saying with his amendment. Let us not step back on the issue of education. Let us not retreat in the investment that we ought to make. When we tell 55,000 little kids 4 and 5 years old, each of whom has a name, that we are sorry; we cannot have you in a Head Start Program—and incidentally, that is a program that works—when we are willing to tell a Jimmy or Betty or Johnny or Susie that we cannot afford to have you in a Head Start Program; yes, you come from a low-income family; yes, you come from a disadvantaged family, but you cannot be in a Head Start Program, I say that is a shame. That is why we need to select the right priorities.

Let us fund Head Start. Let us make sure a whole range of these education programs, school-to-work programs, title I programs, the vocational education programs, and dozens of other programs that we know work and make this a better country, let us make sure those programs are adequately funded. That is what the Senator from South Dakota's amendment would do. I fully support the amendment and appreciate the fact that he has offered it.

Mr. President, I ask unanimous consent that Jan Gamby, a fellow of the Bureau of Land Management, be allowed floor privileges for discussion we will have shortly on another amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the Senator from Oregon.

Mr. HATFIELD. Mr. President I would like to indicate just for the record some wrong figures. This bill pending before the floor now does not cut 25 percent. It is cut 12 percent. The Federal education bill in this present form represents support for education comprising 67 percent of the national education expenditures. It has been cut, of course; it has been cut 12 percent as we are moving toward reductions of Government spending. Thus, the Federal cut is on a base of 6 percent of national expenditures on education. On the total national expenditures, it is a 6-percent reduction. With the additional funds in the title IV, the education cut is reduced less than 5 percent.

Now, those are contingent upon agreements being reached between the President and the negotiators on the long-term balanced budget.

I just want to make that correction for the record. I wish to say also that last spring when we allocated the 602(b) allocations we indicated our strong support on the Senate Appropriations Committee for education. We allocated $1.5 billion more than the House had allocated for the Labor, HHS Subcommittee 602(b).

I cannot fault any of the arguments made by those advancing the amendment in terms of commitment to education, and I might say I do not take a back seat to anybody on that side of the aisle or anyplace else in this Senate Chamber on supporting education. But, nevertheless, I think we have to realize that when the proponents of this amendment say that it is offset, Mr. President, I have to correct that as well. It is not totally offset because even if you look at the uranium enrichment source to which they dip in for an offset, it does not in 1996 fully offset it. In fact, it costs money to do the uranium offset. It will in 1997 more than provide money to offset back for the additions made in 1996 and 1997.

But let us understand this. We are offering here in this amendment not a total offset, which I think probably would make it subject to a point of order. Second, there is an emergency declaration used to compensate for the inability to totally dollar-for-dollar offset. Now, this is the right of the Senate. It is the right of the Congress at any time to put an emergency to any measure. I do not challenge the correctness. I am challenging the wisdom in adding an emergency declaration as a part of the offset that does not happen in a dollar-for-dollar offset.

I understand that we are going to lay this amendment down according to the leader and embark upon a major debate on this issue tomorrow when the chairman of the Subcommittee on Appropriations, Senator SPECTER, will be here to engage in an analysis and discussion of this amendment.

Mr. President, I also understand the Senators from North Dakota are anxious, once the discussion or comments made on this amendment have been finished, to offer an amendment to the emergency supplemental that is incorporated in this vehicle relating to North Dakota which we will be very happy to accommodate in that we have accommodated Idaho, Washington, and Oregon for similar problems that North Dakota has.

AMENDMENT NO. 3467 TO AMENDMENT NO. 3466

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts.

Mr. KERRY. Mr. President, I rise to support, as an original cosponsor, the amendment proposed this afternoon by the Senator from South Dakota with the objective of restoring some of the funds that have been cut from the education budget of this country.

I know that most Americans will quickly agree that money is by no means the whole solution for the schools of this country. I think all of us agree with that. The reason this fight is taking place is not because of some automatic response that suggests that, "Gee, they are cutting education. It doesn't matter how much. We must fight to put the money back." This amendment is not such a reflexive action.

But I think, just as most Americans would automatically agree that throwing money at something is not the solution, so they would also agree that they want schools that are free of drugs and that are safe. So they would also agree that they want 3- and 4-year-olds to have the maximum exposure to early intervention school programs. So they would also agree that it is critical to take kids who are at risk in their teenage years, who have either dropped out of school or have a drug problem or are facing some other kind of difficulty in life, and give them an opportunity to get into the workplace. So they would also agree that it is important to share the wealth of this great Nation with a disadvantaged community, an urban community which depends on the property tax to fund its schools but which has very, very little tax base because of the problems it faces, in order to help the kids in that community get a decent education.

What we have here in the Republican approach to this continuing resolution is a disavowal of each and every one of those realities. I do not think there is any American in a community that is affected who is coming to the Congress and saying, "Hey, we only have 50 percent of our kids getting drug education last year. Let us lower the funding for drug education." Or, "Hey, we know that this community cannot match the high-income communities in the rest of our State in the local funds it invests in schooling its children, but, nevertheless, let us lower the Federal funding provided to that community and make it harder to educate its children."

No one has come to me in my State and said, "Senator, it's too bad that those kids at the Jeremiah Burke School only had 12 computers a year ago for 900 kids. But that's really not so important. Let's make sure they only have five next year—or maybe none."

That is the effect of what is being proposed by the Republicans in their approach to education, because the hard, inescapable truth in the United States of America is that we have district after district that does not have sufficient resources to provide kids with an adequate education.

I was at the Healy School in Somerville, MA, the other day, which receives title I money.

In that community there are kids who are in a joint first and second grade class. Some of those kids have special needs, and they are trying to mainstream through the education process those kids with special needs, because to take them out of the mainstream is to have them miss the very important experiences to which other children the same age are exposed. And the evidence is that they perform better and advance further scholastically when they feel they are part of the regular group.

It is an important component of building self-esteem. It is an important component of helping people to grow up to be productive citizens. It is an important component of reducing the later costs that are imposed on taxpayers in this country for people who are not able to be part of the mainstream.

In that school in Somerville, they have teachers' aides, part-time teachers helping the regular teachers to be able to keep these kids progressing as close to the norm as possible.

What is the rationale for the Republicans to come along and say, "That doesn't matter, we're going to cut Federal funding for that effort, because we have to balance the budget of this country?"

We do not disagree, of course, that we have to balance the Federal budget. In fact, we emphatically state that we must balance the budget. The debate is not over whether we have to balance the budget, the debate is over how the budget should be balanced. And most Americans, I believe, would say, "Do we really need to build a B-2 bomber in 1996 instead of educating these kids in Somerville and in all of America's other communities from coast to coast? Could we not find other parts of our $1.6 trillion budget to trim in order to guarantee we have the best education system in the world?"

I fully understand that we need standards, we need testing, we need a change of attitude in the school place. We need principals who have the power and authority to direct the schools and hold teachers accountable for satisfactory teaching. Of course, we need all those things.

But, Mr. President, we need to guarantee that our kids have computers. We need to guarantee that our schools are wired to the computer age. We need to guarantee that the libraries that they have are open in the afternoon. We need to guarantee that those libraries that are open have current reference books.

We need to guarantee that teachers are not doing just the minimum in order to stay employed, that they are not just xeroxing materials in order to be able to put something in front of children so they have something to work on during the day. We need teachers striving to be the best they can be, and motivating children to be the best they can be.

The Republicans, a couple of months ago, suggested to us that it was OK to zero out the money for summer jobs—eliminate summer jobs entirely. That was their priority. They went back home and talked to their constituents and read the polls, and they saw their agenda was not working as they intended. The American people did not like what they saw. So they came back to Washington and have included in this bill about two-thirds of the amount the President requested for summer jobs for teenagers. But they are not through with their intransigence. They have nominally appropriated funds to pay the costs of two-thirds as many jobs as the President requested, but then in the same bill they prohibit expenditure of those funds until a further deficit reduction bill is enacted that is to their liking. They say they are no longer holding schoolchildren and teenagers who want to work as hostages, but we all should look behind the story they are telling and closely inspect the facts of their bill.

The Safe and Drug-Free Schools Program is being cut by over 50 percent. I do not understand that. This will equate to a reduction of about $2 million from a program that serves over 14,000 kids in Massachusetts. It serves 39 million students nationwide. I do not know of any American today who will come in here and say, "We've got the drug problem licked, let's go home."

We just appointed a new drug czar. Most people will agree that the incidents of youth violence are increasing. Most people have accepted the stark reality of statistics that show us that 36 percent of all the kids in the United States of America are born out of wedlock, which means that they are mostly, not all, but mostly starting in one-parent families with one parent who has to struggle to make ends meet.

Most people in this country understand that those kids are going to be most at risk, and most people understand the devastating effects of drugs within those communities where a huge number of children are born out of wedlock.

So what is the rationale for reducing our effort to provide teen counselors, peer programs, all of the DARE programs and other efforts in our schools that make a difference in the lives of these at-risk children and young people? There is no credible rationale, Mr. President, and yet, in the name of balancing the budget and so-called fiscal austerity, the Republicans suggest that we can do more with less with respect to our education system.

The distinguished Senator from Oregon said earlier, "Well, we're not really cutting the amount of money being claimed, we are actually cutting a lesser amount of money." But the fact is that the only way that a lesser amount of money is being cut is if you count the funny money in this bill. What do I mean by funny money? I mean the money in the bill, $8 billion, that depends on a future agreement with respect to budget legislation.

Let me read the very language of the bill. Page 780 in S. 1594, the pending legislation, line 20:

> No part of any appropriation contained in this title shall be made available for obligation or expenditure, nor any authority granted herein be effective, until the enactment into law of a subsequent Act entitled "An Act Incorporating an Agreement Between the President and Congress Relative to Federal Expenditures in the Fiscal Year 1996 and Future Fiscal Years."

So, Mr. President, this is funny money. This is a fake. This is a scam. This is the Republicans coming along with another political gimmick to suggest to the country that they are really providing money for purposes the American people believe are vital when they are not providing money at all, because what they are providing depends on a subsequent agreement for the entire budget which, as we all know, depends on both sides being willing to move much further than they have given any indication they are prepared to move.

The result will be even worse than the funding cuts that will be enforced when the subsequent budget agreement legislation proves to be a mirage that is unreachable by anyone. In fact, no school district in America can plan its budget for the next school year, because they do not know how much money they will get for these purposes from the Federal Government.

Is that a real problem? Let me just share with you this information.

Because there are no 1996 commitments for key Federal education programs, Boston is proceeding to budget on a worst-case scenario, because they have to. Why? Because Boston must pay all teachers who have a contract for next year unless a teacher has been notified he or she is being laid off by May 15. So the school system has to plan for the worst, and send out the layoff notices.

What does that do for morale in the schools? What does that do for the capacity to build education reform programs and other areas where we have been making some progress in Massachusetts and other States?

The truth is that in school district after school district, people are left, by virtue of this game that is being played, making worst-case plans and not being able to implement the full measure of the reforms for which most of us have fought very hard over the last few years.

Goals 2000 is an example of those reforms. The Republicans are cutting Goals 2000 money. Why? Goals 2000 money is used to help teachers get the ongoing education and the ongoing training necessary to help them deal with reform, to produce reform, to teach better, to be state-of-the-art teachers and, hopefully, transition our kids successfully into the modern, complex workplace of the future.

Mr. President, all you have to do is look at the statistics on reading in America. If one does so, it is then impossible to answer why we are making these kinds of reductions.

Only one-third of the kids in the United States of America last year who graduated from high school, graduated with a passable—passable—reading level. Out of 2½ million kids who graduated from high school, fully two-thirds were below a basic high school reading level.

Out of 2½ million kids who graduated from high school in America, only 100,000 had a world-class reading level. And what are we doing at the Federal level? We are going to pull back from the incentives we can offer for providing an adequate education for our kids.

Mr. President, every one of these efforts, frankly, is critical. Title I money enables schools to provide additional training in math and in reading and also provides technology resources and assistance to parents of at-risk students in order to help those students learn to read and write adequately.

I can introduce you to one Boston student who started as a below-average elementary student, but after completing the title I program, this student went on to become his high school's class president and is currently enrolled at MIT in Cambridge.

There are, thank God, thousands of other similar examples. I know students who were having great difficulty with math or with reading who, only because of the extra attention they were able to get, were able to go on in the mainstream, attend college, graduate and secure a career, and, in some cases, proceed to an even higher level of education.

It is incomprehensible, Mr. President, that in 1996, out of our Nation's $1.6 trillion budget, when we know that there are wiser offsets, we are being asked to reduce the safety in our schools, the quality of our education, and the access by kids to additional training and assistance, and to make it impossible for our children to receive the highest level of teaching. My colleagues supporting this amendment and I believe that all of these things are being sacrificed needlessly.

I might add that, given the new recognition in recent months of the problems in the American workplace, it is even more puzzling that our friends on the other side of the aisle would find some virtue in trying to balance the budget by giving a tax cut to the wealthy while simultaneously taking away help for kids to go to school in the poor communities of this country.

It is ironic. Patrick Buchanan and the Republican Party have been experiencing a certain awakening with respect to some of those things that many of us have been fighting for in the Senate for a long time—the problem of people raising their wages in this modern economy, the problem of people holding on to the jobs that they have or getting the jobs they want to have, all of which in today's world depends more and more on the linkage of technology and skill and training to a particular job opportunity.

What is the rationale, in the face of that clear connection, for reducing our commitment to those kinds of efforts, particularly where each of those efforts has been proven to be competent, valuable, and productive?

It is not as if our colleagues are coming to the floor of the Senate and saying, "Look, here's this program. It is a terrible program. It doesn't do anything. The kids aren't learning. We have had 10 years of wasted money. Nobody seems to be able to get ahead." That is not the evidence. I hear no one making that claim. Instead, they are saying, "Our eyes are closed. Our minds are made up. We have to cut these programs regardless."

The evidence is that every single one of these efforts has made a difference in the lives of children, in the schools they attend, and in the communities where they live. And that is what makes up the fabric of this country. And that is what produces the real values of this Nation.

Mr. President, if we are going to hear lectures about values, it should be clear that the vote we will have on this education amendment will be a vote about values. If you care about values, you are not going to strip money from children who are trying to mainstream in a school in an inner city that is struggling to obtain adequate resources. You are not going to take that away from them in order to give some larger tax break to people who have seen the stock market go up 43 percent in the last year.

So, I respectfully say to my colleagues that this is one of the most important amendments the Senate will consider this year, and the vote we will cast on it will be one of the most important votes we have an opportunity to cast in the Senate this year, because this really is a vote about where we want this country to go and what kind of people we are going to be. No one has made up the statistics or the studies which document the linkage of early intervention, of structure, of quality reading and math and science education to the ability of students to achieve their maximum potential.

I hope that tomorrow or the next day, whenever we vote on this measure, we will articulate to the Nation our sense of the proper values in this country and of the proper priorities in this budget.

Mr. President, I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Dakota.

AMENDMENTS NOS. 3468 AND 3469, EN BLOC

(Purpose: To appropriate $2.8 million to the United States Fish and Wildlife Service for upper basin water storage in order to prevent flooding on its land in the Devils Lake Basin in North Dakota, which funds are designated by Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985)

(Purpose: To appropriate $10 million to the Economic Development Administration for assistance to prevent flooding in the North Dakota's Devils Lake Basin, which funds are designated by Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985)

Mr. DORGAN. Mr. President, I send two amendments to the desk and ask for their immediate consideration.

The PRESIDING OFFICER. Does the Senator ask unanimous consent to set aside the Daschle amendment?

Mr. DORGAN. Yes.

The PRESIDING OFFICER. And consider these amendments en bloc?

Mr. DORGAN. Mr. President, I ask unanimous consent to set aside the pending amendment and that these two amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows.

The Senator from North Dakota [Mr. DORGAN], for himself and Mr. CONRAD, proposes en bloc amendments numbered 3468 and 3469.

Mr. DORGAN. Mr. President, I ask unanimous consent the amendments be considered as read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 3468

On page 740, line 6, strike "$32,000,000" and insert in lieu thereof "$34,800,000".

On page 740, line 8 after the word "nature" add a comma and insert "and to protect natural resources in the Devils Lake Basin in North Dakota".

AMENDMENT NO. 3469

On page 734, after the comma at the end of line 22, insert the following, "and in the Devils Lake Basin in North Dakota".

On page 734, line 23, strike "$15,000,000" and insert in lieu thereof "$25,000,000".

On page 735, line 1, strike "$1,500,000" and insert in lieu thereof "$2,500,000".

Mr. DORGAN. Mr. President, I know the chairman of the Appropriations Committee is in the Chamber and he has worked with us on these two en bloc amendments, as has Senator BYRD and other members of the Senate Appropriations Committee.

These two amendments very simply say that we would provide some resources to the Fish and Wildlife Service for some upper basin water storage in an area where there is flooding, rather severe flooding that is causing substantial difficulties in the Devils Lake Basin, and the second amendment provides $10 million from EDA to the State to be an administering agency to deal with the same contingency plans with respect to this flooding.

We have worked extensively with the Appropriations Committee. The Senator from Oregon [Mr. HATFIELD] has been most cooperative, as have Senator BYRD and other members of the committee. I hope, without taking more of the Senate's time, the Senate will act favorably on these two amendments. I offer them on behalf of myself and my colleague, Senator CONRAD, who has joined me in working on these two amendments with the Senate Appropriations Committee.

These amendments address disaster and hazard mitigation assistance for the Devils Lake Basin in North Dakota. We believe the situation in North Dakota is unique. Unlike most disasters, the one in Devils Lake is predictable and preventable. Under our amendments, emergency funds will be provided to Devils Lake through three Federal agencies: the Economic Development Administration, the Fish and Wildlife Service, and HUD through its Community and Development Block Grant Program. With the adoption of these three amendments, we can go a long way toward preventing a flooding disaster in the Devils Lake Basin. And by acting now, rather than waiting for the disaster to occur, we can save millions of Federal dollars over the long term.

Devils Lake is a 3,810-square-mile closed basin. Water from surrounding land and tributaries flows into the lake where it remains because there is no outlet. As a consequence, rising lake levels pose a serious and immediate threat to the Devils Lake Sioux Tribe and to the health and economic welfare of the many families and businesses located in the Devils Lake Basin.

After last year's flood, an Interagency Task Force on the Devils Lake Basin was established to study the problems in the basin and to develop coordinated strategies to address immediate threats and long range solutions to the basin's problems. It was headed by the Federal Emergency Management Agency [FEMA] and composed of Federal, State and local officials as well as interested citizens. Simultaneously, the Corps of Engineers was developing a flooding contingency plan for the Devils Lake region. Both the Interagency Task Force report and the corps' contingency plan were made available to the North Dakota officials and the public in mid-February.

The corps' contingency plan clearly maps out hazard mitigation efforts that need to be undertaken when Devils Lake rises by 1-foot increments beginning at 1,436.5 feet. The National Weather Service forecast issued on March 1 projects Devils Lake to rise to between 1,437.5 and 1,438 feet in June or July. To put the lake level rise in perspective, total inflow to Devils Lake for the 2-year period between 1993–95 accounts for approximately 24 percent of all inflow to the lake over the last 45 years, 1950 through May 31, 1995.

The unanticipated rise in the lake over the past 2–3 years is the reason Senator CONRAD and I are offering these amendments today. Devils Lake has been a presidentially declared disaster each of the past 3 years. We have the opportunity today to prevent that from happening this year, and we ask for your support. If we do not proceed immediately to undertake the project outline in the corps' plan, it could cost the Federal Government as much as $50 million more after the flood occurs.

Three major areas have been identified by FEMA and the Corps of Engineers to mitigate a flooding disaster in the Devils Lake Basin. I would like to explain each of the three courses of action and their importance to the citizens of the Devils Lake Basin.

1. STORAGE OF WATER IN THE UPPER BASIN

As mentioned above, Devils Lake is a closed basin. There is no natural outlet and water continues to flow into the lake raising the overall lake level. The upper basin storage project recommended by the Federal Emergency Management Agency [FEMA] has recommended that 100,000 acre-feet of water be stored on upper basin lands as part of a comprehensive strategy to deal with the unprecedented rise in water levels in Devils Lake, thereby preventing a significant amount of water from reaching the lake. The corps has identified several sites available for storing water in the upper basin on both private and public property. The proposed projects would entail developing small storage sites such as potholes, swales, existing or new wetlands and diverting water to other smaller lakes not in danger of flooding to mitigate the continued rise and inevitable flooding of Devils Lake.

The Economic Development Agency has assured us it has the authority to devote resources to the water storage project on private lands in the upper basin. It is our intent that the State be the administering agency for an EDA grant and that the customary Federal-State match be applied for projects carried out by local districts.

The public storage project is to be undertaken on Fish and Wildlife Service land and they have assured us they have the capability to undertake the mitigation work outlined in the corps' plan immediately upon receipt of the funding provided in these amendments. When these two upper basin storage projects are completed, they will have a major impact on holding back water from Devils Lake and preventing more extensive flooding.

Again, I urge my colleagues to support this modest investment which saves Federal dollars in the future.

2. ROAD RAISES

The largest damage category to the Devils Lake region is the area of transportation. Due to the lake's continual rise over the past several years, many roads are in peril of being flooded while others have already been abandoned. The Devils Lake road system is vital to the continued survival of the residents and businesses in the area who rely on these roads for all their transportation needs.

Key public services, particularly in terms of public health and safety, such as emergency services, police, fire, ambulance, patient access, school buses, commuter access to name a few would be literally cut off if flooding occurs. As an example, data furnished by Mercy Hospital and the Lake Region Clinic in Devils Lake show over 7,900 patients requiring medical assistance come from communities that rely on public roads which would be impassible when flooding occurs. Likewise, businesses in the area would be devastated without access to supplies, deliveries and customers.

As a further demonstration of the critical need to keep the public roads passable, one highway, Highway 20, averages 4,000 vehicles per day. In addition, the main access road to the Devils Lake Sioux Reservation, with a population of 3,588, is in danger of flooding. If we fail to act now, most services to the reservation could be cut off, posing a critical threat to the health and safety of the residents on the reservation.

To prevent the crippling of transportation within the community, our amendment will provide funding to move forward with the contingency plan's specific recommendations for road raises. These road raises are the life blood of the Devils Lake community's economic welfare and stability. Construction must commence immediately before flooding makes it impractical and the cost prohibitive. It is our intent that only those road projects outlined by the Corps of Engineers in its contingency plan will be undertaken with the money provided in these amendments. Once again, the Economic Development Administration has assured us it has the authority to provide assistance for road raises under their emergency grant program. It is our intention that the State be the administering authority for these funds and that the customary Federal-State cost share be applied for projects carried out by local governments.

It was our intention to offer a third amendment to assist with relocation efforts through the community and development block grant. However, firm numbers on the costs of relocation will not be available until later this month. Therefore, we intend to enter into a colloquy with Senators HATFIELD, BYRD, BOND, and MIKULSKI to make it clear that North Dakota, should it apply for funding under the $100,000,000 being made available in this bill for the Community Development Block Grant Program, will be able to receive relocation assistance, if the President concurs that North Dakota should be designated as eligible for emergency disaster assistance.

Even though we are not seeking additional funding for relocation assistance in this bill, I would like to take a moment to detail North Dakota's relocation problems.

The contingency plan identifies the number of dwellings within the expanded flood plain that are in imminent danger of being destroyed when the lake reaches levels between 1,435 to 1,440 feet elevation. Since the lake is currently at an elevation level of 1,435.2, and is predicted to rise to a level of 1,438 this spring, flooding of many of these dwellings is all but certain.

The total number of individual dwellings identified in the contingency plan which are in danger of flooding consists of 148 homes and 4 apartment buildings totaling 90 units—a very significant number of structures in a small city of 7,958 people.

The city of Devils Lake provides retail services to approximately 77,000 individuals in a radius of 60 miles, including 10,600 native Americans. A survey conducted by the North Central Planning Council of Devils Lake estimates that over 1,600 jobs would be lost if flooding is allowed to occur. The overall economic impact of such a loss of employment in a small rural community, coupled with loss of homes, could devastate the region to such an extent that it may never fully recover.

People rely on the stability of the community for jobs and services. Flooding to this area could result in residents being forced to give up their hard earned way of life and relocate to areas outside of Devils Lake. This is simply not fair to hard working people who have built a stable community that is being assaulted by nature. Our amendment can prevent total dislocation from occurring. By providing relocation assistance through the community development block grant, we can begin moving residents and businesses from the flood plain to safer areas within the community. Relocations efforts will help ensure the continued economic viability of Devils Lake and save the Federal Government millions of dollars in the process.

Senator CONRAD and I ask for your support for these two amendments. Working together, we can prevent an imminent flooding disaster from occurring thereby saving the good people of Devils Lake, and saving the Federal Government needless and more costly expenditures. The stability and economic future of the Devils Lake Basin rests with this body.

In closing, there are many people I want to thank for their efforts in working with us to formulate these amendments. First, I would like to thank Senators BYRD and HATFIELD and their remarkable staffs for their support and invaluable assistance. I am especially grateful to Jim English for his vigilance and help throughout the process, and to Keith Kennedy for his support. I am also indebted to Senator MIKULSKI and Senator HOLLINGS and their staffs without whose efforts, we would not be offering these amendments today. Particular thanks go to Scott Gudes, Sue Massica, Sally Chadburn, Carrie Apostolou, Scott Corwin, and Bruce Evans. Finally, I want to thank all the Federal agencies that provided us good counsel and advice in a timely and professional manner—the Economic Development Administration, the Fish and Wildlife Service, HUD and FEMA, as well as the many State and local officials and community leaders who helped in this endeavor. We are most grateful for their invaluable assistance.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Dakota.

Mr. CONRAD. I thank the Chair and I thank my colleague, Senator DORGAN. I rise today to join him in offering these amendments to cope with an emergency situation that exists in our State. In the last 2 years, Devils Lake has risen by 13 feet. It is now at a 120-year high. The National Weather Service has just informed us, on the first of this month, that they anticipate the lake will rise another 2½ or 3 feet this year. This is a tragedy and a disaster of staggering proportions. The lake has doubled in surface area in the last 2 years. It is threatening communities. It is threatening farmland. It is threatening roads. It is an economic catastrophe in this part of North Dakota.

We have worked together with FEMA, with the Corps of Engineers, and other relevant Federal agencies to develop a strategy and plan to cope with this crisis. Last week we asked the Appropriations Committee to give special consideration, in light of the new forecast which was just out as to the lake level rises that we could expect this year, to respond on an emergency basis.

The Appropriations Committee has responded, and I want to thank personally the chairman of the committee, Senator HATFIELD, for his prompt and sensitive response. I also thank Senator BYRD for his assistance. Because, without their help, we would face $50 million of additional damages this year. It makes no sense not to take steps now to avert the tragedy that is coming. We can save a lot of money by operating on the front end rather than just waiting to clean up the mess on the back end.

So, I again thank especially the chairman of this committee for his foresight and for his willingness to respond to what is clearly a crisis. I also thank the other members of the committee for recognizing the extreme nature of this emergency. I also thank my colleague for all of the hard work that has gone into putting together something that makes sense, with the Army Corps of Engineers, with the Federal Emergency Management Agency, and others.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Dakota.

Mr. DORGAN. Mr. President, if I might make one additional point without imposing on the Senate much further, Senator GREGG and Senator HOLLINGS on the relevant subcommittee with respect to EDA have been most helpful to us. I appreciate that.

I do want, in just seconds, to make an observation about this basin. Devils Lake Basin is a closed basin that has experienced severe flooding difficulties. It is not a circumstance where a river runs wild for a month and houses go down the river and you see the problems of that kind of flooding. It is a closed basin where the water comes down from the top of the basin into the bottom of the basin. The people of this Devils Lake region have suffered enormously as a result of the flooding that has occurred. As Senator CONRAD said, it is at a 120-year high with more water expected. The damage has been substantial and will be increased more in the months ahead.

This attempts to address some of these difficulties. It is not the end of our need to address it, but it is nonetheless another step, and I very much appreciate the cooperation of Senator HATFIELD and Senator BYRD and the appropriate subcommittee people we worked with.

Mr. President, I yield the floor, and I ask the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Dakota.

Mr. CONRAD. Mr. President, might I just conclude by also thanking Senator MIKULSKI and Senator BOND for the great assistance they provided as well. We contacted them with the problem we were facing, as well as the chairman and the ranking member, and all of these Senators have really pitched in, which we deeply appreciate.

I would also like to thank Senator GORTON, as chairman of the Interior subcommittee, who also was very helpful.

Again, all of our colleagues have really pitched in and recognized an emergency situation.

I yield the floor.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I want to affirm the statement made by the Senators from North Dakota regarding the fact this has been worked out to the satisfaction of both sides of the aisle and the subcommittee and the full committee. Again, I reiterate, a similar action was taken on behalf of the people of Washington, Idaho, and Oregon, who faced correlated and similar problems during recent floods as well, so it is not establishing any unique precedent. It is well established.

I commend the Senators from North Dakota for being so quick to recognize the needs of their people and to respond to those needs. It was a pleasure to work with them, to be helpful in this particular instance, as in previous instances—railroads, whatever it is. The Senators from North Dakota have always been very cooperative.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the two amendments en bloc.

The amendments (Nos. 3468 and 3469) were agreed to en bloc.

Mr. DORGAN. Mr. President, I move to reconsider the vote.

Mr. CONRAD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair will make three appointments on behalf of the Vice President.

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C., 6968 9(a), appoints the following Senators to the Board of Visitors of the U.S. Naval Academy: The Senator from Oregon [Mr. HATFIELD] from the Committee on Appropriations; the Senator from Maryland [Ms. MIKULSKI] from the Committee on Appropriations; the Senator from Arizona [Mr. MCCAIN] from the Committee on Armed Services; and the Senator from Maryland [Mr. SARBANES] at large.

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 4355(A), appoints the following Senators to the Board of Visitors of the U.S. Military Academy: The Senator from Mississippi [Mr. COCHRAN] from the Committee on Appropriations; the Senator from Nevada [Mr. REID] from the Committee on Appropriations; the Senator from Texas [Mrs. HUTCHISON] from the Committee on Armed Services; and the Senator from Michigan [Mr. LEVIN] at large.

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 9355(a), appoints the following Senators to the Board of Visitors of the U.S. Air Force Academy: The Senator from Montana [Mr. BURNS] from the Committee on Appropriations; the Senator from South Carolina [Mr. HOLLINGS] from the Committee on Appropriations; the Senator from Idaho [Mr. KEMPTHORNE] from the Committee on Armed Services; and the Senator from Nebraska [Mr. EXON] at large.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

BALANCED BUDGET DOWNPAYMENT ACT, II

The Senate continued with the consideration of the bill.

AMENDMENTS NOS. 3470 AND 3471 TO AMENDMENT NO. 3466

Mr. HATFIELD. Mr. President, I offer two amendments that have been cleared on both sides, technical in character. I will explain.

The PRESIDING OFFICER. Without objection, the Daschle amendment will be laid aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD], for Mr. DOLE, for himself, Mr. HATCH, Mr. GREGG, and Mr. HOLLINGS, proposes an amendment numbered 3470 to amendment No. 3466.

The Senator from Oregon [Mr. HATFIELD], for Mr. HOLLINGS, for himself and Mr. INOUYE, proposes an amendment numbered 3471 to amendment No. 3466.

Mr. HATFIELD. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 3470

At the appropriate place, insert the following:

Sec. 117. The definition of "educational expenses" in Section 200103 of the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322 is amended to read as follows:

"educational expenses" means expenses that are directly attributable to—

(A) a course of education leading to the award of the baccalaureate degree; or

(B) a course of graduate study following award of a baccalaureate degree,

including the cost of tuition, fees, books, supplies, transportation, room and board and miscellaneous expenses.

AMENDMENT NO. 3471

At the appropriate place, insert the following:

"SEC. 411. Section 235 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101-246) is amended by inserting "Tinian," after "Sao Tome,".

Mr. HATFIELD. Mr. President, let me say, first of all, they have no monetary impact. There is no budgetary problem on this matter. It is to clarify, in two instances—let me take them separately. One is on behalf of Senator DOLE, Senator HATCH, Senator GREGG, and Senator HOLLINGS.

This amendment broadens the definition of "educational expenses" covered under the Police Corps Program in the section of the bill dealing with the Commerce appropriations bill.

The second one is a Hollings-Inouye amendment to grant USIA multiyear contract authority for the Tinian Relay Station.

Again, I emphasize, they have been cleared on both sides. They have no budgetary impact. They are technical in character.

I urge the adoption, en bloc, of these amendments.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments (Nos. 3470 and 3471) were agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. STEVENS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WHITEWATER DEVELOPMENT CORP. AND RELATED MATTERS—MOTION TO PROCEED

CLOTURE MOTION

Mr. LOTT. Mr. President, I now move to proceed to Senate Resolution 227, the Whitewater legislation, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. Res. 227 regarding the Whitewater extension:

Alfonse D'Amato, Trent Lott, C.S. Bond, Fred Thompson, Slade Gorton, Don Nickles, Paul Coverdell, Spencer Abraham, Chuck Grassley, Conrad Burns, Rod Grams, Richard G. Lugar, Mike DeWine, Mark Hatfield, Orrin G. Hatch, and Thad Cochran.

Mr. LOTT. Mr. President, I ask unanimous consent that the vote occur on Wednesday, March 13, the time to be determined by the two leaders, and that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I now withdraw the motion.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting one withdrawal and sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT CONCERNING THE CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT—PM 129

Under the authority of the order of the Senate of January 4, 1995, the Secretary of the Senate, on March 8, 1996, during the adjournment of the Senate, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Iran emergency declared on March 15, 1995, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) is to continue in effect beyond March 15, 1996, to the *Federal Register* for publication. This emergency is separate from that declared on November 14, 1979, in connection with the Iranian hostage crisis and therefore requires separate renewal of emergency authorities.

The factors that led me to declare a national emergency with respect to Iran on March 15, 1995, have not been resolved. The actions and policies of the Government of Iran, including its support for international terrorism, efforts to undermine the Middle East peace process, and its acquisition of weapons of mass destruction and the means to deliver them, continue to threaten the national security, foreign policy, and economy of the United States. Accordingly, I have determined that it is necessary to maintain in force the broad authorities that are in place by virtue of the March 15, 1995, declaration of emergency.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 8, 1996.*

REPORT CONCERNING THE NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT—PM 130

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

I hereby report to the Congress on developments concerning the national emergency with respect to Iran that was declared in Executive Order No. 12957 of March 15, 1995, and matters relating to the measures in that order and in Executive Order No. 12959 of May 6, 1995. This report is submitted pursuant to section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c) (IEEPA), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa–9(c). This report discusses only matters concerning the national emergency with respect to Iran that was declared in Executive Order No. 12957 and matters relating to that Executive order and Executive Order No. 12959.

1. On March 15, 1995, I issued Executive Order No. 12957 (60 *Fed. Reg.* 14615, March 17, 1995) to declare a national emergency with respect to Iran pursuant to IEEPA, and to prohibit the financing, management, or supervision by U.S. persons of the development of Iranian petroleum resources. This action was in response to actions and policies of the Government of Iran, including support for international terrorism, efforts to undermine the Middle East peace process, and the acquisition of weapons of mass destruction and the means to deliver them. A copy of the order was provided to the Congress on March 15, 1995.

Following the imposition of these restrictions with regard to the development of Iranian petroleum resources, Iran continued to engage in activities that represent a threat to the peace and security of all nations, including Iran's continuing support for international terrorism, its support for acts that undermine the Middle East peace process, and its intensified efforts to acquire weapons of mass destruction. On May 6, 1995, I issued Executive Order No. 12959 to further respond to the Iranian threat to the national security, foreign policy, and economy of the United States.

Executive Order No. 12959 (60 *Fed. Reg.* 24757, May 9, 1995) (1) prohibits exportation from the United States to Iran or to the Government of Iran of goods, technology, or services; (2) prohibits the reexportation of certain U.S. goods and technology to Iran from third countries; (3) prohibits transactions such as brokering and other dealing by United States persons in goods and services of Iranian origin or owned or controlled by the Government of Iran; (4) prohibits new investments by United States persons in Iran or in property owned or controlled by the Government of Iran; (5) prohibits U.S. companies and other United States persons from approving, facilitating, or financing performance by a foreign subsidiary or other entity owned or controlled by a United States person or reexport, investment, and certain trade transactions that a United States person is prohibited from performing; (6) continues the 1987 prohibition on the importation into the United States of goods and services of Iranian origin; (7) prohibits any transaction by any United States person or within the United States that evades or avoids or attempts to violate any prohibition of the order; and (8) allowed U.S. companies a 30-day period in which to perform trade transactions pursuant to contracts predating the Executive order.

In Executive Order No. 12959, I directed the Secretary of the Treasury to authorize through specific licensing certain transactions, including transactions by United States persons related to the Iran-United States Claims Tribunal in The Hague, established pursuant to the Algiers Accords, and related to other international obligations and United States Government functions, and transactions related to the export of agricultural commodities pursuant to preexisting contracts consistent with section 5712(c) of title 7, United States Code. I also directed the Secretary of the Treasury, in consultation with the Secretary of State, to consider authorizing United States persons through specific licensing to participate in market-based swaps of crude oil from the Caspian Sea area for Iranian crude oil in support of energy projects in Azerbaijan, Kazakhstan, and Turkmenistan.

Executive Order No. 12959 revoked sections 1 and 2 of Executive Order No. 12613 of October 29, 1987, and sections 1 and 2 of Executive Order No. 12957 of March 15, 1995, to the extent they are inconsistent with it. A copy of Executive Order No. 12959 was transmitted to the Speaker of the House of Representatives and President of the Senate by letters dated May 6, 1995.

2. There were no amendments to the Iranian Transactions Regulations, 31 CFR Part 560 (the "ITR") during the reporting period.

3. During the current 6-month period, the Department of the Treasury's Office of Foreign Assets Control (FAC) made numerous decisions with respect to applications for licenses to engage in transactions under the ITR, issuing 54 licensing determinations—both approvals and denials. The majority of denials were in response to requests to extend contract performance beyond the time specified by Executive Order No. 12959 and by FAC general license. Licenses were issued authorizing the continued operation of Iranian diplomatic accounts, powers of attorney, extensions of standby letters of credit, payments for trade transactions pursuant to contracts prior to May 6, 1995, and exportation of certain agricultural products contracted for prior to May 6, 1995. The FAC continues to review under section 560.528 requests for authorization to export and reexport goods, services, and technology to ensure the safety of civil aviation and safe operation of U.S.-origin commercial passenger aircraft in Iran. In light of statutory restrictions applicable to goods and technology involved in these cases, Treasury continues to consult and coordinate with the Departments of State and Commerce on these matters, consistent with section 4 of Executive Order No. 12959.

During the reporting period, FAC administered provisions on services related to maintaining Iranian bank accounts and identified and rejected Iran-related payments not authorized under the ITR. United States banks were notified that they could not process transactions on behalf of accounts held in the name of the Government of Iran or persons in Iran, with the exception of certain transactions related to interest accruals, customary service charges, the exportation of information or informational material, travel-related remittances, donations of articles to relieve human suffering, or lump sum closures of accounts by payment to their owners. United States banks continue to handle certain dollar payment transactions involving Iran between third-country banks that do not involve a direct credit or debit to Iranian accounts. Noncommercial family remittances involving Iran must be routed to or from non-U.S., non-Iranian offshore banks.

The FAC continues to coordinate closely with the Federal Reserve Board, the Federal Reserve Bank of New York, and the California banking authorities concerning the treatment of three Iranian bank agencies—Banks Sepah, Saderat, and Melli. Licenses have been issued to the Iranian bank agencies authorizing them to pay overhead expenses under the supervision of the California and New York banking departments while meeting obligations incurred prior to May 6, 1995. Authorization expired at the end of December, which had enabled them to make payments to U.S. exporters under letters of credit advised prior to June 6, 1995, where the underlying exports were completed in accordance with the Regulations or a specific license issued by FAC. The FAC also had permitted the agencies to offer discounted advance payments on deferred payment letters of credit under the same conditions.

4. The U.S. Customs Service has continued to effect numerous seizures of Iranian-origin merchandise, primarily carpets, for violation of the import prohibitions of the ITR. Various enforcement actions carried over from previous reporting periods are continuing and new reports of violations are being aggressively pursued.

5. The expenses incurred by the Federal Government in the 6-month period from September 15, 1995, through March 14, 1996, that are directly attributable to the exercise powers and authorities conferred by the declaration of a national emergency with respect to Iran are approximately $965,000, most of which represents wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the U.S. Customs Service, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel), the Department of State (particularly the Bureau of Economic and Business Affairs, the Bureau of Near Eastern Affairs, the Bureau of Politico-Military Affairs, and the Office of the Legal Adviser), and the Department of Commerce (the Bureau of Export Administration and the General Counsel's Office).

6. The situation reviewed above continues to involve important diplomatic, financial, and legal interests of the United States and its nationals and presents an extraordinary and unusual threat to the national security, foreign policy, and economy of the United States. The declaration of the national emergency with respect to Iran contained in Executive Order No. 12957 and the comprehensive economic sanctions imposed by Executive Order No. 12959 underscore the United States Government's opposition to the actions and policies of the Government of Iran, particularly its support of international terrorism and its efforts to acquire weapons of mass destruction and the means to deliver them. The Iranian Transactions Regulations issued pursuant to Executive Orders No. 12957 and No. 12959 continue to advance important objectives in promoting the nonproliferation and antiterrorism policies of the United States. I shall exercise the powers at my disposal to deal with these problems and will report periodically to the Congress on significant developments.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 11, 1996.*

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 4, 1995, the Secretary of the Senate, on March 8, 1996, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

H.R. 2778. An act to provide that members of the Armed Forces performing services for the peacekeeping effort in the Republic of Bosnia and Herzegovina shall be entitled to certain tax benefits in the same manner as if such were performed in a combat zone.

H.R. 3021. An act to guarantee the continuing full investment of Social Security and other Federal funds in obligations of the United States.

Under the authority of the order of the Senate of January 4, 1995, the enrolled bills were signed subsequently on March 8, 1996, during the adjournment of the Senate, by the President pro tempore (Mr. THURMOND).

MESSAGES FROM THE HOUSE

At 12:02 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that pursuant to the provision of 15 United States Code 1024(a), the Speaker appoints the following Members on the part of the House to the Joint Economic Committee: Mr. HINCHEY of New York and Mrs. MALONEY of New York.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3019. A act making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes.

ENROLLED BILLS SIGNED

A message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

H.R. 927. An act to seek international sanctions against the Castro government in Cuba, to plan for support of a transition government leading to a democratically elected government in Cuba, and for other purposes.

H.R. 2036. An act to amend the Solid Waste Disposal Act to make certain adjustments in the land disposal program to provide needed flexibility, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

MEASURE PLACED ON THE CALENDAR

The following bill was read the second time and placed on the calendar:

H.R. 497. An act to create the National Gambling Impact and Policy Commission.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1952. A communication from the Secretary of Defense, transmitting, a notice approving the appointment of General Barry R. McCaffrey; to the Committee on Armed Services.

EC–1953. A communication from the Secretary of Defense, transmitting, pursuant to law, a notice certifying satisfactory service and approving the retirement of three and four-star officers; to the Committee on Armed Services.

EC–1954. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the quarterly report on the Medicaid Drug Rebate Program; to the Committee on Finance.

EC–1955. A communication from the Secretary of Commerce, transmitting, pursuant to law, the 1995 annual report of the Visiting Committee on Advanced Technology of the National Institute of Standards and Technology; to the Committee on Commerce, Science, and Transportation.

EC–1956. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report entitled, "Ambulatory Surgery, Preadmission Testing, and Same-day Surgery: State Medicaid Programs' Experience and Findings from the Literature"; to the Committee on Labor and Human Resources.

EC–1957. A communication from the Administrator and Chief Executive Officer of the Bonneville Power Administration, Department of Energy, transmitting, pursuant to law, the report on internal controls and financial management systems in effect during fiscal year 1995; to the Committee on Energy and Natural Resources.

EC–1958. A communication from the Chairman of the Advisory Council on Historic Preservation, transmitting, a draft of proposed legislation to amend the National Historic Preservation Act of 1966, as amended, establishing a program for the preservation of additional historic property throughout the Nation, and for other purposes; to the Committee on Energy and Natural Resources.

EC–1959. A communication from the Assistant Surgeon General, Director of the Indian Health Service, and the Assistant Secretary of Indian Affairs, Department of Interior, transmitting jointly, a draft bill of proposed legislation to amend the Indian Self Determination and Education Assistance Act; to the Select Committee on Indian Affairs.

EC–1960. A communication from the Secretary of Veterans' Affairs, transmitting, a draft of proposed legislation to amendment title 38, United States Code; to the Committee on Veterans' Affairs.

EC–1961. A communication from the Secretary of Veterans' Affairs and the Secretary of Defense, transmitting jointly, pursuant to law, the report on the implementation of health resources sharing for fiscal year 1995; to the Committee on Veterans' Affairs.

EC–1962. A communication from the Secretary of Education, transmitting, pursuant to law, the report of the Helen Keller National Center for Deaf-Blind Youth and Adults for calendar year 1994; to the Committee on Labor and Human Resources.

EC–1963. A communication from the General Counsel of the Federal Mediation and Conciliation Service, transmitting, pursuant to law, the report of the charter of the FMCS Grants Program Review and Advisory Committee; to the Committee on Labor and Human Resources.

EC–1964. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the financial audit of the Federal Family Education Loan Programs' financial statements for fiscal years 1993 and 1994; to the Committee on Labor and Human Resources.

EC–1965. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report under the Prescription Drug User Fee Act for fiscal year 1995; to the Committee on Labor and Human Resources.

EC–1966. A communication from the President of the James Madison Memorial Fellowship Foundation, transmitting, pursuant to law, the annual report for fiscal year 1995; to the Committee on Labor and Human Resources.

EC–1967. A communication from the Assistant Secretary of Defense (Force Management Policy), transmitting, pursuant to law, the report of the consolidated financial statements of the audit of the American Red Cross; to the Committee on Labor and Human Resources.

EC–1968. A communication from the Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the report on EEO complaints and appeals for fiscal year 1994; to the Committee on Labor and Human Resources.

EC–1969. A communication from the Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the report on the employment of minorities, women, and people with disabilities in the Federal government for fiscal year 1994; to the Committee on Labor and Human Resources.

EC–1970. A communication from the Principal Deputy Assistant to the Secretary of Defense for Public Affairs, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–1971. A communication from the Executive Director of the Pennsylvania Avenue Development Corporation, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–1972. A communication from the Vice President (Government and Public Affairs), National Railroad Passenger Corporation, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–1973. A communication from the Director of the Office of Science and Technology Policy, Executive Office of the President, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–1974. A communication from the Executive Director of the Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–1975. A communication from the Executive Director of the Committee For Purchase

From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–1976. A communication from the Director of the Office of Administration, Executive Office of the President, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–1977. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–1978. A communication from the Chairman of the International Trade Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–1979. A communication from the Director of the Peace Corps, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–1980. A communication from the Assistant of State (Legislative Affairs), transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–1981. A communication from the Deputy Director of the Office of Federal Housing Enterprise Oversight, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–1982. A communication from the Chairman of the National Credit Union Administration, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–1983. A communication from the Chairman of the Board of Directors of the National Endowment for Democracy, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–1984. A communication from the Board Members of the Railroad Retirement Board, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–1985. A communication from the Director of the U.S. Trade and Development Agency, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–1986. A communication from the Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–1987. A communication from the Office of Special Counsel, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–1988. A communication from the Chair of the Federal Labor Relations Authority, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–1989. A communication from the Executive Secretary of the National Security Council, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–1990. A communication from the Chairman of the Merit Systems Protection Board, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–1991. A communication from the General Counsel of the National Science Foundations, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–1992. A communication from the Executive Director of the Occupational Safety and Health Review Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–1993. A communication from the Commissioner of the International Boundary and Water Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–1994. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–1995. A communication from the Chairman of the Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–1996. A communication from the Copyright Office of the Library of Congress, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–1997. A communication from the Director of the U.S. Information Agency, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–1998. A communication from the General Counsel and Corporation Secretary of the Legal Services Corporation, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–1999. A communication from the Director (Operations and Finance), American Battle Monuments Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–2000. A communication from the Chair of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–2001. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–2002. A communication from the Assistant Attorney General, transmitting, a draft of proposed legislation entitled "Act to Improve the Treatment of and Security For Certain Persons Found Not Guilty By Reason of Insanity In the District of Columbia"; to the Committee on the Judiciary.

EC–2003. A communication from the Attorney General, transmitting, pursuant to law, a report relative to the Telecommunications Act of 1996; to the Committee on the Judiciary.

EC–2004. A communication from the U.S. Trade Representative, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–2005. A communication from the Director (Government Relations) of the Girl Scouts, transmitting, pursuant to law, the report of work and activities for fiscal year 1995; to the Committee on the Judiciary.

EC–2006. A communication from the Chief Justice of the Supreme Court, transmitting, pursuant to law, the report of the proceedings of the Judicial Conference; to the Committee on the Judiciary.

EC–2007. A communication from the Register of Copyrights, transmitting, pursuant to law, the report entitled "Waiver of Moral Rights In Visual Artworks"; to the Committee on the Judiciary.

EC–2008. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report entitled "International Narcotics Control Strategy: 1996"; to the Committee on the Judiciary.

EC–2009. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–2010. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–2011. A communication from the Marshall of the Supreme Court, transmitting, pursuant to law, the annual report for the period February 15, 1995 to February 15, 1996; to the Committee on the Judiciary.

REPORTS OF COMMITTEE

The following reports of committee were submitted:

By Mr. HATFIELD, from the Committee on Appropriations:

Special Report entitled "Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1996" (Rept. No. 104–238).

By Mr. HATCH, from the Committee on the Judiciary:

Report to accompany the bill (S. 605) to establish a uniform and more efficient Federal process for protecting property owners' rights guaranteed by the fifth amendment (Rept. 104–239).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Ms. SNOWE (for herself and Mr. COHEN):

S. 1602. A bill to amend the Plant Variety Protection Act to provide plant variety protection to a tuber propagated plant variety if the variety has not been sold or otherwise disposed of in any area outside the United States for more than a period determined by the Secretary of Agriculture and the variety receives plant variety protection in any area outside the United States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KERRY (for himself and Mr. LAUTENBERG):

S. 1603. A bill to amend the Small Business Act concerning the level of participation by the Small Business Administration in loans guaranteed under the Export Working Captial Program; to the Committee on Small Business.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY (for himself and Mr. LAUTENBERG):

S. 1603. A bill to amend the Small Business Act concerning the level of participation by the Small Business Administration in loans guaranteed under the Export Working Capital Program; to the Committee on Small Business.

SMALL BUSINESS ADMINISTRATION CORRECTIONS LEGISLATION

• Mr. KERRY. Mr. President, today I am introducing legislation intended to correct a problem created last October when Congress passed S. 895, to strengthen and reduce the cost of the Small Business Administration's (SBA) 7(a) Guaranteed Loan Program and the 504 Certified Development Company Program. My bill will restore a level playing field in Federal export financing between small and large exporters and help assure small businesses do not lose export opportunities just because they cannot get the financing they need from banks.

S. 895, developed in response to a growing demand for SBA's 7(a) loan guarantees, expanded the amount of loan guarantee funding available to small businesses by decreasing the share of the guarantee for which the Federal Government is responsible from the then-current 90 percent to a maximum of 80 percent for loans of $100,000 or less, and to a maximum of 75 percent for loans from $100,000 to $750,000. As a subset of the 7(a) program, SBA's Export Working Capital Guarantee Program [EWCP] also had its Government loan guarantee portion adjusted downward. While equalizing the difference between the terms for regular 7(a) loan guarantees and export guarantees, this change penalized small business exporters vis-a-vis their larger counterparts: smaller exporters now receive less favorable financing terms through SBA than big exporters receive through the Export-Import Bank [Ex-Im Bank].

This change comes just 1 year after the SBA and Ex-Im Bank, in response to a directive from the Trade Policy Coordinating Committee [TPCC], had harmonized their export terms to provide a consistent 90 percent loan guarantee rate regardless of the size of the loan. The TPCC endorsed the harmonization to streamline the comparative strengths of Ex-Im Bank and SBA into a single U.S. Government program for the small and medium sized exporter. Through its many local offices, SBA is well positioned to provide assistance to small businesses at the local level. Ex-Im Bank, on the other hand, has only five regional offices and few personnel versed in the needs of small business.

Lenders obviously choose how to allocate their resources based upon the likely return of one transaction versus another. So, while small business working capital requirements tend to be relatively small in dollar amount terms—for example, $25,000 to $500,000—the amount of expenses/overhead devoted to a small transaction is the same as it would be for larger transactions—for example, more than $2 million. In addition, banks will avoid taking foreign lending risks if coverage is reduced. Banking practices are different for domestic lending and foreign lending. Banks will include almost any current domestic receivable in the borrowing base of the customer eligible for financing, but they will not include foreign receivables because they are perceived to be higher risks. SBA's EWCP converts foreign receivables into domestic receivables that can be financed. Finally, a number of exporters with small transactions are not considered bankable because they are new-to-export, having relied on family, friends, second mortgages, and credit cards to start their businesses. SBA helps move them closer to becoming bankable.

The legislation I am introducing will restore parity among small and large exporters in Federal export financing terms, and help assure that no small business loses an export sale just because the financing is not there. Mr. Bennett Schwartz of BayBank and who is also vice president of the Coalition of New England Companies for Trade, a group of more than 100 companies, makes a compelling case for this bill:

> The single greatest obstacle to small business exports is the inability to obtain adequate financing;
>
> The EWCP program was initiated only on October 1, 1994 and it is clear that the 90 percent guarantee provides a critically needed incentive for lenders to make these loans. At a 75/80 percent guarantee this already difficult to obtain financing will become even less attractive to banks and the loans will likely not be made;
>
> Under the harmonization of export finance programs with the Ex-Im Bank, whose Working Capital Guarantee program is not changed, small businesses will be discriminated against. In addition, the SBA underwriting criteria are different than Ex-Im's in that SBA emphasizes transactional based finance over balance sheet lending, precisely the type of financing most difficult to come by for small businesses.
>
> The average exporting deal for small businesses ranges from $30,000-$400,000. The average size of approved SBA EWCP loans has been $300,000.
>
> Many smaller banks without International Departments will participate in an SBA program because they are comfortable with the Agency. The SBA focus on providing advice on structuring a deal so that it meets a bank's criteria is particularly effective in making this type of program work.

The General Accounting Office also supports the principle behind this legislation, arguing there is a clear rationale for treating export guarantees differently than other 7(a) guarantees: banks that make export guarantees have a greater risk and lower profit than banks making other 7(a) loans. ECWP loans are short term and cannot be sold on the secondary market, making them relatively less profitable than conventional 7(a) loans. SBA testified before the House Small Business Committee last September 7 that a 90-percent loan guarantee rate for ECWP loans "will not really affect the Section 7(a) program subsidy rate * * * even if the ECWP doubles in the fiscal year 1996, it will still represent less than 1 percent of the total 7(a) loan portfolio." At the same hearing, a representative for the Bankers' Association for Foreign Trade argued the difference in the two guarantee rates would raise "serious concerns about the future involvement by banks in this area of trade finance."

Since October 1, 1994, the harmonized program has been solely responsible for ensuring 285.3 million dollars' worth of additional United States exports. In fiscal year 1995, SBA approved more than 132 transactions worth $44.3 million as compared to 77 transactions worth $27.4 million in fiscal year 1994. While these numbers clearly demonstrate to me the importance of the loan guarantees to small business exporters, in enacting S. 895 last year, Congress requested SBA to evaluate the impact of the disparity in export loan guarantee rates. SBA surveyed lenders and borrowers throughout the United States, using its field offices, small business associations, and the President's Export Council. Not surprisingly, the results of SBA's Impact Study,

> . . . overwhelmingly illustrate that the reduction in SBA's maximum guarantee percentage has had, and will continue to have, a detrimental effect on SBA's ability to expand access to working capital for small business exporters. Ultimately, this will likely have a negative effect on the ability of small businesses to enter the global marketplace as they continue to be unable to obtain the financing they critically need.

Specifically, the Impact Study found:

> Access to working capital trade finance by small businesses will be severely reduced. Three-quarters of the small businesses interviewed stated that the lower guarantee will have an adverse effect on their ability to obtain export financing.
>
> Many lenders will retreat from making trade finance loans due to decreased risk mitigation. Over half of the banks interviewed stated that they would not have

made a loan under the EWCP at the 75/80 percent guarantee rate.

Small banks, in particular, will be less likely to offer export finance to their customers.

The ability of small business to compete in the global marketplace will be negatively affected.

Mr. President, small business exporters in Massachusetts tell me they need this legislation to help them continue to obtain critical financing. I am sure this is also the case for small business exporters across this Nation. At a time when exports are a key component of continued economic growth and the creation of family-wage jobs, it is incumbent upon Congress to do all it can to help rather than hurt America's small business exporters. I am pleased to have Senator LAUTENBERG join me in introducing this bill and urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1603

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Export Enhancement Act of 1996".

SEC. 2. LEVEL OF PARTICIPATION IN GUARANTEED LOANS UNDER EXPORT WORKING CAPITAL PROGRAM.

Section 7(a)(2) of the Small Business Act (15 U.S.C. 636(a)(2)) is amended by adding at the end the following new subparagraph:

"(D) PARTICIPATION UNDER EXPORT WORKING CAPITAL PROGRAM.—Notwithstanding subparagraph (A), in an agreement to participate in a loan on a deferred basis under the Export Working Capital Program established pursuant to paragraph (14)(A), such participation by the Administration shall be equal to the rate specified under this paragraph as in effect on the day before the date of the enactment of the Small Business Lending Enhancement Act of 1995.".●

ADDITIONAL COSPONSORS

S. 771

At the request of Mr. PRYOR, the name of the Senator from Wyoming [Mr. THOMAS] was added as a cosponsor of S. 771, a bill to provide that certain Federal property shall be made available to States for State use before being made available to other entities, and for other purposes.

S. 942

At the request of Mr. BOND, the names of the Senator from Indiana [Mr. COATS], and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of S. 942, a bill to promote increased understanding of Federal regulations and increased voluntary compliance with such regulations by small entities, to provide for the designation of regional ombudsmen and oversight boards to monitor the enforcement practices of certain Federal agencies with respect to small business concerns, to provide relief from excessive and arbitrary regulatory enforcement actions against small entities, and for other purposes.

S. 969

At the request of Mr. BRADLEY, the names of the Senator from Vermont [Mr. LEAHY], the Senator from Ohio [Mr. GLENN], the Senator from Alaska [Mr. STEVENS], and the Senator from Virginia [Mr. ROBB] were added as cosponsors of S. 969, a bill to require that health plans provide coverage for a minimum hospital stay for a mother and child following the birth of the child, and for other purposes.

S. 1025

At the request of Mr. BUMPERS, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of S. 1025, a bill to provide for the exchange of certain federally owned lands and mineral interests therein, and for other purposes.

S. 1028

At the request of Mrs. KASSEBAUM, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 1028, a bill to provide increased access to health care benefits, to provide increased portability of health care benefits, to provide increased security of health care benefits, to increase the purchasing power of individuals and small employers, and for other purposes.

S. 1249

At the request of Mr. FRIST, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 1249, a bill to amend the Internal Revenue Code of 1986 to establish medical savings account, and for other purposes.

S. 1317

At the request of Mr. D'AMATO, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 1317, a bill to repeal the Public Utility Holding Company Act of 1935, to enact the Public Utility Holding Company Act of 1995, and for other purposes.

S. 1460

At the request of Mrs. BOXER, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 1460, a bill to amend the Marine Mammal Protection Act of 1972 to support the International Dolphin Conservation Program in the eastern tropical Pacific Ocean, and for other purposes.

S. 1563

At the request of Mr. ROCKEFELLER, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 1563, a bill to amend title 38, United States Code, to revise and improve eligibility for medical care and services under that title, and for other purposes.

SENATE CONCURRENT RESOLUTION 43

At the request of Mr. THOMAS, the names of the Senator from Rhode Island [Mr. PELL], the Senator from Colorado [Mr. BROWN], and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of Senate Concurrent Resolution 43, a concurrent resolution expressing the sense of the Congress regarding proposed missile tests by the People's Republic of China.

AMENDMENTS SUBMITTED

THE 1996 BALANCED BUDGET DOWN PAYMENT ACT, II

HATFIELD AMENDMENT NO. 3466

Mr. HATFIELD proposed an amendment to the bill (H.R. 3019) making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

That the following sums are approriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1996, and for other purposes, namely:

TITLE I—OMNIBUS APPROPRIATIONS

SEC. 101. (a) Such amounts as may be necessary for programs, projects or activities provided for in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 at a rate of operations and to the extent and in the manner provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

AN ACT

Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes.

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $74,282,000; including not to exceed $3,317,000 for the Facilities Program 2000, and including $5,000,000 for management and oversight of Immigration and Naturalization Service activities, both sums to remain available until expended: *Provided*, That not to exceed 76 permanent positions and 90 full-time equivalent workyears and $9,487,000 shall be expended for the Offices of Legislative Affairs, Public Affairs and Policy Development: *Provided further*, That the latter three aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or non-reimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Attorney General, $16,898,000, to remain available until expended, to reimburse any Department of Justice organization for (1) the costs incurred in reestablishing the operational capability of an office or facility which has been damaged or destroyed as a result of the bombing of the Alfred P. Murrah Federal Building in Oklahoma City or any domestic or international terrorist incident, (2) the costs of providing support to counter, investigate or prosecute domestic or international terrorism, including payment of rewards in connection with these activities, and (3) the costs of conducting a terrorism threat assessment of Federal agencies and their facilities: *Provided*, That funds provided under this section shall be available only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration related activities, $38,886,000: *Provided*, That the obligated and unobligated balances of funds previously appropriated to the General Administration, Salaries and Expenses appropriation for the Executive Office for Immigration Review and the Office of the Pardon Attorney shall be merged with this appropriation.

VIOLENT CRIME REDUCTION PROGRAMS, ADMINISTRATIVE REVIEW AND APPEALS

For activities authorized by sections 130005 and 130007 of Public Law 103–322, $47,780,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund: *Provided*, That the obligated and unobligated balances of funds previously appropriated to the General Administration, Salaries and Expenses appropriation under title VIII of Public Law 103–317 for the Executive Office for Immigration Review shall be merged with this appropriation.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $28,960,000; including not to exceed $10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and for the acquisition, lease, maintenance and operation of motor vehicles without regard to the general purchase price limitation.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized by law, $5,446,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia; $401,929,000; of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended: *Provided*, That of the funds available in this appropriation, not to exceed $22,618,000 shall remain available until expended for office automation systems for the legal divisions covered by this appropriation, and for the United States Attorneys, the Antitrust Division, and offices funded through "Salaries and Expenses", General Administration: *Provided further*, That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: *Provided further*, That notwithstanding 31 U.S.C. 1342, the Attorney General may accept on behalf of the United States and credit to this appropriation, gifts of money, personal property and services, for the purpose of hosting the International Criminal Police Organization's (INTERPOL) American Regional Conference in the United States during fiscal year 1996.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $4,028,000, to be appropriated from the Vaccine Injury Compensation Trust Fund, as authorized by section 6601 of the Omnibus Budget Reconciliation Act, 1989, as amended by Public Law 101–512 (104 Stat. 1289).

In addition, for Salaries and Expenses, General Legal Activities, $12,000,000 shall be made available to be derived by transfer from unobligated balances of the Working Capital Fund in the Department of Justice.

VIOLENT CRIME REDUCTION PROGRAMS, GENERAL LEGAL ACTIVITIES

For the expeditious deportation of denied asylum applicants, as authorized by section 130005 of Public Law 103–322, $7,591,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindered laws, $65,783,000: *Provided*, That notwithstanding any other provision of law, not to exceed $48,262,000 of offsetting collections derived from fees collected for premeger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 1996, so as to result in a final fiscal year 1996 appropriation from the General Fund estimated at not more than $17,521,000: *Provided further*, That any fees received in excess of $48,262,000 in fiscal year 1996, shall remain available until expended, but shall not be available for obligation until October 1, 1996.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Office of the United States Attorneys, including intergovernmental agreements, $895,509,000, of which not to exceed $2,500,000 shall be available until September 30, 1997 for the purposes of (1) providing training of personnel of the Department of Justice in debt collection, (2) providing services to the Department of Justice related to locating debtors and their property, such as title searches, debtor skiptracing, asset searches, credit reports and other investigations, (3) paying the costs of the Department of Justice for the sale of property not covered by the sale proceeds, such as auctioneers' fees and expenses, maintenance and protection of property and businesses, advertising and title search and surveying costs, and (4) paying the costs of processing and tracking debts owed to the United States Government: *Provided*, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $10,000,000 of those funds available for automated litigation support contracts and $4,000,000 for security equipment shall remain available until expended: *Provided further*, That in addition to reimbursable full-time equivalent workyears available to the Office of the United States Attorneys, not to exceed 8,595 positions and 8,862 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Attorneys.

VIOLENT CRIME REDUCTION PROGRAMS, UNITED STATES ATTORNEYS

For activities authorized by sections 190001(d), 40114 and 130005 of Public Law 103–322, $30,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, of which $20,269,000 shall be available to help meet increased demands for litigation and related activities, $500,000 to implement a program to appoint additional Federal Victim's Counselors, and $9,231,000 for expeditious deportation of denied asylum applicants.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, $102,390,000, as authorized by 28 U.S.C. 589a(a), to remain available until expended, for activities authorized by section 115 of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (Public Law 99–554), which shall be derived from the United States Trustee System Fund: *Provided*, That deposits to the Fund are available in such amounts as may be necessary to pay refunds due depositors: *Provided further*, That, notwithstanding any other provision of law, not to exceed $44,191,000 of offsetting collections derived from fees collected pursuant to section 589a(f) of title 28, United States Code, as amended, shall be retained and used for necessary expenses in this appropriation: *Provided further*, That the $102,390,000 herein appropriated from the United States Trustee System Fund shall be reduced as such offsetting collections are received during fiscal year 1996, so as to result in a final fiscal year 1996 appropriation from such Fund estimated at not more than $58,199,000: *Provided further*, That any of the aforementioned fees collected in excess of $44,191,000 in fiscal year 1996 shall remain available until expended, but shall not be available for obligation until October 1, 1996.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, $830,000.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service; including the acquisition, lease, maintenance, and operation of vehicles and aircraft, and the purchase of passenger motor vehicles for police-type use without regard to the general purchase price limitation for the current fiscal year; $423,248,000, as authorized by 28 U.S.C. 561(i), of which not to exceed $6,000 shall be available for official reception and representation expenses.

VIOLENT CRIME REDUCTION PROGRAMS, UNITED STATES MARSHALS SERVICE

For activities authorized by section 190001(b) of Public Law 103–322, $25,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

FEDERAL PRISONER DETENTION

(INCLUDING TRANSFER OF FUNDS)

For expenses related to United States prisoners in the custody of the United States Marshals Service as authorized in 18 U.S.C. 4013, but not including expenses otherwise provided for in appropriations available to the Attorney General; $252,820,000, as authorized by 28 U.S.C. 561(i), to remain available until expended.

In addition, for Federal Prisoner Detention, $9,000,000 shall be made available until expended to be derived by transfer from unobligated balances of the Working Capital Fund in the Department of Justice.

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances, $85,000,000, to remain available until expended; of which not to exceed $4,750,000 may be made available for planning, construction, renovations, maintenance, remodeling, and repair of buildings and the purchase of equipment incident thereto for protected witness safesites; of which not to exceed $1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses; and of which not to exceed $4,000,000 may be made available for the purchase, installation and maintenance of a secure automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, established by title X of the Civil Rights Act of 1964, $5,319,000: *Provided*, That notwithstanding any other provision of this title, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict prevention and resolution activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to this section shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(A)(ii), (B), (C), (F), and (G), as amended, $30,000,000 to be derived from the Department of Justice Assets Forfeiture Fund.

RADIATION EXPOSURE COMPENSATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses in accordance with the Radiation Exposure Compensation Act, $2,655,000.

PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST FUND

For payments to the Radiation Exposure Compensation Trust Fund, $16,264,000, to become available on October 1, 1996.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, to include intergovernmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $359,843,000, of which $50,000,000 shall remain available until expended: *Provided*, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: *Provided further*, That any unobligated balances remaining available at the end of the fiscal year shall revert to the Attorney General for reallocation among participating organizations in succeeding fiscal years, subject to the reprogramming procedures described in section 605 of this Act.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 1,815 passenger motor vehicles of which 1,300 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; $2,189,183,000, of which not to exceed $50,000,000 for automated data processing and telecommunications and technical investigative equipment and $1,000,000 for undercover operations shall remain available until September 30, 1997; of which not less than $102,345,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security; of which not to exceed $98,400,000 shall remain available until expended; of which not to exceed $10,000,000 is authorized to be made available for making payments or advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, and drug investigations; and of which $1,500,000 shall be available to maintain an independent program office dedicated solely to the relocation of the Criminal Justice Information Services Division and the automation of fingerprint identification services: *Provided*, That not to exceed $45,000 shall be available for official reception and representation expenses: *Provided further*, That $58,000,000 shall be made available for NCIC 2000, of which not less than $35,000,000 shall be derived from ADP and Telecommunications unobligated balances, and of which $22,000,000 shall be derived by transfer and available until expended from unobligated balances in the Working Capital Fund of the Department of Justice.

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by Public Law 103–322, $218,300,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, of which $208,800,000 shall be for activities authorized by section 190001(c); $4,000,000 for Training and Investigative Assistance authorized by section 210501(c)(2); and $5,500,000 for establishing DNA quality assurance and proficiency testing standards, establishing an index to facilitate law enforcement exchange of DNA identification information, and related activities authorized by section 210306.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; $97,589,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed 1,208 passenger motor vehicles, of which 1,178 will be for replacement only, for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft; $750,168,000, of which not to exceed $1,800,000 for research and $15,000,000 for transfer to the Drug Diversion Control Fee Account for operating expenses shall remain available until expended, and of which not to exceed $4,000,000 for purchase of evidence and payments for information, not to exceed $4,000,000 for contracting for ADP and telecommunications equipment, and not to exceed $2,000,000 for technical and laboratory equipment shall remain available until September 30, 1997, and of which not to exceed $50,000 shall be available for official reception and representation expenses.

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by sections 180104 and 190001(b) of Public Law 103–322, $60,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed $50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; purchase for police-type use (not to exceed 813 of which 177 are for replacement only) without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and research related to immigration enforcement; $1,394,825,000, of which $36,300,000 shall remain available until September 30, 1997; of which $506,800,000 is available for the Border Patrol; of which not to exceed $400,000 for research shall remain available until expended; and of which not to exceed $10,000,000 shall be available for costs associated with the training program for basic officer training: *Provided*, That none of the funds available to the Immigration and Naturalization Service shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of $25,000 during the calendar year beginning January 1, 1996: *Provided further*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That not to exceed $5,000 shall be available for official reception and representation expenses: *Provided further*, That the Attorney General may transfer to the Department of Labor and the Social Security Administration not to exceed $10,000,000 for programs to verify the immigration status of persons seeking employment in the United States: *Provided further*, That none of the funds provided in this or any other Act shall be used for the continued operation of the San Clemente and Temecula checkpoints unless: (1) the checkpoints are open and traffic is being checked on a continuous 24-hour basis and (2) the Immigration and Naturalization Service undertakes a commuter lane facilitation pilot program at the San Clemente checkpoint within 90 days of enactment of this Act: *Provided further*, That the Immigration and Naturalization Service shall undertake the renovation and improvement of the San Clemente checkpoint, to include the addition of two to four lanes, and which shall be exempt from Federal procurement regulations for contract formation, from within existing balances in the Immigration and Naturalization Service Construction account: *Provided further*, That if renovation of the San Clemente checkpoint is not completed by July 1, 1996, the San Clemente checkpoint will close until such time as the renovations and improvements are completed unless funds for the continued operation of the checkpoint are provided and made available for obligation and expenditure in accordance with procedures set forth in section 605 of this Act, as the result of certification by the Attorney General that exigent circumstances require the checkpoint to be open and delays in completion of the renovations are not the result of any actions that are or have been in the control of the Department of Justice: *Provided further*, That the Office of Public Affairs at the Immigration and Naturalization Service shall conduct its business in areas only relating to its central mission, including: research, analysis, and dissemination of information, through the media and other communications outlets, relating to the activities of the Immigration and Naturalization Service: *Provided further*, That the Office of Congressional Relations at the Immigration and Naturalization Service shall conduct business in areas only relating to its central mission, including: providing services to Members of Congress relating to constituent inquiries and requests for information; and working with the relevant congressional committees on proposed legislation affecting immigration matters: *Provided further*, That in addition to amounts otherwise made available in this title to the Attorney General, the Attorney General is authorized to accept and utilize, on behalf of the United States, the $100,000 Innovation in American Government Award for 1995 from the Ford Foundation for the Immigration and Naturalization Service's Operation Jobs program.

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by sections 130005, 130006, and 130007 of Public Law 103–322, $316,198,000, to remain available until expended, which will be derived from the Violent Crime Reduction Trust Fund, of which $38,704,000 shall be for expeditious deportation of denied asylum applicants, $231,570,000 for improving border controls, and $45,924,000 for expanded special deportation proceedings: *Provided*, That of the amounts made available, $75,765,000 shall be for the Border Patrol.

CONSTRUCTION

For planning, construction, renovation, equipping and maintenance of buildings and facilities necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, not otherwise provided for, $25,000,000, to remain available until expended.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 853, of which 559 are for replacement only) and hire of law enforcement and passenger motor vehicles; and for the provision of technical assistance and advice on corrections related issues to foreign governments; $2,567,578,000: *Provided*, That there may be transferred to the Health Resources and Services Administration such amounts as may be necessary, in the discretion of the Attorney General, for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That the Director of the Federal Prison System (FPS), where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the FPS, furnish health services to individuals committed to the custody of the FPS: *Provided further*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That not to exceed $6,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $50,000,000 for the activation of new facilities shall remain available until September 30, 1997: *Provided further*, That of the amounts provided for Contract Confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980 for the care and security in the United States of Cuban and Haitian entrants: *Provided further*, That no funds appropriated in this Act shall be used to privatize any Federal prison facilities located in Forrest City, Arkansas, and Yazoo City, Mississippi.

VIOLENT CRIME REDUCTION PROGRAMS

For substance abuse treatment in Federal prisons as authorized by section 32001(e) of Public Law 103–322, $13,500,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; leasing the Oklahoma City Airport Trust Facility; purchase and acquisition of facilities and remodeling and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account; $334,728,000, to remain available until expended, of which not to exceed $14,074,000 shall be available to construct areas for inmate work programs: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation: *Provided further*, That not to exceed 10 percent of the funds appropriated to "Buildings and Facilities" in this Act or any other Act may be transferred to "Salaries and Expenses", Federal Prison System upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 605 of this Act: *Provided further*, That of the total amount appropriated, not to exceed $22,351,000 shall be available for the renovation and construction of United States Marshals Service prisoner holding facilities.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $3,559,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the Missing Children's Assistance Act, as amended, including salaries and expenses in connection therewith, and with the Victims of Crime Act of 1984, as amended, $99,977,000, to remain available until expended, as authorized by section 1001 of title I of the Omnibus Crime Control and Safe Streets Act, as amended by Public Law 102–534 (106 Stat. 3524).

VIOLENT CRIME REDUCTION PROGRAMS, JUSTICE ASSISTANCE

For assistance (including amounts for administrative costs for management and administration, which amounts shall be transferred to and merged with the "Justice Assistance" account) authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322 ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968, as amended ("the 1968 Act"); and the Victims of Child Abuse Act of 1990, as amended ("the 1990 Act"); $202,400,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; of which $6,000,000 shall be for the Court Appointed Special Advocate Program, as authorized by section 218 of the 1990 Act; $750,000 for Child Abuse Training Programs for Judicial Personnel and Practitioners, as authorized by section 224 of the 1990 Act; $130,000,000 for Grants to Combat Violence Against Women to States, units of local governments and Indian tribal governments, as authorized by section 1001(a)(18) of the 1968 Act; $28,000,000 for Grants to Encourage Arrest Policies to States, units of local governments and Indian tribal governments, as authorized by section 1001(a)(19) of the 1968 Act; $7,000,000 for Rural Domestic Violence and Child Abuse Enforcement Assistance Grants, as authorized by section 40295 of the 1994 Act; $1,000,000 for training programs to assist probation and parole officers who work with released sex offenders, as authorized by section 40152(c) of the Violent Crime Control and Law Enforcement Act of 1994; $50,000 for grants for televised testimony, as authorized by section 1001(a)(7) of the Omnibus Crime Control and Safe Streets Act of 1968; $200,000 for the study of State databases on the incidence of sexual and domestic violence, as authorized by section 40292 of the Violent Crime Control and Law Enforcement Act of 1994; $1,500,000 for national stalker and domestic violence reduction, as authorized by section 40603 of the 1994 Act; $27,000,000 for grants for residential substance abuse treatment for State prisoners authorized by section 1001(a)(17) of the 1968 Act; and $900,000 for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(d) of the 1994 Act: *Provided*, That any balances for these programs shall be transferred to and merged with this appropriation.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, for State and Local Narcotics Control and Justice Assistance Improvements, notwithstanding the provisions of section 511 of said Act, $388,000,000, to remain available until expended, as authorized by section 1001 of title I of said Act, as amended by Public Law 102–534 (106 Stat. 3524), of which $60,000,000 shall be available to carry out the provisions of chapter A of subpart 2 of part E of title I of said Act, for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs: *Provided*, That balances of amounts appropriated prior to fiscal year 1995 under the authorities of this account shall be transferred to and merged with this account.

VIOLENT CRIME REDUCTION PROGRAMS, STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For assistance (including amounts for administrative costs for management and administration, which amounts shall be transferred to and merged with the "Justice Assistance" account) authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322 ("the 1994 Act"); the Omnibus Crime Control and-Safe Streets Act of 1968, as amended ("the 1968 Act"); and the Victims of Child Abuse Act of 1990, as amended ("the 1990 Act"); $3,005,200,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; of which $1,903,000,000 shall be for Local Law Enforcement Block Grants, pursuant to H.R. 728 as passed by the House of Representatives on February 14, 1995 for the purposes set forth in paragraphs (A), (B), (D), (F), and (I) of section 101(a)(2) of H.R. 728 and for establishing crime prevention programs involving cooperation between community residents and law enforcement personnel in order to control, detect, or investigate crime or the prosecution of criminals: *Provided*, That recipients are encouraged to use these funds to hire additional law enforcement officers: *Provided further*, That no less than $975,000,000 of this amount shall be available for Public Safety and Community Policing grants pursuant to title I of the 1994 Act: *Provided further*, That no less than $25,000,000 of this amount shall be for drug courts pursuant to title V of the 1994 Act: *Provided further*, That not less than $80,000,000 of such amount shall be for crime prevention block grants pursuant to subtitle B of title III of the 1994 Act: *Provided further*, That funds may also be used to defray the costs of indemnification insurance for law enforcement officers: *Provided further*, That $10,000,000 of this amount shall be available for programs of Police Corps education, training and service as set forth in sections 200101–200113 of the 1994 Act; $25,000,000 for grants to upgrade criminal records, as authorized by section 106(b) of the Brady Handgun Violence Prevention Act of 1993, as amended, and section 4(b) of the National Child Protection Act of 1993; $147,000,000 as authorized by section 1001 of title I of the 1968 Act, which shall be available to carry out the provisions of subpart 1, part E of title I of the 1968 Act, notwithstanding section 511 of said Act, for the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs; $300,000,000 for the State Criminal Alien Assistance Program, as authorized by section 242(j) of the Immigration and Nationality Act, as amended; $617,500,000 for Violent Offender Incarceration and Truth in Sentencing Incentive Grants pursuant to subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 (as amended by section 114 of this Act), of which $200,000,000 shall be available for payments to States for incarceration of criminal aliens, and of which $12,500,000 shall be available for the Cooperative Agreement Program; $1,000,000 for grants to States and units of local government for projects to improve DNA analysis, as authorized by section 1001(a)(22) of the 1968 Act; $9,000,000 for Improved Training and Technical Automation Grants, as authorized by section 210501(c)(1) of the 1994 Act; $1,000,000 for Law Enforcement Family Support Programs, as authorized by section 1001(a)(21) of the 1968 Act; $500,000 for Motor Vehicle Theft Prevention Programs, as authorized by section 220002(h) of the 1994 Act; $1,000,000 for Gang Investigation Coordination and Information Collection, as authorized by section 150006 of the 1994 Act; $200,000 for grants as authorized by section 32201(c)(3) of the 1994 Act: *Provided further*, That funds made available in fiscal year 1996 under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions: *Provided further*, That any 1995 balances for these programs shall be transferred to and merged with this appropriation: *Provided further*, That if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement "Weed and Seed" program activities, $28,500,000, which shall be derived from discretionary grants provided under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, to remain available until expended for intergovernmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies engaged in the investigation and prosecution of violent crimes and drug offenses in "Weed and Seed" designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the "Weed and Seed" program strategy: *Provided*, That funds designated by Congress through language for other Department of Justice appropriation accounts for "Weed and Seed" program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: *Provided further*, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of "Weed and Seed" program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, $144,000,000, to remain available until expended, as authorized by section 299 of part I of title II and section 506 of title V of the Act, as amended by Public Law 102–586, of which: (1) $100,000,000 shall be available for expenses authorized by parts A, B, and C of title II of the Act; (2) $10,000,000 shall be available for expenses authorized by sections 281 and 282 of part D of title II of the Act for prevention and treatment programs relating to juvenile gangs; (3) $10,000,000 shall be available for expenses authorized by section 285 of part E of title II of the Act; (4) $4,000,000 shall be available for expenses authorized by part G of title II of the Act for juvenile mentoring programs; and (5) $20,000,000 shall be available for expenses authorized by title V of the Act for incentive grants for local delinquency prevention programs.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by the Victims of Child Abuse Act of 1990, as amended, $4,500,000, to remain available until expended, as authorized by section 214B, of the Act: *Provided*, That balances of amounts appropriated prior to fiscal year 1995 under the authorities of this account shall be transferred to and merged with this account.

PUBLIC SAFETY OFFICERS BENEFITS

For payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, such sums as are necessary, to remain available until expended, as authorized by section 6093 of Public Law 100-690 (102 Stat. 4339-4340), and, in addition, $2,134,000, to remain available until expended, for payments as authorized by section 1201(b) of said Act.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $45,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

SEC. 102. Subject to section 102(b) of the Department of Justice and Related Agencies Appropriations Act, 1993, as amended by section 112 of this Act, authorities contained in Public Law 96-132, "The Department of Justice Appropriation Authorization Act, Fiscal Year 1980", shall remain in effect until the termination date of this Act or until the effective date of a Department of Justice Appropriation Authorization Act, whichever is earlier.

SEC. 103. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: *Provided*, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 104. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 105. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided*, That nothing in this section in any way diminishes the effect of section 104 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 106. Notwithstanding any other provision of law, not to exceed $10,000,000 of the funds made available in this Act may be used to establish and publicize a program under which publicly-advertised, extraordinary rewards may be paid, which shall not be subject to spending limitations contained in sections 3059 and 3072 of title 18, United States Code: *Provided*, That any reward of $100,000 or more, up to a maximum of $2,000,000, may not be made without the personal approval of the President or the Attorney General and such approval may not be delegated.

SEC. 107. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act, including those derived from the Violent Crime Reduction Trust Fund, may be transferred between such appropriations, but no such appropriation, except "salaries and expenses, Community Relations Service" or as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 108. For fiscal year 1996 and each fiscal year thereafter, amounts in the Federal Prison System's Commissary Fund, Federal Prisons, which are not currently needed for operations, shall be kept on deposit or invested in obligations of, or guaranteed by, the United States and all earnings on such investment shall be deposited in the Commissary Fund.

SEC. 109. (a) Section 524(c)(8)(E) of title 28, United States Code, is amended by deleting "1994" and inserting "1995" in place thereof.

(b) Section 524(c)(9) is amended to read as follows: "(9) Following the completion of procedures for the forfeiture of property pursuant to any law enforced or administered by the Department, the Attorney General is authorized, at his discretion, to warrant clear title to any subsequent purchaser or transferee of such property.".

SEC. 110. Hereafter, notwithstanding any other provision of law—

(1) No transfers may be made from Department of Justice accounts other than those authorized in this Act, or in previous or subsequent appropriations Acts for the Department of Justice, or in part II of title 28 of the United States Code, or in section 10601 of title 42 of the United States Code; and

(2) No appropriation account within the Department of Justice shall have its allocation of funds controlled by other than an apportionment issued by the Office of Management and Budget or an allotment advice issued by the Department of Justice.

SEC. 111. (a) Section 1930(a)(6) of title 28, United States Code, is amended by striking "a plan is confirmed or".

(b) Section 589a(b)(5) of such title is amended by striking ";" and inserting, "until a reorganization plan is confirmed;".

(c) Section 589a(f) of such title is amended—

(1) in paragraph (2) by striking "." and inserting, "until a reorganization plan is confirmed;", and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) 100 percent of the fees collected under section 1930(a)(6) of this title after a reorganization plan is confirmed.".

SEC. 112. Public Law 102-395, section 102 is amended as follows: (1) in subsection (b)(1) strike "years 1993, 1994, and 1995" and insert "year 1996"; (2) in subsection (b)(1)(C) strike "years 1993, 1994, and 1995" and insert "year 1996"; and (3) in subsection (b)(5)(A) strike "years 1993, 1994, and 1995" and insert "year 1996".

SEC. 113. Public Law 101-515 (104 Stat. 2112; 28 U.S.C. 534 note) is amended by inserting "and criminal justice information" after "for the automation of finger-print identification".

SEC. 114. (a) GRANT PROGRAM.—Subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 is amended to read as follows:

"Subtitle A—Violent Offender Incarceration and Truth-in-Sentencing Incentive Grants

"SEC. 20101. DEFINITIONS.

"As used in this subtitle—

"(1) the term 'indeterminate sentencing' means a system by which—

"(A) the court may impose a sentence of a range defined by statute; and

"(B) an administrative agency, generally the parole board, or the court, controls release within the statutory range;

"(2) the term 'sentencing guidelines' means a system of sentences which—

"(A) is established for use by a sentencing court in determining the sentence to be imposed in a criminal case; and

"(B) increases certainty in sentencing, thereby providing assurances to victims of the sentence to be served;

"(3) the term 'part 1 violent crime' means murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports; and

"(4) the term 'State' means a State of the United States, the District of Columbia, or any commonwealth, territory, or possession of the United States.

"SEC. 20102. AUTHORIZATION OF GRANTS.

"(a) IN GENERAL.—The Attorney General shall provide Violent Offender Incarceration grants under section 20103(a) and Truth-in-Sentencing Incentive grants under section 20103(b) to eligible States—

"(1) to build or expand correctional facilities to increase the bed capacity for the confinement of persons convicted of a part 1 violent crime or adjudicated delinquent for an act which if committed by an adult, would be a part 1 violent crime;

"(2) to build or expand temporary or permanent correctional facilities, including facilities on military bases, prison barges, and boot camps, for the confinement of convicted nonviolent offenders and criminal aliens, for the purpose of freeing suitable existing prison space for the confinement of persons convicted of a part 1 violent crime; and

"(3) to build or expand jails.

"(b) REGIONAL COMPACTS.—

"(1) IN GENERAL.—Subject to paragraph (2), States may enter into regional compacts to carry out this subtitle. Such compacts shall be treated as States under this subtitle.

"(2) REQUIREMENT.—To be recognized as a regional compact for eligibility for a grant under section 20103 (a) or (b), each member State must be eligible individually.

"(3) LIMITATION ON RECEIPT OF FUNDS.—No State may receive a grant under this subtitle both individually and as part of a compact.

"(c) APPLICABILITY.—Notwithstanding the eligibility requirements of section 20103, a State that certifies to the Attorney General that, as of the date of enactment of the Department of Justice Appropriations Act, 1996, such State has enacted legislation in reliance on subtitle A of title II of the Violent Crime Control and Law Enforcement Act, as enacted on September 13, 1994, and would in fact qualify under those provisions, shall be eligible to receive a grant for fiscal year 1996 as though such State qualifies under section 20103 of this subtitle.

"SEC. 20103. GRANT ELIGIBILITY.

"(a) VIOLENT OFFENDER INCARCERATION GRANTS.—To be eligible to receive a grant under this subtitle, a State shall submit an application to the Attorney General that provides assurances that the State has implemented, or will implement, correctional policies and programs, including truth-in-sentencing laws that ensure that violent offenders serve a substantial portion of the sentences imposed, that are designed to provide sufficiently severe punishment for violent offenders, including violent juvenile offenders, and that the prison time served is appropriately related to the determination that the inmate is a violent offender and for a period of time deemed necessary to protect the public.

"(b) TRUTH-IN-SENTENCING INCENTIVES.—

"(1) ELIGIBILITY.—To be eligible to receive an additional grant award under this subsection, a State shall submit an application to the Attorney General that demonstrates that—

"(A) such State has implemented truth-in-sentencing laws that—

"(i) require persons convicted of a part 1 violent crime to serve not less than 85 percent of the sentence imposed (not counting time not actually served, such as administrative or statutory incentives for good behavior); or

"(ii) result in persons convicted of a part 1 violent crime serving on average not less than 85 percent of the sentence imposed (not counting time not actually served, such as administrative or statutory incentives for good behavior);

"(B) such State has truth-in-sentencing laws that have been enacted, but not yet implemented, that require such State, not later than 3 years after such State submits an application to the Attorney General, to provide that persons convicted of a part 1 violent crime serve not less than 85 percent of the sentence imposed (not counting time not actually served, such as administrative or statutory incentives for good behavior);

"(C) in the case of a State that on the date of enactment of the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 1996, practices indeterminate sentencing with regard to any part 1 violent crime, persons convicted of a part 1 violent crime in such State on average serve not less than 85 percent of the sentence established under the State's sentencing guidelines (not counting time not actually served, such as administrative or statutory incentives for good behavior); or

"(D) the number of new court commitments to prison for part 1 violent crimes has increased by 10 percent or more over the most recent 3-year period.

"(2) EXCEPTION.—Notwithstanding paragraph (1), a State may provide that the Governor of the State may allow for the earlier release of—

"(A) a geriatric prisoner; or

"(B) a prisoner whose medical condition precludes the prisoner from posing a threat to the public, but only after a public hearing in which representatives of the public and the prisoner's victims have had an opportunity to be heard regarding a proposed release.

"SEC. 20104. SPECIAL RULES.

"(a) SHARING OF FUNDS WITH COUNTIES AND OTHER UNITS OF LOCAL GOVERNMENT.—

"(1) RESERVATION.—Each State shall reserve not more than 15 percent of the amount of funds allocated in a fiscal year pursuant to section 20105 for counties and units of local government to construct, develop, expand, modify, or improve jails and other correctional facilities.

"(2) FACTORS FOR DETERMINATION OF AMOUNT.—To determine the amount of funds to be reserved under this subsection, a State shall consider the burden placed on a county or unit of local government that results from the implementation of policies adopted by the State to carry out section 20103.

"(b) ADDITIONAL REQUIREMENT.—To be eligible to receive a grant under section 20103, a State shall provide assurances to the Attorney General that the State has implemented or will implement not later than 18 months after the date of the enactment of this subtitle policies that provide for the recognition of the rights and needs of crime victims.

"(c) FUNDS FOR JUVENILE OFFENDERS.—Notwithstanding any other provision of this subtitle, if a State, or unit of local government located in a State that otherwise meets the requirements of section 20103, certifies to the Attorney General that exigent circumstances exist that require the State to expend funds to build or expand facilities to confine juvenile offenders other than juvenile offenders adjudicated delinquent for an act which, if committed by an adult, would be a part 1 violent crime, the State may use funds received under this subtitle to build or expand juvenile correctional facilities or pretrial detention facilities for juvenile offenders.

"(d) PRIVATE FACILITIES.—A State may use funds received under this subtitle for the privatization of facilities to carry out the purposes of section 20102.

"(e) DEFINITION.—In a case in which a State defines a part 1 violent crime differently than the definition provided in the Uniform Crime Reports, the Attorney General shall determine and designate whether the definition by such State is substantially similar to the definition provided in the Uniform Crime Reports.

"SEC. 20105. FORMULA FOR GRANTS.

"In determining the amount of funds that may be granted to each State eligible to receive a grant under section 20103, the Attorney General shall apply the following formula:

"(1) MINIMUM AMOUNT FOR GRANTS UNDER SECTION 20103(a).—Of the amount set aside for grants for section 20103(a), 0.75 percent shall be allocated to each eligible State, except that the United States Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands shall each be allocated 0.05 percent.

"(2) MINIMUM AMOUNT FOR GRANTS UNDER SECTION 20103(b).—Of the amount set aside for additional grant awards under section 20103(b)—

"(A) if fewer than 20 States are awarded grants under section 20103(b), 2.5 percent of the amounts paid shall be allocated to each eligible State, except that the United States Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands shall each be allocated 0.05 percent; and

"(B) if 20 or more States are awarded grants under section 20103(b), 2.0 percent of the amounts awarded shall be allocated to each eligible State, except that the United States Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands shall each be allocated 0.04 percent.

"(3) ALLOCATION OF ADDITIONAL AMOUNTS.—

"(A) ALLOCATION OF REMAINING AMOUNTS UNDER SECTION 20103(a).—The amounts remaining after the application of paragraph (1) shall be allocated to each eligible State in the ratio that the population of such State bears to the population of all States.

"(B) DISTRIBUTION OF REMAINING AMOUNTS UNDER SECTION 20103(b).—The amounts remaining after the application of paragraph (2) shall be allocated to each eligible State in the ratio that the average annual number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made bears to the average annual number of part 1 violent crimes reported by all such States to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made.

"(C) UNAVAILABLE DATA.—If data regarding part 1 violent crimes in any State is unavailable for the 3 years preceding the year in which the determination is made or substantially inaccurate, the Attorney General shall utilize the best available comparable data regarding the number of violent crimes for the previous year for the State for the purposes of allocation of funds under this subtitle.

"(4) REGIONAL COMPACTS.—In determining the funds that States organized as a regional compact may receive, the Attorney General shall first apply the formula in either paragraph (1) or (2) and (3) of this section to each member State of the compact. The States organized as a regional compact may receive the sum of the amounts so determined.

"SEC. 20106. ACCOUNTABILITY.

"(a) FISCAL REQUIREMENTS.—A State that receives funds under this subtitle shall use accounting, audit, and fiscal procedures that conform to guidelines prescribed by the Attorney General, and shall ensure that any funds used to carry out the programs under section 20102(a) shall represent the best value for the State governments at the lowest possible cost and employ the best available technology.

"(b) ADMINISTRATIVE PROVISIONS.—The administrative provisions of sections 801 and 802 of the Omnibus Crime Control and Safe Streets Act of 1968 shall apply to the Attorney General under this subtitle in the same manner that such provisions apply to the officials listed in such sections.

"SEC. 20107. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—

"(1) AUTHORIZATIONS.—There are authorized to be appropriated to carry out this subtitle—

"(A) $997,500,000 for fiscal year 1996;

"(B) $1,330,000,000 for fiscal year 1997;

"(C) $2,527,000,000 for fiscal year 1998;

"(D) $2,660,000,000 for fiscal year 1999; and

"(E) $2,753,100,000 for fiscal year 2000.

"(2) DISTRIBUTION.—

"(A) IN GENERAL.—Subject to section 20108, of the amount appropriated pursuant to paragraph (1), the Attorney General shall reserve—

"(i) in fiscal year 1996, 50 percent for grants under section 20103(a), and 50 percent for additional incentive awards under section 20103(b);

"(ii) in fiscal year 1997, 30 percent for grants under section 20103(a), and 70 percent for additional incentive awards under section 20103(b);

"(iii) in fiscal year 1998, 20 percent for grants under section 20103(a), and 80 percent for additional incentive awards under section 20103(b);

"(iv) in fiscal year 1999, 15 percent for grants under section 20103(a), and 85 percent for additional incentive awards under section 20103(b); and

"(v) in fiscal year 2000, 10 percent for grants under section 20103(a), and 90 percent for additional incentive awards under section 20103(b);

"(B) DISTRIBUTION OF MINIMUM AMOUNTS.—The Attorney General shall distribute minimum amounts allocated under section 20105 (1) and (2) to an eligible State not later than 30 days after receiving an application that demonstrates that such State qualifies for a Violent Offender Incarceration grant under section 20103(a) or a Truth-in-Sentencing Incentive grant under section 20103(b).

"(b) LIMITATIONS ON FUNDS.—

"(1) USES OF FUNDS.—Except as provided in section 20110, funds made available pursuant to this section shall be used only to carry out the purposes described in section 20102(a).

"(2) NONSUPPLANTING REQUIREMENT.—Funds made available pursuant to this section shall not be used to supplant State funds, but shall be used to increase the amount of funds that would, in the absence of Federal funds, be made available from State sources.

"(3) ADMINISTRATIVE COSTS.—Not more than 3 percent of the funds made available pursuant to this section shall be used for administrative costs.

"(4) CARRYOVER OF APPROPRIATIONS.—Funds appropriated pursuant to this section during any fiscal year shall remain available until expended.

"(5) MATCHING FUNDS.—The Federal share of a grant received under this subtitle may not exceed 90 percent of the costs of a proposal as described in an application approved under this subtitle.

"SEC. 20108. PAYMENTS FOR INCARCERATION ON TRIBAL LANDS.

"(a) RESERVATION OF FUNDS.—Notwithstanding any other provision of this subtitle, from amounts appropriated under section 20107 to carry out section 20103, the Attorney General shall reserve, to carry out this section—

"(1) 0.3 percent in each of fiscal years 1996 and 1997; and

"(2) 0.2 percent in each of fiscal years 1998, 1999, and 2000.

"(b) GRANTS TO INDIAN TRIBES.—From the amounts reserved under subsection (a), the Attorney General may make grants to Indian tribes for the purposes of constructing jails on tribal lands for the incarceration of offenders subject to tribal jurisdiction.

"(c) APPLICATIONS.—To be eligible to receive a grant under this section, an Indian tribe shall submit to the Attorney General an application in such form and containing such information as the Attorney General may by regulation require.

"SEC. 20109. PAYMENTS TO ELIGIBLE STATES FOR INCARCERATION OF CRIMINAL ALIENS.

"(a) IN GENERAL.—The Attorney General shall make a payment to each State which is eligible under section 242(j) of the Immigration and Nationality Act and which meets the eligibility requirements of section 20103, in such amount as is determined under section 242(j) and for which payment is not made to such State for such fiscal year under such section.

"(b) AUTHORIZATION OF APPROPRIATIONS.—Notwithstanding any other provision of this subtitle, there are authorized to be appropriated to carry out this section from amounts authorized under section 20107, an amount which when added to amounts appropriated to carry out section 242(j) of the Immigration and Nationality Act for fiscal year 1996 equals $500,000,000 and for each of the fiscal years 1997 through 2000 does not exceed $650,000,000.

"(c) REPORT TO CONGRESS.—Not later than May 15, 1999, the Attorney General shall submit a report to the Congress which contains the recommendation of the Attorney General concerning the extension of the program under this section.

"SEC. 20110. SUPPORT OF FEDERAL PRISONERS IN NON-FEDERAL INSTITUTIONS.

"(a) IN GENERAL.—The Attorney General may make payments to States and units of local government for the purposes authorized in section 4013 of title 18, United States Code.

"(b) AUTHORIZATION OF APPROPRIATIONS.—Notwithstanding any other provision of this subtitle, there are authorized to be appropriated from amounts authorized under section 20107 for each of fiscal years 1996 through 2000 such sums as may be necessary to carry out this section.

"SEC. 20111. REPORT BY THE ATTORNEY GENERAL.

"Beginning on July 1, 1996, and each July 1 thereafter, the Attorney General shall report to the Congress on the implementation of this subtitle, including a report on the eligibility of the States under section 20103, and the distribution and use of funds under this subtitle.".

(b) PREFERENCE IN PAYMENTS.—Section 242(j)(4) of the Immigration and Nationality Act (8 U.S.C. 1252(j)(4)) is amended by adding at the end the following:

"(C) In carrying out paragraph (1)(A), the Attorney General shall give preference in making payments to States and political subdivisions of States which are ineligible for payments under section 20109 of the Violent Crime Control and Law Enforcement Act of 1994.".

(c) CONFORMING AMENDMENTS.—

(1) OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.—

(A) PART V.—Part V of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is repealed.

(B) FUNDING.—

(i) Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking paragraph (20).

(ii) Notwithstanding the provisions of subparagraph (A), any funds that remain available to an applicant under paragraph (20) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 shall be used in accordance with part V of such Act as if such Act was in effect on the day preceding the date of enactment of this Act.

(2) VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994.—

(A) TABLE OF CONTENTS.—The table of contents of the Violent Crime Control and Law Enforcement Act of 1994 is amended by striking the matter relating to title V.

(B) COMPLIANCE.—Notwithstanding the provisions of paragraph (1), any funds that remain available to an applicant under title V of the Violent Crime Control and Law Enforcement Act of 1994 shall be used in accordance with such subtitle as if such subtitle was in effect on the day preceding the date of enactment of this Act.

(C) TRUTH-IN-SENTENCING.—The table of contents of the Violent Crime Control and Law Enforcement Act of 1994 is amended by striking the matter relating to subtitle A of title II and inserting the following:

"SUBTITLE A—VIOLENT OFFENDER INCARCERATION AND TRUTH-IN-SENTENCING INCENTIVE GRANTS

"Sec. 20101. Definitions.
"Sec. 20102. Authorization of Grants.
"Sec. 20103. Grant eligibility.
"Sec. 20104. Special rules.
"Sec. 20105. Formula for grants.
"Sec. 20106. Accountability.
"Sec. 20107. Authorization of appropriations.
"Sec. 20108. Payments for Incarceration on Tribal Lands.
"Sec. 20109. Payments to eligible States for incarceration of criminal aliens.
"Sec. 20110. Support of Federal prisoners in non-Federal institutions.
"Sec. 20111. Report by the Attorney General.".

SEC. 115. Notwithstanding provisions of 41 U.S.C. 353 or any other provision of law, the Federal Prison System may enter into contracts and other agreements with private entities for a period not to exceed 3 years and 7 additional option years for the confinement of Federal prisoners.

SEC. 116. The pilot debt collection project authorized by Public Law 99-578, as amended, is extended through September 30, 1997.

This title may be cited as the "Department of Justice Appropriations Act, 1996".

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT

RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $20,889,000, of which $2,500,000 shall remain available until expended: *Provided*, That not to exceed $98,000 shall be available for official reception and representation expenses.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $40,000,000, to remain available until expended.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $30,000 per vehicle; obtain insurance on official motor vehicles; and rent tie lines and teletype equipment; $264,885,000, to remain available until expended: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to 15 U.S.C. 4912; and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment for assessments for services provided as part of these activities.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law; $38,604,000, to remain available until expended: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: *Provided further*, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, Public Law 91–304, and such laws that were in effect immediately before September 30, 1982, and for trade adjustment assistance, $328,500,000: *Provided*, That none of the funds appropriated or otherwise made available under this heading may be used directly or indirectly for attorneys' or consultants' fees in connection with securing grants and contracts made by the Economic Development Administration: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Commerce may provide financial assistance for projects to be located on military installations closed or scheduled for closure or realignment to grantees eligible for assistance under the Public Works and Economic Development Act of 1965, as amended, without it being required that the grantee have title or ability to obtain a lease for the property, for the useful life of the project, when in the opinion of the Secretary of Commerce, such financial assistance is necessary for the economic development of the area: *Provided further*, That the Secretary of Commerce may, as the Secretary considers appropriate, consult with the Secretary of Defense regarding the title to land on military installations closed or scheduled for closure or realignment.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $20,000,000: *Provided*, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $32,000,000.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $45,900,000, to remain available until September 30, 1997.

ECONOMICS AND STATISTICS ADMINISTRATION REVOLVING FUND

The Secretary of Commerce is authorized to disseminate economic and statistical data products as authorized by 15 U.S.C. 1525–1527 and, notwithstanding 15 U.S.C. 4912, charge fees necessary to recover the full costs incurred in their production. Notwithstanding 31 U.S.C. 3302, receipts received from these data dissemination activities shall be credited to this account, to be available for carrying out these purposes without further appropriation.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $133,812,000.

PERIODIC CENSUSES AND PROGRAMS

For expenses necessary to collect and publish statistics for periodic censuses and programs provided for by law, $150,300,000, to remain available until expended.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration, $17,000,000 to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce is authorized to charge Federal agencies for spectrum management, analysis, and operations, and related services: *Provided further*, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for spectrum management, analysis, and operations, and related services and for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of the NTIA in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC BROADCASTING FACILITIES, PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, $15,500,000, to remain available until expended as authorized by section 391 of the Act, as amended: *Provided*, That not to exceed $2,200,000 shall be available for program administration as authorized by section 391 of the Act: *Provided further*, That notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, as amended, $21,500,000, to remain available until expended as authorized by section 391 of the Act, as amended: *Provided*, That not to exceed $3,000,000 shall be available for program administration and other support activities as authorized by section 391 of the Act including support of the Advisory Council on National Information Infrastructure: *Provided further*, That of the funds appropriated herein, not to exceed 5 percent may be available for telecommunications research activities for projects related directly to the development of a national information infrastructure: *Provided further*, That notwithstanding the requirements of section 392(a) and 392(c) of the Act, these funds may be used for the planning and construction of telecommunications networks for the provision of educational, cultural, health care, public information, public safety or other social services.

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Patent and Trademark Office provided for by law, including defense of suits instituted against the Commissioner of Patents and Trademarks; $82,324,000, to remain available until expended: *Provided*, That the funds made available under this heading are to be derived from deposits in the Patent and Trademark Office Fee Surcharge Fund as authorized by law: *Provided further*, That the amounts made available under the Fund shall not exceed amounts deposited; and such fees as shall be collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376, shall remain available until expended.

SCIENCE AND TECHNOLOGY

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $259,000,000, to remain available until expended, of which not to exceed $8,500,000 may be transferred to the "Working Capital Fund".

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership of the National Institute of Standards and Technology, $80,000,000, to remain available until expended, of which not to exceed $500,000 may be transferred to the "Working Capital Fund": *Provided*, That none of the funds made available under this heading in this or any other Act may be used for the purposes of carrying out additional program competitions under the Advanced Technology Program: *Provided further*, That any unobligated balances available from carryover of prior year appropriations under the Advanced Technology Program may be used only for the purposes of providing continuation grants.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $60,000,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including acquisition, maintenance, operation, and hire of aircraft; not to exceed 358 commissioned officers on the active list; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and alteration, modernization, and relocation of facilities as authorized by 33 U.S.C. 883i; $1,802,677,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302 but consistent with other existing law, fees shall be assessed, collected, and credited to this appropriation as offsetting collections to be available until expended, to recover the costs of administering aeronautical charting programs: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such additional fees are received during fiscal year 1996, so as to result in a final general fund appropriation estimated at not more than $1,799,677,000: *Provided further*, That any such additional fees received in excess of $3,000,000 in fiscal year 1996 shall not be available for obligation until October 1, 1996: *Provided further*, That fees and donations received by the National Ocean Service for the management of the national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: *Provided further*, That in addition, $63,000,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": *Provided further*, That grants to States pursuant to sections 306 and 306(a) of the Coastal Zone Management Act, as amended, shall not exceed $2,000,000.

COASTAL ZONE MANAGEMENT FUND

Of amounts collected pursuant to 16 U.S.C. 1456a, not to exceed $7,800,000, for purposes set forth in 16 U.S.C. 1456a(b)(2)(A), 16 U.S.C. 1456a(b)(2)(B)(v), and 16 U.S.C. 1461(e).

CONSTRUCTION

For repair and modification of, and additions to, existing facilities and construction of new facilities, and for facility planning and design and land acquisition not otherwise provided for the National Oceanic and Atmospheric Administration, $50,000,000, to remain available until expended.

FLEET MODERNIZATION, SHIPBUILDING AND CONVERSION

For expenses necessary for the repair, acquisition, leasing, or conversion of vessels, including related equipment to maintain and modernize the existing fleet and to continue planning the modernization of the fleet, for the National Oceanic and Atmospheric Administration, $8,000,000, to remain available until expended.

FISHING VESSEL AND GEAR DAMAGE COMPENSATION FUND

For carrying out the provisions of section 3 of Public Law 95-376, not to exceed $1,032,000, to be derived from receipts collected pursuant to 22 U.S.C. 1980 (b) and (f), to remain available until expended.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95-372, not to exceed $999,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96-339), the Magnuson Fishery Conservation and Management Act of 1976, as amended (Public Law 100-627) and the American Fisheries Promotion Act (Public Law 96-561), there are appropriated from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed $196,000, to remain available until expended.

FISHING VESSEL OBLIGATIONS GUARANTEES

For the cost, as defined in section 502 of the Federal Credit Reform Act of 1990, of guaranteed loans authorized by the Merchant Marine Act of 1936, as amended, $250,000: *Provided*, That none of the funds made available under this heading may be used to guarantee loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

SALARIES AND EXPENSES

For necessary expenses for the Under Secretary for Technology/Office of Technology Policy, $5,000,000.

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce provided for by law, including not to exceed $3,000 for official entertainment, $29,100,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1-11 as amended by Public Law 100-504), $19,849,000.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

CONSTRUCTION OF RESEARCH FACILITIES

(RESCISSION)

Of the unobligated balances available under this heading, $75,000,000 are rescinded.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

SEC. 203. None of the funds made available by this Act may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.

SEC. 204. None of the funds provided in this or any previous Act, or hereinafter made available to the Department of Commerce shall be available to reimburse the Unemployment Trust Fund or any other fund or account of the Treasury to pay for any expenses paid before October 1, 1992, as authorized by section 8501 of title 5, United States Code, for services performed after April 20, 1990, by individuals appointed to temporary positions within the Bureau of the Census for purposes relating to the 1990 decennial census of population.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 206. (a) Should legislation be enacted to dismantle or reorganize the Department of Commerce, the Secretary of Commerce, no later than 90 days thereafter, shall submit to the Committees on Appropriations of the House and the Senate a plan for transferring funds provided in this Act to the appropriate successor organizations: *Provided*, That the plan shall include a proposal for transferring or rescinding funds appropriated herein for agencies or programs terminated under such legislation: *Provided further*, That such plan shall be transmitted in accordance with section 605 of this Act.

(b) The Secretary of Commerce or the appropriate head of any successor organization(s) may use any available funds to carry out legislation dismantling or reorganizing the Department of Commerce to cover the costs of actions relating to the abolishment, reorganization or transfer of functions and any related personnel action, including voluntary separation incentives if authorized by such legislation: *Provided*, That the authority to transfer funds between appropriations accounts that may be necessary to carry out this section is provided in addition to authorities included under section 205 of this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 207. None of the funds appropriated under this Act or any other law shall be used to implement subsections (a), (b), (c), (e), (g), or (i) of section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533), until such time as legislation reauthorizing the Act is enacted or until the end of fiscal year 1996, whichever is earlier, except that monies appropriated under this Act may be used to delist or reclassify species pursuant to subsections 4(a)(2)(B), 4(c)(2)(B)(i), and 4(c)(2)(B)(ii) of the Act.

SEC. 208. Notwithstanding any other provision of law (including any regulation and including the Public Works and Economic Development Act of 1965), the transfer of title to the Rutland City Industrial Complex to Hilinex, Vermont (as related to Economic Development Administration Project Number 01-11-01742) shall not require compensation to the Federal Government for the fair share of the Federal Government of that real property.

SEC. 209. (a) IN GENERAL.—The Secretary of Commerce, acting through the Assistant Secretary for Economic Development of the Department of Commerce, shall—

(1) not later than January 1, 1996, commence the demolition of the structures on, and the cleanup and environmental remediation on, the parcel of land described in subsection (b);

(2) not later than March 31, 1996, complete the demolition, cleanup, and environmental remediation under paragraph (1); and

(3) not later than April 1, 1996, convey the parcel of land described in subsection (b), in

accordance with the requirements of section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)), to the Tuscaloosa County Industrial Development Authority, on receipt of payment of the fair market value for the parcel by the Authority, as agreed on by the Secretary and the Authority.

(b) LAND PARCEL.—The parcel of land referred to in subsection (a) is the parcel of land consisting of approximately 41 acres in Holt, Alabama (in Tuscaloosa County), that is generally known as the "Central Foundry Property", as depicted on a map, and as described in a legal description, that the Secretary, acting through the Assistant Secretary for Economic Development, determines to be satisfactory.

SEC. 210. Any costs incurred by a Department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title shall be absorbed within the total budgetary resources available to such Department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this provision is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

This title may be cited as the "Department of Commerce and Related Agencies Appropriations Act, 1996".

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, $25,834,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by the Act approved May 7, 1934 (40 U.S.C. 13a-13b), $3,313,000, of which $500,000 shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $14,288,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services as authorized by 5 U.S.C. 3109, and necessary expenses of the court, as authorized by law, $10,859,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $2,433,141,000 (including the purchase of firearms and ammunition); of which not to exceed $13,454,000 shall remain available until expended for space alteration projects; of which not to exceed $10,000,000 shall remain available until expended for furniture and furnishings related to new space alteration and construction projects; and of which $500,000 is to remain available until expended for acquisition of books, periodicals, and newspapers, and all other legal reference materials, including subscriptions.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $2,318,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

VIOLENT CRIME REDUCTION PROGRAMS

For activities of the Federal Judiciary as authorized by law, $30,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, as authorized by section 190001(a) of Public Law 103-322.

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations, the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended, the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act (18 U.S.C. 3006A(e)), the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel, the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences, and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d), $267,217,000, to remain available until expended as authorized by 18 U.S.C. 3006A(i): *Provided*, That none of the funds provided in this Act shall be available for Death Penalty Resource Centers or Post-Conviction Defender Organizations after April 1, 1996.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)); $59,028,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to the procurement, installation, and maintenance of security equipment and protective services for the United States Courts in courtrooms and adjacent areas, including building ingress-egress control, inspection of packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100-702); $102,000,000, to be expended directly or transferred to the United States Marshals Service which shall be responsible for administering elements of the Judicial Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $47,500,000, of which not to exceed $7,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90-219, $17,914,000; of which $1,800,000 shall remain available through September 30, 1997, to provide education and training to Federal court personnel; and of which not to exceed $1,000 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), $24,000,000, to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), $7,000,000, and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $1,900,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $8,500,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

GENERAL PROVISIONS—THE JUDICIARY

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Appropriations made in this title shall be available for salaries and expenses of the Special Court established under the Regional Rail Reorganization Act of 1973, Public Law 93-236.

SEC. 303. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except "Courts of Appeals, District Courts, and other Judicial Services, Defender Services", shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 304. Notwithstanding any other provision of law, the salaries and expenses appropriation for district courts, courts of appeals, and other judicial services shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided*, That such available funds shall not exceed $10,000 and shall be administered by the Director of the Administrative Office of the United States Courts in his capacity as Secretary of the Judicial Conference.

SEC. 305. Section 333 of title 28, United States Code, is amended—

(1) in the first paragraph by striking "shall" the first, second, and fourth place it appears and inserting "may"; and

(2) in the second paragraph—

(A) by striking "shall" the first place it appears and inserting "may"; and

(B) by striking ", and unless excused by the chief judge, shall remain throughout the conference".

This title may be cited as "The Judiciary Appropriations Act, 1996".

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCIES

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including expenses authorized by the State Department Basic Authorities Act of 1956, as amended; representation to certain international organizations in which the United States participates pursuant to treaties, ratified pursuant to the advice and consent of the Senate, or specific Acts of Congress; acquisition by exchange or purchase of passenger motor vehicles as authorized by 31 U.S.C. 1343, 40 U.S.C. 481(c) and 22 U.S.C. 2674; and for expenses of general administration, $1,708,800,000: *Provided*, That notwithstanding section 140(a)(5), and the second sentence of section 140(a)(3) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236), not to exceed $125,000,000 of fees may be collected during fiscal year 1996 under the authority of section 140(a)(1) of that Act: *Provided further*, That all fees collected under the preceding proviso shall be deposited in fiscal year 1996 as an offsetting collection to appropriations made under this heading to recover the costs of providing consular services and shall remain available until expended: *Provided further*, That starting in fiscal year 1997, a system shall be in place that allocates to each department and agency the full cost of its presence outside of the United States.

Of the funds provided under this heading, $24,856,000 shall be available only for the Diplomatic Telecommunications Service for operation of existing base services and not to exceed $17,144,000 shall be available only for the enhancement of the Diplomatic Telecommunications Service and shall remain available until expended. Of the latter amount, $9,600,000 shall not be made available until expiration of the 15 day period beginning on the date when the Secretary of State and the Director of the Diplomatic Telecommunications Service submit the pilot program report required by section 507 of Public Law 103-317.

In addition, not to exceed $700,000 in registration fees collected pursuant to section 38 of the Arms Export Control Act, as amended, may be used in accordance with section 45 of the State Department Basic Authorities Act of 1956, 22 U.S.C. 2717; and in addition not to exceed $1,223,000 shall be derived from fees from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act (Public Law 90-553, as amended by section 120 of Public Law 101-246); and in addition not to exceed $15,000 which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities in accordance with section 46 of the State of Department Basic Authorities Act of 1956 (22 U.S.C. 2718(a)).

Notwithstanding section 402 of this Act, not to exceed 20 percent of the amounts made available in this Act in the appropriation accounts, "Diplomatic and Consular Programs" and "Salaries and Expenses" under the heading "Administration of Foreign Affairs" may be transferred between such appropriation accounts: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

For an additional amount for security enhancements to counter the threat of terrorism, $9,720,000, to remain available until expended.

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of State and the Foreign Service, provided for by law, including expenses authorized by section 9 of the Act of August 31, 1964, as amended (31 U.S.C. 3721), and the State Department Basic Authorities Act of 1956, as amended, $363,276,000.

For an additional amount for security enhancements to counter the threat of terrorism, $1,870,000, to remain available until expended.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $16,400,000, to remain available until expended, as authorized in Public Law 103-236: *Provided*, That section 135(e) of Public Law 103-236 shall not apply to funds appropriated under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App.), $27,369,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980 (Public Law 96-465), as it relates to post inspections: *Provided*, That notwithstanding any other provision of law, (1) the Office of the Inspector General of the United States Information Agency is hereby merged with the Office of the Inspector General of the Department of State; (2) the functions exercised and assigned to the Office of the Inspector General of the United States Information Agency before the effective date of this Act (including all related functions) are transferred to the Office of the Inspector General of the Department of State; and (3) the Inspector General of the Department of State shall also serve as the Inspector General of the United States Information Agency.

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085), $4,500,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services in accordance with the provisions of section 214 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4314) and 3 U.S.C. 208, $8,579,000.

SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292-300), and the Diplomatic Security Construction Program as authorized by title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851), $385,760,000, to remain available until expended as authorized by 22 U.S.C. 2696(c): *Provided*, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture and furnishings and generators for other departments and agencies.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service pursuant to the requirement of 31 U.S.C. 3526(e), $6,000,000, to remain available until expended as authorized by 22 U.S.C. 2696(c), of which not to exceed $1,000,000 may be transferred to and merged with the Repatriation Loans Program Account, subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $593,000, as authorized by 22 U.S.C. 2671: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, $183,000 which may be transferred to and merged with the Salaries and Expenses account under Administration of Foreign Affairs.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96-8 (93 Stat. 14), $15,165,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $125,402,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $700,000,000: *Provided*, That any payment of arrearages shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: *Provided further*, That 20 percent of the funds appropriated in this paragraph for the assessed contribution of the United States to the United Nations shall be withheld from obligation and expenditure until a certification is made under section 401(b) of Public Law 103-236 for fiscal year 1996: *Provided further*, That certification under section 401(b) of Public Law 103-236 for fiscal year 1996 may only be made if the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives are notified of the steps taken, and anticipated, to meet the requirements of section 401(b) of Public Law 103-236 at least 15 days in advance of the proposed certification: *Provided further*, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, $225,000,000: *Provided*, That none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least fifteen days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency, as far in advance as is practicable), (1) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate Committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; and (2) a reprogramming of funds pursuant to section 605 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: *Provided further*, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers.

INTERNATIONAL CONFERENCES AND CONTINGENCIES

For necessary expenses authorized by section 5 of the State Department Basic Authorities Act of 1956, in addition to funds otherwise available for these purposes, contributions for the United States share of general expenses of international organizations and conferences and representation to such organizations and conferences as provided for by 22 U.S.C. 2656 and 2672 and personal services without regard to civil service and classification laws as authorized by 5 U.S.C. 5102, $3,000,000, to remain available until expended as authorized by 22 U.S.C. 2696(c), of which not to exceed $200,000 may be expended for representation as authorized by 22 U.S.C. 4085.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $12,058,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $6,644,000, to remain available until expended as authorized by 22 U.S.C. 2696(c).

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103-182; $5,800,000, of which not to exceed $9,000 shall be available for representation expenses incurred by the International Joint Commission.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $14,669,000: *Provided*, That the United States share of such expenses may be advanced to the respective commissions, pursuant to 31 U.S.C. 3324.

OTHER

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by section 501 of Public Law 101-246, $5,000,000, to remain available until expended as authorized by 22 U.S.C. 2696(c).

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

For necessary expenses not otherwise provided, for arms control, nonproliferation, and disarmament activities, $35,700,000, of which not to exceed $50,000 shall be for official reception and representation expenses as authorized by the Act of September 26, 1961, as amended (22 U.S.C. 2551 et seq.).

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary to enable the United States Information Agency, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.) and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), to carry out international communication, educational and cultural activities; and to carry out related activities authorized by law, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000 of this appropriation), as authorized by 22 U.S.C. 1471, and entertainment, including official receptions, within the United States, not to exceed $25,000 as authorized by 22 U.S.C. 1474(3); $445,645,000: *Provided*, That not to exceed $1,400,000 may be used for representation abroad as authorized by 22 U.S.C. 1452 and 4085: *Provided further*, That not to exceed $7,615,000 to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, library, motion pictures, and publication programs as authorized by section 810 of the United States Information and Educational Exchange Act of 1948, as amended: *Provided further*, That not to exceed $1,700,000 to remain available until expended may be used to carry out projects involving security construction and related improvements for agency facilities not physically located together with Department of State facilities abroad.

TECHNOLOGY FUND

For expenses necessary to enable the United States Information Agency to provide for the procurement of information technology improvements, as authorized by the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.), the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), $5,050,000, to remain available until expended.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), $200,000,000, to remain available until expended as authorized by 22 U.S.C. 2455: *Provided*, That $1,800,000 of this amount shall be available for the Mike Mansfield Fellowship Program as authorized by section 252 of Public Law 103-236.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204-05), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 1996, to remain available until expended: *Provided*, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A-110 (Uniform Administrative Requirements) and A-122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 1996, to remain available until expended.

AMERICAN STUDIES COLLECTIONS ENDOWMENT FUND

For necessary expenses of American Studies Collections as authorized by section 235 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, all interest and earnings accruing to the American Studies Collections Endowment Fund on or before September 30, 1996, to remain available until expended.

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the United States Information Agency, as authorized by the United States Information and Educational Exchange Act of 1948, as amended, the United States International Broadcasting Act of 1994, as amended, and Reorganization Plan No. 2 of 1977, to carry out international communication activities; $325,191,000, of which $5,000,000 shall remain available until expended, not to exceed $16,000 may be used for official receptions within the United States as authorized by 22 U.S.C. 1474(3), not to exceed $35,000 may be used for representation abroad as authorized by 22 U.S.C. 1452 and 4085, and not to exceed $39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, not to exceed $250,000 from fees as authorized by section 810 of the United States Information and Educational Exchange Act of 1948, as amended, to remain available until expended for carrying out authorized purposes; and in addition, notwithstanding any other provision of law, not to exceed $1,000,000 in monies received (including receipts from advertising, if any) by or for the use of the United States Information Agency from or in connection with broadcasting resources owned by or on behalf of the Agency, to be available until expended for carrying out authorized purposes.

BROADCASTING TO CUBA

For expenses necessary to enable the United States Information Agency to carry out the Radio Broadcasting to Cuba Act, as amended, the Television Broadcasting to Cuba Act, and the International Broadcasting Act of 1994, including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception, $24,809,000 to remain available until expended: *Provided*, That not later than April 1, 1996, the headquarters of the Office of Cuba Broadcasting shall be relocated from Washington, D.C. to south Florida, and that any funds available under the headings "International Broadcasting Operations", "Broadcasting to Cuba", and "Radio Construction" may be available to carry out this relocation.

RADIO CONSTRUCTION

For an additional amount for the purchase, rent, construction, and improvement of facilities for radio transmission and reception and purchase and installation of necessary equipment for radio and television transmission and reception as authorized by 22 U.S.C. 1471, $40,000,000, to remain available until expended as authorized by 22 U.S.C. 1477b(a).

EAST-WEST CENTER

To enable the Director of the United States Information Agency to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960 (22 U.S.C. 2054–2057), by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, $11,750,000: *Provided*, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

NORTH/SOUTH CENTER

To enable the Director of the United States Information Agency to provide for carrying out the provisions of the North/South Center Act of 1991 (22 U.S.C. 2075), by grant to an educational institution in Florida known as the North/South Center, $2,000,000, to remain available until expended.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the United States Information Agency to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $30,000,000, to remain available until expended.

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCIES

SEC. 401. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of 5 U.S.C.; for services as authorized by 5 U.S.C. 3109; and hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the United States Information Agency in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided further*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 403. Funds appropriated or otherwise made available under this Act or any other Act may be expended for compensation of the United States Commissioner of the International Boundary Commission, United States and Canada, only for actual hours worked by such Commissioner.

SEC. 404. (a) No later than 90 days after enactment of legislation consolidating, reorganizing or downsizing the functions of the Department of State, the United States Information Agency, and the Arms Control and Disarmament Agency, the Secretary of State, the Director of the United States Information Agency and the Director of the Arms Control and Disarmament Agency shall submit to the Committees on Appropriations of the House and the Senate a proposal for transferring or rescinding funds appropriated herein for functions that are consolidated, reorganized or downsized under such legislation: *Provided*, That such plan shall be transmitted in accordance with section 605 of this Act.

(b) The Secretary of State, the Director of the United States Information Agency, and the Director of the Arms Control and Disarmament Agency, as appropriate, may use any available funds to cover the costs of actions to consolidate, reorganize or downsize the functions under their authority required by such legislation, and of any related personnel action, including voluntary separation incentives if authorized by such legislation: *Provided*, That the authority to transfer funds between appropriations accounts that may be necessary to carry out this section is provided in addition to authorities included under section 402 of this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 405. Funds appropriated by this Act for the United States Information Agency, the Arms Control and Disarmament Agency, and the Department of State may be obligated and expended notwithstanding section 701 of the United States Information and Educational Exchange Act of 1948 and section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, section 53 of the Arms Control and Disarmament Act, and section 15 of the State Department Basic Authorities Act of 1956.

SEC. 406. Section 36(a)(1) of the State Department Authorities Act of 1956, as amended (22 U.S.C. 2708), is amended to delete "may pay a reward" and insert in lieu thereof "shall establish and publicize a program under which rewards may be paid".

SEC. 407. Section 8 of the Eisenhower Exchange Fellowship Act of 1990 is amended in the last sentence by striking "fiscal year 1995" and inserting "fiscal year 1999".

SEC. 408. Sections 6(a) and 6(b) of Public Law 101–454 are repealed. In addition, notwithstanding any other provision of law, Eisenhower Exchange Fellowships, Incorporated, may use one-third of any earned but unused trust income from the period 1992 through 1995 for Fellowship purposes in each of fiscal years 1996–1998.

SEC. 409. It is the sense of the Senate that none of the funds appropriated or otherwise made available pursuant to this Act should be used for the deployment of combat-equipped forces of the Armed Forces of the United States for any ground operations in Bosnia and Herzegovina unless—

(1) Congress approves in advance the deployment of such forces of the Armed Forces; or

(2) the temporary deployment of such forces of the Armed Forces of the United States into Bosnia and Herzegovina is necessary to evacuate United Nations peacekeeping forces from a situation of imminent danger, to undertake emergency air rescue operations, or to provide for the airborne delivery of humanitarian supplies, and the President reports as soon as practicable to Congress after the initiation of the temporary deployment, but in no case later than 48 hours after the initiation of the deployment.

SEC. 410. Any costs incurred by a Department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title shall be absorbed within the total budgetary resources available to such Department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this provision is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

This title may be cited as the "Department of State and Related Agencies Appropriations Act, 1996".

TITLE V—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARTIME ADMINISTRATION

OPERATING-DIFFERENTIAL SUBSIDIES

(LIQUIDATION OF CONTRACT AUTHORITY)

For the payment of obligations incurred for operating-differential subsidies as authorized by the Merchant Marine Act, 1936, as amended, $162,610,000, to remain available until expended.

MARITIME NATIONAL SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States as determined by the Secretary of Defense in consultation with the Secretary of Transportation, $46,000,000, to remain available until expended: *Provided*, That these funds will be available only upon enactment of an authorization for this program.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law,

$66,600,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, the Secretary of Transportation may use proceeds derived from the sale or disposal of National Defense Reserve Fleet vessels that are currently collected and retained by the Maritime Administration, to be used for facility and ship maintenance, modernization and repair, conversion, acquisition of equipment, and fuel costs necessary to maintain training at the United States Merchant Marine Academy and State maritime academies and may be transferred to the Secretary of the Interior for use as provided in the National Maritime Heritage Act (Public Law 103–451): *Provided further*, That reimbursements may be made to this appropriation from receipts to the "Federal Ship Financing Fund" for administrative expenses in support of that program in addition to any amount heretofore appropriated.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by the Merchant Marine Act of 1936, $40,000,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $1,000,000,000.

In addition, for administrative expenses to carry out the guaranteed loan program, not to exceed $3,500,000, which shall be transferred to and merged with the appropriation for Operations and Training.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefor shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriation Act, and all receipts which otherwise would be deposited to the credit of said fund shall be covered into the Treasury as miscellaneous receipts.

Commission for the Preservation of America's Heritage Abroad

SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, $206,000, as authorized by Public Law 99–83, section 1303.

Commission on Civil Rights

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $8,750,000: *Provided*, That not to exceed $50,000 may be used to employ consultants: *Provided further*, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the Chairperson who is permitted 125 billable days.

Commission on Immigration Reform

SALARIES AND EXPENSES

For necessary expenses of the Commission on Immigration Reform pursuant to section 141(f) of the Immigration Act of 1990, $1,894,000, to remain available until expended.

Commission on Security and Cooperation in Europe

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, $1,090,000, to remain available until expended as authorized by section 3 of Public Law 99–7.

Equal Employment Opportunity Commission

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621–634), the Americans with Disabilities Act of 1990 and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); nonmonetary awards to private citizens; not to exceed $26,500,000, for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, as amended, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991; $233,000,000: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds.

Federal Communications Commission

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–02; not to exceed $600,000 for land and structure; not to exceed $500,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses; purchase (not to exceed sixteen) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109; $195,709,000, of which not to exceed $300,000 shall remain available until September 30, 1997, for research and policy studies: *Provided*, That $136,400,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, as amended, and shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 1996 so as to result in a final fiscal year 1996 appropriation estimated at $59,309,000: *Provided further*, That any offsetting collections received in excess of $136,400,000 in fiscal year 1996 shall remain available until expended, but shall not be available for obligation until October 1, 1996: *Provided further*, That the Commission shall amend its schedule of regulatory fees set forth in section 1.1153 of title 47, CFR, authorized by section 9 of title I of the Communications Act of 1934, as amended by: (1) striking "$22,420" in the Annual Regulatory Fee column for VHF Commercial Markets 1 through 10 and inserting "$32,000"; (2) striking "$19,925" in the Annual Regulatory Fee column for VHF Commercial Markets 11 through 25 and inserting "$26,000"; (3) striking "$14,950" in the Annual Regulatory Fee column for VHF Commercial Markets 26 through 50 and inserting "$17,000"; (4) striking "$9,975" in the Annual Regulatory Fee column for VHF Commercial Markets 51 through 100 and inserting "$9,000"; (5) striking "$6,225" in the Annual Regulatory Fee column for VHF Commercial Remaining Markets and inserting "$2,500"; and (6) striking "$17,925" in the Annual Regulatory Fee column for UHF Commercial Markets 1 through 10 and inserting "$25,000"; (7) striking "$15,950" in the Annual Regulatory Fee column for UHF Commercial Markets 11 through 25 and inserting "$20,000"; (8) striking "$11,950" in the Annual Regulatory Fee column for UHF Commercial Markets 26 through 50 and inserting "$13,000"; (9) striking "$7,975" in the Annual Regulatory Fee column for UHF Commercial Markets 51 through 100 and inserting "$7,000"; and (10) striking "$4,975" in the Annual Regulatory Fee column for UHF Commercial Remaining Markets and inserting "$2,000".

Federal Maritime Commission

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act of 1936, as amended (46 App. U.S.C. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–02; $14,855,000: *Provided*, That not to exceed $2,000 shall be available for official reception and representation expenses.

Federal Trade Commission

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses; $79,568,000: *Provided*, That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718, as amended: *Provided further*, That notwithstanding any other provision of law, not to exceed $48,262,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 1996, so as to result in a final fiscal year 1996 appropriation from the General Fund estimated at not more than $31,306,000, to remain available until expended: *Provided further*, That any fees received in excess of $48,262,000 in fiscal year 1996 shall remain available until expended, but shall not be available for obligation until October 1, 1996: *Provided further*, That none of the funds made available to the Federal Trade Commission shall be available for obligation for expenses authorized by section 151 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102–242, 105 Stat. 2282–2285).

JAPAN-UNITED STATES FRIENDSHIP COMMISSION

JAPAN-UNITED STATES FRIENDSHIP TRUST FUND

For expenses of the Japan-United States Friendship Commission, as authorized by Public Law 94–118, as amended, from the interest earned on the Japan-United States Friendship Trust Fund, $1,247,000; and an amount of Japanese currency not to exceed the equivalent of $1,420,000 based on exchange rates at the time of payment of such amounts as authorized by Public Law 94–118.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $300,000,000, of which $291,000,000 is for basic field programs and required independent audits in accordance with section 509 of this Act; $1,500,000 is for the Office of the Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients in accordance with section 509 of this Act; and $7,500,000 is for management and administration: *Provided*, That $198,750,000 of the total amount provided under this heading for basic field programs shall not be available except for the competitive award of grants and contracts under section 503 of this Act.

ADMINISTRATIVE PROVISIONS—LEGAL SERVICES CORPORATION

SEC. 501. (a) Funds appropriated under this Act to the Legal Services Corporation for basic field programs shall be distributed as follows:

(1) The Corporation shall define geographic areas and make the funds available for each geographic area on a per capita basis relative to the number of individuals in poverty determined by the Bureau of the Census to be within the geographic area, except as provided in paragraph (2)(B). Funds for such a geographic area may be distributed by the Corporation to 1 or more persons or entities eligible for funding under section 1006(a)(1)(A) of the Legal Services Corporation Act (42 U.S.C. 2996e(a)(1)(A)), subject to sections 502 and 504.

(2) Funds for grants from the Corporation, and contracts entered into by the Corporation for basic field programs, shall be allocated so as to provide—

(A) except as provided in subparagraph (B), an equal figure per individual in poverty for all geographic areas, as determined on the basis of the most recent decennial census of population conducted pursuant to section 141 of title 13, United States Code (or, in the case of the Republic of Palau, the Federated States of Micronesia, the Republic of the Marshall Islands, Alaska, Hawaii, and the United States Virgin Islands, on the basis of the adjusted population counts historically used as the basis for such determinations); and

(B) an additional amount for Native American communities that received assistance under the Legal Services Corporation Act for fiscal year 1995, so that the proportion of the funds appropriated to the Legal Services Corporation for basic field programs for fiscal year 1996 that is received by the Native American communities shall be not less than the proportion of such funds appropriated for fiscal year 1995 that was received by the Native American communities.

(b) As used in this section:

(1) The term "individual in poverty" means an individual who is a member of a family (of 1 or more members) with an income at or below the poverty line.

(2) The term "poverty line" means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

SEC. 502. None of the funds appropriated in this Act to the Legal Services Corporation shall be used by the Corporation to make a grant, or enter into a contract, for the provision of legal assistance unless the Corporation ensures that the person or entity receiving funding to provide such legal assistance is—

(1) a private attorney admitted to practice in a State or the District of Columbia;

(2) a qualified nonprofit organization, chartered under the laws of a State or the District of Columbia, that—

(A) furnishes legal assistance to eligible clients; and

(B) is governed by a board of directors or other governing body, the majority of which is comprised of attorneys who—

(i) are admitted to practice in a State or the District of Columbia; and

(ii) are appointed to terms of office on such board or body by the governing body of a State, county, or municipal bar association, the membership of which represents a majority of the attorneys practicing law in the locality in which the organization is to provide legal assistance;

(3) a State or local government (without regard to section 1006(a)(1)(A)(ii) of the Legal Services Corporation Act (42 U.S.C. 2996e(a)(1)(A)(ii)); or

(4) a substate regional planning or coordination agency that serves a substate area and whose governing board is controlled by locally elected officials.

SEC. 503. (a)(1) Not later than April 1, 1996, the Legal Services Corporation shall implement a system of competitive awards of grants and contracts for all basic field programs, which shall apply to all such grants and contracts awarded by the Corporation after March 31, 1996, from funds appropriated in this Act.

(2) Any grant or contract awarded before April 1, 1996, by the Legal Services Corporation to a basic field program for 1996—

(A) shall not be for an amount greater than the amount required for the period ending March 31, 1996;

(B) shall terminate at the end of such period; and

(C) shall not be renewable except in accordance with the system implemented under paragraph (1).

(3) The amount of grants and contracts awarded before April 1, 1996, by the Legal Services Corporation for basic field programs for 1996 in any geographic area described in section 501 shall not exceed an amount equal to 3/12 of the total amount to be distributed for such programs for 1996 in such area.

(b) Not later than 60 days after the date of enactment of this Act, the Legal Services Corporation shall promulgate regulations to implement a competitive selection process for the recipients of such grants and contracts.

(c) Such regulations shall specify selection criteria for the recipients, which shall include—

(1) a demonstration of a full understanding of the basic legal needs of the eligible clients to be served and a demonstration of the capability of serving the needs;

(2) the quality, feasibility, and cost effectiveness of a plan submitted by an applicant for the delivery of legal assistance to the eligible clients to be served; and

(3) the experience of the Legal Services Corporation with the applicant, if the applicant has previously received financial assistance from the Corporation, including the record of the applicant of past compliance with Corporation policies, practices, and restrictions.

(d) Such regulations shall ensure that timely notice regarding an opportunity to submit an application for such an award is published in periodicals of local and State bar associations and in at least 1 daily newspaper of general circulation in the area to be served by the person or entity receiving the award.

(e) No person or entity that was previously awarded a grant or contract by the Legal Services Corporation for the provision of legal assistance may be given any preference in the competitive selection process.

(f) For the purposes of the funding provided in this Act, rights under sections 1007(a)(9) and 1011 of the Legal Services Corporation Act (42 U.S.C. 2996f(a)(9) and 42 U.S.C. 2996j) shall not apply.

SEC. 504. (a) None of the funds appropriated in this Act to the Legal Services Corporation may be used to provide financial assistance to any person or entity (which may be referred to in this section as a "recipient")—

(1) that makes available any funds, personnel, or equipment for use in advocating or opposing any plan or proposal, or represents any party or participates in any other way in litigation, that is intended to or has the effect of altering, revising, or reapportioning a legislative, judicial, or elective district at any level of government, including influencing the timing or manner of the taking of a census;

(2) that attempts to influence the issuance, amendment, or revocation of any executive order, regulation, or other statement of general applicability and future effect by any Federal, State, or local agency;

(3) that attempts to influence any part of any adjudicatory proceeding of any Federal, State, or local agency if such part of the proceeding is designed for the formulation or modification of any agency policy of general applicability and future effect;

(4) that attempts to influence the passage or defeat of any legislation, constitutional amendment, referendum, initiative, or any similar procedure of the Congress or a State or local legislative body;

(5) that attempts to influence the conduct of oversight proceedings of the Corporation or any person or entity receiving financial assistance provided by the Corporation;

(6) that pays for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, administrative expense, or related expense, associated with an activity prohibited in this section;

(7) that initiates or participates in a class action suit;

(8) that files a complaint or otherwise initiates or participates in litigation against a defendant, or engages in a precomplaint settlement negotiation with a prospective defendant, unless—

(A) each plaintiff has been specifically identified, by name, in any complaint filed for purposes of such litigation or prior to the precomplaint settlement negotiation; and

(B) a statement or statements of facts written in English and, if necessary, in a language that the plaintiffs understand, that enumerate the particular facts known to the plaintiffs on which the complaint is based, have been signed by the plaintiffs, are kept on file by the recipient, and are made available to any Federal department or agency that is auditing or monitoring the activities of the Corporation or of the recipient, and to any auditor or monitor receiving Federal funds to conduct such auditing or monitoring, including any auditor or monitor of the Corporation:

Provided, That upon establishment of reasonable cause that an injunction is necessary to prevent probable, serious harm to such potential plaintiff, a court of competent jurisdiction may enjoin the disclosure of the identity of any potential plaintiff pending the outcome of such litigation or negotiations after notice and an opportunity for a hearing is provided to potential parties to the litigation or the negotiations: *Provided further*, That other parties to the litigation or negotiation shall have access to the statement of facts referred to in subparagraph (B) only through the discovery process after litigation has begun;

(9) unless—

(A) prior to the provision of financial assistance—

(i) if the person or entity is a nonprofit organization, the governing board of the person or entity has set specific priorities in writing, pursuant to section 1007(a)(2)(C)(i) of the Legal Services Corporation Act (42 U.S.C. 2996f(a)(2)(C)(i)), of the types of matters and cases to which the staff of the nonprofit organization shall devote time and resources; and

(ii) the staff of such person or entity has signed a written agreement not to undertake cases or matters other than in accordance with the specific priorities set by such governing board, except in emergency situations defined by such board and in accordance with the written procedures of such board for such situations; and

(B) the staff of such person or entity provides to the governing board on a quarterly basis, and to the Corporation on an annual basis, information on all cases or matters undertaken other than cases or matters undertaken in accordance with such priorities;

(10) unless—

(A) prior to receiving the financial assistance, such person or entity agrees to maintain records of time spent on each case or matter with respect to which the person or entity is engaged;

(B) any funds, including Interest on Lawyers Trust Account funds, received from a source other than the Corporation by the person or entity, and disbursements of such funds, are accounted for and reported as receipts and disbursements, respectively, separate and distinct from Corporation funds; and

(C) the person or entity agrees (notwithstanding section 1006(b)(3) of the Legal Services Corporation Act (42 U.S.C. 2996e(b)(3)) to make the records described in this paragraph available to any Federal department or agency that is auditing or monitoring the activities of the Corporation or of the recipient, and to any independent auditor or monitor receiving Federal funds-to conduct such auditing or monitoring, including any auditor or monitor of the Corporation;

(11) that provides legal assistance for or on behalf of any alien, unless the alien is present in the United States and is—

(A) an alien lawfully admitted for permanent residence as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20));

(B) an alien who—

(i) is married to a United States citizen or is a parent or an unmarried child under the age of 21 years of such a citizen; and

(ii) has filed an application to adjust the status of the alien to the status of a lawful permanent resident under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), which application has not been rejected;

(C) an alien who is lawfully present in the United States pursuant to an admission under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) (relating to refugee admission) or who has been granted asylum by the Attorney General under such Act;

(D) an alien who is lawfully present in the United States as a result of withholding of deportation by the Attorney General pursuant to section 243(h) of the Immigration and Nationality Act (8 U.S.C. 1253(h));

(E) an alien to whom section 305 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1101 note) applies, but only to the extent that the legal assistance provided is the legal assistance described in such section; or

(F) an alien who is lawfully present in the United States as a result of being granted conditional entry to the United States before April 1, 1980, pursuant to section 203(a)(7) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(7)), as in effect on March 31, 1980, because of persecution or fear of persecution on account of race, religion, or political calamity;

(12) that supports or conducts a training program for the purpose of advocating a particular public policy or encouraging a political activity, a labor or antilabor activity, a boycott, picketing, a strike, or a demonstration, including the dissemination of information about such a policy or activity, except that this paragraph shall not be construed to prohibit the provision of training to an attorney or a paralegal to prepare the attorney or paralegal to provide—

(A) adequate legal assistance to eligible clients; or

(B) advice to any eligible client as to the legal rights of the client;

(13) that claims (or whose employee claims), or collects and retains, attorneys' fees pursuant to any Federal or State law permitting or requiring the awarding of such fees;

(14) that participates in any litigation with respect to abortion;

(15) that participates in any litigation on behalf of a person incarcerated in a Federal, State, or local prison;

(16) that initiates legal representation or participates in any other way, in litigation, lobbying, or rulemaking, involving an effort to reform a Federal or State welfare system, except that this paragraph shall not be construed to preclude a recipient from representing an individual eligible client who is seeking specific relief from a welfare agency if such relief does not involve an effort to amend or otherwise challenge existing law in effect on the date of the initiation of the representation;

(17) that defends a person in a proceeding to evict the person from a public housing project if—

(A) the person has been charged with the illegal sale or distribution of a controlled substance; and

(B) the eviction proceeding is brought by a public housing agency because the illegal drug activity of the person threatens the health or safety of another tenant residing in the public housing project or employee of the public housing agency;

(18) unless such person or entity agrees that the person or entity, and the employees of the person or entity, will not accept employment resulting from in-person unsolicited advice to a nonattorney that such nonattorney should obtain counsel or take legal action, and will not refer such nonattorney to another person or entity or an employee of the person or entity, that is receiving financial assistance provided by the Corporation; or

(19) unless such person or entity enters into a contractual agreement to be subject to all provisions of Federal law relating to the proper use of Federal funds, the violation of which shall render any grant or contractual agreement to provide funding null and void, and, for such purposes, the Corporation shall be considered to be a Federal agency and all funds provided by the Corporation shall be considered to be Federal funds provided by grant or contract.

(b) Nothing in this section shall be construed to prohibit a recipient from using funds from a source other than the Legal Services Corporation for the purpose of contacting, communicating with, or responding to a request from, a State or local government agency, a State or local legislative body or committee, or a member thereof, regarding funding for the recipient, including a pending or proposed legislative or agency proposal to fund such recipient.

(c) Not later than 30 days after the date of enactment of this Act, the Legal Services Corporation shall promulgate a suggested list of priorities that boards of directors may use in setting priorities under subsection (a)(9).

(d)(1) The Legal Services Corporation shall not accept any non-Federal funds, and no recipient shall accept funds from any source other than the Corporation, unless the Corporation or the recipient, as the case may be, notifies in writing the source of the funds that the funds may not be expended for any purpose prohibited by the Legal Services Corporation Act or this title.

(2) Paragraph (1) shall not prevent a recipient from—

(A) receiving Indian tribal funds (including funds from private nonprofit organizations for the benefit of Indians or Indian tribes) and expending the tribal funds in accordance with the specific purposes for which the tribal funds are provided; or

(B) using funds received from a source other than the Legal Services Corporation to provide legal assistance to a covered individual if such funds are used for the specific purposes for which such funds were received, except that such funds may not be expended by recipients for any purpose prohibited by this Act or by the Legal Services Corporation Act.

(e) As used in this section:

(1) The term "controlled substance" has the meaning given the term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(2) The term "covered individual" means any person who—

(A) except as provided in subparagraph (B), meets the requirements of this Act and the Legal Services Corporation Act relating to eligibility for legal assistance; and

(B) may or may not be financially unable to afford legal assistance.

(3) The term "public housing project" has the meaning as used within, and the term "public housing agency" has the meaning

given the term, in section 3 of the United States Housing Act of 1937 (42 U.S.C. 1437a).

SEC. 505. None of the funds appropriated in this Act to the Legal Services Corporation or provided by the Corporation to any entity or person may be used to pay membership dues to any private or nonprofit organization.

SEC. 506. None of the funds appropriated in this Act to the Legal Services Corporation may be used by any person or entity receiving financial assistance from the Corporation to file or pursue a lawsuit against the Corporation.

SEC. 507. None of the funds appropriated in this Act to the Legal Services Corporation may be used for any purpose prohibited or contrary to any of the provisions of authorization legislation for fiscal year 1996 for the Legal Services Corporation that is enacted into law. Upon the enactment of such Legal Services Corporation reauthorization legislation, funding provided in this Act shall from that date be subject to the provisions of that legislation and any provisions in this Act that are inconsistent with that legislation shall no longer have effect.

SEC. 508. (a) The requirements of section 504 shall apply to the activities of a recipient described in section 504, or an employee of such a recipient, during the provision of legal assistance for a case or matter, if the recipient or employee begins to provide the legal assistance on or after the date of enactment of this Act.

(b) If the recipient or employee began to provide legal assistance for the case or matter prior to the date of enactment of this Act—

(1) each of the requirements of section 504 (other than paragraphs (7), (11), and (15) of subsection (a) of such section) shall, beginning on the date of enactment of this Act, apply to the activities of the recipient or employee during the provision of legal assistance for the case or matter; and

(2) the requirements of paragraphs (7), (11), and (15) of section 504(a) shall apply—

(A) beginning on the date of enactment of this Act, to the activities of the recipient or employee during the provision of legal assistance for any additional related claim for which the recipient or employee begins to provide legal assistance on or after such date; and

(B) beginning July 1, 1996, to all other activities of the recipient or employee during the provision of legal assistance for the case or matter.

(c) The Legal Services Corporation shall, every 60 days, submit to the Committees on Appropriations of the Senate and House of Representatives a report setting forth the status of cases and matters referred to in subsection (b)(2).

SEC. 509. (a) An audit of each person or entity receiving financial assistance from the Legal Services Corporation under this Act (referred to in this section as a "recipient") shall be conducted in accordance with generally accepted government auditing standards and guidance established by the Office of the Inspector General and shall report whether—

(1) the financial statements of the recipient present fairly its financial position and the results of its financial operations in accordance with generally accepted accounting principles;

(2) the recipient has internal control systems to provide reasonable assurance that it is managing funds, regardless of source, in compliance with Federal laws and regulations; and

(3) the recipient has complied with Federal laws and regulations applicable to funds received, regardless of source.

(b) In carrying out the requirements of subsection (a)(3), the auditor shall select and test a representative number of transactions and report all instances of noncompliance to the recipient. The recipient shall report any noncompliance found by the auditor during the audit under this section within 5 calendar days to the Office of the Inspector General. If the recipient fails to report the noncompliance, the auditor shall report the noncompliance directly to the Office of the Inspector General within 5 calendar days of the recipient's failure to report.

(c) The audits required under this section shall be provided for by the recipients and performed by independent public accountants. The cost of such audits shall be shared on a pro rata basis among all of the recipient's funding providers and the appropriate share shall be an allowable charge to the Federal funds provided by the Legal Services Corporation. No audit costs may be charged to the Federal funds when the audit required by this section has not been made in accordance with the guidance promulgated by the Office of the Inspector General.

If the recipient fails to have an acceptable audit in accordance with the guidance promulgated by the Office of the Inspector General, the following sanctions shall be available to the Corporation as recommended by the Office of the Inspector General:

(1) the withholding of a percentage of the recipient's funding until the audit is completed satisfactorily.

(2) the suspension of recipient's funding until an acceptable audit is completed.

(d) The Office of the Inspector General may remove, suspend, or bar an independent public accountant, upon a showing of good cause, from performing audit services required by this section. The Office of the Inspector General shall develop and issue rules of practice to implement this paragraph.

(e) Any independent public accountant performing an audit under this section who subsequently ceases to be the accountant for the recipient shall promptly notify the Office of the Inspector General pursuant to such rules as the Office of the Inspector General shall prescribe.

(f) Audits conducted in accordance with this section shall be in lieu of the financial audits otherwise required by section 1009(c) of the Legal Services Corporation Act (42 U.S.C. 2996h(c)).

(g) The Office of the Inspector General is authorized to conduct on-site monitoring, audits, and inspections in accordance with Federal standards.

(h) Notwithstanding section 1006(b)(3) of the Legal Services Corporation Act (42 U.S.C. 2996e(b)(3)), financial records, time records, retainer agreements, client trust fund and eligibility records, and client names, for each recipient shall be made available to any auditor or monitor of the recipient, including any Federal department or agency that is auditing or monitoring the activities of the Corporation or of the recipient, and any independent auditor or monitor receiving Federal funds to conduct such auditing or monitoring, including any auditor or monitor of the Corporation, except for reports or records subject to the attorney-client privilege.

(i) The Legal Services Corporation shall not disclose any name or document referred to in subsection (h), except to—

(1) a Federal, State, or local law enforcement official; or

(2) an official of an appropriate bar association for the purpose of enabling the official to conduct an investigation of a rule of professional conduct.

(j) The recipient management shall be responsible for expeditiously resolving all reported audit reportable conditions, findings, and recommendations, including those of sub-recipients.

(k) The Legal Services Corporation shall—

(1) Follow up on significant reportable conditions, findings, and recommendations found by the independent public accountants and reported to Corporation management by the Office of the Inspector General to ensure that instances of deficiencies and noncompliance are resolved in a timely manner, and

(2) Develop procedures to ensure effective follow-up that meet at a minimum the requirements of Office of Management and Budget Circular Number A-50.

(l) The requirements of this section shall apply to a recipient for its first fiscal year beginning on or after January 1, 1996.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92-522, as amended, $1,190,000.

MARTIN LUTHER KING, JR. FEDERAL HOLIDAY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Martin Luther King, Jr. Federal Holiday Commission, as authorized by Public Law 98-399, as amended, $350,000: *Provided*, That this shall be the final Federal payment to the Martin Luther King, Jr. Federal Holiday Commission for operations and necessary closing costs.

OUNCE OF PREVENTION COUNCIL

For activities authorized by sections 30101 and 30102 of Public Law 103-322 (including administrative costs), $1,500,000, to remain available until expended, for the Ounce of Prevention Grant Program: *Provided*, That the Council may accept and use gifts and donations, both real and personal, for the purpose of aiding or facilitating the authorized activities of the Council, of which not to exceed $5,000 may be used for official reception and representation expenses.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $287,738,000, of which $3,000,000 is for the Office of Economic Analysis, to be headed by the Chief Economist of the Commission, and of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions, and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (i) such incidental expenses as meals taken in the course of such attendance, (ii) any travel and transportation to or from such meetings, and (iii) any other related lodging or subsistence: *Provided*, That immediately upon enactment of this Act, the rate of fees under section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)) shall increase from one-fiftieth of one percentum to one-twenty-ninth of one percentum, and such increase shall be deposited as an offsetting collection to this appropriation, to remain available until expended, to recover costs of services of the securities registration process: *Provided further*, That the total amount appropriated for fiscal year 1996 under this heading shall be reduced as such fees are deposited to this appropriation so as to result in a final total fiscal year 1996 appropriation from the General Fund estimated at not more than $103,445,000: *Provided further*, That any such fees collected in excess of $184,293,000 shall remain available until expended but shall not be available for obligation until October 1, 1996: *Provided further*, That $1,000,000 of the funds appropriated for the Commission shall be available for the enforcement of the Investment Advisers Act of 1940 in addition to any other appropriated funds designated by the Commission for enforcement of such Act.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 103–403, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $219,190,000: *Provided*, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: *Provided further*, That notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1–11 as amended by Public Law 100–504), $8,500,000.

BUSINESS LOANS PROGRAM ACCOUNT

For the cost of direct loans, $4,500,000, and for the cost of guaranteed loans, $156,226,000, as authorized by 15 U.S.C. 631 note, of which $1,216,000, to be available until expended, shall be for the Microloan Guarantee Program, and of which $40,510,000 shall remain available until September 30, 1997: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That during fiscal year 1996, commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, as amended, shall not exceed the amount of financings authorized under section 20(n)(2)(B) of the Small Business Act, as amended.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $92,622,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans authorized by section 7(b) of the Small Business Act, as amended, $34,432,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct loan program, $71,578,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the "Surety Bond Guarantees Revolving Fund", authorized by the Small Business Investment Act, as amended, $2,530,000, to remain available without fiscal year limitation as authorized by 15 U.S.C. 631 note.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

SEC. 510. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by The State Justice Institute Authorization Act of 1992 (Public Law 102–572 (106 Stat. 4515–4516)), $5,000,000 to remain available until expended: *Provided*, That not to exceed $2,500 shall be available for official reception and representation expenses.

TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 605 (a) None of the funds provided under this Act, or provided under previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 1996, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 1996, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

SEC. 606. None of the funds made available in this Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.

SEC. 607. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 608. None of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 610. None of the funds made available by this Act may be used for any United Nations undertaking when it is made known to the Federal official having authority to obligate or expend such funds (1) that the United Nations undertaking is a peacekeeping mission, (2) that such undertaking will involve United States Armed Forces under the command or operational control of a foreign national, and (3) that the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

SEC. 611. None of the funds made available in this Act shall be used to provide the following amenities or personal comforts in the Federal prison system—

(1) in-cell television viewing except for prisoners who are segregated from the general prison population for their own safety;

(2) the viewing of R, X, and NC–17 rated movies, through whatever medium presented;

(3) any instruction (live or through broadcasts) or training equipment for boxing, wrestling, judo, karate, or other martial art, or any bodybuilding or weightlifting equipment of any sort;

(4) possession of in-cell coffee pots, hot plates, or heating elements; or

(5) the use or possession of any electric or electronic musical instrument.

SEC. 612. None of the funds made available in title II for the National Oceanic and Atmospheric Administration under the heading "Fleet Modernization, Shipbuilding and Conversion" may be used to implement sections 603, 604, and 605 of Public Law 102–567.

SEC. 613. None of the funds made available in this Act may be used for "USIA Television Marti Program" under the Television Broadcasting to Cuba Act or any other program of United States Government television broadcasts to Cuba, when it is made known to the Federal official having authority to obligate or expend such funds that such use would be inconsistent with the applicable provisions of the March 1995 Office of Cuba Broadcasting Reinventing Plan of the United States Information Agency.

SEC. 614. (a)(1) Section 5002 of title 18, United States Code, is repealed.

(2) The table of sections for chapter 401 of title 18, United States Code, is amended by striking out the item relating to the Advisory Corrections Council.

(b) This section shall take effect 30 days after the date of the enactment of this Act.

SEC. 615. Any costs incurred by a Department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such Department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this provision is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 616. Section 201(a) of Public Law 104–99 is repealed.

TITLE VII—RESCISSIONS

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

Of the unobligated balances available under this heading, $65,000,000 are rescinded.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

(RESCISSION)

Of the unobligated balances available under this heading, $95,500,000 are rescinded.

RELATED AGENCIES

UNITED STATES INFORMATION AGENCY

RADIO CONSTRUCTION

(RESCISSION)

Of the unobligated balances available under this heading, $7,400,000 are rescinded.

TITLE VIII—PRISON LITIGATION REFORM

SEC. 801. SHORT TITLE.

This title may be cited as the "Prison Litigation Reform Act of 1995".

SEC. 802. APPROPRIATE REMEDIES FOR PRISON CONDITIONS.

(a) IN GENERAL.—Section 3626 of title 18, United States Code, is amended to read as follows:

"§ 3626. Appropriate remedies with respect to prison conditions

"(a) REQUIREMENTS FOR RELIEF.—

"(1) PROSPECTIVE RELIEF.—(A) Prospective relief in any civil action with respect to prison conditions shall extend no further than necessary to correct the violation of the Federal right of a particular plaintiff or plaintiffs. The court shall not grant or approve any prospective relief unless the court finds that such relief is narrowly drawn, extends no further than necessary to correct the violation of the Federal right, and is the least intrusive means necessary to correct the violation of the Federal right. The court shall give substantial weight to any adverse impact on public safety or the operation of a criminal justice system caused by the relief.

"(B) The court shall not order any prospective relief that requires or permits a government official to exceed his or her authority under State or local law or otherwise violates State or local law, unless—

"(i) Federal law permits such relief to be ordered in violation of State or local law;

"(ii) the relief is necessary to correct the violation of a Federal right; and

"(iii) no other relief will correct the violation of the Federal right.

"(C) Nothing in this section shall be construed to authorize the courts, in exercising their remedial powers, to order the construction of prisons or the raising of taxes, or to repeal or detract from otherwise applicable limitations on the remedial powers of the courts.

"(2) PRELIMINARY INJUNCTIVE RELIEF.—In any civil action with respect to prison conditions, to the extent otherwise authorized by law, the court may enter a temporary restraining order or an order for preliminary injunctive relief. Preliminary injunctive relief must be narrowly drawn, extend no further than necessary to correct the harm the court finds requires preliminary relief, and be the least intrusive means necessary to correct that harm. The court shall give substantial weight to any adverse impact on public safety or the operation of a criminal justice system caused by the preliminary relief and shall respect the principles of comity set out in paragraph (1)(B) in tailoring any preliminary relief. Preliminary injunctive relief shall automatically expire on the date that is 90 days after its entry, unless the court makes the findings required under subsection (a)(1) for the entry of prospective relief and makes the order final before the expiration of the 90-day period.

"(3) PRISONER RELEASE ORDER.—(A) In any civil action with respect to prison conditions, no prisoner release order shall be entered unless—

"(i) a court has previously entered an order for less intrusive relief that has failed to remedy the deprivation of the Federal right sought to be remedied through the prisoner release order; and

"(ii) the defendant has had a reasonable amount of time to comply with the previous court orders.

"(B) In any civil action in Federal court with respect to prison conditions, a prisoner release order shall be entered only by a three-judge court in accordance with section 2284 of title 28, if the requirements of subparagraph (E) have been met.

"(C) A party seeking a prisoner release order in Federal court shall file with any request for such relief, a request for a three-judge court and materials sufficient to demonstrate that the requirements of subparagraph (A) have been met.

"(D) If the requirements under subparagraph (A) have been met, a Federal judge before whom a civil action with respect to prison conditions is pending who believes that a prison release order should be considered may sua sponte request the convening of a three-judge court to determine whether a prisoner release order should be entered.

"(E) The three-judge court shall enter a prisoner release order only if the court finds by clear and convincing evidence that—

"(i) crowding is the primary cause of the violation of a Federal right; and

"(ii) no other relief will remedy the violation of the Federal right.

"(F) Any State or local official or unit of government whose jurisdiction or function includes the appropriation of funds for the construction, operation, or maintenance of program facilities, or the prosecution or custody of persons who may be released from, or not admitted to, a prison as a result of a prisoner release order shall have standing to oppose the imposition or continuation in effect of such relief and to seek termination of such relief, and shall have the right to intervene in any proceeding relating to such relief.

"(b) TERMINATION OF RELIEF.—

"(1) TERMINATION OF PROSPECTIVE RELIEF.—(A) In any civil action with respect to prison conditions in which prospective relief is ordered, such relief shall be terminable upon the motion of any party or intervener—

"(i) 2 years after the date the court granted or approved the prospective relief;

"(ii) 1 year after the date the court has entered an order denying termination of prospective relief under this paragraph; or

"(iii) in the case of an order issued on or before the date of enactment of the Prison Litigation Reform Act, 2 years after such date of enactment.

"(B) Nothing in this section shall prevent the parties from agreeing to terminate or modify relief before the relief is terminated under subparagraph (A).

"(2) IMMEDIATE TERMINATION OF PROSPECTIVE RELIEF.—In any civil action with respect to prison conditions, a defendant or intervener shall be entitled to the immediate termination of any prospective relief if the relief was approved or granted in the absence of a finding by the court that the relief is narrowly drawn, extends no further than necessary to correct the violation of the Federal right, and is the least intrusive means necessary to correct the violation of the Federal right.

"(3) LIMITATION.—Prospective relief shall not terminate if the court makes written findings based on the record that prospective relief remains necessary to correct a current or ongoing violation of the Federal right, extends no further than necessary to correct the violation of the Federal right, and that the prospective relief is narrowly drawn and the least intrusive means to correct the violation.

"(4) TERMINATION OR MODIFICATION OF RELIEF.—Nothing in this section shall prevent any party or intervener from seeking modification or termination before the relief is terminable under paragraph (1) or (2), to the extent that modification or termination would otherwise be legally permissible.

"(c) SETTLEMENTS.—

"(1) CONSENT DECREES.—In any civil action with respect to prison conditions, the court shall not enter or approve a consent decree unless it complies with the limitations on relief set forth in subsection (a).

"(2) PRIVATE SETTLEMENT AGREEMENTS.—(A) Nothing in this section shall preclude parties from entering into a private settlement agreement that does not comply with the limitations on relief set forth in subsection (a), if the terms of that agreement are not subject to court enforcement other than the reinstatement of the civil proceeding that the agreement settled.

"(B) Nothing in this section shall preclude any party claiming that a private settlement agreement has been breached from seeking in State court any remedy available under State law.

"(d) STATE LAW REMEDIES.—The limitations on remedies in this section shall not apply to relief entered by a State court based solely upon claims arising under State law.

"(e) PROCEDURE FOR MOTIONS AFFECTING PROSPECTIVE RELIEF.—

"(1) GENERALLY.—The court shall promptly rule on any motion to modify or terminate prospective relief in a civil action with respect to prison conditions.

"(2) AUTOMATIC STAY.—Any prospective relief subject to a pending motion shall be automatically stayed during the period—

"(A)(i) beginning on the 30th day after such motion is filed, in the case of a motion made under paragraph (1) or (2) of subsection (b); or

"(ii) beginning on the 180th day after such motion is filed, in the case of a motion made under any other law; and

"(B) ending on the date the court enters a final order ruling on the motion.

"(f) SPECIAL MASTERS.—

"(1) IN GENERAL.—(A) In any civil action in a Federal court with respect to prison conditions, the court may appoint a special master who shall be disinterested and objective and who will give due regard to the public safety, to conduct hearings on the record and prepare proposed findings of fact.

"(B) The court shall appoint a special master under this subsection during the remedial phase of the action only upon a finding that the remedial phase will be sufficiently complex to warrant the appointment.

"(2) APPOINTMENT.—(A) If the court determines that the appointment of a special master is necessary, the court shall request that the defendant institution and the plaintiff each submit a list of not more than 5 persons to serve as a special master.

"(B) Each party shall have the opportunity to remove up to 3 persons from the opposing party's list.

"(C) The court shall select the master from the persons remaining on the list after the operation of subparagraph (B).

"(3) INTERLOCUTORY APPEAL.—Any party shall have the right to an interlocutory appeal of the judge's selection of the special master under this subsection, on the ground of partiality.

"(4) COMPENSATION.—The compensation to be allowed to a special master under this section shall be based on an hourly rate not greater than the hourly rate established under section 3006A for payment of court-appointed counsel, plus costs reasonably incurred by the special master. Such compensation and costs shall be paid with funds appropriated to the Judiciary.

"(5) REGULAR REVIEW OF APPOINTMENT.—In any civil action with respect to prison conditions in which a special master is appointed under this subsection, the court shall review the appointment of the special master every 6 months to determine whether the services of the special master continue to be required under paragraph (1). In no event shall the appointment of a special master extend beyond the termination of the relief.

"(6) LIMITATIONS ON POWERS AND DUTIES.—A special master appointed under this subsection—

"(A) may be authorized by a court to conduct hearings and prepare proposed findings of fact, which shall be made on the record;

"(B) shall not make any findings or communications ex parte;

"(C) may be authorized by a court to assist in the development of remedial plans; and

"(D) may be removed at any time, but shall be relieved of the appointment upon the termination of relief.

"(g) DEFINITIONS.—As used in this section—

"(1) the term 'consent decree' means any relief entered by the court that is based in whole or in part upon the consent or acquiescence of the parties but does not include private settlements;

"(2) the term 'civil action with respect to prison conditions' means any civil proceeding arising under Federal law with respect to the conditions of confinement or the effects of actions by government officials on the lives of persons confined in prison, but does not include habeas corpus proceedings challenging the fact or duration of confinement in prison;

"(3) the term 'prisoner' means any person subject to incarceration, detention, or admission to any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program;

"(4) the term 'prisoner release order' includes any order, including a temporary restraining order or preliminary injunctive relief, that has the purpose or effect of reducing or limiting the prison population, or that directs the release from or nonadmission of prisoners to a prison;

"(5) the term 'prison' means any Federal, State, or local facility that incarcerates or detains juveniles or adults accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law;

"(6) the term 'private settlement agreement' means an agreement entered into among the parties that is not subject to judicial enforcement other than the reinstatement of the civil proceeding that the agreement settled;

"(7) the term 'prospective relief' means all relief other than compensatory monetary damages;

"(8) the term 'special master' means any person appointed by a Federal court pursuant to Rule 53 of the Federal Rules of Civil Procedure or pursuant to any inherent power of the court to exercise the powers of a master, regardless of the title or description given by the court; and

"(9) the term 'relief' means all relief in any form that may be granted or approved by the court, and includes consent decrees but does not include private settlement agreements.".

(b) APPLICATION OF AMENDMENT.—

(1) IN GENERAL.—Section 3626 of title 18, United States Code, as amended by this section, shall apply with respect to all prospective relief whether such relief was originally granted or approved before, on, or after the date of the enactment of this title.

(2) TECHNICAL AMENDMENT.—Subsections (b) and (d) of section 20409 of the Violent Crime Control and Law Enforcement Act of 1994 are repealed.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter C of chapter 229 of title 18, United States Code, is amended to read as follows:

"3626. Appropriate remedies with respect to prison conditions.".

SEC. 803. AMENDMENTS TO CIVIL RIGHTS OF INSTITUTIONALIZED PERSONS ACT.

(a) INITIATION OF CIVIL ACTIONS.—Section 3(c) of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997a(c)) (referred to in this section as the "Act") is amended to read as follows:

"(c) The Attorney General shall personally sign any complaint filed pursuant to this section.".

(b) CERTIFICATION REQUIREMENTS.—Section 4 of the Act (42 U.S.C. 1997b) is amended—

(1) in subsection (a)—

(A) by striking "he" each place it appears and inserting "the Attorney General"; and

(B) by striking "his" and inserting "the Attorney General's"; and

(2) by amending subsection (b) to read as follows:

"(b) The Attorney General shall personally sign any certification made pursuant to this section.".

(c) INTERVENTION IN ACTIONS.—Section 5 of the Act (42 U.S.C. 1997c) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "he" each place it appears and inserting "the Attorney General"; and

(B) by amending paragraph (2) to read as follows:

"(2) The Attorney General shall personally sign any certification made pursuant to this section."; and

(2) by amending subsection (c) to read as follows:

"(c) The Attorney General shall personally sign any motion to intervene made pursuant to this section.".

(d) SUITS BY PRISONERS.—Section 7 of the Act (42 U.S.C. 1997e) is amended to read as follows:

"SEC. 7. SUITS BY PRISONERS.

"(a) APPLICABILITY OF ADMINISTRATIVE REMEDIES.—No action shall be brought with respect to prison conditions under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983), or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted.

"(b) FAILURE OF STATE TO ADOPT OR ADHERE TO ADMINISTRATIVE GRIEVANCE PROCEDURE.—The failure of a State to adopt or adhere to an administrative grievance procedure shall not constitute the basis for an action under section 3 or 5 of this Act.

"(c) DISMISSAL.—(1) The court shall on its own motion or on the motion of a party dismiss any action brought with respect to prison conditions under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983), or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility if the court is satisfied that the action is frivolous, malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief from a defendant who is immune from such relief.

"(2) In the event that a claim is, on its face, frivolous, malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief from a defendant who is immune from such relief, the court may dismiss the underlying claim without first requiring the exhaustion of administrative remedies.

"(d) ATTORNEY'S FEES.—(1) In any action brought by a prisoner who is confined to any jail, prison, or other correctional facility, in which attorney's fees are authorized under section 2 of the Revised Statutes of the United States (42 U.S.C. 1988), such fees shall not be awarded, except to the extent that—

"(A) the fee was directly and reasonably incurred in proving an actual violation of the plaintiff's rights protected by a statute pursuant to which a fee may be awarded under section 2 of the Revised Statutes; and

"(B)(i) the amount of the fee is proportionately related to the court ordered relief for the violation; or

"(ii) the fee was directly and reasonably incurred in enforcing the relief ordered for the violation.

"(2) Whenever a monetary judgment is awarded in an action described in paragraph (1), a portion of the judgment (not to exceed 25 percent) shall be applied to satisfy the amount of attorney's fees awarded against the defendant. If the award of attorney's fees is not greater than 150 percent of the judgment, the excess shall be paid by the defendant.

"(3) No award of attorney's fees in an action described in paragraph (1) shall be based on an hourly rate greater than 150 percent of the hourly rate established under section 3006A of title 18, United States Code, for payment of court-appointed counsel.

"(4) Nothing in this subsection shall prohibit a prisoner from entering into an agreement to pay an attorney's fee in an amount greater than the amount authorized under this subsection, if the fee is paid by the individual rather than by the defendant pursuant to section 2 of the Revised Statutes of the United States (42 U.S.C. 1988).

"(e) LIMITATION ON RECOVERY.—No Federal civil action may be brought by a prisoner confined in a jail, prison, or other correctional facility, for mental or emotional injury suffered while in custody without a prior showing of physical injury.

"(f) HEARINGS.—(1) To the extent practicable, in any action brought with respect to prison conditions in Federal court pursuant to section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983), or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility, pretrial proceedings in which the prisoner's participation is required or permitted shall be conducted by telephone, video conference, or other telecommunications technology without removing the prisoner from the facility in which the prisoner is confined.

"(2) Subject to the agreement of the official of the Federal, State, or local unit of government with custody over the prisoner, hearings may be conducted at the facility in which the prisoner is confined. To the extent practicable, the court shall allow counsel to participate by telephone, video conference, or other communications technology in any hearing held at the facility.

"(g) WAIVER OF REPLY.—(1) Any defendant may waive the right to reply to any action brought by a prisoner confined in any jail, prison, or other correctional facility under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983) or any other Federal law. Notwithstanding any other law or rule of procedure, such waiver shall not constitute an admission of the allegations contained in the complaint. No relief shall be granted to the plaintiff unless a reply has been filed.

"(2) The court may require any defendant to reply to a complaint brought under this section if it finds that the plaintiff has a reasonable opportunity to prevail on the merits.

"(h) DEFINITION.—As used in this section, the term 'prisoner' means any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program.".

(e) REPORT TO CONGRESS.—Section 8 of the Act (42 U.S.C. 1997f) is amended by striking "his report" and inserting "the report".

(f) NOTICE TO FEDERAL DEPARTMENTS.—Section 10 of the Act (42 U.S.C. 1997h) is amended—

(1) by striking "his action" and inserting "the action"; and

(2) by striking "he is satisfied" and inserting "the Attorney General is satisfied".

SEC. 804. PROCEEDINGS IN FORMA PAUPERIS.

(a) FILING FEES.—Section 1915 of title 28, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "(a) Any" and inserting "(a)(1) Subject to subsection (b), any";

(B) by striking "and costs";

(C) by striking "makes affidavit" and inserting "submits an affidavit that includes a statement of all assets such prisoner possesses";

(D) by striking "such costs" and inserting "such fees";

(E) by striking "he" each place it appears and inserting "the person";

(F) by adding immediately after paragraph (1), the following new paragraph:

"(2) A prisoner seeking to bring a civil action or appeal a judgment in a civil action or proceeding without prepayment of fees or security therefor, in addition to filing the affidavit filed under paragraph (1), shall submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint or notice of appeal, obtained from the appropriate official of each prison at which the prisoner is or was confined."; and

(G) by striking "An appeal" and inserting "(3) An appeal";

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively;

(3) by inserting after subsection (a) the following new subsection:

"(b)(1) Notwithstanding subsection (a), if a prisoner brings a civil action or files an appeal in forma pauperis, the prisoner shall be required to pay the full amount of a filing fee. The court shall assess and, when funds exist, collect, as a partial payment of any court fees required by law, an initial partial filing fee of 20 percent of the greater of—

"(A) the average monthly deposits to the prisoner's account; or

"(B) the average monthly balance in the prisoner's account for the 6-month period immediately preceding the filing of the complaint or notice of appeal.

"(2) After payment of the initial partial filing fee, the prisoner shall be required to make monthly payments of 20 percent of the preceding month's income credited to the prisoner's account. The agency having custody of the prisoner shall forward payments from the prisoner's account to the clerk of the court each time the amount in the account exceeds $10 until the filing fees are paid.

"(3) In no event shall the filing fee collected exceed the amount of fees permitted by statute for the commencement of a civil action or an appeal of a civil action or criminal judgment.

"(4) In no event shall a prisoner be prohibited from bringing a civil action or appealing a civil or criminal judgment for the reason that the prisoner has no assets and no means by which to pay the initial partial filing fee.";

(4) in subsection (c), as redesignated by paragraph (2), by striking "subsection (a) of this section" and inserting "subsections (a) and (b) and the prepayment of any partial filing fee as may be required under subsection (b)"; and

(5) by amending subsection (e), as redesignated by paragraph (2), to read as follows:

"(e)(1) The court may request an attorney to represent any person unable to afford counsel.

"(2) Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that—

"(A) the allegation of poverty is untrue; or

"(B) the action or appeal—

"(i) is frivolous or malicious;

"(ii) fails to state a claim on which relief may be granted; or

"(iii) seeks monetary relief against a defendant who is immune from such relief.".

(b) EXCEPTION TO DISCHARGE OF DEBT IN BANKRUPTCY PROCEEDING.—Section 523(a) of title 11, United States Code, is amended—

(1) in paragraph (16), by striking the period at the end and inserting "; or"; and

(2) by adding at the end the following new paragraph:

"(17) for a fee imposed by a court for the filing of a case, motion, complaint, or appeal, or for other costs and expenses assessed with respect to such filing, regardless of an assertion of poverty by the debtor under section 1915 (b) or (f) of title 28, or the debtor's status as a prisoner, as defined in section 1915(h) of title 28.".

(c) COSTS.—Section 1915(f) of title 28, United States Code (as redesignated by subsection (a)(2)), is amended—

(1) by striking "(f) Judgment" and inserting "(f)(1) Judgment";

(2) by striking "cases" and inserting "proceedings"; and

(3) by adding at the end the following new paragraph:

"(2)(A) If the judgment against a prisoner includes the payment of costs under this subsection, the prisoner shall be required to pay the full amount of the costs ordered.

"(B) The prisoner shall be required to make payments for costs under this subsection in the same manner as is provided for filing fees under subsection (a)(2).

"(C) In no event shall the costs collected exceed the amount of the costs ordered by the court.".

(d) SUCCESSIVE CLAIMS.—Section 1915 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(g) In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.".

(e) DEFINITION.—Section 1915 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(h) As used in this section, the term 'prisoner' means any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program.".

SEC. 805. JUDICIAL SCREENING.

(a) IN GENERAL.—Chapter 123 of title 28, United States Code, is amended by inserting after section 1915 the following new section:

"§ 1915A. Screening

"(a) SCREENING.—The court shall review, before docketing, if feasible or, in any event, as soon as practicable after docketing, a complaint in a civil action in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity.

"(b) GROUNDS FOR DISMISSAL.—On review, the court shall identify cognizable claims or dismiss the complaint, or any portion of the complaint, if the complaint—

"(1) is frivolous, malicious, or fails to state a claim upon which relief may be granted; or

"(2) seeks monetary relief from a defendant who is immune from such relief.

"(c) DEFINITION.—As used in this section, the term 'prisoner' means any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program.".

(b) TECHNICAL AMENDMENT.—The analysis for chapter 123 of title 28, United States Code, is amended by inserting after the item relating to section 1915 the following new item:

"1915A. Screening.".

SEC. 806. FEDERAL TORT CLAIMS.

Section 1346(b) of title 28, United States Code, is amended—

(1) by striking "(b)" and inserting "(b)(1)"; and

(2) by adding at the end the following:

"(2) No person convicted of a felony who is incarcerated while awaiting sentencing or while serving a sentence may bring a civil action against the United States or an agency, officer, or employee of the Government, for mental or emotional injury suffered while in custody without a prior showing of physical injury.".

SEC. 807. PAYMENT OF DAMAGE AWARD IN SATISFACTION OF PENDING RESTITUTION ORDERS.

Any compensatory damages awarded to a prisoner in connection with a civil action brought against any Federal, State, or local jail, prison, or correctional facility or against any official or agent of such jail, prison, or correctional facility, shall be paid directly to satisfy any outstanding restitution orders pending against the prisoner. The remainder of any such award after full payment of all pending restitution orders shall be forwarded to the prisoner.

SEC. 808. NOTICE TO CRIME VICTIMS OF PENDING DAMAGE AWARD.

Prior to payment of any compensatory damages awarded to a prisoner in connection with a civil action brought against any Federal, State, or local jail, prison, or correctional facility or against any official or agent of such jail, prison, or correctional facility, reasonable efforts shall be made to notify the victims of the crime for which the prisoner was convicted and incarcerated concerning the pending payment of any such compensatory damages.

SEC. 809. EARNED RELEASE CREDIT OR GOOD TIME CREDIT REVOCATION.

(a) IN GENERAL.—Chapter 123 of title 28, United States Code, is amended by adding at the end the following new section:

"§ 1932. Revocation of earned release credit

"In any civil action brought by an adult convicted of a crime and confined in a Federal correctional facility, the court may order the revocation of such earned good time credit under section 3624(b) of title 18, United States Code, that has not yet vested, if, on its own motion or the motion of any party, the court finds that—

"(1) the claim was filed for a malicious purpose;

"(2) the claim was filed solely to harass the party against which it was filed; or

"(3) the claimant testifies falsely or otherwise knowingly presents false evidence or information to the court.".

(b) TECHNICAL AMENDMENT.—The analysis for chapter 123 of title 28, United States Code, is amended by inserting after the item relating to section 1931 the following:

"1932. Revocation of earned release credit.".

(c) AMENDMENT OF SECTION 3624 OF TITLE 18.—Section 3624(b) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking the first sentence;

(B) in the second sentence—

(i) by striking "A prisoner" and inserting "Subject to paragraph (2), a prisoner";

(ii) by striking "for a crime of violence,"; and

(iii) by striking "such";

(C) in the third sentence, by striking "If the Bureau" and inserting "Subject to paragraph (2), if the Bureau";

(D) by striking the fourth sentence and inserting the following: "In awarding credit under this section, the Bureau shall consider whether the prisoner, during the relevant period, has earned, or is making satisfactory progress toward earning, a high school diploma or an equivalent degree."; and

(E) in the sixth sentence, by striking "Credit for the last" and inserting "Subject to paragraph (2), credit for the last"; and

(2) by amending paragraph (2) to read as follows:

"(2) Notwithstanding any other law, credit awarded under this subsection after the date of enactment of the Prison Litigation Reform Act shall vest on the date the prisoner is released from custody.".

SEC. 810. SEVERABILITY.

If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title, the amendments made by this title, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

This Act may be cited as the "Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996.".

(b) Such amounts as may be necessary for programs, projects or activities provided for in the District of Columbia Appropriations Act, 1996 at a rate of operations and to the extent and in the manner provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

AN ACT

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1996, and for other purposes.

TITLE I—FISCAL YEAR 1996 APPROPRIATIONS

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For payment to the District of Columbia for the fiscal year ending September 30, 1996, $660,000,000, as authorized by section 502(a) of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended (D.C. Code, sec. 47-3406.1).

FEDERAL CONTRIBUTION TO RETIREMENT FUNDS

For the Federal contribution to the Police Officers and Fire Fighters', Teachers', and Judges' Retirement Funds, as authorized by the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866; Public Law 96-122), $52,070,000.

FEDERAL CONTRIBUTION FOR EDUCATION REFORM

For a Federal contribution to Education Reform, $14,930,000 which shall be deposited into an escrow account of the District of Columbia Financial Responsibility and Management Assistance Authority, pursuant to section 205 of Public Law 104-8, approved April 17, 1995 (109 Stat. 131), and shall be disbursed from such account pursuant to the instructions of the Authority and in accordance with title II of this Act, where applicable, as follows:

$200,000 shall be available for payments to charter schools;

$300,000 shall be available for the Public Charter School Board;

$2,000,000 shall be transferred directly, notwithstanding any other provision of law, to the United States Department of Education for awarding grants to carry out Even Start programs in the District of Columbia as provided for in Subtitle C of title II of this Act;

$1,250,000 shall be available to establish core curriculum, content standards, and assessments;

$500,000 shall be available for payment to the Administrator of the General Services Administration for the costs of developing engineering plans for donated work on District of Columbia public school facilities;

$100,000 shall be available to develop a plan for a residential school;

$860,000 shall be available for the District Education and Learning Technologies Advancement Council;

$1,450,000 shall be available to the District Employment and Learning Center;

$1,000,000 shall be available for a professional development program for teachers and administrators administered by the nonprofit corporation selected under section 2701 of title II of this Act;

$1,450,000 shall be available for the Jobs for D.C. Graduates Program;

$70,000 shall be available for the Everybody Wins program: *Provided*, That $35,000 of this amount shall not be available until the Superintendent certifies to the Chairman of the District of Columbia Financial Responsibility and Management Assistance Authority that he has raised a like amount from private sources;

$100,000 shall be available for the Fit Kids program: *Provided*, That $50,000 of this amount shall not be available until the Superintendent certifies to the Chairman of the District of Columbia Financial Responsibility and Management Assistance Authority that he has raised a like amount from private sources;

$400,000 shall be available to the District of Columbia Public Schools to improve security (such as installing electronic door locking devices) at such schools, including at a minimum the following schools: Winston Education Center; McKinley High School; Ballou High School; and Cardozo High School; and

$5,250,000 shall be available pursuant to a plan developed by the Superintendent of the

District of Columbia Public Schools, in consultation with public and private entities, for repair, modernization, maintenance and planning consistent with subtitle A and subtitle F of title II of this Act, the August 14, 1995 recommendations of the "Superintendent's Task Force on Education Infrastructure for the 21st Century" and the June 13, 1995 "Accelerating Education Reform in the District of Columbia: Building on BESST": *Provided*, That not more than $250,000 of this amount may be available for planning: *Provided further*, That these funds shall be available for repair, modernization, maintenance of classroom buildings: *Provided further*, That these funds shall remain available until expended.

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, $149,130,000 and 1,498 full-time equivalent positions (end of year) (including $117,464,000 and 1,158 full-time equivalent positions from local funds, $2,464,000 and 5 full-time equivalent positions from Federal funds, $4,474,000 and 71 full-time equivalent positions from other funds, and $24,728,000 and 264 full-time equivalent positions from intra-District funds): *Provided*, That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the City Administrator shall be available from this appropriation for expenditures for official purposes: *Provided further*, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: *Provided further*, That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally-generated revenues: *Provided further*, That $29,500,000 is for pay-as-you-go capital projects of which $1,500,000 shall be for a capital needs assessment study, and $28,000,000 shall be for a new financial management system, if so determined following the evaluation and review process subsequently described in this paragraph, of which $2,000,000 shall be used to develop a needs analysis and assessment of the existing financial management environment, and the remaining $26,000,000 shall be used to procure the necessary hardware and installation of new software, conversion, testing and training: *Provided further*, That the $26,000,000 shall not be obligated or expended until: (1) the District of Columbia Financial Responsibility and Management Assistance Authority submits a report to the Committees on Appropriations of the House and the Senate, the Committee on Governmental Reform and Oversight of the House, and the Committee on Governmental Affairs of the Senate reporting the results of a needs analysis and assessment of the existing financial management environment, specifying the deficiencies in, and recommending necessary improvements to or replacement of the District's financial management system including a detailed explanation of each recommendation and its estimated cost; and (2) 30 days lapse after receipt of the report by Congress.

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, $140,983,000 and 1,692 full-time equivalent positions (end-of-year) (including $68,203,000 and 698 full-time equivalent positions from local funds, $38,792,000 and 509 full-time equivalent positions from Federal funds, $17,658,000 and 258 full-time equivalent positions from other funds, and $16,330,000 and 227 full-time equivalent positions from intra-District funds): *Provided*, That the District of Columbia Housing Finance Agency, established by section 201 of the District of Columbia Housing Finance Agency Act, effective March 3, 1979 (D.C. Law 2–135; D.C. Code, sec. 45–2111), based upon its capability of repayments as determined each year by the Council of the District of Columbia from the Housing Finance Agency's annual audited financial statements to the Council of the District of Columbia, shall repay to the general fund an amount equal to the appropriated administrative costs plus interest at a rate of four percent per annum for a term of 15 years, with a deferral of payments for the first three years: *Provided further*, That notwithstanding the foregoing provision, the obligation to repay all or part of the amounts due shall be subject to the rights of the owners of any bonds or notes issued by the Housing Finance Agency and shall be repaid to the District of Columbia government only from available operating revenues of the Housing Finance Agency that are in excess of the amounts required for debt service, reserve funds, and operating expenses: *Provided further*, That upon commencement of the debt service payments, such payments shall be deposited into the general fund of the District of Columbia.

PUBLIC SAFETY AND JUSTICE

Public safety and justice, including purchase of 135 passenger-carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, $963,848,000 and 11,544 full-time equivalent positions (end-of-year) (including $940,631,000 and 11,365 full-time equivalent positions from local funds, $8,942,000 and 70 full-time equivalent positions from Federal funds, $5,160,000 and 4 full-time equivalent positions from other funds, and $9,115,000 and 105 full-time equivalent positions from intra-District funds): *Provided*, That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Fire Department of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: *Provided further*, That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further*, That the Metropolitan Police Department shall provide quarterly reports to the Committees on Appropriations of the House and Senate on efforts to increase efficiency and improve the professionalism in the department: *Provided further*, That notwithstanding any other provision of law, or Mayor's Order 86–45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be $500,000: *Provided further*, That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: *Provided further*, That $250,000 is used for the Georgetown Summer Detail; $200,000 is used for East of the River Detail; $100,000 is used for Adams Morgan Detail; and $100,000 is used for the Capitol Hill Summer Detail: *Provided further*, That the Metropolitan Police Department shall employ an authorized level of sworn officers not to be less than 3,800 sworn officers for the fiscal year ending September 30, 1996: *Provided further*, That funds appropriated for expenses under the District of Columbia Criminal Justice Act, approved September 3, 1974 (88 Stat. 1090; Public Law 93–412; D.C. Code, sec. 11–2601 et seq.), for the fiscal year ending September 30, 1996, shall be available for obligations incurred under the Act in each fiscal year since inception in the fiscal year 1975: *Provided further*, That funds appropriated for expenses under the District of Columbia Neglect Representation Equity Act of 1984, effective March 13, 1985 (D.C. Law 5–129; D.C. Code, sec. 16–2304), for the fiscal year ending September 30, 1996, shall be available for obligations incurred under the Act in each fiscal year since inception in the fiscal year 1985: *Provided further*, That funds appropriated for expenses under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986, effective February 27, 1987 (D.C. Law 6–204; D.C. Code, sec. 21–2060), for the fiscal year ending September 30, 1996, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1989: *Provided further*, That not to exceed $1,500 for the Chief Judge of the District of Columbia Court of Appeals, $1,500 for the Chief Judge of the Superior Court of the District of Columbia, and $1,500 for the Executive Officer of the District of Columbia Courts shall be available from this appropriation for official purposes: *Provided further*, That the District of Columbia shall operate and maintain a free, 24-hour telephone information service whereby residents of the area surrounding Lorton prison in Fairfax County, Virginia, can promptly obtain information from District of Columbia government officials on all disturbances at the prison, including escapes, riots, and similar incidents: *Provided further*, That the District of Columbia government shall also take steps to publicize the availability of the 24-hour telephone information service among the residents of the area surrounding the Lorton prison: *Provided further*, That not to exceed $100,000 of this appropriation shall be used to reimburse Fairfax County, Virginia, and Prince William County, Virginia, for expenses incurred by the counties during the fiscal year ending September 30, 1996, in relation to the Lorton prison complex: *Provided further*, That such reimbursements shall be paid in all instances in which the District requests the counties to provide police, fire, rescue, and related services to help deal with escapes, fires, riots, and similar disturbances involving the prison: *Provided further*, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: *Provided further*, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved.

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, $795,201,000 and 11,670 full-time equivalent positions (end-of-year) (including $676,251,000 and 9,996 full-time equivalent positions from local funds, $87,385,000 and 1,227 full-time equivalent positions from Federal funds, $21,719,000 and 234 full-time equivalent positions from other funds, and $9,846,000 and 213 full-time equivalent positions from intra-District funds), to be allocated as follows: $580,996,000 and 10,167 full-time equivalent positions (including $498,310,000 and 9,014 full-time equivalent positions from local funds $75,786,000 and 1,058 full-time equivalent positions from Federal funds, $4,343,000 and 44 full-time equivalent positions from other funds, and $2,557,000 and 51 full-time equivalent positions from intra-District funds), for the public schools of the District of Columbia; $111,800,000 (including $111,000,000 from local funds and $800,000 from intra-District funds) shall be allocated for the District of Columbia Teachers' Retirement Fund; $79,396,000 and 1,079 full-time equivalent positions (including $45,377,000 and 572 full-time equivalent positions from local funds, $10,611,000 and 156 full-time equivalent positions from Federal funds, $16,922,000 and 189 full-time equivalent positions from other funds, and $6,486,000 and 162 full-time equivalent positions from intra-District funds) for the University of the District of Columbia; $20,742,000 and 415 full-time equivalent positions (including $19,839,000 and 408 full-time equivalent positions from local funds, $446,000 and 6 full-time equivalent positions from Federal funds, $454,000 and 1 full-time equivalent position from other funds, and $3,000 from intra-District funds) for the Public Library; $2,267,000 and 9 full-time equivalent positions (including $1,725,000 and 2 full-time equivalent positions from local funds and $542,000 and 7 full-time equivalent positions from Federal funds) for the Commission on the Arts and Humanities: *Provided*, That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: *Provided further*, That not to exceed $2,500 for the Superintendent of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for expenditures for official purposes: *Provided further*, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 1996, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area.

EDUCATION REFORM

Education reform, $14,930,000, to be allocated as follows:

$200,000 shall be available for payments to charter schools as authorized under Subtitle B of title II of this Act;

$300,000 shall be available for the Public Charter School Board as authorized under Subtitle B of title II of this Act;

$2,000,000 shall be transferred directly, notwithstanding any other provision of law, to the United States Department of Education for awarding grants to carry out Even Start programs in the District of Columbia as provided for in Subtitle C of title II of this Act;

$1,250,000 shall be available to establish core curriculum, content standards, and assessments as authorized under Subtitle D of title II of this Act;

$500,000 shall be available for payment to the Administrator of the General Services Administration for the costs of developing engineering plans for donated work on District of Columbia public school facilities as authorized under Subtitle F of title II of this Act;

$100,000 shall be available to develop a plan for a residential school as authorized under Subtitle G of title II of this Act;

$860,000 shall be available for the District Education and Learning Technologies Advancement Council as authorized under Subtitle I of title II of this Act;

$1,450,000 shall be available to the District Employment and Learning Center as authorized under Subtitle I of title II of this Act;

$1,000,000 shall be available for a professional development program for teachers and administrators administered by the nonprofit corporation selected under section 2701 of title II of this Act as authorized under Subtitle I of title II of this Act;

$1,450,000 shall be available for the Jobs for D.C. Graduates Program as authorized under Subtitle I of title II of this Act;

$70,000 shall be available for the Everybody Wins program;

$100,000 shall be available for the Fit Kids program;

$400,000 shall be available to the District of Columbia Public Schools to improve security (such as installing electronic door locking devices) at such schools, including at a minimum the following schools: Winston Education Center; McKinley High School; Ballou High School; and Cardozo High School; and

$5,250,000 shall be available pursuant to a plan developed by the Superintendent of the District of Columbia Public Schools, in consultation with public and private entities, for repair, modernization, maintenance and planning consistent with subtitle A and subtitle F of title II of this Act, the August 14, 1995 recommendations of the "Superintendent's Task Force on Education Infrastructure for the 21st Century" and the June 13, 1995 "Accelerating Education Reform in the District of Columbia: Building on BESST": *Provided*, That not more than $250,000 of this amount may be available for planning: *Provided further*, That these funds shall be available for repair, modernization, maintenance of classroom buildings: *Provided further*, That these funds shall remain available until expended:

Provided, That the District of Columbia government shall enter into negotiations with Gallaudet University to transfer, at a fair market value rate, Hamilton School from the District of Columbia to Gallaudet University with the proceeds, if such a sale takes place, deposited into the general fund of the District and used to improve public school facilities in the same ward as the Hamilton School.

HUMAN SUPPORT SERVICES

Human support services, $1,855,014,000 and 6,469 full-time equivalent positions (end-of-year) (including $1,076,856,000 and 3,650 full-time equivalent positions from local funds, $726,685,000 and 2,639 full-time equivalent positions from Federal funds, $46,799,000 and 66 full-time equivalent positions from other funds, and $4,674,000 and 114 full-time equivalent positions from intra-District funds): *Provided*, That $26,000,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further*, That the District shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization (as defined in section 411(5) of Public Law 100–77, approved July 22, 1987) providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to the Stewart B. McKinney Homeless Assistance Act, approved July 22, 1987 (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11301 et seq.).

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and purchase of passenger-carrying vehicles for replacement only, $297,568,000 and 1,914 full-time equivalent positions (end-of-year) (including $225,915,000 and 1,158 full-time equivalent positions from local funds, $2,682,000 and 32 full-time equivalent positions from Federal funds, $18,342,000 and 68 full-time equivalent positions from other funds, and $50,629,000 and 656 full-time equivalent positions from intra-District funds): *Provided*, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business.

WASHINGTON CONVENTION CENTER FUND TRANSFER PAYMENT

For payment to the Washington Convention Center Enterprise Fund, $5,400,000 from local funds.

REPAYMENT OF LOANS AND INTEREST

For reimbursement to the United States of funds loaned in compliance with An Act to provide for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia, approved August 7, 1946 (60 Stat. 896; Public Law 79–648); section 1 of An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85–451; D.C. Code, sec. 9–219); section 4 of An Act to authorize the Commissioners of the District of Columbia to plan, construct, operate, and maintain a sanitary sewer to connect the Dulles International Airport with the District of Columbia system, approved June 12, 1960 (74 Stat. 211; Public Law 86–515); sections 723 and 743(f) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973, as amended (87 Stat. 821; Public Law 93–198; D.C. Code, sec. 47–321, note; 91 Stat. 1156; Public Law 95–131; D.C. Code, sec. 9–219, note), including interest as required thereby, $327,787,000 from local funds.

REPAYMENT OF GENERAL FUND RECOVERY DEBT

For the purpose of eliminating the $331,589,000 general fund accumulated deficit as of September 30, 1990, $38,678,000 from local funds, as authorized by section 461(a) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973, as amended (105 Stat. 540; Public Law 102–106; D.C. Code, sec. 47–321(a)).

REPAYMENT OF INTEREST ON SHORT-TERM BORROWING

For repayment of interest on short-term borrowing, $9,698,000 from local funds.

PAY RENEGOTIATION OR REDUCTION IN COMPENSATION

The Mayor shall reduce appropriations and expenditures for personal services in the amount of $46,409,000, by decreasing rates of compensation for District government employees; such decreased rates are to be realized from employees who are subject to collective bargaining agreements to the extent possible through the renegotiation of existing collective bargaining agreements: *Provided*, That, if a sufficient reduction from employees who are subject to collective bargaining agreements is not realized through renegotiating existing agreements, the Mayor shall decrease rates of compensation for such employees, notwithstanding the provisions of any collective bargaining agreements: *Provided further*, That the Congress hereby ratifies and approves legislation enacted by the Council of the District of Columbia during fiscal year 1995 to reduce the compensation and benefits of all employees of the District of Columbia government during that fiscal year: *Provided further*, That notwithstanding any other provision of law, the legislation enacted by the Council of the District of Columbia during fiscal year 1995 to reduce the compensation and benefits of all employees of the District of Columbia government during that fiscal year shall be deemed to have been ratified and approved by the Congress during fiscal year 1995.

RAINY DAY FUND

For mandatory unavoidable expenditures within one or several of the various appropriation headings of this Act, to be allocated to the budgets for personal services and nonpersonal services as requested by the Mayor and approved by the Council pursuant to the procedures in section 4 of the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3-100; D.C. Code, sec. 47-363), $4,563,000 from local funds: *Provided*, That the District of Columbia shall provide to the Committees on Appropriations of the House of Representatives and the Senate quarterly reports by the 15th day of the month following the end of the quarter showing how monies provided under this fund are expended with a final report providing a full accounting of the fund due October 15, 1996 or not later than 15 days after the last amount remaining in the fund is disbursed.

INCENTIVE BUYOUT PROGRAM

For the purpose of funding costs associated with the incentive buyout program, to be apportioned by the Mayor of the District of Columbia within the various appropriation headings in this Act from which costs are properly payable, $19,000,000.

OUTPLACEMENT SERVICES

For the purpose of funding outplacement services for employees who leave the District of Columbia government involuntarily, $1,500,000.

BOARDS AND COMMISSIONS

The Mayor shall reduce appropriations and expenditures for boards and commissions under the various headings in this Act in the amount of $500,000.

GOVERNMENT RE-ENGINEERING PROGRAM

The Mayor shall reduce appropriations and expenditures for personal and nonpersonal services in the amount of $16,000,000 within one or several of the various appropriation headings in this Act.

CAPITAL OUTLAY

(INCLUDING RESCISSIONS)

For construction projects, $168,222,000 (including $82,850,000 from local funds and $85,372,000 from Federal funds), as authorized by An Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 58-140; D.C. Code, secs. 43-1512 through 43-1519); the District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 101; Public Law 83-364); An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85-451; including acquisition of sites, preparation of plans and specifications, conducting preliminary surveys, erection of structures, including building improvement and alteration and treatment of grounds, to remain available until expended: *Provided*, That $105,660,000 from local funds appropriated under this heading in prior fiscal years is rescinded: *Provided further*, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: *Provided further*, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: *Provided further*, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968, approved August 23, 1968 (82 Stat. 827; Public Law 90-495; D.C. Code, sec. 7-134, note), for which funds are provided by this appropriation title, shall expire on September 30, 1997, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 1997: *Provided further*, That upon expiration of any such project authorization the funds provided herein for the project shall lapse.

WATER AND SEWER ENTERPRISE FUND

For the Water and Sewer Enterprise Fund, $242,253,000 and 1,024 full-time equivalent positions (end-of-year) (including $237,076,000 and 924 full-time equivalent positions from local funds, $433,000 from other funds, and $4,744,000 and 100 full-time equivalent positions from intra-District funds), of which $41,036,000 shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects.

For construction projects, $39,477,000 from Federal funds, as authorized by An Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 58-140; D.C. Code, sec. 43-1512 et seq.): *Provided*, That the requirements and restrictions that are applicable to general fund capital improvement projects and set forth in this Act under the Capital Outlay appropriation title shall apply to projects approved under this appropriation title.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act for the fiscal year ending September 30, 1982, approved December 4, 1981 (95 Stat. 1174, 1175; Public Law 97-91), as amended, for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172; D.C. Code, secs. 2-2501 et seq. and 22-1516 et seq.), $229,950,000 and 88 full-time equivalent positions (end-of-year) (including $7,950,000 and 88 full-time equivalent positions for administrative expenses and $222,000,000 for non-administrative expenses from revenue generated by the Lottery Board), to be derived from non-Federal District of Columbia revenues: *Provided*, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally-generated revenues: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

CABLE TELEVISION ENTERPRISE FUND

For the Cable Television Enterprise Fund, established by the Cable Television Communications Act of 1981, effective October 22, 1983 (D.C. Law 5-36; D.C. Code, sec. 43-1801 et seq.), $2,351,000 and 8 full-time equivalent positions (end-of-year) (including $2,019,000 and 8 full-time equivalent positions from local funds and $332,000 from other funds), of which $572,000 shall be transferred to the general fund of the District of Columbia.

STARPLEX FUND

For the Starplex Fund, $6,580,000 from other funds for the expenses incurred by the Armory Board in the exercise of its powers granted by An Act To Establish A District of Columbia Armory Board, and for other purposes, approved June 4, 1948 (62 Stat. 339; D.C. Code, sec. 2-301 et seq.) and the District of Columbia Stadium Act of 1957, approved September 7, 1957 (71 Stat. 619; Public Law 85-300; D.C. Code, sec. 2-321 et seq.): *Provided*, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 824; Public Law 93-198; D.C. Code, sec. 47-301(b)).

D.C. GENERAL HOSPITAL

For the District of Columbia General Hospital, established by Reorganization Order No. 57 of the Board of Commissioners, effective August 15, 1953, $115,034,000, of which $56,735,000 shall be derived by transfer as intra-District funds from the general fund, $52,684,000 is to be derived from the other funds, and $5,615,000 is to be derived from intra-District funds.

D.C. RETIREMENT BOARD

For the D.C. Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act of 1989, approved November 17, 1989 (93 Stat. 866; D.C. Code, sec. 1-711), $13,440,000 and 11 full-time equivalent positions (end-of-year) from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: *Provided*, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: *Provided further*, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an item accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

CORRECTIONAL INDUSTRIES FUND

For the Correctional Industries Fund, established by the District of Columbia Correctional Industries Establishment Act, approved October 3, 1964 (78 Stat. 1000; Public Law 88–622), $10,516,000 and 66 full-time equivalent positions (end-of-year) (including $3,415,000 and 22 full-time equivalent positions from other funds and $7,101,000 and 44 full-time equivalent positions from intra-District funds).

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For the Washington Convention Center Enterprise Fund, $37,957,000, of which $5,400,000 shall be derived by transfer from the general fund.

DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY

For the District of Columbia Financial Responsibility and Management Assistance Authority, established by section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 97; Public Law 104–8), $3,500,000.

PERSONAL AND NONPERSONAL SERVICES ADJUSTMENTS

Notwithstanding any other provision of law, the Chief Financial Officer established under section 302 of Public Law 104–8, approved April 17, 1995 (109 Stat. 142) shall, on behalf of the Mayor, adjust appropriations and expenditures for personal and nonpersonal services, together with the related full-time equivalent positions, in accordance with the direction of the District of Columbia Financial Responsibility and Management Assistance Authority such that there is a net reduction of $165,837,000, within or among one or several of the various appropriation headings in this Act, pursuant to section 208 of Public Law 104–8, approved April 17, 1995 (109 Stat. 134).

GENERAL PROVISIONS

SEC. 101. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

SEC. 103. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 104. Appropriations in this Act shall be available, when authorized by the Mayor, for allowances for privately owned automobiles and motorcycles used for the performance of official duties at rates established by the Mayor: *Provided*, That such rates shall not exceed the maximum prevailing rates for such vehicles as prescribed in the Federal Property Management Regulations 101–7 (Federal Travel Regulations).

SEC. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: *Provided*, That the Council of the District of Columbia and the District of Columbia Courts may expend such funds without authorization by the Mayor.

SEC. 106. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: *Provided*, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947, approved March 31, 1956 (70 Stat. 78; Public Law 84–460; D.C. Code, sec. 47–1812.11(c)(3)).

SEC. 107. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of section 544 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4–101; D.C. Code, sec. 3–205.44), and for the non-Federal share of funds necessary to qualify for Federal assistance under the Juvenile Delinquency Prevention and Control Act of 1968, approved July 31, 1968 (82 Stat. 462; Public Law 90–445, 42 U.S.C. 3801 et seq.).

SEC. 108. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 109. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 110. The annual budget for the District of Columbia government for the fiscal year ending September 30, 1997, shall be transmitted to the Congress no later than April 15, 1996 or as provided for under the provisions of Public Law 104–8, approved April 17, 1995.

SEC. 111. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the House Committee on Government Reform and Oversight, District of Columbia Subcommittee, the Subcommittee on Oversight of Government Management, of the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative: *Provided*, That none of the funds contained in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name and salary are not available for public inspection.

SEC. 112. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977, effective September 23, 1977 (D.C. Law 2–20; D.C. Code, sec. 47–421 et seq.).

SEC. 113. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 114. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: *Provided*, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowings and spending progress compared with projections.

SEC. 115. The Mayor shall not borrow any funds for capital projects unless the Mayor has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

SEC. 116. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

SEC. 117. None of the funds appropriated by this Act may be obligated or expended by reprogramming except pursuant to advance approval of the reprogramming granted according to the procedure set forth in the Joint Explanatory Statement of the Committee of Conference (House Report No. 96–443), which accompanied the District of Columbia Appropriation Act, 1980, approved October 30, 1979 (93 Stat. 713; Public Law 96–93), as modified in House Report No. 98–265, and in accordance with the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3–100; D.C. Code, sec. 47–361 et seq.): *Provided*, That for the fiscal year ending September 30, 1996 the above shall apply except as modified by Public Law 104–8.

SEC. 118. None of the Federal funds provided in this Act shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia.

SEC. 119. None of the Federal Funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in the Automobile Fuel Efficiency Act of 1980, approved October 10, 1980 (94 Stat. 1824; Public Law 96–425; 15 U.S.C. 2001(2)), with an Environmental Protection Agency estimated miles per gallon average of less than 22 miles per gallon: *Provided*, That this section shall not apply to security, emergency rescue, or armored vehicles.

SEC. 120. (a) Notwithstanding section 422(7) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(7)), the City Administrator shall be paid, during any fiscal year, a salary at a rate established by the Mayor, not to exceed the rate established for level IV of the Executive Schedule under 5 U.S.C. 5315.

(b) For purposes of applying any provision of law limiting the availability of funds for payment of salary or pay in any fiscal year, the highest rate of pay established by the Mayor under subsection (a) of this section for any position for any period during the last quarter of calendar year 1995 shall be deemed to be the rate of pay payable for that position for September 30, 1995.

(c) Notwithstanding section 4(a) of the District of Columbia Redevelopment Act of 1945, approved August 2, 1946 (60 Stat. 793; Public Law 79–592; D.C. Code, sec. 5–803(a)), the Board of Directors of the District of Columbia Redevelopment Land Agency shall be paid, during any fiscal year, per diem compensation at a rate established by the Mayor.

SEC. 121. Notwithstanding any other provisions of law, the provisions of the District of

Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(3)), shall apply with respect to the compensation of District of Columbia employees: *Provided*, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5 of the United States Code.

SEC. 122. The Director of the Department of Administrative Services may pay rentals and repair, alter, and improve rented premises, without regard to the provisions of section 322 of the Economy Act of 1932 (Public Law 72-212; 40 U.S.C. 278a), upon a determination by the Director, that by reason of circumstances set forth in such determination, the payment of these rents and the execution of this work, without reference to the limitations of section 322, is advantageous to the District in terms of economy, efficiency, and the District's best interest.

SEC. 123. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 1996, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 1996 revenue estimates as of the end of the first quarter of fiscal year 1996. These estimates shall be used in the budget request for the fiscal year ending September 30, 1997. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 124. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Code, sec. 1-1183.3), except that the District of Columbia Public Schools may renew or extend sole source contracts for which competition is not feasible or practical, provided that the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated Board of Education rules and procedures.

SEC. 125. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended, the term "program, project, and activity" shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: *Provided*, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended.

SEC. 126. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037: Public Law 99-177), as amended, after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: *Provided*, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended.

SEC. 127. For the fiscal year ending September 30, 1996, the District of Columbia shall pay interest on its quarterly payments to the United States that are made more than 60 days from the date of receipt of an itemized statement from the Federal Bureau of Prisons of amounts due for housing District of Columbia convicts in Federal penitentiaries for the preceding quarter.

SEC. 128. Nothing in this Act shall be construed to authorize any office, agency or entity to expend funds for programs or functions for which a reorganization plan is required but has not been approved by the Council pursuant to section 422(12) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(12)) and the Governmental Reorganization Procedures Act of 1981, effective October 17, 1981 (D.C. Law 4-42; D.C. Code, sec. 1-299.1 to 1-299.7). Appropriations made by this Act for such programs or functions are conditioned on the approval by the Council, prior to October 1, 1995, of the required reorganization plans.

SEC. 129. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 1996 if—

(1) the Mayor approves the acceptance and use of the gift or donation: *Provided*, That the Council of the District of Columbia may accept and use gifts without prior approval by the Mayor; and

(2) the entity uses the gift or donation to carry out its authorized functions or duties.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a) of this section, and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term "entity of the District of Columbia government" includes an independent agency of the District of Columbia.

(d) This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 130. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979, effective March 10, 1981 (D.C. Law 3-171; D.C. Code, sec. 1-113(d)).

PROHIBITION AGAINST USE OF FUNDS FOR ABORTIONS

SEC. 131. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

PROHIBITION ON DOMESTIC PARTNERS ACT

SEC. 132. No funds made available pursuant to any provision of this Act shall be used to implement or enforce any system of registration of unmarried, cohabiting couples whether they are homosexual, lesbian, or heterosexual, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples; nor shall any funds made available pursuant to any provision of this Act otherwise be used to implement or enforce D.C. Act 9-188, signed by the Mayor of the District of Columbia on April 15, 1992.

COMPENSATION FOR THE COMMISSION ON JUDICIAL DISABILITIES AND TENURE AND FOR THE JUDICIAL NOMINATION COMMISSION

SEC. 133. Sections 431(f) and 433(b)(5) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; Public Law 93-198; D.C. Code, secs. 11-1524 and title 11, App. 433), are amended to read as follows:

(a) Section 431(f) (D.C. Code, sec. 11-1524) is amended to read as follows:

"(f) Members of the Tenure Commission shall serve without compensation for services rendered in connection with their official duties on the Commission.".

(b) Section 433(b)(5) (title 11, App. 433) is amended to read as follows:

"(5) Members of the Commission shall serve without compensation for services rendered in connection with their official duties on the Commission.".

MULTIYEAR CONTRACTS

SEC. 134. Section 451 of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 803; Public Law 93-198; D.C. Code, sec. 1-1130), is amended by adding a new subsection (c) to read as follows:

"(c)(1) The District may enter into multiyear contracts to obtain goods and services for which funds would otherwise be available for obligation only within the fiscal year for which appropriated.

"(2) If the funds are not made available for the continuation of such a contract into a subsequent fiscal year, the contract shall be cancelled or terminated, and the cost of cancellation or termination may be paid from—

"(A) appropriations originally available for the performance of the contract concerned;

"(B) appropriations currently available for procurement of the type of acquisition covered by the contract, and not otherwise obligated; or

"(C) funds appropriated for those payments.

"(3) No contract entered into under this section shall be valid unless the Mayor submits the contract to the Council for its approval and the Council approves the contract (in accordance with criteria established by act of the Council). The Council shall be required to take affirmative action to approve the contract within 45 days. If no action is taken to approve the contract within 45 calendar days, the contract shall be deemed disapproved.".

CALCULATED REAL PROPERTY TAX RATE RESCISSION AND REAL PROPERTY TAX FREEZE

SEC. 135. The District of Columbia Real Property Tax Revision Act of 1974, approved September 3, 1974 (88 Stat. 1051; D.C. Code, sec. 47-801 et seq.), is amended as follows:

(1) Section 412 (D.C. Code, sec. 47-812) is amended as follows:

(A) Subsection (a) is amended by striking the third and fourth sentences and inserting the following sentences in their place: "If the Council does extend the time for establishing the rates of taxation on real property, it must establish those rates for the tax year by permanent legislation. If the Council does not establish the rates of taxation of real property by October 15, and does not extend the time for establishing rates, the rates of taxation applied for the prior year shall be the rates of taxation applied during the tax year.".

(B) A new subsection (a-2) is added to read as follows:

"(a-2) Notwithstanding the provisions of subsection (a) of this section, the real property tax rates for taxable real property in the District of Columbia for the tax year beginning October 1, 1995, and ending September 30, 1996, shall be the same rates in effect for the tax year beginning October 1, 1993, and ending September 30, 1994.".

(2) Section 413(c) (D.C. Code, sec. 47-815(c)) is repealed.

Prisons Industries

SEC. 136. Title 18 U.S.C. 1761(b) is amended by striking the period at the end and inserting the phrase "or not-for-profit organizations." in its place.

Reports on Reductions

SEC. 137. Within 120 days of the effective date of this Act, the Mayor shall submit to the Congress and the Council a report delineating the actions taken by the executive to effect the directives of the Council in this Act, including—

(1) negotiations with representatives of collective bargaining units to reduce employee compensation;

(2) actions to restructure existing long-term city debt;

(3) actions to apportion the spending reductions anticipated by the directives of this Act to the executive for unallocated reductions; and

(4) a list of any position that is backfilled including description, title, and salary of the position.

Monthly Reporting Requirements—Board of Education

SEC. 138. The Board of Education shall submit to the Congress, Mayor, and Council of the District of Columbia no later than fifteen (15) calendar days after the end of each month a report that sets forth—

(1) current month expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections vs. budget broken out on the basis of control center, responsibility center, agency reporting code, and object class, and for all funds, including capital financing;

(2) a breakdown of FTE positions and staff for the most current pay period broken out on the basis of control center, responsibility center, and agency reporting code within each responsibility center, for all funds, including capital funds;

(3) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and agency reporting code, and for all funding sources;

(4) a list of all active contracts in excess of $10,000 annually, which contains; the name of each contractor; the budget to which the contract is charged broken out on the basis of control center, responsibility center, and agency reporting code; and contract identifying codes used by the D.C. Public Schools; payments made in the last month and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(5) all reprogramming requests and reports that are required to be, and have been, submitted to the Board of Education; and

(6) changes made in the last month to the organizational structure of the D.C. Public Schools, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

Monthly Reporting Requirement University of the District of Columbia

SEC. 139. The University of the District of Columbia shall submit to the Congress, Mayor, and Council of the District of Columbia no later than fifteen (15) calendar days after the end of each month a report that sets forth—

(1) current month expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections vs. budget broken out on the basis of control center, responsibility center, and object class, and for all funds, including capital financing;

(2) a breakdown of FTE positions and all employees for the most current pay period broken out on the basis of control center and responsibility center, for all funds, including capital funds;

(3) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and for all funding sources;

(4) a list of all active contracts in excess of $10,000 annually, which contains: the name of each contractor; the budget to which the contract is charged broken out on the basis of control center and responsibility center, and contract identifying codes used by the University of the District of Columbia; payments made in the last month and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(5) all reprogramming requests and reports that have been made by the University of the District of Columbia within the last month in compliance with applicable law; and

(6) changes in the last month to the organizational structure of the University of the District of Columbia, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

Annual Reporting Requirements

SEC. 140. (a) The Board of Education of the District of Columbia and the University of the District of Columbia shall annually compile an accurate and verifiable report on the positions and employees in the public school system and the university, respectively. The annual report shall set forth—

(1) the number of validated schedule A positions in the District of Columbia Public Schools and the University of the District of Columbia for fiscal year 1995, fiscal year 1996, and thereafter on full-time equivalent basis, including a compilation of all positions by control center, responsibility center, funding source, position type, position title, pay plan, grade, and annual salary; and

(2) a compilation of all employees in the District of Columbia Public Schools and the University of the District of Columbia as of the preceding December 31, verified as to its accuracy in accordance with the functions that each employee actually performs, by control center, responsibility center, agency reporting code, program (including funding source), activity, location for accounting purposes, job title, grade and classification, annual salary, and position control number.

(b) The annual report required by subsection (a) of this section shall be submitted to the Congress, the Mayor and Council of the District of Columbia, by not later than February 8 of each year.

Annual Budgets and Budget Revisions

SEC. 141. (a) Not later than October 1, 1995, or within 15 calendar days after the date of the enactment of the District of Columbia Appropriations Act, 1996, whichever occurs later, and each succeeding year, the Board of Education and the University of the District of Columbia shall submit to the Congress, the Mayor, and Council of the District of Columbia, a revised appropriated funds operating budget for the public school system and the University of the District of Columbia for such fiscal year that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures.

(b) The revised budget required by subsection (a) of this section shall be submitted in the format of the budget that the Board of Education and the University of the District of Columbia submit to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia pursuant to section 442 of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended (D.C. Code, sec. 47-301).

Budget Approval

SEC. 142. The Board of Education the Board of Trustees of the University of the District of Columbia, the Board of Library Trustees, and the Board of Governors of the D.C. School of Law shall vote on and approve their respective annual or revised budgets before submission to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia in accordance with section 442 of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended (D.C. Code, sec. 47-301), or before submitting their respective budgets directly to the Council.

Public School Employee Evaluations

SEC. 143. Notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public Schools employees shall be a non-negotiable item for collective bargaining purposes.

Position Vacancies

SEC. 144. (a) No agency, including an independent agency, shall fill a position wholly funded by appropriations authorized by this Act, which is vacant on October 1, 1995, or becomes vacant between October 1, 1995, and September 30, 1996, unless the Mayor or independent agency submits a proposed resolution of intent to fill the vacant position to the Council. The Council shall be required to take affirmative action on the Mayor's resolution within 30 legislative days. If the Council does not affirmatively approve the resolution within 30 legislative days, the resolution shall be deemed disapproved.

(b) No reduction in the number of full-time equivalent positions or reduction-in-force due to privatization or contracting out shall occur if the District of Columbia Financial Responsibility and Management Assistance

Authority, established by section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 97; Public Law 104–8), disallows the full-time equivalent position reduction provided in this act in meeting the maximum ceiling of 35,984 for the fiscal year ending September 30, 1996.

(c) This section shall not prohibit the appropriate personnel authority from filling a vacant position with a District government employee currently occupying a position that is funded with appropriated funds.

(d) This section shall not apply to local school-based teachers, school-based officers, or school-based teachers' aides; or court personnel covered by title 11 of the D.C. Code, except chapter 23.

Modifications of Board of Education Reduction-in-Force Procedures

SEC. 145. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2–139; D.C. Code, sec. 1–601.1 et seq.), is amended as follows:

(a) Section 301 (D.C. Code, sec. 1–603.1) is amended as follows:

(1) A new paragraph (13A) is added to read as follows:

"(13A) 'Nonschool-based personnel' means any employee of the District of Columbia Public Schools who is not based at a local school or who does not provide direct services to individual students.".

(2) A new paragraph (15A) is added to read as follows:

"(15A) 'School administrators' means principals, assistant principals, school program directors, coordinators, instructional supervisors, and support personnel of the District of Columbia Public Schools.".

(b) Section 801A(b)(2) (D.C. Code, sec. 1–609.1(b)(2)) is amended by adding a new subparagraph (L–i) to read as follows:

"(L–i) Notwithstanding any other provision of law, the Board of Education shall not issue rules that require or permit nonschool-based personnel or school administrators to be assigned or reassigned to the same competitive level as classroom teachers;"

(c) Section 2402 (D.C. Code, sec. 1–625.2) is amended by adding a new subsection (f) to read as follows:

"(f) Notwithstanding any other provision of law, the Board of Education shall not require or permit nonschool-based personnel or school administrators to be assigned or reassigned to the same competitive level as classroom teachers.".

SEC. 146. (a) Notwithstanding any other provision of law, rule, or regulation, an employee of the District of Columbia Public Schools shall be—

(1) classified as an Educational Service employee;

(2) placed under the personnel authority of the Board of Education; and

(3) subject to all Board of Education rules.

(b) School-based personnel shall constitute a separate competitive area from nonschool-based personnel who shall not compete with school-based personnel for retention purposes.

SEC. 147. None of the funds provided in this Act may be used directly or indirectly for the renovation of the property located at 227 7th Street Southeast (commonly known as Eastern Market), except that funds provided in this Act may be used for the regular maintenance and upkeep of the current structure and grounds located at such property.

Capital Project Employees

SEC. 148. (a) Not later than 15 days after the end of every fiscal quarter (beginning October 1, 1995), the Mayor shall submit to the Council of the District of Columbia, the District of Columbia Financial Responsibility and Management Assistance Authority, and the Committees on Appropriations of the House of Representatives and the Senate a report with respect to the employees on the capital project budget for the previous quarter.

(b) Each report submitted pursuant to subsection (a) of this section shall include the following information—

(1) a list of all employees by position, title, grade and step;

(2) a job description, including the capital project for which each employee is working;

(3) the date that each employee began working on the capital project and the ending date that each employee completed or is projected to complete work on the capital project; and

(4) a detailed explanation justifying why each employee is being paid with capital funds.

Modification of Reduction-in-Force Procedures

SEC. 149. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2–139; D.C. Code, sec. 1–601.1 et seq.), is amended as follows:

(a) Section 2401 (D.C. Code, sec. 1–625.1) is amended by amending the third sentence to read as follows: "A personnel authority may establish lesser competitive areas within an agency on the basis of all or a clearly identifiable segment of an agency's mission or a division or major subdivision of an agency.".

(b) A new section 2406 is added to read as follows:

"SEC. 2406. Abolishment of positions for Fiscal Year 1996.

"(a) Notwithstanding any other provision of law, regulation, or collective bargaining agreement either in effect or to be negotiated while this legislation is in effect for the fiscal year ending September 30, 1996, each agency head is authorized, within the agency head's discretion, to identify positions for abolishment.

"(b) Prior to February 1, 1996, each personnel authority shall make a final determination that a position within the personnel authority is to be abolished.

"(c) Notwithstanding any rights or procedures established by any other provision of this title, any District government employee, regardless of date of hire, who encumbers a position identified for abolishment shall be separated without competition or assignment rights, except as provided in this section.

"(d) An employee affected by the abolishment of a position pursuant to this section who, but for this section would be entitled to compete for retention, shall be entitled to 1 round of lateral competition pursuant to Chapter 24 of the District of Columbia Personnel Manual, which shall be limited to positions in the employee's competitive level.

"(e) Each employee who is a bona fide resident of the District of Columbia shall have added 5 years to his or her creditable service for reduction-in-force purposes. For purposes of this subsection only, a nonresident District employee who was hired by the District government prior to January 1, 1980, and has not had a break in service since that date, or a former employee of the U.S. Department of Health and Human Services at Saint Elizabeths Hospital who accepted employment with the District government on October 1, 1987, and has not had a break in service since that date, shall be considered a District resident.

"(f) Each employee selected for separation pursuant to this section shall be given written notice of at least 30 days before the effective date of his or her separation.

"(g) Neither the establishment of a competitive area smaller than an agency, nor the determination that a specific position is to be abolished, nor separation pursuant to his section shall be subject to review except as follows—

"(1) an employee may file a complaint contesting a determination or a separation pursuant to title XV of this Act or section 303 of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2–38; D.C. Code, sec. 1–2543); and

"(2) an employee may file with the Office of Employee Appeals an appeal contesting that the separation procedures of subsections (d) and (f) of this section were not properly applied.

"(h) An employee separated pursuant to this section shall be entitled to severance pay in accordance with title XI of this Act, except that the following shall be included in computing creditable service for severance pay for employees separated pursuant to this section—

"(1) four years for an employee who qualified for veteran's preference under this act, and

"(2) three years for an employee who qualified for residency preference under this act.

"(i) Separation pursuant to this section shall not affect an employee's rights under either the Agency Reemployment Priority Program or the Displaced Employee Program established pursuant to Chapter 24 of the District Personnel Manual.

"(j) The Mayor shall submit to the Council a listing of all positions to be abolished by agency and responsibility center by March 1, 1996, or upon the delivery of termination notices to individual employees.

"(k) Notwithstanding the provisions of section 1708 or section 2402(d), the provisions of this act shall not be deemed negotiable.

"(l) A personnel authority shall cause a 30-day termination notice to be served, no later than September 1, 1996, on any incumbent employee remaining in any position identified to be abolished pursuant to subsection (b) of this section".

Sec. 150. (a) CEILING ON TOTAL OPERATING EXPENSES.—Notwithstanding any other provision of law, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 1996 under the caption "Division of Expenses" shall not exceed $4,994,000,000 of which $165,339,000 shall be from intra-District funds.

(b) ACCEPTANCE AND USE OF GRANTS NOT INCLUDED IN CEILING.—

(1) IN GENERAL.—Notwithstanding subsection (a), the Mayor of the District of Columbia may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(2) REQUIREMENT OF CHIEF FINANCIAL OFFICER REPORT AND FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY APPROVAL.—No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to paragraph (1) until—

(A) the Chief Financial Officer of the District submits to the District of Columbia Financial Responsibility and Management Assistance Authority established by Public Law 104–8 (109 Stat. 97) a report setting forth detailed information regarding such grant; and

(B) the District of Columbia Financial Responsibility and Management Assistance Authority has reviewed and approved the acceptance, obligation, and expenditure of such grant in accordance with review and approval procedures consistent with the provisions of Public Law 104-8.

(3) PROHIBITION ON SPENDING IN ANTICIPATION OF APPROVAL OR RECEIPT.—No amount may be obligated or expended from the general fund or other funds of the District government in anticipation of the approval or receipt of a grant under paragraph (2)(B) or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such paragraph.

(4) MONTHLY REPORTS.—The Chief Financial Officer of the District shall prepare a monthly report setting forth detailed information regarding all Federal, private, and other grants subject to this subsection. Each such report shall be submitted to the Council of the District of Columbia, and to the Committees on Appropriations of the House of Representatives and the Senate, not later than 15 days after the end of the month covered by the report.

PLANS FOR LORTON CORRECTIONAL COMPLEX

SEC. 151. (a) DEVELOPMENT OF PLANS.—Not later than March 15, 1996, the District of Columbia shall develop a series of alternative plans meeting the requirements of subsection (b) for the use and operation of the Lorton Correctional Complex (hereafter in this section referred to as the "Complex"), including—

(1) a plan under which the Complex will be closed;

(2) a plan under which the Complex will remain in operation under the management of the District of Columbia subject to such modifications as the District considers appropriate;

(3) a plan under which the Complex will be operated under the management of the Federal government;

(4) a plan under which the Complex will be operated under private management; and

(5) such other plans as the District of Columbia considers appropriate.

(b) REQUIREMENTS FOR PLANS.—Each of the plans developed by the District of Columbia under subsection (a) shall meet the following requirements:

(1) The plan shall provide for an appropriate transition period not to exceed 5 years in length.

(2) The plan shall include provisions specifying how and to what extent the District will utilize alternative management, including the private sector, for the operation of correctional facilities for the District, and shall include provisions describing the treatment under such alternative management (including under contracts) of site selection, design, financing, construction, and operation of correctional facilities for the District.

(3) The plan shall include a description of any legislation required to implenent the plan.

(4) The plan shall include an implementation schedule, together with specific performance measures and timelines to determine the extent to which the District is meeting the schedule during the transition period.

(5) Under the plan, the Mayor of the District of Columbia shall submit a semi-annual report to the President, Congress, and the District of Columbia Financial Responsibility and Management Assistance Authority describing the actions taken by the District under the plan, and in addition shall regularly report to the President, Congress, and the District of Columbia Financial Responsibility and Management Assistance Authority on all significant measures taken under the plan as soon as such measures are taken.

(6) For each of the years during which the plan is in effect, the plan shall be consistent with the financial plan and budget for the District of Columbia for the year under subtitle A of title II of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(c) SUBMISSION OF PLAN.—Upon completing the development of the plans under subsection (a), the District of Columbia shall submit the plans to the President, Congress, and the District of Columbia Financial Responsibility and Management Assistance Authority.

PROHIBITION AGAINST ADOPTION BY UNMARRIED COUPLES

SEC. 152. (a) IN GENERAL.—Section 16-302, D.C. Code, is amended—

(1) by striking "Any person" and inserting "(a) Subject to subsection (b), any person"; and

(2) by adding at the end the following subsection:

"(b)(1) Except as provided in paragraph (2), no person may join in a petition under this section unless the person is the spouse of the petitioner.

"(2) An unmarried person may file a petition for adoption where no other person joins in the petition or where the co-petitioner is the natural parent of the child.".

TECHNICAL CORRECTIONS TO FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE ACT

SEC. 153. (a) REQUIRING GSA TO PROVIDE SUPPORT SERVICES.—Section 103(f) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 is amended by striking "may provide" and inserting "shall promptly provide".

(b) AVAILABILITY OF CERTAIN FEDERAL BENEFITS FOR INDIVIDUALS WHO BECOME EMPLOYED BY THE AUTHORITY.—

(1) FORMER FEDERAL EMPLOYEES.—Subsection (e) of section 102 of such Act is amended to read as follows:

"(e) PRESERVATION OF RETIREMENT AND CERTAIN OTHER RIGHTS OF FEDERAL EMPLOYEES WHO BECOME EMPLOYED BY THE AUTHORITY.—

"(1) IN GENERAL.—Any Federal employee who becomes employed by the Authority—

"(A) may elect, for the purposes set forth in paragraph (2)(A), to be treated, for so long as that individual remains continuously employed by the Authority, as if such individual had not separated from service with the Federal Government, subject to paragraph (3); and

"(B) shall, if such employee subsequently becomes reemployed by the Federal Government, be entitled to have such individual's service with the Authority treated, for purposes of determining the appropriate leave accrual rate, as if it had been service with the Federal Government.

"(2) EFFECT OF AN ELECTION.—An election made by an individual under the provisions of paragraph (1)(A)—

"(A) shall qualify such individual for the treatment describe in such provisions for purposes of—

"(i) chapter 83 or 84 of title 5, United States Code, as appropriate (relating to retirement), including the Thrift Savings Plan;

"(ii) chapter 87 of such title (relating to life insurance); and

"(iii) chapter 89 of such title (relating to health insurance); and

"(B) shall disqualify such individual, while such election remains in effect, from participating in the programs offered by the government of the District of Columbia (if any) corresponding to the respective programs referred to in subparagraph (A).

"(3) CONDITIONS FOR AN ELECTION TO BE EFFECTIVE.—An election made by an individual under paragraph (1)(A) shall be ineffective unless—

"(A) it is made before such individual separates from service with the Federal Government; and

"(B) such individual's service with the Authority commences within 3 days after so separating (not counting any holiday observed by the government of the District of Columbia).

"(4) CONTRIBUTIONS.—If an individual makes an election under paragraph (1)(A), the Authority shall, in accordance with applicable provisions of law referred to in paragraph (2)(A), be responsible for making the same deductions from pay and the same agency contributions as would be required if it were a Federal agency.

"(5) REGULATIONS.—Any regulations necessary to carry out this subsection shall be prescribed in consultation with the Authority by—

"(A) the Office of Personnel Management, to the extent that any program administered by the office is involved;

"(B) the appropriate office or agency of the government of the District of Columbia, to the extent that any program administered by such office or agency is involved; and

"(C) the Executive Director referred to in section 8474 of title 5, United States Code, to the extent that the Thrift Savings Plan is involved.".

(2) OTHER INDIVIDUALS.—Section 102 of such Act is further amended by adding at the end the following:

"(f) FEDERAL BENEFITS FOR OTHERS.—

"(1) IN GENERAL.—The Office of Personnel Management, in conjunction with each corresponding office or agency of the government of the District of Columbia and in consultation with the Authority, shall prescribe regulations under which any individual who becomes employed by the Authority (under circumstances other than as described in subsection (e)) may elect either—

(A) to be deemed a Federal employee for purposes of the programs referred to in subsection (e)(2)(A) (i)–(iii); or

"(B) to participate in 1 or more of the corresponding programs offered by the government of the District of Columbia.

"(2) EFFECT OF AN ELECTION.—An individual who elects the option under subparagraph (A) or (B) of paragraph (1) shall be disqualified, while such election remains in effect, from participating in any of the programs referred to in the other such subparagraph.

"(3) DEFINITION OF 'CORRESPONDING OFFICE OR AGENCY'.—For purposes of paragraph (1), the term 'corresponding office or agency of the government of the District of Columbia' means, with respect to any program administered by the Office of Personnel Management, the office or agency responsible for administering the corresponding program (if any) offered by the government of the District of Columbia.

"(4) THRIFT SAVINGS PLAN.—To the extent that the Thrift Savings Plan is involved, the preceding provisions of this subsection shall be applied by substituting 'the Executive Director referred to in section 8474 of title 5, United States Code' for 'the Office of Personnel Management'.".

(3) "Effective date; additional election for former federal employees serving on date of

enactment; election for employees appointed during interim period.—

(A) EFFECTIVE DATE.—Not later than 6 months after the date of enactment of this Act, there shall be prescribed in consultation with the Authority (and take effect)—

(i) regulations to carry out the amendments made by this subsection; and

(ii) any other regulations necessary to carry out this subsection.

(B) Additional election for former federal employees serving on date of enactment.—

(i) IN GENERAL.—Any former Federal employee employed by the Authority on the effective date of the regulations referred to in subparagraph (A)(i) may, within such period as may be provided for under those regulations, make an election similar, to the maximum extent practicable, to the election provided for under section 102(e) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, as amended by this subsection. Such regulations shall be prescribed jointly by the Office of Personnel Management and each corresponding office or agency of the government of the District of Columbia (in the same manner as provided for in section 102(f) of such Act, as so amended).

(ii) EXCEPTION.—An election under this subparagraph may not be made by any individual who—

(I) is not then participating in a retirement system for Federal employees (disregarding Social Security); or

(II) is then participating in any program of the government of the District of Columbia referred to in section 102(e)(2)(B) of such Act (as so amended).

(C) ELECTION FOR EMPLOYEES APPOINTED DURING INTERIM PERIOD.—

(i) FROM THE FEDERAL GOVERNMENT.—Subsection (e) of section 102 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (as last in effect before the date of enactment of this Act) shall be deemed to have remained in effect for purposes of any Federal employee who becomes employed by the District of Columbia Financial Responsibility and Management Assistance Authority during the period beginning on such date of enactment and ending on the day before the effective date of the regulations prescribed to carry out subparagraph (B).

(ii) OTHER INDIVIDUALS.—The regulations prescribed to carry out subsection (f) of section 102 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (as amended by this subsection) shall include provisions under which an election under such subsection shall be available to any individual who—

(I) becomes employed by the District of Columbia Financial Responsibility and Management Assistance Authority during the period beginning on the date of enactment of this Act and ending on the day before the effective date of such regulations;

(II) would have been eligible to make an election under such regulations had those regulations been in effect when such individual became so employed; and

(III) is not then participating in any program of the government of the District of Columbia referred to in subsection (f)(1)(B) of such section 102 (as so amended).

(c) EXEMPTION FROM LIABILITY FOR CLAIMS FOR AUTHORITY EMPLOYEES.—Section 104 of such Act is amended—

(1) by striking "the Authority and its members" and inserting "the Authority, its members, and its employees"; and

(2) by striking "the District of Columbia" and inserting "the Authority or its members or employees or the District of Columbia".

(d) PERMITTING REVIEW OF EMERGENCY LEGISLATION.—Section 203(a)(3) of such Act is amended by striking subparagraph (C).

ESTABLISHMENT OF EXCLUSIVE ACCOUNTS FOR BLUE PLAINS ACTIVITIES

SEC. 154. (a) OPERATION AND MAINTENANCE ACCOUNT.—

(1) CONTENTS OF ACCOUNT.—There is hereby established within the Water and Sewer Enterprise Fund the Operation and Maintenance Account, consisting of all fund paid to the District of Columbia on or after the date of the enactment of this Act which are—

(A) attributable to waste water treatment user charges;

(B) paid by users jurisdictions for the operation and maintenance of the Blue Plains Wastewater Treatment Facility and related waste water treatment works; or

(C) appropriated or otherwise provided for the operation and maintenance of the Blue Plains Wastewater Treatment Facility and related waste water treatment works.

(2) USE OF FUNDS IN ACCOUNT.—Funds in the Operation and Maintenance Account shall be used solely for funding the operation and maintenance of the Blue Plains Wastewater Treatment Facility and related waste water treatment works and may not be obligated or expended for any other purpose, and may be used for related debt service and capital costs if such funds are not attributable to user charges assessed for purposes of section 204(b)(1) of the Federal Water Pollution Control Act.

(b) EPA GRANT ACCOUNT.—

(1) CONTENTS OF ACCOUNT.—There is hereby established within the Water and Sewer Enterprise Fund and EPA Grant Account, consisting of all funds paid to the District of Columbia on or after the date of the enactment of this Act which are—

(A) attributable to grants from the Environmental Protection Agency for construction at the Blue Plains Wastewater Treatment Facility and related waste water treatment works; or

(B) appropriated or otherwise provided for construction at the Blue Plains Wastewater Treatment Facility and related waste water treatment works.

(2) USE OF FUNDS IN ACCOUNT.—Funds in the EPA Grant Account shall be used solely for the purposes specified under the terms of the grants and appropriations involved, and may not be obligated or expended for any other purpose.

SEC. 155. (a) Up to 50 police officers and up to 50 Fire and Emergency Medical Services members who were hired before February 14, 1980, and who retire on disability before the end of calendar year 1996 shall be excluded from the computation of the rate of disability retirements under subsection 145(a) of the District of Columbia Retirement Reform Act of 1979 (93 Stat. 882; D.C. Code, sec. 1-725(a)), for purposes of reducing the authorized Federal payment to the District of Columbia Police Offices and Fire Fighters' Retirement Fund pursuant to subsection 145(c) of the District of Columbia Retirement Reform Act of 1979.

(b) The Mayor, within 30 days after the enactment of this provision, shall engage an enrolled actuary, to be paid by the District of Columbia Retirement Board, and shall comply with the requirements of section 142(d) and section 144(d) of the District of Columbia Retirement Reform Act of 1979 (Public Law 96-122, approved November 17, 1979; D.C. Code, secs. 1-722(d) and 1-724(d)).

This title may be cited as the "District of Columbia Appropriations Act, 1996".

TITLE II—DISTRICT OF COLUMBIA SCHOOL REFORM

SEC. 2001. SHORT TITLE.

This title may be cited as the "District of Columbia School Reform Act of 1995".

SEC. 2002. DEFINITIONS.

Except as otherwise provided, for purposes of this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate;

(B) the Committee on Economic and Educational Opportunities of the House of Representatives and the Committee on Labor and Human Resources of the Senate; and

(C) the Committee on Government Reform and Oversight of the House of Representatives and the Committee on Governmental Affairs of the Senate.

(2) AUTHORITY.—The term "Authority" means the District of Columbia Financial Responsibility and Management Assistance Authority established under section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104-8).

(3) AVERAGE DAILY ATTENDANCE.—The term "average daily attendance" means the aggregate attendance of students of the school during the period divided by the number of days during the period in which—

(A) the school is in session; and

(B) the students of the school are under the guidance and direction of teachers.

(4) AVERAGE DAILY MEMBERSHIP.—The term "average daily membership" means the aggregate enrollment of students of the school during the period divided by the number of days during the period in which—

(A) the school is in session; and

(B) the students of the school are under the guidance and direction of teachers.

(5) BOARD OF EDUCATION.—The term "Board of Education" means the Board of Education of the District of Columbia.

(6) BOARD OF TRUSTEES.—The term "Board of Trustees" means the governing board of a public charter school, the members of which are selected pursuant to the charter granted to the school and in a manner consistent with this title.

(7) CONSENSUS COMMISSION.—The term "Consensus Commission" means the Commission on Consensus Reform in the District of Columbia public schools established under subtitle L.

(8) CORE CURRICULUM.—The term "core curriculum" means the concepts, factual knowledge, and skills that students in the District of Columbia should learn in kindergarten through grade 12 in academic content areas, including, at a minimum, English, mathematics, science, and history.

(9) DISTRICT OF COLUMBIA COUNCIL.—The term "District of Columbia Council" means the Council of the District of Columbia established pursuant to section 401 of the District of Columbia Self-Government and Governmental Reorganization Act (D.C. Code, sec. 1-221).

(10) DISTRICT OF COLUMBIA GOVERNMENT.—

(A) IN GENERAL.—The term "District of Columbia Government" means the government of the District of Columbia, including—

(i) any department, agency, or instrumentality of the government of the District of Columbia;

(ii) any independent agency of the District of Columbia established under part F of title

IV of the District of Columbia Self-Government and Governmental Reorganization Act;

(iii) any other agency, board, or commission established by the Mayor or the District of Columbia Council;

(iv) the courts of the District of Columbia;

(v) the District of Columbia Council; and

(vi) any other agency, public authority, or public nonprofit corporation that has the authority to receive moneys directly or indirectly from the District of Columbia (other than moneys received from the sale of goods, the provision of services, or the loaning of funds to the District of Columbia).

(B) EXCEPTION.—The term "District of Columbia Government" neither includes the Authority nor a public charter school.

(11) DISTRICT OF COLUMBIA GOVERNMENT RETIREMENT SYSTEM.—The term "District of Columbia Government retirement system" means the retirement programs authorized by the District of Columbia Council or the Congress for employees of the District of Columbia Government.

(12) DISTRICT OF COLUMBIA PUBLIC SCHOOL.—

(A) IN GENERAL.—The term "District of Columbia public school" means a public school in the District of Columbia that offers classes—

(i) at any of the grade levels from prekindergarten through grade 12; or

(ii) leading to a secondary school diploma, or its recognized equivalent.

(B) EXCEPTION.—The term "District of Columbia public school" does not include a public charter school.

(13) DISTRICTWIDE ASSESSMENTS.—The term "districtwide assessments" means a variety of assessment tools and strategies (including individual student assessments under subparagraph (E)(ii)) administered by the Superintendent to students enrolled in District of Columbia public schools and public charter schools that—

(A) are aligned with the District of Columbia's content standards and core curriculum;

(B) provide coherent information about student attainment of such standards;

(C) are used for purposes for which such assessments are valid, reliable, and unbiased, and are consistent with relevant nationally recognized professional and technical standards for such assessments;

(D) involve multiple up-to-date measures of student performance, including measures that assess higher order thinking skills and understanding; and

(E) provide for—

(i) the participation in such assessments of all students;

(ii) individual student assessments for students that fail to reach minimum acceptable levels of performance;

(iii) the reasonable adaptations and accommodations for students with special needs (as defined in paragraph (32)) necessary to measure the achievement of such students relative to the District of Columbia's content standards; and

(iv) the inclusion of limited-English proficient students, who shall be assessed, to the extent practicable, in the language and form most likely to yield accurate and reliable information regarding such students' knowledge and abilities.

(14) ELECTRONIC DATA TRANSFER SYSTEM.—The term "electronic data transfer system" means a computer-based process for the maintenance and transfer of student records designed to permit the transfer of individual student records among District of Columbia public schools and public charter schools.

(15) ELEMENTARY SCHOOL.—The term "elementary school" means an institutional day or residential school that provides elementary education, as determined under District of Columbia law.

(16) ELIGIBLE APPLICANT.—The term "eligible applicant" means a person, including a private, public, or quasi-public entity, or an institution of higher education (as defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))), that seeks to establish a public charter school in the District of Columbia.

(17) ELIGIBLE CHARTERING AUTHORITY.—The term "eligible chartering authority" means any of the following:

(A) The Board of Education.

(B) The Public Charter School Board.

(C) Any one entity designated as an eligible chartering authority by enactment of a bill by the District of Columbia Council after the date of the enactment of this Act.

(18) FAMILY RESOURCE CENTER.—The term "family resource center" means an information desk—

(A) located in a District of Columbia public school or a public charter school serving a majority of students whose family income is not greater than 185 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act applicable to a family of the size involved (42 U.S.C. 9902(3))); and

(B) which links students and families to local resources and public and private entities involved in child care, adult education, health and social services, tutoring, mentoring, and job training.

(19) INDIVIDUAL CAREER PATH.—The term "individual career path" means a program of study that provides a secondary school student the skills necessary to compete in the 21st century workforce.

(20) LITERACY.—The term "literacy" means—

(A) in the case of a minor student, such student's ability to read, write, and speak in English, and compute and solve problems at levels of proficiency necessary to function in society, to achieve such student's goals, and develop such student's knowledge and potential; and

(B) in the case of an adult, such adult's ability to read, write, and speak in English, and compute and solve problems at levels of proficiency necessary to function on the job and in society, to achieve such adult's goals, and develop such adult's knowledge and potential.

(21) LONG-TERM REFORM PLAN.—The term "long-term reform plan" means the plan submitted by the Superintendent under section 2101.

(22) MAYOR.—The term "Mayor" means the Mayor of the District of Columbia.

(23) METROBUS AND METRORAIL TRANSIT SYSTEM.—The term "Metrobus and Metrorail Transit System" means the bus and rail systems administered by the Washington Metropolitan Area Transit Authority.

(24) MINOR STUDENT.—The term "minor student" means an individual who—

(A) is enrolled in a District of Columbia public school or a public charter school; and

(B) is not beyond the age of compulsory school attendance, as prescribed in section 1 of article I, and section 1 of article II, of the Act of February 4, 1925 (sections 31-401 and 31-402, D.C. Code).

(25) NONRESIDENT STUDENT.—The term "nonresident student" means—

(A) an individual under the age of 18 who is enrolled in a District of Columbia public school or a public charter school, and does not have a parent residing in the District of Columbia; or

(B) an individual who is age 18 or older and is enrolled in a District of Columbia public school or public charter school, and does not reside in the District of Columbia.

(26) PARENT.—The term "parent" means a person who has custody of a child, and who—

(A) is a natural parent of the child;

(B) is a stepparent of the child;

(C) has adopted the child; or

(D) is appointed as a guardian for the child by a court of competent jurisdiction.

(27) PETITION.—The term "petition" means a written application.

(28) PROMOTION GATE.—The term "promotion gate" means the criteria, developed by the Superintendent and approved by the Board of Education, that are used to determine student promotion at different grade levels. Such criteria shall include student achievement on districtwide assessments established under subtitle D.

(29) PUBLIC CHARTER SCHOOL.—The term "public charter school" means a publicly funded school in the District of Columbia that—

(A) is established pursuant to subtitle B; and

(B) except as provided under sections 2212(d)(5) and 2213(c)(5) is not a part of the District of Columbia public schools.

(30) PUBLIC CHARTER SCHOOL BOARD.—The term "Public Charter School Board" means the Public Charter School Board established under section 2214.

(31) SECONDARY SCHOOL.—The term "secondary school" means an institutional day or residential school that provides secondary education, as determined by District of Columbia law, except that such term does not include any education beyond grade 12.

(32) STUDENT WITH SPECIAL NEEDS.—The term "student with special needs" means a student who is a child with a disability as provided in section 602(a)(1) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(a)(1)) or a student who is an individual with a disability as provided in section 7(8) of the Rehabilitation Act of 1973 (29 U.S.C. 706(8)).

(33) SUPERINTENDENT.—The term "Superintendent" means the Superintendent of the District of Columbia public schools.

(34) TEACHER.—The term "teacher" means any person employed as a teacher by the Board of Education or by a public charter school.

SEC. 2003. GENERAL EFFECTIVE DATE.

Except as otherwise provided in this title, this title shall be effective during the period beginning on the date of enactment of this Act and ending 5 years after such date.

Subtitle A—District of Columbia Reform Plan

SEC. 2101. LONG-TERM REFORM PLAN.

(a) IN GENERAL.—

(1) PLAN.—The Superintendent, with the approval of the Board of Education, shall submit to the Mayor, the District of Columbia Council, the Authority, the Consensus Commission, and the appropriate congressional committees, a long-term reform plan, not later than 90 days after the date of enactment of this Act, and each February 15 thereafter. The long-term reform plan shall be consistent with the financial plan and budget for the District of Columbia for fiscal year 1996, and each financial plan and budget for a subsequent fiscal year, as the case may be, required under section 201 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(2) CONSULTATION.—

(A) IN GENERAL.—In developing the long-term reform plan, the Superintendent—

(i) shall consult with the Board of Education, the Mayor, the District of Columbia Council, the Authority, and the Consensus Commission; and

(ii) shall afford the public, interested organizations, and groups an opportunity to present their views and make recommendations regarding the long-term reform plan.

(B) SUMMARY OF RECOMMENDATIONS.—The Superintendent shall include in the long-term plan a summary of the recommendations made under subparagraph (A)(ii) and the response of the Superintendent to the recommendations.

(b) CONTENTS.—

(1) AREAS TO BE ADDRESSED.—The long-term reform plan shall describe how the District of Columbia public schools will become a world-class education system that prepares students for lifetime learning in the 21st century and which is on a par with the best education systems of other cities, States, and nations. The long-term reform plan shall include a description of how the District of Columbia public schools will accomplish the following:

(A) Achievement at nationally and internationally competitive levels by students attending District of Columbia public schools.

(B) The preparation of students for the workforce, including—

(i) providing special emphasis for students planning to obtain a postsecondary education; and

(ii) the development of individual career paths.

(C) The improvement of the health and safety of students in District of Columbia public schools.

(D) Local school governance, decentralization, autonomy, and parental choice among District of Columbia public schools.

(E) The implementation of a comprehensive and effective adult education and literacy program.

(F) The identification, beginning in grade 3, of each student who does not meet minimum standards of academic achievement in reading, writing, and mathematics in order to ensure that such student meets such standards prior to grade promotion.

(G) The achievement of literacy, and the possession of the knowledge and skills necessary to think critically, communicate effectively, and perform competently on districtwide assessments, by students attending District of Columbia public schools prior to such student's completion of grade 8.

(H) The establishment of after-school programs that promote self-confidence, self-discipline, self-respect, good citizenship, and respect for leaders, through such activities as arts classes, physical fitness programs, and community service.

(I) Steps necessary to establish an electronic data transfer system.

(J) Encourage parental involvement in all school activities, particularly parent teacher conferences.

(K) Development and implementation, through the Board of Education and the Superintendent, of a uniform dress code for the District of Columbia public schools, that—

(i) shall include a prohibition of gang membership symbols;

(ii) shall take into account the relative costs of any such code for each student; and

(iii) may include a requirement that students wear uniforms.

(L) The establishment of classes, beginning not later than grade 3, to teach students how to use computers effectively.

(M) The development of community schools that enable District of Columbia public schools to collaborate with other public and nonprofit agencies and organizations, local businesses, recreational, cultural, and other community and human service entities, for the purpose of meeting the needs and expanding the opportunities available to residents of the communities served by such schools.

(N) The establishment of programs which provide counseling, mentoring (especially peer mentoring), academic support, outreach, and supportive services to elementary, middle, and secondary school students who are at risk of dropping out of school.

(O) The establishment of a comprehensive remedial education program to assist students who do not meet basic literacy standards, or the criteria of promotion gates established in section 2421.

(P) The establishment of leadership development projects for middle school principals, which projects shall increase student learning and achievement and strengthen such principals as instructional school leaders.

(Q) The implementation of a policy for performance-based evaluation of principals and teachers, after consultation with the Superintendent and unions (including unions that represent teachers and unions that represent principals).

(R) The implementation of policies that require competitive appointments for all District of Columbia public school positions.

(S) The implementation of policies regarding alternative teacher certification requirements.

(T) The implementation of testing requirements for teacher licensing renewal.

(U) A review of the District of Columbia public school central office budget and staffing reductions for each fiscal year compared to the level of such budget and reductions at the end of fiscal year 1995.

(V) The implementation of the discipline policy for the District of Columbia public schools in order to ensure a safe, disciplined environment conducive to learning.

(2) OTHER INFORMATION.—For each of the items described in subparagraphs (A) through (V) of paragraph (1), the long-term reform plan shall include—

(A) a statement of measurable, objective performance goals;

(B) a description of the measures of performance to be used in determining whether the Superintendent and Board of Education have met the goals;

(C) dates by which the goals shall be met;

(D) plans for monitoring and reporting progress to District of Columbia residents, the Mayor, the District of Columbia Council, the Authority, the Consensus Commission, and the appropriate congressional committees regarding the carrying out of the long-term reform plan; and

(E) the title of the management employee of the District of Columbia public schools most directly responsible for the achievement of each goal and, with respect to each such employee, the title of the employee's immediate supervisor or superior.

(c) AMENDMENTS.—The Superintendent, with the approval of the Board of Education, shall submit any amendment to the long-term reform plan to the Mayor, the District of Columbia Council, the Authority, the Consensus Commission, and the appropriate congressional committees. Any amendment to the long-term reform plan shall be consistent with the financial plan and budget for fiscal year 1996, and each financial plan and budget for a subsequent fiscal year, as the case may be, for the District of Columbia required under section 201 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

Subtitle B—Public Charter Schools

SEC. 2201. PROCESS FOR FILING CHARTER PETITIONS.

(a) EXISTING PUBLIC SCHOOL.—An eligible applicant seeking to convert a District of Columbia public school into a public charter school—

(1) shall prepare a petition to establish a public charter school that meets the requirements of section 2202;

(2) shall provide a copy of the petition to—

(A) the parents of minor students attending the existing school;

(B) adult students attending the existing school; and

(C) employees of the existing school; and

(3) shall file the petition with an eligible chartering authority for approval after the petition—

(A) is signed by two-thirds of the sum of—

(i) the total number of parents of minor students attending the school; and

(ii) the total number of adult students attending the school; and

(B) is endorsed by at least two-thirds of full-time teachers employed in the school.

(b) PRIVATE OR INDEPENDENT SCHOOL.—An eligible applicant seeking to convert an existing private or independent school in the District of Columbia into a public charter school—

(1) shall prepare a petition to establish a public charter school that is approved by the Board of Trustees or authority responsible for the school and that meets the requirements of section 2202;

(2) shall provide a copy of the petition to—

(A) the parents of minor students attending the existing school;

(B) adult students attending the existing school; and

(C) employees of the existing school; and

(3) shall file the petition with an eligible chartering authority for approval after the petition—

(A) is signed by two-thirds of the sum of—

(i) the total number of parents of minor students attending the school; and

(ii) the total number of adult students attending the school; and

(B) is endorsed by at least two-thirds of full-time teachers employed in the school.

(c) NEW SCHOOL.—An eligible applicant seeking to establish in the District of Columbia a public charter school, but not seeking to convert a District of Columbia public school or a private or independent school into a public charter school, shall file with an eligible chartering authority for approval a petition to establish a public charter school that meets the requirements of section 2202.

SEC. 2202. CONTENTS OF PETITION.

A petition under section 2201 to establish a public charter school shall include the following:

(1) A statement defining the mission and goals of the proposed school and the manner in which the school will meet the content standards, and conduct the districtwide assessments, described in section 2411(b).

(2) A statement of the need for the proposed school in the geographic area of the school site.

(3) A description of the proposed instructional goals and methods for the proposed school, which shall include, at a minimum—

(A) the area of focus of the proposed school, such as mathematics, science, or the arts, if the school will have such a focus;

(B) the methods that will be used, including classroom technology, to provide students with the knowledge, proficiency, and skills needed—

(i) to become nationally and internationally competitive students and educated individuals in the 21st century; and

(ii) to perform competitively on any districtwide assessments; and

(C) the methods that will be used to improve student self-motivation, classroom instruction, and learning for all students.

(4) A description of the scope and size of the proposed school's program that will enable students to successfully achieve the goals established by the school, including the grade levels to be served by the school and the projected and maximum enrollment of each grade level.

(5) A description of the plan for evaluating student academic achievement at the proposed school and the procedures for remedial action that will be used by the school when the academic achievement of a student falls below the expectations of the school.

(6) An operating budget for the first 2 years of the proposed school that is based on anticipated enrollment and contains—

(A) a description of the method for conducting annual audits of the financial, administrative, and programmatic operations of the school;

(B) either—

(i) an identification of the site where the school will be located, including a description of any buildings on the site and any buildings proposed to be constructed on the site; or

(ii) a timetable by which such an identification will be made;

(C) a description of any major contracts planned, with a value equal to or exceeding $10,000, for equipment and services, leases, improvements, purchases of real property, or insurance; and

(D) a timetable for commencing operations as a public charter school.

(7) A description of the proposed rules and policies for governance and operation of the proposed school.

(8) Copies of the proposed articles of incorporation and bylaws of the proposed school.

(9) The names and addresses of the members of the proposed Board of Trustees and the procedures for selecting trustees.

(10) A description of the student enrollment, admission, suspension, expulsion, and other disciplinary policies and procedures of the proposed school, and the criteria for making decisions in such areas.

(11) A description of the procedures the proposed school plans to follow to ensure the health and safety of students, employees, and guests of the school and to comply with applicable health and safety laws, and all applicable civil rights statutes and regulations of the Federal Government and the District of Columbia.

(12) An explanation of the qualifications that will be required of employees of the proposed school.

(13) An identification, and a description, of the individuals and entities submitting the petition, including their names and addresses, and the names of the organizations or corporations of which such individuals are directors or officers.

(14) A description of how parents, teachers, and other members of the community have been involved in the design and will continue to be involved in the implementation of the proposed school.

(15) A description of how parents and teachers will be provided an orientation and other training to ensure their effective participation in the operation of the public charter school.

(16) An assurance the proposed school will seek, obtain, and maintain accreditation from at least one of the following:

(A) The Middle States Association of Colleges and Schools.

(B) The Association of Independent Maryland Schools.

(C) The Southern Association of Colleges and Schools.

(D) The Virginia Association of Independent Schools.

(E) American Montessori Internationale.

(F) The American Montessori Society.

(G) The National Academy of Early Childhood Programs.

(H) Any other accrediting body deemed appropriate by the eligible chartering authority that granted the charter to the school.

(17) In the case that the proposed school's educational program includes preschool or prekindergarten, an assurance the proposed school will be licensed as a child development center by the District of Columbia Government not later than the first date on which such program commences.

(18) An explanation of the relationship that will exist between the public charter school and the school's employees.

(19) A statement of whether the proposed school elects to be treated as a local educational agency or a District of Columbia public school for purposes of part B of the Individuals With Disabilities Education Act (20 U.S.C. 1411 et seq.) and section 504 of the Rehabilitation Act of 1973 (20 U.S.C. 794), and notwithstanding any other provision of law the eligible chartering authority shall not have the authority to approve or disapprove such election.

SEC. 2203. PROCESS FOR APPROVING OR DENYING PUBLIC CHARTER SCHOOL PETITIONS.

(a) SCHEDULE.—An eligible chartering authority shall establish a schedule for receiving petitions to establish a public charter school and shall publish any such schedule in the District of Columbia Register and newspapers of general circulation.

(b) PUBLIC HEARING.—Not later than 45 days after a petition to establish a public charter school is filed with an eligible chartering authority, the eligible chartering authority shall hold a public hearing on the petition to gather the information that is necessary for the eligible chartering authority to make the decision to approve or deny the petition.

(c) NOTICE.—Not later than 10 days prior to the scheduled date of a public hearing on a petition to establish a public charter school, an eligible chartering authority—

(1) shall publish a notice of the hearing in the District of Columbia Register and newspapers of general circulation; and

(2) shall send a written notification of the hearing date to the eligible applicant who filed the petition.

(d) APPROVAL.—Subject to subsection (i), an eligible chartering authority may approve a petition to establish a public charter school, if—

(1) the eligible chartering authority determines that the petition satisfies the requirements of this subtitle;

(2) the eligible applicant who filed the petition agrees to satisfy any condition or requirement, consistent with this subtitle and other applicable law, that is set forth in writing by the eligible chartering authority as an amendment to the petition; and

(3) the eligible chartering authority determines that the public charter school has the ability to meet the educational objectives outlined in the petition.

(e) TIMETABLE.—An eligible chartering authority shall approve or deny a petition to establish a public charter school not later than 45 days after the conclusion of the public hearing on the petition.

(f) EXTENSION.—An eligible chartering authority and an eligible applicant may agree to extend the 45-day time period referred to in subsection (e) by a period that shall not exceed 30 days.

(g) DENIAL EXPLANATION.—If an eligible chartering authority denies a petition or finds the petition to be incomplete, the eligible chartering authority shall specify in writing the reasons for its decision and indicate, when the eligible chartering authority determines appropriate, how the eligible applicant who filed the petition may revise the petition to satisfy the requirements for approval.

(h) APPROVED PETITION.—

(1) NOTICE.—Not later than 10 days after an eligible chartering authority approves a petition to establish a public charter school, the eligible chartering authority shall provide a written notice of the approval, including a copy of the approved petition and any conditions or requirements agreed to under subsection (d)(2), to the eligible applicant and to the Chief Financial Officer of the District of Columbia. The eligible chartering authority shall publish a notice of the approval of the petition in the District of Columbia Register and newspapers of general circulation.

(2) CHARTER.—The provisions described in paragraphs (1), (7), (8), (11), (16), (17), and (18) of section 2202 of a petition to establish a public charter school that are approved by an eligible chartering authority, together with any amendments to the petition containing conditions or requirements agreed to by the eligible applicant under subsection (d)(2), shall be considered a charter granted to the school by the eligible chartering authority.

(i) NUMBER OF PETITIONS.—

(1) FIRST YEAR.—For academic year 1996-1997, not more than 10 petitions to establish public charter schools may be approved under this subtitle.

(2) SUBSEQUENT YEARS.—For academic year 1997-1998 and each academic year thereafter each eligible chartering authority shall not approve more than 5 petitions to establish a public charter school under this subtitle.

(j) EXCLUSIVE AUTHORITY OF THE ELIGIBLE CHARTERING AUTHORITY.—No governmental entity, elected official, or employee of the District of Columbia shall make, participate in making, or intervene in the making of, the decision to approve or deny a petition to establish a public charter school, except for officers or employees of the eligible chartering authority with which the petition is filed.

SEC. 2204. DUTIES, POWERS, AND OTHER REQUIREMENTS, OF PUBLIC CHARTER SCHOOLS.

(a) DUTIES.—A public charter school shall comply with all of the terms and provisions of its charter.

(b) POWERS.—A public charter school shall have the following powers:

(1) To adopt a name and corporate seal, but only if the name selected includes the words "public charter school".

(2) To acquire real property for use as the public charter school's facilities, from public or private sources.

(3) To receive and disburse funds for public charter school purposes.

(4) Subject to subsection (c)(1), to secure appropriate insurance and to make contracts and leases, including agreements to procure or purchase services, equipment, and supplies.

(5) To incur debt in reasonable anticipation of the receipt of funds from the general fund of the District of Columbia or the receipt of Federal or private funds.

(6) To solicit and accept any grants or gifts for public charter school purposes, if the public charter school—

(A) does not accept any grants or gifts subject to any condition contrary to law or contrary to its charter; and

(B) maintains for financial reporting purposes separate accounts for grants or gifts.

(7) To be responsible for the public charter school's operation, including preparation of a budget and personnel matters.

(8) To sue and be sued in the public charter school's own name.

(c) PROHIBITIONS AND OTHER REQUIREMENTS.—

(1) CONTRACTING AUTHORITY.—

(A) NOTICE REQUIREMENT.—Except in the case of an emergency (as determined by the eligible chartering authority of a public charter school), with respect to any contract proposed to be awarded by the public charter school and having a value equal to or exceeding $10,000, the school shall publish a notice of a request for proposals in the District of Columbia Register and newspapers of general circulation not less than 30 days prior to the award of the contract.

(B) SUBMISSION TO THE AUTHORITY.—

(i) DEADLINE FOR SUBMISSION.—With respect to any contract described in subparagraph (A) that is awarded by a public charter school, the school shall submit to the Authority, not later than 3 days after the date on which the award is made, all bids for the contract received by the school, the name of the contractor who is awarded the contract, and the rationale for the award of the contract.

(ii) EFFECTIVE DATE OF CONTRACT.—

(I) IN GENERAL.—Subject to subclause (II), a contract described in subparagraph (A) shall become effective on the date that is 15 days after the date the school makes the submission under clause (i) with respect to the contract, or the effective date specified in the contract, whichever is later.

(II) EXCEPTION.—A contract described in subparagraph (A) shall be considered null and void if the Authority determines, within 12 days of the date the school makes the submission under clause (i) with respect to the contract, that the contract endangers the economic viability of the public charter school.

(2) TUITION.—A public charter school may not charge tuition, fees, or other mandatory payments, except to nonresident students, or for field trips or similar activities.

(3) CONTROL.—A public charter school—

(A) shall exercise exclusive control over its expenditures, administration, personnel, and instructional methods, within the limitations imposed in this subtitle; and

(B) shall be exempt from District of Columbia statutes, policies, rules, and regulations established for the District of Columbia public schools by the Superintendent, Board of Education, Mayor, District of Columbia Council, or Authority, except as otherwise provided in the school's charter or this subtitle.

(4) HEALTH AND SAFETY.—A public charter school shall maintain the health and safety of all students attending such school.

(5) CIVIL RIGHTS AND IDEA.—The Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), shall apply to a public charter school.

(6) GOVERNANCE.—A public charter school shall be governed by a Board of Trustees in a manner consistent with the charter granted to the school and the provisions of this subtitle.

(7) OTHER STAFF.—No employee of the District of Columbia public schools may be required to accept employment with, or be assigned to, a public charter school.

(8) OTHER STUDENTS.—No student enrolled in a District of Columbia public school may be required to attend a public charter school.

(9) TAXES OR BONDS.—A public charter school shall not levy taxes or issue bonds.

(10) CHARTER REVISION.—A public charter school seeking to revise its charter shall prepare a petition for approval of the revision and file the petition with the eligible chartering authority that granted the charter. The provisions of section 2203 shall apply to such a petition in the same manner as such provisions apply to a petition to establish a public charter school.

(11) ANNUAL REPORT.—

(A) IN GENERAL.—A public charter school shall submit an annual report to the eligible chartering authority that approved its charter and to the Consensus Commission. The school shall permit a member of the public to review any such report upon request.

(B) CONTENTS.—A report submitted under subparagraph (A) shall include the following data:

(i) A report on the extent to which the school is meeting its mission and goals as stated in the petition for the charter school.

(ii) Student performance on any districtwide assessments.

(iii) Grade advancement for students enrolled in the public charter school.

(iv) Graduation rates, college admission test scores, and college admission rates, if applicable.

(v) Types and amounts of parental involvement.

(vi) Official student enrollment.

(vii) Average daily attendance.

(viii) Average daily membership.

(ix) A financial statement audited by an independent certified public accountant in accordance with Government auditing standards for financial audits issued by the Comptroller General of the United States.

(x) A report on school staff indicating the qualifications and responsibilities of such staff.

(xi) A list of all donors and grantors that have contributed monetary or in-kind donations having a value equal to or exceeding $500 during the year that is the subject of the report.

(C) NONIDENTIFYING DATA.—Data described in clauses (i) through (ix) of subparagraph (B) that are included in an annual report shall not identify the individuals to whom the data pertain.

(12) CENSUS.—A public charter school shall provide to the Board of Education student enrollment data necessary for the Board of Education to comply with section 3 of article II of the Act of February 4, 1925 (D.C. Code, sec. 31-404) (relating to census of minors).

(13) COMPLAINT RESOLUTION PROCESS.—A public charter school shall establish an informal complaint resolution process.

(14) PROGRAM OF EDUCATION.—A public charter school shall provide a program of education which shall include one or more of the following:

(A) Preschool.

(B) Prekindergarten.

(C) Any grade or grades from kindergarten through grade 12.

(D) Residential education.

(E) Adult, community, continuing, and vocational education programs.

(15) NONSECTARIAN NATURE OF SCHOOLS.—A public charter school shall be nonsectarian and shall not be affiliated with a sectarian school or religious institution.

(16) NONPROFIT STATUS OF SCHOOL.—A public charter school shall be organized under the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29-501 et seq.).

(17) IMMUNITY FROM CIVIL LIABILITY.—

(A) IN GENERAL.—A public charter school, and its incorporators, Board of Trustees, officers, employees, and volunteers, shall be immune from civil liability, both personally and professionally, for any act or omission within the scope of their official duties unless the act or omission—

(i) constitutes gross negligence;

(ii) constitutes an intentional tort; or

(iii) is criminal in nature.

(B) COMMON LAW IMMUNITY PRESERVED.—Subparagraph (A) shall not be construed to abrogate any immunity under common law of a person described in such subparagraph.

SEC. 2205. BOARD OF TRUSTEES OF A PUBLIC CHARTER SCHOOL.

(a) BOARD OF TRUSTEES.—The members of a Board of Trustees of a public charter school shall be elected or selected pursuant to the charter granted to the school. Such Board of Trustees shall have an odd number of members that does not exceed 7, of which—

(1) a majority shall be residents of the District of Columbia; and

(2) at least 2 shall be parents of a student attending the school.

(b) ELIGIBILITY.—An individual is eligible for election or selection to the Board of Trustees of a public charter school if the person—

(1) is a teacher or staff member who is employed at the school;

(2) is a parent of a student attending the school; or

(3) meets the election or selection criteria set forth in the charter granted to the school.

(c) ELECTION OR SELECTION OF PARENTS.—In the case of the first Board of Trustees of a public charter school to be elected or selected after the date on which the school is granted a charter, the election or selection of the members under subsection (a)(2) shall occur on the earliest practicable date after classes at the school have commenced. Until such date, any other members who have been elected or selected shall serve as an interim Board of Trustees. Such an interim Board of Trustees may exercise all of the powers, and shall be subject to all of the duties, of a Board of Trustees.

(d) FIDUCIARIES.—The Board of Trustees of a public charter school shall be fiduciaries of the school and shall set overall policy for the school. The Board of Trustees may make final decisions on matters related to the operation of the school, consistent with the charter granted to the school, this subtitle, and other applicable law.

SEC. 2206. STUDENT ADMISSION, ENROLLMENT, AND WITHDRAWAL.

(a) OPEN ENROLLMENT.—Enrollment in a public charter school shall be open to all students who are residents of the District of Columbia and, if space is available, to nonresident students who meet the tuition requirement in subsection (e).

(b) CRITERIA FOR ADMISSION.—A public charter school may not limit enrollment on the basis of a student's race, color, religion, national origin, language spoken, intellectual or athletic ability, measures of achievement or aptitude, or status as a student with special needs. A public charter school may limit enrollment to specific grade levels.

(c) RANDOM SELECTION.—If there are more applications to enroll in a public charter school from students who are residents of the District of Columbia than there are spaces available, students shall be admitted using a random selection process.

(d) ADMISSION TO AN EXISTING SCHOOL.—During the 5-year period beginning on the date that a petition, filed by an eligible applicant seeking to convert a District of Columbia public school or a private or independent school into a public charter school, is approved, the school may give priority in enrollment to—

(1) students enrolled in the school at the time the petition is granted;

(2) the siblings of students described in paragraph (1); and

(3) in the case of the conversion of a District of Columbia public school, students who reside within the attendance boundaries, if any, in which the school is located.

(e) NONRESIDENT STUDENTS.—Nonresident students shall pay tuition to attend a public charter school at the applicable rate established for District of Columbia public schools administered by the Board of Education for the type of program in which the student is enrolled.

(f) STUDENT WITHDRAWAL.—A student may withdraw from a public charter school at any time and, if otherwise eligible, enroll in a District of Columbia public school administered by the Board of Education.

(g) EXPULSION AND SUSPENSION.—The principal of a public charter school may expel or suspend a student from the school based on criteria set forth in the charter granted to the school.

SEC. 2207. EMPLOYEES.

(a) EXTENDED LEAVE OF ABSENCE WITHOUT PAY.—

(1) LEAVE OF ABSENCE FROM DISTRICT OF COLUMBIA PUBLIC SCHOOLS.—The Superintendent shall grant, upon request, an extended leave of absence, without pay, to an employee of the District of Columbia public schools for the purpose of permitting the employee to accept a position at a public charter school for a 2-year term.

(2) REQUEST FOR EXTENSION.—At the end of a 2-year term referred to in paragraph (1), an employee granted an extended leave of absence without pay under such paragraph may submit a request to the Superintendent for an extension of the leave of absence for an unlimited number of 2-year terms. The Superintendent may not unreasonably (as determined by the eligible chartering authority) withhold approval of the request.

(3) RIGHTS UPON TERMINATION OF LEAVE.—An employee granted an extended leave of absence without pay for the purpose described in paragraph (1) or (2) shall have the same rights and benefits under law upon termination of such leave of absence as an employee of the District of Columbia public schools who is granted an extended leave of absence without pay for any other purpose.

(b) RETIREMENT SYSTEM.—

(1) CREDITABLE SERVICE.—An employee of a public charter school who has received a leave of absence under subsection (a) shall receive creditable service, as defined in section 2604 of D.C. Law 2-139, effective March 3, 1979 (D.C. Code, sec. 1-627.4) and the rules established under such section, for the period of the employee's employment at the public charter school.

(2) AUTHORITY TO ESTABLISH SEPARATE SYSTEM.—A public charter school may establish a retirement system for employees under its authority.

(3) ELECTION OF RETIREMENT SYSTEM.—A former employee of the District of Columbia public schools who becomes an employee of a public charter school within 60 days after the date the employee's employment with the District of Columbia public schools is terminated may, at the time the employee commences employment with the public charter school, elect—

(A) to remain in a District of Columbia Government retirement system and continue to receive creditable service for the period of their employment at a public charter school; or

(B) to transfer into a retirement system established by the public charter school pursuant to paragraph (2).

(4) PROHIBITED EMPLOYMENT CONDITIONS.—No public charter school may require a former employee of the District of Columbia public schools to transfer to the public charter school's retirement system as a condition of employment.

(5) CONTRIBUTIONS.—

(A) EMPLOYEES ELECTING NOT TO TRANSFER.—In the case of a former employee of the District of Columbia public schools who elects to remain in a District of Columbia Government retirement system pursuant to paragraph (3)(A), the public charter school that employs the person shall make the same contribution to such system on behalf of the person as the District of Columbia would have been required to make if the person had continued to be an employee of the District of Columbia public schools.

(B) EMPLOYEES ELECTING TO TRANSFER.—In the case of a former employee of the District of Columbia public schools who elects to transfer into a retirement system of a public charter school pursuant to paragraph (3)(B), the applicable District of Columbia Government retirement system from which the former employee is transferring shall compute the employee's contribution to that system and transfer this amount, to the retirement system of the public charter school.

(c) EMPLOYMENT STATUS.—Notwithstanding any other provision of law and except as provided in this section, an employee of a public charter school shall not be considered to be an employee of the District of Columbia Government for any purpose.

SEC. 2208. REDUCED FARES FOR PUBLIC TRANSPORTATION.

A student attending a public charter school shall be eligible for reduced fares on the Metrobus and Metrorail Transit System on the same terms and conditions as are applicable under section 2 of D.C. Law 2-152, effective March 9, 1979 (D.C. Code, sec. 44-216 et seq.), to a student attending a District of Columbia public school.

SEC. 2209. DISTRICT OF COLUMBIA PUBLIC SCHOOL SERVICES TO PUBLIC CHARTER SCHOOLS.

The Superintendent may provide services, such as facilities maintenance, to public charter schools. All compensation for costs of such services shall be subject to negotiation and mutual agreement between a public charter school and the Superintendent.

SEC. 2210. APPLICATION OF LAW.

(a) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—

(1) TREATMENT AS LOCAL EDUCATIONAL AGENCY.—

(A) IN GENERAL.—For any fiscal year, a public charter school shall be considered to be a local educational agency for purposes of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.), and shall be eligible for assistance under such part, if the fraction the numerator of which is the number of low-income students enrolled in the public charter school during the fiscal year preceding the fiscal year for which the determination is made and the denominator of which is the total number of students enrolled in such public charter school for such preceding year, is equal to or greater than the lowest fraction determined for any District of Columbia public school receiving assistance under such part A where the numerator is the number of low-income students enrolled in such public school for such preceding year and the denominator is the total number of students enrolled in such public school for such preceding year.

(B) DEFINITION.—For the purposes of this subsection, the term "low-income student" means a student from a low-income family determined according to the measure adopted by the District of Columbia to carry out the provisions of part A of title I of the Elementary and Secondary Education Act of 1965 that is consistent with the measures described in section 1113(a)(5) of such Act (20 U.S.C. 6313(a)(5)) for the fiscal year for which the determination is made.

(2) ALLOCATION FOR FISCAL YEARS 1996 THROUGH 1998.—

(A) PUBLIC CHARTER SCHOOLS.—For fiscal years 1996 through 1998, each public charter school that is eligible to receive assistance under part A of title I of the Elementary and Secondary Education Act of 1965 shall receive a portion of the District of Columbia's total allocation under such part which bears the same ratio to such total allocation as the number described in subparagraph (C) bears to the number described in subparagraph (D).

(B) DISTRICT OF COLUMBIA PUBLIC SCHOOLS.—For fiscal years 1996 through 1998, the District of Columbia public schools shall receive a portion of the District of Columbia's total allocation under part A of title I of the Elementary and Secondary Education Act of 1965 which bears the same ratio to such total allocation as the total of the numbers described in clauses (ii) and (iii) of subparagraph (D) bears to the aggregate total described in subparagraph (D).

(C) NUMBER OF ELIGIBLE STUDENTS ENROLLED IN THE PUBLIC CHARTER SCHOOL.—The number described in this subparagraph is the number of low-income students enrolled in the public charter school during the fiscal year preceding the fiscal year for which the determination is made.

(D) AGGREGATE NUMBER OF ELIGIBLE STUDENTS.—The number described in this subparagraph is the aggregate total of the following numbers:

(i) The number of low-income students who, during the fiscal year preceding the fiscal year for which the determination is made, were enrolled in a public charter school.

(ii) The number of low-income students who, during the fiscal year preceding the fiscal year for which the determination is made, were enrolled in a District of Columbia public school selected to provide services under part A of title I of the Elementary and Secondary Education Act of 1965.

(iii) The number of low-income students who, during the fiscal year preceding the fiscal year for which the determination is made—

(I) were enrolled in a private or independent school; and

(II) resided in an attendance area of a District of Columbia public school selected to provide services under part A of title I of the Elementary and Secondary Education Act of 1965.

(3) ALLOCATION FOR FISCAL YEAR 1999 AND THEREAFTER.—

(A) CALCULATION BY SECRETARY.—Notwithstanding sections 1124(a)(2), 1124A(a)(4), and 1125(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(a)(2), 6334(a)(4), and 6335(d)), for fiscal year 1999 and each fiscal year thereafter, the total allocation under part A of title I of such Act for all local educational agencies in the District of Columbia, including public charter schools that are eligible to receive assistance under such part, shall be calculated by the Secretary of Education. In making such calculation, such Secretary shall treat all such local educational agencies as if such agencies were a single local educational agency for the District of Columbia.

(B) ALLOCATION.—

(i) PUBLIC CHARTER SCHOOLS.—For fiscal year 1999 and each fiscal year thereafter, each public charter school that is eligible to receive assistance under part A of title I of the Elementary and Secondary Education Act of 1965 shall receive a portion of the total allocation calculated under subparagraph (A) which bears the same ratio to such total allocation as the number described in paragraph (2)(C) bears to the aggregate total described in paragraph (2)(D).

(ii) DISTRICT OF COLUMBIA PUBLIC SCHOOL.—For fiscal year 1999 and each fiscal year thereafter, the District of Columbia public schools shall receive a portion of the total allocation calculated under subparagraph (A) which bears the same ratio to such total allocation as the total of the numbers described in clauses (ii) and (iii) of paragraph (2)(D) bears to the aggregate total described in paragraph (2)(D).

(4) USE OF ESEA FUNDS.—The Board of Education may not direct a public charter school in the school's use of funds under part A of title I of the Elementary and Secondary Education Act of 1965.

(5) ESEA REQUIREMENTS.—Except as provided in paragraph (6), a public charter school receiving funds under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) shall comply with all requirements applicable to schools receiving such funds.

(6) INAPPLICABILITY OF CERTAIN ESEA PROVISIONS.—The following provisions of the Elementary and Secondary Education Act of 1965 shall not apply to a public charter school:

(A) Paragraphs (5) and (8) of section 1112(b) (20 U.S.C. 6312(b)).

(B) Paragraphs (1)(A), (1)(B), (1)(C), (1)(D), (1)(F), (1)(H), and (3) of section 1112(c) (20 U.S.C. 6312(c)).

(C) Section 1113 (20 U.S.C. 6313).

(D) Section 1115A (20 U.S.C. 6316).

(E) Subsections (a), (b), and (c) of section 1116 (20 U.S.C. 6317).

(F) Subsections (d) and (e) of section 1118 (20 U.S.C. 6319).

(G) Section 1120 (20 U.S.C. 6321).

(H) Subsections (a) and (c) of section 1120A (20 U.S.C. 6322).

(I) Section 1126 (20 U.S.C. 6337).

(b) PROPERTY AND SALES TAXES.—A public charter school shall be exempt from District of Columbia property and sales taxes.

(c) EDUCATION OF CHILDREN WITH DISABILITIES.—Notwithstanding any other provision of this title, each public charter school shall elect to be treated as a local educational agency or a District of Columbia public school for the purpose of part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

SEC. 2211. POWERS AND DUTIES OF ELIGIBLE CHARTERING AUTHORITIES.

(a) OVERSIGHT.—

(1) IN GENERAL.—An eligible chartering authority—

(A) shall monitor the operations of each public charter school to which the eligible chartering authority has granted a charter;

(B) shall ensure that each such school complies with applicable laws and the provisions of the charter granted to such school; and

(C) shall monitor the progress of each such school in meeting student academic achievement expectations specified in the charter granted to such school.

(2) PRODUCTION OF BOOKS AND RECORDS.—An eligible chartering authority may require a public charter school to which the eligible chartering authority has granted a charter to produce any book, record, paper, or document, if the eligible chartering authority determines that such production is necessary for the eligible chartering authority to carry out its functions under this subtitle.

(b) FEES.—

(1) APPLICATION FEE.—An eligible chartering authority may charge an eligible applicant a fee, not to exceed $150, for processing a petition to establish a public charter school.

(2) ADMINISTRATION FEE.—In the case of an eligible chartering authority that has granted a charter to a public charter school, the eligible chartering authority may charge the school a fee, not to exceed one-half of one percent of the annual budget of the school, to cover the cost of undertaking the ongoing administrative responsibilities of the eligible chartering authority with respect to the school that are described in this subtitle. The school shall pay the fee to the eligible chartering authority not later than November 15 of each year.

(c) IMMUNITY FROM CIVIL LIABILITY.—

(1) IN GENERAL.—An eligible chartering authority, the Board of Trustees of such an eligible chartering authority, and a director, officer, employee, or volunteer of such an eligible chartering authority, shall be immune from civil liability, both personally and professionally, for any act or omission within the scope of their official duties unless the act or omission—

(A) constitutes gross negligence;

(B) constitutes an intentional tort; or

(C) is criminal in nature.

(2) COMMON LAW IMMUNITY PRESERVED.—Paragraph (1) shall not be construed to abrogate any immunity under common law of a person described in such paragraph.

(d) ANNUAL REPORT.—On or before July 30 of each year, each eligible chartering authority that issues a charter under this subtitle shall submit a report to the Mayor, the District of Columbia Council, the Board of Education, the Secretary of Education, the appropriate congressional committees, and the Consensus Commission that includes the following information:

(1) A list of the members of the eligible chartering authority and the addresses of such members.

(2) A list of the dates and places of each meeting of the eligible chartering authority during the year preceding the report.

(3) The number of petitions received by the eligible chartering authority for the conversion of a District of Columbia public school or a private or independent school to a public charter school, and for the creation of a new school as a public charter school.

(4) The number of petitions described in paragraph (3) that were approved and the number that were denied, as well as a summary of the reasons for which such petitions were denied.

(5) A description of any new charters issued by the eligible chartering authority during the year preceding the report.

(6) A description of any charters renewed by the eligible chartering authority during the year preceding the report.

(7) A description of any charters revoked by the eligible chartering authority during the year preceding the report.

(8) A description of any charters refused renewal by the eligible chartering authority during the year preceding the report.

(9) Any recommendations the eligible chartering authority has concerning ways to improve the administration of public charter schools.

SEC. 2212. CHARTER RENEWAL.

(a) TERM.—A charter granted to a public charter school shall remain in force for a 5-year period, but may be renewed for an unlimited number of times, each time for a 5-year period.

(b) APPLICATION FOR CHARTER RENEWAL.—In the case of a public charter school that desires to renew its charter, the Board of Trustees of the school shall file an application to renew the charter with the eligible chartering authority that granted the charter not later than 120 days nor earlier than 365 days before the expiration of the charter. The application shall contain the following:

(1) A report on the progress of the public charter school in achieving the goals, student academic achievement expectations, and other terms of the approved charter.

(2) All audited financial statements for the public charter school for the preceding 4 years.

(c) APPROVAL OF CHARTER RENEWAL APPLICATION.—The eligible chartering authority that granted a charter shall approve an application to renew the charter that is filed in accordance with subsection (b), except that the eligible chartering authority shall not approve such application if the eligible chartering authority determines that—

(1) the school committed a material violation of applicable laws or a material violation of the conditions, terms, standards, or procedures set forth in its charter, including violations relating to the education of children with disabilities; or

(2) the school failed to meet the goals and student academic achievement expectations set forth in its charter.

(d) PROCEDURES FOR CONSIDERATION OF CHARTER RENEWAL.—

(1) NOTICE OF RIGHT TO HEARING.—An eligible chartering authority that has received an application to renew a charter that is filed by a Board of Trustees in accordance with subsection (b) shall provide to the Board of Trustees written notice of the right to an informal hearing on the application. The eligible chartering authority shall provide the notice not later than 15 days after the date on which the eligible chartering authority received the application.

(2) REQUEST FOR HEARING.—Not later than 15 days after the date on which a Board of Trustees receives a notice under paragraph (1), the Board of Trustees may request, in writing, an informal hearing on the application before the eligible chartering authority.

(3) DATE AND TIME OF HEARING.—

(A) NOTICE.—Upon receiving a timely written request for a hearing under paragraph (2), an eligible chartering authority shall set a date and time for the hearing and shall provide reasonable notice of the date and time, as well as the procedures to be followed at the hearing, to the Board of Trustees.

(B) DEADLINE.—An informal hearing under this subsection shall take place not later than 30 days after an eligible chartering authority receives a timely written request for the hearing under paragraph (2).

(4) FINAL DECISION.—

(A) DEADLINE.—An eligible chartering authority shall render a final decision, in writing, on an application to renew a charter—

(i) not later than 30 days after the date on which the eligible chartering authority provided the written notice of the right to a hearing, in the case of an application with respect to which such a hearing is not held; and

(ii) not later than 30 days after the date on which the hearing is concluded, in the case of an application with respect to which a hearing is held.

(B) REASONS FOR NONRENEWAL.—An eligible chartering authority that denies an application to renew a charter shall state in its decision the reasons for denial.

(5) ALTERNATIVES UPON NONRENEWAL.—If an eligible chartering authority denies an application to renew a charter granted to a public charter school, the Board of Education may—

(A) manage the school directly until alternative arrangements can be made for students at the school; or

(B) place the school in a probationary status that requires the school to take remedial actions, to be determined by the Board of Education, that directly relate to the grounds for the denial.

(6) JUDICIAL REVIEW.—

(A) AVAILABILITY OF REVIEW.—A decision by an eligible chartering authority to deny an application to renew a charter shall be subject to judicial review by an appropriate court of the District of Columbia.

(B) STANDARD OF REVIEW.—A decision by an eligible chartering authority to deny an application to renew a charter shall be upheld unless the decision is arbitrary and capricious or clearly erroneous.

SEC. 2213. CHARTER REVOCATION.

(a) CHARTER OR LAW VIOLATIONS.—An eligible chartering authority that has granted a charter to a public charter school may revoke the charter if the eligible chartering authority determines that the school has committed a violation of applicable laws or a material violation of the conditions, terms, standards, or procedures set forth in the charter, including violations relating to the education of children with disabilities.

(b) FISCAL MISMANAGEMENT.—An eligible chartering authority that has granted a charter to a public charter school shall revoke the charter if the eligible chartering authority determines that the school—

(1) has engaged in a pattern of nonadherence to generally accepted accounting principles;

(2) has engaged in a pattern of fiscal mismanagement; or

(3) is no longer economically viable.

(c) PROCEDURES FOR CONSIDERATION OF REVOCATION.—

(1) NOTICE OF RIGHT TO HEARING.—An eligible chartering authority that is proposing to revoke a charter granted to a public charter school shall provide to the Board of Trustees of the school a written notice stating the reasons for the proposed revocation. The notice shall inform the Board of Trustees of the right of the Board of Trustees to an informal hearing on the proposed revocation.

(2) REQUEST FOR HEARING.—Not later than 15 days after the date on which a Board of Trustees receives a notice under paragraph (1), the Board of Trustees may request, in writing, an informal hearing on the proposed revocation before the eligible chartering authority.

(3) DATE AND TIME OF HEARING.—

(A) NOTICE.—Upon receiving a timely written request for a hearing under paragraph (2), an eligible chartering authority shall set a date and time for the hearing and shall provide reasonable notice of the date and time, as well as the procedures to be followed at the hearing, to the Board of Trustees.

(B) DEADLINE.—An informal hearing under this subsection shall take place not later than 30 days after an eligible chartering authority receives a timely written request for the hearing under paragraph (2).

(4) FINAL DECISION.—

(A) DEADLINE.—An eligible chartering authority shall render a final decision, in writing, on the revocation of a charter—

(i) not later than 30 days after the date on which the eligible chartering authority provided the written notice of the right to a hearing, in the case of a proposed revocation with respect to which such a hearing is not held; and

(ii) not later than 30 days after the date on which the hearing is concluded, in the case of a proposed revocation with respect to which a hearing is held.

(B) REASONS FOR REVOCATION.—An eligible chartering authority that revokes a charter shall state in its decision the reasons for the revocation.

(5) ALTERNATIVES UPON REVOCATION.—If an eligible chartering authority revokes a charter granted to a public charter school, the Board of Education may manage the school directly until alternative arrangements can be made for students at the school.

(6) JUDICIAL REVIEW.—

(A) AVAILABILITY OF REVIEW.—A decision by an eligible chartering authority to revoke a charter shall be subject to judicial review by an appropriate court of the District of Columbia.

(B) STANDARD OF REVIEW.—A decision by an eligible chartering authority to revoke a charter shall be upheld unless the decision is arbitrary and capricious or clearly erroneous.

SEC. 2214. PUBLIC CHARTER SCHOOL BOARD.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established within the District of Columbia Government a Public Charter School Board (in this section referred to as the "Board").

(2) MEMBERSHIP.—The Secretary of Education shall present the Mayor a list of 15 individuals the Secretary determines are qualified to serve on the Board. The Mayor, in consultation with the District of Columbia City Council, shall appoint 7 individuals from the list to serve on the Board. The Secretary of Education shall recommend, and the Mayor shall appoint, members to serve on the Board so that a knowledge of each of the following areas is represented on the Board:

(A) Research about and experience in student learning, quality teaching, and evaluation of and accountability in successful schools.

(B) The operation of a financially sound enterprise, including leadership and management techniques, as well as the budgeting and accounting skills critical to the startup of a successful enterprise.

(C) The educational, social, and economic development needs of the District of Columbia.

(D) The needs and interests of students and parents in the District of Columbia, as well as methods of involving parents and other members of the community in individual schools.

(3) VACANCIES.—Any time there is a vacancy in the membership of the Board, the Secretary of Education shall present the Mayor a list of 3 individuals the Secretary determines are qualified to serve on the Board. The Mayor, in consultation with the District of Columbia Council, shall appoint 1 individual from the list to serve on the Board. The Secretary shall recommend and the Mayor shall appoint, such member of the Board taking into consideration the criteria described in paragraph (2). Any member appointed to fill a vacancy occurring prior to the expiration of the term of a predecessor shall be appointed only for the remainder of the term.

(4) TIME LIMIT FOR APPOINTMENTS.—If, at any time, the Mayor does not appoint members to the Board sufficient to bring the Board's membership to 7 within 30 days of receiving a recommendation from the Secretary of Education under paragraph (2) or (3), the Secretary shall make such appointments as are necessary to bring the membership of the Board to 7.

(5) TERMS OF MEMBERS.—

(A) IN GENERAL.—Members of the Board shall serve for terms of 4 years, except that, of the initial appointments made under paragraph (2), the Mayor shall designate—

(i) 2 members to serve terms of 3 years;

(ii) 2 members to serve terms of 2 years; and

(iii) 1 member to serve a term of 1 year.

(B) REAPPOINTMENT.—Members of the Board shall be eligible to be reappointed for one 4-year term beyond their initial term of appointment.

(6) INDEPENDENCE.—No person employed by the District of Columbia public schools or a public charter school shall be eligible to be a member of the Board or to be employed by the Board.

(b) OPERATIONS OF THE BOARD.—

(1) CHAIR.—The members of the Board shall elect from among their membership 1 individual to serve as Chair. Such election shall be held each year after members of the Board have been appointed to fill any vacancies caused by the regular expiration of previous members' terms, or when requested by a majority vote of the members of the Board.

(2) QUORUM.—A majority of the members of the Board, not including any positions that may be vacant, shall constitute a quorum sufficient for conducting the business of the Board.

(3) MEETINGS.—The Board shall meet at the call of the Chair, subject to the hearing requirements of sections 2203, 2212(d)(3), and 2213(c)(3).

(c) NO COMPENSATION FOR SERVICE.—Members of the Board shall serve without pay, but may receive reimbursement for any reasonable and necessary expenses incurred by reason of service on the Board.

(d) PERSONNEL AND RESOURCES.—

(1) IN GENERAL.—Subject to such rules as may be made by the Board, the Chair shall

have the power to appoint, terminate, and fix the pay of an Executive Director and such other personnel of the Board as the Chair considers necessary, but no individual so appointed shall be paid in excess of the rate payable for level EG–16 of the Educational Service of the District of Columbia.

(2) SPECIAL RULE.—The Board is authorized to use the services, personnel, and facilities of the District of Columbia.

(e) EXPENSES OF BOARD.—Any expenses of the Board shall be paid from such funds as may be available to the Mayor.

(f) AUDIT.—The Board shall provide for an audit of the financial statements of the Board by an independent certified public accountant in accordance with Government auditing standards for financial audits issued by the Comptroller General of the United States.

(g) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out the provisions of this section and conducting the Board's functions required by this subtitle, there are authorized to be appropriated $300,000 for fiscal year 1996 and such sums as may be necessary for each of the 4 succeeding fiscal years.

SEC. 2215. FEDERAL ENTITIES.

(a) IN GENERAL.—The following Federal agencies and federally established entities are encouraged to explore whether it is feasible for the agency or entity to establish one or more public charter schools:

(1) The Library of Congress.

(2) The National Aeronautics and Space Administration.

(3) The Drug Enforcement Administration.

(4) The National Science Foundation.

(5) The Department of Justice.

(6) The Department of Defense.

(7) The Department of Education.

(8) The Smithsonian Institution, including the National Zoological Park, the National Museum of American History, the John F. Kennedy Center for the Performing Arts, and the National Gallery of Art.

(b) REPORT.—Not later than 120 days after date of enactment of this Act, any agency or institution described in subsection (a) that has explored the feasibility of establishing a public charter school shall report its determination on the feasibility to the appropriate committees of the Congress.

Subtitle C—Even Start

SEC. 2301. AMENDMENTS FOR EVEN START PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1002 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6302) is amended by striking subsection (b) and inserting the following:

"(b) EVEN START.—

"(1) IN GENERAL.—For the purpose of carrying out part B, there are authorized to be appropriated $118,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

"(2) DISTRICT OF COLUMBIA.—For the purpose of carrying out Even Start programs in the District of Columbia described in section 1211, there are authorized to be appropriated—

"(A) $2,000,000 for fiscal year 1996;

"(B) $3,500,000 for fiscal year 1997;

"(C) $5,000,000 for fiscal year 1998;

"(D) $5,000,000 for fiscal year 1999; and

"(E) $5,000,000 for fiscal year 2000.".

(b) EVEN START FAMILY-LITERACY PROGRAMS.—Part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6361 et seq.) is amended—

(1) in section 1202(a)(1) (20 U.S.C. 6362(a)(1)), by inserting "(1)" after "1002(b)";

(2) in section 1202(b) (20 U.S.C. 6362(b)), by inserting "(1)" after "1002(b)";

(3) in section 1202(d)(3) (20 U.S.C. 6362(d)(3)), by inserting "(1)" after "1002(b)";

(4) in section 1204(a) (20 U.S.C. 6364(a)), by inserting "intensive" after "cost of providing";

(5) in section 1205(4) (20 U.S.C. 6365(4)), by inserting ", intensive" after "high-quality"; and

(6) by adding at the end the following new section:

"SEC. 1211. DISTRICT OF COLUMBIA EVEN START INITIATIVES.

"(a) DISTRICT OF COLUMBIA PROGRAM AUTHORIZED.—

"(1) IN GENERAL.—In addition to any grant for the District of Columbia authorized under section 1202, the Secretary shall provide grants, on a competitive basis, to eligible entities to enable such entities to carry out Even Start programs in the District of Columbia that build on the findings of the National Evaluation of the Even Start Family Literacy Program, such as providing intensive services in early childhood education, parent training, and adult literacy or adult education.

"(2) NUMBER OF GRANTS.—The Secretary shall award—

"(A) not more than 8 grants under this section for fiscal year 1996;

"(B) not more than 14 grants under this section for fiscal year 1997;

"(C) not more than 20 grants under this section for each of the fiscal years 1998 and 1999; and

"(D) not more than 20 grants under this section, or such number as the Secretary determines appropriate taking into account the results of evaluations described in subsection (i), for fiscal year 2000.

"(b) DEFINITION.—For the purpose of this section, the term 'eligible entity' means a partnership composed of at least—

"(1) a District of Columbia public school;

"(2) the local educational agency in existence on September 1, 1995 for the District of Columbia, any other public organization, or an institution of higher education (as defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))); and

"(3) a private nonprofit community-based organization.

"(c) USES OF FUNDS; FEDERAL SHARE.—

"(1) COMPLIANCE.—Each eligible entity that receives funds under this section shall comply with section 1204(a) and 1204(b)(3), relating to the use of such funds.

"(2) FEDERAL SHARE.—Each program funded under this section is subject to the Federal share requirement of section 1204(b)(1), except that the Secretary may waive that requirement, in whole or in part, for any eligible entity that demonstrates to the Secretary's satisfaction that such entity otherwise would not be able to participate in the program under this section.

"(3) MINIMUM.—Except as provided in paragraph (4), each eligible entity selected to receive a grant under this section shall receive not more than $250,000 in any fiscal year, except that the Secretary may increase such amount if the Secretary determines that—

"(A) such entity needs additional funds to be effective; and

"(B) the increase will not reduce the amount of funds available to other eligible entities that receive funds under this section.

"(4) REMAINING FUNDS.—If funds remain after payments are made under paragraph (3) for any fiscal year, the Secretary shall make such remaining funds available to each eligible entity receiving a grant under this section for such year in an amount that bears the same relation to such funds as the amount each such entity received under this section bears to the amount all such entities received under this section.

"(d) PROGRAM ELEMENTS.—Each program assisted under this section shall comply with the program elements described in section 1205, including intensive high quality instruction programs of early childhood education, parent training, and adult literacy or adult education.

"(e) ELIGIBLE PARTICIPANTS.—

"(1) IN GENERAL.—Individuals eligible to participate in a program under this section are—

"(A) the parent or parents of a child described in subparagraph (B), or any other adult who is substantially involved in the day-to-day care of the child, if such parent or adult—

"(i) is eligible to participate in an adult education program under the Adult Education Act; or

"(ii) is attending, or is eligible by age to attend, a District of Columbia public school; and

"(B) any child, from birth through age 7, of an individual described in subparagraph (A).

"(2) ELIGIBILITY REQUIREMENTS.—The eligibility factors described in section 1206(b) shall apply to programs under this section, except that for purposes of this section—

"(A) the reference in paragraph (1) to subsection (a) shall be read to refer to paragraph (1); and

"(B) references in such section to this part shall be read to refer to this section.

"(f) APPLICATIONS.—Each eligible entity that wishes to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(g) SELECTION OF GRANTEES.—In awarding grants under this section, the Secretary shall—

"(1) use the selection criteria described in subparagraphs (A) through (F), and (H), of section 1208(a)(1); and

"(2) give priority to applications for programs that—

"(A) target services to schools in which a schoolwide program is being conducted under section 1114; or

"(B) are located in areas designated as empowerment zones or enterprise communities.

"(h) DURATION OF PROGRAMS.—The priority for subgrants described in section 1208(a)(2), and the progress requirement described in section 1208(b)(4), shall apply to grants made under this section, except that—

"(1) references in those sections to the State educational agency and to subgrants shall be read to refer to the Secretary and to grants under this section, respectively; and

"(2) notwithstanding section 1208(b), the Secretary shall not provide continuation funding to a grant recipient under this section if the Secretary determines, after affording the recipient notice and an opportunity for a hearing, that the recipient has not made substantial progress in accomplishing the objectives of this section.

"(i) TECHNICAL ASSISTANCE AND EVALUATION.—

"(1) TECHNICAL ASSISTANCE.—(A) The Secretary shall use not more than 5 percent of the amounts authorized under section 1002(b)(2) for any fiscal year—

"(i) to provide technical assistance to eligible entities, including providing funds to one or more District of Columbia nonprofit organizations to enable such organizations to provide technical assistance to eligible entities in the areas of community development and coalition building; and

"(ii) for the evaluation conducted pursuant to paragraph (2).

"(B) The Secretary shall allocate 5 percent of the amounts authorized under section 1002(b)(2) for any fiscal year to enter into a contract with the National Center for Family Literacy for the provision of technical assistance to eligible entities.

"(2) EVALUATION.—(A) The Secretary shall use funds available under paragraph (1)(A)—

"(i) to provide for independent evaluations of programs under this section in order to determine the effectiveness of such programs in providing high quality family literacy services, including—

"(I) intensive and high quality early childhood education;

"(II) intensive and high quality services in adult literacy or adult education;

"(III) intensive and high quality services in parent training;

"(IV) coordination with related programs; and

"(V) training of related personnel in appropriate skill areas; and

"(ii) to determine if the grant amount provided to eligible recipients to carry out such projects is appropriate to accomplish the objectives of this section.

"(B)(i) Such evaluation shall be conducted by individuals not directly involved in the administration of a program operated with funds provided under this section. Such independent evaluators and the program administrators shall jointly develop evaluation criteria which provide for appropriate analysis of the factors listed in subparagraph (A).

"(ii) In order to determine a program's effectiveness, each evaluation shall contain objective measures of such effectiveness, and whenever feasible, shall contain the specific views of program participants about such programs.

"(C) The Secretary shall prepare and submit to the appropriate congressional committees a report regarding the results of such evaluations not later than March 1, 1999. The Secretary shall provide an interim report regarding the results of such evaluations by March 1, 1998.".

Subtitle D—World Class Schools Task Force, Core Curriculum, Content Standards, Assessments, and Promotion Gates

PART 1—WORLD CLASS SCHOOLS TASK FORCE, CORE CURRICULUM, CONTENT STANDARDS, AND ASSESSMENTS

SEC. 2411. GRANT AUTHORIZED AND RECOMMENDATION REQUIRED.

(a) GRANT AUTHORIZED.—

(1) IN GENERAL.—The Superintendent is authorized to award a grant to a World Class Schools Task Force to enable such task force to make the recommendation described in subsection (b).

(2) DEFINITION.—For the purpose of this subtitle, the term "World Class Schools Task Force" means 1 nonprofit organization located in the District of Columbia that—

(A) has a national reputation for advocating content standards;

(B) has a national reputation for advocating a strong liberal arts curriculum;

(C) has experience with at least 4 urban school districts for the purpose of establishing content standards;

(D) has developed and managed professional development programs in science, mathematics, the humanities and the arts; and

(E) is governed by an independent board of directors composed of citizens with a variety of experiences in education and public policy.

(b) RECOMMENDATION REQUIRED.—

(1) IN GENERAL.—The World Class Schools Task Force shall recommend to the Superintendent, the Board of Education, and the District of Columbia Goals Panel the following:

(A) Content standards in the core academic subjects that are developed by working with the District of Columbia community, which standards shall be developed not later than 12 months after the date of enactment of this Act.

(B) A core curriculum developed by working with the District of Columbia community, which curriculum shall include the teaching of computer skills.

(C) Districtwide assessments for measuring student achievement in accordance with content standards developed under subparagraph (A). Such assessments shall be developed at several grade levels, including at a minimum, the grade levels with respect to which the Superintendent establishes promotion gates under section 2421. To the extent feasible, such assessments shall, at a minimum, be designed to provide information that permits comparisons between—

(i) individual District of Columbia public schools and public charter schools; and

(ii) individual students attending such schools.

(D) Model professional development programs for teachers using the standards and curriculum developed under subparagraphs (A) and (B).

(2) SPECIAL RULE.—The World Class Schools Task Force is encouraged, to the extent practicable, to develop districtwide assessments described in paragraph (1)(C) that permit comparisons among—

(A) individual District of Columbia public schools and public charter schools, and individual students attending such schools; and

(B) students of other nations.

(c) CONTENT.—The content standards and assessments recommended under subsection (b) shall be judged by the World Class Schools Task Force to be world class, including having a level of quality and rigor, or being analogous to content standards and assessments of other States or nations (including nations whose students historically score high on international studies of student achievement).

(d) SUBMISSION TO BOARD OF EDUCATION FOR ADOPTION.—If the content standards, curriculum, assessments, and programs recommended under subsection (b) are approved by the Superintendent, the Superintendent may submit such content standards, curriculum, assessments, and programs to the Board of Education for adoption.

SEC. 2412. CONSULTATION.

The World Class Schools Task Force shall conduct its duties under this part in consultation with—

(1) the District of Columbia Goals Panel;

(2) officials of the District of Columbia public schools who have been identified by the Superintendent as having responsibilities relevant to this part, including the Deputy Superintendent for Curriculum;

(3) the District of Columbia community, with particular attention given to educators, and parent and business organizations; and

(4) any other persons or groups that the task force deems appropriate.

SEC. 2413. ADMINISTRATIVE PROVISIONS.

The World Class Schools Task Force shall ensure public access to its proceedings (other than proceedings, or portions of proceedings, relating to internal personnel and management matters) that are relevant to its duties under this part and shall make available to the public, at reasonable cost, transcripts of such proceedings.

SEC. 2414. CONSULTANTS.

Upon the request of the World Class Schools Task Force, the head of any department or agency of the Federal Government may detail any of the personnel of such agency to such task force to assist such task force in carrying out such task force's duties under this part.

SEC. 2415. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $2,000,000 for fiscal year 1996 to carry out this part. Such funds shall remain available until expended.

PART 2—PROMOTION GATES

SEC. 2421. PROMOTION GATES.

(a) KINDERGARTEN THROUGH 4TH GRADE.—Not later than one year after the date of adoption in accordance with section 2411(d) of the assessments described in section 2411(b)(1)(C), the Superintendent shall establish and implement promotion gates for mathematics, reading, and writing, for not less than 1 grade level from kindergarten through grade 4, including at least grade 4, and shall establish dates for establishing such other promotion gates for other subject areas.

(b) 5TH THROUGH 8TH GRADES.—Not later than one year after the adoption in accordance with section 2411(d) of the assessments described in section 2411(b)(1)(C), the Superintendent shall establish and implement promotion gates with respect to not less than one grade level from grade 5 through grade 8, including at least grade 8.

(c) 9TH THROUGH 12TH GRADES.—Not later than one year after the adoption in accordance with section 2411(d) of the assessments described in section 2411(b)(1)(C), the Superintendent shall establish and implement promotion gates with respect to not less than one grade level from grade 9 through grade 12, including at least grade 12.

Subtitle E—Per Capita District of Columbia Public School and Public Charter School Funding

SEC. 2501. ANNUAL BUDGETS FOR SCHOOLS.

(a) IN GENERAL.—For fiscal year 1997 and for each subsequent fiscal year, the Mayor shall make annual payments from the general fund of the District of Columbia in accordance with the formula established under subsection (b).

(b) FORMULA.—

(1) IN GENERAL.—The Mayor and the District of Columbia Council, in consultation with the Board of Education and the Superintendent, shall establish on or before April 15, 1996, a formula to determine the amount of—

(A) the annual payment to the Board of Education for the operating expenses of the District of Columbia public schools, which for purposes of this paragraph includes the operating expenses of the Board of Education and the Office of the Superintendent; and

(B) the annual payment to each public charter school for the operating expenses of each public charter school.

(2) FORMULA CALCULATION.—Except as provided in paragraph (3), the amount of the annual payment under paragraph (1) shall be calculated by multiplying a uniform dollar amount used in the formula established under such paragraph by—

(A) the number of students calculated under section 2502 that are enrolled at District of Columbia public schools, in the case of the payment under paragraph (1)(A); or

(B) the number of students calculated under section 2502 that are enrolled at each public charter school, in the case of a payment under paragraph (1)(B).

(3) Exceptions.—

(A) Formula.—Notwithstanding paragraph (2), the Mayor and the District of Columbia Council, in consultation with the Board of Education and the Superintendent, may adjust the formula to increase or decrease the amount of the annual payment to the District of Columbia public schools or each public charter school based on a calculation of—

(i) the number of students served by such schools in certain grade levels; and

(ii) the cost of educating students at such certain grade levels.

(B) Payment.—Notwithstanding paragraph (2), the Mayor and the District of Columbia Council, in consultation with the Board of Education and the Superintendent, may adjust the amount of the annual payment under paragraph (1) to increase the amount of such payment if a District of Columbia public school or a public charter school serves a high number of students—

(i) with special needs; or

(ii) who do not meet minimum literacy standards.

SEC. 2502. CALCULATION OF NUMBER OF STUDENTS.

(a) School Reporting Requirement.—

(1) In general.—Not later than September 15, 1996, and not later than September 15 of each year thereafter, each District of Columbia public school and public charter school shall submit a report to the Mayor and the Board of Education containing the information described in subsection (b) that is applicable to such school.

(2) Special rule.—Not later than April 1, 1997, and not later than April 1 of each year thereafter, each public charter school shall submit a report in the same form and manner as described in paragraph (1) to ensure accurate payment under section 2503(a)(2)(B)(ii).

(b) Calculation of Number of Students.—Not later than 30 days after the date of the enactment of this Act, and not later than October 15 of each year thereafter, the Board of Education shall calculate the following:

(1) The number of students, including nonresident students and students with special needs, enrolled in each grade from kindergarten through grade 12 of the District of Columbia public schools and in public charter schools, and the number of students whose tuition for enrollment in other schools is paid for with funds available to the District of Columbia public schools.

(2) The amount of fees and tuition assessed and collected from the nonresident students described in paragraph (1).

(3) The number of students, including nonresident students, enrolled in preschool and prekindergarten in the District of Columbia public schools and in public charter schools.

(4) The amount of fees and tuition assessed and collected from the nonresident students described in paragraph (3).

(5) The number of full time equivalent adult students enrolled in adult, community, continuing, and vocational-education programs in the District of Columbia public schools and in public charter schools.

(6) The amount of fees and tuition assessed and collected from resident and nonresident adult students described in paragraph (5).

(7) The number of students, including nonresident students, enrolled in nongrade level programs in District of Columbia public schools and in public charter schools.

(8) The amount of fees and tuition assessed and collected from nonresident students described in paragraph (7).

(c) Annual Reports.—Not later than 30 days after the date of the enactment of this Act, and not later than October 15 of each year thereafter, the Board of Education shall prepare and submit to the Authority, the Mayor, the District of Columbia Council, the Consensus Commission, the Comptroller General of the United States, and the appropriate congressional committees a report containing a summary of the most recent calculations made under subsection (b).

(d) Audit of Initial Calculations.—

(1) In general.—The Board of Education shall arrange with the Authority to provide for the conduct of an independent audit of the initial calculations described in subsection (b).

(2) Conduct of audit.—In conducting the audit, the independent auditor—

(A) shall provide an opinion as to the accuracy of the information contained in the report described in subsection (c); and

(B) shall identify any material weaknesses in the systems, procedures, or methodology used by the Board of Education—

(i) in determining the number of students, including nonresident students, enrolled in the District of Columbia public schools and in public charter schools, and the number of students whose tuition for enrollment in other school systems is paid for by funds available to the District of Columbia public schools; and

(ii) in assessing and collecting fees and tuition from nonresident students.

(3) Submission of audit.—Not later than 45 days, or as soon thereafter as is practicable, after the date on which the Authority receives the initial annual report from the Board of Education under subsection (c), the Authority shall submit to the Board of Education, the Mayor, the District of Columbia Council, and the appropriate congressional committees, the audit conducted under this subsection.

(4) Cost of the audit.—The Board of Education shall reimburse the Authority for the cost of the independent audit, solely from amounts appropriated to the Board of Education for staff, stipends, and other-than-personal-services of the Board of Education by an Act making appropriations for the District of Columbia.

SEC. 2503. PAYMENTS.

(a) In General.—

(1) Escrow for public charter schools.—Except as provided in subsection (b), for any fiscal year, not later than 10 days after the date of enactment of an Act making appropriations for the District of Columbia for such fiscal year, the Mayor shall place in escrow an amount equal to the aggregate of the amounts determined under section 2501(b)(1)(B) for use only by District of Columbia public charter schools.

(2) Transfer of escrow funds.—

(A) Initial payment.—Not later than October 15, 1996, and not later than October 15 of each year thereafter, the Mayor shall transfer, by electronic funds transfer, an amount equal to 75 percent of the amount of the annual payment for each public charter school determined by using the formula established pursuant to section 2501(b) to a bank designated by such school.

(B) Final payment.—

(i) Except as provided in clause (ii), not later than May 1, 1997, and not later than May 1 of each year thereafter, the Mayor shall transfer the remainder of the annual payment for a public charter school in the same manner as the initial payment was made under subparagraph (A).

(ii) Not later than March 15, 1997, and not later than March 15 of each year thereafter, if the enrollment number of a public charter school has changed from the number reported to the Mayor and the Board of Education, as required under section 2502(a), the Mayor shall increase the payment in an amount equal to 50 percent of the amount provided for each student who has enrolled in such school in excess of such enrollment number, or shall reduce the payment in an amount equal to 50 percent of the amount provided for each student who has withdrawn or dropped out of such school below such enrollment number.

(C) Pro rata reduction or increase in payments.—

(i) Pro rata reduction.—If the funds made available to the District of Columbia Government for the District of Columbia public school system and each public charter school for any fiscal year are insufficient to pay the full amount that such system and each public charter school is eligible to receive under this subtitle for such year, the Mayor shall ratably reduce such amounts for such year on the basis of the formula described in section 2501(b).

(ii) Increase.—If additional funds become available for making payments under this subtitle for such fiscal year, amounts that were reduced under subparagraph (A) shall be increased on the same basis as such amounts were reduced.

(D) Unexpended funds.—Any funds that remain in the escrow account for public charter schools on September 30 of a fiscal year shall revert to the general fund of the District of Columbia.

(b) Exception for New Schools.—

(1) Authorization.—There are authorized to be appropriated $200,000 for each fiscal year to carry out this subsection.

(2) Disbursement to mayor.—The Secretary of the Treasury shall make available and disburse to the Mayor, not later than August 1 of each of the fiscal years 1996 through 2000, such funds as have been appropriated under paragraph (1).

(3) Escrow.—The Mayor shall place in escrow, for use by public charter schools, any sum disbursed under paragraph (2) and not paid under paragraph (4).

(4) Payments to schools.—The Mayor shall pay to public charter schools described in paragraph (5), in accordance with this subsection, any sum disbursed under paragraph (2).

(5) Schools described.—The schools referred to in paragraph (4) are public charter schools that—

(A) did not operate as public charter schools during any portion of the fiscal year preceding the fiscal year for which funds are authorized to be appropriated under paragraph (1); and

(B) operated as public charter schools during the fiscal year for which funds are authorized to be appropriated under paragraph (1).

(6) Formula.—

(A) 1996.—The amount of the payment to a public charter school described in paragraph (5) that begins operation in fiscal year 1996 shall be calculated by multiplying $6,300 by 1/12 of the total anticipated enrollment as set forth in the petition to establish the public charter school; and

(B) 1997 through 2000.—The amount of the payment to a public charter school described in paragraph (5) that begins operation in any of fiscal years 1997 through 2000 shall be calculated by multiplying the uniform dollar amount used in the formula established under section 2501(b) by 1/12 of the total anticipated enrollment as set forth in the petition to establish the public charter school.

(7) PAYMENT TO SCHOOLS.—

(A) TRANSFER.—On September 1 of each of the years 1996 through 2000, the Mayor shall transfer, by electronic funds transfer, the amount determined under paragraph (6) for each public charter school from the escrow account established under subsection (a) to a bank designated by each such school.

(B) PRO RATA AND REMAINING FUNDS.—Subparagraphs (C) and (D) of subsection (a)(2) shall apply to payments made under this subsection, except that for purposes of this subparagraph references to District of Columbia public schools in such subparagraphs (C) and (D) shall be read to refer to public charter schools.

Subtitle F—School Facilities Repair and Improvement

SEC. 2550. DEFINITIONS.

For purposes of this subtitle—

(1) the term "facilities" means buildings, structures, and real property of the District of Columbia public schools, except that such term does not include any administrative office building that is not located in a building containing classrooms; and

(2) the term "repair and improvement" includes administration, construction, and renovation.

PART 1—SCHOOL FACILITIES

SEC. 2551. TECHNICAL ASSISTANCE.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act the Administrator of the General Services Administration shall enter into a Memorandum of Agreement or Understanding (referred to in this subtitle as the "Agreement") with the Superintendent regarding the terms under which the Administrator will provide technical assistance and related services with respect to District of Columbia public schools facilities management in accordance with this section.

(b) TECHNICAL ASSISTANCE AND RELATED SERVICES.—The technical assistance and related services described in subsection (a) shall include—

(1) the Administrator consulting with and advising District of Columbia public school personnel responsible for public schools facilities management, including repair and improvement with respect to facilities management of such schools;

(2) the Administrator assisting the Superintendent in developing a systemic and comprehensive facilities revitalization program, for the repair and improvement of District of Columbia public school facilities, which program shall—

(A) include a list of facilities to be repaired and improved in a recommended order of priority;

(B) provide the repair and improvement required to support modern technology; and

(C) take into account the Preliminary Facilities Master Plan 2005 (prepared by the Superintendent's Task Force on Education Infrastructure for the 21st Century);

(3) the method by which the Superintendent will accept donations of private goods and services for use by the District of Columbia public schools without regard to any law or regulation of the District of Columbia;

(4) the Administrator recommending specific repair and improvement projects in District of Columbia public school facilities to the Superintendent that are appropriate for completion by members and units of the National Guard and the Reserves in accordance with the program developed under paragraph (2);

(5) upon the request of the Superintendent, the Administrator assisting the appropriate District of Columbia public school officials in the preparation of an action plan for the performance of any repair and improvement recommended in the program developed under paragraph (2), which action plan shall detail the technical assistance and related services the Administrator proposes to provide in the accomplishment of the repair and improvement;

(6) upon the request of the Superintendent, and if consistent with the efficient use of resources as determined by the Administrator, the coordination of the accomplishment of any repair and improvement in accordance with the action plan prepared under paragraph (5), except that in carrying out this paragraph, the Administrator shall not be subject to the requirements of title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), nor shall such action plan be subject to review under the bid protest procedures described in sections 3551 through 3556 of title 31, United States Code, or the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.);

(7) providing access for the Administrator to all District of Columbia public school facilities as well as permitting the Administrator to request and obtain any record or document regarding such facilities as the Administrator determines necessary, except that any such record or document shall not become a record (as defined in section 552a of title 5, United States Code) of the General Services Administration; and

(8) the Administrator making recommendations regarding how District of Columbia public school facilities may be used by the District of Columbia community for multiple purposes.

(c) AGREEMENT PROVISIONS.—The Agreement shall include—

(1) the procedures by which the Superintendent and Administrator will consult with respect to carrying out this section, including reasonable time frames for such consultation;

(2) the scope of the technical assistance and related services to be provided by the General Services Administration in accordance with this section;

(3) assurances by the Administrator and the Superintendent to cooperate with each other in any way necessary to ensure implementation of the Agreement, including assurances that funds available to the District of Columbia shall be used to pay the obligations of the District of Columbia public school system that are incurred as a result of actions taken under, or in furtherance of, the Agreement, in addition to funds available to the Administrator for purposes of this section; and

(4) the duration of the Agreement, except that in no event shall the Agreement remain in effect later than the day that is 24 months after the date that the Agreement is signed, or the day that the agency designated pursuant to section 2552(a)(2) assumes responsibility for the District of Columbia public school facilities, whichever day is earlier.

(d) LIMITATION ON ADMINISTRATOR'S LIABILITY.—No claim, suit, or action may be brought against the Administrator in connection with the discharge of the Administrator's responsibilities under this subtitle.

(e) SPECIAL RULE.—Notwithstanding any other provision of law, the Administrator is authorized to accept and use a conditioned gift made for the express purpose of repairing or improving a District of Columbia public school, except that the Administrator shall not be required to carry out any repair or improvement under this section unless the Administrator accepts a donation of private goods or services sufficient to cover the costs of such repair or improvement.

(f) EFFECTIVE DATE.—This subtitle shall cease to be effective on the earlier day specified in subsection (c)(4).

SEC. 2552. FACILITIES REVITALIZATION PROGRAM.

(a) PROGRAM.—Not later than 24 months after the date that the Agreement is signed, the Mayor and the District of Columbia Council in consultation with the Administrator, the Authority, the Board of Education, and the Superintendent, shall—

(1) design and implement a comprehensive long-term program for the repair and improvement, and maintenance and management, of the District of Columbia public school facilities, which program shall incorporate the work completed in accordance with the program described in section 2551(b)(2); and

(2) designate a new or existing agency or authority within the District of Columbia Government to administer such program.

(b) PROCEEDS.—Such program shall include—

(1) identifying short-term funding for capital and maintenance of facilities, which may include retaining proceeds from the sale or lease of a District of Columbia public school facility; and

(2) identifying and designating long-term funding for capital and maintenance of facilities.

(c) IMPLEMENTATION.—Upon implementation of such program, the agency or authority created or designated pursuant to subsection (a)(2) shall assume authority and responsibility for the repair and improvement, and maintenance and management, of District of Columbia public schools.

SEC. 2553. AUTHORIZATION OF APPROPRIATIONS FOR ENGINEERING PLANS.

There are authorized to be appropriated to the Administrator, $500,000 for fiscal year 1996, which funds only shall be available for the costs of engineering plans developed to carry out this subtitle.

PART 2—WAIVERS

SEC. 2561. WAIVERS.

(a) IN GENERAL.—

(1) REQUIREMENTS WAIVED.—Subject to subsection (b), all District of Columbia fees and all requirements contained in the document entitled "District of Columbia Public Schools Standard Contract Provisions" (as such document was in effect on November 2, 1995 and including any revisions or modifications to such document) published by the District of Columbia public schools for use with construction or maintenance projects, are waived, for purposes of repair and improvement of District of Columbia public schools facilities for a period beginning on the date of enactment of this Act and ending 24 months after such date.

(2) DONATIONS.—An employer may accept, and persons may voluntarily donate, materials and services for the repair and improvement of a District of Columbia public school facility: *Provided*, That the provision of voluntary labor meets the requirements of 29 U.S.C. 203(e)(4).

(b) LIMITATION.—A waiver under subsection (a) shall not apply to requirements under 40 U.S.C. 276a–276a–7.

PART 3—GIFTS, DONATIONS, BEQUESTS, AND DEVISES

SEC. 2571. GIFTS, DONATIONS, BEQUESTS, AND DEVISES.

(a) IN GENERAL.—A District of Columbia public school or a public charter school may accept directly from any person a gift, donation, bequest, or devise of any property, real or personal, without regard to any law or regulation of the District of Columbia.

(b) TAX LAWS.—For the purposes of the income tax, gift tax, and estate tax laws of the Federal Government, any money or other property given, donated, bequeathed, or devised to a District of Columbia public school or a public charter school, shall be deemed to have been given, donated, bequeathed, or devised to or for the use of the District of Columbia.

Subtitle G—Residential School

SEC. 2601. RESIDENTIAL SCHOOL AUTHORIZED.

(a) IN GENERAL.—The Superintendent is authorized to develop a plan to establish for the District of Columbia a residential school for academic year 1997–1998 and to assist in the startup of such school.

(b) PLAN REQUIREMENTS.—If developed, the plan for the residential school shall include, at a minimum—

(1) options for the location of the school, including the renovation or construction of a facility;

(2) financial plans for the facility, including annual costs to operate the school, capital expenditures required to open the facility, maintenance of facilities, and staffing costs; and

(3) staff development and training plans.

SEC. 2602. USE OF FUNDS.

Funds under this subtitle may be used—

(1) to develop the plan described in section 2601; and

(2) for capital costs associated with the startup of a residential school, including the purchase of real and personal property and the renovation or construction of facilities.

SEC. 2603. FUTURE FUNDING.

The Superintendent shall identify, not later than December 31, 1996, in a report to the Mayor, the District of Columbia Council, the Authority, and the appropriate congressional committees, non-Federal funding sources for the operation of the residential school.

SEC. 2604. GIFTS.

The Superintendent may accept donations of money, property, and personal services for purposes of the establishment and operation of the residential school.

SEC. 2605. AUTHORIZATION OF APPROPRIATIONS.

(a) PLAN.—There are authorized to be appropriated to the District of Columbia $100,000 for fiscal year 1996 to develop the plan described in section 2601.

(b) CAPITAL COSTS.—There are authorized to be appropriated $1,900,000 for fiscal year 1997 to carry out section 2602(2).

Subtitle H—Progress Reports and Accountability

SEC. 2651. SUPERINTENDENT'S REPORT ON REFORMS.

Not later than December 1, 1996, the Superintendent shall submit to the appropriate congressional committees, the Board of Education, the Mayor, the Consensus Commission, and the District of Columbia Council a report regarding the progress of the District of Columbia public schools toward achieving the goals of the long-term reform plan.

SEC. 2652. DISTRICT OF COLUMBIA COUNCIL REPORT.

Not later than April 1, 1997, the Chairperson of the District of Columbia Council shall submit to the appropriate congressional committees a report describing legislative and other actions the District of Columbia Council has taken or will take to facilitate the implementation of the goals of the long-term reform plan.

Subtitle I—Partnerships With Business

SEC. 2701. PURPOSE.

The purpose of this subtitle is—

(1) to leverage private sector funds utilizing initial Federal investments in order to provide students and teachers within the District of Columbia public schools and public charter schools with access to state-of-the-art educational technology;

(2) to establish a regional job training and employment center;

(3) to strengthen workforce preparation initiatives for students within the District of Columbia public schools and public charter schools;

(4) to coordinate private sector investments in carrying out this title; and

(5) to assist the Superintendent with the development of individual career paths in accordance with the long-term reform plan.

SEC. 2702. DUTIES OF THE SUPERINTENDENT OF THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS.

Not later than 45 days after the date of the enactment of this Act, the Superintendent shall provide a grant to a private, nonprofit corporation that meets the eligibility criteria under section 2703 for the purposes of carrying out the duties under sections 2704 and 2707.

SEC. 2703. ELIGIBILITY CRITERIA FOR PRIVATE, NONPROFIT CORPORATION.

A private, nonprofit corporation shall be eligible to receive a grant under section 2702 if the corporation is a national business organization incorporated in the District of Columbia, that—

(1) has a board of directors which includes members who are also chief executive officers of technology-related corporations involved in education and workforce development issues;

(2) has extensive practical experience with initiatives that link business resources and expertise with education and training systems;

(3) has experience in working with State and local educational agencies throughout the United States with respect to the integration of academic studies with workforce preparation programs; and

(4) has a nationwide structure through which additional resources can be leveraged and innovative practices disseminated.

SEC. 2704. DUTIES OF THE PRIVATE, NONPROFIT CORPORATION.

(a) DISTRICT EDUCATION AND LEARNING TECHNOLOGIES ADVANCEMENT COUNCIL.—

(1) ESTABLISHMENT.—The private, nonprofit corporation shall establish a council to be known as the "District Education and Learning Technologies Advancement Council" (in this subtitle referred to as the "council").

(2) MEMBERSHIP.—

(A) IN GENERAL.—The private, nonprofit corporation shall appoint members to the council. An individual shall be appointed as a member to the council on the basis of the commitment of the individual, or the entity which the individual is representing, to providing time, energy, and resources to the council.

(B) COMPENSATION.—Members of the council shall serve without compensation.

(3) DUTIES.—The council—

(A) shall advise the private, nonprofit corporation with respect to the duties of the corporation under subsections (b) through (e) of this section; and

(B) shall assist the corporation in leveraging private sector resources for the purpose of carrying out such duties.

(b) ACCESS TO STATE-OF-THE-ART EDUCATIONAL TECHNOLOGY.—

(1) IN GENERAL.—The private, nonprofit corporation, in conjunction with the Superintendent, students, parents, and teachers, shall establish and implement strategies to ensure access to state-of-the-art educational technology within the District of Columbia public schools and public charter schools.

(2) ELECTRONIC DATA TRANSFER SYSTEM.—The private, nonprofit corporation shall assist the Superintendent in acquiring the necessary equipment, including computer hardware and software, to establish an electronic data transfer system. The private, nonprofit corporation shall also assist in arranging for training of District of Columbia public school employees in using such equipment.

(3) TECHNOLOGY ASSESSMENT.—

(A) IN GENERAL.—In establishing and implementing the strategies under paragraph (1), the private, nonprofit corporation, not later than September 1, 1996, shall provide for an assessment of the availability, on the date of enactment of this Act, of state-of-the-art educational technology within the District of Columbia public schools and public charter schools.

(B) CONDUCT OF ASSESSMENT.—In providing for the assessment under subparagraph (A), the private, nonprofit corporation—

(i) shall provide for onsite inspections of the state-of-the-art educational technology within a minimum sampling of District of Columbia public schools and public charter schools; and

(ii) shall ensure proper input from students, parents, teachers, and other school officials through the use of focus groups and other appropriate mechanisms.

(C) RESULTS OF ASSESSMENT.—The private, nonprofit corporation shall ensure that the assessment carried out under this paragraph provides, at a minimum, necessary information on state-of-the-art educational technology within the District of Columbia public schools and public charter schools, including—

(i) the extent to which typical District of Columbia public schools have access to such state-of-the-art educational technology and training for such technology;

(ii) how such schools are using such technology;

(iii) the need for additional technology and the need for infrastructure for the implementation of such additional technology;

(iv) the need for computer hardware, software, training, and funding for such additional technology or infrastructure; and

(v) the potential for computer linkages among District of Columbia public schools and public charter schools.

(4) SHORT-TERM TECHNOLOGY PLAN.—

(A) IN GENERAL.—Based upon the results of the technology assessment under paragraph (3), the private, nonprofit corporation shall develop a 3-year plan that includes goals, priorities, and strategies for obtaining the resources necessary to implement strategies to ensure access to state-of-the-art educational technology within the District of Columbia public schools and public charter schools.

(B) IMPLEMENTATION.—The private, nonprofit corporation, in conjunction with schools, students, parents, and teachers, shall implement the plan developed under subparagraph (A).

(5) LONG-TERM TECHNOLOGY PLAN.—Prior to the completion of the implementation of the short-term technology plan under paragraph (4), the private, nonprofit corporation shall develop a plan under which the corporation will continue to coordinate the donation of private sector resources for maintaining the continuous improvement and upgrading of state-of-the-art educational technology within the District of Columbia public schools and public charter schools.

(c) DISTRICT EMPLOYMENT AND LEARNING CENTER.—

(1) ESTABLISHMENT.—The private, nonprofit corporation shall establish a center to be known as the "District Employment and Learning Center" (in this subtitle referred to as the "center"), which shall serve as a regional institute providing job training and employment assistance.

(2) DUTIES.—

(A) JOB TRAINING AND EMPLOYMENT ASSISTANCE PROGRAM.—The center shall establish a program to provide job training and employment assistance in the District of Columbia and shall coordinate with career preparation programs in existence on the date of enactment of this Act, such as vocational education, school-to-work, and career academies in the District of Columbia public schools.

(B) CONDUCT OF PROGRAM.—In carrying out the program established under subparagraph (A), the center—

(i) shall provide job training and employment assistance to youths who have attained the age of 18 but have not attained the age of 26, who are residents of the District of Columbia, and who are in need of such job training and employment assistance for an appropriate period not to exceed 2 years;

(ii) shall work to establish partnerships and enter into agreements with appropriate agencies of the District of Columbia Government to serve individuals participating in appropriate Federal programs, including programs under the Job Training Partnership Act (29 U.S.C. 1501 et seq.), the Job Opportunities and Basic Skills Training Program under part F of title IV of the Social Security Act (42 U.S.C. 681 et seq.), the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.), and the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.);

(iii) shall conduct such job training, as appropriate, through a consortium of colleges, universities, community colleges, businesses, and other appropriate providers, in the District of Columbia metropolitan area;

(iv) shall design modular training programs that allow students to enter and leave the training curricula depending on their opportunities for job assignments with employers; and

(v) shall utilize resources from businesses to enhance work-based learning opportunities and facilitate access by students to work-based learning and work experience through temporary work assignments with employers in the District of Columbia metropolitan area.

(C) COMPENSATION.—The center may provide compensation to youths participating in the program under this paragraph for part-time work assigned in conjunction with training. Such compensation may include need-based payments and reimbursement of expenses.

(d) WORKFORCE PREPARATION INITIATIVES.—

(1) IN GENERAL.—The private, nonprofit corporation shall establish initiatives with the District of Columbia public schools, and public charter schools, appropriate governmental agencies, and businesses and other private entities, to facilitate the integration of rigorous academic studies with workforce preparation programs in District of Columbia public schools and public charter schools.

(2) CONDUCT OF INITIATIVES.—In carrying out the initiatives under paragraph (1), the private, nonprofit corporation shall, at a minimum, actively develop, expand, and promote the following programs:

(A) Career academy programs in secondary schools, as such programs are established in certain District of Columbia public schools, which provide a school-within-a-school concept, focusing on career preparation and the integration of the academy programs with vocational and technical curriculum.

(B) Programs carried out in the District of Columbia that are funded under the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.).

(e) PROFESSIONAL DEVELOPMENT PROGRAM FOR TEACHERS AND ADMINISTRATORS.—

(1) ESTABLISHMENT OF PROGRAM.—The private, nonprofit corporation shall establish a consortium consisting of the corporation, teachers, school administrators, and the consortium of universities located in the District of Columbia (in existence on the date of the enactment of this Act), for the purpose of establishing a program for the professional development of teachers and school administrators employed by the District of Columbia public schools and public charter schools.

(2) CONDUCT OF PROGRAM.—In carrying out the program established under paragraph (1), the consortium established under such paragraph, in consultation with the task force established under subtitle D and the Superintendent, at a minimum, shall provide for the following:

(A) Professional development for teachers consistent with the model professional development programs for teachers under section 2411(b)(4), or consistent with the core curriculum developed by the Superintendent under section 2411(b)(2), as the case may be, except that for fiscal year 1996, such professional development shall focus on curriculum for elementary school grades in reading and mathematics that have been demonstrated to be effective for students from low-income backgrounds.

(B) Professional development for principals, with a special emphasis on middle school principals, focusing on effective practices that reduce the number of students who drop out of school.

(C) Private sector training of teachers in the use, application, and operation of state-of-the-art technology in education.

(D) Training for school principals and other school administrators in effective private sector management practices for the purpose of site-based management in the District of Columbia public schools, and training in the management of public charter schools established in accordance with this title.

SEC. 2705. MATCHING FUNDS.

The private, nonprofit corporation, to the extent practicable, shall provide matching funds, or in-kind contributions, or a combination thereof, for the purpose of carrying out the duties of the corporation under section 2704, as follows:

(1) For fiscal year 1996, the nonprofit corporation shall provide matching funds or in-kind contributions of $1 for every $1 of Federal funds provided under this subtitle for such year for activities under section 2704.

(2) For fiscal year 1997, the nonprofit corporation shall provide matching funds or in-kind contributions of $3 for every $1 of Federal funds provided under this subtitle for such year for activities under section 2704.

(3) For fiscal year 1998, the nonprofit corporation shall provide matching funds or in-kind contributions of $5 for every $1 of Federal funds provided under this subtitle for such year for activities under section 2704.

SEC. 2706. REPORT.

The private, nonprofit corporation shall prepare and submit to the appropriate congressional committees on a quarterly basis, or, with respect to fiscal year 1996, on a biannual basis, a report which shall contain—

(1) the activities the corporation has carried out, including the duties of the corporation described in section 2704, for the 3-month period ending on the date of the submission of the report, or, with respect to fiscal year 1996, the 6-month period ending on the date of the submission of the report;

(2) an assessment of the use of funds or other resources donated to the corporation;

(3) the results of the assessment carried out under section 2704(b)(3); and

(4) a description of the goals and priorities of the corporation for the 3-month period beginning on the date of the submission of the report, or, with respect to fiscal year 1996, the 6-month period beginning on the date of the submission of the report.

SEC. 2707. JOBS FOR D.C. GRADUATES PROGRAM.

(a) IN GENERAL.—The nonprofit corporation shall establish a program, to be known as the "Jobs for D.C. Graduates Program", to assist District of Columbia public schools and public charter schools in organizing and implementing a school-to-work transition system, which system shall give priority to providing assistance to at-risk youths and disadvantaged youths.

(b) CONDUCT OF PROGRAM.—In carrying out the program established under subsection (a), the nonprofit corporation, consistent with the policies of the nationally recognized Jobs for America's Graduates, Inc., shall—

(1) establish performance standards for such program;

(2) provide ongoing enhancement and improvements in such program;

(3) provide research and reports on the results of such program; and

(4) provide preservice and inservice training.

SEC. 2708. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—

(1) DELTA COUNCIL; ACCESS TO STATE-OF-THE-ART EDUCATIONAL TECHNOLOGY; AND WORKFORCE PREPARATION INITIATIVES.—There are authorized to be appropriated to carry out subsections (a), (b), and (d) of section 2704, $1,000,000 for each of the fiscal years 1996, 1997, and 1998.

(2) DEAL CENTER.—There are authorized to be appropriated to carry out section 2704(c), $2,000,000 for each of the fiscal years 1996, 1997, and 1998.

(3) PROFESSIONAL DEVELOPMENT PROGRAM FOR TEACHERS AND ADMINISTRATORS.—There are authorized to be appropriated to carry out section 2704(e), $1,000,000 for each of the fiscal years 1996, 1997, and 1998.

(4) JOBS FOR D.C. GRADUATES PROGRAM.—There are authorized to be appropriated to carry out section 2707—

(A) $2,000,000 for fiscal year 1996; and

(B) $3,000,000 for each of the fiscal years 1997 through 2000.

(b) AVAILABILITY.—Amounts authorized to be appropriated under subsection (a) are authorized to remain available until expended.

SEC. 2709. TERMINATION OF FEDERAL SUPPORT; SENSE OF THE CONGRESS RELATING TO CONTINUATION OF ACTIVITIES.

(a) TERMINATION OF FEDERAL SUPPORT.—The authority under this subtitle to provide assistance to the private, nonprofit corporation or any other entity established pursuant to this subtitle shall terminate on October 1, 1998.

(b) Sense of the Congress Relating to Continuation of Activities.—It is the sense of the Congress that—

(1) the activities of the private, nonprofit corporation under section 2704 should continue to be carried out after October 1, 1998, with resources made available from the private sector; and

(2) the corporation should provide oversight and coordination for such activities after such date.

Subtitle J—Management and Fiscal Accountability

SEC. 2751. MANAGEMENT SUPPORT SYSTEMS.

(a) Food Services and Security Services.—Notwithstanding any other law, rule, or regulation, the Board of Education shall enter into a contract for academic year 1995-1996 and each succeeding academic year, for the provision of all food services operations and security services for the District of Columbia public schools, unless the Superintendent determines that it is not feasible and provides the Superintendent's reasons in writing to the Board of Education and the Authority.

(b) Development of New Management and Data Systems.—Notwithstanding any other law, rule, or regulation, the Board of Education shall, in academic year 1995-1996, consult with the Authority on the development of new management and data systems, as well as training of personnel to use and manage the systems in areas of budget, finance, personnel and human resources, management information services, procurement, supply management, and other systems recommended by the Authority. Such plans shall be consistent with, and contemporaneous to, the District of Columbia Government's development and implementation of a replacement for the financial management system for the District of Columbia Government in use on the date of enactment of this Act.

SEC. 2752. ANNUAL REPORTING REQUIREMENTS.

(a) In General.—The Board of Education shall annually compile an accurate and verifiable report on the positions and employees in the District of Columbia public school system. The annual report shall set forth—

(1) the number of validated schedule A positions in the District of Columbia public schools for fiscal year 1995, fiscal year 1996, and thereafter on a full-time equivalent basis, including a compilation of all positions by control center, responsibility center, funding source, position type, position title, pay plan, grade, and annual salary; and

(2) a compilation of all employees in the District of Columbia public schools as of December 31, of the year preceding the year for which the report is made, verified as to its accuracy in accordance with the functions that each employee actually performs, by control center, responsibility center, agency reporting code, program (including funding source), activity, location for accounting purposes, job title, grade and classification, annual salary, and position control number.

(b) Submission.—The annual report required by subsection (a) shall be submitted to the Congress, the Mayor, the District of Columbia Council, the Consensus Commission, and the Authority, not later than February 8, 1996, and each February 8 thereafter.

SEC. 2753. ANNUAL BUDGETS AND BUDGET REVISIONS.

(a) In General.—Not later than October 1, 1996, or prior to 15 calendar days after the date of the enactment of the District of Columbia Appropriations Act, 1996, whichever occurs first, and each succeeding year thereafter, the Board of Education shall submit to the appropriate congressional committees, the Mayor, the District of Columbia Council, the Consensus Commission, and the Authority, a revised appropriated funds operating budget for the District of Columbia public school system for such fiscal year that is consistent with the total amount appropriated in an Act making appropriations for the District of Columbia for such fiscal year and that realigns budgeted data for personal services and other than personal services, with anticipated actual expenditures.

(b) Submission.—The revised budget required by subsection (a) shall be submitted in the format of the budget that the Board of Education submits to the Mayor for inclusion in the Mayor's budget submission to the District of Columbia Council pursuant to section 442 of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198 (D.C. Code, sec. 47-301).

SEC. 2754. ACCESS TO FISCAL AND STAFFING DATA.

(a) In General.—The budget, financial-accounting, personnel, payroll, procurement, and management information systems of the District of Columbia public schools shall be coordinated and interface with related systems of the District of Columbia Government.

(b) Access.—The Board of Education shall provide read-only access to its internal financial management systems and all other data bases to designated staff of the Mayor, the Council, the Authority, and appropriate congressional committees.

SEC. 2755. DEVELOPMENT OF FISCAL YEAR 1997 BUDGET REQUEST.

(a) In General.—The Board of Education shall develop its fiscal year 1997 gross operating budget and its fiscal year 1997 appropriated funds budget request in accordance with this section.

(b) Fiscal Year 1996 Budget Revision.—Not later than February 15, 1996, the Board of Education shall develop, approve, and submit to the Mayor, the District of Columbia Council, the Authority, and appropriate congressional committees, a revised fiscal year 1996 gross operating budget that reflects the amount appropriated in the District of Columbia Appropriations Act, 1996, and which—

(1) is broken out on the basis of appropriated funds and nonappropriated funds, control center, responsibility center, agency reporting code, object class, and object; and

(2) indicates by position title, grade, and agency reporting code, all staff allocated to each District of Columbia public school as of October 15, 1995, and indicates on an object class basis all other-than-personal-services financial resources allocated to each school.

(c) Zero-Base Budget.—For fiscal year 1997, the Board of Education shall build its gross operating budget and appropriated funds request from a zero-base, starting from the local school level through the central office level.

(d) School-by-School Budgets.—The Board of Education's initial fiscal year 1997 gross operating budget and appropriated funds budget request submitted to the Mayor, the District of Columbia Council, and the Authority shall contain school-by-school budgets and shall also—

(1) be broken out on the basis of appropriated funds and nonappropriated funds, control center, responsibility center, agency reporting code, object class, and object;

(2) indicate by position title, grade, and agency reporting code all staff budgeted for each District of Columbia public school, and indicate on an object class basis all other-than-personal-services financial resources allocated to each school; and

(3) indicate the amount and reason for all changes made to the initial fiscal year 1997 gross operating budget and appropriated funds request from the revised fiscal year 1996 gross operating budget required by subsection (b).

SEC. 2756. TECHNICAL AMENDMENTS.

Section 1120A of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6322) is amended—

(1) in subsection (b)(1), by—

(A) striking "(A) Except as provided in subparagraph (B), a State" and inserting "A State"; and

(B) striking subparagraph (B); and

(2) by adding at the end thereof the following new subsection:

"(d) Exclusion of Funds.—For the purpose of complying with subsections (b) and (c), a State or local educational agency may exclude supplemental State or local funds expended in any school attendance area or school for programs that meet the intent and purposes of this part.".

Subtitle K—Personal Accountability and Preservation of School-Based Resources

SEC. 2801. PRESERVATION OF SCHOOL-BASED STAFF POSITIONS.

(a) Restrictions on Reductions of School-Based Employees.—To the extent that a reduction in the number of full-time equivalent positions for the District of Columbia public schools is required to remain within the number of full-time equivalent positions established for the public schools in appropriations Acts, no reductions shall be made from the full-time equivalent positions for school-based teachers, principals, counselors, librarians, or other school-based educational positions that were established as of the end of fiscal year 1995, unless the Authority makes a determination based on student enrollment that—

(1) fewer school-based positions are needed to maintain established pupil-to-staff ratios; or

(2) reductions in positions for other than school-based employees are not practicable.

(b) Definition.—The term "school-based educational position" means a position located at a District of Columbia public school or other position providing direct support to students at such a school, including a position for a clerical, stenographic, or secretarial employee, but not including any part-time educational aide position.

SEC. 2802. MODIFICATIONS OF BOARD OF EDUCATION REDUCTION-IN-FORCE PROCEDURES.

The District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Code, sec. 1-601.1 et seq.) is amended—

(1) in section 301 (D.C. Code, sec. 1.603.1)—

(A) by inserting after paragraph (13), the following new paragraph:

"(13A) The term 'nonschool-based personnel' means any employee of the District of Columbia public schools who is not based at a local school or who does not provide direct services to individual students."; and

(B) by inserting after paragraph (15), the following new paragraph:

"(15A) The term 'school administrators' means principals, assistant principals, school program directors, coordinators, instructional supervisors, and support personnel of the District of Columbia public schools.";

(2) in section 801A(b)(2) (D.C. Code, sec. 1-609.1(b)(2)(L)—

(A) by striking "(L) reduction-in-force" and inserting "(L)(i) reduction-in-force"; and

(B) by inserting after subparagraph (L)(i), the following new clause:

"(ii) Notwithstanding any other provision of law, the Board of Education shall not issue rules that require or permit nonschool-based personnel or school administrators to be assigned or reassigned to the same competitive level as classroom teachers;"; and

(3) in section 2402 (D.C. Code, sec. 1-625.2), by adding at the end the following new subsection:

"(f) Notwithstanding any other provision of law, the Board of Education shall not require or permit nonschool-based personnel or school administrators to be assigned or reassigned to the same competitive level as classroom teachers.".

SEC. 2803. PUBLIC SCHOOL EMPLOYEE EVALUATIONS.

Notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia public school employees shall be a nonnegotiable item for collective bargaining purposes.

SEC. 2804. PERSONAL AUTHORITY FOR PUBLIC SCHOOL EMPLOYEES.

(a) IN GENERAL.—Notwithstanding any other provision of law, rule, or regulation, an employee of a District of Columbia public school shall be—

(1) classified as an educational service employee;

(2) placed under the personnel authority of the Board of Education; and

(3) subject to all Board of Education rules.

(b) SCHOOL-BASED PERSONNEL.—School-based personnel shall constitute a separate competitive area from nonschool-based personnel who shall not compete with school-based personnel for retention purposes.

Subtitle E—Establishment and Organization of the Commission on Consensus Reform in the District of Columbia Public Schools

SEC. 2851. COMMISSION ON CONSENSUS REFORM IN THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established within the District of Columbia Government a Commission on Consensus Reform in the District of Columbia Public Schools, consisting of 7 members to be appointed in accordance with paragraph (2).

(2) MEMBERSHIP.—The Consensus Commission shall consist of the following members:

(A) 1 member to be appointed by the President chosen from a list of 3 proposed members submitted by the Majority Leader of the Senate.

(B) 1 member to be appointed by the President chosen from a list of 3 proposed members submitted by the Speaker of the House of Representatives.

(C) 2 members to be appointed by the President, of which 1 shall represent the local business community and 1 of which shall be a teacher in a District of Columbia public school.

(D) The President of the District of Columbia Congress of Parents and Teachers.

(E) The President of the Board of Education.

(F) The Superintendent.

(G) The Mayor and District of Columbia Council Chairman shall each name 1 nonvoting ex officio member.

(H) The Chief of the National Guard Bureau who shall be an ex officio member.

(3) TERMS OF SERVICE.—The members of the Consensus Commission shall serve for a term of 3 years.

(4) VACANCIES.—Any vacancy in the membership of the Consensus Commission shall be filled by the appointment of a new member in the same manner as provided for the vacated membership. A member appointed under this paragraph shall serve the remaining term of the vacated membership.

(5) QUALIFICATIONS.—Members of the Consensus Commission appointed under subparagraphs (A), (B), and (C) of paragraph (2) shall be residents of the District of Columbia and shall have a knowledge of public education in the District of Columbia.

(6) CHAIR.—The Chair of the Consensus Commission shall be chosen by the Consensus Commission from among its members, except that the President of the Board of Education and the Superintendent shall not be eligible to serve as Chair.

(7) NO COMPENSATION FOR SERVICE.—Members of the Consensus Commission shall serve without pay, but may receive reimbursement for any reasonable and necessary expenses incurred by reason of service on the Consensus Commission.

(b) EXECUTIVE DIRECTOR.—The Consensus Commission shall have an Executive Director who shall be appointed by the Chair with the consent of the Consensus Commission. The Executive Director shall be paid at a rate determined by the Consensus Commission, except that such rate may not exceed the highest rate of pay payable for level EG-16 of the Educational Service of the District of Columbia.

(c) STAFF.—With the approval of the Chair and the Authority, the Executive Director may appoint and fix the pay of additional personnel as the Executive Director considers appropriate, except that no individual appointed by the Executive Director may be paid at a rate greater than the rate of pay for the Executive Director.

(d) SPECIAL RULE.—The Board of Education, or the Authority, shall reprogram such funds, as the Chair of the Consensus Commission shall in writing request, from amounts available to the Board of Education.

SEC. 2852. PRIMARY PURPOSE AND FINDINGS.

(a) PURPOSE.—The primary purpose of the Consensus Commission is to assist in developing a long-term reform plan that has the support of the District of Columbia community through the participation of representatives of various critical segments of such community in helping to develop and approve the plan.

(b) FINDINGS.—The Congress finds that—

(1) experience has shown that the failure of the District of Columbia educational system has been due more to the failure to implement a plan than the failure to develop a plan;

(2) national studies indicate that 50 percent of secondary school graduates lack basic literacy skills, and over 30 percent of the 7th grade students in the District of Columbia public schools drop out of school before graduating;

(3) standard student assessments indicate only average performance for grade level and fail to identify individual students who lack basic skills, allowing too many students to graduate lacking these basic skills and diminishing the worth of a diploma;

(4) experience has shown that successful schools have good community, parent, and business involvement;

(5) experience has shown that reducing dropout rates in the critical middle and secondary school years requires individual student involvement and attention through such activities as arts or athletics; and

(6) experience has shown that close coordination between educators and business persons is required to provide noncollege-bound students the skills necessary for employment, and that personal attention is vitally important to assist each student in developing an appropriate career path.

SEC. 2853. DUTIES AND POWERS OF THE CONSENSUS COMMISSION.

(a) PRIMARY RESPONSIBILITY.—The Board of Education and the Superintendent shall have primary responsibility for developing and implementing the long-term reform plan for education in the District of Columbia.

(b) DUTIES.—The Consensus Commission shall—

(1) identify any obstacles to implementation of the long-term reform plan and suggest ways to remove such obstacles;

(2) assist in developing programs that—

(A) ensure every student in a District of Columbia public school achieves basic literacy skills;

(B) ensure every such student possesses the knowledge and skills necessary to think critically and communicate effectively by the completion of grade 8; and

(C) lower the dropout rate in the District of Columbia public schools;

(3) assist in developing districtwide assessments, including individual assessments, that identify District of Columbia public school students who lack basic literacy skills, with particular attention being given to grade 4 and the middle school years, and establish procedures to ensure that a teacher is made accountable for the performance of every such student in such teacher's class;

(4) make recommendations to improve community, parent, and business involvement in District of Columbia public schools and public charter schools;

(5) assess opportunities in the District of Columbia to increase individual student involvement and attention through such activities as arts or athletics, and make recommendations on how to increase such involvement; and

(6) assist in the establishment of procedures that ensure every District of Columbia public school student is provided the skills necessary for employment, including the development of individual career paths.

(c) POWERS.—The Consensus Commission shall have the following powers:

(1) To monitor and comment on the development and implementation of the long-term reform plan.

(2) To exercise its authority, as provided in this subtitle, as necessary to facilitate implementation of the long-term reform plan.

(3) To review and comment on the budgets of the Board of Education, the District of Columbia public schools and public charter schools.

(4) To recommend rules concerning the management and direction of the Board of Education that address obstacles to the development or implementation of the long-term reform plan.

(5) To review and comment on the core curriculum for kindergarten through grade 12 developed under subtitle D.

(6) To review and comment on a core curriculum for prekindergarten, vocational and technical training, and adult education.

(7) To review and comment on all other educational programs carried out by the Board of Education and public charter schools.

(8) To review and comment on the districtwide assessments for measuring student

achievement in the core curriculum developed under subtitle D.

(9) To review and comment on the model professional development programs for teachers using the core curriculum developed under subtitle D.

(d) LIMITATIONS.—

(1) IN GENERAL.—Except as otherwise provided in this subtitle, the Consensus Commission shall have no powers to involve itself in the management or operation of the Board of Education with respect to the implementation of the long-term reform plan.

(2) SPECIAL RULE.—If the Consensus Commission determines that the Board of Education has failed to take an action necessary to develop or implement the long-term reform plan or that the Board of Education is unable to do so, the Consensus Commission shall request the Authority to take appropriate action, and the Authority shall take such action as the Authority deems appropriate, to develop or implement, as the case may be, the long-term reform plan.

SEC. 2854. IMPROVING ORDER AND DISCIPLINE.

(a) COMMUNITY SERVICE REQUIREMENT FOR SUSPENDED STUDENTS.—

(1) IN GENERAL.—Any student suspended from classes at a District of Columbia public school who is required to serve the suspension outside the school shall perform community service for the period of suspension. The community service required by this subsection shall be subject to rules and regulations promulgated by the Mayor.

(2) EFFECTIVE DATE.—This subsection shall take effect on the first day of the 1996–1997 academic year.

(b) EXPIRATION DATE.—This section, and sections 2101(b)(1)(K) and 2851(a)(2)(H), shall cease to be effective on the last day of the 1997–1998 academic year.

(c) REPORT.—The Consensus Commission shall study the effectiveness of the policies implemented pursuant to this section in improving order and discipline in District of Columbia public schools and report its findings to the appropriate congressional committees not later than 60 days prior to the last day of the 1997–1998 academic year.

SEC. 2855. EDUCATIONAL PERFORMANCE AUDITS.

(a) IN GENERAL.—The Consensus Commission may examine and request the Inspector General of the District of Columbia or the Authority to audit the records of the Board of Education to ensure, monitor, and evaluate the performance of the Board of Education with respect to compliance with the long-term reform plan and such plan's overall educational achievement. The Consensus Commission shall conduct an annual review of the educational performance of the Board of Education with respect to meeting the goals of such plan for such year. The Board of Education shall cooperate and assist in the review or audit as requested by the Consensus Commission.

(b) AUDIT.—The Consensus Commission may examine and request the Inspector General of the District of Columbia or the Authority to audit the records of any public charter school to assure, monitor, and evaluate the performance of the public charter school with respect to the content standards and districtwide assessments described in section 2411(b). The Consensus Commission shall receive a copy of each public charter school's annual report.

SEC. 2856. INVESTIGATIVE POWERS.

The Consensus Commission may investigate any action or activity which may hinder the progress of any part of the long-term reform plan. The Board of Education shall cooperate and assist the Consensus Commission in any investigation. Reports of the findings of any such investigation shall be provided to the Board of Education, the Superintendent, the Mayor, the District of Columbia Council, the Authority, and the appropriate congressional committees.

SEC. 2857. RECOMMENDATIONS OF THE CONSENSUS COMMISSION.

(a) IN GENERAL.—The Consensus Commission may at any time submit recommendations to the Board of Education, the Mayor, the District of Columbia Council, the Authority, the Board of Trustees of any public charter school and the Congress with respect to actions the District of Columbia Government or the Federal Government should take to ensure implementation of the long-term reform plan.

(b) AUTHORITY ACTIONS.—Pursuant to the District of Columbia Financial Responsibility and Management Assistance Act of 1995 or upon the recommendation of the Consensus Commission, the Authority may take whatever actions the Authority deems necessary to ensure the implementation of the long-term reform plan.

SEC. 2858. EXPIRATION DATE.

Except as otherwise provided in this subtitle, this subtitle shall be effective during the period beginning on the date of enactment of this Act and ending 7 years after such date.

Subtitle M—Parent Attendance at Parent-Teacher Conferences

SEC. 2901. POLICY.

Notwithstanding any other provision of law, the Mayor is authorized to develop and implement a policy encouraging all residents of the District of Columbia with children attending a District of Columbia public school to attend and participate in at least one parent-teacher conference every 90 days during the academic year.

(c) Such amounts as may be necessary for programs, projects or activities provided for in the Department of the Interior and Related Agencies Appropriations Act, 1996 at a rate of operations and to the extent and in the manner provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

AN ACT

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes.

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96-487 (16 U.S.C. 3150(a)), $567,152,000, to remain available until expended, of which $2,000,000 shall be available for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96-487 (16 U.S.C. 3150), and of which $4,000,000 shall be derived from the special receipt account established by section 4 of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l-6a(i)): *Provided*, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors; and in addition, $27,650,000 for Mining Law Administration program operations, to remain available until expended, to be reduced by amounts collected by the Bureau of Land Management and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $567,152,000: *Provided further*, That in addition to funds otherwise available, and to remain available until expended, not to exceed $5,000,000 from annual mining claim fees shall be credited to this account for the costs of administering the mining claim fee program, and $2,000,000 from communication site rental fees established by the Bureau.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire use and management, fire preparedness, emergency presuppression, suppression operations, emergency rehabilitation, and renovation or construction of fire facilities in the Department of the Interior, $235,924,000, to remain available until expended, of which not to exceed $5,025,000, shall be available for the renovation or construction of fire facilities: *Provided*, That notwithstanding any other provision of law, persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: *Provided further*, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further*, That unobligated balances of amounts previously appropriated to the Fire Protection and Emergency Department of the Interior Firefighting Fund may be transferred or merged with this appropriation.

CENTRAL HAZARDOUS MATERIALS FUND

For expenses necessary for use by the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended (42 U.S.C. 9601 et seq.), $10,000,000, to remain available until expended: *Provided*, That, notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to sections 107 or 113(f) of the Comprehensive Environmental Response, Compensation and Liability Act, as amended (42 U.S.C. 9607 or 9613(f)), shall be credited to this account and shall be available without further appropriation and shall remain available until expended: *Provided further*, That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary of the Interior and which shall be credited to this account.

CONSTRUCTION AND ACCESS

For acquisition of lands and interests therein, and construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $3,115,000, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901–07), $101,500,000, of which not to exceed

$400,000 shall be available for administrative expenses.

LAND ACQUISITION

For expenses necessary to carry out the provisions of sections 205, 206, and 318(d) of Public Law 94–579 including administrative expenses and acquisition of lands or waters, or interests therein, $12,800,000 to be derived from the Land and Water Conservation Fund, to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; $97,452,000, to remain available until expended: *Provided*, That 25 per centum of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the provisions of the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 per centum of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $9,113,000, to remain available until expended: *Provided*, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under sections 209(b), 304(a), 304(b), 305(a), and 504(g) of the Act approved October 21, 1976 (43 U.S.C. 1701), and sections 101 and 203 of Public Law 93–153, to be immediately available until expended: *Provided*, That notwithstanding any provision to the contrary of section 305(a) of the Act of October 21, 1976 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this or subsequent appropriations Acts by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such forfeiture, compromise, or settlement are used on the exact lands damage to which led to the forfeiture, compromise, or settlement: *Provided further*, That such moneys are in excess of amounts needed to repair damage to the exact land for which collected.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing law, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau of Land Management; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed $10,000: *Provided*, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly-produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For expenses necessary for scientific and economic studies, conservation, management, investigations, protection, and utilization of fishery and wildlife resources, except whales, seals, and sea lions, and for the performance of other authorized functions related to such resources; for the general administration of the United States Fish and Wildlife Service; and for maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge; and not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended by Public Law 93–408, $497,670,000, to remain available for obligation until September 30, 1997, of which $11,557,000 shall be available until expended for operation and maintenance of fishery mitigation facilities constructed by the Corps of Engineers under the Lower Snake River Compensation Plan, authorized by the Water Resources Development Act of 1976 (90 Stat. 2921), to compensate for loss of fishery resources from water development projects on the Lower Snake River: *Provided*, That unobligated and unexpended balances in the Resource Management account at the end of fiscal year 1995, shall be merged with and made a part of the fiscal year 1996 Resource Management appropriation, and shall remain available for obligation until September 30, 1997: *Provided further*, That no monies appropriated under this Act or any other law shall be used to implement subsections (a), (b), (c), (e), (g), or (i) of section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533), until such time as legislation reauthorizing the Act is enacted or until the end of fiscal year 1996, whichever is earlier, except that monies appropriated under this Act may be used to delist or reclassify species pursuant to subsections 4(a)(2)(B), 4(c)(2)(B)(i), and 4(c)(2)(B)(ii) of the Act.

CONSTRUCTION

For construction and acquisition of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $37,655,000, to remain available until expended.

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601, et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq.), the Oil Pollution Act of 1990 (Public Law 101–380), and the Act of July 27, 1990 (Public Law 101–337); $4,000,000, to remain available until expended: *Provided*, That sums provided by any party in fiscal year 1996 and thereafter are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated or otherwise disposed of by the Secretary and such sums or properties shall be utilized for the restoration of injured resources, and to conduct new damage assessment activities.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4–11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $36,900,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), as amended by Public Law 100–478, $8,085,000 for grants to States, to be derived from the Cooperative Endangered Species Conservation Fund, and to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $10,779,000.

REWARDS AND OPERATIONS

For expenses necessary to carry out the provisions of the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), $600,000, to remain available until expended.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, $6,750,000, to remain available until expended.

LAHONTAN VALLEY AND PYRAMID LAKE FISH AND WILDLIFE FUND

For carrying out section 206(f) of Public Law 101–618, such sums as have previously been credited or may be credited hereafter to the Lahontan Valley and Pyramid Lake Fish and Wildlife Fund, to be available until expended without further appropriation.

RHINOCEROS AND TIGER CONSERVATION FUND

For deposit to the Rhinoceros and Tiger Conservation Fund, $200,000, to remain available until expended, to be available to carry out the provisions of the Rhinoceros and Tiger Conservation Act of 1994 (Public Law 103-391).

WILDLIFE CONSERVATION AND APPRECIATION FUND

For deposit to the Wildlife Conservation and Appreciation Fund, $800,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 113 passenger motor vehicles; not to exceed $400,000 for payment, at the discretion of the Secretary, for information, rewards, or evidence concerning violations of laws administered by the United States Fish and Wildlife Service, and miscellaneous and emergency expenses of enforcement activities, authorized or approved by the Secretary and to be accounted for solely on his certificate; repair of damage to public roads within and adjacent to reservation areas caused by operations of the United States Fish and Wildlife Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the United States Fish and Wildlife Service and to which the United States has title, and which are utilized pursuant to law in connection with management and investigation of fish and wildlife resources: *Provided*, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly-produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That the United States Fish and Wildlife Service may accept donated aircraft as replacements for existing aircraft: *Provided further*, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 103-551: *Provided further*, That none of the funds made available in this Act may be used by the U. S. Fish and Wildlife Service to impede or delay the issuance of a wetlands permit by the U. S. Army Corps of Engineers to the City of Lake Jackson, Texas, for the development of a public golf course west of Buffalo Camp Bayou between the Brazos River and Highway 332: *Provided further*, That the Director of the Fish and Wildlife Service may charge reasonable fees for expenses to the Federal Government for providing training by the National Education and Training Center: *Provided further*, That all training fees collected shall be available to the Director, until expended, without further appropriation, to be used for the costs of training and education provided by the National Education and Training Center: *Provided further*, That with respect to lands leased for farming pursuant to Public Law 88-567, if for any reason the Secretary disapproves for use in 1996 or does not finally approve for use in 1996 any pesticide or chemical which was approved for use in 1995 or had been requested for use in 1996 by the submission of a pesticide use proposal as of September 19, 1995, none of the funds in this Act may be used to develop, implement, or enforce regulations or policies (including pesticide use proposals) related to the use of chemicals and pest management that are more restrictive than the requirements of applicable State and Federal laws related to the use of chemicals and pest management practices on non-Federal lands.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, including not to exceed $1,593,000 for the Volunteers-in-Parks program, and not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended by Public Law 93-408, $1,086,014,000, without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451), of which not to exceed $72,000,000, to remain available until expended is to be derived from the special fee account established pursuant to title V, section 5201, of Public Law 100-203.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $37,649,000: *Provided*, That $236,000 of the funds provided herein are for the William O. Douglas Outdoor Education Center, subject to authorization.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the provisions of the Historic Preservation Act of 1966 (80 Stat. 915), as amended (16 U.S.C. 470), $36,212,000, to be derived from the Historic Preservation Fund, established by section 108 of that Act, as amended, to remain available for obligation until September 30, 1997.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, $143,225,000, to remain available until expended: *Provided*, That not to exceed $4,500,000 of the funds provided herein shall be paid to the Army Corps of Engineers for modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989: *Provided further*, That funds provided under this head, derived from the Historic Preservation Fund, established by the Historic Preservation Act of 1966 (80 Stat. 915), as amended (16 U.S.C. 470), may be available until expended to render sites safe for visitors and for building stabilization.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 1996 by 16 U.S.C. 460l-10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l-4-11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with statutory authority applicable to the National Park Service, $49,100,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and of which $1,500,000 is to administer the State assistance program: *Provided*, That any funds made available for the purpose of acquisition of the Elwha and Glines dams shall be used solely for acquisition, and shall not be expended until the full purchase amount has been appropriated by the Congress.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 518 passenger motor vehicles, of which 323 shall be for replacement only, including not to exceed 411 for police-type use, 12 buses, and 5 ambulances: *Provided*, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further*, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may enter into cooperative agreements that involve the transfer of National Park Service appropriated funds to State, local and tribal governments, other public entities, educational institutions, and private nonprofit organizations for the public purpose of carrying out National Park Service programs.

The National Park Service shall, within existing funds, conduct a Feasibility Study for a northern access route into Denali National Park and Preserve in Alaska, to be completed within one year of the enactment of this Act and submitted to the House and Senate Committees on Appropriations and to the Senate Committee on Energy and Natural Resources and the House Committee on Resources. The Feasibility Study shall ensure that resource impacts from any plan to create such access route are evaluated with accurate information and according to a process that takes into consideration park values, visitor needs, a full range of alternatives, the viewpoints of all interested parties, including the tourism industry and the State of Alaska, and potential needs for compliance with the National Environmental Policy Act. The Study shall also address the time required for development of alternatives and identify all associated costs.

This Feasibility Study shall be conducted solely by the National Park Service planning personnel permanently assigned to National Park Service offices located in the State of

Alaska in consultation with the State of Alaska Department of Transportation.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, and the mineral and water resources of the United States, its Territories and possessions, and other areas as authorized by law (43 U.S.C. 31, 1332 and 1340); classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; $729,995,000, of which $62,130,000 shall be available for cooperation with States or municipalities for water resources investigations, and of which $137,000,000 for resource research and the operations of Cooperative Research Units shall remain available until September 30, 1997, and of which $16,000,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries: *Provided*, That no part of this appropriation shall be used to pay more than one-half the cost of any topographic mapping or water resources investigations carried on in cooperation with any State or municipality: *Provided further*, That funds available herein for resource research may be used for the purchase of not to exceed 61 passenger motor vehicles, of which 55 are for replacement only: *Provided further*, That none of the funds available under this head for resource research shall be used to conduct new surveys on private property, including new aerial surveys for the designation of habitat under the Endangered Species Act, except when it is made known to the Federal official having authority to obligate or expend such funds that the survey or research has been requested and authorized in writing by the property owner or the owner's authorized representative: *Provided further*, That none of the funds provided herein for resource research may be used to administer a volunteer program when it is made known to the Federal official having authority to obligate or expend such funds that the volunteers are not properly trained or that information gathered by the volunteers is not carefully verified: *Provided further*, That no later than April 1, 1996, the Director of the United States Geological Survey shall issue agency guidelines for resource research that ensure that scientific and technical peer review is utilized as fully as possible in selection of projects for funding and ensure the validity and reliability of research and data collection on Federal lands: *Provided further*, That no funds available for resource research may be used for any activity that was not authorized prior to the establishment of the National Biological Survey: *Provided further*, That once every five years the National Academy of Sciences shall review and report on the resource research activities of the Survey: *Provided further*, That if specific authorizing legislation is enacted during or before the start of fiscal year 1996, the resource research component of the Survey should comply with the provisions of that legislation: *Provided further*, That unobligated and unexpended balances in the National Biological Survey, Research, inventories and surveys account at the end of fiscal year 1995, shall be merged with and made a part of the United States Geological Survey, Surveys, investigations, and research account and shall remain available for obligation until September 30, 1996: *Provided further*, That the authority granted to the United States Bureau of Mines to conduct mineral surveys and to determine mineral values by section 603 of Public Law 94–579 is hereby transferred to, and vested in, the Director of the United States Geological Survey.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geological Survey shall be available for purchase of not to exceed 22 passenger motor vehicles, for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the United States Geological Survey appointed, as authorized by law, to represent the United States in the negotiation and administration of interstate compacts: *Provided*, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302, et seq.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only; $182,339,000, of which not less than $70,105,000 shall be available for royalty management activities; and an amount not to exceed $15,400,000 for the Technical Information Management System and Related Activities of the Outer Continental Shelf (OCS) Lands Activity, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for OCS administrative activities performed by the Minerals Management Service over and above the rates in effect on September 30, 1993, and from additional fees for OCS administrative activities established after September 30, 1993: *Provided*, That beginning in fiscal year 1996 and thereafter, fees for royalty rate relief applications shall be established (and revised as needed) in Notices to Lessees, and shall be credited to this account in the program areas performing the function, and remain available until expended for the costs of administering the royalty rate relief authorized by 43 U.S.C. 1337(a)(3): *Provided further*, That $1,500,000 for computer acquisitions shall remain available until September 30, 1997: *Provided further*, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721 (b) and (d): *Provided further*, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: *Provided further*, That notwithstanding any other provision of law, $15,000 under this head shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of the Minerals Management Service concurred with the claimed refund due, to pay amounts owed to Indian allottees or Tribes, or to correct prior unrecoverable erroneous payments: *Provided further*, That beginning in fiscal year 1996 and thereafter, the Secretary shall take appropriate action to collect unpaid and underpaid royalties and late payment interest owed by Federal and Indian mineral lessees and other royalty payors on amounts received in settlement or other resolution of disputes under, and for partial or complete termination of, sales agreements for minerals from Federal and Indian leases.

OIL SPILL RESEARCH

For necessary expenses to carry out the purposes of title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $6,440,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

BUREAU OF MINES

MINES AND MINERALS

For expenses necessary for, and incidental to, the closure of the United States Bureau of Mines, $64,000,000, to remain available until expended, of which not to exceed $5,000,000 may be used for the completion and/or transfer of certain ongoing projects within the United States Bureau of Mines, such projects to be identified by the Secretary of the Interior within 90 days of enactment of this Act: *Provided*, That there hereby are transferred to, and vested in, the Secretary of Energy: (1) the functions pertaining to the promotion of health and safety in mines and the mineral industry through research vested by law in the Secretary of the Interior or the United States Bureau of Mines and performed in fiscal year 1995 by the United States Bureau of Mines at its Pittsburgh Research Center in Pennsylvania, and at its Spokane Research Center in Washington; (2) the functions pertaining to the conduct of inquiries, technological investigations and research concerning the extraction, processing, use and disposal of mineral substances vested by law in the Secretary of the Interior or the United States Bureau of Mines and performed in fiscal year 1995 by the United States Bureau of Mines under the minerals and materials science programs at its Pittsburgh Research Center in Pennsylvania, and at its Albany Research Center in Oregon; and (3) the functions pertaining to mineral reclamation industries and the development of methods for the disposal, control, prevention, and reclamation of mineral waste products vested by law in the Secretary of the Interior or the United States Bureau of Mines and performed in fiscal year 1995 by the United States Bureau of Mines at its Pittsburgh Research Center in Pennsylvania: *Provided further*, That, if any of the same functions were performed in fiscal year 1995 at locations other than those listed above, such functions shall not be transferred to the Secretary of Energy from those other locations: *Provided further*, That the Director of the Office of Management and Budget, in consultation with the Secretary of Energy and the Secretary of the Interior, is authorized to make such determinations as may be necessary with regard to the transfer of functions which relate to or are used by the Department of the Interior, or component thereof affected by this transfer of functions, and to make such dispositions of personnel, facilities, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to or to be made available in connection with, the functions transferred herein as are deemed necessary to accomplish the purposes of this transfer: *Provided further*, That all reductions in personnel complements resulting from the provisions of this Act shall, as to the functions transferred to the Secretary of Energy, be done by the Secretary of the Interior as though these transfers had not taken place but had been required of the Department of the Interior by all other provisions of this Act before the transfers of function became effective: *Provided further*, That the transfers of function to the Secretary of Energy shall become effective on the date specified by the Director of the Office of Management and Budget, but in no event later than 90 days after enactment into law of this Act: *Provided further*, That the reference to "function" includes, but is not limited to, any duty, obligation, power, authority, responsibility, right, privilege, and activity, or the plural thereof, as the case may be.

ADMINISTRATIVE PROVISIONS

The Secretary is authorized to accept lands, buildings, equipment, other contributions, and fees from public and private sources, and to prosecute projects using such contributions and fees in cooperation with other Federal, State or private agencies: *Provided*, That the Bureau of Mines is authorized, during the current fiscal year, to sell directly or through any Government agency, including corporations, any metal or mineral products that may be manufactured in pilot plants operated by the Bureau of Mines, and the proceeds of such sales shall be covered into the Treasury as miscellaneous receipts: *Provided further*, That notwithstanding any other provision of law, the Secretary is authorized to convey, without reimbursement, title and all interest of the United States in property and facilities of the United States Bureau of Mines in Juneau, Alaska, to the City and Borough of Juneau, Alaska; in Tuscaloosa, Alabama, to the University of Alabama; in Rolla, Missouri, to the University of Missouri-Rolla; and in other localities to such university or government entities as the Secretary deems appropriate.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not to exceed 15 passenger motor vehicles for replacement only; $95,470,000, and notwithstanding 31 U.S.C. 3302, an additional amount shall be credited to this account, to remain available until expended, from performance bond forfeitures in fiscal year 1996: *Provided*, That notwithstanding any other provision of law, the Secretary of the Interior, pursuant to regulations, may utilize directly or through grants to States, moneys collected in fiscal year 1996 pursuant to the assessment of civil penalties under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: *Provided further*, That notwithstanding any other provision of law, appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out the provisions of title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not more than 22 passenger motor vehicles for replacement only, $173,887,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended: *Provided*, That grants to minimum program States will be $1,500,000 per State in fiscal year 1996: *Provided further*, That of the funds herein provided up to $18,000,000 may be used for the emergency program authorized by section 410 of Public Law 95–87, as amended, of which no more than 25 per centum shall be used for emergency reclamation projects in any one State and funds for Federally-administered emergency reclamation projects under this proviso shall not exceed $11,000,000: *Provided further*, That prior year unobligated funds appropriated for the emergency reclamation program shall not be subject to the 25 per centum limitation per State and may be used without fiscal year limitation for emergency projects: *Provided further*, That pursuant to Public Law 97–365, the Department of the Interior is authorized to utilize up to 20 per centum from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further*, That funds made available to States under title IV of Public Law 95–87 may be used, at their discretion, for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: *Provided further*, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts, and grants including expenses necessary to provide education and welfare services for Indians, either directly or in cooperation with States and other organizations, including payment of care, tuition, assistance, and other expenses of Indians in boarding homes, or institutions, or schools; grants and other assistance to needy Indians; maintenance of law and order; management, development, improvement, and protection of resources and appurtenant facilities under the jurisdiction of the Bureau of Indian Affairs, including payment of irrigation assessments and charges; acquisition of water rights; advances for Indian industrial and business enterprises; operation of Indian arts and crafts shops and museums; development of Indian arts and crafts, as authorized by law; for the general administration of the Bureau of Indian Affairs, including such expenses in field offices; maintaining of Indian reservation roads as defined in section 101 of title 23, United States Code; and construction, repair, and improvement of Indian housing, $1,384,434,000, of which not to exceed $100,255,000 shall be for welfare assistance grants and not to exceed $104,626,000 shall be for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts or grants or compacts entered into with the Bureau of Indian Affairs prior to fiscal year 1996, as authorized by the Indian Self-Determination Act of 1975, as amended, and up to $5,000,000 shall be for the Indian Self-Determination Fund, which shall be available for the transitional cost of initial or expanded tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act; and of which not to exceed $330,711,000 for school operations costs of Bureau-funded schools and other education programs shall become available for obligation on July 1, 1996, and shall remain available for obligation until September 30, 1997; and of which not to exceed $68,209,000 for higher education scholarships, adult vocational training, and assistance to public schools under the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.), shall remain available for obligation until September 30, 1997; and of which not to exceed $71,854,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, self-governance grants, the Indian Self-Determination Fund, and the Navajo-Hopi Settlement Program: *Provided*, That tribes and tribal contractors may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants or compact agreements: *Provided further*, That funds made available to tribes and tribal organizations through contracts or grants obligated during fiscal year 1996, as authorized by the Indian Self-Determination Act of 1975 (88 Stat. 2203; 25 U.S.C. 450 et seq.), or grants authorized by the Indian Education Amendments of 1988 (25 U.S.C. 2001 and 2008A) shall remain available until expended by the contractor or grantee: *Provided further*, That to provide funding uniformity within a Self-Governance Compact, any funds provided in this Act with availability for more than one year may be reprogrammed to one year availability but shall remain available within the Compact until expended: *Provided further*, That notwithstanding any other provision of law, Indian tribal governments may, by appropriate changes in eligibility criteria or by other means, change eligibility for general assistance or change the amount of general assistance payments for individuals within the service area of such tribe who are otherwise deemed eligible for general assistance payments so long as such changes are applied in a consistent manner to individuals similarly situated: *Provided further*, That any savings realized by such changes shall be available for use in meeting other priorities of the tribes: *Provided further*, That any net increase in costs to the Federal Government which result solely from tribally increased payment levels for general assistance shall be met exclusively from funds available to the tribe from within its tribal priority allocation: *Provided further*, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 1996, may be transferred during fiscal year 1997 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: *Provided further*, That any such unobligated balances not so transferred shall expire on September 30, 1997: *Provided further*, That notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs, other than the amounts provided herein for assistance to public schools under the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C.

452 et seq.), shall be available to support the operation of any elementary or secondary school in the State of Alaska in fiscal year 1996: *Provided further*, That funds made available in this or any other Act for expenditure through September 30, 1997 for schools funded by the Bureau of Indian Affairs shall be available only to the schools which are in the Bureau of Indian Affairs school system as of September 1, 1995: *Provided further*, That no funds available to the Bureau of Indian Affairs shall be used to support expanded grades for any school beyond the grade structure in place at each school in the Bureau of Indian Affairs school system as of October 1, 1995: *Provided further*, That notwithstanding the provisions of 25 U.S.C. 2011(h)(1)(B) and (c), upon the recommendation of a local school board for a Bureau of Indian Affairs operated school, the Secretary shall establish rates of basic compensation or annual salary rates for the positions of teachers and counselors (including dormitory and homeliving counselors) at the school at a level not less than that for comparable positions in public school districts in the same geographic area, to become effective on July 1, 1997: *Provided further*, That of the funds available only through September 30, 1995, not to exceed $8,000,000 in unobligated and unexpended balances in the Operation of Indian Programs account shall be merged with and made a part of the fiscal year 1996 Operation of Indian Programs appropriation, and shall remain available for obligation for employee severance, relocation, and related expenses, until March 31, 1996.

CONSTRUCTION

For construction, major repair, and improvement of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands and interests in lands; and preparation of lands for farming, $100,833,000, to remain available until expended: *Provided*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project and for other water resource development activities related to the Southern Arizona Water Rights Settlement Act may be transferred to the Bureau of Reclamation: *Provided further*, That not to exceed 6 per centum of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau of Indian Affairs: *Provided further*, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a non-reimbursable basis: *Provided further*, That for the fiscal year ending September 30, 1996, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: *Provided further*, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: *Provided further*, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(a), with respect to organizational and financial management capabilities: *Provided further*, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2505(f): *Provided further*, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e).

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, $80,645,000, to remain available until expended; of which $78,600,000 shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 87–483, 97–293, 101–618, 102–374, 102–441, 102–575, and 103–116, and for implementation of other enacted water rights settlements, including not to exceed $8,000,000, which shall be for the Federal share of the Catawba Indian Tribe of South Carolina Claims Settlement, as authorized by section 5(a) of Public Law 103–116; and of which $1,045,000 shall be available pursuant to Public Laws 98–500, 99–264, and 100–580; and of which $1,000,000 shall be available (1) to liquidate obligations owed tribal and individual Indian payees of any checks canceled pursuant to section 1003 of the Competitive Equality Banking Act of 1987 (Public Law 100–86 (101 Stat. 659)), 31 U.S.C. 3334(b), (2) to restore to Individual Indian Monies trust funds, Indian Irrigation Systems, and Indian Power Systems accounts amounts invested in credit unions or defaulted savings and loan associations and which were not Federally insured, and (3) to reimburse Indian trust fund account holders for losses to their respective accounts where the claim for said loss(es) has been reduced to a judgment or settlement agreement approved by the Department of Justice.

TECHNICAL ASSISTANCE OF INDIAN ENTERPRISES

For payment of management and technical assistance requests associated with loans and grants approved under the Indian Financing Act of 1974, as amended, $500,000.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans $4,500,000, as authorized by the Indian Financing Act of 1974, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $35,914,000.

In addition, for administrative expenses necessary to carry out the guaranteed loan program, $500,000.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Indian Affairs shall be available for expenses of exhibits, and purchase of not to exceed 275 passenger carrying motor vehicles, of which not to exceed 215 shall be for replacement only.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $65,188,000, of which (1) $61,661,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $3,527,000 shall be available for salaries and expenses of the Office of Insular Affairs: *Provided*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or utilized by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 99–396, or any subsequent legislation related to Commonwealth of the Northern Mariana Islands Covenant grant funding: *Provided further*, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: *Provided further*, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance of capital infrastructure in American Samoa, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia through assessments of long-range operations and maintenance needs, improved capability of local operations and maintenance institutions and agencies (including management and vocational education training), and project-specific maintenance (with territorial participation and cost sharing to be determined by the Secretary based on the individual territory's commitment to timely maintenance of its capital assets): *Provided further*, That any appropriation for disaster assistance under this head in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 122, 221, 223, 232, and 233 of the Compacts of Free Association, and for economic assistance and necessary expenses for the Republic of Palau as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, $24,938,000, to remain available until expended, as authorized by Public Law 99–239 and Public Law 99–658: *Provided*, That notwithstanding section 112 of Public Law 101–219 (103 Stat. 1873), the Secretary of the Interior may agree to technical changes in the specifications for the project described in the subsidiary agreement negotiated under section 212(a) of the Compact of Free Association, Public Law 99–658, or its annex, if the changes do not result in increased costs to the United States.

DEPARTMENTAL OFFICES

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $56,456,000, of which not to exceed $7,500 may be for official reception and representation expenses.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $34,337,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $23,939,000.

CONSTRUCTION MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Construction Management, $500,000.

NATIONAL INDIAN GAMING COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the National Indian Gaming Commission, pursuant to Public Law 100-497, $1,000,000: *Provided*, That on March 1, 1996, the Chairman shall submit to the Secretary a report detailing those Indian tribes or tribal organizations with gaming operations that are in full compliance, partial compliance, or non-compliance with the provisions of the Indian Gaming Regulatory Act (25 U.S.C. 2701, et seq.): *Provided further*, That the information contained in the report shall be updated on a continuing basis.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $16,338,000, of which $15,891,000 shall remain available until expended for trust funds management: *Provided*, That funds made available to tribes and tribal organizations through contracts or grants obligated during fiscal year 1996, as authorized by the Indian Self-Determination Act of 1975 (88 Stat. 2203; 25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: *Provided further*, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with the accounting of such funds from which the beneficiary can determine whether there has been a loss: *Provided further*, That obligated and unobligated balances provided for trust funds management within "Operation of Indian programs", Bureau of Indian Affairs are hereby transferred to and merged with this appropriation.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided*, That notwithstanding any other provision of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: *Provided further*, That no programs funded with appropriated funds in "Departmental Management", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund or the Consolidated Working Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oilspills; response and natural resource damage assessment activities related to actual oilspills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99-198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95-87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That for emergency rehabilitation and wildfire suppression activities, no funds shall be made available under this authority until funds appropriated to the "Emergency Department of the Interior Firefighting Fund" shall have been exhausted: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 and must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further*, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: *Provided*, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902 and D.C. Code 4-204).

SEC. 106. Appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of twelve months beginning at any time during the fiscal year.

SEC. 107. Appropriations made in this title from the Land and Water Conservation Fund for acquisition of lands and waters, or interests therein, shall be available for transfer, with the approval of the Secretary, between the following accounts: Bureau of Land Management, Land acquisition, United States Fish and Wildlife Service, Land acquisition, and National Park Service, Land acquisition and State assistance. Use of such funds are subject to the reprogramming guidelines of the House and Senate Committees on Appropriations.

SEC. 108. Prior to the transfer of Presidio properties to the Presidio Trust, when authorized, the Secretary may not obligate in any calendar month more than 1/12 of the fiscal year 1996 appropriation for operation of the Presidio: *Provided*, That this section shall expire on December 31, 1995.

SEC. 109. Section 6003 of Public Law 101-380 is hereby repealed.

SEC. 110. None of the funds appropriated or otherwise made available by this Act may be obligated or expended by the Secretary of the Interior for developing, promulgating, and thereafter implementing a rule concerning rights-of-way under section 2477 of the Revised Statutes.

SEC. 111. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore leasing and related activities placed under restriction in the President's moratorium statement of June 26, 1990, in the areas of Northern, Central, and Southern California; the North Atlantic; Washington and Oregon; and the Eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 112. No funds provided in this title may be expended by the Department of the Interior for the conduct of leasing, or the approval or permitting of any drilling or other exploration activity, on lands within the North Aleutian Basin planning area.

SEC. 113. No funds provided in this title may be expended by the Department of the Interior for the conduct of preleasing and leasing activities in the Eastern Gulf of Mexico for Outer Continental Shelf Lease Sale 151 in the Outer Continental Shelf Natural Gas and Oil Resource Management Comprehensive Program, 1992–1997.

SEC. 114. No funds provided in this title may be expended by the Department of the Interior for the conduct of preleasing and leasing activities in the Atlantic for Outer Continental Shelf Lease Sale 164 in the Outer Continental Shelf Natural Gas and Oil Resource Management Comprehensive Program, 1992–1997.

SEC. 115. (a) Of the funds appropriated by this Act or any subsequent Act providing for appropriations in fiscal years 1996 and 1997, not more than 50 percent of any self-governance funds that would otherwise be allocated to each Indian tribe in the State of Washington shall actually be paid to or on account of such Indian tribe from and after the time at which such tribe shall—

(1) take unilateral action that adversely impacts the existing rights to and/or customary uses of, nontribal member owners of fee simple land within the exterior boundary of the tribe's reservation to water, electricity, or any other similar utility or necessity for the nontribal members' residential use of such land; or

(2) restrict or threaten to restrict said owners use of or access to publicly maintained rights-of-way necessary or desirable in carrying the utilities or necessities described above.

(b) Such penalty shall not attach to the initiation of any legal actions with respect to such rights or the enforcement of any final judgments, appeals from which have been exhausted, with respect thereto.

SEC. 116. Within 30 days after the enactment of this Act, the Department of the Interior shall issue a specific schedule for the completion of the Lake Cushman Land Exchange Act (Public Law 102–436) and shall complete the exchange not later than September 30, 1996.

SEC. 117. Notwithstanding Public Law 90–544, as amended, the National Park Service is authorized to expend appropriated funds for maintenance and repair of the Company Creek Road in the Lake Chelan National Recreation Area: *Provided*, That appropriated funds shall not be expended for the purpose of improving the property of private individuals unless specifically authorized by law.

SEC. 118. Section 4(b) of Public Law 94–241 (90 Stat. 263) as added by section 10 of Public Law 99–396 is amended by deleting "until Congress otherwise provides by law." and inserting in lieu thereof: "except that, for fiscal years 1996 through 2002, payments to the Commonwealth of the Northern Mariana Islands pursuant to the multi-year funding agreements contemplated under the Covenant shall be $11,000,000 annually, subject to an equal local match and all other requirements set forth in the Agreement of the Special Representatives on Future Federal Financial Assistance of the Northern Mariana Islands, executed on December 17, 1992 between the special representative of the President of the United States and special representatives of the Governor of the Northern Mariana Islands with any additional amounts otherwise made available under this section in any fiscal year and not required to meet the schedule of payments in this subsection to be provided as set forth in subsection (c) until Congress otherwise provides by law.

"(c) The additional amounts referred to in subsection (b) shall be made available to the Secretary for obligation as follows:

"(1) for fiscal years 1996 through 2001, $4,580,000 annually for capital infrastructure projects as Impact Aid for Guam under section 104(c)(6) of Public Law 99–239;

"(2) for fiscal year 1996, $7,700,000 shall be provided for capital infrastructure projects in American Samoa; $4,420,000 for resettlement of Rongelap Atoll; and

"(3) for fiscal years 1997 and thereafter, all such amounts shall be available solely for capital infrastructure projects in Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Federated States of Micronesia and the Republic of the Marshall Islands: *Provided*, That, in fiscal year 1997, $3,000,000 of such amounts shall be made available to the College of the Northern Marianas and beginning in fiscal year 1997, and in each year thereafter, not to exceed $3,000,000 may be allocated, as provided in appropriations Acts, to the Secretary of the Interior for use by Federal agencies or the Commonwealth of the Northern Mariana Islands to address immigration, labor, and law enforcement issues in the Northern Mariana Islands. The specific projects to be funded in American Samoa shall be set forth in a five-year plan for infrastructure assistance developed by the Secretary of the Interior in consultation with the American Samoa Government and updated annually and submitted to the Congress concurrent with the budget justifications for the Department of the Interior. In developing budget recommendations for capital infrastructure funding, the Secretary shall indicate the highest priority projects, consider the extent to which particular projects are part of an overall master plan, whether such project has been reviewed by the Corps of Engineers and any recommendations made as a result of such review, the extent to which a set-aside for maintenance would enhance the life of the project, the degree to which a local cost-share requirement would be consistent with local economic and fiscal capabilities, and may propose an incremental set-aside, not to exceed $2,000,000 per year, to remain available without fiscal year limitation, as an emergency fund in the event of natural or other disasters to supplement other assistance in the repair, replacement, or hardening of essential facilities: *Provided further*, That the cumulative amount set aside for such emergency fund may not exceed $10,000,000 at any time.

"(d) Within the amounts allocated for infrastructure pursuant to this section, and subject to the specific allocations made in subsection (c), additional contributions may be made, as set forth in appropriations Acts, to assist in the resettlement of Rongelap Atoll: *Provided*, That the total of all contributions from any Federal source after enactment of this Act may not exceed $32,000,000 and shall be contingent upon an agreement, satisfactory to the President, that such contributions are a full and final settlement of all obligations of the United States to assist in the resettlement of Rongelop Atoll and that such funds will be expended solely on resettlement activities and will be properly audited and accounted for. In order to provide such contributions in a timely manner, each Federal agency providing assistance or services, or conducting activities, in the Republic of the Marshall Islands, is authorized to make funds available through the Secretary of the Interior, to assist in the resettlement of Rongelap. Nothing in this subsection shall be construed to limit the provision of ex gratia assistance pursuant to section 105(c)(2) of the Compact of Free Association Act of 1985 (Public Law 99–239, 99 Stat. 1770, 1792) including for individuals choosing not to resettle at Rongelap, except that no such assistance for such individuals may be provided until the Secretary notifies the Congress that the full amount of all funds necessary for resettlement at Rongelap has been provided.".

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST RESEARCH

For necessary expenses of forest research as authorized by law, $177,757,000, to remain available until September 30, 1997.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with, and providing technical and financial assistance to States, Territories, possessions, and others and for forest pest management activities, cooperative forestry and education and land conservation activities, $136,695,000, to remain available until expended, as authorized by law.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, for ecosystem planning, inventory, and monitoring, and for administrative expenses associated with the management of funds provided under the heads "Forest Research", "State and Private Forestry", "National Forest System", "Construction", "Fire Protection and Emergency Suppression", and "Land Acquisition", $1,255,005,000, to remain available for obligation until September 30, 1997, and including 65 per centum of all monies received during the prior fiscal year as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 4601–6a(i)): *Provided*, That unobligated and unexpended balances in the National Forest System account at the end of fiscal year 1995, shall be merged with and made a part of the fiscal year 1996 National Forest System appropriation, and shall remain available for obligation until September 30, 1997: *Provided further*, That up to $5,000,000 of the funds provided herein for road maintenance shall be available for the planned obliteration of roads which are no longer needed.

WILDLAND FIRE MANAGEMENT

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to National Forest System lands or other lands under fire protection agreement, and for emergency rehabilitation of burned over National Forest System lands, $385,485,000, to remain available until expended: *Provided*, That unexpended balances of amounts previously appropriated under any other headings for Forest Service fire activities may be transferred to and merged with this appropriation: *Provided further*, That such funds are available for repayment of advances from other appropriations accounts previously transferred for such purposes.

CONSTRUCTION

For necessary expenses of the Forest Service, not otherwise provided for, $163,384,000, to remain available until expended, for construction and acquisition of buildings and other facilities, and for construction and repair of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: *Provided*, That funds becoming available in fiscal year 1996 under the Act of March 4, 1913 (16 U.S.C. 501) shall be transferred to the General Fund of the Treasury of the United States: *Provided further*, That not to exceed $50,000,000, to remain available until expended, may be obligated for the construction of forest roads by timber purchasers: *Provided further*, That $2,500,000 of the funds appropriated herein shall be available for a grant to the "Non-Profit Citizens for the Columbia Gorge Discovery Center" for the construction of the Columbia Gorge Discovery Center: *Provided further*, That the Forest Service is authorized to grant the unobligated balance of funds appropriated in fiscal year 1995 for the construction of the Columbia Gorge Discovery Center and related trail construction funds to the "Non-Profit Citizens for the Columbia Gorge Discovery Center" to be used for the same purpose: *Provided further*, That the Forest Service is authorized to convey the land needed for the construction of the Columbia Gorge Discovery Center without cost to the "Non-Profit Citizens for the Columbia Gorge Discovery Center": *Provided further*, That notwithstanding any other provision of law, funds originally appropriated under this head in Public Law 101–512 for the Forest Service share of a new research facility at the University of Missouri, Columbia, shall be available for a grant to the University of Missouri, as the Federal share in the construction of the new facility: *Provided further*, That agreed upon lease of space in the new facility shall be provided to the Forest Service without charge for the life of the building.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4–11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $41,200,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,069,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 per centum of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the sixteen Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 per centum shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $92,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (a) purchase of not to exceed 183 passenger motor vehicles of which 32 will be used primarily for law enforcement purposes and of which 151 shall be for replacement; acquisition of 22 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed two for replacement only, and acquisition of 20 aircraft from excess sources; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (b) services pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $100,000 for employment under 5 U.S.C. 3109; (c) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (d) acquisition of land, waters, and interests therein, pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); (e) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, 558a note); and (f) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to change the boundaries of any region, to abolish any region, to move or close any regional office for research, State and private forestry, or National Forest System administration of the Forest Service, Department of Agriculture, or to implement any reorganization, "reinvention" or other type of organizational restructuring of the Forest Service, other than the relocation of the Regional Office for Region 5 of the Forest Service from San Francisco to excess military property at Mare Island, Vallejo, California, without the consent of the House and Senate Committees on Appropriations and the Committee on Agriculture, Nutrition, and Forestry and the Committee on Energy and Natural Resources in the United States Senate and the Committee on Agriculture and the Committee on Resources in the United States House of Representatives.

Any appropriations or funds available to the Forest Service may be advanced to the Fire and Emergency Suppression appropriation and may be used for forest firefighting and the emergency rehabilitation of burned-over lands under its jurisdiction: *Provided*, That no funds shall be made available under this authority until funds appropriated to the "Emergency Forest Service Firefighting Fund" shall have been exhausted.

Any funds available to the Forest Service may be used for retrofitting Mare Island facilities to accommodate the relocation: *Provided*, That funds for the move must come from funds otherwise available to Region 5: *Provided further*, That any funds to be provided for such purposes shall only be available upon approval of the House and Senate Committees on Appropriations.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 103–551.

No funds appropriated to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture without the approval of the Chief of the Forest Service.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service may be used to disseminate program information to private and public individuals and organizations through the use of nonmonetary items of nominal value and to provide nonmonetary awards of nominal value and to incur necessary expenses for the nonmonetary recognition of private individuals and organizations that make contributions to Forest Service programs.

Notwithstanding any other provision of law, money collected, in advance or otherwise, by the Forest Service under authority of section 101 of Public Law 93–153 (30 U.S.C. 185(1)) as reimbursement of administrative and other costs incurred in processing pipeline right-of-way or permit applications and for costs incurred in monitoring the construction, operation, maintenance, and termination of any pipeline and related facilities, may be used to reimburse the applicable appropriation to which such costs were originally charged.

Funds available to the Forest Service shall be available to conduct a program of not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended by Public Law 93–408.

None of the funds available in this Act shall be used for timber sale preparation using clearcutting in hardwood stands in excess of 25 percent of the fiscal year 1989 harvested volume in the Wayne National Forest, Ohio: *Provided*, That this limitation shall not apply to hardwood stands damaged by natural disaster: *Provided further*, That landscape architects shall be used to maintain a visually pleasing forest.

Any money collected from the States for fire suppression assistance rendered by the Forest Service on non-Federal lands not in the vicinity of National Forest System lands shall be used to reimburse the applicable appropriation and shall remain available until expended as the Secretary may direct in conducting activities authorized by 16 U.S.C. 2101 (note), 2101–2110, 1606, and 2111.

Of the funds available to the Forest Service, $1,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Notwithstanding any other provision of law, the Forest Service is authorized to employ or otherwise contract with persons at regular rates of pay, as determined by the Service, to perform work occasioned by emergencies such as fires, storms, floods, earthquakes or any other unavoidable cause without regard to Sundays, Federal holidays, and the regular workweek.

To the greatest extent possible, and in accordance with the Final Amendment to the Shawnee National Forest Plan, none of the funds available in this Act shall be used for preparation of timber sales using clearcutting or other forms of even aged management in hardwood stands in the Shawnee National Forest, Illinois.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Notwithstanding any other provision of law, eighty percent of the funds appropriated to the Forest Service in the National Forest System and Construction accounts and planned to be allocated to activities under the "Jobs in the Woods" program for projects on National Forest land in the State of Washington may be granted directly to the Washington State Department of Fish and Wildlife for accomplishment of planned projects. Twenty percent of said funds shall be retained by the Forest Service for planning and administering projects. Project selection and prioritization shall be accomplished by the Forest Service with such consultation with the State of Washington as the Forest Service deems appropriate.

For one year after enactment of this Act, the Secretary shall continue the current Tongass Land Management Plan (TLMP) and may accommodate commercial tourism (if an agreement is signed between the Forest Service and the Alaska Visitors' Association) except that during this period, the Secretary shall maintain at least the number of acres of suitable available and suitable scheduled timber lands, and Allowable Sale Quantity as identified in the Preferred Alternative (Alternative P) in the Tongass Land and Resources Management Plan and Final Environmental Impact Statement (dated October 1992) as selected in the Record of Decision Review Draft #3–2/93. Nothing in this paragraph shall be interpreted to mandate clear-cutting or require the sale of timber and nothing in this paragraph, including the ASQ identified in Alternative P, shall be construed to limit the Secretary's consideration of new information or to prejudice future revision, amendment or modification of TLMP based upon sound, verifiable scientific data.

If the Forest Service determines in a Supplemental Evaluation to an Environmental Impact Statement that no additional analysis under the National Environmental Policy Act or section 810 of the Alaska National Interest Lands Conservation Act is necessary for any timber sale or offering which has been prepared for acceptance by, or award to, a purchaser after December 31, 1988, that has been subsequently determined by the Forest Service to be available for sale or offering to one or more other purchaser, the change of purchasers for whatever reason shall not be considered a significant new circumstance, and the Forest Service may offer or award such timber sale or offering to a different purchaser or offeree, notwithstanding any other provision of law. A determination by the Forest Service pursuant to this paragraph shall not be subject to judicial review.

None of the funds appropriated under this Act for the Forest Service shall be made available for the purpose of applying paint to rocks, or rock colorization: *Provided*, That notwithstanding any other provision of law, the Forest Service shall not require of any individual or entity, as part of any permitting process under its authority, or as a requirement of compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4231 et seq.), the painting or colorization of rocks.

DEPARTMENT OF ENERGY

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for promoting health and safety in mines and the mineral industry through research (30 U.S.C. 3, 861(b), and 951(a)), for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), and for the development of methods for the disposal, control, prevention, and reclamation of waste products in the mining, minerals, metal, and mineral reclamation industries (30 U.S.C. 3 and 21a), $416,943,000, to remain available until expended: *Provided*, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas.

ALTERNATIVE FUELS PRODUCTION

(INCLUDING TRANSFER OF FUNDS)

Monies received as investment income on the principal amount in the Great Plains Project Trust at the Norwest Bank of North Dakota, in such sums as are earned as of October 1, 1995, shall be deposited in this account and immediately transferred to the General Fund of the Treasury. Monies received as revenue sharing from the operation of the Great Plains Gasification Plant shall be immediately transferred to the General Fund of the Treasury.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For necessary expenses in carrying out naval petroleum and oil shale reserve activities, $148,786,000, to remain available until expended: *Provided*, That the requirements of 10 U.S.C. 7430(b)(2)(B) shall not apply to fiscal year 1996: *Provided further*, That section 501 of Public Law 101–45 is hereby repealed.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, $553,137,000, to remain available until expended, including, notwithstanding any other provision of law, the excess amount for fiscal year 1996 determined under the provisions of section 3003(d) of Public Law 99–509 (15 U.S.C. 4502), and of which $16,000,000 shall be derived from available unobligated balances in the Biomass Energy Development account: *Provided*, That $140,696,000 shall be for use in energy conservation programs as defined in section 3008(3) of Public Law 99–509 (15 U.S.C. 4507) and shall not be available until excess amounts are determined under the provisions of section 3003(d) of Public Law 99–509 (15 U.S.C. 4502): *Provided further*, That notwithstanding section 3003(d)(2) of Public Law 99–509 such sums shall be allocated to the eligible programs as follows: $114,196,000 for the weatherization assistance program and $26,500,000 for the State energy conservation program.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Economic Regulatory Administration and the Office of Hearings and Appeals, $6,297,000, to remain available until expended.

STRATEGIC PETROLEUM RESERVE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $287,000,000, to remain available until expended, of which $187,000,000 shall be derived by transfer of unobligated balances from the "SPR petroleum account" and $100,000,000 shall be derived by transfer from the "SPR Decommissioning Fund": *Provided*, That notwithstanding section 161 of the Energy Policy and Conservation Act, the Secretary shall draw down and sell up to seven million barrels of oil from the Strategic Petroleum Reserve: *Provided further*, That the proceeds from the sale shall be deposited into a special account in the Treasury, to be established and known as the "SPR Decommissioning Fund", and shall be available for the purpose of removal of oil from and decommissioning of the Weeks Island site and for other purposes related to the operations of the Strategic Petroleum Reserve.

SPR PETROLEUM ACCOUNT

Notwithstanding 42 U.S.C. 6240(d) the United States share of crude oil in Naval Petroleum Reserve Numbered 1 (Elk Hills) may be sold or otherwise disposed of to other than the Strategic Petroleum Reserve: *Provided*, That outlays in fiscal year 1996 resulting from the use of funds in this account shall not exceed $5,000,000.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $72,266,000, to remain available until expended: *Provided*, That notwithstanding section 4(d) of the Service Contract Act of 1965 (41 U.S.C. 353(d)) or any other provision of law, funds appropriated under this heading hereafter may be used to enter into a contract for end use consumption surveys for a term not to exceed eight years: *Provided further*, That notwithstanding any other provision of law, hereafter the Manufacturing Energy Consumption Survey shall be conducted on a triennial basis.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private, or foreign: *Provided*, That revenues and other moneys received by or for the account of the

Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: *Provided further*, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: *Provided further*, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $1,747,842,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 300aaa–2 for services furnished by the Indian Health Service: *Provided*, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That $12,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: *Provided further*, That $350,564,000 for contract medical care shall remain available for obligation until September 30, 1997: *Provided further*, That of the funds provided, not less than $11,306,000 shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act, as amended: *Provided further*, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall be available for two fiscal years after the fiscal year in which they were collected, for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): *Provided further*, That of the funds provided, $7,500,000 shall remain available until expended, for the Indian Self-Determination Fund, which shall be available for the transitional costs of initial or expanded tribal contracts, grants or cooperative agreements with the Indian Health Service under the provisions of the Indian Self-Determination Act: *Provided further*, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available for obligation until September 30, 1997: *Provided further*, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act, as amended, shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act and the Indian Health Care Improvement Act, and for expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $238,958,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902); and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities: *Provided*, That in accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–53) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation: *Provided further*, That notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121 (the Indian Sanitation Facilities Act) and Public Law 93–638, as amended: *Provided further*, That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: *Provided further*, That the Indian Health Service shall neither bill nor charge those Indians who may have the economic means to pay unless and until such time as Congress has agreed upon a specific policy to do so and has directed the Indian Health Service to implement such a policy: *Provided further*, That, notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant or agreement authorized by title I of the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450), may be deobligated and reobligated to a self-governance funding agreement under title III of the Indian Self-Determination and Education Assistance Act of 1975 and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That none of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law: *Provided further*, That funds made available in this Act are to be apportioned to the Indian Health Service as appropriated in this Act, and accounted for in the appropriation structure set forth in this Act: *Provided further*, That the appropriation structure for the Indian Health Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

For necessary expenses to carry out, to the extent not otherwise provided, title IX, part A, subpart 1 of the Elementary and Secondary Education Act of 1965, as amended, and section 215 of the Department of Education Organization Act, $52,500,000.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $20,345,000, to remain available until expended: *Provided*, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further*, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further*, That no relocatee will be provided with more than one new or replacement home: *Provided further*, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498 (20 U.S.C. 4401 et seq.), $5,500,000.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed thirty years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to 5 replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees; $308,188,000, of which not to exceed $30,472,000 for the instrumentation program, collections acquisition, Museum Support Center equipment and move, exhibition reinstallation, the National Museum of the American Indian, the repatriation of skeletal remains program, research equipment, information management, and Latino programming shall remain available until expended and, including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: *Provided*, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

For necessary expenses of planning, construction, remodeling, and equipping of buildings and facilities at the National Zoological Park, by contract or otherwise, $3,250,000, to remain available until expended.

REPAIR AND RESTORATION OF BUILDINGS

For necessary expenses of repair and restoration of buildings owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed $10,000 for services as authorized by 5 U.S.C. 3109, $33,954,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or restoration of buildings of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

CONSTRUCTION

For necessary expenses for construction, $27,700,000, to remain available until expended.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $51,844,000, of which not to exceed $3,026,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $6,442,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $10,323,000: *Provided*, That 40 U.S.C. 193n is hereby amended by striking the word "and" after the word "Institution" and inserting in lieu thereof a comma, and by inserting "and the Trustees of the John F. Kennedy Center for the Performing Arts," after the word "Art,".

CONSTRUCTION

For necessary expenses of capital repair and rehabilitation of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $8,983,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $5,840,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $82,259,000, shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to groups and individuals pursuant to section 5(c) of the Act, and for administering the functions of the Act, to remain available until September 30, 1997.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $17,235,000, to remain available until September 30, 1997, to the National Endowment for the Arts, of which $7,500,000 shall be available for purposes of section 5(p)(1): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of section 10(a)(2), subsections 11(a)(2)(A) and 11(a)(3)(A) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $94,000,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until September 30, 1997.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $16,000,000, to remain available until September 30, 1997, of which $10,000,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

INSTITUTE OF MUSEUM SERVICES

GRANTS AND ADMINISTRATION

For carrying out title II of the Arts, Humanities, and Cultural Affairs Act of 1976, as amended, $21,000,000, to remain available until September 30, 1997.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $834,000.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (99 Stat. 1261; 20 U.S.C. 956(a)), as amended, $6,000,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For expenses necessary for the Advisory Council on Historic Preservation, $2,500,000.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $5,090,000: *Provided*, That all appointed members will be compensated at a rate not to exceed the rate for Executive Schedule Level IV.

FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Franklin Delano Roosevelt Memorial Commission, established by the Act of August 11, 1955 (69 Stat. 694), as amended by Public Law 92–332 (86 Stat. 401), $147,000, to remain available until September 30, 1997.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

PUBLIC DEVELOPMENT

Funds made available under this heading in prior years shall be available for operating and administrative expenses and for the orderly closure of the Corporation, as well as operating and administrative expenses for the functions transferred to the General Services Administration.

(RESCISSION)

Of the available balances under this heading, $2,172,000 are rescinded.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

For expenses of the Holocaust Memorial Council, as authorized by Public Law 96–388, as amended, $28,707,000; of which $1,575,000 for the Museum's repair and rehabilitation program and $1,264,000 for the Museum's exhibition program shall remain available until expended.

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 302. No part of any appropriation under this Act shall be available to the Secretary of the Interior or the Secretary of Agriculture for the leasing of oil and natural gas by noncompetitive bidding on publicly owned lands within the boundaries of the Shawnee National Forest, Illinois: *Provided*, That nothing herein is intended to inhibit or otherwise affect the sale, lease, or right to access to minerals owned by private individuals.

SEC. 303. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 304. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 305. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 306. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such Committees.

SEC. 307. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c; popularly known as the "Buy American Act").

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 308. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 1995.

SEC. 309. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 310. Where the actual costs of construction projects under self-determination contracts, compacts, or grants, pursuant to Public Laws 93–638, 103–413, or 100–297, are less than the estimated costs thereof, use of the resulting excess funds shall be determined by the appropriate Secretary after consultation with the tribes.

SEC. 311. Notwithstanding Public Law 103–413, quarterly payments of funds to tribes and tribal organizations under annual funding agreements pursuant to section 108 of Public Law 93–638, as amended, may be made on the first business day following the first day of a fiscal quarter.

SEC. 312. None of funds appropriated or otherwise made available by this Act may be used for the AmeriCorps program, unless the relevant agencies of the Department of the Interior and/or Agriculture follow appropriate reprogramming guidelines: *Provided*, That if no funds are provided for the AmeriCorps program by the VA–HUD and Independent Agencies fiscal year 1996 appropriations bill, then none of the funds appropriated or otherwise made available by this Act may be used for the AmeriCorps programs.

SEC. 313. (a) On or before April 1, 1996, the Pennsylvania Avenue Development Corporation shall—

(1) transfer and assign in accordance with this section all of its rights, title, and interest in and to all of the leases, covenants, agreements, and easements it has executed or will execute by March 31, 1996, in carrying out its powers and duties under the Pennsylvania Avenue Development Corporation Act (40 U.S.C. 871–885) and the Federal Triangle Development Act (40 U.S.C. 1101–1109) to the General Services Administration, National Capital Planning Commission, or the National Park Service; and

(2) except as provided by subsection (d), transfer all rights, title, and interest in and to all property, both real and personal, held in the name of the Pennsylvania Avenue Development Corporation to the General Services Administration.

(b) The responsibilities of the Pennsylvania Avenue Development Corporation transferred to the General Services Administration under subsection (a) include, but are not limited to, the following:

(1) Collection of revenue owed the Federal Government as a result of real estate sales or lease agreements entered into by the Pennsylvania Avenue Development Corporation and private parties, including, at a minimum, with respect to the following projects:

(A) The Willard Hotel property on Square 225.

(B) The Gallery Row project on Square 457.

(C) The Lansburgh's project on Square 431.

(D) The Market Square North project on Square 407.

(2) Collection of sale or lease revenue owed the Federal Government (if any) in the event two undeveloped sites owned by the Pennsylvania Avenue Development Corporation on Squares 457 and 406 are sold or leased prior to April 1, 1996.

(3) Application of collected revenue to repay United States Treasury debt incurred by the Pennsylvania Avenue Development Corporation in the course of acquiring real estate.

(4) Performing financial audits for projects in which the Pennsylvania Avenue Development Corporation has actual or potential revenue expectation, as identified in paragraphs (1) and (2), in accordance with procedures described in applicable sale or lease agreements.

(5) Disposition of real estate properties which are or become available for sale and lease or other uses.

(6) Payment of benefits in accordance with the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970 to which persons in the project area squares are entitled as a result of the Pennsylvania Avenue Development Corporation's acquisition of real estate.

(7) Carrying out the responsibilities of the Pennsylvania Avenue Development Corporation under the Federal Triangle Development Act (40 U.S.C. 1101–1109), including responsibilities for managing assets and liabilities of the Corporation under such Act.

(c) In carrying out the responsibilities of the Pennsylvania Avenue Development Corporation transferred under this section, the Administrator of the General Services Administration shall have the following powers:

(1) To acquire lands, improvements, and properties by purchase, lease or exchange, and to sell, lease, or otherwise dispose of real or personal property as necessary to complete the development plan developed under section 5 of the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 874) if a notice of intention to carry out such acquisition or disposal is first transmitted to the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives and the Committee on Environment and Public Works and the Committee on Appropriations of the Senate and at least 60 days elapse after the date of such transmission.

(2) To modify from time to time the plan referred to in paragraph (1) if such modification is first transmitted to the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives and the Committee on Environment and Public Works and the Committee on Appropriations of the Senate and at least 60 days elapse after the date of such transmission.

(3) To maintain any existing Pennsylvania Avenue Development Corporation insurance programs.

(4) To enter into and perform such leases, contracts, or other transactions with any agency or instrumentality of the United States, the several States, or the District of Columbia or with any person, firm, association, or corporation as may be necessary to carry out the responsibilities of the Pennsylvania Avenue Development Corporation under the Federal Triangle Development Act (40 U.S.C. 1101–1109).

(5) To request the Council of the District of Columbia to close any alleys necessary for the completion of development in Square 457.

(6) To use all of the funds transferred from the Pennsylvania Avenue Development Corporation or income earned on Pennsylvania Avenue Development Corporation property to complete any pending development projects.

(d)(1)(A) On or before April 1, 1996, the Pennsylvania Avenue Development Corporation shall transfer all its right, title, and interest in and to the property described in subparagraph (B) to the National Park Service, Department of the Interior.

(B) The property referred to in subparagraph (A) is the property located within the Pennsylvania Avenue National Historic Site depicted on a map entitled "Pennsylvania Avenue National Historic Park", dated June 1, 1995, and numbered 840–82441, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Pennsylvania Avenue National Historic Site includes the parks, plazas, sidewalks, special lighting, trees, sculpture, and memorials.

(2) Jurisdiction of Pennsylvania Avenue and all other roadways from curb to curb shall remain with the District of Columbia but vendors shall not be permitted to occupy street space except during temporary special events.

(3) The National Park Service shall be responsible for management, administration, maintenance, law enforcement, visitor services, resource protection, interpretation, and historic preservation at the Pennsylvania Avenue National Historic Site.

(4) The National Park Service may enter into contracts, cooperative agreements, or other transactions with any agency or instrumentality of the United States, the several States, or the District of Columbia or with any person, firm, association, or corporation as may be deemed necessary or appropriate for the conduct of special events, festivals, concerts, or other art and cultural programs at the Pennsylvania Avenue National Historic Site or may establish a nonprofit foundation to solicit funds for such activities.

(e) Notwithstanding any other provision of law, the responsibility for ensuring that development or redevelopment in the Pennsylvania Avenue area is carried out in accordance with the Pennsylvania Avenue Development Corporation Plan—1974, as amended, is transferred to the National Capital Planning Commission or its successor commencing April 1, 1996.

(f) SAVINGS PROVISIONS.—

(1) REGULATIONS.—Any regulations prescribed by the Corporation in connection with the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 871–885) and the Federal Triangle Development Act (40 U.S.C. 1101–1109) shall continue in effect until suspended by regulations prescribed by the Administrator of the General Services Administration.

(2) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Subsection (a) shall not be construed as affecting the validity of any right, duty, or obligation of the United States or any other person arising under or pursuant to any contract, loan, or other instrument or agreement which was in effect on the day before the date of the transfers under subsection (a).

(3) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against the Corporation in connection with administration of the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 871–885) and the Federal Triangle Development Act (40 U.S.C. 1101–1109) shall abate by reason of enactment and implementation of this Act, except that the General Services Administration shall be substituted for the Corporation as a party to any such action or proceeding.

(g) Section 3(b) of the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 872(b)) is amended as follows:

"(b) The Corporation shall be dissolved on or before April 1, 1996. Upon dissolution, assets, obligations, indebtedness, and all unobligated and unexpended balances of the Corporation shall be transferred in accordance with the Department of the Interior and Related Agencies Appropriations Act, 1996.".

SEC. 314. (a) Except as provided in subsection (b), no part of any appropriation contained in this Act or any other Act shall be obligated or expended for the operation or implementation of the Interior Columbia Basin Ecosystem Management Project (hereinafter "Project").

(b) From the funds appropriated to the Forest Service and Bureau of Land Management: a sum of $4,000,000 is made available for the Executive Steering Committee of the Project to publish, and submit to the Congress, by May 31, 1996, an assessment of the National Forest System lands and lands administered by the Bureau of Land Management within the area encompassed by the Project. The assessment shall be accompanied by two draft Environmental Impact Statements that: are not decisional and not subject to judicial review; contain a range of alternatives, without the identification of a preferred alternative or management recommendation; and provide a methodology for conducting any cumulative effects analysis required by section 102(2) of the National Environmental Policy Act (42 U.S.C. 433(2)) in the preparation of amendments to resource management plans pursuant to subsection (c). The assessment shall incorporate all existing relevant scientific information including, but not limited to, information on landscape dynamics, forest and rangeland health conditions, fisheries, and watersheds and the implications of each as they relate to federal forest and rangeland health. The assessment and draft Environmental Impact Statements shall not be: the subject of consultation or conferencing pursuant to section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536); accompanied by any record of decision or other National Environmental Policy Act documentation; or applied or used to regulate non-federal lands. The Executive Steering Committee shall release the draft Environmental Impact Statements for a ninety day public comment period and include a summary of the public comments received in the submission to Congress.

(c)(1) From the funds appropriated to the Forest Service and the Bureau of Land Management, based on the documents prepared pursuant to subsection (b) and any other guidance or policy issued prior to the date of enactment of this section, and in consultation with the affected Governor, and county commissioners, each Forest Supervisor and District Manager with responsibility for a national forest or a unit of land administered by the Bureau of Land Management (hereinafter "forest") within the area encompassed by the Project shall review the resource management plan (hereinafter "plan") for such forest and develop, by an amendment to such plan, a modification of or alternative to any policy which is applicable to such plan upon the date of enactment of this section (whether or not such policy has been added to such plan by amendment), including any policy which is, or is intended to be, of limited duration, and which the Project addresses, to meet the specific conditions of such forest. Each amendment shall: contain the modified or alternative policy developed pursuant to this paragraph, be directed solely to and affect only such plan; address the specific conditions of the forest to which the plan applies and the relationship of the modified or alternative policy to such conditions; and, to the maximum extent practicable, establish site-specific standards in lieu of imposing general standards applicable to multiple sites.

(2)(A) Each amendment prepared pursuant to paragraph (1) shall comply with any applicable requirements of section 102(2) of the National Environmental Policy Act, except that any cumulative effects analysis conducted in accordance with the methodology provided pursuant to subsection (b) shall be deemed to meet any requirement of such Act for such analysis.

(B) Any policy adopted in an amendment prepared pursuant to paragraph (1) which is a modification of or alternative to a policy referred to in paragraph (1) upon which consultation or conferencing has occurred pursuant to section 7 of the Endangered Species Act of 1973 shall not again be subject to the consultation or conferencing provisions of such section 7. Any other consultation or conferencing required by such section 7 shall be conducted separately on each amendment prepared pursuant to paragraph (1): *Provided*, That, except as provided in this subparagraph, no other consultation shall be undertaken on such amendments, on any project or activity which is consistent with an applicable amendment, on any policy referred to in paragraph (1), or on any portion of any plan related to such policy or the species to which such policy applies.

(3) Each amendment prepared pursuant to paragraph (1) shall be adopted on or before March 31, 1997, and no policy referred to in paragraph (1), or any provision of a plan or other planning document incorporating such policy, shall be effective in any forest subject to the Project on or after such date, or after an amendment to the plan which applies to such forest is adopted pursuant to this subsection, whichever occurs first.

(4) On the signing of a record of decision or equivalent document making an amendment for the Clearwater National Forest pursuant to paragraph (1), the requirement for revision referred to in this Stipulation of Dismissal dated September 13, 1993, applicable to such Forest is deemed to be satisfied, and the interim management direction provisions contained in the Stipulation of Dismissal shall be of no further effect with respect to such Forest.

SEC. 315. RECREATIONAL FEE DEMONSTRATION PROGRAM.—(a) The Secretary of the Interior (acting through the Bureau of Land Management, the National Park Service and the United States Fish and Wildlife Service) and the Secretary of Agriculture (acting through the Forest Service) shall each implement a fee program to demonstrate the feasibility of user-generated cost recovery for the operation and maintenance of recreation areas or sites and habitat enhancement projects on Federal lands.

(b) In carrying out the pilot program established pursuant to this section, the appropriate Secretary shall select from areas under the jurisdiction of each of the four agencies referred to in subsection (a) no fewer than 10, but as many as 50, areas, sites or projects for fee demonstration. For each such demonstration, the Secretary, notwithstanding any other provision of law—

(1) shall charge and collect fees for admission to the area or for the use of outdoor recreation sites, facilities, visitor centers, equipment, and services by individuals and groups, or any combination thereof;

(2) shall establish fees under this section based upon a variety of cost recovery and fair market valuation methods to provide a broad basis for feasibility testing;

(3) may contract, including provisions for reasonable commissions, with any public or private entity to provide visitor services, including reservations and information, and may accept services of volunteers to collect fees charged pursuant to paragraph (1);

(4) may encourage private investment and partnerships to enhance the delivery of quality customer services and resource enhancement, and provide appropriate recognition to such partners or investors; and

(5) may assess a fine of not more than $100 for any violation of the authority to collect fees for admission to the area or for the use of outdoor recreation sites, facilities, visitor centers, equipment, and services.

(c)(1) Amounts collected at each fee demonstration area, site or project shall be distributed as follows:

(A) Of the amount in excess of 104% of the amount collected in fiscal year 1995, and thereafter annually adjusted upward by 4%, eighty percent to a special account in the Treasury for use without further appropriation, by the agency which administers the site, to remain available for expenditures in accordance with paragraph (2)(A).

(B) Of the amount in excess of 104% of the amount collected in fiscal year 1995, and thereafter annually adjusted upward by 4%, twenty percent to a special account in the Treasury for use without further appropriation, by the agency which administers the site, to remain available for expenditure in accordance with paragraph (2)(B).

(C) For agencies other than the Fish and Wildlife Service, up to 15% of current year collections of each agency, but not greater than fee collection costs for that fiscal year, to remain available for expenditure without further appropriation in accordance with paragraph (2)(C).

(D) For agencies other than the Fish and Wildlife Service, the balance to the special account established pursuant to subparagraph (A) of section 4(i)(1) of the Land and Water Conservation Fund Act, as amended.

(E) For the Fish and Wildlife Service, the balance shall be distributed in accordance with section 201(c) of the Emergency Wetlands Resources Act.

(2)(A) Expenditures from site specific special funds shall be for further activities of the area, site or project from which funds are collected, and shall be accounted for separately.

(B) Expenditures from agency specific special funds shall be for use on an agency-wide basis and shall be accounted for separately.

(C) Expenditures from the fee collection support fund shall be used to cover fee collection costs in accordance with section 4(i)(1)(B) of the Land and Water Conservation Fund Act, as amended: *Provided*, That funds unexpended and unobligated at the end of the fiscal year shall not be deposited into the special account established pursuant to section 4(i)(1)(A) of said Act and shall remain available for expenditure without further appropriation.

(3) In order to increase the quality of the visitor experience at public recreational areas and enhance the protection of resources, amounts available for expenditure under this section may only be used for the area, site or project concerned, for backlogged repair and maintenance projects (including projects relating to health and safety) and for interpretation, signage, habitat or facility enhancement, resource preservation, annual operation (including fee collection), maintenance, and law enforcement relating to public use. The agencywide accounts may be used for the same purposes set forth in the preceding sentence, but for areas, sites or projects selected at the discretion of the respective agency head.

(d)(1) Amounts collected under this section shall not be taken into account for the purposes of the Act of May 23, 1908 and the Act of March 1, 1911 (16 U.S.C. 500), the Act of March 4, 1913 (16 U.S.C. 501), the Act of July 22, 1937 (7 U.S.C. 1012), the Act of August 8, 1937 and the Act of May 24, 1939 (43 U.S.C. 1181f et seq.), the Act of June 14, 1926 (43 U.S.C. 869-4), chapter 69 of title 31, United States Code, section 401 of the Act of June 15, 1935 (16 U.S.C. 715s), the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601), and any other provision of law relating to revenue allocation.

(2) Fees charged pursuant to this section shall be in lieu of fees charged under any other provision of law.

(e) The Secretary of the Interior and the Secretary of Agriculture shall carry out this section without promulgating regulations.

(f) The authority to collect fees under this section shall commence on October 1, 1995, and end on September 30, 1998. Funds in accounts established shall remain available through September 30, 2001.

SEC. 316. Section 2001(a)(2) of Public Law 104-19 is amended as follows: Strike "September 30, 1997" and insert in lieu thereof "December 31, 1996".

SEC. 317. None of the funds made available in this Act may be used for any program, project, or activity when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any applicable Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 318. None of the funds provided in this Act may be made available for the Mississippi River Corridor Heritage Commission.

SEC. 319. GREAT BASIN NATIONAL PARK.—Section 3 of the Great Basin National Park Act of 1986 (16 U.S.C. 410mm-1) is amended—

(1) in the first sentence of subsection (e) by striking "shall" and inserting "may"; and

(2) in subsection (f)—

(A) by striking "At the request" and inserting the following:

"(1) EXCHANGES.—At the request";

(B) by striking "grazing permits" and inserting "grazing permits and grazing leases"; and

(C) by adding after "Federal lands." the following:

"(2) ACQUISITION BY DONATION.—

(A) IN GENERAL.—The Secretary may acquire by donation valid existing permits and grazing leases authorizing grazing on land in the park.

(B) TERMINATION.—The Secretary shall terminate a grazing permit or grazing lease acquired under subparagraph (A) so as to end grazing previously authorized by the permit or lease.".

SEC. 320. None of the funds made available in this Act shall be used by the Department of Energy in implementing the Codes and Standards Program to propose, issue, or prescribe any new or amended standard: *Provided*, That this section shall expire on September 30, 1996: *Provided further*, That nothing in this section shall preclude the Federal Government from promulgating rules concerning energy efficiency standards for the construction of new federally-owned commercial and residential buildings.

SEC. 321. None of the funds made available in this Act may be used (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when it is made known to the Federal official having authority to obligate or expend such funds that such pedestrian use is consistent with generally accepted safety standards.

SEC. 322. (a) None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994, and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) PROCESSING SCHEDULE.—For those applications for patents pursuant to subsection (b) which were filed with the Secretary of the Interior, prior to September 30, 1994, the Secretary of the Interior shall—

(1) Within three months of the enactment of this Act, file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a plan which details how the Department of the Interior will make a final determination as to whether or not an applicant is entitled to a patent under the general mining laws on at least 90 percent of such applications within five years of the enactment of this Act and file reports annually thereafter with the same committees detailing actions taken by the Department of the Interior to carry out such plan; and

(2) Take such actions as may be necessary to carry out such plan.

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Managment to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 323. None of the funds appropriated or otherwise made available by this Act may be used for the purposes of acquiring lands in the counties of Lawrence, Monroe, or Washington, Ohio, for the Wayne National Forest.

SEC. 324. No part of any appropriation contained in this Act or any other Act shall be expended or obligated to fund the activities of the Office of Forestry and Economic Development after December 31, 1995.

SEC. 325. Amend section 2001(k) of Public Law 104–19 by striking "in fiscal years 1995 and 1996" in paragraph (1) and adding paragraph (4) to read:

"(4) TIMING AND CONDITIONS OF ALTERNATIVE VOLUME.—For any sale subject to paragraph (2) of this subsection, the Secretary concerned shall, and for any other sale subject to this subsection, the Secretary concerned may, within 45 days of the date of enactment of this paragraph, reach agreement with the purchaser to identify and provide, by a date agreed to by the purchaser, a volume, value and kind of timber satisfactory to the purchaser to substitute for all or a portion of the timber subject to the sale, which shall be subject to the original terms of the contract except as otherwise agreed, and shall be subject to paragraph (1). After the agreed date for providing alternative timber the purchaser may operate the original sale under the terms of paragraph (1) until the Secretary concerned designates and the purchaser accepts alternative timber under this paragraph. Any sale subject to this subsection shall be awarded, released, and completed pursuant to paragraph (1) for a period equal to the length of the original contract, and shall not count against current allowable sale quantities or timber sales to be offered under subsections (b) and (d)."

"(5) BUY-OUT AUTHORIZATION.—The Secretary concerned is authorized to permit a requesting purchaser of any sale subject to this subsection to return to the Government all or a specific volume of timber under the sale contract, and shall pay to such purchaser upon tender of such volume a buy-out payment for such volume from any funds available to the Secretary concerned except from accounts governing or related to forest land management, fire fighting, timber sale preparation, harvest administration, road construction and maintenance, timber sale program support; any accounts associated with preparing or administering the sale of timber from any public lands under the jurisdiction of the Secretary concerned, range or minerals management; or any permanent appropriation or trust funds. Such volume and such payment shall be mutually agreed to by the Secretary and the purchaser. The authority provided by this paragraph to reach such agreement shall expire 45 days after the enactment of this paragraph."

SEC. 326. (a) LAND EXCHANGE.—The Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to convey to the Boise Cascade Corporation (hereinafter referred to as the "Corporation"), a corporation formed under the statutes of the State of Delaware, with its principal place of business at Boise, Idaho, title to approximately seven acres of land, more or less, located in sections 14 and 23, township 36 north, range 37 east, Willamette Meridian, Stevens County, Washington, further identified in the records of the Bureau of Reclamation, Department of the Interior, as Tract No. GC–19860, and to accept from the Corporation in exchange therefor, title to approximately one hundred and thirty-six acres of land located in section 19, township 37 north, range 38 east and section 33, township 38 north, range 37 east, Willamette Meridian, Stevens County, Washington, and further identified in the records of the Bureau of Reclamation, Department of the Interior, as Tract No. GC–19858 and Tract No. GC–19859, respectively.

(b) APPRAISAL.—The properties so exchanged either shall be approximately equal in fair market value or if they are not approximately equal, shall be equalized by the payment of cash to the Corporation or to the Secretary as required or in the event the value of the Corporation's lands is greater, the acreage may be reduced so that the fair market value is approximately equal: *Provided*, That the Secretary shall order appraisals made of the fair market value of each tract of land included in the exchange without consideration for improvements thereon: *Provided further*, That any cash payment received by the Secretary shall be covered in the Reclamation Fund and credited to the Columbia Basin project.

(c) ADMINISTRATIVE COSTS.—Costs of conducting the necessary land surveys, preparing the legal descriptions of the lands to be conveyed, performing the appraisals, and administrative costs incurred in completing the exchange shall be borne by the Corporation.

(d) LIABILITY FOR HAZARDOUS SUBSTANCES.—(1) The Secretary shall not acquire any lands under this Act if the Secretary determines that such lands, or any portion thereof, have become contaminated with hazardous substances (as defined in the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601)).

(2) Notwithstanding any other provision of law, the United States shall have no responsibility or liability with respect to any hazardous wastes or other substances placed on any of the lands covered by this Act after their transfer to the ownership of any party, but nothing in this Act shall be construed as either diminishing or increasing any responsibility or liability of the United States based on the condition of such lands on the date of their transfer to the ownership of another party. The Corporation shall indemnify the United States for liabilities arising under the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601), and the Resource Conservation Recovery Act (42 U.S.C. 6901 et seq.).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

SEC. 327. TIMBER SALES PIPELINE RESTORATION FUNDS.—(a) The Secretary of Agriculture and the Secretary of the Interior shall each establish a Timber Sales Pipeline Restoration Fund (hereinafter "Agriculture Fund" and "Interior Fund" or "Funds"). Any revenues received from sales released under section 2001(k) of the fiscal year 1995 Supplemental Appropriations for Disaster Assistance and Rescissions Act, minus the funds necessary to make payments to States or local governments under other law concerning the distribution of revenues derived from the affected lands, which are in excess of $37,500,000 (hereinafter "excess revenues") shall be deposited into the Funds. The distribution of excess revenues between the Agriculture Fund and Interior Fund shall be calculated by multiplying the total of excess revenues times a fraction with a denominator of the total revenues received from all sales released under such section 2001(k) and numerators of the total revenues received from such sales on lands within the National Forest System and the total revenues received from such sales on lands administered by the Bureau of Land Management, respectively: *Provided*, That revenues or portions thereof from sales released under such section 2001(k), minus the amounts necessary for State and local government payments and other necessary deposits, may be deposited into the Funds immediately upon receipt thereof and subsequently redistributed between the Funds or paid into the United States Treasury as miscellaneous receipts as may be required when the calculation of excess revenues is made.

(b)(1) From the funds deposited into the Agriculture Fund and into the Interior Fund pursuant to subsection (a)—

(A) seventy-five percent shall be available, without fiscal year limitation or further appropriation, for preparation of timber sales, other than salvage sales as defined in section 2001(a)(3) of the fiscal year 1995 Supplemental Appropriations for Disaster Assistance and Rescissions Act, which—

(i) are situated on lands within the National Forest System and lands administered by the Bureau of Land Management, respectively; and

(ii) are in addition to timber sales for which funds are otherwise available in this Act or other appropriations Acts; and

(B) twenty-five percent shall be available, without fiscal year limitation or further appropriation, to expend on the backlog of recreation projects on lands within the National Forest System and lands administered by the Bureau of Land Management, respectively.

(2) Expenditures under this subsection for preparation of timber sales may include expenditures for Forest Service activities within the forest land management budget line item and associated timber roads, and Bureau of Land Management activities within the Oregon and California grant lands account and the forestry management area account, as determined by the Secretary concerned.

(c) Revenues received from any timber sale prepared under subsection (b) or under this subsection, minus the amounts necessary for State and local government payments and other necessary deposits, shall be deposited into the Fund from which funds were expended on such sale. Such deposited revenues shall be available for preparation of additional timber sales and completion of additional recreation projects in accordance with the requirements set forth in subsection (b).

(d) The Secretary concerned shall terminate all payments into the Agriculture Fund or the Interior Fund, and pay any unobligated funds in the affected Fund into the United States Treasury as miscellaneous receipts, whenever the Secretary concerned makes a finding, published in the Federal Register, that sales sufficient to achieve the total allowable sales quantity of the National Forest System for the Forest Service or the allowable sales level for the Oregon and California grant lands for the Bureau of Land Management, respectively, have been prepared.

(e) Any timber sales prepared and recreation projects completed under this section shall comply with all applicable environmental and natural resource laws and regulations.

(f) The Secretary concerned shall report annually to the Committees on Appropriations of the United States Senate and the House of Representatives on expenditures made from the Fund for timber sales and recreation projects, revenues received into the Fund from timber sales, and timber sale preparation and recreation project work undertaken during the previous year and projected for the next year under the Fund. Such information shall be provided for each Forest Service region and Bureau of Land Management State office.

(g) The authority of this section shall terminate upon the termination of both Funds in accordance with the provisions of subsection (d).

SEC. 328. Of the funds provided to the National Endowment for the Arts:

(a) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(b) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(c) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

SEC. 329. DELAY IN IMPLEMENTATION OF THE ADMINISTRATION'S RANGELAND REFORM PROGRAM.—None of the funds made available under this or any other Act may be used to implement or enforce the final rule published by the Secretary of the Interior on February 22, 1995 (60 Fed. Reg. 9894), making amendments to parts 4, 1780, and 4100 of title 43, Code of Federal Regulations, to take effect August 21, 1995, until November 21, 1995. None of the funds made available under this or any other Act may be used to publish proposed or enforce final regulations governing the management of livestock grazing on lands administered by the Forest Service until November 21, 1995.

SEC. 330. Section 1864 of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking "twenty" and inserting "40";

(B) in paragraph (3), by striking "ten" and inserting "20";

(C) in paragraph (4), by striking "if damage exceeding $10,000 to the property of any individual results," and inserting "if damage to the property of any individual results or if avoidance costs have been incurred exceeding $10,000, in the aggregate,"; and

(D) in paragraph (4), by striking "ten" and inserting "20";

(2) in subsection (c) by striking "ten" and inserting "20";

(3) in subsection (d), by—

(A) striking "and" at the end of paragraph (2);

(B) striking the period at the end of paragraph (3) and inserting "; and"; and

(C) adding at the end the following:

"(4) the term 'avoidance costs' means costs incurred by any individual for the purpose of—

"(A) detecting a hazardous or injurious device; or

"(B) preventing death, serious bodily injury, bodily injury, or property damage likely to result from the use of a hazardous or injurious device in violation of subsection (a)."; and

(4) by adding at the end thereof the following:

"(e) Any person injured as the result of a violation of subsection (a) may commence a civil action on his own behalf against any person who is alleged to be in violation of subsection (a). The district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, in such civil actions. The court may award, in addition to monetary damages for any injury resulting from an alleged violation of subsection (a), costs of litigation, including reasonable attorney and expert witness fees, to any prevailing or substantially prevailing party, whenever the court determines such award is appropriate.".

SEC. 331. (a) PURPOSES OF NATIONAL ENDOWMENT FOR THE ARTS.—Section 2 of the National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 951), sets out findings and purposes for which the National Endowment for the Arts was established, among which are—

(1) "The arts and humanities belong to all the people of the United States";

(2) "The arts and humanities reflect the high place accorded by the American people . . . to the fostering of mutual respect for the diverse beliefs and values of all persons and groups";

(3) "Public funding of the arts and humanities is subject to the conditions that traditionally govern the use of public money [and] such funding should contribute to public support and confidence in the use of taxpayer funds"; and

(4) "Public funds provided by the Federal Government must ultimately serve public purposes the Congress defines".

(b) ADDITIONAL CONGRESSIONAL FINDINGS.—Congress further finds and declares that the use of scarce funds, which have been taken from all taxpayers of the United States, to promote, disseminate, sponsor, or produce any material or performance that—

(1) denigrates the religious objects or religious beliefs of the adherents of a particular religion, or

(2) depicts or describes, in a patently offensive way, sexual or excretory activities or organs,

is contrary to the express purposes of the National Foundation on the Arts and the Humanities Act of 1965, as amended.

(c) PROHIBITION ON FUNDING THAT IS NOT CONSISTENT WITH THE PURPOSES OF THE ACT.—Notwithstanding any other provision of law, none of the scarce funds which have been taken from all taxpayers of the United States and made available under this Act to the National Endowment for the Arts may be used to promote, disseminate, sponsor, or produce any material or performance that—

(1) denigrates the religious objects or religious beliefs of the adherents of a particular religion, or

(2) depicts or describes, in a patently offensive way, sexual or excretory activities or organs,

and this prohibition shall be strictly applied without regard to the content or viewpoint of the material or performance.

(d) SECTION NOT TO AFFECT OTHER WORKS.—Nothing in this section shall be construed to affect in any way the freedom of any artist or performer to create any material or performance using funds which have not been made available under this Act to the National Endowment for the Arts.

SEC. 332. For purposes related to the closure of the Bureau of Mines, funds made available to the United States Geological Survey, the United States Bureau of Mines, and the Bureau of Land Management shall be available for transfer, with the approval of the Secretary of the Interior, among the following accounts: United States Geological Survey, Surveys, investigations, and research; Bureau of Mines, Mines and minerals; and Bureau of Land Management, Management of lands and resources. The Secretary of Energy shall reimburse the Secretary of the Interior, in an amount to be determined by the Director of the Office of Management and Budget, for the expenses of the transferred functions between October 1, 1995 and the effective date of the transfers of function. Such transfers shall be subject to the reprogramming guidelines of the House and Senate Committees on Appropriations.

SEC. 333. No funds appropriated under this or any other Act shall be used to review or modify sourcing areas previously approved under section 490(c)(3) of the Forest Resources Conservation and Shortage Relief Act of 1990 (Public Law 101–382) or to enforce or implement Federal regulations 36 CFR part 223 promulgated on September 8, 1995. The regulations and interim rules in effect prior to September 8, 1995 (36 CFR 223.48, 36 CFR 223.87, 36 CFR 223 Subpart D, 36 CFR 223 Subpart F, and 36 CFR 261.6) shall remain in effect. The Secretary of Agriculture or the Secretary of the Interior shall not adopt any policies concerning Public Law 101–382 or existing regulations that would restrain domestic transportation or processing of timber from private lands or impose additional accountability requirements on any timber. The Secretary of Commerce shall extend until September 30, 1996, the order issued under section 491(b)(2)(A) of Public Law 101–382 and shall issue an order under section 491(b)(2)(B) of such law that will be effective October 1, 1996.

SEC. 334. The National Park Service, in accordance with the Memorandum of Agreement between the United States National Park Service and the City of Vancouver dated November 4, 1994, shall permit general aviation on its portion of Pearson Field in Vancouver, Washington until the year 2022, during which time a plan and method for transitioning from general aviation aircraft to historic aircraft shall be completed; such transition to be accomplished by that date. This action shall not be construed to limit the authority of the Federal Aviation Administration over air traffic control or aviation activities at Pearson Field or limit operations and airspace of Portland International Airport.

SEC. 335. The United States Forest Service approval of Alternative site 2 (ALT 2), issued on December 6, 1993, is hereby authorized and approved and shall be deemed to be consistent with, and permissible under, the terms of Public Law 100–696 (the Arizona-Idaho Conservation Act of 1988).

SEC. 336. Notwithstanding any other provision of law, no funds made available to the Department of the Interior or the Department of Agriculture by this or any other act, through May 15, 1997, may be used to prepare, issue, or implement regulations, rules, or policies pursuant to Title VIII of the Alaska National Interest Lands Conservation Act to assert jurisdiction, management, or control over navigable waters transferred to the State of Alaska pursuant to the Submerged Lands Act of 1953 or the Alaska Statehood Act of 1959.

SEC. 337. Upon enactment of this Act, the following provisions of Public Law 104–92, Public Law 104–91, and Public Law 104–99 that would continue to have effect after March 15, 1996, are superseded:

Section 101 of Public Law 104–92, as amended: (1) the paragraph dealing with general welfare assistance payments and foster care payments funded under the account heading "Operations of Indian Programs"; and (2) the paragraph dealing with the visitor services in the National Park System, the National Wildlife Refuges, the National Forests, the Smithsonian Institution facilities, the National Gallery of Art, the John F. Kennedy Center for the Performing Arts, and the United States Holocaust Memorial.

Section 101(a) of Public Law 104–91: (1) the paragraph dealing with visitor services on the public lands managed by the Bureau of Land Management; and (2) the paragraph dealing with Self-Determination and Self-Governance projects and activities under the account heading "Operations of Indian Programs" and the account heading "Indian Health Service".

Section 123 of Public Law 104–99.

Section 124 of Public Law 104–99.

This Act may be cited as the "Department of the Interior and Related Agencies Appropriations Act, 1996".

(d) Such amounts as may be necessary for programs, projects or activities provided for in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1996 at a rate of operations and to the extent and in the manner provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

AN ACT

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996 and for other purposes.

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For expenses necessary to carry into effect the Job Training Partnership Act, as amended, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Job Training Partnership Act; title II of the Civil Rights Act of 1991; the Women in Apprenticeship and Nontraditional Occupations Act; National Skill Standards Act of 1994; and the School-to-Work Opportunities Act; $3,308,978,000 plus reimbursements, of which $3,091,759,000 is available for obligation for the period July 1, 1996 through June 30, 1997; of which $121,467,000 is available for the period July 1, 1996 through June 30, 1999 for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers; and of which $95,000,000 shall be available from July 1, 1996 through September 30, 1997, for carrying out activities of the School-to-Work Opportunities Act: *Provided*, That $52,502,000 shall be for carrying out section 401 of the Job Training Partnership Act, $69,285,000 shall be for carrying out section 402 of such Act, $7,300,000 shall be for carrying out section 441 of such Act, $8,000,000 shall be for all activities conducted by and through the National Occupational Information Coordinating Committee under such Act, $745,700,000 shall be for carrying out title II, part A of such Act, and $326,672,000 shall be for carrying out title II, part C of such Act: *Provided further*, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers: *Provided further*, That notwithstanding any other provision of law, the Secretary of Labor may waive any of the requirements contained in sections 4, 104, 105, 107, 108, 121, 164, 204, 253, 254, 264, 301, 311, 313, 314, and 315 of the Job Training Partnership Act in order to assist States in improving State workforce development systems, pursuant to a request submitted by a State that has prior to the date of enactment of this Act executed a Memorandum of Understanding with the United States requiring such State to meet agreed upon outcomes: *Provided further*, That funds used from this Act to carry out title III of the Job Training Partnership Act shall not be subject to the limitation contained in subsection (b) of section 315 of such Act; that the waiver allowing a reduction in the cost limitation relating to retraining services described in subsection (a)(2) of such section 315 may be granted with respect to funds from this Act if a substate grantee demonstrates to the Governor that such waiver is appropriate due to the availability of low-cost retraining services, is necessary to facilitate the provision of needs-related payments to accompany long-term training, or is necessary to facilitate the provision of appropriate basic readjustment services and that funds used from this Act to carry out the Secretary's discretionary grants under part B of such title III may be used to provide needs-related payments to participants who, in lieu of meeting the requirements relating to enrollment in training under section 314(e) of such Act, are enrolled in training by the end of the sixth week after funds have been awarded: *Provided further*, That service delivery areas may transfer funding provided herein under authority of title II–C of the Job Training Partnership Act to the program authorized by title II–B of that Act, if such transfer is approved by the Governor: *Provided further*, That service delivery areas and substate areas may transfer funding provided herein under authority of title II–A and title III of the Job Training Partnership Act between the programs authorized by those titles of the Act, if such transfer is approved by the Governor: *Provided further*, That, notwithstanding any other provision of law, any proceeds from the sale of Job Corps Center facilities shall be retained by the Secretary of Labor to carry out the Job Corps program.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out the activities for national grants or contracts with public agencies and public or private nonprofit organizations under paragraph (1)(A) of section 506(a) of title V of the Older Americans Act of 1965, as amended, or to carry out older worker activities as subsequently authorized, $273,000,000.

To carry out the activities for grants to States under paragraph (3) of section 506(a) of title V of the Older Americans Act of 1965, as amended, or to carry out older worker activities as subsequently authorized, $77,000,000.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of trade adjustment benefit payments and allowances under part I, and for training, for allowances for job search and relocation, and for related State administrative expenses under part II, subchapters B and D, chapter 2, title II of the Trade Act of 1974, as amended, $346,100,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For activities authorized by the Act of June 6, 1933, as amended (29 U.S.C. 49–491–1; 39 U.S.C. 3202(a)(1)(E)); title III of the Social Security Act, as amended (42 U.S.C. 502–504); necessary administrative expenses for carrying out 5 U.S.C. 8501–8523, and sections 225, 231–235, 243–244, and 250(d)(1), 250(d)(3), title II of the Trade Act of 1974, as amended; as authorized by section 7c of the Act of June 6, 1933, as amended, necessary administrative expenses under sections 101(a)(15)(H), 212(a)(5)(A), (m) (2) and (3), (n)(1), and 218(g) (1), (2), and (3), and 258(c) of the Immigration and Nationality Act, as amended (8 U.S.C. 1101 et seq.); necessary administrative expenses to carry out section 221(a) of the Immigration Act of 1990, $117,328,000, together with not to exceed $3,104,194,000 (including not to exceed $1,653,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980, and including not to exceed $2,000,000 which may be obligated in contracts with non-State entities for activities such as occupational and test research activities which benefit the Federal-State Employment Service System), which may be expended from the Employment Security Administration account in the Unemployment Trust Fund, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502–504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501–8523, shall be available for obligation by the States through December 31, 1996, except that funds used for automation acquisitions shall be available for obligation by States through September 30, 1998; and of which $115,452,000, together with not to exceed $738,283,000 of the amount which may be expended from said trust fund shall be available for obligation for the period July 1, 1996, through June 30, 1997, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail made available to States in lieu of allotments for such purpose, and of which $216,333,000 shall be available only to the extent necessary for additional State allocations to administer unemployment compensation laws to finance increases in the number of unemployment insurance claims filed and claims paid or changes in a State law: *Provided*, That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 1996 is projected by the Department of Labor to exceed 2.785 million, an additional $28,600,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund: *Provided further*, That funds appropriated in this Act which are used to establish a national one-stop career center network may be obligated in contracts, grants or agreements with non-State entities: *Provided further*, That funds appropriated under this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A-87.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and section 104(d) of Public Law 102-164, and section 5 of Public Law 103-6, and to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 1997, $369,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 1996, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

ADVANCES TO THE EMPLOYMENT SECURITY ADMINISTRATION ACCOUNT OF THE UNEMPLOYMENT TRUST FUND

(RESCISSION)

Amounts remaining unobligated under this heading as of September 30, 1995, are hereby rescinded.

PAYMENTS TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

(RESCISSION)

Of the amounts remaining unobligated under this heading as of September 30, 1995, $250,000,000 are hereby rescinded.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs and for carrying out section 908 of the Social Security Act, $83,054,000, together with not to exceed $40,793,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

PENSION AND WELFARE BENEFITS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for Pension and Welfare Benefits Administration, $65,198,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96-364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program through September 30, 1996, for such Corporation: *Provided*, That not to exceed $10,603,000 shall be available for administrative expenses of the Corporation: *Provided further*, That expenses of such Corporation in connection with the collection of premiums, the termination of pension plans, for the acquisition, protection or management, and investment of trust assets, and for benefits administration services shall be considered as non-administrative expenses for the purposes hereof, and excluded from the above limitation.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $254,756,000, together with $978,000 which may be expended from the Special Fund in accordance with sections 39(c) and 44(j) of the Longshore and Harbor Workers' Compensation Act: *Provided*, That the Secretary of Labor is authorized to accept, retain, and spend, until expended, in the name of the Department of Labor, all sums of money ordered to be paid to the Secretary of Labor, in accordance with the terms of the Consent Judgment in Civil Action No. 91-0027 of the United States District Court for the District of the Northern Mariana Islands (May 21, 1992): *Provided further*, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under Title I of the Migrant and Seasonal Agricultural Worker Protection Act, 29 U.S.C. 1801 et seq.

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the head "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; and sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 per centum of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, $218,000,000 together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: *Provided*, That such sums as are necessary may be used under section 8104 of title 5, United States Code, by the Secretary to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: *Provided further*, That balances of reimbursements unobligated on September 30, 1995, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further*, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary of Labor determines to be the cost of administration for employees of such fair share entities through September 30, 1996: *Provided further*, That of those funds transferred to this account from the fair share entities to pay the cost of administration, $19,383,000 shall be made available to the Secretary of Labor for expenditures relating to capital improvements in support of Federal Employees' Compensation Act administration, and the balance of such funds shall be paid into the Treasury as miscellaneous receipts: *Provided further*, That the Secretary may require that any person filing a notice of injury or a claim for benefits under Subchapter 5, U.S.C., chapter 81, or under subchapter 33, U.S.C. 901, et seq. (the Longshore and Harbor Workers' Compensation Act, as amended), provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For payments from the Black Lung Disability Trust Fund, $996,763,000, of which $949,494,000 shall be available until September 30, 1997, for payment of all benefits as authorized by section 9501(d) (1), (2), (4), and (7), of the Internal Revenue Code of 1954, as amended, and interest on advances as authorized by section 9501(c)(2) of that Act, and of which $27,350,000 shall be available for transfer to Employment Standards Administration, Salaries and Expenses, and $19,621,000 for transfer to Departmental Management, Salaries and Expenses, and $298,000 for transfer to Departmental Management, Office of Inspector General, for expenses of operation and administration of the Black Lung Benefits program as authorized by section 9501(d)(5)(A) of that Act: *Provided*, That in addition, such amounts as may be necessary may be charged to the subsequent year appropriation for the payment of compensation, interest, or other benefits for any period subsequent to August 15 of the current year: *Provided further*, That in addition such amounts shall be paid from this fund into miscellaneous receipts as the Secretary of the Treasury determines to be the administrative expenses of the Department of the Treasury for administering the fund during the current fiscal year, as authorized by section 9501(d)(5)(B) of that Act.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $288,985,000 including not to exceed $70,615,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act, which grants shall be no less than fifty percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Occupational Safety and Health Act of 1970; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: *Provided*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 with respect to any employer of ten or fewer employees who is included within a category having an occupational injury lost workday case rate, at the most precise Standard Industrial Classification Code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees.

Mine Safety and Health Administration

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $196,673,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the Department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster: *Provided*, That none of the funds appropriated under this paragraph shall be obligated or expended to carry out section 115 of the Federal Mine Safety and Health Act of 1977 or to carry out that portion of section 104(g)(1) of such Act relating to the enforcement of any training requirements, with respect to shell dredging, or with respect to any sand, gravel, surface stone, surface clay, colloidal phosphate, or surface limestone mine.

Bureau of Labor Statistics

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $292,462,000, of which $11,549,000 shall be for expenses of revising the Consumer Price Index and shall remain available until September 30, 1997, together with not to exceed $49,997,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

Departmental Management

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, and including up to $4,358,000 for the President's Committee on Employment of People With Disabilities, $140,077,000; together with not to exceed $303,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund: *Provided*, That no funds made available by this Act may be used by the Solicitor of Labor to participate in a review in any United States court of appeals of any decision made by the Benefits Review Board under Section 21 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 921) where such participation is precluded by the decision of the United States Supreme Court in *Director, Office of Workers' Compensation Programs* v. *Newport News Shipbuilding*, 115 S. Ct. 1278, (1995): *Provided further*, That no funds made available by this Act may be used by the Secretary of Labor after September 12, 1996, to review a decision under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) that has been appealed and that has been pending before the Benefits Review Board for more than 12 months: *Provided further*, That any such decision pending a review by the Benefits Review Board for more than one year shall, if not acted upon by the Board before September 12, 1996, be considered affirmed by the Benefits Review Board on that date, and shall be considered the final order of the Board for purposes of obtaining a review in the United States courts of appeals: *Provided further*, That beginning on September 13, 1996, the Benefits Review Board shall make a decision on an appeal of a decision under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) not later than 1 year after the date the appeal to the Benefits Review Board was filed; however, if the Benefits Review Board fails to make a decision within the 1-year period, the decision under review shall be considered the final order of the Board for purposes of obtaining a review in the United States courts of appeals.

WORKING CAPITAL FUND

The language under this heading in Public Law 85–67, as amended, is further amended by adding the following before the last period: ": *Provided further*, That within the Working Capital Fund, there is established an Investment in Reinvention Fund (IRF), which shall be available to invest in projects of the Department designed to produce measurable improvements in agency efficiency and significant taxpayer savings. Notwithstanding any other provision of law, the Secretary of Labor may retain up to $3,900,000 of the unobligated balances in the Department's annual Salaries and Expenses accounts as of September 30, 1995, and transfer those amounts to the IRF to provide the initial capital for the IRF, to remain available until expended, to make loans to agencies of the Department for projects designed to enhance productivity and generate cost savings. Such loans shall be repaid to the IRF no later than September 30 of the fiscal year following the fiscal year in which the project is completed. Such repayments shall be deposited in the IRF, to be available without further appropriation action."

ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT AND TRAINING

Not to exceed $170,390,000 may be derived from the Employment Security Administration account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4110A and 4321–4327, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 1996.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $44,426,000, together with not to exceed $3,615,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this title for the Job Corps shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of $125,000.

SEC. 102. None of the funds made available in this Act may be used by the Occupational Safety and Health Administration to promulgate or issue any proposed or final standard or guideline regarding ergonomic protection. Nothing in this section shall be construed to limit the Occupational Safety and Health Administration from conducting any peer reviewed risk assessment activity regarding ergonomics, including conducting peer reviews of the scientific basis for establishing any standard or guideline, direct or contracted research, or other activity necessary to fully establish the scientific basis for promulgating any standard or guideline on ergonomic protection.

(TRANSFER OF FUNDS)

SEC. 103. Not to exceed 1 percent of any appropriation made available for the current fiscal year for the Department of Labor in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfers: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least fifteen days in advance of any transfers.

This title may be cited as the "Department of Labor Appropriations Act, 1996".

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, VII, VIII, X, XVI, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V of the Social Security Act, the Health Care

Quality Improvement Act of 1986, as amended, Public Law 101–527, and the Native Hawaiian Health Care Act of 1988, as amended, $2,954,864,000, of which $411,000 shall remain available until expended for interest subsidies on loan guarantees made prior to fiscal year 1981 under part B of title VII of the Public Health Service Act: *Provided*, That the Division of Federal Occupational Health may utilize personal services contracting to employ professional management/administrative, and occupational health professionals: *Provided further*, That of the funds made available under this heading, $858,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: *Provided further*, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: *Provided further*, That no more than $5,000,000 is available for carrying out the provisions of Public Law 102–501 as amended: *Provided further*, That of the funds made available under this heading, $193,349,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: *Provided further*, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: *Provided further*, That notwithstanding any other provision of law, funds made available under this heading may be used to continue operating the Council on Graduate Medical Education established by section 301 of Public Law 102–408: *Provided further*, That the Secretary shall use amounts available for section 2603(b) of the Public Health Service Act as necessary to ensure that fiscal year 1996 grant awards made under section 2603(a) of such Act to eligible areas that received such grants in fiscal year 1995 are not less than the fiscal year 1995 level: *Provided further*, That of the amounts available for Area Health Education Centers, $24,125,000 shall be for section 746(i)(1)(A) of the Health Professions Education Extension Amendments of 1992, notwithstanding section 746(i)(1)(C).

MEDICAL FACILITIES GUARANTEE AND LOAN FUND

FEDERAL INTEREST SUBSIDIES FOR MEDICAL FACILITIES

For carrying out subsections (d) and (e) of section 1602 of the Public Health Service Act, $8,000,000, together with any amounts received by the Secretary in connection with loans and loan guarantees under title VI of the Public Health Service Act, to be available without fiscal year limitation for the payment of interest subsidies. During the fiscal year, no commitments for direct loans or loan guarantees shall be made.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

For the cost of guaranteed loans, such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the total loan principal any part of which is to be guaranteed at not to exceed $210,000,000. In addition, for administrative expenses to carry out the guaranteed loan program, $2,688,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: *Provided*, That for necessary administrative expenses, not to exceed $3,000,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

VACCINE INJURY COMPENSATION

For payment of claims resolved by the United States Court of Federal Claims related to the administration of vaccines before October 1, 1988, $110,000,000, to remain available until expended.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles V and XIX of the Public Health Service Act with respect to substance abuse and mental health services, the Protection and Advocacy for Mentally Ill Individuals Act of 1986, and section 301 of the Public Health Service Act with respect to program management, $1,800,469,000.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, and for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan and for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55), and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), such amounts as may be required during the current fiscal year.

AGENCY FOR HEALTH CARE POLICY AND RESEARCH

HEALTH CARE POLICY AND RESEARCH

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, $65,390,000; in addition, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data tapes shall be credited to this appropriation and shall remain available until expended: *Provided*, That the amount made available pursuant to section 926(b) of the Public Health Service Act shall not exceed $63,080,000.

HEALTH CARE FINANCING ADMINISTRATION

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $55,094,355,000, to remain available until expended.

For making, after May 31, 1996, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 1996 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States under title XIX of the Social Security Act for the first quarter of fiscal year 1997, $26,155,350,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under sections 217(g) and 1844 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $63,313,000,000.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, and XIX of the Social Security Act, and title XIII of the Public Health Service Act, the Clinical Laboratory Improvement Amendments of 1988, and section 4005(e) of Public Law 100–203, not to exceed $2,111,406,000, together with all funds collected in accordance with section 353 of the Public Health Service Act, the latter funds to remain available until expended, together with such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended, the $2,111,406,000, to be transferred to this appropriation as authorized by section 201(g) of the Social Security Act, from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds: *Provided*, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act are to be credited to this appropriation.

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the payment of outstanding obligations. During fiscal year 1996, no commitments for direct loans or loan guarantees shall be made.

ADMINISTRATION FOR CHILDREN AND FAMILIES

FAMILY SUPPORT PAYMENTS TO STATES

For making payments to States or other non-Federal entities, except as otherwise provided, under titles I, IV–A (other than section 402(g)(6)) and D, X, XI, XIV, and XVI of the Social Security Act, and the Act of July 5, 1960 (24 U.S.C. ch. 9), $13,614,307,000, to remain available until expended.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–A and D, X, XI, XIV, and XVI of the Social Security Act, for the last three months of the current year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or other non-Federal entities under titles I, IV–A (other than section 402(g)(6)) and D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9) for the first quarter of fiscal year 1997, $4,800,000,000, to remain available until expended.

JOB OPPORTUNITIES AND BASIC SKILLS

For carrying out aid to families with dependent children work programs, as authorized by part F of title IV of the Social Security Act, $1,000,000,000.

LOW INCOME HOME ENERGY ASSISTANCE

(INCLUDING RESCISSION)

Of the funds made available beginning on October 1, 1995 under this heading in Public Law 103–333, $100,000,000 are hereby rescinded.

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $1,000,000,000, to be available for obligation in the period October 1, 1996 through September 30, 1997.

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, an additional $300,000,000 to remain available until expended: *Provided*, That all of the funds available under this paragraph are hereby designated by Congress to be emergency requirements pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That these funds shall be made available only after submission to Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985.

REFUGEE AND ENTRANT ASSISTANCE

For making payments for refugee and entrant assistance activities authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96–422), $397,872,000: *Provided*, That funds appropriated pursuant to section 414(a) of the Immigration and Nationality Act under Public Law 103–112 for fiscal year 1994 shall be available for the costs of assistance provided and other activities conducted in such year and in fiscal years 1995 and 1996.

CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), $934,642,000, which shall be available for obligation under the same statutory terms and conditions applicable in the prior fiscal year.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $2,380,000,000: *Provided*, That notwithstanding section 2003(c) of such Act, the amount specified for allocation under such section for fiscal year 1996 shall be $2,380,000,000.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, the Family Violence Prevention and Services Act, the Native American Programs Act of 1974, title II of Public Law 95–266 (adoption opportunities), the Temporary Child Care for Children with Disabilities and Crisis Nurseries Act of 1986, the Abandoned Infants Assistance Act of 1988, and part B(1) of title IV of the Social Security Act; for making payments under the Community Services Block Grant Act; and for necessary administrative expenses to carry out said Acts and titles I, IV, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and section 126 and titles IV and V of Public Law 100–485, $4,585,546,000; of which $435,463,000 shall be for making payments under the Community Services Block Grant Act: *Provided*, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes.

In addition, $21,358,000, to be derived from the Violent Crime Reduction Trust Fund, for carrying out sections 40155, 40211, 40241, and 40251 of Public Law 103–322.

FAMILY PRESERVATION AND SUPPORT

For carrying out section 430 of the Social Security Act, $225,000,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities, under title IV–E of the Social Security Act, $4,322,238,000.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, $831,027,000: *Provided*, That notwithstanding section 308(b)(1) of such Act, the amounts available to each State for administration of the State plan under title III of such Act shall be reduced not more than 5 percent below the amount that was available to such State for such purpose for fiscal year 1995.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six medium sedans, and for carrying out titles III, XVII, XX, and XXI of the Public Health Service Act, $129,499,000, together with $6,628,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $58,492,000, together with not to exceed $20,670,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund, together with any funds, to remain available until expended, that represent the equitable share from the forfeiture of property in investigations in which the Office of Inspector General participated, and which are transferred to the Office of the Inspector General by the Department of Justice, the Department of the Treasury, or the United States Postal Service.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $16,153,000, together with not to exceed $3,314,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act, $9,000,000.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For expenses necessary to prepare to respond to the health and medical consequences of nuclear, chemical, or biologic attack in the United States, $7,000,000, to remain available until expended and, in addition, for clinical trials, applying imaging technology used for missile guidance and target recognition to new uses improving the early detection of breast cancer, $2,000,000, to remain available until expended.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $37,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated under this Act may be used to implement section 399L(b) of the Public Health Service Act.

SEC. 204. None of the funds made available by this Act may be used to withhold payment to any State under the Child Abuse Prevention and Treatment Act by reason of a determination that the State is not in compliance with section 1340.2(d)(2)(ii) of title 45 of the Code of Federal Regulations. This provision expires upon the date of enactment of the reauthorization of the Child Abuse Prevention and Treatment Act or upon September 30, 1996, whichever occurs first.

SEC. 205. None of the funds appropriated in this or any other Act for the National Institutes of Health and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of $125,000 per year.

Sec. 206. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, prior to the Secretary's preparation and submission of a report to the Committee on Appropriations of the Senate and of the House detailing the planned uses of such funds.

(TRANSFER OF FUNDS)

SEC. 207. Of the funds appropriated or otherwise made available for the Department of Health and Human Services, General Departmental Management, for fiscal year 1996, the Secretary of Health and Human Services shall transfer to the Office of the Inspector General such sums as may be necessary for any expenses with respect to the provision of security protection for the Secretary of Health and Human Services.

SEC. 208. Notwithstanding section 106 of Public Law 104–91, appropriations for the National Institutes of Health and the Centers for Disease Control and Prevention shall be available for fiscal year 1996 as specified in section 101 of Public Law 104–91.

(RESCISSION)

SEC. 209. Of the amounts made available under the account heading "Disease Control, Research, and Training" under the Centers for Disease Control and Prevention, Department of Health and Human Services in Public Law 103–333, Public Law 103–112, and Public Law 102–394 for immunization activities, $53,000,000 are hereby rescinded.

SEC. 210. Of the funds provided for the account heading "Disease Control, Research, and Training" in Public Law 104–91, $31,642,000, to be derived from the Violent Crime Reduction Trust Fund, is hereby available for carrying out sections 40151, 40261, and 40293 of Public Law 103–322 notwithstanding any provision of Public Law 104–91.

SEC. 211. The Director of the Centers for Disease Control and Prevention may redirect the total amount made available under the authority of Public Law 101–502, section 3, dated November 3, 1990, to activities the Director may so designate: *Provided*, That the Congress is to be notified promptly of any such transfer.

(TRANSFER OF FUNDS)

SEC. 212. Notwithstanding any other provision of this Act or of Public Law 104–91, the Director of the Office of AIDS Research, National Institutes of Health, in consultation with the Director, National Institutes of Health, may transfer up to 3 percent among Institutes from the total amounts identified in each Institute for AIDS research: *Provided*, That such transfers shall be within 30 days of enactment of this Act and be based on the scientific priorities established in the plan developed by the Director in accordance with section 2353 of Public Law 103–43: *Provided further*, That the Congress is promptly notified of the transfer.

SEC. 213. If the Secretary fails to approve the application for waivers related to the Oregon Option, a comprehensive strategy to transform welfare into a network of services to help recipients move quickly to employment, a request under section 1115 of the Social Security Act submitted by the Oregon Department of Human Services on July 3, 1995, by the date of enactment of this Act, notwithstanding the Secretary's authority to approve the application under such section, the application shall be deemed approved.

This title may be cited as the "Department of Health and Human Services Appropriations Act, 1996".

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION REFORM

For carrying out activities authorized by titles III and IV of the Goals 2000: Educate America Act and the School-to-Work Opportunities Act, $385,000,000, of which $290,000,000 for the Goals 2000: Educate America Act and $95,000,000 for the School-to-Work Opportunities Act which shall become available on July 1, 1996, and remain available through September 30, 1997: *Provided*, That notwithstanding section 311(e) of Public Law 103–227, the Secretary is authorized to grant up to six additional State education agencies authority to waive Federal statutory or regulatory requirements for fiscal year 1996 and succeeding fiscal years.

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965, and section 418A of the Higher Education Act, $6,513,511,000, of which $6,497,172,000 shall become available on July 1, 1996 and shall remain available through September 30, 1997: *Provided*, That $5,266,863,000 shall be available for basic grants under section 1124: *Provided further*, That up to $3,500,000 of these funds shall be available to the Secretary on October 1, 1995, to obtain updated local-educational-agency-level census poverty data from the Bureau of the Census: *Provided further*, That $692,341,000 shall be available for concentration grants under section 1124(A) and $3,370,000 shall be available for evaluations under section 1501.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, $691,159,000, of which $581,170,000 shall be for basic support payments under section 8003(b), $40,000,000 shall be for payments for children with disabilities under section 8003(d), $50,000,000, to remain available until expended, shall be for payments under section 8003(f), $5,000,000 shall be for construction under section 8007, and $14,989,000 shall be for Federal property payments under section 8002.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by titles II, IV–A–1, V–A, VI, VII–B, and titles IX, X and XIII of the Elementary and Secondary Education Act of 1965; the Stewart B. McKinney Homeless Assistance Act; and the Civil Rights Act of 1964; $948,987,000 of which $775,760,000 shall become available on July 1, 1996, and remain available through September 30, 1997: *Provided*, That of the amount appropriated, $275,000,000 shall be for Eisenhower professional development State grants under title II–B and $275,000,000 shall be for innovative education program strategies State grants under title VI–A: *Provided further*, That not less than $3,000,000 shall be for innovative programs under section 5111.

BILINGUAL AND IMMIGRANT EDUCATION

For carrying out, to the extent not otherwise provided, bilingual and immigrant education activities authorized by title VII of the Elementary and Secondary Education Act, without regard to section 7103(b), $150,000,000 of which $50,000,000 shall be for immigrant education programs authorized by part C: *Provided*, That State educational agencies may use all, or any part of, their part C allocation for competitive grants to local educational agencies.

SPECIAL EDUCATION

For carrying out parts B, C, D, E, F, G, and H and section 610(j)(2)(C) of the Individuals with Disabilities Education Act, $3,245,447,000, of which $3,000,000,000 shall become available for obligation on July 1, 1996, and shall remain available through September 30, 1997: *Provided*, That the Republic of the Marshall Islands and the Federated States of Micronesia shall be considered jurisdictions for the purposes of section 611(e)(1), of the Individuals with Disabilities Education Act: *Provided further*, That notwithstanding section 621(e), funds made available for section 621 shall be distributed among each of the regional centers and the Federal center in proportion to the amount that each such center received in fiscal year 1995.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Technology-Related Assistance for Individuals with Disabilities Act, and the Helen Keller National Center Act, as amended, $2,452,620,000.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), $6,680,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $42,180,000: *Provided*, That from the amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $77,629,000: *Provided*, That from the amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Applied Technology Education Act, the Adult Education Act, and the National Literacy Act of 1991, $1,257,134,000, of which $4,869,000 shall be for the National Institute for Literacy; and of which $1,254,215,000 shall become available on July 1, 1996 and shall remain available through September 30, 1997: *Provided*, That of the amounts made available under the Carl D. Perkins Vocational and Applied Technology Education Act, $5,000,000 shall be for national programs under title IV without regard to section 451 and $350,000 shall be for evaluations under section 346(b) of the Act and no funds shall be available for State councils under section 112.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3, and 4 of part A, part C, and part E of title IV of the Higher Education Act of 1965, as amended, $6,389,290,000, which shall remain available through September 30, 1997: *Provided*, That notwithstanding section 401(a)(1) of the Act, there shall be not to exceed 3,634,000 Pell Grant recipients in award year 1995–1996.

The maximum Pell Grant for which a student shall be eligible during award year 1996–1997 shall be $2,440: *Provided*, That notwithstanding section 401(g) of the Act, as amended, if the Secretary determines, prior to publication of the payment schedule for award year 1996–1997, that the $5,038,000,000 included within this appropriation for Pell Grant awards for award year 1996–1997, and any funds available from the fiscal year 1995 appropriation for Pell Grant awards, are insufficient to satisfy fully all such awards for which students are eligible, as calculated under section 401(b) of the Act, the amount paid for each such award shall be reduced by either a fixed or variable percentage, or by a fixed dollar amount, as determined in accordance with a schedule of reductions established by the Secretary for this purpose.

FEDERAL FAMILY EDUCATION LOAN PROGRAM ACCOUNT

For Federal administrative expenses to carry out guaranteed student loans authorized by title IV, part B, of the Higher Education Act, as amended, $30,066,000.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, parts A and B of title III, without regard to section 360(a)(1)(B)(ii), chapters I and II of subpart 2 and subpart 6 of part A of title IV, subpart 2 of part E of title V, parts A, B and C of title VI, title VII, parts C, D, and G of title IX, part A and subpart 1 of part B of title X, and part A of title XI of the Higher Education Act of 1965, as amended, Public Law 102–423, and the Mutual Educational and Cultural Exchange Act of 1961; $836,964,000, of which $16,712,000 for interest subsidies under title VII of the Higher Education Act, as amended, shall remain available until expended: *Provided*, That notwithstanding sections 419D, 419E, and 419H of the Higher Education Act, as amended, scholarships made under title IV, part A, subpart 6 shall be prorated to maintain the same number of new scholarships in fiscal year 1996 as in fiscal year 1995.

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), $174,671,000: *Provided*, That from the amount available, the University may at its discretion use funds for the endowment program as authorized under the Howard University Endowment Act (Public Law 98–480).

HIGHER EDUCATION FACILITIES LOANS

The Secretary is hereby authorized to make such expenditures, within the limits of funds available under this heading and in accord with law, and to make such contracts and commitments without regard to fiscal year limitation, as provided by section 104 of the Government Corporation Control Act (31 U.S.C. 9104), as may be necessary in carrying out the program for the current fiscal year.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For administrative expenses to carry out the existing direct loan program of college housing and academic facilities loans entered into pursuant to title VII, part C, of the Higher Education Act, as amended, $700,000.

COLLEGE HOUSING LOANS

Pursuant to title VII, part C of the Higher Education Act, as amended, for necessary expenses of the college housing loans program, previously carried out under title IV of the Housing Act of 1950, the Secretary shall make expenditures and enter into contracts without regard to fiscal year limitation using loan repayments and other resources available to this account. Any unobligated balances becoming available from fixed fees paid into this account pursuant to 12 U.S.C. 1749d, relating to payment of costs for inspections and site visits, shall be available for the operating expenses of this account.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING, PROGRAM ACCOUNT

The total amount of bonds insured pursuant to section 724 of title VII, part B of the Higher Education Act shall not exceed $357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title VII, part B of the Higher Education Act, as amended, $166,000.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

For carrying out activities authorized by the Educational Research, Development, Dissemination, and Improvement Act; the National Education Statistics Act; sections 2102, 3134, and 3136, parts B, C, and D of title III, parts A, B, I, and K, and section 10601 of title X, part C of title XIII of the Elementary and Secondary Education Act of 1965, as amended, and title VI of the Goals 2000: Educate America Act, $328,268,000: *Provided*, That $4,000,000 shall be for section 10601 of the Elementary and Secondary Education Act: *Provided further*, That $25,000,000 shall be for sections 3136 and 3141 of the Elementary and Secondary Education Act: *Provided further*, That $51,000,000 shall be for regional laboratories, $5,000,000 shall be for International Education Exchange, and $3,000,000 shall be for the elementary mathematics and science equipment projects under the fund for the improvement of education: *Provided further* That funds shall be used to extend star schools partnership projects that received continuation grants in fiscal year 1995.

LIBRARIES

For carrying out, to the extent not otherwise provided, titles I, II, and III of the Library Services and Construction Act, and title II–B of the Higher Education Act, $131,505,000, of which $16,369,000 shall be used to carry out the provisions of title II of the Library Services and Construction Act and shall remain available until expended; and $2,500,000 shall be for section 222 and $2,000,000 shall be for section 223 of the Higher Education Act: *Provided*, That $1,000,000 shall be awarded to a nonprofit foundation using multi-media technology to document and archive not less than 40,000 holocaust survivors' testimony: *Provided further*, That $1,000,000 shall be for the continued funding of an existing demonstration project making information available for public use by connecting Internet to a multistate consortium.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of two passenger motor vehicles, $327,319,000.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $55,451,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $28,654,000.

HEADQUARTERS RENOVATION

For necessary expenses for the renovation of the Department of Education headquarters building, $7,000,000, to remain available until September 30, 1998.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

SEC. 304. Notwithstanding any other provision of law, funds available under section 458 of the Higher Education Act shall not exceed $460,000,000 for fiscal year 1996. The Department of Education shall pay (i) administrative cost allowances owed to guaranty agencies for fiscal year 1995 estimated at $95,000,000. The Department of Education shall pay administrative cost allowances to guaranty agencies, payable quarterly, calculated on the basis of 0.85 percent of the total principal amount of loans upon which insurance was issued on or after October 1, 1995 by such guaranty agency. Receipt of such funds and uses of such funds shall be in accordance with section 428(f).

Notwithstanding section 458 of the Higher Education Act, the Secretary may not use funds available under that section or any other section for subsequent fiscal years for administrative expenses of the William D. Ford Direct Loan Program during fiscal year 1996, nor may the Secretary require the return of guaranty agency reserve funds during fiscal year 1996, except after consultation with appropriate committees of Congress.

No funds available to the Secretary may be used for (1) marketing, advertising or promotion of the William D. Ford Direct Loan Program, or for the hiring of advertising agencies or other third parties to provide advertising services, or (2) payment of administrative fees relating to the William D. Ford Direct Loan Program to institutions of higher education, or (3) for purposes of conducting an evaluation of the William D. Ford Direct Loan Program except as administered by the Advisory Committee on Student Financial Assistance.

This title may be cited as the "Department of Education Appropriations Act, 1996".

TITLE IV—RELATED AGENCIES

ARMED FORCES RETIREMENT HOME

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the United States Soldiers' and Airmen's Home and the United States Naval Home, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $55,971,000, of which $1,954,000 shall remain available until expended for construction and renovation of the physical plants at the United States Soldiers' and Airmen's Home and the United States Naval Home: *Provided*, That this appropriation shall not be available for the payment of hospitalization of members of the Soldiers' and Airmen's Home in United States Army hospitals at rates in excess of those prescribed by the Secretary of the Army upon recommendation of the Board of Commissioners and the Surgeon General of the Army.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, $196,270,000.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 1998, $250,000,000: *Provided*, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171–180, 182–183), including hire of passenger motor vehicles; and for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95–454 (5 U.S.C. chapter 71), $32,396,000 including $1,500,000, to remain available through September 30, 1997, for activities authorized by the Labor Management Cooperation Act of 1978 (29 U.S.C. 175a): *Provided*, That notwithstanding 31 U.S.C. 3302, fees charged for special training activities up to full-cost recovery shall be credited to and merged with this account, and shall remain available until expended: *Provided further*, That the Director of the Service is authorized to accept on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $6,200,000.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91–345, as amended by Public Law 102–95), $829,000.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, $1,793,000.

NATIONAL EDUCATION GOALS PANEL

For expenses necessary for the National Education Goals Panel, as authorized by title II, part A of the Goals 2000: Educate America Act, $1,000,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141–167), and other laws, $167,245,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 per centum of the water stored or supplied thereby is used for farming purposes.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188), including emergency boards appointed by the President, $7,837,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $8,100,000.

PHYSICIAN PAYMENT REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1845(a) of the Social Security Act, $2,923,000, to be transferred to this appropriation from the Federal Supplementary Medical Insurance Trust Fund.

PROSPECTIVE PAYMENT ASSESSMENT COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1886(e) of the Social Security Act, $3,267,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, $22,641,000.

In addition, to reimburse these trust funds for administrative expenses to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986, $10,000,000, to remain available until expended.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, $485,396,000, to remain available until expended.

For making, after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Federal Mine Safety and Health Act of 1977, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV of the Federal Mine Safety and Health Act of 1977 for the first quarter of fiscal year 1997, $170,000,000, to remain available until expended.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $18,595,012,000, to remain available until expended: *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For carrying out title XVI of the Social Security Act for the first quarter of fiscal year 1997, $9,260,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two medium size passenger motor vehicles, and not to exceed $10,000 for official reception and representation expenses, not more than $5,271,183,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act or as necessary to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986 from any one or all of the trust funds referred to therein: *Provided*, That reimbursement to the trust funds under this heading for administrative expenses to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986 shall be made, with interest, not later than September 30, 1997: *Provided further*, That unobligated balances at the end of fiscal year 1996 shall remain available until expended for a state-of-the-art computing network, including related equipment and administrative expenses associated solely with this network.

In addition to funding already available under this heading, and subject to the same terms and conditions, $407,000,000, for disability caseload processing.

In addition to funding already available under this heading, and subject to the same terms and conditions, $167,000,000, which shall remain available until expended, to invest in a state-of-the-art computing network, including related equipment and administrative expenses associated solely with this network, for the Social Security Administration and the State Disability Determination Services, may be expended from any or all of the trust funds as authorized by section 201(g)(1) of the Social Security Act.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $4,816,000, together with not to exceed $21,076,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $239,000,000, which shall include amounts becoming available in fiscal year 1996 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds $239,000,000: *Provided*, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $300,000, to remain available through September 30, 1997, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board in administering the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $89,094,000, to be derived as authorized by section 15(h) of the Railroad Retirement Act and section 10(a) of the Railroad Unemployment Insurance Act, from the accounts referred to in those sections.

SPECIAL MANAGEMENT IMPROVEMENT FUND

To effect management improvements, including the reduction of backlogs, accuracy of taxation accounting, and debt collection, $659,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: *Provided*, That these funds shall supplement, not supplant, existing resources devoted to such operations and improvements.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than $5,673,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $11,500,000.

TITLE V—GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided*, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress.

SEC. 504. The Secretaries of Labor and Education are each authorized to make available not to exceed $15,000 from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $2,500 from the funds available for "Salaries and expenses, Federal Mediation and Conciliation Service"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $2,500 from funds available for "Salaries and expenses, National Mediation Board".

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles for the hypodermic injection of any illegal drug unless the Secretary of Health and Human Services determines that such programs are effective in preventing the spread of HIV and do not encourage the use of illegal drugs.

SEC. 506. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 507. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state (1) the percentage of the total costs of the program or project which will be financed with Federal money, (2) the dollar amount of Federal funds for the project or program, and (3) percentage and dollar amount of the total costs of the project or program that will be financed by nongovernmental sources.

SEC. 508. None of the funds appropriated under this Act shall be expended for any abortion except when it is made known to the Federal entity or official to which funds are appropriated under this Act that such procedure is necessary to save the life of the mother or that the pregnancy is the result of an act of rape or incest.

SEC. 509. Notwithstanding any other provision of law—

(1) no amount may be transferred from an appropriation account for the Departments of Labor, Health and Human Services, and Education except as authorized in this or any subsequent appropriation act, or in the Act establishing the program or activity for which funds are contained in this Act;

(2) no department, agency, or other entity, other than the one responsible for administering the program or activity for which an appropriation is made in this Act, may exercise authority for the timing of the obligation and expenditure of such appropriation, or for the purposes for which it is obligated and expended, except to the extent and in the manner otherwise provided in sections 1512 and 1513 of title 31, United States Code; and

(3) no funds provided under this Act shall be available for the salary (or any part thereof) of an employee who is reassigned on a temporary detail basis to another position in the employing agency or department or in any other agency or department, unless the detail is independently approved by the head of the employing department or agency.

SEC. 510. LIMITATION ON USE OF FUNDS.—None of the funds made available in this Act may be used for the expenses of an electronic benefit transfer (EBT) task force.

SEC. 511. None of the funds made available in this Act may be used to enforce the requirements of section 428(b)(1)(U)(iii) of the Higher Education Act of 1965 with respect to any lender when it is made known to the Federal official having authority to obligate or expend such funds that the lender has a loan portfolio under part B of title IV of such Act that is equal to or less than $5,000,000.

SEC. 512. None of the funds made available in this Act may be used for Pell Grants under subpart 1 of part A of title IV of the Higher Education Act of 1965 to students attending an institution of higher education that is ineligible to participate in a loan program under such title as a result of a default determination under section 435(a)(2) of such Act, unless such institution has a participation rate index (as defined at 34 CFR 668.17) that is less than or equal to 0.0375.

SEC. 513. No more than 1 percent of salaries appropriated for each Agency in this Act may be expended by that Agency on cash performance awards: *Provided*, That of the budgetary resources available to Agencies in this Act for salaries and expenses during fiscal year 1996, $30,500,000, to be allocated by the Office of Management and Budget, are permanently canceled: *Provided further*, That the foregoing proviso shall not apply to the Food and Drug Administration and the Indian Health Service.

SEC. 514. (a) HIGH COST TRAINING EXCEPTION.—Section 428H(d)(2) of the Higher Education Act of 1965 (20 U.S.C. 1078–8(d)(2)) is amended by striking out the period at the end thereof and inserting in lieu thereof a semicolon and the following:

"except in cases where the Secretary determines, that a higher amount is warranted in order to carry out the purpose of this part with respect to students engaged in specialized training requiring exceptionally high costs of education, but the annual insurable limit per student shall not be deemed to be exceeded by a line of credit under which actual payments by the lender to the borrower will not be made in any years in excess of the annual limit.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective for loans made to cover the cost of instruction for periods of enrollment beginning on or after July 1, 1996.

This Act may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1996".

(e) Such amounts as may be necessary for programs, projects or activities provided for in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 at a rate of operations and to the extent and in the manner provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

AN ACT

Making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1996, and for other purposes.

TITLE I

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans as authorized by law (38 U.S.C. 107, chapters 11, 13, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540–548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198); $18,331,561,000, to remain available until expended: *Provided*, That not to exceed $25,180,000 of the amount appropriated shall be reimbursed to "General operating expenses" and "Medical care" for necessary expenses in implementing those provisions authorized in the Omnibus Budget Reconciliation Act of 1990, and in the Veterans' Benefits Act of 1992 (38 U.S.C. chapters 51, 53, and 55), the funding source for which is specifically provided as the "Compensation and pensions" appropriation: *Provided further*, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to "Medical facilities revolving fund" to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized by the Veterans' Benefits Act of 1992 (38 U.S.C. chapter 55): *Provided further*, That $12,000,000 previously transferred from "Compensation and pensions" to "Medical facilities revolving fund" shall be transferred to this heading.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61), $1,345,300,000, to remain available until expended: *Provided*, That funds shall be available to pay any court order, court award or any compromise settlement arising from litigation involving the vocational training program authorized by section 18 of Public Law 98–77, as amended.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by law (38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487), $24,890,000, to remain available until expended.

GUARANTY AND INDEMNITY PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the purpose of the program, as authorized by 38 U.S.C. chapter 37, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $65,226,000, which may be transferred to and merged with the appropriation for "General operating expenses".

LOAN GUARANTY PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the purpose of the program, as authorized by 38 U.S.C. chapter 37, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $52,138,000, which may be transferred to and merged with the appropriation for "General operating expenses".

DIRECT LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, such sums as may be necessary to carry out the purpose of the program, as authorized by 38 U.S.C. chapter 37, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That during 1996, within the resources available, not to exceed $300,000 in gross obligations for direct loans are authorized for specially adapted housing loans (38 U.S.C. chapter 37).

In addition, for administrative expenses to carry out the direct loan program, $459,000, which may be transferred to and merged with the appropriation for "General operating expenses".

EDUCATION LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $1,000, as authorized by 38 U.S.C. 3698, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $4,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $195,000, which may be transferred to and merged with the appropriation for "General operating expenses".

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $54,000, as authorized by 38 U.S.C. chapter 31, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $1,964,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $377,000, which may be transferred to and merged with the appropriation for "General operating expenses".

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by 38 U.S.C. chapter 37, subchapter V, as amended, $205,000, which may be transferred to and merged with the appropriation for "General operating expenses".

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the Department of Veterans Affairs, and furnishing recreational facilities, supplies, and equipment; funeral, burial, and other expenses incidental thereto for beneficiaries receiving care in Department of Veterans Affairs facilities; administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the Department of Veterans Affairs; oversight, engineering and architectural activities not charged to project cost; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Department of Veterans Affairs, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); aid to State homes as authorized by law (38 U.S.C. 1741); and not to exceed $8,000,000 to fund cost comparison studies as referred to in 38 U.S.C. 8110(a)(5); $16,564,000,000, plus reimbursements: *Provided*, That of the funds made available under this heading, $789,000,000 is for the equipment and land and structures object classifications only, which amount shall not become available for obligation until August 1, 1996, and shall remain available for obligation until September 30, 1997.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by law (38 U.S.C. chapter 73), to remain available until September 30, 1997, $257,000,000, plus reimbursements.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of planning, design, project management, architectural, engineering, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the Department of Veterans Affairs, including site acquisition; engineering and architectural activities not charged to project cost; and research and development in building construction technology; $63,602,000, plus reimbursements.

TRANSITIONAL HOUSING LOAN PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $7,000, as authorized by Public Law 102–54, section 8, which shall be transferred from the "General post fund": *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $70,000. In addition, for administrative expenses to carry out the direct loan program, $54,000, which shall be transferred from the "General post fund", as authorized by Public Law 102–54, section 8.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including uniforms or allowances therefor, as authorized by law; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail; $848,143,000: *Provided*, That of the amount appropriated and any other funds made available from any other source for activities funded under this heading, except reimbursements, not to exceed $214,109,000 shall be available for General Administration; including not to exceed (1) $50,000 for travel in the Office of the Secretary, (2) $75,000 for travel in the Office of the Assistant Secretary for Policy and Planning, (3) $33,000 for travel in the Office of the Assistant Secretary for Congressional Affairs, and (4) $100,000 for travel in the Office of Assistant Secretary for Public and Intergovernmental Affairs: *Provided further*, That during fiscal year 1996, notwithstanding any other provision of law, the number of individuals employed by the Department of Veterans Affairs (1) in other than "career appointee" positions in the Senior Executive Service shall not exceed 6, and (2) in schedule C positions shall not exceed 11: *Provided further*, That not to exceed $6,000,000 of the amount appropriated shall be available for administrative expenses to carry out the direct and guaranteed loan programs under the Loan Guaranty Program Account: *Provided further*, That funds under this heading shall be available to administer the Service Members Occupational Conversion and Training Act: *Provided further*, That none of the funds under this heading may be obligated or expended for the acquisition of automated data processing equipment and services for Department of Veterans Affairs regional offices to support Stage III of the automated data equipment modernization program of the Veterans Benefits Administration.

NATIONAL CEMETERY SYSTEM

For necessary expenses for the maintenance and operation of the National Cemetery System not otherwise provided for, including uniforms or allowances therefor, as authorized by law; cemeterial expenses as authorized by law; purchase of three passenger motor vehicles, for use in cemeterial operations; and hire of passenger motor vehicles, $72,604,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $30,900,000.

CONSTRUCTION, MAJOR PROJECTS

(INCLUDING TRANSFER OF FUNDS)

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is $3,000,000 or more or where funds for a project were made available in a previous major project appropriation, $136,155,000, to remain available until expended: *Provided*, That except for advance planning of projects funded through the advance planning fund and the design of projects funded through the design fund, none of these funds shall be used for any project which has not been considered and approved by the Congress in the budgetary process: *Provided further*, That funds provided in this appropriation for fiscal year 1996, for each approved project shall be obligated (1) by the awarding of a construction documents contract by September 30, 1996, and (2) by the awarding of a construction contract by September 30, 1997: *Provided further*, That the Secretary shall promptly report in writing to the Comptroller General and to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above; and the Comptroller General shall review the report in accordance with the procedures established by section 1015 of the Impoundment Control Act of 1974 (title X of Public Law 93–344): *Provided further*, That no funds from any other account except the "Parking revolving fund", may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until one year after substantial completion and beneficial occupancy by the Department of Veterans Affairs of the project or any part thereof with respect to that part only: *Provided further*, That of the funds made available under this heading in Public Law 103–327, $7,000,000 shall be transferred to the "Parking revolving fund".

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, where the estimated cost of a project is less than $3,000,000, $190,000,000, to remain available until expended, along with unobligated balances of previous "Construction, minor projects" appropriations which are hereby made available for any project where the estimated cost is less than $3,000,000: *Provided*, That funds in this account shall be available for (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department of Veterans Affairs which are necessary because of loss or damage caused by any natural disaster or catastrophe, and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

PARKING REVOLVING FUND

For the parking revolving fund as authorized by law (38 U.S.C. 8109), income from fees collected, to remain available until expended. Resources of this fund shall be available for all expenses authorized by 38 U.S.C. 8109 except operations and maintenance costs which will be funded from "Medical care".

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist the several States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by law (38 U.S.C. 8131–8137), $47,397,000, to remain available until expended.

GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding, or improving State veteran cemeteries as authorized by law (38 U.S.C. 2408), $1,000,000, to remain available until September 30, 1998.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. Any appropriation for 1996 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred to any other of the mentioned appropriations.

SEC. 102. Appropriations available to the Department of Veterans Affairs for 1996 for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 103. No part of the appropriations in this Act for the Department of Veterans Affairs (except the appropriations for "Construction, major projects", "Construction, minor projects", and the "Parking revolving fund") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 104. No part of the foregoing appropriations shall be available for hospitalization or examination of any persons except beneficiaries entitled under the laws bestowing such benefits to veterans, unless reimbursement of cost is made to the appropriation at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 105. Appropriations available to the Department of Veterans Affairs for fiscal year 1996 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 1995.

SEC. 106. Appropriations accounts available to the Department of Veterans Affairs for fiscal year 1996 shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from title X of the Competitive Equality Banking Act, Public Law 100–86, except that if such obligations are from trust fund accounts they shall be payable from "Compensation and pensions".

SEC. 108. Notwithstanding any other provision of law, the Secretary of Veterans Affairs is authorized to transfer, without compensation or reimbursement, the jurisdiction and control of a parcel of land consisting of approximately 6.3 acres, located on the south edge of the Department of Veterans Affairs Medical and Regional Office Center, Wichita, Kansas, including buildings Nos. 8 and 30 and other improvements thereon, to the Secretary of Transportation for the purpose of expanding and modernizing United States Highway 54: *Provided*, That if necessary, the exact acreage and legal description of the real property transferred shall be determined by a survey satisfactory to the Secretary of Veterans Affairs and the Secretary of Transportation shall bear the cost of such survey: *Provided further*, That the Secretary of Transportation shall be responsible for all costs associated with the transferred land and improvements thereon, and compliance with all existing statutes and regulations: *Provided further*, That the Secretary of Veterans Affairs and the Secretary of Transportation may require such additional terms and conditions as each Secretary considers appropriate to effectuate this transfer of land.

TITLE II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

For assistance under the United States Housing Act of 1937, as amended ("the Act" herein) (42 U.S.C. 1437), not otherwise provided for, $10,103,795,000, to remain available until expended: *Provided*, That of the total amount provided under this head, $160,000,000 shall be for the development or acquisition cost of public housing for Indian families, including amounts for housing under the mutual help homeownership opportunity program under section 202 of the Act (42 U.S.C.

1437bb): *Provided further*, That of the total amount provided under this head, $2,500,000,000 shall be for modernization of existing public housing projects pursuant to section 14 of the Act (42 U.S.C. 1437l), including up to $20,000,000 for the inspection of public housing units, contract expertise, and training and technical assistance, directly or indirectly, under grants, contracts, or cooperative agreements, to assist in the oversight and management of public and Indian housing (whether or not the housing is being modernized with assistance under this proviso) or tenant-based assistance, including, but not limited to, an annual resident survey, data collection and analysis, training and technical assistance by or to officials and employees of the Department and of public housing agencies and to residents in connection with the public and Indian housing program, or for carrying out activities under section 6(j) of the Act: *Provided further*, That of the total amount provided under this head, $400,000,000 shall be for rental subsidy contracts under the section 8 existing housing certificate program and the housing voucher program under section 8 of the Act, except that such amounts shall be used only for units necessary to provide housing assistance for residents to be relocated from existing federally subsidized or assisted housing, for replacement housing for units demolished or disposed of (including units to be disposed of pursuant to a homeownership program under section 5(h) or title III of the United States Housing Act of 1937) from the public housing inventory, for funds related to litigation settlements, for the conversion of section 23 projects to assistance under section 8, for public housing agencies to implement allocation plans approved by the Secretary for designated housing, for funds to carry out the family unification program, and for the relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency: *Provided further*, That of the total amount provided under this head, $4,350,862,000 shall be for assistance under the United States Housing Act of 1937 (42 U.S.C. 1437) for use in connection with expiring or terminating section 8 subsidy contracts, such amounts shall be merged with all remaining obligated and unobligated balances heretofore appropriated under the heading "Renewal of expiring section 8 subsidy contracts": *Provided further*, That notwithstanding any other provision of law, assistance reserved under the two preceding provisos may be used in connection with any provision of Federal law enacted in this Act or after the enactment of this Act that authorizes the use of rental assistance amounts in connection with such terminated or expired contracts: *Provided further*, That the Secretary may determine not to apply section 8(o)(6)(B) of the Act to housing vouchers during fiscal year 1996: *Provided further*, That of the total amount provided under this head, $610,575,000 shall be for amendments to section 8 contracts other than contracts for projects developed under section 202 of the Housing Act of 1959, as amended; and $209,000,000 shall be for section 8 assistance and rehabilitation grants for property disposition: *Provided further*, That 50 per centum of the amounts of budget authority, or in lieu thereof 50 per centum of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Public Law 100–628, 102 Stat. 3224, 3268) shall be rescinded, or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section: *Provided further*, That of the total amount provided under this head, $171,000,000 shall be for housing opportunities for persons with AIDS under title VIII, subtitle D of the Cranston-Gonzalez National Affordable Housing Act; and $65,000,000 shall be for the lead-based paint hazard reduction program as authorized under sections 1011 and 1053 of the Residential Lead-Based Hazard Reduction Act of 1992: *Provided further*, That the Secretary may make up to $5,000,000 of any amount recaptured in this account available for the development of performance and financial systems.

Of the total amount provided under this head, $624,000,000, plus amounts recaptured from interest reduction payment contracts for section 236 projects whose owners prepay their mortgages during fiscal year 1996 (which amounts shall be transferred and merged with this account), shall be for use in conjunction with properties that are eligible for assistance under the Low Income Housing Preservation and Resident Homeownership Act of 1990 (LIHPRHA) or the Emergency Low-Income Housing Preservation Act of 1987 (ELIHPA): *Provided*, That prior to August 15, 1996, funding to carry out plans of action shall be limited to sales of projects to non-profit organizations, tenant-sponsored organizations, and other priority purchasers: *Provided further*, That of the amount made available by this paragraph, up to $10,000,000 shall be available for preservation technical assistance grants pursuant to section 253 of the Housing and Community Development Act of 1987, as amended: *Provided further*, That with respect to amounts made available by this paragraph, after August 15, 1996, if the Secretary determines that the demand for funding may exceed amounts available for such funding, the Secretary (1) may determine priorities for distributing available funds, including giving priority funding to tenants displaced due to mortgage prepayment and to projects that have not yet been funded but which have approved plans of action; and (2) may impose a temporary moratorium on applications by potential recipients of such funding: *Provided further*, That an owner of eligible low-income housing may prepay the mortgage or request voluntary termination of a mortgage insurance contract, so long as said owner agrees not to raise rents for sixty days after such prepayment: *Provided further*, That an owner of eligible low-income housing who has not timely filed a second notice under section 216(d) prior to the effective date of this Act may file such notice by April 15, 1996: *Provided further*, That such developments have been determined to have preservation equity at least equal to the lesser of $5,000 per unit or $500,000 per project or the equivalent of eight times the most recently published fair market rent for the area in which the project is located as the appropriate unit size for all of the units in the eligible project: *Provided further*, That the Secretary may modify the regulatory agreement to permit owners and priority purchasers to retain rental income in excess of the basic rental charge in projects assisted under section 236 of the National Housing Act, for the purpose of preserving the low and moderate income character of the housing: *Provided further*, That the Secretary may give priority to funding and processing the following projects provided that the funding is obligated not later than September 15, 1996: (1) projects with approved plans of action to retain the housing that file a modified plan of action no later than August 15, 1996 to transfer the housing; (2) projects with approved plans of action that are subject to a repayment or settlement agreement that was executed between the owner and the Secretary prior to September 1, 1995; (3) projects for which submissions were delayed as a result of their location in areas that were designated as a Federal disaster area in a Presidential Disaster Declaration; and (4) projects whose processing was, in fact or in practical effect, suspended, deferred, or interrupted for a period of twelve months or more because of differing interpretations, by the Secretary and an owner or by the Secretary and a State or local rent regulatory agency, concerning the timing of filing eligibility or the effect of a presumptively applicable State or local rent control law or regulation on the determination of preservation value under section 213 of LIHPRHA, as amended, if the owner of such project filed notice of intent to extend the low-income affordability restrictions of the housing, or transfer to a qualified purchaser who would extend such restrictions, on or before November 1, 1993: *Provided further*, That eligible low-income housing shall include properties meeting the requirements of this paragraph with mortgages that are held by a State agency as a result of a sale by the Secretary without insurance, which immediately before the sale would have been eligible low-income housing under LIHPRHA: *Provided further*, That notwithstanding any other provision of law, subject to the availability of appropriated funds, each unassisted low-income family residing in the housing on the date of prepayment or voluntary termination, and whose rent, as a result of a rent increase occurring no later than one year after the date of the prepayment, exceeds 30 percent of adjusted income, shall be offered tenant-based assistance in accordance with section 8 or any successor program, under which the family shall pay no less for rent than it paid on such date: *Provided further*, That any family receiving tenant-based assistance under the preceding proviso may elect (1) to remain in the unit of the housing and if the rent exceeds the fair market rent or payment standard, as applicable, the rent shall be deemed to be the applicable standard, so long as the administering public housing agency finds that the rent is reasonable in comparison with rents charged for comparable unassisted housing units in the market or (2) to move from the housing and the rent will be subject to the fair market rent of the payment standard, as applicable, under existing program rules and procedures: *Provided further*, That up to $10,000,000 of the amount made available by this paragraph may be used at the discretion of the Secretary to reimburse owners of eligible properties for which plans of action were submitted prior to the effective date of this Act, but were not executed for lack of available funds, with such reimbursement available only for documented costs directly applicable to the preparation of the plan of action as determined by the Secretary, and shall be made available on terms and conditions to be established by the Secretary: *Provided further*, That, notwithstanding any other provision of law, effective October 1, 1996, the Secretary shall suspend further processing of preservation applications which do not have approved plans of action.

Of the total amount provided under this head, $780,190,000 shall be for capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance, and amendments to contracts for project rental assistance, for supportive housing for the elderly under section 202(c)(2) of the Housing Act of 1959; and $233,168,000 shall be for capital advances, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act; and for project rental assistance, and amendments to contracts for project rental assistance, for supportive housing for persons with disabilities as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act: *Provided*, That the Secretary may designate up to 25 percent of the amounts earmarked under this paragraph for section 811 of the Cranston-Gonzalez National Affordable Housing Act for tenant-based assistance, as authorized under that section, which assistance is five-years in duration: *Provided further*, That the Secretary may waive any provision of section 202 of the Housing Act of 1959 and section 811 of the National Affordable Housing Act (including the provisions governing the terms and conditions of project rental assistance) that the Secretary determines is not necessary to achieve the objectives of these programs, or that otherwise impedes the ability to develop, operate or administer projects assisted under these programs, and may make provision for alternative conditions or terms where appropriate.

PUBLIC HOUSING DEMOLITION, SITE REVITALIZATION, AND REPLACEMENT HOUSING GRANTS

For grants to public housing agencies for the purposes of enabling the demolition of obsolete public housing projects or portions thereof, the revitalization (where appropriate) of sites (including remaining public housing units) on which such projects are located, replacement housing which will avoid or lessen concentrations of very low-income families, and tenant-based assistance in accordance with section 8 of the United States Housing Act of 1937 for the purpose of providing replacement housing and assisting tenants to be displaced by the demolition, $380,000,000, to remain available until expended: *Provided*, That the Secretary of Housing and Urban Development shall award such funds to public housing agencies based upon, among other relevant criteria, the local and national impact of the proposed demolition and revitalization activities and the extent to which the public housing agency could undertake such activities without the additional assistance to be provided hereunder: *Provided further*, That eligible expenditures hereunder shall be those expenditures eligible under section 8 and section 14 of the United States Housing Act of 1937 (42 U.S.C. 1437f and l): *Provided further*, That the Secretary may impose such conditions and requirements as the Secretary deems appropriate to effectuate the purposes of this paragraph: *Provided further*, That the Secretary may require an agency selected to receive funding to make arrangements satisfactory to the Secretary for use of an entity other than the agency to carry out this program where the Secretary determines that such action will help to effectuate the purpose of this paragraph: *Provided further*, That in the event an agency selected to receive funding does not proceed expeditiously as determined by the Secretary, the Secretary shall withdraw any funding made available pursuant to this paragraph that has not been obligated by the agency and distribute such funds to one or more other eligible agencies, or to other entities capable of proceeding expeditiously in the same locality with the original program: *Provided further*, That of the foregoing $380,000,000, the Secretary may use up to .67 per centum for technical assistance, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the Department and of public housing agencies and to residents: *Provided further*, That any replacement housing provided with assistance under this head shall be subject to section 18(f) of the United States Housing Act of 1937, as amended by section 201(b)(2) of this Act.

FLEXIBLE SUBSIDY FUND

(INCLUDING TRANSFER OF FUNDS)

From the fund established by section 236(g) of the National Housing Act, as amended, all uncommitted balances of excess rental charges as of September 30, 1995, and any collections during fiscal year 1996 shall be transferred, as authorized under such section, to the fund authorized under section 201(j) of the Housing and Community Development Amendments of 1978, as amended.

RENTAL HOUSING ASSISTANCE

(RESCISSION)

The limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under section 236 of the National Housing Act (12 U.S.C. 1715z–1) is reduced in fiscal year 1996 by not more than $2,000,000 in uncommitted balances of authorizations provided for this purpose in appropriations Acts: *Provided*, That up to $163,000,000 of recaptured section 236 budget authority resulting from the prepayment of mortgages subsidized under section 236 of the National Housing Act (12 U.S.C. 1715z–1) shall be rescinded in fiscal year 1996.

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

For payments to public housing agencies and Indian housing authorities for operating subsidies for low-income housing projects as authorized by section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g), $2,800,000,000.

DRUG ELIMINATION GRANTS FOR LOW-INCOME HOUSING

For grants to public and Indian housing agencies for use in eliminating crime in public housing projects authorized by 42 U.S.C. 11901–11908, for grants for federally assisted low-income housing authorized by 42 U.S.C. 11909, and for drug information clearinghouse services authorized by 42 U.S.C. 11921–11925, $290,000,000, to remain available until expended, of which $10,000,000 shall be for grants, technical assistance, contracts and other assistance training, program assessment, and execution for or on behalf of public housing agencies and resident organizations (including the cost of necessary travel for participants in such training) and of which $2,500,000 shall be used in connection with efforts to combat violent crime in public and assisted housing under the Operation Safe Home program administered by the Inspector General of the Department of Housing and Urban Development: *Provided*, That the term "drug-related crime", as defined in 42 U.S.C. 11905(2), shall also include other types of crime as determined by the Secretary: *Provided further*, That notwithstanding section 5130(c) of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11909(c)), the Secretary may determine not to use any such funds to provide public housing youth sports grants.

HOME INVESTMENT PARTNERSHIPS PROGRAM

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625), as amended, $1,400,000,000, to remain available until expended.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, $3,000,000, as authorized by section 184 of the Housing and Community Development Act of 1992 (106 Stat. 3739): *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $36,900,000.

HOMELESS ASSISTANCE

HOMELESS ASSISTANCE GRANTS

For the emergency shelter grants program (as authorized under subtitle B of title IV of the Stewart B. McKinney Homeless Assistance Act (Public Law 100–77), as amended); the supportive housing program (as authorized under subtitle C of title IV of such Act); the section 8 moderate rehabilitation single room occupancy program (as authorized under the United States Housing Act of 1937, as amended) to assist homeless individuals pursuant to section 441 of the Stewart B. McKinney Homeless Assistance Act; and the shelter plus care program (as authorized under subtitle F of title IV of such Act), $823,000,000, to remain available until expended.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

(INCLUDING TRANSFER OF FUNDS)

For grants to States and units of general local government and for related expenses, not otherwise provided for, necessary for carrying out a community development grants program as authorized by title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), $4,600,000,000, to remain available until September 30, 1998: *Provided*, That $50,000,000 shall be available for grants to Indian tribes pursuant to section 106(a)(1) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), $2,000,000 shall be available as a grant to the Housing Assistance Council, $1,000,000 shall be available as a grant to the National American Indian Housing Council, and $27,000,000 shall be available for "special purpose grants" pursuant to section 107 of such Act: *Provided further*, That not to exceed 20 per centum of any grant made with funds appropriated herein (other than a grant made available under the preceding proviso to the Housing Assistance Council or the National American Indian Housing Council, or a grant using funds under section 107(b)(3) of the Housing and Community Development Act of 1974) shall be expended for "Planning and Management Development" and "Administration" as defined in regulations promulgated by the Department of Housing and Urban Development: *Provided further*, That section 105(a)(25) of such Act, as added by section 907(b)(1) of the Cranston-Gonzalez National Affordable Housing Act, shall continue to be effective after September 30, 1995, notwithstanding section 907(b)(2) of such Act: *Provided further*, That section 916 of the Cranston-Gonzalez National Affordable Housing Act shall apply with respect to fiscal year 1996, notwithstanding section 916(f) of that Act.

Of the amount provided under this heading, the Secretary of Housing and Urban Development may use up to $53,000,000 for grants to public housing agencies (including Indian housing authorities), nonprofit corporations, and other appropriate entities for a supportive services program to assist residents of public and assisted housing, former residents of such housing receiving tenant-based assistance under section 8 of such Act (42 U.S.C. 1437f), and other low-income families and individuals to become self-sufficient: *Provided*, That the program shall provide supportive services, principally for the benefit of public housing residents, to the elderly and the disabled, and to families with children where the head of the household would benefit from the receipt of supportive services and is working, seeking work, or is preparing for work by participating in job training or educational programs: *Provided further*, That the supportive services shall include congregate services for the elderly and disabled, service coordinators, and coordinated educational, training, and other supportive services, including academic skills training, job search assistance, assistance related to retaining employment, vocational and entrepreneurship development and support programs, transportation, and child care: *Provided further*, That the Secretary shall require applicants to demonstrate firm commitments of funding or services from other sources: *Provided further*, That the Secretary shall select public and Indian housing agencies to receive assistance under this head on a competitive basis, taking into account the quality of the proposed program (including any innovative approaches), the extent of the proposed coordination of supportive services, the extent of commitments of funding or services from other sources, the extent to which the proposed program includes reasonably achievable, quantifiable goals for measuring performance under the program over a three-year period, the extent of success an agency has had in carrying out other comparable initiatives, and other appropriate criteria established by the Secretary.

Of the amount made available under this heading, notwithstanding any other provision of law, $12,000,000 shall be available for contracts, grants, and other assistance, other than loans, not otherwise provided for, for providing counseling and advice to tenants and homeowners both current and prospective, with respect to property maintenance, financial management, and such other matters as may be appropriate to assist them in improving their housing conditions and meeting the responsibilities of tenancy or homeownership, including provisions for training and for support of voluntary agencies and services as authorized by section 106 of the Housing and Urban Development Act of 1968, as amended, notwithstanding section 106(c)(9) and section 106(d)(13) of such Act.

Of the amount made available under this heading, notwithstanding any other provision of law, $15,000,000 shall be available for the tenant opportunity program.

Of the amount made available under this heading, notwithstanding any other provision of law, $20,000,000 shall be available for youthbuild program activities authorized by subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, as amended, and such activities shall be an eligible activity with respect to any funds made available under this heading.

Of the amount otherwise made available under this heading in this Act, notwithstanding any other provision of law, $80,000,000 shall be available for Economic Development Initiative grants as authorized by section 232 of the Multifamily Housing Property Disposition Reform Act of 1994, Public Law 103–233, on a competitive basis as required by section 102 of the HUD Reform Act.

For the cost of guaranteed loans, $31,750,000, as authorized by section 108 of the Housing and Community Development Act of 1974: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $1,500,000,000: *Provided further*, That the Secretary of Housing and Urban Development may make guarantees not to exceed the immediately foregoing amount notwithstanding the aggregate limitation on guarantees set forth in section 108(k) of the Housing and Community Development Act of 1974. In addition, for administrative expenses to carry out the guaranteed loan program, $675,000 which shall be transferred to and merged with the appropriation for departmental salaries and expenses.

The amount made available for fiscal year 1995 for a special purpose grant for the renovation of the central terminal in Buffalo, New York, shall be made available for the central terminal and for other public facilities in Buffalo, New York.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $34,000,000, to remain available until September 30, 1997.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and for contracts with qualified fair housing enforcement organizations, as authorized by section 561 of the Housing and Community Development Act of 1987, as amended by the Housing and Community Development Act of 1992, $30,000,000, to remain available until September 30, 1997.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including not to exceed $7,000 for official reception and representation expenses, $962,558,000, of which $532,782,000 shall be provided from the various funds of the Federal Housing Administration, and $9,101,000 shall be provided from funds of the Government National Mortgage Association, and $675,000 shall be provided from the Community Development Grants Program account.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $47,850,000, of which $11,283,000 shall be transferred from the various funds of the Federal Housing Administration.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For carrying out the Federal Housing Enterprise Financial Safety and Soundness Act of 1992, $14,895,000, to remain available until expended, from the Federal Housing Enterprise Oversight Fund: *Provided*, That such amounts shall be collected by the Director as authorized by section 1316 (a) and (b) of such Act, and deposited in the Fund under section 1316(f) of such Act.

FEDERAL HOUSING ADMINISTRATION

FHA—MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 1996, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, shall not exceed a loan principal of $110,000,000,000: *Provided*, That during fiscal year 1996, the Secretary shall sell assigned mortgage notes having an unpaid principal balance of up to $4,000,000,000, which notes were originally insured under section 203(b) of the National Housing Act: *Provided further*, That the Secretary may use any negative subsidy amounts from the sale of such assigned mortgage notes during fiscal year 1996 for the disposition of properties or notes under this heading.

During fiscal year 1996, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $200,000,000: *Provided*, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under section 203 of such Act.

For administrative expenses necessary to carry out the guaranteed and direct loan program, $341,595,000, to be derived from the FHA-mutual mortgage insurance guaranteed loans receipt account, of which not to exceed $334,483,000 shall be transferred to the appropriation for departmental salaries and expenses; and of which not to exceed $7,112,000 shall be transferred to the appropriation for the Office of Inspector General.

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), including the cost of modifying such loans, $85,000,000, to remain available until expended: *Provided*, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal any part of which is to be guaranteed of not to exceed $17,400,000,000: *Provided further*, That during fiscal year 1996, the Secretary shall sell assigned notes having an unpaid principal balance of up to $4,000,000,000, which notes were originally obligations of the funds established under sections 238 and 519 of the National Housing Act: *Provided further*, That the Secretary may use any negative subsidy amounts from the sale of such assigned mortgage notes during fiscal year 1996, in addition to amounts otherwise provided, for the disposition of properties or notes under this heading (including the credit subsidy for the guarantee of loans or the reduction of positive credit subsidy amounts that would otherwise be required for the sale of such properties or notes), and for any other purpose under this heading: *Provided further*, That any amounts made available in any prior appropriation Act for the cost (as such term is defined in section 502 of the Congressional Budget Act of 1974) of guaranteed loans that are obligations of the funds established under section 238 or 519 of the National Housing Act that have not been obligated or that are deobligated shall be available to the Secretary of Housing and Urban Development in connection with the making of such guarantees and shall remain available until expended, notwithstanding the expiration of any period of availability otherwise applicable to such amounts.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238(a), and 519(a) of the National Housing Act, shall not exceed $120,000,000; of which not to exceed $100,000,000 shall be for bridge financing in connection with the sale of multifamily real properties owned by the Secretary and formerly insured under such Act; and of which not to exceed $20,000,000 shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act.

In addition, for administrative expenses necessary to carry out the guaranteed and direct loan programs, $202,470,000, of which $198,299,000 shall be transferred to the appropriation for departmental salaries and expenses; and of which $4,171,000 shall be transferred to the appropriation for the Office of Inspector General.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

(INCLUDES TRANSFER OF FUNDS)

During fiscal year 1996, new commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $110,000,000,000.

For administrative expenses necessary to carry out the guaranteed mortgage-backed securities program, $9,101,000, to be derived from the GNMA—guarantees of mortgage-backed securities guaranteed loan receipt account, of which not to exceed $9,101,000 shall be transferred to the appropriation for departmental salaries and expenses.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

EXTEND ADMINISTRATIVE PROVISIONS FROM THE RESCISSION ACT

SEC. 201. (a) PUBLIC AND INDIAN HOUSING MODERNIZATION.—

(1) EXPANSION OF USE OF MODERNIZATION FUNDING.—Subsection 14(q) of the United States Housing Act of 1937 is amended to read as follows:

"(q)(1) In addition to the purposes enumerated in subsections (a) and (b), a public housing agency may use modernization assistance provided under section 14, and development assistance provided under section 5(a) that was not allocated, as determined by the Secretary, for priority replacement housing, for any eligible activity authorized by this section, by section 5, or by applicable Appropriations Acts for a public housing agency, including the demolition, rehabilitation, revitalization, and replacement of existing units and projects and, for up to 10 percent of its allocation of such funds in any fiscal year, for any operating subsidy purpose authorized in section 9. Except for assistance used for operating subsidy purposes under the preceding sentence, assistance provided to a public housing agency under this section shall principally be used for the physical improvement, replacement of public housing, other capital purposes, and for associated management improvements, and such other extraordinary purposes as may be approved by the Secretary. Low-income and very low-income units assisted under this paragraph shall be eligible for operating subsidies, unless the Secretary determines that such units or projects do not meet other requirements of this Act.

"(2) A public housing agency may provide assistance to developments that include units for other than units assisted under this Act (except for units assisted under section 8 hereof) ('mixed income developments'), in the form of a grant, loan, operating assistance, or other form of investment which may be made to—

"(A) a partnership, a limited liability company, or other legal entity in which the public housing agency or its affiliate is a general partner, managing member, or otherwise participates in the activities of such entity; or

"(B) any entity which grants to the public housing agency the option to purchase the development within 20 years after initial occupancy in accordance with section 42(i)(7) of the Internal Revenue Code of 1986, as amended.

"Units shall be made available in such developments for periods of not less than 30 years, by master contract or by individual lease, for occupancy by low-income and very low-income families referred from time to time by the public housing agency from its central or site-based waiting list. The number of such units shall be:

"(i) in the same proportion to the total number of units in such development that the total financial commitment provided by the public housing agency bears to the value of the total financial commitment in the development, or

"(ii) not be less than the number of units that could have been developed under the conventional public housing program with the assistance involved, or

"(iii) as may otherwise be approved by the Secretary.

"(3) A mixed income development may elect to have all units subject only to the applicable local real estate taxes, notwithstanding that the low-income units assisted by public housing funds would otherwise be subject to section 6(d) of the Housing Act of 1937.

"(4) If an entity that owns or operates a mixed-income project under this subsection enters into a contract with a public housing agency, the terms of which obligate the entity to operate and maintain a specified number of units in the project as public housing units in accordance with the requirements of this Act for the period required by law, such contractual terms may provide that, if, as a result of a reduction in appropriations under section 9, or any other change in applicable law, the public housing agency is unable to fulfill its contractual obligations with respect to those public housing units, that entity may deviate, under procedures and requirements developed through regulations by the Secretary, from otherwise applicable restrictions under this Act regarding rents, income eligibility, and other areas of public housing management with respect to a portion or all of those public housing units, to the extent necessary to preserve the viability of those units while maintaining the low-income character of the units, to the maximum extent practicable.".

(2) APPLICABILITY.—Section 14(q) of the United States Housing Act of 1937, as amended by subsection (a) of this section, shall be effective only with respect to assistance provided from funds made available for fiscal year 1996 or any preceding fiscal year.

(3) APPLICABILITY TO IHAS.—In accordance with section 201(b)(2) of the United States Housing Act of 1937, the amendment made by this subsection shall apply to public housing developed or operated pursuant to a contract between the Secretary of Housing and Urban Development and an Indian housing authority.

(b) ONE-FOR-ONE REPLACEMENT OF PUBLIC AND INDIAN HOUSING.—

(1) EXTENDED AUTHORITY.—Section 1002(d) of Public Law 104–19 is amended to read as follows:

"(d) Subsections (a), (b), and (c) shall be effective for applications for the demolition, disposition, or conversion to homeownership of public housing approved by the Secretary, and other consolidation and relocation activities of public housing agencies undertaken, on, before, or after September 30, 1995 and before September 30, 1996.".

(2) Section 18(f) of the United States Housing Act of 1937 is amended by adding at the end the following new sentence:

"No one may rely on the preceding sentence as the basis for reconsidering a final order of a court issued, or a settlement approved by, a court.".

(3) APPLICABILITY.—In accordance with section 201(b)(2) of the United States Housing Act of 1937, the amendments made by this subsection and by sections 1002 (a), (b), and (c) of Public Law 104–19 shall apply to public housing developed or operated pursuant to a contract between the Secretary of Housing and Urban Development and an Indian housing authority.

CONVERSION OF CERTAIN PUBLIC HOUSING TO VOUCHERS

SEC. 203. (a) IDENTIFICATION OF UNITS.—Each public housing agency shall identify any public housing developments—

(1) that are on the same or contiguous sites;

(2) that total more than—

(A) 300 dwelling units; or

(B) in the case of high-rise family buildings or substantially vacant buildings; 300 dwelling units;

(3) that have a vacancy rate of at least 10 percent for dwelling units not in funded, on schedule modernization programs;

(4) identified as distressed housing that the public housing agency cannot assure the long-term viability as public housing through reasonable revitalization, density reduction, or achievement of a broader range of household income; and

(5) for which the estimated cost of continued operation and modernization of the developments as public housing exceeds the cost of providing tenant-based assistance under section 8 of the United States Housing Act of 1937 for all families in occupancy,

based on appropriate indicators of cost (such as the percentage of total development cost required for modernization).

(b) IMPLEMENTATION AND ENFORCEMENT.—

(1) STANDARDS FOR IMPLEMENTATION.—The Secretary shall establish standards to permit implementation of this section in fiscal year 1996.

(2) CONSULTATION.—Each public housing agency shall consult with the applicable public housing tenants and the unit of general local government in identifying any public housing developments under subsection (a).

(3) FAILURE OF PHAS TO COMPLY WITH SUBSECTION (a).—Where the Secretary determines that—

(A) a public housing agency has failed under subsection (a) to identify public housing developments for removal from the inventory of the agency in a timely manner;

(B) a public housing agency has failed to identify one or more public housing developments which the Secretary determines should have been identified under subsection (a); or

(C) one or more of the developments identified by the public housing agency pursuant to subsection (a) should not, in the determination of the Secretary, have been identified under that subsection;

the Secretary may designate the developments to be removed from the inventory of the public housing agency pursuant to this section.

(c) REMOVAL OF UNITS FROM THE INVENTORIES OF PUBLIC HOUSING AGENCIES.—

(1) Each public housing agency shall develop and carry out a plan in conjunction with the Secretary for the removal of public housing units identified under subsection (a) or subsection (b)(3), over a period of up to five years, from the inventory of the public housing agency and the annual contributions contract. The plan shall be approved by the relevant local official as not inconsistent with the Comprehensive Housing Affordability Strategy under title I of the Housing and Community Development Act of 1992, including a description of any disposition and demolition plan for the public housing units.

(2) The Secretary may extend the deadline in paragraph (1) for up to an additional five years where the Secretary makes a determination that the deadline is impracticable.

(3) The Secretary shall take appropriate actions to ensure removal of developments identified under subsection (a) or subsection (b)(3) from the inventory of a public housing agency, if the public housing agency fails to adequately develop a plan under paragraph (1), or fails to adequately implement such plan in accordance with the terms of the plan.

(4) To the extent approved in appropriations Acts, the Secretary may establish requirements and provide funding under the Urban Revitalization Demonstration program for demolition and disposition of public housing under this section.

(5) Notwithstanding any other provision of law, if a development is removed from the inventory of a public housing agency and the annual contributions contract pursuant to paragraph (1), the Secretary may authorize or direct the transfer of—

(A) in the case of an agency receiving assistance under the comprehensive improvement assistance program, any amounts obligated by the Secretary for the modernization of such development pursuant to section 14 of the United States Housing Act of 1937;

(B) in the case of an agency receiving public and Indian housing modernization assistance by formula pursuant to section 14 of the United States Housing Act of 1937, any amounts provided to the agency which are attributable pursuant to the formula for allocating such assistance to the development removed from the inventory of that agency; and

(C) in the case of an agency receiving assistance for the major reconstruction of obsolete projects, any amounts obligated by the Secretary for the major reconstruction of the development pursuant to section 5 of such Act,

to the tenant-based assistance program or appropriate site revitalization of such agency.

(6) CESSATION OF UNNECESSARY SPENDING.—Notwithstanding any other provision of law, if, in the determination of the Secretary, a development meets or is likely to meet the criteria set forth in subsection (a), the Secretary may direct the public housing agency to cease additional spending in connection with the development, except to the extent that additional spending is necessary to ensure decent, safe, and sanitary housing until the Secretary determines or approves an appropriate course of action with respect to such development under this section.

(d) CONVERSION TO TENANT-BASED ASSISTANCE.—

(1) The Secretary shall make authority available to a public housing agency to provide tenant-based assistance pursuant to section 8 to families residing in any development that is removed from the inventory of the public housing agency and the annual contributions contract pursuant to subsection (b).

(2) Each conversion plan under subsection (c) shall—

(A) require the agency to notify families residing in the development, consistent with any guidelines issued by the Secretary governing such notifications, that the development shall be removed from the inventory of the public housing agency and the families shall receive tenant-based or project-based assistance, and to provide any necessary counseling for families; and

(B) ensure that all tenants affected by a determination under this section that a development shall be removed from the inventory of a public housing agency shall be offered tenant-based or project-based assistance and shall be relocated, as necessary, to other decent, safe, sanitary, and affordable housing which is, to the maximum extent practicable, housing of their choice.

(e) IN GENERAL.—

(1) The Secretary may require a public housing agency to provide such information as the Secretary considers necessary for the administration of this section.

(2) As used in this section, the term "development" shall refer to a project or projects, or to portions of a project or projects, as appropriate.

(3) Section 18 of the United States Housing Act of 1937 shall not apply to the demolition of developments removed from the inventory of the public housing agency under this section.

STREAMLINING SECTION 8 TENANT-BASED ASSISTANCE

SEC. 204. (a) "TAKE-ONE, TAKE-ALL".—Section 8(t) of the United States Housing Act of 1937 is hereby repealed.

(b) EXEMPTION FROM NOTICE REQUIREMENTS FOR THE CERTIFICATE AND VOUCHER PROGRAMS.—Section 8(c) of such Act is amended—

(1) in paragraph (8), by inserting after "section" the following: "(other than a contract for assistance under the certificate or voucher program)"; and

(2) in the first sentence of paragraph (9), by striking "(but not less than 90 days in the case of housing certificates or vouchers under subsection (b) or (o))" and inserting ", other than a contract under the certificate or voucher program".

(c) ENDLESS LEASE.—Section 8(d)(1)(B) of such Act is amended—

(1) in clause (ii), by inserting "during the term of the lease," after "(ii)"; and

(2) in clause (iii), by striking "provide that" and inserting "during the term of the lease,".

(d) APPLICABILITY.—The provisions of this section shall be effective for fiscal year 1996 only.

PUBLIC HOUSING/SECTION 8 MOVING TO WORK DEMONSTRATION

SEC. 206. (a) PURPOSE.—The purpose of this demonstration is to give public housing agencies and the Secretary of Housing and Urban Development the flexibility to design and test various approaches for providing and administering housing assistance that: reduce cost and achieve greater cost effectiveness in Federal expenditures; give incentives to families with children where the head of household is working, seeking work, or is preparing for work by participating in job training, educational programs, or programs that assist people to obtain employment and become economically self-sufficient; and increase housing choices for low-income families.

(b) PROGRAM AUTHORITY.—The Secretary of Housing and Urban Development shall conduct a demonstration program under this section beginning in fiscal year 1996 under which up to 30 public housing agencies (including Indian housing authorities) administering the public or Indian housing program and the section 8 housing assistance payments program may be selected by the Secretary to participate. The Secretary shall provide training and technical assistance during the demonstration and conduct detailed evaluations of up to 15 such agencies in an effort to identify replicable program models promoting the purpose of the demonstration. Under the demonstration, notwithstanding any provision of the United States Housing Act of 1937 except as provided in subsection (e), an agency may combine operating assistance provided under section 9 of the United States Housing Act of 1937, modernization assistance provided under section 14 of such Act, and assistance provided under section 8 of such Act for the certificate and voucher programs, to provide housing assistance for low-income families, as defined in section 3(b)(2) of the United States Housing Act of 1937, and services to facilitate the transition to work on such terms and conditions as the agency may propose and the Secretary may approve.

(c) APPLICATION.—An application to participate in the demonstration—

(1) shall request authority to combine assistance under sections 8, 9, and 14 of the United States Housing Act of 1937;

(2) shall be submitted only after the public housing agency provides for citizen participation through a public hearing and, if appropriate, other means;

(3) shall include a plan developed by the agency that takes into account comments from the public hearing and any other public comments on the proposed program, and comments from current and prospective residents who would be affected, and that includes criteria for—

(A) families to be assisted, which shall require that at least 75 percent of the families assisted by participating demonstration public housing authorities shall be very low-income families, as defined in section 3(b)(2) of the United States Housing Act of 1937;

(B) establishing a reasonable rent policy, which shall be designed to encourage employment and self-sufficiency by participating families, consistent with the purpose of this demonstration, such as by excluding some or all of a family's earned income for purposes of determining rent;

(C) continuing to assist substantially the same total number of eligible low-income families as would have been served had the amounts not been combined;

(D) maintaining a comparable mix of families (by family size) as would have been provided had the amounts not been used under the demonstration; and

(E) assuring that housing assisted under the demonstration program meets housing quality standards established or approved by the Secretary; and

(4) may request assistance for training and technical assistance to assist with design of the demonstration and to participate in a detailed evaluation.

(d) SELECTION.—In selecting among applications, the Secretary shall take into account the potential of each agency to plan and carry out a program under the demonstration, the relative performance by an agency under the public housing management assessment program under section 6(j) of the United States Housing Act of 1937, and other appropriate factors as determined by the Secretary.

(e) APPLICABILITY OF 1937 ACT PROVISIONS.—

(1) Section 18 of the United States Housing Act of 1937 shall continue to apply to public housing notwithstanding any use of the housing under this demonstration.

(2) Section 12 of such Act shall apply to housing assisted under the demonstration, other than housing assisted solely due to occupancy by families receiving tenant-based assistance.

(f) EFFECT ON SECTION 8, OPERATING SUBSIDIES, AND COMPREHENSIVE GRANT PROGRAM ALLOCATIONS.—The amount of assistance received under section 8, section 9, or pursuant to section 14 by a public housing agency participating in the demonstration under this part shall not be diminished by its participation.

(g) RECORDS, REPORTS, AND AUDITS.—

(1) KEEPING OF RECORDS.—Each agency shall keep such records as the Secretary may prescribe as reasonably necessary to disclose the amounts and the disposition of amounts under this demonstration, to ensure compliance with the requirements of this section, and to measure performance.

(2) REPORTS.—Each agency shall submit to the Secretary a report, or series of reports, in a form and at a time specified by the Secretary. Each report shall—

(A) document the use of funds made available under this section;

(B) provide such data as the Secretary may request to assist the Secretary in assessing the demonstration; and

(C) describe and analyze the effect of assisted activities in addressing the objectives of this part.

(3) ACCESS TO DOCUMENTS BY THE SECRETARY.—The Secretary shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to assistance in connection with, and the requirements of, this section.

(4) ACCESS TO DOCUMENTS BY THE COMPTROLLER GENERAL.—The Comptroller General of the United States, or any of the duly authorized representatives of the Comptroller General, shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to assistance in connection with, and the requirements of, this section.

(h) EVALUATION AND REPORT.—

(1) CONSULTATION WITH PHA AND FAMILY REPRESENTATIVES.—In making assessments throughout the demonstration, the Secretary shall consult with representatives of public housing agencies and residents.

(2) REPORT TO CONGRESS.—Not later than 180 days after the end of the third year of the demonstration, the Secretary shall submit to the Congress a report evaluating the programs carried out under the demonstration. The report shall also include findings and recommendations for any appropriate legislative action.

(i) FUNDING FOR TECHNICAL ASSISTANCE AND EVALUATION.—From amounts appropriated for assistance under section 14 of the United States Housing Act of 1937 for fiscal years 1996, 1997, and 1998, the Secretary may use up to a total of $5,000,000—

(1) to provide, directly or by contract, training and technical assistance—

(A) to public housing agencies that express an interest to apply for training and technical assistance pursuant to subsection (c)(4), to assist them in designing programs to be proposed for the demonstration; and

(B) to up to 10 agencies selected to receive training and technical assistance pursuant to subsection (c)(4), to assist them in implementing the approved program; and

(2) to conduct detailed evaluations of the activities of the public housing agencies under paragraph (1)(B), directly or by contract.

EXTENSION OF MULTIFAMILY HOUSING FINANCE PROGRAM

SEC. 208. (a) The first sentence of section 542(b)(5) of the Housing and Community Development Act of 1992 (12 U.S.C. 1707 note) is amended by striking "on not more than 15,000 units over fiscal years 1993 and 1994" and inserting "on not more than 7,500 units during fiscal year 1996".

(b) The first sentence of section 542(c)(4) of the Housing and Community Development Act of 1992 (12 U.S.C. 1707 note) is amended by striking "on not to exceed 30,000 units over fiscal years 1993, 1994, and 1995" and inserting "on not more than 10,000 units during fiscal year 1996".

FORECLOSURE OF HUD-HELD MORTGAGES THROUGH THIRD PARTIES

SEC. 209. During fiscal year 1996, the Secretary of Housing and Urban Development may delegate to one or more entities the authority to carry out some or all of the functions and responsibilities of the Secretary in connection with the foreclosure of mortgages held by the Secretary under the National Housing Act.

RESTRUCTURING OF THE HUD MULTIFAMILY MORTGAGE PORTFOLIO THROUGH STATE HOUSING FINANCE AGENCIES

SEC. 210. During fiscal year 1996, the Secretary of Housing and Urban Development may sell or otherwise transfer multifamily mortgages held by the Secretary under the National Housing Act to a State housing finance agency in connection with a program authorized under section 542 (b) or (c) of the Housing and Community Development Act of 1992 without regard to the unit limitations in section 542(b)(5) or 542(c)(4) of such Act.

TRANSFER OF SECTION 8 AUTHORITY

SEC. 211. Section 8 of the United States Housing Act of 1937 is amended by adding the following new subsection at the end:

"(bb) TRANSFER OF BUDGET AUTHORITY.—If an assistance contract under this section, other than a contract for tenant-based assistance, is terminated or is not renewed, or if the contract expires, the Secretary shall, in order to provide continued assistance to eligible families, including eligible families receiving the benefit of the project-based assistance at the time of the termination, transfer any budget authority remaining in the contract to another contract. The transfer shall be under such terms as the Secretary may prescribe.".

DOCUMENTATION OF MULTIFAMILY REFINANCINGS

SEC. 212. Notwithstanding the 16th paragraph under the item relating to "administrative provisions" in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1995 (Public Law 103-327; 108 Stat. 2316), the amendments to section 223(a)(7) of the National Housing Act made by the 15th paragraph of such Act shall be effective during fiscal year 1996 and thereafter.

FHA MULTIFAMILY DEMONSTRATION AUTHORITY

SEC. 213. (a) On and after October 1, 1995, and before October 1, 1997, the Secretary of Housing and Urban Development shall initiate a demonstration program with respect to multifamily projects whose owners agree to participate and whose mortgages are insured under the National Housing Act and that are assisted under section 8 of the United States Housing Act of 1937 and whose present section 8 rents are, in the aggregate, in excess of the fair market rent of the locality in which the project is located. These programs shall be designed to test the feasibility and desirability of the goal of ensuring, to the maximum extent practicable, that the debt service and operating expenses, including adequate reserves, attributable to such multifamily projects can be supported with or without mortgage insurance under the National Housing Act and with or without above-market rents and utilizing project-based assistance or, with the consent of the property owner, tenant-based assistance, while taking into account the need for assistance of low- and very low-income families in such projects. In carrying out this demonstration, the Secretary may use arrangements with third parties, under which the Secretary may provide for the assumption by the third parties (by delegation, contract, or otherwise) of some or all of the functions, obligations, and benefits of the Secretary.

(1) GOALS.—The Secretary of Housing and Urban Development shall carry out the demonstration programs under this section in a manner that—

(A) will protect the financial interests of the Federal Government;

(B) will result in significant discretionary cost savings through debt restructuring and subsidy reduction; and

(C) will, in the least costly fashion, address the goals of—

(i) maintaining existing housing stock in a decent, safe, and sanitary condition;

(ii) minimizing the involuntary displacement of tenants;

(iii) restructuring the mortgages of such projects in a manner that is consistent with local housing market conditions;

(iv) supporting fair housing strategies;

(v) minimizing any adverse income tax impact on property owners; and

(vi) minimizing any adverse impact on residential neighborhoods.

In determining the manner in which a mortgage is to be restructured or the subsidy reduced, the Secretary may balance competing goals relating to individual projects in a manner that will further the purposes of this section.

(2) DEMONSTRATION APPROACHES.—In carrying out the demonstration programs, subject to the appropriation in subsection (f), the Secretary may use one or more of the following approaches:

(A) Joint venture arrangements with third parties, under which the Secretary may provide for the assumption by the third parties (by delegation, contract, or otherwise) of some or all of the functions, obligations, and benefits of the Secretary.

(B) Subsidization of the debt service of the project to a level that can be paid by an owner receiving an unsubsidized market rent.

(C) Renewal of existing project-based assistance contracts where the Secretary shall approve proposed initial rent levels that do not exceed the greater of 120 percent of fair market rents or comparable market rents for the relevant metropolitan market area or at rent levels under a budget-based approach.

(D) Nonrenewal of expiring existing project-based assistance contracts and providing tenant-based assistance to previously assisted households.

(b) For purposes of carrying out demonstration programs under subsection (a)—

(1) the Secretary may manage and dispose of multifamily properties owned by the Secretary as of October 1, 1995 and multifamily mortgages held by the Secretary as of October 1, 1995 for properties assisted under section 8 with rents above 110 percent of fair market rents without regard to any other provision of law; and

(2) the Secretary may delegate to one or more entities the authority to carry out some or all of the functions and responsibilities of the Secretary in connection with the foreclosure of mortgages held by the Secretary under the National Housing Act.

(c) For purposes of carrying out demonstration programs under subsection (a), subject to such third party consents (if any) as are necessary including but not limited to (i) consent by the Government National Mortgage Association where it owns a mortgage insured by the Secretary; (ii) consent by an issuer under the mortgage-backed securities program of the Association, subject to the responsibilities of the issuer to its security holders and the Association under such program; and (iii) parties to any contractual agreement which the Secretary proposes to modify or discontinue, and subject to the appropriation in subsection (c), the Secretary or one or more third parties designated by the Secretary may take the following actions:

(1) Notwithstanding any other provision of law, and subject to the agreement of the project owner, the Secretary or third party may remove, relinquish, extinguish, modify, or agree to the removal of any mortgage, regulatory agreement, project-based assistance contract, use agreement, or restriction that had been imposed or required by the Secretary, including restrictions on distributions of income which the Secretary or third party determines would interfere with the ability of the project to operate without above market rents. The Secretary or third party may require an owner of a property assisted under the section 8 new construction/substantial rehabilitation program to apply any accumulated residual receipts toward effecting the purposes of this section.

(2) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development may enter into contracts to purchase reinsurance, or enter into participations or otherwise transfer economic interest in contracts of insurance or in the premiums paid, or due to be paid, on such insurance to third parties, on such terms and conditions as the Secretary may determine.

(3) The Secretary may offer project-based assistance with rents at or below fair market rents for the locality in which the project is located and may negotiate such other terms as are acceptable to the Secretary and the project owner.

(4) The Secretary may offer to pay all or a portion of the project's debt service, including payments monthly from the appropriate Insurance Fund, for the full remaining term of the insured mortgage.

(5) Notwithstanding any other provision of law, the Secretary may forgive and cancel any FHA-insured mortgage debt that a demonstration program property cannot carry at market rents while bearing full operating costs.

(6) For demonstration program properties that cannot carry full operating costs (excluding debt service) at market rents, the Secretary may approve project-based rents sufficient to carry such full operating costs and may offer to pay the full debt service in the manner provided in paragraph (4).

(d) COMMUNITY AND TENANT INPUT.—In carrying out this section, the Secretary shall develop procedures to provide appropriate and timely notice to officials of the unit of general local government affected, the community in which the project is situated, and the tenants of the project.

(e) LIMITATION ON DEMONSTRATION AUTHORITY.—The Secretary may carry out demonstration programs under this section with respect to mortgages not to exceed 15,000 units. The demonstration authorized under this section shall not be expanded until the reports required under subsection (g) are submitted to the Congress.

(f) APPROPRIATION.—For the cost of modifying loans held or guaranteed by the Federal Housing Administration, as authorized by this subsection (a)(2) and subsection (c), $15,000,000, to remain available until September 30, 1997: *Provided*, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

(g) REPORT TO CONGRESS.—The Secretary shall submit to the Congress every six months after the date of enactment of this Act a report describing and assessing the programs carried out under the demonstrations. The Secretary shall also submit a final report to the Congress not later than six months after the end of the demonstrations. The reports shall include findings and recommendations for any legislative action appropriate. The reports shall also include a description of the status of each multifamily housing project selected for the demonstrations under this section. The final report may include—

(1) the size of the projects;

(2) the geographic locations of the projects, by State and region;

(3) the physical and financial condition of the projects;

(4) the occupancy profile of the projects, including the income, family size, race, and ethnic origin of current tenants, and the rents paid by such tenants;

(5) a description of actions undertaken pursuant to this section, including a description of the effectiveness of such actions and any impediments to the transfer or sale of multifamily housing projects;

(6) a description of the extent to which the demonstrations under this section have displaced tenants of multifamily housing projects;

(7) a description of any of the functions performed in connection with this section that are transferred or contracted out to public or private entities or to States;

(8) a description of the impact to which the demonstrations under this section have affected the localities and communities where the selected multifamily housing projects are located; and

(9) a description of the extent to which the demonstrations under this section have affected the owners of multifamily housing projects.

ASSESSMENT COLLECTION DATES FOR OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SEC. 216. Section 1316(b) of the Housing and Community Development Act of 1992 (12 U.S.C. 4516(b)) is amended by striking paragraph (2) and inserting the following new paragraph:

"(2) TIMING OF PAYMENT.—The annual assessment shall be payable semiannually for each fiscal year, on October 1 and April 1.".

MERGER LANGUAGE FOR ASSISTANCE FOR THE RENEWAL OF EXPIRING SECTION 8 SUBSIDY CONTRACTS AND ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

SEC. 217. All remaining obligated and unobligated balances in the Renewal of Expiring Section 8 Subsidy Contracts account on September 30, 1995, shall immediately thereafter be transferred to and merged with the obligated and unobligated balances, respectively, of the Annual Contributions for Assisted Housing account.

DEBT FORGIVENESS

SEC. 218. (a) The Secretary of Housing and Urban Development shall cancel the indebtedness of the Hubbard Hospital Authority of Hubbard, Texas, relating to the public facilities loan for Project Number PFL–TEX–215, issued under title II of the Housing Amendments of 1955. Such hospital authority is relieved of all liability to the Government for the outstanding principal balance on such loan, for the amount of accrued interest on such loan, and for any fees and charges payable in connection with such loan.

(b) The Secretary of Housing and Urban Development shall cancel the indebtedness of the Groveton Texas Hospital Authority relating to the public facilities loan for Project Number TEX–41–PFL0162, issued under title II of the Housing Amendments of 1955. Such hospital authority is relieved of all liability to the Government for the outstanding principal balance on such loan, for the amount of accrued interest on such loan, and for any fees and charges payable in connection with such loan.

(c) The Secretary of Housing and Urban Development shall cancel the indebtedness of the Hepzibah Public Service District of Hepzibah, West Virginia, relating to the public facilities loan for Project Number WV–46–PFL0031, issued under title II of the Housing Amendments of 1955. Such public service district is relieved of all liability to the Government for the outstanding principal balance on such loan, for the amount of accrued interest on such loan, and for any fees and charges payable in connection with such loan.

CLARIFICATIONS

SEC. 219. For purposes of Federal law, the Paul Mirabile Center in San Diego, California, including areas within such Center that are devoted to the delivery of supportive services, has been determined to satisfy the "continuum of care" requirements of the Department of Housing and Urban Development, and shall be treated as—

(a) consisting solely of residential units that (i) contain sleeping accommodations and kitchen and bathroom facilities, (ii) are located in a building that is used exclusively to facilitate the transition of homeless individuals (within the meaning of section 103 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302), as in effect on December 19, 1989) to independent living within 24 months, (iii) are suitable for occupancy, with each cubicle constituting a separate bedroom and residential unit, (iv) are used on other than a transient basis, and (v) shall be originally placed in service on November 1, 1995; and

(b) property that is entirely residential rental property, namely, a project for residential rental property.

EMPLOYMENT LIMITATIONS

SEC. 220. (a) By the end of fiscal year 1996 the Department of Housing and Urban Development shall employ no more than eight Assistant Secretaries, notwithstanding section 4(a) of the Department of Housing and Urban Development Act.

(b) By the end of fiscal year 1996 the Department of Housing and Urban Development shall employ no more than 85 schedule C and 20 non-career senior executive service employees.

USE OF FUNDS

SEC. 221. (a) Of the $93,400,000 earmarked in Public Law 101–144 (103 Stat. 850), as amended by Public Law 101–302 (104 Stat. 237), for special projects and purposes, any amounts remaining of the $500,000 made available to Bethlehem House in Highland, California, for site planning and loan acquisition shall instead be made available to the County of San Bernardino in California to assist with the expansion of the Los Padrinos Gang Intervention Program and the Unity Home Domestic Violence Shelter.

(b) The amount made available for fiscal year 1995 for the removal of asbestos from an abandoned public school building in Toledo, Ohio shall be made available for the renovation and rehabilitation of an industrial building at the University of Toledo in Toledo, Ohio.

LEAD-BASED PAINT ABATEMENT

SEC. 222. (a) Section 1011 of Title X—Residential Lead-Based Paint Hazard Reduction Act of 1992 is amended as follows: Strike "priority housing" wherever it appears in said section and insert "housing".

(b) Section 1011(a) shall be amended as follows: At the end of the subsection after the period, insert: "Grants shall only be made under this section to provide assistance for housing which meets the following criteria—

"(1) for grants made to assist rental housing, at least 50 percent of the units must be occupied by or made available to families with incomes at or below 50 percent of the area median income level and the remaining units shall be occupied or made available to families with incomes at or below 80 percent of the area median income level, and in all cases the landlord shall give priority in renting units assisted under this section, for not less than 3 years following the completion of lead abatement activities, to families with a child under the age of six years, except that buildings with five or more units may have 20 percent of the units occupied by families with incomes above 80 percent of area median income level;

"(2) for grants made to assist housing owned by owner-occupants, all units assisted with grants under this section shall be the principal residence of families with income at or below 80 percent of the area median income level, and not less than 90 percent of the units assisted with grants under this section shall be occupied by a child under the age of six years or shall be units where a child under the age of six years spends a significant amount of time visiting; and

"(3) notwithstanding paragraphs (1) and (2), Round II grantees who receive assistance under this section may use such assistance for priority housing.".

EXTENSION PERIOD FOR SHARING UTILITY COST SAVINGS WITH PHAS

SEC. 223. Section 9(a)(3)(B)(i) of the United States Housing Act of 1937 is amended by striking "for a period not to exceed 6 years".

MORTGAGE NOTE SALES

SEC. 223A. The first sentence of section 221(g)(4)(C)(viii) of the National Housing Act is amended by striking "September 30, 1995" and inserting in lieu thereof "September 30, 1996".

REPEAL OF FROST-LELAND

SEC. 223B. Section 415 of the Department of Housing and Urban Development—Independent Agencies Appropriations Act, 1988 (Public Law 100–202; 101 Stat. 1329–213) is repealed.

FHA SINGLE-FAMILY ASSIGNMENT PROGRAM REFORM

SEC. 223C. (a) CORRECTION TO FORECLOSURE AVOIDANCE PROVISION.—The penultimate proviso of section 204(a) of the National Housing Act (12 U.S.C. 1710(a)). As added by section 407(a) of the Balanced Budget Downpayment Act, I, is amended by striking "special foreclosure" and inserting in lieu thereof "special forebearance".

(b) CORRECTION TO SAVINGS PROVISION.—Section 230(d) of the National Housing Act, as amended by section 407(b) of the Balanced Budget Downpayment Act, I, is amended to read as follows:

"(d) SAVINGS PROVISION.—Any mortgage for which the mortgagor has applied to the Secretary, before March 15, 1996, for assignment pursuant to subsection (b) of this section as in effect before enactment of the Balanced Budget Downpayment Act, I, shall continue to be governed by the provisions of this section as in effect immediately before enactment of the Balanced Budget Downpayment Act, I."

(c) CORRECTION TO DATE FOR REGULATIONS.—Section 407(d) of the Balanced Budget Downpayment Act, I, is amended to read as follows:

"(d) REGULATIONS.—Not later than April 15, 1996, the Secretary of Housing and Urban Development shall issue interim regulations to implement this section and the amendments made by this section."

SPENDING LIMITATIONS

SEC. 223D. (a) None of the funds in this Act may be used by the Secretary to impose any sanction, or penalty because of the enactment of any State or local law or regulation declaring English as the official language.

(b) No part of any appropriation contained in this Act shall be used for lobbying activities as prohibited by law.

TRANSFER OF FUNCTIONS TO THE DEPARTMENT OF JUSTICE

SEC. 223E. All functions, activities and responsibilities of the Secretary of Housing and Urban Development relating to title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and the Fair Housing Act, including any rights guaranteed under the Fair Housing Act (including any functions relating to the Fair Housing Initiatives program under section 561 of the Housing and Community Development Act of 1987), are hereby transferred to the Attorney General of the United States effective April 1, 1997: *Provided*, That none of the aforementioned authority or responsibility for enforcement of the Fair Housing Act shall be transferred to the Attorney General until adequate personnel and resources allocated to such activity at the Department of Housing and Urban Development are transferred to the Department of Justice.

SEC. 224. None of the funds provided in this Act may be used during fiscal year 1996 to investigate or prosecute under the Fair Housing Act (42 U.S.C. 3601, et seq.) any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of non-frivolous legal action, that is engaged in solely for the purposes of achieving or preventing action by a Government official, entity, or court of competent jurisdiction.

SEC. 225. None of the funds provided in this Act may be used to take any enforcement action with respect to a complaint of discrimination under the Fair Housing Act (42 U.S.C. 3601, et seq.) on the basis of familial status and which involves an occupancy standard established by the housing provider except to the extent that it is found that there has been discrimination in contravention of the standards provided in the March 20, 1991 Memorandum from the General Counsel of the Department of Housing and Urban Development to all Regional Counsel or until such time that HUD issues a final rule in accordance with section 553 of title 5, United States Code.

CDBG ELIGIBLE ACTIVITIES

SEC. 226. Section 105(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)) is amended—

(1) in paragraph (4)—

(A) by inserting "reconstruction," after "removal,"; and

(B) by striking "acquisition for rehabilitation, and rehabilitation" and inserting "acquisition for reconstruction or rehabilitation, and reconstruction or rehabilitation";

(2) in paragraph (13), by striking "and" at the end;

(3) by striking paragraph (19);

(4) in paragraph (24), by striking "and" at the end;

(5) in paragraph (25), by striking the period at the end and inserting "; and";

(6) by redesignating paragraphs (20) through (25) as paragraphs (19) through (24), respectively; and

(7) by redesignating paragraph (21) (as added by section 1012(f)(3) of the Housing and Community Development Act of 1992) as paragraph (25).

TITLE III

INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries, when required by law of such countries; $20,265,000, to remain available until expended: *Provided*, That where station allowance has been authorized by the Department of the Army for officers of the Army serving the Army at certain foreign stations, the same allowance shall be authorized for officers of the Armed Forces assigned to the Commission while serving at the same foreign stations, and this appropriation is hereby made available for the payment of such allowance: *Provided further*, That when traveling on business of the Commission, officers of the Armed Forces serving as members or as Secretary of the Commission may be reimbursed for expenses as provided for civilian members of the Commission: *Provided further*, That the Commission shall reimburse other Government agencies, including the Armed Forces, for salary, pay, and allowances of personnel assigned to it.

DEPARTMENT OF THE TREASURY

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND

PROGRAM ACCOUNT

For grants, loans, and technical assistance to qualifying community development financial institutions, and administrative expenses of the Fund, $50,000,000, to remain available until September 30, 1997: *Provided*, That of the funds made available under this heading not to exceed $4,000,000 may be used for the cost of direct loans, and not to exceed $400,000 may be used for administrative expenses to carry out the direct loan program: *Provided further*, That the cost of direct loans, including the cost of modifying such loans, shall be defined as in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $31,600,000: *Provided further*, That none of these funds shall be used to supplement existing resources provided to the Department for activities such as external affairs, general counsel, administration, finance, or office of inspector general: *Provided further*, That none of these funds shall be available for expenses of an Administrator as defined in section 104 of the Community Development Banking and Financial Institutions Act of 1994 (CDBFI Act): *Provided further*, That notwithstanding any other provision of law, for purposes of administering the Community Development Financial Institutions Fund, the Secretary of the Treasury shall have all powers and rights of the Administrator of the CDBFI Act and the Fund shall be within the Department of the Treasury.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $500 for official reception and representation expenses, $40,000,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Corporation for National and Community Service (referred to in the matter under this heading as the "Corporation") in carrying out programs, activities, and initiatives under the National and Community Service Act of 1990 (referred to in the matter under this heading as the "Act") (42 U.S.C. 12501 et seq.), $383,500,000, of which $234,000,000 shall be available for obligation from September 1, 1996, through August 21, 1997: *Provided*, That not more than $25,000,000 shall be available for administrative expenses authorized under section 501(a)(4) of the Act (42 U.S.C. 12681(a)(4)): *Provided further*, That not more than $2,500 shall be for official reception and representation expenses: *Provided further*, That not more than $59,000,000, to remain available without fiscal year limitation, shall be transferred to the National Service Trust account for educational awards authorized under subtitle D of title I of the Act (42 U.S.C. 12601 et seq.): *Provided further*, That not more than $175,000,000 of the amount provided under this heading shall be available for grants under the National Service Trust program authorized under subtitle C of title I of the Act (42 U.S.C. 12571 et seq.) (relating to activities including the Americorps program): *Provided further*, That not more than $3,500,000 of the funds made available under this heading shall be made available for the Points of Light Foundation for activities authorized under title III of the Act (42 U.S.C. 12661 et seq.): *Provided further*, That not more than $40,000,000 of the funds made available under this heading may be used to administer, reimburse, or support any national service program authorized under section 121(d)(2) of such Act (42 U.S.C. 12581(d)(2)), and none of such funds shall be available for national service programs run by Federal agencies authorized under section 121(b) of such Act (42 U.S.C. 12581(b)): *Provided further*, That, to the maximum extent feasible, funds appropriated in the preceding proviso shall be provided in a manner that is consistent with the recommendations of peer review panels in order to ensure that priority is given to programs that demonstrate quality, innovation, replicability, and sustainability: *Provided further*, That not more than $18,000,000 of the funds made available under this heading shall be available for the Civilian Community Corps authorized under subtitle E of title I of the Act (42 U.S.C. 12611 et seq.): *Provided further*, That not more than $43,000,000 shall be available for school-based and community-based service-learning programs authorized under subtitle B of title I of the Act (42 U.S.C. 12521 et seq.): *Provided further*, That not more than $15,000,000 shall be available for quality and innovation activities authorized under subtitle H of title I of the Act (42 U.S.C. 12653 et seq.): *Provided further*, That not more than $5,000,000 shall be available for audits and other evaluations authorized under section 179 of the Act (42 U.S.C. 12639), of which up to $500,000 shall be available for a study by the National Academy of Public Administration on the structure, organization, and management of the Corporation and activities supported by the Corporation, including an assessment of the quality, innovation, replicability, and sustainability without Federal funds of such activities, and the Federal and non-federal cost of supporting participants in community service activities: *Provided further*, That no funds from any other appropriation, or from funds otherwise made available to the Corporation, shall be used to pay for personnel compensation and benefits, travel, or any other administrative expense for the Board of Directors, the Office of the Chief Executive Officer, the Office of the Managing Director, the Office of the Chief Financial Officer, the Office of National and Community Service Programs, the Civilian Community Corps, or any field office or staff of the Corporation working on the National and Community Service or Civilian Community Corps programs: *Provided further*, That to the maximum extent practicable, the Corporation shall increase significantly the level of matching funds and in-kind contributions provided by the private sector, shall expand significantly the number of educational awards provided under subtitle D of title 1, and shall reduce the total Federal cost per participant in all programs.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $2,000,000.

COURT OF VETERANS APPEALS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Veterans Appeals as authorized by 38 U.S.C. sections 7251–7292, $9,000,000, of which not to exceed $678,000, to remain available until September 30, 1997, shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this head in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, and not to exceed $1,000 for official reception and representation expenses; $11,946,000, to remain available until expended.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended; necessary expenses for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18; procurement of laboratory equipment and supplies; other operating expenses in support of research and development; construction, alteration, repair, rehabilitation and renovation of facilities, not to exceed $75,000 per project; $525,000,000, which shall remain available until September 30, 1997.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; and not to exceed $6,000 for official reception and representation expenses; $1,590,300,000, which shall remain available until September 30, 1997: *Provided*, That, notwithstanding any other provision of law, for this fiscal year and hereafter, an industrial discharger that is a pharmaceutical manufacturing facility and discharged to the Kalamazoo Water Reclamation Plant (an advanced wastewater treatment plant with activated carbon) prior to the date of enactment of this Act may be exempted from categorical pretreatment standards under section 307(b) of the Federal Water Pollution Control Act, as amended, if the following conditions are met:

(1) the owner or operator of the Kalamazoo Water Reclamation Plant applies to the State of Michigan for an exemption for such industrial discharger,

(2) the State or Administrator, as applicable, approves such exemption request based upon a determination that the Kalamazoo Water Reclamation Plant will provide treatment and pollution removal equivalent to or better than that which would be required through a combination of pretreatment by such industrial discharger and treatment by the Kalamazoo Water Reclamation Plant in the absence of the exemption, and

(3) compliance with paragraph (2) is addressed by the provisions and conditions of a permit issued to the Kalamazoo Water Reclamation Plant under section 402 of such Act, and there exists an operative financial contract between the City of Kalamazoo and the industrial user and an approved local pretreatment program, including a joint monitoring program and local controls to prevent against interference and pass through.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $28,500,000.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or use by, the Environmental Protection Agency, $60,000,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended, including sections 111 (c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; not to exceed $1,263,400,000, to remain available until expended, consisting of $1,013,400,000 as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended by Public Law 101–508 (of which, $100,000,000 shall not become available until September 1, 1996), and $250,000,000 as a payment from general revenues to the Hazardous Substance Superfund as authorized by section 517(b) of SARA, as amended by Public Law 101-508: *Provided*, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: *Provided further*, That $11,000,000 of the funds appropriated under this heading shall be transferred to the Office of Inspector General appropriation to remain available until September 30, 1996: *Provided further*, That notwithstanding section 111(m) of CERCLA or any other provision of law, not to exceed $59,000,000 of the funds appropriated under this heading shall be available to the Agency for Toxic Substances and Disease Registry to carry out activities described in sections 104(i), 111(c)(4), and 111(c)(14) of CERCLA and section 118(f) of the Superfund Amendments and Reauthorization Act of 1986: *Provided further*, That none of the funds appropriated under this heading shall be available for the Agency for Toxic Substances and Disease Registry to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 1996: *Provided further*, That none of the funds made available under this heading may be used by the Environmental Protection Agency to propose for listing or to list any additional facilities on the National Priorities List established by section 105 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended (42 U.S.C. 9605), unless the Administrator receives a written request to propose for listing or to list a facility from the Governor of the State in which the facility is located, or unless legislation to reauthorize CERCLA is enacted.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $45,827,000, to remain available until expended: *Provided*, That no more than $7,000,000 shall be available for administrative expenses: *Provided further*, That $500,000 shall be transferred to the Office of Inspector General appropriation to remain available until September 30, 1996.

OIL SPILL RESPONSE

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $15,000,000, to be derived from the Oil Spill Liability trust fund, and to remain available until expended: *Provided*, That not more than $8,000,000 of these funds shall be available for administrative expenses.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $2,423,000,000, to remain available until expended, of which $1,500,000,000 shall be for making capitalization grants for State revolving funds to support water infrastructure financing; $100,000,000 for architectural, engineering, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; $50,000,000 for grants to the State of Texas, which shall be matched by an equal amount of State funds from State resources, for the purpose of improving wastewater treatment for colonias; $15,000,000 for grants to the State of Alaska, subject to an appropriate cost share as determined by the Administrator, to address wastewater infrastructure needs of rural and Alaska Native villages; and $100,000,000 for making grants for the construction of wastewater treatment facilities and the development of groundwater in accordance with the terms and conditions specified for such grants in the Conference Report accompanying this Act (H.R. 2099): *Provided*, That beginning in fiscal year 1996 and each fiscal year thereafter, and notwithstanding any other provision of law, the Administrator is authorized to make grants annually from funds appropriated under this heading, subject to such terms and conditions as the Administrator shall establish, to any State or federally recognized Indian tribe for multimedia or single media pollution prevention, control and abatement and related environmental activities at the request of the Governor or other appropriate State official or the tribe: *Provided further*, That from funds appropriated under this heading, the Administrator may make grants to federally recognized Indian governments for the development of multimedia environmental programs: *Provided further*, That of the $1,500,000,000 for capitalization grants for State revolving funds to support water infrastructure financing, $325,000,000 shall be for drinking water State revolving funds, but if no drinking water State revolving fund legislation is enacted by June 1, 1996, these funds shall immediately be available for making capitalization grants under title VI of the Federal Water Pollution Control Act, as amended: *Provided further*, That of the funds made available in Public Law 103–327 and in Public Law 103–124 for capitalization grants for State revolving funds to support water infrastructure financing, $225,000,000 shall be made available for capitalization grants for State revolving funds under title VI of the Federal Water Pollution Control Act, as amended, if no drinking water State revolving fund legislation is enacted by June 1, 1996: *Provided further*, That of the funds made available under this heading for capitalization grants for State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended, $50,000,000 shall be for wastewater treatment in impoverished communities pursuant to section 102(d) of H.R. 961 as approved by the United States House of Representatives on May 16, 1995: *Provided further*, That of the funds appropriated in the Construction Grants and Water Infrastructure/State Revolving Funds accounts since the appropriation for the fiscal year ending September 30, 1992, and hereafter, for making grants for wastewater treatment works construction projects, portions may be provided by the recipients to States for managing construction grant activities, on condition that the States agree to reimburse the recipients from State funding sources: *Provided further*, That the funds made available in Public Law 103–327 for a grant to the City of Mt. Arlington, New Jersey, in accordance with House Report 103–715, shall be available for a grant to that city for water and sewer improvements.

ADMINISTRATIVE PROVISIONS

SEC. 301. None of the funds provided in this Act may be used within the Environmental Protection Agency for any final action by the Administrator or her delegate for signing and publishing for promulgation of a rule concerning any new standard for radon in drinking water.

SEC. 302. None of the funds provided in this Act may be used during fiscal year 1996 to sign, promulgate, implement or enforce the requirement proposed as "Regulation of Fuels and Fuel Additives: Individual Foreign

Refinery Baseline Requirements for Reformulated Gasoline" at volume 59 of the Federal Register at pages 22800 through 22814.

SEC. 303. None of the funds appropriated to the Environmental Protection Agency for fiscal year 1996 may be used to implement section 404(c) of the Federal Water Pollution Control Act, as amended. No pending action by the Environmental Protection Agency to implement section 404(c) with respect to an individual permit shall remain in effect after the date of enactment of this Act.

SEC. 304. None of the funds appropriated under this Act may be used to implement the requirements of section 186(b)(2), section 187(b) or section 211(m) of the Clean Air Act (42 U.S.C. 7512(b)(2), 7512a(b), or 7545(m)) with respect to any moderate nonattainment area in which the average daily winter temperature is below 0 degrees Fahrenheit. The preceding sentence shall not be interpreted to preclude assistance from the Environmental Protection Agency to the State of Alaska to make progress toward meeting the carbon monoxide standard in such areas and to resolve remaining issues regarding the use of oxygenated fuels in such areas.

SEC. 305. Notwithstanding any other provision of law, the Environmental Protection Agency shall: (1) transfer all real property acquired in Bay City, Michigan, for the creation of the Center for Ecology, Research and Training (CERT) to the City of Bay City or other local public or municipal entity; and (2) make a grant in fiscal year 1996 to the recipient of the property of not less than $3,000,000 from funds previously appropriated for the CERT project for the purpose of environmental remediation and rehabilitation of real property included in the boundaries of the CERT project. The disposition of property shall be by donation or no-cost transfer and shall be made to the City of Bay City, Michigan or other local public or municipal entity.

Further, notwithstanding any other provision of law, the agency shall have the authority to demolish or dispose of any improvements on such real property, or to donate, sell, or transfer any personal property or improvements on such real property to members of the general public, by auction or public sale, and to apply any funds received to costs related to the transfer of the real property authorized hereunder.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $4,981,000: *Provided*, That the Office of Science and Technology Policy shall reimburse other agencies for not less than one-half of the personnel compensation costs of individuals detailed to it.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Improvement Act of 1970 and Reorganization Plan No. 1 of 1977, $2,180,000.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $222,000,000, to remain available until expended.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For the cost of direct loans, $2,155,000, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $25,000,000.

In addition, for administrative expenses to carry out the direct loan program, $95,000.

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire and purchase of motor vehicles (31 U.S.C. 1343); uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18; expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency preparedness; transportation in connection with the continuity of Government programs to the same extent and in the same manner as permitted the Secretary of a Military Department under 10 U.S.C. 2632; and not to exceed $2,500 for official reception and representation expenses; $168,900,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $4,673,000.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For necessary expenses, not otherwise provided for, to carry out activities under the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947, as amended (50 U.S.C. 404–405), and Reorganization Plan No. 3 of 1978, $203,044,000.

EMERGENCY FOOD AND SHELTER PROGRAM

There is hereby appropriated $100,000,000 to the Federal Emergency Management Agency to carry out an emergency food and shelter program pursuant to title III of Public Law 100–77, as amended: *Provided*, That total administrative costs shall not exceed three and one-half per centum of the total appropriation.

NATIONAL FLOOD INSURANCE FUND

For activities under the National Flood Insurance Act of 1968, the Flood Disaster Protection Act of 1973, and the National Flood Insurance Reform Act of 1994, not to exceed $20,562,000 for salaries and expenses associated with flood mitigation and flood insurance operations, and not to exceed $70,464,000 for flood mitigation, including up to $12,000,000 for expenses under section 1366 of the National Flood Insurance Act of 1968, as amended, which amount shall be available until September 30, 1997. In fiscal year 1996, no funds in excess of (1) $47,000,000 for operating expenses, (2) $292,526,000 for agents' commissions and taxes, and (3) $3,500,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund without prior notice to the Committees on Appropriations.

ADMINISTRATIVE PROVISION

The Director of the Federal Emergency Management Agency shall promulgate through rulemaking a methodology for assessment and collection of fees to be assessed and collected beginning in fiscal year 1996 applicable to persons subject to the Federal Emergency Management Agency's radiological emergency preparedness regulations. The aggregate charges assessed pursuant to this section during fiscal year 1996 shall approximate, but not be less than, 100 per centum of the amounts anticipated by the Federal Emergency Management Agency to be obligated for its radiological emergency preparedness program for such fiscal year. The methodology for assessment and collection of fees shall be fair and equitable, and shall reflect the full amount of costs of providing radiological emergency planning, preparedness, response and associated services. Such fees will be assessed in a manner that reflects the use of agency resources for classes of regulated persons and the administrative costs of collecting such fees. Fees received pursuant to this section shall be deposited in the general fund of the Treasury as offsetting receipts. Assessment and collection of such fees are only authorized during fiscal year 1996.

GENERAL SERVICES ADMINISTRATION

CONSUMER INFORMATION CENTER

For necessary expenses of the Consumer Information Center, including services authorized by 5 U.S.C. 3109, $2,061,000, to be deposited into the Consumer Information Center Fund: *Provided*, That the appropriations, revenues and collections deposited into the fund shall be available for necessary expenses of Consumer Information Center activities in the aggregate amount of $7,500,000. Administrative expenses of the Consumer Information Center in fiscal year 1996 shall not exceed $2,602,000. Appropriations, revenues, and collections accruing to this fund during fiscal year 1996 in excess of $7,500,000 shall remain in the fund and shall not be available for expenditure except as authorized in appropriations Acts.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

HUMAN SPACE FLIGHT

For necessary expenses, not otherwise provided for, in the conduct and support of human space flight research and development activities, including research; development; operations; services; maintenance; construction of facilities including repair, rehabilitation, and modification of real and personal property, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft; $5,456,600,000, to remain available until September 30, 1997.

SCIENCE, AERONAUTICS AND TECHNOLOGY

For necessary expenses, not otherwise provided for, for the conduct and support of science, aeronautics, and technology research and development activities, including research; development; operations; services;

maintenance; construction of facilities including repair, rehabilitation and modification of real and personal property, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft; $5,845,900,000, to remain available until September 30, 1997.

MISSION SUPPORT

For necessary expenses, not otherwise provided for, in carrying out mission support for human space flight programs and science, aeronautical, and technology programs, including research operations and support; space communications activities including operations, production, and services; maintenance; construction of facilities including repair, rehabilitation, and modification of facilities, minor construction of new facilities and additions to existing facilities, facility planning and design, environmental compliance and restoration, and acquisition or condemnation of real property, as authorized by law; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); travel expenses; purchase, lease, charter, maintenance, and operation of mission and administrative aircraft; not to exceed $35,000 for official reception and representation expenses; and purchase (not to exceed thirty-three for replacement only) and hire of passenger motor vehicles; $2,502,200,000, to remain available until September 30, 1997.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $16,000,000.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

Notwithstanding the limitation on the availability of funds appropriated for "Human space flight", "Science, aeronautics and technology", or "Mission support" by this appropriations Act, when any activity has been initiated by the incurrence of obligations for construction of facilities as authorized by law, the amount available for such activity shall remain available until expended. This provision does not apply to the amounts appropriated in "Mission support" pursuant to the authorization for repair, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and facility planning and design.

Notwithstanding the limitation on the availability of funds appropriated for "Human space flight", "Science, aeronautics and technology", or "Mission support" by this appropriations Act, the amounts appropriated for construction of facilities shall remain available until September 30, 1998.

Notwithstanding the limitation on the availability of funds appropriated for "Mission support" and "Office of Inspector General", amounts made available by this Act for personnel and related costs and travel expenses of the National Aeronautics and Space Administration shall remain available until September 30, 1996 and may be used to enter into contracts for training, investigations, cost associated with personnel relocation, and for other services, to be provided during the next fiscal year.

The unexpired balances of prior appropriations to NASA for activities for which funds are provided under this Act may be transferred to the new account established for the appropriation that provides funds for such activity under this Act. Balances so transferred may be merged with funds in the newly established account and thereafter may be accounted for as one fund to be available for the same purposes and under the same terms and conditions.

Upon the determination by the Administrator that such action is necessary, the Administrator may, with the approval of the Office of Management and Budget, transfer not to exceed $50,000,000 of funds made available in this Act to the National Aeronautics and Space Administration between such appropriations or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen requirements, than those for which originally appropriated: *Provided further*, That the Administrator of the National Aeronautics and Space Administration shall notify the Congress promptly of all transfers made pursuant to this authority.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

During fiscal year 1996, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions as authorized by the National Credit Union Central Liquidity Facility Act (12 U.S.C. 1795) shall not exceed $600,000,000: *Provided*, That administrative expenses of the Central Liquidity Facility in fiscal year 1996 shall not exceed $560,000.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; $2,274,000,000, of which not to exceed $235,000,000 shall remain available until expended for Polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program; the balance to remain available until September 30, 1997: *Provided*, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: *Provided further*, That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

MAJOR RESEARCH EQUIPMENT

For necessary expenses in carrying out major construction projects, and related expenses, pursuant to the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), $70,000,000, to remain available until expended.

ACADEMIC RESEARCH INFRASTRUCTURE

For necessary expenses in carrying out an academic research infrastructure program pursuant to the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109 and rental of conference rooms in the District of Columbia, $100,000,000, to remain available until September 30, 1997.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109 and rental of conference rooms in the District of Columbia, $599,000,000, to remain available until September 30, 1997: *Provided*, That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

SALARIES AND EXPENSES

For necessary salaries and expenses in carrying out the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); rental of conference rooms in the District of Columbia; reimbursement of the General Services Administration for security guard services; $127,310,000: *Provided*, That contracts may be entered into under salaries and expenses in fiscal year 1996 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $4,490,000, to remain available until September 30, 1997.

NATIONAL SCIENCE FOUNDATION HEADQUARTERS RELOCATION

For necessary support of the relocation of the National Science Foundation, $5,200,000: *Provided*, That these funds shall be used to reimburse the General Services Administration for services and related acquisitions in support of relocating the National Science Foundation.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $38,667,000.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by law (5 U.S.C. 4101–4118) for civilian employees; and not to exceed $1,000 for official reception and representation expenses; $22,930,000: *Provided*, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever he deems such action to be necessary in the interest of national defense: *Provided further*, That none of the funds appropriated by the Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

TITLE IV

CORPORATIONS

Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Act as may be necessary in carrying out the programs set forth in the budget for 1996 for such corporation or agency except as hereinafter provided: *Provided*, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

RESOLUTION TRUST CORPORATION

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $11,400,000.

TITLE V

GENERAL PROVISIONS

SEC. 501. Where appropriations in titles I, II, and III of this Act are expendable for travel expenses and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefor in the budget estimates submitted for the appropriations: *Provided*, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Department of Veterans Affairs; to travel performed in connection with major disasters or emergencies declared or determined by the President under the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to travel performed by the Offices of Inspector General in connection with audits and investigations; or to payments to interagency motor pools where separately set forth in the budget schedules: *Provided further*, That if appropriations in titles I, II, and III exceed the amounts set forth in budget estimates initially submitted for such appropriations, the expenditures for travel may correspondingly exceed the amounts therefor set forth in the estimates in the same proportion.

SEC. 502. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development and the Selective Service System shall be available in the current fiscal year for purchase of uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

SEC. 503. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Resolution Trust Corporation, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1831).

SEC. 504. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 505. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made, or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such audit.

SEC. 506. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between his domicile and his place of employment, with the exception of any officer or employee authorized such transportation under title 31, United States Code, section 1344.

SEC. 507. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government: *Provided*, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

SEC. 508. None of the funds provided in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the rate paid for Level IV of the Executive Schedule, unless specifically authorized by law.

SEC. 509. None of the funds in this Act shall be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

SEC. 510. Except as otherwise provided under existing law or under an existing Executive order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are (1) a matter of public record and available for public inspection, and (2) thereafter included in a publicly available list of all contracts entered into within twenty-four months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

SEC. 511. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) for a contract for services unless such executive agency (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder, and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain information concerning (A) the contract pursuant to which the report was prepared, and (B) the contractor who prepared the report pursuant to such contract.

SEC. 512. Except as otherwise provided in section 506, none of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

SEC. 513. None of the funds provided in this Act to any department or agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

SEC. 514. Such sums as may be necessary for fiscal year 1996 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 515. None of the funds appropriated in title I of this Act shall be used to enter into any new lease of real property if the estimated annual rental is more than $300,000 unless the Secretary submits, in writing, a report to the Committees on Appropriations of the Congress and a period of 30 days has expired following the date on which the report is received by the Committees on Appropriations.

SEC. 516. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 517. None of the funds appropriated in this Act may be used to implement any cap on reimbursements to grantees for indirect costs, except as published in Office of Management and Budget Circular A–21.

SEC. 518. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 519. In fiscal year 1996, the Director of the Federal Emergency Management Agency shall sell the disaster housing inventory of mobile homes and trailers, and the proceeds thereof shall be deposited in the Treasury.

SEC. 520. Such funds as may be necessary to carry out the orderly termination of the Office of Consumer Affairs shall be made available from funds appropriated to the Department of Health and Human Services for fiscal year 1996.

This Act may be cited as the "Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996".

TITLE II—EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1996

CHAPTER 1

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Watershed and Flood Prevention Operations" to repair damages to waterways and watersheds resulting from flooding in the Pacific Northwest, the Northeast blizzards and floods, and other natural disasters, $107,514,000, to remain available until expended: *Provided*, That if the Secretary determines that the cost of land and farm structures restoration exceeds the fair market value of an affected cropland, the Secretary may use sufficient amounts from funds provided under this heading to accept bids from willing sellers to provide conservation easements for such cropland inundated by floods as provided for by the Wetlands Reserve Program, authorized by subchapter C of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837): *Provided further*, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Consolidated Farm Service Agency

EMERGENCY CONSERVATION PROGRAM

For necessary expenses to carry into effect the program authorized in sections 401, 402, and 404 of title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201–2205) for expenses resulting from floods in the Pacific Northwest and other natural disasters, $30,000,000, to remain available until expended, as authorized by 16 U.S.C. 2204: *Provided*, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Rural Housing and Community Development Service

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for the "Rural Housing Insurance Fund Program Account" for the cost of direct loans to assist in the recovery from floods in the Pacific Northwest and other natural disasters, to remain available until expended, $5,000,000 for the cost of section 502 direct loans; and $1,500,000 for the cost of section 504 housing repair loans: *Provided*, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

VERY LOW-INCOME HOUSING REPAIR GRANTS

For an additional amount for "Very Low-Income Housing Repair Grants" to make housing repairs needed as a result of floods and other natural disasters, pursuant to Section 504 of the Housing Act of 1949, as amended, $1,100,000, to remain available until expended: *Provided*, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Rural Utilities Service

RURAL UTILITIES ASSISTANCE PROGRAM

For an additional amount for the "Rural Utilities Assistance Program" for the cost of direct loans and grants to assist in the recovery from floods in the Pacific Northwest and other natural disasters, $11,000,000, to remain available until expended: *Provided*, That such funds may be available for emergency community water assistance grants as authorized by 7 U.S.C. 1926b: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Administrative Provision

With the prior approval of the House and Senate Committees on Appropriations, funds appropriated to the Department of Agriculture under this chapter may be transferred by the Secretary of Agriculture between accounts of the Department of Agriculture included in this Act to satisfy emergency disaster funding requirements.

CHAPTER 2

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

Economic Development Administration

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for emergency expenses resulting from flooding in the Pacific Northwest, $15,000,000, to remain available until expended for grants and related expenses pursuant to the Public Works and Economic Development Act of 1965, as amended; and in addition, $1,500,000 for administrative expenses to remain available until expended, which may be transferred to and merged with the appropriations for "Salaries and expenses": *Provided*, That the entire amount is hereby designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted to Congress.

National Oceanic and Atmospheric Administration

CONSTRUCTION

For an additional amount for "Construction" for emergency expenses resulting from flooding in the Pacific Northwest and other natural disasters, $10,000,000, to remain available until expended: *Provided*, That the entire amount is hereby designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RELATED AGENCY

Small Business Administration

DISASTER LOANS PROGRAM ACCOUNT

For an additional amount for "Disaster Loans Program Account", $69,700,000 for the cost of direct loans, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974; and for administrative expenses to carry out the direct loan program, $30,300,000, to remain available until expended: *Provided*, That both amounts are hereby designated by Congress as emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 3

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

Corps of Engineers—Civil

OPERATION AND MAINTENANCE, GENERAL

For an additional amount for "Operation and Maintenance, General", $30,000,000, to remain available until expended: *Provided*, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies", $135,000,000, to remain available until expended: *Provided*, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

CONSTRUCTION PROGRAM

For an additional amount for the "Construction Program", $18,000,000, to remain available until expended: *Provided*, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 4

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

CONSTRUCTION AND ACCESS

For an additional amount for "Construction and Access", $5,000,000, to remain available until expended, to repair roads, culverts, bridges, facilities, fish and wildlife protective structures, and recreation sites, damaged due to the Pacific Northwest flooding: *Provided*, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OREGON AND CALIFORNIA GRANT LANDS

For an additional amount for "Oregon and California Grant Lands", $35,000,000, to remain available until expended, to repair roads, culverts, bridges, facilities, fish and wildlife protective structures, and recreation sites, damaged due to the Pacific Northwest flooding: *Provided*, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

UNITED STATES FISH AND WILDLIFE SERVICE

CONSTRUCTION

For an additional amount for "Construction", $32,000,000, to remain available until expended, to repair damage caused by hurricanes, floods and other acts of nature: *Provided*, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL PARK SERVICE

CONSTRUCTION

For an additional amount for "Construction", $47,000,000, to remain available until expended, to repair damage caused by hurricanes, floods and other acts of nature: *Provided*, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, investigations, and research", $2,000,000, to remain available until September 30, 1997, for the costs related to hurricanes, floods and other acts of nature: *Provided*, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For an additional amount for "Operation of Indian Programs", $500,000, to remain available until September 30, 1998, for emergency operations and repairs related to winter floods: *Provided*, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION

For an additional amount for "Construction", $16,500,000, to remain available until expended, for emergency repairs related to winter floods: *Provided*, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ASSISTANCE TO TERRITORIES

For an additional amount for "Assistance to Territories", $13,000,000, to remain available until expended, for recovery efforts from Hurricane Marilyn: *Provided*, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF AGRICULTURE

NATIONAL FOREST SYSTEM

For an additional amount for "National Forest System", $26,600,000, to remain available until expended, to repair damage caused by hurricanes, floods and other acts of nature, including $300,000 for the costs associated with emergency removal and remediation, including access repairs, at the Amalgamated Mine site in the Willamette National Forest containing sulphur-rich and other mining tailings in order to prevent contamination of Battle Ax Creek, and the Little North Fork of the Santiam River, from which the City of Salem, Oregon, obtains its municipal water supply: *Provided*, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION

For an additional amount for "Construction", $60,800,000, to remain available until expended: *Provided*, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 5

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

PAYMENTS TO AIR CARRIERS

The first proviso under the head "Payments to Air Carriers" in Title I of the Department of Transportation and Related Agencies Appropriations Act, 1996 (Public Law 104-50), is amended to read as follows: "*Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs in excess of $22,600,000 from the Airport and Airway Trust Fund for the Payments to Air Carriers program in fiscal year 1996:".

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

(HIGHWAY TRUST FUND)

For the Emergency Fund authorized by 23 U.S.C. 125 to cover expenses arising from the January 1996 flooding in the Mid-Atlantic, Northeast, and Northwest States and other disasters, $300,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the provisions of 23 U.S.C. 125(b)(1) shall not apply to projects relating to the January 1996 flooding in the Mid-Atlantic, Northeast, and Northwest States.

FEDERAL RAILROAD ADMINISTRATION

LOCAL RAIL FREIGHT ASSISTANCE

For expenses pursuant to subtitle 5 of the Department of Transportation Act (49 U.S.C.), to repair and rebuild rail lines of other than class I railroads as defined by the Surface Transportation Board or railroads owned or controlled by a class I railroad, having carried 5 million gross ton miles or less per mile during the prior year, and damaged as a result of the floods of 1996, $10,000,000: *Provided*, That for the purposes of administering this emergency relief, the Secretary of Transportation shall have authority to make funds available notwithstanding section 22101, (a)(1) and (3) and (d), sections 22102 to 22104, section 22105(a) and section 22108, (a) and (b) of 49 U.S.C. as the Secretary deems appropriate and shall consider the extent to which the State has available unexpended local rail freight assistance funds or available repaid loan funds: *Provided further*, That, notwithstanding 49 U.S.C. chapter 221, the Secretary may prescribe the form and time for applications for assistance made available herein: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That all funds made available under this head are to remain available until September 30, 1997.

FEDERAL TRANSIT ADMINISTRATION

MASS TRANSIT CAPITAL FUND

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For an additional amount for payment of obligations incurred in carrying out 49 U.S.C. 5338(b) administered by the Federal Transit Administration, $375,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

CHAPTER 6

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

For an additional amount for "Community development grants", $100,000,000, to remain available until September 30, 1998, for emergency expenses and repairs related to recent Presidentially declared disaster areas, including up to $10,000,000 which may be made for rental subsidy contracts under the section 8 existing housing certificate program and the housing voucher program under section 8 of the United States Housing Act of 1937, as amended, except that such amount shall be available only for temporary housing assistance, not in excess of one year in duration, and shall not be subject to renewal: *Provided*, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Disaster Relief", $150,000,000, to remain available until expended, which, in whole or in part, may be transferred to the Disaster Assistance Direct Loan Program Account for the cost of direct loans as authorized under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided*, That such transfer may be made to subsidize gross obligations for the principal amount of direct loans not to exceed $170,000,000 under section 417 of the Stafford Act: *Provided further*, That any such transfer of funds shall be made only upon certification by the Director of the Federal Emergency Management Agency that all requirements of section 417 of the Stafford Act will be complied with: *Provided further*, That the entire amount of this appropriation shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 7

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED AGENCIES

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

For an additional amount for "Assistance for Eastern Europe and the Baltic States" for Bosnia and Herzegovina, including demining assistance, $200,000,000, of which amount $5,000,000 shall be used for the administrative expenses of the U.S. Agency for International Development: *Provided*, That not to exceed $5,000,000 of such funds and any other funds appropriated under the same heading for fiscal year 1996 is available for the cost of modifying direct loans and loan guarantees, as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That none of the funds appropriated or otherwise made available under this heading shall be obligated except through the regular notification procedures of the Committees on Appropriations: *Provided further*, That the entire amount appropriated is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY ASSISTANCE

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for "Foreign Military Financing Program" for grants for Jordan pursuant to section 23 of the Arms Export Control Act, $70,000,000: *Provided*, That such funds may be used for Jordan to finance transfers by lease of defense articles under chapter 6 of such Act.

CHAPTER 8

DEPARTMENT OF DEFENSE

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $244,400,000.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $11,700,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $2,600,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $27,300,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $195,000,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $900,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $190,000,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $79,800,000.

PROCUREMENT

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $26,000,000.

GENERAL PROVISION

(TRANSFER OF FUNDS)

SEC. 801. Section 8005 of the Department of Defense Appropriations Act, 1996 (Public Law

104-61), is amended by striking out "$2,400,000,000" and inserting in lieu thereof "$2,700,000,000".

SEC. 802. Notwithstanding any other provision of law, funds appropriated in the Department of Defense Appropriations Act, 1996 (Public Law 104-61) under the heading "Aircraft Procurement, Air Force" may be obligated for advance procurement and procurement of F-15E aircraft.

SEC. 803. Funds appropriated under the heading, "Aircraft Procurement, Air Force," in Public Laws 104-61, 103-335, and 103-139 that are or remain available for C-17 airframes, C-17 aircraft engines, and complementary widebody aircraft/NDAA may be used for multiyear procurement contracts for C-17 aircraft: *Provided*, That the duration of multiyear contracts awarded under the authority of this section may be for a period not to exceed seven program years, notwithstanding section 2306b(1) of title 10, United States Code.

CHAPTER 9

DEPARTMENT OF DEFENSE MILITARY CONSTRUCTION

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

For an additional amount for "North Atlantic Treaty Organization Security Investment Program", $37,500,000, to remain available until expended: *Provided*, That the Secretary of Defense may make additional contributions for the North Atlantic Treaty Organization as provided in section 2806 of title 10, United States Code: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 10

RESCINDING CERTAIN BUDGET AUTHORITY

DEPARTMENT OF DEFENSE—MILITARY PROCUREMENT

MISSILE PROCUREMENT, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-335, $310,000,000 are rescinded.

OTHER PROCUREMENT, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-335, $265,000,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-335, $245,000,000 are rescinded.

CHAPTER 11

GENERAL PROVISIONS

SEC. 1101. In administering funds provided herein for domestic assistance, the Secretary of any involved department may waive or specify alternative requirements for any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or any use of the recipient of these funds; except for the requirement related to civil rights, fair housing and nondiscrimination, the environment, and labor standards, upon finding that such waiver is required to facilitate the obligation and use of such funds would not be inconsistent with the overall purpose of the statute or regulation.

SEC. 1102. No part of any appropriation contained in this title shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

This title may be cited as the "Emergency Supplemental Appropriations Act of 1996".

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 3001. The President may make available funds for population planning activities or other population assistance pursuant to programs under title II and title IV of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996, Public Law 104-107, notwithstanding the provisions of section 518A of such Act, if he determines and reports to the Congress that the effects of those restrictions would be that the demand for family planning services would be less likely to be met and that there would be a significant increase in abortions than would otherwise be the case in the absence of such restrictions.

SEC. 3002. Section 308(d) of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107(d)) is amended—

(1) in the heading, by striking "GRANTS" and inserting "ASSISTANCE";

(2) in paragraph (1), by striking "award grants to persons engaged in commercial fisheries, for uninsured losses determined by the Secretary to have been suffered" and inserting "assist persons engaged in commercial fisheries by providing direct assistance to those persons or by providing indirect assistance to those persons through assistance to agencies of States and political subdivisions thereof and to nonprofit organizations, for projects or other measures designed to alleviate harm that the Secretary determines was incurred";

(3) in paragraph (3), by striking "a grant" and inserting "direct assistance to a person";

(4) by striking "gross revenues annually," in paragraph (3) and inserting "net annual revenue from commercial fisheries,";

(5) by striking paragraph (4) and inserting the following:

"(4) Assistance may not be provided under this subsection as part of a fishing capacity reduction program in a fishery unless the Secretary determines that—

"(A) adequate conservation and management measures are in place in that fishery; and

"(B) adequate measures are in place to prevent the replacement of fishing capacity eliminated by the program in that fishery."; and

(6) in paragraph (5), by striking "for awarding grants" and all that follows through the end of the paragraph and inserting "for providing assistance under this subsection.".

SEC. 3003. BONNEVILLE POWER ADMINISTRATION REFINANCING.

(a) DEFINITIONS.—

For the purposes of this section—

(1) "Administrator" means the Administrator of the Bonneville Power Administration;

(2) "capital investment" means a capitalized cost funded by Federal appropriations that—

(A) is for a project, facility, or separable unit or feature of a project or facility;

(B) is a cost for which the Administrator is required by law to establish rates to repay to the United States Treasury through the sale of electric power, transmission, or other services;

(C) excludes a Federal irrigation investment; and

(D) excludes an investment financed by the current revenues of the Administrator or by bonds issued and sold, or authorized to be issued and sold, by the Administrator under section 13 of the Federal Columbia River Transmission System Act (16 U.S.C. 838k);

(3) "new capital investment" means a capital investment for a project, facility, or separable unit or feature of a project or facility, placed in service after September 30, 1996;

(4) "old capital investment" means a capital investment the capitalized cost of which—

(A) was incurred, but not repaid, before October 1, 1996, and

(B) was for a project, facility, or separable unit or feature of a project or facility, placed in service before October 1, 1996;

(5) "repayment date" means the end of the period within which the Administrator's rates are to assure the repayment of the principal amount of a capital investment; and

(6) "Treasury rate" means—

(A) for an old capital investment, a rate determined by the Secretary of the Treasury, taking into consideration prevailing market yields, during the month preceding October 1, 1996, on outstanding interest-bearing obligations of the United States with periods to maturity comparable to the period between October 1, 1996, and the repayment date for the old capital investment; and

(B) for a new capital investment, a rate determined by the Secretary of the Treasury, taking into consideration prevailing market yields, during the month preceding the beginning of the fiscal year in which the related project, facility, or separable unit or feature is placed in service, on outstanding interest-bearing obligations of the United States with periods to maturity comparable to the period between the beginning of the fiscal year and the repayment date for the new capital investment.

(b) NEW PRINCIPAL AMOUNTS.—

(1) PRINCIPAL AMOUNT.—Effective October 1, 1996, an old capital investment has a new principal amount that is the sum of—

(A) the present value of the old payment amounts for the old capital investment, calculated using a discount rate equal to the Treasury rate for the old capital investment; and

(B) an amount equal to $100,000,000 multiplied by a fraction whose numerator is the principal amount of the old payment amounts for the old capital investment and whose denominator is the sum of the principal amounts of the old payment amounts for all old capital investments.

(2) DETERMINATION.—With the approval of the Secretary of the Treasury based solely on consistency with this section, the Administrator shall determine the new principal amounts under this subsection (b) and the assignment of interest rates to the new principal amounts under subsection (c).

(3) OLD PAYMENT AMOUNTS.—For the purposes of this subsection, "old payment amounts" means, for an old capital investment, the annual interest and principal that the Administrator would have paid to the United States Treasury from October 1, 1996, if this section had not been enacted, assuming that—

(A) the principal were repaid—

(i) on the repayment date the Administrator assigned before October 1, 1994, to the old capital investment, or

(ii) with respect to an old capital investment for which the Administrator has not assigned a repayment date before October 1, 1994, on a repayment date the Administrator shall assign to the old capital investment in accordance with paragraph 10(d)(1) of the version of Department of Energy Order RA 6120.2 in effect on October 1, 1994; and

(B) interest were paid—

(i) at the interest rate the Administrator assigned before October 1, 1994, to the old capital investment, or

(ii) with respect to an old capital investment for which the Administrator has not assigned an interest rate before October 1, 1994, at a rate determined by the Secretary of the Treasury, taking into consideration prevailing market yields, during the month preceding the beginning of the fiscal year in which the related project, facility, or separable unit or feature is placed in service, on outstanding interest-bearing obligations of the United States with periods to maturity comparable to the period between the beginning of the fiscal year and the repayment date for the old capital investment.

(c) INTEREST RATE FOR NEW PRINCIPAL AMOUNTS.—As of October 1, 1996, the unpaid balance on the new principal amount established for an old capital investment under subsection (b) bears interest annually at the Treasury rate for the old capital investment until the earlier of the date that the new principal amount is repaid or the repayment date for the new principal amount.

(d) REPAYMENT DATES.—As of October 1, 1996, the repayment date for the new principal amount established for an old capital investment under subsection (b) is no earlier than the repayment date for the old capital investment assumed in subsection (b)(3)(A).

(e) PREPAYMENT LIMITATIONS.—During the period October 1, 1996, through September 30, 2001, the total new principal amounts of old capital investments, as established under subsection (b), that the Administrator may pay before their respective repayment dates shall not exceed $100,000,000.

(f) INTEREST RATES FOR NEW CAPITAL INVESTMENTS DURING CONSTRUCTION.—

(1) NEW CAPITAL INVESTMENT.—The principal amount of a new capital investment includes interest in each fiscal year of construction of the related project, facility, or separable unit or feature at a rate equal to the one-year rate for the fiscal year on the sum of—

(A) construction expenditures that were made from the date construction commenced through the end of the fiscal year, and

(B) accrued interest during construction.

(2) PAYMENT.—The Administrator is not required to pay, during construction of the project, facility, or separable unit or feature, the interest calculated, accrued, and capitalized under subsection (f)(1).

(3) ONE-YEAR RATE.—For the purposes of this section, "one-year rate" for a fiscal year means a rate determined by the Secretary of the Treasury, taking into consideration prevailing market yields, during the month preceding the beginning of the fiscal year, on outstanding interest-bearing obligations of the United States with periods to maturity of approximately one year.

(g) INTEREST RATES FOR NEW CAPITAL INVESTMENTS.—The unpaid balance on the principal amount of a new capital investment bears interest at the Treasury rate for the new capital investment from the date the related project, facility, or separable unit or feature is placed in service until the earlier of the date the new capital investment is repaid or the repayment date for the new capital investment.

(h) CREDITS TO ADMINISTRATOR'S REPAYMENT TO THE UNITED STATES TREASURY.—The Confederated Tribe of the Colville Reservation Grand Coulee Dam Settlement Act (Public Law No. 103-436; 108 Stat. 4577) is amended by striking section 6 and inserting the following:

"SEC. 6. CREDITS TO ADMINISTRATOR'S REPAYMENT TO THE UNITED STATES TREASURY.

"So long as the Administrator makes annual payments to the tribes under the settlement agreement, the Administrator shall apply against amounts otherwise payable by the Administrator to the United States Treasury a credit that reduces the Administrator's payment, in the amount and for each fiscal year as follows: $15,860,000 in fiscal year 1997; $16,490,000 in fiscal year 1998; $17,150,000 in fiscal year 1999; $17,840,000 in fiscal year 2000; $18,550,000 in fiscal year 2001; and $4,600,000 in each succeeding fiscal year.".

(i) CONTRACT PROVISIONS.—In each contract of the Administrator that provides for the Administrator to sell electric power, transmission, or related services, and that is in effect after September 30, 1996, the Administrator shall offer to include, or as the case may be, shall offer to amend to include, provisions specifying that after September 30, 1996—

(1) the Administrator shall establish rates and charges on the basis that—

(A) the principal amount of an old capital investment shall be no greater than the new principal amount established under subsection (b);

(B) the interest rate applicable to the unpaid balance of the new principal amount of an old capital investment shall be no greater than the interest rate established under subsection (c);

(C) any payment of principal of an old capital investment shall reduce the outstanding principal balance of the old capital investment in the amount of the payment at the time the payment is tendered; and

(D) any payment of interest on the unpaid balance of the new principal amount of an old capital investment shall be a credit against the appropriate interest account in the amount of the payment at the time the payment is tendered;

(2) apart from charges necessary to repay the new principal amount of an old capital investment as established under subsection (b) and to pay the interest on the principal amount under subsection (c), no amount may be charged for return to the United States Treasury as repayment for or return on an old capital investment, whether by way of rate, rent, lease payment, assessment, user charge, or any other fee;

(3) amounts provided under section 1304 of title 31, United States Code, shall be available to pay, and shall be the sole source for payment of, a judgment against or settlement by the Administrator or the United States on a claim for a breach of the contract provisions required by this Part; and

(4) the contract provisions specified in this Part do not—

(A) preclude the Administrator from recovering, through rates or other means, any tax that is generally imposed on electric utilities in the United States, or

(B) affect the Administrator's authority under applicable law, including section 7(g) of the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839e(g)), to—

(i) allocate costs and benefits, including but not limited to fish and wildlife costs, to rates or resources, or

(ii) design rates.

(j) SAVINGS PROVISIONS.—

(1) REPAYMENT.—This subchapter does not affect the obligation of the Administrator to repay the principal associated with each capital investment, and to pay interest on the principal, only from the "Administrator's net proceeds," as defined in section 13 of the Federal Columbia River Transmission System Act (16 U.S.C. 838k(b)).

(2) PAYMENT OF CAPITAL INVESTMENT.—Except as provided in subsection (e), this section does not affect the authority of the Administrator to pay all or a portion of the principal amount associated with a capital investment before the repayment date for the principal amount.

SEC. 3004. Of the amounts made available under the Federal Transit Administration's Discretionary Grants program for Kauai, Hawaii in Public Law 103-122 and Public Law 103-311, $3,250,000 shall be transferred to and administered in accordance with 49 U.S.C. 5307 and made available to Kauai, Hawaii.

SEC. 3005. (a) SURFACE TRANSPORTATION PROGRAM.—Notwithstanding section 133 of title 23, United States Code, for fiscal year 1996 and each subsequent fiscal year, the State of Vermont may obligate funds apportioned to the State for the surface transportation program established under section 133 of the title for—

(1) construction, reconstruction, rehabilitation, resurfacing, restoration, and operational improvements for railroads, including any such construction or reconstruction necessary to accommodate other transportation modes;

(2) all eligible activities under section 5311 of title 49, United States Code, and publicly owned rail passenger terminals and facilities, including terminals and facilities owned by the National Railroad Passenger Corporation;

(3) capital costs for passenger rail services; and

(4) beginning in fiscal year 1997, operating costs for passenger rail services.

(b) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—Notwithstanding section 149 of title 23, United States Code, for fiscal year 1996 and each subsequent fiscal year, the State of Vermont may obligate funds apportioned to the State for the congestion mitigation and air quality improvement program established under the section for a transportation project or program that—

(1) is for an area in the State described in the matter preceding paragraph (1) of section 149(b) of the title; and

(2) will have air quality benefits through construction of, and operational improvements for, intercity passenger rail facilities, operation of intercity passenger rail trains, and acquisition of rolling stock for intercity passenger rail service, except that not more than 50 percent of the amount received by the State for a fiscal year under this subsection may be obligated for operating support.

TITLE IV—CONTINGENCY APPROPRIATIONS

CHAPTER 1

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

INDUSTRIAL TECHNOLOGY SERVICES

In addition to funds provided elsewhere in this Act, for necessary expenses of the Advanced Technology Program of the National Institute of Standards and Technology,

$235,000,000, to remain available until expended: *Provided*, That none of the funds made available under this heading in this or any other Act may be used for the purposes of carrying out additional program competitions under the Advanced Technology Program: *Provided further*, That any unobligated balances from carryover of current and prior year appropriations under the Advanced Technology Program may be used only for the purposes of providing continuation grants.

TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

SALARIES AND EXPENSES

In addition to funds provided elsewhere in this Act, $2,000,000, to remain available until October 30, 1997, for grants to be awarded by the United States-Israel Science and Technology Commission.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS

In addition to funds provided elsewhere in this Act for Security and Maintenance of United States Missions and under the same terms and conditions as are applicable to those funds under this Act, $8,500,000, to remain available until expended.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

In addition to funds provided elsewhere in this Act for Contributions to International Organizations and under the same terms and conditions as are applicable to those funds under this Act, $223,000,000.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

In addition to funds provided elsewhere in this Act for Contributions for International Peacekeeping Activities and under the same terms and conditions as are applicable to those funds under this Act, $215,000,000.

RELATED AGENCY

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

In addition to funds provided elsewhere in this Act, for payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $9,000,000 for basic field programs.

CHAPTER 2

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

PAYMENTS IN LIEU OF TAXES

In addition to funds provided elsewhere in this Act, $12,500,000.

NATIONAL PARK SERVICE

OPERATIONS OF THE NATIONAL PARK SYSTEM

In addition to funds provided elsewhere in this Act, $35,000,000.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

In addition to funds provided elsewhere in this Act, $35,000,000, to remain available until expended.

DEPARTMENT OF ENERGY

ENERGY CONSERVATION

In addition to funds provided elsewhere in this Act, $35,000,000, to remain available until expended.

CHAPTER 3

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

In addition to the amounts provided in Title I of this Act for the Department of Labor:

Under the heading "Training and Employment Services", $1,213,300,000, of which $487,300,000 is available for obligation for the period July 1, 1996 through June 30, 1997, and of which $91,000,000 is available from July 1, 1996, through September 30, 1997, for carrying out activities of the School-to-Work Opportunities Act, and of which $635,000,000 is for carrying out title II, part B of the Job Training Partnership Act;

Under the heading "State Unemployment Insurance and Employment Service Operations", $18,000,000, which shall be available for obligation for the period July 1, 1996 through June 30, 1997;

Under the heading "Departmental Management, Salaries and Expenses", $12,000,000, of which $10,000,000 shall be only for terminal leave, severance pay, and other costs directly related to the reduction of the number of employees in the Department.

In addition to the amounts provided for in Title I of this Act for the Department of Health and Human Services:

Under the heading "Health Resources and Services", $55,256,000: *Provided*, That $52,000,000 of such funds shall be used only for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act and shall be distributed to States as authorized by section 2618(b)(2) of such Act;

Under the heading "Substance Abuse and Mental Health Services", $134,107,000; and

Under the heading "Children and Families Services Programs", $136,700,000.

In addition to the amounts provided for in Title I of this Act for the Department of Education:

Under the heading "Education Reform", $151,000,000, which shall become available on July 1, 1996 and shall remain available through September 30, 1997: *Provided*, That $60,000,000 shall be for the Goals 2000: Educate Act and $91,000,000 shall be for the School-to-Work Opportunities Act.

Under the heading "Education for the Disadvantaged", $1,278,887,000, which shall become available for obligation on July 1, 1996 and shall remain available through September 30, 1997: *Provided*, That $1,022,230,000 shall be available for basic grants and $256,657,000 shall be for concentration grants.

Under the heading "School Improvement Programs", $208,000,000, of which $200,000,000 shall become available for obligation on July 1, 1996 and shall remain available through September 30, 1997.

Under the heading "Vocational and Adult Education", $82,750,000, which shall become available for obligation on July 1, 1996 and shall remain available through September 30, 1997.

Under the heading "Student Financial Assistance", the maximum Pell Grant for which a student shall be eligible during award year 1996–1997 shall be increased by $60.00.

Under the heading "Education Research, Statistics, and Improvement", $10,000,000 shall be for sections 3136 and 3141 of the Elementary and Secondary Education Act.

CHAPTER 4

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

CONSTRUCTION, MAJOR PROJECTS

In addition to funds provided elsewhere in this Act, $16,000,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, the Secretary of Veterans Affairs is authorized to carry out the design and construction of a medical research addition at the Department of Veterans Affairs Medical Center in Portland, Oregon in the amount of $32,100,000.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

In addition to funds provided elsewhere in this Act, $200,000,000, to remain available until expended: *Provided*, That $150,000,000 of such sum shall be available for purposes authorized by section 202 of the Housing Act of 1959, and $50,000,000 shall be available for purposes authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act: *Provided further*, That all such sums shall be available only to provide for rental subsidy terms of a longer duration than would otherwise be permitted by this Act.

PUBLIC HOUSING DEMOLITION, SITE REVITALIZATION, AND REPLACEMENT HOUSING GRANTS

In addition to funds provided elsewhere in this Act, $120,000,000, to remain available until expended.

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

In addition to funds provided elsewhere in this Act, $50,000,000.

INDEPENDENT AGENCIES

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

In addition to funds provided elsewhere in this Act, $12,000,000, to remain available until September 30, 1997.

BUILDINGS AND FACILITIES

In addition to funds provided elsewhere in this Act, $50,000,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, EPA is authorized to establish and construct a consolidated research facility at Research Triangle Park, North Carolina, at a maximum total construction cost of $232,000,000, and to obligate such monies as are made available by this Act, and hereafter, for this purpose.

STATE AND TRIBAL ASSISTANCE GRANTS

In addition to funds provided elsewhere in this Act, $100,000,000, to remain available until expended, for capitalization grants for State revolving funds to support water infrastructure financing. The Secretary of Veterans Affairs is authorized to carry out the design and construction of a medical research addition at the Department of Veterans Affairs Medical Center in Portland, Oregon in the amount of $32,100,000.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SPACE, AERONAUTICS AND TECHNOLOGY

In addition to funds provided elsewhere in this Act, $83,000,000, to remain available until September 30, 1997.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

In addition to funds provided elsewhere in this Act, $40,000,000, to remain available until September 30, 1997.

GENERAL PROVISIONS

SEC. 4001. No part of any appropriation contained in this title shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 4002. No part of any appropriation contained in this title shall be made available for obligation or expenditure, nor any authority granted herein be effective, until the enactment into law of a subsequent Act entitled "An Act Incorporating an Agreement Between the President and Congress Relative to Federal Expenditures in Fiscal Year 1996 and Future Fiscal Years".

This title may be cited as the "Contingency Appropriations Act, 1996".

This Act may be cited as the "Omnibus Consolidated Rescissions and Appropriations Act of 1996".

HARKIN (AND OTHERS) AMENDMENT NO. 3467

Mr. DASCHLE (for Mr. HARKIN, for himself, Mr. WELLSTONE, Mr. KERRY, Mr. LEVIN, Mr. KENNEDY, Mr. DODD, Mr. KOHL, Mr. DASCHLE, and Mr. LAUTENBERG) proposed an amendment to amendment No. 3466 proposed by Mr. HATFIELD to the bill H.R. 3019, supra; as follows:

On page 775, strike beginning with line 9 and all that follows through page 781, line 4, and insert the following:

CHAPTER 3

DEPARTMENT OF HEALTH AND HUMAN SERVICES

In addition to the amounts provided for in Title I of this Act for the Department of Health and Human Services:

Under the heading "Health Resources and Services", $55,256,000: *Provided*, That $52,000,000 of such funds shall be used only for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act and shall be distributed to States as authorized by section 2618(b)(2) of such Act; and

Under the heading "Substance Abuse and Mental Health Services", $134,107,000.

In addition to the amounts provided for in Title I of this Act for the Department of Labor.

Under the heading "Departmental Management, Salaries and Expenses", $12,000,000, of which $10,000,000 shall be only for terminal leave, severance pay, and other costs directly related to the reduction of the number of employees in the Department.

CHAPTER 4

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

CONSTRUCTION, MAJOR PROJECTS

In addition to funds provided elsewhere in this Act, $16,000,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, the Department of Veterans Affairs is authorized to design and construct a medical research addition at the Portland, Oregon, Veterans Affairs medical center.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

In addition to funds provided elsewhere in this Act, $200,000,000, to remain available until expended: *Provided*, That $150,000,000 of such sum shall be available for purposes authorized by section 202 of the Housing Act of 1959, and $50,000,000 shall be available for purposes authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act: *Provided further*, That all such sums shall be available only to provide for rental subsidy terms of a longer duration than would otherwise be permitted by this Act.

PUBLIC HOUSING DEMOLITION, SITE REVITALIZATION, AND REPLACEMENT HOUSING GRANTS

In addition to funds provided elsewhere in this Act, $120,000,000, to remain available until expended.

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

In addition to funds provided elsewhere in this Act, $50,000,000.

INDEPENDENT AGENCIES

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

In addition to funds provided elsewhere in this Act, $12,000,000, to remain available until September 30, 1997.

BUILDINGS AND FACILITIES

In addition to funds provided elsewhere in this Act, $50,000,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, EPA is authorized to establish and construct a consolidated research facility at Research Triangle Park, North Carolina, at a maximum total construction cost of $232,000,000, and to obligate such monies as are made available by this Act, and hereafter, for this purpose.

STATE AND TRIBAL ASSISTANCE GRANTS

In addition to funds provided elsewhere in this Act, $100,000,000, to remain available until expended, for capitalization grants for State revolving funds to support water infrastructure financing.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SPACE, AERONAUTICS AND TECHNOLOGY

In addition to funds provided elsewhere in this Act, $83,000,000, to remain available until September 30, 1997.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

In addition to funds provided elsewhere in this Act, $40,000,000, to remain available until September 30, 1997.

GENERAL PROVISIONS

SEC. 4001. No part of any appropriation contained in this title shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 4002. No part of any appropriation contained in this title shall be made available for obligation or expenditure, nor any authority granted herein be effective, until the enactment into law of a subsequent Act entitled "An Act Incorporating an Agreement Between the President and Congress Relative to Federal Expenditures in Fiscal Year 1996 and Future Fiscal Years".

This title may be cited as the "Contingency Appropriations Act, 1996".

TITLE V—EDUCATION INITIATIVES

CHAPTER 1—RESTORATIONS FOR PRIORITY EDUCATION PROGRAMS

In addition to the amounts provided in Title I of this Act for the Department of Labor:

Under the heading "Training and Employment Services", $1,213,300,000, of which $487,300,000 is available for obligation for the period July 1, 1996 through June 30, 1997, and of which $91,000,000 is available from July 1, 1996, through September 30, 1997, for carrying out activities of the School-to-Work Opportunities Act, and of which $635,000,000 is for carrying out title II, part B of the Job Training Partnership Act;

Under the heading "State Unemployment Insurance and Employment Service Operations", $18,000,000, which shall be available for obligation for the period July 1, 1996 through June 30, 1997;

In addition to the amounts provided for in Title I of this Act for the Department of Health and Human Services:

Under the heading "Children and Families Services Programs", $136,700,000.

In addition to the amounts provided for in Title I of this Act for the Department of Education:

Under the heading "Education Reform", $151,000,000, which shall become available on July 1, 1996 and shall remain available through September 30, 1997: *Provided*, That $60,000,000 shall be for the Goals 2000: Educate Act and $91,000,000 shall be for the School-to-Work Opportunities Act.

Under the heading "Education for the Disadvantaged", $1,278,887,000, which shall become available for obligation on July 1, 1996 and shall remain available through September 30, 1997: *Provided*, That $1,022,230,000 shall be available for basic grants and $256,657,000 shall be for concentration grants.

Under the heading "School Improvement Programs", $208,000,000, of which $200,000,000 shall become available for obligation on July 1, 1996 and shall remain available through September 30, 1997.

Under the heading "Vocational and Adult Education", $82,750,000, which shall become available for obligation on July 1, 1996 and shall remain available through September 30, 1997.

Under the heading "Student Financial Assistance", the maximum Pell Grant for which a student shall be eligible during award year 1996–1997 shall be increased by $60.00.

Under the heading "Education Research, Statistics, and Improvement", $10,000,000 shall be for sections 3136 and 3141 of the Elementary and Secondary Education Act.

CHAPTER 2—OFFSET FOR SPENDING

SUBCHAPTER A—URANIUM ENRICHMENT

SEC. 5101. SHORT TITLE.

This subchapter may be cited as the "USEC Privatization Act".

SEC. 5102. DEFINITIONS.

In this subchapter:

(1) AVLIS.—The term "AVLIS" means atomic vapor laser isotope separation technology.

(2) CORPORATION.—The term "Corporation" means the United States Enrichment Corporation and, unless the context requires otherwise, includes the private corporation and any successor to the private corporation following privatization.

(3) GASEOUS DIFFUSION PLANTS.—The term "gaseous diffusion plants" means the Paducah Gaseous Diffusion Plant at Paducah, Kentucky, and the Portsmouth Gaseous Diffusion Plant at Piketon, Ohio.

(4) HIGHLY ENRICHED URANIUM.—The term "highly enriched uranium" means uranium enriched to 20 percent or more of the uranium-235 isotope.

(5) LOW-ENRICHED URANIUM.—The term "low-enriched uranium" means uranium enriched to less than 20 percent of the uranium-235 isotope, regardless of whether the uranium is derived from highly enriched uranium.

(6) LOW-LEVEL RADIOACTIVE WASTE.—The term "low-level radioactive waste" has the meaning provided in section 2(9) of the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021b(9)).

(7) PRIVATE CORPORATION.—The term "private corporation" means the corporation established under section 5105.

(8) PRIVATIZATION.—The term "privatization" means the transfer of ownership of the Corporation to private investors.

(9) PRIVATIZATION DATE.—The term "privatization date" means the date on which 100 percent of the ownership of the Corporation will have been transferred to private investors.

(10) PUBLIC OFFERING.—The term "public offering" means an underwritten offering to the public of the common stock of the private corporation pursuant to section 5104.

(11) RUSSIAN HEU AGREEMENT.—The term "Russian HEU Agreement" means the Agreement Between the Government of the United States of America and the Government of the Russian Federation Concerning the Disposition of Highly Enriched Uranium Extracted From Nuclear Weapons, signed at Washington on February 18, 1993.

(12) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(13) SUSPENSION AGREEMENT.—The term "Suspension Agreement" means the Agreement to Suspend the Antidumping Investigation on Uranium From the Russian Federation, as amended.

(14) URANIUM ENRICHMENT.—The term "uranium enrichment" means the separation of uranium of a given isotopic content into 2 components, 1 having a higher percentage of a fissile isotope and 1 having a lower percentage.

SEC. 5103. SALE OF THE CORPORATION.

(a) AUTHORIZATION.—The Board of Directors of the Corporation, with the approval of the Secretary of the Treasury, shall transfer the interest of the United States in the United States Enrichment Corporation to the private sector in a manner that—

(1) provides for the long-term viability of the Corporation;

(2) provides for the continuation by the Corporation of the operation of the gaseous diffusion plants;

(3) provides for the protection of the public interest in maintaining a reliable and economical domestic source of uranium mining, enrichment and conversion services; and

(4) to the extent not inconsistent with the purposes of paragraphs (1), (2), and (3), secures the maximum proceeds to the United States.

(b) PROCEEDS.—Proceeds from the sale of the interest of the United States in the Corporation shall be deposited in the general fund of the Treasury.

SEC. 5104. METHOD OF SALE.

(a) AUTHORIZATION.—The Board of Directors of the Corporation, with the approval of the Secretary of the Treasury, shall transfer ownership of the assets and obligations of the Corporation to the private corporation established under section 5105 (which may be consummated through a merger or consolidation effected in accordance with, and having the effects provided under, the law of the State of incorporation of the private corporation, as if the Corporation were incorporated thereunder).

(b) BOARD DETERMINATION.—The Board, with the approval of the Secretary of the Treasury, shall select the method of transfer and establish terms and conditions for the transfer that will provide the maximum proceeds to the Treasury of the United States and will provide for the long-term viability of the private corporation, the continued operation of the gaseous diffusion plants, and fulfillment of the public interest in maintaining reliable and economical domestic uranium mining and enrichment industries.

(c) ADEQUATE PROCEEDS.—The Secretary of the Treasury shall not allow the privatization of the Corporation unless, before the sale date, the Secretary of the Treasury determines that the method of transfer will provide the maximum proceeds to the Treasury consistent with the principles stated in section 5103(a).

(d) APPLICATION OF SECURITIES LAWS.—Any offering or sale of securities by the private corporation shall be subject to the Securities Act of 1933 (15 U.S.C. 77a et seq.), the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.), and the provisions of the Constitution and laws of any State, territory, or possession of the United States relating to transactions in securities.

(e) EXPENSES.—Expenses of privatization shall be paid from Corporation revenue accounts in the United States Treasury.

SEC. 5105. ESTABLISHMENT OF PRIVATE CORPORATION.

(a) INCORPORATION.—

(1) IN GENERAL.—The Board of Directors of the Corporation shall establish a private for-profit corporation under the laws of a State for the purpose of receiving the assets and obligations of the Corporation at privatization and continuing the business operations of the Corporation following privatization.

(2) INCORPORATORS.—The Board of Directors of the Corporation may serve as incorporators of the private corporation and shall take all steps necessary to establish the private corporation, including the filing of articles of incorporation consistent with this subchapter.

(3) OFFICERS AND EMPLOYEES.—An officer or employee of the Corporation (including a member of the Board of Directors) acting in accordance with this section on behalf of the private corporation shall be considered to be acting in an official capacity as an officer or employee of the Corporation for purposes of section 205 of title 18, United States Code.

(b) STATUS OF THE PRIVATE CORPORATION.—

(1) IN GENERAL.—The private corporation shall not be an agency, instrumentality, or establishment of the United States, a Government corporation, or a Government-controlled corporation.

(2) OBLIGATIONS.—Except as otherwise provided by this subchapter, financial obligations of the private corporation shall not be obligations of, or guaranteed as to principal or interest by, the Corporation or the United States, and the obligations shall so plainly state.

(3) CLAIMS AGAINST THE UNITED STATES.—No action under section 1491 of title 28, United States Code, shall be allowable against the United States based on actions of the private corporation.

(c) APPLICATION OF POST-GOVERNMENT EMPLOYMENT RESTRICTIONS.—Beginning on the privatization date, the restrictions stated in subsections (a) through (d) of section 207 of title 18, United States Code, shall not apply to the acts of an individual done in carrying out official duties as a director, officer, or employee of the private corporation, if the individual was an officer or employee of the Corporation (including a director) continuously during the 45 days prior to the privatization date.

(d) DISSOLUTION.—If the privatization does not occur, the Corporation shall provide for the dissolution of the private corporation not later than 1 year after the date of the private corporation's incorporation unless the Secretary of the Treasury, on the Corporation's request, agrees to delay the dissolution for an additional year.

SEC. 5106. TRANSFERS TO THE PRIVATE CORPORATION.

Concurrent with privatization, the Corporation shall transfer to the private corporation—

(1) the lease of the gaseous diffusion plants under section 5107;

(2) all personal property and inventories of the Corporation;

(3) all contracts, agreements, and leases under section 5108(a);

(4) the Corporation's right to purchase power from the Secretary under section 5108(b);

(5) such funds in accounts of the Corporation held by the Treasury or on deposit with a bank or other financial institution as are approved by the Secretary of the Treasury; and

(6) all of the Corporation's records, including all of the papers and other documentary materials, regardless of physical form or characteristics, made or received by the Corporation.

SEC. 5107. LEASING OF GASEOUS DIFFUSION FACILITIES.

(a) TRANSFER OF LEASE.—Concurrent with privatization, the Corporation shall transfer to the private corporation the lease of the gaseous diffusion plants and related property for the remainder of the term of the lease in accordance with the terms of the lease.

(b) RENEWAL.—The private corporation shall have the exclusive option to lease the gaseous diffusion plants and related property for additional periods following the expiration of the initial term of the lease.

(c) EXCLUSION OF FACILITIES FOR PRODUCTION OF HIGHLY ENRICHED URANIUM.—

(1) IN GENERAL.—The Secretary shall not lease to the private corporation any facilities necessary for the production of highly enriched uranium.

(2) ACCESS TO FACILITIES.—Subject to the requirements of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), the Secretary may grant the Corporation access to facilities necessary for the production of highly enriched uranium for purposes other than the production of highly enriched uranium.

(d) DOE RESPONSIBILITY FOR PREEXISTING CONDITIONS.—The payment of any costs of decontamination and decommissioning, response actions, or corrective actions with respect to conditions existing before July 1, 1993, at the gaseous diffusion plants shall remain the sole responsibility of the Secretary.

(e) ENVIRONMENTAL AUDIT.—For purposes of subsection (d), the conditions existing before July 1, 1993, at the gaseous diffusion plants shall be determined from the environmental audit conducted under section 1403(e) of the Atomic Energy Act of 1954 (42 U.S.C. 2297c–2(e)).

(f) TREATMENT UNDER PRICE-ANDERSON PROVISIONS.—Any lease executed between the Secretary and the Corporation or the private corporation, and any extension or renewal of the lease, under this section shall be considered to be a contract for purposes of section 170d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)).

(g) WAIVER OF EIS REQUIREMENT.—The execution or transfer of the lease between the Secretary and the Corporation or the private corporation, and any extension or renewal of the lease, shall not be considered to be a major Federal action significantly affecting the quality of the human environment for purposes of section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

SEC. 5108. TRANSFER OF CONTRACTS.

(a) Transfer of Contracts.—Concurrent with privatization, the Corporation shall transfer to the private corporation all contracts, agreements, and leases, including all uranium enrichment contracts, that were—

(1) transferred by the Secretary to the Corporation under section 1401(b) of the Atomic Energy Act of 1954 (42 U.S.C. 2297c(b)); or

(2) entered into by the Corporation before the privatization date.

(b) Nontransferable Power Contracts.—The Corporation shall transfer to the private corporation the right to purchase power from the Secretary under the power purchase contracts for the gaseous diffusion plants executed by the Secretary before July 1, 1993. The Secretary shall continue to receive power for the gaseous diffusion plants under the contracts and shall continue to resell the power to the private corporation at cost during the term of the contracts.

(c) Effect of Transfer.—

(1) In general.—Notwithstanding subsection (a), the United States shall remain obligated to the parties to the contracts, agreements, and leases transferred under subsection (a) for the performance of the obligations of the United States under the contracts, agreements, or leases during their terms. Performance of the obligations by the private corporation shall be considered performance by the United States.

(2) Amendment.—If a contract, agreement, or lease transferred under subsection (a) is terminated, extended, or materially amended after the privatization date—

(A) the private corporation shall be responsible for any obligation arising under the contract, agreement, or lease after any extension or material amendment; and

(B) the United States shall be responsible for any obligation arising under the contract, agreement, or lease before the termination, extension, or material amendment.

(3) Reimbursement.—The private corporation shall reimburse the United States for any amount paid by the United States under a settlement agreement entered into with the consent of the private corporation or under a judgment, if the settlement or judgment—

(A) arises out of an obligation under a contract, agreement, or lease transferred under subsection (a); and

(B) arises out of an action of the private corporation between the privatization date and the date of a termination, extension, or material amendment of the contract, agreement, or lease.

(d) Pricing.—The Corporation may establish prices for the Corporation's products, materials, and services provided to customers on a basis that will allow the Corporation to attain the normal business objectives of a profitmaking corporation.

SEC. 5109. LIABILITIES.

(a) Liability of the United States.—

(1) Uranium enrichment enterprise.—Except as otherwise provided in this subchapter, all liabilities arising out of the operation of the uranium enrichment enterprise before July 1, 1993, shall remain the direct liabilities of the Secretary.

(2) Corporation liabilities.—Except as provided in paragraph (3) or in a memorandum of agreement entered into by the Corporation and the Office of Management and Budget prior to the privatization date, all liabilities arising out of the operation of the Corporation between July 1, 1993, and the privatization date shall remain the direct liabilities of the United States.

(3) Depleted uranium.—All liabilities arising out of the disposal of depleted uranium generated by the Corporation between July 1, 1993, and the privatization date shall become the direct liabilities of the Secretary.

(4) Consent.—Any stated or implied consent for the United States, or any agent or officer of the United States, to be sued by any person for any legal, equitable, or other relief with respect to any claim arising out of, or resulting from, the privatization of the Corporation is hereby withdrawn.

(5) Adjudication.—

(A) In general.—To the extent that any claim against the United States under this section is required under law to be presented to a Federal agency or official for adjudication or review, the claim shall be presented to the Department of Energy in accordance with procedures established by the Secretary.

(B) Liability.—Subparagraph (A) does not impose on the Department of Energy liability to pay any claim presented under subparagraph (A).

(6) Attorney general.—The Attorney General shall represent the United States in any action seeking to impose liability under this subsection.

(b) Liability of the Corporation.—Notwithstanding any provision of any agreement to which the Corporation is a party, the Corporation shall not be considered to be in breach, default, or violation of any agreement because of the transfer of the agreement to the private corporation under section 5108 or any other action the Corporation is required to take under this subchapter.

(c) Liability of the Private Corporation.—Except as provided in this subchapter, the private corporation shall be liable for any liabilities arising out of the private corporation's operations after the privatization date.

(d) Liability of Officers and Directors.—

(1) In general.—No officer, director, employee, or agent of the Corporation shall be liable in any civil proceeding to any party in connection with any action taken in connection with the privatization if, with respect to the subject matter of the action, suit, or proceeding, the person was acting within the scope of the person's employment.

(2) Exception.—This subsection shall not apply to claims arising under the Securities Act of 1933 (15 U.S.C. 77a et seq.), the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.), or the Constitution or laws of any State, territory, or possession of the United States relating to transactions in securities.

SEC. 5110. EMPLOYEE PROTECTIONS.

(a) Contractor Employees.—

(1) In general.—Privatization shall not diminish the accrued vested pension benefits of employees of the Corporation's operating contractor at the 2 gaseous diffusion plants.

(2) Termination.—If the private corporation terminates or changes the operating contractor at either or both of the gaseous diffusion plants, the plan sponsor or other appropriate fiduciary of the pension plan covering employees of the prior operating contractor shall arrange for the transfer of all plan assets and liabilities relating to accrued pension benefits of the plan's participants and beneficiaries from the plant to a pension plan sponsored by the new contractor or the private corporation or to a joint labor-management pension plan.

(3) Obligations.—In addition to any obligations arising under the National Labor Relations Act (29 U.S.C. 151 et seq.), any employer (including the private corporation if it operates a gaseous diffusion plant without a contractor or any contractor of the private corporation) at a gaseous diffusion plant shall—

(A) abide by the terms of any unexpired collective bargaining agreement covering employees in bargaining units at the plant and in effect on the privatization date until the stated expiration or termination date of the agreement; or

(B) if a collective bargaining agreement is not in effect on the privatization date, have the same bargaining obligations under section 8(d) of the National Labor Relations Act (29 U.S.C. 158(d)) as the employer had on the day before the privatization date.

(4) New employer.—If the private corporation replaces the corporation's operating contractor at a gaseous diffusion plant, the new employer (including the new contractor or the private corporation if it operates a gaseous diffusion plant without a contractor) shall—

(A) offer employment to nonmanagement employees of the predecessor contractor to the extent that the employees' jobs still exist or the employees are qualified for new jobs; and

(B) abide by the terms of the predecessor contractor's collective bargaining agreement until the agreement expires or a new agreement is signed.

(5) Plant closing or mass layoff.—In the event of a plant closing or mass layoff (as the terms are defined in section 2(a) of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101(a))) at either of the gaseous diffusion plants, the Secretary shall treat any adversely affected employee of an operating contractor at either plant who was an employee at the plant on July 1, 1993, as a Department of Energy employee for purposes of sections 3161 and 3162 of the National Defense Authorization Act for Fiscal Year 1993 (42 U.S.C. 7274h and 7274i).

(6) Health benefits.—

(A) In general.—The Secretary and the private corporation shall cause the post-retirement health benefits plan provider (or its successor) to continue to provide benefits for eligible persons, as described under subparagraph (B), employed by an operating contractor at either of the gaseous diffusion plants in an economically efficient manner and at substantially the same level of coverage as eligible retirees are entitled to receive on the privatization date.

(B) Eligible persons.—Persons eligible for coverage under subparagraph (A) are—

(i) persons who retired from active employment at 1 of the gaseous diffusion plants on or before the privatization date as vested participants in a pension plan maintained by the Corporation's operating contractor or by a contractor employed prior to July 1, 1993, by the Department of Energy to operate a gaseous diffusion plant; and

(ii) persons who are employed by the Corporation's operating contractor on or before the privatization date and are vested participants in a pension plan maintained by the Corporation's operating contractor or by a contractor employed prior to July 1, 1993, by the Department of Energy to operate a gaseous diffusion plant.

(C) Retired prior to July 1, 1993.—The Secretary shall fund the entire cost of post-retirement health benefits for persons who retired from employment with an operating contractor prior to July 1, 1993.

(D) Retired after July 1, 1993.—The Secretary and the Corporation shall fund the cost of post-retirement health benefits for persons who retire from employment with an operating contractor on or after July 1, 1993, in proportion to the retired person's years and months of service at a gaseous diffusion plant under the management of the Secretary and the Corporation, respectively.

(7) JURISDICTION.—

(A) LABOR SUIT.—Any suit under this subsection alleging a violation of an agreement between an employer and a labor organization shall be brought in accordance with section 301 of the Labor Management Relations Act, 1947 (29 U.S.C. 185).

(B) UNFAIR LABOR PRACTICE.—Any charge under this subsection alleging an unfair labor practice violative of section 8 of the National Labor Relations Act (29 U.S.C. 158) shall be pursued in accordance with section 10 of the National Labor Relations Act (29 U.S.C. 160).

(C) OTHER SUITS.—Any suit alleging a violation of any provision of this subsection, to the extent the suit does not allege a violation of the National Labor Relations Act (29 U.S.C. 151 et seq.), may be brought in any district court of the United States having jurisdiction over the parties, without regard to the amount in controversy or the citizenship of the parties.

(b) FORMER FEDERAL EMPLOYEES.—

(1) IN GENERAL.—

(A) ELECTION.—An employee of the Corporation that was subject to the Civil Service Retirement System (referred to in this section as "CSRS") or the Federal Employees' Retirement System (referred to in this section as "FERS") on the day before the privatization date shall elect—

(i) to retain the employee's coverage under either CSRS or FERS, as applicable, in lieu of coverage by the Corporation's retirement system; or

(ii) to receive a deferred annuity or lump-sum benefit payable to a terminated employee under CSRS or FERS, as applicable.

(B) THRIFT SAVINGS PLAN.—An employee that makes an election under subparagraph (A)(ii) shall have the option to transfer any balance in the employee's Thrift Savings Plan account to a defined contribution plan under the Corporation's retirement system, consistent with applicable law and the terms of the Corporation's defined contribution plan.

(2) PAYMENT.—The Corporation shall pay to the Civil Service Retirement and Disability Fund—

(A) such employee deductions and agency contributions as are required by sections 8334, 8422, and 8423 of title 5, United States Code, for employees that elect to retain their coverage under either CSRS or FERS under paragraph (1);

(B) such additional agency contributions as are determined necessary by the Office of Personnel Management to pay, in combination with the sums under subparagraph (A), the normal cost (determined using dynamic assumptions) of retirement benefits for any employee that elects to retain the employee's coverage under CSRS under paragraph (1), with the concept of normal cost being used consistently with generally accepted actuarial standards and principles; and

(C) such additional amounts, not to exceed 2 percent of the sum of the amounts under subparagraphs (A) and (B), as are determined necessary by the Office of Personnel Management to pay the cost of administering retirement benefits for employees that retire from the Corporation after the privatization date under either CSRS or FERS, for survivors of the employees, and for survivors of employees of the Corporation that die after the privatization date (which amounts shall be available to the Office of Personnel Management as provided in section 8348(a)(1)(B) of title 5, United States Code).

(3) PAYMENT TO THRIFT SAVINGS FUND.—The Corporation shall pay to the Thrift Savings Fund such employee and agency contributions as are required by section 8432 of title 5, United States Code, for any employee that elects to retain the employee's coverage under FERS under paragraph (1).

(4) HEALTH BENEFITS.—An employee of the Corporation that is subject to the Federal Employee Health Benefits Program (referred to in this section as "FEHBP") on the day immediately preceding the privatization date and that elects to retain coverage under either CSRS or FERS under paragraph (1) shall have the option to receive health benefits from a health benefit plan established by the Corporation or to continue without interruption coverage under the FEHBP in lieu of coverage by the Corporation's health benefit system.

(5) PAYMENT TO EMPLOYEE HEALTH BENEFITS FUND.—The Corporation shall pay to the Employee Health Benefits Fund—

(A) for employees that elect to retain coverage under FEHBP under paragraph (4), such employee deductions and agency contributions as are required by subsections (a) through (f) of section 8906 of title 5, United States Code; and

(B) for employees that elect to retain coverage under FEHBP under paragraph (4), such amounts as are determined to be necessary by the Office of Personnel Management under paragraph (6) to reimburse the Office of Personnel Management for contributions under section 8906(g)(1) of title 5, United States Code.

(6) GOVERNMENT CONTRIBUTION.—The amount required under paragraph (5)(B) shall be sufficient to pay the Government contributions for retired employees that retire from the Corporation after the privatization date under CSRS or FERS, for survivors of the retired employees, and for survivors of employees of the Corporation that die after the privatization date, with the amount prorated to reflect only the portion of the total service of the employees that was performed for the Corporation after the privatization date.

SEC. 5111. SECURITIES AND OWNERSHIP LIMITATIONS.

(a) SECURITIES LIMITATIONS.—No director, officer, or employee of the Corporation may acquire directly or indirectly any securities, or any rights to acquire any securities, of the private corporation on terms more favorable than the terms offered to the general public—

(1) in a public offering designed to transfer ownership of the Corporation to private investors;

(2) under any agreement, arrangement, or understanding entered into before the privatization date; or

(3) before the election of the directors of the private corporation.

(b) OWNERSHIP LIMITATION.—

(1) IN GENERAL.—Immediately following the consummation of the transaction or series of transactions under which 100 percent of the ownership of the Corporation is transferred to private investors, and for a period of 3 years thereafter, no person may acquire, directly or indirectly, beneficial ownership of securities representing more than 10 percent of the total votes of all outstanding voting securities of the Corporation.

(2) APPLICATION.—Paragraph (1) does not apply to—

(A) an employee stock ownership plan of the Corporation;

(B) a member of the underwriting syndicate that purchases shares in stabilization transactions in connection with the privatization; or

(C) in the case of shares beneficially held in the ordinary course of business for others, a commercial bank, broker-dealer, or clearing agency.

SEC. 5112. URANIUM TRANSFERS AND SALES.

(a) TRANSFERS AND SALES BY THE SECRETARY.—The Secretary may not provide enrichment services or transfer or sell any uranium (including natural uranium concentrates, natural uranium hexafluoride, or enriched uranium in any form) to any person except as provided in this section.

(b) RUSSIAN HEU.—

(1) IN GENERAL.—

(A) TRANSFER.—On or before December 31, 1996, the United States Executive Agent under the Russian HEU Agreement shall transfer to the Secretary without charge title to an amount of uranium hexafluoride equivalent to the natural uranium component of low-enriched uranium derived from at least 18 metric tons of highly enriched uranium purchased from the Russian Executive Agent under the Russian HEU Agreement.

(B) QUANTITY.—The quantity of such uranium hexafluoride delivered to the Secretary shall be based on a tails assay of 0.30 U^{235}.

(C) RUSSIAN ORIGIN.—Notwithstanding any other provision of law, uranium hexafluoride transferred to the Secretary under this paragraph shall be considered to be of Russian origin.

(2) SALE OF URANIUM HEXAFLORIDE.—

(A) IN GENERAL.—Not later than 7 years after the date of enactment of this Act, the Secretary shall sell, and receive payment for, the uranium hexafluoride transferred to the Secretary under paragraph (1).

(B) TIME OF SALE.—Uranium hexafluoride shall be sold under subparagraph (A)—

(i) at any time for use in the United States for the purpose of overfeeding;

(ii) at any time for end use outside the United States;

(iii) in 1995 and 1996 to the Russian Executive Agent at the purchase price for use in matched sales pursuant to the Suspension Agreement; or

(iv) in calendar year 2001 for consumption by end users in the United States not earlier than January 1, 2002, in volumes not to exceed 3,000,000 pounds U_3O_8 equivalent per year.

(3) DELIVERY.—

(A) IN GENERAL.—With respect to all enriched uranium delivered to the United States Executive Agent under the Russian HEU Agreement on or after January 1, 1997, the United States Executive Agent shall, on request of the Russian Executive Agent, enter into an agreement to deliver concurrently to the Russian Executive Agent an amount of uranium hexafluoride equivalent to the natural uranium component of the uranium hexafloride.

(B) PERIOD COVERED.—An agreement entered into under subparagraph (A) may pertain to any deliveries due during any period remaining under the Russian HEU Agreement.

(C) QUANTITY.—The quantity of uranium hexafluoride delivered to the Russian Executive Agent under this paragraph shall be based on a tails assay of 0.30 U^{235}.

(D) TITLE.—Title to uranium hexafluoride delivered to the Russian Executive Agent under this paragraph shall transfer to the

Russian Executive Agent on delivery of the uranium hexafloride to the Russian Executive Agent, with the delivery to take place at a North American facility designated by the Russian Executive Agent.

(E) RUSSIAN ORIGIN.—Notwithstanding any other provision of law, uranium hexafluoride delivered to the Russian Executive Agent under this paragraph shall be considered to be of Russian origin.

(F) SALE.—Uranium hexafluoride delivered under this paragraph may be sold to a person or entity for delivery and use in the United States only as permitted in paragraphs (5) through (7).

(4) AUCTION.—

(A) IN GENERAL.—If the Russian Executive Agent does not enter into an agreement to take delivery of the natural uranium component of any low-enriched uranium under paragraph (3) within 90 days after the date on which the low-enriched uranium is delivered to the United States Executive Agent, or at the request of the Russian Executive Agent, the United States Executive Agent shall engage an independent entity through a competitive selection process to auction an amount of uranium hexafluoride or U_3O_8 (if the conversion component of the hexafluoride has previously been sold) equivalent to the natural uranium component of the low-enriched uranium.

(B) PERIOD COVERED.—An agreement with an independent entity under subparagraph (A) may pertain to any deliveries due during any period remaining under the Russian HEU Agreement.

(C) SALE IN LOTS.—The independent entity shall sell the uranium hexafluoride to persons in 1 or more lots to maximize the proceeds from the auction.

(D) PROCEEDS.—The independent entity shall pay to the Russian Executive Agent the proceeds of the auction less reasonable transaction and administrative costs.

(E) QUANTITY.—The quantity of uranium hexafluoride auctioned shall be based on a tails assay of 0.30 U^{235}.

(F) TITLE.—Title to uranium hexafluoride auctioned under this paragraph shall transfer to the buyer of the material on delivery of the material to the buyer.

(G) RUSSIAN ORIGIN.—Notwithstanding any other provision of law, uranium hexafluoride auctioned under this paragraph shall be considered to be of Russian origin.

(5) DELIVERY WITHIN THE UNITED STATES.—

(A) BAN PRIOR TO JANUARY 1, 1998.—Except as provided in paragraphs (6) and (7), uranium hexafluoride delivered to the Russian Executive Agent under paragraph (3) or auctioned under paragraph (4) may not be delivered for consumption by end users in the United States either directly or indirectly prior to January 1, 1998.

(B) ON OR AFTER JANUARY 1, 1998.—On or after January 1, 1998, uranium hexafloride may be delivered for consumption by end users in the United States only in accordance with the following schedule:

Year	Annual Maximum Deliveries to End Users (millions lbs. U_3O_8 equivalent)
1998	2
1999	4
2000	6
2001	8
2002	10
2003	12
2004	14
2005	16
2006	17
2007	18
2008	19
2009 and each succeeding year	20.

(6) MATCHED SALE.—Uranium hexafluoride delivered to the Russian Executive Agent under paragraph (3) or auctioned under paragraph (4) may be sold at any time as Russian-origin natural uranium in a matched sale pursuant to the Suspension Agreement. Uranium hexafloride sold in a matched sale shall not be counted against the annual maximum deliveries set forth in paragraph (5)(B).

(7) OVERFEEDING.—Uranium hexafluoride delivered to the Russian Executive Agent under paragraph (3) or auctioned under paragraph (4) may be sold at any time for use in the United States for the purpose of overfeeding in the operations of enrichment facilities.

(8) NO RESTRICTION ON SALE OF CONVERSION COMPONENT.—Nothing in this subsection shall restrict the sale of the conversion component of uranium hexafluoride.

(9) RESPONSIBILITIES OF THE SECRETARY OF COMMERCE.—

(A) IN GENERAL.—The Secretary of Commerce shall have responsibility for the administration and enforcement of the limitations in this subsection.

(B) ENFORCEMENT.—The Secretary of Commerce may require any person to provide such certifications or information or to take such action as may be necessary to enforce limitations in this subsection.

(C) CUSTOMS SERVICE.—The United States Customs Service shall maintain and provide any information required by the Secretary of Commerce and shall take any action requested by the Secretary of Commerce that is necessary for the administration and enforcement of the uranium delivery limitations in this subsection.

(10) REPORT BY THE PRESIDENT.—The President shall monitor the actions of the United States Executive Agent under the Russian HEU Agreement and shall report to the Congress not later than December 31 of each year on the effect the low-enriched uranium delivered under the Russian HEU Agreement is having on domestic uranium mining, conversion, and enrichment industries and the operation of the gaseous diffusion plants. The report shall include a description of actions taken or proposed to be taken by the President to prevent or mitigate any material adverse impact on the industries or any loss of employment at the gaseous diffusion plants as a result of the Russian HEU Agreement.

(c) TRANSFERS TO THE CORPORATION.—

(1) IN GENERAL.—The Secretary shall transfer to the Corporation without charge up to 50 metric tons of enriched uranium and up to 7,000 metric tons of natural uranium from the Department of Energy's stockpile, subject to the restrictions stated in paragraph (2).

(2) RESTRICTIONS.—The Corporation shall not deliver for commercial end-use in the United States—

(A) any of the uranium transferred under this subsection before January 1, 1998;

(B) more than 10 percent of the uranium (by uranium hexafluoride equivalent content) transferred under this subsection or more than 4,000,000 pounds, whichever is less, in any calendar year after 1997; or

(C) more than 800,000 separative work units contained in low-enriched uranium transferred under this subsection in any calendar year.

(d) INVENTORY SALES.—

(1) IN GENERAL.—In addition to the transfers authorized under subsections (c) and (e), the Secretary may, from time to time, sell natural and low-enriched uranium (including low-enriched uranium derived from highly enriched uranium) from the stockpile of the Department of Energy.

(2) CONDITIONS.—Except as provided in subsections (b), (c), and (e), no sale or transfer of natural or low-enriched uranium shall be made unless—

(A) the President determines that the material is not necessary for national security needs;

(B) the Secretary determines that the sale of the material will not have an adverse material impact on the domestic uranium mining, conversion, or enrichment industry, taking into account the sales of uranium under the Russian HEU Agreement and the Suspension Agreement; and

(C) the price paid to the Secretary will not be less than the fair market value of the material.

(e) GOVERNMENT TRANSFERS.—Notwithstanding subsection (d)(2), the Secretary may transfer or sell enriched uranium—

(1) to a Federal agency if the material is transferred for the use of the receiving agency without any resale or transfer to another entity and the material does not meet commercial specifications;

(2) to any person for national security purposes, as determined by the Secretary; or

(3) to any State or local agency or nonprofit, charitable, or educational institution for use other than the generation of electricity for commercial use.

(f) SAVINGS PROVISION.—Nothing in this subchapter modifies the terms of the Russian HEU Agreement.

SEC. 5113. LOW-LEVEL WASTE.

(a) RESPONSIBILITY OF DOE.—

(1) IN GENERAL.—The Secretary, at the request of a generator of low-level radioactive waste, shall accept for disposal low-level radioactive waste (including depleted uranium that is ultimately determined to be low-level radioactive waste) generated by—

(A) the Corporation as a result of the operations of the gaseous diffusion plants or as a result of the treatment of the wastes at a location other than the gaseous diffusion plants; or

(B) any person licensed by the Nuclear Regulatory Commission to operate a uranium enrichment facility under sections 53, 63, and 193 of the Atomic Energy Act of 1954 (42 U.S.C. 2073, 2093, and 2243).

(2) REIMBURSEMENT.—

(A) IN GENERAL.—Subject to paragraph (3), the generator shall reimburse the Secretary for the disposal of low-level radioactive waste pursuant to paragraph (1) in an amount equal to the Secretary's costs, including a pro rata share of any capital costs.

(B) MAXIMUM REIMBURSEMENT.—The amount of reimbursement under subparagraph (A) for the disposal of waste shall not be more than an amount equal to that which would be charged by commercial, State, regional, or interstate compact entities for disposal of the waste.

(3) LOW-LEVEL RADIOACTIVE WASTE.—If depleted uranium is ultimately determined to be low-level radioactive waste, the generator shall reimburse the Secretary for disposal of the depleted uranium pursuant to paragraph (1) in an amount equal to the Secretary's costs, including a pro rata share of any capital costs.

(b) AGREEMENTS WITH OTHER PERSONS.—Subject to subsection (a), the generator may enter into agreements for the disposal of low-level radioactive waste with any person authorized by law to dispose of the waste.

(c) State or Interstate Compacts.—Notwithstanding any other provision of law, no State or interstate compact shall be liable for the treatment, storage, or disposal of any low-level radioactive waste (including mixed waste) attributable to the operation, decontamination, or decommissioning of any uranium enrichment facility.

SEC. 5114. AVLIS.

(a) Exclusive Right To Commercialize.—On completion of a royalty agreement with the Secretary, the Corporation shall have the exclusive commercial right to deploy and use any AVLIS patent, process, or technical information owned or controlled by the Government.

(b) Transfer of Related Property to Corporation.—

(1) In general.—To the extent requested by the Corporation and subject to the requirements of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), the President shall transfer without charge to the Corporation all right, title, or interest in and to property owned by the United States under control or custody of the Secretary that is directly related to and materially useful in the performance of the Corporation's purposes regarding AVLIS and alternative technologies for uranium enrichment, including—

(A) any facility, equipment, or material for research, development, and demonstration activities; and

(B) any other facility, equipment, material, process, patent, technical information of any kind, contract, agreement, or lease.

(2) Exception.—A facility, parcel of real estate, improvement, or item of equipment related to the gaseous diffusion or gas centrifuge uranium enrichment programs of the Secretary shall not transfer under paragraph (1)(B).

(3) Expiration of transfer authority.—The President may not transfer property under this subsection on or after the privatization date.

(c) Liability for Patent and Related Claims.—With respect to any right, title, or interest provided to the Corporation under subsection (a) or (b), the Corporation shall have sole liability for any payment made or award granted under section 157b.(3) of the Atomic Energy Act of 1954 (42 U.S.C. 2187(b)(3)) or for any settlement or judgment involving a claim for alleged patent infringement. Any royalty agreement under subsection (a) shall provide for a reduction of royalty payments to the Secretary to offset any payment, award, settlement, or judgment under this subsection.

SEC. 5115. APPLICATION OF CERTAIN LAWS.

(a) OSHA.—

(1) Compliance.—As of the privatization date, the private corporation shall be subject to and comply with the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

(2) Agreement.—The Nuclear Regulatory Commission and the Occupational Safety and Health Administration shall, not later than 90 days after the date of enactment of this Act, enter into a memorandum of agreement to govern the exercise of authority over occupational safety and health hazards at the gaseous diffusion plants, including inspection, investigation, enforcement, and rulemaking relating to the hazards.

(b) Antitrust Laws.—For purposes of the antitrust laws, the performance by the private corporation of a matched import contract under the Suspension Agreement shall be considered to have occurred prior to the privatization date if, at the time of privatization, the contract has been agreed to by the parties in all material terms and confirmed by the Secretary of Commerce under the Suspension Agreement.

(c) Energy Reorganization Act Requirements.—

(1) Employee protection.—The private corporation and the private corporation's subcontractors shall be subject to section 211 of the Energy Reorganization Act of 1974 (42 U.S.C. 5851) to the same extent as an employer is subject to the section.

(2) Compliance with safety regulations.—With respect to the operation of the facilities leased by the private corporation, section 206 of the Energy Reorganization Act of 1974 (42 U.S.C. 5846) shall apply to the directors and officers of the private corporation.

SEC. 5116. AMENDMENTS TO THE ATOMIC ENERGY ACT.

(a) Repeal.—

(1) In general.—Chapters 22 through 26 of the Atomic Energy Act of 1954 (42 U.S.C. 2297 through 2297–7) are repealed effective as of the privatization date.

(2) Table of contents.—The table of contents of the Atomic Energy Act of 1954 (42 U.S.C. prec. 2011) is amended effective as of the privatization date by striking the items relating to the sections repealed by paragraph (1).

(b) NRC Licensing.—

(1) Production facility.—The second sentence of section 11v. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(v)) is amended by striking "or the construction and operation of a uranium enrichment production facility using Atomic Vapor Laser Isotope Separation technology".

(2) Licensing.—Section 193 of the Atomic Energy Act of 1954 (42 U.S.C. 2243) is amended by adding at the end the following:

"(f) Limitation.—No license or certificate of compliance may be issued to the United States Enrichment Corporation or its successor under this section or section 53, 63, or 1701 if the Commission determines that—

"(1) the Corporation is owned, controlled, or dominated by an alien, a foreign corporation, or a foreign government; or

"(2) the issuance of the license or certificate would be inimical to—

"(A) the common defense and security of the United States; or

"(B) the maintenance of a reliable and economical domestic source of enrichment services.".

(3) Application for certificate of compliance.—Section 1701(c) of the Atomic Energy Act of 1954 (42 U.S.C. 2297f(c)) is amended by striking paragraph (2) and inserting the following:

"(2) Periodic application for certificate of compliance.—The Corporation shall apply to the Nuclear Regulatory Commission for a certificate of compliance under paragraph (1) periodically, as determined by the Commission, but not less often than every 5 years. The Commission shall review the application, and any determination made under subsection (b)(2) shall be based on the results of the review.".

(4) Licensing of technologies.—Section 1702(a) of the Atomic Energy Act of 1954 (42 U.S.C. 2297f–1(a)) is amended—

(A) by striking "other than" and inserting "including"; and

(B) by striking "sections 53 and 63" and inserting "sections 53, 63, and 193".

(c) Judicial Review of NRC Actions.—Section 189 of the Atomic Energy Act of 1954 (42 U.S.C. 2239) is amended by striking subsection b. and inserting the following:

"b. Judicial Review.—The following Commission actions shall be subject to judicial review in the manner prescribed in chapter 158 of title 28, United States Code, and chapter 7 of title 5, United States Code:

"(1) Any final order entered in any proceeding of the kind specified in subsection a.

"(2) Any final order allowing or prohibiting a facility to begin operating under a combined construction and operating license.

"(3) Any final order establishing by regulation standards to govern the Department of Energy's gaseous diffusion uranium enrichment plants, including any plant leased to a corporation established under the USEC Privatization Act.

"(4) Any final determination under section 1701(c) relating to whether a gaseous diffusion plant, including any plant leased to a corporation established under the USEC Privatization Act, is in compliance with the Commission's standards governing the gaseous diffusion plants and all applicable laws.".

(d) Civil Penalties.—Section 234a. of the Atomic Energy Act of 1954 (42 U.S.C. 2282(a)) is amended—

(1) by striking "any licensing provision of section 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109" and inserting "any licensing or certification provision of section 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, 109, or 1701"; and

(2) by striking "any license issued thereunder" and inserting "any license or certification issued thereunder".

(e) References to the Corporation.—After the privatization date, all references in the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) to the United States Enrichment Corporation shall be deemed to be references to the private corporation.

SEC. 5117. AMENDMENTS TO OTHER LAWS.

(a) Definition of Government Corporation.—As of the privatization date, section 9101(3) of title 31, United States Code, is amended by striking subparagraph (N), as added by section 902(b) of the Energy Policy Act of 1992 (Public Law 102–486).

(b) Definition of the Corporation.—Section 1018(1) of the Energy Policy Act of 1992 (42 U.S.C. 2296b–7(1)) is amended by inserting ", or a successor to the United States Enrichment Corporation" before the period.

Subchapter B—Nuclear Regulatory Commission Annual Charges

SEC. 5201. NUCLEAR REGULATORY COMMISSION ANNUAL CHARGES.

Section 6101(a)(3) of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 2214(a)(3)) is amended by striking "September 30, 1998" and inserting "September 30, 2002".

Subchapter C—Strategic Petroleum Reserve

SEC. 5301. SALE OF WEEKS ISLAND OIL.

(a) Sale.—Notwithstanding section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241), the Secretary of Energy shall draw down and sell in fiscal year 1996, $292,000,000 worth of oil formerly contained in the Weeks Island Strategic Petroleum Reserve.

(b) Proceeds.—The proceeds from the sale described in subsection (a) shall be included in the budget baseline required by the Balanced Budget and Emergency Deficit Control Act of 1985 and shall be counted as an offset to discretionary budget authority and outlays for the purposes of section 251(a)(7) of that Act, if the President designates that the proceeds should be so counted, notwithstanding section 257(e) of that Act.

CHAPTER 3—SPENDING DESIGNATION

SEC. 5501. EMERGENCY DESIGNATION.

Congress hereby designates all amounts in this entire title as emergency requirements for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided*, That these amounts shall only be available to the extent an unofficial budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985 is transmitted by the President to Congress.

DORGAN (AND CONRAD) AMENDMENTS NOS. 3468–3469

Mr. DORGAN (for himself and Mr. Conrad) proposed two amendments to amendment No. 3466 proposed by Mr. Hatfield to the bill H.R. 3019, supra; as follows:

Amendment No. 3468

On page 740, line 6, strike "$32,000,000" and insert in lieu thereof "$34,800,000".

On page 740, line 8 after the word "nature" add a comma and insert "and to protect natural resources in the Devils Lake Basin in North Dakota".

Amendment No. 3469

On page 734, after the comma at the end of line 22, insert the following, "and in the Devils Lake Basin in North Dakota".

On page 734, line 23, strike "$15,000,000" and insert in lieu thereof "$25,000,000".

On page 735, line 1, strike "$1,500,000" and insert in lieu thereof "$2,500,000".

DOLE (AND OTHERS) AMENDMENT NO. 3470

Mr. HATFIELD (for Mr. Dole, for himself, Mr. Hatch, Mr. Gregg, and Mr. Hollings) proposed an amendment to amendment No. 3466 proposed by Mr. Hatfield to the bill H.R. 3019, supra; as follows:

At the appropriate place, insert the following:

Sec. 117. The definition of "educational expenses" in Section 200103 of the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322 is amended to read as follows:

"educational expenses" means expenses that are directly attributable to—

(A) a course of education leading to the award of the baccalaureate degree; or

(B) a course of graduate study following award of a baccalaureate degree, including the cost of tuition, fees, books, supplies, transportation, room and board and miscellaneous expenses.

HOLLINGS (AND INOUYE) AMENDMENT NO. 3471

Mr. HATFIELD (for Mr. Hollings for himself and Mr. Inouye) proposed an amendment to amendment No. 3466 proposed by Mr. Hatfield to the bill H.R. 3019, as follows:

At the appropriate place, insert the following:

"Sec. 411. Section 235 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101-246) is amended by inserting "Tinian," after "Sao Tome,".

NOTICE OF HEARING

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I wish to announced that the Committee on Rules and Administration will meet in SR-301, Russell Senate Office Building, on Wednesday, March 13, 1996, at 9:30 a.m., to receive testimony on campaign finance reform.

For further information on this hearing, please contact Bruce Kasold at 224-3448.

AUTHORITY FOR COMMITTEE TO MEET

SUBCOMMITTEE ON SOCIAL SECURITY AND FAMILY POLICY

Mr. HATFIELD. Mr. President, the Finance Committee requests unanimous consent for the Subcommittee on Social Security and Family Policy to hold a hearing on Social Security and future retirees on Monday, March 11, 1996, beginning at 10 a.m. in room SD-215.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

WHY THE "LEAST DANGEROUS" BRANCH IS ALSO THE BEST

• Mr. SIMON. Mr. President, I confess, I am not a regular reader of Legal Times, though my staff is, and they call articles to my attention.

But a longtime friend, Gene Callahan, sent me the first of a series of monthly columns that will be written by our former House colleague, Abner Mikva, who has also served on the Circuit Court of Appeals in Washington, DC and served as Counsel to the President.

His perspective should be of interest.

Judging by his first column, which I ask to be printed in the Record, it should be viewed by many more people than those who read the Legal Times, with all due respect to that readership.

His first column speaks with pride about the Federal judiciary but also has some suggestions for improvement there, suggestions that, in part, involve the legislative branch of Government.

I urge my colleagues to read Abner Mikva's first column.

The text of the column follows:

[From the Legal Times, Feb. 5, 1996]

Why the "Least Dangerous" Branch Is Also the Best

(By Abner J. Mikva)

Early last month, while the two political branches of government yielded to the elements and closed down for the blizzard, the Supreme Court of the United States was doing business as usual. It may have looked like a hot-dog trick to some, but Chief Justice William Rehnquist was making a point worth making: While the rest of government is perceived as sick and wanting, the judiciary, like the Energizer bunny, keeps on going.

Now that I am a disinterested observer (except for my pension, which as far as I know has no contingencies based on behavior), I find that the federal judiciary works amazingly well.

It always has been the least dangerous branch, but for a good period of its history that was because the federal judiciary did not have many demands upon it. This is no longer true. In almost every session of Congress, some new tasks are put to the federal courts. Everything from voting rights to carjacking is now considered appropriate for federal court jurisdiction.

At the same time, while the total judicial appropriation is still a small blip in the federal budget, it has been increasing exponentially. As with other rapaid growth, inevitably some money is not spent wisely.

The biggest single extravagance is Congress-driven: Should we have a federal courthouse at every crossroads in America? If the federal courts have selective and limited jurisdiction, should not the parties and their lawyers be required to come to the population centers of the country to litigate? But I remember from my days in Congress that it was a feather in the cap of a member if he or she could deliver a new courthouse (and a new judge) to some small town in the state.

Meanshile, the U.S. Courts of Appeals allow their judges to live wherever they want to within the circuit, providing chambers, equipment, and staff just to service those judges who would rather live in a bucolic place than in the big city to which the appellate court should limit its activities. (When I raised both these matters as a member of the U.S. Judicial Conference, I was met with the icy resistance of incumbent judges who like things the way they are.)

Even accounting for these blemishes (and others that I don't recount here), the federal courts are the most efficient institutions in our government. They perform their designated functions admirably. The appellate process provides a self-corrective device that fixes most of the mistakes and excesses of the lower courts. The judges really do preserve, protect, and defend the Constitution of the United States. And the reasons are pretty obvious.

First and foremost, there is the careful selection method employed to choose federal judges. There was a saying when I went to law school that the A students became law professors, the B and C students made a lot of money as practitioners, and the D students became judges. But that was never applicable to federal judges, and certainly is not true today. The large number of academicians who become federal judges indicates that legal ability is an important perrequisite for appointment. (On the Supreme Court alone, there are three former full-time law professors: Justices Antonin Scalia, Ruth Bader Ginsburg, and Stephen Breyer.)

The whole process is the closet thing that we have to a meritocracy in government. While U.S. senators have a large voice in deciding who become district judges, the candidate is subject to merit review in the first instance by the local bar associations, the local press, and all the other gauntlets that a judicial aspirant has to traverse. After finishing that section of the obstacle course, the would-be judge has to pass a full field investigation by the Federal Bureau of Investigation and a thorough vetting by the American Bar Association. Then, and only then, is the name sent to the president with the recommendation that he nominate. If the president agrees, then, and only then, is the name sent up to the Senate for confirmation.

Appointments to the Courts of Appeals are even more difficult. While the senators may not have as much say in choosing the nominee, they weigh in heavier in the confirmation process. (I still have bumps on my head from my own confirmation battle, which took more than six months and aged me many times that period. I had the National Rifle Association—a formidable opponent—on my case.)

Many are the casualties who could describe how tortuous is the path. Some bad press, a few disgruntled colleagues or clients, an over-exuberant writing—any of these can derail someone who would like to be a judge. Not all such derailments are fair or pretty, but they do provide a thorough preview of who is being appointed to the federal bench. The result is a bench both competent and clean.

There are exceptions, of course, but they are rare, compared to those of the other two branches of government. Indeed, one of the exceptions, Judge Alcee Hastings, was removed from the bench by Congress after his colleagues deemed his conduct inappropriate to judicial service. A jury had previously found him not guilty of criminal conduct in the matter, and the people of the sovereign state of Florida have since elected him to Congress.

There are other reasons why the judicial branch performs so well. The Judicial Conference, the governing body for the federal judiciary, is right for the task. Contrary to what Judge William Schwarzer wrote recently in *Legal Times* ("Governing the Federal Judiciary," Dec. 11, 1995, Page 24), the very fact that the judges in the conference do rotate, are not expert bureaucrats, and are not all from Washington, D.C., is a plus. I have had a close-up view of the workings of the other two branches, and neither has any systems as efficient as the 25 circuit and district judges who, along with the chief justice, make policy for the federal judiciary.

Another ingredient in the judicial success formula is the law clerks. The clerks, who come in for a year or two, are very bright, respectfully irreverent, and full of enthusiasm. Again, the rotation of clerks is a plus, and I worry that more and more judges are using career law clerks.

Senior status is another idea that works. The notion that a judge can semi-retire, still perform useful service, and open up a slot for a younger and more vigorous person is almost too good to be true.

That judges are as independent as they say they are is one of the most important reasons for the success of the judicial branch. This makes it all the more disturbing that some of my former colleagues, both on the bench and in Congress, think that Congress should exercise more vigorous oversight of the performance of judges. Sen. Charles Grassley (R-Iowa) wants judges to fill out time sheets so that he can decide whether they are working hard enough. Judge Laurence Silberman thinks that there are too many judges authorized on the D.C. Circuit, and testified to urge Congress not to fill an empty slot.

Given all the serious problems that other institutions of government have, both in their performance and in the way they are perceived, it is distressing that some would rather tinker with the judiciary. But then, there have always been those who would rather fix something that is not broken than do the serious lifting involved in real government reform.

RECOGNIZING THE IMPORTANCE OF INTERNATIONAL FAMILY PLANNING ON INTERNATIONAL WOMEN'S DAY

• Ms. SNOWE. Mr. President, today, I speak in honor of International Women's Day, which was last Friday, March 8, on an issue of tremendous importance to women and families around the world—U.S. funding for international family planning programs.

The United States has traditionally been a leader in international family planning assistance, and has had unrivaled influence worldwide in setting standards for these programs. An estimated 50 million families around the globe use family planning as a direct result of U.S. population assistance programs.

Unfortunately, passage of the continuing resolution on January 26 came at a terrible price to U.S. population assistance programs. Time and time again during consideration of the foreign operations appropriations bill, the Senate resisted the efforts of the House to restore the Mexico City policy and to impose restrictions on funding for United Nations Population Fund [UNFPA]. Finally, opponents to family planning in the House unveiled a new, ugly strategy—slashing population assistance in the continuing resolution [CR]. Tragically, the need to avoid another Government shutdown led many Members to vote for the CR and accept what was understood to be an extremely painful funding cut. It was only later that the truly insidious nature of this provision became apparent, when it became known that this provision would simply devastate—if not obliterate—U.S.-funded international family planning programs.

Under the terms of the CR, none of the funds appropriated for international family planning can be spent until July 1. After this date, funding may be provided at 65 percent of the fiscal year 1995 level, appropriated on a monthly basis of 6.7 percent for 15 months. As a result, U.S. population assistance expenditures could drop from $547 million last year, to only $72 million during fiscal year 1996 This means a loss of revenue to the program of $475 million.

The Alan Guttmacher Institute, Planned Parenthood, and other population groups predict that as a result of these cuts, at a minimum, seven million couples in developing countries who would have used modern contraceptives will be left without access to family planning. Four million more women will experience unintended pregnancies. We can also expect 1.9 million more unplanned births, often to families living in terrible poverty and who cannot afford another child; 1.6 million more abortions and countless miscarriages; 8,000 more women dying in pregnancy and childbirth, including those from unsafe abortions; and 134,000 infant deaths.

It appears that supporters of these funding cuts are unaware that current law prohibits the use of any U.S. funds for abortion-related activities. This is not about encouraging abortion. It is about preventing unwanted pregnancies and preventing abortions. It is about helping women to space their children, so that they and their children are healthier, because children born within 2 years of their mother's last birth are twice as likely to die in infancy than those born after a longer interval. It is about families being able to support themselves and emerge from terrible poverty. It is about preventing maternal and infant death. It is an issue that should unite Members on both sides of the abortion debate.

Because of the CR, organizations that provide family planning services with U.S. funds are already determining which of their programs will have to be cut or eliminated. For example, a local affiliate of international planned parenthood in Brazil estimates that 250,000 couples who rely on its services will lose access to family planning and related health care. In Peru, a country that is among the poorest in Latin America and where 90 percent of women surveyed say they want to prevent or delay another pregnancy, more than 200,000 couples will lose services. Families in these extremely poor countries cannot afford to lose vital U.S. family planning assistance.

As a conferee for the State Department reauthorization bill, I worked hard to prevent the inclusion of House language reinstating the Mexico City policy and restrictions on UNFPA funding. Thankfully, we prevailed and the House capitulated on this front. Now it is time to take this important battle to take the next step and undue the harm caused by the House appropriators.

I am pleased to say that my distinguished colleague from Oregon, Senator HATFIELD, who has been such a champion in fighting for international family planning throughout his career, included language in the omnibus appropriations bill which would restore funding for U.S. population assistance. The Hatfield provision would nullify the funding cuts in the CR if the President certifies that they will lead to a significant increase in abortions. I applaud Senator HATFIELD for his outstanding leadership on the Appropriations Committee and for his dedication to this very important issue.

The United States has been a model nation on international family planning issues, and other countries look to our example. The implications of the cuts to U.S. aid contained in the CR are far broader than one might think.

If other countries follow our lead, the impact will be devastating to the health of women and families of developing nations.

So, in honor of International Women's Day, I urge my colleagues to support the restoration of funding for international family planning. Hanging in the balance are the lives, the health, and the economic survival of women, children, and families throughout the world.●

HONORING MATTHEW EISENFELD

● Mr. DODD. Mr. President, it is with great sadness that I rise today following the death of Matthew Eisenfeld of West Hartford in the terrorist bombing in Israel. The four most recent terrorist attacks have not only threatened the fragile peace in this region, but also resulted in the death of one of our own. Matthew was a bright and caring individual who spoke out for peace in the Middle East—and his voice ultimately will not be silenced unless we give into those who use vicious acts of violence to derail efforts for peace in this region.

Throughout his short life, Matthew had a strong impact on the lives of the people he met. Clearly, he was a fine student with a good heart. He dedicated himself to others and worked hard to learn and follow the teachings of the Jewish faith.

It seems ironic that at the time of his death, Matthew was working on a haggadah, the traditional book of freedom and liberation read at Passover. He truly believed that the land of Israel that he loved so much would one day be at peace.

Following the assassination of Prime Minister Yitzak Rabin, Matthew was asked to speak at a memorial service for the slain leader. His message was full of hope that the Middle East peace process would continue. Even in the dark days immediately following the death of the Prime Minister, Matthew stood up and called on those gathered not to give up hope and stressed the necessity of continuing the work of Mr. Rabin.

We have now lost another decent and caring man whose life was a testament to peace. This is a tragedy not only for Matthew's family and friends, but also for the countless number of people who could have met Matthew and learned from him if this senseless act of hate had not occurred. We must remember Matthew's love of humanity and continue to work to spread his message of peace and hope. Soundly condemning these senseless acts of violence while rededicating ourselves to the peace process, is the finest way to honor Matthew Eisenfeld's life and the other innocent men and women who have lost their lives in these terrible bombings.●

WANTED: JOBS OF LAST RESORT

● Mr. SIMON. Mr. President, one of the things I have stressed repeatedly on the floor of the Senate is that without having a jobs component for people of limited skills, welfare reform is a sham. It is public relations for those of us who hold public office, not help for people on welfare and not help for the taxpayers.

Recently, Prof. Sheldon Danziger and Peter Gottschalk had an item on the New York Times op-ed page, titled "Wanted: Jobs of Last Resort." I ask that it be printed in the RECORD. I highly recommend it to my colleagues.

The article follows:

WANTED: JOBS OF LAST RESORT

(By Sheldon Danziger and Peter Gottschalk)

Members of the National Governors' Association were on Capitol Hill yesterday, once again pressing their case for welfare reform. The group has captured glowing reviews from both President Clinton and Congressional Republicans for a package of proposals that would favor block grants to the states over a guarantee of Federal aid.

Liberal Democrats in the House have criticized the plan, saying its cuts in Federal spending are simply too hard on the poor. But they have not given enough attention to what is perhaps the plan's most problematic feature: It would end welfare recipients' entitlement to cash assistance—after as little as 21 months in Connecticut—even for those who, though diligently searching for work, cannot find anyone to hire them.

These provisions assume that anyone who really wants to work can find a job. And no one would dispute that any welfare reform proposal should require recipients to make a serious effort to find employment. But the proposal must be more realistic about the current demand for low-skilled workers, which has dropped steadily over the last two decades.

To take just one small but alarming example, the number of high school dropouts who are employed has steadily dropped since 1970—while the number of employed college graduates has risen by more than 40 percent.

Economists of all political persuasions have documented the increased extent of insecurity among American workers. Moderate economic growth since the early 1980's has on average raised our living standards, but low-skilled workers have seen the least benefit. The lack of jobs that pay adequately obviously bodes even worse for people trying desperately to get off welfare. Today, 45 percent of women who leave welfare find themselves back on it within a year.

The decline in demand for less-skilled workers is not so much the fault of Republicans or Democrats as it is of the changing economy. Real wages for low-skilled workers steadily diminished under Presidents Jimmy Carter, Ronald Reagan and George Bush, just as they continue to erode today. But these Administrations do share responsibility for the extent of the hardship. Government simply has not adapted its policies to deal with an economy in which the number of industrial jobs is shrinking.

The consensus among most Democrats and Republicans that welfare should be transformed from a cash-based to a work-based safety net is a promising development. But it will not be fulfilled by the governors' compromise unless their plan provides emergency help for people who have tried to find work and can't. Low-wage public service jobs of last resort would be the best way to provide such help.

The governors can improve their plan, which they hope will form the basis of Federal legislation, by requiring that states offer unsuccessful job seekers the kind of work-based safety net that Gov. John Engler has proposed for Michigan.

His proposal allows recipients who cannot find employment to perform community service in return for continued cash assistance. This provision is important in an economy in which the trend toward downsizing shows no sign of slowing, and it will be critical during any future recession. The National Governors' Association would be wise to include Mr. Engler's work-for-your welfare community service idea in its proposals.●

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM AUG. 17–29, 1995

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Mark O. Hatfield:									
Russia	Dollar		2,294.00						2,294.00
Mongolia	Dollar		306.00						306.00
Senator Dale Bumpers:									
Russia	Dollar		1,644.25						1,644.25
Mongolia	Dollar		220.00						220.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM AUG. 17–29, 1995—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Harry Reid:									
Russia	Dollar		2,294.00						2,294.00
Mongolia	Dollar		306.00						306.00
Senator Slade Gorton:									
Russia	Dollar		2,294.00						2,294.00
Mongolia	Dollar		306.00						306.00
Senator Conrad Burns:									
Russia	Dollar		2,294.00						2,294.00
Mongolia	Dollar		306.00						306.00
Dr. James H. Billington:									
Russia	Dollar		1,940.00						1,940.00
Mongolia	Dollar		306.00						306.00
James D. Bond:									
Russia	Dollar		2,294.00						2,294.00
Mongolia	Dollar		306.00						306.00
Cherie Cooper:									
Russia	Dollar		2,294.00						2,294.00
Mongolia	Dollar		306.00						306.00
Charles Houy:									
Russia	Dollar		2,294.00						2,294.00
Mongolia	Dollar		306.00						306.00
Mark D. Walker:									
Russia	Dollar		2,294.00						2,294.00
Mongolia	Dollar		306.00						306.00
Delegation Expenses:[1]									
Russia							15,804.22		15,804.22
Mongolia							5,321.86		5,321.86
Total			24,910.25				21,126.08		46,036.33

[1] The following individual traveled under the authorization of the Republican Leader—Jan Paulk. This report appears under the authorizing source. Delegation expenses include direct payment and reimbursements to the Department of State and the Department of Defense under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and Senate Resolution 179, agreed to May 25, 1977.

MARK O. HATFIELD,
Chairman, Committee on Appropriations, Mar. 5, 1996.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1995.

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Hank Brown:									
Bosnia	Mark	240.00	177.79					240.00	177.79
Romania	Dollar		255.00						255.00
Egypt	Pound	2,760.80	812.00					2,760.80	812.00
United States	Dollar				3,763.95				3,763.95
Carter Pilcher:									
Bosnia	Mark	240.00	177.79					240.00	177.79
Romania	Dollar		200.00						200.00
Egypt	Pound	2,040.00	600.00					2,040.00	600.00
United States	Dollar				3,763.95				3,763.95
Total			2,222.58		7,527.90				9,750.48

JESSE HELMS,
Chairman, Committee on Foreign Relations, Feb. 1, 1996.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SELECT COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1995.

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Patricia Hanback			199.00		449.95				648.95
Donald Stone			267.00		762.31				1,029.31
Melvin Dubee			413.65						413.65
Don Mitchell			207.60						207.60
Randy Schieber			480.00		1,035.11				1,515.11
Senator Mike DeWine			414.00						414.00
Randy Schieber			414.00						414.00
Laurel Pressler			414.00						414.00
Total			2,809.25		2,247.37				5,056.62

ARLEN SPECTER,
Chairman, Select Committee on Intelligence, Jan. 30, 1996.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES FOR TRAVEL FROM APRIL 17–24, 1995

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Frank H. Murkowski:									
Sweden	Krona	5,853.50	798.00					5,853.50	798.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES FOR TRAVEL FROM APRIL 17–24, 1995—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
France	Franc	3,578.64	744.00					3,578.64	744.00
Senator Conrad Burns:									
Sweden	Krona	5,853.50	798.00					5,853.50	798.00
France	Franc	3,578.64	744.00					3,578.64	744.00
Senator Daniel K. Akaka:									
Sweden	Krona	5,457.24	744.00					5,457.64	744.00
France	Franc	3,578.64	744.00					3,578.64	744.00
Gregg Renkes:									
Sweden	Krona	5,853.50	798.00					5,853.50	798.00
France	Franc	3,578.64	744.00					3,578.64	744.00
David Garman:									
Sweden	Krona	5,853.50	798.00					5,853.50	798.00
France	Franc	3,578.64	744.00					3,578.64	744.00
Karen Hunsicker:									
Sweden	Krona	5,853.50	798.00					5,853.50	798.00
France	Franc	3,578.64	744.00					3,578.64	744.00
David Fish:									
Sweden	Krona	5,853.50	798.00					5,853.50	798.00
France	Franc	3,578.64	744.00					3,578.64	744.00
Robert Simon:									
Sweden	Krona	5,853.50	798.00					5,853.50	798.00
France	Franc	3,578.64	744.00					3,578.64	744.00
Delegation expenses:[1]									
Sweden							9,170.92		9,170.92
France							5,173.59		5,173.59
Total			12,282.00				14,344.51		26,626.51

[1] The following individuals traveled under the authorization of the following: (Republican Leader—Sen. Alan K. Simpson, Sen. Trent Lott, and Jan Paulk); (Democratic Leader—Sen. Richard Bryan). Their reports appear under the authorizing source. Delegation expenses include direct payments and reimbursements to the Department of State and the Department of Defense under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, Senate Resolution 179, agreed to May 25, 1977.

FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, Dec. 7, 1995.

ADDENDUM.—CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE REPUBLICAN LEADER FROM JULY 1 TO SEPT. 30, 1995

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Jan Paulk:									
Russia	Dollar		2,294.00						2,294.00
Mongolia	Dollar		306.00						306.00
Total			2,600.00						2,600.00

ROBERT J. DOLE,
Republican Leader, Nov. 30, 1995.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE REPUBLICAN AND THE DEMOCRATIC LEADER FROM OCT. 13–16, 1995

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Ted Stevens:									
Germany	Dollar		293.42						293.42
Belgium	Franc	3,893.18	133.10					3,893.18	133.10
Senator Daniel Inouye:									
Germany	Dollar		310.56						310.56
Belgium	Franc	3,893.18	133.10					3,893.18	133.10
Senator John Glenn:									
Germany	Dollar		305.00						305.00
Belgium	Franc	4,029.48	138.47					4,029.48	138.47
Senator Jeff Bingaman:									
Germany	Dollar		287.90						287.90
Belgium	Franc	3,893.18	133.10					3,893.18	133.10
Senator Kay Bailey Hutchison:									
Germany	Dollar		397.14						397.14
Belgium	Franc	3,893.18	133.10					3,893.18	133.10
Senator Olympia Snowe:									
Germany	Dollar		293.42						293.42
Belgium	Franc	3,893.18	133.10					3,893.18	133.10
Senator Craig Thomas:									
Germany	Dollar		408.00						408.00
Belgium	Franc	5,206.5	178.00					5,206.5	178.00
Mira Baratta:									
Germany	Dollar		408.00						408.00
Belgium	Franc	6,493.50	222.00					6,493.50	222.00
Stephen Biegun:									
Germany	Dollar		408.00						408.00
Belgium	Franc	9,594	328.00					9,594	328.00
Steven J. Cortese:									
Germany	Dollar		382.90						382.90
Belgium	Franc	3,893.18	133.10					3,893.18	133.10
Charles Houy:									
Germany	Dollar		308.90						308.90
Belgium	Franc	3,893.18	133.10					3,893.18	133.10
Michelle Maynard:									
Germany	Dollar		408.00						408.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE REPUBLICAN AND THE DEMOCRATIC LEADER FROM OCT. 13–16, 1995—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Belgium	Franc	9,594	328.00					9,594	328.00
John Miller:									
Germany	Dollar		408.00						408.00
Belgium	Franc	6,230.25	213.00					6,230.25	213.00
John Roots:									
Germany	Dollar		408.00						408.00
Belgium	Franc	9,594	328.00					9,594	328.00
Delegation expenses:[1]									
Germany							592.00		592.00
Belgium							3,041.34		3,041.34
Total			7,694.41				3,633.34		11,327.75

[1] Delegation expenses include direct payments and reimbursements to the Department of State and the Department of Defense under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and Senate Resolution 179, agreed to May 25, 1977.

TOM DASCHLE AND BOB DOLE,
Democratic Leader and Republican Leader, Feb. 27, 1996.

MEASURE PLACED ON THE CALENDAR—H.R. 497

Mr. LOTT. Mr. President, I understand there is a bill due for its second reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 497) to create the National Gambling Impact and Policy Commission.

Mr. LOTT. I object to further proceedings on this matter at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar.

ORDERS FOR TUESDAY, MARCH 12, 1996

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m., Tuesday, March 12; further, that immediately following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day. I further ask unanimous consent that the Senate begin a period for the transaction of morning business until the hour of 10 a.m. with Senators permitted to speak for up to 10 minutes each with the following exception: Senator FEINSTEIN for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I further ask that at 10 a.m. on Tuesday, the Senate resume consideration of the omnibus appropriations bill, H.R. 3019; further, that the Senate recess from the hours of 12:30 to 2:15 for the weekly policy conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

BALANCED BUDGET DOWNPAYMENT ACT, II

Mr. LOTT. I might say, Mr. President, I had hoped we would be able to make more progress today. I know the distinguished chairman of the Appropriations Committee was here at the appointed hour and made an opening statement on this appropriations bill. I do know that there have been a couple of amendments that have been laid down. We are going to have to make real progress on this legislation tomorrow because we are facing a deadline on the continuing resolution this coming Friday. So if we are going to avoid that problem, we are going to have to either complete the amendments and complete final passage on this omnibus appropriations bill or take some other action to avoid the threat by President Clinton last week that we would have a shutdown. So I urge my colleagues and the leadership to work together to get an agreement on a list of amendments, how those amendments will be brought forward; that we have some sort of reasonable limit on the number of amendments that are offered so we can complete this legislation hopefully by tomorrow night or certainly sometime early in the day on Wednesday so we can allow this bill to go to conference. There will have to be a conference between the two bodies, and I am sure that will take some time, too.

PROGRAM

Mr. LOTT. For the information of all Senators, the Senate will resume consideration of the continuing resolution at 10 a.m. on Tuesday. Additional amendments are expected to be offered, and it is still hoped that we may complete action during tomorrow's session.

Under a previous order, there are two consecutive cloture votes beginning at 2:15 p.m. on Tuesday. The first will be on invoking cloture on the D.C. appropriations conference report, to be followed by a vote on invoking cloture to proceed to the Whitewater resolution. Additional votes can be expected during Tuesday's session of the Senate.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 4:22 p.m., adjourned until Tuesday, March 12, 1996, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 11, 1996:

IN THE COAST GUARD

THE FOLLOWING CADETS OF THE U.S. COAST GUARD ACADEMY FOR APPOINTMENT TO THE GRADE OF ENSIGN:

STEPHEN ADLER
TODD ADRIAN
ANDREW AGUILAR
CHRISTOPHER ALLAN AHEARN
KRISTINA MARIE AHMANN
LEE ALLISON
BRIAN ROBERT ANDERSON
PETE AGRAO
DAVID LEWIS ARRITT
SCOTT ATEN
JONATHAN DICKINSON BAKER
ALAIN VELASCO BALMACEDO
CLIFFORD RONALD BAMBACH
AGUSTUS JAMES BANNAN
TIMOTHY JAMES BARELLI
CHE JEREMY BARNES
JENNIFER ALICE BEAVER
ERIC MICHAEL BELLEQUE
SCOTT DAVID BENSON
JOHN BERRY
ROBERT HUMBER BICKERSTAFF
JEFF BRIAN BIPPERT
DAWN BLACK
CHAD ERIC BLAND
JED ROBERT BOBA
GEORGE CHARLES BOBB
MICHAEL BOLZ
FRED VAN BOONE
RUSSELL EUGINE BOWMAN
SEAN TERRENCE BRADY
PAUL BROOKS
ANDY SCOTT BROWN
HEATH MICHAEL BROWN
JESSICA IRENE BROWN
THOMAS RUSSELL BROWN
TIMOTHY TYSON BROWN
WILLIAM ALAN BUDOVEC
MARC ALAN BURD
ERVA JENNIFER BURHANS
TRAVIS LANCE BURNS
COLIN EDWARD CAMPBELL
RACHELLE LYN CANNON
WILLIE LEE CARMICHAEL
SCOTT ERIC CARROLL
ANTHONY CELLA
ADAM ABRAHAM CHAMIE
CASEY LOUIS CHMIELEWSKI
BRADLEY CLARE
KATHRYN NADENE CLEVENGER
ERIC MITCHELL COOPER
PHILLIP ALEXANDER COWALL
PHILLIP ALLEN CRIGLER
TIMOTHY PATRICK CRONIN
CHRISTOPHER FRANCIS DABBIERI
QUINCY LAMONT DAVIS
SETH JOO YONG DENNING
JARED COLIN DILLIAN
PATRICK DOUGAN
WILLIAM ALBERT DRONEN
WILLIAM EARLE DUNCAN
MICHAEL P. DUREN
MICHAEL ARTHUR EDWARDS
HERBERT HENRY EGGERT
MICHAEL JAMES ENNIS
PHILIP ALLAN ERO
SALVATORE JASON FAZIO
MICHELE FLAHERTY
TAINA FONSECA
ANTHONY F. FRANZAGO
MICHAEL SHARIFF FREDIE
ERNIE TOLEDO GAMENG
JUAN GARCIA
CHRISTOFER LYLE GERMAN
MICHAEL RYAN GESELE
WILLIAM RAYMOND GIBBONS
STEVEN GILBERT
KEVIN DAVID GLYNN
RAJA GOEL

PETER WARD GOODING
DENNIS MICHAEL GORDON
MICHAEL PATRICK GULDIN
FERNANDO GUTIERREZ
TIMOTHY DALE HAMMOND
COLIN HARDING
MARK KOFFMAN HARRIS
REBECCA PEARL HARVEY
CHRIS S. HAYTER
JALYN GAIL HEIL
ROBERT HENGST
JOHN HENNIGAN
MARK DONALD HEUPEL
ERIC EDWARDS HOERNEMANN
CHRISTY LYNN HOGAN
ELI HOORY
ERIC KENNETH HORN
WALTER LAURENCE HORNE
ROBERT ANTHONY HUELLER
JOHN PAUL HUMPAGE
MARK ALAN JACKSON
BENJAMIN ALEXANDEA JANCZYK
MERLE JOHNSON
REESE PARKER JOHNSON
SAMUEL JOHNSON
ANTHONY RAYMOND JONES
ALEXANDER SAROL JOVES
EIRIK THOMASSON KELLOGG
CARL MARTIN KEPPER
ROBERT JOHN KERAMIDAS
ADAM LINCOLN KERR
TIMOTHY JAMES KERZE
FAIR CHARLIE KIM
JOOYI KIM
WILLIAM ANDERSON KING
HEATHER KRISTINE KLEMME
CHRIS KLUCKHUHN
SEAN ADAM KOMATINSKY
GABRIELLE NICOLE KRAJENSKI
JASON A. KREMER
PAUL EMIL LAFOND
KARL DAVID LANDER
JAMES WILLIS LARSON
RYON L. LITTLE
SCOTT STANLEY LITTLEFIELD
KATHERINE MARY MAC DONALD
TIMOTHY AARON MAHR
ZACHERY JOSEPH MALINOSKI
GARY MASON
GREGORY ALEN MATYAS
AUSTIN JOSEPH MC GUIRE
EILEEN PATRICIA MEEHAN
TRACY WALSH MEHR
BRIAN ARTHUR MEIER
PETER NEAL MELNICK
SALLY MESSER
BRIAN MILES
CHRISTOPHER MICHAEL MILKIE
GABRIELLE GENEVIEVE MILLER
EMILY MINBIOLE
ERICA LEA MOHR
ROBERT THOMAS MOORHOUSE
JOE L. MORGAN
SEAL GREGORY MORRISSEY
JESS CLATE MORTON
TODD WILLIAM MOYER
MICHAEL SHAWN MOYERS
JONATHAN EDWARD MUSMAN
ADAM ERIC NEBRICH
BENJAMIN LOUIS NICHOLSON
CRAIG MICKAEL O'BRIEN
JOHN KENNETH O'CONNOR
JAMES JOSEPH O'KANE
THOMAS ANDREW OLENCHOCK
MATTHEW ORENDORFF
DREW FRANCIS ORSINGER
BRIAN PALM
MICHAEL JOHN PARADISE
ANDREW THOMAS PECORA
SCOTT THOMAS PETEREIN
HILLARY GENELLE PETERSON
TY JEREMY PETERSON
CHRISTOPHER BRIAN PHELAN
LENA MICHELE PIAZZA
RICHARD CHARLES POKROPSKI
MICHELLE LEE QUACH
BRIAN KEVIN RIEMER
ERICK ROANE
KEITH MICHAEL ROPELLA
MICHAEL RAY ROSCHEL
ANDREW ERIC ROSENBAUM
BRAD ROSELLO
RYAN ALEXANDER ROSLONEK
ANTHONY LEE RUSSELL
MICHAEL RYAN
OLAV MAGNUS SABOE
ANDREA LYNN SACCHETTI
JERRY WAYNE SADDLER
MATTHEW J. SALAS
AARON MICHAEL SANDERS
DEREK THOMAS SCHADE
DANIEL SCHAEFFER
TABITHA A. SCHIRO
MICHAEL SCHOONOVER
CYNTHIA SEAMANDS
EDWARD SEE
RICHARD SERVANTEZ
JOHN EDWARD SHKOR
JEREMY CHARLES SMITH
CHRISTIAN JARED SOUTER
ERIC RYAN ST. PIERRE
NELL BAYNHAM STAMPER
JANE ELIZABETH STEGMAIER
SCOTT ALLAN STOERMER
BRIAN PATRICK STOREY
TRACY ANN STROCK
DANIEL MATTHEW STULACK
JONATHAN THEEL
MICHAEL DAVID THOMAS
RANDALL THOMAS
PAUL EDWARD TRESSA
WOODROW E. TURNER
TODD DAVID VANCE
MARK AARON VORIS
GRETCHEN ANNE WAGNER
MICHAEL ANTHONY WALSH
DANIEL WARD
ERIC WARD
DONIS WAYNE WATERS
MICHELLE RENEE WATSON
ANDREW MICHAEL WENT
WILLIAM EDWARD WHITAKER
LAURINA MAE-ANNE WILCOX
MARK WILCOX
ANTHONY WADE WILLIAMS
DOUGLAS ERHARDT WILLIAMS
TORRENCE BEMENT WILSON
KIMBERLY ZUST

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE U.S. OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 12203 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 12203 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE.

LINE

To be lieutenant colonel

ROBERT J. ABELL [redacted]
LYNNE D. BUDD [redacted]
GEORGE N. CLARK, JR. [redacted]
ROBERT D. COULDRY [redacted]
DONALD A. DEVOTO [redacted]
GARY W. ECKERT [redacted]
MARK K. FOREMAN [redacted]
FLORIAN J. GIES IV [redacted]
FRANCIS W. GROFF, JR. [redacted]
RANDALL D. HERMAN [redacted]
RANDALL E. HORN [redacted]
MARK R. HOWARD [redacted]
RICHARD H. IVERSON [redacted]
CHARLES C. KIRK [redacted]
KEITH I. LANG [redacted]
MARK R. LANGLEY [redacted]
ROBERT L. LEEKER [redacted]
CONNIE S. LINTZ [redacted]
ROY A. MERRELL [redacted]
CHARLES H. MITCHELL [redacted]
HENRY C. MORROW [redacted]
ROBERT D. NORTH [redacted]
JOHN A. PALESE, JR [redacted]
BRUCE J. PATCH [redacted]
DEAN A. PLOWMAN [redacted]
FREDERICK G. SCHMIDT [redacted]
DAVID M. SMITH [redacted]
GARY A. TOUGAS [redacted]
KAY L. TROUT [redacted]
PAUL M. VANSICKLE [redacted]
DENIS W. WIGLEY [redacted]
DENNIS E. WISE [redacted]
GEOFFREY B. ZINNECKER [redacted]

JUDGE ADVOCATE GENERALS DEPARTMENT

To be lieutenant colonel

WARD W. BUCKLES [redacted]
J. TERRY DAVIS [redacted]
DOUGLAS B. OLIVERO [redacted]

BIO-MEDICAL SCIENCE CORPS

To be lieutenant colonel

DANIEL M. FLEMING [redacted]
DANIEL B. O'HOLLAREN [redacted]

MEDICAL CORPS

To be lieutenant colonel

ROBERT T. MITRIONE [redacted]

NURSE CORPS

To be lieutenant colonel

REBECCA S. MINARD [redacted]

DENTAL CORPS

To be lieutenant colonel

LEO R. SHOCKLEY, JR. [redacted]

THE FOLLOWING-NAMED SUPPLY CORPS OFFICERS, TO BE REAPPOINTED IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(A):

LINE

To be lieutenant

MICHAEL P. CAVIL [redacted]
ROBERT S. HARRINGTON [redacted]
DONALD C. PERRIN [redacted]
BART A. VINSKEY [redacted]

To be lieutenant (junior grade)

GREGORY S. FISHER [redacted]
MARVIN H. MCGUIRE IV [redacted]

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LINE

To be lieutenant commander

JOHN S. ARBTER [redacted]
DAN F. SHANOWER [redacted]

To be lieutenant

JOSEPH M. ACOSTA [redacted]
DEREK L. ASHLOCK [redacted]
WILLIAM N. AVERY [redacted]
MAY A. BARTLETT [redacted]
DAVID T. BEANS [redacted]
BRIAN T. BELL [redacted]
TIMOTHY D. BIENLIEN [redacted]
GISELE M. BONITZ [redacted]
ROBERT K. BRODIN [redacted]
DAVID B. BROWN [redacted]
VINCE A. BRUMLEY [redacted]
CLIFFORD D. BRUNER [redacted]
CHRISTOPHER D. BUCKLEY [redacted]
ANTHONY N. CARAMANDO [redacted]
JULIE A. CARLISLE [redacted]
BILLY R. CARTER [redacted]
PAUL D. CASTRO [redacted]
THOMAS R. COLEMAN [redacted]
DOUGLAS P. CROWLEY [redacted]
JOHN A. CRUZ [redacted]
RICHARD J. DAVIS [redacted]
JOSEPH W. DIVAR [redacted]
BRUNO ELIA [redacted]
JOHN P. ELSTAD [redacted]
GUY H. EVANS [redacted]
ELIZABETH Y. FALK [redacted]
SHAWN D. FITZPATRICK [redacted]
MARGARET R. FRIERY [redacted]
GREGORY A. GARCIA [redacted]
MICHAEL N. GIUFFREDA [redacted]
THOMAS J. GLENN, JR [redacted]
ELIZABETH L. GRADIE [redacted]
RICHARD J. GRUENHAGEN [redacted]
MARIE E. HARRIS [redacted]
KAREN A. HASSELMAN [redacted]
JOHN B. HATRIDGE [redacted]
ANTHONY J. HESTER [redacted]
DAVID M. HUNTOON [redacted]
ROBERT R. JOHNSON [redacted]
BRUCE A. F. JONES [redacted]
AARON G. KAZARIAN [redacted]
DEAN M. KLEIN [redacted]
JOHN C. KLEIN [redacted]
THOMAS J. KNIGHT [redacted]
JOSEPH R. KOHLA [redacted]
KEVIN E. KRAUS [redacted]
PAUL KRICORIAN [redacted]
MICHAEL H. KRISTY [redacted]
MORGAN D. LEAKE [redacted]
ANDREW D. LEE [redacted]
SHIGAI, LIGON [redacted]
JOHN L. MAC MICHAEL, JR. [redacted]
DAVID A. MEECHAN [redacted]
THOMAS I. MERRILL [redacted]
NORMAN A. METZGER [redacted]
HUGH L. MIDDLETON [redacted]
STEPHEN J. MORRIS [redacted]
RANDOLPH S. MYRICK [redacted]
BRIAN NEILL [redacted]
DAVID M. O'CONNELL [redacted]
HENRY T. ONG [redacted]
GLENN H. OXFORD [redacted]
BRIAN P. PACE [redacted]
JEFFREY J. PADGETT [redacted]
MARCUS L. PARKER [redacted]
ROBERT T. PASQUERELLA [redacted]
ARTHUR F. PEMBERTON, JR. [redacted]
JOHN H. RAMSEY [redacted]
SHURI I. RAND [redacted]
BRIAN A. RAYMOND [redacted]
PATRICK G. REILLY [redacted]
STEVEN K. RENLY [redacted]
CHARMAINE Y. SAVAGE [redacted]
TODD B. SCHALLBERG [redacted]
CHARLES W. SCHREIBER [redacted]
RONALD E. SEGERSTROM [redacted]
MARTY J. SHELL [redacted]
WAYNE F. SLOCUM [redacted]
TABITHA J.T. STEWART [redacted]
JESSICA A. SZEMKOW [redacted]
SCOTT R. TAYLOR [redacted]
ROBERT B. TRIMMER [redacted]
CHARLES M. TRISTANI [redacted]
CAROL M. TRUJILLO [redacted]
KEVIN J. TURNER [redacted]
LEE P. VANSTORY, III [redacted]
JAMES M. VOGT [redacted]
OSCAR R. WEBB, III [redacted]
ROY T. WEDGEWOOD [redacted]
ERIK J. WEINGARDT [redacted]
JOHN A. WELLS [redacted]
DANIEL S. WILKINSON [redacted]
JEFFREY B. WILLIAMS [redacted]
DAVID G. WIMSATT [redacted]
NILS E. WIRSTROM [redacted]
JOAN M. WOLLENBECKER [redacted]
RUSSELL A. WRIGHT [redacted]
RICHARD A. YEAGER [redacted]

To be lieutenant (junior grade)

RUSSELL A. ALMINDE [redacted]
THOMAS R. BAKER [redacted]
DUANE A. BEAUDOIN [redacted]
KEVIN T. BLACK [redacted]
STEPHANE C. BLAIS [redacted]
JEAN A. BLANKENSHIP [redacted]
STEPHEN M. BOOTH [redacted]
RANDOLPH W. BORGES [redacted]
DENNIE G. BOURBEAU [redacted]
THOMAS C. BRISTOW III [redacted]
FITZGERALD BRITTON [redacted]
RALPH D. BROPHY [redacted]
JEANETTE D. BROWN [redacted]
REGINA R. BROWN [redacted]
GREGORY R. BUCK [redacted]
VORRICE J. BURKS [redacted]
DESTINY R. BURNS [redacted]
PETER J. CECILIA, JR [redacted]
DONALD E. CHOMIAK, JR [redacted]
MICHELE L. CHOYKE [redacted]
CLARENCE C. CLAFLIN [redacted]
CHARLES E. CLIFFORD [redacted]
ALICIA K. COBURN [redacted]
JOHN S. CRANSTON [redacted]
MICHAEL J. DAMICO [redacted]
MICHAEL J. DANEHY [redacted]
TODD J. DARWIN [redacted]
ELIZABETH L. DEVANY [redacted]
JAMES T. DURAND [redacted]
THEODORE DUTCHER [redacted]
CLINTON S. EANES [redacted]
LOTHAR E. ECKARDT [redacted]
WILLIAM J. EKBLAD [redacted]
COURTENAY F. ELLIS [redacted]
TODD H. ERVIN [redacted]
CRAIG J. FAY [redacted]
GERALDINE S. C. FERRARA [redacted]
PAUL J. FILARDI [redacted]
CHRISTOPHER M. FINKLEA [redacted]
JACK C. FLETCHER II [redacted]
JOHN F. FOGEL III [redacted]
DAVID B. FOX [redacted]
ROBERTO S. FREYTES [redacted]
ROBERT M. GAETA [redacted]
DAVID L. GAI [redacted]
DENNIS T. GINN [redacted]
DARREN W. GLASER [redacted]
ALISTAIR D. GOODWIN [redacted]
JAMES A. GORDON III [redacted]
TOMMY L. GRAY JR. [redacted]

MELISSA L. GROEBE [redacted]
BARBARA J. GUTSCH [redacted]
HARVEY HANNA III, [redacted]
MICHAEL D. HARDWICK [redacted]
SEAN P. HIGGINS [redacted]
ROBERT A. HILL [redacted]
STEVEN J. HOPPE, [redacted]
HOLLY J. HUTCHINSON [redacted]
AQUILLA E. JONES [redacted]
ETTA C. JONES [redacted]
JOE D. JONES [redacted]
MARY J. KEIMIG, [redacted]
KENT P. KELLER [redacted]
PATRICK E. KEYES [redacted]
JOANNE L. KINS [redacted]
BARRY KLIWINSKI, [redacted]
LEONARD E. KRESTAN [redacted]
DANNY A. LARMON, JR. [redacted]
ROBERT S. LAWTON [redacted]
ROBERT S. LERCH [redacted]
KURT A. LEWIS [redacted]
RICHARD P. MACCABE [redacted]
MARTIN T. MANNING, [redacted]
JOSEPH R. MARIANI, JR. [redacted]
BRIAN K. MCDONALD [redacted]
CHRISTOPHER F. MCHUGH [redacted]
MICHELE D. MECKFESSEL [redacted]
THOMAS A. MITCHELL, [redacted]
BRETT J. MORASH [redacted]
DENNIS D.J. MOREK, [redacted]
FREDERICK W. MOSENFELDER [redacted]
BRIAN J. MURPHY, [redacted]
DAVID J. NORTHRUP [redacted]
DEAN C. OSTERA [redacted]
TINA M. PALISI [redacted]
JOANNE M. PARRA [redacted]
SHELLY D. PATTERSON, [redacted]
MICHAEL W. REINMUTH [redacted]
MICHAEL J. ROBERTS [redacted]
MICHAEL J. RODMAN [redacted]
JENNIFER K. SCHILLING, [redacted]
MELISSA J. SCHUERMANN [redacted]
ANDREW J. SHATTUCK [redacted]
JUSTIN L. SHOGER [redacted]
ROSEMARY A. SHUCK, [redacted]
PEDRO A. SILVA [redacted]
MARCUS M. SMALLWOOD [redacted]
ROBERT S. SMITH [redacted]
CLIFFORD SOUZA [redacted]
STACY E. SWANK, [redacted]
SCOTT R. TOMSITS [redacted]
ROBERT A. WACHTEL [redacted]
MICHAEL M. WALLACE, [redacted]
ELLIS P. WALLER, [redacted]
TYRONE L. WARD [redacted]
DAVID A. WEAS, [redacted]
WILLIAM T. WHITE [redacted]
DAVID E. WILSON, [redacted]
GEORGE G. WILSON, [redacted]
MITCHELL T. WILSON [redacted]
ERIC A. WOLF [redacted]
DENNIS P. WONDERS [redacted]
JENNIFER L. WRIGHT, [redacted]
JAY D. WYLIE [redacted]
JOHNNY ZAYAS, [redacted]

To be ensign

MATTHEW J. APPEL [redacted]
ROBERT D. BEAL [redacted]
PATRICK A. BECKER [redacted]
BRIAN BENNUDRITT [redacted]
KURT C. BROCKHAUSEN [redacted]
ERNEST A. BROENNLE [redacted]
JOHNNY L. BROWN, [redacted]
JEFFREY A. BUTCHER [redacted]
MICHAEL W. BYERS [redacted]
BRIAN L. CASPER [redacted]
JAMES S. CHIARAMONTE [redacted]
CHAD C. CISCO, [redacted]
RICHARD W. COLE, [redacted]
RUSSELL H. CORK [redacted]
MICHAEL F. CZYZ, [redacted]
JOHN A. DEC [redacted]
WILLIAM F. DENTON [redacted]
CLAYTON E. DUMCUM, [redacted]
CHAD N. ERRETT [redacted]
DANIEL W. ETTLICH [redacted]
CULLEN N. FAUGNO [redacted]
WILLIAM E. FLEMING III [redacted]
DAVID M. FULLWOOD, [redacted]
HAROLD A. HIGLEY III [redacted]
DAVID D. HOFFMAN [redacted]
HUTCH H. HUMPHREYS [redacted]
WILLIAM L. JANKOWSKI [redacted]
ANDREW P. JOHNSON [redacted]
MARK A. JONES [redacted]
PHILIP R. JONES [redacted]
JEFFREY B. KLEIN [redacted]
JOHN C. KNIGHT III, [redacted]
MICHAEL KONDAS, [redacted]
DANIEL W. KURIGER [redacted]
HUNG K. LI, [redacted]
PAUL E. LINDGREN, [redacted]
TODD L. LOEHRKE [redacted]
GEORGE W. LUCIER, JR. [redacted]
RICHARD T. MACAULAY, [redacted]
JOHN M. MANGINI, [redacted]
CURTIS B. MARCONTELL [redacted]
TIMOTHY S. MARKS [redacted]
ANDREW B. MAUGER, [redacted]
WILLIAM D. MAYES [redacted]
ERIK C. MEISNER [redacted]
TIMOTHY I. MIKLUS [redacted]
JAMES E. MILLER [redacted]
BRENT C. MUNSELL [redacted]
BENJAMIN R. NICHOLSON [redacted]
KENNETH C. NIELSEN III [redacted]
CHRISTOPHER P. NODINE [redacted]
ANTHONY C. PA, [redacted]
ANDREW G. PETERSON II [redacted]
JAMES M. PIOTROWSKI [redacted]
GELL L. PITTMAN III [redacted]
BRIAN S. POE [redacted]
PHILIP B. PRENTICE, [redacted]
EDWIN B. PUDJAYANA [redacted]
JACK S. RAMSEY JR. [redacted]
RICHARD G. RHINEHART [redacted]
TODD H. ROMNEY, [redacted]
JAMES C. SANDERS [redacted]
JOHN M. SANDIDGE [redacted]
DOMINIC D. SANDOVAL [redacted]
VAL E. SCHMIDT, [redacted]
KENNETH S. SHEPARD [redacted]
MICHAEL R. SHULTZ [redacted]
RICHARD H. SMITH [redacted]
PATRICK J. SONDREAL [redacted]
SCOTT R. SPENCER [redacted]
RICHARD N. SPILLER, [redacted]
MICHAEL T. STEED [redacted]
DOUGLAS R. STEVENS [redacted]
CAMERON M. THURMAN, [redacted]
JOHN R. UDICIOUS [redacted]
JOHN J. WACLAWSKI [redacted]
JUSTIN M. WEARNE [redacted]
STEVEN A. WERNICKE [redacted]
BRYAN D. WHITCOMB, [redacted]
DOUGLAS Q. WILLIAMS [redacted]
TODD R. WODZINSKI, [redacted]
RUSSELL E. WOOD [redacted]

THE FOLLOWING-NAMED U.S. ARMY OFFICER, TO BE APPOINTED IN THE MEDICAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 716:

MEDICAL CORPS

To be commander

KENNETH A. HIRSCH, [redacted]

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED IN THE MEDICAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be captain

BRUCE FELDMAN, [redacted]
JOHN R. WILCOX, JR. [redacted]

To be commander

RAYMOND J. BETSON [redacted]
JEFFREY D. GEORGIA [redacted]

To be lieutenant commander

MONTE L. BIBLE, [redacted]
KENNETH L. BRINSKO [redacted]
LAWRENCE M. CHENG, [redacted]
BRIAN M. GILFEATHER, [redacted]
THOMAS M. GUDEWICZ, [redacted]
LOREN D. HARTER [redacted]
DOUGLAS G. HATTER [redacted]
MICHAEL HAUK, [redacted]
WILLIAM J. HOCTER [redacted]
DANIEL A. ICHEL, [redacted]
THOMAS M. JOHNSON [redacted]
JOHN KELLEY [redacted]
JOHN C. KING, [redacted]
CHRISTOPHER J. KOWALSKY [redacted]
DAVID H. LASSETER [redacted]
LISA T. MEYER [redacted]
GEORGE MURRELL [redacted]
STEPHEN D. NORTHROP [redacted]
ROBERT K. PARKINSON [redacted]
JOHN F. PERRI [redacted]
RICHARD K. ROACH, [redacted]
ROBERT N. SAWYER [redacted]
ERIC H. SCHINDLER [redacted]

To be lieutenant

TIMOTHY L. CLENNEY, [redacted]
GREGORY L. DENISON [redacted]
MARJORIE F. HEBERLE [redacted]
KENNETH C. KUBIS [redacted]
EDGAR M. LEVINE [redacted]
BRIAN J. MCKINNON [redacted]
CARY A. OSTERGAARD [redacted]
JUAN P. PAGERIVERA [redacted]
TIMOTHY J. POREA [redacted]
MARK D. PRESSLEY [redacted]
LYNN L. SCHENK, [redacted]
MICHAEL S. SCHLEGEL [redacted]

THE FOLLOWING-NAMED LINE OFFICERS, TO BE REAPPOINTED IN THE SUPPLY CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

SUPPLY CORPS

To be lieutenant (junior grade)

PLISKA L. GILLIAM [redacted]
DAVID A. MILLER [redacted]
MICHAEL F. MILLS [redacted]
RALPH RODRIGUEZ [redacted]
LUAN K. TO, [redacted]

To be ensign

CRAIG L. ABRAHAM [redacted]
STACY L. MCLAURIN [redacted]

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED IN THE SUPPLY CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

SUPPLY CORPS

To be lieutenant

DAVID W. ADAMS, [redacted]
KATHRYN M. AMORIELLO, [redacted]
PETER S. ANDERSEN [redacted]
JAMES B. ARON [redacted]
JAMES T. CHEEK [redacted]
PATRICK J. COOK [redacted]
WILLIAM S. COVINO, [redacted]
JOHN H. GARNCARZ [redacted]
GREGORY D. GJURICH [redacted]
JOSEPH E. GREENWOOD [redacted]
RICHARD P. HALLORAN [redacted]
ROBERT L. HAMMER, [redacted]
GARY HAYMAN, [redacted]
WILLIAM D. HEMRICK [redacted]
MICHAEL D. HOSNA, [redacted]
MICHAEL E. KRIEGER [redacted]
LISA A. LLEWELLYN [redacted]
KYLE P. LUKSOVSKY, [redacted]
KATHLEEN B. MAHONEY [redacted]
BENJAMIN W. MANFULL [redacted]
RANDALL W. MARTIN [redacted]
DAVID C. NYSTROM [redacted]
MARK A. PEGG, [redacted]
GARY L. POLSTON [redacted]
RANDALL E. ROGERS [redacted]
JOHN M. RYAN, [redacted]
HARRY T. THETFORD, JR. [redacted]
MARK A. TITTLE [redacted]
GEORGE J. TRIEPEL III [redacted]
KENNETH W. WEBER, [redacted]
DEREK K. WEBSTER [redacted]
JAMES R. WHITSETT [redacted]
ROBERT L. WILLIAMS, JR. [redacted]

To be lieutenant (junior grade)

STEVEN C. HARPER [redacted]
EMERY J. KUTNEY, JR. [redacted]
JAMES R. MATTHEWS [redacted]
JEFFREY M. NARWOLD [redacted]
DAVID A. NORLEY, [redacted]
RICHARD OBREGON, [redacted]
MATTHEW N. OTT III [redacted]
JESSICA M. WEST [redacted]

THE FOLLOWING-NAMED LINE OFFICERS, TO BE REAPPOINTED IN THE CIVIL ENGINEER CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

CIVIL ENGINEER CORPS

To be lieutenant

MICHAEL M. BELLES [redacted]
MARC R. DELAO, [redacted]
JOHN E. GONZALES, JR. [redacted]
BRADLEY S. HANCOCK, [redacted]
ANDREW Z. LEI [redacted]
ROBERT W. PREISSER, JR. [redacted]
MATTHEW E. SUESS [redacted]

To be lieutenant (junior grade)

PHILLIP T. CARTER [redacted]
SCOTT E. LANTZY [redacted]

CIVIL ENGINEER CORPS

To be ensign

ROBERT J. BALLISTER JR. [redacted]

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED IN THE CIVIL ENGINEER CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

CIVIL ENGINEER CORPS

To be lieutenant

KEITH E. AUTRY [redacted]
JOEL L. BALDWIN [redacted]
JOHN T. BARTON, [redacted]
RAFAEL CALDERON, [redacted]
FRANKLIN T. DUVALL [redacted]
PATRICK A. HOCHSTEIN [redacted]
KEVIN M. KREIDE [redacted]
RAYMOND J. MARDINI [redacted]
DANIEL A. MCNAIR, [redacted]
ERIC A. SCHADLER, [redacted]
KARL H. WENNER, [redacted]
RALPH D. WILSON [redacted]
CHARLES D. WITTA [redacted]

To be lieutenant (junior grade)

KEVIN J. BARTOE [redacted]
MICHAEL A. CONLEY, [redacted]
CASEY P. HENDERSON [redacted]
MICHAEL T. JONES [redacted]
VASILE G. MARINCASIU [redacted]
KRISTINA M. NIELSEN [redacted]
LEONARD C. SCHILLING [redacted]

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED IN THE JUDGE ADVOCATE GENERAL'S CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

JUDGE ADVOCATE GENERAL'S CORPS

To be lieutenant

VIDA M. ANTOLINJENKINS [redacted]
MICHAEL M. BATES [redacted]
BARRY R. BLANKFIELD [redacted]
KEVIN M. BREW [redacted]
KEITH C. CELEBREZZE, [redacted]
ROBERT J. HUNT [redacted]
RANDALL G. JOHNSON [redacted]
TODD M. KRAFT [redacted]
LOURAE LANGEVIN [redacted]
LESLIE E. REARDANZ III [redacted]
DAVID J. SMITH [redacted]
KAREN M. SOMERS [redacted]
MARK W. STARR [redacted]
JONATHAN S. THOW [redacted]
TRACI E. WILLIAMS [redacted]
CARRIE D. YIM [redacted]

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED IN THE DENTAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

DENTAL CORPS

To be lieutenant commander

JEFFREY S. NORDIN, [redacted]

To be lieutenant

EROL S. APAYDIN [redacted]
ELDON G. BLOCH [redacted]
KURT J. BROCKMAN [redacted]
BRADLEY R. BURNETT [redacted]
THOMAS P. CARROLL [redacted]
PEDRO L. CASINGAL, JR. [redacted]
SCOTT A. CURTICE [redacted]
ANDREW J. DUNBAR [redacted]
STEVEN I. GEDULD [redacted]
ALISON D. JUNKIN, [redacted]
BRETT T. METCALF [redacted]
THOMAS F. MOONEY III [redacted]
CHERYL A. MORGAN [redacted]
THOMAS M. PRATER [redacted]
BRIAN K. RITTER [redacted]
LUIS F. ROSARIO [redacted]
THOMAS C.H. SONG [redacted]
DEAN P. SUANICO [redacted]
JAY S. SULLINS [redacted]
KEVIN R. TORSKIE [redacted]
DAVID T. TURBYFILL [redacted]
THEODORE C. WEESNER [redacted]

THE FOLLOWING-NAMED LINE OFFICER, TO BE REAPPOINTED IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

MEDICAL SERVICE CORPS

To be ensign

QUENTIN A. TERKILDSEN [redacted]

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531'

MEDICAL SERVICE CORPS

To be lieutenant

DAVID E. ALLAIN [redacted]
REBECCA L. BATES, [redacted]
JAMES C. BRENNAN [redacted]
MICHAEL D. BRIDGES [redacted]
EDDY R. BUENO [redacted]
KRISTIN N. CLEAVES [redacted]
JOSEPH D. COLEMAN [redacted]
ALBERT E. COOMBS, [redacted]
GAYLON R. CRAWFORD [redacted]
CATHLEEN M. DONOHUE [redacted]
ANTHONY P. DORAN [redacted]
JOSEPH D. DUPRE [redacted]
VERONICA EDWARDS, [redacted]
EURONE GRAHAM, [redacted]
ALLEGRA T. HALYARD, [redacted]
DAVID J. HANLEY [redacted]
DAVID W. HARDY, [redacted]
RENY S. HERNANDEZ, [redacted]
GHAZI F. HOURANI [redacted]
DALE A. JENSEN [redacted]
CHRISTOPHER J. KOLANKO [redacted]
KIM L. LEFEBVRE [redacted]
BRUCE M. MILLER [redacted]
REGINA P. ONAN [redacted]
PATRICE D. ROBINSON, [redacted]
BRENDA D. SMITH [redacted]
SCOTT M. SPRATT [redacted]
ERIK THREET [redacted]
SCOTT L. TRULOVE [redacted]
GREG F. VESPE [redacted]
JONATHAN P. WILCOX [redacted]
WOODRUFF, CHARLES R. J. [redacted]

MEDICAL SERVICE CORPS

To be lieutenant (junior grade)

ALEJANDRO ALVARADO [redacted]
DAVID L. BAILEY [redacted]
MICHAEL D. CASSADY [redacted]
LESLIE L. COX [redacted]
GLENDON B. DIEHL, JR. [redacted]
JIMMY E. FRANCIS [redacted]
GERALD H., KAFORSKI, JR. [redacted]
KAREN P. LEAHY [redacted]
ALLEN R. LUMANOG [redacted]
THOMAS E. MC COY, [redacted]
MICHAEL E. MEADOWS, [redacted]
PAUL D. MILLS [redacted]
GINA SAVINI [redacted]
REBECCA A. SPRINGER [redacted]
EUGENE A. SWILLEY [redacted]

To be ensign

LARA L. MASSART [redacted]

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED IN THE NURSE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

NURSE CORPS

To be lieutenant

LAWRENCE M. BATEMAN [redacted]
BRADLEY A. BRISCOE [redacted]
JOHNNY P. BROUSSARD [redacted]
AVE M. BROWN, [redacted]
MARGARET A. BROWN [redacted]
WENDY M. BROWN, [redacted]
CYNTHIA L. CARPENTER, [redacted]
ANGELA R. CARTER [redacted]
CIA CIANCI, [redacted]
ELIZABETH B. COTTEN [redacted]
TOMMIE E. DAVIS [redacted]
GEORGE L. DYER, III [redacted]
CAROLYN G. GOERGEN, [redacted]
LORE E. GREIL [redacted]
ANNA M. GRUETZMACHER, [redacted]
JUSTINE N. HARTNETT [redacted]
JAY P. HUNTINGTON [redacted]
JUDITH U. JUGUILON [redacted]
JAMIE M. KERSTEN [redacted]
KATHY L. KYSER [redacted]
TERESA A. LANGEN [redacted]
ANNA W. LUCAS [redacted]
LAURIE S. MAC GILLIVRAY, [redacted]
JOSEPH P. MC VICKER [redacted]
JULIE D. MILBURN [redacted]
ANDREA MOHAN, [redacted]
JOLENE M. MOORE [redacted]
DEBRA A. MYERS [redacted]
FRANCES K. MYRICK [redacted]
KENNETH A. PAGE [redacted]
BENNY A. POWELL [redacted]
BERNARD R. PROUTY [redacted]
MARY K. QUINN, [redacted]
STEVEN L. RAYL [redacted]
CAROLYN J. RICE [redacted]
MICHAEL G. SAMPSON [redacted]
SHERRI L. SANTOS [redacted]
PATRICK M. SELBURG [redacted]
CANDY M. SIMMONS, [redacted]
DONDRIA R. SMITHHOLLIES [redacted]
DEBORAH M. SWEETMAN, [redacted]
TERESE M. WARNER, [redacted]
LAUREN B. WHITE [redacted]

To be lieutenant (junior grade)

CHRISTINE Y. ADAMS [redacted]
EVANGELINE F. ALLEN [redacted]
VERONICA G. ARMSTRONG, [redacted]
MICHELLE R. ASHTON [redacted]
PATRICIA E. BEAMER, [redacted]
TIMOTHY J. BINGHAM [redacted]
STEVEN L. BROWN [redacted]
EDWARD J. BRUN [redacted]
JEFFREY S. BUDGE [redacted]
TANI L. COREY [redacted]
KIP L. COWELL [redacted]
CHERYL A. CREAMER, [redacted]
LORRIE L. CUARTAS [redacted]
DEBRA J. DAY [redacted]
CHRISTOPHER G. EIFERT [redacted]
ELIZABETH M. ENGELMAN [redacted]
RICHARD E. FARISH [redacted]
LINDA M. FINNESTAD, [redacted]
PAULA J. FISCHER [redacted]
DONALD J. FONTENOT, JR. [redacted]
BERNARDO GONZALEZ, [redacted]
JOSE R. GONZALEZ [redacted]
REBECCA L. GORDON, [redacted]
KATHLEEN M. GRUDZIEN [redacted]
THERESA J. HARRIS [redacted]
CAROLE A. HERVOL, [redacted]
RAEELLEN HOFFMAN [redacted]
TIMOTHY A. JONES, [redacted]
RAMONA L. JORDAN [redacted]
JEANA M. KANNE [redacted]
JULIA L. KING [redacted]
RUTH KLINE [redacted]
ALAN S. LOVEJOY [redacted]
DAVID B. MC MINDES [redacted]
MARLON S. MEDINA [redacted]
LEIGHTON J. MILLER [redacted]
SARAH A. MITTEMEYER, [redacted]
STEPHEN M. MONROE, JR. [redacted]
ROBERT T. O'BYRNE [redacted]
DAVID C. OLSEN [redacted]
WAYNE D. OVERLY, [redacted]
GINGER K. PETERSONMITCHELL, [redacted]
NANCY J. SAMPSON [redacted]
MANUEL SANTIAGO, [redacted]
DAVID B. SHANHOLTZER, [redacted]
DAVID A. SHEPPARD [redacted]
KEVIN S. STEVENSON [redacted]
TWANDA T. STEVENSON [redacted]
ARLIE D. SWAILES, [redacted]
ROBERT J. TURSI [redacted]
LEE M. WALLENHORST [redacted]

THE FOLLOWING-NAMED TEMPORARY LIMITED DUTY OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE LINE AS LIMITED DUTY OFFICERS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5589(A):

LIMITED DUTY OFFICERS, LINE

To be lieutenant (junior grade)

MICHAEL R. DICKSON, [redacted]
GARY C. KYTE, [redacted]
CHARLES K. NIXON [redacted]

WITHDRAWAL

Executive message transmitted by the President to the Senate on March 11, 1996, withdrawing from further Senate consideration the following nomination:

SOCIAL SECURITY ADMINISTRATION

LINDA COLVIN RHODES, OF PENNSYLVANIA, TO BE DEPUTY COMMISSIONER OF SOCIAL SECURITY FOR THE TERM EXPIRING JANUARY 19, 2001, WHICH WAS SENT TO THE SENATE ON AUGUST 10, 1995.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 12, 1996, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 13

9:30 a.m.

Armed Services
Strategic Forces Subcommittee
To hold closed and open hearings on the Department of Energy Atomic Energy Defense Programs (Nuclear Stockpile Stewardship and Management).
SR–232A

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD–366

Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to examine global proliferation of weapons of mass destruction.
SD–342

Rules and Administration
To resume hearings on S. 46, to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate primary and general election campaigns, and to limit contributions by multicandidate political committees, S. 1219 and S. 1389, bills to reform the financing of Federal elections, and S. 1528, to reform the financing of Senate campaigns.
SR–301

10:00 a.m.

Armed Services
Personnel Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1997 for the Department of Defense and the future years defense program, focusing on manpower, personnel, and compensation programs.
SR–222

Judiciary
Business meeting, to resume markup of S. 269 and S. 1394, bills to reform the United States immigration system.
SD–106

1:00 p.m.

Select on Intelligence
To hold closed hearings on intelligence matters.
SH–219

2:00 p.m.

Armed Services
To resume hearings on proposed legislation authorizing funds for fiscal year 1997 for the Department of Defense and the future years defense plan.
SR–222

Foreign Relations
To resume hearings on the Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature and signed by the United States at Paris on January 13, 1993 (Treaty Doc. 103–21).
SD–419

MARCH 14

9:30 a.m.

Energy and Natural Resources
To hold hearings on S. 1425, to recognize the validity of rights-of-way granted under section 2477 of the Revised Statutes.
SD–366

Governmental Affairs
Post Office and Civil Service Subcommittee
To hold hearings to examine issues relating to United States Postal Service customers.
SD–342

Labor and Human Resources
Business meeting, to mark up S. 1477, to improve the Federal regulation of food, drugs, devices, and biological products, and proposed legislation to amend the Older Americans Act.
Room to be announced

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Paralyzed Veterans of America, the Jewish War Veterans, the Retired Officers Association, the Association of the U.S. Army, the Non-Commissioned Officers Association, and the Blinded Veterans Association.
345 Cannon Building

10:00 a.m.

Armed Services
To continue hearings on proposed legislation authorizing funds for fiscal year 1997 for the Department of Defense and the future years defense plan.
SR–222

Budget
To hold hearings to examine the budgetary and economic implications of alternative spectrum use policies.
SD–608

11:00 a.m.

Commission on Security and Cooperation in Europe
To hold hearings to examine the challenges to democracy in Albania.
311 Cannon Building

2:00 p.m.

Armed Services
Readiness Subcommittee
To hold hearings on current and future military readiness as the armed forces prepare for the 21st century.
SR–232A

Environment and Public Works
To hold oversight hearings on wetland mitigation banking under section 404 of the Clean Water Act.
SD–406

MARCH 15

9:30 a.m.

Armed Services
Airland Forces Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1997 for the Department of Defense, focusing on tactical aviation programs.
SR–222

Labor and Human Resources
To hold hearings on S. 581, to repeal those provisions of Federal law that require employees to pay union dues or fees as a condition of employment.
SD–430

10:00 a.m.

Armed Services
Acquisition and Technology Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1997 for the Department of Defense.
SR–232A

MARCH 19

9:30 a.m.

Commerce, Science, and Transportation
To hold oversight hearings on activities of the Federal Communications Commission.
SR–253

10:00 a.m.

Budget
To hold hearings on the President's fiscal year 1997 budget proposals.
SD–608

Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings to examine the asset forfeiture program, focusing on issues relating to the Bicycle Club Casino.
SD–342

MARCH 20

9:30 a.m.

Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Department of Defense, focusing on the ballistic missile defense program.
SD–192

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to examine global proliferation of weapons of mass destruction.
SD–342

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for foreign assistance programs.
SD–138

Veterans' Affairs
To resume hearings to examine the reform of health care priorities.
SR–418

2:00 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 1077, to authorize research, development, and demonstration of hydrogen as an energy carrier, S. 1153, to authorize research, development, and demonstration of hydrogen as an energy carrier, and a demonstration-commercialization project which produces hydrogen as an energy source produced from solid and complex waste for on-site use fuel cells, and H.R. 655, to authorize the hydrogen research, development, and demonstration programs of the Department of Energy.
SD–366

MARCH 21

9:30 a.m.
Energy and Natural Resources
Parks, Historic Preservation and Recreation Subcommittee
To hold hearings on S. 305, to establish the Shenandoah Valley National Battlefields and Commission in the Commonwealth of Virginia, H.R. 1091, to improve the National Park System in the Commonwealth of Virginia, S. 1225, to require the Secretary of the Interior to conduct an inventory of historic sites, buildings, and artifacts in the Champlain Valley and the upper Hudson River Valley, including the Lake George area, S. 1226, to require the Secretary of the Interior to prepare a study of battlefields of the Revolutionary War and the War of 1812, and to establish an American Battlefield Protection Program, and S.J. Res. 42, designating the Civil War Center at Louisiana State University as the United States Civil War Center, making the center the flagship institution for planning the sesquicentennial commemoration of the Civil War.
SD–366

MARCH 26

2:00 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on the proposed budget request for fiscal year 1997 for the National Aeronautics and Space Administration (NASA), and to examine recent developments in the Space Station program.
SR–253

MARCH 27

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine Spectrum's use and management.
SR–253

Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to examine global proliferation of weapons of mass destruction.
SD–342

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Veterans of World War I, AMVETS, the American Ex-Prisoners of War, the Vietnam Veterans of America, and the Military Order of the Purple Heart.
345 Cannon Building

MARCH 28

9:00 a.m.
Indian Affairs
To hold oversight hearings on the recent settlement and accommodation agreements concerning the Navajo and Hopi land dispute.
SR–485

APRIL 18

9:30 a.m.
Commerce, Science, and Transportation
To resume hearings to examine Spectrum's use and management.
SR–253

SEPTEMBER 17

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.
335 Cannon Building

CANCELLATIONS

MARCH 13

8:30 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1997 for intelligence programs.
SD–117

POSTPONEMENTS

MARCH 13

10:00 a.m.
Veterans' Affairs
To hold hearings to examine the reform of health care priorities.
SR–418

10:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to examine recent developments in the Space Station program.
SR–253